



**Environmental
Planning
Commission**

**Agenda Number: 10
Project Number: 1005244
Case #'s: 08EPC 40029
April 17, 2008**

Staff Report

Agent	Consensus Planning, Inc.
Applicant	K&M Development
Request	Sector Development Plan Map Amendment
Legal Description	Lots 13-19, Block 29, Huning Castle Addition, and Lots 17-20, Block 30, Raynolds Addition
Location	14 th St. SW, between Coal Ave. and Lead Ave. SW
Size	Approximately 1 acre
Existing Zoning	SU-2/MFR
Proposed Zoning	SU-2/R-T

Staff Recommendation

APPROVAL of 08EPC 40029, based on the findings on page 16.

Staff Planner
Carol Toffaleti, Planner

Summary of Analysis

The request is for a zone change from SU-2/MFR to SU-2/R-T for Lots 13-19, Block 29, Huning Castle Addition, and Lots 17-20, Block 30, Raynolds Addition, a site of approximately 1 acre located on either side of 14th Street north of Coal Ave. SW.

The site was rezoned SU-2/MFR in Feb. 2007 and replatted in Aug. 2007. Infrastructure has been implemented. At building permit plan check in Feb. 2008, it was discovered that the proposed townhouse development does not comply with the alley access requirement of the existing zone.

The site is in the Central and Established Urban Areas of the Comprehensive Plan and the Huning Castle/Raynolds Addition Sector Development Plan area.

The request furthers several applicable City goals and policies. The applicant has provided an adequate justification for the zone change per R-270-1980. The Huning Castle NA supports the request, but there is opposition from adjoining property-owners and residents of the Raynolds Addition.

Location Map (3" x 3")

City Departments and other interested agencies reviewed this application from 3/10/2008 to 3/26/2008. Agency comments were used in the preparation of this report and begin on page 20.

AREA CHARACTERISTICS AND ZONING HISTORY

Surrounding zoning, plan designations, and land uses:

	<i>Zoning</i>	<i>Comprehensive Plan Area; Applicable Rank II & III Plans</i>	<i>Land Use</i>
<i>Site</i>	SU-2/MFR	Central Urban Area (lots east of 14 th St. only), Established Urban Area; Huning Castle/Raynolds Addition Sector Development Plan (Rank III).	cleared site, infrastructure in place
<i>North</i>	SU-2/MFR, R-3	same	duplexes, two-story apartment building
<i>South</i>	SU-2/O-1, SU-2/R-2	Central Urban Area (lots east of 14 th St. only), Established Urban Area; Barelas Sector Development Plan (Rank III)	television broadcasting station, offices, parking, two-story apartment building
<i>East</i>	SU-2/MFR	Central Urban Area, Established Urban Area; Huning Castle/Raynolds Addition Sector Development Plan (Rank III).	apartment court
<i>West</i>	R-3	Established Urban Area; Huning Castle/Raynolds Addition Sector Development Plan (Rank III).	10-story apartment building (condominiums)

Background

This is a request for a zone change from SU-2/MFR to SU-2/R-T for Lots 13-19, Block 29, Huning Castle Addition, and Lots 17-20, Block 30, Raynolds Addition, a site of approximately 1 acre located on either side of 14th Street north of Coal Ave. SW. The site is split into two parts, an area of approximately 0.7 acres west of 14th Street and an area of approximately 0.3 acres east of 14th Street.

The current zoning was approved by the EPC in February 2007 and the applicant proceeded with replatting and infrastructure improvements at the DRB in preparation for the development of fourteen townhomes on the site. At building permit plan check, it was discovered that the proposed development conflicts with the current MFR zoning in terms of vehicular access and off-street parking. The townhomes are designed with driveways off the street, while the MFR zoning restricts off-street parking to the rear of properties with access from the alley only. The applicant states that the proposed development meets other provisions of the MFR zone and of the requested R-T zone. The applicant is seeking the zone change to allow vehicular access from the street and completion of the development as designed.

The site is in the Established Urban Area of the Comprehensive Plan and the eastern part of the site is also in the Central Urban Area. The entire site is within the area designated SU-2 of the Huning Castle/Raynolds Addition Sector Development Plan.

History

Subject site

- Partial vacation of alley (1960)

In 1960, part of the alley east of 14th Street and north of the subject site was vacated and rerouted northward to join Alcalde Place (V-277, 6/28/1960). The vacation accompanied a zone change for the rest of the block from R-1 to R-3 (Z-903, V-277, 6/28/1960). The partial vacation left two of the lots at the west end of the subject site without usable alley access.

- Sector Development Plan Map Amendment (2007)

The subject site was formerly a Knights of Columbus Hall on the land west of 14th Street and an associated parking lot on the land east of 14th Street. In early 2007, a zone change was approved by the EPC from SU-2/SU-1 for Fraternal Organization to the current SU-2/MFR (see #1005244, 06EPC 01596, Feb. 15, 2007, and Certificate of Zoning, Mar. 23, 2007, attached.)

- Minor subdivisions (2007)

After approval of the zone change, the site was replatted into two units. Unit 1 east of 14th Street was replatted from 4 into 5 lots (DRB #106507, 07DRB-70025, 8/22/2007, attached) and Unit 2 west of 14th Street was replatted from 7 into 9 lots (DRB #106509, 07DRB-70026, 8/22/2007, attached). The predominant platting pattern in the Raynolds Addition is long, narrow lots that face east-west streets with a shared alley to the rear. The platting actions reoriented the lots in Unit 1 by 90 degrees to face 14th Street, leaving the side of the northernmost lot adjoining the existing alley. Five lots in Unit 2 were also reoriented east-west to face 14th Street, again with the side of the northernmost lot adjoining the alley. The remaining four lots in Unit 2 retained the historic north-south orientation and face Coal Ave. At the rear, the two easternmost lots adjoin the alley. As part of the platting action, the City Traffic Engineer also designated the four lots facing Coal as “p1” and the 10 lots facing 14th Street “p2”, which triggers a requirement for more off-street parking than the standard zoning regulations for residential uses. The designations are typically used in areas with narrower public ROWs that cannot accommodate on-street parking without affecting traffic movement. The fact that 14th and Coal are designated bike routes may have also been a factor (see DRB Transportation Development comments and recent email from W. Gallegos, attached). An infrastructure list was drawn up for utilities and ROW infrastructure.

- Infrastructure (2007/2008)

A Subdivision Improvement Agreement (SIA) between the City’s Design/Construction Services and the applicant was signed on July 30, 2007. The bond to cover the installation of water and sewer lines, sidewalks, curb and gutter was approved by the City Engineer on

October 1, 2007. The works on the ground have been completed, but "as built" plans were not submitted for final City approval as of 4/3/08. The applicant reported verbally that "dry" utilities (gas, electricity, cable) have also been installed.

- Building Permit (2008)

A building permit application for development of Lot 17-A, Unit 1 was submitted on February 4, 2008 and, during plan check, it was discovered that the proposal did not comply with the alley access required under the SU-2/MFR zoning. The application for the current zone change request was subsequently submitted to the City. The City allowed foundation permits to be issued for the project. Permits for four lots in Unit 1 (17A-20A) were applied for and issued on March 21, 2008. An adjoining property-owner reported that concrete was poured for two of the pads on April 4, 2008.

- Sector Development Plan Map Amendment (2008)

(This is the current request before the EPC.)

Recent projects within the Huning Castle/Raynolds Addition SDP

- Northwest of the site: Huning Castle Townhomes, 500–516 Alcalde Place SW, zoned R-3 – This one acre site was replatted into five lots. The City required a new sidewalk along Alcalde and improvements to the existing alley, including repaving and dedication of additional ROW at the entrance on Alcalde (#1004901, 06DRB-00689, 2/23/2007). Construction of the five townhomes is almost completed.
- West of the site: 1501–1507 San Patricio Ave., zoned R-T - This site was replatted from two into four lots (#1003131, 04DRB-00091, 2/4/2004) and developed as townhomes with driveway access from the street. A more recent zoning request, to rezone the adjoining lot on San Patricio Ave. from R-1 to R-T, was withdrawn (EPC #1000552, 8/15/2000).
- Northeast of the site: 11th St. & Silver Ave., zoned SU-2/MFR – Variances to the front and rear yard setbacks were approved by the Zoning Hearing Examiner (#1003066, 03ZHE-01325, -01326, #1003067, 03ZHE-01826, -01827, 11/18/2003). The request was acceptable to the Raynolds Addition NA. A public ROW was vacated and the site was replatted into 3 lots prior to development of three townhouses with two driveways off 11th Street and one driveway off Silver Ave. (#1001999, 06DRB-01528, 11/20/06, and 06DRB-01689, 12/21/06).

Context

The subject site is in the southwest corner of the Raynolds Addition neighborhood, around 0.25 miles from the Rio Grande. The Barelás neighborhood begins south of Coal, and the Huning Castle neighborhood extends northwest from the west boundary of the site. These are all older areas of the City that have a mix of housing types and include non-residential uses. The site is split into two sections, with five lots at the northeast quadrant of Coal and 14th and nine lots at its northwest quadrant. Adjoining the site to the north, heading from east to west, are a single family home, duplexes, a 2-story apartment building and duplexes under construction. To the

south across Coal Ave. are small 2- story apartment building and non-residential uses--a television broadcasting station, offices and associated parking. To the east is a 2-story apartment court and to the west a 10-story building of residential condos.

The site is located between Lead and Coal Ave. near where they end and merge into Alcalde Place. Coal is one way eastbound west of 14th Street and switches to two way east of 14th Street. An existing 16' alley adjoins all of the north property line of Unit 1 and most of Unit 2. The alley is used to access garages in the apartment court east of Unit 1 and the carports of the apartment building north of Unit 2. The duplex north of Unit 1 is accessed from a driveway off 14th Street.

Long Range Roadway System

The Long Range Roadway System (LRRS) map, produced by the Mid-Region Council of Governments (MRCOG, 2004), identifies the functional classifications of roadways.

The Long Range Roadway System designates this section of Coal Ave. as a Collector. The standard right-of-way width for this classification is 68 feet; the existing width of Coal is 60 feet. [Note that Coal is designated an Urban Minor Arterial in the *Current* Roadway Functional Classification System.]

The Long Range Roadway System designates 14th Street as a local street. Its existing width is also 60 feet.

The Long Range Bicycle Plan shows existing bike routes on Coal, Lead and 14th Street.

Public Facilities/Community Services

ABQ Ride: The subject site is 0.4 miles from the #53 and #54 bus stops on 8th Street and Coal and from the #66 and #766 stops on Central. The #53 Isleta and #54 Bridge/Westgate operate Monday to Saturday from early morning into the evening/night and the #66 Central and #755 Rapid Ride operate all week on a frequent schedule from early morning into the evening/night.

There are numerous facilities and services within one mile of the site. The Rio Grande Pool and the Rio Grande Triangle Park are in close proximity to the site. The zoo, several other city parks, including softball and tennis facilities, Barelás Community Center and Fire Station 1 are within 0.75 miles of the site.

Washington Middle School and Lew Wallace Elementary School are the local public schools. (See comments from APS on page 22).

ANALYSIS OF APPLICABLE ORDINANCES, PLANS AND POLICIES

Albuquerque Comprehensive Zoning Code

The SU-2 Special Neighborhood Zone “allows a mixture of uses controlled by a sector development plan which specifies new development and redevelopment which is appropriate to a given neighborhood, *when other zones are inadequate to address special needs*” (14-16-2-23).

[Italics added by staff for emphasis.] Paragraph A refers to permissive uses and control in SU-2 zones and states that “Specifications contained in the Sector Development Plan shall control.” Paragraph B refers to procedure and includes a provision that the Planning Commission has authority to amend the zoning map for an area of one block or less (see (B)(2)(b)). This one-acre site is less than a block as defined in the Zoning Code (14-16-1-5).

Per Code Enforcement, the requested zoning designation is valid because: there is a precedent for “straight” zoning within the SU-2 area of the governing Huning Castle/Raynolds Addition SDP (see the SU-2/R-3 zoning east of 14th Street next to Washington Middle School); and the R-T zoning exists within the sector development plan boundaries. No text amendment is therefore required.

The existing SU-2 Special Neighborhood/MFR Multi-Family Residential zone is the same as the R-2 zone with four exceptions, related to building height, lot size, off-street parking and usable open space. The R-2 zone provides suitable sites for houses, townhouses and medium density apartments (14-16-2-11).

The requested SU-2/R-T Residential zone is the same as “straight” R-T zoning (14-16-2-9). The permissive uses are more restrictive than the existing zoning in that medium density apartments are not allowed.

Information on these zones in the sector development plan and Zoning Code are attached. The Table below summarizes and compares requirements under the existing and proposed zoning:

Note:

- In the SU-2/MFR column, elements specific to the Huning Castle and Raynolds Addition Sector Development Plan are shaded gray. The elements in the SU-2/MFR zone that refer to R-2 in the Zoning Code are not shaded.
- Elements in the SU-2/R-T zone are essentially the same as R-T in the Zoning Code

	SU-2/MFR	SU-2/R-T
Permissive uses	Refers to R-2. Includes apartments, accessory living quarters	limited to houses and townhouses
Conditional uses	Refers to R-2	Refers to R-1
Height	26', except as provided in 14-16-3-3 which includes regulations to preserve solar access	same as SU-2/MFR
Lot size	In this case: “house and townhouse lots shall be as provided in the R-T zone” [i.e. for townhouse lots: min. 2,200 sf and 22' lot width]	same as SU-2/MFR
Setbacks	Refers to R-2	

Front	15', 20' for driveways	same as SU-2/MFR
Side	5', 10' for street side of corner lots, none for internal lot lines for townhouses	same as SU-2/MFR
Rear	15'	same as SU-2/MFR (except one specific to houses w/ offset rear lot lines)
Density	Maximum 0.5 FAR and 30 du's/acre	No maximum floor area ratio and density are specified. Minimum lot sizes are specified for different housing types, including 2,200 sf and 22' width for townhouse lots w/ street access, which translates into approx. 20 du's/acre.
Off-street parking		
Location	"...shall be provided at the rear of the property, with access from the alley. Existing garages and driveways may count toward the parking requirement."	N/A
Spaces	"The off-street parking requirement for each dwelling is one space per bath but not less than 1.25 spaces. Otherwise requirements of Section 40.A [now 14-16-3-1] of the Comprehensive City Zoning Code shall apply."	Refers to Off-Street Parking Regs. 14-16-3-1(24)(d) & (e): One per bath but not less than 2 spaces [2 spaces for the proposed townhouses w/ 2- BA], except: "p1" lots: 3 – 5 spaces depending on number of bedrooms [4 spaces for the proposed 3 BR townhouses] "p2" lots: 4 - 6 spaces depending on number of bedrooms [5 spaces for the proposed 3-BR townhouses]
Area	no specifications in R-2	maximum front yard setback area for parking & maneuvering: 85% but no more than 22' or width of garage, whichever is larger, perpendicular to curb

<p>Usable open space (as defined in 14-16-1-5*)</p>	<p>400 sf for efficiency or 1-BR dwelling unit, 500 sf for 2-BR du, 600 sf for 3 or more BR du.</p>	<p>Depends on housing type: 750 sf for house, 650 sf for house accessed from alley or w/ garage in rear yard, 550 sf for townhouses, 360 sf for townhouse accessed from alley.</p>
--	---	--

* : "...may include, but is not limited to, lawns, decorative plantings, native plants, open balconies, covered patios open on at least two sides, walkways, active and passive recreational areas, fountains, swimming pools, wooded areas, and water courses. ...does not include public right-of-way, parking lots, off-street parking, driveways, other private vehicular surfaces, or buildings other than swimming pool rooms..."

The most significant distinctions pertain to floor area ratio, alley access, off-street parking spaces and usable open space. This means that in the R-T zone: more of the lot can be covered with building; off-street parking can be from the street; a minimum of 2 parking spaces are required; and less usable open space is required for townhouses than houses, and for either type of dwelling if it is accessed from the alley or rear of the property.

Albuquerque / Bernalillo County Comprehensive Plan

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

Land use

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

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

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.

The Goal and policies are partially furthered because the site is near downtown services, facilities and amenities, and the proposed SU-2/R-T zoning respects the small scale of the built environment in the Raynolds Addition neighborhood by limiting the residential uses to houses and townhouses. It allows a density of 5 - 25 d.u.'s per acre, which helps boost the overall density of the Established Urban Area. The Huning Castle neighborhood association supports the request. However, the request does not respect the values of adjoining property-owners and the Raynolds Addition NA (RANA), one of the two other affected neighborhood associations. RANA is opposed to the zone change because it would allow the kind of development exemplified by the townhouses proposed on the site. They consider that the

frontage of the townhouses are too dominated by driveways and off-street parking, which undermines the community- and pedestrian-oriented character of the area.

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

This policy will be furthered by this request because the site is in an older neighborhood. The proposed zone is similar to the existing zone in allowing the development of new housing in an area where most of the housing stock is older.

The part of the subject site east of 14th Street is also in the area designated *Central Urban* by the *Comprehensive Plan* with a Goal “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.”

*NOTE: The Central Urban Area is a portion of the Established Urban Area and as such is subject to policies of section II.B.5. as well as to those listed here. Development intensities in the Central Urban Area should generally be higher than in other portions of the Established Urban Area.

Applicable policies include:

Policy II.B.6.b: Upgrading efforts in neighborhoods within the Central Urban Area should be continued and expanded and linkages created between residential areas and cultural/arts/recreation facilities.

The Goal and policy are partially furthered because the requested zone would enable completion of an infill development in the short term, but it eliminates apartments as a permissive use in the longer term, reducing the potential for greater housing density.

Transportation and Transit

The Goal is “to develop corridors, both streets and adjacent land uses, that provide a balanced circulation system through efficient placement of employment and services, and encouragement of bicycling, walking, and use of transit/paratransit as alternatives to automobile travel, while providing sufficient roadway capacity to meet mobility and access needs”.

The requested zoning allows a driveway on the street for each dwelling unit and requires two rather than 1.25 off-street parking spaces per unit. (The City’s designation of "p1" and "p2" lots as part of the platting action increased the off-street parking requirement over what is normally required in either the existing or proposed zoning.) This allows driveways along streets fronting the lots, which can lead to less pedestrian-oriented frontages and streetscapes. On the other hand, more parking off- rather than on-street and the frequency of driveways may have a positive effect on bicycle travel, because it reduces interference from parked cars on the designated bike routes of Coal and 14th Street. More off-street parking also protects roadway capacity for vehicles. The request partially furthers this Goal.

Policy II.D.4.a: Table 11 presents ideal policy objectives for street design, transit service, and development form consistent with Transportation Corridors and Activity Centers as shown on the Comprehensive Plan's Activity Centers and Transportation Corridors map in the Activity Centers section. Each corridor will undergo further analysis that will identify design elements, appropriate uses, transportation service, and other details of implementation.

The applicable Development Form policy for sites on Arterials is:

- Housing density target for new development of 5-20 du/acre (net)

The proposed zoning would allow a density of approximately 12 to 25 du's/acre, which slightly exceeds this policy objective. (Whether the policy is actually applicable is unclear given that Coal's current classification is Minor Arterial but the roadway is demoted to Collector in the long range classification.)

Policy II.D.4.d: The frequency of driveways along principal and minor arterial streets will be reduced when possible, toward a spacing frequency of one or two drives per 300 feet of frontage on principal arterials, and one or two drives per 200 feet on minor arterials.

The proposed zone allows driveways off the street. The replat and proposed development were designed to locate most of the lots (10 out of 14) facing each other on 14th Street, a local street, with only 4 lots taking access off Coal, currently classified as a minor arterial. The driveways are concentrated into a frontage of approximately 110' on Coal and therefore their spacing does not further this policy. However, the average daily traffic flows on this section of Coal (less than 2,300) appear to be fairly low in comparison to sections of the same road further east (2,700 to 10,900 in the downtown area) and to other minor arterials in the area. For example, the minor arterial section of Tingley Drive has flows of 7,500 ADT and 8th Street south of Coal has 7,800 ADT (ref. MRCOG 2006 Traffic Flow Map).

Housing

The Goal is "to increase the supply of affordable housing; conserve and improve the quality of housing; ameliorate the problems of homelessness, overcrowding, and displacement of low income residents; and assure against discrimination in the provision of housing."

Policy II.D.5.e: Encourage efficiencies in the public development review process and reduce unnecessary construction costs, but balance short-term benefits of delivering less costly housing with long-term benefits of preserving investment in homes and protection of quality of life.

The rezoning would enable the development process to continue and allow the completion of fourteen new housing units in a sustainable location of the City, near employment, services and facilities. The price range of the proposed units is not known. Regardless of their affordability, the Reynolds Addition neighborhood association and nearby property-owners consider that the site design allowed in the requested zone would undermine the quality of life in the long term and set a negative precedent for future development in their area. The Huning Castle NA have a different view and support the proposal.

Huning Castle/ Raynolds Addition Sector Plan (Rank III)

The Huning Castle/Raynolds Addition Sector Development Plan was first adopted in 1981, and revised in 1993 and 2002. The Plan generally encompasses properties between Tingley Drive, Central Avenue and Coal Avenue; specific boundaries are shown on page 2 in the Plan.

The plan outlines a strategy for maintaining the area's special qualities, including varied architectural styles, mature landscaping and neighborhood scale. It sets forth objectives regarding land use and zoning (see page 4) and establishes zoning (see Map 6 on page 15).

The subject site is located in the Raynolds Addition, which was designated SU-2, Special Neighborhood Zone, in the plan (see page 11). The SU-2 area also extends westward along Central Ave. to San Pasquale Ave. in the Huning Castle neighborhood. The plan states that "the use of an SU-2 zone allows for protection of the area's special qualities". Properties within the SU-2 area are zoned SU-2 followed by a standard zoning designation, e.g. R-3, or one specific to the Huning Castle/Raynolds Addition SDP. The zones specific to this sector plan, including the existing MFR designation of the site, are set out on pages 14-19.

Properties in the rest of the sector plan area have "straight" zoning, i.e. without an SU-2 prefix, which is unusual. Most, if not all other, sector plans apply the SU-2 prefix to all properties within their boundaries.

Outside the SU-2 area, the plan extended the existing R-T zoning along the northwest side of Alcalde Place to encourage infill development in this area.

The applicable objective is:

I. Land Use and Zoning (p. 4)

A. Objectives

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 proposed zoning is for housing and helps stabilize the residential character of the plan area. The residential uses, building height and density in the proposed zoning are compatible with the mix of small houses, townhouses and apartment buildings in the Raynolds Addition and adjoining neighborhoods. However the requested zone does not encourage much landscaping at the front of townhouses, because it allows driveways and off-street parking in front of townhouses, albeit within certain size limits. In addition, the zone does not set a maximum floor area ratio, which allows more of the lot to be covered with building, and a smaller area of usable open space is allowed for townhouses.

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.

The applicant justified the zone change in their application and in a supplemental letter dated April 1, 2008.

Because of this project's case history, the applicant's justification and staff's analysis are different than would normally be expected of a request for what is essentially a "straight" zoning designation. In this case, the impetus for the zone change stems from an approved plat and a proposed development that conflict with the zoning obtained approximately one year ago. The plat and, to some extent, the proposed site development plan inevitably also enter into the analysis. Copies of the site plan, illustrative elevation and building layouts were distributed at the neighborhood facilitated meeting and are attached.

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

The applicant states that the request meets this criteria by comparing the proposed development with the condition of the property when it was zoned SU-2/SU-1.

Staff agrees that the requested zoning is generally consistent with the health, safety, morals, and general welfare of the City. However, APS has commented that it may affect Lew Wallace elementary school as it is nearing capacity. Staff also disagrees with the applicant's comparison of SU-2/R-T with the condition of the property when it was zoned SU-2/SU-1 for Fraternal Organization. The comparison should be with its current SU-2/MFR zoning.

- 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 applicant emphasizes that the zone change will result in a use and access that are compatible with the rest of the neighborhood and create a new housing product that revitalizes the area.

Staff agrees that the proposed zoning is generally compatible with the surrounding area in terms of housing density and housing type. Although there exists a mix of access arrangements to residential uses in the surrounding area (see Photos 11 & 12, p. 6), two of the three recent projects cited by the applicant are outside the Reynolds Addition. The third project, at 11th & Silver, went before the Zoning Hearing Examiner at a public meeting, where

variances to setbacks of the SU-2/MFR regulations were approved with neighborhood support (see p. 3 of this report). The justification does not address or counter neighborhood views that this request will undermine the stability of land use and zoning in the Reynolds Addition section of the sector plan area.

- 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*

The applicant cited Central Urban policy II.B.6.b, Human Services policy II.D.8.c and Transportation and Transit policy II.D.4.d of the Comprehensive Plan; and Land Use & Zoning Objective A.3 of the HC/RA sector development plan.

Staff considers that the applicant has provided some evidence that the cited policies are furthered by the requested zone. The zone change would allow completion of the proposed townhomes, and therefore redevelop a vacant site in the neighborhood (CP policy II.B.6.b). Staff disagrees that the policy on Human Services is applicable to this request, as the Goal of this section concerns access to human service facilities. The applicant suggests that the frequency of driveways on Coal does not further policy II.D.4.d, but puts the onus on the City for having approved the plat and infrastructure that led to the current configuration. Staff acknowledges that the City played a role in creating the current situation, but it is also the applicant's responsibility to know and comply with the Zoning Ordinance as it relates to the site. The applicant has stated that the requested zoning furthers Objective A.3 of the sector plan by stabilizing the predominantly residential character of the Reynolds Addition but has not addressed how it enhances "the distinctive architecture, pleasant landscaping and human scale" of the area.

Staff considers that several other policies of the Comprehensive Plan also apply, which were analyzed on pages 7 – 9 of this report: Established Urban area policies II.B.5.a, d, o, Transportation policy II.D.4.a, and Housing policy II.D.5.e.

Some of the regulations of the R-T zone, including vehicular access and the size and frequency of driveways, partially conflict with policy II.B.5.a by not respecting the values of the Reynolds Addition neighborhood (one of the three affected neighborhood associations) and of other property-owners. These particular regulations do not clearly further the land use and zoning objective of the sector plan in terms of landscaping, because car-oriented frontages are allowed in the requested zone. However, overall and in terms of the uses permitted in the zone, the requested R-T zone furthers or partially furthers a majority of the applicable Goals and policies.

- 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 (1) or (2) above do not apply.

The applicant has based their justification on the proposed zone being more advantageous to the community, because it would allow completion of a project, that has received subdivision approval from the City and is close to receiving final sign-off for infrastructure consistent with the plat. The applicant claims that the proposed development supports goals of City plans and is compatible with the character of the neighborhood.

Staff agrees that the requested zone would remove a legal obstacle to completing the project. Staff acknowledges that the City overlooked the alley access requirement of the MFR zoning at the platting phase, but notes that the responsibility for compliance is shared with the applicant, who applied for and obtained that particular zoning and its accompanying regulations. The applicant has provided adequate evidence that the change would be more advantageous to the community than the existing zoning, as it would enable completion of an infill residential development that is compatible with the mix of housing types in the sector plan area.

- E. *A change of zone will not be approved where some of the permissive uses in the zone would be harmful to adjacent property, the neighborhood, or the community.*

The applicant states that the zone change will not be harmful, because existing uses in the vicinity and adjoining the site are similar to the permissive uses in the requested zone. The zone change would also be more advantageous to the community because it enables completion of the development.

Staff agrees that permissive uses in the SU-2/R-T zone are compatible with the existing zoning and land use in the area. The second point does not address this criterion of the resolution.

The source of conflict over this project is not with the uses but with the regulations controlling development in the zone, including vehicular access from the street instead of any existing alley and the proportion of landscaping and usable open space relative to building area.

- 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.*
Staff agrees that the proposed zone change would not require additional expenditure by the City.
- G. *The cost of land or other economic considerations pertaining to the applicant shall not be the determining factor for a change of zone.*

Although economic considerations pertaining to the applicant are not a determining factor, the applicant states that complying with alley access to off-street parking required by the existing zoning would create a financial penalty and jeopardize the project.

Staff disagrees that the potential cost of complying with the existing zoning should be a consideration in the request for a zone change, but acknowledges that it is inevitably an issue given that infrastructure has been installed according to the approved plat.

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

The applicant states that the classification of Coal Ave. as a Principal Arterial in the Long Range Roadway System is not the basis for the request and justifies the proposed townhomes at this location based on DRB approval of the plats and DRC approval of constructions plans for improvements within the rights-of-way.

This section of Coal Ave. is classified as a Collector not a Principal Arterial in the Long Range Roadway System and as a Minor Arterial in the Current Classification System. Staff agrees that the street classification is not a determining factor in this request. The applicant's arguments concerning right-of-way improvements are not appropriate in response to this particular criterion.

- 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 where (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 it unsuitable for the uses allowed in any adjacent zone.*
- 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 will be approved only where (1) the change will clearly facilitate realization of the Comprehensive Plan and any adopted sector development plan or area development plan, and (2) the area of the proposed zone change is different from surrounding land because it could function as a transition between adjacent zones or because the site is not suitable for the uses allowed in any adjacent zone due to traffic or special adverse land uses nearby.*

The applicant explains that SU-2/MFR, R-3 and R-T zones exist adjacent or near the site. All these zones would allow townhouses, and therefore the requested zone cannot be considered a strip or spot zone.

Staff agrees that the requested zone is not a strip or spot zone.

CONCERNS OF REVIEWING AGENCIES / PRE-HEARING DISCUSSION

City Department and Agency comments begin on page 20. There are no substantive comments from agencies with the exception of Zoning Code Services and APS.

NEIGHBORHOOD/PUBLIC CONCERNS

Property-owners within 100' of the subject site and the Raynolds Addition, Huning Castle and Barelás Neighborhood Associations were notified of the proposal. A letter of support was received from the Board of the Huning Castle NA and from a realtor/developer who has developed a mixed use project in the Barelás neighborhood near the site. A facilitated meeting was held on March 31, 2008. Concerns related to the zone change were raised about the lack of communication by the applicant, the car-oriented design of the proposed development, errors on the part of the City and developer, and the precedent set by a rezoning. Negative comments about the application and/or the City's position have been received from two property-owners in the adjoining apartment building, three members of the Raynolds Addition NA, and from an individual who works in the area. The applicant has informed staff verbally that they will seek to address some of the neighbors' concerns, but have not provided any specifics to date. An adjoining property-owner reported that works had begun on the foundations of two lots east of 14th Street on April 4th. On April 9, 2008, the president of the Raynolds Addition NA requested that a future meeting with the applicant be facilitated through the City's Alternative Dispute Resolution program.

CONCLUSIONS

The applicant has provided an adequate justification for the zone change based on the requested zone being more advantageous to the community, as articulated in applicable City plan goals and policies. The permissive uses in the R-T zone are compatible with the surrounding area and the zone change will enable completion of an infill development in a centrally located neighborhood of the city. There is opposition from residents and property-owners, but the Huning Castle NA supports the request and the Raynolds Addition NA is open to further facilitated discussions with the applicant to try to resolve design issues around the proposed development.

FINDINGS - 08EPC-40029, April 17, 2008, Sector Development Plan Map Amendment

1. The request is for a zone change from SU-2/MFR to SU-2/R-T for Lots 13-19, Block 29, Huning Castle Addition, and Lots 17-20, Block 30, Raynolds Addition, a site of approximately 1 acre located on 14th Street between Coal and Lead Ave. SW. The site is split into two parts, an area of approximately 0.7 acres at the northwest corner of 14th Street and Coal Ave. and an area of approximately 0.3 acres at the northeast of 14th Street and Coal Ave.
2. The current zoning was approved by the EPC in February 2007 (#1005244, 06EPC 01596, Feb. 15, 2007, Certificate of Zoning, Mar. 23, 2007). The applicant proceeded with replatting and infrastructure improvements in preparation for the development of fourteen townhomes on the site. At building permit plan check, it was discovered that the proposed development conflicts with the current zoning in terms of vehicular access and off-street parking. The townhomes are designed with driveways off the street, while the zoning restricts off-street parking to the rear of properties with access from the alley only. The applicant is seeking the zone change to allow completion of the development as designed.
3. The site is in the Established Urban Area of the Comprehensive Plan and the eastern part of the site is also in the Central Urban Area. The entire site is within the area designated SU-2 of the Huning Castle/Raynolds Addition Sector Development Plan.
4. The site was replatted in August 2007 from 11 to 14 lots. The land east of 14th Street was replatted as Unit 1, with 5 lots facing 14th Street (DRB #106507, 8/22/2007). The land west of 14th Street was replatted as Unit 2 into 9 lots, with 5 facing 14th Street and 4 facing Coal Ave. (DRB #106509, 8/22/2007). As part of the platting action, the 10 lots on 14th Street were designated "p2" and the 4 lots on Coal Ave. were designated "p1".
5. A Subdivision Improvement Agreement between the City (Design/Construction Services) and the applicant was signed on July 30, 2007. The bond to cover the installation of water and sewer lines, sidewalks, curb and gutter was approved by the City Engineer on October 1, 2007. The works on the ground have been completed. "As built" plans have not been submitted for final City approval as of 4/3/08.
6. A building permit application for development of Lot 17-A, Unit 1 was submitted on February 4, 2008 and, during plan check, it was discovered that the proposal did not comply with the alley access required under the SU-2/MFR zoning. Following discussions with the City Planning Department, the applicant submitted the current zone change request for EPC review. The City allowed foundation permits to be issued for the project and, as of 4/4/2008, permits for four lots

in Unit 1 (17A-20A) had been issued dated March 21, 2008. An adjoining property-owner reported that concrete was poured for two of the foundations on April 4, 2008.

7. An alley adjoins the northern property line of the site, with the exception of the two westernmost lots (Lots 19-B-P1 and 19-C-P1, Block 29, Huning Castle Addition). 14th Street is a local street and the section of Coal Ave. next to the site is designated a collector in the Long Range Roadway Classification System (MRCOG, 2004).
8. The applicant has provided an adequate justification for the zone change by addressing sections A-J of R-270-1980. The applicant demonstrated that permissive uses in the proposed R-T zone will not be harmful and that the proposed zone is more advantageous to the community, as articulated in the following City goals and policies of the Comprehensive Plan:
 - a. The Goal of the Established Urban Area and policy II.B.5.a, the Goal of the Central Urban Area, Housing policy II.D.5.e, because the development density allowed in the zone is higher than the majority of the Established Urban area and enables the development of single family houses and townhouses at a potentially lower price, on a site in proximity to employment and community facilities and services.
 - b. Established Urban policy II.B.5.o. and Central Urban policy II.B.6.b, because the zone change would enable the completion of an infill development in an older neighborhood in the Central Area.
 - c. Established Urban Area policy II.B.5.d, Housing policy II.D.5.e, because the request respects the values of the Huning Castle Neighborhood Association, one of the affected neighborhood associations.
 - d. The Goal of the Central Urban Area, and Objective A.3. of the Huning Castle/Raynolds Addition Sector Development Plan, because the uses in the requested zone will help stabilize the residential character of this older neighborhood.
9. Property-owners within 100' and the Huning Castle, Raynolds Addition and Barelás Neighborhood Associations were notified of the proposal. A facilitated meeting took place on March 31, 2008. Letters of opposition to the zone change and to the proposed townhouse development were received from four members of the Raynolds Addition NA, two adjoining property-owners and an individual who works in the area. The president of the Raynolds Addition NA initially requested a halt to foundation works and, in a second letter dated April 9, 2008, requested a facilitated meeting with the applicant to discuss possible design changes to the

applicant's proposed townhouse development. Letters of support for the zone change were received from a realtor/developer and the Board of the Huning Castle NA.

RECOMMENDATION - 08EPC-40029, April 17, 2008

APPROVAL of 08EPC-40029, a Sector Development Plan Map Amendment, for Lots 13-19, Block 29, Huning Castle Addition, and Lots 17-20, Block 30, Raynolds Addition, based on the preceding Findings.

***Carol Toffaleti
Planner***

cc: K & M Development, P.O. Box 3121, Albuquerque, NM 87048
Consensus Planning, Inc., 302 Eighth St. NW, Albuquerque, NM 87102
Debbie Foster, Raynolds Addition NA, 1307 Gold SW, Albuquerque, NM 87102
Christopher Frechette, Raynolds Addition NA, 1315 Gold SW, Albuquerque, NM 87102
Ab Potter, Huning Castle NA, 1705 Chacoma SW, Albuquerque, NM 87104
Diane Souder, Huning Castle NA, 1709 Kit Carson SW, Albuquerque, NM 87104
Amecus England, Barelvas NA, 1015 9th St. SW, Albuquerque, NM 87102
Robert Vigil, Barelvas NA, 919 Santa Fe, SW, Albuquerque, NM 87102

Attachments

Notice of Decision, #1005244, 06EPC 01596, Feb. 15, 2007

Certificate of Zoning, #1005244, 06EPC 01596, March 23, 2007

DRB documents

#106507, 07DRB-70025, 8/22/2007: infrastructure list, Transportation comments, action sheets (June 6 and August 22, 2007), action log

#106509, 07DRB-70026, 8/22/2007: infrastructure list, Transportation comments, action sheets (June 6 and August 22, 2007), action log

email from Wilfred Gallegos, former Traffic Engineer, 4/7/2008

SU-2/MFR (Multi-Family Residential) zone

R-2 (Residential) zone

R-T (Residential) zone

Map of affected Neighborhood Associations

CITY OF ALBUQUERQUE AGENCY COMMENTS

PLANNING DEPARTMENT

Zoning Code Services

Reviewed: If approved, a zone change from SU-2/MFR to SU-2/RT would be consistent with the approved final subdivision plat for 14th & Coal unit 1 and lots 17-20 Huning Castle Addn, and would allow off-street parking access from a street instead of access only from the alley. In addition, the proposed development of the property would be required to comply with all regulations of the SU-2/RT Zone of the Huning Castle and Reynolds Addition Sector Development Plan and all applicable regulations of the Comprehensive City Zoning Code.

Office of Neighborhood Coordination

Reynolds Addition NA (R), Huning Castle NA (R), Barelans (R)

3/11/08 – Recommended for facilitation – siw

Advanced Planning

Reviewed with no comments.

CITY ENGINEER

Transportation Development (City Engineer/Planning Department):

- Reviewed, no comments.

Hydrology Development (City Engineer/Planning Department):

- The Hydrology Section has no objection to the sector plan amendment.

New Mexico Department of Transportation (NMDOT):

- No comments received.

RECOMMENDED CONDITIONS FROM CITY ENGINEER, MUNICIPAL DEVELOPMENT, WATER AUTHORITY and NMDOT:

Conditions of approval for the proposed Sector Development Plan Map Amendment shall include:

- a. None.

DEPARTMENT of MUNICIPAL DEVELOPMENT

Transportation Planning

- Reviewed, and no comments regarding on-street bikeways, off-street trails or roadway system facilities.

Traffic Engineering Operations (Department of Municipal Development):

- No comments received.

Street Maintenance (Department of Municipal Development):

- No comments received.

WATER UTILITY AUTHORITY

Utility Services

- No comments received.

ENVIRONMENTAL HEALTH DEPARTMENT

Air Quality Division

- No comments received.

Environmental Services Division

- No comments received.

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

Gerald Cline Valley Substation

No Crime prevention or CPTED comments concerning proposed zone map amendment and corresponding amendment at this time. Support on street access points.

SOLID WASTE MANAGEMENT DEPARTMENT

Refuse Division

Approved on condition, will comply with all SWMD ordinances and requirements.

FIRE DEPARTMENT/Planning

- No comments received.

TRANSIT DEPARTMENT

- No comments received.

COMMENTS FROM OTHER AGENCIES

BERNALILLO COUNTY

- No comments received.

ALBUQUERQUE METROPOLITAN ARROYO FLOOD CONTROL AUTHORITY

Reviewed, no comment.

ALBUQUERQUE PUBLIC SCHOOLS

This development will consist of 14 multi-family units. These units will impact Lew Wallace Elementary School, Washington Middle School, and Albuquerque High School. Lew Wallace Elementary School is nearing capacity, Washington Middle School and Albuquerque High School have excess capacity.

Loc No	School	2007-08 40th Day	2007-08 Capacity	Space Available
373	Lew Wallace	278	285	7
465	Washington	554	763	209
590	Albuquerque	1,792	2,100	308

To address overcrowding at schools, APS will explore various alternatives. A combination or all of the following options may be utilized to relieve overcrowded schools.

- Provide new capacity (long term solution)
 - Construct new schools or additions
 - Add portables
 - Use of non-classroom spaces for temporary classrooms
 - Lease facilities
 - Use other public facilities
- Improve facility efficiency (short term solution)
 - Schedule Changes
 - Double sessions

- Multi-track year-round
- Other
 - Float teachers (flex schedule)
- Shift students to Schools with Capacity (short term solution)
 - Boundary Adjustments / Busing
 - Grade reconfiguration
- Combination of above strategies

All planned additions to existing educational facilities are contingent upon taxpayer approval

MID-REGION COUNCIL OF GOVERNMENTS

- No comments received.

MIDDLE RIO GRANDE CONSERVANCY DISTRICT

- No comments received.

PUBLIC SERVICE COMPANY OF NEW MEXICO

No comment based on the information provided to date. It is the applicant's obligation to determine if utility easements cross the property and to abide by any conditions or terms of those easements.