



Environmental Planning Commission

***Agenda Number: 3
Project Number: 1001580
Case Numbers: 14EPC-40030/40031
June 12, 2014***

Staff Report

<i>Agent</i>	Robert Lucero, Rodey Law Firm
<i>Applicant</i>	Roybal-Mack Law PC
<i>Requests</i>	Sector Development Plan Map Amendment (zone change) Site Development Plan for Building Permit
<i>Legal Description</i>	Lot 1-A, Block 6, Plat of Lot 1-A, Block 6-Albright Moore Addition
<i>Location</i>	SE corner of 6 th St. NW and Kinley Ave. NW (1324 6 th St. NW)
<i>Size</i>	Approximately 0.08 acre
<i>Existing Zoning</i>	SU-2 for S-R (Sawmill Residential)
<i>Proposed Zoning</i>	SU-2 for SU-1 for Residential, Law Office, Court Reporter, Accountant, Architect, Engineer and/or Doctor Office

Staff Recommendation

APPROVAL of 14EPC-40030, based on the Findings beginning on Page 16, and subject to the Condition of Approval on Page 18.

APPROVAL of 14EPC-40031, based on the Findings beginning on Page 19, and subject to the Conditions of Approval beginning on Page 20.

Staff Planner

Catalina Lehner-AICP, Senior Planner

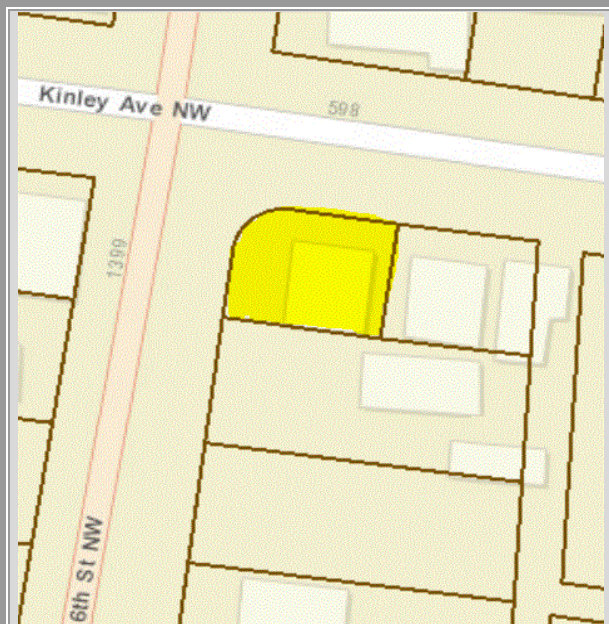
Summary of Analysis

This request is for a sector development plan map amendment (zone change) to the Sawmill/Wells Park Sector Development Plan (SWPSDP) and an associated site development plan for building permit. A single-family home, recently converted into a law office, occupies the subject site.

The applicant requests a zone change to "SU-2 for SU-1 for Residential, Law Office, Court Reporter, Accountant, Architect, Engineer and/or Doctor Office" in order to operate the existing law office. Staff finds that the request is adequately justified pursuant to R270-1980 and generally fulfills the intent of applicable policies.

A facilitated meeting was offered but declined. A citizen contacted Staff to express support and ask questions. Staff received petitions of opposition from Wells Park residents. The applicant sent a letter of explanation to them.

Staff recommends conditional approval of the zone change and the associated site development plan.



I. AREA CHARACTERISTICS AND ZONING HISTORY

Surrounding zoning, plan designations, and land uses:

	Zoning	Comprehensive Plan Area; Applicable Rank II & III Plans	Land Use
Site	SU-2 for S-R (Sawmill Residential)	Central Urban Sawmill/Wells Park Sector Development Plan	Law office, single-family home
North	SU-2 for S-R (Sawmill Residential)	Central Urban Sawmill/Wells Park Sector Development Plan	Single-family home
South	SU-2 for S-R (Sawmill Residential)	Central Urban Sawmill/Wells Park Sector Development Plan	Single-family home
East	SU-2 for S-R (Sawmill Residential)	Central Urban Sawmill/Wells Park Sector Development Plan	Single-family home, undeveloped
West	SU-2 for S-R (Sawmill Residential)	Central Urban Sawmill/Wells Park Sector Development Plan	Commercial (retail flower store)

II. INTRODUCTION

Request

This request is for a sector development plan map amendment (zone change) to the Sawmill/Wells Park Sector Development Plan (SWPSDP) for Lot 1-A, Block 6, Plat of Lot 1-A, Block 6-Albright Moore Addition, approximately 0.08 acre (the “subject site”). The applicant proposes to change the subject site’s zoning from “SU-2 for S-R (Sawmill Residential)” to “SU-2 for SU-1 for Residential, Law Office, Court Reporter, Accountant, Architect, Engineer and/or Doctor Office” and amend the SWPSDP to reflect this change.

A site development plan for building permit, for the existing building on the subject site, is associated with the zone change request. The applicant owns the subject site and is using the building, which has recently been remodeled, for a law office. A zone change is needed to allow the existing use.

Environmental Planning Commission (EPC) Role

The EPC is hearing this case because the EPC is required to hear all zone map amendment (zone change) cases, regardless of site size, in the City. The EPC is the final decision-making body unless the EPC decision is appealed [Ref: §14-16-2-22(A)(1)]. If so, an appeal would go to the City Council rather than the Land Use Hearing Officer (LUHO). The LUHO does not hear appeals of zone changes at this time, though proposed legislation currently before the City Council would allow the LUHO to hear zone change appeals. The request is a quasi-judicial matter.

Context

The subject site comprises the SE corner of the intersection of Kinley Ave. NW and 6th St. NW. It fronts 6th St. NW. To the north across Kinley Ave. NW, and to the south, are single-family homes. Across 6th St. NW to the west is a commercial building (floral shop) and some multi-family uses. To the east is a single-family home. Further east is a vacant lot and more single-family homes.

The subject site is not located in a designated Activity Center. The Sawmill/Wells Park Sector Development Plan (SWPSDP) and the Sawmill/Wells Park Community Metropolitan Redevelopment Area (MRA) Plan apply.

History & Background

Located in the historic Sawmill/Wells Park Neighborhood, the subject site is part of a larger area with the following approximate boundaries: between Fifth St. and Sawmill Rd., the old train tracks to the north and Mountain Road to the south. This area expanded after WWI and was filled with 1920s subdivisions. It is unknown precisely when the building on the subject site were constructed, though it probably occurred in this timeframe. The Sawmill/Wells Park Sector Development Plan (SWPSDP) contains a history of the Plan area (see p. 8).

The SWPSDP, adopted in January 1996 (Enactment No. 20-1996, see attachment), superseded the previous neighborhood plan (the 1978 Plan) and established zoning for the area. Prior to adoption of the 1996 Plan, the subject site was zoned R-1 Residential (ref: SWPSDP, p. 80) Upon SWPSDP adoption in 1996, the R-1 zoning was replaced with S-R (Sawmill Residential) zoning.

This area was originally platted in the 1920s, and the building probably pre-dates City records. Staff was unable to find information regarding previous uses, though it is likely that the building was used as a single-family home. The subject site was re-platted in December 2001 (Project #1001580, see attachment).

Definitions (Zoning Code §14-16-1-5)

Special Use Zone (Zoning Code §14-16-2-22): This zone provides suitable sites for uses which are special because of infrequent occurrence, effect on surrounding property, safety, hazard, or other reasons, and in which the appropriateness of the use to a specific location is partly or entirely dependent on the character of the site design.

Long Range Roadway System

The Long Range Roadway System (LRRS) map, produced by the Mid-Region Council of Governments (MRCOG), identifies the functional classifications of roadways. Sixth Street is an Urban Minor Arterial. Kinley Avenue NW is a local street.

Public Facilities/Community Services

The subject site is served by Transit, though not directly. Albuquerque Ride Route #8-Menaul, is the only local route that turns north onto 5th St. leaving Downtown. The #8 turns south onto 6th St. approaching Downtown. Routes #91, 93 and 94 are Express busses and will not stop in the area.

However, Route #10-North Fourth St., which stops two blocks east of the subject site, runs along 4th Street and offers day, evening and weekend service.

The Gerald Cline Substation, located at 5408 2nd Street NW, provides police coverage. The nearest fire station is located about 0.5 mile to the northwest.

III. ZONING

A) Existing Zoning: The subject site is zoned “SU-2 for S-R (Sawmill Residential)”. The SU-2 Special Neighborhood Zone “allows a mixture of uses controlled by a sector development plan” (see Zoning Code §14-16-2-23). The Sawmill Wells Park Sector Development Plan (SWPSDP) established zoning upon its adoption in 1996. The S-R zone was established to:

- Maintain the existing small scale residential character of Sawmill/Wells Park’s existing neighborhoods.
- Conserve the existing housing stock and range of living options by allowing apartment buildings, duplexes, and two detached homes on a lot that existed before adoption of this plan.
- Increase affordable housing by encouraging development of larger lots with limited townhouse development.
- Allow second dwellings on lots 7,000 sf or larger.
- Allow small businesses that existed in residential areas before adoption of this plan to remain.
- Eliminate R-C zoning in residential neighborhoods.

Upon SWPSDP adoption, the S-R zone replaced most of the R-1 zoned land in the area. The R-C zoned land north of Bellamah Ave. and the C-1 land east of 5th St. were also replaced with R-1. The subject site was zoned R-1 prior to Plan adoption and the building was used as a single-family home, as evidenced by a building permit issued in 1994 for a roof conversion.

The SWPSDP contains a provision that new non-residential uses may occupy the same premises provided they are “equally or more restrictive than the immediately preceding use, do not require more off-street parking, and they comply with the following conditions” (5 total, see p. 99). In this case, the new, proposed uses are not replacing any preceding non-residential uses. Because the building had been used as single-family residence prior to Plan adoption, this provision does not apply.

B) Proposed Zoning: The applicant proposes the following zoning: “SU-2 for SU-1 for Residential, Law Office, Court Reporter, Accountant, Architect, Engineer and/or Doctor Office.” The SU-1 zone (see Zoning Code §14-16-2-22) provides suitable sites for uses that are special, and for which the appropriateness of the use to a specific location depends upon the character of the site design. The SU-1 designation requires an associated site development plan. The proposed zoning includes S-R (Sawmill Residential), which is modeled after the R-1 residential zone (Zoning Code §14-16-2-6). The S-R zone allows a variety of small-scale housing and existing businesses (see p. 97).

C) Sector Plan: The Sawmill Wells Park Sector Development (SWPSDP) applies. The use of SU-2 zoning is available to sector plans and is used in the SWPSDP. Therefore, this request is referred to as a “sector development plan map amendment”.

Zoning Code §14-16-2-23, SU-2 zone, requires the Planning Commission to make a recommendation to the City Council if a decision would impose or eliminate SU-2 zoning for an area over one block (approx. 10 acres). Because the subject site is not greater than one block (10 acres), this request is not required to be forwarded to the City Council.

IV. ANALYSIS -ADOPTED ORDINANCES, PLANS, AND POLICIES

A) ALBUQUERQUE/BERNALILLO COUNTY COMPREHENSIVE PLAN (RANK I)

The subject site is located in an area that the Albuquerque/Bernalillo County Comprehensive Plan has designated Central Urban, which is a portion of the Established Urban Area. Therefore, the Central Urban Area is subject to policies of the Established Urban Area. The goal of the Central Urban Area is “to promote the Central Urban Area as a focus for arts, cultural, and public facilities/activities while recognizing and enhancing the character of its residential neighborhoods and its importance as the historic center of the City.”

The goal of the Established Urban Area is “to create a quality urban environment which perpetuates the tradition of identifiable, individual but integrated communities within the metropolitan area and which offers variety and maximum choice in housing, transportation, work areas and life styles, while creating a visually pleasing built environment.” Applicable policies include:

Land Use Policies-Developing & Established Urban

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

The request would contribute to a full range of urban land uses in the area, which is characterized mainly by single-family homes and some vacant land. Policy II.B.5a-full range of urban land uses, is generally furthered.

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.

Policy II.B.5i-employment/service use location is furthered. The existing building is sited on a corner and generally would not adversely affect nearby residences. The limited uses allowed by the proposed zoning would not produce noise, light, pollution, or traffic to the extent that the surrounding residential environment would be adversely affected. The request furthers Policy II.B.5i-employment/service use-residential areas.

Policy II.B.5o: Redevelopment and rehabilitation of older neighborhoods in the Established Urban Area shall be continued and strengthened.

Policy II.B.5o-redevelopment of older neighborhoods, is partially furthered. Improvements have been made to the building and site, a small portion of the neighborhood. The landscaping does not meet minimum Zoning Code requirements (and wasn't required to because there is no change to building square footage).

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

The proposed site improvements can be considered privately funded redevelopment, albeit on a small scale, which is termed a cost-effective redevelopment technique since it does not use public funds (technique #1). The request furthers Policy II.B.5p-cost effective rehabilitation techniques.

Economic Development Policies-

The Goal is to “achieve steady and diversified economic development balanced with other important social, cultural and environmental goals.” Applicable policies include:

Policy 2.C.6b: Development of local business enterprises as well as the recruitment of outside firms shall be emphasized.

The request partially furthers the Economic Development Goal. The request would contribute to some small-scale economic development in the area that would be very specific (not diversified), although it would be generally balanced with the neighbors' social, cultural and environmental goals. The request furthers Policy II.C.6b-local business and recruitment, because it would contribute to the development of a local business.

B) SAWMILL/WELLS PARK SECTOR DEVELOPMENT PLAN (RANK III)

The Sawmill/Wells Park Sector Development Plan (SWPSDP) was first adopted in 1978 (the 1978 Plan) and then was revised and adopted in 1996 (Enactment No.128-2002). The SWPSDP generally encompasses properties between Interstate 40 to the north and Mountain Rd. to the south, Rio Grande Blvd. to the west, and properties east of 5th St. on the east. Specific boundaries are shown on p. 2. The subject site is located two blocks west of the Plan's eastern boundary (4th St.).

ACTION PLANS:

The intent of the SWPSDP is to address the area's most critical issues, foster positive change and reinforce community stability, vitality and character (p. 1). The Plan, which sets forth public project design policies, land use goals and zoning, contains the following five Action Plan sections:

- Area Character and History Conservation Action Plan
- Housing Development and Improvement Action Plan
- Environmental Protection Action Plan
- Economic Development Action Plan (re: industrial/commercial strategies) contained in the “Sawmill Revitalization Strategy (SRS)” (Appendix C of the Plan)
- Public Project Action Plan (re: infrastructure)

Each Action Plan contains specific projects and implementation strategies to address the issues identified therein and fulfill the intent of the SWPSDP. Staff finds that two Action Plans are generally

relevant: the Area Character and History Conservation Action Plan (1) and the Economic Development Action Plan (2).

(1) Though renovated, the building on the subject site was generally preserved and looks substantially similar to the 1920s bungalow style homes that characterize the area.

(2) The intent is to continue to generally support a mix of businesses and residences.

ZONING & REGULATIONS:

The SU-2 Special Neighborhood Zone designation establishes land use regulations tailored to the Sawmill/Wells Park area. The general SU-2 regulations (see p. 83) are intended to conserve and build on the area's distinctive historic and physical characteristics, increase compatibility among housing, institutions, commercial and industrial land and improve the environment adjacent to the public right-of-way. Staff analysis includes the following relevant, overarching policies.

General SU-2 Regulations

1. Regulation compliance, compliance periods and process requirements

Regulation 1.c. Building permit applications for building additions, building renovation, and/or site rehabilitation shall comply with the Sawmill/Wells Park General SU-2 Regulations for those parts of the site undergoing construction.

Regulation 1.d. Site development plans, building elevations and other items required to obtain building permits shall be checked for compliance with Sawmill/Wells Park General SU-2 regulations during the normal submittal processes for the City.

Regulation 1.g. The Environmental Planning Commission (EPC) shall consider all General SU-2 Regulations when reviewing SU-1 zoning applications.

The SWPSDP clearly intends that all additions, renovations and/or rehabilitation efforts comply with the General SU-2 Regulations (1.c). Staff analysis of the proposed site development plan's compliance with specific General SU-2 regulations, so the EPC can consider them (1.g), is found in Section VI of this report (1.d).

S-R (Sawmill Residential) Zone

Regulation A. Permissive Uses: The following uses are permitted provided applicable General SU-2 Regulations for the Sector Plan area are met.

The S-R zone allows uses listed as permissive in the R-1 zone and certain, specified R-1 conditional uses (see p. 97). Since office uses are not allowed, a zone change is needed.

C) SAWMILL/WELLS PARK COMMUNITY METROPOLITAN REDEVELOPMENT AREA (MRA) PLAN

The Sawmill/Wells Park Community Metropolitan Redevelopment Area (MRA) Plan was adopted by the City Council in June 2006 (R-06-100). The goal of this MRA Plan is "to create a community that preserves the historic nature of the neighborhood while retaining a livable, walkable, mixed-use, mixed-income and vibrant economic and residential part of Albuquerque."

The New Mexico Metropolitan Redevelopment Code (3-60A-1 to 3-60A-48 NMSA 1978) provides cities with the authority to correct conditions in areas or neighborhoods in order to reverse the decline and stagnation. However, such authority can only be applied in designed Metropolitan Redevelopment Areas (MRAs). In 1993, the Sawmill/Wells Park Community MRA boundary was created. As a designated blighted area, Sawmill/Wells Park qualified as appropriate for redevelopment projects under the City's Metropolitan Redevelopment Code.

V. SECTOR DEVELOPMENT PLAN MAP AMENDMENT

RESOLUTION 270-1980 (POLICIES FOR ZONE MAP AMENDMENTS)

Requirements

Resolution 270-1980 outlines policies and requirements for deciding zone map change applications. The applicant must provide sound justification for the proposed change and demonstrate that several tests have been met. The burden is on the applicant to show why a change should be made.

The applicant must demonstrate that the existing zoning is inappropriate because of one of three findings: 1) there was an error when the existing zone map pattern was created; or 2) changed neighborhood or community conditions justify the change; or 3) a different land use category is more advantageous to the community, as articulated in the Comprehensive Plan or other City master plan.

Justification & Analysis

The zone change justification letter analyzed here, dated June 2, 2009, is a response to Staff's request for a revised justification (see attachment). The subject site is currently zoned SU-2 for S-R (Sawmill Residential). A change of zone would constitute an amendment to the Sawmill/Wells Park Sector Development Plan (SWPSDP). The requested zoning is "SU-2 for SU-1 for Art Gallery, Art Studio and S-R Permissive Uses". The reason for the request is to allow an art gallery, with small artist studios, to continue to operate on the subject site, while retaining the possibility of residential use.

The applicant believes that the proposed sector development plan map amendment (zone change) conforms to R270-1980 as elaborated in the June 2, 2009 justification letter. Staff analysis is in **bold text**. The citation in quotes is from R270-1980.

1A. "A proposed zone change must be found to be consistent with the health, safety, morals and general welfare of the City."

Applicant (summarized): The proposed zone change is consistent with the health, safety and general welfare of the residents of the City because it is supported by the goals and policies of the Comprehensive Plan, the Sector Plan and the MRA Plan, as described further in Part II.C.. Applicant has completed improvements to the property. The zone change will contribute to the well-being of the neighborhood. A law office is a low impact use. The use is consistent with the surrounding neighborhood.

Staff: Consistency with the City's health, safety, morals and general welfare is shown by demonstrating that a request furthers a preponderance of applicable Goals and policies from the

Comprehensive Plan and other applicable plans, which the applicant has done in the response to Section 1.C. It's also important to note that the proposed zone change is limited to specified uses and, as a change to an SU-1 zone, is dependent upon an associated site development plan. The response to Section 1.A is sufficient.

1B. "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."

Applicant (summarized): The request will help promote stability of land use and contribute to community cohesiveness by maintaining the character and appearance of the existing building on the property and within the area. Three similar zone changes have been approved within close proximity of the property.

Staff: Staff believes that a key factor in this case is the limited scope of the requested zoning; a broader change to general office or commercial uses could destabilize land use in the area. The specified office uses, which would have to be small-scale to fit on the subject site, would be unlikely to adversely affect stability of land use. The applicant can demonstrate that the proposed zone change is justifiable. The response to Section 1.B is sufficient.

1C: "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."

Applicant (summarized): Under the proposed zone map amendment, the property will continue to be used in a way that is consistent with adopted elements of the Comprehensive Plan, the Sector Plan and the MRA Plan.

Citations: Relevant citations include the Comprehensive Plan-Developing and Established Urban Goal; Land Use policies II.B.5a, II.B.5g, II.B.5o and II.B.5p; Economic Development Goal. Sawmill Wells Park Sector Development Plan (SWPSDP) action plans regarding Area Character and History and Economic Development.

Staff finds that these citations do not apply: Central Urban Goal and policies a and b (focuses on arts linkages); Land Use policy II.B.5d (applies to new development), Sawmill Wells Park Sector Development Plan (SWPSDP) Environmental Protection Action Plan (focus is environmental compliance).

Staff finds the policy citations sufficient overall. The applicant notes that numerous policies in the Comprehensive Plan and the SWPSDP support the request, and further states that the proposed zone change will provide stability, prevent further deterioration of the area and strengthen the land use mix in the area. The applicant concludes by stating that the request is consistent with, and furthers, policies of each applicable Plan.

Staff points out that another use could also upgrade the property, and that the existing building does not constitute new development so some policies do not apply. Overall, however, Staff finds that general consistency with goals and policies of applicable Plans can be demonstrated.

The test under Section 1C is whether or not there is “significant conflict” with an adopted element of the Comprehensive Plan or other City master plan such as a sector development plan. Staff finds no significant conflict with either. The proposed zoning is narrow in scope and does not conflict with the SWPSDP’s intent, as embodied in its zoning regulations, to provide for harmonious mixed development (p. 1 of the Plan) of residential and non-residential uses.

1D. “The applicant must demonstrate that the existing zoning is in appropriate 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 (1) and (2) above do not apply.”

Applicant (summarized): Changed neighborhood and community conditions support a mixture of uses in the area. There have been 3 recent zone map amendments for law offices on 5th and 6th streets (2). Also, the uses proposed by the application are more advantageous to the community for the reasons set forth in Section C (3). The zone change will implement Comprehensive Plan policies supporting infill, redevelopment and job creation.

Staff: The response refers to changed neighborhood conditions (2) and to a different use category being more advantageous to the community (3). Staff finds that the applicant has adequately demonstrated, by the policy-based discussion in Section 1C, that the proposed zoning would be more advantageous to the community than the current zoning. The changed neighborhood conditions argument is more difficult to demonstrate. Though there have been similar zone changes nearby, mixed-use is happening slowly and overall the area remains characterized by single-family homes that have been in residential use for quite some time. The response to Section 1.D is sufficient.

1E. “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.”

Applicant (summarized): Residential uses are already allowed by the existing zoning. The commercial uses sought all involve low-impact uses compared to a non-professional office or retail use. The proposed zone change would be limited to the size of the existing building and will not be harmful to adjacent property, the neighborhood or the community. Several neighbors have voiced support.

Staff: The uses intended for the subject site are contained in the zoning descriptor: residential, law office, court reporter, accountant, architect, engineer and/or doctor office. The possibility of a residential use is preserved. The narrowly defined SU-1 zoning would allow these uses to

operate while prohibiting other uses that could be considered harmful in the subject site's setting. The neighborhood supports the request. The response to Section 1.E is sufficient.

1F. "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."

Applicant (summarized): The project is funded entirely with private funds and does not require capital expenditures or improvements by the City.

Staff: The request would not require major or unprogrammed capital expenditures by the City. The response to Section 1.F is sufficient.

1G. "The cost of land or other economic considerations pertaining to the applicant shall not be the determining factor for a change of zone."

Applicant: The cost of land or other economic considerations pertaining to the applicant is not a determining factor for the requested zone map amendment and the applicant makes no argument regarding this factor.

Staff: Economic considerations are a factor, but the applicant is not raising them as the determining factor for the request. The response to Section 1.G is sufficient.

1H. "Location on a collector or major street is not in itself sufficient justification of apartment, office or commercial zoning."

Applicant: Location on a collector street is not represented as a justification for the requested zone amendment and applicant makes no argument regarding this factor.

Staff: Staff agrees that the subject site's location on a major street (6th St., an urban minor arterial) is not being used, in itself, as justification for the zone change. The response to Section 1.H is sufficient.

1I. "A zone change request which would give a zone different from surrounding zoning to one small area, especially when only 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."

Applicant (summarized): The proposed zone amendment would not create a spot zone. Other zone amendments have been previously approved by the City in this area for the same use were held not to constitute a spot zone. Even if the change were to create a spot zone, it would facilitate realization of applicable Plans (1) and could serve as a transition (2) between adjacent residential properties and nearby commercial properties.

Staff: The SU-1 zone creates a spot zone by definition; however, it is required to be a justifiable spot zone according to reason 1) or reason 2). The applicant has demonstrated in the response to Section 1.C that the proposed change would facilitate realization of the Comprehensive Plan and the SWPSDP (1). The response to Section 1.I is sufficient.

1J: “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 applicable 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.”

Applicant (summarized): This section is not applicable because this request is for a single lot and not a strip of land.

Staff: Staff agrees that the request would not result in a strip zone. The subject site does not constitute a “strip of land along a street”. The response to Section 1.J is sufficient.

Staff Conclusion

Staff finds that the applicant has adequately justified the sector development plan map amendment (zone change) pursuant to R270-1980. The policy-based response to Section 1C demonstrates how the request furthers applicable Goals and policies in the Comprehensive Plan and the Sawmill/Wells Park Sector Development Plan (SWPSDP), and that there is no “significant conflict” with the adopted elements of applicable Plans (Section 1C). For these reasons, Staff recommends approval of the sector development plan map amendment (zone change) request.

VI. SITE DEVELOPMENT PLAN FOR BUILDING PERMIT- “AS BUILT” & PROCESS

A site development plan is required for a zone change to an SU-1 Zone pursuant to §14-16-2-22-(A)(1). Zoning Code §14-16-3-11 states, “...Site Development Plans are expected to meet the requirements of adopted city policies and procedures.” The applicant has provided an “as built” site development plan for building permit (see attachment) which Staff has reviewed.

The General SU-2 Regulations in the Sawmill Wells Park Sector Development Plan (SWPSDP) apply. Building permit applications for building additions, building renovation and/or site rehabilitation shall comply with the General SU-2 Regulations. Site development plans, and other items for which a building permit was required, also trigger compliance (p. 83). In some instances, minor revisions are needed. Since an SU-1 zone is requested, Staff recommends clear documentation of what exists on the

site so that the site development plan won't have to be amended later. This is also important because the application intends to remedy a Notice of Violation (NOV).

Site Plan Layout / Configuration

The site is located on the SE corner of the intersection of 6th St. and Kinley Ave. NW. The existing building fronts 6th St. The parking area is on the site's eastern side.

Refuse Enclosure: The subject site is already set up for residential service, as confirmed by a site visit. SWPSDP General SU-2 Regulation 5e requires that trash collection areas be screened according to the Solid Waste Ordinance. Therefore, the trash enclosures need to be stored out-of-view.

Vehicular Access, Circulation & Parking

Access & Circulation: The subject site is accessed from Kinley Ave. NW via an existing driveway. Vehicles cannot circulate around the site. The main entrance faces 6th St. NW. There is a curb-cut leading to a small parking area on the property adjacent south.

Parking: Because the requested zoning is SU-1, off-street parking is as decided by the EPC pursuant to Zoning Code §14-16-2-22, Special Use Zone. Zoning Code §14-16-3-1, Off Street Parking Regulations, was used to calculate parking using the office category. The proposed use of 1,075 sf/200 (1 space for every 200 sf) $\approx$ 5 required spaces.

The parking calculations, which indicate 4 spaces required, need to be revised. 5 spaces, which includes one HC space, are shown. 4 are south of the building on adjacent property and one is on the building's eastern side. The applicant indicates that they have a private agreement with the owner of the property to the south. SWPSDP General SU-2 Regulation 5i requires that screening of off-street parking areas of more than three vehicles with a 3 foot high solid fence or wall (p. 92). The options are to reduce the southern parking area from 4 to 3 spaces, or to keep the 4 spaces and build the wall (see ***Walls & Fences***, below).

One handicap space and one motorcycle space are required according to §14-16-3-1. Both are provided. Two bicycle spaces are required. A bike rack is shown, but it's uncertain how many bikes could use it (note or detail needed). *TIS:* A Traffic Impact Study (TIS) was not required.

Pedestrian and Bicycle Access and Circulation, Transit Access

Pedestrian access is possible from both 6th St. NW and Kinley Ave. NW. A pedestrian pathway leads to the building from 5th St. and a new path proposed in the back yard area and on the building's south side. The site complies with SWPSDP General SU-2 Regulation 7, since the part of the site used by customers is connected to the sidewalk along 6th St.

Albuquerque Ride Route #8-Menaul, is the only local route that turns north onto 5th St. leaving Downtown, and turns south onto 6th St. approaching Downtown. There is a bus stop across the street from the subject site. Routes #91, 93 and 94 are Express busses and do not stop in the area.

However, Route #10-North Fourth St., runs along the 4th St. Major Transit Corridor with day, evening and weekend service.

Walls/Fences

A 6-foot stuccoed, CMU wall screens the building's north elevation and encloses the side-yard area. The same wall runs along the eastern property line. The color (ivory) needs to be specified. SWSDP General SU-2 Regulation 5.1 prohibits unfinished block walls. The existing walls comply. No additional walls are proposed.

Regulation 5.i requires that off-street parking for more than 3 vehicles "be screened from the public street ROW with landscaping or a 3 ft. high solid fence or wall" (SWPSDP, p. 92). Staff suggests that a 3 ft. wall be provided on the 6th St. side of the parking area. However, this parking area is on the land of an adjacent property owner, who may or may not be amenable to this. In the alternative, the parking area could be reduced to 3 spaces as to not trigger the requirement.

Lighting and Security

There are no existing light poles on the subject site and none are proposed. There is a porch light on the western elevation and the northern elevation. It appears that there is no security lighting.

Landscaping

The subject site has hardscape with a variety of rocks and boulders. There is one street tree (Chinese pistache?) along 6th St. NW. SWPSDP General SU-2 Regulation 5.n requires that a minimum of 75% of the ground area between the wall and the public right-of-way be covered with live plant material. The 75% coverage is the Zoning Code minimum; trees do not count toward this requirement [see 14-16-3-10(G)(3)].

Landscape improvements are proposed, including a Chitalpa tree and a Desert Willow in the front yard (which faces 6th St. NW). Staff suggests replacing the Chitalpa with a Desert Willow, since trees cannot be counted toward the 75% requirement but shrubs can. This will help meet the 75% coverage requirement, which is not met with the proposed landscape plan.

Landscape beds need to be dimensioned and the landscaping calculations re-done. Plant size and quantity must be specified. Staff suggests adding one or two more plant types, such as Russian Sage (a shrub with light purple color) and Claret Cup Hedgehog cactus (bright orange flowers). The Complete How-To Guide to Xeriscaping offers many more options.

Grading & Drainage Plan

The subject site is already developed and is flat. The elevation is 4960 feet across the site. A grading & drainage plan was not included. If determined necessary by the City Hydrologist, a grading and drainage plan will be needed. A new drainage ordinance, which requires on-site collection of some run-off water, became effective on May 12, 2014.

Utility Plans

Utility information, such as water lines and sanitary sewer lines and any easements, is not provided. This information should be added to the main site plan.

Architecture & Design

The existing building retains its character as a residential home. Renovations, though mostly interior, have been made. The main entrance is on the western elevation, facing 6th St. NW. The back entrance is on the northern elevation, facing Kinley Ave. NW. The building is approximately 15.5 feet high.

The elevations provide minimal information. The colors of the shingle roof, stucco and window trim need to be specified. The trim needs to be shown and color specified.

Signage

A wall-mounted sign is attached to the stucco wall facing 6th St. NW. This needs to be included on the site development plan, dimensioned and colors and materials specified. With an SU-1 zoned site, items not specified on the site development plan are not allowed.

Public Outdoor Space

The Zoning Code requires public outdoor space for buildings 60,000 sf or greater, and for buildings with 6 or more water closets. Public outdoor space is not required for this request. No patio area is shown, though a patio would be a nice addition to the side yard area.

Process

The site development plan is mostly for an “as built” site, with several revisions needed for compliance and clarification. Staff has determined that it is not necessary for the site development plan to go to the Development Review Board (DRB). All infrastructure is in place.

Staff requests that the EPC delegate its approval authority for the site development plan to Staff, so that the “as built” site plan can be approved administratively and the process expedited. Staff will check the revised site development plan for compliance with the EPC’s conditions of approval. Routing to Staff from Transportation, Utilities and Hydrology is part of the administrative approval process. Information regarding utilities and hydrology, not available now, can be reviewed then.

VII. AGENCY & NEIGHBORHOOD CONCERNS

Reviewing Agencies/Pre-Hearing Discussion

City Departments and other agencies reviewed this application from 4/28/’14 to 5/9/’14. Long Range Planning Staff note that the request appears to be generally consistent with the Sector Plan’s goals and intent to preserve and rehabilitate existing residential buildings. Transportation Planning Staff from the Department of Municipal Development commented that the Long Range Bikeway Systems map show bicycle lanes across the frontage of this property on 6th St. NW. Zoning Staff commented regarding the “free-standing sign located on the garden wall.” However, if a sign is located on a wall, it is wall or building mounted- not free-standing. Agency comments begin on p. 23.

Neighborhood/Public

The affected neighborhood organizations are the Wells Park Neighborhood Association (NA), the Sawmill Community Land Trust and the North Valley Coalition, all of which were notified. The request was recommended for facilitation by the Office of Neighborhood Coordination (ONC), though the facilitated meeting was declined. A “No Meeting Report” was produced (see attachment). Staff received one email inquiry from a neighbor who generally supports the proposed zone change, but had some questions (see attachment).

On June 2, 2014, a citizen contacted Staff and provided petitions of opposition from residents of Wells Park (see attachments). The extent to which they understood the request was unclear. The applicant wrote a letter of explanation and provided it to everyone who signed the petitions (see attachment). As of this writing, Staff has not heard anything further.

VIII. CONCLUSION

This request is for a sector development plan map amendment (zone change) and an associated, “as built” site development plan for building permit for an approximately 0.08 acre site at the SE corner of 6th St. NW and Kinley Ave. NW. The applicant proposes to change the subject site’s zoning from SU-2 for S-R to “SU-2 for SU-1 for Residential, Law Office, Court Reporter, Accountant, Architect, Engineer and/or Doctor Office.”

Staff concludes that the applicant has adequately justified the sector development plan map amendment (zone change) pursuant to R270-1980. Overall, the request generally furthers relevant Comprehensive Plan and SWPSDP policies. Conditions of approval are needed to create compliance with some SU-2 General Regulations and to clarify items on the associated site development plan for building permit.

A facilitated meeting was offered but declined. Staff received one email inquiry from a neighbor who generally supports the proposed zone change. Petitions of opposition were received from some Wells Park residents.

Staff recommends conditional approval of the sector development plan map amendment and the associated site development plan for building permit, with delegation of the EPC’s approval authority to Staff (administrative approval) for the site development plan for building permit.

FINDINGS - 14EPC-40030, June 12, 2014- Sector Development Plan Map Amendment (zone change)

1. The subject request is for a sector development plan map amendment (zone change) for Lot 1-A, Block 6, Plat of Lot 1-A, Block 6 of the Albright-Moore Addition, an approximately 0.08 acre site located at the southeast corner of Sixth Street NW and Kinley Avenue NW. The subject site is within the boundaries of the Central Urban Area of the Comprehensive Plan and the Sawmill/Wells Park Sector Development Plan (SWPSDP).
2. The sector development plan map amendment request is for a change from SU-2 for S-R (Sawmill Residential) to "SU-2 for SU-1 for Residential, Law Office, Court Reporter, Accountant, Architect, Engineer and/or Doctor Office" to allow the continued operation of an existing law office.
3. The purpose of the subject request is to remedy a Notice of Violation (#2014000375) issued by the Code Enforcement Division.
4. The subject request is accompanied by a site development plan for building permit (14EPC-40031) as required pursuant to the SU-1 Zone, §14-16-2-22.
5. Because the subject site is not greater than 10 acres, the Environmental Planning Commission (EPC) is the approval authority. The subject request is not required to be transmitted to the City Council. This is a quasi-judicial matter.
6. The Albuquerque/Bernalillo County Comprehensive Plan, the Sawmill/Wells Park Sector Development Plan (SWPSDP) and the City of Albuquerque Zoning Code are incorporated herein by reference and made part of the record for all purposes.
7. The subject request furthers the following relevant Comprehensive Plan policies:
 - A. Policy II.B.5a- Policy II.B.5a-full range of urban land uses. The request would contribute to a full range of urban land uses in the area, which is characterized mainly by single-family homes and some vacant land.
 - B. Policy II.B.5i-employment/service use location. The existing building is sited on a corner and generally would not adversely affect nearby residences. The limited uses allowed by the proposed zoning would not produce noise, light, pollution, or traffic to the extent that the surrounding residential environment would be adversely affected.
 - C. Policy II.B.5p-cost effective rehabilitation techniques. The proposed site improvements can be considered privately funded redevelopment, albeit on a small scale, which is termed a cost-effective redevelopment technique since it does not use public funds (technique #1).
 - D. Policy II.C.6b-local business and recruitment. The request would contribute to the development of a local business.

8. The subject request partially furthers the following relevant Comprehensive Plan Goal and policy:
 - A. Economic Development Goal. The request would contribute to some small-scale economic development in the area that would be very specific (not diversified), although it would be generally balanced with the neighbors' social, cultural and environmental goals.
 - B. Policy II.B.5o-redevelopment of older neighborhoods. Improvements have been made to the building and site, which is a small portion of the neighborhood. The landscaping does not meet minimum Zoning Code requirements as required by the SU-2 General Regulations in the SWPSDP.
9. The subject request generally fulfills the intent of the Area Character and History Conservation Action Plan (1) and the Economic Development Action Plan (2) of the Sawmill/Wells Park Sector Development Plan (SWPSDP). Though renovated, the building on the subject site was generally preserved and looks substantially similar to the 1920s bungalow style homes that characterize the area (1). The intent is to continue to generally support a mix of businesses and residences (2).
10. The applicant has adequately justified the sector development plan map amendment (zone change) request pursuant to Resolution 270-1980:
 - A. Section 1A: The proposed zoning is limited to uses that will not harm the adjacent property or community and has been demonstrated to be consistent with applicable policies and intentions in the Comprehensive Plan and the Sawmill/Wells Park Sector Development Plan (SWPSDP). Therefore, the proposed sector development plan amendment is consistent with the health, safety, morals and general welfare of the City.
 - B. Section 1B: The uses allowed by the proposed zoning would be unlikely to adversely affect stability of land use and zoning and, as the applicant demonstrated, are justified pursuant to R270-1980.
 - C. Section 1C: There is no "significant conflict" with an adopted element of the Comprehensive Plan or the Sawmill/Wells Park Sector Development Plan (SWPSDP). The proposed zoning is narrow in scope and does not conflict with the SWPSDP's intent to provide for a harmonious mix of residential and non-residential uses.
 - D. Section 1D: A different use category is more advantageous to the community as articulated in the Comprehensive Plan and other applicable Plans (the SWPSDP). The policy-based discussion demonstrates that the proposed zoning category would be more advantageous to the community than the current zoning.
 - E. Section 1E: The proposed uses would not harm the community, neighborhood or adjacent property. The requested SU-1 zoning is narrowly defined and would only allow the uses in the zoning descriptor. Other uses that could be considered harmful in the subject site's setting would not be allowed.

- F. Section 1F: The proposed zone change requires no capital expenditures by the City.
 - G. Section 1G: Economic considerations pertaining to the applicant are a factor in the zone change request, but the applicant is not raising them as the determining factor.
 - H. Section 1H: Location on a collector or major street is not used as justification for this request.
 - I. Section 1I: The requested SU-1 zoning is a justifiable spot zone in this case because it has been demonstrated that the request will clearly facilitate realization of the Comprehensive Plan and the SWPSDP.
 - J. Section 1J: The request is for a single lot and not a strip of land, and therefore would not result in a “strip zone”.
11. The applicant has adequately justified the sector development plan map amendment (zone change) pursuant to R270-1980. The response to Section 1C provides a policy-based explanation of how the request aligns with applicable Comprehensive Plan policies and intentions in the Sawmill/Wells Park Sector Development Plan (SWPSDP), and supports the reasoning that a different zoning category would be more advantageous to the community (Section 1D). The remaining sections (1A, 1B, 1E-1J) are sufficiently addressed.
12. The affected neighborhood associations (NAs) are the Wells Park Neighborhood Association (WPNA), the Sawmill Community Land Trust and the North Valley Coalition. A facilitated meeting was offered but declined. Staff received one email inquiry from a neighbor who generally supports the proposed zone change, but had some questions. Staff received petitions of opposition from residents of Wells Park. The applicant wrote a letter of explanation and provided it to everyone who signed the petitions.

RECOMMENDATION - 14EPC-40030, June 12, 2014

APPROVAL of 14EPC-40030, a request for a sector development plan map amendment from SU-2 for S-R (Sawmill Residential) to “SU-2 for SU-1 for Residential, Law Office, Court Reporter, Accountant, Architect, Engineer and/or Doctor Office” for Lot 1-A, Block 6, Plat of Lot 1-A, Block 6 of the Albright-Moore Addition, an approximately 0.08 acre site located at the southeast corner of Sixth Street NW and Kinley Avenue NW, based on the preceding Findings.

CONDITION OF APPROVAL - 14EPC 40030, June 12, 2014–Sector Development Plan Map Amendment

1. Final approval of the accompanying site development plan for building permit (14EPC-40031) is required. The EPC delegates its approval authority to Staff through the administrative approval (AA) process, meaning that the applicant is required to apply for an AA instead of go to the Development Review Board (DRB).

FINDINGS -14EPC-40031, June 12, 2014-Site Development Plan for Building Permit

1. The subject request is for a site development plan for building permit for Lot 1-A, Block 6, Plat of Lot 1-A, Block 6 of the Albright-Moore Addition, an approximately 0.08 acre site located at the southeast corner of Sixth Street NW and Kinley Avenue NW. The subject site is within the boundaries of the Central Urban Area of the Comprehensive Plan and the Sawmill/Wells Park Sector Development Plan (SWPSDP).
2. The subject request is accompanied by a sector development plan map amendment (zone change) request (14EPC-40030). The sector development plan map amendment request is justified pursuant to R270-1980.
3. The purpose of the subject request is to remedy a Notice of Violation (#2014000375) issued by the Code Enforcement Division.
4. The Albuquerque/Bernalillo County Comprehensive Plan, the Sawmill/Wells Park Sector Development Plan (SWPSDP) and the City of Albuquerque Zoning Code are incorporated herein by reference and made part of the record for all purposes.
5. The subject request furthers the following relevant Comprehensive Plan policies:
 - A. Policy II.B.5a- Policy II.B.5a-full range of urban land uses. The request would contribute to a full range of urban land uses in the area, which is characterized mainly by single-family homes and some vacant land.
 - B. Policy II.B.5i-employment/service use location. The existing building is sited on a corner and generally would not adversely affect nearby residences. The limited uses allowed by the proposed zoning would not produce noise, light, pollution, or traffic to the extent that the surrounding residential environment would be adversely affected.
 - C. Policy II.B.5p-cost effective rehabilitation techniques. The proposed site improvements can be considered privately funded redevelopment, albeit on a small scale, which is termed a cost-effective redevelopment technique since it does not use public funds (technique #1).
 - D. Policy II.C.6b-local business and recruitment. The request would contribute to the development of a local business.
6. The subject request partially furthers the following relevant Comprehensive Plan Goal and policy:

- A. Economic Development Goal. The request would contribute to some small-scale economic development in the area that would be very specific (not diversified), although it would be generally balanced with the neighbors' social, cultural and environmental goals.
 - B. Policy II.B.5o-redevelopment of older neighborhoods. Improvements have been made to the building and site, which is a small portion of the neighborhood. The landscaping does not meet minimum Zoning Code requirements as required by the SU-2 General Regulations in the SWPSDP.
7. The subject request generally fulfills the intent of the Area Character and History Conservation Action Plan (1) and the Economic Development Action Plan (2) of the Sawmill/Wells Park Sector Development Plan (SWPSDP). Though renovated, the building on the subject site was generally preserved and looks substantially similar to the 1920s bungalow style homes that characterize the area (1). The intent is to continue to generally support a mix of businesses and residences (2).
 8. The existing building complies with most of the relevant General SU-2 Regulations in the Sawmill/Wells Park Sector Development Plan (SWPSDP), but does not comply with at least two: 5i and 5n regarding screening of off-street parking and landscaping coverage, respectively.
 9. The affected neighborhood associations (NAs) are the Wells Park Neighborhood Association (WPNA), the Sawmill Community Land Trust and the North Valley Coalition. A facilitated meeting was offered but declined. Staff received one email inquiry from a neighbor who generally supports the proposed zone change, but had some questions. Staff received petitions of opposition from residents of Wells Park. The applicant wrote a letter of explanation and provided it to everyone who signed the petitions.

RECOMMENDATION - 14EPC-40031, June 12, 2014

APPROVAL of 14EPC-40031, a Site Development Plan for Building Permit for Lot 1-A, Block 6, Plat of Lot 1-A, Block 6 of the Albright-Moore Addition, zoned SU-2 for S-R (Sawmill Residential), based on the preceding Findings and subject to the following Conditions of Approval.

CONDITIONS OF APPROVAL -14EPC 40031, June 12, 2014- Site Development Plan for Building Permit

1. The EPC delegates final sign-off authority of this site development plan Staff through the administrative approval (AA) process, meaning that the applicant is required to apply for an AA instead of go to the Development Review Board (DRB). Staff is responsible for ensuring that all EPC Conditions have been satisfied and that other applicable City requirements have been met. A letter shall accompany the submittal, specifying all modifications that have been made to the site plan since the EPC hearing, including how the site plan has been modified to meet each of the EPC

conditions. Unauthorized changes to this site plan, including before or after final sign-off, may result in forfeiture of approvals.

2. Prior to final approval, the applicant shall meet with the Staff planner to ensure that conditions of approval are met. Evidence of this meeting shall be provided at the time of application.
3. Walls/Fences:
 - A. A 3 ft. high, solid wall, to match the existing wall, shall be provided on the 6th St. NW side of the parking area (SWPSDP Regulation 5.i).
[note: if parking spaces are reduced from 4 to 3 in this location, the wall would not be needed].
 - B. The color of the existing wall shall be specified.
4. Parking & Pedestrian and Bicycle Access:
 - A. Specify the number of bike spaces provided.
 - B. Add a note explaining the parking agreement with the neighbor to the south.
5. Landscaping- coverage:
 - A. Where coverage with living, vegetative material does not amount to 75%, additional plants shall be added (and General SU-2 Regulation 5.n.).
 - B. Replacing Chitalpa with a Desert Willow (shrubs count toward the 75% coverage requirement).
 - C. The mature size of the plants shall be listed on the plant legend and plants shall be drawn to scale.
 - D. Add another plant species (ex. Russian Sage and/or Claret Cup Cactus and/or other)
6. Landscaping- clarification:
 - A. Indicate the square footage of each landscaping bed.
 - B. Re-do the landscaping calculations (xx. net lot area).
 - C. Specify the type of irrigation system.
7. Signage:
 - A. Indicate location, square footage, color and material(s) of existing wall-mounted sign.
 - B. Add a note that signage shall not be illuminated.
8. Elevations:
 - A. Show the existing trim and indicate its color.

B. Indicate the stucco color of the main building.

9. Other:

A. Clearly indicate the property line.

B. Add a note regarding refuse collection and screening.

C. Remove the internal floor plan from the site plan.

10. CONDITIONS FROM THE CITY ENGINEER (TRANSPORTATION):

A. The Developer is responsible for permanent improvements to the transportation facilities adjacent to the proposed site development plan, as required by the Development Review Board (DRB).

B. Site plan shall comply and be in accordance with all applicable City of Albuquerque requirements, including the *Development Process Manual* and current ADA criteria.

C. Please add the following note to Site Plan for BP and Landscaping Plan: "Landscaping, fencing and signing will not interfere with clear sight requirements. Therefore, signs, walls, trees, and shrubbery between 3 and 8 feet tall (as measured from the gutter pan) will not be acceptable in this area."

Catalina Lehner, AICP
Senior Planner

Notice of Decision cc list

cc: Robert Lucero, Esq. Rodey Law Firm, PO Box 1888, Albuquerque, NM 87103
Jerry Miller, Wells Park NA, 1715 5th St. NW, Albuquerque, NM 87102
Peter Eller, Wells Park NA, 1006 Lynch Ct. NW, Albuquerque, NM 87102
Wade Patterson, Sawmill Community Land Trust, PO Box 25181, Albuquerque, NM 87125
Wendy Statkus, Sawmill Community Land Trust, PO Box 25181, Albuquerque, NM 87125
Kyle Silfer, North Valley Coalition, 4465 Jupiter St. NW, Albuquerque, NM 87107
David Wood, North Valley Coalition, 158 Pleasant NW, Albuquerque NM 87107

CITY OF ALBUQUERQUE AGENCY COMMENTS

PLANNING DEPARTMENT

Zoning Code Services

No sign facing, except a wall sign or a one-square-foot address sign shall be between three and eight feet above the gutter line within ten feet of a street public right-of-way line except those signs specified in subsection 14-16-3-5(H) of this Zoning Code. (This comment is concerning the free-standing sign located on the garden wall of the property. The sign should also be non-illuminated.

Office of Neighborhood Coordination

Wells Park NA (R), Sawmill Community Land Trust, North Valley Coalition

5/2/14 – Recommended for Facilitation – siw

5/7/14 – Assigned to Jessie Lawrence - th

Long Range Planning

The request is within the boundaries of the Sawmill/Wells Park Sector Development Plan. Development at this site must comply with the Zoning Code and Sector Development Plan regulations and Design Standards that are set forth in these documents.

The existing area has a somewhat mixed land use, although it is predominantly single family residential. The request appears to be generally consistent with the Sector Plan's goals and intent to preserve and rehabilitate existing residential buildings.

CITY ENGINEER

Transportation Development

- Label and dimension HC parking stall and HC access aisle. Provide ADA required pavement markings and posted sign.
- Per the DPM, a 6 ft. wide ADA accessible pedestrian pathway is required from the public sidewalk to the building entrances. Please clearly show this pathway and provide details.
- Per the DPM, a 6 ft. wide ADA accessible pedestrian pathway is required from the HC parking stall access aisles to the building entrances.
- Dimension width of existing driveway on 6th St. This driveway curb cut provides vehicle access for off street parking but there appears to be no accommodations for a vehicle to park within the property. Vehicles cannot park within City ROW.
- Abandon curb cuts must be replaced with sidewalk and curb & gutter. A build note must be provided referring to the appropriate City Standard (#2430 and #2415).
- Provide parking calculations: zoning requirements and proposed.
- Please enlarge the vicinity map and provide additional detail.

Hydrology Development

No adverse comments

New Mexico Department of Transportation (NMDOT):

No objections

DEPARTMENT of MUNICIPAL DEVELOPMENT

Transportation Planning

Per the Long Range Roadway System map 6th St. is designated a Minor Arterial. Per the Long Range Bikeway Systems map 6th St is planned to contain bicycle lanes across the frontage of this property.

Traffic Engineering Operations (Department of Municipal Development):

- No comments received.

Street Maintenance (Department of Municipal Development):

- No comments received.

RECOMMENDED CONDITIONS FROM THE CITY ENGINEER:

1. The Developer is responsible for permanent improvements to the transportation facilities adjacent to the proposed site development plan, as required by the Development Review Board (DRB).
2. Site plan shall comply and be in accordance with all applicable City of Albuquerque requirements, including the *Development Process Manual* and current ADA criteria.
3. Please add the following note to Site Plan for BP and Landscaping Plan: "Landscaping, fencing and signing will not interfere with clear sight requirements. Therefore, signs, walls, trees, and shrubbery between 3 and 8 feet tall (as measured from the gutter pan) will not be acceptable in this area."

WATER UTILITY AUTHORITY

Utility Services

ENVIRONMENTAL HEALTH DEPARTMENT

Air Quality Division

Environmental Services Division

PARKS AND RECREATION

Planning and Design

No comments.

Open Space Division

Open Space has no adverse comments

City Forester

POLICE DEPARTMENT/Planning

This project is in the Valley Area Command. No Crime Prevention or CPTED comments concerning the proposed *Amendment to Zone Map* or *Site Development Plan For Building Permit* requests at this time.

SOLID WASTE MANAGEMENT DEPARTMENT

Refuse Division

FIRE DEPARTMENT/Planning

TRANSIT DEPARTMENT

Project # 1001580 14EPC-40030 AMNDT TO ZONE MAP (ESTB ZONING/ZONE CHG) 14EPC-40031 SITE DEVELOPMENT – BUILDING PERMIT <i>LOT(S) 1-A, BLOCK(S) 6, ALBRIGHT–MOORE ZONED SU-2 FOR SR TO SU-2 FOR RESIDENTIAL, LAW OFFICE, COURT REPROTER, ACCOUNTANT, ARCHITECT, ENGINEER AND/OR DOCTOR OFFICE LOCATED ON SOUTHEAST CORNER OF 6TH ST NW AND MKINLEY AVE NW 0.175 ACRES. (J-14)</i>	Adjacent and nearby routes	None
	Adjacent bus stops	None
	Site plan requirements	None
	Large site TDM suggestions	None.
	Other information	None

COMMENTS FROM OTHER AGENCIES

BERNALILLO COUNTY

ALBUQUERQUE METROPOLITAN ARROYO FLOOD CONTROL AUTHORITY

Reviewed, no comment.

ALBUQUERQUE PUBLIC SCHOOLS

Albright-Moore, is located on the southeast corner of 6th St NW and McKinley Ave NW. The owner of the above property requests a Zone Change from SU-2 for SU-1 to SU-2 for SU-1 for Residential, Law Office, Court Reporter, Accountant, Architect, Engineer, and/or Doctor Office. This will allow the continued use of the property as a law firm. This will have no adverse impacts to the APS district.

MID-REGION COUNCIL OF GOVERNMENTS

MIDDLE RIO GRANDE CONSERVANCY DISTRICT

PUBLIC SERVICE COMPANY OF NEW MEXICO

PNM has no comments based on information provided to date.