
**CITY OF ALBUQUERQUE
CITY COUNCIL**

INTEROFFICE MEMORANDUM

TO: LUPZ Committee

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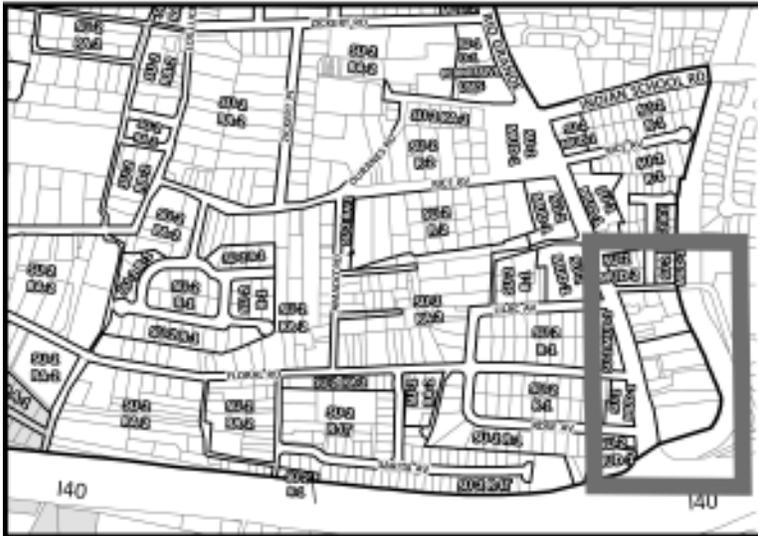
**SUBJECT: Los Duranes Sector Development Plan (R-11-279) – Responses
to Comments Made at the September 14, 2011, LUPZ Meeting
and in Subsequent Communications**

DATE: February 15, 2012

This memorandum responds to issues that were raised at the September 14, 2011, LUPZ meeting and in subsequent communications that have been received regarding R-11-279, Adopting the Los Duranes Sector Development Plan. It is broken into two parts:

- Part I describes three zoning options for an approximately 5.5-acre subject area on the east side of Rio Grande Blvd., between I-40 and Lilac. Proposed zoning options for the site have generated considerable public comment and debate from stakeholders and property owners both within and adjacent to the subject area, beginning early in the planning process and continuing through the Environmental Planning Commission hearings on the draft Plan. Each option contains a brief explanation of the zoning proposal, issues with the proposal raised by different parties where applicable, and the policies that would support adoption of that particular option in the event that the LUPZ Committee and/or full City Council moves to adopt that option.
It should be noted that the options described herein are not exhaustive and that the potential exists to further refine/amend Options 1 and 2 with regard to exact zoning boundaries, uses, and other development regulations.
- Part II contains other recommended amendments to the draft plan based on comments/requests from the general public and staff's review and analysis of the consistency between the draft plan's regulations and adopted City policies.

Part I – Zoning Options for the east side of Rio Grande from I-40 to Lilac



Subject Area Map

Option 1: Original Proposal – mix of MUD-1 and MUD-2



Existing Zoning



Original Proposed Zoning

The EPC submittal draft of the LDSDP proposed a mix of MUD-1 and MUD-2 zoning for the subject area that generally corresponds to the existing location of C-1 and C-2 zoning on Rio Grande Boulevard. The MUD-1 and MUD-2 zones allow the following permissive uses, respectively:

- **MUD-1:** R-G¹, O-1, C-1, Senior Housing Facility
- **MUD-2:** R-2, O-1, C-1, C-2, Senior Housing Facility

¹ Staff is recommending elsewhere that this be changed to allow R-2 uses in the MUD-1 zone (see “Part II – Other Recommendations” #1 below).

With respect to the other regulations contained in the two zones, they are very similar, if not identical, when it comes to regulating height, setbacks, parking requirements, and design standards for drive-up service windows. The main difference between the two zones is the allowance of C-2 uses in MUD-2.

The owners of the majority of property within the subject area have argued in letters to the Committee and in public testimony that the establishment of this mix of MUD-1 and MUD-2 zoning would create a “spot zone.” Property owners near the site have argued in public testimony and written submissions that establishing a lower-intensity commercial zone (MUD-1) at the north end of the subject area will buffer low-density residential areas from higher-intensity activity in the proposed MUD-2 area that is closer to Interstate 40.

What follows are applicable policies that support adoption of a combination of MUD-1 and MUD-2 zoning for the subject area:

“More Advantageous to the Community” based on compliance with and/or furtherance of the following applicable goals and policies:

Albuquerque/Bernalillo County Comprehensive Plan (Rank 1)

1. II.B.5 Developing and Established Urban Areas Goal: The Goal is to create a quality urban environment which perpetuates the tradition of identifiable, individual but integrated communities within the metropolitan area and which offers variety and maximum choice in housing, transportation, work areas, and life styles, while creating a visually pleasing built environment.

The proposed MUD-1/MUD-2 zoning helps to further this Goal by introducing modern, mixed-use zoning that will facilitate and guide the redevelopment of an important site and ensure that future development 1) is integrated into the Los Duranes community, 2) can offer a range of land uses, and 3) creates a visually pleasing built environment.

2. II.B.5.Policy a: The Developing Urban and Established Urban Areas...shall allow a full range of urban land uses, resulting in an overall gross density up to 5 dwelling units per acre.

The MUD-1 zone, as proposed in the original EPC submittal draft, permissively allows up to 20 du/acre², and the MUD-2 zone allows up to 30 du/acre.

3. II.B.5.Policy d: The location, intensity, and design of new development shall respect existing neighborhood values, natural environmental conditions and carrying capacities, scenic resources, and resources of other social, cultural, recreational concern.

² Council staff is recommending an amendment to the MUD-1 zone to allow densities of up to 30 du/acre. See “Part II – Other Recommendations” #1 below for analysis and explanation.

Establishing a mix of MUD-1 and MUD-2 zoning in the subject area acknowledges that the northern portion of the subject area both contains and is located closer to low-density residential areas of the neighborhood and, therefore, decreases the intensity of permissive uses from C-2 (community commercial) uses to C-1 (neighborhood commercial) uses in order to provide a transition, or buffer, area.

4. II.B.5.Policy e: New growth shall be accommodated through development in areas where vacant land is contiguous to existing or programmed urban facilities and services and where the integrity of existing neighborhoods can be ensured.

The subject area has excellent access to the city's road network, transit system, bicycle facilities and other amenities/services and is ideally located to accommodate new growth through redevelopment. Redevelopment of the subject area will need to be handled sensitively in order to respect and ensure the integrity of the Los Duranes neighborhood, at the edge of which it is located. The proposed MUD-1 and MUD-2 zones contain land use restrictions and design regulations that are intended to ensure that future development is compatible with and complements proximate development.

5. II.B.5.Policy i: Employment and service uses shall be located to complement residential areas and shall be sited to minimize adverse effects of noise, lighting, pollution, and traffic on residential environments.

The mix of MUD-1 and MUD-2 zoning will require more intense commercial uses to be located farther away from single-family residential areas (i.e., on San Venito directly north of Lilac, and on the other side of the Alameda Drain).

6. II.B.5.Policy j: Where new commercial development occurs, it should generally be located in existing commercially zoned areas as follows:

- **In small neighborhood-oriented centers provided with pedestrian and bicycle access within reasonable distance of residential areas for walking or bicycling.**
- **In larger area-wide shopping centers located at intersections of arterial streets and provided with access via mass transit; more than one shopping center should be allowed at an intersection only when transportation problems do not result.**
- **In free-standing retailing and contiguous storefronts along streets in older neighborhoods.**

Interestingly, the subject area could be developed as either a "neighborhood-oriented center" or a "larger area-wide shopping center." It currently contains a mix of zoning designations, including C-1 and C-2 commercial zoning, is within a reasonable distance of residential areas for walking and bicycling, and is located along Rio Grande Blvd., which has striped bicycle lanes and adequate existing sidewalks. Rio Grande Blvd. is also a designated Enhanced Transit Corridor in this area with bus stops located across

the street from the subject area to serve southbound riders. Long-term plans to improve the street right-of-way and pedestrian facilities will help to make the subject area even more accessible to pedestrians.

7. II.B.5.Policy l: Quality and innovation in design shall be encouraged in all new development; design shall be encouraged which is appropriate to the Plan area.

The MUD-1 and MUD-2 zones contain design standards for drive-up service windows and require compliance with the regulations of the Rio Grande Blvd. Corridor Plan, which regulates things like height setbacks and the location/design of off-street parking areas.

8. II.B.5.Policy o: Redevelopment and rehabilitation of older neighborhoods in the Established Urban Area shall be continued and strengthened. Possible Technique #7: Introduce mixed-use concepts as a means of strengthening residential markets.

Rezoning the subject area to MUD-1 and MUD-2 will result in mixed-use zoning for all properties within the subject area. The new zoning allows a greater degree of flexibility than existing zoning in terms of possible residential development (existing zoning allows only R-1 uses, where the proposed zoning allows up to 30 du/acre apartment development) and preserves opportunities for the development of both neighborhood- and community-serving commercial uses.

9. II.B.5.Policy p: Cost-effective redevelopment techniques shall be developed and utilized.

Possible Technique #1: Provide practicable redevelopment assistance not requiring direct City financial participation.

Possible Technique #2: Emphasize private investment as a primary means to achieve redevelopment objectives.

The closure of a combination fast-food restaurant and gas station 10 years ago has resulted in the presence in the subject area of an older, purpose-built structure that has fallen into disrepair and is surrounded by temporary chain-link fence at this busy intersection with recent pedestrian improvements. Other structures in the subject area include older commercial buildings, some of which are unoccupied, and a handful of older single-family homes in varying condition. Rezoning the subject area to MUD-1 and MUD-2 will result in mixed-use zoning for all properties within the subject area, resulting in a greater degree of flexibility for residential and commercial development than the existing zones allow, which could help stimulate redevelopment of the subject area to include residential and neighborhood-/community-serving commercial uses.

10. II.C.9.Policy c: The identity and cohesiveness of each community shall be strengthened through identification and enhancement of community Activity Centers that have a scale, mix of uses, design character, and location appropriate to the unique character of the community.

The subject area, while not a designated Community Activity Center, meets the North Valley Area Plan's definition of "Village Center," which, therefore, makes this policy applicable. The mix of MUD-1 and MUD-2 zoning provides regulations that are tailored, in terms of uses and design standards, to realizing the Los Duranes neighborhood and the community's vision for redevelopment of the subject area, which includes a mix of neighborhood- and community-serving commercial uses as well as opportunities for higher-density residential development.

11. II.D.4. Transportation and Transit Goal: The Goal is to develop corridors, both streets and adjacent land uses, that provide a balanced circulation system through efficient placement of employment and services, and encouragement of bicycling, walking, and use of transit/paratransit as alternative to automobile travel, while providing sufficient roadway capacity to meet mobility and access needs.

Introducing mixed-use zoning to the subject area will allow the collocation of residential and non-residential (e.g., employment, retail) uses in an area that has good access to alternative transportation modes, namely the City's transit system and bicycle/trail network.

12. II.D.4.Policy a: Development Form consistent with Transportation Corridors and Activity Centers. From Corridor Policies Table: Applicable Enhanced Transit Corridor Development Form Policies:

- **Provide a building entrance from the street**
- **Minimum setbacks**
- **Parking separated from the street by the building or to the side of the building**
- **Housing density targets for new development: 7-30 du/acre**

The proposed MUD-1 and MUD-2 zoning, in combination with the design regulations in the Rio Grande Corridor Plan, provides regulations that are tailored, in terms of uses and design standards, to realizing the Los Duranes neighborhood and the community's vision for redevelopment of the subject area while also meeting Comprehensive Plan goals for Transportation Corridors.

13. II.D.4.Policy c: In order to add to transit ridership, and where it will not destabilize adjacent neighborhoods, additional dwelling units are encouraged close to Major Transit and Enhanced Transit streets.

The subject area is located on a designated Enhanced Transit corridor (Rio Grande Blvd.). Existing residential zoning in the subject area is R-1, which allows for the development of single-family houses. The proposed MUD-1 and MUD-2 zones would allow for higher-density residential development, such as townhouses or apartments (up to 30 dwelling units/acre). The established development pattern in the area (Los Duranes neighborhood / along Rio Grande Blvd. north of I-40) contains, and existing zoning allows, higher-density residential development (R-2) on similarly-situated properties, meaning that the

introduction of higher-density residential zoning in the subject area is consistent with and should not destabilize the neighborhood.

North Valley Area Plan (NVAP) (Rank 2)

1. Goal 6: To encourage quality commercial/industrial development and redevelopment in response to area needs in already developed/established commercial/industrial zones and areas. To discourage future commercial/industrial development on lots not already zoned commercial/industrial (p. 6).

The proposed MUD-1 and MUD-2 zoning is generally consistent with the spirit of this goal. Existing zoning of the subject area is a mix of R-1, C-1, C-2, and M-1. While there are a small number of single-family residences that exist within the subject area, all of the land that fronts Rio Grande Blvd. is zoned for commercial uses. Much of the land along Rio Grande Blvd. has been and/or is currently used for commercial purposes.

2. Village Center Policy 1: The City and County shall encourage new development and redevelopment that incorporates Village Center Principles including: pedestrian attraction and accessibility, mixed use development, and valley scale and character (p. 15, repeated on p. 142).

The proposed MUD-1 and MUD-2 zones introduce mixed-use zoning to the subject area and contain regulations, such as height limits and design standards for drive-up service windows, that are intended to ensure pedestrian-friendly development and maintain the valley scale and character.

3. Preferred Scenario Description of Commercial Uses: New commercial uses in the valley would meet local neighborhood needs and would be oriented to those neighborhoods through provision of access to pedestrians and bicyclists. These businesses would be smaller scale and would incorporate Village Center Principles of pedestrian access, mixed use, and valley scale and character... (p. 38).

The portion of the subject area that is proposed to be MUD-1 will limit commercial uses to C-1, or neighborhood commercial, uses that are intended to serve the immediate area rather than the larger community. "Smaller scale" businesses are more likely to develop in C-1 (MUD-1) areas than C-2 (MUD-2) areas, though both the MUD-1 and MUD-2 zones are intended to be pedestrian- and bicycle-friendly and incorporate the "Village Center Principles" articulated in the NVAP.

4. Village Center Principles – Application of: "The Village Center Principles...may be applied throughout the valley in all commercial development and redevelopment..." (p. 134).

The subject area is located within the boundaries of the North Valley Area Plan and is, therefore, considered to be one of the areas suitable for the application of the NVAP's Village Center Principles.

Additional Discussion Point: “Spot Zone” Analysis



In letters submitted to the EPC and at the July 7, 2011, EPC hearing on the Los Duranes SDP, it was argued that the proposed MUD-1 area just south of Lilac creates a “spot zone.” R-270-1980, the City’s resolution that establishes policies for zone map change applications, specifies the following with regard to “spot zones”:

Albuquerque Code of Resolutions

§ 1-1-2 POLICIES FOR ZONE MAP CHANGE APPLICATIONS.

(I) A zone change request which would give a zone different from surrounding zoning to one small area, especially when only one premise is involved, is

generally called a “spot zone.” Such a change of zone may be approved only when:

- (1) The change will clearly facilitate realization of the Comprehensive Plan and any applicable adopted sector development plan or area development plan; or
- (2) The area of the proposed zone change is different from surrounding land because it could function as a transition between adjacent zones; because the site is not suitable for the uses allowed in any adjacent zone due to topography, traffic, or special adverse land uses nearby; or because the nature of structures already on the premises makes the site unsuitable for the uses allowed in any adjacent zone.

There are a number of reasons why it is inaccurate to characterize the proposed MUD-1 zoning in this particular area as a “spot zone.”

1. The MUD-1 designation is proposed to be applied to an area comprised of eight (8) separate parcels, covering over 80,000 square feet, or nearly 2 acres.
2. The existing zoning of the subject properties is a mix of C-1 and R-1 zoning. The MUD-1 zone corresponds to the existing C-1 (with certain restrictions) and increases the residential use of the properties from R-1 to R-G.
3. MUD-1 zoning is proposed to be applied to properties directly across Rio Grande Blvd. from the subject properties, as well as all along Rio Grande Blvd. within the LDSDP area with the exception of a few areas that are proposed to be MUD-2.

Assuming this proposed area of MUD-1 zoning was, for some reason, found to be a “spot zone,” the proposal could be justified under either part (1) or part (2) of R-270-1980(I) as follows:

1. Applicable Comprehensive Plan policies cited above, specifically II.B.5.d, II.B.5.e, and II.B.5.i.
2. MUD-1 in the subject location is intended to serve as a transition area between the more intense MUD-2 to the south and the residential areas to the north and east of the proposed MUD-1 area.

Finally, the argument that the proposed MUD-1 area just south of Lilac is a “spot zone” is at least partially, if not wholly, predicated on the assumption that the property on the north side of Lilac (1306 Rio Grande Blvd., NW) will be zoned MUD-2. Staff is actually recommending that 1306 Rio Grande Blvd., NW, be rezoned MUD-1 rather than MUD-2 for reasons that are articulated elsewhere in this memo (see “Part II – Other Recommendations” #2 below). This change would further reinforce that MUD-1 zoning for the subject properties south of Lilac does not constitute a “spot zone.”

Option 2: EPC Recommendation – all MUD-2



An attorney for the majority property owners in the subject area requested, in a letter to the EPC submitted on May 3, 2011 (p. 38-40 of the record), the following: “Extend the new MUD-2 designation to the remainder of the contiguous block which contains the Garcia Parcel, and thereby eliminate the ‘spot-zone’ of MUD-1 stranded between the two MUD-2 zone designations.”

After hearing much public testimony at its July 7, 2011, hearing about this request, both in support of and opposition to it, the EPC voted (5-2) to recommend extending the MUD-2 zoning designation all the way to Lilac Ave. on the east side of Rio Grande Blvd., replacing what had

theretofore been proposed as an area to have a mix of MUD-2 and MUD-1 zoning (EPC Condition #21). The EPC’s discussion of and basis for making this recommendation can be found on pages 197-199 of the record.

In short, those who requested and support the extension of MUD-2 provide “clearing up the ‘spot zone’ of MUD-1” as the reason for the request. (Please also see analysis of “spot zone” issue in Option #1 above.) The record does not appear to contain other explanations for the request, though it’s possible they exist and staff is just unaware of them.

That being said, a little more insight regarding the property owner’s intentions can be gained from the same May 3, 2011, letter submitted to the EPC on behalf of the Garcia Family, which states: “The highest and best future use of the Garcia

Parcel is as a village retail center which reflects the architectural character of the area and provides access to adjoining land to the east for future mixed commercial and residential uses, including a much needed grocery store to serve the daily needs of north valley residents...Among other things, recent master planning by the City has identified a neighborhood grocery store as a needed use in the area. See attached...excerpt from an October 8, 2010 Rio Grande Corridor Master Plan Draft..." (see record, p. 38). It is unclear, though, what has prompted the request to extend the MUD-2 zone northward to Lilac – other than the aforementioned concern about a "spot zone" – since the vision articulated above and illustrated in the referenced 2010 Draft Rio Grande Boulevard Corridor Plan is certainly achievable under the proposed MUD-1/MUD-2 zoning. Staff thinks it would be helpful if the specific need to have MUD-2 zoning on the eight northernmost parcels could be more clearly articulated, as this may reveal additional policies that would be applicable in justifying the expansion of the MUD-2 area.

Stakeholders who oppose this recommendation, including individuals who own property within and/or reside in close proximity to the subject area and the Near North Valley Neighborhood Association (see August 22, 2011, letter to the City Council), have expressed concerns in public testimony and written submissions that expanding the higher-intensity zoning (MUD-2) all the way to Lilac will result in increased traffic, noise, odors, and trash in this area, threaten the historic residential and agricultural character of the neighborhood, and result in development that is inconsistent with the "light" commercial and small office nature of the Rio Grande Boulevard corridor through the Plan area.

What follows are applicable policies that would support adoption of the EPC's recommendation to extend MUD-2 zoning to Lilac Avenue:

"More Advantageous to the Community" based on compliance with and/or furtherance of the following applicable goals and policies:

Albuquerque/Bernalillo County Comprehensive Plan (Rank 1)

1. II.B.5 Developing and Established Urban Areas Goal: The Goal is to create a quality urban environment which perpetuates the tradition of identifiable, individual but integrated communities within the metropolitan area and which offers variety and maximum choice in housing, transportation, work areas, and life styles, while creating a visually pleasing built environment.

The proposed MUD-2 zoning helps to further this Goal by introducing modern, mixed-use zoning that will facilitate and guide the redevelopment of an important site and ensure that future development 1) is integrated into the Los Duranes community, 2) can offer a range of land uses, and 3) creates a visually pleasing built environment.

2. II.B.5.Policy a: The Developing Urban and Established Urban Areas...shall allow a full range of urban land uses, resulting in an overall gross density up to 5 dwelling units per acre.

The MUD-2 zone allows up to 30 du/acre.

3. II.B.5.Policy e: New growth shall be accommodated through development in areas where vacant land is contiguous to existing or programmed urban facilities and services and where the integrity of existing neighborhoods can be ensured.

The subject area has excellent access to the city's road network, transit system, bicycle facilities and other amenities/services and is ideally located to accommodate new growth through redevelopment. Redevelopment of the subject area will need to be handled sensitively in order to respect and ensure the integrity of the Los Duranes neighborhood, at the edge of which it is located. The proposed MUD-2 zone contains land use restrictions and design regulations that are intended to ensure that future development is compatible with and complements proximate development.

4. II.B.5.Policy j: Where new commercial development occurs, it should generally be located in existing commercially zoned areas as follows:

- **In small neighborhood-oriented centers provided with pedestrian and bicycle access within reasonable distance of residential areas for walking or bicycling.**
- **In larger area-wide shopping centers located at intersections of arterial streets and provided with access via mass transit; more than one shopping center should be allowed at an intersection only when transportation problems do not result.**
- **In free-standing retailing and contiguous storefronts along streets in older neighborhoods.**

The subject area currently contains a mix of zoning designations, including R-1, C-1, C-2 and M-1. The current uses in the subject area are predominantly commercial, though the built environment is aged and some structures have not been used for several years. The subject area is at the intersection of Interstate 40 and Rio Grande Boulevard, a key north-south arterial and designated Enhanced Transit Corridor, making the subject area an opportunity site for redevelopment. The property owners have indicated long term plans to have their properties that front Rio Grande Boulevard be the entry point for a larger shopping center that extends over their land to the east (and outside the Plan area) and is proposed to include a grocery store and other community-serving businesses. New construction along the Rio Grande Boulevard frontage of the subject area would shield parking for the rest of the center from view. A small convenience store and gas station is located across the street; however, the proximity of residential development and the small size of the existing commercially-zoned lot there would preclude the development of a second shopping center at this intersection.

5. II.B.5.Policy l: Quality and innovation in design shall be encouraged in all new development; design shall be encouraged which is appropriate to the Plan area.

The proposed MUD-2 zone contains design standards for drive-up service windows and requires compliance with the regulations of the Rio Grande Blvd. Corridor Plan, which regulates things like height setbacks and the location/design of off-street parking areas.

6. II.B.5.Policy o: Redevelopment and rehabilitation of older neighborhoods in the Established Urban Area shall be continued and strengthened. Possible Technique #7: Introduce mixed-use concepts as a means of strengthening residential markets.

Rezoning the subject area to MUD-2 will result in mixed-use zoning for all properties within the subject area. The new zoning allows a greater degree of flexibility than existing zoning in terms of possible residential development (existing zoning allows only R-1 uses, where the proposed zoning allows up to 30 du/acre apartment development) and preserves opportunities for the development of both neighborhood- and community-serving commercial uses.

7. II.B.5.Policy p: Cost-effective redevelopment techniques shall be developed and utilized.

Possible Technique #1: Provide practicable redevelopment assistance not requiring direct City financial participation.

Possible Technique #2: Emphasize private investment as a primary means to achieve redevelopment objectives.

The closure of a combination fast-food restaurant and gas station 10 years ago has resulted in the presence in the subject area of an older, purpose-built structure that has fallen into disrepair and is surrounded by temporary chain-link fence at this busy intersection with recent pedestrian improvements. Other structures in the subject area include older commercial buildings, some of which are unoccupied, and a handful of older single-family homes in varying condition. Rezoning the subject area to MUD-2 will result in mixed-use zoning for all properties within the subject area, resulting in a greater degree of flexibility for residential and commercial development than the existing zones allow, which could help stimulate redevelopment of the subject area to include residential and community-serving commercial uses.

8. II.C.9.Policy c: The identity and cohesiveness of each community shall be strengthened through identification and enhancement of community Activity Centers that have a scale, mix of uses, design character, and location appropriate to the unique character of the community.

The subject area, while not a designated Community Activity Center, meets the North Valley Area Plan's definition of "Village Center," which, therefore, makes this policy applicable. The proposed MUD-2 zoning provides regulations that are tailored, in terms of uses and design standards, to realizing the Los Duranes neighborhood and the community's vision for redevelopment of

the subject area, which includes a mix of neighborhood- and community-serving commercial uses as well as opportunities for higher-density residential development.

9. II.D.4. Transportation and Transit Goal: The Goal is to develop corridors, both streets and adjacent land uses, that provide a balanced circulation system through efficient placement of employment and services, and encouragement of bicycling, walking, and use of transit/paratransit as alternative to automobile travel, while providing sufficient roadway capacity to meet mobility and access needs.

Introducing mixed-use zoning to the subject area will allow the collocation of residential and non-residential (e.g., employment, retail) uses in an area that has good access to alternative transportation modes, namely the City's transit system and bicycle/trail network.

10. II.D.4.Policy a: Development Form consistent with Transportation Corridors and Activity Centers. From Corridor Policies Table: Applicable Enhanced Transit Corridor Development Form Policies:

- **Provide a building entrance from the street**
- **Minimum Setbacks**
- **Parking separated from the street by the building or to the side of the building**
- **Housing density targets for new development: 7-30 du/acre**

The proposed MUD-2 zoning, in combination with the design regulations in the Rio Grande Corridor Plan, provides regulations that are tailored, in terms of uses and design standards, to realizing the Los Duranes neighborhood and the community's vision for redevelopment of the subject area while also meeting Comprehensive Plan goals for Transportation Corridors.

11. II.D.4.Policy c: In order to add to transit ridership, and where it will not destabilize adjacent neighborhoods, additional dwelling units are encouraged close to Major Transit and Enhanced Transit streets.

The subject area is located on a designated Enhanced Transit corridor (Rio Grande Blvd.). Existing residential zoning in the subject area is R-1, which allows for the development of single-family houses. The proposed MUD-2 zoning would allow for higher-density residential development, such as townhouses or apartments (up to 30 dwelling units/acre). The established development pattern in the area (Los Duranes neighborhood / along Rio Grande Blvd. north of I-40) contains, and existing zoning allows, higher-density residential development (R-2) on similarly-situated properties, meaning that the introduction of higher-density residential zoning in the subject area is consistent with and should not destabilize the neighborhood.

North Valley Area Plan (NVAP) (Rank 2)

1. Goal 6: To encourage quality commercial/industrial development and redevelopment in response to area needs in already developed/established commercial/industrial zones and areas. To discourage future commercial/industrial development on lots not already zoned commercial/industrial (p. 6).

The proposed MUD-2 zoning is generally consistent with the spirit of this goal. Existing zoning of the subject area is a mix of R-1, C-1, C-2, and M-1. While there are a small number of single-family residences that exist within the subject area, all of the land that fronts Rio Grande Blvd. is zoned for commercial uses. Much of the land along Rio Grande Blvd. has been and/or is currently used for commercial purposes.

2. Village Center Policy 1: The City and County shall encourage new development and redevelopment that incorporates Village Center Principles including: pedestrian attraction and accessibility, mixed use development, and valley scale and character (p. 15, repeated on p. 142).

The proposed MUD-2 zone introduces mixed-use zoning to the subject area and contains regulations, such as height limits and design standards for drive-up service windows, that are intended to ensure pedestrian-friendly development and maintain the valley scale and character.

3. Preferred Scenario Description of Commercial Uses: “New commercial uses in the valley would meet local neighborhood needs and would be oriented to those neighborhoods through provision of access to pedestrians and bicyclists. These businesses would be smaller scale and would incorporate Village Center Principles of pedestrian access, mixed use, and valley scale and character...” (p. 38).

The proposal to rezone the subject area entirely MUD-2 is somewhat consistent with this vision. MUD-2 allows both C-1 (neighborhood commercial) and C-2 (community commercial) uses. C-1 uses are more likely to be “smaller scale” businesses, but it is unknown if the area will develop with any C-1 uses, given that C-2 uses are permissive as well. It is possible that the subject area could develop entirely with “community commercial” (C-2) uses, in which case the vision in the NVAP of Village Centers meeting “local neighborhood needs” through “smaller scale” businesses may not be achieved at this particular location.

4. Village Center Principles – Application of: “The Village Center Principles...may be applied throughout the valley in all commercial development and redevelopment...” (p. 134).

The subject area is located within the boundaries of the North Valley Area Plan and is, therefore, considered to be one of the areas suitable for the application of the NVAP’s Village Center Principles.

Point of Clarification re: Concerns about “Heavy Commercial” Zoning

In the record (letters submitted to the EPC and LUPZ, and testimony at the July 7, 2011, EPC hearing), there are repeated characterizations of the MUD-2 zone as being a “heavy commercial” zone. It should be clarified, as was done at the EPC hearing by Planning staff, that the City’s Comprehensive Zoning Code considers the C-3 zone to be the “Heavy Commercial Zone” (see § 14-16-2-18) and that the MUD-2 zone corresponds to the C-1 and C-2 zones, not the C-3 zone. Similarly, C-1 is referred to in certain correspondence as “light commercial,” though the Zoning Code characterizes C-1 as “Neighborhood Commercial.” C-2 is considered to be the “Community Commercial” zone.

Option 3: Leave Properties with Existing Zoning



The third option is to leave the properties in the subject area with their existing zoning. The subject area represents a special and unique opportunity to realize quality infill redevelopment that is consistent with and furthers a slew of adopted City policies regarding sustainable growth and development. It would seem that one way, perhaps the most logical way, to achieve redevelopment of the subject area would be through comprehensive master planning of the area and a subsequent rezoning of properties in accordance with a Master Plan.

Existing zoning is insufficient for the following reasons:

1. “Floating” zone lines: zoning does not follow parcel or ownership lines.
2. Area has antiquated platting that is not conducive to supporting modern commercial/mixed-use development.
3. Incompatible zoning designations adjacent to one another / nonexistent transitions between residential and non-residential zones: e.g., M-1 directly adjacent to R-1.
4. Straight zoning (i.e., R-1, C-1, C-2, M-1) does not encourage mixed-use development, which is inconsistent with policies in the Comprehensive Plan and the North Valley Area Plan.

That being said, it is arguable that leaving the subject area with its existing zoning is preferable to rezoning to either a mix of MUD-1/MUD-2 or to all MUD-2 for the following reasons:

1. When the property is ready to be redeveloped and specific uses/tenants have been identified, it is possible that the MUD-1 and/or MUD-2 zones may not provide the necessary flexibility to achieve the highest-quality and

- most beneficial, from both an economic-return and community-building perspective, development possible. If this is the case and it is eventually determined that MUD-1 and/or MUD-2 cannot adequately accommodate a specific development proposal, it may require either a text amendment to the zone(s) or a zone change, which may be more difficult to justify than a change to existing zoning.
2. For both the property owner(s) and the community, it may be preferable to seek special, tailored (i.e., SU-1) zoning that follows a master plan for the area rather than have the master plan be dictated and limited by the MUD zoning. Developing a comprehensive master plan before rezoning provides the benefits of flexibility and ongoing communication / coordination / collaboration with all stakeholders.
 3. The Rank 3 Rio Grande Boulevard Corridor Plan, which is a regulating plan for the subject area, contains the following policy regarding Land Use and Zoning in the subject area: “The first 150 feet of most properties located along Rio Grande Boulevard in the northern portion of Subarea 2 between Interstate 40 and Indian School Road are zone for commercial land uses. Remaining portions of these properties have residential zoning. *Because these lots project into the adjacent residential neighborhood at varying depths, zone change requests to allow additional commercial development should be judged individually to prevent harm to the neighborhood.* This plan does not assume that either commercial or residential zoning is appropriate for the remaining portions of all properties with existing dual zoning” (RGNCP, p.40, italics added).

Findings to support Option 3 may include:

- The subject area represents a major redevelopment opportunity that can serve the Los Duranes neighborhood, Albuquerque’s Near North Valley community, and, potentially, a regional market, given its access to I-40.
- Given the size, location, and redevelopment potential of the subject area and the complexity and unknown factors, such as changing market conditions, involved in developing the kind of mixed-use development that is envisioned and appropriate for the subject area, it is desirable to maintain flexibility in zoning in order to allow a master planning process to reveal a tailored zoning strategy that is most suitable to the project’s needs. In this case, “flexibility in zoning” actually means retaining existing zoning so that a future zone change action uses, as its starting point and basis for justifying the proposed zone change, zoning established in 1959 vs. zoning established in 2012.
- The Comprehensive Plan contemplates offering incentives (such as density bonuses) in order to encourage quality and innovation in design (II.B.5.Policy I). Since there is no formal development proposal to consider, it cannot be determined, at this time, if certain “bonuses,” such as additional height, uses, and densities, are supportable. It is, therefore, more appropriate to wait until such time as a development proposal is brought forth to make specific determinations regarding whether the

- proposed development (and associated zoning) is consistent with City policies.
- Of the two alternative rezoning options (mix of MUD-1 and MUD-2 or all MUD-2) for the subject area, both are strongly objected to by different parties for different reasons. Both options are also more-or-less equally supportable by adopted City policies.
 - A wholesale rezoning of the subject area to MUD-1 and/or MUD-2, which is not tied to a specific development proposal whose potential impacts are known and can be judged, is inconsistent with the Rank 3 Rio Grande Boulevard Corridor Plan, which provides that zone changes for properties with split zoning, such as the subject area, should be considered on an individual basis in order to protect nearby residential areas.

Part II – Other Recommendations:

- 1. Increase the density in MUD-1 from 20 du/acre to 30 du/acre; i.e., have MUD-1 correspond to LDSDP SU-2/R-2 rather than R-G.**



The MUD-1 zone replaces existing C-1 zoning for properties located on Rio Grande Blvd.

The map to the left shows that there is a significant amount of R-2 zoning that is located off of the corridor in an area internal to the neighborhood. It is inconsistent with City policies to allow greater densities further into the neighborhood than on

the designated Enhanced Transit corridor (Rio Grande Blvd.) that passes through the neighborhood.

Having residential development in the MUD-1 zone correspond to LDSDP SU-2/R-2 rather than R-G is consistent with City policies, specifically the following Comprehensive Plan policies:

- II.B.5.Policy h: Higher density housing is most appropriate in the following situations:
 - In designated Activity Centers.
 - In areas with excellent access to the major street network.
 - In areas where a mixed density pattern is already established by zoning or use, where it is compatible with existing area land uses and where adequate infrastructure is or will be available.
 - In areas now predominantly zoned single-family only where it comprises a complete block face and faces onto similar or higher density development; up to 10 dwelling units per net acre.
 - In areas where a transition is needed between single-family homes and much more intensive development: densities will vary up to 30 dwelling units per net acre according to the intensity of development in adjacent areas.
- II.D.4.Policy c: In order to add to transit ridership, and where it will not destabilize adjacent neighborhoods, additional dwelling units are encouraged close to Major Transit and Enhanced Transit streets.

MUD-1 zoning is located on Rio Grande Blvd., which is a designated Enhanced Transit corridor. The established development pattern in the area (Los Duranes neighborhood / along Rio Grande Blvd. north of I-40) contains, and existing zoning allows, higher-density residential development (R-2) on similarly-situated properties, meaning that the introduction of higher-density

residential zoning for all MUD-1 properties on the corridor is consistent with and should not destabilize the neighborhood.

It should be noted that densities will naturally be capped by height restrictions, off-street parking and open space requirements, setback regulations, and market demand.

2. Rezone 1303 and 1306 Rio Grande Blvd. from C-2 to MUD-1 rather than MUD-2 based on the following:

- a. Existing and historic uses correspond more closely to MUD-1 than MUD-2 uses.
 - i. 1303 Rio Grande Blvd.: offices.
 - ii. 1306 Rio Grande Blvd.: currently – offices; historically – restaurant w/bar.
- b. Zoning History:
 - i. Original zoning of properties in 1959 was C-1 (fronting Rio Grande Blvd.) and R-1 (portion of properties closer to neighborhood).
 - ii. 1962: Owner of Al Monte's, located at 1306 Rio Grande Blvd., requests and receives approval for zone change for 1303 Rio Grande Blvd. to C-2 and P-2 in order to expand.
 - iii. 1970: Zone change approved for 1306 Rio Grande Blvd. from R-1/C-1 to C-2 in order to make sale of alcohol a permissive use (was non-conforming under C-1 zoning).
 - iv. 1985: 1303 Rio Grande Blvd. becomes entirely C-2 and eliminates P-2 zoning since parking requirements now part of each zone rather than regulated separately.
- c. The properties abut (1303) or are adjacent to (1306) single-family residential areas. The ability to have certain C-2 uses, such as a full liquor license, in such close proximity to R-1 uses has the potential to be destabilizing and harmful to the neighborhood.
- d. The key Comprehensive Plan policies that support rezoning the properties MUD-1 rather than MUD-2 include:
 - i. II.B.5.Policy d: The location, intensity, and design of new development shall respect existing neighborhood values, natural environmental conditions and carrying capacities, scenic resources, and resources of other social, cultural, recreational concern.

Establishing MUD-1 zoning for the subject properties acknowledges that they are in close proximity to low-density residential areas of the neighborhood where higher-intensity "community commercial" uses are not appropriate.

- ii. II.B.5.Policy i: Employment and service uses shall be located to complement residential areas and shall be sited to minimize adverse effects of noise, lighting, pollution, and traffic on residential environments.

Establishing MUD-1 zoning for the subject properties acknowledges that they are in close proximity to low-density residential areas of the neighborhood where higher-intensity “community commercial” uses are not appropriate.

Staff recommends deferring a decision on this particular matter until such time that property owners can be contacted and informed about this recommendation and provided an opportunity to offer feedback and information that staff may not be aware of.

3. Rezone the NE corner of Lilac and San Venito from P-R to R-2 rather than MUD-1 based on the following:



- a. Property abuts R-1 properties.
- b. Property is located one block off of Rio Grande Blvd. on a residential street (San Venito). Allowing commercial uses permissively on a residential street is inappropriate and violates a number of important applicable Comp Plan policies, including:
 - i. II.B.5.i
 - ii. II.B.5.j
 - iii. II.B.7.h
- c. Property is currently vacant/undeveloped. It appears to have been used for parking at one time but does not appear to currently be in use.
- d. R-2 is appropriate because the property is large enough (1/3 acre) to be able to achieve a quality, higher-density residential project and is consistent with the following Comprehensive Plan policies:
 - i. II.B.5.Policy h:
 1. II.B.5.Policy h: Higher density housing is most appropriate in the following situations:
 - In designated Activity Centers.
 - In areas with excellent access to the major street network.
 - In areas where a mixed density pattern is already established by zoning or use, where it is compatible with existing area land uses and where adequate infrastructure is or will be available.
 - In areas now predominantly zoned single-family only where it comprises a complete block face and faces onto similar or higher density development; up to 10 dwelling units per net acre.
 - In areas where a transition is needed between single-family homes and much more intensive

development: densities will vary up to 30 dwelling units per net acre according to the intensity of development in adjacent areas.

Property is adjacent to proposed MUD-1 and MUD-2 properties and can serve as a transition between commercially-zoned areas and residential environment.

- ii. II.D.4.Policy c: In order to add to transit ridership, and where it will not destabilize adjacent neighborhoods, additional dwelling units are encouraged close to Major Transit and Enhanced Transit streets.

Property is located one block off of Rio Grande Boulevard, a designated Enhanced Transit corridor, and is on a corner site directly across the street from an office building.

Staff recommends deferring a decision on this particular matter until such time the property owner can be contacted and informed about this recommendation and provided an opportunity to offer feedback and information that staff may not be aware of.