



**Environmental  
Planning  
Commission**

**Agenda Number: 6  
Project Number: 1009749  
Case #: 13EPC-40121  
September 12<sup>th</sup>, 2013**

**Staff Report**

**Agent**

**Applicant** Das and Samantha Anastasiou

**Request(s)** **Zone Map Amendment**

**Legal Description** Lot 22, block 55 University Heights

**Location** 205 Carlisle Blvd NE

**Size** Approximately .13 acres

**Existing Zoning** R-1  
SU-1 for dwelling unit and retail sales of: clothing, accessories and other apparel, shoes, antiques, furniture, collectibles, flowers and plants, books, stationary (similar items), arts and crafts items, jewelry, pottery, alterations and sewing; service uses per the C-1 zone not to exceed 25% of the square footage of the building

**Proposed Zoning**

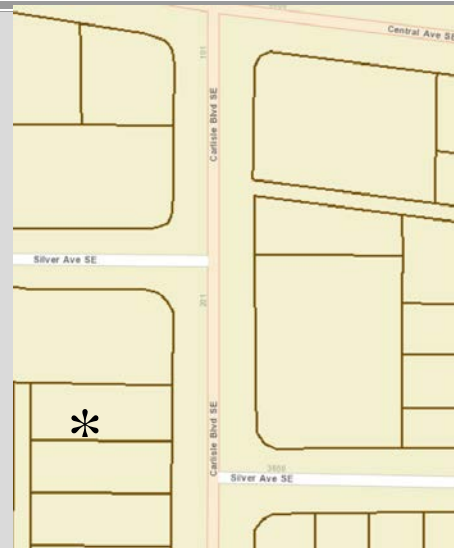
**Staff Recommendation**

**WITHDRAWAL of 13EPC-40121**

**Staff Planner  
Maggie Gould, Planner**

**Summary of Analysis**

The applicant requests that this case be withdrawn from the EPC process.



City Departments and other interested agencies reviewed this application from 07/01/2013 to 07/12/2013  
Agency comments used in the preparation of this report begin on Page 8.

***Supplemental staff report to be read with the August 8<sup>th</sup>, 2013 staff report.***

## ***I. OVERVIEW***

### ***Deferral***

This request for a zone map amendment was introduced at the August 8th, 2013 Environmental Planning Commission (EPC) hearing. The EPC voted to defer this request to allow time for the applicant to address neighborhood concerns. Because the facilitated meeting occurred after the staff report was issued, the EPC felt that a 30-day deferral was in order to allow the applicant time to address some of the neighborhood concerns.

A facilitated meeting was held August 1st. At that meeting some of the adjacent neighbors were concerned that the additional uses would add significant traffic to the area. There was concern that the approval of this request would set a precedent for the rezoning of other residential properties in the area. There was also concern about the long term commitment of the property owner to the site.

The meeting report states that at the end of the meeting several attendees expressed support for the request. It also mentions that several people who were opposed did not attend. At the August 8th meeting, it was suggested that the applicant remove the small shed at the rear of the property and dedicate that space to additional parking.

At the August 8th meeting, it was suggested that the applicant remove the small shed at the rear of the property and dedicate that space to additional parking. Staff heard opposition to this idea from some of the neighbors who are concerned that the rear parking will encourage more traffic in the alley; this alley already provides access to the existing commercial parking lot immediately to the north of the site.

## ***II. NEW INFORMATION SINCE AUGUST 8, 2013 STAFF REPORT***

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

The opportunity for a second facilitated meeting was offered to some of the concerned neighbors. The neighbors declined citing opposition to the entire request. Some members of neighborhood remain opposed to the project based on concerns about increased traffic, parking, the precedent that this request could set for future zoning in the area and increased use of the alley by people outside of the neighborhood.

Because the second facilitated meeting was declined, there is no formal record of any additional outreach made to the neighborhood by the applicant.

Staff received three additional e-mails expressing opposition to the request. The reasons for opposition included the introduction of commercial uses into the neighborhood, the

increase in traffic, the increase in people and vehicles in the alleys and the negative impact on the character of the area.

Staff would like respond to the letter from Paul Cohen with regard to the R-270-1980 justification. The Planning Department uses the standard for the R-270-1980 justification for all zone changes. It has been the practice of the Planning Department to apply this standard to SU-1 zones as well as to any other change in zoning. It has also been to practice of the Planning Department to view the SU-1 zone as a spot zone that has been justified per R-270-1980. Mr. Cohen implies that there is a business relationship between staff and the applicant, this not the case. Mr. Cohen also cites the alley policies in the NHHS DP. Staff feels that these policies direct the City to add public art to the alley and require new development to have windows fronting the alley. The alley policy does not seem relevant to this request.

Staff has not received any new material from the applicant.

### **III. ADDITIONAL ANALYSIS – APPLICABLE ORDINANCES, PLANS AND POLICIES**

Policy II.B.5.m- Urban site design which maintains vistas and improves visual environment: is furthered because the Site Plan for Building Permit will maintain the height and character of the building.

### **IV. CONCLUSION**

This is a request for a zone map amendment for lot 22, block 55 of the University Heights Addition, located at 205 Carlisle, containing approximately .13 acres. The proposed zoning is: *SU-1 for dwelling unit and retail sales of: clothing, accessories and other apparel, shoes, antiques, furniture, collectibles, flowers and plants, books, stationary (similar items), arts and crafts items, jewelry, pottery, alterations and sewing service uses per the C-1 zone not to exceed 25% of the square footage of the building.*

The request furthers a preponderance of Comprehensive Plan and Nob Hill Highland Sector Development Plan policies especially the Goals, Vision and Policies in the NHHSPD regarding support for local business and adaptive reuse of underutilized buildings. The request may be inconsistent with Comprehensive Plan Policy II.B 5i:, because the request may generate more traffic and may strain the existing parking situation in the area. The request may fail to comply with section E. of R-270-1980, because the proposed new uses may adversely impact the surrounding residential area.

Two new conditions, regarding signage (condition 6) and Final Site Plan for Building Permit (condition 7) have been added.

If the zoning is approved, staff recommends delegation of approval for the final Site Plan for Building Permit to the Planning Director or Director's designee.

***FINDINGS – 13 EPC-40121 September 12th, 2013-Zone Map Amendment***

1. This is a request for a zone map amendment for lot 22, block 55 of the University Heights Addition, located at 205 Carlisle, containing approximately .13 acres.
2. The request will allow the development of a vintage clothing store and other retail uses.
3. This request was heard by the EPC on August 8<sup>th</sup>, 2013. The EPC voted to defer this request to allow time for the applicant to address neighborhood concerns.
4. A facilitated meeting was offered to concerned neighbors, but they declined.
5. The site is within the boundaries of the Nob Hill Highland Sector Development Plan.
6. The Albuquerque/Bernalillo County Comprehensive Plan, Nob Hill Highland Sector Plan, and the City of Albuquerque Zoning Code are incorporated herein by reference and made part of the record for all purposes.
7. The applicant has justified the zone change request pursuant to *R-270-1980* as follows:
  - A. Section 1A: Consistency with the City's health, safety, morals and general welfare is demonstrated because the request furthers a preponderance of Goals and Policies of the Comprehensive Plan and the Nob Hill Highland Sector Development Plan.
  - B. Section 1B: The requested zone maintains the stability of use in the area, as it is going to be controlled through a site development plan, which will ensure compatible development.
  - C. Section 1C: The applicant has adequately justified how the requested zone furthers a preponderance of the Goals and Policies that are presented in the Comprehensive Plan and the Nob Hill Highland Sector Development Plan.

**Comprehensive Plan Policies**

Policy II.B.5.d- location, intensity, and design of new development is furthered because the proposed zone will allow only low intensity uses and will be controlled by a site plan that ensures what will be allowed on the site. A corresponding Site

Development Plan for Building Permit will ensure that the existing building will remain as built.

Policy II.B 5i- Employment and service uses / residential areas: is mostly furthered because the request will add new complimentary uses, without adding significant noise, lighting or pollution. However, there is neighborhood concern that the new uses will cause traffic issues.

Policy II.B.5.m- Urban site design which maintains vistas and improves visual environment: is furthered because the Site Plan for Building Permit will maintain the height and character of the building.

Policy II.B 5o: Redevelopment and rehabilitation of older neighborhoods: is furthered because the change will facilitate redevelopment of an existing building and allow new compatible uses. The existing character of the building will be preserved.

Policy II.C.9.c. is furthered because the request will allow development that is complimentary to the area and will preserve an existing building.

Policy II.D.4g is furthered because the site will have a variety of pedestrian access.

Policy II.D.6.b-Development of local business enterprises: Policy II.D.6.d-Tourism shall be promoted; and Policy II.D.6.f-The City and the County should remove obstacles management and economic development, are furthered by this request because it will allow for a local, destination business in the urban core of the City.

### **Nob Hill Highland Sector Development Plan**

The Community Form Goal,- Reinforce the Nob Hill Highland district as a vibrant, high quality, pedestrian-oriented urban community and a destination for greater Albuquerque; and

Vision(staff paraphrases) The Nob Hill Highland (NHH) plan envisions a unique pedestrian friendly environment with thriving local business and an urban character. NHH will have increased housing options close to the Central Corridor, including live/work spaces; and

Policy 1 The City shall Support an eclectic mix of local, regional and national business; and

Policy 2 The City shall support greater diversity in housing, income levels and types of residents, are furthered because the request will allow the development of a small, local, eclectic business in a flexible work space that is easily accessible from the neighborhood. The scale of development and location of the business will be pedestrian oriented.

The Economic Vitality Goal - to create an environment where businesses, and particularly small, locally owned businesses, can thrive; and

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Policy 1- The city shall work with businesses and neighborhood organizations to improve economic conditions in the plan area; and

Action 1. Support Renovation of Historic Buildings for Appropriate Commercial Use – Underutilized or vacant buildings with historic character provide potential locations for small business; and

Action 2- Support the Renovation of Other Commercial Buildings and Redevelopment of Vacant and Underutilized Properties for Business Expansion and New Businesses. The City zoning should make renovation and appropriate new development an attractive option for property owners and businesses seeking to locate in the Nob Hill and Highland Areas.

The Economic Vitality Goal, Policy 1 and Actions 1 and 2 are supported by this request because it will support a small, local business and adaptively re-use an existing under- utilized building.

D. The request furthers a preponderance of policies in the Albuquerque Bernalillo County Comprehensive and the Nob Hill Highland Sector Development and thus is more advantageous to the community as articulated by the Master Plan.

E. Section 1E: The requested permissive uses for dwelling unit and retail sales of: clothing, accessories and other apparel, shoes, antiques, furniture, collectibles, flowers and plants, books, stationary (similar items), arts and crafts items, jewelry, pottery, alterations and sewing; service uses per the C-1 zone not to exceed 25% of the square footage of the building will not be harmful to adjacent property, the neighborhood or the community. The proposed uses are low intensity and should be compatible with the surrounding area. The uses are allowed in the C-1 zone, which is mapped adjacent to single family residential development in the plan area and other parts of the city.

F. Section 1F: The proposed zone change requires no major or programmed capital expenditures by the City.

G. Section 1G: Economic considerations are not the determining factor for this request. The applicant has demonstrated that the proposed zone change furthers a preponderance of relevant policies in the Comprehensive Plan and the Nob Hill Highland Sector Plan.

H. Section 1H: Location on a collector or major street is not used as the only justification for the proposed zone change.

I. Section 1I: All SU-1 zones for specific sites, including the request, create a justified “spot zone.”

J. Section 1J: The request does not create a “strip zone.”

8. Property owners within 100 feet and the Nob Hill and Southeast Heights Neighborhood Associations and the District 6 coalition were notified of this request.

9. There is both support for and opposition to this request.
10. A facilitated meeting was held on August 1<sup>st</sup>. Attendees expressed both support for and opposition to this request.
11. The Nob Hill Neighborhood Association voted not to oppose this request.
12. Property owners within 100 feet and the Nob Hill and Southeast Heights Neighborhood Associations and the District 6 coalition were notified of this request.

***RECOMMENDATION - 13EPC-40121 September 12th, 2013***

**APPROVAL of 13EPC-40121 a request for Zone Map Amendment from R-1 to SU-1 for dwelling unit and retail sales of: clothing, accessories and other apparel, shoes, antiques, furniture, collectibles, flowers and plants, books, stationary (similar items), arts and crafts items, jewelry, pottery, alterations and sewing; service uses per the C-1 zone not to exceed 25% of the square footage of the building for lot 22, block 55, University Heights Addition, based on the preceding Findings and subject to the following Conditions of Approval**

***CONDITIONS OF APPROVAL - 13EPC-40121 September 12th, 2013, Zone Map Amendment***

1. The EPC delegates the approval the Site Development Plan for Building Permit to the Planning Director or the Director's Designee.
2. Prior to application submittal to the Planning Director, the applicant shall meet with the staff planner to ensure that all conditions of approval are met.
3. The zone map amendment does not become effective until the accompanying site development plan is approved, pursuant to §14-16-4-1(C)(11) of the Zoning Code. If such requirement is not met within six months after the date of EPC approval, the zone map amendment is void. The Planning Director may extend this time limit up to an additional six months upon request by the applicant.
4. The accompanying Illustrative Site Plan for Building Permit shall be the basis for administrative review and action by the Planning Director or her/his designee.

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5. A landscape buffer consisting of evergreen trees shall be provided at the south property line.
  6. Any signage added to the building shall not face the residential area.
  7. The scale shall be accurate on the final Site Development Plan for Building Permit.
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Maggie Gould, Planner

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

Name, Address, City, State Zip Code

Hindi Samia	213 Carlisle 87106
Mary and Morton Algers	208 Carlisle 87106
Steve Olson,	210 Amherst 87106
Presbyterian Church	114 Carlisle 87106
Paul Cohen	225 Carlisle 87106

***Attachments***

1. Background Information
  - a. R-270-1980
  - b. Proposed Zoning
  - c. Existing Zoning
2. Application
  - a. Cover Page
  - b. Authorization letter
  - c. Justification letter
  - d. Illustrative Site Plan for Building Permit
  - e. Photo Elevations
  - f. Support material from applicant
3. Notification
  - a. ONC letter
  - b. Applicant letter & certified mail receipts



c. Neighborhood comments/letters

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

### ***PLANNING DEPARTMENT***

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

The proposed zone is incompatible with surrounding single family zones, an SU-1 zone may be a more compatible request for the zoning designation since the specific uses, activities, and redevelopment of the property and existing building would be more easily achieved through a development plan and process.

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

Nob Hill NA (R)

Southeast Heights NA (R)

District 6 Coalition of NA's

7/12/13 – Recommended for Facilitation – siw

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

The proposed CCR-1 zone would allow a range of C-2 uses that may not be compatible with the residential uses to the south and west of the site. A less intense zone that would allow the proposed use, but not the less compatible uses would be more appropriate. The Nob Hill Highland Plan encourages local business and the proposed use could be compatible with the surrounding development.

### ***CITY ENGINEER***

Transportation Development (City Engineer/Planning Department):

- Reviewed, no comments regarding zone change request. The property may require a Traffic Circulation review prior building permit/ certificate of occupancy.

Hydrology Development (City Engineer/Planning Department):

- Hydrology has no objection to the Zone Map Amendment.

Transportation Planning (Department of Municipal Development):

- Reviewed, and no 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.

#### ***Transportation Development***

**Hydrology Development**

**DEPARTMENT of MUNICIPAL DEVELOPMENT  
Transportation Planning**

**Traffic Engineering Operations**

**Street Maintenance**

**WATER UTILITY AUTHORITY  
Utility Services**

**ENVIRONMENTAL HEALTH DEPARTMENT  
Air Quality Division**

**Environmental Services Division**

**PARKS AND RECREATION  
Planning and Design**

No comments

**Open Space Division**

**City Forester**

**POLICE DEPARTMENT/Planning**

**SOLID WASTE MANAGEMENT DEPARTMENT  
Refuse Division**

***FIRE DEPARTMENT/Planning***

***TRANSIT DEPARTMENT***

## ***COMMENTS FROM OTHER AGENCIES***

***BERNALILLO COUNTY***

***ALBUQUERQUE METROPOLITAN ARROYO FLOOD CONTROL AUTHORITY***

P#1009749 Zone Change for 205 Carlisle SE, (K-16)

Reviewed, no comment.

***ALBUQUERQUE PUBLIC SCHOOLS***

***MID-REGION COUNCIL OF GOVERNMENTS***

***MIDDLE RIO GRANDE CONSERVANCY DISTRICT***

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