



**Environmental
Planning
Commission**

**Agenda Number: 2
Project #: 2019-002670
Case: RZ-2019-00047
Hearing Date: September 12, 2019**

Staff Report

Agent	Environmental Dynamics, Inc.
Applicant	Matthew Finkelstein
Request	Zoning Map Amendment
Legal Description	Tract B4A, Academy Acres, Unit 5
Location	5700 Harper Rd NE, located between Pan American Fwy and Harper Rd NE
Size	Approximately 3 acres
Existing Zoning	MX-T
Proposed Zoning	MX-H

Staff Recommendation

APPROVAL of Project # 2019-002670 RZ-2019-00047 based on the Findings beginning on Page 20.

**Staff Planner
Whitney Phelan**

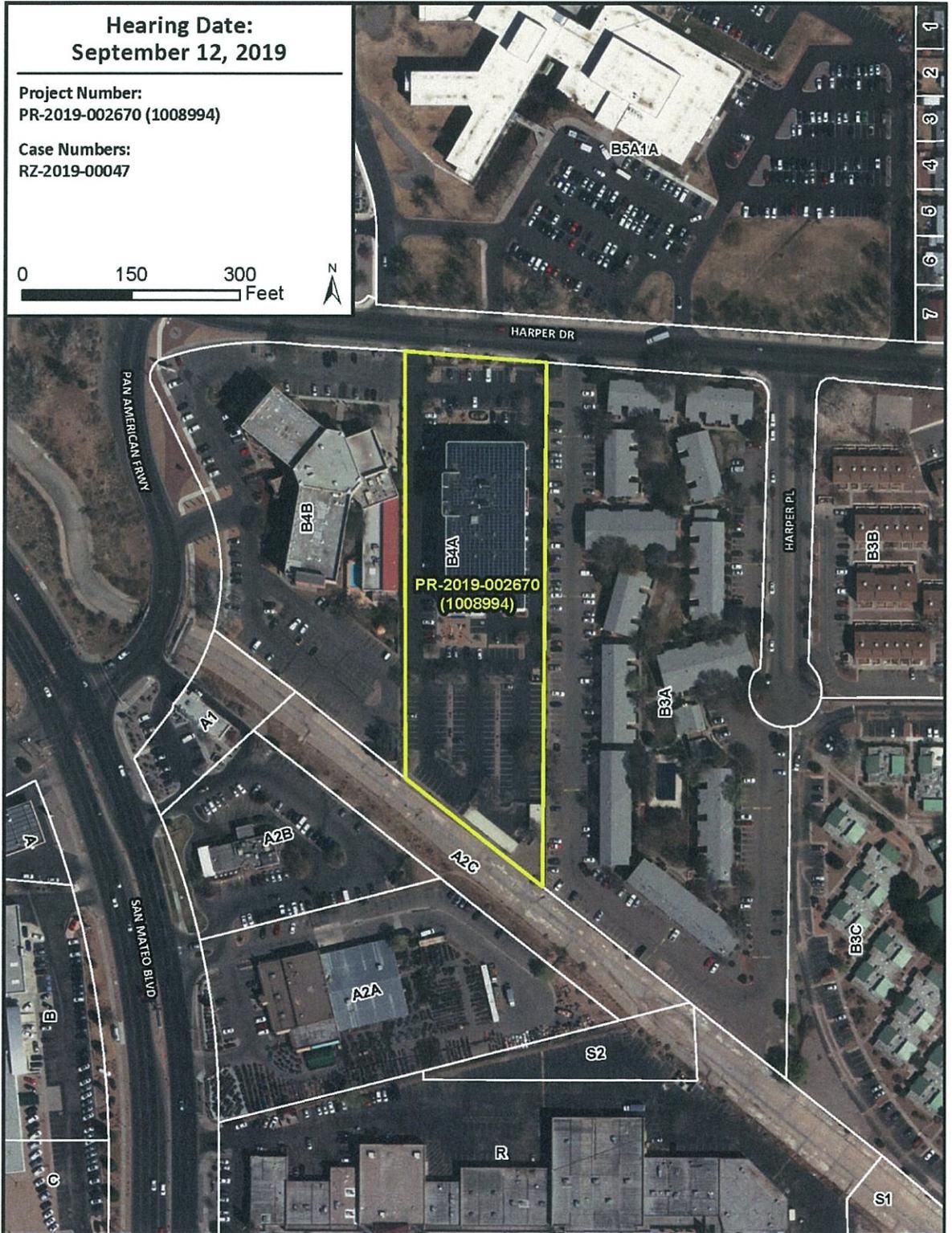
Summary of Analysis

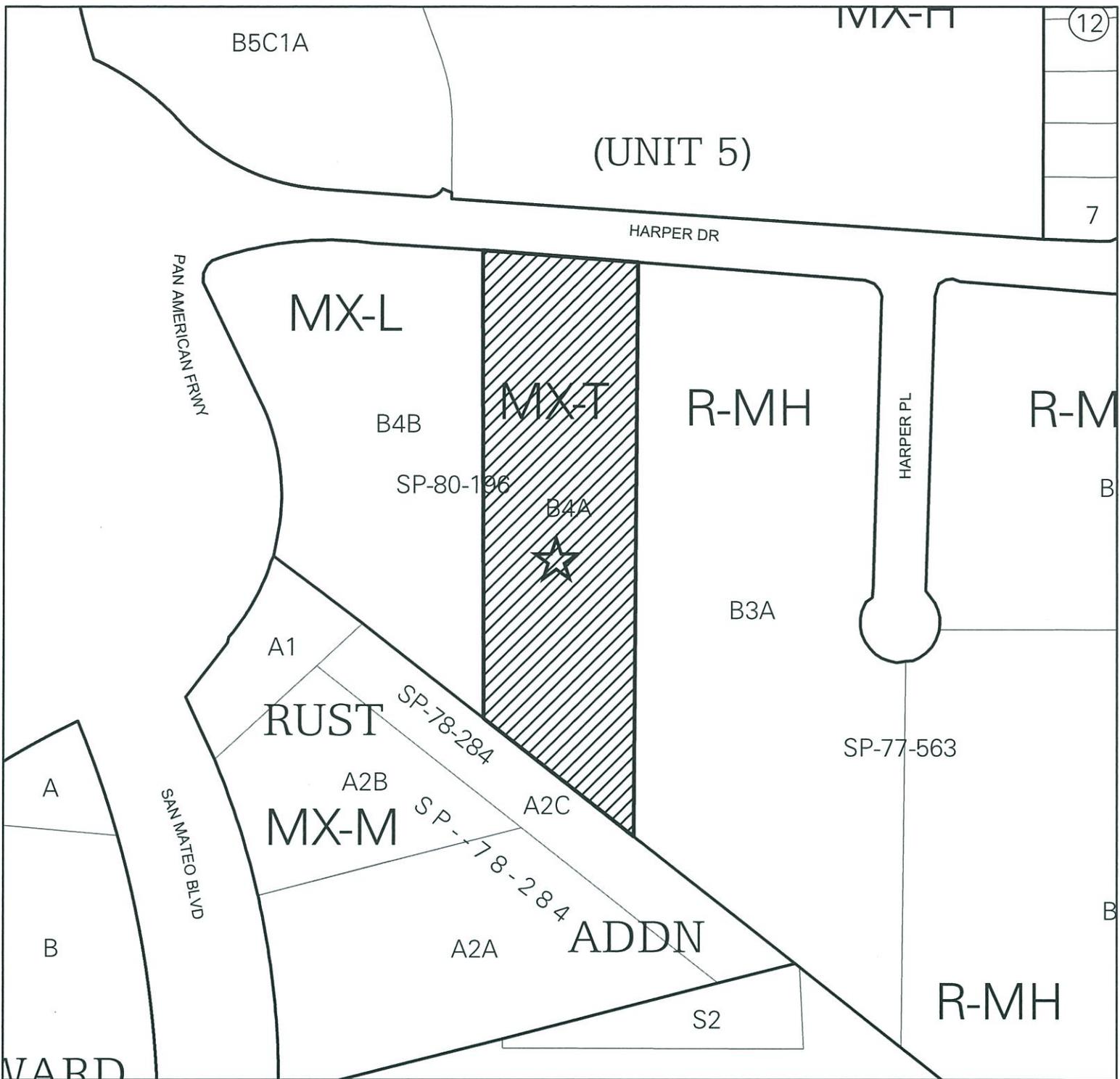
The request is for a zoning map amendment for an approximately 3-acre site on Harper Rd NE, which contains a multi-story office building and parking lot. The subject site was zoned MX-T upon adoption of the Integrated Development Ordinance (IDO). The applicant wants to change the subject site’s zoning to MX-H to facilitate redevelopment and incorporation of additional uses. The existing MX-T zoning allows office uses, but with building height max of 35 ft. The current structure is nonconforming as to height.

The subject site is in an Area of Change and along a Major Transit Corridor, as designated in the Comprehensive Plan. The zoning map amendment has been adequately justified pursuant to the zone change criteria in the IDO.

The affected neighborhood organizations include Academy Acres North (NA) and the District 4 Coalition, and property owners within 100 ft were notified as required. There was no pre-application meeting with neighbors. There is one letter of support from a neighboring property owner. Staff recommends approval.







IDO ZONING MAP

Note: Gray shading indicates County.



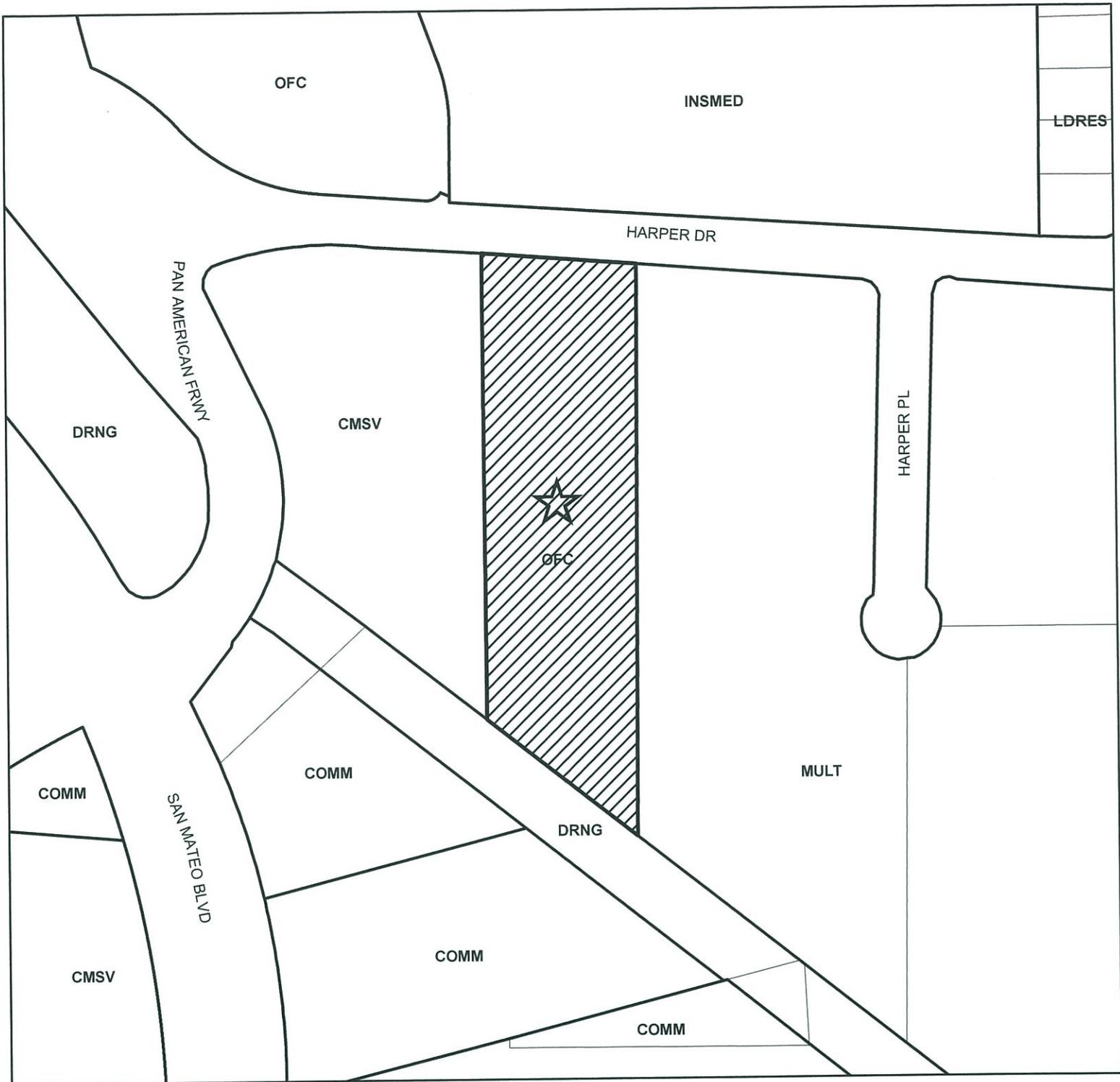
1 inch = 175 feet

Hearing Date:
9/12/2019

Project Number:
PR-2019-002670 (1008994)

Case Numbers:
RZ-2019-00047

Zone Map Page:
E-18



LAND USE MAP

Note: Gray shading indicates County.

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

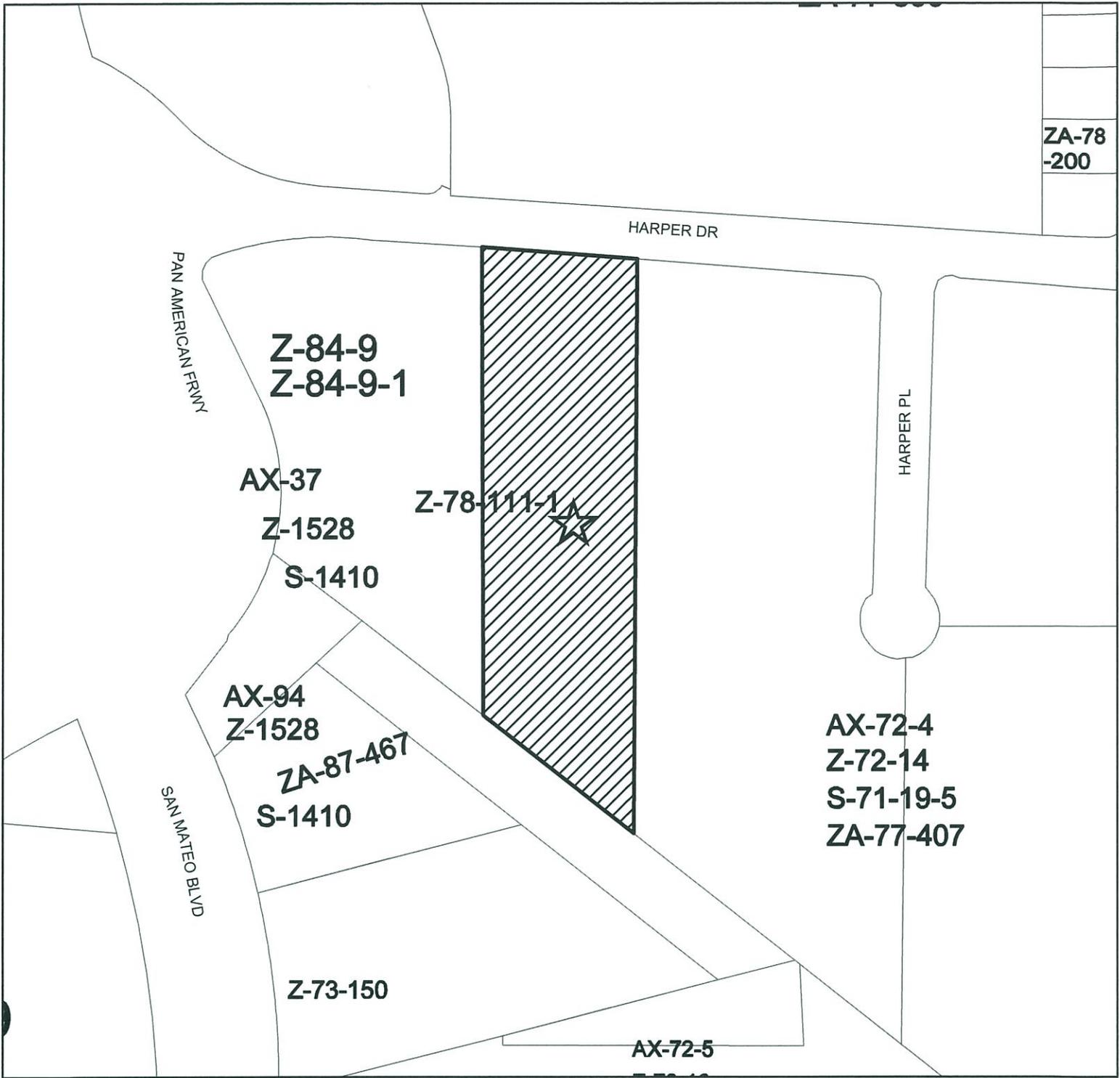


1 inch = 175 feet

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Case Numbers:
RZ-2019-00047

Zone Map Page:
E-18

ZA-78
-200



HISTORY MAP

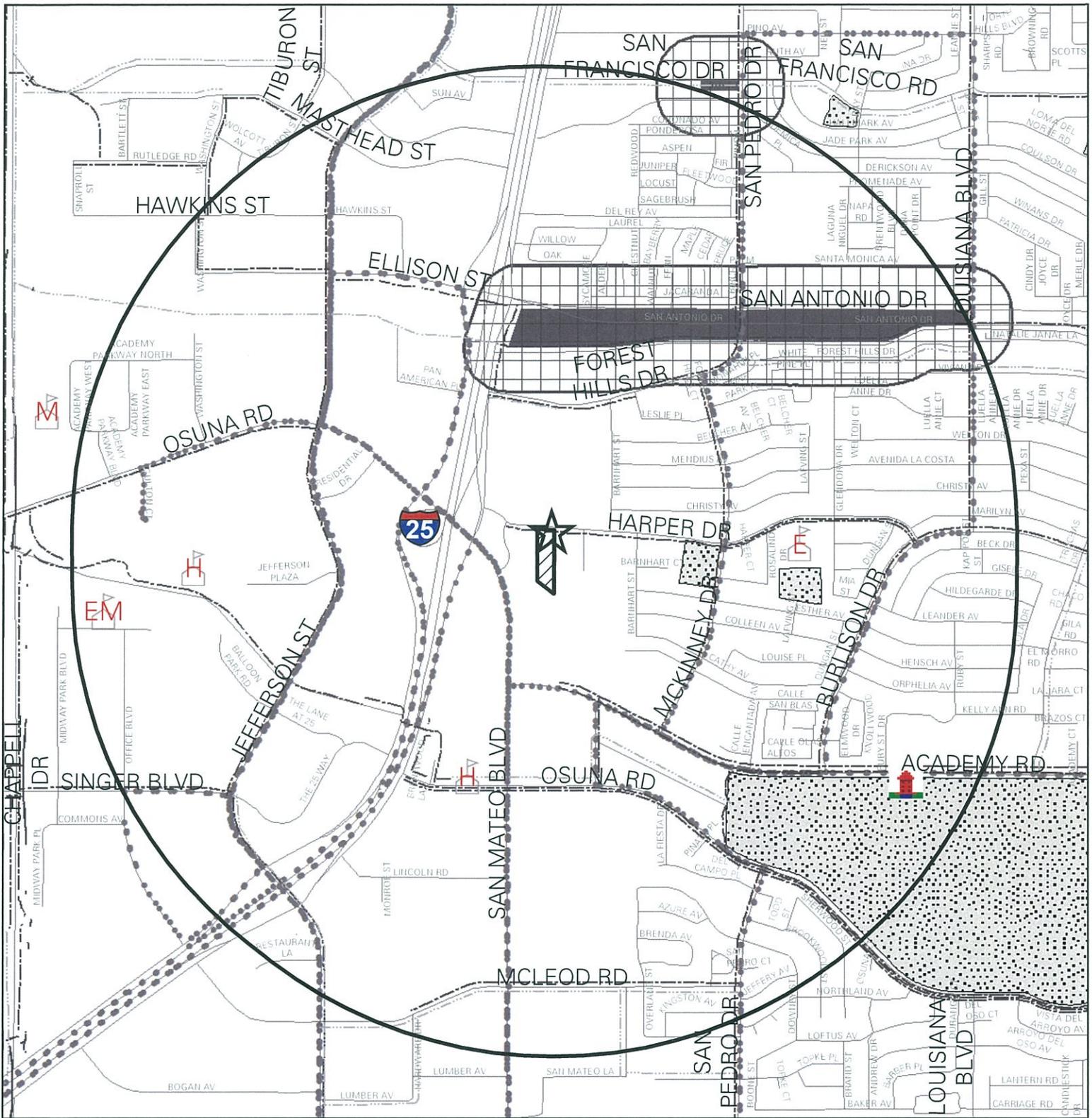
Note: Gray shading indicates County.



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Zone Map Page:
E-18



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 |

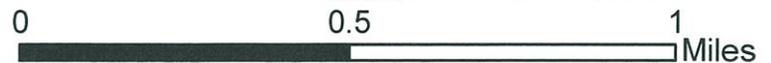


TABLE OF CONTENTS

I. Introduction.....	1
II. Analysis of City Plans and Ordinances.....	3
III. Zoning Map Amendment (Zone Change).....	8
IV. Agency & Neighborhood Concerns.....	18
V. Conclusion	18
Findings, Zoning Map Amendment (Zone Change).....	20
Recommendation – RZ-2019-00047, September 12, 2019	25
Agency Comments.....	26
Site Photos	29

I. Introduction

	<i>IDO Zoning</i>	<i>Comprehensive Plan Area</i>	<i>Land Use</i>
<i>Site</i>	MX-T	Area of Change	4-Story Office Building and Parking
<i>North</i>	MX-H	Area of Change	Presbyterian Urgent Care, Commercial
<i>South</i>	MX-M	Area of Change	Starbucks, Taco Cabana, and Jackalope, Commercial
<i>East</i>	R-MH	Area of Change	Multi-Family, Residential
<i>West</i>	MX-L	Area of Change	Hotel, Commercial

Proposal

The request is for a zoning map amendment (zone change) for an approximately 3-acre site known as Tract B4A, Academy Acres, Unit 5. The subject site is located on the southern side of Harper Dr NE, between Pan American Fwy and Harper Pl NE. The site currently contains a 65 ft office building with existing parking.

The subject site is zoned MX-T (Mixed-Use Transition). The applicant is requesting a zone change to MX-H (Mixed-Use High) in order to redevelop the subject site to allow more office space (3rd and 4th floor), including a ground level commercial service use (restaurant/taproom). While the current zone allows office and other conditional uses, the structure cannot be redeveloped with additional square footage at the ground level at the risk of losing required parking. The structure is already nonconforming as to height in MX-T, so additional square footage cannot be added to the 3rd and 4th floors without variances or a zone change.

The applicant requested to be included in the voluntary zone conversion process established via Resolution 18-29 (Enactment No. R-018-019). Upon adoption of the Integrated Development Ordinance (IDO), the existing, 65-ft tall office building became nonconforming as to height in the MX-T zone. However, nonconforming site features do not meet the criteria, as all uses on the site currently (office) are permissive.

This request would allow the property owner to redevelop the property as desired and would resolve the nonconforming height of the existing structure.

EPC Role

The Environmental Planning Commission (EPC) is hearing this case because the EPC is required to hear all zone change cases, regardless of site size, in the City. The EPC is the final decision-making body unless its decision is appealed. If so, the Land Use

Hearing Office (LUHO) would hear the appeal and make a recommendation to the City Council. The City Council would then make the final decision. The request is a quasi-judicial matter.

History/Background

The site was previously zoned SU-1 for Office and Recreational Facility.

Context

The site currently contains an existing 4 story (65 foot) tall office building, which currently is 23% leased. The site is adjacent to the Far North Activity Center located to the south. The properties immediately to the south contain a Starbucks with drive-thru, Jackalope retail, and a Taco Cabana drive thru separated by an arroyo and zoned MX-M. Those properties are currently zoned MX-M. The site to the west contains a Nativo Lodge (Hotel) zoned MX-L, and the property to the north contains a Presbyterian Urgent Care with Lab Facilities zoned MX-H. The site immediately to the east contains 3 and 4 story apartments and is zoned R-MH. The site is located within 660 feet of the San Mateo Major Transit Corridor and is served by Commuter Route 93 from High Desert to Downtown, and the Fixed Routes 140 and 141 connecting Balloon Fiesta Field to Downtown all run on San Mateo. All three routes share a stop pair south of the intersection of San Mateo NE and Pan American Freeway NE with a walking distance from the entrance to the building of less than 1/4 mile.

Roadway System

The Long Range Roadway System (2040 LRRS) map, produced by the Mid-Region Council of Governments (MRCOG), includes existing roadways and future recommended roadways along with their regional role. The LRRS designates Harper Dr NE as a Major Collector street.

Comprehensive Plan Corridor Designation

The site is located within 660 ft of the San Mateo Major Transit Corridor

Trails/Bikeways

The Long Range Bikeway System (LRBS) map, produced by the Mid-Region Council of Governments (MRCOG), identifies existing and proposed trails.

Transit

Refer to Transit Agency comments

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.

II. Analysis of City Plans and Ordinances

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.

Pre-IDO Zoning

Prior to the effective date of the IDO on May 17, 2018, the subject site's zoning was SU-1 for Office and Recreational Facility.

Existing Post-IDO Zoning

Current Zoning for the project site is MX-T

Proposed Zoning

The proposed zoning for the site is MX-H. The current use of office is allowed under MX-T, but the additional proposed uses of taproom and/or restaurant are conditional uses in MX-T and would become permissive under MX-H.

Character Protection Overlay

There are no applicable historic or character protection overlays on the site.

Definitions

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

Infill Development: An area of platted or unplatted land that includes no more than 20 acres of land and where at least 75 percent of the parcels adjacent to the proposed development have been developed and contain existing primary buildings.

Corridor Area: Major Transit (MT) Area: Lots within 660 feet of the centerline of a Major Transit Corridor as designated by the ABC Comp Plan, as amended.

Nonconforming Structure: A structure that does not conform to the IDO requirements for structures in the zone district where it is located, for reasons other than the use of the structure, but that did not violate those requirements at the time the structure was constructed. By way of example: a nonconforming structure could be one that violates height, setback, aesthetic, or form requirements.

Office: Establishments providing executive, management, administrative, professional services, consulting, record keeping, or a headquarters of an enterprise or organization,

but not including the on-premises sale of retail goods, or any use included in the definition of personal or business services.

Albuquerque / Bernalillo County Comprehensive Plan (Rank 1)

Note: Applicant's justification language is in 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 goals and policies include:

Chapter 5: Centers & Corridors

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

Currently the office building is just an office building. The only reason to be there is to work. Occupants are required to utilize a vehicle to seek out living, learning, shopping, and playing elsewhere. The property is currently being underutilized. Being directly adjacent to an established Activity Center, we believe this change in zoning will support the goal to structure capital investment and land use regulations by directing growth to Centers, in particular those in need of public and private reinvestment. Our project is defining the concept of encouraging employment density, compact development, redevelopment, and infill in Corridors as the most appropriate areas to accommodate growth over time and discourage the need for development at the urban edge. We intend to increase density in an existing building, on a site within existing infrastructure, in hopes that it will encourage internalized redevelopment energy focused on the adjacent, established Center and would relieve sprawl development pressure at the edges of the City.

The subject site is adjacent to the Far North Activity Center to the south and is located along a Major Transit Corridor, San Mateo Blvd. Although the site is not located within the Activity Center, the area has already been developed and redevelopment of this site would add to the Center rather than detract from it by providing a broader mix of uses. The request would foster redevelopment of the subject site, which would help the community grow in general. This request furthers Goal 5.1- Centers & Corridors.

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

The subject site is located adjacent to Pan American Fwy/I-25 and is located on San Mateo Major Transit Corridor. This will help future development capture regional growth, which could generally contribute to shaping a sustainable development pattern. The request generally furthers Policy 5.1.1- Desired Growth.

POLICY 5.1.2: Development Areas: Direct more intense growth in 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 subject site is located along a designated Major Transit Corridor, San Mateo Blvd, which is intended to receive more intense growth. The MX-H zone would allow a variety of commercial, service, and residential uses to develop in an Area of Change, which would support and encourage transit usage. This request furthers Policy 5.1.2- Development Areas

POLICY 5.1.6: Activity Centers: Foster mixed-use centers of activity with a range of services and amenities that support healthy lifestyles and meet the needs of nearby residents and businesses.

Although this property is not within the boundary of the establish Activity Center it is directly adjacent to and we believe the proposed zoning change supports this policy as follows: The proposed development plan specifically addresses the goal to foster mixed-use centers of activity with a range of services and amenities that support healthy lifestyles and meet the needs of nearby residents and businesses. It will do so by providing a balanced mix of multi-modal movement methods with additional and varied wellness opportunities on site while remaining compatible with the professional office uses in the area and upgrading the facilities to make it a more attractive hub for wellness, activity, interaction, work, play, and sustenance.

The subject site, while not located within the Far North Activity Center boundaries, would add to the Center by increasing the mix of permissive and conditional uses directly adjacent to the completely built out Center. The ability to redevelop the site as the applicant has described above, would add to and not detract from the current development pattern of the Activity Center. The additional uses allowed in MX-H would provide services and amenities to nearby residential and commercial uses. This request partially furthers Policy 5.1.6- Activity Centers.

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

The combination of pedestrian friendly activities, bicycle storage, EV charging, ample parking, amenities and café on site will further this policy and encourage a seamless and useful transition through the Corridor. This supports the goal to foster corridors that prioritize high-frequency transit serve with pedestrian-oriented development. We are proposing a zone change that will encourage mixed-use development in Centers and near an intersection as desired in Subpolicy (c). on an existing, now limited property. Although this property does not lie within the boundary of the Center, we believe it contributes to the intent of this subpolicy and Goal 5.1- Centers & Corridors

The subject site is located within a designated Major Transit Corridor, San Mateo Blvd. This requested change to MX-H would allow additional uses that would complement high-frequency transit service and pedestrian-oriented development. The property to the north hosts a Presbyterian Urgent Care with patients and staff, the property to the east is developed with multi-family apartments, and the property to the west is a hotel with guests and employees on a regular basis. The proposed uses would create amenities and commercial services that would serve the surrounding development. This request generally furthers Policy 5.1.10- Major Transit Corridors.

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.

As discussed previously, a change of zoning from MX-T to MX-H 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. We intend, with the appropriate zoning designation of MX-H, to create the new “modern office” that incorporates a desirable mix of professional employment opportunities, a casual food and drink venue, and health and wellness amenities.

The request to rezone the subject site to MX-H would allow a greater range of uses than the current zone. The purpose of the MX-H zone district is to provide for large-scale destination retail and high-intensity commercial, residential, light industrial, and institutional uses, as well as high-density residential uses, particularly along Transit Corridors and in Urban Centers. The MX-H zone district is intended to allow higher-density infill development in appropriate locations. The redevelopment of the site, with an existing 65’ tall building will allow a broad range of services at a high density along a Major Transit Corridor and adjacent to MX-H to the north. This request partially furthers Goal 5.2- Complete Communities.

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.

This site is located within existing infrastructure and area of services. Additional growth on this site is supported with an amended zoning designation of MX-H that allows for expansion of the structure on the upper floors such that it will not compromise ground level parking capacity. Further the additional uses that can be incorporated with this zoning designation will inspire further growth by virtue of density and attractive environments that people want to utilize.

The request would facilitate redevelopment of the subject site, which is located in an area already served by existing infrastructure and public facilities. Additional growth would be considered infill development due to the subject site's location adjacent to an Activity Center that has been developed since the late 1970's. The request furthers Policy Goal 5.3- Efficient Development Patterns and Policy 5.3.1- Infill Development.

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

The subject site is designated an Area of Change along with the neighboring properties. The request would encourage and direct growth to an Area of Change, as desired by the Comprehensive Plan. Focusing growth in this location would also help direct pressure for development away from the surrounding neighborhoods, which are intended to remain stable in order to reinforce their character and maintain the low-intensity of the surrounding area. The request generally furthers Goal 5.6-City Development Areas.

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

The subject site is located in an Area of Change, along a designated Major Transit Corridor, where the Comprehensive Plan intends and encourages change to happen. The request would direct growth and more intense development to the subject site and accommodate it along a Major Transit Corridor, while directing growth away from the surrounding neighborhoods and into the adjacent Activity Center. The request furthers Policy 5.6.2- Areas of Change.

Chapter 6-Transportation

POLICY 6.1.3: Auto Demand: Reduce the need for automobile travel by increasing mixed-use development, infill development within Centers, and travel demand management (TDM) programs.

The request could increase mixed-use development and infill development, which could generally help reduce the need for automobile travel. Though the development would not be in a designated Activity Center as intended, the subject site is located along a Major Transit Corridor, which could encourage more transit usage. The request partially furthers Policy 6.1.3.

Chapter 7-Urban Design

POLICY 7.3.5 -Development Quality: Encourage innovative and high-quality design in all development.

The request is for a zone change, which does not include building elevations, but there is an existing multi-story building on the site. There is no way to evaluate future design at this stage, though the applicable IDO design standards (see 4.1.2-Identity and Design) would ensure higher quality design than what exists today. Therefore, the request partially furthers Policy 7.3.5- Development Quality.

Chapter 8- Economic Development

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

The request could facilitate development of a place where business and talent will stay and thrive because the MX-H zone allows for a greater variety of business, commercial, and residential uses that would support such a place. Higher-density residential uses are considered a component of placemaking because they support business and may attract talent. MX-T, while allowing some higher intensity forms of low-density residential, also allows single-family dwellings, which would be an inappropriate use given the surrounding zones, adjacency to an Activity Center and location along a Major Transit Corridor. The request generally furthers Goal 8.1-Placemaking.

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.

The request would encourage and facilitate redevelopment of the subject site, an economic development effort, which would generally contribute to improved quality of life for existing and new area residents. Redeveloping the subject site would clean it up and therefore improve quality of life. A wider variety of commercial, civic, and institutional uses would be possible under the MX-H zone, which would generally contribute to a robust, resilient, and diverse economy. The request generally furthers Policy 8.1.2-Resilient Economy.

III. Zoning Map Amendment (Zone Change)

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 criteria 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.

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

The zone change justification letter analyzed here, received on August 29, 2019, is a response to Staff's request for a revised justification (see attachment). The subject site is currently zoned MX-T (Mixed-Use Transitional Zone). The requested zoning is MX-H (Mixed-Use, High Intensity Zone). The reason for the request is to allow re-development of an existing 65' tall office building to allow mixed uses in addition to current office uses. The current maximum building height for MX-T is 35 ft for all uses. A few of the proposed uses would go from Conditional to Permissive if the request is approved.

Note: Applicant's Justification is in indented italics, Staff's Analysis indented regular text.

- 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.

We believe the proposed zone change (up-zone) is consistent with the health, safety, and general welfare of the City as shown by furthering (and not being in conflict with) Goals and Policies identified in the Comprehensive Plan policies identified and enumerated below. What we are proposing (MX-H) is already justifiable given the building's existing scale and use intensity. As we understand the Code, the intent of current MX-T zoning is to transition commercial use intensity to less intense residential zones. This particular property is not needed as a transition to the single-family residential zone which lays far to the east. Buffering between this property and the single-family zone already exists in the form of a large R-MH zoned multi-family property with three-story buildings. Further, if the MX-H zone is approved, the additional uses we intend to bring to the building will be attractive to the surrounding community, fostering economic catalyzation, walkability, and transit options.

This proposed change of zone classification is consistent with the goals of the Comprehensive Plan and is not in conflict with the Plan.

Staff: Consistency with the City's health, safety, morals and general welfare is shown by demonstrating that a request furthers applicable Comprehensive Plan Goals and policies (and 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. The response to Criterion A is sufficient.

The zone change to MX-H (Mixed-Use High) would allow a wider variety of non-residential uses to develop on the subject site than allowed by the current MX-T (Mixed-Use Low) zoning and therefore would add variety and diversity to the area. Though the subject site is not in a designated Activity Center, it is adjacent to an existing Activity Center and is located in a designated Area of Change, where development is intended to occur. Directing development and re-development to Areas of Change helps Areas of Consistency to remain stable and unchanging. San Mateo Blvd is a designated Major Transit Corridor, along which commercial uses and non-single-family residential uses are intended to concentrate and develop. This request furthers and is not in conflict with a preponderance of Goals and policies in the ABC Comp Plan, as amended.

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).

The subject property is not in an Area of Consistency. This Criterion is not applicable.

Staff: The subject site is located wholly in an Area of Change, so this criterion does not apply. The response to Criterion B is sufficient.

C) 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).

The subject property is located wholly in an Area of Change. Criterion 3 is the basis for the justification of change:

A different zone district is more advantageous to the community as articulated by the ABC Comp Plan, as amended. The proposed MX-H zone is more consistent with the existing adjacent and abutting land uses, development, density and intensity and connectivity. The existing MX-T zone limits development with lower commercial density and development intensity than the adjacent and abutting land uses. Therefore, the requested change will allow a diversity of uses and greater variety of economic and social opportunities which is advantageous to the community.

Staff: A different zone district (MX-H) would generally be more advantageous to the community as a whole than the existing zoning (MX-T), which the applicant's policy analysis has shown to be inappropriate. The request would help implement applicable Goals and policies that call for directing development to Areas of Change and along designated Transit Corridors. The MX-H zone allows commercial services, restaurant and tap room permissively as well as building heights to match the existing structure located on the property. The additional uses allowed by the MX-H zone would allow the intended development density and intensity to become a reality in such areas. The response to Criterion C is sufficient.

- D) The zone change does not include permissive uses that would be harmful to adjacent property, the neighborhood, or the community, unless the Use-specific Standards in Section 16-16.4.3 associated with that use will adequately mitigate those harmful impacts.

The following is a list of all permissive and accessory uses in the proposed MX-H zone that are additional to uses permissive in the MX-T zone (from Table 4-2-1 of the IDO):

<i>Group home, medium</i>	<i>Sorority or Fraternity</i>
<i>Hospital</i>	<i>Sports field</i>
<i>University or College</i>	<i>Veterinary hospital</i>
<i>Other pet services</i>	<i>Auditorium or theater</i>
<i>Bar</i>	<i>Catering services</i>
<i>Nightclub</i>	<i>Restaurant</i>
<i>Tap room or tasting room</i>	<i>Other indoor entertainment</i>
<i>Car wash</i>	<i>Light vehicle fueling station</i>
<i>Light vehicle repair</i>	<i>Light vehicle sales and rental</i>

<i>Paid parking lot</i>	<i>Parking structure</i>
<i>Club or event facility</i>	<i>Commercial services</i>
<i>Mortuary</i>	<i>Personal and business services, large</i>
<i>Self-storage</i>	<i>Adult retail</i>
<i>Bakery goods or confectionary shop</i>	<i>Farmer's market</i>
<i>General retail, small</i>	<i>General retail, medium</i>
<i>Grocery store</i>	<i>Liquor retail</i>
<i>Pawn shop</i>	<i>Transit facility</i>
<i>Artisan manufacturing</i>	<i>Light manufacturing</i>
<i>Outdoor dining area</i>	<i>Parking of more than 2 truck tractors</i>

Discussion of uses that will become Permissive and their potential for positive or negative effect on adjacent property:

Group home, medium – may not be possible as this use is subject to 4-3(B)(9), which limits the number of these facilities within a Council District. In general, a group home would not be in conflict with the adjoining properties (multifamily, hotel, hospital).

Sorority or Fraternity – this use would not be detrimental as it would be compatible with the adjoining properties (multifamily, hotel, hospital). It is however rather displaced from the university area and is an unlikely use.

Hospital – per 4-3(C)(5) limited to no more than 20 beds and no ambulance transport. Regardless, the use would be compatible with the adjoining properties and would have no negative effect.

Sports field – could only happen if the existing building were demolished. Regardless, there would likely be no direct conflict with adjoining properties.

University or College – this use is very compatible with the context of the area. Not likely to have a detrimental effect.

Veterinary hospital – any of the negative impacts of the veterinary use (related to sound and odor) is addressed in 4-3(D)(5). Otherwise the function would be very compatible for the area and be a desirable business function that was supported by the adjoining residential districts.

Other pet services – functions like kennels would have to be contained in a building. Otherwise the function would be very compatible for the area.

Auditorium or theater – This function would be very compatible with the area and be a fine asset to the neighborhood. No negative effects are anticipated.

Bar – Additional requirements defined in 4-3(D)(8) and state law regulate this function. If those requirements are met, this function can occur on the site. There is already a bar function in the adjoining hotel property of which any negative effects of this function are not perceived. If the bar function were to be established on the property and given its proximity to the more active retail center it is likely that it would be end up being an asset in the context.

Catering services – This is basically a commercial kitchen function and even at scale would not represent a negative impact on the neighborhood. It certainly would represent a job growth function.

Nightclub - Additional requirements defined in 4-3(D)(8) and state law regulate this function if alcohol is to be served. If that is the case and those requirements are met, this function can occur on the site. See rationale for Bar above. The nightclub function has the potential for noise concerns to the multifamily and hotel that adjoin the property, an issue which would need to be addressed through design if that function were to take place. The potential of this function as a social destination and thus a positive contribution to the economic context of the center is appealing.

Restaurant - Additional requirements defined in 4-3(D)(8) and state law regulate this function if alcohol is to be served. If that is the case and those requirements are met, this function can occur on the site. See rationale for Bar above. There are a variety of dining options in the area and another restaurant function at this location would only be a benefit. It would likely capture local residents and visitors in the area which would support localized multimodal activity. There is no perceivable negative effect of this function on the adjoining properties.

Tap room or tasting room - Additional requirements defined in 4-3(D)(8) and state law regulate this function. This function must accompany a restaurant. See rationale for Restaurant above. It is likely this function would be an asset and have no negative impact on adjoining property.

Other indoor entertainment – Since this function would be fully contained indoors, there is likely this would be a community asset/amenity with no negative effect for it to exist on site.

Car wash – Additional requirements defined in 4-3(D)(15) limit this use. Given the adjacency to the multi-family residential zone, 1/4 of the property would not be available for this use which makes its development unlikely. If, however, the function were to be placed on the property, it would not represent a negative impact for any of the adjoining properties.

Light vehicle fueling station – Additional requirements defined in 4-3(D)(17) limit this use. Per 4-3(D)(17)(i) and due to the adjacent Residential Zone, this use would require a Conditional Use Approval.

Light vehicle repair - Additional requirements defined in 4-3(D)(17) limit this use. If these regulations are adhered to, the function itself would not represent a negative impact on the property and could be perceived as an asset to the adjoining areas.

Light vehicle sales and rental - Additional requirements defined in 4-3(D)(19) limit this use. In the MX-H zone district displays or storage of vehicles is prohibited which essentially renders this use as “not likely”.

Paid parking lot - Additional requirements defined in 4-3(D)(21) limit this use. The use is unlikely, but should it be deployed would contribute positively as it would presumably be supporting some other form of multi-modal transit and further would be required to place additional landscaping elements that would be desirable in context.

Parking structure - Additional requirements defined in 4-3(D)(21) limit this use. See rationale for Paid parking lot above.

Club or event facility – This use function could be a very positive use in the area. By providing a space that would accommodate a gathering of people for events this would promote the use of multi-modal transit as well as be an economic benefit to the community. No negative impact is anticipated.

Commercial services – the varied possible uses captured in this classification would be consistent with the intensity of use currently exhibited on-site and would likely represent economic opportunities for the community with minimal risk of negative impact.

Mortuary – this use function if deployed on site would likely represent economic opportunities for the community with minimal risk of negative impact.

Personal and business services, large - Additional requirements defined in 4-3(D)(26) limit this use. Depending on the actual business service, the use would likely represent economic opportunities for the community with minimal risk of negative impact.

Self-storage - Additional requirements defined in 4-3(D)(28) limit this use. Only interior storage solutions would be allowed and given the proximity of the residential zone would have qualified hours of operation. Given this typology, this use would represent a community asset with minimal risk of negative impact.

Adult retail - Additional requirements defined in 4-3(D)(6) limit this use. Given the proximity to the residential zone, this use is prohibited.

Bakery goods or confectionary shop – This use is usually associated as a positive in a community and would likely support commerce and economic growth with minimal risk of negative impact.

Farmer's market – given the proximity to the residential district and the shopping center this use would likely represent a community asset with minimal risk of negative impact.

General retail, small - Additional requirements defined in 4-3(D)(34) limit this use. In general, retail in this location would represent a community asset with minimal risk of negative impact.

General retail, medium - Additional requirements defined in 4-3(D)(34) limit this use. In general, retail in this location would represent a community asset with minimal risk of negative impact.

Grocery store - Additional requirements defined in 4-3(D)(35) limit this use. In general, Grocery functions in this location would represent a community asset with minimal risk of negative impact.

Liquor retail - Additional requirements defined in 4-3(D)(36) limit this use. Due to proximity to the Residential Zone, a Conditional Use Approval is required.

Pawn shop - Additional requirements defined in 4-3(D)(37) limit this use. This use function is a destination for commerce and for better or worse, it does not represent any greater impact on community than Retail.

Transit facility – Any function that supports transit (presumably multimodal) would be a positive amenity in a community as the coming and going of people represents opportunity for commerce and economic stimulus. Depending on the kind of facility, there might be increased traffic flow which could be deemed undesirable to the adjacent residential zone.

Artisan manufacturing - Additional requirements defined in 4-3(E)(1) limit this use. Since all manufacturing must be entirely indoors, there is no perceivable negative impact of this use. Rather the opportunity to create craft goods is an opportunity to engage the community in a variety of ways, generate commerce, and could possibly create an appealing destination that when combined with retail/restaurant/bar is a very desirable.

Light manufacturing - Additional requirements defined in 4-3(E)(2) limit this use. All manufacturing is required to be located indoors unless a Conditional Use Approval is obtained. Manufacturing usually represents a community asset in the form of job creation and economic development. Since any activity would be indoors, there is minimal risk of negative impact.

Outdoor dining area – This is an Accessory Use and would be paired with the Restaurant Use. Additional requirements defined in 4-3(F)(14) limit this use. See Restaurant rationale above. In general, this use is a highly desirable asset with minimal risk of negative impact.

Parking of more than 2 truck tractors and 2 semitrailers for more than 2 hours - This is an Accessory Use and is temporary in nature. Negative impacts of truck

parking could be sound and odors if the trucks were idling. Presumably this use is paired with some other primary function which would need to be considered.

Staff: The applicant's response is sufficient and shows that while some uses could be adverse to nearby R-MH zoned properties, the Use-Specific Standards of the IDO would adequately mitigate any harmful impacts to the adjacent apartment complex.

- 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.

Criterion 1 is the basis for the justification of change:

1. Have adequate capacity to serve the development made possible by the change of zone.

Because the site is located in a developed area of Albuquerque, it meets the requirements of the above criterion number 1. The City's existing infrastructure is well established for the current use intensity which, as already articulated in this application, was established for uses of greater density and intensity than reflected in the current zoning (MX-T). The proposed diversity of uses do not represent a significant increase of load on the existing infrastructure. There is adequate capacity to serve the development made possible by the change of zone.

Staff: The applicant's response is sufficient and shows that the City's existing infrastructure and public improvements will have adequate capacity to serve the development made possible by the change of zone (Criterion 1) because the site is already currently developed for uses more intense than what are allowed in the current zone.

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

The proposed change to zoning designation is based on the desire to amend the current IDO zone designation to a zoning classification congruent with existing scale, use intensity, and entitlements, and to be more compatible with the existing

development pattern and intensity. The zone change is therefore not based on the property's location on a major street.

Staff: The applicant's response sufficiently addresses this criterion.

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

Because the proposed zone change request is primarily based on zoning compatibility with existing (Pre-IDO conditions) and increasing diversity of use to make the property more appealing and functional in the community, the applicant's justification is not based completely or predominantly on the cost of land or economic considerations.

Staff: The applicant's response sufficiently addresses this criterion.

- 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.

The zone change does not apply a zone district different from surrounding zone districts to one small area or one premises or to a strip of land along a street. There is a large area of property up and down along the Transit Corridor currently zoned MX-H. The property affected by this request along with a few other smaller properties have different zoning that seems inconsistent with this area. The large property to the north across the street is MX-H. Portions of the Activity Center to south are MX-M. The Multifamily zone directly to the East is R-MH. The property with the four-story Hotel to the west is zoned MX-L (a designation that also makes that building non-conforming and not consistent with its intensity of use). The majority of zoning designations around this property are intended to have an intense use that is consistent along the corridor. Although the intensity of the MX-H zoning is higher than the zone designations of the properties located directly west and south, MX-H is more compatible with the area and established use intensity of the surrounding properties.

Staff: The request would not result in a spot zone because it would not apply a different zone to one small area or one premises. The property located to the north and adjacent to the site is zoned MX-H.

IV. Agency & Neighborhood Concerns

Reviewing Agencies

PNM states that the applicant must apply with the following 2 items if the request is approved. 1. An existing underground electric distribution line is located on the north side of the subject property along Harper NE and an existing overhead distribution line is located along the south side of the subject property along the drainage channel. It is the applicant's obligation to abide by any conditions or terms of these easements. 2. It will be necessary for the developer to contact the PNM New Service Delivery Department to coordinate electric service regarding the redevelopment/expansions of uses at this existing building. Contact: Andrew Gurule, PNM Service Center, 4201 Edith Boulevard NE, Albuquerque, NM 87107, Phone: (505) 241-0589

Neighborhood/Public

The Applicant notified the Academy Acres North Neighborhood Association and the District 4 Coalition as required. Property owners within 100 feet of the subject site were also notified, as required (see attachments).

Although a neighborhood pre-application meeting was offered by the applicant, both the Academy Acres North NA and the District 4 Coalition waived the opportunity and no meeting was held. A facilitated meeting during the EPC process was neither requested nor held.

As of this writing, Staff received one letter of support (see attachment). It is from a representative from the Nativo Lodge property abutting the subject site to the west. The letter states that the MX-H zone is appropriate for the scale of the building. It also states that there are a large number of MX-H zoned properties immediate to the north and other close by properties to the south and west, thereby preventing a spot zone. The letter states that approval of the zone change request will allow the property owner to redevelop the property and allow it to evolve into a vibrant and activated property with amenities that will attract tenants and create a sense of community with neighboring properties.

V. Conclusion

The request is for a zoning map amendment (zone change) for an approximately 3-acre site located on the south side of Harper Rd NE, between Pan American Fwy and Harper Rd NE (the "subject site"). The subject site is sometimes referred to as Northpointe Plaza.

The subject site is zoned MX-T. The applicant is requesting the MX-H (Mixed-Use High Intensity) zone in order to redevelop the subject site by adding square footage to

the upper levels and adding new commercial uses to the site. The applicant submitted a request for a free zone conversion through the Phase II Zone Conversion process, but was not eligible because the current use is allowed and nonconforming site features did not meet the criterion established by City Council.

The zoning map amendment has been adequately justified pursuant to the IDO Review and Decision criteria in 6-7(F)(3) based upon the proposed zone being more advantageous to the community than the current zoning.

The affected neighborhood organizations are the Academy Acres North (NA) and the District 4 Coalition, who were notified as required. Property owners within 100 feet of the subject site were also notified as required. No pre-application neighborhood meetings were held, although one was offered as required.

There is one letter of support from the abutting property owner to the west in support of the zoning map amendment request.

Staff recommends approval.

Findings, Zoning Map Amendment (Zone Change)

Project #: 2019-002670, RZ: 2019-00047

1. This is a request for a Zoning Map Amendment (Zone Change) for Tract B4A, Academy Acres Unit 5 located at 5700 Harper Rd NE and containing approximately 3 acres. The subject site is on the south side of Harper Rd NE between Pan American Fwy and Harper Rd NE and is sometimes referred to as Northpointe Plaza.
2. The subject site is in an area that the Comprehensive Plan designated an Area of Change. The site is also located within the San Mateo Blvd Major Transit Corridor as designated by the Comprehensive Plan.
3. The subject site is zoned MX-T (Mixed-Use Transition Zone); primary land uses include destination medical offices. The applicant is requesting a zone change to MX-H (Mixed-Use High Intensity) in order to redevelop the subject site. The purpose of the MX-H zone is to provide for large-scale destination retail and high-intensity commercial, residential, light industrial, and institutional uses, as well as high-density residential uses, particularly along Transit Corridors and in Urban Centers.
4. The current multi-story office building is nonconforming as to height in MX-T, which allows 35 feet maximum building height. MX-H allows 65 feet building height maximum, which would allow redevelopment of the existing building to include additional square footage at the upper levels to preserve existing parking.
5. The Albuquerque/Bernalillo County Comprehensive Plan and the City of Albuquerque Integrated Development Ordinance (IDO) are incorporated herein by reference and made part of the record for all purposes.
6. The request generally furthers the following, applicable Comprehensive Plan Goal and policy with respect to Centers & Corridors:

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

Policy 5.1.2: Development Areas: Direct more intense growth in 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 subject site is located along a designated Major Transit Corridor, San Mateo Blvd, which is intended to receive more intense growth. The MX-H will allow a variety of commercial, service, and residential uses to develop in an Area of Change, which would support and encourage transit usage.

- (b) Policy 5.1.6: Activity Centers: Foster mixed-use centers of activity with a range of services and amenities that support healthy lifestyles and meet the needs of nearby residents and businesses.

The subject site, while not located within the Far North Activity Center boundaries, would add to the Center by increasing the mix of permissive and

conditional uses directly adjacent to the completely built out Center. The ability to redevelop the site as the applicant has described above, would add to and not detract from the current development pattern of the Activity Center. The additional uses allowed in MX-H would provide services and amenities to nearby residential and commercial uses.

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

The subject site is located within a designated Major Transit Corridor, San Mateo Blvd. This requested change to MX-H would allow additional uses that would complement high-frequency transit service and pedestrian-oriented development. The property to the north hosts a Presbyterian Urgent Care with patients and staff, the property to the east is developed with multi-family apartments, and the property to the west is a hotel with guests and employees on a regular basis. The proposed uses would create amenities and commercial services that would serve the surrounding development.

7. The request furthers the following, applicable Comprehensive Plan Goal and policy with respect to Complete Communities:

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

The request to rezone the subject site to MX-H would allow a greater range of uses than the current zone. The purpose of the MX-H zone is to district is to provide for large-scale destination retail and high-intensity commercial, residential, light industrial, and institutional uses, as well as high-density residential uses. These additional uses could develop on the subject site and help strengthen the community by providing more opportunities where residents can live, work, learn, shop, and play together.

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

The request to rezone the subject site to MX-H would allow a greater range of uses than the current zone. The purpose of the MX-H zone district is to provide for large-scale destination retail and high-intensity commercial, residential, light industrial, and institutional uses, as well as high-density residential uses, particularly along Transit Corridors and in Urban Centers. The MX-H zone district is intended to allow higher-density infill development in appropriate locations. The redevelopment of the site, with an existing 65' tall building will allow a broad range of services at a high density along a Major Transit Corridor and adjacent to MX-H to the north.

8. The request furthers the following, applicable Comprehensive Plan Goal and policy with respect to efficient development 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 would facilitate redevelopment of the subject site, which is located in an area already served by existing infrastructure and public facilities. Additional growth would be considered infill development due to the subject site's location adjacent to an Activity Center that has been developed since the late 1970's. Infill development is an efficient use of land that supports the public good because it promotes an efficient development pattern.

9. The request generally furthers the following, applicable Comprehensive Plan policy with respect to Auto Demand:

POLICY 6.1.3: Auto Demand: Reduce the need for automobile travel by increasing mixed-use development, infill development within Centers, and travel demand management (TDM) programs.

The request could increase mixed-use development and infill development, which could generally help reduce the need for automobile travel. Though the development would not be in a designated Activity Center as intended, the subject site is located along a Major Transit Corridor, which could encourage more transit usage.

10. The request generally furthers the following, applicable Comprehensive Plan policy with respect to Urban Design:

POLICY 7.3.5 -Development Quality: Encourage innovative and high-quality design in all development.

The request is for a zone change, which does not include building elevations, but there is an existing multi-story building on the site. There is no way to evaluate future design at this stage, though the applicable IDO design standards (see 4.1.2-Identity and Design) would ensure higher quality design than what exists on the subject site today.

11. The request generally furthers the following, applicable Comprehensive Plan Goal and policy with respect to Urban Design:

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

The request could facilitate development of a place where business and talent will stay and thrive because the MX-H zone allows for a greater variety of business, commercial, and residential uses that would support such a place. Higher-density residential uses are considered a component of placemaking

because they support business and may attract talent. MX-T, while allowing some higher intensity forms of low-density residential, also allows single-family dwellings, which would be an inappropriate use given the surrounding zones, adjacency to an Activity Center and location along a Major Transit Corridor.

- (b) 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.

The request would encourage and facilitate redevelopment of the subject site, an economic development effort, which would generally contribute to improved quality of life for existing and new area residents. Redeveloping the subject site would clean it up and therefore improve quality of life. A wider variety of commercial, civic, and institutional uses would be possible under the MX-H zone, which would generally contribute to a robust, resilient, and diverse economy.

12. The applicant has adequately justified the request pursuant to the Integrated Development Ordinance (IDO) Section 6-7(F)(3)-Review and Decision Criteria for Zoning Map Amendments, as follows:
- A. Criterion A: Consistency with the City's health, safety, morals and general welfare is shown by demonstrating that a request furthers applicable Comprehensive Plan Goals and policies (and 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: The subject site is located wholly in an Area of Change, so this criterion does not apply.
 - C. Criterion C: A different zone district (MX-H) would generally be more advantageous to the community as a whole than the existing zoning (MX-T), which the applicant's policy analysis has shown to be inappropriate, because the request would help implement applicable Goals and policies that call for directing development to Areas of Change and along designated Transit Corridors. The MX-H zone allows High Density Residential, Taproom or Tasting Room, Restaurant, Grocery Store, and Small and Medium Retail permissively, where MX-T only allows them conditionally or not at all. The additional uses allowed by the MX-H zone would help the intended development density and intensity become a reality in such areas.
 - D. Criterion D: The requested zone (MX-H) includes a greater variety of non-residential uses than the existing MX-T zone as well as high density multi-family. The zones differ with respect to permissive commercial uses. In MX-T, only Office, Small Personal and Business Services, and low-density residential uses are allowed

permissively. In MX-H, General Retail, Small and General Retail, Medium are allowed. General Retail, Large is a conditional use in MX-H.

Other differences between the two zones (mixed-use transition and mixed-use high intensity) are as follows: a bar, artisan manufacturing, light vehicle fueling station, and light vehicle sales and rental, pawn shop, and transit facility are either not allowed or are conditional uses in the MX-T zone but become permissive uses in the MX-H zone. Hospital, catering service, and nightclub are not allowed in MX-T, but are permissive in MX-H. Liquor retail is not allowed in MX-T, but is a permissive use in MX-H.

The following uses are often considered harmful to adjacent property, the neighborhood, or the community: bar, light vehicle fueling station, light vehicle sales and rental, pawn shop, nightclub, liquor retail, artisan manufacturing and carwash. As the applicant stated, future development on the subject site would be required to comply with applicable IDO regulations, including Use-Specific Standards and Parking requirements that would protect or help mitigate any affects to the neighboring Multi-Family development.

Other City ordinances, such as the Noise Ordinance, and State regulations pertaining to alcohol licensing, for example, would also apply to future uses and serve to mitigate the potentially harmful impacts of such uses on the subject site.

- E. Criterion E: Requirement 1 applies. The subject site is already currently developed for uses more intense than what are allowed in the current zone. The zone change would also allow the property owner to redevelop the property in a manner that preserved existing parking to accommodate additional uses. If not, the applicant would be required to enter into a Development Agreement with the City to ensure that adequate infrastructure capacity will become available.
- F. Criterion F: The applicant's justification is not completely based on the subject site's location on Carlisle Blvd. NE, a Minor Arterial. Rather, the justification is based on the request furthering a preponderance of applicable Comprehensive Plan Goals and 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 based on the cost of land or economic considerations. Rather, the applicant has demonstrated that the request furthers a preponderance of applicable Comprehensive Plan Goals and policies.
- H. Criterion H: The request would not result in a spot zone because it would not apply a different zone (MX-H) to one premises, the property adjacent on the north side of the subject site is zoned MX-H.
13. The applicant's policy analysis adequately demonstrates that the request furthers a preponderance of applicable Goals and policies in the Comprehensive Plan and does not significantly conflict with it. Based on this demonstration, the proposed zone category

would be more advantageous to the community than the current zoning. The other criteria of Section 6-7(F)(3) are also adequately addressed.

14. The affected neighborhood organizations are the Academy Acres North Neighborhood Association (NA), and the District 4 Coalition, which were notified as required. Property owners within 100 feet of the subject site were also notified as required.
15. As of this writing, Staff received one letter of support (see attachment). It is from a representative from the Nativo Lodge (zoned MX-L) property abutting the subject site to the west. The letter states that the MX-H zone is appropriate for the scale of the building. It also states that there are a large number of MX-H zoned properties immediate to the north and other close by properties to the south and west, thereby preventing a spot zone. The letter states that approval of the zone change request will allow the property owner to redevelop the property and allow it to evolve into a vibrant and activated property with amenities that will attract tenants and create a sense of community with neighboring properties.

Recommendation – RZ-2019-00047, September 12, 2019

APPROVAL of Project #: 2019-002670, RZ-2019-00047, a request for Zoning Map Amendment from MX-T to MX-H for Tract B4A, Academy Acres, Unit 5, an approximately 3-acre site based on the preceding Findings.

***Whitney Phelan
Staff Planner***

Notice of Decision cc list:

Environmental Dynamics, Inc./Equiterra, 142 Truman St NE Suite A1, ABQ, NM, 87107
Matt Finkelstein, 5431 Eakes Rd NW, ABQ, NM, 87107
District 4 Coalition, Michael Pridham, 6413 Northland Ave NE, ABQ, NM, 87109
District 4 Coalition, Daniel Regan, 4109 Chama St NE, ABQ, NM, 87109
Academy Acres North NA, Irene Minke, 6504 Dungan Ave NE, ABQ, NM, 87109
Academy Acres North NA, Fred Aiken, P.O. Box 90181, ABQ, NM 87199
Heritage Hotels & Resorts, Inc., Suzanne Lubar, 201 Third St NW, Suite 1150, ABQ, NM, 87102
Alan Varela, avarela@cabq.gov

Agency Comments

PLANNING DEPARTMENT

Long Range Planning

PR-2019-002670/RZ-2019-00047

Address: 5700 Harper Dr. NE

IDO Zoning: MX-T

Request: Zone Map Amendment

Requested IDO Zoning: MX-H

Comments for Zone Map Amendment:

The request is for a Zone Map Amendment from MX-T to MX-H to allow for expansion of the existing structure on site. Currently, the existing structure is nonconforming to the 30-foot height limit in the MX-T zone district, since the building's height ranges from 52 to 61 feet. Proposed construction will add on to the existing third and fourth floors, which would not increase the nonconformity of the building height and would not expand the existing building footprint. The nonconformity provisions in the IDO limit the expansion of the structure, since it is nonconforming. (See IDO §6-8(D)(3).) A zone map amendment would make the existing building conforming and allow the proposed expansion. Although a Zone Map Amendment will create a spot zone, existing zoning is incompatible with the existing building height and does not allow any expansion of buildings nonconforming as to height. MX-H seems compatible with the surrounding zoning pattern and appropriate in this location, just east of I-25.

Hydrology

Project #2019-002670 (1008994)

RZ-2019-00047 – Zone Map Amendment

(Zone Change)

Transportation Section:

No comments

Transportation Development Services

No Comment

Zoning / Code Enforcement

#2019-002670 (Zone Change) No Comment

MUNICIPAL DEVELOPMENT DEPARTMENT (DMD) TRANSPORTATION

Project #2019-002670 (1008994)

RZ-2019-00047 – Zone Map Amendment

(Zone Change)

Transportation Section:

No comments

TRANSIT DEPARTMENT

The site is located within 660 feet of the San Mateo Major Transit Corridor and is served by Commuter Route 93 from High Desert to Downtown, and the Fixed Routes 140 and 141 connecting Balloon Fiesta Field to Downtown all run on San Mateo. All three routes share a stop pair south of the intersection of San Mateo NE and Pan American Freeway NE. Walking distance from the entrance to the building is less than 1/4 mile.

ABC WATER UTILITY AUTHORITY (ABCWUA)

- a. No adverse comment to the zone change
- b. The site is currently receiving service.
- c. If the site redevelops as a result of the zone change an availability shall be requested in order to confirm that fire flows can be met. Requests can be made at the link below:
 - i. http://www.abcwua.org/Availability_Statements.aspx
 - ii. Request shall include a City Fire Marshal approved Fire 1 Plan and a zone map showing the site location.

ALBUQUERQUE PUBLIC SCHOOLS

1. Project #2019-002670 (1008994)

- a. EPC Description: RZ-2019-00047 – Zone Map Amendment (Zone Change).
- b. Site Information: Academy Acres, Tract B4A, Unit 5.
- c. Site Location: 5700 Harper Drive, NE, between Pan American Highway NE and Harper Drive NE.
- d. Request Description: This is an application for a zone change from MX-T (Mixed Use Transition) to MX-H (Mixed Use High Intensity), on a three (3) acre site, to allow for existing uses to continue, in addition to further commercial development of an office and medical clinic with an on-site café, lounge, and brewery. The property applied for a voluntary zoning conversion, which was rejected, to address the fact that the IDO's newly assigned zoning designation (which transitioned the property from an SU-1 for

office use to an MX-T designation) has a building height limitation of 30 ', which the existing building exceeds. The new zoning designation will allow the property to come into compliance with current IDO in addition to facilitate horizontal expansion of the property.

APS Case Comments: No adverse impacts. This location is beyond the 300 feet required liquor sales threshold from Arroyo Del Oso Elementary School

ALBUQUERQUE METROPOLITAN ARROYO FLOOD CONTROL (AMAFCA)

No Objections

MID-REGION COUNCIL OF GOVERNMENTS (MRCOG)

Project #2019-002670

MRMPO has no adverse comments.

For informational purposes:

- Harper Drive is functionally classified as a Major Collector currently and in the LRRS.
- The LRBS indicates an existing Bike Lane on Harper Drive.

PUBLIC SERVICE COMPANY OF NEW MEXICO

1. An existing underground electric distribution line is located on the north side of the subject property along Harper NE and an existing overhead distribution line is located along the south side of the subject property along the drainage channel. It is the applicant's obligation to abide by any conditions or terms of these easements.
2. It will be necessary for the developer to contact the PNM New Service Delivery Department to coordinate electric service regarding the redevelopment/expansions of uses at this existing building. Contact: Andrew Gurule, PNM Service Center, 4201 Edith Boulevard NE, Albuquerque, NM 87107, Phone: (505) 241-0589

NEW MEXICO DEPARTMENT OF TRANSPORTATION (NMDOT)

Project Number: 2019-002670

Case Description: Zone Map Amendment MX-T to MX-H

Location: 5700 Harper Dr. NE

Type of Development (Residential/Commercial): Commercial (Existing)

Possible Impacted NMDOT roadway(s): NA

Department Comments:

- NMDOT has no comments at this time

Site Photos

west Side of Subject Site looking south



east Side of Subject Site looking south



north side of Subject Site looking west (Nativo Lodge)



north side of Subject Site looking east (Multi-Family)



north side of Subject site looking north (Presbyterian)



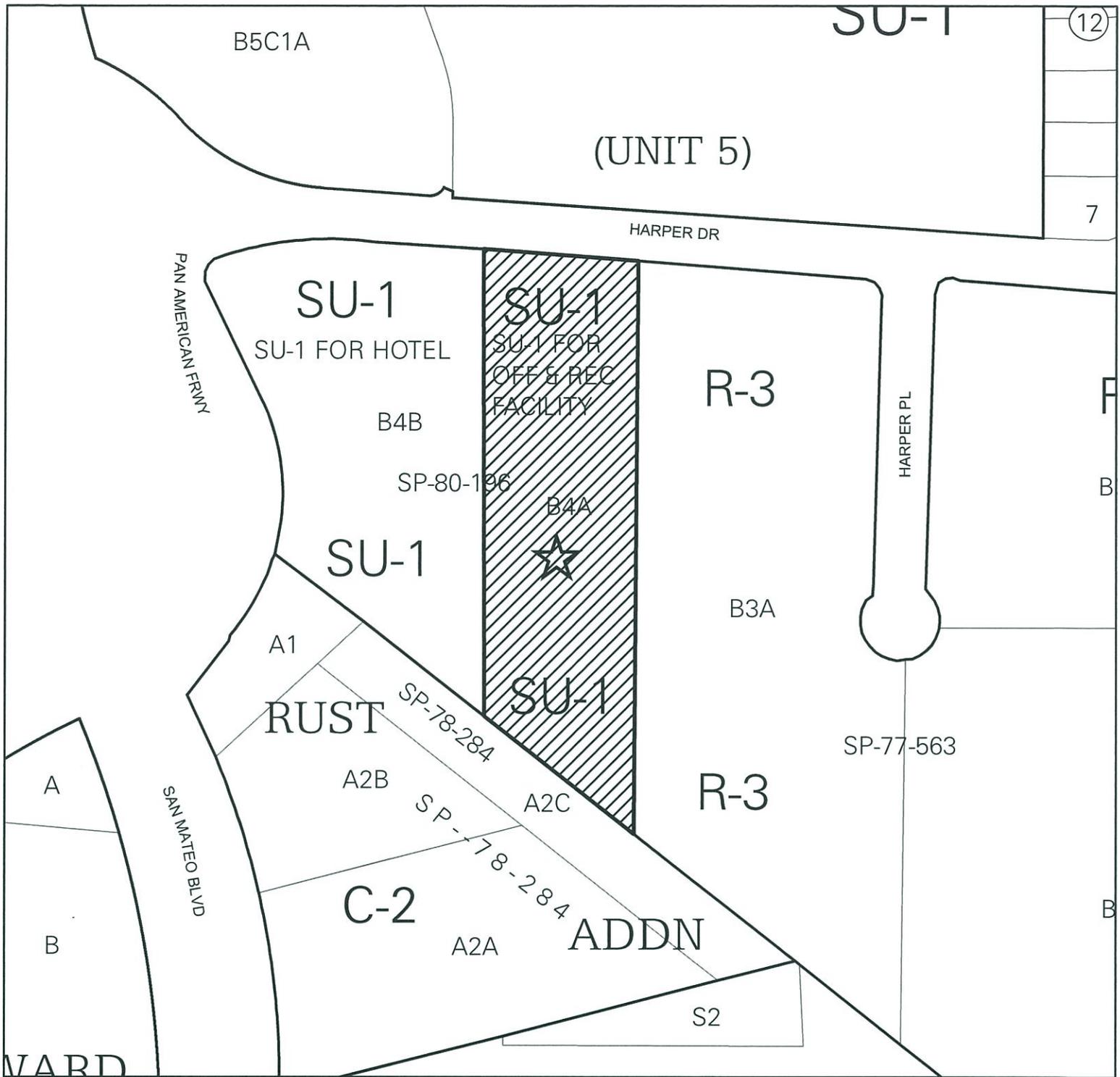
(Eye Associates)



ZONING

Please refer to the Integrated Development Ordinance (IDO)
for specifics regarding the MX-T and MX-H zones

HISTORY



OLD ZONING MAP

Note: Gray shading indicates County.



1 inch = 175 feet

Hearing Date:
9/12/2019
Project Number:
PR-2019-002670 (1008994)
Case Numbers:
RZ-2019-00047

Zone Map Page:
E-18

APPLICATION INFORMATION



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

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

APPLICATION INFORMATION

Applicant: Matt Finkelstein		Phone: 505.898.3702
Address: 5431 Eakes Rd NW - , NM 87107		Email: mmfinkel@mac.com
City: Los Ranchos	State: NM	Zip: 87107
Professional/Agent (if any): Environmental Dynamics, Inc. (EDI) - Kent Beierle		Phone: 505.242.2851
Address: 142 Truman St. NE Suite A1		Email: kent@edi-arch.com
City: Albuquerque	State: NM	Zip: 87108
Proprietary Interest in Site: Architect	List all owners: Kent Beierle, J.Stace McGee, Delcie Dobrovolny	

BRIEF DESCRIPTION OF REQUEST

Change IDO zoning from MX-T to MX-H

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

Lot or Tract No.: B4A	Block: 0000	Unit: 5
Subdivision/Addition: Academy Acres	MRGCD Map No.:	UPC Code: 101806204324530336
Zone Atlas Page(s): E-18	Existing Zoning: MX-T	Proposed Zoning: MX-H
# of Existing Lots: 1	# of Proposed Lots: 1	Total Area of Site (acres): 3

LOCATION OF PROPERTY BY STREETS

Site Address/Street: 5700 Harper Dr. NE Between: Pan American Hwy and: Harper Dr.

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

1008994

Signature:	Date: 2019.07.23
Printed Name: Kent Beierle	<input type="checkbox"/> Applicant or <input checked="" type="checkbox"/> Agent

FOR OFFICIAL USE ONLY

Case Numbers	Action	Fees	Case Numbers	Action	Fees
RZ-2019-00047	ZMA-EPC	\$640.00			
Meeting/Hearing Date: September 12, 2019			Fee Total: \$640.00		
Staff Signature:			Date: 7-25-19 Project # PR-2019-002670		

Form Z: Policy Decisions

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

A single PDF file of the complete application including all plans and documents being submitted must be emailed to PLNDRS@cabq.gov prior to making a submittal. Zipped files or those over 9 MB cannot be delivered via email, in which case the PDF must be provided on a CD.

INFORMATION REQUIRED FOR ALL POLICY DECISIONS (Except where noted)

- Interpreter Needed for Hearing? NO if yes, indicate language: _____
- 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)
- ___ 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
 - ___ Buffer map and list of property owners within 100 feet (excluding public rights-of-way), notifying letter, and proof of first class mailing

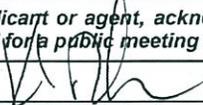
ZONING MAP AMENDMENT – EPC

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
 - 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
- ___ 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

<p><i>I, the applicant or agent, acknowledge that if any required information is not submitted with this application, the application will not be scheduled for a public meeting or hearing, if required, or otherwise processed until it is complete.</i></p>		
Signature: 	Date: 2019.07.23	
Printed Name: Kent Beierle	<input type="checkbox"/> Applicant or <input checked="" type="checkbox"/> Agent	
FOR OFFICIAL USE ONLY		
Project Number:	Case Numbers	
PR-2019-002670	RZ-2019-00047	
-	-	
-	-	
-	-	
Staff Signature: 		
Date: 7-25-19		



July 24, 2018

Planning Department
City of Albuquerque
600 2nd St. NW
Albuquerque, New Mexico 87102

RE: 5700 Harper Dr. NE Zone Change

To Whom It May Concern,

I hereby authorize Environmental Dynamics, Inc. (EDI) to act as agent for all matters related to the Zone Change and planning actions through the City of Albuquerque related to the entitlement and redevelopment of our property located at 5700 Harper Dr. NE., Optimum Building LLC, the owner of the property.

Sincerely,

A handwritten signature in black ink, appearing to read 'Matt Finkelstein', with a long horizontal flourish extending to the right.

Matt Finkelstein,
Managing Member
Optimum Building LLC

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.

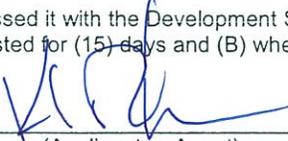
4. TIME

Signs must be posted from August 28, 2019 To September 12, 2019

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.



(Applicant or Agent) 2019.07.25
(Date)

I issued 1 signs for this application, 7-25-19, 
(Date) (Staff Member)

PROJECT NUMBER: PR-2019-002670

CITY OF ALBUQUERQUE

TRAFFIC IMPACT STUDY (TIS) FORM

APPLICANT: MATT PINKELESTEIN DATE OF REQUEST: 7/23/2019 ZONE ATLAS PAGE(S): E-18-7

CURRENT:

ZONING MX-H
PARCEL SIZE (AC/SQ. FT.) 3.0 AC

LEGAL DESCRIPTION:

LOT OR TRACT # TR B-4A, 54 BLOCK # B4A BLOCK 000
SUBDIVISION NAME ACADEMY ACRES 5

REQUESTED CITY ACTION(S):

ANNEXATION []
ZONE CHANGE []: From MX-AT To MX-H
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: _____
BUILDING SIZE: 78,900 (sq. ft.) EXIST
+ 2,800 - new
81,700

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

APPLICANT OR REPRESENTATIVE [Signature]

DATE 7/23/2019

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

Planning Department, Development & Building Services Division, Transportation Development Section -
2ND Floor West, 600 2nd 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

7/23/19
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 complied with.

TIS -SUBMITTED / / TRAFFIC ENGINEER _____ DATE _____
-FINALIZED / /

July 22, 2019

City of Albuquerque
Planning Department
600 2nd St. NW
Albuquerque, NM 87103

RE: Letter of Explanation/Justification for Zone change request for property located at 5700 Harper Drive NE from MX-T to MX-H

To Whom It May Concern,

The property at 5700 Harper Dr NE where the North Point Place office building is situated was assigned a zone classification of MX-T (from SU-1) during the transition to IDO. Despite the applicability of the zone designation for its use, the MX-T designation puts the building itself physically into non-conformance relative to its height which limits its highest and best use, modernization and upgrades, and potential for expansion. Further, the MX-T zone designation is limiting in terms of additional use options. A change to the more appropriate and consistent MX-H zone would be beneficial to maintaining a viable community asset and fostering the goals of the IDO and the comprehensive plan.

We have met with the department at two PRT meetings and the consensus is that a zone change to MX-H is the best and most consistent zone to allow an efficient and logical development of the property without requiring repeated piecemeal applications for height variances and conditional use permits. All stakeholders at the meetings agreed that the MX-T zone was automatically selected during the conversion process to the IDO because generally office and recreational SU zones became MX-T. However, the MX-T zone was not exactly consistent with the nature of this site, its neighboring properties, nor the building height which is more than double the 30-foot height limitation of the MX-T zone. The parties agree that the MX-H zone is most appropriate for both the building and the site. We had submitted for the free zone change because the MX-T zone designation was not the best zone for the site, but our application was rejected because the terms of the free amendment did not allow consideration for non-conformity due to height nor an argument for highest and best use. We therefore make this application for amendment and request that you too will consider it the most appropriate zone for the property in question.

kent beierle ■

j. stace mcgee ■

delcie dobrovolny ■

We are therefore requesting that the MX-T zoning designation be changed to MX-H which allows buildings of the height that currently exists. The existing building is 65' tall at its maximum. Overall the change of zoning will accommodate our future planned modernization to the upper levels of the building which would currently not be possible as the existing 3rd and 4th floors are currently above the maximum height allowed under MX-T. The change of zoning from MX-T to MX-H will also allow the introduction of the new uses we are proposing. We believe the additional uses are commensurate with the character of the area, and their incorporation into this building is in the best interests of the community. If the zoning changes to MX-H and these new uses are incorporated into the project, this project will further the City goals for incorporating and supporting mixed use, redevelopment of existing building stock, maintaining/supporting existing infrastructure, and unlocking existing community assets and amenities.

Pursuant to Resolution 270-1980, our justification of this change is as follows:

A. A proposed zone change must be found to be consistent with the health, safety, morals, and general welfare of the city.

We believe the proposed zone change (up-zone) is consistent with the health, safety, morals, and general welfare of the City as identified in the Comprehensive Plan policies identified and enumerated under Item "C" below. What we are proposing (MX-H) is already justifiable given the building's scale and use. As we understand the Code, the intent of current MX-T zoning is to transition commercial use intensity to less intense

■ 142 Truman St. NE
Albuquerque, NM 87108
Tel 505.242.2851

■ 917 E Prospect Rd, Unit B
Fort Collins, CO 80525
Tel 970.672.1155

■ 100 NE 6th St Unit 102
Boynton Beach, FL 33435
Tel 561.531.4704

residential zones. This property is not needed as a transition to the single-family residential zone which lays far to the east. Buffering between our property and the single-family zone already exists in the form of a large R-MH zoned multi-family property with three-story buildings. Further, if the MX-H zone is approved, the additional uses we intend to bring to the building will be attractive to the surrounding community, fostering economic catalyzation, walkability, and transit options.

- B. Stability of land use and zoning is desirable; therefore the applicant must provide a sound justification for the change. The burden is on the applicant to show why the change should be made, not on the city to show why the change should not be made.**

We believe this proposed action will assign the zoning for the site that is more appropriate for the scale and use of an existing property with this character and function. If this building were to be constructed new today, it could only be built on an MX-H zone designated property. With the possible incorporation of new related uses, the property will perform better in a manner consistent with the planning of the area. The requested change will promote stability of land use. As the premises exists now (a condition for several years) it has deteriorated through wear and tear and remains only 23% occupied. It is unlikely that simple cosmetic upgrades will attract the new entrepreneurial energy that is desired, intended and targeted by the Comprehensive Plan. With the more appropriate zone of MX-H applied, the intended upgrades that are consistent with contemporary market trends will be allowed to take place and the site can be revitalized and contribute positively to the community.

- C. A proposed change shall not be in significant conflict with adopted elements of the Comprehensive Plan or other city master plans and amendments thereto, including privately developed area plans which have been adopted by the city.**

This proposed change of zone classification is consistent with the goals of the Comprehensive Plan and is not in significant conflict with the Plan.

Below is a list of the goals and their associated policies identified in the Comprehensive Plan that we believe support the approval of our proposed zoning change:

- 1. GOAL 4.1 Character - Enhance, protect, and preserve distinct communities.**

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

- a. Respect existing neighborhood values and social, cultural, recreational resources.**
This project is already part of the fabric of the neighborhood. The zone change would allow it to contribute in a greater capacity by broadening the employment, wellness, nourishment, and leisure options in the area.
- c. Support improvements that protect stable, thriving residential neighborhoods and enhance their attractiveness.**
The proposed addition to the building, greater employment capacity and additional uses within the building (entertainment and leisure functions), are within easy walking and biking distance from the local residential area. This would enrich the community by providing an alternate to driving elsewhere for those opportunities.
- d. Encourage transformative change in neighborhoods expressing the desire for revitalization.**
Currently the building is at 23% occupancy and is not playing a positive role in the neighborhood in any substantive way. A refreshed building with a new look, new space, and new functions will net the result of a full, active, vibrant population in the building that will enrich the neighborhood.
- e. See Land Use Policy 5.2.1 for guidance about where certain land uses are appropriate.**
See rationale below
- g. See Land Use Goal 5.7 for policies to promote public-private partnerships for catalytic development in Centers and Corridors.**
See rationale below

POLICY 4.1.5 - Natural Resources: Encourage high-quality development and redevelopment that responds appropriately to the natural setting and ecosystem functions.

- a. Respect natural environmental conditions and carrying capacities and cultural landscapes when locating new development and regulating its intensity and design.**
An existing building that can operate at its optimum potential within existing infrastructure and support adjoining functions is better than new development that encroaches on our natural

resources and landscape. With a proper zoning designation, this existing context can contribute by offsetting the need for and results of sprawling development. Further, the proposed buildout is designed to encourage the use of bicycles; provide necessary facilities, amenities, and nutrition on-site; and generously incorporate solar PV energy, electric vehicle charging, VRF HVAC modernization, and upgraded energy efficient lights and appliances. The impact of the footprint on the environment will be decreased from its present form while the positive community impact and utilization will be increased. This is an opportunity for creating a win-win and meeting the goals and intentions of the Plan head-on.

2. 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.

a. Engage communities to help identify, build, and strengthen distinct identity and sense of community.

We have been in regular discussion with community leaders and they agree that what we are proposing would be a boon to the area and is the kind of development that would enrich and catalyze their community. The leaders of the neighborhood associations have expressed their excitement for the renovation of the property with the intended upgrades and opportunities they will bring.

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

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

a. Create walkable places that provide opportunities to live, work, learn, shop, and play.

Currently the office building is just an office building. The only reason to be there is to work. Occupants are required to utilize a vehicle to seek out living, learning, shopping and playing elsewhere. The proposed redevelopment of the property is designed to encourage these enriching activities on-site and allow people to use the premises for the full spectrum of human interaction. We believe that by being able to redevelop the property, providing these amenities on-site, people will not be automobile-dependent every day and throughout the day. These amenities and options will satisfy their learn, shop and play needs and further the policies of the Plan. A zone that allows those amenities to be developed on site is an important criteria for success in this regard.

b. Structure capital investment and land use regulations to direct growth to Centers, in particular those in need of public and private reinvestment.

This property is in an underutilized condition. We are asking that the land use be changed via the zone-change vehicle to facilitate further intelligent investment in the community.

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

Our project is defining this concept. We intend to increase density in an existing building, on a site within existing infrastructure, in hopes that it will encourage internalized redevelopment energy focused on the Center that already exists and would relieve sprawl development pressure at the edges of the City.

ACTIONS:

5.1.1.2 Explore direct (e.g. public investment or partnerships) and indirect (e.g. zoning regulations or incentives such as density bonuses) approaches to promote higher density and infill development in Centers and along Corridors.

This action is exactly what we are asking the City to support. By allowing the change of zoning, our project can expand appropriately, increase diversity of use, increase density on an existing site that is well placed in a Center and along a Corridor. Further it should be noted that we are exploring the addition of EV charging spaces and bicycle storage that further encourage community adoption of environmental goals while simultaneously utilizing this location in the Corridor for appropriate multi-modal vehicle traffic.

5.1.1.3 Evaluate existing land uses and development trends to identify opportunities for increased land use intensity to support transit-oriented development within 660 ft. of transit stations along Premium or Major Transit Corridors.

Per the argument above, the singular land-use of Office carried over as an interpretation of the Special Use that was established when the building was built in the 1980s is not the best use of the property. Considering the height and associated potential density and intensity of use, as well as the placement of the building relative to the Transit Corridors, this site should have a zone designation that allows for the current height, the multi-use functions that are attractive to the contemporary user, and the capacity to increase density.

5.1.1.4 Promote ongoing public-private cooperation necessary to create private market conditions that support intensified development of jobs and housing in Transit Corridors.

We are requesting this cooperation with the City be manifest in agreement with our interpretation of more appropriate zone-designation. With MX-H zoning we can deploy our concept of increased leasable area as well as the amenities that will promote and engage workers as well as area residents.

5.1.1.5 Identify obstacles to infill development, including infrastructure capacity and public investment priorities.

We have identified the current zone-designation class of MX-T as an impediment to intelligent redevelopment of this site. The current zone creates a continuing need for piecemeal static solutions to a multitude of challenges. This creates investment uncertainty, increased costs, and administrative burden on the City and community. That is contrary to the Plan's purpose of streamlining and encouraging appropriate growth within the zone. The amendment to MX-H zoning designation will encourage natural and organic development of the site to its highest and best use – supporting the Plan, the community, and attracting natural investment that invigorates an otherwise fallow site within the zone.

5.1.1.9 Update zoning codes to allow the highest-density development in Downtown and Urban Centers.

The goal of this action is to achieve the highest density for a development in an Urban center. The change that was made during the adoption of the IDO is in conflict with this action and in-fact has qualified the possible increase in density by limiting the allowable building height (and future expansion) to less than what currently exists on-site and in the surrounding properties. Given the scale of the existing building and the encouragement of density by virtue of more floor area and mixed-use amenities, the zoning designation should be MX-H.

5.1.1.10 Structure capital investment and land use regulations in support of creating additional housing and jobs within Transit Corridors.

This building is within a Transit Corridor. The land use regulations (by way of the vehicle of zoning) will support creating additional jobs if the building is able to increase its desirability in the form of leasable area and amenities.

5.1.1.13 Partner with the private sector and neighborhood organizations to redevelop vacant and under-utilized properties and incentivize adaptive reuse of distressed structures.

This property is underutilized, and we have a plan for increasing its value in the community. The change of zoning to MX-H is part of the solution that will attain the highest and best use of existing building and site.

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.

- b. See Goal 5.6 for City Development Areas.

See rationale below

POLICY 5.1.4 - Urban Centers: Create highly accessible and walkable Urban Centers that provide a range of employment opportunities and higher-density housing options.

a. Encourage mixed-use development.

As has been already discussed, the building will become a catalyst for multi-modal and walkable employment opportunities if the MX-H zoning is granted and the site is allowed to develop mixed-use functions.

b. Encourage pedestrian-oriented design, transit-oriented development, and infrastructure improvements that make Urban Centers more walkable over time.

With the change of zoning to MX-H, the property and existing building can be upgraded with the uses that encourage localized activity. The existing transit infrastructure and human environment is in place to support the walkable nature of our proposal. A zoning classification that allows mixed use solutions on this property will be a more significant driver for pedestrian modality than a solely office-centric zoning designation.

d. Ensure opportunities for regional shopping destinations, entertainment activities, and employment centers.

We believe that the change of zoning from MX-T to MX-H is critical to the successful integration of uses and functions that will foster a diversity of options that will attract and retain the local community.

POLICY 5.1.5 - Employment Centers: Create Centers that prioritize employment opportunities and foster synergy among businesses.

a. Prioritize office and commercial employment in areas with good access via automobile and transit.

The office function already exists and is well accommodated with vehicular and transit options. The change of zoning to MX-H will enhance the synergy among business by allowing for additional use options on site that foster business relations and a diversity of attractive amenity options. These policies are supported by the planned redevelopment which includes a coworking community and supporting amenities. This concept is conceived to promote synergy among businesses and become an area magnet for creativity and growth. We have already arranged cooperative agreements with surrounding businesses including the Hotel next door to provide synergy and encourage value-adds for building users to grow productivity and commerce in the zone.

POLICY 5.1.6 - Activity Centers: Foster mixed-use centers of activity with a range of services and amenities that support healthy lifestyles and meet the needs of nearby residents and businesses.

The proposed development plan specifically addresses these areas by providing a balanced mix of multi-modal movement methods with additional and varied wellness opportunities on site while remaining compatible with the professional office uses in the area and upgrading the facilities to make it a more attractive hub for wellness, activity, interaction, work, play, and sustenance.

a. Incorporate a compatible mix of commercial and residential uses with a range of higher-density housing types.

With the zone change to MX-H, the site can be redeveloped with a greater diversity of offerings that support not only the business community, but the local residents as well. The more desirable and dense the commercial function, the greater the desirability of the existing proximal higher density housing.

b. Provide neighborhood-oriented commercial, retail, institutional, and public services.

With the appropriate zoning to allow the mixed-use functions and greater density that expansion will allow, the redeveloped building concept is envisioned as a progressive, innovative business/office center that focuses on wellness, innovation and integrated work-life balance. The concept is inclusive of the neighborhood and promotes its success.

d. Ensure that Activity Centers are pedestrian-friendly and provide convenient pedestrian connections to nearby residential areas.

As enumerated throughout this discussion, this is an existing building on a site located within an existing established context. We believe that the redevelopment of this project will support the residential connection to the more intensive commercial corridor by providing an appropriate destination that is in closer proximity to the residential area.

e. Provide good connectivity via bicycle between Activity Centers and nearby residential areas and multi-use trails.

As stated above the existing nature of this development does not in and of itself provide these connections or modalities, however if the zone is changed to MX-H, we believe our project will

support these modalities by encouraging the community to utilize them to a greater degree. This will have a supportive, collateral effect by increasing the use of these modalities in the community at large. Our plans to provide bicycle storage and servicing amenities on site will encourage the use of bicycles and promote the adoption of these modalities. Further it will be possible for occupants to use the building as a hub to switch between modalities. For example, a longer distance commuter may be able to arrive on site with a vehicle or public transit and use their bicycle which would be stored on premises for local trips and engagement with the surrounding neighborhood opportunities.

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

As stated above, the combination of pedestrian friendly activities, bicycle storage, EV charging, ample parking, amenities and café on site will further these goals and encourage a seamless and useful transition through the Corridor.

b. Minimize negative impacts on nearby neighborhoods by providing transitions between development along Transit Corridors and abutting single-family residential areas.

This development already exists and is part of the transition from the Transit Corridor to the residential area to the east. Directly east of this property is a high density (R-MH) zone with a multi-family project already serving as a transition to commercial uses approaching the Transit Corridor. The change of zoning we are requesting will support the transition by allowing the flexibility of uses on the site without increasing use intensity pressure on any single-family area.

c. Encourage mixed-use development in Centers and near intersections.

We are proposing a zone change that will allow for the development of mixed-use functions on an existing, now limited property.

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.

a. Encourage the redevelopment of aging auto-oriented commercial strip development to a more mixed-use, pedestrian-oriented environment.

The location of this site is well suited to supporting a pedestrian modality. The concern is that there is not enough of a draw in the immediate area to draw people out on their feet. With a change of zoning we can develop the mixed-use functions in the building that are attractive amenities and in greater proximity to parking and living options that will generate pedestrian trips. Further with the varied amenities on site, the need to leave the premises for each and every errand and convenience will be reduced allowing people to interact productively in person as pedestrians rather than isolated in automobiles.

b. Prioritize improvements that increase pedestrian safety and convenience and make bicycle and transit options more viable.

As discussed above, this site is already developed and located on pedestrian and bicycle circulation routes that connect to more intensive transit options in the Corridor. This particular location is already safe and convenient for those modalities, but a change of zoning will allow for the development of an intermediate destination along these routes which will encourage their utilization. Further, our development plans include amenities that provide support and service to bicycle and pedestrian commuters. We plan for showers and lockers on site, secure bicycle storage and service amenities. By changing the zone designation to MX-H we can invest in these amenities, confident that creating synergy that supports their adoption will encourage changes in behavioral patterns due to the obvious conveniences created.

4. 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.

As discussed above, with the change of zoning from MX-T to MX-H we will be able to deploy a redevelopment concept for the existing building that incorporates mixed uses and amenities that are likely to be attractive to the local residents and will further support their use of the walking and biking infrastructure that is in place.

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

This project is exactly what this policy is referring to. We intend, with the appropriate zoning designation of MX-H, to create the new “modern office” that incorporates a desirable mix of professional employment opportunities, a casual food and drink venue, and health and wellness amenities. This is all developed with the understanding that the contemporary commercial building user is likely health conscious, uses self-propelled modalities and desires engaging experiential opportunities as much as a clean, technologically advanced professional environment for work.

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

A diversity of offerings is at the root of our request for the zone change. Compartmentalized/siloed buildings with singular functions force users and residents to leave to recharge with food or activity. Only a building with enough size, density and diversity to create an economy of scale in a zone that allows a mix of uses can offer the convenience of healthy accessibility.

f. Encourage higher density housing as an appropriate use in the following situations:

i. Within designated Centers and Corridors;

The site and existing building are already located within designated Centers and Major Transit Corridor and are adjacent to a multi-family, high-density development. With the zone change allowing us to expand the building and its commercial functions it will further support the additional desired density within the residential context.

ii. In areas with good street connectivity and convenient access to transit;

This project has good street connectivity and convenient access to transit. It is primed to contribute to the additional density of the residential area. The change of zoning from MX-T to MX-H is the logical route to achieving additional employment and recreational opportunities that support the densification of housing.

iii. In areas where a mixed density pattern is already established by zoning or use, where it is compatible with existing area land uses, and where adequate infrastructure is or will be available;

This property is located right between commercial and residential areas. It is located at a confluence of multiple modes of transit and has the potential to provide support to the development of the Centers that are focused on this area. More commercial and recreational opportunities sited in this location will contribute to the desirability of the area since convenience will begin to dictate where and how people choose to live.

g. Locate quality commercial development and redevelopment in existing commercial zones and designated Centers and Corridors as follows:

i. In Activity Centers with development to serve adjacent neighborhoods with an emphasis on pedestrian and bicycle connections to nearby residential areas;

With the change of zoning from MX-T to MX-H, the redevelopment energy on this site will create the opportunity to bring additional activity options to the immediate neighborhood. Given the existing character of the area it is likely that the pedestrian and bicycle modalities will be more appropriate and more utilized by the local residents.

ii. In larger area-wide shopping centers located near intersections of arterial streets and provided with access via transit;

This property is directly adjacent to the Center to the south but is conveniently intertwined with the transit stops and intersections that feed the Center. With the right zoning and subsequent use diversity, this site can capitalize on the existing transit infrastructure and positively influence the development of the community.

iii. Next to another shopping center at an intersection only when safe pedestrian crossings are provided to encourage shoppers to “park once” and walk to multiple stores; and

There is a network of pedestrian connections to and around the area. This site meets the criteria for support in this regard, and its development with multiple amenities will create greater dwell times on site with pedestrians able to meet more of their needs with a single trip.

- h. Encourage infill development that adds complementary uses and is compatible in form and scale to the immediately surrounding development.**

The rationale for our zone-change request is based in the idea of this policy. We believe the highest and best use for the existing building and site is to offer an upgrade to the current use by incorporating a mix of functions that complement the area. The scale is already compatible because the building already exists and is one of the defining structures in the area. The limitation is the current zoning (MX-T) which renders the building unable to accommodate new functions without undue process. Nor is there the reasonable possibility to renovate and modernize its existing structures above the second floor which would make the premises more desirable and attractive for community adoption and engagement.

- n. Encourage more productive use of vacant lots and under-utilized lots, including surface parking.**

Single-use buildings of this scale do not support many of the goals and policies outlined in the comprehensive plan. In the area and Centers that this site is located, it is clear that a variety of uses will be more successful and desirable. An office building from the 1980s does not generally appeal to the contemporary business entrepreneur. A diversity of functions and experiential opportunities are now necessary to maintain commercial synergy and fully utilized buildings. With the change of zoning to MX-H, this property can incorporate some new, diverse uses that are compatible with the office function and engage the community such that the vitality increases, and the highest and best use of the area can be supported.

- 5. 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.

This site is well located within existing infrastructure and area of services. Additional growth on this site is supported with an amended zoning designation of (MX-H) that allows for expansion of the structure on the upper floors such that it will not compromise ground level parking capacity. Further the additional uses that can be incorporated with this zoning designation will inspire further growth by virtue of diversity and attractive environments that people want to utilize.

- 6. 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.

- a. Use Figure 5-6 created according to the methodology described in Section 5.1.2.5, to determine where Areas of Change policies apply.**

This site falls within an Area of Change.

- b. Encourage development that expands employment opportunities.**

With the change of zoning, upgrades, additional amenities and subsequent increase in occupancy from the historic 23% we are creating a greater diversity and quantity of employment opportunities.

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

With the change to MX-H zoning the building will be able to offer a variety of commercial uses and a greater density of workers and visitors that will support utilization and growth of transit, commercial, and retail uses in the area, as well as increase the desirability of nearby housing.

- e. Encourage job creation in business and industrial parks, near freight routes, and where adequate transitions and buffers can be provided to protect abutting residential uses.**

This site is well positioned to be the catalyst for job creation, and the improved quality, utilization, and desirability of the site will positively impact and support the adjoining residential areas.

- f. Minimize potential negative impacts of development on existing residential uses with respect to noise, stormwater runoff, contaminants, lighting, air quality, and traffic.**

Due to the existing nature of the site and its associated building there is no likely increase in these negative elements. Further, our proposed uses are consistent with the current uses of the building and since we are promoting walking and bicycling as modalities consistent with the character of the

project all impacts will be in alignment with the desired growth and directions outlined by the Comprehensive Plan.

- g. Encourage development where adequate infrastructure and community services exist.**
As an existing developed property, infrastructure and community services capacity have already been associated with the development. If the zone change is approved and the new uses are introduced, no functions will substantively increase load on this infrastructure.

- h. Encourage development in areas with a highly connected street grid and frequent transit service.**

This redevelopment is primed for utilizing the transit corridor and its many modalities that are in place. The change in zoning will only further encourage the use of these assets.

7. GOAL 5.7 Implementation Processes - Employ procedures and processes to effectively and equitably implement the Comp Plan.

POLICY 5.7.2 - Regulatory Alignment: Update regulatory frameworks to support desired growth, high quality development, economic development, housing, a variety of transportation modes, and quality of life priorities.

We believe the highest and best use for the site can be realized with a change of zoning (from MX-T to MX-H) which will allow the integration of a diversity of use, function and a greater utilization of the multiple modalities that exist. This is precisely what we are encouraging with our prospective plans. Further this policy is supported by the conclusions of our PRT meetings and conversations with the department members. The conversion to the MX-H zone facilitates the proper and logical development of the site consistent with the present structure and neighboring properties. The zone change allows for its upgrade and renovation in one appropriate action. While any other methods to allow the buildout would necessitate piecemeal conditional permits and variances for what already exists, that procedural methodology would not allow for a natural efficient evolution and positive organic development to take place. The MX-H designation for the property will allow all the elements in a fertile area to be unlocked and foster the desired growth expressed the plan.

ACTIONS:

5.7.2.15 Work to remove obstacles to private investment (e.g. obsolete platting, deteriorating building conditions, vacancies, obsolete land uses, and high crime areas) through changes in regulations and/or partnerships.

We are asking that the City work with us to remove the obstacle of what we are demonstrating is a limited zoning designation. We believe the MX-T zoning which limits the usage of the property is an easily remedied constraint. Statistically there is an increase in crime and assaults on properties when the premises are not occupied and fully utilized. The zone-change and proposed upgrades on our property will enable greater and more frequent on-site activity of highly productive community members and will discourage crime and vandalism in the area. Further the upgrades and infrastructure improvements will afford an investment in the security of the tenants and visitors to the site.

5.7.2.16 Work with property owners to identify mismatches between existing land uses, zoning, and the Comp Plan vision and recommend City-sponsored zone changes for the future.

We submitted for the City-sponsored zone-change on the basis that the MX-H zone designation was more appropriate. Our application was pulled based on the jurisdictional guidelines that the current MX-T zoning permits the existing use (office), even though it renders the existing building above the 2nd floor as non-conforming, and thus limits the site's potential, best uses and modernization.

Unfortunately, that procedure only allows for consideration if current use is not accurate and does not allow consideration of most appropriate zone or actual pre-existing structures being rendered non-conforming. The conclusion of all the participants of our PRT meetings has been that MX-H is the best fit zone for the property and is supported by the surrounding property uses as well as the Comprehensive Plan, and that this zone change application is the logical, most efficient and best way to bring everything into alignment.

We submit that the current zoning does not adequately capture both use and scale of an existing building that is clearly intended for a usage intensity that is more appropriately classified under the MX-H zone. The highest and best use of this property is one of mixed use, scale and density. We also point out that this building could not be constructed today on this site given the current zoning. A zoning

classification that is applied to an existing property based solely on its use and disregards its existing scale and intensity falls into the category of "Mismatch". All of the improvements we are proposing are consistent with the intent and spirit of the Comprehensive Plan and the Planning for the Centers of which the site interacts. The MX-T transitional zone designation is not appropriate in this particular situation given the scalar transition of the multifamily zone to the east and the high-intensity commercial use to the west, north and south. The MX-T zone is clearly best utilized for buildings less than half the height of the subject premises.

8. **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 6.2.7 - Transit Network: Prioritize transit travel and pedestrian safety, especially near transit stops and stations and intersections.

- a. **Make transit access easy, comfortable, convenient, safe, and more viable by providing direct routes, increasing frequency, achieving acceptable systemwide travel speeds, and employing new technology.**

If the zoning of the property is MX-H and allows for a greater density by virtue of expansion and diverse usage, transit will be more viable since there will be an additional utilization load, and the property can serve as a hub to allow people to off-load from motorized transit modalities to people-powered modes of movement in a safe comfortable location out of the flow of traffic where services and support will be available.

- f. **Locate transit stations to maximize the number of residences and businesses within ¼-mile to expand and sustain transit ridership.**

The transit opportunities exist. We are proposing to increase the number of businesses supported by transit ridership. Essentially the action this policy promotes. This can only be maximized on the site however if the zoning is commensurate with growth.

9. **GOAL 6.4 Public Health - Promote individual and community health through active transportation, noise mitigation, and air quality protections.**

POLICY 6.4.2 - Air Quality: Reduce the adverse effects of automobile travel on air quality through coordinated land use and transportation that promote the efficient placement of housing, employment, and services and improve the viability of multi-modal transportation options.

We agree that the viability of multi-modal transportation is a direct function of proximal placement of assets that the community can take advantage of whether it is housing, services, or employment. Appropriate zoning classification that encourages growth and redevelopment of existing underutilized property is the corollary need. Of additional note, the site is already blanketed with a large PV array, is being upgraded to more energy-efficient HVAC and lighting systems, and we are seeking to add EV charging and bicycle storage – all of which further the goals of improved community air quality and minimized need for multiple daily trips with private automobiles. We intend for the project to be an exemplary demonstration of integrated positive and practical technologies that encourage people to increase their positive impact in the world while minimizing negative impacts to the environment.

10. **GOAL 6.6 Economy - Invest in a transportation system that stimulates and supports job creation and business development and improves the movement of people, goods, and services.**

POLICY 6.6.1 - Accessing Jobs: Align transportation investments to improve connections to Centers and employment clusters.

We believe the public investments in transportation infrastructure can best be realized if there is additional desirable destinations to go to. Our proposed project supports the efforts of the transit system in connecting people with where they want to be.

POLICY 6.6.2 - Transportation Options: Provide a balanced transportation system with effective transportation options to help retain and attract the workforce.

At the root of this policy is a substantive workforce who would benefit from the pairing of transit options and destinations. Providing appropriate zoning for a site that can create an attractive work environment will then perpetuate a workforce who can utilize the transportation options available. Given the convenience of our project site to transit stops and multi-modal corridors the only remaining task is to develop the destination appropriately.

POLICY 6.6.4 - Redevelopment: Leverage transportation investments to spur redevelopment and private investment along commercial corridors and Interstates.

We believe our request is a direct output of the efforts with transportation. Our project is the resultant redevelopment momentum generated by the confluence of positive efforts in the area. The limiting factor now is a zoning classification that prevents an adequate offering of high-quality mixed-use function and attraction.

11. 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 7.2.2 - Walkable Places: Promote high-quality pedestrian-oriented neighborhoods and districts as the essential building blocks of a sustainable region.

With the appropriate zoning, we can redevelop the existing underutilized property that is located within a safe, pedestrian-friendly area. Given its proximity to potential users it will be a project that can readily be accessed on foot which will then encourage further pedestrian activity to the other adjacent commerce areas.

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

POLICY 7.3.2 - Community Character: Encourage design strategies that recognize and embrace the character differences that give communities their distinct identities and make them safe and attractive places.

e. Encourage high-quality development that capitalizes on predominant architectural styles, building materials, and landscape elements.

We believe the redevelopment of this property is of high-quality and will be a model for sustainable development within existing context. The architecture we are proposing is a clean, contemporary reinterpretation of the rather ubiquitous nature of the current building. Our intent is to celebrate the unique majesty of the mountains, pleasant character of the community, and connect with the commercial venues in the adjacent zones. Additionally, the building upgrades and exterior façade improvements will improve the curb appeal, create more engagement, as well as making the interior qualities of the space more desirable – fostering a higher quality development.

f. See GOAL 7.2 above for design approaches to create walkable communities.

See rationale above.

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.

a. For Activity and Village Centers, ensure that infill and redevelopment is compatible with the character of the surrounding context and similar in height, mass, and volume to adjacent development.

The redevelopment of this property is consistent with the character of the surrounding context. It is and has been part of the existing context for 40 years. Now it is time for the zoning designation to acknowledge the scale, use and potential of its existence and conform more appropriately with allowable uses and height so that the site can contribute more significantly to the community and Centers that it always has been a part of.

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.

This project is not adjacent to Single-family neighborhoods. The need for this property to serve as transitional property does not apply to this site and should be changed accordingly. We believe the multi-family project that separates the single-family residential area from the Commercial zone is a more appropriate transition given the existing scale of our building and potential benefits realized by mixed use redevelopment. The proposed change and upgrades will also further enhance the quality and character of the neighborhood and create a more engaging look and feel of the corridor and as it approaches the residential neighborhoods.

POLICY 7.3.5 - Development Quality: Encourage innovative and high-quality design in all development.

Quality can be realized by a more enriching offering of use and function. A static office use with predictable migrations of users is what this uninspiring building has provided for four decades. Innovation and high-quality design will be deployed to attract the contemporary entrepreneur, but design alone is not enough. There must be a commensurate innovative and high-quality offering of amenities and use to encourage success in the development. A proper zoning designation of MX-H will allow the design to respond to the use which will be innovative and high quality.

13. 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.

- a. **Invest in Centers and Corridors to concentrate a variety of employment opportunities for a range of occupational skills and salary levels.**

The policy 8.1.1 is the foundation of our argument for the change of zoning. Our proposed development is intended to create a variety of employment opportunities deriving from a diversity of support services and amenities as well as the primary use of office. From professionals to doctors, therapists to physical fitness practitioners, attorneys to IT service providers, and servers to baristas we believe our project fully embraces the intent of this policy and goal.

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.

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

A diversity of use and function is known to successfully create opportunities for the sharing of ideas within a community. Diversity is the cornerstone of resilience and an enriched economy. With an appropriate designation of MX-H the property that is currently limited to a narrow band of function can become a contributor to a robust economic context. As has been stated above, the zone change will foster further promotion of conservation, community interaction, cultural support, and environmental rehabilitation.

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

How better to achieve local job creation than to provide a context for additional employment to occur? With a development that can accommodate a variety of employment options a greater number of jobs can be developed in the same context.

- d. **Grow the community's economic base through recruitment, retention/expansion, and new business startups to bring additional income into the region.**

We are looking for a zoning change that will allow for a richness of options on the property that will tend to attract business innovators and employment opportunities, including the planned coworking space that catalyzes the incubation of new businesses and supports businesses in their full growth cycle from solopreneur to larger corporations.

- e. **Encourage livable wages and high-quality work environments.**

High-quality work environments mature from space that has a variety of functions and amenities. Our concept is to provide places to work, play, recharge, interact, and relax so that focus and output can be maintained longer with fewer negative effects. Increased wages, promotion of self-sufficiency and success by a supportive community, and a thriving work environment are the goals of this concept.

POLICY 8.1.5 - Available Land: Maintain sufficient land that is appropriately zoned to accommodate projected employment growth in targeted areas.

Why consume more land when there are perfectly positioned properties waiting to be unlocked with innovative thought and design? If the zoning designation for our property is more representative of the existing building and our planned redevelopment, there will be less motivation for sprawl – less need for growth and stress on infrastructure beyond the Urban Center.

14. GOAL 8.2 Entrepreneurship - Foster a culture of creativity and entrepreneurship and encourage private businesses to grow.

ACTIONS:

8.2.1.1 Foster relationships and partnerships with nonprofits, private developers, and lending institutions to implement priority economic development strategies, mixed-use development, and catalytic projects.

We believe the City is our partner and that our intention with the redevelopment of this property is consistent with the goals and vision of the Comprehensive Plan. We assume based on our experience and interactions in our preliminary meetings with Staff, that the City shares our assessment of our zoning situation and will work with us to pave the way for a successful mixed-use redevelopment project.

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

b. Promote efforts to reach potential entrepreneurs in the neighborhoods and industry sectors where they work.

We believe a zone change will allow us to develop a property that will be attractive to new innovators who just require the right environment of support function that is essentially on their back door. The positioning of this property is ideal given its connection to, and slight offset from the activity of the Centers of commerce, shopping, and other employment.

c. Support neighborhood-based capacity building for potential entrepreneurs.

With a change of zoning to MX-H, we will be able to provide small, compatible venues for leisure and entertainment which are often where the best business deals are formulated. Whether it is over a beer and sandwich or waiting for a dive in a hyperbaric chamber, it is the opportunities created by casual proximity to home, work and recreation form critical connections and launch businesses.

POLICY 8.2.3 - Sustainable Business: Provide incentives for development projects and businesses that have sustainable economic characteristics.

c. Cluster compatible businesses to allow for more efficient movement of goods, services, and workers.

We believe that the increased functionality allowed by the MX-H zone will better meet this objective as the building will be able to incorporate services and amenities that retain visitors and workers onsite, reducing environmental and social costs associated with travel.

15. GOAL 12.5 Resources - Identify and allocate sufficient resources to support infrastructure, community facility, and public service needs in order to invest public dollars efficiently and effectively and to maintain a sound fiscal position.

POLICY 12.5.3 - Funding Strategy: Align public investment and leverage public-private partnerships and bonding capacity in areas consistent with the Comp Plan's vision for future growth.

b. Facilitate investment in Centers, Corridors, and Metropolitan Redevelopment Areas.

Changing the zoning to a more appropriate classification will allow us to develop a more robust facility which is aligned with the Comprehensive Plan's vision and the investment the City is making in the adjacent Centers and Corridors.

16. GOAL 13.1 Climate Change - Promote resource-efficient growth and development to help mitigate global climate change and adapt to its local impacts.

POLICY 13.1.2 - Greenhouse Gas Mitigation: Mitigate greenhouse gas emissions in developments and streetscapes.

The MX-H zoning, if changed, will allow for a project that offers a variety of amenities that will allow workers and building visitors to minimize travel that contributes to greenhouse gas emissions. Similarly, nearby residents will have walkable options for a variety of services.

POLICY 13.3.2 - Flood Mitigation: Prevent flood damage and coordinate flood control and response with other agencies.

a. Limit development in higher flood risk areas.

Changing the zoning to MX-H will allow for greater density and diversity in an existing building, reducing the need for new development as outlined in this goal.

- b. Limit the volume of water runoff generated from new development to ensure the viability of down-stream stormwater facilities.

See above.

....

Fundamentally the request for a zone change of this existing property is about supporting innovation and change and, on a certain level, practicality. While the IDO zone designation of MX-T adequately captures the existing building use, with only 23% occupancy, it does not allow the property to rise to a better value proposition within the community and support innovation and creativity or evolve into a more desirable hub of activity. With current zoning this building can only really ever be a traditional office building with expansion limited to the lower two levels. With a change to MX-H, the building will exist in a zone that is appropriate for its scale, allow for expansion on the upper levels for greater density and variety of uses with a minimized footprint. This amendment also allows the incorporation of public-engaging uses that currently cannot exist without protracted administrative procedure. The neighborhood is in support of our plan; they desire a building that is a community asset and amenity rather than just another tired, innocuous place of business. The property is well suited to embrace and bolster the multi-modal infrastructure that is already established in the area. Supporting dense diverse commercial, mixed-use capable, and modern appointed buildings embraces the new mode of business which attracts the contemporary entrepreneur who desires an engaged work-life balance that is blended throughout the day. We need to make sure the zoning allows for the flexibility of those functions and the investment in our community that attracting this contemporary worker represents.

The Owner is interested in supporting growth and development that makes for a more robust and vibrant community. Everyone benefits in that situation. We appreciate your consideration of this proposed change and look forward to your approval.

Please contact me if you have any questions or require further information.

Thank you,



Kent Beierle, Architect
EDI
(Owner's Agent)

PRE-APPLICATION REVIEW TEAM (PRT) MEETING NOTES

PA# 19-205 Date: 01 July 2019 Time: 2:00 pm

Address: _____

AGENCY REPRESENTATIVES AT MEETING:

Planning: Russell Brito

Code Enforcement: Jacobo Martinez, Carl Garcia

Fire Marshall: _____

Transportation: _____

Other: _____

PRT DISCUSSIONS ARE FOR INFORMATIONAL PURPOSES ONLY!

THEY ARE NON-BINDING AND DO NOT CONSTITUTE ANY KIND OF APPROVAL..

Additional research may be necessary to determine the exact type of application and/or process needed. Factors unknown at this time and/or thought of as minor could become significant as the case progresses.

REQUEST: Zoning Map Amendment

SITE INFORMATION:

Zone: MX-T Size: _____

Use: _____ Overlay Zone: _____

Comp Plan Area Of: _____ Comp Plan Corridor: _____

Comp Plan Center: _____ MPOS or Sensitive Lands: _____

Parking: _____ MR Area: _____

Landscaping: _____ Street Trees: _____

Use Specific Standards: _____

Dimensional Standards: _____

*Neighborhood Organization/s: _____

**This is preliminary information only. Neighborhood Organization information is only accurate when obtained from the Office of Neighborhood Coordination (ONC) at www.cabq.gov/neighborhoods/resources.*

PROCESS:

Type of Action: Zoning Map Amendment

Review and Approval Body: EPC Is this PRT a requirement? yes

PRE-APPLICATION REVIEW TEAM (PRT) MEETING NOTES

PA# 19-205 Date: 01 July 2019 Time: 2:00pm

Address: _____

NOTES: Zoning Map Amendment - EPC
DD Sec. 6-7 (F)(3) - pg. 427

- Next application deadline is 25 July for the 12 September EPC hearing
 - 27 Sept: appeal deadline
 - 30 Sept: potential issuance of Zoning Cert.
- Site Plan - Administrative submittal: 01 Oct

PRE-APPLICATION REVIEW TEAM (PRT) MEETING NOTES

PA# 19-198 Date: 06.25.2019 Time: 2pm

Address: 5700 Harper Dr NE

AGENCY REPRESENTATIVES AT MEETING:

Planning: Russell Brito

Code Enforcement: Jacobo Martinez

Fire Marshall: _____

Transportation: _____

Other: _____

PRT DISCUSSIONS ARE FOR INFORMATIONAL PURPOSES ONLY!

THEY ARE NON-BINDING AND DO NOT CONSTITUTE ANY KIND OF APPROVAL..

Additional research may be necessary to determine the exact type of application and/or process needed. Factors unknown at this time and/or thought of as minor could become significant as the case progresses.

REQUEST: Zone Change

SITE INFORMATION:

Zone: MX-T Size: 3.0 acres

Use: Office Overlay Zone: n/a

Comp Plan Area Of: Change Comp Plan Corridor: San Mateo Major Transit

Comp Plan Center: n/a MPOS or Sensitive Lands: n/a

Parking: _____ MR Area: n/a

Landscaping: _____ Street Trees: _____

Use Specific Standards: _____

Dimensional Standards: _____

*Neighborhood Organization/s: _____

**This is preliminary information only. Neighborhood Organization information is only accurate when obtained from the Office of Neighborhood Coordination (ONC) at www.cabq.gov/neighborhoods/resources.*

PROCESS:

Type of Action: AA / Conditional Use or Zone Change

Review and Approval Body: staff, ZHE, or EPC Is this PRT a requirement? yes

PRE-APPLICATION REVIEW TEAM (PRT) MEETING NOTES

PA# 19.198 Date: 06.25.2019 Time: 2pm

Address: 5700 Harper NE

NOTES: Z-78-111

Below 10% change, can do Administrative Amendment

Must show you can still park it per IDO

w/ additional 3,000 sf

ZHE for process:

~~① 6-8-5 Expansion of Nonconforming Structure~~

* ① Variance to Height - 27 ft (if Variance ~~is~~ required,
[Current requirement 30 ft] Do not need Expansion to
per IDO-A - if Site Plan has a specific design Standard,
do not need Variance
Non-conforming Structure

• IDO Section 6-6 (N)

OR

② Zoning Map Amendment - IDO Section 6-7 (F)
- application deadline is the last Thursday
of every month.

Northpoint Building (Optimum) PRT notes.

- The property is currently zoned MX-T and we have requested MX-H zoning through the Free Zone change process.
- The current zoning, MX-T, limits height to 30 feet. The existing building is 51 feet tall in most areas with a maximum height of 62 feet; therefore, it is non-conforming as to height. It would be conforming in the MX-H zone which permits buildings of 65 feet in height. If this building were to be built today in its current form, it could only occur on an MX-H zone.
- The property was timely submitted for the City's free zoning conversion process requesting a conversion to MX-H which would allow the property to be consistent with its height and the adjacent properties which are MX-L for the Hotel to the West, MX-M for the properties to the south, MX-H for the properties to the North and R-MH for the multi-family apartment complex to the East.
- The MX-T zone designation as we understand it is intended as a transition from single-family use to more intense and dense commercial use. The physical reality of this site is that the Multi-family (multi-story) development to the east serves as that transition between the single-family zone to the east and this property which is already a dense Commercial use structure. The building cannot be a stepped down transition because it already exists.
- The site lies within an Area of Change and within a Major Transit Corridor. The requested conversion is consistent with the City's Comprehensive Plan and will support the use and economic development of the area.
- The property was only 23% occupied when purchased in March of this year. We wish to upgrade the property to its highest and best use for the community and to restore the premises to full occupancy as quickly as possible. Conventional office building spaces are prevalent locally and many are vacant. The modern office requires on-site amenities that tend to attract the new entrepreneur. Mixed use dynamic facilities, as proposed in our concept, are more desirable.
- We wish to upgrade the facade of the building according to the sketches provided. The proposed upgrade will increase the square footage less than 10% of the existing square footage and will not materially impact the footprint of the building at the ground level.
- We would like to verify that this construction may proceed with a normal building permit process and that an Administrative Amendment will be granted to allow construction to proceed efficiently.
- One of the tenants under lease and preparing for buildout who plans to occupy the fourth floor is a women's oncology practice, which hopes to build out and to care for its patients on site before the end of 2019.
- We would like to ensure that we can complete third and fourth floor construction including the expansion in a timely manner to meet the patients' needs. Phasing the construction to accommodate administrative approvals will likely disrupt patient care.
- We desire to build out the ground floor suite that faces Harper to the north with a wifi lounge, café, craft brewery (Artisan Manufacturing) and taproom and tasting room. This is to provide an asset for the building that patients, families and tenants can enjoy nourishment and conversation on site and while waiting for people getting care and service in the building rather than having to leave the premises and drive elsewhere. Further the local community will have a new and engaging option within a walkable distance.

- The foregoing uses are Conditional in the MX-T zone, however they are permissible in both MX-M and MX-H zones.
- We would like to understand how to accomplish the buildout of the unrented upper levels and supporting ground floor amenities in the most timely manner possible.

Questions we hope to have answered or addressed through the PRT process:

1. Is the expansion to levels 3 and 4 acceptable under the current zoning?
 - a. If so, is there any administrative action required or necessary prior to submittal for building permit? ie: do we need to file for an Administrative Amendment to Site Plan?
2. What is the status of the Free Zone Change application through the City?
 - a. Is there consensus that the MX-H zone is appropriate and will be supported by Staff?
 - b. Will the conversion to MX-H likely be granted with the requested free process?
 - c. What is the timing of this process (How much longer will it take)?
 - d. Can this process be expedited?
3. If MX-H is not possible or likely, would MX-M be granted with a height variance to allow for the existing building and any future construction and repairs to allowable setbacks at those heights?
4. If the Free Zone Change process will not be expeditious, can we proceed quickly in some other fashion?
 - a. Would it be prudent to build in anticipation of success and conversion later?
 - b. Conventional Zone Change petition?
 - c. Variance, Conditional Use permits?
5. Depending on answers to the above, how can the City assist us in getting the project underway expeditiously?

Notes: Adjacent zones and purposes

RESIDENTIAL – MULTI-FAMILY HIGH DENSITY ZONE DISTRICT (R-MH)

Purpose:

The purpose of the R-MH zone district is to promote and encourage the development of high-density attached and multi-family housing, with taller, multi-story buildings encouraged in Centers and Corridors in areas close to major streets and public transit facilities. The primary land use is multi-family dwellings, with limited civic and institutional uses to serve the surrounding residential area

MIXED-USE – TRANSITION ZONE DISTRICT (MX-T)

Purpose:

The purpose of the MX-T zone district is to provide a transition between residential neighborhoods and more intense commercial areas. Primary land uses include a range of low-density multi-family residential and small-scale office, institutional, and pedestrian-oriented commercial uses.

MIXED-USE – LOW INTENSITY ZONE DISTRICT (MX-L)

Purpose:

The purpose of the MX-L zone district 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, with taller, multi-story buildings encouraged in Centers and Corridors

MIXED-USE – MODERATE INTENSITY ZONE DISTRICT (MX-M)

Purpose:

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

MIXED-USE – HIGH INTENSITY ZONE DISTRICT (MX-H)

Purpose:

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

2019.07.01

· FAÇADE STRUCTURE GO AHEAD

· INTENDED PLAN TO SUBMIT FOR ZONE CHANGE

DEADLINE	HEARING	
JULY 25	SEPT 12	SEPT 27

INCLUDE NOTICE OF DECISION

"THIS REPLACES SITE PLAN FILE"



August 19, 2019

City of Albuquerque
Planning Department
600 2nd St. NW
Albuquerque, NM 87103

RE: Letter of Explanation/Justification for Zone change request for property located at 5700 Harper Drive NE from MX-T to MX-H

To Whom It May Concern,

I, Kent Beierle, Principal at EDI/Equiterra, am acting as the authorized Agent on behalf of Matt Finkelstein the property Owner, (as authorized in the Letter of Authorization dated July 24, 2019).

We are requesting a change in zoning for the property located at 5700 Harper Dr NE from MX-T to MX-H. The Owner intends to upgrade the building and grounds which includes the incorporation of new and diverse uses including conventional and co-working office space with associated meeting facilities, café/brewery, outpatient medical suites, health and fitness amenities, bike and EV infrastructure. The diversity of offerings is a value-adding proposition for the community over the limited use of just Office.

Prior to the adoption of the IDO, the site was zoned SU-1 for Office and Recreation use. The IDO zoning designation of MX-T was assigned to the property. At the time of IDO adoption and to this day, the building is mostly vacant with office and urgent care suites comprising approximately 23% of the leasable area.

Despite the applicability of the MX-T zone designation for the building's use at the time of IDO adoption, this designation puts the building itself physically into non-conformance relative to its height. The building is 65 feet tall and 4 stories. As such, its construction would not be allowed today and we are therefore technically not allowed to make any expansion of the upper two floors of the building. The zoning designation of MX-T limits the property's highest and best use by qualifying capacity for modernization and upgrades. Uses that are compatible with office function and offer an increased value by providing desirable attributes and amenities such as café/restaurant, taproom/brewery, event space, or retail functions cannot currently be introduced without additional administrative action like variances or Conditional Use Approvals. A change to the more appropriate zoning of MX-H which is consistent with the scale, intensity and use of the area would be beneficial to maintaining a viable community asset and fostering the goals of the IDO and the Comprehensive Plan.

kent beierle ■

j. stace mcgee ■

delcie dobrovolny ■

This property is located within an Area of Change, and as such is an opportunity to affect the kind of environment articulated in the Comprehensive Plan. We believe this proposed change of zoning designation will classify the zoning for the site that is more appropriate for the scale and use of an existing property with this character and function. If this building were to be constructed new today, it could only be built on an MX-H zone designated property. With the possible incorporation of new related uses, the property will perform better in a manner consistent with the planning of the area. The requested change will promote stability of land use. As the premises exists now (a condition for several years) it has deteriorated through wear and tear and remains only 23% occupied. It is unlikely that simple cosmetic upgrades will attract the new entrepreneurial energy that is desired, intended and targeted by the Comprehensive Plan. With the more appropriate zone of MX-H applied, the intended upgrades that are consistent with contemporary market trends will be allowed to take place and the site can be revitalized and contribute positively to the community.

■ 142 Truman St. NE
Albuquerque, NM 87108
Tel 505.242.2851

■ 917 E Prospect Rd, Unit B
Fort Collins, CO 80525
Tel 970.672.1155

■ 100 NE 6th St Unit 102
Boynton Beach, FL 33435
Tel 561.531.4704

We have met with the department at two PRT meetings and the consensus is that a zone change to MX-H is the best and most consistent zone to allow an efficient and logical

development of the property without requiring repeated piecemeal applications for height variances and conditional use permits. All stakeholders at the meetings agreed that the MX-T zone was automatically selected during the conversion process to the IDO because generally office and recreational SU zones became MX-T. However, the MX-T zone was not exactly consistent with the nature of this site, its neighboring properties, nor the building height which is more than double the 30-foot height limitation of the MX-T zone. The parties agree that the MX-H zone is most appropriate for both the building and the site. We had submitted for the free zone change because the MX-T zone designation was not the best zone for the site, but our application was rejected because the terms of the free amendment did not allow consideration for non-conformity due to height nor an argument for highest and best use. We therefore make this application for amendment and request that you too will consider it the most appropriate zone for the property in question.

We have explored other options that might be employed to attain the desired outcome without utilizing the zone change mechanism. The only options to achieve the comprehensive goals are Design Changes and Multiple Variances and Conditional Use applications.

- Design change is not feasible since the MX-T zoning limits building expansion to only the first two levels. Any expansion on these levels would result in reducing parking below minimum requirements for any perceived function and would alter vehicular flow on site adversely. Further, solid waste access for collection would be more complex. Our proposed solution is a better, more dynamic design solution that is aesthetically compelling, promotes views and daylighting which is better for occupant well-being, makes the building more desirable for leasing, and creates a community asset.
- Variance or Conditional Use applications could be employed in order to develop a diversity of use including a café, brewery/taproom (Artisan manufacturing), retail, event space, fitness and wellness spa, other business and commercial series or even a small grocery. This however would require embarking on multiple variances or conditional use applications for each use. Further, should a new complimentary use function be identified in the future it is likely the same would be true which would require additional Conditional Use or Variance actions. This is an unnecessary burden and in conflict with the Albuquerque Comprehensive Plan's intent for effective and efficient City processes that support growth, especially if an appropriate zone designation can be established now which will streamline the process for positive change in the future. It should be noted that, should any further expansion of the existing building on either level 3 or 4 were to be undertaken, the only option would be a variance for height.

To achieve the comprehensive goals of the project, a zone change is the most efficient and effective mechanism to achieve the projects multiple goals, expansion to the existing building and incorporation of a diversity of uses.

In meetings and conversations with affected neighborhood organizations we have received resounding support for our project and the requisite zone change. We have letters of support and neighbors willing to voice their support should that be necessary. To date we have heard no concerns or objections to our proposed upgrades.

We are therefore requesting that the MX-T zoning designation be changed to MX-H which allows buildings of the height that currently exists. The existing building is 65' tall at its maximum. Overall the change of zoning will accommodate our future planned modernization to the upper levels of the building which would currently not be possible as the existing 3rd and 4th floors are currently above the maximum height allowed under MX-T. The change of zoning from MX-T to MX-H will also allow the introduction of the new uses we are proposing. We believe the additional uses are commensurate with the character of the area, and their incorporation into this building is in the best interests of the community. If the zoning changes to MX-H and these new uses are incorporated into the project, this project will further the City goals for incorporating and supporting mixed use, redevelopment of existing building stock, maintaining/supporting existing infrastructure, and unlocking existing community assets and amenities.

Pursuant to IDO Subsection 14-16-6-7(F)(3), our justification of this change is as follows:

- A. 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.

We believe the proposed zone change (up-zone) is consistent with the health, safety, and general welfare of the City as shown by furthering (and not being in conflict with) Goals and Policies identified in the Comprehensive Plan policies identified and enumerated below. What we are proposing (MX-H) is already justifiable given the building's existing scale and use intensity. As we understand the Code, the intent of current MX-T zoning is to transition commercial use intensity to less intense residential zones. This particular property is not needed as a transition to the single-family residential zone which lays far to the east. Buffering between this property and the single-family zone already exists in the form of a large R-MH zoned multi-family property with three-story buildings. Further, if the MX-H zone is approved, the additional uses we intend to bring to the building will be attractive to the surrounding community, fostering economic catalyzation, walkability, and transit options.

This proposed change of zone classification is consistent with the goals of the Comprehensive Plan and is not in conflict with the Plan. Below is a list of the goals and their associated policies identified in the Comprehensive Plan that support the approval of our proposed zoning change:

1. **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.

a. **Engage communities to help identify, build, and strengthen distinct identity and sense of community.**

A project goal is to engage the local community to help identify, build, and strengthen distinct identity and sense of community. We have been in regular discussion with community leaders and they agree that what we are proposing would be a boon to the area and is the kind of development that would enrich and catalyze their community. The leaders of the neighborhood associations have expressed their excitement for the renovation of the property with the intended upgrades and opportunities they will bring.

2. **GOAL 5.1 Centers & Corridors – Grow as a community of strong Centers connected by a multi-modal network of corridors.**

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

a. **Create walkable places that provide opportunities to live, work, learn, shop, and play.**

Currently the office building is just an office building. The only reason to be there is to work. Occupants are required to utilize a vehicle to seek out living, learning, shopping and playing elsewhere. The proposed redevelopment of the property is designed to create walkable places that provide opportunities to live, work, learn, shop, and play by encouraging these enriching activities on-site and allowing people to use the premises for the full spectrum of human interaction. We believe that by being able to redevelop the property, providing these amenities on-site, people will not be automobile-dependent every day and throughout the day. These amenities and options will satisfy their learn, shop and play needs and further the policies of the Plan. A zone that allows those amenities to be developed on site is an important criterion for success in this regard.

b. **Structure capital investment and land use regulations to direct growth to Centers, in particular those in need of public and private reinvestment.**

This property is in an underutilized condition. We are asking that the land use be changed via the zone-change vehicle to facilitate further intelligent investment in the community. Being directly adjacent to an established Activity Center, we believe this change in zoning will support the goal to structure capital investment and land use regulations by directing growth to Centers, in particular those in need of public and private reinvestment.

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

Our project is defining the concept of encouraging employment density, compact development, redevelopment, and infill in Corridors as the most appropriate areas to accommodate growth over time and discourage the need for development at the urban edge. We intend to increase density in an existing building, on a site within existing infrastructure, in hopes that it will encourage internalized redevelopment energy focused on the adjacent, established Center and would relieve sprawl development pressure at the edges of the City.

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.

- b. **See Goal 5.6 for City Development Areas.**

See rationale below

POLICY 5.1.6 - Activity Centers: Foster mixed-use centers of activity with a range of services and amenities that support healthy lifestyles and meet the needs of nearby residents and businesses.

Although this property is not within the boundary of the established Activity Center it is directly adjacent to and we believe the proposed zoning change supports this policy as follows:

The proposed development plan specifically addresses the goal to foster mixed-use centers of activity with a range of services and amenities that support healthy lifestyles and meet the needs of nearby residents and businesses. It will do so by providing a balanced mix of multi-modal movement methods with additional and varied wellness opportunities on site while remaining compatible with the professional office uses in the area and upgrading the facilities to make it a more attractive hub for wellness, activity, interaction, work, play, and sustenance.

- a. **Incorporate a compatible mix of commercial and residential uses with a range of higher-density housing types.**

With the zone change to MX-H, the site can be redeveloped with a greater diversity of offerings that foster the goal of incorporating a compatible mix of commercial and residential uses with a range of higher density housing types. The proposed project will provide a greater diversity of offerings that support not only the business community, but the nearby local residents as well. The more desirable and dense the commercial function, the greater the desirability of the existing proximal higher density housing.

- b. **Provide neighborhood-oriented commercial, retail, institutional, and public services.**

With the appropriate zoning to allow the mixed-use functions and greater density that expansion will allow, the redeveloped building concept is envisioned as a progressive, innovative business/office building that focuses on wellness, innovation and integrated work-life balance. The project will provide neighborhood-oriented commercial, retail, institutional, and public services.

- d. **Ensure that Activity Centers are pedestrian-friendly and provide convenient pedestrian connections to nearby residential areas.**

As enumerated throughout this discussion, this is an existing building on a site located directly adjacent to an existing established Activity Center context. We believe that the redevelopment of this project will support the residential connection to the more intensive commercial corridor by providing an appropriate destination that is in closer proximity to the residential area. By doing so, it will support the goal of ensuring that Activity Centers are pedestrian-friendly and provide convenient pedestrian connections to nearby residential areas.

- e. **Provide good connectivity via bicycle between Activity Centers and nearby residential areas and multi-use trails.**

Our project supports the goal to provide good connectivity via bicycle between Activity Centers and nearby residential areas and multi-use trails. As stated above the existing nature of this development does not in and of itself provide these connections or modalities, however if the zone is changed to MX-H, we believe our project will support these modalities by encouraging the community to utilize them to a greater degree. This will have a supportive, collateral effect by increasing the use of these modalities in the community at large. Our plans to provide bicycle storage and servicing amenities on site will encourage the use of bicycles and promote the adoption of these modalities. Further it will be possible for occupants to use the building as a hub to switch between modalities. For example, a longer distance commuter may be able to arrive on site with a vehicle or public transit and use their bicycle which would be stored on premises for local trips and engagement with the surrounding neighborhood opportunities.

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

As stated above, the combination of pedestrian friendly activities, bicycle storage, EV charging, ample parking, amenities and café on site will further these goals and encourage a seamless and useful transition through the

Corridor. This supports the goal to foster corridors that prioritize high-frequency transit service with pedestrian-oriented development.

b. Minimize negative impacts on nearby neighborhoods by providing transitions between development along Transit Corridors and abutting single-family residential areas.

This request will Minimize negative impacts on nearby neighborhoods by providing transitions between development along Transit Corridors and abutting single-family residential areas. This development already exists and is part of the transition from the Transit Corridor to the residential area to the east. Directly east of this property is a high density (R-MH) zone with a multi-family project already serving as a transition to commercial uses approaching the Transit Corridor. The change of zoning we are requesting will support the transition by allowing the flexibility of uses on the site without increasing use intensity pressure on any single-family area.

c. Encourage mixed-use development in Centers and near intersections.

We are proposing a zone change that will encourage mixed-use development in Centers and near intersection on an existing, now limited property. Although this property does not lie within the boundary of the Center, we believe it contributes to the intent of this goal for the established Center it borders.

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.

a. Encourage the redevelopment of aging auto-oriented commercial strip development to a more mixed-use, pedestrian-oriented environment.

The location of this site is well suited to supporting a pedestrian modality and therefore encouraging the redevelopment of aging auto-oriented commercial strip development to a more mixed-use, pedestrian-oriented environment. The concern is that there is not enough of a draw in the immediate area to draw people out on their feet. With a change of zoning we can develop the mixed-use functions in the building that are attractive amenities and in greater proximity to parking and living options that will generate pedestrian trips. Further with the varied amenities on site, the need to leave the premises for each and every errand and convenience will be reduced allowing people to interact productively in person as pedestrians rather than isolated in automobiles.

b. Prioritize improvements that increase pedestrian safety and convenience and make bicycle and transit options more viable.

This request prioritizes improvements that increase pedestrian safety and convenience and make bicycle and transit options more viable. As discussed above, this site is already developed and located on pedestrian and bicycle circulation routes that connect to more intensive transit options in the Corridor. This particular location is already safe and convenient for those modalities, but a change of zoning will allow for the development of an intermediate destination along these routes which will encourage their utilization. Further, our development plans include amenities that provide support and service to bicycle and pedestrian commuters. We plan for showers and lockers on site, secure bicycle storage and service amenities. By changing the zone designation to MX-H we can invest in these amenities, confident that creating synergy that supports their adoption will encourage changes in behavioral patterns due to the obvious conveniences created.

3. 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.

As discussed above, a change of zoning from MX-T to MX-H 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. We will be able to deploy a redevelopment concept for the existing building that incorporates mixed uses and amenities that are likely to be attractive to the local residents and will further support their use of the walking and biking infrastructure that is in place.

- b. **Encourage development that offers choice in transportation, work areas, and lifestyles.**
This project is an example of development that offers choice in transportation, work areas, and lifestyles. We intend, with the appropriate zoning designation of MX-H, to create the new “modern office” that incorporates a desirable mix of professional employment opportunities, a casual food and drink venue, and health and wellness amenities. This is all developed with the understanding that the contemporary commercial building user is likely health conscious, uses self-propelled modalities and desires engaging experiential opportunities as much as a clean, technologically advanced professional environment for work.
- e. **Create healthy, sustainable communities with a mix of uses that are conveniently accessible from surrounding neighborhoods.**
A diversity of offerings is at the root of our request for the zone change. Our project aims to help Create a healthy, sustainable community with a mix of uses that are conveniently accessible from surrounding neighborhoods. Compartmentalized/siloed buildings with singular functions force users and residents to leave to recharge with food or activity. Only a building with enough size, density and diversity to create an economy of scale in a zone that allows a mix of uses can offer the convenience of healthy accessibility.
- f. **Encourage higher density housing as an appropriate use in the following situations:**
- i. **Within designated Centers and Corridors;**
The site and existing building are already located within a designated Major Transit Corridor and are adjacent to a multi-family, high-density development. With the zone change allowing us to expand the building and its commercial functions it will further encourage higher density housing.
 - ii. **In areas with good street connectivity and convenient access to transit;**
This project has good street connectivity and convenient access to transit. It is primed to contribute to the additional density of the residential area. The change of zoning from MX-T to MX-H is the logical route to achieving additional employment and recreational opportunities that support the densification of housing.
 - iii. **In areas where a mixed density pattern is already established by zoning or use, where it is compatible with existing area land uses, and where adequate infrastructure is or will be available;**
This property is located right between commercial and residential areas. It is located at a confluence of multiple modes of transit and has the potential to provide support to the development of the adjacent, established Activity Center. More commercial and recreational opportunities sited in this location will contribute to the desirability of the area since convenience will begin to dictate where and how people choose to live. This will encourage higher density housing.
- g. **Locate quality commercial development and redevelopment in existing commercial zones and designated Centers and Corridors as follows:**
- i. **In Activity Centers with development to serve adjacent neighborhoods with an emphasis on pedestrian and bicycle connections to nearby residential areas;**
Our project is a quality commercial development in an existing commercial zone and adjacent to an existing Activity Center with development to serve adjacent neighborhoods with an emphasis on pedestrian and bicycle connections to the nearby residential areas. With the change of zoning from MX-T to MX-H, the redevelopment energy on this site will create the opportunity to bring additional activity options to the immediate neighborhood. Given the existing character of the area it is likely that the pedestrian and bicycle modalities will be more appropriate and more utilized by the local residents.
 - ii. **In larger area-wide shopping centers located near intersections of arterial streets and provided with access via transit;**
This project furthers the goal to locate quality commercial development in existing commercial zones in larger area-wide shopping centers located near intersections of arterial streets and provided with access via transit. This property is directly adjacent to the established Activity Center to the south but is conveniently intertwined with the transit stops and intersections that feed the Center. With the right zoning and subsequent use diversity, this site can capitalize on the existing transit infrastructure and positively influence the development of the community.

- iii. **Next to another shopping center at an intersection only when safe pedestrian crossings are provided to encourage shoppers to “park once” and walk to multiple stores; and**

There is a network of pedestrian connections to and around the area. This site meets the goal to support quality commercial development next to another shopping center at an intersection when safe pedestrian crossing are provided, and its development with multiple amenities will create greater dwell times on site with pedestrians able to meet more of their needs with a single trip.

- h. **Encourage infill development that adds complementary uses and is compatible in form and scale to the immediately surrounding development.**

Our zone-change request is rooted in the goal to encourage infill development that adds complementary uses and is compatible in form and scale to the immediately surrounding development. We believe the highest and best use for the existing building and site is to offer an upgrade to the current use by incorporating a mix of functions that complement the area. The scale is already compatible because the building already exists and is one of the defining structures in the area. The limitation is the current zoning (MX-T) which renders the building unable to accommodate new functions without undue process. Nor is there the reasonable possibility to renovate and modernize its existing structures above the second floor which would make the premises more desirable and attractive for community adoption and engagement.

- n. **Encourage more productive use of vacant lots and under-utilized lots, including surface parking.**

Our request will encourage a more productive use of our under-utilized site. Single-use buildings of this scale do not support many of the goals and policies outlined in the comprehensive plan. In the area that this site is located, it is clear that a variety of uses will be more successful and desirable. An office building from the 1980s does not generally appeal to the contemporary business entrepreneur. A diversity of functions and experiential opportunities are now necessary to maintain commercial synergy and fully utilized buildings. With the change of zoning to MX-H, this property can incorporate some new, diverse uses that are compatible with the office function and engage the community such that the vitality increases, and the highest and best use of the area can be supported.

- 4. **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.

This site is well located within existing infrastructure and area of services. Additional growth on this site is supported with an amended zoning designation of (MX-H) that allows for expansion of the structure on the upper floors such that it will not compromise ground level parking capacity. Further the additional uses that can be incorporated with this zoning designation will inspire further growth by virtue of diversity and attractive environments that people want to utilize.

- 5. **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.

- a. **Use Figure 5-6 created according to the methodology described in Section 5.1.2.5, to determine where Areas of Change policies apply.**

This site falls within an Area of Change and therefore Areas of Change policies apply.

- b. **Encourage development that expands employment opportunities.**

With the change of zoning, upgrades, additional amenities and subsequent increase in occupancy from the historic 23% we are creating a greater diversity and quantity of employment opportunities.

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

This request encourages higher-density housing and mixed-use development as appropriate land uses that support transit and commercial and retail uses. With the change to MX-H zoning the

building will be able to offer a variety of commercial uses and a greater density of workers and visitors that will support utilization and growth of transit, commercial, and retail uses in the area, as well as increase the desirability of nearby housing.

- e. **Encourage job creation in business and industrial parks, near freight routes, and where adequate transitions and buffers can be provided to protect abutting residential uses.**

This site is well positioned to be the catalyst for job creation, and the improved quality, utilization, and desirability of the site will positively impact and support the adjoining residential areas. It therefore supports the goal to encourage job creation in business and industrial parks, near freight routes, and where adequate transitions and buffers can be provided to protect abutting residential uses.

- f. **Minimize potential negative impacts of development on existing residential uses with respect to noise, stormwater runoff, contaminants, lighting, air quality, and traffic.**

This request supports the goal to minimize potential negative impacts of development on existing residential uses with respect to noise, stormwater runoff, contaminants, lighting, air quality, and traffic. Due to the existing nature of the site and its associated building there is no likely increase in these negative elements. Further, our proposed uses are consistent with the current uses of the building and since we are promoting walking and bicycling as modalities consistent with the character of the project all impacts will be in alignment with the desired growth and directions outlined by the Comprehensive Plan.

- g. **Encourage development where adequate infrastructure and community services exist.**

This request is for development where adequate infrastructure and community services exist. As an existing developed property, infrastructure and community services capacity have already been associated with the development. If the zone change is approved and the new uses are introduced, no functions will substantively increase load on this infrastructure.

- h. **Encourage development in areas with a highly connected street grid and frequent transit service.**

This redevelopment is primed for utilizing the transit corridor and its many modalities that are in place and therefore encourages development in areas with a highly connected street grid and frequent transit service. The change in zoning will only further encourage the use of these assets.

- 6. **GOAL 5.7 Implementation Processes - Employ procedures and processes to effectively and equitably implement the Comp Plan.**

POLICY 5.7.2 - Regulatory Alignment: Update regulatory frameworks to support desired growth, high quality development, economic development, housing, a variety of transportation modes, and quality of life priorities.

We believe the highest and best use for the site can be realized with a change of zoning (from MX-T to MX-H) which will allow the integration of a diversity of use, function and a greater utilization of the multiple modalities that exist. This is precisely what we are encouraging with our prospective plans. Further this policy is supported by the conclusions of our PRT meetings and conversations with the department members. The conversion to the MX-H zone facilitates the proper and logical development of the site consistent with the present structure and neighboring properties. The zone change allows for its upgrade and renovation in one appropriate action. While any other methods to allow the buildout would necessitate piecemeal conditional permits and variances for what already exists, that procedural methodology would not allow for a natural efficient evolution and positive organic development to take place. The MX-H designation for the property will allow all the elements in a fertile area to be unlocked and foster the desired growth expressed the plan.

- 7. **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 6.2.7 - Transit Network: Prioritize transit travel and pedestrian safety, especially near transit stops and stations and intersections.

- a. **Make transit access easy, comfortable, convenient, safe, and more viable by providing direct routes, increasing frequency, achieving acceptable systemwide travel speeds, and employing new technology.**

If the zoning of the property is MX-H and allows for a greater density by virtue of expansion and diverse usage, transit will be more viable since there will be an additional utilization load, and the property can serve as a hub to allow people to off-load from motorized transit modalities to

people-powered modes of movement in a safe comfortable location out of the flow of traffic where services and support will be available.

- f. **Locate transit stations to maximize the number of residences and businesses within ¼-mile to expand and sustain transit ridership.**

The transit opportunities exist. We are proposing to increase the number of businesses supported by transit ridership. This supports the goal to locate transit stations to expand and sustain transit ridership. This can only be maximized on the site however if the zoning is commensurate with growth.

- 8. **GOAL 6.4 Public Health - Promote individual and community health through active transportation, noise mitigation, and air quality protections.**

POLICY 6.4.2 - Air Quality: Reduce the adverse effects of automobile travel on air quality through coordinated land use and transportation that promote the efficient placement of housing, employment, and services and improve the viability of multi-modal transportation options.

Our project will support the goal to reduce the adverse effects of automobile travel on air quality through coordinated land use and transportation that promote the efficient placement of housing, employment, and services and improve the viability of multi-modal transportation options. We agree that the viability of multi-modal transportation is a direct function of proximal placement of assets that the community can take advantage of whether it is housing, services, or employment. Appropriate zoning classification that encourages growth and redevelopment of existing underutilized property is the corollary need. Of additional note, the site is already blanketed with a large PV array, is being upgraded to more energy-efficient HVAC and lighting systems, and we are seeking to add EV charging and bicycle storage – all of which further the goals of improved community air quality and minimized need for multiple daily trips with private automobiles. We intend for the project to be an exemplary demonstration of integrated positive and practical technologies that encourage people to increase their positive impact in the world while minimizing negative impacts to the environment.

- 9. **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 7.2.2 - Walkable Places: Promote high-quality pedestrian-oriented neighborhoods and districts as the essential building blocks of a sustainable region.

With the appropriate zoning, we can redevelop the existing underutilized property that is located within a safe, pedestrian-friendly area. This will promote a high-quality pedestrian-oriented neighborhood and district. Given its proximity to potential users it will be a project that can readily be accessed on foot which will then encourage further pedestrian activity to the other adjacent commerce areas.

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

POLICY 7.3.2 - Community Character: Encourage design strategies that recognize and embrace the character differences that give communities their distinct identities and make them safe and attractive places.

- e. **Encourage high-quality development that capitalizes on predominant architectural styles, building materials, and landscape elements.**

We believe the redevelopment of this property is of high-quality and will be a model for sustainable development within existing context that will capitalize on predominant architectural styles, building materials, and landscape elements. The architecture we are proposing is a clean, contemporary reinterpretation of the rather ubiquitous nature of the current building. Our intent is to celebrate the unique majesty of the mountains, pleasant character of the community, and connect with the commercial venues in the adjacent zones. Additionally, the building upgrades and exterior façade improvements will improve the curb appeal, create more engagement, as well as making the interior qualities of the space more desirable – fostering a higher quality development.

- f. **See GOAL 7.2 above for design approaches to create walkable communities.**
See rationale above.

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.

- a. **For Activity and Village Centers, ensure that infill and redevelopment is compatible with the character of the surrounding context and similar in height, mass, and volume to adjacent development.**

The redevelopment of this property is consistent with the character of the surrounding context. It is and has been part of the existing context for 40 years. Now it is time for the zoning designation to acknowledge the scale, use and potential of its existence and conform more appropriately with allowable uses and height so that the site can contribute more significantly to the community and adjacent, established Activity Center that it always has been a part of.

- 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.**

This project is not adjacent to Single-family neighborhoods. The need for this property to serve as transitional property does not apply to this site and should be changed accordingly. We believe the multi-family project that separates the single-family residential area from the Commercial zone is a more appropriate transition given the existing scale of our building and potential benefits realized by mixed use redevelopment. The proposed change and upgrades will also further enhance the quality and character of the neighborhood and create a more engaging look and feel of the corridor and as it approaches the residential neighborhoods.

POLICY 7.3.5 - Development Quality: Encourage innovative and high-quality design in all development.

Quality can be realized by a more enriching offering of use and function. A static office use with predictable migrations of users is what this uninspiring building has provided for four decades. Innovation and high-quality design will be deployed to attract the contemporary entrepreneur, but design alone is not enough. There must be a commensurate innovative and high-quality offering of amenities and use to encourage success in the development. A proper zoning designation of MX-H will allow the design to respond to the use which will be innovative and high quality.

11. 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.

- a. **Invest in Centers and Corridors to concentrate a variety of employment opportunities for a range of occupational skills and salary levels.**

Investing in Centers and Corridors to concentrate a variety of employment opportunities for a range of occupational skills and salary levels is the foundation of our argument for the change of zoning. Our proposed development is intended to create a variety of employment opportunities deriving from a diversity of support services and amenities as well as the primary use of office. From professionals to doctors, therapists to physical fitness practitioners, attorneys to IT service providers, and servers to baristas we believe our project fully embraces the intent of this policy and goal.

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.

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

A diversity of use and function is known to successfully create opportunities for the sharing of ideas within a community. Diversity is the cornerstone of resilience and an enriched economy. With an appropriate designation of MX-H the property that is currently limited to a narrow band of function can become a contributor to a robust economic context. The zone change will maximize opportunities for economic development that furthers social, cultural, and environmental goals as well as community interaction.

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

By providing a context for additional employment, our project will prioritize local job creation, employer recruitment, and support for development projects that hire local residents. With a

development that can accommodate a variety of employment options a greater number of jobs can be developed in the same context.

d. Grow the community's economic base through recruitment, retention/expansion, and new business startups to bring additional income into the region.

This request will help to grow the community's economic base through recruitment, retention/expansion, and new business startups to bring additional income into the region. We are looking for a zoning change that will allow for a richness of options on the property that will tend to attract business innovators and employment opportunities, including the planned coworking space that catalyzes the incubation of new businesses and supports businesses in their full growth cycle from solopreneur to larger corporations.

e. Encourage livable wages and high-quality work environments.

Our project will encourage livable wages and high-quality work environments. High-quality work environments mature from space that has a variety of functions and amenities. Our concept is to provide places to work, play, recharge, interact, and relax so that focus and output can be maintained longer with fewer negative effects. Increased wages, promotion of self-sufficiency and success by a supportive community, and a thriving work environment are the goals of this concept.

POLICY 8.1.5 - Available Land: Maintain sufficient land that is appropriately zoned to accommodate projected employment growth in targeted areas.

Modifying the zoning at this site, removes the need for this project to be developed elsewhere, helping to maintain sufficient land that is appropriately zoned to accommodate projected employment growth.

12. GOAL 8.2 Entrepreneurship - Foster a culture of creativity and entrepreneurship and encourage private businesses to grow.

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

b. Promote efforts to reach potential entrepreneurs in the neighborhoods and industry sectors where they work.

This request will promote efforts to reach potential entrepreneurs in the neighborhoods and industry sectors where they work. We believe a zone change will allow us to develop a property that will be attractive to new innovators who just require the right environment of support function that is essentially on their back door. The positioning of this property is ideal given its connection to, and slight offset from the activity of the areas of commerce, shopping, and other employment.

c. Support neighborhood-based capacity building for potential entrepreneurs.

This request is intended to support neighborhood-based capacity building for potential entrepreneurs. With a change of zoning to MX-H, we will be able to provide small, compatible venues for leisure and entertainment which are often where the best business deals are formulated. Whether it is over a beer and sandwich or waiting for a dive in a hyperbaric chamber, it is the opportunities created by casual proximity to home, work and recreation form critical connections and launch businesses.

POLICY 8.2.3 - Sustainable Business: Provide incentives for development projects and businesses that have sustainable economic characteristics.

c. Cluster compatible businesses to allow for more efficient movement of goods, services, and workers.

We believe that the increased functionality allowed by the MX-H zone will better meet the goal to cluster compatible businesses to allow for more efficient movement of goods, services, and workers as the building will be able to incorporate services and amenities that retain visitors and workers onsite, reducing environmental and social costs associated with travel.

13. GOAL 12.5 Resources - Identify and allocate sufficient resources to support infrastructure, community facility, and public service needs in order to invest public dollars efficiently and effectively and to maintain a sound fiscal position.

POLICY 12.5.3 - Funding Strategy: Align public investment and leverage public-private partnerships and bonding capacity in areas consistent with the Comp Plan's vision for future growth.

b. Facilitate investment in Centers, Corridors, and Metropolitan Redevelopment Areas.

Changing the zoning to a more appropriate classification will allow us to develop a more robust facility which is aligned with the Comprehensive Plan's vision and the investment the City is making in the adjacent, established Centers and Corridors.

14. GOAL 13.1 Climate Change - Promote resource-efficient growth and development to help mitigate global climate change and adapt to its local impacts.

POLICY 13.1.2 - Greenhouse Gas Mitigation: Mitigate greenhouse gas emissions in developments and streetscapes.

The MX-H zoning, if changed, will allow for a project that offers a variety of amenities that will allow workers and building visitors to minimize travel that will mitigate greenhouse gas emissions. Similarly, nearby residents will have walkable options for a variety of services.

POLICY 13.3.2 - Flood Mitigation: Prevent flood damage and coordinate flood control and response with other agencies.

a. Limit development in higher flood risk areas.

Changing the zoning to MX-H will allow for greater density and diversity in an existing building, reducing the need for new development and therefore limiting development in higher flood risk areas.

b. Limit the volume of water runoff generated from new development to ensure the viability of down-stream stormwater facilities.

See above.

-- end of policy citations --

IDO Subsection 14-16-6-7(F)(3) criteria continued:

- B. 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 subject property is not in an Area of Consistency. This Criterion is not applicable.

- C. 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:**

The subject property is located wholly in an Area of Change. Criterion 3 is the basis for the justification of change:

- 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).**

A different zone district is more advantageous to the community as articulated by the ABC Comp Plan, as amended. The proposed MX-H zone is more consistent with the existing adjacent and abutting land uses, development, density and intensity and connectivity. The existing MX-T zone limits development with lower commercial density and development intensity than the adjacent and abutting land uses. Therefore, the requested change will allow a diversity of uses and greater variety of economic and social opportunities which is advantageous to the community.

- D. 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.**

The following is a list of all permissive and accessory uses in the proposed MX-H zone that are additional to uses permissive in the MX-T zone (from Table 4-2-1 of the IDO):

Group home, medium	Parking structure
Sorority or Fraternity	Club or event facility
Hospital	Commercial services
Sports field	Mortuary
University or College	Personal and business services, large
Veterinary hospital	Self-storage
Other pet services	Adult retail
Auditorium or theater	Bakery goods or confectionary shop
Bar	Farmer's market
Catering services	General retail, small
Nightclub	General retail, medium
Restaurant	Grocery store
Tap room or tasting room	Liquor retail
Other indoor entertainment	Pawn shop
Car wash	Transit facility
Light vehicle fueling station	Artisan manufacturing
Light vehicle repair	Light manufacturing
Light vehicle sales and rental	Outdoor dining area
Paid parking lot	Parking of more than 2 truck tractors and 2 semitrailers for more than 2 hours

Discussion of uses that will become Permissive and their potential for positive or negative effect on adjacent property:

Group home, medium – may not be possible as this use is subject to 4-3(B)(9), which limits the number of these facilities within a Council District. In general, a group home would not be in conflict with the adjoining properties (multifamily, hotel, hospital).

Sorority or Fraternity – this use would not be detrimental as it would be compatible with the adjoining properties (multifamily, hotel, hospital). It is however rather displaced from the university area and is an unlikely use.

Hospital – per 4-3(C)(5) limited to no more than 20 beds and no ambulance transport. Regardless, the use would be compatible with the adjoining properties and would have no negative effect.

Sports field – could only happen if the existing building were demolished. Regardless, there would likely be no direct conflict with adjoining properties.

University or College – this use is very compatible with the context of the area. Not likely to have a detrimental effect.

Veterinary hospital – any of the negative impacts of the veterinary use (related to sound and odor) is addressed in 4-3(D)(5). Otherwise the function would be very compatible for the area and be a desirable business function that was supported by the adjoining residential districts.

Other pet services – functions like kennels would have to be contained in a building. Otherwise the function would be very compatible for the area.

Auditorium or theater – This function would be very compatible with the area and be a fine asset to the neighborhood. No negative effects are anticipated.

Bar – Additional requirements defined in 4-3(D)(8) and state law regulate this function. If those requirements are met, this function can occur on the site. There is already a bar function in the adjoining hotel property of which any negative effects of this function are not perceived. If the bar function were to be established on the property and given its proximity to the more active retail center it is likely that it would be end up being an asset in the context.

Catering services – This is basically a commercial kitchen function and even at scale would not represent a negative impact on the neighborhood. It certainly would represent a job growth function.

Nightclub - Additional requirements defined in 4-3(D)(8) and state law regulate this function if alcohol is to be served. If that is the case and those requirements are met, this function can occur on the site. See rationale for Bar above. The nightclub function has the potential for noise concerns to the multifamily and hotel that adjoin the property, an issue which would need to be addressed though design if that function were to take place. The potential of this function as a social destination and thus a positive contribution to the economic context of the center is appealing.

Restaurant - Additional requirements defined in 4-3(D)(8) and state law regulate this function if alcohol is to be served. If that is the case and those requirements are met, this function can occur on the site. See rationale for Bar above. There are a variety of dining options in the area and another restaurant function at this location would only be a benefit. It would likely capture local residents and visitors in the area which would support localized multimodal activity. There is no perceivable negative effect of this function on the adjoining properties.

Tap room or tasting room - Additional requirements defined in 4-3(D)(8) and state law regulate this function. This function must accompany a restaurant. See rationale for Restaurant above. It is likely this function would be an asset and have no negative impact on adjoining property.

Other indoor entertainment – Since this function would be fully contained indoors, there is likely this would be a community asset/amenity with no negative effect for it to exist on site.

Car wash – Additional requirements defined in 4-3(D)(15) limit this use. Given the adjacency to the multi-family residential zone, ¼ of the property would not be available for this use which makes its development unlikely. If, however, the function were to be placed on the property, it would not represent a negative impact for any of the adjoining properties.

Light vehicle fueling station – Additional requirements defined in 4-3(D)(17) limit this use. Per 4-3(D)(17)(i) and due to the adjacent Residential Zone, this use would require a Conditional Use Approval.

Light vehicle repair - Additional requirements defined in 4-3(D)(17) limit this use. If these regulations are adhered to, the function itself would not represent a negative impact on the property and could be perceived as an asset to the adjoining areas.

Light vehicle sales and rental - Additional requirements defined in 4-3(D)(19) limit this use. In the MX-H zone district displays or storage of vehicles is prohibited which essentially renders this use as “not likely”.

Paid parking lot - Additional requirements defined in 4-3(D)(21) limit this use. The use is unlikely, but should it be deployed would contribute positively as it would presumably be supporting some other form of multi-modal transit and further would be required to place additional landscaping elements that would be desirable in context.

Parking structure - Additional requirements defined in 4-3(D)(21) limit this use. See rationale for Paid parking lot above.

Club or event facility – This use function could be a very positive use in the area. By providing a space that would accommodate a gathering of people for events this would promote the use of multi-modal transit as well as be an economic benefit to the community. No negative impact is anticipated.

Commercial services – the varied possible uses captured in this classification would be consistent with the intensity of use currently exhibited on-site and would likely represent economic opportunities for the community with minimal risk of negative impact.

Mortuary – this use function if deployed on site would likely represent economic opportunities for the community with minimal risk of negative impact.

Personal and business services, large - Additional requirements defined in 4-3(D)(26) limit this use. Depending on the actual business service, the use would likely represent economic opportunities for the community with minimal risk of negative impact.

Self-storage - Additional requirements defined in 4-3(D)(28) limit this use. Only interior storage solutions would be allowed and given the proximity of the residential zone would have qualified hours of operation. Given this typology, this use would represent a community asset with minimal risk of negative impact.

Adult retail - Additional requirements defined in 4-3(D)(6) limit this use. Given the proximity to the residential zone, this use is prohibited.

Bakery goods or confectionary shop – This use is usually associated as a positive in a community and would likely support commerce and economic growth with minimal risk of negative impact.

Farmer's market – given the proximity to the residential district and the shopping center this use would likely represent a community asset with minimal risk of negative impact.

General retail, small - Additional requirements defined in 4-3(D)(34) limit this use. In general, retail in this location would represent a community asset with minimal risk of negative impact.

General retail, medium - Additional requirements defined in 4-3(D)(34) limit this use. In general, retail in this location would represent a community asset with minimal risk of negative impact.

Grocery store - Additional requirements defined in 4-3(D)(35) limit this use. In general, Grocery functions in this location would represent a community asset with minimal risk of negative impact.

Liquor retail - Additional requirements defined in 4-3(D)(36) limit this use. Due to proximity to the Residential Zone, a Conditional Use Approval is required.

Pawn shop - Additional requirements defined in 4-3(D)(37) limit this use. This use function is a destination for commerce and for better or worse, it does not represent any greater impact on community than Retail.

Transit facility – Any function that supports transit (presumably multimodal) would be a positive amenity in a community as the coming and going of people represents opportunity for commerce and economic stimulus. Depending on the kind of facility, there might be increased traffic flow which could be deemed undesirable to the adjacent residential zone.

Artisan manufacturing - Additional requirements defined in 4-3(E)(1) limit this use. Since all manufacturing must be entirely indoors, there is no perceivable negative impact of this use. Rather the opportunity to create craft goods is an opportunity to engage the community in a variety of ways, generate commerce, and could possibly create an appealing destination that when combined with retail/restaurant/bar is a very desirable.

Light manufacturing - Additional requirements defined in 4-3(E)(2) limit this use. All manufacturing is required to be located indoors unless a Conditional Use Approval is obtained. Manufacturing usually represents a community asset in the form of job creation and economic development. Since any activity would be indoors, there is minimal risk of negative impact.

Outdoor dining area – This is an Accessory Use and would be paired with the Restaurant Use. Additional requirements defined in 4-3(F)(14) limit this use. See Restaurant rationale above. In general, this use is a highly desirable asset with minimal risk of negative impact.

Parking of more than 2 truck tractors and 2 semitrailers for more than 2 hours - This is an Accessory Use and is temporary in nature. Negative impacts of truck parking could be sound and odors if the trucks were idling. Presumably this use is paired with some other primary function which would need to be considered.

E. 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 of the following requirements:

Criterion 1 is the basis for the justification of change:

1. Have adequate capacity to serve the development made possible by the change of zone.

Because the site is located in a developed area of Albuquerque, it meets the requirements of the above criterion number 1. The City's existing infrastructure is well established for the current use intensity which, as already articulated in this application, was established for uses of greater density and intensity than reflected in the current zoning (MX-T). The proposed diversity of uses do not represent a significant increase of load on the existing infrastructure. There is adequate capacity to serve the development made possible by the change of zone.

F. 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 proposed change to zoning designation is based on the desire to amend the current IDO zone designation to a zoning classification congruent with existing scale, use intensity, and entitlements, and to be more compatible with the existing development pattern and intensity. The zone change is therefore not based on the property's location on a major street.

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

Because the proposed zone change request is primarily based on zoning compatibility with existing (Pre-IDO conditions) and increasing diversity of use to make the property more appealing and functional in the community, the applicant's justification is not based completely or predominantly on the cost of land or economic considerations.

H. 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.

The zone change does not apply a zone district different from surrounding zone districts to one small area or one premises or to a strip of land along a street.

There is a large area of property up and down along the Transit Corridor currently zoned MX-H. The property affected by this request along with a few other smaller properties have different zoning that seems inconsistent with this area. The large property to the north across the street is MX-H. Portions of the Activity Center to south are MX-M. The Multifamily zone directly to the East is R-MH. The property with the four-story Hotel to the west is zoned MX-L (a designation that also makes that building non-conforming and not consistent with its intensity of use). The majority of zoning designations around this property are intended to have an intense use that is consistent along the corridor. Although the intensity of the MX-H zoning is higher than the zone designations of the properties located directly west and south, MX-H is more compatible with the area and established use intensity of the surrounding properties.

Conclusion

Fundamentally the request for a zone change of this existing property is about supporting innovation and change and, on a certain level, practicality. While the IDO zone designation of MX-T adequately captures the existing building use, with only 23% occupancy, it does not allow the property to rise to a better value proposition within the community and support innovation and creativity or evolve into a more desirable hub of activity. With current zoning this building can only really ever be a traditional office building with expansion limited to the lower two levels – which is to say not at all. With a change of zoning to MX-H, the building will exist in a zone that is appropriate for its scale and intensity of use, allow for expansion on the upper levels for greater density and variety of uses with a minimized footprint. This amendment also allows the incorporation of public-engaging uses that currently cannot exist without protracted administrative procedure. The neighborhood is in support of our plan; they desire a building that is a community asset and amenity rather than just another tired, innocuous place of business. The property is well suited to embrace and bolster the multi-modal infrastructure that is already established in the area. Supporting dense diverse commercial, mixed-use capable, and modern appointed buildings embraces the new mode of business which attracts the contemporary entrepreneur who desires an engaged work-life balance that is blended throughout the day. We need to make sure the zoning allows for the flexibility of those functions and the investment in our community that attracting this contemporary worker represents.

The Owner is interested in supporting growth and development that makes for a more robust and vibrant community. Everyone benefits in that situation. We appreciate your consideration of this proposed change and look forward to your approval.

Please contact me if you have any questions or require further information.

Thank you,



Kent Beierle, Architect
EDI/Equiterra
(Owner's Agent)

STAFF INFORMATION

August 14, 2019

TO: Kent Beierle, Environmental Dynamics, Inc. (EDI)
FROM: Whitney Phelan, Planner
City of Albuquerque Planning Department
TEL: (505) 924-3844
RE: **Project #2019-002670 (1008994)**, Zone Map Amendment

I've completed a first review of the proposed zone map amendment (zone change request). I have some questions and suggestions that will help strengthen the justification. I am available to answer questions about the process and requirements. Please provide the following:

- ⇒ A revised Zone Map Amendment justification letter pursuant to the zone change criteria, Subsection 14-16-6-7(F)(3) on Pg. 427 of the Integrated Development Ordinance (IDO). (1 copy) by:

12 PM on Wednesday August 21st, 2019

Note: If you have difficulty with this deadline, please let me know.

1. Introduction:
 - a. Although I have done my best for this review, additional items may arise as the case progresses. If so, I will inform you immediately.
 - b. Legal Description: TR B-4A A Summary Replat of Tract B-4 Academy Acres Unit 5. Is this correct?
 - c. Introduce who you are/Letter of Authorization.
2. Process:
 - a. Information regarding the EPC process, including the calendar and current Staff reports, can be found at:

<http://www.cabq.gov/planning/boards-commissions/environmental-planning-commission>
 - b. Timelines and EPC Calendar: the EPC public hearing for September is the 12th. Final staff reports will be available one week prior, on September 5, 2019.
 - c. A pre-application review team (PRT) meeting is required. I found the PRT notes in the file.
 - d. Agency comments will be distributed around Wednesday, August 21st. I will email you a copy of the comments and will forward any late comments to you.

- e. A Traffic Impact Study (TIS) is currently not required, but could be in the future based on any subsequent changes to the development proposal identified in this application.
3. Notification & Neighborhood Issues: *Notification requirements for a zone change are found in Table 6-1-1 (IDO, pg. 328) and are explained in Section 6-4(K), Public Notice (IDO, pg. 345).*
 - a. The required notification consists of an emailed letter to neighborhood representatives indicated by the ONC and a mailed letter (first-class) to property owners within 100 feet of the subject site. It appears that letters were sent via certified mail to all Neighborhood Association Reps and property owners within 100 feet on July 24th. Was an email sent to Neighborhood Association Reps as well notifying them of the hearing/application?
 - b. A separate offer for a meeting (pre-application neighborhood) was sent via email on June 28th, as well as two letters sent via certified mail. Why was the 3rd Neighborhood Association rep not sent a meeting request via certified mail?
 - c. Do you anticipate that a facilitated meeting will be requested? Are you aware of any concerns?
 - d. Have any neighborhood representatives or members of the public contacted you so far? As of this writing, no one has contacted me.
 4. Project Letter:
 - a. In the project letter please explain the intention of the project- ex. why a zone change is claimed to be needed, what will be developed and why (merits of project), and what was the use of the property when the IDO was adopted? (May 17, 2018).
 - b. Explain any neighborhood support you may have received, if any.
 - c. In the context of the surrounding properties/zones/uses, why do you need a zone change rather than pursuing other options or changing the design? (Site constraints, neighboring zoning and uses, how is this appropriate given the surrounding context?)
 5. Zone Map Amendment (zone change)- General:
 - a. A zone change justification is all about the requirements of the zone change criteria in the IDO at 6-7(F)(3) and how the applicant can demonstrate that the request fulfills them.
 - b. The task is to choose applicable Goals and policies from the Comprehensive Plan and show how the request does or does not further them. How does the request relate to the Goal or policy and make it a reality?
 - c. Responding to the A-H of the zone change criteria is both a legal exercise and a planning exercise. It is critical to "hit the nail on the head" conceptually and in terms of form. This can be done by:
 - i. Responding to each requirement in the customary way (see examples).
 - ii. Using conclusory statements such as "because _____".
 - iii. Re-phrasing the requirement itself in the response, and

- iv. Choosing an option when needed to respond to a requirement (ex. Criterion B, E and H).
 - d. Use GIS mapping tool to identify if the subject site is in an Area of Change or Area of Consistency, and if it is located in a designated Center or along a designated Corridor.
6. Zone Map Amendment (zone change)- Concepts and Research:
- a. A thorough, substantiated, and well-thought out zone change justification essay is expected of all applicants.
Please review recent zone change cases and see how other applicants have presented justifications (note that each case is different). Old EPC cases are available to the public at: <https://www.cabq.gov/planning/boards-commissions/environmental-planning-commission/epc-agendas-reports-minutes>
The links are listed by hearing date. Each contains a Staff report and attachments. The applicant's justification essay, which is evaluated in the associated Staff report, is found in the attachments.
 - b. It would be beneficial to study a recent zone change case and note how the criteria were responded to. Please pay careful attention to how Staff does policy analysis, because the same is expected of applicants. Here is a link to a Staff report where approval is recommended:
<http://documents.cabq.gov/planning/environmental-planning-commission/April2019/Agenda%203%2019-002043%20Old%20Kmart%20ZC.pdf>
The Staff report explains in detail regarding why the responses to each criteria are sufficient or insufficient, so please read the analysis in each and incorporate this understanding into your own justification.
7. Zone Map Amendment (zone change) Additional Notes:
- a. Criterion A: Criterion A is like the old subsection C of R2070-1980. This is where a fully-developed policy analysis goes to support the request. The requirement reads "a preponderance of applicable Goals and Policies." Therefore, do not cite guiding principles, objectives, or texts as they are not included in the requirement.

Copy each cited Goal and policy verbatim from the Comp plan. Then respond after each. Please see how Staff policy analysis is done as a standard procedure.

Like responding to a legal requirement, the words of the Goal or policy cited need to be incorporated into your responses; otherwise, they are not sufficiently tied together and the link is not strong and your case is not proven.

Tip: Take the policy analysis **outline** provided in the response to Criterion C and bring it into Criterion A, as a starting point. Although, the response to Criterion C is deficient in responding to Criterion A, because it requires cited Goals and policies.

- b. Criterion D: To properly answer this criterion, a discussion of all new permissive (P) uses in the proposed zone is required. Please list and discuss each one, with emphasis on whether or not they would be harmful to adjacent property, the neighborhood, or the community. Are there Use-Specific Standards? Buffering requirements? Etc. Keep in mind, even though this project may not use a particular permissive use allowed in the new zone, a property owner in the future could choose to do so.
- c. The current layout of this justification does not meet the criteria required, a follow up justification needs to be submitted by the deadline above in order to avoid a recommendation of deferral.



Via e-mail

August 16, 2019

Mr. Russell Brito
City of Albuquerque Planning Department
600 2nd St NW, STE 300
Albuquerque, NM 87102

Re: Proposed Zone Change for 5700 Harper

Dear Mr. Brito,

I recently received a notification that owner of Northpointe Plaza building ("Applicant") has submitted an application for a zone change from MX-T to MX-H in order to accommodate the existing height of the building and to allow potential expansion and new amenities.

On behalf of Northside Hotel Investment, LLC, and Pan American Hotel Investment, LLC, the owners of 6000 Pan American Freeway, which sits immediately due west and adjacent to the Applicant's property, we would like to voice our support for this request.

The MX-H zone is appropriate to the scale of the building. There is a large number of MX-H zoned properties immediately to the north and other close by properties to the south and west, thereby preventing spot zoning. Applicant's use and desire to improve its property and offer more amenities will enhance the neighborhood, rather than harm it. By approving the zone change request, the City will be allowing a property that has been at approximately at 23% occupancy for years to redevelop and evolve into a vibrant, activated property with the kind of amenities that will attract tenants and create a sense of community with neighboring properties.

Thank you for your consideration of this letter of support.

Best regards,

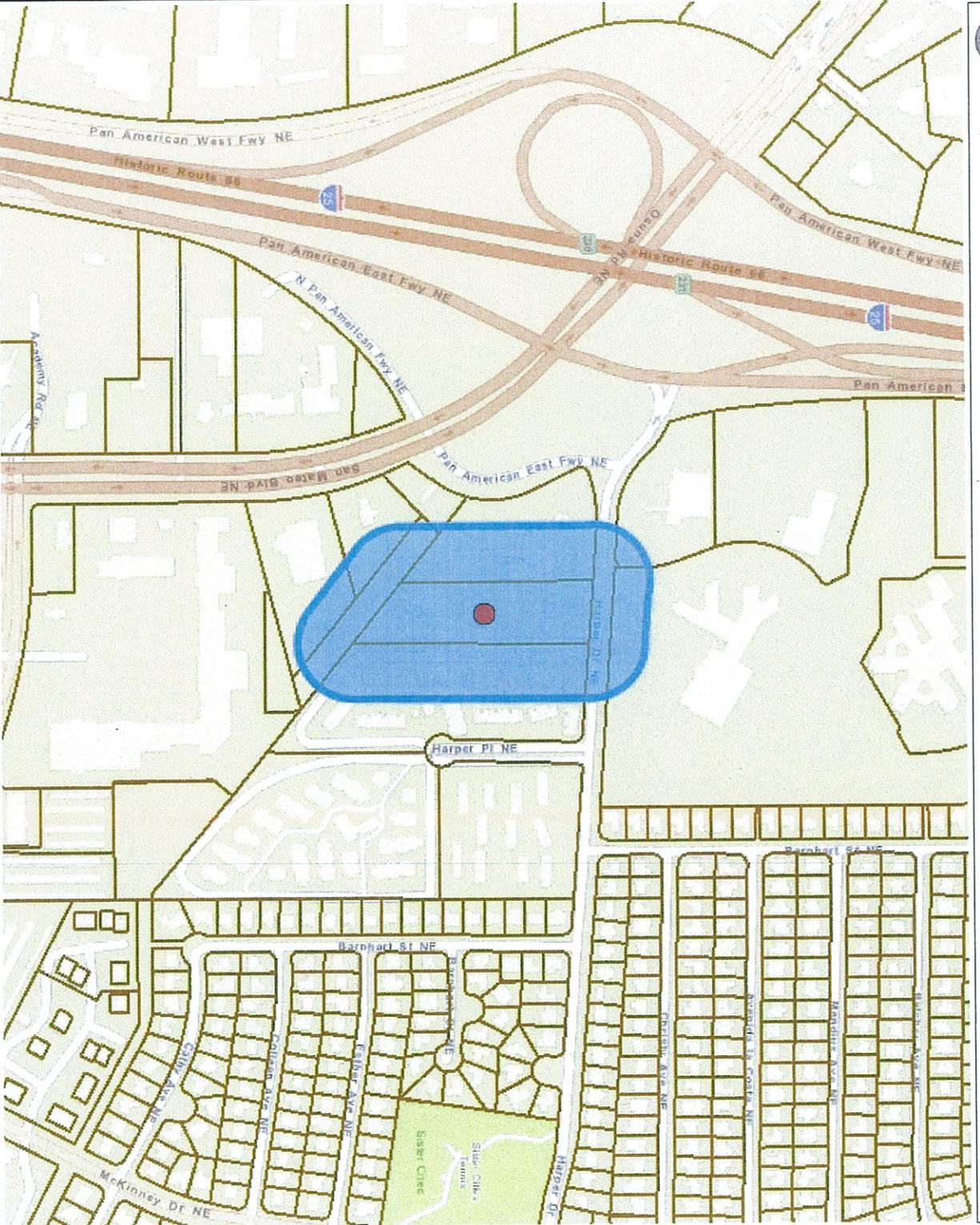
Suzanne Lubar
Vice President of Real Estate and
General Counsel

cc: Mathew Finkelstein

NOTIFICATION

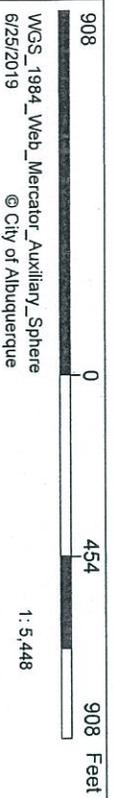


5700 Harper NE



- Legend**
- Bernalillo County Parcels
 - Municipal Limits**
 - Corrales
 - Edgewood
 - Los Ranchos
 - Rio Rancho
 - Tijeras
 - UNINCORPORATED

Notes
 Buffer: 172ft.
 ROW: Harper NE 72ft.



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 6/25/2019
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FORMER OWNER

~~NORTH POINTE LLC C/O PARS ASSETS
LLC
7630 CARROLL RD SUITE 202
SAN DIEGO CA 92121~~

GHS PROPERTY LLC
PO BOX 504
LA CANADA FLINTRIDGE CA 91012-
0504

TACO CABANA OF EL PASO INC
6270 ELK VIEW RD
LARKSPUR CO 80118-4907

PRESBYTERIAN HEALTHCARE SERV
REAL ESTATE DEPARTMENT
PO BOX 26666
ALBUQUERQUE NM 87125-6666

6000 PAN AMERICAN INC
6000 PAN AMERICAN FWY NE
ALBUQUERQUE NM 87109

NE MOB LLC C/O ALTUS GROUP
PO BOX 92129
SOUTHLAKE TX 76092-0102

CORTONA-MISSION LP
PO BOX 1280
SOLVANG CA 93464

5800 HARPER DRIVE NE LLC
675 S ROOSEVELT ST SUITE 3003
TEMPE AZ 85281-3570

Property Owners within 100'-0" Buffer Zone

GHS PROPERTY LLC
PO BOX 504
LA CANADA FLINTRIDGE CA 91012-0504

TACO CABANA OF EL PASO INC
6270 ELK VIEW RD
LARKSPUR CO 80118-4907

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PO BOX 1280
SOLVANG CA 93464

5800 HARPER DRIVE NE LLC
675 S ROOSEVELT ST SUITE 3003
TEMPE AZ 85281-3570

Kent Beierle

From: Quevedo, Vicente M. <vquevedo@cabq.gov>
Sent: Wednesday, June 26, 2019 9:21 AM
To: Kent Beierle
Subject: Neighborhood Meeting Inquiry_5700 Harper Dr NE_EPC
Attachments: IDOZoneAtlasPage_E-18-Z.PDF; Neighborhood Meeting Inquiry_5700 Harper Dr NE_EPC.xlsx

Kent,

See list of associations below and attached regarding your EPC submittal. In addition, we have included web links below that will provide you with additional details about the new Integrated Development Ordinance (IDO) requirements. The web links also include notification templates that you may utilize when contacting each association. Thank you.

Association Name	First Name	Last Name	Email	Address Line
District 4 Coalition of Neighborhood Associations	Michael	Pridham	michael@drpridham.com	6413 Northland Av NE
District 4 Coalition of Neighborhood Associations	Daniel	Regan	dlreganabq@gmail.com	4109 Chama Street
Academy Acres North NA	Irene	Minke		6504 Dungan Aven
Academy Acres North NA	Fred	Aiken	faaiken@aol.com	P.O. Box 90181

IDO – Public Notice Requirements & Template: <https://www.cabq.gov/planning/urban-design-development/public-notice>

IDO – Neighborhood Meeting Requirements & Template: <https://www.cabq.gov/planning/urban-design-development/neighborhood-meeting-requirement-in-the-integrated-development-ordinance>

IDO - Administration & Enforcement section: <http://documents.cabq.gov/planning/IDO/IDO-Effective-2018-05-17-Part6.pdf>

Respectfully,

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

Website: 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: Tuesday, June 25, 2019 3:42 PM
To: Office of Neighborhood Coordination <kent@edi-arch.com>
Cc: Office of Neighborhood Coordination <onc@cabq.gov>
Subject: Neighborhood Meeting Inquiry Sheet Submission

Neighborhood Meeting Inquiry For:

Environmental Planning Commission

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

Contact Name

Kent Beierle

Telephone Number

505.242.2851

Email Address

kent@edi-arch.com

Company Name

EDI

Company Address

142 Truman St NE Suite A1

City

Albuquerque

State

NM

ZIP

87108

Legal description of the subject site for this project:

Tract B4-A, Unit 5, Academy Acres Subdivision

Physical address of subject site:

5700 Harper Dr NE

Subject site cross streets:

Harper Dr & Pan American Fwy

Other subject site identifiers:

4 story building east of Nativo Lodge

This site is located on the following zone atlas page:

E-18

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

July 24, 2019

XXX
XXX
XXX

Re: Proposed Zoning change at 5700 Harper NE

To whom it may concern,

Per the City of Albuquerque's process, I am writing you today to make you aware that our Client, the Owner of the Northpointe Plaza building, is pursuing a change of zoning for his property located 5700 Harper Dr. NE.

The property at 5700 Harper was automatically converted from SU Office/Rec to MX-T by the City when it adopted the new IDO. The MX-T zone only allows conforming buildings to be 30 feet or less in height, the building on the site is 4 stories and reaches +/- 62 feet at its peak which renders 2 floors of the building "non-conforming" and limits any expansion potential. Further, the MX-T zone limits the uses of the property such that the amenities we are planning to support the office functions would require multiple Conditional Use applications or variances. The MX-H zone designation allows buildings up to 65 feet, and a variety of compatible use options. We wish to upgrade the facade and the building and make improvements to bring the building up to a high standard for the community. This requires the zone change.

Prior to filing an application with the Planning Department for approval of this change through the Environmental Planning Commission (EPC) we are required to notify any affected neighborhood and/or homeowner associations and neighbors within 100 feet of the property via certified mail. Please accept this letter as that official notification.

If you have any questions about the project you may contact the Owner:

Mathew Finkelstein
505.898.3702
mmfinkel@mac.com

■ kent beierle ■

■ j. stace mcgee ■

■ delcie dobrovolny ■

1. **Subject Property:** 5700 Harper Dr. NE
2. **Legal Description:** TR B-4A A SUMMARY REPLAT OF TRACT B-4 ACADEMY ACRES UNIT 5
3. **Physical description of the location:** The property exists south of Harper Dr. just east of the Nativo Lodge which is off of San Mateo and Pan American Freeway
4. **Complete and Detailed description of the action requested:** convert the 3 acre property from MX-T to MX-H zoning. This will associate a zoning designation that is appropriate to the scale of the existing building, allow for the expansion of the building on the upper levels, and allow the incorporation of additional uses (a café and other professional business amenities not able to be classified as "office").
5. **Facilitated Meeting Information:** 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 striplett@cabq.gov, by phone at 505.768.4712 or 505.768.4660. A facilitated request must be received by ADR by: **August 12, 2018.**

■ 142 Truman St. NE
Albuquerque, NM 87108
Tel 505.242.2851

■ 917 E Prospect Rd, Unit B
Fort Collins, CO 80525
Tel 970.672.1155

■ 100 NE 6th St Unit 102
Boynton Beach, FL 33435
Tel 561.531.4704

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NEIGHBORHOOD MEETING AND LETTERS

Neighborhood Meeting Letter

• June 28, 2019

To:

District 4 Coalition of Neighborhood
Associations

Atten: Michael Pridham
6413 Northland Avenue NE
Albuquerque NM 87109

Atten: Daniel Regan
4109 Chama Street NE
Albuquerque NM 87109

Academy Acres North NA

Atten: Irene Minke
6504 Dungan Avenue NE
Albuquerque NM 87109

Atten: Fred Aiken
P.O. Box 90181
Albuquerque NM 87199

**Re: Neighborhood Meeting about Future
Development Application**

With Email to:

michael@drpridham.com

dlreganabq@gmail.com

faaiken@aol.com

Dear Neighborhood representative,

In accordance with the procedures of the City of Albuquerque's Integrated Development Ordinance (IDO) **Subsection 14-16-6-4(C) Neighborhood Meeting**, we are providing you an opportunity to discuss a Zoning Map Amendment - EPC proposed in or near your neighborhood before we submit an application. This would be an informal meeting where the property owner and its agents would present the proposal, and we could discuss any ideas or concerns you may have.

Contact Information

Matt Finkelstein 505 999 7184 and/or Matt@optimumabq.com

Project or Development Proposal

5700 Harper Drive NE

Matt Finkelstein

Zone amendment MX-T to MX-H

The property at 5700 Harper was automatically converted from SU Office/Rec to MX-T by the City when it adopted the new IDO plan. The MX-T zone only allows conforming buildings to be 30 feet or less in height, the building is actually 4 stories and reaches +/- 62 feet at its peak. MX-H allows buildings up to 65 feet, we wish to

upgrade the facade and the building and make improvements to bring the building up to a high standard. This requires the zone change.

Per the IDO, you have 15 days from Jun 28, 2019 to respond, by either 1) requesting a meeting or 2) declining the meeting. If you do not respond within 15 days, you are waiving the opportunity for a Neighborhood Meeting, and we can submit our application anytime thereafter. We would like to submit our application as soon as possible perhaps as early as July 5th.

If you would like to meet, please let us know, and we will schedule with you at the earliest possible date but no later than within 30 days of your response to this email/letter. If you are willing and able to offer a waiver of the meeting requirement, we may be able to move forward expeditiously and meet the deadline for the July 5th application. To that end I have attached a waiver form. If you can sign it on behalf of your association and send it back to me it would be greatly appreciated (I would be willing to pick it up from you if needed). I of course will remain available to you to answer questions.

Before submitting our application, we will send Mailed and/or Emailed Public Notice as required by IDO Table 6-1-1 to make you aware of the public hearing/meeting at which the project will be reviewed and decided by the City.

- Attached is a photo of the existing facade along with a rendering of the proposed upgrade. An amendment to MX-H would allow the property to be conforming with its height and consistent with the adjacent properties which are MX-L for the Hotel to the West, MX-M for the properties to the south, MX-H for the properties to the North and R-MH for the multi-family apartment complex to the East.

Useful Links

Integrated Development Ordinance (IDO):

<http://documents.cabq.gov/planning/IDO/IDO-Effective-2018-05-17.pdf>

IDO Interactive Map

<https://tinyurl.com/IDOzoningmap>

Sincerely,

Matthew M. Finkelstein

Existing facade



Proposed new facade





Waiver Declining Neighborhood Meeting

The District 4 Coalition of Neighborhood Associations, and the Academy Acres North Neighborhood Association, have been duly noticed with the proposed application for zoning amendment for the Premises at 5700 Harper Drive NE to be amended from the MX-T zone to MX-H zone. We hereby waive the meeting requirement and decline the meeting so that the applicant may begin the application process without further delay.

ACADEMY ACRES NORTH

District 4 Coalition of Neighborhood Associations

By: Fred Aike President AA NNB

Print Name: Fred A Aike

Academy Acres North Neighborhood Association

By: Irene Minke

Print Name: IRENE MINKE

Waiver Declining Neighborhood Meeting

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District 4 Coalition of Neighborhood Associations By: Dan Regan

Print Name: DAN REGAN
7/2/19

Academy Acres North Neighborhood Association By: _____

Print Name: _____



LETTER OF AUTHORIZATION FOR DAN REGAN TO SPEAK FOR D4C ON DEVELOPMENT MATTERS

To whom it may concern,

At the District 4 Coalition meeting of April 18, 2018, with a well-established quorum, Dan Regan was moved, seconded and unanimously chosen to become the chair of the District 4 Coalition's Development Committee going forward.

Michael Pridham
President, District 4 Coalition

Email: Sect.dist4@gmail.com Phone: 505-321-2719

Subject: RE: Notice of meeting - please call with any questions or challenges 505 999 7184
Date: Tuesday, July 2, 2019 at 7:27:28 AM Mountain Daylight Time
From: Dan & Liz Regan
To: Matt Finkelstein, michael@drpridham.com, faaiken@aol.com
CC: 'Kent Beierle', 'Jim Griffie', 'PeggyD', Dan Regan
Priority: High
Attachments: Finkelstein Project.pdf

Matt,

The Academy Acres North NA (via Irene Minke & Fred Aiken) have agreed that your project can move forward without a Pre-Application Meeting.

Find attached to this email a signed copy of the Waiver signed by me on behalf of the District 4 Coalition.

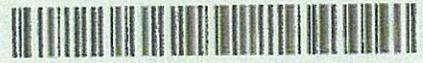
Best of luck with thid venture.

Dan Regan
District 4 Coalition
Zoning / Development Committee Chair

From: Matt Finkelstein [mailto:matt@optimumabq.com]
Sent: Friday, June 28, 2019 5:02 PM
To: michael@drpridham.com; faaiken@aol.com; dlreganabq@gmail.com
Cc: Kent Beierle <kent@edi-arch.com>; Matt Finkelstein <matt@optimumabq.com>
Subject: Notice of meeting - please call with any questions or challenges 505 999 7184

9 0150 0000 4278 7332

9590 9402 4898 9032 5955 01



DANIEL REGAN
 4109 CHAMA ST NE
 ALBUQUERQUE NM 87109

1. Article Addressed to:

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

SENDER: COMPLETE THIS SECTION

- 3. Service Type
 - Priority Mail Express®
 - Registered Mail™
 - Registered Mail Restricted Delivery
 - Certified Mail®
 - Certified Mail Restricted Delivery
 - Collect on Delivery
 - Collect on Delivery Restricted Delivery
 - Insured Mail
 - Insured Mail Restricted Delivery (over \$500)
- Return Receipt for Merchandise
- Signature Confirmation™
- Signature Confirmation Restricted Delivery

A. Signature *Daniel Regan*

B. Received by (Printed Name) *Daniel Regan*

C. Date of Delivery *7/3/19*

D. Is delivery address different from item 1? Yes No

If YES, enter delivery address below:

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT OF THE RETURN ADDRESS. FOLD AT DOTTED LINE

CERTIFIED MAIL

USPS TRACKING#



9590 9402 4898 9032 5955 01

First-Class Mail
 Postage & Fees Paid
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 Permit No. G-10

United States
 Postal Service

* Sender: Please print your name, address, and ZIP+4® in this box*

MATT FINKELSTEIN
 5431 EAKES RD NW
 LOS RANCHOS NM 87107

