



**Environmental
Planning
Commission**

**Agenda Number: 6
Project Number: 1009749
Case #: 13EPC-40121
August, 8, 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
Proposed Zoning (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

Staff Recommendation

APPROVAL of 13EPC-40121 based on the Findings beginning on Page 17 and subject to the Conditions of Approval beginning on Page 19

**Staff Planner
Maggie Gould, Planner**

Summary of Analysis

This is request for a zone map amendment for site located in the Nob Hill area. The applicant wishes to open a vintage clothing store in an existing vacant building.

The request is generally consistent with the goals and policies of the Comprehensive Plan and the Nob Hill Highland Sector Development Plan. The applicant has justified this request per R-279-1980.

The required notification was sent to property owners and neighborhood associations were notified.

Both support and opposition have been expressed for this request.

Staff is recommending approval with conditions.

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 #.

I. AREA CHARACTERISTICS AND ZONING HISTORY

Surrounding zoning, plan designations, and land uses:

| | Zoning | Comprehensive Plan Area; Applicable Rank II & III Plans | Land Use |
|--------------|--|--|---|
| Site | R-1 | Established Urban Nob Hill Highland Sector Development Plan | Single family |
| North | P-R, CCR-1 | Nob Hill Community Activity Center | Parking, Commercial |
| South | R-1 | | Residential |
| East | SU-1, Church and Related Uses, R-1, CCR-2 | Nob Hill Community Activity Center | Institutional, Residential, Commercial |
| West | R-1, OR-1 | | Residential, parking |

II. INTRODUCTION

Proposal

The applicant’s initial proposal for this site was a change from R-1, Single Family Residential, to the CCR-1, Community Commercial/residential zone per the Nob Hill Highland Sector Development Plan. The CCR-1 zone allows uses in the R-3 and C-2 zones. Concerns were expressed by staff that this zone would allow uses that may not be appropriate next to single family residential use. Staff received phone calls from neighbors and a representative of the Nob Hill Neighborhood Association also expressing concern that the proposed zone would not be appropriate.

Staff met with the applicant to discuss other possibilities for a zone that would allow the use that the applicant desired. The SU-1 zone and accompanying site plan were chosen to allow uses that would be compatible with surrounding area.

The applicant proposes a change from R-1, single family residential zone to an *SU-1 (Special Use zone) for dwelling unit, retail sales of clothing, and other apparel Antiques, furniture, flowers and plants books and stationery and similar items, arts and craft items and jewelry, alterations and sewing; service uses per the C-1 zone not to exceed 25 % of the square footage of the site.*

The SU-1 zone must be accompanied by a plan with “at minimum, the requirements of a Site Plan for Subdivision.” The applicant has included an illustrative site plan showing the building layout, proposed landscaping and parking.

EPC Role

The zone map amendment is a quasi-judicial request. The EPC will make a final decision about the request. The EPC is the approval body for site development plans that are required by the SU-1 Zone.

Staff is also recommending that EPC delegate approval authority for a final Site Plan for Building Permit to the Planning Director or Director's Designee. The applicant is not proposing any changes to the building layout or any site improvements that will alter the site circulation.

Context

The subject site is a vacant single family house located in the Nob Hill area, a historic residential and commercial district.

The site is approximately 400 feet from the intersection of Central Avenue and Carlisle Boulevard. There is single family zoning and use to the south. The house directly adjacent to subject site is significantly larger than the subject property. There is mix of single family and mixed office/commercial and residential uses to the west. There is a commercial surface parking lot to the north. Most of the residential development is south of Silver. The north side of the property faces the parking lot of the Nob Hill Shopping Center. Silver jogs south at Carlisle putting this site both to the north and south of silver.

There is an approximately 6 foot grade change between the subject property and the residential property to the south. There is an approximately 3 foot grade change from the subject site to the parking lot below

The Nob Hill Shopping Center at the southwest corner of Central and Carlisle and the Emmanuel Presbyterian Church the southeast corner of Central and Carlisle are both registered historic buildings.

History

The Nob Hill Highland Sector Development Plan was adopted in 2007. The plan re-zoned the frontage along Central Avenue to allow a mix of commercial and residential uses. Much of the frontage along Silver Avenue was rezoned to allow a mix of office, residential and service uses.

The site consists of a two story house, a small shed and covered parking area. The house has been vacant for several years. The house was used as a pottery studio in the 1990's and 2000's. The applicant has provided a copy of the business license for this studio. The pottery business was most likely run as a home occupation under the regulations of the R-1 zone.

In 1958 ,Z-550, a request for lots 21 and 22 for C-1 zoning on lot 22 and P1, for parking on lot 21 which was denied.

Transportation System

The Long Range Roadway System (LRRS) map, produced by the Mid-Region Council of Governments (MRCOG), identifies the functional classifications of roadways.

The Long Range Roadway System designates Carlisle as a Minor Arterial.

The Long Range Roadway System designates Central Avenue as a Principal Arterial.

The Long Range Roadway System designates Silver Avenue as a Major Local street.

Comprehensive Plan Corridor Designation

Central Avenue is designated as a Major Transit Corridor. Carlisle and Silver do not have Comprehensive Plan Corridor designations.

Trails/Bikeways

Silver is a designated bike boulevard.

Transit

There is a stop for the route 16/18 just to the north of the site, a Rapid Ride stop at Central and Carlisle, about 400 feet north of the site and regular route 66 .

Public Facilities/Community Services

Please see the public facilities map at the beginning of this staff report.

The Highland Senior Center is approximately 1mile to the southeast. The Ernie Pyle Library is ¾ of mile to the southwest.

III. ANALYSIS

Albuquerque Comprehensive Zoning Code

The current R-1, zone, 14-16-2-6, provides sites for single family residential uses. The minimum lot size is 5,000 square feet and one house per lot is allowed. Certain businesses are allowed as home occupations, including the manufacture of small art objects and custom sewing. These uses cannot take up more than 25% of the dwelling.

The proposed zoning is *SU-1 for dwelling unit, retail sales of clothing, and other apparel Antiques, furniture, flowers and plants books and stationery and similar items, arts and craft items and jewelry; alterations and sewing- and services uses per the C-1 zone not to exceed 25 % of the square footage of the site.* These uses are allowed in the C-1 zone, which is generally compatible adjacent to single family uses.

The SU-1 zone provides sites for uses which are special because of infrequent occurrence, effect on surrounding property, safety, hazard or other reasons. In this case, the reason for the SU-1 zone is to allow only those commercial uses that will be compatible with the surrounding residential neighborhood.

The SU-1 zone is controlled by a Site Plan for Building Permit that limits the physical development on the site and a zoning descriptor which limits the uses on the site. Only the listed uses are allowed on the site. Any new buildings or additions to the site will require a return to the Environmental Planning Commission for approval. The applicant has included an illustrative Site Plan.

A final Site Plan for Building Permit will have to be approved before the zone change is final. Because the site is an existing building and the applicant is not proposing any significant changes to the layout or design, planning staff is recommending delegation of final approval to the Planning Director.

The applicant wishes to open vintage clothing store on the site. This use is not allowed in the R-1 zone. The SU-1 zone will allow the applicant to open the business while protecting the residential character of the area.

Definitions (§14-16-1-5)

Section 14-16-2-22 SU-1 Special Use Zone. This zone provides suitable sites for uses which are special because of infrequent occurrence, effect on surrounding property, safety, hazard, or other reasons, and which the appropriateness of the use to a specific location is partly or entirely dependent on the character of the site design.

Site Development Plan for Building Permit. In addition to information required for Subdivision, exact structure locations, structure (including sign) elevations and dimensions, parking facilities, loading facilities, any energy conservation features of the plan (e.g., appropriate landscaping, building heights and siting for solar access, provision for non-auto transportation, or energy conservational building construction), and proposed schedule for development.

APPLICABLE ORDINANCES, PLANS AND POLICIES

Zone Map Amendment

Albuquerque / Bernalillo County Comprehensive Plan

The subject site is located in the area designated Established Urban by the Comprehensive Plan. Applicable policies include:

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

B. LAND USE

5. DEVELOPING AND ESTABLISHED URBAN AREAS

Goal: "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 will restore a vacant building, keep the historic form of the area, add to the economic vitality of the area, encourage pedestrian and bike traffic, provide a unique place to shop and enhance the character of Nob Hill and (Staff is paraphrasing).

Staff agrees that request will add to the options for retail in the area, adding more choices for work areas and lifestyles. The change of zoning is not necessary to renovate the building, though.

This request generally furthers the Developing and Established Urban Area goal.

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

The site is located between the business district and the residential neighborhood. Revolver provides the full range of urban land uses and contributes to the overall gross density of the area.

The request would add to the uses in the area and would allow both residential and commercial uses. Staff agrees the request furthers Policy II.B.5.a.

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

We have a vintage store that has been in the area for close to a decade- formerly 3507 Central. We are a local business that is well known by Nob Hill community members. We will have window displays and outdoor displays that interact with side walk traffic. Landscape improvements are planned for the front and back of the property. Bike racks are planned for the back of the property which will allow people using the nearby bike path to our store.

The proposed use will be in an existing building that has been compatible with the surrounding area. The uses allowed under the proposed SU-1 zone are all low intensity uses that will compatible with the surrounding residential and commercial uses. The required Site Plan for Building Permit ensures that the building form will remain the same. This preserves the scale and character of the area.

Staff agrees the request furthers Policy II.B.5.d.

However, the proposed site improvements could be made without a change in zoning.

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.

The proposed zone will allow the development of a business and service use that will be at a compatible scale with the area. The use is not likely to cause additional noise or lighting issues. The building is at the edge of neighborhood.

The new use may cause an increase in traffic that could impact the neighborhood.

Staff agrees the request partially furthers Policy II.B.5.i

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

Revolver is located within 650 feet of a Bus Rapid Transit line. This promotes the use of pedestrian traffic. The proposed site plan has stairs located on the north side of the site. This promotes the use of the existing parking lot located north of the property.

Staff agrees that proximity to mass transit will help to mitigate the impacts of traffic on the neighborhood. However there may still be impacts from traffic or parking.

Policy II.B.5.k is partially furthered.

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

Currently the building is in a state of disrepair there is toxic paint throughout the house. The owners are painting the façade, renovating the interior/exterior and are committed to having the paint professionally removed per EPA standards.

This policy seems to address the design and orientation of new buildings and is not relevant to the clean up of the site.

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

This request will allow a mix of uses in an existing older neighborhood in the Established Urban Area and redevelop an existing building.

Staff agrees the request furthers Policy II.B.5.o

ECONOMIC DEVELOPMENT

Policy II.B.6.b

Development of local business enterprises as well as the recruitment of outside firms shall be emphasized.

This request will allow the development of a local business.

Policy II.B.6. d Tourism shall be promoted.

The proposed zone will allow the development of a destination business that will compliment Route 66 related tourist activity on Central.

Policy II.B.6.f

The City and the County should remove obstacles to sound growth management and economic development throughout the community.

The request will allow the development of a new business in the Established Urban area of the city.

ACTIVITY CENTER POLICY II.B.7f The most intense uses in the activity centers shall be located away from nearby low density residential development and shall be buffered from those residential uses by a transition area of less intensive development.

The proposed site plan provides a significant landscape buffer between the proposed business and the existing residence.

Staff agrees that a buffer is provided, but feels that this policy refers more to development and siting of new buildings or uses. This policy may be relevant to buffering the residential uses from the parking lot. The site is adjacent to the Nob Hill Community Activity Center.

COMMUNITY IDENTITY AND URBAN DESIGN

Policy II.B.9.c. The identity and cohesiveness of each community shall be strengthened through identification and enhancement of community Activity Centers that have a scale, mix of uses, design character, and location appropriate to the unique character of the community

Revolver identifies with the surrounding business community. It is niche vintage retail store that compliments the other retail stores in the neighborhood The zones surrounding the property are: CCR-1, CCR-2, R-1 and the church across the street is SU-1 zone.

The site is adjacent to the Nob Hill Community Activity Center. The proposed use will add retail sales in an existing building that compliments the character of the area. The Site plan controls in the SU-1 zone ensure that the building form remains the same and fits in with the neighborhood.

Staff agrees the request furthers Policy II.B.9.c

TRANSPORTATION AND TRANSIT

Policy II.D.4g: Pedestrian opportunities shall be promoted and integrated into development to create safe and pleasant non-motorized travel conditions

The proposed site plan provides bike racks. The proposed site plan adds stairs so that pedestrians can access the site from the back of the site in addition to the front. The property is located just over 300 ft away from a Bus Rapid Transit System. Also, a city bus transit stop and bus line is located directly in front of the property.

The existing design of the site is pedestrian friendly. The addition of stairs may add a pedestrian amenity. The proximity to transit and existing sidewalks may encourage pedestrian activity

Staff agrees the request furthers Policy II.D.4.g

Policy II.D.4h: – A metropolitan area-wide recreational and commuter bicycle and trail network which emphasizes connections among Activity Centers shall be constructed and promoted.

The proposed site plan provides bike racks. The property is located near an existing bike path.

The site is located within 100 feet of the designated bicycle boulevard on Silver Avenue, however staff feels that this policy is directed towards larger infrastructure projects.

Policy II.D.4.g would not be relevant to request.

Policy II.D.4q: – Transportation investments should emphasize overall mobility needs and choice among modes in the regional and intra-city movement of people and goals.

4 distinct mobility modes are encouraged: Pedestrian, Bike, Bus and Car

Although the site will have access for many modes of transportation, this policy is directed toward larger infrastructure projects.

Sector Plans Rank II

The Nob Hill Highland Sector Development Plan was first adopted in 2007 and revised in The Nob Hill Sector Development Plan was adopted in 2007. It has been amended four times. In 2010(R-2010-130) to clarify parking requirements, in 2012(R-2012-085) to further clarify parking requirements and to allow for pervious paving on parking lots, again in 2012(R-2012-047) to allow to sales of alcohol for off premise consumption with a small brewer’s license and finally, in 2013 (R-13-164) to allow pole mounted signs that meet the criteria for the Central Avenue Neon Design Overlay Zone. The Plan generally encompasses properties between Girard, Lomas, San Mateo and Garfield/Zuni specific boundaries are shown on page 88 in the Plan. The Plan sets forth goals and policies regarding land use.

Section IV Plan Components

1. Pedestrian Circulation

Goal: Create an environment that facilitates a high-quality, pedestrian-oriented experience

The request will allow the development of a business that will add to the pedestrian options in Nob Hill.

Section IV B. Community Form

Goal: Reinforce the Nob Hill Highland district as a vibrant, high quality, pedestrian-oriented urban community and a destination for greater Albuquerque.

The request will allow the development of a unique business that has a history in the area.

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.

The proposed use will allow the development of the kind of business that the plan calls for; a local, unique retail business that will add to the mix of uses in the area.

Policy 1. The City shall Support an eclectic mix of local, regional and national business that will serve local as well as regional markets.

The proposed zone would allow the development of a local, eclectic business. The applicant states that that they do business locally and regionally.

Policy 2. The City shall support greater diversity in housing, income levels and types of residents.

The proposed zone will allow the creation of a live/work space

Section IV B 2. Commercial Districts

Policy 5. The City shall support the integration of different types of housing (live/work spaces, stacked flats, etc.).

Policy 6. The City shall support the retention and encouragement of retail and services that meet the needs of local residents.

Policy 9. The City shall emphasize pedestrian oriented design in the area.

Policy 12. The City shall support the creation of outdoor rooms: open patios, landscaped courtyards, plazas, oases.

The property is adjacent to the commercial area of the Nob Hill Shopping Center. Commercial District Policies are furthered by this request because it will allow the development of a live work space, provide retail services, be pedestrian friendly and have a courtyard and plaza area,

D. Economic Vitality (p74)

The goal of the plan is to create an environment where businesses, and particularly small, locally owned businesses, can thrive.

We are a locally owned family business that has been in Nob Hill for 10 years. We are proud to be a part of Nob Hill and want to continue to contribute to the community and the economy that we have been an established part of for a decade. Our store will contribute to the economic vitality of Nob Hill, provide gross receipt taxes to the city, and we serve many local customers who support our business. Our store will contribute to the economic vitality of Nob Hill.

The applicant is a small local business; the proposed zone change will allow them to develop a business on this site.

Policy 1 (p74)

The city shall work with businesses and neighborhood organizations to improve economic conditions in the plan area.

Our business provides: gross receipt taxes to the city, we consistently have employees, we purchase local goods. Also, maintaining the presence of our long-standing Nob Hill vintage clothing business is a step toward the maintenance of the economic vitality of Nob Hill District and the City of Albuquerque.

The request will allow a business use that will add to the economic vitality of the area.

Actions (p74)

1. Support Renovation of Historic Buildings for Appropriate Commercial Use – Underutilized or vacant buildings with historic character provide potential locations for small business. Renovating, maintaining and leasing existing buildings...

We will be restoring the building to its original state, and to its existing scale. Our deed to the property restricts us to adding any height onto the building.

The subject site is an existing vacant building with historic character. The Site Plan for Building Permit that will accompany the SU-1 zone will protect the scale of the building by requiring that any significant changes to the site be approved by the EPC.

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. (p74)

We plan to redevelop this building that has been vacant for six years. The vacancy has attracted vagrants and encouraged the on-site use of drugs and alcohol. Not only will our restoration remediate the problems caused by the drug paraphernalia and other litter now cluttering the site, it will maintain the historical integrity of the building as it relates to the Nob Hill District Sector Plan and further the goals of the Albuquerque/Bernalillo County Comprehensive Plan. Cleaning up this site improves the health, safety, morals, and general welfare of the district, and through the district, the city. Also, maintaining the presence of our long-standing Nob Hill vintage clothing business is a step toward the maintenance of the economic vitality of Nob Hill District and the City of Albuquerque.

The subject site is an existing vacant building. The change of zone is not needed in order for the applicant to restore the site. However, this site is to the type of property that this action is referring to for redevelopment.

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

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

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

Analysis of Applicant's Justification

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

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

The request will restore an existing building, add economic vitality to the area, provide bike access and maintain the residential character of the area.

Staff agrees that proposed zone is consistent with the health, safety, morals and general welfare of the City.

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

The Nob Hill Shopping Center is across the street on Silver Ave. This transition in relation to the single family on one side of the property with the parking lot on the other side and the grade change with the location of Silver Boulevard are both relevant factors as to how this transition occurs. Also, it was a former business location and studio, the former Raku Pottery Shop and studio of David Shepard. The building is adjacent to the Nob Hill Shopping Center, to Restaurants, Boutiques, Hair Salons, and with it's proximity to those establishments and other surrounding mixed use and commercial zoning lots, this will be a good transition, and one that meets the goals of the Comprehensive Sector Plan for Nob Hill

Significant Notes:

- *The entire north face of the property faces the business side of the Nob Hill district. Additionally, the north face is located directly next to a parking lot.*
- *The property across the street is zoned SU-1*
- *The Nob Hill community activity center boundary is North and East of the property.*

Staff agrees that the proposed change will implement many of the goals and policies of the Nob Hill Highland Sector Development Plan. The uses to the north of the site are commercial and the uses to the south are residential; this gives the property the ability to act as transition. However, the site could also be rehabilitated as a single family residence.

- 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.

Please see the Policy Analysis Section

- 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.

We feel that a different use category is more advantageous to the community, as articulated in the Nob Hill Highland Sector Development Plan and the Albuquerque Bernalillo County Comprehensive Plan. See Section C

Our business space is a perfectly planned transitional space between the Nob Hill business district to its north and the residential neighborhood to its south.

Staff agrees that many goals and policies of both the Nob Hill Highland Sector Development Plan and the Albuquerque Bernalillo Comprehensive Plan are furthered by this request. The property is located between a commercial parking lot and the residential neighborhood.

- 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.

Previously, the existing R-1 zone was used as a home occupation pottery business. Under the SU-1 zone, the uses we are proposing are similar to the previous low intensity use. We would have a specific set of usages of what can be allowed under the SU-1 zone. Our proposed uses are less intense from what is currently in the adjacent properties to the north of our property. There are also SU-1 to the east, CCR-2 the East, North is CCR-1, fronting Silver is mixed use.

The SU-1 zone will allow only the uses listed in the zone description and only the development shown on the Site Plan for Building Permit. These restrictions give the community a very clear idea of what can occur on the site. The retail uses allowed in the proposed zone are generally considered compatible with single family development. There are several places in the plan area and City wide where similar uses are mapped near single family development.

- F. A proposed zone change which, to be utilized through land development, requires major and unprogrammed capital expenditures by the city may be:
1. Denied due to lack of capital funds; or
 2. Granted with the implicit understanding that the city is not bound to provide the capital improvements on any special schedule.

The proposed zone change from R-1 to SU-1 for Revolver Vintage is a small renovation project and located at a site with access to all necessary and existing utilities. The City will not be required to make any unprogrammed capital improvements or expenditures. Given the very limited scope of this project, there are not going to be many demands, very few, if any, on the existing transportation infrastructure.

Staff agrees

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

Economic considerations are not the determining factor for the requested zone change from R1 to SU-1. Economic considerations are always important to an Owner. However, the justification that precedes this demonstrates that the proposed zone change is warranted by consistency with City's Comprehensive Plan, the Nob Hill Plan and the simple reason that we have been in the area for 10 years and consider this our home. We want to restore this property and enhance the Nob Hill area with our creative vision. The project will increase the property value and generate additional property tax revenue as well as gross receipts taxes in the future for the city.

Staff agrees that cost of land is not the determining factor.

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

The applicant states that the property's location on Carlisle and the proximity to a commercial parking lot do not make it a desirable location for a single family home. The applicant also states that this is not the primary reason for the proposed change, but a factor.

Staff agrees that the proximity to the parking lot may not be desirable for a single-family home. There are other single family homes along Carlisle. However, the combination of the parking lot on one side and the minor arterial on the other may make it difficult to use the site as a residence. The close proximity of Central Avenue and its designation as an Enhanced Transit Corridor is an added benefit for the location of a business and the transit corridor.

- I. A zone change request which would give a zone different from surrounding zoning to one small area, especially when only one premise is involved, is generally called a "spot zone." Such a change of zone may be approved only when:
1. The change will clearly facilitate realization of the Comprehensive Plan and any applicable adopted sector development plan or area development plan; or
 2. The area of the proposed zone change is different from surrounding land because it could function as a transition between adjacent zones; because the site is not suitable for the uses allowed in any adjacent zone due to topography, traffic, or special adverse land uses nearby; or because the nature of structures already on the premises makes the site unsuitable for the uses allowed in any adjacent zone.

The Applicant states that subject could act as a transition between the parking area and the housing to the south and east.

Staff agrees that the proposed use could be a transition area. The parking lot is generally busy and the proposed use could buffer the residential area from that use.

- 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.

This would not be a strip zone.

Staff agrees.

ILLUSTRATIVE SITE DEVELOPMENT PLAN BUILDING PERMIT

Site Plan Layout / Configuration

The front entrance of the building faces Carlisle. The building is two stories. There is an open courtyard between the building and the alley.

The building is 1,600 square feet and approximately 20 feet in height. The building is setback approximately 20 feet from Carlisle. The side setbacks are approximately five feet.

Public Outdoor Space

A patio is provided in rear of the site. There is an open yard at front of the site facing Carlisle.

Vehicular Access, Circulation and Parking

One standard 8'6" x 20' parking space and one 16' by 20' accessible parking space are provided at the rear of the site. Access is from the existing alley and the parking lot to the north of the site. There is a driveway at the front of the property. In order to address some of the concerns about traffic in the area; the drive way could be used for additional parking. The note on the site plan regarding 1965 parking requirements is not relevant because of the change in use.

Pedestrian and Bicycle Access and Circulation, Transit Access

A bike rack with 3 spaces is provided at the rear of the property. There is covered scooter and motorcycle parking to the east of the bike rack. Pedestrian access is provided from Carlisle via a standard sidewalk and from the alley at the rear of the property.

Walls/Fences

The property to the south has an approximately 10 foot wall at the property line. There is a low CMU wall at the north property line. No new walls are proposed.

Lighting and Security

No new lighting is proposed. The site will be open to the parking lot to the north.

Landscaping

Two new trees are proposed as part of a landscape buffer for the adjacent property, one in the front yard and one in the patio area to the rear of the building. A hedge is proposed between the

parking spaces and the patio. Additional landscaping is added between the existing shed and the building on the north side of the property. A fountain with a landscaped border is shown in the patio area. The proposed plant palette is primarily low water and appropriate for the area. Staff recommends the addition of several evergreen trees at the north property line to buffer the residential use from the commercial.

Grading, Drainage, Utility Plans

The site is an existing single family residence; no changes will be made to the grading or utilities.

Architecture

The building is an existing mid-century modern house. The building is two stories. The façade of the top story is cantilevered so that it overhangs the lower story. The building has no articulation on the north and south sides. The house has a slight “U” shape that forms a rear courtyard.

There is an existing shed and covered parking in to rear.

Signage

There is no signage shown for this property. The sign for the Nob Hill Shopping Center abuts the north property line of the site.

IV. AGENCY & NEIGHBORHOOD CONCERNS

Reviewing Agencies/Pre-Hearing Discussion

Comments from Code Enforcement and Long Range Planning regarding the intensity of the original proposed zone have been addressed with change to the SU-1 zone.

The applicant may have to provide a traffic circulation plan in order to obtain the Certificate of Occupancy needed to use the building.

Neighborhood/Public

A facilitated meeting is planned for August 1st. Changes to the proposed conditions of approval may be necessary to address issues that are raised at this meeting. The meeting summary notes will be distributed to the Commission as soon as they are available.

Staff has heard both support for and opposition to this request. Some of the adjacent neighbors are concerned that the additional uses will add significant traffic to the area. There is concern that the approval of this request will set a precedent for the rezoning of other residential properties in the area. There is also concern about the long term commitment of the property owner to the site.

Staff received two letters of support and one expressing opposition. Staff also received an e-mail expressing support for the use as a vintage clothing store, but expressing concern about what other uses would be allowed on the site.

V. 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 use will be: *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.

FINDINGS - 13EPC-40121 August 8th, 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. The site is within the boundaries of the Nob Hill Highland Sector Development Plan.
4. 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.
5. 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

The Goal and Policy II.B.5.a. are furthered because the request will add to the range of uses and choice in the area.

Policy II.B.5.d: 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.

Policy II.B 5i: is partially furthered because the request will add new complimentary uses, but cause traffic issues.

PolicyII.B5.k: is partially furthered because the proximity to transit may mitigate the impacts of traffic on the area.

Policy II.B 5o: is furthered because the use will redevelop an existing building and allow new uses.

Policy II.B.6.b, Policy II.B.6.d, Policy II.B.6.f are furthered by this request because it will allow the development of local, destination business in the urban core of the City.

Policy II.B.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. Nob Hill Highland Sector Development Plan

The Community Form Goal, Vision and policies 1 and 2 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 Economic Vitality Goal and 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.

E. Section 1E: The requested permissive use of townhome residential will not be harmful to adjacent property, the neighborhood or the community.

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.”

6. There is both support for and opposition to this request.

7. A facilitated meeting with the neighbors is scheduled for August 1st.

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

RECOMMENDATION - 13EPC-40121 August 8th, 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 August 8th, 2013, Zone Map Amendment

1. The EPC delegates the approval the Site Plan for Building Permit to the Planning Director or 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 Illustrative Site Plan for Building Permit shall be the basis for administrative review and action.
5. A landscape buffer consisting of evergreen trees will be provided at the south property line

Maggie Gould, Planner

Notice of Decision cc list:

Name, Address, City, State Zip Code

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

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