



**Environmental
Planning
Commission**

**Agenda Number: 9
Project Number: 1006822
Case Numbers: 07EPC 40052/40054
October 18, 2007**

Staff Report

Agent	Consensus Planning, Inc.
Applicant	2001 Gold Ave., LLC
Requests	Sector Development Plan Map Amendment Site Development Plan for Building Permit
Legal Description	Lots 1 & 2, Terrace Addition and the south 10 ft. vacated Gold Ave. adjacent
Location	Gold Ave. SE, between Terrace St. and Buena Vista Dr. (2000 Gold Ave. SE)
Size	Approximately 0.4 acres
Existing Zoning	SU-2 PR
Proposed Zoning	SU-2 for SU-1 PRD

Staff Recommendation

DENIAL of 07EPC 40052, based on the findings on page 22.

DENIAL of 07EPC 40054, based on the findings on page 25.

Staff Planner

Catalina Lehner, AICP-Senior Planner

Summary of Analysis

This proposal is for a sector development plan map amendment and a site development plan for building permit for an approx. 0.4 acre site on Gold Ave. SE. The applicant proposes to change zoning from SU-2 PR to SU-2 for SU-1 PRD in order to develop a residential project of 51 homes (4 stories).

The subject site is in the Central Urban area and the University Neighborhoods Sector Development Plan area. Overall, Staff finds that the proposal partially furthers applicable Goals and policies in a general sense, but not in terms of site plan specifics. The sector development plan map amendment is not justified because the applicant has not demonstrated that it is warranted based on benefit to the community and changed community conditions.

A facilitated meeting was held. Staff has received many letters of opposition and one of support. Staff recommends denial of both requests.

City Departments and other interested agencies reviewed this application from 09/10/07 to 09/21/07.
Agency comments used in the preparation of this report begin on page 28.

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 PR	Central Urban University Neighborhoods Sector Development Plan	Parking lot
<i>North</i>	SU-2 UC	Central Urban University Neighborhoods Sector Development Plan	Residential building
<i>South</i>	SU-2 SF	Central Urban University Neighborhoods Sector Development Plan	Alley, single-family homes
<i>East</i>	SU-2 DR	Central Urban University Neighborhoods Sector Development Plan	Single-family homes
<i>West</i>	SU-2 DR	Central Urban University Neighborhoods Sector Development Plan	Single-family homes

Request & Context

This request is for a sector development plan map amendment and a site development plan for building permit for Lots 1 and 2, Terrace Addition, approximately 0.4 acre (the “subject site”). The applicant proposes to change the subject site’s zoning from SU-2/P-R (Reserve Parking Zone) to SU-2/SU-1 PRD (Special Use Zone, Planned Residential Development) in order to develop a residential building consisting of 51 units on four stories. The subject site is currently used as a parking lot, mostly by students and others going to the University of New Mexico (UNM).

The subject site is located on Gold Ave. SE, about one block south of Central Ave., between Terrace St. and Buena Vista Dr. To the north of the subject site, across Gold Ave., is a recently constructed, two-story residential building consisting of condominiums and two office spaces. Currently, some have been sold and others have not. To the south, east and west are single-family homes (see photos-attachment). Also in the area are older style apartments, though the majority of buildings are one-story single-family homes.

The subject site lies within the boundaries of the Central Urban Area of the Comprehensive Plan and the University Neighborhoods Sector Development Plan (UNSDP), in an area known as Silver Hill. The subject site is not in a designated Activity Center; it is about a block south of the UNM Major Activity Center boundary. Central Ave., a designated Major Transit Corridor, lies about a block north of the subject site.

History & Background

Overview: Most of the subject site's history corresponds to that of the University Neighborhoods area and can be found in the University Neighborhoods Sector Development Plan (UNSDP) beginning on p. 8. The subject site is located in the Silver Hill Area, which was platted as the Terrace Addition in 1886. Along with University Heights to the east, these areas boomed during the 1920s and 1930s and developed with single-family homes. The areas were stable, middle and upper-class neighborhoods through the 1950s.

The 1960s and 1970s, however, brought change to the University neighborhoods. University enrollment grew, students were allowed to live off-campus and the grade school closed. Families matured and began to leave the area, citing a decline in quality of life. Properties entered the rental and speculative markets and the "student ghetto" was born. The first UNSDP, adopted in 1978, attempted to address concerns of the University Heights Association and Silver Hill Association, formed in 1975 and 1976, respectively. In the early 1980s, the City Council allocated Community Development Block Grant (CDBG) funds to update the Plan. Meetings were held and a draft Plan was produced in May 1985, which resulted in the present day UNSDP which was adopted in June 1986.

Site Specifics: From what Staff can determine, the subject site (Lots 1 and 2 of the Terrace Addition) was part of the area's original platting. The original intent for the site's use, which pre-dated zoning as we know it, was likely for a residential use (probably single-family) consistent with the history of the area. 1975 records, however, indicate that the subject site was zoned R-3 (see below). Staff was unable to locate specific information, though the UHSDP states that the City decided in 1969 to increase zoning density in the area to R-3 to allow construction of apartments (p. 9). Any single-family homes formerly on the subject site would have been removed. It is likely that the subject site received its current zoning of P-R with the 1978 version of the UHSDP and the R-3 was rescinded. Land use as of May 1985 is still listed as "vacant/parking".

Only one case on file, mentioned above, relates directly to the subject site. In June 1975, a zone change request from R-3 to P-1 was withdrawn by the applicant, who owned the former Bandelier Studios at 2001 Gold Ave. and wanted to use the subject site for customer, employee and student parking.

Nearby Site: The site across Gold Ave., north of the subject site, is the location of the relatively recently constructed Silver Hill Lofts at 2001 Gold Ave. (Project #1001734). This site was zoned SU-2/UC (University Commercial), which corresponds to the C-2 zone. In order to allow dwelling units, a special exception was needed. In April 2002, the Zoning Hearing Examiner (ZHE) granted the special exception, which the neighborhood appealed (see attachment). The Board of Appeals heard the case and upheld the ZHE decision in June 2002. This history is relevant to the subject site because the ZHE and BOA notices of decision contain conditions, particularly regarding parking, that affect it.

Definitions (Zoning Code §14-16-1-5)

Apartment: Structures containing two or more dwelling units each, including dwelling units which do not have a separate entrance leading directly to the outdoors at ground level.

Site Development Plan for Subdivision: An accurate plan at a scale of at least 1 inch to 100 feet which covers at least one lot and specifies the site, proposed use, pedestrian and vehicular ingress and egress, any internal circulation requirements and, for each lot, maximum building height, minimum building setback, and maximum total dwelling units and/or nonresidential uses' maximum floor area ratio.

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

Long Range Roadway System

The Long Range Roadway System (LRRS) map, produced by the Mid-Region Council of Governments (MRCOG), identifies the functional classifications of roadways. Central Ave., one of the most important principal arterials in the City, has a 156 foot right-of-way and is listed as a high capacity transit corridor on the Long Range High Capacity Transit Map (Source: MRCOG). University Blvd., a minor arterial, has an 86 foot right-of-way. Gold Ave., as well as Terrace St. and Buena Vista Dr., are local streets.

Public Facilities/Community Services

Transit: Though no Albuquerque Ride routes pass it directly, the subject site is well-served by Transit. Central Ave. is a Major Transit Corridor in this location. Two transit routes, Route #66 (a standard bus route and Route #766 (the Rapid Ride route Red line) run along Central Ave. Route #66 runs every 20 minutes, from early morning to night (about 9:45 pm). Route #766 runs every 10 minutes and stops less frequently, and also has service from early morning to night (about 8 pm).

The Comprehensive Plan designates Central Ave. as a Major Transit Corridor (from Louisiana Blvd. to Atrisco Rd.). The nearest activity center is the UNM Major Activity Center, the southern boundary of which is approximately 225 feet north of the subject site.

Other Transit routes run close to the subject side, including Route #50 (Airport/Yale) which stops about 0.15 miles to the east, and Route #16/18 (the "BUG"-Broadway/University/Gibson) which stops about the same distance to the west.

Police: The Southeast Area Command, at 800 Louisiana Blvd. SE, provides police coverage. A community substation is located approximately 0.5 miles east, on Monte Vista Blvd.

Fire: A fire station is located about 0.5 miles northeast of the subject site, on Girard Blvd.

APS: Monte Vista Elementary School, Jefferson Middle School, and Albuquerque High School serve the area.

Zoning

The applicant proposes to change the subject site's zoning from SU-2 PR (Parking Reserve) to SU-2 for SU-1 PRD (Planned Residential Development) in order to develop a residential building.

Existing Zoning: The subject site is zoned SU-2 PR (Parking Reserve). The SU-2 zone (Zoning Code §14-16-2-23) "allows a mixture of uses controlled by a sector development plan." The PR zone (Zoning Code §14-16-2-27) "designates lots reserved for off-street parking required by §14-16-3-1 of this Zoning Code with regard to a use on another lot." The PR zoning category, which references requirements of the P-1 zone, is intended to satisfy the required off-street parking requirements of one or more lots when such lots are specified in the motion adopting or amending the PR designation.

Proposed Zoning: The applicant is requesting the following zoning: SU-1 for PRD (Planned Residential Development). The intent of the SU-1 zone is to provide suitable sites for uses that are special, and for which the appropriateness of the use to a specific location depends upon the character of the site design. SU-1 zoning requires review by the Environmental Planning Commission (EPC). Additionally, "development within the SU-1 zone may only occur in conformance with an approved site development plan". An application for a change to SU-1 zoning, therefore, must be accompanied by a site development plan.

PRD requirements are found in the SU-1 zone (Zoning Code §14-16-2-22), in Subsection 25, a-e. A PRD is a permissive use in the SU-1 zone. The allowed uses are single-family houses, townhouses, apartments, and associated accessory structures as regulated in the R-1 zone.

The PRD uses and development are required to be "compatible with adjacent properties, including public open spaces, public trails and existing neighborhoods and communities." Regarding building height, in the proposed SU-1 zone the same regulations apply as in the R-2 zone (which allows up to 26 ft.) "unless modified by the Planning Commission." Similarly, off-street parking shall be provided as required by the Planning Commission. Therefore, in this case, the EPC has discretion regarding building height and parking provision.

At a minimum, a site development plan for subdivision is required when requesting SU-1 zoning (Subsection 25b). In this case, a site development plan for building permit is associated with the zone change request. This is allowable because a site development plan for building permit contains more details than a site development plan for subdivision. Design standards are not needed since the details such standards would govern are already included in the site development plan for building permit and no phasing is proposed.

Sector Plan: The University Neighborhoods Sector Development Plan (UNSDP) applies and specifies zoning for the area. The zoning map (see p. 69) reflects zoning and developed areas current as of 1986. SU-2 zoning, available to sector plans, is used in the UNSDP. Therefore, the request to change zoning on the subject site is referred to specifically as a sector development plan map amendment instead of a zone map amendment, a term that is used when a sector plan is not involved.

⇒ Zoning Code §14-16-2-23, SU-2 zone, requires the Planning Commission to make a recommendation to City Council if a decision would impose or eliminate SU-2 zoning for an

area over one block (approximately 10 acres). *Because the subject site is not greater than 10 acres, this request is not required to be forwarded to the City Council.*

Compliance: Zoning Code §14-16-3-11 (B) states "...Site Development Plans are expected to meet the requirements of adopted city policies and procedures." This means that the proposed site development plan for building permit and site development plan for subdivision must meet the requirements found in applicable plans, meaning the Comprehensive Plan and the West Side Strategic Plan.

I. ANALYSIS -CONFORMANCE TO ADOPTED PLANS AND POLICIES

A) Albuquerque/Bernalillo County Comprehensive Plan- Rank I

The subject site is located in an area that the Albuquerque/Bernalillo County Comprehensive Plan has designated Central Urban, which is a portion of the Established Urban Area. Therefore, the Central Urban Area is subject to policies of the Established Urban Area. The goal of the Central Urban Area is "to promote the Central Urban Area as a focus for arts, cultural, and public facilities/activities while recognizing and enhancing the character of its residential neighborhoods and its importance as the historic center of the City."

The goal of the Established Urban Area is "to create a quality urban environment which perpetuates the tradition of identifiable, individual but integrated communities within the metropolitan area and which offers variety and maximum choice in housing, transportation, work areas and life styles, while creating a visually pleasing built environment." Applicable policies include:

Activity Centers-

Goal: The goal is to expand and strengthen concentrations of moderate and high-density mixed land use and social/economic activities which reduce urban sprawl, auto travel needs, and service costs, and which enhance the identity of Albuquerque and its communities.

Policy II.B.7.i: Multi-unit housing is an appropriate use in Neighborhood, Community and Major Activity Centers.

Land Use Policies-

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

Policy II.B.5e: New growth shall be accommodated through development in areas where vacant land is contiguous to existing or programmed urban facilities and services and where the integrity of existing neighborhoods can be ensured.

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

Policy II.B.5f: Clustering of homes to provide larger shared open areas and houses oriented towards pedestrian or bikeways shall be encouraged.

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

- In designated Activity Centers.
- In areas with excellent access to the major street network.
- In areas where a mixed density pattern is already established by zoning or use, where it is compatible with existing area land uses and where adequate infrastructure is or will be available.
- In areas now predominantly zoned single-family only where it comprises a complete block face and faces onto similar or higher density development; up to 10 dwelling units per net acre.
- In areas where a transition is needed between single-family homes and much more intensive development: densities will vary up to 30 dwelling units per net acre according to the intensity of development in adjacent areas.

Policy II.B.5l: Quality and innovation in design shall be encouraged in all new development; design shall be encouraged which is appropriate to the plan area.

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.

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

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

Policy II.B.6b: 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.

Transportation and Transit Policies-

Goal: 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.

Policy II.D.4c: In order to add to transit ridership, and where it will not destabilize adjacent neighborhoods, additional dwelling units are encouraged close to Major Transit and Enhanced Transit streets.

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

The proposed sector development plan map amendment would facilitate construction of a residential building that would contribute to creating high-density mixed land use in the area, which would reduce urban sprawl and auto travel needs. However, the subject site is not located within the boundaries of the nearby UNM Major Activity Center. The proposal partially furthers the general intent of the Activity Center Goal. However, the proposal does not further Policy II.B.7.i, which states that multi-unit housing is appropriate inside the designated activity centers.

The proposal partially furthers Policy II.B.5a-full range of urban land uses. It would result in a higher density land use in the area thus contributing to variety, though the overall gross density would be much higher than 5 DU/ac. The vacant subject site is contiguous to existing urban facilities and services, though it is possible that the integrity of the existing neighborhood may not be ensured. Therefore, the proposal partially furthers Policy II.B.5e-programmed facilities /neighborhood integrity.

Policy II.B.5d states that the location, design and intensity of new development must respect neighborhood values, carrying capacities and resources of other social, cultural and recreational concern. Most neighbors are very concerned about the proposed intensity; apparently a few are not. The proposal would result in housing in an area where future residents could easily take advantage of social, cultural and recreational resources; however, the resulting approx. 150 DU/ac would be much more intense than other nearby uses. The proposal does not further Policy II.B.5d.

Policy II.B.5l calls for new development to be of a quality design appropriate to the area. The proposed building is basically a square design that would fit in with the building across the street. The innovation consists of features such as a green roof and separate pedestrian entrances. The proposal partially furthers Policy II.B.5l-design quality/innovation, though there is some concern that the proposed building would not fit in with the surrounding neighborhood's historic character.

Other policies that the proposal furthers are Policy II.B.5o-redevelopment and rehabilitation of older neighborhoods and Policy II.B.5p-cost-effective redevelopment techniques. The proposal would constitute a redevelopment effort in an older area and would not use any public funds. Similarly, the proposal furthers Policy II.B.6b- upgrading efforts/linkages because the new dwellings could be considered an upgrade to an established neighborhood and linkages between nearby cultural/arts/recreation facilities would result.

The proposal does not further Policy II.B.5h-higher density housing. The subject site is not located in a designated Activity Center where higher density housing is desirable, though it does have excellent access to the major street network. The proposed building would comprise a complete block, but would not face similar or higher density development. The current use serves as a transition between single-family homes and more intense development; the proposed use would not be a transition but would contrast to existing adjacent uses (except for perhaps the north side).

Regarding the Transportation and Transit Goal, the proposal partially furthers it. Density housing generally encourages usage of non-vehicle transportation modes when they are easily accessible, as is the case here. However, the Goal also calls for providing sufficient roadway capacity; it is unknown if capacity on the adjacent streets would be sufficient. Similarly, the proposal partially furthers Policy II.D.4c-dwelling units/transit streets. Though the additional dwelling units would be close to a Major Transit street and would likely add to transit ridership, the adjacent neighborhood could be destabilized. Policy II.D.4g-pedestrian opportunities/safe and pleasant conditions, is furthered. The proposal provides separate pedestrian access points and would encourage walking.

B) University Neighborhoods Sector Development Plan- Rank III

The University Neighborhoods Sector Development Plan (UNSDP) was adopted by the City Council in July 1986 (Enactment No. 102-1986). This version of the Plan (referred to as the 1985 Plan) superseded the previous version, adopted in 1978, which was a start at addressing the area's issues. The boundaries of the UNSDP are Oak St. (which runs parallel to I-25) on the west, Marquette St. (and a small portion of Roma Ave.) and Central Ave. on the north, Girard Blvd. on the east, and St. Cyr and Hazeldine Aves. on the south (see Map 2 on p. 5). The Sycamore Metropolitan Redevelopment Area, contained within these boundaries, constitutes an eastern portion of the Plan area. Because there was a Sycamore Metropolitan Redevelopment Plan of 1982, a decision was made that the 1985 UNSDP sector plan update needed to focus on the remainder of the Plan area (p. 4).

The 1985 UNSDP further defines the area's issues (see p. 1) and addresses basic goals and major recommendations for the area. The Plan established zoning for some parcels in the area, hence the use of the SU-2 designation which indicates that a sector development plan is involved. Two design enhancement areas were identified and established: the Central Avenue Commercial Design Enhancement Area (p. 20) and the Silver Hill Residential Design Enhancement Area (p. 21). However, the subject site does not fall within either of these (see Map 4 between pages 20 and 21).

In the absence of specific policies, Staff evaluates the proposal in light of the Plan's basic goals (see p. 1), which are:

Goal 1: Improve the quality of life in the area.

The proposal partially furthers Goal 1. The quality of life in the area may be improved for some residents, but perhaps not for others who may feel adversely affected. The future residents' may or may not improve the area's quality of life.

Goal 2: Conserve and renew the unique qualities of this neighborhood.

*According to the UHSDP, some of the area's qualities include pedestrian orientation, many restaurants and shops and nearby employment opportunities (p. 11). One thing that makes this neighborhood unique, however, is its history (see previous section of this report). The neighborhood's characteristic of being mixed residential could be considered as being renewed, though the proposal would change the way in which small, single family homes have historically defined the area. The proposal does not further Goal 2. *

Goal 3: Encourage infill residential construction in appropriate places.

The proposal would constitute infill residential development in an area with many services within walking distance, and with good access to Transit. Such a location is appropriate for residential uses in general. Specifically, however, the proposed building would be located with single-story homes on three sides and may not be the most appropriate place for this size a building. The proposal partially furthers Goal 3.

Goal 4: Encourage pedestrian orientation.

In general, density housing encourages pedestrian orientation because it provides a housing option for people who do not have a private vehicle. Proximity to a Major transit corridor would encourage future residents to walk and use the bus, thereby increasing the area's pedestrian orientation. The proposal furthers Goal 4.

Goal 5: Improve conditions in business areas.

Central Ave., about 2 blocks north of the subject site, can be considered a business area. The proposed addition of density housing would generally improve conditions and generate more customers, although conditions will not be improved for some customers who utilized the subject site as a parking lot to access nearby businesses. The proposal partially furthers Goal 5.

Goal 6: Foster positive social and physical interrelations between businesses, institutions and residents.

The proposal would facilitate residential development, which would bring new residents to the area who are likely to utilize the nearby businesses and institutions. Adding new residents may foster positive social interrelations for some existing residents, but could be negative for other existing residents. The proposal partially furthers Goal 6.

II. SECTOR DEVELOPMENT PLAN MAP AMENDMENT

Resolution 270-1980 (Policies for Zone Map Amendments)

Requirements

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

The applicant must demonstrate that the existing zoning is inappropriate because of at least one of three findings: 1) there was an error when the existing zone map pattern was created; or 2) changed neighborhood or community conditions justify the change; or 3) a different land use category is more advantageous to the community, as articulated in the Comprehensive Plan or other City master plan.

This request to change the subject site's zoning is referred to specifically as a sector development plan map amendment, instead of a zone map amendment, because a sector development plan is involved.

Changing the zoning would result in a change to the zoning map in the University Neighborhoods Sector Development Plan (UNSDP) (see Map 7).

The applicant is requesting that the current zoning of SU-2 PR (Parking Reserve) be changed to SU-2 for SU-1 for PRD (Planned Residential Development). See the Zoning section of this report (p. 4) for a discussion of these zones.

Justification

Applicant: The applicant believes that the existing zoning is inappropriate due to: 1) the proposed use being more advantageous to the community, and 2) changed neighborhood conditions. The subject site is currently underutilized as a parking lot. The proposed residential development would consist of 51 dwelling units on four levels and would be the City's first multi-family Leadership in Energy and Environmental Design (LEED) certified residential building. The proposal would provide for a more walkable community and encourage pedestrian activity in an area that has a wide variety of land uses and is well-served by Transit. The location is ideal for residential development due to its proximity to the University and many commercial services, which would benefit from having more customers nearby.

Comprehensive Plan Citations: *Comprehensive Plan Citations:* The applicant cites the following policies: 1) Central Urban Area land use policy: neighborhood upgrading/creating linkages (Policy II.B.4b) 2) Developing and Established Urban Area land use policies: new development/ neighborhood values/natural environmental conditions (Policy II.B.5d), location of higher density housing (Policy II.B.5h), redevelopment of older neighborhoods (Policy II.B.5o) and cost-effective redevelopment techniques (Policy II.B.5p). 3) Air Quality policy B-automobile affects/efficient placement 4) Transportation and Transit Policy C-dwelling units/transit streets, and 5) Housing Policy b-innovation/deteriorating neighborhoods.

University Neighborhoods Sector Development Plan Citations: The applicant cites the Plan's six major Goals: 1) Improve the quality of life in the area, 2) Conserve and renew the unique qualities of this neighborhood, 3) Encourage infill residential construction in appropriate places, 4) Encourage pedestrian orientation, 5) Improve conditions in business areas, and 6) Foster positive social and physical interrelations between businesses, institutions and residents.

- The applicant believes that the proposed zone map amendment conforms to R270-1980 as follows:
 - A. The proposed zoning supports the creation of a healthy neighborhood by providing a walkable community and will be beneficial to the community because it furthers several Comprehensive Plan policies and Goals.
 - B. The request is in an area with a wide variety of land uses and residential products. A new residential product is more desirable than an undesirable surface parking lot. The project will exceed its parking requirements on site.
 - C. The proposed zone change does not conflict with the Comprehensive Plan, but furthers its implementation by being consistent with the Goals and policies of the Plan. [a discussion of the

Goals and policies the applicant believes are furthered follows, as does a discussion of the UNSDP Goals in light of the proposal].

- D. The existing zoning is inappropriate due to the following changed community conditions: approval of the conditional use for the Silver Hill Lofts, Comprehensive Plan amendments designating Central Ave. as a Major Transit Corridor, and initiation of Rapid Ride service on Central Ave. The proposal is more advantageous to the community because it furthers Goals and policies of applicable plans, provides infill development that uses existing infrastructure and provides needed employee housing for nearby major employers.
 - E. The proposed zone change from a parking lot land use will not be harmful to adjacent properties, the neighborhood or the community. The surrounding area contains commercial and residential uses.
 - F. The proposal does not require any major additional and unprogrammed capital expenditures by the City.
 - G. Economic considerations are not the determining factor in support of this request, though they are a factor in determining the scale of the proposed project recognizing the costs borne and the applicant's goals.
 - H. The subject site is not located on a collector or major street, though the area is bounded by Central Ave., Lead Ave., and Yale and University Blvds., and is located within easy walking distance of Central Ave.
 - I. The proposal is for a residential development, consistent with other land uses in the area, so it should not be considered a spot zone. The proposed zoning is necessary to implement the project consistent with the Goals and policies in applicable Plans.
 - J. The proposal is for a residential development, consistent with other land uses in the area, so it should not be considered a strip zone. The proposed zoning is necessary to implement the project consistent with the Goals and policies in applicable Plans.
- The applicant believes that the following five reasons justify the proposed zone change:
1. The proposed zoning and residential project are consistent with the Goals and policies in existing Plans.
 2. The proposed zoning will be beneficial to the community. It will improve quality of life in the neighborhood, encourage infill development, strengthen pedestrian orientation, generate tax revenue, add transit ridership and increase available housing.
 3. Changed community conditions help justify the project, especially the approval of a conditional use in the C-2 zone which allowed the Silver Hill Lofts to be built across the street.

4. The proposed project would help reinvigorate the neighborhood's commercial development, provide more customers and be a catalyst for redevelopment of the commercial corridor.
5. The proposed residential project will be the first LEED certified residential building in New Mexico and will provide needed housing in the area.

Staff Analysis:

With respect to the applicant's justification and R270-1980 (Sections A-J above), Staff finds the following:

- A. The applicant cited various policies and goals as a demonstration that the proposal would be more beneficial to the community. Most of the explanations of how each relates to the request are acceptable, though others could have been more thoroughly elaborated upon. For example, the explanation of Policy II.B.5d-new development location, intensity and design/neighborhood values refers to the neighborhood's urban nature but does not explain how the intensity and design further the policy. With respect to applicable goals, how the proposal conserves and renews the neighborhood's unique qualities (Goal 2) and encourages residential development in appropriate places (Goal 3) is not specifically explained. The applicant has established a policy-based justification, but it is weak in certain aspects. There is a discussion about health, but none about safety and general welfare.**
- B. Stability of land use and zoning is insufficiently addressed. Staff agrees that there are a variety of land uses in the area, but the task is to explain how the proposal would contribute to stability of land use and zoning. The applicant states that the project will exceed its parking requirements on site. Staff finds that this is incorrect, and would like an explanation of how parking relates to stability of land use and zoning. The burden is on the applicant to show why the requested zone change should be made.**
- C. The applicant states that the proposed zone change will not conflict with existing City plans and policies, but furthers them. In most instances, the explanation of *how* the request furthers each cited policy and goal is acceptable. In other instances, the explanation is not well-developed because key elements contained in the policy or goal are insufficiently addressed (see A above).**
- D. The applicant cites changed community conditions and more advantageous to the community as reasons that render the existing zoning inappropriate. The approval of a conditional use for the Silver Hill Lofts created a relatively recent changed condition, but what is the logical nexus between this change and how it affects the subject site, making it appropriate? The underlying zoning for the Silver Hill Lofts is straight C-2 so the development had to adhere to Zoning Code requirements regarding, for instance, height, parking and open space. Straight zoning does not allow for as large a departure from**

surrounding conditions as SU-1 zoning can, since SU-1 zoning is linked to a specific site development plan that is reviewed by the EPC at a public hearing.

- E. The applicant did not fully address the permissive uses in the PRD zone as required in Section E, but stated that the proposed zone change from a parking lot land use would not be harmful to adjacent properties, the neighborhood or the community. The applicant did not discuss the fact that the SU-1 PRD zoning category allows limited office (O-1) and commercial (C-1) uses up to 25% of the development.**
- F. Staff acknowledges the applicant's statement that the proposed development will not require any major or unprogrammed capital expenditures by the City.**
- G. Staff acknowledges the applicant's statement that economic considerations are a factor in this proposal, but are not the determining factor. Economic considerations may come into play when determining the appropriate scale of the project via the site development plan review process, which is linked to the SU-1 zone.**
- H. Staff agrees that the subject site is not located on a designated collector or major street, yet several important arterials are within short walking distance.**
- I. Staff does not agree that the proposed SU-1 PRD zoning is needed to implement a project consistent with applicable plans and goals; such consistency can be achieved through other zones in addition to SU-1 PRD. In general, SU-1 zoning creates justified "spot zones" because a site development plan is required as part of the EPC process though there is no other SU-1 zoning in the immediate area. Existing SU-2 categories in the Sector Development Plan may allow for a similar project, but with less density.**
- J. Staff agrees that this zone change request would not result in strip commercial zoning. The proposed project is for a residential use.**

With R270-1980 in mind, and the applicant's five reasons justifying the proposed zone change, Staff finds the following:

- 1. The applicant states that the proposed project is consistent with Goals and policies in existing Plans. Staff finds that the proposal furthers some policies and goals in a general sense, but that the proposal conflicts significantly with other policies and goals when considering the proposal's specifics. Because the request is for SU-1 zoning, the proposal's specifics as shown on the associated site development plan are inextricably linked to the zone change request. Therefore, issues such as building height and mass become an integral part of the zone change discussion.**
- 2. The applicant states that the proposed zoning will be beneficial to the community. Staff is not entirely convinced that the resulting development would be more advantageous to the all of**

the community. In a general sense, the increased pedestrian activity and promotion of “green” ideas are indeed good for the community. However, it is critical to consider who would benefit. Staff believes that those who would benefit most from the proposed development would be future residents who are likely to be involved with the nearby colleges. Some members of the existing community may benefit by having friends in closer proximity. Other members of the community, specifically those in the affected neighborhood, may not benefit and may be adversely affected by traffic, parking problems and noise.

Benefit to the community is both objective when applying Comprehensive Plan Goals and policies and subjective when addressing views and concerns expressed by members of the community. Both approaches should be considered and weighed in any zone change decision.

3. The applicant states that the proposed SU-1 PRD zoning is needed to implement a project that is consistent with applicable plans and goals. Staff points out that it is possible to implement a project, consistent with applicable plans and goals, using other zoning categories. Consistency with applicable plans and goals is not a unique feature to the SU-1 zone; what is unique about SU-1 zoning is that a site development plan is required and is linked to the zone change request. An explanation of why, specifically, SU-1/PRD zoning is needed has not been explicitly provided. Nor is there information regarding why other zoning categories, especially those available in the UHSDP, were not considered or are inappropriate.
4. Regarding changed community conditions, Staff is not entirely convinced that they render the existing zoning inappropriate. While the approval of a conditional use for the Silver Hill Lofts is significant, it appears to be one of the few things that has changed relatively recently in the neighborhood. When the Silver Hill Lofts project was granted a conditional use, the ZHE stipulated as a condition that parking shall be provided on the subject site. This probably seemed logical at the time since the P-R zoned parking lot was available for residents to use. Therefore, one can argue that the changed condition of developing the Silver Hill Lofts made the parking lot on the subject site more necessary than before.
5. Staff finds it laudable that the proposed building would be the first LEED certified residential building in New Mexico and does not dispute the importance of supporting green building and environmental sustainability. What Staff questions, however, is the use of LEED certification as a way to justify a zone change request. The zone change request is inextricably tied to the site development plan, since SU-1 zoning is being requested. While it is true that site development plan factors enter this discussion, pursuing LEED certification is one of many relevant factors and should be considered in the context of the proposal as a whole.

Staff Conclusion:

Overall, Staff concludes that the zone change has not been adequately justified. Though the explanation of how some policies are generally furthered is satisfactory in some instances, when considering the specifics of the proposal other, equally applicable policies are not likely to be furthered. While the idea of residential development on the subject site does not seem

inconsistent with relevant goals and policies, the fact is that the proposed zone change is linked to a site development plan with a specific use which may be too intense for the subject site's location, regardless of LEED construction.

III. SITE DEVELOPMENT PLAN FOR BUILDING PERMIT- proposed boundary modifications

The proposal includes proposed modifications to the subject site's boundaries. First, the lot line separating the subject site (which consists of Lot 1 and Lot 2) is proposed to be eliminated with the current proposal.

Second, right-of-way (ROW) on the subject site's western, northern and eastern sides is proposed to be vacated as follows: 5 ft. on the western side (Terrace St.), 4 ft. on the northern side (Gold Ave.), and 5 ft. on the eastern side (Buena Vista Dr.). On the western and eastern sides, the existing sidewalk and drive pads, as well as the landscape strips between the street and the sidewalk, are proposed for removal. Vacating the public ROW will allow more area on the subject site to be available for the proposed building. The subject site's area is approx. 0.38 acres. With the proposed vacation, its area would be approx. 0.42 acres.

IV. SITE DEVELOPMENT PLAN FOR BUILDING PERMIT

The proposed site development plan for building permit is for a multi-family residential building, consisting of four stories with a basement and a smaller rooftop story, for a total of five stories which accommodate 51 residences ranging from approx. 650 sf to 1250 sf.

Site Plan Layout / Configuration

The proposed building envelope takes up the entirety of the subject site and additional right-of-way (ROW). The proposed ROW vacation (see above) is needed to ensure that there is sufficient space for the proposed building. The residences are located on every floor, including the ground floor where some parking is also found. Most parking is on the basement floor. Vehicular entrances and pedestrian/bicycle entrances are on the western and eastern sides.

Refuse Enclosure: The dumpster is located on the ground floor, in the southwestern corner of the parking area. A future recycle bin is proposed. Details such as color, finish and height have not been provided in the refuse enclosure detail but are needed. The Solid Waste Management Division (SWMD) is requiring the recycle bin, which needs to be included now and not in the future.

Walls/Fences

No perimeter wall is proposed since the building is very close to the street. A concrete wall is proposed on the north, east and west elevations. On the south elevation there is no wall. The color and finish of the wall need to be specified. On the north elevation, the wall is between the ground-floor residences and the sidewalk. On the east and west elevations, the wall is next to the entrances.

Vehicular Access, Circulation & Parking

Access & Circulation: There are two vehicular entrances, one on the west elevation (from Terrace St.) and the other on the east elevation (from Buena Vista Dr.). Vehicles cannot enter the building from Gold Ave. (the north elevation) or from the alley (the south elevation). Once a vehicle enters, it can circulate on the ground floor or go down into the basement floor to look for parking.

A Traffic Impact Study (TIS) was not required.

Parking-Official Decisions: Parking provision on the subject site is linked to the site across the street to the north, 2001 Gold Ave. Upon granting a special exception (02ZHE 00217) to allow a residential use in a C-2 zone (see attachment), the Zoning Hearing Examiner (ZHE) specified the following as one of the conditions of approval: the parking requirement for 2001 Gold Ave. must be met on the subject site, which is zoned P-R for parking reserve and is intended to provide parking for other lots (see Zoning section of this report). The applicant is prohibited from removing the parking requirement from the subject site and must provide *up to* 26 spaces.

The Board of Appeals (BOA) decision to uphold the ZHE decision also contains conditions, and a very significant language modification. The parking condition states that “the applicant is to provide opportunities for *a minimum of* 26 spaces if the property is developed fully at 17 residential units” (see attachment). Therefore, because the Silver Hill Lofts were developed at 17 residential units (and two offices), a minimum of 26 spaces for the Silver Hill Lofts (at 2001 Gold Ave.) are required to be provided on the subject site (2000 Gold Ave.) in its “parking reserve” capacity.

Parking Provision: The underlying zoning at 2001 Gold Ave. site is C-2. Parking requirements, found in Zoning Code §14-16-3-1, state that 1.5 spaces/bath are required for dwellings < 1000 sf and 2 spaces/bath are required for dwellings > 1000 sf. 14 units are less than 1000 sf and 3 are more. Therefore, 21 spaces are required for the 14 units and 6 spaces for the 3 units, for a total of 27 required parking spaces for the Silver Hill Lofts. The proposed site development plan indicates that 17 spaces are required, which is incorrect as Staff verified with Zone Code Services. Therefore, 27 of the parking spaces on the subject site must be for 2001 Gold Ave., which is 1 space more than the minimum requirement of 26 spaces as specified in the Board of Appeals decision.

Because SU-1 zoning is requested, parking is as determined by the EPC. However, Staff has checked the parking calculations, using Zoning Code requirements, and has found them to be incorrect. Of the 51 units proposed at 2000 Gold Ave., 6 are > 1000 sf and 45 are < 100 sf. Therefore, 6 x 2 spaces/bath = 12 spaces and 45 x 1.5 spaces/bath = 67.5 (68) spaces for a total of 80 required spaces. This figure could not have been calculated using 1 space/bath as stated on the site plan.

What happened is that the parking requirement listed for the Silver Hill Lofts (zoned C-2), 17 spaces, was added to the 63 that are proposed to be provided for 2000 Gold Ave., resulting in 80 spaces. Less 8 spaces for a Transit discount (10%) leaves 72 spaces required. Of these, 4 must be handicap. The required 4 motorcycle spaces are required in addition to parking spaces.

The proposed project needs 72 spaces to meet its Zoning Code parking requirement and 27 spaces are needed for 2001 Gold Ave. This means that 99 spaces total (not 80, or 72 with a Transit discount) would have to be provided on the subject site to accommodate both projects, if Zoning Code requirements are adhered to. Keep in mind that the Silver Hill Lofts site is not zoned SU-1, so its parking requirement is based on the underlying C-2 zone.

On-street parking is shown on Terrace St., Gold Ave. and Buena Vista Dr. The applicant states that 9 on-street parking spaces will be used to meet the requirement for the Silver Hill Lofts. Staff points out that the Board of Appeals (and ZHE) decisions stipulate that parking for the Silver Hills Lofts must be met *on the subject site*, not outside of it by using parking spaces available to the public.

Pedestrian and Bicycle Access and Circulation, Transit Access

Pedestrian & Bicycle Access & Circulation: There are sidewalks on all sides of the building except the south, where there is an alley and no building access. Pedestrian access is provided on the proposed building's western and eastern elevations and is separate from the vehicle entrance, which will help provide pedestrian safety. One can walk from one pedestrian entrance to the other, through the ground floor. However, because the entrance has stairs, bicyclists will have to carry their bikes to access the building. Bicycle parking is provided near these entrances. The upper stories can be accessed by the two stairwells or by elevator.

Transit Access: The Comprehensive Plan designates Central Ave. as a Major Transit Corridor at this location. The subject site is easily accessible by Transit, though no Albuquerque Ride routes pass it directly. Two transit routes run along Central Ave. There are also routes that run along University and Yale Blvds., which are both in the vicinity.

Transit access is correlated to pedestrian and bicycle access. From the proposed development, future residents would be able to readily access several routes since the stops are within short walking distance.

Lighting & Security

A photometric plan, which contains illuminance values, and a site lighting detail sheet are provided. No light poles are proposed. Instead, lighting is provided by wall-packs mounted at the 36 ft. level on all of the proposed building's elevations except for the south elevation, which faces the alley. The wall-pack fixtures are trapezoid shape, high-pressure sodium and have a full cut-off.

Security lighting is proposed for the south elevation, mounted at the 12 ft. level. The greatest average illuminance value (20.89) is for the parking garage. Other average illuminance values are 7.23 at the alley and 4.96 at the sidewalk. The parking garage has the strongest lighting, which will help provide security.

Landscaping Plan

Scope & Intent: Landscaping is proposed on the ground floor, the fourth floor and the top floor (a roof garden). The landscaping plan focuses on LEED strategies to achieve sustainability and water reduction. Therefore, the plant palette consists of all low water use plants and many of the same

species, used in different ways, on all landscaped floors. No turf is proposed. No landscaping is proposed on the second and third floors. Irrigation will be a drip system.

Trees & Plants: The ground floor landscaping includes street trees along Gold Ave. The existing Chinese Pistache trees will be re-used, and one will be added. Two Desert willow, a large multi-trunk shrub, are proposed on the Terrace St. and Buena Vista Dr. sides, and a Western redbud is proposed for the southeastern corner. Trees are not included for the roof garden.

Plants used repeatedly in the landscape plan include Purple threeawn (an ornamental grass), gramma grass, ricegrass and ice plant. The ground floor landscaping also includes Trumpet vine on the east and west sides. There is no landscape on the building's southern side. Sand penstemon, cinquefoil and deer grass round out the ground floor plant palette. Two water features are also proposed on the ground floor. On the fourth floor, landscaping is proposed around the perimeter. Plants include Ocahui agave, Arizona rosewood and four types of ornamental grasses.

The rooftop garden features the greatest variety of proposed landscape. The idea is to create a "green roof" that will increase the building's energy efficiency. There is a small common area, around which are clusters of plantings of agave (mescal), two types of opuntia, four types of grasses, ice plant and assorted perennials. Staff suggests adding more perennials, since this planting area seems to be the sparsest. It is unclear if there is a wall around the common area. It appears that there is no separation between the path to the stairway and the plants. Separation may be needed to discourage people from wandering around in the roof garden, which appears to not be intended for foot traffic.

Requirements: Zoning Code §14-16-3-10, Landscaping Regulations Applicable to Apartment and Non-Residential Development, applies to the proposed residential development. It appears that the requirement for 75% coverage with living, vegetative materials has been met overall though in places the plantings appear a bit sparse.

The landscape calculations are difficult to verify because it is unclear what was included in the building area calculation. This work needs to be shown. Also, based on information on Sheet 1, Staff calculates a different site area, and therefore gets 1960sf for the required 15% landscape. 1794sf is listed. Also, it is confusing since the landscaping plan lists 64% landscape provided (7729 sf) and lists 6776 sf as provided landscape. The landscape calculations need to be redone.

Grading & Drainage Plan

The subject site has very little grade, though generally it slopes down 1 ft. from northeast to northwest and up 0.5 ft. from northeast to southwest. Some finished floor elevations are 5153 ft. and 5152 ft. The subject site does not accept any off-site flows. The use of the proposed "green roof" will reduce runoff from the subject site from 1.77 cfs to 1.47 cfs by harvesting water.

Utility Plan

The proposed building will connect to existing infrastructure. A new sanitary sewer line will connect to the existing line on Buena Vista Dr. Two new water service lines will connect from Gold Ave. New fire hydrants are proposed near the subject site's northeastern and northwestern corners.

Architecture & Design

The proposed building is generally a rectangular shape, with a smaller fourth story and fifth story used as a roof garden. The design can be considered contemporary and not characteristic of any location. The mass is broken up by balconies on all elevations and the use of different colors. Overhangs, windows and openings on the ground floor also provide contrast to the building's basic rectangular shape.

The proposed building is stucco-finished in three colors: tan, light mustard and medium grey. Tan is the main color and the other two are accent colors. The grey is used on all elevations and is predominant on the southern elevation. The light mustard is used to a lesser degree on the western and northern elevations. The windows, doors, awnings and railings are dark brown. Staff wonders why a lighter color was not chosen given the proposal's focus on energy conservation. Wooden slats are used around both pedestrian entrances. Staff points out that real wood is often difficult to keep up in a desert climate and could become a maintenance problem.

Height & Intensity

The proposed building, consisting of 4 stories, a basement level and a rooftop level, is 51 ft. tall at the parapet. The stairwell and elevators on the rooftop extend 7 more ft., for a height of 58 ft. over a limited area. At 51 ft., the proposed building is taller than other nearby buildings. The 2001 Gold residential building is 26 ft., as allowed in the underlying C-2 zone. The majority of single-family homes in the area are one stories, with a typical height of 18 ft. or so. In the SU-1 zone, however, the EPC has discretion regarding building height (see Zoning section of this report for more information).

51 dwelling units are proposed, ranging from 650 to 1250 sf. The ground floor has 6 units, the second and third floors each have 18 units and the fourth floor has 9 units, for a total of 51. The subject site, approx. 0.4 acre, is proposed to be approx. 0.42 acre provided the ROW is vacated as requested. Staff calculates density as follows: if 0.42 acres has 51 units, then 1 acre has 121.43 units (51/.42). Therefore, the proposed density on the subject site is approx. 122 DU/acre.

Signage

The same, 14 sf. building mounted sign is proposed on the building's western and eastern elevations. The sign, of raised aluminum letters, says "2000 Gold" and gives the address. The only other signage are the 5 units' numbers (8 in. raised aluminum) on the building's north elevation.

Open Space

Open space was a major neighborhood concern as indicated in the Board of Appeals and ZHE decisions for the Silver Hills Lofts across the street. For an SU-1 zone, open space is required for areas that are *not* designated as Redeveloping or Established urban. The subject site is in the Central Urban area, which references the Developing and Established Urban area. Though open space is not specifically required in this case, the EPC has discretion. Also, public outdoor space is not required since Zoning Code §14-16-3-18, General Building and Site Design Regulations for Non-Residential Uses, does not apply to residential uses.

The open space calculations requested by Staff have been provided. The calculations indicate that there is 13,808 sf of open space provided (271 sf per unit). Though not obvious how the numbers were arrived at (work is not shown), Staff figures that common areas and private balconies are both included as allowed by the definition of Usable Open Space (Zoning Code §14-16-1-5, Definitions). Staff points out that the areas around the stairwell and elevator shaft are counted as common area, and wonder if the intent is for people to gather there.

Concerns of Reviewing Agencies/Pre-Hearing Discussion

City departments and other interested agencies reviewed this application from 9/10/07 to 9/21/07. The applicant attended the pre-hearing discussion meeting on September 26, 2007.

Few agency comments were received. The Advance Planning Division commented that the proposed zoning will allow development of a high-density infill housing product, which is encouraged along transit corridors. However, the density is significantly higher than the surrounding areas. The green roof is an innovative addition. The Solid Waste Management Division (SWMD) commented that a recycling bin is needed.

Neighborhood Concerns

The neighborhood association required to be notified is the Silver Hills Neighborhood Association (NA). The University Heights NA, to the east, was provided with a courtesy notification via first class mail. The University Neighborhoods Sector Plan requires that the Sycamore NA be notified.

A non-facilitated meeting to unveil the proposed project was held on August 21, 2007. A presentation was given to introduce neighbors to the project. The applicant reports that concerns include scale, parking, and hiding mechanical equipment (see attachment). Some felt that the proposal was preferable to the existing parking lot.

Staff has received several letters from residents, mostly in the Silver Hill area, and nearby property owners (see attachments). All of the letters, except for one, indicate opposition to the proposed project. Residents are concerned about density, size (height and mass), parking, traffic and impact on the neighborhood's historic character. Some generally favor development of the parking lot, but not with this particular proposal. The letter of support mentions green standards, infill and redevelopment as generally desirable for the area.

A facilitated meeting was held late in the process, on October 9, 2007 (see attachment). Members of the SHNA and the UHNA, and other parties, attended. Neighbors expressed concern regarding density, building height, neighborhood character and parking. While there was agreement about the benefits of LEED certified buildings, the general sentiment was that the proposed density and building height are quite intense for the surrounding neighborhood and don't match its historic character.

Conclusion

This proposal is for a sector development plan map amendment and a site development plan for building permit for an approx. 0.4 acre site on Gold Ave. SE. The applicant proposes to change the

subject site's zoning from SU-2 PR (Parking Reserve) to SU-2 for SU-1 PRD (Planned Residential Development) in order to develop a residential project of 51 homes (4 stories).

The subject site lies within the boundaries of the Central Urban area and the University Neighborhoods Sector Development Plan area, and is not located in a designated Activity Center. Overall, Staff finds that the proposal partially furthers applicable Goals and policies in a general sense, but not in terms of site development plan specifics. This is critical because, when requesting SU-1 zoning, a site development plan is a required component of the request.

Staff finds that the sector development plan map amendment has not been adequately justified. The applicant has not demonstrated that the proposed zone change is warranted based on being more beneficial to the community, and has not developed an acceptable nexus between changed community conditions and the proposal.

A facilitated meeting was held on October 9, 2007. Staff has received many letters of opposition and one of support. Staff recommends denial of the sector development plan map amendment and the associated site development plan for building permit.

FINDINGS -07EPC 40052, October 18, 2007- Sector Development Plan Map Amendment

1. This request is for a sector development plan map amendment for an approximately 0.4 acre site located on Gold Avenue SE, about one block south of Central Avenue, between Terrace Street and Buena Vista Drive. A request for a site development plan for building permit (07EPC-40054) accompanies this request.
2. The applicant proposes to change the subject site's zoning from P-R (Parking Reserve) to SU-2 for SU-1 PRD (Special Use Zone, Planned Residential Development) in order to develop a multi-story (51 foot) multi-family residential building.
3. The subject site is located within the boundaries of the University Neighborhoods Sector Development Plan, which uses SU-2 zoning to indicate sector plan control of sites within its boundaries. A change of zoning would affect the sector plan's zoning map. Therefore, this request is for a sector development plan map amendment as opposed to a zone map amendment.
4. The proposal *does not further* the following relevant Comprehensive Plan policies:
 - A. Land Use Policy II.B.5d— The proposed building would be about twice as tall as the condominiums across the street and would appear out of scale at this location, adjacent to an established neighborhood of mostly single-family homes. Neighbors are concerned about height and scale.
 - B. Land Use Policy II.D.5h— The subject site is not in a designated Activity Center and the proposed building would not face similar or higher density development. Nor would it provide a transition with existing adjacent uses.
 - C. Housing Policy II.B.7.i—The proposed multi-unit housing is appropriate inside of a designated Activity Center, but the subject site is not located in an designated Activity Center.
5. The Activity Centers Goal of the Comprehensive Plan is *not furthered*. The subject site is not located in a designated Activity Center, but is outside of the boundaries of the University of New Mexico (UNM) Major Activity Center. Higher density, multi-family development is intended to occur within designated Activity Centers.
6. The Transportation and Transit Goal of the Comprehensive Plan is *partially furthered*. Density housing generally encourages the usage of non-vehicle transportation modes. However, the Goal also

calls for providing sufficient roadway capacity; it is unknown if capacity on the adjacent streets would be sufficient given the proposal's density.

7. The proposal *does not further* Goal 2 of the University Neighborhoods Sector Development Plan, which is to conserve and renew the unique qualities of the neighborhood. The Silver Hill neighborhood's history makes it unique. The neighborhood mixed residential character could be considered as being renewed, though the proposal would change the way in which small, single family homes have historically defined the area.

8. The proposal *partially furthers* some relevant policies and Goals in a general sense when considering the sector development plan map amendment. However, because SU-1 zoning is being requested, a site development plan is a required component of the request. The associated site development plan for building permit (07EPC-40054) addresses specifics such as height, density and parking which contribute to not furthering applicable policies and Goals that are furthered in a broad sense (ex. Land Use Policies II.B.5a and e, Transportation and Transit Policy II.D.4c and UNSDP Goal 3).

9. The applicant has not adequately justified the zone change request pursuant to Resolution 270-1980:

- A. Section A: Most of the explanations of how applicable Goals and policies relate to the request are acceptable, though others could have been more thoroughly elaborated upon. The applicant has not demonstrated that the proposed development is consistent with the City's health, safety, morals and general welfare, particularly for the adjacent residential neighborhood.
- B. Section B: Stability of land use and zoning is insufficiently addressed. An explanation of how the proposal will contribute to land use stability in the area, especially the adjacent residential neighborhood, is lacking. The burden is on the applicant to provide the rationale.
- C. Section C: In some instances, the explanation of *how* the request furthers each cited policy and goal is acceptable. In other instances, the explanation is not well-developed because key elements of the policy or goal are insufficiently addressed.
- D. Section D: The applicant's explanation fails to show how changed community conditions and being more advantageous to the community render the existing zoning inappropriate. The approval of a conditional use for the Silver Hill Lofts created a changed condition, though overall the area has changed little. It has not been demonstrated how the proposal would be more advantageous to the existing, surrounding neighborhood.
- E. Section E: The applicant does not fully address the permissive office and commercial uses in the PRD zone, but merely states that the proposed zone change from a parking lot land use would not be harmful to adjacent properties, the neighborhood or the community.

- F. Section F: The development will not require any major or unprogrammed capital expenditures by the City.
- G. Section G: Economic considerations are a factor, but are not the determining factor. Economic considerations come into play when determining the scale of the project through the associated site development plan.
- H. Section H: the subject site is not located on a designated collector or major street, yet several important arterials are within short walking distance.
- I. Section I: The requested zoning is not needed to implement a project consistent with applicable plans, goals and policies; such consistency can be achieved through other zone categories that already exist in the University Neighborhoods Sector Development Plan. SU-1 zoning creates justified “spot zones” because a site development plan is a required part of the EPC process.
- J. Section J: this zone change request would not result in strip commercial zoning. The proposed project is for a residential use.

10. While the idea of residential development on the subject site does not seem inconsistent with relevant goals and policies, the fact is that the proposed zone change is linked to a site development plan with a specific use which may be too intense for the subject site’s location, regardless of LEED construction.

11. A facilitated meeting was held on October 9, 2007. The affected neighborhoods are the Silver Hills Neighborhood Association (NA), the University Heights NA and the Sycamore NA. The neighborhoods generally oppose the proposal on the grounds that it is too dense for its location. Staff has received several letters of opposition and one letter of support.

RECOMMENDATION - 07EPC 40052, October 18, 2007

DENIAL of 07EPC 40052, a request for a sector development plan map amendment from P-R to SU-2 for SU-1 PRD for Lots 1 & 2, Terrace Addition and the south 10 ft. vacated Gold Avenue adjacent, located on Gold Avenue SE, based on the preceding findings.

FINDINGS -07EPC 40054, October 18, 2007-Site Development Plan for Building Permit

1. This is a request for a site development plan for building permit for an approximately 0.4 acre site located on Gold Avenue SE, about one block south of Central Avenue, between Terrace Street and Buena Vista Drive.

2. A request for a sector development plan map amendment (07EPC-40052) accompanies this request. The sector development plan map amendment request has not been adequately justified.

3. The proposal *does not further* the following relevant Comprehensive Plan policies:
 - A. Land Use Policy II.B.5d— The proposed building would be about twice as tall as the condominiums across the street and would appear out of scale at this location, adjacent to an established neighborhood of mostly single-family homes. Neighbors are concerned about height and scale.

 - B. Land Use Policy II.D.5h— The subject site is not in a designated Activity Center and the proposed building would not face similar or higher density development. Nor would it provide a transition with existing adjacent uses.

 - C. Housing Policy II.B.7.i—The proposed multi-unit housing is appropriate inside of a designated Activity Center, but the subject site is not located in an designated Activity Center.

4. The Activity Centers Goal of the Comprehensive Plan is *not furthered*. The subject site is not located in a designated Activity Center, but is outside of the boundaries of the University of New Mexico (UNM) Major Activity Center. Higher density, multi-family development is intended to occur within designated Activity Centers.

5. The Transportation and Transit Goal of the Comprehensive Plan is *partially furthered*. Density housing generally encourages the usage of non-vehicle transportation modes. However, the Goal also calls for providing sufficient roadway capacity; it is unknown if capacity on the adjacent streets would be sufficient given the proposal's density.

6. The proposal *does not further* Goal 2 of the University Neighborhoods Sector Development Plan, which is to conserve and renew the unique qualities of the neighborhood. The Silver Hill neighborhood's history makes it unique. The neighborhood mixed residential character could be

considered as being renewed, though the proposal would change the way in which small, single family homes have historically defined the area.

7. The proposal *partially furthers* some relevant policies and Goals in a general sense when considering the sector development plan map amendment. However, because SU-1 zoning is being requested, a site development plan is a required component of the request. The associated site development plan for building permit (07EPC-40054) addresses specifics such as height, density and parking which contribute to not furthering applicable policies and Goals that are furthered in a broad sense (ex. Land Use Policies II.B.5a and e, Transportation and Transit Policy II.D.4c and UNSDP Goal 3).

8. The accompanying zone map amendment request (07EPC 40052) is not justified or supportable pursuant to the policies and criteria of R270-1980.

9. The parking requirement for the nearby 2001 Gold Avenue development must be met on the subject site. This was a condition of the Zoning Hearing Examiner's (ZHE) decision to grant a conditional use to allow a residential use in a C-2 zone (02ZHE 00217). The Board of Appeals (BOA) decision to uphold the ZHE decision states that "The applicant is to provide a minimum of 26 spaces if the property is developed fully at 17 residential units", which is the case. The applicant is prohibited from removing the parking requirement from the subject site. A Traffic Impact Study (TIS) was not required.

10. Because SU-1 zoning is requested, parking is as determined by the EPC. However, Staff checked the parking calculations and found that the proposed project would need 72 spaces to meet its normal, on-site Zoning Code parking requirement. 27 spaces are required for 2001 Gold Avenue, for a total of 99 spaces (not 72) needed to accommodate both projects.

11. The proposed building, at 51 feet, would be significantly taller than the nearby 2001 Gold Avenue development (26 feet) to the north and the existing one story single-family homes and apartments in the immediate area.

12. A facilitated meeting was held on October 9, 2007. The affected neighborhoods are the Silver Hills Neighborhood Association (NA), the University Heights NA and the Sycamore NA. The neighborhoods generally oppose the proposal on the grounds that it is too dense for its location. Staff has received several letters of opposition and one letter of support.

RECOMMENDATION - 07EPC 40054, October 18, 2007

DENIAL of 07EPC 40054, a site development plan for building permit for Lots 1 & 2, Terrace Addition and the south 10 ft. vacated Gold Avenue adjacent, located on Gold Avenue SE, based on the preceding findings.

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

cc: 2001 Gold Avenue LLC, P.O. Box 7897, Albuquerque, NM 87194
Consensus Planning, Inc., 302 8th St. NW, Albuquerque, NM 87102
Bill Cobb, Silver Hill NA, 1701 Silver Ave. SE, Albuquerque, NM 87106
Gordon Reiselt, Silver Hill NA, 1575 Silver SE, Albuquerque, NM 87106

AGENCY COMMENTS

➤ **The following agencies did not review or comment on Project #1006822:**

City of Albuquerque

Environmental Health, Air Quality Division
Environmental Health, Env. Services Division
Environmental Health, City Forrester
Fire Department, Planning
Parks & Recreation, Planning and Design
Police Department/Planning
Transit Department

Other

Albuquerque Public Schools (APS)
Bernalillo County
Middle Rio Grande Conservancy Dist (MRGCD)
Mid-Region Council of Governments (MRCOG)
Public Service Company of New Mexico

➤ **The following City of Albuquerque Departments reviewed and commented on Project #1006822:**

Planning, Zoning Code Services

Reviewed, no comments.

Planning, Office of Neighborhood Coordination

Silver Hill NA (R)

9/10/07 – Recommended for Facilitation – siw

9/11/07 – Assigned to Seth Cohen

Planning, Advance and Urban Design

The proposed zone will allow the development of an infill housing product at high density. The infill and higher density are encouraged along transit corridors such as Central. However, the density on this project is significantly higher than in the surrounding areas.

The green roof is an innovative addition.

Parks & Recreation, Open Space Division

Open Space has no adverse comments.

Solid Waste Management Dept., Refuse Division

Approved on condition, will have 2-4 yard lift bins on casters for refuse trash and 1 recycle bin. Call for details, 761-8142.

City of Albuquerque Public Works Department

Transportation Development (City Engineer/Planning Department):

- All the requirements of previous actions taken by the EPC and/or the DRB must be completed and /or provided for.
- The Developer is responsible for permanent improvements to the transportation facilities adjacent to the proposed site development plan. Those improvements will include any

additional right-of-way requirements, paving, curb and gutter, sidewalk and ADA accessible ramps that have not already been provided for. All public infrastructure constructed within public right-of-way or public easements shall be to City Standards. Those Standards will include but are not limited to sidewalks (std. dwg. 2430), driveways (std. dwg. 2425), private entrances (std. dwg. 2426) and wheel chair ramps (std. dwg. 2441).

- Additional comments may follow.
- Site plan shall comply and be designed per DPM Standards or as approved by the Traffic Engineer.

Hydrology Development (City Engineer/Planning Department):

- The Hydrology Section has no adverse comments regarding the Site Development Plan – Building Permit request.
- The Hydrology Section has no adverse comments regarding the Sector Development Plan map amendment.

Transportation Planning (Department of Municipal Development):

- 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.

Utility Development (Water Authority):

- No comments received.

Water Resources, Water Utilities and Wastewater Utilities (Water Authority):

- No comments received.

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 Amendment and Site Development Plan for Building Permit shall include:

- A. All the requirements of previous actions taken by the EPC and/or the DRB must be completed and /or provided for.
- B. The Developer is responsible for permanent improvements to the transportation facilities adjacent to the proposed site development plan. Those improvements will include any additional right-of-way requirements, paving, curb and gutter, sidewalk and ADA accessible

ramps that have not already been provided for. All public infrastructure constructed within public right-of-way or public easements shall be to City Standards. Those Standards will include but are not limited to sidewalks (std. dwg. 2430), driveways (std. dwg. 2425), private entrances (std. dwg. 2426) and wheel chair ramps (std. dwg. 2441).

- C. Additional comments may follow.
- D. Site plan shall comply and be designed per DPM Standards or as approved by the Traffic Engineer.
- E. Platting must be a concurrent DRB action.

➤ **The following agencies reviewed Project #1006822:**

Abq. Metropolitan Arroyo Flood Control Authority (AMAFCA)
Reviewed, no comment.