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PR-2024-009705 RZ-2024-00001

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CITY OF ALBUQUERQUE

Albuquerque, New Mexico

Planning Department

Mayor Timothy M. Keller

INTER-OFFICE MEMORANDUM

April 12, 2024

TO: Dan Lewis, President, City Council

FROM: Alan Varela, Planning Director


Alan Varela (Apr 12, 2024 15:50 EDT)

SUBJECT: AC-24-11, PR-2024-009765, RZ-2024-009765: Santa Barbara/Martineztown Neighborhood Association, and Loretta Naranjo Lopez, President of Santa Barbara/Martineztown Neighborhood Association, appeal the Environmental Planning Commission (EPC) decision to Approve a Zoning Map Amendment from MX-M to MX-H for all or a portion of Tract A, Plat of Gateway Subdivision, located at 1100 Woodward Pl NE, between Mountain Rd, and Lomas Blvd, approximately 3.0 acres (the “Subject Site”) (J-15-Z).

REQUEST

This is an appeal of the EPC’s decision to approve a zoning map amendment (i.e., zone change) from MX-M to MX-H on the 3.0-acre subject site located between Mountain Rd. and Lomas Blvd. The subject site is currently vacant but is within an EPC-approved Site Plan (formerly Site Plan for Subdivision). The applicant requested a zone change to facilitate future development of a hospital use.

The EPC heard and approved the request at its February 15, 2024 hearing. The decision was based on testimony at the hearing and 17 findings of fact that are elaborated in the Official Notification of Decision (NOD) dated February 15, 2024.

ZONING

The subject site is zoned MX-M [Mixed-use – Medium Intensity Zone District, IDO §14-16-2-4(C)], which was converted upon adoption of the IDO from the former SU-2 for C-3 zoning designation (Industrial/Wholesale/Manufacturing) zoning.

The request proposes to change the subject site’s zoning to MX-H [Mixed Use, High Intensity Zone District] [IDO §14-16-2-4(D)], which would create a spot zone. The MX-H zone district is intended to allow higher-density infill development in appropriate locations. Specific permissive uses are listed in Table 4-2-1 of the IDO. Use-specific standards in the Integrated Development Ordinance (IDO) are intended to mitigate potentially harmful impacts associated with newly permissive uses.

APPEAL

Pursuant to IDO §14-16-6-4(V)(4), the criteria for review of an appeal shall be whether the decision-making body made 1 of the following mistakes:

- a. The decision-making body or the prior appeal body acted fraudulently, arbitrarily, or capriciously.
- b. The decision being appealed is not supported by substantial evidence.
- c. The decision-making body or the prior appeal body erred in applying the requirements of this IDO (or a plan, policy, or regulation referenced in the review and decision-making criteria for the type of decision being appealed).

In a February 28, 2024 letter, the appellants allege that EPC acted arbitrarily or capriciously in approving the zone change when the IDO requirements for the zone change were not met and that the EPC's decision is not supported by substantial evidence because the commission made an error in applying the requirements of the IDO. The appellant argues this by responding to Findings in the Notice of Decision dated February 15, 2024.

The appellant does not elaborate on how the EPC decision was not supported by substantial evidence, although the appellant does make various points opposing the request. The opposition to a future hospital use with more than 20 beds made possible by the zone change request is the general focus of the reason for appeal. While the proposed hospital use was discussed at the EPC hearing, EPC noted that numerous uses would become permissive with the approval of the zone change, and deliberation included the appropriateness of all new uses that would be allowed by the zone change. The following points are relevant to the allegations and should be considered in the appeal.

The Official Notification of Decision (NOD) dated February 15, 2024 contains 17 findings that support the EPC's decision. The findings were developed based on public testimony during the public hearing and extensive analysis contained in the staff report.

1. The EPC found the zone change to clearly facilitate the health, safety, and general welfare of the city based on Findings 7-11 in the Official NOD. Staff's analysis of Comp Plan Goals and Policies and the applicant's responses to the review and decision criteria demonstrate that the request clearly facilitates implementation of the Comp Plan and sufficiently addresses review and decision criteria. Furthermore, the Comprehensive Plan Goals and Policies and the review and decision criteria in IDO §14-16-6-7(G)(3) for a Zoning Map Amendment do not prohibit upzones, nor do they discourage zone changes within a certain time period of IDO adoption. This request was analyzed based on review and decision criteria for a zone change in the IDO, which is required for every zone change of any size in the city.
2. The appellants allege that EPC Finding 12.C is in error in part because the Comp Plan policies in effect in 2018 are not applicable to the zone change request. This is inaccurate, because the review and decision criteria for a zone change specifically require that the applicant demonstrates that a request furthers applicable Comprehensive Plan goals and policies. The appellant's argument that hospital restrictions were applied to the Comprehensive Plan policies in 2018 is not accurate because the IDO and the Comprehensive Plan are separate documents. The goals and policies in the Comprehensive Plan do not apply use-specific standards; regulations in the IDO do. The zone change would allow multiple new permissive uses on the subject site. Staff and the EPC analyzed all new uses that would become permissive on the subject site. Staff's analysis of Comp Plan goals and policies when analyzing these requests include applicable goals and policies that either further (or clearly facilitate) or do not further (do not clearly facilitate) the Comp Plan. This is standard practice. The

EPC found the requested zone to be more advantageous to the community as articulated by the ABC Comp Plan, as amended (including implementation of patterns of land use, development density and intensity, and connectivity), and other applicable adopted City plan(s) [Finding 12. A.].

3. All uses that would become permissive with a zone change are analyzed in the Staff Report as required by IDO review and decision criteria §14-16-6-7(G)(3)(d). This includes analysis of how use-specific standards in IDO §14-16-4-3 would mitigate potentially harmful impacts of all new permissive uses in the MX-H zone. The hospital use is not a new permissive use in the MX-H zone; it is also permissive in the MX-M zone district. A use-specific standard for a hospital use to limit the number of beds applies only in the MX-M zone district. The appellant is correct in stating that there are not any use-specific standards for a hospital use that apply in the MX-H zone district.
4. Infrastructure capacity is analyzed in the Staff Report as required by review and decision criteria §14-16-6-7(G)(3)(2). The Planning Department's Development Review Services Division determined that a potential hospital use would not require a traffic impact study because the trip generation threshold was not met (page 51 of the Staff Report compilation); however, because this is a zone change request, the specific use of the future development cannot be guaranteed. Furthermore, the subject site is within an controlling site plan, which specifies uses and standards for all future development, including building heights. Future development will require an amendment to the existing site plan, at which point the applicant will be required to provide adequate infrastructure to accommodate the development.
5. The EPC found that the request is not based completely or predominately on economic considerations but rather that the request clearly facilitates implementation of the Comp Plan [NOD Finding 12. G.].
6. The IDO review and decision criteria for justifying a spot zone requires that the request "clearly facilitate" the Comp Plan and that one of 3 other criteria also applies to the subject site. As noted in NOD Findings 7-12 A, EPC found that the applicant demonstrated that the request clearly facilitates implementation of the Comprehensive Plan. The request for a zone change did not include a site plan; therefore, future development on the subject site is not approved/guaranteed with this request. Although the intended future use may be a hospital use, the EPC findings in the official NOD are based on an analysis found in the staff report based on all uses that could become permissive on the subject site. Additionally, the EPC found that any potential harm that could result from future uses on the subject site would be adequately mitigated by the use-specific standards established in the IDO. Lastly, the EPC found that the subject site could function as a transition to adjacent properties due to the relative densities and intensities on those properties [NOD Finding 12. D and 12 H.].
7. The criteria for a zone change in IDO §14-16-6-7(G)(3) does not require an analysis of IDO CPO-7 (Santa Barbara/Martineztown Character Protection Overlay Zone) development standards or restrictions. Although the subject site is within the CPO-7, the CPO does not prohibit MX-H zoning. While typically any future development on the subject site would be pursuant to CPO-7 standards, the subject site is within a controlling site plan that specifies design standards for the site, as noted in the History section of the staff report, and IDO §14-16-1-10(A) establishes that uses and development standards in prior approvals prevail over IDO standards. (The controlling site plan was approved by the EPC in March 1994 [Z-93-46] and signed off by the DRB [DRB 94-183] pursuant to the pre-IDO SU-2 zone designation.) The controlling site

plan specifies allowable uses and standards for the site. The proposed hospital use and development standards will be the subject of review when the controlling site plan is amended for future development.

CONCLUSION

As indicated in the February 15, 2024 Official Notification of Decision, the EPC found that the applicant adequately justified the zone change request based on 17 findings of fact. The EPC acted within its authority and voted to approve the zoning map amendment. The EPC carefully considered all relevant factors in arriving at its decision based on substantial evidence in the record. The appellant believes that the EPC decision was made in error and that the zoning should remain MX-M; however, the record contains substantial evidence that the EPC's decision was neither arbitrary nor capricious and that the IDO regulations were applied correctly to the request. The decision is supported by the record.

APPROVED:



Megan Jones, MCRP- Principal Planner
Urban Design & Development Division
Planning Department



Please check the appropriate box and refer to supplemental forms for submittal requirements. All fees must be paid at the time of application.

| Administrative Decisions | Decisions Requiring a Public Meeting or Hearing | Policy Decisions |
|---|---|--|
| <input type="checkbox"/> Archaeological Certificate (Form P3) | <input type="checkbox"/> Site Plan – EPC including any Variances – EPC (Form P1) | <input type="checkbox"/> Adoption or Amendment of Comprehensive Plan or Facility Plan (Form Z) |
| <input type="checkbox"/> Historic Certificate of Appropriateness – Minor (Form L) | <input type="checkbox"/> Master Development Plan (Form P1) | <input type="checkbox"/> Adoption or Amendment of Historic Designation (Form L) |
| <input type="checkbox"/> Alternative Signage Plan (Form P3) | <input type="checkbox"/> Historic Certificate of Appropriateness – Major (Form L) | <input type="checkbox"/> Amendment of IDO Text (Form Z) |
| <input type="checkbox"/> Minor Amendment to Site Plan (Form P3) | <input type="checkbox"/> Demolition Outside of HPO (Form L) | <input type="checkbox"/> Annexation of Land (Form Z) |
| <input type="checkbox"/> WTF Approval (Form W1) | <input type="checkbox"/> Historic Design Standards and Guidelines (Form L) | <input type="checkbox"/> Amendment to Zoning Map – EPC (Form Z) |
| <input type="checkbox"/> Alternative Landscaping Plan (Form P3) | <input type="checkbox"/> Wireless Telecommunications Facility Waiver (Form W2) | <input type="checkbox"/> Amendment to Zoning Map – Council (Form Z) |
| | | Appeals |
| | | <input checked="" type="checkbox"/> Decision by EPC, DHO, LC, ZHE, or City Staff (Form A) |

| APPLICATION INFORMATION | | |
|--|-----------------------------------|-------------------|
| Applicant: <i>Santa Barbara Martinez town Neighborhood Association</i> | Phone: | |
| Address: <i>410 Yntema Law Firm P.A.</i> | Email: | |
| City: | State: | Zip: |
| Professional/Agent (if any): <i>Hessel E. Yntema III, Yntema Law Firm P.A.</i> | Phone: <i>505-843-9565</i> | |
| Address: <i>215 Gold Ave. SW, Suite 201</i> | Email: <i>hess@yntema-law.com</i> | |
| City: <i>Albuquerque</i> | State: <i>NM</i> | Zip: <i>87102</i> |
| Proprietary Interest in Site: | List all owners: | |

| BRIEF DESCRIPTION OF REQUEST |
|---|
| <i>Appeal of EPC Decision of February 15, 2024 to change zoning from Mx-M to Mx-H for 1100 Woodward Place NE, RZ-2024-00001</i> |

| SITE INFORMATION (Accuracy of the existing legal description is crucial! Attach a separate sheet if necessary.) | | |
|---|------------------------------|--|
| Lot or Tract No.: <i>Tract A Plat of Gateway S-b</i> | Block: | Unit: |
| Subdivision/Addition: <i>Gateway S-b division</i> | MRGCD Map No.: | UPC Code: <i>101505413522132101</i> |
| Zone Atlas Page(s): <i>3-15-2</i> | Existing Zoning: <i>Mx-m</i> | Proposed Zoning: <i>Mx-H</i> |
| # of Existing Lots: <i>1</i> | # of Proposed Lots: <i>1</i> | Total Area of Site (acres): <i>2.7845 ac</i> |

| LOCATION OF PROPERTY BY STREETS |
|--|
| Site Address/Street: <i>1100 Woodward Pl NE</i> Between: <i>Mountain Rd</i> and: <i>Lomas Blvd</i> |

| CASE HISTORY (List any current or prior project and case number(s) that may be relevant to your request.) |
|---|
| <i>PR-2024-009765, RZ-2024-00001</i> |

| | |
|---|---|
| Signature: <i>Hessel E. Yntema III</i> | Date: <i>2-28-2024</i> |
| Printed Name: <i>Hessel E. Yntema III</i> | <input type="checkbox"/> Applicant or <input checked="" type="checkbox"/> Agent |

| FOR OFFICIAL USE ONLY | | | | | |
|-----------------------|--------|------|--------------|------------|------|
| Case Numbers | Action | Fees | Case Numbers | Action | Fees |
| | | | | | |
| | | | | | |
| | | | | | |
| Meeting/Hearing Date: | | | | Fee Total: | |
| Staff Signature: | Date: | | Project # | | |

FORM A: Appeals

Complete applications for appeals will only be accepted within 15 consecutive days, excluding holidays, after the decision being appealed was made.

- APPEAL OF A DECISION OF CITY PLANNING STAFF (HISTORIC PRESERVATION PLANNER) ON A HISTORIC CERTIFICATE OF APPROPRIATENESS – MINOR TO THE LANDMARKS COMMISSION (LC)
- APPEAL OF A DECISION OF CITY PLANNING STAFF ON AN IMPACT FEE ASSESSMENT TO THE ENVIRONMENTAL PLANNING COMMISSION (EPC)
- APPEAL TO CITY COUNCIL THROUGH THE LAND USE HEARING OFFICER (LUHO)

___ Interpreter Needed for Hearing? ___ if yes, indicate language: _____

A Single PDF file of the complete application including all documents being submitted must be emailed to PLNDRS@cabq.gov prior to making a submittal. Zipped files or those over 9 MB cannot be delivered via email, in which case the PDF must be provided on a CD. PDF *shall be organized* with the Development Review Application and this Form A at the front followed by the remaining documents *in the order provided on this form*.

Project number of the case being appealed, if applicable: #PR-2024-009765

Application number of the case being appealed, if applicable: PR-2024-00001


Type of decision being appealed: Zone Map Amendment

Letter of authorization from the appellant if appeal is submitted by an agent

Appellant's basis of standing in accordance with IDO Section 14-16-6-4(V)(2)

Reason for the appeal identifying the section of the IDO, other City regulation, or condition attached to a decision that has not been interpreted or applied correctly, and further addressing the criteria in IDO Section 14-16-6-4(V)(4)

Copy of the Official Notice of Decision regarding the matter being appealed

| | |
|---|---|
| <i>I, the applicant or agent, acknowledge that if any required information is not submitted with this application, the application will not be scheduled for a public meeting or hearing, if required, or otherwise processed until it is complete.</i> | |
| Signature: <u>Nesael E. Yntema III</u> | Date: <u>2-28-24</u> |
| Printed Name: <u>Nesael E. Yntema III</u> | <input type="checkbox"/> Applicant or <input checked="" type="checkbox"/> Agent |
| FOR OFFICIAL USE ONLY | |
| Case Numbers: _____ | Project Number: _____ |
| Staff Signature: _____ |  |
| Date: _____ | |

February 20, 2024

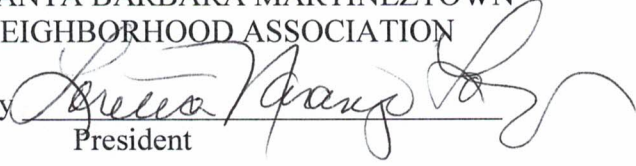
City of Albuquerque Planning Department
600 Second Street NW
Albuquerque, NM 87102

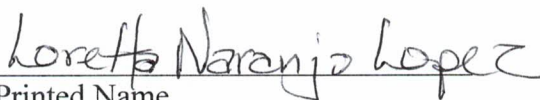
Authorization Letter for Representation for
Appeal of EPC Decision of February 15, 2024,
approving a Zone Map Amendment for 1100
Woodward Place NE in Project #: PR-2024-
009765, Case #: RZ-2024-00001

Dear Planning Department:

This letter is to authorize Hessel E. Yntema III, Yntema Law Firm P.A., to represent Santa Barbara Martineztown Neighborhood Association in the above referenced appeal.

SANTA BARBARA MARTINEZTOWN
NEIGHBORHOOD ASSOCIATION

By 
President


Printed Name

Address:

1420 Edith NE
ABQ NM 87102

BASIS OF STANDING

Appellant Santa Barbara Martineztown Neighborhood Association (“SBMTNA”) has standing under IDO Section 6-4(V)(2)(a)(4) because SBMTNA has legal rights under the IDO to protect neighborhood interests in neighborhood land use decisions such as for quality of life including stability of zoning, avoiding potential inappropriate adverse uses, excessive traffic, and building size, and also concerning land use decision process issues such as whether IDO requirements for zone changes should be applied by the Environmental Planning Commission (“EPC”). The proposed upzone for the subject property will specially and adversely affect SBMTNA and its members due to destabilizing the area’s zoning and allowing potential inappropriate adverse uses including possible excess traffic and building size. SBMTNA is entitled to rely on the existing zoning and the procedures for changing existing zoning.

Appellant SBMTNA has standing under IDO Section 6-4(V)(2)(a)(5) because SBMTNA is a proximate Neighborhood Association under the IDO.

REASONS FOR THE APPEAL

Under IDO Section 6-4(V)(4), the criteria for review for this appeal shall be whether the Environmental Planning Commission (“EPC”) made 1 of the following mistakes:

- (a) the EPC acted fraudulently, arbitrarily, or capriciously.
- (b) the decision is not supported by substantial evidence.
- (c) the EPC erred in applying the requirements of the IDO (or a plan, policy or regulation referenced in the applicable review and decision-making criteria).

In this case the EPC approved a zone change for the subject property at 1100 Woodward NE from MX-M to MX-H in anticipation of hospital use.

IDO Section 2-4(C)(1) states the purpose of the MX-M zone to be:

2-4(C)(1) Purpose

The purpose of the MX-M zone district is to provide for a wide array of moderate-intensity retail, commercial, institutional and moderate-density residential uses, with taller, multi-story buildings encouraged in Centers and Corridors. Allowable uses are shown in Table 4-2-1.

Under IDO Section 4-3(C)(4), a hospital in the MX-M zone is limited to no more than 20 overnight beds, and a conditional use approval is required if the hospital is located within 330 ft. of any residential zone. The subject site appears to be within 330 ft. of a residential zone.

IDO Section 2-4(D)(1) states the purpose of the MX-H zone to be:

2-4(D)(1) Purpose

The purpose of the MX-H zone district is to provide for large-scale destination retail and high-intensity commercial, residential, light industrial, and institutional uses, as well as high-density residential uses, particularly along Transit Corridors and in Urban Centers. The MX-H zone is intended to allow higher-density infill development in appropriate locations. Allowable uses are shown in Table 4-2-1.

It appears that the MX-M hospital restrictions of IDO Section 4-3(C)(4) set out above would not apply in the MX-H zone.

The subject property is within the CPO-7 Character Protection Overlay Zone for Martineztown/Santa Barbara, under IDO Section 3-4(H).

The EPC made the following mistakes in approving the zone change under the applicable Review and Decision Criteria in IDO Section 6-7(G)(3):

1. Findings 7, 8, 9, 10, 11, 12.A, 12.C, 12.F and 12.H are in error: the zone change is not consistent with the health, safety and general welfare of the City and does not further or clearly facilitate implementation of applicable Comprehensive Plan (“Comp Plan”) Goals and Policies because the zone change constitutes an upzone of an area that recently was zoned MX-M including hospital use restrictions in 2018 with the IDO, and there have not been changes in the area or community sufficient to justify the higher intensity zoning, and there is no showing that the zone change addresses a public need and the need for change is best addressed by the requested zone change for the particular property in comparison with other available properties. The zone change constitutes a reinterpretation of the 2018 Comp Plan provisions to benefit a particular development proposal and effectively “breaks open” the Comp Plan and the IDO for continual ongoing reinterpretations to rezone to support greater intensity and politically favored proposals. Appellant seeks stability of zoning.

2. Finding 12.C is in error in part. The applicant did not demonstrate that the existing MX-M zoning is inappropriate under IDO Section 6-7(G)(3)(c)(3) due to the proposed MX-H zone being more advantageous to the community as articulated in the Comp Plan. The alleged policy-based analysis of the applicant, City staff, and the EPC is not applicable because the same Comp Plan policies were in effect in 2018 when the MX-M zoning including hospital restrictions was applied. The EPC improperly reinterpreted the 2018 policies which the City Council interpreted to justify MX-M zoning including hospital use restrictions for the property in 2018. The approach of picking and choosing among general Comp Plan policies to justify a zone change lacks adequate standards and is contrary to the requirements of New Mexico law set out in the Albuquerque Commons and Fairway

Village (unreported) cases for zone changes based on being more advantageous to the community: there must be a public need for the change of the kind in question, and the need for change will be best served by changing the classification of the particular piece of property in question as compared with other available property. Further, as apparently found by the EPC, the applicant did not demonstrate that the existing MX-M zoning is inappropriate under IDO Section 6-7(G)(3)(c)(1) because of a typographical or clerical error when the existing MX-M zoning was applied to the subject property; and the applicant did not demonstrate that the existing MX-M zoning is inappropriate under IDO Section 6-7(G)(3)(c)(2) due to a significant change in neighborhood or community conditions. There have not been any significant changes in neighborhood or community conditions justifying the zone change since the existing MX-M zoning was applied with the IDO in 2018.

3. Concerning Finding 12.D and IDO Section 6-7(G)(3)(d), the applicant, City staff and the EPC did not investigate adequately all the permissive uses in MX-H that would be harmful to the neighborhood and did not adequately establish that the use-specific standards in IDO Section 4-3 associated with all potential uses under the MX-H zone will adequately mitigate harmful impacts. The zone change appears to be designed to avoid the hospital size limit and the conditional use approval requirement of IDO Section 4-3(C)(4) imposed on the property in 2018. Hospital use has recognized potential harmful impacts: otherwise, the IDO Section 4-3(C)(4) provisions are nonsensical. However, there do not appear to be any hospital use standards applicable in the MX-H zone. The net effect of the zone change as to hospital use is to release the MX-M overnight bed limit and prevent a public hearing for mitigation of harmful impacts due to hospital use on the subject site. It appears that with the zone change to the higher intensity MX-H there may be similar prevention of the ability to mitigate harmful impacts for other permissive uses such as veterinary hospital under IDO Section 4-3(D)(5) and grocery store under Section 4-3(D)(38).

4. Concerning Finding 12.E and IDO Section 6-7(G)(3)(e), the applicant, City staff and the EPC did not take into adequate account the infrastructure inadequacies of the area in connection with all potential MX-H uses such as a hospital with more than 20 overnight beds and no conditional use mitigation. For example, a 68 ft. high hospital building (apparently allowed under MX-H) likely would add considerable traffic to a residential area which is already overstressed with traffic and pollution. Finding 17 indicates that the EPC was aware of neighborhood concerns about existing and increased traffic; yet the zone change decision appears to foreclose any meaningful opportunity for neighborhood concerns to be acted upon.

5. Finding 12.G is erroneous because the applicant's justification is in fact predominately based upon economic considerations: the applicant wants to develop a more intense (more profitable) hospital use on the site without the MX-M hospital use restrictions. The applicant can develop a (smaller) hospital under the 2018 IDO MX-M zoning.

6. Finding 12.H is erroneous because the zone change is an improper "spot zone" under IDO Section 6-7(G)(3)(h). The zone change is a straight upzone to facilitate later approval of not yet fully defined hospital development of more than 20 overnight beds without the conditional use approval requirement of IDO Section 4-3(C)(4). The zone change does not rule out different or increased intensity uses under the MX-H zone and cannot require mitigation for potential harm to the neighborhood. As noted above, the zone change does not "clearly facilitate implementation" of the Comp Plan upon which the 2018 IDO zoning of MX-M including hospital restrictions for the subject property was based. The zone change to MX-H will not function as a transition between adjacent zone districts because higher intensity MX-H use on the subject site will worsen transition to the adjacent MX-M zone district.

7. The zone change does not adhere to the standards associated with CPO-7. IDO Section 3-4(H) for CPO-7 does not contemplate intense MX-H zoning in the overlay zone area and does not

establish any relevant regulations for such high intensity zoning. CPO-7 appears to apply a maximum height of 26 ft., while MX-H zoning appears to allow a building height of up to 68 ft.

In sum, the EPC acted arbitrarily or capriciously in approving the zone change when the IDO requirements for the zone change were not met; the EPC's decision is not supported by substantial evidence; and the EPC erred in applying the requirements of the IDO.

Appellant does not have the full record of the EPC proceedings currently and reserves the right to amend or supplement its Reasons for Appeal after review of the record. Appellant requests the opportunity to cross-examine witnesses for the applicant and the Planning Department.

PLANNING DEPARTMENT
URBAN DESIGN & DEVELOPMENT DIVISION
600 2nd Street NW, 3rd Floor, Albuquerque, NM 87102
P.O. Box 1293, Albuquerque, NM 87103
Office (505) 924-3860 Fax (505) 924-3339



OFFICIAL NOTIFICATION OF DECISION

February 15, 2024

City of Albuquerque,
City Council
1 Civic Plaza NW
Albuquerque, NM 87102

Project # PR-2024-009765
RZ-2024-00001– Zoning Map Amendment
(Zone Change)

LEGAL DESCRIPTION:

Tierra West, LLC, Inc., agent for Cross Development, requests a zoning map amendment from MX-M to MX-H, for all or a portion of Tract A, Plat of Gateway Subdivision, located at 1100 Woodward Pl NE, between Mountain Rd, and Lomas Blvd, approximately 3.0 acres. (J-15-Z)
Staff Planner: Seth Tinkle

On February 15, 2024, the Environmental Planning Commission (EPC) voted to APPROVE Project # PR-2024-009765, RZ-2024-00001– Zoning Map Amendment (Zone Change), based on the following Findings:

1. The request is for a zoning map amendment (zone change) for an approximately 3-acre site legally described as all or a portion of Tract A Plat of Gateway Subdivision, located at 1100 Woodward Pl NE, between Mountain Rd, and Lomas Blvd (the “subject site”).
2. The subject site is zoned MX-M (Mixed-use - Medium Intensity) and is currently vacant. The applicant is requesting a zone change to MX-H (Mixed use – High Intensity) which would result in a spot zone.
3. The applicant proposes to change the zoning to facilitate the proposed future development of a hospital use on the subject site. There is not a site plan associated with this request, therefore staff’s analysis is based solely on the zone change to MX-H.
4. The subject site is in an area that the Comprehensive Plan designates an Area of Change. It is not within a designated Center. It is located along the I-25 Frontage and Mountain Rd. Major Transit Corridors and within 660’ of the Lomas Blvd. Major Transit Corridor.
5. The subject site is located within the Santa Barbara Martineztown Character Protection Overlay Zone (CPO-7), and thus must adhere to the standards associated with this Overlay Zone.
6. The City of Albuquerque Integrated Development Ordinance (IDO) and the Comprehensive Plan are incorporated herein by reference and made part of the record for all purposes.

7. The request clearly facilitates the following applicable Goal and Policies from Comprehensive Plan Chapter 5 - Land Use:

A. Goal 5.1 Centers and Corridors: Grow as a community of strong Centers connected by a multi-modal network of Corridors.

The request would allow a broader range of higher-intensity land uses on the subject site, which is located along the I-25 Frontage and Mountain Rd. Major Transit Corridors and within 660' of the Lomas Blvd. Major Transit Corridor. Any development made possible by the request could result in growth on the subject site, which is currently vacant, and located along and within the aforementioned Corridors.

B. Policy 5.1.1 Desired Growth: Capture regional growth in Centers and Corridors to help shape the built environment into a sustainable development pattern.

The request would allow a broader range of higher-intensity land uses on the subject site, which is located along the I-25 Frontage and Mountain Rd. Major Transit Corridors and within 660' of the Lomas Blvd. Major Transit Corridor. Any development made possible by the request could result in growth on the subject site, which is located within these aforementioned Corridors. Locating growth within Centers and Corridors promotes sustainable development patterns, according to the ABC Comp Plan.

C. Policy 5.1.2 Development Areas: Direct more intense growth to Centers and Corridors and use Development Areas to establish and maintain appropriate density and scale of development within areas.

The request would allow a broader range of higher-intensity land uses on the subject site, which is located along the I-25 Frontage and Mountain Rd. Major Transit Corridors and within 660' of the Lomas Blvd. The subject site is also located in an Area of Change, where growth is both expected and desired, according to the ABC Comp Plan. Any development made possible by the request could result in growth on the subject site, which is vacant and located within the aforementioned Corridors and Area of Change.

8. The request clearly facilitates the following applicable Goal and Policies from Comprehensive Plan Chapter 5 - Land Use:

A. Goal 5.2 Complete Communities: Foster communities where residents can live, work, learn, shop, and play together.

The request could foster a community where residents can live, work, learn, shop, and play together because the MX-H zone district allows a broader mix of higher-intensity land uses in comparison to the MX-M Zone District. The subject site is currently vacant and surrounded by a mix of commercial, educational, and office land uses that generally range from mid-to-high intensity. Any development made possible by the request could add to this diversity of land uses, since the subject site is currently vacant.

B. Policy 5.2.1 Land Uses: Create healthy, sustainable, and distinct communities with a mix of uses that are conveniently accessible from surrounding neighborhoods.

The request could create a healthy, sustainable, and distinct community with a mix of uses that are conveniently accessible from surrounding neighborhoods. It would allow for a broader mix of higher-intensity land uses on the subject site, which is located in a distinct mixed-use area and community (Santa Barbara Martineztown), and in close proximity to numerous other communities. Any development made possible by the request could add to the already-existing mix of uses near and surrounding the subject site, which is currently vacant and located along and within several Major Transit Corridors, and in an Area of Change, where the ABC Comp Plan encourages development to accommodate growth sustainably over time.

- C. Policy 5.2.1 e): Create healthy, sustainable communities with a mix of uses that are conveniently accessible from surrounding neighborhoods.

The request could create a healthy, sustainable community with a mix of uses that are conveniently accessible from surrounding neighborhoods because the MX-H zone district would allow a broader mix of higher-intensity land uses on the subject site, which is conveniently accessible from surrounding neighborhoods. Any development made possible by the request could add to the already-existing mix of uses near and surrounding the subject site, which is currently vacant and located along and within several Major Transit Corridors, and in an Area of Change, where the ABC Comp Plan encourages development to accommodate growth sustainably over time.

- D. Policy 5.2.1 h): Encourage infill development that adds complementary uses and is compatible in form and scale to the immediately surrounding development.

The request could encourage infill development that adds complementary uses and is compatible in form and scale to the immediately surrounding area because the subject site is currently vacant and the uses and standards allowed in the MX-H zone district are generally similar to the surrounding properties zoned MX-M, with a few exceptions. Due to the standards established by the CPO-7 Overlay Zone, including site standards, setback standards, and building height standards, any future development that adheres to CPO-7 standards would be compatible in form and scale to the immediately surrounding development, where CPO-7 standards also apply.

- E. Policy 5.2.1 n): Encourage more productive use of vacant lots and under-utilized lots, including surface parking.

The request could encourage more productive use of vacant lots and under-utilized lots because the subject site is currently vacant and being used (informally) as surface parking. Any development made possible by the request could encourage more productive use than the currently vacant lot.

9. The request clearly facilitates the following applicable Goal and Policies from Comprehensive Plan Chapter 5 - Land Use:

- A. Goal 5.3 Efficient Development Patterns: Promote development patterns that maximize the utility of existing infrastructure and public facilities and the efficient use of land to support the public good.

Any development made possible by the request could promote efficient development patterns and use of land because subject site is already served by existing infrastructure and public facilities. Future development on the subject site featuring uses allowed in the MX-H Zone District could support the public good in the form of economic development, job creation, and an expansion to the tax base.

- B. Policy 5.3.1 Infill Development: Support additional growth in areas with existing infrastructure and public facilities.

The subject site is a vacant infill site located in an area already served by existing infrastructure and public facilities. Any future growth and development on the subject site would occur in an area that has adequate existing infrastructure and access to a range of public facilities.

10. The request clearly facilitates the following applicable Goal and Policies in Comprehensive Plan Chapter 5 – Land Use:

- A. Goal 5.6-City Development Areas: Encourage and direct growth to Areas of Change where it is expected and desired and ensure that development in and near Areas of Consistency reinforces the character and intensity of the surrounding area.

The subject site is located wholly in an Area of Change, where growth is both expected and desired. Any future development on the subject site, which is currently vacant, could encourage, enable, and direct growth to this Area of Change. Due to the standards established by the CPO-7 Overlay Zone, including site standards, setback standards, and building height standards, any future development adhering to CPO-7 standards would be compatible in form and scale to the immediately surrounding development, where CPO-7 standards also apply. Future development could also reinforce the character and intensity of the surrounding area given the general compatibility between the MX-H and surrounding MX-M zone districts, as well as the existing buffer between the subject site and the lower-density and lower-intensity development located west of the site.

- B. Policy 5.6.2 Areas of Change: Direct growth and more intense development to Centers, Corridors, industrial and business parks, and Metropolitan Redevelopment Areas where change is encouraged.

The request could facilitate more intense development of the subject site because the MX-H zone district allows higher-intensity mixed-use development in comparison to the MX-M zone district. The subject site is located along the I-25 Frontage and Mountain Rd. Major Transit Corridors, within 660' of the Lomas Blvd., and within an Area of Change, where growth and more intense development is encouraged.

- C. Policy 5.6.2 d): Encourage higher-density housing and mixed-use development as appropriate land uses that support transit and commercial and retail uses.

The request could encourage higher-density mixed-use development because the MX-H zone district allows higher-density and higher-intensity mixed-use development in comparison to the MX-M zone. The subject site is served by Bus Route 5 and is abutted by a transit stop on the site's northern boundary. It is also located along the I-25 Frontage and Mountain Rd. Major Transit Corridors and within 660' of the Lomas Blvd. The subject site is in close proximity to a wide range of land uses, including both commercial and retail uses.

11. The request clearly facilitates Policy 8.1.1 Diverse Places in Comprehensive Plan Chapter 8-Economic Development: Foster a range of interesting places and contexts with different development intensities, densities, uses, and building scales to encourage economic development opportunities.

The request could foster a range of interesting places and contexts with different development intensities, densities, uses, and building scales opportunities because the MX-H zone district allows higher-intensity land use than the MX-M zone district, in an area that is already characterized by having a broad range of developmental intensities, densities, existing land uses, and building scales. Any future development of the subject site, which is currently vacant, could encourage economic development through the creation of construction jobs and a more productive use of land.

12. The applicant has adequately justified the request pursuant to the Integrated Development Ordinance (IDO) Section 14-16-6-7(G)(3)-Review and Decision Criteria for Zoning Map Amendments, as follows:

- A. Criterion A: Consistency with the City's health, safety, morals and general welfare is shown by demonstrating that a request furthers applicable Comprehensive Plan Goals and policies and does not significantly conflict with them. Because this is a spot zone, the applicant must further "clearly facilitate" implementation of the ABC Comp Plan (see Criterion H). The applicant's policy-based responses adequately demonstrate that the request clearly facilitates a preponderance of applicable Goals and policies in the Comprehensive Plan. Therefore, the request is consistent with the City's health, safety, morals and general welfare. The response to Criterion A is sufficient.
- B. Criterion B: The subject site is located wholly in an Area of Change, so this criterion does not apply. The response to Criterion B is sufficient.
- C. Criterion C: The subject site is located wholly in an Area of Change. The applicant argues that the existing zoning is inappropriate because it meets Criteria 2 and 3 (listed above).

The applicant states that a significant change in the conditions affecting the site justifies request because the proposed MX-H zoning is consistent with the prior zoning of C-3, as shown in IDO Table 2-2-1 Summary Table of Zone Districts. While Table 2-2-1 does show that the IDO Zone District equivalent to C-3 zone district is either the MX-H or NR-C zone district, the applicant does not demonstrate how this resulted in a significant change in the conditions of the subject site, which has remained vacant and undeveloped over time, thus remaining in the same general condition.

The applicant also states that the request meets Criteria 3 above. The applicant's policy-based analysis does demonstrate that the request would clearly facilitate a preponderance of applicable Comprehensive Plan Goals and policies and therefore would be more advantageous to the

community than the current zoning. Because Criterion C states that the applicant must demonstrate that the existing zoning is inappropriate because it meets at least one of the criteria above, and Criteria 3 is met, the response to Criterion C is sufficient.

- D. Criterion D: The applicant analyzes all new permissive, conditional, and accessory uses in the MX-H Zone District and then demonstrates how Use-specific Standards in Section 16-16-4-3 of the IDO associated with particular uses would adequately mitigate potentially harmful impacts. The applicant adequately demonstrates that the two new permissive uses in the MX-H zone, Adult Retail and Self-storage, would be mitigated by the Use-specific Standards in Section 16-16-4-3 of the IDO that are associated with these new permissive uses. In this instance, Adult Retail would be prohibited entirely due to the subject site's proximity to the school(s) to the north, while Self-storage would be controlled by Use-specific standards that reduce on-site traffic and mitigate potentially unseemly aesthetic qualities. Staff finds that the IDO's Use-specific Standards would mitigate potentially harmful impacts associated with newly permissive uses. Staff also notes that prohibitions within CPO-7 would further protect the existing community from harmful impacts associated with newly permissive, conditional, and/or accessory uses on the subject site.
- E. Criterion E: The subject site is currently served by infrastructure, which will have adequate capacity once the applicant fulfills its obligations under the IDO, the DPM, and/or an Infrastructure Improvements Agreement. Any future development on the subject site, which is currently vacant, would be required to adhere to all obligations and standards under the IDO, DPM, and/or an Infrastructure Improvements Agreement. Therefore, the response to Criterion E is sufficient.
- F. Criterion F: The applicant is not completely basing the justification for the request upon the subject site's location on a Major Collector roadway. Rather, the applicant has adequately demonstrated that the request clearly facilitates a preponderance of applicable Comprehensive Plan Goals and policies. The response to Criterion F is sufficient.
- G. Criterion G: The applicant's justification is not completely or predominantly based upon economic considerations. Rather, the applicant has adequately demonstrated that the request clearly facilitates a preponderance of applicable Comprehensive Plan Goals and policies. The response to Criterion G is sufficient.
- H. Criterion H: The request would result in a spot zone because it would apply a zone different from surrounding zone districts. The applicant acknowledges that the request would create a spot zone in their response to Criterion H, but explains that it would be justified because the subject site will function as a transition between adjacent zone districts and would clearly facilitate implementation of the Comprehensive Plan as shown in the response to Criterion A.

The applicant has demonstrated that subject site could function as a transition between the MX-H zone districts to the east, the properties zoned MX-M to the south and west, and the properties zoned MX-L, MX-T and R-T north and further west of the subject site due to the varying levels of developmental intensity associated with each zone district. Staff notes that the subject site is located within the CPO-7 Overlay Zone and the standards associated with this Overlay Zone could foster this transition, because the site standards, setback standards, and building height standards associated with this Overlay Zone would apply to any future development on the

subject site. Because the MX-H zones to the east would allow greater density and intensity than on the subject site due to CPO-7 standards, and the MX-M zone districts to the south and west would allow lower-density and lower-intensity uses, the requested MX-H zone district could serve as a transition between the more intense mixed-use zones to the east and the less intense mixed-use zones to the west.

As required, the applicant has shown that the request will clearly facilitate implementation of the ABC Comp Plan and is applicable to sub-criteria number one. The response to Criterion H is sufficient.

13. The applicant provided notice of the application to all eligible Neighborhood Association representatives and adjacent property owners (within 100 feet) via certified mail and email as required. The applicant notified the Santa Barbara Martineztown Neighborhood Association and the North Valley Coalition of their request.
14. The Santa Barbara Martineztown Neighborhood Association accepted a Pre-Submittal Neighborhood Meeting within 15 calendar days of notification (on November 21, 2023) and proposed a meeting date of January 18th. The applicant originally agreed to a meeting sometime in January (date not specified), but requested a sooner date on November 29, 2024, citing “undue delay.” The CABQ Office of Alternative Dispute Resolution then offered a Zoom meeting format, with flexible availability, beginning as early as December 4, 2023. However, the Neighborhood association was “adamant that the meeting be held on January 18th,” according to facilitated meeting notes provided by the CABQ Office of Alternative Dispute Resolution and a timeline provided by the applicant. Based on this information, it appears that the Neighborhood Association effectively declined to meet within the 30-calendar day window specified in 6-4(B)(4) of the IDO. If the Santa Barbara Martineztown NA had accepted ADR’s offered Zoom meeting within those 30 days, the Neighborhood Association would have met with the applicant during this timeframe. However, as stated in subsection 6-4(B)(9), the requirement for a pre-submittal neighbor meeting was waived, and instead, a facilitated meeting was held on January 18th. Staff has also been informed by the applicant that a follow-up non-facilitated meeting was held on January 30th.
15. Staff is aware of opposition to this request by the Santa Barbara Martineztown Neighborhood Association. In the facilitated meeting notes provided by the CABQ Office of Alternative Dispute Resolution, objections to the request were based on the communities feeling that the MX-H designation is not equivalent to the former Sector Plan C-3 designation, the potential of increased traffic, and the Applicant’s submission prior to the date of the meeting. These notes state that “community stakeholders made several additional objections, which were not related to the subject application. Those objections were omitted, here.”
16. The Santa Barbara Martineztown Neighborhood Association has submitted a comment on the case requesting it be deferred so that the Neighborhood Association can have more time to discuss and organize around the request. These comments also state that the Santa Barbara Martineztown Neighborhood Associations objects to statements made in the facilitated meeting notes, the nature of the request as a spot zone, and the uses permitted in the MX-H zone district.
17. During public input at the February 15, 2024 EPC Hearing, community members expressed strong concern over increased traffic resulting from potential development on the subject site. Community

members also emphasized, based on existing traffic studies, the need for improved transportation infrastructure near the subject site.

APPEAL: If you wish to appeal this decision, you must do so within 15 days of the EPC's decision or by **March 1, 2024**. The date of the EPC's decision is not included in the 15-day period for filing an appeal, and if the 15th day falls on a Saturday, Sunday or Holiday, the next working day is considered as the deadline for filing the appeal.

For more information regarding the appeal process, please refer to Section 14-16-6-4(V) of the Integrated Development Ordinance (IDO), Administration and Enforcement. A Non-Refundable filing fee will be calculated at the Land Development Coordination Counter and is required at the time the appeal is filed. It is not possible to appeal an EPC Recommendation to the City Council since this is not a final decision.

You will receive notification if any person files an appeal. If there is no appeal, you can receive Building Permits at any time after the appeal deadline quoted above, provided all conditions imposed at the time of approval have been met. Successful applicants are reminded that other regulations of the IDO must be complied with, even after approval of the referenced application(s).

Sincerely,



for Alan M. Varela,
Planning Director

AV/ST/MJ

cc: Tierra West, LLC, slozoya@tierrawestllc.com
Cross Development, meagan@crossdevelopment.net
Santa Barbara Martineztown NA, Loretta Naranjo Lopez, lnjalopez@msn.com
Santa Barbara Martineztown NA, Theresa Illgen, theresa.illgen@aps.edu
North Valley Coalition, Peggy Norton, peggynorton@yahoo.com
North Valley Coalition, James Salazar, jasalazarnm@gmail.com
Legal, dking@cabq.gov
EPC File

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URBAN DESIGN & DEVELOPMENT DIVISION
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OFFICIAL NOTIFICATION OF DECISION

February 15, 2024

City of Albuquerque,
City Council
1 Civic Plaza NW
Albuquerque, NM 87102

Project # PR-2024-009765
RZ-2024-00001– Zoning Map Amendment
(Zone Change)

LEGAL DESCRIPTION:

Tierra West, LLC, Inc., agent for Cross Development, requests a zoning map amendment from MX-M to MX-H, for all or a portion of Tract A, Plat of Gateway Subdivision, located at 1100 Woodward Pl NE, between Mountain Rd, and Lomas Blvd, approximately 3.0 acres. (J-15-Z)
Staff Planner: Seth Tinkle

On February 15, 2024, the Environmental Planning Commission (EPC) voted to APPROVE Project # PR-2024-009765, RZ-2024-00001– Zoning Map Amendment (Zone Change), based on the following Findings:

1. The request is for a zoning map amendment (zone change) for an approximately 3-acre site legally described as all or a portion of Tract A Plat of Gateway Subdivision, located at 1100 Woodward Pl NE, between Mountain Rd, and Lomas Blvd (the “subject site”).
2. The subject site is zoned MX-M (Mixed-use - Medium Intensity) and is currently vacant. The applicant is requesting a zone change to MX-H (Mixed use – High Intensity) which would result in a spot zone.
3. The applicant proposes to change the zoning to facilitate the proposed future development of a hospital use on the subject site. There is not a site plan associated with this request, therefore staff’s analysis is based solely on the zone change to MX-H.
4. The subject site is in an area that the Comprehensive Plan designates an Area of Change. It is not within a designated Center. It is located along the I-25 Frontage and Mountain Rd. Major Transit Corridors and within 660’ of the Lomas Blvd. Major Transit Corridor.
5. The subject site is located within the Santa Barbara Martineztown Character Protection Overlay Zone (CPO-7), and thus must adhere to the standards associated with this Overlay Zone.
6. The City of Albuquerque Integrated Development Ordinance (IDO) and the Comprehensive Plan are incorporated herein by reference and made part of the record for all purposes.

7. The request clearly facilitates the following applicable Goal and Policies from Comprehensive Plan Chapter 5 - Land Use:

A. Goal 5.1 Centers and Corridors: Grow as a community of strong Centers connected by a multi-modal network of Corridors.

The request would allow a broader range of higher-intensity land uses on the subject site, which is located along the I-25 Frontage and Mountain Rd. Major Transit Corridors and within 660' of the Lomas Blvd. Major Transit Corridor. Any development made possible by the request could result in growth on the subject site, which is currently vacant, and located along and within the aforementioned Corridors.

B. Policy 5.1.1 Desired Growth: Capture regional growth in Centers and Corridors to help shape the built environment into a sustainable development pattern.

The request would allow a broader range of higher-intensity land uses on the subject site, which is located along the I-25 Frontage and Mountain Rd. Major Transit Corridors and within 660' of the Lomas Blvd. Major Transit Corridor. Any development made possible by the request could result in growth on the subject site, which is located within these aforementioned Corridors. Locating growth within Centers and Corridors promotes sustainable development patterns, according to the ABC Comp Plan.

C. Policy 5.1.2 Development Areas: Direct more intense growth to Centers and Corridors and use Development Areas to establish and maintain appropriate density and scale of development within areas.

The request would allow a broader range of higher-intensity land uses on the subject site, which is located along the I-25 Frontage and Mountain Rd. Major Transit Corridors and within 660' of the Lomas Blvd. The subject site is also located in an Area of Change, where growth is both expected and desired, according to the ABC Comp Plan. Any development made possible by the request could result in growth on the subject site, which is vacant and located within the aforementioned Corridors and Area of Change.

8. The request clearly facilitates the following applicable Goal and Policies from Comprehensive Plan Chapter 5 - Land Use:

A. Goal 5.2 Complete Communities: Foster communities where residents can live, work, learn, shop, and play together.

The request could foster a community where residents can live, work, learn, shop, and play together because the MX-H zone district allows a broader mix of higher-intensity land uses in comparison to the MX-M Zone District. The subject site is currently vacant and surrounded by a mix of commercial, educational, and office land uses that generally range from mid-to-high intensity. Any development made possible by the request could add to this diversity of land uses, since the subject site is currently vacant.

B. Policy 5.2.1 Land Uses: Create healthy, sustainable, and distinct communities with a mix of uses that are conveniently accessible from surrounding neighborhoods.

The request could create a healthy, sustainable, and distinct community with a mix of uses that are conveniently accessible from surrounding neighborhoods. It would allow for a broader mix of higher-intensity land uses on the subject site, which is located in a distinct mixed-use area and community (Santa Barbara Martineztown), and in close proximity to numerous other communities. Any development made possible by the request could add to the already-existing mix of uses near and surrounding the subject site, which is currently vacant and located along and within several Major Transit Corridors, and in an Area of Change, where the ABC Comp Plan encourages development to accommodate growth sustainably over time.

- C. Policy 5.2.1 e): Create healthy, sustainable communities with a mix of uses that are conveniently accessible from surrounding neighborhoods.

The request could create a healthy, sustainable community with a mix of uses that are conveniently accessible from surrounding neighborhoods because the MX-H zone district would allow a broader mix of higher-intensity land uses on the subject site, which is conveniently accessible from surrounding neighborhoods. Any development made possible by the request could add to the already-existing mix of uses near and surrounding the subject site, which is currently vacant and located along and within several Major Transit Corridors, and in an Area of Change, where the ABC Comp Plan encourages development to accommodate growth sustainably over time.

- D. Policy 5.2.1 h): Encourage infill development that adds complementary uses and is compatible in form and scale to the immediately surrounding development.

The request could encourage infill development that adds complementary uses and is compatible in form and scale to the immediately surrounding area because the subject site is currently vacant and the uses and standards allowed in the MX-H zone district are generally similar to the surrounding properties zoned MX-M, with a few exceptions. Due to the standards established by the CPO-7 Overlay Zone, including site standards, setback standards, and building height standards, any future development that adheres to CPO-7 standards would be compatible in form and scale to the immediately surrounding development, where CPO-7 standards also apply.

- E. Policy 5.2.1 n): Encourage more productive use of vacant lots and under-utilized lots, including surface parking.

The request could encourage more productive use of vacant lots and under-utilized lots because the subject site is currently vacant and being used (informally) as surface parking. Any development made possible by the request could encourage more productive use than the currently vacant lot.

9. The request clearly facilitates the following applicable Goal and Policies from Comprehensive Plan Chapter 5 - Land Use:

- A. Goal 5.3 Efficient Development Patterns: Promote development patterns that maximize the utility of existing infrastructure and public facilities and the efficient use of land to support the public good.

Any development made possible by the request could promote efficient development patterns and use of land because subject site is already served by existing infrastructure and public facilities. Future development on the subject site featuring uses allowed in the MX-H Zone District could support the public good in the form of economic development, job creation, and an expansion to the tax base.

- B. Policy 5.3.1 Infill Development: Support additional growth in areas with existing infrastructure and public facilities.

The subject site is a vacant infill site located in an area already served by existing infrastructure and public facilities. Any future growth and development on the subject site would occur in an area that has adequate existing infrastructure and access to a range of public facilities.

- 10. The request clearly facilitates the following applicable Goal and Policies in Comprehensive Plan Chapter 5 – Land Use:

- A. Goal 5.6-City Development Areas: Encourage and direct growth to Areas of Change where it is expected and desired and ensure that development in and near Areas of Consistency reinforces the character and intensity of the surrounding area.

The subject site is located wholly in an Area of Change, where growth is both expected and desired. Any future development on the subject site, which is currently vacant, could encourage, enable, and direct growth to this Area of Change. Due to the standards established by the CPO-7 Overlay Zone, including site standards, setback standards, and building height standards, any future development adhering to CPO-7 standards would be compatible in form and scale to the immediately surrounding development, where CPO-7 standards also apply. Future development could also reinforce the character and intensity of the surrounding area given the general compatibility between the MX-H and surrounding MX-M zone districts, as well as the existing buffer between the subject site and the lower-density and lower-intensity development located west of the site.

- B. Policy 5.6.2 Areas of Change: Direct growth and more intense development to Centers, Corridors, industrial and business parks, and Metropolitan Redevelopment Areas where change is encouraged.

The request could facilitate more intense development of the subject site because the MX-H zone district allows higher-intensity mixed-use development in comparison to the MX-M zone district. The subject site is located along the I-25 Frontage and Mountain Rd. Major Transit Corridors, within 660' of the Lomas Blvd., and within an Area of Change, where growth and more intense development is encouraged.

- C. Policy 5.6.2 d): Encourage higher-density housing and mixed-use development as appropriate land uses that support transit and commercial and retail uses.

The request could encourage higher-density mixed-use development because the MX-H zone district allows higher-density and higher-intensity mixed-use development in comparison to the MX-M zone. The subject site is served by Bus Route 5 and is abutted by a transit stop on the site's northern boundary. It is also located along the I-25 Frontage and Mountain Rd. Major Transit Corridors and within 660' of the Lomas Blvd. The subject site is in close proximity to a wide range of land uses, including both commercial and retail uses.

11. The request clearly facilitates Policy 8.1.1 Diverse Places in Comprehensive Plan Chapter 8-Economic Development: Foster a range of interesting places and contexts with different development intensities, densities, uses, and building scales to encourage economic development opportunities.

The request could foster a range of interesting places and contexts with different development intensities, densities, uses, and building scales opportunities because the MX-H zone district allows higher-intensity land use than the MX-M zone district, in an area that is already characterized by having a broad range of developmental intensities, densities, existing land uses, and building scales. Any future development of the subject site, which is currently vacant, could encourage economic development through the creation of construction jobs and a more productive use of land.

12. The applicant has adequately justified the request pursuant to the Integrated Development Ordinance (IDO) Section 14-16-6-7(G)(3)-Review and Decision Criteria for Zoning Map Amendments, as follows:

- A. Criterion A: Consistency with the City's health, safety, morals and general welfare is shown by demonstrating that a request furthers applicable Comprehensive Plan Goals and policies and does not significantly conflict with them. Because this is a spot zone, the applicant must further "clearly facilitate" implementation of the ABC Comp Plan (see Criterion H). The applicant's policy-based responses adequately demonstrate that the request clearly facilitates a preponderance of applicable Goals and policies in the Comprehensive Plan. Therefore, the request is consistent with the City's health, safety, morals and general welfare. The response to Criterion A is sufficient.
- B. Criterion B: The subject site is located wholly in an Area of Change, so this criterion does not apply. The response to Criterion B is sufficient.
- C. Criterion C: The subject site is located wholly in an Area of Change. The applicant argues that the existing zoning is inappropriate because it meets Criteria 2 and 3 (listed above).

The applicant states that a significant change in the conditions affecting the site justifies request because the proposed MX-H zoning is consistent with the prior zoning of C-3, as shown in IDO Table 2-2-1 Summary Table of Zone Districts. While Table 2-2-1 does show that the IDO Zone District equivalent to C-3 zone district is either the MX-H or NR-C zone district, the applicant does not demonstrate how this resulted in a significant change in the conditions of the subject site, which has remained vacant and undeveloped over time, thus remaining in the same general condition.

The applicant also states that the request meets Criteria 3 above. The applicant's policy-based analysis does demonstrate that the request would clearly facilitate a preponderance of applicable Comprehensive Plan Goals and policies and therefore would be more advantageous to the

community than the current zoning. Because Criterion C states that the applicant must demonstrate that the existing zoning is inappropriate because it meets at least one of the criteria above, and Criteria 3 is met, the response to Criterion C is sufficient.

- D. Criterion D: The applicant analyzes all new permissive, conditional, and accessory uses in the MX-H Zone District and then demonstrates how Use-specific Standards in Section 16-16-4-3 of the IDO associated with particular uses would adequately mitigate potentially harmful impacts. The applicant adequately demonstrates that the two new permissive uses in the MX-H zone, Adult Retail and Self-storage, would be mitigated by the Use-specific Standards in Section 16-16-4-3 of the IDO that are associated with these new permissive uses. In this instance, Adult Retail would be prohibited entirely due to the subject site's proximity to the school(s) to the north, while Self-storage would be controlled by Use-specific standards that reduce on-site traffic and mitigate potentially unseemly aesthetic qualities. Staff finds that the IDO's Use-specific Standards would mitigate potentially harmful impacts associated with newly permissive uses. Staff also notes that prohibitions within CPO-7 would further protect the existing community from harmful impacts associated with newly permissive, conditional, and/or accessory uses on the subject site.
- E. Criterion E: The subject site is currently served by infrastructure, which will have adequate capacity once the applicant fulfills its obligations under the IDO, the DPM, and/or an Infrastructure Improvements Agreement. Any future development on the subject site, which is currently vacant, would be required to adhere to all obligations and standards under the IDO, DPM, and/or an Infrastructure Improvements Agreement. Therefore, the response to Criterion E is sufficient.
- F. Criterion F: The applicant is not completely basing the justification for the request upon the subject site's location on a Major Collector roadway. Rather, the applicant has adequately demonstrated that the request clearly facilitates a preponderance of applicable Comprehensive Plan Goals and policies. The response to Criterion F is sufficient.
- G. Criterion G: The applicant's justification is not completely or predominantly based upon economic considerations. Rather, the applicant has adequately demonstrated that the request clearly facilitates a preponderance of applicable Comprehensive Plan Goals and policies. The response to Criterion G is sufficient.
- H. Criterion H: The request would result in a spot zone because it would apply a zone different from surrounding zone districts. The applicant acknowledges that the request would create a spot zone in their response to Criterion H, but explains that it would be justified because the subject site will function as a transition between adjacent zone districts and would clearly facilitate implementation of the Comprehensive Plan as shown in the response to Criterion A.

The applicant has demonstrated that subject site could function as a transition between the MX-H zone districts to the east, the properties zoned MX-M to the south and west, and the properties zoned MX-L, MX-T and R-T north and further west of the subject site due to the varying levels of developmental intensity associated with each zone district. Staff notes that the subject site is located within the CPO-7 Overlay Zone and the standards associated with this Overlay Zone could foster this transition, because the site standards, setback standards, and building height standards associated with this Overlay Zone would apply to any future development on the

subject site. Because the MX-H zones to the east would allow greater density and intensity than on the subject site due to CPO-7 standards, and the MX-M zone districts to the south and west would allow lower-density and lower-intensity uses, the requested MX-H zone district could serve as a transition between the more intense mixed-use zones to the east and the less intense mixed-use zones to the west.

As required, the applicant has shown that the request will clearly facilitate implementation of the ABC Comp Plan and is applicable to sub-criteria number one. The response to Criterion H is sufficient.

13. The applicant provided notice of the application to all eligible Neighborhood Association representatives and adjacent property owners (within 100 feet) via certified mail and email as required. The applicant notified the Santa Barbara Martineztown Neighborhood Association and the North Valley Coalition of their request.
14. The Santa Barbara Martineztown Neighborhood Association accepted a Pre-Submittal Neighborhood Meeting within 15 calendar days of notification (on November 21, 2023) and proposed a meeting date of January 18th. The applicant originally agreed to a meeting sometime in January (date not specified), but requested a sooner date on November 29, 2024, citing “undue delay.” The CABQ Office of Alternative Dispute Resolution then offered a Zoom meeting format, with flexible availability, beginning as early as December 4, 2023. However, the Neighborhood association was “adamant that the meeting be held on January 18th,” according to facilitated meeting notes provided by the CABQ Office of Alternative Dispute Resolution and a timeline provided by the applicant. Based on this information, it appears that the Neighborhood Association effectively declined to meet within the 30-calendar day window specified in 6-4(B)(4) of the IDO. If the Santa Barbara Martineztown NA had accepted ADR’s offered Zoom meeting within those 30 days, the Neighborhood Association would have met with the applicant during this timeframe. However, as stated in subsection 6-4(B)(9), the requirement for a pre-submittal neighbor meeting was waived, and instead, a facilitated meeting was held on January 18th. Staff has also been informed by the applicant that a follow-up non-facilitated meeting was held on January 30th.
15. Staff is aware of opposition to this request by the Santa Barbara Martineztown Neighborhood Association. In the facilitated meeting notes provided by the CABQ Office of Alternative Dispute Resolution, objections to the request were based on the communities feeling that the MX-H designation is not equivalent to the former Sector Plan C-3 designation, the potential of increased traffic, and the Applicant’s submission prior to the date of the meeting. These notes state that “community stakeholders made several additional objections, which were not related to the subject application. Those objections were omitted, here.”
16. The Santa Barbara Martineztown Neighborhood Association has submitted a comment on the case requesting it be deferred so that the Neighborhood Association can have more time to discuss and organize around the request. These comments also state that the Santa Barbara Martineztown Neighborhood Associations objects to statements made in the facilitated meeting notes, the nature of the request as a spot zone, and the uses permitted in the MX-H zone district.
17. During public input at the February 15, 2024 EPC Hearing, community members expressed strong concern over increased traffic resulting from potential development on the subject site. Community

members also emphasized, based on existing traffic studies, the need for improved transportation infrastructure near the subject site.

APPEAL: If you wish to appeal this decision, you must do so within 15 days of the EPC's decision or by **March 1, 2024**. The date of the EPC's decision is not included in the 15-day period for filing an appeal, and if the 15th day falls on a Saturday, Sunday or Holiday, the next working day is considered as the deadline for filing the appeal.

For more information regarding the appeal process, please refer to Section 14-16-6-4(V) of the Integrated Development Ordinance (IDO), Administration and Enforcement. A Non-Refundable filing fee will be calculated at the Land Development Coordination Counter and is required at the time the appeal is filed. It is not possible to appeal an EPC Recommendation to the City Council since this is not a final decision.

You will receive notification if any person files an appeal. If there is no appeal, you can receive Building Permits at any time after the appeal deadline quoted above, provided all conditions imposed at the time of approval have been met. Successful applicants are reminded that other regulations of the IDO must be complied with, even after approval of the referenced application(s).

Sincerely,



for Alan M. Varela,
Planning Director

AV/ST/MJ

cc: Tierra West, LLC, slozoya@tierrawestllc.com
Cross Development, meagan@crossdevelopment.net
Santa Barbara Martineztown NA, Loretta Naranjo Lopez, lnjalopez@msn.com
Santa Barbara Martineztown NA, Theresa Illgen, theresa.illgen@aps.edu
North Valley Coalition, Peggy Norton, peggynorton@yahoo.com
North Valley Coalition, James Salazar, jasalazarm@gmail.com
Legal, dking@cabq.gov
EPC File



**Environmental
Planning
Commission**

**Agenda Number: 2
Project #: PR-2024-009765
Case #: RZ-2024-00001
Hearing Date: February 15, 2024**

Staff Report

| | |
|--------------------------|--|
| Agent | Tierra West, LLC |
| Applicant | Cross Development |
| Request | Zoning Map Amendment (zone change) |
| Legal Description | All or a portion of Tract A Plat of Gateway Subdivision |
| Location | 1100 Woodward Pl NE, between Mountain Rd, and Lomas Blvd |
| Size | Approximately 3.0 acres |
| Existing Zoning | MX-M |
| Proposed Zoning | MX-H |

Staff Recommendation

APPROVAL of PR-2024-009765, RZ-2024-00001, based on the Findings beginning on Page 25.

**Staff Planner
Seth Tinkle, MCRP**

Summary of Analysis

The request is for a zoning map amendment (zone change) for an approximately 3-acre site legally described as all or a portion of Tract A Plat of Gateway Subdivision, located at 1100 Woodward Pl NE, between Mountain Rd, and Lomas Blvd (the “subject site”). The applicant is requesting a zone change from MX-M zoning to MX-H zoning which would result in a spot zone. The request could facilitate the future development of a hospital use. The subject site is in an Area of Change and is located along the I-25 Frontage and Mountain Rd. Major Transit Corridors and within 660’ of the Lomas Blvd. Major Transit Corridor.

The applicant has adequately justified the request pursuant to IDO Review and Decision Criteria 14-16-6-7(G)(3) and based upon the proposed zoning being more advantageous to the community than the current zoning because it would clearly facilitate a preponderance of applicable Goals and policies. The applicant notified all eligible Neighborhood Associations and adjacent property owners (within 100 feet) as required. Staff is aware of opposition to this request by the Santa Barbara Martineztown Neighborhood Association.

Staff recommends Approval.

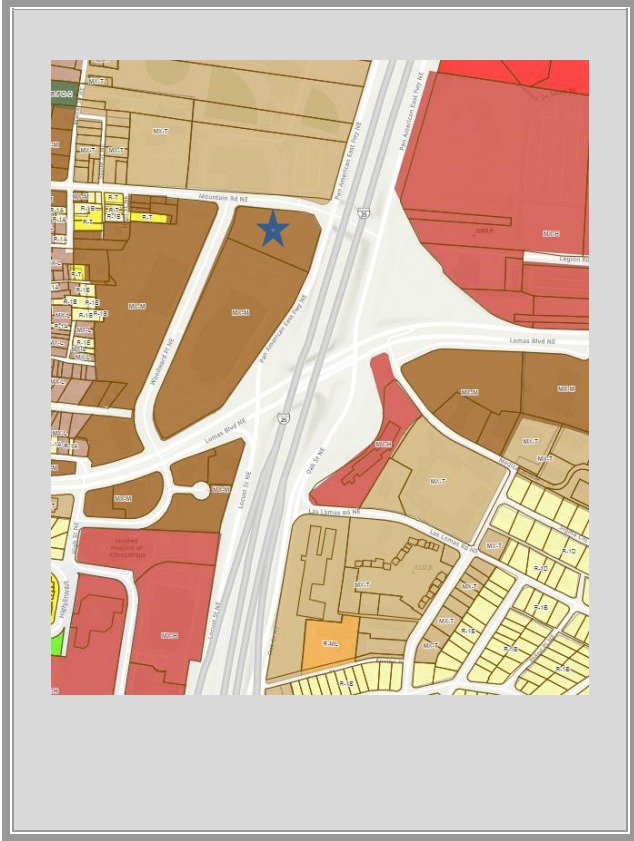


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Review and Decision Criteria for Zone Map Amendments.....p. 15

Agency and Neighborhood Concerns..... p. 23

Conclusion..... p. 24

Findings and Recommendation..... p. 25

Attachments

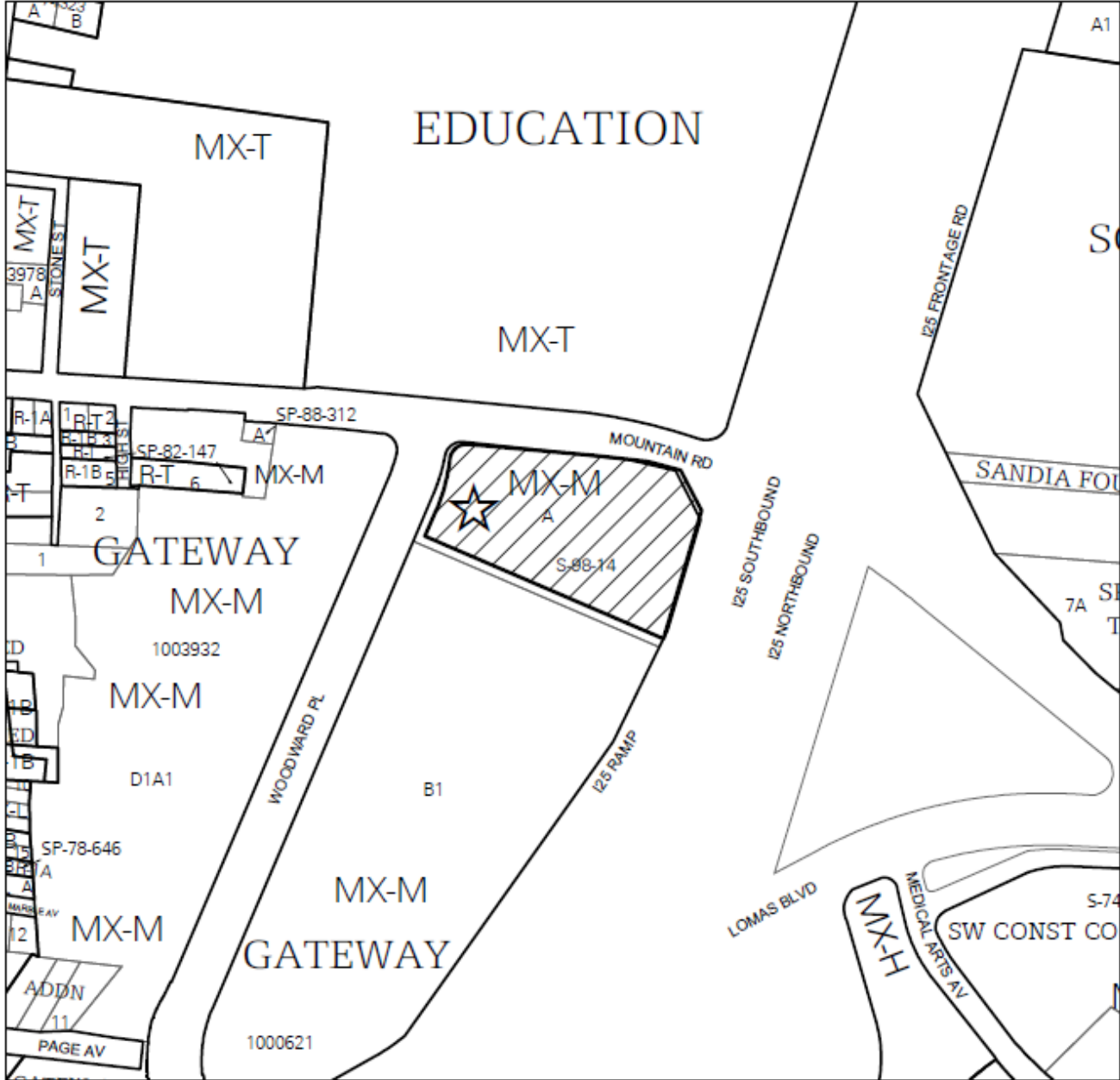
- 2-Photographs – Existing Conditions
- 3-Zoning
- 4-History
- 5-Applicant Information
- 6-Staff Information
- 7-Notification
- 8-Sign Posting

Hearing Date:
February 15, 2024

Project Number:
PR-2024-009765

Case Numbers:
RZ-2024-00001





IDO ZONING MAP

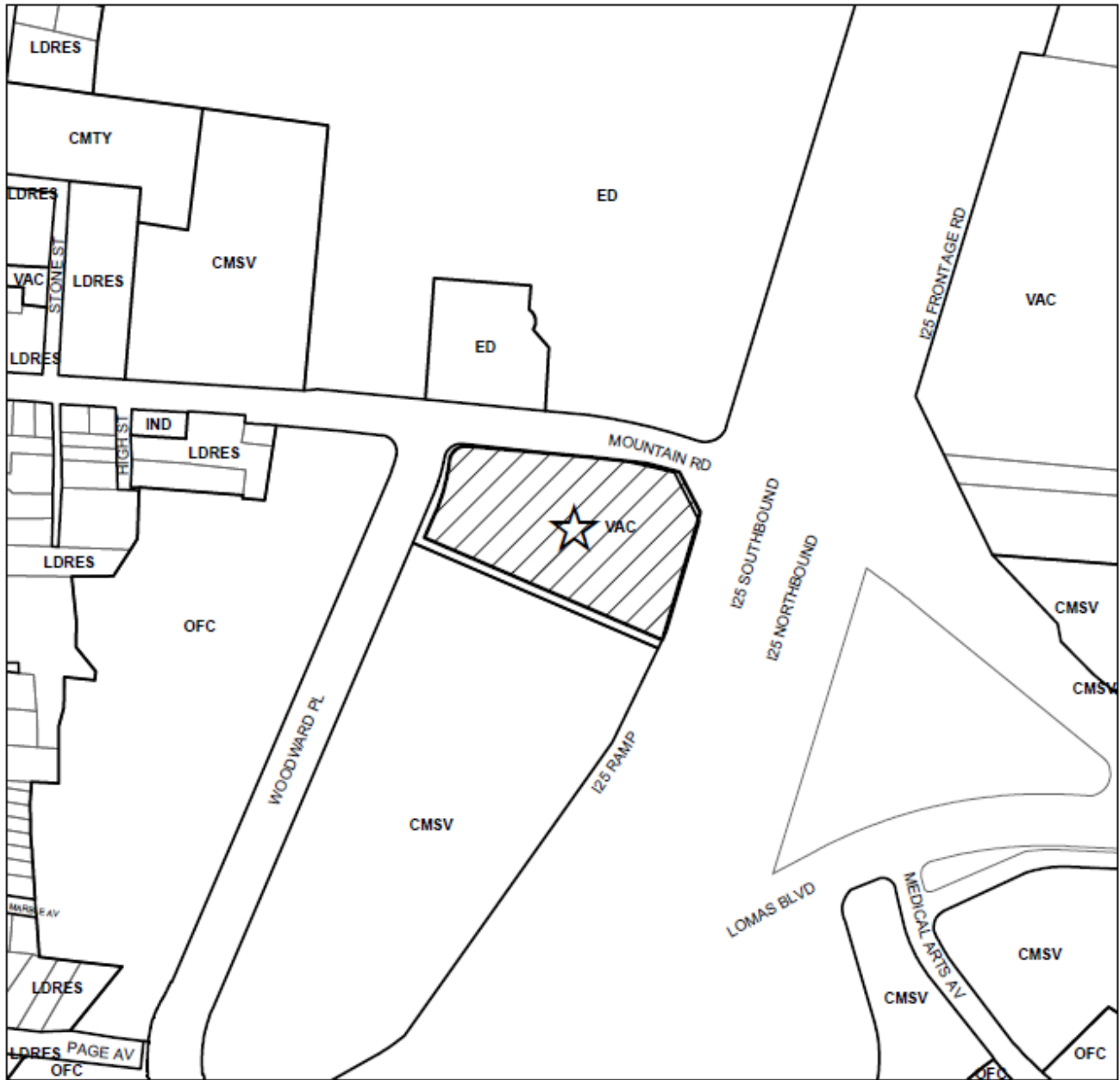
Note: Gray shading indicates County.



1 inch = 250 feet

Hearing Date:
2/15/2024
Project Number:
PR-2024-009765
Case Numbers:
RZ-2024-00001

Zone Atlas Page:
J-15



LAND USE MAP

Note: Gray shading
Indicates County

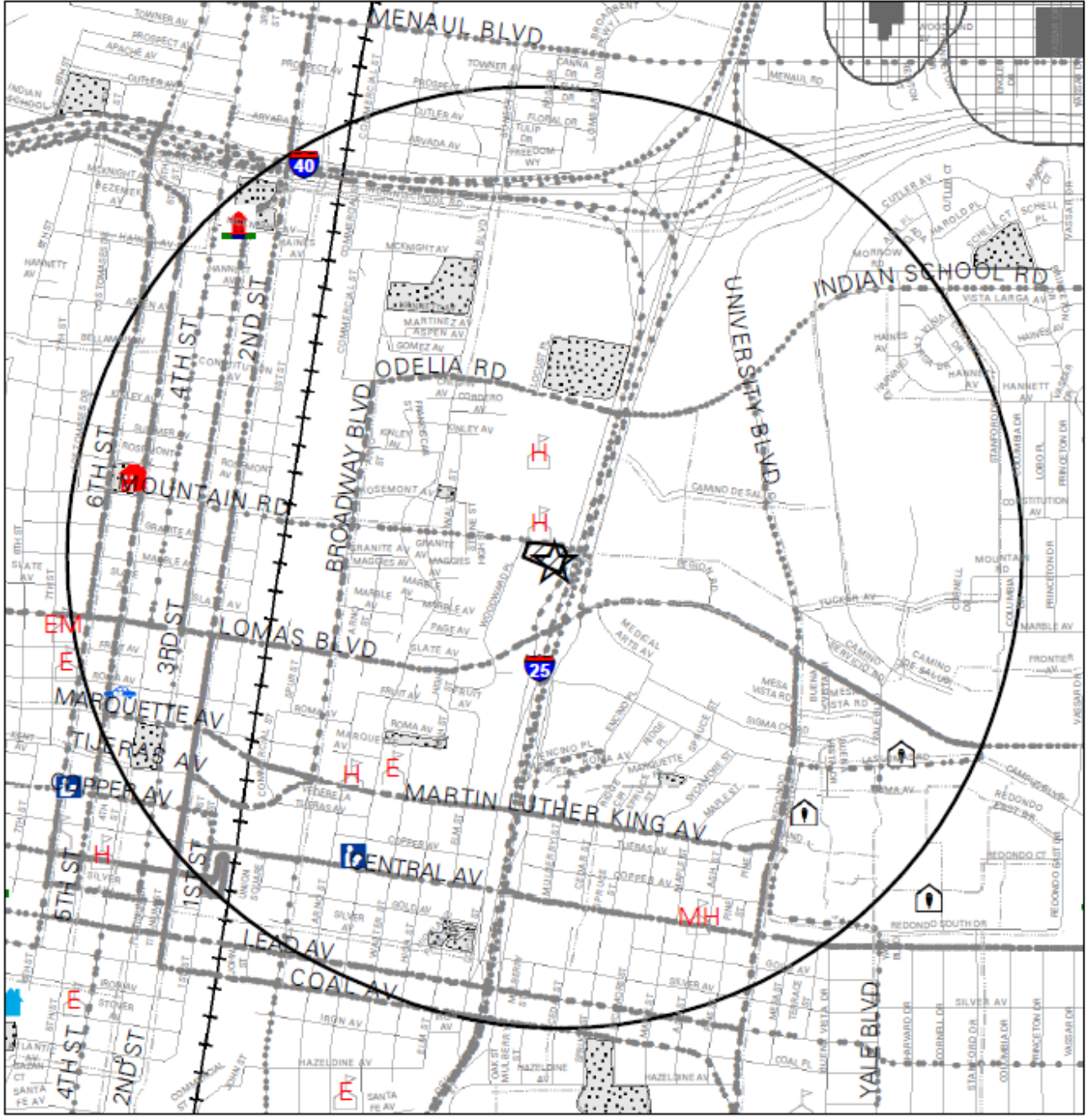
| Key to Land Use Abbreviations | |
|----------------------------------|--------------------------------|
| LDRES Low-density Residential | APRT Airport |
| MULT Multi-family | TRANS Transportation |
| COMM Commercial Retail | AGRI Agriculture |
| CMSV Commercial Services | PARK Parks and Open Space |
| OFC Office | DRNG Drainage |
| IND Industrial | VAC Vacant |
| INSMED Institutional / Medical | UTIL Utilities |
| ED Educational | CMTY Community |
| | KAFB Kirtland Air Force Base |



1 inch = 250 feet

Hearing Date:
2/15/2024
Project Number:
PR-2024-009765
Case Numbers:
RZ-2024-00001

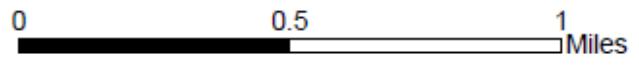
Zone Atlas Page:
J-15



Public Facilities Map with One-Mile Buffer



- | | | | |
|----------------------|-------------|--------------------------|-----------------------------|
| Community Center | Fire | Public School | Landfill designated by EHD |
| Multi-Service Center | Police | Proposed Bike Facilities | Landfill Buffer (1000-feet) |
| Senior Center | Sheriff | ABQ Ride Route | Developed City Park |
| Library | Solid Waste | Albuquerque City Limits | Undeveloped City Park |
| Museum | | | Developed County Park |
| | | | Undeveloped County Park |



Project Number: PR-2024-009765

I. INTRODUCTION

Surrounding zoning, plan designations, and land uses:

| | Zoning | Comprehensive Plan Area | Land Use |
|--------------|---------------|--------------------------------|--|
| Site | MX-M | Area of Change | Vacant (informally used for surface parking) |
| North | MX-T | Area of Change | Educational (High School) |
| South | MX-M | Area of Change | Commercial Services (Hotel) |
| East | N/A | N/A | Interstate Highway (I-25) and Frontage Rds. |
| West | MX-M | Area of Change | Office (Research or testing facility) |

Request

The request is for a zoning map amendment (zone change) for an approximately 3-acre site legally described as all or a portion of Tract A Plat of Gateway Subdivision, located at 1100 Woodward Pl NE, between Mountain Rd, and Lomas Blvd (the “subject site”).

The applicant is requesting a zone change from MX-M zoning to MX-H zoning which would result in a spot zone. The request could facilitate development of a future hospital use according to the applicant, although there is not a site plan associate with this request.

EPC Role

The EPC is hearing this request because the EPC is required to hear all zone change cases, regardless of site size, in the City. The EPC is the final decision-making body unless the EPC decision is appealed. If so, the Land Use Hearing Officer (LUHO) would hear the appeal and make a recommendation to the City Council. The City Council would make then make the final decision. The request is a quasi-judicial matter.

Context

The subject site is vacant and surrounded by a mix of commercial, educational, and office land uses that generally range from mid-to-high intensity. The subject site directly abuts I-25 and Frontage Rd S. to the east. A hotel directly abuts the subject site to the south. A medical facility is adjacent to the subject site’s west, across Woodward Pl. APS’s Early College Academy / Career Enrichment Center is north of and adjacent to the subject site, across Mountain Rd.

History

The subject site is currently vacant and undeveloped. The subject site is part of an approved Site Plan. The (rescinded) Martineztown/Santa Barbara Sector Development Plan required this location to have an approved EPC site plan, and since the overall site is already built out more than 50%, the subject site is controlled by the Site Plan. This Site Plan is tied to case numbers Z-93-46, DRB 94-183, DRB-97-466, 100060, and 1009119. On March 24, 1994 the EPC voted to

approve Z-93-46 and the site plan was reviewed and delegated for approval by the (former) DRB on July 12, 1994. Project #1000060 included amendments to the site development plan, vacation of public easements, plat approval, and several 2-year extensions of the Subdivision Improvements Agreement for the Gateway Subdivision. Project #1009119 was an old EPC case that encompassed the entire Santa Barbara Martineztown community, likely related to the adoption of or an amendment to the (now rescinded) Martineztown/Santa Barbara Sector Development Plan.

Transportation System

The Long-Range Roadway System (LRRS) map, produced by the Mid-Region Metropolitan Region Planning Organization (MRMPO), identifies the functional classifications of roadways. Mountain Rd. is classified as a Major Collector, Woodward Pl. is classified as a local street, and I-25 is classified as an interstate.

Comprehensive Plan Designations

The subject site is located wholly in an Area of Change as designated by the Comprehensive Plan. It is not located within a designated Center. It is located along the I-25 Frontage and Mountain Rd. Major Transit Corridors and within 660' of the Lomas Blvd. Major Transit Corridor.

The subject site is also located within the Santa Barbara Martineztown Character Protection Overlay Zone (CPO-7), and thus must adhere to the standards associated with this Overlay Zone. CPO-7 includes site standards, setback standards, building height maximums, and sign standards meant to protect and preserve this area's distinct community.

The subject site is included in the Central Albuquerque Community Planning Assessment (CPA) area. The Central ABQ Community Planning Area (CPA) is centrally located in Albuquerque, spanning the area between I-25 and the Rio Grande and between I-40 and the city's southern boundary with Bernalillo County.

Trails/Bikeways

The section of Mountain Rd. abutting the subject site is designated as an existing bike lane, which merges into a Bike Route west of the subject site on Mountain Rd.

Transit

The subject site is directly served by Bus Route 5 (Montgomery-Carlisle). The nearest Bus stop directly abuts the subject site's northern boundary. The subject site is located along two Major Transit Corridors and within 660' of one other (see above).

Public Facilities/Community Services

Please refer to the Public Facilities Map (see attachment), which shows public facilities and community services located within one mile of the subject site.

II. ANALYSIS of APPLICABLE ORDINANCES, PLANS, AND POLICIES

Integrated Development Ordinance (IDO)

Definitions:

Abut

To touch or share a property line.

Adjacent

Those properties that are abutting or separated only by a street, alley, trail, or utility easement, whether public or private.

Area of Change

An area designated as an Area of Change in the Albuquerque/Bernalillo County Comprehensive Plan (ABC Comp Plan), as amended, where growth and development are encouraged, primarily in Centers other than Old Town, Corridors other than Commuter Corridors, Master Development Plan areas, planned communities, and Metropolitan Redevelopment Areas.

Mixed-use Zone District

Any zone district categorized as Mixed-use in Part 14-16-2 of the IDO.

Overlay Zone

Regulations that prevail over other IDO regulations to ensure protection for designated areas. Overlay zones include Airport Protection Overlay (APO), Character Protection Overlay (CPO), Historic Protection Overlay (HPO), and View Protection Overlay (VPO). Character Protection and View Protection Overlay zones adopted after May 18, 2018 shall be no less than 10 acres, shall include no fewer than 50 lots, and shall include properties owned by no fewer than 25 property owners. There is no minimum size for Airport Protections Overlay or Historic Protection Overlay zones. See also Small Area.

Zone District

One of the zone districts established by the IDO and the boundaries of such zone districts shown on the Official Zoning Map. Zoning regulations include the Use Regulations, Development Standards, and Administration and Enforcement provisions of the IDO.

Zoning

The subject site is zoned MX-M [Mixed-use – Medium Intensity Zone District, IDO 14-16-2-4(C)], which was assigned upon adoption of the IDO as a conversion from the former SU-2 (C-3) zoning designation (Industrial/Wholesale/Manufacturing) zoning. The purpose of the MX-M zone district is to provide for a wide array of moderate-intensity retail, commercial, institutional and moderate-density residential uses, with taller, multi-story buildings encouraged in Centers and Corridors. Specific permissive uses are listed in Table 4-2-1: Allowable Uses, IDO pg. 145.

The request is to change the subject site's zoning to MX-H (Mixed Use, High Intensity Zone District, IDO 14-16-2-4(D)). The purpose of the MX-H zone district is to provide for large-scale destination retail and high-intensity commercial, residential, light industrial, and institutional uses, as well as high-density residential uses, particularly along Transit Corridors and in Urban Centers. The MX-H

zone district is intended to allow higher-density infill development in appropriate locations. Specific permissive uses are listed in Table 4-2-1 of the IDO.

Generally, the permissive uses allowed in the MX-H zone district are extremely similar to those allowed in the MX-M zone district, with a few exceptions. For a discussion of specific uses that would become permissive if the request is approved, please refer to the discussion of zone change criterion 14-16-6-7(G)(3)(d) in this report.

ALBUQUERQUE / BERNALILLO COUNTY COMPREHENSIVE PLAN

The subject site is located wholly in an area that the 2017 Albuquerque/Bernalillo County Comprehensive Plan has designated an Area of Change. Areas of Change allow for a mix of uses and development of higher density and intensity in areas where growth is desired and can be supported by multi-modal transportation. The intent is to make Areas of Change the focus of new urban-scale development that benefit job creation and expanded housing options. By focusing growth in Areas of Change, additional residents, services, and jobs can be accommodated in locations ready for new development.

Applicable Goals and Policies are listed below. Staff analysis follows in bold italic text. In this case, the Goals and policies below were included by the applicant in the justification letter. Staff finds them all applicable and adds one policy denoted with a * before the citation.

Applicable Goals and Policies

Chapter 5: Land Use

Goal 5.1 Centers and Corridors: Grow as a community of strong Centers connected by a multi-modal network of Corridors.

The request would allow a broader range of higher-intensity land uses on the subject site, which is located along the I-25 Frontage and Mountain Rd. Major Transit Corridors and within 660' of the Lomas Blvd. Major Transit Corridor. Any development made possible by the request could result in growth on the subject site, which is currently vacant, and located along and within the aforementioned Corridors. The request clearly facilitates Goal 5.1 Centers and Corridors.

Policy 5.1.1 Desired Growth: Capture regional growth in Centers and Corridors to help shape the built environment into a sustainable development pattern.

The request could capture regional growth along and within three Major Transit Corridors - the I-25 Frontage, Mountain Rd., and Lomas Blvd. Major Transit Corridors. Any development made possible by the request would result in growth on the subject site, which is 3.0-acres in size and located within these aforementioned Corridors, and also abutting Interstate 25. Locating growth within Corridors promotes sustainable development patterns, according to the ABC Comp Plan. The request clearly facilitates Policy 5.1.1 Desired Growth.

Policy 5.1.1 c): Encourage employment density, compact development, redevelopment, and infill in Centers and Corridors as the most appropriate areas to accommodate growth over time and discourage the need for development at the urban edge.

The request could encourage employment density, compact development, and infill on the currently-vacant subject site, which is located along the I-25 Frontage and Mountain Rd. Major

Transit Corridors and within 660' of the Lomas Blvd. Major Transit Corridor because the permissive uses and development standards within the MX-H zone district include a broad range of land uses and allows higher-density development. However, because this is a Zoning Map Amendment with no associated site plan, particularities around future development, such as it encouraging employment density and/or compact development, cannot be guaranteed. The request partially facilitates Policy 5.1.1 c).

Policy 5.1.2 Development Areas: Direct more intense growth to Centers and Corridors and use Development Areas to establish and maintain appropriate density and scale of development within areas.

The request would allow a broader range of higher-intensity land uses on the subject site, which is located along the I-25 Frontage and Mountain Rd. Major Transit Corridors and within 660' of the Lomas Blvd. The subject site is also located in an Area of Change, where growth is both expected and desired, according to the ABC Comp Plan. Any development made possible by the request could result in growth on the subject site, which is vacant and located within the aforementioned Corridors and Area of Change. The request clearly facilitates Policy 5.1.2 Development Areas.

Policy 5.1.10 Major Transit Corridors: Foster corridors that prioritize high frequency transit service with pedestrian-oriented development.

The request could foster corridors that prioritize high frequency transit service with pedestrian-oriented development because the MX-H zone district allows a broader mix of higher-intensity land uses on the vacant subject site, which is located along the I-25 Frontage and Mountain Rd. Major Transit Corridors and within 660' of the Lomas Blvd, and served directly by Bus Route 5. The intent of the MX-H zone district is to allow higher-density infill development in appropriate locations, which include Major Transit Corridors, according to the ABC Comp Plan. However, because this is a Zoning Map Amendment with no associated site plan, particularities around future development, such as it being pedestrian-oriented, cannot be guaranteed. The request generally facilitates Policy 5.1.10 Major Transit Corridors.

Goal 5.2 Complete Communities: Foster communities where residents can live, work, learn, shop, and play together.

The request could foster a community where residents can live, work, learn, shop, and play together because the MX-H zone district allows a broader mix of higher-intensity land uses in comparison to the MX-M Zone District. The subject site is currently vacant and surrounded by a mix of commercial, educational, and office land uses that generally range from mid-to-high intensity. Any development made possible by the request could add to this diversity of land uses, since the subject site is currently vacant. The MX-H zone district fosters a live, work, play environment because it allows a diverse range of residential, commercial, recreational, civic, and institutional uses to be co-located on one subject site at a higher intensity than the current MX-M zone district. The request clearly facilitates Goal 5.2 Complete Communities.

Policy 5.2.1 Land Uses: Create healthy, sustainable, and distinct communities with a mix of uses that are conveniently accessible from surrounding neighborhoods.

The request could create a healthy, sustainable, and distinct community with a mix of uses that are conveniently accessible from surrounding neighborhoods. It would allow for a broader mix of higher-intensity land uses on the subject site, which is located in a distinct mixed-use area and

community (Santa Barbara Martineztown), and in close proximity to numerous other communities. Any development made possible by the request could add to the already-existing mix of uses near and surrounding the subject site, which is currently vacant and located along and within several Major Transit Corridors, and in an Area of Change, where the ABC Comp Plan encourages development to accommodate growth sustainably over time. The request clearly facilitates Policy 5.2.1 Land Uses.

Policy 5.2.1 a): Encourage development and redevelopment that brings goods, services, and amenities within walking and biking distance of neighborhoods and promotes good access for all residents.

The request could encourage development that brings goods, services, and amenities within walking and biking distance of neighborhoods and promotes good access for all residents because the MX-H zone allows a broader mix of higher-intensity land uses than the MX-M zone, and the subject site is within walking and biking distance of nearby neighborhoods. However, because this is a Zoning Map Amendment with no associated site plan, particularities around future development, such as it bringing goods, services, and amenities cannot be guaranteed. The request generally facilitates Policy 5.2.1 a).

Policy 5.2.1 e): Create healthy, sustainable communities with a mix of uses that are conveniently accessible from surrounding neighborhoods.

The request could create a healthy, sustainable community with a mix of uses that are conveniently accessible from surrounding neighborhoods because the MX-H zone district would allow a broader mix of higher-intensity land uses on the subject site, which is conveniently accessible from surrounding neighborhoods. Any development made possible by the request could add to the already-existing mix of uses near and surrounding the subject site, which is currently vacant and located along and within several Major Transit Corridors, and in an Area of Change, where the ABC Comp Plan encourages development to accommodate growth sustainably over time. The request clearly facilitates Policy 5.2.1 e).

Policy 5.2.1 h): Encourage infill development that adds complementary uses and is compatible in form and scale to the immediately surrounding development.

The request could encourage infill development that adds complementary uses and is compatible in form and scale to the immediately surrounding area because the subject site is currently vacant and the uses and standards allowed in the MX-H zone district are generally similar to the surrounding properties zoned MX-M, with a few exceptions. Due to the standards established by the CPO-7 Overlay Zone, including site standards, setback standards, and building height standards, any future development that adheres to CPO-7 standards would be compatible in form and scale to the immediately surrounding development, where CPO-7 standards also apply. The request clearly facilitates Policy 5.2.1 h).

Policy 5.2.1 n): Encourage more productive use of vacant lots and under-utilized lots, including surface parking.

The request could encourage more productive use of vacant lots and under-utilized lots because the subject site is currently vacant and being used (informally) as surface parking. Any

development made possible by the request could encourage more productive use than the currently vacant lot. The request clearly facilitates Policy 5.2.1 n).

Goal 5.3 Efficient Development Patterns: Promote development patterns that maximize the utility of existing infrastructure and public facilities and the efficient use of land to support the public good.

Any development made possible by the request could promote efficient development patterns and use of land because subject site is already served by existing infrastructure and public facilities. Future development on the subject site featuring uses allowed in the MX-H Zone District could support the public good in the form of economic development, job creation, and an expansion to the tax base. The request clearly facilitates Goal 5.3 Efficient Development Patterns.

Policy 5.3.1 Infill Development: Support additional growth in areas with existing infrastructure and public facilities.

The subject site is a vacant infill site located in an area already served by existing infrastructure and public facilities. Any future growth and development on the subject site would occur in an area that has adequate existing infrastructure and access to a range of public facilities. The request clearly facilitates Policy 5.3.1 Infill Development.

Policy 5.3.2 Leapfrog Development: Discourage growth in areas without existing infrastructure and public facilities.

The subject site is located in an area already served by existing infrastructure and public facilities. Any development made possible by the request could result in infill development of the currently vacant subject site, which is in an area that is otherwise fully developed, therefore directing growth to an area with existing infrastructure and services, and potentially away from a different location without infrastructure and services. This request generally facilitates Policy 5.3.2 Leapfrog Development.

Goal 5.6 City Development Areas: Encourage and direct growth to Areas of Change where it is expected and desired and ensure that development in and near Areas of Consistency reinforces the character and intensity of the surrounding area.

The subject site is located wholly in an Area of Change, where growth is both expected and desired. Any future development on the subject site, which is currently vacant, could encourage, enable, and direct growth to this Area of Change. Due to the standards established by the CPO-7 Overlay Zone, including site standards, setback standards, and building height standards, any future development adhering to CPO-7 standards would be compatible in form and scale to the immediately surrounding development, where CPO-7 standards also apply. Future development could also reinforce the character and intensity of the surrounding area given the general compatibility between the MX-H and surrounding MX-M zone districts, as well as the existing buffer between the subject site and the lower-density and lower-intensity development located west of the site. The request clearly facilitates Goal 5.6 City Development Areas.

Policy 5.6.2 Areas of Change: Direct growth and more intense development to Centers, Corridors, industrial and business parks, and Metropolitan Redevelopment Areas where change is encouraged.

The request could facilitate more intense development of the subject site because the MX-H zone district allows higher-intensity mixed-use development in comparison to the MX-M zone district. The subject site is located along the I-25 Frontage and Mountain Rd. Major Transit Corridors, within 660' of the Lomas Blvd., and within an Area of Change, where growth and more intense development is encouraged. The request clearly facilitates Policy 5.6.2 Areas of Change.

*Policy 5.6.2 d): Encourage higher-density housing and mixed-use development as appropriate land uses that support transit and commercial and retail uses.

The request could encourage higher-density housing and mixed-use development because the MX-H zone district allows higher-density and higher-intensity development in comparison to the MX-M zone, which is appropriate on the subject site given its close proximity to transit and commercial retail uses. The subject site is served by Bus Route 5 and abutted by a transit stop on the site's northern boundary. It is also located along the I-25 Frontage and Mountain Rd. Major Transit Corridors and within 660' of the Lomas Blvd. and in close proximity to a wide range of land uses, including both commercial and retail uses. The allowable uses and development standards associated with the MX-H zone support transit and commercial and retail uses. The request clearly facilitates Policy 5.6.2 d).

Chapter 8: Economic Development

Policy 8.1.1 Diverse Places: Foster a range of interesting places and contexts with different development intensities, densities, uses, and building scales to encourage economic development opportunities.

The request could foster a range of interesting places and contexts with different development intensities, densities, uses, and building scales because the MX-H zone district allows higher-intensity land use than the MX-M zone district, in an area that is already characterized by having a broad range of developmental intensities, densities, existing land uses, and building scales. Any future development of the subject site, which is currently vacant, could encourage economic development through the creation of construction jobs and a more productive use of land. The request clearly facilitates Policy 8.1.1.

Integrated Development Ordinance (IDO) 14-16-6-7(G)(3)-Review and Decision Criteria for Zone Map Amendments

Requirements

The review and decision criteria outline policies and requirements for deciding zone change applications. 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.

The applicant must demonstrate that the existing zoning is inappropriate because of one of three findings: 1) there was an error when the existing zone district was applied to the property; or 2) there has been a significant change in neighborhood or community conditions affecting the site; or 3) a different zone district is more advantageous to the community as articulated by the Comprehensive Plan or other, applicable City plans.

Justification & Analysis

The zoning map amendment justification letter analyzed here, received on February 1, 2024, is a response to Staff’s request for a revised justification (see attachment). The subject site is currently zoned MX-M (Mixed-use Medium Intensity). The requested zoning is MX-H (Mixed-use High Intensity). The reason for the request is to facilitate the development of an Inpatient Rehabilitation Facility (IRF).

The applicant believes that the proposed zoning map amendment (zone change) meets the zone change decision criteria in IDO §14-16-6-7(G)(3) as elaborated in the justification letter. The citation is from the IDO. The applicant’s arguments are in *italics*. Staff analysis follows in **plain text**.

- A. A proposed zone change must be found to be consistent with the health, safety, and general welfare of the City as shown by furthering (and not being in conflict with) a preponderance of applicable Goals and Policies in the ABC Comp Plan, as amended, and other applicable plans adopted by the City.

Applicant: As discussed above, the requested zone map amendment from MX-M to MX-H will benefit the surrounding neighborhood by furthering a preponderance of applicable Goals and Policies in and clearly facilitating the implementation of the ABC Comp Plan as shown in the previous analysis. The analysis describes how the proposed Zone Map Amendment furthers Goals and Polices regarding Character, Centers and Corridors, Complete Communities, City Development Patterns. These Goals and policies are supported because the request will provide much needed high density, infill development as described in the definition of MX-H in the IDO, cited at the beginning of this letter. Further, the subject site is within 600-feet of three different Major Transit Corridors – Mountain Road NE, I-25 Frontage Road, and Lomas Boulevard.

Staff: Consistency with the City’s health, safety, morals and general welfare is shown by demonstrating that a request furthers applicable Comprehensive Plan Goals and policies and does not significantly conflict with them. Because this is a spot zone, the applicant must “clearly facilitate” implementation of the ABC Comp Plan (see Criterion H). The applicant’s policy-based responses adequately demonstrate that the request clearly facilitates a preponderance of applicable Goals and policies in the Comprehensive Plan. Therefore, the request is consistent with the City’s health, safety, morals and general welfare. The response to Criterion A is sufficient.

Applicable citations: Goal 5.1 Centers and Corridors, Policy 5.1.1 Desired Growth, Policy 5.1.2 Development Areas, Policy 5.1.10 Major Transit Corridors, Goal 5.2 Complete Communities, Policy 5.2.1 Land Uses, Policy 5.2.1 e), Policy 5.2.1 h), Policy 5.2.1 n), Goal 5.3 Efficient Development Patterns, Policy 5.3.1 Infill Development, Goal 5.6 City Development Areas, Policy 5.6.2 Areas of Change, Policy 5.6.2 d), Policy 8.1.1 Diverse Places

- B. If the proposed amendment is located wholly or partially in an Area of Consistency (as shown in the ABC Comp Plan, as amended), the applicant has demonstrated that the new zone would clearly reinforce or strengthen the established character of the surrounding Area of Consistency and would not permit development that is significantly different from that character. The

applicant must also demonstrate that the existing zoning is inappropriate because it meets any of the following criteria:

1. There was typographical or clerical error when the existing zone district was applied to the property.
2. There has been a significant change in neighborhood or community conditions affecting the site.
3. A different zone district is more advantageous to the community as articulated by the ABC Com Plan, as amended (including implementation of patterns of land use, development density and intensity, and connectivity), and other applicable adopted City plan(s).

Applicant: The subject site is located wholly within an Area of Change; the above criterion does not apply.

Staff: The subject site is located wholly in an Area of Change. The response to Criterion B is sufficient.

C. If the proposed amendment is located wholly in an Area of Change (as shown in the ABC Comp Plan, as amended) and the applicant has demonstrated that the existing zoning is inappropriate because it meets at least one of the following criteria:

1. There was typographical or clerical error when the existing zone district was applied to the property.
2. There has been a significant change in neighborhood or community conditions affecting the site that justifies this request.
3. A different zone district is more advantageous to the community as articulated by the ABC Comp Plan, as amended (including implementation of patterns of land use, development density and intensity, and connectivity), and other applicable adopted City plan(s).

Applicant: The subject property is located wholly within an Area of Change as shown in the ABC Comp Plan and meets criteria 2 and 3. The request meets criteria 2 because a significant change in the conditions affecting the site justifies the request. Along with the adoption of the IDO the zoning designation of the subject site was changed from C-3 (Heavy Commercial) to MX-M. The proposed MX-H zoning is consistent with the prior zoning of C-3. Further, the now repealed sector development plan considered C-3 appropriate for this area, as it is an appropriate distance away from residential development. As shown in IDO table 2-2-1: Summary of Zone Districts, the equivalent of the prior C-3 zoning designation is MX-H or NR-C.

The request also meets criteria 3, as described above: the requested zone map amendment from MX-M to MX-H will benefit the surrounding neighborhood by clearly facilitating the implementation of, and furthering a preponderance of applicable Goals and Policies in the ABC Comp Plan as shown in the previous analysis. The analysis described how the proposed Zone

Map Amendment clearly facilitates ABC Comp Plan Goals and Policies regarding Character, Distinct Communities, Centers and Corridors, Complete Communities, City Development Patterns, Land Uses, Areas of Change, Placemaking and others. These Goals and policies are supported because the request will provide much needed high density, infill development as described in the definition of MX-H in the IDO, cited at the beginning of this letter. Further, the subject site is within 600-feet of three different Major Transit Corridors – Mountain Road NE, I-25 Frontage Road, and Lomas Boulevard.

Staff: The subject site is located wholly in an Area of Change. The applicant argues that the existing zoning is inappropriate because it meets Criteria 2 and 3 (listed above).

The applicant states that a significant change in the conditions affecting the site justifies request because the proposed MX-H zoning is consistent with the prior zoning of C-3, as shown in IDO Table 2-2-1 Summary Table of Zone Districts. While Table 2-2-1 does show that the IDO Zone District equivalent to C-3 zone district is either the MX-H or NR-C zone district, the applicant does not demonstrate how this resulted in a significant change in the conditions of the subject site, which has remained vacant and undeveloped over time, thus remaining in the same general condition.

The applicant also states that the request meets Criteria 3 above. The applicant’s policy-based analysis does demonstrate that the request would clearly facilitate a preponderance of applicable Comprehensive Plan Goals and policies and therefore would be more advantageous to the community than the current zoning. Because Criterion C states that the applicant must demonstrate that the existing zoning is inappropriate because it meets at least one of the criteria above, and Criteria 3 is met, the response to Criterion C is sufficient.

- D. The zone change does not include permissive uses that would be harmful to adjacent property, the neighborhood, or the community, unless the Use-specific Standards in Section 16-16-4-3 associated with that use will adequately mitigate those harmful impacts.

Applicant:

| Change In Uses From MX-M To MX-H – Adapted from IDO Table 4-2 | | |
|---|------|------|
| Residential Uses | MX-M | MX-H |
| Group home, small | P | |
| Commercial Uses | | |
| Kennel | C | |
| Nursery | A | |
| Campground or recreational vehicle park | C | |
| Paid parking lot | P | A |
| Construction contractor facility and yard | | C |
| Self-storage | C | P |
| Amphitheater | | C |
| Adult retail | | P |
| Park and ride lot | P | C |
| Industrial Uses | | |
| Light manufacturing | | A |
| Accessory and Temporary Uses | | |
| Drive-through or drive-up facility | A | CA |
| Dwelling unit, accessory | A | |
| Outdoor animal run | CA | |
| Circus | T | |

Permissive Uses

Regarding the new uses allowed by the proposed zone change, any uses conducted on this site shall be beholden to all IDO requirements and regulations. Adult retail would normally be allowed in the MX-H zone, but due to the site's proximity to schools to the north, this use would not be permitted at all, as outlined in IDO Provision 14-16-4-3(D)(6). Self-storage, the other permissive use that would be granted through the approval of this request, is controlled by IDO Provision 14-16-4-3(D)(29). 14-16-4-3(D)(29)(f) restricts access to individual storage units to be indoor only, heavily reducing outdoor on-site traffic. Furthermore, all storage would be required to be within fully enclosed portions of a building.

Conditional Uses

An amphitheater is a conditional use and therefore would require a conditional use permit. There are no use-specific standards for amphitheaters, but the size of the lot would significantly limit the level of activity that could occur were an amphitheater to be developed here. Another use conditionally allowed in MX-H is the Construction Contractor Facility and Yard. First, anywhere construction equipment or goods or vehicles are parked or stored, or where work is conducted, must comply with all requirements in 14-16-5-6 (Landscape, Buffering, and Screening). Secondly, a conditional use approval through the ZHE would be required, requiring additional public comment and internal review. Finally, a Park-and-Ride Lot becomes an available conditional use. This use would be beholden to all standards within 14-16-5-5 (Parking and Loading), ensuring that its development would be in line with all IDO regulations.

Accessory Uses

Light manufacturing becomes a newly allowed accessory use but would be beholden to all use requirements outlined in IDO Provision 14-16-4-3(E)(4), including screening and storage requirements. A paid parking lot also would typically become a newly allowed accessory use. However, in line with provision 14-16-4-3(D)(22)(d)6., due to the lot's location in the Martineztown/Santa Barbara CPO-7, this accessory use would be prohibited.

Staff: The applicant analyzes all new permissive, conditional, and accessory uses in the MX-H Zone District and then demonstrates how Use-specific Standards in Section 16-16-4-3 of the IDO associated with particular uses would adequately mitigate potentially harmful impacts. The applicant adequately demonstrates that the two new permissive uses in the MX-H zone, Adult Retail and Self-storage, would be mitigated by the Use-specific Standards in Section 16-16-4-3 of the IDO that are associated with these new permissive uses. In this instance, Adult Retail would be prohibited entirely due to the subject site's proximity to the school(s) to the north, while Self-storage would be controlled by Use-specific standards that reduce on-site traffic and mitigate potentially unseemly aesthetic qualities. Staff finds that the IDO's Use-specific Standards would mitigate potentially harmful impacts associated with newly permissive uses. Staff also notes that prohibitions within CPO-7 would further protect the existing community from harmful impacts associated with newly permissive, conditional, and/or accessory uses on the subject site. Therefore, the response to Criterion D is sufficient.

- E. The City's existing infrastructure and public improvements, including but not limited to its street, trail, and sidewalk systems meet 1 of the following requirements:
1. Have adequate capacity to serve the development made possible by the change of zone.
 2. Will have adequate capacity based on improvements for which the City has already approved and budgeted capital funds during the next calendar year.
 3. Will have adequate capacity when the applicant fulfills its obligations under the IDO, the DPM, and/or an Infrastructure Improvements Agreement.
 4. Will have adequate capacity when the City and the applicant have fulfilled their respective obligations under a City- approved Development Agreement between the City and the applicant.

Applicant: The request meets the criteria above as described by number 3: will have adequate capacity when the applicant fills its obligations under the IDO, the DPM, and/or an IIA. The request will continue through various City application processes where infrastructure capacity will be addressed.

Staff: The subject site is currently served by infrastructure, which will have adequate capacity once the applicant fulfills its obligations under the IDO, the DPM, and/or an Infrastructure Improvements Agreement. Any future development on the subject site, which is currently vacant, would be required to adhere to all obligations and standards under the IDO, DPM, and/or an Infrastructure Improvements Agreement. Therefore, the response to Criterion E is sufficient.

- F. The applicant's justification for the requested zone change is not completely based on the property's location on a major street.

Applicant: The subject site is bound by Woodward Pl NE (local urban street), Mountain Rd NE, and the I-25 Frontage Rd. Both Mountain Rd NE and I-25 Frontage are classified as Major Collectors by MRCOG. Lomas Blvd and I-25 are in the vicinity of the subject site and are classified as Principal Arterial and Interstate by the MRCOG, respectively. Though the location of the subject site is appropriate for the requested Zone Map Amendment, our justification is not based predominantly on that. Rather, the justification is based on a thorough ABC Comp Plan analysis and shows that the request clearly facilitates and furthers a preponderance of Goals and Policies found therein.

Staff: The applicant is not completely basing the justification for the request upon the subject site's location on a Major Collector roadway. Rather, the applicant has adequately demonstrated that the request clearly facilitates a preponderance of applicable Comprehensive Plan Goals and policies. The response to Criterion F is sufficient.

- G. The applicant's justification is not based completely or predominantly on the cost of land or economic considerations.

Applicant: The request is not based on the cost of land nor economic considerations, rather, the request is based on the policy analysis above. The requested zone map amendment from MX-M to MX-H will benefit the surrounding neighborhood by clearly facilitating the implementation of, and furthering a preponderance of applicable Goals and Policies in the ABC Comp Plan as shown in the previous analysis. The analysis described how the proposed Zone Map Amendment clearly facilitates ABC Comp Plan Goals and Polices regarding Character, Distinct Communities, Centers and Corridors, Complete Communities, City Development Patterns, Land Uses, Areas of Change, Placemaking and others. These Goals and policies are supported because the request will provide much needed high density, infill development as described in the definition of MX-H in the IDO, cited at the beginning of this letter. Further, the subject site is within 600-feet of three different Major Transit Corridors – Mountain Road NE, I-25 Frontage Road, and Lomas Boulevard.

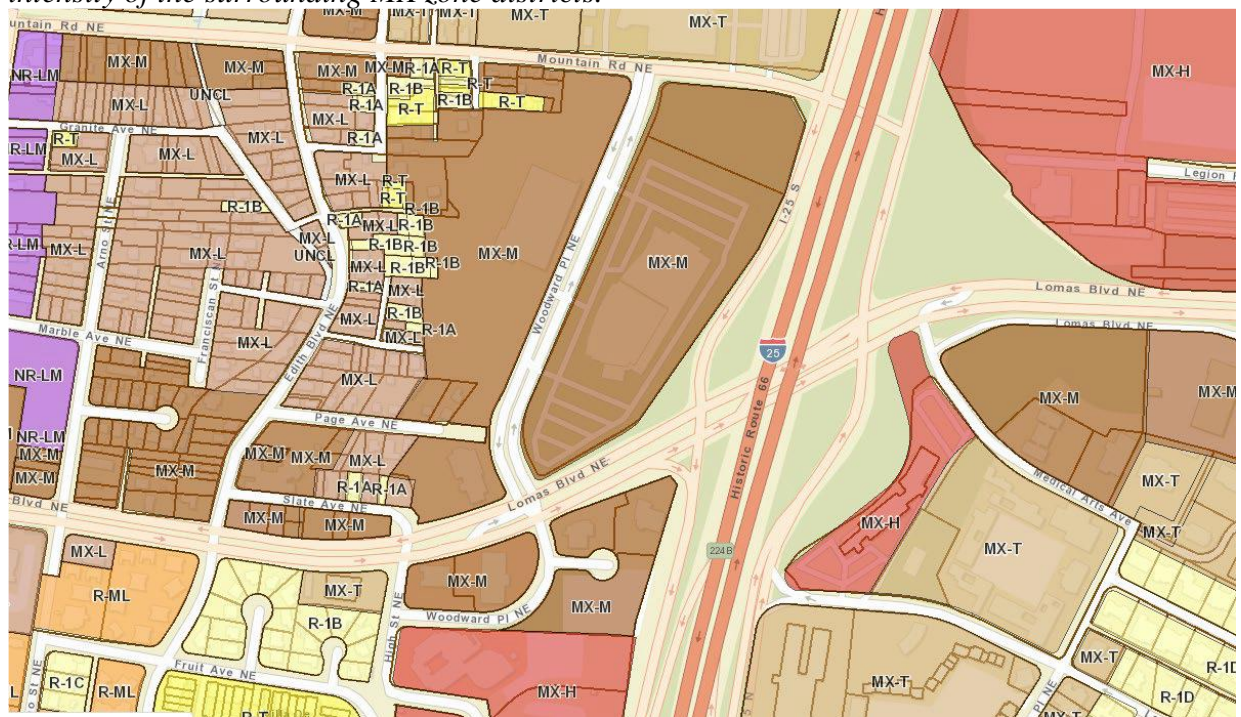
Staff: The applicant's justification is not completely or predominantly based upon economic considerations. Rather, the applicant has adequately demonstrated that the request clearly facilitates a preponderance of applicable Comprehensive Plan Goals and policies. The response to Criterion G is sufficient.

- H. The zone change does not apply a zone district different from surrounding zone districts to one small area or one premises (i.e. create a "spot zone") or to a strip of land along a street (i.e. create a "strip zone") unless the change will clearly facilitate implementation of the ABC Comp Plan, as amended, **and** at least one of the following applies:
1. The area of the zone change is different from surrounding land because it can function as a transition between adjacent zone districts.
 2. The site is not suitable for the uses allowed in any adjacent zone district due to topography, traffic, or special adverse land uses nearby.

3. The nature of structures already on the premises makes it unsuitable for the uses allowed in any adjacent zone district.

Applicant: Planning staff has interpreted that the request is a spot zone, as such, the Zoning Map Amendment would apply a spot zone. The requested Zoning Map Amendment clearly facilitates the implementation of the ABC Comp Plan, as amended, and the request meets criterion 1, because the subject property would function as a transition between adjacent zone districts. As discussed above, the requested MX-H zone would serve as an appropriate transition between adjacent zone districts for the following reasons: The definition of adjacent in the IDO, cited below on page 16 of this report, would include zone districts east of the right of way (I-25 and frontage). Additionally, the I-25 freeway is not a land use, nor is it a zoned parcel, as such it (the interstate) would not be included as a neighboring zone district.

The subject site would then be a transitional zone from the other adjacent MX-H zoned parcels (across the right of way) and the western parcels including zoning designations that range from MX-L, MX-M and MX-T. The lower intensity Mixed – Use zones west of the subject site are appropriately located and abut the few existing residential zones. The subject site and proposed MX-H zone is not directly adjacent to any residential zone and would transition into the lower intensity of the surrounding MX zone districts.



MX-H Transition

Further, should the request be approved the resulting zoning map pattern would be similar to the existing zoning patterns in the area. As shown in figure 3 above, directly east of the subject site (not including I-25), there are parcels zoned MX-H. To the southeast of the subject site, are parcels zoned MX-H which then transition into parcels zoned MX-M, MX-T, and R-1. Just south of the subject site, there are parcels zoned MX-H which transition to MX-M, MX-T, and R-1 zones.

Staff: The request would result in a spot zone because it would apply a zone different from surrounding zone districts. The applicant acknowledges that the request would create a spot zone in their response to Criterion H, but explains that it would be justified because the subject site will function as a transition between adjacent zone districts and would clearly facilitate implementation of the Comprehensive Plan as shown in the response to Criterion A.

The applicant has demonstrated that subject site could function as a transition between the MX-H zone districts to the east, the properties zoned MX-M to the south and west, and the properties zoned MX-L, MX-T and R-T north and further west of the subject site due to the varying levels of developmental intensity associated with each zone district. Staff notes that the subject site is located within the CPO-7 Overlay Zone and the standards associated with this Overlay Zone could foster this transition, because the site standards, setback standards, and building height standards associated with this Overlay Zone would apply to any future development on the subject site. Because the MX-H zones to the east would allow greater density and intensity than on the subject site due to CPO-7 standards, and the MX-M zone districts to the south and west would allow lower-density and lower-intensity uses, the requested MX-H zone district could serve as a transition between the more intense mixed-use zones to the east and the less intense mixed-use zones to the west.

As required, the applicant has shown that the request will clearly facilitate implementation of the ABC Comp Plan and is applicable to sub-criteria number one. The response to Criterion H is sufficient.

III. AGENCY & NEIGHBORHOOD CONCERNS

Reviewing Agencies

City departments and other agencies reviewed this application. ABCWUA, AMAFCA, APS, CABQ Long Range, MRMPO, PNM, Solid Waste, Transportation Development Review Services, and provided standard comments. Agency comments begin on p. 33.

Neighborhood/Public

The applicant provided notice of the application to all eligible Neighborhood Association representatives and adjacent property owners (within 100 feet) via certified mail and email as required.

The Santa Barbara Martineztown Neighborhood Association accepted a Pre-Submittal Neighborhood Meeting within 15 calendar days of notification (on November 21, 2023) and proposed a meeting date of January 18th. The applicant originally agreed to a meeting sometime in January (date not specified), but requested a sooner date on November 29, 2024, citing “undue delay.” The CABQ Office of Alternative Dispute Resolution then offered a Zoom meeting format, with flexible availability, beginning as early as December 4, 2023. However, the Neighborhood association was “adamant that the meeting be held on January 18th,” according to facilitated meeting notes provided by the CABQ Office of Alternative Dispute Resolution and a timeline provided by the applicant.

Based on this information, it appears that the Neighborhood Association effectively declined to meet within the 30-calendar day window specified in 6-4(B)(4) of the IDO. If the Santa Barbara Martineztown NA had accepted ADR's offered Zoom meeting within those 30 days, the Neighborhood Association would have met with the applicant during this timeframe. However, as stated in subsection 6-4(B)(9), the requirement for a pre-submittal neighbor meeting was waived, and instead, a facilitated meeting was held on January 18th. Staff has also been informed by the applicant that a follow-up non-facilitated meeting was held on January 30th.

Staff is aware of opposition to this request by the Santa Barbara Martineztown Neighborhood Association. In the facilitated meeting notes provided by the CABQ Office of Alternative Dispute Resolution, objections to the request were based on the communities feeling that the MX-H designation is not equivalent to the former Sector Plan C-3 designation, the potential of increased traffic, and the Applicant's submission prior to the date of the meeting. These notes state that "community stakeholders made several additional objections, which were not related to the subject application. Those objections were omitted, here."

The Santa Barbara Martineztown Neighborhood Association has submitted a comment on the case requesting it be deferred so that the Neighborhood Association can have more time to discuss and organize around the request. These comments also state that the Santa Barbara Martineztown Neighborhood Associations objects to the facilitated meeting notes and the uses permitted in the MX-H zone district.

IV. CONCLUSION

The request is for a zoning map amendment (zone change) for an approximately 3-acre site legally described as all or a portion of Tract A Plat of Gateway Subdivision, located at 1100 Woodward Pl NE, between Mountain Rd, and Lomas Blvd.

The applicant is requesting a zone change from MX-M zoning to MX-H zoning, which would result in a spot zone. The request could facilitate the proposed future development of a hospital use.

The applicant has adequately justified the request based upon the proposed zoning being more advantageous to the community than the current zoning because it would clearly facilitate a preponderance of applicable Goals and policies. The applicant's responses to the Review and Decision Criteria for Zone Map Amendments established in 14-16-6-7(G)(3) of the IDO are sufficient.

The applicant provided notice of the application to all eligible Neighborhood Association representatives and adjacent property owners (within 100 feet) via certified mail and email as required. Staff is aware of opposition to this request from the Santa Barbara Martineztown Neighborhood Association.

Staff recommends approval.

FINDINGS - RZ-2024-00001, February 15, 2024- Zoning Map Amendment (Zone Change)

1. The request is for a zoning map amendment (zone change) for an approximately 3-acre site legally described as all or a portion of Tract A Plat of Gateway Subdivision, located at 1100 Woodward Pl NE, between Mountain Rd, and Lomas Blvd (the “subject site”).
2. The subject site is zoned MX-M (Mixed-use - Medium Intensity) and is currently vacant. The applicant is requesting a zone change to MX-H (Mixed use – High Intensity) which would result in a spot zone.
3. The applicant proposes to change the zoning to facilitate the proposed future development of a hospital use on the subject site. There is not a site plan associated with this request, therefore staff’s analysis is based solely on the zone change to MX-H.
4. The subject site is in an area that the Comprehensive Plan designates an Area of Change. It is not within a designated Center. It is located along the I-25 Frontage and Mountain Rd. Major Transit Corridors and within 660’ of the Lomas Blvd. Major Transit Corridor.
5. The subject site is located within the Santa Barbara Martineztown Character Protection Overlay Zone (CPO-7), and thus must adhere to the standards associated with this Overlay Zone.
6. The City of Albuquerque Integrated Development Ordinance (IDO) and the Comprehensive Plan are incorporated herein by reference and made part of the record for all purposes.
7. The request clearly facilitates the following applicable Goal and Policies from Comprehensive Plan Chapter 5 - Land Use:

A. Goal 5.1 Centers and Corridors: Grow as a community of strong Centers connected by a multi-modal network of Corridors.

The request would allow a broader range of higher-intensity land uses on the subject site, which is located along the I-25 Frontage and Mountain Rd. Major Transit Corridors and within 660’ of the Lomas Blvd. Major Transit Corridor. Any development made possible by the request could result in growth on the subject site, which is currently vacant, and located along and within the aforementioned Corridors.

B. Policy 5.1.1 Desired Growth: Capture regional growth in Centers and Corridors to help shape the built environment into a sustainable development pattern.

The request would allow a broader range of higher-intensity land uses on the subject site, which is located along the I-25 Frontage and Mountain Rd. Major Transit Corridors and within 660’ of the Lomas Blvd. Major Transit Corridor. Any development made possible by the request could result in growth on the subject site, which is located within these aforementioned Corridors. Locating growth within Centers and Corridors promotes sustainable development patterns, according to the ABC Comp Plan.

- C. Policy 5.1.2 Development Areas: Direct more intense growth to Centers and Corridors and use Development Areas to establish and maintain appropriate density and scale of development within areas.

The request would allow a broader range of higher-intensity land uses on the subject site, which is located along the I-25 Frontage and Mountain Rd. Major Transit Corridors and within 660' of the Lomas Blvd. The subject site is also located in an Area of Change, where growth is both expected and desired, according to the ABC Comp Plan. Any development made possible by the request could result in growth on the subject site, which is vacant and located within the aforementioned Corridors and Area of Change.

- 8. The request clearly facilitates the following applicable Goal and Policies from Comprehensive Plan Chapter 5 - Land Use:

- A. Goal 5.2 Complete Communities: Foster communities where residents can live, work, learn, shop, and play together.

The request could foster a community where residents can live, work, learn, shop, and play together because the MX-H zone district allows a broader mix of higher-intensity land uses in comparison to the MX-M Zone District. The subject site is currently vacant and surrounded by a mix of commercial, educational, and office land uses that generally range from mid-to-high intensity. Any development made possible by the request could add to this diversity of land uses, since the subject site is currently vacant.

- B. Policy 5.2.1 Land Uses: Create healthy, sustainable, and distinct communities with a mix of uses that are conveniently accessible from surrounding neighborhoods.

The request could create a healthy, sustainable, and distinct community with a mix of uses that are conveniently accessible from surrounding neighborhoods. It would allow for a broader mix of higher-intensity land uses on the subject site, which is located in a distinct mixed-use area and community (Santa Barbara Martineztown), and in close proximity to numerous other communities. Any development made possible by the request could add to the already-existing mix of uses near and surrounding the subject site, which is currently vacant and located along and within several Major Transit Corridors, and in an Area of Change, where the ABC Comp Plan encourages development to accommodate growth sustainably over time.

- C. Policy 5.2.1 e): Create healthy, sustainable communities with a mix of uses that are conveniently accessible from surrounding neighborhoods.

The request could create a healthy, sustainable community with a mix of uses that are conveniently accessible from surrounding neighborhoods because the MX-H zone district would allow a broader mix of higher-intensity land uses on the subject site, which is conveniently accessible from surrounding neighborhoods. Any development made possible by the request could add to the already-existing mix of uses near and surrounding the subject site, which is currently vacant and located along and within several Major Transit Corridors,

and in an Area of Change, where the ABC Comp Plan encourages development to accommodate growth sustainably over time.

- D. Policy 5.2.1 h): Encourage infill development that adds complementary uses and is compatible in form and scale to the immediately surrounding development.

The request could encourage infill development that adds complementary uses and is compatible in form and scale to the immediately surrounding area because the subject site is currently vacant and the uses and standards allowed in the MX-H zone district are generally similar to the surrounding properties zoned MX-M, with a few exceptions. Due to the standards established by the CPO-7 Overlay Zone, including site standards, setback standards, and building height standards, any future development that adheres to CPO-7 standards would be compatible in form and scale to the immediately surrounding development, where CPO-7 standards also apply.

- E. Policy 5.2.1 n): Encourage more productive use of vacant lots and under-utilized lots, including surface parking.

The request could encourage more productive use of vacant lots and under-utilized lots because the subject site is currently vacant and being used (informally) as surface parking. Any development made possible by the request could encourage more productive use than the currently vacant lot.

- 9. The request clearly facilitates the following applicable Goal and Policies from Comprehensive Plan Chapter 5 - Land Use:

- A. Goal 5.3 Efficient Development Patterns: Promote development patterns that maximize the utility of existing infrastructure and public facilities and the efficient use of land to support the public good.

Any development made possible by the request could promote efficient development patterns and use of land because subject site is already served by existing infrastructure and public facilities. Future development on the subject site featuring uses allowed in the MX-H Zone District could support the public good in the form of economic development, job creation, and an expansion to the tax base.

- B. Policy 5.3.1 Infill Development: Support additional growth in areas with existing infrastructure and public facilities.

The subject site is a vacant infill site located in an area already served by existing infrastructure and public facilities. Any future growth and development on the subject site would occur in an area that has adequate existing infrastructure and access to a range of public facilities.

- 9. The request clearly facilitates the following applicable Goal and Policies in Comprehensive Plan Chapter 5 – Land Use:

- A. Goal 5.6-City Development Areas: Encourage and direct growth to Areas of Change where it is expected and desired and ensure that development in and near Areas of Consistency reinforces the character and intensity of the surrounding area.

The subject site is located wholly in an Area of Change, where growth is both expected and desired. Any future development on the subject site, which is currently vacant, could encourage, enable, and direct growth to this Area of Change. Due to the standards established by the CPO-7 Overlay Zone, including site standards, setback standards, and building height standards, any future development adhering to CPO-7 standards would be compatible in form and scale to the immediately surrounding development, where CPO-7 standards also apply. Future development could also reinforce the character and intensity of the surrounding area given the general compatibility between the MX-H and surrounding MX-M zone districts, as well as the existing buffer between the subject site and the lower-density and lower-intensity development located west of the site.

- B. Policy 5.6.2 Areas of Change: Direct growth and more intense development to Centers, Corridors, industrial and business parks, and Metropolitan Redevelopment Areas where change is encouraged.

The request could facilitate more intense development of the subject site because the MX-H zone district allows higher-intensity mixed-use development in comparison to the MX-M zone district. The subject site is located along the I-25 Frontage and Mountain Rd. Major Transit Corridors, within 660' of the Lomas Blvd., and within an Area of Change, where growth and more intense development is encouraged.

- C. Policy 5.6.2 d): Encourage higher-density housing and mixed-use development as appropriate land uses that support transit and commercial and retail uses.

The request could encourage higher-density mixed-use development because the MX-H zone district allows higher-density and higher-intensity mixed-use development in comparison to the MX-M zone. The subject site is served by Bus Route 5 and is abutted by a transit stop on the site's northern boundary. It is also located along the I-25 Frontage and Mountain Rd. Major Transit Corridors and within 660' of the Lomas Blvd. The subject site is in close proximity to a wide range of land uses, including both commercial and retail uses.

10. The request clearly facilitates Policy 8.1.1 Diverse Places in Comprehensive Plan Chapter 8-Economic Development: Foster a range of interesting places and contexts with different development intensities, densities, uses, and building scales to encourage economic development opportunities.

The request could foster a range of interesting places and contexts with different development intensities, densities, uses, and building scales opportunities because the MX-H zone district allows higher-intensity land use than the MX-M zone district, in an area that is already characterized by having a broad range of developmental intensities, densities, existing land uses, and building scales. Any future development of the subject site, which is currently vacant, could encourage economic development through the creation of construction jobs and a more productive use of land.

11. The applicant has adequately justified the request pursuant to the Integrated Development Ordinance (IDO) Section 14-16-6-7(G)(3)-Review and Decision Criteria for Zoning Map Amendments, as follows:

- A. Criterion A: Consistency with the City’s health, safety, morals and general welfare is shown by demonstrating that a request furthers applicable Comprehensive Plan Goals and policies and does not significantly conflict with them. Because this is a spot zone, the applicant must further “clearly facilitate” implementation of the ABC Comp Plan (see Criterion H). The applicant’s policy-based responses adequately demonstrate that the request clearly facilitates a preponderance of applicable Goals and policies in the Comprehensive Plan. Therefore, the request is consistent with the City’s health, safety, morals and general welfare. The response to Criterion A is sufficient.
- B. Criterion B: The subject site is located wholly in an Area of Change, so this criterion does not apply. The response to Criterion B is sufficient.
- C. Criterion C: The subject site is located wholly in an Area of Change. The applicant argues that the existing zoning is inappropriate because it meets Criteria 2 and 3 (listed above).

The applicant states that a significant change in the conditions affecting the site justifies request because the proposed MX-H zoning is consistent with the prior zoning of C-3, as shown in IDO Table 2-2-1 Summary Table of Zone Districts. While Table 2-2-1 does show that the IDO Zone District equivalent to C-3 zone district is either the MX-H or NR-C zone district, the applicant does not demonstrate how this resulted in a significant change in the conditions of the subject site, which has remained vacant and undeveloped over time, thus remaining in the same general condition.

The applicant also states that the request meets Criteria 3 above. The applicant’s policy-based analysis does demonstrate that the request would clearly facilitate a preponderance of applicable Comprehensive Plan Goals and policies and therefore would be more advantageous to the community than the current zoning. Because Criterion C states that the applicant must demonstrate that the existing zoning is inappropriate because it meets at least one of the criteria above, and Criteria 3 is met, the response to Criterion C is sufficient.

- D. Criterion D: The applicant analyzes all new permissive, conditional, and accessory uses in the MX-H Zone District and then demonstrates how Use-specific Standards in Section 16-16-4-3 of the IDO associated with particular uses would adequately mitigate potentially harmful impacts. The applicant adequately demonstrates that the two new permissive uses in the MX-H zone, Adult Retail and Self-storage, would be mitigated by the Use-specific Standards in Section 16-16-4-3 of the IDO that are associated with these new permissive uses. In this instance, Adult Retail would be prohibited entirely due to the subject site’s proximity to the school(s) to the north, while Self-storage would be controlled by Use-specific standards that reduce on-site traffic and mitigate potentially unseemly aesthetic qualities. Staff finds that the IDO’s Use-specific Standards would mitigate potentially harmful impacts associated with newly permissive uses. Staff also notes that prohibitions

within CPO-7 would further protect the existing community from harmful impacts associated with newly permissive, conditional, and/or accessory uses on the subject site.

- E. Criterion E: The subject site is currently served by infrastructure, which will have adequate capacity once the applicant fulfills its obligations under the IDO, the DPM, and/or an Infrastructure Improvements Agreement. Any future development on the subject site, which is currently vacant, would be required to adhere to all obligations and standards under the IDO, DPM, and/or an Infrastructure Improvements Agreement. Therefore, the response to Criterion E is sufficient.
- F. Criterion F: The applicant is not completely basing the justification for the request upon the subject site's location on a Major Collector roadway. Rather, the applicant has adequately demonstrated that the request clearly facilitates a preponderance of applicable Comprehensive Plan Goals and policies. The response to Criterion F is sufficient.
- G. Criterion G: The applicant's justification is not completely or predominantly based upon economic considerations. Rather, the applicant has adequately demonstrated that the request clearly facilitates a preponderance of applicable Comprehensive Plan Goals and policies. The response to Criterion G is sufficient.
- H. Criterion H: The request would result in a spot zone because it would apply a zone different from surrounding zone districts. The applicant acknowledges that the request would create a spot zone in their response to Criterion H, but explains that it would be justified because the subject site will function as a transition between adjacent zone districts and would clearly facilitate implementation of the Comprehensive Plan as shown in the response to Criterion A.

The applicant has demonstrated that subject site could function as a transition between the MX-H zone districts to the east, the properties zoned MX-M to the south and west, and the properties zoned MX-L, MX-T and R-T north and further west of the subject site due to the varying levels of developmental intensity associated with each zone district. Staff notes that the subject site is located within the CPO-7 Overlay Zone and the standards associated with this Overlay Zone could foster this transition, because the site standards, setback standards, and building height standards associated with this Overlay Zone would apply to any future development on the subject site. Because the MX-H zones to the east would allow greater density and intensity than on the subject site due to CPO-7 standards, and the MX-M zone districts to the south and west would allow lower-density and lower-intensity uses, the requested MX-H zone district could serve as a transition between the more intense mixed-use zones to the east and the less intense mixed-use zones to the west.

As required, the applicant has shown that the request will clearly facilitate implementation of the ABC Comp Plan and is applicable to sub-criteria number one. The response to Criterion H is sufficient.

12. The applicant provided notice of the application to all eligible Neighborhood Association representatives and adjacent property owners (within 100 feet) via certified mail and email as

required. The applicant notified the Santa Barbara Martineztown Neighborhood Association and the North Valley Coalition of their request.

13. The Santa Barbara Martineztown Neighborhood Association accepted a Pre-Submittal Neighborhood Meeting within 15 calendar days of notification (on November 21, 2023) and proposed a meeting date of January 18th. The applicant originally agreed to a meeting sometime in January (date not specified), but requested a sooner date on November 29, 2024, citing “undue delay.” The CABQ Office of Alternative Dispute Resolution then offered a Zoom meeting format, with flexible availability, beginning as early as December 4, 2023. However, the Neighborhood association was “adamant that the meeting be held on January 18th,” according to facilitated meeting notes provided by the CABQ Office of Alternative Dispute Resolution and a timeline provided by the applicant. Based on this information, it appears that the Neighborhood Association effectively declined to meet within the 30-calendar day window specified in 6-4(B)(4) of the IDO. If the Santa Barbara Martineztown NA had accepted ADR’s offered Zoom meeting within those 30 days, the Neighborhood Association would have met with the applicant during this timeframe. However, as stated in subsection 6-4(B)(9), the requirement for a pre-submittal neighbor meeting was waived, and instead, a facilitated meeting was held on January 18th. Staff has also been informed by the applicant that a follow-up non-facilitated meeting was held on January 30th.

14. Staff is aware of opposition to this request by the Santa Barbara Martineztown Neighborhood Association. In the facilitated meeting notes provided by the CABQ Office of Alternative Dispute Resolution, objections to the request were based on the communities feeling that the MX-H designation is not equivalent to the former Sector Plan C-3 designation, the potential of increased traffic, and the Applicant’s submission prior to the date of the meeting. These notes state that “community stakeholders made several additional objections, which were not related to the subject application. Those objections were omitted, here.”

15. The Santa Barbara Martineztown Neighborhood Association has submitted a comment on the case requesting it be deferred so that the Neighborhood Association can have more time to discuss and organize around the request. These comments also state that the Santa Barbara Martineztown Neighborhood Associations objects to statements made in the facilitated meeting notes, the nature of the request as a spot zone, and the uses permitted in the MX-H zone district.

RECOMMENDATION - RZ-2024-00001, February 15, 2024

APPROVAL of Project #: 2024-009765, Case #: 2024-00001, a zoning map amendment from MX-M to MX-H for all or a portion of Tract A Plat of Gateway Subdivision, located at 1100 Woodward Pl NE, between Mountain Rd, and Lomas Blvd, approximately 3 acres., based on the preceding Findings.

Seth Tinkle

***Seth Tinkle, MCRP
Long Range Planner***

Notice of Decision cc list:

Tierra West, LLC, slozoya@tierrawestllc.com

Cross Development, meagan@crossdevelopment.net

Santa Barbara Martineztown NA, Loretta Naranjo Lopez, lnjalopez@msn.com

Santa Barbara Martineztown NA, Theresa Illgen, theresa.illgen@aps.edu

North Valley Coalition, Peggy Norton, peggynorton@yahoo.com

North Valley Coalition, James Salazar, jasalazarm@gmail.com

EPC file

Legal, dking@cabq.gov

CITY OF ALBUQUERQUE AGENCY COMMENTS

PLANNING DEPARTMENT

Zoning Enforcement

Long Range Planning

This is a request for a zone map amendment from MX-M to MX-H for a parcel located on 1100 Woodward Pl NE, Abq NM 87102, at the SW intersection of Mountain Rd NE. and the I-25 Frontage Road. The current site is approximately 2.79 acres, is vacant and is located within an Area of Change.

There is no other property zoned MX – H (Mixed-Use – High intensity) in the area west of I-25. The property zoned MX-H east of I-25 does not share access to the same streets as the subject property. The interstate and frontage roads are a combined set of 4 streets that are not pedestrian-oriented. These combined rights-of-way act as a physical and visual barrier from the other property zoned MX-H east of I-25. The purpose of the MX-H zone district is to provide for large-scale destination retail and high-intensity commercial, residential, light industrial, and institutional uses, as well as high-density residential uses, particularly along Transit Corridors and in Urban Centers. The MX-H zone district is intended to allow higher-density infill development in appropriate locations [IDO §14-16-2-4(D)(1)].

Due to the proposed inpatient component, this facility would be considered a hospital for the purposes of the IDO. Hospitals are a permissive use in the MX-M zone district but are limited to 20 beds and are conditional within 330 feet of any Residential zone district. The request would result in an up-zone that would allow more than 20 beds and increase the maximum building height on the site from 48 feet to 68 feet.

The proposed development supports Policy 4.1.1 in Chapter 4, Community Identity, as it would provide a location for more intense uses away from residential areas, including needed health services, as well as providing jobs to the City of Albuquerque and accessible by 3 major transit corridors, thereby protecting the stable and thriving surrounding residential neighborhoods.

The proposed project would support Policy 5.1.2 and Goal 5.3.1 in Chapter 5: Land Use by providing health services for the public good in close proximity to the nearby neighborhood and is accessible by a network of major transit corridors.

The Martineztown/Santa Barbara community has often expressed opposition to mixed-use, higher-density, multi-story development. The EPC should carefully consider whether an up-zone is appropriate on this site west of I-25.

CITY ENGINEER

Transportation Development

Transportation has no objection to the Zoning Map Amendment for this item.

Hydrology Development

New Mexico Department of Transportation (NMDOT)

DEPARTMENT of MUNICIPAL DEVELOPMENT

Transportation Planning

Traffic Engineering Operations (Department of Municipal Development)

Street Maintenance (Department of Municipal Development)

RECOMMENDED CONDITIONS FROM THE CITY ENGINEER:

WATER UTILITY AUTHORITY

1. No objections to Zoning Map Amendment.
2. For informational purposes only:
 - 2a. Conditions of service are being analyzed in Availability Statement 240117.

Utility Services

ENVIRONMENTAL HEALTH DEPARTMENT

Air Quality Division

Environmental Services Division

PARKS AND RECREATION

Planning and Design

Open Space Division

City Forester

POLICE DEPARTMENT/Planning

SOLID WASTE MANAGEMENT DEPARTMENT

Project # PR-2024-009765 RZ-2024-00001– Zoning Map Amendment (Zone Change) --- Should the zone map amendment be approved a site plan approved for access by the Solid Waste Department will be required. The site plan will need to indicate the refuse/recycle plan for this project. Trash enclosure minimum requirement can be found using the following link:

<https://www.cabq.gov/solidwaste/documents/enclosurespecificationswordfont14.pdf>

FIRE DEPARTMENT/Planning

TRANSIT DEPARTMENT

COMMENTS FROM OTHER AGENCIES

BERNALILLO COUNTY

ALBUQUERQUE METROPOLITAN ARROYO FLOOD CONTROL AUTHORITY

No adverse comments for the zone map change.

ALBUQUERQUE PUBLIC SCHOOLS

1. EPC Description: RZ-2024-00001, Zoning Map Amendment (Zone Change).
2. Site Information: Gateway Subdivision, Tract A.
3. Site Location: 1100 Woodward Place NE, between Mountain Road and Lomas Blvd.
4. Request Description: Request for a zone change from MX-M to MX-H to facilitate the development of a hospital.
5. APS Comments: Location is directly across Mountain Road NW from APS Alternative Schools CEC and ECA campus. Curb cut depicted in the Option on the application indicates vehicular entry/exit will be located directly across from school entry/egress. Plan will have inevitable traffic ramifications. Request that developer work with APS to determine an appropriate location for the turn-in/turn-out and ensure concurrency.

Kirtland Air Force Base

MID-REGION METROPOLITAN PLANNING ORGANIZATION (MRMPO)

MRMPO has no adverse comment.

MIDDLE RIO GRANDE CONSERVANCY DISTRICT

Good afternoon, neither of these cases are within our jurisdiction and will not require MRGCD final approval.

Thank you and let us know if you need anything else.

PUBLIC SERVICE COMPANY OF NEW MEXICO

There are PNM facilities and/or easements around the entire site's perimeter, including along the Woodward Pl and Mountain Rd frontages.

It is the applicant's obligation to determine if existing utility easements or rights-of-way are located on or adjacent to the property and to abide by any conditions or terms of those easements.

Any existing easements may have to be revisited and/or new easements may need to be created for any electric facilities as determined by PNM. If existing electric lines or facilities need to be moved, then that is at the applicant's expense.

Any existing and/or new PNM easements and facilities need to be reflected on a future Site Plan and any future Plat.

Structures, especially those made of metal like storage buildings and canopies should not be within or near PNM easements without close coordination with and agreement from PNM.

Perimeter and interior landscape design should abide by any easement restrictions and not impact PNM facilities. Please adhere to the landscape standards contained in IDO Section 14-16-5-6(C)(10) as applicable.

The applicant should contact PNM's New Service Delivery Department as soon as possible to coordinate electric service regarding any proposed project. Submit a service application at <https://pnmnsd.powerclerk.com/MvcAccount/Login> for PNM to review.

If existing electric lines or facilities need to be moved, then that is at the applicant's expense. Please contact PNM as soon as possible at <https://pnmnsd.powerclerk.com/MvcAccount/Login> for PNM to review.

February 13, 2024

Jonathan R. Hollinger, Chair
Environmental Planning Commission
600 Second Street
Albuquerque, NM 87102

RE: ***Project #: PR-2024-009765 Case #: RZ-2024-00001, 1100 Woodward NE, 3-acre parcel***

Dear Jonathan R. Hollinger,

Santa Barbara Martineztown Neighborhood Association (SBMTNA) requests denial of the zone map amendment from MX-M to MX-H based on the following:

1. The application does not satisfy the IDO and State Legal requirements for changing the subject property's existing zoning. (Exhibit 1, Fairway Village Neighborhood Council, Inc vs. Board of Commissioners of Dona Ana County.)
2. The applicants request for zone map amendment from MX-M to MX-H is a spot zone and spot zones are illegal. The proposed use is not a transition. The MX-H is not compatible with the historical single-family neighborhood. The uses are detrimental to any residential neighborhood. The three-story physical therapy hospital should be on arterials that can accommodate the traffic, noise, and air pollution. Mountain Road is an old historical residential two-lane road designated as a collector that cannot accommodate any more traffic.
3. A Traffic Study and an Environmental Impact Study is requested.
4. The Albuquerque hospitals and Physical Therapy Hospitals are nearby and are located in Non-Residential Zones next to arterials.
5. The Impacts of High-Density Developments on Traffic and Health (HIA Report) counters the Traffic Engineers comments. A Traffic Engineer should address the HIA Report and the comments made by the City Planning Departments Traffic Engineer. The Traffic Engineers only reasoning to accept the zone map amendment was that the traffic didn't meet a certain threshold. The community has been dealing with traffic accidents at Mountain and the Frontage Road since the opening of the frontage road and the City of Albuquerque has done nothing to resolve the issues. There is no cross walk or light for the students at Woodward and Mountain Road NE. There has been requests to make only a right hand turn on Mountain and the frontage road and there has been no efforts to implement this request. Another suggestion was to have an island in the middle of Mountain Road to stop the 5-ton truck from entering Mountain Road. There has also been a proposal to do a roundabout at Edith and Mountain Road and again nothing is being done to protect the residential pedestrians and the students at the high schools.
6. Because of the existing cumulative impacts due to the frontage Road, Lomas Boulevard, I-25, I-40, the number of air quality permits issued by the Environmental Health Department and congestion at peak hours on Mountain Road NE, the SBMTNA requests denial of the zone map amendment to MX-H. The MX-M zone is already considered

detrimental to any neighborhood. A higher intensity MX-H will increase the negative impacts that already exists.

HISTORY

Mountain Road is a historical neighborhood road. It was built before the invention of vehicles. The road is a small narrow road that cannot accommodate high volume of traffic. The property was grazing land and playground for the Martineztown children. The site was used as a dumping ground during the construction of the I-25. However, it continued to be the playground for the youth.

On March 5, 1990, the subject site was part of Martineztown/Santa Barbara Sector Development Plan. As shown, the predominant land use is historical single family residential, but the zoning of the historical single-family dwellings continues to be in error and is zoned heavy commercial.

The subject property was zoned SU-2 described as C-3 which are “A. Permissive uses: 1. Uses permissive and as regulated in the C-2 zone. 2. Antenna up to 65 feet in height. 3. Uses which must be conducted within a completely enclosed building. 4. Uses permissive in the R-2 zone. B. 1. Uses permissive or conditional in the C-2 or C-3 zones and not permissive in the C-3 category but not in the C-3. (See the MSSDP, page 74 and 75.) 2. All existing C-3 uses which become non-conforming as of adoption of this Sector Development Plan are approved as conditional uses. 3. Existing legal conforming uses which become non-conforming upon adoption of the 1990 plan are approved conditional uses.”

Resolution R-20-75 states the City of Albuquerque is committed to addressing racial and social inequity. Martineztown Santa Barbara Neighborhood was zoned in the 1959 commercial. The neighborhood predominant land use has continued to be single family residential R-1. **The Housing and Neighborhood Economic Development Fund 2022 Comprehensive Plan (HNDEF Plan)** states that while these new developments are exciting for Albuquerque residents, they may create inhospitable economic conditions that produce neighborhood displacement and gentrification. The continued commercialization of our neighborhood will be the detriment to the neighborhood.

Upon the adoption of the 2018 IDO, the zoning designation changed from SU-2/C-3 (C-2 permissive uses) to MX-M (Mixed-Use – Medium Intensity). The SU-2/C-3 in Martineztown Sector Plan the permissive uses is C-2. This MX-M zone is consistent and predominant commercial zone in the Martineztown Santa Barbara Neighborhood boundaries.

The Martineztown Santa Barbara Sector Development Plans that were draft from 2007 to 2013 outlines and calls for more intense uses to be further away from developed neighborhoods and residential areas. ***The MX-H is not compatible with the historical single-family neighborhood. The proposed three-story physical therapy hospital/medical facility is out of character and should be on arterials that can accommodate the traffic, noise, and air pollution.***

ABC COMPREHENSIVE PLAN

Under the City Comprehensive Plan, Goal 4-1 Character enhances, protect, and preserve distinct communities - *Martineztown Santa Barbara is a historical neighborhood. Under Policy 4.1.4-Neighborhoods, the City violates this policy by not enforcing the historical protection to enhance, protect and preserve the neighborhood and traditional communities as key to our long- term health and vitality of the Martineztown Santa Barbara neighborhood which has historically been permitted single family land use.*

(Goal 4-2 and Goal 4.2.2 Process) *The City of Albuquerque Comprehensive Plan and Integrated Development Ordinance was approved without participation from the whole community. SBMTNA had a lawsuit and a Civil Rights Complaint because of the continued discrimination. The residents have had to endure living next to incompatible uses (development) by the City of Albuquerque that impact the health, safety and welfare of the residents.*

Chapter 4 – Community Identity (4.1.1-Distinct Communities) –*This request for zone map amendment is in the Martineztown Santa Barbara Neighborhood that has been neglected by the City of Albuquerque and this proposed zone map amendment is a misrepresentation of the quality development which is not consistent with the distinct character of this community. It will impact the neighborhood with 24-hour service and vehicles up and down the neighborhood. It will exasperate an already congested area. The propose use will bring more idling cars to an area that is already dealing with severe air quality issues. There are nearby physical rehabilitation centers that are within minutes of Martineztown/Santa Barbara neighborhood. The City HIA Report states these types of uses are detrimental to the very existence of the neighborhood.*

Policy 4.1.2-Identity and Design – *The request does not promote the protection and enhancement of the Martineztown Santa Barbara neighborhood character by establishing a zoning conversion that is not appropriate and not contextual to the current land uses. The proposed zoning conversion are not compatible with surrounding land uses and zoning patterns. Martineztown Santa Barbara neighborhood is a predominant historical single family dwelling land use. The zone map amendment counter acts the distinct character of this community.*

Under Goal 5-2 - *The MX-H does not provide a service that doesn't already exist nearby. The recommended zoning is a threatening development and will impact the residential area The zone map amendment is detrimental to the residential neighborhood.*

The zone map amendment and proposed project would not support Policy 5.1.2 and Goal 5.3.1 in Chapter 5: Since the Land Use proposal is already provided nearby on Central NE, Elm Street NE and Medical Arts NE including UNM hospital. This request for a higher intense use is injurious to Martineztown Santa Barbara Neighborhood.

The Martineztown/Santa Barbara community continues to oppose the high intensity use as supported by the City of Albuquerque HIA report that states it will increase costs pressures on low- income households and create inhospitable economic conditions that produce neighborhood displacement and gentrification. The EPC should carefully consider that an up-zone is detrimental to residents that live right next door to this proposed zone map amendment.

POLICY 5.2.1

Land Uses: Create healthy, sustainable, and distinct communities with a mix of uses that are conveniently accessible from surrounding neighborhoods. [ABC]

- (a) Under Policy 5.2.1 Land Use – Encourage development and redevelopment that brings goods, services, and amenities within walking and biking distance of neighborhoods and promotes good access for all residents. [ABC] **The physical therapy hospital does not provide day to day needs for the residents. This use will increase pressures on low-income households.**
- (b) Encourage development that offers choice in transportation, work areas, and lifestyles. [ABC] **The physical therapy patients that will visit the hospital will not be using alternative transportation. There are not enough bus drivers to provide good service and my understanding Mountain Road has limited amount of people using the service.**
- c) Maintain the characteristics of distinct communities through zoning and design standards that are consistent with long- established residential development patterns. [ABC] **The MX-H is not compatible with the historical single-family area. The three-story physical therapy hospital should be on arterials that can accommodate the traffic, noise, and air pollution.**
- (d) Encourage development that broadens housing options to meet a range of incomes and lifestyles. [ABC]. **This use will not provide affordable housing in order to bring families into the neighborhood that will support already existing institutions such Albuquerque High School, Long Fellow Elementary, Career Enrichment Center, San Ignacio, Second Presbyterian, St. Paul Lutheran Churches.**
- (e) Create healthy, sustainable communities with a mix of uses that are conveniently accessible from surrounding neighborhoods. [ABC] **The neighborhood is mixed use but the majority of uses do not support the day to day needs of the residents. The uses are detrimental to health, safety, and welfare of residents.**
- (f) Encourage higher density housing as an appropriate use in the following situations: [ABC]
 - i. Within designated Centers and Corridors; **Martineztown Santa Barbara Neighborhood is not in a Centers and Corridors it is a predominant single**

family residential neighborhood and according to the Metropolitan Redevelopment Office Martineztown does not have an MRA.

- ii. *In areas with good street connectivity and convenient access to transit; Mountain Road is an old historic road with two small lanes that cannot accommodate large amounts of traffic. The increase in traffic causes traffic to idol and impacts the health safety and welfare of the residents.*
- iii. *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; The existing MX-M was established when the IDO was first established in 2018 and is part of the established surrounding zoning. This proposed physical therapy is not compatible for the neighborhood. It does not belong in a historical residential neighborhood nor does it belong next to high schools. The infrastructure cannot accommodate any more traffic. Mountain Road is considered one of highest fatality rates in Bernalillo County. The MX-M and the proposed MX-H is not compatible with the residential single-family area. The MX-H is detrimental to the health, safety and welfare of the residents. These uses bring in unwanted traffic in all of the neighborhood residential streets.*

Under Goal 5.6 (5.6.2 Areas of Change) - City Development Areas – this property is in the Martineztown Santa Barbara boundaries next to Area of Consistency. Policy 5.6-3 – These properties in Martineztown Santa Barbara Neighborhood are in Areas of Consistency and are not protected and the proposed application counter acts the protection and enhancement to preserve the character and health, safety and welfare of the existing single family dwelling neighborhoods.

The Goal 5-7 Implementation Processes – The application does not satisfy the IDO and legal requirements for changing the subject property’s existing zoning.

According to Part 14-16-6: Administration and Enforcement 6-4(I): Traffic Impact Study Requirements General Procedures 6-4(I) TRAFFIC IMPACT STUDY REQUIREMENTS 6-4(I)(1) A traffic impact study may be required pursuant to standards in the DPM or Subsection 14-16-5-2(E)(2)(c). The extent of the study or report will depend on the location of the project, the amount of traffic generated from the development, and the existing conditions in the project area.

According to the City of Albuquerque Planning Department the area did not generate enough traffic. However, the Impacts of High-Density Development on Traffic and Health, the Health Impact Assessment states Mountain Road and Broadway Intersection ranked 6th and 15th among the top intersections in Bernalillo County having the highest fatal and injury crash rates for 2005-2009. Furthermore, research shows that pedestrian fatalities occur more frequently in low-income communities. Martineztown Santa Barbara Neighborhood is a minority low-income community which the City of Albuquerque has failed to address the racial and social inequities.

Mountain Road is a small narrow road established in the mid 1800s. Mountain Road has the highest fatal and injury crash rates and can no longer have any increases in traffic. The best use for this site would be for AHS and CEC is an open space park to deal with heat waves, or a park with a swimming pool and tennis courts with plenty of trees.

In the HIA Report it states that vehicle counts for Mountain Road, west of Pan American, have significantly increased, undoubtedly due to the construction of the large Embassy Suites Hotel and Tri Core Laboratory (figure 1). Vehicle counts in the area of the I-25 and I-40 interchange have also continued to increase with a 2011 average weekly vehicle count on I-402 west of I-25 of 136,200 and east of I-25 of 180,000. Additionally, the 2011 average weekly vehicle count on I-25 north of I-40 was 193,300 and south of I-40, 166, 100. Elsewhere, vehicle counts have remained stable or declined.

6-4(I)(2) A scoping meeting with the City Engineer may be scheduled to determine whether a traffic impact study is required. 6-4(I)(3) If a traffic impact study is required, it shall be submitted as part of the application materials and is subject to ENVIRONMENTAL IMPACT

SBMTNA recommends the City of Albuquerque to require the applicant to perform a Traffic Impact Study and Environmental Impact Study. The recommended studies would show what the Bernalillo County has already stated in their report that our area is the highest for heart rates and cancer than anywhere in Bernalillo County. According to the City of Albuquerque, Martineztown is one of areas for heat watch. HIA states The City freeway and heavy commercial uses, diesel trucks with the allowed Air Quality Permits have caused this area to be at dangerously high levels of air pollution. Residents of Martineztown Santa Barbara neighborhood suffer from traffic related noise because of their close proximity to two large interstates I-25 and I-40 and the BN&SF Railroad. The frontage road brings onto Mountain Road lines of idling traffic to the neighborhood which further impacts the health, safety and welfare of the residents.

6-7(G) ZONING MAP AMENDMENT – EPC

6-7(G)(3) Review and Decision Criteria

An application for a Zoning Map Amendment shall be approved if it meets all of the following criteria.

6-7(G)(3)(a) The proposed zone change is consistent with the health, safety, and general welfare of the City as shown by furthering (and not being in conflict with) a preponderance of applicable Goals and Policies in the ABC Comp Plan, as amended, and other applicable plans adopted by the City.

The proposed zone change from MX-M to MX-H is not consistent with the health, safety, and general welfare of the City and is in direct conflict with the Goals and Policies in the ABC Comp Plan, as amended, and other applicable plans as adopted by the City. The zone map amendment does not meet the requirements of the IDO or State law.

6-7(G)(3)(b) If the subject property is located partially or completely in an Area of Consistency (as shown in the ABC Comp Plan, as amended), the applicant has demonstrated that the new zone would clearly reinforce or strengthen the established character of the surrounding Area of Consistency and would not permit development that is significantly different from that character. The applicant must also demonstrate that the existing zoning is inappropriate because it meets any of the following criteria.

1. There was typographical or clerical error when the existing zone district was applied to the property. There was no error for this property. ***The MX-M is consistent with the 2018 IDO. There was no typographical or clerical error.***
2. There has been a significant change in neighborhood or community conditions affecting the site.

The development is consistent with established 2018 IDO MX-M zone for TRICOR and Embassy Suites.

3. A different zone district is more advantageous to the community as articulated by the ABC Comp Plan, as amended (including implementation of patterns of land use, development density and intensity, and connectivity), and other applicable adopted City plan(s).

The different zone district is not advantageous to the community as articulated by the ABC Comp Plan and the IDO including State law. See the Health Impact Assessment Report for further understanding how damaging this request for zone map amendment to MX-H will be to the neighborhood. The MX-H is a higher intensity use that will be more detrimental to Martineztown Santa Barbara historic neighborhood. It allows uses such as construction yards and other uses that are not compatible.

6-7(G)(3)(c) If the subject property is located wholly in an Area of Change (as shown in the ABC Comp Plan, as amended) and the applicant has demonstrated that the existing zoning is inappropriate because it meets any of the following criteria.

1. There was typographical or clerical error when the existing zone district was applied to the property. ***There was no typographical or clerical error.***
2. There has been a significant change in neighborhood or community conditions affecting the site that justifies this request. ***There has been no significant change. TRICORE and Embassy Suites are zoned MX-M the established zoning in the 2018 IDO.***

3. A different zone district is more advantageous to the community as articulated by the ABC Comp Plan, as amended (including implementation of patterns of land use, development density and intensity, and connectivity), and other applicable adopted City plan(s).

The MX-H is detrimental to any neighborhood. The proposed use is available nearby and throughout the city of Albuquerque.

6-7(G)(3)(d) The requested zoning does not include permissive uses that would be harmful to adjacent property, the neighborhood, or the community, unless the Use-specific Standards in Section 14-16-4-3 associated with that use will adequately mitigate those harmful impacts. ***MX-H zoning category is detrimental to the historical neighborhood. MX-H is incompatible next to residential. The residents are dealing with high volume of traffic that is impacting their health.***

6-7(G)(3)(e) The City's existing infrastructure and public improvements, including but not limited to its street, trail, and sidewalk systems, meet any of the following criteria:

1. Have adequate capacity to serve the development made possible by the change of zone. ***The area does not have adequate capacity. The City of Albuquerque is aware that the frontage road is very dangerous and has on record many fatalities. Mountain Road is a small historical residential street. The proposed zone is detrimental to the residents.***
2. Will have adequate capacity based on improvements for which the City has already approved and budgeted capital funds during the next calendar year. ***There are no proposed improvements. The neighborhood has been asking for years and are still waiting for improvements. (Exhibit 6 - Letter to City Council Benton)***
3. Will have adequate capacity when the applicant fulfills its obligations under the IDO, the DPM, and/or an Infrastructure Improvements Agreement (IIA). ***There are no proposed improvements made by the applicant. Other than bringing unwanted traffic into the neighborhood.***
4. Will have adequate capacity when the City and the applicant have fulfilled their respective obligations under a City- approved Development Agreement between the City and the applicant. ***The City of Albuquerque has failed to provide any improvements after a traffic study was done to provide street improvements for the safety of the pedestrians and drivers specifically for Mountain Road and the Frontage Road***

6-7(G)(3)(f) The applicant's justification for the Zoning Map Amendment is not completely based on the property's location on a major street. ***According to the applicant, the***

reason for the development is that it is close to downtown. Martineztown Santa Barbara is an adjacent historical single family residential neighborhood. The applicant proposal will not serve the neighborhood residents day to day needs.

6-7(G)(3)(g) The applicant’s justification is not based completely or predominantly on the cost of land or economic considerations. ***Economic conditions should not be justification at all.***

6-7(G)(3)(h) The Zoning Map Amendment does not apply a zone district different from surrounding zone districts to one small area or one premises (i.e., create a “spot zone”) or to a strip of land along a street (i.e., create a “strip zone”) unless the requested zoning will clearly facilitate implementation of the ABC Comp Plan, as amended, and at least 1 of the following applies.

1. The subject property is different from surrounding land because it can function as a transition between adjacent zone districts. ***This proposed zone map amendment to MX-H cannot function as a transition. The uses in the MX-H are detrimental to the neighborhood.***
2. The subject property is not suitable for the uses allowed in any adjacent zone district due to topography, traffic, or special adverse land uses nearby. ***This zone map amendment to MX-H is not suitable due to the historical low density single family residential neighborhood next door and the historical Mountain Road residential street.***

Summary of Analysis.

The applicant proposes a zone map amendment from MX-M to MX-H. The applicant states the reason is to build a physical therapy hospital which is allowed in the MX-M. The MX-M only allows 20 beds. The applicant proposes to build a three story 60 bed physical therapy hospital.

The purpose of the **MX-M** zone district is to provide for a wide array of moderate-intensity retail, commercial, institutional and moderate-density residential uses, with taller, multi-story buildings encouraged in Centers and Corridors.

The MX-M is medium intensity zone was established in 2018 IDO, which the property is zoned. The request MX-H zone uses are detrimental to the neighborhood.

The purpose of the MX-H zone district is to provide for large-scale destination retail and high-intensity commercial, residential, light industrial, and institutional uses, as well as high-density residential uses, particularly along Transit Corridors and in Urban Centers. The MX-H zone district is intended to allow higher-density infill development in **appropriate** locations. Allowable uses are shown in Table 4-2-1.

According to my research, all hospitals in the nearby vicinity are zoned nonresidential and are located next to arterials.

Mountain Road NE is a historical narrow two- lane residential street developed before the invention of vehicles. The City Traffic Engineer states Mountain Road is a collector street. The Albuquerque hospitals are located next door to residential, but these residential areas are well protected with R-1 zone, and some many have Historical Overlays. The City of Albuquerque fails to address racial and social inequities in Martineztown Santa Barbara Neighborhood.

The MX-H zone would not be an appropriate zone map amendment at 1100 Woodward NE. The MX-H zone does not satisfy the day to day needs of the neighborhood or the high schools. The traffic volume, noise, traffic commercial vehicle emissions will be detrimental to the neighborhood.

The applicant is requesting a zone change from MX-M zoning to MX-H zoning which would result in a spot zone. The subject site is located next two high schools with approximately 4000 plus students and a historical residential single family predominantly minority neighborhood which the policies require protection and preservation of the neighborhood. MX-H is significantly dangerous for the neighborhood. The IDO and State law does not support this request.

The SBMTNA recommends that the proposed zone map amendment from MX-M to MX-H be denied. Based on the applicant does not satisfy the IDO and legal requirements for changing the subject property's existing zoning. The applicant failed to address the changed conditions. The zoning was established in the 2018 IDO.

Thank you for your thorough review of this case and your consideration for denial based on the IDO and State law.

Sincerely,
Loretta Naranjo Lopez, President
Ronald Vallegos, Vice President
Theresa Illgen, Secretary
Jesse Lopez, Treasurer
Rosalie Martinez
Olivia Ayon
Gilbert Speakman
Melissa Naranjo
David Naranjo
Frank Garcia

SANTA BARBARA MARTINEZTOWN

EXHIBITS

FOR

Project #: PR-2024-009765 Case #: RZ-2024-00001

1. Exhibit 1 – Fairway Village Neighborhood Council Inc vs. Board of Commissioners of Dona Ana County and Picacho Hills Development.
2. Exhibit 2 – Impacts of High-Density Developments on Traffic and Health Report (HIA Report)
3. Exhibit 3 – Martineztown Santa Barbara Sector Development Plan Draft – August 2010
4. Exhibit 4 – R-20-75
5. Exhibit 5 – Technical Memorandum – Martineztown Santa Barbara Traffic Study
6. Exhibit 6 – AC-20-9 – Conditional Use for Construction Yard
7. Exhibit 7 – Martineztown Santa Barbara Traffic Study
8. Exhibit 8 – Albuquerque New Mexico Heat Watch Report 11/11/21
9. Exhibit 9 - Petition Signatures

Exhibit 1

6-7 (G) (S)

WESTLAW CLASSIC

2023 WL 7697092

Only the Westlaw citation is currently available.

UNPUBLISHED OPINION. CHECK COURT RULES BEFORE CITING.

Fairway Village Neighborhood Council, Inc. v. Board of Commissioners of Doña Ana County
Court of Appeals of New Mexico. November 15, 2023. Not Reported in Pac. Rptr. 2023 WL 7697092 (Approx. 3 pages)

New Mexico Appellate Reports. Refer to Rule 12-405 NMRA for restrictions on the citation of unpublished decisions. Electronic decisions may contain computer-generated errors or other deviations from the official version filed by the Court of Appeals.

Court of Appeals of New Mexico.

[FAIRWAY VILLAGE NEIGHBORHOOD COUNCIL, INC., Appellant-Respondent,

v.

BOARD OF COMMISSIONERS OF DOÑA ANA COUNTY, Appellee-Petitioner,

and

Picacho Hills Development Company, Interested Party.

No. A-1-CA-40374

Filed November 15, 2023

APPEAL FROM THE DISTRICT COURT OF DOÑA ANA COUNTY, James T. Martin,
District Court Judge

Attorneys and Law Firms

Karen E. Wootton Legal Services, P.C., Karen E. Wootton, Las Cruces, NM, for Respondent

Macke Law & Policy, LLC, Daniel J. Macke, Albuquerque, NM, for Petitioner

MEMORANDUM OPINION

DUFFY, Judge.

*1 (1) The Board of County Commissioners of Doña Ana County (Board) appeals from a district court order reversing the Board's approval of a zoning change. The Board contends the district court erred by (1) finding that the Board was required to make independent or separate findings rather than adopting findings and conclusions prepared by county development staff, and (2) concluding the Board's decision was not supported by substantial evidence. For the reasons that follow, we affirm the district court's order reversing the Board's decision.

BACKGROUND

(2) In June 2021, the Doña Ana County Planning and Zoning Commission (the Commission) denied an application by Picacho Hills Development Company for a zoning change for a 4.56 acre parcel of land located at 1200 Fairway Village Drive in Doña Ana County. Picacho Hills sought to upzone the parcel from D3 (high density residential) to C2 (community commercial) to allow for the development of a recreational vehicle storage facility on the land. In September 2021, the Board, acting in an appellate capacity, held a de novo public hearing on the Commission's decision to deny the zone change. During the hearing, the Board heard testimony from a Picacho Hills representative, community development department staff, and community members opposed to the zoning. The Board voted to reverse the Commission's decision and approve the zone change, finding that the proposed development was consistent with the Doña Ana County Comprehensive Plan and the zone change was appropriate and reasonably necessary to protect the public interest. The Board also found that there was a "substantial change in conditions in the surrounding area."

Furthermore, the Board noted that the zone change was not "spot zoning" and would be beneficial to residents in the area by increasing the availability of RV storage.

(3) Fairway Village Neighborhood Council, Inc. are nearby homeowners who oppose the zone change and development of an RV storage facility on the land. Following the Board's decision, Fairway Village appealed the Board's approval of the zone change to the district court.

(4) The district court, acting in an appellate capacity pursuant to Rule 1-074 NMRA, reversed the Board's decision and denied Picacho Hills's application for a zone change. In a letter decision, the district court stated that the Board's order approving the zone change "merely parrots [the Board's] staff's conclusions without any analysis or citation to the record to support those conclusions" and noted that the Board did not discuss the standards for zoning changes set forth in *Albuquerque Commons Partnership v. City Council of Albuquerque*, 2008-NMSC-025, 144 N.M. 99, 184 P.3d 311, or *Miller v. City of Albuquerque*, 1976-NMSC-052, 89 N.M. 503, 554 P.2d 685, "in such a way as to show that the [Board] complied with the applicable legal standard necessary to justify a zoning change." We granted the Board's Rule 12-505 NMRA petition for writ of certiorari review.

DISCUSSION

"2 (5) "When reviewing an agency decision by writ of certiorari, we apply the same standard of review applicable to the district court under Rule 1-074(R) NMRA ... while at the same time determining whether the district court erred in the first appeal." *Ann Morrow & Assocs. v. N.M. Hum. Servs. Div.*, 2022-NMCA-060, ¶ 7, 517 P.3d 965 (internal quotation marks and citation omitted). This Court will affirm an agency's decision unless (1) the agency acted fraudulently, arbitrarily, or capriciously; (2) based upon the whole record on appeal, the agency's decision was not supported by substantial evidence; (3) the agency's action was outside its scope of authority, or (4) the agency's action was not in accordance with law, Rule 1-074(R).

(6) The zoning change at issue must be justified by (1) a change in conditions in the community that make the amendment reasonably necessary to protect the public interest, (2) a mistake in the original zoning, or (3) a showing that the zoning change is more advantageous to the community compared with other available property. *Albuquerque Commons*, 2008-NMSC-025, ¶¶ 25, 30; *Miller*, 1976-NMSC-052, ¶ 14. The Board's order indicates that it relied on the first justification, change in community conditions. The district court determined that the Board's finding was not supported by substantial evidence. The district court noted that the Board, "in their formal order adopting recommendations from its staff, found that ... there had been a substantial change in the area since 1999 through the existence of the golf course, clubhouse, and wastewater plant." The court noted, however, that the golf course, clubhouse, and wastewater plant had all been in existence since 1979 and predate the most recent zoning classification for the area, which occurred in 2017. The court concluded, "There was no evidence to show any substantial change in the area's uses or activities since the most recent zoning adoption." See *Miller*, 1976-NMSC-052, ¶ 15 (noting that in order to show a change in community conditions, there must be a substantial change in the character of the neighborhood "since the original zoning to such an extent that the reclassification or change ought to be made"). The Board has not challenged this aspect of the district court's decision on appeal to this Court, and has not directed us to any evidence in the record of post-2017 activity supporting its finding that a change in conditions justify the zoning change. Consequently, we affirm the district court's determination that the Board's action was not supported by substantial evidence.

(7) The Board argues that even if the change in condition analysis fails, its decision is affirmable under the third justification, that the change is advantageous to the community. See *Albuquerque Commons*, 2008-NMSC-025, ¶ 30. We note that the Board does not appear to have relied on this justification when reaching its decision. Nevertheless, on the merits, the "public need" justification also fails because it is unsupported by substantial evidence in the record. The Court in *Albuquerque Commons* noted that "the proof in such a case would have to show, at a minimum, that (1) there is a public need for a change of the kind in question, and (2) that need will be best served by changing the classification of the particular piece of property in question as compared with other available property." *Id.* (internal quotation marks and citation omitted). While the Board argues that the proposed RV storage facility would "fill the need of the surrounding community, as there is limited storage of this type that is not already at capacity available in this area," it has not pointed to any evidence in the record supporting the second prong. The Board's briefing likewise fails to

address how this need will be best served by changing the classification of this particular piece of property. Consequently, the Board has not demonstrated that the zoning change was justified based on the benefit to the community under the criteria required by *Abuquerque Commons*.

*3 (8) In sum, after a thorough review of the parties' briefs and a whole record review of the proceedings below, we affirm the district court's order reversing the Board's decision and denying Picacho Hills' application for a zone change. The Board has not demonstrated that the zoning change was justified under any of the criteria set forth in *Abuquerque Commons* and *Miller*, or that the district court erred in concluding that the Board's actions are arbitrary, capricious, and not supported by substantial evidence.

CONCLUSION

(9) We affirm the district court's order reversing the Board's decision.

(10) IT IS SO ORDERED.

WE CONCUR:

JACQUELINE R. MEDINA, Judge

GERALD E. BACA, Judge

All Citations

Not Reported in Pac. Rptr., 2023 WL 7697092

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IMPACTS OF HIGH DENSITY DEVELOPMENTS ON TRAFFIC AND HEALTH

Written and Researched by the
Bernalillo County Place Matters Team
June 2013

*This Report is in
Response to a
Request for
Assistance by
Martineztown Work
Group*

Introduction

Land-use plans play a significant role in the look, feel and vitality of a neighborhood and can strongly influence neighborhood conditions such as clean air, access to safe places to play and work, and the availability of quality schools and employment. Researchers are discovering that the availability of neighborhood conditions such as these profoundly influence residents' overall health, particularly among childrenⁱ. Conversely, residents living in neighborhoods characterized by poor quality schools, few job opportunities, and a polluted environment have poor overall health and a shorter life expectancy. In fact, in Bernalillo County there is a dramatic difference in life expectancy depending on where one lives – with residents residing in higher income, predominantly non-Hispanic white, and amenity rich neighborhoods living up to 22 years longerⁱⁱ.

Planners can create land-use plans that encourage healthy neighborhoods for all by considering how the plan will positively, or negatively, impact the health and welfare of the residents who live there. A tool called Health Impact Assessment, or HIA, enables planners to consider the health impacts of a proposed plan prior to decision making by gathering health related data.

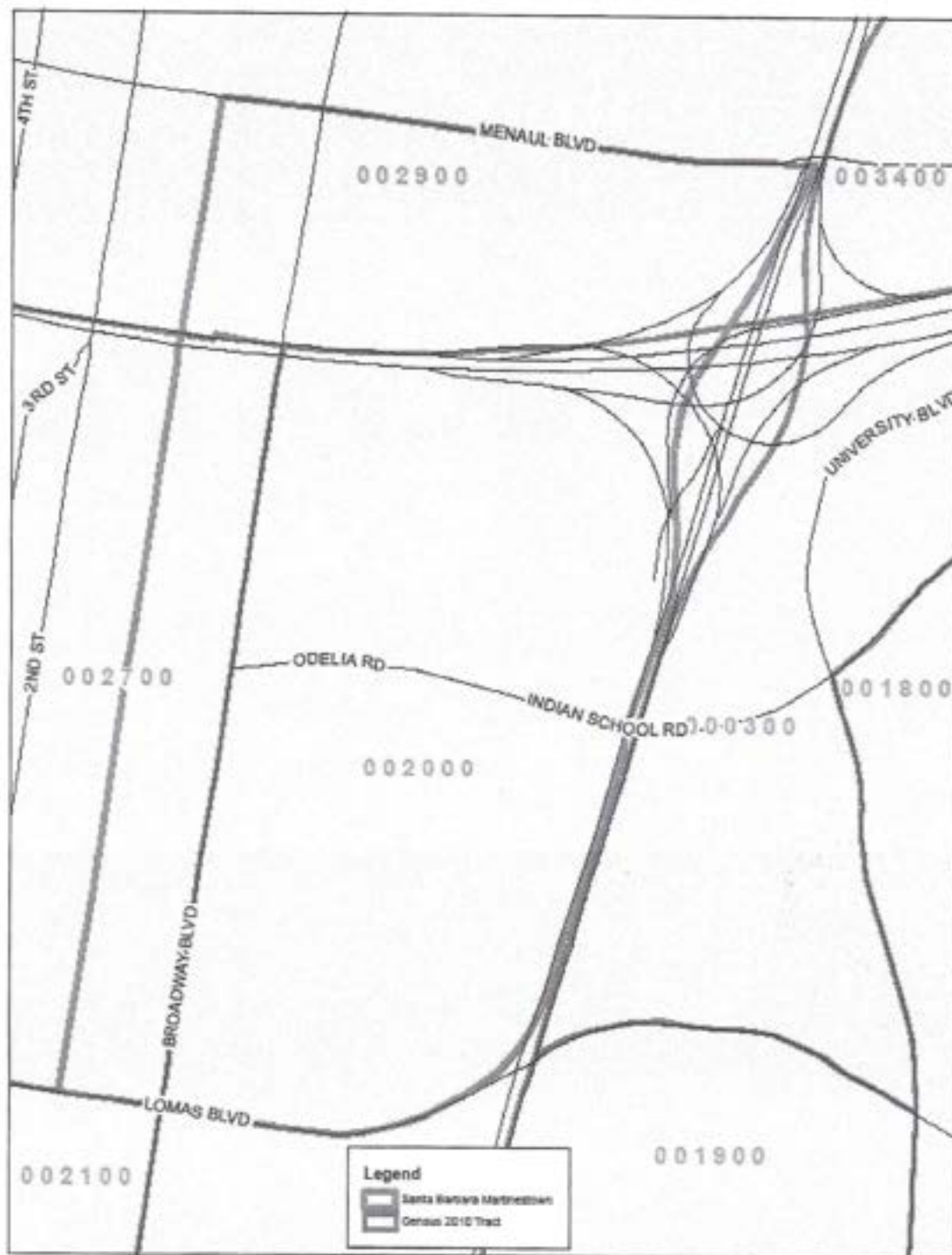
Because of the Bernalillo County Place Matters Team's (Team) experience with HIAs, representatives of the Martineztown Work Group (MWG) asked the Team to conduct a HIA on the proposed 2012 Santa Barbara Martineztown (SBMZ) Sector Development Plan (Plan). Specifically, neighborhood residents were concerned that the Plan's implementation would result in higher density developments, which in turn, would increase vehicle volumes within their neighborhood and negatively impact: 1) road safety resulting in increased crash related fatalities/injuries; 2) air quality resulting in increased respiratory illness, cancer, and cardiovascular disease, and; 3) noise levels resulting in increased learning disabilities among children. Unfortunately, given time constraints, the Team could not conduct a full blown HIA and instead offered to develop a report for the City Councilors of the City of Albuquerque consisting of data on current neighborhood conditions as they relate to vehicle volumes and health and a summary of research on the impact of increased vehicle volumes on health.

The Santa Barbara-Martineztown Community

The two census tracts underlying SB-MZ are tracts 20 and 29 (map 1) with a total 2010 population of 6,321, comprised of 57.6% (census tract 20) and 58.5% (census tract 29) Hispanics. Comparatively, Bernalillo County is comprised of 48.1 percent Hispanics. Twenty-five percent (tract 20) and 14.9% (tract 29) of SB-MZ residents live below the Federal Poverty Level (\$23,550 annually for a family of four), compared to 16.6% of Bernalillo County residents.

SB-MZ geographically sits at the cross-roads of two major Interstates, I-25 and I-40, and is bordered by two major roadways, Lomas Blvd. and Menaul Blvd. to the north and south, respectively, with the BN&SF railroad nearby, to the west.

Map 1. 2010 census tract boundaries underlying Santa Barbara-Martineztown



Source: 2010 U.S. Census Bureau

Vehicle Volume

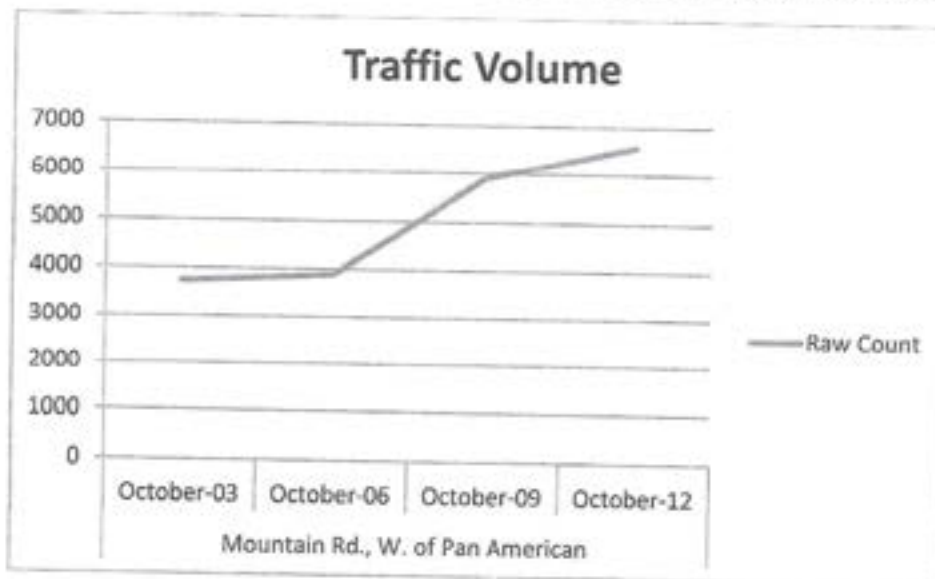
The Association between Vehicle Volume and Health

Public health and transportation safety research demonstrates that vehicle volumes are an independent environmental predictor of pedestrian injuries^{iii iv}. The magnitude of the effect from vehicle volume on injuries is significant. For example, in a study of nine intersections in Boston's Chinatown, researchers calculated an increase in 3 to 5 injuries per year for each increase in 1,000 vehicles^v. High traffic also contributes to increased respiratory and cardiovascular disease from increased air pollution and to increased stress levels among adults and learning disabilities among children due to traffic-related noise.

Current Vehicle Volumes in SB-MZ

Attachment 1 illustrates the time trend of vehicle volumes (in years) in the study area by raw vehicle counts and locations^{vi}. Vehicle counts for Mountain Rd., West of Pan American, have significantly increased, undoubtedly due to the construction of the large Embassy Suites hotel and Tri Core Laboratory (figure 1). Vehicle counts in the area of the I-25 and I-40 interchange have also continued to increase with a 2011 average weekly vehicle count on I-40 west of I-25 of 136,200, and east of I-25 of 180,000. Additionally, the 2011 average weekly vehicle count on I-25 north of I-40 was 193,300, and south of I-40, 166,100. Elsewhere, vehicle counts have remained stable or declined.

Figure 1. Time trend of traffic volume by raw count of vehicles and year, Mountain Rd.



Figures 2 - 4 show the types of vehicles (the majority of which are automobiles) traveling on the following road links within the boundaries of SB-MZ: 2nd Street, South of I-40 South Frontage Rd.; Indian School, East of Broadway; and Broadway, South of Menaul^{vii}.

Figure 2. Number of vehicles by vehicle type – Broadway – November 2006

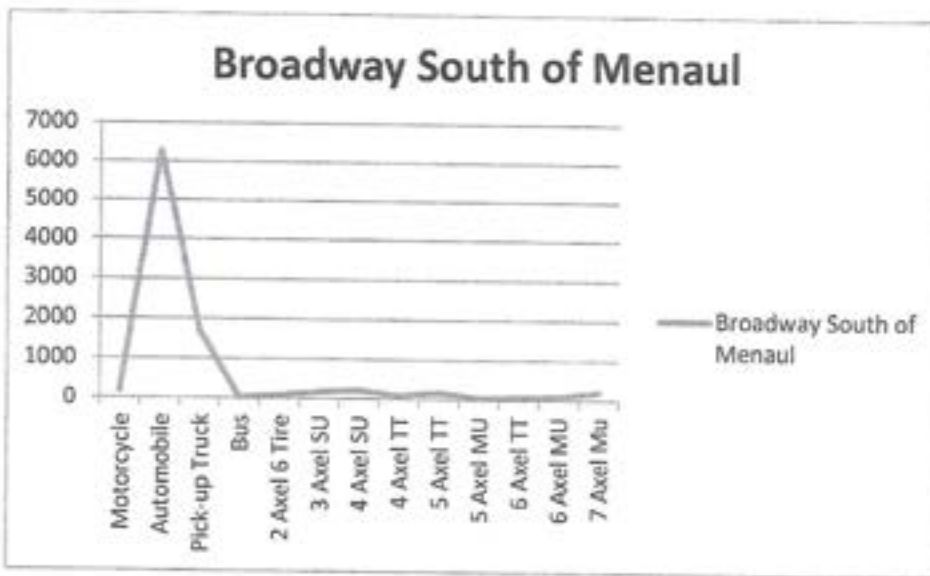


Figure 3. Number of vehicles by vehicle type – 2nd Street – October 2002

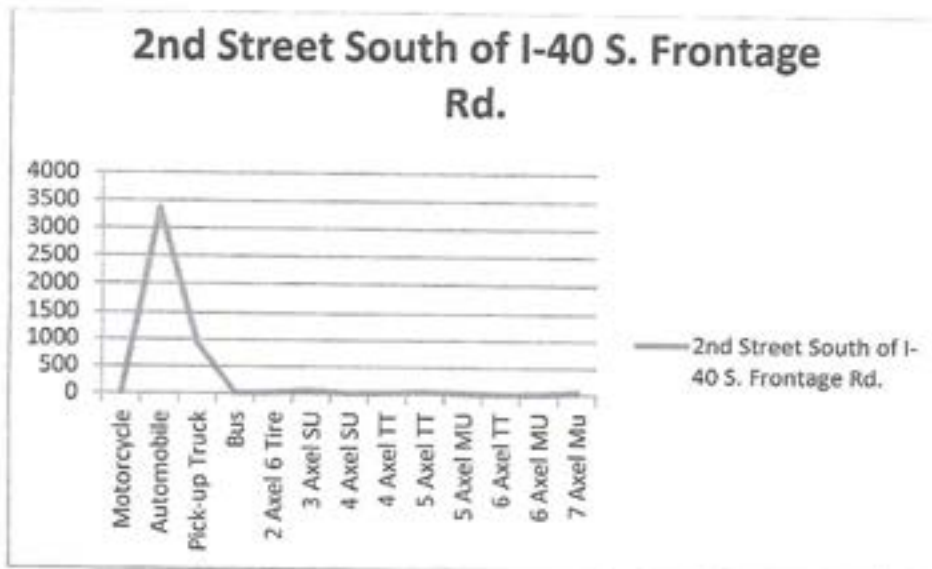
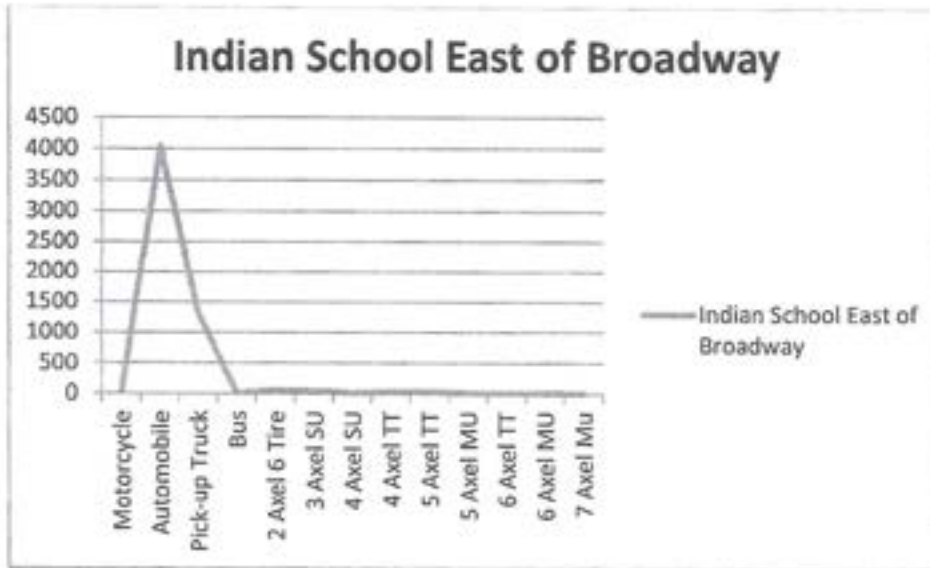


Figure 4. Number of vehicles by vehicle type – Indian School – October 2007



Roadway Safety

The Association between Roadway Safety and Crash Related Injuries and Fatalities

Road safety is a particularly relevant topic in New Mexico; the 2009 pedestrian fatality rate was 1.94 deaths per 100,000 people, compared to the national pedestrian fatality rate of 1.33^{viii}. In addition to the tragic loss of human life, the Centers for Disease Control and Prevention estimate that crash related deaths cost New Mexico \$435 million per year^{ix}.

Older adults suffer disproportionately from both risk and impact of pedestrian-vehicle crashes. Older adults walk slower and have slower reaction times that put them at greater risk. In the event of a crash, older adults are also more likely to have serious injuries or die due to their frail physical conditions^x.

Research also shows that pedestrian crashes occur more frequently in low-income communities. Using data from four California communities, researchers found that pedestrian injuries were greater in areas characterized by higher unemployment, lower median household incomes, and younger populations^{xi}. Similarly, a King County, Washington study found that pedestrian injuries and fatalities were greater in communities having lower median home values, regardless of the level of pedestrian activity or population density^{xii}.

Traffic speed is the primary determinant of crash severity^{xiii}. An overwhelming proportion of traffic related injuries/fatalities occur along roadways that have been engineered for cars, with little consideration given to people who walk, are wheelchair bound, who bicycle, or who push strollers. High operating speeds give drivers less time to react to unforeseen hazards. A study in

the UK showed that a pedestrian struck by a vehicle traveling 40 mph has an 85% chance of being killed. This fatality rate drops to 45% at 30 mph, and to 5% at 20 mph or less^{xiv}.

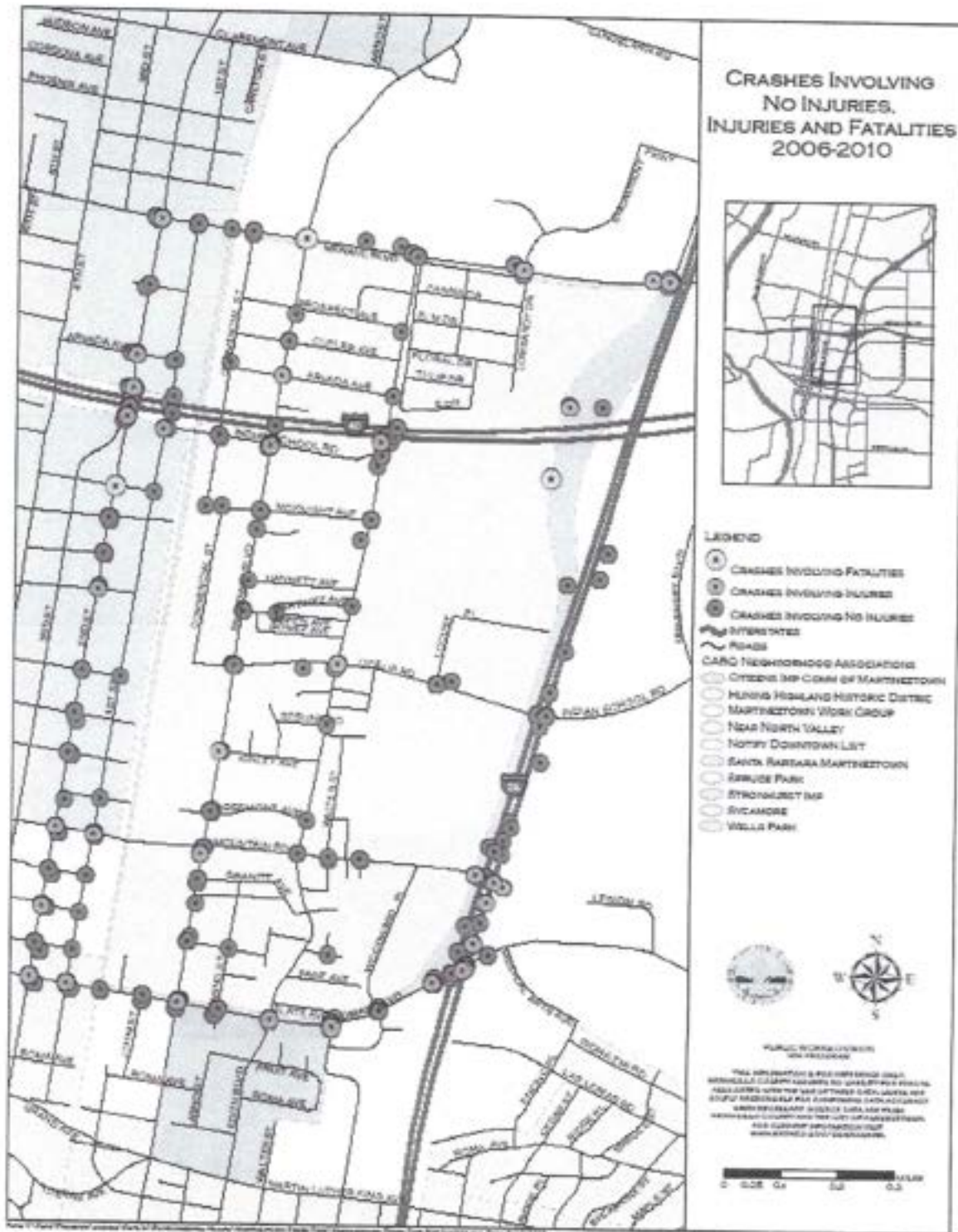
Lower speeds achieved through traffic calming measures can profoundly impact safety. A detailed analysis of 33 studies found that area wide traffic calming programs reduced injury accidents by 15%, with a smaller reduction of 10% on main roads^{xv}.

Current Crash Related Injuries and Fatalities in SB-MZ

Map 2 shows the occurrence of crash related injuries and fatalities within the SB-MZ neighborhood boundaries for the time period of 2006 – 2010. Map 3 provides additional information on whether the crash involved a pedestrian, bicycle, or another vehicle.

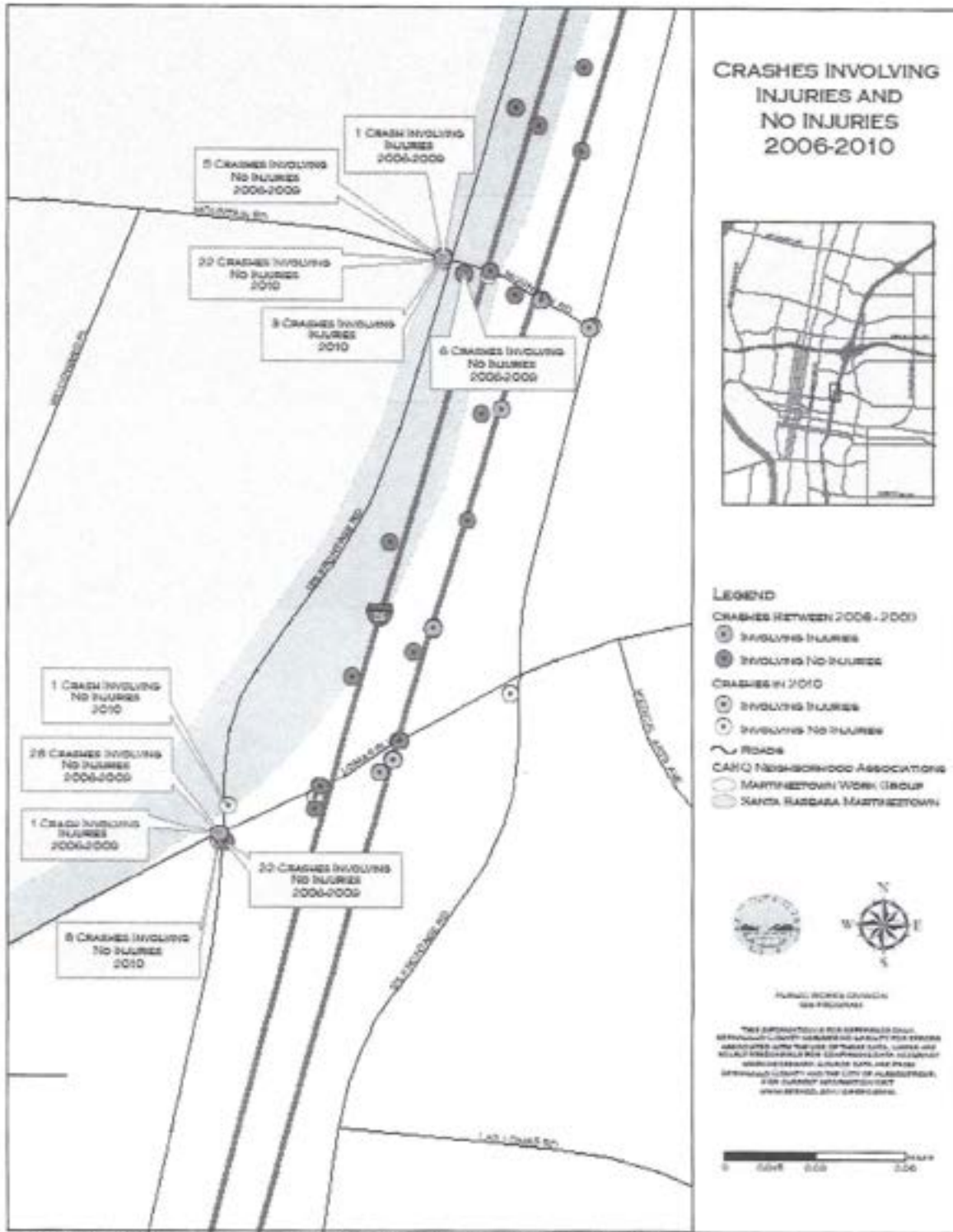
The Mountain Rd.-3rd St. and Mountain Rd.-Broadway intersections ranked 6th and 15th among the top 20 intersections in Bernalillo County having the highest fatal and injury crash rates for 2005-2009. Further, the Mountain Rd.-4th St. intersection ranked 8th among the top 10 intersections having crash rates involving pedestrians^{xvi}, while the Mountain Rd.-3rd St. intersection ranked 2nd among the top 10 intersections having crash rates involving bicyclists.

Map 2: Location of crashes occurring within the boundaries of Santa Barbara-Martineztown



Source: Mid-Region Council of Governments, data provided via email request, May 2013

Map 4. Crashes involving injuries and no injuries for residents' area of concern



Research shows that negative health outcomes, including injuries and fatalities from crashes, are linked to living in close proximity to busy roadways and railroads. Children and the elderly are particularly vulnerable to these negative health consequences.

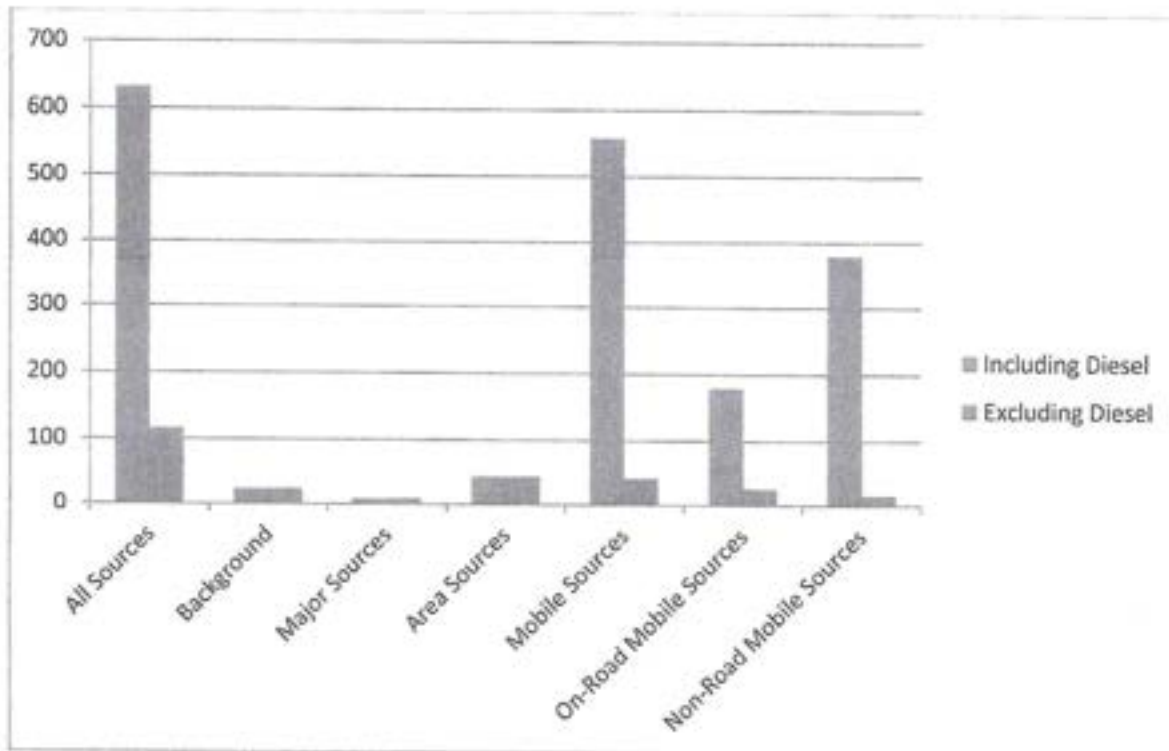
Air Quality

The Association between Traffic Related Air Pollution and Respiratory Illness, Cancer and Cardiovascular Disease

Exposures to sources of traffic pollution can impact the health of a community. Adverse health outcomes associated with vehicle and train related air pollution, include respiratory diseases, such as asthma and chronic obstructive pulmonary disease, cancer and cardiovascular disease^{xvii}
xviii xix xx

Diesel emissions coming from trains and large trucks are one of the most toxic sources of emissions. In addition to carbon monoxide and nitrogen oxides, diesel exhaust is composed of fine particles that contain more than 40 cancer-causing substances, such as benzene, arsenic and formaldehyde^{xxi}. Diesel exhaust is emitted at ground level, where one can breathe it, making it more harmful. Illness and deaths related to diesel exhaust is high. Approximately 21,000 people die prematurely each year from exposure to particulate matter from diesel engines. Every year, over 400,000 asthma attacks and 27,000 heart attacks are attributed to fine particles from diesel vehicles^{xxii}. These illnesses lead to increased emergency room visits, hospitalizations and lost school and work days. Figure 5 shows the contribution of diesel emissions to cancer risks in the metropolitan areas of the U.S. Diesel emitted from off-road vehicles and on-road vehicles, such as large trucks, contribute to a vast majority of the cancer risks.

Figure 5. Distribution of estimated cancer risks in US metropolitan areas, per million



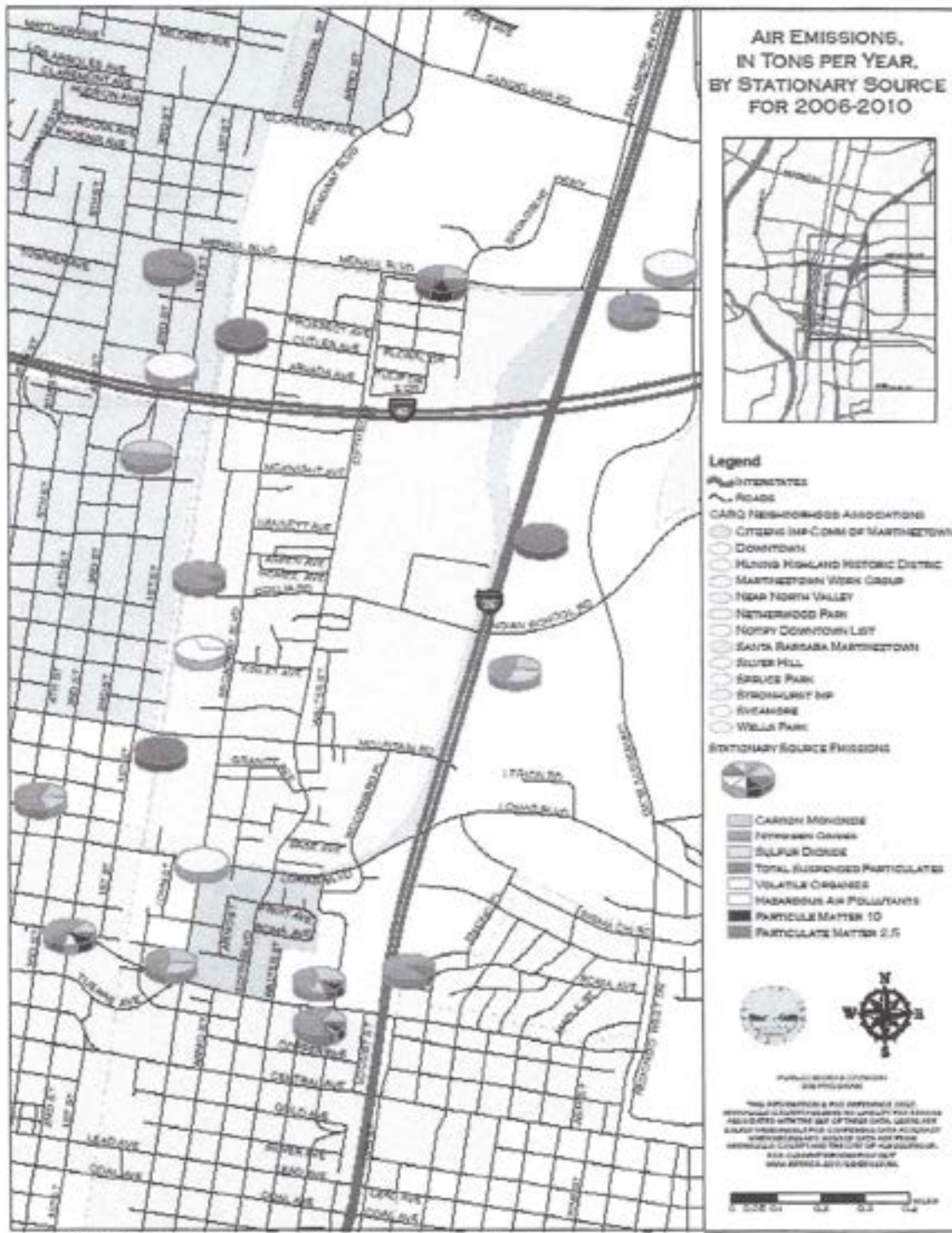
Source: Morello-Frosch R, Jesdle B. (2006) Separate and unequal: residential segregation and estimated cancer risks associated with ambient air toxics in US metropolitan areas.

Current Air Quality Conditions in SB-MZ

Because there is no air quality monitoring station near or in the SB-MZ neighborhood, data on ambient air quality for the six Environmental Protection Agency criteria air pollutants (lead, carbon monoxide, sulfur dioxide, particulate matter, nitrogen oxides, and ozone) are unavailable. Therefore, it is difficult to estimate the contribution of emissions coming from vehicles travelling on the roadways intersecting or bordering SB-MZ, namely I-25, I-40, Lomas, and Menaul. Further, it is also difficult to estimate the diesel emissions from trains travelling on rail, located on the western border of the neighborhood.

In spite of these limitations, data do exist for facilities that have permits to emit air pollution in the neighborhood. Map 5 shows the locations of these facilities, by the specific pollutants emitted, in tons per year.

Map 5. Locations of facilities emitting air pollutants by tons per year



Source: Stationary Source Data File, City of Albuquerque, 2006-2010.

Current Health Status for Diseases that are Associated with Poor Air Quality: Heart Disease, Chronic Respiratory Disease, and All Cancers in SB-MZ

Table 1 shows the age adjusted death rates for heart disease, chronic lower respiratory disease, and cancers for the time period of 2005 to 2009 for the Department of Health's small area 8, which most closely approximates the boundaries of the SB-MZ neighborhood. When compared with Bernalillo County, the death rates for heart disease and all cancers are higher in SB-MZ, 190.2 deaths per 100,000 people and 197.6 deaths per 100,000 people, respectively. Conversely, the death rates for chronic lower respiratory disease are higher in Bernalillo County at 45.6 deaths per 100,000 people.

Table 1. Age-adjusted death rates for heart disease, chronic lower respiratory disease, and all cancers combined, 2005-2009, small area 8-Bernalillo County, Lomas Broadway and Bernalillo County

| Age-Adjusted Death Rate for Heart Disease, 2005-2009* | | | |
|---|------------------|--------------------------|-------------------------------|
| | Number of Deaths | Number in the Population | Deaths Per 100,000 Population |
| Small Area 8-Bernalillo County, Lomas Broadway | 199 | 103,289 | 190.2 |
| Bernalillo County | 5,134 | 3,156,640 | 162 |

*Circulatory, Heart Disease (ICD10: I00-I09, I11, I13, I20-I51)

| Age-Adjusted Death Rate for Chronic Lower Respiratory Disease, 2005-2009* | | | |
|---|------------------|--------------------------|-------------------------------|
| | Number of Deaths | Number in the Population | Deaths Per 100,000 Population |
| Small Area 8-Bernalillo County, Lomas Broadway | 43 | 103,289 | 41.6 |
| Bernalillo County | 1,413 | 3,156,640 | 45.6 |

*Respiratory, Chronic Lower Respiratory Disease (ICD10: J40-J47)

| Age-Adjusted Death Rate for All Cancers Combined, 2005-2009 | | | |
|---|------------------|--------------------------|-------------------------------|
| | Number of Deaths | Number in the Population | Deaths Per 100,000 Population |
| Small Area 8-Bernalillo County, Lomas Broadway | 206 | 103,289 | 197.6 |
| Bernalillo County | 4,936 | 3,156,640 | 155.5 |

*Neoplasm, Malignant (ICD10: C00-C97)

Source: New Mexico Indicator-Based Information System (NMIBIS)

Noise Levels

The Association between Traffic Related Noise Levels and Learning Disabilities among Children

Traffic noise has been linked to many adverse health outcomes, including general quality of life, induced hearing loss, increases in blood pressure and cardiovascular diseases, and psychosocial disorders such as noise induced sleep disturbances^{xxiii}. There is a dose response relationship for all of these. As persistent noise levels increase, adverse health outcomes also increase^{xxiv}.

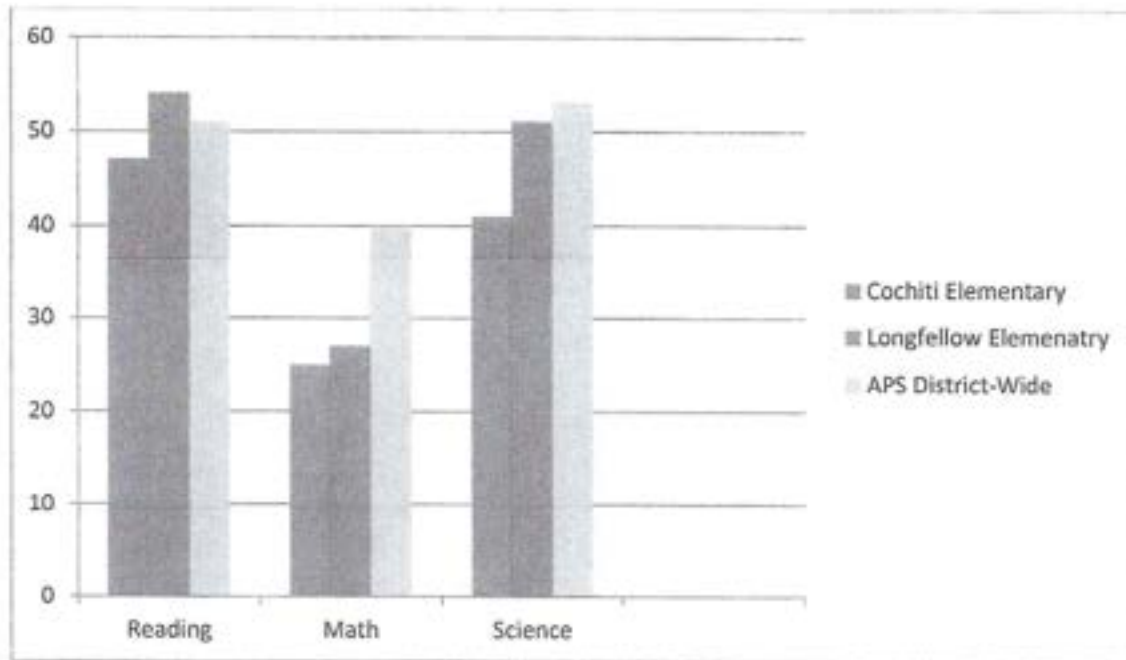
These adverse health outcomes are particularly pronounced in children who have less well-developed immune, cardiovascular and neurological systems. Therefore, children have an additional risk from excessive ambient noise exposure^{xxv}. Evans et al. examined children exposed to moderate road traffic noise (outside daytime level $L_m > 60\text{dB(A)}$). Their night time urine contained increased concentrations of free cortisol and cortisol metabolites when compared to those of children living in quieter areas (outside daytime level $< 50\text{dB(A)}$)^{xxvi}. Studies have also found that children exposed to intense ambient noise from traffic and aircraft at school may have lower reading and math scores than children who attend quieter schools.

4th Grade Reading, Math and Science Scores among Children Attending Schools in SB-MZ

Residents of SB-MZ suffer from traffic related noise because of their close proximity to two large interstates, I-25 and I-40 and the BN&SF railroad. High noise levels can impact children's stress levels and reading and math scores.

There are two elementary schools located in the SB-MZ neighborhood, Longfellow and Cochiti. According to New Mexico Standards Base Assessment for the 2007-2008 school year; 47%, 25%, and 41% of 4th graders attending Cochiti Elementary were at or above proficiency levels for reading, math and science, respectively. Reading, math, and science proficiency scores for 4th grade students attending Longfellow Elementary School were 54%, 27%, and 51%, respectively. Albuquerque Public School district-wide scores for 4th grade students at or above proficiency levels for reading, math and science were 51%, 40%, and 53%, respectively (figure 6).

Figure 6: Percent 4th grade students at or above proficiency level for the 2007-2008 school year

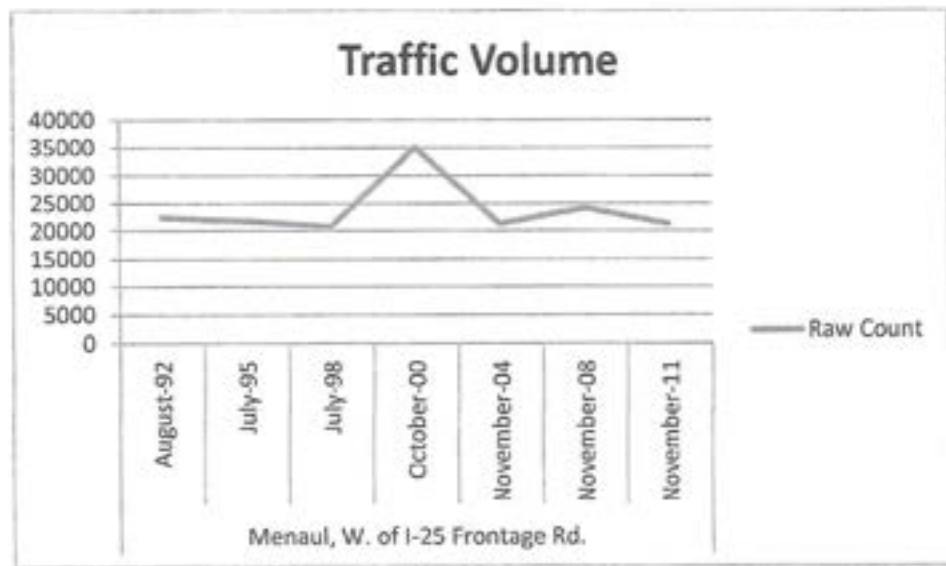
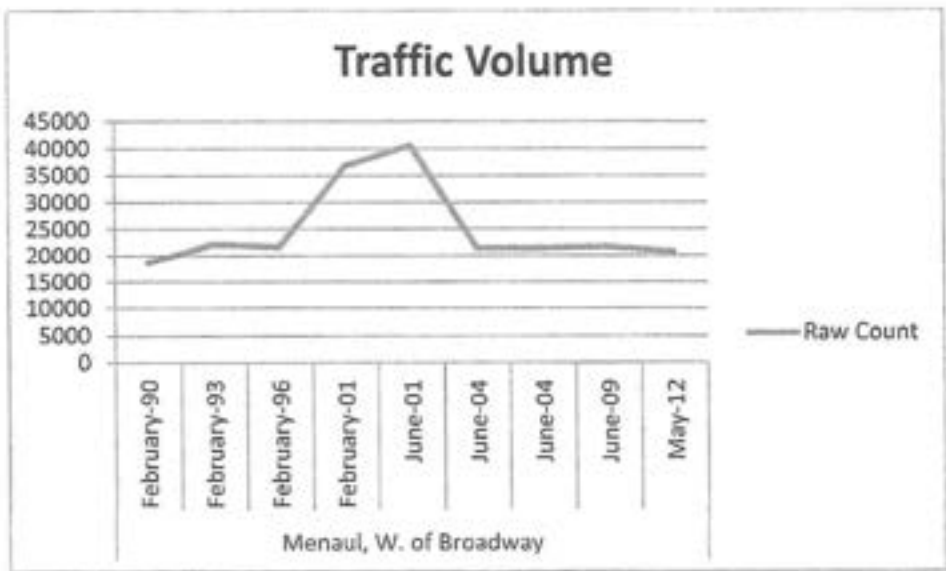


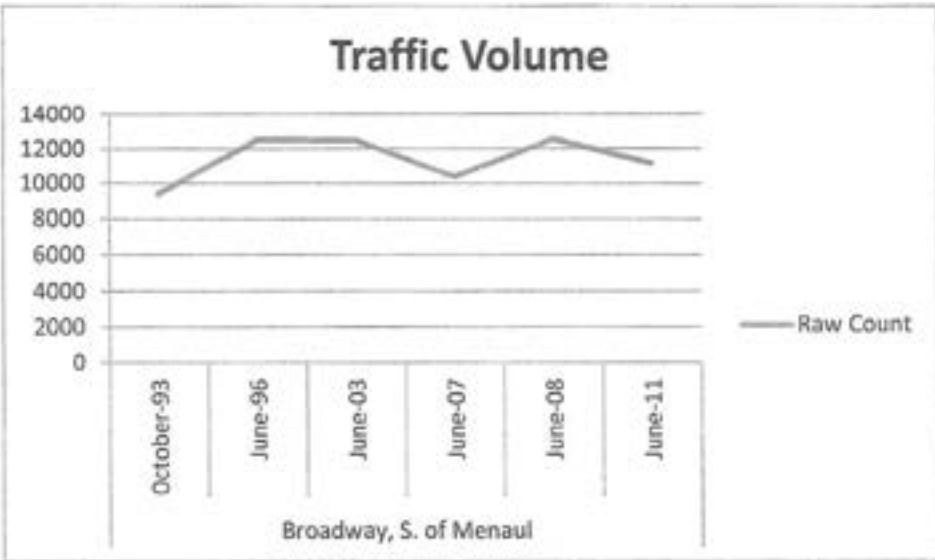
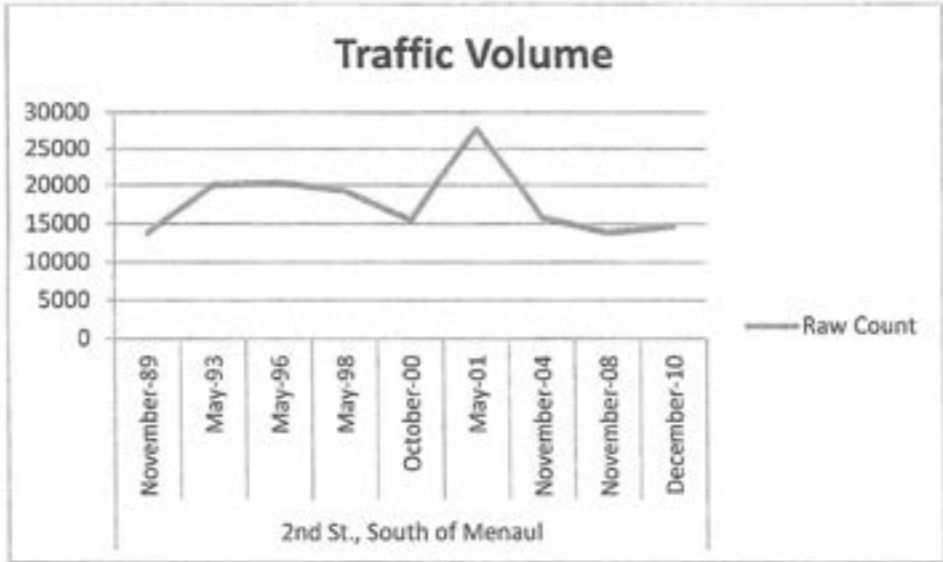
Source: Albuquerque Public Schools, New Mexico Standards Base Assessment

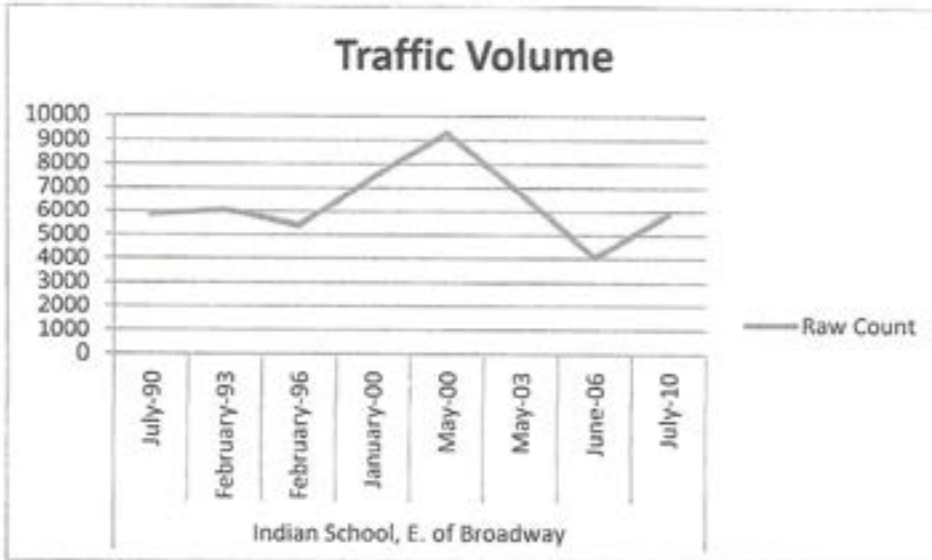
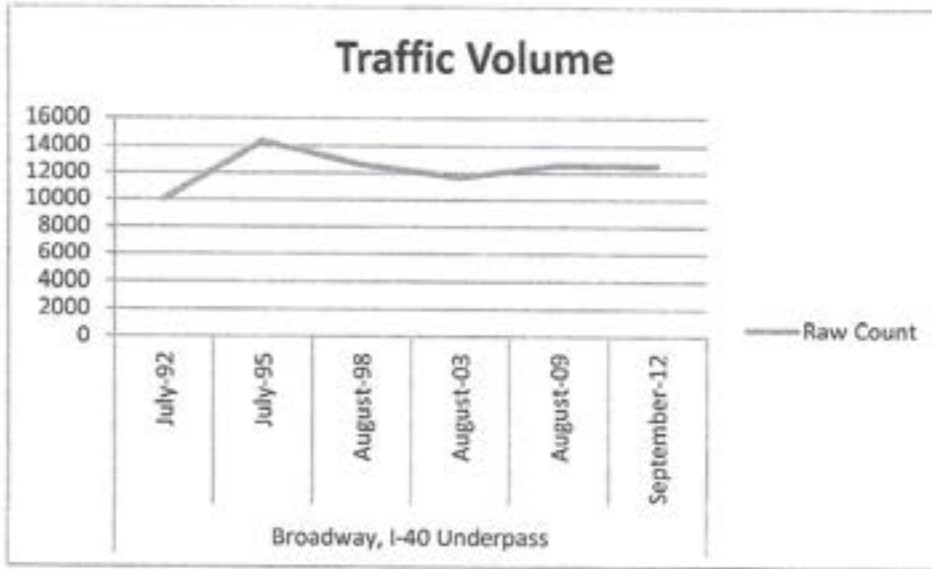
Conclusion

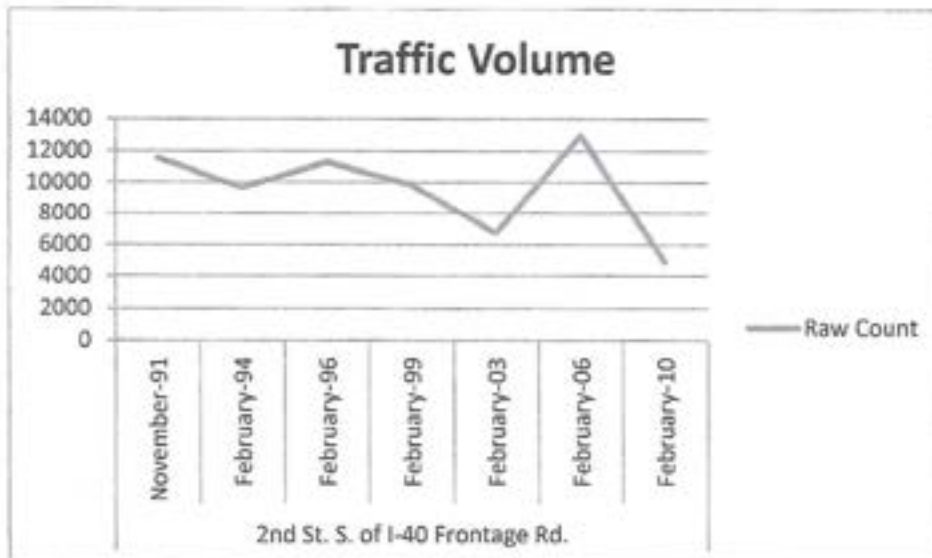
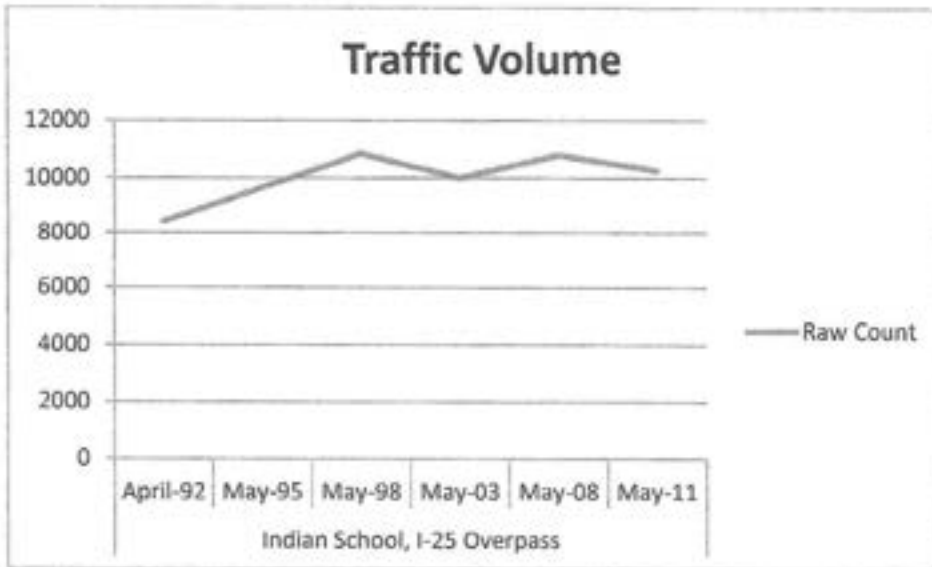
Given the data provided above we urge you to consider the ways that increased traffic, a potential result of 2012 Plan implementation, may negatively impact the health of residents living in the SB-MZ neighborhood.

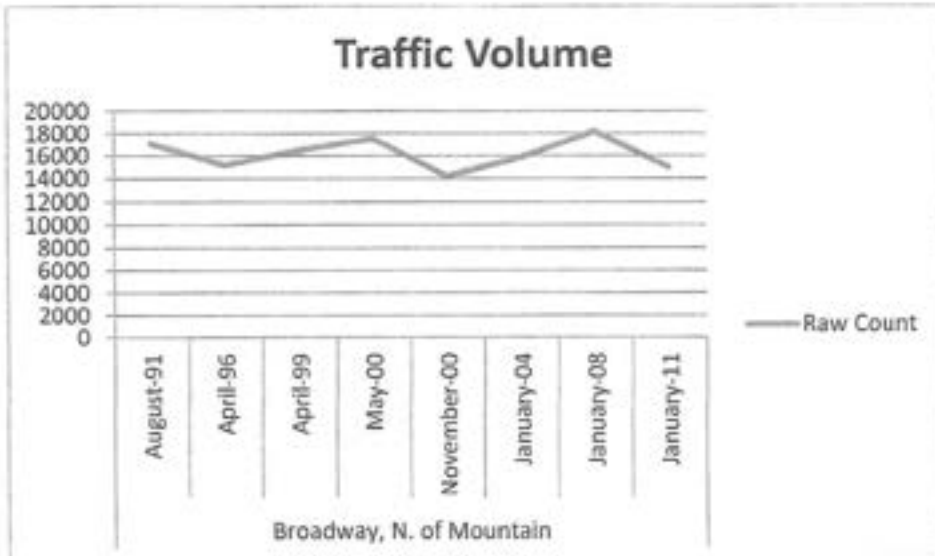
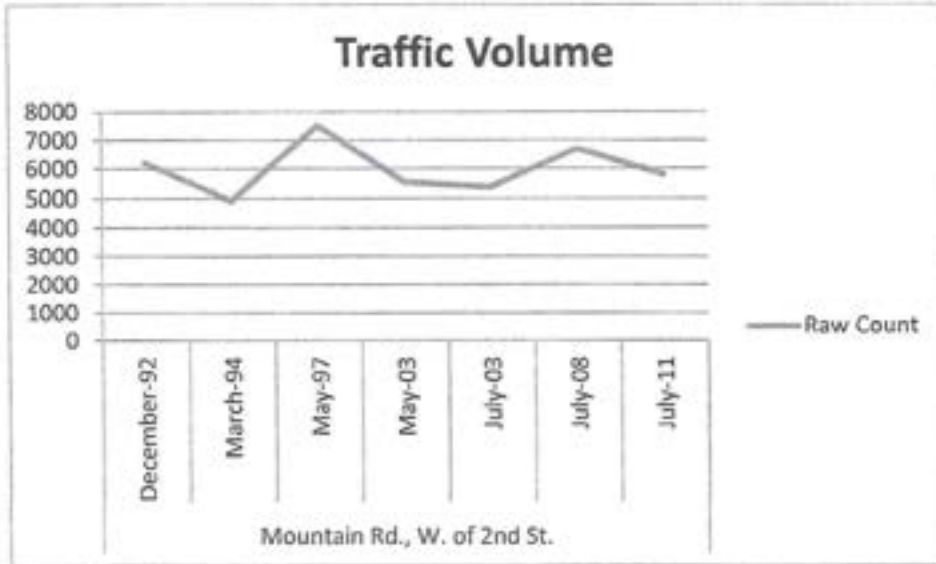
Attachment 1: Traffic Volumes by Number of Vehicles, Date and Location

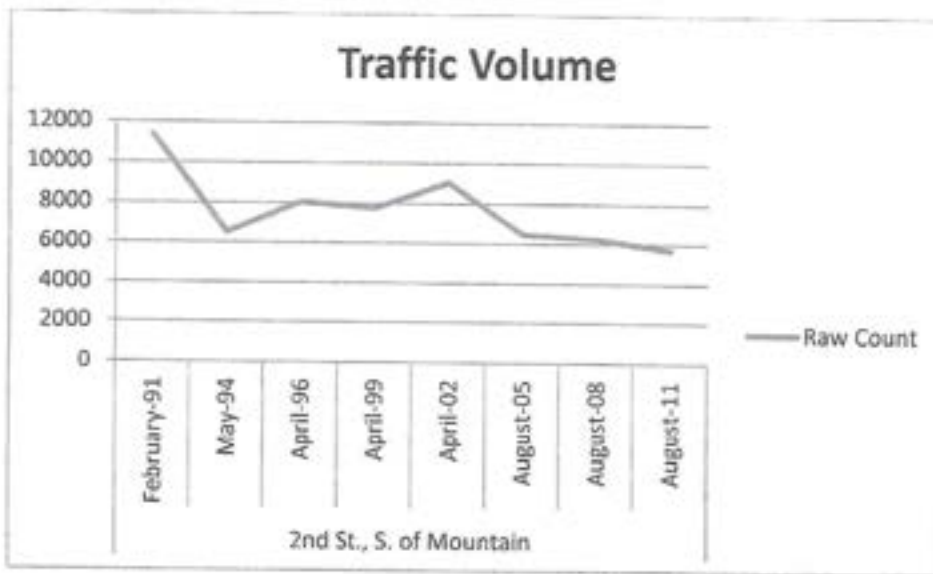
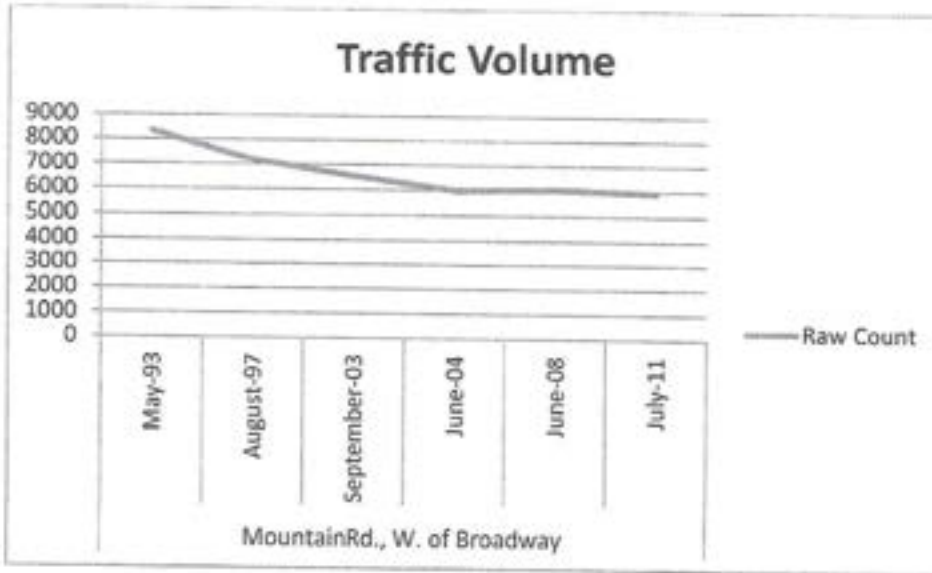


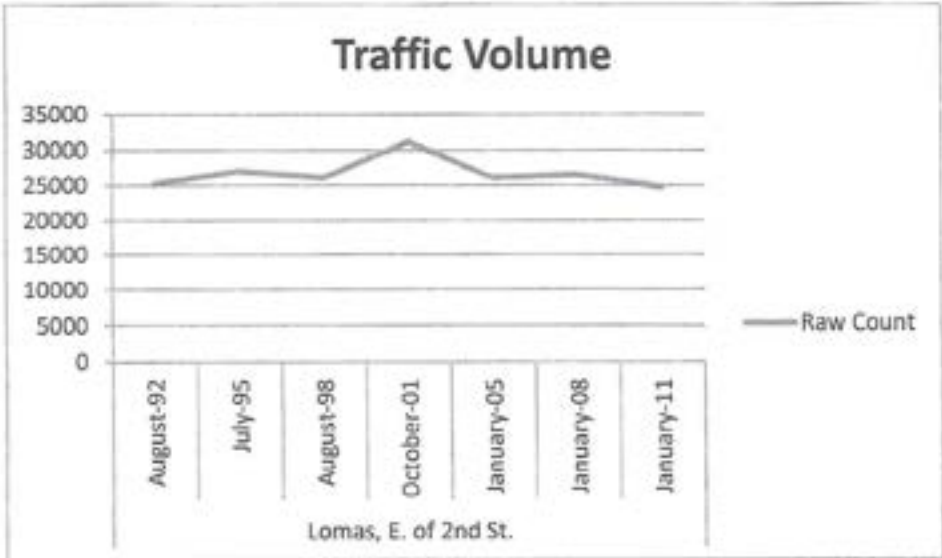
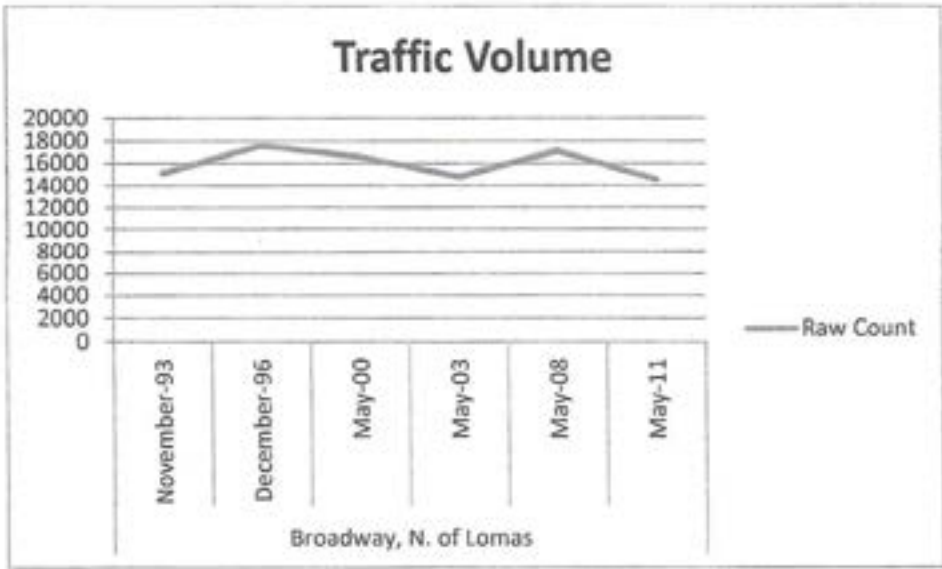


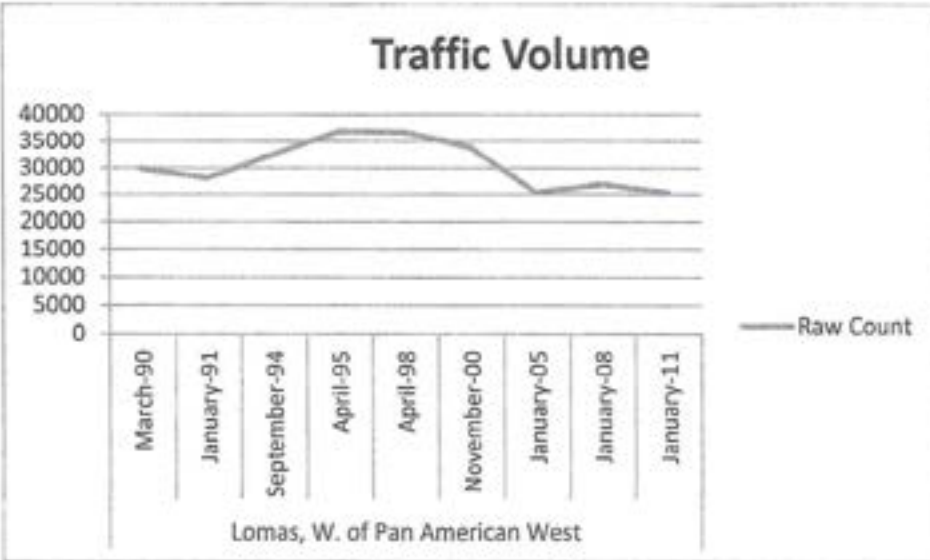












Endnotes

- ⁱ Acevedo-Garcia D, Osypuk T, McArdle N, Williams D. Toward a policy relevant analysis of geographic and racial/ethnic disparities in child health. *Health Affairs* 2008; 27:321-333.
- ⁱⁱ Joint Center for Political and Economic Studies. Place matters for health in Bernalillo County: ensuring opportunities for good health for all. Retrieved from www.bcplacematters.com.
- ⁱⁱⁱ Roberts I, Marshall R, Lee-Joe T. The urban traffic environment and the risk of child pedestrian injury: a case-cross over approach. *Epidemiology* 1995; 6:169-71.
- ^{iv} Stevenson MR, Jamrozik KD, Spittle J. A case-control study of traffic risk factors and child pedestrian injury. *International Journal of Epidemiology* 1995; 24:957-64.
- ^v Brugge D, Lai Z, Hill C, Rand W. Traffic injury data, policy and public health: lessons from Boston Chinatown. *Journal of Urban Health* 2002; 79:87-103.
- ^{vi} Email correspondence by E. Webster, Mid-Region Council of Governments, May 2013.
- ^{vii} Email correspondence by E. Webster, Mid-Region Council of Governments, May 2013.
- ^{viii} Mid-Region Council of Governments, "Safety Doesn't Happen by Accident" 2011.
- ^{ix} Mid-Region Council of Governments, "Safety Doesn't Happen by Accident" 2011.
- ^x Koespell T, McCloskey L, Wolf M, Moudon AV, Buchner D, Kraus J, Patterson M. Crosswalk markings and the risk of pedestrian motor vehicle collisions in older pedestrians. *JAMA*. 2002; 288: 2136-43.
- ^{xi} LaScala EA, Gruenewald PJ, Johnson FW. An ecological study of locations of schools and child pedestrian injury collisions. *Accid Anal Prev*. 2004; 36:569-576.
- ^{xii} Moudon AV, Lin L, Jiao J, Hurvitz P, Reeves P. The risk of pedestrian injury and fatality in collisions with motor vehicles, a social ecological study of state routes and city streets in King County, Washington, *Accid Anal Prev*. 2011; 43:11-24.
- ^{xiii} Gorder P. The impact of speed and other variables on pedestrian safety in Maine. *Accid Anal Prev*. 2002; 36, 533-543.
- ^{xiv} Ewing R, Dumbaugh E. The built environment and traffic safety: a review of empirical evidence. *J of Planning Literature* 2009; 23:347-367.
- ^{xv} Blivk R. Area wide traffic calming schemes.: a meta-analysis of safety effects. *Accid Anal Prev*. 2001; 33:327-336.
- ^{xvi} Mid-Region Council of Governments, "Safety Doesn't Happen by Accident" 2011.
- ^{xvii} Brauer M, Hoek G, Van Vilet P, et al. Air pollution from traffic and the development of respiratory infections and asthmatic and allergic symptoms in children. *Am J Resp Crit Care* 2002; 166:1092-1098.
- ^{xviii} Brunekreef B, et al. Air pollution from trucks and lung function in children living near motorways. *Epidemiology* 1997; 8:298-303.
- ^{xix} Miller K, Siscovick M, Sheppard L, Sheher K, Sullivan J, Anderson G, Kaufman J. Long-term exposure to air pollution and incidence of cardiovascular events in women. *New England J. of Medicine* 2007; 356:447-458.
- ^{xx} Morello-Frosch R, Jesdale B. Separate and unequal: residential segregation and estimated cancer risks associated with ambient air toxic in US metropolitan areas. *Env Health Perspectives* 2006; 114:386-393.
- ^{xxi} Clean Air Task Force. Diesel and health in America: the lingering threat. 2005.
- ^{xxii} Clean Air Task Force. Diesel and health in America: the lingering threat. 2005.
- ^{xxiii} Ising H, Ising M. Chronic cortisol increases in the first half of the night caused by road traffic noise. *Noise and Health* 2002; 16:13-21.
- ^{xxiv} Ising H, Jruppa B. Health effects caused by noise: evidence in the literature from the past 25 years. *Noise Health* 2004. Retrieved from <http://www.nosis.org/test.asp?2004/6/22/5/31678>.
- ^{xxv} Dratva J, Zemp E, Felber-Dietrich D, Bridevaux P, Rochat T, Schindler C, Gerbase M. Impact of road traffic noise annoyance on health related quality of life: results from a population-based study. *Qual* 2010; *Life Res* 19:37-46.
- ^{xxvi} Evans G, Lercher P, Meis M, Ising H, Kofler W. Typical community noise exposure and stress in children. *J Acoust Soc Am* 2001; 109:1023-1027.

Housing and Neighborhood
Economic Development Fund

2022 Comprehensive Plan

Figure 7: Data Analysis—Unemployment, Median Household Income, Poverty Rate



REAL ESTATE CONDITIONS

Higher rents, lower vacancies, and increasing demand for new real estate development characterize the office, industrial, retail, and multi-family rental markets since 2002 and suggest that while the real estate market in the Pocket is growing, these conditions have not improved local residents' economic prospects.

IMPACTS OF CURRENT ALBUQUERQUE PLANNING INITIATIVES

These pressures will only intensify as there are many new development projects in the pipeline that will impact the local real estate market, drive demand upward, and potentially place increasing costs pressures on low-income households and local businesses. While these new developments are exciting for Albuquerque residents, they may create inhospitable economic conditions that produce neighborhood displacement of residents and small businesses and overall gentrification. These projects include but are not limited to:

- Rail Trail and Greater Downtown Urban Trail projects
- Rail Yards redevelopment
- Proposed stadium for the New Mexico United professional soccer team

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1 Introduction

Martineztown/Santa Barbara is an historic neighborhood located within the Central Urban Area near Albuquerque’s downtown employment district and The University of New Mexico North Campus. (See figure 1.)

Martineztown/Santa Barbara is one of eleven historic and economically interrelated neighborhoods in the Central Urban Area that have suffered disinvestment and decline. Much of this central area has been redeveloped with an emphasis on cultural and historic preservation as well as commercial revitalization.

Martineztown/Santa Barbara needs redevelopment and preservation.

This Plan area is approximately 548 acres bounded by Menaul Boulevard on the north, Lomas Boulevard on the south, the New Mexico Railrunner Express Railway tracks (NMRX) on the west, and Interstate 25 on the east. (See figure 2.)

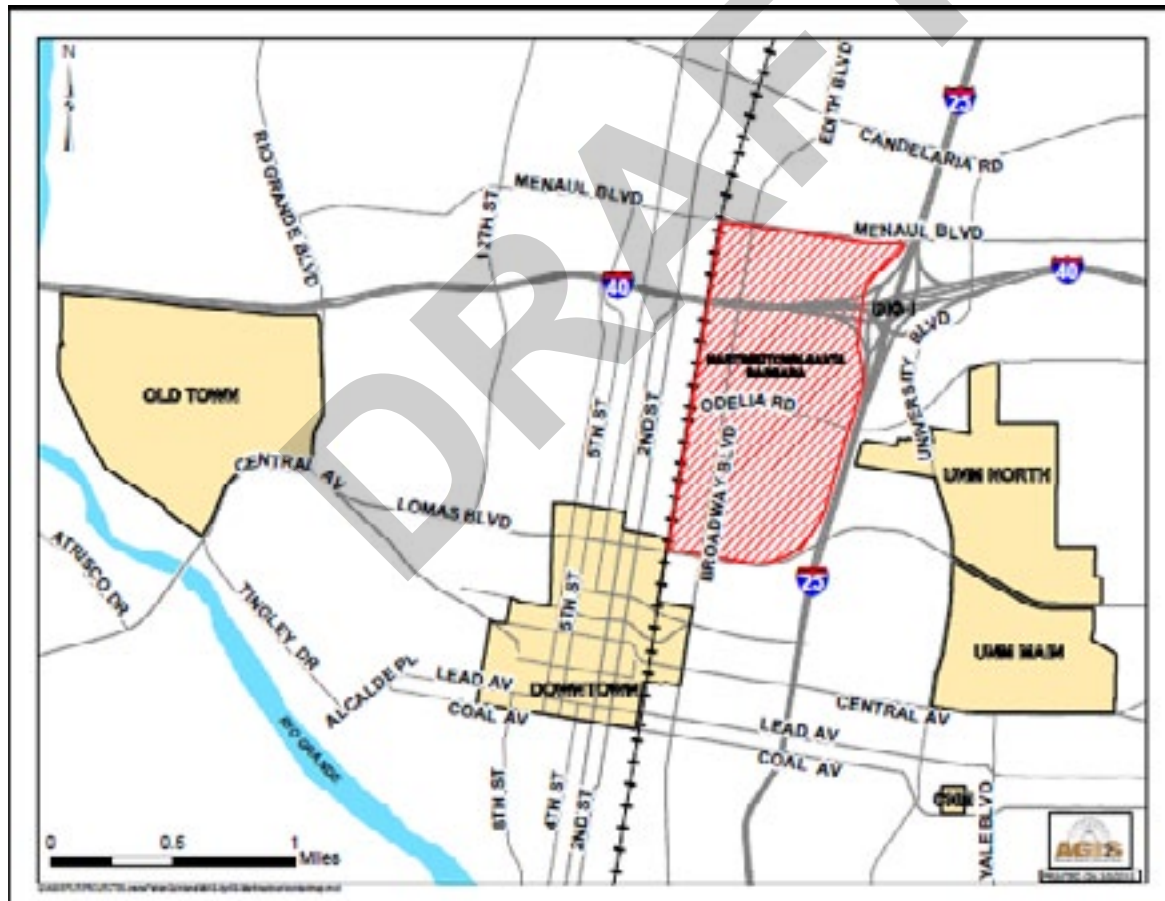


Figure 1 – Context Map

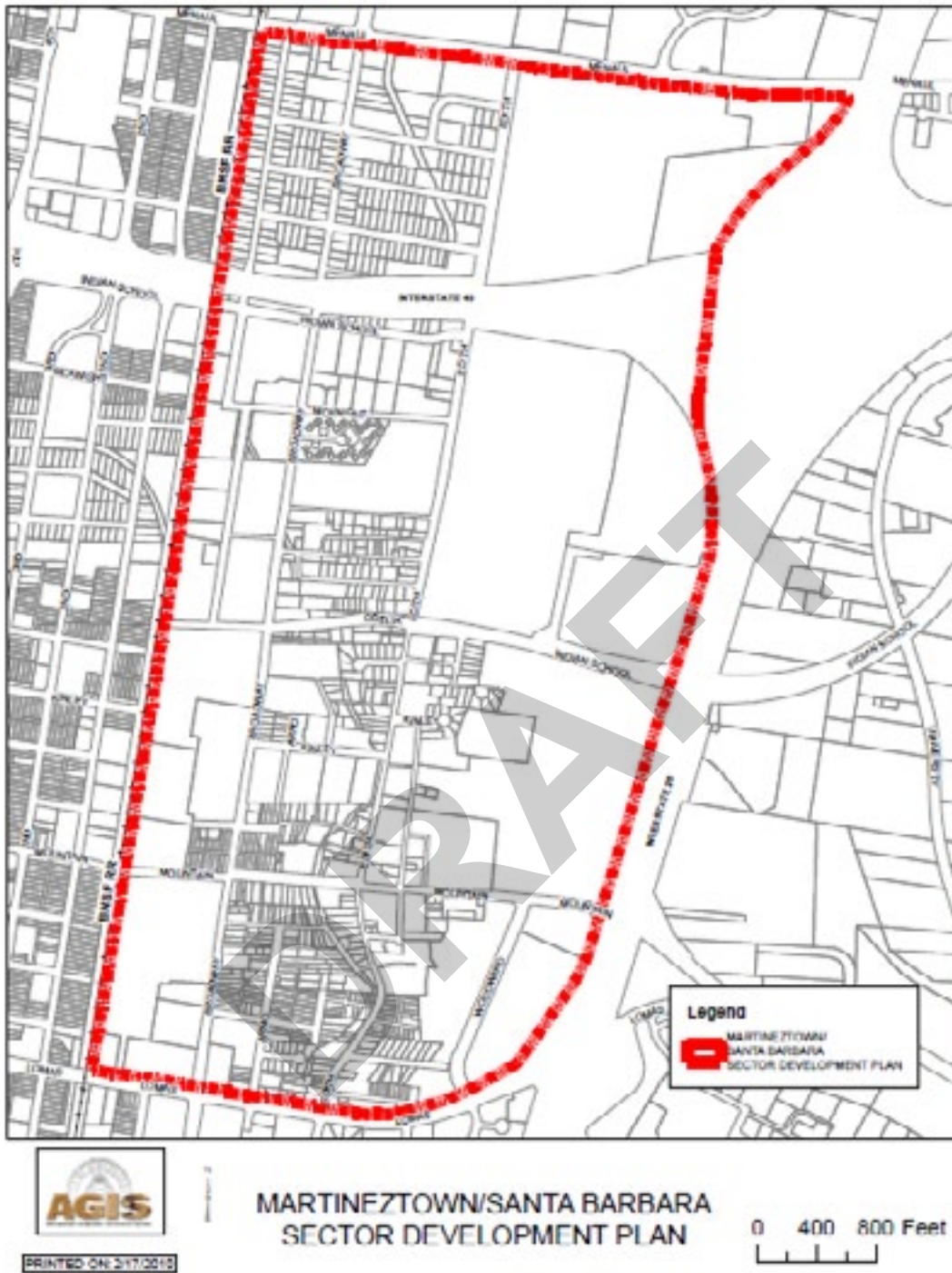


Figure 2 – Boundary Map

A. Purpose

This Sector Plan addresses issues identified by the Martineztown Neighborhood Association in their December 2006 letter to the Albuquerque Planning Department. Specific neighborhood issues were: incompatible land use patterns and existing zoning; flooding and drainage problems; inadequate sanitary sewer line capacity and condition; and, commercial and high speed traffic in the neighborhood.

This Plan establishes land development regulations and recommends capital improvements to preserve and protect the neighborhood's historic residential core and existing commercial properties. This short range action plan addresses the immediate needs of the neighborhood and serves as a guide for future development.

The purpose of this Plan is to secure and maintain a balanced and stable economy for the area. The proposed programs, policies, and projects will aid in the elimination of current and prevention of future blighted conditions.

Martineztown/Santa Barbara was designated a Metropolitan Redevelopment Area in 1989. To date, no Metropolitan Redevelopment Plan (MRP) exists for this area. This Plan recommends a separate Redevelopment Plan be written and adopted using this Sector Plan for its framework. There is a section in this document that proposes specific catalytic projects for redevelopment and suggests possible funding sources.

Upon adoption of this updated plan, the former Martineztown/Santa Barbara Sector Plan adopted March 1990 is repealed.

B. What This Plan Does Not Include

This Plan does not address all area issues identified by the community. The Plan does not address social service program development nor does it emphasize the many projects that the neighborhood could initiate to improve their quality of life.

C. Process

This Plan is the cooperative work of the Martineztown/Santa Barbara community and the City of Albuquerque Planning Department with assistance by the consulting firm Sites Southwest.

In 2007, working committees were formed and composed of representatives from businesses, area property owners, and community activists. Stakeholder interviews were conducted and included one-on-one discussions and interviews. The results of the outreach are reflected in this Plan.

Advisory Committee - The Advisory Committee is a citizen's group of volunteers from the neighborhood that: assessed current needs as defined by the neighborhood association; identified additional neighborhood issues; and, assisted in the development of this update to the 1990 Martineztown-Santa Barbara Sector Development Plan. All attendees at the initial public meeting held in June 2007 were invited to join the Advisory Committee.

Community Survey - After the Advisory Committee completed their identification and evaluation of capital improvement priorities, a survey was developed and mailed to property owners, business owners, and made available to renters within the plan boundaries. The survey listed 16 capital improvement projects and requested the respondent to rank the projects in order of importance. The respondents were encouraged to add additional projects. Approximately 2,000 surveys were distributed and 93 or approximately 5 percent were returned completed.

Business Owner Involvement - The area's business owners and business property owners also provided input. They identified issues at two meetings held for the area's commercial and service community. Issues noted by the community, possible solutions, and the results of the capital project survey were presented. Members of the business community were encouraged to discuss their concerns, and a useful dialogue ensued. The inputs of the commercial and service community are also reflected in this Plan.

Small Area Meetings - Five small area meetings were held to allow residents, property owners and business people who lived, worked or owned property in a particular section of the Sector Plan boundary to further explore and comment on zoning proposals.

D. Community Vision and Goals

At the June 2007 public meeting, participants voiced their issues and concerns regarding: community identity; vehicle and pedestrian circulation; drainage; and capital improvements. The following vision was developed by meeting attendees.

Community Vision

"Martineztown-Santa Barbara shall remain a low-density residential neighborhood that is family and child-friendly. Preservation of its historic architectural character shall be maintained through preservation of historic buildings and development of new affordable infill housing or redevelopment designed to fit that character. Its streets shall be narrow, pleasant, walkable and safe for pedestrians with good multi-modal circulation. There will be some preservation of open space, opportunities for multi-generational recreation and a local restaurant and market for residents to walk to. Stormwater drainage will be sufficient, and there will be adequate parking and paved streets."

Goals

Increase single family residential zoning

Preserve historic architectural character
Improve streetscapes and create a safe multimodal circulation network
Increase opportunity for local restaurants and markets within walking distance
Improve drainage
Increase parking opportunities and pave streets

Action Plan

In order to address the community goals, this Plan's recommendations include the following.

Increase single family residential zoning

- Change zoning in appropriate areas to less intense manufacturing and commercial use to allow for additional housing opportunity
- Change zoning to increase single family residential zoning throughout the residential district

Preserve historic architectural character

- Create an Historic Residential Corridor along Edith Boulevard
- Place monument identification signs at key entrances to the neighborhood
- All amenities such as street lights, benches, signage etc., should have a consistent theme that reflects the culture and history of the neighborhood
- Design a Plazuela (small plaza) with visual art to commemorate the crossroads of the Carnuel Trail and the Camino del Lado

Improve streetscapes and create a safe multimodal circulation network

- Create a consistent width of Mountain Road/Streetscape from Broadway to I-25
- Install sheltered bus stops on either side of Mountain close to the Neighborhood Activity Center
- Add public amenities such as benches, shelters, and signage
- Require all properties along Broadway Boulevard to meet modified landscaping regulations within five years of adoption of this Plan
- Request an engineering study to identify pedestrian access needs, traffic calming and roadway needs and opportunities. The study is to include a warrant study for a traffic signal at the Woodward/Lomas intersection
- Make streetscape improvements along Odelia to slow traffic and provide additional safety features based on the engineering study.
- Discourage non-local motorized traffic on Edith Boulevard **Note: by what means.....? discuss**
- Implement the City's proposed bicycle facilities improvements
- Create enhanced pedestrian routes along Mountain, Odelia, and Edith
- Improve pedestrian street crossings by adding crosswalks based on the engineering study and consistent with city policy
- Perform a sidewalk inventory and pedestrian circulation study

Increase opportunity for local restaurants and markets within walking distance

- Develop a Neighborhood Activity Center at the corner of Mountain and Edith
- Modify zoning to reflect the traditional mixed use of Mountain and Broadway
- Modify zoning to reflect existing mixed uses along Lomas and along Broadway

Improve drainage

- Create a green buffer between the residential and service districts by vegetating the escarpment
- Plan and implement soil erosion control and landscaping on Odelia between Edith and High Street
- Develop a high capacity detention basin designed as a multi-use/park facility to replace the temporary pond

Increase parking opportunities and pave streets

- Pave unpaved roads and add curb and gutter or alternative walkway/storm drainage features

The Plan area is divided into four districts based on their predominant land uses. The Plan describes each area's condition, analyses the issues and provides recommendations to support one or more of the goals. Vehicle, bicycle, and pedestrian circulation are examined in the same manner but for the entire plan area rather than by district.

E. Community Character and Conditions

Settlement

Martineztown/Santa Barbara is one of Albuquerque's historic neighborhoods. Located northeast of New Town (downtown) along the Acequia Madre de los Barelvas, the neighborhood began as an agricultural settlement at the crossroads of Mountain Road (also known as the Old Carnuel Trail) and Edith Boulevard (also known as El Camino del Lado). Don Manuel Antonio Martin founded the community in about 1850 when he relocated his family from the Old Town area to the open pasture land on the edge of the east mesa sand hills. The neighborhood's name is derived from the Martin family.

The Martin family's settlement was intersected by the high route of El Camino Réal de Tierra Adentro (The Royal Road of the Interior), a 1,600-mile trade road from Mexico City to Santa Fe. El Camino Réal was the main north-south road linking the New World Spanish colonies. Running through the Middle Rio Grande Valley and the current site of Albuquerque, there was constant activity along El Camino Réal, which was New Mexico's lifeline to the outside world. The general path of El Camino Réal was established by the Spanish colonists under Juan de Oñate. The route was the first wagon road established in the province of New Mexico and followed along the eastern edge of the Rio Grande, with the exception of the Jornada del Muerto pass (Journey of the Dead Man). The early route of El Camino Réal in Albuquerque followed the eastern edge of the valley below the sand hills and above the low, marshy areas

of the valley floor. After the Pueblo Revolt of 1680, a series of roads linking valley settlements developed in Albuquerque. This gave travelers along El Camino Real several choices of north-south routes when they approached Albuquerque. El Camino Real, however, remained along the eastern edge of the valley floor, and its course through Albuquerque was known as El

Camino del Lado or El Camino de Ladera (the road along the edge). El Camino del Lado was used for local and trade traffic during inclement weather when the valley floor was flooded and muddy. The general consensus among historians is that this route followed the approximate course of what later became Bernalillo Road and then Edith Boulevard. (Cibola Research Consultants, 2001) (See figure 3.)

Early development in Martineztown followed the typical pattern of Spanish valley settlements with long, narrow parcels running perpendicular to the Acequia Madre de los Barelás. A few scattered houses were located along Bernalillo Road east of the Acequia. The neighborhood continued to develop as a settlement cluster and flourished after the arrival of the railroad in 1880. Around the turn of the 20th century, Santa Barbara, which took its name from a local cemetery, began to grow to the north between Mountain Road and Odelia.

The railroad created modern-day Albuquerque and brought many changes to Martineztown/Santa Barbara. The railroad era signaled a gradual change from agriculture to wage-based employment. Many area residents secured employment with the railroad and with other commercial operations that developed in and around the neighborhood. Among the early businesses were two wool-scouring mills, one of which opened in 1895 at the corner of

Mountain Road and the Atchison, Topeka and Santa Fe Railway tracks (now owned by the NM Rail Runner Express). A number of smaller, neighborhood-oriented businesses were also established, including grocery stores, barber shops and general stores. Four dance halls operated in the area during the 1920s and 1930s.

The Second Presbyterian Church and San Ignacio de Loyola Parish have figured prominently in the community. Area residents assisted with the adobe brick construction of San Ignacio (1913-1916). The church was given official parish status in 1926. The Second Presbyterian Church was founded in 1889 after the Martinez family converted to Protestantism. The existing church building was constructed in 1922, four blocks south of the original church site, which was located at the curve on Edith Boulevard. Due to the Protestant Hispano population in the neighborhood, the community was known locally as La Placita de los Protestantes.

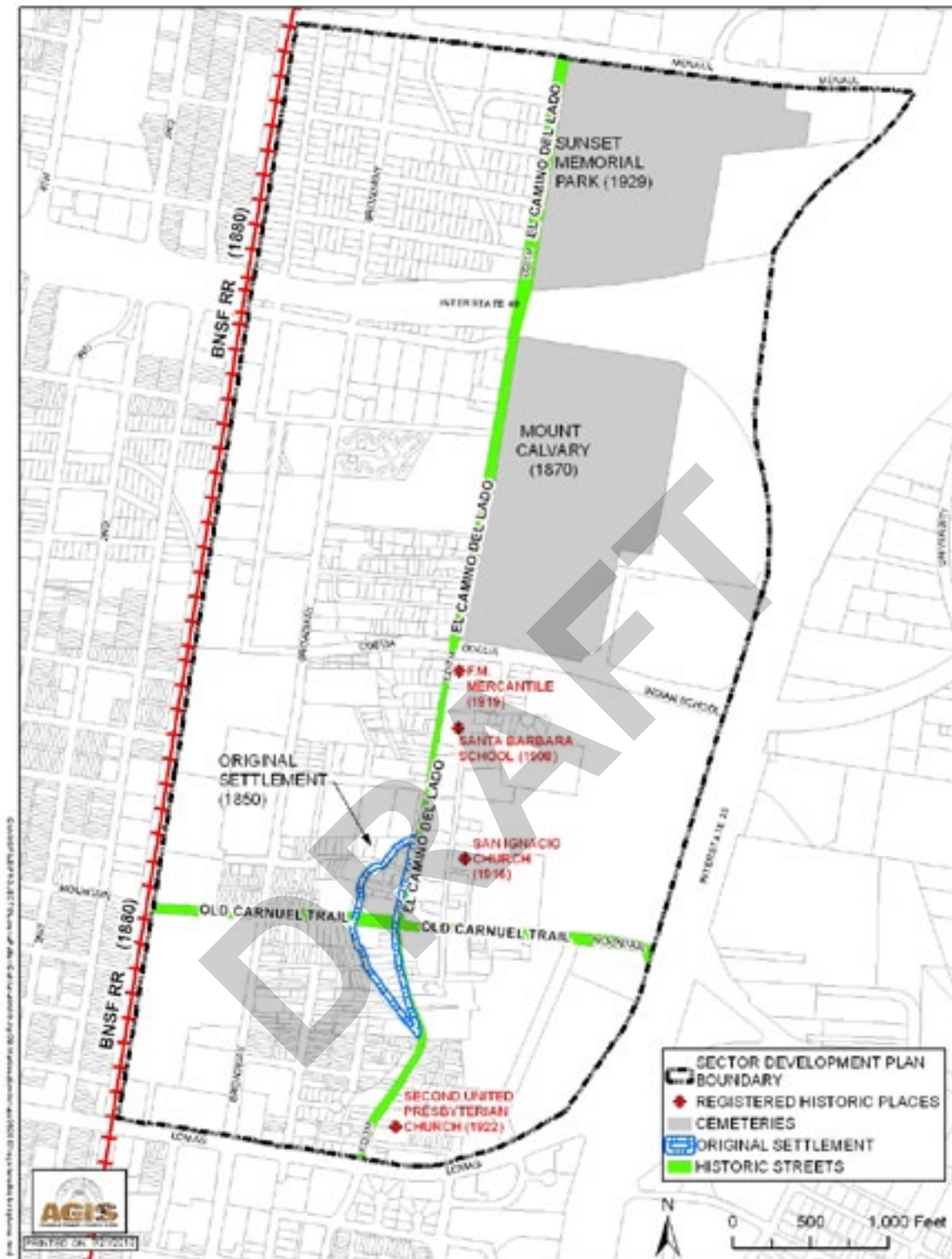


Figure 3 – Area’s Historic Relevance

Located next to and affiliated with the Presbyterian Church, the Martineztown House of Neighborly Service has provided a variety of social services to area residents since the 1920s. Provision of municipal services and facilities began after 1900. Martineztown was annexed by the City of Albuquerque in 1898, but it was not until 1948 that Santa Barbara was incorporated. Santa Barbara School, built prior to World War I, was part of the county school system and was later acquired by the Albuquerque Public School District. In the late 1920s, Edith Boulevard was paved, and the section of Odelia Boulevard from Broadway to Edith Boulevard was constructed. In the 1930s, the Santa Barbara-Martineztown Community Center was built at 1320 Edith and later demolished. Water and sewer lines were extended to area residents in the late 1930s.

Since its beginning as an agricultural settlement, Martineztown/Santa Barbara has been somewhat isolated and independent from surrounding communities. The neighborhood was distant from established development enclaves, and over the years physical barriers have reinforced this separation. The marsh that once lay on the western edge of the neighborhood (between Mountain Road and present-day Lomas Boulevard) inhibited development and formed a natural barrier between Martineztown/Santa Barbara, Old Town, and Downtown. The railway tracks along with the interstate systems have contributed to the area's physical separation from adjacent communities.

Today, portions of the community retain the look and feel of a traditional New Mexico village. Many families still live on properties that have been handed down through several generations. This continuity has contributed to the strong attachment residents have for the neighborhood. Adding to the area's unique character is a pattern of winding streets and narrow, irregularly shaped lots, typical of many Spanish settlements. This contrasts with the block-grid style of development that dominates post-railroad Albuquerque.

The physical and economic condition of the neighborhood began declining after World War II. Population decreased and a general deterioration of housing stock took place. Vacant land attracted manufacturing uses, open storage and warehousing. The abundance of commercial and industrial zoned land and the resulting encroachment of commercial uses into residential areas encouraged land speculation and discouraged residential development and reinvestment.

Since adoption of the 1976 Sector Development Plan and the 1978 and 1990 Sector Development Plan Updates, a number of physical improvements have occurred. Recent improvements include housing rehabilitation, street realignment and paving, development of three area parks, and conversion and rehabilitation of the Santa Barbara School into eight senior apartments, a community room and office space.



Historic buildings in Santa Barbara/Martineztown (top, l to r) San Ignacio Church (1916), Santa Barbara School (1908-1930), (bottom, l to-r) Second United Presbyterian Church (1922) are listed on the State and National Registers. The Mercantile Building (1919) (lower right) is listed on the State Register.

F. Zoning History

When its original zoning was established in 1959 (see figure 4), Martineztown-Santa Barbara was envisioned to be an expansion area for Downtown. Despite the existing prevalence of low density residential land use, much of the neighborhood was zoned commercial and industrial. The northern and central sections of the neighborhood developed with residential uses surrounded by commercial and light industrial uses along major arterials. By contrast, the southern area continued to develop as primarily single-family residential, despite heavy commercial and light industrial zoning.

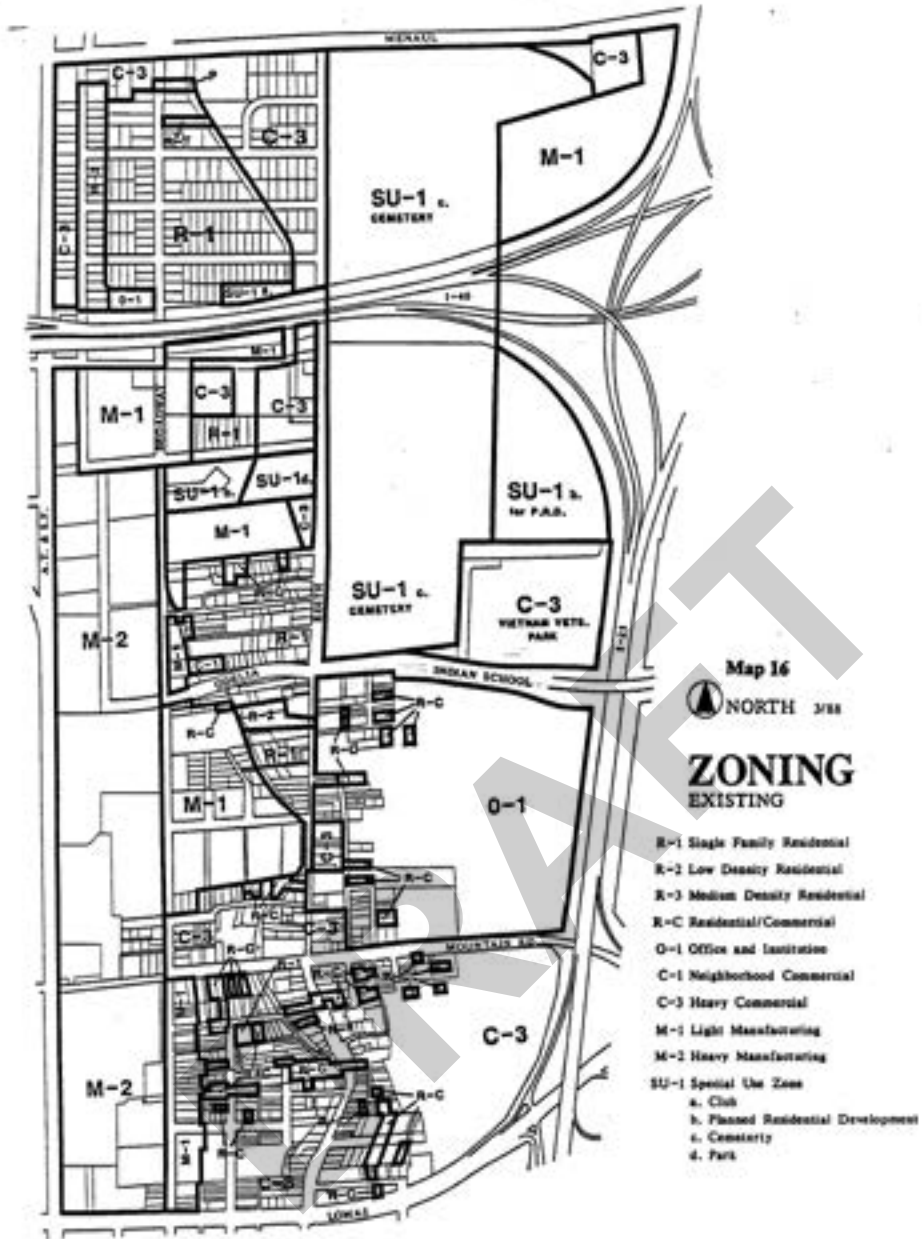
The 1976 Martineztown-Santa Barbara Sector Plan identified the mismatch between land use and zoning in the southern area and created a non-regulatory land use plan to guide zone change requests.

The 1990 Martineztown/Santa Barbara Sector Development Plan adopted SU-2 (Special Neighborhood) zoning for the plan area to help stabilize the area in its present condition but still allow property owners flexible use of their land. It created two new mixed-use zones for the neighborhood: SU-2 RCM (Residential-Commercial Martineztown), a modification of the City's RC zoning that allowed commercial uses to occupy up to 100 percent rather than half of the gross floor area, and SU-2 NRC (Neighborhood Residential Commercial), a mixed-use zone that allowed residential and low intensity commercial uses. This zoning was considered transitional, and the plan recommended future amendments. The plan also established SU-1 Special Use zones for properties, such as the Moose Lodge, Sun Village Apartments, parks and churches that had one use but many different zones, and made some changes in the SU2 HM (Heavy Manufacturing) zone. (See figure 5.)

Despite the changes in 1990, there remained a mismatch between existing land uses and their designated zoning categories, particularly in residential areas.

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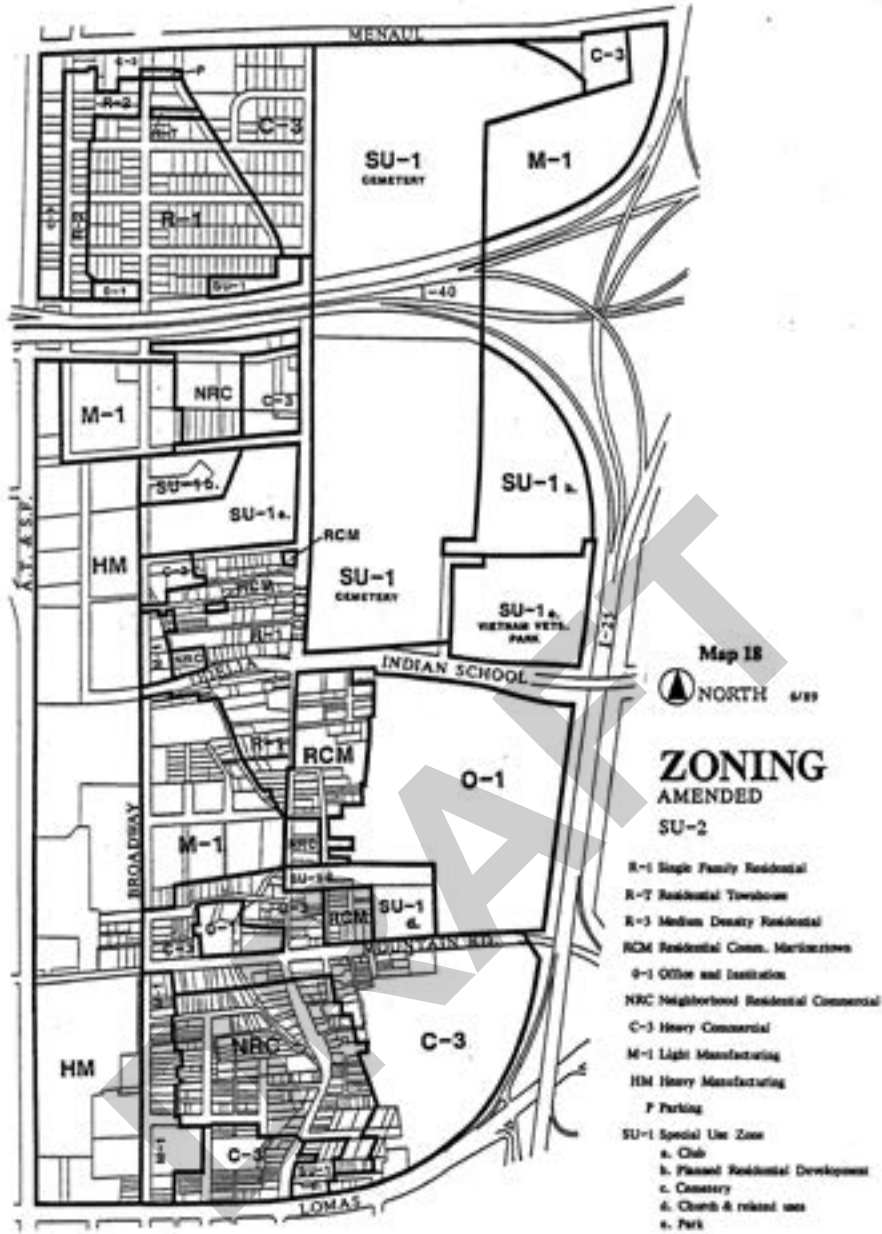
MARTINEZTOWN/SANTA BARBARA



67

Figure 4 – Zoning Established 1959

MARTINEZTOWN/SANTA BARBARA



78

Note: Zones shown on map are unique to the Martineztown/Santa Barbara Sector Plan Area.

Figure 5 – Zoning Amendments Adopted 1990

G. Demographics

Santa Barbara/ Martineztown's population grew steadily from 1974 to 2000 when it reached a high of 2,220 people. It was estimated to have declined slightly to 2,137 in 2007 and is projected to continue to drop another 2 percent by 2012. In comparison, the City of Albuquerque's population has grown 12.7% since 2000 and is projected to grow another 8.1% during the next four years. (Unless otherwise noted, all demographic data in this section was calculated using estimated totals for 2007.)

Compared to Albuquerque, the neighborhood has a slightly smaller percentage of children under 17 years old and about 10% more young adults between 18 and 34 years old. This indicates that there may be a greater percentage of children in future years.

In terms of ethnicity, Martineztown/Santa Barbara has an almost 25% higher population of Hispanic or Latino residents than the City of Albuquerque as a whole. In 2007, the neighborhood's estimated Hispanic or Latino population was 67.8% while Albuquerque's was estimated at 43.1%. Furthermore, Martineztown/Santa Barbara has a substantially higher percentage of residents who speak Spanish at home (47%) compared to Albuquerque (23%).

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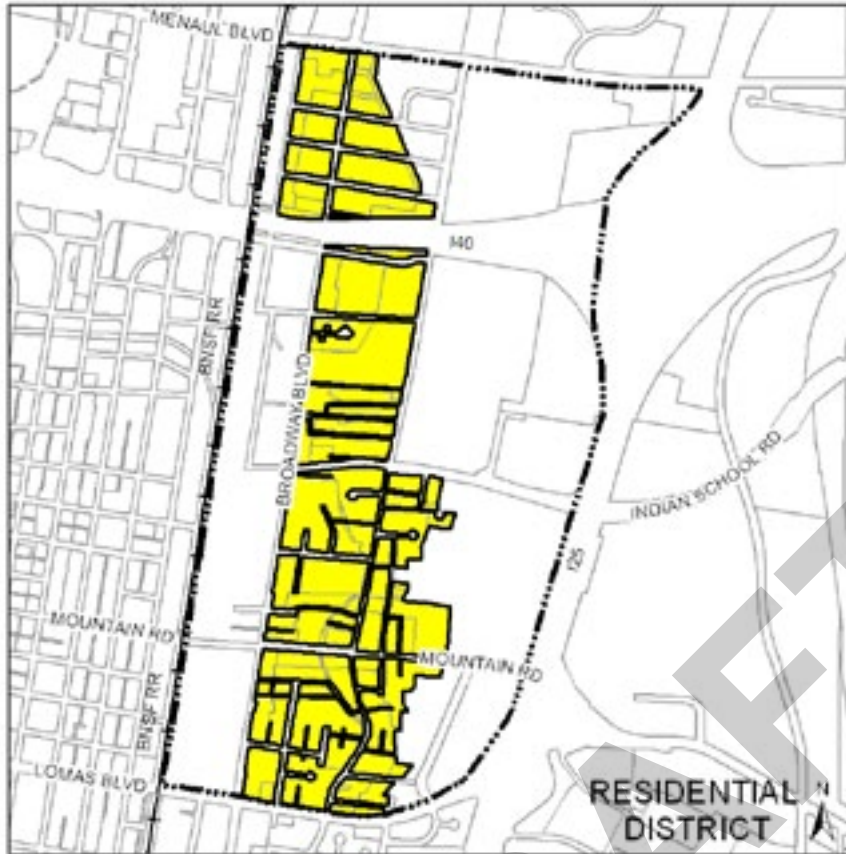
2 Planning Districts, Issues and Recommendations

To aid in issue analysis and solution development to accomplish the community's vision, the project team, in consultation with the neighborhood, established four character districts (see figure 6): Residential District, Railroad District, and Service District. The character, issues and recommended solutions of each district are described below.

Each section of this Plan is meant to stand alone. Issues and recommendations may appear in more than one district as well as in the transportation and drainage/sewer sections.

DRAFT

A. Residential District



The Residential District contains the oldest part of Martineztown/Santa Barbara, including the historic core and two historic churches. San Ignacio's church spire is highly visible from most of the district and is a landmark of the community's cultural and historic roots. The Second United Presbyterian Church founded in 1889 also has historic relevance. Land uses are primarily single-family residential with pockets of commercial/industrial located mainly along Broadway, Edith and Lomas Boulevards. This district also includes two parks, a planned residential development, the Santa Barbara Community Center, and the Moose Lodge Family Center. Approximate boundaries are Menaul Boulevard to the north, Broadway Boulevard to the west, Lomas Boulevard to the south and the escarpment (south of Odelia) or Edith (north of Odelia) and the abandoned Alameda Lateral (north of I-40) to the east.

Issues and Analysis

Incompatible Zoning and Design

The zoning first established for Martineztown/Santa Barbara was predominantly commercial and industrial despite mixed uses that included residential. In 1990 zoning was changed to restrict commercial uses within residentially developed areas.

The 1990 Martineztown/Santa Barbara Sector Plan zoned the area south of Mountain Road primarily SU-2 NRC (Neighborhood Residential-Commercial). Much of the area between Mountain Road and Odelia/Indian School was zoned SU-2 RCM (Residential Commercial).

The latter is essentially the neighborhood's special live-work zoning, which allows commercial uses on 100 percent of the gross floor area. While some residents believe that this mixed-use zoning tends to destabilize rather than strengthen the area as a single-family neighborhood, others wish to preserve the ability to retain a small family business within their homes. There has not been consensus on this issue however, new zoning actions will help to preserve single family uses and allow for mixed uses in appropriate areas.

The existing SU-2 NRC zoning allows townhouse development but provides little in the way of design guidance. Residents have voiced dissatisfaction with new infill development of townhouses along Edith, south of Mountain, which is architecturally out of scale with the rest of the neighborhood design.

It is debatable whether infill construction of single family dwellings in the area remains financially feasible without gentrifying the neighborhood. One solution is to allow a secondary dwelling unit (for example, a mother-in-law quarters) on lots that are large enough to accommodate them.

Some residential zones abut C-3 (commercial) and M-1 (industrial) zones. Some of these adjacent high intensity zones are not buffered or screened from the residential zones as required by the Zoning Code.

Zoning incompatible with land use exists along Broadway from Lomas north to Rosemont. Those properties are zoned for manufacturing and heavy commercial though existing uses are a mix of single-family residential, commercial retail, commercial service and some light manufacturing. The current zoning allows far more intense future uses than now exist on those properties. Rezoning to mixed use zones would better carry out the traditional mix of residential and less intense commercial uses.

Lack of Neighborhood Goods and Services and a Central Gathering Place

Residents have expressed a need for neighborhood scale retail and services. Although there are a few restaurants, most of them border the edge of the plan boundary.

An important concept in the Albuquerque/Bernalillo County Comprehensive Plan is the development of activity centers. The Activity Centers concept concentrates land uses for greater efficiency, stability, image, diversity and control while safeguarding the city's single family residential areas from potential intrusion by more intense land uses. Such centers are designed to connect to transit, pedestrian pathways and bikeways to encourage parking once and then walking to various destinations.

Neighborhood Activity Centers are designated to meet daily convenience goods and service needs of residents in two or three nearby neighborhoods. The centers typically range from 5 to

15 acres in size and contain a mix of small-scale retail with expanded outdoor seating, service uses, a park or plaza and perhaps small institutional uses. At one or two stories in height, they are to be located on local or collector streets, designed for walking from one side to the other, and serve as a recreational and social focal point for the neighborhood.

Mountain Road Traffic Issues

Residents called for changes to Mountain Road to create an attractive, walkable neighborhood roadway, leaving Lomas and Broadway to carry the bulk of the through traffic, including trucks. Neighbors indicated that delivery and semi trucks speed along Mountain, creating unsafe

conditions along a road for pedestrians where four-foot sidewalks with no buffering from traffic are typical. Mountain Road issues are discussed further in the Transportation chapter.

Rainwater runoff

Several hill sites contribute to the flooding of Martineztown, specifically, the slopes of TriCore Medical Laboratories, and the slopes of Albuquerque High School. The property owners at the base of the escarpment owned by Albuquerque Public Schools (APS) have had rainwater runoff flood their yards, erode their patios, and enter their homes. The City of Albuquerque has no jurisdiction over APS; however, there is a site plan that requires TriCore to vegetate their slopes.

The city has embarked on a process of reviewing area hydrology for a Mid-Valley Drainage Master Plan. A consultant has been selected and is negotiating the scope and cost with the city and AMAFCA. When complete, this report will determine the volume of the runoff and ways to collect and remove this volume. A key element of this DMP will be to determine the number and volume of stormwater detention facilities needed to protect the neighborhood.

A major element of stormwater management for this neighborhood is the Broadway Pump Station located on the west side of Broadway just north of Lomas. This pumping plant is the largest in the city and pumps storm drainage uphill to the North Diversion Channel near UNM Hospital. This plant is scheduled for a major rehabilitation in 2012-2013 supported by both the City and AMAFCA. This rehabilitation will modernize the facility and improve reliability of the station. However, one drawback of this facility has been, and will continue to be, a limited capacity. The station can only pump away about 20% of the water arriving at the location under the 100-year storm. In order to ensure against flooding, detention facilities are needed to hold the excess water until the pump station can remove it.

Erosion on Odelia

There is an erosion control issue in the public right of way north of the F.M Mercantile building at 1516 Edith NE. This right of way contains a sidewalk that leads east to Albuquerque High School. The space is a bare slope that sends soil over the sidewalk and into the street when it rains. The erosion poses a threat to the adobe barn behind the historic building as well as to the safety of pedestrians and bicyclists.

Recommendations (See figure 7)

Modify zoning to reflect the traditional mixed use of Mountain and Broadway

The area just north of Mountain is a good location for mixed use development as it straddles Highway 47 (Broadway) with property in both the railroad and residential district. This zone change would help buffer the residential core and provide a good transition to the railroad district. A mixed use zone includes opportunity for residential development.

Modify zoning to reflect existing mixed uses along Lomas and along Broadway

A change from commercial to mixed uses would serve to buffer the residential district from traffic on Highway 47 (Broadway) and the principle arterial Lomas while providing a smooth density transition to single family. These are prime locations for higher density mixed use/street related development especially given the transit service on both boulevards. This would allow for the development of new affordable infill housing. As redevelopment occurs, design regulations will ensure landscaping and some preservation of open space to further separate the railroad and residential districts and, provide additional buffering to the residential community.

Increase single family zoning within the Residential District

This action supports the community's request to reclaim the historic low density residential district and will provide additional opportunity for affordable infill housing on existing vacant lots. Design regulations will ensure preservation of historic physical characteristics.

Develop a Neighborhood Activity Center at the corner of Mountain and Edith to include a Plazuela (small plaza) with visual art to commemorate the crossroads of the Carnuel Trail and the Camino del Lado

Development of an activity center at this important intersection would preserve and protect single family residential areas while providing opportunities for neighborhood scale retail, services, and additional housing. A plazuela with art would call attention to the rich cultural history of the neighborhood by emphasizing the historic relevance of the crossroads. The plazuela would provide an open gathering space for the community and serve as a visual cue to calm vehicular traffic. Designed to reflect traditional community character, this center would serve as a recreational and social focal point for the neighborhood.

Create a consistent width of Mountain Road/Streetscape from Broadway to I-25

Narrowing the portion of Mountain Road between Edith and Broadway would protect the residential district by calming vehicular traffic. The addition of on street parking and bulb outs with landscaping on the north side of Mountain would narrow the existing lane width without reducing the number of lanes and add needed parking. This project would create a more pleasant, walkable and safe environment for pedestrians.

Install sheltered bus stops on either side of Mountain close to the Neighborhood Activity Center

Over the next two years, ABQ RIDE will evaluate bus stops throughout the entire route system. The evaluation will be used to determine effective bus stop placement. Stops may be consolidated or eliminated. One of the first routes under investigation is the Montgomery/Carlisle #5, a route that has seven existing bus stops along Mountain Road within the plan area. This route serves the Post Office, Albuquerque High School, Embassy Suites, TriCore, Career Enrichment Center, Workforce Training Center as well as Martineztown/Santa Barbara residents. At the time of this writing, ABQ RIDE is reviewing the bus stops on the #5 route from Carlisle and Menaul to the Alvarado Transit Center. As bus stops on Mountain Road are determined, shelters are recommended on either side of Mountain at the Neighborhood Activity Center.

Create a green buffer between the residential and service districts by enforcing the TriCore Reference Labs site development plan (approved October 2002).

Enforcing the planting of trees and grasses along the natural escarpment as required in TriCore's site development plan would help mediate long standing erosion issues, and protect the residential core from water run-off from the southern portion of the service district. Enhancing this natural feature would reflect the agricultural history of the neighborhood. (TriCore remediated the slope – visit site)

Place monument identification signs at key entrances to the neighborhood

This action would help to preserve and protect the unique identity of the historic residential core by alerting motorists that they are entering a low-density residential neighborhood. This measure is intended to calm traffic to increase safety of residents. Signs are recommended for southbound traffic at Odelia and Edith, northbound traffic at Lomas and Edith, westbound traffic at Woodward and Mountain, and eastbound traffic at Broadway and Mountain. Signs should be designed to complement community character.

Create an Historic Residential Corridor along Edith Boulevard

This action would preserve and protect the historic and cultural value of the "Camino del Lado" and its historically significant buildings. The land uses on either side of Edith are predominately residential and predate the zoning established in 1959. Local historians believe the area was first settled circa 1850. On Edith, from Menaul to Odelia are two cemeteries that date back to the mid 1800's. The four structures in the plan area listed on the State/National Registers are located on Edith between Odelia and Lomas. They are: F.M Mercantile built in 1938; the Santa Barbara School built between 1908 and 1930; the Catholic Church built in 1926; and, the Spanish Presbyterian Church built in 1922. The 1990 Sector Plan identified a Martineztown Plaza District that encompassed Edith from Marble to just north of the Catholic Church because of historic significance. The historic corridor should include the entire length of Edith Boulevard within the plan boundaries. Design regulations should be developed to limit structures, landscaping or other obstructions that may impair views of these buildings on the state and national registers.

Require all properties along Broadway Boulevard to meet modified landscaping regulations within five years of adoption of this Plan

This action would help preserve and protect both the residential and railroad districts while helping to create a more pedestrian friendly environment. Non-residential properties are required to comply with parking lot landscaping provisions with exceptions listed in the design portion of this Plan.

Plan and implement soil erosion control and landscaping on Odelia between Edith and High Street

Odelia provides the only east/west bicycle route in the plan area and a pedestrian route to Albuquerque High. Landscaping of the public right of way would improve the safety for bicyclist and pedestrians as well as preventing harm to an historic building.

All amenities such as street lights, benches, signage etc., should have a consistent theme that reflects the culture and history of the neighborhood

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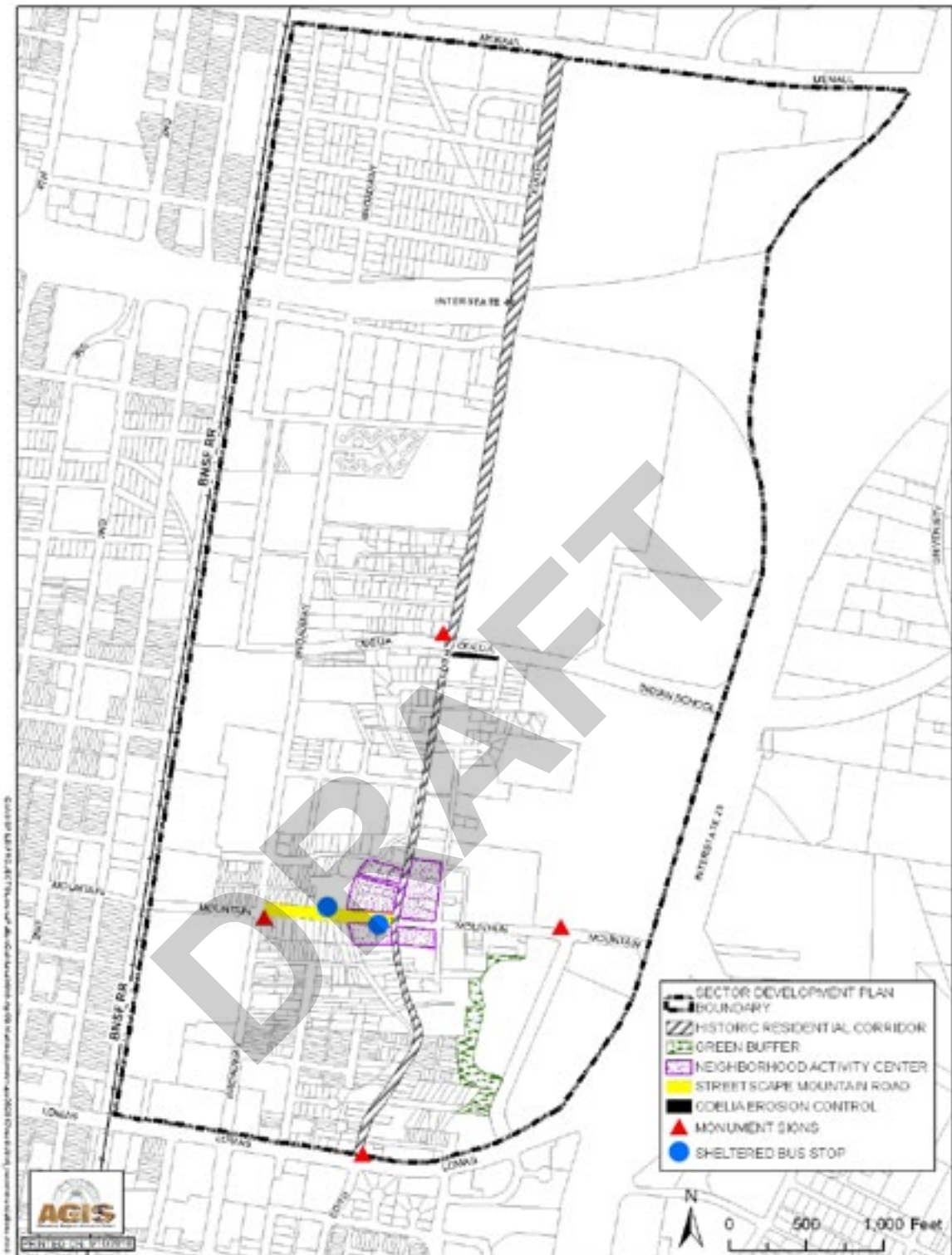
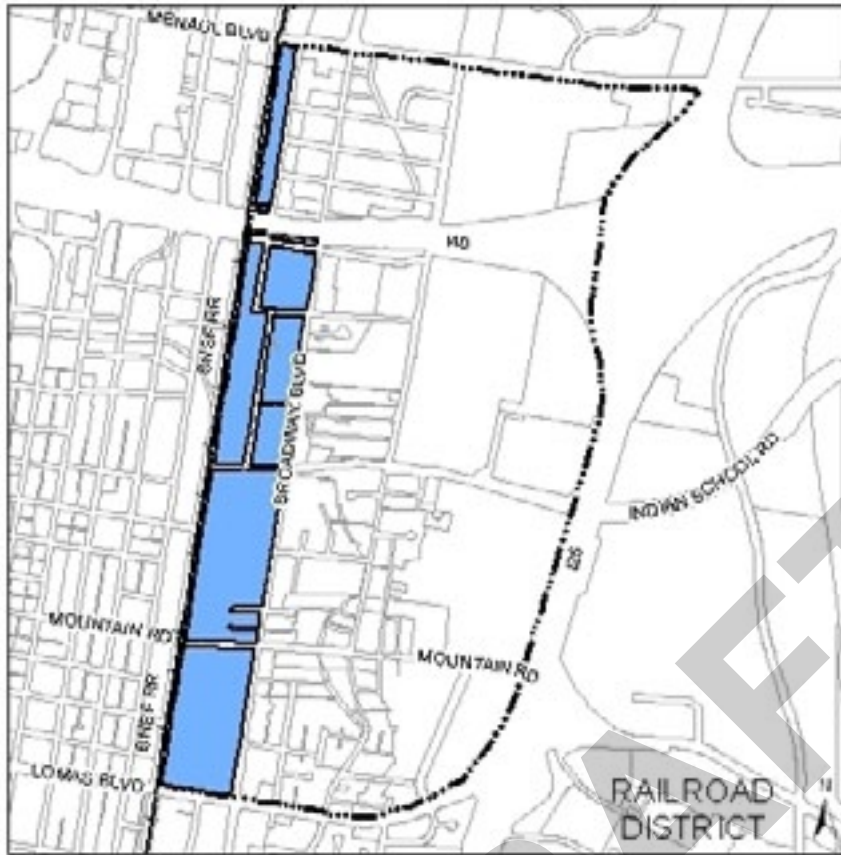


Figure 7 – Residential District Recommendations

B. The Railroad District



The Railroad District encompasses the large parcels between the railroad tracks on the west and Broadway Boulevard (south of I-40) and Commercial (north of I-40) on the east. It is bounded by Menaul Boulevard on the north and Lomas Boulevard on the south.

Most of the Railroad District is zoned SU-2 HM (Heavy Manufacturing), a special neighborhood zone designed for areas where uses were light manufacturing and heavy commercial. A portion near Interstate 40 is zoned SU-2 M-1 (Light Manufacturing), while a strip of parcels between I-40 and Menaul are zoned SU-2 C-3 (Heavy Commercial). The US Postal Service owns most of the property between Mountain and Lomas. Except for the public use of the post office, uses are primarily warehouse and industrial, truck terminals, and a few offices except for the northwest corner of Mountain and Broadway, which consists of retail, industrial/manufacturing and single-family residential.

Issues and Analysis

Economic Feasibility

Martineztown/Santa Barbara historically served as an employment center for the City of Albuquerque. Warehouse facilities and industrial operations have benefited from their proximity to the railroad and the interstate highway system. The overhead costs of trucking goods have increased. Due to Albuquerque's growth it is cost effective to ship by rail as the railroad shipping cars haul twice the capacity of truck containers.

Although the warehouses on these properties are generally outdated (clear heights range from 16 to 17 feet compared with 24 to 32 feet on newer structures), the price differential per square foot is large enough for businesses to lease or renovate the buildings.

Based on interviews with property owners and leasing agents, these uses will continue into the near future, and then perhaps be adapted for other uses. A film studio, for example, is leasing space in one of the facilities.

Conflicts with residential uses (Rosemont)

Within the Railroad District, near Mountain Road and Broadway Boulevard, there are a few single family houses. Homeowners reported damaging heavy truck traffic and noise. They asked if Rosemont could be closed to trucks. The street cannot be closed as there is an existing easement for public ingress, egress and utilities that shall remain open for use at all times at the west end of Rosemont.

Landscaping requirements for non-residential zones

The 1990 Martineztown/Santa Barbara Sector Development Plan noted that the private sector's commitment to improve the visual image of Martineztown/Santa Barbara had been lacking, particularly along Broadway Boulevard where several large parking areas created a "sea of asphalt." To remedy this, the Plan required businesses that fronted on designated arterial or collector streets to comply with parking lot landscaping provisions in section 40.A.7 of the Comprehensive Zoning Code within two years of the adoption date of the Plan (March 5, 1990). The Plan also rescinded the exemption granted to lots developed prior to 1976.

Despite the 1990 landscaping requirement, little buffering has occurred. Truck beds have lengthened creating functional obsolescence and difficulty complying with the provisions in the Code. The spacing of landscaping would not allow the trucks to turn around in the parking lot to dock. While accommodations need to be made for semi-truck turning radii, attractive landscaping could be clustered together in strategic places without causing impediments.

Landscaping and buffering of the temporary basin

Residents want the basin landscaped and buffered from the neighborhood. As a safety measure, wire fencing surrounding the area was installed. Because the pond was identified as

an emergency interim measure, no landscaping was included in the project. The pond slopes were rocked for stabilization and dust reduction. City maintenance may have to remove storm sediment therefore landscaping the bottom of the basin is not under consideration.

The City investigated costs for a landscape buffer around the pond. Estimates ranged from \$80,000 to \$150,000 for minimal landscaping. The greatest expense is due to irrigation requirements. Plants in the southwest must be irrigated (even if considered native and xeric) and the irrigation system (water connection, meter, piping, maintenance) is cost prohibitive.

Temporary detention basin lacks sufficient storage

In 2008, the City and the Albuquerque Metropolitan Flood Control Authority (AMAFCA) purchased approximately two acres on the southern portion of this district at the intersection of Broadway and Lomas. An emergency storm basin was built as a temporary facility to address immediate issues.

The interim basin along with the basin at Broadway and Odelia have a capacity of only 27 acre feet (16ac-ft at Broadway & Lomas and 11 ac-ft at Broadway & Odelia) and about 100 acre-feet of storage maybe needed to solve the drainage problem in Martineztown/Santa Barbara. The combined detention capacity of the two existing basins is approximately 27% of what may be needed for flood relief. The City and AMAFCA are seeking additional sites to address the deficiency. This could mean one location for a larger basin or several locations for smaller basins. Because of side slopes and setback requirements, one large basin would require less land than smaller basins.

Tingley Park occupies about 12 acres or approximately 4 city blocks. Due to its shallow depth it is an inefficient drainage facility providing only about 2 acre-feet of storage per acre. In comparison the temporary basin occupies about 2 acres and provides approximately 8 acre-feet of storage per acre. Lomas & Broadway is in a FEMA flood zone because it is the low spot in the 600 acre drainage basin.

Incompatible zoning

Residents are concerned that if the Post Office relocates, the SU-2 HM zoning would allow uses that would have a negative impact on the neighborhood. The existing zoning may limit the development potential of property along the Enhanced Transit Corridor, Lomas Boulevard. There is a pump station in the district that falls under existing zoning however, the City zoning code permits public utilities in any zone provided it follows an adopted facilities plan and a site development plan for building permit has been approved by the Planning Commission.

Recommendations (See figure 8)

Modify zoning to reflect the traditional mixed use of Mountain and Broadway

The area just north of Mountain is a good location for mixed use development as it straddles Highway 47 (Broadway) with property in both the railroad and residential district. The 1990 sector plan identified the northwest corner of Broadway and Mountain Road as the AAA and Sons Grocery District, acknowledging its historical mixed use. This action would provide opportunity for affordable infill housing while protecting existing residential on Rosemont as well as existing commercial uses. The design would reflect historic architectural character providing a sense of place and a gateway feature to the residential core.

Require all properties along Broadway Boulevard to meet modified landscaping regulations within five years of adoption of this plan

This measure would create a more pedestrian friendly environment along Broadway and help to separate the railroad district from the residential district. Allowing for modified regulations would give the practical relief needed for property owners to create a landscape buffer that reflects the intent of the zoning code. See Zoning Code Enforcement section of this Plan.

Add public amenities such as benches, shelters, and signage on Broadway

Street furniture and signs along Broadway would further define the border that separates the railroad and residential districts. Both sides of Broadway from Rosemont to Lomas are proposed mixed use zones and as such, provide an important link to the neighborhood pedestrian network. Directional signs are a practical and functional way to promote connectivity between districts and provide wayfinding to the neighborhood activity center and other points of interest.

Over the next two years, ABQ RIDE will be evaluating bus stop placement throughout the entire route system. The Indian School Road commuter bus (Route #6), serves riders from Tramway Boulevard to Downtown. There are currently 8 stops on Broadway between Indian School and Lomas, most are south of Rosemont. A sheltered bus stop is recommended to serve the proposed mixed use zone south of Mountain.

Provide temporary screening for the interim detention basin at Broadway and Lomas

A temporary landscape or manmade buffer would improve the aesthetics and pedestrian friendliness of both boulevards. When the interim basin is removed, the screening could be recycled and reused in another project.

Upon removal of the temporary detention pond, a redevelopment project is recommended to encourage higher density development along Lomas Boulevard

Lomas is classified as an enhanced transit corridor with a goal to develop adjacent land uses and intensities that promote the use of transit. Commercial, mixed uses and residential development would serve the existing and adjacent neighborhoods and promote pedestrian opportunity. Higher density development along the Boulevard would further buffer the neighborhood, define its edges, and lessen adverse visual impacts between differing land uses. This type of development may reduce neighborhood noise levels and increase privacy while mitigating effects from dust and automobile fumes.

Change the zoning between Lomas and Mountain from heavy manufacturing to mixed use

This action would ensure that, should the Post Office relocate, manufacturing uses would not be allowed. A mixed use zone would encourage medium to high density residential, shopping, service, office, and entertainment uses along the Enhanced Transit Corridor, Lomas Boulevard. Broadway and Lomas Boulevards are prime locations for higher density mixed use street related development especially given the transit service on both Boulevards.

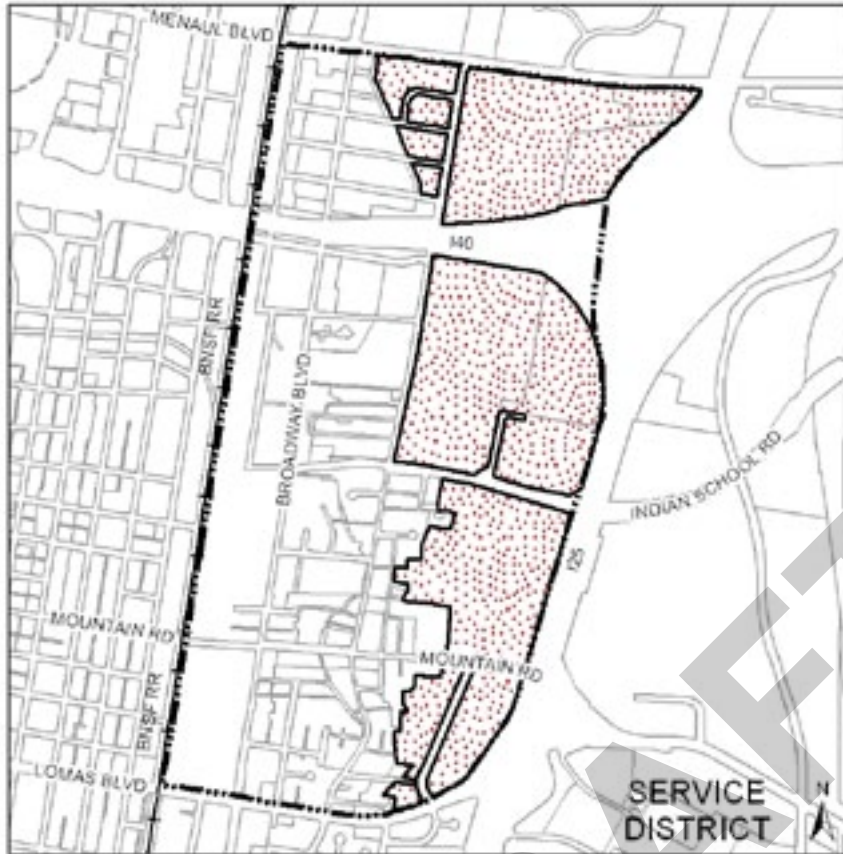
All amenities such as street lights, benches, signage etc., should have a consistent theme that reflect the culture and history of the neighborhood

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Figure 8 – Railroad District Recommendations

C. The Service District



The Service District boundaries abut the Residential District on the west and I-25 to the east. The northern boundary is Menaul and the southern boundary is Lomas. The southern part of this district consists of several large parcels with commercial establishments at the top of the old river embankment that serve to buffer the neighborhood from I-25: Tri-Core Reference Laboratory, Embassy Suites Hotel and the New Heart Wellness Center of New Mexico.

Albuquerque High School and the Career Enrichment Center, a science, technology and vocational APS magnet school, consume most of the land between Mountain Road and Odelia/ Indian School, which is zoned SU-2 O-1 (Office) and permits schools. Vietnam Veteran's Park is also owned by the Board of Education and the school district leases for sports fields, also serves as a detention pond during storms. The City and its regulations have no jurisdiction over property owned by the Board of Education.

North of Indian School, the Archdiocese cemetery and Sunset Memorial Park lie adjacent to one another, offering visual open space and a perimeter walking route. This area also includes the Sun Village Apartments and the Moose Lodge Family Center.

Issues and Analysis

Flooding and Erosion

Rainwater run-off and resulting erosion is an issue in the Service District. Though the City has no jurisdiction over Albuquerque Public Schools, a site plan requires TriCore to vegetate their slopes.

Woodward and Lomas Intersection

There are concerns about the Woodward/Lomas intersection. The Embassy Suites and Tri Core Laboratories have daily employee traffic as well as increased traffic during special events. Exiting vehicles travel south on Woodward then turn left onto Lomas enroute to the frontage road. There is no traffic light at Woodward and Lomas. This requires vehicles to enter the median halfway between the east/west traffic on a major transportation corridor and wait for the opportunity to enter the eastbound lane on Lomas. The lack of a signal and the heavy traffic at this intersection creates a hazardous condition.

Speeding traffic and unsafe conditions on Indian School/Odelia Road

Residents expressed safety concerns related to high speed traffic and pedestrian safety, particularly just north of Albuquerque High School. The Locust and Indian School/Odelia signalized intersection serves Sun Village Apartments and Veteran's Memorial Park to the north, and Albuquerque High School to the south. The pedestrian refuge east of the intersection ends mid block due to a left turn lane.

Recommendations (See figure 9)

Enforce the TriCore Reference Labs site development plan (approved October 2002).

Planting trees and grasses along the natural escarpment as required in the site development plan would help mediate long standing erosion issues. (TriCore remediated the slope – visit site)

Improve Traffic Operations for the Service District

Request a warrant study per the Federal Highway Administration's Manual on Uniform Traffic Control Devices for installation of a stoplight at the Woodward/Lomas intersection to improve safety and relieve traffic congestion.

Make streetscape improvements along Odelia to slow traffic and provide additional safety features, while maintaining the same traffic capacity

Install a raised median with low landscaping and decorative fencing on Odelia just east of Albuquerque High School to force pedestrians to cross at the traffic light in front of the high school. This amenity would signal drivers to slow down near the Albuquerque High School entrance.



Figure 9 – Service District Recommendations

6 Transportation

A. Roadway System

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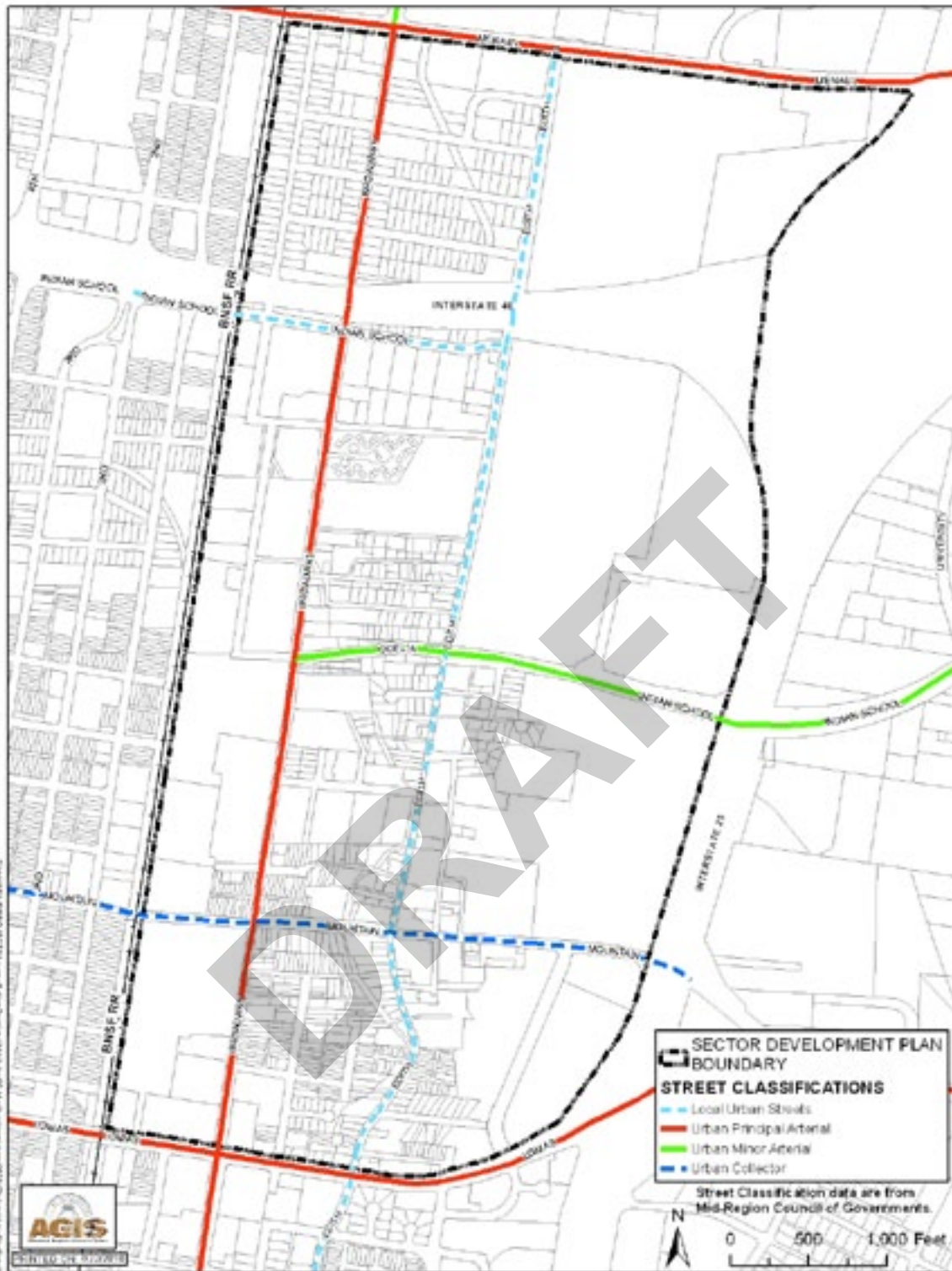


Figure 10 – Street Classifications

Lomas, Menaul and Broadway Boulevards are the areas principal arterial streets (see figure 10). Principal arterials are defined as major transportation corridors designed to carry high volumes of traffic. The Comprehensive Plan designates Menaul and Lomas as Enhanced Transit Corridors. The purpose of this designation is to develop land uses and intensities that promote the use of transit.

Odelia Road is a minor arterial street designed to accommodate heavy commercial vehicles and higher traffic volumes. Mountain Road is designated a collector street. A collector street provides land access, service, and traffic circulation within residential, commercial and industrial areas.

North of the plan area boundaries, Edith Boulevard is a minor arterial. Between Menaul and Lomas however, Edith is a local street. By definition, these streets provide the lowest level of mobility by accessing adjacent land use, serving local trip purposes, and connecting to higher order streets. This classification typically contains no bus routes and non-local traffic is most often deliberately discouraged.

The junction of I-25 and I-40 (the "Big-I") was reconstructed in 2002 to accommodate Albuquerque's increasing traffic. The New Mexico Department of Transportation initiated an I-25 South Corridor Study that is expected to be completed in 2010. The study area includes the Martineztown/Santa Barbara neighborhood. The analysis focuses on safety and mobility within the I-25 corridor. The study names the Broadway Boulevard and Mountain Road intersection, as well as Broadway Boulevard from Rio Bravo to I-40 as areas of concern. The study includes an evaluation of interchanges and frontage roads.

A University of New Mexico Transportation Strategic Plan is underway that may impact Martineztown/Santa Barbara. The June 2009 draft of that plan recommends that Mountain Road be extended from the I-25 East Frontage Road to provide service to the proposed new hospital and expansion of the Health Sciences Center.

Resolution 09-326 was adopted September 9, 2009 restricting gross vehicle weight on Mountain Road between Broadway Boulevard and the I-25 Frontage Road to prohibit vehicles with a gross weight of 5 tons or more from using Mountain Road as a through street. Speed limit on this segment of Mountain Road was reduced to 25 miles per hour. October 2009 signs were added to support this resolution.

Issues and Analysis

Freeway Access

Direct access from eastbound Mountain Road was eliminated when the junction of I-25 and I-40 was reconstructed.

While traffic on the interstate highways grew substantially from 1987 to 2006 (53 percent on I-40 and 55 percent on I-25), traffic declined on major streets through Santa Barbara/Martineztown.

Traffic decreased by 27 percent on Mountain Road and 26 percent on Odelia. The exceptions were two road segments of Broadway: Lomas to Mountain (up 7 percent) and Mountain to Odelia (up 29 percent). An historical table of traffic counts provided by the Mid-Region Council of Governments can be found in the Appendix.

Mountain Road offers access, via the frontage road, off I-25 from the North. This access is of concern to the neighborhood because of heavy trucks exiting I-25 onto Mountain. The residents' reported safety issues stemming from heavy truck weights and high speeds, therefore the planning process included a traffic analysis of Mountain Road.

The New Mexico Department of Transportation South I-25 Corridor Study in progress includes evaluation of this freeway access.

The June 2009 draft of the University of New Mexico Transportation Strategic Plan recognizes that the extension of Mountain Road has caused concern among the neighborhoods west of I-25 and south of Mountain Road that there will be more cut through traffic. The Traffic Impact Study assumes that the majority of the increase in vehicles from west of I-25 will use Broadway Blvd to reach downtown Albuquerque and that less than 10% of the traffic will use neighborhood streets. Some of this increase on Edith Blvd. will be neighborhood traffic going to the new facilities. Speed humps installed on Edith Blvd. south of Mountain Road will continue to discourage cut through traffic. Other traffic calming measures could be added to neighborhood streets if cut through traffic becomes a problem.

Truck Traffic

The residents expressed concerns about heavy truck traffic and high traffic speeds within the residential district. The "Big-I" improvements impacted traffic patterns, encouraging the use of the Mountain Road exit. The high speed of traffic, especially on Mountain, Odelia and Edith created safety issues for the neighborhood. Residents expressed additional concern regarding high truck traffic speeds on Broadway. Those living in homes on Broadway must back out onto the road to exit their driveways. Residents also report that the weight of heavier commercial trucks contribute to the deterioration of older homes lining those streets.

Semi-trucks traveling west on Mountain from I-25 have difficulty turning onto Broadway. The configuration of the intersection does not allow adequate turning radii as evidenced by building damage on the northeast corner of the intersection.

City Council Resolution 09-326 addressed most of the truck traffic concerns voiced by the neighborhood.

Traffic Crashes

Sites Southwest provided the following crash data.

Traffic crashes in the neighborhood have generally decreased since 2001 at major intersections, including Broadway/Odelia, Broadway/ Indian School, Broadway/Menaul, Lomas/Edith and

Menaul/Edith. The exceptions are Broadway/Lomas, where crashes ranged from three in 2001 to 26 in 2006 (average of 15 a year since 2000) and Broadway/Mountain, which averaged 18 crashes a year since 2000.

There were three crashes involving bicyclists during this time period: two at Broadway/Lomas in 2001 and 2004, and one at Broadway/Mountain in 2004. Similarly, three accidents involved pedestrians: one at Lomas/Edith in 2002, one at Broadway/Mountain in 2005 and one at Broadway/Lomas in 2006. There was one fatality, at Broadway/Odelia in 2001.

Notes for discussion: can the source of this information be included in an appendix? Is the number of crashes per volume of traffic higher than at other intersections in the city?

Woodward and Lomas Intersection

There are concerns about the intersection at Woodward and Lomas. The Embassy Suites and Tri Core Laboratories have daily employee traffic as well as increased traffic during special events. Exiting vehicles travel south on Woodward then turn left onto Lomas enroute to the frontage road. Because there is no traffic light at Woodward and Lomas, vehicles must enter the median halfway on a major transportation corridor and wait for the opportunity to enter the eastbound lane on Lomas. The lack of a signal and the heavy traffic at this intersection creates a hazardous condition.

Mountain Road Traffic Study Conclusions

Engineering sub-consultants for this sector plan conducted several studies to investigate complaints, with a particular emphasis on trucks. They performed a 24-hour traffic count on Mountain Road (prior to Resolution 09-326, an origin-destination study, and a signal and queue analysis of the Broadway and Mountain intersection, before and after proposed improvements.

Data showed that some 1,860 trucks including pick-ups, delivery trucks, and semi-truck trailers—entered Mountain Road daily from the I-25 frontage road and head west toward Broadway Boulevard. The largest percentage were light trucks (80%) followed by delivery trucks (13%), and semis (7%). There was a net decrease of about 300 trucks just east of Broadway, indicating that the rest had cut-through the neighborhood to work, home, or to other routes such as Woodward or Lomas. Approximately 990 trucks headed east on Mountain Road after the Broadway intersection. Percentages of light trucks and delivery trucks were slightly larger in this group, and semis slightly less, than in the westbound traffic group. The total count dropped off slightly to 968 after Edith Boulevard and then increased to 1,131 again between Woodward and I-25, indicating that traffic was moving onto Mountain to reach the freeway frontage road. (Traffic counts just west of Woodward dropped so severely that the data from that location is considered flawed and is not being used.)

The counts indicate that the truck traffic was dispersed throughout the day with apparent concentrations during the morning rush hour and mid-afternoon. More than 95 percent of the vehicles using Mountain Road at these times were passenger cars or pick-up trucks. Delivery trucks comprised 1.4 to 2 percent and semi-tractor trailers 0.23 to 0.45 percent of the traffic. Focusing on specific types of vehicles indicated that approximately two to four delivery trucks an

hour travel in each direction while two semis an hour use Mountain Road westbound.

Narrow Residential Streets

Edith Boulevard south of Odelia is too narrow to carry high traffic volumes or heavy vehicles. In fact, a number of streets in the neighborhood are very narrow, virtually squeezed in between houses. For example, Martinez Drive, Maggie's Lane and Sprunk Road have paving widths of only 12 feet; Granite, Gomez and Cordero have paving widths of only 20 feet. In contrast, the standard width of Albuquerque's residential streets is 32 feet. Many narrow residential streets have alley-type paving with center drainage, since narrow right-of-way widths cannot accommodate curb and gutter. These narrow, winding streets can handle only minimal traffic and cannot accommodate additional outside traffic without severely impacting nearby residences. Dead end streets create access problems (mail and solid waste truck turn around). **Note for discussion: are we asking to solve access problems? Do we really want wider streets?**

Posted signs on Edith are faded and illegible

Recommendations (See figure 11)

Create a consistent width of Mountain Road/Streetscape from Broadway to I-25 (Residential District)

Narrowing the portion of Mountain Road between Edith and Broadway would help calm vehicular traffic. The addition of on street parking and bulb outs with landscaping on the north side of Mountain would narrow the existing lane width without reducing the number of lanes and add needed parking. Streetscape amenities would be designed to reflect the historic Carnuel Trail.

Design a Plazuela (small plaza) with visual art to commemorate the crossroads of the Carnuel Trail and the Camino del Lado (Residential District)

The plazuela would provide an open gathering space for the community, increase pedestrian activity and serve as a visual cue to calm vehicular traffic.

Improve Traffic Operations for the Service District

Request an engineering study of the sector plan area to examine pedestrian access needs, roadway geometry deficiencies, bikeway needs, and traffic calming opportunities. Request a warrant study per the Federal Highway Administration's Manual on Uniform Traffic Control Devices for installation of a traffic light at the Woodward/Lomas intersection to improve safety and relieve traffic congestion.

Make streetscape improvements along Odelia to slow traffic and provide more pedestrian

These improvements can include installation of medians with decorative fencing to improve safety and force pedestrians to cross at the traffic light in front of the high school. This measure could signal drivers to slow down near the Albuquerque High School entrance. These and other improvements can be evaluated in the transportation engineering study for the plan area.

Post traffic signs to calm traffic (Residential District)

Along Mountain and along Edith, post new and replace faded signs reflecting the speed and weight limits.

Place monument identification signs at key entrances to the neighborhood

This action would help to preserve and protect the unique identity of the historic residential core by alerting motorists that they are entering a low-density residential neighborhood. This measure is intended to calm traffic to increase safety of residents. Signs are recommended for southbound traffic at Odelia and Edith, northbound traffic at Lomas and Edith, eastbound traffic at Woodward and Mountain, and westbound traffic at Broadway and Mountain. Signs should be designed to complement community character.

Note for discussion: can the map below be made into a figure that identifies issues raised by the community?

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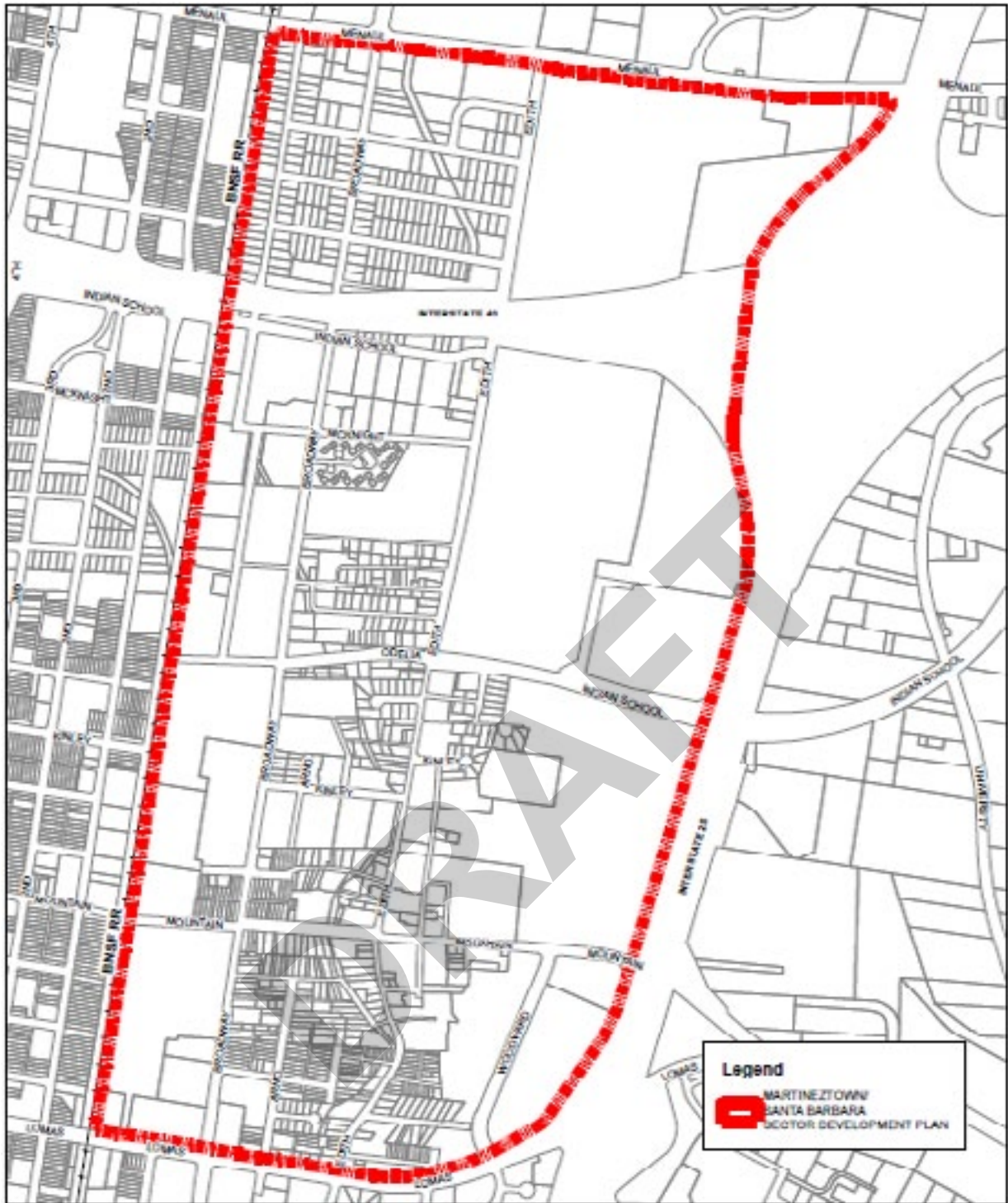


Figure 11 – Roadway System Recommendations

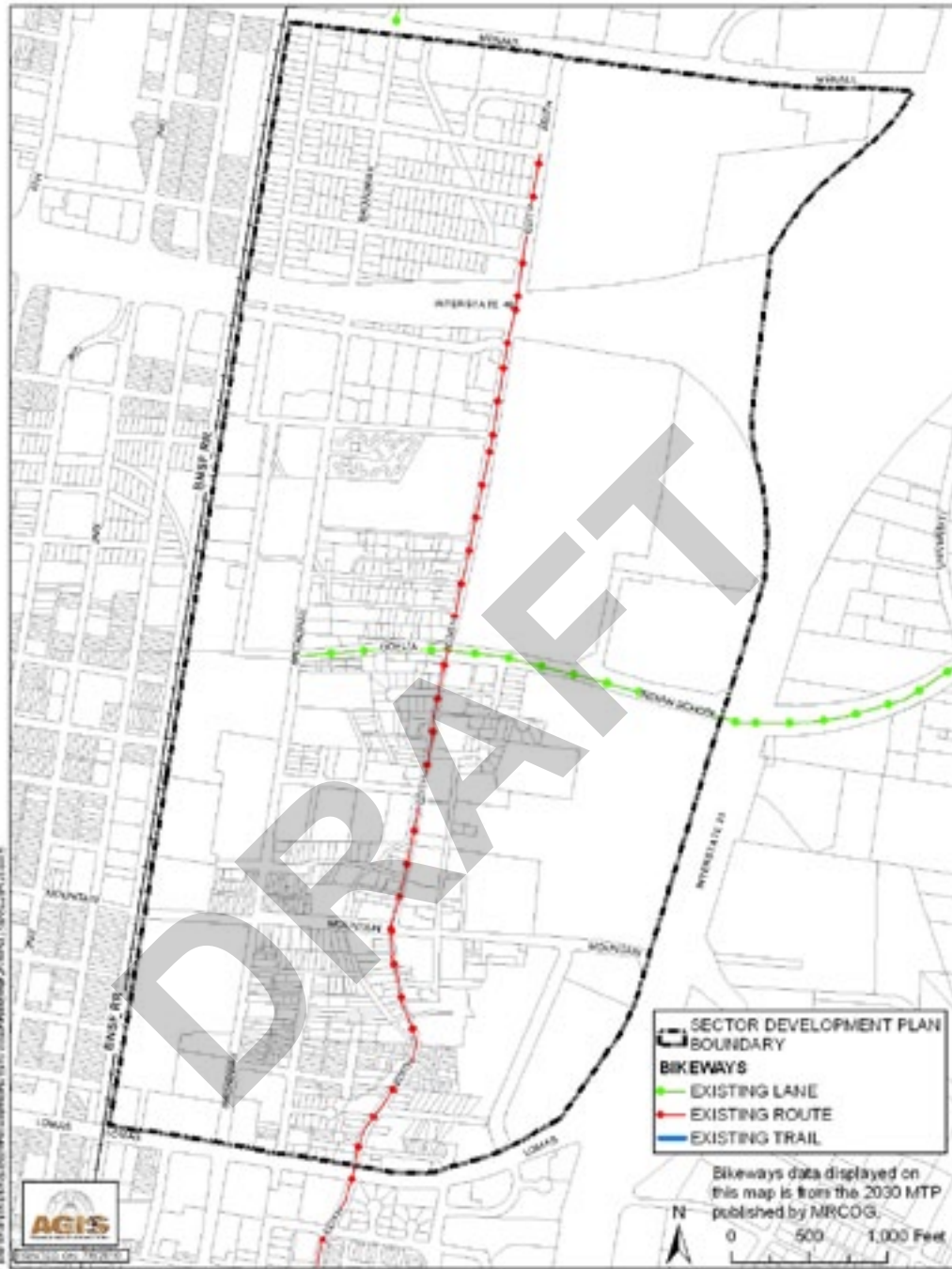


Figure 12 – Existing Bikeways

According to the Long Range Bikeway System Map, Edith Boulevard is a designated bicycle route. A route is defined as a bicycle facility located in a roadway and designated by signs as available for bicycle travel. Routes are shared with motorists and require land widths of 14 feet. No special on-pavement markings are provided.

Odelia/Indian School is designated a bicycle lane from Broadway to Tramway. A bicycle lane is a facility that is located in a portion of a roadway facility. A lane is designated by pavement markings for the exclusive or semi-exclusive use of bicycles. Travel by motor vehicles or pedestrians is prohibited, but pedestrian and motorist cross flows are permitted. Lanes are usually along the right edge of the roadway but may be designated to the left of parking or right-turn lanes.

Lomas Boulevard is a bikeway corridor. A corridor is an area where bikeway facilities are being considered but the feasibility of a facility or the specific type of facility has not yet been determined. These facilities are anticipated to be eligible for Federal transportation funding.

According to the 2030 Metropolitan Transportation Plan, the Bicycle Transportation Demand Management Program funds are used to conduct studies of arterial and collector corridors that are candidates for inclusion of bicycle facilities. The studies are to determine the potential impacts to existing traffic. The studies determine if existing street sections can accommodate bicycle lanes or if a reduction of vehicle lanes is possible while maintaining a reasonable level of service. A study of the University Boulevard corridor (a six lane section) between Lomas Boulevard and Coal Avenue is a recent example of this approach.

The City's proposed additions to the bicycle network within the plan boundary are as follows.

- Establishment of a bicycle trail adjacent to I-25 to connect the Odelia/Indian School bicycle lane to the existing segment of the I-40 Trail west of 6th street. A bicycle trail is a paved off-street facility designated by signs and pavement markings for the primary use of bicycles. Cross-flows by motor vehicles are minimized. Trails may accommodate pedestrian or other non-motorized users.
- Designate Mountain Road as a bicycle lane to connect a proposed 2nd street lane to the proposed bicycle trail adjacent to I-25
- Extend the Odelia/Indian School bicycle lane along Baca across the railroad to connect to 2nd Street (ROW needed)
- McKnight is a proposed bicycle route that would connect Edith's bicycle route to proposed routes on 1st street and another on Haines
- Just north of McKnight a bicycle lane is proposed on Indian School, adjacent to I-40 that would connect Edith to at least 1st street

The Embassy Suites hotel hosts two annual cycling events (Day of Tread & Albuquerque Century) that attract over 2000 participants. Routing for these events is westbound on Mountain directly to the Bosque Trail). Due to the number of transit stops and proximity to downtown Albuquerque, Martineztown/Santa Barbara is an ideal location for the promotion of intermodal bicycle-transit trips therefore, increase the effectiveness of both transportation modes

Issues and Analysis

Need for additional bikeways

There are only two existing bikeways in the plan area, one north/south and one east/west. Residents and commuters expressed a need for additional facilities, as well as more connectivity with the Albuquerque bicycle network.

A north/south bicycle lane on Broadway was requested by the community however, there are safety issues due to the high crash rate at the Broadway and Mountain intersection, as well as heavy automobile traffic on Broadway. The City's proposed bike lane on 2nd street is only 4 blocks west of Broadway and runs north to south from Claremont to Lomas. The 2nd street proposal seems to be a more appropriate and visually appealing location for a facility.

The need for additional east/west facilities would be satisfied by the proposals for Mountain Road and Odelia/Indian School Road. A bicycle lane on Mountain Road would allow bicyclists to travel from the Rio Grande to I-25. Extending the Odelia/Indian School lane would allow travel from 2nd street to San Pedro.

Other proposed additions to the network under consideration would provide the neighborhood with the connectivity they desire. Bicycle commuters working in the downtown and connecting neighborhoods could easily take advantage of intermodal transit opportunities especially along Mountain Road and Odelia/Indian School Road.

Trip barriers

According to the Albuquerque Comprehensive On-Street Bicycle Plan, there are trip barriers to overcome before bicycle usage can be increased. Trip barriers that exist in Martineztown/Santa Barbara include the perception of safety, actual safety problems associated with traffic as well as a physical barrier - the Burlington Northern Santa Fe Railway track.

Perception of safety can be improved by designing road conditions which make cycling an appealing option. Calming traffic and streetscaping along Mountain Road and Odelia/Indian School Road would increase safety. Because Edith is a narrow local street, its utility as a bicycle route would be enhanced should non-local motorized traffic be discouraged. Though segregated lanes provide a better sense of safety, the reduction of Mountain Road speed limit to 25 miles per hour may validate shared transportation lanes.

Safety problems can also be addressed by reducing traffic speeds through enforcement of limits and signage. The bicycle network within the plan area could be designed to prevent bicyclists from traveling with high speed or high volume motor traffic. Junctions should be designed with the bicyclist in mind. Additional street lighting should be considered for cycling safety.

Both the proposed lane on Mountain and the proposed route on McKnight would require the acquisition of right of way to cross the railroad tracks. The 1990 Sector Development Plan

recommended studying the possibility of extending Odelia/Indian School west across the railroad tracks. The railroad, however, has been very reluctant to approve any more at-grade crossings due to safety risks.

Recommendations (See figure 13)

Implement the City's proposed improvements throughout the plan area

Priority should be given to establishment of a bicycle trail adjacent to I-25.

Create an Historic Residential Corridor along Edith Boulevard (Residential District)

This action would enhance the existing bicycle route by creating a user friendly environment with historic significance. Edith is the only north/south bikeway facility in the plan area. The Edith bicycle route runs from Prospect (just south of Menaul) to Gibson Boulevard with connections to many other bikeway facilities, both existing and proposed. This is an important cultural corridor that should emphasize the importance of Edith and its history as the Camino del Lado.

Discourage non-local motorized traffic on Edith Boulevard

Add signs that alert drivers Edith is for local traffic only. Implement traffic calming to make it unappealing for non-local traffic. This measure would further enhance Edith's utility as a bicycle route.

Add lighting to improve safety

Add lighting under I-40 overpass on Edith Boulevard and at the Santa Barbara/Martineztown Park, located at Hannett and Edith. Install additional streetlights on the northern portion of Edith Boulevard.

Note for discussion: proposed I-40 trail corridor needs to be added to the figure below.

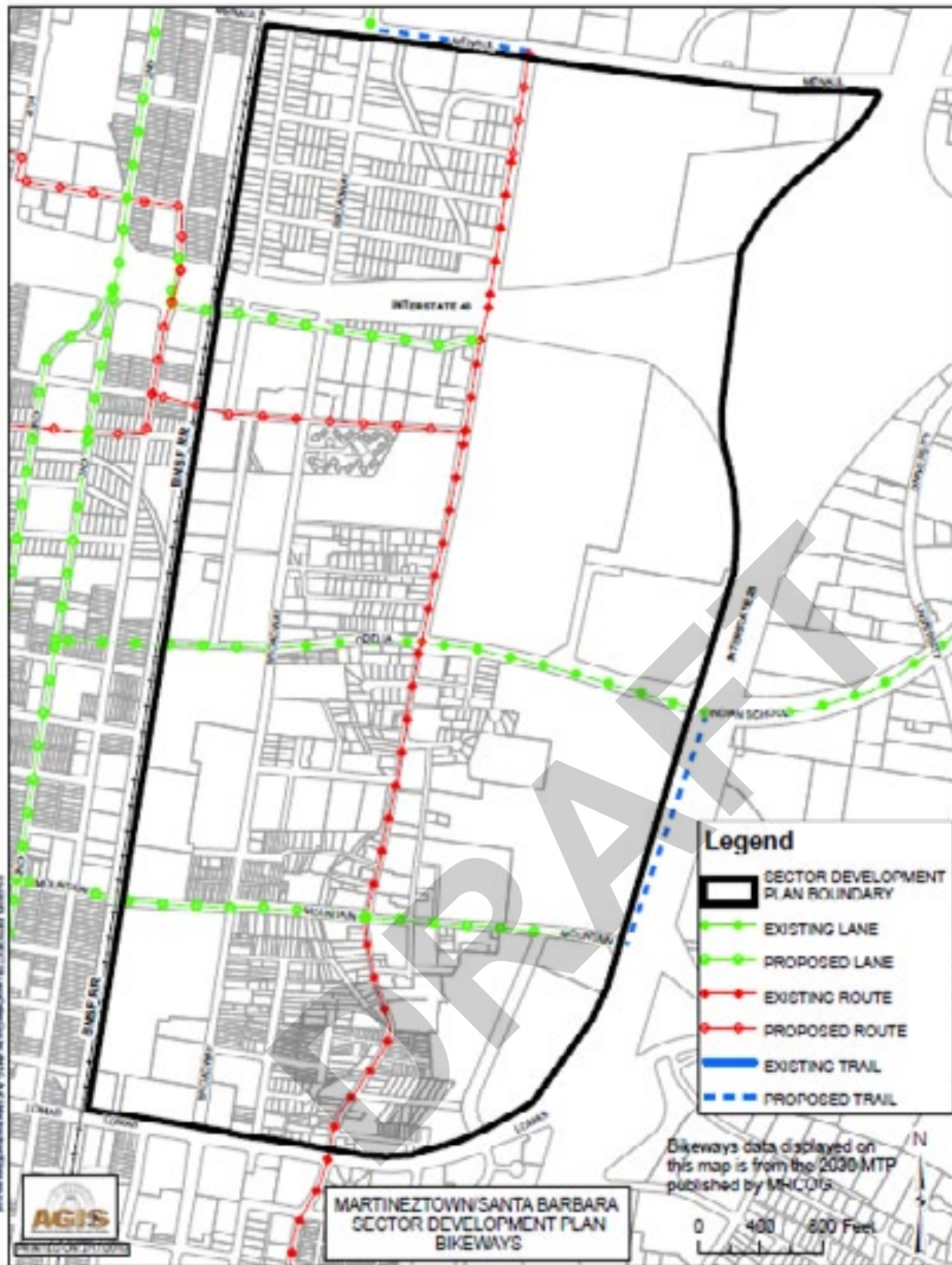


Figure 13 –Bicycle Circulation Recommendations

C. Pedestrian Circulation

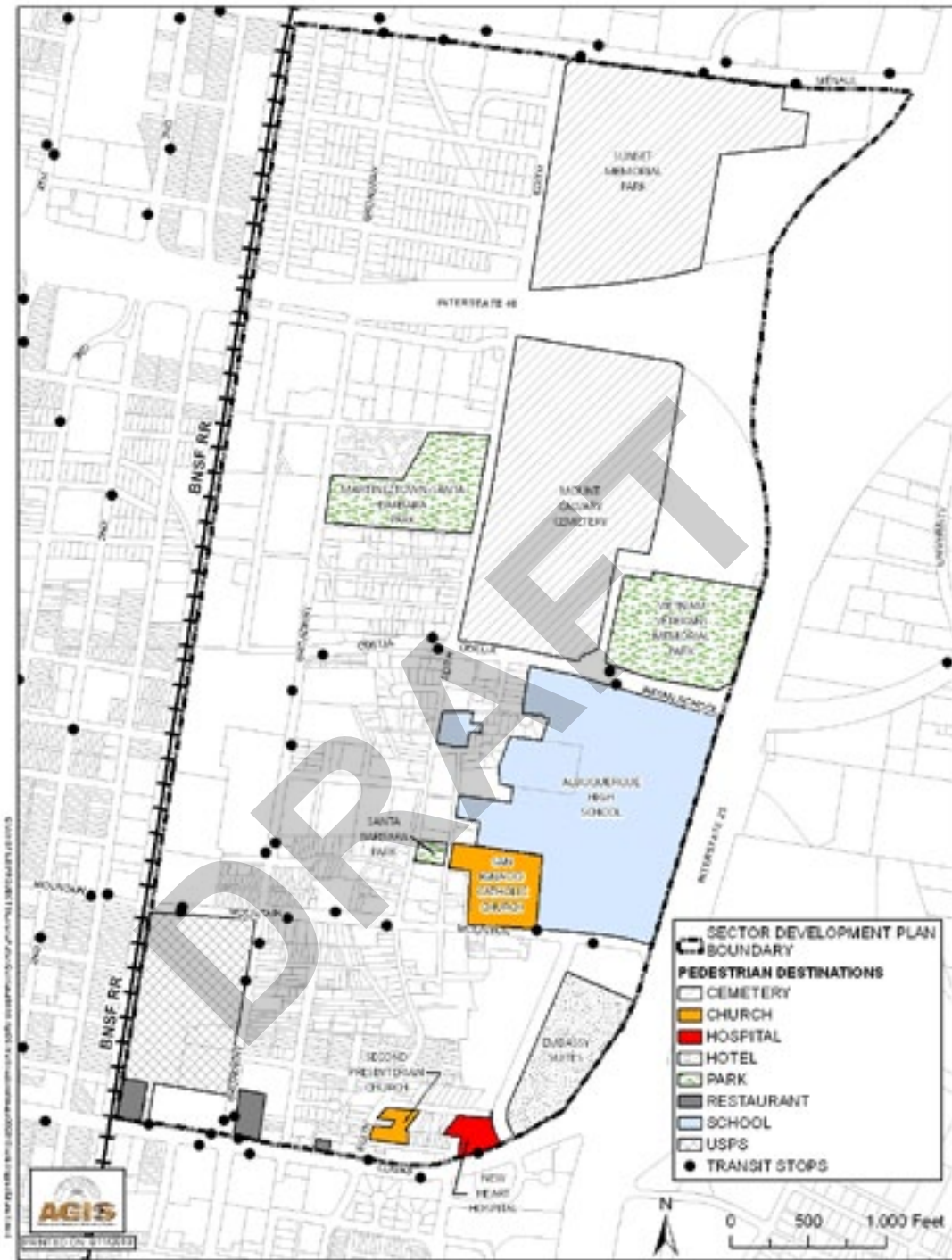


Figure 14 – Existing Pedestrian Destinations and Transit Stops

Martineztown/Santa Barbara has many pedestrian destinations within its boundaries. There are churches, schools, parks, the post office, restaurants and coffee shops in close proximity within the plan area. See figure 14.

Accessibility to transit is an important consideration when planning pedestrian networks. Lomas, Menaul and Broadway were designed to carry high volumes of traffic. Menaul and Lomas have additional designations as Enhanced Transit Corridors. The purpose of this designation is to develop land uses and intensities that promote the use of transit. Between the railroad track and I-25, Menaul and Lomas have eight bus stops each. Broadway too has eight stops. Other transit stops include Mountain Road with seven and Odelia/Indian School with five.

The 2030 Metropolitan Transportation Plan considers Martineztown/Santa Barbara a primary target area for programming federal and state resources. The plan states that the potential for pedestrian activity is present and can be enhanced with improvements to address deterrents such as crime, pedestrian crash rates, speed, and street connectivity.

The “Martineztown Stampede for Health Project” is a community health initiative led by the Santa Barbara Martineztown Neighborhood Association, the Citizens Information Committee of Martineztown Neighborhood Association, and the Medical Director of New Heart Center for Wellness. The proposed program includes almost six hundred healthy lifestyle events over the first year of implementation. Approximately five hundred of those events are neighborhood walks.

With new zoning that reflects the traditional mixed use areas within Santa Barbara/Martineztown and the development of a crossroads neighborhood activity center, pedestrian networking will become even more important to this community.

Issues and Analysis

Sidewalk infrastructure

Sidewalk infrastructure is a key component of urban design that supports walking. It separates pedestrians from vehicular traffic and contributes significantly to creating a pedestrian friendly environment.

Sidewalks and walkways are “pedestrian lanes” that provide people with space to travel within the public right-of-way that is separated from roadway vehicles. They also provide places for children to walk, run, skate, ride bikes, and play. Sidewalks are associated with significant reductions in pedestrian collisions with motor vehicles. Such facilities also improve mobility for pedestrians and provide access for all types of pedestrian travel: to and from home, work, parks, schools, shopping areas, transit stops, etc. Walkways should be part of every new and renovated facility and every effort should be made to retrofit streets that currently do not have sidewalks.

Both FHWA and the Institute of Transportation Engineers (ITE) recommend a minimum width of 5 ft for a sidewalk or walkway, which allows two people to pass comfortably or to walk side-by-side. Sidewalks should be fully accessible to all pedestrians, including those in wheelchairs.

Lack of sidewalks and poor sidewalk condition are problems within Martineztown/Santa Barbara. Key pedestrian routes such as Mountain Road, Edith and Odelia/Indian School have

sidewalk sections less than the recommended width, as well as sections that are inaccessible to wheelchairs. Despite narrow widths and physical deterrents, residents prefer walking these streets to Broadway, due to traffic, lack of buffering, and adequate street lighting.

There is an issue of available right of way for sidewalk expansion throughout Martineztown/Santa Barbara.

Residents requested the addition of curbs and gutters. The City is concerned the addition may trap stormwater runoff on private property and prevent it from draining into the public right of way.

Street Crossings

Ensuring that people can cross streets safely and conveniently to access destinations is essential to creating an effective transportation network.

There are several roadway intersections in Martineztown/Santa Barbara that are in need of safe crossings.

Statistics reveal that, within the plan boundaries, there were six pedestrian accidents and one fatality reported between 2000 and 2006 involving bicycles and pedestrians. These accidents occurred at: Broadway and Lomas; Broadway and Mountain; Broadway and Indian School; and, Lomas and Edith.

Residents expressed additional concern about the safety of crossing Odelia/Indian School from the Veteran's Park to Albuquerque High School. The intersection of Odelia/Indian School and Edith was also listed as a priority safety concern.

Remedies to improve pedestrian crossings include incorporation of design features, such as raised medians or traffic signal timing that helps create sufficient gaps in traffic as well as the installation of actual pedestrian crossings such as traffic signal pedestrian activation devices, marked crosswalks, and textured pavement.

Street lighting

Well lit streets and sidewalks enhance people's sense of security. Pedestrian lighting encourages walking and bicycling trips, reducing automobile congestion and emissions. A lack of street lights in Martineztown/Santa Barbara, particularly on Edith Blvd. north of Odelia, further discourages evening walking and likely contributes to the presence of crime.

The freeway underpasses at both Broadway and at Edith are insufficiently lit and according to the

neighborhood, the area has a history of assaults. These underpasses are used by high school students as routes to the Albuquerque High School from the north.

A study in the Safe Routes to School Program found that “simply increasing the intensity of street lighting reduced the number of vehicle-pedestrian crashes by 59 percent”.

Buffering and street furniture

A buffer zone of 4 to 6 ft is desirable and should be provided to separate pedestrians from the street. The buffer zone will vary according to the street type. Landscaping and street furniture such as benches, streetlamps, and signage are commonly used to soften or mitigate the effects of vehicular traffic on pedestrians. While landscaped buffers are preferred, parked cars and/or

bicycle lanes can also provide an acceptable buffer zone.

Heavy, fast-moving traffic and lack of buffers on Broadway Boulevard limits walkability.

The 1990 Martineztown/Santa Barbara Sector Development Plan requires all area businesses with frontage on designated arterial and collector roadways comply with landscaping requirements for parking areas as specified in the Albuquerque Comprehensive Zoning Code. Many of the businesses within the plan area are out of compliance. While it may not be functionally possible to meet the requirement due to existing building placement, cluster landscaping in appropriate areas would reflect the intent of Section 40.A.7 of the zoning code.

Mixed uses

Encouraging higher density and mixed uses ensures that the streets are not vacant after 5 p.m. on weekdays. It would help create a more comfortable and inviting environment allowing people to be out on the street all day and on weekends, thereby producing a safe environment through informal surveillance, (eyes on the street).

High speed traffic on residential streets

Speed limit enforcement is a simple, effective and easily implemented safety improvement. This can be done with the use of speed cameras or through increasing police presence and traffic citations

Infrastructure improvement projects focused on traffic calming are another means of lowering vehicle speeds. Some traffic calming features, such as road humps and rumble areas, can reduce vehicle speeds and also encourage drivers to divert to less residential streets, which reduces traffic volume.

Recommendations (See figure 15)

Create a consistent width of Mountain Road/Streetscape from Broadway to I-25 (Residential District)

Narrowing the portion of Mountain Road between Edith and Broadway could help to calm vehicular traffic. The addition of on street parking and bulb outs with landscaping on the north side of Mountain would narrow the existing lane width without reducing the number of lanes and add needed parking. Streetscape amenities would be designed to reflect the historic Carnuel Trail.

Install sheltered bus stops on either side of Mountain at the Neighborhood Activity Center (Residential District)

This action would encourage pedestrian activity, promote use of public transportation and add to the family friendly streetscape.

Create an Historic Residential Corridor along Edith Boulevard (Residential District and Bicycle Circulation)

This is an important cultural corridor that should emphasize the importance of Edith and its history as the Camino del Lado. To emphasize walkability and pedestrian friendliness would be in keeping with the Boulevard's historic use.

Add lighting to improve safety (Bicycle Circulation)

Request a study of lighting deficiencies on the collector and local streets in the plan area. Add lighting under I-40 overpass on Edith Boulevard and at the Santa Barbara/Martineztown Park, located at Hannett and Edith. Install additional streetlights on the northern portion of Edith Boulevard.

Require all properties along Broadway Boulevard to meet existing landscaping regulations within five years of adoption of this plan (Residential and Railroad Districts)

This measure would encourage pedestrian use.

Add public amenities such as benches, shelters, and signage on Broadway (Railroad District)

Both sides of Broadway from Rosemont to Lomas are proposed mixed use zones and as such, provide an important link to the neighborhood pedestrian network.

Over the next two years, ABQ RIDE will be evaluating bus stop placement throughout the entire route system. The Indian School Road commuter bus (Route #6), serves riders from Tramway Boulevard to Downtown. There are currently 8 stops on Broadway between Indian School and Lomas, most are south of Rosemont. A sheltered bus stop is recommended to serve the proposed mixed use zone south of Mountain.

Make streetscape improvements along Odelia to slow traffic and provide more pedestrian amenities and safety features, while maintaining the same traffic capacity (Service District recommendations)

Request an engineering study of the sector plan area to examine pedestrian access needs, roadway geometry deficiencies, bikeway needs, and traffic calming opportunities. Install a raised median with low landscaping and decorative fencing on Odelia just east of Albuquerque High School to force pedestrians to cross at the traffic light in front of the high school.

Create enhanced pedestrian routes along Mountain, Odelia, and Edith

Widen sidewalks where feasible, constructing new sidewalks, providing landscape strips, trees, bike lanes or other buffers between pedestrians and traffic.

Improve pedestrian street crossings by adding crosswalks or other safety features at the following locations

- Across Lomas Blvd. at Edith Blvd. (elementary school route), Broadway, and
- I-40 underpass at Menaul (northern route from the high school)
- Across Odelia from the Veteran's Park to Albuquerque High School
- Intersection of Mountain and Broadway
- Intersection at Odelia and Edith

Pursue a sidewalk inventory and pedestrian circulation study

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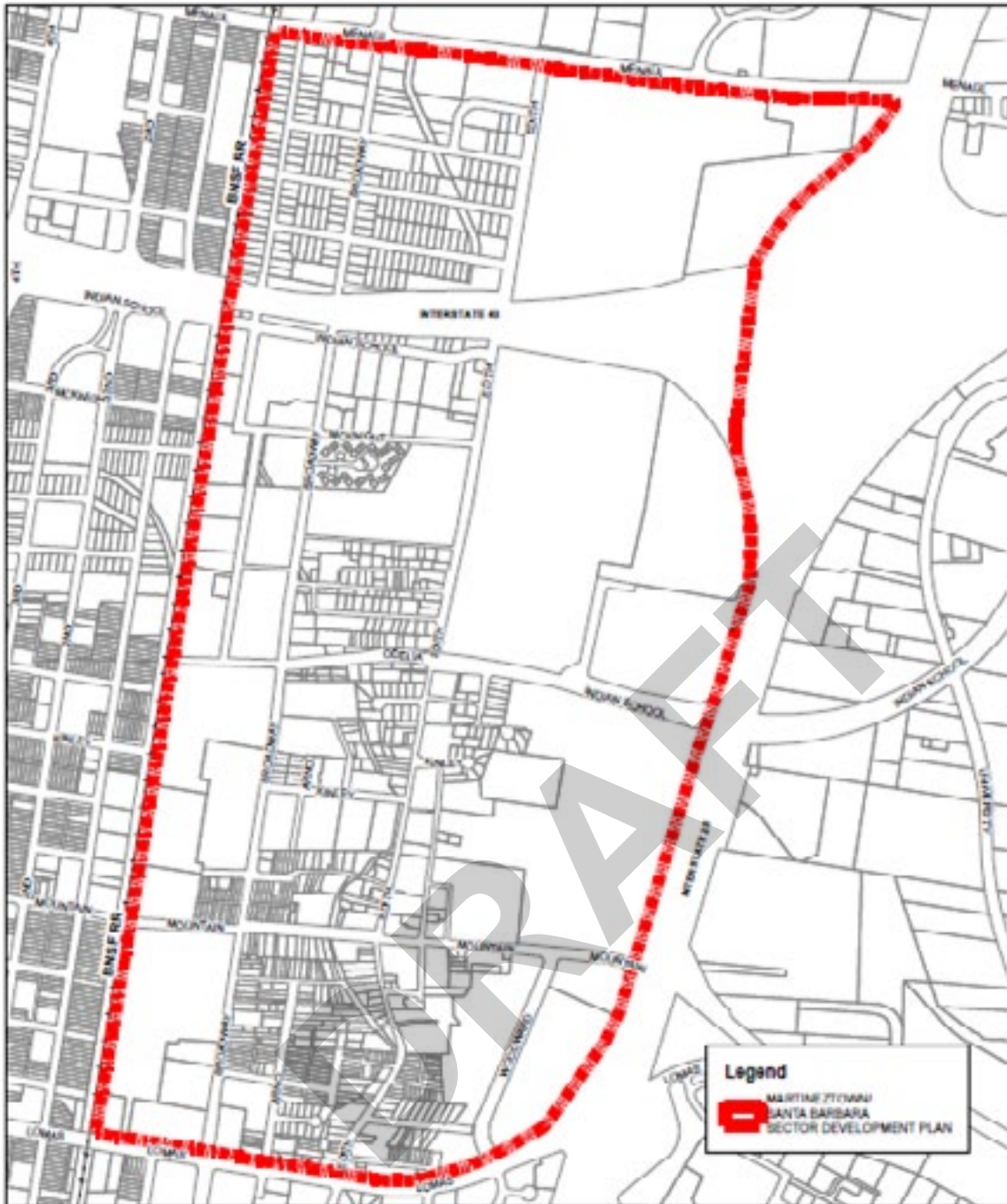


Figure 15 – Proposed Pedestrian Destinations and Recommendations

4 Drainage and Sewer

Recently completed projects in the plan area include: the Odelia Storm Drain; the Broadway and Odelia AQ Pond; Kinley, Broadway to Edith Storm Drain; the Post Office Interim Detention Pond; and the Mountain Storm Drain from Edith to I-25.

The Water Authority and the City Drainage worked together for the design and construction of storm drainage and sanitary sewer improvements at the intersection of Mountain and Walter. Construction of this storm drainage and sanitary sewer work was recently completed.

Historically, there have been drainage problems in Martineztown/Santa Barbara. The City has requested a study be conducted entitled "Mid Valley Drainage Management Plan." The study is expected to be completed in one year. The document will include recommendations, costs and possible projects.

There are issues related to erosion rather than drainage and sewer. Those recommendations are listed in the appropriate district.

Issues and Analysis

Temporary detention basin lacks sufficient storage

In 2008, the City and the Albuquerque Metropolitan Flood Control Authority (AMAFCA) purchased approximately two acres on the southern portion of this district. An emergency storm basin was built as a temporary facility to address immediate issues.

The interim basin along with the basin at Broadway and Odelia have a capacity of only 27 acre feet (16ac-ft at Broadway & Lomas and 11 ac-ft at Broadway & Odelia) and about 100 acre-feet of storage maybe needed to solve the drainage problem in Martineztown/Santa Barbara. The combined detention capacity of the two existing basins is approximately 27% of what may be needed for flood relief. The City and AMAFCA are seeking additional sites to address the deficiency. This could mean one location for a larger basin or several locations for smaller basins. Because of side slopes and setback requirements, one large basin would require less land than smaller basins.

Tingley Park occupies about 12 acres or approximately 4 city blocks. Due to its shallow depth it is an inefficient drainage facility providing only about 2 acre-feet of storage per acre. In comparison the temporary basin occupies about 2 acres and provides approximately 8 acre-feet of storage per acre. Lomas & Broadway is in a FEMA flood zone because it is the low spot in the 600 acre drainage basin.

Landscaping and buffering of the temporary basin

Residents want the basin landscaped and buffered from the neighborhood. As a safety measure, wire fencing surrounding the area was installed. Because the pond was identified as an

emergency interim measure, no landscaping was included in the project. The pond slopes were rocked for stabilization and dust reduction. City maintenance may have to remove storm sediment therefore landscaping the bottom of the basin is not under consideration.

The City investigated costs for a landscape buffer around the pond. Estimates ranged from \$80,000 to \$150,000 for minimal landscaping. The greatest expense is due to irrigation requirements. Plants in the southwest must be irrigated (even if considered native and xeric) and the irrigation system (water connection, meter, piping, maintenance) is cost prohibitive.

Outdated Sanitary Sewer Lines and Odor

There are plans to rehabilitate the sewer lines. The Albuquerque Bernalillo County Water Utility Authority operates a hotline committed to addressing sewer odors. The dispatch office number is 857-8250 and the web link is <http://www.abcwua.org/content/view/86/76/>.

Recommendations

Provide temporary screening for the interim detention basin at Broadway and Lomas (Railroad District)

A temporary landscape or manmade buffer would improve the aesthetics and pedestrian friendliness of both Boulevards. When the interim basin is removed, the screening could be recycled and reused in another project.

Develop a high capacity detention basin designed as a multi-use/park facility to replace the temporary basin

Identify and purchase property for a permanent basin with the necessary storage capacity. If a parcel of this size can be obtained, design the basin to include a multi-use/park facility. This measure would accomplish the much needed drainage improvements as well as provide additional open space and multi-generational recreational opportunities. Pedestrian circulation would be enhanced. An example of this is the multi-use park/ball fields in Barelás.

Rehabilitate Outdated Sewer Lines

Approximately 1350 feet of 8-inch sanitary sewer lines in the Martineztown area are anticipated to be rehabilitated by the Albuquerque Bernalillo County Water Utility Authority in the Small Diameter Water & Sewer Rehabilitation FY11 project.

General Note: Suggest that we add planning-level cost estimates for improvements and studies that are proposed.

5 Martineztown/Santa Barbara Zoning Regulations

A. Zoning Code Enforcement

Many of the existing issues raised by the community during public meetings can be resolved through stronger enforcement of existing zoning regulations that require buffering and screening between nonresidential and residential zones.

This Plan specifies that within five years of adoption of the Sector Development Plan, all nonresidential properties in the sector plan boundary must be in compliance with the following City's Comprehensive Zoning Code requirements for buffering, screening, wall design and landscaping:

§14-16-3-1: OFF-STREET PARKING REGULATIONS

§14-16-3-19: GENERAL HEIGHT AND DESIGN REGULATIONS FOR WALLS, FENCES AND RETAINING WALLS

- if in violation of a clear sight triangle

§14-16-3-10: LANDSCAPING REGULATIONS APPLICABLE TO APARTMENT AND NONRESIDENTIAL DEVELOPMENT

- such that landscaping required does not interfere with required entrances or where compliance results in reduction of parking spaces below the required minimum as specified in Section 14-16-3-1
- in section E 4 a 6-foot high wall may be substituted for 5 (five) feet of buffering in developed lots that lack space for a 10-foot buffer.)

To ensure compliance, the plan requires that a code enforcement "sweep" of the Sector Plan area be completed five years from adoption of this Plan. Property owners will have until then to either:

- 1) Bring their properties into compliance with the Comprehensive Zoning Code
- ,or
- 2) Request a Special Exception as provided for in Section 14-16-4-2 of the Zoning Code.

This requirement applies to properties that were developed before 1976 as well as those developed after that date.

B. Overview of Changes from 1990 Sector Development Plan

As demonstrated by the Existing Land Use/Zoning map, much of the zoning in Martineztown/Santa Barbara is inconsistent and incompatible with existing and historic land use. This

incompatibility is most obvious where the land use is single-family residential but zoning is SU-2/C-3, SU-2/NRC or SU-2/RCM.

The following regulations and zone map amendments will reinforce and stabilize the single-family residential character of the Residential District, while preserving the light industrial character of

the Railroad District (west of Broadway). The Plan proposes the establishment of a Neighborhood Activity Center (NAC) covering about six acres at the intersection of Mountain Road and Edith Boulevard, to be zoned SU-2/ NAC. It also proposes a new, higher density, SU-2/Mixed Use (MX) Zone, to foster higher density mixed residential/office/commercial uses along Lomas Boulevard and along Broadway Boulevard south of Mountain Road. Otherwise, the Plan retains most of the Santa Barbara/Martineztown Sector Plan (SU-2) zone categories adopted in the 1990 plan with a few modifications.

C. New Zones

SU-2/RG (Residential Garden Apartment): THIS ZONE IS PROPOSED ALONG THE SOUTH SIDE OF MOUNTAIN ROAD BETWEEN BROADWAY AND EDITH TO PROVIDE OPPORTUNITIES FOR HIGHER DENSITY RESIDENTIAL DEVELOPMENT TO SUPPORT THE ADJACENT ACTIVITY CENTER AT EDITH AND MOUNTAIN ROAD AND THE MIXED USE ACTIVITIES AT BROADWAY AND MOUNTAIN ROAD.

SU-2/MX (Mixed Use) This zone provides a mixed-use environment with medium to high density residential, shopping, service, office and entertainment uses along a comprehensive plan-designated transit, enhanced transit corridor and express corridor or, in redeveloping nodal or strip shopping centers, or in a planned commercial corridor or mixed use nodes. This zone is proposed along Lomas Boulevard and along Broadway Boulevard south of Mountain road.

SU-2/ NAC (Neighborhood Activity Center): This zone encourages development of a mixed-use neighborhood activity center on about six acres of land at the intersection of Mountain Road and Edith Boulevard. Its intent is to re-establish a traditional neighborhood center as a place that provides a social setting and services for its residents. It will encourage redevelopment that fosters neighborhood activities, a pedestrian-friendly environment, and integrated land uses such as a café, small retail shops or services, housing, and small offices.

D. Modifications to Existing Zones upon Plan Adoption

The SU-2/R-1 Single-Family Residential Zone is modified to permit secondary dwelling units (SDUs) as a conditional use. This will help maintain residential affordability and discourage gentrification of the neighborhood. Many of the single family residential properties now zoned NRC, RCM and C-3 are proposed to change to SU-2/R-1 to better reflect the actual use on the property and protect and preserve the single-family character.

The **SU-2/ RCM** Residential Commercial Martineztown Zone is changed to SU-2/RC, removing the reference to “Martineztown” to be consistent with all other zoning descriptions in the plan area. This zone is mostly located on the east side of Edith and on the south side of Mountain Road, adjacent to the Neighborhood Activity Center. Permissive uses are modified to reflect the RC zone in the City’s Comprehensive Zoning Code, which allows a maximum of 50% of the gross floor area on the lot to be in nonresidential use. This change will better reflect how these properties are being used and to preserve and protect the single-family residential character while allowing commercial uses that would support the Neighborhood Activity Center. Properties with 100 percent commercial uses shall be approved CONDITIONAL USES per the requirements in §14-16-4-2(D) of the Zoning Code.

The **SU-2/C-3** zone is modified to correct the language in the 1990 Plan. The 1990 Plan lists certain C-3 uses under Section A as “exceptions” when actually they are allowed permissively. In addition, certain uses are prohibited and further restrictions are placed on C-3 uses to protect abutting residences.

The **SU-2/M-1** Light Manufacturing Zone east of Broadway is modified to prohibit several uses that could potentially jeopardize the health, safety and welfare of residents as this zone is often adjacent to residences.

E. Zoning Conformance

ZONING CONFORMANCE

Existing legal conforming uses which become non-conforming upon adoption of this plan shall be considered approved conditional uses.

F. Martineztown/Santa Barbara SU-2 Zoning Districts

The following SU-2 zones are established for Martineztown/Santa Barbara as shown in figure 18, (existing zoning is shown in figure 17 for reference). They are subject to General Design Regulations in Section G of this plan.

- SU-2/R-1 Single Family Residential
- SU-2/R-T Townhouse
- SU-2/R-G Residential Garden Apartment
- SU-2/R-2 Medium Density Residential
- SU-2/R-C Residential Commercial
- SU-2/NRC Neighborhood Residential Commercial

- SU-2/O-1 Office and Institution
- SU-2/C-3 Heavy Commercial
- SU-2/M-I Light Manufacturing
- SU-2/HM Heavy Manufacturing
- SU-2/P Parking
- SU-2/MX Mixed Use
- SU-2/NAC Neighborhood Activity Center
- SU-2/SU-I Special Use

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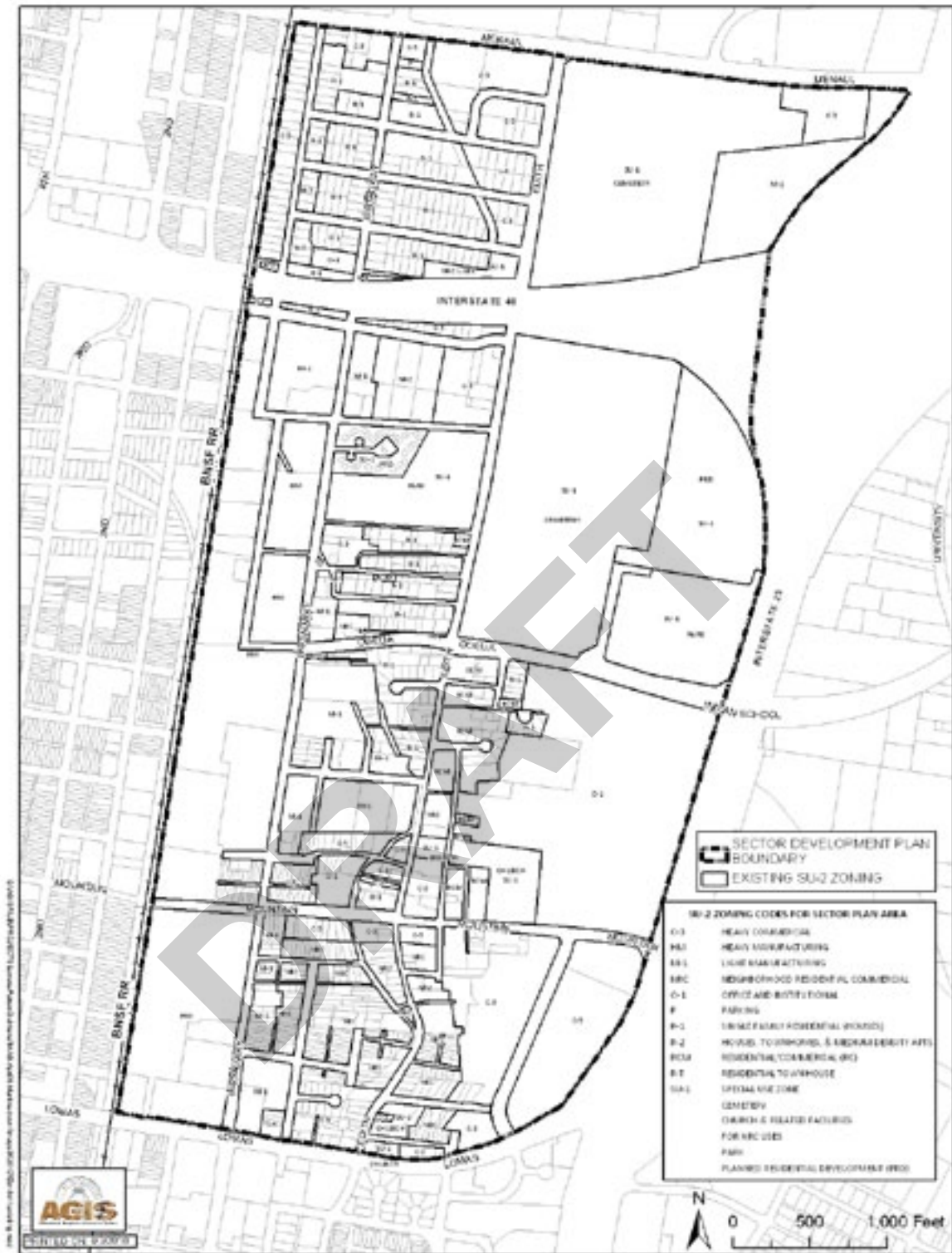


Figure 17 – Existing Zoning

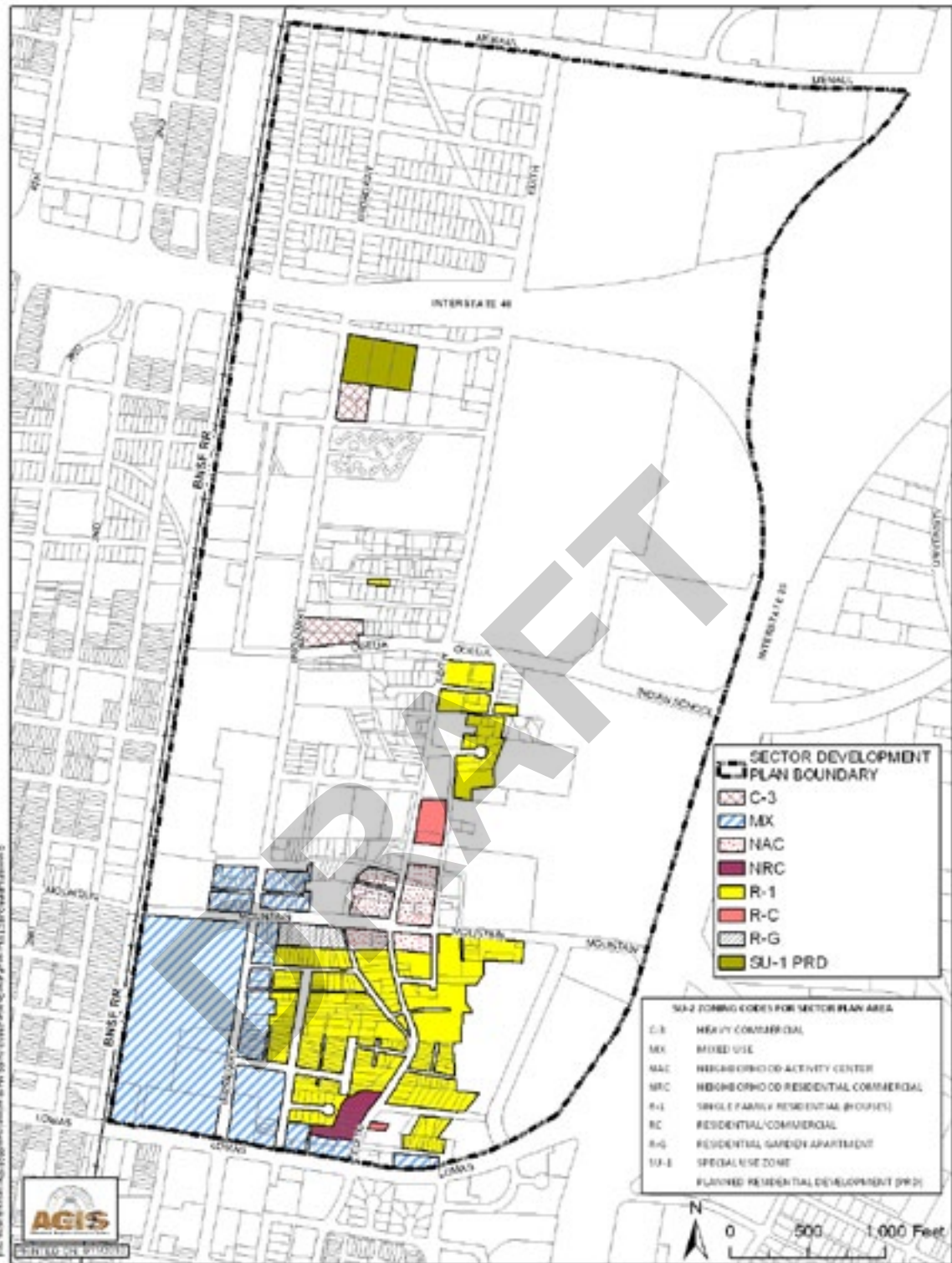


Figure 18 – Proposed Zone Changes

1. The **SU-2/R-I** (Single Family Residential) zone corresponds to the R-I Zone in the Comprehensive City Zoning Code with the following exceptions:

- A. Setback. The R-1 setback regulations shall apply except in the area between Interstate 40 and Lomas Boulevard, there shall be a front yard setback of not less than 10 feet except setback for a garage or carport shall not be less than 20 feet.
- B. Lot Width. The R-1 regulations shall apply except in the area between I-40 and Lomas Boulevard, the minimum lot width shall be 40 feet per dwelling unit. No minimum lot size.
- C. Conditional Uses. Secondary dwelling unit

1) A secondary dwelling unit is defined as a subordinate dwelling unit containing its own kitchen created within, added to, or detached from a single-family dwelling. Secondary dwelling units may not be subdivided from or otherwise segregated in ownership from the primary residence structure.

- a. Only one secondary unit is allowed per lot.
- b. Mobile homes and recreational vehicles are not allowed as secondary dwelling units.
- c. One off-street parking space is required for the secondary dwelling unit.
- d. The maximum floor area of a secondary dwelling unit shall not exceed 600 square feet, or 60 percent of the primary dwelling unit's floor area, whichever is less, except a secondary dwelling unit that is attached to the primary residence and is designed to look like one single family dwelling unit may have the same floor area as the primary residence.
- e. Usable open space shall be provided on-site at 800 square feet per dwelling unit or 600 square feet per dwelling unit where parking is accessed from a rear yard alley.

2. The **SU-2/R-T** (Townhouse) zone corresponds to the R-T Residential Zone in the Comprehensive City Zoning Code.

3. The **SU-2/R-G** (Residential Garden Apartment) zone corresponds to the R-G Zone in the Comprehensive City Zoning Code.

4. The **SU-2/R-2** (Medium Density Residential) zone corresponds to the R-2 Zone in the Comprehensive City Zoning Code with the following exceptions:

- A. Setback. There shall be a front yard setback of not less than 10 feet except setback for a garage or carport shall not be less than 20 feet for lots developed with single-family units.

- B. Parking. Multi-family residential development – for each dwelling unit, not less than 1 space per bath.
- C. Usable Open Space. Usable open space shall be provided on-site in an amount equal to 300 square feet per one-bedroom dwelling unit, 350 square feet per two bedroom dwelling unit, 400 square feet per three bedroom dwelling unit or more.

5. The **SU-2/R-C** (Residential Commercial) zone corresponds to the R-C Zone in the Comprehensive City Zoning Code with the following exceptions:

- A. Usable Open Space. Usable open space shall be provided on-site at 500 square feet per dwelling unit.
- B. Landscaping. All new commercial development must buffer according to requirements in the Zoning Code.

6. The **SU-2/NRC** (Neighborhood Residential Commercial) zone corresponds to the R-2 (Low Density Apartments) and C-1 (Neighborhood Commercial) Zones in the Comprehensive City Zoning Code with the following exceptions:

- A. Lot Size. Minimum lot width for lots developed with single-family units shall be 40 feet. Minimum lot width for lots developed with multi-family units shall be 60 feet. No minimum lot size.
- B. Setback. There shall be a front yard setback of not less than 10 feet except setback for a garage or carport shall not be less than 20 feet for lots developed with single-family units.
- C. Parking. Multi-family residential development - for each dwelling unit, not less than 1 space per bath.
- D. Usable Open Space. Usable open space shall be provided on-site in an amount equal to 300 square feet per one-bedroom dwelling unit, 350 square feet per two bedroom dwelling unit, 400 square feet per three bedroom dwelling unit or more.
- E. Signage. As provided and as regulated in the RC Zone in the City Zoning code.
- F. Landscaping. All new commercial development must landscape according to requirements listed in the City Zoning Code.

7. The **SU-2/C-3** (Heavy Commercial) zone corresponds to the C-3 Zone with the following exceptions:

- A. Permissive Uses:
 - 1) Uses permissive in the C-3 zone, except:

- (a) Adult Amusement
- (b) Bottling
- (c) Cold Storage Plant
- (d) Ice Plant, wholesale
- (e) Manufacturing of meat and fish products
- (f) Tire recapping or retreading
- (g) Operative contractor's equipment and heavy farm equipment sales
- (h) Warehousing

2) Uses permissive in the R-2 Zone

3) Antennas are limited to 65 feet in height

4) Products that are manufactured, compounded, processed, assembled or treated must be conducted within a completely enclosed building and must not result in detectable odors, dust, smoke, noise, vibration or other causes that will negatively impact adjacent residences.

B. Prohibited Uses:

- 1) Adult Amusement
- 2) Bottling
- 3) Cold Storage Plant
- 4) Ice Plant, wholesale
- 5) Manufacturing of meat and fish products
- 6) Tire recapping or retreading
- 7) Operative contractor's equipment and heavy farm equipment sales
- 8) Warehousing

C. Signage. Signs as provided and as regulated by the C-1 Zone in the Zoning Code, with the following exceptions:

- 1) Freestanding signs are limited to six feet in height along local streets.
- 2) Additional requirements as required in Section D of this Plan.

D. Landscaping. All new commercial development must landscape according to

requirements listed in section 14-16-3-10 of the Zoning Code.

- E. Height. Structures shall not exceed 26 feet in height. For sites of five acres or more, height shall be as provided and as regulated in the 0-1 Zone in the City Zoning Code.

8. The **SU-2/M-1** (Light Manufacturing) zone corresponds to the M-1 zone in the Comprehensive City Zoning Code with the following exceptions:

- A. Antennas are limited to 65 feet in height
- B. Products that are manufactured, compounded, processed, assembled or treated must be conducted within a completely enclosed building and must not result in detectable odors, dust, smoke, noise, vibration or other causes that will negatively impact adjacent residences.
- C. Prohibited Uses. The following uses are prohibited east of Broadway Boulevard in the Plan area: (are these allowed in other SU-2/M-1 zones within the Sector Plan area?)
 - 1) Adult amusement
 - 2) Auto dismantling (except in a completely enclosed building)
 - 3) Commercial agriculture
 - 4) Poultry storage and killing
 - 5) Concrete manufacture
 - 6) Gravel or sand stockpiling
 - 7) Truck terminal
 - 8) Fuel storage
 - 9) Salvage yard
- D. Signage. Signs as provided and as regulated by the C-2 Zone in the Zoning Code, with the following exceptions:
 - 1) Freestanding signs are limited to six feet in height along local streets.
 - 2) Additional requirements as required in Section D of this Plan.

9. The **SU-2/HM** (Heavy Manufacturing) zone corresponds to the M-1 Zone in the Comprehensive City Zoning Code with the following exceptions:

- A. Conditional Uses:
 - 1) Uses permissive in the M-2 Zone and not permissive in this HM category.

10. The P (Parking Zone) corresponds to the P Zone in the Comprehensive City Zoning Code.
11. **SU-2/MX** (Mixed Use) zone corresponds to the SU-1 Mixed Use Zone (MX) in Section 14-16-3-22 Form Based Zones of the Comprehensive City Zoning Code with the following exceptions.
- A. Permissive Uses:
 - 1) Uses permissive and conditional in the R-2, R-C, C-1, C-2, and O-1 Zones
 - B. Prohibited Uses
 - 1) The following uses are not permitted (in addition to those listed in the Section 14-16-3-22):
 - a. Adult Amusement Establishment and Adult Store
 - b. Package liquor unless part of a full-service grocery store
 - C. Permitted Building Types
 - 1) All listed except Light Industrial and Warehouse.
 - D. Height.
 - 1) Maximum height shall be 50 feet (4 stories) along Broadway Boulevard and Lomas Boulevard.
 - 2) Maximum height of buildings within 200 feet of a SU-2/R-1 zone shall be 30 feet.
 - E. Street Design
 - 1) Block size and mid-block crossing requirements do not apply along Broadway Boulevard.
 - 2) Street Types: CS-60 and CS-84, per Section 14-16-3-22(C)(4)(d) of the Zoning Code, shall apply to Broadway Boulevard, depending on the available right-of-way or other physical constraints.

12. **SU-2/NAC** (Neighborhood Activity Center)

A. Intent. This zone provides a medium density, mixed-use pedestrian environment inviting to neighborhood retail and office, medium density housing, cafés, plazas and outdoor seating, and shared parking. Buildings are oriented to the street or plazas. Building uses may be mixed use, residential or commercial. This zone is designed for locations within walking or biking distance of residential areas. The following zoning regulations are based on the SU-1 Infill Zone in the Zoning Code, §14-16-3-22(B)(4). The goal of the Infill Zone is to integrate infill

development into the context of the built environment while protecting the neighborhood context.

B. Permissive Uses

- 1) Uses permissive in the R-T, R-L-T, R-G, O-1, C-1 and C-2 Zones, except:
 - a. Antenna
 - b. Park and ride temporary facilities
 - c. Public Utility Structure
 - d. Retail Sales of Auto parts and supplies
 - e. Retail Sale of Gasoline, oil liquefied petroleum gas, including outside sales
 - f. Drive-in facilities
 - g. Car washing
 - h. Parking lot, freestanding
 - i. Off-premise sign

C. Permitted Building Types

- 1) The following Building Types are permitted
(See Section 14-16-3-22(C)(1) for Building Types standards)
 - a. Rowhouse and Courtyard Rowhouse
 - b. Carriage House
 - c. Duplex, Triplex, and Fourplex
 - d. Stacked Flats
 - e. Terrace Apartments
 - f. Courtyard
 - g. Liner Building
 - h. Stand Alone Commercial/Office Building
 - i. Civic Institutional Building

D. Height.

- 1) The following height restrictions apply:
 - a. Building heights shall not exceed 36 feet.
 - b. Within 75 feet of an abutting R-1 through R-T zone or corresponding SU-2 zone, building heights shall not exceed a 45-degree angle plane that begins at a height of 11 feet, measured from the residential property line.
 - c. Section 14-16-3-3(A) Height Regulations apply with the following exclusions:

i. Section 14-16-3-3(A)(4) Walls, Fences, Retaining Walls shall not apply. Walls, Fences and Retaining Wall Heights shall be regulated by Section 14-16-3-22(C)(8).

E. Building Frontage and Articulation.

1) Section 14-16-3-22 (C)(3) Articulation standards apply.

2) Articulation on street facades. The SU-2 General Standards for Martineztown/Santa Barbara shall apply to all Building Types except Rowhouse, Carriage House, Duplex/ Triplex/Fourplex with the following exceptions:

a. Vertical change of color or material shall not apply

b. Wall plane projection or recesses shall occur at least every 40 feet

3) Shading Elements. Facades that contain a primary customer entrance or that are adjacent to a public right-of-way shall contain shade features such as portals, awnings, canopies or shade trees along a minimum of 75% of the ground floor façade.

4) Balconies and Portals. Shall have a minimum vertical clearance of 8 (eight) feet above the public sidewalk.

F. Building Placement.

1) Buildings shall be set back a maximum of 15 feet from the front property line.

2) Side setback shall be a minimum of 10 feet from the property line.

3) Rear setback shall be a minimum of 15 feet from the property line.

G. Usable Open Space

1) A minimum 10 percent of the site area shall be designated as Usable Open Space in the form of patios, plazas, balconies, roof decks, courtyards, or exterior walkways.

H. Street Design.

1) Street Type CS-60, per Section 14-16-3-22(C)(4)(d) of the Zoning Code, should be used as a guideline. Its requirements may be modified based on available right-of-way and other physical constraints.

2) Alleys. See Section 14-16-3-22(C)(4)(c) for Alley standards.

I. Off-Street Parking. The Off-Street Parking Regulations of the Zoning Code, Section 14-16-3-1, shall apply with the following exceptions:

- 1) Required Minimum Parking.
 - a. Ground Floor Non-residential: 1 per 1,000 square feet of net leasable area.
 - b. Residential: 1 per unit.
 - c. On-street parking may count for up to 50 percent of the off-street parking requirements
- 2) Shared Parking. Shared parking spaces may be located within 200 feet from the building or use that it serves.
- 3) Parking shall be located behind buildings in the rear portion of the lot or to the side of buildings that face the street.

J. Signage. Signs as regulated by the O-1 zone in the Zoning Code, with the following exceptions:

- 1) Free-standing signs are not permitted.
- 2) No more than one wall-mounted sign per building façade.
- 3) Sign area of building-mounted signs shall not exceed 25 square feet.
- 4) Signs may project more than one foot into right-of-way per City Revocable Permit or Encroachment Agreement requirements.

13. The SU-2/SU-1/Special Use zone corresponds to the SU-1 Zoning in the Comprehensive City Zone Code. SU-2/SU-1 for NRC uses and SU-2/SU-1 for Church and Religious Facilities.

G. General Design Regulations

Intent

The General Design Regulations shall apply to all properties in the Sector Plan area unless specified otherwise. The intent of the regulations is to

1. Improve compatibility among housing, institutions, commercial and industrial land uses through site design, buffering, screening, and landscaping.
2. Protect and conserve the area's distinct, historic physical characteristics by guiding the design of new construction and additions so that it blends and harmonizes with existing architectural character, sizes and massing without becoming unaffordable.
3. Improve the environment adjacent to the public right-of-way (roadways, sidewalks, landscape strips) through requirements for site parking, walls, fences, landscaping and pedestrian connections.

Required Compliance with General Design Regulations

1. In addition to complying with the provisions of the Comprehensive City Zoning Code, the following development requests shall also comply with the General Design Regulations contained in this plan:
 - New development;
 - Building additions adding 15% or more square feet to an existing building's square footage;
 - Buildings replacing existing buildings including buildings that are destroyed by flood, fire, or natural catastrophe;
 - Amendments to SU-1 site plans that include additions of 15% or more of existing building square footage.
2. The following activities are exempt from compliance with the General Design Regulations but shall adhere to pertinent regulations of the City Zoning Code:
 - Repairs, remodeling and maintenance of existing structures and/or buildings
 - Façade improvements to existing buildings
3. **EXCEPTIONS TO THE GENERAL DESIGN REGULATIONS.** The following two levels of modifications to the General Design Regulations are allowed:
 - A. **Minor:** The Planning Director or his designee may approve deviations of 10% or less from any *dimensional standard.

- B. Major: The EPC shall review any deviation of more than 10% from any dimensional standard to determine if the request honors the intent of the regulation.

*Dimensional Standard: a standard relating to numerical measurement.

1. Preserving Residential Neighborhood Character

- A. Building additions and renovations shall blend architecturally with the style of the original building.
- B. New residential construction shall be architecturally compatible with existing adjacent buildings in height, mass, and architectural style.

2. Residential Building Design

In addition to the design regulations in the Zoning Code, residential development shall comply with the following:

- A. Building exterior materials (stucco, brick, wood, etc.), color, window and door styles, and roof slope and materials shall be the same or similar on all parts of a structure and on all detached dwelling units on one lot.
- B. Standard unstuccoed CMU block is not allowed as a finish material for buildings.
- C. Buildings shall not exceed 26 feet in height. Building portions over 15 feet high shall be set back not less than 25 feet from property lines abutting the public right-of-way or a private street.
- D. The slope of new roofs shall range from flat to not more than a 45-degree angle.
- E. Second-story additions to existing flat-roofed buildings may have flat roofs if the front façade of the second-story addition is set back not less than 10 (ten) feet from the front façade of the first floor.
- F. New garage fronts shall be set back not less than 20 feet from the property line abutting a public right-of-way or private street.
- G. Not more than 50 percent of a building's street frontage width shall be garage front.
- H. Front doors shall face the street. In townhouse and multiple dwelling unit development, the dwelling unit(s) adjacent to the public right-of-way shall face front doors toward the street.
- I. Building façades facing a public right-of-way or private street shall contain windows covering a minimum of 25% of the façade.

3. Nonresidential Building Design

In addition to the design regulations in the Zoning Code, §14-16-3-18, nonresidential development shall comply with the following:

- A. Primary entrances shall face the public right-of-way, except courtyard buildings where primary entrances may face a central courtyard.
- B. Except for buildings used only for manufacturing, assembling, treating, repairing, or rebuilding products, or for warehousing, not less than 25% of a building façade facing a public right-of-way shall be windows.
- C. Standard, unstuccoed Concrete Masonry Unit block is not allowed as a finish material for buildings.
- D. Reflective glass is not permitted.

4. Signage.

Signage shall comply with Section 14-16-3-5 of the City's Zoning Code.

5. Landscaping

The General Landscaping Regulations of the City's Zoning Code, Section 14-16-3-10 shall apply with the following exceptions:

A. In section (E)(4) a 6-foot high wall may be substituted for 5 (five) feet of buffering in developed lots that lack space for a 10-foot buffer.

B. Required landscaping should not interfere with required entrances or where compliance results in reduction of parking spaces below the required minimum as specified in Section 14-16-3-1

6. Parking

The General Parking Regulations of the City's Zoning Code, Section 14-16-3-1 shall apply.

7. Utilities

All screening and vegetation surrounding ground-mounted transformers and utility pads are to allow 10 feet of clearance in front of the equipment door and 5 to 6 feet of clearance on the remaining three sides for access and to ensure the safety of the work crews and public during maintenance and repair. Please refer to the PNM Electric Service Guide for specifications.

Coordination with PNM will be necessary if existing utilities are present where Form Based Zones are implemented, including:

- Extension of public utility facilities
- Projections such as canopies, portals, stoops, balconies, shop fronts and awnings in utility easements
- Parking areas and alleys
- Utility easements within rear lot lines

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H. DEVELOPMENT APPROVAL PROCESS

(MOVE THIS TO THE BEGINNING OF THE CHAPTER)

1. The following development approval process shall apply to all properties within the Martineztown/Santa Barbara Plan boundary:

| <u>Development Type</u> | <u>Approval Body</u> | <u>Notification</u> |
|---|-----------------------------|---------------------------------|
| The site is less than 5 acres; and the site is not zoned SU-1; and the proposed use is a permissive use; and the development complies with the General Design Regulations. | Building Permit Staff | No public notification required |
| The site is 5 acres or greater; or the site is zoned SU-1; or request for a zone change; or modification of the *dimensional standards of the General Design Regulations by more than 10% | EPC | Public notification required |
| Special Exceptions to the Zoning Regulations | ZHE | Public notification required |
| Modification of the *dimensional standards of the General Design Regulations by 10% or less | Planning Director | No public notification required |

* Dimensional Standard. A standard relating to numerical measurement.

2. Existing uses which are non-conforming upon adoption of the plan are APPROVED CONDITIONAL USES per the requirements in §14-16-4-2(D) of the Zoning Code. An approved conditional use shall be void/expired if the use ceases for a continuous period of one year or more. Upon expiration of the approved conditional use, the property owner is required to comply with the regulations of the adopted zone.

6 Plan Implementation -

7 Metropolitan Redevelopment Plan Recommendation

A. Metropolitan Redevelopment Area (MRA) Designation Report

The entire Martineztown/Santa Barbara Sector Development Plan area was designated a Metropolitan Redevelopment Area (MRA) in 1989 through City Council Bill R-498. In order for the area to be designated, it had to be proven that the area was blighted. This is demonstrated by deteriorated buildings, vacant land, irregular platting and disinvestment, and by existing conditions that have “substantially impaired the sound growth and economic health and well being” of the area.

The creation of a Metropolitan Redevelopment Area should assist in achieving the following goals:

- Eliminate conditions that are detrimental to public health and welfare.
- Conserve, improve and expand housing availability to all residents.
- Improve economic conditions through coordinated public and private actions and investment.
- Specifically, the Metropolitan Redevelopment Code is the enabling legislation that enables the City of Albuquerque to work with the private sector to:
 - Assist in the establishment of new commercial ventures.
 - Assist in preserving existing businesses in the area.
 - Implement public improvements and tax increment financing (TIF) investments.

B. Benefits of Revitalization

A successful revitalization program could promote neighborhood stabilization by providing convenient services, creating new jobs, and upgrading area buildings, infrastructure and housing.

Business in the area include hotel, storage, warehousing, auto repair, monument manufacturing, as well as smaller retail uses such as Starbucks, Carl’s Jr., an American folk arts, pottery and basket store, a chile store and a taqueria. There is no grocery store, small restaurants or cafes where residents can congregate and meet their neighbors.

Redevelopment opportunities include vacant parcels in the plan area. In addition to being underutilized, these spaces are often frequented by drug users compromising the safety and stability of the neighborhood. Empty lots are often overgrown with weeds and littered with trash, including drug paraphernalia and liquor containers, giving the neighborhood a general sense of neglect. On the positive side, they represent an important opportunity for development.

Reducing the amount of land within the plan area zoned exclusively for industrial and heavy commercial, along with other vacant and under-utilized land could provide property for new housing to support existing and future businesses. Strategies could also be developed to promote new business opportunities that could respond to the expressed needs and desires of area residents.

An economically successful Martineztown/Santa Barbara Village Center will take advantage of opportunities identified by the community and the City of Albuquerque. Success will depend upon the commitment of the community and the City, as well as the private sector, and will require investments of both public and private funds in the years ahead.

Public funds could be used within the Village Center public right-of-way (ROW) to improve bus shelters, construct new and widened sidewalks, plant street trees and other landscaping, and better designate street crossings with bricks or other crosswalk pavers. These improvements would embody a unique design character to help define the Martineztown/Santa Barbara Village Center as a distinctive place within the City of Albuquerque.

New public improvements will help to reverse the negative economic trend, but these improvements must be combined with conscious strategies to attract profitable new businesses to the area. These strategies include neighborhood retail and service businesses but also those that thrive on a larger market area. There is strong support for local businesses that serve as “gathering places” for nearby residents.

Martineztown/Santa Barbara’s chances of revitalization and economic success will be increased if there is a significant population that takes advantage of its goods and services on a regular basis. Economic viability will intensify if there are many households within close walking distance of a distinctive place that is attractive and pedestrian-friendly.

There are select opportunity sites in the Plan area where flexibly designed buildings that accommodate mixed uses would foster limited area development to enhance the charm and small village ambiance, yet allow for the services that would strengthen the viability of Martineztown/Santa Barbara.

Section IV of this plan outlines several recommended changes from industrial and heavy commercial zoning to mixed-use zoning that permits and encourages new housing and retail opportunities.

C. Potential Catalytic Projects

- The Historic Crossroads Neighborhood Activity Center is identified as a priority catalytic project. It is envisioned as the walkable area surrounding the Broadway and Mountain intersection and is defined by a quarter-mile walking distance from the intersection. The design emphasis is to strengthen the connections between the various land uses, and to redesign the place so that it emphasizes the pedestrian’s use of the area.

- A Neighborhood Activity Strip is recommended for the area along Broadway from Mountain south to Lomas. The promotion of pedestrian activity in a medium to high density, mixed use location is in keeping with the goals of the comprehensive plan.
- The Railroad Crossing Development could be high density mixed use on the Lomas Corridor from Broadway to the railroad tracks, including a grocery store.
- Other projects may be identified through the feasibility analysis within the Metropolitan Redevelopment Plan process

D. Recommendations

Complete a Metropolitan Redevelopment Plan for the area, using this sector plan as a framework and taking into account the catalytic projects recommended above. This plan would typically include a demographic/trade analysis, a site analysis, a location and market analysis, a financial feasibility analysis, and implementation recommendations.

E. Implementation and Funding Sources for Catalytic Projects

A number of funding sources from local, State and Federal agencies have been identified as potential opportunities to finance the implementation of the Martineztown/Santa Barbara Sector/ Metropolitan Redevelopment Plan.

- **Public/Private Partnerships**

There are a number of opportunities for partnerships to occur between these various entities. Partnerships hold the highest potential for redevelopment opportunities to occur in the Martineztown/Santa Barbara Plan area. The City can provide incentives through public financing, land holdings, or eminent domain authority, to serve as incentive/collateral for groups such as the NM Community Development Loan Fund, Accion, Wesstcorp, Small Business Association and private developers.

- **New Mexico Community Development Loan Fund**

The New Mexico Community Development Loan Fund is a private, non-profit organization that provides loans, training and technical assistance to business owners and non-profit organizations. Their services support the efforts of low-income individuals and communities to achieve self-reliance and control over their economic destiny. Loans are available to new and existing small businesses for such needs as equipment, inventory, building renovations and operating capital. They provide loans to non-profits for such needs as bridge financing against awarded private and public contracts, capital improvements and equipment, and loans to non-profits that develop affordable housing.

This program provides loans of up to \$250,000 to municipalities and counties to construct or

implement projects necessary to encourage the location or expansion of industry, in order to create jobs, stimulate private investment, promote community revitalization, and expand the local tax base. Eligible uses include infrastructure improvements, rehabilitation or installation of public facilities, site improvements and utilities, and commercial or industrial buildings or structures and other commercial or industrial real property improvements.

- **Tax Increment Financing Districts**

Tax increment financing is created through a local government's property tax assessment. The incremental difference in tax is used to finance the improvement within the district. In NM, tax increment financing is enabled in forms through the Metropolitan Redevelopment Code, Enterprise Zone Act and the Urban Development Law. The City of Albuquerque uses tax increment financing within its designated Metropolitan Redevelopment Areas (MRA). Creating a TIF District of the entire Martineztown/Santa Barbara Sector/Metropolitan Redevelopment Plan Area could be beneficial, although additional research and analysis are needed.

- **Capital Improvement Plan**

The purpose of the City of Albuquerque's Capital Improvement Plan (CIP) is to enhance the physical and cultural development of the City by implementing the Albuquerque/Bernalillo County Comprehensive Plan and other adopted plans and policies. Through a multi-year schedule of public physical improvements, CIP administers approved capital expenditures for systematically acquiring, constructing, replacing, upgrading and rehabilitating Albuquerque's built environment. In practice, the CIP develops, and sometimes directly implements, diverse projects and improvements to public safety and rehabilitation of aging infrastructure such as roads, drainage systems and the water and wastewater network.

- **Industrial Revenue Bonds (IRB)**

In economic effect, an IRB is a loan by a lender/bond purchaser to a company, where the loan proceeds and the loan repayments flow through a government issuer. The tax benefits of IRBs result from the form of the loan and the involvement of a government issuer. The tax benefits of IRBs result from the form of the loan and the involvement of a government issuer. In its simplest form, an IRB structure involves a company (typically a corporation, a limited partnership or limited liability company) that wants to purchase and/or construct and/or equip a facility. Instead of purchasing, constructing or equipping directly, the company enters into an agreement (usually a lease) with a government issuer. The agreement provides that the company will lease the facility from the government issuer, construct and equip the facility and, at the end of the lease term, purchase the facility from the issuer at a nominal price. Importantly, the company constructs and equips the facility as the agent of the issuer. In order to obtain the funds to purchase, construct and equip the facility, the issuer issues bonds. Please note that the City does not finance bonds; nor does the City provide any credit enhancement. The proceeds of the bond sale are used to pay the expenses of the facility. The bonds are paid off solely with the payments made by the company to the issuer under the lease.

Only "projects" can be financed with IRBs. Projects include land, buildings, furniture, fixtures and equipment. Municipal projects (as opposed to county projects) do not include facilities used primarily for the sale of goods or commodities at retail and certain regulated utility projects.

Projects do not need to include land; they can be for equipment only. Also, any land included in a project need not be owned in fee. The costs of projects that can be financed are limited to capital costs and transaction costs. Working capital generally cannot be financed with IRBs, nor is there any benefit associated with doing so.

- **Metropolitan Redevelopment Bonds**

Metropolitan Redevelopment Bonds, while similar in some respects to Industrial Revenue Bonds, have certain differences. These projects are restricted to designated Metropolitan Redevelopment Areas, and are available to a wider variety of projects. The public purpose for these projects is to stimulate redevelopment activities in economically distressed areas.

Metropolitan Redevelopment Bonds provide a limited property tax abatement on the net improvements to the project site (i.e., current property taxes on the existing value of the property are not exempted). The maximum property tax abatement period is for seven years. Also, Metropolitan Redevelopment Bonds do not offer gross receipts or compensating tax exemptions on the purchase of equipment for the facility. However, they are a reasonable option for projects that may not generally qualify for Industrial Revenue Bonds.

As with Industrial Revenue Bonds, the City does not provide the financing or credit enhancement for the bonds; the applicant is responsible for finding their own financing, based solely on the rates they can negotiate with the purchasers of the bonds. All financing and legal costs are paid by the applicant.

- **Transportation and Equity Act for the 21st Century (TEA-21)**

Federal TEA-21 Enhancement funds, in excess of \$200 billion, is allocated to integrate transportation projects with environmental and community revitalization goals over a period of six years. TEA-21 funds are applicable beyond highways, road and transit maintenance – funds may also be used for relevant environmental restoration, pollution abatement, historic preservation, trails, bike paths and pedestrian infrastructure including aesthetic enhancements.

- **State Financing Programs**

Business Loans

The State of New Mexico has several loan programs to support business expansion and relocation to the state.

- Business Bonds
- Private Activity Bonds for Manufacturing Facilities
- Real Property Business Loan
- Severance Tax Permanent Fund/Participation Interests in Business Loans
- Severance Tax Permanent Fund/Purchases of SBA/FMHA Obligations

- **Federal Financing Programs**

Loans

1. HUD funds for local CDBG loans and “floats”

Community Development Block Grants are used to finance locally determined activities and can include coping with contamination and financing site preparation or infrastructure development. Eligible activities include planning for redevelopment, site acquisition, environmental site assessment, site clearance, demolition, rehabilitation, contamination removal and construction. Also, when a grant recipient can show that previously awarded CDBG funds will not be needed in the near term, it may tap its block grant account on an interim basis, using a “float” to obtain short-term, low interest financing for projects that create jobs. Money borrowed from grants in this way may pay for the purchase of land, buildings and equipment, site and structural rehabilitation (including environmental remediation) or new construction.

The City of Albuquerque receives an annual Community Development Block Grant from the U.S. Department of Housing and Urban Development to fund redevelopment activities in low and moderate income communities across the City. The City’s consolidated plan, which specifies how the funds are to be spent over a five-year period, has established several programs that could support redevelopment activities in the Martineztown/Santa Barbara Sector/MR Plan: Crime Prevention through Environmental Design (CPTED), which funds neighborhood improvements designed to reduce crime and enhance security; Acquisition of Nuisance Property, which funds the purchase of property creating conditions of slum and blight; Neighborhood Business Assistance Fund, which assists businesses with low-interest loans, façade improvements and technical assistance; and Job Training for Businesses in Low/Mod Areas, which provides funding for training employees.

2. SBA Micro loans

These loans are administered through responsible nonprofit groups, such as local economic development organizations or state finance authorities that are selected and approved by the SBA. The SBA loans the money to the nonprofit organization which then pools the funds with local money and administers direct loans to small businesses.

SBA micro loans are administered much like a line of credit and are intended for the purchase of machinery and equipment, furniture and fixtures, inventory, supplies and working capital. The funds are intended to be dispersed with close monitoring of the recipient and a self-employment

training program may accompany the loan. The maximum maturity for a micro loan is six years. The average loan size is \$10,000. The loan cannot be used to pay existing debts.

3. SBA’ Section 504 development company debentures

Small businesses can receive long-term capital for fixed assets from SBA-certified local development companies who issue notes backed by SBA. These resources can support up to 40 percent of a project’s total costs, up to \$750,000. A private financial institution must provide 50

percent of the project financing, but has first claim on collateral. The remaining 10 percent of funding must be obtained from the developer, a non-federal economic development program, or owner equity.

Loan Guarantees

1. HUD Section 108 loan guarantees

Under Section 108, state and local governments receiving Cobs can receive federally guaranteed loans, often at lower interest rates, to cover the cost of multi-year development projects too large for single year financing with CDBG funding. City or state applicants can pledge up to five times their annual CDBG grants as collateral. State can also pledge their own CDBG allocation on behalf of their small cities.

2. SBA's Section 7(a) and Low-Doc programs

Under Section 7(a), SBA will guarantee up to 90 percent of private loans of less than \$155,000 to small businesses and up to 85 percent of loans between \$155,000 and \$500,000. The Low-Doc Program offers SBA-backing of 90 percent and a streamlined application, review, and approval process for guarantees of loans of less than \$100,000.

Grants

1. HUD's CDBG Grants

The CDBG program, one of the nation's largest Federal grant programs, is administered by the Department of Housing and Urban Development to promote the revitalization of neighborhoods and the expansion of affordable housing and economic opportunities. This includes activities that support the redevelopment of properties in distressed areas if such activity supports the mission of the program. CDBG is a "bricks and mortar" program, with the rehabilitation of affordable housing traditionally being the largest single use of CDBG funds.

2. EDA Title I and Title IX

Grants are available to government and nonprofit organizations in distressed areas to fund improvements in infrastructure and public facilities, including industrial parks.

Equity capital

1. SBA's Small Business Investment Companies

Licensed and regulated by the SBA, SBIC's are privately owned and managed investment firms that make capital available to small businesses through investments or loans. The use of their own funds plus funds obtained at favorable rates with SBA guaranties and/or by selling their preferred stock to the SBA.

Tax incentives and tax-exempt financing

1. Historic Rehabilitation Tax Credits

Investors can receive a credit against their total income taken for the year in which a rehabilitated building is put into service. Rehabilitation of certified historic structures qualifies for a credit equal to 20 percent of the cost of the work; rehabilitation work on non-historic structures built before 1936 qualifies for ten percent.

2. New Markets Tax Credits (NMTC)

The NMTC Program permits taxpayers to receive a credit against Federal income taxes for making qualified equity investments in designated Community Development Entities (CDEs). Substantially all of the qualified equity investment must in turn be used by the CDE to provide investments in low-income communities. The credit provided to the investor totals 39% of the cost of the investment and is claimed over a seven-year credit allowance period. In each of the first three years, the investor receives a credit equal to five percent of the total amount paid for the stock or capital interest at the time of purchase. For the final four years, the value of the credit is six percent annually. Investors may not redeem their investments in CDEs prior to the conclusion of the seven year period.

3. Low-income Housing Tax Credits (LIHTC)

The LIHTC program offers a ten year credit for owners of newly constructed or renovated rental housing and sets aside a percentage of the units for low-income individuals for a minimum of 15 years. The amount of the credit varies for new construction and renovation. The project must receive allocation of New Mexico State's annual credit ceiling or use multi-family housing tax-exempt bonds that receive allocation of New Mexico State's bond volume cap. Allocations are made on the basis of the New Mexico State Qualified Allocation Plan.

CITY of ALBUQUERQUE

TWENTY FOURTH COUNCIL

COUNCIL BILL NO. F/S R-20-75 ENACTMENT NO. _____

SPONSORED BY: Peña, Borrego, Sena

1 RESOLUTION

2 STRENGTHENING AND RE-AFFIRMING THE CITY OF ALBUQUERQUE'S
3 COMMITMENT TO ADDRESSING RACIAL AND SOCIAL INEQUITY

4 WHEREAS, Article VIII of the City Charter states that, "The Council shall
5 preserve, protect and promote human rights and human dignity...and shall
6 prohibit discrimination on the basis of race, color, religion, sex, national origin
7 or ancestry, age or physical handicap," and

8 WHEREAS, the Albuquerque City Council affirmed its commitment to non-
9 discrimination and equal opportunity through passage of Ordinance 106-1973
10 establishing the Human Rights Board, Ordinance 2-6-5-1, et. al. seq.,
11 establishing the Americans with Disabilities Act Advisory Council, Ordinance
12 5-6 ROA 1994 establishing the Minority Business Enterprise act, Commission
13 on American Indian and Alaska Native Affairs, Ordinance 2-6-6-1, et. al. seq.,
14 and R-18-7 strengthening the City's status as an immigrant friendly city,

15 WHEREAS, the City of Albuquerque Cultural Services Department in June
16 of 2020 established the Race, History and Healing Project, steered by a
17 community engagement team to support meaningful and difficult
18 conversations about Albuquerque's shared cultural resources with an open
19 invitation to all community voices and a steadfast commitment to collective
20 solution building; and

21 WHEREAS, The City of Albuquerque is committed to working toward better
22 addressing racial disparities, and to achieving equity across all populations
23 and indicators; and

24 WHEREAS, The City of Albuquerque is committed to working toward better
25 addressing racial disparities and equity concerns in all programs, services,
26 commissions, boards, budgets, and CIP services; and

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1 WHEREAS, The City of Albuquerque defines inequities as disparities in
2 health, mental health, economic indicators, housing, education, or social
3 factors that are systemic and, therefore, considered unjust or unfair; and
4 WHEREAS, the City acknowledges that structural and institutional racism,
5 have led to racially disparate outcomes in many aspects of quality of life; and
6 WHEREAS, for the purposes of this legislation the following definitions are
7 adopted:
8 “Equity recognizes that advantages and barriers exist and that not
9 everyone starts from the same place. Equity means eliminating disparities
10 in policy, practice and allocation of resources so that race, gender, religion,
11 sexual orientation, income and zip code do not predict one’s success while
12 also improving positive outcomes for all.
13 “Diversity” means the presence of different races, genders, ethnicities,
14 religions, abilities, nationalities, and sexual orientations in decision
15 making. Diversity exists within groups among people of color and in
16 relationships with others, particularly people of color.
17 “Inclusion” means diverse people with different identities feel welcomed
18 and valued.
19 WHEREAS, race and social equity require partnership in the planning
20 process resulting in shared decision-making and more equitable outcomes
21 that strengthen the entire city; and
22 WHEREAS, because the City benefits from the diversity of its population,
23 the city desires to incorporate the expertise of those most negatively impacted
24 by inequity in the identification and implementation of policies, programs, and
25 budget processes and decisions; and
26 WHEREAS, 59% of the residents of Albuquerque are people of color and
27 our city is becoming more diverse, with growth driven by communities of
28 color, and
29 WHEREAS, working poverty is on the rise in Albuquerque, with too many
30 fulltime workers of all backgrounds not earning enough to make ends meet;
31 and

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1 WHEREAS, 18% of male and 26% of female Native American adults aged
2 25-64 working full time in Albuquerque still live below 200% of the Federal
3 Poverty Level; and

4 WHEREAS, 25% male and 18% of female Asian or Pacific Islander adults
5 aged 25-64 working full time in Albuquerque still live below 200% of the
6 Federal Poverty Level; and

7 WHEREAS, 18% male and 15% of female Latino adults aged 25-64 working
8 full time in Albuquerque still live below 200% of the Federal Poverty Level; and

9 WHEREAS, 16% male and 18% of female Black adults aged 25-64 working
10 full time in Albuquerque still live below 200% of the Federal Poverty Level; and

11 WHEREAS, 8% male and 6% female White adults aged 25-64 working full
12 time in Albuquerque still live below 200% of the Federal Poverty Level; and

13 WHEREAS, the basic premise of equity holds that cities can attain stronger
14 and more resilient economic growth for everyone by working toward racial
15 and social equity; and

16 WHEREAS, According to the Equity Profile of Albuquerque conducted by
17 PolicyLink, people of color pay too much for housing in Albuquerque, whether
18 they rent or own, with Asian and Pacific Islander populations having the
19 highest rate of homeowner housing burden, and more than half of Black and
20 Latino renter-occupied households paying more than 30% of their incomes in
21 rent; and

22 WHEREAS, For the first time in 2018, the City of Albuquerque began
23 collecting demographic data on the ownership of companies with whom it
24 does business; and

25 WHEREAS, The Minority Business Enterprise Ordinance calls for the City
26 of Albuquerque to actively solicit information from such firms regarding
27 unnecessary problems, requirements, or barriers involved in doing business
28 with the city that might be ameliorated, such as the inability to obtain bonding,
29 financing, or technical assistance; and

30 WHEREAS, The Minority Business Enterprise Ordinance supports the City
31 of Albuquerque to encourage prime contractors providing goods and services
32 to the city with regard to subcontractors involved in such work to assure a fair
33 share of business for minority and women business enterprises; and

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1 WHEREAS, the City of Albuquerque has begun to collect and analyze the
2 demographic information of applicants for city jobs, new hires and incumbent
3 employees that will be used to help guide decision making; and

4 WHEREAS, All persons authorized to work in the United States, regardless
5 of nationality or citizenship, are entitled to fair and equitable access to
6 municipal jobs, and benefits; and

7 WHEREAS, the strategies necessary to address racial and social equity
8 transcend any one department and require intention and action at the policy,
9 process, program and service delivery levels of municipal government; and

10 WHEREAS, the establishment of racial equity goals and action plans by
11 each department serves to catalyze the actions necessary to achieve those
12 goals and objectives; and

13 WHEREAS, applying a racial equity analysis may assist departments in
14 examining the distribution of benefits and burdens of municipal decision-
15 making processes; and

16 WHEREAS, the establishment of the Office of Equity and Inclusion as a
17 Director level Department demonstrates the City of Albuquerque's
18 commitment to advance racial and social equity; and

19 WHEREAS, the Office of Equity and Inclusion's role is to inspire and equip
20 city government by providing education, training, data, analysis, tools and
21 other support necessary to achieve equity goals; and

22 WHEREAS, The Office of Equity and Inclusion has been established to
23 provide technical assistance, training and tools to all City of Albuquerque
24 departments and divisions to ensure inclusive outreach and equitable
25 opportunities for all people;

26 BE IT RESOLVED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF
27 ALBUQUERQUE:

28 Section 1. The City of Albuquerque Office of Equity and inclusion shall
29 recommend to the Mayor indicators related to equity and inclusion to be
30 included in the City's five-year goals, guided by the following principles:

31 Committing to Equity, Embedding Equity: Performing an equity analysis
32 prior to executing decisions;

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1 Ensuring Equity in Resource Allocation: Equitably distributing resources
2 and services to vulnerable groups;

3 Striving for Equity and Inclusion in Public Messaging: Conducting targeted
4 outreach, in languages accessible to non-English speakers and other
5 marginalized groups;

6 Being Transparent and Using Data in Decision-making: Capturing and
7 analyzing data and using it to help guide decision making that would aim to
8 reduce disparity;

9 Involving persons and communities of color and social diversity in the
10 decision-making processes: Using equity analysis as put forth by the City of
11 Albuquerque to endeavor to meaningfully involve persons and communities of
12 color, those experiencing poverty, and people living with disabilities and of
13 social diversity in the decision-making process while abiding by process
14 transparency and responding in a way that is accountable to all communities.

15 Section 2. The City of Albuquerque shall use Racial Equity Toolkits and
16 other best practices and technical assistance to understand the distribution of
17 benefits and burdens of policy, process, program and budget decisions
18 wherever practicable.

19 Section 3. The City of Albuquerque Office of Equity and Inclusion shall
20 conduct targeted, mandatory trainings for City of Albuquerque administrators
21 including the Mayor's Office, City Councilors, Department Heads and other
22 staff as appropriate, to include, but not be limited to, curriculum developed by
23 the Office of Equity and Inclusion, Racial Equity Tool Kits and other best
24 practices, subject to budget, and time constraints and staffing availability, and
25 endeavor to provide trainings to other non-mandatory staff as budget, time,
26 and staffing allow.

27 Section 4. The City shall support the start-up and growth of businesses
28 owned by people of color and women through inclusive contracting and creating
29 equitable business support systems, intentionally seek to remove barriers for
30 entry and build capacity within the small business community.

31 Section 5. The City shall prepare youth and workers of color for tomorrow's
32 jobs by growing local talent through education and workforce strategies that

1 equip youth and workers with the skills and postsecondary education or
2 credentials needed for careers in growing industries.

3 Section 6. The City shall ensure equal access to affordable and quality
4 housing by following goals, policies, and actions included in the City of
5 Albuquerque & Bernalillo County (ABC) Comprehensive Plan that are intended to
6 help expand housing type options, ensure affordable housing in rural,
7 suburban, and urban locations, and address housing and related services for
8 vulnerable populations and those experiencing homelessness.

9 Section 7. The City, shall begin to complete a data collection plan and
10 shall consult with the City Attorney or their designee prior to finalizing such
11 plan. The plan shall include a process to begin collecting and reviewing
12 demographic and geographic data in the delivery of programs and services
13 and in community engagement processes. The Office of Equity and Inclusion
14 shall regularly review and provide recommendations on indicators of
15 important community conditions related to equity and inclusion, for the City's
16 five-year goals. The Mayor's Office and City Council shall receive annual
17 reports from the Office of Equity and Inclusion outlining the results of
18 demographic and geographic data to inform future decision-making regarding
19 policies and practices. The Office of Equity and Inclusion may propose to the
20 Mayor ways to arrange for statistically sound analysis to identify trends in the
21 data that encompass both historic and future impacts. During the pendency of
22 *United States v. City of Albuquerque*, 14-cv-1025, no City department, other
23 than as identified in a court order, shall collect data from Albuquerque Police
24 Department or make recommendations to the Albuquerque Police Department
25 based on a data analysis. Section 8. Each Department shall identify an
26 equity liaison who shall report directly to the head of the Department and who
27 will be responsible for managing and reporting on that Department's equity
28 assessment program.

29 Section 8. With the assistance of the Office of Equity and Inclusion, each
30 Department shall conduct a racial equity assessment and develop a racial
31 equity action plan of that Department's practices, policies, expenditures, and
32 distribution of resources which will be included in the budget process.

TECHNICAL MEMORANDUM

DATE: April 23, 2018
TO: Diane Dolan
FROM: Sara Lavy
SUBJECT: Memo Amendment to Martineztown- Santa Barbara Traffic Study
CC:
PROJECT NUMBER: 564-4354-017
PROJECT NAME: Martineztown-Santa Barbara Traffic Study

The following memo addresses the issues presented in a letter sent to the City of Albuquerque from the Santa Barbara Martineztown Neighborhood Association, dated September 26, 2017, that was inadvertently left out of the Martineztown – Santa Barbara Traffic Study. The issues identified by the neighborhood association are summarized below, in bold text, with comments on how each issue has been addressed as follows.

- 1. The existing radar speed signs on Mountain Road should remain on to remind drivers of the 25 mph speed limit. There was discussion in the past of turning off the radar speed boards.**
Currently the City has no intention of turning the radar boards off. They should be placed to maintain good visibility.
- 2. Crosswalks for Career Enrichment Center and Albuquerque High School.**
It was not clear from the letter where students are crossing Mountain Road and where the crosswalks should be located. Mid-block crosswalks are generally discouraged for safety reasons. If the City feels crosswalks are necessary, pedestrian counts can be taken to determine where new crosswalks should be located and the appropriate signing and striping needed.
- 3. Roundabout at Mountain Road and Woodward Place**
Adding a roundabout at the intersection Mountain Road and Woodward Place was not in the original scope of this project and was not studied in detail. The intersection is a T-intersection and a roundabout at this location would require a realignment of Mountain Road which would require right-of-way acquisition from the southern property owner.
- 4. Roundabout at Mountain Road and Edith Boulevard**
A roundabout in this location was not part of the original scope of the project and was not studied in detail. Adding a roundabout at Mountain Road and Edith Boulevard would require acquiring right-of-way from adjacent property owners to allow for design elements.
- 5. Center median on Mountain between Edith Boulevard and Broadway Boulevard**
Three options are presented in the report for the portion of Mountain Road between Edith Boulevard and Broadway Boulevard. All the options include a striped center median. The median is shown as striped so it can function as a two way left turn lane due to the multiple businesses and residences along Mountain Road that require access to their properties. In addition, one option included wider sidewalks on the

south side of Mountain road. The options presented are conceptual and will be further developed during design.

6. Center median/pedestrian refuge at intersection with South Frontage Road

The South Frontage Road is owned and maintained by the NMDOT and is outside the scope of this study.

7. Add "No 5-ton Trucks" sign on Mountain Road

There is one "No Trucks" sign mounted with a speed limit sign on westbound Mountain near the entrance to the Career Enrichment Center. Additional signs could be added along westbound and eastbound Mountain Road near the Broadway intersection.

8. Add turn signals at Mountain Road and Broadway Boulevard intersection

Restriping Broadway Boulevard to add left turn lanes and adding left turn signals at this intersection is a recommendation in the traffic study.

BEFORE THE CITY OF ALBUQUERQUE
LAND USE HEARING OFFICER

APPEAL NO. AC-20-9

PR-2020-003906; VA-2020-00140; VA-2020-00275

JAG Planning & Zoning, agents for Jesus Apodaca, Appellant,

And,

Loretta Naranjo Lopez, in her official capacity as President of, and on behalf of the Santa Barbara Martineztown Neighborhood Association, Party Opponents.

1 This is an appeal from a decision of the Zoning Hearing Examiner (ZHE) denying a
2 proposed conditional use application for a use the Appellant contends is a “self-storage”
3 facility. After reviewing the record, listening to arguments and testimony, I find that the ZHE’s
4 decision should be upheld and that the appeal should be denied. Although, objectively one of
5 the ZHE’s findings is not well-explained, as discussed below, I find, as the ZHE similarly did,
6 that the Appellant failed to adequately support the application with the necessary analysis
7 required in the IDO for a conditional use application.

8 In addition, I find that there are other compelling grounds, not contemplated by the
9 ZHE, to deny the application. In short, Appellant’s proposal, if approved, would be an
10 abrogation of, and a departure from, the IDO’s detailed “use definitions.” As explained in more
11 detail below, Appellant’s proposal would render the important distinction between a “primary
12 conditional use” and an “accessory use” meaningless in the IDO.

13 **I. RELEVANT PROCEDURAL AND FACTUAL BACKGROUND**

14 The record reflects the following relevant facts. The Appellant, Jesus Apodaca, owns a
15 construction business [R. 175]. Approximately five years ago, the Appellant purchased a
16 .5732-acre lot that is located at 1718 Broadway Boulevard NE to utilize as the main offices for
17 his construction business [R. 009, and LUHO hrg.]. The lot contains two existing dwelling
18 units (buildings) [R. 179]. Appellant converted the larger of the two buildings for the exclusive
19 office use of the construction business [R. LUHO hrg.]. Appellant's lot is zoned MX-M under
20 the IDO [R. 175]. Because the lot is zoned MX-M, it is undisputed that the lot can be utilized
21 for office uses. [IDO, Table 4-2-1, p. 132].

22 The second dwelling is dilapidated and apparently Appellant desires to raze it and
23 replace it with a 3,000 sq. ft. building structure to warehouse materials and supplies for his
24 construction business [R. 178]. Currently, Appellant stores construction materials and
25 equipment used in his construction business on the lot [R. 184]. It is an undisputed fact that in
26 an MX-M zone, operating a "construction contractor facility and yard" is not allowed, even by
27 conditional use [IDO, Table 4-2-1, p. 132]. In late 2019, Staff with the City Zoning Code
28 Enforcement Division cited Appellant for utilizing the lot as a construction contractor facility
29 and yard because he was storing construction equipment and materials thereon the lot [R.
30 LUHO hrg.]. There is unrebutted evidence that Appellant's lot is still in violation of the IDO
31 because the lot continues to be used in some manner to store construction equipment for
32 Appellant's business [R. 022, 184, and LUHO hrg.].

33 On April 3, 2020, the Appellant through his agents met with City Planning Staff in a
34 Pre-application Review Team Meeting (PRT) [R. 040-041]. Then on June 2, 2020, Appellant

35 through his agents, submitted an application to the City Planning Department for a “conditional
36 use to allow self-storage” on the premises [R. 033 - 034]. The purpose of the conditional use,
37 according to Appellant is to “allow the site to come into compliance” [R. 022].

38 At the ZHE hearing, Appellant’s agents submitted a petition signed by seven
39 neighboring residents including some abutting residents who expressed support for the
40 proposed conditional use application [R. 084 - 086]. The Santa Barbara Martineztown
41 Neighborhood Association (SBMNA) opposed the conditional use application and is a party
42 to this appeal [LUHO Hrg.]. In their opposition to the proposed use, the SBMNA through its
43 Board of directors submitted to the ZHE a letter and other documentation regarding the history
44 of the SBMNA neighborhood including information regarding the site for the proposed use
45 [R. 087 - 164].

46 On July 21, 2020, the ZHE held a quasi-judicial hearing on the application [R. 174].
47 On August 5, 2020, in an Official Notification of Decision, the ZHE made twenty findings of
48 fact and law, and denied the proposed use [R. 004 – 008]. Appellant filed his timely appeal
49 and the City Council delegated the appeal to its LUHO [R. 009]. A quasi-judicial land use
50 appeal hearing was held via remote video on October 2, 2020.¹

51

52 **II. STANDARD OF REVIEW**

53 A review of an appeal is a whole record review to determine whether the ZHE acted
54 fraudulently, arbitrarily, or capriciously; or whether the ZHE’s decision is not supported by
55 substantial evidence; or if the ZHE erred in applying the requirements of the IDO, a plan,

1. At the time of the LUHO hearing the City was under a public health emergency order from the State and from the City.

56 policy, or regulation [IDO, § 14-16-6-4(U)(4)]. At the appeal level of review, the decision and
57 record must be supported by substantial evidence to be upheld. The LUHO may recommend
58 that the City Council affirm, reverse, or otherwise modify the lower decision to bring it into
59 compliance with the standards and criteria of this IDO [IDO § 6-4(U)(3)(d)(5)]. The City
60 Council also delegated authority to the LUHO to remand appeals [IDO, § 14-16-6-4(U)(3)(d)].

61

62 **III. DISCUSSION**

63 Appellant claims that two of the ZHE's findings (Fndgs. # 16 and 18) are not supported
64 by the evidence in the record and therefore his decision should be reversed or remanded back
65 to the ZHE to redress the alleged errors. Only to the extent that at least one finding (Findg.
66 #18) is not *well-explained*, I agree. However, I find that this error does not warrant a reversal
67 or a remand because the evidence in the record supports that the proposed conditional use
68 application should still be denied. I find that ZHE Finding #16 is an independent basis
69 supporting denial.

70 In addition, because under IDO § 6-4(U)(3)(d)(5), the LUHO has authority to
71 "modify" the ZHE findings, I also find that there are grounds that were not contemplated by
72 the ZHE that also supports a denial of the application. I begin the analysis with the ZHE's
73 decision, the reasons for the appeal, and the requirements in the IDO for a conditional use.

74 The ZHE correctly noted that under § 14-16-6-4(F)(2), the applicant bears the burden
75 to satisfy all the IDO requirements to support an application [R. 005, Fndg. #14]. Under §
76 14-16-6-6(A)(3) of the IDO, an applicant must satisfy all the threshold criteria for a conditional
77 use including:

115 general intent of the Comp. Plan to keep compatible, allowable uses together [R. 015].
116 Appellant argued to the ZHE that because the proposed use is permitted (as a conditional use)
117 in the MX-M zone, the conditional use generally furthers the Comp. Plan [R. 015]. Appellant
118 also argues that it was arbitrary for the ZHE to rely on the opposing evidence submitted by the
119 SBMNA to find that the proposed use is inconsistent with the Comp. Plan.²

120 Regarding their first argument, to satisfy the first prong of the analysis required in §
121 14-16-6-6(A)(3)(a) of the IDO, Appellant woefully assumes that there is a presumption that
122 the use proposed “will not materially undermine the intent and purpose of
123 the... Comprehensive Plan” merely because self-storage is an allowable conditional use [R.
124 016]. Yet, in reviewing the IDO and the Comp. Plan, I find that there is no such generalized
125 presumption which can be gleaned from the IDO and the Comp. Plan. I also find that the use
126 proposed by Appellant under the facts in this matter actually does undermine the IDO because
127 what Appellant is proposing is in fact not a “primary conditional use.” This issue will be
128 discussed in detail further below.

129 For purposes of the ZHE’s findings, however, the six criteria of §14-16-6-6(A)(3) of
130 the IDO requires (1) a site-specific analysis of the project site and (2) an analysis of specific
131 goals and policies of the Comp Plan. In written arguments supporting the appeal, Appellant
132 conceded that specificity regarding the Comp. Plan was not presented to the ZHE to meet the
133 requirements of the first prong [R. 015]. Thus, I find that the ZHE did not err in finding that

2. Appellant contends that a 2013 “Impact” study of the neighborhood submitted by the SBMNA is generally erroneous and inapplicable to the issues of this matter, and as such the ZHE should not have relied on it to form the basis for Finding #18. I don’t disagree, but as shown below, the conditional use should and can be denied without relying on the study evidence that Appellant challenges in this appeal.

134 Appellant's reliance on the site's MX-M zoning and the obscure generalization that a self-
135 storage use is presumptively compatible as a permissive, conditional use is insufficient to
136 satisfy § 6-6(A)(3)(a).³ Moreover, in reviewing the record before the ZHE, including
137 Appellant's concession that he failed to make any policy arguments based on specific goals
138 and policies of the Comp. Plan, I find that there exists substantial evidence supporting the
139 ZHE's Finding #16.

140 As indicated above, Appellant also alleges that the ZHE's Finding #18 is based on the
141 Impact Study evidence submitted by the SBMNA. I disagree. Appellant assumes that the ZHE
142 found that the ZHE's Finding #18 is based on evidence submitted by the SBMNA only because
143 the ZHE did not adequately explain his finding. ZHE's Finding #18 is vague, and the ZHE
144 should have better explained with objective specificity the basis for his finding that
145 *"substantial evidence exists in favor of a conclusion that the proposed conditional use would*
146 *be inconsistent with the ABC Comp. Plan..."* [R. 007]. To sum things up, the ZHE did not
147 clearly identify what evidence he considered as substantial evidence to support the legal
148 conclusion in Finding #18. However, because I find that the ZHE did not err with his Finding
149 #16, and because there is substantial evidence supporting Finding #16, as described above,
150 Appellant's appeal cannot be upheld regardless of the outcome on ZHE Finding #18. In
151 addition, as alluded to above, there is another more significant reason for upholding the ZHE's
152 decision; a reason that the ZHE did not consider of which I now consider below.

153 I find that the proposed conditional use on Appellant's lot is contrary to the express

3. I note for the City Council, that although there are mixed uses in the area around the site, including residential uses abutting Appellant's lot, Appellant failed to clarify to the ZHE what the zoning of the abutting uses are. The abutting zoning is essential information to analyze compliance with the Comp. Plan.

154 language and to the intent of the IDO regarding self-storage facilities as *primary* conditional
155 uses in the MX-M zone district. As a starting point, there is no dispute that an office use is a
156 permissible use in the MX-M zone [IDO, Table 4-2-1, p. 132]. And, it is unmistakably clear
157 that since Appellant purchased the lot, the primary use on the lot is the construction business
158 office. The main structure on the lot houses the offices of the business [R. 014]. Moreover,
159 at the LUHO hearing, Appellant's agent confirmed that the *primary use* of the lot is the
160 construction business [LUHO hrg.]. Furthermore, there is no evidence in the record that the
161 Appellant intends to discontinue the primary office use if the conditional use is approved.

162 However, the evidence in the record also demonstrates that Appellant continues to
163 utilize the yard of the lot to store his construction business' equipment, materials, and supplies
164 [R. 014]. This is an undisputed fact. In effect, Appellant has been utilizing the lot as an
165 impermissible "construction contractor facility and yard," a use that is not allowed in the MX-
166 M zone. The fact that Appellant was cited with a zoning violation for maintaining construction
167 equipment on the premises underscores this inescapable conclusion [R. 014]. What is more,
168 this fact was also conceded at the ZHE hearing and at the LUHO hearing [R. 176, and LUHO
169 hrg.].

170 There is also substantial evidence in the record that Appellant intends to obtain the
171 conditional use permit so that he can erect a building to warehouse the construction materials
172 used with the primary use on the lot---the construction business use [R. 014, 184]. Thus,
173 Appellant's clear intent is to continue the *primary* office use while creating a storage building,
174 not as a primary use, but only as an *accessory use* for the existing office use.

175 Yet, self-storage facilities as conditional uses are only allowed in the MX-M zone

176 district as “*primary* conditional uses” and not as “*accessory* conditional uses” [See IDO, Table
177 4-2-1, p. 132]. This subtle, yet significant distinction is meaningful to the analysis of this
178 matter.

179 Under the IDO, there are three types of conditional land “uses” that are contemplated.
180 These are “conditional primary,” “conditional accessory,” and “conditional if structure [is]
181 vacant for five years” [See IDO, Table 4-2-1, p. 132]. There can be no question that in the
182 MX-M zone, “self-storage” is permissible only as a “conditional *primary* use” [IDO, Table 4-
183 2-1, p. 132]. I also note in Table 4-2-1 of the IDO, a self-storage facility is not listed as an
184 accessory use in the accessory uses part of the list in Table 4-2-1 [See IDO, Table 4-2-1, p.
185 133-134]. Thus, it is clear from the IDO, that a “self-storage” facility is not allowed as an
186 accessory use. There is a strong public policy rationale supporting the distinction.

187 If allowed, Appellant’s purported “self-storage” building will effectively transform
188 both uses (the primary and accessory use) into a *de facto*, yet impermissible, “construction
189 contractor facility and yard.” The only difference from what is currently taking place at the
190 site (and which is a zoning violation) compared to what is proposed by Appellant is that he
191 intends to add the storage building to warehouse materials inside a building.

192 Moreover, Appellant’s proposed arrangement is consistent with the *definition* in the
193 IDO of a “construction contractor facility and yard.” [See IDO, Definitions, p. 455].
194 Accordingly, I find that substantial evidence supports the conclusion that what Appellant is
195 currently operating on his lot and what he wishes to preserve with the conditional use is an
196 impermissible *de facto* “construction contractor facility and yard.”


197 I therefore find that the ZHE correctly denied Appellant’s application. Under the facts

198 of this matter, Appellant's proposed conditional use is contrary to the IDO because the
199 proposed use would achieve and circumvent the IDO's prohibition of construction contractor
200 facility and yards in an MX-M zone district. I therefore respectfully recommend, for the
201 reasons stated herein this recommendation, that the City Council uphold the ZHE's decision
202 denying Appellant's application.

203

204 Respectfully Submitted:

205


Steven M. Chavez, Esq.
Land Use Hearing Officer
October 8, 2020

Copies to:

Appellant (through his Agents)
Party Opponents
City Staff

**BEFORE THE CITY OF ALBUQUERQUE
LAND USE HEARING OFFICER**

APPEAL NO. AC-20-9

PR-2020-003906; VA-2020-00140; VA-2020-00275

JAG Planning & Zoning, agents for Jesus Apodaca, Appellant,

And,

Loretta Naranjo Lopez, in her official capacity as President of, and on behalf of the Santa Barbara Martineztown Neighborhood Association, Party Opponents.

1 This is an appeal from a decision of the Zoning Hearing Examiner (ZHE) denying a
2 proposed conditional use application for a use the Appellant contends is a “self-storage”
3 facility. After reviewing the record, listening to arguments and testimony, I find that the ZHE’s
4 decision should be upheld and that the appeal should be denied. Although, objectively one of
5 the ZHE’s findings is not well-explained, as discussed below, I find, as the ZHE similarly did,
6 that the Appellant failed to adequately support the application with the necessary analysis
7 required in the IDO for a conditional use application.

8 In addition, I find that there are other compelling grounds, not contemplated by the
9 ZHE, to deny the application. In short, Appellant’s proposal, if approved, would be an
10 abrogation of, and a departure from, the IDO’s detailed “use definitions.” As explained in more
11 detail below, Appellant’s proposal would render the important distinction between a “primary
12 conditional use” and an “accessory use” meaningless in the IDO.

13 **I. RELEVANT PROCEDURAL AND FACTUAL BACKGROUND**

14 The record reflects the following relevant facts. The Appellant, Jesus Apodaca, owns a
15 construction business [R. 175]. Approximately five years ago, the Appellant purchased a
16 .5732-acre lot that is located at 1718 Broadway Boulevard NE to utilize as the main offices for
17 his construction business [R. 009, and LUHO hrg.]. The lot contains two existing dwelling
18 units (buildings) [R. 179]. Appellant converted the larger of the two buildings for the exclusive
19 office use of the construction business [R. LUHO hrg.]. Appellant’s lot is zoned MX-M under
20 the IDO [R. 175]. Because the lot is zoned MX-M, it is undisputed that the lot can be utilized
21 for office uses. [IDO, Table 4-2-1, p. 132].

22 The second dwelling is dilapidated and apparently Appellant desires to raze it and
23 replace it with a 3,000 sq. ft. building structure to warehouse materials and supplies for his
24 construction business [R. 178]. Currently, Appellant stores construction materials and
25 equipment used in his construction business on the lot [R. 184]. It is an undisputed fact that in
26 an MX-M zone, operating a “construction contractor facility and yard” is not allowed, even by
27 conditional use [IDO, Table 4-2-1, p. 132]. In late 2019, Staff with the City Zoning Code
28 Enforcement Division cited Appellant for utilizing the lot as a construction contractor facility
29 and yard because he was storing construction equipment and materials thereon the lot [R.
30 LUHO hrg.]. There is un rebutted evidence that Appellant’s lot is still in violation of the IDO
31 because the lot continues to be used in some manner to store construction equipment for
32 Appellant’s business [R. 022, 184, and LUHO hrg.].

33 On April 3, 2020, the Appellant through his agents met with City Planning Staff in a
34 Pre-application Review Team Meeting (PRT) [R. 040-041]. Then on June 2, 2020, Appellant

35 through his agents, submitted an application to the City Planning Department for a “conditional
36 use to allow self-storage” on the premises [R. 033 - 034]. The purpose of the conditional use,
37 according to Appellant is to “allow the site to come into compliance” [R. 022].

38 At the ZHE hearing, Appellant’s agents submitted a petition signed by seven
39 neighboring residents including some abutting residents who expressed support for the
40 proposed conditional use application [R. 084 - 086]. The Santa Barbara Martineztown
41 Neighborhood Association (SBMNA) opposed the conditional use application and is a party
42 to this appeal [LUHO Hrg.]. In their opposition to the proposed use, the SBMNA through its
43 Board of directors submitted to the ZHE a letter and other documentation regarding the history
44 of the SBMNA neighborhood including information regarding the site for the proposed use
45 [R. 087 - 164].

46 On July 21, 2020, the ZHE held a quasi-judicial hearing on the application [R. 174].
47 On August 5, 2020, in an Official Notification of Decision, the ZHE made twenty findings of
48 fact and law, and denied the proposed use [R. 004 – 008]. Appellant filed his timely appeal
49 and the City Council delegated the appeal to its LUHO [R. 009]. A quasi-judicial land use
50 appeal hearing was held via remote video on October 2, 2020.¹

51

52 **II. STANDARD OF REVIEW**

53 A review of an appeal is a whole record review to determine whether the ZHE acted
54 fraudulently, arbitrarily, or capriciously; or whether the ZHE’s decision is not supported by
55 substantial evidence; or if the ZHE erred in applying the requirements of the IDO, a plan,

1. At the time of the LUHO hearing the City was under a public health emergency order from the State and from the City.

56 policy, or regulation [IDO, § 14-16-6-4(U)(4)]. At the appeal level of review, the decision and
57 record must be supported by substantial evidence to be upheld. The LUHO may recommend
58 that the City Council affirm, reverse, or otherwise modify the lower decision to bring it into
59 compliance with the standards and criteria of this IDO [IDO § 6-4(U)(3)(d)(5)]. The City
60 Council also delegated authority to the LUHO to remand appeals [IDO, § 14-16-6-4(U)(3)(d)].

61

62 **III. DISCUSSION**

63 Appellant claims that two of the ZHE’s findings (Fndgs. # 16 and 18) are not supported
64 by the evidence in the record and therefore his decision should be reversed or remanded back
65 to the ZHE to redress the alleged errors. Only to the extent that at least one finding (Findg.
66 #18) is not *well-explained*, I agree. However, I find that this error does not warrant a reversal
67 or a remand because the evidence in the record supports that the proposed conditional use
68 application should still be denied. I find that ZHE Finding #16 is an independent basis
69 supporting denial.

70 In addition, because under IDO § 6-4(U)(3)(d)(5), the LUHO has authority to
71 “modify” the ZHE findings, I also find that there are grounds that were not contemplated by
72 the ZHE that also supports a denial of the application. I begin the analysis with the ZHE’s
73 decision, the reasons for the appeal, and the requirements in the IDO for a conditional use.

74 The ZHE correctly noted that under § 14-16-6-4(F)(2), the applicant bears the burden
75 to satisfy all the IDO requirements to support an application [R. 005, Fndg. #14]. Under §
76 14-16-6-6(A)(3) of the IDO, an applicant must satisfy all the threshold criteria for a conditional
77 use including:

115 general intent of the Comp. Plan to keep compatible, allowable uses together [R. 015].
116 Appellant argued to the ZHE that because the proposed use is permitted (as a conditional use)
117 in the MX-M zone, the conditional use generally furthers the Comp. Plan [R. 015]. Appellant
118 also argues that it was arbitrary for the ZHE to rely on the opposing evidence submitted by the
119 SBMNA to find that the proposed use is inconsistent with the Comp. Plan.²

120 Regarding their first argument, to satisfy the first prong of the analysis required in §
121 14-16-6-6(A)(3)(a) of the IDO, Appellant woefully assumes that there is a presumption that
122 the use proposed “will not materially undermine the intent and purpose of
123 the...Comprehensive Plan” merely because self-storage is an allowable conditional use [R.
124 016]. Yet, in reviewing the IDO and the Comp. Plan, I find that there is no such generalized
125 presumption which can be gleaned from the IDO and the Comp. Plan. I also find that the use
126 proposed by Appellant under the facts in this matter actually does undermine the IDO because
127 what Appellant is proposing is in fact not a “primary conditional use.” This issue will be
128 discussed in detail further below.

129 For purposes of the ZHE’s findings, however, the six criteria of §14-16-6-6(A)(3) of
130 the IDO requires (1) a site-specific analysis of the project site and (2) an analysis of specific
131 goals and policies of the Comp Plan. In written arguments supporting the appeal, Appellant
132 conceded that specificity regarding the Comp. Plan was not presented to the ZHE to meet the
133 requirements of the first prong [R. 015]. Thus, I find that the ZHE did not err in finding that

2. Appellant contends that a 2013 “Impact” study of the neighborhood submitted by the SBMNA is generally erroneous and inapplicable to the issues of this matter, and as such the ZHE should not have relied on it to form the basis for Finding #18. I don’t disagree, but as shown below, the conditional use should and can be denied without relying on the study evidence that Appellant challenges in this appeal.

134 Appellant’s reliance on the site’s MX-M zoning and the obscure generalization that a self-
135 storage use is presumptively compatible as a permissive, conditional use is insufficient to
136 satisfy § 6-6(A)(3)(a).³ Moreover, in reviewing the record before the ZHE, including
137 Appellant’s concession that he failed to make any policy arguments based on specific goals
138 and policies of the Comp. Plan, I find that there exists substantial evidence supporting the
139 ZHE’s Finding #16.

140 As indicated above, Appellant also alleges that the ZHE’s Finding #18 is based on the
141 Impact Study evidence submitted by the SBMNA. I disagree. Appellant assumes that the ZHE
142 found that the ZHE’s Finding #18 is based on evidence submitted by the SBMNA only because
143 the ZHE did not adequately explain his finding. ZHE’s Finding #18 is vague, and the ZHE
144 should have better explained with objective specificity the basis for his finding that
145 “substantial evidence exists in favor of a conclusion that the proposed conditional use would
146 be inconsistent with the ABC Comp. Plan...” [R. 007]. To sum things up, the ZHE did not
147 clearly identify what evidence he considered as substantial evidence to support the legal
148 conclusion in Finding #18. However, because I find that the ZHE did not err with his Finding
149 #16, and because there is substantial evidence supporting Finding #16, as described above,
150 Appellant’s appeal cannot be upheld regardless of the outcome on ZHE Finding #18. In
151 addition, as alluded to above, there is another more significant reason for upholding the ZHE’s
152 decision; a reason that the ZHE did not consider of which I now consider below.

153 I find that the proposed conditional use on Appellant’s lot is contrary to the express

3. I note for the City Council, that although there are mixed uses in the area around the site, including residential uses abutting Appellant’s lot, Appellant failed to clarify to the ZHE what the zoning of the abutting uses are. The abutting zoning is essential information to analyze compliance with the Comp. Plan.

154 language and to the intent of the IDO regarding self-storage facilities as *primary* conditional
155 uses in the MX-M zone district. As a starting point, there is no dispute that an office use is a
156 permissible use in the MX-M zone [IDO, Table 4-2-1, p. 132]. And, it is unmistakably clear
157 that since Appellant purchased the lot, the primary use on the lot is the construction business
158 office. The main structure on the lot houses the offices of the business [R. 014]. Moreover,
159 at the LUHO hearing, Appellant’s agent confirmed that the *primary use* of the lot is the
160 construction business [LUHO hrg.]. Furthermore, there is no evidence in the record that the
161 Appellant intends to discontinue the primary office use if the conditional use is approved.

162 However, the evidence in the record also demonstrates that Appellant continues to
163 utilize the yard of the lot to store his construction business’ equipment, materials, and supplies
164 [R. 014]. This is an undisputed fact. In effect, Appellant has been utilizing the lot as an
165 impermissible “construction contractor facility and yard,” a use that is not allowed in the MX-
166 M zone. The fact that Appellant was cited with a zoning violation for maintaining construction
167 equipment on the premises underscores this inescapable conclusion [R. 014]. What is more,
168 this fact was also conceded at the ZHE hearing and at the LUHO hearing [R. 176, and LUHO
169 hrg.].

170 There is also substantial evidence in the record that Appellant intends to obtain the
171 conditional use permit so that he can erect a building to warehouse the construction materials
172 used with the primary use on the lot---the construction business use [R. 014, 184]. Thus,
173 Appellant’s clear intent is to continue the *primary* office use while creating a storage building,
174 not as a primary use, but only as an *accessory use* for the existing office use.

175 Yet, self-storage facilities as conditional uses are only allowed in the MX-M zone

176 district as “*primary* conditional uses” and not as “*accessory* conditional uses” [See IDO, Table
177 4-2-1, p. 132]. This subtle, yet significant distinction is meaningful to the analysis of this
178 matter.

179 Under the IDO, there are three types of conditional land “uses” that are contemplated.
180 These are “conditional primary,” “conditional accessory,” and “conditional if structure [is]
181 vacant for five years” [See IDO, Table 4-2-1, p. 132]. There can be no question that in the
182 MX-M zone, “self-storage” is permissible only as a “conditional *primary* use” [IDO, Table 4-
183 2-1, p. 132]. I also note in Table 4-2-1 of the IDO, a self-storage facility is not listed as an
184 accessory use in the accessory uses part of the list in Table 4-2-1 [See IDO, Table 4-2-1, p.
185 133-134]. Thus, it is clear from the IDO, that a “self-storage” facility is not allowed as an
186 accessory use. There is a strong public policy rationale supporting the distinction.

187 If allowed, Appellant’s purported “self-storage” building will effectively transform
188 both uses (the primary and accessory use) into a *de facto*, yet impermissible, “construction
189 contractor facility and yard.” The only difference from what is currently taking place at the
190 site (and which is a zoning violation) compared to what is proposed by Appellant is that he
191 intends to add the storage building to warehouse materials inside a building.

192 Moreover, Appellant’s proposed arrangement is consistent with the *definition* in the
193 IDO of a “construction contractor facility and yard.” [See IDO, Definitions, p. 455].
194 Accordingly, I find that substantial evidence supports the conclusion that what Appellant is
195 currently operating on his lot and what he wishes to preserve with the conditional use is an
196 impermissible *de facto* “construction contractor facility and yard.”

197 I therefore find that the ZHE correctly denied Appellant’s application. Under the facts

198 of this matter, Appellant’s proposed conditional use is contrary to the IDO because the
199 proposed use would achieve and circumvent the IDO’s prohibition of construction contractor
200 facility and yards in an MX-M zone district. I therefore respectfully recommend, for the
201 reasons stated herein this recommendation, that the City Council uphold the ZHE’s decision
202 denying Appellant’s application.

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204 Respectfully Submitted:

205



Steven M. Chavez, Esq.
Land Use Hearing Officer
October 8, 2020

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Martineztown-Santa Barbara Traffic Study

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APPENDICES

1. INTRODUCTION

The scope of this study is to perform a traffic analysis for the Martineztown - Santa Barbara neighborhood. The Santa Barbara-Martineztown neighborhood is located within the City of Albuquerque and is bounded by Menaul Boulevard on the north, Lomas Boulevard on the south, I-40 to the east, and the BNSF railroad tracks to the west (see Figure 1). The neighborhood association has been working closely with their City Councilor, Isaac Benton, on traffic issues that affect the neighborhood. The scope of this study addresses issues that the residents have raised as being of particular concern which include:

- Analysis of operations on the recently restriped area of Broadway, north of I-40.
- Analysis of operations and turn movements at the Broadway/Mountain and Broadway/Odelia intersections
- Count traffic and evaluate intersection Level of Service (LOS) at the locations shown in Figure 2.
- Monitor speeds and identify speed conditions and mitigation measures, especially on Broadway and Commercial (see Figure 2)
- Identify potential traffic calming measures on Mountain Road
- Review ADA conditions and identify improvements
- Study the feasibility of a new pedestrian access to Coronado Park
- Analyze alternatives to reduce truck use of Rosemont west of Broadway



Figure 1. Study Limits

Regional principal arterials in the study area consist of Broadway Boulevard in the north/south direction and Lomas Boulevard in the east/west direction. Menaul Boulevard is considered a community principal arterial which usually have lower speeds and fewer lanes than a regional principal arterial. Odelia Road is classified as a minor arterial and Mountain Road as a major collector.

Truck traffic is restricted on several streets within the neighborhood:

- No trucks over 3 tons on Marble Avenue between Arno Street and Edith Boulevard
- No trucks over 5 tons on Mountain Road from I-40 to Broadway Boulevard
- No trucks on Edith Boulevard between Mountain Road and Odelia Road
- Trucks are also not allowed on the residential streets of Arvada, Cutler, and Prospect Avenues between Commercial Street and Edith Boulevard and on Towner Avenue west of Edith Boulevard.

2. DATA COLLECTION

Eight-hour turning movement counts were collected on September 5, 2017, at the following intersections (locations indicated by a “1” on Figure 2):

- Broadway/Arvada
- Broadway/Cutler
- Broadway/Prospect
- Broadway/Mountain
- Broadway/Odelia

Speed, volume, and classification data were collected using counting tubes on September 5-11, 2017, at the following locations (locations indicated by a “2” on Figure 2):

- Mountain (between Edith and Broadway)
- Broadway (between Prospect and Cutler)
- Commercial (between Prospect and Cutler)
- Edith (between Odelia and I-40)

This data is included in Appendix A and summarized in the figures in Section 3, Traffic Analysis.

In addition, Parametrix’ project engineer visited the site in September 2017 to observe existing traffic operations, existing signs, note ADA deficiencies, etc.



Figure 2. Traffic Count Locations

3. TRAFFIC ANALYSIS

3.1 Operations of Broadway Blvd. between I-40 and Menaul

In 2016, the portion of Broadway Boulevard between I-40 and Menaul Boulevard was restriped to change the lane configuration. Prior to the restriping, Broadway had a single driving lane in each direction separated by a shared two-way left-turn lane. Now, Broadway is a two-lane undivided roadway with bicycle lanes. The roadway space that had been dedicated to the two-way left-turn lane has been reallocated to the outside of each driving lane as bicycle lanes. Vehicles making a left turn along this stretch of Broadway now make the turn out of the through driving lane. The bicycle lanes provide connectivity with the existing bicycle lanes on Broadway north of Menaul and the proposed bicycles lanes south of I-40 shown in the 2040 Long Range Bikeway System map.

As part of this study, motor vehicle, pedestrian, and bicyclist traffic at the three intersections along Broadway between I-40 and Menaul was counted in the morning, mid-day, and afternoon peak periods on Tuesday, September 5, 2017. The peak hour vehicle counts are shown in Figure 3 - Figure 5. All count data is presented in Appendix A.

Delays and levels of service (LOS) were evaluated at each of the three intersections in the morning, mid-day, and afternoon peak hours using methodologies from the 2010 *Highway Capacity Manual*. Two-way stop controlled intersection LOS is defined in terms of the average control delay for each minor-street movement (or shared movement) as well as major-street left-turns. This approach is used because major-street through vehicles are assumed to experience zero delay, so a weighted average of all movements results in very low overall average delay and this calculated low delay could mask deficiencies of minor movements. A LOS of D or better is typically considered acceptable. LOS criteria for unsignalized intersections are as follows:

| <u>Average Control Delay (sec/veh)</u> | <u>LOS</u> |
|--|------------|
| 0 – 10 | A |
| >10 – 15 | B |
| >15 – 25 | C |
| >25 – 35 | D |
| >35 – 50 | E |
| >50 | F |

Tables 1-3 show the existing delays and levels of service at each approach for each of the peak periods. The traffic analysis worksheets are included in Appendix B.

Table 1. AM Peak Hour Delay (in seconds delay per vehicle) and Level of Service

| Intersection | Eastbound | Westbound | Northbound | Southbound |
|---------------------|------------------|------------------|-------------------|-------------------|
| Broadway/Prospect | 22/C | 17/C | 9/A | 9/A |
| Broadway/Cutler | 18/C | 17/C | 9/A | 8/A |
| Broadway/Arvada | 21/C | 26/D | 9/A | 8/A |

Table 2. Noon Peak Hour Delay (in seconds delay per vehicle) and Level of Service

| Intersection | Eastbound | Westbound | Northbound | Southbound |
|-------------------|-----------|-----------|------------|------------|
| Broadway/Prospect | 17/C | 16/C | 8/A | 8/A |
| Broadway/Cutler | 18/C | 15/C | 8/A | 8/A |
| Broadway/Arvada | 15/C | 18/C | 8/A | 8/A |

Table 3. PM Peak Hour Delay (in seconds delay per vehicle) and Level of Service

| Intersection | Eastbound | Westbound | Northbound | Southbound |
|-------------------|-----------|-----------|------------|------------|
| Broadway/Prospect | 29/D | 22/C | 8/A | 11/B |
| Broadway/Cutler | 30/D | 17/C | 8/A | 10/B |
| Broadway/Arvada | 40/E | 36/E | 8/A | 10/B |

The analyses show that most of the time the intersections operate well, with roadway level of services at a LOS C or better and vehicle delays of 22 seconds or less; however, in the afternoon peak (from 4:30 to 5:30 pm) vehicles turning off of the side streets may experience longer delays due to the heavier traffic on Broadway.

3.1.1 Two-Way Left-Turn Lane Warrants

Guidance for the use of two-way left-turn lanes (TWLTL) includes volume warrants, minimum and maximum access densities and minimum TWLTL length, among other considerations. The volume warrant cannot be verified with the available traffic count data collected along Broadway Boulevard in this area.

Access density is the number of access points on both sides of the street over a length of one mile. The minimum access density recommended is ten access points per mile; the maximum access density must be less than 85 access points per mile. Broadway Boulevard between I-40 and Menaul contains 31 access points over approximately 0.3 miles. (Those properties having two driveways were counted as a single access point.) The access density is calculated to be 103 access points per mile, which exceeds the recommended maximum of 85. High access densities have the potential to significantly increase the likelihood of conflicts between turning traffic and through traffic.

The recommended minimum length of a TWLTL is 425 feet. This length is based in part on providing adequate stopping sight distance at 35 mph in advance of a downstream intersection. The blocks between Arvada and Cutler, and Cutler and Prospect are approximately 285 feet long, which does not meet the minimum guideline.

The high access density along Broadway Boulevard and the short block lengths would compromise the safety of a TWLTL. These reasons support the current re-striped roadway section without the two-way left-turn lane.



Figure 3. Existing AM Peak Hour Vehicular Counts (7:30 to 8:30 am)



Figure 4. Existing Noon Peak Hour Vehicular Counts (12:00 to 1:00 pm)



Figure 5. Existing PM Peak Hour Vehicular Counts (4:30 to 5:30)

3.1.2 Potential for Moving Existing Bicycle Lanes on Broadway Blvd to Edith Blvd

It has been suggested that the existing bicycle lanes on Broadway Boulevard between I-40 and Menaul be relocated onto Edith Boulevard.

Bicycle lanes exist on Broadway north of Menaul and south of Iron Avenue. The Long-Range Bikeway System map shows Broadway Boulevard in the future having continuous bicycle lanes from I-25 to the south to Candelaria Road on the north. Relocating the bicycle lanes to Edith would require a through-cyclist on Broadway to travel about a quarter mile out of direction to the east and then back west, because the portion of Edith north of Menaul extending to Broadway is a gated private road. Edith Boulevard is already designated as a bicycle route that can be used by cyclists; if a cyclist prefers not to use the bicycle lanes on Broadway and Odelia, there are existing bicycle facilities on Prospect and Menaul that may be used for travel between Broadway and Edith.

Without a compelling reason to do so, it is not recommended to relocate the existing bicycle lanes on Broadway north of I-40 to Edith Boulevard.

3.2 Broadway/Odelia and Broadway/Mountain Intersections

The Broadway Boulevard approaches to the Odelia Road and Mountain Road intersections are each comprised of two lanes designated as a shared left/through lane and a shared right/through lane. The signal control at these approaches is a single phase; consequently, motorists making a left turn from the shared left/through lane will block and delay a through-moving vehicle behind them. Alternatively, through motorists will avoid that situation by not using the inside lane, which becomes a de facto (unofficial) left-turn lane.

As part of this study, motor vehicle, pedestrian, and bicyclist traffic at the two intersections was counted in the morning, mid-day, and afternoon peaks on Tuesday, September 5, 2017. The peak hour vehicle counts are shown in Figure 6 - Figure 8. All count data is presented in Appendix A.

As mentioned earlier, the 2040 Long Range Bikeway System Map shows that bicycle lanes are proposed on Broadway south of I-40, including through the intersections at Odelia Road and Mountain Road. With the available roadway width and average weekday traffic (AWDT) volume (approximately 10,500 to 12,000 vehicles per day [vpd] in 2016 according to the Mid-Region Council of Governments [MRCOG]), a “road diet” may be suitable for this corridor. (Also according to MRCOG, Odelia Road had an AWDT of 1,300 vpd and Mountain Road had an AWDT of 5,200 to 7,700 vpd in 2016.) According to the New Mexico Department of Transportation Road Diet Guide (November 2016), roadways with an average daily traffic volume of 10,000 to 19,000 vpd are candidates for a road diet if analysis of the key intersections along the roadway shows acceptable operations. A road diet cross section would consist of a single driving lane and bicycle lane in each direction and a shared two-way left-turn lane. This would formalize the de facto left turn lanes at the signalized intersections and would also create the desired bicycle lanes.

Delays and levels of service were evaluated at each of the intersections under existing conditions in the morning, mid-day, and afternoon peak hours using methodologies from the *Highway Capacity Manual*. A LOS of D or better is typically considered acceptable. A second capacity analysis was done for both intersections assuming a road diet section. Under the road diet option, one additional aspect of the geometry was also assumed to be changed at the westbound approach of Odelia at Broadway. Here there are currently three lanes: a left-turn lane, striped-out center lane, and shared through/right-turn lane. While the through movement volume here is low, any through

vehicle stopped at the signal will block vehicles behind it from making a right-turn on red. Opening the center lane for through vehicles will allow right turns on red and increase capacity. The results of these analyses are also shown in Tables 6-8. The traffic analysis worksheets are included in Appendix B

Table 4. AM Peak Hour (7:00 to 8:00 am) Delay and Level of Service

| Broadway/ Odelia | Eastbound | | Westbound | | | Northbound | | Southbound | | Overall Inter- section |
|-----------------------------|------------------|-------|------------------|------|-------|-------------------|--------|-------------------|--------|---------------------------------------|
| | Left/ Thru | Right | Left | Thru | Right | Left | Shared | Left | Shared | |
| Existing Conditions | 13/B | 13/B | 22/C | 15/B | | n/a | 11/B | n/a | 21/C | 16/B |
| Broadway Road Diet | 27/C | 26/C | 39/D | 26/C | 30/C | 11/B | 13/B | 40/D | 9/A | 20/C |

| Broadway/ Mountain | Eastbound | | Westbound | | | Northbound | | Southbound | | Overall Inter- section |
|-------------------------------|------------------|----------------|------------------|------|-------|-------------------|--------|-------------------|--------|---------------------------------------|
| | Left | Thru/ Right | Left | Thru | Right | Left | Shared | Left | Shared | |
| Existing Conditions | 18/ B | 17/B | 23/C | 15/B | 14/B | n/a | 8/A | n/a | 9/A | 12/B |
| Broadway Road Diet | 18/ B | 18/B | 23/C | 16/B | 14/B | 18/ B | 11/B | 13/B | 15/B | 15/B |

Table 5. Noon Peak Hour (12:00 to 1:00 pm) Delay and Level of Service

| Broadway/ Odelia | Eastbound | | Westbound | | | Northbound | | Southbound | | Overall Intersection |
|-----------------------------|------------------|-------|------------------|------|-------|-------------------|--------|-------------------|--------|---------------------------------|
| | Left/ Thru | Right | Left | Thru | Right | Left | Shared | Left | Shared | |
| Existing Conditions | 13/B | 13/B | 19/B | 15/B | | n/a | 9/A | n/a | 10/A | 11/B |
| Broadway Road Diet | 15/B | 15/B | 19/B | 15/B | 17/B | 7/A | 8/A | 12/ B | 7/A | 11/B |

| Broadway/ Mountain | Eastbound | | Westbound | | | Northbound | | Southbound | | Overall Intersection |
|-------------------------------|------------------|----------------|------------------|------|-------|-------------------|--------|-------------------|------------|---------------------------------|
| | Left | Thru/ Right | Left | Thru | Right | Left | Shared | Left | Share d | |
| Existing Conditions | 18/B | 19/B | 23/C | 15/B | 14/B | n/a | 8/A | n/a | 8/A | 12/B |
| Broadway Road Diet | 18/B | 20/B | 24/C | 15/B | 14/B | 15/B | 10/A | 12/B | 12/B | 14/B |



Figure 6. Existing AM Peak Hour Vehicular Counts (Sep. 5, 2017)



Figure 7. Existing Noon Peak Hour Vehicular Counts (Sep. 5, 2017)



Figure 8. Existing PM Peak Hour Vehicular Counts (Sep. 5, 2017)

Table 6. PM Peak Hour (4:30 to 5:30 am) Delay and Level of Service

| Broadway/ Odelia | Eastbound | | Westbound | | | Northbound | | Southbound | | Overall Intersection |
|---------------------|---------------|-------|-----------|------|-------|------------|--------|------------|--------|-------------------------|
| | Left/ Thru | Right | Left | Thru | Right | Left | Shared | Left | Shared | |
| Existing Conditions | 13/B | 12/B | 26/C | 16/B | | n/a | 16/B | n/a | 16/B | 17/B |
| Broadway Road Diet | 27/C | 27/C | 39/D | 26/C | 46/D | 9/A | 25/C | 60/E | 8/A | 27/C |

| Broadway/ Mountain | Eastbound | | Westbound | | | Northbound | | Southbound | | Overall Intersection |
|-----------------------|-----------|----------------|-----------|------|-------|------------|--------|------------|--------|-------------------------|
| | Left | Thru/ Right | Left | Thru | Right | Left | Shared | Left | Shared | |
| Existing Conditions | 19/B | 19/B | 23/C | 15/B | 16/B | n/a | 9/A | n/a | 8/A | 12/B |
| Broadway Road Diet | 19/B | 19/B | 23/C | 16/B | 16/B | 18/B | 17/B | 19/B | 14/B | 17/B |

The existing lane configuration results in a LOS of C or better for each movement. The road diet option also results in a LOS of C or better for each movement with the exception of three movements in the PM peak at the Broadway/Odelia intersection – the westbound left- and right-turn movements are expected to operate at a LOS D and the southbound left turn movement is expected to operate at a LOS E. This occurs because the cycle length is made longer to accommodate the northbound-southbound through movement which now has just one through lane (even though the inside through lane is currently shared with left turns, especially in the northbound direction the left-turn volume is so low that the through movement can typically use both of the two lanes). With the longer cycle length, and more of the cycle length assigned to the north-south movement, delay on the side streets increases and LOS worsens. The southbound left-turn movement delay increases substantially because there are fewer gaps in which to turn across the northbound through movement with one lane than there were with two.

The analyses with the road diet section on Broadway assumed that the signal phasing would still be a single phase in each direction (no protected left turn movements). Guidelines from FHWA, shown in Appendix D, list these reasons to consider a protected left turn phase:

1. A high number of crashes has occurred.
2. Adequate sight distance is not available for the left-turning motorist.
3. There are two or more left turn lanes.
4. There are four or more opposing through lanes.

- There is a high combination of left-turning vehicles and opposing through vehicles (per FHWA, more than 50,000 in a peak hour).

While crash data was provided for the years 2013-2015 (in Appendix E), they do not assume a road-diet section in which the left turns on Broadway are removed from the through lane, so it would not be valid to consider these crashes as a factor for a protected left-turn phase for the north-south movements. The data showed two crashes in a year involving left turns from Mountain Road at Broadway, but the FHWA guidelines consider four left-turn crashes as the critical number in a year. The data showed no left-turn crashes from Odelia at the Broadway intersection. In general, converting a four-lane undivided roadway to a roadway with two through lanes and a shared left-turn lane (a road diet) is expected to result in a reduction of crashes from 19 to 47%, according to the FHWA’s Crash Modification Factors Clearinghouse. Conditions 2 through 4 listed above do not exist at either Broadway/Odelia or Broadway/Mountain.

The last condition listed above may exist in the morning and afternoon peaks for the combination of the southbound left turn and the northbound through movement at Broadway/Odelia; this results in the lower levels of service for that left turn movement in the morning and afternoon peaks (“D” and “E,” respectively). However, if the road diet is implemented it is recommended that the permitted-only lefts be observed first before installing any of the equipment that would be required for a new protected left turn phase.

4. SPEED CONTROL

4.1 Speeds on Broadway North of I-40

The posted speed limit on Broadway north of I-40 is 35 mph; it is classified as a Regional Principal Arterial. For this study, speeds on Broadway were collected for a seven-day period using pneumatic tubes at a location between Cutler and Prospect. Tables 4 and 5 summarize the data, which is provided in its entirety in Appendix C. One of the columns in the speed tables presents the 85th percentile speed; this is the speed below which 85 percent of drivers were traveling. The 85th percentile speed is used as a guideline for setting speed limits because it is assumed that the large majority of drivers are reasonable and prudent.

Table 7. Broadway Boulevard NB Driving Speeds Collected Week of Sep. 5 – Sep. 11, 2017

| Northbound Traffic | No. Vehicles Counted at Each Driving Speed | | | | 85 th Percentile Speed | Comments |
|--------------------|--|-----------|-----------|-------------|-----------------------------------|------------------------------------|
| | <35 mph | 35-45 mph | 45-55 mph | Over 55 mph | | |
| Tuesday | 3,388 | 3,444 | 178 | 10 | 39.9 | Speed of 80-85 mph recorded, 7 pm |
| Wednesday | 3,843 | 3,018 | 146 | 17 | 39.6 | Speed of 80-85 mph recorded, 12 am |
| Thursday | 4,024 | 2,973 | 136 | 10 | 39.3 | Speed of 70-75 mph recorded, 11 pm |

| | | | | | | |
|----------|-------|-------|-----|----|------|------------------------------------|
| Friday | 3,636 | 3,338 | 180 | 9 | 39.9 | Speed of 75-80 mph recorded, 11 am |
| Saturday | 1,470 | 2,281 | 184 | 13 | 42.0 | Speed of 65-70 mph recorded, 3 pm |
| Sunday | 976 | 1,866 | 141 | 5 | 42.2 | Speed of 75-80 mph recorded, 8 pm |
| Monday | 3,230 | 3,377 | 148 | 5 | 39.9 | |

Table 8. Broadway Boulevard SB Driving Speeds Collected Week of Sep. 5 – Sep. 11, 2017

| Southbound Traffic | No. Vehicles Counted at Each Driving Speed | | | | 85 th Percentile Speed | Comments |
|--------------------|--|-----------|-----------|-------------|-----------------------------------|-----------------------------------|
| | <35 mph | 35-45 mph | 45-55 mph | Over 55 mph | | |
| Tuesday | 2,816 | 2,482 | 88 | 3 | 39.5 | |
| Wednesday | 2,793 | 2,415 | 79 | 1 | 39.4 | |
| Thursday | 2,961 | 2,391 | 71 | 4 | 39.2 | |
| Friday | 2,786 | 2,740 | 88 | 6 | 39.6 | |
| Saturday | 1,275 | 1,643 | 78 | 2 | 40.4 | |
| Sunday | 917 | 1,163 | 77 | 2 | 41.0 | |
| Monday | 2,450 | 2,675 | 91 | 3 | 39.8 | Speed of 75-80 mph recorded, 3 pm |

The data show that:

- 49% of vehicles were traveling below the 35 mph speed limit
- 98% of vehicles were traveling slower than 45 mph (10 mph over the speed limit)
- Several drivers were recorded traveling at higher speeds up to 80 mph

According to the Long Range Transportation System Guide, 35 mph is an appropriate posted speed limit for a Regional Principal Arterial with six-foot bicycle lanes; however, the 85th percentile speeds are closer to 40 mph than 35 mph.

4.2 Effectiveness of Speed Humps on Commercial Street

One block west of Broadway, Commercial Street between I-40 and Menaul, which is classified as a local road, has five speed humps which have been in place at least 15 years. One speed hump is

located in each block from I-40 to Arvada, Arvada to Cutler, and Cutler to Prospect, and two speed humps are located between Prospect and Menaul. The speed limit is posted for southbound traffic at 25 mph. There is no posted speed limit for northbound traffic, but Albuquerque’s City Traffic Code defines the speed limit on residential streets as 25 mph if not otherwise posted.

For this study, speeds on Commercial were collected for a seven-day period using pneumatic tubes at a location between Cutler and Prospect. Tables 9 and 10 summarize the data, which is provided in its entirety in Appendix C.

Table 9. Commercial Street NB Driving Speeds Collected Week of Sep. 5 – Sep. 11, 2017

| North-bound Traffic | No. Vehicles Counted at Each Driving Speed | | | | 85 th Percentile Speed | Comments |
|---------------------|--|-----------|-----------|-----------|-----------------------------------|--|
| | 0-20 mph | 20-25 mph | 25-30 mph | 30-40 mph | | |
| Tuesday | 138 | 159 | 48 | 14 | 26.5 | |
| Wednesday | 153 | 136 | 65 | 13 | 26.9 | One speed of 85-90 mph recorded at 4 pm |
| Thursday | 169 | 131 | 35 | 5 | 24.3 | One speed of 80-85 mph recorded at 10 am |
| Friday | 133 | 133 | 54 | 8 | 26.6 | |
| Saturday | 91 | 61 | 26 | 1 | 24.4 | |
| Sunday | 64 | 45 | 15 | 4 | 27.1 | One speed of 80-85 mph recorded at 7 pm |
| Monday | 137 | 120 | 54 | 5 | 26.6 | One speed of 45-50 mph recorded at 3 pm |

Table 10. Commercial Street SB Driving Speeds Collected Week of Sep. 5 – Sep. 11, 2017

| South-bound Traffic | No. Vehicles Counted at Each Driving Speed | | | | 85 th Percentile Speed | Comments |
|---------------------|--|-----------|-----------|-----------|-----------------------------------|----------|
| | 0-20 mph | 20-25 mph | 25-30 mph | 30-40 mph | | |
| Tuesday | 130 | 97 | 41 | 5 | 26.5 | |
| Wednesday | 127 | 100 | 31 | 9 | 24.9 | |

| | | | | | | |
|----------|-----|-----|----|---|------|---|
| Thursday | 129 | 94 | 30 | 3 | 24.6 | |
| Friday | 107 | 109 | 37 | 6 | 26.7 | One speed of 60-65 mph recorded at 1 pm |
| Saturday | 69 | 33 | 21 | 2 | 27.1 | |
| Sunday | 68 | 25 | 7 | 2 | 22.9 | |
| Monday | 120 | 103 | 29 | 5 | 24.7 | |

The “Comments” column of the tables show that five outlying speeds, one up to 85 or 90 mph, were recorded during the seven-day period. However, the data also show that:

- volumes are much lower than on Broadway
- 84% of vehicles were traveling below the 25 mph speed limit
- 98% of vehicles were traveling slower than 30 mph
- 2% of vehicles were traveling 30 to 40 mph

The existing speed humps appear to be adequately keeping speeds down along this segment of Commercial Street, with the exception of the few outliers. Methods for deterring high speeds like these on Commercial are discussed later in this report.

4.3 Speeds on Edith Boulevard

Edith Boulevard between Odelia Road and I-40 has a posted speed limit of 30 mph and is classified as a local road. For this study, speeds on Edith were collected for a seven-day period using pneumatic tubes at a location between Odelia and Hannett. Tables 11 and 12 summarize the data, which is provided in its entirety in Appendix C.

Table 11. Edith Boulevard NB Driving Speeds Collected Week of Sep. 5 – Sep. 11, 2017

| Northbound Traffic | No. Vehicles Counted at Each Driving Speed | | | | 85 th Percentile Speed | Comments |
|--------------------|--|-----------|-----------|-----------|-----------------------------------|-------------------------------------|
| | 0-25 mph | 25-30 mph | 30-40 mph | 40-50 mph | | |
| Tuesday | 184 | 350 | 734 | 82 | 37.8 | 3 speeds recorded between 50-65 mph |
| Wednesday | 189 | 302 | 672 | 79 | 37.9 | 6 speeds recorded between 50-65 mph |
| Thursday | 221 | 395 | 784 | 84 | 37.4 | 3 speeds recorded between 50-55 mph |

| | | | | | | |
|----------|-----|-----|-----|----|------|---|
| | | | | | | 1 speed recorded between 70-75 mph, at 11 am |
| Friday | 238 | 379 | 787 | 65 | 37.5 | 5 speeds recorded between 50-90 mph |
| Saturday | 131 | 238 | 537 | 71 | 38.0 | 3 speeds recorded between 50-55 mph 1 speed recorded between 85-90 mph, at noon |
| Sunday | 101 | 203 | 469 | 64 | 38.2 | 1 speed recorded between 45-50 mph 2 speeds recorded between 70-75 mph 1 speed recorded between 85-90 mph, at 6pm |
| Monday | 207 | 331 | 772 | 71 | 37.7 | 4 speeds recorded between 50-65 mph |

Table 12. Edith Boulevard SB Driving Speeds Collected Week of Sep. 5 – Sep. 11, 2017

| Southbound Traffic | No. Vehicles Counted at Each Driving Speed | | | | 85 th Percentile Speed | Comments |
|--------------------|--|-----------|-----------|-----------|-----------------------------------|---------------------------------------|
| | 0-25 mph | 25-30 mph | 30-40 mph | 40-50 mph | | |
| Tuesday | 148 | 266 | 1037 | 293 | 40.9 | 11 speeds recorded between 50 -65 mph |
| Wednesday | 159 | 241 | 1055 | 256 | 40.5 | 20 speeds recorded between 50-70 mph |
| Thursday | 169 | 258 | 1041 | 256 | 40.2 | 13 speeds recorded between 50-60 mph |
| Friday | 168 | 240 | 1089 | 273 | 40.7 | 22 speeds recorded between 50-70 mph |

| | | | | | | |
|----------|-----|-----|------|-----|------|--------------------------------------|
| Saturday | 102 | 140 | 591 | 166 | 41.2 | 8 speeds recorded between 50-65 mph |
| Sunday | 91 | 106 | 513 | 143 | 41.4 | 11 speeds recorded between 50-65 mph |
| Monday | 164 | 290 | 1073 | 204 | 39.5 | 14 speeds recorded between 50-65 mph |

The “Comments” column of the tables show that many drivers were recorded traveling at outlying speeds, many in the 65 mph range and one more than one of up to 85 or 90 mph. Additionally, the data show that:

- 31% of vehicles were traveling below the 30 mph speed limit
- 88% of vehicles were traveling slower than 40 mph (10 mph over the speed limit)
- 12% of vehicles were traveling over 40 mph (more than 10 mph over the speed limit)
- Nearly 1% of vehicles were traveling more than 20 mph over the speed limit (more southbound than northbound because of the location of the speed collection)

Speed humps have already been installed on Edith south of Odelia, and it appears the study segment to the north may also justify speed mitigation, as the 85th percentile speeds generally exceed the posted speed limit by more than eight to 10 mph. Speed humps or another traffic management strategy from the City’s Neighborhood Traffic Management Program should be considered. As the speeds collected on Commercial Street show, speed humps may still allow some drivers to travel excessively fast, but they should also lower the speeds of most vehicles into the desirable range.

5. PEDESTRIAN ACCESS TO CORONADO PARK

The feasibility of a new pedestrian access to Coronado Park located at 2nd Street and Indian School was reviewed as part of this study. The City of Albuquerque has made improvements to the park recently, including adding skateboard facilities. An existing sidewalk exists on the south side of Indian School but is not continuous from Broadway to 2nd Street. Rio Metro has updated the railroad crossing in this location to make safety improvements (see Photo 1).

Parametrix looked at the feasibility of a sidewalk on either the south or north side of Indian School from Broadway to 2nd Street. Based on the fact that portions of the roadway already have sidewalk on the south side, pedestrian access on the south side is more feasible and economical than the north side.



Photo 1. Looking west at RR crossing on Indian School

The conceptual layout on the following page (Figure 9) shows new sidewalk between 1st Street and McKnight Avenue. New curb ramps and crosswalk striping would be needed at the intersection of Indian School and 1st Street. In addition, several driveways in the area that are no longer in use should be removed and rebuilt as new sidewalk. The estimated construction cost for the sidewalk improvements is approximately \$45,000.



Figure 9. Conceptual Layout for Indian School Road

6. MOUNTAIN ROAD

Mountain Road between I-40 and the railroad corridor has truck restrictions that limit trucks to those less than 5 tons. Mountain Road between I-40 and Woodward Place is approximately 52 feet wide. At Woodward Place, Mountain starts to narrow to approximately 32 feet wide. At Edith Boulevard, the width widens again to approximately 66 feet and then narrows again at Broadway Boulevard to 32 feet. The wide section between Edith and Broadway Boulevards is confusing to drivers. The westbound lane is approximately 36 feet wide with no additional striping to delineate on-street parking or bike lanes. Parametrix has detailed two possible conceptual layouts to narrow this area of Mountain Road to provide more direction to drivers in the area. Narrowing the roadway may also reduce the truck traffic that is currently using the road because the extra width is convenient.

- Conceptual Layout 1 - New Striping
This conceptual layout adds on-street parking, a bike lane with buffer, a right turn lane, and a center left turn lane in addition to the eastbound and westbound thru lanes. This visually narrows the road which may slow traffic and reduce truck traffic. This concept uses striping to make the changes and is relatively inexpensive. The estimated construction cost for this concept is approximately \$13,500. See Figure 10 below.
- Conceptual Layout 2 - New Curb
This conceptual layout provides new concrete curb on the north side to narrow the street. The area between the existing sidewalk and new curb can be landscaped. The new curb narrows the roadway while still providing a bike lane with buffer, a center left turn lane, and east and westbound thru lanes. This concept does not include on-street parking and will cost more to implement than Conceptual Layout 1. The estimated construction cost for this concept is approximately \$51,600, which includes for landscaping. See Figure 11.
- Conceptual Layout 3 - New Curb and Reconstructed Sidewalk
This conceptual layout is the same as Conceptual Layout 2 on the north side of the street. On the south side, to address community concerns with the existing sidewalk, reconstruction of the sidewalk is proposed. In this concept, we assumed that the back of the existing sidewalk would be held and that the existing power poles currently obstructing the sidewalk would also remain (these assumptions translate to no new right-of-way acquisition and no significant utility relocation costs for the pedestrian improvements). This would require that the existing sidewalk be replaced with a 5' to 6.5' sidewalk to meet minimum width requirements. Though the 5-foot width does not meet Development Process Manual requirements, in order to limit the amount of lane shift between the through lanes at the Broadway intersection, this narrower sidewalk width is proposed. The wider reconstructed sidewalk results in a lane offset of over six feet at the intersections of Broadway and Edith. Another important component of this layout is that the eastbound shared driving lane and bike lane (sharrow) is extended through to Edith; a separate bike lane is not provided in this direction. This is proposed in order to minimize the amount of lane offset between the through lanes at the Broadway and Edith intersections, otherwise, reconstruction of the west leg at Broadway and the east leg at Edith would be required to construct the geometric modifications needed to align the through lanes. The estimated construction cost for this concept is approximately \$113,000. See Figure 12.



Figure 10. Mountain Road - Conceptual Layout #1



Figure 11. Mountain Rd - Conceptual Layout #2

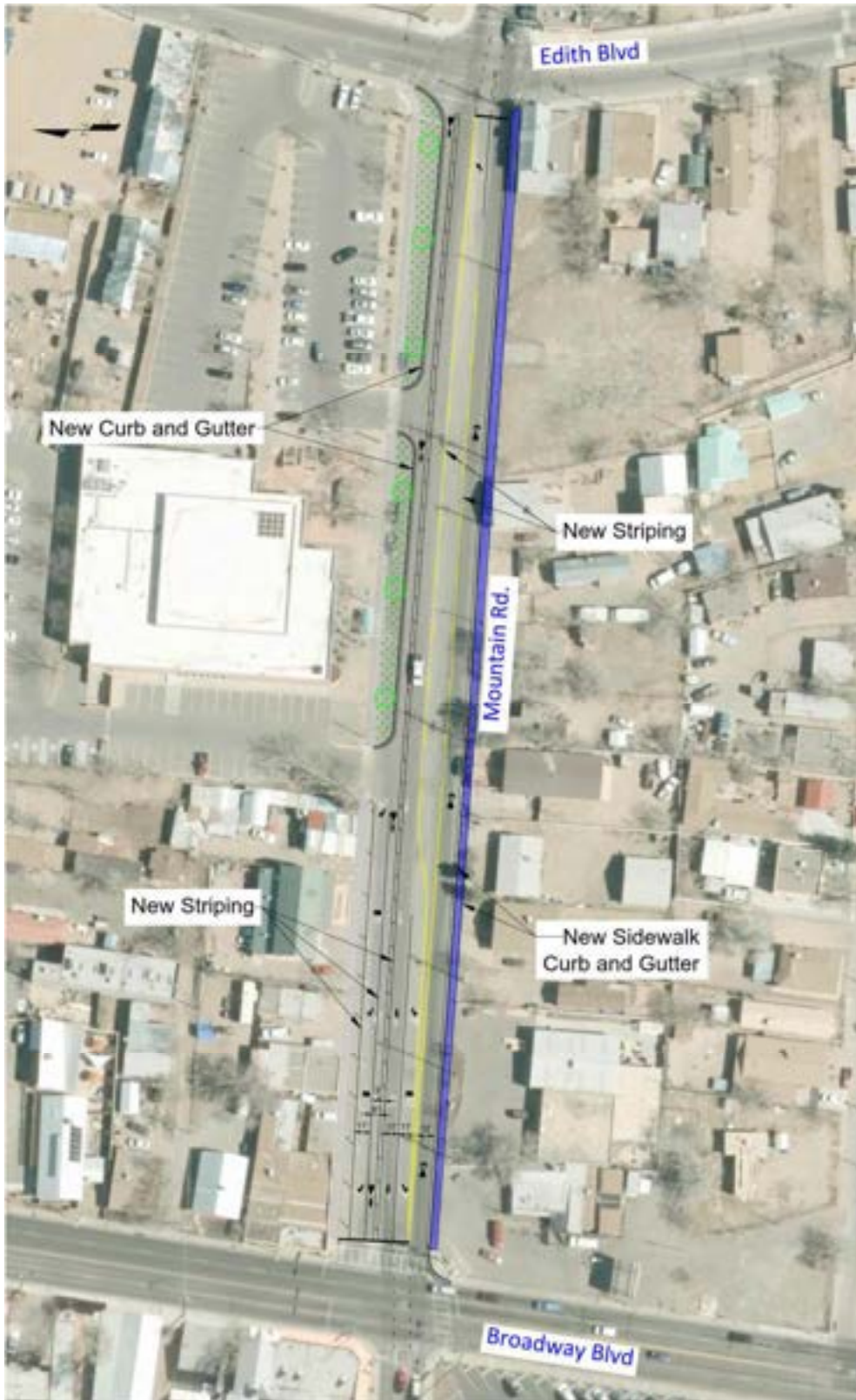


Figure 12. Mountain Rd - Conceptual Layout #3

7. ROSEMONT AVENUE

The residents along Rosemont Avenue have indicated that trucks use Rosemont Avenue to access the post office and industrial areas west of Broadway Boulevard. One alternative considered was to extend Commercial Drive to Rosemont to provide an alternate access point to the properties adjacent to Rosemont. However, there is no existing right-of-way or easement in that location. The City of Albuquerque would need to acquire the right-of-way from the adjacent property owners to extend Commercial Drive. See Figure 13 showing the properties in the area.



Figure 13. Properties near Rosemont Avenue

8. ADA DEFICIENCIES

ADA deficiencies based on the requirements and recommendations of the *Public Right-of-Way Accessibility Guidelines (PROWAG)* were evaluated throughout the neighborhood. At this time, PROWAG has not been officially adopted by the City of Albuquerque, however, the City is following these guidelines as “best practice”. This ADA review looked at general problems throughout the neighborhood and did not individually evaluate every curb ramp and driveway ramp. Common problems are noted below with accompanying typical photos.

8.1 PROWAG Assessment

PROWAG uses the same general requirements as the 2010 ADA Standards for Accessible Design. Key requirements of PROWAG that affect the project are listed below:

- The continuous clear width of pedestrian access routes shall be 4.0 feet minimum.
- The clear width of pedestrian access routes within medians and pedestrian refuge islands shall be 5.0 feet minimum.
- The maximum cross-slope for existing sidewalks shall be 2% maximum.
- Curb ramp maximum shall be 8.3% slopes
- Pedestrian pushbutton requirements
- Vertical Surface Discontinuities

8.1.1 Minimum Width

As stated above, PROWAG R302.3 states that a minimum clear width of 4 feet must be provided for pedestrian access routes and 5 feet must be provided for refuge islands (PROWAG R302.3.1). Observations are as follows:

- The sidewalks along Arvada, Cutler, and Prospect mostly meet the 4' minimum requirement.
- Some areas are narrower than 4-feet but can be rectified with maintenance such as trimming vegetation and cleaning sediment off sidewalks, see Photo 2.
- Sidewalks on Edith north of I-40 were estimated with spot field measurements and appear to range from 5-6 feet wide.
- Sidewalks on Broadway north of I-40 were estimated with spot field measurements appear to be at least 5-feet wide in most places.



Photo 2. Arvada Street

8.1.2 Maximum Cross Slope

Per PROWAG R302.6 and R407.3 the cross slope of pedestrian access routes shall be 2 percent maximum. Spot field measurements of the sidewalk cross slopes were performed using a two-foot smart level. These show that there is wide variability in the cross-slopes throughout the project area. A more detailed study with a topographic survey would be necessary to pinpoint the exact locations where the maximum cross slope is exceeded.

8.1.3 Vertical Surface Discontinuities

Per PROWAG R302.7.2, vertical surface discontinuities shall be 0.5 inch maximum. Vertical surface discontinuities between 0.25 inch and 0.5 inch shall be beveled with a slope not steeper than 50 percent. The bevel shall be applied across the entire vertical surface discontinuity.

Although the majority of the sidewalks in the project area are in good repair, a walking, visual survey indicates that many sidewalks are older and have shifted over time which has caused vertical discontinuities over the maximum allowable.

8.1.4 Curb Ramps

Per PROWAG R304.2.2 & R304.3.2, the running slope of the curb ramp shall be a maximum of 8.3 percent. Per PROWAG R304.5.3, the cross slope of curb ramps shall be 2 percent maximum. Per PROWAG R304.5.1, the clear width of curb ramp runs (excluding any flared sides) shall be 4 ft. minimum. In addition, PROWAG R305 states that detectable warning surfaces need to be placed at all curb ramps and extend the width of the ramp and be a minimum of 2 feet wide.

Many of the existing curb ramps exceed the maximum slope requirements. In addition, detectable warning surfaces are only located on the curb ramps located along the larger arterial streets such as Mountain and Menaul. Many of the existing curb ramps are the diagonal types as opposed to the directional type preferred by the City of Albuquerque, as shown in Figure 14 below. However, diagonal ramps can meet PROWAG requirements if constructed correctly.



Photo 3. Typical Diagonal Curb Ramp

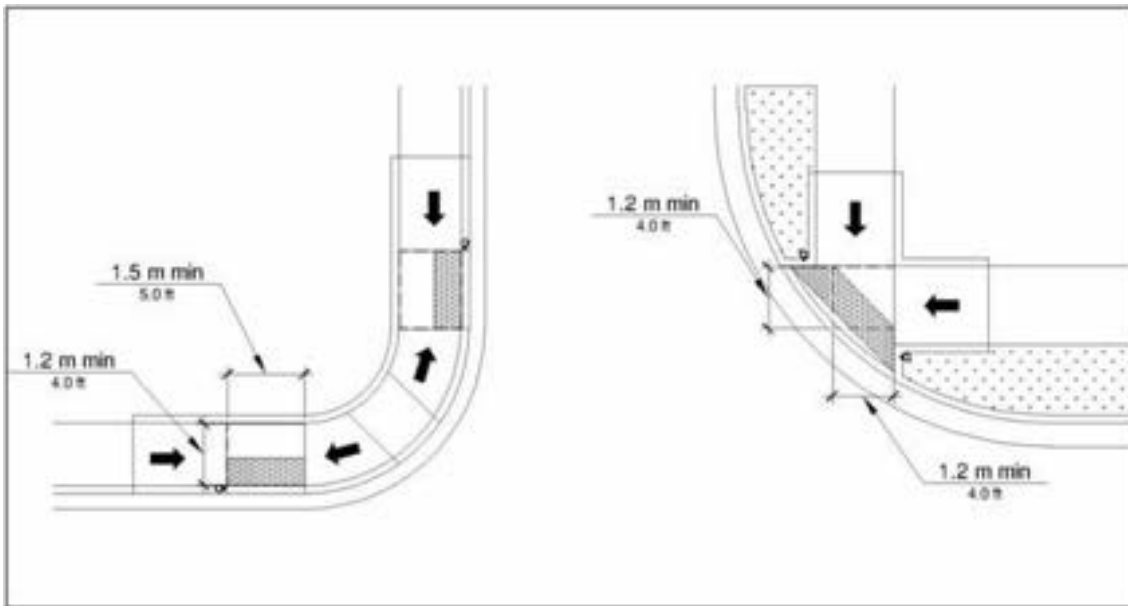


Figure 14. PROWAG Preferred Ramp Configuration

8.1.5 Drivepads

To have continuous Pedestrian Access Routes (PAR) throughout the project area, requirements from PROWAG Section R302.3 and R302.6/R407.3 (four foot minimum width and 2 percent maximum cross slope) are required. Many drivepads in the project area do not meet either of these requirements.

8.1.6 Obstacles

PROWAG R302.3 requires a clear path of 4 feet. Many of the sidewalks and ramps in the project area are obstructed by utility poles, fire hydrants, and other infrastructure. See the adjacent photo for a typical example, that is relatively common throughout the project area. Sidewalks should be widened where possible to provide a four-foot path around the obstacle. Ramps may need to be rebuilt to provide the recommended dimensions.



Photo 4. Utility Pole Within Curb Ramp

8.1.7 Accessible Pedestrian Pushbuttons

Where pedestrian signals are provided at pedestrian street crossings, they shall include accessible pedestrian pushbuttons complying with Sections 4E.08 through 4E.13 of the Manual of Uniform Traffic Control Devices (MUTCD). The requirements for pedestrian pushbuttons are summarized below:

- *Unobstructed and adjacent to a level all-weather surface to provide access from a wheelchair.*
- *Where there is an all-weather surface, a wheelchair accessible route from the pushbutton to the ramp.*
- *Between the edge of the crosswalk line (extended) farthest from the center of the intersection and the curb ramp if present, but not greater than 5 feet from said crosswalk line;*
- *Between 1.5 and 6 feet from the edge of the curb, shoulder, or pavement;*
 - *Where there are physical constraints that make it impractical to place the pedestrian pushbutton between 1.5 and 6 feet from the edge of the curb, shoulder, or pavement, it should not be farther than 10 feet from the edge of the curb, shoulder, or pavement.*
- *With the face of the pushbutton parallel to the crosswalk to be used; and*
- *At a mounting height of approximately 3.5 feet, but no more than 4 feet, above the sidewalk.*
- *Where two pedestrian pushbuttons are provided on the same corner of a signalized location, the pushbuttons should be separated by a distance of at least 10 feet.*
 - *Where there are physical constraints on a particular corner that make it impractical to provide the 10-foot separation between the two pedestrian pushbuttons, the pushbuttons may be placed closer together or on the same pole.*

There are six existing traffic signals within the project boundaries. They are listed below along with observations regarding ADA accessibility at each location:

- **Menaul/Broadbent** – No crosswalk is striped on the east leg of the intersection.
- **Menaul/Broadway** – The pushbuttons for the ramp at the southeast corner are too far from the ramp to meet ADA requirements. In addition there is no pushbutton for the pedestrians crossing the intersection in an east/west direction on the south leg.

- **Broadway/Odelia** – Pushbuttons are the older, smaller type and do not meet ADA standards. In addition, pushbutton locations on the southeast signal are too far from the curb ramp. No crosswalk is located on the south leg of the intersection.
- **Broadway/Mountain** – There are no curb ramps at the northeast corner although there is a pedestrian pushbutton for pedestrians crossing north/south.
- **Edith/Mountain** – Pushbuttons are too small to meet ADA requirements. There is no ramp at the southwest corner for pedestrians crossing the west leg in a north/south direction. There are pushbuttons and a pedestrian signal head facing north but no ramp.
- **Edith/Odelia** – The signal mastarm with the pedestrian pushbuttons at the southeast corner is located adjacent to the sloped portion of the curb ramp. There is a fire hydrant in the curb ramp at the northwest corner.

9. PUBLIC MEETING

A public meeting for this project was held on November 16, 2017. The meeting was held at the Santa Barbara School located at 1420 Edith Boulevard, NE as part of the Santa Barbara – Martineztown Neighborhood Association meeting. The meeting was attended by area residents, SBM board members, City of Albuquerque staff, and consultant staff. The meeting included a short presentation summarizing the recommendations from the draft traffic study with a question and answer session afterwards. Residents were encouraged to submit comments on either the provided comment form or as an email to the City of Albuquerque Project Manager. All comments received are compiled and shown in Appendix F. Below is a summary of the comments and how each comment has been addressed.

- Restripe Broadway Boulevard, north of I-40, to previous configuration with center turn lane and no bike lanes. **See discussion in Sections 3.1.1 and 3.1.2.**
- Mountain Road between Edith Boulevard and Broadway Boulevard – Add third option that widens sidewalk on south side of roadway. **A discussion and sketch has been added to Section 6.**
- Several questions regarding poor lighting in parts of the neighborhood. **This is not in the scope of this traffic study but the concerns were noted by staff from Councilor Benton’s office to be forwarded to the correct personnel.**
- The railroad crossing has been updated. **The updated crossing has been added to this report.**
- Add speed humps on Commercial Street south of I-40. **These are recommended in Section 11.2.**
- There were several comments regarding the intersection of Mountain Road and the I-25 Frontage Road. The comments received from the public were both for and against closing the intersection. **This intersection is actually outside the scope of this project and is an ongoing project of the NMDOT. The NMDOT is currently doing improvements to the Frontage Road to try to reduce speeds and prevent accidents at the intersection.**
- Add speed humps on Edith Boulevard north of Odelia Road. **These are recommended in Section 11.2.**

10. CONCLUSIONS

The Santa Barbara – Martineztown neighborhood is one of the older areas of Albuquerque. ADA deficiencies are found throughout the corridor due to the age of the facilities. Many of the streets, sidewalks, and driveways were constructed prior to ADA standards being developed. Due to the large area of the neighborhood and the many ADA deficiencies, one project to correct all the problems is probably not feasible. ADA corrections could be completed as part of smaller projects that are initiated within the neighborhood.

The analysis shows that Broadway Boulevard, north of I-40 is functioning well with some longer delays during the afternoon peak hours. Moving the bike lanes to Edith Boulevard is not recommended due to the inconvenience to bicyclists. Edith Boulevard is approximately a quarter mile to the east of Broadway and it is unlikely that bicyclists will detour that far. In addition, the current location of the bicycle lanes provides connectivity to existing and proposed bicycle improvements on Broadway Boulevard. The bike lanes increase safety for pedestrians as well by providing a buffer for pedestrians between the driving lanes and the sidewalk.

The analysis shows that the intersections of Broadway/Odelia and Broadway/Mountain could benefit from a “road diet” that reduces the two through lanes in each direction, to one through lane in each direction. This would allow for left turn lanes at the intersections to improve the intersection operations.

The existing speed humps on Commercial north of I-40 and Edith south of Odelia appear to be adequately keeping speeds down in these roadway segments. The analysis shows that the 85th percentile speeds on Edith south of Odelia exceed the posted speed limit by up to 10 mph. This segment of Edith could benefit from speed humps to reduce speeds to a more desirable range. The standards of the City’s Traffic Management Program would need to be followed for new speed humps to be implemented.

The feasibility of pedestrian access on Indian School Road to Coronado Park was evaluated with this study. In conclusion, additional sidewalk on the south side of Indian School Road is the most economical alternative as portions of sidewalk already exist.

11. RECOMMENDATIONS

The recommendations have been divided into two categories – short term and long-term. Short-term recommendations are those that can be done in a shorter time frame using readily available funds. Long-term improvements typically cost more and will require the acquisition of funding from additional sources. Public input was considered in the formulation of study recommendations. Costs are based on the City of Albuquerque unit prices and do not include miscellaneous costs for mobilization, demobilization, utility relocations, right-of-way needs, constructing staking and surveying, and traffic control fees.

11.1 Long Term

1. **Construct pedestrian access to Coronado Park along the south side of Indian School Road.** This is estimated to cost approximately \$45,000.

2. **Construct improvements to narrow Mountain Road between Edith and Broadway.** Three options were presented in the report. Two of those options are long term improvements with extensive curb and gutter reconstruction.
 - a. Option 2 – Add curb and gutter to north side, this will cost approximately \$52,000.
 - b. Option 3 – Add curb and gutter and rebuild sidewalk on south side. This will cost approximately \$113,000.

3. **Construct ADA improvements.** The costs for various improvements such as reconstructing sidewalk, reconstructing drivepads, reconstruction curb ramps, etc. are presented below. These costs are for individual improvements that can be combined together into separate projects, depending on available funding.

Table 13. ADA Improvement Costs

| Improvement | Cost |
|--|-------------------------|
| Remove and Replace Deficient Curb Ramp | \$2,900 |
| Remove and Replace Deficient Drivepad | \$4,700 |
| Remove and Replace Sidewalk | \$40/LF (for new 6' SW) |
| Remove and Reset Light Pole | \$2,300 |
| Remove and Reset Pedestal Pole | \$2,100 |
| New Pedestal Pole | \$2,300 |
| Push Button Station | \$300 |

11.2 Short Term

1. **Restripe Mountain Road between Edith and Broadway to narrow the roadway.** This would cost approximately \$14,000.

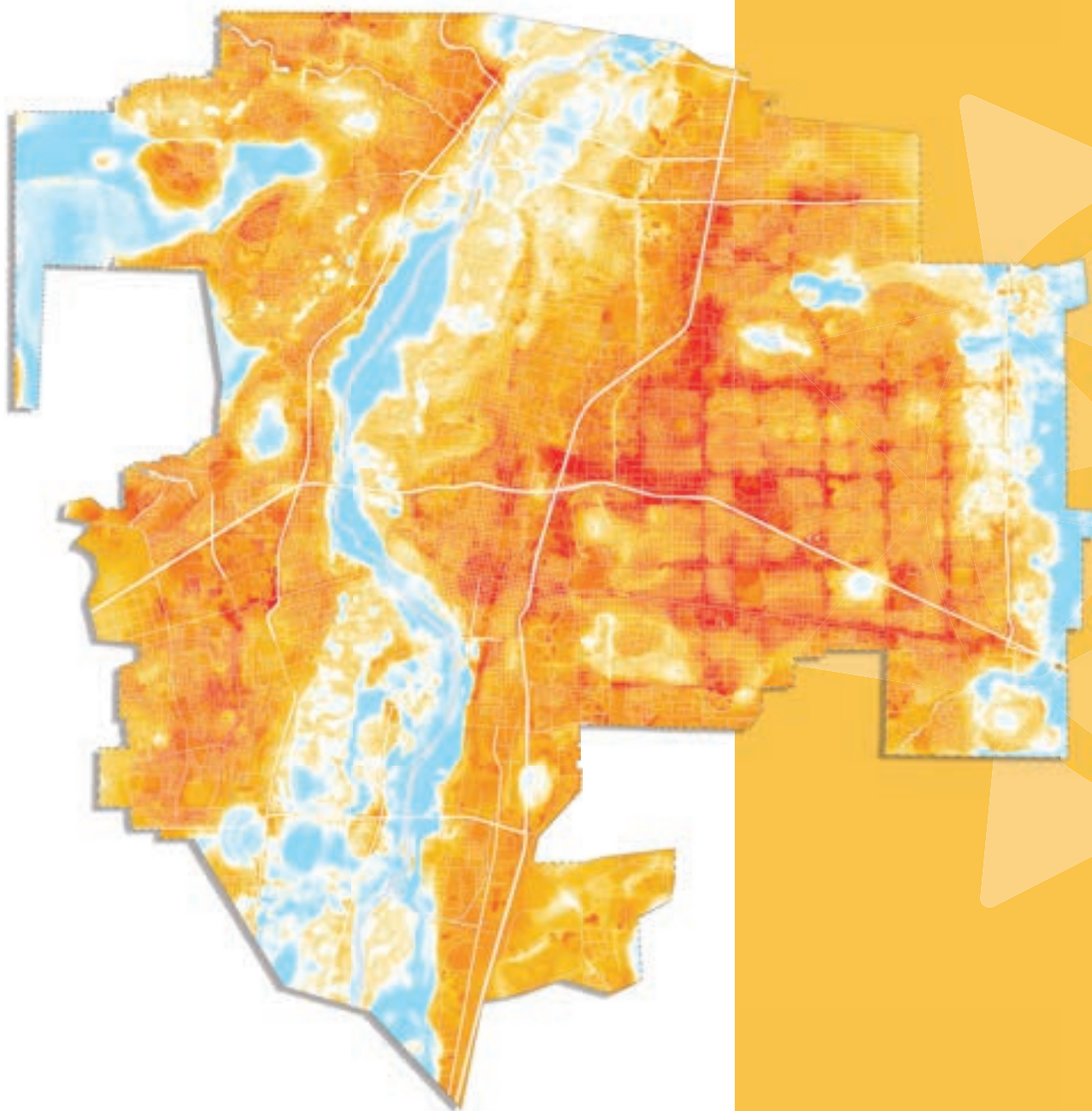
2. **Restripe Broadway Boulevard between Mountain Road and Odelia Road.** The restriping will reduce the through lanes to one lane and add left turn bays at Mountain and Odelia. This will cost approximately \$33,000.

3. **Add speed humps on Commercial between McKnight Avenue and Odelia Road.** This will cost approximately \$15,000.

4. **Add speed humps on Edith between I-40 and Odelia Road.** This will cost approximately \$33,000.

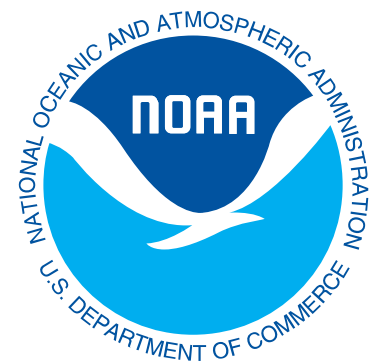
Albuquerque

New Mexico





The CAPA Heat Watch program, equipment, and all related procedures referenced herein are developed through a decade of research and testing with support from national agencies and several universities. Most importantly, these include our partners at the National Integrated Heat Health Information System, the National Oceanic and Atmospheric Administration's (NOAA's) Climate Program Office, and National Weather Service, including local weather forecast offices at each of the campaign sites, The Science Museum of Virginia, and U.S. Forest Service (USDA). Past support has come from Portland State University, the Climate Resilience Fund, and the National Science Foundation. We are deeply grateful to these organizations for their continuing support.





Credit: Jesse Wood

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Executive Summary

Study Date

July 9th, 2021

Major thanks to all of the participants and organizers of the Urban Heat Watch program in Albuquerque, New Mexico. After months of collaboration and coordination, local organizers and volunteers collected thousands of temperature and humidity data points in the morning, afternoon, and evening of a long, hot campaign day on July 9th, 2021.

65
Volunteers

18
Routes

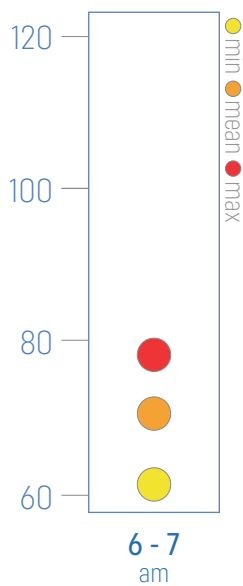
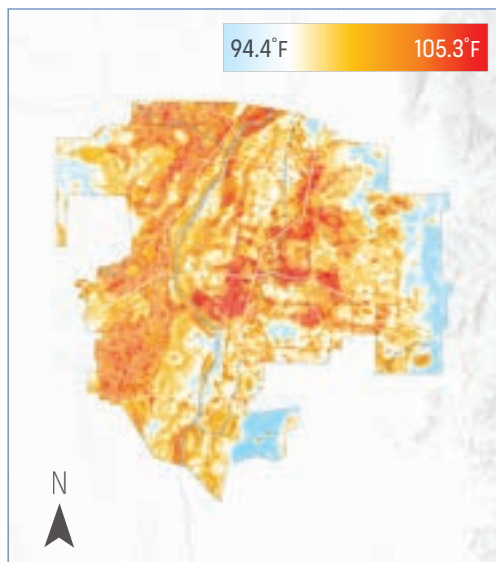
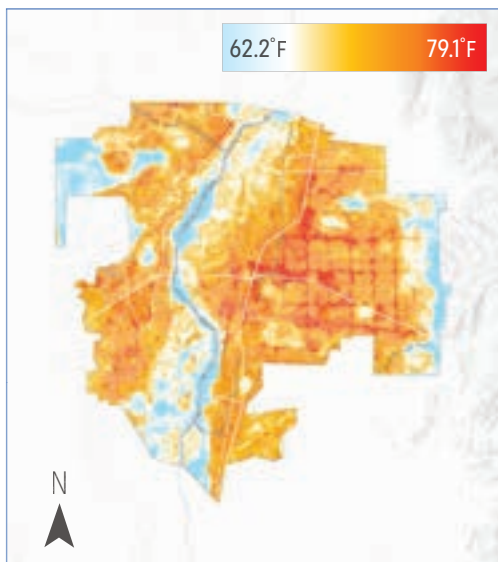
67,662
Measurements

105.9°
Max
Temperature

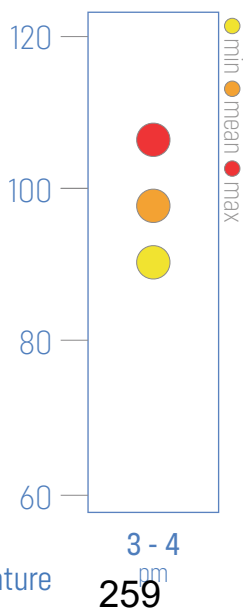
16.9°
Temperature
Differential

Morning Area-Wide Temperature (6 - 7 am)

Afternoon Area-Wide Temperature (3 - 4 pm)



Traverse Point Temperature



259



Learn more about the background and goals of each Heat Watch 2021 campaign city at <https://nihhis.cpo.noaa.gov/Urban-Heat-Islands/Mapping-Campaigns/Campaign-Cities>

Purpose & Aims

We know that climate-induced weather events have the most profound impact on those who have the least access to financial resources, historically underserved communities, and those struggling with additional health conditions. Infrastructure is also at risk, which can further compromise a region's capacity to provide essential cooling resources.

CAPA Strategies offers an unparalleled approach to center communities and infrastructure facing the greatest threat from the impact of increasing intensity, duration, and frequency of extreme heat. This report summarizes the results of a field campaign that occurred on July 9th, 2021 and with it we have three aims:

1

Provide high resolution descriptions of the distribution of temperature and humidity (heat index) across an urban area

2

Engage local communities and create lasting partnerships to better understand and address the inequitable threat of extreme heat

3

Bridge innovations in sensor technology, spatial analytics, and community climate action to better understand the relationships between urban microclimates, infrastructure, ecosystems, and human well-being.

With a coordinated data-collection campaign over several periods on a hot summer day, the resulting data provide snapshots in time of how urban heat varies across neighborhoods and how local landscape features affect temperature and humidity.



Campaign Process

CAPA Strategies has developed the Heat Watch campaign process over several iterations, with methods well established through peer-reviewed publications¹, testing, and refinement.

The current campaign model requires leadership by local organizers, who engage community groups, new and existing partner organizations, and the media in generating a dialog about effective solutions for understanding and addressing extreme heat.

CAPA provides training, equipment, and support to the recruited community groups as they endeavor to collect primary temperature and humidity data across a metropolitan region.

The seven main steps of the campaign process are summarized to the right. An overview of the analytical modeling methodology is presented later in this report and described at full length in peer-reviewed publications.

¹ The most relevant and recent publications to the Heat Watch campaign process include:

Shandas, V., Voelkel, J., Williams, J., & Hoffman, J., (2019). Integrating Satellite and Ground Measurements for Predicting Locations of Extreme Urban Heat. *Climate*, 7(1), 5. <https://doi.org/10.3390/cli7010005>

Voelkel, J., & Shandas, V. (2017). Towards Systematic Prediction of Urban Heat Islands: Grounding Measurements, Assessing Modeling Techniques. *Climate*, 5(2), 41. <https://doi.org/10.3390/cli5020041>



1. Set Goals

Campaign organizers determine the extent of their mapping effort, prioritizing areas experiencing environmental and social justice inequities. CAPA then divides this study area into sub-areas ("polygons"), each containing a diverse set of land uses and land covers.



2. Establish

Organizers recruit volunteers, often via non-profits, universities, municipal staff, youth groups, friends, family, and peers. Meanwhile, CAPA designs the data collection routes by incorporating important points of interest such as schools, parks, and community centers.



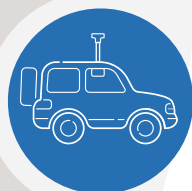
3. Prepare

Volunteers attend an online training session to learn the why and how of the project, their roles as data collectors, and to share their personal interest in the project. Participants sign a liability and safety waiver, and organizers assign teams to each polygon and route.



4. Activate

With the help of local forecasters, organizers identify a high-heat, clear day (or as near to one as possible) and coordinate with their volunteer teams. Once confirmed, CAPA ships the sensor equipment and bumper magnets to be distributed to campaign participants.



5. Execute

Volunteer teams conduct the heat campaign by driving and/or bicycling sensor equipment along pre-planned traverse routes at coordinated hour intervals. Each second the sensors collect a measurement of ambient temperature, humidity, longitude, latitude, speed and course.



6. Analyze

Organizers collect and return the equipment, and CAPA analysts begin cleaning the data, as described in the Mapping Method section below, and utilize machine learning algorithms to create predictive area-wide models of temperature and heat index for each traverse.



7. Implement

Campaign organizers and participants review the Heat Watch outputs (datasets, maps, and report), and campaign teams meet with CAPA to discuss the results and next steps for addressing the distribution of extreme heat in their community.

About The Maps

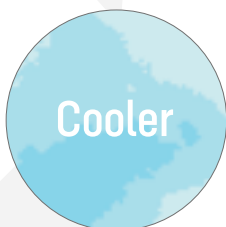
The following sections present map images from the Heat Watch campaign and modeling process. Two sets of maps comprise the final results from the campaign process, and they include:



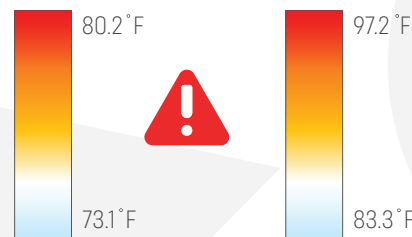
Point temperatures collected in each traverse period, filtered to usable data.



Area-wide heat maps, displaying either the modeled temperature or heat index across the entire study area at each traverse period.



The data are classified by natural breaks in order to clearly illustrate the variation between warmer (red) and cooler (blue) areas across the map.



Note that the scales are different between the traverse point and area-wide maps due to the predictive modeling process.

How does your own experience with heat in these areas align with the map?

Find your home, place of work, or favorite park on the maps and compare the heat throughout the day to your personal experience.



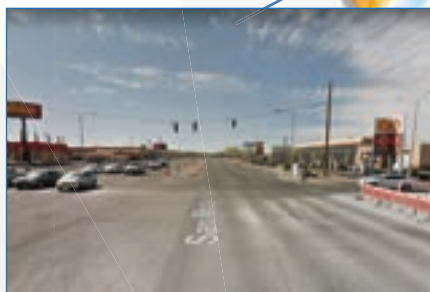
What about the landscape (trees, concrete buildings, riverside walkway) do you think might be influencing the heat in this area?

Initial Observations

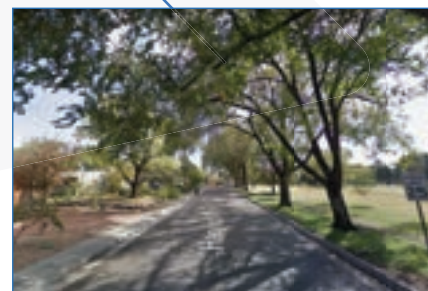
The distribution of heat across a region often varies by qualities of the land and its use. Here are several observations of how this phenomenon may be occurring in your region.



Trails abutting vegetation and arroyos offer cooler paths for pedestrians and bicyclists than the busy intersecting highways and car-filled streets.



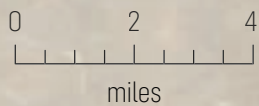
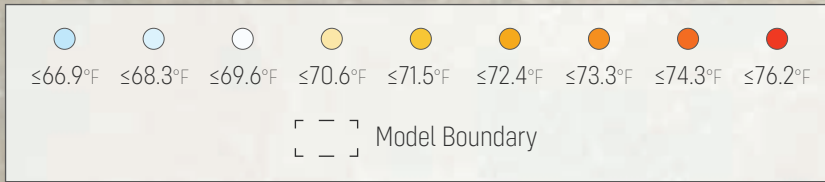
Wide asphalt intersections with little to no shade retain high temperatures and offer no refuge for pedestrians.



Streets nearby to green space and dense tree canopy show cooler temperatures.

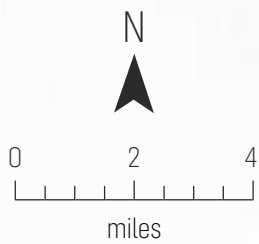
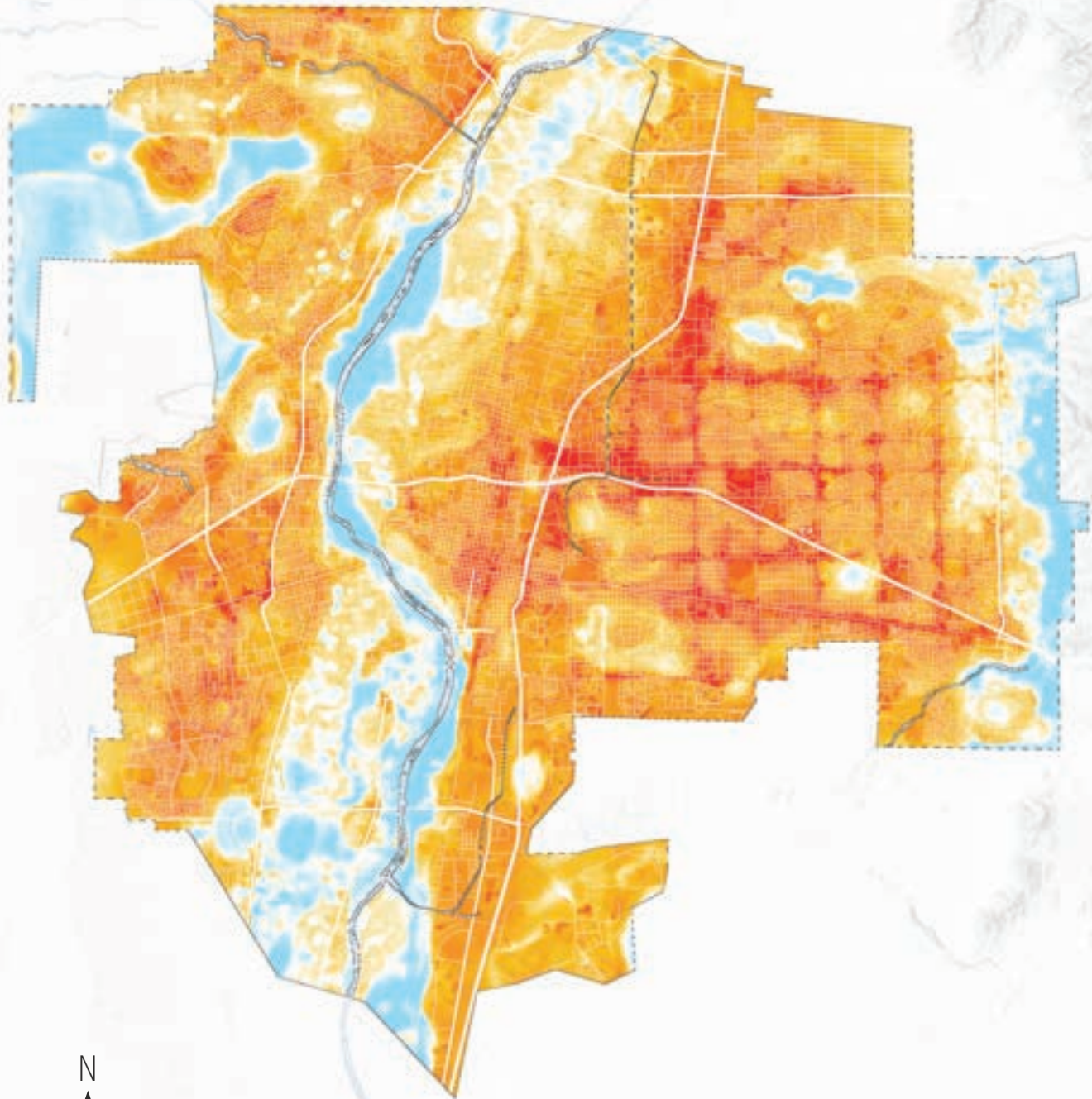
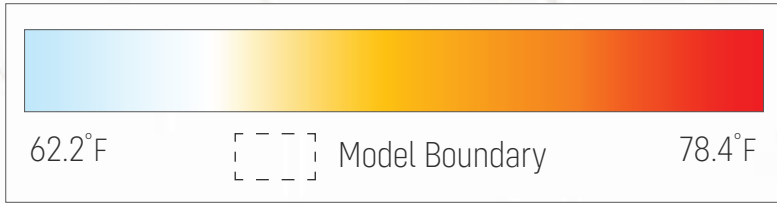
Morning Traverse Points

(6 - 7 am)



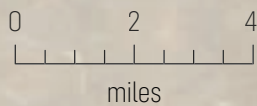
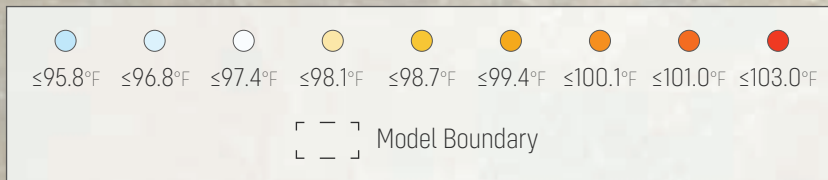
Morning Area-Wide Predictions

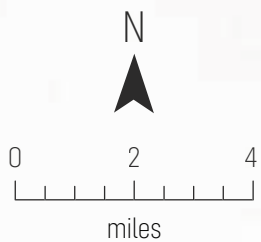
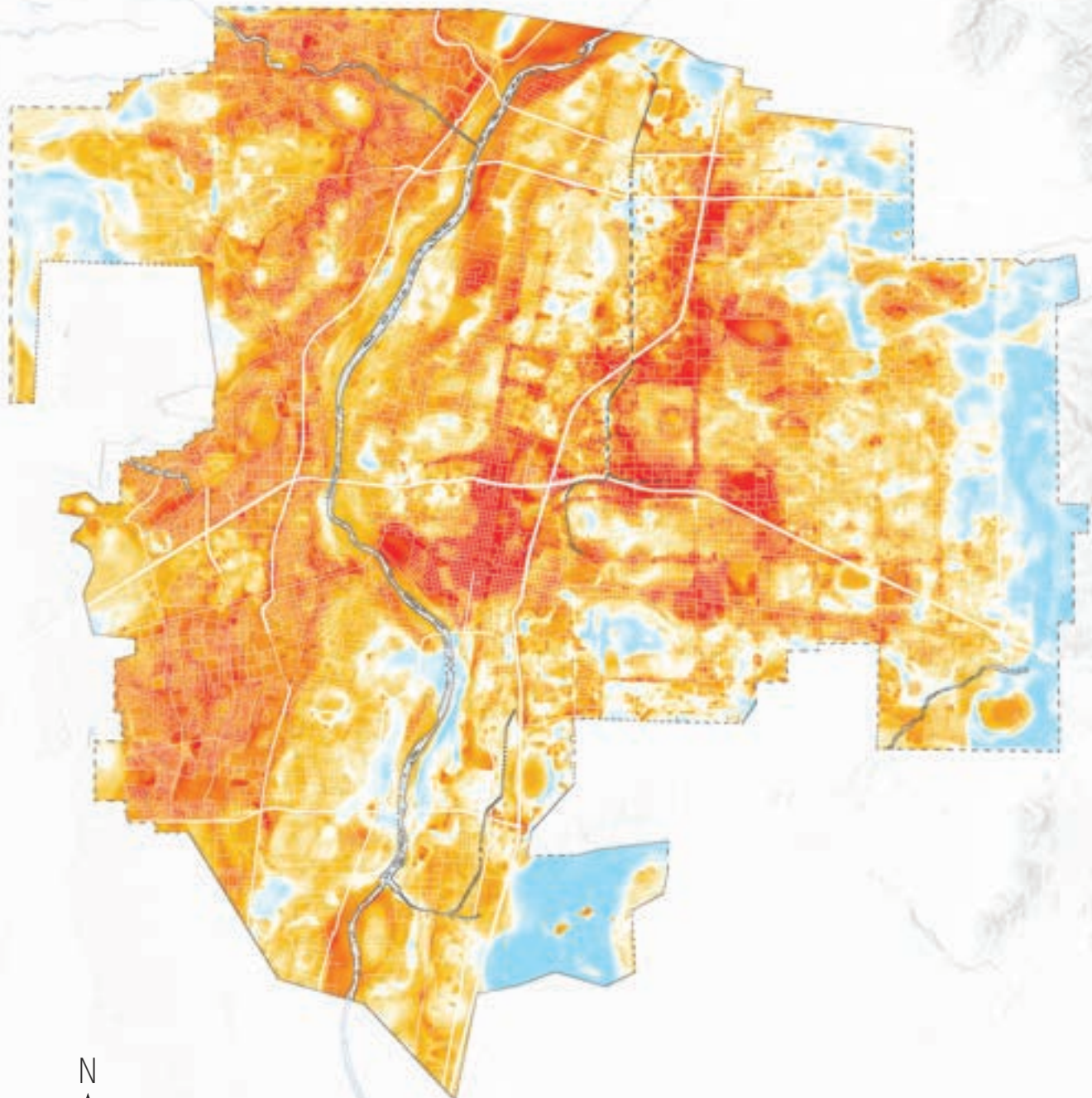
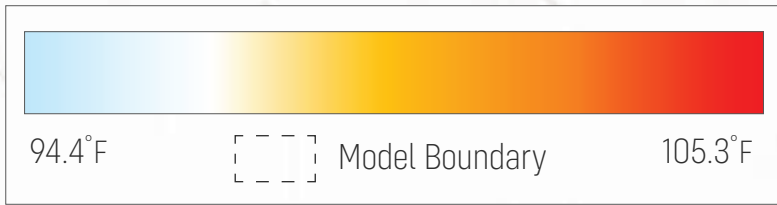
Temperature (6 - 7 am)



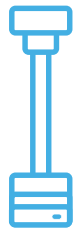
Afternoon Traverse Points

(3 - 4 pm)





1
Download & Filter



Download raw heat data from sensor SD cards

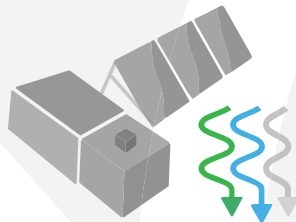


Compare data with field notes and debrief interview

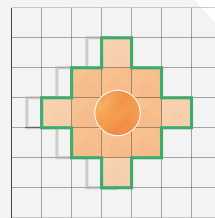


Trim data to proper time window, speed, and study area

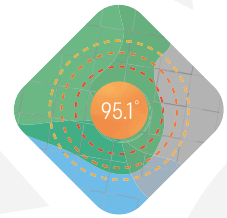
2
Integrate & Analyze



Download multi-band land cover rasters from Sentinel-2 satellite

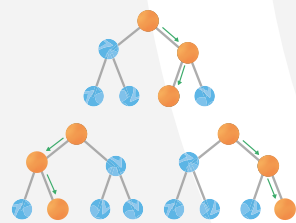


Transform land cover rasters using a moving window analysis

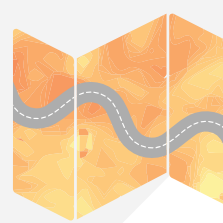


Calculate statistics of each land cover band across multiple radii

3
Predict & Validate



Combine heat and land cover data in Machine Learning model



Create predictive raster surface models of each period

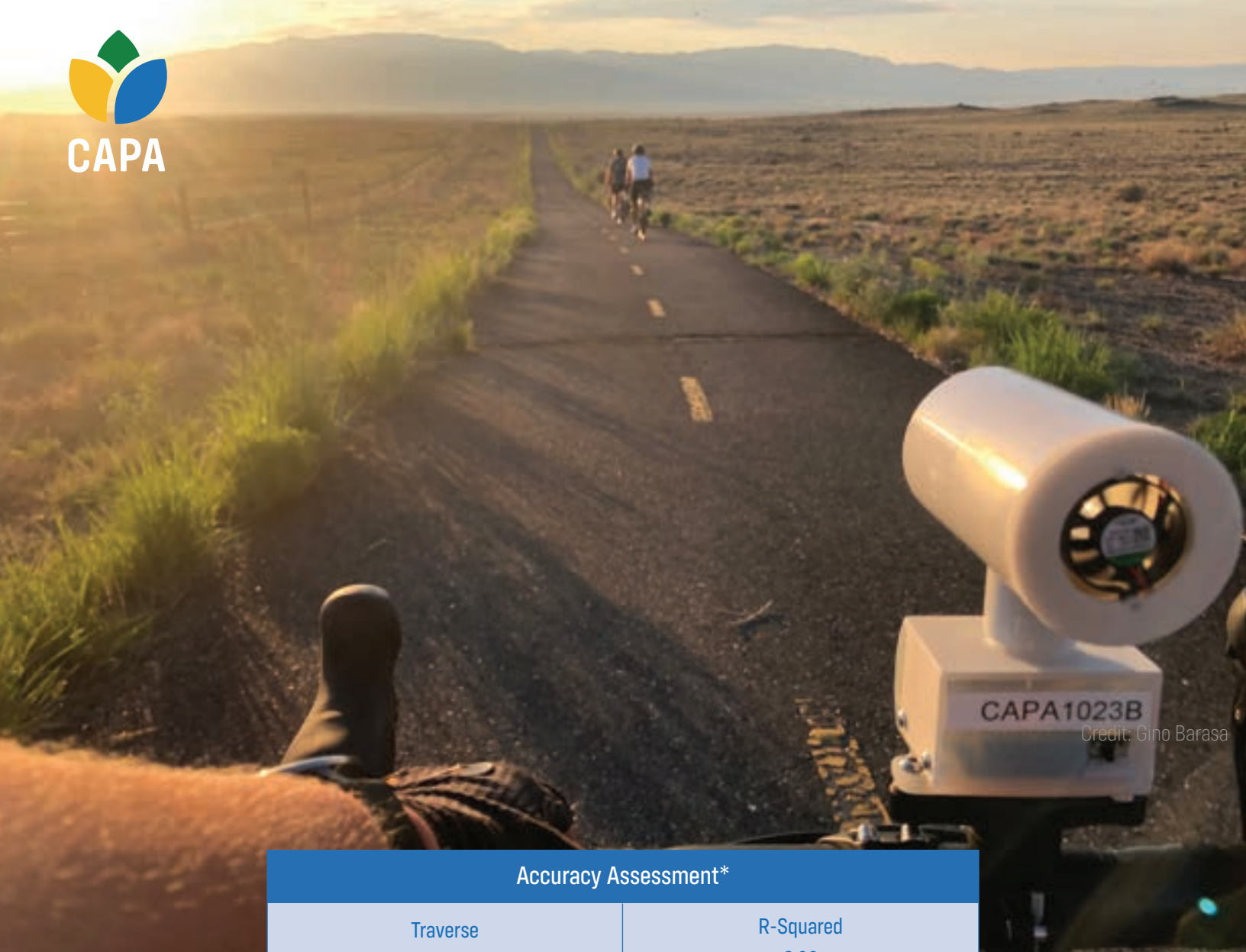


Perform cross validation using 70:30 holdout method

The most relevant and recent publications include:

Shandas, V., Voelkel, J., Williams, J., & Hoffman, J., (2019). Integrating Satellite and Ground Measurements for Predicting Locations of Extreme Urban Heat. *Climate*, 7(1), 5. <https://doi.org/10.3390/cli7010005>

Voelkel, J., & Shandas, V. (2017). Towards Systematic Prediction of Urban Heat Islands: Grounding Measurements, Assessing Modeling Techniques. *Climate*, 5(2), 41. <https://doi.org/10.3390/cli5020041>



Credit: Gino Barasa

| Accuracy Assessment* | |
|----------------------|-----------|
| Traverse | R-Squared |
| 6 - 7 am | 0.98 |
| 3 - 4 pm | 0.95 |

Field Data

Like all field campaigns, the collection of temperature and humidity data requires carefully following provided instructions. In the event that user error is introduced during the data collection process, outputs may be compromised in quality. While our team has developed a multi-stage process for assessing and reviewing the datasets, some errors cannot be identified or detected, and therefore can inadvertently compromise the results. Some examples of such outputs may include temperature predictions that do not match expectations for an associated landcover (e.g. a forested area showing relatively warmer temperatures). We suggest interpreting the results in that context.

Prediction Areas

The traverse points used to generate the areas wide maps do not cover every square of the studied area. Due to the large number of data collected, however, our predictive models support the extension of prediction to places beyond the traversed areas. We suggest caution when interpreting area wide values that extend far beyond the traversed areas

*Accuracy Assessment: To assess the strength of our predictive temperature models, we used a 70:30 "holdout cross-validation method," which consists of predicting 30% of the data with the remaining 70%, selected randomly. An 'Adjusted R-Squared' value of 1.0 is perfect predictability, and 0 is total lack of prediction. Additional information on this technique can be found at the following reference: Voelkel, J., and V Shandas, 2017. Towards Systematic Prediction of Urban Heat Islands: Grounding measurements, assessing modeling techniques. *Climate* 5(2): 41.

Now that you have completed a Heat Watch campaign, you have a better understanding of where urban heat is occurring in your region, and who is at risk of exposure. You may be wondering what to do next: how to mitigate that exposure, or help your region adapt to a hotter future. If you would like to take the next steps in preparing for climate change, CAPA's *Growing Capacity* services can help.

Growing Capacity services reflect a holistic approach to climate change mitigation and adaption. Our process is rooted in social scientific thinking, interdisciplinarity, and a mission of equity. This adds up to capacity-building solutions which are actionable, tailored to your region, and promote climate resilience for all.

We offer a range of services to support you in your climate adaption efforts, no matter how big or small. Choose from our offerings below to create a *Growing Capacity* package that fits your needs and budget.



Growing Capacity is an arm of CAPA Strategies which emphasizes place-based solutions, substantive community engagement, and the translation of data into action. These services ask not only "where do climate risks exist?," but "what can we do about them?" *Growing Capacity* services offer a systematic way to integrate data and accelerate climate adaptation in your area. We do this by reducing common barriers that limit action; making climate adaptation accessible to your colleagues and communities; and facilitating opportunities for collaboration, learning, and problem solving.



Whether your climate adaption goals require increased community-based research, data synthesis, public outreach, network-building, or novel interventions, the *Growing Capacity* team is here to assist you.



Jurisdictional Scan

Comprehensive Report



Capacity Assessment

Comprehensive Report, Analysis



Community Knowledge Assessment

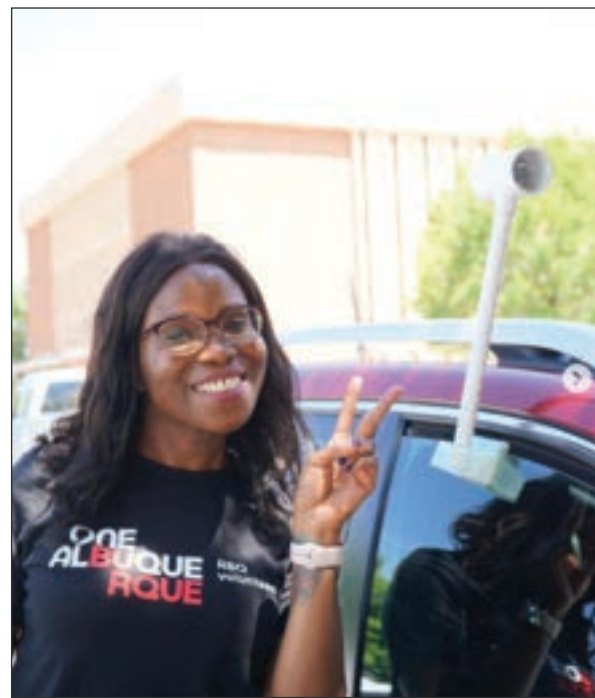
Workshops, Surveys, Focus Groups, Interviews



Resource Development

Strategic plans, Handbooks, Policy language, Tools for education/outreach

? Want to start a conversation about Growing Capacity in your region? Contact us at info@capastrategies.com





CAPA
strategies



HEAT WATCH

CHAIR HOLLINGER: Time is 11:08. Now, I believe, Mr. Salas, that we returned at 11:10, so we'll give her another minute or 2 to come Mosey back, and then we'll start agenda item number 2. See Mr. Halstead Stetson, Myself, Eyster, MacEachen, and Coppola I'm gonna drag you back up top so, I can see you.

So, if everyone's back we'll proceed to agenda item number 2. This is project number PR-2024-009765 case number RZ-2024-00001 This is a zone map amendment presented by Mr. Tinkle, and I believe, Tierra West. Are you prepared to begin your presentation, Mr. Tinkle?

SETH TINKLE: Yes, Mr. Chair, I am before getting started. I just want to make sure that you can hear me distinctly, and that you can see the presentation on my screen.

CHAIR HOLLINGER: We can hear you. Well, I see your presentation, so I assume everyone else can as well, whenever you're ready please proceed.

SETH TINKLE: Great. Thank you very much. Good morning, Mr. Chair. Commissioners and members of the public. This is agenda, item number 2, PR- 2024-009765, case number RZ- 2024-00001. My name is Seth Tinkle, and I am the staff planner assigned to this case the request is for a zoning map amendment for an approximately 3-acre site located at 1100 Woodward Place NE between Mountain Road and Lomas Boulevard. The applicant is requesting a zone change from MX-M Zoning to MX-H. Zoning which would result in a spot zone. The request could facilitate development of a future hospital use. However, there is no Site plan associated with this request. The purpose of the MX- H. Zone district is to provide for large scale, destination, retail and high intensity, commercial, residential, light industrial and institutional uses as well as high-density residential uses particularly along transit corridors and in urban centers. The MX-H Zone district is intended to allow higher density infill development in appropriate locations, the subject site is located wholly in an area as in an area of change as designated by the comprehensive plan area of change policies allow for a mix of uses and development of higher density and higher intensity in areas where growth is desired and can be supported by multi-modal transportation options. The intent is to make areas of change, the focus of new urban scale development and benefit job creation and expanding housing options. The subject site is located along or within 660 feet of 3 major transit corridors. The I-25 Frontage, Mountain Road and Lomas Boulevard, major transit corridors. Corridor policies in the comprehensive plan, encourage higher density and higher intensity development in appropriate places, to create vibrant walkable districts that offer a wide range of services and recreational opportunities. The subject site is directly served by Bus Route 5, which is the Montgomery to Carlisle route, and the nearest bus stop directly abuts the subject site's northern boundary. The subject site is also located within the Santa Barbara Martinez Town Character Protection Overlay Zone. Thus, future development on the subject site would have to adhere to the standards associated with this overlay zone. CPO- 7 standards include site standards, setback standards, building height, maximums and sign standards meant to protect and preserve this area's distinct community. The subject site is vacant, undeveloped, and surrounded by a mix of commercial, educational, and office land uses that generally range from mid to high intensity.

The subject site directly butts abuts I-25, and Frontage Road S, to the East a hotel directly abuts the subject site to the South. A research or testing facility is adjacent to the subject sites, sites West, which buffers the site from the lower Resident. Lower density residential area located further West of that APS's early College Academy career Enrichment Center and Albuquerque High School is north of and adjacent to the subject site across Mountain Road. The affected neighborhood organizations are the Santa Barbara Martinez Town Neighborhood Association and the North Valley Coalition, which were notified as required. Property owners within 100 feet of the subject site were also notified as required. A facilitated meeting was offered, requested, and held on January 18th, 2024, with the Santa Barbara Martinez Town Neighborhood Association, a follow up non- facilitated meeting was held on January 30th. Staff is aware of opposition to this request by the Santa Barbara Martinez Town Neighborhood Association. In the facilitated Meeting Notes provided by the City of Albuquerque's Office of Alternative Dispute resolution Objectives, Objections to the requests were based on the community's feeling. but the MX-H Zone district is not equivalent to the former sector plans SU for C-3 designation. The potential of increased traffic and the applicant's submission prior to the date of the meeting. additional comments from the Santa Barbara Martinez Town Neighbourhood Association requested denial of the Zone Map Amendment, stating opposition to the Zone. stating opposition to the request's nature as a spot zone and reiterated concerns about traffic neighborhood character and gentrification. Another comment received by a community member stated opposition to the potential future development on the site and concerns about increased traffic. Staff finds that the applicant has adequately justified the request based on the proposed zoning being more advantageous to the community than the current zoning, because it would clearly facilitate a preponderance of applicable goals and policies. The applicant's responses to the review and decision criteria for zone map amendments established in IDO section 14-16-6, 7-G.3 are sufficient regarding PR-2024-009765 Case number RZ-2024-00001 Staff recommends approval, and with that I stand for questions.

CHAIR HOLLINGER: Thank you, Mr. Tinkle. Your presentation was concise and to the point, thank you for that. Commissioners, do we have questions for the Staff presentation?

VICE CHAIR EYSTER: Eyster.

CHAIR HOLLINGER: Vice Chair Eyster.

VICE CHAIR EYSTER: Thank you Chair. Thank you for a very good presentation, Mr. Tinkle. My question revolves around the early College Academy Career Enrichment Center on the North side of Mountain. Is that a high school?

SETH TINKLE Yes, it is, it is part it is a part of a high school use.

VICE CHAIR EYSTER: Good. Thank you.

CHAIR HOLLINGER: Thank you Vice chair. Any other commissioners?

Very well, hearing none, we'll move to the applicant presentation. I believe this is Tierra West.

SERGIO LOZOYA:- Hello, Chairman Hollinger. I will be representing Tiera West today.

CHAIR HOLLINGER: Hello, Mr. Lozoya, can you state your name and address for the record, please?

SERGIO LOZOYA: Yes, my name is Sergio Lozoya. My address is 5571 Midway Park Place North East Albuquerque, New Mexico, 87109.

CHAIR HOLLINGER: Thank you. Will you raise your right hand? You swear to tell the truth, under penalty of perjury.

SERGIO LOZOYA: I do.

CHAIR HOLLINGER Thank you. I believe you have 10 min for your presentation.

SERGIO LOZOYA: Thank you. Let me share my screen. Thank you, Chairman Hollinger. I'd like to start just by saying my condolences to you and your family for your loss. Thank you, commissioners, and thank you planning staff for your presentation and Staff Report. My name is Sergio Lozoya, I'm Senior Planner at Tierra West, agent for Cross Development. We are requesting a Zone map amendment for the subject site, located at 1100 Woodward from MX-M to MX- H. I will begin with some information regarding the history of the subject site, the current zoning and briefly discuss our meeting with Santa Barbara Martinez Town Neighborhood Association. I will then touch on the proposed use and development. Should the request be approved. Following how the request meets the criteria for a zone map amendment. Again, the subject site is located on 1100 Woodward Place between Mountain Road and Lomas Boulevard. It is bound by the Interstate to the East, Albuquerque High to the North, Tricore Labs to the West, and Embassy suites to the south. Beyond I-25 to the East and Southeast are parcels zoned MX-H And you can see parcels zoned MX-M to the South and West, and further South, beyond Lomas, along Locust other parcels zoned MX-M and MX-H. Here's a quick overview of development within the last 20 years surrounding the subject site. You can see in 2002 it was totally vacant, 2004 Tricore labs was already built, and construction on Embassy suites had started and, on the bottom, right, what the site looks like today. I would just like to also introduce that the site is governed by an EPC Site plan for subdivision. There were 2 total neighborhood meetings held with the Santa Barbara Martinez Town Neighborhood Association and Tierra West. The first was facilitated in which we discussed the proposed Zone Map Amendment and Development. We discussed the Sector plan, zoning designation, and how that compares to the IDO zoning designation. Also, the benefits of the Zone Map amendment and the development that would be to follow. The neighborhood had concerns regarding intensity of uses and density of future development, traffic, and the character of development within their Neighborhood Association boundary. We had a follow up meeting in which the applicant came to town and was able to attend as well. We discussed traffic and potential calming solutions, continued discussion on the sector plan. Designation of SU to for C-3 uses, the proposed development specifically operational questions

and things of that nature. The revised traffic scoping form which was submitted, which showed that this use would add 35 trips during the Peak morning hours and 37 trips during the Peak evening hours. The neighborhood had similar concerns as the first meeting, and discussed historical issues between the Santa Barbara Martinez Town area and the City of Albuquerque. Shown here is a conceptual Site Plan for the proposed development of a physical rehabilitation hospital, should the request be approved. Patients have a typical stay of 2 weeks, as stated previously, the proposed use would generate 35 trips in the morning peak hours and 37 trips during the evening peak hours. The use is more akin to a nursing home than a hospital such as UNMH. There will be no ambulances or emergency vehicles driving in and out of this facility and the Physical Rehab Hospital typically has 60 staff members, nurses, doctors, etc., during the day, and 40 staff members present during night hours. Here are some conceptual elevations and again, this project will return under the Site Plan EPC process, in which we can further discuss issues associated with design and land use, and more meetings will be held with the Santa Barbara Martinez Neighborhood Association, should they desire. The request meets all criteria outlined in IDO 14-16, 6- 7, G-3- A. Through H. As described in the justification letter and Staff Report. The request clearly facilitates the comprehensive plan is located in an area of change, has demonstrated that any potential harm from the new permissive uses are adequately mitigated by the use specific standards in the IDO. Further, the request is not based completely on the cost of land or other economic considerations. Rather, it clearly facilitates the comprehensive plan. Criterion H discusses requirements should a zone map amendment would result in a spot zone. I would like to take a moment to address this criteria and present Tierra West's perspective, staff's position as this meets the criteria for spot zone. It is Tierra West's position that the request does not create a spot zone. However, the request still satisfies criterion H. The test for a zone change that would result in a spot zone due to the definitions from the IDO as written in the Justification letter and Staff report, the proposed the proposed Zone Map Amendment would act as a transition zone for adjacent zone districts as defined in the IDO, adjacency exists even when 2 parcels are separated by a right of way. In this case, I-25, and North and Southbound frontages, given this scenario, the subject site would act as an appropriate transition from the parcel zoned MX-H to the East to the property zone, MX-M to the South and West, and the property zone MX-L MX-T and RT in the vicinity. As you can see on my screen the intensity of zones decrease as you go West along the zone zoning map. The subject site is not directly abutting nor adjacent to any residential zone district, and would act as a transition into the lower intensity of the MX zone districts as described above. But again, Terra West believes that this would not create a spot zone per the project Memo found in the record staff identified the definition of surrounding to be interpreted as touching. Therefore, if no other similar zones were touching the subject site, the request would result in a spot zone. However, I have three examples where Staff considered non-touching parcels to be adjacent in a Zone map amendment, and were not considered as spot zones. The first is agenda item one heard on April 15, 2021, case number PR-2021-005199 there are NR-C parcels in the vicinity, but none of them are physically touching the subject site. The nearest one is across Richmond, which is 70 feet away, separated by right-of-way and to the South, separated by right-of-way of Menaul Boulevard, totaling 118 feet. The second was agenda 5, heard on February 17 2022. The request was for a Zone Map amendment from NR-C to RM-L though no other parcels zoned RM-L were physically touching the boundary of the subject site. The request was not classified as a spot zone. The nearest parcels zoned RM-L were to the Northeast of the subject site

approximately 368 feet away, and did not physically touch the subject site. The surrounding land uses were a factor in this interpretation. Lastly, agenda item 3, which was heard November 16th, of 2023 case number PR-2023-009365 I have both of these parcels highlighted, but it was just the one to the left. If you can see my cursor. The request was for a zone map amendment from R1-B to NR-C and as you can see, there are NR-C in the vicinity, but they are not physically touching the subject site. We have one parcel to the South at 57 feet others at approximately 100 feet, and to the Southwest, at 523 feet. Our zone map amendment is similar in conditions to the above cited examples. There is a parcel zoned MX-H to the East of the subject site, only separated by right of way, which, according to the IDO would be considered as adjacent. The parcel zoned; MX-H is 441 feet West of the subject site. Again, they are only separated by a right of way, and satisfy the IDO's definition of adjacent. Therefore, Tierra West respectfully believes that our request is not a spot zone, though it does meet criterion H justification for a spot zone. Given Staff's thorough analysis and recommendation of approval. The sound justification letter Tierra West respectfully requests approval of agenda item 2. A zone map amendment from MX-M to MX-H for a subject site located on 1100 Woodward, and with that I stand for questions.

CHAIR HOLLINGER: Thank you, Mr. Lozoya for your presentation. Very well put together, I appreciate your justifications. I will remind everyone, although you did show a Site Plan. This what's before us is for a zone map amendment, so with that, I'll open the floor to commissioners. Do you have any questions for Mr. Lozoya?

COMMISSIONER MACEACHEN: Commissioner MacEachen.

CHAIR HOLLINGER: Mister MacEachen.

COMMISSIONER MACEACHEN: Mr. Lozoya, you went fast but there was a ton of information, I get it. I was just trying to reconcile you said there were 60 staff during the day and 40 at night, but when you talked about traffic trips you said 37 in the evenings and 30 in the day. How does that work? How do those people get there?

SERGIO LOZOYA: So, for those numbers that it only takes into account the peak hours. So, I would imagine some staff members are filtering prior to peak hours or after peak hours. So, what's required in the traffic scoping form, and those numbers reflect only the peak hours.

COMMISSIONER MACEACHEN: So, there will be more traffic than what your study shows?

SERGIO LOZOYA: Correct.

DEREK BOHANNAN: If I may.

CHAIR HOLLINGER: I see you Bohannan. Let's get you sworn in for the record. (INAUDIBLE)

DEREK BOHANNAN: Derek Bohannon. 5571 Midway Park Place Northeast Albuquerque, New Mexico, 87109. I do swear to tell the truth, under penalty of perjury.

CHAIR HOLLINGER: Ah got the last part good to go.

DEREK BOHANNAN: Yeah, I've done this a time or two. Yeah, to, to further expand on that. So, when looking at traffic from an engineering perspective what you're really concerned with is the periods during which there's the most demand. Right? Because that's what's gonna cause traffic issues in terms of congestion backup and queuing. So, when you look at these types of facilities, you take the trips generated during those peak hours, and that's what's applied, and that's done through the ITE, which is a nationally recognized in Institute of Transportation Engineers. and they've done numerous studies throughout the country throughout years. And you go and you look up your use specific standards, and it shows what those trips contribute during those times that you are most concerned with, because that's what you have to design around and mitigate if there are any issues in the level of service of traffic. So that's what you take into account. Yes, the facility may generate more trips during Non-Peak Hours but those are considered non-adversarial to the transportation network. They won't in impact the transportation network as compared to trips during the peak hours. Generally, in the city of Albuquerque. Anything under 100 trips generated during peak hours is considering something that is not required of a study.

CHAIR HOLLINGER: Commissioner MacEachen, does that satisfy your question?

COMMISSIONER MACEACHEN Yeah, I was just trying to do the math and get understanding of it, and I understand there's formulas and studies and all that stuff. But for the people live around there. It's still gonna be traffic

CHAIR HOLLINGER: Miss Jones, I see your hands up.

MEGAN JONES: Thank you. Chair Hollinger and Commissioner MacEachen, and also to Mr. Bohannon for the background information. But, as chair, Hollinger stated at the beginning of this discussion, we want to focus on the request, which is for a zone change to which could facilitate a future development of this proposed use which a lot of this presentation was about, the traffic impact study or traffic scoping form associated with that future use is tied to that future use and not to the zone change. Although, A traffic scoping form is required to be submitted with the EPC packet for a zone change. It was noted in that packet. On page 51 of the full staff Report compilation that our city engineer determined that the traffic impact study is not needed at this time. So just reminding all the Commissioners that we're focusing on the Zone change and not the future development.

CHAIR HOLLINGER: Thank you for that, input Miss Jones. Vice Chair Eyster I see your hand up.

VICE CHAIR EYSTER: Thank you. Chair. Ms. Jones. I don't understand the value of a traffic scoping study at this point, because new permissive uses include a self-storage: that would have a completely different traffic scoping. So why do we even do that? I don't see why. I guess if it's in the IDO we have to, but I don't see why, and I don't think the applicant does either. Looking at the shaking heads.

MEGAN JONES: Thank you. Commissioner, or Vice Chair Eyster, sorry about that. This, is something that we are going to look into internally in our process for a Zone map amendment. It is determined in every Zone Map amendment that we see that a traffic impact study is not needed by our traffic engineers. Unless zone changes associated with the Site plan. So, at this point in time, it's required to be included with an application. But it's not something to focus on in the topic of the discussion.

VICE CHAIR EYSTER: That answers my question chair. Could I ask another a question of the applicant?

CHAIR HOLLINGER: Go ahead, chair or Vice chair.

VICE CHAIR EYSTER: Thank you. Thank you. I don't understand why you why you addressed your argument about whether this is a spot zone. because you've also said that you think you qualify for a spot zone.

DEREK BOHANNAN: (INAUDIBLE)

SERGIO LOZOYA- Thank you Commissioner or Chairman Hollinger, Vice Chair Eyster. So, in our initial application and justification, we did not justify, for a spot zone after discussion with staff they determined that in fact, it was a spot zone. So, then we wrote a justification that we feel fits the criteria for a spot zone, and that is to say, that our subject site would act as an appropriate transition. However, I just wanted to bring up the definitions in the IDO concerning adjacency and right of ways which would mean the I-25 Interstate and the South and Northbound frontage roads. So, according to the IDO our parcel would be adjacent to the parcels to the East, which are zoned MX-H. So I just wanted to bring that to light that per the IDO and for our interpretation, it is not a spot zone.

VICE CHAIR EYSTER: I understand. Thank you.

MEGAN JONES: Chair Hollinger and Vice Chair Eyster. I'd like to just jump in to make one statement on that although staff did determine that this site, this zone change would result in a spot zone. It was determined by Mr. Tinkle and planning staff that the request is justifiable. Which I mean that the spot, the spot zone to MX-H would be a justifiable spot zone and staff's recommendation at this point, based on applicant justification is a recommendation of approval. So, I don't see the relevance in speaking on whether or not this is a spot, zone or not, because it is justified at this point and that that's all I'll say for now, I know that Mr. Tinkle has a few things that he'd like to cover in his closing regarding this, too.

VICE CHAIR EYSTER: Thank you.

MEGAN JONES: Thank you.

CHAIR HOLLINGER: Thank you, Miss Jones. Thank you. Vice Chair Eyster. Any other commissioners?

COMMISSIONER HALSTEAD: Halstead.

CHAIR HOLLINGER: Mr. Halstead.

COMMISSIONER HALSTEAD: Yeah, thank you. Chair I have a question for Mr. Lozoya. As to the what the I guess I'm trying to understand, especially given the neighborhood pushback what the need for the zone change is. The uses are already permissive in both MX-M and MX-H. If it is indeed going to be a rehabilitation center, as well as the density that that it appears is being explored. So, I'm a little bit confused. Why, there's even a need to do this change.

SERGIO LOZOYA: Thank you, Chairman Hollinger and Commissioner Halsted. So, in the IDO and the use specific standards under the MX-M Zone district we are limited to 20 beds for a hospital. So essentially, we would require the MX-H. Zone district for additional beds. However, you know we did the way our justification is outlined and constructed, and the way staff wrote their staff report we did consider all uses in this request.

COMMISSIONER HALSTEAD: Thank you that the bed clarification is important to me, so I appreciate that.

CHAIR HOLLINGER: Thank you, Commissioner Halstead, I have a question, but I'll save that. Any other commissioners? So, if there are none at this time, I believe we'll move to public comment. Mr. Salas?

ERNESTO ALFREDO SALAS: Yes, chair and commissioners. The first speaker is going to be Loretta Naranjo Lopez.

CHAIR HOLLINGER: Hello, Miss Lopez! Can you hear us?

LORETTA NARANJO LOPEZ: Yes, I can hear you. Can you hear me?

CHAIR HOLLINGER: We can. Can you state your name and address for the record?

LORETTA NARANJO LOPEZ: My name is Loretta Naranjo Lopez, and I live at 1127 Walter Northeast.

CHAIR HOLLINGER: Thank you. Will you raise your right hand? Do you swear to tell the truth, under penalty of perjury?

LORETTA NARANJO LOPEZ: I do

CHAIR HOLLINGER: Very well. You have 2 min. Please proceed.

LORETTA NARANJO LOPEZ: Well, before I start, I just wanted to state that I will be speaking on behalf of the Santa Barbara Martinez Town Neighborhood Association, so I would like the 5 minutes.

CHAIR HOLLINGER: Was a meeting held where a vote was cast allowing you to speak (INAUDIBLE)

LORETTA NARANJO LOPEZ: Yes, we voted unanimously to request denial.

CHAIR HOLLINGER: Okay, that entitles you to 5 min. Please proceed.

LORETTA NARANJO LOPEZ: Okay, I will be referring to the record of February 13th that I provided. Dear present Chair Jonathan Hollinger, and members of the of the EPC. Santa Barbara Martinez Town Neighborhood Association request denial of the Zone Map Amendment from MX-M to MX- H. Based on the following, and I just want you to know that we also provided exhibits 1 through 1, 2, 2A through 9. So please refer to those documents. I hope you were able to look at them. The application does not satisfy the IDO and State legal requirements for changing the subject property existing zoning and I will refer to exhibit 1 Fairway Village Neighborhood Council, Inc. vs. board of Commissions of Dona Anna County. The applicant's request for Zone Map Amendment from MX-M to MX-H is a spot zone and spot zones are illegal. The proposed use is not a transition. The MX-H is not compatible with historical single-family neighborhood. The uses are detrimental to any residential neighborhood. The 3 story Physical Therapy Hospital should be on aerial arteries that can accommodate the traffic noise and air pollution. Mountain Road is in a host, historic, old, historic, residential two-lane road, designated as a collector that cannot accommodate any more traffic. A traffic study and environmental impact study is requested, and the Albuquerque hospitals and physical therapy hospitals are nearby and located in nonresidential zones, next to arterials, the impacts of high-density developments on traffic and health, the HI report, which is provided in the exhibit's counters, the traffic engineer's comments. A traffic engineer should address the HIA report, and the comments made by the city planning department's traffic engineer, the traffic engineer's only reasoning to accept the zone map amendment is that the traffic didn't meet a certain threshold. The community has been dealing with traffic accidents at Mountain Road and the frontage road since the opening of the frontage road and the city of Albuquerque has done nothing to resolve the issues. There is no crosswalk or live for students at Woodward and Mountain Road. There's been requests to make only a left turn that's a correction hand turn on Mountain and the frontage road, which would take you to the North Frontage Road, and there has been no efforts to implement this request. Another suggestion was to have an island in the middle of the mountain road to stop five-ton trucks from entering Mountain Road. There's also been a proposal to do a roundabout at Edith and Mountain Road,

and again, nothing is being done to protect the residential pedestrians and the students at the high schools. We'd like this done before anything is considered for changes because of existing cumulative impacts due to the Frontage Road, Lomas Boulevard, I-25, I-40, the number of air quality permits issued by the Environmental Health Department and Congestion at peak hours on Mountain Road. The MX-H should not be approved. The MX-M zone is already considered detrimental to any neighborhood. A higher intensity, and MX-H will increase the negative impacts that already exist. Resolution R2720-75 states that the City of Albuquerque is, and then I will also refer to that on the exhibits, and that's exhibit four. States of the City of Albuquerque is committed to addressing racial and social inequity. Martinez Town Santa Barbara neighborhood was zoned in the 1959 commercial neighborhood predominant land use, and has continued to be a single-family residential R-1. The Housing and Neighborhood Economic Development Fund 22, comprehensive plan, which is 2-A, states that while these new developments are exciting for Albuquerque residents, they may create inhospitable economic conditions that produce neighborhood displacement and gentrification, the continued commercialization of our neighborhood will be detrimental to the neighborhood. The MX-M is not compatible with historic single-family neighborhood, and again, we are an area of consistency. The proposed three-story physical therapy hospital medical facility is out of character and should not, should be on arterials that can accommodate the traffic noise and air pollution, and I will refer to exhibit two and exhibit three. Under the City Comprehensive plan, (INAUDIBLE) Martinez Santa Barbara is historical neighborhood and the city violates this policy by not enforcing that the historical protection to enhance, protect, preserve, the neighborhood and traditional communities as key to our long-term health and vitality of Martinez Town Santa Barbara neighborhood, which has historically been permitted single family land use. This use doesn't go in character with it the request does not promote protection and enhancement of Martinez Town Santa Barbara neighborhood character by establishing zoning conversion that is not appropriate. Am I getting close to the end?

CHAIR HOLLINGER: Yeah, that's your five minutes.

LORETTA NARANJO LOPEZ: Okay well then, I'm gonna refer to cause there's a lot to this letter. But the request is that we recommend denial, and then I will refer to exhibit 2A-6, and I'm we're required that HIA report requires a traffic study, an impact study because it counters whatever the traffic engineer is stating. And I you know there's a lot more on this letter, but I would like it for the for the record. So, all pages that I submitted, including the exhibits, if you have any questions.

CHAIR HOLLINGER: We have your information from what you've submitted, and we hear your opposition. Mr. Myers, I was wondering if you could speak to the legalities of a spot zone that she stated that they were illegal?

MATT MYERS: Yes, Yeah, Chair Hollinger. So, a spot zone is not is not just automatically illegal, okay? You can justify a spot zone. What happens is if you determine it is a spot zone you are able to allow that and legal cases support this in New Mexico. So long as the zone, the spot zone, furthers a preponderance of the comp plans, goals, and policies. Okay? And I think that's even set out in the test, I think, is it H? You know of the Zone change tests where you have, I think it's a 2-part test, and one of

them is that it if it furthers the preponderance, or maybe even more, of the goals and policies in the comp plan. And then you have to meet one of the three additional requirements. So, it's not just by itself illegal. However, if you have a spot zone, you have to then meet the test set out in the IDO, which I believe is compatible with New Mexico law on spot zones.

CHAIR HOLLINGER: I appreciate the clarification. Additionally, there was a comment made about the area being an area of consistency. And, as I understood, I believe this is an area of change. So, for the record, I just want to put those on Commissioners any other questions for the public speaker, Miss Lopez

VICE CHAIR EYSTER: Eyster.

CHAIR HOLLINGER: Vice Chair Eyster.

VICE CHAIR EYSTER: Thank you Chair. Thank you, Miss Naranjo Lopez. The site is currently zoned MX-M. Are there types of development that the community, I'll preface this. We're not in a position to give you any promises about any development, but just for our understanding and our consideration. Are there types of development that the community considers attractive on that site? And what are those?

LORETTA NARANJO LOPEZ: It was recommended to at the meetings that we met with the applicant, we recommended that there be like a a swimming pool for Albuquerque high tennis courts. We also are recommending an open space. Because if you read the health impact study, it's called impacts of high-density developments and traffic and health. And then also, if you look at the heat wave report by the city. The city itself is saying, these uses are detrimental to our neighborhood. The MX-M is already detrimental, for the city to consider that MX-H is transitional is outrageous, outrageous. And for I'm just saying that we need a lot of trees in this area, because they're saying we're in an area that is part of that heat wave. And so, we think that. And we talk to CEC, and they thought that would be a really good recommendation, because we're having issues with idling cars during the high peak areas. And these are just gonna bring us even more problems, noise, pollution. And they're already saying that our health and impact is already damaging from the I-25, I-40, the frontage road and the city doesn't listen to us, and we're saying No to this development based on State law. It's a of this has not been defended by spot, zone, or transition.

VICE CHAIR EYSTER: Thank you. I missed when you said you've talked to CCC, it sounded like that. I don't think that's what it was. It was something like that.

LORETTA NARANJO LOPEZ: I talked to the principal at CEC.

VICE CHAIR EYSTER: Oh, at the continuing education, okay.

LORETTA NARANJO LOPEZ: Yes, the continuing education center. way back, when we met with Councilor Benton on the traffic issues right regarding this area, the report says that we have the highest

fatality in this area. Highest fatality. Why, anybody would consider these types of uses in this in this area, I do not understand. When the report is already telling you that there is problems, and the city does nothing about it.

VICE CHAIR EYSTER: Pardon, pardon my pardon, my interruption. I just need to get some answers. The other one I had is, has there been any dialogue with the city, or parks, or the counselor about buying the land and turning it into a park or a swimming pool?

LORETTA NARANJO LOPEZ: Well, we can have dialogue, but there's been dialogue already that we're in a heat wave. The record shows for itself. There's been already a case AC-20-9 that is denied nonresidential uses. So, I mean, we're the record defends our understanding of the State law that this is not a spot zone and this is not transition. I worked in the city planning for 15 years. I did. (INAUDIBLE)

VICE CHAIR EYSTER: I don't. I don't mean to be rude. I wanted to get. I wanted to get answers to those questions, but the but your time for testimony was already given, so thanks for answering my questions.

LORETTA NARANJO LOPEZ: We did ask for deferral to really deal with this issue, because there's a lot to it, and the applicant is already allowed 20 beds I do not understand why we're here looking at something that is incompatible and very detrimental to our. (INAUDIBLE)

CHAIR HOLLINGER: Miss Lopez, Miss Lopez. Thank you for your testimony we hear you. Vice Chair Eyster I believe that satisfies your question.

VICE CHAIR EYSTER: It did Chair, thank you.

CHAIR HOLLINGER: Vice Chair, if its possible if you could maybe move your microphone out a little bit, you're about four times louder than everybody.

VICE CHAIR EYSTER: Yeah, I'll try to. Well, I can turn it down, too. I'll work on that.

CHAIR HOLLINGER: Thank you. Mr. Salas, who's next?

ERNESTO ALFREDO SALAS: Yes, Chair and commissioners. The next speaker is going to be Wes.

CHAIR HOLLINGER: Wes are you with us.

WES: I am here. Can you hear me?

CHAIR HOLLINGER: We can hear you, if you'd like, turn your video on and please state your name and address for the record.

WES: I'm Wes Nester with Tricor reference laboratories. And.

CHAIR HOLLINGER: Your address for the record.

WES: Oh, 1001 Woodward Place Northeast Albuquerque. 87102.

CHAIR HOLLINGER: Thank you. Will you raise your right hand? You swear to tell the truth, under penalty of perjury?

WES: I do

CHAIR HOLLINGER: Thank you. You have 2 minutes sir.

WES: Thank you, as the director of supply Chain and the facilities here at Tricor. I don't think I ever saw a notification that there were public meetings and the only reason I'm here today is I saw the yellow sign across the street and my executives would like to know what the purpose or the plan for this a lot across the street from us is. I would disagree that we really need a traffic study, because I see accidents: 2 or 3 times a month on that frontage road and mountain, and it's very congested. I know we're we got ours, I guess kind of mentality, but this seems like putting a 40-bed facility across the street might not be a good use of the roads here. So that's all I have to say, I'd like to know when that public notification went up, because I don't have a copy of it. And then, if we would like some time to review what this mixed-use high-density zoning change would really impact us. That's all.

CHAIR HOLLINGER: Thank you Sir. Miss Jones, I saw you pop up.

MEGAN JONES: Thank you. Chair Hollinger. I just want to add that Staff is checking the record for notification for this property now.

CHAIR HOLLINGER: Thank you. I was gonna ask for that. So, while you're working on that in the background, excuse me. Mister Salas can we have the next speaker, please?

ERNESTO ALFREDO SALAS: Yes, chair and commissioners. The next speaker is going to be Ian Colburn.

CHAIR HOLLINGER: Ian Colburn.

IAN COLBURN): Good morning. Y'all hear me all right?

CHAIR HOLLINGER: We can hear you if you'd like, turn your video on and state your name and address for the record.

IAN COLBURN: Good morning. My name is Ian Colburn, my address is 1002 Arno Street northeast. 87102. Before you start my 2 minutes, or I promise to tell the truth, I just need to take a drink. I'm at work. Sorry these meetings are challenging to get to. I'm sure you haven't heard that before, but you know working people 8 to 5. (INAUDIBLE)

CHAIR HOLLINGER: Put your right hand up. Do you swear to tell the truth under penalty of perjury?

IAN COLBURN: Yes sir.

CHAIR HOLLINGER: Very well. Are you prepared?

IAN COLBURN: Yes, thank you.

CHAIR HOLLINGER: Okay, well you have two minutes. Take your time.

IAN COLBURN: Thank you. So, my wife and I have lived in Martinez Town for nearly 7 years now. I've been part of the Neighborhood Association. I don't know. I had some more to say, but honestly, Loretta gave that stunning presentation very persuasive argument about why this zone change is inappropriate. And then Wes, working right there for many years. I mean eyewitness accounts of all the accidents and relating to the high traffic and the and the intensity of the traffic. My wife and I walk in the neighborhood a lot. And just at the end of last year we were struck by a vehicle. While walking we were both injured. My wife received a mild TBI and is struggling with the symptoms resulting from that crash being hit by a car. In the studies, in the evidence that Loretta sent you there was a link to a traffic study done by city of Albuquerque in 2017. There were recommendations in that study, I'd like you to all take a look at that, and then talk to some in the city, or drive around our neighborhood, and see how few to none of those recommendations have been done. And that was 7 years ago and traffic has only increased, and density is only increased. I am not against development. The Neighborhood Association is not against development. We are for appropriate development, and we do not want through traffic on the neighborhood. And that is what this site will create Mountain (INAUDIBLE) and Edith right down the street. (INAUDIBLE) in 7 years, that were recommended then, then so how can we be said that we want more development and a zone change that will allow even more commerce and people to come through the neighborhood. So, I please reconsider and do not approve this zone change and I'm happy to answer any questions. Thank you guys for your (INAUDIBLE)

CHAIR HOLLINGER: Thank you for your statements and we're sympathetic to your accident. Commissioners, are there any questions for Mr. Colburn? No? Thank you. Mr. Salas, who's next?

IAN COLBURN: I've got one more question if you guys want to consider this, where would people get to this site from? Just think about that, if I could leave you with that question. Where will people get to that site from? Is it the Lomas off ramp, the frontage road where all these accidents happen? And if not that, it's on mountain, through our neighborhood. How many people are gonna come on Woodward?

CHAIR HOLLINGER: Very well Sir. (INAUDIBLE)

IAN COLBURN: Have a great day.

CHAIR HOLLINGER: You as well.

ERNESTO ALFREDO SALAS: Yes, Chair and commissioners. The next speaker is going to be Patricia Wilson.

CHAIR HOLLINGER: Ms. Wilson. We can hear you and see you. Can you hear us?

PATRICIA WILSON: Yeah. Sorry it was the moment when the "signature required" guy came to the door.

CHAIR HOLLINGER: Welcome back! I believe we've sworn you in from the last. Is that correct?

PATRICIA WILSON: Yes, sir.

CHAIR HOLLINGER Very well. you have 2 min. Please proceed.

PATRICIA WILSON: Okay. Chair Hollinger and Commissioners, I don't buy the argument that this requested zone change would create a transition. A transition would be, for example, an MX-M Zone in between MX-L and MX-H. This site already is a transition in between the MX-H to the South and East and the MX-L and residential zones to the West. Changing this site from MX-M to MXH, does not create a transition. It is spot zoning that simply pushes the MX-H zone to the West side of the freeway, providing the first domino for more for more inappropriate development adjacent to historic neighborhoods. I do not believe the applicant has provided sound justification for spot zoning. According to the review and decision criteria in section 6-7 G3 of the IDO. Please reread the long-range planning agency comments on page 33 of the staff report, especially the last paragraph quote "The Martinez Town Santa Barbara community has often expressed opposition to mixed use, higher density, multistory development." The EPC should carefully consider whether an up zone is appropriate on this site, West of I-25. I urge denial of this zoning map amendment. Thank you very much for your time.

CHAIR HOLLINGER: Thank you for your input, Miss Wilson. I'm glad you made it back in one piece from the signature. Commissioners, any questions for Miss Wilson? No? Mr. Salas, has anyone else signed up to speak?

ERNESTO ALFREDO SALAS: Yes Chair and Commissioners, the next speaker is gonna be Jane Beckley. If anybody else wishes to speak after Ms. Beckley, please raise your hand now, thank you.

CHAIR HOLLINGER: Welcome back Miss Beckley. You already sworn in. Please proceed.

JANE BAECHLE: Thank you, and to be clear, I'm speaking strictly as an individual at this point. I have three basic concerns. First, is that the creation of a spot zone in in my mind is an inherently problematic change. And really should only be done when it clearly and compellingly benefits everyone involved. And I don't see that that's what we're hearing here. Secondly, the to me the term transition suggests that there is an inherent connection between two things, and if they should therefore be linked in some way, and the idea that a neighborhood, particularly one in a character protection, overlay zone and high intensity development, including whatever UNM might ultimately decide to build on their undeveloped lot on the other side of an interstate highway and adjacent service roads should be connected, and that that justifies a spot zone is extremely concerning, and I think, fundamentally wrong. And I also think that up zoning this particular parcel is gonna profoundly, negatively impact. The current residents of the area characterized in some things is primarily low-income households. And I think this has really been clearly articulated by the Neighborhood Association, and I also believe it should be denied. Thank you so much.

CHAIR HOLLINGER: Thank you for your input. Commissioners any questions? Mr. Salas.

ERNESTO ALFREDO SALAS: Yes, Chair. The next Speaker is going to be Rene Horvath.

CHAIR HOLLINGER: Welcome back, Miss Horvath.

Rene' Horvath: Hello. Hello!

CHAIR HOLLINGER: We can hear you. We can't see you. If you'd like to turn your video on.

Rene' Horvath: Okay, here we go. Yeah, I thought I'd speak to this because I am familiar with the area, and I think it's very unique. It has a really nice historic area in the Martinez Town which I feel like this zone. You know I am kind of concerned with all the MX-M Zoning that's already allowed. That's pretty intense already. So, I do agree with Loretta. It's pretty intense, adjacent to single family homes that are already in a historic area. I think MX-M can handle the any of the uses that I guess this applicant wants to do. But why does it, they need to change to MX-H? And isn't there a strong, you know they have to meet strong criteria to get this zone changed and you have MX-H On the East side of I-25. There are no residents over there that it would impact. And in listening to everybody it sounds like the traffic is an issue that needs to be considered and I am a little worried about saying, well, this is an area of change. So therefore, we get to change the zoning so easily. I mean, I always heard that this is where we want development to occur. But I hate to see areas of change being used to justify easy zone changes. And I do agree. This MX-H is much more intense than MX-M. And I don't see it as a transition either, so, I'm not sure that. Now, Loretta said that she's willing to work with the applicant to address some issues. I don't

see that it's correct and it would set a precedent to change the zoning to a higher level. So, I will not do that. I think you need to maintain what you got and that's my recommendation. So, thank you

CHAIR HOLLINGER: Thank you Miss Horvath, Commissioners any questions? Mr. Salas, who's next?

ERNESTO ALFREDO SALAS: Yes, chair and commissioners. The next speaker is going to be. iPhone Angela.

iPhone Angela: Good afternoon. Thank you for letting me speak. My name is Angela Vigil and I have a home at 1405, Edith Boulevard Northeast across from Santa Barbara School. I am not.

CHAIR HOLLINGER: Will you raise your right hand?

iPhone Angela: Excuse me?

CHAIR HOLLINGER: Will you raise your right hand?

iPhone Angela: Oh sure.

CHAIR HOLLINGER: Do you swear to tell the truth under penalty of perjury?

iPhone Angela: Yes sir, I do. Thank you.

CHAIR HOLLINGER: Thank you very much. You have 2 min, please proceed.

iPhone Angela: Hi! I'm speaking as a resident, but also as a teacher. I taught at Albuquerque High for 34 years, I witnessed the traffic there every day. I witnessed one of my students getting hit on the skateboard crossing there by the frontage road. He was in ICU; I went and saw him at the hospital with severe head injury he never recovered. I've also witnessed our kids the way they dart in and out. And I, you know they're teenagers. What can you say? You tell them no. But so, I'm concerned about when the children, high school students, excuse me. Getting hit there again, which has happened more than once. I couldn't even tell you how many times I've seen or heard, because they would put us on lockdown when a kid got hit or something like that happened. If there been an accident, and there are multiple accidents there all the time. I would go in and out of school. 7:30 exit at 2:30, although I realized the times changed. But getting in and out is almost impossible. The school buses. It's a nightmare. I don't see how, why we need to have more traffic in this already traffic filled area. Our school. Our students should be more important to you all than building a hospital there. A hospital can be placed anywhere in the city. But not with in a traffic. It's already overburdened with traffic. and I don't want to see any more kids hurt or possibly killed. The accidents, rear enders, oncoming traffic, going to turn on to Albuquerque high cause when we go. If they're coming East, they turn left onto Albuquerque High. If they're coming out of Albuquerque High, they turn either left or right. It's just a nightmare already. I would hope somebody would go and see the 7:30,

or whatever time school starts now, because I'm retired the 8 'o' clock to 3 'o'clock on, on and off at Albuquerque High to see how bad I'm not even considering CEC, the CEC Has that that traffic. Yes?

CHAIR HOLLINGER: We hear your traffic concerns. That you're over your time limit now, did you want to make additional comments?

iPhone Angela: No, just I didn't get to talk about CEC, but that's I. If somebody would just go see it, then I don't have to do any talking. It would speak for itself just by somebody doing a traffic study. Thank you very much for your time, sir.

CHAIR HOLLINGER: Thank you for being here. Commissioners, any questions? Mr. Salas, who's our next speaker?

ERNESTO ALFREDO SALAS: Yes, chair and commissioners. The next speaker is gonna be iPhone after this speaker. If anybody wishes to speak, please raise your hand now, thank you.

CHAIR HOLLINGER: Hello, iPhone. Can you hear us?

iPhone: Yes, my name is Gilbert Speakman. I was born and raised in Martinez Town, and for the longest period of time. please.

CHAIR HOLLINGER: Sir, before we get going, name and address for the record please?

iPhone: Gilbert Speakman. 3800 Morningside Drive but I am a member of the Santa Barbara Martinez Town Stone Neighborhood Association.

CHAIR HOLLINGER: Okay. Will you raise your right hand? Do you swear to tell the truth, under penalty of perjury?

iPhone: I do.

CHAIR HOLLINGER: And are you speaking on behalf of yourself or the neighborhood organization?

iPhone: The neighborhood organization.

CHAIR HOLLINGER: Did you have a meeting where a vote was cast allowing you to speak on their behalf?

iPhone: Yes.

CHAIR HOLLINGER: You did? Okay.

iPhone: With Miss Loretta Naranjo Lopez.

CHAIR HOLLINGER: Okay, so that would entitle you to five minutes if you'd like.

iPhone: Okay.

CHAIR HOLLINGER: Please proceed.

iPhone: Okay, yes, my lifetime. I have seen that the city is always wanting to dump the problems that exist through theirs on our neighborhood like wanting to put a tent encampment. Then that was denied then now they want to put the trash next to our cemeteries over there and then now changing the commercial the zones. I think it's another effort to gentrify our neighborhood since half our neighborhood has already been gentrified south of Lomas. You know this is, it's not right for just the city to neglect our neighborhood. and then all of a sudden, they want to change the zoning codes to bring more commercial businesses in there. I attended the traffic study in 2017, where then, city counselor Benton, approved a roundabout on the intersection of Edith and Mountain Road because of the commercial trucks going down up and down mountain road, and we have a small little park there where kids' cross mountain road all the time and they get they have to watch out, or they have to be supervised that the speeders or the commercial trucks don't go run over these kids and yield my time. And that's what I wanted to say.

CHAIR HOLLINGER: Thank you for your input this afternoon, sir. We appreciate you.

iPhone: Thank you.

CHAIR HOLLINGER: Mr. Salas has anyone else signed up to speak?

ERNESTO ALFREDO SALAS: No chair. Nobody else has signed up to speak.

CHAIR HOLLINGER: Very well. If that's the end of public comment, we'll close the floor and we'll move to the applicant closing.

DEREK BOHANNAN: Yeah, thank you. Chair Hollinger congratulations on being chair, by the way.

CHAIR HOLLINGER: Thank you, sir, much appreciated.

DEREK BOHANNAN: Not an enviable position. So in regards to the TIS, we did offer to perform a traffic impact study for the city, but they didn't require it. We are still open to performing a traffic impact study, but, as Staff has stated, you know, that's more appropriate to the Site Plan portion. As you know, the use is open. So, with a broad use of MX-H you would want to wait until the Site Plan, when the uses defined

to do this Rehab Hospital. We're more than happy to do a traffic impact study for this and think one you know, could be required. In regards to looking through the crash data which our firm has and has been looking at majority of those crashes or rear ends coming down the frontage road, where drivers are driving an excess speed and not yielding to kind of traffic signals and those kind of traffic devices. I know that NMDOT has been in discussion with the City of Albuquerque for recommending changed signal timings and other items to mitigate some of that, some of those issues. However, that is not something that is pertinent to what we can enforce as a private developer. And then, secondly, the neighborhoods, you know. desirable uses for the property require us to donate the property in kind. and you know, with just pretty much they're asking us to give the property away so they can put a pool or a a community school which we don't think is a very reasonable ask on their behalf to try to find a amenable solution to the problem. So those are just the 2 items that I wanted to touch on, and I'll let Sergio finish with the rest of closing. Thank you for your time. And thank you for a thorough staff report.

CHAIR HOLLINGER: Thank you, Mr. Bohannon. I believe that's you, Mr. Lozoya.

SERGIO LOZOYA: Thank you Chairman Hollinger. Thank you Derek for those statements. Thank you, Commissioners, Staff and members of the public. As described in the Justification letter and Staff report. The request meets all criteria outlined in IDO 1416 67 G3 A-H. The request clearly facilitates the comprehensive plan is located in an area of change, and within the boundaries of 3 major transit corridors, where development is appropriate and desired. The request has demonstrated that any potential harm from (INAUDIBLE) permissive uses are adequately mitigated by the use specific standards in the IDO. Further, the request is not based completely on the cost of land or other economic considerations. Rather, it clearly facilitates the comprehensive plan as described in the Staff report and Justification letter the request clearly facilitates goals and policies regarding land use centers and corridors, desired growth development areas, major transit corridors. land uses complete communities, efficient development patterns, infill development city development areas, areas of change and diverse places. As far as the neighborhood concerns regarding traffic I believe, Derek addressed those and those we will continue discussion as we move on to the EPC Site Plan process, should the request be approved. We will commit to a meeting and working with the Neighborhood Association at that time, and we acknowledge their concerns, and will continue to be transparent for our plans for the subject site. Again, on behalf of cross development, Tierra West respectfully requests approval for a zoning map amendment from MX-M to MX-H for the subject site located at 1100 Woodward.

CHAIR HOLLINGER: Thank you for your closing, Mr. Lozoya. We've heard a lot of discussion. Commissioners, any questions for the applicant?

COMMISSIONER STETSON: Stetson.

CHAIR HOLLINGER: Commissioner Stetson.

COMMISSIONER STETSON Yes. Mr. Lozoya, I'm wondering as we listen to all of this at these, these projects are important and needed. Here in the city, and I appreciate the traffic concerns. So, what comes to my mind is. do you think if we were to defer this to give an opportunity for the City and the Neighborhood, and your Client to perhaps work out the differences is that's something that we might be possible in your mind? Or are we really at a standoff.

CHAIR HOLLINGER: Commissioner I think you're referring to a continuance instead of a deferral.

COMMISSIONER STETSON Yeah. Okay.

SERGIO LOZOYA: Thank you. Commissioner or Chairman Hollinger and Commissioner Stetson. So, we did have multiple meetings with the Neighborhood Association, one of which was facilitated. We understand, and we hear their concerns. We believe that the traffic concerns and other potential traffic mitigation solutions would be more appropriately addressed during the Site Plan EPC process which would follow, should this request be approved. We are in agreement with the Staff report with the recommendation of approval and so, we would like to. conclude the meeting today.

COMMISSIONER STETSON Thank you.

CHAIR HOLLINGER: Thank you, Commissioner Stetson. Other commissioners any questions for applicant closing? Very well, hearing none, I believe we'll move to staff closing.

SETH TINKLE Thank you, Mr. Chair, before beginning my closing remarks I wanted to speak to the notification issue with Tricor that was brought up earlier in the meeting. On pages 155 and 156, you can see confirmation that Tricore reference laboratories received mailed notice of this request. Furthermore, in regards to a neighborhood meeting, only neighborhood associations get an offer of the meeting according to the IDO. So, it is the Neighborhood Association's responsibility to share that with all of its members as they might. So going for. Yes, thank you. Mrs. Jones, for sharing that on the screen. To move on to my closing. I would like to just close by summarizing relevant facts regarding this case. The purpose of the MX-H Zone district is to provide large scale destination, retail and higher intensity. Commercial, residential, light, industrial institutional uses as well as high density residential uses, particularly along transit corridors and in urban centers. The MX-H Zone district is intended to allow higher density infill development in these appropriate locations. The subject site is located wholly in an area that the 2017 Albuquerque Bernalillo County Comprehensive plan has designated an area of change. Areas of change allow for a mix of uses and development of higher density and intensity in areas where growth is desired and can be supported by multimodal transportation. The intent is to make areas of change, the focus of new urban skill development that benefits job creation and expanding expanded housing options. The subject site is located along or within 660 feet of 3 major transit corridors, the I-25 frontage, Mountain Road, and Lomas boulevard, major transit corridors. Corridor policies, encourage higher density and higher intensity. Development in appropriate places to create vibrant walkable districts that offer a range of services and opportunities. The subject site is directly served by bus Route 5 and the nearest bus stop

directly abuts the subject site's northern boundary. The subject site is in close proximity to public transit facilities, and is served by transit and served by bikeways it directly abuts. Interstate 25 is surrounded by a mix of mid to high intensity land uses and is located in area that is served by infrastructure and multimodal transportation options. Staff finds that the applicant is adequately justified, the spot zone request based upon the proposed zoning being more advantageous to the community than the current zoning, because it would clearly facilitate a preponderance of applicable goals and policies. Specifically, goals and policies centered around land use and development, development areas, in field development, efficient development and economic development. Thank you. Mr. Chair, and Commissioners and members of the public for your time, and with that staff yields.

CHAIR HOLLINGER: Thank you, Mr. Tinkle. I had a question for you in regards to criterion H spot zone. MR. Lozoya stated that he didn't believe that this was a spot zone relative to his justifications. What is Staff's position on that?

SETH TINKLE: Thank you. Chair Hollinger according to the IDO, the request would result in a spot zone wherein the zoning Map Amendment would, and I quote, "apply a zone district different from surrounding zone districts to one small area or premises." The term surrounding is not defined in the IDO, but, according to the Merriam-webster Dictionary surround is defined as to enclose on all sides. For the purpose of our analysis. We interpret surrounding to include only the parcels that directly border and thus enclose the subject site. This has been staff standard practice in determining if a request would result in a spot zone.

CHAIR HOLLINGER: Thank you for that very thorough answer, much appreciated Mr. Tinkle. Commissioners any questions for staff closing?

VICE CHAIR EYSTER: Eyster.

CHAIR HOLLINGER: Vice Chair

VICE CHAIR EYSTER: Thank you Chair, is my mic okay now?

CHAIR HOLLINGER: Yes, thank you

VICE CHAIR EYSTER: Thank you. I'm I appreciate you telling me that it was messed up. Criteria H in the findings. Finding 11, criteria H, Still says that this function is will function as a transition and I don't see the part about being well. It's also got the facilitate the implementation of the comp plan. so, it's not clear to me if it's if it's one or the other, or both. Mr. Tinkle?

SETH TINKLE: Vice Chair Eyster, and Chair Hollinger it is both. This is a 2-part test here.

VICE CHAIR EYSTER: So, it meets 2 of the 3.?

SETH TINKLE It meets, it meets the test, the adjacency test established, I believe, in the number one criteria, and then it also meets the furthering, or in this case, because it's a spot zone, clearly facilitating implementation of the ABC to Z Comp plan.

VICE CHAIR EYSTER: You said adjacency, but do you mean the transmission test? And the clearly facilitates the comprehensive plan? Those two?

SETH TINKLE: Vice Chair Eyster, that is correct.

VICE CHAIR EYSTER: Okay.

MATT MYERS: Vice chair Eyster, Matt Myers. Maybe I just jump in real quick and

VICE CHAIR EYSTER: Good, because I was gonna ask you.

MATT MYERS: So, before you even get to whether or not it can satisfy one of the second three. You have to show that it clearly facilitates implementation of the Comp plan. So first you first you determine whether it clearly facilitates implementation of the comp plan. If you pass that test, then you have to find that it meets one of the following three, okay? So that's how you have to get there.

VICE CHAIR EYSTER: Okay, thank you. And the one of the three that that staff and applicant are siding is the transition.

MATT MYERS That's correct.

VICE CHAIR EYSTER: So, Mr. Myers. we're still on staff close. I'll hold this question till we get to discussion. Thanks Chair.

CHAIR HOLLINGER: Thank you Vice Chair. Other commissioners, questions for staff closing?

VICE CHAIR EYSTER: Chair, maybe I should take this up now. On the Page 29 of the staff report criteria C. Mr. Myers, what that finding says is the applicant argues that the existing zoning is inappropriate, and then it says, the applicant states. that is, changes appropriate. Is that appropriate wording for a finding? Or is this our finding? You know we're saying we embrace that the criterion does not apply, or we embrace the existing zoning is inappropriate.

MATT MYERS Vice Chair Eyster, could I see this specific language that you're talking about? Maybe Miss Jones could pull that up, just so.

VICE CHAIR EYSTER: Page 29 of the staff report. There you go down there on C. The staff report, it's a finding, and I guess it is a finding that the applicant argues that the existing zoning is inappropriate. Seems to me, would we not say the commission finds that the existing zoning is inappropriate? Or are we just talking about stating everyones arguments?

MATT MYERS Well, I think that. And this is one of the findings, this is one of the findings here.

VICE CHAIR EYSTER: Yes, it is, isn't it, Mr. Tinkle?

SETH TINKLE Vice Chair Eyster, that is correct. It is a finding, and it is drawn from the review and decision criteria analysis.

VICE CHAIR EYSTER: Yeah.

MATT MYERS And so then. But I see your point, Commissioner Eyster, and I think, in a finding right that if it, if it, if further down, if it does not say that the applicant argues, and the Commission finds, right? or something along the lines of the Commission, you know, accepts that argument, or the Commission supports that argument. It finds that it's supported by the facts in the record.

VICE CHAIR EYSTER: Thank you, Mr. Myers.

CHAIR HOLLINGER: Thank you.

VICE CHAIR EYSTER: Thank you, Mr. Tinkle.

SETH TINKLE: Thank you Vice Chair Eyster.

CHAIR HOLLINGER: So, with that, we'll move to deliberation. We'll close the staff finding. It's up to thoughts from commissioners (INAUDIBLE)

VICE CHAIR EYSTER: I'll just put out one little idea here, but not really talk about how we might decide. I hear from the community comments broad frustration. Broad dissatisfaction with their interaction with the city government. However, I'm not sure that that bears on whether or not this piece of property should or should not have its zone map amended. I'm disappointed to hear that kind of experience they've had. I just don't know how it figures, or if it figures in our work today.

CHAIR HOLLINGER: Well, stated Vice Chair, as Chair I have to lean on the IDO and the test that are shown before us. And it does meet the qualifications, according to the staff report. I also hear the community voicing strong opposition. And I'm I'll take that strongly so I'd like to gather the thoughts and feelings from the rest of us.

VICE CHAIR EYSTER: Yeah.

CHAIR HOLLINGER: How about you, Mr. Halstead? Commissioner Halstead?

COMMISSIONER HALSTEAD: Yeah, thank you Chair. This one. This one's tough, because I'm in agreement with you. It's, I think by the letter of the IDO the application has met the requirements. But clearly this neighborhood has been having issues in general. And I'm not sure how to address that again. The traffic study seems to be a must and I suppose I'd like to understand exactly what limitations the traffic study could impose on the as the development goes forward and goes into a site plan that's going to come back to us. What sort of controls could we could we have if that comes back? And it's, you know, has XYZ as negatives. Cause it sounds like the problem, isn't that this would, you know at peak hours it has you know, this many cars. It's the existing infrastructure is inadequate for what they already have. So, I guess that would be my question if I don't know Megan Jones or anyone else could clarify like, what sort of controls would we be able to enforce with that at the Site plan phase?

CHAIR HOLLINGER: Ms. Jones, would you like to address that?

MEGAN JONES: I can take a step at that Chair Hollinger. Thank you, Commissioner Halstead. So, I just like to throw out the reminder that a traffic impact study was determined that it is not needed at this stage of review for zone change. I do not believe that the Commission at this time has purview over adding any type of, you know, finding or condition that a traffic impact study is required for the zone change. But you're correct when the future Site plan when and if the future Site plan were to come through the Commission, you can make that a condition of approval. But that's happened that that happens at that time. But right now, the only thing that we can really do, if it's the pleasure of the Commission is add a finding that States "These comments were heard at this at this public hearing. The community wishes to have a traffic impact study, you know, done for this site for any future development." But that's not subject to this zone change.

COMMISSIONER HALSTEAD: Understood.

CHAIR HOLLINGER: Miss Jones. You use the word when and if the Site plan comes back to us, can you elaborate on why, it may not?

MEGAN JONES: Sure. So, this site is a part of I'm sorry I don't remember the date off of the top of my head but few decades old site plan that's controlled by the EPC. The applicant would have the option to either remove this tract from that site plan and move forward to a Site plan administrative approval that meets IDO requirements or come through the EPC. For Site Plan EPC review on that tract. I believe, without looking at all of the requirements right now. I don't think that there are any other triggers that would require it to come to EPC, but I'm not 99% sure certain on that.

CHAIR HOLLINGER: Thank you for that

MEGAN JONES: Sure.

CHAIR HOLLINGER: Other Commissioners?

VICE CHAIR EYSTER: Eyster.

CHAIR HOLLINGER: yes, sir.

VICE CHAIR EYSTER: Thanks Chair. I appreciate Commissioner Halstead's question very much, because it brings to my mind that as we're looking at a Zone map amendment, we're looking at. This owner or a future owner could build anything that is permissive, or they could get conditional, perhaps that kind of thing. And so, one of those that becomes permissive, if we approve this zone change is a self-storage. And those are not the most beautiful thing in the world, or the most useful for the local community. But, boy, they don't have any traffic requirements. And I mean, what I mean is, they don't have any traffic, you know? 5 or 6 guys a day come and get in their cubicles. So, that's a good question. That would I mean, that could become very, very pertinent under certain requests that we may see in the future, and it might become something that that the community will say, wow! We love that low traffic from that self-storage facility.

MATT MYERS Chairman Hollinger. Matt Myers, could I comment on that from a legal perspective?

CHAIR HOLLINGER: Sure, go ahead, Matt Myers.

MATT MYERS: Thank you. I think that just what Commissioner Eyster just said, hits home. Why we shouldn't be talking any specific uses at this time, you know, because it's just totally unknown, right? We don't know what the traffic is going to be right? We don't know if it's going to be a use with high traffic or a use with low traffic, right? I mean, you know, the applicant can tell us. But they could get this zone change. They can go sell the property, and the new person could come in. So, it's better almost never to get into it, because it is a total, unknown right? It's totally unknown. So, it could be a ton of traffic, it could be less traffic. We just don't know. So, we've just got to look at the existing test. I just wanted to confirm what you were saying makes sense, Commissioner Eyster.

VICE CHAIR EYSTER: Thank you, Mr. Myers.

CHAIR HOLLINGER: How about you Commissioner MacEachen? Words of wisdom?

COMMISSIONER MACEACHEN: (INAUDIBLE)

CHAIR HOLLINGER: Uh Oh, we lost you again.

COMMISSIONER MACEACHEN: I'm a big laptop fan. So, I don't have anything to add to anything that anyone's or anyone's already said. I hear the community. I am concerned for the community. I think that we have the mechanism by which to vote against this, because just because I think you know the spot zone thing should be considered, and that is, you know, there's a lot of arguments both ways, but it could be considered spot zone that, and that could give us the apparatus by which to turn it down, and therefore, you know, help the neighborhood with their concerns. But I'm not convinced either way yet.

CHAIR HOLLINGER: Thank you for that. Commissioner Stetson had mentioned a continuance which, I like the idea of relative to possibly more engagement with the community. Mr. Lozoya voiced that it was not his desire to do that. I'm curious, what benefit could come from a continuance if that would allow for more communication? Any further thoughts on that Commissioner Stetson?

COMMISSIONER STETSON: Well, I'm inclined to go in that in that direction to it would just seem to me that if we could work out the finding that that we just was just mentioned. That would reflect our concerns, you know about the about the traffic, and I think I could support an approval that way. I also would be I'd also like to the community, be a better heard in in terms of what might be coming in the future with planned traffic. Yeah. It street improvements there. But I think the arguments been made pretty well by the applicant for a justification. So, I guess where I said at this at this point, I see MacEachen smiling at me, as I go back and forth. But a continuance, would be more comfortable, but if push came to shove, I think I could I could support an approval if we had that added, finding that that reflects our concerns, and then and then we'll see what happens as it goes down the line particularly when we get to Site Plan.

CHAIR HOLLINGER: I appreciate your input. Commissioner Coppola, are you still with us? Mr. Coppola?

ERNESTO ALFREDO SALAS: Chair, Commissioner Coppola had to leave he said he will try to rejoin later.

CHAIR HOLLINGER: Not handy at the moment, but understood. So, during these challenging cases, we hear pushback from community we look at the staff report, and you have to go by the rules and relative to what the IDO says as Mr. Myers pointed out. You look at the test. Does it meet the.

CHAIR HOLLINGER: And in this case it looks like it does. However, there, there are big concerns from the community, and that's not something that we take lightly. So, these cases are never fun, because someone's always upset, but strictly looking at the rules. For a spot zone it does qualify, and the staff reports supports it. So, I know that we can all be on the fence at times, and we could either move for approval, denial, or continuance we have to understand what's the best for the community and what's best for the city of Albuquerque. So, we look to the Comp plan as our should and the IDO, or shall. So, all that being said, any further input from our commissioners?

COMMISSIONER EYSTER: Eyster. Thank you. Chair. I think you put it well there, and the honestly, I am not seeing where the zone change the Zone Map amendment is going to be terribly costly to the surrounding area. It's somewhat isolated or insulated from the neighborhood to the west by several 100 feet, I think, but at the same time we're talking very much about the review and decision criteria. That's I think that's the job we're given by the IDO, and by the Council. And so, I I'm just. I would like to make sure we're good on H, which is the spot zone, because Mr. Myers, and Mr. Tinkle, or Ms. Jones can confirm this. The first test, as you said, Mr. Myers, clearly facilitate implementation of the ABC Comp Plan. I think that can be demonstrated. And then we need at least one of the following. And it sounds to me like we're going on number one. It can function as a transition between an adjacent zone districts. So, is that right? Mr. Tinkle? Ms. Jones?

MR TINKLE: Apologies for that, Vice Chair Eyster, Chair Hollinger. That is correct. That is the criteria that the applicant spoke to, and the criteria that staff analysis is based upon.

COMMISSIONER EYSTER: And that's the one in the staff report, and in our findings

MR TINKLE: That's correct.

COMMISSIONER EYSTER So, thank you, Mr. Tinkle. So, Mr. Myers, speaking of transition between is adjacent zone districts. Just in a recent hearing I was, I was having a hiccup because the application requested an up zone. And I was saying, well, how can that form a transition. And I think you said, well, the Zone district to the north is some mixed use, and this is some multi-family. And even if it goes from low to high, it still creates a transition. Now, in this case, the Zone district that we're trying to transition from, I think is on the other side of I-25, which is an MX-H. So, we're made. We're saying, Let's make this an MX-H. Does that actually transition from the MX-H, across the freeway?

MR MYERS: Vice chair, Eyster. So, that that's a that's a tricky question. You know what I want to do. I'm going to back up just one step further before I answer that question, because it almost begs to a discussion about whether or not it's a spot zone. In the first place, it almost begs the question, because it, you know, if and I know the staff report is recommended, or has their position is that it's a spot zone. But, as the applicant pointed out, OK. Adjacent, the test is, you know, whether it's different from adjacent parcels. Okay. the. And then adjacent. You discount any intervening roads or alleys or frontage. So, you would get rid of I-25 there. Okay, so maybe it. Maybe it isn't a spot zone number one. Maybe, I mean, that's just something to consider, something to consider. Okay. But then, if you say it is a spot zone. and then you, EPC determines that it clearly facilitates implementation of the IDO. Then you get to the transition. Then, I think the transition might be a little harder to demonstrate, because it's going from MX-H tom it's MX-H right? So, I don't, I don't quite understand the transition myself. There, you know. I think that finally answers your question.

MS JONES: Mr. Myers, If I can just jump in really quickly. Thank you. Chair Hollinger, I would like to bring up this criteria again in the IDO. I apologize. This is still highlighted. That that the test for a spot zone is

actually, if Zone district is different from surrounding districts to one small area. And I know that we rely on Webster's dictionary definition of the word surrounding, but I don't want to get too into the weeds of that, if not necessary, and I just want to bring this language up that's in our IDO. So, that we're not trying to pick apart like the definition that we don't have of the word surrounding in the IDO, and I think that Mr. Tinkle, has some more points to make speaking to speaking to that. If he feels that's appropriate to bring up now.

CHAIR HOLLINGER: Sure. Go ahead, Mr. Tinkle.

MR TINKLE: Thank you, Mr. Chair. I just wanted to speak to Staff's analysis really quick, so that it could be here and on the record. Staff finds that the applicant has demonstrated that the subject site could function as a transition between the MX-H, zone districts to the East. The properties, zoned MX-M to the south and west, and the properties zoned MX-L. And a MX-T, to the north and further west of the subject site due to the varying levels of developmental intensity associated with the zone districts, and these parcels. Staff notes that the subject site is located within the CPO-7 overlay zone, and the standards associated with this overlay zone could foster this transition because the site standards, setback standards and building height standards associated with this overlay zone would apply to any future development on the subject site. The MX-H zones to the East would allow greater density and intensity on the subject site, because they are not subject to the CPO-7 standards. The MX-M Zone districts to the southwest and the MX-T, to the north allow lower density and lower intensity uses than the requested MX-H, zone district. Therefore, Staff finds that the request could reasonably serve as a transition between the more intense mixed-use zones to the east, and the less intense mixed-use zones to the West. I just wanted to state that for the record. Thank you.

CHAIR HOLLINGER: Thank you, Mr. Tinkle. So again, a lot of commentary here. Lot of mixed opinions. But, as I stated before, we have to play by our rule book during these tough decisions. So, that being said, is anyone's (inaudible) changed or become more definitive at this point.

COMMISSIONER EYSTER: Chair Eyster here. Could I pursue that question? I think I'm almost there with Mr. Myers. Ms. Jones, stimulated my question. or this insight on this decision Criteria H. And, I'm now looking at the issue of whether this actually is a spot zone. Because Mr. Myers, said that if there's a I some sort of a road or highway. then you would imagine that's not there. And then that would make this adjacent to the MX-H to the east. Then it's not spot zone.

MR MYERS: So. Oh, no, sorry. Sorry Chair. I didn't want to interrupt you there.

CHAIR HOLLINGER: Please proceed.

MR MYERS: So, vice chair, Eyster I, so I use the term adjacent, and I think Ms. Jones correctly pointed out that the word adjacent is not found in a section H, okay, it says, surrounding. Okay, it says,

surrounding. Okay. So, then I mean, I think adjacent, maybe is still worth discussing that term, because that term is defined in the IDO. Commissioner Eyster.

COMMISSIONER EYSTER: You're right, I shouldn't of used that term, because that's down in one of the three tests, you're right, the IDO says zone district does not apply a zone district different from surrounding zone districts.

MR MYERS: Yes, yes, and so I and I had sent you off on the wrong path because I had used the word adjacent that wasn't in there. So, surrounding. So then, I guess surrounding is not defined in the IDO. So, then I think it be kind. Then I think earlier, someone discuss that the definition of in Merriam Webster's definition of surrounding. So then, the question is, I don't know whether or not the property to the East is considered surrounding, but I think you can find that one way or another that it is.

COMMISSIONER EYSTER: If we think it is surrounding, then we then it meets H. Because not spot zone.

CHAIR HOLLINGER: And thank you both for that that information.

COMMISSIONER EYSTER: Oh, chair! My! Oh, I'm sorry I just this last thing I don't see deferral. Excuse me, I don't see continuing accomplishing a lot. I think we can power through this and finish this.

CHAIR HOLLINGER: I would agree with that. At some point, decision does have to be made. And we're about at that point, so we'll either agree to accept or deny. We just need a motion to carry forward one direction or another, and as Chair, I can't do that.

COMMISSIONER EYSTER: Chair. I would move approval, but not before the Commission is finished with its discussion.

CHAIR HOLLINGER: Alright, any commissioners like to chime in last comments?

COMMISSIONER HALSTEAD: Halsted.

CHAIR HOLLINGER: Go ahead, sir.

COMMISSIONER HALSTEAD: I'd just like to ask me being new to this. Is there a way that we can add to the findings for the record some sort of commentary, I think it was briefly mentioned earlier, but I don't know where we landed on that. As to the amount of community of opposel, and wrapping that up somehow in the finding.

CHAIR HOLLINGER: Staff. Could we put that together?

MR TINKLE: Chair, Hollinger. Yes, we can.

COMMISSIONER EYSTER: Eyster.

CHAIR HOLLINGER: Commissioner Eyster, go ahead.

COMMISSIONER EYSTER: Thank you. Chair. We've done that before when we note something. And so, a lot of times it is public testimony. You know, we've said things like the Commission notes significant opposition based on this, this and that. But we felt that it, we found that it still met the review and decision criteria for the Zone Map amendment.

CHAIR HOLLINGER: So, being said, would you need a moment to craft that language. Mr. Tinkle?

MR TINKLE: Chair Hollinger, I believe, finding Number 16 speaks to at least the traffic portion of the conversation that was had today. If you could give me revisions or suggestions based on what you're reading there, I would appreciate it and can work off of that.

CHAIR HOLLINGER: So, Commissioner Eyster Vice Chair, Eyster. That was your thought. Would you like to help craft that language?

COMMISSIONER EYSTER: No, I'm not claiming that. That's Commissioner Halstead's he's got to do that. No, I'm just. I'm just kidding. Which? Which finding, is it?

MR TINKLE: Vice Chair Eyster, that's finding Number 16 on the screen.

COMMISSIONER EYSTER: And Commissioner Halstead, you please chime in, too

COMMISSIONER MACEACHEN: Chair.

CHAIR HOLLINGER: Commissioner Eyster. Commissioner MacEachen.

COMMISSIONER MACEACHEN: So, I needed to really get off at noon, and I've been trying to hang on, because I thought we could figure out what the definition of is, and we're not making much progress. I've got to go, and I'm sorry, and I apologize, but I really needed to get off at noon, and we've gotten well beyond that. So sorry. But I'll see you next month

CHAIR HOLLINGER: Understood. Well, thank you for your time and being here.

MR MYERS: How many. This is Matt Myers, how many, how many commissioners do we have left here if he leaves?

MR MYERS: Cause. I thought Giovanni was, Commissioner Coppola wasn't here. So then maybe we're only down to 4. How many sitting Commissioners are there? How many sitting Commissioners are there? Because I would just hate to lose a quorum, you know, I would just hate to lose a quorum here, but maybe it's already happened

MS KING: Chair Hollinger. This is Devin King.

CHAIR HOLLINGER: Go ahead.

MS KING: So, on the agenda. It looks like there are 7 names listed. I think we have 7. So, 4 of 7, I think we're still okay. But anybody else we're not going to have a quorum, so.

MR MYERS: Sorry for the interruption, I got nervous there.

CHAIR HOLLINGER: Thank you for keeping us on track, that's much appreciated and thank you for your input.

COMMISSIONER EYSTER: Chair. If Commissioner Halstead agrees, and I guess we need the agreement of the applicant. I just say, instead of conversation. I would just say, you know, during public input.

COMMISSIONER HALSTEAD: Yeah, I would agree with that Vice Chair, and potentially even add language about existing traffic studies for the area being already showing that remediations need to happen and those have not been done. So, I mean, that's not the developer's fault. That's the city's fault. But just knowing that.

COMMISSIONER EYSTER: Commissioner, they... yeah, yeah, that's great.

CHAIR HOLLINGER: I would feel more comfortable with that language in there.

COMMISSIONER HALSTEAD: I like it. I like it

CHAIR HOLLINGER: Alright. So, being said, we lost a few Commissioners before anymore drop out hopefully. None. Let's move for a motion, one direction or another.

COMMISSIONER EYSTER: I would move.

CHAIR HOLLINGER: Please do, Vice chair.

COMMISSIONER EYSTER: Thank you. Chair in the matter of agenda. Item number 2 Project # PR-2024-009765, case number RZ-2024-00001, so, there's 4 zeros, and then a one. I move approval based on finding 1 – 15, plus new finding 16.

CHAIR HOLLINGER: Is there a second?

COMMISSIONER STETSON: Second.

CHAIR HOLLINGER: Thank you. Seconded by Commissioner Stetson. We'll move to a roll call vote. Commissioner Eyster.

COMMISSIONER EYSTER: I.

CHAIR HOLLINGER: Commissioner Stetson.

COMMISSIONER STETSON: Stetson, I.

CHAIR HOLLINGER: Commissioner Halstead.

COMMISSIONER HALSTEAD: Halstead, I.

CHAIR HOLLINGER: The Chairs, an I. So that will pass 4 - 0.

Planning Department
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NOTICE OF APPEAL

March 4, 2024

TO WHOM IT MAY CONCERN:

The Planning Department received an appeal on March 1, 2024. You will receive a Notice of Hearing as to when the appeal will be heard by the **Land Use Hearing Officer**. If you have any questions regarding the appeal please contact Ernesto Alfredo Salas, Sr. Planning Administrative Assistant at (505) 924-3370.

Please refer to the enclosed excerpt from the City Council Rules of Procedure for Land Use Hearing Officer Rules of Procedure and Qualifications for any questions you may have regarding the Land Use Hearing Officer rules of procedure.

Any questions you might have regarding Land Use Hearing Officer policy or procedures that are not answered in the enclosed rules can be answered by Michelle Montoya, Clerk to the Council, (505) 768-3100.

CITY COUNCIL APPEAL NUMBER: AC-24-11
PLANNING DEPARTMENT CASE FILE NUMBER:
PR-2024-009765, RZ-2024-00001, VA-2024-00055

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