

CITY OF ALBUQUERQUE



PLANNING DEPARTMENT
URBAN DESIGN & DEVELOPMENT DIVISION
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OFFICIAL NOTIFICATION OF DECISION

June 10, 2016

COA, Fire Dept
John Mackenzie
P.O. Box 1293
ABQ, NM 87103

Project# 1005131
16EPC-40024 Sector Development Plan Map Amendment
(Zone Change)

LEGAL DESCRIPTION:

The above action for all or a portion of Lots 1, 2, and 3, Block 28, Huning Highland Addition, zoned SU-2/SU-1 for Fire Station to SU-2 / NCR, located on High Street, between Silver Ave., and Lead Ave., containing approximately 0.5 acre. (K-14)
Staff Planner: Vicente Quevedo

PO Box 1293
On June 9, 2016 the Environmental Planning Commission (EPC) voted to APPROVE Project #1005131/16EPC-40024, a Sector Development Plan Map Amendment (Zone Change), based on the following findings:

Albuquerque

FINDINGS:

New Mexico 87103
This is a request for a Sector Development Plan Map Amendment to the Huning Highland Sector Development Plan (HSDP) for Lots 1, 2, and 3, Block 28, Huning Highland Addition located on High St. between Silver Ave. and Lead Ave. and containing approximately .5 acres.

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2. This is a request for a Sector Development Plan Map Amendment to the HSDP from SU-2/SU-1 for Fire Station to SU-2 for NCR (Neighborhood Commercial / Residential). The property currently contains an existing City of Albuquerque Fire Station (Fire Station #2) that is no longer in operation. The proposed use for the subject site is a temporary living home to provide accommodations for out of town families and friends of law enforcement personnel who are ill or injured and in need of extended medical treatment at local medical facilities.
3. The proposed use of a temporary living home (characterized as apartments per Code Enforcement Division) is allowed under the SU-2 for NCR zoning category because the SU-2 NCR zone of the HSDP refers to the R-3 zone of the Zoning Code (Section 14-16-2-12(A)(1)) which allows all permissive uses of the R-2 zone which allows apartments (Section 14-16-2-11(A)(3)). However, the R-3 zone does impose a density restriction of 30 dwelling units or less per net acre.

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4. On October 20, 2006 the EPC voted to approve a Sector Development Plan Zone Map Amendment for the subject site from SU-2 MR to SU-2/SU-1 for Fire Station (06EPC-01312). The R270-1980 justification was primarily based on the EPC finding that the subject site's SU-2 MR zoning designation was in error because the fire station had been in continual operation since 1925.
5. On November 17, 2006 the EPC voted to approve a Site Development Plan for Building Permit (06EPC-01311) to add 4,262 sf to the existing fire station building in two phases of development to include a new apparatus bay for medical equipment as well as interior and exterior building improvements. On November 29, 2006 the Landmarks and Urban Conservation Commission (LUCC) approved a Certificate of Appropriateness for the EPC approved fire station alterations and additions.
6. Even though the existing SU-2 / SU-1 for Fire Station zoning designation was approved by the EPC in 2006, and a Certificate of Zoning was issued by the Planning Department on January 30, 2008, the applicant failed to obtain a Site Development Plan for Building Permit with final sign-off by DRB. However, the proposed alterations and additions as outlined in the draft Site Development Plan for Building Permit were never implemented on the subject site.
7. The Albuquerque/Bernalillo County Comprehensive Plan, Huning Highland Sector Development Plan, Huning Highland Historic Overlay Zone and the City of Albuquerque Zoning Code are incorporated herein by reference and made part of the record for all purposes.
8. The subject site is within the Central Urban Area of the Comprehensive Plan. The Central Urban Area is a portion of the Established Urban Area and as such is also subject to policies of section II.B.5. The request furthers the following applicable goals and policies of the Comprehensive Plan:
 - A. Policy II.B.5.d.: The location, intensity, and design of new development shall respect existing neighborhood values, natural environmental conditions and carrying capacities, scenic resources and resources of other social, cultural, recreational concern.

The request furthers Policy II.B.5.d. because the location, intensity and design of new development will respect existing neighborhood values, natural environmental conditions and carrying capacities, and scenic resources by adhering to the residential density limitations of the SU-2 NCR zone and meeting the requirements of the Huning Highland Historic Overlay Zone by proposing only interior improvements to the existing structure.

- B. Policy II.B.5.1.: Quality and innovation in design shall be encouraged in all new development; design shall be encouraged which is appropriate to the Plan area.

The request furthers Policy II.B.5.1. because the applicant has stated that the proposed use will be implemented through interior tenant improvements, and that the exterior of the building will not be modified. Therefore, the requirements of the Huning Highland Historic Overlay Zone will be

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met demonstrating that the existing quality of historic development will be preserved and will be appropriate to the Plan area.

- C. 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 subject site is located within a historic neighborhood within the Central & Established Urban Area of the Comprehensive Plan and will contribute to the interior redevelopment and rehabilitation of a historic building within the Huning Highland neighborhood.

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

The request furthers Policy II.B.5.p. because it will result in the adaptive re-use of a City owned building, rather than requiring the coordination of an acquisition and rehabilitation process to implement the proposed use. The adaptive re-use of a public building represents a cost effective redevelopment technique that fulfills the policy requirement.

II C.1. Air Quality

The goal is to improve air quality to safeguard public health and enhance the quality of life.

- E. Policy II C.1.b.: Automobile travel's adverse effects on air quality shall be reduced through a balanced land use/transportation system that promotes the efficient placement of housing, employment, and services.
- F. Policy II C.1.e.: Motor vehicle emissions and their adverse effects shall be minimized.
- G. Policy II C.1.i.: Air quality considerations shall be integrated into zoning and land use decisions to prevent new air quality/land use conflicts.

The request furthers Policy II.C.1.b. II.C.1.e., and II.C.1.i. because the proposed residential use will contribute to a balanced land use / transportation system by being located approximately 400 feet from the subject site near the intersection of Elm St. and Lead Ave. Vehicle miles travelled by the users of the proposed project will be reduced because the residential use will be located in close proximity to the healthcare facilities that the temporary occupants will be visiting. Additionally, the close proximity to healthcare facilities will contribute to preventing new air quality / land use conflicts.

II C.5. Historic Resources

The goal is to protect, reuse, or enhance significant historic districts and buildings.

- H. Policy II C.5.a.: Efforts to provide incentives for the protection of significant districts and buildings shall be continued and expanded.

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The request furthers Policy II.C.5.a. because it will allow the applicant to develop a new use on the site through the adaptive re-use of a public building that complies with the Huning Highland Historic Overlay Zone will directly contribute to the protection of a historic building and preserve the intent of the Huning Highland Historic Overlay Zone.

Policies not addressed by the applicant but applicable to this request:

1. Policy II.B.6.a.: New public, cultural, and arts facilities should be located in the Central Urban area and existing facilities preserved.

The request furthers Policy II.B.6.a. because the proposed zone change will enhance an existing City of Albuquerque / publicly owned site and the proposed use for the subject site will preserve an existing historic facility.

9. The request partially furthers the following applicable goals and policies of the Comprehensive Plan:
 - A. 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.

The request partially furthers Policy II.B.5.m. because while unique vistas will not be enhanced by the request, the quality of the visual environment will be maintained given the unique / historic Territorial Revival architecture of the existing fire station on the subject site that is proposed to be maintained with this request. The fire station's architectural style complements other historical architectural styles such as Early Victorian, Revival Cottages and Bungalows.

II C.9. Community Identity and Urban Design

The Goal is to preserve and enhance the natural and built characteristics, social, cultural, and historical features that identify Albuquerque and Bernalillo County sub-areas as distinct communities and collections of neighborhoods.

- B. Policy II.C.9.b.: In each Community Area, strategic planning, neighborhood planning, development, and redevelopment shall be evaluated in light of its relationship to and effect upon the following: 1.) The natural environment, 2.) Built environment, 3.) Local History, 4.) Culture and traditions.

The request partially furthers Policy II.C.9.b. because the adaptive re-use of the existing historic building will contribute to enhancing the Built Environment and recognizing the importance of Local History by complying with the requirements of the Huning Highland Sector Development Plan and Huning Highland Historic Overlay Zone. The request does not specifically address items such as the Natural Environment or Culture and Traditions.

- C. Policy II.B.6.b.: Upgrading efforts in neighborhoods within the Central Urban Area should be continued and expanded and linkages created between residential areas and cultural / recreation facilities.

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The request partially furthers Policy II.B.6.b. because the requested zone change and proposed use will contribute to upgrading efforts for a vacant building in a historic neighborhood, however linkages between residential areas and cultural / recreation facilities will not be created with this request.

Policies not addressed by the applicant but applicable to this request:

- D. Policy II.B.6.b.: Upgrading efforts in neighborhoods within the Central Urban Area should be continued and expanded and linkages created between residential areas and cultural / recreation facilities.

The request partially furthers Policy II.B.6.b. because the requested zone change and proposed use will contribute to upgrading efforts for a vacant building in a historic neighborhood, however linkages between residential areas and cultural / recreation facilities will not be created with this request.

10. The request furthers the following objectives of the Huning Highlands Sector Development Plan:

- A. HHSDP Objective 1: To protect and enhance the unique residential character of the area:

The request furthers HHSDP Objective 1 because the adaptive re-use of a historic building will enhance the unique residential character of the area by repurposing a vacant building and protecting the existing Territorial Revival architectural style of the building.

- B. HHSDP Objective 7: To encourage and support local employment and local business development:

The request furthers HHSDP Objective 7 because the applicant states that a local staff person will be employed on-site and out of town visitors may support local businesses during their stay in the Albuquerque Area.

- C. HHSDP Objective 8: To encourage appropriate neighborhood-oriented use of vacant lands and buildings:

The request furthers HHSDP Objective 8 because the proposed use will contribute to appropriate neighborhood-scale use within a vacant building.

11. The request partially furthers the following objectives of the Huning Highland Sector Development Plan:

- A. HHSDP Objective 9: To develop programs to reduce crime in the area in cooperation with City agencies:

The request partially furthers HHSDP Objective 9 because while the proposed activity on the subject site does not constitute a program, the request will contribute to reducing crime in the area by the adaptive re-use of a building that has been vacant for the past 4 years.

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12. The request complies with the following design guidelines of the Huning Highland Historic Overlay Zone:

A. Huning Highland Historic Overlay Zone, Intent Statement: Property owners are not required to rehabilitate their buildings, but when an owner proposes to make exterior improvements, these guidelines will apply.

The request complies with the Development Guidelines of the Huning Highland Historic Overlay Zone (HHHOZ) because the applicant is not proposing any exterior additions or improvements. Page 36 of the HHHOZ states "Property owners are not required to rehabilitate their buildings, but when an owner proposes to make exterior improvements, these guidelines will apply".

13. 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 a preponderance of applicable Goals and policies from the Comprehensive Plan and other applicable plans, which the applicant has done in the response to Section C.

B. The existing zoning for the subject site allows for a fire station use. The requested zoning for the subject site allows for permissive residential and community commercial uses on the subject site which will allow for the adaptive re-use of the vacant building on the subject site while maintaining compatibility with the surrounding residential uses thereby achieving stability of land use.

C. Refer to Findings 6 - 10 above for policy analysis.

D. The applicant cites changed neighborhood conditions in the form of the City of Albuquerque Fire Department vacating the subject site as well as East Downtown mixed use development projects and the renovation of a nearby hospital building to a hotel. Additionally, the applicant states that the requested zone is more advantageous to the community as articulated by the Comprehensive Plan policies in Section C of the R270-1980 justification and the adaptive re-use of the fire station providing a beneficial service while occupying a vacant building.

The applicant has justified changed community conditions by stating that the prior tenant (Fire Department) vacating the site as well as nearby zone changes and City initiated redevelopment projects constitute changed conditions and has justified the new use category as more advantageous to the community by citing appropriate Comprehensive Plan policies and HHSDP objectives.

E. The residential and community commercial permissive uses allowed per the HHSDP SU-2 NCR zone will not be harmful to adjacent property, the neighborhood or the community because the residential densities allowed in the SU-2 NCR zone is appropriate and compatible with the surrounding residential uses and excludes all conditional C-1 uses.

F. The requested change of zone will not require any major un-programmed capital expenditures by the City of Albuquerque.

G. The cost of land or other economic considerations pertaining to the applicant are not the determining factor for the requested change of zone. The subject site is already owned by the

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City of Albuquerque and the determining factor for the zone change request is to rehabilitate a vacant building with an appropriate neighborhood scale use on the subject site.

- H. The requested change of zone will allow certain residential and community commercial uses, however the change of zone is not being justified based on location on a major street because High Street is classified as a local street by the The Long Range Roadway System (LRRS) map, produced by the Mid-Region Council of Governments (MRCOG).
- I. The requested change of zone will result in a justifiable spot zone because the applicant has demonstrated that the change will clearly facilitate realization of the Comprehensive Plan and HHSDP policies and objectives as outlined in Section C of this staff report on pages 4 – 8. The policy analysis indicates that the request furthers a preponderance of applicable policies and objectives (11 policies / objectives furthered / complied with, 4 policies partially furthered).
The applicant's claim that the subject site functions as a transition zone between the existing St. George Greek Orthodox Church east of the subject site and the single family residential to the west of the subject site cannot be substantiated because the southern portion of the block within which the subject site is located is zoned for single-family residential which would not be completely buffered by the uses on the subject site.
- J. The request would not result in a strip zone because the requested change of zone would not result in a different zone on a strip of land along a street.

- 14. The Downtown Neighborhood Association contact list of recognized neighborhood associations were notified of this request per the requirements of the Office of Neighborhood Coordination (ONC).
- 15. The ONC contact list consisted of the following: Broadway Central Corridors Partnership, Inc., Citizen's Information Committee of Martineztown, Downtown NA, Huning Highland Historic District Association, Martineztown Work Group, Raynold Addition NA, Santa Barbara-Martineztown Assoc., Silver Platinum Downtown NA, South Broadway NA, Silver Hill NA, Spruce Park NA, Sycamore NA, University Heights NA, Victory Hills NA. Property owners within 100 feet of the subject site were also notified of the request.
- 16. A facilitated meeting was recommended but not held because the Huning Highland Historic District Association expressed support for the requested action. A "No Meeting Report" was issued on May 27, 2016. There is no known neighborhood opposition to this request.

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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 **JUNE 24, 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.

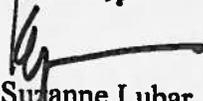
You will receive notification if any person files an appeal. If there is no appeal, you can receive Building Permits at any time after the appeal deadline quoted above, provided all conditions imposed at the time of approval have been met. Successful applicants are reminded that other regulations of 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.

SITE DEVELOPMENT PLANS: Pursuant to Zoning Code Section 14-16-3-11(C)(1), if less than one-half of the approved square footage of a site development plan has been built or less than one-half of the site has been developed, the plan for the undeveloped areas shall terminate automatically seven years after adoption or major amendment of the plan: within six months prior to the seven-year deadline, the property owners shall request in writing through the Planning Director that the Planning Commission extend the plan's life an additional five years. Additional design details will be required as a project proceeds through the Development Review Board and through the plan check of Building Permit submittals for construction. Planning staff may consider minor, reasonable changes that are consistent with an approved Site Development Plan so long as they can be shown to be in conformance with the original, approved intent.

DEFERRAL FEES: Pursuant to Zoning Code Section 14-16-4-1(B), deferral at the request of the applicant is subject to a \$110.00 fee per case.

Sincerely,


Suzanne Lubar
Planning Director

SL/VQ

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cc: COA, Fire Dept, John Mackenzie, P.O. Box 1293, ABQ, NM 87103
Bohannan Huston Inc, Paul Wymer, 7500 Jefferson St, Courtyard 1, ABQ, NM 87109
Doug Majewski, Broadway Central Corr. Parntership Inc., P.O. Box 302, ABQ, NM 87103
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