



Environmental Planning Commission

**Agenda #: 3
Project #: 2021-005845
Case #: RZ-2021-00029
Hearing Date: September 16, 2021**

Staff Report

<i>Agent</i>	Garcia/Kraemer & Associates
<i>Applicant</i>	Mase LLC
<i>Request</i>	Zoning Map Amendment
<i>Legal Description</i>	Lot 6, Rossiter Addition
<i>Location</i>	4409 9th St. NW between San Clemente Ave. NW and Belrose Ave. NW
<i>Size</i>	Approximately 0.31 acre
<i>Existing Zoning</i>	R-1C
<i>Proposed Zoning</i>	R-T

Staff Recommendation

***APPROVAL of
Project # 2021-005845
RZ-2021-00029
based on the Findings beginning on
Page 24.***

***Staff Planner
Shawn Watson***

Summary of Analysis

This is a request for a Zoning Map Amendment for an approximately 0.31-acre site known as Lot 6, Rossiter Addition and located at 4409 9th St. NW between San Clemente Ave. NW and Belrose Ave. NW. The applicant requests a zone change from R-1C to R-T to allow the existing, legally nonconforming townhouse use to become a permissive use.

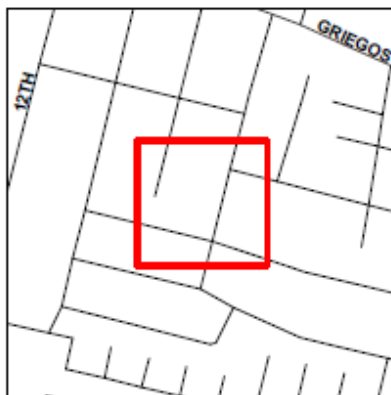
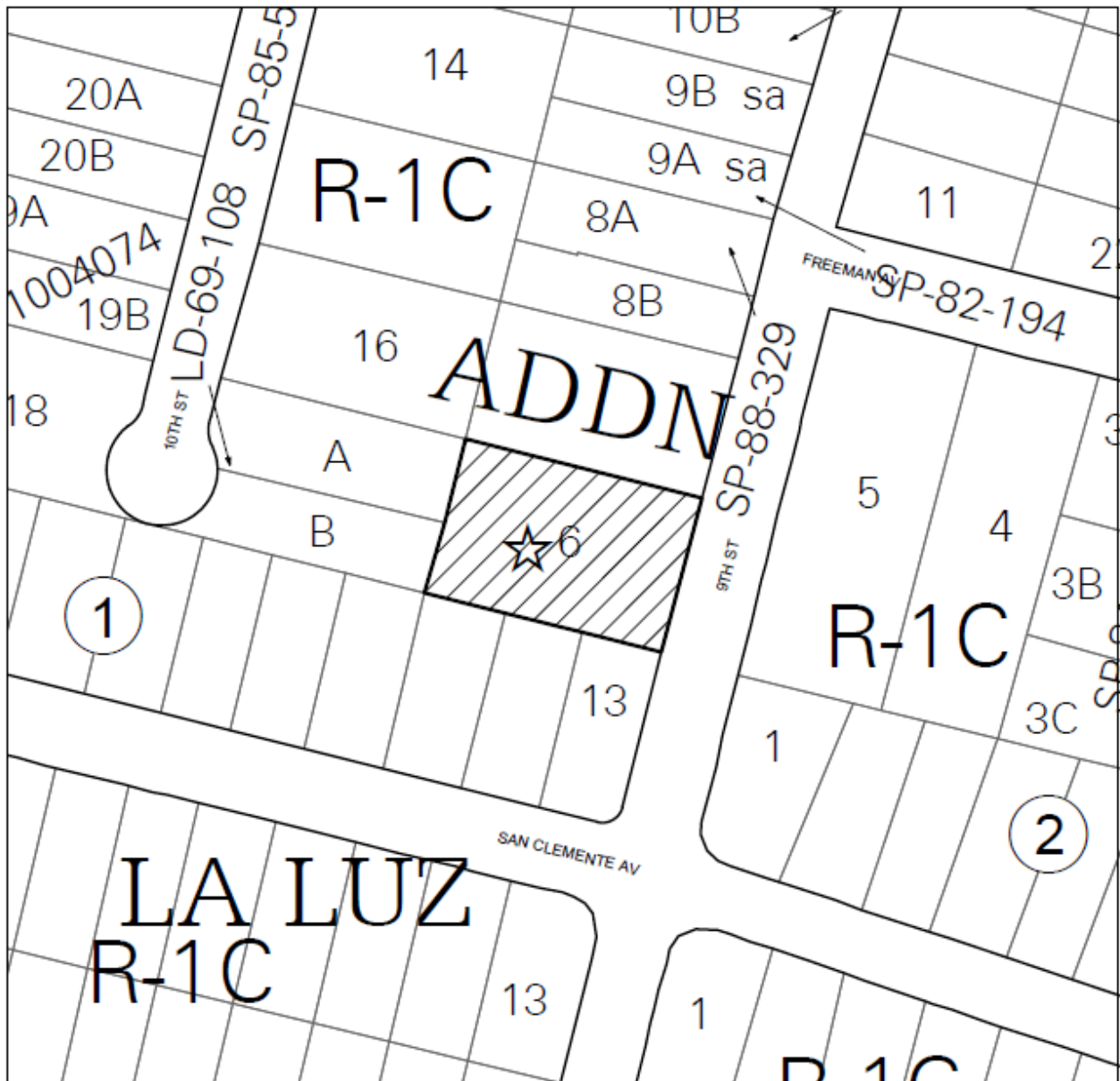
The subject site is in an Area of Consistency, as designated by the ABC Comprehensive Plan. The Zoning Map Amendment has been adequately justified pursuant to the zone change criteria in the Integrated Development Ordinance (IDO).

Property owners within 100 feet of the subject site and affected neighborhood associations (Greater Gardner & Monkbridge NA & North Valley Coalition) were notified as required. Staff received communication inquiring about the purpose and process for the request, and one abutting property owner expressed support.

Staff recommends approval.







IDO ZONING MAP

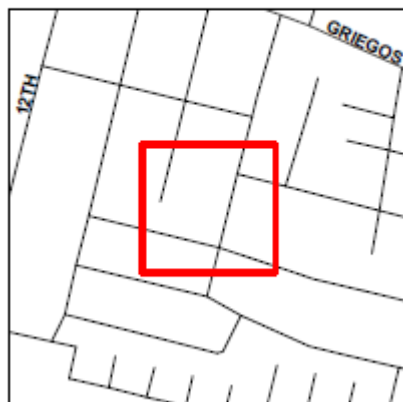
Note: Gray shading
Indicates County.



1 inch = 100 feet

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LAND USE MAP

Note: Gray shading
Indicates County.

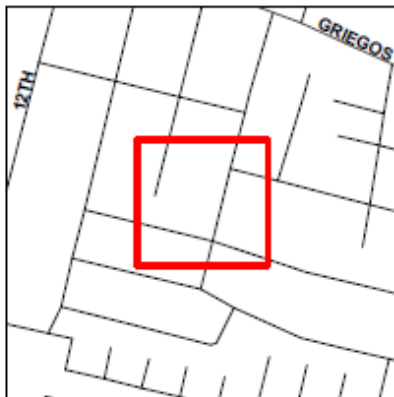
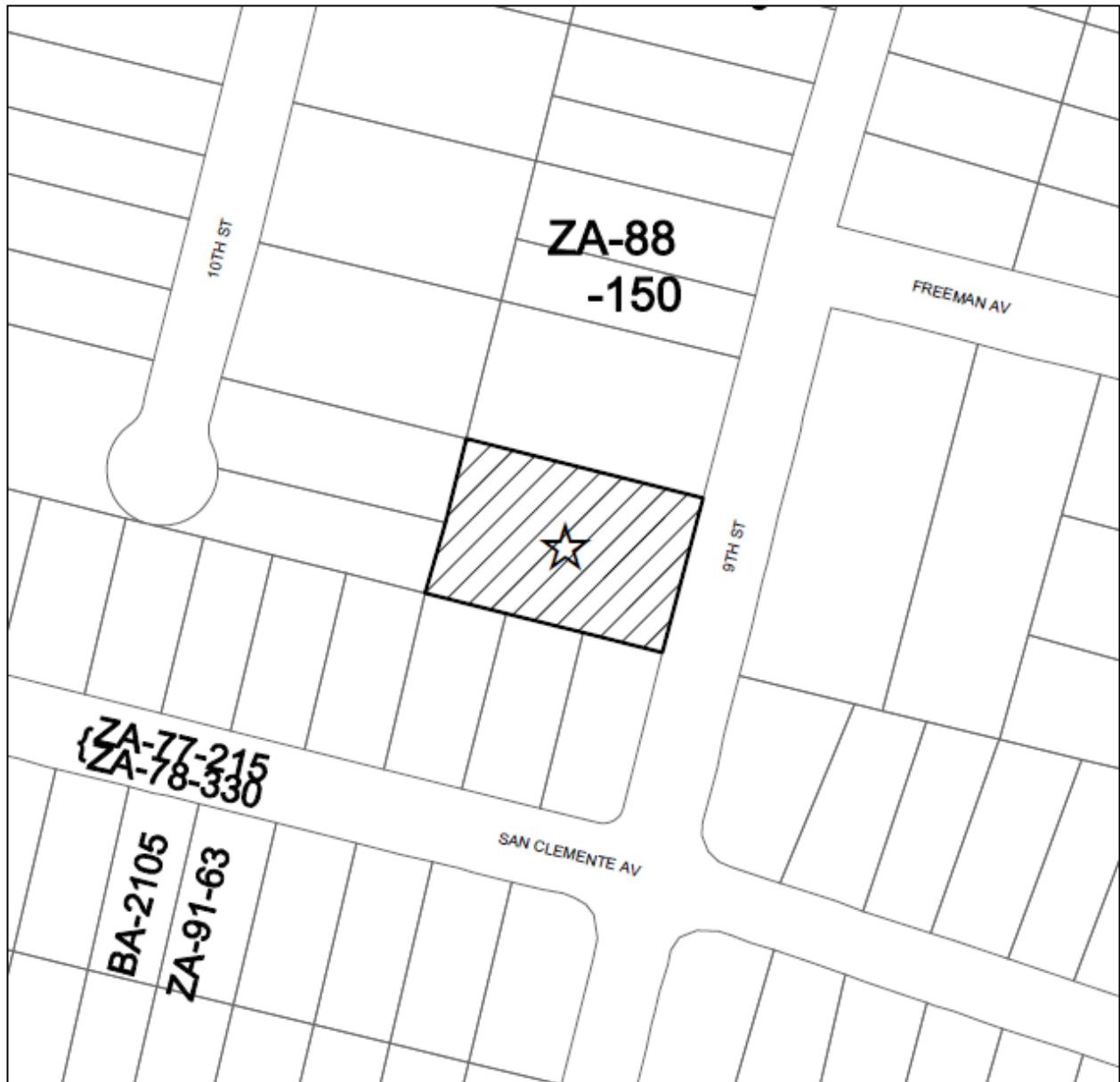
Key to Land Use Abbreviations	
LDRES Low-density Residential	APRT Airport
MULT Multi-family	TRANS Transportation
COMM Commercial Retail	AGRI Agriculture
CMSV Commercial Services	PARK Parks and Open Space
OFC Office	DRNG Drainage
IND Industrial	VAC Vacant
INSMED Institutional / Medical	UTIL Utilities
ED Educational	CMTY Community
	KAFB Kirtland Air Force Base



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HISTORY MAP

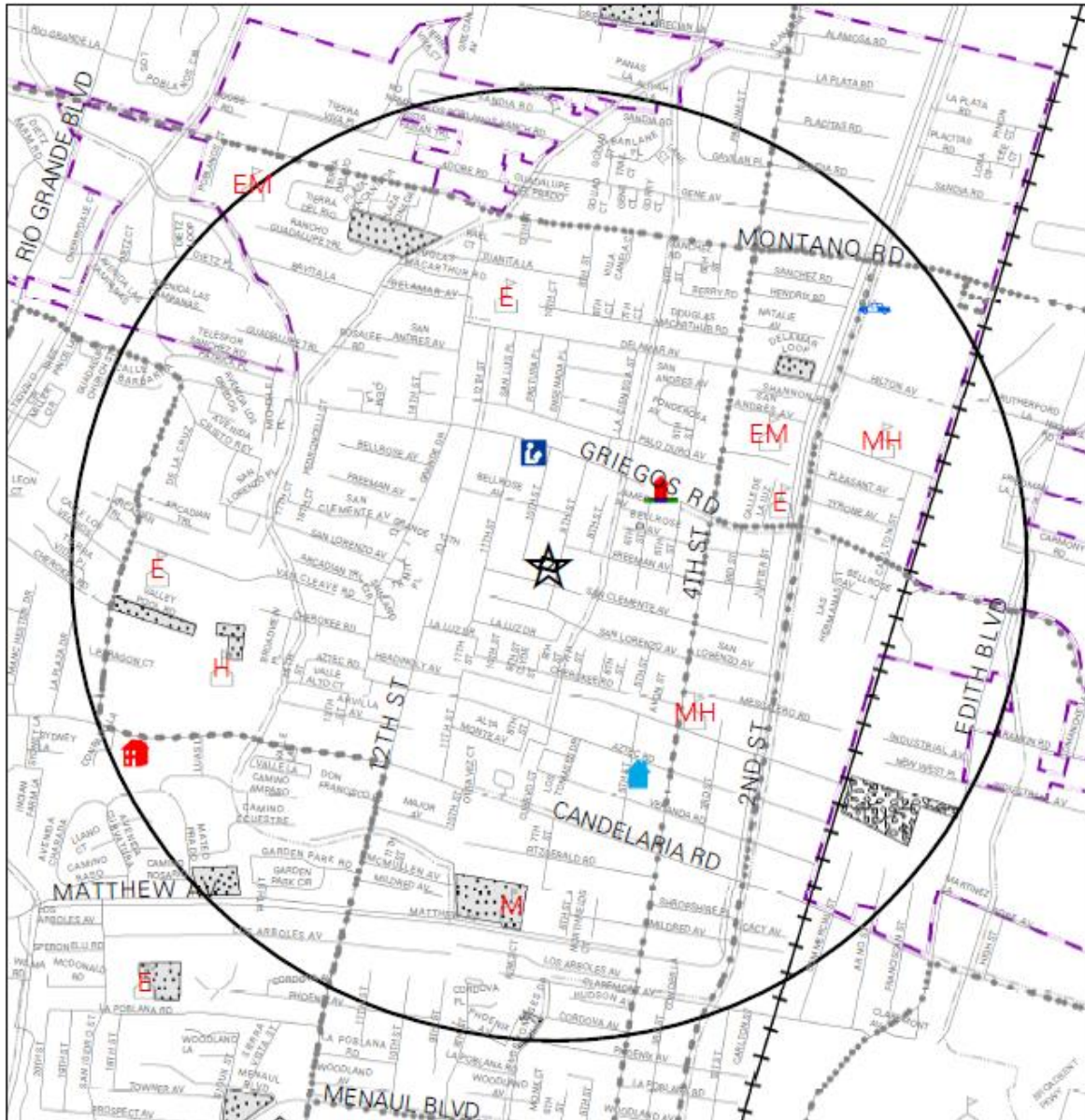
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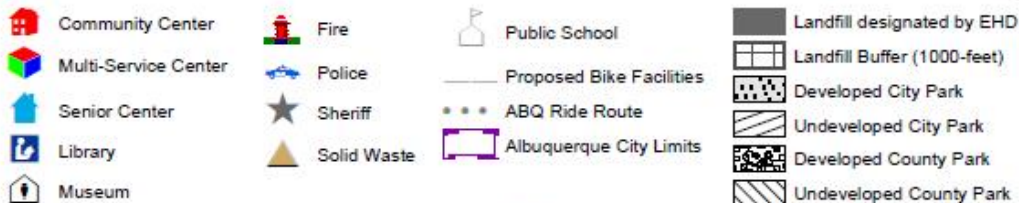
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Public Facilities Map with One-Mile Buffer



Project Number: PR-2021-005845

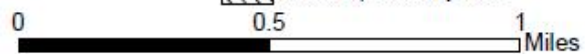


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I. INTRODUCTION

Surrounding zoning, plan designations, and land uses:

	<i>Zoning</i>	<i>Comprehensive Plan Area</i>	<i>Land Use</i>
<i>Site</i>	R-1C	Area of Consistency	Townhouse
<i>North</i>	R-1C	Area of Consistency	Low-density Residential (4 units)
<i>South</i>	R-1C	Area of Consistency	Single-family Residential
<i>East</i>	R-1C	Area of Consistency	Single-family Residential
<i>West</i>	R-1C	Area of Consistency	Single-family Residential

Request

The request is for a Zoning Map Amendment (zone change) for an approximately 0.31-acre site known as Lot 6, Rossiter Addition. The site is located at 4409 9th Street NW between San Clemente Avenue NW and Belrose Avenue NW (the “subject site”). The subject site is zoned R-1C (Residential—Single-family). The applicant is requesting a zone change to R-T (Residential—Townhouse) to allow the existing, legally nonconforming townhouse use.

EPC Role

The Environmental Planning Commission (EPC) is hearing this case because the EPC is required to hear all zone change cases, regardless of the site size, in the City. The EPC is the final decision-making body unless the subject site is 20 acres or greater in size (in which case the EPC is a recommending body) or the EPC decision is appealed. If so, the Land Use Hearing Officer (LUHO) would hear the appeal and make a recommendation to the City Council. The City Council would then make the final decision. The request is a quasi-judicial matter.

Context

The subject site is approximately 0.31 acres. It is developed with an existing townhouse use that has been on the subject site for over seventy years. The subject site consists of two buildings with 5 units in one building and 4 units in the other.

The subject site is surrounded by R-1C zoning and low-density residential uses. All of the abutting properties are zoned R-1C. Some of the abutting properties, as well as those on the

surrounding block, are developed with mixed low-density residential uses and some include large lots, which reflect the historic character and development patterns of this neighborhood.

History

The subject site was likely zoned R-1 (Single-family Residential) with the City's first Zoning Code in 1959. A 1963 Zone Atlas page indicates this R-1 zoning. However, the subject site was developed at least 10 years before it was zoned and therefore precedes establishment of zoning in the city. Historic property records indicate that one building was built in 1944 and the other in 1948, and the records note multiple units, which indicates that the subject site was originally developed with its current townhouse use. Further, both buildings on the subject site, as well as multiple cars, are visible in the 1959 aerial map (see attachments).

The subject site likely would have been eligible to request a zoning conversion during the Post-IDO Voluntary Zone Conversion Process as a nonconforming use, which intended to address existing uses made nonconforming by the IDO and mismatches of land use and zoning the pre-existed the IDO. The applicant notes that the property owner, Mase LLC, was not aware of the Post-IDO Voluntary Zone Conversion Process and, therefore, did not apply.

Transportation System

The Long Range Roadway System (2040 LRRS) map, produced by the Mid-Region Council of Governments (MRCOG), includes existing roadways and future recommended roadways along with their regional role. The portion of 9th Street NW abutting the subject site is not classified on the 2040 LRRS map. Griegos Road NW and 12th Street NW, which are approximately ¼ of a mile from the subject site, are classified as Major Collectors.

Comprehensive Plan Corridor Designation

The subject site is not located along any Corridors as designated by the ABC Comprehensive Plan (Comp Plan). However, the subject site is within ¼ of a mile of the Main Street Corridor on 4th Street.

Trails/Bikeways

The Long Range Bikeway System (LRBS) map, produced by the Mid-Region Council of Governments (MRCOG), identifies existing and proposed trails. The LRBS shows existing bike lanes along Griegos Road NW and 12th Street NW, which are approximately ¼ of a mile from the subject site. The LRBS also shows a potential bike facility along 4th Street, which is less than ½ of a mile from the subject site.

Transit

The subject site is less than ½ of a mile from ABQ Ride Route #10 (North Fourth Street) on 4th Street NW. This route offers service Monday through Sunday with a peak frequency of 25 minutes Monday through Saturday.

Public Facilities/Community Services

Please refer to the Public Facilities Map (see attachment), which shows public facilities and community services located within one mile of the subject site.

II. ANALYSIS OF APPLICABLE ORDINANCES, PLANS, AND POLICIES

Integrated Development Ordinance (IDO)

Definitions

Dwelling, Townhouse: A group of 3 or more dwelling units divided from each other by vertical common walls, each having a separate entrance leading directly to the outdoors at ground level. For the purposes of this IDO, this use is considered a type of low-density residential development, whether the townhouses are platted on separate lots or not. See Also *Development Definitions for Low-density Residential*.

Nonconforming Use: A use of a structure or land that does not conform to the IDO requirements for land uses in the zone district where it is located, but that was an approved use at the time the use began.

Zoning

The subject site is currently zoned R-1C. Pursuant to IDO Subsection 14-16-2-3(B)(1), the R-1C zone district is intended “to provide for neighborhoods of single-family homes with a variety of lot sizes and dimensions. When applied in developed areas, an additional purpose is to require that redevelopment reinforce the established character of the existing neighborhood. Primary land uses include single-family detached homes on individual lots, with limited civic and institutional uses to serve the surrounding residential area.” Specific permissive uses for R-1C are listed in Table 4-2-1: Allowable Uses in the IDO.

The request proposes to change the zone district to R-T. Pursuant to IDO Subsection 14-16-2-3(D)(1), the R-T zone district is intended “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.” Specific permissive uses for R-T are listed in Table 4-2 of the IDO.

The development is currently considered to be a legally nonconforming use pursuant to the criteria in IDO Subsection 14-16-6-8(C), since the current R-1C zone district does not allow the “Dwelling, townhouse” use, but the subject site was developed prior to the City’s first Zoning Code in 1959.

Character Protection Overlay

There are no applicable Historic or Character Protection Overlays on the site.

Albuquerque / Bernalillo County Comprehensive Plan

The subject site is located in an Area of Consistency as designated by the Comprehensive Plan. Applicable goals and policies are listed below. The goals and policies listed below are cited by the applicant in the zone change justification letter dated September 1, 2021 (see attachment).

Chapter 4: Community Identity

Goal 4.1 - Character: Enhance, protect, and preserve distinct communities.

The request would enhance, protect, and preserve the distinct community of Los Griegos by allowing the existing townhouse use to become a permissive use. Properties on the surrounding block, including the subject site, are developed with mixed low-density residential uses and some include large lots, which reflect the historic character and development patterns of this neighborhood. The request furthers Goal 4.1 – Character.

Policy 4.1.1 - Distinct Communities: Encourage quality development that is consistent with the distinct character of communities.

The request would preserve quality development that is consistent with the distinct character of the community. The townhouses have existed for over 70 years, and the request would protect and preserve the distinct community by making it conforming under the IDO, which could facilitate future reinvestment in the property. The request furthers Policy 4.1.1 – Distinct Communities.

Chapter 5: Land Use

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

The request would foster a community where residents can live, work, learn, shop, and play together by making it conforming under the IDO, which could facilitate future reinvestment in the property. Future investment would allow the residential use to continue in an area near commercial uses. This enables residents to access nearby jobs, retail, and transit, especially along 4th Street. The request furthers Goal 5.2 - Complete Communities.

Sub-policy 5.2.1.c: Maintain the characteristics of distinct communities through zoning and design standards that are consistent with long established residential development patterns.

Sub-policy 5.2.1.d: Encourage development that broadens housing options to meet a range of incomes and lifestyles.

The request would maintain the characteristics of distinct communities through zoning and design standards that are consistent with long established residential development patterns. Properties on the surrounding block, including the subject site, are developed with mixed low-density residential uses and some include large lots, which reflect the historic character and development patterns of this neighborhood. The current R-1C zoning does not reflect the mixed low-density uses that exist throughout the block, and the request would align zoning with the uses associated with the long-established residential development patterns (Sub-policy 5.2.1.c). The request would also encourage development that broadens housing options to meet a range of incomes and lifestyles making the existing townhouse use conforming under the IDO, which could facilitate future reinvestment in the existing structures or allow for new housing options (Sub-policy 5.2.1.d). The request furthers Sub-policies 5.2.1.c and 5.2.1.d.

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.

The request would ensure that development in an Area of Consistency reinforces the character and intensity of the surrounding area. The neighborhood is characterized by mixed low-density residential uses and mixed lot sizes, which reflect the area's historic development patterns. The requested R-T zone district would allow uses, including the existing townhouse use, that would reinforce the low-density character of this Area of Consistency. The request furthers Goal 5.6 – City Development Areas.

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.

The request would protect and enhance the character of this low-density residential neighborhood in an Area of Consistency. The current townhouse use has existed over 70 years, and the request would maintain consistency for its residents and the neighborhood. If new development were to occur on the subject site in the future, the requested R-T zone district would allow uses that would reinforce the low-density character of the surrounding neighborhood. The request furthers Policy 5.6.3 – Areas of Consistency.

Sub-policy 5.6.3.b: Ensure that development reinforces the scale, intensity, and setbacks of the immediately surrounding context.

Sub-policy 5.6.3.d: In areas with predominantly single-family residential uses, support zone changes that help align the appropriate zone with existing land uses.

The request would ensure that development reinforces the scale, intensity, and setbacks of the immediately surrounding context in this Area of Consistency. For new development, IDO Section 14-16-5-1(C)(2) Contextual Residential Development in Areas of Consistency regulates lot size and front and side setbacks, and the R-T zone district dimensional standards regulated building height to also reinforce intensity of the

surrounding context (Sub-policy 5.6.3.b). The request would also support a zone change that would help align the appropriate zone with existing land uses in an area with predominately low-density residential uses, which further reinforces the existing character in this Area of Consistency (Sub-policy 5.6.3.d). The request furthers Sub-policies 5.2.1.b and 5.6.3.d.

Chapter 9: Housing

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.

The request would 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. For over 70 years, the existing 9-unit development has supplied the neighborhood with multiple dwelling units that reinforce the low-density residential character of the area. The request would make the existing townhouse use conforming under the IDO, which could facilitate future reinvestment in the property to meet future housing needs at a variety of price levels for the neighborhood. The request furthers Goal 9.1 – Supply.

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.

The request would support the development, improvement, and conservation of housing for a variety of income levels and types of residents and households. The existing townhouses have been on the subject site for over 70 years, and the request could facilitate improvement and conservation of the existing housing by making it conforming under the IDO, which could allow for future reinvestment in the property. The townhouse use allows for existing housing to remain in the neighborhood for a variety of income levels and types of residents and households. If the subject site were to be redeveloped in the future, the request R-T zoning would also allow multiple residential uses that would support this Policy. The request furthers Policy 9.1.1 – Housing Options.

Sub-policy 9.1.1.a: Increase the supply of housing that is affordable for all income levels.

Sub-policy 9.1.1.h: Maintain an affordable housing supply in neighborhoods, in addition to creating market-rate housing, as part of revitalization efforts.

This request would maintain the supply of housing that is affordable for all income levels (Sub-policy 9.1.1.a) and maintain an affordable housing supply in neighborhoods, in addition to creating market-rate housing, as part of revitalization efforts (Sub-policy 9.1.1.h) by making the existing townhouse use conforming under the IDO. The conforming status can more easily facilitate future reinvestment in the property. The existing 9-unit development provides an affordable housing option in the Los Griegos neighborhood. The request furthers Sub-policies 9.1.1.a and 9.1.1.h.

III. ZONING MAP AMENDMENT (ZONE CHANGE)

Requirements

The review and decision criteria outline requirements for deciding zone change applications. The applicant must provide sound justification for the proposed change and demonstrate that several tests have been met. The burden is on the applicant to show why a change should be made.

The applicant must demonstrate that the existing zoning is inappropriate because of one of three findings: 1) there was an error when the existing zone district was applied to the property; or 2) there has been a significant change in neighborhood or community conditions affecting the site; or 3) a different zone district is more advantageous to the community as articulated by the Comprehensive Plan or other, applicable City plans.

Justification and Analysis

The zone change justification letter analyzed here, received on September 1, 2021, is a response to Staff's request for a revised justification (see attachment).

Note: Applicant's Justification is in indented *italics*; Staff's Analysis is indented **bold** text.

- A. The proposed zone change is consistent with the health, safety, and general welfare of the City as shown by furthering (and not being in conflict with) a preponderance of applicable Goals and Policies in the ABC Comp Plan, as amended, and other applicable plans adopted by the City.

The proposed zoning of R-T will not adversely affect the health, safety, and general welfare of the City because the request is not in conflict with the ABC Comp Plan but generally furthers a preponderance of applicable Comprehensive Plan goals and policies regarding complete communities and provides needed and affordable multi-unit housing stock that has existed since 1944 to become a legal conforming use with the appropriate zoning designation. and to continue to be available to the community and surrounding North Valley neighborhood.

Consistency with the City's health, safety, 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 has adequately demonstrated this in a policy-based response. Therefore, the request is consistent with the City's health, safety, and general welfare. The response to Criterion A is sufficient.

- B. If the proposed amendment is located wholly or partially in an Area of Consistency (as shown in the ABC Comp Plan, as amended), the applicant has demonstrated that the new zone would clearly reinforce or strengthen the established character of the surrounding Area of Consistency and would not permit development that is significantly different from that character. The applicant must also demonstrate that the existing zoning is inappropriate because it meets any of the following criteria:

1. There was typographical or clerical error when the existing zone district was applied to the property.
2. There has been a significant change in neighborhood or community conditions affecting the site.
3. A different zone district is more advantageous to the community as articulated by the ABC Comp Plan, as amended (including implementation of patterns of land use, development density and intensity, and connectivity), and other applicable adopted City plan(s).

The existing R-1C zoning is inappropriate because a different zone district is more advantageous to the community as articulated in the ABC Comp Plan as described in the policy analysis above. The existing use and buildings on the property reinforce the established character of the neighborhood which was developed prior to the City's Zoning Code and Subdivision ordinance. There are several multi-unit properties that pre-date the Zoning Code which are both adjacent to this site and along 9th St to the North. Since 1959, the single-family zoning of the property has never been appropriate for this site with 9 units on 1 lot because the R-1 regulations have never allowed more than 1 unit per lot. A change of zoning to R-T would allow the 9 units to be conforming as they originally were when built in 1944.

If approved, a new zone would clearly reinforce and strengthen the established character of the surrounding Area of Consistency. It is believed that no public benefit would be served by removing 8 of the existing units to make the property conforming. After 77 years, we believe that the 9 unit development is a testament to the established character of the immediate neighborhood and surrounding Area of Consistency. Furthermore, as evidenced by almost 80 years of continuous occupancy by tenants, it is undeniable that the property has provided a much needed housing stock and opportunity for renters to live within this community of the North Valley in the Rossiter subdivision, and moreover the continued occupancy as multi-units evidences that a different zone district is more advantageous to the community based on the need and demand for affordable housing. Although there are no plans to redevelop the subject property, a change of zone to R-T would not permit development that is significantly different than the existing development or the character of the surrounding area. In fact, any development would be subject to the controls of the IDO for both dimensional standards and development standards that were designed to give protections to the adjacent residentially zoned properties- such as: setbacks, off-street parking, height, density, open space, and solar rights. The regulatory standards for development in the IDO will ensure that any future development of the property will only allow what all other properties in the area are also entitled to and would not allow development that significantly departs from the established character of the surrounding Area of Consistency.

The subject site is located wholly within an Area of Consistency. A different zone district (R-T) would generally be more advantageous to the community than the existing zone district (R-1C), which the applicant's policy analysis has shown to be inappropriate since the long-standing existing use is not allowed as a permissive use

in the R-1C zone district. The new zone would reinforce the established character of the surrounding Area of Consistency and would not permit development that is significantly different from that character since the neighborhood consists of mixed, low-density residential uses. The request furthers Comprehensive Plan goals and policies relating to Character, Areas of Consistency, and Housing Options. The response to Criterion B is sufficient.

C. If the proposed amendment is located wholly in an Area of Change (as shown in the ABC Comp Plan, as amended) and the applicant has demonstrated that the existing zoning is inappropriate because it meets at least one of the following criteria:

1. There was typographical or clerical error when the existing zone district was applied to the property.
2. There has been a significant change in neighborhood or community conditions affecting the site that justifies this request.
3. A different zone district is more advantageous to the community as articulated by the ABC Comp Plan, as amended (including implementation of patterns of land use, development density and intensity, and connectivity), and other applicable adopted City plan(s).

The subject site is located wholly within an Area of Consistency, so this criterion does not apply.

The subject site is located wholly within an Area of Consistency, so this criterion does not apply.

D. The zone change does not include permissive uses that would be harmful to adjacent property, the neighborhood, or the community, unless the Use-specific Standards in Section 14-16-4-3 associated with that use will adequately mitigate those harmful impacts.

The requested R-T zone and use of the existing buildings on the subject site are intended to remain residential as they have been since 1944. It is the applicant's intent to finally correct the mismatched zoning after 77 years of the same use of land. During those years, there is no evidence that the use of the property for multi-unit residential has been harmful to the adjacent property, the neighborhood, or the community. In fact, the historical and current use of the subject property as residences compliments and is in harmony with the same low density residential uses throughout the surrounding neighborhood.

The uses that become permissive with the R-T zone change would be:

- 1) Dwelling, townhouse, permissive use
- 2) Art Gallery, permissive use
- 3) Bed and Breakfast, permissive accessory
- 4) Independent living facility, permissive accessory
- 5) Farmers' market, temporary

-The following uses will require a Conditional Use approval:

- 6) Dwelling live-work, conditional use*
- 7) Assisted living facility/nursing home, conditional use*
- 8) Adult or child day care facility, conditional use*
- 9) Museum, conditional use, if structure vacant for 5 years or more*

As shown above, besides a temporary farmers' market and an art gallery, the only uses that become permissive with the requested R-T zone are residential in nature. We believe that the limited amount of new permissive uses will help to ensure that future land uses would not depart from the established residential character in the area.

The 2 permissive "accessory" uses that become available in the R-T zone are a Bed and breakfast and an Independent living facility. The use of a Bed and Breakfast requires first that the principal primary use must be residential and then the Bed and Breakfast becomes an accessory use. An Independent Living Facility on the other hand, is only allowed when it is accessory to an Assisted Living Facility/Nursing Home- requiring a Conditional Use approval first.

A temporary use- farmers' market, would become permissive in the R-T zone. Any harmful impacts from this use is controlled and mitigated by the IDO Use Specific Standards of 14-16-4-3(D)(35) for size limitations that are intended to control the amount of people allowed at the market. Also, a farmers' market would be subject to the City's noise ordinance for control of any harmful and disruptive noise during the market operation. This use is also very similar and comparable to a yard sale, which is already a permissive outdoor use in the R-1 zone, and involves the same type of human interaction and presence that is typical with the selling and bartering of items from a property. Although a temporary farmers' market could be a desirable use by some of the residents in the neighborhood, a thorough search for farmers' markets anywhere in the City of Albuquerque, resulted in a total of maybe 12, which are all operating in either city parks, the Rail Yards, or commercial zones. As of this writing, there are no known temporary farmers' markets in any residential zone of the City. It is a reasonable assumption to make that if the zone change is approved, a temporary farmers' market would likely not occur on the property just because it is now permissive. But if a farmers' market were to occur, the

Similarly, the use of an art gallery on this property is also extremely unlikely and impractical. It is believed that the 1944 design of the existing buildings as garden style units would create difficult challenges in terms of changing the occupancy classification and altering the building to meet current building code, fire code, and accessibility requirements for a non-residential art gallery space. Furthermore, the floor plans of the units by design do not offer a space that lends well for the showing and retailing of art. Without major modifications, the wall space and floor space are more limited than found in a typical art gallery. Realistically, we believe that the undertaking to modify the building/s would be financially unfeasible, especially given that the demand for an art gallery in the neighborhood is absent.

The IDO offers the general public further protection from harmful impacts from the few permissive uses that, if R-T zoning is approved, would become available if the property was to be redeveloped in the future. As mentioned above, the intent and implementation of the Use-Specific Standards of the IDO are designed to mitigate any harmful impacts that may result from these newly allowed uses. The Use-Specific Standards of 14-16-4-3 must be complied with if the use is to occur. For each of the new permissive uses allowed in the proposed R-T zone, the following Use-Specific Standards would apply:

14-16-4-3(B)(5) Dwelling Townhouse

The standards in this section would apply to any future expansion or redevelopment of the property and ensure compliance with open space, setbacks, and number of units abutting an adjacent R-1 zone. The following is a comparison of the existing R-1 zone requirements and the proposed R-T zone requirements.

1) Setbacks-

Front: R-1 and RT are the same. For both zones, this is determined by the existing front setbacks of primary buildings on adjacent lots. Reference section 14-16-5-1(C)(2)(c)

Rear: 15 ft. R-1C and R-T are the same

Side: 5 ft. interior 10 ft. street side of corner lots

R-1 and R-T are the same

2) Building Height max.-

26 ft. R-1 and R-T are the same

3) Open space- N/A R-1 and R-T are the same

4) Parking-

The parking requirement for a townhome in the R-T zone is the same as for a house in the R-1 zone:

1 space/DU up to 2 BR 2 spaces/DU with 3 or more BR

5) Lot Size-

14-16-5-1(C)(2)(b): "In any Area of Consistency, the minimum and maximum lot sizes for construction of new low-density residential development shall be based on the size of the Bernalillo County Tax Assessor's lot or a combination of adjacent Tax Assessor's lots, on the portions of the blocks facing the same street as the lot where the new low-density residential development is to be constructed, rather than on the size of the individual subdivision lots shown on the existing subdivision plat.

The requirements for lot size in the R-1 and R-T zone are determined on a case by case basis pursuant to the lot size maximums and minimums in any Area of Consistency.

If this property were to be redeveloped with new townhomes under the R-T regulations, the number of units allowed would be reduced from 9 units to 6 units based on the existing lot size. With that said, a total redevelopment of the property under the new R-T zoning

category would create less impact in terms of density than what has been in existence since 1944.

As evidenced in the comparison analysis above, the R-T zone does allow less restrictive use specific standards that might be harmful to other adjacent R-1 zoned properties. The R-T zone is a low-density residential zone just as the rest of the R-1 zoned neighborhood. The implementation of the IDO regulations for Use Specific Standards and Developmental Standards for Contextual Residential Development in Areas of Consistency will ensure compatibility of the R-1 and R-T zones.

14-16-4-3(D)(32) Art Gallery

The standards in this section limit the size of the use to 10,000 square feet of gross floor area. It is also important to note that the off-street parking requirement for an art gallery would be 4 spaces /

1000 square feet, which would significantly limit the use because a new use would not be approved if it would create a deficiency in available off-street parking- The change of use would trigger compliance with the IDO parking requirements- 14-16-5-5(B)(1)(c)

The existing multi-unit use is already nonconforming; these Use-Specific Standards will offer added protection to surrounding low density residential properties and ensure that any changes to the property or redevelopment of the property under the R-T zone allowances, now or in the future, will be compliant and conforming with the IDO. Any potential harmful effects for the new development of either townhomes or an art gallery would be greatly mitigated by the Use-Specific Standards of the IDO.

The zone change does not include permissive uses that would be harmful to adjacent property, the neighborhood, or the community. The requested zone (R-T) allows 5 additional uses to become permissive uses compared to the existing zone (R-1C). Each of those uses is regulated by Use-Specific Standards that would mitigate any harmful impacts these might new uses might introduce to the adjacent property, neighborhood, or community.

The townhouse use becomes permissive in the R-T zone district, which would address the current legally nonconforming use on the subject site. If the site were to be redeveloped with a new townhouse use in the future, the Use-Specific Standard in IDO Section 14-16-4-3(B)(5)(c) limits a new development to 3 dwelling units for properties abutting the R-1 zone district.

The Art Gallery use also becomes permissive. In the R-1C zone district, the Art Gallery use is conditional if the structure has been vacant for 5 or more years. The Use-Specific Standard that regulates this use limits its size to 10,000 square feet of gross floor area in any Residential zone district. The R-T zone district dimensional standards would also regulate setbacks and building height (maximum: 26 ft.) for the Art Gallery use.

The Bed and Breakfast use and Independent living facility use become permissive accessory uses in the R-T zone district. However, the Use-Specific Standard in IDO Section 14-16-4-3(F)(10) for Independent living facility notes that “this use is only allowed when accessory to an assisted living facility or nursing home.” The Assisted living facility or nursing home use is a conditional use in the R-T zone district. The Bed and Breakfast use is also regulated by a Use-Specific Standard, and IDO Section 14-16-4-3(D)(12)(d) notes that when allowed as an accessory use, the owner shall reside on-site as their permanent residence.

The Farmers’ market use is allowed as a temporary use in the R-T zone district. It is allowed as a temporary use in all the Residential zone districts except R-1. The Farmers’ market use requires a Temporary Use Permit, and the Use-Specific Standard regulates the size of the use.

The response to Criterion D is sufficient.

E. The City's existing infrastructure and public improvements, including but not limited to its street, trail, and sidewalk systems meet 1 of the following requirements:

1. Have adequate capacity to serve the development made possible by the change of zone.
2. Will have adequate capacity based on improvements for which the City has already approved and budgeted capital funds during the next calendar year.
3. Will have adequate capacity when the applicant fulfills its obligations under the IDO, the DPM, and/or an Infrastructure Improvements Agreement.
4. Will have adequate capacity when the City and the applicant have fulfilled their respective obligations under a City- approved Development Agreement between the City and the applicant.

The City’s existing infrastructure and public improvements have adequate capacity to serve the development made possible by the change of zone. The existing 9 unit residential development has been and is well served by the existing established sewer and water system network. There is also a well-connected existing sidewalk system throughout the neighborhood with curb/gutter and a fully developed street grid with storm drain facilities in place. The nearest cross streets, Belrose Ave. and San Clemente Ave., are both local streets that lead directly to City transit facilities on 12th St. to west and 4th St. to the east.

The request meets this requirement because the City’s existing infrastructure and public improvements have adequately served the subject site and its existing use for decades. The response to Criterion E is sufficient.

F. The applicant's justification for the requested zone change is not completely based on the property's location on a major street.

The requested zone change is not completely based on the property’s location on a major street because 9th St. NW is designated as a local street on the Mid-Region Council of

Governments Long Range Roadway Systems map. Furthermore, the nearest cross streets, Belrose Ave. and San Clemente Ave., are also both designated as local streets on the LRRS map.

The applicant's justification is not completely based on the subject site's location on a major street because 9th Street NW is a local street. The request is primarily based on changing the zone district to allow the existing townhouse use to become a permissive use. The request is supported by a preponderance of applicable Comprehensive Plan goals and policies. The response to Criterion F is sufficient.

- G. The applicant's justification is not based completely or predominantly on the cost of land or economic considerations.

The requested zone change is not based completely or predominately on the cost of land or economic considerations. Although the new zone designation would help facilitate the sale of the property in the future, the justification of this application is based predominately on the R-T zone being more appropriate and in line with the existing multi-unit development on the site and the current R-1C zoning as being inappropriate. The justification is also based predominately on the furthering of a preponderance of applicable Comprehensive Plan Goals and policies.

The applicant's justification is not based completely or predominately on the cost of land or economic considerations. The main purpose of the request is to change the zoning to allow the existing townhouse use to become a permissive use. The response to Criterion G is sufficient.

- H. The zone change does not apply a zone district different from surrounding zone districts to one small area or one premises (i.e. create a "spot zone") or to a strip of land along a street (i.e. create a "strip zone") unless the change will clearly facilitate implementation of the ABC Comp Plan, as amended, and at least one of the following applies:

1. The area of the zone change is different from surrounding land because it can function as a transition between adjacent zone districts.
2. The site is not suitable for the uses allowed in any adjacent zone district due to topography, traffic, or special adverse land uses nearby.
3. The nature of structures already on the premises makes it unsuitable for the uses allowed in any adjacent zone district.

If approved, this zone change request will create a spot zone of one single R-T lot surrounded by R-1C zoned properties; notwithstanding, the nature of the structures already on the premises makes it unsuitable for the uses allowed in any adjacent zone district. The existing buildings contain 9 units total and the single-family uses allowed in the adjacent zone district would be extremely unsuited to use the existing structures which were originally designed and built in 1944 for a multi-unit purpose. This request

will allow the continued maintenance and reinvestment into this property, and as previously stated in the justification, will clearly promote the implementation of the ABC Comp Plan as amended by furthering the goals and policies as previously mentioned above.

The request would apply a zone district different from surrounding zone districts to one small area or one premises (i.e. create a "spot zone") because all of the abutting properties are zoned R-1C. While the zone district would be different from the zoning of nearby properties, the existing use is similar to other uses on the surrounding block—that is, they are developed with mixed low-density residential uses and some include large lots, which reflect the historic character and development patterns of this neighborhood. The structures already on the premises make it unsuitable for the uses allowed in the R-1C zone district. Although the zone change would create a spot zone, the change clearly facilitates implementation of the ABC Comp Plan as described in Criterion A. The response to Criterion H is sufficient.

IV. AGENCY & NEIGHBORHOOD CONCERNS

Reviewing Agencies

City departments and other interested agencies reviewed this application. Few agency comments were received.

Solid Waste inquired as to whether trash service will remain the same for the subject site and noted that changes to the existing service require an approved site plan.

Albuquerque Public Schools noted that the existing residential development impacts La Luz Elementary School, Garfield Middle School, and Valley High School, and the population for each of these schools is under facility capacity.

Neighborhood/Public

The affected neighborhood organizations are Greater Gardner and Monkbridge NA and North Valley Coalition (see attachments). Property owners within 100 feet of the subject site were also notified, as required (see attachments).

As of this writing, the agent, Garcia/Kraemer & Associates, was contacted by two residents. The first resident, from an abutting property, wanted more information about the purpose of the Zoning Map Amendment request and shared their support for this request. The resident also noted that their property has multiple units that were built during the 1950's and would be interested in a zone change for their property.

The second resident, also from an abutting property, inquired about the Zoning Map Amendment process and expressed concern about a tenant at the subject site. This resident did not express support or opposition to the request.

A neighborhood meeting was not requested by any of the notified neighborhood associations, and no comments were received from the affect neighborhood associations.

V. CONCLUSION

The request is for a Zoning Map Amendment for an approximately 0.31-acre site located at 4409 9th Street NW between San Clemente Avenue NW and Belrose Avenue NW. The subject site is developed with a townhouse use and in an Area of Consistency, as designated by the ABC Comprehensive Plan.

The subject site is currently zoned R-1C (Residential – Single-family). The applicant is requesting the R-T (Residential – Townhouse) zone district to allow the existing townhouse use to become a permissive use.

The Zoning Map Amendment has been adequately justified pursuant to the IDO Review and Decision criteria in 14-16-6-7(G)(3) based upon the proposed zoning being more advantageous to the community than the current zoning.

The affected neighborhood organizations are the Greater Gardner and Monkbridge NA and North Valley Coalition, which were notified as required. Property owners within 100 feet of the subject site were also notified as required.

As of this writing, Staff received communication inquiring about the purpose and process of the Zoning Map Amendment request, and one property owner expressed support.

Staff recommends approval.

Findings, RZ: 2021-00029, September 16, 2021, Zoning Map Amendment (Zone Change)

1. This is a request for a Zoning Map Amendment for an approximately 0.31-acre site known as Lot 6, Rossiter Addition located at 4409 9th Street NW between San Clemente Avenue NW and Belrose Avenue NW.
2. The applicant requests a Zoning Map Amendment from R-1C to R-T to allow the existing townhouse use to become a permissive use.
3. The subject site is within an Area of Consistency as designated by the Comprehensive Plan.
4. The Albuquerque/Bernalillo County Comprehensive Plan and the City of Albuquerque Integrated Development Ordinance are incorporated herein by reference and made part of the record for all purposes.
5. The request generally furthers the following applicable Comprehensive Plan goals and policies related to Community Identity:
 - A. Goal 4.1 - Character: Enhance, protect, and preserve distinct communities.

The request would enhance, protect, and preserve the distinct community of Los Griegos by allowing the existing townhouse use to become a permissive use. Properties on the surrounding block, including the subject site, are developed with mixed low-density residential uses and some include large lots, which reflect the historic character and development patterns of this neighborhood.
 - B. Policy 4.1.1 - Distinct Communities: Encourage quality development that is consistent with the distinct character of communities.

The request would preserve quality development that is consistent with the distinct character of the community. The townhouses have existed for over 70 years, and the request would protect and preserve the distinct community by making it conforming under the IDO, which could facilitate future reinvestment in the property.
6. The request generally furthers the following applicable Comprehensive Plan goals and policies related to Complete Communities:
 - A. Goal 5.2 - Complete Communities: Foster communities where residents can live, work, learn, shop, and play together.

The request would foster a community where residents can live, work, learn, shop, and play together by making it conforming under the IDO, which could facilitate future reinvestment in the property. Future investment would allow the residential use to

continue in an area near commercial uses. This enables residents to access nearby jobs, retail, and transit, especially along 4th Street.

- B. Sub-policy 5.2.1.c: Maintain the characteristics of distinct communities through zoning and design standards that are consistent with long established residential development patterns.
- C. Sub-policy 5.2.1.d: Encourage development that broadens housing options to meet a range of incomes and lifestyles.

The request would maintain the characteristics of distinct communities through zoning and design standards that are consistent with long established residential development patterns. Properties on the surrounding block, including the subject site, are developed with mixed low-density residential uses and some include large lots, which reflect the historic character and development patterns of this neighborhood. The current R-1C zoning does not reflect the mixed low-density uses that exist throughout the block, and the request would align zoning with the uses associated with the long-established residential development patterns (Sub-policy 5.2.1.c). The request would also encourage development that broadens housing options to meet a range of incomes and lifestyles making the existing townhouse use conforming under the IDO, which could facilitate future reinvestment in the existing structures or allow for new housing options (Sub-policy 5.2.1.d).

- 7. The request generally furthers the following applicable Comprehensive Plan goals and policies related to Areas of Consistency:

- A. 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.

The request would ensure that development in an Area of Consistency reinforces the character and intensity of the surrounding area. The neighborhood is characterized by mixed low-density residential uses and mixed lot sizes, which reflect the area's historic development patterns. The requested R-T zone district would allow uses, including the existing townhouse use, that would reinforce the low-density character of this Area of Consistency.

- B. 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.

The request would protect and enhance the character of this low-density residential neighborhood in an Area of Consistency. The current townhouse use has existed over 70 years, and the request would maintain consistency for its residents and the neighborhood. If new development were to occur on the subject site in the future, the requested R-T zone district would allow uses that would reinforce the low-density character of the surrounding neighborhood.

- C. Sub-policy 5.6.3.b: Ensure that development reinforces the scale, intensity, and setbacks of the immediately surrounding context.
- D. Sub-policy 5.6.3.d: In areas with predominantly single-family residential uses, support zone changes that help align the appropriate zone with existing land uses.

The request would ensure that development reinforces the scale, intensity, and setbacks of the immediately surrounding context in this Area of Consistency. For new development, IDO Section 14-16-5-1(C)(2) Contextual Residential Development in Areas of Consistency regulates lot size and front and side setbacks, and the R-T zone district dimensional standards regulated building height to also reinforce intensity of the surrounding context (Sub-policy 5.6.3.b). The request would also support a zone change that would help align the appropriate zone with existing land uses in an area with predominately low-density residential uses, which further reinforces the existing character in this Area of Consistency (Sub-policy 5.6.3.d).

- 8. The request generally furthers the following applicable Comprehensive Plan goals and policies related to Housing Supply:

- A. 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.

The request would 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. For over 70 years, the existing 9-unit development has supplied the neighborhood with multiple dwelling units that reinforce the low-density residential character of the area. The request would make the existing townhouse use conforming under the IDO, which could facilitate future reinvestment in the property to meet future housing needs at a variety of price levels for the neighborhood.

- B. 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.

The request would support the development, improvement, and conservation of housing for a variety of income levels and types of residents and households. The existing townhouses have been on the subject site for over 70 years, and the request could facilitate improvement and conservation of the existing housing by making it conforming under the IDO, which could allow for future reinvestment in the property. The townhouse use allows for existing housing to remain in the neighborhood for a variety of income levels and types of residents and households. If the subject site were to be redeveloped in the future, the request R-T zoning would also allow multiple residential uses that would support this Policy.

- C. Sub-policy 9.1.1.a: Increase the supply of housing that is affordable for all income levels.
- D. Sub-policy 9.1.1.h: Maintain an affordable housing supply in neighborhoods, in addition to creating market-rate housing, as part of revitalization efforts.

This request would maintain the supply of housing that is affordable for all income levels (Sub-policy 9.1.1.a) and maintain an affordable housing supply in neighborhoods, in addition to creating market-rate housing, as part of revitalization efforts (Sub-policy 9.1.1.h) by making the existing townhouse use conforming under the IDO. The conforming status can more easily facilitate future reinvestment in the property. The existing 9-unit development provides an affordable housing option in the Los Griegos neighborhood.

9. The applicant has adequately justified the request pursuant to 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, 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 has adequately demonstrated this in a policy-based response. Therefore, the request is consistent with the City's health, safety, and general welfare.
 - B. Criterion B: The site is located wholly within an Area of Consistency. A different zone district (R-T) would generally be more advantageous to the community than the existing zone district (R-1C), which the applicant's policy analysis has shown to be inappropriate since the long-standing existing use is not allowed as a permissive use in the R-1C zone district. The new zone would reinforce the established character of the surrounding Area of Consistency and would not permit development that is significantly different from that character since the neighborhood consists of mixed, low-density residential uses. The request furthers Comprehensive Plan goals and policies relating to Character, Areas of Consistency, and Housing Options.
 - C. Criterion C: The subject site is located wholly within an Area of Consistency, so this criterion does not apply.
 - D. Criterion D: The zone change does not include permissive uses that would be harmful to adjacent property, the neighborhood, or the community. The requested zone (R-T) allows 5 additional uses to become permissive uses compared to the existing zone (R-1C). Each of those uses are regulated by Use-Specific Standards that would mitigate any harmful impacts these might new uses might introduce to the adjacent property, neighborhood, or community.

The townhouse use becomes permissive in the R-T zone district, which would address the current legally nonconforming use on the subject site. If the site were to be redeveloped with a new townhouse use in the future, the Use-Specific Standard in IDO Section 14-16-4-3(B)(5)(c) limits a new development to 3 dwelling units for properties abutting the R-1 zone district.

The Art Gallery use also becomes permissive. In the R-1C zone district, the Art Gallery use is conditional if the structure has been vacant for 5 or more years. The Use-Specific Standard that regulates this use limits its size to 10,000 square feet of gross floor area in

any Residential zone district. The R-T zone district dimensional standards would also regulate setbacks and building height (maximum: 26 ft.) for the Art Gallery use.

The Bed and Breakfast use and Independent living facility use become permissive accessory uses in the R-T zone district. However, the Use-Specific Standard in IDO Section 14-16-4-3(F)(10) for Independent living facility notes that “this use is only allowed when accessory to an assisted living facility or nursing home.” The Assisted living facility or nursing home use is a conditional use in the R-T zone district. The Bed and Breakfast use is also regulated by a Use-Specific Standard, and IDO Section 14-16-4-3(D)(12)(d) notes that when allowed as an accessory use, the owner shall reside on-site as their permanent residence.

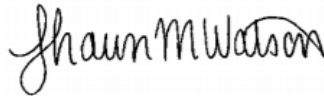
The Farmers’ market use is allowed as a temporary use in the R-T zone district. It is allowed as a temporary use in all the Residential zone districts except R-1. The Farmers’ market use requires a Temporary Use Permit, and the Use-Specific Standard regulates the size of the use.

- E. Criterion E: The request meets this requirement because the City’s existing infrastructure and public improvements have adequately served the subject site and its existing use for decades.
 - F. Criterion F: The applicant’s justification is not completely based on the subject site’s location on a major street because 9th Street NW is a local street. The request is primarily based on changing the zone district to allow the existing townhouse use to become a permissive use. The request is supported by a preponderance of applicable Comprehensive Plan goals and policies.
 - G. Criterion G: The applicant’s justification is not based completely or predominately on the cost of land or economic considerations. The main purpose of the request is to change the zoning to allow the existing townhouse use to become a permissive use.
 - H. Criterion H: The request would apply a zone district different from surrounding zone districts to one small area or one premises (i.e. create a "spot zone") because all of the abutting properties are zoned R-1C. While the zone district would be different from the zoning of nearby properties, the existing use is similar to other uses on the surrounding block—that is, they are developed with mixed low-density residential uses and some include large lots, which reflect the historic character and development patterns of this neighborhood. The structures already on the premises make it unsuitable for the uses allowed in the R-1C zone district. Although the zone change would create a spot zone, the change clearly facilitates implementation of the ABC Comp Plan as described in Criterion A.
10. The applicant’s policy analysis adequately demonstrates that the request 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 (R-T) would be more advantageous to the community than the current zoning (R-1C).

11. The affected neighborhood organizations, Greater Gardner and Monkbridge NA and North Valley Coalition, were notified as required. Property owners within 100 feet of the subject site were also notified as required.
12. As of this writing, Staff received communication inquiring about the purpose and process of the Zoning Map Amendment request, and one property owner expressed support.

RECOMMENDATION – RZ-2021-00029, September 16, 2021

APPROVAL of Project #2021-005845, RZ-2021-00029, a request for a Zoning Map Amendment from R-1C to R-T for Lot 6, Rossiter Addition located at 4409 9th Street NW, based on the preceding Findings.



***Shawn Watson
Associate Planner***

Notice of Decision cc list:

Neighborhood Association, Chris Sylvan, sylvan.cs@gmail.com
Neighborhood Association, David Wood, wood_cpa@msn.com
Neighborhood Association, Doyle Kimbrough, newmexmba@aol.com
Neighborhood Association, Peggy Norton, peggynorton@yahoo.com
Mase LLC, seth@gutridesafier.com
Garcia/Kraemer & Associates, jct473@gmail.com
Legal, kmorrow@cabq.gov
EPC file

CITY OF ALBUQUERQUE AGENCY COMMENTS

PLANNING DEPARTMENT

Long Range Planning

Zoning/Code Enforcement

Metropolitan Redevelopment

CITY ENGINEER

Transportation Development

The Transportation Department has no objection to the Zoning Map Amendment.

Hydrology

New Mexico Department of Transportation (NMDOT)

DEPARTMENT OF MUNICIPAL DEVELOPMENT (DMD)

Transportation Planning

Traffic Engineering Operations

No comments

Street Maintenance

WATER UTILITY AUTHORITY

ENVIRONMENTAL HEALTH DEPARTMENT

PARKS AND RECREATION

Planning and Design

Open Space Division

City Forester

POLICE DEPARTMENT/PLANNING

SOLID WASTE MANAGEMENT DEPARTMENT

Will the trash service remain the same. Any changes to the existing trash service will require a site plan to scale approved for access by the Solid Waste Department, and the site plan will have to be reviewed and approved by all departments at the city of Albuquerque.

TRANSIT DEPARTMENT

No comment

FIRE DEPARTMENT

COMMENTS FROM OTHER AGENCIES

ALBUQUERQUE PUBLIC SCHOOLS

Case Comments: Existing residential development at this location impacts La Luz Elementary School, Garfield Middle School, and Valley High School.

- i. Residential Units: 9
- ii. Est. Elementary School Students: 3
- iii. Est. Middle School Students: 1
- iv. Est. High School Students: 1
- v. Est. Total # of Students from Project: 5

*The estimated number of students from the proposed project is based on an average student generation rate for the entire APS district.

Current School Capacity

School	2019-2020 Enrollment	Facility Capacity	Space Available
La Luz Elementary School	161	350	189
Garfield Middle School	377	633	256
Valley High School	1,070	1,845	775

ALBUQUERQUE METROPOLITAN ARROYO FLOOD CONTROL (AMAFCA)

No adverse comments.

BERNALILLO COUNTY

Bernalillo County Public Works, Transportation Planning

MID-REGION COUNCIL OF GOVERNMENTS (MRCOG)

MRMPO has no adverse comments.

MIDDLE RIO GRANDE CONSERVANCY DISTRICT

PUBLIC SERVICE COMPANY OF NEW MEXICO

ANY OTHER AGENCY THAT COMMENTED



Figure 1: Looking west at the subject site from 9th St. NW.

Figure 2: Looking west from the northeast corner of the subject site.



Figure 3: Looking southwest from the center of the subject site.



Figure 4: Looking northwest at the subject site.

Figure 5: Looking east at the subject site.



Figure 6: Looking northeast at the subject site.

Figure 7: Looking south at the subject site.



ZONING

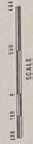
Please refer to IDO Subsection 14-16-2-3(B) for the R-1 Zone District and 14-16-2-3(D) for the R-T Zone District.

HISTORY

1959 Aerial Map



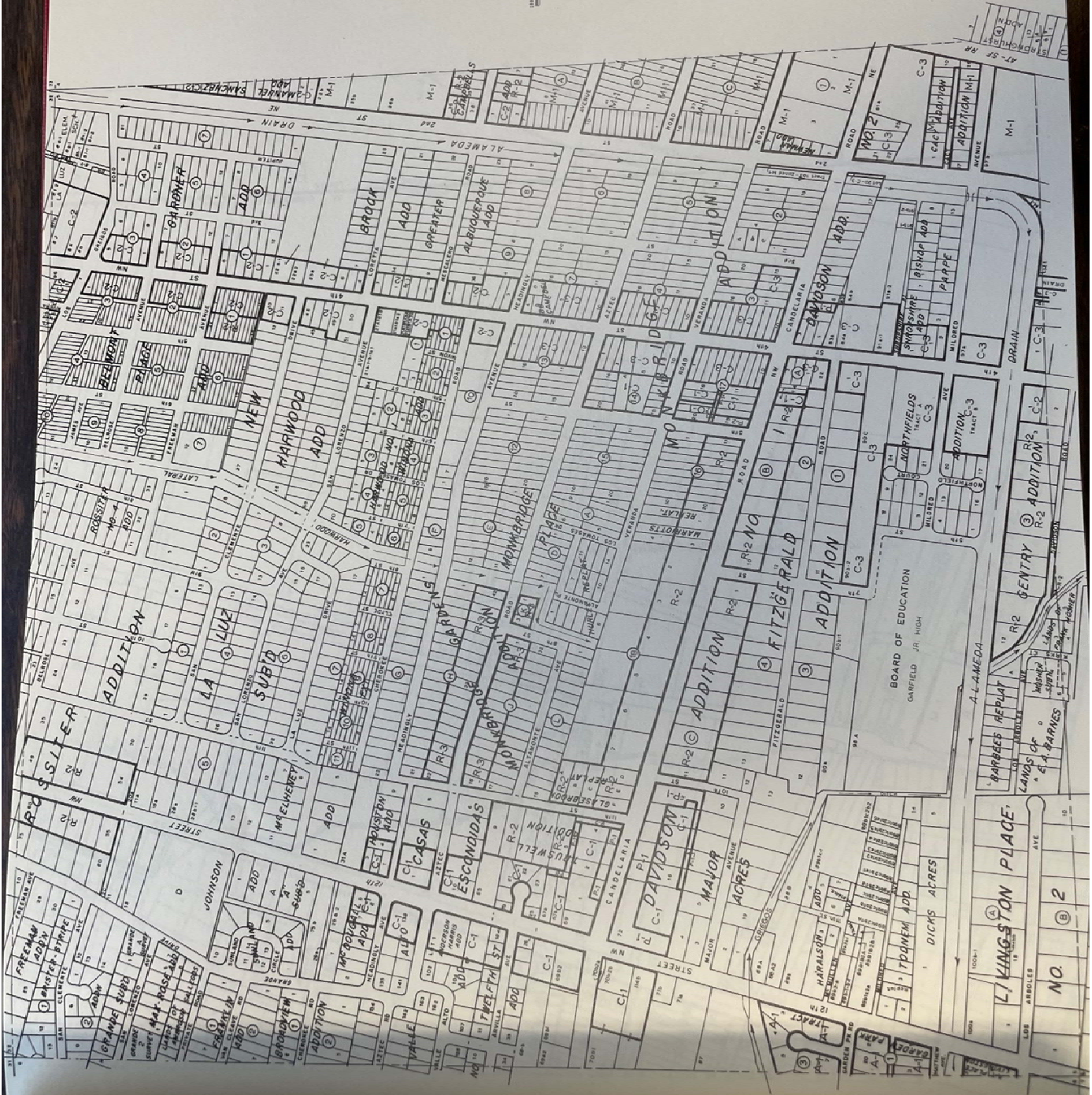
1963 Zone Atlas



LEGAL DESCRIPTION
T 10 N
R 3 E
SEC. 8
MAY 1913

MAY 1913
APRIL 30, 1913

G-14



PROPERTY RECORD AND APPRAISAL CARD

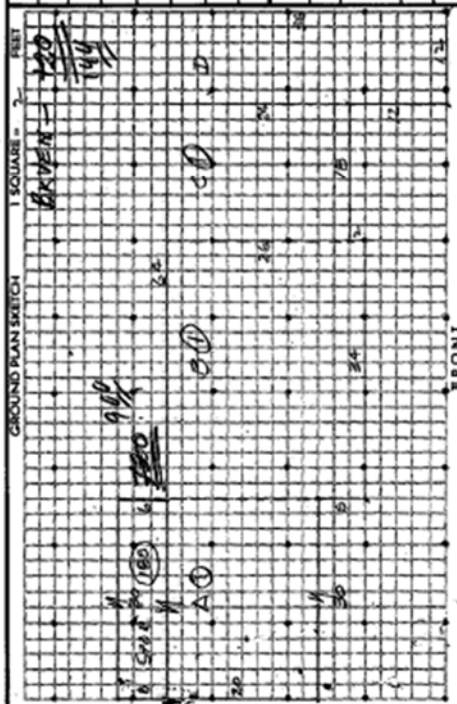
CLARK JAMES 4409 5TH NW

DLR

Parcel No

1 914 868 242447 22414

LOT 6 ROSEVIEW ADD



ADDITIONAL INFORMATION ON MAJOR ALTERATIONS TO PRINCIPAL BUILDING - OTHER SPECIAL NOTES

BRICK VENE.
ROOF 3 CH: 75 870 MO FOR V.I.B.R.
PAID BY LAND LRD.

20F2

1948

1 Family Dwelling - 8 Rooms
2 Family Dwelling
3-6 Family Dwelling 12 ✓
Multi-Family Apartment
Tourist Court
Farm House
Farm Barn

BUILDING TYPE AND USE

1. Grade 2.0
2. Area 2348
3. Cost
4. Est. Cont. Adj. 1 2 3 4 5 6
5. Stories 1 1/2 - 2 - 3
6. Basement 2 - Q - H - F
7. Air Conditioning 1 - 2 - 3
8. Plumbing 1360
9. Heating
10. Porches 840
11. Yard Improvements
12. Accessory Buildings
13.
14. Total Bldg. Cost
15. Est. Adj. Factors
16. Condition %
17. Depreciated Full Value
18. Other Principal Bldg.
19. Total Bldg. Value 12937
20. Adjustment Factor
21. Adj. Improvement Value
22. Land
23. Final Property Value

IMPROVEMENT DESCRIPTION

Basement (N) Q H F
Roof Type
Pitched
Other

GRADE

1 2 3 4 5

1. Title
2. T & O - Built up
3. Comp.
4. Shingle
5. Exterior Walls
6. Adobe
7. Concrete Block
8. Frame - Shucco
9. Brick
10. Interior Finish
11. Unfinished - %
12. Wells
13. Floors
14. Plumbing - # Fixtures 3 1/2
15. Heat 3 F.F.
16. Air Conditioning E.V.P.
17. Builtins
18. Electricity

2.2

LAND VALUE CALCULATION

IMPROVEMENTS

Asphalt
Brick
Concrete
Gravel
Unpaved - Dirt

TOPOGRAPHY

Level
High
Low

STREET

Size of Lot or No. of Acres

Base Unit Value

Depth or Other Adjustments

Table

Factor

Adjusted Unit Value

Total Value

ACCESSORY BUILDINGS

Construction

Dimensions

Height

Area

Value

TOTAL \$

Measured By 86 Date 2-25-56 Classified By EDP-1

RESIDENTIAL AND FARM PROPERTY RECORD CARD

VERIFIED JUL 12 1988

APPLICANT INFORMATION



Please check the appropriate box and refer to supplemental forms for submittal requirements. All fees must be paid at the time of application.

Administrative Decisions	Decisions Requiring a Public Meeting or Hearing	Policy Decisions
<input type="checkbox"/> Archaeological Certificate (Form P3)	<input type="checkbox"/> Site Plan – EPC including any Variances – EPC (Form P1)	<input type="checkbox"/> Adoption or Amendment of Comprehensive Plan or Facility Plan (Form Z)
<input type="checkbox"/> Historic Certificate of Appropriateness – Minor (Form L)	<input type="checkbox"/> Master Development Plan (Form P1)	<input type="checkbox"/> Adoption or Amendment of Historic Designation (Form L)
<input type="checkbox"/> Alternative Signage Plan (Form P3)	<input type="checkbox"/> Historic Certificate of Appropriateness – Major (Form L)	<input type="checkbox"/> Amendment of IDO Text (Form Z)
<input type="checkbox"/> Minor Amendment to Site Plan (Form P3)	<input type="checkbox"/> Demolition Outside of HPO (Form L)	<input type="checkbox"/> Annexation of Land (Form Z)
<input type="checkbox"/> WTF Approval (Form W1)	<input type="checkbox"/> Historic Design Standards and Guidelines (Form L)	<input checked="" type="checkbox"/> Amendment to Zoning Map – EPC (Form Z)
	<input type="checkbox"/> Wireless Telecommunications Facility Waiver (Form W2)	<input type="checkbox"/> Amendment to Zoning Map – Council (Form Z)
		Appeals
		<input type="checkbox"/> Decision by EPC, LC, ZHE, or City Staff (Form A)

APPLICATION INFORMATION

Applicant: Mase LLC		Phone: (415) 336-6545
Address: 1805 Kriss PI NE		Email: seth@gutridesafier.com
City: Albuquerque	State: NM	Zip: 87112
Professional/Agent (if any): Garcia/Kraemer & Associates		Phone: (505) 440-1524
Address: 600 1st St NW- Suite 211		Email: jct473@gmail.com
City: Albuquerque	State: NM	Zip: 87102
Proprietary Interest in Site: Owner	List <u>all</u> owners:	

BRIEF DESCRIPTION OF REQUEST

A zone map amendment from R-1C to R-T to allow a nonconforming residential 9-unit garden style development built in 1944 to become a conforming use in the IDO

SITE INFORMATION (Accuracy of the existing legal description is crucial! Attach a separate sheet if necessary.)

Lot or Tract No.: * 006	Block: -	Unit: -
Subdivision/Addition: ROSSITERADD	MRGCD Map No.:	UPC Code: 101406024244722414
Zone Atlas Page(s): G-14	Existing Zoning: R-1C	Proposed Zoning: R-T
# of Existing Lots: 1	# of Proposed Lots: N/A	Total Area of Site (acres):

LOCATION OF PROPERTY BY STREETS

Site Address/Street: 9th St NW	Between: San Clemente	and: Belrose
--------------------------------	-----------------------	--------------

CASE HISTORY (List any current or prior project and case number(s) that may be relevant to your request.)

Signature: <i>Jonathan Turner</i>	Date: 6/30/21
Printed Name: Jonathan Turner	<input type="checkbox"/> Applicant or <input checked="" type="checkbox"/> Agent

FOR OFFICIAL USE ONLY

Case Numbers	Action	Fees	Case Numbers	Action	Fees

Meeting/Hearing Date:	Fee Total:
Staff Signature:	Date: Project #

Form Z: Policy Decisions

Please refer to the EPC hearing schedule for public hearing dates and deadlines. Your attendance is required.

A single PDF file of the complete application including all plans and documents being submitted must be emailed to PLNDRS@cabq.gov prior to making a submittal. Zipped files or those over 9 MB cannot be delivered via email, in which case the PDF must be provided on a CD.

☒ **INFORMATION REQUIRED FOR ALL POLICY DECISIONS (Except where noted)**

- ☒ Interpreter Needed for Hearing? No ☐ if yes, indicate language: _____
- ☒ Proof of Pre-Application Meeting with City staff per IDO Section 14-16-6-4(B)
- ☒ Letter of authorization from the property owner if application is submitted by an agent
- ☒ Traffic Impact Study (TIS) form (not required for Amendment to IDO Text)
- ☒ Zone Atlas map with the entire site/plan amendment area clearly outlined and labeled (not required for Amendment to IDO Text) NOTE: For Annexation of Land, the Zone Atlas must show that the site is contiguous to City limits.

☐ **ADOPTION OR AMENDMENT OF COMPREHENSIVE PLAN**

☐ **ADOPTION OR AMENDMENT OF FACILITY PLAN**

- ☐ Plan, or part of plan, to be amended with changes noted and marked
- ☐ Letter describing, explaining, and justifying the request per the criteria in IDO Sections 14-16-6-7(A)(3) or 14-16-6-7(B)(3), as applicable
- ☐ Required notices with content per IDO Section 14-16-6-4(K)(6)
 - ☐ Office of Neighborhood Coordination notice inquiry response, notifying letter, and proof of first class mailing
 - ☐ Proof of emailed notice to affected Neighborhood Association representatives
 - ☐ Buffer map and list of property owners within 100 feet (excluding public rights-of-way), notifying letter, and proof of first class mailing

☐ **AMENDMENT TO IDO TEXT**

- ☐ Section(s) of the Integrated Development Ordinance to be amended with changes noted and marked
- ☐ Justification letter describing, explaining, and justifying the request per the criteria in IDO Section 14-16-6-7(D)(3)
- ☐ Required notices with content per IDO Section 14-16-6-4(K)(6)
 - ☐ Office of Neighborhood Coordination notice inquiry response, notifying letter, and proof of first class mailing
 - ☐ Buffer map and list of property owners within 100 feet (excluding public rights-of-way), notifying letter, and proof of first class mailing

☒ **ZONING MAP AMENDMENT – EPC**

☐ **ZONING MAP AMENDMENT – COUNCIL**

- ☒ Proof of Neighborhood Meeting per IDO Section 14-16-6-4(C)
- ☒ Letter describing, explaining, and justifying the request per the criteria in IDO Section 14-16-6-7(F)(3) or Section 14-16-6-7(G)(3), as applicable
- ☒ Required notices with content per IDO Section 14-16-6-4(K)(6)
 - ☒ Office of Neighborhood Coordination notice inquiry response, notifying letter, and proof of first class mailing
 - ☒ Proof of emailed notice to affected Neighborhood Association representatives
 - ☒ Buffer map and list of property owners within 100 feet (excluding public rights-of-way), notifying letter, and proof of first class mailing
- ☒ Sign Posting Agreement

☐ **ANNEXATION OF LAND**

- ☐ Application for Zoning Map Amendment *Establishment of zoning must be applied for simultaneously with Annexation of Land.*
- ☐ Petition for Annexation Form and necessary attachments
- ☐ Letter describing, explaining, and justifying the request per the criteria in IDO Section 14-16-6-7(E)(3)
- ☐ Board of County Commissioners (BCC) Notice of Decision

I, the applicant or agent, acknowledge that if any required information is not submitted with this application, the application will not be scheduled for a public meeting or hearing, if required, or otherwise processed until it is complete.

Signature: Jonathan Turner

Date: 6/30/21

Printed Name: Jonathan Turner

☐ Applicant or ☒ Agent

FOR OFFICIAL USE ONLY

Project Number:

Case Numbers

-

-

-

Staff Signature:

Date:



PRE-APPLICATION REVIEW TEAM (PRT) MEETING REQUEST

Pre-application Review Team (PRT) Meetings are available to help applicants identify and understand the allowable uses, development standards, and processes that pertain to their request. **PRT Meetings are for informational purposes only; they are non-binding and do not constitute any type of approval.** Any statements regarding zoning at a PRT Meeting are not certificates of zoning. The interpretation of specific uses allowed in any zone district is the responsibility of the Zoning Enforcement Officer (ZEO).

When you submit PRT notes to meet a Pre-application Meeting requirement in Table 6-1-1, you will be charged a \$50 PRT fee.

<i>Official Use only</i>		
PA#: 20-229	Received By: Diego Ewell	Date: 11/25/2020
APPOINTMENT DATE & TIME: N/A		

Applicant Name: Garcia/Kraemer & Associates Phone#: 505-440-1524 Email: jct473@gmail.com

PROJECT INFORMATION:

For the most accurate and comprehensive responses, please complete this request as fully as possible and submit any relevant information, including site plans, sketches, and previous approvals.

Size of Site: 0.3089 Existing Zoning: R-1C Proposed Zoning: R-T

Previous case number(s) for this site: _____

Applicable Overlays or Mapped Areas: _____

Residential – Type and No. of Units: 9 existing units

Non-residential – Estimated building square footage: n/a No. of Employees: n/a

Mixed-use – Project specifics: n/a

LOCATION OF REQUEST:

Physical Address: 4409 9th St NW Zone Atlas Page (Please identify subject site on the map and attach) G-14

BRIEFLY DESCRIBE YOUR REQUEST (What do you plan to develop on this site?)

Zone Map Amendment to R-T to allow 9 existing non-conforming units built in 1944 to remain and be conforming.

QUESTIONS OR CONCERNS (Please be specific so that our staff can do the appropriate research)

Please confirm process.

PRE-APPLICATION REVIEW TEAM (PRT) MEETING NOTES

PA# 20-229 Date: 12/7/20 Time: N/A (sent via email to ict473@gmail.com)

Address: 4409 9th St NW

AGENCY REPRESENTATIVES

Planning: Linda Rumpf (lrumpf@cabq.gov)

Zoning/Code Enforcement: Carl Garcia (cagarcia@cabq.gov)

Fire Marshal: Bob Nevárez (rnevarez@cabq.gov) or call 505-924-3611 (if needed)

Transportation: Nilo Salgado (nsalgado-fernandez@cabq.gov)

Hydrology: Ernest Armijo, P.E. (earmijo@cabq.gov)

Solid Waste: Herman Gallegos (hgallegos@cabq.gov)

PRT DISCUSSIONS ARE FOR INFORMATIONAL PURPOSES ONLY!

THEY ARE NON-BINDING AND DO NOT CONSTITUTE ANY KIND OF APPROVAL.

Additional research may be necessary to determine the exact type of application and/or process needed.

Factors unknown at this time and/or thought of as minor could become significant as the case progresses.

REQUEST: Zone Map Amendment to R-T to allow 9 existing non-conforming units built in 1944 to remain and be conforming.

SITE INFORMATION:

Zone: R-1C to R-T

Size: 0.3089

Use: Low-density Residential

Overlay zone: x

Comp Plan Area of: Consistency

Comp Plan Corridor: x

Comp Plan Center: x

MPOS or Sensitive Lands: x

Parking: 5-5

MR Area: x

Landscaping: 5-6

Street Trees: 5-6(D)(1)

Use Specific Standards: Allowable Uses, Table 4-2-1

Dimensional Standards: Table 5-1-1: Residential Zone District Dimensional Standards

*Neighborhood Organization/s: North Valley Coalition, Greater Gardner & Monkbridge NA

**This is preliminary information only. Neighborhood Organization information is only accurate when obtained from the Office of Neighborhood Coordination (ONC) at www.cabq.gov/neighborhoods.resources.*

PROCESS:

Type of Action: 6-7(G) ZONING MAP AMENDMENT – EPC

Review and Approval Body: EPC Is this a PRT requirement? Yes

PRE-APPLICATION REVIEW TEAM (PRT) MEETING NOTES

PA# 20-229 Date: 12/7/20 Time: N/A (sent via email)

Address: 4409 9th St NW

NOTES:

QUESTIONS OR CONCERNS (Please be specific so that our staff can do the appropriate research)

Please confirm process.

See

the **Integrated Development Ordinance**

<http://documents.cabq.gov/planning/IDO/IDO-Effective-2018-05-17.pdf>

New Public Notice Forms

We have created forms for all email/mailed public notice and for Pre-submittal Neighborhood Meetings.

Please complete these forms for public notice:

- [Neighborhood Meeting](http://www.cabq.gov/planning/urban-design-development/neighborhood-meeting-requirement-in-the-integrated-development-ordinance) or <http://www.cabq.gov/planning/urban-design-development/neighborhood-meeting-requirement-in-the-integrated-development-ordinance>
- [Public Notice](http://www.cabq.gov/planning/urban-design-development/public-notice) or <http://www.cabq.gov/planning/urban-design-development/public-notice>

Records requests

To request a site plan and/or Notice of Decision, please use ABQ Records web page:

<https://www.cabq.gov/clerk/public-records>

Please include the site's address and the Case Tracking #s (see Zoning Comments) in your request.

Requests to Inspect Public Records

Any person may submit their request to inspect public records to the Office of the City Clerk by clicking on the following link to request records using our ABQ Records portal. <https://cabq.nextrequest.com/>

This enables us to respond to requests in the order in which they are received. Plus, it's a better way to share large files.

- Linda Rumpf, lrumpf@cabq.gov

File Submittal

For Administrative Amendments, DRB, EPC, hydrology and traffic submittals, e-mail electronic files to PLNDRS@cabq.gov. For questions about an application submittal or the submittal process itself, please contact Jay Rodenbeck at jrodenbeck@cabq.gov and/or to Maggie Gould at mgould@cabq.gov.

For other questions, please contact the Planning representative at the top of the PRT Notes.

For Building Safety Plan Review, contact Building Safety at 924-3963. Website:

<https://www.cabq.gov/planning/building-safety-permits>

Zoning Comments

PRE-APPLICATION REVIEW TEAM (PRT) MEETING NOTES

PA# 20-229 Date: 12/7/20 Time: N/A (sent via email)

Address: 4409 9th St NW

- Address: 4409 9TH ST NW
Lot: 6 Block: 0000
Subdivision: ROSSITER ADDN
- Site Design and Sensitive Lands (5-2)
- Type: Consistency
- IDO Zoning: R-1C
- **Permissive uses in the R-T zone district**
 - Single family dwelling
 - Use specific standard - 4-3(B)(1) Dwelling, Single-family Detached
 - **Dwelling, Single-family Detached-Definition**
A residential building used for occupancy by 1 household that is not attached to any other dwelling unit through shared side or rear walls, floors or ceilings, or corner points. See also Manufactured Home and Development Definitions for Low-density Residential.
 - Duplex
 - 4-3(B)(4) Dwelling, Two-family Detached (Duplex)
 - **Dwelling, Two-family Detached (Duplex)-Definition**
A residential building containing 2 dwelling units, each of which is designed for or occupied by 1 family only, with kitchens for each. Each unit in a two-family dwelling is completely separated from the other by an unpierced wall dividing the 2 units side-to-side or back-tofront or by an unpierced ceiling and floor extending from exterior wall to exterior wall (overunder), except for a stairwell exterior to 1 of the dwelling units. See also Development Definitions for Low-density Residential.
 - Townhouse
 - Use specific standard 4-3(B)(5) Dwelling, Townhouse
 - **Dwelling, Townhouse-Definition**
A group of 3 or more dwelling units divided from each other by vertical common walls, each having a separate entrance leading directly to the outdoors at ground level. For the purposes of this IDO, this use is considered a type of low-density residential development, whether the townhouses are platted on separate lots or not. See also Development Definitions for Low density Residential.
- **4-1(D) MULTIPLE USES**
4-1(D)(1) A development may include multiple primary uses, including a combination of residential and non-residential uses, provided that each use is listed as an allowable Permissive Primary use or a Conditional Primary use in that zone district, that a Conditional Use Approval pursuant to Subsection

PRE-APPLICATION REVIEW TEAM (PRT) MEETING NOTES

PA# 20-229 Date: 12/7/20 Time: N/A (sent via email)

Address: 4409 9th St NW

14-16-6-6(A)) is obtained for any Conditional Primary use, all Use-specific Standards applicable to each use are met, and the development complies with all applicable density, dimensional, impervious surface, development, and performance standards in Part 14-16-5 (Development Standards).

- 5-1 DIMENSIONAL STANDARDS – Table 5-1-1
- 5-5 PARKING AND LOADING
- **Process**
6-7(G) ZONING MAP AMENDMENT – EPC

Transportation Development comments

For additional information contact Nilo Salgado (924-3630) or Jeanne Wolfenbarger (924-3991)

Curb Cuts

- Follow DPM guidelines for residential and commercial curb cuts.
- Residential curb cut requirements – (12 feet to 22 feet wide for residential, 30 feet only if there is a 3-car garage or parking for RV)
- Location of drive with respect to intersection depends on classification of the street. (See attached table.) Classification of street is according to the Long Range Master Plan developed by MRCOG.

Clear Sight Triangle at Access Points and Intersections

- Clear sight triangle (See attached hand-outs.) Nothing opaque should be in the triangle.

Private Site and Parking Lot Design

- Follow DPM and IDO Guidelines for Site and Parking Lot Design. Current ADA standards must be followed including required number of handicapped parking spaces and drive aisles, ADA access to public right-of-way, and ADA access to on-site buildings.
- See the Traffic Circulation Layout (TCL) Checklist. A TCL is required for any change or addition to a building > 500 sq. ft. or if the parking or circulation is changed. (This includes a repaving of parking lot.) Drawing must be stamped by a registered engineer or architect.
- When developing a parking lot layout, include all dimensioning for construction purposes. Also include all curb, curb ramp and signage details.
- Parking Calculations must be provided and per the requirements in the IDO. Number of vehicular spaces, motorcycle spaces, and bicycle spaces shall be specified and follow IDO requirements.
- Demonstrate queuing capacity when needed in situations such as for drive-thru facilities. It is imperative to demonstrate that the queuing will not block accessways to the site or cause vehicles to back into the main roadway. Also, provide necessary one-way signage and pavement markings.

PRE-APPLICATION REVIEW TEAM (PRT) MEETING NOTES

PA# 20-229 Date: 12/7/20 Time: N/A (sent via email)

Address: 4409 9th St NW

- Shared access/parking agreement is required if access/parking is shared with parking lot adjacent to site. (This can be established on a plat if submittal of a plat is required or by an agreement.)
- Existing driveways that are not being used are required to be removed and replaced with standard curb and sidewalk to match existing.

Traffic Studies

1. See the Traffic Impact Study (TIS) thresholds. In general, a minimum combination of 100 vehicles entering and exiting in the peak hour warrants a Traffic Impact Study. Visit with Traffic Engineer for determination, and fill out a TIS Form that states whether one is warranted. In some cases, a trip generation may be requested for determination.

Platting and Public Infrastructure Requirements for Roadways

1. When submitting to DRB, all public roadway improvements that are required shall be shown on an infrastructure list. Public improvements must be included on a public work order set of drawings.
2. All public roadway facilities must be within public right-of-way including the entire width of the public sidewalk, all public curb ramps, overhead utilities, traffic signals and lighting, etc.
3. Curb and sidewalk is required along entire frontage of property. Follow IDO/DPM for specific width requirements.
4. There is a Bikeway Master Plan that is prepared MRCOG which lays out proposed bicycle facilities including bicycle trails, bike lanes, and bike routes. The site would be required to provide such facilities along the site frontage if they have not been constructed yet. Right-of-way dedication would likely be required.
5. Depending on site's use of an adjacent alleyway and on type of use for proposed site, alleyway improvements are required. This would include paving and/or proper right-of-way dedication to meet current width standards.
6. For any private access easements on plats, all beneficiaries and maintenance responsibilities must be listed.
7. Due to sight distance concerns and to construct sufficient curb ramps, right-of-way dedication is required to add curves to corners of properties at intersections if they are not already developed. See Table 23.3 of the DPM.
8. Any private structures that are located within public right-of-way such as fences and walls shall either be removed or else a revocable permit with the City is required in which an annual fee is paid per year, based on square footage of the encroachment.

If you would have additional questions or would like to schedule a follow-up conference call meeting please contact Linda Rumpf at lrumpf@caba.gov

November 17, 2020

City of Albuquerque
Planning Department
Attn: Mr. Brennon Williams, Director
600 2nd St NW
Albuquerque, NM 87102

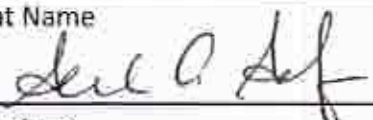
RE: 4409 9th St NW
Albuquerque, NM 87107

Dear Mr. Williams:

As the Property Owner, I authorize Garcia/Kraemer & Associates to act as agent on matters pertaining to any and all submittals to the City of Albuquerque regarding the above referenced property.

Seth A. Saifer

Print Name



Signature

Managing Member MASE, LLC

Title

11/17/20

Date



City of Albuquerque

Planning Department
Development Review Services Division

Traffic Scoping Form (REV 12/2020)

Project Title: 4409 9th St NW (zone map amendment) **Building Permit #:** _____ **Hydrology File #:** _____
Zone Atlas Page: G-14 **DRB#:** _____ **EPC#:** pending **Work Order#:** _____
Legal Description: * 006 ROSSITERADD
City Address: 4409 9th St NW

Applicant: Mase LLC (Agent: Garcia/Kraemer & Assoc) **Contact:** Jonathan Turner
Address: 600 1st St NW- Suite 211, Albuquerque, NM 87102
Phone#: (505) 440-1524 **Fax#:** _____ **E-mail:** jct473@gmail.com

Development Information

Build out/Implementation Year: 2021 **Current/Proposed Zoning:** R-1C / R-T
Project Type: New: () Change of Use: () Same Use/Unchanged: (X) Same Use/Increased Activity: ()
Proposed Use (mark all that apply): Residential: (X) Office: () Retail: () Mixed-Use: ()
Describe development and Uses:
A zone change request to allow a sound & existing occupied 9 unit garden apartment development, that was built in 1944,
to be a conforming use instead of a nonconforming use in the IDO.
Days and Hours of Operation (if known): N/A

Facility

Building Size (sq. ft.): 5163 s.f.
Number of Residential Units: 9
Number of Commercial Units: 0

Traffic Considerations

Expected Number of Daily Visitors/Patrons (if known):* _____
Expected Number of Employees (if known):* N/A
Expected Number of Delivery Trucks/Buses per Day (if known):* N/A
Trip Generations during PM/AM Peak Hour (if known):* 2 Trips AM / 2 Trips PM
Driveway(s) Located on: Street Name 9th St NW
Adjacent Roadway(s) Posted Speed: Street Name 9th St NW Posted Speed unposted (25 mph)
Street Name San Clemente Ave NW Posted Speed unposted (25 mph)

** If these values are not known, assumptions will be made by City staff. Depending on the assumptions, a full TIS may be required*

Roadway Information (adjacent to site)

Comprehensive Plan Corridor Designation/Functional Classification: Local Street / Comp Plan Corridor N/A
(arterial, collector, local, main street)

Comprehensive Plan Center Designation: N/A
(urban center, employment center, activity center)

Jurisdiction of roadway (NMDOT, City, County): City of Albuquerque

Adjacent Roadway(s) Traffic Volume: N/A- Local Streets Volume-to-Capacity Ratio: N/A
(if applicable)

Adjacent Transit Service(s): N/A Nearest Transit Stop(s): 1650 ft. (4th St NW)

Is site within 660 feet of Premium Transit?: No

Current/Proposed Bicycle Infrastructure: None
(bike lanes, trails)

Current/Proposed Sidewalk Infrastructure: Existing sidewalks throughout neighborhood

Relevant Web-sites for Filling out Roadway Information:

City GIS Information: <http://www.cabq.gov/gis/advanced-map-viewer>

Comprehensive Plan Corridor/Designation: <https://abc-zone.com/document/abc-comp-plan-chapter-5-land-use> (map after Page 5-5)

Road Corridor Classification: <https://www.mrcog-nm.gov/DocumentCenter/View/1920/Long-Range-Roadway-System-LRRS-PDF?bidId=>

Traffic Volume and V/C Ratio: <https://www.mrcog-nm.gov/285/Traffic-Counts> and <https://public.mrcog-nm.gov/taqa/>

Bikeways: http://documents.cabq.gov/planning/adopted-longrange-plans/BTFP/Final/BTFP%20FINAL_Jun25.pdf (Map Pages 75 to 81)

TIS Determination

Note: Changes made to development proposals / assumptions, from the information provided above, will result in a new TIS determination.

Traffic Impact Study (TIS) Required: Yes [] No ☒ Borderline []

Thresholds Met? Yes [] No ☒

Mitigating Reasons for Not Requiring TIS: Previously Studied: []

Notes:

 P.E.

6/25/2021

TRAFFIC ENGINEER

DATE

Submittal

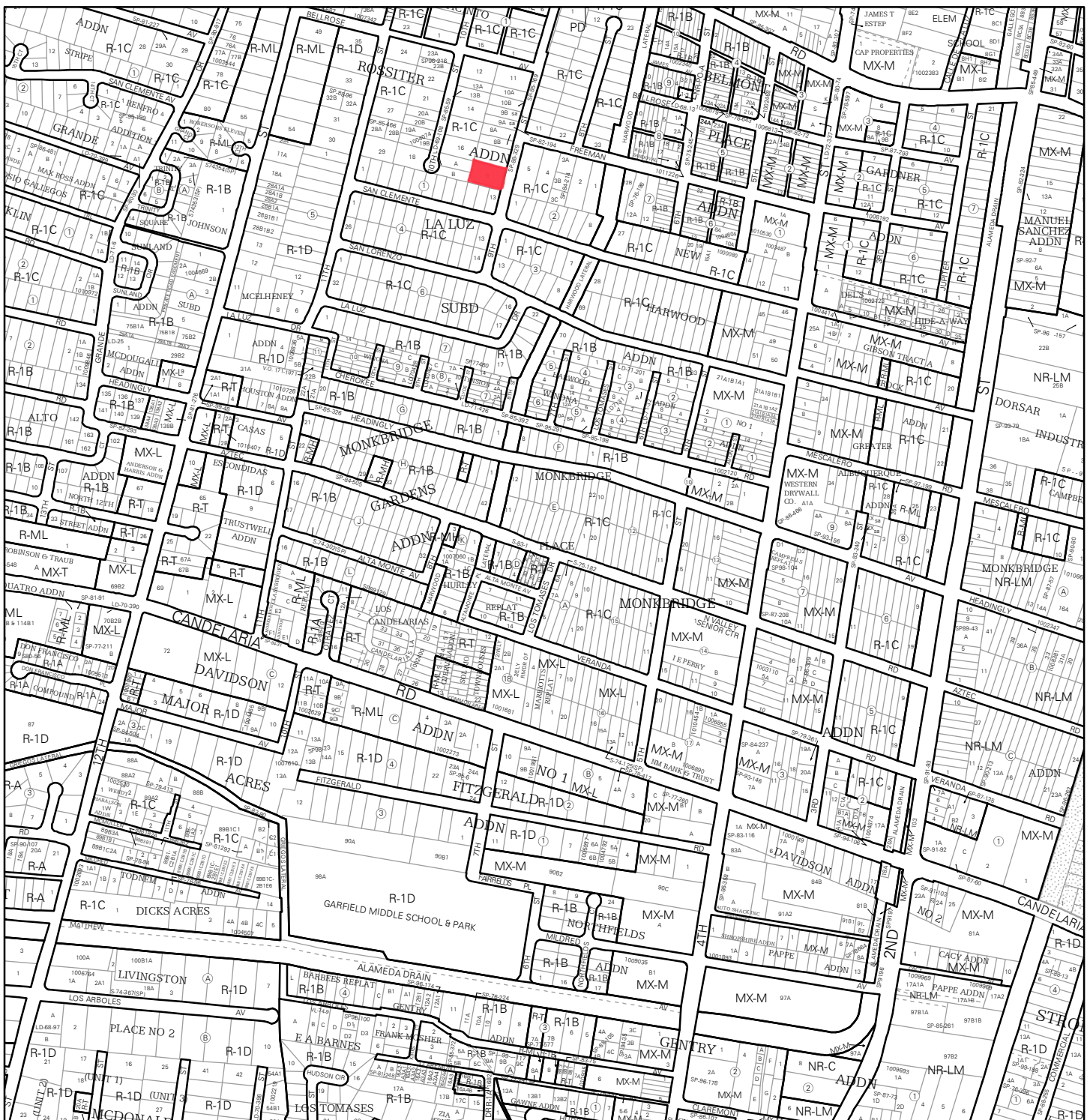
The Scoping Form must be submitted as part of any building permit application, DRB application, or EPC application. See the Development Process Manual Chapter 7.4 for additional information.

Submit by email to the City Traffic Engineer mgrush@cabq.gov . Call 924-3362 for information.

Site Plan/Traffic Scoping Checklist

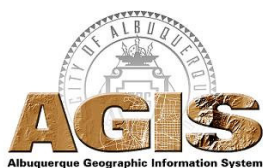
Site plan, building size in sq. ft. (show new, existing, remodel), to include the following items as applicable:

1. Access -- location and width of driveways
2. Sidewalks (Check DPM and IDO for sidewalk requirements. Also, Centers have wider sidewalk requirements.)
3. Bike Lanes (check for designated bike routes, long range bikeway system) ([*check MRCOG Bikeways and Trails in the 2040 MTP map*](#))
4. Location of nearby multi-use trails, if applicable ([*check MRCOG Bikeways and Trails in the 2040 MTP map*](#))
5. Location of nearby transit stops, transit stop amenities (eg. bench, shelter). Note if site is within 660 feet of premium transit.
6. Adjacent roadway(s) configuration (number of lanes, lane widths, turn bays, medians, etc.)
7. Distance from access point(s) to nearest adjacent driveways/intersections.
8. Note if site is within a Center and more specifically if it is within an Urban Center.
9. Note if site is adjacent to a Main Street.
10. Identify traffic volumes on adjacent roadway per MRCOG information. If site generates more than 100 vehicles per hour, identify v/c ratio on this form.

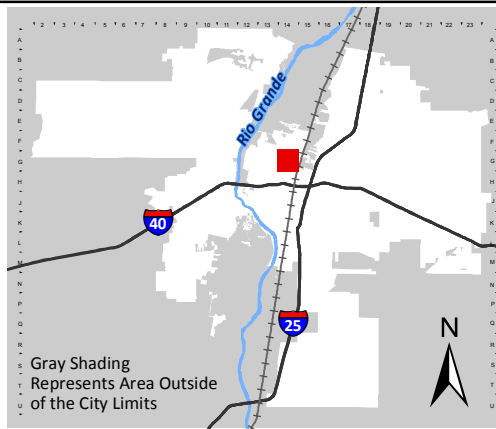


For more details about the Integrated Development Ordinance visit: <http://www.cabq.gov/planning/codes-policies-regulations/integrated-development-ordinance>

IDO Zone Atlas May 2018



IDO Zoning information as of May 17, 2018
The Zone Districts and Overlay Zones
are established by the
Integrated Development Ordinance (IDO).



Zone Atlas Page:
G-14-Z

- Easement
- Escarpment
- Petroglyph National Monument
- Areas Outside of City Limits
- Airport Protection Overlay (APO) Zone
- Character Protection Overlay (CPO) Zone
- Historic Protection Overlay (HPO) Zone
- View Protection Overlay (VPO) Zone

0 250 500 1,000 Feet



Thank You

Thank you for submitting your request. Please allow 24 – 48 hours to process your request for contact information.

Neighborhood Meeting Inquiry For:

Environmental Planning Commission

If you selected "Other" in the question above, please describe what you are seeking a Neighborhood Meeting Inquiry for below:

Contact Name

Jonathan Turner

Telephone Number

505-440-1524

Email Address

jct473@gmail.com

Company Name

Garcia/Kraemer & Associates

Company Address

600 1st St NW- Suite 211

City

Albuquerque

State

NM

ZIP

87102

Legal description of the subject site for this project:

* 006 ROSSITERADD

Physical address of subject site:

4409 9th St NW

Subject site cross streets:

Bellrose Ave NW and San Clemente Ave NW

Other subject site identifiers:

This site is located on the following zone atlas page:

G-14

Please attach a Zone Atlas Map that clearly indicates where the subject site is located.

application/pdf: 613143 bytes

[WEEKLY ENEWS](#)

[NEIGHBORHOOD
ASSOCIATION/HOMEOWNER
ASSOCIATION WEBSITES](#)

[NEIGHBORHOOD FAQs](#)

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WEEKLY ENEWS](#)

[NEIGHBORHOOD
ENGAGEMENT PROCESS](#)

[CONTACT THE ONC](#)

EMERGENCIES

For emergencies, call 911 immediately.

For non-emergency police calls, call 505-242-COPS

311 COMMUNITY CONTACT CENTER

The 311 Community Contact Center is a centralized call center for the City of Albuquerque. The 311 service is a single telephone number for all non-emergency City of Albuquerque inquiries and services.

Dial 311 or 505-768-2000

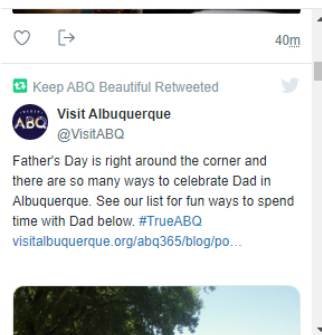
ccc@cabq.gov

TWITTER FEED

CABQ Twitter Accounts

A Twitter list by @cabq

Official Twitter accounts of City of Albuquerque Departments, Offices, and Programs.



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GARCIA/KRAEMER & ASSOCIATES 600 1ST St NW Suite 211

Albuquerque, NM 87102

(505) 440-1524 mobile

(505) 242-9028 office

September 1, 2021

Mr. Timothy MacEachen, Chairman
Environmental Planning Commission
City of Albuquerque
600 Second Street NW
Albuquerque, New Mexico 87102

RE: Zone Map Amendment- 4409 9th St NW
*006 ROSSITERADD

Dear Chairman MacEachen:

The purpose of this correspondence is to request approval through the Environmental Planning Commission for a zone map amendment from R-1C (Single Family Residential- Large Lot) to R-T (Residential- Townhouse Zone District) for the above referenced site. The property is approximately .3089 acres in size and is located within the city limits.

Adjacent Land Uses and Zoning

The site is located on the west side of 9th St NW in between Belrose Ave NW and San Clemente Ave NW. The property is located on zone atlas map page G-14 as shown on the accompanying zone map. The zoning of the adjacent and surrounding properties is R-1C, Single Family Residential- Large Lot. These properties have been mostly developed with single-family dwellings, but there are also numerous pre-1959 existing nonconforming multi-unit properties in this neighborhood and adjacent to the subject site.

Reason for Request

The applicant and owner, MASE LLC, wishes to request approval of a zone map amendment from R-1C to R-T in order to allow an existing and legally nonconforming use of a 9 unit garden style residential development to become a conforming use under the new regulations of the City of Albuquerque's Integrated Development Ordinance. Unfortunately, after City Council's adoption of the 2018 IDO, the owner did not become aware of the City's offering of 3 different batches of voluntary zoning conversions for properties that would qualify under the criteria of a legal nonconforming use within the

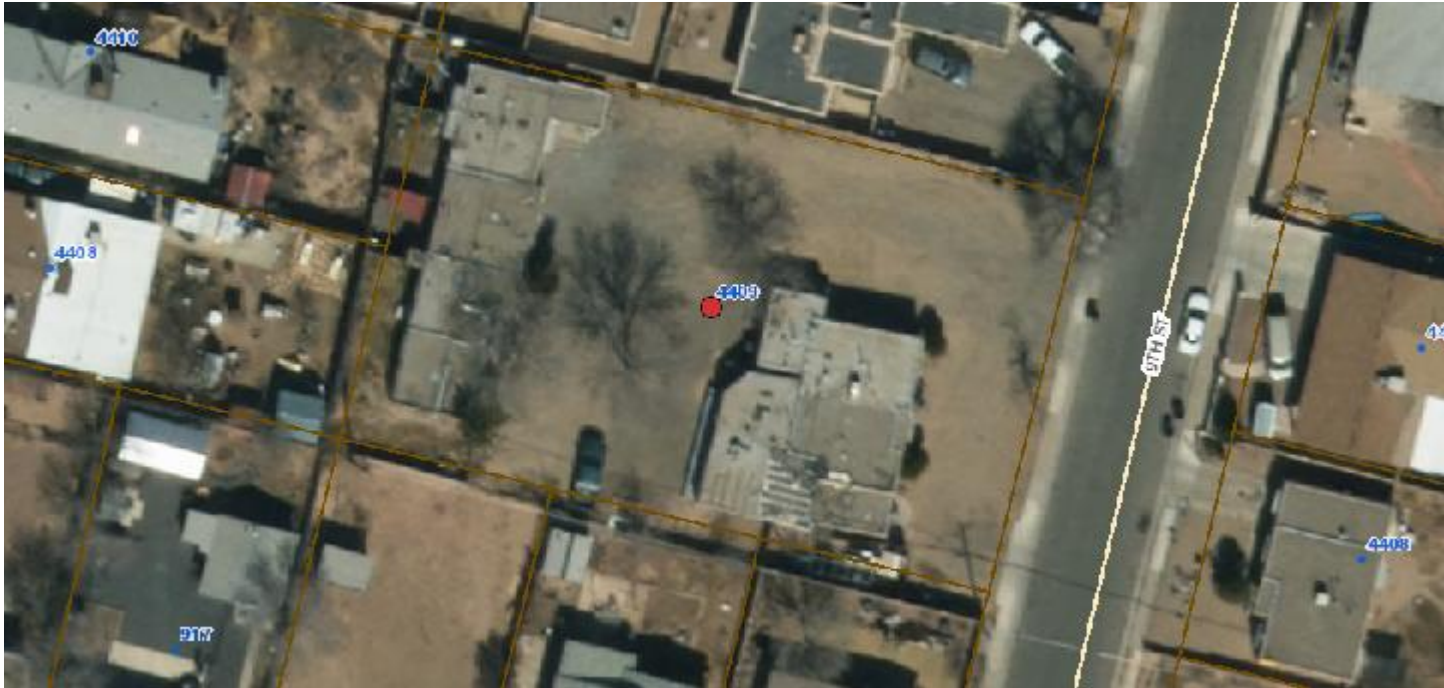
new IDO zone district. In spite of missing the opportunity to take advantage of a free City sponsored zone map amendment, this application before you is the owner's response to remedy the long-standing nonconformance issue at hand.

History and Background

As previously mentioned the subject property contains a total of 9 dwelling units, which as evidenced by the Bernalillo County Assessor's records of the property, were originally built and occupied in 1944. The aerial photo below was taken in 1959- which was 15 years after the development was constructed on a single lot. This photo also marks the year in which the City of Albuquerque first zoned the property as R-1 single-family residential. Along with the official zoning of all properties in 1959, the City also adopted its first Zoning Code ordinance on March 27, 1959 to regulate the newly mapped zones in the city. It is on this date that the use of the subject property became legally nonconforming. At the time, the Zoning Code's definition of nonconforming made it clear that "a structure or use of structure or land which does not conform to this ordinance and which was in conformity with any zoning ordinance in effect at the time it was created" would automatically be defined as such. And since the subsequent 1959 R-1 zoning designation only allowed 1 single family dwelling unit per lot, the existing 9 units became nonconforming and have continued to be so for 62 years. As of this date, all of the units have been continuously occupied for the past 77 years- with no evidence showing otherwise. Furthermore, all of the units have been continuously maintained and upgraded over the years, and are sound, safe, and habitable for human habitation.



1959 Aerial photograph



2018 Aerial photograph



2021 photograph

Review and Decision Criteria- 14-16-6-7(G)(3)

The proposed Zone Map Amendment shall be approved if it meets all of the following criteria:

- A. **Criterion A:** The proposed zone change is consistent with the health, safety, and general welfare of the City as shown by furthering (and not being in conflict with) a preponderance of applicable Goals and Policies in the ABC Comp Plan, as amended, and other applicable plans adopted by the City.

The proposed zoning of R-T will not adversely affect the health, safety, and general welfare of the City because the request is not in conflict with the ABC Comp Plan but generally furthers a preponderance of applicable Comprehensive Plan goals and policies regarding complete communities and provides needed and affordable multi-unit housing stock that has existed since 1944 to become a legal conforming use with the appropriate zoning designation. and to continue to be available to the community and surrounding North Valley neighborhood.

Goal 4.1 Character: Enhance, protect, and preserve distinct communities.

The request furthers Goal 4.1 because the existing and well maintained 1940's buildings will continue to contribute to preserving the established character of the neighborhood, both architecturally and in form. The continued maintenance and upgrading of the property and buildings will enhance and help preserve and protect its long standing presence in the neighborhood. Approval of the zone change will also allow the property owner to find stability in zoning which encourages more reinvestment in preserving and enhancing the site.

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

The request furthers Policy 4.1.1 because the new R-T zone classification would allow the continued use, maintenance, and preservation of a World War II era garden style residential development while also allowing the use to become conforming. The existing 77 year old buildings greatly contribute to the distinct character of the community because they stand as historical evidence of a growing community in the North Valley during the 1940's.

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

This request furthers goal 5.2 because the existing development already helps foster the community by continuing to provide a place for residents to live, work, learn, shop, and play together which is 3 blocks away from a

major transit route on 4th St that leads directly downtown to the south, and to a multitude of commercial services and retailing in either direction. The change of zone to allow a conforming use will stabilize and further perpetuate this goal by allowing the continuation of the activities identified for complete communities.

Sub Policy 5.2.1 c) Maintain the characteristics of distinct communities through zoning and design standards that are consistent with long established residential development patterns.

This sub policy and goal are both furthered with this zone change request because the land use of the existing development, if zoned R-T, will be able to continue contributing to foster an established community where residents live, work, learn and shop together. This will also provide further opportunity to enhance the characteristics of a distinct community by the development's continued existence as a conforming use under the R-T zone requested. The regulations and standards of the IDO, as approved by City Council, help to control and maintain the long established residential development patterns through setbacks, height restrictions, open space, and parking areas. The existing development is residential, single story, with open space, landscaping and sufficient off-street parking. The existing buildings are flat roofed garden style units that are architecturally compatible with the existing neighborhood which contains many examples of this architectural form and scale that was common in the 1940's and 1950's. A zone change approval to R-T will support and further sub policy 5.2.1c) because it will help maintain the distinct characteristics of the development through the appropriate zoning that would allow the long established development pattern to remain as a conforming use within the appropriate zone district. Approval of the R-T zoning designation will maintain this contributing property through zoning as a long standing component of the distinct community that is present in the neighborhood.

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

This request furthers sub policy d) because the housing options that are offered on this property, now and in the future, are intended to meet a range of incomes for affordability and different lifestyles alike. Also, the unique 1940's garden style units broaden the possibilities for housing choice. If approved, the zone change would open more options for existing housing choices in the neighborhood. For people seeking smaller rental units as opposed to buying a house in the neighborhood, the existing 9 unit development supports this sub policy.

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.

This request furthers Goal 5.6 because removal of the development would adversely affect and weaken the existing character of the surrounding area. It is believed that the absence of the buildings and improvements would have negative impacts on the character and intensity of the surrounding area. Alternatively, the continued improvements, upgrades and maintenance of the existing development will only preserve and further reinforce the character and intensity of the neighborhood.

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.

This request furthers Policy 5.6.3 because it will protect the character of the neighborhood. Although the neighborhood was initially developed with a mix of single family and numerous multi-unit properties, it wasn't until after the 1959 Zoning Code that it was later developed with predominantly single family residential uses. This ultimately created a mismatch in land uses and zoning in the neighborhood; however, it also helped to establish and create the "neighborhood character" as we know today. For almost 80 years the neighborhood has existed with the same established character. In fact, an approved zone change from R-1 to R-T for the subject property would not change the "character" of the neighborhood, but it will protect and enhance the established character of the neighborhood by recognizing one of the many multi-unit properties that are characteristic of this neighborhood, while aligning the zoning to make it conforming in the IDO.

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

The request furthers sub policy (b) because the surrounding context shares some of the same scale, intensity, and setbacks of the existing development which reinforces these same characteristics. Any future development would be subject to the Contextual Residential Development in Areas of Consistency standards, which if redeveloped, would ensure that the scale, intensity, and setbacks reinforce the immediately surrounding context.

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

The request furthers sub policy (d) because, if approved, the change from R-1C to R-T will align the appropriate zone with the existing land use for the first time since 1959 in an area with predominantly low density residential

uses. Alignment of zoning and existing land use will strengthen the stability of zoning in the neighborhood and create predictability in zoning.

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.

This request furthers Goal 9.1 because the development already offers a sufficient supply of high-quality housing that is affordable to the working class income level and is available for the future needs of the rental population.

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.

The request furthers Policy 9.1.1 because if the zone change is approved, the 9 units will not only continue to provide quality affordable housing to the population but it will also allow the unencumbered continued improvement and conservation of the existing development for the future.

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

This request furthers sub policy a) because the subject property has helped maintain the supply of affordable housing for 77 years and is currently occupied.

h) Maintain an affordable housing supply in neighborhoods, in addition to creating market-rate housing, as part of revitalization efforts.

This request furthers sub policy (h) because, if approved, the zone change will allow the continual offering of housing that is market-rate and affordable.

As explained above, this request for Zone Map Amendment is not in significant conflict with the ABC Comp Plan, as amended, and furthers a preponderance of applicable Goals and Policies in the Plan.

- B. **Criterion B:** If the proposed amendment is located wholly or partially in an Area of Consistency (as shown in the ABC Comp Plan, as amended), the applicant has demonstrated that the new zone would clearly reinforce or strengthen the established character of the surrounding Area of Consistency and would not permit development that is significantly different from that character. The applicant must also demonstrate that the existing zoning is inappropriate because it meets any of the following criteria:

1. There was a typographical or clerical error when the existing zone district was applied to the property.
2. There has been a significant change in neighborhood or community conditions affecting the site.
3. A different zone district is more advantageous to the community as articulated by the ABC Comp Plan, as amended (including implementation of patterns of land use, development density and intensity, and connectivity), and other applicable adopted City plan(s).

The existing R-1C zoning is inappropriate because a different zone district is more advantageous to the community as articulated in the ABC Comp Plan as described in the policy analysis above. The existing use and buildings on the property reinforce the established character of the neighborhood which was developed prior to the City's Zoning Code and Subdivision ordinance. There are several multi-unit properties that pre-date the Zoning Code which are both adjacent to this site and along 9th St to the North. Since 1959, the single-family zoning of the property has never been appropriate for this site with 9 units on 1 lot because the R-1 regulations have never allowed more than 1 unit per lot. A change of zoning to R-T would allow the 9 units to be conforming as they originally were when built in 1944.

If approved, a new zone would clearly reinforce and strengthen the established character of the surrounding Area of Consistency. It is believed that no public benefit would be served by removing 8 of the existing units to make the property conforming. After 77 years, we believe that the 9 unit development is a testament to the established character of the immediate neighborhood and surrounding Area of Consistency. Furthermore, as evidenced by almost 80 years of continuous occupancy by tenants, it is undeniable that the property has provided a much needed housing stock and opportunity for renters to live within this community of the North Valley in the Rossiter subdivision, and moreover the continued occupancy as multi-units evidences that a different zone district is more advantageous to the community based on the need and demand for affordable housing. Although there are no plans to redevelop the subject property, a change of zone to R-T would not permit development that is significantly different than the existing development or the character of the surrounding area. In fact, any development would be subject to the controls of the IDO for both dimensional standards and development standards that were designed to give protections to the adjacent residentially zoned properties- such as: setbacks, off-street parking, height, density, open space, and solar rights. The regulatory standards for development in the IDO will ensure that any future development of the property will only allow what all other properties in the area are also entitled to and would not allow development that significantly departs from the established character of the surrounding Area of Consistency.

- C. **Criterion C:** If the proposed amendment is located wholly in an Area of Change (as shown in the ABC Comp Plan, as amended) and the applicant has demonstrated that the existing zoning is inappropriate because it meets one of the following criteria:

The subject site is located wholly in an Area of Consistency, so this Criterion does not apply.

- D. **Criterion D:** The zone change does not include permissive uses that would be harmful to adjacent property, the neighborhood, or the community, unless the Use-specific Standards in Section 14-16-4-3 associated with that use will adequately mitigate those harmful impacts.

The requested R-T zone and use of the existing buildings on the subject site are intended to remain residential as they have been since 1944. It is the applicant's intent to finally correct the mismatched zoning after 77 years of the same use of land. During those years, there is no evidence that the use of the property for multi-unit residential has been harmful to the adjacent property, the neighborhood, or the community. In fact, the historical and current use of the subject property as residences compliments and is in harmony with the same low density residential uses throughout the surrounding neighborhood.

The uses that become permissive with the R-T zone change would be:

- 1) Dwelling, townhouse, *permissive use***
- 2) Art Gallery, *permissive use***
- 3) Bed and Breakfast, *permissive accessory***
- 4) Independent living facility, *permissive accessory***
- 5) Farmers' market, *temporary***

-The following uses will require a Conditional Use approval:

- 6) Dwelling live-work, *conditional use***
- 7) Assisted living facility/nursing home, *conditional use***
- 8) Adult or child day care facility, *conditional use***
- 9) Museum, *conditional use*, if structure vacant for 5 years or more**

As shown above, besides a temporary farmers' market and an art gallery, the only uses that become *permissive* with the requested R-T zone are residential in nature. We believe that the limited amount of new permissive uses will help to ensure that future land uses would not depart from the established residential character in the area.

The 2 permissive "accessory" uses that become available in the R-T zone are a Bed and breakfast and an Independent living facility. The use of a Bed and Breakfast requires first that the principal primary use must be residential and then the Bed and Breakfast becomes an accessory use. An

Independent Living Facility on the other hand, is only allowed when it is accessory to an Assisted Living Facility/Nursing Home- requiring a *Conditional Use* approval first.

A temporary use- farmers' market, would become permissive in the R-T zone. Any harmful impacts from this use is controlled and mitigated by the IDO Use Specific Standards of 14-16-4-3(D)(35) for size limitations that are intended to control the amount of people allowed at the market. Also, a farmers' market would be subject to the City's noise ordinance for control of any harmful and disruptive noise during the market operation. This use is also very similar and comparable to a *yard sale*, which is already a permissive outdoor use in the R-1 zone, and involves the same type of human interaction and presence that is typical with the selling and bartering of items from a property. Although a temporary farmers' market could be a desirable use by some of the residents in the neighborhood, a thorough search for farmers' markets anywhere in the City of Albuquerque, resulted in a total of maybe 12, which are all operating in either city parks, the Rail Yards, or commercial zones. As of this writing, there are no known temporary farmers' markets in any residential zone of the City. It is a reasonable assumption to make that if the zone change is approved, a temporary farmers' market would likely not occur on the property just because it is now permissive. But if a farmers' market were to occur, the

Similarly, the use of an art gallery on this property is also extremely unlikely and impractical. It is believed that the 1944 design of the existing buildings as garden style units would create difficult challenges in terms of changing the occupancy classification and altering the building to meet current building code, fire code, and accessibility requirements for a non-residential art gallery space. Furthermore, the floor plans of the units by design do not offer a space that lends well for the showing and retailing of art. Without major modifications, the wall space and floor space are more limited than found in a typical art gallery. Realistically, we believe that the undertaking to modify the building/s would be financially unfeasible, especially given that the demand for an art gallery in the neighborhood is absent.

The IDO offers the general public further protection from harmful impacts from the few *permissive uses* that, if R-T zoning is approved, would become available if the property was to be redeveloped in the future. As mentioned above, the intent and implementation of the Use-Specific Standards of the IDO are designed to mitigate any harmful impacts that may result from these newly allowed uses. The Use-Specific Standards of 14-16-4-3 must be complied with if the use is to occur. For each of the new *permissive uses* allowed in the proposed R-T zone, the following Use-Specific Standards would apply:

14-16-4-3(B)(5) Dwelling Townhouse

The standards in this section would apply to any future expansion or redevelopment of the property and ensure compliance with open space, setbacks, and number of units abutting an adjacent R-1 zone. The following is a comparison of the existing R-1 zone requirements and the proposed R-T zone requirements.

1) Setbacks-

Front: R-1 and RT are the same. For both zones, this is determined by the existing front setbacks of primary buildings on adjacent lots. Reference section 14-16-5-1(C)(2)(c)

Rear: 15 ft. R-1C and R-T are the same

Side: 5 ft. interior 10 ft. street side of corner lots
R-1 and R-T are the same

2) Building Height max.-

26 ft. R-1 and R-T are the same

3) Open space- N/A R-1 and R-T are the same

4) Parking-

The parking requirement for a townhome in the R-T zone is the same as for a house in the R-1 zone:

1 space/DU up to 2 BR 2 spaces/DU with 3 or more BR

5) Lot Size-

14-16-5-1(C)(2)(b): “In any Area of Consistency, the minimum and maximum lot sizes for construction of new low-density residential development shall be based on the size of the Bernalillo County Tax Assessor’s lot or a combination of adjacent Tax Assessor’s lots, on the portions of the blocks facing the same street as the lot where the new low-density residential development is to be constructed, rather than on the size of the individual subdivision lots shown on the existing subdivision plat.

The requirements for lot size in the R-1 and R-T zone are determined on a case by case basis pursuant to the lot size maximums and minimums in any Area of Consistency.

If this property were to be redeveloped with new townhomes under the R-T regulations, the number of units allowed would be reduced

from 9 units to 6 units based on the existing lot size. With that said, a total redevelopment of the property under the new R-T zoning category would create less impact in terms of density than what has been in existence since 1944.

As evidenced in the comparison analysis above, the R-T zone does allow less restrictive use specific standards that might be harmful to other adjacent R-1 zoned properties. The R-T zone is a low-density residential zone just as the rest of the R-1 zoned neighborhood. The implementation of the IDO regulations for Use Specific Standards and Developmental Standards for Contextual Residential Development in Areas of Consistency will ensure compatibility of the R-1 and R-T zones.

14-16-4-3(D)(32) Art Gallery

The standards in this section limit the size of the use to 10,000 square feet of gross floor area. It is also important to note that the off-street parking requirement for an art gallery would be 4 spaces / 1000 square feet, which would significantly limit the use because a new use would not be approved if it would create a deficiency in available off-street parking- The change of use would trigger compliance with the IDO parking requirements- 14-16-5-5(B)(1)(c)

The existing multi-unit use is already nonconforming; these Use-Specific Standards will offer added protection to surrounding low density residential properties and ensure that any changes to the property or redevelopment of the property under the R-T zone allowances, now or in the future, will be compliant and conforming with the IDO. Any potential harmful effects for the new development of either

- E. **Criterion E:** The City's existing infrastructure and public improvements, including but not limited to its street, trail, and sidewalk systems meet 1 of the following requirements:
- 1) Have adequate capacity to serve the development made possible by the change of zone.
 - 2) Will have adequate capacity based on improvements for which the City has already approved and budgeted capital funds during the next calendar year.
 - 3) Will have adequate capacity when the applicant fulfills its obligations under the IDO, the DPM, and/or an infrastructure Improvements Agreement.

- 4) Will have adequate capacity when the City and the applicant have fulfilled their respective obligations under a City-approved Development Agreement between the City and the applicant.

The City's existing infrastructure and public improvements have adequate capacity to serve the development made possible by the change of zone. The existing 9 unit residential development has been and is well served by the existing established sewer and water system network. There is also a well-connected existing sidewalk system throughout the neighborhood with curb/gutter and a fully developed street grid with storm drain facilities in place. The nearest cross streets, Belrose Ave. and San Clemente Ave., are both local streets that lead directly to City transit facilities on 12th St. to the west and 4th St. to the east.

- F. **Criterion F:** The applicant's justification for the requested zone change is not completely based on the property's location on a major street.

The requested zone change is not completely based on the property's location on a major street because 9th St. NW is designated as a local street on the Mid-Region Council of Governments Long Range Roadway Systems map. Furthermore, the nearest cross streets, Belrose Ave. and San Clemente Ave., are also both designated as local streets on the LRRS map.

- G. **Criterion G:** The applicant's justification is not based completely or predominantly on the cost of land or economic considerations.

The requested zone change is not based completely or predominantly on the cost of land or economic considerations. Although the new zone designation would help facilitate the sale of the property in the future, the justification of this application is based predominantly on the R-T zone being more appropriate and in line with the existing multi-unit development on the site and the current R-1C zoning as being inappropriate. The justification is also based predominantly on the furthering of a preponderance of applicable Comprehensive Plan Goals and policies.

- H. **Criterion H:** The Zone change does not apply a zone district different from surrounding zone districts to one small area or one premises (i.e. create a "spot zone") or to a strip of land along a street (i.e. create a "strip zone") unless the change will clearly facilitate the implementation of the ABC Comp Plan, as amended, and at least one of the following applies:

1. The area of the zone change is different from surrounding land because it can function as a transition between adjacent zone districts.
2. The site is not suitable for the uses allowed in any adjacent zone district due to topography, traffic, or special adverse land uses nearby.

3. The nature of the structures already on the premises makes it unsuitable for the uses allowed in any adjacent zone district.

If approved, this zone change request will create a spot zone of one single R-T lot surrounded by R-1C zoned properties; notwithstanding, the nature of the structures already on the premises makes it unsuitable for the uses allowed in any adjacent zone district. The existing buildings contain 9 units total and the single-family uses allowed in the adjacent zone district would be extremely unsuited to use the existing structures which were originally designed and built in 1944 for a multi-unit purpose. This request will allow the continued maintenance and reinvestment into this property, and as previously stated in the justification, will clearly promote the implementation of the ABC Comp Plan as amended by furthering the goals and policies as previously mentioned above.

Summary

For the above stated reasons, we respectfully request that the Environmental Planning Commission approve this request for a zone map amendment from R-1C to R-T and to change the Official Zone Map as defined and regulated by the City of Albuquerque Integrated Development Ordinance. Approval of this request will allow the property owner to continue operating an existing and needed multi-unit residential property which has made a significant contribution to the community and surrounding neighborhood over the past 77 years of its existence by providing housing opportunities to the community and general public. We believe this request is an appropriate and reasonable solution to identify and correct a mismatched zoning pattern as it relates to the existing historical land uses in the neighborhood. Finally, as previously stated, approval of this request will help to further and support the goals and policies of the ABC Comp Plan as amended, the Integrated Development Ordinance as amended, and related City plans and policies. Thank you in advance for your time and consideration in this matter.

Respectfully,



Jonathan Turner
Garcia/Kraemer & Associates

NOTIFICATION



Jonathan Turner <jct473@gmail.com>

Public Notice- 4409 9th St NW

2 messages

Jonathan Turner <jct473@gmail.com>

Thu, Jun 17, 2021 at 11:53 PM

To: Peggy Norton <peggynorton@yahoo.com>, Doyle Kimbrough <newmexmba@aol.com>, sylvan.cs@gmail.com, wood_cpa@msn.com

Dear Neighborhood and Coalition members,

The purpose of this correspondence is to notify you of a forthcoming City application submittal for a zone map amendment and to offer a meeting if you choose to have one. The purpose of the zone change from R-1C single family to R-T townhome is to bring the subject property into compliance after existing in the neighborhood for 77 years as a 9 unit residential development. The property owner was not aware of the City sponsored free zoning conversions that were offered after the passage of the 2018 IDO for nonconforming properties such as this one. As you probably know, the voluntary free zoning conversions for nonconforming properties offered by the City are no longer available. It is the intention of the property owner now to come forward with an application for the zone map amendment from single family to townhome in order to finally bring the property fully into compliance with zoning instead of continuing to be "grandfathered" or nonconforming since the City's 1st Zoning Code was adopted in 1959, after the 9 units were already occupied for 11 years.

Attached to this email are: the official City public notice form and meeting offer form, the pre-application (PRT) notes from the Planning Department, Zone Atlas page G-14, a GIS aerial of the property from 2018, and a GIS aerial of the property from 1959.

Please review the documents and let me know if you have any questions or would like more information. On behalf of the property owner, thank you in advance for your time and consideration of this request.

Sincerely yours,

Jonathan Turner

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**Jonathan Turner**

+1 (505) 440-1524

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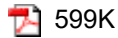
6 attachments**Neighborhood Meeting Request form- 4409 9th St NW.pdf**

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**4409 9th St NW- PRT notes.pdf**

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**4409 9th St NW- GIS aerial.pdf**

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**4409 9th St NW- GIS 1959 aerial.pdf**

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Jonathan Turner <jct473@gmail.com>

Thu, Aug 5, 2021 at 6:06 AM

To: Peggy Norton <peggynorton@yahoo.com>, Doyle Kimbrough <newmexmba@aol.com>, sylvan.cs@gmail.com, wood_cpa@msn.com

Dear Neighborhood and Coalition members,

The purpose of this correspondence is **to notify you for a 2nd time** of a forthcoming City application submittal for a zone map amendment and to again offer a meeting if you choose to have one. The previous notification sent to you on June 17th did not include the official City prescribed Public Notice form for a Zone Map Amendment application; therefore, the City is requesting that we re-notify you with the proper forms before accepting the application. Attached to this email you will find another "request for neighborhood meeting" form, another "official public notification" form, and a "public notice of a proposed project in the City of Albuquerque for policy decisions mailed/mailed to a neighborhood association" form.

As was stated in the preceding emailed notice, the purpose of the zone change from R-1C single family to R-T townhome is to bring the subject property into compliance after existing in the neighborhood for 77 years as a 9 unit residential development. The property owner was not aware of the City sponsored free zoning conversions that were offered after the passage of the 2018 IDO for nonconforming properties such as this one. As you probably know, the voluntary free zoning conversions for nonconforming properties offered by the City are no longer available. It is the intention of the property owner now to come forward with an application for the zone map amendment from single family to townhome in order to finally bring the property fully into compliance with zoning instead of continuing to be "grandfathered" or nonconforming since the City's 1st Zoning Code was adopted in 1959, after the 9 units were already occupied for 11 years. Still attached to the preceding email are: the official City public notice form and meeting offer form, the pre-application (PRT) notes from the Planning Department, Zone Atlas page G-14, a GIS aerial of the property from 2018, and a GIS aerial of the property from 1959. Although there were no changes to the originally provided documents, please take a moment to re-review the documents and let me know if you have any questions or would like more information. On behalf of the property owner, thank you in advance again for your time and consideration of this request.

Sincerely yours,

Jonathan Turner

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**Jonathan Turner**

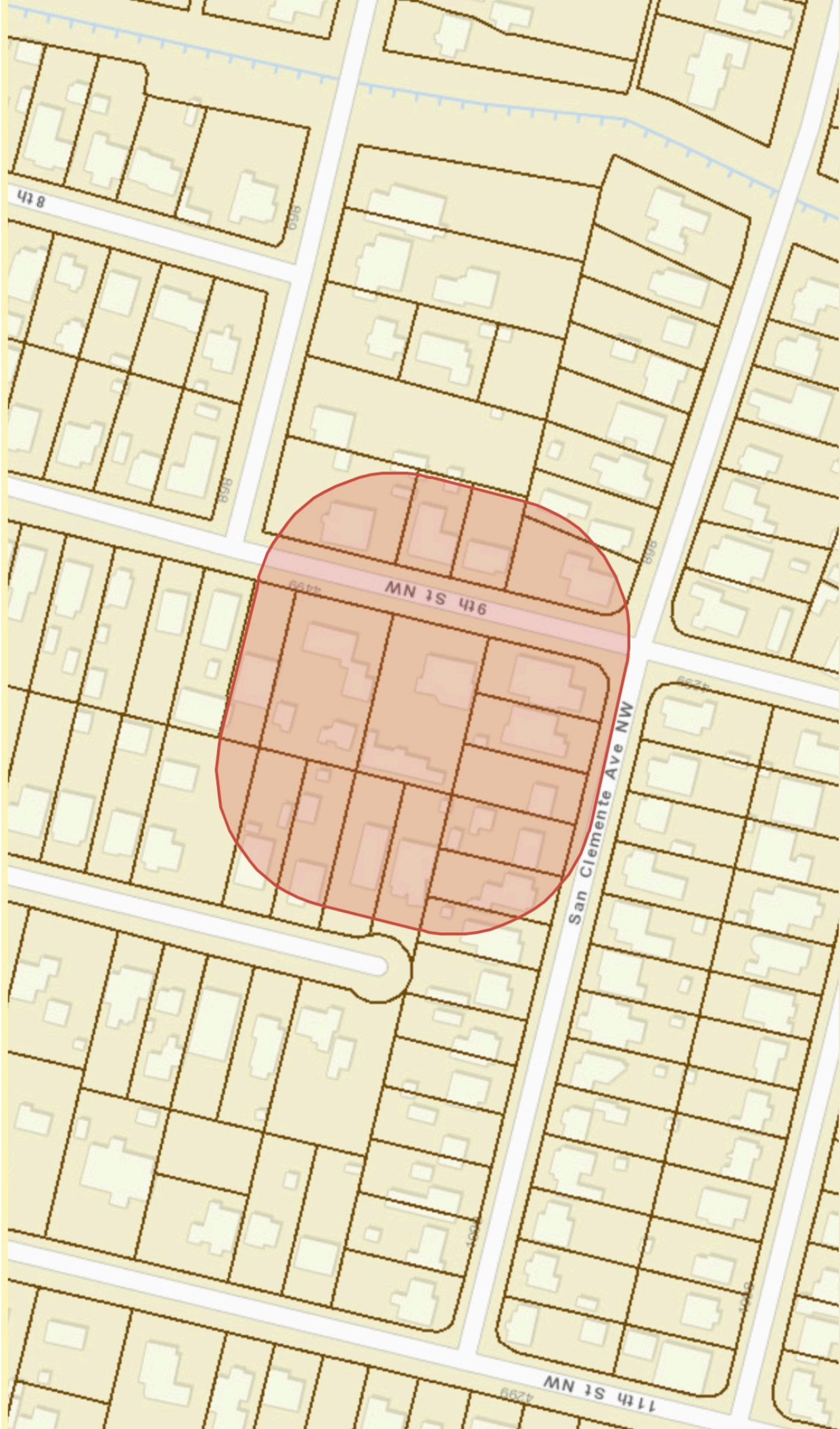
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Geocortex.	1.01E+17	HERN ERIC J
Geocortex.	1.01E+17	ESPINOSA LUGIE A
Geocortex.	1.01E+17	MARTINEZ MARIA E & LUIS A
Geocortex.	1.01E+17	SANCHEZ THERESA A
Geocortex.	1.01E+17	PENA JEREMIAH R & TRUJILLO ERICA D
Geocortex.	1.01E+17	GONZALES DAVID F & RAFAELITA M & GONZALES SHERRI L
Geocortex.	1.01E+17	SANCHEZ FELIX V & MARY L
Geocortex.	1.01E+17	CUEVAS JAVIER & MONICA
Geocortex.	1.01E+17	SALAZAR OLIVIA P
Geocortex.	1.01E+17	SANDOVAL CHRISTINA M
Geocortex.	1.01E+17	LUCERO-ARMIJO LINDA P & ARMIJO ALFRED A
Geocortex.	1.01E+17	DOW ERNEST & FLORENCE ATTN: ARLENE D BULLARD
Geocortex.	1.01E+17	MARTINEZ LUIS A & MARIA E
Geocortex.	1.01E+17	KING CHERYL L & JOHN ELTON
Geocortex.	1.01E+17	BRADLEY JACQUELINE GORE & DAVID L
Geocortex.	1.01E+17	SMITH VERNON P & LETICIA
Geocortex.	1.01E+17	ROBERT J MOSELEY
Geocortex.	1.01E+17	MASE LLC
Geocortex.	1.01E+17	REATEGUI MARY

Owner Address	Owner Address 2	SITUS Address
917 SAN CLEMENTE AVE NW	ALBUQUERQUE NM 87107	917 SAN CLEMENTE AVE NW
829 SAN CLEMENTE AVE NW	ALBUQUERQUE NM 87107-363	829 SAN CLEMENTE AVE NW
836 FREEMAN AVE NW	ALBUQUERQUE NM 87107	836 FREEMAN AVE NW
4426 10TH ST NW	ALBUQUERQUE NM 87107	4426 10TH ST NW
8760 ABIERTO VISTA CIR NW	ALBUQUERQUE NM 87120-680	4416 10TH ST NW
833 SAN CLEMENTE AVE NW	ALBUQUERQUE NM 87105	833 SAN CLEMENTE AVE NW
921 SAN CLEMENTE AVE NW	ALBUQUERQUE NM 87107-363	921 SAN CLEMENTE AVE NW
4408 9TH ST NW	ALBUQUERQUE NM 87107	4408 9TH ST NW
4408 10TH ST NW	ALBUQUERQUE NM 87107-361	4408 10TH ST NW
907 SAN CLEMENTE AVE NW	ALBUQUERQUE NM 87107	907 SAN CLEMENTE AVE NW
4410 10TH ST NW	ALBUQUERQUE NM 87107-361	4410 10TH ST NW
5729 GLENRIO RD NW	ALBUQUERQUE NM 87105-126	4417 9TH ST NW
4412 9TH ST NW	ALBUQUERQUE NM 87107	4412 9TH ST NW
925 SAN CLEMENTE AVE NW	ALBUQUERQUE NM 87107-363	925 SAN CLEMENTE AVE NW
903 SAN CLEMENTE AVE NW	ALBUQUERQUE NM 87107-363	903 SAN CLEMENTE AVE NW
4418 10TH ST NW	ALBUQUERQUE NM 87107-361	4418 10TH ST NW
4421 9TH ST NW	ALBUQUERQUE NM 87107-361	4421 9TH ST NW
1805 KRISS PL NE	ALBUQUERQUE NM 87112-113	4409 9TH ST NW
913 SAN CLEMENTE AVE NW	ALBUQUERQUE NM 87107-363	913 SAN CLEMENTE AVE NW

SITUSADD2

ALBUQUERQUE NM 87107

ALBUQUERQUE NM 87107

ALBUQUERQUE NM 87107

ALBUQUERQUE NM 87107

ALBUQUERQUE NM 87107

ALBUQUERQUE NM 87107

ALBUQUERQUE NM 87107

ALBUQUERQUE NM 87107

ALBUQUERQUE NM 87107

ALBUQUERQUE NM 87107

ALBUQUERQUE NM 87107 361'

ALBUQUERQUE NM 87107

ALBUQUERQUE NM 87107

ALBUQUERQUE NM 87107

ALBUQUERQUE NM 87107

ALBUQUERQUE NM 87107

ALBUQUERQUE NM 87107

ALBUQUERQUE NM 87107

ALBUQUERQUE NM 87107

Legal Description	Property Cl
* 010 001LA LUZ SUBD	R
* 002 002LA LUZ SUBD	R
* 005 ROSSITER ADD EXC S 120 FT	R
* 015 ROSSITER ADDN	R
SOUTHERLY 52 FEET LOT 16 ROSSITER ADDITION	R
* 001 002LA LUZ SUBD	R
* 009 001LA LUZ SUBD	R
* 005 ROSSITER ADD SO 60FT OF LOT 5	R
TR B REPLAT OF LOT 17 ROSSITER ADD	R
* 012 001LA LUZ SUBD	R
TR A REPLAT OF LOT 17 ROSSITER ADD	R
* 007 ROSSITERADD	R
* 005 ROSSITER ADD 60FT OF SO 120 FT LOT5	R
* 008 001LA LUZ SUBD	R
* 013 001LA LUZ SUBD	R
* 016 ROSSITER ADD N SLY 52FT OF LOT 16	R
LT 8-B PLAT OF LT 8-A & 8-B ROSSITER ADDN BEING A REPL OF LT8 CONT 8,039 SQ FT +-	R
* 006 ROSSITERADD	R
* 011 001LA LUZ SUBD	R

Acres

0.1791

0.1901

0.3099

0.4298

0.219

0.1641

0.1641

0.124

0.2238

0.1791

0.2303

0.4267

0.124

0.1641

0.1761

0.2149

0.1846

0.3089

0.1791

GARCIA/KRAEMER & ASSOCIATES

600 1ST St NW Suite 211

Albuquerque, NM 87102

(505) 440-1524 office

Jct473@gmail.com

August 5, 2021

Re: 4409 9th St NW

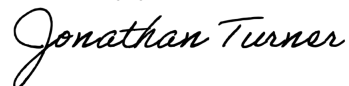
Dear Property owners:

The purpose of this correspondence is to notify you of a forthcoming City application submittal for a zone map amendment and to inform you of the date, time, and place of the public hearing for the case. The purpose of the zone map amendment from R-1C single family to R-T townhome is to bring the subject property into compliance after existing in the neighborhood for 77 years as a 9 unit residential garden style development that was built in 1944. The property owner and applicant, MASE LLC, was not aware of the City sponsored free zoning conversions that were offered after the passage of the 2018 IDO for nonconforming properties such as this one. As you probably know, the voluntary free zoning conversions for nonconforming properties offered by the City are no longer available. It is the intention of the property owner now to come forward with an application for the zone map amendment from R-1C single family to R-T townhome in order to finally bring the property fully into compliance with zoning instead of continuing to be "grandfathered" or nonconforming ever since the City's 1st Zoning Code was originally adopted in 1959- which was after the 9 units had already been legally occupied for 15 years.

Enclosed with this letter is the official City public notice form with the public hearing date, time, and location, Zone Atlas page G-14, and a GIS aerial of the property from 1959. Please review the documents and let me know if you have any questions or would like more information. .

On behalf of the property owner and this office, we thank you in advance for your consideration and positive support in their efforts to finally bring this property into compliance with current City zoning regulations within the North Valley community of Albuquerque.

Sincerely yours,



Jonathan Turner

You may email me at jct473@gmail.com or contact me directly at 505-440-1524 should you have any questions or concerns.

**OFFICIAL PUBLIC NOTIFICATION FORM
FOR MAILED OR ELECTRONIC MAIL NOTICE
CITY OF ALBUQUERQUE PLANNING DEPARTMENT**



PART I - PROCESS

Use [Table 6-1-1](#) in the Integrated Development Ordinance (IDO) to answer the following:

Application Type: Zone Map Amendment

Decision-making Body: EPC

Pre-Application meeting required: ☒ Yes ☐ No

Neighborhood meeting required: ☒ Yes ☐ No

Mailed Notice required: ☒ Yes ☐ No

Electronic Mail required: ☒ Yes ☐ No

Is this a Site Plan Application: ☐ Yes ☒ No **Note: if yes, see second page**

PART II – DETAILS OF REQUEST

Address of property listed in application: 4409 9th St NW

Name of property owner: Mase LLC

Name of applicant: Mase LLC

Date, time, and place of public meeting or hearing, if applicable: September 16, 2021 @ 8:30 AM Via Zoom

Zoom meeting info- <https://cabq.zoom.us/j/2269592859> or call 1 301 715 8592 meeting ID: 226 959 2859

Address, phone number, or website for additional information: Contact Jonathan Turner at: jct473@gmail.com
or by phone at 505-440-1524

PART III - ATTACHMENTS REQUIRED WITH THIS NOTICE

☒ Zone Atlas page indicating subject property.

☒ Drawings, elevations, or other illustrations of this request.

☒ Summary of pre-submittal neighborhood meeting, if applicable.

☒ Summary of request, including explanations of deviations, variances, or waivers.

IMPORTANT: PUBLIC NOTICE MUST BE MADE IN A TIMELY MANNER PURSUANT TO [SUBSECTION 14-16-6-4\(K\)](#) OF THE INTEGRATED DEVELOPMENT ORDINANCE (IDO). PROOF OF NOTICE WITH ALL REQUIRED ATTACHMENTS MUST BE PRESENTED UPON APPLICATION.

I certify that the information I have included here and sent in the required notice was complete, true, and accurate to the extent of my knowledge.

Jonathan Turner - Agent (Applicant signature) 8/5/21 (Date)

Note: Providing incomplete information may require re-sending public notice. Providing false or misleading information is a violation of the IDO pursuant to IDO Subsection 14-16-6-9(B)(3) and may lead to a denial of your application.

**OFFICIAL PUBLIC NOTIFICATION FORM
FOR MAILED OR ELECTRONIC MAIL NOTICE
CITY OF ALBUQUERQUE PLANNING DEPARTMENT**



PART IV – ATTACHMENTS REQUIRED FOR SITE PLAN APPLICATIONS ONLY

Provide a site plan that shows, at a minimum, the following: N/A

- ☐ a. Location of proposed buildings and landscape areas.
- ☐ b. Access and circulation for vehicles and pedestrians.
- ☐ c. Maximum height of any proposed structures, with building elevations.
- ☐ d. For residential development: Maximum number of proposed dwelling units.
- ☐ e. For non-residential development:
 - ☐ Total gross floor area of proposed project.
 - ☐ Gross floor area for each proposed use.

[Note: Items with an asterisk (*) are required.]

Public Notice of a Proposed Project in the City of Albuquerque for Policy Decisions Mailed to a Property Owner

Date of Notice*: 8/5/21

This notice of an application for a proposed project is provided as required by Integrated Development Ordinance (IDO) [Subsection 14-16-6-4\(K\) Public Notice](#) to:

Property Owner within 100 feet*: _____

Mailing Address*: _____

Project Information Required by [IDO Subsection 14-16-6-4\(K\)\(1\)\(a\)](#)

1. Subject Property Address* 4409 9th St NW
Location Description on the west side of 9th St NW- in between San Clemente Ave and Bellrose Ave
2. Property Owner* Mase LLC
3. Agent/Applicant* [if applicable] Garcia/Kraemer & Associates
4. Application(s) Type* per IDO [Table 6-1-1](#) [mark all that apply]

☒ Zoning Map Amendment

☐ Other: _____

Summary of project/request¹*:

Request for a zone map amendment from R-1C to R-T to allow a 9 unit residential development
that was built in 1944 to be a conforming use instead of a nonconforming use in the IDO.

5. This application will be decided at a public hearing by*:

☒ Environmental Planning Commission (EPC)

☐ City Council

This application will be first reviewed and recommended by:

☐ Environmental Planning Commission (EPC)

☐ Landmarks Commission (LC)

☒ Not applicable (Zoning Map Amendment – EPC only)

Date/Time*: September 16, 2021 @ 8:30 AM

Location*²: Zoom meeting- <https://cabq.zoom.us/j/2269592859> or call 1 301 715 8592 meeting ID: 226 959 2859

¹ Attach additional information, as needed to explain the project/request.

² Physical address or Zoom link

[Note: Items with an asterisk (*) are required.]

Agenda/meeting materials: <http://www.cabq.gov/planning/boards-commissions>

To contact staff, email devhelp@cabq.gov or call the Planning Department at 505-924-3860.

6. Where more information about the project can be found^{*3}:

Contact Jonathan Turner at: jct473@gmail.com or 505-440-1524

Project Information Required for Mail/Email Notice by [IDO Subsection 6-4\(K\)\(1\)\(b\)](#):

1. Zone Atlas Page(s)^{*4} G-14
2. Architectural drawings, elevations of the proposed building(s) or other illustrations of the proposed application, as relevant^{*}: Attached to notice or provided via website noted above
3. The following exceptions to IDO standards have been requested for this project^{*}:

☐ Deviation(s) ☐ Variance(s) ☐ Waiver(s)

Explanation^{*}:

N/A

4. A Pre-submittal Neighborhood Meeting was required by [Table 6-1-1](#): ☒ Yes ☐ No

Summary of the Pre-submittal Neighborhood Meeting, if one occurred:

N/A- The neighborhood association did not choose to have a meeting.

³ Address (mailing or email), phone number, or website to be provided by the applicant

⁴ Available online here: <http://data.cabq.gov/business/zoneatlas/>

[Note: Items with an asterisk (*) are required.]

Additional Information:

From the IDO Zoning Map⁵:

1. Area of Property [typically in acres] .3089 AC
 2. IDO Zone District Current: R-1C / Proposed: R-T
 3. Overlay Zone(s) [if applicable] N/A
 4. Center or Corridor Area [if applicable] N/A
- Current Land Use(s) [vacant, if none] 9 garden-style residential units built in 1944
-

NOTE: For Zoning Map Amendment – EPC only, pursuant to [IDO Subsection 14-16-6-4\(L\)](#), property owners within 330 feet and Neighborhood Associations within 660 feet may request a post-submittal facilitated meeting. If requested at least 15 calendar days before the public hearing date noted above, the facilitated meeting will be required. To request a facilitated meeting regarding this project, contact the Planning Department at devhelp@cabq.gov or 505-924-3955.

Useful Links

Integrated Development Ordinance (IDO):

<https://ido.abc-zone.com/>

IDO Interactive Map

<https://tinyurl.com/IDOzoningmap>

⁵ Available here: <https://tinyurl.com/idozoningmap>

[Note: Items with an asterisk (*) are required.]

Neighborhood Meeting Request for a Proposed Project in the City of Albuquerque

Date of Request*: 6/19/21 and 8/5/21

This request for a Neighborhood Meeting for a proposed project is provided as required by Integrated Development Ordinance (IDO) [Subsection 14-16-6-4\(K\) Public Notice](#) to:

Neighborhood Association (NA)*: Greater Gardner & Monkbridge N.A. / North Valley Coalition

Name of NA Representative*: Chris Sylvan and David Wood / Doyle Kimbrough and Peggy Norton

Email Address* or Mailing Address* of NA Representative¹: sylvan.cs@gmail.com, wood_cpa@msn.com, newmexmba@aol.com, peggynorton@yahoo.com

The application is not yet submitted. If you would like to have a Neighborhood Meeting about this proposed project, please respond to this request within 15 days.²

Email address to respond yes or no: jct473@gmail.com

The applicant may specify a Neighborhood Meeting date that must be at least 15 days from the Date of Request above, unless you agree to an earlier date.

Meeting Date / Time / Location:

Project Information Required by [IDO Subsection 14-16-6-4\(K\)\(1\)\(a\)](#)

1. Subject Property Address* 4409 9th St NW
Location Description on the west side of 9th St NW- in between San Clemente Ave and Bellrose Ave
2. Property Owner* Mase LLC
3. Agent/Applicant* [if applicable] Garcia/Kraemer & Associates- Jonathan Turner
4. Application(s) Type* per IDO [Table 6-1-1](#) [mark all that apply]
 - ☐ Conditional Use Approval
 - ☐ Permit _____ (Carport or Wall/Fence – Major)
 - ☐ Site Plan
 - ☐ Subdivision _____ (Minor or Major)

¹ Pursuant to [IDO Subsection 14-16-6-4\(K\)\(5\)\(a\)](#), email is sufficient if on file with the Office of Neighborhood Coordination. If no email address is on file for a particular NA representative, notice must be mailed to the mailing address on file for that representative.

² If no one replies to this request, the applicant may be submitted to the City to begin the review/decision process.

[Note: Items with an asterisk (*) are required.]

- ☐ Vacation _____ (Easement/Private Way or Public Right-of-way)
- ☐ Variance
- ☐ Waiver
- ☒ Zoning Map Amendment
- ☐ Other: _____

Summary of project/request^{3*}:

Request for a zone map amendment from R-1C to R-T to allow a 9 unit residential development
that was built in 1944 to be a conforming use instead of a nonconforming use in the IDO.

5. This type of application will be decided by^{*}: ☐ City Staff
OR at a public meeting or hearing by:
☐ Zoning Hearing Examiner (ZHE) ☐ Development Review Board (DRB)
☐ Landmarks Commission (LC) ☒ Environmental Planning Commission (EPC)
☐ City Council
6. Where more information about the project can be found^{*4}:
Garcia/Kraemer & Associates / phone# 505-440-1524 / email: jct473@gmail.com

Project Information Required for Mail/Email Notice by [IDO Subsection 6-4\(K\)\(1\)\(b\)](#):

1. Zone Atlas Page(s)^{*5} G-14
2. Architectural drawings, elevations of the proposed building(s) or other illustrations of the proposed application, as relevant^{*}: Attached to notice or provided via website noted above
3. The following exceptions to IDO standards will be requested for this project^{*}:
☐ Deviation(s) ☐ Variance(s) ☐ Waiver(s)
Explanation:
N/A
4. An offer of a Pre-submittal Neighborhood Meeting is required by [Table 6-1-1](#)^{*}: ☒ Yes ☐ No

³ Attach additional information, as needed to explain the project/request. Note that information provided in this meeting request is conceptual and constitutes a draft intended to provide sufficient information for discussion of concerns and opportunities.

⁴ Address (mailing or email), phone number, or website to be provided by the applicant

⁵ Available online here: <http://data.cabq.gov/business/zoneatlas/>

[Note: Items with an asterisk (*) are required.]

5. **For Site Plan Applications only***, attach site plan showing, at a minimum:

- n/a a. Location of proposed buildings and landscape areas.*
- n/a b. Access and circulation for vehicles and pedestrians.*
- n/a c. Maximum height of any proposed structures, with building elevations.*
- n/a d. **For residential development***: Maximum number of proposed dwelling units.
- n/a e. **For non-residential development***:
 - ☐ Total gross floor area of proposed project.
 - ☐ Gross floor area for each proposed use.

Additional Information:

1. From the IDO Zoning Map⁶:

- a. Area of Property [typically in acres] .3089 AC
- b. IDO Zone District R-1C
- c. Overlay Zone(s) [if applicable] N/A
- d. Center or Corridor Area [if applicable] N/A

2. Current Land Use(s) [vacant, if none] Multi-family / 9 Units

Useful Links

Integrated Development Ordinance (IDO):

<https://ido.abc-zone.com/>

IDO Interactive Map

<https://tinyurl.com/IDOzoningmap>

Cc: _____ [Other Neighborhood Associations, if any]

⁶ Available here: <https://tinurl.com/idozoningmap>

SIGN POSTING AGREEMENT

REQUIREMENTS

POSTING SIGNS ANNOUNCING PUBLIC HEARINGS

All persons making application to the City under the requirements and procedures established by the Integrated Development Ordinance are responsible for the posting and maintaining of one or more signs on the property which is subject to the application, as shown in Table 6-1-1. Vacations of public rights-of-way (if the way has been in use) also require signs. Waterproof signs are provided at the time of application for a \$10 fee per sign. If the application is mailed, you must still stop at the Development Services Front Counter to pick up the sign(s).

The applicant is responsible for ensuring that the signs remain posted throughout the 15-day period prior to any public meeting or hearing. Failure to maintain the signs during this entire period may be cause for deferral or denial of the application. Replacement signs for those lost or damaged are available from the Development Services Front Counter.

1. LOCATION

- A. The sign shall be conspicuously located. It shall be located within twenty feet of the public sidewalk (or edge of public street). Staff may indicate a specific location.
- B. The face of the sign shall be parallel to the street, and the bottom of the sign shall be at least two feet from the ground.
- C. No barrier shall prevent a person from coming within five feet of the sign to read it.

2. NUMBER

- A. One sign shall be posted on each paved street frontage. Signs may be required on unpaved street frontages.
- B. If the land does not abut a public street, then, in addition to a sign placed on the property, a sign shall be placed on and at the edge of the public right-of-way of the nearest paved City street. Such a sign must direct readers toward the subject property by an arrow and an indication of distance.

3. PHYSICAL POSTING

- A. A heavy stake with two crossbars or a full plywood backing works best to keep the sign in place, especially during high winds.
- B. Large headed nails or staples are best for attaching signs to a post or backing; the sign tears out less easily.

4. TIME

Signs must be posted from 9/1/21 To 10/1/21

5. REMOVAL

- A. The sign is not to be removed before the initial hearing on the request.
- B. The sign should be removed within five (5) days after the initial hearing.

I have read this sheet and discussed it with the Development Services Front Counter Staff. I understand (A) my obligation to keep the sign(s) posted for (15) days and (B) where the sign(s) are to be located. I am being given a copy of this sheet.

Jonathan Turner
(Applicant or Agent)

8/5/21
(Date)

I issued 1 signs for this application, _____,
(Date) (Staff Member)

PROJECT NUMBER: _____

[Note: Items with an asterisk (*) are required.]

Public Notice of a Proposed Project in the City of Albuquerque for Policy Decisions Mailed/Emailed to a Neighborhood Association

Date of Notice*: 8/5/21

This notice of an application for a proposed project is provided as required by Integrated Development Ordinance (IDO) [Subsection 14-16-6-4\(K\) Public Notice](#) to:

Neighborhood Association (NA)*: Greater Gardner & Monkbridge N.A. / North Valley Coalition

Name of NA Representative*: Chris Sylvan and David Wood / Doyle Kimbrough and Peggy Norton

Email Address* or Mailing Address* of NA Representative¹: sylvan.cs@gmail.com, wood_cpa@msn.com, newmexmba@aol.com, peggynorton@yahoo.com

Information Required by [IDO Subsection 14-16-6-4\(K\)\(1\)\(a\)](#)

1. Subject Property Address* 4409 9th St NW
Location Description on the west side of 9th St NW- in between San Clemente Ave and Bellrose Ave
2. Property Owner* Mase LLC
3. Agent/Applicant* [if applicable] Garcia/Kraemer & Associates
4. Application(s) Type* per IDO [Table 6-1-1](#) [mark all that apply]
☒ Zoning Map Amendment
☐ Other: _____

Summary of project/request²*: _____

Request for a zone map amendment from R-1C to R-T to allow a 9 unit residential development that was built in 1944 to be a conforming use instead of a nonconforming use in the IDO.

5. This application will be decided at a public hearing by*:

☒ Environmental Planning Commission (EPC)

☐ City Council

This application will be first reviewed and recommended by:

☐ Environmental Planning Commission (EPC)

☐ Landmarks Commission (LC)

☒ Not applicable (Zoning Map Amendment – EPC only)

¹ Pursuant to [IDO Subsection 14-16-6-4\(K\)\(5\)\(a\)](#), email is sufficient if on file with the Office of Neighborhood Coordination. If no email address is on file for a particular NA representative, notice must be mailed to the mailing address on file for that representative.

² Attach additional information, as needed to explain the project/request.

[Note: Items with an asterisk (*) are required.]

Date/Time*: September 16, 2021 @ 8:30 AM

Location*³: Zoom meeting- <https://cabq.zoom.us/j/2269592859> or call 1 301 715 8592 meeting ID: 226 959 2859

Agenda/meeting materials: <http://www.cabq.gov/planning/boards-commissions>

To contact staff, email devhelp@cabq.gov or call the Planning Department at 505-924-3860.

6. Where more information about the project can be found*⁴:

Contact Jonathan Turner at: jct473@gmail.com or 505-440-1524

Information Required for Mail/Email Notice by [IDO Subsection 6-4\(K\)\(1\)\(b\)](#):

1. Zone Atlas Page(s)*⁵ G-14
2. Architectural drawings, elevations of the proposed building(s) or other illustrations of the proposed application, as relevant*: Attached to notice or provided via website noted above
3. The following exceptions to IDO standards have been requested for this project*:

☐ Deviation(s) ☐ Variance(s) ☐ Waiver(s)

Explanation*:

N/A

4. A Pre-submittal Neighborhood Meeting was required by [Table 6-1-1](#): ☒ Yes ☐ No

Summary of the Pre-submittal Neighborhood Meeting, if one occurred:

N/A- The neighborhood association did not choose to have a meeting.

³ Physical address or Zoom link

⁴ Address (mailing or email), phone number, or website to be provided by the applicant

⁵ Available online here: <http://data.cabq.gov/business/zoneatlas/>

[Note: Items with an asterisk (*) are required.]

Additional Information [Optional]:

From the IDO Zoning Map⁶:

1. Area of Property [typically in acres] .3089 AC
 2. IDO Zone District Current: R-1C / Proposed: R-T
 3. Overlay Zone(s) [if applicable] N/A
 4. Center or Corridor Area [if applicable] N/A
- Current Land Use(s) [vacant, if none] 9 garden-style residential units built in 1944
-

NOTE: For Zoning Map Amendment – EPC only, pursuant to [IDO Subsection 14-16-6-4\(L\)](#), property owners within 330 feet and Neighborhood Associations within 660 feet may request a post-submittal facilitated meeting. If requested at least 15 calendar days before the public hearing date noted above, the facilitated meeting will be required. To request a facilitated meeting regarding this project, contact the Planning Department at devhelp@cabq.gov or 505-924-3955.

Useful Links

Integrated Development Ordinance (IDO):

<https://ido.abc-zone.com/>

IDO Interactive Map

<https://tinyurl.com/IDOzoningmap>

Cc: _____ [Other Neighborhood Associations, if any]

⁶ Available here: <https://tinyurl.com/idozoningmap>

Watson, Shawn M.

From: Jonathan Turner <jct473@gmail.com>
Sent: Tuesday, August 24, 2021 1:15 PM
To: Watson, Shawn M.
Subject: Fwd: 4409 9th St NW Neighborhood Meeting Inquiry
Attachments: image002.png; IDOZoneAtlasPage_G-14-Z.PDF

----- Forwarded message -----

From: **Carmona, Dalaina L.** <dlcarmona@cabq.gov>
Date: Mon, Jun 14, 2021, 8:13 AM
Subject: 4409 9th St NW Neighborhood Meeting Inquiry
To: jct473@gmail.com <jct473@gmail.com>

Dear Applicant:

Please find the neighborhood contact information listed below. Please make certain to read the information further down in this e-mail as it will help answer other questions you may have.

Association Name	First Name	Last Name	Email	Address Line 1	City	State
Greater Gardner & Monkbridge NA	Chris	Sylvan	sylvan.cs@gmail.com	226 Natalie Avenue NW	Albuquerque	NM
Greater Gardner & Monkbridge NA	David	Wood	wood_cpa@msn.com	158 Pleasant Avenue NW	Albuquerque	NM
North Valley Coalition	Doyle	Kimbrough	newmexmba@aol.com	2327 Campbell Road NW	Albuquerque	NM
North Valley Coalition	Peggy	Norton	peggynorton@yahoo.com	P.O. Box 70232	Albuquerque	NM

PLEASE NOTE: The ONC does not have any jurisdiction over any other aspect of your application beyond this neighborhood contact information. We can't answer questions about sign postings, pre-construction meetings, permit status, site plans, buffers, or project plans, so we encourage you to contact the Planning Department at: 505-924-3857 Option #1, e-mail: devhelp@cabq.gov, or visit: <https://www.cabq.gov/planning/online-planning-permitting-applications> with those types of questions.

You will need to e-mail each of the listed contacts and let them know that you are applying for an approval from the Planning Department for your project. Please use this online link to find the required forms you will need to submit. <https://www.cabq.gov/planning/urban-design-development/public-notice>. Once you have e-mailed the listed contacts

in each neighborhood, you will need to attach a copy of those e-mails AND a copy of this e-mail from the ONC to your application and submit it to the Planning Department for approval.

If your application requires you to offer a neighborhood meeting, you can click on this link to find required forms to use in your e-mail to the neighborhood association(s):

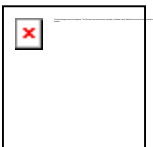
<http://www.cabq.gov/planning/urban-design-development/neighborhood-meeting-requirement-in-the-integrated-development-ordinance>

If your application requires a pre-application or pre-construction meeting, please plan on utilizing virtual platforms to the greatest extent possible and adhere to all current Public Health Orders and recommendations. The health and safety of the community is paramount.

If you have questions about what type of notification is required for your particular project or meetings that might be required, please click on the link below to see a table of different types of projects and what notification is required for each:

<https://ido.abc-zone.com/integrated-development-ordinance-ido#page=393>

Thanks,



Dalaina L. Carmona

Senior Administrative Assistant

Office of Neighborhood Coordination

Council Services Department

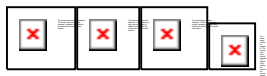
1 Civic Plaza NW, Suite 9087, 9th Floor

Albuquerque, NM 87102

505-768-3334

dlcarmona@cabq.gov or ONC@cabq.gov

Website: www.cabq.gov/neighborhoods



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From: webmaster=[cabq.gov@mailgun.org](mailto:webmaster=cabq.gov@mailgun.org) [mailto:webmaster=cabq.gov@mailgun.org] **On Behalf Of** webmaster@cabq.gov

Sent: Friday, June 11, 2021 4:42 PM

To: Office of Neighborhood Coordination <jct473@gmail.com>

Cc: Office of Neighborhood Coordination <onc@cabq.gov>

Subject: Neighborhood Meeting Inquiry Sheet Submission

Neighborhood Meeting Inquiry For:

Environmental Planning Commission

If you selected "Other" in the question above, please describe what you are seeking a Neighborhood Meeting Inquiry for below:

Contact Name

Jonathan Turner

Telephone Number

505-440-1524

Email Address

jct473@gmail.com

Company Name

Garcia/Kraemer & Associates

Company Address

600 1st St NW- Suite 211

City

Albuquerque

State

NM

ZIP

87102

Legal description of the subject site for this project:

* 006 ROSSITERADD

Physical address of subject site:

4409 9th St NW

Subject site cross streets:

Bellrose Ave NW and San Clemente Ave NW

Other subject site identifiers:

This site is located on the following zone atlas page:

G-14

REQUEST

ZONE MAP AMENDMENT - EPC

ZOOM MEETING INFO: MEETING ID-226 959 2859

:TO CALL IN - (301) 715-8952

ZOOM LINK: <https://cabq.zoom.us/j/2269592859>

ZONE CHANGE FROM R-1C -TO- R-T

The City of Albuquerque Environmental Planning Commission will hold a public hearing in the Plaza Del Sol Building Hearing Room, Basement, 600 2nd St. NW, on SEPTEMBER 16, 2021 at 8:30 AM. All persons have a right to appear at such a hearing. For information on this case or other instructions on filing written comments, call the Planning Department at (505) 924-3860 or contact the applicant.

Required to be posted from SEPTEMBER 1, 2021 to OCTOBER 01, 2021
by GARCIA/KRAEMER ASSOCIATES FOR MASELL (505) 440-1524
applicant/agent phone

REFER TO FILE# PR-2021-005845/RZ-2021-00029

It is illegal for an unauthorized person to remove or tamper with this sign