



**Environmental  
Planning  
Commission**

*Agenda Number: 6  
Project Number: 1000032  
Case #: 13EPC-40123  
November 14, 2013*

**Supplemental Staff Report**

<b>Agent</b>	Consensus Planning
<b>Applicant</b>	Oxbow Town Center, LLC
<b>Request</b>	<b>Sector Development Plan Map Amendment / Land Use Change</b>
<b>Legal Description</b>	Tracts X-1-A2 (portion of Parcel A) & X-2-A (Parcel B), University of Albuquerque Urban Center
<b>Location</b>	St. Joseph Drive NW between Coors Blvd. and Atrisco Drive
<b>Size</b>	Approximately 47.7 acres
<b>Existing Zoning</b>	SU-3 for Mixed Use (office and commercial uses)
<b>Proposed Zoning</b>	SU-3 for Mixed Use (townhouses/ multi-family/retail/services)

**Staff Recommendation**

*Staff recommends a RECOMMENDATION OF APPROVAL to the City Council for Case #13EPC-40123 based on the Findings beginning on Page 29 and the Recommended Conditions of approval on Page 33.*

**Staff Planner**

**Carrie Barkhurst**

**Summary of Analysis**

The request is to amend the land use description for Parcels A and B of the University of Albuquerque Sector Development Plan (UASDP). The applicant proposes to develop 10 acres with townhouses; 15 acres with apartments; and 22 acres with commercial. The West Side Strategic Plan and Coors Corridor Plan apply to this request. The site is within a Community Activity Center (CAC).

The current land use description allows a mix of office and commercial uses, as regulated by the O-1 and C-2 zones, with a minimum of 17-acres of office uses required. The Zoning Enforcement Officer (ZEO) has determined that the current site zoning also allows residential uses, as regulated by the C-2 zone. The West Side Coalition of NAs is challenging the zoning interpretation that residential uses are allowed in the existing site zoning.

The request was amended to require 22 acres of C-2 retail/service development, which is not currently required by the site's zoning according to the ZEO. The amount of single-family residential uses requested was reduced (from 17 acres to 10 acres), and is also balanced with higher density multi-family and senior housing. This creates an overall higher residential density for the activity center. Design standards were added to the request and are based on Activity Center and Transit Policies. They make compliance with the policies mandatory, and they will guide the form of development in the CAC. These changes have made the request more consistent with adopted goals and policies.

There is some support, but mostly opposition, to this request by West Side neighborhood associations.



## **I. OVERVIEW**

### ***Deferral History***

On August 8, 2013 the request was introduced to the EPC, but not heard. The applicant requested a deferral to modify the request and to provide adequate time for all to review the changes.

On September 12, 2013, the EPC heard the request and voted for a second 30-day deferral to modify the request to improve consistency with City goals and policies by increasing the density of the proposed zoning and to get clarification regarding the uses allowed by the current zoning.

On October 10, 2013, on behalf of the affected neighborhood associations (NA's), the applicant requested a third deferral. The NA's wanted additional time to discuss and comment on changes to the UA SDP Land Use Plan. The Planning Department requested additional detail in the UA SDP to evaluate the request's consistency with Activity Center and Transit Goals and policies.

### ***Request***

This request is to amend the Land Use Map of the University of Albuquerque Sector Development Plan (UA SDP) to change the land use/zoning for the subject site to remove the requirement for 17 acres of office uses. The "subject site" refers to the undeveloped portions of Parcels A and B of the UA SDP. It consists of 47.7-acres of land. The request excludes 10 acres of Parcel A that have already been developed as a church. The subject site is currently vacant.

- Parcel A = 10 Acres developed as a church (X-1-A1) & 21.2 Acres vacant (X-1-A2)
- Parcel B = 26.5 Acres vacant (X-2-A)

Because the sector plan classifies land based on Parcel A and B, and not the legal descriptions, and because this is a request to amend the land use descriptions for those Parcels, the staff report will refer to the site as Parcels A & B and discuss the implications for the entire Activity Center.

The current land use/zoning description reads: "SU-3/Mixed Use: Church and Related Uses for approximately 10 acres; a minimum of approximately 17 acres shall be developed for office (O-1), the balance of the property is to be developed as (C-2) commercial or (O-1) office (approximately 30 acres)."

The proposed land use/zoning description reads: "SU-3/Mixed Use: Church and Related Uses for approximately 10 acres; up to 10 acres may be developed for residential (R-T uses on Parcel A only and shall be attached Town Houses and a minimum of 8 dwelling units per acre, detached single family houses are not allowed); up to 15 acres may be developed with multi-family housing (C-2 permissive uses) as defined in the COA Comprehensive Zoning Code Section 14-16-2-17 (A)(8) Residential (up to 30 du/acre); and the balance of the property is to be developed as non-residential commercial (C-2 permissive uses) as defined in the COA Comprehensive Zoning Code, excluding Section 14-16-2-17 (A)(8)."

The Land Use Map of the UA SDP was updated by the applicant to reflect previous amendments to the Plan as well as the changes proposed by this request. The Land Use/Zoning matrix was amended for Parcels A and B. Additionally, Design Standards for the subject site were added, which include specification of the development process.

***Modification of the Request***

The original request in August 2013 was for 17 acres of O-1 to be amended to allow 17 acres of R-T development instead, including low-density, detached houses. Since then, the following additional changes to the requested zoning and development requirements have been made:

- It reduces the extent of townhouses requested from 17 acres to 10 acres.
- It adds a minimum residential density of 8 dwellings per gross acre.
- It discloses the intent to develop 15-acres of multi-family development.
- It adds a minimum of 22-acres of retail/services (non-residential) development.
- It adds Design Standards and a Development Process section to guide development.

The Parcel Plan of the UA SDP Land Use Map has been modified from the original version to show the conceptual physical allocation of uses. An internal road circulation is shown that provides access to the site from two locations along Coors Blvd. The roads line up to intersect at St. Joseph Dr. This request would result in 43% of this Activity Center being developed as residential uses, which is 52% of the remaining vacant land. Under the current zoning, 30.7 acres or 65% of the remaining vacant land could be developed with residential uses, as regulated by the C-2 zone. The request reduces the amount of permissive residential uses from 65% to 52%.

Current	SU-3 / Mixed Use	10 acres	Church & Related Uses
		17 acres	Office Uses (O-1 permissive uses)
		30.7 acres	C-2 and O-1 Permissive Uses
Proposed	SU-3 / Mixed Use	10 acres	Church & Related Uses
		22 acres	Retail / Services (C-2 permissive uses)
		10 acres	Townhouses (R-T permissive uses)
		15 acres	Multi-family residential (R-3 perm. uses)
		0.7 acres	Road right-of-way

***Environmental Planning Commission (EPC) Role***

The City Council has the sole authority, in its discretion, to amend an SU-2 or SU-3 Sector Development Plan for an area over one block [§14-16-4-1(C)(15)(c)]. The EPC is a recommending body with review authority. The EPC’s task is to make a recommendation to the City Council regarding the proposed text/map amendments. The City Council is the City’s Zoning Authority and will make the final decision.

***EPC Role, Context, History & Background, Transportation System, and Public Facilities/Community Services***

Please see pages 2-6 of the August 8, 2013 Staff report (see attachment). Since that staff report, Coors Blvd. was upgraded from an Enhanced Transit Corridor to a Major Transit Corridor.

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## II. KEY ISSUES

### A) Challenge to the Zoning Enforcement Officer's interpretation that residential uses are allowed

Three letters have been submitted by area residents that challenge the Zoning Enforcement Officer's (ZEO) interpretation that residential uses are allowed by the current zoning.

- The West Side Coalition of Neighborhood Associations (WSCONA) wrote a letter on October 1, 2013 stating that the ZEO's interpretation that residential uses are allowed at this site "is contrary to the uses mandated by the Sector Development Plan (office, commercial)."
- Oxbow Village Homeowners Association submitted a letter on October 29, 2013 "to bring to the attention of the EPC the evidence that we have since discovered that establishes that Mr. Williams is incorrect when he opines that residential uses are permitted by the language of the current zoning."
- Another letter was submitted on behalf of WSCONA on November 4, 2013 asserting that the intent of the current zoning was not to include residential uses; it discusses this issue as one critical to the EPC's understanding of analysis of the current request. The letter states "Applicant has not justified a zone change under Res 270-1980."

The letters identify a conflict between the interpretation of the zoning rights and the intent of the Sector Development Plan and Activity Center policies as a whole. Mr. Flynn-O'Brien states: "In order to determine whether a proposed SDP amendment and zone change meets the criteria of Res. 270-1980, it is critical to know what current regulations allow and prohibit."

Mr. Shine writes "to bring to the attention of the EPC the evidence that we have since discovered that establishes that Mr. Williams is incorrect" in his determination of the site's zoning. In a facilitated meeting in February 2007, when questioned about the possibility of mixed use or live/work development, the applicant, Mr. Rogers, responded "...there was enough residential in the immediate area and *the point of the zoning was to remove residential entirely* to positively impact school issues and create more West Side jobs" (emphasis added). The EPC discussion, EPC findings, and the City Council resolution adopting the sector plan amendments all indicate that the intent was to remove residential uses from the list of allowed uses (R-07-256).

The letters also state that because a Declaratory Ruling has not been issued, the ZEO's determination is non-binding on the EPC, who adopted an alternate interpretation of the ZEO's interpretation in a recent case (AC-12-10). It is also significant to note that this site's zoning is established through a "Land Use/Zoning Matrix" within a Sector Development Plan, and therefore, the intent of the adopted zoning should also be considered.

The letters include proposed findings that the authors urge the EPC to adopt (see pages 25-26 of this report and the attached letters). An attached letter from the applicant rebuts these claims.

The letters provide compelling evidence that the intention of the zoning, when adopted, did not include residential uses. However, the ZEO must rely on historic administrative practice in his interpretation of the permissive uses allowed by the UA SDP Land Use/Zoning table. Because the current request is to amend the UA SDP land use/zoning, it is within the EPC's purview to make a recommendation in these matters – whether residential uses are appropriate in this location and whether R-270-1980 has been justified.

***B) Determining an appropriate land use mix for this Community Activity Center***

One of the biggest challenges to analyzing this request is determining an appropriate land use mix for an activity center on the west side of the city.

***Economic and Social Trends***

The applicant has argued that 17 acres of office and 30 acres of office and commercial uses is more than the market will bear. Further, the applicant argues that the demand for new office construction is virtually non-existent due to an oversupply of existing office space and a decline in the use of traditional office parks. In the September deferral letter, the applicant also points out “Since the recession, it is clear that the plans developed in 2007 are no longer viable for the property.” Also see the specialized impact analysis on page 7 of the September Staff Report.

These current social and economic trends have a significant impact on the viability of development at this site. Looking at larger market trends, Albuquerque has recently been downgraded from a 2<sup>nd</sup> Tier to a 3<sup>rd</sup> Tier market, which means that “there will be less money available for large CRE [commercial real estate] projects (\$25 million or more) from national lenders” (source: [www.bizjournals.com](http://www.bizjournals.com), *Albuquerque now considered a third-tier market*, October 24, 2013). From a land development perspective, allowing more flexibility in zoning could result in more effective land utilization.

***Transportation Considerations***

Making recommendations on the appropriate land use mix must also consider City-wide transportation and land use issues. Currently on the west side, only 1.2% of vacant land, or 159 acres, is specifically zoned for office and institutional uses. However, the commercial, mixed-use, and industrial zones also allow office uses. If these zones are included, office uses are allowed in up to 52% of the vacant land on the west side of the river. (Source: Analysis of AGIS Zoning data for parcels west of the river).

From a land use planning perspective, maintaining commercial zones that allow for office uses would be important to ensure that there is space for these uses to develop when needed. Office uses are also appropriate to serve as a buffer between existing residential development and more intense commercial uses.

***Guidance from Adopted Plans / Regulations***

The Comprehensive Plan and West Side Strategic Plans do not provide regulatory prescriptions on the appropriate land use mix in Activity Centers. They provide a list of the desirable land uses, along with other standards that intend to guide the development form. The Activity Center vision must also be balanced with the existing zoning and land use entitlements of property. In some instances, there is an inconsistency between the desired development character and form (policies) and the land’s zoning (regulations). This case provides an opportunity to evaluate both together, and make recommendations to City Council as to better aligning the two.

In 2012, the commercial zones were amended by City Council to allow residential uses as a permissive use in the C-2 zone for sites within an Activity Center or adjacent to a Transit Corridor. This action reintroduced residential uses to the subject site’s zoning entitlements. However, west side neighborhood associations have challenged this interpretation.

To make an informed recommendation, Planning Staff looked for other undeveloped West Side Community Activity Centers of similar characteristics or development intents. The Volcano Heights Town Center and the Westland Master Plan Town Center provided the most relevant comparisons. The Volcano Heights Plan was primarily used to inform recommendations on Design Standards, and the Westland Master Plan was used to evaluate the land use mix.

<b>Volcano Heights Town Center</b>	<b>Westland Master Plan Town Center</b>
<ul style="list-style-type: none"> <li>• <u>Size</u> = 83 acres</li> <li>• <u>Intent</u> = The Town Center Zone Site Development Standards ... in this character zone are intended to take advantage of its location along a transit corridor and promote a dense, urban, pedestrian-friendly development pattern accessible via all transportation modes.</li> <li>• <u>Zoning</u> <ul style="list-style-type: none"> <li>○ All zones in Volcano Heights allow a mix of residential and non-residential development in order to provide maximum flexibility to property owners to adapt to market conditions over time and to encourage a mix of housing and services within walking and biking distance.</li> <li>○ Generally uses in the C-2 zone are permissive, except that drive through and auto-related sales or services are conditional uses.</li> <li>○ No requirements or prescriptions on the land use mix.</li> </ul> </li> <li>• <u>Design Regulations</u> <ul style="list-style-type: none"> <li>○ Block Length = 300 – 500 feet</li> <li>○ Max. Block Perimeter = 2,000 feet</li> <li>○ Setbacks = 5 – 10 feet</li> <li>○ Build-to Zone = 0 – 15 feet</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• <u>Size</u> = 147 acres</li> <li>• <u>Intent</u> = This zone, as applied by this Plan, provides suitable sites for a high intensity mixture of commercial, office, service, institutional, and residential uses.</li> <li>• <u>Zoning</u> <ul style="list-style-type: none"> <li>○ Permissive uses: Uses Permissive in the C-2 zone except parking lots and adult uses; dwelling unit, provided it is part of a residential or mixed use site development plan and not less than 9 du/acre for the net residential development area; church; public park; hotel.</li> <li>○ Conditional uses: Uses conditional in the C-2 zone.</li> <li>○ Estimated Land Use Percentages: <ul style="list-style-type: none"> <li>▪ Residential – 35 to 45%</li> <li>▪ Non-residential – 40 to 60% (half office and half commercial)</li> <li>▪ Open Space – 10%</li> </ul> </li> </ul> </li> <li>• <u>Design Regulations</u> <ul style="list-style-type: none"> <li>○ Maximum front setback = 15 feet</li> <li>○ FAR's such as 2-3 in the central core area and low FAR's such as 0.3 - 0.6 in the peripheral area</li> </ul> </li> </ul>

The request is generally consistent with the permissive uses and land use allocation for the Westland Town Center community-scale activity center, except that no public open space has been allocated. The design standards are also generally consistent, except that there is no maximum front setback or maximum block size required by the request. Staff also notes that residential uses are permissive in all other developed and proposed Activity Centers.

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### III. ANALYSIS – APPLICABLE ORDINANCES, PLANS AND POLICIES

#### A) Albuquerque Comprehensive Zoning Code

The proposed uses are up to 10 acres of attached single-family dwellings (townhouses), approximately 15 acres of apartments, and approximately 22 acres of retail/service uses.

Code Enforcement has clarified that all of the permissive uses in the O-1 and C-2 zones are currently allowed in 30 acres of the subject site. In the 17 acres that are designated for “office (O-1)” all permissive O-1 uses are allowed. The implication is that according to the ZEO’s determination, the subject site could develop predominantly with residential uses – if the zone change request is approved and even if it is not approved. If vacant land that is zoned for commercial uses is developed with residential uses instead, the land use projections will become even further skewed in favor of houses over the number of jobs. The EPC and the City Council need to be aware that this interpretation could result in further loss of jobs on the West Side and could undermine the intent for Activity Centers city-wide. In summary, there is an inconsistency between adopted policy and the site’s zoning. **The 10//29/13 revised request attempts to bridge the inconsistency by committing to 25 acres of residential and 22 acres of non-residential development. The Activity Center as a whole would consist of 43% residential and 55% non-residential development.**

See pages 7-8 of the August 8, 2013 report for more information (attached).

#### B) Albuquerque / Bernalillo County Comprehensive Plan

Policy Citations - Regular Text; *Applicant Response - Italics; Staff Analysis - Bold Italics*

The subject site is located in the area designated Established Urban by the Comprehensive Plan with a goal 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 subject site is also within a Community Activity Center (CAC) as designated by the WSSP and Comprehensive Plan.

***This request could result in a development that “offers variety and maximum choice in housing, transportation, work areas, and life styles.” The design standards were crafted to incorporate policies for Activity Center design, parcel size, and layout. The intention of the policies is to create a higher intensity/density node of development that has a different feel and character than the surrounding neighborhoods.***

***The character of the development is generally consistent with the Established Urban Area Goal. However, the character cannot be fully analyzed or determined until the internal circulation of streets, access, block size, and parcel layout are established.***

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

*The applicant achieves this with the goal of developing commercial at the northwest corner of Coors Boulevard (an Express Transit Corridor) and St. Joseph's Drive. There are existing residential uses to the north and south of this area. Adjacent land uses have been designated by the University of Albuquerque Sector Development Plan "SU-3" for a mix of uses, which allows for office, commercial, residential, educational, and church uses. The proposed change from office to residential uses on Parcels A and B is intended to respect the adjacent land uses.*

*The request respects neighborhood values by proposing a similar use to the existing development pattern north of the subject site. The Rancho Encantado HOA has written in support of single-family housing on Tract A, and believes that it would be a compatible land use. However, in relation to the larger community, other west side residents commented that the application does not contribute to stability of zoning, and that it is not more advantageous to the community in terms of jobs to housing balance on the west side, which is currently heavily weighted towards housing.*

***Design*** – *The proposed Design Standards intend to shape this Activity Center into a place that respects the policies and intents of Activity Centers, which is to provide a highly accessible development with more intense development than the surrounding areas.*

***Intensity*** - *Higher intensity and density development is called for in Community Activity Centers, and single-family residential uses are generally not compatible. However, the revised request would allow 25 acres of residential use, at an overall average of 21 du/acre. Houses are specifically prohibited. This average for the site as a whole is consistent with Transit Corridor Housing Density Targets. The request also provides for 22 acres of non-residential use, which could contribute to the Employment Density Target.*

Policy II.B.5e: 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.

*Parcels A and B have full urban facilities and services available to them. Direct access is from Coors Boulevard and Saint Joseph's Drive. Existing water, sewer, and other utilities area in place and can accommodate future development. Coors Boulevard is an Enhanced Transit Corridor served by ABQ Ride routes 155, 790, and 96.*

***Staff agrees that the site is vacant land that has access to existing facilities and services. The integrity of existing neighborhoods will be insured by proposing compatible uses and buffers adjacent to existing neighborhoods. Note: Coors Blvd. has been upgraded to be classified as a Major Transit Corridor, as of Aug. 2013.***

Policy II.B.5i: 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.

*As previously stated, the applicant envisions residential development on Parcel A that will be complemented with proposed commercial development at the corner of Coors Boulevard and St. Joseph's drive. The residential and commercial retail/service uses on the property will go*

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through an approval process for Site Plan for Subdivision and Site Plan for Building Permit with the Environmental Planning Commission (EPC) to ensure the quality of design and allow public comment. It will be subject to design regulations in the Coors Corridor Plan.

***The reduction in commercial uses could result in lessening the impacts of noise, lighting, and pollution on existing residential environments. The subject site was designated as an appropriate location for services to support the surrounding residential areas.***

Policy II.B.5j: 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 area of commercial retail/services is envisioned to be sited along Coors Boulevard. Site specific development for these future commercial uses should provide pedestrian and bicycle access from the residential communities to the retail/service development. The envisioned residential areas will be well within walking or bicycling distance.*

***The request would locate residential uses in a location that was determined by City Council to be appropriate for a mix of higher intensity land uses. The request would also provide new commercial development in an existing commercially zoned area that is located off an arterial street with access via mass transit. The request is consistent with II.B.5.j.***

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

Policy m: Urban and site design which maintains and enhances unique vistas and improves the quality of the visual environment shall be encouraged.

*Any residential and commercial development will be subject to Site Plan for Subdivision and Site Plan for Building Permit review and approval by the EPC. The single family development will be reviewed by the DRB. All development will be measured against the design policies and regulations of the Coors Corridor Plan, West Side Strategic Plan, and the Comprehensive Plan.*

***Staff agrees, and notes that Design Standards for the Activity Center have now been provided in the 10/29/13 revised submittal.***

II.B.7 Activity Centers: The Goal is to expand and strengthen concentrations of moderate and high density mixed land use and social/economic activities which reduce urban sprawl, auto travel needs, and service costs, and which enhance the identity of Albuquerque and its communities.

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*The University of Albuquerque Sector Plan area is designated as a Community Activity Center. Specifically, Activity Centers are intended to “provide for unique attractions serving local, regional, and statewide needs”. The subject property is accessible by all modes of travel, and has convenient access to the major roadway system, including Coors Boulevard. The envisioned residential and commercial uses are consistent with the examples contained in the Comprehensive Plan; supporting residential, retail, and service uses.*

**Table 22:** Table 22 in the Comprehensive Plan provides a description of the appropriate land uses within a Community Activity Center.

*Applicant’s Response: The proposed change is consistent with this description based on the following: 1) The requested residential (R-T uses) land use allows for medium density housing including town homes and single family detached products, 2) The existing church and proposed elementary school are identified as appropriate uses, and 3) The remaining C-2 zoning permits a mix of uses including multi-family, senior housing, retail, and office uses.*

**Medium- and high-density housing is listed as an example of typical uses in a Community Activity Center. Medium density is generally described as being 12-20 gross dwelling units per acre. The request was amended in the 10/29/13 version of the UA SDP to provide for 10 acres of townhouses at 8 du/acre, and 15 acres of multi-family at up to 30 du/acre. The average residential density for the Activity Center would likely be around 21 du/acre.**

Policy II.B.7a: Existing and proposed Activity Centers are designated by a Comprehensive Plan map where appropriate to help shape the built environment in a sustainable development pattern, create mixed use concentrations of interrelated activities that promote transit and pedestrian access both to and within the Activity Center, and maximize cost-effectiveness of City services.

*Allowing for residential uses in proximity to commercial development is consistent with this policy because it will help sustain the University of Albuquerque area by addressing current demands and adding complementary uses in an area unlikely to develop with office uses. The property is currently vacant and has lagged behind development within the Sector Plan on the east side of Coors Boulevard (i.e., Oxbow Communities). These two parcels along Coors Boulevard are accessible by transit, passenger vehicles, bicycles, and pedestrians.*

**Staff generally agrees, and notes that the development on the east side of Coors Blvd. was permitted to be exclusively residential, rather than the mix of uses that the zoning allows, based on the premise that the office and service uses were more appropriately located on the west side of Coors Blvd.**

**The applicant argues elsewhere that the size of office and commercial zoning is much larger than the current demand for that type of development, and has requested to develop 25 acres as residential uses. The Design Standards added to the UA SDP will help ensure that the access and connectivity that are critical to an Activity Center are implemented in the site layout.**

Policy II.B.7i: Multi-unit housing is an appropriate use in Neighborhood, Community and Major Activity Centers.

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***The request is for medium-density residential development within a designated Community Activity Center, a portion of which is townhouses and a portion of multi-family housing.***

II.D.6 Economic Development: The Goal is to achieve steady and diversified economic development balanced with other important social, cultural, and environmental goals.

*The envisioned residential and commercial uses will promote economic activity and allow more people to live in closer proximity to commercial services. The proximity of the commercial retail/service areas to future residential development will increase business success rates as potential clientele can be found nearby.*

***The Activity Center site is already surrounded by mixed density residential development that would support the development of office, apartment, commercial, and retail services. The impact of developing 43% of this Activity Center as medium-density residential on the Economic Development opportunities on the west side has not been demonstrated.***

***However, the absence of any development activity in the 30 years since this land was annexed into the city indicates that there is neither demand nor capacity for this extent of non-residential, new development.***

### **C) West Side Strategic Plan**

The West Side Strategic Plan (WSSP) was first adopted in 1997 and amended in 2002 to help promote development of Neighborhood and Community Activity Centers. The WSSP identifies 13 communities, each with a unique identity and comprised of smaller neighborhood clusters. The subject site is located within the Ladera Community. The Ladera Community is 2,200 acres in size, and could potentially support a population of 15,400. This would result in approximately 6,200 housing units with a potential for 5,100 jobs in the area.

The WSSP identifies locating employment uses on the West Side as critical to achieving the Plan's goals including: reducing vehicle trip distances, decreasing commuter demand across the Rio Grande, decreasing the need for additional lanes of river crossing, decreasing construction and maintenance costs, and establishing healthy activity centers. The subject site is located in the Ladera Community's designated Community Activity Center (CAC).

Because the subject site is located within a CAC, the land uses are expected to develop as a provider of goods and services as well as employment for the area. One of the goals for this area is to encourage higher density housing on vacant parcels along Coors to provide a mix of land uses and increase the residential base of the Ladera community. Another goal is to improve the pedestrian environment along Coors Boulevard by providing pedestrian amenities (Page 102). The following WSSP goals, objectives, and policies apply to the proposal:

Goal 12: The Plan should provide for long-term sustainable development on the West Side.

Objective 4: Preserve a sense of community and quality of life for all residents based on wise, long-term decision-making. (Page 17)

*Residential uses will more effectively interface with existing neighborhood and community-oriented uses. The proposed change to the land use designation would balance with the*

surrounding residential, future commercial, and existing institutional uses (i.e., St. Pius High School). The existing Neighborhood Activity Center at Coors Boulevard and Western Trail has developed primarily with single-family residential uses, which suggests that the remaining vacant areas will not support a complete mix of commercial and office uses, as is currently mandated by the Sector Plan.

**The request is for 25-acres of medium- to high-density residential uses and 22-acres of non-residential development. With a sensitive and integrated design, the proposed land use mix could implement this Goal and objectives. The proposed design standards intend to shape the final development pattern, consistently with Activity Center and Transit Corridor goals.**

**Staff disagrees that the residential uses would more effectively interface with the existing neighborhood. The O-1 zone provides sites suitable for office, service, institutional, and dwelling uses. It is often used as a buffer or transition between single-family residential and commercial uses. However, opportunities for commercial and office uses at this location may have been overestimated.**

Objective 1: Provide for a complete mix of land uses on the West Side, including opportunities for large-scale employment, in order to minimize the needs for cross-metro trips. Employment opportunities are encouraged on the West Side. (Page 17) *(Not addressed by the applicant)*

**The current zoning allows residential uses through the C-2 zone. There is a potential conflict with this policy and the City's new permissive C-1 and C-2 uses on the west side. All property that is adjacent to a Transit Corridor or within an Activity and zoned C-1 or C-2 could develop with residential uses instead of providing employment opportunities. However, the benefit of the new permissive residential uses in the C-1/C-2 zones is that they may develop as mixed use development. Research has shown that developing residential uses in conjunction with commercial and jobs has more benefit for reducing traffic and congestion than either developing residential uses first or commercial uses first, consecutively (Cevero 1996 & 2010).**

Policy 1.1: Thirteen distinct communities, as shown on the Community Plan Map and described individually in this Plan, shall constitute the existing and future urban form of the West Side. Communities shall develop with areas of higher density (in Community and Neighborhood Centers), surrounded by areas of lower density. Bernalillo County and the City of Albuquerque Planning Commissions shall require that high density and non-residential development occur within Community and Neighborhood Centers. Low density residential development (typical 3-5 du/acre subdivisions, or large lot rural subdivisions) shall not be approved within the Centers. (Page 38)

*The applicant did not address this policy.*

**The applicant has revised the request from one that was substantially in conflict with this policy to be generally consistent. The request proposes attached townhouses, multi-family residential, and non-residential development. The densities range from low/medium to high.**

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Policy 1.3: Strip commercial developments shall not be approved on the West Side. Commercial development shall occur in concentrated clustered areas rather than new strip developments. Zone changes to commercial, industrial, or office uses for areas outside the centers are strongly discouraged, in order to reinforce the Neighborhood and Community Centers. Changes of commercial and office zoning outside the centers to residential use is encouraged. This policy is meant to impact the design and layout of commercial areas and their connections to adjacent development and to encourage clustering of commercial and office uses in activity centers. It is not intended to rezone allowed commercial uses. (Page 39)

Policy 1.13: The Community Activity Center shall provide the primary focus for the entire community with a higher concentration and greater variety of commercial and entertainment uses in conjunction with community-wide services, civic land uses, employment, and the most intense land uses within the community. Its service area may be approximately three miles (radius) and a population of up to 30,000. (Page 41)

*The applicant did not address these policies.*

***The intent of these policies is to focus higher intensity and mixed-uses within Activity Centers, and to encourage low-density residential development outside of Activity Centers. The request, including the Design Standards, could implement these policies.***

Policy 1.10: Designated neighborhood and community centers shall be reviewed periodically for viability and appropriateness; if a center comes to exhibit characteristics which justify it, its designation may be amended from neighborhood to community or vice-versa. Similarly, new centers may be located/designated based upon the criteria outlined in Policy 1.9. (Page 39)

***This site was recently adopted as a Comprehensive Plan Community Activity Center in August 2013. Mixed commercial, office, institutional, public, and residential uses are appropriate in Activity Centers.***

Ladera Community Policies – page 7 of R-07-255 (not amended in WSSP text)

Potential Uses: Retail, service, higher density housing Coors/St. Joseph's Community Center

Goals: Encourage higher density housing on vacant parcels along Coors to provide a mix of land uses and increase the residential base of the Ladera community.

*The applicant did not address these policies.*

***The request has been amended to include a blend of low/medium to high residential densities, retail, and services in the Activity Center. Allowing a variety of residential uses implements the Goal to encourage higher density housing on vacant parcels along Coors and to provide a mix of land uses. It is consistent with the 2012 citywide Zoning Code text amendments to facilitate mixed uses (residential and non-residential) in Activity Centers and along Transit Corridors.***

#### **D) Coors Corridor Plan**

The subject site lies within the boundaries of the Coors Corridor Plan, a Rank III plan adopted in 1984. It contains policies, regulations, and guidelines for the development of Coors Boulevard. The subject property is in Segment 2 of the Corridor Plan, which extends from I-40 on the south to the Western Trail on the north. The following CCP policies and design regulations apply to the proposal:

Policy 1 – Adopted Plans: Land use decisions shall be made in accordance with adopted plans for Northwest Mesa area. The City of Albuquerque has adopted a hierarchical plan ranking system. The Rank 1 plan includes all the elements of the Albuquerque/Bernalillo County Comprehensive Plan. Rank 2 plans include area plans such as the Northwest Mesa Area Plan. Rank 3 plans include sector development plans including this Coors Corridor Plan. Plans of lower rank must comply with all provisions of all higher ranking plans, including issues such as land use and commercial site locations.

*Adopted plans for this area have been addressed in this justification letter. Relevant policies from applicable plans have been cited. This request complies with applicable policies of higher ranking plans, thereby furthering this policy.*

***Since August, the request was amended to remove the significant conflicts with the intent and policies of the WSSP regarding land use within Activity Centers.***

Policy 3 – Recommended Land Use: The Coors Corridor Plan recommends land uses which are identified on the following maps. They specify existing and recommended zoning and recommended land uses. These recommended land uses shall guide the development in the plan area.

*The subject property is located in Segment 2 of the Coors Corridor Plan Zoning and Land Use maps. Existing zoning at the time the Plan was written was SU-3 for Employment Center. No zone change was recommended, although the land use designation has since been changed. The Coors Corridor Plan's recommended land use for the site is industrial/employment. The Coors Corridor land use recommendation reflects the University, Technology Park, and high density development that was envisioned at the time of the Plan's adoption. Since the Plan's adoption, there have been several amendments to the land use within the University of Albuquerque Sector Plan due to changing conditions in the area. Notably, the Coors Corridor Plan was adopted in 1984, around the same time as the University of Albuquerque Sector Plan. Therefore, the land use vision presented by both plans does not reflect existing conditions and uses that would be advantageous to the current community.*

***Staff agrees, but notes that the request changes the zoning/land use designation established by the UA SDP more recently in 2007, as well as the Community Activity Center Designation established at that same time.***

Site Planning and Architecture Policies: Various design policies apply to development within the Coors Corridor Plan area. These include: site design, building setback height and bulk, front

landscaped street yard, site landscaping, off-street parking, commercial sites, access, bikeways and horse trails, site lighting, and architectural design. (summarized by the applicant)

*Site Plans for Building Permits shall comply with Coors Corridor building and site regulations as provided in the Sector Plan.*

***Staff agrees that Site Development Plans for Building Permits would be reviewed by the Planning Director and/or DRB for consistency with these Policies and Design Regulations. However, this is not a request for site development plan approval.***

### ***Conclusion of Policy Analysis***

Single-family residential development is not generally consistent with the goals and intent of applicable plans for sites designated as Activity Centers. Higher-density residential development would be appropriate within a mixed use development. By including limited portions of lower-medium and high-density residential development, the revised request demonstrates improved consistency with the goals and intent of Activity Centers and Transit Corridors. The overall proposed residential density is approximately 21 du/acre, and is achieved by a variety of housing types. The site plan also proposes 22 acres of non-residential development, which will result in a total of 32 acres of non-residential development within this Activity Center (47% of the CAC).

The proposed proportions of each land use are within the range prescribed for a Town Center in the Westland Master Plan (see attachment), which is another undeveloped Activity Center on the west side of the river. Although this land use mix guide does not apply to this site, Staff has referred to it as a reasonable comparison for guiding the development mix at this location.

### ***E) Resolution 270-1980 (Policies for Zone Map Change Applications)***

Additional information justifying the request was submitted by the applicant on July 26, 2013. See pages 16-22 of the August 8, 2013 report (attached). The following summary updates the R-270-1908 analysis based on the October 29, 2013 version of the proposed Sector Development Plan amendments.

**Section A:** The request is generally consistent with the city's health, safety, and morals. The proposed land use mix is generally consistent with uses allowed in other comparable community-scale activity centers on the west side of the city.

**Section B:** The justification letter expressed stability with the pre-2007 zoning for this site. Changing market demands and the preferences of adjacent property-owner are cited as the justification for the change.

**Section C:** Revisions to the requested land use mix, density, design, and layout have removed all significant conflicts with adopted elements of City plans.

**Section D:** Conflicting arguments related to the justification of the request as "more advantageous to the community" have been presented by the applicant and affected neighborhood associations. The EPC must determine whether this request is more advantageous to the community than the current Land Use/Zoning Designation.

**Section E:** The permissive uses requested are not harmful to the neighborhood or community because they have been allocated in proportions that are generally appropriate for an Activity Center on the west side of the city.

**Section F:** The request would not require unprogrammed capital expenditures.

**Section G:** The applicant has not solely relied on economic considerations pertaining to this request.

**Section H:** The site's location is not used as justification for the change.

**Section I:** The request is not for a spot zone.

**Section J:** The request is not for a strip zone.

- A. A proposed zone change must be found to be consistent with the health, safety, morals, and general welfare of the city.

*This request is consistent with the health, safety, morals, and general welfare of the City. The permissive uses in the Sector Development Plan already allow residential uses, including single family, multi-family, and senior housing. Replacing office uses with residential uses will reinstate the residential uses (to a lesser extent) that were allowed prior to the Activity Center designation and zone change that occurred in 2007 and will provide a more logical transition between the more intense commercial uses and the adjacent neighborhoods and church.*

*Staff agrees that residential uses are appropriate within the UA SDP area, according to Activity Center policies, and the requested land uses and proportions are generally consistent with the health, safety, and morals of the city.*

*Adding extensive residential uses at this site may not be consistent with the general welfare of the city as it relates to the imbalance of jobs and services to housing on the West Side and overcrowding at the elementary school. It is also important to note that, according to the Zoning Enforcement Officer, 30 acres of residential uses are already allowed by the site's land use/zoning description.*

*The proposed land use mix is generally consistent with uses allowed in other comparable community-scale activity centers on the west side of the city.*

*Staff is unclear how townhouses would form a transition between other houses and future commercial uses, and finds that neighborhood commercial, office, and institutional uses may serve as a better transition. If more houses were built in advance of commercial development, they too may need a transition between C-2 commercial uses. Ultimately, the design of the subdivision and street layout will be critical in ensuring adequate buffers and connections between existing and proposed residential uses and future non-residential development. The Design Standards intend to create a well-connected, attractive, and convenient mix of uses, which may address concerns raised above.*

- 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.

*As previously stated, the permissive uses established for the University of Albuquerque Sector Plan already allow single and multi-family residential development. Expanding residential uses to Parcels A and B will better match and mirror the demands of this area (specifically, those for single family residential on Parcel A) that existed prior to the 2007 amendment when a portion of Parcel A was allocated for residential uses. Commercial uses are also envisioned on Parcel A of the Sector Plan, which will create a symbiotic relationship between existing and future residents of the Sector Plan area and future services.*

*The justification letter expressed stability with the pre-2007 zoning for this site. Changing market demands and the preferences of adjacent property-owner are cited as the justification for the change.*

*The subject site and Sector Plan Area has demonstrated instability in zoning over time, as the Sector Plan has been amended repeatedly to respond to development opportunities which have not materialized. Over time, predominantly single-family dwellings have been built throughout the UASDP, which is one reason why this remaining undeveloped portion was designated as an Activity Center to be developed with office and commercial uses.*

*Recent revisions to the application would result in an overall residential density of 21 du/acre for the activity center as a whole. The request also includes 22 acres of non-residential development, in place of the 47.7 acres approved in 2007.*

- C. A proposed change shall not be in significant conflict with adopted elements of the Comprehensive Plan or other city master plans and amendments thereto, including privately developed area plans which have been adopted by the city.

*The applicant's justification primarily relies on the fact that single-family residences are allowed in other areas of the Sector Development Plan, and therefore would also be compatible at this location. Also mentioned is that the zoning/land use change will not preclude a mix of commercial uses on the remaining 4 acres of Parcel A and the entire 26 acres of Parcel B. See Policy Analysis in sections B, C, and D above. No significant conflict is noted.*

*Staff finds that there is inconsistency between policies for an Activity Center and the zoning rights, as determined by the Zoning Enforcement Officer. Revisions to the request since the original August EPC hearing have lessened the conflicts, and currently there is no significant conflict with adopted elements of City plans. See the Policy Analysis section III.C, D, and E, above.*

*Affected neighborhood associations have argued that there is significant conflict with adopted elements of City plans and policies – in particular, the 2007 establishment of land use/zoning for the subject site. Beginning with the position that no residential uses are allowed in the current zone, they find that the applicant has not adequately demonstrated consistency with R-270-1980 Section D and G. Several letters submitted urge the EPC to adopt this as a finding.*

- D. The applicant must demonstrate that the existing zoning is inappropriate because:
1. There was an error when the existing zone map pattern was created; or
  2. Changed neighborhood or community conditions justify the change; or
  3. A different use category is more advantageous to the community, as articulated in the Comprehensive Plan or other city master plan, even though (D)(1) or (D)(2) above do not apply.

*This request is justified based upon both changed conditions and that the change is better for the community as articulated in the Comprehensive Plan and other City plans and policies.*

*Since the Sector Plan's adoption in 1982, the plan has been amended 7 times. These changes have all stemmed from the original premise that the area would develop with a University campus and surrounding employment, research and development, and high density student housing. This is the reason that the property was zoned SU-3 for an Urban Center. The City Council even passed a resolution in 2002 that eliminated the site as an urban center, but kept the SU-3 zoning. The bulk of the area within the Sector Plan boundaries has developed with a high school, church, neighborhood park, and residential neighborhoods. The proposed change responds to those changes and provides for an additional single family neighborhood to transition between Coors Boulevard and the Commercial areas to the church and adjacent neighborhoods.*

*The existing community surrounding the subject site has observed a significant increase in traffic along Atrisco Drive. This increase appears to be an unforeseen consequence of Unser Boulevard being extended north into Rio Rancho. This traffic occurs as commuters heading south on Unser Boulevard NW towards I-40 take a shortcut by hopping on to Atrisco Drive, heading west towards Coors Boulevard NW, and then south to the freeway. The proposed revision from office to single-family residential will result in a significant reduction in trips generated from this property.*

*The proposed change is also more advantageous to the community as articulated in numerous City plans and policies. In addition to these plans and policies, the neighborhood to the north and the church expressed concern over a proposal for high density housing and stated their preference for single family homes in this area. While the Office Park was not opposed, it is more intense and was anticipated to be 3-stories. The single family homes will also generate significantly less traffic. Specific policies that support this change are provided in Section C of this response and include neighborhood stability, quality of life, enhance the sense of community in the area, and provide for additional variety of housing options.*

*The existing Church on Parcel A is in the process of building an affiliated elementary school on the remainder of its 10 acre property. The addition of a school in this location is a very compatible use with the proposed single-family residential. Furthermore, the addition of this elementary school will help alleviate the local elementary school.*

***(1) Error in the existing zone map: The applicant has not argued that there was an error in the existing zone map pattern.***

*(2) Changed community conditions: The applicant primarily discusses changed conditions since the 1982 UA SDP adoption. A letter submitted by the applicant on November 7, 2013 indicates that the August 2012 zoning code text amendment that allows residential uses in commercial zones located on transit corridors or in activity centers. Both of those criteria apply to this site, and therefore, although not originally intended as a land use for this site, the changed legislation presents a changed community condition that this request could be justified upon.*

*(3) More advantageous to the community: The applicant argues that the change in land use from office and commercial uses to residential, retail, and service uses will significantly reduce the number of trips generated from this property. The applicant expresses conformance with the preferences of nearby property-owners to the north for lower-intensity development as justification for being more advantageous to the community. Elsewhere in the justification letter, the applicant indicates that changed social and market conditions have obviated the need for new office construction.*

*Arguments made by other west side residents express a desire to maintain the current zoning, which they believe does not allow residential uses, based on analysis of the record for the 2007 Land Use/Zoning amendment. The current zone has been demonstrated as beneficial to the community because it provides greater opportunity for neighborhood and community scale commercial, office, and employment uses to develop in an area in need of more services and employment opportunities. Office, commercial and employment uses may reduce the need for west side residents to travel across the river.*

*The EPC must determine whether this request can be justified based on changed community conditions and/or if it is more advantageous to the community than the current Land Use/Zoning Designation.*

- E. A change of zone shall not be approved where some of the permissive uses in the zone would be harmful to adjacent property, the neighborhood, or the community.

*The proposed change to the existing land use designation from O-1 to R-T would not be harmful to the adjacent property, the neighborhood, or the community. As previously stated, the permissive uses established for the University of Albuquerque Sector Plan already allow single and multi-family residential development. Eliminating the requirement that a minimum of 17 acres must be developed as O-1, and allowing R-T residential uses is a better and more appropriate use than the current restriction requiring office uses. The stability of the future land use will be facilitated through a transition from the existing neighborhoods and the church to the envisioned commercial uses at the corner of Coors Boulevard and St. Joseph's Drive. In 2012, an application for high density residential development was proposed and withdrawn due to neighborhood concern over the height and density of the proposed development. As it currently stands, the land use designation for the subject property allows office uses that would typically be 3 stories, or higher. The current request takes into consideration the neighborhood's concern by proposing to amend the O-1 use to R-T to allow the future development of single-family residential homes on the site.*

*This request not only meets the adjacent neighborhoods' wishes, but it also maintains a consistency with City plans and policies. Specifically, the request does not eliminate the C-2 and O-1 uses that currently dictate the land use on the two parcels and reflect the goals of a Community Activity Center designation. Rather, our request keeps 5 acres of C-2 and O-1 uses on Parcel A as well as 25 acres of C-2 and O-1 uses on Parcel B. The combination of the proposed R-T use for up to 17 acres on Parcel A as well as the conservation of the C-2 and O-1 uses on 5 acres of Parcels A and 25 acres of Parcel B is a balanced request that upholds City plans and policies as well as respects the neighborhoods request for medium to low density development.*

*The applicant argues that because single-family dwellings are allowed in other portions of the 299-acre Sector Plan area, they are suitable for an additional 17 acres of land within a designated Community Activity Center. Staff agrees that adjacent neighbors favor low-density residential development. However, the intent of activity centers is to concentrate development density and intensity within their boundaries.*

*Staff agrees that the requested permissive uses would not be harmful to adjacent property or neighborhoods. However, additional residences on the west side without an increase in the number of jobs and services could negatively impact traffic congestion, which may be harmful to the city as a whole. Transportation research has further demonstrated that the development of jobs and services in conjunction with new housing has the greatest impact on vehicle miles traveled and traffic congestion. The development of either jobs or housing in isolation has not been shown to have the same benefits (Cervero 1996, 2010).*

- F. A proposed zone change which, to be utilized through land development, requires major and unprogrammed capital expenditures by the city may be:
1. Denied due to lack of capital funds; or
  2. Granted with the implicit understanding that the city is not bound to provide the capital improvements on any special schedule.

*The proposed land use change will not necessitate the need of capital expenditures by the City. The proposed site is privately owned by Oxbow Town Center, LLC. and all future development and infrastructure improvements necessitated by this development will be funded by Oxbow Town Center, LLC.*

*Staff agrees that the request would not require any major or unprogrammed capital expenditures by the City.*

- G. The cost of land or other economic considerations pertaining to the applicant shall not be the determining factor for a change of zone.

*The cost of land and other economic considerations pertaining to the applicant are not the determining factor for the proposed land use change. Rather, the desire to see this long vacant area develop is the driving force behind these proposed amendments.*

*The onset of a digitalized, connected world has influenced changes in the office market. Tenants are downsizing their office space as they are increasingly implementing technology to support their employees' ability to work anywhere and anytime. Additional trends that are impacting the office market include office space sharing and the growing acceptance of telecommuting and working remotely. The addition of home office and home occupation workers has a significant impact on commuter trips nationally, locally, and potentially Albuquerque's West Side. Specifically, the trend away from the traditional office environment has reduced the demand for office space as well as future traffic congestion due to cross-metro commutes.*

*While economic considerations are not the primary determining factor, they have influenced a change of conditions locally and nationally. According to the Office Trends Report of 2012 by Grubb & Ellis New Mexico, the Albuquerque metro area's office vacancy rate was at a high of 18.8 percent in 2012. This rate mirrors that of the nation. In addition to new technological trends, as described above, another cause of these high vacancy rates is associated with job losses in the professional and business services, considered some of the major private-sector users of office space. At a typical, pre-recession pace it would take an estimated 4 ½ years to reduce the office vacancy rate to what is considered a healthy rate of 12 percent. It is even more of a challenge to achieve this reduction given that Grubb & Ellis estimate another 400,000 square feet of office space will free up over the next two years.*

*These national and local market trends are an important consideration for the requested land use designation amendment. Maintaining the current office land use for Parcels A and B would negate the importance of recognizing these changes and their impact on future land use needs in the community.*

***Staff agrees that recent social, economic, and demographic trends have made traditional office parks unviable. However, other forms of office and institutional development could be appropriate. The "desire to see this long vacant area develop" appears to be an economic argument at its foundation. Because a range of evidence and justification for this request has been presented by the applicant that extends beyond economic arguments, this request may be considered to meet Section G of R-270-1980.***

- H. Location on a collector or major street is not in itself sufficient justification for apartment, office, or commercial zoning.

*This request to replace the requirement of 17 acres of O-1 and allow up to 17 acres of RT uses is not based on the property location on a major roadway.*

***Staff agrees. The request has not been justified solely based on its location on a major street.***

- 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.

*The request to R-T is not considered a spot zone because it involves 17 acres in size and contiguous properties to the north are also residential. It is appropriate because it facilitates realization of the changed conditions, the Comprehensive Plan, and the West Side Strategic Plan as delineated in this justification.*

***Staff agrees that there is R-T density residential development in other portions of the Sector Development Plan area, including the parcel adjacent to the north of Parcel A. Further, the applicant is not requesting to remove the SU-3 designation, so the request would not create a spot zone.***

- J. A zone change request, which would give a zone different from surrounding zoning to a strip of land along a street is generally called “strip zoning.” Strip commercial zoning will be approved only where:
  1. The change will clearly facilitate realization of the Comprehensive Plan and any adopted sector development plan or area development plan; and
  2. The area of the proposed zone change is different from surrounding land because it could function as a transition between adjacent zones or because the site is not suitable for the uses allowed in any adjacent zone due to traffic or special adverse land uses nearby.

*This proposed zone change does not classify as strip zoning because it is not a strip of land and it is keeping with the current zoning trends of the surrounding area.*

***Staff agrees. This request would not give a different from surrounding zoning to a strip of land along a street. The entire 57.7 acres is zoned SU-3 for Mixed Uses. The portion of land allocated for retail/service uses is of a size and depth that it would not be considered a strip development.***

#### ***F) Design Standards***

The October 29, 2013 version of the UA SDP Land Use/Zoning Plan includes a Development Approval Process and Design Standards. These standards are substantially based on adopted Activity Center and Transit Corridor policies and guidance, as well as other standards that are commonly used in commercial developments. The Design Standards include a section on Land Uses, Access, Site Layout and Design, and Building Design/Placement.

To evaluate the proposed standards, Staff reviewed the Form Based Zones, which have similar development intent to Activity Centers. Generally, the intent of these policies and regulations is to create pedestrian connections throughout the site by linking structures, make pedestrian connections to external neighborhoods and other uses, and to provide landscaping compatible

with the site's scale for pedestrian shade and aesthetic beauty. The intent is to create an active pedestrian street life. These development standards from other similar zones were used to inform comments on the proposed Design Standards.

***Form Based Zones: TOD-COM – Transit Oriented Development - Community Activity Center***

This zone is for community activity centers, as defined by the Comprehensive Plan, which serve a relatively large area to provide community-serving retail and services as well as high density residential with a design, capacity and intensity supportive of transit. Densities and intensities are smaller than those in the TOD-MAC, which applies to Major Activity Centers.

In the TOD-COM zone, all uses are permitted, except uses first permitted in the M-2 zone and select special uses. A list of permitted building types is provided, which forms the basis for architectural design and compatibility. Building heights must be between 26' and 78', except within 75 feet of an abutting R-1 through R-T zone, which requires a 1' height to 1' distance setback. Townhouses/Duplex/Triplex are not allowed in this zone, but a variety of small apartment types are allowed.

Regarding building placement, "Buildings shall be located at the edge of the pedestrian realm. The pedestrian realm shall be 12 feet from the back of curb."

Regarding street design, "Block perimeter for new development shall not exceed 2,000 feet max. No block shall exceed 600 feet in length, measured from the center of the ROW."

The landscaping requirement is reduced from 15% of the net lot area to 5% of the net lot area.

The parking requirement is reduced to 1 space/1500 net square feet. All street types are allowed. Every street type provides on street parking, except alleys and mid-block access lanes.

***Form Based Zones – PND***

The second applicable Form Based Code zone is "Planned Neighborhood Development" (PND). This zone provides for neighborhoods that include a variety of housing types with neighborhood retail, service and recreational opportunities within walking and bicycling distance of central or corridor commercial, mixed use areas. Buildings are oriented toward streets, plazas and parks with interconnected pedestrian and traffic routes. Open space is organized into a central park/plaza area, with improved parks or civic spaces.

This zone has three sub-areas: the PND center/corridor (at least 10% of area), the PND general mixed use (at least 20% of area), and the PND edge (at least 10% of area). This zone is relevant because it allows all building types, including townhouse. Minimum residential densities are 20 du/acre in the center, 12 du/acre in the general area, and 6 du/acre in the edge. The minimum average non-residential FAR is 0.3, excluding the edge transition area.

The maximum front setback is 5-15-feet, depending on the sub-area.

Block perimeter shall be limited to 2000 feet maximum measured center of the R.O.W. Maximum block length is 600 feet. For mixed use or commercial streets one mid-block access is required at 300 feet.

Parking is provided for non-residential at 1 space/500 net square feet; Residential: 1 space/unit.

### ***Analysis of Proposed Design Standards***

#### ***Approval Process***

The proposed development approval process generally describes the development process that has been applied within the UA SDP. However, it was never clearly spelled out as this amendment proposes.

Staff agrees with the process as described in the amendment – all non-residential and multi-family development will go to the EPC for review, and single-family residential development is delegated to the DRB.

#### ***Land Use Standards***

Although not stated, the zoning regulations for height, lot size, and setbacks for development in the Activity Center would be governed by the C-2 regulations, except for the townhouse portion of the site, which would be governed by the R-T regulations.

The proposed design standards require compatibility with surrounding neighborhoods through setbacks, landscaping and height step-backs. On Parcel A, the existing neighborhood will be buffered from commercial development by 10 acres of townhouses, which are an intermediate density land use.

On Parcel B, however, the required setback “where the site abuts the side of a lot in a residential zone” is not less than 5 feet. Staff finds that this setback would not adequately buffer the existing neighborhoods and recommends specifying an 85 foot setback for buildings over 26’ tall, as would be required if the adjacent zone was R-1, or a 1’ setback for each 1’ of building height, as required in the TOD-COM (§14-16-2-15 O-1 & §14-16-3-22 FBC).

The Design Standards also specify that commercial, entertainment, and employment land uses shall complement the residential uses. Staff agrees that this mix is desirable and appropriate, and aligns with the WSSP policies and intent. Staff recommends modifying the label on the land use plan from “retail/services” to “commercial, entertainment, and office” to more accurately reflect the desired land use mix.

#### ***Access Standards***

The proposed access standards intend to provide direct and convenient access for pedestrians, bicyclists, and automobiles within the site and to the adjacent transportation network. However, Staff believes that these standards are not robust enough to implement this intention.

Staff believes that specifying a maximum block size would be a more transparent and measurable method for implementing the first standard, “Development within this Activity Center shall provide direct and convenient pedestrian and bicycle access between buildings and uses, to adjacent transit stops and bicycle facilities, and across streets.” This technique was developed in the Form Based Code (2009), and more recently adopted for the Volcano Heights Town Center Zone (2013). In each, the maximum block perimeter allowed is 2,000 feet, with any side of the block no longer than 600 feet. This concept is also reflected in the Large Retail Facility ordinance, which requires the site to be “planned or platted into maximum 360 foot by 360 foot blocks.” The blocks are not required to be defined by dedicated public roads (§14-16-3-

2). This regulation would only apply to the commercial portion of the site if large buildings are proposed, and would not apply across the residential or apartment portion of the site.

This development standard would also facilitate movement across the site for adjacent businesses and residents to more easily access transit and travel along Coors Blvd. The main transportation benefit of small block sizes is that it allows traffic to disperse across multiple local streets, instead of being focused on a small number of arterial and collector streets.

The EPC could require the following design standard would be an additional or alternate way of ensuring a minimum threshold for pedestrian connectivity across the site: “Pedestrian linkages among uses in the Activity Center and connecting to surrounding neighborhoods shall be provided. At a minimum, one public east/west connection shall be provided across each parcel (A &B), and at least public one north/south connection shall be provided.”

#### ***Site Layout and Design Standards***

The proposed site layout and design standards address site circulation, the public realm, drive up uses, and screening devices. The standards focus on streetscape improvements along St. Joseph Road to create useful and attractive building facades and multi-modal access. The proposed standards are written so that they are clear and enforceable.

#### ***Building Design/Placement Standards***

The proposed building design/placement standards address multiple facets of the site layout, open space, circulation, building massing and architecture. They encourage multiple story buildings, and for buildings to be treated with a consistent level of detail on all sides. The proposed FAR is on the low side – minimum 0.3 FAR. This is consistent with the Form Based Code PND requirements. Transit Policies target a FAR of 1.0 – 2.0 for development along Major Transit Corridors.

Building access and entries are required to be visible from the street, but there is no requirement for direct access. Minimizing the total block size would serve to create more integrated and walkable environments, and would allow more flexibility for situations where it is not possible to have direct pedestrian access between a building and the street, for example, in a gated community.

### ***IV. AGENCY & NEIGHBORHOOD CONCERNS***

#### ***Reviewing Agencies/Pre-Hearing Discussion***

For the complete record of comments submitted, see page 34-37 of the August 8, 2013 report, pages 19-20 of the September 12, 2013 report, and the original letters (attached).

#### ***Neighborhood/Public***

Property-owners within 100-feet of the subject site and the following Neighborhood Associations were notified of this request: Ladera Heights NA; Vista Grande NA; Rancho Encantado HOA; Villa De Paz HOA; The Enclave at Oxbow HOA; Westside Coalition of NA’s.

A facilitated meeting was held on July 17, 2013. Neighbors closest to the site spoke in favor of this proposal, while others expressed concern over the loss of office development. They feel the

advantage of office uses would help alleviate traffic city-wide by providing more jobs on the west side of town for the west-side residents, thereby eliminating commutes. These same neighbors expressed the need for more health services, such as dentists, doctors, and lab facilities on the west side, which they hope would be the occupants of offices that would be built in the area. Other concerns that seemed to be primary to the neighbors included traffic and school overcrowding. As of the first EPC hearing on August 8, 2013, there were 2 letters of support, 10 letters of opposition from area neighborhood/homeowners associations, and 2 letters of opposition from area residents/business owners.

A second facilitated meeting was held on August 23, 2013. At this meeting, the applicant presented the revised Sector Development Plan that included the land allocation plan. In the meeting, the Villa de Paz association that had previously supported the request withdrew their support after seeing multi-family residential uses proposed adjacent to their community. As of the September 12, 2013 EPC hearing, there were two new letters of support from the Enclave Oxbow HOA (located immediately east of the subject site) and a letter from ABQ Westside Chamber of Commerce and the Northwest Alliance of Neighbors. There was one letter of continued opposition from the WSCONA Executive Committee. Also, the applicant provided a memo stating that Rancho Encantado HOA voted to confirm their support of this project. Staff has not received formal letters of support from this HOA.

Since the September 12, 2013 EPC hearing, there have been ten comment or position letters submitted. The Villa de Paz NA submitted one letter of concern about impacts of apartments adjacent to their neighborhood; one letter of opposition; and one letter identifying hydrology design issues related to development of Parcel B. A Villa de Paz resident independently submitted a letter of opposition. WSCONA submitted two letters of opposition to the request (before the Design Standards were included); one request for a 30-day deferral of the October hearing (which was accepted by the applicant and EPC); and two letters affirming opposition to this request and also challenging the ZEO's determination that residential uses are allowed by the current zoning. The Oxbow Village HOA also submitted a letter of opposition and challenge to the ZEO's determination. This was discussed above on page 3 of this staff report.

The Oxbow Homeowner's Association has requested EPC endorsement and adoption of the following finding: "R-07-256, which was enacted by City Council on September 17, 2007, amended the University of Albuquerque Sector Development Plan to change the zoning designation of Parcel(s) A and B, University of Albuquerque Urban Center, to 'SU-3 for Church and Related uses for approximately 10 acres; a minimum of approximately 17 acres shall be developed for office (O-1), the balance of the property is to be developed as (C-2) commercial or (O-1) office (approximately 30 acres).' **A careful review of the record leading up to the enactment of R-07-256 by the City Council makes it clear that the aforesaid zoning description prohibits any residential uses anywhere on the "approximately 17 acres" and the "approximately 30 acres of Parcels A and B."**

A letter on behalf of WSCONA proposes the additional findings for the EPC to adopt:

1. The intent of the 2007 amendment to the UASDP was to develop Tracts A & B with office and commercial uses.

2. That the record made clear that the 2007 amendment intended to limit development on Tracts A & B to offices and commercial uses and to exclude residential uses.
3. That in 2007 the O-1 zone allowed residential development and, therefore, the Council did not intend any O-1 uses since it is clear the Council understood the 2007 amendment would not allow residential development on Tracts A & B.
4. The intent in 2007 was also not to allow residences under the land preserved for commercial development.
5. The 2007 amendment did not intend that any O-1 or C-2 uses would be allowed in Tracts A & B but only office and commercial uses per the O-1 and C-2 zone regulations.
6. The ZEO's interpretation is not a declaratory ruling and was made without a review of the intent of the 2007 UASDP amendment.
7. Applicant has not justified a zone change under Res 270-1980.
8. The Westside has lower vacancy rate for offices than the city-wide rate and has a shortage of vacant land for O-1 uses.
9. The Westside had population/jobs imbalance and needs more office and commercial development to correct the imbalance.
10. The proposed Sector Plan amendment from office or commercial zoning to residential is not more advantageous and should be denied.
11. The proposed Sector Plan amendment is inconsistent with the intent of the City Council in 2007 and contrary to Res 270-1980.

Planning Staff agrees with findings #1 and 2 as statements of fact, but believes that the remaining nine findings contain some element of interpretation of the historical record. The EPC can choose to agree with this interpretation of the historical record, or not, and adopt any of the findings requested from members of the community, as determined appropriate by the Commission.

The applicant submitted a letter on November 7, 2013 rebutting many of the points raised in recent letters that challenge the ZEO's interpretation of the site's current zoning entitlements and the application's R-270-1980 justification. This letter was received just prior to publication of the staff report, and it is attached to this packet in the Application Section "Support material from the applicant."

It wasn't until October 29, 2013 that the latest version of the request, as analyzed in this report, was provided to interested parties. There were no letters that specifically address this third submittal. Although many of the concerns raised were focused on the requested residential uses, their location, and density. It is unknown if the Design Standards would be sufficient to address the concerns that were raised by impacted neighborhood associations.

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## **V. CONCLUSION**

This request is to amend the University of Albuquerque Sector Development Plan (UA SDP) to change the allowable land use mix for the subject site, which is located on the western side of Coors Boulevard and both north and south of St. Joseph Drive. The “subject site” refers to the undeveloped portions of Parcels A and B of the UA SDP. It consists of 47.7-acres of land (Parcel A = 21.2 ac; Parcel B = 26.5 ac). The proposed land uses are 10 acres of townhouses, 15 acres of apartments, and 22 acres of commercial and service uses.

The proposed land use/zoning description is: “SU-3/Mixed Use: Church and Related Uses for approximately 10 acres; up to 10 acres may be developed for residential (R-T uses on Parcel A only and shall be attached Town Houses and a minimum of 8 dwelling units per acre, detached single family houses are not allowed); up to 15 acres may be developed with multi-family housing (C-2 permissive uses) as defined in the COA Comprehensive Zoning Code Section 14-16-2-17 (A)(8) Residential (up to 30 du/acre); and the balance of the property is to be developed as non-residential commercial (C-2 permissive uses) as defined in the COA Comprehensive Zoning Code, excluding Section 14-16-2-17 (A)(8).”

This request would result in 43% of this Activity Center being developed as residential uses, and 55% developed as non-residential uses, including commercial, office, and institutional. Additional land would also be dedicated as right-of-way. The proposed proportions of each land use are within the range prescribed for a Town Center in the Westland Master Plan (see attachment), which is another undeveloped Activity Center on the west side of the river. Although this land use mix guide does not apply to this site, Staff has referred to it as a reasonable comparison for guiding the development mix at this location.

The request was revised to include design standards and a development process section. The UA SDP demonstrates the location, density, and extent of residential uses, in conjunction with a schematic level circulation system. The design standards adopt many of the Community Activity Center and Enhanced Transit Corridor policies as requirements for development at this site. The extent of townhouses has been reduced from 17 acres to 10 acres, and located to provide a transition between existing houses and future commercial development. Residential densities are required to be between 8 and 30 du/gross acre, which is more appropriate than the original request which did not have minimum or maximum residential densities.

According to Policy 1.1 of the West Side Strategic Plan, the EPC “shall require that high density and non-residential development occur within Community and Neighborhood Centers.” By including limited portions of lower-medium and high-density residential development, the revised request demonstrates consistency with the goals and intent of Activity Centers. The overall proposed residential density could result in approximately 21 du/acre. The site plan also proposes 22 acres of non-residential development, for a total of 32 acres of non-residential development within this Activity Center (55% of the CAC). The provision of high density and non-residential development in the CAC makes this request consistent with Policy 1.1 of the WSSP.

The applicant has justified the request for a zone map amendment based on applicable policies found in the Comprehensive Plan, the West Side Strategic Plan, and the Coors Corridor Plan. It has been argued that changed community conditions apply to this site, as well as the request

being more advantageous to the community. Conflicting arguments related to the justification of the request as “more advantageous to the community” have been presented by the applicant and affected neighborhood associations. The EPC must determine whether this request is more advantageous to the community than the current Land Use/Zoning Designation.

Two facilitated meetings were held in which neighbors expressed concerns about the appropriateness of the zone change and whether the zone change is actually supported by the Comprehensive Plan. Letters were submitted by area neighborhood associations challenging the ZEO’s interpretation that residential uses are allowed by the current zoning (see page 3 of this report, and attachments). Other letters challenged the R-270-1980 response as being inadequate to justify this request. There is some support for this request, but mostly opposition from nearby neighborhoods and Westside neighborhood associations.

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***FINDINGS – 13EPC-40123 – November 14, 2013 – Sector Plan Amendment***

1. This is a request for a sector development plan map amendment for Parcels A & B of the University of Albuquerque Sector Development Plan (Platted as Tracts X-1-A2 and Plat of Tracts X-1-A1 & X-1-A2, University of Albuquerque Urban Center). The subject site is currently zoned “SU-3 for Mixed Use: Church and Related Uses for approximately 10 acres; a minimum of approximately 17 acres shall be developed for office (O-1), the balance of the property is to be developed as (C-2) commercial or (O-1) office (approximately 30 acres).”
2. The applicant proposes to develop 10 acres of attached single-family residential uses (townhouses), 15 acres of multi-family residential uses, and 22 acres of retail/service uses.
3. The proposed land use/zoning description reads: “SU-3/Mixed Use: Church and Related Uses for approximately 10 acres; up to 10 acres may be developed for residential (R-T uses on Parcel A only and shall be attached Town Houses and a minimum of 8 dwelling units per acre, detached single family houses are not allowed); up to 15 acres may be developed with multi-family housing (C-2 permissive uses) as defined in the COA Comprehensive Zoning Code Section 14-16-2-17 (A)(8) Residential (up to 30 du/acre); and the balance of the property is to be developed as non-residential commercial (C-2 permissive uses) as defined in the COA Comprehensive Zoning Code, excluding Section 14-16-2-17 (A)(8).”
4. The Albuquerque/Bernalillo County Comprehensive Plan, West Side Strategic Plan, Coors Corridor Sector Development Plan, University of Albuquerque Sector Development Plan and the City of Albuquerque Zoning Code are incorporated herein by reference and made part of the record for all purposes.
5. The subject site was annexed in 1980 as part of a 299-acre tract of land designated as an Urban Center, pursuant to the University of Albuquerque Sector Development Plan. The Plan designated the subject site as an Employment Center with light industrial and office uses. In 1996 the zoning was changed to allow mixed use development, with a minimum of 40 acres as apartments (20-25 du/acre) and 19 acres as commercial or office. At that time, R-T uses were determined to be inappropriate for the subject site. In 2007, the site’s current zoning was established. Residential uses were removed from the site’s zoning and the site was designated as a Community Activity Center in the West Side Strategic Plan.
6. The intent of the 2007 amendment to the UASDP was to develop Tracts A & B with office and commercial uses. The record is clear that the 2007 amendment intended to limit development on Tracts A & B to offices and commercial uses and to exclude residential uses.

7. On February 8, 2012, the City Council amended the C-1 and C-2 zones to allow and encourage residential uses in Activity Centers and along Transit Corridors (O-11-64, Enactment O-2012-004).
8. On August 19, 2013, City Council unanimously approved an amendment to the Comprehensive Plan to update the Centers and Corridors Map to reflect more recent amendments in other Ranked Plans (R-13-172). The subject site was designated as a Community Activity Center. Coors Blvd. was also upgraded from an Enhanced Transit Corridor to a Major Transit Corridor.
9. The Zoning Enforcement Officer has determined that all of the permissive uses in the O-1 and C-2 zones are currently allowed in 30 acres of the subject site. In the 17 acres that are designated for “office (O-1),” all permissive O-1 uses are allowed.
10. The subject site is within the Established Urban Area of the Comprehensive Plan and the following policies apply:
  - i. Goal II.B.5 – variety and choice in housing, transportation, and lifestyles: Design standards were crafted to incorporate policies for Activity Center design, parcel size, and layout. The intention is to create a higher intensity/density node of development that has a different feel and character than the surrounding neighborhoods, and which provides variety and choice.
  - ii. Policy II.B.5d - location, intensity, and design of new development: The request may respect some neighborhood preferences for compatible development patterns. However, in relation to the larger community, other west side residents commented that the application does not contribute to stability of zoning, and that it is not more advantageous to the community in terms of jobs to housing balance on the west side, which is currently heavily weighted towards housing. The revised request would allow 25 acres of residential use, at an overall average of 21 du/acre. This average for the site as a whole is consistent with Transit Corridor Housing Density Targets. The request also provides for 22 acres of non-residential use, which could contribute to the Employment Density Target.
  - iii. Policy II.B.5e - vacant land / existing facilities and services: The site is vacant land that has access to existing facilities and services.
  - iv. Policy II.B.5i: Employment and service uses / residential areas: The subject site is designated as an appropriate location for services to support the existing nearby residential areas. The reduction in commercial uses could result in lessening the impacts of noise, lighting, and pollution on existing residential environments.
  - v. Policy II.B.5j new commercial development / located in existing commercially zoned areas: The request would provide both residential and new commercial development in an existing commercially zoned area.

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- vi. II.B.7 Activity Centers Goal - expand and strengthen concentrations of moderate and high density mixed land use and social/economic activities which reduce urban sprawl, auto travel needs, and service costs, and which enhance the identity of Albuquerque and its communities: The request provides for new commercial/service uses, low/medium-density residential, and high-density residential uses in this Activity Center, in a mixed land use development.
  - vii. Policy II.B.7a - sustainable development pattern / mixed use concentrations of interrelated activities / maximize cost-effectiveness of City services: The applicant argues that the size of office and commercial zoning is much larger than the current demand for that type of development, and has requested to develop 25 acres with residential uses. The Design Standards added to the UA SDP will help ensure that the access and connectivity that are critical to an Activity Center are implemented in the site layout.
  - viii. Policy II.B.7i - Multi-unit housing is an appropriate use in Neighborhood, Community and Major Activity Centers: The request includes multi-family housing and townhouses within a designated Community Activity Center.
  - ix. II.D.4 Transportation and Transit Goal – develop streets and adjacent land uses to provide a balanced circulation system: Coors Blvd. is a designated Enhanced Transit Corridor. Additional dwelling units are encouraged close to Enhanced Transit Streets at a density of between 7 - 30 du/acre. The minimum density proposed is 8 du/acre.
11. The subject site is within the boundaries of the West Side Strategic Plan and the following policies apply:
- i. Goal 12 - long-term sustainable development; Objective 1 – provide a complete mix of land uses to minimize need for cross-metro trips; Ladera Community Policies – encourage higher density housing along Coors: The request has been amended to include a blend of lower-medium to high densities, retail, and services in the Activity Center. Allowing residential uses implements the Goal to encourage higher density housing on vacant parcels along Coors and to provide a mix of land uses.
  - ii. Policy 1.1 - Albuquerque Planning Commissions shall require that high density and non-residential development occur within Community and Neighborhood Centers. Low density residential development (typical 3-5 du/acre) shall not be approved within the Centers: The applicant has revised the request from one that was substantially in conflict with this policy to be generally consistent. The request proposes single-family, multi-family residential, and non-residential development. The densities range from a low/medium density to high density.
  - iii. Policy 1.3 – Strip commercial developments shall not be approved; Policy 1.13 – CAC shall provide greater variety of commercial, entertainment, services, civic land uses, employment: The intent of these policies is to focus higher intensity and mixed-uses within Activity Centers. The request, including the Design Standards, could implement these policies.

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12. Single-family residential development is not generally consistent with the goals and intent of applicable plans for sites designated as Activity Centers or along Major Transit Corridors. Higher-density residential development is more appropriate within a mixed use development. By including limited portions of lower-medium and high-density residential development, the revised request demonstrates improved consistency with the goals and intent of Activity Centers. The overall proposed residential density is approximately 21 du/acre.
  
  13. The applicant requests an amendment to the land use/zoning text of the University of Albuquerque SDP, which is a change of zoning. The following are the results of the R-270-1980 analysis:
    - i. **Section A:** The request is generally consistent with the city's health, safety, and morals. The proposed land use mix is generally consistent with uses allowed in other comparable community-scale activity centers on the west side of the city.
    - ii. **Section B:** The justification letter expressed stability with the pre-2007 zoning for this site. Changing market demands and the preferences of adjacent property-owner are cited as the justification for the change.
    - iii. **Section C:** Revisions to the requested land use mix, density, design, and layout have removed all significant conflicts with adopted elements of City plans.
    - iv. **Section D:** Conflicting arguments related to the justification of the request as "more advantageous to the community" have been presented by the applicant and affected neighborhood associations. Staff finds that the request is generally consistent with applicable goals and policies by providing a mix of uses that will be mutually compatible and which will help reduce vehicle miles travelled. Affected Neighborhood Associations feel that no residential development should be allowed on the site in order to improve the jobs-to-housing balance. The EPC must determine whether this request is more advantageous to the community than the current Land Use/Zoning Designation.
    - v. **Section E:** The permissive uses requested are not harmful to the neighborhood or community because they have been allocated in proportions that are generally appropriate for an Activity Center on the west side of the city.
    - vi. **Section F:** The request would not require unprogrammed capital expenditures.
    - vii. **Section G:** The applicant has not solely relied on economic considerations pertaining to this request.
    - viii. **Section H:** The site's location is not used as justification for the change.
    - ix. **Section I:** The request is not for a spot zone.
    - x. **Section J:** The request is not for a strip zone.

14. The UA SDP Amendment provides design standards and an approval process to guide future development within this Activity Center. The design standards are substantially consistent with applicable Activity Center and Transit goals and policies. They intend to create compatibility with surrounding development, architectural and site design quality, and multi-modal access throughout the development. Three new standards are proposed by Planning Staff to also ensure convenient access across the site and linking to nearby development and to ensure that adjacent property is adequately buffered.
15. Property-owners within 100-feet of the subject site and the following Neighborhood Associations were notified of this request: Ladera Heights NA; Vista Grande NA; Rancho Encantado HOA; Villa De Paz HOA; The Enclave at Oxbow HOA; Westside Coalition of NA's. Two facilitated meetings were held on July 17 and August 23, 2013.
16. Two Neighborhood/Homeowner's Associations and the West Side Chamber of Commerce support the request and ten Neighborhood/Homeowner's Associations have indicated opposition to the request. Supporters favor low-density development of compatible size and value to adjacent subdivisions. Residents in opposition cited the jobs to housing ratio of the west side of the city, the desire to reduce traffic congestion, to improve home prices and quality of life through more walkable neighborhoods, and the desire for this land to develop as a town center. Stability in zoning was also cited as a reason to maintain the current zoning. Several letters also mentioned that the neighborhood associations did not believe there were changed neighborhood conditions that would justify the change or that the proposed project would be more advantageous to the community. Additional opposition was drawn after the applicant demonstrated multi-family residential uses as part of the land use mix.

***RECOMMENDATION –13EPC-40123 – November 14, 2013 – Sector Plan Amendment***

***APPROVAL of 13EPC-40123, a request for Sector Development Plan Amendment for the University of Albuquerque Sector Development Plan, based on the preceding Findings.***

***RECOMMENDED CONDITIONS OF APPROVAL –13EPC-40123 – November 14, 2013 – Sector Plan Amendment***

1. The title of this document shall revert to the original title, "UA SDP Land Use/Zoning Plan."
2. The following Design Standard shall be revised:

- a. Sub-bullet #2 of the Access section shall be revised to state: “The interior of the center shall be very accommodating to the pedestrian, even within the predominantly off-street parking areas.” (note: the underlined text is missing from the UA SDP)
  3. The following shall be added to the Design Standards:
    - a. Land Uses: Structures shall not exceed 26 feet in height within 85 feet of a residential zone outside the Activity Center boundary.
    - b. Land Uses: The label on the land use plan shall be revised from “retail/services” to “commercial, entertainment, and office” to more accurately reflect the desired mix.
    - c. Access: Block perimeter for all new development shall not exceed 2,000 feet max. No block shall exceed 600 feet in length, measured from the center of the ROW.
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***K. Carrie Barkhurst  
Planner***

***Notice of Decision cc list:***

Consensus Planning, Inc., 302 Eighth Street NW, Albuquerque, NM 87102  
Oxbow Town Center, LLC, 1401 Central Ave. NE, Albuquerque, NM 87104  
Allan Ludi, 6212 St. Joseph NW, Albuquerque, NM 87120  
Pat Moses, 6314 Dona Linda Pl. NW, Albuquerque, NM 87120  
Berent Broth, 3546 Sequoia Pl. NW, Albuquerque, NM 87120  
Richard Schaefer, 3579 Sequoia Pl. NW, Albuquerque, NM 87120  
Colin Semper, 5809 Mesa Sombra Pl. NW, Albuquerque, NM 87120  
Kevin McCarty, 5800 Mesa Sombra Pl. NW, Albuquerque, NM 87120  
John Scholz, 115 Cale Sol Se Mete NW, Albuquerque, NM 87120  
Judith Kanester, 54 Calle Monte Aplando NW, Albuquerque, NM 87120  
Jill Greene, 3915 Fox Sparrow Trail NW, Albuquerque, NM 87120  
Forrest Uppendahl, 3900 Rock Dove Trail NW, Albuquerque, NM 87120  
Candelaria Paterson, 7608 Elderwood NW, Albuquerque, NM 87120  
Harry Hendriksen, 10592 Rio Del Sole Ct. NW, Albuquerque, NM 87120  
Steve Von Hoff, 164 Calle Arroyo Seco NW, Albuquerque, NM 87120-3453,

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***Attachments***

1. Agency Comments
2. Photographs
3. Request History – Staff Reports & NOD for 13EPC-40123
  - a. October 10, 2013 Notice of Decision – 30-Day Deferral
  - b. September 12, 2013 Notice of Decision – 30-Day Deferral
  - c. August 8, 2013 Notice of Decision – 30-Day Deferral
  - d. Staff Reports – October, September, August
4. Additional General Information
  - a. R-270-1980
  - b. Land Use/Zoning Designation Notice of Decision & Concurrent University of Albuquerque Area Land Use Plan (later titled Sector Development Plan)
  - c. Zoning Certification, May 9, 2013 & Request Letter, April 9, 2013
  - d. Resolution 13-172, Amending the Comprehensive Plan
  - e. Article: Albuquerque now considered a third-tier market, October 24, 2013
5. University of Albuquerque SDP – History for Parcels A & B
  - a. R-07-256 – Establishing the Site’s zoning, 2007
  - b. R-58-1996 – Establishing the Site’s zoning, 1996 & accompanying City Council records and EPC Notice of Decision
  - c. O-63-1982 – Annexation and Adoption of University of Albuquerque SDP
  - d. Original Version of University of Albuquerque SDP, 1980
6. Applicable West Side Strategic Plan Resolutions
  - a. R-07-255 – Designating Parcels A & B as a new CAC
  - b. R-05-297 – Adopting a policy to discourage zone map amendments from non-residential uses to residential uses
  - c. R-01-278 – Adopting amendments to promote development of Neighborhood and Community Activity Centers
7. Existing & Proposed Zoning
  - a. Existing Zoning/Land Uses – SU-3 Special Center Zone; O-1 Office and Institution Zone; C-2 Community Commercial Zone
  - b. Proposed Zoning/Land Uses – R-T Residential Zone
8. Activity Center Information
  - a. Activity Centers Description, Comprehensive Plan Table 22
  - b. Transit Service and Development Form, Comprehensive Plan
  - c. Activity Centers Concept, Comprehensive Plan

- d. Transit Corridors & Land Use Concept, Comprehensive Plan
- e. Jobs to Housing Balance slide from MRCOG's 2035 MTP Proposed Regional Forecast
- f. Excerpt from Measuring Density: Working Definitions for Residential Density and Building Intensity, Ann Forsyth, University of Minnesota

9. Application

- a. Cover Page
- b. TIS Form
- c. Authorization letter
- d. Request & Justification letter
- e. Support material from the applicant - Trip Generation Calculation
- f. Support material from the applicant – Response to WSCONA letter

10. Neighborhood Notification & Comments

- a. ONC letter
- b. Applicant letter & certified mail receipts
- c. 9/25/13 Facilitator's Report & Amendments
- d. 7/19/13 Facilitator's Report & Staff Planner Comments
- e. Neighborhood Comments/Letters – with significant project milestones shown
  - i. 11/04/13 Letter of Challenge to ZEO determination - WSCONA  
October 31, 2013 – Third revision to UA SDP shared with interested parties
  - ii. 10/29/13 Letter of Opposition & Challenge to ZEO determination – Oxbow Village HOA
  - iii. 10/20/13 Letter of Comment – Hydrology Issues – Villa de Paz
  - iv. 10/08/13 Letter of Opposition – Villa de Paz resident
  - v. 10/03/13 Letter of Opposition – Villa de Paz
  - vi. 10/01/13 Letter of Opposition & Challenge to ZEO determination – WSCONA Executive Committee
  - vii. 9/30/13 Deferral Request - WSCONA
  - viii. 9/25/13 Letter of Concern with Apartments – Villa de Paz
  - ix. 9/23/13 Letter of Opposition – WSCONA
  - x. 9/18/13 Letter of Opposition – WSCONA  
September 12, 2013 – Second EPC Hearing – request deferred by EPC
  - xi. 9/09/13 Letter of Support – ABQ Westside Chamber of Commerce and the Northwest Alliance of Neighbors
  - xii. 8/30/13 Letter of Opposition – WSCONA
  - xiii. 8/30/13 Letter of Support – Enclave Oxbow HOA

August 23, 2013 – Second Facilitated Meeting – Land Use Allocation Plan

xiv. 8/20/13 Deferral Request – WSCONA

August 8, 2013 – First EPC Hearing – request deferred without discussion

xv. 8/08/13 Letter of Opposition - WSCONA

xvi. 8/07/13 Letter of Opposition – Laurelwood NA

xvii. 8/05/13 Letter of Support – Villa de Paz HOA – Note: their support was verbally withdrawn at the 2<sup>nd</sup> Facilitated Meeting

xviii. 8/04/13 Letter of Opposition – Villa de Paz resident

xix. 7/31/13 Letter of Opposition – Ladera West NA

xx. 7/31/13 Letter of Opposition – Vista Grande NA

xxi. 7/31/13 Letter of Opposition – Vista Grande resident/area business owner

xxii. 7/30/13 Letter of Opposition – Grande Heights NA and West Side Coalition of NA's

xxiii. 7/31/13 Letter of Opposition – Quaker Heights NA

xxiv. 7/31/13 Letter of Opposition – Taylor Ranch NA

xxv. 7/29/13 Letter of Opposition – Alban Hills NA

xxvi. 7/29/13 Letter of Opposition – San Blas Townhomes Association

xxvii. 7/29/13 Letter of Opposition – Oxbow Village HOA

xxviii. 7/23/13 Letter of Support – Rancho Encantado HOA

xxix. 7/26/13 Letter of Opposition - WSCONA

xxx. 7/22/13 Letter regarding WSCONA's response to 2012 request

xxxi. 7/18/13 Position Letter to WSCONA membership

July 17, 2013 – First Facilitated Meeting. Request for office → houses

11. Sector Development Plan reductions

- a. Existing Sector Development Plan
- b. Proposed Sector Development Plan – July, August, and October versions
- c. Design Standards text (larger text format)

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## **NOVEMBER AGENCY COMMENTS**

No new comments have been provided.

## **OCTOBER AGENCY COMMENTS**

### ***PLANNING DEPARTMENT***

#### **Long Range Planning**

The density on this project is still low for an activity center.

### ***TRANSIT DEPARTMENT***

We are in receipt of the latest iteration of the proposed amendment to the University of Albuquerque Sector Development Plan (revision dated August 29, 2013). We write to reiterate ABQ RIDE's concern that development of the property in the manner proposed contributes neither to carrying out the intent of the Centers and Corridors provisions of the Comprehensive Plan, nor does it comport with the intent of the City Council in Ordinance O-11-64. Beyond these City policy frameworks, development of the site in the manner outlined does not contribute to the Metropolitan Transportation Board stated target of increasing the amount of transit contribution at our river crossings. ABQ RIDE joins with the Mid-Region Council of Governments in their comments on this matter.

ABQ RIDE currently provides service to the Coors/St. Joseph intersection by means of three routes: the #96 commuter; the #155 local; and the #790 Rapid Ride. Coors Boulevard serves about 3700 passengers a day, and accounts for about 8% of all transit trips in our system. There is a stop on the "far side" of the intersection in both directions. Both stops are minimally appointed. The northbound stop is on a sidewalk in front of St. Pius High School; the southbound stop uses the shoulder of Coors Boulevard.

Neither of these stops is a significant producer in the Coors routes, accounting for less than 50 of the 3700 boardings on a weekday.

Coors Boulevard is designated as a "Major Transit Corridor" all the way from Bridge Boulevard to its terminus at NM 528. The "Major Transit Corridor" designation carries with it recommendations for reductions in parking, a floor area ratio (with a maximum of 2.0); a preference for transit (and transit oriented buildings) as well as a range of residential density from 10-35 du/net acre.

Council Ordinance O-11-64 (copy attached), adopted in February 2012, reinforced the concept of transportation corridors by "upping the ante" regarding density, parking ratios, open space requirements, and so on within 660 feet of the right of way line of a Major Transit Corridor and within Activity Centers.

The Department understands that the site is mapped as part of a "Community Activity Center" which does not call for the same level of intensity as a Major Activity Center and, further, that

Council Resolution R-02-41 says that it is not to be treated as an urban center (as it was once mapped) for the purposes of applying zoning regulations. Notwithstanding, the Department believes that to develop the property in the manner proposed amending the plan to limit a site only to townhouses - dissipates much of the potential this site has to create more pedestrian- and transit-supportive environments on Coors. It is one of the few major vacant parcels on the west side of Coors, and is not subject to the height and “window” limitations of the Coors Corridor Plan Viewshed Area. The result of this proposal would be contrary to the clear intent of the Centers and Corridors Policy and O-11-64. The parcel on Coors and most proximate to a long-standing transit location is being “downzoned” to allow the second least dense form of housing (townhouses) while a parcel of roughly similar size, but with a centroid 900 feet from the nearest transit shelter, will receive the full benefits of being able to be developed as a multi-family residential property.

The townhouse project which is waiting in the wings for this plan amendment (presumably) might be worthy in its own right. But it would seem more consistent with the planning philosophy espoused by the Comprehensive Plan description of a Community Activity Center, and with the recommendations for transit corridors in the Centers and Corridors Plan and O-11-64 to govern the property with a residential zone of intensity equal to the current O-1 uses (say C-2 uses) to allow more residential density than the requested R-T limitation. The applicant would not be debarred from a townhouse solution, and might be encouraged to consider a more urban solution consistent with the city’s needs in this important transit corridor.

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## **AUGUST AGENCY COMMENTS**

### ***PLANNING DEPARTMENT***

#### **Office of Neighborhood Coordination**

Ladera Heights NA (R); Vista Grande NA (R); Rancho Encantado HOA; Villa De Paz HOA;  
The Enclave at Oxbow HOA; Westside Coalition of NA's

7/1/13 – Recommended for Facilitation – sdb

7/1/13 – Assigned to Kathleen Oweegon – sdb

7/9/13 – Facilitated Meeting scheduled for Wednesday, July 17, 2013 @ 6:30 pm at the Taylor Ranch (Don Newton) Community Center, 4900 Kachina St. NW

#### **Long Range Planning**

The O-1 zone allows a limited set of uses. The current trend for the City has been to allow a wider mix of uses, especially for sites within activity centers and along transit corridors. Higher density housing maybe more appropriate at this location.

### ***CITY ENGINEER***

#### **Transportation Development**

- According to the current LRRS adopted by MRCOG: Coors Blvd. is classified a Limited Access Arterial, Atrisco Dr. is classified a Collector and Saint Joseph Dr. is classified a Minor Arterial with Limited Access.
- Access points to the development of Parcels A and B must be granted by the City Engineer.
- Public transportation and bicycle routes are well connected to parcels A and B, creating public access and connectivity for the future creation of an Urban Center to provide commercial and office use to service the area as set forth in the University of Albuquerque Area Sector Development Plan, October 2008.

#### **Hydrology Development**

**Condition:** These sites are subject to a stormwater detention requirement of 0.5 to 1.0 cfs/acre. In a residential zone this will most likely be accomplished with a neighborhood pond(s).

### ***POLICE DEPARTMENT/Planning***

The mixing of land use could present a problem for the residential environment. If commercial and single-family development becomes a reality, a clear distinction between the two is advisable. Recommend a mix of physical barriers, territorial ground cover and treatments, clearly defined public and public/private pedestrian and vehicle areas. Increase set-backs and separation distances should also be considered. Natural and video surveillance capability would be important in the mix as well.

**ALBUQUERQUE PUBLIC SCHOOLS**

University of Albuquerque Urban Center, Lots X-1-A-2 and X-2-A, is located on St. Josephs Dr between Coors and Atrisco. The owner of the above property requests a zone change from O-1 to RT to allow for the development of 17 single family homes. Any residential development in this area will impact Chapparal Elementary School, John Adams Middle School, and West Mesa High School. Currently, Chaparral Elementary School is exceeding capacity, John Adams Middle School and West Mesa High School have excess capacity.

To address overcrowding at schools, APS will explore various alternatives. A combination or all of the following options may be utilized to relieve overcrowded schools. **All planned additions to existing educational facilities are contingent upon taxpayer approval.**

<b>Loc No</b>	<b>School</b>	<b>2012-13 40th Day</b>	<b>2012-13 Capacity</b>	<b>Space Available</b>
234	CHAPARRAL	894	809	-85
405	JOHN ADAMS	703	1200	497
570	WEST MESA	1551	2000	449

Provide new capacity (long term solution)

- Construct new schools or additions
- Add portables
- Use of non-classroom spaces for temporary classrooms
- Lease facilities
- Use other public facilities

Improve facility efficiency (short term solution)

- Schedule Changes
  - Double sessions
  - Multi-track year-round
- Other
  - Float teachers (flex schedule)

Shift students to Schools with Capacity (short term solution)

- Boundary Adjustments / Busing
- Grade reconfiguration

Combination of above strategies

**MID-REGION COUNCIL OF GOVERNMENTS**

See attached, next page.

***NEW MEXICO DEPARTMENT OF TRANSPORTATION***

Possible Impact NMDOT roadway(s): NM 45

Department Comments: The NMDOT requests additional information and/or construction plans prior to approval to determine any off site impacts to the adjacent state roadway system.

***PUBLIC SERVICE COMPANY OF NEW MEXICO***

1. It is the applicant's obligation to determine if existing utility easements cross the property and to abide by any conditions or terms of those easements.
2. Any existing or proposed public utility easements are to be indicated on the site plan and utility sheet prior to DRB review.
3. Existing overhead electric distribution utility facilities are located along the east side of the subject property on Coors Boulevard NW and on the north side of St. Joseph's Drive NW along the property.
4. It is necessary for the applicant to coordinate with PNM's New Service Delivery Department regarding proposed tree location and height, sign location and height, and lighting height in order to ensure sufficient safety clearances with the existing overhead distribution facilities on the property.
5. Screening should be designed to allow for access to utility facilities. All screening and vegetation surrounding ground-mounted transformers and utility pads are to allow 10 feet of clearance in front of the equipment door and 5-6 feet of clearance on the remaining three sides for safe operation, maintenance and repair purposes. Please refer to the PNM Electric Service Guide at [www.pnm.com](http://www.pnm.com) for specifications.