



**Environmental  
Planning  
Commission**

**Agenda Number: 4  
Project Number: 1005134  
Case Numbers: 14EPC-40048/40047  
August 14, 2014**

**Staff Report**

<b>Agent</b>	Robert Lucero, Rodey Law Firm
<b>Applicant</b>	1000 Gold LLC
<b>Requests</b>	<b>Sector Development Plan Map Amendment (zone change)</b> <b>Site Development Plan for Subdivision</b>
<b>Legal Description</b>	Lot A, replat of Lots 1, 2 3 & 4, Block 15 of the supplemental plat of the Reynolds Addition
<b>Location</b>	SW corner of 10 <sup>th</sup> St. SW and Gold Ave. SW (1000 Gold Ave. NW)
<b>Size</b>	Approximately 0.3 acre
<b>Existing Zoning</b>	SU-2 for MFR (Multi-Family Residential)
<b>Proposed Zoning</b>	SU-2/SU-1 for residential and/or law office, court reporter, accountant, architect, engineer, dentist and/or doctor office

**Staff Recommendation**

**APPROVAL of 14EPC-40048, based on the Findings beginning on Page 15, and subject to the Condition of Approval on Page 18.**

**APPROVAL of 14EPC-40047, based on the Findings beginning on Page 18, and subject to the Conditions of Approval beginning on Page 20.**

**Staff Planner**

**Catalina Lehner-AICP, Senior Planner**

**Summary of Analysis**

This request is for a sector development plan map amendment (zone change) to the Huning Castle and Reynolds Addition Neighborhood Sector Development Plan (HCRSDP) and an associated “as built” site development plan. A vacant office building occupies the subject site.

The applicant requests a zone change to “SU-2 for SU-1 for Residential, Law Office, Court Reporter, Accountant, Architect, Engineer and/or Doctor Office” to operate a law office. The request is adequately justified pursuant to R270-1980 and generally fulfills the intent of applicable policies.

A facilitated meeting was offered but declined. The Reynolds Addition Neighborhood Association supports the office use, since that was the property’s historical use.

Staff recommends conditional approval of the zone change and the associated site development plan.



**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>	SU-2 for MFR (Multi-Family Residential)	Central Urban Huning Castle-Raynolds Addition Neighborhood Sector Development Plan	Law office, single-family home
<i>North</i>	SU-2 for MFR (Multi-Family Residential)	Central Urban Huning Castle-Raynolds Addition Neighborhood Sector Development Plan	Single-family home
<i>South</i>	SU-2 for MFR (Multi-Family Residential)	Central Urban Huning Castle-Raynolds Addition Neighborhood Sector Development Plan	Single-family home
<i>East</i>	SU-3 Housing Focus	Central Urban Downtown 2010 Sector Development Plan	Single-family home, undeveloped
<i>West</i>	SU-2 for MFR (Multi-Family Residential)	Central Urban Huning Castle-Raynolds Addition Neighborhood Sector Development Plan	Commercial (retail flower store)

**II. INTRODUCTION**

***Request***

This request is for a sector development plan map amendment (zone change) to the Huning Castle and Raynolds Addition Neighborhood Sector Development Plan (HRNSDP) for Lot A, replat of Lots 1, 2 3 & 4, Block 15 of the supplemental plat of the Raynolds Addition, approximately 0.3 acre (the “subject site”). The applicant proposes to change the subject site’s zoning from “SU-2 for MFR (Multi-Family Residential)” to “SU-2 for SU-1 for residential and/or law office, court reporter, accountant, architect, engineer, dentist and/or doctor office” and amend the HCRSDP to reflect this change.

Since the requested zone is SU-1, an “as built” site development plan is associated with the zone change. The applicant owns the subject site and wants to open a law office in the existing building, which was historically used as an office. Interior renovations and some site improvements are planned.

***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, the Land Use Hearing Officer (LUHO) would hear the appeal and make a recommendation to the City Council. The City Council would make the final administrative decision. The request is a quasi-judicial matter.

***Context***

The subject site comprises the SW corner of the intersection of Gold Ave. SW and 10<sup>th</sup> St. SW. The vicinity of the subject site is characterized by a mixture of single-family and multi-family residential

uses. To the north is a single-family home used as a law office (also zoned SU-2/MFR). To the south and west are single-family homes in residential use. To the east is a small multi-family dwelling; to the southwest is a larger multi-family complex. A few other commercial uses are found near 10<sup>th</sup> St. SW and Park Ave. SW. A large multi-family development is under construction at that intersection.

The subject site is not located in a designated Activity Center or Metropolitan Redevelopment Area (MRA).

### ***History & Background***

The subject site is located in the historic Huning Castle Neighborhood. The Huning Castle and Raynolds Addition Neighborhood Sector Development Plan (HRNSDP) contains a history of the Plan area (see p. 6). The area includes the Huning Castle and Raynolds addition neighborhoods and the residential area north of the Albuquerque Country Club.

The Country Club area was platted in March 1928 as the Huning Castle Addition. The Raynolds Addition, east of the Huning Castle Addition, was platted in July 1912. The area is characterized by several fine homes, some of which are on the National Register of Historic Places. California Mission, Mediterranean and Pueblo Revival architectural styles are prevalent.

The subject site has historically been an office use, both prior to and after adoption of the HRNSDP in January 1981. For several years, it was home to a doctor's office and later a dentist's office. Statements from a couple of long-term area residents confirm this (see attachments).

Upon adoption of the sector plan, the subject site was rezoned to SU-2/MFR (multi-family residential). A neighbor informed Staff that, for the last two years, the building has been vacant and has attracted homeless people. He also mentioned that the southern half of the lot adjacent west of the subject site was sold at some point. It became part of the subject site and is used for parking.

Staff found one historical record pertaining to the subject site. In July 2006, the Columbus Club applied for a zone change to "SU-1 for Fraternal Organization" in order to relocate its operations to the existing building (Project #1005134/06EPC-01323). After a couple of months, the request was withdrawn due to neighborhood opposition.

### ***Long Range Roadway System***

The Long Range Roadway System (LRRS) map, produced by the Mid-Region Council of Governments (MRCOG), identifies the functional classifications of roadways. Tenth Street is a Collector in the location of the subject site. Gold Avenue SW is a local street.

### ***Transit***

The subject site is served by Transit, though not directly. Albuquerque Ride Route #766-the Red Line Rapid Ride, runs two blocks north of the subject site. The Green Line Rapid Ride also stops in the vicinity. They both run westbound on Copper Ave. and eastbound on Gold Ave., just east of the subject site. Both offer evening and weekend service.

***Public Facilities/Community Services***

The Valley Area Command, located at 5408 2nd St. NW, provides police coverage. The nearest fire station is located about 2 blocks east of the subject site.

**III. ZONING**

Existing Zoning: The subject site is zoned “SU-2 for MFR (Multi-Family Residential)”. The Huning Castle and Reynolds Addition Neighborhood Sector Development Plan (HRNSDP) established zoning upon its adoption in 1981.

The SU-2 Special Neighborhood Zone “allows a mixture of uses controlled by a sector development plan” (see Zoning Code §14-16-2-23). A zone change request is referred to as a “sector development plan map amendment” when SU-2 zoning is used. The SU-2 for MFR zone corresponds to the R-2 zone (Zoning Code §14-16-2-11), with exceptions regarding height, lot size, off-street parking and usable open space (HRNSDP, p. 14).

Proposed Zoning: The applicant proposes the following zoning: “SU-2 for SU-1 for Residential, Law Office, Court Reporter, Accountant, Architect, Engineer and/or Doctor Office.” The SU-1 zone (see Zoning Code §14-16-2-22) provides suitable sites for uses that are special, and for which the appropriateness of the use to a specific location depends upon the character of the site design. The SU-1 designation requires an associated site development plan.

The proposed zoning includes “residential”. The SU-2 zones list MFR (multi-family residential) but not single-family residential. However, the MFR zone corresponds to the R-2 zone, which refers back to the R-T zone, which refers back to the R-1 zone. Therefore, residential uses could be a single-family home, townhouses or apartments.

Zoning Code §14-16-2-23, SU-2 zone, requires the Planning Commission to make a recommendation to the City Council if a decision would impose or eliminate SU-2 zoning for an area over one block (approx. 10 acres). Because the subject site is not greater than one block (10 acres), this request is not required to be forwarded to the City Council.

**IV. ANALYSIS -ADOPTED ORDINANCES, PLANS, AND POLICIES**

***A) ALBUQUERQUE/BERNALILLO COUNTY COMPREHENSIVE PLAN (RANK I)***

The subject site is located in an area that the Albuquerque/Bernalillo County Comprehensive Plan has designated Central Urban, which is a portion of the Established Urban Area. Therefore, the Central Urban Area is subject to policies of the Established Urban Area. 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.” Applicable Goals and policies include:

*Established Urban Area*

The Goal is 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

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maximum choice in housing, transportation, work areas and life styles, while creating a visually pleasing built environment.”

*The request generally furthers the Established Urban Goal. As a small-scale office use surrounded by residential uses, it would contribute to variety and maximum choice. The renovations and site improvements would generally improve the built environment.*

*Land Use Policies-Developing & Established Urban*

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

*The request would contribute to a full range of urban land uses in the area, which is characterized mainly by single-family and multi-family residential uses, by allowing an office use. Policy II.B.5a-full range of urban land uses, is generally furthered.*

Policy II.B.5i: 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.

*Policy II.B.5i-employment/service use location is furthered. The existing building is sited on a corner and generally would not adversely affect nearby residences. The limited uses allowed by the proposed zoning would not produce noise, light, pollution, or traffic to the extent that the surrounding residential environment would be adversely affected. The request furtheres Policy II.B.5i-employment/service use-residential areas.*

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

*Policy II.B.5o-redevelopment of older neighborhoods, is partially furthered. Some improvements to the building and subject site are proposed, though the site is a small portion of the neighborhood.*

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

*The proposed site improvements can be considered privately funded redevelopment, albeit on a small scale, which is considered a cost-effective redevelopment technique since it does not use public funds (technique #1). The request furtheres Policy II.B.5p-cost effective rehabilitation techniques.*

*Community Identity & Urban Design-*

The Goal is 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.”

*The request generally furthers the Community Identity & Urban Design Goal. Re-use of an existing building, which has been part of the neighborhood for a long time, would generally*

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*contribute to perpetuating the neighborhood's established character. The office use would continue to provide land use variety and the site improvements would contribute to a pleasing built environment.*

*Economic Development-*

The Goal is to "achieve steady and diversified economic development balanced with other important social, cultural and environmental goals." Applicable policies include:

Policy 2.C.6b: Development of local business enterprises as well as the recruitment of outside firms shall be emphasized.

*The request partially furthers the Economic Development Goal. The request would contribute to some small-scale economic development in the area that would be very specific (not diversified), although it would be generally balanced with other important neighborhood goals, such as improving the area. The request furthers Policy II.C.6b-local business and recruitment, because it would contribute to development of a local business.*

**B) Huning Castle and Raynolds Addition Neighborhood Sector Development Plan (HRNSDP) (RANK III)**

The Huning Castle-Raynolds Addition Neighborhood Sector Development Plan (HRNSDP) is a rank-three plan adopted by the City Council in January 1981 (see attachment). The Plan generally encompasses properties south of Central Avenue between 8<sup>th</sup> Street and the Rio Grande. The Rio Grande also serves as the southwestern boundary of the Plan area. The area includes the Huning Castle and Raynolds addition neighborhoods and the residential area north of the Albuquerque Country Club.

The Plan's overarching goal is to maintain the area's special qualities such as varied architectural styles, mature landscaping and neighborhood scale. The Plan contains a summary of Objectives and Recommendations in the following categories: Land use and Zoning, Transportation, Social Services, Parks, Housing and Neighborhood Maintenance, Public Facilities, Economic Development and Historic Preservation. The following apply to this request:

Land Use & Zoning Objective 3: Use zoning to stabilize the residential character of the Plan area and to enhance the positive aspects of the area, including its distinctive architecture, pleasant landscaping, and human scale.

*The request furthers Land Use & Zoning Objective 3. The requested zoning would allow both residential and certain office uses. Matching the zoning to the subject site's historic (and proposed) use as an office, especially with a site plan controlled zone (SU-1), would help stabilize the area- though not necessarily its residential character at this time. Re-using a building with a zero lot line and adding some landscaping would help enhance the positive aspects of the area.*

Social Service Objective 2: Reduce crime in the area.

*The request would help contribute to reduced crime in the immediate area. Site improvements, such as removing the carport, would eliminate a feature that attracted homeless and drug*

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*transactions that neighbors are concerned about. Occupying the vacant building would also help. Social Service Objective 2 is generally furthered.*

Housing and Neighborhood Maintenance Objective 1: Improve the overall appearance of the area.

*The request generally furthers Housing and Neighborhood Maintenance Objective 1 because it would generally improve the overall appearance of the area, especially in the vicinity of the subject site.*

## V. SECTOR DEVELOPMENT PLAN MAP AMENDMENT

### RESOLUTION 270-1980 (POLICIES FOR ZONE MAP AMENDMENTS)

#### Requirements

Resolution 270-1980 outlines policies and requirements for deciding zone map change applications. 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.

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 is dated June 26, 2014. A supplemental response to Section 1E was submitted in response to Staff's request (see attachments). The subject site is currently zoned SU-2 for MFR (Multi-Family Residential). A change of zone would constitute an amendment to the Huning Castle-Raynolds Addition Neighborhood Sector Development Plan (HRNSDP). The requested zoning is "SU-2 for SU-1 for Residential, Law Office, Court Reporter, Accountant, Architect, Engineer and/or Doctor Office." The reason for the request is to allow a law office to operate on the subject site, while retaining the possibility of residential use in the future.

The applicant believes that the proposed sector development plan map amendment (zone change) conforms to R270-1980 as elaborated in the justification letter. Staff analysis is in **bold text**. The citation in quotes is from R270-1980.

1A. "A proposed zone change must be found to be consistent with the health, safety, morals and general welfare of the City."

*Applicant (summarized): The proposed zone amendment is consistent with the health, safety, morals and general welfare of the residents of the City because it is consistent with and furthers the policies of the Comprehensive Plan and the Sector Plan. A law office is a low impact use. The use is consistent with the surrounding neighborhood.*

*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*

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***Comprehensive Plan and other applicable plans, which the applicant has done in the response to Section 1.C. It's also important to note that the proposed zone change is limited to specified uses and, as a change to an SU-1 zone, is dependent upon an associated site development plan. The response to Section 1.A is sufficient.***

1B. "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 request will help promote stability of land use and contribute to community cohesiveness by maintaining the historical use, character and appearance of the existing building on the property and within the area. The use as a law office will enhance the positive aspects of the Plan area while maintaining the area's characteristic architecture and harmonious scale. Two similar zone changes have been approved within close proximity of the property.*

***Staff: Staff believes that a key factor in this case is the limited scope of the requested zoning; a broader change to general office or commercial uses could destabilize land use in the area. The specified office uses would be unlikely to adversely affect stability of land use. Also, they would have to be small-scale to fit on the subject site. The applicant can demonstrate that the proposed zone change is justified. The response to Section 1.B is sufficient.***

1C: "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): Under the proposed zone map amendment, the property will continue to be used in a way that is consistent with adopted elements of the Comprehensive Plan, the Sector Plan and the MRA Plan.*

*Citations: Relevant citations include the Comprehensive Plan- Developing and Established Urban Goal; Land Use policies II.B.5a, II.B.5g, II.B.5o and II.B.5p; Economic Development Goal. Sawmill Wells Park Sector Development Plan (SWPSDP) action plans regarding Area Character and History and Economic Development.*

*Staff finds that these citations do not apply: Central Urban Goal and policies a and b (focuses on arts linkages); Land Use policy II.B.5d (applies to new development). .*

***The policy citations are sufficient overall. The applicant states that, under the proposed zone map amendment, the property will continue to be used in a way that is consistent with adopted elements of the Comprehensive Plan and the HCRNSDP. Staff points out that another use could also upgrade the property, and that the existing building does not constitute new development so some policies cited by the applicant do not apply. Overall, however, Staff finds that general consistency with goals and policies of applicable Plans can be demonstrated.***

***The test under Section 1C is whether or not there is "significant conflict" with an adopted element of the Comprehensive Plan or other City master plan such as a sector development plan. In terms of policy, Staff finds no significant conflict. Regarding the multi-family zoning***

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*established by the Sector Plan, Staff notes that the proposed zone would retain residential uses and would add specific office uses so it would not result in a significant conflict.*

1D. “The applicant must demonstrate that the existing zoning is in appropriate 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 (1) and (2) above do not apply.”

*Applicant (summarized): There was an error when the existing zone map pattern was created because the property had been properly developed as an office but adoption of the sector plan changed the zoning to SU-2 MRF (1). Changed neighborhood and community conditions support a mixture of uses in the area. There have been 2 zone map amendments for law offices in the area (2). Also, the uses proposed by the application are more advantageous to the community for the reasons set forth in Section C (3), and that they promote revitalization, protect area investments and create a good neighbor in the community.*

***Staff: The response refers to map pattern error (1), changed neighborhood conditions (2) and to a different use category being more advantageous to the community (3). Staff finds that the applicant has adequately demonstrated, by the policy-based discussion in Section 1C, that the proposed zoning would be more advantageous to the community than the current zoning. Because only one of the reasons is required to be substantiated, the response to Section 1.D is sufficient.***

***Regarding the alleged error in the zone map pattern, (1) typically refers to a mapping error (like a type-o). At the time of adoption of the HCRNSDP, there may have been good reasons for changing the subject site’s zoning. The changed neighborhood conditions argument (2) is also difficult to prove. Though there have been similar zone changes nearby, overall the area remains characterized by single-family homes and multi-family uses that have been used as such for several years.***

1E. “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): None of the permissive uses in the zone change would be harmful to adjacent property, the neighborhood or the community. They are all low-impact uses and would not generate noise or nuisance, or result in traffic or parking in excess of the capacity of the subject property. Furthermore, the proposed zoning is consistent with the historic use of the property.*

***Staff: The uses intended for the subject site are contained in the zoning descriptor: residential, law office, court reporter, accountant, architect, engineer and/or doctor office. The possibility of a residential use is preserved. The narrowly defined SU-1 zoning would allow these uses to operate while prohibiting other uses that could be considered harmful in the subject site’s setting. The neighborhood supports the request. The response to Section 1.E is sufficient.***

1F. "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 project is funded entirely with private funds and does not require capital expenditures or improvements by the City.*

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

1G. "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 cost of land or other economic considerations pertaining to the applicant is not a determining factor for the requested zone map amendment and the applicant makes no argument regarding this factor.*

**Staff: Economic considerations are a factor, but the applicant is not raising them as the determining factor for the request. The response to Section 1.G is sufficient.**

1H. "Location on a collector or major street is not in itself sufficient justification of apartment, office or commercial zoning."

*Applicant: Location on a collector street is not represented as a justification for the requested zone amendment and applicant makes no argument regarding this factor.*

**Staff: Staff agrees that the subject site's location on a collector street (Tenth Street is a Collector in the location of the subject site) is not being used, in itself, as justification for the zone change. The response to Section 1.H is sufficient.**

1I. "A zone change request which would give a zone different from surrounding zoning to one small area, especially when only 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 proposed zone amendment would not create a spot zone because it is adjacent to similar commercial uses. Other zone amendments have been previously approved by the City in this area for the same use and were held not to constitute a spot zone. Even if the change*

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were to create a spot zone, it would facilitate realization of applicable Plans (1) as stated above in Part 1.C.

**Staff:** *Staff points out that whether or not a proposed zone change would result in a spot zone depends upon the zoning, not the land use, of the properties nearby. Land uses and zoning sometimes do not correspond, especially in older developed areas.*

*The SU-1 zone creates a spot zone by definition; however, it is required to be a justifiable spot zone according to reason 1) or reason 2). The applicant has demonstrated in the response to Section 1.C that the proposed change would facilitate realization of the Comprehensive Plan and the HCRNSDP (1). The response to Section 1.I is sufficient.*

1J: “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 applicable 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): This section is not applicable because this request is for a single lot and not a strip of land.*

**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.*

Staff Conclusion

**Staff finds that the applicant has adequately justified the sector development plan map amendment (zone change) pursuant to R270-1980. The policy-based response to Section 1C demonstrates how the request furthers applicable Goals and policies in the Comprehensive Plan and the Huning Castle-Raynolds Addition Neighborhood Sector Development Plan (SWPSDP), and that there is no “significant conflict” with the adopted elements of applicable Plans (Section 1C). For these reasons, Staff recommends approval of the sector development plan map amendment (zone change) request.**

**VI. SITE DEVELOPMENT PLAN FOR BUILDING PERMIT- “AS BUILT” & PROCESS**

A site development plan is required for a zone change to an SU-1 Zone pursuant to §14-16-2-22-(A)(1). Zoning Code §14-16-3-11 states, “...Site Development Plans are expected to meet the requirements of adopted city policies and procedures.”

The applicant has provided an “as built” site development plan (see attachment) and applied for a site development plan for subdivision. However, Staff points out that the building exists and no subdividing is proposed, so what’s needed is an “as built” site development plan for building permit. This is standard procedure for existing “as built” on developed sites.

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Since an SU-1 zone is requested, Staff recommends clear documentation of what exists on the site so the site development plan won't have to be amended later. Any items with "options 1 or 2" and "to be field verified" need to be specified now as part of this process.

***Site Plan Layout / Configuration***

The subject site is located on the SW corner of the intersection of 10<sup>th</sup> St. and Gold Ave. SW. The existing building occupies the portion of the lot closest to the intersection and both streets. The parking area is in back of the building.

*Refuse Enclosure:* A trash can enclosure is located on the southern side of the subject site. It appears that it's for residential service trash cans, though they would be taller than the enclosure (see photo, attachment). Staff recommends checking with Solid Waste Staff regarding what is required. The color should not be specified as pink.

***Vehicular Access, Circulation & Parking***

*Access & Circulation:* The subject site is accessed mainly from an alley that abuts the subject site to the south. There are two drive-aisles. These need to be dimensioned. There is another entrance on the site's northern side, from Gold Ave. SW. Less than 10 feet wide, it's concrete and very narrow for vehicular access.

*Parking:* Because the requested zoning is SU-1, off-street parking is as decided by the EPC pursuant to Zoning Code §14-16-2-22, Special Use Zone. Zoning Code §14-16-3-1, Off Street Parking Regulations, was used to calculate parking using the office category. The proposed use of 2,675 sf/200 (1 space for every 200 sf) ≈ 14 required spaces.

Though the parking lot is not currently striped, the site plan shows 21 spaces. One handicap space (HC) and one motorcycle space (MC) are required according to §14-16-3-1. One HC space and one MC space are included. The motorcycle (MC) space is in addition to the count, which is correct. However, the MC space will need to be relocated in an area visible from the building's entrances pursuant to Zoning Code §14-16-3-1(C).

Pursuant to the definition of Parking Space, if there are more than 20 parking spaces, one-third of them are allowed to measure 15 feet long (compact spaces). The maximum number of compact spaces here is seven. 14 are shown. Staff recommends that the parking lot be re-configured and striped, so that 6 compact spaces are along the western side. Drive aisles need to be dimensioned.  
*TIS:* A Traffic Impact Study (TIS) was not required.

***Pedestrian and Bicycle Access and Circulation, Transit Access***

Pedestrian and bicycle access is possible from both 10<sup>th</sup> St. and Gold Ave. SW; the building's entrances face the streets. One bicycle space is required. Two racks are proposed. Staff suggests one rack, which typically has two spaces. A bike rack detail is needed.

Albuquerque Ride Route #8-Menaul, is the only local route that turns north onto 5<sup>th</sup> St. leaving Downtown, and turns south onto 6<sup>th</sup> St. approaching Downtown. Though there is no bus stop adjacent to the subject site, the Rapid Ride lines run along Copper Ave. and have stops nearby.

### ***Walls/Fences***

The subject site is not fenced, though there is an existing wall along the western property boundary to separate the subject site from a single-family home. The wall is mostly stucco (not block). No fences or walls are proposed.

### ***Lighting and Security***

There are no existing parking lot light poles on the subject site and none are proposed. It doesn't appear that there is building mounted or security lighting either.

### ***Landscaping***

The subject site is not landscaped. Since the existing building is right at the SW corner of the intersection, landscaping would have to be accommodated within the site.

Zoning Code §14-16-3-10(E)(1), the landscaping regulations, require total landscape area not less than 15% net lot area- though the General Regulations do not "kick in" unless there is a building addition of 200 sf or more.

Zoning Code §14-16-3-10(E)(4) requires buffer landscaping between non-residential and residential uses. However, this subsection applies when "a non-residential zone is developed after April 2, 1990 for a non-residential purpose" and it abuts a residential zone. Since the subject site was developed before then, (E)(4) doesn't apply.

Two landscape areas are proposed. Staff suggests retaining the one at the parking lot's western edge and modifying the one between the building and the wall (western side). The landscape calculations need to be corrected so that trees aren't counted in the 75% living coverage requirement. The focus needs to be on net lot area, for which 15% coverage is required. Landscape beds need to be dimensioned.

Regarding the proposed landscaping between the building and the wall (adjacent residence): First, this area may not receive sufficient sunlight to support the plants proposed. Second, the proposed Ash tree is too large a species to fit there- especially since the neighbor's Mulberry is quite large and hangs over the wall. Staff suggests using different plant types and fewer trees, in this case. The Complete How-To Guide to Xeriscaping offers many options. Also, a drip irrigation system is important to keep the landscape alive.

### ***Grading & Drainage Plan***

The subject site is already developed and is flat. The elevation is 4950 feet on the site's northern side and 4951 feet on its southern side. There is some ponding near the SE corner of the site. A grading & drainage plan was not included. If determined necessary by the City Hydrologist, a grading and drainage plan will be needed. A new drainage ordinance, which requires on-site collection of some run-off water, became effective on May 12, 2014.

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***Utility Plans***

A sanitary sewer easement runs north-south along the western portion of the subject site. There is an overhead utility line along 10<sup>th</sup> St. SW. An easement is not indicated. Water line(s) and a fire hydrant should also be shown.

***Architecture & Design***

The building has existed for several decades and retains its character as part of the neighborhood. Renovations to the interior are underway. There are entrances on 10<sup>th</sup> St. and on Gold Ave. SW. "As-built" photo elevations are provided. Additional information and labeling are needed. The building is 17 feet high at the top of the roof pitch and 12 feet high at the edge of the roof.

***Signage***

Two types of signage are proposed: a 9 sf hanging sign on the building's northern side (facing Gold Ave.) and a building-mounted sign OR a painted sign on the eastern elevation. Signage needs to be specified with this site plan and not later.

Staff does not recommend either option. Instead, a small sign near each door could identify each tenant space (if there are 2) and the building's architectural feature would not have to be altered. Perhaps a sign like that of the law firm across the street would work. Details, including colors and materials, need to be specified.

***Public Outdoor Space***

The Zoning Code requires public outdoor space for buildings 60,000 sf or greater, and for buildings with 6 or more water closets. Public outdoor space is not required for this request. No patio area is shown, though a patio would be a nice addition to the area on the west side of the building and could be combined with landscaping.

***Process***

The site development plan is for an "as built" site, though several revisions needed for clarification and compliance. Staff has determined that it is not necessary for the site development plan to go to the Development Review Board (DRB). All infrastructure is in place.

Staff requests that the EPC delegate its approval authority for the site development plan to Staff, so that the "as built" site plan can be approved administratively and the process expedited. Staff will check the revised site development plan for compliance with the EPC's conditions of approval. Routing to Staff from Transportation, Utilities and Hydrology is part of the administrative approval process. Transportation issues, such as parking lot striping, will be reviewed by Transportation Staff. Information regarding utilities and hydrology, not available now, can be reviewed then.

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

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

City Departments and other agencies reviewed this request from 6/30/'14 to 7/11/'14. Transportation Planning Staff request that a note be added to the site development plan regarding clear sight triangle and landscaping. PNM commented regarding an easement along the site's

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eastern side and designing ground-mounted equipment screening to allow access to utility facilities. Agency comments begin on p. 24.

***Neighborhood/Public***

The Office of Neighborhood Coordination (ONC) required notification of the “Downtown List”, which includes the following: Barelás Neighborhood Association (NA), Broadway Central Corridors Partnership, Inc., Citizen’s Information Committee of Martineztown, Downtown NA, Huning Highland Historic District Assoc., Martineztown Work Group, Raynold Addition NA, Santa Barbara-Martineztown Assoc., South Broadway NA, and the Downtown Action Team.

The ONC recommended facilitated meeting, but it was declined and a “No Meeting Report” was issued (see attachment). Staff received a phone call from a neighbor who generally supports the proposed zone change, but had some questions (see attachment).

The law firm across the street (to the north) submitted a letter of support (see attachment). The applicant also provided statements from a couple of long-time residents of the area (see attachments). As of this writing, Staff is not aware of any opposition to the request.

***VIII. CONCLUSION***

This request is for a sector development plan map amendment (zone change) and an associated, “as built” site development plan for building permit for an approximately 0.3 acre site at the SW corner of 10<sup>th</sup> St. and Gold Ave. SW. The applicant proposes to change the subject site’s zoning from SU-2 for MFR to “SU-2 for SU-1 for Residential, Law Office, Court Reporter, Accountant, Architect, Engineer and/or Doctor Office.”

Staff concludes that the applicant has adequately justified the zone map amendment (zone change) pursuant to R270-1980. Overall, the request generally furthers relevant Comprehensive Plan and HRNSDP policies. Conditions of approval are needed to clarify items on the associated site development plan for building permit.

A facilitated meeting was offered but declined. Staff received a phone call from a neighbor who generally supports the proposed zone change, but had questions. Staff is not aware of any opposition as of this writing.

Staff recommends conditional approval of the sector development plan map amendment and the associated site development plan for building permit, with delegation of the EPC’s approval authority to Staff (administrative approval) for the site development plan for building permit.

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***FINDINGS - 14EPC-40048, August 14, 2014- Sector Development Plan Map Amendment (zone change)***

1. The subject request is for a sector development plan map amendment (zone change) for Lot A, replat of Lots 1, 2 3 & 4, Block 15 of the supplemental plat of the Raynolds Addition, an approximately 0.3 acre site located at the southwest corner of Tenth Street and Gold Avenue SW. The subject site is within the boundaries of the Central Urban Area of the Comprehensive Plan and the Huning Castle and Raynolds Addition Neighborhood Sector Development Plan (HRNSDP).
2. The sector development plan map amendment request is for a change from SU-2 for MRF (Multi-Family Residential) to “SU-2 for SU-1 for Residential, Law Office, Court Reporter, Accountant, Architect, Engineer and/or Doctor Office” to allow a law office.
3. The applicant intends to re-use the existing building, which is currently vacant, as a law office and make some improvements to the site.
4. The subject request is accompanied by a site development plan for building permit (14EPC-40047) as required pursuant to the SU-1 Zone, §14-16-2-22.
5. Because the subject site is not greater than 10 acres, the Environmental Planning Commission (EPC) is the approval authority. The subject request is not required to be transmitted to the City Council. This is a quasi-judicial matter.
6. The Albuquerque/Bernalillo County Comprehensive Plan, the Huning Castle and Raynolds Addition Neighborhood Sector Development Plan (HRNSDP) and the City of Albuquerque Zoning Code are incorporated herein by reference and made part of the record for all purposes.
7. The request generally furthers the following Comprehensive Plan Goals:
  - A. Established Urban Goal. A small-scale office use, with various residential uses nearby, would contribute to variety and maximum choice. The renovations and site improvements would generally improve the built environment.
  - B. Community Identity & Urban Design Goal. Re-use of an existing building, which has been part of the neighborhood for a long time, would generally contribute to perpetuating the neighborhood’s established character. The office use would continue to provide land use variety and the site improvements would contribute to a pleasing built environment.
8. The request generally furthers the following, relevant Land Use Policies in the Comprehensive Plan:
  - A. Policy II.B.5a-full range of urban land uses. The request would contribute to a full range of urban land uses in the area, which is characterized mainly by single-family and multi-family residential uses, by allowing an office use.

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- B. Policy II.B.5i-employment/service use-residential areas. The existing building is sited on a corner and generally would not adversely affect nearby residences. The limited uses allowed by the proposed zoning would not produce noise, light, pollution, or traffic to the extent that the surrounding residential environment would be adversely affected.
- C. Policy II.B.5p-cost effective rehabilitation techniques. The proposed site improvements can be considered privately funded redevelopment, albeit on a small scale, which is considered a cost-effective redevelopment technique since it does not use public funds (technique #1).
- D. Economic Development Policy II.C.6b-local business and recruitment. The request would contribute to development of a local business.
9. The request partially furthers the Economic Development Goal and Land Use Policy II.B.5o-redevelopment of older neighborhoods. The request would contribute to some small-scale economic development in the area that would be very specific (not diversified), although it would be generally balanced with other important neighborhood goals, such as improving the area (Economic Development Goal). Some improvements to the building and subject site are proposed, though the site is a small portion of the neighborhood (Policy II.B.5o).
10. The request generally furthers the following, relevant objectives in the Huning Castle and Raynolds Addition Neighborhood Sector Development Plan (HRNSDP):
- A. Land Use & Zoning Objective 3: The requested zoning would allow both residential and certain office uses. Matching the zoning to the subject site's historic (and proposed) use as an office, especially with a site plan controlled zone (SU-1), would help stabilize the area. Re-using a building with a zero lot line and adding landscaping would help enhance the positive aspects of the area.
- B. Social Service Objective 2: The request would help contribute to reduced crime in the immediate area. Site improvements, such as removing the carport, would eliminate a feature that attracted homeless and drug transactions that neighbors are concerned about. Occupying the vacant building would also help.
- C. Housing and Neighborhood Maintenance Objective 1: The request would generally improve the overall appearance of the area, especially in the vicinity of the subject site.
11. The applicant has adequately justified the sector development plan map amendment (zone change) request pursuant to Resolution 270-1980:
- A. Section 1A: The proposed zoning is limited to uses that will not harm the adjacent property or community and has been demonstrated to be consistent with applicable policies and intentions in the Comprehensive Plan and the Sawmill/Wells Park Sector Development Plan (SWPSDP). Therefore, the proposed sector development plan amendment is consistent with the health, safety, morals and general welfare of the City.

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- B. Section 1B: The uses allowed by the proposed zoning would be unlikely to adversely affect stability of land use and zoning and, as the applicant demonstrated, are justified pursuant to R270-1980.
- C. Section 1C: There is no “significant conflict” with an adopted element of the Comprehensive Plan or the Sawmill/Wells Park Sector Development Plan (SWPSDP). The proposed zoning is narrow in scope and does not conflict with the SWPSDP’s intent to provide for a harmonious mix of residential and non-residential uses.
- D. Section 1D: A different use category is more advantageous to the community as articulated in the Comprehensive Plan and other applicable Plans (the SWPSDP). The policy-based discussion demonstrates that the proposed zoning category would be more advantageous to the community than the current zoning.
- E. Section 1E: The proposed uses would not harm the community, neighborhood or adjacent property. The requested SU-1 zoning is narrowly defined and would only allow the uses in the zoning descriptor. Other uses that could be considered harmful in the subject site’s setting would not be allowed.
- F. Section 1F: The proposed zone change requires no capital expenditures by the City.
- G. Section 1G: Economic considerations pertaining to the applicant are a factor in the zone change request, but the applicant is not raising them as the determining factor.
- H. Section 1H: Location on a collector or major street is not used as justification for this request.
- I. Section 1I: The requested SU-1 zoning is a justifiable spot zone in this case because it has been demonstrated that the request will clearly facilitate realization of the Comprehensive Plan and the SWPSDP.
- J. Section 1J: The request is for a single lot and not a strip of land, and therefore would not result in a “strip zone”.
12. The applicant has adequately justified the sector development plan map amendment (zone change) pursuant to R270-1980. The response to Section 1C provides a policy-based explanation of how the request furthers applicable Comprehensive Plan policies and intentions in the Huning Castle and Reynolds Addition Neighborhood Sector Development Plan (HRNSDP), and supports the reasoning that a different zoning category would be more advantageous to the community (Section 1D). The remaining sections (1A, 1B, 1E-1J) are sufficiently addressed.
13. The Office of Neighborhood Coordination (ONC) required notification of the “Downtown List”: Barelás Neighborhood Association (NA), Broadway Central Corridors Partnership, Inc., Citizen’s Information Committee of Martineztown, Downtown NA, Huning Highland Historic District Assoc., Martineztown Work Group, Reynolds Addition NA, Santa Barbara-Martineztown Assoc., South Broadway NA, and the Downtown Action Team.

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14. A facilitated meeting was recommended, but not held. A “No Meeting Report” was issued. Staff received a phone call from a neighbor who generally supports the proposed zone change, but had questions. A couple of long-time residents of the area provided statements. Staff is not aware of any opposition to the request.

***RECOMMENDATION - 14EPC-40048, August 14, 2014***

**APPROVAL of 14EPC-40048, a request for a sector development plan map amendment from SU-2 for MFR (Multi-Family Residential) to “SU-2 for SU-1 for Residential, Law Office, Court Reporter, Accountant, Architect, Engineer and/or Doctor Office” for Lot A, replat of Lots 1, 2 3 & 4, Block 15 of the supplemental plat of the Raynolds Addition, an approximately 0.3 acre site located at the southwest corner of Tenth Street NW and Gold Avenue, based on the preceding Findings.**

***CONDITION OF APPROVAL - 14EPC 40048, August 14, 2014–Sector Development Plan Map Amendment***

1. Final approval of the accompanying site development plan for building permit (14EPC-40031) is required. The EPC delegates its approval authority to Staff through the administrative approval (AA) process, meaning that the applicant is required to apply for an AA instead of go to the Development Review Board (DRB).

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***FINDINGS -14EPC-40047, August 14, 2014-Site Development Plan for Building Permit***

1. The subject request is for an as built site development plan for building permit for Lot A, replat of Lots 1, 2 3 & 4, Block 15 of the supplemental plat of the Raynolds Addition, an approximately 0.3 acre site located at the southwest corner of Tenth Street and Gold Avenue SW. The subject site is within the boundaries of the Central Urban Area of the Comprehensive Plan and the Huning Castle and Raynolds Addition Neighborhood Sector Development Plan (HRNSDP).
2. The subject request is accompanied by a sector development plan map amendment (zone change) request (14EPC-40048). The sector development plan map amendment request is justified pursuant to R270-1980.
3. The applicant intends to re-use the existing building, which is currently vacant, as a law office and make some improvements to the site.
4. The Albuquerque/Bernalillo County Comprehensive Plan, the Huning Castle and Raynolds Addition Neighborhood Sector Development Plan (HRNSDP) and the City of Albuquerque Zoning Code are incorporated herein by reference and made part of the record for all purposes.

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5. The request generally furthers the following Comprehensive Plan Goals:
    - A. Established Urban Goal. A small-scale office use, with various residential uses nearby, would contribute to variety and maximum choice. The renovations and site improvements would generally improve the built environment.
    - B. Community Identity & Urban Design Goal. Re-use of an existing building, which has been part of the neighborhood for a long time, would generally contribute to perpetuating the neighborhood's established character. The office use would continue to provide land use variety and the site improvements would contribute to a pleasing built environment.
  6. The request generally furthers the following, relevant Land Use Policies in the Comprehensive Plan:
    - A. Policy II.B.5a-full range of urban land uses. The request would contribute to a full range of urban land uses in the area, which is characterized mainly by single-family and multi-family residential uses, by allowing an office use.
    - B. Policy II.B.5i-employment/service use-residential areas. The existing building is sited on a corner and generally would not adversely affect nearby residences. The limited uses allowed by the proposed zoning would not produce noise, light, pollution, or traffic to the extent that the surrounding residential environment would be adversely affected.
    - C. Policy II.B.5p-cost effective rehabilitation techniques. The proposed site improvements can be considered privately funded redevelopment, albeit on a small scale, which is considered a cost-effective redevelopment technique since it does not use public funds (technique #1).
    - D. Economic Development Policy II.C.6b-local business and recruitment. The request would contribute to development of a local business.
  7. The request partially furthers the Economic Development Goal and Land Use Policy II.B.5o-redevelopment of older neighborhoods. The request would contribute to some small-scale economic development in the area that would be very specific (not diversified), although it would be generally balanced with other important neighborhood goals, such as improving the area (Economic Development Goal). Some improvements to the building and subject site are proposed, though the site is a small portion of the neighborhood (Policy II.B.5o).
  8. The request generally furthers the following, relevant objectives in the Huning Castle and Raynolds Addition Neighborhood Sector Development Plan (HRNSDP):
    - A. Land Use & Zoning Objective 3: The requested zoning would allow both residential and certain office uses. Matching the zoning to the subject site's historic (and proposed) use as an office, especially with a site plan controlled zone (SU-1), would help stabilize the area. Re-using a building with a zero lot line and adding landscaping would help enhance the positive aspects of the area.

- B. Social Service Objective 2: The request would help contribute to reduced crime in the immediate area. Site improvements, such as removing the carport, would eliminate a feature that attracted homeless and drug transactions that neighbors are concerned about. Occupying the vacant building would also help.
- C. Housing and Neighborhood Maintenance Objective 1: The request would generally improve the overall appearance of the area, especially in the vicinity of the subject site.
9. Conditions of approval are needed to clarify several items on the site development plan, primarily regarding the parking lot and signage. Since the site development plan is associated with a request for SU-1 zoning (14EPC-40048), specificity is needed at this stage in the process.
10. The Office of Neighborhood Coordination (ONC) required notification of the “Downtown List”: Barelas Neighborhood Association (NA), Broadway Central Corridors Partnership, Inc., Citizen’s Information Committee of Martineztown, Downtown NA, Huning Highland Historic District Assoc., Martineztown Work Group, Raynold Addition NA, Santa Barbara-Martineztown Assoc., South Broadway NA, and the Downtown Action Team.
11. A facilitated meeting was recommended, but not held. A “No Meeting Report” was issued. Staff received a phone call from a neighbor who generally supports the zone change, but had questions. A couple of long-time residents of the area provided statements. Staff is not aware of any opposition to the request.

***RECOMMENDATION - 14EPC-40047, August 14, 2014***

**APPROVAL of 14EPC-40047, a Site Development Plan for Building Permit for Lot A, replat of Lots 1, 2 3 & 4, Block 15 of the supplemental plat of the Raynolds Addition, zoned SU-2 for MFR (Multi-Family Residential), an approximately 0.3 acre site located at the southwest corner of Tenth Street NW and Gold Avenue, based on the preceding Findings and subject to the following Conditions of Approval.**

***CONDITIONS OF APPROVAL -14EPC-40037, August 14, 2014- Site Development Plan for Building Permit***

1. The EPC delegates final sign-off authority of this site development plan Staff through the administrative approval (AA) process, meaning that the applicant is required to apply for an AA instead of go to the Development Review Board (DRB). Staff is responsible for ensuring that all EPC Conditions have been satisfied and that other applicable City requirements have been met. A letter shall accompany the submittal, specifying all modifications that have been made to the site plan since the EPC hearing, including how the site plan has been modified to meet each of the EPC conditions. Unauthorized changes to this site plan, including before or after final sign-off, may result in forfeiture of approvals.

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2. Prior to final approval, the applicant shall meet with the Staff planner to ensure that conditions of approval are met. Evidence of this meeting shall be provided at the time of application.
  3. Parking Lot:
    - A. The parking lot shall be striped to indicate where the spaces are and how many there are.
    - B. Six compact spaces (max 7 allowed) shall be shown.
    - C. Minimum length of a compact space shall be indicated as 16 feet.
    - D. Drive aisles shall be dimensioned.
  4. Parking – Other:
    - A. The motorcycle space shall be relocated so that it's more visible from the building's entrances.
    - B. Though not to scale, the details for the motorcycle parking sign and the handicap parking sign shall be comparable size.
    - C. One bike rack, with two spaces, shall be provided.
    - D. A bike rack detail shall be provided.
  5. Signage:
    - A. Signage shall be building-mounted and not exceed 2 feet by 2 feet.
    - B. Signage shall not encroach upon or block the building's architectural features.
    - C. Add a note that signage shall not be illuminated.
  6. Landscaping- Overall:
    - A. A drip irrigation system shall be installed.
    - B. Trees shall not be planted in Landscape Area 1 (the narrow strip between the building and the wall).
    - C. Juniper shall be replaced or labeled "female only" (Pollen Ordinance).
    - D. Additional shrubs shall be added to Landscape Area 2.
    - E. Part of Landscape Area 1 shall become a patio area.
  7. Landscaping- Coverage:
    - A. Indicate the square footage of each landscaping bed.
    - B. Re-do the landscaping calculations regarding coverage (trees don't count).
    - C. The note regarding landscape coverage shall be modified or removed.

8. Elevations:

- A. Remove “typical” from the column color and indicate brick as the material under the door.
- B. Indicate the common-name color of the stucco on the building.
- C. The color of the downspouts shall be indicated.

9. Refuse Enclosure:

- A. The dimensions and design of the refuse enclosure shall be verified and shown on the site plan.
- B. The color shall be indicated as something other than “pink” (ex. beige and tan, see photo).
- C. Keyed note A regarding height of the refuse enclosure shall be revised accordingly.

10. Other:

- A. Dimension the existing building vertically and horizontally.
- B. Revise note to indicate that the existing wall is stucco and indicate color.

11. CONDITIONS FROM THE CITY ENGINEER (TRANSPORTATION):

- A. Site plan shall comply and be in accordance with all applicable City of Albuquerque requirements, including the Development Process Manual and current ADA criteria.
- B. Add the following note to the Site Plan: “Landscaping, fencing and signing will not interfere with clear sight requirements. Therefore, signs, walls, trees, and shrubbery between 3 and 8 feet tall (as measured from the gutter pan) will not be acceptable in the clear sight triangle.”

12. CONDITION FROM PNM:

Existing overhead electric distribution poles are located on the eastern boundary of the subject property along 10th Street SW with service drop from the alley. The applicant is responsible to abide by any conditions or terms of those easements.

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

***Notice of Decision cc list***

cc: Robert Lucero, Esq. Rodey Law Firm, PO Box 1888, Albuquerque, NM 87103  
Dorothy Chavez, 612 10<sup>th</sup> St. SW, Albuquerque NM, 87102  
Javier Benavidez, 1115 Barelaz SW, Albuquerque NM, 87102

David Mahlman, 206 Broadway SE, Albuquerque NM, 87102  
Rob Dickson 401 Central Ave.NE, Ste. D, Albuquerque NM, 87102  
Frank H. Martinez, 501 Edith NE, Albuquerque NM, 87102  
Sergio Viscoto, 700 Don Cipriano Ct. NE, Albuquerque NM, 87102  
Reba Eagles c/o Original Medicine Acupuncture, 1500 Lomas Blvd. NW, Ste. B, Albuquerque NM, 87104  
Roberto Bello, 1424 Roma Ave. NW, Albuquerque NM, 87104  
Kathy Grassel, 510 Edith SE, Albuquerque NM, 87102  
Ann L. Carson, 416 Walter SE, Albuquerque NM, 87102  
Loretta Naranjo Lopez, 1127 Walter NE, Albuquerque NM, 87102  
Ivan Westergaard, 1008 Calle Garza NE, Albuquerque NM, 87113  
Bob Tilley, 806 Lead Ave. SW, Albuquerque NM, 87102  
Deborah Foster, 1307 Gold SW, Albuquerque NM, 87102  
Carol Carrillo Pimentel, 340 Prospect Ave. NE, Albuquerque NM, 87102  
Christina Chavez, 517 Marble NE, Albuquerque NM, 87102  
Frances Armijo, 915 Williams SE, Albuquerque NM, 87102  
Gwen Colonel, 900 John St. SE, Albuquerque NM, 87102  
Lola Bird, 100 Gold St. SW, Ste. 204, Albuquerque NM, 87102  
Todd Clarke, 100 Gold St. SW, Ste. 204 Albuquerque, NM 87102

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## CITY OF ALBUQUERQUE AGENCY COMMENTS

### PLANNING DEPARTMENT

Zoning Code Services- No comments received

Office of Neighborhood Coordination

Downtown NA List consisting of the following: Barelas NA (R), Broadway Central Corridors Partnership, Inc. (R), Citizen's Information Committee of Martineztown (R), Downtown NA (R), Huning Highland Historic District Assoc. (R), Martineztown Work Group, Raynold Addition NA (R), Santa Barbara-Martineztown Assoc. (R), South Broadway NA (R), Downtown Action Team.

7/7/14 – Recommended for Facilitation - siw

7/8/14 – Assigned to Diane Grover - th

Long Range Planning- No comments received

### CITY ENGINEER

Transportation Development

14EPC-40048 Amendment to Zone Map- No objection to the request.

14EPC-40047 Amendment to Site Development – Subdivision

No objection to the request.

Hydrology Development

Since the property is not being subdivided, would an as-built Site Plan for Building Permit be more applicable? YES

New Mexico Department of Transportation (NMDOT):

The NMDOT has no objections to the zone map amendment.

### DEPARTMENT of MUNICIPAL DEVELOPMENT

Transportation Planning

Per the Long Range Roadway System map 10th St. is a collector, which typically requires a minimum right-of-way width of 68 feet. The Long Range Bikeway Systems map specifies that the section of 10th St. fronting this property is to contain bicycle lanes, the applicant-installation of which should be coordinated during this application's final development review and approval process.

Traffic Engineering Operations (Department of Municipal Development):

- No comments received.

Street Maintenance (Department of Municipal Development):

- No comments received.

**RECOMMENDED CONDITIONS FROM THE CITY ENGINEER:**

Conditions of approval for the proposed Site Development – Building Permit shall include:

- C. Site plan shall comply and be in accordance with all applicable City of Albuquerque requirements, including the Development Process Manual and current ADA criteria.
- D. Please add the following note to the Site Plan: “Landscaping, fencing and signing will not interfere with clear sight requirements. Therefore, signs, walls, trees, and shrubbery between 3 and 8 feet tall (as measured from the gutter pan) will not be acceptable in the clear sight triangle.”

***WATER UTILITY AUTHORITY***

**Utility Services**

No objections

***ENVIRONMENTAL HEALTH DEPARTMENT-*** No comments received

**Air Quality Division**

**Environmental Services Division**

***PARKS AND RECREATION***

**Planning and Design-** No comments received

**Open Space Division-** Open Space has no adverse comments.

**City Forester-** No comments received

***POLICE DEPARTMENT/Planning***

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

***SOLID WASTE MANAGEMENT DEPARTMENT***

**Refuse Division-** No comments received

***FIRE DEPARTMENT/Planning-*** No comments received

***TRANSIT DEPARTMENT-*** No comments received

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## **COMMENTS FROM OTHER AGENCIES**

**BERNALILLO COUNTY-** No comments received

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

Reviewed, no comment.

### **ALBUQUERQUE PUBLIC SCHOOLS**

<b>Project #1010145</b> 14EPC-40047 SITE DEVELOPMENT- SUBDIVISION 14EPC-40048 AMNDT TO ZONE MAP (ESTB ZONING/ZONE CHG)	<b>Raynolds</b> , Lot A, Block 15, is located on the southwest corner of 10 <sup>th</sup> and Gold SW. The owner of the above property requests approval of a Site Development Plan for Subdivision and a Zone Change from SU-2 MFR to SU-2 for SU-1 for residential and or/ law office, court reporter, accountant, architect, engineer, dentist and/or doctor office. This will have no adverse impacts to the APS district.
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### **MID-REGION COUNCIL OF GOVERNMENTS**

For informational purposes, the functional classification of 10<sup>th</sup> St. is that of Urban Collector as per the Current Roadway Functional Classification System Map.

**MIDDLE RIO GRANDE CONSERVANCY DISTRICT-** No comments received

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

1. Existing overhead electric distribution poles are located on the eastern boundary of the subject property along 10th Street SW with service drop from the alley. The applicant is responsible to abide by any conditions or terms of those easements.

2. Coordination with PNM will be necessary for this project if street trees are proposed along 10th Street SW. Contact:

Mike Moyer, PNM Center Service  
4201 Edith Boulevard NE  
Albuquerque, NM 87107  
Phone: (505) 241-3697

3. Ground-mounted equipment screening will be designed to allow for access to utility facilities. All screening and vegetation surrounding ground-mounted transformers and utility pads are to allow 10 feet of clearance in front of the equipment door and 5-6 feet of clearance on the remaining three sides for safe operation, maintenance and repair purposes. Refer to the PNM Electric Service Guide at [www.pnm.com](http://www.pnm.com) for specifications.