

PLANNING DEPARTMENT
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OFFICIAL NOTIFICATION OF DECISION

February 19, 2021

John Herrera & Family
1621 Bluffside Pl. NW
Albuquerque NM, 87105

PR-2020-004919/RZ-2021-00004
Zoning Map Amendment (Zone Change)

LEGAL DESCRIPTION:

Modulus Architects Inc., agents for John Herrera, requests a Zoning Map Amendment from PD to R-T, for all or a portion of Lots 1-A, 2-A-1, 2-A-2, 3-A, 4-A, Herrera Redivision, located on 90th St. SW, between San Ygnacio Rd. SW and Sage Rd. SW, approximately 5 acres. (L-09-Z)

Staff Planner: Leslie Naji

On February 18, 2021, the Environmental Planning Commission (EPC) voted to approve Project #2020-004919, RZ-2021-00004, based on the following findings:

1. The request is for a zoning map amendment (zone change) for an approximately 4.98-acre site known as all or a portion of Lots 1-A, 2-A-1, 2-A-2, 3-A, 4-A, Herrera Redivision, located on, 90th St. SW, between San Ygnacio Rd. SW, and Sage Rd. SW. The site is currently vacant.
2. The Environmental Planning Commission (EPC) is hearing this case because the EPC is required to hear all zone change cases, regardless of site size, in the City.
3. The subject site is zoned PD (Planned Development). The purpose of the PD zone district is to accommodate small- and medium-scale innovative projects that cannot be accommodated through the use of other base zone districts, provided that those projects are consistent with the Albuquerque/Bernalillo County Comprehensive Plan (ABC Comp Plan), as amended and include standards that would not otherwise be required of the applicant in order to provide significant public, civic, or natural resource benefits. This zone district is applied on a case-by-case basis to reflect a negotiated agreement for uses and standards with the applicant. Allowable uses are negotiated on a case-by-case basis.
4. The applicant is requesting a zone change to R-T (Residential - Townhouse Zone District) which will permit the property owners to develop per IDO regulations in an efficient process rather than requiring an EPC-Site Plan. The purpose of the R-T zone district is to accommodate a mix of single-family, two-family, and townhouse uses, as well as limited civic and institutional uses to serve the surrounding residential area.

The subject site is located within an Area of Consistency as designated in the Comprehensive Plan. The subject site is not located within a Protection Overlay Zone.

5. There is PD zoning to the north of the site. Lots to the south, east, and west of the subject site are zoned R-1.
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 generally furthers the following, applicable Comprehensive Plan Goals and policies in regards to Community Identity:
 - A. POLICY 4.1.1 Distinct Communities: Encourage quality development that is consistent with the distinct character of communities. [ABC]

Respect existing neighborhood values and social, cultural, recreational resources. The rezoning to R-T zoning will respect the existing residential character of the surrounding neighborhood. R-T will encourage low-intensity residential development and prevent commercial development along a residential street.
 - B. 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.

The requested zone map amendment to R-T from PD will reduce the possible uses of the site and allow for development more consistent with the surrounding area which is largely single-family residential.
 - C. POLICY 4.1.4 Neighborhoods: Enhance, protect, and preserve neighborhoods and traditional communities as key to our long-term health and vitality. [ABC]

The application supports Policy 4.1.4 as it will remove commercial development, which is located half a mile to the west, while providing a variety within the housing stock of the area.
8. The request generally furthers the following, applicable Comprehensive Plan Goals and policies in regards to Land Use:
 - A. GOAL 5.2- Complete Communities: Foster communities where residents can live, work, learn, shop, and play together.

POLICY 5.2.1- Create healthy, sustainable, and distinct communities with a mix of uses that are conveniently accessible from surrounding neighborhoods. [ABC]

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

- k) Discourage zone changes to detached single-family residential uses on the West Side.
- n) Encourage more productive use of vacant lots and under-utilized lots, including surface parking.

The application encourages development comparable with the residential character of the surrounding area while discouraging additional detached single-family residential uses. It will also facilitate the development of a large vacant lot and put it to productive use.

- B. 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.

The proposal supports development in an area with existing infrastructure. The ultimate development of the site will also provide a completed sidewalk for the public good.

POLICY 5.3.1-Infill Development: Support additional growth in areas with existing infrastructure and public facilities.

The site is served by existing city infrastructure. R-T zoning of the site will promote a simplified development process on a site requiring no new city service expansion.

- C. GOAL 5.4 - Jobs-Housing Balance: Balance jobs and housing by encouraging residential growth near employment across the region and prioritizing job growth west of the Rio Grande.

The issue of job/housing balance on the west side is not one that will be solved with small developments such as this request. There is some retail employment within a half a mile of the site and a housing project other than detached single-family could serve this employment market.

POLICY 5.4.1 Housing near Jobs: Allow higher density housing and discourage single-family housing near areas with concentrated employment. [ABC]

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

Infrastructure is available around the site as are basic service.

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

A mixed-use development would not be well suited to this site as there is not an employment center nearby.

- c) See Housing Goal 9.1 for policies about housing supply and affordability.

This request addresses policies for housing supply affordability. (See Goal 9.1)

POLICY 5.4.2 West Side Jobs: Foster employment opportunities on the West Side.

- a) Ensure adequate capacity of land zoned for commercial, office, and industrial uses west of the Rio Grande to support additional job growth.

This site was original zoned residential 9 du per acre. In the IDO it was converted to PD. The 98th/Gibson Comprehensive Plan Center is located less than 1.5 miles southwest of the subject site. A smaller commercial area is located .5 miles to the west along Sage Road. These areas provide for commercial and office uses along a Community Principal Arterial road and satisfy Policy 5.4.2.

POLICY 5.6.3 - Area of Consistency: Direct growth and more intense development to Centers, Corridors, industrial and business parks, and Metropolitan Redevelopment Areas where change is encouraged.

- a) Ensure that development reinforces the scale, intensity, and setback of the immediately surrounding context.

R-T zoning would allow for development of appropriately scaled buildings and use within the IDO design standards for areas of consistency.

- d) In areas with predominantly single-family residential uses, support zone changes that help align the appropriate zone with existing land uses.

The surrounding area, most significantly across 90th St., is detached single-family residential. The potential commercial uses allowed in the current PD zoning are not suited to this strictly residential street. R-T zoning will maintain the small intensity residential character of the area and allow some variety in that residential offering.

9. The request generally furthers the following, applicable Comprehensive Plan Goals and policies in regards to Housing:

A. 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. [ABC]

The addition of townhomes in the area will provide variety in the housing stock which is currently all detached single-family houses. This supports Policy 9.1.1.

B. POLICY 9.1.2 Affordability: Provide for mixed-income neighborhoods by encouraging high-quality, affordable and mixed income housing options throughout the area. [ABC]

The introduction of townhouses will provide for a mixed-income housing option not currently available. This supports Policy 9.1.2.

C. 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. [ABC]

The request furthers Policy 9.2.1 by promoting low intensity housing along a residential street that has immediate access to detached single-family homes.

10. The applicant has adequately justified the request pursuant to the Integrated Development Ordinance (IDO) Section 6-7(F)(3)-Review and Decision Criteria for Zoning Map Amendments, as follows:

- A. Criterion A: Consistency with the City's health, safety, and general welfare is shown by demonstrating that a request furthers applicable Comprehensive Plan Goals and Policies (and other plans if applicable) and does not significantly conflict with them. The applicant has adequately demonstrated, in policy-based response, that the request would be consistent with the City's health, safety, and general welfare.
- B. Criterion B: The proposed amendment is located wholly in an Area of Consistency. The existing zoning is inappropriate because a different zone district is more advantageous to the community as articulated by the ABC Comp Plan.

The requested zone map amendment would be more advantageous to the community since many of the ABC Comp Plan goals and policies will be furthered as articulated in the policy analysis section. While the uses would potentially be no different, the streamlined approval process for development in R-T could better suit development possibilities which would support Criterion C. The PD zoning is to serve unique development schemes which is not the case for this site. The surrounding zoning is R-1 which is not well suited to 5 one-acre lots and the townhouse zoning, which would be limited to buildings of no more than three units each, is still homogeneous with the residential character of the neighborhood.

- C. Criterion C: The proposed amendment is located wholly in an Area of Consistency so this criterion does not apply.
- D. Criterion D: None of the permissive uses in the R-T zone will be harmful to the adjacent property, neighborhood, or community.

All uses permitted in the requested R-T zone are also permitted in the existing PD zone. PD uses are determined on a case-by-case basis; however, the negotiated uses are required to be shown on a Site Plan, reviewed and approved by the EPC, prior to development.

- E. Criterion E: The City's existing infrastructure and public improvements currently have adequate capacity to serve the proposed development.
- F. Criterion F: The justification for the request is not solely based on the property's location on a major street. The basis is connected more to providing a clearer and more predictable set of allowed uses, development standards, and path to development. It will also (potentially) lead to faster infill development of a large vacant parcel within a residential neighborhood.

- G. Criterion G: The justification is not based completely or predominantly on the cost of land or economic considerations. Economics do play a part as the change is requested for expediency in design and approvals for developing under R-T zoning which will be less costly than designing a townhouse development through PD standards. The land has been in the family for decades so that the cost of the land is not a factor.
- H. Criterion H: Application of the R-T zone may constitute a spot zone because it is different from the surrounding zones to the north, east, south and west. The requested change to R-T will clearly facilitate implementation of the ABC Comp Plan, as amended, as discussed in the preponderance of goals and policies further by the change.

The current Zoning potentially allows for any land use, including the townhouses proposed for the site. This request is not for the purpose of allowing a change in use but rather a faster approval process. This zone map amendment would not count as a spot zone due to its size of nearly five acres and its similar use (residential) to the surrounding areas. The change also addresses criterion H- 1 as it is a transition from PD to the north and R-1 to the south.

12. The applicant's policy analysis adequately demonstrates that the request generally furthers a preponderance of applicable Goals and Policies in the Comprehensive Plan and does not significantly conflict with it. Based on this demonstration, the proposed zone category would be more advantageous to the community than the current zoning.
13. The applicant notified property owners within 100 feet as required by the IDO for a Zone Map Amendment-EPC application. The applicant also notified the affected neighborhood associations, Westgate Heights, Southwest Alliance of Neighborhoods (SWAN), Westside Coalition of Neighborhood Associations, and South Valley Coalition of Neighborhood Associations.
14. As of this writing, there are no letters in support of or opposition to this request.

APPEAL: If you wish to appeal this decision, you must do so within 15 days of the EPC's decision or by **March 5, 2021**. 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 14-16-6-4(U) of the IDO, Administration and Enforcement. 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

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regulations of the City Zoning Code must be complied with, even after approval of the referenced application(s).

Sincerely,

for Brennon Williams
Planning Director

BW/LN

cc: awilliamson@modulusarchitects.com

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