



***Environmental  
Planning  
Commission***

***Agenda Number: 02  
Project Number: 1008570  
Case #s: 10EPC-40063  
December 2, 2010***

***Staff Report***

<b><i>Agent</i></b>	COA, Planning Department
<b><i>Applicant</i></b>	City of Albuquerque
<b><i>Request(s)</i></b>	Recommend Adoption of the Downtown Neighborhood Area Sector Development Plan
<b><i>Legal Description</i></b>	See attached map
<b><i>Location</i></b>	Area boundaries are Mountain Road to the north, Central Avenue to the south, 19 <sup>th</sup> Street to the west and 4 <sup>th</sup> , 5 <sup>th</sup> , 7 <sup>th</sup> and 8 <sup>th</sup> to the east
<b><i>Size</i></b>	Approximately 280 acres
<b><i>Existing Zoning</i></b>	SU2 SU1, SU2 RT, SU2 MR/O, SU2 CC, SU2 HDA, SU2 MDA, SU2 NC, SU2 O, SU2 Office, SU2 Park, SU2 R/C, SU2 SF, SU2 TH, SU3 Housing Focus, SU3 Mixed- Use Corridor
<b><i>Proposed Zoning</i></b>	SU2 SU1, SU2 SF, SU2 TH, SU2 MR, SU2 OR, SU2 MUL, SU2 MUM, SU2 CC, SU2 NC, SU2 Park

***Staff Recommendation***

***CONTINUANCE of 10EPC-40063 (#1008570)  
for 70 days to February 10, 2011, based on the  
Findings beginning on Page 23.***

***Staff Planner***

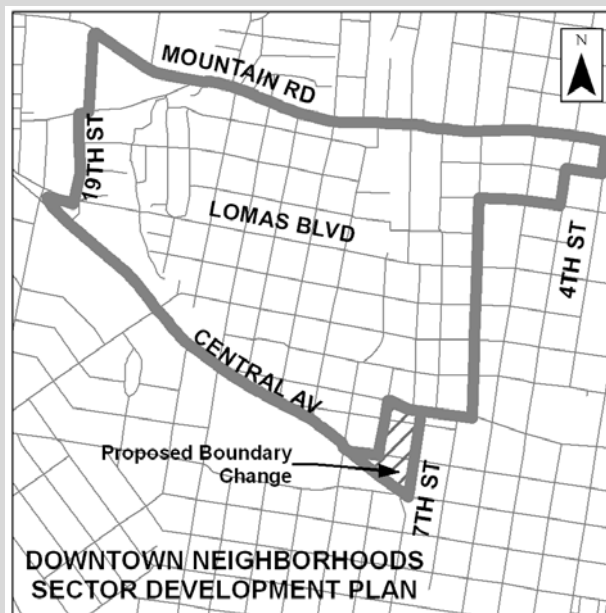
***Petra Morris, Planner***

### **Summary of Analysis**

The Planning Department requests an Environmental Planning Commission (EPC) recommendation to City Council to approve the Downtown Neighborhood Area Sector Development Plan (DNA SDP).

The DNA SDP provides policies and regulations to guide development and redevelopment within the Downtown neighborhood area. The plan adopts zoning and policies which address land use, historic preservation, and transportation. The draft plan proposes to change the plan's boundary to include Robinson Park. The DNA SDP celebrates the history of the neighborhood and the diversity of residents and architectural styles and seeks to preserve what is best about the neighborhood, while continuing to make improvements to ensure that the residents' long term vision for the neighborhood is achieved.

The Planning Department requests that the Environmental Planning Commission (EPC) begin discussing the DNA SDP on December 2, 2010 and continue the hearing to February 10 2011 at 3.30pm in order to obtain comments concerning the Plan's zoning and transportation strategies and to allow Planning staff to address the agency and public comments and recommendations received. Staff proposes that the EPC hear the plan at the all day Public Hearing, rather than the Study Session because the Volcano Mesa plans have been continued to the Study Session on February 3, 2011. Staff does not wish to burden the Commission and public at the Study Session by scheduling too many plans for review and recommendation. **This staff report will cover analysis of applicable plans and policies in relation to the proposed DNA SDP, and includes all comments received to date in Attachment 1. The subsequent staff report will address comments and proposed changes to the plan in the form of either proposed conditions or an explanation of why staff does not support a change.**



**I. AREA CHARACTERISTICS AND ZONING HISTORY**

*Surrounding zoning, plan designations, and land uses:*

	<b>Zoning</b>	<b>Comprehensive Plan Area; Applicable Rank II &amp; III Plans</b>	<b>Land Use</b>
<b>Site</b>	SU2 SU1, SU2 RT, SU2 MR/O, SU2 CC, SU2 HDA, SU2 MDA, SU2 NC, SU2 O, SU2 Office, SU2 Park, SU2 R/C, SU2 SF, SU2 TH, SU3 Housing Focus, SU3 Mixed-Use Corridor	Central Urban Downtown Neighborhood Area SDP Fourth Ward Historic Overlay Zone Eighth and Forrester Historic Overlay Zone	Residential (Single family, Multi family and townhouse), Office, Commercial, Vacant, Tiguex Park, Mary Fox Park, Soldier and Sailor Park, Robinson Park Institutional (Harwood School, Escuela Del Sol, Manzano Day School, First Spanish Baptist Church, El Buen Samaritano Methodist Church, MRCOG Office) Parking lot
<b>North</b>	SU1 Museum, SU2 S-MR, C2	Central Urban Sawmill Wells Park SDP North Fourth Street Corridor	Residential, Institutional (Natural History Museum and Explora Museum), Wells Park, Commercial, Office, Vacant
<b>South</b>	SU2 CLD, SU2 for SU1 Mixed Use Development, SU2 NCR, SU3 Mixed Use Corridor	Central Urban and Established Urban Downtown 2010 Huning Castle Reynolds Addition	Residential (Single family, Multi family), Commercial, Office, Vacant
<b>East</b>	SU2 C, SU3 Housing Focus, SU3 Mixed Use Corridor, SU3 Government/Financial/Hospitality Focus, SU3 Arts and Entertainment Focus	Central Urban Downtown 2010 McClellan Park	Commercial, Office, Parking, Vacant, Residential (Single Family and Multi Family), Institutional (Lew Wallace School)
<b>West</b>	SU1 for Museum, Parking and Religious Facility, R2, SU1 for Bed and Breakfast, R3 and C1	Central Urban Old Town Historic Overlay Zone	Residential (Single Family, Multi family), Institutional (Albuquerque Museum), Commercial

## **II. INTRODUCTION**

### ***Background, Planning Process and History***

The Downtown Neighborhood Area Sector Development Plan (DNA SDP) was initiated by the community and the Downtown Neighborhood Association. The project was sponsored and funded by District 2 City Councilor Debbie O'Malley, through City Council Services. The draft plan before you is the culmination of a year long planning process. The Planning and Council staff and the consultant, Consensus Planning, make up the planning team. There have been 19 steering committee meetings to date, which include a three day walking tour of the neighborhood. There have been 3 public meetings to date: the initial Visioning meeting, a Goals and Objective meeting, and an Open House to present the first draft. In addition, since submittal of the plan to the EPC a presentation and Question and Answer meeting was held for the neighborhood associations. There was a mail out to every property owner and physical address (due to the large number of renters in the area and the desire of the planning team and steering committee to get as many individuals involved as possible) in the neighborhood for the Visioning meeting and the Open House. Every meeting was advertised through flyers, emails and information on several websites. In addition to the previous mail outs, every property owner was mailed on the submittal of the plan to the EPC, per City policy.

In 1976 the original DNA SDP was adopted. This plan proposed to address the blighted conditions of the neighborhood, encouraged historic preservation, suggested capital improvements and attempted to bring some consistency between land use and zoning. Prior to the 1976 plan, most of the area was zoned for office, even though most of the area was built as residences and was in use as residences. The 1976 plan implemented a range of residential zones for the neighborhood, with some commercial zoning along Central and mixed use zoning along Mountain and Lomas.

The draft plan before you proposes to update the 1976 plan. The draft plan contains goals, policies and zoning regulations related to land use, historic preservation, and transportation. Another key aspect of the draft plan is the proposed change to the plan's boundary to include Robinson Park. The planning themes expressed in the plan update include:

- Matching the zoning with the existing land use for properties within the Downtown Neighborhood Area.
- Preserving and celebrating the historic buildings and character of the Downtown Neighborhood Area.
- Reinforcing the Downtown Neighborhood Area as primarily residential, with mixed-use corridors.
- Creating a walkable, bike-friendly community that connects the Downtown Neighborhood Area with Old Town and Downtown.
- Allowing for appropriately-designed and scaled infill development, while respecting the historic character of the Downtown Neighborhood Area.
- Creating tree-lined streetscapes throughout the Downtown Neighborhood Area.
- Calming traffic speeds and reducing cut-through traffic on local streets through the Downtown Neighborhood Area.

### ***Context***

The DNA SDP is bounded by Central Avenue to the south and Mountain Road to the north, 19<sup>th</sup> Street to the west and 4<sup>th</sup>, 5<sup>th</sup>, 7<sup>th</sup> and 9<sup>th</sup> to the east. To the east of the DNA SDP is the downtown core of Albuquerque and the west is Old Town. The connection between these two areas is reflected in the “Plaza to Plaza” walking tour, available through the Albuquerque Convention and Business Bureau:

<http://www.itsatrip.org/activities/tours-trails/walking-tours/downtown-oldtown.aspx>

The DNA SDP covers one of several residential neighborhoods that surround the core of downtown Albuquerque. Other surrounding neighborhoods include, but are not limited to Raynolds Addition, the Country Club, Huning Castle, West Park, Old Town, Sawmill, Wells Park, Santa Barbara Martineztown, Huning Castle, Edo, South Broadway and Barelás.

Section 2 of the draft plan covers the long history of this part of Albuquerque. The 34 Registered Historic Properties, 5 Registered Historic Districts and 2 Historic Overlay Districts also reflect the recognized historic nature of the area. The DNA SDP does NOT propose any changes to the boundaries or design regulations of the Historic Overlay Zones. These are governed by separate documents and the Landmarks and Urban Conservation Commission.

The DNA SDP is a primarily residential neighborhood with a mix of commercial, office and residential uses along the major corridors- Central, Lomas and Mountain. The DNA SDP proposes zoning to reflect this existing land use scenario. Regulations within the different zones on setback, height, step back, articulation, and windows and doors are proposed to ensure the form of new development fits appropriately within the existing built fabric of the Downtown Neighborhood Area.

### ***Downtown Neighborhood Area Sector Development Plan Summary***

The DNA SDP provides policies and regulations to guide development and redevelopment within the Downtown neighborhood area. The plan adopts zoning and policies which address land use, historic preservation, and transportation. The draft plan proposes to change the plan’s boundary to include Robinson Park. The DNA SDP celebrates the history of the neighborhood and the diversity of residents and architectural styles and seeks to preserve what is best about the neighborhood, while continuing to make improvements to ensure that the residents’ long term vision for the neighborhood is achieved.

### ***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 Long Range Roadway System designates 12<sup>th</sup>, 6<sup>th</sup>, and 5<sup>th</sup>, Tijeras and Copper as Minor Arterials.

The Long Range Roadway System designates Central Avenue and Lomas Boulevard as Principal Arterials.

The Long Range Roadway System designates Marquette Avenue and Mountain Road as Collector streets.

***Comprehensive Plan Corridor Designation***

The Albuquerque/ Bernalillo County Comprehensive Plan designates Central Avenue as a Major Transit corridor and Lomas Boulevard as an Enhanced Transit corridor.

***Trails/Bikeways***

Mountain Road and 14<sup>th</sup> Street are part of the designated Bicycle Boulevard that creates a link from the Bosque Trail to San Mateo. 7<sup>th</sup> Street and 15<sup>th</sup> are existing Bike Routes, while 19<sup>th</sup>, sections of 14<sup>th</sup>, and Marquette and Tijeras are Proposed Bike Routes. 5<sup>th</sup>, 6<sup>th</sup>, Mountain, Lomas and 10<sup>th</sup> include proposed Bike Lanes.

***Transit***

The 766 and 66 Bus Routes run along Central Avenue. The 790 Bus Route runs along Lomas Boulevard. Bus Routes 36 and 21 run along Lomas and 12<sup>th</sup> Street. Bus Route 10 runs along 4<sup>th</sup> Street and Routes 8, 92 and 94 run along 5<sup>th</sup> and 6<sup>th</sup> Streets. The Alvarado Transportation Center, which includes the Rail Runner stop from Downtown and the Grey Hound bus station, is within half a mile of the SDP boundary.

***Public Facilities/Community Services***

The DNA SDP is centrally located with multiple public facilities close to the SDP boundaries. These facilities include and are not limited to the Wells Park Community Center, Lew Wallace Elementary School, the Main Library, the Alvarado Transportation Center, the Zoo, Tingley Beach, the Aquarium and Bio Park, the Albuquerque Museum, Explora Museum, Natural History Museum and the National Hispanic Cultural Center.

**III. APPLICABLE ORDINANCES, PLANS AND POLICIES**

**Albuquerque / Bernalillo County Comprehensive Plan**

Policy Citations are in Regular Text; ***Staff Analysis is in Bold Italics***

The subject site is located in the area designated Central Urban by the *Comprehensive Plan*. Applicable policies include:

**Policy II.B.6 CENTRAL URBAN AREA 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 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.

NOTE: The Central Urban Area is within the Established Urban Area and as such is subject to the policies of Section II.B.5 of the *Comprehensive Plan* as well as to those listed above. Development intensities in the Central Urban Area should generally be higher than in other portions of Established Urban.

*The DNA SDP is located within the Central Urban Area. The specific policies related to Central Urban area discuss enhancing the character of the residential neighborhoods, recognizing the importance of the historic center of the city and increasing intensities in the area. The DNA SDP proposes to achieve this through proposed zoning that will increase compatibility and consistency between the existing land use, and zoning, and between properties that are covered by a Historic Overlay Zone and properties that are not. The SU2 CC zoning, while decreasing the allowable building height on Central Avenue increases the range of uses through the introduction of residential uses and includes regulations within the zoning to ensure that the residential neighbors to the north of Central Avenue are buffered from the more intense zoning proposed along Central Avenue. Transportation related improvements are also proposed which relate to improving the walkability of the neighborhood.*

Policy II.B.5. DEVELOPING AND ESTABLISHED URBAN AREAS

The Goal is to create a quality urban environment, which perpetuates the tradition of identifiable, individual but integrated communities within the metropolitan area and which offers variety and maximum choice in housing, transportation, work areas, and life styles, while creating a visually pleasing built environment.

Policy d

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

Policy e

New growth shall be accommodated through development in areas where vacant land is contiguous to existing or programmed urban facilities and services and where the integrity of existing neighborhoods can be ensured.

Policy h

Higher density housing is most appropriate in the following situations:

- In designated Activity Centers.
- In areas with excellent access to the major street network.
- In areas where a mixed density pattern is already established by zoning or use, where it is compatible with existing area land uses and where adequate infrastructure is or will be available.
- In areas now predominantly zoned single-family only where it comprises a complete block face and faces onto similar or higher density development; up to 10 dwelling units per net acre.
- In areas where a transition is needed between single-family homes and much more intensive development: densities will vary up to 30 dwelling units per net acre according to the intensity of development in adjacent areas. (See also Policy 7.b relative to Activity page 39.)

Policy i

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

Policy j

Where new commercial development occurs, it should generally be located in existing commercially zoned areas as follows:

- In small neighborhood-oriented centers provided with pedestrian and bicycle access within reasonable distance of residential areas for walking or bicycling.
- In larger area-wide shopping centers located at intersections of arterial streets and provided with access via mass transit; more than one shopping center should be allowed at an intersection only when transportation problems do not result.
- In free-standing retailing and contiguous storefronts along streets in older neighborhoods.

Policy l

Quality and innovation in design shall be encouraged in all new development; design shall be encouraged which is appropriate to the Plan area.

Policy o

Redevelopment and rehabilitation of older neighborhoods in the Established Urban Area shall be continued and strengthened.

*The DNA SDP Goals and Objectives (found in Section 4, pages 59-64) include the following categories: Land Use and Zoning, Historic Preservation and Community Character. Page 4 of the DNA SDP lists seven planning themes that run throughout the plan, these include: Matching the zoning with the existing land use for properties within the Downtown Area; Preserving and celebrating the historic buildings and character of the Downtown Neighborhood Area; Reinforcing the Downtown Neighborhood Area as primarily residential with mixed-use corridors; Allowing for appropriately-designed and scaled infill development, while respecting the historic character of the Downtown Neighborhood Area. Section 5 Implementation Policies 2, 3, 4, 5, 7 and the Zoning Regulations in Section 6 are the tools which the DNA SDP proposes to use to achieve these objectives. The regulations within the SU2 SF and the SU2 TH zone on height, windows and doors, stepbacks, building entries and porches and garages have design regulations to ensure that the scale and design of infill development is compatible with the neighborhood. The DNA SDP proposes to remove much of the Townhouse zoning as this does not reflect the existing single family nature of the neighborhood. The SU2 MR and OR zones are proposed to act as a buffer and transition from the intensity of the downtown core to the residential neighborhood and recognize the existing office uses at the outer edges of the neighborhood. Mixed use zones- SU2 MUM, MUL and CC- are proposed along the main corridors of Central Avenue, Lomas Boulevard and Mountain Road, as well as in areas where there is already an established mix of uses, for example along 5<sup>th</sup> Street and 6<sup>th</sup> Street. Limitations on the building footprint for multi-story buildings are proposed in the CC zone to ensure appropriately scaled development and protect the existing residential development to the north. The DNA SDP supports the Downtown Neighborhood Area as an identifiable and varied neighborhood that has a visually pleasing environment.*

Policy II.C 5. HISTORIC RESOURCES

The Goal is to protect, reuse, or enhance significant historic districts and buildings.

Policy a

Efforts to provide incentives for the protection of significant districts and buildings shall be continued and expanded.

Policy b

Research, evaluation, and protection of historical and cultural properties in the City and County shall be continued.

Policy c

Increase public and inter-agency awareness of historic resources and preservation concerns.

*The DNA SDP boundaries contain thirty four Registered Historic Properties, five Registered Historic Districts and two Historic Overlay Districts. Historic preservation is at the forefront of the DNA SDP. The DNA SDP does not propose any changes to the boundaries or design regulations of the Historic Overlay Zones. These are governed by separate documents and the Landmarks and Urban Conservation Commission. However, the DNA SDP proposes changes to the zoning in the area to ensure that development and redevelopment in the surrounding areas are compatible with the two HOZs. The DNA SDP proposes to remove much of the Townhouse zoning as this does not reflect the existing single family nature of the neighborhood. The DNA SDP also proposes a Demolition Review process to allow time for review of properties that are slated for demolition but aren't covered by the HOZ. There are numerous properties outside of the HOZs that are of historical interest but that currently don't have any protection. The Demolition Review process would not prevent or stop demolition but would require extra review time for sites deemed subject to demolition review. The DNA SDP supports the HOZs through increased consistency and compatibility between areas within an HOZ and those without.*

#### Policy II.C 9. COMMUNITY IDENTITY AND URBAN DESIGN

The Goal is to preserve and enhance the natural and built characteristics, social, cultural and historical features that identify Albuquerque and Bernalillo County sub-areas as distinct communities and collections of neighborhoods.

Policy a

The City and County differentiate into thirteen sub-areas as shown on the Community Areas map; the unique character and constituent neighborhoods of each area identified on the Community Areas map shall be respected in all planning and development actions.

Policy b

In each Community Area, strategic planning, neighborhood planning, development and redevelopment shall be evaluated in light of its relationship to and effect upon the following:

1) The natural environment

- Indigenous vegetation and other materials appropriate to landscapes.
- Topography and landscape features such as arroyos, the Rio Grande and bosque, the foothills and escarpments
- Soils and erosion potential
- Colors and textures of the natural environment
- Views

2) Built environment

- Height and massing of buildings
- Setbacks from the street
- Placement of entrances and windows
- Walls and fences

- Parking areas design and relationship to buildings
  - Road widths, sidewalks, curb cuts, medians
  - Grain of streets/size of parcels
  - Patterns of movement (e.g. pedestrian connections, access to transportation/transit)
  - Street furniture (e.g. bus stops, street lights, signs)
  - Landscaping materials, both planting and hardscape
  - Public infrastructure (e.g. drainage facilities, bridges)
  - Social interaction opportunities
  - Relationship between built and natural environment
- 3) Local history
- Architectural styles and traditions
  - Current and historic significance to Albuquerque
  - Historic plazas and other Activity Centers
- 4) Culture and traditions
- Cultural characteristics of residents
  - Community celebrations and events

***The DNA SDP is a distinct part of Albuquerque. The historic character of the neighborhood and the variety within the neighborhood make this a unique community. The zoning and policies proposed in the DNA SDP are written to achieve certain goals: to better match the existing land use with the zoning, to allow for appropriately scaled and designed infill development, to preserve and celebrate the historic character and to reinforce the area as primarily residential with mixed use corridors. The SDP also reinforces the existing neighborhood character by including provisions that require street trees for all new development, regardless of the street classification.***

#### Policy II.D 4. TRANSPORTATION AND TRANSIT

The Goal is to develop corridors, both streets and adjacent land uses that provide a balanced circulation system through efficient placement of employment and services, and encouragement of bicycling, walking, and use of transit/paratransit as alternatives to automobile travel, while providing sufficient roadway capacity to meet mobility and access needs.

The Centers and Corridors Map of the *Comprehensive Plan* identifies Central Avenue as a Major Transit Corridor and Lomas Blvd as an Enhanced Transit Corridor (Figure 20). Policy objectives for street design, transit service and development form for Major and Enhanced Transit Corridors are listed in Table 11 on pages II-82 & 83. Major Transit Corridors are intended to have a modal hierarchy of transit first, followed by pedestrians, then autos, with bicycles fourth. Enhanced Transit Corridors are intended to have a modal hierarchy of transit and auto use first, pedestrian use second, and bicycle use third.

A Major Transit Corridor and an Enhanced Transit Corridor is designed to improve transit and pedestrian opportunities for residents, businesses, and other users of the corridor, as well as to develop adjacent land uses and intensities that promote the use of transit.

Street design standards for **Major Transit Corridors** include the following (Policy A, Corridor Policies, p. II-82, 83):

- Maximize pedestrian connections to transit stops and between adjacent uses, and across the street;
- Provide minimum 12 foot wide sidewalks, as little as 6 feet where there are unalterable constraints;

Development Form Standards for Major Transit Corridors include the following (Policy A, Corridor Policies, p. II-82, 83):

- Provide major entrance from street ;
- Minimum setback to provide for landscaping or pedestrian activity areas;
- Parking location to be separated from the street by the building.
- Parking reductions, shared parking encouraged.
- Floor area ratio of 1.0 to 2.0.
- Housing density target for new development of 10-35 du/ac(net).

Street design standards for **Enhanced Transit Corridors** include the following (Policy A, Corridor Policies, p. II-82, 83):

- Maximize pedestrian connections to transit stops and between adjacent uses;
- Provide minimum 6-8 foot sidewalks;

Development Form Standards for **Enhanced Transit Corridors** include the following (Policy A, Corridor Policies, p.II-82, 83):

- Street entrance.
- Minimum setback to provide for landscaping or pedestrian activity areas.
- Parking location to be separated by the building or located at the side of the building.
- Parking reductions, shared parking encouraged.
- Floor area ratio of 0.5 to 1.5.
- Housing density target for new development of 7-30 du/ac(net).

Policy II.D.4.b: The City will structure capital expenditures and land use regulations in support of creating additional housing and jobs within Major Transit and Enhanced Transit Corridors, and will promote ongoing public/private cooperation necessary to create private market conditions that support intensified development of jobs and housing in these corridors.

Policy c:

In order to add to transit ridership, and where it will not destabilize adjacent neighborhoods, additional dwelling units are encouraged close to Major Transit and Enhanced Transit streets.

Policy g:

Pedestrian opportunities shall be promoted and integrated into development to create safe and pleasant non-motorized travel conditions.

Policy i:

Street and highway projects shall include paralleling paths and safe crossings for bicycles, pedestrians, and equestrians where appropriate.

*Central Avenue is designated a Major Transit Corridor. The DNA SDP proposes the SU2 CC zone along Central Avenue and supports the street design and changes proposed in the West Central Avenue Corridor Concept Plan. The West Central Concept plan includes proposals that will make the sidewalks wider and more pedestrian friendly, on street parking and a bike lane. The SU2 CC zone requires a functional entrance on to Central, setbacks are a maximum of 10 feet unless for a patio, parking to the front is limited and residential uses are introduced. Central Avenue currently has zoning that relates to C2, with the height per the C2 zone. The DNA SDP proposes limitations on the building footprint for multi-story buildings proposed in the CC zone to ensure appropriately scaled development and protect the existing residential development to the north. Lomas Boulevard is designated a Enhanced Transit Corridor. The DNA SDP proposes the SU2 MUM zone along Lomas and proposes in Policy 12 ways to improve pedestrian and bicycle flow along Lomas. These include a streetscape, traffic calming and sidewalk and lighting improvements and a raised cross walk for cyclists on 14<sup>th</sup> Street at Lomas. The SU2 MUM also contains some limitations on building footprint and height because of the size of the lots along Lomas and their proximity to single family residential. The SU2 MUM and SU2 CC zones are the most intense zones in the DNA SDP, they allow for higher density residential and non residential uses , but also include limitations on the types of commercial uses based on their non-compatibility with adjacent residential use. The DNA SDP also contains a series of policies to address Transportation needs within the plan area. These policies cover neighborhood walkability, neighborhood traffic calming, coordinated transportation planning, support for the West Central Avenue Corridor Concept Plan, designs for Lomas Boulevard and 12<sup>th</sup> street, enhanced transit, bicycle circulation, alleys and functional classifications. 12th Street and Marquette are proposed to be reclassified from minor arterial to collector (12th Street) and collector to local street (Marquette). The Plan also calls for evaluating reclassifying Central Avenue from a principal arterial to a minor arterial depending on the outcome of the West Central Concept Plan. The DNA SDP proposes that a further Neighborhood Transportation Study be conducted to look at in more detail issues related to but not limited to traffic volumes and speeds on 11<sup>th</sup>, 12<sup>th</sup>, 14<sup>th</sup> and 15<sup>th</sup>. This study should also further study and prepare any designs and configurations for intersection design.*

### **Rank II Trails and Bikeways Facility Plan, 1993, revised 1996.**

#### **Goals**

Page 20: Provide amenities for the trail system.

Proposed Trails Map, page 22.

Central Avenue is a Trail Study Corridor.

Part of Mountain Road as a Proposed Secondary Trail.

#### **Secondary Trails.**

Secondary Trails supplement the primary system and may provide access to it.

### **Trail Study Corridor**

This designation applies where a trail connection is desirable, but there is no definite alignment proposed.

*The Trails and Bikeways Facility Plan was adopted prior to the development of the Bicycle Boulevard that runs from the Bosque Trail to San Mateo, with the route through the neighborhood along Mountain Road and 14<sup>th</sup> Street. The proposed DNA SDP contains policies related to bicycling- either for commuting or recreation- connections and facilities on page 85, Policy 15. The policy includes further bicycle routes and lanes, crossing buttons and crossings. These support the goal in the Trails and Bikeways Plan to provide further amenities. The West Central Avenue Corridor Concept Plan, which the draft DNA SDP supports in Policy 11.1, proposes a bicycle lane for Central Avenue, where there is currently no bicycle lane. Though the Trails and Bikeways Facility Plan does not refer directly to the Downtown Neighborhood Area, the DNA SDP supports the intent of the plan by increasing the network and facilities for cyclists in the area.*

### **Rank II Facility Plan for Electric Service Transmission and Subtransmission Facilities (1995-2005), 1996.**

Standards for the Location of Transmission and Subtransmission Line Corridors, page 4.  
Standards for the Design of transmission and Subtransmission Facilities, page 7.

*The Facility Plan for Electric Service Transmission and Subtransmission Facilities contains standards for the design and location of such facilities. PNM has provided the planning team with some language to address utility easements, landscaping and access to public utility facilities. The DNA SDP contains language in Section 3.G to address utilities. As the DNA SDP is a developed area, utility easement locations and access are already established.*

### **Sawmill Wells Park Sector Plan (Rank 3)**

The Sawmill Wells Park Sector Plan was first adopted in 1996, and revised in 2000 and 2002. The Plan generally encompasses properties between I40, 5<sup>th</sup> Street, Mountain Road and Rio Grande Blvd.; specific boundaries are shown on Page 2 in the Plan. It sets forth goals and policies regarding land use. The SU2 MRN zone is the zoning along Mountain Road. The SU2 MRN zone covers the north side of Mountain Road. The SU2 MRN zone allows a specific range of residential and non-residential uses. SU2 MRN contains specific criteria are listed in A.5.a.

*The northern boundary of the DNA SDP is Mountain Road, therefore the south side of Mountain Road is in the DNA SDP. The DNA SDP proposes the SU2 MUL zone to replace the RC zone. In 1996 the Sawmill Wells Park SDP replaced the RC on the north side of Mountain with SU2 MRN; the change from a required 50%residential use to a possible 100% commercial use for appropriate lots was to support the use of vacant lots and buildings. The SU2 MRN zone includes criteria which a commercial site must meet. The DNA SDP proposes to use similar criteria in the SU2 MUL zone. This will provide some consistency between the two sides of Mountain Road.*

### **Huning Castle Raynolds Addition Sector Plan (Rank 3)**

The Huning Castle Raynolds Addition Sector Plan was first adopted in 1981, and revised in 1993. The Plan generally encompasses properties between Central Avenue, 10<sup>th</sup> Street, Gold Avenue, 8<sup>th</sup> Street, Coal Avenue, Alcalde and the Rio Grande River; specific boundaries are shown in Map 1, Page 2 in the Plan. It sets forth goals and policies regarding land use. SU2 CLD runs along Central between San Pasquale and 15<sup>th</sup> Street. SU2 NCR runs along Central from 14<sup>th</sup> Street to 10<sup>th</sup> Street. SU2 CLD allows uses permissive in the R2 zone, plus a range of specific commercial uses, with a maximum height of 46 feet. SU2 NCR allows uses permissive in the R3 and C1 zone, with heights per the R3 zone.

*The southern boundary of the DNA SDP is Central Avenue, therefore the north side of Central Avenue is in the DNA SDP. The DNA SDP proposes the SU2 CC (Central Corridor) to replace the SU2 CC (Community Commercial) zone. The SU2 CC zone per the 1976 plan refers to the C2 zone with no special height or setback language. In 1981, when the Huning Castle Raynolds Addition SDP was adopted, the C2 on the south side of Central Avenue was replaced with SU2 CLD and SU2 NCR. Both the SU2 CLD and the SU2 NCR allow residential uses. The SU2 CLD also restricts heights to 46 feet. The proposed SU2 CC for the north side of Central Avenue will allow residential uses, some commercial uses and restricts heights to 40 feet permissively, 52 feet conditionally. In allowing residential and commercial uses on the north side of Central and restricting the height to 40 feet (and 52 feet conditionally) through the SU2 CC zone, the DNA SDP proposes to provide some consistency between the north and south side of Central Avenue.*

### **Downtown 2010 Sector Plan (Rank 3)**

The Downtown 2010 Sector Plan was first adopted in 2000. The Plan generally encompasses properties between Marble, the railroad, Broadway, Coal, 10<sup>th</sup> and 7<sup>th</sup>; specific boundaries are shown on Page 4 in the Plan. It sets forth goals and policies regarding land use. SU3 Mixed Use Corridor and SU3 Housing Focus is the zoning from Central to Tijeras between 8<sup>th</sup> and 9<sup>th</sup>. Along the eastern boundary of the DNA SDP, the zoning in the Downtown 2010 plan is SU3 Housing Focus, SU3 Mixed Use Corridor, SU3 Government/Financial/Hospitality Focus, and SU3 Arts and Entertainment focus. The Downtown 2010 is a form based code, so each zone allows a range of uses and depending on the building type chosen, the form of the structure varies. However, in the Housing focus between Central and Lomas it is restricted to residential uses only. In the Housing Focus the most intense building type allowed is Type G, Podium, at 8 stories with underground parking. The Mixed Use Corridor focus allows a wide range of building types, the most intense residential type is Type G, while the most intense would be the Type O, the Quarter Block. Type O is restricted to 3 stories at the street frontage, however there are no height restrictions on the interior of the block. Limited residential is allowed in both the Government/Financial/Hospitality focus and the Arts and Entertainment focus with Type G as the only residential form allowed.

*The DNA SDP proposes (in Policy 1) to change the eastern boundary to include Robinson Park and the block and half to the north, which contain multi-family residential and office uses. This area is currently in the Downtown 2010 plan as SU3 Housing focus for the northern two half blocks and SU3 Mixed Use Corridor for the southern half block and Robinson Park. The DNA SDP proposes SU2 Park for Robinson Park and SU2 OR for two of the half blocks and SU2 MR for one of the half blocks. This is proposed to reflect the zoning that exists now and the land use on each of the blocks. The changed boundary is designed to make the SDP boundary more consistent with that of the Fourth Ward HOZ and creates a more logical separation between the DNA SDP and the Downtown 2010, with the Hotel Blue in the Downtown 2010 and the park, residential and office in the DNA SDP. Where the DNA SDP meets with the Downtown 2010 plan between Lomas and Central, the zoning is at its most intense in terms of residential density to create an appropriate transition from the downtown core to the residential neighborhood to the west.*

### **McClellan Park Sector Plan (Rank 3)**

The McClellan Park Sector Plan was first adopted in 1984, and revised in 1995. The Plan generally encompasses properties between the rail road, Lomas Blvd, 6<sup>th</sup> Street and Mountain Road; specific boundaries are shown on Page 4, Location Map 1, in the Plan. It sets forth goals and policies regarding land use. The boundaries have changed so that now the DNA SDP and the McClellan Park SDP abut along Fourth and Fifth between Mountain and Marble. The zoning is SU2 Commercial, this refers to the C2 zone and allows residential. There are no height requirements, lot size requirements or setbacks.

*The DNA SDP meets the McClellan Park SDP at the northeast corner of the plan area. The zoning allowed in the McClellan Park SDP allows a wide range of uses and has few controls on the built form. In the DNA SDP the existing land use around Fourth and Fifth Street, between Mountain and Marble is extremely mixed. The intent of the McClellan Park SDP was to provide opportunities for redevelopment in the area, therefore the zoning is quite unrestrictive and the land use in the area is varied. The corner of Fourth Street and Mountain is zoned SU2 NC, which relates to the C1 zone and is listed as Opportunity Site #3. The DNA SDP proposes zoning in this area that allows a range of uses, SU2 MUM and SU2 MUL, which reflect the variety of uses in the area and removes the percentage requirements in the existing zoning, while restricting certain uses that are not as compatible with the residential neighborhood.*

### **Fourth Ward Historic Overlay Zone and the Eighth and Forrester Historic Overlay Zone**

The Fourth Ward Historic Overlay Zone was established in 1991 and the current HOZ design guidelines were most recently revised in 2002. The Eighth and Forrester Historic Overlay Zone was established in 1991 and the current HOZ design guidelines were last amended in 1998.

*The DNA SDP does not propose any changes to the boundaries or design regulations of the Historic Overlay Zones. These are governed by separate documents and the Landmarks and Urban Conservation Commission. However, the DNA SDP proposes changes to the zoning in*

*the area to ensure that development and redevelopment in the surrounding areas are compatible with the two HOZs. The DNA SDP also proposes a Demolition Review process to allow time for review of properties that are slated for demolition but aren't covered by the HOZ. There are numerous properties outside of the HOZs that are of historical interest but that currently don't have any protection. The Demolition Review process would not prevent or stop demolition but would require extra review time for sites deemed subject to demolition review. The DNA SDP supports the HOZs through increased consistency and compatibility between areas within an HOZ and those without.*

## REQUEST FOR ZONE MAP AMENDMENT

### 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.

*Note: 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 zone changes proposed by the DNA SDP are consistent with furthering the health, safety, morals and general welfare of the city. The purpose of the zone map amendments contained in the SDP is to ensure that development and redevelopment within the Downtown Neighborhood Area is compatible with the residential and historic nature of the neighborhood. The SDP proposes regulations to ensure that development furthers the goals and policies of the Comprehensive Plan.***

- 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 proposed zoning changes will provide the area with stability by better reflecting the existing land use and built form of the neighborhood and to ensure that redevelopment and infill development within the neighborhood are appropriate given the historic nature, residential character, and density of the area. The proposed zoning is designed to reinforce the primarily residential character of the neighborhood, while encouraging a mix of uses***

*along the major corridors that will serve the neighborhood and surrounding areas. Permissive and conditional uses have been carefully crafted in each of the proposed zone categories to ensure compatibility with existing uses and community values, and to avoid future conflicts. Criteria is proposed for certain land uses (e.g., bail bond offices) and building forms (e.g. height) to allow greater community input and City oversight when new development is proposed. The SDP also proposes to include and zone a small area at the southeast corner of the Plan area in order to bring a key neighborhood asset, Robinson Park, into the Plan boundary.*

*The disconnect between the existing land uses and the existing zoning, the Plan boundary, and changed neighborhood conditions are documented on pages 30-36 of the SDP. The conclusion of the SDP's analysis is that maintaining the existing zoning could allow new development that destabilizes the neighborhood.*

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

*The proposed DNA SDP supports applicable goals and policies in the Comprehensive Plan, Facility Plan for Electric Service Transmission and Subtransmission Facilities and the Trails and Bikeways Facility Plan. The DNA SDP complements the adjacent Sector Plans: Sawmill Wells Park SDP, Huning Castle Raynolds Addition SDP, Downtown 2010 SDP and McClellan Park SDP. The plan does not propose any changes to the Fourth Ward or Eighth and Forrester Historic Overlay Zones boundaries or regulations. Please see the analysis above.*

- 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 City has adopted Resolution 270-1980, which was based on a court case (Miller v. City of Albuquerque). This resolution provides the basis by which a zone change – up or down – can be justified. While there are a number of criteria that are listed, the key one is “D” which lists three options that can be used to determine that the existing zoning is inappropriate.*

*There was no error that justifies the proposed zone changes. Changed conditions are noted on pages 34-36 of the SDP. The proposed zone changes rely squarely on them being more advantageous to the community by helping to further the applicable goals and policies in the Comprehensive Plan and reflect the community's vision for the future (R-270 1980 D.3.). Prior to adoption of the original 1976 Sector Plan, the area was predominantly zoned for*

*office. The 1976 land use categories reflected the desire for community redevelopment, thereby encouraging demolition of structures and the development of higher density residential including large areas of townhouse zoning and R-3 and R-4 zoning. The neighborhood has evolved since that time to more highly value its historic structures, and property owners have worked hard to improve their homes. High density residential development was never realized in the neighborhood and few existing buildings are taller than 2-stories.*

*The residential zones, SU-2/SF and SU-2/TH, are intended to allow for new development that responds to its immediate context within the neighborhood. Setbacks are determined by the existing structures on the subject block. Requirements for building articulation, windows and doors, entries and porches will help ensure compatibility between new and existing development. Access to and placement of garages is carefully articulated so that they do not dominate the street view.*

*In relation to the proposed SU2 CC, SU2 MUM and SU2 MUL zones, the proposed zoning is designed to create mixed use zones along the main corridors- Central, Lomas and Mountain- that would support services and businesses to serve the neighborhood and the wider community. These mixed use zones would also provide an opportunity for higher density housing in the appropriate locations. The Comprehensive Plan contains recent amendments (2002), which are commonly referred to as "Centers and Corridors". These policies clearly point to promoting infill and redevelopment of underutilized properties, increasing density in the corridors in order to support transit, increasing intensity (height) in the corridors, and promoting mixed uses along the corridor.*

*The current zoning along Central Avenue, Lomas Boulevard, and Mountain Road is inappropriate because the current zoning allows uses that are in conflict with the Comprehensive Plan's Centers and Corridors as follows:*

- a. Mixed Use is not permitted along Central Avenue. The mixed use provisions in the zoning along Lomas Boulevard and Mountain Road (RC and MRO) are unnecessarily burdened by restrictions on the amount of residential versus non-residential uses and the process in which they have to abide by to allow 100% non-residential use. This has created a problem with zoning enforcement,*
- b. Allows auto oriented uses that are in conflict with the creation of pedestrian friendly, transit oriented corridors,*
- c. Does not have design standards that promote the creation of pedestrian friendly, transit oriented corridors,*
- d. Does not include adequate setback provisions to protect the adjacent residential neighborhoods,*
- e. Does not have setback or parking restrictions adjacent to Central Avenue to ensure a pedestrian friendly street edge, and*

*f. Building heights that are determined by angle planes (Central Avenue) allow very tall structures regardless of adjacent uses or structures.*

*The proposed SU2 CC, SU2 MUM and SU2 MUL zones address and propose to remedy all of the above points.*

*Section 3, page 34-36, of the draft DNA SDP, discusses the changed conditions in the area in relation to R270-1980. In relation to the proposed SU2 MR, SU2 OR, SU2 SF and SU2 TH zones, the proposed zoning is in response to changed neighborhood conditions (R270 1980 D.2). The following discusses the changed conditions in the neighborhood, page 34. "As previously noted, the primary intent of the Sector Plan [1976] was to address the blighting issues within the neighborhood and provide incentives for redevelopment. Zoning districts contained in the Sector Plan were specifically crafted to encourage redevelopment and increase the affordable housing stock. In large part, the blighting condition that was present in the neighborhood no longer exists. Broad-scale redevelopment never occurred in the neighborhood; instead, property owners have more commonly rehabilitated their buildings. The zoning districts were never utilized to their intended or fullest potential and, as a result, there is a significant disconnect between existing zoning and existing land use in the Downtown Neighborhood Area. The existing zoning for many portions of the Downtown Neighborhood Area are contrary to the goals and objectives of the neighborhood."*

*And on Page 35 "HDA Zone- This zoning district corresponds to the R4 zone and is intended to accommodate the highest density residential development (maximum Floor Area Ratio of 3.0) and incidental uses located near an Urban Center such as Downtown Albuquerque. Permissive uses include non-residential use up to 10 percent of the gross floor area on the premises. Conditional uses include permissive uses in the C2 zone up to 10 percent of the gross floor area on the premises. The HDA zone is located in the southeast corner of the Plan area along Seventh and Ninth Streets and Tijeras Avenue. However, a significant conflict between the intent and the permissive uses of the HDA zoning district and the existing land use is readily apparent. There are no apartments taller than 2 or 3 stories within the area zoned for HDA. The community desire is to change this zoning to a less intense multi-family zone that would allow apartments, townhomes, and potentially, some limited office uses.*

*MRO and RC Zones- These two zoning districts are intended to allow for a mix of residential and non-residential uses. They both reference to the RT zone for the residential portion, but RC differs by allowing apartments up to 20 dwelling units per acre. For the non-residential portion, MRO allows up to 50% of the gross floor area in O-1 permissive uses and RC allows certain commercial uses up to 50% of the gross floor area. Both zones allow 100% of the floor area for office as a conditional use. The conflict arises with the non-residential restriction to 50% of the gross floor area. Most of these properties have either requested a conditional use permit to allow all of the gross floor area for office use or they are functioning as a zoning violation.*

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***TH zone-*** This district corresponds to the RT district in the Comprehensive City Zoning Code. There is a large amount of TH zoning within the Downtown Neighborhood Area. At the time when the original Sector Plan was adopted, the intent was to encourage redevelopment of the neighborhood for affordable housing. However, very little of the property zoned TH is used for townhomes (see Existing Land Use map, page 31). Several new townhome projects have been constructed in the recent past with mixed results. Common complaints from neighbors include the lack of landscaping provided in the front yard, a garage dominated street view, and massing and scale that is out of character with the surrounding residential character. There is still support for keeping a certain amount of townhouse zoning within the Downtown Neighborhood Area, but decreasing the amount of properties zoned for townhouses to bring the zoning closer to what is currently existing and adding design standards that would provide better compatibility with the existing character are desired.”

- 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 zoning does not contain uses that would be harmful to adjacent properties, neighbors or the community. Where residential and commercial properties are adjacent, the proposed zones contain requirements to ensure appropriate transitions and buffers. For example, in the SU2 CC zone, the rear setback is 25 feet when abutting SU2 SF and SU2 TH. The SU2 MUM zone is proposed for most of Lomas Blvd., because the platting means that these lots are often quite shallow, with a residential lot abutting, the SU2 MUM has a rear setback of 20 feet when adjacent to SU2 SF and SU2 TH, heights are limits between 26 feet and 40 feet are conditional. In both the SU2 MUL and SU2 MUM the retail of food and drink, on or off premise consumption is conditional due to the sensitivity of such a use with residential in close proximity. The SU2 MR is designed to act as a transition from the core of downtown Albuquerque to the residential neighborhood.***

- 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.

***None of the Plan's zone changes require major capital expenditures.***

- 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 is not discussed in the Plan.***

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

*The location of mixed use and higher density residential zoning is related to the vision proposed for the whole downtown area. The mixed use zones along Mountain, Lomas, and Central are intended to provide more activity in these areas by integrating residential use with neighborhood scaled commercial services for the area residents. Central Avenue is a Enhanced Transit Corridor, but is currently dominated by vacant and/or underutilized buildings and land. The intention is to provide incentives for redevelopment and reuse of structures and properties.*

- 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 changes will create spot zones that are justified as follows:*

1. *The proposed zoning clearly facilitates realization of the Comprehensive Plan goals and policies as detailed above in the response to R-270-1980, Section 1.C.; and*
2. *The proposed zoning and their individual, component regulations within the plan area and the plan area itself are different from surrounding land. The proposed locations of zone boundaries create differences between adjacent lands and zones as well as differences between zones within the plan area. The proposed zoning categories establish and facilitate transitions between adjacent zones within the plan area and where adjacent to existing zoning. Even where residential and non-residential zoning abut or are adjacent, there are specific requirements within the more intense zone category so as to maximize compatibility with the less intense zone category.*

- 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 changes will create strip zones that are justified as follows:*

- 1. The proposed zoning clearly facilitates realization of the Comprehensive Plan goals and policies as detailed above in the response to R-270-1980, Section 1.C.; and*
- 2. The proposed zoning and their individual, component regulations within the plan area and the plan area itself are different from surrounding land. The proposed locations of zone boundaries along the major corridors (Central Avenue, Mountain Road, and Lomas Boulevard) function as a transition between the roadway and the primarily single family development in the neighborhood core. Each of these zones correspond to existing development, overall lot size and depth, the desire for commercial development to serve the neighborhood residents, and the amount of vehicular traffic that each of these corridors carry. The zones contain specific requirements that are intended to maximize compatibility with adjacent development and less intense zoning districts. The proposed locations of zone boundaries create differences between adjacent lands and zones as well as differences between zones within the plan area. The proposed zoning categories establish and facilitate transitions between adjacent zones within the plan area and where adjacent to existing zoning. Even where residential and non-residential zoning abut or are adjacent, there are specific requirements within the more intense zone category so as to maximize compatibility with the less intense zone category. Furthermore, the location of many of the "strip zones" is in response to traffic potentials on established corridors, Central Avenue, Lomas Boulevard and Mountain Road.*

## **V. AGENCY & NEIGHBORHOOD CONCERNS**

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

The Department of Municipal Development's Transportation Planning and the Zoning Enforcement Division of the Planning Department have both requested more time in order to fully review the plan.

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

The Planning Team worked with the Steering Committee through out the summer on the first draft of the DNA SDP. The first draft was presented to the wider community on September 25<sup>th</sup> at an Open House. Adjustments were made to the plan in response to comments received. The Steering Committee was not able to reach consensus on one topic within the plan- the height of buildings along Central Avenue. Some within the Steering Committee would like the height to be lowered to 26 feet, while others feel that there should be no height restrictions and others feel that the proposed 40 feet permissive with 52 feet conditionally is a good compromise that fits well with the size of the lots and the context of the surrounding residential areas.

Other areas of concern that have been raised in letters received so far include the proposed left turn lane on 12<sup>th</sup> Street, going north and turning west; the proposed replacement of the townhouse zoning to single family and the proposed zoning as it relates to specific sites.

The Downtown Neighborhood Association has requested a continuance of 60 or 90 days to allow more time for the neighborhood to get comments on the plan.

## *VI. CONCLUSION*

The DNA SDP provides policies and regulations to guide development and redevelopment within the Downtown neighborhood area. The plan adopts zoning and policies which address land use, historic preservation, and transportation. The draft plan proposes to change the plan's boundary to include Robinson Park. The DNA SDP celebrates the history of the neighborhood and the diversity of residents and architectural styles and seeks to preserve what is best about the neighborhood, while continuing to make improvements to ensure that the residents' long term vision for the neighborhood is achieved.

The Planning Department requests that the Environmental Planning Commission (EPC) begin discussing the DNA SDP on December 2, 2010 and continue the hearing until February 10 2011 at 3.30pm in order to obtain comments concerning the Plan's zoning and transportation strategies and to allow Planning staff to address the agency and public comments and recommendations received. Staff proposes that the EPC hear the plan at the all day Public Hearing, rather than the Study Session because the Volcano Mesa plans have been continued to the Study Session on February 3, 2011. Staff does not wish to burden the Commission and public at the Study Session by scheduling too many plans for review and recommendation. This staff report will cover analysis of applicable plans and policies in relation to the proposed DNA SDP, and includes all comments received to date in Attachment 1. The subsequent staff report will address comments and proposed changes to the plan in the form of either proposed conditions or an explanation of why staff does not support a change.

***FINDINGS – 10EPC- 40063, December 2, 2010. Recommendation of adoption of the Downtown Neighborhood Area Sector Development Plan.***

1. These findings are written to support a staff recommendation of continuance and do not reflect the more complete findings required to support a recommendation of approval at this time.
2. The Downtown Neighborhood Area Sector Development Plan covers an area of approximately 280 acres. The plan boundaries are Mountain Road to the North, 19<sup>th</sup> Street to the West, Central Avenue to the South and 4<sup>th</sup>/ 5<sup>th</sup>/ 7<sup>th</sup> and 8<sup>th</sup> Street to the East.
3. The Downtown Neighborhood Area Sector Development Plan currently contains currently contains the following zones: SU2 SU1, SU2 RT, SU2 MR/O, SU2 CC, SU2 HDA, SU2 MDA, SU2 NC, SU2 O, SU2 Office, SU2 Park, SU2 R/C, SU2 SF, SU2 TH, SU3 Housing Focus, SU3 Mixed-Use Corridor. The DNA SDP proposes the following zones: SU2 SU1, SU2 SF, SU2 TH, SU2 MR, SU2 OR, SU2 MUL, SU2 MUM, SU2 CC, SU2 NC, SU2 Park.
4. The Downtown Neighborhood Area Sector Development Plan proposes a change to the boundary to include Robinson Park within the DNA SDP boundaries. This will result in the removal of Robinson Park from the Downtown 2010 SDP.
5. The Downtown Neighborhood Area Sector Development Plan supports Albuquerque/Bernalillo County Comprehensive Plan, Policy II.B.6 Central Urban Goal, and policy b. The specific policies related to Central Urban area discuss enhancing the character of the residential neighborhoods, recognizing the importance of the historic center of the city and increasing intensities in the area. The DNA SDP proposes to achieve this through proposed zoning that will increase compatibility and consistency between the existing land use, and zoning, and between properties that are covered by a Historic Overlay Zone and properties that are not.
6. The Downtown Neighborhood Area Sector Development Plan supports the Albuquerque/Bernalillo County Comprehensive Plan, Policy II.B.5. Developing and Established Urban Areas policies d, e, h, i, j, l and o. The DNA SDP supports the Downtown Neighborhood Area as an identifiable and varied neighborhood that has a visually pleasing environment.
7. The Downtown Neighborhood Area Sector Development Plan supports the Albuquerque/Bernalillo County Comprehensive Plan, Policy II.C.5. Historic Resources policies a, b, and c. The DNA SDP boundaries contain thirty four Registered Historic Properties, five Registered Historic Districts and two Historic Overlay Districts. Historic preservation is at the forefront of the DNA SDP. The DNA SDP does not propose any changes to the boundaries or design regulations of the Historic Overlay Zones. However, the DNA SDP proposes changes to the zoning in the area to ensure that development and redevelopment in the surrounding areas are

compatible with the two HOZs. The DNA SDP proposes to remove much of the Townhouse zoning as this does not reflect the existing single family nature of the neighborhood. The DNA SDP also proposes a Demolition Review process to allow time for review of properties that are slated for demolition but aren't covered by the HOZ. The DNA SDP supports the HOZs through increased consistency and compatibility between areas within an HOZ and those without.

8. The Downtown Neighborhood Area Sector Development Plan supports the Albuquerque/Bernalillo County Comprehensive Plan, Policy II.C. 9. Community Identity and Urban Design policies a, and b. The zoning and policies proposed in the DNA SDP are written to achieve certain goals: to better match the existing land use with the zoning, to allow for appropriately scaled and designed infill development, to preserve and celebrate the historic character and to reinforce the area as primarily residential with mixed use corridors.
9. The Downtown Neighborhood Area Sector Development Plan supports the Albuquerque/Bernalillo County Comprehensive Plan, Policy II.D.4. Transportation and Transit policies b, c, g and i. The DNA SDP proposes policies to address transportation and the zoning for Central and Lomas that reflect their designations as a Major Transit Corridor and a Enhanced Transit Corridor respectively.
10. The Downtown Neighborhood Area Sector Development Plan supports the Proposed Trails Map on page 22 and the intent of the Rank II Trails and Bikeways Facility Plan through increasing the network and facilities for cyclists in the area.
11. The Downtown Neighborhood Area Sector Development Plan supports the Rank II Facility Plan for Electric Service Transmission and Subtransmission Facilities, through the addition of language provided by PNM to address the address utility easements, landscaping and access to public utility facilities.
12. The Downtown Neighborhood Area Sector Development Plan supports the Sawmill Wells Park Sector Plan (Rank 3), 1996, 2000, 2003 because it proposes to use similar zoning and criteria to the SU2 MRN zone in the SU2 MUL zone. This will provide some consistency between the two sides of Mountain Road.
13. The Downtown Neighborhood Area Sector Development Plan supports the Huning Castle Raynolds Addition Sector Development Plan (Rank 3), 1981, 1993, because in allowing residential and commercial uses on the north side of Central and restricting the height to 40 feet (and 52 feet conditionally) through the SU2 CC zone, the DNA SDP proposes to provide some consistency between the north and south side of Central Avenue.

14. The Downtown Neighborhood Area Sector Development Plan supports the Downtown 2010 (Rank 3), 2000, through the creation of an appropriate transition from the downtown core to the residential neighborhood to the west.
  
15. The Downtown Neighborhood Area Sector Development Plan supports the McClellan Park Sector Development Plan, 1984, through the proposed zoning in the area adjacent to McClellan Park that allows a range of uses, SU2 MUM and SU2 MUL, which reflect the variety of uses in the area and removes the percentage requirements in the existing zoning, while restricting certain uses that are not as compatible with the neighborhood. This will make the zones more compatible.
  
16. The Downtown Neighborhood Area Sector Development Plan supports the Fourth Ward Historic Overlay Zone, 1991 and the Eighth and Forrester Historic Overlay Zone, 1991, through increased consistency and compatibility between areas within an HOZ and those without.
  
17. The Downtown Neighborhood Area Sector Development Plan is justified per Resolution 270-1980. The proposed zoning is more advantageous to the community because it furthers applicable goals and policies in the Comprehensive Plan, and through changed conditions. The proposed zoning meets R270-1980 criteria as follows:
  - A. The zone changes proposed by the DNA SDP are consistent with furthering the health, safety, morals and general welfare of the city. The purpose of the zone map amendments contained in the SDP is to ensure that development and redevelopment within the Downtown Neighborhood Area is compatible with the residential and historic nature of the neighborhood. The SDP proposes regulations to ensure that development furthers the goals and policies of the Comprehensive Plan.
  
  - B. The proposed zoning changes will provide the area with stability by better reflecting the existing land use and built form of the neighborhood and to ensure that redevelopment and infill development within the neighborhood are appropriate given the historic nature, residential character, and density of the area. The proposed zoning is designed to reinforce the primarily residential character of the neighborhood, while encouraging a mix of uses along the major corridors that will serve the neighborhood and surrounding areas. Permissive and conditional uses have been carefully crafted in each of the proposed zone categories to ensure compatibility with existing uses and community values, and to avoid future conflicts. Criteria is proposed for certain land uses (e.g., bail bond offices) and building forms (e.g. height) to allow greater community input and City oversight when new development is proposed. The SDP also proposes to include and zone a small area at the southeast corner of the Plan area in order to bring a key neighborhood asset, Robinson Park, into the Plan boundary.

The disconnect between the existing land uses and the existing zoning, the Plan boundary, and changed neighborhood conditions are documented on pages 30-36 of the SDP. The conclusion of

the SDP's analysis is that maintaining the existing zoning could allow new development that destabilizes the neighborhood.

C. The proposed DNA SDP supports applicable goals and policies in the Comprehensive Plan, Facility Plan for Electric Service Transmission and Subtransmission Facilities and the Trails and Bikeways Facility Plan. The DNA SDP complements the adjacent Sector Plans: Sawmill Wells Park SDP, Huning Castle Reynolds Addition SDP, Downtown 2010 SDP and McClellan Park SDP. The plan does not propose any changes to the Fourth Ward or Eighth and Forrester Historic Overlay Zones boundaries or regulations. Please see the analysis above.

D. The City has adopted Resolution 270-1980, which was based on a court case (Miller v. City of Albuquerque). This resolution provides the basis by which a zone change – up or down – can be justified. While there are a number of criteria that are listed, the key one is “D” which lists three options that can be used to determine that the existing zoning is inappropriate.

There was no error that justifies the proposed zone changes. Changed conditions are noted on pages 34-36 of the SDP. The proposed zone changes rely squarely on them being more advantageous to the community by helping to further the applicable goals and policies in the Comprehensive Plan and reflect the community's vision for the future (R-270 1980 D.3.). Prior to adoption of the original 1976 Sector Plan, the area was predominantly zoned for office. The 1976 land use categories reflected the desire for community redevelopment, thereby encouraging demolition of structures and the development of higher density residential including large areas of townhouse zoning and R-3 and R-4 zoning. The neighborhood has evolved since that time to more highly value its historic structures, and property owners have worked hard to improve their homes. High density residential development was never realized in the neighborhood and few existing buildings are taller than 2-stories.

The residential zones, SU-2/SF and SU-2/TH, are intended to allow for new development that responds to its immediate context within the neighborhood. Setbacks are determined by the existing structures on the subject block. Requirements for building articulation, windows and doors, entries and porches will help ensure compatibility between new and existing development. Access to and placement of garages is carefully articulated so that they do not dominate the street view.

In relation to the proposed SU2 CC, SU2 MUM and SU2 MUL zones, the proposed zoning is designed to create mixed use zones along the main corridors- Central, Lomas and Mountain- that would support services and businesses to serve the neighborhood and the wider community. These mixed use zones would also provide an opportunity for higher density housing in the appropriate locations. The Comprehensive Plan contains recent amendments (2002), which are commonly referred to as “Centers and Corridors”. These policies clearly point to promoting infill and redevelopment of underutilized properties, increasing density in the corridors in order to support transit, increasing intensity (height) in the corridors, and promoting mixed uses along the corridor.

The current zoning along Central Avenue, Lomas Boulevard, and Mountain Road is inappropriate because the current zoning allows uses that are in conflict with the Comprehensive Plan's Centers and Corridors as follows:

- a. Mixed Use is not permitted along Central Avenue. The mixed use provisions in the zoning along Lomas Boulevard and Mountain Road (RC and MRO) are unnecessarily burdened by restrictions on the amount of residential versus non-residential uses and the process in which they have to abide by to allow 100% non-residential use. This has created a problem with zoning enforcement,
- b. Allows auto oriented uses that are in conflict with the creation of pedestrian friendly, transit oriented corridors,
- c. Does not have design standards that promote the creation of pedestrian friendly, transit oriented corridors,
- d. Does not include adequate setback provisions to protect the adjacent residential neighborhoods,
- e. Does not have setback or parking restrictions adjacent to Central Avenue to ensure a pedestrian friendly street edge, and
- f. Building heights that are determined by angle planes (Central Avenue) allow very tall structures regardless of adjacent uses or structures.

The proposed SU2 CC, SU2 MUM and SU2 MUL zones address and propose to remedy all of the above points.

Section 3, page 34-36, of the draft DNA SDP, discusses the changed conditions in the area in relation to R270-1980. In relation to the proposed SU2 MR, SU2 OR, SU2 SF and SU2 TH zones, the proposed zoning is in response to changed neighborhood conditions (R270 1980 D.2). The following discusses the changed conditions in the neighborhood, page 34. "As previously noted, the primary intent of the Sector Plan [1976] was to address the blighting issues within the neighborhood and provide incentives for redevelopment. Zoning districts contained in the Sector Plan were specifically crafted to encourage redevelopment and increase the affordable housing stock. In large part, the blighting condition that was present in the neighborhood no longer exists. Broad-scale redevelopment never occurred in the neighborhood; instead, property owners have more commonly rehabilitated their buildings. The zoning districts were never utilized to their intended or fullest potential and, as a result, there is a significant disconnect between existing zoning and existing land use in the Downtown Neighborhood Area. The existing zoning for many portions of the Downtown Neighborhood Area are contrary to the goals and objectives of the neighborhood."

SU2 MR is proposed to replace the SU2 HDA and the SU2 MDA, which allow for high density residential and some limited non-residential uses. There are no apartment developments taller than 3 stories in the area. The proposed SU2 MR, which relates to the R2 zone would still allow

a mix of residential uses but includes regulations to guide the form of development and proposes development that is less dense.

SU2 MRO and SU2 RC allow for a mix of uses, however, if the residential use is greater than 50% a conditional use is required. These zones have been difficult to enforce and this difficulty has engendered some ill will between the neighborhood and property owners. The draft plan proposes to recognize that there are areas where office uses exist and are appropriate. The SU2 MRO and RC have been replaced by SU2 OR, SU2 MUM and SU2 MUL, each zone removes the percentage of non-residential allowed and instead proposes a list of uses that are permissive and conditional. The zones are written to reflect the area in which they are located, what uses and what form is appropriate.

SU2 TH is located throughout the neighborhood. This zone corresponds to the RT in the zone code. This zone was originally proposed to encourage redevelopment in the plan area. It does not reflect the single family character of the area, nor does it encourage the rehabilitation of the existing housing stock- which is seen by many as historic. Some of the areas currently zoned SU2 TH are within the two Historic Overlay Zones, others are not in officially recognized historic areas. The draft DNA SDP proposes to replace much of the SU2 TH zoning with SU2 SF to reflect the existing land use. Where the SU2 TH zoning is kept, regulations on the form and of new development and the locations of garages are proposed to ensure more compatible design.

E. The proposed zoning does not contain uses that would be harmful to adjacent properties, neighbors or the community. Where residential and commercial properties are adjacent, the proposed zones contain requirements to ensure appropriate transitions and buffers. For example, in the SU2 CC zone, the rear setback is 25 feet when abutting SU2 SF and SU2 TH. The SU2 MUM zone is proposed for most of Lomas Blvd., because the platting means that these lots are often quite shallow, with a residential lot abutting, the SU2 MUM has a rear setback of 20 feet when adjacent to SU2 SF and SU2 TH, heights are limits between 26 feet and 40 feet are conditional. In both the SU2 MUL and SU2 MUM the retail of food and drink, on or off premise consumption is conditional due to the sensitivity of such a use with residential in close proximity. The SU2 MR is designed to act as a transition from the core of downtown Albuquerque to the residential neighborhood.

F. None of the Plan's zone changes require major capital expenditures.

G. The cost of land is not discussed in the Plan.

H. The location of mixed use and higher density residential zoning is related to the vision proposed for the whole downtown area. The mixed use zones along Mountain, Lomas, and Central are intended to provide more activity in these areas by integrating residential use with neighborhood scaled commercial services for the area residents. Central Avenue is a Enhanced Transit Corridor, but is currently dominated by vacant and/or underutilized buildings and land. The intention is to provide incentives for redevelopment and reuse of structures and properties.

I. The proposed zone changes will create spot zones that are justified as follows:

1. The proposed zoning clearly facilitates realization of the Comprehensive Plan goals and policies as detailed above in the response to R-270-1980, Section 1.C.; and
2. The proposed zoning and their individual, component regulations within the plan area and the plan area itself are different from surrounding land. The proposed locations of zone boundaries create differences between adjacent lands and zones as well as differences between zones within the plan area. The proposed zoning categories establish and facilitate transitions between adjacent zones within the plan area and where adjacent to existing zoning. Even where residential and non-residential zoning abut or are adjacent, there are specific requirements within the more intense zone category so as to maximize compatibility with the less intense zone category.

J. The proposed zone changes will create strip zones that are justified as follows:

1. The proposed zoning clearly facilitates realization of the Comprehensive Plan goals and policies as detailed above in the response to R-270-1980, Section 1.C.; and
2. The proposed zoning and their individual, component regulations within the plan area and the plan area itself are different from surrounding land. The proposed locations of zone boundaries along the major corridors (Central Avenue, Mountain Road, and Lomas Boulevard) function as a transition between the roadway and the primarily single family development in the neighborhood core. Each of these zones correspond to existing development, overall lot size and depth, the desire for commercial development to serve the neighborhood residents, and the amount of vehicular traffic that each of these corridors carry. The zones contain specific requirements that are intended to maximize compatibility with adjacent development and less intense zoning districts. The proposed locations of zone boundaries create differences between adjacent lands and zones as well as differences between zones within the plan area. The proposed zoning categories establish and facilitate transitions between adjacent zones within the plan area and where adjacent to existing zoning. Even where residential and non-residential zoning abut or are adjacent, there are specific requirements within the more intense zone category so as to maximize compatibility with the less intense zone category. Furthermore, the location of many of the “strip zones” is in response to traffic potentials on established corridors, Central Avenue, Lomas Boulevard and Mountain Road.

18. Additional time is necessary to allow staff to coordinate review and comments with Zoning, Transportation (DMD), and to address comments received from other agencies and the public. A continuance is warranted to allow for these interactions.

***RECOMMENDATION – 10EPC- 40063 December 2, 2010***

**CONTINUANCE of 10EPC 40063, the Downtown Neighborhood Area Sector Development Plan for 70 days to February 10, 2011, based on the preceding Findings in order to prepare Plan revisions in form of conditions.**

***Petra Morris  
Planner***

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Keller McKenzie, 917 Copper NW  
Jennifer de Garmo, DNA Chair

***Attachments***

**Attachment 1: Letters received prior to the issuance of the Staff Report.**

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## ***CITY OF ALBUQUERQUE AGENCY COMMENTS***

### ***PLANNING DEPARTMENT***

#### ***Zoning Enforcement***

Our office would like to request additional time to provide comments for this proposed plan.

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

#### ***Long Range Planning***

### ***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***

The two weeks allotted staff to review the proposed Downtown Neighborhood Area Sector Development Plan is not adequate.

#### ***Recommendation:***

Request an additional 60 days (**deferral**), at a minimum, to allow adequate time for review and comment.

#### ***Street Maintenance (Department of Municipal Development)***

No comments received.

### ***WATER UTILITY AUTHORITY***

*Utility Services*

**ENVIRONMENTAL HEALTH DEPARTMENT**

*Air Quality Division*

*Environmental Services Division*

**PARKS AND RECREATION**

*Planning and Design*

*Open Space Division*

*City Forester*

**POLICE DEPARTMENT/Planning**

**SOLID WASTE MANAGEMENT DEPARTMENT**

*Refuse Division*

**FIRE DEPARTMENT/Planning**

**TRANSIT DEPARTMENT**

**COMMENTS FROM OTHER AGENCIES**

**BERNALILLO COUNTY**

**ALBUQUERQUE METROPOLITAN ARROYO FLOOD CONTROL AUTHORITY**

**ALBUQUERQUE PUBLIC SCHOOLS**

*MID-REGION COUNCIL OF GOVERNMENTS*

*MIDDLE RIO GRANDE CONSERVANCY DISTRICT*

*PUBLIC SERVICE COMPANY OF NEW MEXICO*

*NEW MEXICO DEPARTMENT OF TRANSPORTATION (NMDOT)*

No comments received.

**RECOMMENDED CONDITIONS FROM CITY ENGINEER, MUNICIPAL DEVELOPMENT**

**and NMDOT:**

Conditions of approval for the proposed Sector, Area, FAC, or Comp Plan Amendment shall include:

- a. Request an additional 60 days (**deferral**), at a minimum, to allow adequate time for review and comment.