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**CITY OF ALBUQUERQUE  
CITY COUNCIL**

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**INTEROFFICE MEMORANDUM**

**TO: LUPZ Committee**

**FROM: Kara Shair-Rosenfield, Policy Analyst/Planning  
Andrew Webb, Policy Analyst/Planning**

**SUBJECT: Downtown Neighborhood Area Sector Development Plan (R-11-225) – Discussion of Plan Amendment Requests and Preliminary Recommendations**

**DATE: September 14, 2011**

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*[NOTE: Staff will offer this memorandum and present its contents to the Land Use, Planning and Zoning Committee on September 14, 2011. Staff is recommending a deferral of R-11-225 to the November 30, 2011, LUPZ meeting in order to allow time for interested parties to review this memorandum and submit questions about, comments on, and/or rebuttals to any of the statements contained herein. Furthermore, since staff is recommending additional amendments to the Proposed Zoning Map, this deferral is needed in order to provide notice to property owners who would be affected by the proposed changes. Staff requests that the Committee establish a deadline for submitting comments in response to this memorandum of October 26, 2011, in order to provide staff with time to review comments and finalize recommendations to the Committee in advance of the anticipated November 30, 2011, LUPZ meeting, which would be the third LUPZ hearing on R-11-225.]*

The EPC Draft (10.28.2010) of the DNASDP contained a Proposed Zoning Map showing recommended zone changes for all properties within the Plan area that were based on the goals and objectives developed during the planning process and are consistent with applicable goals and policies of the Comprehensive Plan and other adopted policies. As noted in the April 7, 2011, EPC staff report, “The proposed changes to the zoning for the DNA SDP do not single out any individual property; rather, the changes proposed are area wide. Changes are proposed to individual zones in the 1976 DNA SDP and to the entire sector plan map, rather than to individual properties.”

Following the submittal of the official Draft DNASDP to the EPC, property owners who didn't agree with the proposed rezoning of their property began submitting letters and emails, requesting different zoning for their respective properties than what was proposed in the Draft Plan. During the EPC hearing process, Planning staff addressed these requests and, in many cases, depending on the arguments

presented by the requestor, agreed that the application of a different zoning designation would be appropriate.

At its April 7, 2011, hearing, the EPC adopted twelve recommended Conditions of Approval amending the Proposed Zoning Map contained in the 10.28.2010 draft. Unfortunately, there was little, if any, substantive explanation of or justification per Resolution 270-1980 (which establishes the policies for justifying zone map amendments) provided for the recommended changes.

Council staff felt it appropriate to provide an analysis of each of the individual requested amendments to the Sector Plan and try to substantiate, with specific policy citations, whether or not the requests are justified per R-270-1980. What follows is an analysis of each of the twelve recommended Conditions of Approval by the EPC related to individual plan amendment requests, as well as additional plan amendments that Council staff is recommending.

**Individual Plan Amendment Requests that staff believes are supported by adopted City plans and policies and justified per R-270-1980:**

**1. 1802, 1806, and 1808 Old Town Road, NW**

Existing Zoning: SU-2/TH (Townhouse) – 1976 Plan

Existing Land Use: Multi-family residential

EPC Draft (10.28.2010) Proposed Zoning: SU-2/SF (Single Family)

Requested Zoning: SU-2/MR or TH (Townhouse) – 2011 Plan

Post EPC Draft (6.9.2011) Recommended Zoning per Condition of Approval #83: SU-2/TH (only for 1808 Old Town Road because that was the only property owner who testified at the April 7, 2011 EPC hearing)

Discussion: 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 multi-family residential development in this area, staff supports changing the zoning of these properties from the proposed SU-2/SF to SU-2/TH, which is consistent with how similar multi-family properties throughout the 2011 DNASDP area are treated. Staff believes that the application of the SU-2/TH zone per the 2011 DNASDP in this location, as is the case throughout the DNASDP where the new SU-2/TH zone is proposed, is more advantageous to the community based on the following:

The SU-2/TH zone per the 2011 DNASDP furthers the following applicable Goals and Policies of the Comprehensive Plan:

- II.B.5 Land Use – Developing and Established Urban Areas Goal
  - The SU-2/TH zone allows for residential development that supports overall gross densities of up to 5 du/acre (Policy a).
  - The SU-2/TH zone will ensure that new development respects existing neighborhood values, natural

environmental conditions and carrying capacities, scenic resources, and resources of other social, cultural, recreational concern. Specifically, this is accomplished through specifying development guidelines based on local environmental characteristics and community values (Policy d, Possible Technique #2).

- The SU-2/TH zone encourages housing to be oriented towards pedestrians through its requirement to have the primary building entry oriented towards the street (Policy f).
- II.C.8 Environmental Protection and Heritage Conservation – Developed Landscape Goal: The Goal is to maintain and improve the natural and the developed landscapes' quality.
  - The SU-2/TH zone contains landscaping and streetscape standards, including a street tree requirements and Street Tree Palette, that will help control water erosion and dust and create a pleasing visual environment (Policy d).
- II.C.9 Environmental Protection and Heritage Conservation – Community Identity and Urban Design Goal: The Goal is to preserve and enhance the natural and built characteristics, social, cultural and historical features that identify Albuquerque and Bernalillo County sub-areas as distinct communities and collections of neighborhoods.
  - The SU-2/TH zone contains zoning regulations and design standards, including setbacks, height and stepbacks, façade articulation, windows and doors, placement of entries, off-street parking standards, and landscaping, that are intended to ensure compatibility with the existing built environment (Policy b).

The SU-2/TH zone helps achieve the following Goals and Objectives of the 2011 DNASDP:

- Community Character Goal 1 – The Downtown Neighborhood Area will be a neighborhood characterized and defined by its tree-lined streets. *(The existing zoning does not contain a requirement for the installation and maintenance of street trees. The new SU-2/TH zone requires that a minimum of one street tree be provided per dwelling unit in order to create and maintain a continuous tree canopy in the neighborhood.)*
- Community Character Objective 1.1 – Create and maintain a continuous tree canopy along Lomas Boulevard, Central Avenue, and all residential streets with an existing parkway strip between the curb and the sidewalk. *(The existing zoning does not contain a requirement for the installation and maintenance of street trees. The new SU-2/TH zone requires that a minimum of one street tree be provided per*

*dwelling unit in order to create and maintain a continuous tree canopy in the neighborhood.)*

- Community Character Goal 2 – The character-defining elements (e.g., architectural style and history, size and massing of buildings, landscaping, etc.) of the areas outside of the Downtown Neighborhood Area’s historic zones will be recognized and preserved. *(The existing, conventional zoning does not include adequate design standards to address the relationship between the established urban built environment and infill development. The new SU-2/TH zone will regulate design features in order to ensure compatibility of new and existing development and the preservation of the neighborhood’s character-defining elements.)*
- Community Character Objective 2.1 – Develop design standards for the areas outside of the history overlay districts. *(The existing, conventional zoning does not include adequate design standards to address the relationship between the established urban built environment and infill development. The new SU-2/TH zone will regulate design features in order to ensure compatibility of new and existing development.)*
- Community Character Objective 2.2 – Revise zoning standards to ensure that infill development reflects and complements the neighborhood’s history and immediate context; typical building height, size, scale, cadence, and massing; landscape, etc. *(The existing, conventional zoning does not include adequate design standards to address the relationship between the established urban built environment and infill development. The new SU-2/TH zone will regulate design features in order to ensure compatibility of new and existing development.)*

Staff does not support rezoning these properties to SU-2/MR, as staff believes that this would be in conflict with the following policies:

- Comprehensive Plan, Section 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.”

*While the existing development at these properties is multi-family in character rather than townhouse, it is low-impact multi-family in that structures are only 1-2 stories in height, and the number of units per lot is relatively low. To allow a small pocket of SU-2/MR in this location could potentially be injurious to surrounding single-family properties because the SU-2/MR zone allows heights of 40’ permissively and contains no maximum floor area ratio, which means that very intense development could occur immediately adjacent to existing single-story, low-density, low-impact*

development. This would be in conflict with the neighborhood's goal of preserving and protecting the single-family character of the neighborhood, as articulated in the Plan's "Goals & Objectives" section (C/S R-11-225, p. 60).

- Comprehensive Plan, Section 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."

The subject properties do not meet any of the tests of Section II.B.5, Policy h and, therefore, should not be considered an appropriate location for higher density housing.

Recommendation: Rezone 1802, 1806, and 1808 Old Town Road to SU-2/TH rather than SU-2/SF in the 2011 DNASDP.

## **2. 317 and 319 16<sup>th</sup> St., NW**

Existing Zoning: SU-2/SU-1 for Bed & Breakfast

Existing Land Use: Single Family and Commercial

EPC Draft (10.28.2010) Proposed Zoning: SU-2/SU-1 for B&B

Requested Zoning: SU-2/MUM (Mixed Use Medium)

Post EPC Draft (6.9.2011) Recommended Zoning per Condition of Approval #28: SU-2/MUM

Discussion: 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/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/MUM in the same way that other properties in the vicinity with existing SU-2/RC zoning are rezoned. (See Complete Record, DNASDP Comments spreadsheet, line 54, p. 374, and p. 1122-1124.)

Recommendation: Rezone 317 and 319 16<sup>th</sup> Street, NW, to SU-2/MUM in the 2011 DNASDP.

## **3. 903, 909, 913, 915, 917, and 919 Copper Ave., NW**

Existing Zoning: SU-2/MRO (Mixed Residential/Office) and SU-2/HDA (High Density Apartments)

Existing Land Use: Mixed Use, Multi-family, Single Family, Single Family Divided

EPC Draft (10.28.2010) Proposed Zoning: SU-2/MR (Mixed Residential)

Requested Zoning: SU-2/MUM (Mixed Use Medium)  
Post EPC Draft (6.9.2011) Recommended Zoning per Conditions of  
Approval #24-26: SU-2/MUM

Discussion: These properties are located in close proximity to Central Avenue, a designated Major Transit Corridor, and, from an urban design and use standpoint, relate strongly to the activities and development form of Central Avenue, which are mixed use rather than purely residential. Properties on this block have historically been used for purposes other than single-family and medium-density residential dwelling, and allowing them to do so in the future by applying the SU-2/MUM zone rather than the SU-2/MR zone is more advantageous to the community based because it will further the following applicable goals and policies of the Comprehensive Plan:

- Section 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 application of the SU-2/MUM zoning designation in this location will introduce additional housing, employment, and life style options within the Downtown Neighborhood Area and immediately adjacent to the Downtown Core. The design regulations of the SU-2/MUM zone are intended to ensure that new development is visually pleasing and compatible with existing development.
- Section 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."The subject properties are located immediately adjacent to Central Avenue, contain a mixed density pattern, comprises a complete block face, and serves as a transition between the intense Central Corridor zone and the single-family neighborhood to the north.
- Section 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 subject properties are located at the southern boundary of the Plan area, away from the single-family residential core. They are separated from properties to the north by an alley, and requirements within the SU-2/MUM zone to orient primary building entrances towards the street will ensure that access to and activity associated with these properties is located on Copper Ave., which is a designated minor arterial street.

- Section 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.”  
The SU-2/MUM zone is a mixed-use zone that will allow for a range of neighborhood- and community-serving uses.

- Section II.C.1, Policy b: “Automobile travel’s adverse effects on air quality shall be reduced through a balanced land use/transportation system that promotes the efficient placement of housing, employment and services. Possible Technique 2) Encourage mixed use and infill development, where appropriate, which integrates residential, commercial and industrial uses for a better employment-housing balance.”

The SU-2/MUM zone is a mixed-use zone that will allow for a range of neighborhood- and community-serving uses. The subject properties are located immediately adjacent to the Central Avenue corridor, which offers alternative transportation options.

- Section 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 SU-2/MUM zone corresponds to the Zoning Code’s R-3 zone, which is the highest-density zoning district that the City offers, allowing up to 30 du/acre permissively and up to 36 du/acre conditionally. The subject properties are located immediately adjacent to Central Avenue, a designated Major Transit corridor.

Recommendation: Rezone 903, 909, 913, 915, 917, and 919 Copper Ave., NW, to SU-2/MUM rather than SU-2/MR in the 2011 DNASDP.

#### **4. 1201 Lomas Blvd., NW**

Existing Zoning: SU-2/NC (Neighborhood Commercial) – 1976 Plan

Existing Land Use: Office

EPC Draft (10.28.2010) Proposed Zoning: SU-2/MUM (Mixed Use Medium)

Requested Zoning: SU-2/NC (Neighborhood Commercial) – 2011 Plan

Post EPC Draft (6.9.2011) Recommended Zoning per Condition of Approval #33: SU-2/NC

Discussion: The property owner testified at the December 2, 2010, EPC hearing that his major concern about the SU-2/MUM zone is that it does not permissively allow restaurant development, which is why he is requesting to be zoned SU-2/NC in the 2011 DNASDP (Complete Record, EPC Minutes, December 2, 2010, p. 1048-1049). There is

really very little difference between the SU-2/MUM and SU-2/NC zones, and staff believes that zoning the subject property SU-2/NC rather than SU-2/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/NC.

Recommendation: Rezone 1201 Lomas Blvd., NW, to SU-2/NC rather than SU-2/MUM in the 2011 DNASDP.

#### **5. 715 Marquette NW**

Existing Zoning: SU-2/HDA (High Density Apartments)

Existing Land Use: Office

EPC Draft (10.28.2010) Proposed Zoning: SU-2/MR (Mixed Residential)

Requested Zoning: SU-2/OR (Office Residential)

Post EPC Draft (6.9.2011) Recommended Zoning per Condition of Approval #30: SU-2/OR

Discussion: At the April 7, 2011, EPC hearing, Planning staff noted that a mistake had been made when conducting the existing land use survey that served as the basis for new proposed zoning. The mistake was that the subject property was noted as being “single family” where, in actuality, it is and has been in use as an office. (See Complete Record, EPC Minutes, April 7, 2011, p. 291-292, and DNASDP Comments spreadsheet, line 59, p.375).

Staff believes that applying the SU-2/OR zone rather than the SU-2/MR zone to this property is more advantageous to the community based because it will further, in particular, the following applicable policy of the Comprehensive Plan:

- Section II.B.7, Policy f: “The most intense uses in Activity Centers shall be located away from nearby low-density residential development and shall be buffered from those residential uses by a transition area of less intensive development” (Section II.B.7, Policy f).

*The subject property is located within one block of the western boundary of the Downtown 2010 Plan and the Downtown Major Activity Center (MAC). Rezoning the subject property to SU-2/OR rather than SU-2/MR will help to establish an appropriate mixed-use transition area between the Downtown MAC and the Downtown Neighborhood’s residential areas, thus furthering the above-cited policy of the Comprehensive Plan.*

Given the direction provided by the Comprehensive Plan, the property’s existing land use as an office, its proximity to the Downtown MAC, and the fact that the property faces other properties across Marquette that are in use as offices and proposed to be SU-2/OR, staff agrees that applying the SU-2/OR is appropriate in this location.

Recommendation: Rezone 715 Marquette NW, to SU-2/OR rather than SU-2/MR in the 2011 DNASDP.

#### **6. 712 Marquette, NW**

Existing Zoning: SU-2/HDA (High Density Apartments)

Existing Land Use: Office

EPC Draft (10.28.2010) Proposed Zoning: SU-2/MR (Mixed Residential) and SU-2/OR (Office Residential)  
Requested Zoning: SU-2/OR (Office Residential)  
Post EPC Draft (6.9.2011) Recommended Zoning per Condition of Approval #77: SU-2/OR

Discussion: Planning staff noted the following about the subject property in the DNASDP Comments spreadsheet that was prepared for the EPC: "712 Marquette is shown on the proposed zoning map with the MR zone at the front and OR to the rear. A mistake was made on the Existing land use map showing the building facing Marquette as a single family house, which led to an incorrect proposed zoning designation of MR for the two parcels along Marquette. The law office operates legally and the rear yard is a parking lot. Staff proposes that the zoning at the front be changed to OR, consistent with the rear lot zoning designation" (see Complete Record, DNASDP Comments spreadsheet, line 333, p. 416).

Staff believes that applying the SU-2/OR zone rather than the SU-2/MR zone to this property is more advantageous to the community based because it will further, in particular, the following applicable policy of the Comprehensive Plan:

- Section II.B.7, Policy f: "The most intense uses in Activity Centers shall be located away from nearby low-density residential development and shall be buffered from those residential uses by a transition area of less intensive development" (Section II.B.7, Policy f).

*The subject property is located within one block of the western boundary of the Downtown 2010 Plan and the Downtown Major Activity Center (MAC). Rezoning the subject property to SU-2/OR rather than SU-2/MR will help to establish an appropriate mixed-use transition area between the Downtown MAC and the Downtown Neighborhood's residential areas, thus furthering the above-cited policy of the Comprehensive Plan.*

Given the direction provided by the Comprehensive Plan, the property's existing land use as an office, its proximity to the Downtown MAC, and the fact that the property faces other properties across Marquette that are in use as offices and proposed to be SU-2/OR, staff agrees that applying the SU-2/OR is appropriate in this location.

Recommendation: Rezone 712 Marquette NW, to SU-2/OR rather than SU-2/MR in the 2011 DNASDP.

#### **7. 415 and 417 7<sup>th</sup> St., NW**

Existing Zoning: SU-2/HDA (High Density Apartments)

Existing Land Use: Office and Parking Lot

EPC Draft (10.28.2010) Proposed Zoning: SU-2/MR (Mixed Residential)

Requested Zoning: SU-2/OR (Office Residential)

Post EPC Draft (6.9.2011) Recommended Zoning per Condition of Approval #79: SU-2/OR

Discussion: Planning staff noted the following about the subject property in the DNASDP Comments spreadsheet that was prepared for the EPC: "...paperwork was faxed to the Planning Department showing that in 2002 Mr. Prichard [the owner of 417 7<sup>th</sup> St.] received a letter from the Zoning Department stating that Mr. Prichard resided at 417 7th and operated a law office under a Home Occupation license from the same address. It appears to staff that the property is now entirely in use as an office. This is not a permitted use under the current SU2 HDA zone. However, staff recognizes [sic] that the character of 7th Street differs from that of Roma, and Mr. Prichard's property is oriented towards 7th Street. Mr. Prichard's property is predominantly surrounded by offices and commercial parking lots. The property to the north is a single family house and is oriented towards Roma. Staff proposes that the proposed zoning for 417 7th and the commercial parking lot between his property and the alley be both changed to SU2 OR." (See Complete Record, DNASDP Comments spreadsheet, lines 379 and 380, p.428)

Staff believes that applying the SU-2/OR zone rather than the SU-2/MR zone to this property is more advantageous to the community because it will further, in particular, the following applicable policy of the Comprehensive Plan:

- Section II.B.7, Policy f: "The most intense uses in Activity Centers shall be located away from nearby low-density residential development and shall be buffered from those residential uses by a transition area of less intensive development" (Section II.B.7, Policy f).

*The subject properties are located directly across the street from the western boundary of the Downtown 2010 Plan and the Downtown Major Activity Center (MAC). Rezoning the subject properties to SU-2/OR rather than SU-2/MR will help to establish an appropriate mixed-use transition area between the Downtown MAC and the Downtown Neighborhood's residential areas, thus furthering the above-cited policy of the Comprehensive Plan.*

Given the direction provided by the Comprehensive Plan, the properties' existing land uses as an office and parking lot, their proximity to the Downtown MAC, and the fact that the properties face another non-residential use across 7<sup>th</sup> Street, staff agrees that applying the SU-2/OR is appropriate in this location.

Recommendation: Rezone 415 and 417 7<sup>th</sup> St., NW, to SU-2/OR rather than SU-2/MR in the 2011 DNASDP.

### **Additional Council Staff Recommended Plan Amendments:**

#### **1. 1213 Granite NW and 900 and 906 Brother Mathias NW**

Existing Zoning: SU-2/TH (Townhouse) – 1976 Plan

Existing Land Use: Single Family

EPC Draft (10.28.2010) Proposed Zoning: SU-2/TH – 2011 Plan

Council Staff Recommended Zoning: SU-2/SF (Single Family)

Discussion: The subject properties 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 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/SF in the 2011 DNASDP. Throughout the rest of the DNASDP area, SU-2/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/TH and SU-2/SF zones and offers that the proposed rezoning to SU-2/SF is more advantageous to the community based on the following:

- R-270-1980, Policy (B): “Stability of land use and zoning is desirable; therefore the applicant must provide a sound justification for the change. The burden is on the applicant to show why the change should be made, not on the city to show why the change should not be made.” [Note: In the case of Sector Development Plans, the City is the applicant.]  
*The existing land use of the subject properties is single-family residential development, while the existing zoning is SU-2/TH (Townhouse). It should be noted that the existing zoning has been in place for 35 years, but townhouse development has not occurred on any of the subject properties. Given the discrepancy between existing land use and existing zoning, staff believes that protecting the stability of existing land use, which is less intense than what existing zoning allows, is what will help to “promote the health, safety, convenience, and general welfare of the citizens of the city,” which is the stated intent of the Zoning Code (§ 14-16-1-3 (A)), and, therefore, outweighs the need to preserve the existing zoning, which, as noted above, has never been utilized.*
- Comprehensive Plan, Section 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.”

The subject properties do not meet any of the tests of Section II.B.5, Policy h and, therefore, should not be considered an appropriate location for higher density housing.

- Comprehensive Plan, Section II.B.6: “\*NOTE: The Central Urban Area is a portion of the Established Urban Area and as such is subject to policies of Section II.B.5...Development intensities in the Central Urban Area should generally be higher than in other portions of Established Urban.” Section II.B.5 – Developing and Established Urban Areas – provides as Policy a: “The Developing Urban and Established Urban Areas as shown by the Plan map shall allow a full range of urban land uses, resulting in an overall gross density up to 5 dwelling units per acre.”

The subject properties provide 3 dwelling units on 0.364 acres, or an average density of 8+ du/acre. This is consistent with what the Comprehensive Plan envisions for the Central Urban Area.

- Section 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 properties are located approximately ¼ mile away from the closest Enhanced Transit corridor (Lomas). ¼ mile is considered a realistic “pedestrian shed” or “walking catchment,” meaning the average distance one is most likely to walk in order to access transit service. The ¼ mile stretch between the subject properties and the Enhanced Transit corridor is predominantly lined by existing single-family development and proposed SU-2/SF zoning, meaning that to provide increased density at the furthest point away from the Enhanced Transit corridor along 13<sup>th</sup> Street within the DNASDP area would be inconsistent with the Comprehensive Plan policy cited above.

Recommendation: Rezone the properties (1213 Granite NW and 900 and 906 Brother Mathias NW) from SU-2/TH (1976 Plan) to SU-2/SF rather than SU-2/TH (2011 Plan).

**2. 1519 Fruit Ave., NW and 306, 310, 312, 314, 316, and 320 16<sup>th</sup> St., NW**

Existing Zoning: SU-2/TH (Townhouse) – 1976 Plan

Existing Land Use: Single Family

EPC Draft (10.28.2010) Proposed Zoning: SU-2/TH – 2011 Plan

Council Staff Recommended Zoning: SU-2/SF (Single Family)

Discussion: The subject properties 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 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/SF in the 2011 DNASDP. Throughout the rest of the DNASDP area, SU-2/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/TH and SU-2/SF zones and offers that the proposed rezoning to SU-2/SF is more advantageous to the community based on the following:

- R-270-1980, Policy (B): “Stability of land use and zoning is desirable; therefore the applicant must provide a sound justification for the change. The burden is on the applicant to show why the change should be made, not on the city to show why the change should not be made.” [Note: In the case of Sector Development Plans, the City is the applicant.]

*The existing land use of the subject properties is single-family residential development, while the existing zoning is SU-2/TH (townhouse). It should be noted that the existing zoning has been in place for 35 years, but townhouse development has not occurred on any of the subject properties. Also, the first of the “Major Planning Themes” listed in the Executive Summary of the Plan is “Matching the zoning with the existing land use for properties within the Downtown Neighborhood Area” (C/S R-11-225, p. 4).*

*Given the discrepancy between existing land use and existing zoning, staff believes that protecting the stability of existing land use, which is less intense than what existing zoning allows, is what will help to “promote the health, safety, convenience, and general welfare of the citizens of the city,” which is the stated intent of the Zoning Code (§ 14-16-1-3 (A)), and, therefore, outweighs the need to preserve the existing zoning, which, as noted above, has never been utilized.*

- Comprehensive Plan, Section 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.”

*The subject properties do not meet any of the tests of Section II.B.5, Policy h and, therefore, should not be considered an appropriate location for higher density housing.*

- Comprehensive Plan, Section II.B.6: “\*NOTE: The Central Urban Area is a portion of the Established Urban Area and as such is subject to policies of Section II.B.5...Development intensities in the Central Urban Area should generally be higher than in other

portions of Established Urban.” Section II.B.5 – Developing and Established Urban Areas – provides as Policy a: “The Developing Urban and Established Urban Areas as shown by the Plan map shall allow a full range of urban land uses, resulting in an overall gross density up to 5 dwelling units per acre.”

The subject properties provide 5 dwelling units on 0.535 acres, or an average density of 9+ du/acre. This is consistent with what the Comprehensive Plan envisions for the Central Urban Area.

Recommendation: Rezone the properties (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/SF rather than SU-2/TH (2011 Plan).

**Individual Plan Amendment Requests that staff does not believe are supported by adopted City plans and policies and justified per R-270-1980:**

**1. 1800 (Lots B1 and B2) Old Town Road, NW**

Existing Zoning: SU-2/TH (Townhouse) – 1976 Plan

Existing Land Use: Vacant

EPC Draft (10.28.2010) Proposed Zoning: SU-2/SF (Single Family)

Requested Zoning: SU-2/TH – 2011 Plan

Post EPC Draft (6.9.2011) Recommended Zoning: SU-2/SF

Discussion: These two, undeveloped lots are owned by the same person who owns 1802 Old Town Road, NW, which property is discussed above and for which staff is recommending the retention of townhouse (SU-2/TH) zoning rather than the EPC Draft (10.28.2010) proposal of SU-2/SF. The lots are located to the south and southeast of 1802 Old Town Road and do not have direct access to the street.

At the August 10, 2011, LUPZ hearing, the property owner stated that changing the zoning from SU-2/TH (1976 Plan) to SU-2/SF would affect her income and any potential construction on these lots. She also stated that she believes that the downtown area is the appropriate location for rental properties.

Staff believes that the proposed zone change from the existing SU-2/TH (1976 Plan) to SU-2/SF in the 2011 DNASDP is more advantageous to the community and that to allow SU-2/TH zoning to remain would be inconsistent with the Comprehensive Plan based on the following:

- R-270-1980, Policy (G): “The cost of land or other economic considerations pertaining to the applicant shall not be the determining factor for a change of zone.”  
While the “applicant” for the 2011 DNASDP and its proposed zone changes is the City of Albuquerque, staff is citing this policy to demonstrate why the property owner’s request to maintain SU-2/TH zoning based on an argument about the effect the proposed zone change will have on her income cannot be the basis for granting the request.
- Comprehensive Plan, Section 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.”

*The subject properties do not meet any of the tests of Section II.B.5, Policy h and, therefore, should not be considered an appropriate location for higher density housing.*

- Comprehensive Plan, Section II.B.6: “\*NOTE: The Central Urban Area is a portion of the Established Urban Area and as such is subject to policies of Section II.B.5...Development intensities in the Central Urban Area should generally be higher than in other portions of Established Urban.” Section II.B.5 – Developing and Established Urban Areas – provides as Policy a: “The Developing Urban and Established Urban Areas as shown by the Plan map shall allow a full range of urban land uses, resulting in an overall gross density up to 5 dwelling units per acre.”

*The subject properties, which total approximately 0.27 acres, are currently vacant. Under the proposed SU-2/SF zone and given the size of the subject lots, staff believes that up to 4 dwelling units (two primary dwelling units and two secondary dwelling units) could permissively be developed on the two lots, resulting in an average density of 14 du/acre. This is consistent with what the Comprehensive Plan envisions for the Central Urban Area.*

- Comprehensive Plan, Section 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.” Possible Technique #2: “Specify development guidelines based on local environmental characteristics and community values in sector and area plans...” *Application of the SU-2/SF zone in this location will ensure that the intensity of new development complements existing, adjacent development and respects the neighborhood’s goal of preserving and protecting the single-family character of the neighborhood, as articulated in the 2011 DNASDP’s “Goals & Objectives” section (C/S R-11-225, p. 60).*

Recommendation: Rezone the properties (1808 [Lots B1 and B2] Old Town Road, NW) from SU-2/TH (1976 Plan) to SU-2/SF as proposed in the original EPC Draft (10.28.2010).

## 2. 707 and 709 Granite, NW

Existing Zoning: SU-2/TH (Townhouse) – 1976 Plan

Existing Land Use: Single Family

EPC Draft (10.28.2010) Proposed Zoning: SU-2/SF (Single Family)

Requested Zoning: SU-2/TH – 2011 Plan

Post EPC Draft (6.9.2011) Recommended Zoning per Condition of

Approval #81: SU-2/TH (for 705, 707, and 709 Granite and for 1103 and 1105 7<sup>th</sup> St., NW)

Discussion: The 1976 DNASDP zoned a large portion of the neighborhood between Lomas and Mountain as SU-2/TH (Townhouse), but very little of the area, which predominantly contains detached single-family development, redeveloped as townhouses. The subject properties currently each contain a single-family, single-story detached dwelling unit, as do all other residential lots in the immediate area. The exception is a lot to the north of the subject properties, which contains multi-family development and faces Mountain Road. The subject properties are immediately adjacent to the 8<sup>th</sup> and Forrester Historic District and Overlay Zone but are not within the boundaries of the HOZ.

The owner of these properties testified at the December 2, 2010, EPC hearing that he bought 709 Granite about 15 years ago and later acquired 707 Granite with the intention of developing townhouses on the two properties. He also stated at that hearing that his “plan was is [sic] not to develop into [sic] the extent that it could be, but probably just put four units on it” (Complete Record, EPC Minutes, December 2, 2010, p. 1066-1067). Staff notes that, under the proposed SU-2/SF zoning in the 2011 DNASDP, secondary dwelling units, defined in the Plan as “Living quarters within an accessory building containing kitchen facilities and does not exceed 650 net square feet in area. There shall be no more than one Secondary Dwelling Unit or Accessory Living Quarters per premise,” are a permissive use, meaning that, depending on the particular size of a lot, up to two dwelling units per lot would be allowed for a total of four units on these two lots.

The property owner’s attorney asserted, in written communications submitted to the EPC, that the City (the applicant) “ignores the character and development of the immediate areas being evaluated. As to the Granite properties, the City ignores that the Harwood School is located immediately across 7<sup>th</sup> Street from Granite, and a Church and its large driveway/parking lot dominate the south side of Granite, between 7<sup>th</sup> and 8<sup>th</sup> Streets” (Complete Record, Letter from Mark Andrew Hirsch, p. 443). In response to this claim, Council planning staff offers that proximity and/or adjacency to a school and/or church use is not, in and of itself, considered justification for higher-density residential zoning, either in the Comprehensive Plan or as a matter of standard urban planning and zoning practice. As a point of clarification, the subject properties do not face the Harwood School; the properties that do directly face the Harwood School, both on 7<sup>th</sup>

Street and on Granite between 6<sup>th</sup> and 7<sup>th</sup> (note that the subject properties are located between 7<sup>th</sup> and 8<sup>th</sup>) are single-family detached development in character, and the proposed zoning for all of these properties is SU-2/SF to match the existing land use and development form.

Staff believes that the proposed zone change from the existing SU-2/TH (1976 Plan) to SU-2/SF in the 2011 DNASDP is more advantageous to the community based on the following:

- R-270-1980, Policy (B): “Stability of land use and zoning is desirable; therefore the applicant must provide a sound justification for the change. The burden is on the applicant to show why the change should be made, not on the city to show why the change should not be made.” [Note: In the case of Sector Development Plans, the City is the applicant.]

*The existing land use of the subject properties is single-family residential development, while the existing zoning is SU-2/TH (Townhouse). It should be noted that the existing zoning has been in place for 35 years, but no townhouse development has occurred on or within the immediate vicinity of the subject properties during that time. Also, the first of the “Major Planning Themes” listed in the Executive Summary of the Plan is “Matching the zoning with the existing land use for properties within the Downtown Neighborhood Area” (C/S R-11-225, p. 4).*

*Given the discrepancy between existing land use and existing zoning, staff believes that protecting the stability of existing land use, which is less intense than what existing zoning allows, is what will help to “promote the health, safety, convenience, and general welfare of the citizens of the city,” which is the stated intent of the Zoning Code (§ 14-16-1-3 (A)), and, therefore, outweighs the need to preserve the existing zoning, which, as noted above, has never been utilized.*

- Comprehensive Plan, Section 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.”

The subject properties do not meet any of the tests of Section II.B.5, Policy h and, therefore, should not be considered an appropriate location for higher density housing.

- Comprehensive Plan, Section II.B.6: “\*NOTE: The Central Urban Area is a portion of the Established Urban Area and as such is subject to policies of Section II.B.5...Development intensities in the Central Urban Area should generally be higher than in other portions of Established Urban.” Section II.B.5 – Developing and Established Urban Areas – provides as Policy a: “The Developing Urban and Established Urban Areas as shown by the Plan map shall allow a full range of urban land uses, resulting in an overall gross density up to 5 dwelling units per acre.”

The subject properties currently provide 2 dwelling units on approximately 0.32 acres, or an average density of 6+ du/acre. Under the proposed SU-2/SF zone and given the size and depth of the subject lots, an additional 2 dwelling units could permissively be developed, resulting in a doubling of the density. This is consistent with what the Comprehensive Plan envisions for the Central Urban Area.

- Comprehensive Plan, Section 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.” Possible Technique #2: “Specify development guidelines based on local environmental characteristics and community values in sector and area plans...”  
Application of the SU-2/SF zone in this location will ensure that the intensity of new development or redevelopment complements existing, adjacent development and respects the neighborhood’s goal of preserving and protecting the single-family character of the neighborhood, as articulated in the 2011 DNASDP’s “Goals & Objectives” section (C/S R-11-225, p. 60).

### **3. 908 Roma NW**

Existing Zoning: SU-2/TH (Townhouse) – 1976 Plan

Existing Land Use: Single Family

EPC Draft (10.28.2010) Proposed Zoning: SU-2/SF (Single Family)

Requested Zoning: SU-2/TH – 2011 Plan

Post EPC Draft (6.9.2011) Recommended Zoning: SU-2/SF

Discussion: The subject property is located in the heart of the single-family residential area of the neighborhood and surrounded on all sides by proposed SU-2/SF zoning. The property owners, who are requesting to maintain SU-2/TH zoning, provided no justification for why their property should remain SU-2/TH other than, “we want to maintain the option to tear [the existing house] down and build two townhouses on the site...There is a significant monetary difference between the value of two townhouses on this site and the value of a single family residence on this site” (Complete Record, Letter from Jon Anderson and Laura Daby, p. 1619).

Staff believes that the proposed zone change from the existing SU-2/TH (1976 Plan) to SU-2/SF in the 2011 DNASDP is more advantageous to the community based on the following:

- R-270-1980, Policy (B): “Stability of land use and zoning is desirable; therefore the applicant must provide a sound justification for the change. The burden is on the applicant to show why the change should be made, not on the city to show why the change should not be made.” [Note: In the case of Sector Development Plans, the City is the applicant.]

The existing land use of the subject properties is single-family residential development, while the existing zoning is SU-2/TH (townhouse). It should be noted that the existing zoning has been in place for 35 years, but townhouse development has not occurred on the subject property. Also, the first of the “Major Planning Themes” listed in the Executive Summary of the Plan is “Matching the zoning with the existing land use for properties within the Downtown Neighborhood Area” (C/S R-11-225, p. 4).

Given the discrepancy between existing land use and existing zoning, staff believes that protecting the stability of existing land use, which is less intense than what existing zoning allows, is what will help to “promote the health, safety, convenience, and general welfare of the citizens of the city,” which is the stated intent of the Zoning Code (§ 14-16-1-3 (A)), and, therefore, outweighs the need to preserve the existing zoning, which, as noted above, has never been utilized.

- R-270-1980, Policy (G): “The cost of land or other economic considerations pertaining to the applicant shall not be the determining factor for a change of zone.”  
While the “applicant” for the 2011 DNASDP and its proposed zone changes is the City of Albuquerque, staff is citing this policy to demonstrate why the property owners’ request to maintain SU-2/TH zoning is not supported given that the reason provided hinges on the monetary value of TH versus SF zoning.
- Comprehensive Plan, Section 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.”

The subject property does not meet any of the tests of Section II.B.5, Policy h and, therefore, should not be considered an appropriate location for higher density housing.

- Comprehensive Plan, Section II.B.6: “\*NOTE: The Central Urban Area is a portion of the Established Urban Area and as such is subject to policies of Section II.B.5...Development intensities in the Central Urban Area should generally be higher than in other portions of Established Urban.” Section II.B.5 – Developing and Established Urban Areas – provides as Policy a: “The Developing Urban and Established Urban Areas as shown by the Plan map shall allow a full range of urban land uses, resulting in an overall gross density up to 5 dwelling units per acre.”

The subject property provides 1 dwelling unit on approximately 0.14 acres, or an average density of 7 du/acre. This is consistent with what the Comprehensive Plan envisions for the Central Urban Area.

- Comprehensive Plan, Section 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.” Possible Technique #2: “Specify development guidelines based on local environmental characteristics and community values in sector and area plans...”  
Application of the SU-2/SF zone in this location will ensure that the intensity of new development complements existing, adjacent development and respects the neighborhood’s goal of preserving and protecting the single-family character of the neighborhood, as articulated in the 2011 DNASDP’s “Goals & Objectives” section (C/S R-11-225, p. 60).

### **Requests that need additional discussion:**

#### **1. 727 Tijeras Ave., NW**

Existing Zoning: SU-2/HDA (High Density Apartments)

Existing Land Use: Commercial

EPC Draft (10.28.2010) Proposed Zoning: SU-2/OR (Office Residential)

Requested Zoning: SU-2/MUL (Mixed Use Light)

Post EPC Draft (6.9.2011) Recommended Zoning per Condition of Approval #31: SU-2/MUL

#### **2. 918-924 Tijeras Ave., NW, 200-208 10<sup>th</sup> St., NW, and 919-921 Kent NW**

Existing Zoning: SU-2/HDA (High Density Apartments)

Existing Land Use: Multi-family

EPC Draft (10.28.2010) Proposed Zoning: SU-2/MR (Mixed Residential)

Requested Zoning: SU-/HDA

Post EPC Draft (6.9.2011) Recommended Zoning per Condition of Approval #82: SU-2/HDA (per the 1976 Plan and not subject to any requirements of the 2011 Plan)

**3. 120 10<sup>th</sup> Street, NW (Sessions)**

Existing Zoning: SU-2/HDA (High Density Apartments)

Existing Land Use: Office

EPC Draft (10.28.2010) Proposed Zoning: SU-2/MR (Mixed Residential)

Requested Zoning: SU-/OR, SU-2/MUM, or amend SU-2/MR zone to allow for an office that has been there for a minimum number of years.

Post EPC Draft (6.9.2011) Recommended Zoning: SU-2/MR

**4. 1000 and 1100 blocks of Tijeras Ave., NW**

Existing Zoning: SU-2/RC (Residential/Commercial)

Existing Land Use: Single Family, Single Family Divided, Multi-family, Office, Vacant

EPC Draft (10.28.2010) Proposed Zoning: SU-2/MUM (Mixed Use Medium)

Requested Zoning: A number of different parties have weighed in on how to treat the zoning of these two blocks. Suggestions include:

- 1) retain the SU-2/RC zoning,
- 2) rezone the entire two blocks to SU-2/MR,
- 3) rezone the properties that face Tijeras to SU-2/MR and the properties that face Kent to either SU-2/MR or SU-2/MUL,
- 4) rezone the north side of Tijeras between 11<sup>th</sup> and 12<sup>th</sup> to SU-2/OR.

Post EPC Draft (6.9.2011) Recommended Zoning per Condition of Approval #29: SU-2/MUL