



**PLANNING DEPARTMENT  
URBAN DESIGN & DEVELOPMENT DIVISION  
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## OFFICIAL NOTIFICATION OF DECISION

March 8, 2018

Cornerstone Capital, LLC  
6601 Coors Blvd NW, Suite C  
ABQ, NM 87102

**Project# 1000042**  
18EPC-40002 Zone Map Amendment  
(Zone Change)

### LEGAL DESCRIPTION:

The above action for all or a portion of Lots A-F and 1-5, Kirtland Addition Unit 3, zoned SU-1 for IP Permissive Uses and Student Housing, to R-2, located on Bethel Ave. SE, between Mulberry St. SE and Richmond Dr. SE, containing approximately 1.5 acres. (M-15)

Staff Planner: Maggie Gould

PO Box 1293

Albuquerque

On March 8, 2018 the Environmental Planning Commission (EPC) voted to APPROVE Project 1000042/18EPC-40002, a Zone Map Amendment (Zone Change), based on the following Findings:

NM 87103

### FINDINGS:

1. This is a request for a Zone Map Amendment of Lots A-F and 1-5, Kirtland Addition located on Bethel Ave., SE, Between Mulberry Street and Richmond Drive SE and containing approximately 1.5 acres.
2. The request is to change the zoning from SU-1 for IP Permissive Uses and Student Housing to R-2.
3. The subject site was part of a larger area that was annexed into the City in 1985. In 2000, the subject property was platted into the 11 lots that currently exist. In 2012, the EPC voted to approve a zone change from IP to SU-1/IP Permissive Uses and Student Housing and amend an existing Site Development Plan for Subdivision for a 35.9 acre site that included the subject site (Project #1009090, 11EPC-40091, 40093).
4. The Albuquerque/Bernalillo County Comprehensive Plan, and the City of Albuquerque Zoning Code are incorporated herein by reference and made part of the record for all purposes.
5. The subject site is within an Area of Consistency as designated by the Comprehensive Plan. The

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request is in general compliance with the following applicable goals and policies of the Comprehensive Plan:

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

- b) Encourage development that offers choice in transportation, work areas, and lifestyles**
- d) Encourage development that broadens housing options to meet a range of incomes and lifestyles.**
- h) Encourage infill development that adds complementary uses and is compatible in form and scale to the immediately surrounding development.**
- n) Encourage more productive use of vacant lots and under-utilized lots, including surface parking. The request will add to the mix of uses in the area and will allow the development of an infill housing option on a vacant lot that is near employment and services. The allowed development will offer an additional housing option that will complementary to and compatible with the surrounding development. The request furthers POLICY 5.2.1 Land Uses, b), d),h) and n).**

**Goal 5.3 Efficient Development Patterns:** Promote development patterns that maximize the utility of existing infrastructure and public facilities and the efficient use of land to support the public good. The request will add additional housing in an area with existing infrastructure and public facilities. The request allows the development of a currently lot and will fill a need for additional multifamily housing. The request furthers Goal 5.3.

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

The request will allow additional housing in an area with existing infrastructure and public facilities. The request furthers POLICY 5.3.1..

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

- b) Ensure that development reinforces the scale, intensity, and setbacks of the immediately surrounding context**  
The proposed zoning will allow development that is compatible with the scale and intensity of the existing neighborhood; the proposed use aligns with the single family use in a better way than the existing zoning. The request furthers policy 5.6.3 and subpolicy b.

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

- a) Provide appropriate transitions between uses of different intensity or density and between non-residential uses and single-family neighborhoods to protect the character and integrity of existing residential areas.**

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- b) **Minimize development's negative effects on individuals and neighborhoods with respect to noise, lighting, air pollution, and traffic.**

The request will allow development that will act as a buffer between the more intense industrial uses to the south and less intense single family uses to the north. The subject fills in a gap between the existing park and Mulberry street, the two sites together provide an appropriate transition/ buffer. Building height in the R-2 zone is limited to

26 feet in height with 85 feet of a lot zoned for houses. An approximately 80 foot portion of the park is between the subject and the single family use, adding an additional buffer for the single family uses. The request furthers POLICY 5.6.4 and a) and b).

- Goal 9.1 Supply:** Ensure a sufficient supply and range of high-quality housing types that meet current and future needs at a variety of price levels to ensure more balanced housing options.

The request will add to the supply of housing types and will help to meet the need for more multifamily housing.

- Policy 9.1.1 Housing Options:** Support the development, improvement, and conservation of housing for a variety of income levels and types of residents and households.

- c) **Assure the availability of a wide distribution of quality housing for all persons regardless of race, color, religion, sex, national origin, ancestry, age, or disabled status.**

- i) **Provide for the development of multi- family housing close to public services, transit, and shopping.**

The request will allow an additional housing option and may provide additional flexibility for households. The request allows the development of multifamily housing that is near services and shopping and somewhat near transit. The request furthers Policy the goal and policy 9.1.1

- Policy 9.2.1 Compatibility:** Encourage housing development that enhances neighborhood character, maintains compatibility with surrounding land uses, and responds to its development context – i.e. urban, suburban, or rural – with appropriate densities, site design, and relationship to the street. The request will allow development at the same density as is currently allowed on the site. The R-2 zone limits height to 26 feet for buildings within 85 feet of a lot zoned for houses, this keeps future development contextual with the existing residential development. Development in the IP would allow a height up to 120 with certain setbacks. The request furthers POLICY 9.2.1.

6. The applicant has justified the zone change request pursuant to R-270-1980 as follows:
- A. The request will not be contrary to the health, safety, morals, and general welfare of the City. The request will development that can act as a transition, provide a needed housing option close to employment and services and maintain the residential character of the area around the existing park.
- B. The request will not destabilize the area. The request will allow development that can act as a transition or buffer between the more intense industrial uses to the south and the less intense uses to the north. The request removes the industrial uses on the site and maintains the residential use

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to near the existing park and community center. Additionally, the request maintains zoning that will allow future employment, while removing industrial uses in close proximity to residential uses.

- C. See Policy analysis in finding 5.
  - D. The existing zoning is inappropriate because a different use category is more advantageous to the community, as articulated by the Comprehensive Plan. The proposed zone will provide an additional housing option in proximity to employment and services and near bike paths. The proposed zone will help fill a need for multifamily housing as demonstrated by the surveys submitted showing the demand for this type of housing. The proposed zone removes several uses that are not compatible with the single family use to the north.
  - E. The proposed zone will remove several uses that are not compatible with the single family neighborhood to the north and will allow development of houses, townhouses or apartments. Any apartments would be at the same density as allowed by the existing zoning.
  - F. The site has access to a full range of existing, developed infrastructure and will be developed privately. Any future allowed by the request will not lead to unprogrammed capital expenditures.
  - G. The applicant has justified the request as being more advantageous to the community as articulated in the applicable plans. Economics are not the determining factor in the request.
  - H. The applicant has justified the request as being more advantageous to the community as articulated in the applicable plans. The site is located on a local street, but with reasonable access to the site.
  - I. The request will provide a transition between the single family use to the north and industrial and commercial uses to the south. The proposed zone will act as a buffer, combined with the park, for the single family uses to the north. The request clearly facilitates several policies of the Comprehensive Plan. The intent of this policy to prevent incompatible uses from developing adjacent to one another; this request will allow development of compatible uses.
  - J. The request will not create a strip of land with zone different from surrounding zoning. The request will allow development of a compatible uses and will serve as a transition between the more intense uses to the south and the less intense uses to the north. The intent of this policy to prevent incompatible uses from developing adjacent to one another; this request will allow development of compatible uses.
7. The Kirtland Community Association and property owners within 100 feet of the site were notified.

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8. A facilitated meeting occurred on February 21. Attendees expressed concern about traffic, especially the future of access on Mulberry Street and the design quality of the future development.
9. A Traffic Impact Study was not required for the request. The Traffic Engineer will review requests for future for future development on the site to determine what is needed.

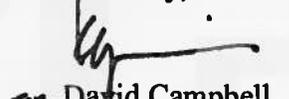
**APPEAL:** If you wish to appeal this decision, you must do so within 15 days of the EPC's decision or by **MARCH 23, 2018**. The date of the EPC's decision is not included in the 15-day period for filing an appeal, and if the 15<sup>th</sup> day falls on a Saturday, Sunday or Holiday, the next working day is considered as the deadline for filing the appeal.

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

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

**ZONE MAP AMENDMENTS:** Pursuant to Zoning Code Section 14-16-4-1(C)(16), a change to the zone map does not become official until the Certification of Zoning (CZ) is sent to the applicant and any other person who requests it. Such certification shall be signed by the Planning Director after appeal possibilities have been concluded and after all requirements prerequisite to this certification are met. If such requirements are not met within six months after the date of final City approval, the approval is void. The Planning Director may extend this time limit up to an additional six months.

Sincerely,

  
David Campbell  
Planning Director

DC/MG

cc: Cornerstone Capital, LLC, 6601 Coors Blvd NW, Suite C, ABQ, NM 87102  
Consensus Planning, Inc., 302 Eighth St. NW, ABQ, NM 87102  
Kirtland Community Assoc. Elizabeth Aikin, 1524 Alamo SE, ABQ, NM 87106  
Kirtland Community Assoc. Kimberly Brown, 1533 San Jose SE, ABQ, NM 87106  
Luisa Corona, 2908 Mullberry St. SE, ABQ, NM 87106