



**Environmental
Planning
Commission**

*Agenda Number: 2
Project Number: 1003926
Case #: 10EPC-40071
January 13, 2011*

Staff Report

Agent	Steve Burstein, Architectural Research Consultants, Inc.
Applicant	Joseph Hoffman
Request(s)	Sector Development Plan Map Amendment (Zone Change)
Legal Description	Lots 10 & 11, Block 15, Perea Addition
Location	317 16 th Street NW, located between Lomas Boulevard and Fruit Street
Size	Approximately 0.116 acres
Existing Zoning	SU-2 SU-1 Bed and Breakfast
Proposed Zoning	SU-2 RC (Residential Commercial)

Staff Recommendation

APPROVAL of 10EPC-40071 based on the Findings beginning on Page 13.

Staff Planner
Carrie Barkhurst, Planner

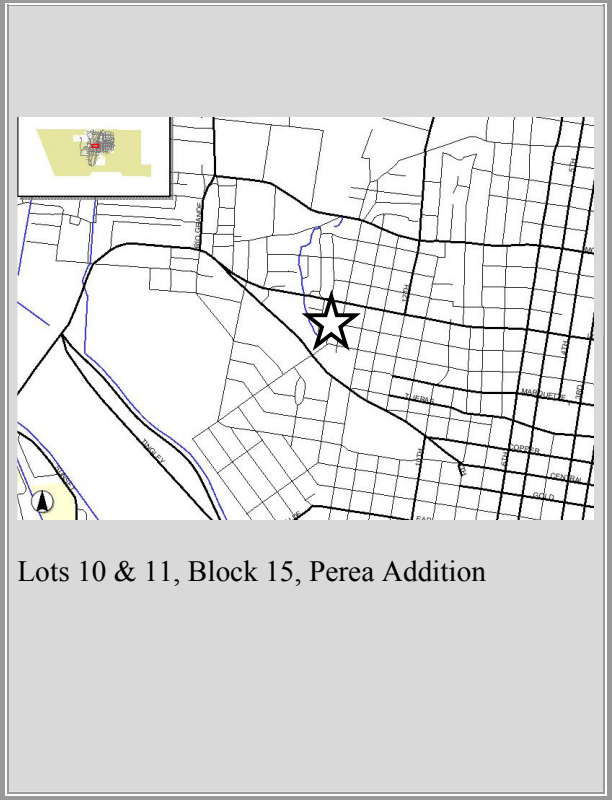
Summary of Analysis

The request is to amend the Downtown Neighborhood Sector Development Plan to rezone two lots from SU-2 SU-1 for Bed and Breakfast to SU-2 RC. The applicant would like to revert to the RC zoning held prior to the 2006 zone change to allow a Bed and Breakfast Establishment. The SU-2 RC zone is consistent with the remainder of the block, and serves as a transition to the lower density residential in the neighborhood core.

The request furthers a preponderance of applicable goals and policies of the Comprehensive Plan and the Downtown Neighborhood Area Sector Development Plan. The request is adequately justified according to R-270-1980.

The site is in the Central Urban Area and the Established Urban Area of the Comprehensive Plan. The neighborhood association supports the request and there is no known opposition.

Staff recommends approval.



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-2 SU-1 for Bed and Breakfast	Central Urban Area; Downtown Neighborhood Sector Plan	Bed and Breakfast and Private Residence
<i>North</i>	SU-2 RC	“	Office; Single Family Residential
<i>South</i>	SU-2 TH	“	Residential – Townhouse and Single Family
<i>East</i>	SU-2 RC and SU-2 TH	“	Commercial; Single Family Residential
<i>West</i>	SU-2 RC	“	Single Family Residential; School

II. INTRODUCTION

Proposal

This request is for a zone map amendment to rezone Lots 10 and 11, Block 15, Perea Addition from SU-2 SU-1 for Bed and Breakfast to SU-2 RC (Residential Commercial). The zoning change will re-establish the previous zone, which was changed in 2006 to allow for bed and breakfast use. The proposed land use is single-family residential. The site has two dwelling units; the southern one is the owner’s residence, and the secondary unit is currently used for lodging guests. The subject site is in the Central Urban Area of the Comprehensive Plan and within the Downtown Neighborhood Sector Plan area.

The Environmental Planning Commission (EPC) has decision-making authority for the zone change because the site is less than one block, per §14-16-4-1(C)(10) of the Zoning Code.

Context

The subject site is in an established, mixed-use neighborhood bounded by higher-intensity uses along the principal arterials - Lomas Boulevard to the north, Central Avenue to the south. Adjacent to the property is single family residences, multi-family townhouses, and medical offices on Lomas Blvd. There are a number of historic buildings in the vicinity, including 4 historic houses and the Manzano Day School within 500-feet of the subject site. While the subject site is not within a Historic District, the Orilla de la Acequia, Watson, and Fourth Ward Historic Districts are all located within one block of the property. The drainage easement along the west side of the block was formerly an irrigation lateral. Nearby destinations and attractions are Old Town, Downtown, 3 museums, the Bio Park, and various public art works on Lomas.

History

In 1976, the Downtown Neighborhoods Sector Development Plan was adopted, and the zoning map designated the subject site as SU-2 C-2, Community Commercial. In 1986, a new zoning map was adopted for the DNA Sector Plan changing the property to SU-2 RC, Residential Commercial. The land use at the subject site was single-family residential.

In 2005, a Sector Plan Amendment/Zoning Map Amendment was approved, which changed the zoning to SU-2 SU-1 for Bed and Breakfast (Attachment E). The zone change certification was issued in 2006. At this time, the land use changed to include temporary lodging of visitors on the northern dwelling unit. The southern dwelling remained the private residence of the owner. An approved site plan for building permit shows the intended land use and minor improvements related to the conversion to the bed and breakfast establishment (Attachment F).

The Downtown Neighborhood Area Sector Plan is currently being updated, and a draft Plan is under review by the EPC. The second hearing is scheduled for February 10, 2011.

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 16th Street as a local street; Lomas Boulevard and Central Avenue are designated as Principal Urban Arterials.

The Comprehensive Plan's Centers and Corridors Concept designates Lomas Boulevard as an Enhanced Transit Corridor and Central Avenue as a Major Transit Corridor. Enhanced Transit Corridors are roadways "designed or redesigned to improve transit and pedestrian opportunities for residents, businesses and other users nearby." Major Transit Corridors are "designed to optimize public transit and move large numbers of people in a very timely and efficient manner."

The nearest designated bicycle facility is a bike route on 15th Street and Laguna, and 14th Street is a Bicycle Boulevard. There is a proposed bicycle lane along Lomas Blvd. Both Central Ave. and Lomas Blvd. are well-served by transit. Lomas has Rapid Ride Line 760, and local bus Route 11. Central has Rapid Ride Line 766, and local bus Route 66. Local bus Route 36 travels along 12th Street and Rio Grande Blvd.

Public Facilities/Community Services

The area has numerous nearby public and cultural services including parks, museums, schools, a library, and emergency services. For more specific information, see the Public Facilities Map.

III. ANALYSIS

Albuquerque Comprehensive Zoning Code

The current zoning on the site is SU-2 SU-1 for Bed and Breakfast. The SU-1 Special Use zone is appropriate for uses that 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." Therefore, a

site plan is required that specifies the use and design of the site. The site plan is approved by the EPC. The site is also subject to the conditions of R-106-1992, the Adopting Policies for SU-1 for Bed and Breakfast Establishments in Residential Areas. This resolution imposes additional conditions on the operation of the establishment.

The proposed zone is SU-2 RC Residential Commercial, which generally corresponds to the Residential Commercial Zone in the City's Zoning Code (Attachment C and D). The RC Zone allows for a mixture of residential and low-impact commercial activities including apartments, church, library, office, select retail and services. Conditional uses include C-1 permissive uses and R-1 conditional uses. The main difference between the two RC zones is that the Sector Plan reduces the amount of usable open space required; reduces the minimum lot size to 2,000 SF; reduces the parking requirement for residential use; and allows a conditional use of 100% of floor area for office use for parcels adjacent to Lomas, with conditions.

The proposed use as single-family residential is permissive under the proposed zoning. In contrast, SU-1 for Bed and Breakfasts is not specifically residential, but it allows for "permanent residents" or caretakers. The adopted Site Plan for the subject site designated a caretaker's house for the owner/operator. The major difference between the existing and proposed zone is that a site plan is not required for SU-2 RC, and the proposed zone does not allow for use as a bed and breakfast establishment. The proposed zone also allows for a more broad range of commercial uses by right, although they are limited to small neighborhood commercial uses. SU-2 RC is more consistent with the intended use of the site.

The Downtown Neighborhood Area Sector Plan is currently being updated, and a draft Plan is under review by the EPC. This update proposes to modify the zoning on the block of the subject site to SU-2 MUM Mixed Use Medium. The intent of this zone is to "provide a transition between the transportation corridor and the predominantly single-family residential areas...within the neighborhood core." The scale and intensity of uses allowed in the SU-2 MUM are similar to those allowed in SU-2 RC. The applicant has agreed to adopt this zoning at the time the Sector Plan is approved to remain consistent with the zoning for the rest of the block (Attachment G).

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

This Resolution outlines policies and requirements for deciding zone map change applications pursuant to the Comprehensive City Zoning Code. There are several tests that must be met and the applicant must provide sound justification for the change. The burden is on the applicant to show why a change should be made, not on the City to show why the change should not be made.

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

Analysis of Applicant's Justification

The applicant provided justification for the proposed zone change in the application submitted on November 23, 2010 as well as a supplemental memo submitted on December 10, 2010.

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

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

The property is located 50 feet south of Lomas Boulevard in a mixed-use setting. Surrounding land uses include offices to the north and west, townhouses to the south, a restaurant to the east, and single family homes to the east/southeast. The proposed rezoning to RC is consistent with the health, safety, morals and general welfare of the City because it will facilitate upgrading the existing structures for single family use as well as enabling other residential uses (e.g., permissive uses in the R-T zone that includes houses not limited to one per lot and townhouses), office and other limited commercial uses in the future. Uses in the RC zone are compatible in the neighborhood and contribute to the neighborhood's vitality, while retaining sufficiently low intensity that will not disturb single family uses in the area. This intended single family use of the property will create no excessive noise, traffic or other impacts that would be harmful to neighbors or the city in general.

The rezoning supports the Albuquerque/Bernalillo County Comprehensive Plan's goals and policies for upgrading of neighborhoods within the Central Urban Area, as discussed in justification of R-270-1980.C below. The rezoning is more advantageous to the community than the SU-2 SU-1 for Bed and Breakfast in that it allows for the property owner to obtain financing to make improvements to their property, while the current zoning does not, and it provides for greater flexibility in productive uses of their property, which uses are compatible with surrounding uses and contribute to the vitality of the area, compared to bed and breakfast. The bed and breakfast business has limited potential for this property; and business is currently down. The owners need more flexibility rather than to be locked into this single use, while the intensity of any other uses is very limited because of the small land area. We note to that all other properties on the block have more uses available to them.

Staff generally agrees. The proposed zone change is consistent with adjacent properties, and provides a transition between Lomas and the neighborhood, although, the property's current zoning and land use already serve this function. The zone change is not likely to have any adverse impacts on the neighborhood.

The proposed use is less intense than the current use. However, the RC zone allows more intense uses on the site including apartment, townhouse, and limited retail and services. Future use of all or a portion of the property as commercial could cause an increase in traffic and vehicles parking on-street in the neighborhood.

The commercial and office uses allowed in the SU-2 RC zone are limited to ones that are compatible in scale and intensity to the surrounding residential neighborhood. Further, the remainder of the block has the same permissive uses.

Because the applicant is not proposing any new uses or physical changes at this time, the zone change will not have an impact on public facilities or services. The proposed change is not likely to have a significant adverse impact on the welfare of neighborhood or the city.

- B. Stability of land use and zoning is desirable; therefore the applicant must provide a sound justification for the change. The burden is on the applicant to show why the change should be made, not on the city to show why the change should not be made.

The requested rezoning would re-establish the zoning of the property that existed prior to 2006, when the applicants had rezoned it to SU-1 for Bed and Breakfast. Since the remainder of the block is already zoned RC, the overall stability of zoning will be perpetuated by this rezoning. No changes to the existing structures, architectural characteristics, lot coverage, and landscape features would occur as a result of the rezoning. The change in zoning will allow the owner to further improve the conditions and appearance of his property.

Staff generally agrees. The frequency of zone change requests for this property does not contribute to stability in zoning. However, the proposed zoning is compatible with adjacent zoning and land uses, and no new uses are proposed at this time. The property owner has agreed to modify the zoning of the property when the Downtown Neighborhood Association Sector Development Plan is adopted, to remain consistent with the block.

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

Albuquerque / Bernalillo County Comprehensive Plan

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.

The applicant has cited the following policies to justify the request:

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 residential and limited commercial uses allowed in RC are advantageous to the neighborhood, providing activities in walking distance proximity to the Plaza and Old Town, major cultural and arts concentrations and destinations in the city. The proposed rezoning promotes upgrading of the property, which is beneficial to the overall level of maintenance and vibrancy of the neighborhood, as well as in support of the diversity of uses within the neighborhood.

Staff agrees. Both the proposed zoning and land use serve as linkages between the residential areas and community facilities. Its use as single-family residential provides a home that is

well-connected to cultural and recreational facilities. Also see applicant's discussion of this policy above in Section A.

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

The use contributes to upholding the overall gross density of up to 5 dwelling units per acre.

Staff agrees. The proposed zoning also allows for mixed-use of the site for residential and neighborhood commercial, which provide a more diverse range of urban land uses.

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.

The location is near Old Town, and is in easy walking distance to three bus lines with frequent bus service (790 RapidRide on Lomas, 766 RapidRide on Central, and 66 Central). These buses all connect to the Alvarado Center as well as crossing numerous other routes, readily availing a passenger to any destination on the Abq Ride system. The sidewalk system is complete in this area, readily allowing for pedestrian movement. The bicycle trails and routes system also provide for easy access from this location.

Staff agrees, but believes that this discussion better addresses Policy II.B.6.b regarding linkages between residential and cultural facilities, and Policy II.C.b regarding mitigation of air quality issues through promotion of a balanced land use/transportation system and mixed use development. Staff notes that there is no new development proposed with this zone change that would change the intensity, design, or resources of the neighborhood.

Policy II.B.5.h: Higher density housing is most appropriate in the following situations:

- In designated Activity Centers.
- In areas with excellent access to the major street network.
- In areas where a mixed density pattern is already established by zoning or use, where it is compatible with existing area land uses and where adequate infrastructure is or will be available.
- In areas now predominantly zoned single-family only where it comprises a complete block face and faces onto similar or higher density development; up to 10 dwelling units per net acre.
- In areas where a transition is needed between single-family homes and much more intensive development: densities will vary up to 30 dwelling units per net acre according to the intensity of development in adjacent areas.

RC zoning including the allowance of residences on relatively small lots is appropriate due to:

- *The property's close proximity to the Central Avenue corridor, designated in the Corridors and Centers map ("Development Areas with Activity Centers and Transportation Corridors" map, Figure 30 of Comprehensive Plan).*
- *Mixed density pattern is already established by both zoning and use. Current uses along the adjacent streets include: townhouses, single family residences, restaurant, and offices. Zoning in the immediate area includes SU-2 RC and SU-2 TH. North of Lomas Boulevard from the property are larger lots zoned SU-2 SF.*

Staff agrees. The site also has excellent access to the major street network for vehicles, pedestrians and cyclists.

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

The rezoning will assist the property owners to further rehabilitate their property in a recognized older neighborhood.

Staff agrees. According to the applicant, the property owner is unable to access financing to maintain and rehabilitate the existing residence. A zone change will support this policy.

Downtown Neighborhood Sector Development Plan (Rank III)

The Downtown Neighborhood Sector Plan was adopted in 1976, and generally encompasses properties between Mountain, 7th Street, Central Ave. and 19th Street; precise boundaries are shown on page 2 in the Plan. The general purpose of the plan is redevelopment and stabilization of older neighborhoods. Another goal of the plan is conservation of historical and cultural elements within the Downtown Neighborhood Area.

The Downtown Neighborhood Sector Plan does not contain specific policies; rather it sets forth goals and objectives. The applicant summarized the relevant overarching goals that are relevant.

The Sector Development Plan states that the general purpose of the plan is redevelopment and rehabilitation of older neighborhoods (page 13 of narrative). The plan promotes the stabilization and conservation of the Downtown neighborhood. The plan continues to advocate conservation of the neighborhood which has historical and cultural importance (page 21 of narrative).

The proposed rezoning will enable upgrading of the residential property and thereby meet these objectives. Through making improvements to the residence on the property, which cannot be readily done under current zoning, blighting influences will be prevented. Improvements intended through the rezoning will promote health, safety and welfare through improving the condition of the structure and the structure's functionality as a single family home. The preservation of and improvements to the existing old and architecturally interesting structures on the property support the historical and cultural aspects of the neighborhood promoted by the Downtown Neighborhood Sector Development Plan. The continuing residential use of this property means that residents will live there and likely support local shops and businesses and

otherwise patronize amenities of Old Town and other sections of the Downtown Neighborhood. Other uses allowed in the SU-2 RC zone, while not proposed, would be very limited in their intensity due to the small size of the property; and those uses would also contribute to the vibrancy of the neighborhood.

Staff agrees. The zone change will generally promote the conservation and rehabilitation of an older neighborhood. This supports Objective 7, “conservation of a historically important neighborhood and preservation of selected buildings which have historical and cultural significance.” While the house is not on the historic register, it is an historic structure from the early 1900’s. As an RC property, future office or commercial land use could serve Objective 2.5, “expansion and improvement of community services, including those human services which complement physical development.”

D. The applicant must demonstrate that the existing zoning is inappropriate because:

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

The rezoning meets Criteria D.3, being more advantageous to the community than the current zoning. The property was rezoned from SU-2 RC to SU-2 SU-1 for Bed and Breakfast through Project #1003926 approved on April 22, 2005. This 2005 zoning change accomplished the creation of the Bed and Breakfast use for a single unit in the smaller building (the casita). It correctly acknowledged the advantageous nature of mixed use of residential and bed & breakfast on the property, while unfortunately and unknowingly at that time, it restricted further rehabilitation of the primary residence due to hampering the ability to obtain financing for the residential property. The rezoning will remedy this problem, enabling long term investment. The rezoning is more advantageous to the community than the SU-2 SU-1 for Bed and Breakfast in that it allows for the property owners to obtain financing to make improvements to their property, while the current zoning does not, and it provides for greater flexibility in productive and appropriate uses of their property, which uses are compatible with surrounding uses and contribute to the vitality of the area, compared to bed and breakfast. The bed and breakfast business has limited potential for this property; and business is currently down. The owners need more flexibility rather than to be locked into this single use, while all the other properties on the block have more uses available to them. As noted above, any additional use on this property permitted in SU-2 RC would be small scale and have very limited intensity given the small land area.

This explanation incorrectly depicts the applicant’s 2005 zone change request as for a single unit in the smaller building. The zone change was requested and approved for the entire property, not just the single unit. The explanation also incorrectly characterizes the zone change as establishing a “mixed use of residential and bed & breakfast.” The zoning and site

development plan allow for one unit for the bed and breakfast, and one unit that designated as the caretaker's residence. This use is defined in the site plan for building permit, approved in 2005.

The applicant writes that in this economy, it may be more advantageous to the property owner and the neighborhood in general, to have opportunities for different commercial uses. Current business trends alone are insufficient cause for a zone change; however, it appears that the property owner no longer wishes to be in the bed and breakfast business.

Aside from the imprecise characterization, the logic of the justification is sound. Staff agrees that the proposed zone change is more beneficial to the community at this time on the grounds that it will allow the property owner to better maintain and upgrade the property, and it allows for a more diverse range of uses that can bring vitality to the neighborhood. In addition, the applicant has demonstrated that the proposed zoning will be more advantageous to the community as articulated in the Comprehensive Plan and the Downtown Neighborhood Sector Development Plan (see section C above).

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

The proposed SU-2 RC zoning will result in no change to the single family use of the property while it will require the bed and breakfast use to cease. The zone change will have no harmful impacts on adjacent properties, the neighborhood or the community. The proposed zoning change allows for several uses in addition to the current single family use, including townhouse, office, and selected lower-impact retail and service uses. The property owners have no intention of converting the property to a use other than single family residential. However, the current mix of use and current zoning of SU-2 RC and SU-2 TH on adjacent properties create a favorable context for flexibility using the property for a single family house as well as other low-intensity uses permitted in SU-2 RC.

Staff agrees with the comparison of existing and proposed zoning and agrees that it would not be harmful to adjacent property, the neighborhood or the community. The only potential negative impact that may result from the proposed zone change is an increase in traffic if the property was used for office or commercial purposes in the future. However, this location has been designated as a transition zone into the lower intensity uses in the neighborhood core, and the proposed RC zoning would continue to serve this purpose.

- F. A proposed zone change which, to be utilized through land development, requires major and unprogrammed capital expenditures by the city may be:

1. Denied due to lack of capital funds; or
2. Granted with the implicit understanding that the city is not bound to provide the capital improvements on any special schedule.

The proposed zone change precipitates no capital expenditures by the City. No additional development is anticipated as a result of the zone change. No additional requirements for public facilities or services are anticipated.

Staff agrees that this zone change request would result in no unprogrammed capital expenditures by the City.

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

The cost of land and other economic considerations are not determining factors for the proposed change in zoning. The requested rezoning is not an “upzoning” that would allow higher intensity uses than allowed by its current zoning. The zone change supports the economic stability in the neighborhood through investment in the property, resulting in enhancement of property upkeep and value.

The applicant wishes to cease operation of the bed and breakfast, which was the primary reason for the previous zone change request in 2005. Therefore, the SU-1 SU-2 for Bed and Breakfast zone would be no longer applicable to the site. This is not an economic rationale for reverting to the previous zoning designation. Staff generally agrees with the applicant’s justification. While the zone change is not specifically an “up-zone,” it does allow for a wider variety of office and commercial uses on the site, and potentially more intensive use than the current zoning designation.

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

The location of the proposed rezoning near Lomas Boulevard is not justification alone for SU-2 RC zoning. The property is within or close to the Lomas Boulevard corridor designated in the Centers and Corridors portion of the Comprehensive Plan. The existing uses rely in part on the centrality of the property to cultural, art and tourist attractions and the excellent transit and street access. The proposed zoning change is warranted on the merits of its location near Old Town and a variety of urban uses along Lomas Boulevard between Old Town and Downtown to which the uses allowed will contribute.

Staff agrees that the location on a collector or major street is not used as a justification for the proposed zone change.

- I. A zone change request which would give a zone different from surrounding zoning to one small area, especially when only one premise is involved, is generally called a “spot zone.” Such a change of zone may be approved only when:

1. The change will clearly facilitate realization of the Comprehensive Plan and any applicable adopted sector development plan or area development plan; or

2. The area of the proposed zone change is different from surrounding land because it could function as a transition between adjacent zones; because the site is not suitable for the uses allowed in any adjacent zone due to topography, traffic, or special adverse land uses nearby; or because the nature of structures already on the premises makes the site unsuitable for the uses allowed in any adjacent zone.

The proposed zone change is not spot zoning because it would result in RC zoning of the entire block.

Staff agrees.

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

The proposed zone change will not result in strip commercial zoning because it applies to a property on 16th Avenue NW within a mixed use neighborhood, and is not directly on Lomas Boulevard.

Staff agrees. The proposed zoning is not different from surrounding zoning and it is consistent with the existing and proposed Sector Plan zoning designation.

Specialized Impact Analysis

No specialized impact analyses are necessary for this zone change request because the property is reverting to its prior zoning designation, which is compatible with the surrounding neighborhood, and because the land use is becoming less intense than the current zoning allows, although a future business may be a more intense use than what currently exists.

IV. AGENCY & NEIGHBORHOOD CONCERNS

Reviewing Agencies/Pre-Hearing Discussion

Both Long Range Planning and Zoning raised concerns that the property would be rezoned back to SU-2 SU-1 for Bed and Breakfast when the Downtown Neighborhood Area Sector Development Plan is adopted. The proposed zoning map currently shows the property zoned as SU-1 for Bed and Breakfast. Pending the outcome of this zone change request, the DNA Sector Plan Zoning Map may need to be updated to ensure consistency with the EPC decision.

Neighborhood/Public

This property falls within the Downtown Neighborhood Association, which was notified of the request. The neighborhood association requested that the applicant attend the next monthly association meeting to discuss the zone change request. The applicant attended the neighborhood association meeting held on January 5, 2011 to share project information with the neighborhood. The neighborhood association board voted to support this project. A facilitated meeting was not requested. No neighborhood objections or concerns were expressed.

V. CONCLUSION

This request is to rezone two lots from SU-2 SU-1 for Bed and Breakfast to SU-2 RC, Residential Commercial. The request will allow the property owner to access financing to improve the main dwelling unit, and it will require the bed and breakfast to cease operations. This request will rezone the property to its previous designation, which is consistent with the remainder of the block. The applicant has requested for the property zoning to remain consistent with the surrounding lots when the new sector plan is adopted. This will require the sector plan zoning map to be updated before the plan is finalized and adopted. The proposed zoning, SU-2 RC, is similar to the proposed zoning in the updated Sector Development Plan, SU-2 MUM.

The applicant has provided an adequate justification for the zone change per R-270-1980 by demonstrating that the request is consistent with a preponderance of applicable goals and policies in the Comprehensive Plan and the Downtown Neighborhood Area Sector Development Plan.

There is no known opposition to this request.

Staff recommends approval.

FINDINGS - (10EPC-40071) (January 13, 2011) (Sector Development Plan Map Amendment/Zone Map Amendment)

1. The request is for a zone change to modify the zoning of from SU-2 SU-1 for Bed and Breakfast to SU-2 RC (Residential Commercial) for Lots 10 and 11, Block 15, Perea Addition located on 16th Street between Lomas Blvd. and Fruit Street and containing approximately 0.116 acres.
2. This will be accomplished through a Sector Plan Map Amendment and Zone Map Amendment. The change will make the property consistent with surrounding zoning.
3. The Environmental Planning Commission (EPC) has decision-making authority for the zone change because the site is less than one block, per §14-16-4-1(C)(10) of the Zoning Code.
4. The site is located within the Central Urban Area of the Comprehensive Plan and within the boundaries of the Downtown Neighborhood Area Sector Development Plan.
5. The Albuquerque/Bernalillo County Comprehensive Plan, the Downtown Neighborhood Area 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 applicant provided a justification for the zone change per R-270-1980.
 - A. The proposed zone change is consistent with the health, safety, morals and general welfare of the city because the property will continue to serve as a transition to the residential neighborhood core and no new uses are currently proposed. The zone change will not have an impact on public services and facilities.
 - B. The change of zoning will not destabilize land use and zoning in the area because the proposed zoning is consistent with zoning on the remainder of the block. However, the frequency of zone change requests for this property does not contribute to stability in zoning.
 - C. The zone change is not in significant conflict with adopted elements of the Comprehensive Plan or the Downtown Neighborhood Area Sector Development Plan as described below:
 - i. The change would allow the property owner to access financing to maintain and upgrade the property, which is located in an older, established neighborhood. This is consistent with Policy II.B.5.a, Policy II.B.6.b, Policy II.B.5.o, and DNA Sector Development Plan goals and Objective 7.

- ii. The zone change allows the owner greater flexibility in the productive uses of the property, which could contribute to the vitality of the area. The allowable uses available to it will be consistent with the allowable uses of the remainder of the block. (Policy II.B.5.a)
 - iii. Both the proposed zoning and land use serve as linkages between the residential areas and community facilities. Its use as single-family residential provides a home that is well-connected to cultural and recreational facilities. (Policy II.B.6.b and Policy II.B.5.h).
 - iv. There is no new development proposed with this zone change that would change the intensity, design, or resources of the neighborhood. (Policy II.B.5.d)
- D. The applicant has adequately justified the request by demonstrating that the requested zone change is more advantageous to the community as articulated in the Comprehensive Plan on the grounds that it will allow the property owner to better maintain and upgrade the property, and it allows for a more diverse range of uses that can bring vitality to the neighborhood.
- E. The proposed SU-2 RC zone will not be harmful to adjacent property, the neighborhood or the community. The requested zoning allows more intense uses along Lomas Boulevard, and serves as a transition to the lower intensity residential neighborhood core.
- F. The request would not require unprogrammed capital expenditures by the City.
- G. The cost of land or other economic considerations pertaining to the applicant are not the determining factor for the zone change.
- H. The property's location on a major street is not the reason for this request.
- I. The proposed SU-2 RC will not be a spot zone because it is consistent with the remainder of the block.
- J. The proposed zone change would not result in strip commercial zoning.
7. The approved Site Development Plan for Building Permit (Case No. 05EPC-01100) is voided upon approval of this request.
8. The neighborhood association supports this request and there is no known opposition.

RECOMMENDATION - (10EPC-40071) (January 13, 2011)

APPROVAL of 10EPC-40071, a request for Zone Map Amendment and Sector Development Plan Map Amendment, for Lots 10 and 11, Block 15, Perea Addition, based on the preceding Findings.

***K. Carrie Barkhurst
Planner***

cc: Joseph Hoffman, 317 16th Street NW, Albuquerque, NM 87104
Steve Burstein, ARC, Inc. 220 Gold Ave. SW, Albuquerque, NM 87102
Jennifer DeGarmo, 1021 Forrester NW, Albuquerque, NM 87102
Robert Bello, 1424 Roma NW, Albuquerque, NM 87104

Attachments

- A. Site Photographs
- B. R-270-1980 (Adopting Policies for Zone Map Change Applications)
- C. Zoning Description, SU-2 RC and §14-16-2-13 RC Residential/Commercial
- D. Official Notice of Decision, dated April 22, 2005, approving zone map amendment
- E. Official Notice of Decision, dated August 19, 2005, approving site development plan for building permit
- F. Applicant letter acknowledging Sector Plan Zoning Change
- G. Memorandum from Applicant, dated December 10, 2010
- H. Application Form

CITY OF ALBUQUERQUE AGENCY COMMENTS

PLANNING DEPARTMENT

Zoning Enforcement

The change from SU-1 B&B to RC will result in an additional change with the adoption of the new Downtown Sector Development Plan. Unless there is to be a change to the proposed sector development plan, the Zone change will revert back to SU-2 for SU-1.

Office of Neighborhood Coordination

Downtown N.A. (DNA)

Long Range Planning

The Long Range Planning Section within the Urban Design and Development Division of the Planning Department has been working with the City Council and the community for over a year on an update to the Downtown Neighborhood Area Sector Development Plan (DNA SDP). Should the Environmental Planning Commission support the request for a change from SU2 for SU1 for Bed and Breakfast to SU2 RC, the planning team working on the sector plan update will need to amend the map that accompanies the draft DNA SDP. The draft DNA SDP currently shows the site as SU1 for Bed and Breakfast. The applicant has written to the EPC on this matter and the planning team is aware of the matter, however staff encourages the applicant to remain in contact with the planning team to ensure the map is changed. Most sites within the draft DNA SDP that are currently zoned SU2 RC have a new zone proposed of either SU2 Mixed Use Medium (MUM) or SU2 Mixed Use Light (MUL), should the EPC support the requested zone change to RC, then the Planning Team would most likely propose one of the two, proposed zones during the sector development plan review process.

CITY ENGINEER

Transportation Development Services

Reviewed, no comments.

Traffic Engineering Operations

No comments received.

Hydrology

The Hydrology Section has no adverse comments.

DEPARTMENT of MUNICIPAL DEVELOPMENT

Transportation Planning

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

WATER UTILITY AUTHORITY

Utility Services

ABCWUA has no adverse comments on Project # 1003926

ENVIRONMENTAL HEALTH DEPARTMENT

Air Quality Division

Environmental Services Division

PARKS AND RECREATION

Planning and Design

Open Space Division

Open Space has no adverse comments.

City Forester

POLICE DEPARTMENT/Planning

SOLID WASTE MANAGEMENT DEPARTMENT

Refuse Division

FIRE DEPARTMENT/Planning

No comments

TRANSIT DEPARTMENT

Project # 1003926 10EPC-40071 AMNDT TO ZONE MAP (ESTB ZONING/ ZONE CHG).	Adjacent and nearby routes	Routes #36 and #790, Commuter route 12 th Street/ Rio Grande and Rapid Ride Blue Line pass near the site on Lomas.
	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

P#1003926 Rezoning of 317 & 319 16th St. NW, (J-13)

Reviewed, no comment.

ALBUQUERQUE PUBLIC SCHOOLS

Perea Addition, Lot 10 and 11, Block 15, is located on 16th St NW between Lomas NW and Fruit NW. The owner of the above property requests an Amendment to Zone Map to allow for a zone change from RC to SU-1 for an existing Bed and Breakfast. This will have no adverse Impacts to the APS district.

MID-REGION COUNCIL OF GOVERNMENTS

MRCOG staff have no comment on the proposed application.

MIDDLE RIO GRANDE CONSERVANCY DISTRICT

PUBLIC SERVICE COMPANY OF NEW MEXICO

PNM has no comment based on information provided to date.