



**Environmental
Planning
Commission**

*Agenda Number: 7
Project Number: 1001902
Case #: 12EPC-40064 & 65
November 8, 2012*

Staff Report

Agent	William Kleinschmidt, Architect
Applicant	Frederick Eberle
Request(s)	Sector Plan Map Amendment Site Dev. Plan for Subdivision
Legal Description	Tract A, Lands of Arleen Watrus and Tract 293, MRGCD Map 38
Location	2416-2420 Carson Road NW between Rio Grande Blvd. and Alameda Drain
Size	Approximately 0.25 acres
Existing Zoning	R-1
Proposed Zoning	SU-1 for Planned Residential Development

Staff Recommendation
APPROVAL of Case 12EPC-40065 based on the Findings beginning on Page 21, and subject to the Conditions of Approval beginning on Page 24.
APPROVAL of Case 12EPC-40064 based on the Findings beginning on Page 25, and subject to the Conditions of Approval beginning on Page 27.

Staff Planner
Carrie Barkhurst, Planner

Summary of Analysis
 This dual request is for a site located in an established urban area west of Rio Grande Blvd. between I-40 and Central Ave. The subject site is within the boundaries of the Old Town Sector Development Plan and is zoned R-1. The applicant proposes to subdivide the two parcels into three new lots, with one house per lot as a permissive use. The existing house would remain, and two new houses are proposed.

The proposal is generally consistent with the applicable policies of the Comprehensive Plan and the Old Town Sector Plan. The applicant has adequately justified the zone change request as being more advantageous to the community pursuant to R-270-1980. However, with some changes to the site plan, the request could be made more advantageous to the community and consistent with adopted policies.

Adjacent residents, the West Old Town NA, and the North Valley Coalition were notified. There is some opposition to the requested setbacks and height. Staff recommends approval, subject to conditions.



City Departments and other interested agencies reviewed this application from 10/1/2012 to 10/12/2012. Agency comments used in the preparation of this report begin on Page 30.

I. AREA CHARACTERISTICS AND ZONING HISTORY

Surrounding zoning, plan designations, and land uses:

	Zoning	Comprehensive Plan Area; Applicable Rank II & III Plans	Land Use
Site	R-1	Central Urban Area; Old Town SDP	Vacant
North	R-1; R-LT (Res. Light) RC (Residential Commercial)	Central Urban Area; Old Town SDP	Residential
South	R-1	Central Urban Area; Old Town SDP	Residential
East	R-1	Central Urban Area; Old Town SDP Rio Grande Blvd. Corridor Plan	Vacant
West	R-1	Central Urban Area; Old Town SDP	Residential

II. INTRODUCTION

Proposal

This two-part request is for a Sector Plan map amendment (zone change) and Site Development Plan for Subdivision (SPSD) for Tract A, Lands of Arleen Watrus and Tract 293, MRGCD Map 38 (the “subject site”). It contains approximately 0.25-acres of land and is located on Carson Road NW between Rio Grande Blvd. and the Alameda Drain. The site is currently zoned R-1. The subject site is within the Boundaries of the Old Town Sector Development Plan, although the plan does not establish zoning. The applicant requests SU-1 for PRD.

The subject site consists of one long, narrow lot (171’ x 40’) and another that is generally square, with an irregular rear lot boundary (41’ x 40’). The long lot is vacant and the second lot has an existing two-story house, which is proposed to remain.

The applicant proposes to replat the two lots into three lots and to develop the subject site with two new single-family residences. The existing single-family residential home is to remain. Because the site has a lot depth of 40 feet, it would only be possible to develop a building under the existing R-1 zone setback requirements with a variance. Development within the SU-1 zone may only occur in conformance with an approved Site Development Plan. The associated SPSPD meets the requirements of the Special Use zone.

EPC Role

The Environmental Planning Commission (EPC) has decision-making authority for the zone change because the site is less than one block, pursuant to §14-16-4-1(C)(10) of the Zoning Code. The EPC is the approval body for site development plans that are required by the SU-1 Special Use Zone, §14-16-2-22.

Context & History

The subject site is located in Old Town, which is where the oldest development in the City is located. The dimensions of the subject site reflect an historic long-lot, agricultural subdivision pattern, which would allow owners access to both Alameda Drain and Rio Grande Blvd., before having been subdivided. Throughout this area, land has been assembled and replatted into residential subdivisions, including the Pueblo Bonito Subdivision adjacent to and south of the subject site.

The existing land uses in the vicinity are predominantly residential, with higher densities to the north and east, and lower densities to the south and west. There are commercial uses along Rio Grande Blvd., including some homes that have been converted to commercial.

The established development pattern includes many homes and accessory structures that are not compliant with the current setback regulations. Much of this area was built prior to the adoption of the City Zoning Code, and so non-conformance with setback regulations is more the rule than the exception. Throughout this area there are structures that are built on property lines, or within 5 feet of a property line. There is also great variety in the mix of lot size and house sizes. However, the character of the area generally consists of small, single-family residences.

Carson Road is a local access road that intersects with a minor arterial. It is a dead-end road that is not built to the current street width requirements. The right-of-way is only 25-feet, and the existing paved road is 14-feet, exclusive of the 30” mountable curb on the south side of the road.

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 Rio Grande Blvd. as a Minor Arterial, with a right-of-way of 86'. Carson Road is classified as a local road.

Comprehensive Plan Corridor Designation. Rio Grande is an Enhanced Transit Corridor, which is “designed or redesigned to improve transit and pedestrian opportunities for residents, businesses and other users nearby.”

Trails/Bikeways. Rio Grande has an existing bicycle lane in the vicinity of the subject site. Nearby is Mountain Road, which is a bicycle boulevard.

Transit. ABQ Ride Routes 36 and 790 pass by the subject site.

Public Facilities/Community Services

The Old Town area is well-served with public facilities and services. There are four museums within one-mile of the site, as well as ten parks and two elementary schools. A police substation, library, fire department, and community center are also nearby. For more specific information, see the Public Facilities Map.

III. ANALYSIS – SECTOR PLAN MAP AMENDMENT

Albuquerque Comprehensive Zoning Code

The subject site is currently zoned R-1, the request is for SU-1 for Planned Residential Development (SU-1 for PRD). Both zones allow residential uses. The major difference between the two is the development regulations – including density, lot size, and setbacks.

<u>Current R-1 Zone</u>	<u>Requested SU-1 for PRD</u>
- Density = 5 du/acre	- Density = 12 du/acre
- Minimum lot size = 5,000 sf	- Minimum lot size = 3,000 sf
- Front Setback = 20	- Front Setback = 2
- Side Setbacks = 5 and 10 on one side	- Side Setbacks = 5
- Rear Setback = 15	- Rear Setback = 5

The SU-1 for PRD zone is governed by a site development plan, which is not required in the R-1 zone. The request would allow two houses where only one is currently permitted. The proposed use would not be permissive under the current zoning because it is not consistent with the minimum lot size, setbacks, and number of dwelling units that would be allowed. A more detailed analysis of the proposed zone follows, ***Staff analysis is in bold italics.***

§14-16-2-22(A)(25) Planned Residential Development (PRD), provided:

(a) Allowed uses include single-family houses, townhouses, apartments, associated accessory structures and home occupations as regulated by the R-1 zone. Residence/work spaces are allowed as approved by the Planning Commission. O-1 permissive and C-1 permissive uses may be allowed, up to 25% of the total gross floor area of the development, as approved by the Planning Commission.

Uses: The site development plan specifies the use as single-family residential use only.

(b) A Site Development Plan for Subdivision (§ 14-16-1-5(B)) is required for approval by the Planning Commission in conjunction with a zone map amendment and prior to building permit approval, with specific design requirements that include, but are not limited to: maximum and minimum number of dwelling units and/or density; maximum and minimum lot size(s); maximum building height; minimum building setbacks; architectural design standards, including but not limited to exterior wall materials and colors, roof materials and colors; placement of mechanical units; preliminary grading and drainage plan; landscape design standards; parking; site lighting; design of walls and fences visible from public rights-of-way; and pedestrian amenities.

Design Standards: *The site development plan includes design standards as specified by the PRD zone.*

(c) The PRD uses and development are compatible with adjacent properties, including public open spaces, public trails and existing neighborhoods and communities. The standards for compatibility shall include the design requirements in subsection (b).

Development Compatibility: *The request would allow one additional dwelling unit, compared to the current zone. The density would increase from 8 DU/acre to 12 DU/acre. Adjacent property to the north is developed at densities that range from 3 DU/acre to 12 DU/acre. Adjacent property to the south is developed at approximately 5 DU/acre. The requested number of dwelling units and density is generally compatible with property to the north, but much denser than property to the south.*

The requested height is compatible with the allowable height for adjacent properties. The setbacks that are requested are substantially smaller than what is required in any other residential zone. The small setbacks may adversely impact the adjacent lower-density residential development. Staff notes that there are three existing homes, including one on the subject site, that do not meet the current zoning setback requirements. There are also accessory buildings to the south of the subject site that do not meet the current zoning setback requirements.

The architectural design standards are generally consistent with what is allowed in the General Zoning Regulations, and therefore is compatible with adjacent development.

(d) Upon approval of a Site Development Plan for Subdivision with design requirements by the Planning Commission, individual site plans for building permit may be submitted for building permit approved unless the Planning Commission specifies additional review.

Development Process: *The site development plan indicates that future development will be delegated to the building permit review process.*

(e) Signs as permitted and regulated by the Planning Commission.

Signs: *The site development plan does not request any signage.*

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

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

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

Analysis of Applicant's Justification

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

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

This zone map amendment request is made in conjunction with a re-plat of the two tracts into three new single family residential lots. Since none of the three new lots meets the R-1 zone minimum lot size requirement, a zone map amendment request is being made to change the zoning to SU-1 / PRD. The SU-1 site development plan includes narrower setbacks (compared to R-1 zone setbacks) at front, side and rear lot lines to allow development of a single-family detached home on each lot.

Tract A is currently developed with a small two-story single-family house in close proximity to side and rear property lines. This lot size provides insufficient area for both a yard and off-street parking for the existing house. Tract 293 is an undeveloped narrow lot, and the lot shape inhibits practical development opportunities for a single-family dwelling.

The subject properties are located in an established residential neighborhood comprised of single-family homes on R-1 lots and townhomes on RT- or RC-zoned lots. The subject properties are small and configured such that current R-1 zoning and associated R-1 setbacks require, at minimum, some form of variance be granted to develop the lots at all. Changing the zoning to SU-1 / PRD, establishing the land use specifically for single-family residential use, and controlling the density to one dwelling unit per lot enables development of the lots in a manner consistent with other properties in the surrounding neighborhood. This approach furthers the goals of the Comprehensive Plan by maintaining and enhancing the integrity of the existing residential neighborhood.

Staff agrees that this property could not be developed without a variance or zone change. The SU-1 zone is a way to control the development at this property to ensure that it is both compatible and consistent with other nearby properties. As shown, the minimum setbacks do not leave adequate space between existing structures to provide for light, air, and separation for fire protection. Staff finds that if appropriately designed, the proposed use would not have an adverse impact on the welfare of the neighborhood or the City.

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

The site development plan tied to this SU-1 zone change maintains the residential use of the subject properties within a residential neighborhood. Property development is inhibited under current R-1 zoning since a variance for setback reduction must be granted to develop the lots at all. Additionally, Tract 293 (which is long and narrow) when split into two lots results in lot sizes consistent with other residential lots along Carson Road.

The zone change and site development plan contributes to the stability of land use in the area by establishing site regulations, lot sizes, setbacks, height limitations, and architectural standards with sensitive consideration of the established neighborhood. The proposed density is in the exact character of several existing properties fronting Carson Road. The development protects the nature of the neighborhood as primarily a single-family residential use area. The general welfare of the existing neighborhood will be stabilized and enhanced as a result of this development.

Staff agrees that the requested zone maintains the stability of use in the area, as it is going from one residential zone to another.

Staff disagrees somewhat that the site regulations were developed “with sensitive consideration of the established neighborhood.” The minimal rear yard setback is not sensitive to abutting property to the south. However, if the design controls were modified to provide a larger setback and lower building height, the privacy of adjacent residents would be protected.

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

Albuquerque / Bernalillo County Comprehensive Plan

The subject site is located in the area designated Central Urban by the Comprehensive Plan. The Central Urban Area includes Downtown, Old Town, and the University district, places well established in the early Twentieth Century. The area has a very high building density. Area characteristics are the largest concentration of older (pre 1940) housing and a significant concentration of larger public and private buildings, cultural amenities, historic districts, and parks. The Central Urban Area is a portion of the Established Urban Area and as such is subject to policies of section II.B.5 as well. Development intensities in the Central Urban Area should generally be higher than in other portions of Established Urban.

The Goal is to “promote the Central Urban Area as a focus for arts, cultural, and public facilities/activities while recognizing and enhancing the character of its residential neighborhoods and its importance as the historic center of the City.”

The SU-1 zone change and associated site development plan furthers this goal by enabling and controlling development of a single-family residential use for the subject property consistent with the adopted elements of Comprehensive Plan and the Old Town Sector Development Plan.

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

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

The request will allow the applicant to upgrade the neighborhood by developing two new residential units on a vacant property that is too narrow to develop according the current R-1 zone. It provides additional residences in close proximity to arts, cultural and recreation facilities. The request furthers Policy II.B.6.b.

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

The proposed development furthers this policy by moving the city toward the goal of 5 DU/A.

Staff agrees. The request furthers Policy II.B.5.a.

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

The change in zone will not adversely affect the character of the larger community. The site development plan enables new single-family detached homes in a manner consistent with the established older residential neighborhood. The single-family residential land use on "in-fill" lots is guided by similar urban residential land use densities in the Old Town and Los Duranes vicinity. This development also responds to the goal of older neighborhood rehabilitation in the established urban framework. The location, intensity, and design of the new development respects existing neighborhood values, the natural environmental conditions and street carrying capacity.

Staff finds that as proposed, the request partially conflicts with this policy. The intensity and design of the site do not respect neighborhood values because it is inconsistent with standard lot size and setback requirements of abutting property to the south. The 5-foot rear yard setback and two-story building height does not respect the neighborhood value of lower density development and the need for privacy.

The request partially respects environmental conditions and carrying capacities by limiting the maximum building footprint to 60% of the site, which is partially consistent with City Hydrology's comment to limit the building envelope to 1,200 sf per lot, or 40% of the site.

Subject property Tract A is developed with a single family residence, which shall remain. Subject property Tract 293 is vacant and proposed to be split into two single-family residential lots. All lots are contiguous to existing infrastructure and services. The integrity of the existing neighborhood will not be adversely impacted by the requested zone change since the site development plan specifies one single-family residence per lot in keeping with the existing neighborhood residential density.

Staff partially agrees with the assertion that the development density is “in keeping with the existing neighborhood.” This statement is true in relation to the development that this property faces across the street on Carson Road. It is not consistent with the residential densities of the abutting subdivision to the south. The request partially furthers and partially conflicts with Policy II.B.5.d.

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

1. In designated Activity Centers.
2. In areas with excellent access to the major street network.
3. 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.
4. 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.
5. 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.

Situations 1, 4 and 5 do not apply. The proposed development is consistent with Situations 2 and 3. The subject property has direct access to Carson Road, a major local street, which connects to a major urban collector, Rio Grande Blvd. A mixed density development pattern of R-1 single family homes and RT- and RC-zoned townhouses exists on the street and in the neighborhood. The proposed SU-1 zone designation for the subject property maintains the overall residential neighborhood land use at a compatible density.

Staff agrees that the situations described in #2 and #3 apply to the subject site. The request could also serve as a transition between single family homes and more intensive development, consistent with Situation #5, if the intensity of the built form was limited in the Site Development Plan. The request partially furthers Policy II.B.5.h, and has the potential to more completely further this policy with modifications to the Site Development Plan.

Policy II.B.5.k: Land adjacent to arterial streets shall be planned to minimize harmful effects of traffic; livability and safety of established residential neighborhoods shall be protected in transportation planning and operation.

The livability and safety of the established residential neighborhood will be protected by this development. Existing Tract 293 with R-1 zoning allows one house to be constructed on the lot. The proposed split of Tract 293 into two lots, combined with change of zone to SU-1, results in two single-family homes being constructed. This increase in density will produce only a minor increase in traffic on Carson Road.

Additionally, the subject property is the first residential lot along Carson Road as it extends into the neighborhood. There is no outlet from the neighborhood other than connection to Rio Grande Blvd. As such, ingress/egress to the subject property will only be from Rio Grande Blvd. and an increase in traffic due to the increase in density is likely to have no adverse effect on properties farther into the neighborhood beyond the subject property.

Staff agrees that the requested increase in density is not likely to adversely impact the traffic along Carson Rd. The request is generally consistent with Policy II.B.5.k.

Policy II.B.5.l: Quality and innovation in design shall be encouraged in all new development; design shall be encouraged which is appropriate to the Plan area.

The zone change is tied to a site development plan including site regulations and architectural standards that ensure the development is of high quality. The new houses will incorporate the latest construction technologies and methods, energy efficiency and sustainable practices and will be designed as long-lasting structures. Relevant nearby existing buildings, the neighborhood fabric reflecting the history of the area, and similar infill designs in the Old Town and Los Duranes areas influence the site development and house design. Solar rights of adjacent properties will not be affected by the development. Density and lot sizes are consistent with the existing neighborhood.

The site development plan design standards include buffer landscaping and buffer walls along the street to provide privacy for the subject property and enhance the visual experience of the property as viewed from the public way. The use of buffer walls or fences along the street property line is consistent with other properties along Carson Road. The site development plan requires installation of a sidewalk in the public right-of-way providing a pedestrian route separate from vehicular traffic. This is a safety improvement as sidewalks do not generally exist along Carson Road at this time.

Staff could not find anything in the design standards that indicates the architecture will incorporate any of the mentioned building features or architectural styles. The density and lot sizes are consistent with properties to the north, but substantially vary from properties to the south. Staff does not find this policy to be applicable to the request.

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

Changing the zone designation from R-1 to SU-1 / PRD furthers this policy through 1) facilitating the development of a long-standing, un-used infill lot in an older, established neighborhood, and 2) implementation of a site development plan which controls the character, scale, and quality of the development to strengthen the neighborhood and the Established Urban Area.

Staff generally agrees.

Policy II.B.5.p: Cost-effective redevelopment techniques shall be developed and utilized.

This policy is furthered since the proposed development provides additional housing units served by existing infrastructure, and thus eliminates additional cost to the city for this development.

Staff agrees.

Policy II.D.4.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.

Rio Grande Blvd. is an Enhanced Transit Corridor adjacent to the subject site. The request furthers this policy by adding additional dwelling units close to Enhanced Transit Corridors.

Rank II Plans

The Old Town Sector Development Plan was first adopted in 1977. The Plan generally encompasses properties bounded by I-40, Rio Grande Boulevard, Central Avenue, and the Albuquerque Riverside Drain. Specific boundaries of the plan area are shown on Page 3. The purpose of the plan was for all redevelopment activities within the area, including housing rehabilitation, land acquisition and public improvements to be guided by the Sector Development Plan.

The Plan sets forth a General Purpose on page 13 that establish a framework for the development of the plan and its recommendations: “To reach these objectives [a quality urban environment and rehabilitation of older neighborhoods] in the Old Town area while solving several basic physical problems of the area, including traffic and housing, and maintaining the present residential and semi-rural character of the area.”

The zone change from R-1 to SU-1 furthers the general goals of the Old Town Sector Plan through the implementation of a site development plan perpetuating the tradition of identifiable, individualistic communities within the metropolitan area and promotes a variety of choice in housing. The plan’s site regulations and design standards promote visually pleasing architecture, landscaping and vistas to enhance community appearance. The zone change request furthers the goal of redevelopment and rehabilitation of older neighborhoods through the development of a long-time, un-used infill property. Implementation of these goals will maintain the existing residential and semi-rural character of the Old Town area, provide housing units, and cause minimal adverse impact to vehicular traffic patterns in the area.

Staff agrees that the request will facilitate development and rehabilitation of older neighborhoods. It is unclear if the request will maintain the present residential and semi-rural character of the area, because the request is for a higher density residential development.

Long-Term Objectives (p. 14)

1. Elimination of blight and prevention of blighting influences.

Elimination of blight is achieved through development of an un-used infill lot.

2. Elimination of conditions which are detrimental to the public health, safety and welfare.

Elimination of detrimental conditions is achieved through implementation of thoughtful site regulations and architectural design standards for the development. Sensitive consideration of the established neighborhood and history will strengthen and enhance the character of the neighborhood and community.

3. Conservation, improvement and expansion of the housing available to low- and moderate-income families until all housing in the area meets City Housing Code standards.

Conservation of housing available to low and moderate income families. Availability of housing to low- and moderate-income families will be achieved by the very nature of the development. Since the proposed lots will be small in size (.061 to .069 acres each), the houses constructed on the lots will be correspondingly small (approximately 1,200 – 1,300 square feet, excluding garage) as compared to larger residential lots in the city. The cost to purchase houses of this size will be ideally suited for low- and moderate-income families.

4. Enhancement of the area as a primarily residential area in the eastern portion and a primarily semi-rural area in the western portion.

Enhancement of the eastern portion of the area as primarily residential will be furthered by the zone change because the site development plan allows only a single-family residential property use.

The applicant describes how the preceding four policies (in “quotes”) are furthered by this zone change request. Staff agrees that the request helps eliminate blight, enhance opportunities for affordable housing, and enhance the residential character of the eastern portion of the Sector Plan Area. The request does not specifically contribute to elimination of detrimental conditions because no changes are proposed to the narrow road section, and the requested setbacks may not be consistent with the health, safety, and welfare of the residents. The request partially furthers the Long-Term Objectives of the Old Town SDP.

Short-Term Objectives

1. Blighting influences such as crime prevention, weed and litter control, and demolition of abandoned buildings (not applicable in this case) will be mitigated through the development of this infill lot.
2. Upgrading of housing in the neighborhood will be furthered through the sensitive development of a single-family residential land use for this property, and the character, scale and quality of the development will be controlled through the site development plan to enhance the neighborhood.

3. Existing infrastructure at the subject property results in no cost to the city for public improvements related to the development.

Staff finds that none of the Short-Term Objectives are applicable to the request. Objective 1 is for "increased attention by the City." Objective 2 is for "upgrading the housing," and this request does not propose to upgrade the existing house on the western-most parcel of the request. Objective 3 is for "provision of improved public facilities," and the request does not aim to improve public infrastructure.

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 size and shape of the existing R-1 zoned lots with standard R-1 setbacks does not allow development of the lots for single-family homes without a variance to reduce setbacks. Additionally, the existing lot sizes do not meet minimum lot size standards for the R-1 zone. Changing to SU-1/PRD zoning with narrower setbacks and establishment of a defined building envelopes is advantageous to the community since it allows development of infill lots for a residential use that is consistent with the established residential neighborhood.

The applicant asserts that the requested zone is more advantageous to the community because it will allow infill development in an established residential neighborhood. Staff generally agrees with this argument, and also finds that it may have been an error in the original zoning of the site because it is too narrow to comply with the minimum front and rear yard setbacks. The SU-1 for PRD zone is a way to control the development at this property to ensure that it is both compatible and consistent with other nearby residential properties, which would be more advantageous to the community.

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.

Current R-1 zoning allows one house per lot, with a minimum lot size of 5,000 square feet. The proposed SU-1/PRD zone will allow a higher density (one house per 2,662 s.f. lot or one house per 3,000 s.f. lot). The proposed zone also allows office and commercial use on up to 25% of the property, and per 14-16-2-22-25 the uses in the SU-1/PRD zone must be compatible with adjacent properties. In the case of this request, the use is specifically for single-family residential only, at a density of one dwelling unit per lot. This land use and density is consistent with the existing neighborhood and the zone change will not harm adjacent property, the neighborhood, or the community.

Staff agrees that the request is for single-family residential land use. The requested permissive use will not be harmful to adjacent property, the neighborhood or the community.

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

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

The proposed zone change does not require any major or un-programmed capital expenditures by the city since the vacant infill property is served already by existing infrastructure. The subject property is near the existing public transportation network, and the proposed increase in density will not adversely affect the transportation network. This project will improve its portion of Carson Road including new sidewalks and street buffer landscaping.

Staff agrees. The request will not result in any major or unprogrammed capital expenditures by the City.

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

Neither the applicant's economic considerations nor the cost of land are the purpose of this zone change request.

Staff agrees. The cost of land is not the determining factor for the requested change of zone.

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

The subject property's location on a major local street is not being used to justify this zone change request.

Staff agrees. The subject site is not located on a collector or major street; and the applicant is not using the location of the subject site as the justification for the zone amendment request.

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

1. The change will clearly facilitate realization of the Comprehensive Plan and any applicable adopted sector development plan or area development plan; or
2. The area of the proposed zone change is different from surrounding land because it could function as a transition between adjacent zones; because the site is not suitable for the uses allowed in any adjacent zone due to topography, traffic, or special adverse land uses nearby;

or because the nature of structures already on the premises makes the site unsuitable for the uses allowed in any adjacent zone.

The proposed zone change request is a “spot zone” by its nature as an SU-1 zone. Of critical importance is the fact that the SU-1 zoning will allow development of single-family homes on lots smaller than the minimum allowable R-1 lot size. The zone change does not alter the intent of the original R-1 zoning since the site development plan associated with the SU-1 zoning allows only one single-family dwelling unit per lot just as R-1 zoning does. At the same time, the request preserves the intent of the property for residential use only, and this furthers the realization of the Comprehensive Plan and Old Town Sector Development Plan.

Staff agrees that this will create a spot zone, and that it is justified because it furthers a preponderance of applicable goals and policies in the Comprehensive Plan and the Old Town SDP. Staff notes that the SU-1 zoning is generally considered a justifiable spot zone. The use requested is consistent with what is allowed under the current zoning, however the development intensity and character of the site are substantially more intense.

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

The proposed zone change will not result in a strip commercial zone.

Staff agrees. The request will not result in a strip commercial zone.

IV. ANALYSIS - SITE DEVELOPMENT PLAN FOR SUBDIVISION

This is a request for a Site Development Plan for Subdivision (SPSD) for Tract A, Lands of Arleen Watrus and Tract 293, MRGCD Map 38 (the “subject site”). The site is currently zoned R-1, with a concurrent request for SU-1 for PRD. The site contains approximately 0.25-acres of land and is located on Carson Road NW between Rio Grande Blvd. and the Alameda Drain.

§14-16-3-11 of the Zoning Code states, “...Site Development Plans are expected to meet the requirements of adopted city policies and procedures.” As such, staff has reviewed the attached site development plan for conformance with applicable goals and policies of the Comprehensive Plan and the Old Town Sector Development Plan.

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 with a Goal to “promote the Central Urban Area as a focus for arts, cultural, and public facilities/activities while recognizing and enhancing the character of its residential neighborhoods and its importance as the historic center of the City.

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

The request is for two new residential units on a vacant property that is too narrow to develop according the current R-1 zone. It provides additional residences in close proximity to arts, cultural and recreation facilities. The request furthers Policy II.B.6.b.

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

Staff agrees. The request furthers Policy II.B.5.a.

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

Staff finds that as proposed, the request partially conflicts with this policy. The intensity and design of the site do not respect neighborhood values because it is inconsistent with standard lot size and setback requirements of abutting property to the south. The 5-foot rear yard setback and two-story building height does not respect the neighborhood value of lower density development and the need for privacy.

The request partially respects environmental conditions and carrying capacities by limiting the maximum building footprint to 60% of the site, which is partially consistent with City Hydrology’s comment to limit the building envelope to 1,200 sf per lot, or 40% of the site.

The request partially furthers and partially conflicts with Policy II.B.5.d.

Policy II.B.5.k: Land adjacent to arterial streets shall be planned to minimize harmful effects of traffic; livability and safety of established residential neighborhoods shall be protected in transportation planning and operation.

The requested increase in density is not likely to adversely impact the traffic along Carson Rd. The request is generally consistent with Policy II.B.5.k.

Policy II.B.5.m: Urban and site design which maintains and enhances unique vistas and improves the quality of the visual environment shall be encouraged.

Development at this site may improve the visual quality of the environment. However, the design standards only go as far as prohibiting chain link fence and unpainted metal windows. The site regulations will allow for a more dense development pattern, which does not generally enhance vistas. The request is partially consistent with Policy II.B.5.m.

Rank II Plans

The Old Town Sector Development Plan was first adopted in 1977. The Plan generally encompasses properties bounded by I-40, Rio Grande Boulevard, Central Avenue, and the Albuquerque Riverside Drain. Specific boundaries of the plan area are shown on Page 3. The purpose of the plan was for all redevelopment activities within the area, including housing rehabilitation, land acquisition and public improvements to be guided by the Sector Development Plan.

The Plan sets forth a General Purpose on page 13 that establish a framework for the development of the plan and its recommendations: “To reach these objectives [a quality urban environment and rehabilitation of older neighborhoods] in the Old Town area while solving several basic physical problems of the area, including traffic and housing, and maintaining the present residential and semi-rural character of the area.”

The request will generally facilitate development and rehabilitation of older neighborhoods. It is unclear if the request will maintain the present residential and semi-rural character of the area, because the request is for a higher density residential development.

Long-Term Objectives (p. 14)

5. Elimination of blight and prevention of blighting influences.
6. Elimination of conditions which are detrimental to the public health, safety and welfare.
7. Conservation, improvement and expansion of the housing available to low- and moderate-income families until all housing in the area meets City Housing Code standards.
8. Enhancement of the area as a primarily residential area in the eastern portion and a primarily semi-rural area in the western portion.

The request helps eliminate blight, enhance opportunities for affordable housing, and enhance the residential character of the eastern portion of the Sector Plan Area. The request does not specifically contribute to elimination of detrimental conditions because no changes are proposed to the narrow road section, and the requested setbacks may not be consistent with the health, safety, and welfare of the residents. The request partially furthers the Long-Term Objectives of the Old Town SDP.

Site Plan Layout / Configuration

Lot Size. The proposed site layout is somewhat compatible with surrounding development. The proposed lot sizes are equivalent to the lot sizes in the subdivision on the north side of Carson

Road. However, that development, the Carson Grande Subdivision, is an approximately 6-acre subdivision that does not directly abut R-1 property. One other important distinction is the subdivision consists of attached townhouses with an intensely urban development fabric. The lot sizes that are adjacent to the property on the south are over twice as large as the three proposed lots (approximately 7,800 sf compared to 3,000 sf).

Height. The requested maximum building height is 26 feet. The applicant has indicated the intent to construct two-story, 1,800 sf homes. This building height and form is consistent with the existing home on the subject site, as well as all of the properties that the subject site faces on the north side of Carson Road. This height is consistent with the height allowed in the current R-1 zone. The subdivision to the south consists of one-story homes.

Setbacks. The current zone requires a minimum front yard setback of 20 feet; side yard setback of 5 feet; and a rear yard setback of 15 feet. The current zoning setback requirements would not allow a structure to be constructed, as the lot depth is 40 feet. However, the property could develop with a single-wide mobile home or a “shot-gun” style home, with as little as a 3-foot variance to the required setbacks in the R-1 zone.

The request is for a front yard setback of 2 feet; side yard setback of 5 feet; and a rear yard setback of 5 feet. The setbacks that are requested are substantially smaller than what is required in any other residential zone. The request would allow an 18-foot variance to the front yard setback, 5-foot variance to the side yard setback, and a 10-foot variance to the rear yard setback. These ‘variations’ from standard setbacks could be allowed through the SU-1 for PRD zone, in conjunction with other design controls that ensure a compatible development.

Open Space/FAR. The site proposes a maximum FAR of 0.6. This would allow a 1,800 sf house on each vacant 3,000 sf lot. City Hydrology commented the lots should be restricted to a footprint of 1,200 sf, to allow for on-site stormwater drainage management. The listed building footprint maximum should be revised to indicate 1,200 sf. If the EPC supports a one-story building height restriction, the total house area should also be restricted to 1,200 sf.

In summary, determining if the request is compatible with surrounding development hinges on which properties are considered – the development the site faces on Carson Road, or the abutting subdivision to the south. This property is located between two very different residential densities. Staff recommends additional site design controls that would allow the site to develop as an intermediate density/intensity. One option would be to require additional screening and a larger setback from the abutting R-1 zone. Another option would be to restrict the building height to one story, which might better address the privacy concerns of adjacent residents.

Vehicular and Pedestrian Access, Circulation and Parking

Vehicular access to each lot is via Carson Road. Each house is required to have 1 parking space per restroom, but not less than two off-street parking spaces. The Site Design Standards further require that the garage or carport be setback 10 feet from the property line and shall be setback from the house front wall. This design requirement will add dimension and depth to the building façade, and it will minimize the visual impact of a garage on the house.

The existing paved road is 14-feet wide, with a 30” mountable curb on the south side of Carson Road. The applicant is not requesting to change the existing road section. The fire department requires 20-feet of unobstructed roadway. The Site Development Plan for Subdivision proposes a 3-foot sidewalk in the public right-of-way at the back of the existing mountable curb. If the sidewalk is free of obstructions, it could serve as a continuation of the road for emergency vehicle access. The applicant will have to coordinate with the Fire Department when the site is replatted and/or with the Building Permit application.

Walls/Fences

The “Yard Walls and Fences” Design Regulations are consistent with the Zoning Code General Height and Design Regulations for Walls and Fences. Additionally, the use of chain link fence is restricted.

Lighting and Security

The “Building-Mounted and Landscape Lighting” Design Regulations are generally consistent with the Zoning Code Area Lighting Regulations, and are written to minimize light impact to adjacent properties and preserve dark skies.

Landscaping

The Design regulations indicate that 2-foot landscaping buffer is required in between the sidewalk and the house or yard wall. There is also a requirement for at least 2 trees per lot. The R-1 zone does not specify the type of landscaping that is required in the 20-foot front yard setback.

Conceptual Utility Plan

The conceptual utility plan shows connections to each lot for water, sewer, and natural gas.

PNM has indicated that there are existing overhead electric lines, and two existing utility poles where the sidewalk is proposed. Adequate clearance for electric utilities must be provided for operation and maintenance purposes. Any relocation, changes or realignment regarding existing electric utilities will be done at the developer’s expense. In some cases, relocation or changes to existing facilities may not be feasible due to physical, use or safety clearance constraints. PNM will review all technical needs, issues and safety clearances for its electric power systems.

Architecture

The Site Plan proposes Design Standards for “Building Massing, Configuration and Finishes.” They prohibit asphalt shingles and unpainted metal windows. Garages are required to be set back at least 10 feet from the front property line; the second story is encouraged to be setback or overhang the first story, “to break up the massing of the building elevation and add visual interest.” Second story decks are allowed.

As discussed in the Site Plan Layout/Configuration section, above, and Public Concerns section, below, there are privacy concerns that the adjacent residences have about allowing two-story buildings in such close proximity to the property line and adjacent residences. Staff believes that

it is reasonable to limit the buildings to one-story, in conjunction with allowing the zone change to a higher density with substantially reduced setback requirements *or* allow two-stories but limit windows and not allow balconies on the rear building elevation *or* increase the rear yard setback.

V. AGENCY & NEIGHBORHOOD CONCERNS

Reviewing Agencies/Pre-Hearing Discussion

The Fire Department and PNM provided comments, which were discussed in the preceding section. Both were included as recommended conditions of approval.

Transportation Planning provided several comments. The one that could impact the overall site design is that the existing conditions appear to deviate from the Development Process Manual (DPM) requirements regarding pavement/right-of-way width, proposed sidewalk width, etc. Separate design variance requests, with justification and supporting documentation, must be provided at Development Review Board (DRB). Due to drainage and flooding concerns, Hydrology would support the request if the building envelope on proposed tracts B-1 and B-2 is limited to 1,200 sf. These comments are included as recommended conditions of approval.

Neighborhood/Public

Representatives from the West Old Town NA, the North Valley Coalition, and property-owners within 100-feet of the subject site were notified. A facilitated meeting was neither offered nor requested.

Two adjacent property owners contacted the Planning Department regarding this request. One resident of the Pueblo Bonito subdivision expressed concerns about the proposed density, indicating “that’s a lot to cram into the space.” The other resident, abutting and south of the subject site, has indicated opposition to the request as proposed. Their main concern was regarding loss of privacy if two two-story houses are constructed in such close proximity to their house and yard. Another concern is that the rear setback is too small, and it is less than what was required for the three houses (zoned R-LT) recently constructed north of the subject site. Essentially, this resident did not believe that the proposed development was compatible with the adjacent R-1 subdivision, and that there were inadequate buffers (road, alley, or setbacks) between the proposed development and their property.

VI. CONCLUSION

This two-part request is for a Sector Plan map amendment (zone change) and Site Development Plan for Subdivision (SPSD) for Tract A, Lands of Arleen Watrus and Tract 293, MRGCD Map 38 (the “subject site”). It contains approximately 0.25-acres of land and is located on Carson Road NW between Rio Grande Blvd. and the Alameda Drain. The site is currently zoned R-1. The subject site is within the Boundaries of the Old Town Sector Development Plan, although the plan does not establish zoning. The applicant requests SU-1 for PRD.

The zone change request is consistent with goals and policies to develop and upgrade existing neighborhoods that are served by public services and facilities and promotion of higher density housing. The request is somewhat inconsistent with neighborhood values, environmental

carrying capacities, and the semi-rural character desired in the Old Town SDP area. With modifications the request could be made more consistent with the goals and policies of the Comprehensive Plan and Old Town SDP.

Regarding the Site Development Plan for Subdivision, determining if the request is compatible with surrounding development hinges on which properties are considered – the development the site faces on Carson Road, or the abutting subdivision to the south. This property is located between two very different residential densities. Staff recommends additional site design controls that would allow the site to develop as an intermediate density/intensity. One option would be to require additional screening and a larger setback from the abutting R-1 zone. Another option would be to restrict the building height to one story, which might better address the privacy concerns of adjacent residents. Staff believes that it is reasonable to limit the buildings to one-story, in conjunction with allowing the zone change to a higher density with substantially reduced setback requirements.

Staff recommends approval, subject to conditions.

FINDINGS – 12EPC-40065 – November 8, 2012 – Sector Plan Map Amendment

1. This is a request for a Sector Plan Map Amendment for Tract A, Lands of Arleen Watrus and Tract 293, MRGCD Map 38, located at 2416-2420 Carson Road NW, between Rio Grande Blvd. and Alameda Drain and containing approximately 0.25 acres.
2. The applicant proposes to change the zone from R-1 to SU-1 for PRD in order to subdivide the two parcels into three, and develop two new single-family residences in addition to the existing one.
3. There is an accompanying request for a Site Development Plan for Subdivision (12EPC-40064).
4. The subject site is in the Central Urban Area of the Comprehensive Plan, which is part of the Established Urban Area, and within the boundaries of the Old Town Sector Development Plan. The proposal must comply with the Zoning Regulations and General Regulations of the Zoning Code.
5. The Albuquerque/Bernalillo County Comprehensive Plan, Old Town Sector Development Plan, and the City of Albuquerque Zoning Code are incorporated herein by reference and made part of the record for all purposes.
6. The Central Urban Area includes places well-established in the early Twentieth Century. The area has a very high building density. Development intensities in the Central Urban Area should generally be higher than in other portions of Established Urban.
7. The established development pattern includes many homes and accessory structures that were built prior to adoption of the Zoning Code and are not compliant with the current setback regulations. There is also great variety in the mix of lot size and house sizes. However, the character of the area generally consists of small, single-family residences or slightly larger townhomes.
8. The request furthers the following ***Comprehensive Plan*** policies for Central and Established Urban Areas:
 - a. Policy II.B.6.b - Upgrading efforts in neighborhoods. The request will allow the applicant to develop two new residential units on a vacant property that is too narrow

to develop according to the current R-1 zone. It provides additional residences in close proximity to arts, cultural and recreation facilities.

- b. Policy II.B.5.a – residential density up to 5 du/acre. The proposed development furthers this policy by moving the city toward the goal of 5 DU/AC. Higher density development is desired in the Central Urban Area.
 - c. Policy II.B.5.k – transportation’s impact on livability and safety. The requested increase in density is not likely to adversely impact the traffic along Carson Rd.
 - d. Policy II.B.5.o - Redevelopment and rehabilitation of older neighborhoods. The request will facilitate the development of a long-standing, un-used infill lot in an older, established neighborhood.
 - e. Policy II.B.5.p - Cost-effective redevelopment techniques. The proposed development provides additional housing units served by existing infrastructure, and thus eliminates additional cost to the city for this development.
 - f. Policy II.D.4.c – Additional dwelling units near transit corridors. Rio Grande Blvd. is an Enhanced Transit Corridor adjacent to the subject site. The request furthers this policy by adding additional dwelling units close to Enhanced Transit Corridors.
9. The request partially furthers the following *Comprehensive Plan* policies for Central and Established Urban Areas:
- a. Policy II.B.5.d. - Neighborhood values and environmental carrying capacities. The intensity and design of the site do not respect neighborhood values because it is inconsistent with standard lot size and setback requirements of abutting property to the south. The request respects environmental conditions and carrying capacities by limiting the maximum building footprint to 60% of the site, which is partially consistent with City Hydrology’s requirement for a building footprint of 40% of the site. With minor changes to the site development plan, the request could further this policy.
 - b. Policy II.B.5.h - Higher density housing. The request partially furthers Policy II.B.5.h, and has the potential to more completely further this policy with modifications to the Site Development Plan, which would allow the site to function as a transition between two different densities.
10. The request partially furthers the following *Old Town Sector Development Plan* goals and policies:
- a. General Purpose of the Old Town SDP. The request will facilitate development and rehabilitation of older neighborhoods. It is unclear if the request will maintain the present residential and semi-rural character of the area, because the request is for a higher density residential development.

- b. Long-Term Objectives of the Old Town SDP. The request may help eliminate blight, enhance opportunities for affordable housing, and enhance the residential character of the eastern portion of the Sector Plan Area. The request does not specifically contribute to elimination of detrimental conditions because no changes are proposed to the narrow road section, and the requested setbacks may not be consistent with the health, safety, and welfare of the residents. The request partially furthers the Long-Term Objectives of the Old Town SDP.
11. The applicant has adequately justified the sector plan map amendment request pursuant to **Resolution 270-1980**:
- a. Section 1A: Consistency with the City’s health, safety, morals and general welfare is demonstrated because the request furthers a preponderance of Goals and policies of the Comprehensive Plan and the Old Town SDP. The proposed zoning is not likely to have an adverse impact on the welfare of the neighborhood or the City.
 - b. Section 1B: The requested zone maintains the stability of use in the area, as it is going from one residential zone to another and it is controlled through a site development plan, which will ensure compatible development
 - c. Section 1C: The applicant has adequately justified how the requested zone change furthers a preponderance of the Goals and Policies that are presented in the Comprehensive Plan and the Old Town SDP. The request partially conflicts with neighborhood values, but this conflict can be remedied through additional site plan controls. There is no “significant conflict” with the adopted Plans.
 - d. Section 1D: The requested zone is more advantageous to the community because it will allow infill development in an established residential neighborhood. Additionally, an error may have been made in the original zoning of the site because it is too narrow to comply with the minimum front and rear yard setbacks. The SU-1 for PRD zone will control the development at this property to ensure that it is both compatible and consistent with other nearby residential properties, which is more advantageous to the community.
 - e. Section 1E: The requested permissive use will not be harmful to adjacent property, the neighborhood or the community. Because the site is governed by a site development plan, with minor changes to the plan proposed, future development will be compatible with adjacent property.
 - f. Section 1F: The proposed zone change requires no major or unprogrammed capital expenditures by the City.
 - g. Section 1G: The cost of land or other economic considerations are not the determining factor for this request. The applicant has demonstrated that the proposed zone change furthers a preponderance of relevant policies in the Comprehensive Plan and the Old Town SDP.

- h. Section 1H: Location on a collector or major street is not used as justification for the proposed zone change.
 - i. Section 1I: SU-1 zoning is considered a justifiable “spot zone” because it would result in the realization of policies in applicable plans as demonstrated in this case.
 - j. Section 1J: The request does not create a strip zone.
12. Any new residential units within this area will impact Reginald Chavez Elementary School, Washington Middle School, and Albuquerque High School. Currently, all three schools have excess capacity. The request will not have an adverse impact for APS.
 13. Representatives from the West Old Town NA, the North Valley Coalition, and property-owners within 100-feet of the subject site were notified. A facilitated meeting was not requested.
 14. There is known opposition to the request from an adjacent subdivision and property that abut the subject site to the south. Three adjacent residents do not support the requested building height and setbacks; one letter of opposition was received. There is concern that the project, as proposed, would violate their privacy, and also potentially threaten the integrity of the shared property-line wall. Under the current zone, the maximum height of a building is 26-feet with a 15-foot rear yard setback.

RECOMMENDATION – 12EPC-40065 – November 8, 2012 – Sector Plan Map Amendment

APPROVAL of 12EPC-40065, a request for Sector Development Plan Map Amendment, from R-1 to SU-1 for PRD for Tract A, Lands of Arleen Watrus and Tract 293, MRGCD Map 38, based on the preceding Findings and subject to the following Condition of Approval.

CONDITION OF APPROVAL – 12EPC-40065 – November 8, 2012 – Sector Plan Map Amendment

1. The zone map amendment does not become effective until the accompanying site development plan is approved by the DRB pursuant to §14-16-4-1(C)(11) of the Zoning Code. If such requirement is not met within six months after the date of EPC approval, the zone map amendment is void. The Planning Director may extend this time limit up to an additional six months upon request by the applicant.

FINDINGS – 12EPC-40064 – November 8, 2012 – Site Development Plan for Subdivision

1. This is a request for a Site Development Plan for Subdivision for Tract A, Lands of Arleen Watrus and Tract 293, MRGCD Map 38, located at 2416-2420 Carson Road NW, between Rio Grande Blvd. and Alameda Drain and containing approximately 0.25 acres.
2. The applicant proposes to subdivide the two parcels into three, and develop two new single-family residences in addition to the existing one.
3. There is an accompanying request for a Sector Plan Map Amendment (12EPC-40065).
4. The subject site is zoned R-1. The applicant requests SU-1 for PRD. The proposed residential use is permissive under the current zoning and the proposed zoning, although a maximum of two houses would be allowed, where the SU-1 for PRD zone will allow three houses.
5. The subject site is in the Central and Established Urban Areas of the Comprehensive Plan and within the boundaries of the Old Town Sector Development Plan. The proposal must comply with the Zoning Regulations and General Regulations of the Zoning Code.
6. The Albuquerque/Bernalillo County Comprehensive Plan, Old Town Sector Development Plan, and the City of Albuquerque Zoning Code are incorporated herein by reference and made part of the record for all purposes.
7. The Central Urban Area includes places well-established in the early Twentieth Century. The area has a very high building density. Development intensities in the Central Urban Area should generally be higher than in other portions of Established Urban.
8. The established development pattern includes many homes and accessory structures that were built prior to adoption of the Zoning Code and are not compliant with the current setback regulations. There is also great variety in the mix of lot size and house sizes. However, the character of the area generally consists of small, single-family residences or slightly larger townhomes.
9. The subject site is a wide and shallow lot. The applicant proposes two new lots that are approximately 75-feet wide and 40-feet deep.

10. The SU-1 zone is appropriate in this location because it allows development requirements and design standards to be customized to fit the character of the area.
11. The request furthers the following *Comprehensive Plan* policies for Central and Established Urban Areas:
 - a. Policy II.B.6.b - Upgrading efforts in neighborhoods. Two new residential units are proposed on a vacant property that is too narrow to develop according the current R-1 zone. The request provides additional residences in close proximity to arts, cultural and recreation facilities.
 - b. Policy II.B.5.o - Redevelopment and rehabilitation of older neighborhoods. The request will facilitate the development of a long-standing, un-used infill lot in an older, established neighborhood.
12. The request partially furthers the following *Comprehensive Plan* policies for Central and Established Urban Areas:
 - a. Policy II.B.5.d. - Neighborhood values and environmental carrying capacities. The intensity and design of the site do not respect neighborhood values because it is inconsistent with standard lot size and setback requirements of abutting property to the south. The request respects environmental conditions and carrying capacities by limiting the maximum building footprint to 60% of the site, which is partially consistent with City Hydrology's requirement for a building footprint of 40% of the site. With minor changes to the site development plan, the request could further this policy.
 - b. Policy II.B.5.h - Higher density housing. The request partially furthers Policy II.B.5.h, and has the potential to more completely further this policy with modifications to the Site Development Plan, which would allow the site to function as a transition between two different densities.
 - c. Policy II.B.5.k – transportation's impact on livability and safety. The site plan does not propose to change the existing road, which was deemed to be deficient according to the Fire Department's width requirements.
13. The request partially furthers the following *Old Town Sector Development Plan* goals and policies:
 - a. General Purpose of the Old Town SDP. The request will facilitate development and rehabilitation of older neighborhoods. However, the requested higher density development is not consistent with the semi-rural character of the area.
 - b. Long-Term Objectives of the Old Town SDP. The request may help eliminate blight, enhance opportunities for affordable housing, and enhance the residential character of the eastern portion of the Sector Plan Area. The request does not specifically contribute to

elimination of detrimental conditions because no changes are proposed to the narrow road section, and the requested setbacks may not be consistent with the health, safety, and welfare of the residents.

14. Any new residential units within this area will impact Reginald Chavez Elementary School, Washington Middle School, and Albuquerque High School. Currently, all three schools have excess capacity.
15. Representatives from the West Old Town NA, the North Valley Coalition, and property-owners within 100-feet of the subject site were notified. A facilitated meeting not requested.
16. There is known opposition to the request from an adjacent subdivision and property that abut the subject site to the south. Three adjacent residents do not support the requested building height and setbacks; one letter of opposition was received. There is concern that the project, as proposed, would violate their privacy, and also potentially threaten the integrity of the shared property-line wall. Under the current zone, the maximum height of a building is 26-feet with a 15-foot rear yard setback.

RECOMMENDATION – 12EPC-40064 – November 8, 2012 – Site Development Plan for Subdivision

APPROVAL of 12EPC-40064, a request for Site Development Plan for Subdivision, for Tract A, Lands of Arleen Watrus and Tract 293, MRGCD Map 38, based on the preceding Findings and subject to the following Condition of Approval.

CONDITIONS OF APPROVAL – 12EPC-40064 – November 8, 2012 – Site Development Plan for Subdivision

1. The EPC delegates final sign-off authority of this site development plan to the Development Review Board (DRB). The DRB is responsible for ensuring that all EPC Conditions have been satisfied and that other applicable City requirements have been met. A letter shall accompany the submittal, specifying all modifications that have been made to the site plan since the EPC hearing, including how the site plan has been modified to meet each of the EPC conditions. Unauthorized changes to this site plan, including before or after DRB final sign-off, may result in forfeiture of approvals.
2. Prior to application submittal to the DRB, the applicant shall meet with the staff planner to ensure that all conditions of approval are met.

3. The building footprint maximum shall be revised to indicate 1,200 SF.
4. The maximum building height shall be reduced to 18 feet.
5. The minimum rear yard setback shall be increased to 10 feet.
6. Apparatus Access (IFC 503.2.1): Please be aware fire apparatus access. Fire apparatus access roads shall have an unobstructed width of 20 feet.
7. Conditions of approval for the proposed Site Development Plan for Building Permit:
 - a. All proposed improvements shown on the Site Plan for Subdivision must be noted as illustrative only or removed.
 - b. Concurrent Platting Action required at Development Review Board (DRB) for proposed lot lines.
 - c. The existing conditions appear to deviate from the Development Process Manual (DPM) requirements regarding pavement/right-of-way width, proposed sidewalk width, etc. Please note that a separate design variance requests, with justification and supporting documentation, must be provided at Development Review Board (DRB).
 - d. Site plan shall comply and be in accordance with DPM (Development Process Manual) and current ADA standards/ requirements.
 - e. All easements need to be shown and labeled on Site Plan.
 - f. Hydrology is concerned about the amount of impervious area in the valley due to flat grades and lack of adequate drainage infrastructure.
 - g. Lots to the south are approximately 8000 sq.ft. There are three small lots across the street that are approximately 5000 sq.ft.
 - h. Hydrology would support two lots or three lots with a building envelope of 1200 sq. ft. on proposed tracts B-1 and B-2.
8. There are existing overhead electric facilities located at the site. Adequate clearance for electric utilities must be provided for operation and maintenance purposes. Any relocation, changes or realignment regarding existing electric utilities will be done at the developer's expense. In some cases, relocation or changes to existing facilities may not be feasible due to physical, use or safety clearance constraints. PNM will review all technical needs, issues and safety clearances for its electric power systems.

***K. Carrie Barkhurst
Planner***

Notice of Decision cc list:

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David Wood, 158 Pleasant NW, Albuquerque, NM 87107
Mr. and Mrs. Lingenfelter, 2425 Pueblo Bonito Ct NW, Albuquerque, NM 87104
Mr. and Mrs. Garrick, PO Box 7995, Albuquerque, NM 87194

Attachments

1. Additional staff info:
 - a. Photographs
 - b. R-270-1980
 - c. Resolution adopting SDP / Zone Map
 - d. Proposed Zoning
 - e. Existing Zoning
2. Application:
 - a. Cover Page
 - b. TIS form
 - c. Authorization letter
 - d. Justification letters
3. Neighborhood info/input
 - a. ONC letter
 - b. Applicant letter & certified mail receipts
 - c. Neighborhood comments/letter
4. Site Plan reductions

CITY OF ALBUQUERQUE AGENCY COMMENTS

PLANNING DEPARTMENT

Zoning Enforcement

The submitted plan should be labeled - Site Development Plan for Subdivision. No further comments.

Office of Neighborhood Coordination

West Old Town NA (R), North Valley Coalition

Long Range Planning

Central Urban; Old Town Sector Development Plan

Current zoning allows on house per lot, minimum lot size 5,000 square feet. The proposed zone would allow a higher density than currently allowed. The proposed zone would also allow office and commercial use on up to 25% of the property. Per 14-16-2-22-25, the uses in the SU-PRD zone must be compatible with adjacent properties.

The SU-1 zone requires a public hearing and public notification.

Metropolitan Redevelopment

Amendment to Zone Map and Site Development Plan for Subdivision. The subject property is not within a Redevelopment Area, and therefore Metropolitan Redevelopment Section staff have no comments on this application.

CITY ENGINEER

Transportation Development Services

Amendment to the Zone Map:

- Reviewed, no comment.

Site Development Plan for Subdivision:

- Label submitted plan as 'Site Development Plan for Subdivision.'
- All proposed improvements shown on the Site Plan for Subdivision must be noted as illustrative only or removed.
- Concurrent Platting Action required at Development Review Board (DRB) for proposed lot lines.
- The existing conditions appear to deviate from the Development Process Manual (DPM) requirements regarding pavement/right-of-way width, proposed sidewalk width, etc. Please note that a separate design variance requests, with justification and supporting documentation, must be provided at Development Review Board (DRB).

- Site plan shall comply and be in accordance with DPM (Development Process Manual) and current ADA standards/ requirements.
- All easements need to be shown and labeled on Site Plan.

Hydrology

Amendment to the Zone Map:

- Hydrology has no objection to the Amendment.

Site Development Plan for Subdivision (DRB Sketch Plat comments):

- Hydrology is concerned about the amount of impervious area in the valley due to flat grades and lack of adequate drainage infrastructure.
- Lots to the south are approximately 8000 sq.ft. There are three small lots across the street that are approximately 5000 sq.ft.
- Hydrology would support two lots or three lots with a building envelope of 1200 sq. ft. on proposed tracts B-1 and B-2.

DEPARTMENT of MUNICIPAL DEVELOPMENT

Transportation Planning

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

Traffic Engineering Operations

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

Street Maintenance

No comments received.

RECOMMENDED CONDITIONS FROM CITY ENGINEER, MUNICIPAL DEVELOPMENT and NMDOT:

Conditions of approval for the proposed Site Development Plan for Building Permit:

1. Label submitted plan as 'Site Development Plan for Building Permit.'
2. All proposed improvements shown on the Site Plan for Subdivision must be noted as illustrative only or removed.
3. Concurrent Platting Action required at Development Review Board (DRB) for proposed lot lines.
4. The existing conditions appear to deviate from the Development Process Manual (DPM) requirements regarding pavement/right-of-way width, proposed sidewalk width, etc. Please note that a separate design variance requests, with justification and supporting documentation, must be provided at Development Review Board (DRB).

5. Site plan shall comply and be in accordance with DPM (Development Process Manual) and current ADA standards/ requirements.
6. All easements need to be shown and labeled on Site Plan.
7. Hydrology is concerned about the amount of impervious area in the valley due to flat grades and lack of adequate drainage infrastructure.
8. Lots to the south are approximately 8000 sq.ft. There are three small lots across the street that are approximately 5000 sq.ft.
9. Hydrology would support two lots or three lots with a building envelope of 1200 sq. ft. on proposed tracts B-1 and B-2.

WATER UTILITY AUTHORITY

Utility Services – No comments received.

ENVIRONMENTAL HEALTH DEPARTMENT

Air Quality Division – No comments received.

Environmental Services Division – No comments received.

PARKS AND RECREATION

Planning and Design

No comments

Open Space Division – No comments received.

City Forester – No comments received.

POLICE DEPARTMENT/Planning

This project is in the Valley Area Command. No Crime Prevention or CPTED comments concerning the proposed Site Development Plan For Subdivision or Amendment to Zone Map requests at this time.

SOLID WASTE MANAGEMENT DEPARTMENT

Refuse Division

Approved as long as you comply with SWMD Ordinance.

FIRE DEPARTMENT/Planning

1) Apparatus Access (IFC 503.2.1): Please be aware fire apparatus access. Fire apparatus access roads shall have an unobstructed width of 20 feet.

TRANSIT DEPARTMENT

Project # 1001902	Adjacent and nearby routes	Route #36, 12 th Street/ Rio Grande, route passes near the site on Rio Grande.
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12EPC-40064 SITE DEVELOPMENT – SUBDIVISION. 12EPC-40065 AMNDT TO ZONE MAP (ESTB ZONING/ZONE CHG)	Adjacent bus stops	None.
	Site plan requirements	None.
	Large site TDM suggestions	None.
	Other information	None.

COMMENTS FROM OTHER AGENCIES

BERNALILLO COUNTY – No comments received.

ALBUQUERQUE METROPOLITAN ARROYO FLOOD CONTROL AUTHORITY

Reviewed, no comment.

ALBUQUERQUE PUBLIC SCHOOLS

(Tract B/293), is located on 2416-2420 Carson Rd NW. The owner of the above property requests a Site Development Plan for Subdivision that will expand the Tract A that currently consists of a single family home and create two new single family lots (Tracts B-1 and B-2) and a Zone Change from R-1 to SU-1/PRD. Any new residential units within this area will impact Reginald Chavez Elementary School, Washington Middle School, and Albuquerque High School. Currently, all three schools have excess capacity.

Loc No	School	2011-12	40th Day	2011-12 Capacity	Space Available
330	Reginald Chavez ES	349	406	57	
465	Washington MS	505	739	234	
590	Albuquerque HS	1602	1794	192	

MID-REGION COUNCIL OF GOVERNMENTS – No comments received.

MIDDLE RIO GRANDE CONSERVANCY DISTRICT – No comments received.

PUBLIC SERVICE COMPANY OF NEW MEXICO

There are existing overhead electric facilities located at the site. Adequate clearance for electric utilities must be provided for operation and maintenance purposes. Any relocation, changes or realignment regarding existing electric utilities will be done at the developer’s expense. In some cases, relocation or changes to existing facilities may not be feasible due to physical, use or safety clearance constraints. PNM will review all technical needs, issues and safety clearances for its electric power systems.