



**Environmental
Planning
Commission**

**Agenda Number: 5
Project Number: 1006862
Case #'s: 07EPC 40063
November 15, 2007**

Staff Report

Agent	Center City Evangelical Free Church
Applicant	Center City Evangelical Free Church
Request	Sector Plan Map Amendment
Legal Description	Lots 1-6 & 13-18, Block 1, Baca Addition
Location	2 nd St SW between Santa Fe SW and Pacific Ave SW
Size	Approximately .69 acre
Existing Zoning	SU-2/RG
Proposed Zoning	SU-2/O-1

Staff Recommendation

DENIAL of 07EPC 40063, based on the findings on page 13.

Staff Planner

Randall Falkner, Planner

Summary of Analysis

The request is for a sector plan map amendment for all or a portion of Lots 1-6 & 13-18, Block 1, Baca Addition, a site of approximately 0.69 acre located on 2nd and 3rd Streets SW between Santa Fe Ave SW and Pacific Ave SW. The applicant proposes to change the subject site's zoning from SU-2/RG to SU-2/O-1 in order to locate the Center City Evangelical Free Church. The site is within the boundaries of the Barelás Sector Development Plan.

The applicant has not adequately justified this request per the requirement of R270-1980. There is neighborhood opposition to this request. Staff recommends denial of this request.

Location Map (3" x 3")

City Departments and other interested agencies reviewed this application from 10/8/2007 to 10/24/2007. Agency comments were used in the preparation of this report and begin on page 17.

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/RG	Central Urban Area; Barelas Sector Development Plan; Barelas Neighborhood Commercial Area Revitalization Plan	Commercial: Retail, Parking, Vacant
<i>North</i>	same	same	Vacant
<i>South</i>	same	same	Single Family
<i>East</i>	SU-2/HM	same	Transportation Facility (Santa Fe Rail Yard)
<i>West</i>	SU-2/RG	same	Single Family

Request & Context

The request is for a Sector Plan map amendment for all or a portion of Lots 1-6 & 13-18, Block 1, Baca Addition, a site of approximately 0.69 acre located on 2nd and 3rd Streets SW between Santa Fe Ave SW and Pacific Ave SW. The applicant proposes to change the subject site's zoning from SU-2/RG to SU-2/O-1 in order to locate the Center City Evangelical Free Church (CCEFC).

The subject site is located in the Central Urban area of the Albuquerque/Bernalillo County Comprehensive Plan and within the Barelas Sector Development Plan area, which was adopted in 1993. The site is currently vacant with abandoned buildings and associated parking. Previously, the site operated as a bar with package liquor sales. Five years after adoption of the Barelas Sector Plan (1998), the package liquor sales use became illegal and was required to close. The bar continued to operate as an approved conditional use per the Barelas Sector Plan. The bar closed its operation in May 2004. According to Zoning Enforcement, 365 days after the A & P Bar closed down the approved conditional use became void.

To the east of the subject site is the Santa Fe Rail Yard. To the west and south of the subject site are single-family homes, while the area north of the subject site is currently vacant, but is beginning to be developed with residential housing.

History & Background

The Barelas neighborhood is one of the oldest established neighborhoods in Albuquerque. Zoning in Barelas was established in 1959. Much of the area was zoned for more intensive uses than what the current land use shows. Zoning history maps show that the Barelas neighborhood was zoned for high density uses in the interior and for heavy commercial uses along the periphery of the neighborhood. At that time, it was expected that Downtown would require

room for expansion into adjacent neighborhoods such as Barelás. The anticipated expansion, however, never occurred and much of the residential development was left with intensive, inappropriate zoning patterns. The adoption of the 1976 Sector Development Plan implemented SU-2 zoning for the whole area. This allowed special zoning categories which were tailored to the unique characteristics of Barelás. These zones were amended in 1978 and 1981. Existing zoning categories are unique to the Barelás area, and include special requirements for use, lot size, setbacks, parking, etc.

The 1993 Barelás Sector Development Plan update recommended several amendments to the existing SU-2 Zoning to make zoning more parallel to the existing development in areas where land use and zoning are not compatible. The zoning from the 1993 Sector Plan update is designed to help stabilize the residential areas by allowing for more single-family oriented development, with special requirements for smaller lot sizes, parking, etc., to make allowances for development patterns unique to the area. The commercial zoned areas allows for economic growth, particularly along South Fourth Street. These commercially zoned areas already contain successful commercial businesses and encouragement of these areas will build on the existing development patterns.

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.

Both 2nd and 3rd Streets are designated as Principal arterials, with a right-of-way of 124'.

Both Santa Fe Avenue and Pacific Avenue are local streets.

Public Facilities/Community Services

Transit: ABQ Ride route #54 runs one block west on Fourth Street.

Social Services: The Barelás neighborhood hosts a number of important social services, including numerous services for the homeless, children, seniors, and those without jobs. The Albuquerque Rescue Mission and The Good Sheperd Refuge (both are located a few blocks north of the subject site between 2nd and 3rd Streets along Iron Avenue SW) provide homeless services, including employment and housing assistance, educational programs, meals, and drug and alcohol rehabilitation. The St. Vincent de Paul Thrift store, which is located one block west of the subject site on Fourth Street, provides clothing assistance, and also donates furniture and household items. The Bunk House, which is located on the next block south of the proposed site, offers homeless services for men, including bunks, kitchen access, and showers. The Barelás Child Development Center (located at 1440 Iron Avenue NW) and the Centro de Amor Headstart program (located at 309 Stover Ave SW) provide daycare and child development services to low-income families. The Barelás Job Opportunity Center, located inside the National Hispano Chamber of Commerce (located on Fourth Street a few block southwest of the subject site) provides employment assistance. The Catholic Social Services of Albuquerque (at 1410 Coal

Avenue SW) provides child care, parent education, transportation, and life skills training for low income, single teen parents, and homeless families. The Barelás Senior Center and Barelás Community Center are located only a few blocks northwest of the subject site. The Senior Center provides recreational and other services for seniors, while The Community Center provides education and family skills. Hibernian Senior Housing (624 Coal Avenue SW) provides housing for seniors.

The preponderance of social services already available in the Barelás neighborhood is noteworthy because the applicant also wants to duplicate many of these same services, especially in regards to homeless and transients and day-care facilities.

APS: Dolores Gonzalez Elementary School serves the area.

Community Facilities: The Rio Grande Zoo is located in the Barelás neighborhood and attracts people from all over Albuquerque, the greater Albuquerque region, and the State of New Mexico. Tingley Park, Barelás Community Center, and the Rio Grande Pool provide recreational services for the Barelás neighborhood.

ANALYSIS OF APPLICABLE ORDINANCES, PLANS AND POLICIES

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

Albuquerque Comprehensive Zoning Code

The subject site is zoned SU-2 RG per the Barelás Sector Development Plan, which allows for single-family housing, townhouses, and low-density apartments, including accessory living quarters. The R-G zoning has two exceptions in the 1993 Barelás Sector Development Plan:

- a. Package liquor sales is not allowed as a non-conforming use, more than five years after the adoption of the plan.
- b. Existing legal non-conforming uses or uses which become non-conforming upon adoption of this plan are approved conditional uses.

These exceptions have significant bearing on the subject site because package liquor sales are no longer allowed, since more than five years have passed since the adoption of the 1993 Barelás Sector Development Plan, and since the A & P Bar has been closed for more than 365 days (it closed in 2004) the approved conditional use is now void.

The proposed zoning is SU-2/O-1 (Office and Institution) which corresponds to the O-1 Zone in the City Zoning Code and is subject to the same regulations as that zone. The applicant is proposing to develop a church under the proposed zoning, which is a permissive use under the O-1 zone. The O-1 zone allows “Church or other place of worship, including the usual incidental facilities. Incidental uses allowed include but are not limited to an emergency shelter operated by the church on the church’s principal premises which is used regularly for public worship, notwithstanding special limitations elsewhere in this Zoning Code.” Other permissive uses include, but are not limited to residential, medical or dental office, club, disciplinary or

mental institution, park-and-ride facility, photo studio, public utility structure, radio or television studio, storage structure, wireless telecommunications facility, and a parking lot.

Albuquerque / Bernalillo County Comprehensive Plan (Rank I)

The subject site is located in the area designated Central Urban by the *Comprehensive Plan*. The Central Urban Area is a portion of the Established Urban Area and as such is subject to policies in II.B.5 (Developing and Established Urban Areas) as well as those in II.B.6 (Central Urban Area). The Goal of II.B.5 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:

Land Use Policies-

Policy II.B.5a: The Developing 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.

This request will partially further this Policy by helping to increase land use variety in the area, by adding O-1 (Office and Institution Zone). The current zoning designation R-G (Residential Garden) does not allow churches. Northwest of the subject site at 4th and Stover, the Sacred Heart Church is zoned O-1. However, the Sacred Heart Church is located in an O-1 zone where neighboring parcels to the west, southwest, and northeast are all also zoned O-1. All of the zoning designations surrounding the subject site are zoned R-G.

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.

A zone change from residential to office and institution would not fulfill the Comprehensive Plan’s vision of new development respecting existing neighborhood values. Neighborhood values could be compromised with more traffic and homeless and transients. The existing zoning would respect existing neighborhood values by encouraging affordable residential development for future residents.

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.

The proposed new church would be adjacent to some vacant land to the south. Lots 7 through 11, which are directly south of the subject site are currently vacant; however, the last lot on the block to the south, lot 12 (which is the location of the Railroad Superintendent’s House that is on the state and national historic registers) is not vacant. To the west of the subject site, is single-family housing, while to the north there is one single-family home, and the rest is currently vacant, but the entire block, lots 13 through 22 are being developed into a 22 unit mixed-income housing development. As a result, this land to the north will not be vacant for

much longer. This request does not further this policy, because while there is some vacant land adjacent to the subject site, the integrity of the neighborhood may be jeopardized by having an O-1 zone located in the middle of a residential zone (R-G). Not only would this bring in more traffic and homeless and transients, but changing the RG zone to O-1 also opens up this site to all of the permissive and conditional uses of the O-1 zone if the church should ever leave in the future.

Policy II.B.5i: Employment and service uses shall be located to complement residential areas and shall be sited to minimize adverse effects of noise, lighting, pollution, and traffic on residential environments.

The permissive uses in O-1 would not complement residential areas at the subject site. Permissive uses of the O-1 site include the following: club, restaurant, disciplinary or mental institution, office, park-and-ride facility, parking lot, photo studio, public utility structure, radio or television studio, and a wireless telecommunications facility. These permissive uses could increase noise, lighting, pollution and traffic in the Barelás neighborhood.

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

Both 2nd Street and 3rd Street are designated as principal arterials. This request does not further this policy, because a new church will bring additional traffic to the subject site and the surrounding neighborhood. More traffic will also mean a greater chance for accidents, thus potentially decreasing safety. Parking could also be an issue if any of the vehicles attending the church park along any of the surrounding streets.

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

This request would not further this policy of helping to redevelop and rehabilitate the Barelás neighborhood, which is one of the older neighborhoods in Albuquerque. While having a new tenant on this site would mean this site is no longer vacant, it does not automatically ensure that the redevelopment of the Barelás neighborhood would be strengthened. Residential housing could also strengthen the redevelopment of the neighborhood, and the subject site is already zoned for residential. A change to O-1 could actually weaken the rehabilitation and redevelopment of the Barelás neighborhood, especially if the site became something other than a church.

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.D.7h: Changing zoning to commercial, industrial or office uses for areas outside the designated Activity Centers is discouraged.

The proposed zone change conflicts with Activity Center Policy II.D.7h, which discourages zone changes to commercial, industrial or office uses outside of designated Activity Center, the intent being to cluster commercial, service and multi-family residential uses. The subject site is not within a designated Activity Center. The area's closest designated Activity Center is the Downtown Center to the north and the Bridge/4th area to the south.

Barelas Sector Plan (Rank III)

The Barelas Sector Plan was first adopted in 1978 (then called the North Barelas Sector Development Plan), and was most recently updated in 1993, but is currently in the process of being revised. The most recent Plan was recommended for approval by the Environmental Planning Commission (EPC) in January 2007, but has not yet been adopted by the City Council. The new Plan is set to begin the process of City Council approval in November of 2007. The Barelas neighborhood is one of the oldest established neighborhoods in Albuquerque. It is bounded on the east by the Santa Fe Railroad; on the west by the Rio Grande Albuquerque Riverside Drain, Tingley Park and the Rio Grande Zoo; on the north by Coal Avenue; and on the south by Bridge Street. Barelas is influenced by Downtown market conditions because of its proximity to Central Avenue and the Central Business District. The South Barelas Industrial Park, located south of Bridge Boulevard, also impacts this community. The Barelas area is a predominantly Hispanic, low income community. In general, many ancestors of the original Barelas settlers maintain families and deep seated roots in the area (p. 11). Applicable policies include:

Goals and Objectives-

Goal: To develop a cooperative working relationship between the City and the neighborhood.

In order to develop a cooperative working relationship between the Barelas neighborhood and the City of Albuquerque it is important for new developments to further the goals, objectives and policies of the Comprehensive Plan and the Barelas Sector Development Plan. In many cases both the Comprehensive Plan and the Barelas Sector Development Plan are in conflict with the request by the applicant. The best way to improve this working relationship between the two plans is to keep the existing zoning residential. There has been neighborhood opposition to the request by the applicant. A facilitated meeting was held on October 29, 2007 at the Barelas Community Center. At this meeting some unresolved issues included the following: whether the best interest of the neighborhood would be served by a church that would address the spiritual needs of the community and provide programs aimed at providing the needs of residents, and additional housing to combat the lessening neighborhood population and provide affordable housing for families. Other concerns included: homeless and transients, other existing churches in the area, neighbors wanting more housing as stated in the Barelas Sector Plan to stabilize the neighborhood, neighbors not wanting spot zoning, and the church property allowing 150 parking spots. To develop a cooperative working relationship the neighborhood and the City need to listen to the concerns of local residents.

Goal: To conserve and renew the unique qualities of the neighborhood.

Objective: Preserve, rehabilitate, upgrade and recognize the historic character of the neighborhood (p. 22).

The unique qualities of the Barelás neighborhood would be best furthered by keeping the appropriate zoning in place and by not having development which attracts homeless and transients. Appropriate residential development would help to spur economic development in the Barelás neighborhood and would help to preserve, rehabilitate and upgrade the historic character of the neighborhood. The Railroad Superintendent's House (which is on the State and National Historic Registers) is located on the far southeast end of the same block of the subject site. Protection of historic homes like the Railroad Superintendent's House is crucial for the Barelás neighborhood. If this area were to develop into nice residential homes, then this would be an upgrade from the existing structure and the parking lot, which encompasses most of the subject site. The request to change zoning does not further the goal and objective.

Goal: To eliminate conditions which are detrimental to public health, safety, and welfare of the community.

The Barelás community suffers from theft, vagrancy, and the presence of drugs and gangs. Almost any development on this site could help to improve the public health, safety, and welfare of the community just by getting rid of a vacant lot.. However, it is critical that the appropriate type of development take place. While a church would promote good values it could also attract more homeless and transients to this site. If this site were to be developed into the appropriate kind of residential housing it would also eliminate vacancy and would also discourage homeless and transients (and the accompanying crime) from coming to this site. While a church may be there on Sundays and perhaps a couple nights during the week, homeowners are there all the time and are very sensitive to any kind of bad element in their own neighborhood. The goal and objective would not be furthered by the presence of the CCEFC, but could be furthered by appropriate residential development which would help to eliminate conditions that are detrimental to the public health, safety, and welfare of the community.

Goal: To promote redevelopment of the residential neighborhood and economic revitalization of the business community through coordinated public and private actions (p.23).

The best way to promote redevelopment and economic revitalization of a residential neighborhood is to have families that invest in home ownership. By investing in a home, a home buyer is also investing in the community. A home owner typically takes good care of his/her home and frequently buys goods in the community if they are available. Barelás homeowners would keep most of the money in the neighborhood or an adjoining neighborhood such as Downtown. This is good for the local economy. Because homeowners are essentially there all the time, they can keep an eye on what is going on in their neighborhood. This would not be the case with a business or a church, simply because they aren't there as much. This request would not further the redevelopment of this vacant property by CCEFC. While the church would get rid of vacant land, proper residential infill development and redevelopment would better encourage economic revitalization.

Goal: To encourage a mix of compatible uses (p. 23).

Even though the CCEFC is a small-scale church, it would cause some additional traffic in the Barelás neighborhood. Not all permissive uses in the O-1 zone would be entirely compatible with the surrounding neighborhood. If the church ever moved then this could be a real issue. This request partially furthers this goal.

Goal: To conserve, improve and expand housing availability to families of all incomes.

Objective: Develop infill residential construction in appropriate areas.

By having the subject site zoned residential it allows the neighborhood to improve and expand housing. If the zoning were to change to a different type other than residential this goal could not be reached. Similarly, in order to achieve the objective “develop infill residential construction in appropriate areas”, the area has to be zoned residential. The granting of the zone change from RG to O-1 would be entirely contrary to this goal. This request does not further this goal or objective.

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.

- A. *The applicant states that the proposed zoning is consistent with the health, safety, morals, and general welfare of the City because they will promote safety on the premises for their members and the general public. They mention they will promote positive activities, instead of negative activities such as the drinking and drugs that used to take place at the A&P Bar that was previously at this location. The applicant seeks to serve the neighborhood by working with the Barelás Neighborhood Association, APD, and local businesses to build up the community. The applicant also mentions that there are other facilities in the neighborhood that have the SU-2/O1 zoning, and that this is not an unusual code for this neighborhood. While Staff agrees that CCEFC would promote positive activities instead of negative activities that were previously at this location, it must be noted that the A&P Bar has been closed now for well over three years. The activities that used to take place at the bar, such as drinking and drugs, ceased when the bar closed down. While some of these activities could still take place on this vacant site from time to time by transients, it is not seen as big of a problem as when the bar was there. Almost*

any new development would help to improve the health, safety, morals, and general welfare of the Barelás Neighborhood since this is an abandoned vacant site. However, the current residential zoning would be more consistent with improving the health, safety, and morals, and general welfare of the City. Residential development would also promote safety because the residents would provide 24-hour surveillance in the neighborhood instead of just a few days of the week during specific hours.

- B. The applicant has cited some strategies from The Center City Revitalization Strategy that were in the 1993 Barelás Sector Development Plan (p. 24). The first strategy quoted is the following: "Create strong interface areas which serve both the core and neighborhoods and provide adequate buffering of lower density residential areas." The applicant argues that the church would act as a buffer between the old railroad yard and the residential neighborhood creating a strong interface for the residents and the general public through the programs created to serve the community. The second strategy quoted is "Develop a comprehensive, City-wide program addressing homeless and transient issues." CCEFC plans on partnering with existing organizations that address the homeless and transient issues. The third strategy quoted is "Work with private sector to investigate the need for additional day care facilities which serve the downtown employment base and establish a program for meeting the identified need."*

First, it must be noted that the Center City Revitalization Strategy has been replaced by the Downtown 2010 Sector Development Plan. Staff was unable to find any similar goals in the Downtown 2010 Sector Development Plan. That being said, staff has the following remarks concerning the applicants comments: While the church may serve as a buffer between the neighborhood and the old rail yard, the church is not a big development that would buffer the entire Barelás neighborhood from the gigantic rail yard to the east. It would serve as a very small buffer for some neighborhood residents, but not for the majority. The second strategy to address homeless and transient issues is admirable, but is also perilous, because it would bring more homeless and transients to the proposed site and the neighborhood. The Barelás neighborhood already has a perceived problem with homeless and transients. The neighborhood also has many social services (Albuquerque Rescue Mission, Good Sheperd Center, and The Bunkhouse) to address these issues. Bringing more homeless and transients to Barelás would not improve the neighborhood. The third strategy which addresses working with the private sector to investigate the need for additional day care facilities is also an admirable goal. However, the applicant only says that "we are open to investigating this need further in the Barelás community." The Barelás Community Center and Catholic Social Services of Albuquerque, Inc. both provide child care services for the Barelás community. Staff does not believe that the applicant has successfully demonstrated that the proposed zoning would contribute to stability of land use and zoning.

- C. The applicant states that they will enhance the character of the residential neighborhoods and will strive to expand and create linkages between residential areas and their church. Staff has found that a proposed zone change would be in significant conflict with adopted elements of the Comprehensive Plan and the Barelás Sector Development Plan. The*

change in zoning would be in conflict with the following goals in the Barelás Sector Development Plan: “To conserve, improve, and expand housing availability to families of all incomes”, and “ To promote redevelopment of the residential neighborhood and economic revitalization of the business community through coordinated public and private actions” The changing of the zone from residential to office/institutional would not allow the Barelás neighborhood to improve and expand housing because this site would no longer allow residential development. Considerable economic development could take place in the Barelás neighborhood if more homes were built, but little to none if the zone was changed to allow a church. Proper infill development with homes would help to improve property values and economic development throughout the neighborhood. Another factor to consider in the future is the development of the neighboring Santa Fe Rail Yards property immediately to the east. Although the railroad property remains vacant, its potential future development will have a strong influence on Barelás when it does develop. Getting rid of vacant land uses with sustainable infill development, such as appropriate residential development, would only improve the chances of redevelopment of the Rail Yards.

- D. *The applicant does not demonstrate that the existing zone (SU-2/R-G) is inappropriate because a different zone category (SU-2/O-1) would be more advantageous to the community. The applicant mentions that the previous use of this property was as a bar, which promoted alcoholism, drug abuse, erosion of the family, violence, and other negative behaviors. This is true; however, the bar has been closed for over three years. The current use of this property is a vacant land use. The applicant quotes a goal from the Barelás Sector Development Plan, which is “to conserve and renew the unique qualities of the neighborhood.” The related objective to this goal reads “preserve, rehabilitate, upgrade, and recognize the historic character of the neighborhood.” The best way to preserve the unique qualities of the Barelás neighborhood would be by keeping the appropriate zoning in place. Appropriate residential development would spur economic development in the Barelás neighborhood and would help to preserve, rehabilitate and upgrade the historic character of the neighborhood. An appropriate housing project would help the Barelás neighborhood to achieve this goal and objective by rehabilitating and upgrading the subject site, as well as conserving and renewing the unique qualities of the Barelás neighborhood.*
- E. *The applicant states that the requested zoning would not be harmful to the adjacent property, neighborhood, or community due to the low impact factor. While staff agrees that the church would generally not be harmful to the surrounding properties or neighborhood, there are other permissive uses allowed in the Office and Institution Zone that could have an impact on the Barelás neighborhood. Some of these uses include a club, restaurant, disciplinary or mental institution, office, park-and-ride facility, parking lot, photo studio, public utility structure, radio or television studio, and a wireless telecommunications facility.*
- F. *This request does not require capital expenditures by the City.*

- G. Economic considerations have not been a determining factor in this analysis.*
- H. The subject site's location on 2nd Street and 3rd Street is not the sole justification for this request.*
- I. This request by the applicant does qualify as a spot zone. The applicant states that the change will clearly facilitate realization of the Comprehensive Plan and the 1993 Barelás Sector Development Plan. Two key recommendations of the 1993 Barelás Sector Development Plan are cited by the applicant: 1) Enhance the historic character of the Barelás area by maintaining and encouraging preservation of historic structures and encouraging new residential and commercial developments in appropriate areas; 2) make land use and zoning more compatible and stabilize residential and commercial areas. Staff believes that new residential development will enhance the historic character of Barelás as well as the adjacent neighbors and the surrounding neighborhood, and that changing the zoning to allow the church would be an inappropriate location for a commercial development. There are eight other churches in the Barelás neighborhood that currently offer essentially the same services that CCEFC would provide. This does not even include the social services provided by the Albuquerque Rescue Mission, Good Sheperd Center, The Bunkhouse, St. Vincent De Paul, Catholic Social Services of Albuquerque, Inc., Centro De Amor Headstart Center, Barelás Multi-Service Senior Center, Barelás Community Center, Barelás Child Development Center, and the Albuquerque Hispano Chamber of Commerce. The zone change would not make land use and zoning more compatible and neither would it stabilize surrounding residential and commercial areas. The 1993 Barelás Sector Development Plan has goals and strategies to preserve and protect the unique qualities of the neighborhood, to eliminate conditions which are detrimental to public health, safety, and welfare of the community, to promote redevelopment of the residential neighborhood and economic development of the business community, and to expand housing availability. The zone change request is in conflict with these goals and strategies.*
- J. This request does not constitute a strip zone.*

NEIGHBORHOOD/PUBLIC CONCERNS

The Barelás Neighborhood Association would be affected by this request. The Barelás Neighborhood Association was notified by the City of Albuquerque concerning the proposed zoning change. A facilitated meeting was requested and held on October 29, 2007 at the Barelás Community Center at 801 Barelás SW.

Concerns about the proposed zoning change from the facilitated meeting include the following: safety, additional affordable housing, homeless and transients, existing housing already built across from the proposed church, future homes to be built across from the proposed church, other O-1 zones in the area, other existing churches already in the area, Sector Plan encouraging more housing, declining population, objections to spot zoning, and parking issues.

Staff also received several letters of opposition to the proposed zoning change. The letters of opposition are included in this report.

CONCLUSIONS

The request is for a sector plan map amendment for all or a portion of Lots 1-6 & 13-18, Block 1, Baca Addition, a site of approximately 0.69 acre located on 2nd and 3rd Streets SW between Santa Fe Ave SW and Pacific Ave SW. The applicant proposes to change the subject site's zoning from SU-2/RG to SU-2/O-1 in order to locate the Center City Evangelical Free Church.

The applicant has not adequately justified this request per the requirement of R-270-1980. Staff recommends denial of this request.

FINDINGS – 07EPC 40063, 11/15/07, Sector Plan Map Amendment

1. The request is for a sector plan map amendment for all or a portion of Lots 1-6 & 13-18, Block 1, Baca Addition, a site of approximately 0.69 acre located on 2nd and 3rd Streets SW between Santa Fe Ave SW and Pacific Ave SW. The applicant proposes to change the subject site's zoning from SU-2/RG to SU-2/O-1 in order to locate the Center City Evangelical Free Church.

2. The subject site is zoned SU-2 RG per the Barelvas Sector Development Plan, which allows for single-family housing, townhouses, and low-density apartments, including accessory living quarters. The R-G zoning has two exceptions in the 1993 Barelvas Sector Development Plan:
 - Package liquor sales is not allowed as a non-conforming use, more than five years after the adoption of the plan.
 - Existing legal non-conforming uses or uses which become non-conforming upon adoption of this plan are approved conditional uses.These exceptions have significant bearing on the subject site because package liquor sales are no longer allowed, since more than five years have passed since the adoption of the 1993 Barelvas Sector Development Plan, and since the A&P Bar has been closed for more than 365 days (it closed in 2004) the approved conditional use is now void.

3. This request will partially further Policy II.B.5a by helping to increase land use variety in the area, by adding O-1 (Office and Institution Zone). The current zoning designation R-G (Residential Garden) does not allow churches. Northwest of the subject site at 4th and Stover, the Sacred Heart Church is zoned O-1. However, the Sacred Heart Church is located in an O-1 zone where neighboring parcels to the west, southwest, and northeast are all also zoned O-1. All of the zoning designations surrounding the subject site are zoned R-G.

4. A zone change from residential to office and institution would not fulfill the Comprehensive Plan's Policy II.B.5d. Neighborhood values could be compromised with more traffic and homeless and transients. The existing zoning would respect existing neighborhood values by encouraging affordable residential development for future residents.

5. This request does not further Policy II.B.5e because while the site is adjacent to City services, the integrity of the neighborhood may be jeopardized by having an O-1 zone located in the middle of a residential zone (R-G). Not only would this bring in more traffic and homeless and transients, but changing the RG zone to O-1 also opens up this site to all of the permissive and conditional uses of the O-1 zone if the church should ever leave in the future.

6. The request for zone change does not further Policy II.B.5i. The permissive uses in O-1 would not complement residential areas at the subject site. Permissive uses of the O-1 site include the following: club, restaurant, disciplinary or mental institution, office, park-and-ride facility, parking lot, photo studio, public utility structure, radio or television studio, and a wireless telecommunications facility. These permissive uses could increase noise, lighting, pollution and traffic in the Barelas neighborhood.
7. This request does not further Policy II.B.5k because a new church will bring additional traffic to the subject site and the surrounding neighborhood. More traffic will also mean a greater chance for accidents, thus potentially decreasing safety. Parking could also be an issue if any of the vehicles attending the church park along any of the surrounding streets.
8. This request would not further Policy II.B.5o of helping to redevelop and rehabilitate the Barelas neighborhood, which is one of the older neighborhoods in Albuquerque. While having a new tenant on this site would mean this site is no longer vacant, it does not automatically ensure that the redevelopment of the Barelas neighborhood would be strengthened. Residential housing could also strengthen the redevelopment of the neighborhood, and the subject site is already zoned for residential. A change to O-1 could actually weaken the rehabilitation and redevelopment of the Barelas neighborhood, especially if the site became something other than a church.
9. The proposed zone change conflicts with Activity Center Policy II.D.7h, which discourages zone changes to commercial, industrial or office uses outside of designated Activity Center, the intent being to cluster commercial, service and multi-family residential uses. The subject site is not within a designated Activity Center. The area's closest designated Activity Center is the Downtown Center to the north and the Bridge/4th area to the south.
10. The proposed zone change conflicts with several of the goals in the Barelas Sector Development Plan. The conflicts are with the following goals:
 - To develop a cooperative working relationship between the City and the neighborhood
 - To conserve and renew the unique qualities of the neighborhood
 - To eliminate conditions which are detrimental to public health, safety, and welfare of the community
 - To promote redevelopment of the residential neighborhood and economic revitalization of the business community through coordinated public and private actions
 - To conserve, improve and expand housing availability to families of all incomes

11. The applicant has not adequately justified the zone change request pursuant to Resolution 270-1980:
- A. The current zoning (R-G) would be more consistent with the health, safety, morals, and general welfare of the City than the proposed zoning (O-1). The current zoning encourages appropriate residential infill development, while also respecting existing neighborhood values. The proposed zoning would encourage uses that are not entirely appropriate in a residential neighborhood, and would not ensure the integrity of the neighborhood. The proposed O-1 zone would encourage more traffic, more homeless and transients, and weaken the stability of the neighborhood by preventing additional affordable residential development.
 - B. The applicant has not successfully demonstrated that the proposed zoning would contribute to the stability of land use and zoning. The proposed zoning would bring in more homeless and transients to a neighborhood already overwhelmed with social problems associated with the homeless and transients. The neighborhood already has many other churches (8) and community facilities (Albuquerque Rescue Mission, Good Sheperd Center, and The Bunkhouse) to address these issues.
 - C. The proposed zone change would be in significant conflict with adopted elements of the Comprehensive Plan and the Barelás Sector Development Plan. The zone change is conflict with II.B.5d, II.B.5e, II.B.5i, II.B.5k, II.B.5o, and II.D.7h in the Comprehensive Plan, and with the following goals in the Barelás Sector Development Plan: “To conserve, improve, and expand housing availability to families of all incomes” and To promote redevelopment of the residential neighborhood and economic revitalization of the business community through coordinated public and private actions”.
 - D. The applicant does not demonstrate that the existing use (SU-2/R-G) is inappropriate because a different use category (SU-2/O-1) would be more advantageous to the community. Keeping the residential zoning in place would conserve and renew the unique qualities of the Barelás neighborhood by spurring appropriate housing projects and economic development.
 - E. Some of the permissive uses in the O-1 zone would be harmful to the surrounding properties and neighborhood. The uses include a club, restaurant, disciplinary or mental institution, park-and-ride facility, parking lot, photo studio, public utility structure, radio or television studio, and a wireless telecommunications facility.
 - F. This request does not require capital expenditures by the City.
 - G. Economic considerations have not been a determining factor in this analysis.
 - H. The subject’s site location on 2nd Street and 3rd Street is not the sole justification for this request.
 - I. The request by the applicant does qualify as a spot zone. The proposed zone change is in conflict with several goals and strategies of the Comprehensive Plan and the Barelás

Sector Development Plan. The best way to meet these goals and strategies is to keep the current zoning designation in place.

J. This request does not constitute a strip zone.

12. There were a number of concerns about the proposed zoning change at the facilitated meeting. The concerns include the following: safety, additional affordable housing, homeless and transients, existing housing already built across from the proposed church, future homes to be build across from the proposed church, other O-1 zones in the area, other existing churches already in the area, Sector Plan encouraging more housing, declining population, objections to spot zoning, and parking issues. Several letters of opposition to the request were also delivered to Staff.

RECOMMENDATION - 07EPC 40063, 11/15/07

DENIAL of 07EPC 40063, a sector plan map amendment, from SU-2/RG to SU-2/O-1, based on the preceding Findings.

***Randall Falkner
Planner***

cc: Center City Evangelical Free Church, P.O. Box 3038, Albuquerque, NM 87109
Amecus England, Barelax NA, 1015 9th St. SW, Albuquerque, NM 87102
Robert Vigil, 919 Santa Fe SW, Albuquerque, NM 87102
Louis Kolker, 320 Gold St. SW, Suite 918, Albuquerque, NM 87102

Attachments

CITY OF ALBUQUERQUE AGENCY COMMENTS

PLANNING DEPARTMENT

Zoning Code Services

Office of Neighborhood Coordination

Barelas NA (R)

10/10/07 – Recommended for Facilitation - siw

Advanced Planning

The applicant requests Zone Map amendment of property which is a closed bar. The proposed zone request is SU-2/ O-1 to remodel the building into a church. It is a spot zone in a residential area. However, churches are a compatible use in a residential area. It allows people to walk to a church.

PUBLIC WORKS DEPARTMENT

Transportation Development Services

Utility Development

Traffic Engineering Operations

Hydrology

Transportation Planning

ENVIRONMENTAL HEALTH DEPARTMENT

Air Quality Division

Environmental Services Division

City Forester

PARKS AND RECREATION

Planning and Design

Open Space Division

POLICE DEPARTMENT/Planning

SOLID WASTE MANAGEMENT DEPARTMENT

Refuse Division

No adverse comments.

FIRE DEPARTMENT/Planning

TRANSIT DEPARTMENT

COMMENTS FROM OTHER AGENCIES

BERNALILLO COUNTY

ALBUQUERQUE METROPOLITAN ARROYO FLOOD CONTROL AUTHORITY

Reviewed, no comment.

ALBUQUERQUE PUBLIC SCHOOLS

Baca Addition, Lots 1-6 and 13-18, Block 1, is located on 2nd St SW between Santa Fe SW and Pacific Ave SW. The owner of the above property requests a zone change from SU-1/RG to SU-2/RC to accommodate usage by a church. This will have no adverse impacts on the APS district.

MID-REGION COUNCIL OF GOVERNMENTS

MPO staff have no comment on this project. For information purposes, both 2nd St and 3rd St are classified principal arterials.

MIDDLE RIO GRANDE CONSERVANCY DISTRICT

PUBLIC SERVICE COMPANY OF NEW MEXICO

PNM has no comment on this item.