



**Environmental  
Planning  
Commission**

**Agenda Number:10  
Project Number: 1001620  
Case #11EPC-40019  
May 12, 2011**

**Staff Report**

**Agent** City of Albuquerque Planning Department

**Applicant** City of Albuquerque Planning Department

**Request** Text Amendment to the Comprehensive Zoning Code, Section 14-16-2-16(A)(7) and 14-16-2-16(A)(8) to allow and encourage residential dwelling units in appropriate locations in C-1 Neighborhood Commercial and C-2 Community Commercial zones

**Location** City-wide

**Staff Recommendation**

***That a RECOMMENDATION OF APPROVAL of Case #11EPC-40019 be forwarded to the City Council, based on the Findings beginning on Page 12, and subject to the Conditions of Approval beginning on Page 13.***

**Staff Planner**

**Lorena Patten-Quintana, Planner**

**Summary of Analysis**

This is a request to amend the text in Section 14-16-2-16(A)(7) and 14-16-2-16(A)(8) to allow and encourage residential dwelling units in appropriate locations in C-1 Neighborhood Commercial and C-2 Community Commercial zones. The purpose of the text amendment is to encourage higher density residential development in activity centers, metropolitan redevelopment areas, and along transit corridors.

The Planning Department proposes the subject text amendments to allow residential land uses in C-1 and C-2 zones with the option to have it as part of a mixed-use development, but not as a requirement.

The proposed text amendment furthers the intent of the Zoning Code and applicable Comprehensive Plan Goals and Policies. Staff recommends approval of the request.

City Departments and other interested agencies reviewed this application from 04/04/11 to 04/15/11. Agency comments used in the preparation of this report begin on page 14.

## **I. INTRODUCTION**

### ***Request***

The attached text amendments are submitted by the Planning Department to change the provisions of sections 14-16-2-16(A)(7) and 14-16-2-17(A)(8) ROA 1994, to allow and encourage higher density, residential dwelling units in appropriate locations in C-1 NEIGHBORHOOD COMMERCIAL and C-2 COMMUNITY COMMERCIAL zones.

Council Bill O-06-53, commonly referred to as the “Big Box Ordinance,” last amended the above listed sections of the Zoning Code. The language was changed to allow “residential” as a permissive rather than a conditional use in the C-1 and C-2 zones. The City’s intent was to encourage mixed-use development on large retail sites by removing the obstacle of having to obtain a conditional use application for the residential portion.

The Planning Department has not observed any higher density residential and/or mixed-use development over the past five years in C-1 or C-2 zoned sites. Higher density residential development is desirable in locations such as transit corridors and activity centers and should not necessarily have to be part of a mixed-use development to support or be supported by transit service.

The Planning Department wants to encourage this type of use in appropriate locations, such as activity centers, metropolitan redevelopment areas, and along transit corridors. The Planning Department proposes the subject text amendments to allow higher density residential uses in C-1 and C-2 zones with the option to have it as part of a mixed-use development, but not as a requirement.

### ***History***

In 2007, City Council passed Bill O-06-53, which amended several sections of the City’s Code of Ordinances to establish new procedures and design regulations for large-scale retail development. City Council found that it is beneficial to the City of Albuquerque to require additional design and location requirements for large retail facilities, particularly “big box” development that tends to create adverse effects related to traffic congestion, architectural scale, and compatibility with adjoining neighborhoods.

The regulations were developed by a Council appointed Task Force, comprised of architects, planners, realtors, neighborhood association representatives, the development community, Council staff, and Planning staff.

One component of the original ordinance was a requirement for Large Retail Facilities to incorporate residential uses in the site development, which was intended to mitigate traffic congestion. This requirement was later changed to an advisory statement that “strongly encourage[s]” residential uses.

In order to preserve the mixed-use component of the original legislation and to facilitate this type of development, members of the working group made a recommendation to allow R-3 residential uses permissive in the C-1 and C-2 zones. At the time, residential uses were conditional uses in the C-1 and C-2 zones. This change was limited to sites that are over five acres, and it required the residential uses be part of a vertical mix of uses that was between 20% and 60% of the gross floor

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area. Sites over five acres are required to have a site development plan approved by the EPC, according to the shopping center regulations.

### ***Definitions***

***FLOOR AREA RATIO.*** The heated gross floor area divided by the area of the premises.

***GROSS FLOOR AREA.*** The total floor area, including basements, mezzanines, and upper floors, if any, expressed in square feet measured from the outside surface of outside walls.

***HOUSE.*** A single-family, detached dwelling unit; a building containing only one dwelling unit.

***NONCONFORMING.*** A structure or use of structure or land which does not conform to this article and which was in conformity with any zoning ordinance in effect at the time it was created.

***USABLE OPEN SPACE.*** An area on the same lot with a dwelling, in relation to which it serves to permanently provide light and air, as well as visual, psychological, and recreational needs for open space. Usable open space may include, but is not limited to, lawns, decorative plantings, native plants, open balconies, covered patios open on at least two sides, walkways, active and passive recreational areas, fountains, swimming pools, wooded areas, and water courses. Usable open space does not include public right-of-way, parking lots, off-street parking, driveways, other private vehicular surfaces, or buildings other than swimming pool rooms. Such space shall be available for entry and use by the residents involved.

## ***II. ANALYSIS of APPLICABLE ORDINANCES, PLANS AND POLICIES***

### ***Albuquerque Comprehensive Zoning Code***

Zoning Code Section 14-16-1-3, Intent states:

(A) This article is intended to help achieve Article IX of the Charter of the City of Albuquerque and the city's master plan; in particular the master plan documents which comprise the Albuquerque/Bernalillo County Comprehensive Plan. This article is intended to create orderly, harmonious, and economically sound development in order to promote the health, safety, convenience, and general welfare of the citizens of the city. These regulations are necessary to provide adequate open spaces for light and air including solar access; to avoid undue concentration of population, to secure safety from fire, panic, and other dangers; to help control congestion in the streets and public ways; to control and abate unsightly use of buildings or land; to facilitate adequate provisions for community utilities and facilities such as transportation, water, sewer, schools, and parks; to encourage the most appropriate use of land; to properly channel flood water runoff; to conserve and stabilize the value of property; and to enhance the appearance of the landscape.

***The proposed text amendments meet the intent of the Zoning Code (Section 14-16-1-3) by allowing for the creation of orderly, harmonious, and economically sound development while promoting the health, safety, convenience, and general welfare of the citizens of the City.***

*Allowing this type of development in metropolitan redevelopment areas (MRA's) will provide another strategy to help mitigate the unsightly use of buildings and promote economic development.*

*Higher density residential development along transit corridors and activity centers promotes and increases the demand for public transit, reduces vehicle dependence, and facilitates adequate provisions for more convenient mass transit.*

*Higher density residential development in locations such as activity centers, metropolitan redevelopment areas, and along transit corridors will encourage the most appropriate use of land, conserve and stabilize the value of property as well as enhance the appearance of the landscape.*

#### **Albuquerque / Bernalillo County Comprehensive Plan**

The Comprehensive Plan is the Rank I planning document for the City, containing goals and policies that provide a framework for development and service provision.

The goals and policies are the yardstick for evaluating all significant public and private development proposals. They are the means by which individuals and local government officials will guide the pace, intensity, and direction of the metropolitan area's growth.

As land use decisions are made, air and water quality, noise, waste handling, cultural and visual resources and effects of change must be evaluated. Likewise, it is important to minimize the costs of new growth to public services, transportation and energy use, and to maximize its benefits in terms of housing opportunity, human services, education, public safety, and economic development.

Air quality policies support standards which measure air quality. Emphasis in air quality improvement is placed on reducing automobile generated pollutants through provision of travel alternatives; thoughtful placement of employment and services; and traffic engineering techniques to minimize unnecessary traffic delays. The Transportation and Transit and the Energy policies also addresses the importance of reducing automobile use.

Applicable goals and policies include:

## II.B.7. ACTIVITY CENTERS

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.7a: “Existing and proposed Activity Centers are designated by a Comprehensive Plan map (see Figure 30 attached), where appropriate to help shape the built environment in a sustainable development pattern, create mixed use concentrations of interrelated activities that promote transit and pedestrian access both to and within the Activity Center, and maximize cost-effectiveness of City services.”

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

Policy II.B.7j: The City will structure capital expenditures and land use regulations in support of creating multi-use Activity Centers, and will promote ongoing public/private cooperation necessary for private market conditions that support the development and functioning of Activity Centers.

*The Activity Center Goal and Policies II.B.7a, i and j are furthered by allowing multi unit housing in the C-1 and C-2 zones within an Activity Center. Allowing higher density residential uses on sites 0.5 acres or more will facilitate private development and redevelopment of mixed-use concentrations of housing and employment that supports transit and pedestrian activity. Infill development on small lots within Metropolitan Redevelopment areas will be encouraged and will promote public/private partnerships.*

## II.C.1: AIR QUALITY

The Goal is to improve air quality to safeguard public health and enhance the quality of life.

Policy II.C.1b: Automobile travel’s adverse effects on air quality shall be reduced through a balanced land use/transportation system that promotes the efficient placement of housing, employment and services.

*This request furthers the air quality goal and Policy II.C.1b by encouraging development of higher density housing along Transit Corridors and within Community and Major Activity Centers where mass transit is more readily available.*

## II.D.4: TRANSPORTATION AND TRANSIT

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