

# 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

September 15, 2017

Edward Andrews, LLC  
2632 Pennsylvania St. NE  
ABQ, NM 87110

**Project# 1011344**  
17EPC-40039 Zone Map Amendment  
(Zone Change)

### LEGAL DESCRIPTION:

The above action for all or a portion of Lot 013, Brock Addition, zoned R-1 to RG, located on 223 San Lorenzo Ave. NW, containing approximately 0.18 acre. (G-14)  
Staff Planner: Maggie Gould

On September 14, 2017 the Environmental Planning Commission (EPC) voted to APPROVE Project 1011344/17EPC-40039, a Zone Map Amendment (Zone Change), based on the following findings:  
PO Box 1293

### FINDINGS:

- Albuquerque . This is a request for a Zone Map Amendment (Zone Change) for lot 14 of the Brock Addition located at 223 San Lorenzo Avenue NW and containing approximately .18 acres.
- NM 87103
- www.cabq.gov
2. The applicant proposes to amend the existing R-1 zone to the R-G zone to allow the two existing dwelling units on the site to remain. The R-1 zone allows one house per lot.
  3. Staff found no previous case numbers associated with this site. It is likely that the R-1 zone dates to 1959 with the first zoning code for the city. Staff looked at aerial photo of the site through the AGIS viewer and found that the two buildings were not visible in the 1959 photos, but were visible in the 1996 photos. No photos for the dates in-between were available.
  4. The Albuquerque/Bernalillo County Comprehensive Plan, North Valley Area 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:
    - A. Policy 4.1.4 Neighborhoods: Enhance, protect, and preserve neighborhoods and traditional communities as key to our long-term health and vitality.

The request furthers Policy 4.1.4. The request will allow the two existing units to remain on the subject site. The use has been in existence for at least 20 years and has been compatible with the

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existing development. The proposed zoning allows the existing pattern of neighborhood development to remain.

- B. Jobs-Housing Balance- Policy 5.4.1: Housing near Jobs: Allow higher density housing and discourage single-family housing near areas with concentrated employment.

The request furthers Policy 5.4.1 because it will allow the existing two units to remain, providing an additional housing option at a slightly higher density in close proximity to a commercial corridor.

- C. Areas of Consistency - Policy 5.6.3: Protect and enhance the character of existing single-family neighborhoods, areas outside of Centers and Corridors, parks, and Major Public Open Space.

The request furthers Policy 5.6.3 because conserve the existing character of the area . the proposed zone will allow the existing two units to remain without allowing significant additional density that may not be compatible with the single family development to the east of the site.

- D. Appropriate Transitions - Policy 5.6.4: Provide transitions in Areas of Change for development abutting Areas of Consistency through adequate setbacks, buffering, and limits on building height and massing.

The request furthers Policy 5.6.4; the area to the west of the site is zoned to allow a mix of commercial and residential uses. The R-G zone can act as a transition between the R-1, single family zoning to the east and the more intense zoning to the west.

- E. Corridor Types - Policy 6.1.2.

The subject site is approximately 430 feet from 4<sup>th</sup> street, a designated major transit corridor where additional density is appropriate; the request allows the slight increase in density to remain to the site.

- F. Infill - Policy 7.3.4: Promote infill that enhances the built environment or blends in style and building materials with surrounding structures and the streetscape of the block in which it is located.

The request furthers policy 7.3.4 by allowing the two units to remain and providing development that blends into the existing development.

- G. Housing Options- Policy 9.1.1: Support the development, improvement, and conservation of housing for a variety of income levels and types of residents and households.

The request will further policy 9.1.1 because it will allow an additional housing unit to remain that may provide a more affordable housing option for area residents.

6. The subject is within the boundaries of the North Valley Area Plan

Relevant goals/policies include the following:

Goal 2: To preserve and enhance the environmental quality of the North *Valley* Area by providing a variety of housing opportunities and lifestyles including differing socioeconomic types.

The request furthers Goal 2 because it allows the existing second unit to remain on the lot. This provides an additional housing option for the area. The option of an additional rental unit on the site will provide an affordable option for some residents.

Housing Goal 4: The County and City shall remove disincentives, provide incentives, and/or require

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housing development which meets Cluster Housing Principles of preserving open land, providing new housing at appropriate densities, lower infrastructure costs and design flexibility and creativity.

The request furthers Goal 4 because the proposed zone allows the existing second unit to remain on the site; this provides a small amount of additional density that is appropriate for the area because it adds one additional units and does not allow higher density on the site without public review.

7. The applicant has justified the zone change request pursuant to *R-270-1980* as follows:
- A. The proposed zoning is consistent with the health, safety, morals, and general welfare of the city because it is consistent with the goals and policies of the applicable plans. The proposed uses will be compatible with the existing uses in the area and the zoning will allow development that is of a similar mass and intensity.
  - B. The R-G zone allows the two units to remain on the site without allowing a significant increase in density. The proposed zone will not destabilize the area; there R-1, R-G and R-2 in close proximity to the site.
  - C. Refer to policy analysis in findings 5 and 6
  - D. The existing zoning is inappropriate because the proposed zoning is more appropriate due to changed conditions and is more advantageous to the community as articulated in the goals and policies of the applicable plans.  
The area has changed since the adoption of the original R-1 zoning. The City has adopted the North Fourth Street Sector Plan and amendments to the C-1 and C-2 zone to encourage additional density along transit corridors and activity centers. The area has a mix of residential types and the lot directly to the south of the subject was rezoned from R-1 to R-G to allow a second unit to remain on the site.  
Additionally, the request is more advantageous to the community as articulated in the goals and policies of the applicable plans because it will allow an additional housing option that this compatible with the existing development.
  - E. The permissive uses in the proposed zone will not be harmful to the surrounding property. The area contains a mix of residential uses. The R-G zone will allow the existing two units on the site to remain. The applicant could not develop higher density residential on the site without a variance that would require a public hearing. The lot size only allows two detached houses.
  - F. The request will not result in any unprogrammed capital expenditures by the city because any future improvements or future development on the site will be privately funded.
  - G. The request is justified through policy analysis; economics will not be the deciding factor in the request.
  - H. The request is justified through policy analysis. The site is located on a local street that connects two major streets.
  - I. The request does create a spot zone , but the zone is justified through the policy analysis and because it can act as transition between the more intense uses allowed on the North Fourth Mixed Use zone site to the west and single family development to west. Additionally, the intent of the prohibition on spot zones is to prevent incompatible land uses from developing adjacent to one another. The proposed uses are compatible with the adjacent uses.
  - J. The request will not create a strip of land with zoning that is different from the surrounding zoning. The request will not create a strip zone.

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8. The Greater Gardner Neighborhood and the North Valley Coalition were notified of the request. Staff has not received any public comment as of this writing.

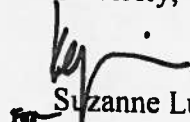
**APPEAL:** If you wish to appeal this decision, you must do so within 15 days of the EPC's decision or by **SEPTEMBER 29, 2017**. The date of the EPC's decision is not included in the 15-day period for filing an appeal, and if the 15<sup>th</sup> day falls on a Saturday, Sunday or Holiday, the next 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).

**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  
Planning Director

SL/MG

cc: Edward Andrews, LLC, 2632 Pennsylvania St. NE., NE, ABQ, NM 87110  
Greater Gardner NA, David Wood, 158 Pleasant NW, ABQ, NM 87107  
Greater Gardner, Marcia Finical, 141 Griegos Rd NW, ABQ, NM 87107  
North Valley Coalition, Peggy Norton, P.O. Box 70232, ABQ, NM 87197-0232  
North Valley Coalition, Doyle Kimbrough, 2327 Campbell Rd NW, ABQ, NM 87104