

CITY OF ALBUQUERQUE



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

OFFICIAL NOTIFICATION OF DECISION

December 13, 2018

Elmer Medina
847 Griegos Rd. NW
Albuquerque, NM 87107

**Project #2018-001497 (1011473)
RZ-2018-00027 – Zone Map Amendment (Zone Change)**

LEGAL DESCRIPTION:

The above action for MRGCD Map 31, Tract 63A2A1B, except portion to right-of-way of Griegos Rd. NW, zoned MX-L, to MX-T, located on 1711 Griegos Rd. NW, between 12th St. NW and Rio Grande Blvd. NW, containing approximately 0.25 acres. (F-13) Staff Planner: Catalina Lehner (**DEFERRED FROM OCTOBER 11, 2018**)

On December 13, 2018 the Environmental Planning Commission (EPC) voted to APPROVE Project 2018-001497/RZ-2018-00027, a Zone Map Amendment (Zone Change), based on the following Findings:

Albuquerque
NM 87103
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FINDINGS:

1. The request is for a zone map amendment (zone change) for an approximately 0.25 acre site located on the north side of Griegos Rd. NW, between 12th St. NW and Rio Grande Blvd. NW (1711 Griegos Rd. NW). The applicant purchased the existing single-family home and is in the process of renovating it.
2. The subject site is zoned MX-L (Mixed Use, Low Intensity Zone). The MX-L zone does not allow single-family homes. The applicant is requesting a zone change to MX-T (Mixed Use-Transition zone) in order to use the existing home as a single-family residence and to accommodate the existing building's side setback of 0 feet. Unlike the zones in the household living category, the MX-T zone allows zero setbacks.
3. The request qualifies for a City-sponsored zone change because it meets the criteria for a voluntary downzone: it's a residential use in an Area of Consistency and the property owner wants a lesser zone. However, the applicant does not want to wait for the City to take the zone changes through the process.
4. The subject site is in an area that the Comprehensive Plan has designated an Area of Consistency. It is not in a designated Activity Center or along a designated Corridor. No overlay zones apply.

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5. The Albuquerque/Bernalillo County Comprehensive Plan and the Integrated Development Ordinance (IDO) are incorporated herein by reference and made part of the record for all purposes.
6. The request furthers the following, applicable Goal and policies in Comprehensive Plan Chapter 4: Community Identity:

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

The area of the subject site, Griegos Rd., is one of Albuquerque's older, distinct communities in the North Valley. The request would contribute to enhancing, protecting, and preserving this community by allowing a residential use to continue and by rehabilitating the existing home and the site. The request furthers Goal 4.1- Character.

B. Policy 4.1.3- Placemaking: Protect and enhance special places in the built environment that contribute to distinct identity and sense of place.

Older North Valley homes, such as the existing home on the subject site, are part of a special building environment along Griegos Rd. Rehabilitating the home and the site as a residential use would contribute to the area's identity and sense of place. The request furthers Policy 4.1.3- Placemaking.

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

Similarly, rehabilitating the home and the site as a residential use would contribute to the neighborhood's long-term health and vitality. The request generally furthers Policy 4.1.4- Neighborhoods.

7. The request furthers the following, applicable Goal and policy in Comprehensive Plan Chapter 5: Land Use, regarding Complete Communities:

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

The request is for a zone change to allow MX-T uses, which are residential and office uses. Though the subject site is small (0.25 acre), in general, residential and small-scale office uses would help foster communities where residents can live, work, and learn because these uses are considered compatible with existing neighborhoods and would add variety to the community in a way that is consistent with the subject site's surroundings.

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

Similarly, the request to allow MX-T uses would contribute to creating a distinct community with a mix of uses that would be consistent with the existing, established neighborhood and conveniently accessible to it. MX-T uses (residential and office uses) are generally considered compatible with neighborhoods, so re-use of the subject site would contribute to creating a healthy and sustainable community.

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8. The request furthers the following, applicable Goal and policy in Comprehensive Plan Chapter 5: Land Use, regarding Development Patterns:

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

The request would facilitate re-development of a site that is already served by existing infrastructure and public facilities, which generally would promote the efficient use of land to support the public good.

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

Infrastructure and public facilities exist in this established area. Though redevelopment of the existing home isn't growth, the request would allow residential and office uses permissive in the MX-T zone, which would generally support additional growth.

9. The request furthers the following, applicable Goal and policy in Comprehensive Plan Chapter 5: Land Use, regarding City Development Areas:

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

The subject site and the surrounding area is designated an Area of Consistency and is characterized by residential uses. The request would allow MX-T uses on the subject site, which are residential and office uses that are generally considered compatible with existing residential uses, and therefore would reinforce the character and intensity of the surrounding area.

- B. 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.**

The subject site is located in an Area of Consistency in an older, established neighborhood characterized by mostly single-family homes and some duplexes. The request for MX-T zoning on the approximately 0.25 acre subject site would allow residential and office uses that are generally considered compatible with existing residential uses. Therefore, the request would contribute to protecting and enhancing the character of the surrounding, existing single-family neighborhood in this area outside of a designated Activity Center and not along a designated Corridor.

10. The request furthers the following, applicable Goal in Comprehensive Plan Chapter 13- Resilience and Sustainability:

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Goal 13.5 Community Health: Protect and maintain safe and healthy environments where people can thrive.

The request would generally facilitate protecting and maintaining a healthy environment because it would enable the applicant to use the subject site for MX-T uses (including a renovated single-family home). These uses would necessitate the clean-up (or replacement) of the substandard building on the site, which has become unsafe and contributed to an unhealthy environment in the area.

11. The applicant has adequately justified the request pursuant to the Integrated Development Ordinance (IDO) Section 6-7(F)(3)-Review and Decision Criteria for Zone Map Amendments, as follows:
 - A. **Criterion A:** Consistency with the City's health, safety, morals and general welfare is shown by demonstrating that a request furthers applicable Comprehensive Plan Goals and policies (and other plans if applicable) and does not significantly conflict with them. The applicant has adequately demonstrated, in a policy-based response, that the request would be consistent with the City's health, safety, morals and general welfare.
 - B. **Criterion B:** The zone change to MX-T would be more advantageous to the community than the current zoning (MX-L) because the request furthers a preponderance of applicable Goals and policies in the Comprehensive Plan and does not significantly conflict with it, as shown in the applicant's policy analysis in the response to Criterion A. The request furthers several policies with respect to community identity and land use.
 - C. **Criterion C:** This criterion does not apply because the subject site is not located in an Area of Change, either wholly or in part.
 - D. **Criterion D:** The requested MX-T (Mixed-Use Transition Zone) includes fewer permissive uses than the MX-L zone, which allows a variety of neighborhood commercial uses. Permissive uses in the MX-T zone also includes office uses and multi-family dwellings. Though the subject site's small size (0.25) acre could constrain development of such uses, they are permissive in the MX-T zone. The purpose of the MX-T zone is to serve as a transition between a more intense zone (ex. MX-L) and residential zones (ex. R-1 zones). That purpose would be achieved with the proposed zone change.
 - E. **Criterion E:** The applicant refers to sub-criterion 1, that the subject has adequate infrastructure capacity to serve development that the request could make possible. A zone change to MX-T would allow all the permissive uses in the MX-T zone, which includes non-single-family home residential uses and office uses. This established urban area has sufficient infrastructure to support such uses on the approximately 0.25 acre subject site.
 - F. **Criterion F:** The subject site's location on Griegos Rd. NW, a Major Collector, is not being used as justification for the zone change request. Rather, the justification is based on the request furthering a preponderance of applicable Comprehensive Plan policies as demonstrated in the response to Criterion A.

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- G. Criterion G: Economic considerations are a factor, but the applicant's justification is not completely or predominantly on the cost of land or economic considerations. Rather, the applicant has demonstrated that the request furthers a preponderance of applicable Comprehensive Plan policies.**
- H. Criterion H: The request would result in a spot zone because it would apply a zone district different from the surrounding zone districts to one small premise. However, the applicant has demonstrated, in a policy-based analysis, that the request would clearly facilitate implementation of the Comprehensive Plan and that subcriterion 1 applies. The subject site could function as a transition between adjacent property zoned MX-L and surrounding property zoned R-A.**
- 12. The applicant has adequately justified the proposed zone change from MX-L to MX-T. The applicant's policy-based analysis shows that the request furthers a preponderance of applicable Goals and policies in the Comprehensive Plan and does not conflict with them. Though a spot zone would be created, it would be a justifiable spot zone because the request would clearly facilitate implementation of the Comprehensive Plan.**
- 13. The Rio Grande Boulevard Neighborhood Association (NA), the South Guadalupe Trail NA, and the North Valley Coalition was required to be notified, which the applicant did. Property owners within 100 feet of the subject site were also notified, as required.**
- 14. The applicant met with a representative of the Rio Grande Boulevard NA. A facilitated meeting was neither requested nor held. As of this writing, Staff has not received any comments. There is no known opposition.**

APPEAL: If you wish to appeal this decision, you must do so within 15 days of the EPC's decision or by **DECEMBER 28, 2018. The date of the EPC's decision is not included in the 15-day period for filing an appeal, and if the 15th day falls on a Saturday, Sunday or Holiday, the next working day is considered as the deadline for filing the appeal.**

For more information regarding the appeal process, please refer to Section 14-16-4-4 of the Zoning Code. A Non-Refundable filing fee will be calculated at the Land Development Coordination Counter and is required at the time the appeal is filed. It is not possible to appeal EPC Recommendations to City Council; rather, a formal protest of the EPC's Recommendation can be filed within the 15 day period following the EPC's recommendation.

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

ZONE MAP AMENDMENTS: Pursuant to Zoning Code Section 14-16-4-1(C)(16), a change to the zone map does not become official until the Certification of Zoning (CZ) is sent to the applicant and any other person who requests it. Such certification shall be signed by the Planning Director after appeal possibilities have been concluded and after all requirements prerequisite to this certification are met. If

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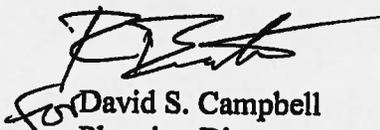
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such requirements are not met within six months after the date of final City approval, the approval is void. The Planning Director may extend this time limit up to an additional six months.

Sincerely,


for David S. Campbell
Planning Director

DSC/CL

cc: Manny Barrera, Ravens Wing Consulting, mannybarrera@ravenswingconsulting.com
Rio Grande Blvd. NA, Jim Kenney, 2416 Arbor Rd NW, ABQ, NM 87107
Rio Grande Blvd. NA, Eleanor Walther, 2212 Camino De Los Artesanos NW, ABQ, NM 87107
South Guadalupe Trail NA, Andy Apple, 5116 Guadalupe Tr. NW, ABQ, NM 87107
South Guadalupe Trail NA, Margaret Freeman, 1505 Plaza Encantada NW, ABQ, NM 87107
North Valley Coalition, Doyle Kimbrough, 2327 Campbell Rd NW, ABQ, NM 87104
North Valley Coalition, Peggy Norton, P.O. BOX 70232, ABQ, NM 87197
John Dubois, jdubois@cabq.gov