



## ***Environmental Planning Commission***

***Agenda Number: 4  
Project Number: 1005467  
Case #: 13EPC-40147  
December 12, 2013***

### ***Staff Report***

<b><i>Agent</i></b>	Robert Devine
<b><i>Applicant</i></b>	Maxine Nelson
<b><i>Requests</i></b>	<b>Zone Map Amendment (Zone Change)</b>
<b><i>Legal Description</i></b>	Tract 283A, MRGCG Map 38
<b><i>Location</i></b>	2304 Mountain Rd. NW
<b><i>Size</i></b>	Approximately 0.3 acre
<b><i>Existing Zoning</i></b>	R-1 Residential Zone
<b><i>Proposed Zoning</i></b>	R-T Residential Townhouse Zone

### ***Staff Recommendation***

***APPROVAL of 13EPC-40147, based on the Findings beginning on Page 13.***

***Staff Planner  
Catalina Lehner, AICP- Senior Planner***

### ***Summary of Analysis***

The request is for a zone map amendment (zone change) for an approximately 0.3 acre site located on Mountain Rd. NW, between Consuelo Place and Rio Grande Blvd. NW, zoned R-1. The applicant proposes to change the zoning to R-T to allow the future development of four townhomes. A single-family home, in poor condition, exists on the subject site.

The subject site is in the Central Urban Area of the Comprehensive Plan. The Old Town Sector Development Plan applies. The applicant has adequately justified the zone change request by demonstrating that it furthers a preponderance of applicable Goals, policies and objectives, and that it would be more advantageous to the community than the current zoning.

A facilitated meeting was recommended, but not held, because questions were satisfactorily addressed. Staff received a few phone inquiries; one indicated general support. There is no known opposition as of this writing. Staff recommends approval of the request.



City Departments and other interested agencies reviewed this application from 11/4/2013 to 11/15/2013.  
Agency comments used in the preparation of this report begin on Page 17.

**I. AREA CHARACTERISTICS AND ZONING HISTORY**

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

	<i>Zoning</i>	<i>Comprehensive Plan Area; Applicable Rank II &amp; III Plans</i>	<i>Land Use</i>
<i>Site</i>	R-1 Residential	Central Urban Old Town Sector Development Plan	Single-family residential
<i>North</i>	R-1 Residential	“	Single-family residential
<i>South</i>	R-1 Residential	“	Single-family residential
<i>East</i>	C-1 Neighborhood Commercial	“	Commercial service (former Boys & Girls club)
<i>West</i>	R-1 Residential	“	Single-family residential

**II. INTRODUCTION**

***Request***

The request is for a zone map amendment (zone change) for an approximately 0.3 acre site located on Mountain Rd. NW, between Consuelo Pl. and Rio Grande Blvd. NW (the “subject site”). The subject site is zoned R-1 Residential. The applicant proposes to change the zoning to R-T to allow the future development of four townhomes. The existing single-family home, which is in poor condition, would be demolished.

Justification of a zone change pursuant to R270-1980 is required and has been provided. Because the proposed zoning is a “straight zone” (not SU-1), an accompanying site development plan is not required.

***Environmental Planning Commission (EPC) Role***

The EPC is hearing this case because the EPC is required 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)]. If so, an appeal would go to the City Council rather than the Land Use Hearing Officer (LUHO). The LUHO does not hear appeals of zone changes at this time, though proposed legislation currently before the City Council would allow the LUHO to hear zone change appeals. The request is a quasi-judicial matter.

***Context***

The subject site is located in the Central Urban Area of the Comprehensive Plan. It is not in a designated Activity Center or Metropolitan Redevelopment Area (MRA) and is outside the boundaries of the Old Town Historic Zone. The Old Town Sector Development Plan applies.

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The subject site and the land surrounding it have been developed for many years; the Old Town area is one of the oldest settled areas in Albuquerque. To the north of the subject site, across Mountain Rd., are two single family homes- each on an approx. 0.6 acre, long narrow lot. To the south are two single-family homes, each on an approximately 0.14 acre lot. To the west are more single-family homes. East of the subject site are a couple of commercial service buildings that used to house the Boys and Girls Club.

### ***Transportation System***

The Long Range Roadway System (LRRS) map, produced by the Mid-Region Council of Governments (MRCOG), identifies the functional classifications of roadways. Rio Grande Blvd. NW is an urban minor arterial. West of Rio Grande Blvd., Mountain Rd. is a local road.

The subject site is accessible by Transit. Route #36, 12<sup>th</sup> Street/Rio Grande, passes just east of the site on Rio Grande Blvd. and has service weekdays during the day and on Saturday. Rio Grande Blvd. is an Enhanced Transit Corridor.

Route #790, the Rapid Ride Blue Line (West Side to UNM) runs along a portion of Mountain Rd. near the subject site, but has only one stop and that's in Old Town. Service is weekdays and Saturdays.

### ***Public Facilities/Community Services***

A few public facilities are within a mile of the subject site. Less than 0.5 mile to the east is Tiguex Park. There is another park and a community center about a mile to the northwest.

⇒ Please refer to the Public Facilities Map for details (see attachment).

## ***III. HISTORY***

The subject site is located in the Old Town area, which is one of the oldest in Albuquerque and can be traced back to settlement in the early eighteenth century (Old Town Sector Development Plan, p. 4). The subject site is within the boundaries of the original township site established in 1891. In the subject site's immediate vicinity, it appears that little has changed over the years. A few single-family home lots retain the "long and narrow" platting typical of the Spanish. Other lots, however, have been subdivided over time.

In December 1956, the City Commission heard a zone change request for the property adjacent east of the subject site (Z-394). Maps in the case file show that a small, triangular portion of the subject site was included. The zone change, from R-1 to C-2, was for a proposed garage and headquarters building for Mountain States Telephone & Telegraph Company. Zoning staff had determined that the proposed building could not be considered a conditional use in the R-1 zone. The City Commission denied the zone change, primarily because it would have created a spot zone. The applicant appealed; the case was remanded. There is nothing further in the case file. However, the property to the east is currently zoned C-1, so it appears that the zone change to C-2 was not granted.

A sketch plat for a minor subdivision of the subject site was presented at the Development Review Board (DRB) in April 2007 (Project #1005467/07DRB-00392). It appears that nothing came of that.

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The subject site still contains a single-family home, which was built many years ago and is in poor condition.

#### **IV. ALBUQUERQUE COMPREHENSIVE ZONING CODE**

##### **Definitions (§14-16-1-5)**

**TOWNHOUSE OR TOWN HOUSE.** One of a group of two to eight attached dwelling units divided from each other by common walls, each having a separate entrance leading directly to the outdoors at ground level, and each having at least one-fourth of its heated and unheated floor area approximately at grade. A townhouse building is one type of an apartment.

##### **Zoning**

The subject site is currently zoned R-1 Residential Zone (Zoning Code §14-16-2-6). The purpose of the R-1 zone is to provide “suitable sites for houses and uses incidental thereto in the Established and Central Urban areas.” The R-1 zone is used for single-family homes and permissively allows “house, one per lot” and certain accessory uses. The applicant could subdivide the subject site into two lots and develop a house on each without a zone change.

However, the applicant is requesting R-T zoning (see Section VI of this report) in order to develop townhouses. The R-T Residential Zone (Zoning Code §14-16-2-9) provides “suitable sites for houses, townhouses, and uses incidental thereto in the Established and Central Urban areas.” The R-T zone (§14-16-2-9) allows uses permissive in the R-1 zone, except for agricultural animal keeping, front yard parking of recreational vehicles and hobby breeding of animals, and townhouses.

In consultation with Zoning Staff, Staff learned that §14-16-2-9(H) applies because the future townhouses would abut the rear yard areas of an R-1 zone. No more than two townhome units per building would be permitted; two buildings with two units each would be possible on the subject site. Minimum lot area is 2,200 sf and minimum lot width is 22 feet per dwelling unit [ref: §14-16-2-9(D)(1)].

#### **V. ANALYSIS- APPLICABLE PLANS, POLICIES & REGULATIONS**

##### **A) Albuquerque / Bernalillo County Comprehensive Plan (Rank I)**

Policy Citations are in Regular Text; Staff Analysis is in ***Bold Italics***. Please refer to Section VI of this report regarding R270-1980 and the applicant’s policy analysis.

The subject site is located in an area that the Albuquerque/Bernalillo County Comprehensive Plan has designated as Central Urban. The goal of the Central Urban Area 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.”

Because the Central Urban Area is also a part of the Established Urban Area, the Goals and policies for the Developing and Established Urban Areas also apply. The goal of the Developing and Established Urban Areas is “to create a quality urban environment which perpetuates the tradition of identifiable, individual but integrated communities within the metropolitan area and which offers

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variety and maximum choice in housing, transportation, work areas and life styles, while creating a visually pleasing built environment.” Applicable Goals and policies include:

*B. Land Use-Developing & Established Urban Areas*

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.

*This portion of the Old Town area is characterized by single-family homes, townhomes and some commercial uses. The request would facilitate development of townhomes, which would generally increase variety and choice in area housing options. Without a site development plan, which is not required in this case, it is not possible to evaluate design that could contribute to a quality urban environment. The request partially furthers the Developing & Established Urban Goal.*

Policy II.B.5a: The Established and Developing 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 subject site is in the Central Urban Area, which is a sub-area of the Established and Developing Urban Area. The request would contribute to a full range of land uses by facilitating development of townhouses in an area generally characterized by a mix of single-family homes, an apartment building and commercial uses. In a general way, the request further Policy II.B.5a- full range of urban land uses.*

Policy II.B.5d: 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, or recreational concern.

*The request would facilitate development of four townhouses in an area generally characterized by a mix of single-family homes, an apartment building and commercial uses. The location and intensity of the future development would generally be compatible with its surroundings and therefore would generally further Policy II.B.5d. Note that design cannot be evaluated since a site development plan is not required at this point in the development process.*

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

- In designated Activity Centers (NA)
- In areas with excellent access to the major street network. (NA)
- In areas where a mixed density pattern is already established by zoning or use, where it is compatible with existing area land uses and where adequate infrastructure is or will be available.

- In areas now predominantly zoned single-family only where it comprises a complete block face and faces onto similar or higher density development; up to 10 dwelling units per net acre. (NA)
- 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.

*The subject site is not located in a designated Activity Center and does not have access to a major street network, though it is near Rio Grande Blvd., which is an Enhanced Transit Corridor. Nor would the future development comprise a whole block face. However, the area near the subject site is characterized by a mixed-density land use pattern, especially close to Rio Grande Blvd. The request would facilitate future development that could be considered a transition between single-family homes and commercial uses along Rio Grande Blvd. The request further applicable portions of Policy II.B.5h- higher density housing location.*

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

*The subject site is in the Central Urban Area, which is a sub-area of the Established and Developing Urban Area. The request would facilitate development of four new townhouses in one of the oldest neighborhoods in the City, part of which is in need of redevelopment and rehabilitation due to the poor condition of existing housing stock. The request generally furthers Policy II.B.5o: Redevelopment and rehabilitation of older neighborhoods.*

## **B) Old Town Sector Development Plan (Rank 3)**

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

The Old Town Sector Development Plan (OTSDP) includes the area south of Interstate 40, East of the Riverside Drain, north of the Riverside Drain and a portion of Central Avenue, west Rio Grande Blvd. The OTSDP was originally adopted in February 1977 (Council Bill R3-1977). It was amended several times, as follows: in 1980 (R-192) regarding implementation of the area traffic study, in 1988 (R-50) for an annexation and RA-1 zoning, in 1994 (R-45) regarding zoning in the Villa del Rio Subdivision, and in 1997 (O-93) for an annexation and establishment of zoning categories. The most recent amendment was in 1999 (O-44), for another annexation.

The function of the OTSDP is to provide an official guide to future development of the Old Town Area; it does not establish zoning and does not use the SU-2 designation. The Plan's principal goals are the conservation and renewal of neighborhoods and the improvement of living conditions for low and moderate-income families (OTSDP, p. 13). The Plan's general purpose is to solve the area's physical problems and maintain its present residential and semi-rural character. Physical improvements such as drainage, irrigation and transportation improvements are addressed. The Traffic Analysis for Old Town is an Appendix.

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The OTSDP contains five long-term objectives and three short-term objectives to achieve the abovementioned goals (p. 14). The following apply to the request:

Principal Goal: Conservation and renewal of neighborhoods.

*The request would generally result in renewal of the neighborhood. Development of townhomes in this easternmost portion of the Plan area has occurred gradually since the Plan's adoption in 1977, and the residential use of the subject site would be conserved. The principal Goal is generally furthered.*

Long-Term Objective 1: Elimination of blight and prevention of blighting influences.

*The existing home on the subject site is in very poor condition (see attached photos). During a site visit, Staff noticed evidence of undesired habitation and dumping. The request would facilitate elimination of blight and prevent these types of blighting influences, and therefore furthers Long-Term Objective 1.*

Long-Term Objective 2: Elimination of conditions which are detrimental to the public health, safety and welfare.

*The request would facilitate redevelopment of the subject site, which would eliminate the undesired habitation and dumping, which are detrimental to the public health, safety and welfare. Also, site improvements, such as a sidewalk along Mountain Rd., would be required that would improve public health, safety and welfare. The request furthers Long-Term Objective 2.*

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

*The subject site is just west of the Plan area's eastern border. The request would result in residential development on an already residentially developed site. Development of townhomes in this easternmost portion of the Plan area has already occurred, so such development on the subject site would not alter the character of the area near the subject site. The request generally furthers Long-Term Objective 4.*

***Conclusion:*** Staff concludes that the request furthers a preponderance of applicable Goals and policies in the Comprehensive Plan and the Old Town Sector Development Plan.

## VI. ZONE MAP AMENDMENT

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

#### Requirements

Resolution 270-1980 outlines policies and requirements for deciding zone map change applications pursuant to the City Zoning Code. The applicant must provide sound justification for the proposed change and demonstrate that several tests have been met. The burden is on the applicant to show why a change should be made, not on the City to show why a change should not be made.

The applicant must demonstrate that the existing zoning is inappropriate because of one of three findings: 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 land use category is more advantageous to the community, as articulated in the Comprehensive Plan or other City master plan.

Justification & Analysis

The zone change justification letter analyzed here, received December 2, 2013, is a response to Staff's request for a revised justification (see attachment). The subject site is currently zoned R-1 Residential. The request is for a zone change to R-T Residential Townhouse Zone. The applicant believes that the zone map amendment conforms to R270-1980 as elaborated below.

***Analysis of Applicant's Justification (Response to Section 1, A-J)***

**Note:** Policy is in regular text; *Applicant's justification is in italics; Staff analysis follows 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.

*Applicant (summarized): Redevelopment of the site would contribute to the safety of the neighborhood (ex. sidewalk along Mountain Rd.) and would remove blight from the subject property. Hence, this zone [map] amendment would benefit the general welfare of the City.*

***Staff: Consistency with the City's health, safety, morals and general welfare is shown by demonstrating that a request furthers a preponderance of applicable Goals and policies from the Comprehensive Plan and other applicable plans. However, the applicant does not refer to either in the response. Rather, the applicant explains that removing blight and improving safety would result from the future development and would benefit the City's general welfare. The response to Section 1.A is sufficient in this case.***

- 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.

*Applicant (summarized): The proposed zone change would not substantially alter the type of use currently permitted under R-1, since R-T zoning is no more permissive than present zoning. Changing from R-1 to R-T for such a small project would not create instability of land use or zoning.*

***Staff: The proposed zone change would alter the type of use allowed on the subject site; changing from zoning for a single-family home to zoning for townhouses can be a significant change in use. Staff agrees, however, that the subject site's small size (0.3 acre) and development of four townhouses would be unlikely to create instability of land use and zoning in the area. The response to Section 1.B is sufficient.***

- 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.

*Applicant (summarized): The analysis of the Comprehensive Plan shows that the request not only contributes to helping fulfill the Plan's goal of offering variety and maximum choice in housing, but also in creating a visually pleasing built environment. The analysis showed no significant conflicts, but rather that many of the Plan's policies are supported by the proposed zone [map] amendment. The analysis of the Old Town Sector Development Plan showed that the proposed zone [map] amendment would help renewal of the neighborhood and would provide improved homes. Similarly, no significant conflicts were found.*

*Relevant Citations: Comprehensive Plan-Developing and Established Urban Goal; Land Use policies II.B.5a, II.B.5d, and II.B.5o. Old Town Sector Development Plan- Principal Goal and Long-Term Objectives1, 2 and 4. Note that the applicant cited all the Land Use Policies in the Comprehensive Plan and all the Objectives in the OTSDP and explained which are relevant and why, and which do not apply and why. This approach is acceptable.*

***Staff: Staff agrees with most of the applicant's citations of relevant, applicable Goals, policies and objectives. The exceptions are Land Use Policies II.B.5k, l and m, which all deal with aspects of site layout and/or site design. Because there is no associated site development plan, it is not possible to evaluate such policies at this time.***

***The analysis shows that the applicant has given thoughtful consideration to Goals, policies and objectives in both applicable Plans. Overall, the discussion demonstrates that there is no "significant conflict" with an adopted element of the Comprehensive Plan or other City master plan. The response to Section 1.C is sufficient.***

- 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.

*Applicant (summarized): Policy h of the Comprehensive Plan addresses transitions needed between different intensities of use. The subject property offers a unique opportunity to create a transition zone between Rio Grande Blvd., bordered by commercial property, and the typical R-1 zoning to the west and south. Such transitions exist along Rio Grande further north. Policy h supports that higher density housing is more appropriate and advantageous to the community.*

***Staff: The response refers to a different use category being more advantageous to the community, though the applicant did not specifically choose reason 3. The explanation could have been also mentioned the analysis of the Comprehensive Plan and the Old Town Sector Development Plan, which demonstrates that the request furthers a preponderance of applicable Goals, policies and objectives. However, the applicant chose a very important policy for the request, II.B.5h- higher density housing location, and offered a specific explanation of how it fulfills 3, in addition to the***

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*complete analysis of the Plans in response to Section 1C (summary). The response to Section 1.D is sufficient in this case.*

- 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.

*Applicant (summarized): R-T permitted uses are more restrictive than R-1 regarding agricultural uses, animal keeping and recreational vehicle parking. No new uses would be introduced by a rezoning that would be harmful to adjacent property, the neighborhood or the community.*

***Staff: The R-T zone (14-16-2-9) allows uses permissive in the R-1 zone, except for agricultural animal keeping, front yard parking of recreational vehicles and hobby breeding of animals, and townhouses. In this sense, R-T zoning is more restrictive than R-1 zoning. However, the question is whether or not the future townhouse development would be harmful to adjacent property, the neighborhood or the community. The zone change would permit two townhouse buildings with two units each (see Zoning section of this report). Subdividing and no zone change would allow two single-family homes. The difference is relatively minor. Staff finds that the request 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.

*Applicant (summarized): The rezoning would not require any capital expenditures by the City of Albuquerque since the existing infrastructure is already in place.*

***Staff: The request would not require major or unprogrammed capital expenditures by the City. The response to Section 1.F is sufficient.***

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

*Applicant: The application was submitted for the purpose of developing the subject according to what seemed most appropriate, based on location and current housing demand. Though the applicant wishes to profit from the development, it is not a determining factor for the zone change because profit could be equally derived from developing the property under existing zoning rules.*

***Staff: Economic considerations are a factor, but that they are not the determining factor for the request. Location near Rio Grande Blvd. is an important factor in this case. Staff agrees that the property could be developed in a profitable manner without a zone change (see Zoning section of this report). The response to Section 1.G is sufficient.***

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

*Applicant: Though townhomes are technically considered apartments, the applicant is not arguing that the location on a collector street is the sole reason for requesting a zone change. Rather, the property's location provides an opportunity to create a transition between the commercial zoning to the east and the R-1 zoning towards the west.*

***Staff: Townhouses are considered a type of apartment pursuant to the Definitions section of the Zoning Code. The subject site's location on a major street (an urban minor arterial) is not being used, in itself, as justification for the zone change. The response to Section 1.H is sufficient.***

- 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.

*Applicant (summarized): The zone change requested would form a "spot zone" between C-1 and R-1 zones. The applicant believes that this spot zone would offer an improved transition zone. Using town homes as a transition between C-1 and R-1 zones along Rio Grande Blvd. seems to have worked well historically (ex. Pueblo del Norte development). Though this request is of a much more modest scale, it would help reduce the present abrupt transition from a busy boulevard bordered by commercial zoning and R-1 zoning. On the NW corner of Mountain Rd. and Main St., a property has developed there with high density.*

***Staff: The request would result in a spot zone. However, it would be a justifiable spot zone because the area of the proposed zone change could function as a transition between adjacent zones (2). Staff also points out that the applicant has demonstrated that the proposed change would facilitate realization of the Comprehensive Plan and the Old Town Sector Development Plan (1). The response to Section 1.I is sufficient.***

- 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.

*Applicant (summarized): The property in question is not a strip of land, but presently is a single, residential R-1 lot. Hence, this section does not apply.*

***Staff: Staff agrees that the request would not result in a strip zone. The subject site does not constitute a "strip of land along a street". The response to Section 1.J is sufficient.***

## **VII. AGENCY & NEIGHBORHOOD CONCERNS**

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

City Departments and other agencies reviewed this application from 11/4/'13 to 11/15/'13. Long Range Planning Staff comments that he proposed zone would allow housing at a higher density than the surrounding R-1 zoned property; this could act as buffer between the existing commercial development and the neighborhood. Rio Grande Blvd. is an Enhanced Transit Corridor. Department of Municipal Development, Transportation Planning Staff, note that Mountain Rd. is an existing Bicycle Boulevard. Albuquerque Public Schools Staff mention that area schools all have capacity.

The following comments are relevant to the future site development plan for building permit and are for the applicant's information: Transportation Development Staff comment that the Frontage along Mountain Rd. will require public sidewalks, curb and gutter per Development Process Manual (DPM) criteria. Hydrology Development Staff note that changing the zoning to a higher impervious zoning in an area that requires ponding creates challenges to approve building permits. Agency comments begin on p. 17.

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

The affected neighborhood associations (NAs), homeowner associations (HOAs) and Coalitions, as cited by the Office of Neighborhood Coordination (ONC), are the West Old Town NA and the North Valley Coalition (see attachment), which the applicant notified as required. Property owners within 100 feet of the subject site were also notified as required.

A facilitated meeting was recommended. The facilitator contacted a representative of the North Valley Coalition, who had a few questions about the request. The questions were answered. Apparently, the facilitator was unable to get in touch with a representative of the West Old Town NA. The meeting was not held because questions were addressed satisfactorily. A "No Meeting Report" was produced (see attachment). Staff received a few phone inquiries; one expressed general support. There is no known opposition as of this writing.

## **VIII. CONCLUSION**

This request is for a zone change from the R-1 Residential Zone to the R-T Residential Townhouse Zone for an approximately 0.3 acre site located on Mountain Rd. NW, between Rio Grande Blvd.

NW and Consuelo Place. The applicant plans to demolish the existing single-family home, which is in poor condition, and develop four townhouses in the future.

The subject site is in the Central Urban Area of the Comprehensive Plan. The Old Town Sector Development Plan applies. The applicant has adequately justified the zone change request pursuant to R270-1980 based on it being more advantageous to the community than the current zoning. Staff concludes that the request furthers a preponderance of applicable Goals and policies in the Comprehensive Plan and the Old Town Sector Development Plan.

The affected neighborhood organizations are the West Old Town Neighborhood Association (NA) and the North Valley Coalition. A facilitated meeting was recommended, but not held because questions were addressed satisfactorily. Staff received a few phone inquiries; one expressed general support. There is no known opposition as of this writing.

Staff recommends approval of the request.

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***FINDINGS – 13EPC-40147, December 12, 2013, Zone Change***

1. The request is for a zone change for an approximately 0.3 acre site located on Mountain Rd. NW, between Rio Grande Blvd. NW and Consuelo Place (the “subject site”). A single-family home in poor condition exists on the subject site.
2. The applicant proposes to change the subject site’s zoning from R-1 Residential Zone to the R-T Residential Townhouse Zone, in order to allow future development of four townhouses on the subject site. Because the request is not for a change to SU-1 zoning, a site development plan is not required pursuant to §14-16-2-22(A)(1).
3. The subject site is located in the Central Urban Area of the Comprehensive Plan, which is a sub-area of the Established and Developing Urban Area. The Old Town Sector Development Plan applies. The subject site is not within a designated Activity Center, though Rio Grande Blvd. is an Enhanced Transit Corridor and is nearby. It is not in a Metropolitan Redevelopment Area (MRA).
4. The Albuquerque/Bernalillo County Comprehensive Plan, the 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.
5. The zone change request is justified pursuant to Resolution 270-1980 as follows:
  - A. Section 1A: The request is consistent with the City’s health, safety and general welfare because it furthers applicable policies in the Comprehensive Plan and the Old Town Sector Development Plan, as demonstrated by the applicant’s analysis. The request would facilitate future development that would result in removing blight and improving safety, thereby benefitting the City’s general welfare.
  - B. Section 1B: The request would not adversely affect stability of land use and zoning in the area. The subject site’s small size (0.3 acre) would allow development of four townhouses. This would be unlikely to create instability in an area near Rio Grande Blvd. that is characterized by a mixture of commercial uses, multi-family residential and single-family homes. The applicant has provided an acceptable justification for the change.
  - C. Section 1C: The request furthers applicable Goals, policies and objectives in the Comprehensive Plan and the Old Town Sector Development Plan. There is no “significant conflict” with an adopted element of either.
  - D. Section 1D: A different use category is more advantageous to the community because the request furthers applicable Goals, policies and objectives in the Comprehensive Plan and the Old Town Sector Development Plan. Comprehensive Plan Policy II.B.5h-higher density housing location, supports the idea that higher-density housing is appropriate and

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advantageous to the community as a transition between different intensities of use (C-1 Commercial and R-1 Residential).

- E. Section 1E: The request would generally not be harmful to adjacent property, the neighborhood or the community. It would facilitate development of two, two-unit townhouse buildings and the subject site would be brought in line with current Zoning requirements. Furthermore, unlike R-1 zoning, R-T zoning does not allow agricultural animal keeping, front yard parking of recreational vehicles and hobby breeding of animals.
  - F. Section 1F: The request will not require major or unprogrammed capital expenditures by the City.
  - G. Section 1G: Economic considerations are a factor, but that they are not the determining factor for the request. Location near Rio Grande Blvd. is important. The subject site could be developed with two single-family homes without a zone change.
  - H. Section 1H: Though townhouses are considered a type of apartment, the subject site's location on a major street (an urban minor arterial) is not being used, in itself, as justification for the request.
  - I. Section 1I: The request would result in a spot zone. However, it would be a justifiable spot zone because the area of the proposed zone change could function as a transition between adjacent zones (2). The applicant has also demonstrated that change would facilitate realization of the Comprehensive Plan and the Old Town Sector Development Plan (1).
  - J. Section 1J: The request will not result in a strip zone because the subject site does not constitute a "strip of land along a street".
6. The request furthers the following, applicable Comprehensive Plan policies:
- A. Policy II.B.5a- full range of urban land uses. The request would contribute to a full range of land uses by facilitating development of townhouses in the subject site's immediate vicinity, which is characterized by commercial uses, multi-family residential and single-family homes.
  - B. Policy II.B.5h- higher density housing location. The area near the subject site is characterized by a mixed-density land use pattern, especially close to Rio Grande Blvd. The request would facilitate future development that could function as a transition between single-family homes and commercial uses along Rio Grande Blvd. For these reasons, the subject site is an appropriate location for higher density housing.
  - C. Policy II.B.5o- redevelopment and rehabilitation of older neighborhoods. The request would facilitate development of four new townhouses in one of the oldest neighborhoods in the City, part of which is in need of redevelopment and rehabilitation due to the poor condition of existing housing stock.

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7. The request partially furthers the Developing & Established Urban Goal of the Comprehensive Plan and the following policy:
    - A. The part of the Old Town area near the subject site is characterized by single-family homes, multi-family residential and commercial uses. The request would facilitate development of townhouses, which would generally increase variety and choice in housing options. Without a site development plan, which is not required at this stage in the process, it is not possible to evaluate design that could contribute to a quality urban environment.
    - B. Policy II.B.5d- new development location/intensity/design. The request would facilitate development of four townhouses in an area characterized by a mix of single-family homes, an apartment building and commercial uses. The location and intensity of the future development would be generally compatible with its surroundings, though design cannot be evaluated at this time.
  8. The request furthers the following Principal Goal and Long-Term Objectives of the Old Town Sector Development Plan for the City of Albuquerque:
    - A. Principal Goal: Conservation and renewal of neighborhoods. The request would generally result in neighborhood renewal. In this easternmost portion of the Plan area, development of housing not using the R-1 zone has occurred gradually since the Plan's adoption in 1977. The residential use of the subject site would be conserved.
    - B. Long-Term Objective 4: Enhancement of area as primarily residential in the eastern portion and primarily semi-rural in the western portion. The request would result in residential development on an already residentially developed site just west of the Plan area's eastern border. Development of townhouses in this easternmost portion of the Plan area has already occurred; development on the subject site would not significantly alter the character of the area near the subject site.
    - C. Long-Term Objective 1: Elimination of blight and prevention of blighting influences. The existing home on the subject site is in very poor condition. There is evidence of undesired habitation and dumping. The request would facilitate elimination of blight and prevent these types of blighting influences.
    - D. Long-Term Objective 2: Elimination of conditions which are detrimental to the public health, safety and welfare. The request would facilitate redevelopment of the subject site, which would eliminate the undesired habitation and dumping, which are detrimental to the public health, safety and welfare. Also, site improvements, such as a sidewalk along Mountain Rd., would be required and would improve public health, safety and welfare.
  9. The affected neighborhood organizations are the West Old Town Neighborhood Association (NA) and the North Valley Coalition. A facilitated meeting was recommended, but not held, because questions were satisfactorily addressed. Staff received a few phone inquiries; one expressed general support. There is no known opposition as of this writing.

***RECOMMENDATION - 13EPC-40147, December 12, 2013***

**APPROVAL of 13EPC-40147, a request for a Zone Change from R-1 Residential Zone to R-T Residential Townhouse Zone, for Tract 283A, MRGCG Map 38, based on the preceding Findings.**

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***Catalina Lehner, AICP  
Senior Planner***

***Notice of Decision cc list:***

Robert Devine, 2323 Mountain Rd. NW, Unit 1, Albuquerque, NM 87104

Anna Padilla Morgan, West Old Town NA, 2633 Marble Ave. NW, Albuquerque, NM 87104

Sarah Wentzel Fisher, West Old Town NA, 2515 Consuelo NW, Albuquerque, NM 87104

Kyle Silfer, North Valley Coalition, 4465 Jupiter St. NW, Albuquerque, NM 87107

David Wood, North Valley Coalition, 158 Pleasant NW, Albuquerque NM 87107

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

### ***PLANNING DEPARTMENT***

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

Reviewed. No comments.

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

West Old Town NA

North Valley Coalition

11/4/13 – Recommended for Facilitation – siw

11/14/13 – Assigned to Philip Crump

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

The proposed zone would allow housing at a higher density than the surrounding R-1 zoned property; this could act as buffer between the existing commercial development and the neighborhood. The site is within 650 feet of Rio Grande Blvd., an Enhanced Transit Corridor.

The justification for R-270-1980 needs to cite policies from the Comprehensive Plan and the Old Town Sector Development Plan.

#### ***Metropolitan Redevelopment***

No comments received.

### **CITY ENGINEER**

#### ***Transportation Development Services:***

##### **Transportation Development (City Engineer/Planning Department):**

- Frontage along Mountain will require public sidewalks, curb and gutter per DPM criteria.

##### **Hydrology Development (City Engineer/Planning Department):**

- Changing the zoning to a higher impervious zoning in an area that requires ponding creates challenges to approve building permits.

##### **Transportation Planning (Department of Municipal Development):**

- Mountain Rd. is an existing bicycle boulevard.
- Reviewed, and no further comments regarding on-street bikeways or roadway system facilities.

##### **Traffic Engineering Operations (Department of Municipal Development):**

- No comments received.

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

- No comments received.

**New Mexico Department of Transportation (NMDOT):**

- No comments received.

**RECOMMENDED CONDITIONS FROM CITY ENGINEER, MUNICIPAL DEVELOPMENT and NMDOT:**

Conditions of approval for the proposed: Amendment to Zoning Map (Estb Zoning / Zone Chg.) shall include:

1. Site plan shall comply and be in accordance with all applicable City of Albuquerque requirements, including the *Development Process Manual* and current ADA criteria.

***WATER UTILITY AUTHORITY***

**Utility Services**

No comment or objection to the zone change request. An Availability Statement should be requested as development proceeds.

***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.

***POLICE DEPARTMENT/Planning***

This project is in the Valley Area Command. No Crime Prevention or CPTED comments concerning the proposed Amendment to Zone Map - Zone Change request at this time.

***SOLID WASTE MANAGEMENT DEPARTMENT***

**Refuse Division**

Approved as long as it complies with the Solid Waste Ordinance.

***FIRE DEPARTMENT/Planning***

No comments received.

**TRANSIT DEPARTMENT**

<b>Project # 1005437</b> 13 PC-40147 AMNDT TO ZONE MAP (ESTB ZONING/ZONE CHG) LOTS 283A, ZONED R-1 TO R-T LOCATED ON MOUNTAIN RD NW BWEWEEN CONSUELO NW AND RIO GRANDE NW. APPROX. 0.3 ACRES. (J-13)	Adjacent and nearby routes	Route #36, 12 <sup>th</sup> Street/ Rio Grande commuter route, on Rio Grande Blvd., is the closest route to the property.
	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**

**MRGCD MAP 38**, Tract 283A, is located on the northwest corner of Mountain Rd and Consuelo Place. The owner of the above property requests a Zone Change from R-1 to R-T to allow for the development of 4 townhomes. Any residential development in this will impact, Reginald Chavez Elementary School, Washington Middle School, and Albuquerque High School. Currently, all three schools have excess capacity.

Loc No	School	2012-13 40th Day	2012-13 Capacity	Space Available
330	REGINALD CHAVEZ	340	362	22
465	WASHINGTON	463	640	177
590	ALBUQUERQUE HS	1712	1900	188

**MID-REGION COUNCIL OF GOVERNMENTS**

The Mid-Region Metropolitan Planning Organization (MRMPO) has no adverse comments.

**MIDDLE RIO GRANDE CONSERVANCY DISTRICT**

No comments received.

***PUBLIC SERVICE COMPANY OF NEW MEXICO***

1. It is the applicant's obligation to determine if existing utility easements cross the property and to abide by any conditions or terms of those easements.
2. There is an existing overhead electric distribution line located along the north and west side of the subject property. Any existing or proposed public utility easements and electric distribution facilities should be indicated on the site plan utility sheet prior to DRB review. PNM's standard for electric distribution easements is 10 feet in width to ensure adequate, safe clearances. It will be necessary for the applicant to contact PNM's New Service Delivery to coordinate electric service regarding this project and to examine proposed tree species, tree placement and height at maturity, in order to ensure sufficient safety clearances and to avoid interference with the existing electric distribution facilities.