

From: Michael Vos <Vos@consensusplanning.com>
Sent: Tuesday, January 19, 2021 8:37 AM
To: Bolivar, Silvia A. <sabolivar@cabq.gov>
Cc: Salas, Alfredo E. <ASalas@cabq.gov>; Jim Strozier <cp@consensusplanning.com>
Subject: 48-Hour Rule Submittal - 1314 Los Tomases

External

Good morning Silvia,

We have reviewed the staff report for this project (#3 on Thursday's agenda) and have prepared some materials for the 48-hour deadline to present to the EPC:

- Proposed alternative findings for approval – staff may want to review these if you don't have your own alternative findings prepared.
- Character study of the neighborhood with map of properties with multiple dwelling units based on a walking tour/survey we did last week.

The files can be downloaded here: <https://www.dropbox.com/t/jctTaGNX3MglAIOY>

Let me know if there are any issues, questions, or concerns.

Thanks,

Michael Vos, AICP

CONSENSUS PLANNING, INC.

302 Eighth Street NW
Albuquerque, NM 87102
phone (505) 764-9801
vos@consensusplanning.com

Proposed Alternative Findings for Approval

1. The request is for a zoning map amendment (zone change) for an approximately 0.17-acre site legally described as Lots 21 & 22, Block 7, Albright & Moore Addition (the “subject site”). The subject site is located at 1314 Los Tomases Drive NW, between Summer Avenue NW and Kinley Avenue NW.
2. The subject site, which the applicant owns, is zoned R-1A (Single-Family Zone District). This zoning was received as a conversion from the subject site’s former zoning of S-R (Sawmill Residential) from the previous Sawmill/Wells Park Sector Development Plan.
3. The applicant is requesting a zone change to R-T (Townhouse Zone District) in order to bring the existing three dwelling units into compliance, as they are currently a nonconforming use in the R-1A zone.
4. The application was submitted on December 3, 2020 and is being reviewed using the November 2020 version of the Integrated Development Ordinance (IDO).
5. The subject site is in an Area of Consistency as designated by the Comprehensive Plan. It is not in an Activity Center or along a designated Corridor. The subject site is within the Sawmill/Wells Park Character Protection Overlay Zone (CPO-12).
6. The Albuquerque/Bernalillo County Comprehensive Plan and the City of Albuquerque Integrated Development Ordinance (IDO) are incorporated herein by reference and made part of the record for all purposes.
7. The request ~~conflicts~~ furthers with the following applicable Comprehensive Plan Policies regarding Community Identity:

~~A. *Policy 4.1.1 – Distinct Communities: Encourage quality development that is consistent with the distinct character of communities.~~

~~This request would not foster distinct communities as the subject site consists of a narrow lot whose architecture is Southwest Vernacular and its’ massing and scale are suitable for the existing lot, but not the neighborhood. The surrounding properties are single-family, one-story homes that are not compatible with the subject site due to the scale of the existing property. Townhomes are found along Mountain Road NW from 6th Street to 11th Street and in two areas north of the subject site. It is important to note that the two lots zoned R-T north of the site are single-story townhomes.~~

~~B.A. *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.~~

~~a. Maintain and preserve the unique qualities of historic areas.~~

~~The request would not foster identity and design and the preservation of the unique qualities of historic areas as the existing dwelling units are out of potential building scale allowed under the proposed R-T district is the same as the existing R-1A zoning due to the requirements of the Sawmill/Wells Park CPO-12. Both zones allow for the construction and maintenance of two-story houses (26 feet tall) and the CPO-12 requirements dictate identical setbacks for all low-density residential development regardless of zoning~~

~~district when compared to the surrounding properties. The request to make the existing uses of the property conforming supports and furthers the identity and design Policy 4.1.2 by aligning the zoning with uses that have historically been in existence throughout the neighborhood and at the subject site, enhancing the mixed density pattern that is evident in the area as shown in the information provided by the Applicant. This mixed density of housing is a unique quality of Albuquerque's historic areas and preserving it is specifically addressed by this request. If approved, the request gives the current owner or a new owner the confidence to invest in the maintenance and improvement of the third unit on the property that is otherwise nonconforming.~~

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

This request ~~would not will~~ enhance, protect, and preserve neighborhoods and traditional communities as key to long-term health and vitality. The Applicant has invested in the property ~~but Staff does not see how the approval of and~~ the requested zone change will facilitate the maintenance and rehabilitation of the property by giving them the confidence in the continued use of a third unit to make a return on that investment. The subject site was already developed when the Applicant purchased the property in 2019 but they are being proactive in addressing the issues of nonconformity. ~~Approving the requested zone change would not encourage transformative change as the property is already developed. The proposed Zoning Map Amendment will provide transformative change through the embrace of incremental development and small-scale multi-unit rental housing in a historic neighborhood that has suffered from disinvestment over the years.~~

8. The request conflicts with the following applicable Comprehensive Plan Goal and Policies regarding Land Use:

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

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

The request furthers this policy and sub-policy by allowing for compact and appropriate "hidden" residential infill near a designated corridor in the Central Albuquerque area. The subject site is in a neighborhood adjacent to the 4th Street Main Street and Multi-modal Corridor with transit access available along 5th and 6th Streets and a transit stop at 6th and Kinley just around the corner from the subject site. Allowing for the continuation, maintenance, and improvement of Missing Middle Housing options such as duplexes and ADUs is especially appropriate in this location. The moderate increase in density that results from the additional dwelling unit on the lot supports transit ridership on the adjacent transit routes and helps shape the built environment into a more sustainable development pattern by increasing residents living in a walkable neighborhood close to employment and leisure activities.

~~The request would not capture regional growth in Centers and Corridors as the subject site is not located in a Center and not adjacent to Corridors. The subject site is already~~

~~developed and is too small to capture regional growth. The subject site is accessible to 4th Street Main Street, but it is unlikely that the request would contribute to regional growth.~~

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

~~The request would not foster complete communities where residents can live, work, learn, shop and play together because only the nonconforming uses would be approved and not contribute to the underserved area of the City where services, retail, and green spaces are already lacking.~~

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

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

c. Maintain the characteristics of distinct communities through zoning and design standards that are consistent with long established residential development patterns.

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

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

iii. In areas where a mixed density pattern is already established by zoning or use, where it is compatible with existing area land uses, and where adequate infrastructure is or will be available.

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

The request furthers this goal and policy and numerous sub-policies by making the existing multi-unit low-density residential development of the subject site conforming and adding to the mixture of housing types present within the Wells Park neighborhood. The combination of the R-T zone district and the Sawmill/Wells Park CPO-12 will maintain the characteristics of the existing development and the Wells Park neighborhood that has been established long before current zoning regulations came into existence. By allowing the existing duplex and ADU on the subject site, the zone change will make the existing housing on the property permissive that includes three different small families or a multi-generational living situation in a location that has good access to transit that provide options for transportation, work areas, and lifestyles. This existing moderate density of housing is appropriate in this location because it is located where a mixed density pattern is already established, with good street connectivity, and where the existing infrastructure has and will continue to support it. This small-scale, infill housing development adds a complementary housing type that remains compatible with the overall form and scale of the immediately surrounding development due to the two-story (26 foot) height limitation of the R-T zone, the CPO-12 overlay regulations, and the neighborhood edge provisions of the IDO.~~The request would not help to create healthy, sustainable, and distinct communities with a mix of uses conveniently accessible from surrounding neighborhoods because, as shown in the record, the existing units have only added increased density to a single lot. The existing units offer a choice in transportation but do not offer a choice in work areas. There is increased density on the~~

~~subject site when compared to the surrounding properties but the characteristic of the community which is of small bungalows, Southwest Vernacular, and New Mexico Vernacular architecture has not been maintained.~~

~~Infill development has not been encouraged in this case as the subject site is already developed and does not qualify as infill. The existing units on the subject site are not compatible in form and scale to the immediately surrounding development.~~

~~D.C.~~ *Policy 5.3.1 Infill Development: Support additional growth in areas with existing infrastructure and public facilities.

~~This request does not support additional growth as the property is already developed and does not qualify as infill. This request facilitates the improvement and preservation of the current uses, which are nonconforming. Alterations to the subject site, which is surrounded by developed properties is considered infill development.~~

9. INSERT FINDING ABOUT CONFORMANCE WITH COMPREHENSIVE PLAN HOUSING POLICIES, AS INCLUDED IN THE JUSTIFICATION AND REFERENCED BY LONG RANGE PLANNING STAFF.

10. ADD FINDING REFERENCING THE SAWMILL/WELLS PARK MRA PLAN.

~~9-11.~~ The applicant has ~~not~~ adequately justified the request pursuant to Integrated Development Ordinance (IDO) Section 14-16-6-7(G)(3)-Review and Decision Criteria for Zoning Map Amendments, as follows:

A. Criterion A: Consistency with the City's health, safety, morals and general welfare is shown by demonstrating that a request furthers a preponderance of applicable Comprehensive Plan Goals and policies (and other plans if applicable) and does not significantly conflict with them. ~~The applicant's justification does not state this and, more importantly, does not prove it. Consistency with the City's overall health, safety, and general welfare is not possible when significant conflicts with various applicable Goals and Policies are present. Based on the justification provided by the applicant and the findings adopted above, the request furthers (and is not in conflict with) a preponderance of applicable Comprehensive Plan goals and policies regarding complete communities and providing affordable housing options.~~

~~The request conflicts with Goals and Policies regarding distinct communities, identity and design, desired growth, complete communities, land uses, and infill development. These issues affect the Wells Park Neighborhood, resulting in conflicts with community identity and desired growth brought on by development in the area.~~

B. Criterion B: The applicant's policy-based response and demonstration of the existing nature of residential development within the Wells Park neighborhood has ~~not~~ adequately demonstrated that the request for a new zone would clearly reinforce and strengthen the established character of the surrounding Area of Consistency. The response to Criterion B is ~~not~~ adequate.

C. Criterion C: The subject site is located wholly in an Area of Consistency, so this criterion does not apply. The response to Criterion C is sufficient.

- D. Criterion D: The applicant compared the existing R-1A zoning to the proposed R-T zoning, noting which uses would become permissive in the new zone and explaining that properties nearby are zoned R-T. As is clearly shown, only townhouses, bed and breakfast and art gallery become permissive with the requested zone change.

Furthermore, any development on the subject site would have to comply with the IDO's Use Specific Standards and the requirements of the CPO-12 overlay zone, which would help mitigate potential harm to the surrounding properties, neighborhood, or the community. The development standards all serve to limit the overall density of the site. The response to Criterion D is sufficient ~~but staff does not agree.~~

- E. Criterion E: The request meets the requirement that the City's existing infrastructure and public improvements have adequately served the subject site for many years and have adequate capacity to serve the development made possible by the change of zone. The units are served by the existing roadway network including Los Tomases street frontage, nearby transit, water/sewer services, and storm drainage systems. The response to Criterion E is sufficient.
- F. Criterion F: The requested zone change is not completely based on the property's location on a major street. The property is located on Los Tomases Drive NW, between Summer Avenue NW and Kinley Avenue NW. Los Tomases Drive NW is a local road. The response to Criterion F is sufficient.
- G. Criterion G: Economic considerations are a factor, but the applicant's justification is not completely or predominantly based upon them. The justification is also not based completely or predominantly upon the cost of land since the applicant already owns the subject site. The main purpose of the request is to change the zoning in order to bring the existing, nonconforming uses into compliance and to provide a variety of affordable, small-scale housing options to the community. The response to Criterion G is sufficient ~~but staff does not agree.~~
- H. Criterion H: The request will create a spot zone because it would apply a zone different from the surrounding zone district. As per the Applicant, the nature of the structures already on the premises make it unsuitable for uses allowed in adjacent zone districts because under the R-1A zoning the only way to make the duplex conforming is with a subdivision. However, if the property were to be subdivided the accessory dwelling unit would not be allowed. Furthermore, the request does wrench the lot from its environment in such a way that it "disturbs the tenor of the neighborhood." It has been demonstrated that the existing neighborhood includes numerous examples of similarly situated low-density residential development and the request is consistent with this character and clearly facilitates realization of the Comprehensive Plan by providing additional, affordable housing options in the area. The response to Criterion H is sufficient ~~but staff does not agree with the justification provided pertaining to the creation of the spot zone.~~

~~10. The applicant's policy analysis does not adequately demonstrate that the request furthers applicable Goals and policies in the Comprehensive Plan and significantly conflicts with them.~~

11-12. The affected neighborhood organizations is the Wells Park Neighborhood Association (WPNA), which the applicant notified as required. Property owners within 100 feet of the subject site were also notified as required.

12-13. The applicant's agent attended the Wells Park Neighborhood Association meeting at the request of the WPNA President. The meeting was held to discuss the request to change the zoning from R-1A (Single-Family Residential) to R-T (Residential – Townhouse). Michael Vos provided an overview showing the property location and existing zoning. The issues of the non-conforming use were discussed and a list of allowable uses in the R-T zone were explained.

13-14. As of this writing, Staff has received emails from members of the Wells Park Neighborhood Association who oppose the Zoning Map Amendment. They are concerned that the request would create a spot zone that would be inconsistent with CPO-12 and believe that the request is not adequately justified. It was also mentioned that the Zoning Map Amendment would violate the Comprehensive Plan's goals for neighborhoods specifically Policy 4.1.4-Neighborhoods. Other comments have centered on the house barely fitting on the lot and allowing the exception would mean that more changes will be possible in the future.