

**CITY COUNCIL  
OF THE  
CITY OF ALBUQUERQUE**

**March 28, 2012**

**FLOOR AMENDMENT NO. \_\_\_\_\_ TO C/S R-11-225**

**AMENDMENT SPONSORED BY COUNCILLOR \_\_\_\_\_**

*[NOTE: This amendment has been formatted in such a way that any of its sections (1-17) can be removed, should the Council feel that a particular amendment should be considered and voted on separately, while still allowing the remaining sections to be adopted with one motion.]*

On page 129, replace the “Zoning Established by the 2012 Downtown Neighborhood Area Sector Development Plan” map with the map below, which contains the following changes to zoning:

1. Change the zoning designation of 317 and 319 16<sup>th</sup> St., NW, from SU-2/SU-1 for B&B (Bed & Breakfast) to SU-2/DNA-MUM.

**Explanation:** This amendment would change the zoning of the subject properties from SU-2/SU-1 for B&B (Bed & Breakfast) to MUM (Mixed Use Medium). The property owner applied for and the EPC approved a zone change request for the subject properties from SU-1 for B&B to SU-2/RC on January 13, 2011. The SU-2/DNA-MUM zone is intended to replace SU-2/RC zoning from the 1976 DNASDP. Since the subject properties now contain SU-2/RC zoning, it follows logically that they should be rezoned to SU-2/DNA-MUM in the same way that other properties in the vicinity with existing SU-2/RC zoning are being rezoned.

2. Change the zoning designation of 715 Marquette Ave., NW from SU-2/HDA to SU-2/DNA-OR instead of SU-2/MR.

**Explanation:** This amendment would change the zoning of the subject property from the existing SU-2/HDA (High Density Apartment) zone to SU-2/DNA-OR (Office Residential) instead of SU-2/MR (Mixed Residential) as was proposed in the 10-28-10 Draft Plan. The subject property is currently in use as an office and is located within the first block abutting the Downtown Core. This change will further the goal of buffering residential neighborhoods from the higher-intensity activities in the Downtown Core, while respecting the existing land use of this lot.

3. Change the zoning designation of 1201 Lomas Blvd., NW, from SU-2/NC (1976 Plan) to SU-2/DNA-NC (2012 Plan) instead of SU-2/MUM.

**Explanation:** This amendment would change the zoning of the subject property

from the existing SU-2/NC (Neighborhood Commercial per the 1976 DNASDP) zone to SU-2/DNA-NC (Neighborhood Commercial per the 2012 DNASDP) instead of SU-2/MUM (Mixed Use Medium) as was proposed in the 10-28-10 Draft Plan. The property owner testified at the December 2, 2010, EPC hearing that his major concern about the SU-2/DNA-MUM zone is that it does not permissively allow restaurant development, which is why he is requesting to be zoned SU-2/DNA-NC in the 2012 DNASDP. There is really very little difference between the SU-2/DNA-MUM and SU-2/DNA-NC zones, and staff believes that zoning the subject property SU-2/DNA-NC rather than SU-2/DNA-MUM is appropriate given that the property across the street on the northeast corner of 12<sup>th</sup> and Lomas is proposed to be SU-2/DNA-NC.

4. Change the zoning designation of 712 Marquette Ave., NW from SU-2/HDA to SU-2/DNA-OR instead of SU-2/MR.

**Explanation:** This amendment would change the zoning of the subject property from the existing SU-2/HDA (High Density Apartment) zone to SU-2/DNA-OR (Office Residential) instead of SU-2/MR (Mixed Residential) as was proposed in the 10-28-10 Draft Plan. The subject property is currently in use as an office and is located within the first block abutting the Downtown Core. This change will further the goal of buffering residential neighborhoods from the higher-intensity activities in the Downtown Core, while respecting the existing land use of this lot.

5. Change the zoning designation of 415 and 417 7<sup>th</sup> St., NW from SU-2/HDA to SU-2/DNA-OR instead of SU-2/MR.

**Explanation:** This amendment would change the zoning of the subject property from the existing SU-2/HDA (High Density Apartment) zone to SU-2/DNA-OR (Office Residential) instead of SU-2/MR (Mixed Residential) as was proposed in the 10-28-10 Draft Plan. The subject property is currently in use as an office and is located within the first block abutting the Downtown Core. This change will further the goal of buffering residential neighborhoods from the higher-intensity activities in the Downtown Core, while respecting the existing land use of this lot.

6. Change the zoning designation of 1802, 1806, and 1808 Old Town Road, NW from SU-2/TH (1976 Plan) to SU-2/DNA-TH (2012 Plan) instead of SU-2/SF.

**Explanation:** This amendment would change the zoning of the subject properties from the existing SU-2/TH (Townhouse per the 1976 DNASDP) zone to SU-2/DNA-TH (Townhouse per the 2012 DNASDP) instead of SU-2/SF (Single Family) as was proposed in the 10-28-10 Draft Plan. Staff conducted a visit to the subject properties and verified that the existing land use is not, in fact, single family (this is reflected in the updated Existing Land Use map in C/S R-11-225). Based on the fact that there is a compact clustering of existing multifamily residential development in this area, staff supports changing the zoning of these properties from the proposed SU-2/SF to SU-2/DNA-TH, which is consistent with how similar multifamily properties throughout the 2012 DNASDP area are treated.

7. Change the zoning designation of 1213 Granite NW and 900 and 906 Brother Mathias NW from SU-2/TH (1976 Plan) to SU-2/DNA-SF instead of SU-2/TH (2012 Plan).

**Explanation:** This amendment would change the zoning of the subject properties from the existing SU-2/TH (Townhouse per the 1976 DNASDP) zone to SU-2/DNA-SF (Single Family) instead of SU-2/TH (Townhouse per the 2012 DNASDP) as was proposed in the 10-28-10 Draft Plan. The subject properties, which are single-family houses, are located in the first block south of Mountain Road across the street from a retirement home. Properties in similar locations as the subject properties (i.e., in the first block south of Mountain Road) and that are also currently developed and used as single-family residences are proposed to be rezoned from the existing SU-2/TH (per the 1976 DNASDP) to SU-2/DNA-SF in the 2012 DNASDP. Throughout the rest of the DNASDP area, SU-2/DNA-TH (Townhouse) zoning is only being retained or applied where existing townhouse or multi-family development exists. Staff is recommending this change in order to maintain consistency in the application of the SU-2/DNA-TH and SU-2/DNA-SF zones.

Notice of this proposed change, including information about how to register comments or opposition, was mailed to affected property owners on November 14, 2011, and again on March 2, 2012. As of the preparation of this amendment, no comments have been received.

8. Correct the map to remove the non-existent north-south alley on the north side of Granite between 7<sup>th</sup> and 8<sup>th</sup> Streets.

9. Change the zoning designation of 312 and 314 Keleher St., 800 Marquette Ave., and 417 8<sup>th</sup> St., NW from SU-2/HDA to SU-2/DNA-MR instead of SU-2/OR.

**Explanation:** This amendment would change the zoning of the subject properties from the existing SU-2/HDA (High Density Apartment) zone to SU-2/DNA-MR (Mixed Residential) instead of SU-2/OR (Office Residential) as was proposed in the 10-28-10 Draft Plan. The properties are currently used for residential purposes, and given the predominantly residential character of Marquette and concerns from neighborhood residents about further encroachment of non-residential uses into residential areas, it is appropriate to limit these properties to their existing residential uses.

Notice of this proposed change, including information about how to register comments or opposition, was mailed to affected property owners on December 20, 2011, and again on March 2, 2012. As of the preparation of this amendment, no comments have been received.

10. Change the zoning designation of the following properties from SU-2/HDA to SU-2/DNA-OR instead of SU-2/MR:

- 216 9<sup>th</sup> St. NW, whose legal description is \*00090043THRU LOT 12 SOUTH 50FT OF NMT ADDN and which is bounded by an ownership parcel incorporating the southernmost 50 feet of lots 9, 10, 11 and 12 of the southern 800 block of Kent NW; and

- 220 9<sup>th</sup> St. NW, whose legal description is NM T ADD N 92FT OF LOT 9 TO 12 BLK 43 and which is bounded by an ownership parcel incorporating the northernmost 92 feet of lots 9, 10, 11 and 12 of the southern 800 block of Kent NW; and

**Explanation:** This amendment would change the zoning of the subject properties from the existing SU-2/HDA (High Density Apartment) zone to SU-2/DNA-OR (Office Residential) instead of SU-2/MR (Mixed Residential) as was proposed in the 10-28-10 Draft Plan. The subject properties are located in close proximity to the Central Avenue Major Transit Corridor and are part of a “transition area” between Central Avenue and the neighborhood that contains a mix of office and residential uses. One of the properties (220 9<sup>th</sup> St., NW) has been in use as a law office for many years. Allowing office and very limited commercial uses is appropriate for this transition area between the higher-density SU-2/DNA-CC (Central Corridor) zone to the south and the residential areas of the neighborhood to the north.

11. Change the zoning designation of 903, 909, 913, 915, 917 and 919 Copper Ave., NW from SU-2/MRO to SU-2/DNA-OR instead of SU-2/MR.

**Explanation:** This amendment would change the zoning of the 900 block of Copper Ave., NW from the existing SU-2/MRO (Mixed Residential Office) zone to SU-2/DNA-OR (Office Residential) instead of SU-2/MR (Mixed Residential) as was proposed in the 10-28-10 Draft Plan. A number of property owners on this block submitted comments to Planning staff during the EPC hearing process, requesting the MUM (Mixed Use Medium) zone instead of the proposed MR zone and citing the fact that their respective properties had been used for non-residential purposes, namely offices, in the past as reason for desiring a zoning designation that would allow more than just residential uses. The EPC recommended changing the zoning of this block to MUM per property owners’ request, and Council staff initially agreed with the recommendation. However, Council staff has ended up recommending significant changes to the OR zone and now feels that the revamped OR zone is more appropriate for the subject location given the proposed zoning of surrounding properties, historic use of the properties on this block, and generally being more in line with the intent of the OR zone than the MUM zone, which is primarily intended to be a corridor zone and is more suitable for higher-activity/higher-trafficked areas (such as Lomas Blvd.).

12. Change the zoning designation of the following properties from SU-2/HDA to SU-2/DNA-OR instead of SU-2/MR: 120, 122 and 124 10<sup>th</sup> St. NW; 918 and 920 Kent Ave. NW; and 215, 219 and 223 9<sup>th</sup> St. NW.

**Explanation:** This amendment would change the zoning of the subject properties from the existing SU-2/HDA (High Density Apartment) zone to SU-2/DNA-OR (Office Residential) instead of SU-2/MR (Mixed Residential) as was proposed in the 10-28-10 Draft Plan. Structures on the subject properties vary

from single-family detached houses to what appears to have once been a commercial storefront (120 10<sup>th</sup> St., NW), and a number are currently in use as offices. Allowing office and very limited commercial uses is appropriate for this transition area between the higher-density SU-2/DNA-CC (Central Corridor) zone to the south and the residential areas of the neighborhood to the north.

13a. Change the zoning designation of the south side of the 1000 block of Tijeras NW, which is bounded by Tijeras to the north, Kent to the south, 10<sup>th</sup> St. to the east and 11<sup>th</sup> St. to the west, from SU-2/RC to SU-2/DNA-OR instead of SU-2/MUM.

**Explanation:** This amendment would change the zoning for the subject properties from the existing SU-2/RC (Residential Commercial) zone to SU-2/DNA-OR (Office Residential) instead of SU-2/MUM (Mixed Use Medium) as was proposed in the 10-28-10 Draft Plan. The OR zone (as amended by the LUPZ Committee) is an appropriate designation for properties on the south side of the 1000 block of Tijeras, given: 1) the existing, large office building on the north side of Tijeras in this same block, which is proposed to be zoned OR, 2) their proximity to Central Avenue and property that is proposed to be zone CC (Central Corridor), the highest-intensity zone within the DNASDP, and 3) furtherance of/compliance with II.B.5 Policy i, II.B.5 Policy o, and II.C.1 Policy b of the Comprehensive Plan.

13b. Change the zoning designation from SU-2/RC to SU-2/DNA-OR instead of SU-2/MUM for the four ownership parcels comprised of the southernmost 100 feet of lots 1 through 8 of the southern 1100 block of Tijeras, NW, whose legal descriptions are:

- 057N M T ADD SOUTH 100 FT OF LOT 1 & 2;
- SOUTH 100 FT OF LOTS 3 & 4 OF THE N M TOWN COMPANY'S ORIGINAL TOWNSITE;
- S 100FT OF LOT 5 & 6 BLK 57 NEW MEXICO TOWNSITE ADD; and
- 057N M T ADD S100FT OF LOT 7 X 8

**Explanation:** This amendment would change the zoning of four parcels on Kent Ave. west of 11<sup>th</sup> St. from the existing SU-2/RC (Residential Commercial) zone to SU-2/DNA-OR (Office Residential) instead of SU-2/MUM (Mixed Use Medium) as was proposed in the 10-28-10 Draft Plan. Establishing SU-2/DNA-OR zoning on these parcels will help allow for a mix of residential and non-residential uses that is appropriate to this area given its proximity to the higher-intensity SU-2/DNA-CC zone and the Central Avenue Major Transit Corridor.

13c. Change the zoning designation of the following properties from SU-2/RC to

SU-2/DNA-OR instead of SU-2/MUM:

- 1100 Tijeras NW, whose legal description is as follows: 57N M T ADD ORIGINAL N 57FT X 4 1/2IN OF LOTS 1 THRU 4 and which is bounded by an ownership parcel incorporating the northernmost 57 feet, 4.5 inches of lots 1, 2, 3 and 4 of the southern 1100 block of Tijeras, NW; and
- 1120 Tijeras NW, whose legal description is as follows: 057NMT ORIGINAL N57FT4IN OF LTS 5 6 7 and 8 and which is bounded by an ownership parcel incorporating the northernmost 57 feet 4 inches of blocks 5, 6, 7 and 8 of the southern 1100 block of Tijeras, NW

**Explanation:** This amendment would change the zoning of the south side of the 1100 block of Tijeras from the existing SU-2/RC (Residential Commercial) zone to SU-2/DNA-OR (Office Residential) instead of SU-2/MUM (Mixed Use Medium) as was proposed in the 10-28-10 Draft Plan. Establishing OR zoning on these properties reflects the existing mix of land uses on the block and provides a necessary and appropriate transition area between the Central Avenue Major Transit Corridor and the low-density, single-family residential core to the north.

14. Change the zoning designation of lots 9, 10, 11 and 12 of the 1100 Block of Tijeras, NW from SU-2/CC (1976 Plan) to SU-2/DNA-OR instead of SU-2/CC (2012 Plan).

**Explanation:** This amendment would change the zoning of the four westernmost lots of the 1100 block of Tijeras from the existing SU-2/CC (Central Corridor per the 1976 DNASDP) zone to SU-2/DNA-OR (Office Residential) instead of SU-2/CC (Central Corridor per the 2012 DNASDP) as was proposed in the 10-28-10 Draft Plan. Establishing SU-2/DNA-OR zoning on the subject properties will allow for existing office uses and limited commercial uses in the future, while providing an appropriate buffer zone that is more compatible with the residential area to the immediate north than the CC zone would be. The CC zone would potentially allow for building heights up to 52 feet and many more permissive uses than the OR zone, which would cap building heights at 40 feet and allows fewer, more neighborhood-compatible non-residential uses.

15. Change the zoning designation of 1519 Fruit Ave., NW and 306, 310, 312, 314, 316, and 320 16<sup>th</sup> St., NW, from SU-2/TH (1976 Plan) to SU-2/DNA-SF instead of SU-2/TH (2012 Plan).

**Explanation:** This amendment would change the zoning of the subject properties from the existing SU-2/TH (Townhouse per the 1976 DNASDP) zone to SU-2/DNA-SF (Single Family) instead of SU-2/TH (Townhouse per the 2012 DNASDP) as was proposed in the 10-28-10 Draft Plan. The subject properties, which are single-family houses, are located in the first block south of Lomas Boulevard across the street from single-family and townhouse development.

Properties in similar locations as the subject properties (i.e., in the first block south of Lomas Boulevard) and that are also currently developed and used as single family residences are proposed to be rezoned from the existing SU-2/TH (per the 1976 DNASDP) to SU-2/DNA-SF in the 2012 DNASDP. Throughout the rest of the DNASDP area, SU-2/DNA-TH (townhouse) zoning is only being retained or applied where existing townhouse or multi-family development exists. Staff is recommending this change in order to maintain consistency in the application of the SU-2/DNA-TH and SU-2/DNA-SF zones.

Notice of this proposed change, including information about how to register comments or opposition, was mailed to affected property owners on November 14, 2011, and again on March 2, 2012. As of the preparation of this amendment, no comments have been received.

16. Change the zoning designation of 623 12<sup>th</sup> St, NW / 1204 Orchard Pl., NW from SU-2/TH (1976 Plan) to SU-2/DNA-TH (2012 Plan) instead of SU-2/SF.

**Explanation:** This amendment would change the zoning of the subject property from the existing SU-2/TH (Townhouse per the 1976 DNASDP) zone to SU-2/DNA-TH (Townhouse per the 2012 DNASDP) instead of SU-2/SF (Single Family) as was proposed in the 10-28-10 Draft Plan. The property owner submitted a letter to the LUPZ Committee on November 30, 2011, which explained that her property is and has been in use as a duplex for many decades. Staff researched the historic use of the property in the City Directories and confirmed that the property has been recorded as a duplex with a detached rear unit since 1957 (this is reflected in an amendment containing updates to the Existing Land Use). Based on the fact that the subject property has contained multiple units since before the adoption of the 1976 Plan, staff supports changing the zoning of this property from the proposed SU-2/SF to SU-2/DNA-TH, which is consistent with how similar properties throughout the 2012 DNASDP area are treated.

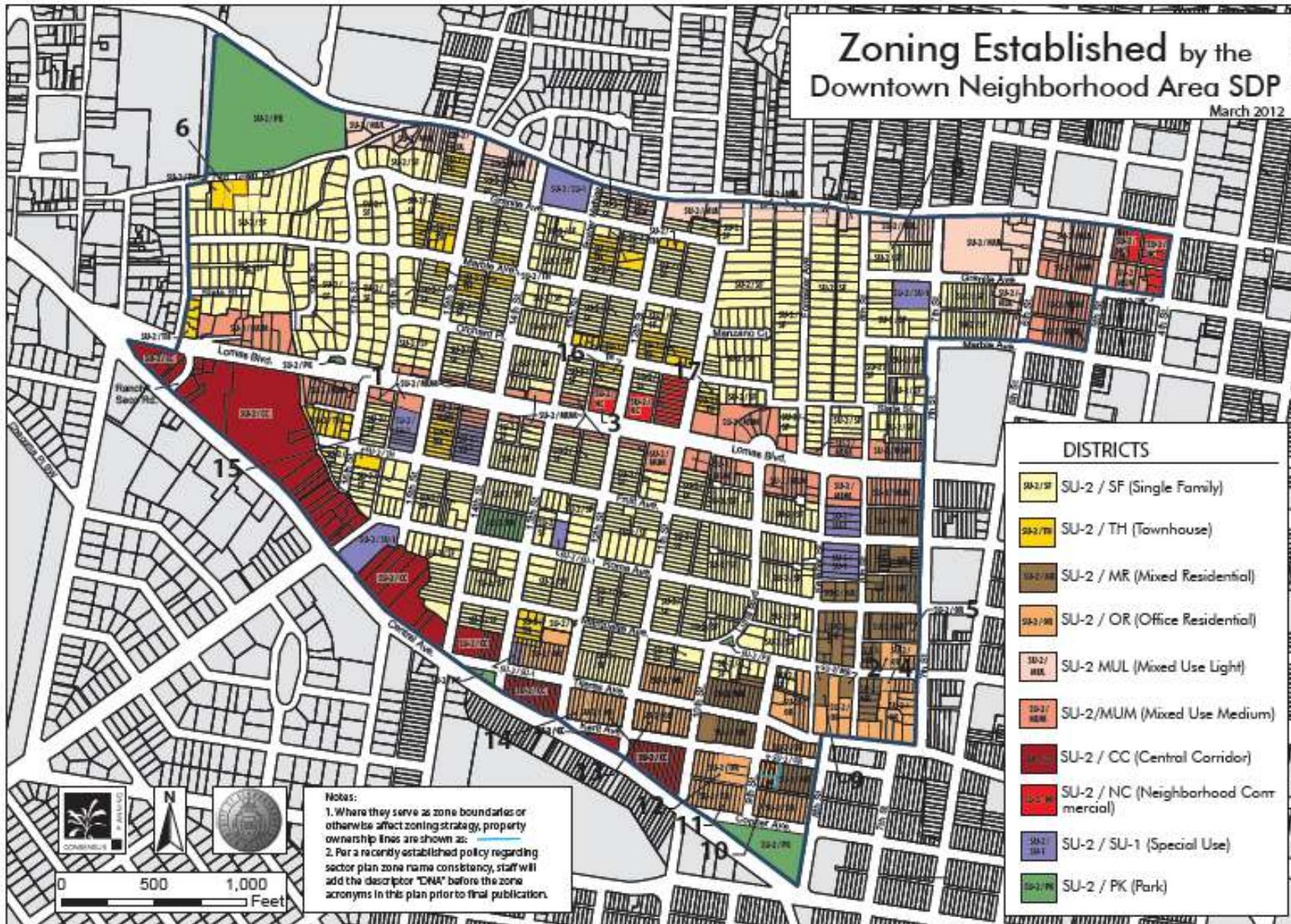
17. Change the zoning designation of 1024 Orchard Place, NW, Lot 2, Block 25, Perea Addition from SU-2/TH (1976 Plan) to SU-2/DNA-SF instead of SU-2/TH (2012 Plan).

**Explanation:** This amendment would change the zoning of the subject properties from the existing SU-2/TH (Townhouse per the 1976 DNASDP) zone to SU-2/DNA-SF (Single Family) instead of SU-2/TH (Townhouse per the 2012 DNASDP) as was proposed in the 10-28-10 Draft Plan. Staff recently realized, upon additional review and analysis of townhouse zoning, that there was a mistake in the 10-28-10 Draft Plan's Proposed Zoning Map. The subject property contains two lots (Lot 1 and Lot 2, Block 25, Perea Addition), and the 10-28-10 Draft Plan mistakenly showed the southern lot, Lot 2, as being zoned TH while the northern lot was shown as SF. This amendment would make the entire assess parcel have the same zoning designation. Review of the City Directories confirms that the property has historically been used as a single-family residence.

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# Zoning Established by the Downtown Neighborhood Area SDP

March 2012



The proposed changes shown in this map and listed below represent requests by property owners or recommendations by staff that have sufficient policy support to justify the change.

1. Condition 28: Change 317, 319 16th St. from SU-1 for B&B to SU2 MUM
2. Condition 30: Change 715 Marquette from SU2 MR to SU2 OR
3. Condition 33: Change 1201 Lomas from SU2 MUM to SU2 NC
4. Condition 77: Change 712 Marquette from SU2 MR and OR to SU2 OR only
5. Condition 79: 415, 417 7th from SU2 MR to SU2 OR
6. Change parcels at 1802, 1806 and 1808 Old Town Road from SU-2/SF to SU-2/TH
7. Change from SU-2/TH to SU-2/SF
8. Make correction to map to remove non-existent alley
9. Change residential parcels from SU-2/OR to SU-2/MR
10. Change ownership parcels facing west toward 9th from SU-2/MR to SU-2/OR
11. Change 903 - 919 Copper from SU-1 and SU-2/MR to SU-2/OR
12. Change from SU-2/MR to SU-2/OR
13. Change from SU-2/MUM to SU-2/OR
14. Change from SU-2/CC to SU-2/OR
15. Change from SU-2/TH to SU-2/SF
16. Change from SU-2/SF to SU-2/TH
17. Change from SU-2/TH to SU-2/SF

**Notes:**  
 1. Where they serve as zone boundaries or otherwise affect zoning strategy, property ownership lines are shown as:  
 2. For a recently established policy regarding sector plan zone name consistency, staff will add the descriptor "DNNA" before the zone acronym in this plan prior to final publication.