



**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

June 13, 2019

EDO Properties, LLC  
201 Arno St. NE #404  
ABQ, NM 87102

**Project #2019-002354 (1003827)**  
RZ-2019-00025 – Zone Map Amendment (Zone Change)

### LEGAL DESCRIPTION:

The above action for all or a portion of Lots 10 and 11, Block 12, Hunings Highland Addition, zoned R-1B, to MX-L, located at 210 & 214 Arno St. NE, between Copper Ave. NE and Tijeras Ave. NE, containing approximately 0.302 acre. (K-14) Staff Planner: Linda Rumpf

PO Box 1293 June 13, 2019 the Environmental Planning Commission (EPC) voted to APPROVE Project 2019-002354/RZ-2019-00025, a Zone Map Amendment (Zone Change), based on the following Findings.

### FINDINGS

Albuquerque

1. The request is for a zone map amendment for an approximately 0.302 acre site on 210 & 214 Arno St. NE, between Copper Ave. NE and Tijeras Ave. NE.

NM 87103

2. The subject site is zoned R-1B (Single-Family Medium Lot). The Applicant is requesting a change from the existing R-1B to MX-L (Mixed-Use Low Intensity) zoning to allow for non-residential uses such as a bakery, deli, or coffee shop on the subject site.

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3. The subject site is in an area that the Comprehensive Plan has designated an Area of Change. Central Avenue is two blocks south of the subject site and is designated as a Major Transit Corridor and Premium Transit Corridor, as well as a Main Street Corridor. Broadway Boulevard, one block west of the subject site, is also designated as a Main Street Corridor in the Comprehensive Plan. The site is within the Huning Highland Historic Protection Overlay Zone HPO-4, and the building is considered a significant structure within that historic district.

4. 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.

5. The request furthers the following applicable Goal and policies in Comprehensive Plan Chapter 4: Community Identity:

a. POLICY 4.1.2 Identity and Design: Protect the identity and cohesiveness of neighborhoods by

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ensuring the appropriate scale and location of development, mix of uses, and character of building design.

The request furthers Policy 4.1.2 because it will allow for the appropriate type and scale of uses to utilize this historic structure. Commercial uses will also take advantage of the unique character of the building design, which includes a space with high ceilings, large windows, and an entrance immediately onto the sidewalk at the street corner.

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

The request furthers Policy 4.1.3 because a small-scale commercial use of the subject site would help protect the character of the historic building, as well as enhance the Huning Highland and East Downtown areas with another walkable local business. Such a business would contribute to the distinct identity and sense of place of this area of Albuquerque that already includes Old Albuquerque High School, the Special Collections Library, and Downtown Historic Bed and Breakfast, among other special places.

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

The request furthers Policy 4.1.4 because it will protect stable, thriving residential neighborhoods and preserves the neighborhood by enhancing and protecting the historic building.

- 6. The request furthers the following, applicable Goal and policies in Comprehensive Plan Chapter 5: Land Use:

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

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

The request furthers Goal 5.1 and related policies by capturing new, small-scale commercial growth in an Area of Change within two different Main Street Corridor areas with access to high-quality transit. Allowing for redevelopment and reuse of the existing building with a mix of low-intensity uses will promote new opportunities to live, work, and shop in a walkable neighborhood.

- c. POLICY 5.1.2 Development Areas: Direct more intense growth to Centers and Corridors and use Development Areas to establish and maintain appropriate density and scale of development within areas that should be more stable.

The request furthers Policy 5.1.2 because the subject site is located within multiple designated Corridor areas, as well as being within an Area of Change, so a zone change to a more intense mixed-use zone is appropriate for this location, thus furthering this policy.

- d. POLICY 5.1.8 Premium Transit Corridors: Foster corridors that prioritize high-capacity, high-frequency transit service, with mixed-use, transit-oriented development within walking distance of transit stations.

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The request furthers Policy 5.1.8 because the proposed zone change will bring the existing multi-unit residential use of the property out of nonconformance. While proposing a small commercial business is the primary driver for this request, the existing building has the flexibility to continue to house multiple residences as well. The site is within ¼ mile of an Albuquerque Rapid Transit station area on Central Avenue, so allowing for multi-family residential in addition to small, neighborhood-scale commercial uses furthers this policy.

- e. POLICY 5.1.9 Main Streets: Promote Main Streets that are lively, highly walkable streets lined with neighborhood-oriented businesses.

The request furthers Policy 5.1.9 because in renovating the existing building, the applicant planted numerous trees between the sidewalk and the street. The zone change for low-intensity mixed-uses will allow for new neighborhood-oriented business, which along with the landscaping improvements will create an exceptionally safe and comfortable pedestrian environment, thus furthering this policy.

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

The request furthers Policy 5.1.10 because Central Avenue is a Major Transit Corridor, in addition to a Premium Transit Corridor. By allowing for multi-family residential and townhouses, which are currently nonconforming uses of the property, the zone change is encouraging higher density residential within ¼ mile of multiple transit stops on Central. Additionally, the applicant is proposing to utilize the site, which is located near the major Central and Broadway intersection, for mixed-use development in support of this policy.

- g. GOAL 5.2 Complete Communities: Foster communities where residents can live, work, learn, shop, and play together.
- h. POLICY 5.2.1 Land Uses: Create healthy, sustainable, and distinct communities with a mix of uses that are conveniently accessible from surrounding neighborhoods.

The request furthers Goal 5.2 and related policies by allowing low-intensity uses near the edge of a neighborhood where residents can easily walk to the new proposed commercial use. In addition to walking, the site is easily accessible via bicycle because of nearby bike lanes on Martin Luther King Ave. and Central Ave, as well as a bike route on Edith Boulevard.

- i. 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.
- j. POLICY 5.3.1 Infill Development: Support additional growth in areas with existing infrastructure and public facilities.

The request furthers Goal 5.3 and related policies because the change will support reuse of the existing building and potential other development on the rest of the property, which is in Central Albuquerque with access to all necessary services, infrastructure, and public facilities.

- k. 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.

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

The request furthers Goal 5.6 and related policies by directing more intense growth to a site designated within an Area of Change. Allowing small-scale commercial uses in addition to residential uses on the subject site will expand employment opportunities in an area with adequate infrastructure and a very highly connected street grid. Mixed-use of the subject site will support transit along Central Avenue and other commercial uses in the vicinity.

- m. **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.

The request furthers Policy 5.6.4 by requesting a low-intensity zone district for the subject site. The proposed zone is the appropriate level of intensity for its location on the edge of a neighborhood and across the alley from lots that are designated an Area of Consistency by the Comprehensive Plan. The requested zone is limited in height and uses, and the Integrated Development Ordinance further limits development or imposes certain standards on development in such a location next to low-density residential. All of this combined with the Historic Protection Overlay standards will protect the character and integrity of the existing adjacent residential areas.

7. The request furthers the following, applicable Goal and policies in Comprehensive Plan Chapter 7: Urban Design:

- a. **GOAL 7.1 Streetscapes & Development Form:** Design streetscapes and development form to create a range of environments and experiences for residents and visitors.
- b. **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.
- c. **POLICY 7.2.1 Walkability:** Ensure convenient and comfortable pedestrian travel.
- d. **POLICY 7.2.2 Walkable Places:** Promote high-quality pedestrian-oriented neighborhoods and districts as the essential building blocks of a sustainable region.

The request furthers Goals 7.1 and 7.2 and related policies because the existing building addresses the sidewalk with a zero setback and entrance on the corner, and the applicant has installed landscaping and street trees. Adding a small coffee shop, bakery, or similar use will properly utilize these design features and promote walkability and activity at this intersection and neighborhood, which is in an urban context. Allowing this commercial or mixed-use furthers these goals and policies because those uses will take advantage of such design features as opposed to the previous residential-only use that had little interaction with the street corner.

- e. **GOAL 7.3 Sense of Place:** Reinforce sense of place through context-sensitive design of development and streetscapes.

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- f. **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.

The request furthers Goal 7.3 and related policies by utilizing a historic commercial and mixed-use building that is neighborhood-scale and has been renovated to be consistent with the historic context and neighborhood character.

8. The request furthers the following, applicable Goal and policies in Comprehensive Plan Chapter 8: Economic Development:

- a. **GOAL 8.1 Placemaking:** Create places where business and talent will stay and thrive.

- b. **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.

The request furthers Goal 8.1 and related policies by allowing further investment in a location that is within multiple Comprehensive Plan-designated Corridors that will be a great location for a small business, thus promoting entrepreneurship, employment opportunities, and a range of possible salary levels.

9. The request furthers the following, applicable Goal and policies in Comprehensive Plan Chapter 11: Heritage Conservation:

- a. **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.

- b. **POLICY 11.2.2 Historic Registration:** Promote the preservation of historic buildings and districts determined to be of significant local, State, and/or National historical interest.

The request furthers Goal 11.2 and related policies because it will allow for commercial uses to take place in a historically commercial and mixed-use building. As a significant building in the Huning Highland historic district, preserving and enhancing the existing building is a priority. To properly utilize the renovated building with its high ceilings, large windows, and direct access to the sidewalk at the street corner, a commercial use is the best use. Recognizing this historic building as a vital element of the community, this zone change will encourage further reuse and reinvestment in the subject property.

10. 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. 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 his policy-based response, that the request would be consistent with the City's health, safety, morals and general welfare.

- B. Criterion B: This criterion does not apply because the subject site is not located in an Area of Consistency, either wholly or in part.

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- C. **Criterion C:** The zone change to MX-L would be more advantageous to the community than the current zoning (R-1B) 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.
  - D. **Criterion D:** The applicant has demonstrated that the requested MX-L includes more permissive uses than the R-1B zone, which allows a variety of neighborhood commercial uses (see applicant's table of uses in the justification letter). The applicant has shown in the justification letter that none of the uses would be harmful due to limitations imposed by the use-specific standards, small size of the property and existing building, and the Historic Protection Overlay zone requirements.
  - E. **Criterion E:** The applicant refers to sub-criterion 1, that the subject site has adequate infrastructure capacity to serve development that the request would make possible.
  - F. **Criterion F:** The subject site's location is on Arno St. NE and is classified as a local street. The justification is based on the request furthering a preponderance of applicable Comprehensive Plan policies as demonstrated in the response to Criterion A.
  - 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 function as a transition zone for the surrounding neighborhoods and properties. The applicant has demonstrated, in a policy-based analysis, that the request would clearly facilitate implementation of the Comprehensive Plan and that sub-criteria 1 applies.
11. The applicant met with a representatives of the EDo Neighborhood Association, Huning Highland Historic District Association and properties within the 100 foot property owner buffer. A neighborhood meeting was held on Tuesday, April 16, 2019. The meeting minutes are included in the submittal packet. On April 8, a letter of support was received from EDo Neighborhood Association. There has been no opposition to this correspondence. As of this writing, Staff has not received any comments. There is no known opposition.
12. The applicant will need to coordinate development on the site with PNM.

**APPEAL:** If you wish to appeal this decision, you must do so within 15 days of the EPC's decision or by **JUNE 28, 2019**. The date of the EPC's decision is not included in the 15-day period for filing an appeal, and if the 15<sup>th</sup> day falls on a Saturday, Sunday or Holiday, the next working day is considered as the deadline for filing the appeal.

For more information regarding the appeal process, please refer to Section 14-16-6 of the IDO, Administration and Enforcement. A Non-Refundable filing fee will be calculated at the Land Development Coordination Counter and is required at the time the appeal is filed. It is not possible to appeal 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.

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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).

Sincerely,

  
for David S. Campbell  
Planning Director

DSC/LR

cc: EDO Properties, LLC, 201 Arno St. NE, #404, ABQ, NM 87102  
Consensus Planning, Inc., Jim Strozer, 302 8<sup>th</sup> St., NW, ABQ, NM 87102  
Vince DiGregory, EDO NA, Inc., P.O. Box 14616, ABQ, NM 87191  
Rob Dickson, EDO NA Inc., P.O. Box 27439, ABQ, NM 87125  
Bonnie Anderson, Huning Highland Historic Dist., Assoc., 321 High St. SE, ABQ, NM 87102  
Ann Carson, Huning Highland Historic Dist., Assoc., 416 Walter SE, ABQ, NM 87102  
Alan Varela, [avarela@cabq.gov](mailto:avarela@cabq.gov)