

CITY OF ALBUQUERQUE LAND USE FACILITATION PROGRAM PROJECT MEETING REPORT

Project #: 1007429
Property Description/Address: 1005 5th Street NW, Lot 9, 10, 11 and 12, Block 5, J.F. Girard Addition

Date Submitted: September 9, 2008
Submitted By: Diane Grover

Meeting Date/Time: September 9, 2008, 9:30 a.m.
Meeting Location: Harwood Art Center, 1114 7th Street, NW
Facilitator: Diane Grover
Co-facilitator: T. K. O'Geary

Parties:
Joseph Olmi, Applicant
Downtown N.A. (DNA)

Invited but not in attendance:
North Fourth Camino Real Merchants Association, Inc. (NFC)

Note: Individual names can be found at the end of this report.

Background/Meeting Summary:

Applicant Joseph Olmi requests a Conditional Use to allow 100% of the floor area for office use at 1005 5th Street NW. Current zoning allows for 50% of square footage to be used as office space; 50% residential. Joseph currently lives at the property but is planning to lease or sell; the residential space is more than he needs. Potential buyers or renters appear more interested in the property as office space rather than residential space.

Joe would like to maintain ownership of the property, but is concerned about his ability to lease or sell the property. When he purchased the property it triggered a significant increase in his property taxes, which raised his mortgage payment by approximately \$200/month. Selling or leasing the property as office space will increase the feasibility of renting for an amount that will cover his current payment. His uncle also has some ownership interest in the property and may be open to using the site as a legal office.

The DNA has many concerns about conversions from residential to office use. They feel the need to offer protection for the remaining residents and maintain the safety of the area. They feel that an increase of offices represents a decrease in nighttime safety because offices are traditionally vacant at night and on the weekends, reducing the "eyes on the street." They also find that the more offices they have the less residences they have, and the more they are denied needed services (such as a grocery store) based on the ever-reducing numbers of residents in the area. Additionally, property doesn't return to residential once converted to office space.

The DNA is also vehemently opposed to additional bail bonds businesses in the area, and to a lesser extent certain law practices. Areas zoned for businesses are zoned for Neighborhood Commercial, and neighbors do not see where bail bonds businesses are serving their needs, especially to the degree they exist in the area. They also feel that these businesses attract a criminal element that they do not welcome. They view the office crawl that is occurring from so many spot zone changes and conditional uses to be injurious to the residents, and look forward to the Sector Plan changes for which funds have been appropriated, but no work has been done.

The applicant is interested in participating with the DNA as a neighbor, and is interested in the project to update the Sector Plan. DNA members invited Joe to attend DNA meetings, which occur on the 1st Wednesday of each month at the Harwood Art Center at 7 p.m. Joseph was invited to view the DNA website at www.abqdna.com

Outcome:

Areas of Agreement:

- Neighbors and applicant value the downtown area as a wonderful place to live
- Neighbors and applicant want to maintain a safe, inviting environment
- Applicant does not want to be injurious to the neighborhood environment
- Neighbors and applicant enjoy being able to walk around their neighborhood, day or night, and want this protected.

Unresolved Issues, Interests and Concerns:

- Neighbors and applicant disagree on whether bail bonds businesses are in compliance with neighborhood commercial zoning
- Neighbors and applicant differ in opinion on “highest and best use” of property

Key Points:

- DNA expressed appreciation that applicant is going through the formal process rather than resorting to non-compliance, which they feel is rampant in the area.
- All meeting attendees recognized that differences were not personal

Meeting Specifics:

- 1) Historic and current use of property
 - a) Bail bondsman rented for one year
 - b) Currently applicant lives at property
 - i) Owned property for 2 years
 - ii) Doesn't need all the space
 - iii) Looking to rent or sell
 - iv) Would prefer to maintain ownership but open to sale
 - v) Property is attracting those interested in office use rather than residential
 - (1) Homeopathic doctors
 - (2) Massage therapist

- (3) Lawyers
- 2) Near neighbors
 - a) House to the south is 100% office with bail bonds business in garage
 - b) 2 houses to the north are 100% office
 - c) Residence at Mountain and 5th
 - d) Neighborhood commercial area across the street has one residence surrounded by property that is 100% commercial
 - e) Some residences up the block
 - f) Home at NW corner of Granite and 5th is residential

Note: Applicant did not know if all of the 100% business properties were zoned for 100% office usage or for 50% office usage, but home next door at 1015 5th is zoned for 100% office use for legal offices only. DNA stated that they do report those who are out of compliance and will continue to do so.

- 3) Neighborhood interests/concerns
 - a) Conversion of Residence to Office
 - i) Does not serve neighborhood
 - ii) Reduces justification for services
 - (1) Need for grocery store was refuted because there were not enough residences
 - iii) Reduces night time safety; offices are vacant at night
 - (1) Impacts existing residences
 - iv) DNA needs to protect those living in residences along 4th-6th streets
 - b) Insufficient zoning enforcement
 - i) Those out of compliance encourage more out of compliance
 - ii) Enforcement is difficult to accomplish
 - c) Sector Plan Update
 - i) Money has already been appropriated
 - ii) Zoning change through sector plan is preferable to change by conditional use
 - iii) Redo of Sector Plan is in the talking stage (DNA understands a waiting list exists at the City for planning assistance)
 - iv) Expect 3-5 years to complete
 - d) Change by conditional use
 - i) Threatening to neighborhood
 - e) Office crawl
 - i) Each conditional use approval leads to more
 - ii) 8th and Mountain 100% office use approved
 - iii) 11th and Mountain 100% office use approved
 - iv) Injurious to remaining residents
 - f) Bail Bondsmen
 - i) Attracted by 100% office use
 - ii) Represent threat to neighborhood safety
 - iii) Attracts criminal element
 - iv) Unsightly
 - v) Offices open 24 hours a day / 7 days a week
 - vi) Are far too prevalent in neighborhood by neighbors standards

- vii) Neighbors feel this an inappropriate use within neighborhood commercial zoning
 - (1) Neighbors do not have need for bail bondsmen

Action Plan:

Applicant will continue with hearing

Action Items:

None noted

ZHE Application Hearing Details:

- 1) Hearing Scheduled for Tuesday, September 16, 2008
- 2) Hearing Details:
 - a) The Office of the Zoning Hearing Examiner conducts monthly quasi-judicial PUBLIC HEARINGS regarding Special Exceptions to the Zoning Code (Please refer to Section 14.16.4.2 of the Comprehensive City Zoning Code)
 - b) There are certain criteria that applicants must meet in order to obtain an approval of decision for their special exception request.
- 3) Hearing Process:
 - a) Comments from facilitated meetings will go into a report which goes to the Hearing Examiner
 - b) All interested parties may appear at the hearing and voice their opinions or submit written comments prior to the day of public hearing.
 - c) The Zoning Hearing Examiner will render a determination of approval, approval with conditions or denial within 15 days after the close of the public hearing
 - d) The determination can be appealed to the Board of Appeals

Any further questions or comments can be referred to:

Lucinda Montoya
924-3918
Lucindamontoya@cabq.gov

Names & Affiliations of Attendees:

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|---------------------|-------------------------------|
| Sue Brych | DNA |
| Sandy Gregory | DNA |
| Jennifer de Garmo | DNA |
| Joe Olmi | Applicant |
| Marsha Lichtenstein | Land Use Facilitation Program |
| Shannon Watson | City of Albuquerque |