



**Environmental  
Planning  
Commission**

**Agenda Number: 03  
Project : 2018-001426  
Re-Zone: RZ-2018-0025  
Hearing Date: September 13, 2018**

**Staff Report**

<b>Agent</b>	Ricardo Guillermo, Architect
<b>Applicant</b>	Sidney Mallard
<b>Request</b>	<b>Zone Map Amendment (Zone Change)</b>
<b>Legal Description</b>	Lot 20, Balling Addition #1 1301 Mountain Rd. NW, on the north side of Mountain Rd. NW between 12th St. NW and 14th St. NW
<b>Location</b>	
<b>Size</b>	Approximately 0.25 acres
<b>Existing Zoning</b>	R-T (Residential, Townhouse)
<b>Proposed Zoning</b>	MX-L (Mixed Use-Low Intensity)

**Staff Recommendation**

APPROVAL of Project: 2018-001426  
Re-Zone: RZ-2018-0025

based on the Findings included within this report

**Staff Planner  
Cheryl Somerfeldt**

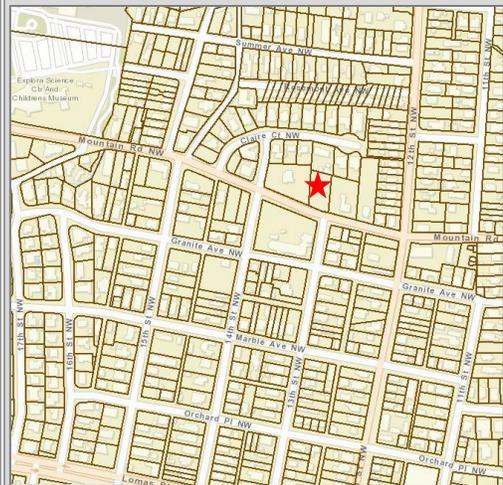
**Summary of Analysis**

This is a request for a Zone Map Amendment (Zone Change) for a vacant lot located on the north side of Mountain Road NW in the center of the block between 12<sup>th</sup> St. NW and 14<sup>th</sup> St. NW. The applicant is proposing to change the zone from R-T to MX-L to allow for potential commercial and restaurant uses.

The subject site was previously part of the Sawmill/Wells Park Sector Development Plan, which zoned the subject site S-MRN. The IDO converted the zone to R-T, which permits primarily residential, and some civic and institutional uses, but not commercial uses. The subject site with an Area of Change as designated by the Comprehensive Plan and is also under the jurisdiction of the Sawmill/Wells Park Metropolitan Redevelopment Area Plan.

The applicant contacted the Sawmill Area Neighborhood Association, the Downtown Neighborhoods Association, and the Sawmill Community Land Trust as well as property owners within 155-feet of the subject site, as required. Staff has not received any comments in support or opposition to the request. Staff recommends approval.

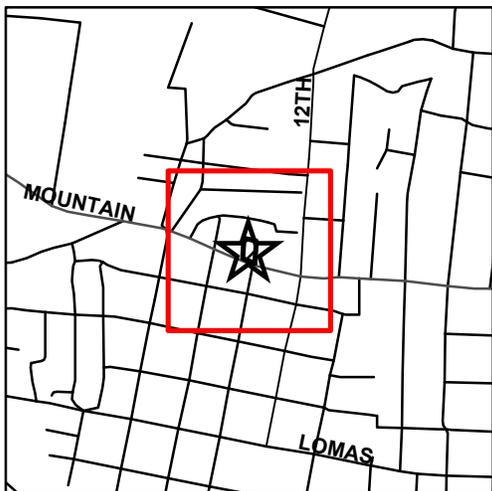
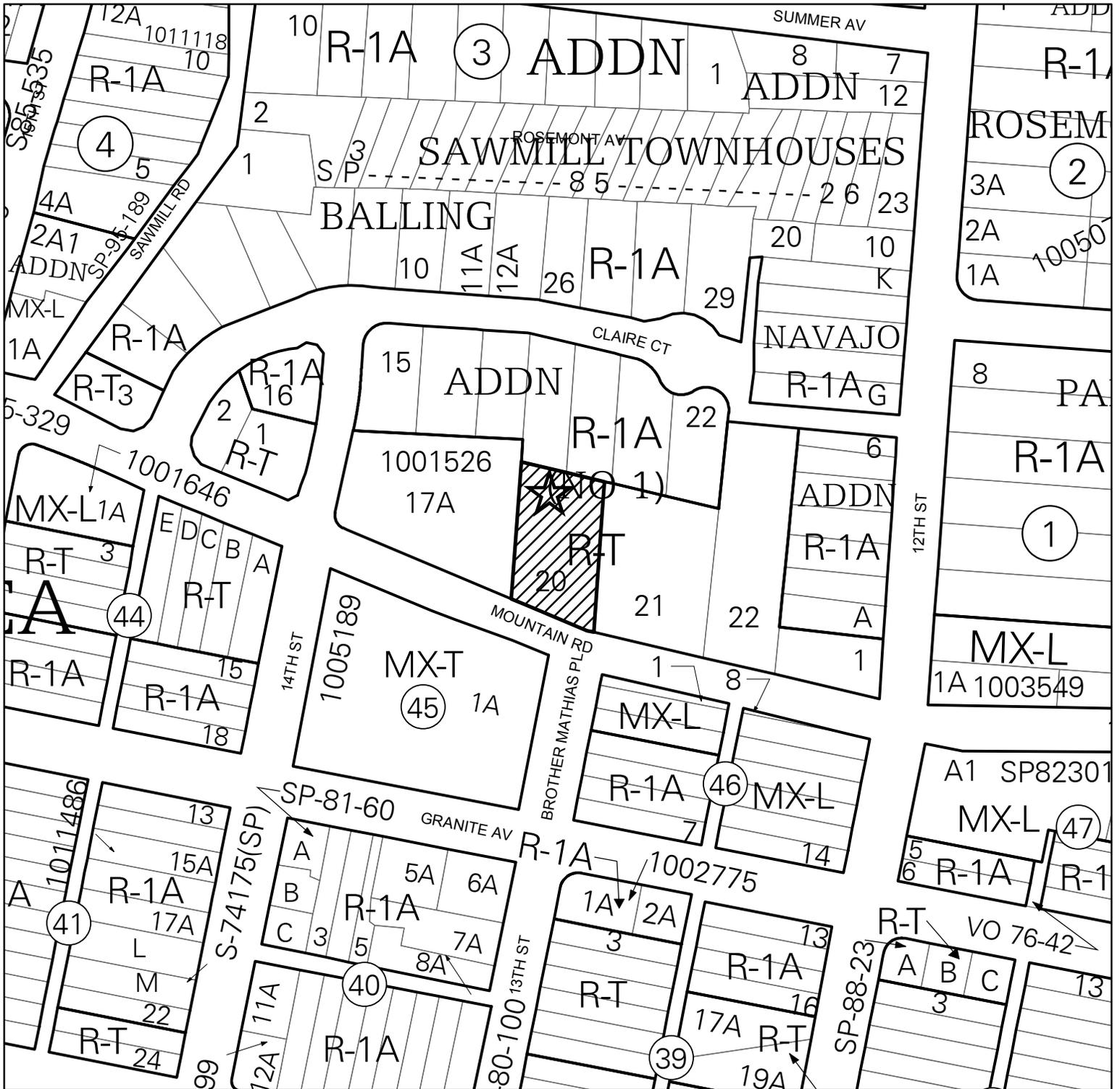
**Map**





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## IDO ZONING MAP

Note: Gray shading indicates County.



1 inch = 150 feet

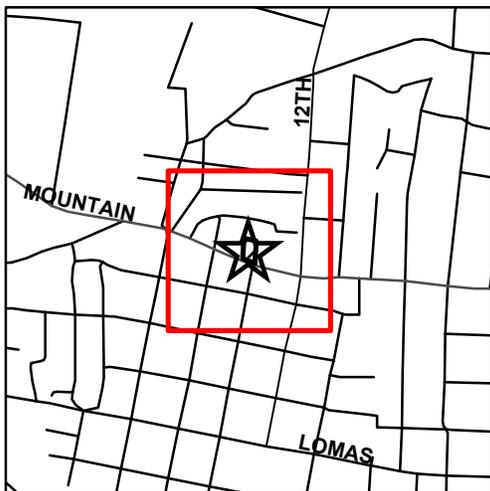
Hearing Date:  
9/13/2018

Project Number:  
PR-2018-001426 (1007602)

Case Numbers:  
RZ-2018-00025

Zone Map Page:  
J-13





# LAND USE MAP

Note: Gray shading indicates County.

## KEY to Land Use Abbreviations

- AGRI Agriculture
- COMM Commercial - Retail
- CMSV Commercial - Service
- DRNG Drainage
- MFG Manufacturing
- MULT Multi-Family or Group Home
- PARK Park, Recreation, or Open Space
- PRKG Parking
- PUBF Public Facility
- SF Single Family
- TRAN Transportation Facility
- VAC Vacant Land or Abandoned Buildings
- WH Warehousing & Storage



1 inch = 150 feet

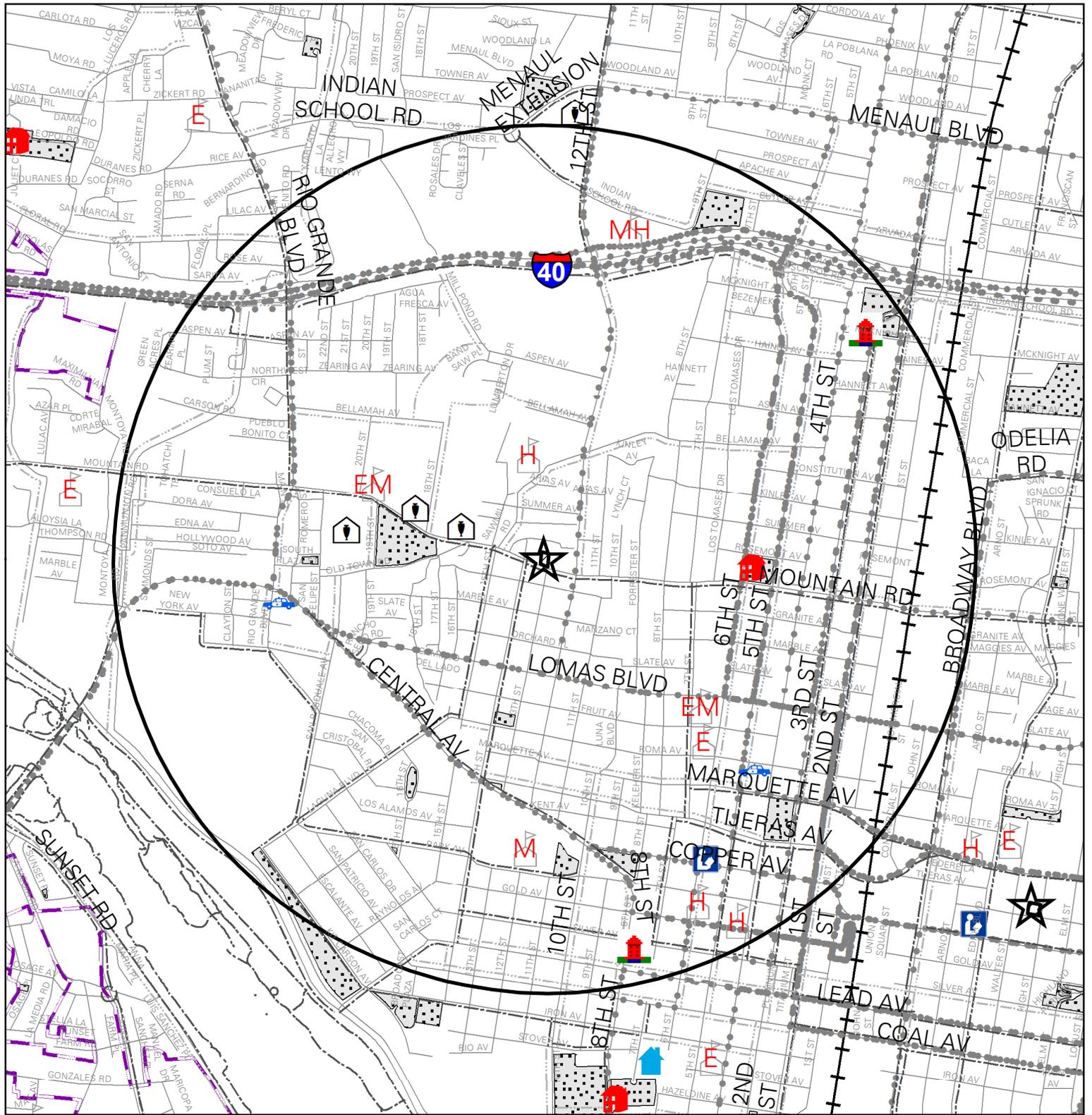
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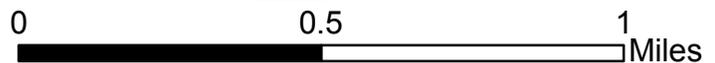


## Public Facilities Map with One-Mile Buffer



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

Project Number: PR-2018-001426 (1007602)



**INTRODUCTION**

	<b>Zoning</b>	<b>Comprehensive Plan Area; Applicable Rank II &amp; III Plans</b>	<b>Land Use</b>
<b>Site</b>	R-T, Residential Townhouse	Area of Change	Vacant
<b>North</b>	R-1A Residential Single Family	Area of Consistency	Single Family
<b>South</b>	MX-T Mixed Use Transition and MX-L Mixed Use Low Intensity	Area of Consistency	Multi-Family and Commercial Service
<b>East</b>	R-T	Area of Change	Single Family
<b>West</b>	R-T	Area of Change	Commercial Service

**Proposal**

This is a request for a Zone Map Amendment for a vacant lot located on the north side of Mountain Road NW in the center of the block between 12th Street NW and 14th Street NW. The applicant is proposing to change the zone from the straight R-T zone to the straight MX-L zone to allow for potential commercial and restaurant uses.

The vacant subject site was previously part of the Sawmill/Wells Park Sector Development Plan, which zoned the subject site S-MRN. The IDO converted the subject tract to R-T, which permits primarily residential, and some civic and institutional uses but does not permit commercial uses. The subject site with an Area of Change as designated by the Comprehensive Plan and is also under the jurisdiction of the Sawmill/Wells Park Metropolitan Redevelopment Area Plan.

The applicant contacted the Sawmill Area Neighborhood Association, the Downtown Neighborhoods Association, and the Sawmill Community Land Trust as well as property owners within 155-feet of the subject site, as required. Staff has not received comments in support or opposition to the request.

**EPC Role**

The EPC is hearing this case because the IDO gives the EPC authority to hear all zone change cases in the City pursuant to Section 14-16-6-7(F) Zoning Map Amendment-EPC. 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 City Council. The City Council would make the final administrative decision. The request is a quasi-judicial matter.

**History/Background**

The Sawmill/Wells Park area has been shaped by over 600 years of rich multicultural history. In the 1800's, houses were built along the irrigation ditches and major roads that are now Mountain Road, Sawmill Road and Rio Grande Boulevard. In 1903, the original Sawmill American Lumber Company and its railroad spur were established in the area

among the surrounding farmland. Mountain Road was the connection to the Sandia Mountains from where the trees were brought for milling.

Both housing and industrial development replaced the area's farmland from the 1920s to the 1940s. In the 1950's, Old Town began to commercialize and in the 1970s and 1980s, new restaurants, shops, the Old Town Sheraton, the Albuquerque Museum and the New Mexico Natural History Museum were established. More recently, the Explora Science Center continued this trend of commercial and cultural development that has created a "complete community" where people can live, work, shop, and recreate with little need to travel.

The history of the subject site (1301 Mountain Road NW) is linked to the site immediately adjacent to the west (1315 Mountain Road NW), which is currently under the same owner, the applicant. The property to the west of the subject site (1315 Mountain Road) was originally constructed in 1908 as the Stephen Balling House. The subject site was once occupied by a house originally constructed in the early 1900s, but demolished in 2009 by a different owner. Together, 1301 Mountain Road NW (the subject site) and 1315 Mountain Road NW were part of what is called "the Old Escuela Site", because the two properties operated as the Escuela Montessori preschool campus until vacated in 2000. The school grounds were used as administration, classrooms, staff meeting rooms, and staff housing facilities for approximately 19 years prior to the current owner. The applicant currently operates a retail art establishment in the historic house on 1315 Mountain Road NW (the adjacent site to the west), which is not the subject of this request. The non-conforming retail art business may qualify for the Voluntary Zone Conversion process.

The now historic Sawmill/Wells Park Sector Development Plan was first adopted by City Council in 1996 and last amended in 2002. The Sector Plan established the S-MRN for the subject site. This zone only permitted new commercial development on Mountain Road NW for properties that were already on blocks with at least 50% of the total acreage nonresidential uses. Since the City's historic planner surveyed the block and did not establish that the block was over 50% non-residential, the subject properties on Mountain Road NW converted to R-T zone upon effectiveness of the IDO.

### ***Context***

The subject vacant quarter acre lot is located in the center of the block between 14<sup>th</sup> Street NW to the west and 12<sup>th</sup> Street to the east on the north side of Mountain Road NW across from 13<sup>th</sup> Street NW. To the southwest is a multi-family building which is setback so that the property adjacent to Mountain Road NW appears vacant. To the southeast lies a commercial property. To the north and east of the subject site are single family homes. To the west of the subject site is the property owner's site, which holds a commercial art gallery, etc.

***Transportation System***

The Long Range Roadway System (LRRS) map, produced by the Mid-Region Council of Governments (MRCOG), identifies the functional classifications of roadways. The LRRS designates Mountain Road NW as a Major Collector street. The LRRS designates 12<sup>th</sup> Street NW as a Major Collector street.

***Comprehensive Plan Corridor Designation***

The Comprehensive Plan designates Lomas Boulevard NW, located approximately 0.25 mile to the south of the subject site, as a Major Transit Corridor. The Comprehensive Plan designates 4<sup>th</sup> Street NW, located approximately 0.6 mile to the east of the subject site, as a Multi-Modal Corridor.

***Trails/Bikeways***

The Long Range Bikeway System (LRBS) map, produced by the Mid-Region Council of Governments (MRCOG), identifies existing and proposed routes and trails. The LRBS designates Mountain Road NW an existing bicycle route where cars and bicycles share the street, part of the 50-Mile Activity Loop, as well as the U.S. Bicycle Route 66.

***Transit***

The nearest routes are the Fixed Route 36 and 37, which run north and south on 12th Street. The nearest stop pair is approximately 600 feet from the center of the site, 100 feet south of Mountain on 12th Street.

***Public Facilities/Community Services***

Please refer to the Public Facilities Map in the packet for a complete listing of public facilities and community services located within one mile of the subject site.

***ANALYSIS of APPLICABLE ORDINANCES, PLANS AND POLICIES***

***Albuquerque Zoning Code – the Integrated Development Ordinance (IDO)***

The application for this request was submitted subsequent to the effective date on May 17, 2018 of the Integrated Development Ordinance, which replaced the City’s Zoning Code, and is therefore subject to its regulations.

***Historic S-MRN zone***

Prior to the effective date of the IDO on May 17, 2018, the subject site’s zoning was S-MRN (Sawmill – Mountain Road Neighborhood Zone) pursuant to the Sawmill/Wells Park Sector Development Plan.

The Sawmill/Wells Park zoning was established to conserve the area's distinctive historic physical characteristics, increase compatibility between housing and nonresidential uses through site design and other requirements, and make the area more attractive and safer for people using streets and sidewalks. The S-MRN Sawmill Mountain Road Neighborhood Zone replaced the mixture of R-1 and R-C zoning on the north side of

Mountain Road. Its intent was to encourage reuse of vacant buildings and development of vacant land while more effectively conserving the historic mixture of housing and small commercial businesses.

However, the S-MRN zone states that permissive uses are “uses listed as permissive in the C-1” Zone, provided “at least 50% of the total acreage of lots continuous to Mountain Road on the city block of the property are already occupied by legal nonresidential uses.” The applicant states that the old Escuela site, the combination of the subject site and the site immediately to the west comprised over 50% of the total acreage of the block; however, this has not been a definitive code enforcement ruling as of this date.

*Existing R-T zone – Residential, Townhouse Zone District*

Upon effectiveness of the IDO, the zoning for the vacant subject site was converted to the R-T, Residential Townhouse zone. The purpose of the R-T zone is to accommodate a mix of single-family, two-family, and townhouse residential developments, as well as limited civic and institutional uses to serve the surrounding residential area. A townhouse is defined as a group of 3 or more dwelling units divided from each other by vertical common walls, each having a separate entrance leading directly to the outdoors at ground level. The existing R-T zone does not permit commercial uses or a restaurant which is the intent of the property owner and the reason for the request for the MX-L zone as described below.

*Proposed MX-L zone – Mixed-Use, Low Intensity Zone District*

The applicant is requesting the MX-L, Mixed-Use, Low Intensity zone. The purpose of the MX-L zone is to provide for neighborhood-scale convenience shopping needs, primarily at the corners of collector intersections. Primary land uses include non-destination retail and commercial uses, as well as townhouses, low-density multi-family residential dwellings, and civic and institutional uses to serve the surrounding area.

*Sawmill/Wells Park Character Protection Overlay, CPO-11 (14-16-3-4(L))*

The Sawmill/Wells Park CPO-11 standards were developed from the historic Sawmill/Wells Park Sector Development Plan. The following regulations apply to development in the MX-L zone within CPO-11:

- Mountain Road has a *maximum* front setback of 15-foot .
- Height is limited to 26-feet.
- All non-residential uses adjacent to a residential zone must be conducted within a building.
- All non-residential parking and vehicular circulation next to a residential zone shall be visually screened with an opaque wall or fence at least 6-feet high.
- No portion of any building within 25 feet of the front property line shall exceed 15 feet in height.
- Front doors must face the nearest street.
- Exposed CMU block is not allowed as a finished material for buildings.
- Reflective or mirrored glass is prohibited.

- Non-residential buildings with over 35 linear feet street-facing façade must be designed to appear as a collection of smaller buildings.
- Each façade facing a public street shall contain 25 percent or more of its surface in clear, transparent windows and/or doors.
- Car Washes, Light Vehicle Repair, and accessory Drive-throughs are prohibited uses.

### ***Sawmill/Wells Park Metropolitan Redevelopment Plan***

The Sawmill/Wells Park Community Metropolitan Redevelopment Area (MRA) Plan was first adopted in 1993 and last amended in 2006. The Plan generally encompasses properties bordered by Interstate-40 on the north, 4<sup>th</sup> Street NW on the east, Mountain Road NW on the south, and Rio Brande Boulevard NW on the west; with 12 Street NW bisecting north-south. The Sawmill/Wells Park MRA Plan was intended to be a companion to the Sawmill/Wells Park Sector Development Plan, which is now historic upon adoption of the Integrated Development Ordinance (IDO).

The Sawmill/Wells Park Community MRA Plan boundary was created, because the City Council designated it a blighted area and qualified as appropriate for redevelopment projects under the City's Metropolitan Redevelopment Code. Metropolitan Redevelopment projects are activities designed to eliminate slums or blighted areas that conform to an approved plan for rehabilitation and conservation.

The preparation of the Sawmill/Wells Park MRA Plan was through a collaborative effort with the Sawmill Advisory Council, the Sawmill Community Land Trust, The Wells Park Neighborhood Association, Sawmill Area Neighborhood Association, Harwood Art Center, Albuquerque Public Schools, Arbolera de Vida Homeowners Association, the Downtown Neighborhood Association and the City of Albuquerque. The intent of the organizations involved in developing the MRA Plan was to revitalize the neighborhood, to create jobs, and maintain and enhance the affordable housing stock. The Sawmill/Wells Park Community Metropolitan Redevelopment Area Plan is an implementation plan to upgrade and rehabilitate the area through a number of tools available under the State and City Redevelopment Code authority.

The MRA Plan states that that the area “is a true mixed use area, providing agriculture, housing and employment opportunities all within its boundaries. Relevant Goals for the overall MRA include:

- D) Create a built environment that retains its physical integrity for future generations and preserves the natural attributes of the land and the cultural history of the community.
- E) Develop commercial and industrial space that benefits the community with job creation and needed services.
- F) Blend "old" and "new" into one unified neighborhood.
- J) Conserve and build on community identity and historic character.
- N) Improve circulation for people walking, bicycling, using public transportation and/or driving.

- Q) Guide the future development of vacant land. Promote uses compatible with adjacent neighborhoods, the museums and historic Old Town.

The subject request is consistent with the general Sawmill/Wells Park MRA Plan goals as stated above.

The MRA Plan then divided the entire Plan area into six MRA subareas that possess unique land use characteristics in order to develop approaches appropriate for the particular issues of that subarea. The subject site is part of the Mountain Road subarea. Goals for the Mountain Road subarea include:

- Redevelop underutilized properties and sites to become neighborhood-serving (including the old Escuela site)
- Traffic calming measures such as bike lanes and pedestrian enhancements.
- Create a great street that serves as a gateway for neighborhood residential and neighborhood retail and promotes locally-owned neighborhood scale commercial.
- Develop a walkable street that is pedestrian-friendly and encourages seniors and kids/students to use.”

The subject request is consistent with the general Sawmill/Wells Park MRA Plan Mountain Road subarea goals as stated above.

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

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

The subject site is located in an Area of Change as designated by the Comprehensive Plan. Areas of Change are intended to be the focus of urban-scale development that benefits job growth and housing opportunities. Applicable policies include:

#### Plan Element 4 - Community Identity

Goal 4.1: Character: Enhance, protect, and preserve distinct communities.

Policy 4.1.1: Distinct Communities: Encourage quality development that is consistent with the distinct character of communities.

Policy 4.1.2: Identity and Design: Protect: the identity and cohesiveness of neighborhoods by ensuring the appropriate scale and location of development, mix of uses, and character of building design.

- a) Maintain and preserve the unique qualities of historic areas.

Policy 4.1.4: Neighborhoods: Enhance, protect, and preserve neighborhoods and traditional communities as key to our long-term health and vitality.

*The proposed zone change to MX-L allows for commercial development, it will better enhance, protect, and preserve the distinct Sawmill/Wells Park community by providing a pedestrian friendly and neighborhood serving destination. Activating the street with pedestrians is one method of increasing the long-term health, vitality and safety of neighborhood inhabitants. The proposed zoning will allow for enhancement, protection and preservation of the traditional mixed-use Sawmill community and contribute to the*

*long term health and vitality of the neighborhood.*

***The request furthers Policy 4.1.1, Distinct Communities and Policy 4.1.2, Identity and Design, because the subject site is a small scale property that will enhance, protect, and preserve the small-scale fabric of the distinct Sawmill/Wells Park community. This will ensure the appropriate scale, character and building design, as well as a mix of small scale commercial and residential uses along the historic Mountain Road NW, presently designated a Major Collector.***

***The request furthers Policy 4.1.4, Neighborhoods, because it intends to enhance and protect the traditionally mixed-use Sawmill/Wells Park community in order to preserve the neighborhood's long term health and economic vitality.***

Goal 4.2: Process: Engage communities to identify and plan for their distinct character and needs.

Policy 4.2.2: Community Engagement: Facilitate meaningful engagement opportunities and respectful interactions in order to identify and address the needs of all residents.

*Because the MRA Plan has engaged this community to identify and plan for their distinct character and needs, the requested zone change will make permissible the commercial uses along Mountain Road NW desired by the community and described in the plans. The Applicant has met with the Sawmill Area Neighborhood Association (SANA) and the Downtown Neighborhood Association (DNA). The Sawmill Community Land Trust (SCLT) has provided a letter waiving the need to meet with the Applicant. There have been no objections expressed on the proposed zone change.*

*Because the applicant has engaged with the community through association meetings and the proposed zoning will facilitate fulfillment of the community's desires and needs as documented in the MRA Plan this policy will be furthered.*

***The request furthers Policy 4.2.2 because the applicant engaged the community through neighborhood association meetings, and found that the community had no objection to the request. The previous user of the subject site, the director of the Escuela preschool, also supports the request. The Sawmill/Wells Park Metropolitan Redevelopment Area Plan incorporated extensive public involvement, and the determination was to recommend locally-owned neighborhood scale commercial for the subject site.***

Comp Plan Element 5 – Land Use

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

Policy 5.1.11: Multi-Modal Corridors: Design safe Multi-Modal Corridors that balance the competing needs of multiple modes of travel and become more mixed-use and pedestrian-oriented over time.

*The ABC Comp Plan identifies the subject property as neither a Center nor a Corridor. The MRA Plan remains and 80% to 95% of the Sector plans are incorporated into the IDO. The ABC Comp Plan codifies planning for the health, safety, morals, and the*

general welfare of the communities. As such, achievement of the goal to grow as a community of strong Centers connected by a network of multi-modal Corridors is supported when the IDO encourages infill in neighborhoods adjacent to Centers (such as the adjacent Downtown center) and Corridors to support transit ridership. This Application proposes to provide greater utility of safe Multi-Modal Corridors that balance the competing needs of multiple modes of travel, as elaborated in the discussion herein. The proposed zone change furthers the policy that this Multi-Modal Corridor become more mixed-use and more pedestrian-oriented over time, unlike the R-T zone which creates greater homogeneity of residential use better suited outside the Mountain Road commercial corridor which is recommended mixed-use.

**The request furthers Policy 5.1.11, Multi-Modal Corridors, because it will contribute toward balancing the competing needs of multiple modes of travel by being located on a bicycle route and offering bicycle racks along with pedestrian amenities such as sidewalks and a shorter 15-foot maximum front setback as required by the IDO Sawmill/Wells Park Character Protection Overlay CPO-11. The property will also offer on-site parking for vehicular travel. By offering mixed-uses on a street with multi-modes of travel, Major Transit Corridors such as Lomas Boulevard NW to the south are safer due to separation of types of travel.**

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

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

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.

b) Encourage development that offers choice in transportation, work areas, and lifestyles

c) Maintain the characteristics of distinct communities through zoning and design standards that are consistent with long established residential development patterns.

*The requested zone change to MX-L will contribute to create healthy, sustainable, and distinct communities with a mix of uses that are conveniently accessible from surrounding neighborhoods as proposed by this Application and therefore furthers this policy correspondingly outlined below:*

*a) It will encourage development and redevelopment that brings goods, services, and amenities within walking and biking distance of neighborhoods and promotes good access for all residents.*

*b) The request will better utilize the multi-modal transportation opportunities. The request will encourage walking, perhaps to this or an adjacent neighborhood or from the dwellings to be incorporated on the premises. The request will encourage bicycling via the Shared Lanes/Bike Route Mountain Road and 14th Street Bike Boulevard. The request will encourage mass transit from a Rapid Ride Route 36 bus station on 12th Street less than 600 feet from the Property and the Rapid Ride Route 37 bus on 12<sup>th</sup>*

Street. The request will allow conventional automobile parking options thereby being accessible to a multitude of lifestyles.

c) The MRA Plan has codified the distinct community needs and desired direction of development of retail uses on the old Escuela site, therefore stability is a bi-product of consistent provision of the permissive uses offered by the requested MX-L zone unlike the R-T zone. Therefore, the proposed MX-L zone does more to maintain the characteristics of this distinct community through zoning and design standards that are consistent with long established mixed-use development patterns than the current R-T zone in an Area of Change.

**The request furthers Policy 5.2.1 a, b, and c, Land Uses, because it will add to the mix of uses in a historically mixed-use community, and offer options for easily accessible living, working, and shopping by incorporating the requested MX-L zoned site into the R-T existing block fabric. The subject site is within walking and biking distance from the majority of the Sawmill/Wells Park community as well as the Downtown Neighborhoods, and the MX-L zone will promote the provision of goods, services, and amenities. The requested MX-L zone will encourage choice in transportation, work areas, and lifestyles because all modes of transportation will be available, and the MX-L zone will add a small amount of local employment to the area. The distinct character of the Sawmill/Wells Park community will be maintained through the small scale and mixed-uses. In addition, the Sawmill/Wells Park Character Protection Overlay (IDO CPO-11) provides design and use-specific standards that are consistent with long-established Sawmill/Wells Park community patterns.**

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.

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

*The request proposes to maximize the utility of existing infrastructure and public facilities and the efficient use of land to support the public good by accommodating mixed-uses and Multi-Modal Corridors that balance the competing needs of multiple modes of travel and become more mixed-use and more pedestrian-oriented over time. The proposed zone change and mixed-use development of the premises will offer more choices for housing, employment, economic development and enhancement of a pedestrian and bike friendly neighborhood. Utilizing the existing infrastructure in this way is a benefit to the community and supports the public good.*

*Because the proposed project constitutes infill development, approval of the requested zone change to MX-L will manifest tangible support for additional growth in areas with existing infrastructure and public facilities and thereby benefit the community.*

**The request furthers Policy 5.3.1, Infill, because the subject site is a long vacant underutilized site, and a mixed-use zone will promote a pattern that maximizes existing infrastructure and public facilities along Mountain Road NW for the efficient use of land and the public good.**

Goal 5.6 City Development Area: 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.

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.

*Because the Property is wholly in an Area of Change, approval of the requested change to MX-L will encourage and direct growth to this Area of Change where it is expected and desired. The proposed zone change is in conformance with the MRA Plan. The change of zoning to allow for neighborhood scale retail at the old Escuela site is more in keeping with the existing neighborhood that concentrates commercial development on Mountain Road. The existing R-T zone potentially increases residential density and massing that have negative impacts to the character of the surrounding area.*

***The request furthers Policy 5.6.2, Area of Change, because the subject site is located in an Area of Change and a Metropolitan Redevelopment Area, and the request will promote growth, change, and more intense development.***

Comp Plan Element 6 – Transportation

Goal 6.2 Multi-Modal System: Encourage walking, biking, and transit, especially at peak hour commuting times, to enhance access and mobility for people of all ages and abilities.

Policy 6.2.3: Pedestrian & Bicycle Connectivity: Provide direct pedestrian and bicycle access to and circulation within Centers, commercial properties, community facilities, and residential neighborhoods.

Policy 6.2.4: Pedestrian Network: Prioritize pedestrian travel, safety, and amenities above all other transportation modes on Main Street Corridors and streets within Downtown, Urban Centers, and Activity Centers.

*Mountain Road abutting the subject property is a Shared Lanes/Bike Route. 14th Street is a Bicycle Boulevard that runs south from the intersection of Mountain Road and 14th Street. Rapid Ride Route 36 – 12th Street/Rio Grande has a bus stop just south of Mountain Road on 12th Street, less than 600 feet from the Property. Therefore, the Property has multi-modal access and contributes to encourage walking, biking, and mass transit, especially at peak hour commuting times, to enhance access and mobility for people of all ages and abilities.*

*Because the proposed zoning proposes to encourage and incorporate accommodation of the public arriving via multi modal forms of transport with on-site pedestrian portals and walkways, bike racks and adequate parking, these goals and criteria are fulfilled. The location of bike-sharing Mountain Road and the 14th Street Bicycle Boulevard and proximity to the 12th Street Station of the Route 36 bus and the Route 37 bus leverages the benefit of accessibility to the property by people of all ages and abilities. This will lead to greater public health through active transportation.*

*The request furthers Policy 6.2.3, Pedestrian & Bicycle Connectivity, and Policy 6.2.4, Pedestrian Network, because the Mountain Road NW corridor offers pedestrian features such as sidewalks and higher densities, and bicycle features such as low traffic speeds all within the vicinity of the downtown neighborhoods.*

Plan Element 7 – Urban Design:

Goal 7.2 Pedestrian-Accessible Design Increase walkability in all environments, promote pedestrian-oriented development in urban contexts, and increase pedestrian safety in auto-oriented contexts.

Policy 7.3.3: Placemaking: Encourage efforts to establish and strengthen district identity within Centers, business districts, and neighborhoods.

Policy 7.3.4: Infill: Promote infill that enhances the built environment or blends in style and building materials with surrounding structures and the streetscape of the block in which it is located.

b) promote buildings and massing of commercial and office uses adjacent to single-family neighborhoods that is neighborhood scale, well-designed, appropriately located, and consistent with the existing development context and neighborhood character.

*Because the proposed zone change will allow strengthening and celebration of the neighborhood's unique traditional district identity, this property will perform to leverage and distinguish Mountain Road as a gateway for area museums and cultural institutions extending to Tiguez Park, Wells Park and other community assets, furthering this policy.*

*A great deal of thought has gone into enhancing the built environment that blends in style and building materials with surrounding structures and the streetscape of the block in which it is located.*

*Within the area, there are many buildings in major need of repair and vacant lots needing appropriate development. The proposed change will contribute to the well-being of the neighborhood in that it enriches a balanced mix of existing housing and light neighborhood-scaled retail spaces to serve the community on property that has remained vacant and uninhabited. Infill development benefits the community by utilizing existing infrastructure designed to support it with no additional infrastructure required.*

*The occupation and upgrading of vacant portions of the premises with a new building and site improvements reflective of the character of the surrounding neighborhood will, as a result of the zone change, prevent any potential unsightly uses of the buildings or land.*

*The request furthers Policy 7.3.3, Placemaking, because the request will strengthen the Sawmill/Wells Park neighborhood with more amenities and uses available mid-block on a Major Collector road near the museum area and Old Town.*

*The request furthers Policy 7.3.4 and 7.3.4 b, Infill, because the request is within the Sawmill/Wells Park Character Protection Overlay CPO-11, which includes design standards and regulations intended to enhance the built environment to blend in style with the surrounding structures and streetscape in the area. The request is to permit small-scale commercial uses on the subject site adjacent to single-family*

*neighborhoods on an appropriately small property and consistent with the existing development context and character of the Sawmill/Wells Park neighborhood. The CPO standards will promote design consistent with the context and neighborhood character.*

Comp Plan Element 8 – Economic Development

Goal 8.1 Placemaking: Create places where business and talent will stay and thrive.

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

Policy 8.1.2: Resilient Economy: Encourage economic development efforts that improve quality of life for new and existing residents and foster a robust, resilient, and diverse economy.

c) Prioritize local job creation, employer recruitment, and support for development projects that hire local residents.

Goal 8.2 Entrepreneurship: Foster a culture of creativity and entrepreneurship and encourage private businesses to grow.

Policy 8.2.1: Local Business: Emphasize local business development.

Policy 8.2.2: Diverse Talent: Promote a more inclusive ecosystem for developing entrepreneurs.

*Because the proposed zone change will allow for economic development in the southern edge of Sawmill neighborhood, these place making and economic goals and policies will be fulfilled. Economic development's benefits to the community cannot be over emphasized. The MRA Plan weighs heavily in favor of the proposed zone change. The property is the only vacant property west of Wells park on the north side of Mountain Road all the way to 18th Street and has been designated as on the edge of the Sawmill 18th Street corridor that has been earmarked specifically for commercial development. As such, it is one of the only remaining properties on the southern edge of the Sawmill neighborhood capable of supporting economic development within the existing mixed use and commercial area.*

*The Applicant endeavors to create a business environment where creative talent will have multiple opportunities to thrive and to practice entrepreneurship in a variety of small retail and neighborhood scale service establishments. It will be sustainable with 3 proposed retail shops. The retail building will be powered by photovoltaic panels and water harvesting will be another sustainable environmental feature.*

*The Applicant is Chair of the Albuquerque Art Business Association and participates in monthly events including the Albuquerque ARTS crawl featuring local artists in her shop and intends to continue to support and foster appreciation for cultural events on the premises.*

*The request furthers Policy 8.1.1, Diverse Places, because the requested MX-L zone will permit commercial uses on a small scale lot in a block of the R-T zone, which will therefore provide a range of development intensities, densities, uses, and scales.*

*The request furthers Policy 8.1.2 and Policy 8.1.2 c, Resilient Economy, because it encourages economic development on a long vacant site in a prime location that will contribute toward a resilient and diverse economy for new and current residents as well as visitors. The requested MX-L which will permit commercial uses on the subject site will prioritize local job creation, employer recruitment, and support the hiring of local residents in the surrounding neighborhoods.*

*The request furthers Policy 8.2.1, Local Business, and Policy 8.2.2, Diverse Talent, because the requested MX-L zone will permit commercial uses, which will emphasize local business development for the property owner who is a developing entrepreneur.*

Comp Plan Element 11 – Heritage Conservation

Goal 11.5 Cultural Traditions & the Arts Emphasize and support cultural traditions and arts as vital components of the community’s identities and well-being.

Policy 11.5.1: Arts Promotion: Coordinate and promote the arts and the cultural sector as key assets in a vital economy; major contributors to quality of life and healthy communities; and the heart of high-quality, special places that contribute to the identity of distinct communities.

*The applicant’s is an avid supporter and promoter of the arts at her shop and is intent upon catalyzing economic growth, in what is increasingly an arts and culture district along Mountain Road, that will contribute to the community’s identity, health and well-being. Approval of the request zone map amendment will permit a community serving establishment with enhancement benefits for the neighborhood, bicyclers and pedestrians from Sawmill, Downtown and all over the city including the Harwood Art Center, Tiquez Park, Explora, New Mexico Museum of Natural History & Science, The Albuquerque Museum and the Artisan Village at Sawmill Land Trust, great cultural resources sitting in a well planned neighborhood in a blend of residential, cultural, commercial and artistic uses.*

*The request furthers Policy 11.5.1, Arts Promotion, because the MX-L zone will permit the property owner to expand her retail art business, which will in turn coordinate and promotes the arts and contribute to the Sawmill/Wells Park distinct community as shown by supportive neighborhood comments. In addition, the subject site is near the museum area and Old Town, which will in turn permit the provision of additional commercial services to people visiting those artistic areas and cultural amenities.*

***Criteria for Zone Map Change Applications and Analysis of Applicant's Justification***

Pursuant to section 14-16-6-7(F)(3) of the Integrated Development Ordinance, Review and Decision Criteria, "An application for a Zoning Map Amendment shall be approved if it meets all of the following criteria".

There are several tests that must be met and the applicant must provide sound justification for the change. The burden is on the applicant to show why a change should be made, not on the City to show why the change should not be made.

**Note:** Criteria are in regular text, Policies are underlined; Applicant's justifications are in *italics*; and staff's analyses are in ***bold italics***

- 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 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 including the Sawmill/Wells Park Area Metropolitan Redevelopment Area Plan (MRA Plan) as shown in the sections above.***

- 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).

*This criteria is non-applicable because the proposed amendment is located wholly in an Area of Change as shown in the ABC Comp Plan as amended and further described in Section C below.*

*The proposed MX-L zone will reinforce and strengthen the character of the surrounding area and in accordance with proximate properties along Mountain Road that have been converted to the MX-L zone as described in detail below. The current R-T zoning is in direct conflict with the MRA plan in essence because it impedes and prohibits the*

*redevelopment of underutilized properties and sites into neighborhood-serving properties (such as proposed for the old Escuela site). The current R-T zone for the property prevents the realization of creating a great street that serves as a gateway for neighborhood residential and neighborhood retail that would promote locally-owned commercial uses. Therefore, the requested Zone Map Amendment to MX-L is more advantageous to the community as articulated by the ABC Com Plan (as amended) as described herein and other applicable adopted City plans. The MX-L zone will provide for greater stability of land use as intended by the MRA Plan incorporating the recommended and proposed retail use as a permissive use.*

***The applicant's response to Comp Plan policies and intents 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).

*Because the subject property is wholly in an Area of Change and the existing zoning is inappropriate policy 3 above is applicable because 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 Applicant has demonstrated that the existing zoning is inappropriate.*

*The proposed zone change from R-T to MX-L will support the ABC Comp Plan goals and policies indicated above, therefore it is more advantageous to the community.*

*The Sawmill/Wells Park Community Metropolitan Redevelopment Area Plan, Mountain Road Sub-Area, Page 30 reads :*

*“Redevelopment Vision: Redevelop underutilized properties and sites as becoming neighborhood-serving (old Escuela site, restaurant at 15th & Mountain, 8th & Mountain, 12th & Mountain, 11th-13th Streets.). Mountain Road will include traffic calming measures such as bike lanes and pedestrian enhancements. Create a great street that serves as a gateway for neighborhood residential and neighborhood retail and promotes locally-owned neighborhood scale commercial. Develop a walkable street that is pedestrian-friendly and encourages seniors and kids/students to use.”*

*Because the property is cited explicitly in the MRA Plan as “the old Escuela site,” stability of intention being more advantageous to the community would be enforced by aligning the change of zone to the requested MX-L zone as it would allow for fulfillment of a stated goal of the MRA Plan. The subject property would then allow for Mountain Road NW to be a gateway for neighborhood residential and neighborhood retail. The property Owner, the MRA Plan and the City desire promotion of locally owned neighborhood scale commercial development. Approval of the requested MX-L zone supports the desired stability of land use and zoning, therefore, the requested change to MX-L is more advantageous to the community.*

*Because the existing R-T zone is in conflict with provisions of the MRA Plan it is inappropriate and is less advantageous to the community. The requested zone change of the property to MX-L will allow for the proposed light mixed-use development including redevelopment of the underutilized portions on the full premises of the old Escuela site to become neighborhood-serving, locally-owned neighborhood residential and neighborhood scale commercial retail development that is pedestrian and bike friendly while enhancing the streetscape. The proposed change to the requested MX-L zone furthers conformance in the greatest capacity to the MRA Plan’s goal for this property within the Mountain Road Sub-Area while the existing R-T zone is in direct conflict with the MRA Plan. In regard to IDO Part 14-16-6-7(F)(3)(c), because there is no conflict between the MRA Plan and the proposed MX-L zone, it is more advantageous to the community than the existing restrictive R-T zone.*

*Because the property is located in an Area of Change, a change of the property from R-T to MX-L will allow a use consistent with MRA Plan, Mountain Road Sub-Area, not permissible without the requested change.*

*The establishment of well-maintained retail space on the subject property in a mixed-use development will eliminate unused land that offers nothing to the neighborhood while maintaining the balance of mixed uses encouraged by existing Plans and the IDO. This request will help promote stability of mixed uses along Mountain Road and contribute to community cohesiveness by reinforcing the appearance of the neighborhood’s traditional New Mexico vernacular architecture.*

*Provisions of the IDO protective of the health, safety and welfare of the community and to be furthered by the request include relevant standards from CPO-11 as follows:*

*3-4(L)(3) Setback Standards*

*3-4(L)(3)(b) MX-L Zone District...front setbacks are required as follows: 2. On lots abutting Mountain Road: 0 feet minimum; 15 feet maximum.*

*3-4(L)(4) Building Height, Maximum*

*3-4(L)(4)(c) R-ML and MX-L zone districts: 26 feet.*

*Other Development Standards:*

*3-4(L)(5)(a) Enclosures and Screening: Non-residential uses within or adjacent to any Residential zone district shall be conducted within a building. All non-residential outdoor storage and parking and vehicular circulation areas adjacent to a lot in any Residential zone district, a lot containing a Residential use in any Mixed-use zone*

*district, or a lot containing a Civic and Institutional use in any zone district shall be visually screened with an opaque wall or fence at least 6 feet high and a landscaped buffer at least 10 feet wide with evergreen trees and/or shrubs.*

*3-4(L)(5)(c) Mixed-use and Non Residential Zone Districts: For all development except residential and industrial development, each façade facing a public street shall contain 25 percent or more of its surface in clear, transparent windows and/or doors.*

*Under the MRA PLAN Mountain Road Sub-Area, Impediments to Redevelopment:*

*“Need to review existing zoning to refine permitted uses under MRN/C-1 zoning.”*

*Under the MRA PLAN Mountain Road Sub-Area, Redevelopment Projects/Tools:*

*“Provide incentives and support for community-supported/based retail for affordability (nonprofit initiatives and incentives to private sector).”*

*The proposed change is in support of community-supported/based retail for affordability. Approval of the change to MX-L would create an incentive to the private sector by promoting development of community-supported/based retail, therefore, the requested change to MX-L is more advantageous to the community.*

***The proposed amendment is located wholly in an Area of Change, and the applicant has demonstrated that the existing R-T zoning is inappropriate because the MX-L zone district would be more advantageous to the community as articulated by the ABC Comp Plan (in land use, density, and connectivity) as well as by the applicable Sawmill Wells Park Metropolitan Redevelopment Area Plan. The applicant has sufficiently demonstrated through policy analysis in section A that the requested zone would be more advantageous to the community because it would provide neighborhood commercial services on an infill site in a historically mixed-use area.***

- 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.

*Because the zone change to MX-L does not include permissive uses that would be harmful to adjacent property, the neighborhood, or the community, this criteria shall be met. Under the proposed MX-L zone the site plan, landscape plan, grading and drainage plan and building plans submitted for the building permits shall bind the proposed development with regard to size, location, character and permissive uses and mitigate any harmful impacts. Conformance with the ABC Comprehensive Plan and the MRA Plan is required and it will be less harmful to adjacent property, the neighborhood and the community than under the existing R-T zone which would permit more invasive development with 3 townhouses that would be in conflict with the goal of the MRA Plan that recommends the redevelopment of the old Escuela site. The MX-L zone will allow fulfillment of the goal of a mix of commercial with the existing residential uses (although residential is not required) along Mountain Road in the Sawmill/Wells Park southern edge.*

*Eyes on the street do not exist on vacant land. Mixed-use development that incorporates commercial uses during the day and residential uses at night provide for greater ability to provide visual oversight and make the area more attractive and safer for people using streets and sidewalks.*

*The requested MX-L zone will better maintain the historic mixture of housing and small businesses on Mountain Road than the existing R-T zone. The proposed commercial development on the property is in close proximity with existing commercial buildings and is in the predominantly commercial area of the neighborhood along Mountain Road.*

*All **permissive** uses of the MX-L zone are limited to the following from Table 4-2-1 of the IDO:*

<i>Dwelling, live-work</i>	<i>Tap room or tasting room</i>
<i>Dwelling, multi-family</i>	<i>Other indoor entertainment</i>
<i>Assisted living facility or nursing home</i>	<i>Hotel or motel</i>
<i>Community residential facility, small</i>	<i>Car wash</i>
<i>Community residential facility, medium</i>	<i>Light vehicle repair</i>
<i>Community residential facility, large</i>	<i>Paid parking lot</i>
<i>Group home, small</i>	<i>Parking structure</i>
<i>Group home, medium</i>	<i>Bank</i>
<i>Group home, large</i>	<i>Club or event facility</i>
<i>Sorority or fraternity</i>	<i>Commercial services</i>
<i>Adult or child day care facility</i>	<i>Medical or dental clinic</i>
<i>Community center or library</i>	<i>Office</i>
<i>Elementary or middle school</i>	<i>Personal and business services</i>
<i>High school</i>	<i>Research or testing facility</i>
<i>Museum or art gallery</i>	<i>Bakery goods or confectionery shop</i>
<i>Parks and open space</i>	<i>Farmers' market</i>
<i>Religious institution</i>	<i>General retail, small</i>
<i>Vocational school</i>	<i>Grocery store</i>
<i>Community garden</i>	<i>Solar energy generation</i>
<i>Veterinary hospital</i>	<i>Utility, electric</i>
<i>Other pet services</i>	<i>Utility, other major</i>
<i>Health club or gym</i>	<i>Freestanding, Wireless</i>
<i>Residential community amenity</i>	<i>Telecommunications Facility</i>
<i>Restaurant</i>	

*The many proximate Mountain Road NW properties converted to MX-L are indicative that the requested zone change to MX-L does not include permissive uses that would be harmful to adjacent property, the neighborhood, or the community. A use that may be considered harmful is a car wash. The subject site is unlikely to be used as a car wash due to its small size. The CPO-11 design standards require a maximum front-yard setback to be 15-feet in the MX-L zone. All other automobile related uses that may be considered harmful are also unlikely because of the limited size of the subject property.*

*The requested MX-L (Mixed-Use-Low Intensity Zone District) includes an expanded list of uses over the existing R-T, Residential-Townhouse zone District (as shown above). The applicant intends to develop commercial retail shops and potentially a coffee shop/restaurant in the proposed MX-L zone, which are not permitted in the existing R-T zone. Since this zone change request is for the straight MX-L zone, all permissive uses must be considered for harmfulness to the adjacent property, neighborhood, or community.*

*The Sawmill/Wells Park Character Protection Overlay CPO-11 in the IDO Use Specific Regulations prohibits automobile-related uses such as Car Wash, Light Vehicle Repair, and Drive-throughs, which could be considered potentially harmful, in the MX-L zone.*

- 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.

*Per item 1 above, the subject property is infill development and the City's existing infrastructure has adequate capacity to serve the proposed neighborhood scale development made possible by the zone change. Because the proposed zone change from R-T to MX-L will be utilized through land development, no request is made for un-programmed capital expenditures by the city and it requires no major and un-programmed capital expenditures by the city.*

*The proposed zoning that will make permissible the proposed small general retail use is a low impact zone as inherent in most commercial properties in the Sawmill, Wells Park and Downtown Neighborhoods along Mountain Road. The zone is not generally associated with high traffic, crime or other inappropriate effects. The proposed use of the property will encourage appropriate neighborhood-scaled development in the area without the increase of additional traffic or requirement of additional public facilities.*

*The request meets criteria 1 since the City's existing infrastructure and public improvements, street, trail, and sidewalk systems have adequate capacity to serve the development made possible by the requested change of zone from R-T to MX-L. The subject site is located on Mountain Road NW which is a historic route that holds two way vehicular traffic, pedestrian sidewalks, and an existing bicycle route as part of the 50-Mile Activity Loop. Mountain Road NW is a long-established City street with utility infrastructures necessary for commercial development.*

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

*The property's location on a major street is not the complete basis for MX-L zoning and Mountain Road is not designated a major street, therefore the application fulfils this criteria. This Zone Map Amendment request is justified by a preponderance of conformance with the ABC Comprehensive Plan and the MRA. We have described why the proposed zone meets all the criteria for approval based on community needs and desires, will be least harmful to the community and is most advantageous to the community.*

***Although the subject site is located on Mountain Road NW, it is not completely based on the property's location on a major street, since the request furthers a preponderance of Comprehensive Plan policies regarding infill and the need for neighborhood commercial uses in the MRA.***

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

*The cost of land or other economic considerations pertaining to the applicant's proposed improvements are not the complete nor predominant basis for the applicant's justification. This basis is not the determining factor for this request of a Zone Map Amendment and the application fulfils this criteria.*

***Although all development projects have economic considerations, the applicant's justification is not based completely or predominantly on the cost of land, and the change will be a benefit to the surrounding community.***

- 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.

*Application of the MX-L zone may constitute a spot zone because it is different from surrounding R-T zones to the east and west and R-1A zone to the north. The requested change to MX-L will clearly facilitate implementation of the ABC Comp Plan, as amended, as discussed in the preponderance of goals and policies furthered by the change.*

*The proposal qualifies under criteria 1 above. The area of the zone change is different from surrounding land because it can function as a transition between adjacent zone*

*districts. The concept that a gateway enhances a neighborhood is fulfilled by the liveliness of the mixed-use character of Mountain Road that leads to side streets into the residential areas. By definition, this constitutes a transition from mixed-uses zones to predominately residential zones as currently embodied throughout the Mountain Road neighborhoods.*

*Because Mountain Road is becoming increasingly commercial and mixed-use in an Area of Change in conformance with the ABC Comprehensive Plan and as directed by the MRA Plan, it is evident that the property is intended to function as a mixed-use gateway between adjacent zones incorporating increasingly mixed-use and commercial uses that will soften the impact of varying zone districts. The area of the zone change is different from surrounding land because it is the southern edge of the Sawmill neighborhood abutting Mountain Road. The site can function as a community-desired transition between the residential zone to the north and the increasingly commercial and mixed-use zones on Mountain Road.*

*The proposal qualifies under criteria 2 above. The subject site is not suitable for the uses allowed in any adjacent zone district due to traffic. Mountain Road NW East of Rio Grande and west of 4<sup>th</sup> Street is a mixed-use area supporting increasing mixed-use and commercial uses because of the traffic volume that exists on Mountain Road due to the existing unique and desirable patchwork of mixed-use zones. Whereas the MRA Plan recommends the subject site as neighborhood serving retail and the ABC Comp Plan will clearly be facilitated by the requested zone change, the vacant subject site is less suitable for the R-T zone that does not benefit from higher levels of traffic patterns and is inherently more suitable as MX-L that will benefit from existing traffic patterns and be more beneficial to the neighborhood.*

*The requested zone matches the zoning pattern along the Mountain Road corridor, where MX-L zone properties abut different zones. The mixed-use character of the existing zone pattern along Mountain Road is that of a patchwork of zones including MX-L, R-T, R-1A, MX-T and other zones. The subject property is on a block that has a single zone (R-T) for a greater contiguous extent than any other block along Mountain Road within the MRA plan area thereby breaking the obvious pattern of a patchwork mix of zones. The requested zone will better correspond to the existing beneficial pattern evident throughout most of the Mountain Road corridor.*

*In the Sawmill/Wells Park Community Metropolitan Redevelopment Plan, page 30, Mountain Sub-Area reads:*

*“Redevelop underutilized properties and sites as becoming neighborhood-serving (old Escuela site, restaurant at 15th & Mountain, 8th & Mountain, 12th & Mountain, 11-13<sup>th</sup> Streets.) Mountain Road will include traffic calming measures such as bike lanes and pedestrian enhancements, Create a great street that serves as a gateway for neighborhood residential and neighborhood retail and promotes locally-owned neighborhood scale commercial. Develop a walkable street that is pedestrian-friendly and encourages seniors and kids/students to use.... Provide incentives and support for community-supported/based retail for affordability (non-profit initiatives and incentives to private sector).”*

*The requested zone change will apply a zone district different from surrounding zone districts to one small parcel creating a spot zone; however, the change will clearly facilitate implementation of the ABC Comp Plan. The applicant has also justified the request using criteria 1 and criteria 2.*

*Criteria 1: the applicant justifies the proposed spot zone by stating that the subject site can function as a transition between adjacent zone districts because it is on Mountain Road NW which is the southern edge of the Sawmill neighborhood between the residential zone to the north and the increasingly commercial and mixed-use zones on Mountain Road NW, more closely meeting the intent of the Comprehensive Plan toward mixed-use neighborhoods, and the Sawmill/Wells Park MRA Plan. The requested zone will better correspond to the existing pattern evident throughout most of the Mountain Road corridor.*

*Criteria 2: the applicant stated that the subject site is not suitable for the uses allowed in any adjacent zone district due to the existing traffic on Mountain Road NW (especially as it approaches the museum area), which is not conducive to residential development as expected by the existing and surrounding zones. The vacant subject site is less suitable for the R-T zone that does not benefit from higher levels of traffic patterns and is inherently more suitable as MX-L that will benefit from existing traffic patterns and be more beneficial to the neighborhood as a buffer/transition for the residential area to the north.*

## **AGENCY & NEIGHBORHOOD CONCERNS**

### ***Reviewing Agencies/Pre-Hearing Discussion***

Refer to the agency comments at the end of the staff report

### ***Neighborhood/Public***

The applicant contacted the Sawmill Area Neighborhood Association, the Downtown Neighborhoods Association, and the Sawmill Community Land Trust as well as property owners within 155-feet of the subject site, as required. The agent and applicant attended neighborhood meetings with the Sawmill Area Neighborhood Association (SANA) and the Downtown Neighborhood Association (DNA). The Sawmill Community Land Trust (SCLT) has provided a letter waiving the need to meet. The previous user of the subject site, the director of the Escuela preschool, submitted a letter in support of the request. Staff has not received any additional comments in support or opposition to the request.

## **CONCLUSION**

This is a request for a Zone Map Amendment for a vacant lot located on the north side of Mountain Road NW in the center of the block between 12th Street NW and 14th Street NW. The applicant is proposing to change the zone from the straight R-T zone to the straight MX-L zone to allow for potential commercial and restaurant uses.

The applicant has justified the request for a change to the MX-L zone by describing how it furthers a preponderance of relevant policies in the Comprehensive Plan regarding infill

development for neighborhood-serving commercial. The request is also consistent with the relevant goals of the Sawmill/Wells Park Metropolitan Redevelopment Plan, and meets the Integrated Development Ordinance Review and Decision Criteria pursuant to section 14-16-6-7(F)(3).

The applicant contacted the Sawmill Area Neighborhood Association, the Downtown Neighborhoods Association, and the Sawmill Community Land Trust as well as property owners within 155-feet of the subject site, as required. Staff has not received comments in support or opposition to the request. Staff recommends approval.

***FINDINGS, Zone Map Amendment (Zone Change)***

***Project # 2018-001426***

1. This is a request for a Zone Map Amendment (Zone Change) for Lot 20, Balling Addition #1 located at 1301 Mountain Rd. NW, on the north side of Mountain Rd. NW between 12th Street NW and 14th Street NW, and containing approximately 0.25 acres.
2. The request is to change the zone from the existing R-T, Residential - Townhouse Zone District to the proposed MX-L, Mixed Use - Low Intensity Zone District in order to permit neighborhood commercial uses and a restaurant on the subject site.
3. Prior to the effective date of the IDO on May 17, 2018, the subject site was zoned S-MRN (Sawmill – Mountain Road Neighborhood Zone) pursuant to the Sawmill/Wells Park Sector Development Plan which permitted commercial uses provided “at least 50% of the total acreage of lots continuous to Mountain Road on the city block of the property already occupied by legal nonresidential uses.”
4. Upon effectiveness of the IDO, the zoning for the vacant subject site was converted to the R-T - Residential Townhouse zone. The existing R-T zone does not permit commercial uses or a restaurant as intended by the request for the request for the MX-L zone.
5. The subject site falls within the mapped are of the Sawmill/Wells Park Character Protection Overlay, CPO-11 (IDO Section 14-16-3-4(L)), developed from the historic Sawmill/Wells Park Sector Development Plan, which regulates required design standards on Mountain Road NW for the requested MX-L zone.
6. The subject site is within the boundaries of the Sawmill/Wells Park Metropolitan Redevelopment Area (MRA) Plan boundary and is consistent with the general goals of this MRA Plan as well as the goals for the Mountain Road subarea within the MRA Plan.
7. The Albuquerque/Bernalillo County Comprehensive Plan, the Sawmill/Wells Park Metropolitan Redevelopment Plan, and the City of Albuquerque Integrated Development Ordinance (IDO) are incorporated herein by reference and made part of the record for all purposes.
8. The subject site is within an Area of Change as designated by the Comprehensive Plan and the request is in general compliance with its following applicable goals and policies:
  - a) The request furthers Policy 4.1.1, Distinct Communities and Policy 4.1.2, Identity and Design, because the subject site is a small scale property that will enhance, protect, and preserve the small-scale fabric of the distinct Sawmill/Wells Park community. This will ensure the appropriate scale, character and building design, as well as a mix of small scale commercial and residential uses along the historic Mountain Road NW, presently a Major Collector.
  - b) The request furthers Policy 4.1.4, Neighborhoods, because it intends to enhance and protect the traditionally mixed-use Sawmill/Wells Park community in order to preserve the neighborhood’s long term health and economic vitality.

- c) The request furthers Policy 4.2.2 because the applicant engaged the community through neighborhood association meetings, and found that the community had no objection to the request. The previous user of the subject site, the director of the Escuela preschool, also supports the request. The Sawmill/Wells Park Metropolitan Redevelopment Area Plan incorporated extensive public involvement, and the determination was to recommend locally-owned neighborhood scale commercial for the subject site.
- d) The request furthers Policy 5.1.11, Multi-Modal Corridors, because it will contribute toward balancing the competing needs of multiple modes of travel by being located on a bicycle route and offering bicycle racks along with pedestrian amenities such as sidewalks and a shorter 15-foot maximum front setback as required by the IDO Sawmill/Wells Park Character Protection Overlay CPO-11. The property will also offer on-site parking for vehicular travel. By offering mixed-uses on a street with multi-modes of travel, Major Transit Corridors such as Lomas Boulevard NW to the south are safer due to separation of types of travel.
- e) The request furthers Policy 5.2.1 a, b, and c, Land Uses, because it will add to the mix of uses in a historically mixed-use community, and offer options for easily accessible living, working, and shopping by incorporating the requested MX-L zoned site into the R-T existing block fabric. The subject site is within walking and biking distance from the majority of the Sawmill/Wells Park community as well as the Downtown Neighborhoods, and the MX-L zone will promote the provision of goods, services, and amenities. The requested MX-L zone will encourage choice in transportation, work areas, and lifestyles because all modes of transportation will be available, and the MX-L zone will add a small amount of local employment to the area. The distinct character of the Sawmill/Wells Park community will be maintained through the small scale and mixed-uses. In addition, the Sawmill/Wells Park Character Protection Overlay (IDO CPO-11) provides design and use-specific standards that are consistent with long-established Sawmill/Wells Park community patterns.
- f) The request furthers Policy 5.3.1, Infill, because the subject site is a long vacant underutilized site, and a mixed-use zone will promote a pattern that maximizes existing infrastructure and public facilities along Mountain Road NW for the efficient use of land and the public good.
- g) The request furthers Policy 5.6.2, Area of Change, because the subject site is located in an Area of Change and a Metropolitan Redevelopment Area, and the request will promote growth, change, and more intense development.
- h) The request furthers Policy 6.2.3, Pedestrian & Bicycle Connectivity, and Policy 6.2.4, Pedestrian Network, because the Mountain Road NW corridor offers pedestrian features such as sidewalks and higher densities, and bicycle features such as low traffic speeds all within the vicinity of the downtown neighborhoods.
- i) The request furthers Policy 7.3.3, Placemaking, because the request will strengthen the Sawmill/Wells Park neighborhood with more amenities and uses available mid-block on a Major Collector road near the museum area and Old Town.

- j) The request furthers Policy 7.3.4 and 7.3.4 b, Infill, because the request is within the Sawmill/Wells Park Character Protection Overlay CPO-11, which includes design standards and regulations intended to enhance the built environment to blend in style with the surrounding structures and streetscape in the area. The request is to permit small-scale commercial uses on the subject site adjacent to single-family neighborhoods on an appropriately small property and consistent with the existing development context and character of the Sawmill/Wells Park neighborhood. The CPO standards will promote design consistent with the context and neighborhood character.
  - k) The request furthers Policy 8.1.1, Diverse Places, because the requested MX-L zone will permit commercial uses on a small scale lot in a block of the R-T zone, which will therefore provide a range of development intensities, densities, uses, and scales.
  - l) The request furthers Policy 8.1.2 and Policy 8.1.2 c, Resilient Economy, because it encourages economic development on a long vacant site in a prime location that will contribute toward a resilient and diverse economy for new and current residents as well as visitors. The requested MX-L which will permit commercial uses on the subject site will prioritize local job creation, employer recruitment, and support the hiring of local residents in the surrounding neighborhoods.
  - m) The request furthers Policy 8.2.1, Local Business, and Policy 8.2.2, Diverse Talent, because the requested MX-L zone will permit commercial uses, which will emphasize local business development for the property owner who is a developing entrepreneur.
  - n) The request furthers Policy 11.5.1, Arts Promotion, because the MX-L zone will permit the property owner to expand her retail art business, which will in turn coordinate and promotes the arts and contribute to the Sawmill/Wells Park distinct community as shown by supportive neighborhood comments. In addition, the subject site is near the museum area and Old Town, which will in turn permit the provision of additional commercial services to people visiting those artistic areas and cultural amenities.
9. Pursuant to section 14-16-6-7(F)(3) of the Integrated Development Ordinance, Review and Decision Criteria, "An application for a Zoning Map Amendment shall be approved if it meets all of the following criteria".
- 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 including the Sawmill/Wells Park Area Metropolitan Redevelopment Area Plan (MRA Plan) as shown in the sections above.
  - b) This criteria is non-applicable because the proposed amendment is located wholly in an Area of Change as shown in the ABC Comp Plan as amended and further described in Section C below.
  - c) The proposed amendment is located wholly in an Area of Change, and the applicant has demonstrated that the existing R-T zoning is inappropriate because the MX-L zone district would be more advantageous to the community as articulated by the

ABC Comp Plan (in land use, density, and connectivity) as well as by the applicable Sawmill Wells Park Metropolitan Redevelopment Area Plan. The applicant has sufficiently demonstrated through policy analysis in section A that the requested zone would be more advantageous to the community because it would provide neighborhood commercial services on an infill site in a historically mixed-use area.

- d) The requested MX-L (Mixed-Use-Low Intensity Zone District) includes an expanded list of uses over the existing R-T, Residential-Townhouse zone District (as shown above). The applicant intends to develop commercial retail shops and potentially a coffee shop/restaurant in the proposed MX-L zone, which are not permitted in the existing R-T zone. Since this zone change request is for the straight MX-L zone, all permissive uses must be considered for harmfulness to the adjacent property, neighborhood, or community.

The Sawmill/Wells Park Character Protection Overlay CPO-11 in the IDO Use Specific Regulations prohibits automobile-related uses such as Car Wash, Light Vehicle Repair, and Drive-throughs, which could be considered potentially harmful, in the MX-L zone.

- e) The request meets criteria 1 since the City's existing infrastructure and public improvements, street, trail, and sidewalk systems have adequate capacity to serve the development made possible by the requested change of zone from R-T to MX-L. The subject site is located on Mountain Road NW which is a historic route that holds two way vehicular traffic, pedestrian sidewalks, and an existing bicycle route as part of the 50-Mile Activity Loop. Mountain Road NW is a long-established City street with utility infrastructures necessary for commercial development.
- f) Although the subject site is located on Mountain Road NW, it is not completely based on the property's location on a major street, since the request furthers a preponderance of Comprehensive Plan policies regarding infill and the need for neighborhood commercial uses in the Sawmill/Wells Park Metropolitan Redevelopment Area.
- g) Although all development projects have economic considerations, the applicant's justification is not based completely or predominantly on the cost of land, and the change will be a benefit to the surrounding community.
- h) The requested zone change will apply a zone district different from surrounding zone districts to one small parcel creating a spot zone; however, the change will clearly facilitate implementation of the ABC Comp Plan. The applicant has also justified the request using Criteria 1 and Criteria 2.

Criteria 1: the applicant justifies the proposed spot zone by stating that the subject site can function as a transition between adjacent zone districts because it is on Mountain Road NW which is the southern edge of the Sawmill neighborhood between the residential zone to the north and the increasingly commercial and mixed-use zones on Mountain Road NW, more closely meeting the intent of the Comprehensive Plan toward mixed-use neighborhoods, and the Sawmill/Wells Park MRA Plan. The

requested zone will better correspond to the existing pattern evident throughout most of the Mountain Road corridor.

Criteria 2: the applicant stated that the subject site is not suitable for the uses allowed in any adjacent zone district due to the existing traffic on Mountain Road NW (especially as it approaches the museum area), which is not conducive to residential development as expected by the existing and surrounding zones. The vacant subject site is less suitable for the R-T zone that does not benefit from higher levels of traffic patterns and is inherently more suitable as MX-L that will benefit from existing traffic patterns and be more beneficial to the neighborhood as a buffer/transition for the residential area to the north.

10. The applicant contacted the Sawmill Area Neighborhood Association, the Downtown Neighborhoods Association, and the Sawmill Community Land Trust as well as property owners within 155-feet of the subject site, as required. The agent and applicant attended neighborhood meetings with the Sawmill Area Neighborhood Association (SANA) and the Downtown Neighborhood Association (DNA). The Sawmill Community Land Trust (SCLT) has provided a letter waiving the need to meet.
11. The previous user of the subject site, the director of the Escuela preschool, submitted a letter in support of the request.
12. Staff has not received any additional comments in support or opposition to the request.

### **RECOMMENDATION**

***APPROVAL of Project 2018-001426, Re-Zone RZ-2018-0025, a request for Zone Map Amendment from R-T to MX-L for Lot 20, Balling Addition #1, based on the preceding Findings.***

---

***Cheryl Somerfeldt  
Planner***

### ***Notice of Decision cc list:***

List will be finalized subsequent to the EPC hearing on September 13, 2018.

**AGENCY COMMENTS**

**PLANNING DEPARTMENT**

**Zoning Enforcement**

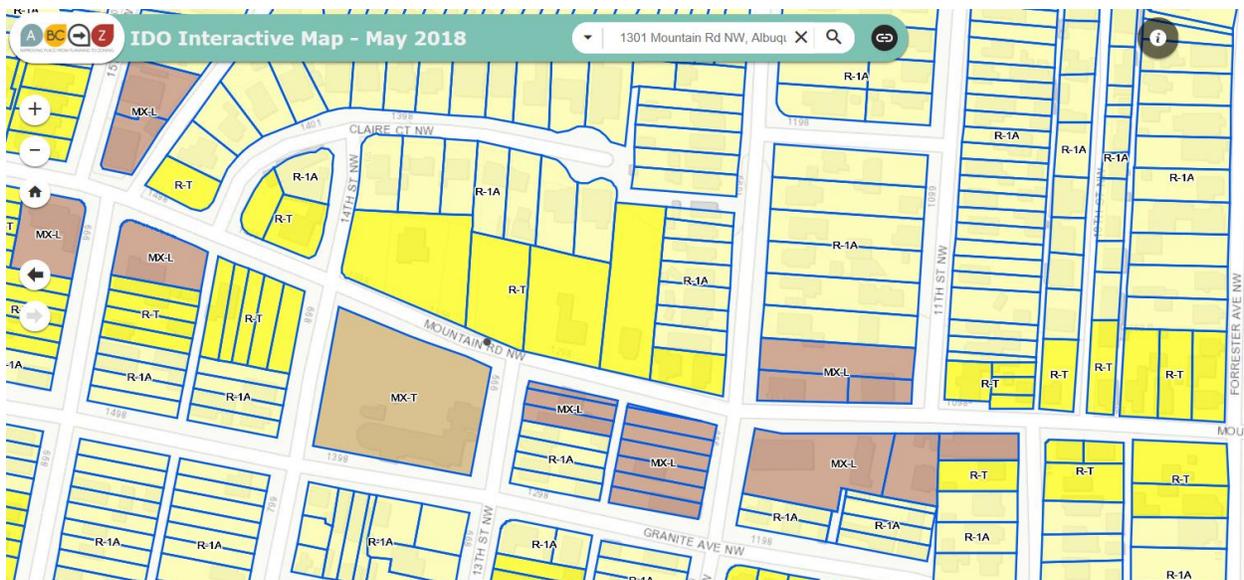
No adverse comments.

**Long Range Planning**

The request is a zone change from R-T to MX-L. The site is on a long block that has R-T zoning. The zone change would result in two abutting zones. The area along Mountain Rd. does have other properties with MX-L zoning. The site to the southwest has MX-T. The requested zone seems to match the zoning pattern along the corridor but not the immediate block. The site should be designed carefully to ensure that development on or near the northern and southern property lines that will abut the R-T zone will minimize impact on the neighboring uses.

The lots immediately north are zoned R-1A. Typically, a transition zone like MX-T would be preferable to MX-L to serve as a better transition from the more intense uses allowed in the mixed-use zones. MX-T has limits on the amount and scale of retail uses, which would better protect the abutting R-1A properties in this case.

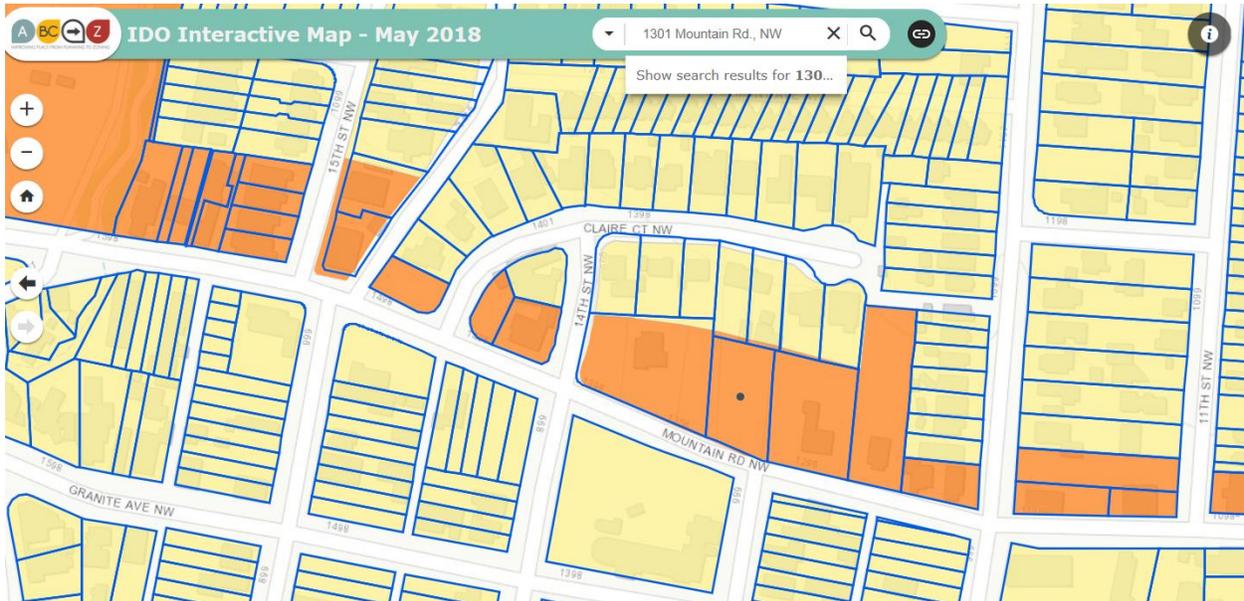
The applicant cites the conversion of the property from SU-2/S-MRN (Mountain Road Neighborhood) and claims the conversion was incorrect, because the Sector Development Plan encouraged retail. The applicant fails to note that the SDP also established criteria for which properties should have retail allowances. This property did not meet that criteria and was therefore converted to R-T to track with the allowable uses in the zone (which referenced R-C from the Zoning Code). Regardless, the SDP is no longer in effect, and the request should be decided on its own merits.



Access to the site would be from Mountain Rd. Mountain Rd. does not have onstreet parking. All required parking for any uses would need to be provided onsite or via a

shared parking agreement with a site to the south of Mountain.

The site is within an Area of Change associated with the Metropolitan Redevelopment Plan for the Sawmill/Wells Park area. The sites immediately north and south are both Areas of Consistency.



The site is not located within a Center or Corridor area as designated by the ABC Comprehensive Plan.

In general, the Comprehensive Plan supports keeping single-family neighborhoods intact and discourages zone changes within single-family neighborhoods. It also generally supports neighborhood-serving retail and services along corridors next to neighborhoods. It may be the case that in this area, the residential uses along Mountain Road have already transitioned to retail and services, and this request would be compatible with those uses.

ABC Comp Plan Goal 4.1 Character: Enhance, protect, and preserve distinct communities.

ABC Comp Plan 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 Comp Plan Policy 5.2.1.j: Discourage zone changes to commercial, industrial, or office uses outside of Centers and Corridors.

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

ABC Comp Plan 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.

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.

ABC Comp Plan Policy 5.6.3 Areas of Consistency: Protect and enhance the character of existing single-family neighborhoods, areas outside of Centers and Corridors, parks, and Major Public Open Space.

ABC Comp Plan Policy 5.6.3.b: Ensure that development reinforces the scale, intensity, and setbacks of the immediately surrounding context.

ABC Comp Plan Policy 5.6.3.b: Carefully consider zone changes from residential to non-residential zones in terms of scale, impact on land use compatibility with abutting properties, and context.

ABC Comp Plan Policy 5.6.4 Appropriate Transitions: Provide transitions in Areas of Change for development abutting Areas of Consistency through adequate setbacks, buffering, and limits on building height and massing.

ABC Comp Plan Policy 8.1.1 Diverse Places: Foster a range of interesting places and contexts with different development intensities, densities, uses, and building scale to encourage economic development opportunities. [ABC]

ABC Comp Plan Policy 8.1.1.b: Support a variety of lower-density, lower-intensity services, jobs, and housing outside of Centers. [ABC]

Long Range trusts that the EPC will carefully consider whether the requested zone change will further ABC Comp Plan goals and policies that support neighborhood-serving retail and services on Mountain or whether the existing R-T zone is more appropriate on a street that is not designated as a Corridor in the Comp Plan.

The applicant cites the Rank 3 Sawmill /Wells Park Metropolitan Redevelopment Area Plan (2005). Please note that this plan is different from the Sawmill / Wells Park Sector Development Plan (2000). The former is still in effect as a Rank 3 policy document. The latter was rescinded as a standalone Rank III plan with the adoption of the IDO per Resolution 17-213 (R-17-213).

**CITY ENGINEER**

No comment.

**WATER UTILITY AUTHORITY**

- No adverse comment to the proposed amendment from zoning.
- From the application it is understood that the property owner intends to subdivide the lot at a future date. Please note that once subdivision is desired an Availability Statement will be required to assess the utility needs of the site. Requests can be made at the link below:
  - [http://www.abcwua.org/Availability\\_Statements.aspx](http://www.abcwua.org/Availability_Statements.aspx)
  - Request shall include a zone map showing the site location.

***POLICE DEPARTMENT/Planning***

Regarding the above referenced EPC case, I respectfully submit that I have no Crime Prevention through Environmental Design comments on the zone map amendment (zone change) regarding 1301 Mountain Rd. NW..

***SOLID WASTE MANAGEMENT DEPARTMENT***

No comment.

***TRANSIT DEPARTMENT***

<b>Case Number</b>	<b>Brief Description of Request</b>	<b>Transit Corridor?*</b>	<b>Transit Route?</b>	<b>Current Service/Stops</b>	<b>Comments</b>
PR-2018-001246 (1007602) RZ-2018-00025	Zone Map Amendment for 0.25 acres at 1301 Mountain Road NW between 12th and 14th Streets	Not on a Corridor	Not on a route	Nearest routes are the Fixed Route 36 and 37, which run north and south on 12th Street. The nearest stop pair is approximately 600 feet from the center of the site, 100 feet south of Mountain on 12th Street	No comment

***NEW MEXICO DEPARTMENT OF TRANSPORTATION***

No comment.

***ALBUQUERQUE METROPOLITAN ARROYO FLOOD CONTROL AUTHORITY***

No objection.

***ALBUQUERQUE PUBLIC SCHOOLS***

This will have no adverse impacts to the APS district.

***MID-REGION COUNCIL OF GOVERNMENTS***

MRMPO has no adverse comments. For informational purposes:

- Mountain Rd NW is functionally classified as a Major Collector.
- Mountain Rd NW is identified in the Long Range Bikeway System as an existing bike route in the project area.

***PUBLIC SERVICE COMPANY OF NEW MEXICO***

- An existing electric overhead distribution line is located along the northern boundary of the subject property. It is the applicant’s obligation to abide by any conditions or terms of these easements.
- It will be necessary for the developer to contact the PNM New Service Delivery Department to coordinate electric service regarding this project when the community church project moves forward. Contact:

Andrew Gurule, PNM Service Center, 4201 Edith Boulevard NE, Albuquerque, NM 87107, Phone: (505) 241-0589



View of the subject site looking north from Mountain Road NW.



View of the subject site looking northwest from Mountain Road NW.



View of the subject site looking west on Mountain Road NW.



View of the old Escuela site looking northeast.

APPLICATION INFORMATION



For more current information and details visit: <http://www.ci.mt.gov/gis>

Map generated through: 1/28/2019

Map Data Showing  
Boundary Area Outside  
of the City Limits

Zone Atlas Page  
**J-13-Z**

Selected Symbols

Sector Plans	Easement
Design Overlay Zones	2 Min Airport Zone
City National Zones	Airport Noise Contours
M-1 Buffer Zone	Mail Overlay Zone
Paragraph Min	

**Form Z: Policy Decisions**

Please refer to the EPC hearing schedule for public hearing dates and deadlines. Your attendance is required.

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**INFORMATION REQUIRED FOR ALL POLICY DECISIONS (Except where noted)**

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- Proof of Pre-Application Meeting with City staff per IDO Section 14-16-6-4(B)
- Letter of authorization from the property owner if application is submitted by an agent
- Traffic Impact Study (TIS) form (not required for Amendment to IDO Text)
- Zone Atlas map with the entire site/plan amendment area clearly outlined and labeled (not required for Amendment to IDO Text) NOTE: For Annexation of Land, the Zone Atlas must show that the site is contiguous to City limits.

**ADOPTION OR AMENDMENT OF COMPREHENSIVE PLAN**

**ADOPTION OR AMENDMENT OF FACILITY PLAN**

- \_\_\_ Plan, or part of plan, to be amended with changes noted and marked
- \_\_\_ Letter describing, explaining, and justifying the request per the criteria in IDO Sections 14-16-6-7(A)(3) or 14-16-6-7(B)(3), as applicable
- \_\_\_ Required notices with content per IDO Section 14-16-6-4(K)(6)
  - \_\_\_ Office of Neighborhood Coordination notice inquiry response, notifying letter, and proof of first class mailing
  - \_\_\_ Proof of emailed notice to affected Neighborhood Association representatives
  - \_\_\_ Buffer map and list of property owners within 100 feet (excluding public rights-of-way), notifying letter, and proof of first class mailing

**AMENDMENT TO IDO TEXT**

- \_\_\_ Section(s) of the Integrated Development Ordinance to be amended with changes noted and marked
- \_\_\_ Justification letter describing, explaining, and justifying the request per the criteria in IDO Section 14-16-6-7(D)(3)
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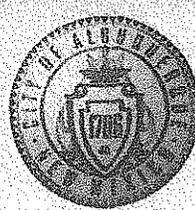
**ZONING MAP AMENDMENT - EPC**

**ZONING MAP AMENDMENT - COUNCIL**

- Proof of Neighborhood Meeting per IDO Section 14-16-6-4(C)
- Letter describing, explaining, and justifying the request per the criteria in IDO Section 14-16-6-7(F)(3) or Section 14-16-6-7(G)(3), as applicable
- \_\_\_ Required notices with content per IDO Section 14-16-6-4(K)(6)
  - \_\_\_ Office of Neighborhood Coordination notice inquiry response, notifying letter, and proof of first class mailing *certified*
  - \_\_\_ Proof of emailed notice to affected Neighborhood Association representatives
  - \_\_\_ Buffer map and list of property owners within 100 feet (excluding public rights-of-way), notifying letter, and proof of first class mailing *certified*
- Sign Posting Agreement

**ANNEXATION OF LAND**

- \_\_\_ Application for Zoning Map Amendment *Establishment of zoning must be applied for simultaneously with Annexation of Land.*
- \_\_\_ Petition for Annexation Form and necessary attachments
- \_\_\_ Letter describing, explaining, and justifying the request per the criteria in IDO Section 14-16-6-7(E)(3)
- \_\_\_ Board of County Commissioners (BCC) Notice of Decision

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.	
Signature: <u>Ricardo Guillermo</u>	Date: <u>7-31-2018</u>
Printed Name: <u>RICARDO GUILLERMO, ARCHITECT</u>	<input type="checkbox"/> Applicant or <input checked="" type="checkbox"/> Agent
FOR OFFICIAL USE ONLY	
Project Number: _____	Case Numbers: _____
Staff Signature: _____	
Date: _____	

June 18, 2018

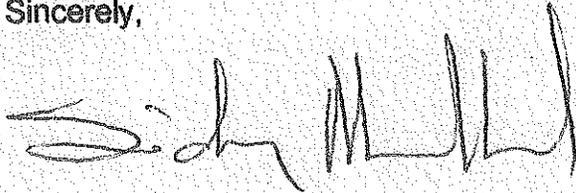
Ricardo Guillermo  
1108 11<sup>th</sup> Street NW  
Albuquerque, NM 87104

RE: Zone Map Amendment for 1301 Mountain Road NW, for MX-L  
Zone Map Amendment for 1315 Mountain Road NW, for MX-L

Dear Mr. Guillermo,

Please use this letter from me as the property owner to authorize you to represent me as my agent to change the zoning at 1301 Mountain Road NW from SU-2/SU-1 to MX-L and to change the zoning at 1315 Mountain Road NW from SU-2/SU-1 to MX-L, both under The Integrated Development Ordinance (IDO), and to better meet the Goals and Policies of the Comprehensive Plan and to better conform with the Saw Mill Sector Plan and the Saw Mill Wells Park Metropolitan Redevelopment Area plan.

Sincerely,

A handwritten signature in black ink, appearing to read "Sidney Mallard". The signature is written in a cursive style with a large initial "S" and "M".

Sidney Mallard



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

<input type="checkbox"/> Administrative Decisions	<input type="checkbox"/> Historic Certificate of Appropriateness - Major (Form L)	<input type="checkbox"/> Wireless Telecommunications Facility Waiver (Form W2)
<input type="checkbox"/> Archaeological Certificate (Form P3)	<input type="checkbox"/> Historic Design Standards and Guidelines (Form L)	<input type="checkbox"/> Policy Decisions
<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 Comprehensive Plan or Facility Plan (Form Z)
<input type="checkbox"/> Alternative Signage Plan (Form P3)	<input type="checkbox"/> Site Plan - EPC including any Variances - EPC (Form P1)	<input type="checkbox"/> Adoption or Amendment of Historic Designation (Form L)
<input type="checkbox"/> WTF Approval (Form W1)	<input type="checkbox"/> Site Plan - DRB (Form P2)	<input type="checkbox"/> Amendment of IDO Text (Form Z)
<input type="checkbox"/> Minor Amendment to Site Plan (Form P3)	<input type="checkbox"/> Subdivision of Land - Minor (Form S2)	<input type="checkbox"/> Annexation of Land (Form Z)
<input type="checkbox"/> Decisions Requiring a Public Meeting or Hearing	<input type="checkbox"/> Subdivision of Land - Major (Form S1)	<input checked="" type="checkbox"/> Amendment to Zoning Map - EPC (Form Z)
<input type="checkbox"/> Conditional Use Approval (Form ZHE)	<input type="checkbox"/> Vacation of Easement or Right-of-way (Form V)	<input type="checkbox"/> Amendment to Zoning Map - Council (Form Z)
<input type="checkbox"/> Demolition Outside of HPO (Form L)	<input type="checkbox"/> Variance - DRB (Form V)	<input type="checkbox"/> Appeals
<input type="checkbox"/> Expansion of Nonconforming Use or Structure (Form ZHE)	<input type="checkbox"/> Variance - ZHE (Form ZHE)	<input type="checkbox"/> Decision by EPC, LC, DRB, ZHE, or City Staff (Form A)

**APPLICATION INFORMATION**

Applicant: SIDNEY MALLARD Phone: (505) 206-7939

Address: 2169 RYAN PL NW Email: sidneymallard@gmail.com

City: ALBUQUERQUE State: NM Zip: 87107

Professional/Agent (if any): RICARDO GUILLERMO, ARCHITECT Phone: (505) 417-0140

Address: 1108 11TH ST. NW Email: ricardoguillermo@gmail.com

City: ALBUQUERQUE State: NM Zip: 87104

Proprietary Interest in Site: NONE List all owners: SIDNEY MALLARD

**BRIEF DESCRIPTION OF REQUEST**

2018 ZONING MAP AMENDMENT R-T TO MX-L FOR 1301 MOUNTAIN RD NW

**SITE INFORMATION (Accuracy of the existing legal description is crucial! Attach a separate sheet if necessary.)**

Lot or Tract No.: LOT 20 Block: \_\_\_\_\_ Unit: \_\_\_\_\_

Subdivision/Addition: BALLING ADDITION #1 MRGCD Map No.: \_\_\_\_\_ UPC Code: \_\_\_\_\_

Zone Atlas Page(s): J-13-2 Existing Zoning: R-T Proposed Zoning: \_\_\_\_\_

# of Existing Lots: ONE # of Proposed Lots: ONE Total Area of Site (acres): \_\_\_\_\_

**LOCATION OF PROPERTY BY STREETS**

Site Address/Street: 1301 MOUNTAIN RD NW Between: 12 TH ST. NW and: 14 TH ST. NW

**CASE HISTORY (List any current or prior project and case number(s) that may be relevant to your request.)**

10007692

Signature: [Signature] Date: 7/31/18

Printed Name: SIDNEY MALLARD  Applicant or  Agent

Case Numbers	Action	Fees
<u>RZ-2018-00025</u>		<u>485.00</u>
Meeting/Hearing Date: <u>Sept 13, 2018</u>		Fee Total: <u>485.00</u>
Staff Signature: <u>[Signature]</u>	Date: <u>8-2-18</u>	Project # <u>PR-2018-001426</u>

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  - Office of Neighborhood Coordination notice inquiry response, notifying letter, and proof of first class mailing
  - Buffer map and list of property owners within 100 feet (excluding public rights-of-way), notifying letter, and proof of first class mailing

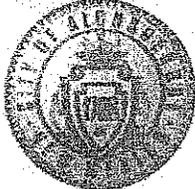
**ZONING MAP AMENDMENT - EPC**

**ZONING MAP AMENDMENT - COUNCIL**

- Proof of Neighborhood Meeting per IDO Section 14-16-6-4(C)
- Letter describing, explaining, and justifying the request per the criteria in IDO Section 14-16-6-7(F)(3) or Section 14-16-6-7(G)(3), as applicable
- Required notices with content per IDO Section 14-16-6-4(K)(6)
  - Office of Neighborhood Coordination notice inquiry response, notifying letter, and proof of first class mailing certified
  - Proof of emailed notice to affected Neighborhood Association representatives
  - Buffer map and list of property owners within 100 feet (excluding public rights-of-way), notifying letter, and proof of first class mailing certified
- Sign Posting Agreement

**ANNEXATION OF LAND**

- Application for Zoning Map Amendment Establishment of zoning must be applied for simultaneously with Annexation of Land.
- Petition for Annexation Form and necessary attachments
- Letter describing, explaining, and justifying the request per the criteria in IDO Section 14-16-6-7(E)(3)
- Board of County Commissioners (BCC) Notice of Decision

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.	
Signature: <u>Ricardo Guillermo</u>	Date: <u>7-31-2018</u>
Printed Name: <u>RICARDO GUILLERMO, ARCHITECT</u>	<input type="checkbox"/> Applicant or <input checked="" type="checkbox"/> Agent
Project Number: <u>TR-2018-001426</u>	Case Numbers: <u>RZ-2018-00025</u>
Staff Signature: <u>[Signature]</u>	
Date: <u>8-2-18</u>	

**CITY OF ALBUQUERQUE**  
**TRAFFIC IMPACT STUDY (TIS) FORM**

APPLICANT: SIPHEY MALLARD DATE OF REQUEST: 07/31/18 ZONE ATLAS PAGE(S): J-13-2

**CURRENT:**

ZONING R-T  
PARCEL SIZE (AC/SQ. FT.) 0.25 A.

**LEGAL DESCRIPTION:**

LOT OR TRACT# 20 BLOCK # \_\_\_\_\_  
SUBDIVISION NAME BALLING ADDITION #1

**REQUESTED CITY ACTION(S):**

ANNEXATION [ ]  
ZONE CHANGE [  ] From R-T To MX-L  
SECTOR, AREA, FAC, COMP PLAN [ ]  
AMENDMENT (Map/Text) [ ]

**SITE DEVELOPMENT PLAN:**

SUBDIVISION\* [ ] AMENDMENT [ ]  
BUILDING PERMIT [ ] ACCESS PERMIT [ ]  
BUILDING PURPOSES [ ] OTHER [ ]

\*includes platting actions

**PROPOSED DEVELOPMENT:**

NO CONSTRUCTION/DEVELOPMENT [ ]  
NEW CONSTRUCTION [  ]  
EXPANSION OF EXISTING DEVELOPMENT [ ]

**GENERAL DESCRIPTION OF ACTION:**

# OF UNITS: 3  
BUILDING SIZE: 2,608± (sq. ft.)

Note: changes made to development proposals / assumptions, from the information provided above, will result in a new TIS determination.

APPLICANT OR REPRESENTATIVE [Signature]

DATE 7-31-2018

(To be signed upon completion of processing by the Traffic Engineer)

Planning Department, Development & Building Services Division, Transportation Development Section -  
2<sup>ND</sup> Floor West, 600 2<sup>ND</sup> St. NW, Plaza del Sol Building, City, 87102, phone 924-3994

TRAFFIC IMPACT STUDY (TIS) REQUIRED: YES [ ] NO [  ] BORDERLINE [ ]

THRESHOLDS MET? YES [ ] NO [  ] MITIGATING REASONS FOR NOT REQUIRING TIS: PREVIOUSLY STUDIED: [ ]  
Notes:

If a TIS is required: a scoping meeting (as outlined in the development process manual) must be held to define the level of analysis needed and the parameters of the study. Any subsequent changes to the development proposal identified above may require an update or new TIS.

[Signature]  
TRAFFIC ENGINEER

07-31-18  
DATE

Required TIS must be completed prior to applying to the EPC and/or the DRB. Arrangements must be made prior to submittal if a variance to this procedure is requested and noted on this form, otherwise the application may not be accepted or deferred if the arrangements are not compiled with.

TIS SUBMITTED / /  
FINALIZED / /

TRAFFIC ENGINEER \_\_\_\_\_

DATE \_\_\_\_\_

31 March 2009

PRE-APPLICATION REVIEW TEAM (PRT) MEETING

1. AGENCY REPRESENTATIVES PRESENT AT MEETING

Planning:  Russell Brito - 724-3860  Others Paula Donahue

Transportation:  Tony Loyd  Others \_\_\_\_\_

ONC:  Stephanie Winklepleck  Others \_\_\_\_\_

Code Enforcement:  Robert Pierson  Others Jonathan Turner

Others: \_\_\_\_\_

2. TYPE OF APPLICATION ANTICIPATED / APPROVAL AUTHORITY

- Zone Map Amendment:  EPC Approval  City Council Approval
- Sector Dev. Plan Amendment:  EPC Approval  City Council Approval
- Site Dev. Plan for Subdivision:  EPC Approval  DRB Approval
- Site Dev. Plan for Bldg. Permit:  EPC Approval  DRB Approval
- Annexation:  Bern. Co. Commission Approval  EPC Approval  DRB Approval
- OTHER \_\_\_\_\_

3. SUMMARY OF PRT DISCUSSION

- S-MRN zoned site in the Sawmill/Wells Park Sector Development Plan
- Zoning Code definition for Lot Area: The area of a lot exclusive of easements for a private way or thoroughfare. (§14-16-1-5)
- Townhouse development is not possible because the site is within 600 ft. of an existing townhouse development (SWPSDP, S-MRN zone, A.4.c.)
- Permissive C-1 uses allowed as per SWPSDP, S-MRN zone, A.5, for site to the west of subject site (applicant has letter from Code Enforcement) and the subject site (Lot 20)
- Bed and Breakfast Establishment is a permissive use in the S-MRN zone of the SWP SDP (permissive use in S-MRN)

CONTINUED ON 01 APRIL 2009

4. SIGN & DATE TO VERIFY ATTENDANCE & RECEIPT OF THIS SUMMARY (PRT DISCUSSIONS ARE INFORMATIONAL & NON-BINDING).

Russell Brito 31 Mar 09

PRT CHAIR / DATE

[Signature]

APPLICANT OR AGENT / DATE

01 April 2009

PRE-APPLICATION REVIEW TEAM (PRT) MEETING

1. AGENCY REPRESENTATIVES PRESENT AT MEETING

Planning:  Russell Brito  Others Paula Donahue

Transportation:  Tony Loyd  Others \_\_\_\_\_

ONC:  Stephanie Winklepleck  Others \_\_\_\_\_

Code Enforcement:  Robert Pierson  Others Jonathon Turner

Others: \_\_\_\_\_

2. TYPE OF APPLICATION ANTICIPATED / APPROVAL AUTHORITY

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- Site Dev. Plan for Bldg. Permit:  EPC Approval  DRB Approval
- Annexation:  Bern. Co. Commission Approval  EPC Approval  DRB Approval
- OTHER \_\_\_\_\_

3. SUMMARY OF PRT DISCUSSION

- 29 June 2007 letter from Matthew Conrad, Code Enforcement Div. Manager allows commercial/office use on lots 17, 18, 19 & 20, Ballings Addition #1
- See attached "Questions from applicant"
- Zoning Code on-line: [www.amlegal.com](http://www.amlegal.com) or [www.cabq.gov](http://www.cabq.gov)
  - A to Z
  - O for Ordinances

4. SIGN & DATE TO VERIFY ATTENDANCE & RECEIPT OF THIS SUMMARY (PRT DISCUSSIONS ARE INFORMATIONAL & NON-BINDING).

Russell Brito 01 Apr '09

PRT CHAIR / DATE

[Signature]

A BODY FOR A REVIEW OF A CERTAIN...

# Questions from applicant, 01 April 2009.

Question	Comments	notes
Lots 17, 18, 19	Commercial (c-1)?	yes
Lot 20-based on letter?	Commercial?	yes
If lot 18 commercial	Can Commercial space be built on 17/19	yes
If 17/18 commercial	Can they share a parking lot?	yes, if one premise
If House on 18 removed	Does it change commercial status?	no
Lots 17/18/19	Can live/work space be built?	may need ZEO interpretation
If Yes to above	Can lot 20 property line be removed and included in project	10K s.f. is max lot size
Lot 20 -	Bed/breakfast	yes
Lot 18	Bed / Breakfast	yes
Bed/Breakfast	Can there be event receptions - wedding?	no
If no to above	Can a variance be requested for wedding	no
Lot 18	Restaurant?	yes
If Restaurant	Can there be outside seating?	yes, not contiguous to residential
If Restaurant	Can there be 2 kitchens	yes
Lot 17	Can it be used for parking for lot 18	yes, if same premise
Lot 19	Can it be used for parking for lot 18	yes, if same premise
Lot 18	Tibetan spiritual retreat???	yes
Lots 17/18/19	If commercial can they be medical facility? i.e. Dr's office or Vet clinic	yes
Lots 17/18/19	If commercial can house be removed and large commercial office space be built? Real Estate Office/Title company	yes
Lot 18	Pawn broker? / Attorney's office? /	yes
Lots 17/18/19/20	Can it be subdivided into 11 lot residential subdivision? 40,953 sf divided by 3500 sf = 11.7	yes, if all regs. of S-MRN are met
If yes to above	Can house be removed to accommodate subdivision?	yes
Lots 17/18/19/20	Art Gallery	yes
Lots 17/18/19/20	Comm. Res. Program	yes, if all regs. met

and all applicable Zoning Code regs., including solar access regulations

11/27/17  
Mtg #1  
Remote

as copy

## PRE-APPLICATION REVIEW TEAM (PRT) DISCUSSION

**NOTE:** Pre-Application Review Team (PRT) discussion meetings are available to help applicants obtain information about procedures and requirements pertaining to their request. The interpretation of specific uses allowed in various zones is the responsibility of the Zoning Enforcement Officer, as provided for by the Zoning Code. Any Statements regarding zoning at the Pre-Application Discussion are not Certificates of Zoning. *Also, the discussions are for informational purposes only and they are non-binding and do not constitute any type of approval.*

PA#: <u>17-186</u>	Received By: <u>J Delgado</u>	Official Use only	Date: <u>11/27/17</u>
--------------------	-------------------------------	-------------------	-----------------------

Applicant Name: RICARDO GUILLERMO Phone#: 505-417-0140 Email: ricardoguillermote@gmail.com

APPOINTMENT DATE & TIME: Dec 12, 2017 @ 3pm

PLEASE CONTACT THE PLANNING DEPARTMENT AT 924-3860 TO SCHEDULE AN APPOINTMENT. Applications are taken on a first-come, first-served basis. Once the completed application and the zone atlas page are submitted, you will be scheduled for the next available discussion time. PRT discussions take place weekly on Tuesday afternoons, with five 30 minute time slots available starting at 1 p.m.

**BRIEFLY DESCRIBE YOUR REQUEST:** (What do you plan to develop on this site?)

3 RETAIL SHOPS SUCH AS CAFE & 2 TINY HOUSES.

**PLEASE RESPOND TO THE FOLLOWING QUESTIONS:**

Size of Site: 0.2491 ACRES Existing Zoning: S-MRN Proposed Zoning: \_\_\_\_\_

Previous zone change or site plan approval case number(s) for this site: \_\_\_\_\_

Applicable Area or Sector Plans: MOUNTAIN ROAD NEIGHBORHOOD ZONE

Residential: Type and No. of Units Proposed: 2 TINY HOUSES 400 SF EACH = 800 SF

Commercial: Estimated building square footage: 3 SMALL SHOPS @ 833 SF EACH = 2,500 SF No. of Employees: 3 TO 6

**LOCATION OF REQUEST:**

Physical Address: 1301 MOUNTAIN RD NW Zone Atlas Page (Please identify the subject site on the map and attach) J-15-2

**LIST ANY QUESTIONS OR CONCERNS YOU HAVE REGARDING THIS REQUEST:**

(Please be specific so our staff can do the appropriate research)

1. Is there capacity for domestic, commercial & service?
2. Are there requirements for fire fighting water supply?
3. Is COA planning any improvements in infrastructure & when?
4. Compare current Verity setback requirements?
5. Are there any easements?
6. What is height limit in feet and stories.

1301 Mountain Rd NW, 87104

7. Where are preferred location of water and sewer connections?
8. Does the COA have any programs or services to assist in property development?
9. Is there any documentation on what aspects or characteristics that are desirable or preferred for the neighborhood and proposed useage?
10. Does COA have any financial assistance for commercial, retail or tiny house residential development?
11. What would the parking requirements be?
12. Can the units be connected or free standing and under what circumstance and what is criteria?
13. Must parking be paved or can it be gravel or other permeable surface?
14. What are codes buildings must and site must comply with?
15. Can you provide guidance for electrical requirements to be met?
16. What are waste handling requirements?

Map # 2

# PRE-APPLICATION REVIEW TEAM (PRT) DISCUSSION

2.23.18

**NOTE:** Pre-Application Review Team (PRT) discussion meetings are available to help applicants obtain information about procedures and requirements pertaining to their request. The interpretation of specific uses allowed in various zones is the responsibility of the Zoning Enforcement Officer, as provided for by the Zoning Code. Any Statements regarding zoning at the Pre-Application Discussion are not Certificates of Zoning. Also, the discussions are for informational purposes only and they are non-binding and do not constitute any type of approval.

PA#: <u>18-032</u>	Received By: <u>G. Delgado</u> <small>Official Use only</small>	Date: <u>1.19.18</u>
--------------------	---	----------------------

Applicant Name: RICARDO GUILLERMO Phone#: (505) 417-0140 Email: ricardoquillerm07@gmail.com

APPOINTMENT DATE & TIME: Feb 27, 2018 @ 3:00pm

PLEASE CONTACT THE PLANNING DEPARTMENT AT 924-3860 TO SCHEDULE AN APPOINTMENT. Applications are taken on a first-come, first-served basis. Once the completed application and the zone atlas page are submitted, you will be scheduled for the next available discussion time. PRT discussions take place weekly on Tuesday afternoons, with five 30 minute time slots available starting at 1 p.m.

BRIEFLY DESCRIBE YOUR REQUEST: (What do you plan to develop on this site?)

LOT 20-3 RETAIL SHOPS AT 1301 MOUNTAIN ROAD NW

LOT 17A - 2 HOUSES AT 1315 MOUNTAIN RD NW

PLEASE RESPOND TO THE FOLLOWING QUESTIONS:

Size of Site: LOT 20 - 0.2491 ACRES SH & S-MRN Existing Zoning: S-MRN Proposed Zoning: NO CHANGE

Previous zone change or site plan approval case number(s) for this site: 0.9504 ACRES

Applicable Area or Sector Plans: SAWMILL WELLS PARK MRA SAWMILL MOUNTAIN ROAD NEIGHBORHOOD

Residential: Type and No. of Units Proposed: 2 SMALL HOUSES 400 SF EACH = 800 SF

Commercial: Estimated building square footage: 2,500 SF No. of Employees: 3 TO 6

LOCATION OF REQUEST:

Physical Address: 1315 1301 MOUNTAIN ROAD NW Zone Atlas Page (Please identify the subject site on the map and attach) J-13-2

LIST ANY QUESTIONS OR CONCERNS YOU HAVE REGARDING THIS REQUEST:

(Please be specific so our staff can do the appropriate research)

1. PLEASE REVIEW ATTACHED PACKAGE.
2. IS RETAIL PERMISSIVE ON LOT #20. BALLING ADDITION #1?
3. IS RESIDENTIAL/MIXED USE PERMISSIVE ON LOT #17A BALLING ADDITION #1?

Mtg #  
2

**PRE-APPLICATION REVIEW TEAM (PRT) MEETING**

PA# 18-032 Date: 2-27-18 Time: 3 PM

Address: 1301, 1315 Mountain Rd NW

**1. AGENCY REPRESENTATIVES PRESENT AT MEETING**

- Planning:  Kym Dicome  Other: Maggie Gould
- Code Enforcement:  Ben McIntosh  Other: Vince Montano
- Fire Marshall:  Antonio Chinchilla  Eric Gonzales
- Transportation:  Marwa Al-Najjar

**2. TYPE OF APPLICATION ANTICIPATED / APPROVAL AUTHORITY**

- Zone Map Amendment  EPC Approval  City Council Approval
- Sector Dev. Plan Amendment  EPC Approval  City Council Approval
- Site Dev. Plan for Subdivision  EPC Approval  DRB Approval  Admin Approval
- Site Dev. Plan for Bldg. Permit  EPC Approval  DRB Approval  Admin Approval
- Other \_\_\_\_\_

**3. SUMMARY OF PRT DISCUSSION:**

Current Zoning: SU-2 SMR

Proposed Use/Zone: \_\_\_\_\_

Applicable Plans: Sawmill Wells Park SDP

Applicable Design Regulations: \_\_\_\_\_

Previously approved site plans/project #s: \_\_\_\_\_

Requirements for application: (R-270-1980, Notification, as-built drawings, TIS, Check Lists, Other)

Handouts Given:

Zone Map Amendment Process  R-270-1980  AA Process  EPC Schedule

**Additional Notes:**

Commercial use is allowed on lot 17A, pursuant to Sawmill Wells Park SDP.

It is unclear if commercial use is allowed on lot 20. PRT notes from zoning do not state under which criteria of the Sawmill Plan the use was allowed see page 109 for criteria at listed uses.

**\*\*\*Please Note: PRT DISCUSSIONS ARE FOR INFORMATIONAL PURPOSES ONLY: THEY ARE NON-BINDING AND DO NOT CONSTITUTE ANY KIND OF APPROVAL. Statements regarding Zoning are not Certificates of Zoning. Additional research may be necessary to determine the exact type of application and/or process needed. It is possible that factors unknown at this time and/or thought of as minor could become significant as the case progresses.**

Residential use allowed on both lots, see Page 107, two houses allowed on one lot if requirements are met.

New Development must comply with design standards on Page 86 as well as zoning code requirements.

IWD comments both lots to R-T, residential townhome. Can schedule meeting with Long Range staff to discuss.

Coordinate with ~~the~~ Raquel in Traffic - regarding shared parking 924-3991

- won't need sprinklers in retail
- will need fire plan
- need to update curb cut for ADA access - needs to be 24 feet for 2 way traffic

Mtg #3

11-2010 2 PM

Site Plan Minimum Access use, ht., setbacks  
EPC

Prior to May 19, current ord.

Lot 17A	SU-2 / SU-1	for RC	site plan controlled zone
Lot 20	SU-2 / SU-1	for C-1	des / corner

Sector Plan pg 83-96

Michael Voss - May 16<sup>th</sup> deadline

15 copies - landowner  
full requirements

Justification of criteria from Sector Plan.

May EPC deadline is lot week of April.

Zone Change  
Site Plan

Michael Voss  
Resolution 270-1980

Carrie Barkhurst

kcbarkhurst@cabq.gov

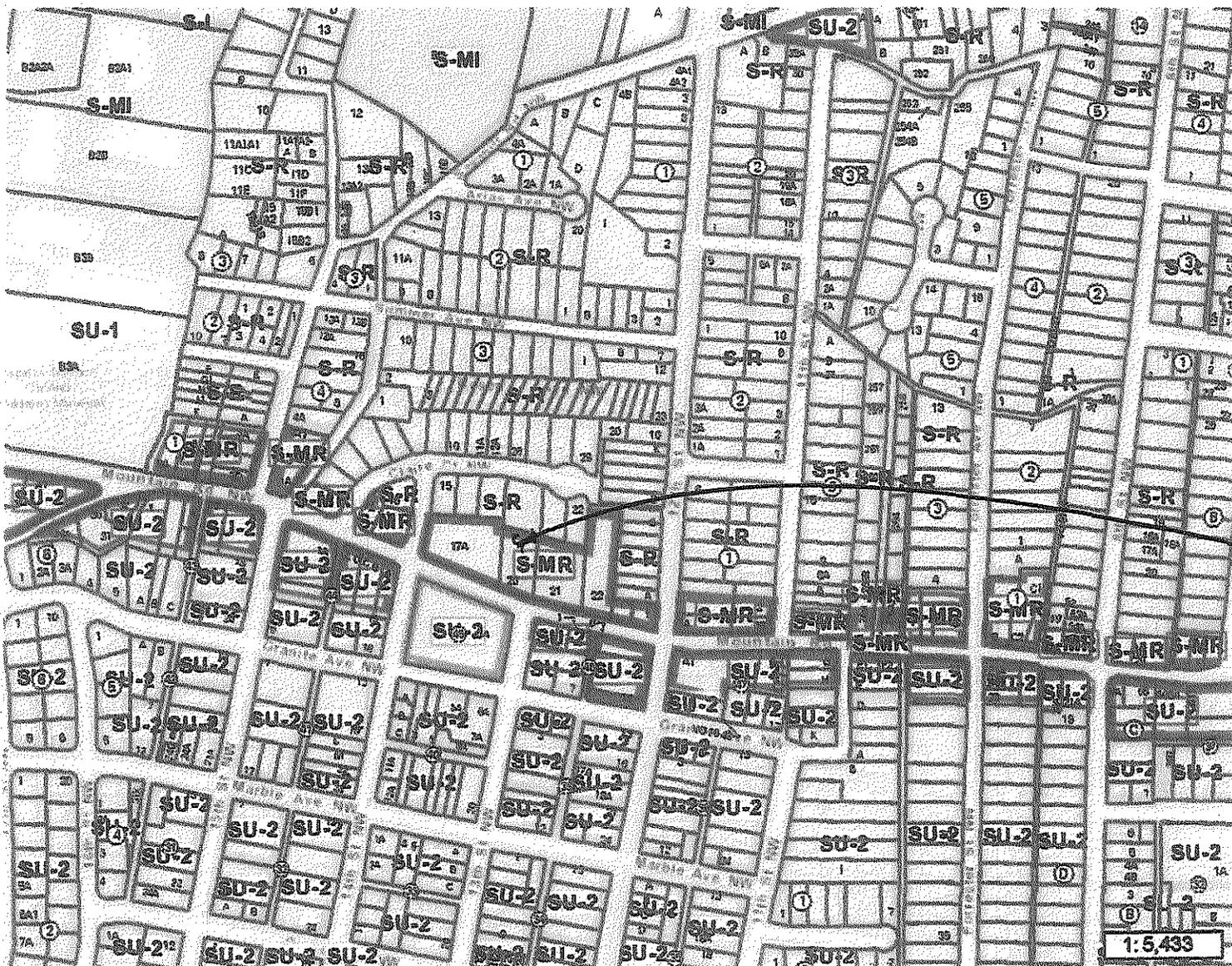
Vince  
Maggie ENV- ~~Perick~~ Derek Bonhamon,  
McCailla Planning Commissioner Chair

Sid & RG

Carol Taffolitti  
Planning - Re: paper copy availability  
to use in-house

~~Proposals~~  
~~Sherrill~~  
~~Maggie~~  
Catalina  
Lehner  
Dec. 12  
Mtg.

# COMMERCIAL ZONE LAYER IN RED



### Legend

Bernalillo County Parcels

#### Zoning

- <all other values>
- RESIDENTIAL
- COMMERCIAL
- OFFICE
- INDUSTRIAL / WHOLESALE / MANUFACTURING
- INSTITUTIONAL / GOVERNMENT
- UTILITIES / TRANSPORTATION
- OPEN SPACE / RECREATION / AGRICULTURE
- RESIDENTIAL / AGRICULTURAL
- MESA DEL SOL MIXED USE
- NOT CLASSIFIED

#### Municipal Limits

- Corrales
- Edgewood
- Los Ranchos
- Rio Rancho
- Tijeras
- UNINCORPORATED

World Street Map

SITE  
1301 MTH RD NW

### Notes

SAW MILL & WELLS PARK ALONG MOUNTAIN ROAD IS ZONED COMMERCIAL

0.1 0 0.05 0.1 Miles

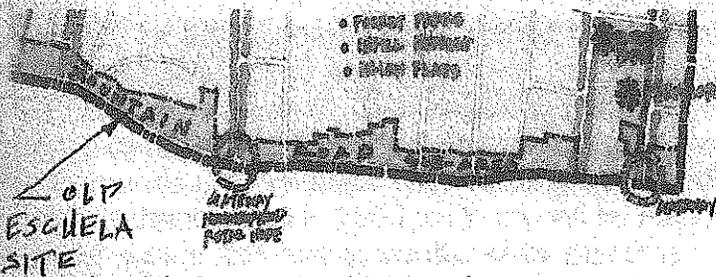
WGS\_1984\_Web\_Mercator\_Auxiliary\_Sphere  
2/18/2018 © City of Albuquerque

This map is a user generated static output from [www.cabq.gov/gis](http://www.cabq.gov/gis) and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

**THIS MAP IS NOT TO BE USED FOR LEGAL PURPOSES**

1:5,433

## IV METROPOLITAN REDEVELOPMENT AREA PLAN



### Mountain Road Sub-area

#### Redevelopment Vision:

Redevelop underutilized properties and sites as becoming neighborhood-serving (old Escuela site, restaurant at 15<sup>th</sup> & Mountain, 8<sup>th</sup> & Mountain, 12<sup>th</sup> & Mountain, 11<sup>th</sup> - 13<sup>th</sup> Streets.). Mountain Road will include traffic calming measures

such as bike lanes and pedestrian enhancements. Create a great street that serves as a gateway for neighborhood residential and neighborhood retail and promotes locally-owned neighborhood scale commercial. Develop a walkable street that is pedestrian-friendly and encourages seniors and kids/students to use.

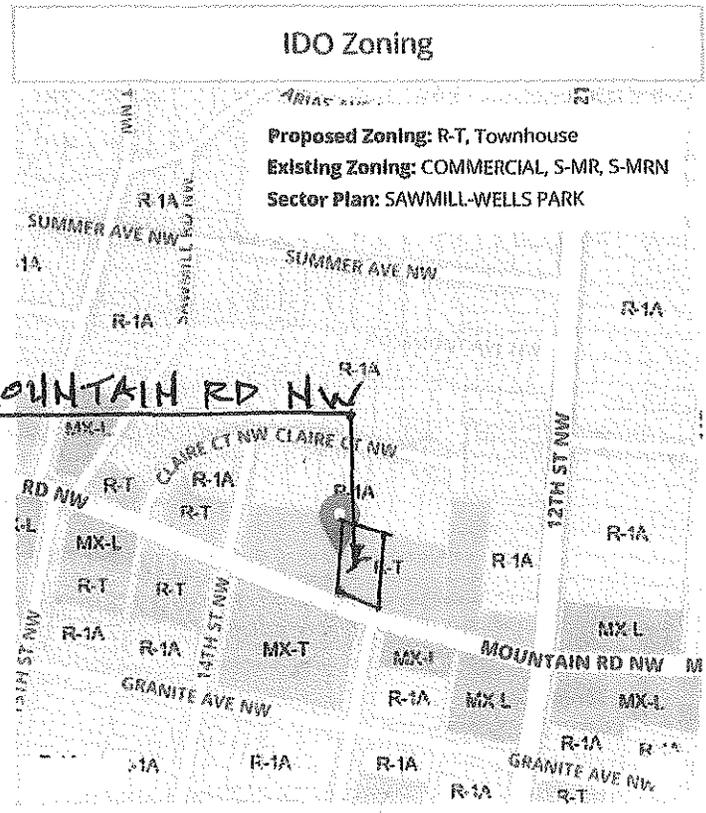
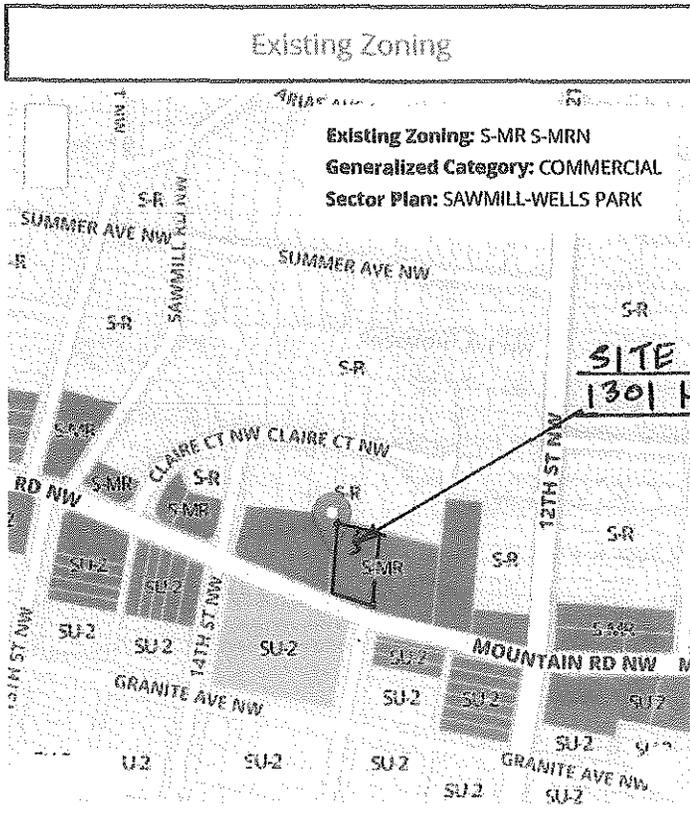
#### Impediments to Redevelopment:

- Need to review existing zoning to refine permitted uses under MRNC-1 zoning
- Parking requirements – require parking on adjacent lots which promote vacant/underutilized lots along street.
- Speed- too fast (posted at 25 mph but not enforced, so need design features to slow traffic).
- No parking along street

#### Redevelopment Projects/Tools:

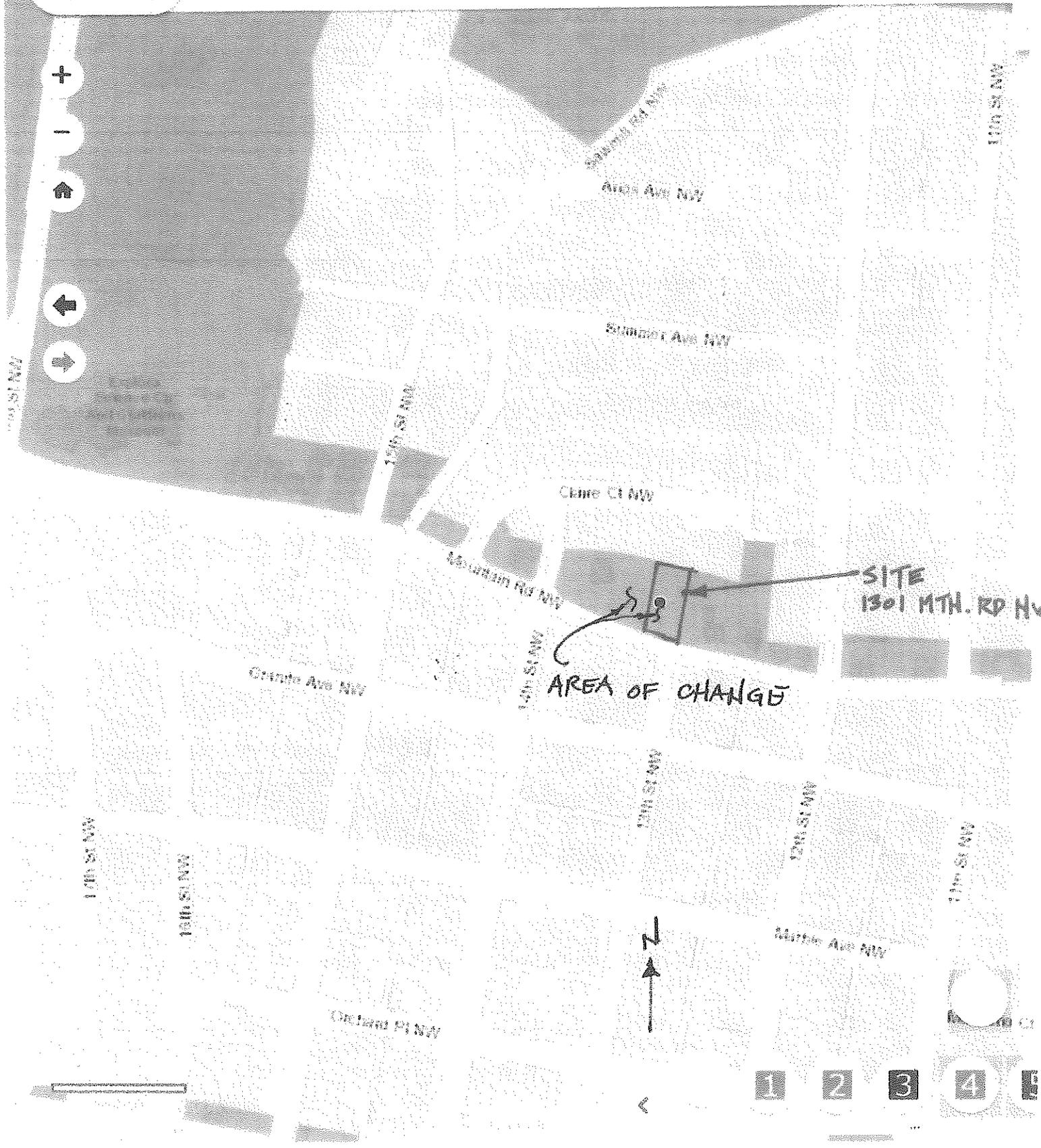
- Construct Streetscape improvements as incentive for private re-investment in blighted buildings.
- Promote and support community-based venues such as Flea Market, Farmers Market, and "Carnuel Road Parade"- close the road for a day as opportunity for neighborhood to take back the street.
- Install pictorial markers identifying community sites of importance/history
- Waive development fees and expedite plan review for "visionary" projects that are consistent with MRA Plan
- Install on-street parking and bulb-outs at corners
- Construct traffic calming improvements, e.g., narrow travel lanes, bike lanes, etc.
- Design and install pedestrian-crossings, signs and lights
- Provide incentives and support for community-supported/based retail for affordability (non-profit initiatives and incentives to private sector)

1301 Mountain Rd NW, Albuquerque, NM 87104, USA





# IDO Public Interactive Map - Adopted Draft



Consistency.

AREAS OF CHANGE INCLUDE:

- Comp Plan Centers
- Parcels along Premium Transit, Major Transit, Multi-Modal and Main Street Corridors
- Park and Ride facilities and parcels around Transit Centers

USES

- Parks, Open Space, and golf courses
- Cemeteries
- Airport runways and fly-in zones
- Other parcels outside Change areas, regardless of zoning or current use

down where Areas of Change abut Areas of Consistency, along with other protections for neighborhood edges.

Endnotes

1. As of the 2016 update of this Comp Plan, the Central Urban Area (largely in the City of Albuquerque) has been eliminated. The limited Central Urban area in the County has been changed to Established Urban.

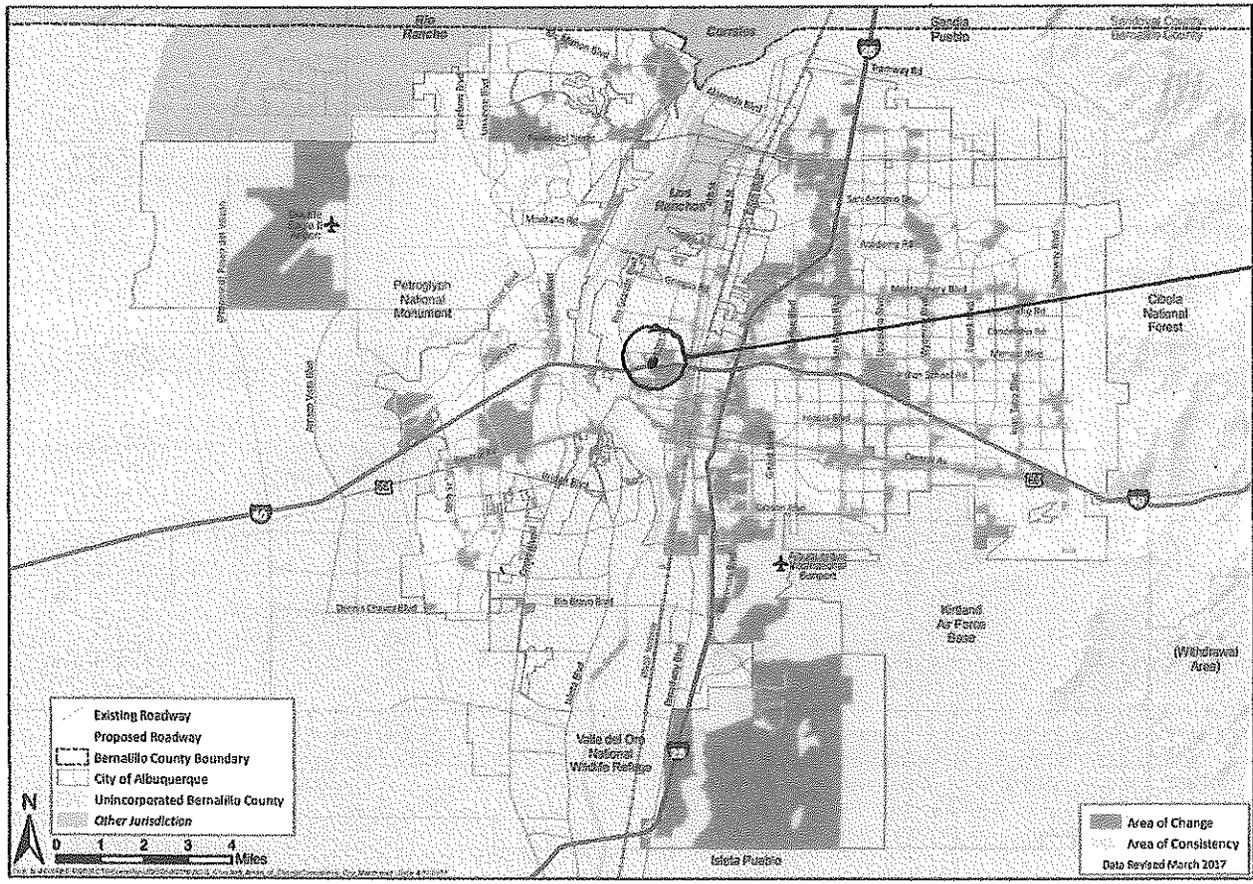


Figure 5-6: City Development Areas – Areas of Change and Areas of Consistency

# SIGN POSTING AGREEMENT

## REQUIREMENTS

### POSTING SIGNS ANNOUNCING PUBLIC HEARINGS

All persons making application to the City under the requirements and procedures established by the City Zoning Code or Subdivision Ordinance are responsible for the posting and maintaining of one or more signs on the property which the application describes. Vacations of public rights-of-way (if the way has been in use) also require signs. Waterproof signs are provided at the time of application. If the application is mailed, you must still stop at the Development Services Front Counter to pick up the sign.

The applicant is responsible for ensuring that the signs remain posted throughout the 15-day period prior to public hearing. Failure to maintain the signs during this entire period may be cause for deferral or denial of the application. Replacement signs for those lost or damaged are available from the Development Services Front Counter at a charge of \$3.75 each.

1. LOCATION

- A. The sign shall be conspicuously located. It shall be located within twenty feet of the public sidewalk (or edge of public street). Staff may indicate a specific location.
- B. The face of the sign shall be parallel to the street, and the bottom of the sign shall be at least two feet from the ground.
- C. No barrier shall prevent a person from coming within five feet of the sign to read it.

2. NUMBER

- A. One sign shall be posted on each paved street frontage. Signs may be required on unpaved street frontages.
- B. If the land does not abut a public street, then, in addition to a sign placed on the property, a sign shall be placed on and at the edge of the public right-of-way of the nearest paved City street. Such a sign must direct readers toward the subject property by an arrow and an indication of distance.

3. PHYSICAL POSTING

- A. A heavy stake with two crossbars or a full plywood backing works best to keep the sign in place, especially during high winds.
- B. Large headed nails or staples are best for attaching signs to a post or backing; the sign tears out less easily.

4. TIME

Signs must be posted from 8/29/18 To 9/13/18

5. REMOVAL

- A. The sign is not to be removed before the initial hearing on the request.
- B. The sign should be removed within five (5) days after the initial hearing.

I have read this sheet and discussed it with the Development Services Front Counter Staff. I understand (A) my obligation to keep the sign(s) posted for (15) days and (B) where the sign(s) are to be located. I am being given a copy of this sheet.

[Signature] 7-31-2018  
(Applicant or Agent) (Date)

I issued 2 signs for this application, 7/31/18 [Signature]  
(Date) (Staff Member)

PROJECT NUMBER: PR-2018-1426



1108 11<sup>th</sup> Street NW  
Albuquerque, New Mexico 87104

Mr. Derek Bohannon, Chairman  
Environmental Planning Commission  
City of Albuquerque  
600 Second Street NW  
Albuquerque, NM 87102

**REVISED JUSTIFICATION LETTER UNDER IDO PART 14-16-6-7(F)(3)**

**RE:    Request for Zone Map Amendment Approval by Sidney Mallard (“Applicant”) to Allow Use as Mixed-Use Light (MX-L) at 1301 Mountain Road NW, Albuquerque NM, Described as Lot 20, Baling Addition #1.**

Dear Commissioners:

**I. Introduction**

The purpose of this letter is to provide background, policy support and justification for the proposed zone amendment of the property located at 1301 Mountain Road NW in the Sawmill Neighborhood from the current Residential Townhouse Zone (R-T) to the Mixed-Use, Light Zone (MX-L) in an Area of Change. The MX-L zone will allow for small general retail use. We are writing to explain the reasons why the Environmental Planning Commission (EPC) should approve the Application.

The subject property is definitively targeted in the Sawmill/Wells Park Community Metropolitan Redevelopment Plan (MRA Plan). It is useful to review the Integrated Development Ordinance (IDO) definition of an MRA Plan as follows:

***An area that has been designated for targeted initiatives, incentives, or public and/or private investment in order to promote the repurposing or expansion of existing structures to accommodate new economic uses, or to promote the demolition, remediation, and/or redevelopment of sites to accommodate new economic uses.***

The proposed zone change aims to promote investment and redevelopment of the site to accommodate new economic uses, opportunities and multiple benefits to the community through fulfillment of the criteria for approval of the zone change as herein detailed.

The MRA Plan indicates pedestrian friendly retail as desired by the neighborhood for the subject site. Conversion to Mixed-Use, Light (MX-L) is appropriate for this. The owner proposes a new building composed of 3 neighborhood-scale, community serving retail spaces totaling approximately 2600 square feet and with the project title, “Being There Too.” The Mixed-Use, Light zone will allow as permissive the small general retail use proposed by the Applicant and desired by the community.

The IDO criteria for the zone map amendment requires demonstration that the existing zone is inappropriate and that a different zone is more advantageous to the community as articulated not only by the Albuquerque Bernalillo Comprehensive Plan (ABC Comp Plan), but also other applicable adopted City plans. The MRA Plan constitute these other applicable plans.

1301 Mountain Road NW (subject site) and 1315 Mountain Road NW constitute the premises designated as the “old Escuela site” for which recommendations are made in the MRA Plan. The “old Escuela site” is so designated because of the pre-school that operated on the premises from 1981 to 1996 followed by a transition period of moving to the 7<sup>th</sup> Street location in 2000. A letter from the school’s executive director and copies of the lease agreements have been provided as proof that the premises have been non-residential in excess of ten years prior to purchase by the

Applicant. Also see the letter from then Code Compliance Manager Brennon Williams dated December 16, 2014 indicating, "...those uses listed as permissive in the C-1 Neighborhood Commercial Zone of the Comprehensive City Zoning Code are allowed activities from this location."

The subject site is wholly within an Area of Change. The change recommended by the MRA Plan is that zoning be reviewed to refine permitted uses. Such review has been a necessity, but has not occurred in accordance with the MRA Plan recommendation that the "old Escuela site" zoning be changed to allow the "old Escuela site" to become neighborhood serving and indicating neighborhood retail and locally-owned neighborhood scale commercial.

Comparing other properties along Mountain Road from 4th Street to 15th Street many existing commercial and residential properties have converted from Sawmill Residential Neighborhood zone (S-MRN) to MX-L. The lack of parity with similar properties along Mountain Road comparatively downgrades the Owner's property by limiting its use as intended and diminishes equity of the zone conversion. Therefore, approval of the requested zone change from formerly S-MRN to MX-L is appropriate and justified to restore equity and allow realization of the goals of the Rank 1 and Rank 3 plans for the area.

Both 1301 (subject site) and 1315 Mountain Road NW, are zoned R-T. 1315 Mountain Road NW is occupied by a nonresidential use consisting of an existing retail shop called "The Next Best Thing To Being There." A permissive use duplex dwelling is proposed in a new building on this property and the entire premises are intended to function as a mixed-use development with housing and retail uses. An April 2018 meeting of the applicant with the Long Range Planning Team resulted in a recommendation that the two lots of the premises apply for two distinct zones to accomplish mixed-use zoning of varying categories. In addition, the applicant was notified that the two lots would be considered for the 6 month to 1 year Post-IDO Voluntary Zone Map Amendment Process by the City with a time frame of possibly one year for the amendment to be processed. The Applicant has applied for the zone change on the 1301 property only and anticipates the abutting 1315 address will be addressed through the Post-IDO Voluntary Zone Map Amendment Process in accordance with a notification received from the City. If 1315 is deemed unqualified for the Post-IDO Voluntary Zone Map Amendment Process or if said process is unsuccessful, the Owner's vision for the premises to function as a mixed-use zone will not be diminished as the proposed housing at the 1315 is a permissive use within the existing R-T zone. The applicant has opted to present this application in the interest of timing to proceed with design and construction on the subject 1301 property instead of waiting up to one year for the voluntary process. As the proposed development of the adjacent 1315 address will be comprised of a permissive use and pre-existing retail use, a Zone Map Amendment for 1315 is unnecessary at this time, yet anticipated via the Post-IDO Voluntary Zone Map Amendment Process within the next year.

The IDO indicates the Sawmill/Wells Park Sector Development Plan (SMWPDP or Sector Plan) also recognized the benefit of and promoted commercial uses on Mountain Road in the Sawmill Neighborhood as a basis for sustainable neighborhood scale local economic development. A major portion of the area Sector Plans have been incorporated in the IDO.

The Owner wants to build 3 retail shops at 1301 (subject site). Proposed features include traditional vernacular architecture with compact massing & low profile which will help to maintain and enhance the culturally significant views of the Sandia Mountains. Proposed conversion of the 1301 address to Mixed-Use, Light (MX-L) would be in keeping with other similar uses along Mountain Road with existing commercial and residential uses under the IDO that recently converted from S-MR or SU-2 zones to MX-L from 4th Street to 15th Street. Specific examples are provided herein. Approval of the zone change will increase local opportunities for economic development by allowing the building of retail shops and encouraging entrepreneurs to start neighborhood serving local businesses.

As described below, the zone requested under the Application is an appropriate zone for the Property, is justified under Part 14-6-7(F)(3) and is consistent with and furthers a preponderance of the goals and policies of the Albuquerque/Bernalillo County Comprehensive Plan (the

“Comprehensive Plan” or “Comp Plan”) and the Sawmill/Wells Park Community Metropolitan Redevelopment Area Plan (the MRA Plan), and is consistent with the redeveloping character of the neighborhood in an Area of Change under the IDO.

## **II. Background**

The Old Escuela Site - 1315 & 1301 Mountain Road NW constitutes the premises known as the “old Escuela site” that functioned as the Escuela Del Sol Montessori Pre-School campus from 1981 to 2000 with a primary use as a school at the 1315 address and the subordinate accessory use staff residence at the 1301 address. 1301 Mountain Road NW was designated Sawmill Residential (S-MRN) and Special Use (SU-2) under the prior Zoning Ordinance, now converted under the IDO to Residential Townhouse (R-T). On December 16, 2018, Code Compliance Manager Brennon Williams confirmed that at least 10 years of the past 50 years the property with mailing address 1315 Mountain Road NW (an address that constituted the premises of the Escuela del Sol Preschool campus including the subject site) and therefore qualified for uses permissive in the C-1 Commercial Zone.

The project site was researched 50 years back to 1968. A succession of owners included the Little Brothers of the Good Shepherd, Inc., who used 1301 for housing for the Brothers. While owned by the Brothers, 1301 and 1315 Mountain Road NW, Lot 20 and combined Lots 17, 18 & 19 respectively (the latter 3 lots subsequently replatted as Lot 17A) of Balling Addition #1, were rented as a single premises to the Escuela Del Sol for nineteen years from 1981 to 2000. The full campus was used as administration, pre-school, staff meeting and staff housing facilities and school grounds until vacated in 2000. The building built in 1900 or 1930 located at 1301 was completely demolished in 2009 while owned by Rachel Edna Love and 1301 has remained vacant and deemed by the Bernalillo County Assessor as nonresidential since that time. The current owner, Sidney Mallard purchased the premises from successor trustees of the Rachel Edna Love Trust on May 14, 2014.

There was a meeting of the Pre-Application Review Team (PRT) held on March 31, 2009 represented by PRT Chair Russell Brito, Paula Donahue and Jonathan Turner in response to Rachel E. Love's application. The “Summary of PRT Discussion” is attached and among other things, indicates, “Permissive C-1 uses allowed per S/WPSDP, S-MRN zone, A.5, for site to the west of the subject site (applicant has letter from Code Enforcement) and the subject site (Lot 20).” Please note that the Applicant's agent IPRA request #18-621 to the COA Clerk for the Code Enforcement letter referenced is deemed unresponsive and returned without production of any record documents pertaining to prior case numbers nor other documentation. In particular the 2009 letter from the Code Enforcement Officer which appears pivotal to the approval or rejection of a commercial zone designation for the subject property, has apparently been lost or expunged from the PRT and/or Code Enforcement Office files. Fortunately, a second Code Enforcement letter dated December 16, 2014 has recently surfaced confirming commercial activities of the C-1 zone are allowed to be run from the address of 1315 Mountain Road NW. Presumably, this applies to the full premises that constituted the preschool campus.

Subsequent to the March 31, 2009 meeting of the Pre-Application Review Team (PRT) it was continued to April 1, 2009, represented by Russell Brito, Paula Donahue and Jonathan Turner and further confirms, under “Summary of PRT Discussion,” “29 June 2007 letter from Mathew Conrad, Code Enforcement Div. Manager allows commercial/office use on Lots 17, 18, 19 & 20 Balling Addition #1.” It also references, “See attached “Questions From Applicant.” The questions referenced further confirm Lots 17, 18, 19 & 20 as commercial per the PRT in 2009. (Lots 17, 18 & 19 have since been replatted to Lot 17A.) Disclosure of the PRT discussions were provided by the prior owner to the Applicant indicating the property as permissive of commercial development and the Applicant purchased the property in consideration of the PRT documentation. All PRT discussions and associated documents are appended to this application.

While the premises meet the criteria of the former Zoning Ordinance of having non-residential use for at least ten of the past 50 years, the Zone designation was never changed from the SU-2 and

MSR-N zone until the IDO conversion to R-T. The attached letter dated August 20, 2018 from the Escuela del Sol Montessori School Executive Director Friedj vanGils provides the facts that clearly infer conformance with the former Zoning Ordinance criteria for the premises to be deemed as a commercial zone. This letter also serves as further evidence, along with the December 16, 2014 letter from the Code Enforcement Manager, of the validity of the existing retail use at the 1315 address.

The applicant participated in two PRT meetings, on December 12, 2017 and on February 27, 2018, to discuss commercial development of 1301 (the subject site, Lot 20) and residential development at 1315 (Lot 17A) as a Mixed-Use development of the premises. The applicant then met with the Long Range Planning Team on March 19, 2018 during which it was resolved that a Zone Map Amendment was the next step to facilitate realization of the Owner's proposed Mixed-Use project and two distinct zones were recommended for the respective addresses.

1315 Mountain Road (the property to the west of the subject site, was originally the Stephen Balling House (1908). This property was designated Sawmill Neighborhood Residential (S-MRN) and SU-2 under the prior Zoning Ordinance, now converted under the IDO to Residential Townhouse (R-T). It is currently light commercial retail and was a pre-school campus from 1981 to 2000, leased by the Escuela Del Sol as indicated above. The prior zone map (see attached) indicates a commercial designation by the color red and signifies community intent as documented specifically in the Sawmill Wells Park Redevelopment Area Plan.

The Applicant intends to build a duplex dwelling at 1315 Mountain Road NW as a primary and permissive use under the current Residential-Townhouse zone conversion, pending conversion to MX-L via the Post-IDO Voluntary Zone Map Amendment Process. The current retail shop will remain as a permissive accessory use under the R-T zone. On August 12, 2018, the applicant was notified 1315 is being considered for the 6 month to 1 year Voluntary Zone Map Amendment Process.

The Applicant has installed fencing, site lighting, landscaping, a shade structure and other improvements to the 1315 Mountain Road NW property and operates a retail business called "The Next Best Thing To Being There," specializing in work of local artists, puppets, mobiles, kites, maps and fair trade craft imports.

### **III. Transitional and Historic Context: The Sector Plan**

The rescinded Sawmill/Wells Park Sector Development Plan (SWPSDP or Sector Plan) (1996, Amended 2000) is no longer in effect with the adoption of the IDO per Resolution 17-213 (R17-213) and may not be used as justification for the proposed change. The Sector Plan and other plans guided the initial rationale for the proposed zone change as we have only recently transitioned into the IDO. As most of the Sector Plan has been incorporated in the IDO, the Sector Plan remains a valued resource for understanding the historic context and character of the subject site. It is important to note that the premises does meet the former Zoning Ordinance criteria for the former commercial (C-1) zone and this is borne out by provided documentation from two PRT meetings of 2009, the affirming Code Enforcement letters of 2009 and 2014 and the 2018 testimonial letters from the Executive Director of the Escuela del Sol Montessori School that are further discussed herein.

Within the Sector Plan, the subject property was zoned S-MRN, the Sawmill – Mountain Road Neighborhood Zone. In consideration of the stability provided by the Sector Plan, it states as follows:

*"...Traditional zoning divides cities into districts which allow only similar types of land uses. This form of zoning does not work well in places such as Sawmill/Wells Park where several types of land uses are already intermixed or where new uses can be desirable... Standard zoning designations do not support the following community goals:*

1. *To conserve the special physical characteristics of the area*

2. *To ensure compatibility between housing and businesses*
3. *To improve area appearance*
4. *To improve and expand housing*
5. *To reuse vacant land in ways that will promote plan goals”*

The proposed zone change to MX-L and the light mixed-use development represented by the project is supportive of community goals as follows:

1. To conserve the special physical characteristics of the area, the historical balance of residential and light commercial retail at the neighborhood scale will support the existing character through respectful sensitivity to surrounding structures and materials traditionally used in southwestern vernacular architecture, southwestern xeric landscape plantings and cobble swales and storm retention areas.
2. To ensure compatibility between housing and businesses the proposed buildings on the premises will be designed consistent with many traditional buildings along Mountain Road NW and the Sawmill/Wells Park neighborhood.
3. To improve area appearance vacant unused parts of the adjacent 1315 property and the vacant subject 1301 subject property will be transformed into a community serving, bike and pedestrian friendly environment filled with new businesses, employment opportunities and community destination activity.
4. To improve and expand housing a duplex is proposed as responsive to the growing demographic seeking a reduced carbon footprint or in need of downsized affordable urban apartment rental units on the adjacent 1315 property.
5. To reuse the vacant land at the subject 1301 property in ways that will promote ABC Comp Plan goals the proposed light commercial development is responsive to the stated MRA Plan goal of developing the old Escuela site as retail use. On the adjacent 1315 property the stated MRA Plan goal to improve and expand housing will be realized under the current R-T zone as a permissive use pending proposed conversion to MX-L zone via the Post-IDO Voluntary Zone Amendment Process and contribute to the multi-use character of the proposed mixed-use redevelopment of the premises.

#### **IV. THE APPLICATION SATISFIES THE REQUIREMENTS OF IDO PART 14-16-6-7(F)(3)**

The zone map amendment proposed by the Application meets and satisfies all the Administration and Enforcement criteria of PART 14-16-6-7(F)(3) for deciding zone map amendment applications pursuant to the Integrated Development Ordinance (IDO) as follows. We set forth the text of each lettered clause of PART 14-16-6-7(F)(3) in correspondingly lettered paragraphs in ***bold italic text***, with our response, analysis or comment to each clause immediately following. Citations from the ABC Comprehensive Plan and other plans are also *italicized*.

- 6-7(F)(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 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 including the Plan because it furthers the Goals and Policies of the plans as further described in detail below. The Applicant has undertaken and completed improvements to the Property and proposes uses that are consistent with and further the goals and policies of the ABC Comp Plan and criteria of the IDO PART 14-16-6-7(F)(3). The proposed new structure will be maintained and the premises' exterior grounds upgraded in such a way that respects and enhances existing neighborhood values and conditions.

This proposed use is consistent with the surrounding neighborhood and no building or other structure will infringe upon the light and air of any neighboring property.

This proposed change will not be in conflict with adopted elements of the ABC Comprehensive Plan or other city master plans and amendments thereto, including privately developed area plans which have been adopted by the city, the Sawmill/Wells Park Area Metropolitan Redevelopment Area Plan (MRA Plan) offering as a measure of stability of land use and zoning as desirable.

To support the consistency with the Comprehensive Plan and other applicable plans and the absence of significant conflict I will summarize briefly how the proposed zone of the property aligns with many elements of the Comprehensive Plan and other plans and amendments indicated below:

*Plan Element - Community Identity*

*Goal 4.1 Character*

*Enhance, protect, and preserve distinct communities.*

*Policy 4.1.1*

*Distinct Communities: Encourage quality development that is consistent with the distinct character of communities. [ABC]*

*Policy 4.1.2*

*Identity and Design: Protect*

*the identity and cohesiveness of neighborhoods by ensuring the appropriate scale and location of development, mix of uses, and character of building design. [ABC]*

*a) Maintain and preserve the unique qualities of historic areas. [ABC]*

*Policy 4.1.4*

*Neighborhoods: Enhance, protect, and preserve neighborhoods and traditional communities as key to our long-term health and vitality. [ABC]*

*a) Respect existing neighborhood values and social, cultural, recreational resources.*

The proposed zone change to MX-L allows for commercial development, it will better enhance, protect, and preserve the distinct Sawmill/Wells Park community by providing a pedestrian friendly and neighborhood serving destination. Activating the street with pedestrians is one method of increasing the long-term health, vitality and safety of neighborhood inhabitants. The proposed zoning will allow for enhancement, protection and preservation of the traditional mixed-use Sawmill community and contribute to the long term health and vitality of the neighborhood.

*Goal 4.2 Process*

*Engage communities to identify and plan for their distinct character and needs.*

*Policy 4.2.2*

*Community Engagement:*

*Facilitate meaningful engagement opportunities and respectful interactions in order to identify and address the needs of all residents. [ABC]*

Because the MRA Plan has engaged this community to identify and plan for their distinct character and needs, the requested zone change will make permissible the commercial uses along Mountain Road NW desired by the community and described in the plans. The Applicant has met with the Sawmill Area Neighborhood Association (SANA) and the Downtown Neighborhood Association (DNA). The Sawmill Community Land Trust (SCLT) has provided a letter waiving the need to meet with the Applicant. There have been no objections expressed on the proposed zone change. Because the applicant has engaged with the community through association meetings and the

proposed zoning will facilitate fulfillment of the community's desires and needs as documented in the MRA Plan this policy will be furthered.

*Goal 4.3 City Community Planning Areas*

*Protect and enhance the natural and cultural characteristics and features that contribute to distinct identity and prioritize projects and programs to meet the needs of communities, neighborhoods, and sub-areas.*

The proposed project will emulate and complement existing proximate properties small-scale characteristics, and the community-defined desire to develop retail uses at the old Escuela site. Light retail use of the property is a community-desired use along Mountain Road requiring appropriate zoning as recommended in the MRA Plan to make retail uses permissive. The proposed zone change to MX-L better addresses the goal to protect and enhance the natural and cultural characteristics and features that contribute to distinct identity, to meet the needs of communities, neighborhoods, and sub-areas.

*Comp Plan Element – Land Use*

*Goal 5.1 Centers & Corridors*

*Grow as a community of strong Centers connected by a network of multi-modal Corridors.*

*Policy 5.1.11*

*Multi-Modal Corridors: Design safe Multi-Modal Corridors that balance the competing needs of multiple modes of travel and become more mixed-use and pedestrian-oriented over time.*

The ABC Comp Plan identifies the subject property as neither a Center nor a Corridor. The MRA Plan remains and 80% to 95% of the Sector plans are incorporated into the IDO. The ABC Comp Plan codifies planning for the health, safety, morals, and the general welfare of the communities. As such, achievement of the goal to grow as a community of strong Centers connected by a network of multi-modal Corridors is supported when the IDO encourages infill in neighborhoods adjacent to Centers (such as the adjacent Downtown center) and Corridors to support transit ridership. This Application proposes to provide greater utility of safe Multi-Modal Corridors that balance the competing needs of multiple modes of travel, as elaborated in the discussion herein. The proposed zone change furthers the policy that this Multi-Modal Corridor become more mixed-use and more pedestrian-oriented over time, unlike the R-T zone which creates greater homogeneity of residential use better suited outside the Mountain Road commercial corridor which is recommended mixed-use.

*Goal 5.2 Complete Communities*

*Foster communities where residents can live, work, learn, shop, and play together.*

*Policy 5.2.1*

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

- 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.*
- b) *Encourage development that offers choice in transportation, work areas, and lifestyles*
- c) *Maintain the characteristics of distinct communities through zoning and design standards that are consistent with long established residential development patterns.*
- d) *Encourage development that broadens housing options to meet a range of incomes and lifestyles.*
- e) *Create healthy, sustainable communities with a mix of uses that are conveniently accessible from surrounding neighborhoods.*

The requested zone change to MX-L will contribute to create healthy, sustainable, and distinct communities with a mix of uses that are conveniently accessible from surrounding neighborhoods as proposed by this Application and therefore furthers this policy correspondingly outlined below:

- a) It will encourage development and redevelopment that brings goods, services, and amenities within walking and biking distance of neighborhoods and promotes good access for all residents.
- b) The request will better utilize the multi-modal transportation opportunities. The request will encourage walking, perhaps to this or an adjacent neighborhood or from the dwellings to be incorporated on the premises. The request will encourage bicycling via the Shared Lanes/Bike Route Mountain Road and 14<sup>th</sup> Street Bike Boulevard. The request will encourage mass transit from a Rapid Ride Route 36 bus station on 12<sup>th</sup> Street less than 600 feet from the Property and the Rapid Ride Route 37 bus on 12<sup>th</sup> Street. The request will allow conventional automobile parking options thereby being accessible to a multitude of lifestyles.
- c) The MRA Plan has codified the distinct community needs and desired direction of development of retail uses on the old Escuela site, therefore stability is a bi-product of consistent provision of the permissive uses offered by the requested MX-L zone unlike the R-T zone. Therefore, the proposed MX-L zone does more to maintain the characteristics of this distinct community through zoning and design standards that are consistent with long established mixed-use development patterns than the current R-T zone in an Area of Change.
- d) The requested MX-L zone will encourage development that broadens housing options on the premises to meet a range of incomes and lifestyles as proposed by this application.
- e) While the current R-T zone limits uses for the Property to residential, the MX-L zone requested by this application will foster a more complete community to create a healthy, sustainable community with a mix of uses that are conveniently accessible from surrounding neighborhoods.

*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.*

*Policy 5.3.1*

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

The request proposes to maximize the utility of existing infrastructure and public facilities and the efficient use of land to support the public good by accommodating mixed-uses and Multi-Modal Corridors that balance the competing needs of multiple modes of travel and become more mixed-use and more pedestrian-oriented over time. The proposed zone change and mixed-use development of the premises will offer more choices for housing, employment, economic development and enhancement of a pedestrian and bike friendly neighborhood. Utilizing the existing infrastructure in this way is a benefit to the community and supports the public good.

Because the proposed project constitutes infill development, approval of the requested zone change to MX-L will manifest tangible support for additional growth in areas with existing infrastructure and public facilities and thereby benefit the community.

*Goal 5.6 City Development Area*

*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.*

*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.*

Because the Property is wholly in an Area of Change, approval of the requested change to MX-L will encourage and direct growth to this Area of Change where it is expected and desired. The proposed zone change is in conformance with the MRA Plan. The change of zoning to allow for neighborhood scale retail at the old Escuela site is more in keeping with the existing neighborhood that concentrates commercial development on Mountain Road. The existing R-T zone potentially increases residential density and massing that have negative impacts to the character of the surrounding area.

*Comp Plan Element – Transportation*

*“Moving toward more mixed-use development patterns that are easily accessible by multiple modes of transportation will allow our region to meet the transportation demands of the future.”*

*Policy 6.1.3*

*Auto Demand: Reduce the need for automobile travel by increasing mixed-use development, infill development...”*

The proposed zone change to MX-L will encourage commercial employment. The Applicant intends to develop two small dwelling units on the adjacent lot of the premises. The MX-L zone will allow for a reduction of the need for automobile travel by increasing appropriately scaled mixed-use infill development.

*Goal 6.2 Multi-Modal System*

*Encourage walking, biking, and transit, especially at peak hour commuting times, to enhance access and mobility for people of all ages and abilities.*

*Policy 6.2.3*

*Pedestrian & Bicycle Connectivity: Provide direct pedestrian and bicycle access to and circulation within Centers, commercial properties, community facilities, and residential neighborhoods. [ABC]*

*Policy 6.2.4*

*Pedestrian Network: Prioritize pedestrian travel, safety, and amenities above all other transportation modes on Main Street Corridors and streets within Downtown, Urban Centers, and Activity Centers. [ABC]*

Mountain Road abutting the subject property is a Shared Lanes/Bike Route. 14<sup>th</sup> Street is a Bicycle Boulevard that runs south from the intersection of Mountain Road and 14<sup>th</sup> Street. Rapid Ride Route 36 – 12th Street/Rio Grande has a bus stop just south of Mountain Road on 12<sup>th</sup> Street, less than 600 feet from the Property. Therefore, the Property has multi-modal access and contributes to encourage walking, biking, and mass transit, especially at peak hour commuting times, to enhance access and mobility for people of all ages and abilities.

Because the proposed zoning proposes to encourage and incorporate accommodation of the public arriving via multi modal forms of transport with on-site pedestrian portals and walkways, bike racks and adequate parking, these goals and criteria are fulfilled. The location of bike-sharing Mountain Road and the 14<sup>th</sup> Street Bicycle Boulevard and proximity to the 12<sup>th</sup> Street Station of the Route 36 bus and the Route 37 bus leverages the benefit of accessibility to the property by people of all ages and abilities. This will lead to greater public health through active transportation.

*Plan Element – Urban Design*

*Goal 7.2 Pedestrian-Accessible Design Increase walkability in all environments, promote pedestrian-oriented development in urban contexts, and increase pedestrian safety in auto-oriented contexts.*

Because the proposed zone change will allow for community serving uses on the property, promotion of high-quality pedestrian-oriented development will be furthered. Landscaped streetscapes and on-site walkways will foster new community destinations that are sustainable.

*Policy 7.3.3*

*Placemaking: Encourage efforts to establish and strengthen district identity within Centers, business districts, and neighborhoods. [ABC]*

*Policy 7.3.4*

*Infill: Promote infill that enhances the built environment or blends in style and building materials with surrounding structures and the streetscape of the block in which it is located.  
b) promote buildings and massing of commercial and office uses adjacent to single-family neighborhoods that is neighborhood scale, well-designed, appropriately located, and consistent with the existing development context and neighborhood character.*

Because the proposed zone change will allow strengthening and celebration of the neighborhood's unique traditional district identity, this property will perform to leverage and distinguish Mountain Road as a gateway for area museums and cultural institutions extending to Tiguez Park, Wells Park and other community assets, furthering this policy.

A great deal of thought has gone into enhancing the built environment that blends in style and building materials with surrounding structures and the streetscape of the block in which it is located.

Within the area, there are many buildings in major need of repair and vacant lots needing appropriate development. The proposed change will contribute to the well-being of the neighborhood in that it enriches a balanced mix of existing housing and light neighborhood-scaled retail spaces to serve the community on property that has remained vacant and uninhabited. Infill development benefits the community by utilizing existing infrastructure designed to support it with no additional infrastructure required.

The occupation and upgrading of vacant portions of the premises with a new building and site improvements reflective of the character of the surrounding neighborhood will, as a result of the zone change, prevent any potential unsightly uses of the buildings or land.

*Goal 8.1 Placemaking*

*Create places where business and talent will stay and thrive.*

*ECONOMIC DEVELOPMENT*

*Policy 8.1.1*

*Diverse Places: Foster a range of interesting places and contexts with different development intensities, densities, uses, and building scale to encourage economic development opportunities. [ABC]*

*Policy 8.1.2*

*Resilient Economy: Encourage economic development efforts that improve quality of life for new and existing residents and foster a robust, resilient, and diverse economy. [ABC]*

*a) Maximize opportunities for economic development that furthers social, cultural, and environmental goals.*

*c) Prioritize local job creation, employer recruitment, and support for development projects that hire local residents.*

*Goal 8.2 Entrepreneurship*

*Foster a culture of creativity and entrepreneurship and encourage private businesses to grow.*

*Policy 8.2.1*

*Local Business: Emphasize local business development. [ABC]*

*Policy 8.2.2*

*Diverse Talent: Promote a more inclusive ecosystem for developing entrepreneurs. [ABC]*

Because the proposed zone change will allow for economic development in the southern edge of Sawmill neighborhood, these place making and economic goals and policies will be fulfilled. Economic development's benefits to the community cannot be over emphasized. The MRA Plan weighs heavily in favor of the proposed zone change. The property is the only vacant property west of Wells park on the north side of Mountain Road all the way to 18<sup>th</sup> Street and has been designated as on the edge of the Sawmill 18<sup>th</sup> Street corridor that has been earmarked specifically for commercial development. As such, it is one of the only remaining properties on the southern edge of the Sawmill neighborhood capable of supporting economic development within the existing mixed-use and commercial area.

The Applicant endeavors to create a business environment where creative talent will have multiple opportunities to thrive and to practice entrepreneurship in a variety of small retail and neighborhood scale service establishments. It will be sustainable with 3 proposed retail shops. The retail building will be powered by photovoltaic panels and water harvesting will be another sustainable environmental feature.

The Applicant is Chair of the Albuquerque Art Business Association and participates in monthly events including the Albuquerque ARTScrawl featuring local artists in her shop and intends to continue to support and foster appreciation for cultural events on the premises.

*Comp Plan Element – Heritage Conservation*

*Goal 11.2 Historic Assets*

*Preserve and enhance significant historic districts and buildings to reflect our past as we move into the future and to strengthen our sense of identity.*

*Policy 11.2.3*

*Distinct Built Environments: Preserve and enhance the social, cultural, and historical features that contribute to the identities of distinct communities, neighborhoods, and districts. [ABC]*

*b) Encourage development that strengthens the identity and cohesiveness of the surrounding community and enhances distinct historic and cultural features.*

*Goal 11.5 Cultural Traditions & the Arts*

*Emphasize and support cultural traditions and arts as vital components of the community's identities and well-being.*

*POLICY 11.5.1*

*Arts Promotion: Coordinate and promote the arts and the cultural sector as key assets in a vital economy; major contributors to quality of life and healthy communities; and the heart of high-quality, special places that contribute to the identity of distinct communities. [ABC]*

The applicant's is an avid supporter and promoter of the arts at her shop and is intent upon catalyzing economic growth, in what is increasingly an arts and culture district along Mountain Road, that will contribute to the community's identity, health and well-being.

Approval of the request zone map amendment will permit a community serving establishment with enhancement benefits for the neighborhood, bicyclers and pedestrians from Sawmill, Downtown and

all over the city including the Harwood Art Center, Tiquez Park, Explora, New Mexico Museum of Natural History & Science, The Albuquerque Museum and the Artisan Village at Sawmill Land Trust, great cultural resources sitting in a well planned neighborhood in a blend of residential, cultural, commercial and artistic uses.

- 6-7(F)(3)(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).***

This criteria is non-applicable because the proposed amendment is located wholly in an Area of Change as shown in the ABC Comp Plan as amended and further described in Section C below.

The proposed MX-L zone will reinforce and strengthen the character of the surrounding area and in accordance with proximate properties along Mountain Road that have been converted to the MX-L zone as described in detail below. The current R-T zoning is in direct conflict with the MRA plan in essence because it impedes and prohibits the redevelopment of underutilized properties and sites into neighborhood-serving properties (such as proposed for the old Escuela site). The current R-T zone for the property prevents the realization of creating a great street that serves as a gateway for neighborhood residential and neighborhood retail that would promote locally-owned commercial uses. Therefore, the requested Zone Map Amendment to MX-L is more advantageous to the community as articulated by the ABC Com Plan (as amended) as described herein and other applicable adopted City plans. The MX-L zone will provide for greater stability of land use as intended by the MRA Plan incorporating the recommended and proposed retail use as a permissive use.

- 6-7(F)(3)(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).***

Because the subject property is wholly in an Area of Change and the existing zoning is inappropriate policy 3 above is applicable because 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 Applicant has demonstrated that the existing zoning is inappropriate.

The proposed zone change from R-T to MX-L will support the ABC Comp Plan goals and policies indicated above, therefore it is more advantageous to the community.

The Sawmill/Wells Park Community Metropolitan Redevelopment Area Plan, Mountain Road Sub-Area, Page 30 reads :

*“Redevelopment Vision: Redevelop underutilized properties and sites as becoming neighborhood-serving (old Escuela site, restaurant at 15th & Mountain, 8th & Mountain, 12<sup>th</sup> & Mountain, 11th-13th Streets.). Mountain Road will include traffic calming measures such as bike lanes and pedestrian enhancements. Create a great street that serves as a gateway for neighborhood residential and neighborhood retail and promotes locally-owned neighborhood scale commercial. Develop a walkable street that is pedestrian-friendly and encourages seniors and kids/students to use.”*

Because the property is cited explicitly in the MRA Plan as “the old Escuela site,” stability of intention being more advantageous to the community would be enforced by aligning the change of zone to the requested MX-L zone as it would allow for fulfillment of a stated goal of the MRA Plan. The subject property would then allow for Mountain Road NW to be a gateway for neighborhood residential and neighborhood retail. The property Owner, the MRA Plan and the City desire promotion of locally-owned neighborhood scale commercial development. Approval of the requested MX-L zone supports the desired stability of land use and zoning, therefore, the requested change to MX-L is more advantageous to the community.

Because the existing R-T zone is in conflict with provisions of the MRA Plan it is inappropriate and is less advantageous to the community. The requested zone change of the property to MX-L will allow for the proposed light mixed-use development including redevelopment of the underutilized portions on the full premises of the old Escuela site to become neighborhood-serving, locally-owned neighborhood residential and neighborhood scale commercial retail development that is pedestrian and bike friendly while enhancing the streetscape. The proposed change to the requested MX-L zone furthers conformance in the greatest capacity to the MRA Plan’s goal for this property within the Mountain Road Sub-Area while the existing R-T zone is in direct conflict with the MRA Plan. In regard to IDO Part 14-16-6-7(F)(3)(c), because there is no conflict between the MRA Plan and the proposed MX-L zone, it is more advantageous to the community than the existing restrictive R-T zone.

Because the property is located in an Area of Change, a change of the property from R-T to MX-L will allow a use consistent with MRA Plan, Mountain Road Sub-Area, not permissible without the requested change.

The establishment of well-maintained retail space on the subject property in a mixed-use development will eliminate unused land that offers nothing to the neighborhood while maintaining the balance of mixed uses encouraged by existing Plans and the IDO. This request will help promote stability of mixed uses along Mountain Road and contribute to community cohesiveness by reinforcing the appearance of the neighborhood’s traditional New Mexico vernacular architecture.

Provisions of the IDO protective of the health, safety and welfare of the community and to be furthered by the request include relevant standards from CPO-11 as follows:

3-4(L)(3)      *Setback Standards*

*3-4(L)(3)(b) MX-L Zone District*

*...front setbacks are required as follows:*

- 2. On lots abutting Mountain Road: 0 feet minimum; 15 feet maximum.*

*3-4(L)(4) Building Height, Maximum*

*3-4(L)(4)(c) R-ML and MX-L zone districts: 26 feet.*

*Other Development Standards*

*3-4(L)(5)(a) Enclosures and Screening*

*Non-residential uses within or adjacent to any Residential zone district shall be conducted within a building. All non-residential outdoor storage and parking and vehicular circulation areas adjacent to a lot in any Residential zone district, a lot containing a Residential use in any Mixed-use zone district, or a lot containing a Civic and Institutional use in any zone district shall be visually screened with an opaque wall or fence at least 6 feet high and a landscaped buffer at least 10 feet wide with evergreen trees and/or shrubs.*

*3-4(L)(5)(c) Mixed-use and Non Residential Zone Districts*

*For all development except residential and industrial development, each façade facing a public street shall contain 25 percent or more of its surface in clear, transparent windows and/or doors.*

Under the MRA PLAN Mountain Road Sub-Area, Impediments to Redevelopment:

*“Need to review existing zoning to refine permitted uses under MRN/C-1 zoning.”*

Under the MRA PLAN Mountain Road Sub-Area, Redevelopment Projects/Tools:

*“Provide incentives and support for community-supported/based retail for affordability (non-profit initiatives and incentives to private sector).”*

The proposed change is in support of community-supported/based retail for affordability. Approval of the change to MX-L would create an incentive to the private sector by promoting development of community-supported/based retail, therefore, the requested change to MX-L is more advantageous to the community.

**6-7(F)(3)(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.***

Because the zone change to MX-L does not include permissive uses that would be harmful to adjacent property, the neighborhood, or the community, this criteria shall be met. Under the proposed MX-L zone the site plan, landscape plan, grading and drainage plan and building plans submitted for the building permits shall bind the proposed development with regard to size, location, character and permissive uses and mitigate any harmful impacts. Conformance with the ABC Comprehensive Plan and the MRA Plan is required and it will be less harmful to adjacent property, the neighborhood and the community than under the existing R-T zone which would permit more invasive development with 3 townhouses that would be in conflict with the goal of the MRA Plan that recommends the redevelopment of the old Escuela site. The MX-L zone will allow fulfillment of the goal of a mix of commercial with the existing residential uses (although residential is not required) along Mountain Road in the Sawmill/Wells Park southern edge.

Eyes on the street do not exist on vacant land. Mixed-use development that incorporates commercial uses during the day and residential uses at night provide for greater ability to provide visual oversight and make the area more attractive and safer for people using streets and sidewalks.

The requested MX-L zone will better maintain the historic mixture of housing and small businesses on Mountain Road than the existing R-T zone. The proposed commercial development on the property is in close proximity with existing commercial buildings and is in the predominantly commercial area of the neighborhood along Mountain Road.

All permissive uses of the MX-L zone are limited to the following from Table 4-2-1 of the IDO:

<i>Dwelling, townhouse</i>	<i>Residential community amenity</i>
<i>Dwelling, live-work</i>	<i>Restaurant</i>
<i>Dwelling, multi-family</i>	<i>Tap room or tasting room</i>
<i>Assisted living facility or nursing home</i>	<i>Other indoor entertainment</i>
<i>Community residential facility, small</i>	<i>Hotel or motel</i>
<i>Community residential facility, medium</i>	<i>Car wash</i>
<i>Community residential facility, large</i>	<i>Light vehicle repair</i>
<i>Group home, small</i>	<i>Paid parking lot</i>
<i>Group home, medium</i>	<i>Parking structure</i>
<i>Group home, large</i>	<i>Bank</i>
<i>Sorority or fraternity</i>	<i>Club or event facility</i>
<i>Adult or child day care facility</i>	<i>Commercial services</i>
<i>Community center or library</i>	<i>Medical or dental clinic</i>
<i>Elementary or middle school</i>	<i>Office</i>
<i>High school</i>	<i>Personal and business services, small</i>
<i>Museum or art gallery</i>	<i>Personal and business services, large</i>
<i>Parks and open space</i>	<i>Research or testing facility</i>
<i>Religious institution</i>	<i>Bakery goods or confectionery shop</i>
<i>Vocational school</i>	<i>Farmers' market</i>
<i>Community garden</i>	<i>General retail, small</i>
<i>Veterinary hospital C</i>	<i>Grocery store</i>
<i>Other pet services</i>	<i>Solar energy generation</i>
<i>Health club or gym</i>	<i>Utility, electric</i>
<i>Freestanding, Wireless Telecommunications Facility</i>	<i>Utility, other major</i>

The many proximate Mountain Road NW properties converted to MX-L are indicative that the requested zone change to MX-L does not include permissive uses that would be harmful to adjacent property, the neighborhood, or the community. A use that may be considered harmful is a car wash. The subject site is unlikely to be used as a car wash due to its small size. The CPO-11 design standards require a maximum front-yard setback to be 15-feet in the MX-L zone. All other automobile related uses that may be considered harmful are also unlikely because of the limited size of the subject property.

- 6-7(F)(3)(e) The City's existing infrastructure and public improvements, including but not limited to its street, trail, and sidewalk systems meet 1 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.**

Per item 1 above, the subject property is infill development and the City's existing infrastructure has adequate capacity to serve the proposed neighborhood scale development made possible by the zone change. Because the proposed zone change from R-T to MX-L will be utilized through land development, no request is made for unprogrammed capital expenditures by the city and it requires no major and unprogrammed capital expenditures by the city.

The proposed zoning that will make permissible the proposed small general retail use is a low impact zone as inherent in most commercial properties in the Sawmill, Wells Park and Downtown Neighborhoods along Mountain Road. The zone is not generally associated with high traffic, crime or other inappropriate effects. The proposed use of the property will encourage appropriate neighborhood-scaled development in the area without the increase of additional traffic or requirement of additional public facilities.

**6-7(F)(3)(f) The applicant's justification for the requested zone change is not completely based on the property's location on a major street.**

The property's location on a major street is not the complete basis for MX-L zoning and Mountain Road is not designated a major street, therefore the application fulfils this criteria. This Zone Map Amendment request is justified by a preponderance of conformance with the ABC Comprehensive Plan and the MRA. We have described why the proposed zone meets all the criteria for approval based on community needs and desires, will be least harmful to the community and is most advantageous to the community.

**6-7(F)(3)(g) The applicant's justification is not based completely or predominantly on the cost of land or economic considerations.**

The cost of land or other economic considerations pertaining to the applicant's proposed improvements are not the complete nor predominate basis for the applicant's justification. This basis is not the determining factor for this request of a Zone Map Amendment and the application fulfils this criteria.

**6-7(F)(3)(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.**

Application of the MX-L zone may constitute a spot zone because it is different from surrounding R-T zones to the east and west and R-1A zone to the north. The requested change to MX-L will clearly

facilitate implementation of the ABC Comp Plan, as amended, as discussed in the preponderance of goals and policies furthered by the change.

The proposal qualifies under criteria 1 above. The area of the zone change is different from surrounding land because it can function as a transition between adjacent zone districts. The concept that a gateway enhances a neighborhood is fulfilled by the liveliness of the mixed-use character of Mountain Road that leads to side streets into the residential areas. By definition, this constitutes a transition from mixed-uses zones to predominately residential zones as currently embodied throughout the Mountain Road neighborhoods.

Because Mountain Road is becoming increasingly commercial and mixed-use in an Area of Change in conformance with the ABC Comprehensive Plan and as directed by the MRA, it is evident that the property is intended to function as a mixed-use gateway between adjacent zones incorporating increasingly mixed-use and commercial uses that will soften the impact of varying zone districts. The area of the zone change is different from surrounding land because it is the southern edge of the Sawmill neighborhood abutting Mountain Road. The site can function as a community-desired transition between the residential zone to the north and the increasingly commercial and mixed-use zones on Mountain Road.

The proposal qualifies under criteria 2 above. The subject site is not suitable for the uses allowed in any adjacent zone district due to traffic. Mountain Road NW East of Rio Grande and west of 4<sup>th</sup> Street is a mixed-use area supporting increasing mixed-use and commercial uses because of the traffic volume that exists on Mountain Road due to the existing unique and desirable patchwork of mixed-use zones. Whereas the MRA Plan recommends the subject site as neighborhood serving retail and the ABC Comp Plan will clearly be facilitated by the requested zone change, the vacant subject site is less suitable for the R-T zone that does not benefit from higher levels of traffic patterns and is inherently more suitable as MX-L that will benefit from existing traffic patterns and be more beneficial to the neighborhood.

The requested zone matches the zoning pattern along the Mountain Road corridor, where MX-L zone properties abut different zones. The mixed-use character of the existing zone pattern along Mountain Road is that of a patchwork of zones including MX-L, R-T, R-1A, MX-T and other zones. The subject property is on a block that has a single zone (R-T) for a greater contiguous extent than any other block along Mountain Road within the MRA plan area thereby breaking the obvious pattern of a patchwork mix of zones. The requested zone will better correspond to the existing beneficial pattern evident throughout most of the Mountain Road corridor.

The proposed zone change will result in a zone pattern similar to the block to the south of Mountain Road at the intersection of Old Town Road that has an MX-L zone abutting both R-T and R-1A zones.

The proposed zone change will result in a zone pattern similar to the block south of Mountain Road between 11<sup>th</sup> and 12<sup>th</sup> Streets that has MX-L (including businesses and residences) abutting R-1A and R-T zones.

The proposed zone change will result in a zone pattern similar to the blocks both north and south of Mountain Road between 8<sup>th</sup> Street and Forrester Avenue that has MX-L zones abutting both R-T and R-1A zones.

The proposed zone change will result in a zone pattern that will have MX-L zone abutting both R-T and R-1A, comparable to the above.

Other instances of blocks that have a mix of more than 2 zones abound within the area including 15th Street south of Mountain Road, 11<sup>th</sup> Street south of Mountain Road, 8<sup>th</sup> Street north of Mountain Road, etc. The above examples put to rest the notion that MX-L along Mountain and abutting the R-

1A zone or multiple zones is harmful to the community. Indeed, this pattern furthers the ABC Comp plan in many ways including that this area become more mixed-use over time.

In the Sawmill/Wells Park Community Metropolitan Redevelopment Plan, page 30, Mountain Sub-Area reads:

*“Redevelop underutilized properties and sites as becoming neighborhood-serving (old Escuela site, restaurant at 15<sup>th</sup> & Mountain, 8<sup>th</sup> & Mountain, 12<sup>th</sup> & Mountain, 11-13<sup>th</sup> Streets.) Mountain Road will include traffic calming measures such as bike lanes and pedestrian enhancements, Create a great street that serves as a gateway for neighborhood residential and neighborhood retail and promotes locally-owned neighborhood scale commercial. Develop a walkable street that is pedestrian-friendly and encourages seniors and kids/students to use.... Provide incentives and support for community-supported/based retail for affordability (non-profit initiatives and incentives to private sector).”*

#### **V. Comparative Conversions and Transition**

Within approximately 600 feet to the property on the north side of Mountain Road NW, properties have been converted in accordance with the IDO, with business names associated with the address indicated as follows:

1102 Mountain Road NW	SU-2 & S-MRN to MX-L	Golden Crown Panaderia
1131 Mountain Road NW	SU-2 & S-MRN to MX-L	New Mexico Tea Company
1315 Mountain Road NW	SU-2 & S-MRN to R-T	The Next Best Thing To Being There
1501 Mountain Road NW	SU-2 & S-MRN to MX-L	Little Red Hamburger Hut

Within approximately 600 feet to the Property on the south side of Mountain Road NW, Properties have been converted in accordance with the IDO, with business names associated with the address indicated as follows:

1102 Mountain Road NW (Office Suites)	SU-2 to MX-L	Shambala Meditaion Center and Urban Mountain
1130 Mountain Road NW	SU-2 to MX-L	Sandia Mountain Condos
912 12 <sup>th</sup> Street NW	SU-2 to MX-L	Cocina Azul
913 12 <sup>th</sup> Street NW	SU-2 to MX-L	Vacant Lot (Parking)
1222 Mountain Road NW	SU-2 to MX-L	Little Bird De Papel
1224 Mountain Road NW	SU-2 to MX-L	Vacant Building
901 Brother Mathias Place NW	SU-2 to MX-T	Little Brothers of the Good Shepherd & Mathias Barrett House (lot partially vacant)
1420 Mountain Road NW	SU-2 to MX-L	5 Star Electronics
1500 Mountain Road NW	SU-2 to MX-L	Mountain Road Law Offices

The above properties, in close proximity to the subject property, have an existing business or vacant building or partial or full vacant land and have been converted from S-MRN to MX-L and SU-2 to MX-L. In contrast, the subject property has been converted from S-MRN to R-T is summarized as follows:

1301 Mountain Road NW	SU-2 & S-MRN to R-T	Vacant Lot
-----------------------	---------------------	------------

All properties on the block outside of the Owner's premises have an existing single family residential building. Because stability of land use and zoning is desirable, it is reasonable that 1301 Mountain Road NW is deserving of parity with other lots on and Mountain Road converted from SU-2 to MX-L or S-MRN to MX-L, therefore, the requested change to MX-L is more advantageous to the community.

**VI. Conclusion**

Because the current Residential-Townhouse zone (R-T) is not a neighborhood serving zone and conflicts with MRA Plan and is less advantageous to the community, approval of the requested Zone Map Amendment to the Mixed-Use, Light (MX-L) zone that fulfills a preponderance of the ABC Comp Plan goals and policies, directly conforms with the MRA Plan recommendations and meets all of the IDO criteria is respectfully requested.

Sincerely,

Ricardo Guillermo  
Architect

THIS IMAGE IS FOR ILLUSTRATIVE PURPOSES ONLY

DUPLEX PROPOSED

BEING THERE TOO, 3 RETAIL SHOPS PROPOSED

THE NEXT BEST THING TO BEING THERE, EXISTING RETAIL

RAIN BARREL

PORTAL

PROPERTY LINE

PROPERTY LINE

STORM RETENTION AREA

PROPERTY LINE

PARKING

LANDSCAPED SWALE

PARKING

PROPERTY LINE

PV SOLAR PANELS, TYPICAL

PORTAL

HC PARKING

HC PARKING

HC PARKING

RAIN BARREL

BIKE RACK

BIKE RACK

WASTE & RECYCLE BINS

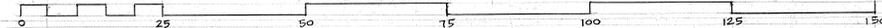
STORM RETENTION AREA

14<sup>TH</sup> STREET NW

1315 MOUNTAIN ROAD NW  
ZONED R-T

MOUNTAIN ROAD NW

1301 MOUNTAIN RD NW PROPOSED  
ZONE FROM TOWNHOUSE TO MIXED  
USE, LIGHT

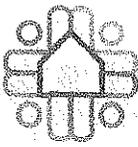


AXONOMETRIC PROJECTION OF SITE  
MIXED-USE LIGHT DEVELOPMENT PROPOSED  
BY SIDNEY MALLARD FOR  
1315 & 1301 MOUNTAIN ROAD NW  
ALBUQUERQUE, NM 87104

THE NEXT BEST THING TO BEING THERE AND BEING THERE TOO

PLANNING & ARCHITECTURAL  
DESIGN BY  
RICARDO GUILLERMO  
(505) 417-0140

NOTIFICATION &  
NEIGHBORHOOD INFORMATION



## INSTRUCTION SHEET

### Neighborhood Meeting Request to Applicable Associations

For those types of applications where TABLE 6-1-1 of the Integrated Development Ordinance requires a meeting with a neighborhood, the applicant shall offer at least 1 meeting to all Recognized and Non-recognized Neighborhood Associations whose boundaries include or are adjacent to the subject project site before filing the application. In such cases, project applications will not be accepted until a neighborhood meeting has been held, or the requirements for a reasonable attempt have been met (see the Integrated Development Ordinance (IDO) Subsection 14-16-6-4 (C)(3)).

Each required Neighborhood Meeting Notice shall include (per IDO Subsection 14-16-6-(K)(6)):

1. The address of the property listed in the application;
2. The name of the property owner;
3. The name of the applicant;
4. Applicant mailing address;
5. Applicant telephone number and/or email address;
6. A short summary of the approval being requested;
7. Website where additional information about the project can be obtained, if applicable.

### Neighborhood Meeting Notice Checklist

The following information must be included for each application packet submitted to the City of Albuquerque Planning Department.

- A copy of ONC's "Neighborhood Meeting Notice Email" outlining any applicable associations;
- Proof that the meeting occurred, including:
  - A sign-in sheet of attendance; meeting location, date, and time; summary of discussion, including concerns raised, areas of agreement and disagreement, and next steps identified, if any.
  - Identification of any design accommodations that may have been made as a result of the meeting.
- If the concerns raised at the meeting have not been accommodated, the applicant must identify the site or project constraints that limit the ability to address those concerns.
- See Subsection 14-16-6-4(C) of the IDO for more details regarding Neighborhood Meetings via the following weblink: <https://abc-zone.com/>.

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> Neighborhood Newsletter  
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> Neighborhood, Homeowner & Coalition Websites  
(<http://www.cabq.gov/office-of-neighborhood-coordination/neighborhood-homeowner-coalition-websites>)

> City Department Listing Information  
(<http://www.cabq.gov/department-listing>)

> Frequently Asked Questions (FAQ)  
(<http://www.cabq.gov/office-of-neighborhood-coordination/office-of-neighborhood-coordination-frequently-asked-questions-faq>)

> Staff & Contact Information  
(<http://www.cabq.gov/office-of-neighborhood-coordination/office-of-neighborhood-coordination-staff-contact-information>)

> City Council (/council)

# Thank You

Thanks for your input.

## Notification Inquiry For:

Environmental Planning Commission Submittal

If you selected "Other" in the question above, please describe what you are seeking a Notification Inquiry for below:

### Contact Name

Ricardo Guillermo

### Company Name

Ricardo Guillermo, Architect

### Address

1108 11th Street NW

### City

Albuquerque

### State

NM

### ZIP

87104

### Telephone Number

5054170140

### Email Address

ricardoguillermo7@gmail.com

### Anticipated Date of Public Hearing (if applicable):

September 13, 2018

### Describe the legal description of the subject site for this project:

A premisses consisting of Lot 17A Balling Addition 1 and Lot 20 Balling Addition 1

Located on/between (physical address, street name or other identifying mark):

1315 Mountain Road NW and 1301 Mountain Road NW, Albuquerque, NM 87104, located between 12th Street NW and 14th Street NW on the north side of Mountain Road.

This site is located on the following zone atlas page:

J-14-Z

Please attach a Zone Atlas Map that clearly indicates where the subject site is located.  
application/pdf: 1902997 bytes



Public Notice Inquiry\_1315 and 1301 Mountain Rd NW\_EPC

**Public Notice Inquiry\_1315 and 1301 Mountain Rd NW\_EPC**

Quevedo, Vicente M. <vquevedo@cabq.gov>  
 To: "ricardoguillermo7@gmail.com" <ricardoguillermo7@gmail.com>

Tue, Jul 10, 2018 at 8:36 AM

*updated*

Ricardo,

See list of affected associations below and attached related to your upcoming EPC submittal. Please also review the attached instruction sheet. Thank you.

Association Name	First Name	Last Name	Email	Address Line 1	City	State	Zip	Mobile Phone	Phone
Sawmill Area NA	Julie	Henss	juliahenss@hotmail.com	1724 Band Saw Place NW	Albuquerque	NM	87104	5057107024	
Sawmill Area NA	Rachael	Matier	rachaelmatier@hotmail.com	1024 22nd Street NW	Albuquerque	NM	87104	5052803637	
Downtown Neighborhoods Association	Holly	Stebert	holly.stebert@gmail.com	408 11th Street NW	Albuquerque	NM	87102		5053216883
Downtown Neighborhoods Association	David	McCain	dmccain47@comcast.net	1424 1/2 Lomas Boulevard NW	Albuquerque	NM	87104		5052508757
Sawmill Community Land Trust	Nancy	Deskin	ndeskin@sawmillcft.org	990 18th Street NW, 2nd Floor	Albuquerque	NM	87104		5057640359

Respectfully,

Vicente M. Quevedo, MCRP  
 Neighborhood Liaison  
 Office of Neighborhood Coordination  
 City of Albuquerque -- City Council  
 (505) 768-3332

Website: [www.cabq.gov/neighborhoods](http://www.cabq.gov/neighborhoods)



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From: webmaster=cabq.gov@mailgun.org [mailto:webmaster=cabq.gov@mailgun.org] On Behalf Of ISD WebMaster  
 Sent: Saturday, July 07, 2018 12:51 PM  
 To: Office of Neighborhood Coordination <onc@cabq.gov>  
 Subject: Notification Inquiry Sheet Submission

Notification Inquiry For:

Environmental Planning Commission Submittal

If you selected "Other" in the question above, please describe what you are seeking a Notification Inquiry for below:

Contact Name

Ricardo Guillermo

Company Name

Ricardo Guillermo, Architect

Address

1100 4th Street NW

1100 1101 0000 1100

**City**

Albuquerque

**State**

NM

**ZIP**

87104

**Telephone Number**

5054170140

**Email Address**

ricardogutierrez7@gmail.com

**Anticipated Date of Public Hearing (if applicable):**

September 13, 2018

**Describe the legal description of the subject site for this project:**

A premisses consisting of Lot 17A Balling Addition 1 and Lot 20 Balling Addition 1

**Located on/between (physical address, street name or other identifying mark):**

1315 Mountain Road NW and 1301 Mountain Road NW, Albuquerque, NM 87104, located between 12th Street NW and 14th Street NW on the north side of Mountain Road.

**This site is located on the following zone atlas page:**

J-14-Z

**This message has been analyzed by Deep Discovery Email Inspector.**

**3 attachments**

 **COA ZONE ATLAS PAGE J-13-Z copy.pdf**  
1659K

 **Public Notice Inquiry\_1315 and 1301 Mountain Rd NW\_EPC.xlsx**  
15K

 **Public Notice Inquiry instruction Sheet\_5\_22\_18.pdf**  
29K



1108 11<sup>th</sup> Street NW  
 Albuquerque, NM 87104  
 (505) 417-0140

July 21, 2018

Attention: Holly Siebert  
 Downtown Neighborhood Association  
 408 11<sup>th</sup> Street NW  
 Albuquerque, NM 87104

Attention: David McCain  
 Downtown Neighborhood Association  
 1424 ½ Lomas Boulevard NW  
 Albuquerque, NM 87104

**Re: Notice of Request for Zone Map Amendment Approval to Allow Use as Mixed-Use Light (MX-L) use at 1301 Mountain Road NW, Albuquerque NM, Described as Lot 20, Balling Addition 1.**

Dear Neighborhood Association Officers:

In follow up to my email of July 9, 2018, again we offer an opportunity to schedule a meeting to review our project and the proposed zone map amendment in our neighborhood. A reply from you is urgently needed to meet with members of your board or your zoning committee per Holly Seibert's email reply of July 9, 2018.

As required by the City of Albuquerque prior to filing a Zone Map Amendment application with the Planning Department requesting review through the Environmental Planning Commission (EPC), and approval by the City Council (CC) we hereby notify you of our proposal. Ricardo Guillermo, as agent for Sidney Mallard, property owner, requests a Zone Map Amendment to allow use as a mixed-use light development for three small retail shops at 1301 Mountain Road NW, Albuquerque, NM, legally described as Lot 20 of Balling Addition Number 1. A **bird's eye view conceptual drawing of the premises as proposed by the owner is attached.**

The action being requested is a Zone Map Amendment review by the EPC for approval by the City Council. Currently under the Integrated Development Ordinance (IDO) Lot 20 has been zoned as Townhouse (T). The designation of Townhouse on Lot 20 conflicts with the MRA by prohibiting any neighborhood-serving use such as the owner's proposed retail shops. The proposed zoning for the Lot 20 is for Mixed-Use, Light (MX-L).

The Premises is on the north side of Mountain Road NW between 12<sup>th</sup> Street NW and 14<sup>th</sup> Street NW. The premises is identified as the "old Escuela site... as becoming neighborhood serving," and as an "underutilized" property in the Sawmill/Wells Park Metropolitan Redevelopment Area Plan, Mountain Road Sub-Area (MRA). In the MRA the premises are earmarked to ensure "neighborhood

**Notice of Request for Zone Map Amendment Approval to Allow Use as Mixed-Use Light (MX-L) use at 1301 Mountain Road NW, Albuquerque NM, Described as Lot 20, Balling Addition 1.**

July 23, 2018 page 2

residential and neighborhood retail and promotes locally-owned neighborhood scale commercial.”

A copy of zone atlas page J-14-Z is included in the attachments for your information.

We again invite you to schedule an un-facilitated Neighborhood Meeting to discuss our project and our amendment request.

Affected Neighborhood Associations and Homeowner Associations may request a Facilitated Meeting regarding this project by contacting the Alternative Dispute Resolution (ADR) Program by email at [stripett@cabq.gov](mailto:stripett@cabq.gov), by phone at (505) 768-4712 or (505) 768-4660.

A facilitated meeting request must be received by ADR by: 30 days following the date of this letter, August 20, 2018.

**Public Hearing Information –** In anticipation of a filing date on or prior to August 2, 2018, an EPC public hearing will occur **September 13, 2018, 8:30 AM** at the Plaza Del Sol Hearing Room, Lower Level, 600 2<sup>nd</sup> Street NW, Albuquerque, NM 87102.

If you have any questions or need additional information regarding this matter, please do not hesitate to contact me.

Sincerely,



Ricardo Guillermo  
Architect

Enclosures

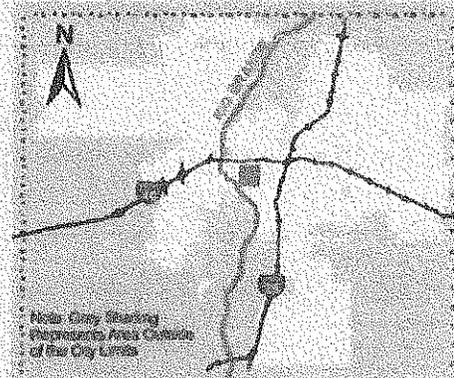


SITE  
1301 MTH  
RR. NW

For more current information and details visit: <http://www.calgov.ca>



Map amended through: 1/28/2016

Note: City Sharing  
Incorporates Areas Outside  
of the City Limits

Zoning Atlas Page  
**J-13-Z**

Selected Symbols

 SECTOR PLANS	 Encampment
 Design Overlay Zones	 2 Mile Airport Zone
 City Historic Zones	 Airport Noise Contours
 14-1 Buffer Zone	 Well Overlay Zone
 Petroglyph Mon.	



Sawmill Area Neighborhood Association  
Meeting 7-17-2018 6:30 PM

THE LOFTS

THE NEXT BEST THING TO BEING THERE - ~~///~~  
PLEASE SIGN IN & BEING THERE TOO

Sidney Mallard

~~Joseph~~

Jonathan San

Rachael Matre

& JUDY GALLAGOS

Jona

DAVID QAIN

Ricardo Guillen

Xope Cordova

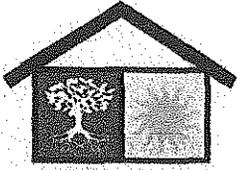
Minus Garcia

Rachael Wolfe

## Sawmill Area Neighborhood Association - Meeting Minutes

Date: 7/17/2018  
Time: 6:30 PM  
Location: The Lofts, Sawmill Land Trust Meeting Room  
Attendees: See attached sign in sheet  
Minutes taken by: Ricardo Guillermo

1. APD Report: Officer Garza gave a report of crime statistics for the period from June 16 to July 16 and answered questions about specific statistics. A member indicated continued crime activity at 22<sup>nd</sup> Street and Aspen. Continued calls to police on observed activity is the recommendation of APD. A member thanked Police & Fire for support of national night out.
2. Being There Too meeting with project owner Sidney Mallard and Architect Ricardo Guillermo: The presentation by Mr. Guillermo introducing the proposed zone map amendment from the current R-T zone to MX-L was illustrated by a bird's-eye view drawing of the proposed mixed-use development on the old Escuela site. The project's conformance with the ABC Comprehensive Plan, the Sawmill/Wells Park Community Metropolitan Redevelopment Plan and the Sawmill/Wells Park Sector Development Plan was indicated. Q & A follows:
  - a. Rachel W., a member who lives on Clare Court, shared concern of vehicles using Clare Court as a traffic circle and expressed that parking on 14<sup>th</sup> street should not be allowed for commercial purposes as it would increase traffic to Clare Court. Mr. Guillermo indicated that no request for commercial parking on the street is being made in the proposed project and there is adequate parking on site.
  - b. Irene F., a member indicated she visits the existing shop frequently and spoke favorable of the shop and the shop owner and expressed interest in doing all that is possible to see the project to fruition.
  - c. With no further questions, End of Minutes.



## Sawmill Community Land Trust

990 18<sup>th</sup> St. NW 2<sup>nd</sup> Floor ● Albuquerque, New Mexico 87104 ● Phone No: 505 764-0359  
● Fax: 505 243-6756 ● [www. SawmillCLT.org](http://www.SawmillCLT.org)

---

July 25<sup>th</sup>, 2018

Ricardo Guillermo  
1108 11<sup>th</sup> Street NW  
Albuquerque, NM 87104

Thank you for reaching out to Sawmill Community Land Trust (SCLT) and speaking to Connie Chavez regarding the "Next Best Thing to Being There" project located on Mountain Road. Connie has talked with the Arbolera de Vida Association and surrounding SCLT members regarding the project and do not require a meeting as members of the community attended the presentation at the July 17<sup>th</sup>, Sawmill Area Neighborhood Association meeting.

Again, thank you for reaching out to provide information to our organization regarding this project; please keep us informed as the project progresses. If you need additional information, please contact Connie Chavez at (505) 321-2844 or via email at [cchavez@barrettfoundation.org](mailto:cchavez@barrettfoundation.org).

Sincerely,

A handwritten signature in black ink, appearing to read "Joselyn Pflieger". The signature is fluid and cursive, with the first name being the most prominent.

Joselyn Pflieger  
Board President  
Sawmill Community Land Trust

8-1-2018 DOWNTOWN NEIGHBORHOOD  
ASSOCIATION MEETING

SIGN-IN @ LOW WALLACES.  
6th ST. & Fruit - LIBRARY, 2nd FLOOR.

NAME (PLEASE PRINT)

Ricardo Guillen

RICARDO GUILLERMO

Sidney Mallard

Sidney Mallard

Holly Siebert ↔

Holly Siebert

David McCain

David McCain

Peter Silva (APD)

Daniel Cushman

JAMES B CLARK

Asra Elliott

RAY SALAS

Sis Mancini

## Downtown Neighborhood Association – Board Meeting Minutes

Date: 8/1/2018

Time: 6:45 PM

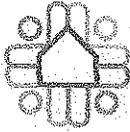
Location: Lew Wallace Elementary School, Library 2<sup>nd</sup> Floor  
Fruit & 7<sup>th</sup> St. NW

Attendees: See attached sign in sheet

Minutes taken by: Ricardo Guillermo (including Secretary McCain's notes)

^ PUBLIC

1. APD Report: Sgt. Pete Silva updated DNA regarding new problem oriented plan. There will be more bike patrols. Main problem is auto burglaries in tourist areas. 80% occur because something of value is left in view. Zack Wesley is the new Valley Commander.
2. Ricardo Guillermo, Architect of project "Being There Too" and Sidney Mallard provided an introduction to the project. The presentation by Mr. Guillermo introducing the proposed zone map amendment from the current Residential, Townhouse (R-T) zone to Mixed Use, Light (MX-L) was illustrated by a bird's-eye view drawing of the proposed mixed-use development on the former Escuela site. 3 retail shops in one building will accommodate "neighborhood serving activities" called for in the Sawmill/Wells Park Community Metropolitan Redevelopment Plan and the Sawmill/Wells Park Sector Development Plan and in conformance with the ABC Comprehensive Plan. No variance request is anticipated. The duplex residential will be in the middle of the site. Sawmill Area Neighborhood Association has already OK'd the proposed zone change. During Q & A, one member expressed that the parking did not appear adequate. Mr. Guillermo indicated that the spaces shown on the drawing were adequate to in accordance with city design standards and that the site is in a multi-modal site with a bus station within 600 feet of the site, meant to encourage pedestrians to visit reducing car trips and located at the convergence of the Mountain Road and 14<sup>th</sup> Street Bike Boulevards. Also, the parking spaces on the drawing were oversized and each of the lots on the premises will accommodate an additional parking space. No other concerns were raised.
3. With no further questions, End of Minutes.



INQUIRY INSTRUCTIONS  
A

## Public Notice to Applicable Associations

Prior to filing an application with the Planning Department, all applicants requesting approvals through the Environmental Planning Commission (EPC), Development Review Board (DRB), Landmarks Commission (LC), City Staff approval of a Wireless Telecommunication Facility (WTF), Site Plan, Sign Permit, or Wall/Fence Permit are required to notify any applicable neighborhood and/or homeowner associations via email, first class mail, or certified mail as specified in Table 6-1-1 of the Integrated Development Ordinance (IDO) (<https://www.abc-zone.com/>).

Each required Public Notice shall include the following per IDO Subsection 14-16-6-(K)(6):

1. The address of the property listed in the application;
2. The name of the property owner and/or applicant;
3. Applicant mailing address;
4. Applicant telephone number and/or email address;
5. A short summary of the approval being requested;
6. Whether a public hearing will be required. If so, the date, time, and place of the public hearing;
7. Website where additional information about the project can be obtained, if applicable.
8. Facilitated Meetings – All notification letters must include the following text:

*Applicable Neighborhood Associations and Homeowner Associations may request a Facilitated Meeting regarding this project by contacting the Planning Department by email at [devhelp@cabq.gov](mailto:devhelp@cabq.gov) or by phone at (505) 924-3955.*

}\*

## Public Notice Checklist

For all decisions requiring Mailed or Electronic Mail notice per Table 6-1-1 in the IDO the following information must be included for each application submitted to the Planning Department.

1. ONC's "Public Notice Inquiry Email" outlining any applicable Neighborhood and/or Homeowner Associations.
2. Copies of Letters and/or Emails sent to any applicable Neighborhood and/or Homeowner Associations.
3. Copies of certified receipts, if required, mailed to any applicable Neighborhood and/or Homeowner Associations.

Any questions, please feel free to contact our office at (505) 768-3334 or [ONC@cabq.gov](mailto:ONC@cabq.gov).

Thank you for your cooperation on this matter.



Ricardo Guillermo &lt;ricardoguillermo7@gmail.com&gt;

## Public Notice regarding Zone Map Amendment for 1301 Mountain Road NW

1 message

Ricardo Guillermo &lt;ricardoguillermo7@gmail.com&gt;

Wed, Aug 1, 2018 at 2:35 PM

To: JulieHenss@hotmail.com, RachaelMatier@hotmail.com, Holly Siebert &lt;holly.siebert@gmail.com&gt;, DAVID MCCAIN &lt;dmccain47@comcast.net&gt;, Nancy Deskin &lt;ndeskin@sawmillctt.org&gt;

Cc: Ricardo Guillermo &lt;ricardoguillermo7@gmail.com&gt;, Sidney Mallard &lt;sidneymallard@gmail.com&gt;, "Quevedo, Vicente M." &lt;vquevedo@cabq.gov&gt;, mvos@cabq.gov

1108 11<sup>th</sup> Street NW  
 Albuquerque, NM 87104  
 (505) 417-0140

August 1, 2018

Neighbors of  
 1301 Mountain Road NW  
 Albuquerque, NM 87104

### Public Notice to Applicable Associations

**Request for Zone Map Amendment to Allow Use as Mixed-Use Light (MX-L) use at 1301 Mountain Road NW, Albuquerque NM, described as Lot 20, Balling Addition No. 1.**

Dear Neighbor, Officers of Sawmill Area Neighborhood Association, Downtown Neighborhood Association & Sawmill Community Land Trust:

As required by the City of Albuquerque prior to filing an application with the Planning Department requesting approval through the Environmental Planning Commission (EPC), we hereby notify you that Sidney Mallard, property owner, requests a Zone Map Amendment for 1301 Mountain Road NW to allow use as a mixed-use light development. The owner intends to build three retail shops at 1301 Mountain Road NW, Albuquerque, NM. The property is legally described as Lot 20 of Balling Addition Number 1.

Each required Pubic Notice shall include the following per IDO Subsection 14-16-6-(k)(6):

1. The address of the property listed in the application;  
1301 Mountain Road NW, Albuquerque, NM 87104
2. The name of the property owner and/or applicant;  
Sidney Mallard, Owner and Applicant

3. Applicant Mailing Address;  
2169 Ryan Place NW, Albuquerque, NM 87107
4. Applicant telephone number and/or email address;  
sidneymallard@gmail.com
5. A short summary of the approval being requested;

Currently under the Integrated Development Ordinance (IDO) Lot 20 has been zoned as Residential, Townhouse (R-T). The action being requested is a Zone Map Amendment approval from the EPC. The proposed zoning for Lot 20, is for Mixed-Use, Light (MX-L).

6. Whether a public hearing will be required. If so, the date, time, and place of the public hearing;

A public hearing is required and will take place on September 13, 2018, 8:30 AM at Plaza Del Sol Hearing Room, Lower Level, 600 2nd Street NW.

7. Website where additional information about the project can be obtained, if applicable.  
There is no website associated with this project.

8. Facilitated Meeting – All notification letters must include the following text:

***“Applicable Neighborhood Associations and Homeowner Associations may request a Facilitated Meeting regarding this project by contacting the Planning Department by email devhelp@cabq.gov or by phone at (505) 924-3955.”***

A copy of zone atlas page J-14-Z is attached for your information.

If you have any questions or need additional information regarding this matter, please do not hesitate to contact me.

Sincerely,

Ricardo Guillermo  
Architect/Agent

Enclosures

Email cc: SANA, DNA, SCLT per ONC's "Public Notice Inquiry Email"

2 attachments

 BT2 - PUBLIC NOTICE LETTER.pdf  
74K

1108 11<sup>th</sup> Street NW  
Albuquerque, NM 87104  
(505) 417-0140

August 1, 2018

Neighbors of  
1301 Mountain Road NW  
Albuquerque, NM 87104

### Public Notice to Applicable Associations

**Request for Zone Map Amendment to Allow Use as Mixed-Use Light (MX-L) use at 1301 Mountain Road NW, Albuquerque NM, described as Lot 20, Balling Addition No. 1.**

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As required by the City of Albuquerque prior to filing an application with the Planning Department requesting approval through the Environmental Planning Commission (EPC), we hereby notify you that Sidney Mallard, property owner, requests a Zone Map Amendment for 1301 Mountain Road NW to allow use as a mixed-use light development. The owner intends to build three retail shops at 1301 Mountain Road NW, Albuquerque, NM. The property is legally described as Lot 20 of Balling Addition Number 1.

Each required Pubic Notice shall include the following per IDO Subsection 14-16-6-(k)(6):

1. The address of the property listed in the application;  
1301 Mountain Road NW, Albuquerque, NM 87104
2. The name of the property owner and/or applicant;  
Sidney Mallard, Owner and Applicant
3. Applicant Mailing Address;  
2169 Ryan Place NW, Albuquerque, NM 87107
4. Applicant telephone number and/or email address;  
[sidneymallard@gmail.com](mailto:sidneymallard@gmail.com)
5. A short summary of the approval being requested;  
Currently under the Integrated Development Ordinance (IDO) Lot 20 has been zoned as Residential, Townhouse (R-T). The action

being requested is a Zone Map Amendment approval from the EPC. The proposed zoning for Lot 20, is for Mixed-Use, Light (MX-L).

6. Whether a public hearing will be required. If so, the date, time, and place of the public hearing;  
A public hearing is required and will take place on September 13, 2018, 8:30 AM at Plaza Del Sol Hearing Room, Lower Level, 600 2<sup>nd</sup> Street NW.
7. Website where additional information about the project can be obtained, if applicable.  
There is no website associated with this project.
8. Facilitated Meeting – All notification letters must include the following text:

***“Applicable Neighborhood Associations and Homeowner Associations may request a Facilitated Meeting regarding this project by contacting the Planning Department by email [devhelp@cabq.gov](mailto:devhelp@cabq.gov) or by phone at (505) 924-3955.”***

A copy of zone atlas page J-14-Z is attached for your information.

If you have any questions or need additional information regarding this matter, please do not hesitate to contact me.

Sincerely,



Ricardo Guillermo  
Architect/Agent

Enclosures

Email cc: SANA, DNA, SCLT per ONC's "Public Notice Inquiry Email"



# 1301 Mountain Rd. NW



## Legend

- Zone Grid
- Bernalillo County Parcels
- Municipal Limits**
  - Corrales
  - Edgewood
  - Los Ranchos
  - Rio Rancho
  - Tijeras
  - UNINCORPORATED
- World Street Map

## Notes

Buffer: 155ft.  
ROW: 55ft.

300 0 150 300 Feet

WGS\_1984\_Web\_Mercator\_Auxiliary\_Sphere  
7/24/2018 © City of Albuquerque

1:1,603

The City of Albuquerque ("City") provides the data on this website as a service to the public. The City makes no warranty, representation, or guaranty as to the content, accuracy, timeliness, or completeness of any of the data provided at this website. Please visit <http://www.cabq.gov/abq-data/abq-data-disclaimer-1> for more information.

**THIS MAP IS NOT TO BE USED FOR NAVIGATION**

SOCKDOLAGER LLC  
515 16TH ST NW  
ALBUQUERQUE NM 87104-1301

← SAME

GARCIA THOMAS MICHAEL  
1304 CLARE CT NW  
ALBUQUERQUE NM 87104

PADILLA STELLA  
1212 CLAIRE CT NW  
ALBUQUERQUE NM 87104

CITY OF ALBUQUERQUE  
PO BOX 1293  
ALBUQUERQUE NM 87103-2248

WILDER SCHARLES TAFT C/O  
WOLFSON RICHARD  
2300 C HOOPER RD SW  
ALBUQUERQUE NM 87105-2808

THOMSON HAMISH B  
1208 CLAIRE CT NW  
ALBUQUERQUE NM 87104-2135

SPALDING MILDRED VAN DAMME  
PO BOX 113  
SPRINGER NM 87747

CHARITY UNLIMITED  
901 BROTHER MATHIAS PL NW  
ALBUQUERQUE NM 87102

~~SOCKDOLAGER LLC  
515 16TH ST NW  
ALBUQUERQUE NM 87107-1301~~

LEMON MARY E TRUSTEE LEMON  
RVT  
1314 CLAIRE CT NW  
ALBUQUERQUE NM 87104-2137

MALLARD SIDNEY  
2169 RYAN PL NW  
ALBUQUERQUE NM 87107

CISCO KEITH  
1306 CLAIRE CT NW  
ALBUQUERQUE NM 87104-2137

← SAME

MALLARD SIDNEY  
2169 RYAN PL NW  
ALBUQUERQUE NM 87107

PIJ PROPERTIES LLC  
9400 HOLLY AVE NE BLDG 4  
ALBUQUERQUE NM 87122-2968

MANZANARES JOHN A JR  
1221 MOUNTAIN RD NW  
ALBUQUERQUE NM 87102-1867

LEMON DAVID G & NAMKUNG GINA  
K  
1223 MOUNTAIN RD NW  
ALBUQUERQUE NM 87102-1867

HAND DELIVERY  
RECEIPT ATTACHED  
FROM APPLICANT/OWNER  
OF SUBJECT &  
ADJUTING PROPERTIES

7017 2680 0000 1555 2696

**U.S. Postal Service™**  
**CERTIFIED MAIL® RECEIPT**  
*Domestic Mail Only*

For delivery information, visit our website at [www.usps.com](http://www.usps.com)

**ALBUQUERQUE, NM 87104**

**OFFICIAL USE**

Certified Mail Fee	\$3.45	0104 01
Extra Services & Fees (check box, add fee as appropriate)	\$0.00	
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00	Postmark Here
<input type="checkbox"/> Return Receipt (electronic)	\$0.00	
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00	
<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.50	08/02/2018
Total Postage and Fees	\$3.95	

Sent To  
**SOCKDOLAGER LLC**  
 Street and Apt. No., or PO Box No.  
**515 16th ST NW**  
 City, State, ZIP+4®  
**ALBUQUERQUE, NM 87104-1301**

PS Form 3800, April 2015 PSN 7530-02-000-9017 See Reverse for Instructions

7017 2680 0000 1555 2702

**U.S. Postal Service™**  
**CERTIFIED MAIL® RECEIPT**  
*Domestic Mail Only*

For delivery information, visit our website at [www.usps.com](http://www.usps.com)

**ALBUQUERQUE, NM 87103**

**OFFICIAL USE**

Certified Mail Fee	\$3.45	0104 01
Extra Services & Fees (check box, add fee as appropriate)	\$0.00	
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00	Postmark Here
<input type="checkbox"/> Return Receipt (electronic)	\$0.00	
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00	
<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.50	08/02/2018
Total Postage and Fees	\$3.95	

Sent To  
**CITY OF ALBUQUERQUE**  
 Street and Apt. No., or PO Box No.  
**PO BOX 1293**  
 City, State, ZIP+4®  
**ALBUQUERQUE, NM 87103-2248**

PS Form 3800, April 2015 PSN 7530-02-000-9017 See Reverse for Instructions

7017 2680 0000 1555 2717

**U.S. Postal Service™**  
**CERTIFIED MAIL® RECEIPT**  
*Domestic Mail Only*

For delivery information, visit our website at [www.usps.com](http://www.usps.com)

**SPRINGER, NM 87747**

**OFFICIAL USE**

Certified Mail Fee	\$3.45	0104 01
Extra Services & Fees (check box, add fee as appropriate)	\$0.00	
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00	Postmark Here
<input type="checkbox"/> Return Receipt (electronic)	\$0.00	
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00	
<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.50	08/02/2018
Total Postage and Fees	\$3.95	

Sent To  
**SPALDING MILDRED VAN DAMME**  
 Street and Apt. No., or PO Box No.  
**PO BOX 113**  
 City, State, ZIP+4®  
**SPRINGER, NM 87747**

PS Form 3800, April 2015 PSN 7530-02-000-9017 See Reverse for Instructions

7017 2680 0000 1555 2726

**U.S. Postal Service™**  
**CERTIFIED MAIL® RECEIPT**  
*Domestic Mail Only*

For delivery information, visit our website at [www.usps.com](http://www.usps.com)

**ALBUQUERQUE, NM 87104**

**OFFICIAL USE**

Certified Mail Fee	\$3.45	0104 01
Extra Services & Fees (check box, add fee as appropriate)	\$0.00	
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00	Postmark Here
<input type="checkbox"/> Return Receipt (electronic)	\$0.00	
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00	
<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.50	08/02/2018
Total Postage and Fees	\$3.95	

Sent To  
**LEMON MARY E TRUSTEE LEMON RVT**  
 Street and Apt. No., or PO Box No.  
**1314 CLAIRE CT NW**  
 City, State, ZIP+4®  
**ALBUQUERQUE, NM 87104-2137**

PS Form 3800, April 2015 PSN 7530-02-000-9017 See Reverse for Instructions

7017 2680 0000 1555 2733

**U.S. Postal Service™**  
**CERTIFIED MAIL® RECEIPT**  
*Domestic Mail Only*

For delivery information, visit our website at [www.usps.com](http://www.usps.com)

**ALBUQUERQUE, NM 87102**

**OFFICIAL USE**

Certified Mail Fee	\$3.45	0104 01
Extra Services & Fees (check box, add fee as appropriate)	\$0.00	
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00	Postmark Here
<input type="checkbox"/> Return Receipt (electronic)	\$0.00	
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00	
<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.50	08/02/2018
Total Postage and Fees	\$3.95	

Sent To  
**LEMON DAVID G & NAIKUNG, GIAP K**  
 Street and Apt. No., or PO Box No.  
**1223 MOUNTAIN RD NW**  
 City, State, ZIP+4®  
**ALBUQUERQUE, NM 87102-1867**

PS Form 3800, April 2015 PSN 7530-02-000-9017 See Reverse for Instructions

7017 2680 0000 1555 2740

**U.S. Postal Service™**  
**CERTIFIED MAIL® RECEIPT**  
*Domestic Mail Only*

For delivery information, visit our website at [www.usps.com](http://www.usps.com)

**ALBUQUERQUE, NM 87104**

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 Adult Signature Restricted Delivery \$0.00

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Total Postage and Fees \$3.95

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901 BROTHER MATTHIAS PL NW  
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 Adult Signature Required \$0.00  
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Total Postage and Fees \$3.95

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PIJ PROPERTIES LLC  
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ALBUQUERQUE NM 87122-2968

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<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00

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Postage	\$0.50
Total Postage and Fees	\$3.95

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 MANZANARES, JOHN A JR  
 Street and Apt. No., or PO Box No.  
 1221 MOUNTAIN RD NW  
 City, State, ZIP+4®  
 ALBUQUERQUE, NM 87102-1867

Sidney Mallard  
2169 Ryan Place NW  
Albuquerque, NM 87107

August 1, 2018

RECIPT OF - Public Notice to Applicable Associations

To Whom It May Concern:

As Applicant and Owner of the subject property at 1301 Mountain Road NW and the abutting 1315 Mountain Road NW, in lieu of certified mail to myself, I have received hand delivery of the "Public Notice to Applicable Associations" dated August 1, 2018 regarding my application:

"Request for Zone Map Amendment to Allow Use as Mixed-Use Light (MX-L) use at 1301 Mountain Road NW, Albuquerque NM, described as Lot 20, Balling Addition No. 1."

Regards,



Sidney Mallard  
(505)



1114 Seventh St. NW Albuquerque, NM 87102  
505.242.3033 office@eDelSol.org www.escueladelsol.org

August 20, 2018

To Whom It May Concern:

I am writing to clarify what may be a mis-perception or erroneous information given to the City Planning Department regarding property on Mountain Rd. NW. As I wrote in a letter requested by the current owner and previously sent to the City:

Escuela del Sol Montessori, Inc., a 501c3 preschool and elementary school, occupied all the properties as one premise at 1301, 1305 and 1315 Mountain Road NW, Albuquerque, NM from the summer of 1981 to June 2000. The address used by the school as a mailing address was 1315 Mountain Rd. NW and included Lots 17, 18, 19 and 20 of Balling Addition No. 1

Let me clarify the use, as there appears to be some erroneous information at City Planning. Escuela del Sol occupied the property for 16 years. The school operated two classrooms for 50 students, preschool through kindergarten. In addition to the two classrooms, there was a faculty / staff residence. Of the 3 buildings that were there (the school occupied all 3: 2 for classrooms, 1 for residence), one remains. The school was (and continues to be) a fee-based program, charging tuition for its programs. Copies of the school's leases with the then owners, The Brothers of the Good Shepherd, have been provided to the City.

I would also like to add my whole-hearted support for the project proposed by property owner Ms. Sydney Mallard, with Mr. Ricardo Guillermo architect . Having lived and run a business in this neighborhood since 1981 (I am now Executive Director and Head of School at Escuela del Sol and its community outreach program, The Harwood Art Center), I see the development of the Mountain Road Corridor, from Rio Grande Blvd. to Wells Park Community Center (and, hopefully continuing East to Broadway) as a wonderful opportunity for our City. Working in collaboration with private citizens like Ms. Mallard, and non-profits like Explora and Escuela del Sol, this corridor can be a jewel in terms of livability and economic development. Anchored by Old Town and the museums at one end, the further development of Explora in the "middle", together with our school and art center and the mix of locally-owned businesses and residents along the route... the possibilities are wonderful. I sincerely hope the City can support and enable this project, not getting mired in the mud of bureaucracy to stop the wheels of progress from moving forward. The current administration of our great city gives me hope!

Should you need further information or clarification to help move this project further, please do not hesitate to contact me.

Sincerely,

Friedje vanGils  
Executive Director, Head of School

