

CITY OF ALBUQUERQUE



PLANNING DEPARTMENT
URBAN DESIGN & DEVELOPMENT DIVISION
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OFFICIAL NOTIFICATION OF DECISION

June 14, 2018

Rhino Investments NM Hotel, LLC
101 E. Vineyard Ave, Suite 201
Livermore, CA 94550

Project# 1005234
18EPC-40024 Zone Map Amendment
(Zone Change)

LEGAL DESCRIPTION:

The above action for all or a portion of Tracts 1, 2 & 3, Carlisle Replat Unit 1 and Tracts 4, 5 & 6A, Carlisle Replat Unit 2, zoned C-2 & C-3 to C-2, located on Carlisle Blvd NE, between Solano Drive NE, Prospect Ave NE, and the Embudo Channel, containing approximately 11.1 acres (H-17).

Staff Planner: Michael Vos

PO Box 1293

On June 14, 2018 the Environmental Planning Commission (EPC) voted to APPROVE Project 1005234/18EPC-40024, a Zone Map Amendment (Zone Change), based on the following Findings:
Albuquerque

FINDINGS:

1. This request is for a Zone Map Amendment (Zone Change) for Tracts 1 through 3, Carlisle Replat Unit 1, along with Tracts 4, 5, and 6A, Carlisle Replat Unit 2, generally located on the east side of Carlisle Blvd NE north of the Embudo Channel containing approximately 11.1 acres.
NM 87103
2. The subject site is currently zoned both C-2 Community Commercial and C-3 Heavy Commercial with a "floating" zone line bisecting the premise and crossing through an existing building on the site. The applicant is proposing to "downzone" the C-3 portion of the subject site to C-2, so the entire premise has the same zoning. The requested zoning allows for a variety of commercial and residential uses due to the site's location along a Major Transit Corridor, and the applicant intends to redevelop the building that is currently split by the two zone designations from a hotel into multi-family residential.
www.cabq.gov
3. The existing combination of C-2 and C-3 zoning on the subject site was created through multiple previous actions on the subject property. First, in 1957, a portion of the property was subject to a change to C-2 and C-3 along with other neighboring properties when it was first anticipated that Interstate 40 was to be routed through this area (Z-508). Following this action, in 1959, the area of the property immediately adjacent to Carlisle Blvd was changed from C-1 to C-2 (Z-806). Next, an action (Z-1624) was approved to change the zoning of much of the site to C-3, but this was never finalized, so instead a subsequent approval changed the zoning of Tracts 1, 2, and 3 to C-2 (Z-69-4). This last action was to facilitate the creation of a luxury hotel and convention

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complex, which is the current use of the site.

4. If approved, the proposed C-2 zoning of the entire site would convert to MX-M per the Integrated Development Ordinance conversion rules.
5. The 2017 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.
6. The subject site is within both the Area of Change and Area of Consistency of the Comprehensive Plan and is also located adjacent to an Activity Center, Major Transit Corridor, and Multi-Modal Corridor. The request is in general compliance and furthers the following applicable goals and policies of the Comprehensive Plan:

Goal 5.1 Centers & Corridors: Grow as a community of strong Centers connected by a multi-modal network of Corridors.

Policy 5.1.1 Desired Growth: Capture regional growth in Centers and Corridors to help shape the built environment into a sustainable development pattern.

a) Create walkable places that provide opportunities to live, work, learn, shop, and play.

The request furthers Policy 5.1.1 a) because the zone change to C-2 will allow for a mix of development on the subject site adjacent to a designated Center and within walking distance of many restaurants, commercial activities, transit options, and recreational opportunities.

c) Encourage employment density, compact development, redevelopment, and infill in Centers and Corridors as the most appropriate areas to accommodate growth over time and discourage the need for development at the urban edge.

The request furthers Policy 5.1.1 c) because the zone change will facilitate redevelopment of the subject site for multi-family residential uses adjacent to a Center and along both Major Transit and Multi-Modal Corridors.

d) Encourage the development of multi-unit, multi-story apartments and mixed-use residential buildings in Downtown, Urban Centers, and Activity Centers to increase housing density and expand housing options and affordability.

The request furthers Policy 5.1.1 d) because the zone change is intended to lead to development of the site with multi-unit, multi-story apartments adjacent to a designated Activity Center thus increasing density in the area.

f) Discourage the development of detached single-family housing as an inappropriate use in Centers and along Corridors.

The request furthers Policy 5.1.1 f) because the zone change to C-2 will not allow for single-family development, but rather will facilitate multi-family residential and a large variety of commercial uses to be developed on the subject site.

g) Encourage residential infill in neighborhoods adjacent to Centers and Corridors to support transit ridership.

The request furthers Policy 5.1.1 g) because redevelopment of part of the hotel on the subject site into apartments will create additional density adjacent to an Activity Center and two Corridors that will support transit ridership on the nearby routes along Carlisle and Menaul.

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h) Encourage all new development, especially in designated Centers and Corridors, to address transit connections, linkages, and opportunities within the proposed development.

The request furthers Policy 5.1.1 h) because redevelopment of the site will allow for connections to the surrounding transit routes and stops to be addressed.

Policy 5.1.6 Activity Centers: Foster mixed-use centers of activity with a range of services and amenities that support healthy lifestyles and meet the needs of nearby residents and businesses.

a) Incorporate a compatible mix of commercial and residential uses with a range of higher-density housing types.

The subject site is adjacent to the American Square Activity Center, but it is not within the boundaries of the designated Center, therefore Policy 5.1.6 a) does not apply.

Policy 5.1.10 Major Transit Corridors: Foster corridors that prioritize high-frequency transit service with pedestrian-oriented development.

a) Encourage higher-density residential developments within ¼ mile of transit stops or stations.

The subject site is within ¼ mile of transit stops at the corner of Carlisle and Menaul among others for both ABQ Ride Route 5 and Route 8, so request furthers Policy 5.1.10 a).

c) Encourage mixed-use development in Centers and near intersections.

The request furthers Policy 5.1.10 c) because the zone change will facilitate future mixed-use development of the subject site adjacent to a designated Activity Center and near the intersection of Carlisle and Menaul Boulevards.

Policy 5.1.11 Multi-Modal Corridors: Design safe Multi-Modal Corridors that balance the competing needs of multiple modes of travel and become more mixed-use and pedestrian-oriented over time.

a) Encourage the redevelopment of aging auto-oriented commercial strip development to a more mixed-use, pedestrian-oriented environment.

The request furthers Policy 5.1.11 a) because the zone change will facilitate redevelopment of the subject site with multi-family residential uses that will support existing commercial uses within walking distance of the site and further encourage more mixed-use, pedestrian-oriented development in the area.

b) Prioritize improvements that increase pedestrian safety and convenience and make bicycle and transit options more viable.

The subject site is adjacent to designated bicycle routes and redevelopment of the site with apartments may lead to improved connections to this existing infrastructure making different modes of transportation more viable for future residents, therefore the request furthers Policy 5.1.11 b).

Goal 5.2 Complete Communities: Foster communities where residents can live, work, learn, shop, and play together.

Policy 5.2.1 Land Uses: Create healthy, sustainable, and distinct communities with a mix of uses that are conveniently accessible from surrounding neighborhoods.

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a) Encourage development and redevelopment that brings goods, services, and amenities within walking and biking distance of neighborhoods and promotes good access for all residents.

The request furthers Policy 5.2.1 a) because the zone change will facilitate redevelopment of the subject site that will bring additional services and amenities to the area that is easily accessed from multiple bicycle routes.

b) Encourage development that offers choice in transportation, work areas, and lifestyles.

The request furthers Policy 5.2.1 b) because the proposed project will provide dense living opportunities adjacent to multiple transit routes that gives more choice for residents than previously available in this area of the city.

d) Encourage development that broadens housing options to meet a range of incomes and lifestyles.

The request furthers Policy 5.2.1 d) because the request will allow for greater density than available in the area, and redevelopment of an existing building rather than new construction will be able to do so in an affordable way.

e) Create healthy, sustainable communities with a mix of uses that are conveniently accessible from surrounding neighborhoods.

The subject site is easily reached by automobile, transit, bicycle, and walking, so request furthers Policy 5.2.1 e) by offering a mix of uses conveniently accessible to the surrounding area.

f) Encourage higher density housing as an appropriate use in the following situations:

i. Within designated Centers and Corridors.

ii. In areas with good street connectivity and convenient access to transit.

g) Locate quality commercial development and redevelopment in existing commercial zones and designated Centers and Corridors as follows:

i. In Activity Centers with development to serve adjacent neighborhoods with an emphasis on pedestrian and bicycle connections to nearby residential areas.

The request furthers Policies 5.2.1 f) and g) because the applicant intends to develop high density housing and a mix of commercial uses on the subject site adjacent to a designated Center and within two designated Corridors, as well as in a location with good street connectivity and access to multiple transit routes.

h) Encourage infill development that adds complementary uses and is compatible in form and scale to the immediately surrounding development.

The proposed redevelopment of the subject site constitutes infill development that will add complementary commercial and multi-family residential uses to the area in a scale comparable to surrounding development by reusing existing structures, so the request furthers Policy 5.2.1 h).

Goal 5.3 Efficient Development Patterns: Promote development patterns that maximize the utility of existing infrastructure and public facilities and the efficient use of land to support the public good.

Policy 5.3.1 Infill Development: Support additional growth in areas with existing infrastructure

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and public facilities.

The request furthers Policy 5.3.1 because the subject site is an infill site and redevelopment of it will support additional growth in the surrounding area.

Goal 5.4 Jobs-Housing Balance: Balance jobs and housing by encouraging residential growth near employment across the region

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

a) Prioritize higher-density housing where services and infrastructure are available.

The request furthers Policy 5.4.1 a) because the subject site is near a variety of commercial uses and employment opportunities and the zone change will facilitate development of higher-density housing.

b) Prioritize mixed-use development near where substantial employment exists in Employment Centers.

Policy 5.4.1 b) does not apply because the subject site is not located near a designated Employment Center.

Goal 5.6 City Development Areas: Encourage and direct growth to Areas of Change where it is expected and desired and ensure that development in and near Areas of Consistency reinforces the character and intensity of the surrounding area.

Policy 5.6.2 Areas of Change: Direct growth and more intense development to Centers, Corridors, industrial and business parks, and Metropolitan Redevelopment Areas where change is encouraged.

b) Encourage development that expands employment opportunities.

The request furthers Policy 5.6.2 b) because mixed use development of the subject site will provide employment opportunities, as well as new residents that may spur further employment growth locating nearby.

c) Foster a range of housing options at various densities according to each Center or Corridor type.

d) Encourage higher-density housing and mixed-use development as appropriate land uses that support transit and commercial and retail uses.

The request furthers Policies 5.6.2 c) and d) because new higher-density residential is an appropriate housing type adjacent to an Activity Center and Major Transit Corridor, which along with other mixed uses, will support transit and other uses along the Corridor.

g) Encourage development where adequate infrastructure and community services exist.

The request furthers Policy 5.6.2 g) because redevelopment of the existing site will utilize already existing infrastructure and services including roadways and water and sewer lines.

h) Encourage development in areas with a highly connected street grid and frequent transit service.

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The request furthers Policy 5.6.2 h) because this development is along a Major Transit Corridor that has some of the most frequent transit service in the ABQ Ride system, as well as being located along two major streets that form part of a strong grid and connect to Interstate 40 very close to the subject site.

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

b) Ensure that development reinforces the scale, intensity, and setbacks of the immediately surrounding context.

The request furthers Policy 5.6.3 b) because the request is a downzone that matches surrounding zones and uses, as well as facilitating the redevelopment of the subject site using the existing buildings, parking, and setbacks.

e) In areas with predominantly nonresidential uses, carefully consider zone changes from non-residential to mixed-use or residential zones for potential impact on land use compatibility with abutting properties, employment opportunities, and historic development patterns.

The request furthers Policy 5.6.3 e) because the zone change will allow for mixed-use development that will be compatible with the surrounding property and support the existing commercial uses in the area with a permanent population.

f) Limit the location of higher-density housing and mixed-use development to areas within ¼ mile of transit stations and within 660 feet of arterials and Corridors as an appropriate transition to single-family neighborhoods.

The request furthers Policy 5.6.3 f) because the subject site is within 660 of multiple arterial roadways that are also designated Corridors.

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

a) Provide appropriate transitions between uses of different intensity or density and between non-residential uses and single-family neighborhoods to protect the character and integrity of existing residential areas.

The request furthers Policy 5.6.4 a) because while the subject site is partially an area of consistency, there is limited single-family residential in the area, and the requested downzone will allow for a more mixed use, less intense development than could otherwise develop and impact those neighbors.

Goal 9.1 Supply: Ensure a sufficient supply and range of high-quality housing types that meet current and future needs at a variety of price levels to ensure more balanced housing options.

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

a) Increase the supply of housing that is affordable for all income levels.

The request furthers Policy 9.1.1 a) because the zone change will facilitate redevelopment of the existing hotel with an affordable housing product.

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c) Assure the availability of a wide distribution of quality housing for all persons regardless of race, color, religion, sex, national origin, ancestry, age, or disabled status.

e) Provide for the development of quality housing for elderly residents.

The request furthers Policies 9.1.1 c) and e) because the proposed apartment project will accommodate all persons, including those who are disabled, through both affordability and accessibility, and will welcome people of all ages.

i) Provide for the development of multifamily housing close to public services, transit, and shopping.

The request furthers Policy 9.1.1 i) because the proposed multi-family housing that is accommodated by this request will be close to existing public services, transit options, and shopping.

Policy 9.1.2 Affordability: Provide for mixed-income neighborhoods by encouraging high-quality, affordable and mixed income housing options throughout the area.

b) Encourage a diversity of housing types, such as live/work spaces, stacked flats, townhouses, urban apartments, lofts, accessory dwelling units, and condominiums.

c) Encourage housing types that maintain the scale of existing single-family neighborhoods while expanding housing options.

The request furthers Policies 9.1.2 b) and c) because the proposed apartment project will add to the diversity of housing types in Albuquerque in a location that does not affect the scale of any existing single-family neighborhood.

d) Encourage the development of higher density affordable and mixed-income housing in Downtown, near job centers, and along transit corridors.

e) Encourage mixed-use development that includes non-residential uses and the opportunity for access to services.

The request furthers Policies 9.1.2 d) and e) because redevelopment of the subject site will allow for development of affordable multi-family housing, as well as mixed use development, along transit corridors with access to services.

Goal 9.2 Sustainable Design: Promote housing design that is sustainable and compatible with the natural and built environments.

Policy 9.2.1 Compatibility: Encourage housing development that enhances neighborhood character, maintains compatibility with surrounding land uses, and responds to its development context – i.e. urban, suburban, or rural – with appropriate densities, site design, and relationship to the street.

The request furthers Policy 9.2.1 because the existing buildings already respond to the context of the area and will be repurposed by the proposed development.

Goal 9.3 Density: Support increased housing density in appropriate places with adequate services and amenities.

Policy 9.3.1 Centers & Corridors: Encourage higher density, multi-unit housing and mixed-use

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development in Downtown, Urban, Activity, and Village Centers, and along Premium and Major Transit Corridors to capture growth, relieve development pressure at the edge of the urban footprint, and maintain low densities in rural areas.

The request furthers Policy 9.3.1 because the proposed zone change will allow for a higher density development along a Major Transit Corridor within the existing urban footprint.

Policy 9.3.2 Other Areas: Increase housing density and housing options in other areas by locating near appropriate uses and services and maintaining the scale of surrounding development.

- a) Encourage higher-density residential and mixed-use development as appropriate uses near existing public facilities, educational facilities, job centers, social services, and shopping districts.
- b) Encourage multi-family and mixed-use development in areas where a transition is needed between single-family homes and more intense development.

The request furthers Policy 9.3.2 because the proposed zone change will encourage higher density and mixed use development near existing public facilities and shopping and provide a buffer from the more intense commercial located east of the site to the adjacent transit corridors and surrounding neighborhoods.

7. The applicant has justified the zone change request pursuant to *R-270-1980* as follows:
 - A. The request to downzone the property, and therefore allowing fewer intense uses, along with the applicant's justification letter and the policies cited and analyzed in Finding 6 substantiate that the request is consistent with the health, safety, morals, and general welfare of the city.
 - B. The proposed zoning of C-2 is the same as what exists on a portion of the subject site already, as well as the same as what exists along Carlisle and Menaul. The ubiquitous nature of C-2 in the area, the requested zone being less intense than the existing zoning, and the elimination of a floating zone line that bisects an existing building leads to land use stability for the area.
 - C. The request is not in conflict with, but rather is consistent with and furthers the Comprehensive Plan as summarized in Finding 6.
 - D. The existing zoning is inappropriate because the proposed different use category is more advantageous to the community as articulated by the Comprehensive Plan. The proposed C-2 zoning for the entire property will allow for greater mixed uses and housing density in an infill location that will support transit ridership adjacent to a designated Activity Center, a Major Transit Corridor, and a Multi-Modal Corridor. As shown in the policy analysis, the request furthers numerous policies of the Comprehensive Plan to this effect, thus implementing the vision of the City and making the request more advantageous to the community than the existing zoning.
 - E. The requested C-2 zone allows fewer intense uses than what is allowed by the existing C-3 zoning, and C-3 zoning also exists in the surrounding area; therefore, the change will not allow for any uses that would be harmful to the adjacent properties, the neighborhood, or the community.
 - F. Approval of the requested amendment will not require any capital improvements because the site is located in an area that already has infrastructure. If future development requires additional infrastructure the applicant will have to make those improvements themselves.

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- G. Economic considerations are not the determining factor in the request; rather the request is justified based on being more advantageous to the community in accordance with the policies of the Comprehensive Plan.
 - H. The request is not being justified based on the subject site's location on a major street; rather the request is based on being more advantageous to the community in accordance with the policies of the Comprehensive Plan.
 - I. The request is not creating a small area of zoning different from the surrounding zoning, so the request does not constitute a spot zone.
 - J. The request is not for a strip of land along a street, so it does not constitute a request for strip zoning.
8. The Midtown A&E Merchant Association and District 7 Coalition of Neighborhood Associations were notified of this request, as well as property owners within 100 feet. No facilitated meeting was requested or held, and staff has not received any public comment regarding the request.

APPEAL: If you wish to appeal this decision, you must do so within 15 days of the EPC's decision or by **JUNE 29, 2018**. 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).

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 David S. Campbell
Planning Director

DSC/MV

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