



**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

April 14, 2017

City of Albuquerque
Metro Redevelopment Agency
600 2nd St. NW
ABQ, NM 87102

Project# 1006936
17EPC-40005 Sector Development Plan Map
Amendment

LEGAL DESCRIPTION:

The above action for all or a portion of Silver Gardens Subdivision, Tract 1, zoned SU-3/Housing focus to SU-3/Arts and Entertainment focus within the Downtown 2025 Sector Development Plan, located on Silver St., between 1st and 2nd St., SW. (K-14-2)
Staff Planner: Cheryl Somerfeldt

PO Box 1293

Albuquerque

NM 87103 On April 13, 2017 the Environmental Planning Commission (EPC) voted to **APPROVE** Project 1006936, 17EPC-40005 a Sector Development Plan Map Amendment, based on the following findings:

FINDINGS:

www.cabq.gov

Project # 1006936, Case # 12EPC-40019

Zone Map Amendment

1. This is a request for a Sector Development Plan Map Amendment Zone Change to the Downtown 2025 Sector Development Plan for Lot 1 of the Silver Gardens subdivision located on the north side of Silver Avenue between 1st and 2nd Streets (101 Silver Avenue), an approximately 0.8 acre vacant half city block.
2. The request is to amend the zoning of the subject site from SU-3/Housing Focus to SU-3/Arts and Entertainment Focus in order to develop an urban mixed-use building. This will revise some uses that were review required to be permitted, will permit artisanal and craft manufacturing, and will change the allowed building types to those with larger massing and no restriction on height at the center of the block.

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3. In 2000, the Downtown 2010 Sector Development Plan was adopted for the properties within the boundaries of the downtown core. In 2013, the Downtown 2010 Sector Development Plan was amended by City Council (R-2014-029) and renamed the Downtown 2025 Sector Development Plan.
4. Although uses generally correspond with the R-3 and C-2 zones of the City's Zoning Code, the five districts (Housing, Government/Financial Hospitality, Warehouse, Mixed Use, and Arts and Entertainment) further delineate the Downtown 2025 Sector Development Plan Area to regulate uses, building types, and design guidelines.
5. The subject site is within a Major Activity Center as part of the Central Urban Area, which is part of the larger Established Urban Area as designated by the Albuquerque/Bernalillo County 2002 Comprehensive Plan.
6. The request generally furthers the following applicable Goals of the Comprehensive Plan:

Land Use, Developing and Established Urban Area Goal: The request would contribute to offering variety and maximum choice in the area, particularly regarding commercial uses. New construction would be required to meet the general regulations in the Downtown 2025 Sector Development Plan which was intended to provide quality infill development.

Land Use, Activity Centers Goal: The request will facilitate a public/private partnership that will result in the expansion and concentration of moderate and high-density mixed land use in the Downtown Major Activity Center.

The SU-3/Arts and Entertainment Focus will allow for expanded permitted uses and building height which will concentrate moderate and high-density mixed land use and social/economic activities, reduce urban sprawl and auto travel needs, and enhance the identity of Albuquerque.

Community Resource Management, Economic Development Goal: The request expands options for diversified economic development. The MRA evaluated past projects for quality infill potential with primary interest in important social, cultural, and environmental goals over purely economic goals.

7. The request furthers the following Central and/or Established Urban Areas' Comprehensive Plan Policies:

Policy II.B.5.e: The property is one of a few remaining undeveloped properties within the downtown core. The subject request will allow for development that will be more likely to support the adjacent, previously developed properties. Development intensity is appropriate for the area and will not adversely affect social, cultural, or recreational resources.

Policy II.B.5.o: The request will allow for services and uses that will provide strength and stability to the community. The MRA has been a committed neighbor to downtown, working with the community to improve residential development, promote equitable economic development, and support historic preservation.

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Policy II.B.5.p: The request will facilitate a partnership between the City and a private sector developer(s) to redevelop the property as a catalyst project in a cost effective manner.

Policy II.B.6: Land Use, Central Urban Area. The requested SU-3/Housing Focus to SU-3/Arts and Entertainment Focus is specifically designed to promote uses and building types that promote the arts, cultural, and public facilities/activities. The subject property is located within the heart of the Central Urban Area and the historic center of downtown Albuquerque. As the downtown core has grown and revitalized, the need to adjust the focus of certain properties to meet the changing needs of the area has also grown.

8. The request furthers the following Activity Centers Comprehensive Plan Policies:

Policy II.B.7.a: The request will maintain the desired development pattern of the Major Activity Center by supporting a mix of uses and concentrated activity. The property is located between the Alvarado Transportation Center and the Imperial Building which has ground level retail businesses. The development of the site will create a continuous frontage along the north side of Silver Avenue from the Alvarado Transportation Center to 3rd Street, increasing pedestrian and transit activity. The requested SU-3/Arts and Entertainment Focus will be more likely to create mixed-use concentrations of interrelated activities as represented by its building types than the SU-3/Housing Focus which is intended to be primarily residential.

Policy II.B.7.b: The requested SU-3/Arts and Entertainment Focus will encourage residential uses on the upper floors. Development would exceed the desired densities above 30 dwelling units per acre.

Policy II.B.7.c: The surrounding context of the subject property is existing structures of varying height, mass and volume. The request permits buildings with more variety in massing and height which is appropriate for the area. Although several of the building types in the Arts and Entertainment District have no height restriction on the interior of the block, a setback is required, which is a step-like recession above the initial designated stories per the DT 2025 SDP.

Policy II.B.7.f: The subject site is appropriately buffered from low density residential development. Downtown has many mid-rise and high-rise buildings and the request will not be out of place or harmful to areas of less intensive development.

Policy II.B.7.j: The request will facilitate a public/private partnership between the City of Albuquerque and a private developer. The partnership that is created will contribute to the vitality and success of the Downtown Major Activity Center and help to encourage additional investment.

9. The request furthers the following Economic Development Comprehensive Plan Policies:

Policy II.D.6.a: The request will better facilitate new employment opportunities in the area that will accommodate a wide range of occupational skills and salary levels. These new

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employment opportunities may be filled by local residents. The request will increase the number of businesses and services available in the area for residents and visitors alike.

Policy II.D.6.b: The request will allow a diversity of uses that will create a path for local and national businesses and professional firms to locate on the property. New development and businesses may be a catalyst in the area and encourage additional private investment.

Policy II.D.6.g: The request will allow for a variety of employment-based uses to occur on the property. The mix of retail and residential uses will contribute to the balance of housing and jobs in the area while reducing travel demand.

10. The subject site is within the boundaries of the Downtown 2025 Sector Development Plan (SDP). The request is in general compliance with the following applicable goals and policies of the Downtown 2025 SDP:

Employment Policy #2: Encouraging small businesses to locate and stay Downtown.

The request will contribute to small and locally owned business taking advantage of the downtown marketplace. With ground level storefront access, small business can take advantage of increased pedestrian activity due to the many recent mixed-use development projects.

Tourism & Hospitality: Make Downtown and the Historic district a "tourist destination".

The request will continue redevelopment and investment in downtown near other amenities such as the Alvarado Transportation Center, increasing the attractiveness and desirability of downtown as a tourist destination.

11. The applicant has justified the zone change request pursuant to *R-270-1980* as follows:
- A) Consistency with the health, safety, morals, and general welfare is shown by demonstrating that the request furthers applicable goals and policies from the 2002 Comprehensive Plan and the Downtown 2025 SDP.
 - B) The applicant has adequately demonstrated that the zone change is justified, and that the future uses would not adversely affect stability of land use or zoning in the area. No uses will be removed. Housing above the ground floor will continue to be a permitted and an important use. The SU-3/Arts and Entertainment Focus will provide continuity in use and architectural style within the context of downtown.
 - C) The request would clearly facilitate realization of applicable goals and policies in the Comprehensive Plan and the Downtown 2025 SDP, as detailed in Findings 6 – 10 above.
 - D) The existing zoning is inappropriate because of changed neighborhood or community conditions. There has been a larger increase in residents than originally expected and

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an increase in services such as the Alvarado Transportation Center and the Imperial Building's Silver Street Market due to MRA projects. With fewer options for vacant land or re-use of existing buildings, it is important to provide a larger variety of downtown uses than the SU-3/Housing Focus permits.

- E) The request will not create a situation where permissive uses would be harmful to the adjacent properties, the neighborhood, or the community. The existing SU-3/Housing Focus requires review for retail/services and office/institutional uses. The requested SU-3/Arts and Entertainment Focus will also permit Artisanal and Craft Manufacturing when previously prohibited, which is not seen as harmful but encouraged in the area to provide a variety of local and urban experiences.
 - F) The zone change would not require any major or unprogrammed capital expenditures by the City. The Metropolitan Redevelopment Agency is able to enter into agreements and create Public/Private partnerships, but cannot enter into an agreement unless all funding needed to complete a project has been secured.
 - G) The determining factor for the request is the redevelopment of the downtown core with appropriate uses and building types. The cost of land or other economic consideration is not the determining factor for the request.
 - H) The subject site's location on a collector street (Silver Avenue) is not in itself the justification for the zone map amendment request. The site's proximity to thousands of residents, tens of thousands of employees and the City's primary transportation center, and furthering the Downtown 2025 SDP's "park once and walk" vision make the site's location significant. Providing appropriate services and retail options in addition to residential uses makes the request more suitable for the property and its location in the downtown community.
 - I) There are several other properties in the immediate area that are zoned the same as the request. The request would not represent a "spot zone".
 - J) Other properties surrounding the subject property are zoned the same as the request. These properties are not adjacent to each other on a strip of land along one street. The request would not represent a "strip zone".
12. The DowntownABQ MainStreet Initiative Board submitted a letter in support of the request on April 5, 2017, which has been included as part of this record.
 13. A facilitated meeting occurred on Thursday, April 6, 2017, and a copy of the facilitated meeting report has been included as part of this record.
 14. The Silver Platinum Downtown Neighborhood Association (SPDNA) submitted a letter of opposition to the request dated March 9, 2017, which has been included as part of this record. At the hearing the President of the SPDNA stated that the SPDNA is not in

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opposition to the sector development plan map amendment (zone change), but desire to have input on the site plan. Under the DT 2025 SDP, the site plan is delegated to staff.

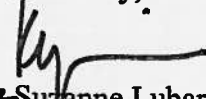
APPEAL: If you wish to appeal this decision, you must do so within 15 days of the EPC's decision or by **APRIL 28, 2017**. The date of the EPC's decision is not included in the 15-day period for filing an appeal, and if the 15th day falls on a Saturday, Sunday or Holiday, the next working day is considered 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).

SITE DEVELOPMENT PLANS: Pursuant to Zoning Code Section 14-16-3-11(C)(1), if less than one-half of the approved square footage of a site development plan has been built or less than one-half of the site has been developed, the plan for the undeveloped areas shall terminate automatically seven years after adoption or major amendment of the plan: within six months prior to the seven-year deadline, the property owners shall request in writing through the Planning Director that the Planning Commission extend the plan's life an additional five years. Additional design details will be required as a project proceeds through the Development Review Board and through the plan check of Building Permit submittals for construction. Planning staff may consider minor, reasonable changes that are consistent with an approved Site Development Plan so long as they can be shown to be in conformance with the original, approved intent.

Sincerely,


Suzanne Lubar
Planning Director

SL/CS

cc: COA, Metro Redevelopment Agency, 600 2nd St., NW, ABQ, NM 87102
Barelas NA, Elisha Miranda-Pohl, 5418 Evans Rd. SW, ABQ, NM 87102

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Barelas NA, Stephen Eiland, 1115 Santa Fe Ave. SW, ABQ, NM 87102
Broadway Central Corridors Partnership, Inc., Doug Majewski, P.O. Box 302, ABQ, NM 87103
Broadway Central Corridors Partnership, Inc., Rob Dickson, P.O. Box 302, ABQ, NM 87103
Citizens Info. Committee of Martineztown, Kristi Houde, 617 Edith Blvd. NE Apt. #8, ABQ, NM 87102
Citizens Info. Committee of Martineztown, Frank Martinez, 501 Edith Blvd. NE, ABQ, NM 87102
Downtown Neighborhoods Association Reba Eagles, 1500 Lomas Blvd. NW, Ste. B, ABQ, NM 87104
Downtown Neighborhoods Association David McCain, 1424 ½ Lomas Blvd. NW, ABQ, NM 87104
Huning Highland Historic District Association, Bonnie Anderson, 522 Edith SE, ABQ, NM 87102
Huning Highland Historic District Association, Ann L. Carson, 416 Walter SE, ABQ, NM 87102
Martineztown Work Group, Loretta Naranjo Lopez, 1127 Walter NE, ABQ, NM 87102
Martineztown Work Group, Christina Dauber, 708 Don Tranquilino NE, ABQ, NM 87102
Raynolds Addition NA, Bob Tilley, 806 Lead Ave. SW, ABQ, NM 87102
Raynolds Addition NA, Deborah Foster, 1307 Gold SW, ABQ, NM 87102
Santa Barbara-Martineztown Association, Monique Bell, 1420 Edith Blvd. NE, ABQ, NM 87102
Santa Barbara-Martineztown Association, Carol Krause, 800 Mountain Rd. NE, ABQ, NM 87102
Silver Platinum Downtown NA, Ron Casias, 205 Silver Ave. SW, Apt. #428, ABQ, NM 87102
Silver Platinum Downtown NA, Leonard Morin, 100 Silver Ave. SW, Apt. #401, ABQ, NM 87102
South Broadway NA, Frances Armijo, 915 William SE, ABQ, NM 87102
South Broadway NA, Gwen Colonel, 900 John St. SE, ABQ, NM 87102
Sycamore NA (SYM), Peter Schillke, 1217 Coal Ave. SE, ABQ, NM 87106
Sycamore NA (SYM), Mardon Gardella, 411 Maple St. NE, ABQ, NM 87106
Spruce Park NA Inc. (SPK), Peter Feibelman, 1401 Sigma Chi NE, ABQ, NM 87106
Spruce Park NA Inc. (SPK), Alan Paxton, 1603 Roma Ave. NE, ABQ, NM 87106
Silver Hill NA (SHL), James Montalbano, 1404 Silver Ave. SE, ABQ, NM 87106
Silver Hill NA (SHL), Elizabeth Doak, 1606 Silver SE, ABQ, NM 87106
University Heights NA, Julie Kidder, 120 Vassar SE, ABQ, NM 87106
University Heights NA (UHT), Don Hancock, 105 Stanford SE, ABQ, NM 87106
Victory Hills NA (VHL), Erin Engelbrecht, P.O. Box 40298, ABQ, NM 87196
Victory Hills NA (VHL), Patricia Willson, 505 Dartmouth SE, ABQ, NM 87106
Wells Park NA (WPK), Doreen McKnight, 1426 7th St. NW, ABQ, NM 87102
Wells Park NA (WPK), Mark Horst, 1114 7th St. NW, ABQ, NM 87102
Huning Castle NA (HCS), Harvey Buchalter, 1615 Kit Carson SW, ABQ, NM 87104
Huning Castle NA (HCS), Deborah Allen, 206 Laguna Blvd. SW, ABQ, NM 87104
Clayton Heights/Lomas Del Cielo NA, Isabel F. Cabrera, 1720 Buena Vista SE, ABQ, NM 87106
Clayton Heights/Lomas Del Cielo NA, Eloisa Molina-Dodge, 1704 Buena Vista SE, ABQ, NM 87106
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