



**Environmental
Planning
Commission**

**Agenda Number: 5
Project Number: 1008957
Case #: 11EPC-40054
October 13, 2011**

Staff Report

Agent	Consensus Planning, Inc.
Applicant	Gold Avenue Realty, LLC
Request	EPC Review of Building Use, per the Downtown 2010 SDP
Legal Description	Lots 13-23, Block 19, New Mexico Town Company's Original Townsite
Location	Gold Avenue, between 5 th and 6 th St
Size	Approximately 1.0 acres
Existing Zoning	SU-3 (Arts & Entertainment Focus)
Proposed Zoning	No change

Staff Recommendation

APPROVAL of 11EPC-40054 based on the Findings beginning on Page 14, and subject to the Conditions of Approval beginning on Page 16.

**Staff Planner
Carrie Barkhurst, Planner**

Summary of Analysis

This request is for EPC review of residential development on the ground floor of an existing building in the Arts and Entertainment District. Formerly used as a federal office, the building is proposed to be developed with entirely residential uses. Its ground floor is 4-feet above grade, which would be an impediment to retail use. Minor landscaping and an outdoor patio are proposed, with no other exterior modifications.

The review criteria are similar to the requirements for a Conditional Use approval. Staff finds that the proposed use is compatible with surrounding land uses, and that it generally will not be injurious to the community. Staff recommends provision of additional non-residential space on the ground floor that could be used to provide amenities for residents.

The site is located in the Central Urban Area of the Comprehensive Plan and within the boundaries of the Downtown 2010 Plan and the Downtown Major Activity Center. The request is consistent with a preponderance of applicable goals and policies of the Comp. Plan and the Downtown 2010 Plan. The "Downtown List" of applicable associations was notified. There is no known opposition. Staff recommends approval with conditions.



Gold Ave. SW, between 5th St. and 6th St.
SW

City Departments and other interested agencies reviewed this application from 8/29/2011 to 9/9/2011. Agency comments used in the preparation of this report begin on Page 18.

I. AREA CHARACTERISTICS AND ZONING HISTORY

Surrounding zoning, plan designations, and land uses:

	<i>Zoning</i>	<i>Comprehensive Plan Area; Applicable Rank II & III Plans</i>	<i>Land Use</i>
<i>Site</i>	SU-3 Arts & Entertainment Focus	Central Urban Area; Downtown 2010	Vacant office building
<i>North</i>	SU-3 Arts & Entertainment Focus	Central Urban Area; Downtown 2010	Retail; future residential; office; art galleries; restaurants
<i>South</i>	SU-3 Arts & Entertainment Focus	Central Urban Area; Downtown 2010	Federal Post Office; office; parking garage
<i>East</i>	SU-3 Arts & Entertainment Focus	Central Urban Area; Downtown 2010	Charter high school; offices; fitness center; parking garage
<i>West</i>	SU-3 Arts & Entertainment Focus	Central Urban Area; Downtown 2010	Garage; offices; print shop

II. INTRODUCTION

Request

This request is to allow a residential use on the ground floor in an existing non-residential building located in the Arts & Entertainment District of the Downtown 2010 Sector Development Plan (Downtown 2010 Plan). The site comprises Lots 13-23, Block 19, New Mexico Town Company’s Original Townsite and is located on approximately 1.0 acres of land at the northwest corner of Gold Ave. and 5th Street.

The applicant proposes to convert the bottom two floors of a former office building into residential use. Eventually, the owner intends to develop the entire structure into residential use. This is the first phase.

The Downtown Core is zoned SU-3 Special Center; uses allowed in the R-3 and C-2 zones of the Comprehensive City Zoning Code are generally permissive, with some restrictions by District. In the Arts & Entertainment District, residential use above the ground floor is allowed permissively and encouraged. For residential use on the ground floor, review is required to ensure that the requested use will fit into the Plan goals and guidelines. The EPC must approve that this is an appropriate site for this use.

The site is located in the Central Urban Area of the Comprehensive Plan and within the boundaries of the Downtown 2010 Plan and the Downtown Major Activity Center. There is no applicable neighborhood association; however, Raynolds Addition Neighborhood Association is adjacent to the subject site. The “Downtown List” of applicable associations was notified.

EPC Role / "Review Required"

The EPC is hearing the case because ground floor residential uses in the Arts & Entertainment District of the Downtown 2010 Sector Development Plan requires review by the Environmental Planning Commission (EPC). Page 32 of the plan has a matrix that identifies uses that are permitted, review required, or prohibited. The requested use is marked as "Review Required." An approval process flow chart on page 70 of the plan identifies the EPC as the review body.

According to the Downtown 2010 Sector Development Plan (DT 2010 SDP) "Review Required uses must go through the EPC process and make a case as to why and how the proposed use fits into the Downtown Plan. The applicant for the proposed use must demonstrate that the use will be compatible with surrounding uses in the district and that it would not be injurious to surrounding properties, adjacent neighborhoods or the community. The EPC may approve or disapprove the proposed use" (p. 70, DT 2010 SDP).

The approval process is structured similarly to a Conditional Use review. The Planning Commission must determine if it is: 1) compatible with surrounding uses; 2) non-injurious to the community; and 3) consistent with the Downtown 2010 Plan. The EPC may impose conditions as necessary to mitigate potential negative impacts of the request, just as the Zoning Hearing Examiner can do for Conditional Use requests.

Staff also must clarify that the review is not for residential uses of the subject site, in general. The applicant is permissively allowed to develop 7 floors of the building as residential. The EPC's task is to focus specifically on the suitability of the ground floor for residential use.

Context

The subject site is in an established, stable portion of downtown. The development pattern along Gold Ave. is primarily small, retail shop-fronts that are aligned along the sidewalk which give way to larger office buildings further to the west. At the western terminus of the 7-block long Arts & Entertainment District are two vacant lots used for parking (between 7th and 8th Streets).

There are a number of historic buildings in the vicinity, including 6 houses, 1 apartment complex, and 18 commercial buildings within ¼-mile of the subject site. Five of these are also designated as City Landmarks.

History

The subject site was originally zoned C-4, as was most of the downtown area. In May 2000, the Downtown 2010 Plan was adopted. The plan included the subject site within the boundaries of the Downtown Core, and the site's zoning was changed to SU-3 Arts & Entertainment. This zone is designed as "the primary center for arts, entertainment, cultural, and specialty retail shopping experiences" (page 30).

The applicant attended a Pre-application Review Team meeting on August 9, 2011, as required by the Downtown 2010 Plan development process. At the meeting, Ms. Marrone advised the applicant that there were three tests the request must meet: compatibility with adjacent uses, non-injuriousness, and compatibility with the Downtown 2010 Plan. She also advised the applicant to justify the amount of parking that was provided.

Transportation System

The Long Range Roadway System (LRRS) map, produced by the Mid-Region Council of Governments (MRCOG), identifies the functional classifications of roadways. The LRRS designates Central Avenue as an Urban Collector in the vicinity of the subject site; Gold Avenue, 5th and 6th Streets are Urban Minor Arterials, each with a right-of-way of approximately 60'.

Central Avenue and Fourth Street are Major Transit Corridors. Major Transit Corridors are “designed to optimize public transit and move large numbers of people in a very timely and efficient manner.” Six bus routes directly pass by the site, including the free D-Ride service, Routes 66, 766, 777, 53, and 54. The bus stop is located directly across Gold Ave. from the subject site. The Alvarado Transit Center is conveniently located within a ¼-mile walk from the subject site.

Trails/Bikeways

Fifth and Sixth Streets have proposed bicycle lanes in the vicinity of the subject site. Silver Avenue is a designated Bicycle Boulevard.

Public Facilities/Community Services

There are extensive public facilities in the Downtown Core. For specific information, see the attached Public Facilities Map.

III. ANALYSIS – ZONING

Downtown 2010 Sector Development Plan Zoning

The subject site is zoned SU-3 Arts & Entertainment, which is regulated according to the Downtown 2010 Sector Development Plan (page 29). The plan states: “The Arts & Entertainment District is the primary center for arts, entertainment, cultural, and specialty retail shopping experiences.” This zone is intended to have an active and vibrant streetscape with a mix of activities and experiences. Warehousing, wholesaling, and manufacturing are prohibited in this zone. Retail/services, office/institutional, and residential above the ground floor are permissive uses. The only use that requires EPC Review is residential on the ground floor, because it is a use generally discouraged in this District (see page 32).

The subject site is an existing office building. The ground floor remains appropriate for office and institutional use. However, the applicant would like to develop the entire building as residential units. At full build-out, this building could accommodate up to 216 dwelling units at the same density as proposed for the ground floor. The applicant has argued that the proposed use is compatible with surrounding uses in the district; non-injurious to surrounding properties, neighborhoods, and the general community; and consistent with the goals and policies of the Downtown 2010 Plan (see attached letter).

There are no parking requirements in the SU-3 Special Center Zone; 25 off-street parking spaces are provided. General regulations also apply, including sign (§14-16-3-5) and lighting (§14-16-3-9). The building itself will not be modified, therefore, landscaping (§14-16-3-10) does not apply.

The Downtown 2010 plan zoning regulations serve as a form of **incentive zoning** to encourage a mix of uses and higher intensity residential. It is important to note that the Downtown 2010 Plan does not regulate residential densities, provision of open space, or parking requirements. However, for decision-making purposes, staff has performed the following analysis to understand the full extent of the incentives provided to developments of this type.

In this instance, much higher residential densities are allowed than would be permissive or conditional in other parts of the city. The most dense residential zone identified in the Zoning Code is R-3, which allows up to 30 dwelling units per acre. This development will result in up to 216 dwelling units per acre, which is *seven times* as dense as the R-3 zone allows. However, increased residential density is consistent with the goals and policies of the Downtown 2010 Plan. It is also consistent with the proposed changes to the C-1 and C-2 zones to increase residential density along transit corridors and in activity centers that is currently before City Council. The C-2 zone is proposed to have no maximum residential density. However, in both the C-1 and C-2 zones, the EPC recommended provision of 25% of the ground floor to be built to accommodate commercial uses. This is to encourage mixed uses while providing a flexible space that could evolve in use over time.

Secondly, in the R-3 zone, usable open space is to be provided at the rate of 200 SF per efficiency or one bedroom dwelling (§14-16-2-12). At full build-out, this development will have a deficit of 42,300 SF of open space, relative to what would be required by R-3 in other parts of the City.

Finally, regarding parking, the most comparable standard is “for each dwelling unit, one space per bath but not less than one and one-fourth spaces” for high density apartments (§14-16-3-1(A) (25)). This location qualifies for a 10% parking reduction due to its proximity to transit service. Using this calculation, the development would have a deficit of 220 parking spaces (with 23 spaces provided). Note: the Downtown 2010 Plan specifically has no parking requirement.

Having a dense and intense downtown is necessary to achieve the vision set forth in the Downtown 2010 Plan. The omission of open space and parking requirements are one way that the City provides development flexibility and incentives to redevelop this part of town. Further, because many projects are adaptive reuses of existing buildings, it would not be feasible to require the same standards as applied to new developments.

The applicant has provided 964 SF of open space to the rear of the building in an outdoor patio and an 866 SF community room on the ground floor of the building. The total amount of non-residential space currently provided on the ground floor is 3,543 SF, or approximately 12%. This includes a large lobby, laundry, and on-site management office. Staff recommends that additional community gathering space, activity space, or other non-residential use be provided on the ground floor as an amenity for residents.

Because there are no open space or mixed use regulations in the Downtown 2010 Plan or the SU-3 Arts and Entertainment District, the EPC cannot require any provision of open space or mixed uses. However, the Planning Commission can set limits on the extent of residential use permitted on the ground floor. For example, in Project 1008324, the EPC approved two ground floor residential units in a development on Central Ave. and 4th Streets on June 10, 2010, which resulted in a mix of residential and commercial on the ground floor. Placing conditions on the

approval of residential uses is also consistent with the practice of the Zoning Hearing Examiner, who may approve a project with conditions that insure compatibility and non-injuriousness to the community.

IV. ANALYSIS – RESIDENTIAL USE ON THE GROUND FLOOR

Compatibility with Surrounding Uses in the District (Process, page 70 Downtown 2010 Plan)

Residential uses have been identified as compatible in all Districts of the Downtown Core, and they are encouraged as one of the primary objectives of this Plan. The Urban Housing Goal is to “Have at least 20,000 people living within one mile of the Downtown Core, and 5,000 living within the Downtown Core by 2010.” While this goal has not yet been achieved, it remains applicable because higher residential densities will support the other desired services and activities. At the densities shown with the site plan, the subject site can permissively develop 189 dwelling units. This request is for an additional 27 units located on the ground floor.

The applicant’s justification letter explains that the residential uses on Gold Avenue will “provide ‘eyes on the street’, encourage pedestrian activity, and provide additional customers to the Downtown restaurants and businesses.” The applicant argues that the building’s access is not compatible with the Plan’s standards for commercial and government use. The applicant posits that the building is more beneficially used as residential uses than being demolished. The applicant cites page 49 of the Downtown 2010 Plan, which states: “Public Access to commercial and governmental buildings shall be provided at sidewalk grade. The primary floor of, and access to, residential structures may be elevated.” Staff generally agrees with the justification, although the statement about residential uses being preferable to demolition is not relevant to this request. The site currently may be developed as residential permissively (except for the ground floor). Staff acknowledges and agrees that the entrance to this building is not designed to be compatible with the retail street-front vision of the Arts & Entertainment District

Regarding this specific request, which is to allow residential on the ground floor, the entire building would be developed with the same use. Therefore, there would be internal compatibility with the building as a whole. Ground floor residential is also compatible with the surrounding land uses, which include office, post office, parking garages, retail, art galleries, and restaurants. The mixture of uses that is encouraged in downtown helps support other uses – more residential will support area offices, retail and services. Staff finds that there are no specific land use incompatibilities arising from locating residential uses on the ground floor.

Proposed Use will not be Injurious to the Adjacent Property, the Neighborhood, or the Community (Process, page 70 Downtown 2010 Plan)

The applicant states that this use will not be injurious to the surrounding properties, neighborhood, or the community because the use will help to implement many goals and objectives in the Downtown 2010 Plan. The applicant argues that allowing the proposed residential use will improve the District by redeveloping a vacant building and that it furthers the residential density goals, discussed in detail in Section V below. Neither of these responses

addresses the non-injurious test. This test is to evaluate if providing residential uses, instead of other commercial, office, or retail uses, will be injurious to the community.

Staff finds the request is in partial conflict with a number of goals and policies in the Downtown 2010 Plan, as analyzed by staff in Section V. The main purpose of this District is to “host a variety of activities and experiences. The ground floor of all buildings will have exciting street level arts, entertainment and retail presence in this district.” The plan specifically states: “residential uses are encouraged above the street level” (Page 30). Converting the entire ground floor to residential uses will eliminate the potential for any engagement with members of the public or connection to the streetscape, in conflict with the goals of the plan. It also removes the potential for developing live-work units, which could activate the ground floor throughout the day and evening.

The requested use is also inconsistent with plan’s policy for a continuous retail building frontage along Gold Avenue (Urban Retailing Policy #3.4). However, the design of the building itself is the primary limiting factor. The ground floor is approximately 4-feet above the sidewalk elevation. The windows on the ground floor are located approximately 6-feet above the sidewalk elevation. This makes the building interface with the street level virtually non-existent. It is this aspect of the building design that would make it impractical to use the ground floor for typical retail or commercial use. Retrofitting the building to allow the type of interface the plan envisions may be prohibitively expensive.

Because the building form itself is inconsistent with the Arts & Entertainment District, staff considers the policies regarding retail use on the ground floor as partially applicable to this building. It appears that the proposal attempts to meet the majority of applicable policies.

Consistency with the Downtown 2010 Plan

The applicant cites several goals and policies that the request will further:

1. “provide 24 hour uses in the Downtown Core”
2. “enhance the character of the neighborhoods surrounding Downtown by promoting high density urban housing development within the core”
3. “goal of 5,000 people within the Downtown Core”

Staff finds that regarding 24-hour uses in the Downtown Core, this proposal will activate the Downtown Core primarily in the evening and night. With the building developed with exclusively residential uses, it will be predominantly underutilized during the day time when most residents would be at work. Providing mixed uses on the ground floor would allow 24-hour uses at the subject site. However, at the scale of the Downtown as a whole, this request furthers the intent of 24-hour uses in the Downtown Core.

Staff agrees that the request furthers the increased residential density goals in the Downtown 2010 Plan. However, regardless of if this request is approved, the development has the same potential for increasing residential densities.

What is at the crux of this request is if the allowance of residential uses on the ground floor will contribute to a mix of uses and an active, lively pedestrian streetscape. As previously mentioned, the existing building form is not conducive to the Plan's vision of an active interface between the building and the streetscape. On one hand, the current economic climate and current excess of office spaces downtown. By limiting residential uses on a portion of the ground floor, this building may be less successful until that portion of the building is fully utilized. It also may impact the developer's financial ability to continue developing the remainder of the building. On the other hand, from a long term perspective, the space may be more advantageous to the community as a mixed use development. This is consistent with what has been required of other residential developments in the Downtown Core. One option would be to redesign a portion of the dwelling units to function as live-work spaces. If this were accomplished, then the space could be rented as residential in the near term, and it could evolve to office or commercial over time as demand increased for those uses. This could be accomplished by requiring a portion of the ground floor to be designed to accommodate non-residential uses. Staff recommends this as a condition of approval.

V. APPLICABLE ORDINANCES, PLANS AND POLICIES

Albuquerque / Bernalillo County Comprehensive Plan

Note: Policy is in regular text; *Applicant's justification is in italics; staff's analysis is in bold italics*

Central Urban Area: The subject site is located in the area designated Central Urban by the Comprehensive Plan with a Goal 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."

Policy II.B.6.b: Upgrading efforts in neighborhoods within the Central Urban Area should be continued and expanded and linkages created between residential areas and cultural/arts/recreation facilities.

The request seeks to redevelop a vacant building to provide additional residential dwelling units in a location that is well-served by cultural, arts, and recreation facilities. The request furthers Policy II. B.6.b.

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

This development respects neighborhood values, and environmental carrying capacities by providing additional high-density residential dwelling units in an area that can support the additional density. The request is somewhat inconsistent with neighborhood values, as defined by the Downtown 2010 Plan goals and policies, as discussed below. The request partially furthers Policy II.B.5.d.

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

The request seeks to locate residential uses in close proximity to employment and services. The building's design with inoperable windows should minimize potential adverse effects of noise, pollution and traffic on the residential dwelling units. The request does not propose employment or service uses on site, which could complement the residential uses. The request partially furthers Policy II.B.5.i.

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

This request will allow an appropriate, adaptive reuse of an existing building that has been vacant for many years. Adding new residents to the west end of the Arts and Entertainment District could lead to further redevelopment and revitalization of that part of the Downtown Core. The request furthers Policy II.B.5.o.

Downtown 2010 Sector Development Plan (Rank III)

The Downtown 2010 Sector Development Plan was adopted in May 2000. The Downtown 2010 Plan provides a vision and framework for Albuquerque's Downtown's future. It covers 321 acres (0.5 square miles); while its boundaries are somewhat irregular, it is bounded by Coal Avenue on the south, and stretches as far as 10th Street on the west, Marble Avenue on the north, and Broadway Boulevard on the east.

The Plan is a 10-year policy and implementation plan for Downtown, providing the framework to guide public and private decision-making regarding land-use, transportation, development regulations, and public investment. The purpose of the plan can be summarized by the following statement on page 3 of the Plan: "Downtown 2010 will be the catalyst for returning Downtown to its former prominence as the community's premier gathering place and as the center of Albuquerque's Historic District." The plan strongly encourages a mixture of compatible land uses (office/residential, retail/office, arts/entertainment).

The overarching Goal of the DTSDP is "to make Downtown Albuquerque the best mid-sized downtown in the USA" (p. 1). To achieve this goal, the Plan seeks to implement a "Park Once and Pedestrian First" concept that will reinforce the commitment to Downtown revitalization. The Plan contains policies and implementation actions for 10 topics, such as Transportation and Parking, Land Use/Design, Urban Housing, Urban Retailing and Employment (p. 6). Prohibited uses are listed on p. 34. There are regulations by building type and design standards. Because the request is an existing building, the design guidelines would not apply. Applicable policies and implementation actions are as follows:

Transportation & Parking #1.3: Modifying Downtown streets and sidewalks to serve the needs of pedestrians, transit, bicyclists, and cars, with the focus on serving pedestrians first. Amenities

(such as lighting, signage, street furniture, plantings, etc.) shall be provided in the public right-of-way to support and encourage pedestrian activity.

The request proposes to provide street trees along Gold Avenue, which will serve as a pedestrian amenity and improve the streetscape. The request furthers Transportation & Parking Policy 1.3.

Transportation & Parking #1.4: Bicycle racks and other bicycle-friendly facilities shall be provided throughout Downtown and the Historic District.

The request conflicts with this policy because it does not provide any bicycle facilities at the subject site, while proposing to add up to 216 new dwelling units at final build-out.

Transportation & Parking #2.1: All parking requirements for Downtown development shall be removed; On-street parking shall be maximized throughout Downtown.

The request is consistent with the Transportation and Parking Policy because maximizes the potential for on-site parking while it primarily relies on nearby parking garages and on-street parking to meet its parking demand.

Urban Housing Goal: Have at least 20,000 people living within one mile of the Downtown Core, and 5,000 living within the Downtown Core by 2010.

This request furthers the Urban Housing Goal by allowing 27 additional dwelling units to be constructed in a former office building, which may have up to 216 dwelling units at final build-out.

Urban Housing #2.1: Developing a variety of housing types throughout Downtown (townhouses, urban apartments, lofts, condominiums, live/work etc.) High density housing (50 du's/acre or more) is encouraged within the Downtown Core.

This request furthers the Urban Housing Policy 2.1 by allowing 27 additional dwelling units in a development that may achieve an overall density of 216 dwelling units per acre.

Urban Housing #2.2: Redevelop existing commercial and industrial buildings into loft housing and artist live/work space.

This request generally furthers the Urban Housing Policy 2.2 by redeveloping an existing office building into residential uses (studio dwelling units).

The following list includes policies that staff has determined to be only partially applicable to the current request.

Land Use & Design #3.1: This Plan promotes and requires retail and other uses at street level and provides improvements to the public right-of-way that support pedestrian activity.

The request partially conflicts with the policy of requiring retail at the street level. However, the ground floor of this existing building is raised 4-feet above street level and would be incompatible for most retail uses. This configuration is not consistent with retail needs for excellent access and visibility.

Healthy Neighborhoods #2.1: The Plan designates an urban Housing District within the Downtown Core which encourages high density urban living mixed with neighborhood support sources compatible with urban living.

The applicant requests 27 dwelling units on the ground floor, which would contribute to an overall density of up to 216 dwelling units per acre at the subject site. The request is consistent with the encouragement of high density urban living. However, this policy is only partially applicable because the request is not in the Housing District of the Downtown Core. It is also only partially applicable because the site can currently develop 189 units permissively.

Urban Housing #1: The Plan identifies the district and sites that are best suited for new housing development within the Downtown Core.

The request partially conflicts with this policy because the site is not zoned as Housing Focus. Residential uses are encouraged throughout the plan area to meet the goal of having 5,000 residents within the Downtown Core by 2010. Residential uses are permissive at this site. However, they are generally restricted to above the ground floor in order to meet other significant goals and policies in the plan, such as promoting a lively mix of uses at the street level and improving the pedestrian realm.

Urban Housing #3.2: Neighborhood commercial businesses shall be attracted to locate Downtown.

The request conflicts with this policy because it will reduce the amount of leasable space available for neighborhood commercial businesses while simultaneously increasing the demand for these services. The request is consistent with this policy by way of adding more dwelling units, and residents, who would support neighborhood commercial businesses.

Urban Retailing # 2.5: Provide a variety of retail goods and services in Downtown to serve a broad range of residents, employees and visitors. Recruit convenience stores (dry cleaners, shoe repair, etc.) close to office buildings and housing.

The request partially conflicts with this policy because it seeks to eliminate the potential for services at the subject site.

Urban Retailing #3: Maintaining a compact specialty retail core by concentrating those facilities within the arts and entertainment district, and on the Fourth Street Mall.

The request partially conflicts with this policy because it seeks to eliminate the potential for specialty retail uses at the subject site. However, the building form is not particularly appropriate for retail uses.

Urban Retailing #3.4: Develop “continuous” retail building frontage on Central, Gold and Copper Avenues. “Fill in the missing teeth”

The request partially conflicts with this policy because it does not seek to repair the gap in retail building frontage along Gold Avenue.

Employment #1: Attracting 5000 new jobs to Downtown by 2010.

The request conflicts with this policy because it seeks to remove approximately 29,000 square feet of building space which could be used as a place of employment.

Employment #2: Encouraging small businesses to locate and stay Downtown.

This request conflicts with this policy because it seeks to convert building space from office or commercial uses, which could support small businesses, to residential dwelling units.

Arts & Entertainment #1: Locate urban specialty retail, restaurants, clubs, entertainment venues, cultural facilities, and art related activities in the Arts and Entertainment District.

The request conflicts with this policy because it will eliminate the potential for the ground floor of this building to be used for entertainment venues, cultural facilities, or art galleries.

VI. ANALYSIS OF EXISTING SITE CHARACTERISTICS

Site Plan Layout / Configuration

The existing building is built across twelve narrow lots that face Gold Ave. It encompasses the entire block between 5th Street and 6th Street. The structure itself is built out to the property line on three sides. There are 23 parking spaces provided to the rear of the site which are accessed from the alley. The adjacent sidewalk is approximately 6-feet wide, including a proposed strip of street trees along Gold Ave. that are shown spaced 25-feet on-center. No modifications to the exterior of the building are proposed.

Access, Circulation and Parking, Transit Access

Vehicular access to the site is provided by two-way travel lanes on Gold Ave., 5th Street, and 6th Street. There is a parking garage one block to the south, one adjacent to the west side of the subject site, and another on the southeast corner of Gold and 5th Street. The applicant has stated that arrangements will be made to allow residents to park off-site. There are six additional parking garages within ¼-mile of the subject site, and numerous surface parking lots. The Sector Development Plan has no parking requirement within the Downtown Core.

Four pedestrian access points enter into the building – one on each side. Numerous bus routes serve the vicinity; the Alvarado Transit Center is approximately ¼-mile from the subject site. Six routes directly pass by the site, including the free D-Ride service, Routes 66, 766, 777, 53, and 54. The eastbound bus stop is located directly across Gold Ave. from the subject site.

Lighting and Security

There is no pedestrian scale lighting along the building front or sides; there are standard street lights approximately 6-feet from the building. There are security lights mounted along the rear side of the building. There are two security cameras located on the southeast and southwest corners of the building. It is unknown if they will be utilized with the new development. The site plan shows a security desk in the main lobby area.

Landscaping

The Downtown 2010 Sector Development Plan states that “Street trees must be provided to the extent that the sidewalk width permits.” There are 13 street trees proposed along the Gold Ave. right-of-way in the site plan. Staff recommends that these be installed as a condition of approval. There are an additional 10 trees shown to the rear of the site adjacent to the parking area and along the sidewalks.

Architecture

The existing building architecture is a modern office design. The ground floor of the building is elevated approximately 4-feet above street level. The structure is 8-stories tall and scales at 70-feet in height on the existing building elevation, submitted with the application.

Signage

No new signage is shown on the site plan. Any future signage would need to go through the sign permit process.

VII. AGENCY & NEIGHBORHOOD CONCERNS

Reviewing Agencies/Pre-Hearing Discussion

Several City Agencies and Albuquerque Public Schools provided comments. APS indicated that all of the schools in the area have excess capacity. The comments from City Agencies were generally supportive. Current Planning staff worked extensively with Metropolitan Redevelopment, Long Range Planning, and Zoning Enforcement staff to develop the analysis and recommendations put forth in this staff report.

The Environmental Health Department recommends this existing building be evaluated for lead based paint and asbestos containing materials prior to major renovations. Asbestos abatement must be in accordance with all local and federal requirements. The Police Department provided a number of recommendations related to providing additional security for residents and visitors. These recommendations can be implemented at the building permit review.

Neighborhood/Public

Notification of the request was mailed to the Downtown NA List consisting of the following: Barelans NA, Broadway Central Corridors Partnership, Inc., Citizen's Information Committee of Martineztown, Downtown NA, Huning Highland Historic District Assoc., Raynold Addition NA, Santa Barbara-Martinez Assoc., South Broadway NA, and Downtown Action Team. Property owners within 100-feet of the subject site were also notified. No comments were received.

VIII. CONCLUSION

This is a request to approve ground floor residential use in an existing office building in the Arts & Entertainment District of the Downtown 2010 Sector Development Plan. The subject site is located on a 1.0 acre tract of land on Gold Avenue, between 5th Street and 6th Street NW.

The applicant has argued that the building's access, which is 4-feet above sidewalk grade, is incompatible with retail use as the Plan calls for in this district. Staff generally agrees with this assessment, but does not believe that the ground floor of the building is incompatible for office uses or as a space to provide on-site resident amenities.

Staff finds it reasonable that a development of this density should provide some on-site amenities and communal gathering space for its residents. Residential developments are required to provide a minimum of 200 SF of open space per dwelling unit. However, the Downtown 2010 waives parking and open space requirements for residential uses. Because there are no open space requirements in the Downtown 2010 Plan or the SU-3 Arts and Entertainment District, the EPC cannot require any provision of open space. However, the Planning Commission can limit the extent of residential use permitted on the ground floor.

Staff recommends that the EPC *exclude a portion of the ground floor* from the approval of residential uses, so that it may be developed for other purposes, including amenities for residents and/or live-work spaces. This area required could be determined by multiplying 200 SF by the number of residences proposed on the ground floor. Alternately, 25% of the ground floor could be reserved for non-residential uses.

The applicant has adequately demonstrated that the proposed use will be compatible with surrounding uses in the district and that it would generally not be injurious to surrounding properties, adjacent neighborhoods or the community.

Staff recommends approval with conditions.

FINDINGS – 11EPC 40039 – Project 1008957 – EPC Review of a Residential Use on the Ground Floor of the Arts and Entertainment District

1. This is a request for EPC review and approval of a residential use in the Arts & Entertainment District for Lots 13-23, Block 19, New Mexico Town Company's Original Townsite, located Gold Ave. and 5th Street and containing approximately 1.0-acre. The applicant proposes a residential development in an existing vacant office building.
2. The subject site is zoned SU-3 Arts & Entertainment Focus, pursuant to the Downtown 2010 Sector Development Plan. The proposed use is permissive under the current zoning, with EPC review required.
3. EPC review and approval is required for residential uses on the ground floor in the Arts & Entertainment District of the Downtown 2010 Sector Development Plan. The EPC may impose conditions to meet the intent of the Downtown 2010 Sector Development Plan goals and policies.
4. The site is located within the Central Urban Area of the Comprehensive Plan and within the boundaries of the Downtown 2010 Sector Development Plan and the Downtown Major Activity Center.
5. The Albuquerque/Bernalillo County Comprehensive Plan, the Downtown 2010 Sector Development Plan, and the City of Albuquerque Zoning Code are incorporated herein by reference and made part of the record for all purposes.
6. The existing design of the building, with a ground floor that is raised approximately 4-feet above the sidewalk grade, is inconsistent with the Arts & Entertainment District vision of a lively street-frontage lined with retail uses.
7. The request furthers the following Comprehensive Plan policies of the Central Urban and/or Established Urban Areas:
 - a. Policy II.B.6.b –The request seeks to redevelop a vacant building to provide additional residential dwelling units in a location that is well-served by cultural, arts, and recreation facilities.
 - b. Policy II.B.5.o – This request will allow an appropriate, adaptive reuse of an existing building that has been vacant for many years. Adding new residents to the

west end of the Arts and Entertainment District could lead to further redevelopment and revitalization of that part of the Downtown Core.

8. The request furthers the following policies of the Downtown 2010 Sector Development Plan:
 - a. Transportation & Parking #1.3 – The request furthers this policy by providing street trees along Gold Avenue, which will serve as a pedestrian amenity and improve the streetscape.
 - b. Transportation & Parking #2.1 – The request is consistent with this policy because maximizes the potential for on-site parking while it primarily relies on nearby parking garages and on-street parking to meet its parking demand.
 - c. Urban Housing Goal – This request furthers the Urban Housing Goal by allowing 27 additional dwelling units to be constructed in a former office building, which may have up to 216 dwelling units at final build-out.
 - d. Urban Housing #2.1 – This request furthers this policy because it will encourage high density residential infill at the subject site (54 DU / acre in the first phase).
 - e. Urban Housing #2.2 – This request partially furthers the Urban Housing Policy 2.2 by redeveloping an existing office building into studio dwelling units. If a portion of the dwelling units were live-work units, the request would further this policy.

9. The following policy of the Downtown 2010 Sector Development Plan is furthered through the Conditions of Approval:
 - a. Transportation & Parking #1.4 – The request conflicts with this policy because it does not provide any bicycle facilities at the subject site, while proposing to add up to 216 new dwelling units at final build-out. The site plan approval process will ensure that adequate bicycle parking is provided.

10. The applicant has demonstrated that the requested use will be compatible with surrounding uses in the Arts & Entertainment District, and that it will generally not be injurious to surrounding properties, adjacent neighborhoods or the community, pursuant to the requirements of the Downtown 2010 Sector Development Plan.

11. A Pre-application Review Team meeting is mandatory for all development within the Downtown 2010 Sector Development Plan. The meeting was held on August 9, 2011.

12. The “Downtown List” of applicable neighborhood associations was notified. There is no known opposition to this request.

RECOMMENDATION – 11EPC-40054 – Project 1008957 – EPC Review of a Residential Use on the Ground Floor of the Arts and Entertainment District

APPROVAL of 11EPC-40054, a request for EPC Review of a Residential Use on the Ground Floor of the Arts and Entertainment District, for Lots 13-23, Block 19, New Mexico Town Company's Original Townsite, based on the preceding Findings and subject to the following conditions.

CONDITIONS OF APPROVAL – 11EPC 40039 – Project 1008957 – EPC Review of a Residential Use on the Ground Floor of the Arts and Entertainment District

1. Prior to application submittal for Building Permit approval, the applicant shall obtain administrative approval by the Planning Department, according to Step 4 of the Downtown 2010 Development and Building Process, page 27. Site development plan approval will ensure compliance with applicable design standards related to street trees, landscaping, and bicycle facilities.
 2. The applicant shall reserve a portion of the ground floor for non-residential uses, which may include gathering spaces, office space, retail, live-work spaces, and other amenities for the residents of the building. The non-residential space provided shall be equal to or greater than 25% of the ground floor.
-
-

***K. Carrie Barkhurst
Planner***

Notice of decision cc list:

Jim Strozier, Consensus Planning, Inc., 302 8th Street NW, Albuquerque, NM 87102

Frank Martinez, 501 Edith NE, Albuquerque, NM 87102

Dorothy Chavez, 612 10th Street NW, Albuquerque, NM 87102

Robert Bello, 1424 Roma NW, Albuquerque, NM 87104

Rob Dickson, 301 Central Ave. NE #313, Albuquerque, NM 87102
Mariam Ortiz y Pino, 819A 12th Street NW, Albuquerque, NM 87102
Ann L. Carson, 416 Walter SE, Albuquerque, NM 87102
Terry Keene, 424 Central Ave. SE, Albuquerque, NM 87102
Brian Morris, 100 Gold Ave SW, Suite 204, Albuquerque, NM 87102
Deborah Foster, 1307 Gold SW, Albuquerque, NM 87102
Susan Dixon, 1213 Edith SE, Albuquerque, NM 87102
Christina J. Chavez Apodaca, 517 Marble NE, Albuquerque, NM 87102
Chal-Marie Lucero, 420 Hannett NE, Albuquerque, NM 87102
Lorraine Smith, 1123 William SE, Albuquerque, NM 87102
Jess R. Martinez, 501 Edith NE, Albuquerque, NM 87102
Christopher Frachette, 1315 Gold SW, Albuquerque, NM 87102
Javier Benavidez, 1115 Barelaz SW, Albuquerque, NM 87102
Amberley Pyles, 306 Edith Ave. SE, Albuquerque, NM 87102

Attachments

Agency Comments
Site Photographs
Zoning Description and Approval Process
Pre-application Review Team Meeting Notes, 8/9/2011
Application
Traffic Impact Study Form
Agent Authorization Letter
Applicant's Justification Letter – supplemental information
Staff Project Memo
Applicant's Justification Letter – original submittal
Office of Neighborhood Coordination Notification Letter
Applicant's letter with Certified Mail Receipts

CITY OF ALBUQUERQUE AGENCY COMMENTS

PLANNING DEPARTMENT

Zoning Enforcement

Reviewed: no comments

Office of Neighborhood Coordination

Downtown NA List consisting of the following: Barelás NA (R), Broadway Central Corridors Partnership, Inc. (R), Citizen's Information Committee of Martineztown (R), Downtown NA (R), Huning Highland Historic District Assoc. (R), Raynold Addition NA (R), Santa Barbara-Martinez Assoc. (R), South Broadway NA (R), Downtown Action Team

Long Range Planning

Metropolitan Redevelopment Agency

The subject property is within the Downtown Metropolitan Redevelopment Area (MRA). The Downtown MRA was designated in 2003 through an amendment to the Downtown 2010 Sector Plan. The staff report to the EPC on the Sector Plan amendment recommended the amendment, citing the 2000 Planned Growth Strategy regarding effort to revitalize the downtown core and surrounding neighborhoods and to provide new, improved or affordable housing. The MRA staff believe that the proposed conversion of vacant downtown office space to multi-family residential use will support the 2003 amendment to the Downtown 2010 Sector Plan.

CITY ENGINEER

Transportation Development Services

Reviewed, no comment.

Traffic Engineering Operations

No comments received.

Hydrology

Hydrology has no objection to this Land Use.

DEPARTMENT of MUNICIPAL DEVELOPMENT

Transportation Planning

Reviewed, and no comments regarding on-street bikeways or roadway system facilities.

Street Maintenance

No comments received.

**RECOMMENDED CONDITIONS FROM CITY ENGINEER, MUNICIPAL DEVELOPMENT
and NMDOT:**

Conditions of approval for the proposed Downtown 2010 Sector Plan shall include: None

WATER UTILITY AUTHORITY

Utility Services

ENVIRONMENTAL HEALTH DEPARTMENT

Air Quality Division

Environmental Services Division

The Environmental Health Department recommends this existing building be evaluated for lead based paint and asbestos containing materials prior to major renovations. Asbestos abatement must be in accordance with all local and federal requirements.

PARKS AND RECREATION

Planning and Design

Open Space Division

Open Space has no adverse comments.

City Forrester

POLICE DEPARTMENT/Planning

This project is in the Valley Area Command.

- Building access control should be considered. Suggest card swipe, key pad or finger print access only. The system should have the capability to remove and add access as needed. An intercom system, which allows visitors access from remote tenant locations is highly discouraged.
- Plans call for security presents inside the main entrance. Recommend 24 hour presents, which would include escort capabilities to parking areas.
- Plans show a side access point. Recommend designating this door to be exit only in the event of an emergency - building entry should be restricted to the main entrance and parking lot-side access.
- Video surveillance cameras should be implemented into the plan. Cameras should be positioned to view exterior side of both entrances, which would include monitors positioned for tenant to view the area prior to exiting the building. Cameras should also be placed to view all parking areas, walkways, maintenance areas (dumpsters, etc) and common areas. Each camera should be capable of being monitored and recorded for real-time and historical use.

- Plans do not clearly articulate exterior illumination. All parking lots, walkways, maintenance areas and common areas should be adequately illuminated to take full advantage of video cameras and provide users the ability to see and be seen.
- Recommend providing Safety and Security training for all tenants conducted by the APD.
- Management should conduct criminal background checks on all perspective tenants, which would include a list of criteria for denial of residency.

SOLID WASTE MANAGEMENT DEPARTMENT

Refuse Division

Approved and must comply with SWMD Ordinance and have compactor.

FIRE DEPARTMENT/Planning

TRANSIT DEPARTMENT

Project # 1008957 11EPC-40054 EPC REVIEW OF LAND USE IN DOWNTOWN 2010 SECTOR PLAN.	Adjacent and nearby routes	Route #766, Red Line Rapid Ride, Route #777, Green Line Rapid Line, Route #53, Isleta Route and Route#54, Bridge Westgate pass the near the site on Gold.
	Adjacent bus stops	Rapid Bus stop, serving the abovementioned Rapid Rides in westbound direction, are located across the street from the project site. East of the Rapid Ride stop is another bus stop serving the non-Rapid Ride routes mentioned above in the westbound direction.
	Site plan requirements	None
	Large site TDM suggestions	N/A
	Other information	None.

COMMENTS FROM OTHER AGENCIES

BERNALILLO COUNTY

ALBUQUERQUE METROPOLITAN ARROYO FLOOD CONTROL AUTHORITY

Review of Downtown 2010 Sector Plan, (K-14) Reviewed, no comment.

ALBUQUERQUE PUBLIC SCHOOLS

The owner of the above property requests an EPC review of Land Use in the Downtown Sector Plan to allow for a ground floor residential use. Any residential units developed within this area will impact Lew Wallace Elementary School, Washington Middle School, and Albuquerque High School. Currently, all three schools have excess capacity.

MID-REGION COUNCIL OF GOVERNMENTS

For informational purposes, 5th Street, 6th Street, and Gold Ave have all been classified as a Minor Arterials as per the Current Roadway Functional Classification System map.

MIDDLE RIO GRANDE CONSERVANCY DISTRICT

NEW MEXICO DEPARTMENT OF TRANSPORTATION

No comments received.

PUBLIC SERVICE COMPANY OF NEW MEXICO

PNM has no comments based on information provided to date.