

CITY OF ALBUQUERQUE



PLANNING DEPARTMENT
URBAN DESIGN & DEVELOPMENT DIVISION
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OFFICIAL NOTIFICATION OF DECISION

June 14, 2018

Karen A. Rose Trust
Attn: Jeffrey & Geraldine Rose
5925 Camino Placido NE
ABQ, NM 87109

Project# 1011631
18EPC-40030 Zone Map Amendment
(Zone Change)

LEGAL DESCRIPTION:

The above action for all or a portion of Lots 82 and 84 portions of Lots 83, 85 and 86, Block 7, Perfecto Armijo and Brothers Addition, zoned SU-2/DNA-MR to SU-2/DNA-OR, located at 700 and 710 Roma Av., NW, between 7th St. NW and 8th St., NW, 7th St., NW and 8th St. NW, containing approximately 0.25 acre (J-14). Staff Planner: Terra Reed

PO Box 1293

On June 14, 2018 the Environmental Planning Commission (EPC) voted to Approve Project 1011631/18EPC-40030, a Zone Map Amendment (Zone Change), based on the following Findings and subject to the following Condition:

FINDINGS:

- NM 87103
1. This is a request for a sector development plan map amendment (zone change) to the Downtown Neighborhood Area Sector Development Plan (DNA SDP) for all or a portion of Lots 82 and 84 and portions of Lots 83, 85, and 86 of Block 7, Perfecto Armijo and Brothers Addition, an approximately 0.25 acre site located at the southwest corner of 7th Street NW and Roma Ave NW.
 2. The applicant owns the subject site and proposes to change the subject site's zoning from SU-2/DNA-MR (Mixed Residential) to SU-2/DNA-OR (Office Residential) to allow office uses in addition to the existing residential uses.
 3. The subject site was zoned SU-2 / DNA-MR in 2012 when the DNA SDP was updated (Resolution 2012-52).
 4. The Albuquerque/Bernalillo County Comprehensive Plan, Downtown Neighborhood Area Sector Development Plan, and the City of Albuquerque Zoning Code are incorporated herein by reference and made part of the record for all purposes.
 5. The subject site is within an Area of Consistency in the Comprehensive Plan. The request is in general compliance with the following applicable Comprehensive Plan goals and policies:
- www.cabq.gov

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- a. **GOAL 4.1 – Character:** Enhance, protect, and preserve distinct communities.

Policy 4.1.2 – Identity and Design: Protect the identity and cohesiveness of neighborhoods by ensuring the appropriate scale and location of development, mix of uses, and character of building design.

In addition to retaining the existing residential uses on the subject site, the proposed zone change allows office uses on the site. The immediate area around the subject site includes a mix of residential, office, and other non-residential uses, as well as a mix of zones that include the proposed SU-2 / DNA-OR zone. This area serves as a transition between the downtown core to the east and the lower density neighborhood to the west. The proposed zone change would allow uses that are compatible with the existing character of the surrounding area, preserving the character of nearby development, while enhancing the transitional space and allowing development that is compatible in scale and building design with surrounding buildings. The request furthers Goal 4.1 and Policy 4.1.2.

- b. **Policy 4.1.4 – Neighborhoods:** Enhance, protect, and preserve neighborhoods and traditional communities as key to our long-term health and vitality.

This policy is intended to protect and enhance residential neighborhoods. The subject site is in a transitional area between downtown and the low-density residential neighborhood and will serve as a buffer to protect the neighborhood to the west. This request furthers Policy 4.1.4.

- c. **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 in a sustainable development pattern.

The subject site is not in a Center or Corridor area, but is adjacent to the Downtown Center and near a Major Transit Corridor (Lomas Boulevard) – areas where growth is desired. The proposed zone change would allow living and working in proximity to each other, as well as in an area that can serve as a transition between more intense development and the residential neighborhood, which make part of a sustainable pattern of development. The request furthers Goal 5.1 and Policy 5.1.1.

- d. **Policy 5.1.2 – Development Areas:** Direct more intense growth to Centers and Corridors and use Development Areas to establish and maintain appropriate density and scale of development within areas that should be more stable.

The request would strengthen the existing transition area by maintaining a similar density, scale, and set of uses to nearby properties, which is the intent of the Area of Consistency. The proximity to the Downtown Center makes this an appropriate location for transitional uses that are not allowed farther west in the residential neighborhood. The request furthers Policy 5.1.2.

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

b) Minimize negative impacts on nearby neighborhoods by providing transitions between

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development along Transit Corridors and abutting single family residential areas.

The subject site is two blocks south of Lomas Boulevard, which is a Major Transit Corridor. Lomas Boulevard provides important transportation options for residents and supports the mix of uses found in the immediate area. Zones that allow for both residential and office uses can help support nearby transit by encouraging more people to travel to and from the area using public transit. Mixed uses at the appropriate scale along the edge of a neighborhood, particularly near a Major Transit Corridor, provide a transition to low-density residential areas. The request furthers Policy 5.1.10 and 5.1.10 b).

- f. **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.

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

The request would allow office uses on the subject property, in addition to the existing residential use. These land uses are appropriate in this location and would support the success of the neighborhood, which offers all the options to live, work, learn, shop, and play. Healthy and sustainable communities typically offer a mix of land uses in appropriate locations, and this zone change would allow a mix of land uses and a scale of development that already exists near the subject property.

The proposed SU-2 / DNA-OR zone is consistent with nearby properties, with the abutting SU-2 / DNA-OR zone to the south and east, and with the adjacent SU-3 zoning in the downtown core. The allowed uses in the proposed zone (low- and medium-density residential and small-scale office and non-residential) are complimentary to the uses on neighboring properties and the allowed form and scale are compatible with the nearby non-residential development and residential development. The proposed change will allow the applicant to reinvest in the property, while maintaining appropriate uses, form, and scale. The request furthers Goal 5.2, Policy 5.2.1, and Policy 5.2.1 h).

- g. **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 and public facilities.

The requested zoning allows new uses and the potential for reinvestment on the subject site, in a developed area with existing infrastructure and is adjacent to the high density and high intensity Downtown Center. These characteristics of the surrounding area support a compact urban form. The requested SU-2 / DNA-OR zone would allow for maximizing existing infrastructure and public facilities and encourage appropriate redevelopment. Expanding land use opportunities encourages infill development in the form of rehabilitation of the existing structures. The request furthers Goal 5.3 and Policy 5.3.1.

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- h. GOAL 5.6 – City Development Areas: Encourage and direct growth in 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 surrounding area.**

Policy 5.6.3 – Areas of Consistency: Protect and enhance the character of existing single-family neighborhoods, areas outside of the 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 subject site is located in an Area of Consistency according to the Comprehensive Plan. Because the surrounding area includes a mix of low-density residential and low-intensity non-residential uses, the proposed zone change is consistent with the intent of this Development Area.

The proposed zone would allow redevelopment on the subject property and provide opportunities for employment through the additions of office uses. The applicant's stated intent is to repurpose the existing structures to support office uses without changes to the building footprints. The building forms, including scale, intensity, and setbacks, are not anticipated to change. If, in the future, the buildings are renovated more extensively or are replaced, the development standards in the proposed zone are very similar to those of the existing zone. In both zones, the maximum building height is 40 feet and the maximum front setback is 15 feet, with a requirement that the front setback be consistent with the setbacks of existing buildings on the block. The request furthers Goal 5.6, Policy 5.6.3, and Policy 5.6.3 b).

- i. c) Carefully consider zone changes from residential to non-residential zones in terms of scale, impact on land use compatibility with abutting properties, and context.**

The surrounding development within the Area of Consistency includes the SU-2 / DNA-MR zone and the SU-2 / DNA-OR zone, and includes with a mix of office and parking uses to the south and east. The proposed zoning and allowed uses would be consistent and compatible with the existing zones, uses, and character and pattern of development. The properties to the west are single-family residential, but the proposed office use, particularly in the existing buildings, would have minimal impact on the abutting single-family residences and would provide a transition between the more intense Downtown Center and the residential neighborhood. The request furthers Policy 5.6.3 c).

- j. 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 adequate 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 uses.**

The Subject site is located in an Area of Consistency adjacent to an Area of Change to the east – the Downtown Center. There are also parcels and blocks designated as Areas of Change

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within 2 blocks north/northwest of the subject site. The proposed zone change would expand the buffer area between the higher intensity development in the Downtown Center and the low-density development in the DNA neighborhood. The proposed office development is an appropriate, low-intensity use to provide an adequate transition. The request furthers Policies 5.6.4 and 5.6.4 a).

- k. **GOAL 8.2 – Entrepreneurship**: Foster a culture of creativity and entrepreneurship and encourage private business to grow.

Policy 8.2.1 – **Local Business**: Emphasize local business development.

The addition of office uses on the subject site would create new local employment opportunities that will support locally owned businesses and the associated revenue generated through gross receipts taxes. The request furthers Policies 5.6.4 and 5.6.4 a).

6. The subject site is within the DNA SDP and the request is in general compliance with the following applicable DNA SDP goals and policies.

- a. **Land Use Goal 1**: The Downtown Neighborhood Area will include neighborhood-scale commercial and office development that are well designed, appropriately located, and consistent with the existing neighborhood character (building scale and massing).

The proposed zone change would allow office uses in an area that already has similar development. The existing development on the subject site, as well as the size of the two parcels, would help ensure that any rehabilitation or redevelopment on the site will be at an appropriate scale for the surrounding neighborhood. The request furthers Land Use Goal 1.

- b. **Implementation Policy 2 – Zoning/Development Regulations**: The City should create zoning districts and development regulations that support neighborhood values, and are consistent with existing land use and development patterns, historic preservation, and appropriate infill development.

The proposed zone change is consistent with existing land use and development patterns, given that both the requested zone and the allowed land uses can be found along 7th Street to the south and east. The request furthers Implementation Policy 2.

- c. **Implementation Policy 6: Future Zone Changes**: The City should discourage future zone map amendments from residential to mixed-use zones.

The DNA SDP explains that limited non-residential uses are appropriate along the edges of the neighborhood, which is where the subject site is located. Although the DNA SDP applied mixed-use zoning in these areas where non-residential uses existed in 2012 and such zoning was not applied to the subject site, the location at the edge of the Downtown Center and near other SU-2 / DNA-OR zoning and non-residential uses makes the subject site an appropriate location for SU-2 / DNA-OR zoning. The request partially furthers Implementation Policy 6.

7. The applicant has justified the zone change request pursuant to *R-270-1980* as follows:

- a. The uses allowed in the proposed zone will be consistent with the health, safety, morals, and general welfare of the city. The additional uses will not generate excess traffic or noise. The zoning will match the existing zoning the south and east and allow the introduction of a use

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that exists on surrounding lots and is compatible with surrounding development. The request is consistent with goals and policies in the applicable plans.

- b. The proposed zoning will not destabilize the area. The proposed zoning matches the zoning to the south and east and will allow uses that have been compatible with surrounding development.
- c. The proposed amendment is not in conflict with, but rather furthers the goals and policies of the Comprehensive Plan and the DNA SDP as shown in the policy analysis in Findings 5 and 6.
- d. The applicant cites reason 3) above that the existing zoning is inappropriate because a different use category is more advantageous to the community and has justified this request based on the Comprehensive Plan and DNA SDP [see Findings 5 and 6].

The proposed zoning would be advantageous for the area because it would allow uses that are consistent with much of the existing development on either side of 7th Street NW. The subject site is in a transitional area between downtown and the neighborhood, and as such includes a mix of medium-density residential and low-intensity non-residential that acts as a buffer between the more intense development and activity in downtown and the low-density neighborhood to the west. The proposed zoning would allow office uses on the subject site, which would allow renewed investment in the property and uses that are more appropriate in this transition area than the single-family use that has existed on the property alone since it was developed.

- e. The proposed zone allows three uses to the uses allowed in the existing SU-2 / DNA-MR zone – office, church, and library. Given the size and layout of the subject site, a church or library would be unlikely. The addition of the office use is the stated goal of the zone change. Office is a low traffic generator and will not have a negative impact on the area. Any additional traffic that may be generated will need to be accommodated on-site when any added use is incorporated on the subject site. The proposed zoning will be the same as the properties to the south and east, which has not been harmful to the surrounding area.

The Integrated Development Ordinance (IDO) was not in effect as of the date that this application was submitted, and is therefore not included in this analysis, the zoning conversion to MX-T is worth noting, as this conversion will be applied if the application is approved. The MX-T zone is similar to the SU-2 / DNA-OR zone, with some additional allowable uses. The size of the subject site will limit future development on the site and maintain a scale of development consistent with existing buildings in the area.

- f. Future development will be privately financed and will not create unprogrammed capital expenditures for the City.
- g. While economics may be a factor in the request, they are not the determining factor. The applicant has justified this request as being more advantageous to the community as articulated in the Comprehensive Plan and the Downtown Neighborhood Area Sector Development Plan.
- h. The subject site is not located on a collector or major street – both Roma Avenue and 7th Street are local streets – and the proximity to major streets is not used as justification for the

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- zone change. The applicant has justified this request as being more advantageous to the community as articulated in the Comprehensive Plan and the DNA SDP.
- i. There is existing SU-2 / DNA-OR zoning on abutting and adjacent properties to the south and east. The request will not create a spot zone.
 - j. The intent of the prohibition on strip zones is to maintain compatible land uses. The request is for zoning that is compatible with existing zoning and uses, and will not create a strip zone.
8. The applicant notified the Barelás Neighborhood Association, Broadway Central Corridors Partnership Incorporated, Citizens Information Committee of Martineztown, Downtown Neighborhoods Association, Huning Highland District Association, Martineztown Work Group, Raynolds Addition Neighborhood Association, Santa Barbara Martineztown Association, Semillas y Raices Neighborhood Community Group, Silver Platinum Downtown Neighborhood Association, South Broadway Neighborhood Association, and The Lofts @ 610 Central SW Owners Association Incorporated, as well as property owners within 100 feet of the subject site.
 9. A facilitated meeting was not requested or recommended.
 10. Staff has not received any public comment as of this writing.
 11. The existing, platted City parcels are not consistent with the Bernalillo County Assessor parcels that define the subject site and its ownership. Replatting of the City parcels would be beneficial to the City and the applicant, and would ensure that the zone boundaries are applied accurately. The applicant has been informed of this circumstance and has expressed willingness to replat the parcels.

CONDITION:

1. The map amendment does not become effective until the subject site is replatted to create platted lot lines that correspond to zone boundaries, pursuant to §14-16-4-1(C)(16) of the Zoning Code. If such requirement is not met within six months after the date of EPC approval, the zone map amendment is void. The Planning Director may extend this time limit up to an additional six months upon request by the applicant.

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

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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/tr

cc: Karen A. Rose Trust, Attn: Jeffrey & Geraldine Rose, 5925 Camino Placido NE, ABQ, NM 87109
Arch + Plan Land Use Consultants, P.O. Box 25911, ABQ, NM 87125
Barelas NA, James Salazar, P.O. Box 153, ABQ, NM 87103
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Citizens Info. Committee of Martineztown, Frank Martinez, 501 Edith Blvd NE, ABQ, NM 87102
Citizens Info. Committee of Martineztown, Richard Martinez, 601 Edith Blvd NE, ABQ, NM 87102
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South Broadway NA, Frances Armijo, 915 William SE ABQ, NM 87102
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