



Environmental Planning Commission

Agenda Number: 7
Project Number: 1001078
Case #: 14EPC-40069
November 13, 2014

Staff Report

Agent	COA Metropolitan Redevelopment Agency
Applicant	COA Metropolitan Redevelopment Agency
Request	Zone Map Amendment
Legal Description	Lot A-1, block 20, Virginia Place Addition
Location	5401 Eastern Avenue SE between Palomas Dr. & Alvarado Dr.
Size	Approximately 3.7 Acres
Existing Zoning	O-1 Office and Institution Zone
Proposed Zoning	C-1 Neighborhood Commercial Zone

Staff Recommendation

APPROVAL of Case #14EPC-40069 based on the Findings beginning on Page# 14.

Staff Planner
Vicente M. Quevedo, Planner

Summary of Analysis

The request is for a zone change from O-1 to C-1 for a site within the International District one block north of Gibson Ave. The subject site is owned by the City and within a designated MRA. The MRA designation assists in correcting conditions in neighborhoods within a municipality which “substantially inflict or arrest the sound and orderly development” within the City.

The applicant argues changed conditions as the main justification for the zone map amendment request.

The subject site is located in the Established Urban Area of the Comprehensive Plan. The Near Heights MRA Expansion Plan also applies. The proposal is generally consistent with applicable goals and policies of the Comprehensive Plan, the Near Heights MRA Expansion Plan and the City Zoning Code.

The justification is based on the request being generally consistent with the requirements of R-270-1980.

No facilitated meeting was recommended or held. There is no known neighborhood opposition for this request.



City Departments and other interested agencies reviewed this application from 09/29/2014 to 10/10/2014
Agency comments used in the preparation of this report begin on Page # 20.

I. AREA CHARACTERISTICS AND ZONING HISTORY

Surrounding zoning, plan designations, and land uses:

	<i>Zoning</i>	<i>Comprehensive Plan Area; Applicable Rank II & III Plans</i>	<i>Land Use</i>
<i>Site</i>	O-1	Established Urban, Near Heights MRA Expansion Plan	Paved Parking
<i>North</i>	R-3	Established Urban	Multi-Family Residential
<i>South</i>	C-2, SU-1 for Hospital Support, Warehouse Printing & Office Uses	Established Urban	Commercial Retail Complex, Medical & General Health
<i>East</i>	R-3	Established Urban	Multi-Family Residential
<i>West</i>	R-3	Established Urban	Multi-Family Residential

II. INTRODUCTION

Proposal

This request is for a Zone Map Amendment (Zone Change) for Lot A-1, block 20, Virginia Place Addition, a 3.7 acre parcel located at 5401 Eastern Avenue SE between Palomas Dr. & Alvarado Dr. The subject site is currently zoned O-1 (Office and Institution). The request is for a change to C-1 zoning (Neighborhood Commercial) which would provide suitable sites for office, service, institutional, and limited commercial uses to satisfy the day-to-day needs of residential areas. Generally, the C-1 zone offers additional uses over the O-1 zone such as limited commercial and provides more opportunity for the site to respond to the community goals outlined in the Near Heights MRA Expansion Plan.

EPC Role

The EPC is hearing this case because the EPC has the authority to hear all zone map amendment (zone change) cases, regardless of site size, in the City. The EPC is the final decision-making body unless the EPC decision is appealed [Ref: §14-16-2-22(A)(1) SU-1 Special Use Zone, and 14-16-4-1, Amendment Procedure]. If so, an appeal would go to the Land Use Hearing Officer (LUHO) who then makes a recommendation to City Council [Ref: § 14-16-4-4-(A)(2) Appeal]. This is a quasi-judicial matter.

History/Background

On April 19, 2001 the EPC approved a zone map amendment request for the subject site from R-3 to O-1 (File # 011110 00000 00247, refers to Project #1001078). At that time, the parcel was privately owned and viewed as a viable option for Lovelace Health Systems to utilize the

property for office and parking uses. However, the site only accommodated a parking lot surrounded by a black wrought-iron fence that was utilized by Lovelace Health Systems as employee overflow parking until it was donated to the Metropolitan Redevelopment Agency in 2007.

In 2008 the Albuquerque City Council adopted legislation (R-08-29) to expand the Near Heights MRA to include the subject site along with two other “Opportunity Sites / Catalytic Projects” (*the original Near Heights MRA Plan was adopted by City Council in September 2000*).

In 2010 the Albuquerque City Council adopted the Near Heights MRA Expansion Plan (MREP) (R-10-49) which outlines a set of redevelopment strategies for each of the three catalytic projects of which the subject site is prioritized as first potential opportunity

In addition, the MREP specifically highlights the plan implementation step of a zone map amendment away from the current O-1 zoning to allow an economically feasible, mixed used project to be developed on the subject site (*Refer to Analysis Section of the staff report below for more details*).

Context

The subject site is located one block north of Gibson Blvd. The site is vacant and currently accommodates an unused parking lot surrounded by a black wrought-iron fence. The subject site is surrounded by R-3 zoning to the north, east and west. Immediately south of the subject site is a C-2 zoned property for commercial retail with C-1 and C-2 zoned properties for commercial service and retail abutting it to the south. The subject site is in the Established Urban Area of the Comprehensive Plan. The subject site is not located within the boundaries of any area or sector development plan boundaries, but is identified as opportunity site #1 in the MREP.

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 Eastern Ave., Alvarado Dr., Palomas Dr., and Ross Ave. as Local streets.

The Long Range Roadway System designates Gibson Blvd. as a Principal Arterial.

Comprehensive Plan Corridor Designation

Gibson Blvd. located approximately 620 feet to the south is designated as an Enhanced Transit Corridor, which aims to “improve transit and pedestrian opportunities ... and develop adjacent land uses and intensities that promote the use of transit.” The Enhanced Transit Corridor is within a walking distance of the subject site.

Trails/Bikeways

The Ridgcrest bike route runs along Eastern Ave. and the Alvarado bike route runs along Alvarado Dr. Both bike routes abut the subject site.

Transit

There is currently no public transportation that passes by the site. However, there is transit service along Gibson Blvd. located approximately 620 feet from the subject site which includes the Crosstown Commuter (96), Broadway-University-Gibson (1618), Downtown-KAFB Limited (217), and Rio Bravo-Sunport-KAFB (222) routes.

Public Facilities/Community Services

Two Community Centers, a Fire Station, a Library, a Police Station, a series of developed city parks, and five Albuquerque Public School facilities are located within a one-mile radius of the subject site. See the Public Facilities Map preceding this report for more details.

III. ANALYSIS

APPLICABLE ORDINANCES, PLANS AND POLICIES

Albuquerque Comprehensive Zoning Code

The subject site is currently zoned O-1. The O-1 zone provides suitable sites for office, service, institutional, and dwelling uses per section § 14-16-2-15 (Office and Institution Zone) of the Zoning Code.

The proposed zoning for the subject site is C-1. The C-1 zone provides suitable sites for office, service, institutional, and limited commercial uses to satisfy the day-to-day needs of residential uses per section § 14-16-2-16 (Neighborhood Commercial) of the Zoning Code.

The major difference between the current and proposed zoning are as follows:

Commercial Uses: The O-1 zone only allows for service uses such as a day care center, drug prescription and supply shop, and dental laboratories.

The C-1 zone allows for limited commercial uses in the form of retail sales of goods such as (but not limited to) auto parts and supply, clothing goods, furniture, hardware, sporting goods, banking, barber or beauty shop, health gymnasiums, and pet grooming.

Permissive Residential Uses: Per the O-1 zone, a dwelling unit can only constitute up to 25% of the gross floor area on the premises and must provide usable open space.

The C-1 zone allows residential uses permissive in the R-3 zone only if the site is located within a specified distance of a Major or Enhanced Transit Corridor, within a Community or Major Activity Center, or located within a designated Metropolitan Redevelopment Area (MRA). Additional design guidelines also apply per the C-1 zone where any permissive residential uses are proposed.

Building Height Requirements: Per the O-1 zone, building height is generally limited to 26 feet, though it is possible to erect a substantially taller building on larger lots. However, a rigid solar plane requirement must be maintained to prevent the building from overshadowing the surrounding area.

The C-1 zone also allows a maximum structure height of 26 ft. with no angle plane requirements. However, the C-1 zone does include all applicable exceptions outlined in § 14-16-3-3 (Supplementary Height, Area, and Use Regulations).

Signage: The O-1 zone allows on-premise signage per section § 14-16-3-5 (General Sign Regulations) of the Zoning Code and also includes additional requirements governing the number, location, size, height, and lettering of any proposed on-premise sign.

The C-1 zone allows on-premise signage as regulated by the O-1 zone for new residential developments, but also allows for off-premise signs provided they conform to the permit requirements contained within the General Sign Regulations (§ 14-16-3-5-(1)(g)).

Albuquerque / Bernalillo County Comprehensive Plan

Policy Citations are in Regular Text; *Applicant's analysis - Italics; Staff Analysis - Bold Italics*

The subject site is located in the area designated Established Urban by the Comprehensive Plan with a Goal to create a quality urban environment which perpetuates the tradition of identifiable, individual but integrated communities within the metropolitan area and which offers variety and maximum choice in housing, transportation, work areas, and life styles, while creating a visually pleasing built environment. Applicable policies include:

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 uses allowed in the C-1 Neighborhood Commercial zone have an intensity that is compatible with the neighborhood and shall respect existing conditions.

Staff agrees that the location and intensity of any potential proposed development that conforms to the permissive uses and design standards of the C-1 zone may be appropriate within the area. However, staff cannot specifically comment regarding the design of a new development because no site development plan for building permit is accompanying this request. Therefore, the request partially furthers Policy II.B.5.d.

Policy II.B.5.e.: New growth shall be accommodated through development in areas where vacant land is contiguous to programmed urban facilities and services and where the integrity of existing neighborhood services can be ensured.

The site is currently underutilized and is contiguous to existing City infrastructure. Redevelopment of this parcel would help revitalize an area that is a designated Metropolitan Redevelopment Area. The request for a zone change furthers the City's goal of accommodating new development on vacant lands, while ensuring the integrity of the existing neighborhood with neighborhood-oriented C-1 Neighborhood Commercial uses.

Staff agrees that subject site is vacant and contiguous to programmed urban facilities and services (e.g. existing infrastructure, see Public Facilities/Community Services section of this report for more detail). In addition, the intent of the permissive uses within the C-1

zone are designed to satisfy the day-to-day needs of the neighborhood in which the uses are located. Therefore, the request furthers Policy II.B.5.e.

Policy II.B.5.i.: Employment and service uses shall be located to complement residential areas and shall be sited to minimize adverse effects of noise, lighting, pollution, and traffic on residential environments.

Any employment or service uses allowed by C-1 Neighborhood Commercial are neighborhood-oriented and the site's location complements the existing multi-family residential area.

The intent of the C-1 Neighborhood Commercial zone is to satisfy/complement the day-to-day needs of residential areas and specifically minimize any adverse effects. In addition, any future proposed site development plan will be evaluated according to the C-1 zone as well as the Comprehensive Plan policy of specifically minimizing adverse effects of noise, lighting, pollution, and traffic on residential environments. Therefore, the request furthers Policy II.B.5.i.

Policy II.B.5.j.: Where new commercial development occurs, it should generally be located in existing commercially zoned areas as follows:

- In small neighborhood-oriented centers provided with pedestrian and bicycle access within reasonable distance of residential areas for walking or bicycling.

The subject site is in an older neighborhood that provides pedestrian and bicycle access within reasonable distance of residential areas. The site's location provides an opportunity to create and enhance neighborhood-oriented services for the surrounding multi-family developments.

The subject site is located approximately 620 ft. from an Enhanced Transit Corridor along Gibson Blvd. that includes four active bus routes. In addition, bike routes are located along Eastern Ave. and Alvarado Dr. The pedestrian and bicycle access is located within a reasonable distance of residential areas as well. Therefore, the request furthers Policy II.B.5.j.

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

The request is seeking a zone change that reflects the types of land use which would strengthen older neighborhoods such as this. The Comprehensive Plan sets for the technique to "initiate three-way partnerships between private interests, the City, and neighborhood Residents to achieve neighborhood redevelopment objectives." The subject site's previous use as a parking lot and the existing O-1 Office and Institution Zoning do not adequately perpetuate the identity of the surrounding neighborhood. The Proposed C-1 Neighborhood Commercial zone allows for an enhanced variety and potential for housing, transportation, employment possibilities and life styles. The Zoning Code's design, parking, and landscaping standards will ensure a quality, visually pleasing redevelopment of the subject

site that will positively contribute to the integration of uses within this mixed-use community.

According to the MREP the subject site was selected as an opportunity site according to a specific set of criteria that included 1.) Potential as a catalyst for future development in the area and 2.) Potential to eliminate blight and prevent future deterioration of property values. The aforementioned criteria directly support the policy to strengthen and redevelop the Near Heights neighborhood. Therefore, the request furtheres Policy II.B.5.o.

Policy II.D.4.c.: In order to add to transit ridership and to where it will not destabilize adjacent neighborhoods, additional dwelling units are encouraged close to Major Transit and Enhanced Transit streets.

The property is one block north of an Enhanced Transit Corridor (Gibson Blvd.) and 3 blocks east of a Major Transit Corridor (San Mateo Blvd.) as designated by the Comprehensive Plan, which makes it convenient to access and encourages transit ridership. The uses in C-1 Neighborhood Commercial will allow for land use development and redevelopment of mixed-use concentrations of housing and employment that supports transit and pedestrian activity.

Staff agrees that the subject site is close to a Major and Enhanced Transit Corridor and that the permissive residential uses within the C-1 zone will not destabilize adjacent neighborhoods as outlined in the Comprehensive Plan. Therefore, the request furtheres Policy II.D.4.c.

Policy II.D.6.a. New employment opportunities which will accommodate a wide range of occupational skills and salary levels shall be encouraged and new jobs located convenient to areas of most need. The City and County should remove obstacles to sound growth management and economic development throughout the community.

The uses allowed in C-1 Neighborhood Commercial zone would promote new and needed jobs for those living in this area.

Staff agrees that the permissive uses allowed in the C-1 zone have the potential to provide new employment opportunities, however, without a more specific site development plan staff is unable to evaluate whether the potential employment opportunities will specifically accommodate a wide range of occupational skills and salary levels. Therefore, the request partially furtheres Policy II.D.6.a. Also, the last sentence in the applicant's policy citation above is a separate Comprehensive Plan policy (II.D.6.f.). All of the possible techniques under this policy are applicable to this request and additional incentives may be available since the subject site is located within a designated Metropolitan Redevelopment Area. Therefore, the request also furtheres Policy II.D.6.f.

Policy II.D.6.b. Development of local business enterprises as well as the recruitment of outside firms shall be emphasized.

The uses allowed in C-1 Neighborhood Commercial zone would promote new local business enterprises and allow the City an increase opportunity to partner with public/private entities.

Staff agrees that the C-1 zone may provide more flexibility with regard to creating a potential public/private partnership for the future development on the subject site. The MREP also discusses the potential for creating a public/private partnership to assist in the future development of the subject site. Therefore, the request generally furthers Policy II.D.6.b.

Policy II.D.6.c. Opportunities for improvement in occupational skills and advancement shall be encouraged.

The uses allowed in C-1 Neighborhood Commercial zone would provide opportunities for improvement in occupational skills with prospective employers for those living in the neighborhood.

Staff disagrees that the permissive uses within the C-1 zone alone will provide opportunities for occupational skills improvement. Due to the fact that this is solely a zone change request and staff cannot determine who the prospective or actual employers for those living in the neighborhood would be, the request does not further Policy II.D.6.c at this time.

In addition to the specific policies analyzed above, the applicant has also cited several Comprehensive Plan goals which include the following: Developing and Established Urban Areas (II.B.5), Developed Landscape (II.C.8.), Transportation and Transit (II.D.4) and Economic Development (II.D.6.). Staff agrees that the cited goals are generally furthered by the request.

Near Heights Metropolitan Redevelopment Area Expansion Plan

The New Mexico Metropolitan Redevelopment Code (3-60A-1 to 3-60A-48 NMSA 1978) provides cities in New Mexico with the powers to correct conditions in areas or neighborhoods within municipalities which “substantially inflict or arrest the sound and orderly development” within the City. These powers can help reverse an area’s decline and stagnation; however, the City may only use these powers within designated Metropolitan Redevelopment Areas (MRA).

The Near Heights MRA Expansion Plan (MREP) is a supplementary document to the Near Heights MRA Plan that was originally adopted by the City of Albuquerque in September 2000. The expansion plan was adopted in 2010. The general boundaries of the MREP are the commercial corridor along San Mateo Blvd. from Bell Ave. to Gibson Blvd. and the commercial corridor along Gibson Blvd to from San Mateo Blvd. to Kentucky Ave., near Louisiana Blvd.

The main purpose of the MREP is to identify area strengths and opportunities and focus on redevelopment strategies within the expanded MRA. Relevant goals include the following:

Applicant’s analysis - Italics; Staff Analysis - Bold Italics

The Metropolitan Redevelopment Expansion Plan for the Near Heights (MREP) identified 3 catalyst projects, including the development of this site. Identifying this property as an “opportunity site” (page 18), the MREP states that this “large parcel could accommodate mixed use development” (page 23). In selecting this site the MREP acknowledged that “the existing O-1 Office and Institution zoning may have to be changed” (page 24) in order to implement the vision, goals and objectives of the MREP with regard to this site. The MREP listed “potential to interest a developer with financial capability” (page 18) as one of the criteria when selecting this site as an opportunity site. A zone change will provide the opportunities to develop a mixed use development complementary to the surrounding neighborhood, which this property might not otherwise be afforded with the existing O-1 Office and Institution zoning.

An MRA designation per the MRA Code (3-60A-1:48 NMSA 1978) allows for municipal acquisition, ownership, lease and improvement of properties within the area to spur economic development. It also offers other incentives to private developers such as impact fee waivers, bonds, and improvements financed through tax-increment financing.

In addition to potential developer incentives, the Metropolitan Redevelopment Agency is primarily responsible for executing projects and programs that lead to revitalization of blighted commercial corridors, enhance small business development and job creation, and stabilize low income neighborhoods.

The MREP identifies the subject site as an opportunity site within the plan area. The selection of each opportunity site was based on the following criteria:

- Potential as a catalyst for future development in the area;*
- Vacant land or deteriorated building with a willing and reasonable seller;*
- Potential to interest a developer with financial capability;*
- Potential to eliminate blight and prevent future deterioration of property values.*

The MREP specifically highlights the plan implementation step of a zone map amendment away from the current O-1 zoning to allow an economically feasible, mixed used project to be developed on the subject site. The applicant also cites an Albuquerque Journal Article dated July 21, 2014 (which is based on historic data kept by CB Commercial, a predecessor company of commercial real-estate services firm CBRE) which states that Albuquerque’s local office market vacancy rate rose from 18.4% to 20.9% within the first 2 quarters of 2014 (See attached).

Conclusion (City Zoning Code, Comprehensive Plan, & MREP Analysis Sections)

The applicant is requesting a zone map amendment from O-1 to C-1. The site is currently owned by the City of Albuquerque’s Metropolitan Redevelopment Agency, is vacant and is located within a designated MRA.

Some of the key differences between the two zones are that the C-1 zone allows for additional limited commercial uses not allowed within the existing O-1 zone and that the C-1 zone allows residential uses permissive in the R-3 zone because the subject site is located within a designated

MRA. The addition of the limited commercial uses also makes the C-1 zone more flexible for redevelopment efforts while ensuring that neighborhood character is maintained.

The requested zone map amendment is generally consistent with the goals and policies of the Comprehensive Plan.

All of these factors related to the subject site are also in line with the vision, goals, and objectives of the MREP by also providing potential incentives and opportunities for public/private partnerships that encourage redevelopment of the subject site.

In addition, the MREP specifically highlights the plan implementation step of a zone map amendment away from the current O-1 zoning to allow an economically feasible, mixed used project to be developed on the subject site.

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.

The requested zone change to the C-1 Neighborhood Commercial zone furthers the intent of the applicable goals and policies of the Comprehensive Plan in that the potential uses for this vacant land are neighborhood oriented, including both commercial and mixed-use possibilities. The C-1 Neighborhood Commercial zone allows uses that are compatible with residential uses and consistent with the health, safety, morals, and general welfare of the City.

The Albuquerque City Council designated the Near Heights MRA Expansion area in 2008 to correct conditions in areas or neighborhoods within municipalities which "substantially inflict or arrest the sound and orderly development" within the City. The MREP was adopted in 2010 which indicates the need to evaluate a zone other than O-1 in order to allow an economically feasible, mixed use project to be developed on the subject site. The C-1 zone provides suitable sites for office, service, institutional, and limited commercial uses to satisfy the day-to-day needs of residential uses and its permissive uses offer more flexibility for a mixed use development. Staff therefore agrees that the request is consistent with the health, safety, morals, and general welfare of the city.

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

The requested zone change is the most suitable for this property in that the C-1 Neighborhood Commercial zone would be a transition between the residential and non-residential uses that surround this site. The allowed uses are compatible with surrounding residential and commercial uses.

Staff agrees that the proposed zoning will not destabilize the area and that the permissive uses within the C-1 zone have the potential to serve as a transitional zone between residential and non-residential uses as the site is currently bordered by C-2 zoning to the south and R-3 zoning to the east, north, and west.

- 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.

Refer to Applicable Ordinances, Plans and Policies section beginning on page 3 of this report.

- 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.

This zone map amendment is appropriate because of changed community conditions related to office uses as allowed by the inappropriate O-1 zoning and the viability of new office development (D.2). Office vacancy in the Albuquerque metro area spiked from 18.4 percent to 20.9 percent in just the first 2 quarters of 2014. O-1 Office and Institution use appears to function more effectively in a cluster elsewhere. This site would be considered an inferior location for office development.

The C-1 Neighborhood Commercial zone is more advantageous to the community as articulated by the Comprehensive Plan and the Near Heights MRA Expansion Plan (D.3). Changing the zone increases the opportunities to develop an otherwise vacant, blighted property that is adjacent to existing City infrastructure, There is a public need for more flexibility, which this request will provide while maintaining the standards of the Comprehensive Plan, to encourage development and redevelopment while protecting and enhancing the surrounding neighborhood character.

The applicant argues that the changed condition of increased office vacancy rates within the Albuquerque metropolitan area make the site an inferior location for future office development. In addition, the applicant argues that the C-1 zone is more advantageous to the

community because there is a public need for more flexibility of permissive uses in order to promote redevelopment of the subject site within a designated MRA.

The subject site was re-zoned to O-1 on April 19, 2001 (File # 011110 00000 00247, refers to Project #1001078) and though the previous owner had plans to develop the site for office uses, the site was only utilized as a parking lot and has remained vacant since it was donated to the MRA in 2007. According to the MREP, the subject site was selected as an opportunity site within a designated MRA. Since one of the key goals of the MRA designation is to correct conditions in neighborhoods within a municipality which “substantially inflict or arrest the sound and orderly development” within the City, this in turn demonstrates a public need for redevelopment of the subject site thus making it more advantageous to the community.

Therefore, staff agrees that the applicant has justified the zone change by demonstrating a changed community condition and that a different use category is 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.

The site is adjacent to properties with C-2 Community Commercial and R-3 Residential zones, with single-family R-1 Residential zone 4 blocks to the west and 4 blocks to the east. Therefore, C-1 Neighborhood Commercial zone is an appropriate zone transition with neighborhood-oriented uses, and will not be harmful to adjacent property.

The intent of the proposed C-1 zone is to provide permissive uses that support the day-to-day needs of residential areas. Therefore, staff agrees that the permissive uses within the proposed C-1 zone would 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 necessitate the need of capital improvements. All future development and infrastructure improvements necessitated by a development on this site will be funded otherwise.

Staff agrees. The City will not be required to make any major or un-programmed capital expenditures as a result of this request.

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

The cost of land or other economic considerations pertaining to the applicant is not the determining factor for this request for change in zone. However, the change in zone will allow this property to be more competitive in the market and therefore, more likely to provide needed services to the surrounding area. It will allow the City to attract a broader market for the

subject property and increase the opportunities to develop the site that will provide a more enhanced property from that of its current status of vacant, blighted land.

The property was donated to the MRA in 2007. The MRA promotes redevelopment in distressed neighborhoods by cultivating public/private partnerships whose efforts benefit the city as a whole. Therefore, staff agrees that the cost of land or other economic considerations are not the determining factor for a change of zone.

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

The zone map amendment request is not being justified based on the property location on a major roadway.

The subject site is not located on a collector or major street.

- 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 zone change request is justifiable spot zone because the change will clearly facilitate realization of the Comprehensive Plan and the Near Heights Expansion Metropolitan Redevelopment Area Plan. This spot zone is also justified because the subject site could function as a transition between adjacent zones.

Staff agrees that the zone change request is a justifiable spot zone because it will clearly facilitate realization of Comprehensive Plan policies II.B.5.e., i., j., o., II.D.4.c., and the Near Heights MRA Expansion Plan (Refer to Policy Analysis section above). However, staff notes that item I.2 above is not sufficiently justified per the applicant’s response nor is it necessary for the applicant to justify this item as the test has already been satisfied per the applicant’s response to item I.1.

- 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 is not a strip zone.

Staff agrees that the request would not result in strip zoning.

IV. AGENCY & NEIGHBORHOOD CONCERNS

Reviewing Agencies

No adverse or significant agency comments were received regarding this request. Please refer to the Agency Comments section of this report below for more details.

Neighborhood/Public

The South San Pedro Neighborhood Association and the District 6 Coalition of Neighborhood Associations were notified as well as property owners within 100 feet of the subject site. No facilitated meeting was recommended or held. There is no known neighborhood opposition to this request.

V. CONCLUSION

This request is for a Zone Map Amendment (Zone Change) for Lot A-1, block 20, Virginia Place Addition, a 3.7 acre parcel located at 5401 Eastern Avenue SE between Palomas Dr. & Alvarado Dr. The subject site is currently zoned O-1 (Office and Institution). The request is for a change to C-1 zoning (Neighborhood Commercial) which would provide suitable sites for office, service, institutional, and limited commercial uses to satisfy the day-to-day needs of residential areas.

The subject site is located in the area designated Established Urban by the Comprehensive Plan. The Near Heights MRA Expansion Plan also applies. The request generally conforms to the applicable Established Urban goals and policies of the Comprehensive Plan (See Policy Analysis section beginning on page 4) and the Near Heights MRA Expansion Plan.

The subject site is currently zoned O-1. The O-1 zone provides suitable sites for office, service, institutional, and dwelling uses per section § 14-16-2-15 (Office and Institution Zone) of the Zoning Code. The subject site's current O-1 zoning was approved in April 2001 and has remained vacant since the property was donated to the Metropolitan Redevelopment Agency in 2007.

The proposed zoning for the subject site is C-1. The C-1 zone provides suitable sites for office, service, institutional, and limited commercial uses to satisfy the day-to-day needs of residential uses per section § 14-16-2-16 (Neighborhood Commercial) of the Zoning Code.

The request has been justified pursuant to R-270-1980. Staff recommends approval of the Zone Map Amendment request from O-1 to C-1.

FINDINGS - 14EPC-40069 - November 13, 2014 - Zone Map Amendment

1. This is a request for a Zone Map Amendment for Lot A-1, block 20, Virginia Place Addition located at 5401 Eastern Avenue SE between Palomas Dr. & Alvarado Dr. and containing approximately 3.7 acres.
2. The subject site is currently zoned O-1 (Office and Institution). The request is for a change to C-1 zoning (Neighborhood Commercial) which would provide suitable sites for office, service, institutional, and limited commercial uses to satisfy the day-to-day needs of residential areas.
3. The Albuquerque/Bernalillo County Comprehensive Plan, Near Heights MRA Expansion Plan and the City of Albuquerque Zoning Code are incorporated herein by reference and made part of the record for all purposes.
4. The subject site is within the Established Urban Area of the Comprehensive Plan. The request is in general compliance with the following applicable goals and policies of the Comprehensive Plan:

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 uses allowed in the C-1 Neighborhood Commercial zone have an intensity that is compatible with the neighborhood and shall respect existing conditions.

Staff agrees that the location and intensity of any potential proposed development that conforms to the permissive uses and design standards of the C-1 zone may be appropriate within the area. However, staff cannot specifically comment regarding the design of a new development because no site development plan for building permit is accompanying this request. Therefore, the request partially furthers Policy II.B.5.d.

Policy II.B.5.e.: New growth shall be accommodated through development in areas where vacant land is contiguous to programmed urban facilities and services and where the integrity of existing neighborhood services can be ensured.

The site is currently underutilized and is contiguous to existing City infrastructure. Redevelopment of this parcel would help revitalize an area that is a designated Metropolitan Redevelopment Area. The request for a zone change furthers the City's goal of accommodating new development on vacant lands, while ensuring the integrity of the existing neighborhood with neighborhood-oriented C-1 Neighborhood Commercial uses.

Staff agrees that subject site is vacant and contiguous to programmed urban facilities and services (e.g. existing infrastructure, see Public Facilities/Community Services section of this report for more detail). In addition, the intent of the permissive uses within the C-1 zone are designed to satisfy the day-to-day needs of the neighborhood in which the uses are located. Therefore, the request further Policy II.B.5.e.

Policy II.B.5.i.: Employment and service uses shall be located to complement residential areas and shall be sited to minimize adverse effects of noise, lighting, pollution, and traffic on residential environments.

Any employment or service uses allowed by C-1 Neighborhood Commercial are neighborhood-oriented and the site's location complements the existing multi-family residential area.

The intent of the C-1 Neighborhood Commercial zone is to satisfy/complement the day-to-day needs of residential areas and specifically minimize any adverse effects. In addition, any future proposed site development plan will be evaluated according to the C-1 zone as well as the Comprehensive Plan policy of specifically minimizing adverse effects of noise, lighting, pollution, and traffic on residential environments. Therefore, the request further Policy II.B.5.i.

Policy II.B.5.j.: Where new commercial development occurs, it should generally be located in existing commercially zoned areas as follows:

- In small neighborhood-oriented centers provided with pedestrian and bicycle access within reasonable distance of residential areas for walking or bicycling.

The subject site is in an older neighborhood that provides pedestrian and bicycle access within reasonable distance of residential areas. The site's location provides an opportunity to create and enhance neighborhood-oriented services for the surrounding multi-family developments.

The subject site is located approximately 620 ft. from an Enhanced Transit Corridor along Gibson Blvd. that includes four active bus routes. In addition, bike routes are located along Eastern Ave. and Alvarado Dr. The pedestrian and bicycle access is located within a reasonable distance of residential areas as well. Therefore, the request further Policy II.B.5.j.

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

The request is seeking a zone change that reflects the types of land use which would strengthen older neighborhoods such as this. The Comprehensive Plan sets for the technique to "initiate three-way partnerships between private interests, the City, and neighborhood Residents to achieve neighborhood redevelopment objectives." The subject site's previous use as a parking lot and the existing O-1 Office and Institution Zoning do not adequately perpetuate the identity of the surrounding neighborhood. The Proposed C-1 Neighborhood Commercial zone allows for an enhanced variety and

potential for housing, transportation, employment possibilities and life styles. The Zoning Code's design, parking, and landscaping standards will ensure a quality, visually pleasing redevelopment of the subject site that will positively contribute to the integration of uses within this mixed-use community.

According to the MREP the subject site was selected as an opportunity site according to a specific set of criteria that included 1.) Potential as a catalyst for future development in the area and 2.) Potential to eliminate blight and prevent future deterioration of property values. The aforementioned criteria directly support the policy to strengthen and redevelop the Near Heights neighborhood. Therefore, the request furthers Policy II.B.5.o.

Policy II.D.4.c.: In order to add to transit ridership and to where it will not destabilize adjacent neighborhoods, additional dwelling units are encouraged close to Major Transit and Enhanced Transit streets.

The property is one block north of an Enhanced Transit Corridor (Gibson Blvd.) and 3 blocks east of a Major Transit Corridor (San Mateo Blvd.) as designated by the Comprehensive Plan, which makes it convenient to access and encourages transit ridership. The uses in C-1 Neighborhood Commercial will allow for land use development and redevelopment of mixed-use concentrations of housing and employment that supports transit and pedestrian activity.

Staff agrees that the subject site is close to a Major and Enhanced Transit Corridor and that the permissive residential uses within the C-1 zone will not destabilize adjacent neighborhoods as outlined in the Comprehensive Plan. Therefore, the request furthers Policy II.D.4.c.

Policy II.D.6.a. New employment opportunities which will accommodate a wide range of occupational skills and salary levels shall be encouraged and new jobs located convenient to areas of most need. The City and County should remove obstacles to sound growth management and economic development throughout the community.

The uses allowed in C-1 Neighborhood Commercial zone would promote new and needed jobs for those living in this area.

Staff agrees that the permissive uses allowed in the C-1 zone have the potential to provide new employment opportunities, however, without a more specific site development plan staff is unable to evaluate whether the potential employment opportunities will specifically accommodate a wide range of occupational skills and salary levels. Therefore, the request partially furthers Policy II.D.6.a. Also, the last sentence in the applicant's policy citation above is a separate Comprehensive Plan policy (II.D.6.f.). All of the possible techniques under this policy are applicable to this request and additional incentives may be available since the subject site is located within a designated Metropolitan Redevelopment Area. Therefore, the request also furthers Policy II.D.6.f.

Policy II.D.6.b. Development of local business enterprises as well as the recruitment of outside firms shall be emphasized.

The uses allowed in C-1 Neighborhood Commercial zone would promote new local business enterprises and allow the City an increase opportunity to partner with public/private entities.

Staff agrees that the C-1 zone may provide more flexibility with regard to creating a potential public/private partnership for the future development on the subject site. The MREP also discusses the potential for creating a public/private partnership to assist in the future development of the subject site. Therefore, the request generally furthers Policy II.D.6.b.

5. The request is not consistent with the following applicable policy of the Comprehensive Plan:

Policy II.D.6.c. Opportunities for improvement in occupational skills and advancement shall be encouraged.

The uses allowed in C-1 Neighborhood Commercial zone would provide opportunities for improvement in occupational skills with prospective employers for those living in the neighborhood.

Staff disagrees that the permissive uses within the C-1 zone alone will provide opportunities for occupational skills improvement. Due to the fact that this is solely a zone change request and staff cannot determine who the prospective or actual employers for those living in the neighborhood would be, the request does not further Policy II.D.6.c at this time.

6. The applicant has justified the zone change request pursuant to R-270-1980 as follows:

- A.** The Albuquerque City Council designated the Near Heights MRA Expansion area in 2008 to correct conditions in areas or neighborhoods within municipalities which “substantially inflict or arrest the sound and orderly development” within the City. The MREP was adopted in 2010 which indicates the need to evaluate a zone other than O-1 in order to allow an economically feasible, mixed use project to be developed on the subject site. The C-1 zone provides suitable sites for office, service, institutional, and limited commercial uses to satisfy the day-to-day needs of residential uses and its permissive uses offer more flexibility for a mixed use development. Staff therefore agrees that the request is consistent with the health, safety, morals, and general welfare of the city.
- B.** Staff agrees that the proposed zoning will not destabilize the area and that the permissive uses within the C-1 zone have the potential to serve as a transitional zone between residential and non-residential uses as the site is currently bordered by C-2 zoning to the south and R-3 zoning to the east, north, and west.

- C.** The request is generally consistent with several goals and policies of the applicable plans (see Finding 4).
- D.** The applicant argues that the changed condition of increased office vacancy rates within the Albuquerque metropolitan area make the site an inferior location for future office development. In addition, the applicant argues that the C-1 zone is more advantageous to the community because there is a public need for more flexibility of permissive uses in order to promote redevelopment of the subject site within a designated MRA.

The subject site was re-zoned to O-1 on April 19, 2001 (File # 011110 00000 00247, refers to Project #1001078) and though the previous owner had plans to develop the site for office uses, the site was only utilized as a parking lot and has remained vacant since it was donated to the MRA in 2007. According to the MREP, the subject site was selected as an opportunity site within a designated MRA. Since one of the key goals of the MRA designation is to correct conditions in neighborhoods within a municipality which “substantially inflict or arrest the sound and orderly development” within the City, this in turn demonstrates a public need for redevelopment of the subject site, thus making it more advantageous to the community.

Therefore, staff agrees that the applicant has justified the zone change by demonstrating a changed community condition and that a different use category is more advantageous to the community.

- E.** The intent of the proposed C-1 zone is to provide permissive uses that support the day-to-day needs of residential areas. Therefore, staff agrees that the permissive uses within the proposed C-1 zone would not be harmful to adjacent property, the neighborhood, or the community.
- F.** Staff agrees. The City will not be required to make any major or un-programmed capital expenditures as a result of this request.
- G.** The property was donated to the MRA in 2007. The MRA promotes redevelopment in distressed neighborhoods by cultivating public/private partnerships whose efforts benefit the city as a whole. Therefore, staff agrees that the cost of land or other economic considerations are not the determining factor for a change of zone.
- H.** The subject site is not located on a collector or major street.
- I.** Staff agrees that the zone change request is a justifiable spot zone because it will clearly facilitate realization of Comprehensive Plan policies II.B.5.e., i., j., o., II.D.4.c., and the Near Heights MRA Expansion Plan (Refer to Policy Analysis section above). However, staff notes that item I.2 above is not sufficiently justified per the applicant’s response nor is it necessary for the applicant to justify this item as the test has already been satisfied per the applicant’s response to item I.1.
- J.** Staff agrees that the request would not result in strip zoning.

7. No facilitated meeting was recommended or held. There is no known neighborhood opposition to this request.

RECOMMENDATION - 14EPC-40069 - November 13, 2014

APPROVAL of Case # 14EPC-40069, a request for Zone Map Amendment from O-1 to C-1 for Lot A-1, block 20, Virginia Place Addition, based on the preceding Findings.

***Vicente M. Quevedo
Planner***

Notice of Decision cc list:

Joan Black or Rebecca Velarde, 600 Second Street NW, 3rd Floor, Albuquerque, NM 87102

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Roger Flegel, 605 Valencia NE, Albuquerque, NM 87108

CITY OF ALBUQUERQUE AGENCY COMMENTS

PLANNING DEPARTMENT

Zoning Enforcement

No comments received.

Office of Neighborhood Coordination

No adverse comments.

South San Pedro NA (R), District 6 Coalition of NA's

Long Range Planning

Project 1001078 – Zone Map Amendment

The request is to amend the zoning of a city block from O-1 to C-1. No Sector Development Plan applies to the site; however, the Metropolitan Redevelopment Expansion Plan for Near Heights does apply. The request would be consistent with the adopted recommendations of this plan, which is for a mixed-use development.

The request will create a transitional spot zone of C-1, surrounded by R-3 and C-2/Parking on the south side. The C-1 zone could result in a more compatible development with both neighborhood commercial and residential uses.

Metropolitan Redevelopment Agency

No comments received.

CITY ENGINEER & DEPARTMENT of MUNICIPAL DEVELOPMENT

Project # 1001078

Virginia Place Addition

14EPC-40069 Amendment to Zone Map

City Engineer/Transportation Development:

- No objection to the request.

City Engineer/Hydrology Department:

- No objection to the request.

DMD Transportation Planning:

- Per the Long Range Bikeway Systems map, Eastern Ave. and Alvarado Dr. are currently bicycle routes, with both of them being designated as local streets.

NMDOT:

- The NMDOT has no objections.

WATER UTILITY AUTHORITY

Utility Services

No comment or objection.

ENVIRONMENTAL HEALTH DEPARTMENT

PARKS AND RECREATION

Planning and Design

No adverse comments.

Open Space Division

Reviewed. No adverse comments.

City Forester

No comments received.

POLICE DEPARTMENT/Planning

No comments received.

SOLID WASTE MANAGEMENT DEPARTMENT

Refuse Division

Approved. Must comply with SWMD Ordinance.

FIRE DEPARTMENT/Planning

No comments received.

TRANSIT DEPARTMENT

No adverse comments.

COMMENTS FROM OTHER AGENCIES

BERNALILLO COUNTY

No comments received.

ALBUQUERQUE METROPOLITAN ARROYO FLOOD CONTROL AUTHORITY

No adverse comments.

ALBUQUERQUE PUBLIC SCHOOLS

Virginia Place Addition, Lot A-1, Block 20, is located on 5401 Eastern Ave NE. The owner of the above property requests a Zone Change from O-1 Office and Institution Zone to C-1 Neighborhood Commercial Zone. This will have no adverse impacts to the APS district.

MID-REGION COUNCIL OF GOVERNMENTS

MRMPO has no adverse comments.

MIDDLE RIO GRANDE CONSERVANCY DISTRICT

No comments received.

PUBLIC SERVICE COMPANY OF NEW MEXICO

No comments received.