
**CITY OF ALBUQUERQUE
CITY COUNCIL**

INTEROFFICE MEMORANDUM

TO: City Councilors

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SUBJECT: Downtown Neighborhood Area Sector Development Plan (R-11-225) – Recommended Revision to “Townhouse” Zoning

DATE: March 21, 2012

Overview

A small number of property owners have objected to a proposed zone change from Townhouse (TH) to Single Family (SF). In order to provide the Council with a more complete understanding of the issue it is being asked to consider and decision it is being asked to make, what follows is a history of the issue; an analysis of Townhouse zoning citywide, in nearby Sector Plan areas, and within the DNASDP area; and finally, an alternative option for the Council’s consideration that could accommodate the development of townhouses while still protecting the character and established development pattern of the neighborhood.

History of the Issue

According to the record for R-11-225, one of the primary reasons for undertaking this update of the 1976 Downtown Neighborhood Area Sector Development Plan (DNASDP) was to address the disconnect between existing land uses and zoning. Specifically, the predominant existing land use in the DNASDP area is single-family residences in the form of detached houses, but much of the land is zoned for Townhouses, a higher-density residential use of a different urban character. Per the Draft Plan (C/S R-11-225):

“There is a large amount of TH zoning within the Downtown Neighborhood Area. At the time when the original Sector Development 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 the 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 area. 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 currently exists and adding design standards that would provide better compatibility with the existing character are desired” (p. 35-36).

Thus, the Draft Plan that was submitted to the EPC in October 2010 proposed to rezone the majority of properties currently zoned TH to SF (Single Family). More specifically, there are exactly 401 assessed parcels in the DNASDP area that are currently zoned SU-2/TH. Of those 401 parcels, 64 were originally proposed to retain TH zoning since they contain existing townhouses or multi-family development. The remaining 337 parcels were proposed to be rezoned SU-2/DNA-SF (Single Family). As of the writing of this memo, seven¹ (7) property owners have objected to this proposal (see complete record, “Communications Received from Property Owners and Neighbors”). They are:

1. Jon Anderson and Laura Daby – 908 Roma Ave., NW
2. Joel and Evelyn Wheeler – 707 and 709 Granite Ave., NW
3. Heavon Fagan – 819 11th St., NW
4. Bruce Caird – 1808 Old Town Rd., NW
5. Hallie Carruthers – 1800 (Lots B1 and B2) and 1802 Old Town Rd., NW
6. Dr. Robert Karp – 1806 Old Town Rd., NW
7. Maria Teresa Purdum – 623 12th St., NW / 1204 Orchard Pl., NW

The first two listed have objected because they wish to retain the ability to tear down existing single-family structures and build townhouse units in their place. The third owner listed owns a single-family house that she told the LUPZ Committee on November 30, 2011, has previously been used a duplex and that she might want to return to use as a duplex some day. The last four have objected because their properties contain multiple units, and they feel that the TH zoning better reflects their existing use. In the case of these last four, staff is recommending to retain TH zoning for these properties since they currently contain something other than single-family residences (see “FA_Recommended Zone Changes” #6 and #16).

As is described at length in the record, it is not desirable to leave the extensive amount of TH zoning that currently exists within the Plan area because of its potentially destabilizing effect on the solidly single-family residential character of the inner part of the neighborhood. Per the requirements of R-270-1980(D), the existing TH zoning is inappropriate because changed neighborhood conditions justify the change to SF. The “changed neighborhood condition” can be summarized as follows:

¹ Staff received one additional communication from the property owner of 912 7th St., NW, objecting to the change from TH to SF one day prior to the issuance of this memo. Staff is seeking further clarification from the property owner and will address this case once additional information has been obtained.

- In 1976, the area that was rezoned to TH had seen years of disinvestment and deterioration of the existing housing stock. A map in the 1976 Plan showing where sub-standard structures existed illustrates that the areas to be rezoned TH generally corresponded to areas with concentrations of sub-standard structures. The 1976 Plan contemplated that allowing townhouse development would encourage reinvestment in the areas of the neighborhood that were in decline by providing an opportunity for property owners to develop their properties at greater densities.
- However, over the next three-and-a-half decades, reinvestment in the neighborhood came in the form of people buying and fixing up older homes rather than demolishing them and erecting new structures.
- Thus, the value in the neighborhood today comes from the preservation and conservation of its historic resources. Where there was once extensive housing stock that was considered not worth preserving and better off being replaced, there is now much value placed on and to be gained from protecting the single-family environment and established development pattern of the neighborhood.

Analysis of Townhouse Zoning – Citywide: [This analysis should be considered in conjunction with and is informed by the following: 1) TH Memo – Attachment 1 – Citywide Townhouse Zoning Map, and 2) TH Memo – Attachment 2 – Citywide Townhouse Analysis Spreadsheet]

The R-T (Residential Townhouse) and R-LT (Residential Limited Townhouse) zoning districts were first introduced to the Comprehensive City Zoning Code in 1976, the same year that the DNASDP was adopted. Since their adoption, these zones have been mapped through individual zone-change requests and through inclusion in Sector Development Plans (see SDP analysis below for some examples). An analysis of the application of Townhouse Zoning citywide reveals that R-T and R-LT are mapped in locations where:

1. Townhouse development exists (typically, development occurs after zoning is already in place);
2. Multiple units exist on the same lot (typically, Townhouse Zoning is applied for and granted in order to address an existing condition; usually “spot” zones); or
3. Planned new development in the form of single-family detached houses that do not meet the setback and/or lot size requirements of the R-1 zone (typically, development occurs after zoning is already in place).

That is to say, where Townhouse Zoning exists elsewhere in the city, the existing land use “matches” the zoning. There are, of course, exceptions, such as in certain Sector Development Plan areas (e.g., University Neighborhood [1986] and Trumbull [1981]) where Townhouse Zoning was established in areas with an existing mixed- and higher-density residential development pattern. In these

areas, it is possible to find single-family detached homes on lots with Townhouse Zoning, but in those areas, townhouse/multi-family development is the predominant use while single-family homes are the exception.

Analysis of Townhouse Zoning – Nearby Sector Plan Areas:

In close proximity to the DNASDP, are a number of other Sector Development Plans establish tailored applications of Townhouse Zoning. In order to provide a frame of reference and basis for comparison between proximate areas, a brief explanation of the treatment of Townhouse Zoning in each of those plans is provided below:

1. **Huning Castle/Raynolds Addition SDP (1981):** [Geographic orientation: the southern boundary of the DNASDP meets the northern boundary of the HCRA SDP]

Townhouse Zoning was used in the 1981 HCRA SDP to encourage infill development on vacant lots within the plan area. In the two locations where Townhouse Zoning was applied (on the north side of New York Avenue and on the northwest side of Alcalde Place), townhouse development has occurred on the vacant lots, with the exception of the section on Alcalde Place between San Patricio and Escalante.

Additionally, Townhouse Zoning has been requested on the south side of New York Avenue since the plan's adoption, resulting in additional infill townhouse development on vacant parcels.

2. **Sawmill Wells Park SDP (1996, 2002):** [Geographic orientation: the northern boundary of the DNASDP meets the southern boundary of the SWP SDP]

The SWP SDP contains four zoning districts (SU-2/S-R, /DR, /MRN, and /MI) that allow townhouse development as a permissive use, amongst other uses, in order to reflect the historic development pattern of the neighborhood, characterized by multiple units on single lots, which is the opposite of what exists in the DNASDP area. The SWP SDP also contains strict design regulations to control the scale of new development and ensure that, even if higher-density development occurs, it is low impact/low intensity and compatible with the character of the neighborhood.

3. **Barelas SDP (1976, 1993, 2008):** [Geographic orientation: The Barelas SDP shares its northern boundary with the southern boundaries of the HCRA SDP and the Downtown 2010 Plan, which both share boundaries with the DNASDP. At their closest point, the boundaries of the DNASDP and Barelas SDP are 1,770 feet, or 1/3 mile, or 5 city blocks, apart.]

The original 1976 Barelas SDP contained zoning very similar to the 1976 DNASDP, including SU-2/HDA (High Density Apartment), SU-2/RC (Residential Commercial), and SU-2/TH (Townhouse), which was the zoning district that was applied to large areas that were developed with single-family residences, just as in the DNASDP. When the Barelas SDP was updated in 1993, it replaced the SU-2/TH zoning with SU-2/R-1 zoning to reflect the historic and existing land use, similar to what is being

proposed now for the DNASDP. However, the 1993 Barelás SDP retained R-T uses as a conditional use in the SU-2/R-1 zone. The 2008 Barelás SDP re-established townhouse zoning (SU-2/R-T) in two specific locations (totaling roughly four city blocks) within the Plan area, replacing SU-2/R-2 zoning. Townhouse development has been occurring on vacant SU-2/R-T parcels in the southern part of the Plan area since the adoption of the Plan in 2008.

4. **Huning Highland SDP (1977, 1988):** [Geographic orientation: The HHSDP shares its western boundary with the eastern boundary Downtown 2010 Plan, which shares its western boundary with the eastern boundary of the DNASDP.]

The primary residential zone in the HHSDP is the MR (Mixed Residential) zone, which corresponds to the R-1 zone but allows R-T uses as a conditional use. There are no properties zoned R-T or a comparable zone within the HHSDP. The Huning Highland neighborhood, like the Downtown Neighborhood Area, is a historic area, all of which is covered by a Historic Overlay Zone. The emphasis in Huning Highland is on preservation and rehabilitation, as the area does not contain a significant number of vacant lots that are developable. While a number of multi-family (apartment) developments exist within the boundaries of the HHSDP, the townhouse typology is not a typical building type in Huning Highland.

Analysis of Townhouse Zoning – Within the DNASDP Area:

The 1976 DNASDP established TH zoning as the replacement zone for certain parcels with R-2, R-3, and O-1 zoning that were considered to be good candidates for redevelopment. The Existing Land Use map in the 1976 DNASDP shows that the majority of properties that were proposed to be rezoned to TH were, at that time, being used as single-family residences. However, the area that was rezoned to TH had seen years of disinvestment and deterioration of the existing housing stock. A map in the 1976 Plan showing where sub-standard structures existed illustrates that the areas to be rezoned TH generally corresponded to areas with concentrations of sub-standard structures. The 1976 Plan contemplated that allowing townhouse development would encourage reinvestment in the areas of the neighborhood that were in decline by providing an opportunity for property owners to develop their properties at greater densities.

In the 35+ years since the DNASDP established TH zoning, only a small number of townhouse developments have actually been built under that zoning. As the narrative of the 2012 Draft Plan suggests, there have been varying degrees of success in terms of making new townhouse developments compatible with the character of adjacent properties and the rest of the neighborhood.

Of the existing 401 assessed parcels in the DNASDP area that have TH zoning, only 67 are known to contain purpose-built townhouses or multiple units. Two property owners have come forward and said that they have plans to develop townhouses on their properties, but as of the writing of this memo, there are no known building permits that are actively being sought to initiate such projects.

Compared to where Townhouse Zoning exists elsewhere in the city, the TH zoning in the DNASDP area is the only place with such an extensive mismatch between the predominant existing land use and zoning. As stated previously, in the case of the DNASDP area, the predominant existing land use is single-family detached residential, not townhouse or multi-family.

Alternative Option: Allow “Townhouses” as a Conditional Use in the SU-2/DNA-SF Zone, Subject to Restrictions

As described above in the analysis of the treatment of Townhouse Zoning in nearby sector plan areas, there are precedents for allowing townhouses as a conditional use in low-density residential zones (see Barelás SDP and Huning Highland SDP). The DNASDP area shares certain characteristics with other areas that allow townhouse as a conditional use, namely, being a historic neighborhood with a solid stock of existing single-family detached houses and a strong urban design character, which is why it may be appropriate to consider a similar treatment of townhouses here. Allowing townhouses as a conditional use would provide a more limited opportunity for properties meeting certain criteria (described below) to be redeveloped as townhouses, subject to a public approval process in order to ensure that new development is compatible with and not injurious to adjacent properties and the neighborhood.

The specific proposal to introduce townhouses as a conditional use in the DNASDP is as follows:

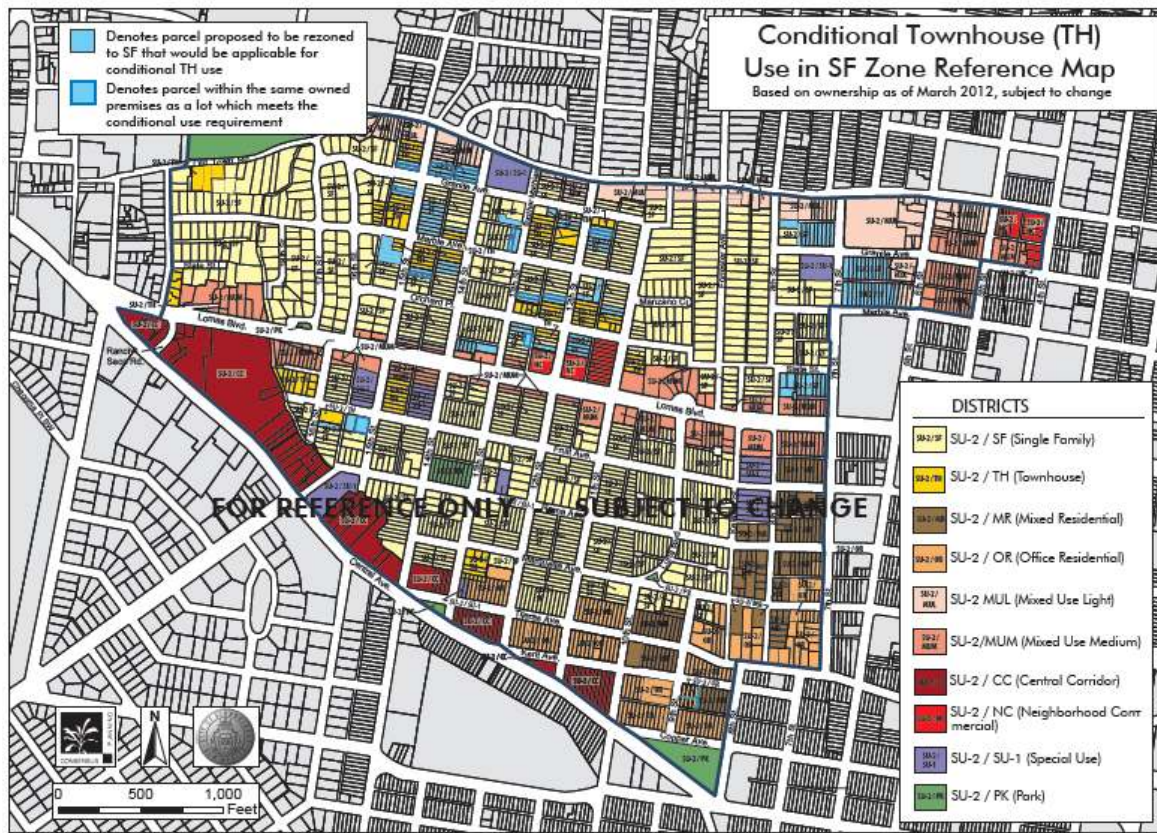
On page 92 of C/S R-11-225, in section “C. Conditional Uses” of the SU-2/DNA-SF Single Family Zone, insert the following new section 3:

[+3. SU-2/DNA-TH uses, provided:

- a. The premises was previously zoned SU-2/TH by the 1976 DNASDP. See “Zoning Established by the 1976 DNASDP” map on page 32 for eligible properties; and*
- b. The premises at the time of adoption of this Plan is adjacent on at least one side to a property that is zoned something other than SU-2/DNA-SF; and*
- c. The premises has alley access; and*
- d. A Site Development Plan for Building Permit, as defined in the Comprehensive City Zoning Code, is submitted with and tied to the approval of a conditional use; and*

e. All townhouse developments within the SU-2/DNA-SF zone shall comply with the development standards of the SU-2/DNA-TH zone. +]

A reference map that shows which properties would be eligible for the conditional use is provided below.



Conclusion

The Council is being asked to consider whether it is appropriate to allow certain properties that contain single-family houses to retain Townhouse Zoning based on a small number of property owners saying that they have plans to develop townhouses at some point in the future. Staff is offering a possible compromise that would allow townhouse to be retained as a conditional use for properties that meet certain conditions. The Council has many options it can consider, including:

- Rezoning properties to SF as proposed in the 10-28-10 Draft Plan (meaning that townhouse development would be prohibited).
- Allowing certain properties to retain TH zoning based on objections from property owners.

- Rezoning properties to SF, but adding “townhouse” as a conditional use for properties meeting certain conditions.

The Council may also choose to develop or provide direction to staff to develop an alternative to the options listed above.