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Mayor Timothy M. Keller

CITY OF ALBUQUERQUE

Albuquerque, New Mexico

Planning Department

INTER-OFFICE MEMORANDUM

August 16, 2024

TO: Dan Lewis, President, City Council

FROM: Alan Varela, Planning Director 
Alan Varela (Aug 16, 2024 09:32 MDT)

SUBJECT: AC-24-18, PR-2024-009765, RZ-2024-00001: Santa Barbara/Martineztown Neighborhood Association and Loretta Naranjo Lopez, President of Santa Barbara/Martineztown Neighborhood Association, appeal the Environmental Planning Commission (EPC) decision to Approve a Zoning Map Amendment from MX-M to MX-H for all or a portion of Tract A, Plat of Gateway Subdivision, located at 1100 Woodward Pl NE, between Mountain Rd, and Lomas Blvd, approximately 3.0 acres (the “Subject Site”) (J-15-Z).

REQUEST

This is an appeal of the EPC’s decision to approve a zoning map amendment (i.e., zone change) from MX-M to MX-H on an approximately 3.0-acre subject site located between Mountain Road and Lomas Boulevard. The subject site is currently vacant and is located within the boundary of a site plan approved by the EPC prior to the adoption of the Integrated Development Ordinance (IDO) (DRB-97-466, Gateway Center Site Development Plan for Subdivision). The applicant requested a zoning map amendment to facilitate future development of a hospital use.

In a previous appeal (AC-24-11), the request was remanded by the Land Use Hearing Officer (LUHO) and heard *de novo* (“anew”). The LUHO’s remand included the following six instructions:

- 1) Required that the EPC review the request for reconsideration anew due to an insufficient record. The request was heard anew at the July 18, 2024 EPC hearing.
- 2) Allowed the parties and Planning staff to supplement the record with additional evidence so that the EPC could make a decision based on accurate information. Planning staff supplemented the record with information about the Gateway Center Site Development Plan for Subdivision, along with additional evidence submitted by the applicant, neighborhood associations, and the public.

- 3) Required that the applicant meet notice requirements in IDO §14-16-6-4(K) for the request to be reconsidered. The applicant re-notified property owners within 100-feet of the subject site and affected Neighborhood associations with the remand hearing date and requested information.
- 4) Required that the EPC offer the opportunity for cross examination under procedural due process for New Mexico State law. The EPC announced the opportunity for cross examination and facilitated cross examination during the hearing.
- 5) Required that Planning staff accept all evidence submitted by applicants whether staff believes it is relevant or not. Staff accepted all information received by applicants, neighborhood associations, and members of the public and included the information as part of the record for this case.
- 6) States that the EPC should make its own independent findings and conclusions. Planning staff prepared recommended findings as part of the staff report for the EPC's review. The EPC deliberated as to whether to accept, revise, remove, or add new Findings that were included in the Official Notice of Decision.

The EPC approved the zoning map amendment in a Notice of Decision dated July 18, 2024 based on Findings #1-17. The Appellant timely filed an appeal of the EPC's decision prior to the appeal deadline of August 2, 2024. The Appellant has standing to appeal this zoning map amendment decision as a Neighborhood Association within 330 feet [§14-16-6-4(V)(2)(a)5 and Table 6-4-2.].

APPELLANTS

The appeal was filed by Hessel E. Yntema III, Yntema Law Firm P.A., on behalf of the Santa Barbara Martineztown Neighborhood Association.

APPEAL CRITERIA AND RESPONSE

Appeal procedures are found in IDO §14-16-6-4(V).

The IDO's Criteria for Decision of an appeal [§14-16-6-4(V)(4)] is whether the decision-making body or the prior appeal body made 1 of the following mistakes:

- a) The decision-making body or the prior appeal body acted fraudulently, arbitrarily, or capriciously.
- b) The decision being appealed is not supported by substantial evidence.
- c) The decision-making body or the prior appeal body erred in applying the requirements of this IDO (or a plan, policy, or regulation referenced in the review and decision-making criteria for the type of decision being appealed).

In a July 23, 2024 appeal justification letter, the appellant alleges that the EPC erred in applying the requirements of the IDO, but concludes the letter by generally stating that all three appeal criteria apply. Appellant's arguments have been summarized and responded to by Planning staff below. Staff responses appear in *bold italics*.

1. Insufficient time to review and respond to the published staff report.

Appellants assert that the SBMTNA did not have adequate time to review and respond to the

staff report published on the Planning Department’s webpage on July 12, 2024.

The staff report was published one week in advance of the regularly scheduled EPC public hearing, which is standard practice for all EPC staff reports. Members of the public are welcomed to contact the assigned staff planner(s) for assistance in reviewing and understanding the staff analysis outlined in the report. Appellant did not contact the assigned planners for this case for assistance.

2. Staff report is an advocacy submission.

Appellant argues that the staff report is not a paginated record for public review.

Staff reports recommend approval, denial, or deferral of applications based on compliance with relevant City plans, policies, and regulations. The staff report includes attachments containing the application materials, public notice, public comments, agency comments, and other case materials. In this case, the staff report and recommendation presented to the EPC was based on staff analysis of a requested zoning map amendment according to the review and decision criteria established by IDO §14-16-6-7(G)(3)(a)–(h).

3. EPC erred in adopting Finding 7.

Appellant states that Finding 7 is in error because the request violates CPO-7 height restrictions.

Finding 7 refers to IDO §14-16-1-10(A)(2), which states: “Any use standards or development standards associated with any pre-IDO approval or zoning designation establish rights and limitations and are exclusive of and prevail over any other provision of this IDO. Where those approvals are silent, provisions in this IDO shall apply...”

The Pre-IDO approval of the Gateway Center Site Development Plan for Subdivision is still valid and prevails over any other provision of the IDO, including CPO-7.

4. Validity of the Pre-IDO approved Gateway Center Site Development Plan for Subdivision.

Appellant argues it is unclear whether the controlling Pre-IDO Gateway Center Site Development Plan for Subdivision is currently in effect or has expired.

IDO §14-16-6-4(X)(3)(b)(1) states:

Any permit or approval of a type listed in Table 6-4-3 that was approved by the City before the effective date of this IDO, shall expire on 1 of the following dates, whichever occurs sooner:

- 1. The date listed on that permit or approval in any regulation of the City establishing an expiration of the permit or approval that was applicable before the effective date of this IDO.*

- 2. The date on which that type of permit or approval would expire if it were approved by the City on the effective date of this IDO.*

For this case, the relevant subsection of the Pre-IDO Comprehensive City Zoning Code would be §14-16-3-11(C)(1) Possible Termination of Site Development Plans for Sites Which Have Not Been Fully Developed. This section of the Comprehensive City Zoning code states that the plan will terminate if less than one-half of the approved square footage has been built or less than one-half of the site has been developed. In this case, more than one-half of the site has been developed.

Had the site plan been approved after the adoption of the IDO, it would expire within 7 years of approval pursuant to Table 6-4-3. IDO §14-16-6-4(X)(3)(a)2 provides two exceptions that would further extend the validity of a partially developed site.

Given either criterion, the Pre-IDO Gateway Center Site Development Plan for Subdivision would still be valid and in effect.

5. Vested Rights I.

Appellant argues that the applicant does not have vested rights in the prior “site development plan” for a hospital use under New Mexico law or the IDO.

This argument was asserted in the Santa Barbara Martineztown Neighborhood Association's letter to the EPC dated July 15, 2024. This argument is not relevant because the EPC's July 18, 2024 decision did not rely upon any theories of vested rights.

Neither the Staff Report nor the decision issued by the EPC refer to vested rights. Moreover, the topic of vested rights was not discussed at the July 18, 2024, EPC hearing, and there is no indication that the EPC relied upon any theories of vested rights when making its decision; therefore, the Appellant's allegation that the EPC made a mistake in approving the Zoning Map Amendment by relying on the applicant having vested rights to its proposed hospital use is incorrect, because there was no such reliance in the EPC's decision.

6. Vested Rights II.

Appellant once again states that the applicant does not have vested development rights for the subject site.

See response to item #5 above.

7. Vested Rights III.

Appellant states that the Zoning Map Amendment is unnecessary if the applicant has vested rights to its requested hospital use under the MX-H zoning designation.

As noted above, the EPC did not rely on vested rights in its decision.

The existing zoning on the site allows the hospital use permissively in Table 4-2-1 but limits the number of beds to 20 in the MX-M zone district in IDO §14-16-4-3(C)(4). MX-M also requires a conditional use approval within 330 feet of a Residential zone district. The MX-H zone district allows the use permissively without a limit on the number of beds or requirement for a conditional use approval if within 330 feet of a Residential zone district.

The EPC found that the applicant adequately justified the review and decision criteria in IDO §14-16-6-7(G) for a zoning map amendment on less than 20 acres in an Area of Change based on 17 findings.

8. IDO Zoning Map Amendment Criterion 14-16-6-7(G)(3)(c) Area of Change

Appellant argues that there have been no substantial changes in the area since 2018 and therefore the decision criterion in IDO §14-16-6-7(G)(3)(c) Area of Change has not been satisfied. Appellant argues that the applicant "has not demonstrated that the applicable IDO criteria and state law criteria for the zoning map amendment have been satisfied," and Appellant specifically argues that the applicant "failed to satisfy the 'more advantageous to the community'" criteria.

Findings 10-12 include applicable goals and policies from the Comprehensive Plan that are clearly facilitated by the proposed rezoning. Finding 13 states how the request meets the review and decision criteria for a zoning map amendment established by IDO §14-16-6-7(G)(3)(a)-(h).

Finding 13C states, "the applicant's policy-based analysis does demonstrate that the request would clearly facilitate a preponderance of applicable Comprehensive Plan Goals and policies and therefore would be more advantageous to the community than the current zoning."

9. Spot Zone Determination

Appellant argues that the zoning map amendment request constitutes a spot zone and that MX-H zoning for the site is not a transition zone.

The EPC determined that the zoning map amendment request does not constitute a spot zone. Finding 13H, revised after EPC deliberation, states:

The request would not result in a spot zone because it would not apply a zone different from surrounding zone districts as evidenced by the existing MX-H zoned parcel directly east of the subject site, on the other side of Interstate 25, as well as south of Lomas Blvd. The record also reflects several similar medical and hospital uses in the surrounding area. The applicant has shown how the request would clearly facilitate a preponderance of applicable Comprehensive Plan goals and policies as shown in the response to Criterion A. The response to Criterion H is sufficient.

10. Traffic Impact Study

Appellant argues that the EPC should have required a complete traffic study, subject to reasonable public review and comment, for this application.

While a traffic scoping form with a stated proposed use for the subject site is required as part of the Development Review Application, a full traffic impact study was not required by the City's Transportation Planning Division. Traffic impact study requirements are not within the EPC's purview for zoning map amendment requests. Additionally, a zoning map amendment request cannot be conditioned. Given the historical crash data near the subject

site, the applicant did prepare and submit a crash analysis as part of the record for the case. The analysis found that many of the mitigation measures that NMDOT performed in the area have significantly reduced the number of crashes at the three nearest intersections to the subject site.

11. Traffic Impacts

Appellant argues that in the Santa Barbara Martineztown Neighborhood Association's view, the proposed development would be highly destructive to the neighborhood by worsening the already dangerous and overcrowded traffic situation. The applicant and the City have not considered other possible locations for the new intense hospital use.

As noted above, traffic impact studies are not required as part of a zoning map amendment request; however, the crash analysis provided by the applicant showed reduced crashes near the subject site and includes recommendations to address crash trends.

The EPC found that the applicant adequately justified the review and decision criteria for a zoning map amendment on less than 20 acres in an Area of Change in IDO §14-16-6-7(G) in Finding 13.

12. Development Review Process

Appellant argues that the City's development process is inadequate and does not fairly protect neighborhood interests.

IDO §14-16-6-7(G)(3)(a)–(h) establishes the review and decision criteria for a zoning map amendment. Criterion A requires consistency with the City's health, safety, morals and general welfare by furthering applicable Comprehensive Plan Goals and Policies.

EPC Findings 10-12 include applicable goals and policies from the Comprehensive Plan that are clearly facilitated by the proposed rezoning.

EPC Finding 13 states how the request meets the Review and Decision Criteria for a zoning map amendment established by IDO §14-16-6-7(G)(3)(a)–(h).

EPC Finding 13A states:

The applicant's policy-based responses adequately demonstrate that the request clearly facilitates a preponderance of applicable Goals and policies in the Comprehensive Plan. Therefore, the request is consistent with the City's health, safety, morals and general welfare. The response to Criterion A is sufficient.

13. The LUHO erred in remanding AC-24-11 for a de novo hearing.

Appellant argues that a re-do for the applicant was not justified under the circumstances.

IDO §14-16-6-4(V)(3)(d)(6) states: "If the LUHO determines that the matter should be remanded, the LUHO shall set forth the reason(s) for the remand and the matters to be reconsidered and may order such a remand without approval by City Council. The LUHO shall notify the parties and the Planning Department staff of the remand."

The LUHO issued the remand regarding AC-24-11 on May 17, 2024 in accordance with the requirements of the IDO.

14. EPC Finding 10 is in error.

Appellant argues that Interstate 40 defines the eastern border to the surrounding neighborhood and that the remaining boundaries are defined by the area's MX-M zoning and CPO-7 zoning.

EPC Finding 10 does not discuss the definition of neighborhood boundaries; instead, it states:

The request clearly facilitates the following applicable Policy from the Comprehensive Plan Chapter 4 – Community Identity

POLICY 4.1.2 – IDENTITY AND DESIGN: Protect the identity and cohesiveness of neighborhoods by ensuring the appropriate scale and location of development, mix of uses, and character of building design.

The request would protect the cohesiveness of the surrounding neighborhood by ensuring that the scale and location of any future development is not located in any residentially zoned parcels as articulated by the controlling Gateway Center Site Development Plan. Additionally, the mix of uses on and around the subject site are of appropriate scale for any future development resulting from an approval of the zone map amendment request.

15. Findings 11 & 12 are in error.

Appellant argues that development of higher intensity than MX-M was not contemplated by the City Council in 2017 when the IDO was enacted.

When the IDO was adopted, the City Council converted all existing zone categories to the closest matching zone districts. For the subject site, the closest matching zone district was MX-M.

IDO §14-16-6-7(G)(3)(a)–(h) establishes the review and decision criteria for a zoning map amendment. The EPC approved the requested zoning map amendment for the subject site from MX-M to MX-H based on 17 findings.

16. Finding 13 is in error.

Appellant argues that Finding 13A notes that the ZMA is a spot zone, but that the ZMA is not consistent with the health, safety and general welfare of the City.

Finding 13A, drafted prior to the hearing by Planning staff for EPC's consideration, states that the ZMA is a spot zone, so the applicant must justify the request by showing the goals and policies that are clearly facilitated by the change. Finding 13A states that the applicant adequately demonstrated that the request clearly facilitates a preponderance of applicable Goals and policies in the Comprehensive Plan.

As noted in Finding 17, EPC revised Finding 13H after deliberation at the hearing. Finding 13H states that the request would not result in a spot zone, given surrounding zoning and

similar medical and hospital uses in the surrounding area.

The EPC did not revise Finding 13A after revising 13H. Finding 4 should also have been revised subsequent to the EPC's deliberation.

17. Applicant did not demonstrate that the existing MX-M zoning is inappropriate.

Appellant argues that the existing MX-M zoning is inappropriate because the same Comp Plan policies were in effect in 2018 when the MX-M zoning was applied.

IDO decision criterion §14-16-6-7(G)(3)(c) requires the applicant to demonstrate that the existing zoning is inappropriate because a different zone district is more advantageous to the community as articulated by the Comprehensive Plan.

Findings 10-12 include applicable Comprehensive Plan Goals and Policies that the request clearly facilitates. Finding 13C states that the applicant's policy-based analysis does demonstrate that the request would clearly facilitate a preponderance of applicable Comprehensive Plan Goals and Policies.

18. Mitigation of harmful impacts.

Appellant argues that the applicant and City staff did not fulfill the requirements of IDO zoning map amendment criterion §14-16-6-7(G)(3)(d) – Mitigation of harmful impacts.

Appellant incorrectly states that IDO §14-16-6-7(G)(3)(d) requires an analysis of all potential uses with regard to harmful impacts. 14-16-6-7(G)(3)(d) requires an analysis of permissive uses that would be harmful unless use-specific standards associated with that use will adequately mitigate those harmful impacts.

As noted in Finding 13D, the requested zoning map amendment from MX-M to MX-H would result in two new permissive uses – Adult Retail and Self-storage. The Adult Retail use would be mitigated because it would not be allowed due to the site's proximity to schools to the north. Any harmful impacts resulting from the Self-storage use would be mitigated because access to individual storage units would be required to be indoor only and only allowed within fully enclosed portions of a building.

19. EPC did not take adequate note of infrastructure inadequacies of the area.

Appellant argues that the EPC did not take adequate note of the infrastructure inadequacies of the area in connection with all potential MX-H uses.

The EPC deliberated about infrastructure during the hearing. EPC Finding 13E states that the City's existing infrastructure and public improvements 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. The subject site is currently served by infrastructure, which will have adequate capacity once the applicant fulfills its obligations under the IDO, DPM, and/or an Infrastructure Improvement Agreement.

20. The zoning map amendment is an improper spot zone.

Appellant argues that the ZMA is an up-zone to allow a specific proposed intense hospital zone development of a vacant lot. The subject property does not reasonably function as a transition between adjacent zone districts.

See response to #9 and #16 in this memo.

21. The zoning map amendment does not adhere to the standards associated with CPO-7.

Appellant argues that the ZMA does not adhere to the standards associated with CPO-7 with regard to building height.

The review and decision criteria for a zoning map amendment is established in IDO §14-16-6-7(G)(3)(a)–(h). The EPC approved the requested zoning map amendment for the subject site from MX-M to MX-H based on 17 findings.

Development standards, such as those included in CPO-7 or the controlling site plan, would be applied during a site plan review. Because there is a controlling site plan for this site, development standards in that pre-IDO approval would prevail over any conflicting development standards in the CPO-7. Where the controlling site plan is silent, the CPO-7 development standards, and all other IDO standards, would apply. See response to #3 in this memo.

CONCLUSION

As indicated in the July 18, 2024 Official Notification of Decision and in accordance with the Land Use Hearing Officer’s remand instructions for the case, the EPC found that the applicant adequately justified the Zoning Map Amendment request based on 17 findings of fact. The EPC acted within its authority and voted to approve the request. The EPC carefully considered all relevant factors in arriving at its decision based on substantial evidence in the record. The appellant believes that the EPC decision was made in error and that the zoning should remain MX-M; however, the record contains substantial evidence that the EPC’s decision was neither arbitrary nor capricious and that the IDO regulations were applied correctly to the request.

Vicente Quevedo

/ Vicente Quevedo /

Vicente Quevedo, Senior Planner
Urban Design & Development Division
City of Albuquerque Planning Department






AC-24-18 Memo_Final

Final Audit Report

2024-08-16

Created:	2024-08-16
By:	Lucinda Montoya (lucindamontoya@cabq.gov)
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-  Agreement completed.
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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 type="checkbox"/> Amendment to Zoning Map – EPC (Form Z)
<input type="checkbox"/> Alternative Landscaping Plan (Form P3)	<input type="checkbox"/> Wireless Telecommunications Facility Waiver (Form W2)	<input type="checkbox"/> Amendment to Zoning Map – Council (Form Z)
		Appeals
		<input checked="" type="checkbox"/> Decision by EPC, DHO, LC, ZHE, or City Staff (Form A)

APPLICATION INFORMATION

Applicant: <u>Santa Barbara Martineztown Neighborhood Assoc.</u>		Phone:
Address: <u>40 Yntema Law Firm P.A.</u>		Email:
City:	State:	Zip:
Professional/Agent (if any): <u>Hessel E. Yntema III, Yntema Law Firm P.A.</u>		Phone: <u>505-843-9565</u>
Address: <u>215 Gold Ave. SW Suite 201</u>		Email: <u>hesssystems-law.com</u>
City: <u>Albuquerque</u>	State: <u>NM</u>	Zip: <u>87102</u>
Proprietary Interest in Site:		List all owners:

BRIEF DESCRIPTION OF REQUEST

Appeal of EPC Decision of July 18, 2024 to change zoning from Mx-m to Mx-H for 1100 Woodward Pl. NE, RZ-2024-00001, Remand AC-24-11

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

Lot or Tract No.: <u>Tract A Plat of Gateway Sub.</u>	Block:	Unit:
Subdivision/Addition: <u>Gateway Subdivision</u>	MRGCD Map No.:	UPC Code: <u>10150581252213210</u>
Zone Atlas Page(s): <u>J-15-2</u>	Existing Zoning: <u>Mx-m</u>	Proposed Zoning: <u>Mx-H</u>
# of Existing Lots: <u>1</u>	# of Proposed Lots: <u>1</u>	Total Area of Site (acres): <u>2.7845</u>

LOCATION OF PROPERTY BY STREETS

Site Address/Street: 1100 Woodward Pl Between: Mountain Rd and: Lomas Blvd

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

PR-2024-009765, RZ-2024-00001, AC-24-11, SI-2023-00468

Signature: <u>Hessel E. Yntema III</u>	Date: <u>7-23-2024</u>
Printed Name: <u>Hessel E. Yntema III</u>	<input type="checkbox"/> Applicant or <input checked="" type="checkbox"/> Agent

FOR OFFICIAL USE ONLY

Case Numbers	Action	Fees	Case Numbers	Action	Fees

Meeting/Hearing Date:	Fee Total:
Staff Signature:	Date:
	Project #

FORM A: Appeals

Complete applications for appeals will only be accepted within 15 consecutive days, excluding holidays, after the decision being appealed was made.

- APPEAL OF A DECISION OF CITY PLANNING STAFF (HISTORIC PRESERVATION PLANNER) ON A HISTORIC CERTIFICATE OF APPROPRIATENESS – MINOR TO THE LANDMARKS COMMISSION (LC)
- APPEAL OF A DECISION OF CITY PLANNING STAFF ON AN IMPACT FEE ASSESSMENT TO THE ENVIRONMENTAL PLANNING COMMISSION (EPC)
- APPEAL TO CITY COUNCIL THROUGH THE LAND USE HEARING OFFICER (LUHO)

___ Interpreter Needed for Hearing? ___ if yes, indicate language: _____

A Single PDF file of the complete application including all 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. PDF *shall be organized* with the Development Review Application and this Form A at the front followed by the remaining documents *in the order provided on this form*.

Project number of the case being appealed, if applicable: PR-2024-009765

Application number of the case being appealed, if applicable: R2-2024-00001


Type of decision being appealed: Zone Map Amendment

Letter of authorization from the appellant if appeal is submitted by an agent

Appellant's basis of standing in accordance with IDO Section 14-16-6-4(V)(2)

Reason for the appeal identifying the section of the IDO, other City regulation, or condition attached to a decision that has not been interpreted or applied correctly, and further addressing the criteria in IDO Section 14-16-6-4(V)(4)

Copy of the Official Notice of Decision regarding the matter being appealed

<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>	
Signature: <u>Hessel E. Yntema III</u>	Date: <u>7-23-2024</u>
Printed Name: <u>Hessel E. Yntema III</u>	<input type="checkbox"/> Applicant or <input checked="" type="checkbox"/> Agent
FOR OFFICIAL USE ONLY	
Case Numbers:	Project Number:
Staff Signature:	
Date:	

July 20, 2024

City of Albuquerque Planning Department
600 Second Street NW
Albuquerque, NM 87102

Authorization Letter for Representation for
Appeals of EPC Decisions of July 18, 2024,
approving a Zone Map Amendment ("ZMA") and
a Site Plan EPC - Major Amendment ("SPA") for
1100 Woodward Pl. NE in Project #: PR-
2024-009765, RZ-2024-00001 (ZMA, Remand of
AC-24-11), SI-2023-00468 (SPA)

Dear Planning Department:

This letter is to authorize Hessel E. Yntema III, Yntema Law Firm P.A., to
represent Santa Barbara Martineztown Neighborhood Association in the above
referenced appeals of the ZMA and the SPA for 1100 Woodward Place NE.

SANTA BARBARA MARTINEZTOWN
NEIGHBORHOOD ASSOCIATION

By 
President

Loretta Naranjo Lopez
Printed Name

Address:

1127 Walker NE
ABQ NM 87102

BASIS OF STANDING

Appellant Santa Barbara Martineztown Neighborhood Association (“SBMTNA”) has standing under IDO Section 6-4(V)(2)(a)(4) because SBMTNA has legal rights under the IDO to protect neighborhood interests in neighborhood land use decisions such as for quality of life including stability of zoning, avoiding potential inappropriate adverse uses, excessive traffic, and building size, and also concerning land use decision process issues such as whether IDO requirements for zone changes and site plan approvals should be applied by the Environmental Planning Commission (“EPC”). The proposed upzone and site plan amendment for the subject property will specially and adversely affect SBMTNA and its members due to destabilizing the area’s zoning and allowing inappropriate adverse uses including possible excess traffic and building size. SBMTNA is entitled to rely on the existing zoning and the procedures for changing existing zoning and approving related site plans.

Appellant SBMTNA has standing under IDO Section 6-4(V)(2)(a)(5) because SBMTNA is a proximate Neighborhood Association under the IDO. SBMTNA through its President wrote to the EPC and appeared at the EPC’s July 18, 2024, hearings in opposition to the zone change and site plan approval.

REASONS FOR THE APPEAL

Under IDO Section 6-4(V)(4), the criteria for review for this appeal shall be whether the Environmental Planning Commission (“EPC”) made 1 of the following mistakes:

- (a) the EPC acted fraudulently, arbitrarily or capriciously.
- (b) the decision is not supported by substantial evidence.
- (c) the EPC erred in applying the requirements of the IDO (or a plan, policy or regulation referenced in the applicable review and decision-making criteria).

In this case the EPC approved a Zone Map Amendment (“ZMA”) for the subject property at 1100 Woodward NE from MX-M to MX-H on July 18, 2024. Appellant requests that this ZMA appeal be heard with the related appeal by Appellant of the approval by the EPC of a Site Plan-EPC (Major Amendment) (“SPA”) for a 48-bed hospital on the same property also on July 18, 2024.

IDO Section 2-4(C)(1) states the purpose of the MX-M zone to be:

2-4(C)(1) 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. Allowable uses are shown in Table 4-2-1.

IDO Section 2-4(D)(1) states the purpose of the MX-H zone to be:

2-4(D)(1) 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 is intended to allow higher-density infill development in appropriate locations. Allowable uses are shown in Table 4-2-1.

The subject property is within the CPO-7 Character Protection Overlay Zone for Martineztown/Santa Barbara, under IDO Section 3-4(H).

The EPC made the following mistakes in approving the ZMA:

1. The Staff Report for the July 18, 2024, hearing was released on the morning of July 12, 2024. SBMTNA did not have adequate time to review and respond completely to the amended Staff Report which appears to be based on a revised application negotiated between the Planning Department and the applicant. The applicant and the Planning Department appear to be under tremendous pressure to obtain approval for this project as soon as possible. The Planning Department and the EPC rushed approval of this project.

2. The EPC should maintain, but does not maintain, a website docket of what has been filed for this case, for reference by the public and to maintain a paginated record of the submissions. The July 12, 2024, Staff Report is an advocacy submission, not a paginated record for public review and perhaps appellate review based on what has been submitted over time. The record should include all records relating to communications and negotiations between the Planning Department and the applicant concerning the ZMA application and the related SPA application.

3. The EPC erred in finding (Finding 7) that the “Gateway Center Site Development Plan for Subdivision” (sic) design guidelines prevail over the “CPO-7” character protection overlay area restrictions for the neighborhood. A hospital, within established limits, is contemplated within CPO-7. However, the hospital proposed by the applicant violates the height limitations of CPO-7. CPO-7 does not contemplate MX-H uses.

4. It is not clear whether the final Development Review Board (“DRB”) 1998 Site Plan for Subdivision (in Page H to the July 12, 2024, Staff Report) which Staff misleadingly labels a “Site Development Plan” (apparently DRB-92-466) is currently in effect or has expired as to the subject site as to site development. The applicant or the Planning Department should have introduced into evidence all applicable prior approvals or enactments that are relevant to the ZMA. The site currently is vacant (although there is irregular parking and overflow use) and apparently there is no pre-IDO approved site development plan or post-IDO approved site plan for a hospital or any other use on the subject site.

5. The applicant does not have vested rights in the prior “site development plan” for hospital use under New Mexico law or the IDO. The 1998 Site Plan for Subdivision contemplates only some undefined future office use. The 1998 Site Plan for Subdivision contemplates a later “site development plan”: “The above infrastructure needs to be financially guaranteed or constructed with the replatting, site development plan, or development of any one of these sites” and “The internal circulation network will be reviewed on an individual site development plan basis.” The applicant apparently did not obtain final site development plan approval for the site nor has the applicant taken any active development in reliance on the 1998 approval other than presumably recording a subdivision plat. New Mexico case law imposes “retroactive” application of legislation to pending development applications, and a developer obtains “vested rights” in a project sufficient to avoid application of subsequent legislation only when the project has been finally approved and the developer has relied substantially on that approval, under *Brazos Land, Inc. v. Board of County Commissioners of Rio Arriba County*, 1993-NMCA-013, 115 N.M. 168. The 2018 MX-M zoning with IDO Section 4-3(C)(4) places explicit limitations on hospital use. The CPO-7 overlay zoning limits height. Both the 2018 MX-M zoning and the 2018 CPO-7 overlay zoning prevail over the indeterminate and unrealized 1998 Site Plan for Subdivision.

6. The applicant does not have vested development rights other than for the lot subdivision under New Mexico law or the IDO in any prior approval for this site.

7. If the applicant has vested rights to its proposed intense hospital use from the 1998 Site Plan for Subdivision or other prior approval, then enacting the ZMA is unnecessary because the MX-M zoning and the CPO-7 zoning do not apply and do not have to be amended to allow the applicant’s hospital. The applicant’s justification is based on the argument that its proposed hospital use is allowed because the 1998 Site Plan for Subdivision entitles the applicant to its intended hospital use contrary to MX-M and CPO-7 zoning limitations. The applicant does not argue that preclusion of MX-

L zoning and CPO-7 zoning is justified for all potential uses based on general area zoning considerations. The ZMA is overbroad and opens the site to more intense MX-L uses including much higher buildings than are permitted under the existing MX-M zoning and CPO-7. It appears that the EPC lacks authority to limit the uses allowed by the ZMA to the applicant's current hospital proposal, for example allowing the applicant's hospital but prohibiting other even more intense development (see EPC Finding 7, which describes the proposed development for which the EPC granted approval).

8. The applicant has not demonstrated that the applicable IDO criteria and state law criteria for the ZMA have been satisfied. There have been no substantial changes in the area since imposition of the MX-M zoning in 2018 (although there has been a continued decline in traffic safety); and the applicant has failed to satisfy the "more advantageous to the community" criteria.

9. The ZMA constitutes a spot zone and MX-H zoning for the site is not a "transition" zone for the area. Upon information and belief, the City Council recently amended the IDO definition of "adjacent" to state: "Properties that are on opposite of an intersection diagonally (e.g. "kitty-corner" or "catty corner" or "caddy corner") are not considered". The CPO-7 area or the local MX-M zoned area appear to be the appropriate areas for determining a spot zone or a transition zone. Both those areas are bounded on the west by the I-40 Freeway and thus reference to properties east of the I-40 Freeway is not appropriate to determine spot zoning west of the I-40 Freeway. The CPO-7 zoning area does not contemplate MX-H development and particularly MX-H heights.

10. The EPC should have required a complete traffic impact study, subject to reasonable public review and comment, for this application. The draft crash report submitted by the applicant, and apparently acceptable to Staff, describes improvements that should have been made as requested by the neighborhood over the last years. To require approval of the applicant's intense hospital as a condition of making needed traffic safety improvements is extortionate to the neighborhood. The City should be making the improvements with or without the applicant's promises.

11. In SBMTNA's view, the proposed development would be highly destructive to the SBMTNA neighborhood by worsening the already dangerous and overcrowded traffic situation. The ZMA will encourage urban blight by placing an intense hospital use or worse use within 330 ft. of residences. SBMTNA disputes that the IDO calls for "much needed high density, infill development" at the subject location (p. 6 of the applicant's June 4, 2024, application) or that the community needs the intense hospital development or other MX-H development at the subject location. The applicant and the City have not considered other possible locations for the new intense hospital use.

12. In SBMTNA's view, the process for this project reveals the bias and inadequacy of the City's development process as to fairly protecting neighborhood interests. SBMTNA disputes that the EPC under the influence of the Planning Department can provide an unbiased quasi-judicial hearing on this application. The Planning Department and the EPC ignored basic requirements of the IDO and rushed to approve the ZMA on remand in AC-24-11.

13. In SBMTNA's view, the LUHO erred in remanding AC-24-11 for a de novo hearing. The applicant failed to establish its case for the ZMA in the initial EPC hearing and a re-do for the applicant was not justified under the circumstances. The burden to prove its ZMA case was on the applicant.

14. EPC Finding 10 is in error because the cohesive area for the surrounding neighborhood is defined by the area's MX-M or lower zoning and its CPO-7 zoning. The I-40 Freeway defines the eastern border to the surrounding neighborhood area for MX-M zoning and CPO-7 zoning.

15. EPC Finding 11 and 12 are in error because development of higher intensity than MX-M was not contemplated by the City Council in 2017 when the IDO was enacted (became effective in 2018). The EPC lacks authority to reinterpret the Comp Plan provisions which led to the 2018 IDO. Finding 11.K concerning "Locally Unwanted Land Uses" ignores that there are many hospitals and medical facilities within the neighborhood area.

16. Finding 13.A correctly notes that the ZMA is a spot zone; however, otherwise Finding 13 is in error: the ZMA is not consistent with the health, safety and general welfare of the City and does not further or clearly facilitate implementation of applicable Comp Plan Goals and Policies because the ZMA constitutes an upzone of an area that recently was zoned MX-M in 2018 with the IDO, and there have not been changes in the area or community sufficient to justify the higher intensity zoning, and there is no showing that the ZMA addresses a public need and the need for change is best addressed by the requested zone change for the particular property in comparison with other available properties. The ZMA relies upon a reinterpretation of the 2018 Comp Plan provisions to benefit a particular development proposal.

The applicant did not demonstrate that the existing MX-M zoning is inappropriate under IDO Section 6-7(G)(3)(c)(3) due to the proposed MX-H zone being more advantageous to the community as articulated in the Comp Plan. The alleged policy-based analysis of the applicant, City staff, and the EPC is not applicable because the same Comp Plan policies were in effect in 2018 when the MX-M zoning was applied. The EPC improperly reinterpreted the 2018 policies which the City Council interpreted to justify MX-M zoning for the property in 2018. The approach of picking and choosing among general Comp Plan policies to justify a zone change lacks adequate standards and is contrary to the requirements of New Mexico law set out in the Albuquerque Commons and Fairway Village (unreported) cases for zone changes based on being more advantageous to the community: there must be a public need for the change of the kind in question, and that need for change will be best served by changing the classification of the particular piece of property in question as compared with other available property. Further, as apparently found by the EPC, the applicant did not demonstrate that the existing MX-M zoning is inappropriate under IDO Section 6-7(G)(3)(c)(1) because of a typographical or clerical error when the existing MX-M zoning was applied to the subject property; and the applicant did not demonstrate that the existing MX-M zoning is inappropriate under IDO Section 6-7(G)(3)(c)(2)

due to a significant change in neighborhood or community conditions. There have not been any significant changes in neighborhood or community conditions justifying the zone change since the existing MX-M zoning was applied with the IDO in 2018.

16. Concerning IDO Section 6-7(G)(3)(d), the applicant, City staff and the applicant did not adequately establish that the use-specific standards in IDO Section 4-3 including IDO Section 4-3(C)(4) associated with all potential uses (including allowed heights) under the MX-H zone will adequately mitigate harmful impacts. The entire point of the ZMA is to cut out the MX-M including IDO Section 4-3(C)(4) and CPO-7 restrictions which are designed to mitigate the adverse impacts of intense hospital use, so that the applicant's more intense hospital may proceed.

17. Concerning IDO Section 6-7(G)(3)(e), the applicant, City staff and the EPC did not take adequate note of the infrastructure inadequacies of the area in connection with all potential MX-H uses. For example, a 68 ft. high building (apparently allowed under MX-H) likely would add traffic to the neighborhood area which is already overstressed with traffic.

18. Concerning Finding 13.H, the ZMA is an improper "spot zone" under IDO Section 6-7(G)(3)(h). The ZMA is a broad-brush upzone to allow a specific proposed intense hospital development of a vacant lot in an area where such intense hospital use is prohibited by both the MX-M and CPO-7 area layers of zoning enacted in 2018. MX-H zoning will not be a "transition" between surrounding or adjacent zones. The subject property does not reasonably function as a transition between adjacent zone districts. The EPC's reasoning on the "transition" zone issue is not apparent.

19. The ZMA does not adhere to the standards associated with CPO-7. IDO Section 3-4(H) for CPO-7 does not contemplate intense MX-H zoning in the overlay zone area. MX-M is mentioned by MX-H is not mentioned for CPO-7 regulations. CPO-7 imposes a maximum height of 26 ft., while MX-H zoning appears to allow a building height of up to 68 ft. It appears that the applicant has not sought to amend the CPO-7 map area or text to allow the intense hospital use.

In sum, the EPC acted fraudulently, arbitrarily, or capriciously; the EPC's decision is not supported by substantial evidence; and the EPC erred in applying the requirements of the IDO.

Appellant does not have the full record of the EPC proceedings at this time and reserves the right to amend or supplement its Reasons for the Appeal after review of the record.

PLANNING DEPARTMENT
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OFFICIAL NOTIFICATION OF DECISION

July 18, 2024

Cross Development
4317 Marsh Ridge Rd
Carrolton Texas, 75010

Project # PR 2024-009765
RZ-2024-00001 – Zoning Map Amendment (Zone Change)

Tierra West, LLC, Inc., agent for Cross Development, requests a zoning map amendment from MX-M to MX-H, for all or a portion of Tract A, Plat of Gateway Subdivision, located at 1100 Woodward Pl NE, between Mountain Rd, and Lomas Blvd, approximately 3.0 acres. (J-15-Z)
Staff Planners: Megan Jones and Vicente Quevedo

On July 18, 2024, the Environmental Planning Commission (EPC) voted to APPROVE PR-2024-009765 RZ-2024-00001 – Zoning Map Amendment (Zone Change), based on the following findings:

FINDINGS – RZ-2024-00001 – Zoning Map Amendment (Zone Change)

1. This is a request for a zoning map amendment for all or a portion of Tract A, Plat of Gateway Subdivision located at 1100 Woodward Place NE, between Mountain Rd. and Lomas Blvd. and containing approximately 3 acres.
2. The request was originally heard and approved by the EPC on February 15, 2024. It was appealed by the Santa Barbara Martineztown Neighborhood Association (NA) and was heard by the Land Use Hearing Officer (LUHO) on May, 15, 2024 (AC-24-11). The LUHO decision resulted in a remand back to the EPC to be heard de novo (“anew”).
3. The request is now before the EPC on remand pursuant to six remand instructions specified by the LUHO:
 - INSTRUCTION #1 requires that the EPC review the request for reconsideration anew due to an insufficient record. The request is being heard anew at the July 18, 2024 EPC hearing.
 - INSTRUCTION #2 allows the parties and planning staff to supplement the record with additional evidence so that the EPC can make a decision based on accurate information. Planning staff has supplemented the record with information about the 1994 Gateway Center Site Development Plan for Subdivision.
 - INSTRUCTION #3 requires that the applicant meet notice requirements in IDO §14-16-6-4(K) for the request to be reconsidered. The applicant has re-notified property owners within 100-feet of the subject site and affected Neighborhood associations with the new hearing date and request information.

- INSTRUCTION #4 requires that the EPC offer the opportunity for cross examination under procedural due process for NM State law. Planning staff has prepared online forms and instructions for the public to access and will announce the opportunity for cross examination during the hearing.
 - INSTRUCTION #5 required that Planning staff accept all evidence submitted by applicants whether staff believes it is relevant or not. Staff will ensure to accept all information received in application packets to be included in the EPC record for this case.
 - INSTRUCTION #6 states that the EPC should make its own independent findings and conclusions. Planning staff prepares recommended findings as part of the staff report for the commissions review. It is up to the commission to accept, revise, remove, or add new Findings to be included in the Official Notice of decision.
4. The subject site is zoned MX-M (Mixed-use - Medium Intensity). The applicant is requesting a zone change to MX-H (Mixed use – High Intensity) which would result in a spot zone. The applicant proposes to change the zoning to facilitate the proposed future development of a hospital use on the subject site.
 5. The subject site is currently vacant and undeveloped. On 3/24/1994 the EPC voted to approve the Gateway Center Site Development Plan (SDP) for Subdivision SDP for the 23-acre area that the subject site is within (Z-93-46). The SDP for Subdivision was signed off for approval by the (former) DRB on 7/12/1994 (DRB-94-183).
 6. The subject site is located within the Santa Barbara Martineztown Character Protection Overlay Zone (CPO-7).
 7. The Pre-IDO approved Gateway Center Site Development Site Development Plan for Subdivision design guidelines prevail over the majority of the requirements of the CPO-7 pursuant to IDO §14-16-1-10(A) which states that “Any use standards or development standards associated with any pre-IDO approval or zoning designation establish rights and limitations and are exclusive of and prevail over any other provision of this IDO. Where those approvals are silent, provisions in this IDO shall apply...”
 8. 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.
 9. The subject site is located within an Area of Change as designated by the Comprehensive Plan.
 10. The request clearly facilitates the following applicable Policy from the Comprehensive Plan Chapter 4 – Community Identity
 - A. POLICY 4.1.2 – IDENTITY AND DESIGN: Protect the identity and cohesiveness of neighborhoods by ensuring the appropriate scale and location of development, mix of uses, and character of building design.

The request would protect the cohesiveness of the surrounding neighborhood by ensuring that the scale and location of any future development is not located in any residentially zoned parcels as articulated by the controlling Gateway Center Site Development Plan. Additionally, the mix of uses on and around the subject site are of appropriate scale for any future development resulting from an approval of the zone map amendment request.

11. The request clearly facilitates the following applicable Goals and Policies from the Comprehensive Plan Chapter 5 – Land Use

- A. GOAL 5.1 CENTERS AND CORRIDORS: Grow as a community of strong Centers connected by a multi-modal network of Corridors.

The request would allow a broader range of higher-intensity land uses on the subject site, which is located along the I-25 Frontage and Mountain Rd. Major Transit Corridors and within 660' of the Lomas Blvd. Major Transit Corridor. Any development made possible by the request could result in growth on the subject site, which is currently vacant, and located along and within the aforementioned Corridors.

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

The request could capture regional growth along and within three Major Transit Corridors - the I-25 Frontage, Mountain Rd., and Lomas Blvd. Any development made possible by the request would result in growth on the subject site, which is 3.0-acres in size and located within these aforementioned Corridors, and also abutting Interstate 25. Locating growth within Corridors promotes sustainable development patterns, according to the ABC Comp Plan.

- C. POLICY 5.1.1 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.

The subject site is part of the approved / controlling Gateway Site Development Plan for Subdivision which has served to encourage and accommodate growth over time that includes infill development and additional employment density. The request would continue to encourage development on the subject site and along a designated Major Transit Corridor.

- D. 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.

The request would allow a broader range of higher-intensity land uses on the subject site, which is located along Major Transit Corridors. The subject site is also located in a designated Area of Change, where growth is both expected and desired, according to the ABC Comp Plan. The density and scale of any future development made possible by approval of the request would be subject to the controlling site development plan and any IDO development standards where the site plan is silent.

- E. 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 would allow for a broader mix of higher-intensity land uses on the subject site, which is located in a distinct mixed-use area and community (Santa Barbara/Martineztown), and in close proximity to other surrounding communities, conveniently accessible via public transit service.

- F. POLICY 5.2.1 h): Encourage infill development that adds complementary uses and is compatible in form and scale to the immediately surrounding development.

The requested zone map amendment would encourage infill development of a Rehabilitation Hospital being heard subsequent to this request by the EPC as a Site Plan EPC – Major Amendment. It would add a complementary use that is compatible in form and scale to the immediately surrounding development because the subject site and surrounding sites are all controlled by the design standards approved Gateway Site Development for Subdivision. The SDP design standards would ensure that any future development of the site would be compatible in form and scale to the immediately surrounding development.

- G. POLICY 5.2.1 n): Encourage more productive use of vacant lots and under-utilized lots, including surface parking.

The subject site is currently vacant and is being used as an unpaved overflow parking lot. If approved, the request would result in more productive use of the vacant lot by expanding the available number of permissive uses on the subject site. Any future development would still be subject to the controlling Site Development Plan for Subdivision.

- H. 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.

Any development made possible by the request will promote efficient development patterns and use of land because subject site is already served by existing infrastructure and public facilities, and is subject to the requirements of the controlling Site Development Plan for Subdivision. Future development on the subject site featuring uses allowed in the MX-H Zone District could support the public good in the form of economic development, job creation, and an expansion to the tax base.

- I. POLICY 5.3.1 INFILL DEVELOPMENT: Support additional growth in areas with existing infrastructure and public facilities.

The subject site is a vacant infill site located in an area already served by existing infrastructure and public facilities. Any future growth and development on the subject site would occur in an area that has adequate existing infrastructure and access to a range of public facilities.

- J. POLICY 5.3.2 Leapfrog Development: Discourage growth in areas without existing infrastructure and public facilities.

The request will not result in Leapfrog Development as the hospital use will be developed in an area with existing infrastructure and public facilities.

- K. POLICY 5.3.7 – Locally Unwanted Uses: Ensure that land uses that are objectionable to immediate neighbors but may be useful to society are located carefully and equitably to ensure that social assets are distributed evenly and social responsibilities are borne fairly across the Albuquerque area.

There is known opposition from the Santa Barbara/Martineztown (SB/MT) Neighborhood Association for the Hospital Use. The applicant has demonstrated that the proposed use would serve a community need for healthcare services for an aging population and chronic illnesses pursuant to healthcare and census data studies for NM that have been referenced. The request will result in a rehabilitation hospital that will add to the non-emergency medical services network

in the greater Albuquerque Metropolitan area. These services are useful to society by easing pressure on local hospitals by providing an avenue for outpatient care.

- L. POLICY 5.3.7(b) – Ensure appropriate setbacks, buffers, and/or design standards to minimize offsite impacts.

Although the request is for a zone map amendment, the controlling Gateway Center Site Development Plan includes setback requirements and other design standards intended to minimize offsite impacts from any future development on the subject site.

- M. 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 located wholly in an Area of Change, where growth is both expected and desired. Any future development on the subject site, which is currently vacant, could encourage, enable, and direct growth to this Area of Change. Due to the standards established by the Gateway Center Site Development Plan, and where silent, CPO-7 Overlay Zone standards apply, the proposed a future development being heard subsequent to this request would be compatible in form and scale to the immediately surrounding development. Future development could also reinforce the character and intensity of the surrounding area given the general compatibility between the MX-H and surrounding MX-M zone districts, as well as the existing buffer between the subject site and the lower-density and lower-intensity development located west of the site.

- N. POLICY 5.6.2 AREAS OF CHANGE: Direct growth and more intense development to Centers, Corridors, industrial and business parks, and Metropolitan Redevelopment Areas where change is encouraged.

The request will direct growth and more intense development on the subject site because the MX-H zone district allows higher-intensity mixed-use development in comparison to the MX-M zone district. Additionally, the subject site is located along the I-25 Frontage and Mountain Rd. Major Transit Corridors, within 660' of the Lomas Blvd., and within an Area of Change, where growth and more intense development is encouraged.

- 12. The request clearly facilitates the following applicable Goals and Policies from the Comprehensive Plan Chapter 8 – Economic Development

- A. POLICY 8.1.1 DIVERSE PLACES: Foster a range of interesting places and contexts with different development intensities, densities, uses, and building scales to encourage economic development opportunities.

The requested zone map amendment from MX-M to MX-H would facilitate development that will foster or support a range of intensities, uses and densities given the existing development on parcels also located within the controlling Gateway Site Development Plan for Subdivision.

- B. POLICY 8.1.1(a) – Invest in Centers and Corridors to concentrate a variety of employment opportunities for a range of occupational skills and salary levels.

The subject site is located along Major Transit Corridors, the request would result in higher intensity uses on the subject site, and along with the other existing developed parcels controlled

by the Gateway Site Development for Subdivision, the request will continue to concentrate a variety of employment opportunities and a range of skills and salary levels appropriately.

- C. 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 contribute to improving the quality of life for nearby and surrounding residents by locating a potential service uses on the subject site, and along designated Major Transit Corridors.

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

- A. 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 does not significantly conflict with them. Because this is a spot zone, the applicant must further "clearly facilitate" implementation of the ABC Comp Plan (see Criterion H). The applicant's policy-based responses adequately demonstrate that the request clearly facilitates a preponderance of applicable Goals and policies in the Comprehensive Plan. Therefore, the request is consistent with the City's health, safety, morals and general welfare. The response to Criterion A is sufficient.
- B. 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. The subject site is located wholly in an Area of Change (as shown in the ABC Comp Plan, as amended) and the applicant argues that criteria 3 applies "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 plans". The applicant's policy-based analysis does demonstrate that the request would clearly facilitate a preponderance of applicable Comprehensive Plan Goals and policies and therefore would be more advantageous to the community than the current zoning. Because Criterion C states that the applicant must demonstrate that the existing zoning is inappropriate because it meets at least one of the criteria above, and Criteria 3 is met, 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 IDO §14-16-4-3 associated with that use will adequately mitigate those harmful impacts. The only two new permissive uses that would be allowed with the requested zone map amendment to MX-H are Adult Retail (not allowed due to proximity to the school to the north) and Self-Storage (impacts mitigated by a requirement for indoor storage units only). Although the IDO's Use-specific Standards for uses in the MX-H zone district would mitigate potentially harmful impacts associated with newly permissive uses, the subject site is controlled by the Gateway Center Site Development Plan for Subdivision (SDP). In this case, the SDP would mitigate harm on the surrounding land uses because it specifies allowable uses, land use scenario standards, development standards, and setbacks. The SDP only allows the "general Office" land use for the subject site.
- 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 – 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. The subject site is currently served by infrastructure, which will have adequate capacity once the applicant fulfills its obligations under the IDO, the DPM, and/or an Infrastructure Improvements Agreement. Any future development on the subject site, which is currently vacant, would be required to adhere to all obligations and standards under the IDO, DPM, and/or an Infrastructure Improvements Agreement. The applicant has also completed a full Traffic Safety Study. The response to Criterion E is sufficient.

- F. The applicant's justification for the requested zone change is not completely based on the property's location on a major street. Though the subject site is located along major streets and designated Major Transit Corridors, the applicant has adequately demonstrated that the request clearly facilitates a preponderance of applicable Comprehensive Plan Goals and policies, and any future development will adhere to the Pre-IDO approved design standards of the Gateway Site Development Plan for Subdivision. The response to Criterion F is sufficient.
- G. The applicant's justification is not based completely or predominantly on the cost of land or economic considerations. The applicant's justification is not completely or predominantly based upon economic considerations. Rather, the applicant has adequately demonstrated that the request clearly facilitates a preponderance of applicable Comprehensive Plan Goals and policies, and any future development will adhere to the Pre-IDO approved design standards of the Gateway Site Development Plan for Subdivision. The response to Criterion G is sufficient.
- 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 request would not result in a spot zone because it would not apply a zone different from surrounding zone districts as evidenced by the existing MX-H zoned parcel directly east of the subject site, on the other side of Interstate 25, as well as south of Lomas Blvd. The record also reflects several similar medical and hospital uses in the surrounding area. The applicant has shown how the request would clearly facilitate a preponderance of applicable Comprehensive Plan goals and policies as shown in the response to Criterion A. The response to Criterion H is sufficient.

However, if the commission had determined that it was a spot zone, the commission further finds that it would have been a justifiable spot zone.

- 14. The applicant provided notice of the application to all eligible Neighborhood Association representatives and adjacent property owners (within 100 feet) via certified mail and email as required.

15. The Santa Barbara Martineztown Neighborhood Association accepted a Pre-Submittal Neighborhood Meeting within 15 calendar days of notification (on November 21, 2023) and proposed a meeting date of January 18th. The applicant originally agreed to a meeting sometime in January (date not specified), but requested a sooner date on November 29, 2024, citing “undue delay.” The CABQ Office of Alternative Dispute Resolution then offered a Zoom meeting format, with flexible availability, beginning as early as December 4, 2023. However, the Neighborhood association was “adamant that the meeting be held on January 18th,” according to facilitated meeting notes provided by the CABQ Office of Alternative Dispute Resolution and a timeline provided by the applicant. Based on this information, it appears that the Neighborhood Association effectively declined to meet within the 30-calendar day window specified in 6-4(B)(4) of the IDO. If the Santa Barbara Martineztown NA had accepted ADR’s offered Zoom meeting within those 30 days, the Neighborhood Association would have met with the applicant during this timeframe. However, as stated in subsection 6-4(B)(9), the requirement for a pre-submittal neighbor meeting was waived, and instead, a facilitated meeting was held on January 18th. Staff has also been informed by the applicant that a follow-up non-facilitated meeting was held on January 30th.
16. Staff is aware of opposition to this request by the Santa Barbara Martineztown Neighborhood Association. In the facilitated meeting notes provided by the CABQ Office of Alternative Dispute Resolution, objections to the request were based on the communities feeling that the MX-H designation is not equivalent to the former Sector Plan C-3 designation, the potential of increased traffic, and the Applicant’s submission prior to the date of the meeting. These notes state that “community stakeholders made several additional objections, which were not related to the subject application. Those objections were omitted, here.”
17. During the July 18, 2024 public hearing the Environmental Planning Commission deliberated as to whether the request would result in a spot zone pursuant to the Land Use Hearing Officer’s Remand Instructions (AC-24-11). The Commission concluded that the request does not result in a spot zone. The Commission developed Finding 13H to reflect this decision.

18.

APPEAL: If you wish to appeal this decision, you must do so within 15 days of the EPC’s decision or by **August 2, 2024**. The date of the EPC’s decision is not included in the 15-day period for filing an appeal, and if the 15th day falls on a Saturday, Sunday or Holiday, the next working day is considered as the deadline for filing the appeal.

For more information regarding the appeal process, please refer to Section 14-16-6-4(V) of the Integrated Development Ordinance (IDO), Administration and Enforcement. A Non-Refundable filing fee will be calculated at the Land Development Coordination Counter and is required at the time the appeal is filed. It is not possible to appeal an EPC Recommendation to the City Council since this is not a final decision.

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 IDO must be complied with, even after approval of the referenced application(s).

Sincerely,
Megan Jones
for Alan M. Varela,
Planning Director

AV/MJ/VQ

CC:

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OFFICIAL NOTIFICATION OF DECISION

July 18, 2024

Cross Development
4317 Marsh Ridge Rd
Carrolton Texas, 75010

Project # PR 2024-009765
RZ-2024-00001 – Zoning Map Amendment (Zone Change)

Tierra West, LLC, Inc., agent for Cross Development, requests a zoning map amendment from MX-M to MX-H, for all or a portion of Tract A, Plat of Gateway Subdivision, located at 1100 Woodward Pl NE, between Mountain Rd, and Lomas Blvd, approximately 3.0 acres. (J-15-Z)
Staff Planners: Megan Jones and Vicente Quevedo

On July 18, 2024, the Environmental Planning Commission (EPC) voted to APPROVE PR-2024-009765 RZ-2024-00001 – Zoning Map Amendment (Zone Change), based on the following findings:

FINDINGS – RZ-2024-00001 – Zoning Map Amendment (Zone Change)

1. This is a request for a zoning map amendment for all or a portion of Tract A, Plat of Gateway Subdivision located at 1100 Woodward Place NE, between Mountain Rd. and Lomas Blvd. and containing approximately 3 acres.
2. The request was originally heard and approved by the EPC on February 15, 2024. It was appealed by the Santa Barbara Martineztown Neighborhood Association (NA) and was heard by the Land Use Hearing Officer (LUHO) on May, 15, 2024 (AC-24-11). The LUHO decision resulted in a remand back to the EPC to be heard de novo (“anew”).
3. The request is now before the EPC on remand pursuant to six remand instructions specified by the LUHO:
 - INSTRUCTION #1 requires that the EPC review the request for reconsideration anew due to an insufficient record. The request is being heard anew at the July 18, 2024 EPC hearing.
 - INSTRUCTION #2 allows the parties and planning staff to supplement the record with additional evidence so that the EPC can make a decision based on accurate information. Planning staff has supplemented the record with information about the 1994 Gateway Center Site Development Plan for Subdivision.
 - INSTRUCTION #3 requires that the applicant meet notice requirements in IDO §14-16-6-4(K) for the request to be reconsidered. The applicant has re-notified property owners within 100-feet of the subject site and affected Neighborhood associations with the new hearing date and request information.

- INSTRUCTION #4 requires that the EPC offer the opportunity for cross examination under procedural due process for NM State law. Planning staff has prepared online forms and instructions for the public to access and will announce the opportunity for cross examination during the hearing.
 - INSTRUCTION #5 required that Planning staff accept all evidence submitted by applicants whether staff believes it is relevant or not. Staff will ensure to accept all information received in application packets to be included in the EPC record for this case.
 - INSTRUCTION #6 states that the EPC should make its own independent findings and conclusions. Planning staff prepares recommended findings as part of the staff report for the commissions review. It is up to the commission to accept, revise, remove, or add new Findings to be included in the Official Notice of decision.
4. The subject site is zoned MX-M (Mixed-use - Medium Intensity). The applicant is requesting a zone change to MX-H (Mixed use – High Intensity) which would result in a spot zone. The applicant proposes to change the zoning to facilitate the proposed future development of a hospital use on the subject site.
 5. The subject site is currently vacant and undeveloped. On 3/24/1994 the EPC voted to approve the Gateway Center Site Development Plan (SDP) for Subdivision SDP for the 23-acre area that the subject site is within (Z-93-46). The SDP for Subdivision was signed off for approval by the (former) DRB on 7/12/1994 (DRB-94-183).
 6. The subject site is located within the Santa Barbara Martineztown Character Protection Overlay Zone (CPO-7).
 7. The Pre-IDO approved Gateway Center Site Development Site Development Plan for Subdivision design guidelines prevail over the majority of the requirements of the CPO-7 pursuant to IDO §14-16-1-10(A) which states that “Any use standards or development standards associated with any pre-IDO approval or zoning designation establish rights and limitations and are exclusive of and prevail over any other provision of this IDO. Where those approvals are silent, provisions in this IDO shall apply...”
 8. 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.
 9. The subject site is located within an Area of Change as designated by the Comprehensive Plan.
 10. The request clearly facilitates the following applicable Policy from the Comprehensive Plan Chapter 4 – Community Identity
 - A. POLICY 4.1.2 – IDENTITY AND DESIGN: Protect the identity and cohesiveness of neighborhoods by ensuring the appropriate scale and location of development, mix of uses, and character of building design.

The request would protect the cohesiveness of the surrounding neighborhood by ensuring that the scale and location of any future development is not located in any residentially zoned parcels as articulated by the controlling Gateway Center Site Development Plan. Additionally, the mix of uses on and around the subject site are of appropriate scale for any future development resulting from an approval of the zone map amendment request.

11. The request clearly facilitates the following applicable Goals and Policies from the Comprehensive Plan Chapter 5 – Land Use

- A. GOAL 5.1 CENTERS AND CORRIDORS: Grow as a community of strong Centers connected by a multi-modal network of Corridors.

The request would allow a broader range of higher-intensity land uses on the subject site, which is located along the I-25 Frontage and Mountain Rd. Major Transit Corridors and within 660' of the Lomas Blvd. Major Transit Corridor. Any development made possible by the request could result in growth on the subject site, which is currently vacant, and located along and within the aforementioned Corridors.

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

The request could capture regional growth along and within three Major Transit Corridors - the I-25 Frontage, Mountain Rd., and Lomas Blvd. Any development made possible by the request would result in growth on the subject site, which is 3.0-acres in size and located within these aforementioned Corridors, and also abutting Interstate 25. Locating growth within Corridors promotes sustainable development patterns, according to the ABC Comp Plan.

- C. POLICY 5.1.1 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.

The subject site is part of the approved / controlling Gateway Site Development Plan for Subdivision which has served to encourage and accommodate growth over time that includes infill development and additional employment density. The request would continue to encourage development on the subject site and along a designated Major Transit Corridor.

- D. 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.

The request would allow a broader range of higher-intensity land uses on the subject site, which is located along Major Transit Corridors. The subject site is also located in a designated Area of Change, where growth is both expected and desired, according to the ABC Comp Plan. The density and scale of any future development made possible by approval of the request would be subject to the controlling site development plan and any IDO development standards where the site plan is silent.

- E. 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 would allow for a broader mix of higher-intensity land uses on the subject site, which is located in a distinct mixed-use area and community (Santa Barbara/Martineztown), and in close proximity to other surrounding communities, conveniently accessible via public transit service.

- F. POLICY 5.2.1 h): Encourage infill development that adds complementary uses and is compatible in form and scale to the immediately surrounding development.

The requested zone map amendment would encourage infill development of a Rehabilitation Hospital being heard subsequent to this request by the EPC as a Site Plan EPC – Major Amendment. It would add a complementary use that is compatible in form and scale to the immediately surrounding development because the subject site and surrounding sites are all controlled by the design standards approved Gateway Site Development for Subdivision. The SDP design standards would ensure that any future development of the site would be compatible in form and scale to the immediately surrounding development.

- G. POLICY 5.2.1 n): Encourage more productive use of vacant lots and under-utilized lots, including surface parking.

The subject site is currently vacant and is being used as an unpaved overflow parking lot. If approved, the request would result in more productive use of the vacant lot by expanding the available number of permissive uses on the subject site. Any future development would still be subject to the controlling Site Development Plan for Subdivision.

- H. 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.

Any development made possible by the request will promote efficient development patterns and use of land because subject site is already served by existing infrastructure and public facilities, and is subject to the requirements of the controlling Site Development Plan for Subdivision. Future development on the subject site featuring uses allowed in the MX-H Zone District could support the public good in the form of economic development, job creation, and an expansion to the tax base.

- I. POLICY 5.3.1 INFILL DEVELOPMENT: Support additional growth in areas with existing infrastructure and public facilities.

The subject site is a vacant infill site located in an area already served by existing infrastructure and public facilities. Any future growth and development on the subject site would occur in an area that has adequate existing infrastructure and access to a range of public facilities.

- J. POLICY 5.3.2 Leapfrog Development: Discourage growth in areas without existing infrastructure and public facilities.

The request will not result in Leapfrog Development as the hospital use will be developed in an area with existing infrastructure and public facilities.

- K. POLICY 5.3.7 – Locally Unwanted Uses: Ensure that land uses that are objectionable to immediate neighbors but may be useful to society are located carefully and equitably to ensure that social assets are distributed evenly and social responsibilities are borne fairly across the Albuquerque area.

There is known opposition from the Santa Barbara/Martineztown (SB/MT) Neighborhood Association for the Hospital Use. The applicant has demonstrated that the proposed use would serve a community need for healthcare services for an aging population and chronic illnesses pursuant to healthcare and census data studies for NM that have been referenced. The request will result in a rehabilitation hospital that will add to the non-emergency medical services network

in the greater Albuquerque Metropolitan area. These services are useful to society by easing pressure on local hospitals by providing an avenue for outpatient care.

- L. POLICY 5.3.7(b) – Ensure appropriate setbacks, buffers, and/or design standards to minimize offsite impacts.

Although the request is for a zone map amendment, the controlling Gateway Center Site Development Plan includes setback requirements and other design standards intended to minimize offsite impacts from any future development on the subject site.

- M. 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 located wholly in an Area of Change, where growth is both expected and desired. Any future development on the subject site, which is currently vacant, could encourage, enable, and direct growth to this Area of Change. Due to the standards established by the Gateway Center Site Development Plan, and where silent, CPO-7 Overlay Zone standards apply, the proposed a future development being heard subsequent to this request would be compatible in form and scale to the immediately surrounding development. Future development could also reinforce the character and intensity of the surrounding area given the general compatibility between the MX-H and surrounding MX-M zone districts, as well as the existing buffer between the subject site and the lower-density and lower-intensity development located west of the site.

- N. POLICY 5.6.2 AREAS OF CHANGE: Direct growth and more intense development to Centers, Corridors, industrial and business parks, and Metropolitan Redevelopment Areas where change is encouraged.

The request will direct growth and more intense development on the subject site because the MX-H zone district allows higher-intensity mixed-use development in comparison to the MX-M zone district. Additionally, the subject site is located along the I-25 Frontage and Mountain Rd. Major Transit Corridors, within 660' of the Lomas Blvd., and within an Area of Change, where growth and more intense development is encouraged.

- 12. The request clearly facilitates the following applicable Goals and Policies from the Comprehensive Plan Chapter 8 – Economic Development

- A. POLICY 8.1.1 DIVERSE PLACES: Foster a range of interesting places and contexts with different development intensities, densities, uses, and building scales to encourage economic development opportunities.

The requested zone map amendment from MX-M to MX-H would facilitate development that will foster or support a range of intensities, uses and densities given the existing development on parcels also located within the controlling Gateway Site Development Plan for Subdivision.

- B. POLICY 8.1.1(a) – Invest in Centers and Corridors to concentrate a variety of employment opportunities for a range of occupational skills and salary levels.

The subject site is located along Major Transit Corridors, the request would result in higher intensity uses on the subject site, and along with the other existing developed parcels controlled

by the Gateway Site Development for Subdivision, the request will continue to concentrate a variety of employment opportunities and a range of skills and salary levels appropriately.

- C. 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 contribute to improving the quality of life for nearby and surrounding residents by locating a potential service uses on the subject site, and along designated Major Transit Corridors.

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

- A. 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 does not significantly conflict with them. Because this is a spot zone, the applicant must further "clearly facilitate" implementation of the ABC Comp Plan (see Criterion H). The applicant's policy-based responses adequately demonstrate that the request clearly facilitates a preponderance of applicable Goals and policies in the Comprehensive Plan. Therefore, the request is consistent with the City's health, safety, morals and general welfare. The response to Criterion A is sufficient.
- B. 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. The subject site is located wholly in an Area of Change (as shown in the ABC Comp Plan, as amended) and the applicant argues that criteria 3 applies "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 plans". The applicant's policy-based analysis does demonstrate that the request would clearly facilitate a preponderance of applicable Comprehensive Plan Goals and policies and therefore would be more advantageous to the community than the current zoning. Because Criterion C states that the applicant must demonstrate that the existing zoning is inappropriate because it meets at least one of the criteria above, and Criteria 3 is met, 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 IDO §14-16-4-3 associated with that use will adequately mitigate those harmful impacts. The only two new permissive uses that would be allowed with the requested zone map amendment to MX-H are Adult Retail (not allowed due to proximity to the school to the north) and Self-Storage (impacts mitigated by a requirement for indoor storage units only). Although the IDO's Use-specific Standards for uses in the MX-H zone district would mitigate potentially harmful impacts associated with newly permissive uses, the subject site is controlled by the Gateway Center Site Development Plan for Subdivision (SDP). In this case, the SDP would mitigate harm on the surrounding land uses because it specifies allowable uses, land use scenario standards, development standards, and setbacks. The SDP only allows the "general Office" land use for the subject site.
- 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 – 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. The subject site is currently served by infrastructure, which will have adequate capacity once the applicant fulfills its obligations under the IDO, the DPM, and/or an Infrastructure Improvements Agreement. Any future development on the subject site, which is currently vacant, would be required to adhere to all obligations and standards under the IDO, DPM, and/or an Infrastructure Improvements Agreement. The applicant has also completed a full Traffic Safety Study. The response to Criterion E is sufficient.

- F. The applicant's justification for the requested zone change is not completely based on the property's location on a major street. Though the subject site is located along major streets and designated Major Transit Corridors, the applicant has adequately demonstrated that the request clearly facilitates a preponderance of applicable Comprehensive Plan Goals and policies, and any future development will adhere to the Pre-IDO approved design standards of the Gateway Site Development Plan for Subdivision. The response to Criterion F is sufficient.
- G. The applicant's justification is not based completely or predominantly on the cost of land or economic considerations. The applicant's justification is not completely or predominantly based upon economic considerations. Rather, the applicant has adequately demonstrated that the request clearly facilitates a preponderance of applicable Comprehensive Plan Goals and policies, and any future development will adhere to the Pre-IDO approved design standards of the Gateway Site Development Plan for Subdivision. The response to Criterion G is sufficient.
- 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 request would not result in a spot zone because it would not apply a zone different from surrounding zone districts as evidenced by the existing MX-H zoned parcel directly east of the subject site, on the other side of Interstate 25, as well as south of Lomas Blvd. The record also reflects several similar medical and hospital uses in the surrounding area. The applicant has shown how the request would clearly facilitate a preponderance of applicable Comprehensive Plan goals and policies as shown in the response to Criterion A. The response to Criterion H is sufficient.

However, if the commission had determined that it was a spot zone, the commission further finds that it would have been a justifiable spot zone.

- 14. The applicant provided notice of the application to all eligible Neighborhood Association representatives and adjacent property owners (within 100 feet) via certified mail and email as required.

15. The Santa Barbara Martineztown Neighborhood Association accepted a Pre-Submittal Neighborhood Meeting within 15 calendar days of notification (on November 21, 2023) and proposed a meeting date of January 18th. The applicant originally agreed to a meeting sometime in January (date not specified), but requested a sooner date on November 29, 2024, citing “undue delay.” The CABQ Office of Alternative Dispute Resolution then offered a Zoom meeting format, with flexible availability, beginning as early as December 4, 2023. However, the Neighborhood association was “adamant that the meeting be held on January 18th,” according to facilitated meeting notes provided by the CABQ Office of Alternative Dispute Resolution and a timeline provided by the applicant. Based on this information, it appears that the Neighborhood Association effectively declined to meet within the 30-calendar day window specified in 6-4(B)(4) of the IDO. If the Santa Barbara Martineztown NA had accepted ADR’s offered Zoom meeting within those 30 days, the Neighborhood Association would have met with the applicant during this timeframe. However, as stated in subsection 6-4(B)(9), the requirement for a pre-submittal neighbor meeting was waived, and instead, a facilitated meeting was held on January 18th. Staff has also been informed by the applicant that a follow-up non-facilitated meeting was held on January 30th.
16. Staff is aware of opposition to this request by the Santa Barbara Martineztown Neighborhood Association. In the facilitated meeting notes provided by the CABQ Office of Alternative Dispute Resolution, objections to the request were based on the communities feeling that the MX-H designation is not equivalent to the former Sector Plan C-3 designation, the potential of increased traffic, and the Applicant’s submission prior to the date of the meeting. These notes state that “community stakeholders made several additional objections, which were not related to the subject application. Those objections were omitted, here.”
17. During the July 18, 2024 public hearing the Environmental Planning Commission deliberated as to whether the request would result in a spot zone pursuant to the Land Use Hearing Officer’s Remand Instructions (AC-24-11). The Commission concluded that the request does not result in a spot zone. The Commission developed Finding 13H to reflect this decision.

18.

APPEAL: If you wish to appeal this decision, you must do so within 15 days of the EPC’s decision or by **August 2, 2024**. The date of the EPC’s decision is not included in the 15-day period for filing an appeal, and if the 15th day falls on a Saturday, Sunday or Holiday, the next working day is considered as the deadline for filing the appeal.

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Sincerely,
Megan Jones
for Alan M. Varela,
Planning Director

AV/MJ/VQ

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EPC file



**Environmental
Planning
Commission**

Agenda Number: 4
Project #: PR-2024-009765
Case #: RZ-2024-00001
Original Hearing Date: 2/15/2024
REMAND Hearing Date: 7/18/2024

Supplemental Staff Report - Remand

Agent	Tierra West, LLC
Applicant	Cross Development
Request	Zoning Map Amendment (zone change)
Legal Description	All or a portion of Tract A Plat of Gateway Subdivision
Location	1100 Woodward Pl NE, between Mountain Rd and Lomas Blvd
Size	Approximately 3.0 acres
Existing Zoning	MX-M
Proposed Zoning	MX-H

Summary of Analysis

The request was originally heard by the EPC on 2-15-2024, appealed by the opposing Neighborhood Association (NA) and was heard by the LUHO on 5-16-2024. The request was remanded back to the EPC to be heard anew.

The applicant is requesting a zone change from MX-M zoning to MX-H zoning that would result in a spot zone. The request would facilitate the future development of a rehabilitation hospital. The subject site is in an Area of Change and is located along the I-25 Frontage and Mountain Rd. Major Transit Corridors and within 660' of the Lomas Blvd. Major Transit Corridor.

The applicant has adequately justified the request pursuant to IDO Review and Decision Criteria 14-16-6-7(G)(3). The applicant notified all eligible NAs and property owners within 100 feet as required. Staff is aware of opposition to this request by the Santa Barbara Martineztown NA.

Staff Recommendation

APPROVAL of Project # 2024-009765, RZ-2024-00001 based on Findings 1-16 contained within the staff report.

Staff Planners:
 Megan Jones, Principal Planner
 Vicente Quevedo, Senior Planner

Map



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ATTACHMENTS

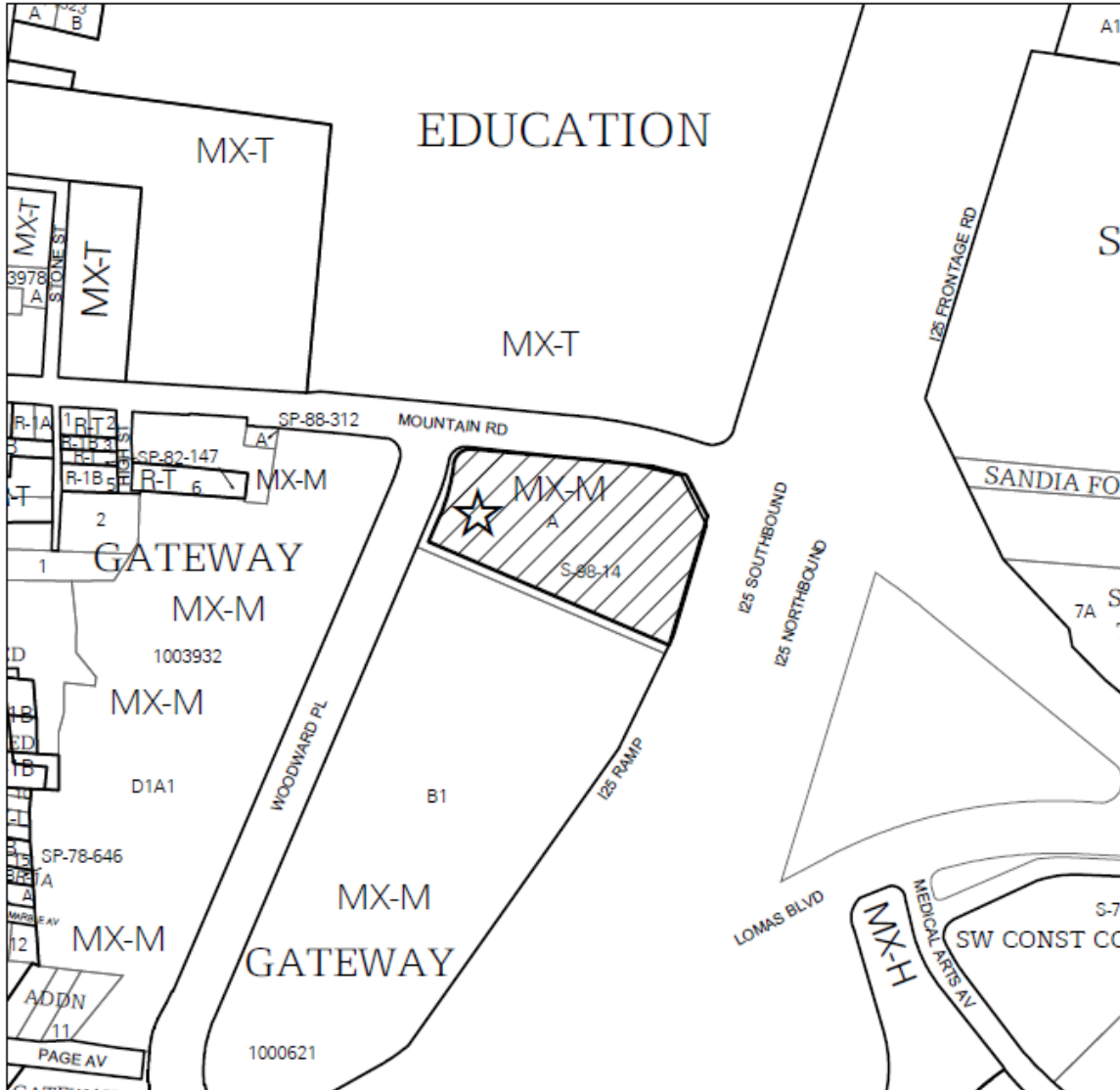
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I. Maps

Aerial Map



IDO Zoning Map



IDO ZONING MAP

Note: Gray shading indicates County.

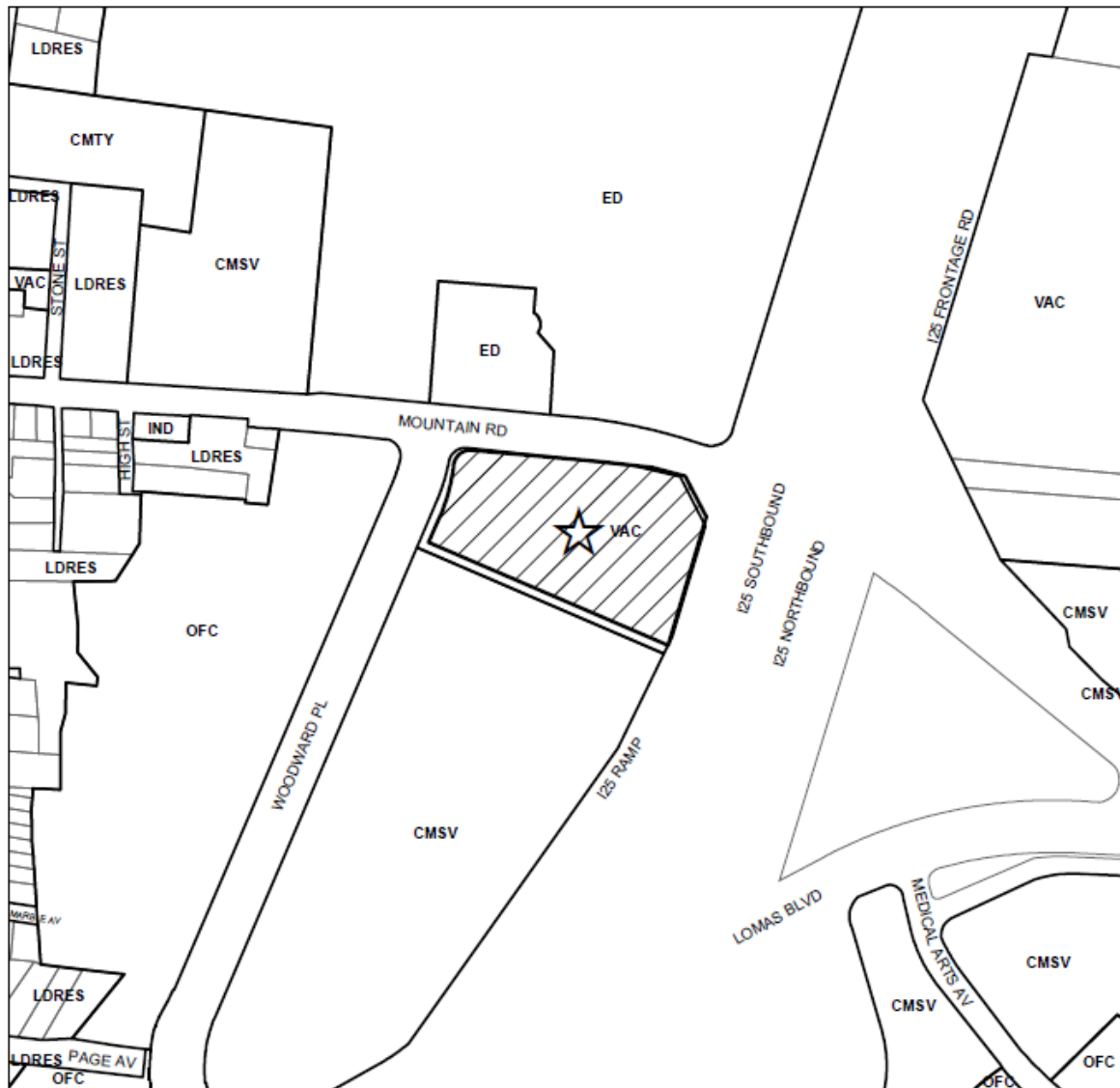


1 inch = 250 feet

Hearing Date:
6/20/2024
Project Number:
PR-2024-009765
Case Numbers:
RZ-2024-00001

Zone Atlas Page:
J-15

Land Use Map



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

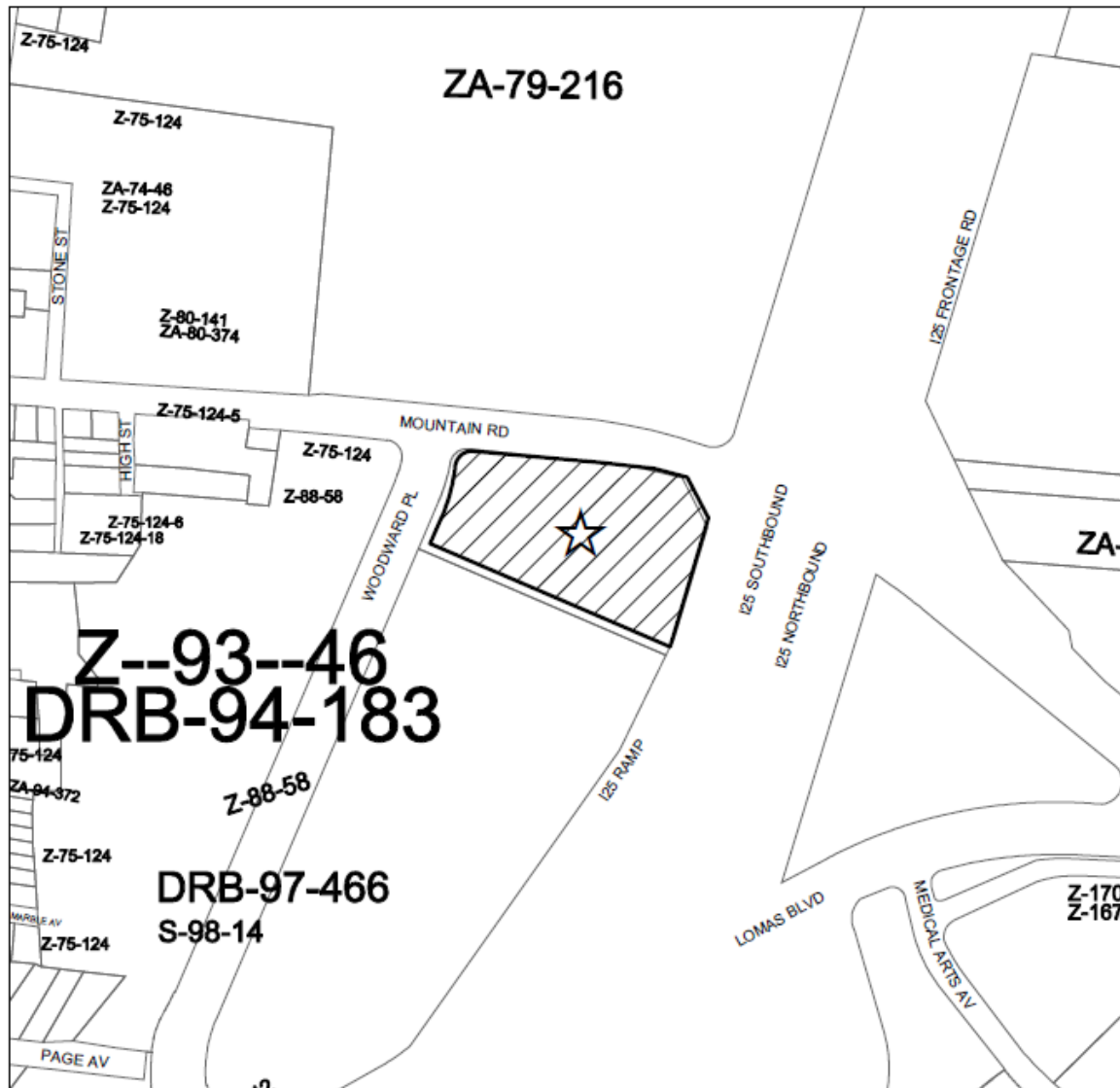


1 inch = 250 feet

Hearing Date:
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 PR-2024-009765
 Case Numbers:
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Zone Atlas Page:
 J-15

History Map



HISTORY MAP

Note: Gray shading
indicates County.

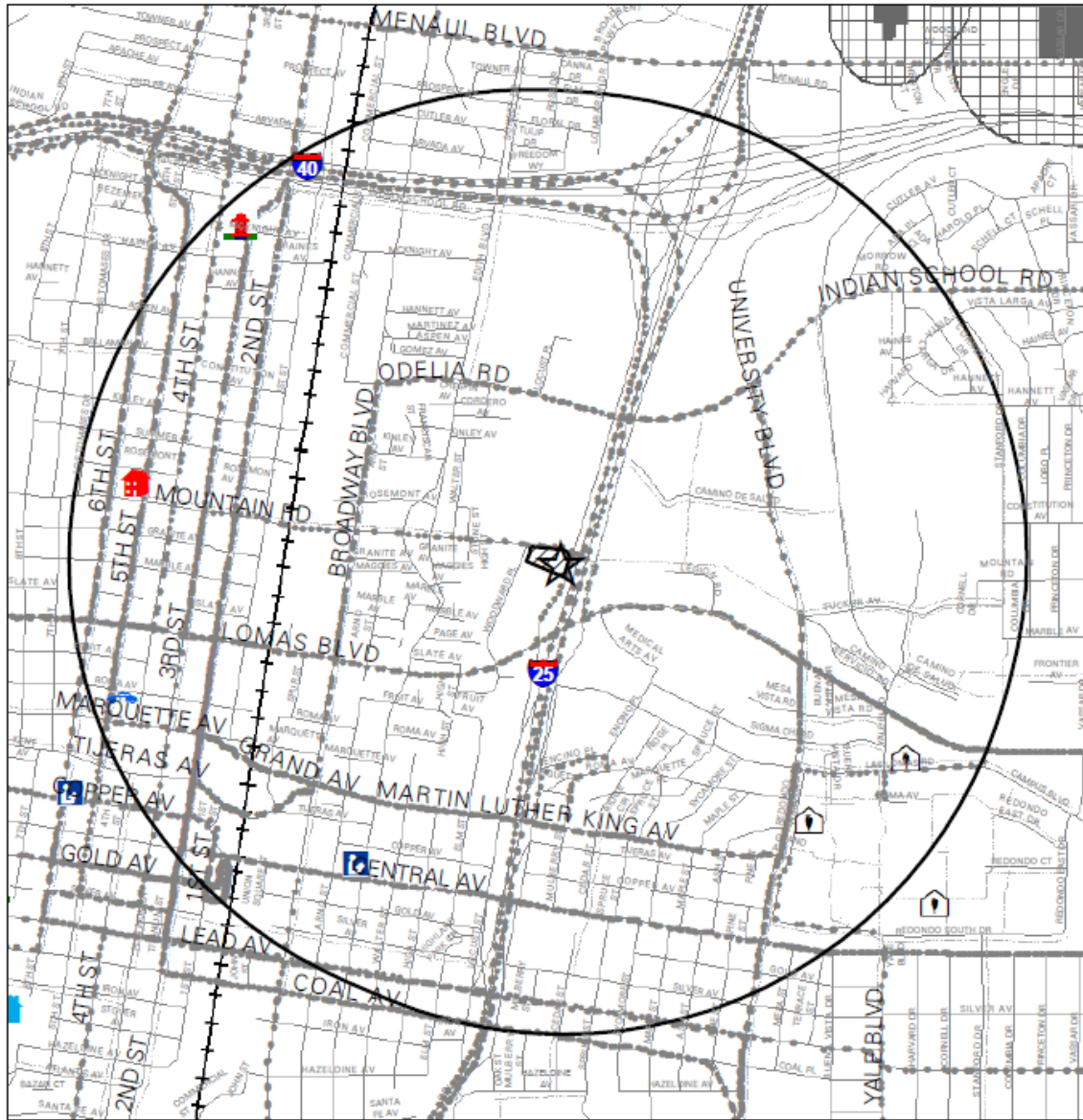


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Zone Atlas Page:
J-15

Public Facilities / Community Services

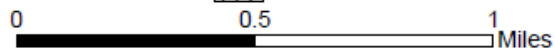


Public Facilities Map with One-Mile Buffer

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



Project Number: PR-2024-009765



II. Overview

Request

The request is for a zoning map amendment (zone change) for an approximately 3-acre site within the Gateway Center Site Plan for Subdivision, legally described as all or a portion of Tract A Plat of Gateway Subdivision, located at 1100 Woodward Pl NE, between Mountain Rd, and Lomas Blvd (the “subject site”).

The applicant is requesting a zone change from MX-M zoning to MX-H zoning, which would result in a spot zone as determined by staff. Spot zones are analyzed on a case-by-case basis. The analysis of spot zones in the city is determined based on several factors identified in the review and decision criteria of spot zones, including the surrounding zone districts.

If approved, the zone change request would facilitate development of a future rehabilitation hospital, which is being reviewed and decided by the EPC subsequent to this request (PR-2024-009765_SI-2024-00468).

Update

The request was originally heard and approved by the EPC on February 15, 2024. It was appealed by the Santa Barbara Martineztown Neighborhood Association (NA) and was heard by the Land Use Hearing Officer (LUHO) on May, 15, 2024 (AC-24-11). The LUHO decision resulted in a remand back to the EPC to be heard de novo (“anew”).

The request is now before the EPC on remand pursuant to six remand instructions specified by the LUHO (see Remand Instructions section below). The LUHO determined that the request shall be reviewed de novo by the EPC for reconsideration due to an erroneous and insufficient record. The EPC was not well informed on how the controlling Gateway Center Site Development Plan for Subdivision impacts the site and IDO development standards. Although the EPC heard the request based on review and decision criteria for a zone change, all relevant Site Plans approved for the subject site should have been considered in the analysis and discussion. The original record mentioned that the Gateway Center SDP exists, but the EPC discussion around mitigation measures for the site relied on Character Protection Overlay Zone-7 standards, which was inaccurate, since the Gateway Center SDP design guidelines prevail over the CPO-7 pursuant to IDO §14-16-1-10(A) which states that “Any use standards or development standards associated with any pre-IDO approval or zoning designation establish rights and limitations and are exclusive of and prevail over any other provision of this IDO. Where those approvals are silent, provisions in this IDO shall apply...”

Planning staff is supplementing the record with the 1994 Gateway Center Site Development Plan for Subdivision, which controls the site, as part of this request.

Although the EPC is considering a zone change, the discussion around mitigation of harmful uses should be considered based on the controlling SDP in conjunction with CPO-7 standards, where applicable.

III. Background

EPC Hearings

At the February 15, 2024 hearing, the EPC voted to approve the request based upon 17 findings as elaborated in the Official Notification of Decision (see attachment).

The remand is scheduled to be heard at the July 18, 2024 EPC hearing to be heard anew/reconsidered. The zone change will be heard first, and the associated site plan-major amendment for the subject site will be heard subsequently. The two requests shall be decided on separately.

Appeal & LUHO Hearing

An appeal of the EPC's decision was filed by the Santa Barbara Martineztown Neighborhood Association (SBMT NA) (AC-24-11), represented by its attorney. The appellant argued that the EPC erred due to an erroneous and insufficient record.

At the May 15, 2024 Appeal hearing, the LUHO heard the appellants arguments that the EPC did not consider whether or not the zone change was needed for the community and that the appeal record was not complete. The LUHO agreed that the record was inadequate and asked that in future zone change cases, planning staff includes all prior approved site plans that control the site in the record for the EPC. The LUHO heard the appeal and issued a decision dated May 17, 2024 that the request be remanded back to the EPC for reconsideration.

Remand Instructions

INSTRUCTION #1 requires that the EPC review the request for reconsideration anew due to an insufficient record. The request is being heard anew at the June 20, 2024 EPC hearing.

INSTRUCTION #2 allows the parties and planning staff to supplement the record with additional evidence so that the EPC can make a decision based on accurate information. Planning staff has supplemented the record with information about the 1994 Gateway Center Site Development Plan for Subdivision.

INSTRUCTION #3 requires that the applicant meet notice requirements in IDO §14-16-6-4(K) for the request to be reconsidered. The applicant has re-notified property owners within 100-feet of the subject site and affected Neighborhood associations with the new hearing date and request information.

INSTRUCTION #4 requires that the EPC offer the opportunity for cross examination under procedural due process for NM State law. Planning staff has prepared online forms and instructions for the public to access and will announce the opportunity for cross examination during the hearing.

INSTRUCTION #5 required that Planning staff accept all evidence submitted by applicants whether staff believes it is relevant or not. Staff will ensure to accept all information received in application packets to be included in the EPC record for this case.

INSTRUCTION #6 states that the EPC should make its own independent findings and conclusions. Planning staff prepares recommended findings as part of the staff report for the commissions review. It is up to the commission to accept, revise, remove, or add new Findings to be included in the Official Notice of decision.

EPC Role

The EPC is hearing this request 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 the EPC decision is appealed. If so, the LUHO would hear the appeal and make a recommendation to the City Council. The City Council would make then make the final decision. The request is a quasi-judicial matter.

History/Background

The subject site is currently vacant and undeveloped. It was originally within the rescinded Martineztown/Santa Barbara Sector Development Plan (the "Sector Plan") boundary which was recommended by the EPC to the City Council for approval (100919 12EPC-40003) and Adopted by the City Council on 02/21/90 (R-497 City Enactment No. 22-1990). The Sector Plan was repealed on 11/17/2017 (R-213, Enactment No. R-2017-102). The Sector Plan required any development on the subject site to be reviewed and approved by the EPC as a site development plan.

On 3/24/1994 the EPC voted to approve the Site Development Plan (SDP) for Subdivision for the 23-acre area that the subject site is within (Z-93-46). The SDP for Subdivision was signed off for approval by the (former) DRB on 7/12/1994 (DRB-94-183).

This SDP for subdivision was amended by the DRB on 2/17/1997 and included a revision to area three which reflects the most updated plat for a 2.78-acre Tract and up to 182,856 GFS (DRB-97-466). See controlling SDP for the subject site in the attachments.

Project #1000060 included two separate 2-year extensions (one in 2011, the other in 2014) of a Subdivision Improvements Agreement for the Gateway Subdivision.

No other history for the site is known at this time.

Context

The subject site is vacant and surrounded by a mix of commercial, educational, and office land uses that generally range from mid-to-high intensity. The subject site directly abuts I-25 and Frontage Rd S. to the east. It is located within the Gateway Center Site Development Plan for Subdivision, which is developed with a hotel that directly abuts the subject site to the south.; A medical reference laboratory is adjacent to the subject site to the west; and a Health Gym to the south west of the site at the intersection of Lomas Blvd. and Woodward Pl. NE. The APS’s Early College Academy / Career Enrichment Center is outside of the SDP boundary, but north of the subject site, across Mountain Rd. NE.

Transportation System

The Long-Range Roadway System (LRRS) map, produced by the Mid-Region Metropolitan Region Planning Organization (MRMPO), identifies the functional classifications of roadways. Mountain Rd. is classified as a Major Collector, Woodward Pl. is classified as a local street, and I-25 is classified as an interstate.

Trails/Bikeways

The section of Mountain Rd. abutting the subject site is designated as an existing bike lane, which merges into a Bike Route west of the subject site on Mountain Rd.

Transit

The subject site is directly served by Bus Route 5 (Montgomery-Carlisle). The nearest Bus stop directly abuts the subject site’s northern boundary. The subject site is located along two Major Transit Corridors and within 660’ of one other (see above)

IV. Analysis of City Plans and Ordinances

Albuquerque / Bernalillo County Comprehensive Plan (Rank 1)

The subject site is located entirely within an area that the 2017 Albuquerque/Bernalillo County Comprehensive Plan has designated as an Area of Change. Areas of Change allow for a mix of uses and development of higher density and intensity in areas where growth is desired and can be supported by multi-modal transportation. The intent is to make Areas of Change the focus of new urban-scale development that benefit job creation and expanded housing options. By focusing growth in Areas of Change, additional residents, services, and jobs can be accommodated in locations ready for new development.

Applicable Goals and Policies are listed below. Staff analysis follows in bold italic text. In this case, the Goals and policies below were included by the applicant in the justification letter. Staff finds them all applicable and adds one policy denoted with a * before the citation.

Comprehensive Plan Designations

The subject site is located along the I-25 Frontage and Mountain Rd. Major Transit Corridors and within 660' of the Lomas Blvd. Major Transit Corridor. Major Transit Corridors prioritize transit above other modes to ensure a convenient and efficient transit system. Walkability on these corridors is key to providing a safe and attractive pedestrian environment and development should be transit- and pedestrian-oriented near transit stops, while auto-oriented for much of the Corridor.

The subject site is included in the Central Albuquerque Community Planning Assessment (CPA) area. The Central ABQ Community Planning Area (CPA) is centrally located in Albuquerque, spanning the area between I-25 and the Rio Grande and between I-40 and the city's southern boundary with Bernalillo County.

Applicable Goals & Policies

CHAPTER 4: COMMUNITY IDENTITY

GOAL 4.1 - CHARACTER: Enhance, protect, and preserve distinct communities

While the request would locate higher intensity uses allowed by the MX-H Zone District to the southern portion of the Santa Barbara/Martineztown area and along designated Major Transit Corridors, it is unclear from the applicant's response how the request would protect and preserve distinct communities, as those referenced higher intensity uses are not permissive in the existing residentially zoned portions of the SB/MT neighborhood. **The request does not clearly facilitate Goal 4.1 – Character.**

POLICY 4.1.1 – DISTINCT COMMUNITIES: Encourage quality development that is consistent with the distinct character of communities.

While the request may encourage future quality development on the subject site, the controlling site development plan for the subject site provides a specific use for the subject site (General Office), the requested zone map amendment (if approved) would change the intent of future development of the site to a proposed hospital use. **The request partially facilitates Policy 4.1.1. Distinct Communities.**

POLICY 4.1.2 – IDENTITY AND DESIGN: Protect the identity and cohesiveness of neighborhoods by ensuring the appropriate scale and location of development, mix of uses, and character of building design.

The request would protect the cohesiveness of the surrounding neighborhood by ensuring that the scale and location of any future development is not located in any residentially zoned parcels as articulated by the controlling Gateway Center Site Development Plan. Additionally, the mix of uses on and around the subject site are of appropriate scale for any future development resulting from an approval of the zone map amendment request. **The request clearly facilitates Policy 4.1.2 Identity and Design.**

CHAPTER 5: LAND USE

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

The request would allow a broader range of higher-intensity land uses on the subject site, which is located along the I-25 Frontage and Mountain Rd. Major Transit Corridors and within 660' of the Lomas Blvd. Major Transit Corridor. Any development made possible by the request could result in growth on the subject site, which is currently vacant, and located along and within the aforementioned Corridors. **The request clearly facilitates Goal 5.1 Centers and 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 request could capture regional growth along and within three Major Transit Corridors - the I-25 Frontage, Mountain Rd., and Lomas Blvd. Any development made possible by the request would result in growth on the subject site, which is 3.0-acres in size and located within these aforementioned Corridors, and also abutting Interstate 25. Locating growth within Corridors promotes sustainable development patterns, according to the ABC Comp Plan. **The request clearly facilitates Policy 5.1.1 Desired Growth.**

POLICY 5.1.1 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.

The subject site is part of the approved / controlling Gateway Site Development Plan for Subdivision which has served to encourage and accommodate growth over time that includes infill development and additional employment density. The request would continue to encourage development on the subject site and along a designated Major Transit Corridor. **The request clearly facilitates Sub Policy 5.1.1(c).**

POLICY 5.1.2 DEVELOPMENT AREAS: Direct more intense growth to Centers and Corridors and use Development Areas to establish and maintain appropriate density and scale of development within areas.

The request would allow a broader range of higher-intensity land uses on the subject site, which is located along Major Transit Corridors. The subject site is also located in a designated Area of Change, where growth is both expected and desired, according to the ABC Comp Plan. The density and scale of any future development made possible by approval of the request would be subject to the controlling site development plan and any IDO development standards where the site plan is silent. **The request clearly facilitates Policy 5.1.2 Development Areas.**

POLICY 5.1.10 MAJOR TRANSIT CORRIDORS: Foster corridors that prioritize high frequency transit service with pedestrian-oriented development.

The request fosters corridors that prioritize high frequency transit service with pedestrian-oriented development because the MX-H zone district allows a broader mix of higher-intensity land uses on the vacant subject site, which is located along the I-25 Frontage and Mountain Rd. Major Transit Corridors and within 660' of the Lomas Blvd, and served directly by Bus Route 5. Additionally, the intent of the MX-H zone district is to allow higher-density infill development in appropriate locations, which include along Major Transit Corridors, according to the ABC Comp Plan. **The request generally facilitates Policy 5.1.10 Major Transit Corridors.**

GOAL 5.2 COMPLETE COMMUNITIES: Foster communities where residents can live, work, learn, shop, and play together.

It is unclear from the applicant's response how the requested zone map amendment would foster a community where residents can live, work, learn, shop and play together. Any residents from the neighborhood or surrounding areas would be seeking to utilize services on the subject site, not necessarily learning, shopping or playing together. **The request does not clearly facilitate Goal 5.2 Complete Communities.**

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 would allow for a broader mix of higher-intensity land uses on the subject site, which is located in a distinct mixed-use area and community (Santa Barbara/Martineztown), and in close proximity to other surrounding communities, conveniently accessible via public transit service. **The request clearly facilitates Policy 5.2.1 Land Uses.**

POLICY 5.2.1 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.

The request could encourage development that brings goods, services, and amenities within walking and biking distance of neighborhoods and promotes good access for all residents because the MX-H zone allows a broader mix of higher-intensity land uses than the MX-M zone, and the subject site is within walking and biking distance of nearby neighborhoods. However, because this is a Zoning Map Amendment with no associated site plan, particularities around future development, such as it bringing goods, services, and amenities cannot be guaranteed. **The request generally facilitates Policy 5.2.1 a).**

POLICY 5.2.1. e): Create healthy, sustainable communities with a mix of uses that are conveniently accessible from surrounding neighborhoods.

The requested MX-H zone would allow additional permissive, conditional and accessory uses from the existing MX-M zone. However, these include uses such as adult retail, self-storage, amphitheater, and light manufacturing (hospital use is already permissive under the MX-M and MX-H zone districts). While the new uses would be conveniently

accessible from surrounding neighborhoods due to the subject site’s location along designated Major Transit Corridors, it is unclear how the mix of additional permissive, conditional and accessory uses would serve to create healthy, sustainable communities.

The request does not clearly facilitate Sub Policy 5.2.1. e).

POLICY 5.2.1 h): Encourage infill development that adds complementary uses and is compatible in form and scale to the immediately surrounding development.

The requested zone map amendment would encourage infill development of a Rehabilitation Hospital being heard subsequent to this request by the EPC as a Site Plan EPC – Major Amendment. It would add a complementary use that is compatible in form and scale to the immediately surrounding development because the subject site and surrounding sites are all controlled by the design standards approved Gateway Site Development for Subdivision. The SDP design standards would ensure that any future development of the site would be compatible in form and scale to the immediately surrounding development. **The request clearly facilitates Sub Policy 5.2.1 h).**

POLICY 5.2.1 n): Encourage more productive use of vacant lots and under-utilized lots, including surface parking.

The subject site is currently vacant and is being used as an unpaved overflow parking lot. If approved, the request would result in more productive use of the vacant lot by expanding the available number of permissive uses on the subject site. Any future development would still be subject to the controlling Site Development Plan for Subdivision. **The request clearly facilitates Sub Policy 5.2.1 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.

Any development made possible by the request will promote efficient development patterns and use of land because subject site is already served by existing infrastructure and public facilities, and is subject to the requirements of the controlling Site Development Plan for Subdivision. Future development on the subject site featuring uses allowed in the MX-H Zone District could support the public good in the form of economic development, job creation, and an expansion to the tax base. **The request clearly facilitates Goal 5.3 Efficient Development Patterns.**

POLICY 5.3.1 INFILL DEVELOPMENT: Support additional growth in areas with existing infrastructure and public facilities.

The subject site is a vacant infill site located in an area already served by existing infrastructure and public facilities. Any future growth and development on the subject site would occur in an area that has adequate existing infrastructure and access to a range of public facilities. **The request clearly facilitates Policy 5.3.1 Infill Development.**

POLICY 5.3.2 Leapfrog Development: Discourage growth in areas without existing infrastructure and public facilities.

The request will not result in Leapfrog Development as the hospital use will be developed in an area with existing infrastructure and public facilities. **The request clearly facilitates Policy 5.3.2 Leapfrog Development.**

POLICY 5.3.7 – Locally Unwanted Uses: Ensure that land uses that are objectionable to immediate neighbors but may be useful to society are located carefully and equitably to ensure that social assets are distributed evenly and social responsibilities are borne fairly across the Albuquerque area.

There is known opposition from the Santa Barbara/Martineztown (SB/MT) Neighborhood Association for the Hospital Use. The applicant has demonstrated that the proposed use would serve a community need for healthcare services for an aging population and chronic illnesses pursuant to healthcare and census data studies for NM that have been referenced. The request will result in a rehabilitation hospital that will add to the non-emergency medical services network in the greater Albuquerque Metropolitan area. These services are useful to society by easing pressure on local hospitals by providing an avenue for outpatient care. **The request clearly facilitates Policy 5.3.7 Locally Unwanted Land Uses.**

POLICY 5.3.7(b) – Ensure appropriate setbacks, buffers, and/or design standards to minimize offsite impacts.

Although the request is for a zone map amendment, the controlling Gateway Center Site Development Plan includes setback requirements and other design standards intended to minimize offsite impacts from any future development on the subject site. **The request clearly facilitates Sub Policy 5.3.7(b).**

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 located wholly in an Area of Change, where growth is both expected and desired. Any future development on the subject site, which is currently vacant, could encourage, enable, and direct growth to this Area of Change. Due to the standards established by the Gateway Center Site Development Plan, and where silent, CPO-7 Overlay Zone standards apply, the proposed a future development being heard subsequent to this request would be compatible in form and scale to the immediately surrounding development. Future development could also reinforce the character and intensity of the surrounding area given the general compatibility between the MX-H and surrounding MX-M zone districts, as well as the existing buffer between the subject site and the lower-density and lower-intensity development located west of the site. **The request clearly facilitates 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 request will direct growth and more intense development on the subject site because the MX-H zone district allows higher-intensity mixed-use development in comparison to the MX-M zone district. Additionally, the subject site is located along the I-25 Frontage and Mountain Rd. Major Transit Corridors, within 660' of the Lomas Blvd., and within an Area of Change, where growth and more intense development is encouraged. **The request clearly facilitates Policy 5.6.2 Areas of Change.**

CHAPTER 8: ECONOMIC DEVELOPMENT

GOAL 8.1 – PLACEMAKING: Create places where businesses and talent will stay and thrive.

It is unclear from the applicant's response how the requested zone map amendment will lead to a place where businesses and talent will stay and thrive. No studies or statistical data has been provided by the applicant to demonstrate or confirm that this will be the case. **The request does not clearly facilitate Goal 8.1 Placemaking.**

POLICY 8.1.1 DIVERSE PLACES: Foster a range of interesting places and contexts with different development intensities, densities, uses, and building scales to encourage economic development opportunities.

The requested zone map amendment from MX-M to MX-H would facilitate development that will foster or support a range of intensities, uses and densities given the existing development on parcels also located within the controlling Gateway Site Development Plan for Subdivision. **The request clearly facilitates Policy 8.1.1. – Diverse Places.**

POLICY 8.1.1(a) – Invest in Centers and Corridors to concentrate a variety of employment opportunities for a range of occupational skills and salary levels.

The subject site is located along Major Transit Corridors, the request would result in higher intensity uses on the subject site, and along with the other existing developed parcels controlled by the Gateway Site Development for Subdivision, the request will continue to concentrate a variety of employment opportunities and a range of skills and salary levels appropriately. **The request clearly facilitates Sub Policy 8.1.1(a).**

POLICY 8.1.1.(c) – Prioritize local job creation, employer recruitment, and support for development projects that hire local residents.

The request could prioritize local job creation and recruitment during the construction phase of the proposed development, however staff notes that the applicant's (Nobis Rehabilitation Partners) headquarters is located in Allen, Texas. It is therefore unclear how the proposed use will continue to prioritize local job creation and hire local residents. **The request generally facilitates Policy 8.1.1(c).**

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 contribute to improving the quality of life for nearby and surrounding residents by locating a potential service uses on the subject site, and along designated Major Transit Corridors. **The request clearly facilitates Policy 8.1.2 – Resilient Economy.**

GOAL 8.2 – ENTREPRENEURSHIP: Foster a culture of creativity and entrepreneurship and encourage private businesses to grow.

While the request may result in encouraging a private business to grow on the subject site, it is unclear from the applicant’s response how this would foster a culture of creativity and entrepreneurship given the permissive uses under the MX-H zone district. **The request does not clearly facilitate Goal 8.2 - Entrepreneurship.**

Integrated Development Ordinance (IDO)

IDO Zoning

The subject site is zoned MX-M [Mixed-use, Medium Intensity Zone District, IDO 14-16-2-4(C)], which was assigned upon adoption of the IDO as a conversion from the former SU-2 (C-3) zoning designation (Industrial/Wholesale/Manufacturing) zoning. 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. Specific permissive uses are listed in Table 4-2-1: Allowable Uses, IDO pg. 145.

The request is to change the subject site’s zoning to MX-H (Mixed Use, High Intensity Zone District, IDO 14-16-2-4(D)). 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.

Applicant’s Updated Position on Spot Zone Requirements

The applicant has submitted documentation for the record regarding their position on Spot Zone Requirements. The applicant contends that Planning Staff has mistakenly applied the “contiguous” land requirement to the MX-H zone as part of their analysis, misapplied definitions, and that proximity to the nearest MX-H zone using typical industry and professional distances supports the argument against a spot zone designation.

Overlay Zones

The subject site is also located within the Santa Barbara Martineztown Character Protection Overlay Zone (CPO-7) which is focused on regulating development. Future

development must adhere to the standards associated with this Overlay Zone where applicable. CPO-7 includes site standards, setback standards, building height maximums, and sign standards meant to protect and preserve this area's distinct community, although since the subject site is within the controlling SDP for subdivision, the design standards in the SDP take precedent over the IDO and where silent, the CPO would apply (IDO §14-16-1-10(A) Pre-IDO Approvals).

IDO Definitions

ABUT: To touch or share a property line.

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

AREA OF CHANGE: An area designated as an Area of Change in the Albuquerque/Bernalillo County Comprehensive Plan (ABC Comp Plan), as amended, where growth and development are encouraged, primarily in Centers other than Old Town, Corridors other than Commuter Corridors, Master Development Plan areas, planned communities, and Metropolitan Redevelopment Areas.

MIXED-USE ZONE DISTRICT: Any zone district categorized as Mixed-use in Part 14-16-2 of the IDO.

OVERLAY ZONE: Regulations that prevail over other IDO regulations to ensure protection for designated areas. Overlay zones include Airport Protection Overlay (APO), Character Protection Overlay (CPO), Historic Protection Overlay (HPO), and View Protection Overlay (VPO). Character Protection and View Protection Overlay zones adopted after May 18, 2018 shall be no less than 10 acres, shall include no fewer than 50 lots, and shall include properties owned by no fewer than 25 property owners. There is no minimum size for Airport Protections Overlay or Historic Protection Overlay zones. See also Small Area.

ZONE DISTRICT: One of the zone districts established by the IDO and the boundaries of such zone districts shown on the Official Zoning Map. Zoning regulations include the Use Regulations, Development Standards, and Administration and Enforcement provisions of the IDO Definitions

V. Zone Map Amendment (Zone Change)

Requirements

Pursuant to IDO §14-16-6-7(G)(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." The review and decision criteria outline policies and requirements for deciding zone change applications. The applicant must provide sound

justification for the proposed change and demonstrate that several tests have been met. The burden is on the applicant to show why a change should be made.

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.

Justification & Analysis

The zoning map amendment justification letter analyzed here, received on is a response to the instructions provided by the LUHO for the request to be remanded back to the EPC and Staff’s request for a revised justification (see attachment). The subject site is currently zoned MX-M (Mixed-use Medium Intensity). The requested zoning is MX-H (Mixed-use High Intensity). The reason for the request is to facilitate the development of an Inpatient Rehabilitation Facility (IRF or hospital use).

The applicant believes that the proposed zoning map amendment (zone change) meets the zone change decision criteria in IDO §14-16-6-7(G)(3) as elaborated in the justification letter. The citation is from the IDO. The applicant’s arguments are in italics. Staff analysis follows in plain 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.

Applicant: As discussed above [in the attached project letter], the requested zone map amendment from MX-M to MX-H will benefit the surrounding neighborhood by furthering a preponderance of applicable Goals and Policies in and clearly facilitating the implementation of the ABC Comp Plan as shown in the previous analysis [in the attached project letter]. The analysis describes how the proposed Zone Map Amendment furthers Goals and Polices regarding Character, Centers and Corridors, Complete Communities, City Development Patterns. These Goals and policies are supported because the request will provide much needed high density, infill development as described in the definition of MX-H in the IDO, cited at the beginning of this letter. Further, the subject site is within 600-feet of three different Major Transit Corridors – Mountain Road NE, I-25 Frontage Road, and Lomas Boulevard.

Staff’s Response: 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 does not significantly conflict with them. Because this is a spot zone, the applicant must further “clearly facilitate” implementation of the ABC Comp Plan (see Criterion H). The applicant’s policy-based responses adequately demonstrate that the request clearly facilitates a preponderance of applicable Goals and policies in the Comprehensive Plan.

Therefore, the request is consistent with the City’s health, safety, morals and general welfare.

Clearly Facilitates citations: Policy 4.1.2 – Identity & Design, Goal 5.1 – Centers & Corridors, Policy 5.1.1 Desired Growth, Sub Policy 5.1.1 (c), Policy 5.1.2 – Development Areas, Policy 5.2.1 – Land Uses, Sub Policy 5.2.1(h), Sub Policy 5.2.1(n), Goal 5.3 – Efficient Development Patterns, Policy 5.3.1 – Infill Development, Policy 5.3.2 – Leapfrog Development, Policy 5.3.7 – Locally Unwanted Uses Sub Policy 5.3.7(b), Goal 5.6 – City Development Areas, Policy 5.6.2 – Areas of Change, Policy 8.1.1 – Diverse Places, Sub Policy 8.1.1(a), Policy 8.1.2 – Resilient Economy.

Does not clearly facilitate citations: Goal 4.1 - Character, Goal 5.2 – Complete Communities, Sub Policy 5.2.1(e), Goal 8.1 – Placemaking, Goal 8.2 – Entrepreneurship.

The response to Criterion A is sufficient.

(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 Comp Plan, as amended (including implementation of patterns of land use, development density and intensity, and connectivity), and other applicable adopted City plan(s).

Applicant: The subject site is located wholly within an Area of Change; the above criterion does not apply.

Staff’s Response: The subject site is located wholly in an Area of Change, as designated by the Comp Plan. **Therefore, the applicant’s response for 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).

Applicant: The requested zone map amendment meets criteria 3, as described above: the requested zone map amendment from MX-M to MX-H will benefit the surrounding neighborhood by clearly facilitating the implementation of and furthering a preponderance of applicable Goals and Policies in the ABC Comp Plan as shown in the previous analysis.

The analysis described how the proposed Zone Map Amendment clearly facilitates ABC Comp Plan Goals and Policies regarding Character, Distinct Communities, Centers and Corridors, Complete Communities, City Development Patterns, Land Uses, Areas of Change, Placemaking and others. These Goals and policies are supported because the request will provide much needed high density, infill as described in the definition of MX-H in the IDO, cited at the beginning of this letter. Further, the subject site is within 600-feet of three different Major Transit Corridors – Mountain Road NE, I-25 Frontage Road, and Lomas Boulevard.

Staff's Response: The subject site is located wholly in an Area of Change where growth is encouraged and should be directed in accordance with Comprehensive Plan policies. The applicant argues that the existing zoning is inappropriate because it meets Criteria 3 (listed above).

The applicant argues that the request meets Criteria 3 above. The applicant's policy-based analysis does demonstrate that the request would clearly facilitate a preponderance of applicable Comprehensive Plan Goals and policies and therefore would be more advantageous to the community than the current zoning. Because Criterion C states that the applicant must demonstrate that the existing zoning is inappropriate because it meets at least one of the criteria above, and Criteria 3 is met, **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 IDO §14-16-4-3 associated with that use will adequately mitigate those harmful impacts.

Table 3 - Change In Use Summary Table

Change In Uses From MX-M To MX-H – Adapted from IDO Table 4-2		
Residential Uses	MX-M	MX-H
Group home, small	P	
Commercial Uses		
Kennel	C	
Nursery	A	
Campground or recreational vehicle park	C	
Paid parking lot	P	A
Construction contractor facility and yard		C
Self-storage	C	P
Amphitheater		C
Adult retail		P
Park and ride lot	P	C
Industrial Uses		
Light manufacturing		A
Accessory and Temporary Uses		
Drive-through or drive-up facility	A	CA
Dwelling unit, accessory	A	
Outdoor animal run	CA	
Circus	T	

Applicant:

Permissive Uses

*Regarding the new uses allowed by the proposed zone change, any uses conducted on this site shall be beholden to all IDO requirements and regulations. Adult retail would normally be allowed in the MX-H zone, but due to the site’s proximity to schools to the north, this use would not be permitted at all, as outlined in IDO Provision **14-16-4-3(D)(6)**. Self-storage, the other permissive use that would be granted through the approval of this request, is controlled by IDO Provision **14-16-4-3(D)(29)**. **14-16-4-3(D)(29)(f)** restricts access to individual storage units to be indoor only, heavily reducing outdoor on-site traffic. Furthermore, all storage would be required to be within fully enclosed portions of a building.*

Conditional Uses

*An amphitheater is a conditional use and therefore would require a conditional use permit. There are no use-specific standards for amphitheaters, but the size of the lot would significantly limit the level of activity that could occur were an amphitheater to be developed here. Another use conditionally allowed in MX-H is the Construction Contractor Facility and Yard. First, anywhere construction equipment or goods or vehicles are parked or stored, or where work is conducted, must comply with all requirements in **14-16-5-6** (Landscape, Buffering, and Screening). Secondly, a conditional use approval through the ZHE would be required, requiring additional public comment and internal review. Finally, a Park-and-Ride Lot becomes an*

available conditional use. This use would be beholden to all standards within 14-16-5-5 (Parking and Loading), ensuring that its development would be in line with all IDO regulations.

Accessory Uses

Light manufacturing becomes a newly allowed accessory use but would be beholden to all use requirements outlined in IDO Provision 14-16-4-3(E)(4), including screening and storage requirements. A paid parking lot also would typically become a newly allowed accessory use. However, in line with provision 14-16-4-3(D)(22)(d)6., due to the lot's location in the Martineztown/Santa Barbara CPO-7, this accessory use would be prohibited.

Gateway Site Plan for Subdivision

Per IDO Section 14-16-1-10(A)(2), any use standards or development standards associated with pre-IDO approval or zoning designation establish rights and limitations and are exclusive of and prevail over any other provision of this IDO. The Gateway site plan for subdivision establishes some design standards for the subject site, which prevail over the IDO and design standards found therein. Notably, the Site Plan for Subdivision establishes an allowable height of 180 feet.

This height standard prevails over both the zone district design standards and the Martineztown / Santa Barbara CPO-7 standards. The CPO-7 design standards restrict height for lots that are less than 5 acres and are designated as Residential or Mixed-use zoned districts to 26 feet. The provision is found in IDO Section 3-4(H)(4) Building Height: 3-4(H)(4)(a) In Residential and Mixed-use zone districts on project sites less than 5 acres, the maximum building height is 26 feet.

However, if approved, this Zone Map Amendment would encourage infill development that adds complementary uses and is compatible in form and scale to the immediately surrounding development because the immediately surrounding development is relatively high-intensity and density. To the south sits Embassy Suites, an 8-story, 100-foot-tall building. To the west is TriCore Laboratories, a 4-story, approximately 45-foot-tall building. To the north sits the Career Enrichment Center and Albuquerque High School, whose gymnasium stands approximately 55 feet tall. To the east is I-25, a highly trafficked urban freeway. The MX-H zoning allows for more intense uses and a higher allowed maximum building height, which would allow for development that is compatible in form and scale to the immediately surrounding development. In conjunction with the controlling site plan, the proposed zone map amendment would not be harmful to the surrounding community. Further, the benefits of having an existing controlling site plan are the EPC would review any new uses on the subject site. There would be an opportunity for the community to provide input and the site plan would be reviewed by Staff prior to being submitted to the Commission for a final decision.

Staff's Response: The only two new permissive uses that would be allowed with the requested zone map amendment to MX-H are Adult Retail (not allowed due to proximity to the school to the north) and Self-Storage (impacts mitigated by a requirement for indoor storage units only). Although the IDO's Use-specific Standards for uses in the MX-H zone district would mitigate potentially harmful impacts associated with newly permissive uses, the subject site is controlled by the Gateway Center Site Development Plan for Subdivision (SDP). In this case, the SDP would mitigate harm on the surrounding land uses because it specifies allowable uses, land use scenario standards, development standards, and setbacks. The SDP only allows the "general Office" land use for the subject site.

Staff notes that the purpose of the zone change is to facilitate development of a Rehabilitation Facility (Hospital use) on area 3, which is being reviewed by the EPC as a major amendment to allow the use in the SDP and a Site Plan subsequently to this request. Although the subject site is within CPO-7, the SDP takes precedence over the standards in the CPO, pursuant to IDO §14-16-1-10(A). **The applicant's response to Criterion D is sufficient.**

(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. Will have adequate capacity based on improvements for which the City has already approved and budgeted capital funds during the next calendar year.
2. Will have adequate capacity when the applicant fulfills its obligations under the IDO, the DPM, and/or an Infrastructure Improvements Agreement.
3. 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.

Applicant: The request meets the criteria above as described by number 3: will have adequate capacity when the applicant fills its obligations under the IDO, the DPM, and/or an IIA. The request will continue through various City application processes where infrastructure capacity will be addressed. A full Traffic Safety Study was conducted by Tierra West to determine appropriate safety measures when considering access and traffic. These measures are outlined in the attached Traffic Safety Study and the Executive Summary and are in review by the NMDOT and City's Traffic Engineer.

Staff's Response: The subject site is currently served by infrastructure, which will have adequate capacity once the applicant fulfills its obligations under the IDO, the DPM, and/or an Infrastructure Improvements Agreement. Any future development on the subject site, which is currently vacant, would be required to adhere to all obligations and standards under the IDO, DPM, and/or an Infrastructure

Improvements Agreement. The applicant has also completed a full Traffic Safety Study. **The response to Criterion E is sufficient**

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

Applicant: The subject site is bound by Woodward Pl NE (local urban street), Mountain Rd NE, and the I-25 Frontage Rd. Both Mountain Rd NE and I-25 Frontage are classified as Major Collectors by MRCOG. Lomas Blvd and I-25 are in the vicinity of the subject site and are classified as Principal Arterial and Interstate by the MRCOG, respectively. Though the location of the subject site is appropriate for the requested Zone Map Amendment, our justification is not based predominantly on that. Rather, the justification is based on a thorough ABC Comp Plan analysis and shows that the request clearly facilitates and furthers a preponderance of Goals and Policies found therein.

Staff's Response: Though the subject site is located along major streets and designated Major Transit Corridors, the applicant has adequately demonstrated that the request clearly facilitates a preponderance of applicable Comprehensive Plan Goals and policies, and any future development will adhere to the Pre-IDO approved design standards of the Gateway Site Development Plan for Subdivision. **The response to Criterion F is sufficient.**

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

Applicant: The request is not based on the cost of land nor economic considerations, rather, the request is based on the policy analysis above. The requested zone map amendment from MX-M to MX-H will benefit the surrounding neighborhood by clearly facilitating the implementation of and furthering a preponderance of applicable Goals and Policies in the ABC Comp Plan as shown in the previous analysis. The analysis described how the proposed Zone Map Amendment clearly facilitates ABC Comp Plan Goals and Policies regarding Character, Distinct Communities, Centers and Corridors, Complete Communities, City Development Patterns, Land Uses, Areas of Change, Placemaking and others. These Goals and policies are supported because the request will provide much needed high density, infill development as described in the definition of MX-H in the IDO, cited at the beginning of this letter. Further, the subject site is within 600-feet of three different Major Transit Corridors – Mountain Road NE, I-25 Frontage Road, and Lomas Boulevard.

Staff's Response: The applicant's justification is not completely or predominantly based upon economic considerations. Rather, the applicant has adequately demonstrated that the request clearly facilitates a preponderance of applicable Comprehensive Plan Goals and policies, and any future development will adhere to

the Pre-IDO approved design standards of the Gateway Site Development Plan for Subdivision. **The response to Criterion G is sufficient.**

(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:

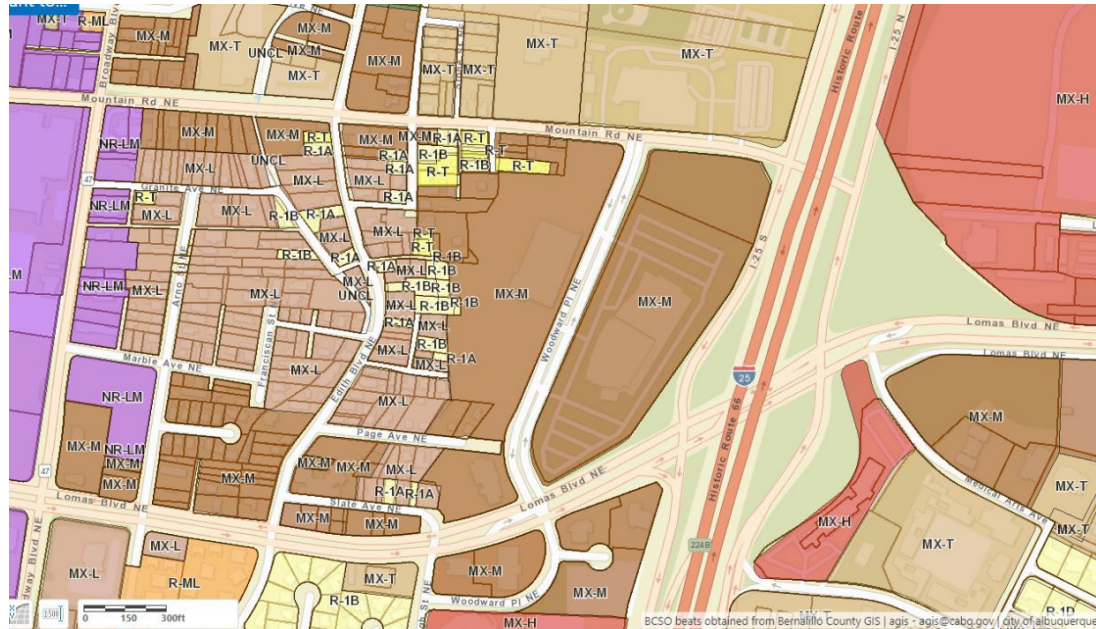
1. The area of the zone change is different from surrounding land because it can function as a transition between adjacent zone districts.
2. The site is not suitable for the uses allowed in any adjacent zone district due to topography, traffic, or special adverse land uses nearby.
3. The nature of structures already on the premises makes it unsuitable for the uses allowed in any adjacent zone district.

Applicant: Planning staff has interpreted that the request is a spot zone, as such, the Zoning Map Amendment would apply a spot zone. The requested Zoning Map Amendment clearly facilitates the implementation of the ABC Comp Plan, as amended, and the request meets criterion 1, because the subject property would function as a transition between adjacent zone districts. The requested MX-H zone would serve as an appropriate transition between adjacent zone districts as follows:

The subject site would be the "peak" zone as shown in figure 3, below. Following the zone map between Lomas Blvd NE and Mountain Road NE, the intensity of zones increases as it approaches the interstate. There are parcels zoned NR-LM bordering Broadway Blvd (between Lomas Blvd NE and Mountain Rd NE) but it then immediately shifts (with almost no transition in intensity) to properties zoned MX-L, which are bounded by properties zoned MX-M to the north and south. The zone map increases in intensity as it approaches I-25. The zone map clearly shows that the parcels shift from MX-L to MX-M moving eastward and would result in peak intensity of MX-H at the subject site, which is bound by the I-25 commuter corridor. The resulting zone map amendment would be a transition from lower intensity MX-L zone all the way to the more intense MX-H zone. It is also important to consider, in this case, the proposed land use and development of the subject site. The land use would serve as an appropriate transition in intensity, as higher density uses are encouraged in areas of change, and within Major Transit Corridors. The land uses in the city block bound by Broadway Blvd NE, Mountain Rd NE, Lomas Blvd NE, and I-25 all increase in intensity as the map moves eastward, thus resulting in an appropriate transition (barring the strip zoning of NR-LM along Broadway Blvd NE).

The resulting zone map pattern would be an MX-H zone district (the subject site) along the I-25 commuter corridor, and intensity and zoning transitions downward as

the zone map transitions to the west, between Mountain Rd NE and Lomas Blvd NE and ending at Broadway Blvd NE.



Further, should the request be approved the resulting zoning map pattern would be very similar to the existing zoning patterns in the area. As shown in figure 3 above, directly east of the subject site (not including I-25), there are parcels zoned MX-H. To the southeast of the subject site, are parcels zoned MX-H which then transition into parcels zoned MX-M, MX-T, and R-1. Just south of the subject site, there are parcels zoned MX-H which transition to MX-M, MX-T, and R-1 zones.

Staff's Response: The applicant is requesting a zone change from MX-M zoning to MX-H zoning, which would result in a spot zone as determined by staff. Spot zones are analyzed and determined on a case-by-case basis. The analysis of spot zones in the city is determined based on several factors identified in the review and decision criteria for spot zones, including the surrounding zone districts, land uses and applicable IDO definitions.

The request would result in a spot zone because it would apply a zone different from surrounding zone districts. The applicant acknowledges that the request would create a spot zone in their response to Criterion H, but explains that it would be justified because the subject site will function as a transition between adjacent zone districts to the west due to the existing pattern of zoning in the area, with more intense zone districts being located closer to I-25 and the frontage, and less intense zones moving away from the subject site. If approved, the subject site's MX-H zone would begin the transition to lower intensity zones to the west. The applicant has also shown how the request would clearly facilitate preponderance of the

Comprehensive Plan policies as shown in the response to Criterion A. **The response to Criterion H is sufficient.**

VI. Agency & Neighborhood Concerns

Reviewing Agencies

City departments and other agencies reviewed the original application for the February 15, 2024 EPC hearing. ABCWUA, AMAFCA, APS, CABQ Long Range, MRMPO, PNM, Solid Waste, Transportation Development Review Services, and provided standard comments. Agency comments begin on p. 38.

Neighborhood/Public

Updated Notice:

The applicant provided updated notice of the application to all eligible Neighborhood Association representatives and adjacent property owners (within 100 feet) via certified mail and email pursuant to IDO §14-16-6-4(K) as required in the LUHO instructions.

Facilitated Meeting:

The Santa Barbara Martineztown Neighborhood Association accepted a Pre-Submittal Neighborhood Meeting within 15 calendar days of the original notification (on November 21, 2023) and proposed a meeting date of January 18th. The applicant originally agreed to a meeting sometime in January (date not specified), but requested a sooner date on November 29, 2024, citing “undue delay.” The CABQ Office of Alternative Dispute Resolution then offered a Zoom meeting format, with flexible availability, beginning as early as December 4, 2023. However, the Neighborhood association was “adamant that the meeting be held on January 18th,” according to facilitated meeting notes provided by the CABQ Office of Alternative Dispute Resolution and a timeline provided by the applicant.

Based on this information, it appears that the Neighborhood Association effectively declined to meet within the 30-calendar day window specified in 6-4(B)(4) of the IDO. If the Santa Barbara Martineztown NA had accepted ADR’s offered Zoom meeting within those 30 days, the Neighborhood Association would have met with the applicant during this timeframe. However, as stated in subsection 6-4(B)(9), the requirement for a pre-submittal neighbor meeting was waived, and instead, a facilitated meeting was held on January 18th. Staff has also been informed by the applicant that a follow-up non-facilitated meeting was held on January 30th.

Neighborhood Opposition:

Staff is aware of opposition to this request by the Santa Barbara Martineztown Neighborhood Association (SBMT NA). In the facilitated meeting notes provided by the CABQ Office of Alternative Dispute Resolution, objections to the request were based on

the communities feeling that the MX-H designation is not equivalent to the former Sector Plan C-3 designation, the potential of increased traffic, and the Applicant's submission prior to the date of the meeting. These notes state that "community stakeholders made several additional objections, which were not related to the subject application. Those objections were omitted, here."

The SBMT NA submitted comments on the case for the February 15, 2024 EPC hearing objecting to the facilitated meeting notes and the uses permitted in the MX-H zone district. Staff is aware that the NA is opposed to the zone change due to the associated Rehabilitation Facility that would be reviewed by the EPC, which would allow development.

Appeal:

The SBMT NA appealed the EPC's original decision to approve the zone map amendment (NOD dated 2/15/2024), which was heard at a LUHO appeal hearing on May 15, 2024. The appeal was based on an inadequate record which did not include enough detail about the controlling Gateway Center Site Development Plan for Subdivision (SDP) in relation to the existing CPO-7, Character Protection Overlay Zone. The LUHO remanded the case back to the EPC for a new hearing with instructions. The applicant has submitted an updated application and documentation. Planning Staff has analyzed the updated request based on the LUHO's instructions.

VII. Conclusion

The request is for a zoning map amendment (zone change) for an approximately 3-acre site legally described as all or a portion of Tract A Plat of Gateway Subdivision, located at 1100 Woodward Pl NE, between Mountain Rd, and Lomas Blvd.

The applicant is requesting a zone change from MX-M zoning to MX-H zoning, which would result in a spot zone. The request could facilitate the proposed future development of a hospital use.

The applicant has adequately justified the request based upon the proposed zoning being more advantageous to the community than the current zoning because it would clearly facilitate a preponderance of applicable Comprehensive Plan Goals and policies. The applicant's responses to the Review and Decision Criteria for Zone Map Amendments established in 14-16-6-7(G)(3) of the IDO are sufficient.

The applicant provided notice of the application to all eligible Neighborhood Association representatives and adjacent property owners (within 100 feet) via certified mail and email as required. Staff is aware of opposition to this request from the Santa Barbara Martineztown Neighborhood Association.

The original EPC decision of approval was appealed by the SBMT NA and is being heard anew (de novo) based on the LUHO's decision to remand the case back to the EPC with

instructions. The applicant has submitted an updated application and documentation. Planning Staff has analyzed the updated request based on the LUHO's instructions.

Staff recommends approval.

Findings, Zoning Map Amendment (i.e., Zone Change)

Project #: 2024-009765 / RZ: 2024-00001

1. This is a request for a zoning map amendment for all or a portion of Tract A, Plat of Gateway Subdivision located at 1100 Woodward Place NE, between Mountain Rd. and Lomas Blvd. and containing approximately 3 acres.
2. The request was originally heard and approved by the EPC on February 15, 2024. It was appealed by the Santa Barbara Martineztown Neighborhood Association (NA) and was heard by the Land Use Hearing Officer (LUHO) on May, 15, 2024 (AC-24-11). The LUHO decision resulted in a remand back to the EPC to be heard de novo (“anew”).
3. The request is now before the EPC on remand pursuant to six remand instructions specified by the LUHO:
 - INSTRUCTION #1 requires that the EPC review the request for reconsideration anew due to an insufficient record. The request is being heard anew at the June 20, 2024 EPC hearing.
 - INSTRUCTION #2 allows the parties and planning staff to supplement the record with additional evidence so that the EPC can make a decision based on accurate information. Planning staff has supplemented the record with information about the 1994 Gateway Center Site Development Plan for Subdivision.
 - INSTRUCTION #3 requires that the applicant meet notice requirements in IDO §14-16-6-4(K) for the request to be reconsidered. The applicant has re-notified property owners within 100-feet of the subject site and affected Neighborhood associations with the new hearing date and request information.
 - INSTRUCTION #4 requires that the EPC offer the opportunity for cross examination under procedural due process for NM State law. Planning staff has prepared online forms and instructions for the public to access and will announce the opportunity for cross examination during the hearing.
 - INSTRUCTION #5 required that Planning staff accept all evidence submitted by applicants whether staff believes it is relevant or not. Staff will ensure to accept all information received in application packets to be included in the EPC record for this case.
 - INSTRUCTION #6 states that the EPC should make its own independent findings and conclusions. Planning staff prepares recommended findings as part of the staff report for the commissions review. It is up to the commission to accept, revise, remove, or add new Findings to be included in the Official Notice of decision.
4. The subject site is zoned MX-M (Mixed-use - Medium Intensity). The applicant is requesting a zone change to MX-H (Mixed use – High Intensity) which would result in a

spot zone. The applicant proposes to change the zoning to facilitate the proposed future development of a hospital use on the subject site.

5. The subject site is currently vacant and undeveloped. On 3/24/1994 the EPC voted to approve the Gateway Center Site Development Plan (SDP) for Subdivision SDP for the 23-acre area that the subject site is within (Z-93-46). The SDP for Subdivision was signed off for approval by the (former) DRB on 7/12/1994 (DRB-94-183).
6. The subject site is located within the Santa Barbara Martineztown Character Protection Overlay Zone (CPO-7).
7. The Pre-IDO approved Gateway Center Site Development Site Development Plan for Subdivision design guidelines prevail over the majority of the requirements of the CPO-7 pursuant to IDO §14-16-1-10(A) which states that “Any use standards or development standards associated with any pre-IDO approval or zoning designation establish rights and limitations and are exclusive of and prevail over any other provision of this IDO. Where those approvals are silent, provisions in this IDO shall apply...”
8. 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.
9. The subject site is located within an Area of Change as designated by the Comprehensive Plan.
10. The request clearly facilitates the following applicable Goals and Policies from the Comprehensive Plan Chapter 4 – Community Identity
 - A. POLICY 4.1.2 – IDENTITY AND DESIGN: Protect the identity and cohesiveness of neighborhoods by ensuring the appropriate scale and location of development, mix of uses, and character of building design.

The request would protect the cohesiveness of the surrounding neighborhood by ensuring that the scale and location of any future development is not located in any residentially zoned parcels as articulated by the controlling Gateway Center Site Development Plan. Additionally, the mix of uses on and around the subject site are of appropriate scale for any future development resulting from an approval of the zone map amendment request.
11. The request clearly facilitates the following applicable Goals and Policies from the Comprehensive Plan Chapter 5 – Land Use
 - A. GOAL 5.1 CENTERS AND CORRIDORS: Grow as a community of strong Centers connected by a multi-modal network of Corridors.

The request would allow a broader range of higher-intensity land uses on the subject site, which is located along the I-25 Frontage and Mountain Rd. Major Transit Corridors and within 660’ of the Lomas Blvd. Major Transit Corridor. Any development

made possible by the request could result in growth on the subject site, which is currently vacant, and located along and within the aforementioned Corridors.

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

The request could capture regional growth along and within three Major Transit Corridors - the I-25 Frontage, Mountain Rd., and Lomas Blvd. Any development made possible by the request would result in growth on the subject site, which is 3.0-acres in size and located within these aforementioned Corridors, and also abutting Interstate 25. Locating growth within Corridors promotes sustainable development patterns, according to the ABC Comp Plan.

- C. POLICY 5.1.1 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.

The subject site is part of the approved / controlling Gateway Site Development Plan for Subdivision which has served to encourage and accommodate growth over time that includes infill development and additional employment density. The request would continue to encourage development on the subject site and along a designated Major Transit Corridor.

- D. 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.

The request would allow a broader range of higher-intensity land uses on the subject site, which is located along Major Transit Corridors. The subject site is also located in a designated Area of Change, where growth is both expected and desired, according to the ABC Comp Plan. The density and scale of any future development made possible by approval of the request would be subject to the controlling site development plan and any IDO development standards where the site plan is silent.

- E. 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 would allow for a broader mix of higher-intensity land uses on the subject site, which is located in a distinct mixed-use area and community (Santa Barbara/Martineztown), and in close proximity to other surrounding communities, conveniently accessible via public transit service.

- F. POLICY 5.2.1 h): Encourage infill development that adds complementary uses and is compatible in form and scale to the immediately surrounding development.

The requested zone map amendment would encourage infill development of a Rehabilitation Hospital being heard subsequent to this request by the EPC as a Site Plan EPC – Major Amendment. It would add a complementary use that is compatible in form and scale to the immediately surrounding development because the subject site and surrounding sites are all controlled by the design standards approved Gateway Site Development for Subdivision. The SDP design standards would ensure that any future development of the site would be compatible in form and scale to the immediately surrounding development.

- G. POLICY 5.2.1 n): Encourage more productive use of vacant lots and under-utilized lots, including surface parking.

The subject site is currently vacant and is being used as an unpaved overflow parking lot. If approved, the request would result in more productive use of the vacant lot by expanding the available number of permissive uses on the subject site. Any future development would still be subject to the controlling Site Development Plan for Subdivision.

- H. 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.

Any development made possible by the request will promote efficient development patterns and use of land because subject site is already served by existing infrastructure and public facilities, and is subject to the requirements of the controlling Site Development Plan for Subdivision. Future development on the subject site featuring uses allowed in the MX-H Zone District could support the public good in the form of economic development, job creation, and an expansion to the tax base.

- I. POLICY 5.3.1 INFILL DEVELOPMENT: Support additional growth in areas with existing infrastructure and public facilities.

The subject site is a vacant infill site located in an area already served by existing infrastructure and public facilities. Any future growth and development on the subject site would occur in an area that has adequate existing infrastructure and access to a range of public facilities.

- J. POLICY 5.3.2 Leapfrog Development: Discourage growth in areas without existing infrastructure and public facilities.

The request will not result in Leapfrog Development as the hospital use will be developed in an area with existing infrastructure and public facilities.

- K. POLICY 5.3.7 – Locally Unwanted Uses: Ensure that land uses that are objectionable to immediate neighbors but may be useful to society are located carefully and equitably to ensure that social assets are distributed evenly and social responsibilities are borne fairly across the Albuquerque area.

There is known opposition from the Santa Barbara/Martineztown (SB/MT) Neighborhood Association for the Hospital Use. The applicant has demonstrated that the proposed use would serve a community need for healthcare services for an aging population and chronic illnesses pursuant to healthcare and census data studies for NM that have been referenced. The request will result in a rehabilitation hospital that will add to the non-emergency medical services network in the greater Albuquerque Metropolitan area. These services are useful to society by easing pressure on local hospitals by providing an avenue for outpatient care.

- L. POLICY 5.3.7(b) – Ensure appropriate setbacks, buffers, and/or design standards to minimize offsite impacts.

Although the request is for a zone map amendment, the controlling Gateway Center Site Development Plan includes setback requirements and other design standards intended to minimize offsite impacts from any future development on the subject site.

- M. 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 located wholly in an Area of Change, where growth is both expected and desired. Any future development on the subject site, which is currently vacant, could encourage, enable, and direct growth to this Area of Change. Due to the standards established by the Gateway Center Site Development Plan, and where silent, CPO-7 Overlay Zone standards apply, the proposed a future development being heard subsequent to this request would be compatible in form and scale to the immediately surrounding development. Future development could also reinforce the character and intensity of the surrounding area given the general compatibility between the MX-H and surrounding MX-M zone districts, as well as the existing buffer between the subject site and the lower-density and lower-intensity development located west of the site.

- N. POLICY 5.6.2 AREAS OF CHANGE: Direct growth and more intense development to Centers, Corridors, industrial and business parks, and Metropolitan Redevelopment Areas where change is encouraged.

The request will direct growth and more intense development on the subject site because the MX-H zone district allows higher-intensity mixed-use development in comparison to the MX-M zone district. Additionally, the subject site is located along the I-25 Frontage and Mountain Rd. Major Transit Corridors, within 660' of the Lomas Blvd., and within an Area of Change, where growth and more intense development is encouraged.

- 12. The request clearly facilitates the following applicable Goals and Policies from the Comprehensive Plan Chapter 8 – Economic Development

- A. POLICY 8.1.1 DIVERSE PLACES: Foster a range of interesting places and contexts with different development intensities, densities, uses, and building scales to encourage economic development opportunities.

The requested zone map amendment from MX-M to MX-H would facilitate development that will foster or support a range of intensities, uses and densities given the existing development on parcels also located within the controlling Gateway Site Development Plan for Subdivision.

- B. POLICY 8.1.1(a) – Invest in Centers and Corridors to concentrate a variety of employment opportunities for a range of occupational skills and salary levels.

The subject site is located along Major Transit Corridors, the request would result in higher intensity uses on the subject site, and along with the other existing developed parcels controlled by the Gateway Site Development for Subdivision, the request will continue to concentrate a variety of employment opportunities and a range of skills and salary levels appropriately.

- C. 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 contribute to improving the quality of life for nearby and surrounding residents by locating a potential service uses on the subject site, and along designated Major Transit Corridors.

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

- A. 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 does not significantly conflict with them. Because this is a spot zone, the applicant must further "clearly facilitate" implementation of the ABC Comp Plan (see Criterion H). The applicant's policy-based responses adequately demonstrate that the request clearly facilitates a preponderance of applicable Goals and policies in the Comprehensive Plan. Therefore, the request is consistent with the City's health, safety, morals and general welfare. The response to Criterion A is sufficient.

- B. 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. The subject site is located wholly in an Area of Change (as shown in the ABC Comp Plan, as amended) and the applicant argues that criteria 3 applies "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 plans”. The applicant’s policy-based analysis does demonstrate that the request would clearly facilitate a preponderance of applicable Comprehensive Plan Goals and policies and therefore would be more advantageous to the community than the current zoning. Because Criterion C states that the applicant must demonstrate that the existing zoning is inappropriate because it meets at least one of the criteria above, and Criteria 3 is met, 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 IDO §14-16-4-3 associated with that use will adequately mitigate those harmful impacts. The only two new permissive uses that would be allowed with the requested zone map amendment to MX-H are Adult Retail (not allowed due to proximity to the school to the north) and Self-Storage (impacts mitigated by a requirement for indoor storage units only). Although the IDO’s Use-specific Standards for uses in the MX-H zone district would mitigate potentially harmful impacts associated with newly permissive uses, the subject site is controlled by the Gateway Center Site Development Plan for Subdivision (SDP). In this case, the SDP would mitigate harm on the surrounding land uses because it specifies allowable uses, land use scenario standards, development standards, and setbacks. The SDP only allows the “general Office” land use for the subject site.
- 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 – 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. The subject site is currently served by infrastructure, which will have adequate capacity once the applicant fulfills its obligations under the IDO, the DPM, and/or an Infrastructure Improvements Agreement. Any future development on the subject site, which is currently vacant, would be required to adhere to all obligations and standards under the IDO, DPM, and/or an Infrastructure Improvements Agreement. The applicant has also completed a full Traffic Safety Study. The response to Criterion E is sufficient.
- F. The applicant's justification for the requested zone change is not completely based on the property's location on a major street. Though the subject site is located along major streets and designated Major Transit Corridors, the applicant has adequately demonstrated that the request clearly facilitates a preponderance of applicable Comprehensive Plan Goals and policies, and any future development will adhere to the Pre-IDO approved design standards of the Gateway Site Development Plan for Subdivision. The response to Criterion F is sufficient.
- G. The applicant's justification is not based completely or predominantly on the cost of land or economic considerations. The applicant’s justification is not completely or

predominantly based upon economic considerations. Rather, the applicant has adequately demonstrated that the request clearly facilitates a preponderance of applicable Comprehensive Plan Goals and policies, and any future development will adhere to the Pre-IDO approved design standards of the Gateway Site Development Plan for Subdivision. The response to Criterion G is sufficient.

- 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 – The area of the zone change is different from surrounding land because it can function as a transition between adjacent zones. The applicant is requesting a zone change from MX-M zoning to MX-H zoning, which would result in a spot zone as determined by staff. Spot zones are analyzed and determined on a case-by-case basis. The analysis of spot zones in the city is determined based on several factors identified in the review and decision criteria for spot zones, including the surrounding zone districts, land uses and applicable IDO definitions.

The request would result in a spot zone because it would apply a zone different from surrounding zone districts. The applicant acknowledges that the request would create a spot zone in their response to Criterion H, but explains that it would be justified because the subject site will function as a transition between adjacent zone districts to the west due to the existing pattern of zoning in the area, with more intense zone districts being located closer to I-25 and the frontage, and less intense zones moving away from the subject site. If approved, the subject site's MX-H zone would begin the transition to lower intensity zones to the west. The applicant has also shown how the request would clearly facilitate preponderance of the Comprehensive Plan policies as shown in the response to Criterion A. The response to Criterion H is sufficient.

14. The applicant provided notice of the application to all eligible Neighborhood Association representatives and adjacent property owners (within 100 feet) via certified mail and email as required.
15. The Santa Barbara Martineztown Neighborhood Association accepted a Pre-Submittal Neighborhood Meeting within 15 calendar days of notification (on November 21, 2023) and proposed a meeting date of January 18th. The applicant originally agreed to a meeting sometime in January (date not specified), but requested a sooner date on November 29, 2024, citing "undue delay." The CABQ Office of Alternative Dispute Resolution then offered a Zoom meeting format, with flexible availability, beginning as early as December 4, 2023. However, the Neighborhood association was "adamant that the meeting be held on January 18th," according to facilitated meeting notes provided by the CABQ Office of Alternative Dispute Resolution and a timeline provided by the applicant. Based on this information, it appears that the Neighborhood Association effectively declined to meet within the 30-calendar day window specified in 6-4(B)(4) of

the IDO. If the Santa Barbara Martineztown NA had accepted ADR's offered Zoom meeting within those 30 days, the Neighborhood Association would have met with the applicant during this timeframe. However, as stated in subsection 6-4(B)(9), the requirement for a pre-submittal neighbor meeting was waived, and instead, a facilitated meeting was held on January 18th. Staff has also been informed by the applicant that a follow-up non-facilitated meeting was held on January 30th.

16. Staff is aware of opposition to this request by the Santa Barbara Martineztown Neighborhood Association. In the facilitated meeting notes provided by the CABQ Office of Alternative Dispute Resolution, objections to the request were based on the communities feeling that the MX-H designation is not equivalent to the former Sector Plan C-3 designation, the potential of increased traffic, and the Applicant's submission prior to the date of the meeting. These notes state that "community stakeholders made several additional objections, which were not related to the subject application. Those objections were omitted, here."

Recommendation

APPROVAL of Project #: 2024-009765 / RZ-2024-00001, a request for Zoning Map Amendment from MX-M to MX-H for All or a portion of Tract A Plat of Gateway Subdivision, based on the preceding Findings.

Megan Jones

Megan Jones,
Principal Planner

Vicente Quevedo

Vicente Quevedo,
Senior Planner

Notice of Decision cc list:

List will be finalized subsequent to the EPC hearing.

AGENCY COMMENTS

PLANNING DEPARTMENT

Long Range Planning

This is a request for a zone map amendment from MX-M to MX-H for a parcel located on 1100 Woodward Pl NE, Abq NM 87102, at the SW intersection of Mountain Rd NE. and the I-25 Frontage Road. The current site is approximately 2.79 acres, is vacant and is located within an Area of Change.

There is no other property zoned MX – H (Mixed-Use – High intensity) in the area west of I-25. The property zoned MX-H east of I-25 does not share access to the same streets as the subject property. The interstate and frontage roads are a combined set of 4 streets that are not pedestrian-oriented. These combined rights-of-way act as a physical and visual barrier from the other property zoned MX-H east of I-25. 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 [IDO §14-16-2-4(D)(1)].

Due to the proposed inpatient component, this facility would be considered a hospital for the purposes of the IDO. Hospitals are a permissive use in the MX-M zone district but are limited to 20 beds and are conditional within 330 feet of any Residential zone district. The request would result in an up-zone that would allow more than 20 beds and increase the maximum building height on the site from 48 feet to 68 feet.

The proposed development supports Policy 4.1.1 in Chapter 4, Community Identity, as it would provide a location for more intense uses away from residential areas, including needed health services, as well as providing jobs to the City of Albuquerque and accessible by 3 major transit corridors, thereby protecting the stable and thriving surrounding residential neighborhoods.

The proposed project would support Policy 5.1.2 and Goal 5.3.1 in Chapter 5: Land Use by providing health services for the public good in close proximity to the nearby neighborhood and is accessible by a network of major transit corridors.

The Martineztown/Santa Barbara community has often expressed opposition to mixed-use, higher-density, multi-story development. The EPC should carefully consider whether an up-zone is appropriate on this site west of I-25.

CITY ENGINEER

Transportation Development

Transportation has no objection to the Zoning Map Amendment for this item.

WATER UTILITY AUTHORITY

1. No objections to Zoning Map Amendment.
2. For informational purposes only:
 - 2a. Conditions of service are being analyzed in Availability Statement 240117.

SOLID WASTE MANAGEMENT DEPARTMENT

Project # PR-2024-009765 RZ-2024-00001– Zoning Map Amendment (Zone Change) --
- Should the zone map amendment be approved a site plan approved for access by the Solid Waste Department will be required. The site plan will need to indicate the refuse/recycle plan for this project. Trash enclosure minimum requirement can be found using the following link:
<https://www.cabq.gov/solidwaste/documents/enclosurespecificationswordsfont14.pdf>

COMMENTS FROM OTHER AGENCIES

ALBUQUERQUE METROPOLITAN ARROYO FLOOD CONTROL AUTHORITY

No adverse comments for the zone map change.

ALBUQUERQUE PUBLIC SCHOOLS

1. EPC Description: RZ-2024-00001, Zoning Map Amendment (Zone Change).
2. Site Information: Gateway Subdivision, Tract A.
3. Site Location: 1100 Woodward Place NE, between Mountain Road and Lomas Blvd.
4. Request Description: Request for a zone change from MX-M to MX-H to facilitate the development of a hospital.
5. APS Comments: Location is directly across Mountain Road NW from APS Alternative Schools CEC and ECA campus. Curb cut depicted in the Option on the application indicates vehicular entry/exit will be located directly across from school entry/egress. Plan will have inevitable traffic ramifications. Request that developer work with APS to determine an appropriate location for the turn-in/turn-out and ensure concurrency.

MID-REGION METROPOLITAN PLANNING ORGANIZATION (MRMPO)

MRMPO has no adverse comment.

MIDDLE RIO GRANDE CONSERVANCY DISTRICT

Good afternoon, neither of these cases are within our jurisdiction and will not require MRGCD final approval.

PUBLIC SERVICE COMPANY OF NEW MEXICO

There are PNM facilities and/or easements around the entire site's perimeter, including along the Woodward Pl and Mountain Rd frontages.

It is the applicant's obligation to determine if existing utility easements or rights-of-way are located on or adjacent to the property and to abide by any conditions or terms of those easements.

Any existing easements may have to be revisited and/or new easements may need to be created for any electric facilities as determined by PNM. If existing electric lines or facilities need to be moved, then that is at the applicant's expense.

Any existing and/or new PNM easements and facilities need to be reflected on a future Site Plan and any future Plat.

Structures, especially those made of metal like storage buildings and canopies should not be within or near PNM easements without close coordination with and agreement from PNM.

Perimeter and interior landscape design should abide by any easement restrictions and not impact PNM facilities. Please adhere to the landscape standards contained in IDO Section 14-16-5-6(C)(10) as applicable.

The applicant should contact PNM's New Service Delivery Department as soon as possible to coordinate electric service regarding any proposed project. Submit a service application at <https://pnmnsd.powerclerk.com/MvcAccount/Login> for PNM to review.

If existing electric lines or facilities need to be moved, then that is at the applicant's expense. Please contact PNM as soon as possible at <https://pnmnsd.powerclerk.com/MvcAccount/Login> for PNM to review.

A) PHOTOGRAPHS



Figure 1: Looking north from the subject site, toward existing APS educational uses across Mountain Road.

Figure 2: Looking south from the subject site towards adjacent hotel use.





Figure 3: Looking east from edge of subject site toward I-25 Frontage.

Figure 4: Looking west along Mountain Road, along the northern edge of the subject site. Existing bus route 5 stop (Montgomery-Carlisle) is visible.



B) HISTORY

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CITY OF ALBUQUERQUE
LAND USE APPEAL UNDER THE IDO
BEFORE AN INDEPENDENT
LAND USE HEARING OFFICER

7 **APPEAL NO. AC-24-11**
8 Project # PR-2024-009765

10 Tierra West, LLC, Inc., agent for Cross Development,
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12 Appellants,
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15 Santa Barbara-Martineztown Neighborhood Association,
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17 Opponents.
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REMAND

22 INTRODUCTION
23 DISCUSSION
24 INSTRUCTIONS

26 **I. INTRODUCTION**

27 This is an appeal of a zone-amendment decision from the Environmental Planning
28 Commission (EPC). Specifically, the EPC approved a zone amendment application to change
29 the zone district of a 3-acre, vacant parcel of land from its exiting MX-M zone district to a
30 MX-H zone district. The 3-acre site is part of a larger site plan for subdivision that may
31 arguably be controlled, to some extent, by the existing site plan that dates back to at least
32 1994.¹

1. I use the term “arguably” because, as discussed below, there is sparse and conflicting evidence in the record regarding the site plan and how it may alter the applicability of certain provisions in the IDO, including the use design standards of the character protection overlay zone.

33 Appellants, the Santa Barbara-Martineztown Neighborhood Association (SBMNA),
34 are represented by counsel. In their timely filed appeal, the Appellants request that the
35 application and decision be remanded back to the EPC because the record is inadequate, the
36 EPC was not well-informed about how the existing 1994 site plan impacts the site and the IDO
37 standards [AR-005].² The Appellants also argue that the EPC erred in its findings 7 through
38 12 because it misapplied the IDO [AR-06]. In this regard, Appellants essentially argue that
39 EPC failed to consider whether there is a public need for the zone-change [AR- 07].

40 Despite that the consolidated record is still wanting, after reviewing it, listening to
41 arguments and cross examination testimony in a two-hour quasi-judicial appeal hearing, I find
42 that the record clearly demonstrates that in approving the application, the EPC relied on
43 material inaccurate and conflicting evidence that was submitted by the City Staff Planner who
44 was assigned to this matter. As a result, this matter must be remanded back to the EPC for a
45 *de novo* hearing.

46

47 **II. DISCUSSION**

48 To avoid prejudicing a party to this appeal in the remanded hearing, I will not discuss the
49 efficacy of the appeal arguments, but I will discuss in general terms the reasoning supporting

2. The original appeal record that was compiled, presumably after the appeal was filed, lacks material evidence that was submitted to the EPC. Apparently, to remedy the deficient record, a second appeal record was created. The second record included most of the missing documents that were not included in the first appeal record. However, the second record lacks documents that were included in the first appeal record. Consequently, rather than parse through each record, both records are now consolidated into one appeal record. This unfortunately results in multiple duplications of documents. Notably though, the consolidated record is still inadequate because there are still missing documents that are unaccounted. Notwithstanding, the consolidated record has been re-Bates-stamped which is shown on the lower, right side of each page as “AR” (Appeal Record) followed by the Bates stamped page numbers.

50 a remand under IDO, § 6-4(V)(3)(d)6. In addition, basic and minimal instructions to bring any
51 quasi-judicial administrative hearing and decision into compliance with the IDO and State law
52 will be offered to the EPC. See IDO, § 6-4(V)(3)(d).

53 Briefly, the application site is for Tract A as designated in a plat which represents a
54 portion of the Gateway Subdivision encompassing several additional acres of developed land.
55 [AR-211]. Apparently, the site plan for subdivision which includes the 3-acre zone amendment
56 site was approved by the City in 1994 [AR-211]. According to former City Staff Planner,
57 Seth Tinkle, after the EPC approved the site plan, the landowner was granted several 2-year
58 extensions; the site plan has not expired as of February 15, 2024 [AR-212]. The zone map
59 amendment application materials do not include the plat or the site plan for subdivision, nor
60 did the EPC have them when evaluating the application in this matter.

61 Under the IDO, there are no regulations requiring that an applicant submit a proposed or
62 an associated site plan with a zone amendment application. However, it is well-known and
63 codified in the IDO that applicants bear “*the burden of providing a sound justification for the*
64 *requested decision, based on substantial evidence*” and the applicant “*bears the burden of*
65 *showing compliance with required standards through analysis, illustrations, or other exhibits*
66 *as necessary.*” See IDO §§ 6-4(E)(3) and 6-4(E)(4) respectively.

67 In this matter, it is clear that the Gateway site plan for subdivision is material to the zone
68 amendment request.³ Testimony at the appeal hearing confirms that because the 1994 site plan
69 has allegedly not expired, any development on the 3-acre site is subject to the design standards

3. The record does include a proposed conceptual site plan for the hospital use intended for the zone amendment [AR-086].

70 and building height allowances incorporated into the site plan for subdivision in 1994.
71 Although the extent of the site plan for subdivision design standards are unclear from the
72 consolidated record, what is clear is that according to testimony elicited in the appeal hearing,
73 the 1994 standards demonstrably exceed and *allegedly* supersede what is currently allowed
74 under the applicable character protection Overlay zone 7 (CPO-7) height standards
75 encompassed in the IDO. Yet, in his testimony before the EPC, Staff Planner Tinkle advised
76 the EPC that all development at the site must “*adhere to*” the CPO-7 standards for setbacks,
77 building height, and other standards that are “*meant to protect and preserve this area’s distinct*
78 *community*” [AR-140].

79 Furthermore, during the EPC hearing, Staff Planner Tinkle was asked by EPC
80 Commissioner Eyster if the proposed MX-H zone is a transition from an existing adjacent MX-
81 H zone. [AR-167]. In his response, Staff Planner Tinkle testified that the CPO-7 standards in
82 the IDO:

83 could foster this transition because the site standards, setback standards and
84 building height standards associated with this overlay zone would apply to
85 any future development on the subject site. The MX-H zones to the East
86 would allow greater density and intensity on the subject site because they are
87 not subject to the CPO-7 standards. The MX-M Zone districts to the
88 southwest and the MX-T, to the north allow lower density and lower
89 intensity uses than the requested MX-H, zone district. Therefore, Staff finds
90 that the request could reasonably serve as a transition between the more
91 intense mixed-use zones to the east, and the less intense mixed-use zones to
92 the West.

93
94 [AR-168].

95 Staff Planner Tinkle failed to advise the EPC that the CPO-7 overlay regulations are, or
96 could be, supplanted by the design standards incorporated in and with the 1994 site plan for
97 subdivision. The evidence drawn out of the appeal hearing results in the Staff Planner’s explicit

98 rationale or theory supporting that the proposed MX-H zone can be a transition erroneous.
99 Thus, the EPC had inaccurate material evidence in its evaluation of this application. Moreover,
100 it appears that the EPC partly relied on the staff planner's testimony in approving the
101 application. See EPC Findings 5, 8.D, 10.A, and 12.D. Based on the testimony at the appeal
102 hearing, these findings are inaccurate as they relate to the CPO-7, and therefore these material
103 findings are not supported by substantial evidence.

104 Regarding the analysis required under IDO, § 6-7(G)(3)(d), there are only assumptions
105 and guesswork to support EPC finding 12 regarding § 6-7(G)(3)(d). IDO, § 6-7(G)(3)(d) is a
106 material piece of the overall analysis required for a zone amendment application. Any finding
107 regarding it should be well-supported with substantial evidence, not conjecture.⁴ In addition,
108 because the existing zoning at the site is MX-M not C-3, EPC finding 12.C is erroneous.⁵

109 Next, if the proposed zone in fact creates a spot zone, there is insufficient evidence in the
110 record to support that the proposed MX-H zone is different from surrounding zone districts
111 and that it can function as a transition between "adjacent" zone districts. See IDO, § 6-
112 7(G)(3)(h). For that matter, without "protections" of the CPO-7 regulations, the analysis
113 required and used as a justification posited in the record for the alleged spot zone are ill-
114 founded. This issue must be revisited in the remand hearing to satisfy the evidentiary

4. Notably, apparently the applicants' agents, who have expertise in traffic engineering, were discouraged from submitting traffic evidence. Although the record shows that automobile traffic thresholds are not exceeded, making a full traffic analysis potentially unnecessary, expert traffic evidence regarding improvements, etc., would potentially address some of the open questions surrounding the traffic problems in the area and presumably would in part address what is required in § 6-7(G)(3)(d).

5. Although, the fact that at one time the site was zoned C-3 is relevant to establish the site's zoning history, to comport with State law as well as the IDO, any analysis under § 6-7(G)(3)(c) must compare the existing MX-M zone with any "significant changes" or "community conditions."

115 requirements. If the analysis is indeed necessary, evidence of “how” the MX-H zone functions
116 as a transition should be well articulated and supported with substantial evidence.

117 Finally, in reviewing the EPC transcript minutes, I respectfully remind the EPC to
118 affirmatively afford parties the opportunity of cross examination in some meaningful manner
119 that is suitable under the circumstances that satisfies minimum due process requirements for
120 quasi-judicial administrative hearings. Although the record supports a conclusion that nobody
121 requested cross examination in this matter, nonetheless, the EPC should assure that it takes the
122 time to always at a minimum afford the opportunity anyway and it should do so in the remand
123 hearing in this matter.

124

125 **III. INSTRUCTIONS**

126 1. Because the record is insufficient, partly supported on erroneous evidence and
127 partly supported in assumptions, it is not well-supported by substantial evidence for a
128 decision; to expeditiously dispose of the matter, the application shall be remanded directly to
129 the EPC for reconsideration *de novo*.

130 2. The parties and the City Planning Staff are free to supplement the record with
131 additional evidence on which the EPC can review and make a learned decision on the
132 applications based on the administrative, quasi-judicial standard.

133 3. The notice requirements of IDO, § 6-4(K) must be met by the applicants for a *de*
134 *novo*, rehearing.

135 4. The EPC must afford the opportunity for cross-examination in a manner that is
136 efficient under the circumstances and that satisfies procedural due process under New Mexico

137 law.

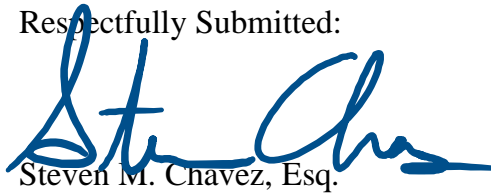
138 5. Because the IDO places the burden on the applicants to satisfy the numerous IDO
139 tests for zone amendments, Planning Staff must accept all evidence submitted by the applicants
140 whether Staff believes it is relevant or not.

141 6. The EPC should make independent findings and conclusions.

142 This matter is remanded.

143 Respectfully Submitted:

144



145 Steven M. Chavez, Esq.
146 Land Use Hearing Officer
147 May17, 2024

148

149 Copies to:

- 150 City Council
- 151 EPC
- 152 Appellants through Counsel
- 153 Opposition
- 154 City Planning Staff
- 155

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



OFFICIAL NOTIFICATION OF DECISION

February 15, 2024

City of Albuquerque,
City Council
1 Civic Plaza NW
Albuquerque, NM 87102

Project # PR-2024-009765
RZ-2024-00001– Zoning Map Amendment
(Zone Change)

LEGAL DESCRIPTION:

Tierra West, LLC, Inc., agent for Cross Development, requests a zoning map amendment from MX-M to MX-H, for all or a portion of Tract A, Plat of Gateway Subdivision, located at 1100 Woodward Pl NE, between Mountain Rd, and Lomas Blvd, approximately 3.0 acres. (J-15-Z)
Staff Planner: Seth Tinkle

On February 15, 2024, the Environmental Planning Commission (EPC) voted to APPROVE Project # PR-2024-009765, RZ-2024-00001– Zoning Map Amendment (Zone Change), based on the following Findings:

1. The request is for a zoning map amendment (zone change) for an approximately 3-acre site legally described as all or a portion of Tract A Plat of Gateway Subdivision, located at 1100 Woodward Pl NE, between Mountain Rd, and Lomas Blvd (the “subject site”).
2. The subject site is zoned MX-M (Mixed-use - Medium Intensity) and is currently vacant. The applicant is requesting a zone change to MX-H (Mixed use – High Intensity) which would result in a spot zone.
3. The applicant proposes to change the zoning to facilitate the proposed future development of a hospital use on the subject site. There is not a site plan associated with this request, therefore staff’s analysis is based solely on the zone change to MX-H.
4. The subject site is in an area that the Comprehensive Plan designates an Area of Change. It is not within a designated Center. It is located along the I-25 Frontage and Mountain Rd. Major Transit Corridors and within 660’ of the Lomas Blvd. Major Transit Corridor.
5. The subject site is located within the Santa Barbara Martineztown Character Protection Overlay Zone (CPO-7), and thus must adhere to the standards associated with this Overlay Zone.
6. The City of Albuquerque Integrated Development Ordinance (IDO) and the Comprehensive Plan are incorporated herein by reference and made part of the record for all purposes.

7. The request clearly facilitates the following applicable Goal and Policies from Comprehensive Plan Chapter 5 - Land Use:

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

The request would allow a broader range of higher-intensity land uses on the subject site, which is located along the I-25 Frontage and Mountain Rd. Major Transit Corridors and within 660' of the Lomas Blvd. Major Transit Corridor. Any development made possible by the request could result in growth on the subject site, which is currently vacant, and located along and within the aforementioned Corridors.

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

The request would allow a broader range of higher-intensity land uses on the subject site, which is located along the I-25 Frontage and Mountain Rd. Major Transit Corridors and within 660' of the Lomas Blvd. Major Transit Corridor. Any development made possible by the request could result in growth on the subject site, which is located within these aforementioned Corridors. Locating growth within Centers and Corridors promotes sustainable development patterns, according to the ABC Comp Plan.

C. Policy 5.1.2 Development Areas: Direct more intense growth to Centers and Corridors and use Development Areas to establish and maintain appropriate density and scale of development within areas.

The request would allow a broader range of higher-intensity land uses on the subject site, which is located along the I-25 Frontage and Mountain Rd. Major Transit Corridors and within 660' of the Lomas Blvd. The subject site is also located in an Area of Change, where growth is both expected and desired, according to the ABC Comp Plan. Any development made possible by the request could result in growth on the subject site, which is vacant and located within the aforementioned Corridors and Area of Change.

8. The request clearly facilitates the following applicable Goal and Policies from Comprehensive Plan Chapter 5 - Land Use:

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

The request could foster a community where residents can live, work, learn, shop, and play together because the MX-H zone district allows a broader mix of higher-intensity land uses in comparison to the MX-M Zone District. The subject site is currently vacant and surrounded by a mix of commercial, educational, and office land uses that generally range from mid-to-high intensity. Any development made possible by the request could add to this diversity of land uses, since the subject site is currently vacant.

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 could create a healthy, sustainable, and distinct community with a mix of uses that are conveniently accessible from surrounding neighborhoods. It would allow for a broader mix of higher-intensity land uses on the subject site, which is located in a distinct mixed-use area and community (Santa Barbara Martineztown), and in close proximity to numerous other communities. Any development made possible by the request could add to the already-existing mix of uses near and surrounding the subject site, which is currently vacant and located along and within several Major Transit Corridors, and in an Area of Change, where the ABC Comp Plan encourages development to accommodate growth sustainably over time.

- C. Policy 5.2.1 e): Create healthy, sustainable communities with a mix of uses that are conveniently accessible from surrounding neighborhoods.

The request could create a healthy, sustainable community with a mix of uses that are conveniently accessible from surrounding neighborhoods because the MX-H zone district would allow a broader mix of higher-intensity land uses on the subject site, which is conveniently accessible from surrounding neighborhoods. Any development made possible by the request could add to the already-existing mix of uses near and surrounding the subject site, which is currently vacant and located along and within several Major Transit Corridors, and in an Area of Change, where the ABC Comp Plan encourages development to accommodate growth sustainably over time.

- D. Policy 5.2.1 h): Encourage infill development that adds complementary uses and is compatible in form and scale to the immediately surrounding development.

The request could encourage infill development that adds complementary uses and is compatible in form and scale to the immediately surrounding area because the subject site is currently vacant and the uses and standards allowed in the MX-H zone district are generally similar to the surrounding properties zoned MX-M, with a few exceptions. Due to the standards established by the CPO-7 Overlay Zone, including site standards, setback standards, and building height standards, any future development that adheres to CPO-7 standards would be compatible in form and scale to the immediately surrounding development, where CPO-7 standards also apply.

- E. Policy 5.2.1 n): Encourage more productive use of vacant lots and under-utilized lots, including surface parking.

The request could encourage more productive use of vacant lots and under-utilized lots because the subject site is currently vacant and being used (informally) as surface parking. Any development made possible by the request could encourage more productive use than the currently vacant lot.

9. The request clearly facilitates the following applicable Goal and Policies from Comprehensive Plan Chapter 5 - Land Use:

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

Any development made possible by the request could promote efficient development patterns and use of land because subject site is already served by existing infrastructure and public facilities. Future development on the subject site featuring uses allowed in the MX-H Zone District could support the public good in the form of economic development, job creation, and an expansion to the tax base.

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

The subject site is a vacant infill site located in an area already served by existing infrastructure and public facilities. Any future growth and development on the subject site would occur in an area that has adequate existing infrastructure and access to a range of public facilities.

10. The request clearly facilitates the following applicable Goal and Policies in Comprehensive Plan Chapter 5 – Land Use:

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

The subject site is located wholly in an Area of Change, where growth is both expected and desired. Any future development on the subject site, which is currently vacant, could encourage, enable, and direct growth to this Area of Change. Due to the standards established by the CPO-7 Overlay Zone, including site standards, setback standards, and building height standards, any future development adhering to CPO-7 standards would be compatible in form and scale to the immediately surrounding development, where CPO-7 standards also apply. Future development could also reinforce the character and intensity of the surrounding area given the general compatibility between the MX-H and surrounding MX-M zone districts, as well as the existing buffer between the subject site and the lower-density and lower-intensity development located west of the site.

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

The request could facilitate more intense development of the subject site because the MX-H zone district allows higher-intensity mixed-use development in comparison to the MX-M zone district. The subject site is located along the I-25 Frontage and Mountain Rd. Major Transit Corridors, within 660' of the Lomas Blvd., and within an Area of Change, where growth and more intense development is encouraged.

- C. Policy 5.6.2 d): Encourage higher-density housing and mixed-use development as appropriate land uses that support transit and commercial and retail uses.

The request could encourage higher-density mixed-use development because the MX-H zone district allows higher-density and higher-intensity mixed-use development in comparison to the MX-M zone. The subject site is served by Bus Route 5 and is abutted by a transit stop on the site's northern boundary. It is also located along the I-25 Frontage and Mountain Rd. Major Transit Corridors and within 660' of the Lomas Blvd. The subject site is in close proximity to a wide range of land uses, including both commercial and retail uses.

11. The request clearly facilitates Policy 8.1.1 Diverse Places in Comprehensive Plan Chapter 8-Economic Development: Foster a range of interesting places and contexts with different development intensities, densities, uses, and building scales to encourage economic development opportunities.

The request could foster a range of interesting places and contexts with different development intensities, densities, uses, and building scales opportunities because the MX-H zone district allows higher-intensity land use than the MX-M zone district, in an area that is already characterized by having a broad range of developmental intensities, densities, existing land uses, and building scales. Any future development of the subject site, which is currently vacant, could encourage economic development through the creation of construction jobs and a more productive use of land.

12. The applicant has adequately justified the request pursuant to the Integrated Development Ordinance (IDO) Section 14-16-6-7(G)(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 does not significantly conflict with them. Because this is a spot zone, the applicant must further "clearly facilitate" implementation of the ABC Comp Plan (see Criterion H). The applicant's policy-based responses adequately demonstrate that the request clearly facilitates a preponderance of applicable Goals and policies in the Comprehensive Plan. Therefore, the request is consistent with the City's health, safety, morals and general welfare. The response to Criterion A is sufficient.
- B. Criterion B: 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. Criterion C: The subject site is located wholly in an Area of Change. The applicant argues that the existing zoning is inappropriate because it meets Criteria 2 and 3 (listed above).

The applicant states that a significant change in the conditions affecting the site justifies request because the proposed MX-H zoning is consistent with the prior zoning of C-3, as shown in IDO Table 2-2-1 Summary Table of Zone Districts. While Table 2-2-1 does show that the IDO Zone District equivalent to C-3 zone district is either the MX-H or NR-C zone district, the applicant does not demonstrate how this resulted in a significant change in the conditions of the subject site, which has remained vacant and undeveloped over time, thus remaining in the same general condition.

The applicant also states that the request meets Criteria 3 above. The applicant's policy-based analysis does demonstrate that the request would clearly facilitate a preponderance of applicable Comprehensive Plan Goals and policies and therefore would be more advantageous to the

community than the current zoning. Because Criterion C states that the applicant must demonstrate that the existing zoning is inappropriate because it meets at least one of the criteria above, and Criteria 3 is met, the response to Criterion C is sufficient.

- D. Criterion D: The applicant analyzes all new permissive, conditional, and accessory uses in the MX-H Zone District and then demonstrates how Use-specific Standards in Section 16-16-4-3 of the IDO associated with particular uses would adequately mitigate potentially harmful impacts. The applicant adequately demonstrates that the two new permissive uses in the MX-H zone, Adult Retail and Self-storage, would be mitigated by the Use-specific Standards in Section 16-16-4-3 of the IDO that are associated with these new permissive uses. In this instance, Adult Retail would be prohibited entirely due to the subject site's proximity to the school(s) to the north, while Self-storage would be controlled by Use-specific standards that reduce on-site traffic and mitigate potentially unseemly aesthetic qualities. Staff finds that the IDO's Use-specific Standards would mitigate potentially harmful impacts associated with newly permissive uses. Staff also notes that prohibitions within CPO-7 would further protect the existing community from harmful impacts associated with newly permissive, conditional, and/or accessory uses on the subject site.
- E. Criterion E: The subject site is currently served by infrastructure, which will have adequate capacity once the applicant fulfills its obligations under the IDO, the DPM, and/or an Infrastructure Improvements Agreement. Any future development on the subject site, which is currently vacant, would be required to adhere to all obligations and standards under the IDO, DPM, and/or an Infrastructure Improvements Agreement. Therefore, the response to Criterion E is sufficient.
- F. Criterion F: The applicant is not completely basing the justification for the request upon the subject site's location on a Major Collector roadway. Rather, the applicant has adequately demonstrated that the request clearly facilitates a preponderance of applicable Comprehensive Plan Goals and policies. The response to Criterion F is sufficient.
- G. Criterion G: The applicant's justification is not completely or predominantly based upon economic considerations. Rather, the applicant has adequately demonstrated that the request clearly facilitates a preponderance of applicable Comprehensive Plan Goals and policies. The response to Criterion G is sufficient.
- H. Criterion H: The request would result in a spot zone because it would apply a zone different from surrounding zone districts. The applicant acknowledges that the request would create a spot zone in their response to Criterion H, but explains that it would be justified because the subject site will function as a transition between adjacent zone districts and would clearly facilitate implementation of the Comprehensive Plan as shown in the response to Criterion A.

The applicant has demonstrated that subject site could function as a transition between the MX-H zone districts to the east, the properties zoned MX-M to the south and west, and the properties zoned MX-L, MX-T and R-T north and further west of the subject site due to the varying levels of developmental intensity associated with each zone district. Staff notes that the subject site is located within the CPO-7 Overlay Zone and the standards associated with this Overlay Zone could foster this transition, because the site standards, setback standards, and building height standards associated with this Overlay Zone would apply to any future development on the

subject site. Because the MX-H zones to the east would allow greater density and intensity than on the subject site due to CPO-7 standards, and the MX-M zone districts to the south and west would allow lower-density and lower-intensity uses, the requested MX-H zone district could serve as a transition between the more intense mixed-use zones to the east and the less intense mixed-use zones to the west.

As required, the applicant has shown that the request will clearly facilitate implementation of the ABC Comp Plan and is applicable to sub-criteria number one. The response to Criterion H is sufficient.

13. The applicant provided notice of the application to all eligible Neighborhood Association representatives and adjacent property owners (within 100 feet) via certified mail and email as required. The applicant notified the Santa Barbara Martineztown Neighborhood Association and the North Valley Coalition of their request.
14. The Santa Barbara Martineztown Neighborhood Association accepted a Pre-Submittal Neighborhood Meeting within 15 calendar days of notification (on November 21, 2023) and proposed a meeting date of January 18th. The applicant originally agreed to a meeting sometime in January (date not specified), but requested a sooner date on November 29, 2024, citing “undue delay.” The CABQ Office of Alternative Dispute Resolution then offered a Zoom meeting format, with flexible availability, beginning as early as December 4, 2023. However, the Neighborhood association was “adamant that the meeting be held on January 18th,” according to facilitated meeting notes provided by the CABQ Office of Alternative Dispute Resolution and a timeline provided by the applicant. Based on this information, it appears that the Neighborhood Association effectively declined to meet within the 30-calendar day window specified in 6-4(B)(4) of the IDO. If the Santa Barbara Martineztown NA had accepted ADR’s offered Zoom meeting within those 30 days, the Neighborhood Association would have met with the applicant during this timeframe. However, as stated in subsection 6-4(B)(9), the requirement for a pre-submittal neighbor meeting was waived, and instead, a facilitated meeting was held on January 18th. Staff has also been informed by the applicant that a follow-up non-facilitated meeting was held on January 30th.
15. Staff is aware of opposition to this request by the Santa Barbara Martineztown Neighborhood Association. In the facilitated meeting notes provided by the CABQ Office of Alternative Dispute Resolution, objections to the request were based on the communities feeling that the MX-H designation is not equivalent to the former Sector Plan C-3 designation, the potential of increased traffic, and the Applicant’s submission prior to the date of the meeting. These notes state that “community stakeholders made several additional objections, which were not related to the subject application. Those objections were omitted, here.”
16. The Santa Barbara Martineztown Neighborhood Association has submitted a comment on the case requesting it be deferred so that the Neighborhood Association can have more time to discuss and organize around the request. These comments also state that the Santa Barbara Martineztown Neighborhood Associations objects to statements made in the facilitated meeting notes, the nature of the request as a spot zone, and the uses permitted in the MX-H zone district.
17. During public input at the February 15, 2024 EPC Hearing, community members expressed strong concern over increased traffic resulting from potential development on the subject site. Community

members also emphasized, based on existing traffic studies, the need for improved transportation infrastructure near the subject site.

APPEAL: If you wish to appeal this decision, you must do so within 15 days of the EPC’s decision or by **March 1, 2024**. The date of the EPC’s decision is not included in the 15-day period for filing an appeal, and if the 15th day falls on a Saturday, Sunday or Holiday, the next working day is considered as the deadline for filing the appeal.

For more information regarding the appeal process, please refer to Section 14-16-6-4(V) of the Integrated Development Ordinance (IDO), Administration and Enforcement. A Non-Refundable filing fee will be calculated at the Land Development Coordination Counter and is required at the time the appeal is filed. It is not possible to appeal an EPC Recommendation to the City Council since this is not a final decision.

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 IDO must be complied with, even after approval of the referenced application(s).

Sincerely,



for Alan M. Varela,
Planning Director

AV/ST/MJ

cc: Tierra West, LLC, slozoya@tierrawestllc.com
Cross Development, meagan@crossdevelopment.net
Santa Barbara Martineztown NA, Loretta Naranjo Lopez, lnjalopez@msn.com
Santa Barbara Martineztown NA, Theresa Illgen, theresa.illgen@aps.edu
North Valley Coalition, Peggy Norton, peggynorton@yahoo.com
North Valley Coalition, James Salazar, jasalazarnm@gmail.com
Legal, dking@cabq.gov
EPC File

City of Albuquerque
Planning Department
Planning Division
P.O. Box 1293, Albuquerque, New Mexico 87103

Date: March 24, 1994

OFFICIAL NOTIFICATION OF DECISION

Sandia Foundation
700 Lomas Blvd NE, #240
Albuquerque, NM 87103

FILE: Z-93-46
LEGAL DESCRIPTION: The westerly portions of Tracts P and Q, Lands of Southwestern Construction Company, zoned SU-2/C-3 (SC), located at the northwest corner of Lomas Boulevard, NE and the I-25/Lomas off-ramp, containing approximately 25 acres. (J-15)

On March 24, 1994 the Environmental Planning Commission voted to approve Z-93-46, your request for approval of a site development plan for subdivision purposes, based on the following Findings and subject to the following Conditions:

FINDINGS:

1. This case was deferred from the August 26, 1993 EPC public hearing to allow the preparation of a Traffic Impact Analysis and an Air Quality Impact Assessment. These studies have been completed and reviewed by the appropriate City agencies.
2. This case was heard and approved by the EPC on May 20, 1993, appealed to the City Council, and remanded to the EPC by LUPZ on July 28, 1993.
3. A facilitated meeting was held on August 18, 1993. There was no specific resolution to the issues reached at this meeting.
4. A Master Development Plan was approved for this property in 1988, but final sign-off of the plan by DRB was never obtained. The City Council found that the 1988 EPC approval as to this site is not binding.
5. The terms "property" and "developments" as found on page 75 of the Martineztown/Santa Barbara Sector Development Plan mean a subdivided lot for the purposes of this project.
6. The grading and drainage plan has been approved for Phase 1 only.
7. A public announcement has been made by the Federal Judiciary disclosing a plan to relocate the Federal Courthouse to a site within the subdivision proposed in this application.
8. The Center City Downtown Core Revitalization Strategy sets a larger context for Downtown that includes the immediately adjacent neighborhoods, including Martineztown/Santa Barbara, as well as for the major institutional and cultural resources of Albuquerque's Center City.
9. The Downtown Core Plan states that "the neighborhood and activity centers within the Downtown Core should be complementary rather than competitive".
10. The Downtown Core Strategy states specifically that courthouses belong in the Downtown Core.
11. The Albuquerque/Bernalillo County Comprehensive Plan Policy 6.C under Urban Centers states that "structures which would dominate their environment shall be located only in Urban Centers". The site in this application is not located within an Urban Center.
12. Relocation of the Courthouse out of the Downtown Core would be a repudiation of investment decisions that have been made there to date by Federal, State and local governments, as well as private investors, and would serve as a disincentive to further investments in this Downtown Core.
13. This application is for a property that is zoned SU-2/C-3 Heavy Commercial according to the Martineztown/Santa Barbara Sector Development Plan. That Sector Plan, under this zoning definition states that "the heavy commercial zoning should restrict certain uses which would be detrimental to the community". Relocation of the Courthouse outside of the Core would be detrimental to the Albuquerque community as a whole.
14. The proposed Courthouse use for this site is inconsistent with the long range goals of the Albuquerque/Bernalillo County Comprehensive Plan and the Martineztown/Santa Barbara Sector Development Plan.

CONDITIONS:

1. The requirements of the Transportation Division of the City Public Works Department, as detailed in their memo dated March 15, 1994, shall be met.
2. There shall be two bus bays on the interior "spine" road, and one bus bay on east bound Mountain Road, east of the interior road.
3. The "NOTE:" on the site development plan for subdivision purposes stating "Structures elsewhere on the site can be up to 60 feet" shall be removed.
4. A transfer of densities among the different parcels shall not exceed 10% from those tabulated on the Site Plan for Subdivision provided that the maximum total is not exceeded.
5. A Courthouse use shall not be an approved use for this site.

THIS CASE IS SCHEDULED FOR FINAL SITE DEVELOPMENT PLAN SIGN-OFF BY THE DEVELOPMENT REVIEW BOARD ON April 12, 1994.

YOUR DRB CASE NUMBER IS DRB 94-183. IN ORDER TO RECEIVE FINAL SIGN-OFF AT THE April 12, 1994, DRB MEETING, THE FOLLOWING ITEMS NEED TO BE SUBMITTED TO THE PLANNING DEPARTMENT BY April 5, 1994:

1. A NARRATIVE DESCRIPTION (A 'COMPLIANCE LETTER') STATING HOW THE EPC'S CONDITIONS OF APPROVAL HAVE BEEN MET;
2. AN INFRASTRUCTURE LIST FOR ANY REQUIRED PUBLIC IMPROVEMENTS (STREETS, UTILITY LINES, ETC.);
3. SIX COPIES OF YOUR REVISED SITE DEVELOPMENT PLAN WHICH INCORPORATES THE CHANGES REQUIRED BY EPC.

PRIOR TO SUBDIVISION AND/OR OBTAINING A BUILDING PERMIT, YOU MUST HAVE YOUR SITE DEVELOPMENT PLAN SIGNED-OFF BY THE DEVELOPMENT REVIEW BOARD (DRB); ANY APPEAL WILL REQUIRE DEFERRAL OF SITE PLAN SIGN-OFF UNTIL THE APPEAL IS RESOLVED.

IF YOU WISH TO APPEAL THIS DECISION, YOU MUST DO SO BY APRIL 8, 1994, IN THE MANNER DESCRIBED BELOW. A NON-REFUNDABLE FILING FEE OF \$50 IS REQUIRED AT THE TIME THE APPEAL IS FILED.

Appeal to the City Council: Persons aggrieved with any determination of the Environmental Planning Commission acting under this ordinance and who have legal standing as defined in Section 7-14-45.B.2.c of the City of Albuquerque Comprehensive Zoning Code may file an appeal to the City Council by submitting written application on the Planning Division form to the Planning Division within 15 days of the Planning Commission's decision. The date the determination in question is issued is not included in the 15-day period for filing an appeal, and if the fifteenth day falls on a Saturday, Sunday or holiday as listed in the Merit System Ordinance, the next working day is considered as the deadline for filing the appeal. The City Council may decline to hear the appeal if it finds that all City plans, policies and ordinances have been properly followed. If it decides that all City plans, policies and ordinances have not been properly followed, it shall hear the appeal. Such appeal, if heard, shall be heard within 45 days of its filing.

YOU WILL RECEIVE NOTIFICATION IF ANY OTHER 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 MUST BE COMPLIED WITH, EVEN AFTER APPROVAL OF THE REFERENCED APPLICATION(S).

Sincerely,

Susan J. Connors
for Rex King
Acting Planning Director

RK/SC/ck
cc:Herbert M. Denish and Assoc., P.O. Box 2001, Albuquerque, NM: 87103
Veronica Arellano, Santa Barbara/Martineztown Neigh., Assoc., 900 Edith NE, Albuquerque, NM 87102



OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
DEVELOPMENT REVIEW BOARD

November 30, 2011

Project# 1000060

11DRB-70318 MAJOR - - 2YEAR EXTENSION OF SUBDIVISION
IMPROVEMENTS (2YR SIA)

MODRALL SPERLING agent(s) for SANDIA FOUNDATION request(s) the referenced/above action(s) for all or a portion of **GATEWAY SUBDIVISION** zoned SU-2/ C-3, located on the north side of LOMAS BLVD NE and the west side of INTERSTATE 25 containing approximately 24.8365 acre(s). (J-15)

At the November 30, 2011 Development Review Board meeting, a two year extension of the Subdivision Improvements Agreement was approved.

If you wish to appeal this decision, you must do so by December 8, 2011, in the manner described below.

Appeal is to the Land Use Hearing Officer. Any person aggrieved with any determination of the Development Review Board may file an appeal on the Planning Department form, to the Planning Department, within 15 days of the Development Review Board's decision. The date the determination in question is issued is not included in the 15-day period for filing an appeal.

If the fifteenth day falls on a Saturday, Sunday or holiday as listed in the Merit System Ordinance, the next working day is considered as the deadline for filing the appeal. Such appeal shall be heard within 60 days of its filing.

You will receive notice if any other person files an appeal. Successful applicants are reminded that other requirements of the City must be complied with, even after approval of the referenced application(s).


Jack Cloud, DRB Chair

Cc: Daniel Alsup – Modrall Sperlig – 500 4th St. NW Ste 1000 – Albuquerque, NM 87103

Cc: Sandia Foundation – 6211 San Mateo Blvd. NE, Ste 100 – Albuquerque, NM 87109
Marilyn Maldonado
file



OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
DEVELOPMENT REVIEW BOARD

February 26, 2014

Project# 1000060

14DRB-70026 – 2 YEAR EXTENSION OF SUBDIVISION IMPROVEMENTS AGREEMENT (2YR SIA)

MODRALL SPERLING agents for SANDIA FOUNDATION request the referenced/above action for all or a portion of **GATEWAY SUBDIVISION** zoned SU-2/ C-3, located on the north side of LOMAS BLVD NE and the west side of INTERSTATE 25 containing approximately 24.8365 acre(s). (J-15)

At the **February 26, 2014** Development Review Board meeting, a **two** year extension of the Subdivision Improvements Agreement was approved.

If you wish to appeal this decision, you must do so by **March 13, 2014**, in the manner described below.

Appeal is to the Land Use Hearing Officer. Any person aggrieved with any determination of the Development Review Board may file an appeal on the Planning Department form, to the Planning Department, within 15 days of the Development Review Board's decision. The date the determination in question is issued is not included in the 15-day period for filing an appeal.

If the fifteenth day falls on a Saturday, Sunday or holiday as listed in the Merit System Ordinance, the next working day is considered as the deadline for filing the appeal. Such appeal shall be heard within 60 days of its filing.

You will receive notice if any other person files an appeal. Successful applicants are reminded that other requirements of the City must be complied with, even after approval of the referenced application(s).

A handwritten signature in black ink, appearing to read "Jack Cloud".

Jack Cloud, DRB Chair

Cc: MODRALL SPERLING
File

C) 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: Cross Development		Phone: 727-543-2112
Address: 4317 Marsh Ridge Road		Email: meagan@crossdevelopment.net
City: Carrollton	State: Texas	Zip: 75010
Professional/Agent (if any): Tierra West LLC		Phone: 505-858-3100
Address: 5571 Midway Park PI NE		Email: slozoya@tierrawestllc.com
City: Albuquerque	State: NM	Zip: 87109
Proprietary Interest in Site:	List <u>all</u> owners:	

BRIEF DESCRIPTION OF REQUEST
Zone Map Amendment from MX-M to MX-H (de novo submission due to LUHO remand)
To allow for a Physical Rehab Hospital with 48 beds

SITE INFORMATION (Accuracy of the existing legal description is crucial! Attach a separate sheet if necessary.)		
Lot or Tract No.: Tract A Plat of Gateway Subdivision	Block:	Unit:
Subdivision/Addition:	MRGCD Map No.:	UPC Code: 101505813522132101
Zone Atlas Page(s): J-15-Z	Existing Zoning: MX-M	Proposed Zoning: MX-H
# of Existing Lots: 1	# of Proposed Lots: 1	Total Area of Site (acres): 2.7845

LOCATION OF PROPERTY BY STREETS		
Site Address/Street: 1100 Woodward Place NE	Between: Mountain Rd	and: Lomas Blvd

CASE HISTORY (List any current or prior project and case number(s) that may be relevant to your request.)
AC-24-11, PR-2024-009765, SI-2024-00468

Signature:	Date: 7.3.24
Printed Name: Sergio Lozoya	<input type="checkbox"/> Applicant or <input checked="" type="checkbox"/> Agent

FOR OFFICIAL USE ONLY					
Case Numbers	Action	Fees	Case Numbers	Action	Fees

Meeting/Hearing Date:	Fee Total:
Staff Signature:	Date:
	Project #

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? _____ 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

<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>		
Signature: 	Date: 7.3.24	
Printed Name: Sergio Lozoya	<input type="checkbox"/> Applicant or <input checked="" type="checkbox"/> Agent	
FOR OFFICIAL USE ONLY		
Project Number:	Case Numbers	
	-	
	-	
	-	
Staff Signature:		
Date:		

PRE-APPLICATION REVIEW NOTES

PA#: 23-078 Notes Provided (date): 9-28-2023

Site Address and/or Location: 1100 Woodward Pl NE

Pre-application notes are for informational purposes only and are non-binding and do not constitute any type of approval and are not certificates of zoning. Additional research may be necessary to determine the exact type of process and/or application required. Factors unknown and/or thought of as minor at this time could become significant as a case progresses.

Request New development of a Rehabilitation Hospital with 60 total beds at full build out.

Basic Site Information

Current Use: Vacant Size (acreage): 2.5

Zoning: MX-M Overlay Zone: Martineztown/Santa Barbara – CPO-7

Comprehensive Plan Designations

Development Area: Change Corridors: W/in 660' of the Mountain Rd., I-25 Frontage, and Lomas Blvd, Major Transit Corridors

Center: None Near Major Public Open Space (MPOS)?: No

Integrated Development Ordinance (IDO)

Please refer to the IDO for requirements regarding dimensional standards, parking, landscaping, walls, signage, etc. <https://www.cabq.gov/planning/codes-policies-regulations/integrated-development-ordinance>

Proposed Uses: Hospital

Use Specific Standards (USS): 14-16-4-3(C)(4)

Applicable Definition:

Hospital

A facility designed to provide medical and health-related care for individuals. Such facilities may provide diagnosis and treatment, both surgical and nonsurgical, for patients who have any of a variety of medical conditions through an organized medical staff and permanent facilities that include inpatient beds, medical services, and continuous skilled nursing care. This use includes any facility licensed by the State as a general, limited, or special hospital.

Sensitive Lands: *Please see IDO Section 14-16-5-2 for information about required analysis, development standards, and changes to process that may result if this Section applies.*

Notice

Neighborhood Meeting Offer Required? (see IDO Table 6-1-1). If yes, please refer to:

<https://www.cabq.gov/planning/urban-design-development/neighborhood-meeting-requirement-in-the-integrated-development-ordinance>

Process

Decision Type(s) (see IDO Table 6-1-1): Zoning Map Amendment & Site Plan-Administrative

Specific Procedure(s)*: 14-16-6-7(G) and 14-16-6-5(G)

**Please refer to specific procedures for relevant decision criteria required to be addressed.*

Decision Making Bodies: EPC & Staff Is this a PRT requirement? No

Handouts Provided

- Zoning Map Amendment Site Plan Amendments Site Plan- EPC Site Plan- DHO

- | | | | |
|---|--|--|--------------------------------------|
| <input checked="" type="checkbox"/> Site Plan- Administrative | <input checked="" type="checkbox"/> Variance-ZHE | <input type="checkbox"/> Conditional Use | <input type="checkbox"/> Subdivision |
| <input type="checkbox"/> Site History/Research | <input type="checkbox"/> Transportation | <input type="checkbox"/> Hydrology | <input type="checkbox"/> Fire |

If you have additional questions after reviewing these notes, or would like to schedule a follow up call or meeting, please contact Staff at planningprt@cabq.gov. Please include the PA# with your inquiry.

Additional Notes:

- The subject site is adjacent to a Hotel Use to the south and is not a part of that prior approval.
- Pursuant to the USS for hospitals in the MX-M zone district, this use is limited to no more than 20 overnight beds and, if located within 330 feet of any Residential zone district, shall require a Conditional Use approval, pursuant to Subsection 14-16-6-6(A).
 - To meet these USS for the MX-M zone district the applicant would be required to:
 - Request a Conditional Use approval for the residential zone districts to the west
 - If Use Specific Standards cannot be met a zone change would be required for the proposed use.
 - The applicant would be required to request a zone change to MX-H because variations from Use Specific standards are not allowed. Hospitals are permissive in MX-H and NR-C. MX-H is the next least intensive zone, but it would create a spot zone. Spot Zones are a higher test and require adequate justification to receive a recommendation of approval.
- All zone changes are required to go through the Environmental Planning Commission (EPC) process, which is a public hearing. Information is available here: <https://www.cabq.gov/planning/boards-commissions/environmental-planning-commission>
- A zone change must be justified in writing, essay format, and respond to the zone change criteria in IDO 14-16-6-7(G)(3), a through h. Examples are available online. However, the assistance of a planning agent is highly recommended. They can do the whole application paperwork, or just the justification- whatever arrangements you make.
- Once the zone change is approved by the EPC, the applicant could submit the proposed site plan to the Site Plan Administrative process. If a zone change is denied, another zone change cannot be requested for a year.
- The site plan would be required to comply with all USS, Development standards for the established zone district, and the CPO-7 requirements in the IDO.

Applicant Questions:

1. See above. A zone change would be required.
2. See above. A zone change would be required.
3. If the max building height for CPO-7 cannot be met, a variance-ZHE would be required. Deviations to overlay standards are not allowed pursuant to IDO section 14-16-6-4(O)(3)(e), so a variance-ZHE request is the only option.
4. An Area of Change is a Comprehensive Plan designation for an area where growth is expected and desired. It does not apply to any development standards in the IDO.
5. Neighborhood Associations do not have development standards pursuant to the IDO, but notification is required to be sent to the affected neighborhood associations for all Zone Change and Variance requests.

January 3, 2024

Mr. David Shaffer, Chair
Environmental Planning Commission
City of Albuquerque
P.O. Box 1293
Albuquerque, NM 87103

RE: Memorandum of Understanding for Entitlement and Permit Applications for proposed Zone Map Amendment and associated project by Cross Development on lands owned by JHDQ Land Holding LLC C/O Atrium Holding Company, legally described as Tract A Plat of Gateway Subdivision approximately 2.7845-Acres

JHDQ Land Holding LLC C/O Atrium Holding Company hereby authorizes Cross Development to hire an agent, Tierra West LLC, to obtain information and submit entitlement and permit applications for a Zone Map Amendment at the above referenced Property, and act as Cross Development's agent for the limited purpose of entitling, permitting, and subdividing, at Cross Development's expense, the above referenced Property owned by JHDQ Land Holding Company C/O Atrium Holding Company

Sincerely,

JHDQ Land Holding LLC C/O Atrium Holding Company

Won Huang

Print Name

By:

Signature

President

Title

1/3/2024

Date

January 3, 2024

Mr. David Shaffer, Chair
Environmental Planning Commission
City of Albuquerque
P.O. Box 1293
Albuquerque, NM 87103

RE: Letter of Authorization for Entitlement and Permit Applications for proposed Zone Map Amendment and associated project by Cross Development on lands owned by JHDQ Land Holding LLC C/O Atrium Holding Company, legally described as Tract A Plat of Gateway Subdivision approximately 2.7845-Acres

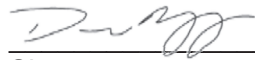
Cross Development hereby authorizes Tierra West, LLC to obtain information and submit entitlement and permit applications for a Zone Map Amendment at the above referenced Property, and act as Cross Developments agent for the limited purpose of entitling, permitting, and subdividing the above referenced Property owned by JHDQ Land Holding Company

Sincerely,

Cross Development

Deno Maggi

Print Name



Signature

Manager

Title

1/4/24

Date

SCOPE OF TRAFFIC IMPACT STUDY (TIS)

TO: Terry Brown
Terry O. Brown, P.E.
P. O. Box 92051
Albuquerque, NM 87199-2051

MEETING DATE: Thursday, February 29, 2024 at 9:00 am.

ATTENDEES: Matthew Grush (City of Albuquerque); Margaret Haynes (NM DOT); Ron Bohannon, Jimeia Roberts, and Terry Brown (Tierra West LLC).

PROJECT: Rehabilitation Hospital (Mountain Rd. / I-25)

REQUESTED CITY ACTION: Zone Change Site Development Plan

 Subdivision Building Permit Sector Plan Sector Plan Amendment

 Curb Cut Permit Conditional Use Annexation Site Plan Amendment

ASSOCIATED APPLICATION: Description of development, where, what, etc. Include acreage, uses, etc. Proposed rehabilitation hospital facility.

SCOPE OF REPORT:

The Traffic Impact Study should follow the standard report format, which is outlined in the DPM. The following supplemental information is provided for the preparation of this specific study.

1. Trip Generation - Use Trip Generation Manual, 10th Edition.
Local data may be used for certain land use types as determined by staff.
Consultant to provide.
2. Appropriate study area:
Signalized Intersections;
 - a. Mountain Rd. / I-25 W. Frontage Rd.
 - b. Lomas Blvd. / I-25 W. Frontage Rd.
Unsignalized Intersections;
 - a. Mountain Rd. / Woodward Pl.
 - b. Mountain Rd. / Albuquerque High School driveways (3)
 - c. Woodward Pl. / Embassy Suites Hotel North Driveway
 - d. Woodward Pl. / Lomas Blvd.
Driveway Intersections: all site drives. (1)
3. Intersection turning movement counts
Study Time – 7-9 a.m. peak hour, **3:30-5:30 p.m.** peak hour (school ends at 3:40 pm)
Consultant to provide for all intersections listed above.
4. Type of intersection progression and factors to be used.
Type III arrival type (see “Highway Capacity Manual, current edition” or equivalent as approved by staff). Unless otherwise justified, peak hour factors and % heavy commercial should be taken directly from the MRCOG turning movement data provided or as calculated from current count data by consultant.

5. Boundaries of area to be used for trip distribution.
 - City Wide - residential, office or industrial;
 - 2-mile radius – commercial; (consultant to proposed preliminary trip distribution criteria for approval by City of Albuquerque.
 - Interstate or to be determined by consultant - motel/hotel
 - APS district boundary mapping for each school and bus routes

6. Basis for trip distribution.

Residential – Use inverse relationship based upon distance and employment. Use employment data from 2040 Socioeconomic Forecasts, MRCOG – See MRCOG website for most current data.

Office/Industrial - Use inverse relationship based upon distance and population. Use population data from 2040 Socioeconomic Forecasts, MRCOG – See MRCOG website for most current data.

Commercial - Use relationship based upon population. Use population data from 2040 Socioeconomic Forecasts, MRCOG – See MRCOG website for most current data.

Residential - $T_s = (T_t) (S_e / D) / (S_e / D)$
 T_s = Development to Individual Subarea Trips
 T_t = Total Trips
 S_e = Subarea Employment
 D = Distance from Development to Subarea

Office/Industrial - $T_s = (T_t) (S_p / D) / (S_p / D)$
 T_s = Development to Individual Subarea Trips
 T_t = Total Trips
 S_p = Subarea Population
 D = Distance from Development to Subarea

Commercial -
 $T_s = (T_t) (S_p) / (S_p)$
 T_s = Development to Individual Subarea Trips
 T_t = Total Trips
 S_p = Subarea Population

7. Traffic Assignment. Logical routing on the major street system.
8. Proposed developments which have been approved but not constructed that are to be Included in the analyses. Projects in the area include:
 - a. None
9. Method of intersection capacity analysis - planning or operational (see “2016 Highway Capacity Manual” or equivalent [i.e. HCS, Synchro, Teapac, etc.] as approved by staff). Must use latest version of design software and/or current edition of design manual.
 - Implementation Year: 2025
 - Horizon Year: 2035
10. Traffic conditions for analysis:
 - a. Existing analysis yes no - year (xxxx);
 - b. Phase implementation year(s) without proposed development – 2025
 - c. Phase implementation year(s) with proposed development – 2025

- d. Project horizon year without proposed development – 2035
 - e. Project horizon year with proposed development – 2035
 - f. Other –
11. Background traffic growth.
Method: use 10-year historical growth based on standard data from the MRCOG Traffic Flow Maps. Minimum growth rate to be used is 1/2%.
12. Planned (programmed) traffic improvements.
List planned CIP improvements in study area and projected project implementation year:
- a. Project – Location (Implementation Year)
13. Items to be included in the study:
- a. Intersection analysis.
 - b. Signal progression - An analysis is required if the driveway analysis indicates a traffic signal is possibly warranted. Analysis Method:
 - c. Arterial LOS analysis;
 - d. Recommended street, intersection and signal improvements.
 - e. Site design features such as turning lanes, median cuts, queuing requirements and site circulation, including driveway signalization and visibility.
 - f. Transportation system impacts.
 - g. Other mitigating measures.
 - h. Accident analyses yes no; Location(s): 5 year history (2015-2019)
 - i. Weaving analyses yes no; Location(s):
14. Other: Safety Study for entire study area for NM DOT focused on crash rates at or near Mountain Rd. / I-25. NM DOT will supply individual crash reports for the most recent five-year period of time.

SUBMITTAL REQUIREMENTS:

- 1. Number of copies of report required
 - a. 1 digital copy
- 2. Submittal Fee – \$1300 for up to 3 reviews

The Traffic Impact Study for this development proposal, project name, shall be performed in accordance with the above criteria. If there are any questions regarding the above items, please contact me at 924-3991.

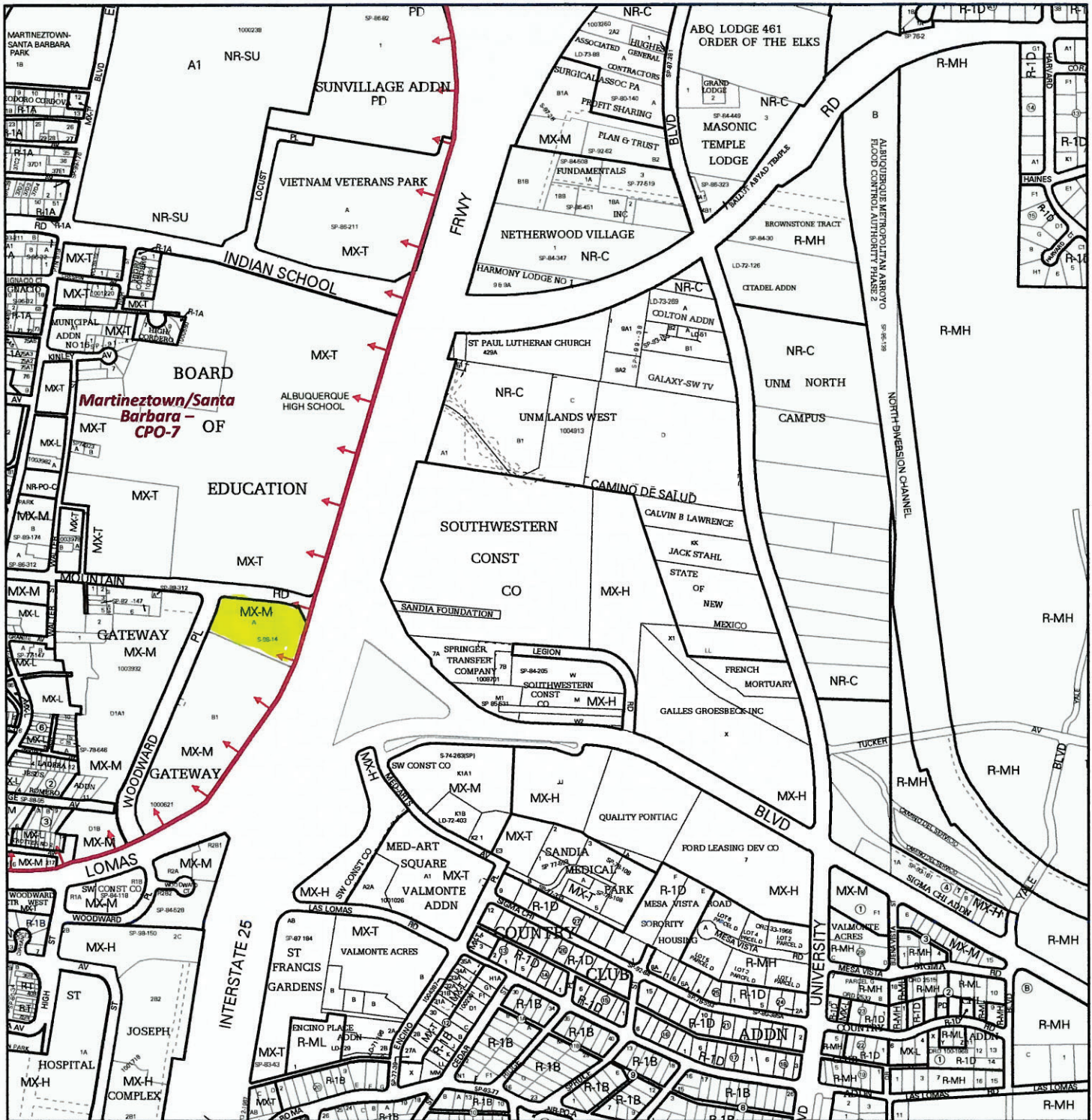


4/2/2024

Matt Grush, P.E.
Senior Engineer
City of Albuquerque, Planning
Transportation Development Section

Date


via: email
C: TIS Task Force Attendees, file



For more details about the Integrated Development Ordinance visit: <http://www.cabq.gov/planning/codes-policies-regulations/integrated-development-ordinance>

IDO Zone Atlas

May 2018



IDO Zoning information as of May 17, 2018

The Zone Districts and Overlay Zones are established by the Integrated Development Ordinance (IDO).

Zone Atlas Page: **J-15-Z**

Easement Escarpment

Petroglyph National Monument

Areas Outside of City Limits

Airport Protection Overlay (APO) Zone

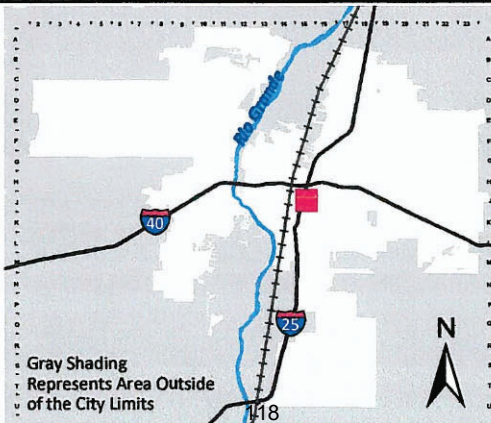
Character Protection Overlay (CPO) Zone

Historic Protection Overlay (HPO) Zone

View Protection Overlay (VPO) Zone

Gray Shading Represents Area Outside of the City Limits

0 250 500 1,000 Feet



N

Neighborhood Association – Meeting Summaries

Meetings held:

1/18/24 and 1/30/24

**Post Application Facilitated Meeting Report
CABQ ADR Office**

EPC Case #: RZ-2024-00001

Subject Property Location: 1100 Woodward Place, NE

Date Submitted: January 24, 2024

Submitted By: Tyson Hummell

Meeting Date/Time: January 18, 2024, 6:00 pm

Meeting Location: 1420 Edith Boulevard, NE

Facilitator: Tyson Hummell, CABQ ADR Office

Applicant / Presenter: Sergio Lozoya; Tierra West, LLC.

Community Stakeholders: SBMTNA

Background:

Applicant seeks an IDO zone map amendment, from MX-M to MX-H. The purpose of this zone map amendment is to allow a physical rehabilitation hospital to be developed on the subject, vacant property. EPC approval is a threshold requirement in said process. Please refer to actual EPC Application and Staff Report for full and specific proposed details.

Meeting Summary:

The purpose of the post-application meeting was to engage Community Stakeholders, provide accurate information regarding this application, and to address Community questions and concerns. This Facilitated Meeting Report is to present the topics covered, Community questions and Community concerns. No negotiated agreements were considered or discussed in this meeting.

Sergio Lozoya gave a detailed presentation of relevant information regarding the subject application. Content included, but was not limited to:

1. Application Purpose, Scope and Intent
 - a. Nature of proposed site, building and operational characteristics
 - b. Potential Community benefits
 - i. Location and available infrastructure will mitigate historical character impacts, within SBMT
 - ii. Employment Opportunities
 - iii. Needed Medical Services
 - iv. Low comparative impacts w/re other allowed uses
 - c. Other preemptive impact mitigation
 - i. CABQ Traffic Engineering Review and Approval
2. Appropriateness of proposed land use, pursuant to most recent Sector Development Plan and IDO
 - a. Proposed use is consistent with intent of IDO
 - b. Comparative Sector Plan Zoning designations also support proposed use.

Topics of Inquiry and Community Concerns:

1. Q: *Will there be a formal traffic study?*
A: Yes, if required. However, the City Traffic Engineer has already approved.
2. Q: *Will Applicant consider a smaller facility? (approximately 1/2 of proposed size)*
A: Not at this time.
3. Q: *Will Applicant consider a different type of land use, on this site, if this application is denied?*
A: No. Applicant is only interested in purchasing / developing this site for this specific use. If denied, Applicant will not purchase or develop this site.
4. Q: *Where will the primary traffic entry and exit point be located?*
A: Primary ingress / egress point will be off Woodward Place, NE.

Community Stakeholder Objections

1. Community state that IDO MX-H designation is not equivalent to Sector Plan C-3 designation.
 - a. Community Stakeholders feel that proposed use is not appropriate.
2. Traffic
 - a. Increased Congestion
 - b. Safety
 - i. School in proximity and related foot traffic
 - ii. Excessive speed and accidents on adjacent frontage road may increase.
3. Procedure
 - a. Community Stakeholders objected to Applicants' submission, prior to date of meeting.

*Community Stakeholders made several additional objections, which were not related to the subject application. Those objections were omitted, here.

Procedural Timing and Meeting Type:

This matter was initially referred to ADR as a Pre-Application Neighborhood Meeting request. However, Applicant submitted prior to the 1/18 meeting date. Therefore, this was actually delivered as a Post-Submittal Facilitated Meeting.

Relevant timeline is as follows:

- SBMTNA requested a Pre-Application Neighborhood Meeting on Tuesday, November 21, 2023, and proposed a Pre-Application meeting date of January 18, 2024 (in-person).
- On November 29, 2024, Applicant objected to the proposed date, citing undue delay.

- ADR Office then offered a ZOOM meeting format, with flexible availability, beginning as early as December 4, 2023.
- SBMTNA was adamant that the meeting be held on January 18, 2024 (in person).
- Applicant disclosed post-application status during January 18 Facilitated Meeting

Outcome

No agreement was negotiated or achieved. Community Stakeholders expressed general objection to the Application, as presented.

Names & Affiliations of Participants:

Applicant Team:

Tierra West, LLC	Sergio Lozoya Adam Johnstone
------------------	---------------------------------

Community Stakeholder Participants:

SBMTNA	All attendees of SBMTNA Regular Meeting on 1/18/2024 <i>*Regular Meeting records created and retained by SBNTNA*</i>
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City Participants:

Tyson Hummell	CABQ ADR Office
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EPC Case #: RZ-2024-00001

Subject Property Location: 1100 Woodward Place, NE

Meeting Date/Time: January 30, 2024, 6:00 pm

Meeting Location: 1420 Edith Boulevard, NE – In Person

Facilitator: None present

Applicant / Presenter: Sergio Lozoya; Tierra West, LLC.

Community Stakeholders: SBMTNA

Background:

Applicant seeks an IDO zone map amendment, from MX-M to MX-H. The purpose of this zone map amendment is to allow a physical rehabilitation hospital to be developed on the subject, vacant property. EPC approval is a threshold requirement in said process. Please refer to actual EPC Application and Staff Report for full and specific proposed details. This was a follow-up meeting.

Meeting Summary: Tierra West, LLC (Applicant) met with Santa Barbara/Martineztown Neighborhood Association (SBMTNA) for the second time on Tuesday, January 30th, 2024, to follow up on concerns regarding the Applicant’s upcoming EPC – Zone Map Amendment request. A representative of Cross Development (Agent) was also present to help address any operational questions. Tierra West presented further relevant information regarding the application, including the history of the site and detailed elevations of the proposed development. Tierra West described the zone change as being necessary to be able to allow for 60 overnight beds and described the original sector plan zoning of C-3 and how it would relate to MX-H or NR-C in the IDO.

The primary community stakeholder objections from the previous meeting were addressed. First, Applicant reaffirmed that the previous C-3 designation should have led to an MX-H or NR-C designation in the IDO according to Table 2-2-1. Second, the conversation moved to traffic. Applicant highlighted the anticipated traffic flow for the development is 35 trips in the morning and 37 trips in the evening, relatively low trip generation numbers. A second Traffic Scoping Form is under review by the City, as requested last meeting. Traffic accident data was reviewed, identifying a crash rate at Mountain Rd and I-25 higher than national averages; video footage will be reviewed for turning movements and pedestrian crossing activity. Applicant reaffirmed commitment to transparent communication, including seeking community input on proposed traffic management measures. Such measures include potentially approaching the City and NMDOT to discuss introduction of a Hawk Signal for mid-block pedestrian crossings.

Finally, examples of existing Nobis Rehabilitation facilities were shared, along with testimonials for other facilities.

July 3, 2024

Mr. Jonathan R. Hollinger, Chair
Environmental Planning Commission
600 Second NW
Albuquerque, NM 87102

**RE: ZONING MAP AMENDMENT – MX-M TO MX-H
TRACT A PLAT OF GATEWAY SUBDIVISION CONT 2.7845 AC
IDO ZONE ATLAS PAGE J-15-Z**

1. Executive Summary

Request: Tierra West LLC, on behalf of Cross Development, requests a zoning map amendment from Mixed-Use Moderate Intensity (MX-M) to Mixed-Use High Intensity (MX-H) for a vacant 2.7845-acre site at 1100 Woodward Pl. NE, to facilitate the development of a Physical Rehabilitation Hospital with 48 beds.

Proposed Development: Cross Development plans to build an Inpatient Rehabilitation Facility (IRF) with 48 beds which will provide intensive rehabilitation services. The facility will host approximately 60 daytime staff and 40 nighttime staff, with an average occupancy of 85-90%.

Current Zoning and Amendment Justification: The subject site is currently zoned MX-M. The proposed amendment to MX-H aligns with the City's ABC Comprehensive Plan by supporting high-density, mixed-use development, particularly along major transit corridors. The amendment addresses the community's need for additional healthcare services, particularly for the aging population, and the prevalence of chronic conditions such as heart disease, cancer, and stroke. The current MX-M zoning restricts hospitals to 20 beds, which is insufficient to fill the need for healthcare services in the area.

Planning Context: The site is located within the Central ABQ Community Planning Area and designated as an Area of Change. It is near educational institutions, commercial services, a hotel, and a medical facility, with 3 major transit corridors nearby.

Community Engagement: Meetings with the Santa Barbara/Martineztown Neighborhood Association were conducted to discuss the zone map amendment. Concerns regarding traffic congestion and safety, as well as the need for the proposed healthcare facility, were addressed.

Benefits of the Amendment:

1. **Community Need:** The proposed development will provide much-needed rehabilitation services to Albuquerque's aging population and those with chronic conditions. Studies show that New Mexico has an aging population of adults over 65 years old, this combined with the prevalence of chronic illnesses such as stroke, cancer, and others demonstrate the need for medical facilities. The MX-H zone would help fill this need by facilitating the development of the proposed rehabilitation hospital.

2. **Efficient Land Use:** The amendment supports infill development, maximizing existing infrastructure and public facilities.
3. **Alignment with Comprehensive Plan:** The amendment facilitates the ABC Comp Plan's goals regarding character, centers and corridors, complete communities, and city development patterns. The proposed zoning and development complement the existing medical facilities in the area, including Tri-core Labs, and New Heart Fitness and Health, both of which are within the same site plan boundaries
4. **Economic and Employment Opportunities:** The new facility will create jobs and support local economic development by creating 60 high paying medical jobs and expanding the medical service for the community.

Compliance with Zoning Criteria: The proposed amendment meets the criteria for a Zoning Map Amendment – EPC, as it aligns with the health, safety, and general welfare goals of the City, and leverages existing infrastructure.

Tierra West Position on Spot Zone: Tierra West believes that the request does not create a spot zone due to the incorrect interpretation of the word “surrounding”. The word “surrounding” was applied in a way that is more akin to the word “contiguous”. The IDO has clear guidelines when requiring zone districts to be contiguous, which do not apply to the MX-H zone. There are other parcels zoned MX-H within 660-feet of the subject site, therefore the request does not result in a spot zone.

Conclusion: Tierra West, on behalf of Cross Development, respectfully requests the Environmental Planning Commission to approve the Zoning Map Amendment from MX-M to MX-H for the subject site, facilitating the development of a vital healthcare facility and supporting the City's comprehensive planning goals.

2. Request

Dear Mr. Hollinger:

Tierra West LLC, on behalf of Cross Development, respectfully requests a zone map amendment from MX-M to MX-H for a subject site located at 1100 Woodward Pl. NE, Albuquerque, NM 87102. The legal description of the subject site is Tract A Plat of Gateway Subdivision containing 2.7845 acres. The subject site is located at 1100 Woodward Pl. NE, just south of Mountain Rd. NE and west of I-25 S Frontage Road. The current zoning of this parcel is Mixed-Use – Moderate Intensity (MX-M); we are requesting a zone map amendment to Mixed-Use – High Intensity (MX-H). IDO provision 14-16-6-7(G)(1)(a) 2 states that an EPC hearing is required for proposals changing less than 20 gross acres of land located partially or completely in an Area of Change to a zone district other than NR-PO-B.

3. Proposed Development

Nobis Rehabilitation Partners is an Inpatient Rehabilitation Facility (IRF). IRFs provide intensive rehabilitation services using an interdisciplinary team approach in a hospital environment. Admission to an IRF is appropriate for patients with complex nursing, medical management, and rehabilitative needs. Rehabilitation programs at IRFs are supervised by rehabilitation physicians and include services such as physical and occupational therapy, rehabilitation nursing, and

speech-language pathology. Approximately ninety percent (90%) of the patients come from acute care settings with an average stay of 12-14 days so that they can be discharged back to their homes. On any given day, the average occupancy of this facility will be approximately 85-90%. Nobis facilities of this size typically staff approximately 60 people during the day and 40 at night.

4. Proposed Zone Map Amendment

The subject site at 1100 Woodward Pl. NE, Albuquerque, NM, is currently zoned as Mixed-Use Moderate Intensity (MX-M). Tierra West LLC, on behalf of Cross Development, is proposing a rezoning to Mixed-Use High Intensity (MX-H) to develop a Physical Rehabilitation Hospital. This change is essential due to the limitations imposed by the MX-M zoning, which restricts hospital use to a maximum of 20 beds. This limitation is insufficient for the proposed facility, which aims to accommodate 48 beds.

The need for the MX-H zone arises from the community's growing healthcare demands. By 2030, over 40% of Bernalillo County's population is projected to be older adults, many of whom will require rehabilitation services due to chronic conditions such as heart disease, cancer, and stroke. A facility with only 20 beds would be inadequate to address these needs. The MX-H zoning allows for a higher bed capacity, essential for providing comprehensive rehabilitation services.

Furthermore, the increased capacity under MX-H zoning enables operational efficiency by supporting the deployment of adequate medical staff, advanced equipment, and specialized programs. The site's strategic location, well-served by major transit corridors like Mountain Rd NE, I-25 Frontage Rd, and Lomas Blvd, is ideal for a high-density medical facility. This aligns with Albuquerque's Comprehensive Plan goals, which advocate for infill development, efficient land use, and enhanced community services.

Rezoning to MX-H is crucial for developing a rehabilitation hospital that meets the community's healthcare needs. The existing MX-M zoning's 20-bed limit is inadequate, making the MX-H designation necessary to support the proposed facility's scale and scope. This amendment will facilitate the development of a vital healthcare service, improve community health outcomes, and align with the city's broader planning and development objectives.

5. Planning Context

The subject site is located within the Central ABQ Community Planning Area and is located within an Area of Change, as designated by the ABC Comp Plan. Furthermore, it is in the Martineztown/Santa Barbara Character Protection Overlay Zone, CPO-7. It should be noted that the site is controlled by an existing Site Plan for Subdivision (Gateway Site Plan for Subdivision – DRB-97-466, EPC Case # Z-93-46). The subject site abuts two Major Transit Corridors, Mountain Rd. and I-25 Frontage, and is within 660 feet from Lomas Blvd., which is also designated as a Major Transit Corridor.

The overall area is characterized by a variety of uses. To the north, across Mountain Rd., is an Early College Academy / Career Enrichment Center, along with Albuquerque High School, all zoned MX-T. Directly south of the parcel is a lot zoned MX-M, which is occupied by a hotel. Directly to the west is a medical facility, zoned MX-M and beyond that lies 50 acres of mixed-use development with a variety of zones, such as R-1B, NR-LM, and MX-M. Directly to the east there is a parcel zoned MX-H and beyond that there are parcels zoned MX-T, MX-M, and MX-H zone districts.

See Figure 1 below for zoning information, and Table 1 - Surrounding Zoning for land uses surrounding the subject site.

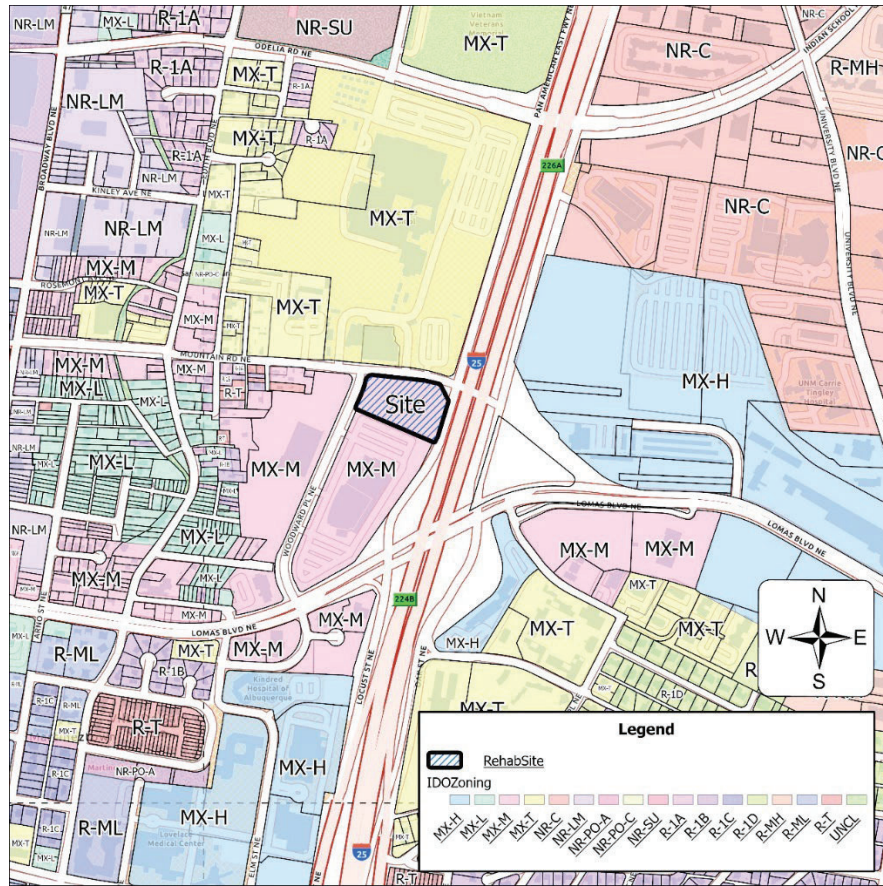


Figure 1: Zoning information

Table 1 - Surrounding Zoning

Surrounding Zoning		
North	MX-T	Mixed – Use, Transition
East	MX-H and MX-M	Mixed-Use, Medium and High Intensity
South	MX-M	Mixed-Use, Medium Intensity
West	MX-M	Mixed-Use, Medium Intensity
Subject Site	MX-M	Mixed-Use, Medium Intensity

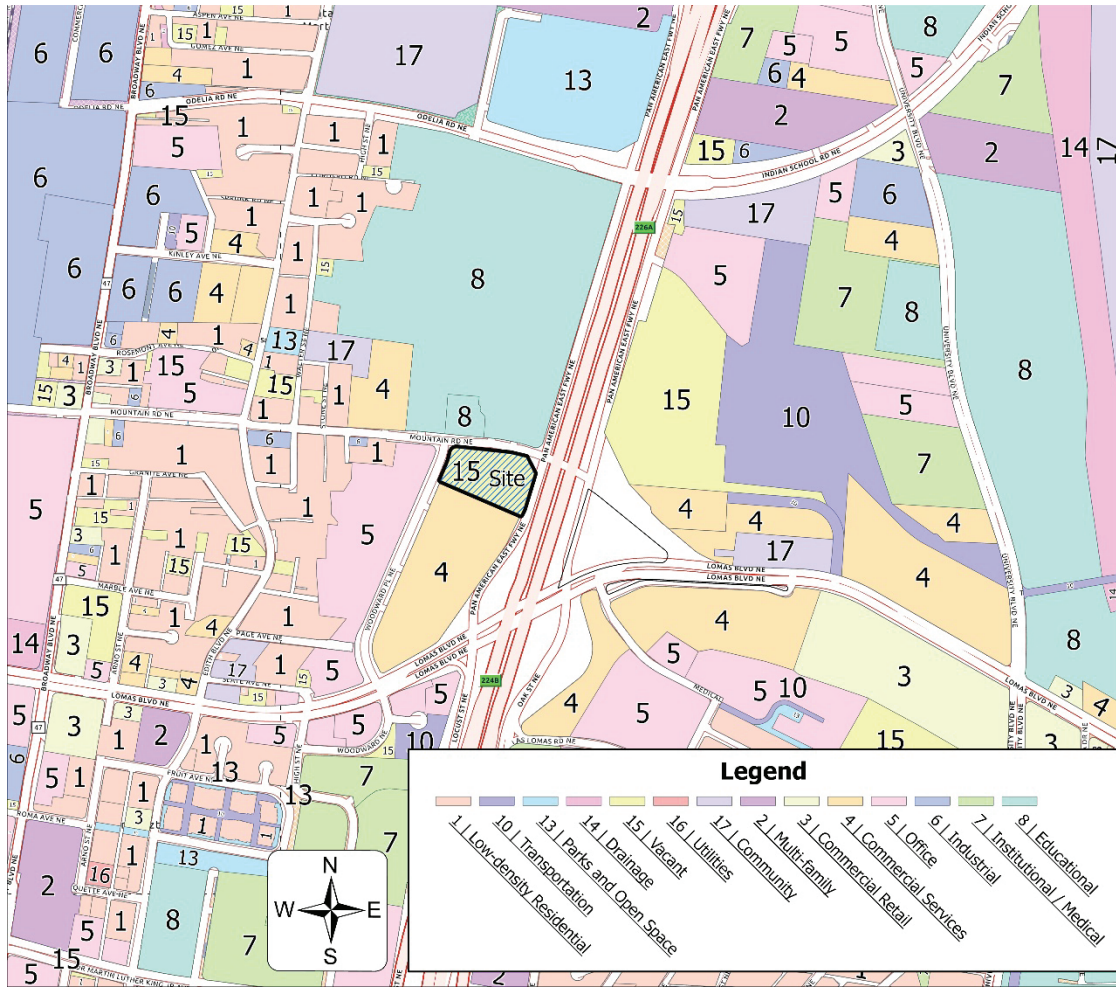


Figure 2: Land Use

Table 2 - Surrounding Land Use Categories

Surrounding Land Use Categories	
North	8 - Educational (school)
East	4 - Commercial services (self-storage)
South	4 - Commercial services (hotel)
West	5 - Office (medical)
Subject Site	15 - Vacant

Should the zoning map amendment be approved, the applicant is proposing to develop a (Physical) Rehabilitation Hospital.

Per the IDO, 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.

6. History

The subject site is currently vacant and has no prior development history. Prior to the adoption of the IDO, this parcel was subject to the Martinez Town Sector Plan. As shown in the Sector Plan, which is now repealed, the subject site was previously zoned SU-2 described as C-3 for Industrial / Wholesale / Manufacturing. Upon the adoption of the IDO, the zoning designation changed to MX-M (Mixed-Use – Medium Intensity). The sector plan outlined a desire for mixed-use zoning and development and calls for more intense uses to be further away from developed neighborhoods and residential areas. Though IDO Table 2-2-1 shows that C-3 is equivalent to MX-H, the parcel was re-zoned to MX-M. The SU-2 zone was stated to be rezoned as the “closest match identified where Sector Development Plan referenced other zones”. Again, the sector plan referenced the C-3 zone, which is shown to be MX-H or NR-C equivalent.

7. Controlling Site Plan for Subdivision (Gateway Site Plan for Subdivision – DRB-97-466, EPC Case # Z-93-46)

Per IDO Section 14-16-1-10(A)(2), any use standards or development standards associated with pre-IDO approval or zoning designation establish rights and limitations and are exclusive of and prevail over any other provision of this IDO.

The Gateway site plan for subdivision (DRB-97-466, EPC Case # Z-93-46) establishes some design standards for the subject site, which prevail over the IDO and design standards found therein. Notably, the Site Plan for Subdivision establishes an allowable height of 180 feet. This height standard prevails over both the zone district design standards and the Martineztown / Santa Barbara CPO-7 standards. The CPO-7 design standards restrict height for lots that are less than 5 acres and are designated as Residential or Mixed-use zoned districts to 26 feet. The provision is found in IDO Section 3-4(H)(4) Building Height: 3-4(H)(4)(a) In Residential and Mixed-use zone districts on project sites less than 5 acres, the maximum building height is 26 feet.

Prior to the adoption of the IDO, this parcel was subject to the Martinez Town Sector Plan. Under this sector plan, the EPC approved a Site Plan for Gateway Center on March 24, 1994, containing seven areas of land that now contain Woodward Pl., TriCore Labs, Embassy Suites, and this vacant lot. While the other six areas have been developed as outlined in the original site plan, this site has remained vacant. The sector plan outlines a desire for mixed-use zoning and development and calls for more intense uses to be further away from developed neighborhoods and residential areas. This site lies over 300 feet from the nearest residential unit and is located west of the Tri-core laboratory unit, north of the existing hotel, and is bound by I-25 to the east.

The EPC approval of the controlling Gateway Center site plan, DRB-94-183, faced two public appeals on June 6, 1994. While the appeals themselves were not contained in the record, the responses from the City Council that were contained in the record respond similarly. Both appeals were denied by a vote of 9 for and 0 against. The response to the first appeal is wholly contained in the record and has six findings to support the appeal denial.

These findings are summarized as follows: 1) The EPC approval of this site plan was consistent with both the Comprehensive Plan and the Martineztown / Santa Barbara Sector Development Plan, 2) approval of the plan alone did not vest any property rights, 3) a courthouse use shall not be approved for this site, 4) an in-depth traffic analysis would be in order before approving site development plans for building purposes, 5) the findings and action of the EPC do not deprive owners of uses allowed under zoning, and 6) Area 7 was to be approved by the Zoning

Enforcement Manager before development. Based upon those findings this site plan will not only comply with that original site plan but with the recently adopted IDO.

The most recent version of the Gateway Site Plan for Subdivision (DRB-97-466, EPC Case # Z-93-46) is dated 12/97, which was recorded and approved by the DRB. As relevant to the subject site, the amendment for the subject site, area 3, reduced the allowable square footage to 182,856 square feet. The allowable building height of 180 feet remained.

8. Notification Requirements and Facilitated Meeting Request

As required by the IDO, a meeting was offered to the appropriate Neighborhood Associations. This was done for the initial Zone Map Amendment, which was heard on February 15th, 2024 where EPC voted to approve the request. Tierra West renotified per IDO 6-4K per the LUHO remand.

Tierra West, LLC met with Santa Barbara/Martineztown Neighborhood Association (SBMTNA) on Thursday, January 18th, 2024, to discuss the Applicant's upcoming EPC – Zone Map Amendment request. The applicant presented relevant information regarding the application, including the nature of the site, potential community benefits of the request, preemptive impact mitigation such as traffic review, and the appropriateness of the proposed land use. Questions asked included: "Will there be a formal traffic study?", "Will Applicant consider a smaller facility?", "Will Applicant consider a different type of land use on this site if this application is denied?", and "Where will the primary traffic entry and exit point be located?"

The primary community stakeholder objections were stated. First, the community stated that the IDO MX-H designation is not equivalent to the original sector plan's C-3 designation and therefore that the proposed use is not appropriate. Secondly, the community shared many concerns with the nearby area's traffic. One traffic concern was the increased congestion as a potential result of this proposed development. The other traffic concern involved safety, most notably to the nearby school and associated foot traffic. The community shared concerns that excessive speed and accidents on the adjacent I-25 frontage road would increase.

Tierra West, LLC met with Santa Barbara/Martineztown Neighborhood Association (SBMTNA) for the second time on Tuesday, January 30th, 2024, to follow up on concerns regarding the Applicant's upcoming EPC – Zone Map Amendment request. A representative of Cross Development was also present to help address any operational questions. Tierra West presented further relevant information regarding the application, including the history of the site and detailed elevations of the proposed development. Tierra West described the zone change as being necessary to be able to allow for 60 overnight beds and described the original sector plan zoning of C-3 and how it would relate to MX-H or NR-C in the IDO.

The primary community stakeholder objections from the previous meeting were addressed. First, Applicant reaffirmed that the previous C-3 designation should have led to an MX-H or NR-C designation in the IDO according to Table 2-2-1. Second, the conversation moved to traffic. Applicant highlighted the anticipated traffic flow for the development is 35 trips in the morning and 37 trips in the evening, relatively low trip generation numbers. A second Traffic Scoping Form is under review by the City, as requested at the last meeting. Traffic accident data was reviewed, identifying a crash rate at Mountain Rd and I-25 higher than national averages; video footage will be reviewed for turning movements and pedestrian crossing activity.

Tierra West reaffirmed commitment to transparent communication, including seeking community input on proposed traffic management measures. Such measures include potentially approaching the City and NMDOT to discuss introduction of a Hawk Signal for mid-block pedestrian crossings and traffic signal remediation for southbound I-25 Frontage Road.

Finally, examples of existing Nobis Rehabilitation facilities were shared, along with testimonials for other facilities throughout the country.

The LUHO did not require additional Neighborhood Meetings for the *de novo* hearing. Tierra West renotified per IDO 6-4K per the LUHO remand.

9. Community Need

There is a clear community need for the requested zone map amendment. Not only does the zone map amendment clearly facilitate the ABC Comprehensive Plan by providing a zone district which aligns with the City's development goals; the MX-H zone would facilitate the development of a Physical Rehabilitation Hospital with the appropriate number of beds and will fill a need of healthcare services for the aging community in the greater Albuquerque Area.

The applicant did a thorough analysis regarding the City of Albuquerque, its population, and the need for additional healthcare services. In this analysis, Nobis found that by 2030 over 40% of the population in Bernalillo County will be Older Adults ([1New Census data shows New Mexicans are getting older: UNM Newsroom cabq_senioraffairs_onesheet_8-5x11_oct2021-aging-study.pdf](#)). Though New Mexico's population increased by 2.8% from 2010 to 2020, most of the increase was in the population of people ages 65 and older, which increased by 43.7%. This increase in adults who are 65 and older is consistent with national averages, which show that in 2020 the US population that was 65 and older is up from 13% in 2010.

An analysis done by UNM's Geospatial and Population studies at UNM showed that the 65+ cohort makes up a larger portion of New Mexico's population. This age group has not left the state at the same rate that younger people do, the study states, "New Mexico seniors are aging in place, rather than leaving the state like some of our working-age population. We are also seeing retirees move to New Mexico. These two trends combined result in a rapidly aging New Mexican population."

In addition to the aging population, New Mexico has been shown to have a high prevalence of heart disease, cancer and stroke ([2NM-IBIS - Health Indicator Report - Prevalence of Multiple Chronic Conditions among Adults Ages 45 Years and Older by Year, New Mexico, * to 2017](#)) The prevalence of these conditions demonstrate the need for more healthcare services, specifically rehabilitation services where patients can recover from major surgeries and injuries related to the illnesses outlined above. The following is taken directly from the study:

*"...many New Mexicans living with the challenge of multiple chronic conditions may not have the health literacy skills, income, community resources, or **access to healthcare services** (emphasis added) that they need to successfully take care of themselves."*

The combination of an aging population along with the prevalence of chronic illnesses in New Mexico and Albuquerque clearly demonstrates a need for healthcare services and thus the need for the MX-H zone which will allow for the development of a Rehabilitation Hospital with 40+ beds. The MX-M zone does allow the hospital use, but it is limited to 20 beds, which is not sufficient to fill the need in the City of Albuquerque.

10. Zoning Map Amendment Justification

The zone change from MX-M to MX-H will benefit the surrounding neighborhood by furthering a preponderance of applicable Goals and Policies and clearly facilitating the implementation of the ABC Comp Plan as shown in the following analysis. The analysis describes how the proposed Zone Map Amendment furthers Goals and Policies regarding Character, Centers and Corridors, Complete Communities, City Development Patterns. These Goals and policies are supported because the request will provide much needed high density, infill development as described in the definition of MX-H in the IDO, cited above. Further, the subject site is within 660-feet of three different Major Transit Corridors – Mountain Road NE, I-25 Frontage Road, and Lomas Boulevard. The justification also serves as a demonstration of community need for the requested zone map amendment.

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

The proposed zone map amendment would enhance, protect, and preserve the existing Santa Barbara / Martineztown area because it would facilitate mixed use development under the MX-H zone. Locating more intense uses to the southern portion of the Santa Barbara / Martineztown area would protect the existing residential areas by locating more intense uses where they are appropriate and desired. i.e., by focusing development on the subject site, which is an area of change, and located along two Major Transit Corridors, development pressure will be alleviated from the existing residential community. The request clearly facilitates Goal 4.1 – Character.

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

The proposed Zone Map Amendment would encourage quality development that is consistent with the distinct character of the Santa Barbara / Martinez Town community. The Santa Barbara / Martineztown community has been historically characterized by land uses which vary in intensity. There are several manufacturing / industrial uses along Broadway Blvd which are zoned NR-LM. The area consists of a variety of Mixed-Use zones ranging from MX – T, MX -L, and MX – M. The existing residential areas are zoned primarily R-1A and are characterized by single family residential development.

The controlling site development plan demonstrates the intent of future development of the site. The zone change would continue that intent and would encourage high quality development that is consistent with the distinct character of Santa Barbara / Martinez Town as described above. The request clearly facilitates Policy 4.1.1 Distinct Communities.

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

The request would further Policy 4.1.2 Identity and Design because it would ensure that more intense uses are located to the southern portion of the existing and established Santa Barbara / Martineztown community. The requested MX-H zone is appropriately located for more intense uses given its proximity to Major Transit Corridors and the Interstate (I-25). In the controlling site plan for subdivision this area is shown as being appropriate for more intense uses. By locating intense uses at the southern boundary of Santa Barbara / Martineztown where they are appropriate and

desired, the existing residential areas are relieved of development pressure and thus are preserved. The request clearly facilitates Policy 4.1.2 - Identity and Design.

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

The requested Zone Map Amendment would further Goal 5.1 by focusing more intense development along two Major Transit Corridors, Mountain Rd NE, and I-25 frontage. The subject site is within 660-feet of Lomas Blvd NE, a designated Major Transit Corridor. Development along these three Major Transit Corridor will ensure that the Central Albuquerque CPA and Santa Barbara / Martineztown area grow as a community of strong Centers connected by a multi-modal network of Corridors. The request clearly facilitates Goal 5.1 – Centers and 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 request would help capture regional growth along three Major Transit Corridors and would thus help shape the built environment into a sustainable development pattern because more intense uses are desired by Major Transit Corridors and within Areas of Change. The request would facilitate high intensity, mixed-use development which would allow a wider range of services for the public in Albuquerque, the greater metro area and beyond. The request clearly facilitates Policy 5.1.1 – Desired Growth.

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.

The request clearly facilitates 5.1.1(c) as it promotes compact infill development along three Major Transit Corridors: Mountain Rd, I-25 Frontage Rd, and Lomas Blvd. This area is appropriate for development and accommodates growth as demonstrated in the controlling Gateway Site Plan for Subdivision. Development of the subject site would promote infill development as it is located in an established area of the City. The requested Zone Map Amendment discourages the need for development on the urban edge by focusing development near Downtown, along designated ABC Comp Plan Corridors, in an established area already served by infrastructure and public resources such as transit.

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

The request clearly facilitates Policy 5.1.2 – Development Areas as it would direct more intense growth to the subject site, which is in proximity to three Major Transit Corridors: Mountain Rd, I-25 Frontage, and Lomas Blvd. The subject site is also within an Area of Change as designated by the ABC Comp Plan. Areas of Change and sites located along major transit corridors are appropriate for more intense growth, density, and land uses. Further, development of the vacant subject site would provide more stability to the Santa Barbara / Martineztown community and to the Central ABQ Community Planning Area by eliminating a vacant lot, which can attract crime and other nuisances. The request clearly facilitates Policy 5.1.2 – Development Areas.

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

The request for the MX-H zone would foster development within 660-feet of three Major Transit Corridors: Mountain Rd, I-25 Frontage Rd, and Lomas Blvd. Development along these corridors help facilitate the use of transit services, and the proximity to Lomas Blvd would ensure accessibility to those who use alternative modes of transportation, i.e., riding the bus. The request clearly facilitates Policy 5.1.10 Major Transit Corridors.

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

The requested zone map amendment furthers Goal 5.2 – Complete Communities since it fosters the development of a long-standing vacant subject site in an area characterized by mixed use development. The subject site is in proximity to Downtown, is within the Central ABQ CPA, and the Santa Barbara / Martineztown CPO. This location for the proposed zone change and subsequent development foster complete communities as it will serve the areas mentioned above along with the greater Albuquerque Metropolitan area and beyond. The requested MX-H zone promotes the live, work, learn, and play ethos because it would provide a wide range of services near established residential and mixed-use communities. The request clearly facilitates Goal 5.2 – Complete Communities.

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

The request furthers Policy 5.2.1 because the subject site is in proximity to Downtown, is within the Central ABQ CPA, and the Santa Barbara / Martineztown CPO. This location for the proposed zone change and future development creates healthy, sustainable, and distinct communities as it will serve the areas mentioned above along with the greater Albuquerque Metropolitan area. Development allowed within the MX-H zone would promote the existing mixed-use character of the area and would add more amenities and variety in land uses for nearby residents to use. The subject sites proximity to transit also promote health and sustainability by encouraging and facilitating the use of alternative modes of transportation. The request clearly facilitates Policy 5.2.1 – Land Uses.

- 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.*

The proposed Zone Map Amendment would clearly facilitate sub-policy 5.2.1(a) because it would encourage development of a vacant lot within walking and biking distance of multiple neighborhoods, promoting good access for all residents. The infill development of this vacant lot would lead to an introduction of new goods, services, and/or amenities that would serve the nearby residents. The site's location on the outskirts of a residential area while being adjacent to multiple Major Transit Corridors would allow any development resulting from an approved zone change to effectively serve the surrounding area.

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

The proposed Zone Map Amendment would support the creation of healthy, sustainable communities with a mix of uses that are conveniently accessible from surrounding

neighborhoods by encouraging infill development on a lot that is easily accessible due to its location along the Mountain Rd and I-25 Frontage Major Transit Corridors. Furthermore, if approved, the MX-H zoning would be unique to the surrounding area, increasing the variety of uses in the area and creating more sustainable, distinct communities. The request clearly facilitates sub-policy 5.2.1(e).

h) Encourage infill development that adds complementary uses and is compatible in form and scale to the immediately surrounding development. [ABC]

If approved, this Zone Map Amendment would encourage infill development that adds complementary uses and is compatible in form and scale to the immediately surrounding development because the immediately surrounding development is relatively high-intensity and large. To the south sits Embassy Suites, an 8-story, 100-foot-tall building. To the west is TriCore Laboratories, a 4-story, approximately 45-foot-tall building. To the north sits the Career Enrichment Center and Albuquerque High School, whose gymnasium stands approximately 55 feet tall. To the east is I-25, a highly trafficked urban freeway. The MX-H zoning allows for more intense uses and a higher allowed maximum building height, which would allow for development that is compatible in form and scale to the immediately surrounding development. The request clearly facilitates sub-policy 5.2.1(h).

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

This Zone Map Amendment, if approved, would encourage more productive use of a vacant lot by increasing its available uses, which would then spur new development on the site. The resulting new development would be significantly more productive of a use than is present in the currently vacant lot. Furthermore, development on this vacant site would discourage misuse of the lot. For example, on Google Maps Street view, the vacant lot has been and may still be used as an unpaved parking lot, presumably for the schools across the street. This zone change would allow the lot to be developed in a safe and productive manner. The request clearly facilitates sub-policy 5.2.1(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 would clearly facilitate Goal 5.3 Efficient Development patterns because the subject site is in an area with existing infrastructure and public facilities. The subject site also promotes the use of transit, a public amenity, as it is located within 660-feet of the Lomas Blvd Major Transit Corridor, and directly abuts Mountain Rd and I-25, both of which are designated Major Transit Corridors in the ABC Comp Plan.

Policy 5.3.1 – Infill Development: 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 requested zone map amendment clearly facilitates Policy 5.3.1 – Infill development as it promotes development patterns that maximize the utility of existing infrastructure. The subject site is in the Central ABQ CPA, and within a developed area of the City with established infrastructure and public facilities. The development of the vacant site would encourage the efficient use of land and thus supports the public good.

Policy 5.3.2 – Leapfrog Development: Discourage growth in areas without existing infrastructure and public facilities.

This Zone Map Amendment would discourage growth in areas without existing infrastructure and public facilities by directing said growth to an area that has the existing infrastructure and public facilities required to support it. This lot has been vacant throughout history, despite the surrounding area being developed significantly over the past twenty years. Therefore, infrastructure and public facilities have been developed and currently exist in a capacity that can support future land uses. The request clearly facilitates Policy 5.3.2 – Leapfrog Development.

Policy 5.3.7 – Locally Unwanted Land Uses: Ensure that land uses that are objectionable to immediate neighbors but may be useful to society are located carefully and equitably to ensure that social assets are distributed evenly and social responsibilities are borne fairly across the Albuquerque area.

Many MX-H uses that would be facilitated through this zone change would be useful to society. The proposed usage, a physical rehabilitation hospital, would provide much-needed non-emergency medical services, easing the pressure on local hospitals by allowing for off-site, moderate-length outpatient treatment. However, other permissible uses in the MX-H district would provide benefit to society as well. Furthermore, the location of this lot, on the corner of Major Transit Corridors Mountain Rd and 1-25 Frontage, would ensure that any resulting development is located carefully, away from residential streets, and equitably, in the center of Albuquerque, near I-25 (an urban freeway), making it easy to access. This would ensure even distribution of social assets and fair sharing of social responsibilities in Albuquerque.

b) *Ensure appropriate setbacks, buffers, and/ or design standards to minimize offsite impacts.*

Many design standards are shared between the MX-M and MX-H zones. The only notable difference between the two appears to be allowable building height. The higher allowable height in MX-H zones has few offsite impacts as the site is on the edge of a neighborhood and is not within any VPO zones. Furthermore, as discussed elsewhere in this analysis, the increased height allowed in the MX-H zone would match the existing character of the immediately surrounding area. The request clearly facilitates sub-policy 5.3.7(b).

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 request clearly facilitates Goal 5.6 – City Development areas as it would encourage and direct growth to the subject site, which is located wholly within an Area of Change. Areas of Change are where development is generally expected and desired, the requested MX-H zone and subsequent development would be appropriate in intensity, density, and location.

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 requested Zone Map Amendment is for a subject site that is located within an Area of Change and within 660-feet of three Major Transit Corridors. Approval of the requested MX-H zone would

direct growth and more intense development where change is encouraged, expected, and appropriate. The request clearly facilitates Policy 5.6.2 – Areas of Change.

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

The zone map amendment and proposed development clearly facilitate Goal 8.1 – Placemaking because the request creates places where businesses and talent will stay and thrive by helping to ensure a variety of land uses within the Central ABQ CPA, the Santa Barbara / Martineztown community, and the greater Albuquerque area. The proposed development will create jobs for a range of workers with varying occupational skills and salary levels.

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

The request clearly facilitates Policy 8.1.1 – Diverse Places because the zone map amendment from MX-M to MX-H would foster a range of development intensity, density, uses and building scale in an area with a wide range of existing land uses. The amendment from MX-M to MX-H would facilitate the development which would foster a range of intensities, uses and densities. Further, the subject site’s location along three Major Transit Corridors, within an Area of Change, and within the Central ABQ CPA are contributing factors to the appropriateness and success of this economic development opportunity.

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

The request would clearly facilitate sub-policy 8.1.1(a) by investing in a subject site that is located within 660-feet of three different Major Transit Corridors. The proposed zone map amendment and proposed subsequent high intensity would create a variety of employment opportunities for a range of occupational skills and salary levels.

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

The request clearly facilitates sub-policy 8.1.1(c) because uses allowed in the MX-H zone would facilitate development which would generally hire local residents. The range of land uses allowed in the MX-H zone, along with the design standards, increases the likelihood of development on the subject site, thus prioritizing job creation and local hiring.

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 proposed zone map amendment to MX-H would encourage an economic development effort that would improve the quality of life for new and existing residents by allowing a range of land uses at the appropriate location, scale, intensity and density. The subject site is located within the boundaries of three separate Major Transit Corridors. Development along these corridors would foster a robust, resilient, and diverse economy because the requested zone would allow a variety of land uses that would benefit the community. Further, the development would be infill development, and would maximize existing infrastructure and resources such as public transit, and

would provide opportunity for new jobs, thus ensuring a resilient economy. The request clearly facilitates Policy 8.1.2 – Resilient Economy.

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

The request clearly facilitates Goal 8.2 Entrepreneurship because the requested MX-H zone district allows for various land uses and appropriate design standards, all of which would facilitate the development of the long standing, vacant lot. The subject site is in a prime area: near the Central ABQ CPA, along three Major Transit Corridors and within an area of change, all these factors contribute to growth of private business and the culture of creativity.

11. Zone Map Amendment – Review and Decision Criteria

The request is supported by the Comprehensive Plan Goals and polices and meets the requirements for a Zoning Map Amendment – EPC Per IDO Section 14-16-6-7(G)(3) Review and Decision Criteria a – h as follows:

6-7(G)(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.

As discussed above, the requested zone map amendment from MX-M to MX-H will benefit the surrounding neighborhood by furthering a preponderance of applicable Goals and Policies in and clearly facilitating the implementation of the ABC Comp Plan as shown in the previous analysis. The analysis describes how the proposed Zone Map Amendment furthers Goals and Policies regarding Character, Centers and Corridors, Complete Communities, City Development Patterns. These Goals and policies are supported because the request will provide much needed high density, infill development as described in the definition of MX-H in the IDO, cited at the beginning of this letter. Further, the subject site is within 600-feet of three different Major Transit Corridors – Mountain Road NE, I-25 Frontage Road, and Lomas Boulevard.

6-7(G)(3)(b): If the subject property is located partially or completely in an Area of Consistency (as shown in the ABC Comp Plan, as amended), the applicant has demonstrated that the 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 appropriate because it meets any of the following criteria.

1. There was a 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 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 site is located wholly within an Area of Change, the above criterion does not apply.

6-7(G)(3)(c): If the subject property 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 any of the following criteria.

1. There was a 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 requested zone map amendment meets criteria 3, as described above: the requested zone map amendment from MX-M to MX-H will benefit the surrounding neighborhood by clearly facilitating the implementation of and furthering a preponderance of applicable Goals and Policies in the ABC Comp Plan as shown in the previous analysis.

The analysis described how the proposed Zone Map Amendment clearly facilitates ABC Comp Plan Goals and Policies regarding Character, Distinct Communities, Centers and Corridors, Complete Communities, City Development Patterns, Land Uses, Areas of Change, Placemaking and others. These Goals and policies are supported because the request will provide much needed high density, infill development as described in the definition of MX-H in the IDO, cited at the beginning of this letter. Further, the subject site is within 600-feet of three different Major Transit Corridors – Mountain Road NE, I-25 Frontage Road, and Lomas Boulevard.

6-7(G)(3)(d): The requested zoning does not include permissive uses that would be harmful to adjacent property, the neighborhood, or the community, unless the Use-specific Standards in Section 14-16-4-3 associated with that use will adequately mitigate those harmful impacts.

Table 3 - Change In Use Summary Table

Change In Uses From MX-M To MX-H – Adapted from IDO Table 4-2		
Residential Uses	MX-M	MX-H
Group home, small	P	
Commercial Uses		
Kennel	C	
Nursery	A	
Campground or recreational vehicle park	C	
Paid parking lot	P	A
Construction contractor facility and yard		C
Self-storage	C	P
Amphitheater		C
Adult retail		P
Park and ride lot	P	C
Industrial Uses		
Light manufacturing		A

Accessory and Temporary Uses		
Drive-through or drive-up facility	A	CA
Dwelling unit, accessory	A	
Outdoor animal run	CA	
Circus	T	

Permissive Uses

Regarding the new uses allowed by the proposed zone change, any uses conducted on this site shall be beholden to all IDO requirements and regulations. Adult retail would normally be allowed in the MX-H zone, but due to the site’s proximity to schools to the north, this use would not be permitted at all, as outlined in IDO Provision **14-16-4-3(D)(6)**. Self-storage, the other permissive use that would be granted through the approval of this request, is controlled by IDO Provision **14-16-4-3(D)(29)**. **14-16-4-3(D)(29)(f)** restricts access to individual storage units to be indoor only, heavily reducing outdoor on-site traffic. Furthermore, all storage would be required to be within fully enclosed portions of a building.

Conditional Uses

An amphitheater is a conditional use and therefore would require a conditional use permit. There are no use-specific standards for amphitheaters, but the size of the lot would significantly limit the level of activity that could occur were an amphitheater to be developed here. Another use conditionally allowed in MX-H is the Construction Contractor Facility and Yard. First, anywhere construction equipment or goods or vehicles are parked or stored, or where work is conducted, must comply with all requirements in **14-16-5-6** (Landscape, Buffering, and Screening). Secondly, a conditional use approval through the ZHE would be required, requiring additional public comment and internal review. Finally, a Park-and-Ride Lot becomes an available conditional use. This use would be beholden to all standards within **14-16-5-5** (Parking and Loading), ensuring that its development would be in line with all IDO regulations.

Accessory Uses

Light manufacturing becomes a newly allowed accessory use but would be beholden to all use requirements outlined in IDO Provision **14-16-4-3(E)(4)**, including screening and storage requirements. A paid parking lot also would typically become a newly allowed accessory use. However, in line with provision **14-16-4-3(D)(22)(d)6.**, due to the lot’s location in the Martineztown/Santa Barbara CPO-7, this accessory use would be prohibited.

Gateway Site Plan for Subdivision

Per IDO Section 14-16-1-10(A)(2), any use standards or development standards associated with pre-IDO approval or zoning designation establish rights and limitations and are exclusive of and prevail over any other provision of this IDO.

The Gateway site plan for subdivision establishes some design standards for the subject site, which prevail over the IDO and design standards found therein. Notably, the Site Plan for Subdivision establishes an allowable height of 180 feet.

This height standard prevails over both the zone district design standards and the Martineztown / Santa Barbara CPO-7 standards. The CPO-7 design standards restrict height for lots that are less than 5 acres and are designated as Residential or Mixed-use zoned districts to 26 feet. The provision is found in IDO Section 3-4(H)(4) Building Height: 3-4(H)(4)(a) In Residential and Mixed-use zone districts on project sites less than 5 acres, the maximum building height is 26 feet.

However, if approved, this Zone Map Amendment would encourage infill development that adds complementary uses and is compatible in form and scale to the immediately surrounding development because the immediately surrounding development is relatively high-intensity and density. To the south sits Embassy Suites, an 8-story, 100-foot-tall building. To the west is TriCore Laboratories, a 4-story, approximately 45-foot-tall building. To the north sits the Career Enrichment Center and Albuquerque High School, whose gymnasium stands approximately 55 feet tall. To the east is I-25, a highly trafficked urban freeway. The MX-H zoning allows for more intense uses and a higher allowed maximum building height, which would allow for development that is compatible in form and scale to the immediately surrounding development. In conjunction with the controlling site plan, the proposed zone map amendment would not be harmful to the surrounding community.

Further, the benefits of having an existing controlling site plan are the EPC would review any new uses on the subject site. There would be an opportunity for the community to provide input and the site plan would be reviewed by Staff prior to being submitted to the Commission for a final decision.

6-7(G)(3)(e): The City's existing infrastructure and public improvements, including but not limited to its street, trail, and sidewalk systems, meet any of the following criteria:

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 (IIA).
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.

The request meets the criteria above as described by number 3: will have adequate capacity when the applicant fills its obligations under the IDO, the DPM, and/or an IIA. The request will continue through various City application processes where infrastructure capacity will be addressed. A full Traffic Safety Study was conducted by Tierra West to determine appropriate safety measures when considering access and traffic. These measures are outlined in the attached Traffic Safety Study and the Executive Summary and are in review by the NMDOT and City's Traffic Engineer.

6-7(G)(3)(f): The applicant's justification for the Zoning Map Amendment is not completely based on the property's location on a major street.

The subject site is bound by Woodward Pl NE (local urban street), Mountain Rd NE, and the I-25 Frontage Rd. Both Mountain Rd NE and I-25 Frontage are classified as Major Collectors by MRCOG. Lomas Blvd and I-25 are in the vicinity of the subject site and are classified as Principal Arterial and Interstate by the MRCOG, respectively. Though the location of the subject site is appropriate for the requested Zone Map Amendment, our justification is not based predominantly on that. Rather, the justification is based on a thorough ABC Comp Plan analysis and shows that the request clearly facilitates and furthers a preponderance of Goals and Policies found therein.

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

The request is not based on the cost of land nor economic considerations, rather, the request is based on the policy analysis above. The requested zone map amendment from MX-M to MX-H will benefit the surrounding neighborhood by clearly facilitating the implementation of and furthering a preponderance of applicable Goals and Policies in the ABC Comp Plan as shown in the previous analysis. The analysis described how the proposed Zone Map Amendment clearly facilitates ABC Comp Plan Goals and Polices regarding Character, Distinct Communities, Centers and Corridors, Complete Communities, City Development Patterns, Land Uses, Areas of Change, Placemaking and others. These Goals and policies are supported because the request will provide much needed high density, infill development as described in the definition of MX-H in the IDO, cited at the beginning of this letter. Further, the subject site is within 600-feet of three different Major Transit Corridors – Mountain Road NE, I-25 Frontage Road, and Lomas Boulevard.

6-7(G)(3)(h): The Zoning Map Amendment 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 requested zoning will clearly facilitate implementation of the ABC Comp Plan, as amended, and at least 1 of the following applies.

1. The subject property is different from surrounding land because it can function as a transition between adjacent zone districts.
2. The subject property 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 subject property makes it unsuitable for the uses allowed in any adjacent zone.

Planning staff has interpreted that the request is a spot zone, as such, the Zoning Map Amendment would apply a spot zone. The requested Zoning Map Amendment clearly facilitates the implementation of the ABC Comp Plan, as amended, and the request meets criterion 1, because the subject property would function as a transition between adjacent zone districts.

The requested MX-H zone would serve as an appropriate transition between adjacent zone districts as follows:

Transition – West to East – Broadway Blvd to I-25 Frontage between Lomas Blvd and Mountain Rd.

The subject site would be the “peak” zone as shown in figure 3, below. Following the zone map between Lomas Blvd NE and Mountain Road NE, the intensity of zones increases as it approaches the interstate. There are parcels zoned NR-LM bordering Broadway Blvd (between Lomas Blvd NE and Mountain Rd NE) but it then immediately shifts (with almost no transition in intensity) to properties zoned MX-L, which are bounded by properties zoned MX-M to the north and south. The zone map increases in intensity as it approaches I-25. The zone map clearly shows that the parcels shift from MX-L to MX-M moving eastward and would result in peak intensity of MX-H at the subject site, which is bound by the I-25 commuter corridor. The resulting zone map amendment would be a transition from lower intensity MX-L zone all the way to the more intense MX-H zone.

It is also important to consider, in this case, the proposed land use and development of the subject site. The land use would serve as an appropriate transition in intensity, as higher density uses are encouraged in areas of change, and within Major Transit Corridors. The land uses in the city block

bound by Broadway Blvd NE, Mountain Rd NE, Lomas Blvd NE, and I-25 all increase in intensity as the map moves eastward, thus resulting in an appropriate transition (barring the strip zoning of NR-LM along Broadway Blvd NE) from MX-L to MX-M, culminating in MX-H at the subject site.

The resulting zone map pattern would be an MX-H zone district (the subject site) along the I-25 commuter corridor, and intensity and zoning transitions downward as the zone map transitions to the west, between Mountain Rd NE and Lomas Blvd NE and ending at Broadway Blvd NE.



Figure 3: MX-H transition

Further, should the request be approved the resulting zoning map pattern would be very similar to the existing zoning patterns in the area. As shown in figure 3 above, directly east of the subject site (not including I-25), there are parcels zoned MX-H. To the southeast of the subject site, are parcels zoned MX-H which then transition into parcels zoned MX-M, MX-T, and R-1. Just south of the subject site, there are parcels zoned MX-H which transition to MX-M, MX-T,

North of Subject Site

North of the subject site is a parcel zoned MX-T (Mixed Use – Transition Zone District). The purpose of the MX-T zone district is defined in the IDO as a transition between residential neighborhoods and more intense commercial areas. Primary land uses include a range of low-density residential, small-scale multi-family, office, institutional, and pedestrian-oriented commercial uses. and R-1 zones. The parcel is currently developed with Albuquerque High School, specifically, the Career Enrichment Center (CEC) directly abutting the subject site. The CEC building is approximately 35 feet in height and would transition nicely into the proposed hospital

use and MX-H zone. The proposed use for the subject site in this case is relevant as the subject site is site plan controlled, and the site plan is part of this record.

South of the Subject Site

South of the subject site there is a parcel zoned MX-M. Along the I-25 frontage are other parcels zoned MX-M and MX-H. MX-H is an appropriate step up from MX-M as they are separated by one degree of intensity per the IDO. The existing use on the southern, adjacent parcel is a hotel that is approximately 100-feet in height.



Figure 4: Transition North / South

Conclusion

The requested zone map amendment from MX-M to MX-H would benefit the surrounding neighborhood by clearly facilitating the ABC Comp Plan and furthering a preponderance of applicable Goals and Policies in the ABC Comp Plan as shown in the preceding analysis. The proposed Zone Map Amendment furthers a preponderance of Goals and Policies regarding Character, Centers and Corridors, Complete Communities, City Development Patterns, and others. These Goals and policies are supported because the request would provide much needed high

density, infill development as described in the definition of MX-H in the IDO. Further, the subject site is within 600-feet of three different Major Transit Corridors – Mountain Road NE, I-25 Frontage Road, and Lomas Boulevard where this type of development is desired.

Tierra West, on behalf of Cross Development, respectfully requests that this Zoning Map Amendment is considered and approved by the Environmental Planning Commission. Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read 'Sergio Lozoya', with a long horizontal line extending to the right.

Sergio Lozoya
Sr. Planner

cc: Megan Vieren

JN: 2023123
SL/db/aj



June 4, 2024

Mr. Jonathan R. Hollinger, Chair
Environmental Planning Commission
600 Second NW
Albuquerque, NM 87102

**RE: SITE PLAN – EPC MAJOR AMENDMENT
TRACT A PLAT OF GATEWAY SUBDIVISION CONT 2.7845 AC
IDO ZONE ATLAS PAGE J-15-Z**

Dear Mr. Hollinger:

Tierra West LLC, on behalf of Cross Development, respectfully requests a Major Amendment to the controlling Site Plan for a subject site located at 1100 Woodward Pl. NE, Albuquerque, NM 87102.

The legal description of the subject site is Tract A Plat of Gateway Subdivision containing 2.7845 acres. The subject site is located at 1100 Woodward Pl. NE, just south of Mountain Rd. NE and west of I-25 S Frontage Road. The current zoning of this parcel is Mixed-Use – Moderate Intensity (MX-M); the EPC has recently approved a zone change to Mixed Use – High Intensity (MX-H), which is currently undergoing an appeal.

Please review the Executive Summary of the Traffic Safety Study, below.

Traffic Memo – Crash Analysis, Executive Summary

This Crash Analysis was prepared in conjunction with the development of a 48-bed rehabilitation center and provides a comprehensive analysis of crash data at three key intersections near Mountain Rd and the south frontage road of Interstate 25. A new 48 bed rehabilitation hospital for the period between January 1, 2018, and December 31, 2022. The intersections studied are Mountain Rd. / Edith Blvd., Mountain Rd. / Woodward Pl., and Mountain Rd. / I-25 W. Frontage Rd., utilizing crash reports and database records from the New Mexico Department of Transportation (NM DOT). This crash analysis will also be included in the full Traffic Impact Study for this project.

Intersection #1 – Mountain Rd. / Edith Blvd.: The analysis for this intersection revealed a total of seven crashes over the five-year period. Notably, two of these incidents resulted in injuries, while the remaining five were property damage only (PDO) crashes. Unfortunately, the crash database did not provide specific details on the types of crashes that occurred, limiting the depth of analysis for this location.

Intersection #2 – Mountain Rd. / Woodward Pl.: No crashes were recorded at this intersection in the past five years, prompting an extension of the analysis period back to 2015. Over the extended eight-year period, only three crashes were documented, including one right-angle crash and two fixed-object crashes occurring in 2015 and 2016. This indicates a relatively low crash frequency and severity at this intersection.

Intersection #3 – Mountain Rd. / I-25 W. Frontage Rd.: A total of 48 crashes were reported at this intersection, with six resulting in injuries and the remainder being PDO crashes. Despite being flagged as a high crash location, the data from 2018 to 2022 showed a crash rate of 0.83 crashes per million entering vehicles, suggesting past safety measures by NM DOT have been effective. The analysis identified two primary crash trends: southbound vehicles improperly turning left from the second lane and drivers mistaking the signal change at the E. Frontage Rd. for their own light change.

NMDOT performed an internal Crash Safety Analysis and subsequently installed mitigation measures about 2016? Based upon the recent review of the crash data the mitigation measures have significantly reduced the number of crashes at these three intersections. To provide further mitigation measures this report recommends additional measures.

Recommendations: To address the identified crash trends at the Mountain Rd. / I-25 W. Frontage Rd. intersection, several recommendations are made:

1. Mask the green signal indicator at E. Frontage Rd. to prevent confusion for drivers at the W. Frontage Rd.
2. Install lane configuration signage on the signal mast arm to clearly indicate the lane purposes for southbound traffic.
3. Implement bright yellow backplates on signal heads to enhance their visibility.

These measures aim to improve intersection safety and reduce the incidence of crashes, ensuring safer navigation for all road users in the area.

Tierra West, on behalf of Cross Development, respectfully requests that this Site Plan – EPC Major Amendment is considered and approved by the Environmental Planning Commission. Thank you for your consideration.

Sincerely,



Sergio Lozoya
Sr. Planner

cc: Megan Vieren

JN: 2023123
SL/db/aj

From: [Haynes, Margaret, DOT](#)
To: [Ron Bohannon](#)
Cc: [Sergio Lozoya](#); [Cherne, Curtis](#); [Jon Niski](#); [Terry Brown](#); [Haynes, Margaret, DOT](#); [Perea, Nancy, DOT](#)
Subject: Mountain Rd. Rehab Facility (Mountain Rd. / I-25)- Safety Study
Date: Tuesday, July 2, 2024 8:40:02 AM

Good morning Ron,
NMDOT is currently reviewing the requested safety study for the Rehab Facility adjacent to I-25 Southbound Frontage Road and Mountain. We have discussed preliminary recommendations for this project to move forward. The study is in the queue to review. NMDOT will finalize its recommendations when the review is complete.

Thanks,
Margaret

Margaret L. Haynes, P.E.
District 3 Assistant Traffic Engineer

New Mexico Department of Transportation
7500 Pan American Freeway N.E.
Albuquerque, NM 87109
505-288-2086 cell (VOICE ONLY)

Sergio Lozoya

From: Cherne, Curtis <CCherne@cabq.gov>
Sent: Wednesday, June 26, 2024 8:54 AM
To: Terry Brown; Ron Bohannon; Haynes, Margaret, DOT
Cc: Jon Niski; Sergio Lozoya; Armijo, Ernest M.
Subject: RE: [#2023123] {#2023123} - Mountain Rd. Rehab Facility (Mountain Rd. / I-25)- Looks good

Terry,
Looks good to me.

Thanks,



CURTIS CHERNE, P.E.

senior engineer

o 505.924.3986

e ccherne@cabq.gov

cabq.gov/planning

From: Terry Brown <tbrown@tierrawestllc.com>
Sent: Tuesday, June 25, 2024 10:38 AM
To: Ron Bohannon <rbr@tierrawestllc.com>; Haynes, Margaret, DOT <margaret.haynes@dot.nm.gov>
Cc: Cherne, Curtis <CCherne@cabq.gov>; Jon Niski <JNiski@tierrawestllc.com>; Sergio Lozoya <SLozoya@tierrawestllc.com>
Subject: RE: [#2023123] {#2023123} - Mountain Rd. Rehab Facility (Mountain Rd. / I-25)

[EXTERNAL] Forward to phishing@cabq.gov and delete if an email causes any concern.

Margaret / Curtis,

Here are the proposed mitigation measures for the Mountain Rd. Rehabilitation Center TIS / Safety Analysis:

- 1) Install signal masking on westbound signal indicators (green) at the Mountain Rd. / I-25 E. Frontage Rd. to prevent green indicators from being visible at the I-25 W. Frontage Rd.*
- 2) Install laneage signing on top of mastarms for southbound traffic on the I-25 W. Frontage Rd. approaching Mountain Rd.*

- 3) *Install new bright yellow backplates on all signal heads at the intersection of Mountain Rd. / I-25 W. Frontage Rd.*
- 4) *Install new curbing to close outside shoulder within 500 feet north of stop bar at Mountain Rd. Include transition back to existing curbing.*
- 5) *Re-stripe Mountain Rd. from I-25 W. Frontage Rd. to approximately 200 feet west of new Rehab Hospital driveway to comply with MUTCD. Also, construct new 4" P.C.C. raised curbing (or other delineators as approved by the City of Albuquerque and the NM DOT) along north side of eastbound lane on Mountain Rd. approximately 50 feet to the east and 50 feet to the west of the new right-in, right-out driveway.*

Please call me if you have questions or need additional information.

Best Regards,

Terry O. Brown, P.E.



5571 Midway Park Pl. NE
Albuquerque, NM 87109
(505) 858-3100 – Office
(505) 270-6981 – Cell
e-mail: tbrown@tierrawestllc.com

From: Ron Bohannan <rrb@tierrawestllc.com>
Sent: Monday, June 24, 2024 3:59 PM
To: Terry Brown <tbrown@tierrawestllc.com>; Haynes, Margaret, DOT <margaret.haynes@dot.nm.gov>
Cc: Cherne, Curtis <CCherne@cabq.gov>; Jon Niski <JNiski@tierrawestllc.com>
Subject: RE: [#2023123] {#2023123} - Mountain Rd. Rehab Facility (Mountain Rd. / I-25)

Terry can you list out all of the mitigation measures we discussed today as well.

Thanks
Ron

From: Terry Brown <tbrown@tierrawestllc.com>
Sent: Monday, June 24, 2024 11:47 AM
To: Haynes, Margaret, DOT <margaret.haynes@dot.nm.gov>
Cc: Cherne, Curtis <CCherne@cabq.gov>; Ron Bohannan <rrb@tierrawestllc.com>; Jon Niski <JNiski@tierrawestllc.com>
Subject: [#2023123] {#2023123} - Mountain Rd. Rehab Facility (Mountain Rd. / I-25)

Margaret –

Here is the concept I think you want for the right-in, right-out driveway on Mountain Rd. I marked it up on an MUTCD display that is four lanes, but the concept is the same except Mountain Rd. is two lanes with a TWTL.

Curtis,

Also, the attached sketch shows the proposed striping for the existing AHS Student driveway to the east of our proposed right-in, right-out driveway.

Please call me if you have questions or need additional information.

Best Regards,

Terry O. Brown, P.E.



5571 Midway Park Pl. NE
Albuquerque, NM 87109
(505) 858-3100 – Office
(505) 270-6981 – Cell
e-mail: tbrown@tierrawestllc.com

SIGN POSTING AGREEMENT

REQUIREMENTS

POSTING SIGNS ANNOUNCING PUBLIC HEARINGS

All persons making application to the City under the requirements and procedures established by the Integrated Development Ordinance are responsible for the posting and maintaining of one or more signs on the property which is subject to the application, as shown in Table 6-1-1. 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 for a \$10 fee per sign. If the application is mailed, you must still stop at the Development Services Front Counter to pick up the sign(s).

The applicant is responsible for ensuring that the signs remain posted throughout the 15-day period prior to any public meeting or 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.

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 July 3rd, 2024 To August 2nd, 2024

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)

7/1/24

(Date)

I issued _____ signs for this application, _____, _____
(Date) (Staff Member)

PROJECT NUMBER: PR-2024-009765, RZ-2024-00001

CONDITIONS OF SITE PLAN FOR SUBDIVISION APPROVAL

- Approved by the IDO (18) on 10/19/97 off any modification must be made prior to the final plat of the site plan as proposed, with the revised IDO and site plan for subdivision to be resubmitted.
- The IDO has identified that the portion of a parcel set back from the road is not within the IDO setback lines. It is required that neighborhood conceptual engineering contract be on file before the site plan is to be approved.
- Reconstruction of the 100' (180) off-street to include a dual right turn lane.
- Construction of a 100' wide driveway, westbound, between the westside of 100' (180) off-street and the Lane 7 / Woodford Intersection.
- Construction of a 100' wide driveway, eastbound, between the westside of 100' (180) off-street and the Lane 8 / Woodford Intersection.
- Construction of a 100' wide driveway, westbound, between the westside of 100' (180) off-street and the Lane 9 / Woodford Intersection.
- Construction of a 100' wide driveway, eastbound, between the westside of 100' (180) off-street and the Lane 10 / Woodford Intersection.
- Construction of a 100' wide driveway, westbound, between the westside of 100' (180) off-street and the Lane 11 / Woodford Intersection.
- Construction of a 100' wide driveway, eastbound, between the westside of 100' (180) off-street and the Lane 12 / Woodford Intersection.
- Construction of a 100' wide driveway, westbound, between the westside of 100' (180) off-street and the Lane 13 / Woodford Intersection.
- Construction of a 100' wide driveway, eastbound, between the westside of 100' (180) off-street and the Lane 14 / Woodford Intersection.
- Construction of a 100' wide driveway, westbound, between the westside of 100' (180) off-street and the Lane 15 / Woodford Intersection.
- Construction of a 100' wide driveway, eastbound, between the westside of 100' (180) off-street and the Lane 16 / Woodford Intersection.
- Construction of a 100' wide driveway, westbound, between the westside of 100' (180) off-street and the Lane 17 / Woodford Intersection.
- Construction of a 100' wide driveway, eastbound, between the westside of 100' (180) off-street and the Lane 18 / Woodford Intersection.

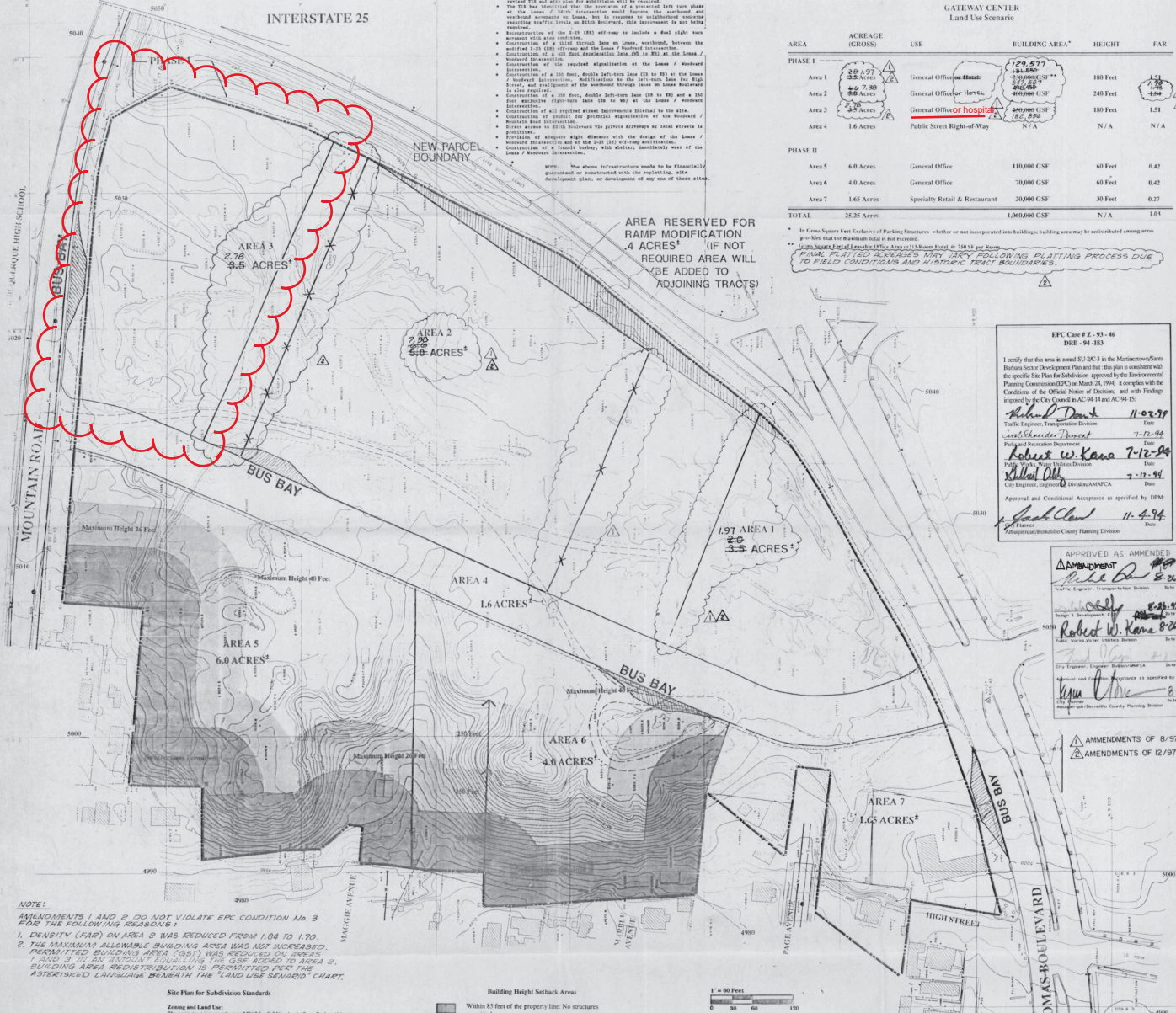
NOTE: The above infrastructure needs to be financially guaranteed or coordinated with the platting, site development plan, or development of any one of these sites.

**GATEWAY CENTER
Land Use Scenario**

AREA	ACREAGE (GROSS)	USE	BUILDING AREA*	HEIGHT	FAR
PHASE I	Area 1 2.07 Acres 88,500 CSF	General Office/Hotel	129,577 481,500 CSF	180 Feet	1.51
	Area 2 2.30 Acres 93,000 CSF	General Office/Hotel	224,400 CSF	240 Feet	1.96
	Area 3 1.69 Acres 65,500 CSF	General Office/Hotel	100,000 CSF	180 Feet	1.51
	Area 4 1.6 Acres	Public Street Right-of-Way		N/A	N/A
PHASE II	Area 5 4.0 Acres	General Office	110,000 CSF	60 Feet	0.42
	Area 6 4.0 Acres	General Office	70,000 CSF	60 Feet	0.42
	Area 7 1.65 Acres	Specialty Retail & Restaurant	20,000 CSF	30 Feet	0.27
	TOTAL	25.25 Acres		1,960,000 CSF	N/A

* In Gross Square Feet Excludes of Parking Structures whether or not incorporated into buildings; building area may be established among areas provided that maximum total is not exceeded.
 ** Gross Square Feet of Leasable Office Area (14,000 Hotel in 740 Sq. Per Room)
 *** Final PLATTED AREAS MAY VARY FOLLOWING PLATTING PROCESS DUE TO FIELD CONDITIONS AND HISTORIC TRACT BOUNDARIES.

**AREA RESERVED FOR RAMP MODIFICATION
4 ACRES* (IF NOT REQUIRED AREA WILL BE ADDED TO ADJOINING TRACTS)**



NOTE:
 AMENDMENTS 1 AND 2 DO NOT VIOLATE EPC CONDITION No. 3 FOR THE FOLLOWING REASONS:
 1. DENSITY (FAR) ON AREA 2 WAS REDUCED FROM 1.84 TO 1.70.
 2. THE MAXIMUM ALLOWABLE BUILDING AREA WAS NOT INCREASED.
 3. PERMITTED BUILDING AREA (BSA) WAS REDUCED ON AREAS 1 AND 3 IN AN AMOUNT EQUALING THE GSE ADDED TO AREA 2.
 4. BUILDING AREA REDISTRIBUTION IS PERMITTED PER THE BUILDING AREA REDISTRIBUTION CHART.
 *ASTERISKED LANGUAGE BEHIND THE LAND USE SCENARIO CHART.

EPC Case # 2-93-46
 DSB-94-383

I certify that this is a true and correct copy of the Master/Supplemental Building Sector Development Plan and that this plan is consistent with the specific Site Plan for Subdivision approved by the Environmental Planning Commission (EPC) on March 24, 1994, in compliance with the Conditions of the Official Notice of Decision, and with findings reported by the City Council in ACW-94-14 and ACW-94-15.

Richard D. Dowd 11-02-94
 Traffic Engineer, Transportation Bureau Date

Robert W. Kane 7-12-94
 Public Works and Recreation Department Date

Robert W. Kane 7-12-94
 Public Works and Recreation Department Date

William G. Olin 7-12-94
 City Engineer, Engineering Division/AMARC Date

Approved and Conditional Approval as specified by IDO.
Frank C. Adams 11-4-94
 Planner
 Metropolitan Planning Department

Site Plan for Subdivision Standards

Zoning and Land Use:
 The zoning for this project is under S1-2.4 for C-3 uses by the San Joaquin Municipal Code Development Plan and Subdivision Ordinance, and with the San Joaquin Municipal Code Development Plan and Subdivision Ordinance, and with the San Joaquin Municipal Code Development Plan and Subdivision Ordinance, and with the San Joaquin Municipal Code Development Plan and Subdivision Ordinance.

Land Use Intensity:
 The maximum intensity for this project is as specified in the San Joaquin Municipal Code Development Plan and Subdivision Ordinance, and with the San Joaquin Municipal Code Development Plan and Subdivision Ordinance, and with the San Joaquin Municipal Code Development Plan and Subdivision Ordinance.

Setback Standards:
 All setbacks shall be provided in accordance with the Subdivision Ordinance. Minimum setbacks shall be provided in accordance with the Subdivision Ordinance. Minimum setbacks shall be provided in accordance with the Subdivision Ordinance.

Building Height:
 Building heights shall be provided in accordance with the Subdivision Ordinance. Maximum building heights shall be provided in accordance with the Subdivision Ordinance. Maximum building heights shall be provided in accordance with the Subdivision Ordinance.

Building Height Setback Areas:
 Within 85 feet of the property line: No structures permitted.
 Within 150 feet of the property line: Structures are allowed up to 20 feet.
 Within 250 feet of the property line: Structures are allowed up to 40 feet.

Building Heights:
 Building heights shall be provided in accordance with the Subdivision Ordinance. Maximum building heights shall be provided in accordance with the Subdivision Ordinance. Maximum building heights shall be provided in accordance with the Subdivision Ordinance.

Setbacks:
 Minimum setbacks to the front of structures and to paved areas including driveways and parking spaces shall be twenty (20) feet from the perimeter rights-of-way line of public utility property lines. These setbacks exceed the minimums specified in the Zoning Code.

Building Height Setback Areas

Within 85 feet of the property line: No structures permitted.

Within 150 feet of the property line: Structures are allowed up to 20 feet.

Within 250 feet of the property line: Structures are allowed up to 40 feet.

Building Heights:

Building heights shall be provided in accordance with the Subdivision Ordinance. Maximum building heights shall be provided in accordance with the Subdivision Ordinance. Maximum building heights shall be provided in accordance with the Subdivision Ordinance.

Setbacks:

Minimum setbacks to the front of structures and to paved areas including driveways and parking spaces shall be twenty (20) feet from the perimeter rights-of-way line of public utility property lines. These setbacks exceed the minimums specified in the Zoning Code.

Environmental Planning Commission
 Approval Candidates for 2-93-46 March 26, 1994

- The requirements of the Transportation Division of the City Public Works Department, as detailed in its memo dated March 15, 1994, shall be met.
- There shall be two bus bays on the interior 'right-of-way' road, and one bus bay on eastbound Mountain Road, east of the interior road.
- A transfer of densities among the different parcels shall not exceed 10% from those tabulated on the Site Plan for Subdivision provided that the maximum total is not exceeded.
- A Courthouse use shall not be an approved use for this site.

Major Amendment - Site Plan EPC
 PR - 2024 - 009765, S1 - 2024 - 00468
 1. Major Amendment for Area 3 of the controlling site plan for 'Tract A' Only.
 2. This amendment would change the allowable use on area 3 'Tract A' to include Hospital.
 3. Building area and height maximums as described in controlling site plan, remain applicable to area 3 'Tract A'.
 4. Setbacks for Area 3 to be controlled by IDO.
 5. Per IDO Section 1-10(A)(2). Any use standards or development standards associated with any pre-IDO approval or zoning designation establish rights and limitations and are exclusive of and prevail over any other provision of this IDO. Where those approvals are silent, provisions in the IDO shall apply.

GATEWAY TO CENTRAL CITY

SANDIA FOUNDATION
 1800 Lomas Boulevard NE
 Albuquerque, NM 87102

972864 02

2/14/98

AMENDMENT DESCRIPTIONS

DATED 8/19/1:

- AREA 2 INCREASED IN SIZE TO 2.0 ACRES
- AREA 3 BUILDING AREA INCREASED TO 199,450 CSF
- AREA 3 FAR (CONDENSITY) REDUCED TO .41
- AREA 1 DECREASED IN SIZE TO 2.0 ACRES
- AREA 1 BUILDING AREA DECREASED TO 121,550 CSF
- HOTEL USE ADDED TO AREA 2 AND DELETED FROM AREA 1

DATED 10/19/7:

- AREA 3 REDUCED IN SIZE TO 2.78 ACRES
- AREA 3 BUILDING AREA REDUCED TO 479,555 CSF
- AREA 2 INCREASED IN SIZE TO 2.30 ACRES
- AREA 2 BUILDING AREA INCREASED TO 247,567 CSF
- AREA 2 FAR (CONDENSITY) REDUCED TO 1.70
- AREA 1 REDUCED IN SIZE TO 1.97 ACRES
- AREA 1 BUILDING AREA REDUCED TO 129,577 CSF

Major Amendment - Site Plan EPC
 PR - 2024 - 009765, S1 - 2024 - 00468
 1. Major Amendment for Area 3 of the controlling site plan for 'Tract A' Only.
 2. This amendment would change the allowable use on area 3 'Tract A' to include Hospital.
 3. Building area and height maximums as described in controlling site plan, remain applicable to area 3 'Tract A'.
 4. Setbacks for Area 3 to be controlled by IDO.
 5. Per IDO Section 1-10(A)(2). Any use standards or development standards associated with any pre-IDO approval or zoning designation establish rights and limitations and are exclusive of and prevail over any other provision of this IDO. Where those approvals are silent, provisions in the IDO shall apply.

Market Development Criteria Supports 40 Bed Inpatient Rehab Hospital In Albuquerque



The proprietary analysis by Nobis Rehabilitation Partners, an inpatient rehabilitation hospital operator with decades of experience, has facilitated the growth and success of establishing new inpatient rehabilitation hospitals in 16 markets over the past 4 years.

The robust analysis by Nobis considers the size of a market (>750k), population growth, and a focus on senior adult population growth and projections in addition to numerous data points around the acute care hospitals, their performance and types of cases, and the needs for additional inpatient rehabilitation services compared to the availability of existing inpatient rehab services.

The analysis supports the need for a 40 bed inpatient rehabilitation hospital in Albuquerque.

The Proposed Albuquerque Inpatient Rehabilitation Hospital Will Provide the Needed Rehab Services to Meet the Growth Projected in the Increased Aging Population in Albuquerque

By 2030 Over 40% of the Population in Bernalillo County will be Older Adults¹

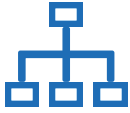
New Mexico Has High Prevalence of Heart Disease, Cancer, and Stroke²

¹[New Census data shows New Mexicans are getting older: UNM Newsroom cabq_senioraffairs_onesheet_8-5x11_oct2021-aging-study.pdf](#)

²[NM-IBIS - Health Indicator Report - Prevalence of Multiple Chronic Conditions among Adults Ages 45 Years and Older by Year, New Mexico, * to 2017](#)

Snapshot of Nobis

BUSINESS OVERVIEW



- Founded in 2018 by Chester Crouch, Nobis Rehabilitation Holdings, LLC (“Nobis”) is a privately held healthcare management company headquartered in Allen, Texas. Nobis management has significant experience developing, scaling, and operating IRFs with a history of successful exits for investors.
- Nobis has an indirect minority interest (through wholly owned Nobis Hospital Investments, LLC) in each of its operating partners holdings companies or individual IRF’s. Nobis is the hospital operations manager and provides management services to these IRFs through Nobis Rehabilitation Partners, LLC, a wholly-owned subsidiary of Nobis Rehabilitation Holdings, LLC. Nobis receives a pre-opening fee, a 5% of Patient Net Revenue Fee once hospital operations commence, a profit interest in each hospital, and a buyout of its management in the event of an OpCo transaction.

IT’S PEOPLE

- Nobis Executive Team is made up of professionals who are top within the IRF Industry
- 40 support personnel in the Nobis Corporate Office
- 2,500 total employees across all the companies
- Nobis Advisory Board made up of highly experienced industry professionals



OUR GROWTH

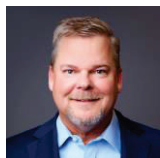
- Opened 16 free standing IRF’s in 9 states current
- 2 additional opening in 2024 and 5 planned 2025
- Targeting to open a total of 30 free standing IRF’s
- IRF’s range in size from 40-60 beds. All 40+ beds able to expand an additional 20 beds

OUR PARTNERS

- Nobis currently partners with 4 development groups to develop and build each IRF to Nobis specifications.
- Development group brings all equity and debt for each IRF PropCo and majority of equity for each IRF PropCo
- Each group holds the IRF OpCo’s under a Holding Co.
- Each IRF PropCo is an individual SPE.

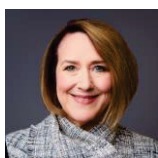


Nobis Executive Team



Chester Crouch
Founder & President

- 30+ years of healthcare leadership experience, Chester has held various hospital leadership roles in the acute, post-acute, non-profit, for-profit, and private sectors of healthcare.
- Chester founded Nobis in 2018 that today has developed 16 new IRF across 10 states.
- Co-Founded Reliant Hospital Partners, LLC, an operator of IRFs, and grew the company until Reliant sold to Encompass, FKA HealthSouth, in 2015.
- He also served many years as a member of the Board of Directors for AMRPA



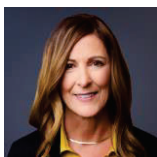
Tracey Nixon
Chief Compliance Officer

- 30+ years of experience in post-acute care serving in local, regional and national roles. She is a regular speaker and educator for the IRF industry. At Nobis, Tracey has executive oversight for corporate compliance, licensure, quality assurance, all regulatory and risk management as well as facilities, HIM, coding, credentialing and internal operational audits.
- Tracey is certified in healthcare compliance (CHC) and serves on the Board of Directors for AMRPA



Jerry Huggler
Chief Financial Officer

- 25+ years healthcare financial experience both for profit and non-profit acute care organizations with a focus in (IRF) health. At Nobis, Jerry has executive oversight of all aspects of finance, revenue cycle management, and operational aspects of finance.
- Jerry has provided leadership on 9 hospital acquisitions totaling more than \$211M in revenue and the acquisition of 7 LTAC hospitals.



Gina Thomas
Chief Development Officer & Public Relations Officer

- 40+ years of healthcare expertise holding a number of clinical and leadership roles in non-profit acute care hospitals, and for-profit, public, and private organizations.
- At Nobis, Gina has executive oversight for new market development, partnerships, and corporate communication and digital marketing.
- The early portion of her career was devoted to clinical roles at 11 different healthcare organizations.

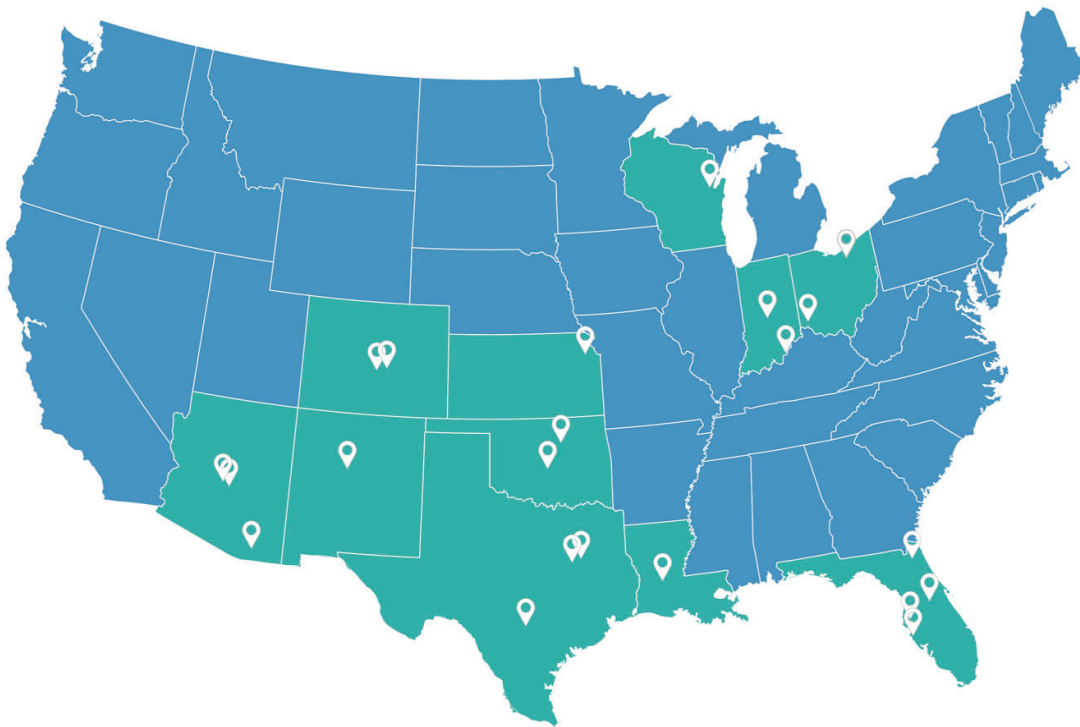


Christopher Bergh
Chief Operating Officer

- 25+ years of healthcare leadership expertise in post-acute operations, budgetary accountability and marketing for multiple inpatient rehabilitation hospitals and long-term acute care hospitals.
- At Nobis, Chris has executive oversight for all hospital operations and corporate leadership in therapy, nursing, pharmacy, sales, and managed care.
- Chris served previously as the EVP at Ernest Health over 24 inpatient rehab hospitals and 7 long-term acute care hospitals

Nobis Managed Hospitals

Nobis partners with 4 different investors for the hospital development has opened 16 hospitals over the last 3 years. Nobis will open 2 more by end of 2024. Beyond 2024: We have another 5 under development with the latest announcement in Albuquerque and we are planning future growth beyond these.



Hospital Name	
Indianapolis Rehabilitation Hospital	Carr
Reunion Rehabilitation Hospital Denver	Den
Reunion Rehabilitation Hospital Phoenix	Pho
Shreveport Rehabilitation Hospital	Shre
Reunion Rehabilitation Hospital Inverness	Eng
Milwaukee Rehabilitation Hospital	Milw
Johnson County Rehabilitation Hospital	Ove
Tulsa Rehabilitation Hospital	Tuls
Oklahoma City Rehabilitation Hospital	Okla
Reunion Rehabilitation Hospital Peoria	Peo
Reunion Rehabilitation Hospital Arlington	Arlin
Reunion Rehabilitation Hospital Plano	Plan
San Antonio Rehabilitation Hospital	San
Cincinnati Rehabilitation Hospital	Cinc
Reunion Rehabilitation Hospital Jacksonville	Jack
Orlando Rehabilitation Hospital	Orla
Florida Rehabilitation Hospital at Tampa	Tam
Bradenton Rehabilitation Hospital	Brad
Tucson Rehabilitation Hospital	Tucs
Clarksville Rehabilitation Hospital	Clar
Cleveland Rehabilitation Hospital at Seven Hills	Seve
Albuquerque Rehabilitation Hospital	Albu

July 3, 2024
Mr. Jonathan R. Hollinger, Chair
Environmental Planning Commission
600 Second NW
Albuquerque, NM 87102

**RE: ZONE MAP AMENDMENT - EPC, MX-M TO MX-H TRACT A PLAT OF GATEWAY
SUBDIVISION CONT 2.7845 AC IDO ZONE ATLAS PAGE J-15-Z**

Dear Mr. Hollinger,

Below is an analysis of Tierra West's position of the spot zone determination by Staff. Though the request satisfies all zone map amendment criteria found in IDO Subsection Section 14-16-6-7(G)(3), we ask the EPC to consider that this request was not a spot zone to begin with and was misappropriately deemed so.

This analysis evaluates the Integrated Development Ordinance (IDO) requirements for zoning designations and zone map amendments, focusing on the MX-H zone. Tierra West contends that staff has mistakenly applied the "contiguous" land requirement to the MX-H zone, which does not necessitate such a stipulation.

Key Points:

- **Misapplication of Requirements:** Staff erroneously applied the "contiguous" land requirement to the MX-H zone, which is not required.
- **Definition Clarification:** The analysis clarifies the definitions of "contiguous" and "surrounding" using IDO and Merriam-Webster Dictionary definitions. It emphasizes the importance of using IDO definitions over dictionary terms in zoning contexts.
- **Minimum Acreage for Rezoning:** The analysis highlights strict stipulations for contiguous land in other zones as identified in the IDO, noting that MX-H does not have this requirement.
- **Staff's Interpretation:** Staff's interpretation of "surrounding" parcels as those directly bordering the site is considered overly stringent and inappropriate and is akin to the term "contiguous".
- **LUHO's View:** The Land Use Hearing Officer (LUHO) on the record agreed that staff may have misinterpreted or were overly onerous in their interpretation and application of definitions in not considering MX-H zones across the freeway as "surrounding".
- **Conclusion:** The analysis underscores the need for precise application of IDO requirements. It argues that the staff's misapplication of the contiguous land requirement for the MX-H zone has significant implications. Proximity to the nearest MX-H zone using typical industry and professional distances supports the argument against a spot zone designation.
-

Tierra West Position and discussion on Spot Zone Requirement:

In this analysis, we examine the requirements set forth by the Integrated Development Ordinance (IDO) for various zoning designations and zone map amendments. We contend that staff has erroneously applied the "contiguous" land requirement to the MX-H zone, which does not, in fact, necessitate such a stipulation. There are no requirements in the IDO which explicitly state that a zone map amendment to the MX-H zone district requires that other MX-H zones be "touching" the parcel which the zone map amendment request is for. There are clear stipulations for other zones such as the Non-Residential – Business Park zone district (NR-BP), the Planned Development (PD) zone district, and the Planned Community zone district (PC), which are outlined in this discussion. Additionally, we will delve into the definitions of "contiguous" and "surrounding" to clarify what we believe to be their proper usage within the context of zoning regulations.

Below are the definitions of prominent terms used in this case which are found in the IDO (2022 IDO Annual Update – Effective Draft July 2023), followed by definitions not found in the IDO but found in Merriam Webster’s Dictionary (Merriam-Webster.com Dictionary, Merriam-Webster, <https://www.merriam-webster.com>. Accessed June 27th, 2024) Application of terms from the dictionary must be done in a careful manner as the Dictionary was not written to regulate city planning, nor does it consider the nuance in land entitlement cases such as this one.

IDO Definitions:

Adjacent:

Those properties that are abutting or separated only by a street, alley, trail, or utility easement, whether public or private. See also Alley, Multi-use Trail, Private Way, Right-of-way, and Street.

Interstate Highway:

An access-controlled street that is part of the National Highway System. For the purposes of this IDO, this term includes all public right-of-way owned or controlled by NMDOT along Interstate Highway 25 and Interstate Highway 40 associated with the interstate highway, including but not limited to through lanes, frontage roads, on- and off-ramps, and interchanges.

Street:

The portion of a public right-of-way or private way, from curb to curb (or from edge of paving to edge of paving if there is no curb, or from edge of visible travel way to edge of visible travel way, if there is no paving), that is primarily devoted to vehicular use.

Mirriam Webster Definitions (

Contiguous

Being in actual contact: touching along a boundary or at a point

Surround noun

Something (such as a border or ambient environment) that surrounds

surround noun, as in surroundings

the circumstances, conditions, or objects by which one is surrounded

Staff Position on Spot Zone:

Below is an excerpt taken from a project memo provided by Staff on January 24, 2024, regarding criterion H of a zone map amendment request: Criterion H specifically addresses spot zones.

According to the IDO, this request would result in a “spot zone,” wherein the zoning map amendment would “apply a zone district different from surrounding zone districts to one small area or one premises.” According to the Merriam-Webster Dictionary, “surrounding” is defined as “to enclose on all sides.” For the purpose of our analysis, we interpret “surrounding” to include only the parcels that directly border (and thus enclose) the subject site. Parcels across a highway and in a different community than the subject site are not interpreted to “surround” the subject site, even though they might be technically classified as adjacent. Every parcel “surrounding” the subject site is zoned MX-T or MX-M.

The definition of “surrounding” was used by staff to determine if the request should be considered a spot zone. We pose that the definition of “surrounding” used by staff is inappropriate and overly stringent and was interpreted in a manner that was more akin to “contiguous”. To further clarify this issue, we must examine the definitions of “contiguous” and “surrounding” within the context of zoning regulations. The term “contiguous” generally refers to parcels of land that share a common boundary or are in direct physical contact. In contrast, “surrounding” denotes areas that encircle or are adjacent to a particular parcel but do not necessarily touch it directly.

Figure 4 and Figure 5 below clearly demonstrate that there are at least two parcels zoned MX-H that are in the “surrounding” area of the subject site. We used common planning measurements of 660-feet which is equal to 1/8th of a mile, and 1320 – feet which is equal to 1/4th of a mile.

These measurements are used throughout the IDO, specifically for Comprehensive Plan designations such as Premium Transit Area’s, Main Street Corridor Areas, and others. A quarter mile is generally considered the maximum distance most people are willing to walk to reach a destination, such as a transit stop, a store, or a park, without experiencing significant inconvenience. This distance is often referred to as the “pedestrian shed” or “walkshed.”. Thus, using this measurement applies logic to the use of the term ‘surrounding’ and clearly differentiates from the ‘contiguous’ requirement found in the IDO when considering zone map amendments to other zone districts.

LUHO Position on “Spot Zone”

Though the LUHO did not make an official determination, the following is an excerpt from the transcript of AC-24-11:

So, you can't -- I mean, to me, it's like how do you say the narrow definition of surrounding doesn't include the broad definition of adjacent until you get to the subsection part of the analysis of spot zoning, and then it applies. I don't know if that's reasonable. I'm just concerned with that.

So, I tend to lean with you on the fact that this is not a spot zone because there is an MX-H zone right across the freeway -- there's two of Them right across the freeway.

And if you include that right-of-way, then you're adjacent. I don't know. But convince me that that's the correct way to look at this.

IDO Rules on Contiguous Zoning

The spot zone determination by Staff (I do not have an official record of a ZEO determination regarding this issue) is very similar to how the IDO handles zone changes which require parcels to be contiguous. See examples, below:

NR – BP, Non-Residential Business Park

2-5(B)(3) District Standards

2-5(B)(3)(a) Eligibility for Rezoning to NR-BP

1. The minimum total **contiguous** area eligible for an NR-BP zone designation is 20 acres.

PD – Planned Development

2-6(A)(3) Eligibility for Rezoning to PD

2-6(A)(3)(a) A PD zone district must contain at least 2 but less than 20 **contiguous** acres of land.

PC – Planned Community

2-6(B)(3) Eligibility for Rezoning to PC

2-6(B)(3)(a) Each PC zone district must contain at least 100 **contiguous** acres of land...

The definition of “contiguous” more closely fits the way staff interpreted the word “surrounding” when considering the question of the spot zone. The IDO has strict requirements for certain zones, including a minimum acreage of contiguous land needed for eligibility for rezoning. It is important to note that although MX-H does not have this requirement, the applicant is being asked to justify a spot zone due to a lack of ‘contiguous’ MX-H zoning.

Staff incorrectly applied ‘contiguous’ to the requirements of the MX-H zone and thus interpreted this request as a ‘spot zone’. Requirements for ‘contiguous’ or ‘touching’ are clearly outlined in the IDO and were not meant to include the MX-H zone district. The MX-H zone, which typically pertains to mixed-use high-intensity development areas, does not explicitly require the minimum contiguous land stipulation. This oversight has significant implications for zoning decisions and highlights the need for precise adherence to the IDO's provisions.

The misapplication of the contiguous land requirement to the MX-H zone by staff highlights the need for careful review and adherence to the ordinance's stipulations. Clarifying the definitions of “contiguous” and “surrounding” and examining Tierra West's position on the application of the word ‘surrounding’ to a spot zone provides a comprehensive understanding of the zoning regulations.

Furthermore, it has been shown that the distance from the subject site to the nearest MX-H zone is less than 660 feet (see figures three and four, below). This proximity shows that there are other parcels zoned as MX-H within the “surrounding” area and further supports the position that our

request does not result in a spot zone. It is imperative that this and future zoning decisions reflect these clarified interpretations to ensure equitable and consistent urban development.

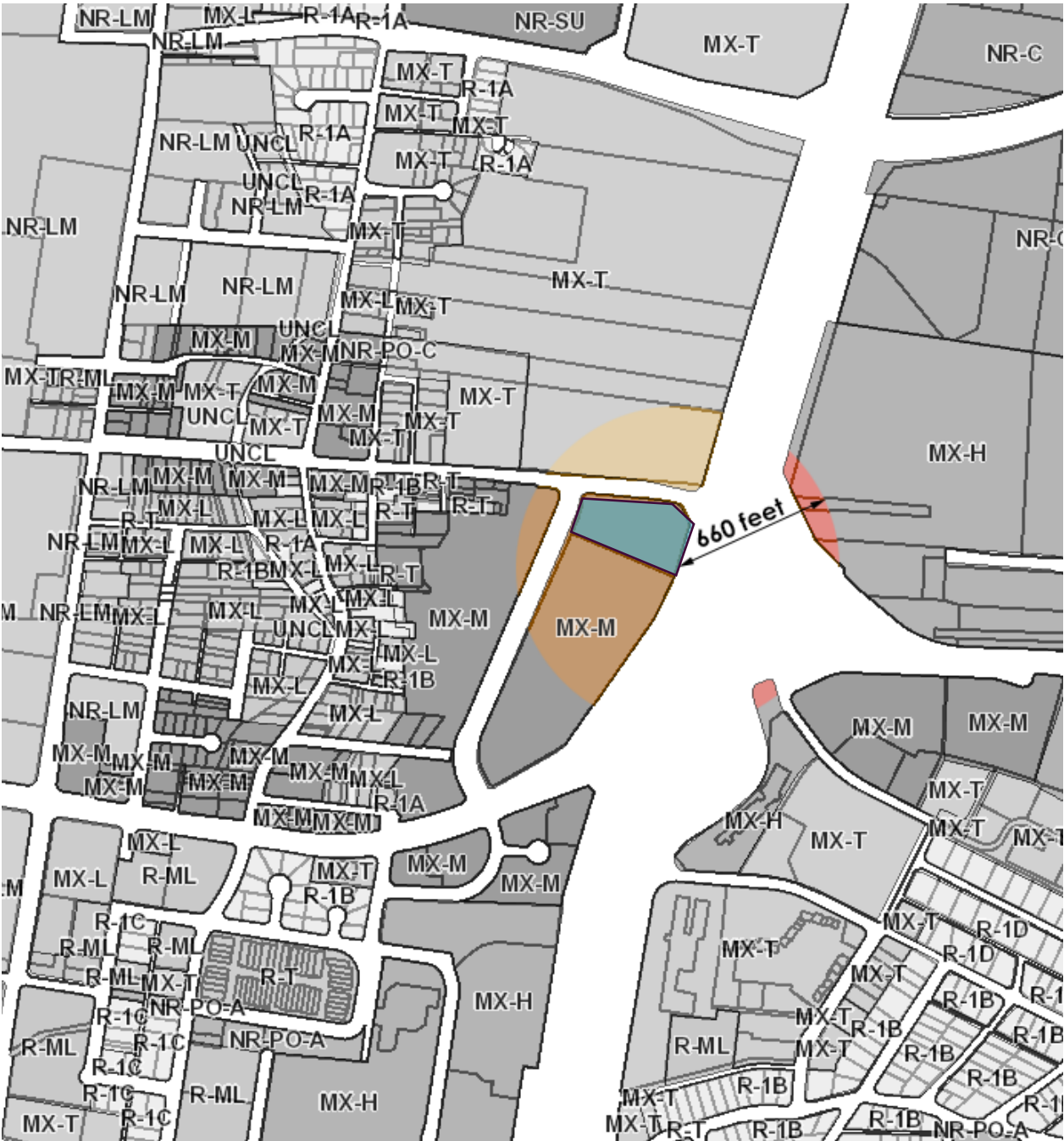


Figure 4: Zoning within 660' of subject Site

D) STAFF INFORMATION

Project Memo

TO: Sergio Lozoya
Tierra West, LLC
FROM: Megan Jones, Principal Planner
Vicente Quevedo, Senior Planner
City of Albuquerque Planning Department
TEL: (505) 924-3352
RE: PR-2024-009765 RZ-2024-00001_1100 Woodward PI NE ZMA REMAND

The LUHO decision for AC-24-11 regarding the request for a zone change from MX-M to MX-H at 1100 Woodward PI NE is a REMAND to be heard De Novo.

Staff will need an updated Justification letter and supplemental information by:

Monday June 3rd at 5 PM (to be analyzed by staff for the June 20th EPC hearing)

and renotification by:

Wednesday June 5th at 9:00 AM

1. 6 LUHO instructions for AC-24-11 shall be met for this case. See attached decision.
2. The following Items are needed in an updated application package to be reconsidered by the EPC:
 - Renotification per IDO 6-4(K) no later than June 5. This includes a new sign posting, notification to property owners, and notification to Neighborhood Associations.
 - Justification letter revisions were requested by Thursday, May 30th via email based on discussions had during the LUHO hearing. Please let us know if you cannot meet today's deadline.
 - The new Justification letter will require:
 - An updated spot zone justification
 - updated discussion regarding harmful uses and the relation to the CPO-7 & the Controlling site plan
 - incorporate more info about the controlling site plan
 - discuss the proposed future use (being heard separately)
3. Controlling Site Plan for the subject site:
 - The most recent amendment to the Gateway Center SDP for subdivision is the controlling document for the Site.
 - It was amended by the DRB on 2/17/1997 and included a revision to area three which reflects the most updated plat for a 2.78 acre Tract and up to 182,856 GFS (DRB-97-466). See attached.

- This needs to be reflected in the record for the site for the zone change and the subsequent major amendment request.

E) PUBLIC NOTICE

Notification Per – IDO

14-16-6-4(K)

6/25/24

Neighborhood

Association – Emailed

Notice

1100 Woodward PI NE _ Public Notice Inquiry Sheet Submission

Office of Neighborhood Coordination <onc@cabq.gov>

Thu 5/30/2024 2:53 PM

To: Adam Johnstone <AJohnstone@tierrawestllc.com>

1 attachments (2 MB)
3 - Zone Atlas J-15-Z.pdf;

PLEASE NOTE:
The neighborhood association contact information listed below is valid for 30 calendar days after today's date.

Dear Applicant:

Please find the neighborhood contact information listed below. Please make certain to read the information further down in this e-mail as it will help answer other questions you may have.

Association Name	Association Email	First Name	Last Name	Email	Address Line 1	City	State	Zip	Phone
Santa Barbara Martineztown NA	sbmartineztown@gmail.com	Loretta	Naranjo Lopez	lnjalopez@msn.com	1127 Walter NE	Albuquerque	NM	87102	5052707
Santa Barbara Martineztown NA	sbmartineztown@gmail.com	Andrew	Tafoya Leverett	salamdezia@gmail.com	1529 Edith BLVD NE	Albuquerque	NM	87102	5056152

The ONC does not have any jurisdiction over any other aspect of your application beyond this neighborhood contact information. We can't answer questions about sign postings, pre-construction meetings, permit status, site plans, buffers, or project plans, so we encourage you to contact the Planning Department at: 505-924-3857 Option #1, e-mail: devhelp@cabq.gov, or visit: <https://www.cabq.gov/planning/online-planning-permitting-applications> with those types of questions.

Please note the following:

- You will need to e-mail each of the listed contacts and let them know that you are applying for an approval from the Planning Department for your project.
- Please use this online link to find the required forms you will need to submit your permit application: <https://www.cabq.gov/planning/urban-design-development/public-notice>.
- The Checklist form you need for notifying neighborhood associations can be found here: https://documents.cabq.gov/planning/online-forms/PublicNotice/CABQ-Official_public_notice_form-2019.pdf
- The Administrative Decision form you need for notifying neighborhood associations can be found here: <https://documents.cabq.gov/planning/online-forms/PublicNotice/Emailed-Notice-Administrative-Print&Fill.pdf>
- Once you have e-mailed the listed contacts in each neighborhood, you will need to attach a copy of those e-mails AND a copy of this e-mail from the ONC to your application and submit it to the Planning Department for approval.

If your application requires you to offer a neighborhood meeting, you can click on this link to find required forms to use in your e-mail to the neighborhood association(s): <http://www.cabq.gov/planning/urban-design-development/neighborhood-meeting-requirement-in-the-integrated-development-ordinance>

If your application requires a pre-application or pre-construction meeting, please plan on utilizing virtual platforms to the greatest extent possible and adhere to all current Public Health Orders and recommendations. The health and safety of the community is paramount.

If you have questions about what type of notification is required for your particular project or meetings that might be required, please click on the link below to see a table of different types of projects and what notification is required for each: <https://ido.abc-zone.com/integrated-development-ordinance-ido?document=1&outline-name=6-1%20Procedures%20Summary%20Table>

Thank you,

Suzie



Suzie Flores

Senior Administrative Assistant

Office of Neighborhood Coordination (ONC) | City Council Department | City of Albuquerque
(505) 768-3334 Office
E-mail: suzannaflores@cabq.gov
Website: www.cabq.gov/neighborhoods

From: webmaster@cabq.gov <webmaster@cabq.gov>
Sent: Thursday, May 30, 2024 2:33 PM
To: Office of Neighborhood Coordination <AJohnstone@tierrawestllc.com>

Cc: Office of Neighborhood Coordination <onc@cabq.gov>

Subject: Public Notice Inquiry Sheet Submission

[EXTERNAL] Forward to phishing@cabq.gov and delete if an email causes any concern.

Public Notice Inquiry For:

Environmental Planning Commission

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

Contact Name

Adam Johnstone

Telephone Number

(505) 858-3100

Email Address

AJohnstone@tierrawestllc.com

Company Name

Tierra West, LLC

Company Address

5571 Midway Park Pl NE

City

Albuquerque

State

NM

ZIP

87109

Legal description of the subject site for this project:

TRACT A PLAT OF GATEWAY SUBDIVISION CONT 2.7845 AC

Physical address of subject site:

1100 Woodward Pl NE 87102

Subject site cross streets:

Mountain Rd & Woodward Pl NE

Other subject site identifiers:

UPC: 101505813522132101

This site is located on the following zone atlas page:

J-15-Z

Captcha

x

From: April Christie
Sent: Wednesday, June 26, 2024 9:09 AM
To: Injalopez@msn.com
Cc: Donna Bohannan; Sergio Lozoya; Jon Niski
Subject: [#2023123] 2023123 Rehab Hospital Mountain and I-25 - Neighborhood Association
Attachments: Loretta Naranja Lopez Notice.pdf; 3 - Zone Atlas J-15-Z.pdf; 2024.0507 - ARH Presentation Elevations.pdf; 2023123-SP-SP-1.pdf

12d Synergy: -1
12d Synergy Job: Tierra West llc/Projects/2023/2023123 Rehab Hospital Mountain and I-25
12d Synergy Project: Tierra West llc/Projects/2023/2023123 Rehab Hospital Mountain and I-25
12dSynergySendGUID: f21074f6-91b9-451f-9db4-1cd6d636e56f

Greetings,

We are writing to inform you of a Zone Map Amendment – EPC application at the City of Albuquerque, for a subject site located at 1100 Woodward Pl NE Albuquerque, NM.

We are requesting a zone map amendment from MX-M (Mixed-Use – Medium Intensity) to MX-H (Mixed-Use - Heavy Intensity).

The hearing we are applying for is scheduled July 18th, 2024

If you have any questions regarding the application, please contact Sergio Lozoya at 505-858-3100 or slozoya@tierrawestllc.com.

Enclosed you will find:

- Zone Atlas Page
- Presentation Elevations
- Proposed Site Plan

April Christie

Administrative Assistant
Tierra West LLC
5571 Midway Park Pl., NE
Albuquerque, NM 87109
505-858-3100
505-858-1118 (fax)
achristie@tierrawestllc.com
www.tierrawestllc.com

[Note: Items with an asterisk (*) are required.]

**Public Notice of a Proposed Project in the City of Albuquerque
for Decisions Requiring a Meeting or Hearing
Mailed/Emailed to a Neighborhood Association**

Date of Notice*: June 26, 2024

This notice of an application for a proposed project is provided as required by Integrated Development Ordinance (IDO) [Subsection 14-16-6-4\(K\) Public Notice](#) to:

Neighborhood Association (NA)*: Santa Barbara Martineztown NA

Name of NA Representative*: Andrew Tafoya Leverett

Email Address* or Mailing Address* of NA Representative¹: salamdezia@gmail.com

Information Required by [IDO Subsection 14-16-6-4\(K\)\(1\)\(a\)](#)

1. Subject Property Address* 1100 Woodward PI NE
Location Description Tract A Plat of Gateway Subdivision Containing 2.7845 Acres
2. Property Owner* JDHQ Land Holding LLC C/O Atrium Holding Company
3. Agent/Applicant* [if applicable] Tierra West, LLC
4. Application(s) Type* per IDO [Table 6-1-1](#) [mark all that apply]
 - Conditional Use Approval
 - Permit _____ (Carport or Wall/Fence – Major)
 - Site Plan
 - Subdivision _____ (Minor or Major)
 - Vacation _____ (Easement/Private Way or Public Right-of-way)
 - Variance
 - Waiver
 - Other: Zone Map Amendment to MX-H

Summary of project/request²*:

De novo rehearing of Zone Map Amendment from MX-M to MX-H

¹ Pursuant to [IDO Subsection 14-16-6-4\(K\)\(5\)\(a\)](#), email is sufficient if on file with the Office of Neighborhood Coordination. If no email address is on file for a particular NA representative, notice must be mailed to the mailing address on file for that representative.

² Attach additional information, as needed to explain the project/request.

[Note: Items with an asterisk (*) are required.]

5. This application will be decided at a public meeting or hearing by*:

- Zoning Hearing Examiner (ZHE) Development Hearing Officer (DHO)
- Landmarks Commission (LC) Environmental Planning Commission (EPC)

Date/Time*: July 18, 2024, 8:40 AM

Location*³: Zoom: https://cabq.zoom.us/j/2269592859

Agenda/meeting materials: <http://www.cabq.gov/planning/boards-commissions>

To contact staff, email devhelp@cabq.gov or call the Planning Department at 505-924-3860.

6. Where more information about the project can be found*⁴:

tierrawestllc.com | slozoya@tierrawestllc.com | (505) 858-3100

Information Required for Mail/Email Notice by [IDO Subsection 6-4\(K\)\(1\)\(b\)](#):

1. Zone Atlas Page(s)*⁵ J-15-Z

2. Architectural drawings, elevations of the proposed building(s) or other illustrations of the proposed application, as relevant*: Attached to notice or provided via website noted above

3. The following exceptions to IDO standards have been requested for this project*:

- Deviation(s) Variance(s) Waiver(s)

Explanation*:

4. A Pre-submittal Neighborhood Meeting was required by [Table 6-1-1](#): Yes No

Summary of the Pre-submittal Neighborhood Meeting, if one occurred:
A meeting offer was not required by the Land Use Hearing Officer (LUHO) for the de novo hearing.

Meetings were held on 1/18/24 and 1/30/24

Tierra West is in communication with SBMTNA legal counsel.

³ Physical address or Zoom link

⁴ Address (mailing or email), phone number, or website to be provided by the applicant

⁵ Available online here: <http://data.cabq.gov/business/zoneatlas/>

[Note: Items with an asterisk (*) are required.]

5. **For Site Plan Applications only***, attach site plan showing, at a minimum:
- a. Location of proposed buildings and landscape areas.*
 - b. Access and circulation for vehicles and pedestrians.*
 - c. Maximum height of any proposed structures, with building elevations.*
 - d. **For residential development***: Maximum number of proposed dwelling units.
 - e. **For non-residential development***:
 - Total gross floor area of proposed project.
 - Gross floor area for each proposed use.

Additional Information [Optional]:

From the IDO Zoning Map⁶:

1. Area of Property [typically in acres] 2.7845 Acres
 2. IDO Zone District MX-M
 3. Overlay Zone(s) [if applicable] CPO-7: Martineztown/Santa Barbara
 4. Center or Corridor Area [if applicable] Mountain Rd Major Transit Corridor, I-25 Frontage Major Transit Corridor
- Current Land Use(s) [vacant, if none] Vacant
-

NOTE: Pursuant to [IDO Subsection 14-16-6-4\(L\)](#), property owners within 330 feet and Neighborhood Associations within 660 feet may request a post-submittal facilitated meeting. If requested at least 15 calendar days before the public meeting/hearing date noted above, the facilitated meeting will be required. To request a facilitated meeting regarding this project, contact the Planning Department at devhelp@cabq.gov or 505-924-3955.

Useful Links

Integrated Development Ordinance (IDO):

<https://ido.abc-zone.com/>

IDO Interactive Map

<https://tinyurl.com/IDOzoningmap>

Cc: _____ [Other Neighborhood Associations, if any]

⁶ Available here: <https://tinurl.com/idozoningmap>

From: April Christie
Sent: Wednesday, June 26, 2024 9:09 AM
To: 'salamdezia@gmail.com'
Cc: Donna Bohannon; Sergio Lozoya; Jon Niski
Subject: [#2023123] 2023123 Rehab Hospital Mountain and I-25 - Neighborhood Association
Attachments: Andrew Tafoya Leverett Notice.pdf; 3 - Zone Atlas J-15-Z.pdf; 2024.0507 - ARH Presentation Elevations.pdf; 2023123-SP-SP-1.pdf

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We are requesting a zone map amendment from MX-M (Mixed-Use – Medium Intensity) to MX-H (Mixed-Use - Heavy Intensity).

The hearing we are applying for is scheduled July 18th, 2024

If you have any questions regarding the application, please contact Sergio Lozoya at 505-858-3100 or slozoya@tierrawestllc.com.

Enclosed you will find:

- Zone Atlas Page
- Presentation Elevations
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April Christie

Administrative Assistant
Tierra West LLC
5571 Midway Park Pl., NE
Albuquerque, NM 87109
505-858-3100
505-858-1118 (fax)
achristie@tierrawestllc.com
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[Note: Items with an asterisk (*) are required.]

**Public Notice of a Proposed Project in the City of Albuquerque
for Decisions Requiring a Meeting or Hearing
Mailed/Emailed to a Neighborhood Association**

Date of Notice*: June 26, 2024

This notice of an application for a proposed project is provided as required by Integrated Development Ordinance (IDO) [Subsection 14-16-6-4\(K\) Public Notice](#) to:

Neighborhood Association (NA)*: Santa Barbara Martineztown NA

Name of NA Representative*: Loretta Naranjo Lopez

Email Address* or Mailing Address* of NA Representative¹: Injalopez@msn.com

Information Required by [IDO Subsection 14-16-6-4\(K\)\(1\)\(a\)](#)

1. Subject Property Address* 1100 Woodward PI NE
Location Description Tract A Plat of Gateway Subdivision Containing 2.7845 Acres
2. Property Owner* JDHQ Land Holding LLC C/O Atrium Holding Company
3. Agent/Applicant* [if applicable] Tierra West, LLC
4. Application(s) Type* per IDO [Table 6-1-1](#) [mark all that apply]
 - Conditional Use Approval
 - Permit _____ (Carport or Wall/Fence – Major)
 - Site Plan
 - Subdivision _____ (Minor or Major)
 - Vacation _____ (Easement/Private Way or Public Right-of-way)
 - Variance
 - Waiver
 - Other: Zone Map Amendment to MX-H

Summary of project/request²*:

De novo rehearing of Zone Map Amendment from MX-M to MX-H

¹ Pursuant to [IDO Subsection 14-16-6-4\(K\)\(5\)\(a\)](#), email is sufficient if on file with the Office of Neighborhood Coordination. If no email address is on file for a particular NA representative, notice must be mailed to the mailing address on file for that representative.

² Attach additional information, as needed to explain the project/request.

[Note: Items with an asterisk (*) are required.]

5. This application will be decided at a public meeting or hearing by*:

- Zoning Hearing Examiner (ZHE) Development Hearing Officer (DHO)
- Landmarks Commission (LC) Environmental Planning Commission (EPC)

Date/Time*: July 18, 2024, 8:40 AM

Location*³: Zoom: https://cabq.zoom.us/j/2269592859

Agenda/meeting materials: <http://www.cabq.gov/planning/boards-commissions>

To contact staff, email devhelp@cabq.gov or call the Planning Department at 505-924-3860.

6. Where more information about the project can be found*⁴:

tierrawestllc.com | slozoya@tierrawestllc.com | (505) 858-3100

Information Required for Mail/Email Notice by [IDO Subsection 6-4\(K\)\(1\)\(b\)](#):

1. Zone Atlas Page(s)*⁵ J-15-Z

2. Architectural drawings, elevations of the proposed building(s) or other illustrations of the proposed application, as relevant*: Attached to notice or provided via website noted above

3. The following exceptions to IDO standards have been requested for this project*:

- Deviation(s) Variance(s) Waiver(s)

Explanation*:

4. A Pre-submittal Neighborhood Meeting was required by [Table 6-1-1](#): Yes No

Summary of the Pre-submittal Neighborhood Meeting, if one occurred:
A meeting offer was not required by the Land Use Hearing Officer (LUHO) for the de novo hearing.

Meetings were held on 1/18/24 and 1/30/24

Tierra West is in communication with SBMTNA legal counsel.

³ Physical address or Zoom link

⁴ Address (mailing or email), phone number, or website to be provided by the applicant

⁵ Available online here: <http://data.cabq.gov/business/zoneatlas/>

[Note: Items with an asterisk (*) are required.]

- 5. **For Site Plan Applications only***, attach site plan showing, at a minimum:
 - a. Location of proposed buildings and landscape areas.*
 - b. Access and circulation for vehicles and pedestrians.*
 - c. Maximum height of any proposed structures, with building elevations.*
 - d. **For residential development***: Maximum number of proposed dwelling units.
 - e. **For non-residential development***:
 - Total gross floor area of proposed project.
 - Gross floor area for each proposed use.

Additional Information [Optional]:

From the IDO Zoning Map⁶:

- 1. Area of Property [typically in acres] 2.7845 Acres
 - 2. IDO Zone District MX-M
 - 3. Overlay Zone(s) [if applicable] CPO-7: Martineztown/Santa Barbara
 - 4. Center or Corridor Area [if applicable] Mountain Rd Major Transit Corridor, I-25 Frontage Major Transit Corridor
- Current Land Use(s) [vacant, if none] Vacant

NOTE: Pursuant to [IDO Subsection 14-16-6-4\(L\)](#), property owners within 330 feet and Neighborhood Associations within 660 feet may request a post-submittal facilitated meeting. If requested at least 15 calendar days before the public meeting/hearing date noted above, the facilitated meeting will be required. To request a facilitated meeting regarding this project, contact the Planning Department at devhelp@cabq.gov or 505-924-3955.

Useful Links

Integrated Development Ordinance (IDO):

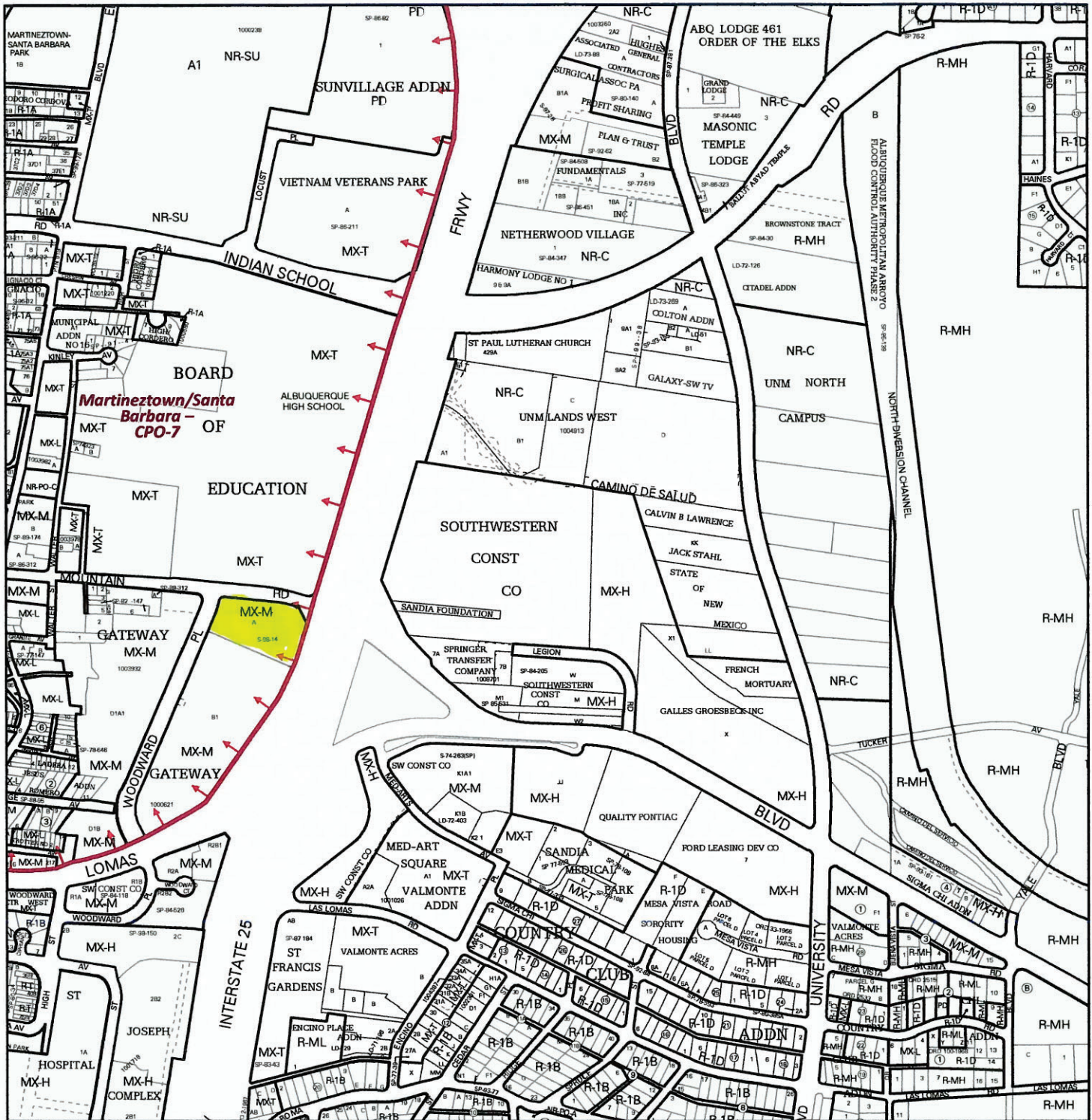
<https://ido.abc-zone.com/>

IDO Interactive Map

<https://tinyurl.com/IDOzoningmap>

Cc: _____ [Other Neighborhood Associations, if any]


⁶ Available here: <https://tinurl.com/idozoningmap>



For more details about the Integrated Development Ordinance visit: <http://www.cabq.gov/planning/codes-policies-regulations/integrated-development-ordinance>

IDO Zone Atlas

May 2018



IDO Zoning information as of May 17, 2018

The Zone Districts and Overlay Zones are established by the Integrated Development Ordinance (IDO).

Zone Atlas Page: **J-15-Z**

Easement Escarpment

Petroglyph National Monument

Areas Outside of City Limits

Airport Protection Overlay (APO) Zone

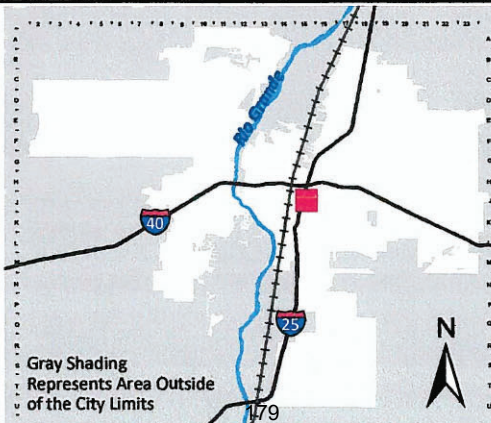
Character Protection Overlay (CPO) Zone

Historic Protection Overlay (HPO) Zone

View Protection Overlay (VPO) Zone

Gray Shading Represents Area Outside of the City Limits

0 250 500 1,000 Feet



[Note: Items with an asterisk (*) are required.]

Public Notice of a Hearing in the City of Albuquerque for a Policy Decision

Date of Notice*: 6/27/24

This notice of an application for a proposed project is provided as required by Integrated Development Ordinance (IDO) [IDO §14-16-6-4\(K\)](#).¹

- Emailed / mailed notice to Neighborhood Association Representatives on the attached list from the Office of Neighborhood Coordination.*
- Mailed notice to Property Owners within 100 feet of the Subject Property.

Information Required by [IDO §14-16-6-4\(K\)\(1\)\(a\)](#)

1. Subject Property Address* 1100 Woodward PI NE
Location Description 1100 Woodward PI NE
2. Property Owner* Tract A Plat of Gateway Subdivision Containing 2.7845 Acres
3. Agent/Applicant [if applicable] Tierra West, LLC
4. Application(s) Type* per IDO [Table 6-1-1](#) [mark all that apply]
 Zoning Map Amendment EPC - MX-M to MX-H (EPC or Council)
 Other: _____
Summary of project/request²*:
Request to amend IDO Zoning Map from MX-M to MX-H
De novo rehearing of Zone Map Amendment from MX-M to MX-H February 15, 2024
5. This application will be decided at a public hearing by*:
 Environmental Planning Commission (EPC) City Council
This application will be first reviewed and recommended by:
 Environmental Planning Commission (EPC) Landmarks Commission (LC)
 Not applicable (Zoning Map Amendment – EPC only)
Hearing Date/Time*: July 18, 2024, 8:40 AM
Location*³: Zoom: <https://cabq.zoom.us/j/2269592859>

¹ Please mark as relevant. See [IDO Table 6-1-1](#) for notice requirements.

² Attach additional information, as needed to explain the project/request.

³ Physical address or Zoom link

[Note: Items with an asterisk (*) are required.]

Agenda/meeting materials: <http://www.cabq.gov/planning/boards-commissions>

To contact staff, email devhelp@cabq.gov or call the Planning Department at 505-924-3860 and select the option for “Boards, Commissions, and ZHE signs.”

6. Where more information about the project can be found*:

Preferred project contact name: Tierra West LLC

Email: slozoya@tierrawestllc.com

Phone: 505-858-3100

Online website or project page: _____

Attachments: As required

Information Required for Mail/Email Notice by [IDO §14-16-6-4\(K\)\(1\)\(b\)](#):

1. Zone Atlas Page(s)*⁴ J-15-Z

2. A Pre-submittal Neighborhood Meeting was required by [Table 6-1-1](#): Yes No

Summary of the Pre-submittal Neighborhood Meeting, if one occurred:

A meeting offer was not required by the Land Use Hearing Officer (LUHO) for the de novo hearing.

Meetings were held on 1/18/24 and 1/30/24

Tierra West is in communication with SBMTNA legal counsel.

[Note: The meeting report is required to be provided in the application materials.]

Additional Information from IDO Zoning Map⁵:

1. Area of Property [typically in acres] 2.7845 Acres

2. IDO Zone District MX-M

3. Overlay Zone(s) [if applicable] CPO-7

4. Center or Corridor Area [if applicable] Mountain Rd Major Transit Corridor, I-25 Frontage Major Transit Corridor

5. Current Land Use(s) [vacant, if none] Vacant

NOTE: Pursuant to [IDO §14-16-6-4\(L\)](#), property owners within 330 feet and Neighborhood Associations within 660 feet may request a post-submittal facilitated meeting up to 15 calendar days before the public hearing date. Contact the Planning Department at devhelp@cabq.gov or 505-924-3860 and select the option for “Boards, Commissions, and ZHE signs.”

Integrated Development Ordinance (IDO): <https://ido.abc-zone.com>

⁴ Available online here: <http://data.cabq.gov/business/zoneatlas>

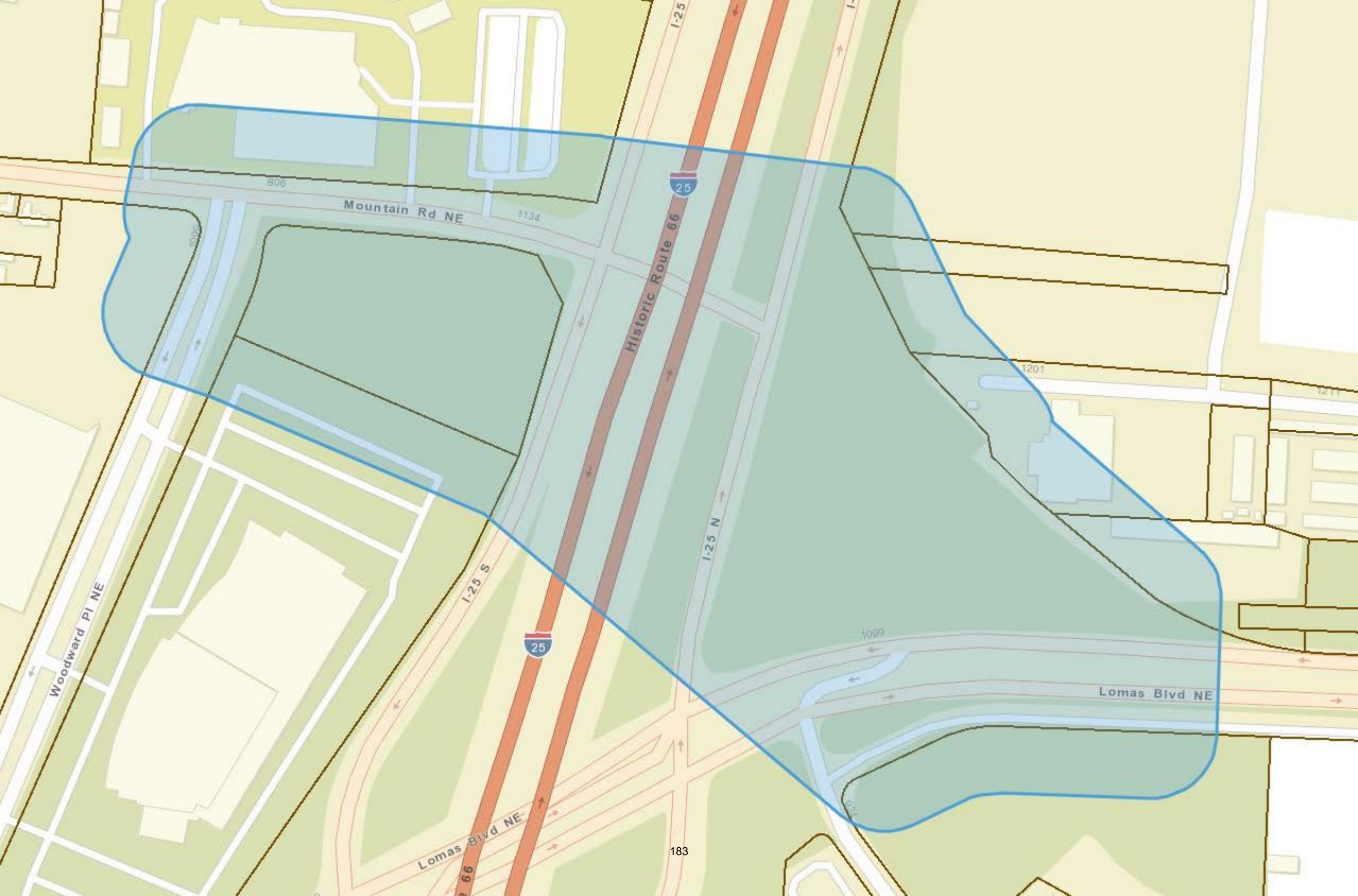
⁵ Available here: <https://tinyurl.com/idozoningmap>

Notification Per – IDO

14-16-6-4(K)

6/27/24

100' Buffer



Mountain Rd NE

Historic Route 66

Lomas Blvd NE

Lomas Blvd NE

JDHQ HOTELS LLC ATTN: ATRIUM
HOSPITALITY
12735 MORRIS RD SUITE 400 EXT
ALPHARETTA GA 30004-8904

REGENTS OF UNM C/O REAL ESTATE
DEPT
1 UNIVERSITY OF NM MSC06 3595
ALBUQUERQUE NM 87131-0001

JDHQ LAND HOLDING LLC C/O
ATRIUM HOLDING COMPANY
12735 MORRIS RD SUITE 400 EXT
ALPHARETTA GA 30004-8904

BOARD OF EDUCATION C/O
PROPERTY MANAGER
PO BOX 25704
ALBUQUERQUE NM 87125-0704

REGENTS OF UNM C/O REAL ESTATE
DEPT
1 UNIVERSITY OF NM MSC06 3595
ALBUQUERQUE NM 87131-0001

SANDIA FOUNDATION C/O PARADIGM
TAX GROUP - ESS #0116 6890 S 2300 E
PO BOX 71870
SALT LAKE CITY UT 84171-0870

REGENTS OF UNM REAL ESTATE DEPT
MSC06-3595-1 UNIVERSITY OF NM
ALBUQUERQUE NM 87131-0001

HUGH A CARLISLE POST 13 DEPT OF
NEW MEXICO
1201 MOUNTAIN RD NE
ALBUQUERQUE NM 87102-2716

TRICORE REFERENCE LABORATORIES
1001 WOODWARD PL NE
ALBUQUERQUE NM 87102

Language Access Notice:

We provide free interpretation services to help you communicate with us. If you need help, you can request interpretation at any service counter in our Department, located in the Plaza Del Sol building, 600 2nd Street NW, Albuquerque, NM 87102.

Notificación de Acceso Lingüístico.

Ofrecemos servicios gratuitos de interpretación para ayudarlo a comunicarse con nosotros. Si necesita ayuda, puede solicitar servicios de interpretación en cualquier mostrador de servicio de nuestro Departamento, ubicado en el edificio Plaza Del Sol, 600 2nd Street NW, Albuquerque, NM 87102.

語言輔助通知。我們提供免費口譯服務，以幫助你與我們溝通。如果你需要幫助，你可以在我們部門的任何服務台請求口譯，服務台位於 Plaza Del Sol大樓，600 2nd Street NW，阿爾伯克基，NM 87102。

Thông báo về cách Tiếp cận Ngôn ngữ. Chúng tôi cung cấp các dịch vụ thông dịch miễn phí để giúp quý vị giao tiếp với chúng tôi. Nếu quý vị cần giúp đỡ, quý vị có thể yêu cầu thông dịch tại bất cứ quầy dịch vụ nào trong Sở của chúng tôi, tọa lạc tại tòa nhà Plaza Del Sol, 600 2nd Street NW, Albuquerque, NM 87102.

Saad Hadahwiis'a O'oolkaah bee dah na'astsooz. Nihi bik'inaaszil t'aadoo baahilinigoo 'ata' hashne' tse'esgizii ach'i' dzaadi! Dzaadi! Danihi dahootahgoo bee nihi-. Daa' danihi bidin nishli dzaadi! Dzaadi! Danihi bineesh'a yinishkeed 'ata' hashne' -di t'aa biholniihgoo tse'esgizii ket'aaz -di nihihgii dah diikaah, -k'eh -di tsin Plaza Del Sol Kiniit'aagoo, 600 2nd Kiniit'aa NW, Albuquerque, NM 87102.

062S0001443244



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<input type="checkbox"/> Return Receipt (electronic)	\$ _____
<input type="checkbox"/> Certified Mail Restricted Delivery	\$ _____
<input type="checkbox"/> Adult Signature Required	\$ _____
<input type="checkbox"/> Adult Signature Restricted Delivery	\$ _____

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BOARD OF EDUCATION C/O
 PROPERTY MANAGER
 PO BOX 25704
 ALBUQUERQUE NM 87125-0704

City, State, ZIP+4™

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions



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ALBUQUERQUE NM 87125-0704

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Extra Services & Fees (check box, add fee as appropriate)		
<input type="checkbox"/> Return Receipt (hardcopy)	\$	
<input type="checkbox"/> Return Receipt (electronic)	\$	
<input type="checkbox"/> Certified Mail Restricted Delivery	\$	
<input type="checkbox"/> Adult Signature Required	\$	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$	

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HUGH A CARLISLE POST 13 DEPT OF
NEW MEXICO
1201 MOUNTAIN RD NE
ALBUQUERQUE NM 87102-2716

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions



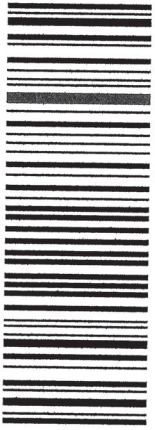
HUGH A CARLISLE POST 13 DEPT OF NEW MEXICO
1201 MOUNTAIN RD NE
ALBUQUERQUE NM 87102-2716

062S0001443199



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7022 3330 0001 0711 0787

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Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$ _____
<input type="checkbox"/> Return Receipt (electronic)	\$ _____
<input type="checkbox"/> Certified Mail Restricted Delivery	\$ _____
<input type="checkbox"/> Adult Signature Required	\$ _____
<input type="checkbox"/> Adult Signature Restricted Delivery	\$ _____

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JDHQ HOTELS LLC ATTN: ATRIUM
HOSPITALITY
12735 MORRIS RD SUITE 400 EXT
ALPHARETTA GA 30004-8904

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions



JDHQ HOTELS LLC ATTN: ATRIUM HOSPITALITY
12735 MORRIS ROAD EXT STE 400
ALPHARETTA GA 30004-8904

062S0001443214



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Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$ _____
<input type="checkbox"/> Return Receipt (electronic)	\$ _____
<input type="checkbox"/> Certified Mail Restricted Delivery	\$ _____
<input type="checkbox"/> Adult Signature Required	\$ _____
<input type="checkbox"/> Adult Signature Restricted Delivery	\$ _____

Postmark
Here

Postage
JDHQ LAND HOLDING LLC C/O
ATRIUM HOLDING COMPANY
12735 MORRIS RD SUITE 400 EXT
ALPHARETTA GA 30004-8904

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions



JDHQ LAND HOLDING LLC C/O ATRIUM HOLDING COMPANY
12735 MORRIS ROAD EXT STE 400
ALPHARETTA GA 30004-8904

062S0001443230



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FROM 87109
06/27/2024
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7022 3330 0001 0711 0770

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Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

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Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$

Postmark
Here

REGENTS OF UNM C/O REAL ESTATE
DEPT
1 UNIVERSITY OF NM MSC06 3595
ALBUQUERQUE NM 87131-0001

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PO BOX 71870
SALT LAKE CITY UT 84171-0870

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PO BOX 71870
SALT LAKE CITY UT 84171-0870

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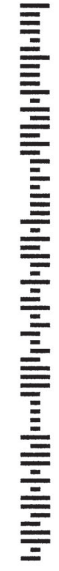
OFFICIAL USE

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TRICORE REFERENCE LABORATORIES
1001 WOODWARD PL NE
ALBUQUERQUE NM 87102

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TRICORE REFERENCE LABORATORIES
1001 WOODWARD PL NE
ALBUQUERQUE NM 87102-2705

LLC
ACE NE
87109

F) NEIGHBORHOOD MEETING REPORT

**Post Application Facilitated Meeting Report
CABQ ADR Office**

EPC Case #: RZ-2024-00001

Subject Property Location: 1100 Woodward Place, NE

Date Submitted: January 24, 2024

Submitted By: Tyson Hummell

Meeting Date/Time: January 18, 2024, 6:00 pm

Meeting Location: 1420 Edith Boulevard, NE

Facilitator: Tyson Hummell, CABQ ADR Office

Applicant / Presenter: Sergio Lozoya; Tierra West, LLC.

Community Stakeholders: SBMTNA

Background:

Applicant seeks an IDO zone map amendment, from MX-M to MX-H. The purpose of this zone map amendment is to allow a physical rehabilitation hospital to be developed on the subject, vacant property. EPC approval is a threshold requirement in said process. Please refer to actual EPC Application and Staff Report for full and specific proposed details.

Meeting Summary:

The purpose of the post-application meeting was to engage Community Stakeholders, provide accurate information regarding this application, and to address Community questions and concerns. This Facilitated Meeting Report is to present the topics covered, Community questions and Community concerns. No negotiated agreements were considered or discussed in this meeting.

Sergio Lozoya gave a detailed presentation of relevant information regarding the subject application. Content included, but was not limited to:

1. Application Purpose, Scope and Intent
 - a. Nature of proposed site, building and operational characteristics
 - b. Potential Community benefits
 - i. Location and available infrastructure will mitigate historical character impacts, within SBMT
 - ii. Employment Opportunities
 - iii. Needed Medical Services
 - iv. Low comparative impacts w/re other allowed uses
 - c. Other preemptive impact mitigation
 - i. CABQ Traffic Engineering Review and Approval
2. Appropriateness of proposed land use, pursuant to most recent Sector Development Plan and IDO
 - a. Proposed use is consistent with intent of IDO
 - b. Comparative Sector Plan Zoning designations also support proposed use.

Topics of Inquiry and Community Concerns:

1. Q: *Will there be a formal traffic study?*
A: Yes, if required. However, the City Traffic Engineer has already approved.
2. Q: *Will Applicant consider a smaller facility? (approximately 1/2 of proposed size)*
A: Not at this time.
3. Q: *Will Applicant consider a different type of land use, on this site, if this application is denied?*
A: No. Applicant is only interested in purchasing / developing this site for this specific use. If denied, Applicant will not purchase or develop this site.
4. Q: *Where will the primary traffic entry and exit point be located?*
A: Primary ingress / egress point will be off Woodward Place, NE.

Community Stakeholder Objections

1. Community state that IDO MX-H designation is not equivalent to Sector Plan C-3 designation.
 - a. Community Stakeholders feel that proposed use is not appropriate.
2. Traffic
 - a. Increased Congestion
 - b. Safety
 - i. School in proximity and related foot traffic
 - ii. Excessive speed and accidents on adjacent frontage road may increase.
3. Procedure
 - a. Community Stakeholders objected to Applicants' submission, prior to date of meeting.

*Community Stakeholders made several additional objections, which were not related to the subject application. Those objections were omitted, here.

Procedural Timing and Meeting Type:

This matter was initially referred to ADR as a Pre-Application Neighborhood Meeting request. However, Applicant submitted prior to the 1/18 meeting date. Therefore, this was actually delivered as a Post-Submittal Facilitated Meeting.

Relevant timeline is as follows:

- SBMTNA requested a Pre-Application Neighborhood Meeting on Tuesday, November 21, 2023, and proposed a Pre-Application meeting date of January 18, 2024 (in-person).
- On November 29, 2024, Applicant objected to the proposed date, citing undue delay.

- ADR Office then offered a ZOOM meeting format, with flexible availability, beginning as early as December 4, 2023.
- SBMTNA was adamant that the meeting be held on January 18, 2024 (in person).
- Applicant disclosed post-application status during January 18 Facilitated Meeting

Outcome

No agreement was negotiated or achieved. Community Stakeholders expressed general objection to the Application, as presented.

Names & Affiliations of Participants:

Applicant Team:

Tierra West, LLC	Sergio Lozoya Adam Johnstone
------------------	---------------------------------

Community Stakeholder Participants:

SBMTNA	All attendees of SBMTNA Regular Meeting on 1/18/2024 <i>*Regular Meeting records created and retained by SBNTNA*</i>
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City Participants:

Tyson Hummell	CABQ ADR Office
---------------	-----------------

G) PUBLIC COMMENT



EMBASSY SUITES

by HILTON™

Albuquerque Hotel & Spa

Jonathan R. Hollinger

July 10, 2024

Chair, Environmental Planning Commission

City of Albuquerque

600 Second Street NW

Albuquerque, NM 87102

RE: SUPPORT FOR THE NOBIS ALBUQUERQUE REHABILITATION HOSPITAL

EPC Project and Case Numbers: PR-2024-009765, RZ-2024-00001 Zone Map Amendment and SI-2024-00468, Site Plan-EPC, Major Amendment @ Gateway Center/1100 Woodward Pl NE

Hello EPC Commissioners:

I am a General Manager of the Embassy Suites by Hilton Albuquerque, located off Lomas Blvd at 1000 Woodward Pl NE. As a key part of the local business community, Embassy Suites is supportive of initiatives that contribute to the overall well-being and growth of Albuquerque.

I am writing to voice our support for the NOBIS Albuquerque Rehabilitation Hospital and the requests being brought forward to the Environmental Planning Commission on July 18th. This development is a desirable use that furthers the health and well-being of our community, families, and friends in multiple ways, including the following:

1. **Addressing Healthcare Needs:** Our state lacks sufficient hospital care, leaving many without necessary support. An intensive care rehabilitation hospital will free up beds in our hospital system for other high-needs patients.
2. **Social Infrastructure:** Healthcare is more than treatment—it's social infrastructure. This project represents an investment in the well-being of our community. This is especially important as our communities, families, and neighbors age.
3. **Job Creation:** Approximately 100 healthcare jobs will be created—60 during the day and 40 at night—boosting our local economy and providing essential services.
4. **Strategic Location:** Situated in our greater downtown area, this project will build on an infill site adjacent to other medical uses, and will add a buffer between residential neighborhoods and the freeway.
5. **Compatibility:** We see no adverse impact to our hotel operation and find it to be a very compatible adjacent use. Located directly north of our hotel, the proposed hospital can include family members traveling from across the state. To the extent of any such travel,

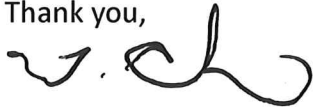
we believe our hotel will provide a comfortable place for family member to stay while supporting their loved ones in rehabilitation.

6. **Specialized Care:** We understand that this hospital will bring a specialized rehabilitation facility to New Mexico for complex issues like stroke, spinal cord injury, brain injury, and other medical and neurological disorders.

The requests being brought forward include a Major Amendment to a Site Plan controlled by the EPC and a zone map amendment from MX-M to MX-H.

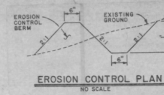
In closing, we want to express our full support for this project and the medical and economic benefits it will bring to our community.

Thank you,

A handwritten signature in black ink, appearing to read 'Thad Clark', with a stylized, cursive flourish at the end.

Thad Clark
Hotel General Manager

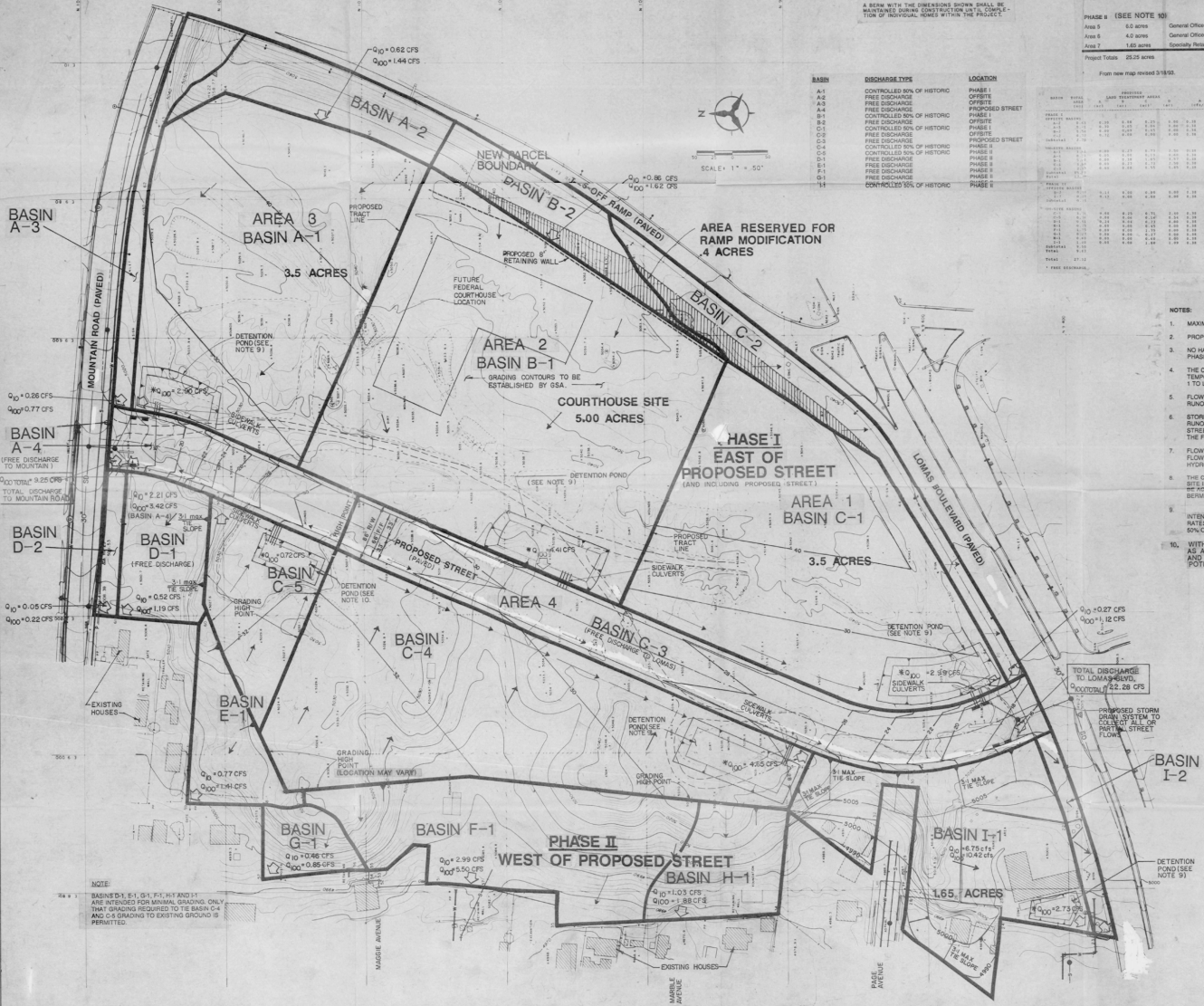
H) CONTROLLING SITE PLAN



GATEWAY CENTER
Land Use Schedule

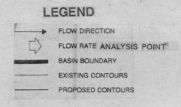
Zone	Average Density	Use	Building Area	Height	FAR
PHASE I (TO BE PLATTED)					
Area 1	3.5 acres	General Office or Hotel	200,000 GSF	180 feet	1.85
Area 2	5.0 acres	General Office (Courtroom)	300,000 GSF	180 feet	1.85
Area 3	3.5 acres	General Office	270,000 GSF	180 feet	1.65
Area 4	1.6 acres	Public Street Right-of-Way	n/a	n/a	0.0
PHASE II (SEE NOTE 10)					
Area 5	6.0 acres	General Office	110,000 GSF	60 feet	0.50
Area 6	4.0 acres	General Office	70,000 GSF	60 feet	0.50
Area 7	1.6 acres	General Office & Restaurant	60,000 GSF	50 feet	0.22
Phase II Total	25.20 acres		1,060,000 GSF	n/a	1.0

From new map issued 3/19/92.



Basin	Area	Discharge Type	Location
A-1	3.5	Controlled 50% of Historic	Phase I
A-2	5.0	Free Discharge	Offsite
A-3	3.5	Free Discharge	Offsite
A-4	1.6	Controlled 50% of Historic	Proposed Street
B-1	5.0	Free Discharge	Offsite
B-2	5.0	Controlled 50% of Historic	Phase I
C-1	3.5	Free Discharge	Proposed Street
C-2	3.5	Controlled 50% of Historic	Phase I
C-3	3.5	Free Discharge	Proposed Street
C-4	3.5	Controlled 50% of Historic	Phase I
C-5	3.5	Free Discharge	Proposed Street
D-1	3.5	Free Discharge	Phase I
E-1	3.5	Free Discharge	Phase I
F-1	3.5	Controlled 50% of Historic	Phase I
G-1	3.5	Free Discharge	Phase I
H-1	3.5	Controlled 50% of Historic	Phase I
I-1	1.65	Free Discharge	Phase I
I-2	1.65	Controlled 50% of Historic	Phase I

- CONCEPTUAL GRADING PLAN NOTES
- MAXIMUM ALLOWABLE DISCHARGE RATE DESIGNATED BY #
 - PROPOSED STREET TO BE CONSTRUCTED WITH PHASE I
 - NO HARDENED IMPROVEMENTS ARE TO BE CONSTRUCTED WITHIN PHASE II AT THIS TIME.
 - THE CONTRACTOR SHALL CARRY ALL GRADING OR CONSTRUCT TEMPORARY DETENTION PONDS IN BASINS A-1, B-1, C-1, C-4, C-5 AND I-1 TO LIMIT RUNOFF TO THE FLOW RATES SHOWN ON THIS SHEET.
 - FLOW RATES FROM BASINS A-1 AND A-2 SHOWN DO NOT INCLUDE RUNOFF FROM UPLAND BASINS.
 - STORM DRAIN IMPROVEMENTS ARE TO BE DESIGNED TO CONVEY RUNOFF FROM ALL PHASE I AND PHASE II BASINS AND THE PROPOSED STREET. DETAILS FOR STORM DRAIN IMPROVEMENTS WILL OCCUR AT THE FINAL REPORT STAGE.
 - FLOW RATES ARE BASED UPON ASSUMED DEVELOPMENT PLANS. THE FLOW RATES ARE EXACT BASED UPON CURRENTLY ACCEPTED HYDROLOGICAL METHODOLOGY.
 - THE CONTRACTOR SHALL INSURE THAT NO SOIL ERODES FROM THE SITE INTO PUBLIC RIGHT-OF-WAY ON ADJACENT PROPERTY. THIS CAN BE AVOIDED BY THE DETAIL ON THIS SHEET BY SCOUR CONTROL.
 - DETENTION PONDS DESCRIBED IN THIS PLAN ARE INTENDED TO REDUCE THE PEAK DISCHARGE TO THE CONTROLLED RATES AS SHOWN ON THIS PLAN. THESE CONTROLLED RATES ARE 50% OF THE HISTORIC PEAK DISCHARGE RATE.
 - WITH THE PLATTING OF PHASE I, PHASE II WILL BE PLATTED AS A SINGLE, UNSUBDIVIDED TRACT OF LAND. AREAS 5, 6 AND 7, AS SHOWN ON THE LAND USE SCENARIO TABLE, ARE POTENTIAL FUTURE TRACTS OF LAND.



GATEWAY CENTER
CONCEPTUAL GRADING/
DRAINAGE PLAN
DRAINAGE REPORT

Project No. 2004-01
Date: 12/19/03
Scale: AS SHOWN
Author: KW
Checked: JT
Title: P-03

CONCEPTUAL GRADING/DRAINAGE PLAN

CONDITIONS OF SITE PLAN FOR SUBDIVISION APPROVAL

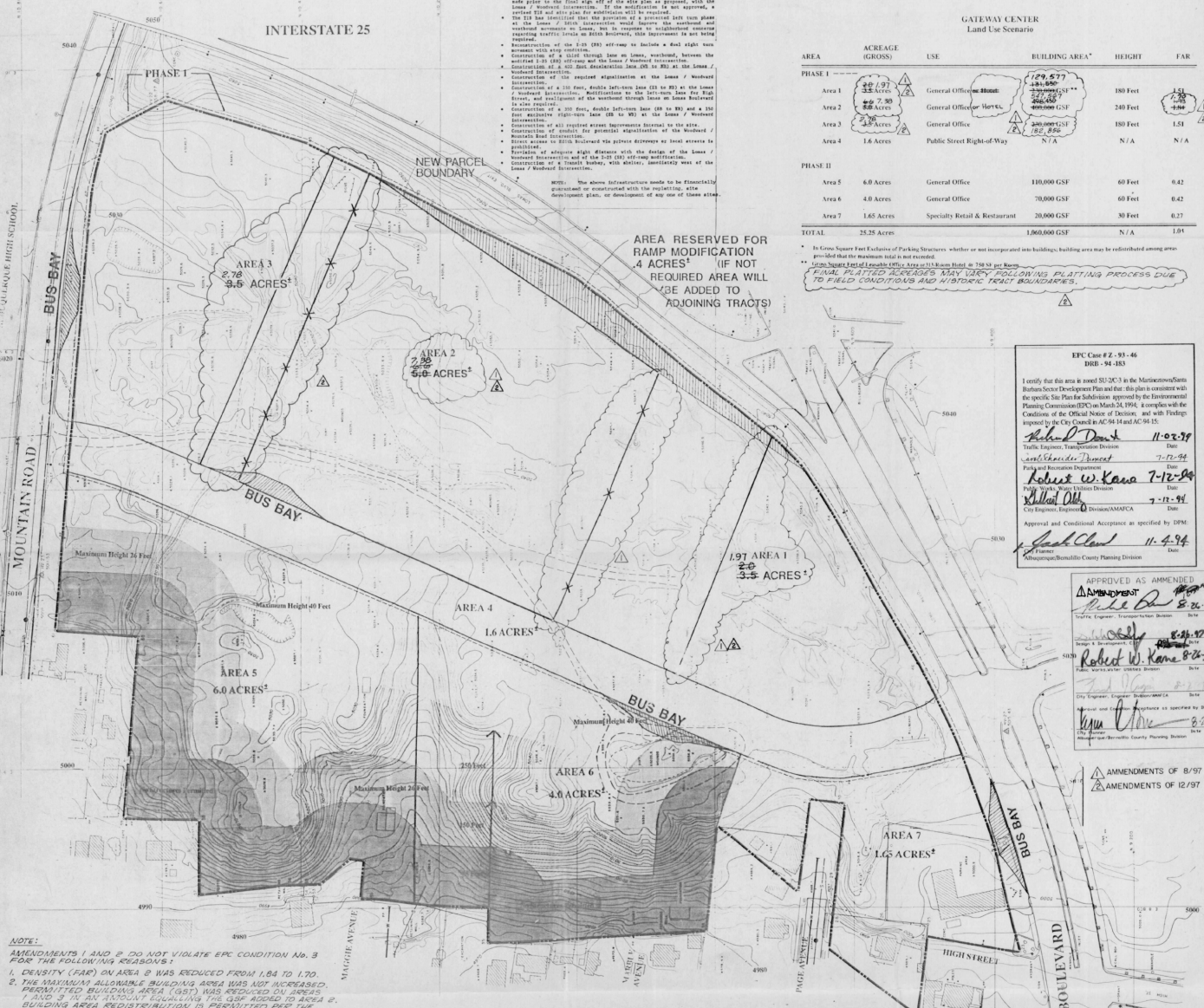
- Approved by the density of the 7-10 (B) off road modification must be made prior to the final platting of the site plan as proposed, with the revised 7-10 and site plan for subdivision will be required.
- The 7-10 has identified that the portion of a parcel that is not shown at the time of 7-10 (B) (1) modification would require the northern and southern access to the parcel, but it is not an existing access.
- Reconstruction of the 7-10 (B) (1) off-road to include a dual right turn.
- Construction of a 100-foot wide easement, westward, between the subject 7-10 (B) (1) off-road and the Lane 7 Woodford Interceptor.
- Construction of a 100-foot wide easement, eastward, between the subject 7-10 (B) (1) off-road and the Lane 7 Woodford Interceptor.
- Construction of the proposed easement at the Lane 7 Woodford Interceptor.
- Construction of a 100-foot, double left-turn lane (L2) at the Lane 7 Woodford Interceptor. Modification to the left-turn lane at the High Street, and installation of the westbound through lane on Lane 6 Eastbound.
- Construction of a 100-foot, double left-turn lane (L3) at the Lane 7 Woodford Interceptor.
- Construction of a 100-foot, double left-turn lane (L4) at the Lane 7 Woodford Interceptor.
- Construction of a 100-foot, double left-turn lane (L5) at the Lane 7 Woodford Interceptor.
- Construction of a 100-foot, double left-turn lane (L6) at the Lane 7 Woodford Interceptor.
- Construction of a 100-foot, double left-turn lane (L7) at the Lane 7 Woodford Interceptor.
- Construction of a 100-foot, double left-turn lane (L8) at the Lane 7 Woodford Interceptor.
- Construction of a 100-foot, double left-turn lane (L9) at the Lane 7 Woodford Interceptor.
- Construction of a 100-foot, double left-turn lane (L10) at the Lane 7 Woodford Interceptor.
- Construction of a 100-foot, double left-turn lane (L11) at the Lane 7 Woodford Interceptor.
- Construction of a 100-foot, double left-turn lane (L12) at the Lane 7 Woodford Interceptor.
- Construction of a 100-foot, double left-turn lane (L13) at the Lane 7 Woodford Interceptor.
- Construction of a 100-foot, double left-turn lane (L14) at the Lane 7 Woodford Interceptor.
- Construction of a 100-foot, double left-turn lane (L15) at the Lane 7 Woodford Interceptor.
- Construction of a 100-foot, double left-turn lane (L16) at the Lane 7 Woodford Interceptor.
- Construction of a 100-foot, double left-turn lane (L17) at the Lane 7 Woodford Interceptor.
- Construction of a 100-foot, double left-turn lane (L18) at the Lane 7 Woodford Interceptor.
- Construction of a 100-foot, double left-turn lane (L19) at the Lane 7 Woodford Interceptor.
- Construction of a 100-foot, double left-turn lane (L20) at the Lane 7 Woodford Interceptor.

GATEWAY CENTER Land Use Scenario

AREA	ACREAGE (GROSS)	USE	BUILDING AREA*	HEIGHT	FAR
PHASE I					
Area 1	2.97 Acres	General Office/Hotel	279,577 GSF	180 Feet	2.38
Area 2	7.30 Acres	General Office/Hotel	661,500 GSF	240 Feet	4.94
Area 3	2.48 Acres	General Office	240,000 GSF	180 Feet	1.51
Area 4	1.6 Acres	Public Street Right-of-Way	N/A	N/A	N/A
PHASE II					
Area 5	4.0 Acres	General Office	110,000 GSF	60 Feet	0.42
Area 6	4.0 Acres	General Office	70,000 GSF	60 Feet	0.42
Area 7	1.65 Acres	Specialty Retail & Restaurant	20,000 GSF	50 Feet	0.27
TOTAL	25.25 Acres		1,860,000 GSF	N/A	1.04

* In Gross Square Foot Excludes of Parking Structures whether or not incorporated into buildings; building area may be redistributed among areas provided that the maximum total is not exceeded.
 ** Gross Square Foot of Leasable Office Area or 14 Room Hotel at 750 SF per Room
 *** FINAL PLATTED AREAS MAY VARY FOLLOWING PLATTING PROCESS DUE TO FIELD CONDITIONS AND HISTORIC TOWN BOUNDARIES

AREA RESERVED FOR RAMP MODIFICATION 4 ACRES* (IF NOT REQUIRED AREA WILL BE ADDED TO ADJOINING TRACTS)



NOTE:
 AMENDMENTS 1 AND 2 DO NOT VIOLATE EPC CONDITION No. 3 FOR THE FOLLOWING REASONS:
 1. DENSITY (FAR) ON AREA 2 WAS REDUCED FROM 1.04 TO 1.70.
 2. THE MAXIMUM ALLOWABLE BUILDING AREA WAS NOT INCREASED.
 3. PERMITTED BUILDING AREA (GSF) WAS REDUCED ON AREAS 1 AND 3 IN AN AMOUNT EXCEEDING THE GSE ADDED TO AREA 2.
 4. BUILDING AREA REDUCTION ON AREA 2 IS IDENTIFIED PER THE BUILDING AREA BEHAVIOR CHART.
 *ASTERISKED LANGUAGE BEHIND THE LAND USE BEHAVIOR CHART.

Site Plan for Subdivision Standards
 Zoning and Land Use: The owner must presently meet S1-2 for C-3 Uses by the Santa Barbara/Monterey Bay Area Development Plan and the applicable "Shaping Our Bay" with Zone Atlas, page J-10. No change of zone is proposed.
 Land Use Intensity: The maximum density of the proposed development proposed for each tract, with regard to the following criteria:
 - Gross Square Footage: means the total floor area, including basements, mezzanines, and upper floors, if any, expressed in square feet measured from the outside surface of exterior walls.
 - Floor Area Ratio: means the total floor area divided by the area of the parcel.

Building Height Setback Areas
 Within 85 feet of the property line: No structures permitted.
 Within 150 feet of the property line: Structures are allowed up to 20 feet.
 Within 250 feet of the property line: Structures are allowed up to 40 feet.

Building Height: Building height shall be as specified on the Site Plan for Subdivision, shall be in accordance with the Santa Barbara/Monterey Bay Area Development Plan, and shall be measured in accordance with section 5.8.45 and the C-3 replacement of the Zoning Code.
 Parking structures are encouraged but are limited as follows:
 Area 1: No more than 40 feet above average adjacent street grade.
 Area 2: No more than 30 feet above average adjacent street grade.
 Area 5: No further subject to a height of six stories.
 Within 80 feet of the property line: No structures permitted.
 Within 150 feet of the property line: Structures up to 20 feet.
 Within 250 feet of the property line: Structures up to 40 feet.
 Elsewhere: Structures up to 60 feet.
 Area 7 will be regulated by the height measurements based on the C-3 (Office) zoning regulations, as amended by the Santa Barbara/Monterey Bay Area Development Plan.

Environmental Planning Commission Approval Conditions for 7-31-96 March 24, 1996
 1. The requirements of the Transportation Division of the City Public Works Department, as detailed in their memo dated March 15, 1996, shall be met.
 2. There shall be two bus bays on the interior "spine" road, and one bus bay on east bound Mountain Road, east of the interior road.
 3. A transfer of densities among the different parcels shall not exceed 10% from those tabulated on the Site Plan for Subdivision provided that the maximum total is not exceeded.
 4. A Courthouse use shall not be an approved use for this site.

APPROVED AS AMENDED
 AMENDMENT
 12-31-97
 12-30-97
 2-17-98
 2/17/98

AMENDMENT DESCRIPTIONS
 DATED 8/97:
 1. AREA 2 INCREASED IN SIZE TO 6.6 ACRES
 2. AREA 6 BUILDING AREA INCREASED TO 199,500 GSF
 3. AREA 6 FAR (DENSITY) INCREASED TO 1.70
 4. AREA 1 DECREASED IN SIZE TO 2.0 ACRES
 5. AREA 1 BUILDING AREA INCREASED TO 279,577 GSF
 6. HOTEL USE ADDED TO AREA 2 AND DELETED FROM AREA 1

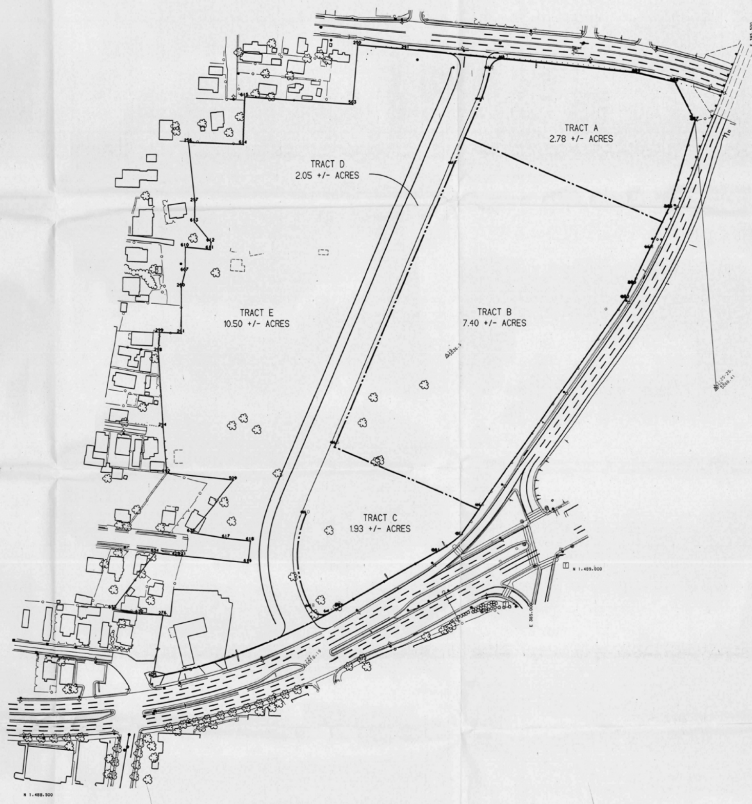
AMENDMENTS OF 12/97:
 1. AREA 3 REDUCED IN SIZE TO 2.78 ACRES
 2. AREA 3 BUILDING AREA INCREASED TO 240,000 GSF
 3. AREA 3 FAR (DENSITY) INCREASED TO 1.51
 4. AREA 2 BUILDING AREA INCREASED TO 661,500 GSF
 5. AREA 2 FAR (DENSITY) INCREASED TO 1.70
 6. AREA 1 REDUCED IN SIZE TO 1.97 ACRES
 7. AREA 1 BUILDING AREA REDUCED TO 279,577 GSF

EPC Case # 7-31-96
 EPC: 94-283
 I certify that the area in need of EPC-3 is the Master/Service Center Business Center Development Plan and that this plan is consistent with the specific Site Plan for Subdivision approved by the Environmental Planning Commission (EPC) on March 24, 1996, in compliance with the Conditions of the Official Notice of Decision, and with Findings reported by the City Council in EPC-36 Land AC-94-15.
 Robert W. Kane 7-17-94
 City Engineer, Engineering Division/AM/CA
 Approval and Conditional Acceptance as specified by EPC.

APPROVED AS AMENDED
 AMENDMENT
 8-26-97
 Robert W. Kane 8-26-97
 City Engineer, Engineering Division/AM/CA
 Approval and Conditional Acceptance as specified by EPC.

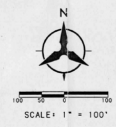
AMENDMENTS OF 8/97
 AMENDMENTS OF 12/97

Proposed By:
SANDIA FOUNDATION
 Real Estate Investments
 Two Woodward Center Suite 204
 700 Lomas Boulevard NE
 Albuquerque, NM 87102
 National Fire Protection Association
 9/26/97 1.42
 972864.02

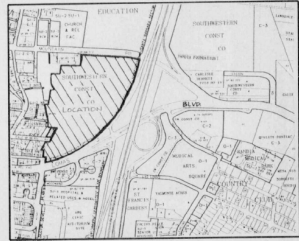


LOCATION MAP
ZONE ATLAS MAP NO. 2-1912
NO SCALE

SKETCH PLAT
EMBASSY SUITES
OCTOBER 1997



BOHANNAN-HUSTON INC.
 CONSULTING ENGINEERS ARCHITECTS PLANNERS LANDSCAPE ARCHITECTS
 1400 WEST 19TH STREET SUITE 1000 HOUSTON, TEXAS 77055



LOCATION MAP
ZONE ATLAS INDEX MAP No. J-15-2
NOT TO SCALE
SUBDIVISION DATA

- 1. DSD No.
2. Zone Atlas Index Map No. J-15-2
3. Cross Subdivision Arrows 24,800 Acres
4. Total Number of Tracts created Four (4) Tracts
5. This Plat shows existing easements
6. Date of Survey April 1993
7. Plat is located within the Town of Albuquerque, within projected Section 16, T14N, R10E, NMPN
8. Total mileage of full width Streets created 0.2606 Miles
9. Total Mileage of partial width Streets created 0 Miles

DISCLOSURE STATEMENT

The purpose of this Plat is to add a portion of Tracts "Y" and "Z" and all of "Y" of the PLAT OF VARIOUS TRACTS OF LAND OF SOUTHWESTERN CONSTRUCTION COMPANY, Albuquerque, New Mexico...

NOTES

- 1. Bunch Bearings: New Mexico State Plane Grid Bearings (Central Zone NAD 1927 datum. Distances are ground distances.
2. All easements of record are shown.
3. Centerline (to the center of the road) shall be established at all P.C., P.T., angle points and street intersections prior to acceptance of subdivision improvements and all curbs of a straight through (C) intersection shall be stamped "City of Albuquerque, Certificate Monumentation, Street Marker". On the "Bunch" PLAT 1984.
4. Record bearings and Distances are shown in parenthesis ()

PUBLIC UTILITY EASEMENTS

PUBLIC UTILITY EASEMENTS shown on this plat are ten (10) feet wide and one for the common joint use of:

- A. PNM Electric Services for the installation, maintenance, and service of overhead and underground electrical lines, transformers, communication lines and other equipment, facilities, structures and related facilities reasonably necessary to provide electrical service.
B. PNM Gas Services for installation, maintenance, and service of natural gas lines, valves and other equipment and facilities reasonably necessary to provide natural gas.
C. U.S. West for the installation, maintenance and service of all buried and aerial communication lines and other related equipment and facilities reasonably necessary to provide communication services, including but not limited to above ground pedestals and closures.
D. Jones Interchange for the installation, maintenance, and service of such lines, cables and other related equipment and facilities reasonably necessary to provide Cable TV service.

In the right to public, rebuild, construct, reconstruct, locate, relocate, change, remove, modify, renew, operate, and maintain facilities for the purposes described above, together with tree removal, to, from, and over said easements, including sufficient working open space for electric transformers, with the right and privilege to trim and remove trees, shrubs or bushes which interfere with the purposes set forth herein. No building, sign, pole (above ground or subterranean), nor to concrete or wood pool decking, or other structure shall be erected or constructed on said easements, nor shall any well be drilled or operated thereon. Property owners shall be solely responsible for correcting any violation of National Electric Safety Code caused by construction of, use, disuse, or any structures adjacent to or near easements shown on this plat.

DESCRIPTION

A certain tract of land situated within the Town of Albuquerque Grant is projected Section 16, Township 14 North, Range 3 East, New Mexico Principal Meridian, Bernalillo County, New Mexico, being that portion of Tracts "Y" and "Z" and all of "Y" of the PLAT OF VARIOUS TRACTS OF LAND OF SOUTHWESTERN CONSTRUCTION COMPANY, Albuquerque, New Mexico...

837527E, a distance of 69.34 feet to the northeast corner of parcel of land described in Warranty Deed recorded May 8, 1986... 837527E, a distance of 13.87 feet to a point, thence...

FREE CONSENT AND DEDICATION

The foregoing Plat or map depicts a tract of land situated within the Town of Albuquerque Grant is projected Section 16, Township 14 North, Range 3 East, New Mexico Principal Meridian, Bernalillo County, Albuquerque, New Mexico, being that portion of Tracts "Y" and "Z" and all of "Y" of the PLAT OF VARIOUS TRACTS OF LAND OF SOUTHWESTERN CONSTRUCTION COMPANY, Albuquerque, New Mexico...

SANDEA FOUNDATION

A NEW MEXICO NON-PROFIT CORPORATION

BY: Russell Hiller, Managing Director

State of New Mexico)
County of Bernalillo)

This instrument was acknowledged before me on 14th day of November 1997, by Russell Hiller, Managing Director of Sandeas Foundation, a New Mexico Non-Profit Corporation.

My Commission Expires 12-22-99

Notary Public

12-22-99

PRELIMINARY PLAT

Table with columns: PLAT NUMBER, TRACT NUMBER, CITY DIRECTOR, AMAT.F.A, TRAFFIC ENGINEER, CITY SURVEYOR, PROPERTY MANAGEMENT, UTILITY DEVELOPMENT DEPARTMENT, DESIGN & DEVELOPMENT FIRM, U.S. WEST SERVICES, PNM ELECTRIC SERVICES, PNM GAS SERVICES, and PROPERTY OWNER OF RECORD.

PNM STAMP

In approving this plat, PNM Electric Services and Gas Services (PNM) did not conduct a title search of the properties shown hereon. Consequently, PNM does not warrant or release any easement or easement rights to which it may be entitled.

SURVEYOR'S CERTIFICATION

I, A. Dean Weaver, a registered Professional New Mexico Surveyor, certify that I am responsible for this survey and that this plat was prepared by me or under my supervision, always of competent record and conforms to the Minimum Requirements of the Board of Registration for Professional Engineers and Professional Surveyors in February 1964 and meets the minimum requirements for monumentation and surveys contained in the Albuquerque Subdivision Ordinance, and is true and accurate to the best of my knowledge and belief.

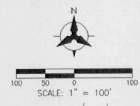
A. Dean Weaver, New Mexico Professional Surveyor 6544 7500 Jefferson Street, N.E. Albuquerque, New Mexico 87109 Date: Nov. 14, 1997

JOB NO. 97-108A-038

Bohannon & Huston

Gearyford One 7500 Jefferson NE Albuquerque New Mexico 87109

INDEPENDENT FINANCIAL PROFESSIONAL SERVICES, LANDMARK ARCHITECTS



NGS/C Brass Tablet stamped "51A 1-25-24"
 Geographic Position (NAD 1927)
 N.M. State Plane Coordinates (Central Zone)
 X = 385,985.66 Y = 1,491,231.05
 Ground-to-Grid Factor = 0.99992338
 ΔX = -007'3.09"
 SLD 1929 Elevation = 5070.232

LEGEND

- SUBDIVISION BOUNDARY LINE
- NEW LOT LINE
- - - ADJOINING PROPERTY LINE
- - - MONUMENT TIE LINE
- - - ORIGINAL PROPERTY

- ▲ CENTERLINE MONUMENT TO BE INSTALLED
- A CITY OF ALBUQUERQUE SURVEY CONTROL MONUMENT
- SET 5/8" NEARBY W/ 1-1/4" YELLOW PLASTIC SURVEY CAP STAMPED "WELAR LS 6541"
- ⊥ FOUND RIGHT-OF-WAY RAIL
- FOUND IRON PIPE (SIZ)
- FOUND PEBBAR
- ⊙ BLOCK NUMBER

TANGENT DATA

TANGENT	BEARING	DISTANCE
T1	S28°20'54" W	35.63
T2	N86°23'10" W	52.44
T3	N80°32'33" W	61.20
T4	S83°07'11" E	47.94
T5	S85°09'22" E	13.87
T6	N06°25'29" E	50.00
T7	N80°52'48" E	(50.00)
T8	N83°34'44" W	54.35
T9	N83°39'08" W	(54.35)
T10	N04°17'54" E	43.44
T11	S87°12'19" E	48.84
T12	N14°37'24" E	35.01
T13	N00°47'20" E	54.73
T14	S84°12'40" E	55.87
T15	N65°47'11" E	16.00
T16	N39°18'15" W	56.82
T17	N00°45'57" E	46.59

CURVEY DATA

CURVE	RADIUS	LENGTH	TANGENT	CHORD	CHORD BEARING	DELTA
C1	390.30	65.34	32.75	65.26	S55°47'58" W	09°35'30"
C2	1362.50	446.59	225.32	444.59	S69°59'07" W	18°46'48"
(1362.50)						
C3	283.00	284.19	155.38	279.40	N05°30'51" W	57°32'12"
C4	292.00	87.68	44.17	87.35	N14°39'07" E	17°12'16"
C5	1362.50	27.60	13.80	27.60	S61°10'32" W	01°09'39"
C6	30.00	46.89	29.77	42.26	N73°28'06" W	89°33'05"
C7	240.00	217.59	116.92	210.22	N02°43'09" W	51°56'49"
C8	335.00	73.03	36.66	72.88	N17°00'33" E	12°29'23"
C9	30.00	44.56	27.63	40.65	N53°24'28" E	85°17'08"
C10	30.00	51.25	34.43	45.24	S35°00'49" E	97°52'25"
C11	249.00	40.55	20.32	40.51	S18°35'19" W	09°19'51"
C12	326.00	287.18	153.66	277.98	S01°58'56" E	50°28'21"
C13	30.00	49.88	32.89	44.33	S20°24'47" W	95°15'45"
C14	1362.50	269.45	135.17	269.01	S73°42'35" W	11°19'51"
C15	1362.50	71.47	35.74	71.46	S63°15'31" W	03°00'19"
C16	1362.50	78.07	39.04	78.06	S66°24'10" W	03°16'58"



NGS/C Brass Tablet stamped "51A 1-25-25"
 Geographic Position (NAD 1927)
 N.M. State Plane Coordinates (Central Zone)
 X = 395,268.81 Y = 1,488,866.26
 Ground-to-Grid Factor = 0.99997256
 ΔX = -007'3.14"
 SLD 1929 Elevation = 5088.411

JOB NO. 97-2864-03



Support for the NOBIS Albuquerque Rehab Hospital

Julia Duncan <jul.duncan@tlcplumbing.com>

Mon 7/15/2024 1:49 PM

To: Planning EPC <PlanningEPC@cabq.gov>

[EXTERNAL] Forward to phishing@cabq.gov and delete if an email causes any concern.

Jonathan R. Hollinger
Chair, Environmental Planning Commission
City of Albuquerque
600 Second Street NW
Albuquerque, NM 87102

July 2024

RE: SUPPORT FOR THE NOBIS ALBUQUERQUE REHABILITATION HOSPITAL

EPC Project and Case Numbers: PR-2024-009765, SI-2024-00468, PR-2022-007999

1100 Woodward PI NE

Hello EPC Commissioners:

I am a member of Generation Elevate New Mexico (“GENM”). GENM is a coalition of young leaders committed to positively shaping the future of New Mexico by championing smart, sustainable, and resilient growth development projects and governmental policies.

I am writing to voice my **support** for the NOBIS Albuquerque Rehabilitation Hospital and the requests being brought forward to the Environmental Planning Commission on June 20th. This development is important for the health and wellbeing of our community, families, and friends, and will help New Mexicans in the following ways:

1. **Addressing Healthcare Needs:** Our state lacks sufficient hospital care, leaving many without necessary support. A specialized intensive care rehabilitation hospital will free up beds in our hospital system for other high-needs patients.
2. **Social Infrastructure:** Healthcare is more than treatment—it's social infrastructure. By investing in this project, we're investing in the well-being of our community as a whole. This is especially important as our communities, families, and neighbors age.
3. **Job Creation:** Approximately 100 healthcare jobs will be created—60 during the day and 40 at night—boosting our local economy and providing essential services.
4. **Strategic Location:** Situated in our greater downtown area, this project will build on an infill site adjacent to other medical uses, and will add a buffer between residential neighborhoods and the freeway.
5. **Convenience for Families:** Adjacent to a hotel, family members traveling from across the state will have a comfortable place to stay, supporting their loved ones during rehabilitation.
6. **Specialized Care:** This hospital will bring a specialized rehabilitation facility to New Mexico for complex issues like stroke, spinal cord injury, brain injury, and other medical and neurological disorders.

In closing, I want to express my wholehearted support for this project. Together, we can make a difference in the lives of countless individuals and build a stronger, healthier community for generations to come.

Thank you,
Julia Duncan

www.letselevatenm.org

Julia Duncan

 [TLC-Plumbing-Utility](#)

5000 Edith Blvd NE
Albuquerque, NM 87107

Phone: 505-944-9538

Fax: 505-761-9875

Support for Rehab Hospital Facility

Jordan M <jbmccconnell26@gmail.com>

Sun 7/14/2024 10:51 AM

To: Planning EPC <PlanningEPC@cabq.gov>

[EXTERNAL] Forward to phishing@cabq.gov and delete if an email causes any concern.

RE: SUPPORT FOR THE NOBIS ALBUQUERQUE REHABILITATION HOSPITAL
EPC Project and Case Numbers: PR-2024-009765, SI-2024-00468, PR-2022-007999
1100 Woodward PI NE

Hello EPC Commissioners:

I am an employee of UNMH-Project ECHO, a member of Strong Towns ABQ, and a former employee of Albuquerque Health Care for the Homeless. I am also a nearby resident to the proposed facility, a cyclist, and public transit user.

I am writing to voice my support for the NOBIS Albuquerque Rehabilitation Hospital and the requests being brought forward to the Environmental Planning Commission on July 18th. This development is important for the health and wellbeing of our community, families, and friends, and will help New Mexicans in the following ways:

1. **Addressing Healthcare Needs:** Our state faces a profound shortage of hospital beds and healthcare professionals, leaving many residents without the necessary support. Despite the completion of the UNM Hospital, the need for specialized care remains high.
2. **Social Infrastructure:** Healthcare is more than treatment—it's social infrastructure, encompassing the spaces and services that support community well-being. Investing in this project means enhancing our overall social infrastructure.
3. **Job Creation:** Approximately 100 healthcare jobs will be created—60 during the day and 40 at night—boosting our local economy and providing essential services.
4. **Strategic Location:** Situated in our greater downtown area, this project will build on an infill site adjacent to other medical uses, and will add a buffer between residential neighborhoods and the freeway.
5. **Convenience for Families:** Adjacent to a hotel, family members traveling from across the state will have a comfortable place to stay, supporting their loved ones during rehabilitation.
6. **Specialized Care:** This hospital will bring a specialized rehabilitation facility to New Mexico for complex issues like stroke, spinal cord injury, brain injury, and other medical and neurological disorders.

Some neighborhood members are concerned that the area cannot support this project and that it will lead to congestion. However, traffic data shows that not a single roadway in the area is even close to capacity. The 100 jobs and limited number of patients will create traffic in staggered intervals throughout the day, minimizing any impact on the neighborhood. Furthermore, being centrally located and accessible to several major bus lines and bike facilities helps create more opportunities for employees to commute in ways other than the automobile, which further addresses neighbor concerns. Additionally, this project will revitalize an empty lot, and opposing developments in this way actually encourages the neighborhood to stagnate and could lead to displacement and lack of investment. By supporting this development, we can drive economic growth and community stability while ensuring our healthcare infrastructure meets the needs of all residents.

Having worked at Albuquerque Health Care for the Homeless, I've witnessed firsthand how the continued lack of investment in medical care and social infrastructure aggravates issues like homelessness, which persistently grow in our city. Getting patients into needed, specialized care can often make the critical difference between connecting someone to resources and eventually reintegrating them into housing and the community. We cannot claim to be a humane society if we ignore the needs of all our citizens. While neighborhood concerns are valid, they must be balanced against the greater community need, which is urgent. Failing to improve our infrastructure and healthcare services only perpetuates the cycle of homelessness and exacerbates social inequalities.

In closing, I want to express my wholehearted support for this project. Together, we can make a difference in the lives of countless individuals and build a stronger, healthier community for generations to come.

Thank you,
Jordan McConnell
www.strongtownsabq.org



Jonathan R. Hollinger
Chair, Environmental Planning Commission
City of Albuquerque
600 Second Street NW
Albuquerque, NM 87102

June 2024

RE: SUPPORT FOR THE NOBIS ALBUQUERQUE REHABILITATION HOSPITAL

EPC Project and Case Numbers: PR-2024-009765, SI-2024-00468, PR-2022-007999
1100 Woodward Pl NE

Hello EPC Commissioners:

I am a member of Generation Elevate New Mexico (“GENM”). GENM is a coalition of young leaders committed to positively shaping the future of New Mexico by championing smart, sustainable, and resilient growth development projects and governmental policies.

I am writing to voice my **support** for the NOBIS Albuquerque Rehabilitation Hospital and the requests being brought forward to the Environmental Planning Commission on June 20th. This development is important for the health and wellbeing of our community, families, and friends, and will help New Mexicans.

I live downtown and we need this kind of infrastructure. There are many areas around the state that are essentially healthcare deserts, the more resources we can add, the better. According to the US Census Bureau, 8.2% of New Mexicans are without healthcare coverage and 19.2% of our population is over 65 years old, above the national average of 17.3%. These stats underscore the importance of increasing our health resources.

This project is a no-brainer for our community and will have a tremendous long-term benefit.

In closing, I want to express my wholehearted support for this project. Together, we can make a difference in the lives of countless individuals and build a stronger, healthier community for generations to come.

Thank you,
JT Mitchell
www.letselevatenm.org



Jonathan R. Hollinger
Chair, Environmental Planning Commission
City of Albuquerque
600 Second Street NW
Albuquerque, NM 87102

July 2024

RE: SUPPORT FOR THE NOBIS ALBUQUERQUE REHABILITATION HOSPITAL

EPC Project and Case Numbers: PR-2024-009765, SI-2024-00468, PR-2022-007999
1100 Woodward PI NE

Hello EPC Commissioners:

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I am writing to voice my **support** for the NOBIS Albuquerque Rehabilitation Hospital and the requests being brought forward to the Environmental Planning Commission on June 20th. This development is important for the health and wellbeing of our community, families, and friends, and will help New Mexicans in the following ways:

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In closing, I want to express my wholehearted support for this project. Together, we can make a difference in the lives of countless individuals and build a stronger, healthier community for generations to come.

Thank you,

Nicole Wilson, MPH

Albuquerque Resident and healthcare researcher

www.letselevatenm.org

**SANTA BARBARA MARTINEZTOWN NEIGHBORHOOD
ASSOCIATION
EPC PR-2024-00976/AC-24-11 REMAND**

EXHIBITS

1. JULY 7, 2009 EMAIL FROM ISAAC BENTON FORMER CITY COUNCILOR TO CARMEN MARRONE STAFF PLANNER
2. PETITIONS TO OPPOSE THE ZONE MAP AMENDMENT TO MX-H
3. PICTURE OF DIESEL TRUCK
4. Buffer Map with attachments sent through email

The Martineztown Santa Barbara Neighborhood residents oppose the proposed PR-24-009765, RZ-2024-00001, Zone Map Amendment from MX- M to MX-H for 1100 Woodward Place NE. The proposal is a spot zone and is not in character of the neighborhood. The application does not satisfy the IDO and legal requirements for changing the subject property's existing zoning. It also does not satisfy the day to day needs of the residents. This proposed zone map amendment from MX-M to MX-H is detrimental to the health, safety and welfare of the neighborhood. The neighborhood residents are already dealing with the health impact from the vehicle emissions at dangerously high levels from the interstate, and the heavy commercial uses surrounding the neighborhood, including over 2000 students and staff at Albuquerque High School and CEC School. This use will only increase the vehicles emissions with the City of Albuquerque recognizing is at unsafe levels.

Name Address Phone Number

Name	Address	Phone Number
Dalricia Duran	1300 Water NE	X
MARIE RUTER	1300 Water	
Nora Diaz	1300 Water NE	
Mary Duran	920 Arno NE	
Macaela Montano	724 Corbero Rd NE	
Delores ^{Josefa} Frey	919 Arno NE	
Dalores Ayala	507 Rosemont NE 87102	
Beulah A. Johnson	2428 Waller Dr. NE	
John R. R.	5514 11th St NE	
Julie Channon	1130 Waller St NE	505 507 2844
DAVID Astorga	1024 Edith NE	505 803 2615
Amanda Escobedo	1024 Edith NE	505 492 1998
ESTHER ESCOBEDO	1024 1/4 Edith NE	505 243 1950
JESSE LOPEZ	1127 Walter St. NE	
Patrick Arguelles	807 Mountain Rd NE	505-252-0225
Angelita M. Vigil	2714 Santa Clara SE	(505) 440-7514
Alonso Pineda	706 Mt. Rd. NE	505-243-2634
John R. R.	614 Page Ave	(505) 720-2130
JOSUE AROCA	503 MARTINEZ	505 252 4079
Rachael Adams	City Hall - Office	DSA
El Suro	2324 Broadway NE	-

The Martineztown Santa Barbara Neighborhood residents oppose the proposed PR-24-009765, RZ-2024-00001, Zone Map Amendment from MX- M to MX-H for 1100 Woodward Place NE. The proposal is a spot zone and is not in character of the neighborhood. The application does not satisfy the IDO and legal requirements for changing the subject property's existing zoning. It also does not satisfy the day to day needs of the residents. This proposed zone map amendment from MX-M to MX-H is detrimental to the health, safety and welfare of the neighborhood. The neighborhood residents are already dealing with the health impact from the vehicle emissions at dangerously high levels from the interstate, and the heavy commercial uses surrounding the neighborhood, including over 2000 students and staff at Albuquerque High School and CEC School. This use will only increase the vehicles emissions with the City of Albuquerque recognizing is at unsafe levels.

Name	Address	Phone Number
MARCIANO GARCIA	707 Mountain Rd NE	505-247-0704
SANDRICO Y MORALES	1128 1/2 Walter	505 903-3326
ARTHUR ALARCON	1128 WALTER NE APTA	805-270-7716

From: "Benton, Isaac" <ibenton@cabq.gov>
Date: July 7, 2009 at 3:35:19 PM MDT
To: "Marrone, Carmen M." <CMarrone@cabq.gov>, Barbara Herrington <bherrington@sites-sw.com>, Phyllis Taylor <ptaylor@sites-sw.com>, "Patten-Quintana, Lorena" <lpatten-quintana@cabq.gov>
Cc: "Shair-Rosenfield, Kara" <karasr@cabq.gov>, "Dineen, Richard W." <rdineen@cabq.gov>, "Westmoreland, Bill" <wwestmoreland@cabq.gov>, "Hern, Phillip L." <PHern@abcwua.org>, cmariehern@aol.com, mom2301br@aol.com, waxamus@hotmail.com, lnjalopez@msn.com
Subject: RE: Mountain Road Update

Carmen, et al,

There are no "new proposals/solutions" for Mountain Road other than dealing with the UNM master plan and the I-40 ramp access, which the sector plan draft did not address and which I will remain very involved with. I am responding and will continue to respond to my constituents, as likely will the Mayor. Such responses become necessary when things drag on for too long, and not all the right players are brought to the table. The update of the plan has taken an eternity and is more contentious than it should be.

My efforts have been entirely in support of the Sector Plan, and I asked Mr. Westmoreland to help us with a few key questions. There is no duplication of work here; our meeting, which I thought was very productive, was not to plan for Mountain Road - it was to DO something in the near term about the dangerous and undesirable conditions that have existed on Mountain for years that have yet to be addressed.

Why don't we stop being so territorial, get down to business, and get things done. This is a community effort, not a work of art, and the more involvement

and support the better. I, for one, welcome the Mayor's involvement in this effort and hope that it will result in something actually getting done for the people on Mountain Road and in Martineztown/Santa Barbara.

Isaac Benton

-----Original Message-----

From: Marrone, Carmen M.

Sent: Mon 7/6/2009 3:41 PM

To: 'Barbara Herrington'; Phyllis Taylor; Patten-Quintana, Lorena

Cc: Benton, Isaac; Shair-Rosenfield, Kara; Dineen, Richard W.; Westmoreland, Bill

Subject: RE: Mountain Road Update

Barbara and others,

It seems that there is a lot of interest in fixing the traffic problems along Mt. Rd. While this is a good thing, I am concerned that we have too many cooks in the kitchen. As part of the Martineztown/Santa Barbara Sector Plan Update, Lorena has been working with property owners along Broadway, including the Post Office to address traffic on Mt. Rd and she has recently met with DMD and Wilson & Company to decide on temporary solutions along Mountain Road during the construction of the storm drain project. UNM is working on updating their Master Plan and is coordinating with us on the redesign of the intersection of Mountain Road & the west frontage road. Elected officials, representing the community, are holding separate meetings with the community and discussing possible solutions, and the consultant is attending meetings separate from the Planning Department who hired them to complete the sector plan update. On top of all this, we now have the Mayor's Office involved.

With so many different entities involved in the planning of Mt. Rd, there needs to be better communication and coordination in order to avoid duplication of work. The Planning Department is trying to complete the update of the Martineztown/Santa Barbara Sector Plan by next month which includes proposals for improving Mt. Rd. In order to complete the updated Plan, we need to be kept in the loop on any new proposals for Mt. Rd. Please coordinate with Lorena Patten-Quintana, Project Manager of the Sector Plan update regarding any new proposals for Mt. Rd. She has knowledge of the issues and constraints as well as the realistic solutions along this stretch of road. This knowledge could be helpful to those who are researching new

solutions.

Thank you for your cooperation,

Carmen Marrone
Manager, Long Range Planning
Planning Department

From: Barbara Herrington [<mailto:bherrington@sites-sw.com>]

Sent: Thursday, July 02, 2009 6:00 PM

To: Phyllis Taylor; Marrone, Carmen M.; Patten-Quintana, Lorena

Cc: Eric Wrage

Subject: Mountain Road Update

Loretta asked me to come to a neighborhood meeting this afternoon with Councilor Benton on Mountain Road to explain our recommendations for Mountain Road.

The Councilor has involved Bill Westmoreland from Mayor Chavez's office specifically to deal with this issue. The neighborhood residents reiterated their problems with Mountain Road. I explained our proposals and answered some questions.

1) Councilor Benton said he had met with both the UNM planners and the private property owners along Broadway (NAIOP reps).

His position is that the trucks going to businesses along Broadway can use Lomas or Odelia and don't need to use Mountain; he said the property owners really couldn't justify why they needed to use Mountain. He said he had been told by UNM planners (as were Lorena and I) that our proposed changes to Mountain Rd. will not affect them.

2) Apparently Rep. Heinrich has spoken with the Post Office and told them their trucks also needed to use Lomas, not Mountain. They are working on other entrances to the facility from Broadway, closer to Lomas. Neighbors have noticed the difference on Mountain Road.

3) Councilor Benton and Bill Westmoreland are exploring an option to block right turn access onto Mountain from the frontage road and to restrict eastbound traffic on Mountain to a right-turn-only onto the frontage road. UNM is only interested in traffic being able to get to and from their new facility from the interstate. They are going to discuss this option with others, such as Embassy Suites, Tri-Core

and others in the neighborhood.

4) Bill is going to investigate the collector status and prohibition on truck restrictions, as well as what happened to the original I-25 plans viewed by the Interstate Committee that did block access to Mountain Road.

5) The Councilor is planning to add funding to the storm drain project for the City to get started on implementing the Mountain Road changes while they are digging up the street, such as the restriping and adding the bicycle lanes. The rest of the project may have to be funded through the next bond cycle (2012). He is looking at transportation tax funds. This all depends on voter approval of both the bonds and the tax.

That's it. I will see you next Thursday. Are there any compiled neighborhood comments on the zoning that I could review before we meet?

Barbara

BARBARA S. HERRINGTON
PROJECT MANAGER

sites southwest

ALBUQUERQUE EL PASO

EMAIL: bherrington@sites-sw.com <<mailto:B@sites-sw.com>>

WEB: www.sites-sw.com <<http://www.sites-sw.com/>>

ABQ PH: 505.822.8200



SANTA BARBARA MARTINEZTOWN

EXHIBITS

FOR

Project #: PR-2024-009765 Case #: RZ-2024-00001

1. Exhibit 1 – Fairway Village Neighborhood Council Inc vs. Board of Commissioners of Dona Ana County and Picacho Hills Development.
2. Exhibit 2 – Impacts of High-Density Developments on Traffic and Health Report (HIA Report)
3. Exhibit 3 – Martineztown Santa Barbara Sector Development Plan Draft – August 2010
4. Exhibit 4 – R-20-75
5. Exhibit 5 – Technical Memorandum – Martineztown Santa Barbara Traffic Study
6. Exhibit 6 – AC-20-9 – Conditional Use for Construction Yard
7. Exhibit 7 – Martineztown Santa Barbara Traffic Study
8. Exhibit 8 – Albuquerque New Mexico Heat Watch Report 11/11/21
9. Exhibit 9 - Petition Signatures

July 15, 2024

Jonathan R. Hollinger, Chair
Environmental Planning Commission
600 Second Street
Albuquerque, NM 87102

RE: 1100 Woodward NE, 3-acre parcel, Project #: PR-2024-009765, AC-24-11 Remand Hearing on Zone Map Amendment Application

Dear Chair Jonathan R. Hollinger,

Santa Barbara Martineztown Neighborhood Association (SBMTNA) submits this letter for the scheduled July 18, 2024, EPC hearing, to request again denial or deferral of the zone map amendment in the remand hearing ordered by the LUHO for AC-24-11, at this time based on the following:

1. SBMTNA restates and incorporates all prior evidence and arguments from AC-24-11 against the proposed zone map amendment.
2. The latest Staff Report was released on the morning of July 12, 2024. SBMTNA has not had adequate time to review and respond completely to the amended Staff report which appears to be based on a revised application negotiated between the Planning Department and the applicant. The applicant and the Planning Department appear to be under tremendous pressure to obtain approval for this project as soon as possible. The EPC should resist pressure to rush the review of this project. The neighborhood deserves thorough, fair review of the proposal.
3. The EPC should maintain, but does not maintain, a website docket of what has been filed for this case, for reference by the public and to maintain a paginated record of the submissions. The latest Staff Report is an advocacy submission, not a paginated record for public review and perhaps appellate review based on what has been submitted over time. The record should include all records relating to communications and negotiations between the Planning Department and the applicant concerning the zone map amendment application and the related site plan amendment application.
4. SBMTNA would like to emphasize the importance of the "CPO-7" character protection overlay area restrictions for the neighborhood. A hospital, within established limits, is contemplated within CPO-7. The hospital proposed by the applicant violates the height limitations of CPO-7. CPO-7 does not contemplate MX-H uses. The Staff/applicant analysis of the application of CPO-7 to the subject site is in error, as discussed below.
5. It is not clear whether the 1997 Plat of Subdivision (Page H to the latest Staff Report) which Staff/applicant misleadingly labels a "Site Development Plan" (apparently DRB-466) is currently in effect or has expired as to the subject site as to site development. The Planning Department should introduce into evidence all applicable prior approvals or enactments that are

relevant to the zone map amendment request. The site currently is vacant (although there is irregular parking and overflow use) and apparently without any pre-IDO approved site development plan or post IDO approved site plan for a hospital or any other use.

6. The applicant does not have vested rights in the prior “site plan” for hospital use because the prior site appears to contemplate only some future office use. Further the 2018 MX-M zoning placed explicit limitations on hospital use.

7. The applicant does not have vested rights under New Mexico law in any prior site development plan for this site.

8. If the applicant has vested rights to its proposed hospital use from the 1997 site plan for subdivision, then enacting the zone map amendment is unnecessary. The applicant’s justification is based on its proposed hospital use which would be allowed if the 1997 site plan for subdivision somehow authorizes hospital use and prevails over the 2018 MX-M zoning. Other MX-H uses and heights are not appropriate or justified. The zone map amendment would open the site to more intense MX-L uses including much higher buildings than are permitted under the existing MX-M zoning with CPO-7 (in case the applicant was not to proceed with its current hospital plan). It appears that the EPC lacks authority to limit the uses allowed by the zone map amendment to the applicant’s current hospital proposal.

9. The applicant has not demonstrated that the applicable IDO criteria and state law criteria for a zone map amendment have been satisfied. There have been no substantial changes in the area since imposition of the MX-M zoning in 2018 (although there has been a continued decline in traffic safety); and the applicant has failed to satisfy the “more advantageous to the community” criteria.

10. The zone map amendment constitutes a spot zone and MX-H zoning is not a “transition” zone for the area. Upon information and belief, the City Council recently amended the IDO definition of “adjacent” to state: “Properties that are on opposite of an intersection diagonally (e.g. “kitty-corner” or “catty corner” or “caddy corner”) are not considered”.

11. The EPC should require a traffic study, subject to reasonable public review and comment, for this application. The draft traffic report submitted by the applicant, and apparently acceptable to Staff, describes improvements that should have been made as requested by the neighborhood over the last years. To require approval of the applicant’s intense development as a condition of making needed traffic safety improvements is extortionate to the neighborhood. The City should be making the improvements with or without the applicant’s promises.

12. In SBMTNA’s view, the proposed development would be highly destructive to the SBMTNA neighborhood by worsening the already dangerous and overcrowded traffic situation. Approving the zone change will encourage urban blight by placing an intense hospital use within 330 ft. of residences. SBMTNA disputes that the IDO calls for “much needed high density, infill development” at the subject location (p. 6 of the applicant’s June 4, 2024, application) or that the community needs the intense hospital development at the subject location. The applicant and the City have not considered other possible locations for the new intense hospital use.

13. In SBMTNA's view, the process for this project reveals the bias and inadequacy of the City's development process as to fairly protecting neighborhood interests. SBMTNA disputes that the EPC under the influence of the Planning Department can provide an unbiased quasi-judicial hearing on this application. The Planning Department and the EPC ignored basic requirements of the IDO and rushed to approve the applicant's proposed zone map amendment for the subject site which was appealed in AC-24-11.

14. In SBMTNA's view, the LUHO erred in remanding AC-24-11 for a de novo hearing. The applicant failed to establish its case for the zone map amendment and a re-do for the applicant was not justified under the circumstances.

Please place this letter with enclosures in the record for the EPC hearing. SBMTNA may have other objections after complete review of the updated Staff report. SBMTNA requests the opportunity to cross-examine witnesses for the applicant and the Planning Department.

Sincerely,

Loretta Naranjo Lopez, President
Ronald Vallegos, Vice President
Andrew Tafoya Leverett, Secretary
Jesse Lopez, Treasurer
Rosalie Martinez
Olivia Ayon
Gilbert Speakman
Melissa Naranjo
David Naranjo
Frank Garcia

July 15, 2024

SBMTNA SUPPLEMENTAL REVIEW OF THE REQUEST FOR A ZONE MAP
AMENDMENT FROM MX-M TO MX-H FOR 1100 WOODWARD NE

Steve Chavez, Land Use Hearing Officer states that after reviewing the record, listening to arguments and cross examination testimony, he found that the application that the EPC relied on material inaccurate and conflicting evidence that was submitted by the City of Albuquerque Staff Planner. As a result, LUHO remanded the case back to EPC.

LUHO made it clear that the Gateway site plan for subdivision is material to the zone amendment. LUHO further states the staff planner failed to advise the EPC that *CPO-7 overlay regulations are or could be supplanted by the design standards incorporated in and with the 1994 site plan for subdivision and that the MX-H transition recommended by staff is erroneous.*

The Hearing Officer further states that the proposed *zone creates a spot zone.* Because the existing zoning at the site is MX-M not C-3, EPC finding 12.C is erroneous. He further states that there is insufficient evidence that the proposed MX-H zone is different from surrounding zone districts and that it can function as a transition between adjacent zone districts. *SBMTNA supports the LUHO's statement.*

The applicant for PR-2024-009765, RZ-2024- 00001 is Cross Development, the property owner is on record John Q. Hammons, LLC. The agent is Tierra West LLC. The legal description is all or a portion of Tract A Plat of Gateway Subdivision, the location is 1100 Woodward Place NE, between Mountain Road and Lomas Boulevard, the size is approximately 3.0 acres. The existing zoning is MX-M and the proposed zoning is MX-H.

The applicant has not adequately justified the request pursuant to IDO Review and Decision Criteria 14-16-6 7(G)(3) based upon the proposed zoning is **not** more advantageous to the community than the current zoning because it would not facilitate a preponderance of applicable Goals and policies, 4.1 to preserve and protect the historical residential neighborhood.

The subject site is vacant and surrounded by the frontage road that has the highest fatalities in all of Albuquerque including, two high schools to the north that has approximately 4000 students a day, and the 2 Steps Ahead Learning Center with up to 100 children, to the west is the historical residential Martineztown single family dwellings, and TRICOR to the southwest is New Heart Cardiac Rehabilitation and Prevention Program, southeast is Embassy Suites (owner John Q. Hammons, applicant), and further south at 505 Elm Street NE is the Lovelace UNM Rehabilitation Hospital, Medical Arts UNMH outpatient Rehab Service, 1025 Medical Arts Avenue NE, Odelia Healthcare, Rehabilitation Center and Physical Therapy, 1509 University Blvd N, Kindred Hospital 700 High Street NE, Albuquerque is for treatment and rehabilitation. The subject site directly abuts I-25 and Frontage Rd S. to the east.

The subject site has been used for special events and over flow of parking by Embassy Suites. The old “site plan” was not complete. The site plan is not readable on some parts, the site development plan does not follow the requirements on Lot 3, the Embassy Suites is on two of the lots that required different development than the current hotel, and the subject property on the “site development plan” states it is for general offices.

The subject site is located in an Area of Change as designated by the Comprehensive Plan and is side by side in an Area of Consistency which requires the City of Albuquerque to protect and preserve the neighborhood. **It is not located within a designated Center.**

The subject site is also located within the Santa Barbara Martineztown Character Protection Overlay Zone (CPO-7), and thus must adhere to the standards associated with this Overlay Zone. CPO-7. (See LUHO Remand, July 3, 2024)

The subject site is included in the Central Albuquerque Community Planning Assessment (CPA) area. The Central ABQ Community Planning Area (CPA) is currently being updated and the Historic Neighborhood Alliance has asked to have input in the plan and is waiting for a scheduled meeting to address our concerns.

ANALYSIS of APPLICABLE ORDINANCES, PLANS, AND POLICIES

The subject site is zoned MX-M [Mixed-use – Medium Intensity Zone District, IDO 14-16-2-4(C)], which was assigned upon adoption of the IDO as a conversion from the former SU-2 (C-3) Heavy Commercial zone corresponds to the C-3 Zone with the following exceptions A. Permissive Uses 1. Uses permissive and regulated in the C-2 zone. E. Height Structures shall not exceed 26 feet in height...

CHAPTER 4: COMMUNITY IDENTITY

GOAL 4.1 - CHARACTER: Enhance, protect, and preserve distinct communities

It is clear that the request would not protect and preserve distinct communities, higher intensity uses are not permissive in the existing residentially zoned portions of the SB/MT neighborhood. The HNDEF Plan 2022 states it will displace the residents that live in the neighborhood. The MX-M zone is detrimental to the neighborhood which is already causing cultural genocide. **The request does not clearly facilitate Goal 4.1 – Character.**

POLICY 4.1.1 – DISTINCT COMMUNITIES: Encourage quality development that is consistent with the distinct character of communities.

The request is detrimental to the residential area. The existing varying intensity of uses are contributing to the neighborhood children’s learning abilities and causing many health issues. The City of Albuquerque continues to perpetuate racial inequities in the Santa Barbara Martineztown Neighborhood by allowing industrial, manufacturing next to the existing historical residential neighborhood. The request locates a hospital use within 330 feet of existing residential zoned parcels. The old site development plan for the subject site provides a specific use for the subject site (General Office), the requested zone map amendment (if approved) would

change the intent of future development of the site to a proposed hospital use. The office use is an accepted transition than a 24 hours hospital. The request does not facilitate Policy 4.1.1. Distinct Communities.

POLICY 4.1.2 – IDENTITY AND DESIGN: Protect the identity and cohesiveness of neighborhoods by ensuring the appropriate scale and location of development, mix of uses, and character of building design.

The request will not protect the identity and cohesiveness of the surrounding neighborhood because the height of these uses over shadow the neighborhood and bring uses that are detrimental to the health, safety and welfare of the residents. residentially zoned parcels as articulated by the controlling Gateway Center Site Development Plan. The request is not consistent Policy 4.1.2 Identity and Design.

POLICY 4.1.4 – Neighborhoods would be violated by not enforcing the historical protection to enhance, protect and preserve the historical residential neighborhood and traditional communities as key to our long term. Based on this Goal, the more restrictive zoning is required to be applied.

THE ABQ COMP PLAN PART 14-16-1 GENERAL PROVISION PURPOSE 1-3 (A-L) – The proposed use will bring increased large diesel trucks and other traffic to an already congested area, having a detrimental effect on health, safety and welfare, particularly given the location of the subject property next to the freeway, frontage road, and congested Mountain Road NE.

ABQ COM PLAN INTRODUCTION ON ENVIRONMENTAL JUSTICE – The negative effects are unfairly focused on a vulnerable population in an historic residential neighborhood.

According to **5-9(A) PURPOSE** This Section 14-16-5-9 is intended to preserve the residential neighborhood character of established low-density residential development in any Residential zone district on lots adjacent to any Mixed-use or Non-residential zone district.

PART 1.4 LEGAL PURPOSE OF THE COMP PLAN – The Comp Plan purpose in the NMSA 1978, Section 3-19-9(A) is “to guide and accomplish a coordinated, adjusted and harmonious development of the City of Albuquerque ..., Promote health, safety, morals, This proposed hospital will be out of harmony with existing and future needs of the neighborhood, because of the negative impacts on environment, health, safety and welfare. (See Health Impact Study Report)

5-9(B) APPLICABILITY 5-9(B)(1) Protected Lots the Neighborhood Edges provisions in this Section 14-16-5-9 are intended to protect lots in any R-A, R-1, R-MC, or R-T zone district that contains low-density residential development. The general requirement **5-9(C) Building Height 5-9(C)(2) General Requirement** on Regulated Lots, any portion of a primary or accessory building within 100 feet of the nearest Protected Lot property line shall step down to a maximum height of 30 feet. (See figure below.)

Generally, the permissive uses allowed in the MX-H zone district are more more detrimental to those allowed in the MX-M zone district and are *detrimental to any residential neighborhood including Martineztown Santa Barbara Neighborhood.*

POLICY 5.1.1(C)

It is important to protect the public health and safety by separating residents, children and youth from high intense land uses. Policy 5.6.3(a-j)Areas of Consistency – Protect and enhance the character of existing single-family neighborhoods. The request will result in an incompatible use that should be located in the westside of the city of Albuquerque next to the hospitals where jobs are needed. The area is already over developed and has sufficient physical therapy hospitals. The use will be next to an old historical roadway that cannot carry any more traffic and will eradicate the historical area over time. The request is better served on the westside where there is a larger population and a greater need. The request is not consistent with Sub-Policy 5.1.1(c).

POLICY 5.1.2 DEVELOPMENT AREAS: Direct the physical therapy in the westside to more intense growth to centers and corridors and use development areas to establish and maintain appropriate density and scale of development within or side by side Areas of Consistency. The request is not consistent with this policy.

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

The proposed use is for patients that need rehabilitation. The transit service will not be utilized by these patients or the people that visit them.

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

The request is for an MX-H zone district which allows a broader mix of higher-intensity land uses that are not compatible to a historical residential area. The subject site is currently vacant and surrounded by a two high schools and another children's school to the north, to the west single-family dwellings and Tri Core, and directly south is New Heart Physical Therapy facility and Embassy Suites. This development would not add to these types of land uses. The current site is used by Embassy Suites for over flow of parking and special events. There is nothing at this location that the residents would use. The youth may go to the high schools, but nothing at Gateway would foster communities where residents can live, work, lean shop and play. The requests do not facilitate this policy.

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 does not create a healthy, sustainable, and distinct community with a mix of uses that are conveniently accessible from surrounding neighborhoods. There is nothing the residents would need at this location. The transit system has minimal usage along Mountain Road. The request does not facilitate Policy 5.2.1 Land Uses.

Policy 5.2.1 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.

The request does not encourage development that brings goods, services, and amenities within walking and biking distance of neighborhoods and does not promote good access for all residents.

The MX-H zone is detrimental to any neighborhood. The office uses in the old site plan is an 8 am to 5 pm office use. This would be better than a 24-hour service with traffic all night long. The request does not facilitate Policy 5.2.1 a.

Policy 5.2.1 e): Create healthy, sustainable communities with a mix of uses that are conveniently accessible from surrounding neighborhoods.

The request would not create a healthy, sustainable community. There is already a mix of uses. The hospital would not be a conveniently accessible use for the surrounding neighborhoods because the MX-H zone district would allow higher-intensity land uses on the subject site, which is incompatible to neighborhoods. The neighborhood does not need another rehabilitation hospital. The request does not facilitate Policy 5.2.1 e).

Policy 5.2.1 h): Encourage infill development that adds complementary uses and is compatible in form and scale to the immediately surrounding development.

The request does encourage infill development. The hospital is not a complementary use and is not compatible in form and scale to the immediately surrounding area. The uses and standards allowed in the MX-H zone district are not similar to the surrounding properties zoned MX-M. The request does not facilitate Policy 5.2.1 h).

Policy 5.2.1 n): Encourage more productive use of vacant lots and under-utilized lots, including surface parking.

The request does not encourage more productive use of vacant lots and under-utilized lots. Development can be made possible under the MX-M zone with more compatible use such as general offices. The current vacant lot has been used for many special events and over flow of parking for Embassy Suites. The request does not facilitate Policy 5.2.1 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.

Future development on the subject site featuring uses allowed in the MX-M Zone District supports the public good by building a swimming pool for AHS and Open Space to protect the residents from the environmental impacts of the freeway. This type of use would keep the existing traffic which is already over capacity. The request for MX-H zone does not facilitate Goal 5.3 Efficient Development Patterns.

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

The subject site is a vacant infill site located in an area already served by existing infrastructure and public facilities. The request is for an incompatible use for the subject site. The site is now utilized by Embassy Suites for over flow of cars and special events. The current MX-M allows for future growth. The City of Albuquerque should require a use that will protect and preserve the residential area in order to be consistent Policy 5.3.1 Infill Development.

Policy 5.3.2 Leapfrog Development: Discourage growth in areas without existing infrastructure and public facilities.

The subject site is zoned MX-M and is located in an area already served by existing infrastructure and public facilities. Any development made possible by the current zoning could result in infill development of the currently subject site. This request does not facilitate Policy 5.3.2 Leapfrog Development since the current zone allows development. The issue is the overcapacity of traffic in an area that is over developed and the detriments of this traffic to nearby residents and students. The westside has existing infrastructure where this development is more suited to be built.

POLICY 5.3.7 – Locally Unwanted Uses: Ensure that land uses that are objectionable to immediate neighbors but may be useful to society are located carefully and equitably to ensure that social assets are distributed evenly and social responsibilities are borne fairly across the Albuquerque area.

The applicant is proposing a use that is already available to the nearby community. The proposed use would be better served on the westside in a large community for healthcare. The westside is in desperate need of jobs. **The request does not facilitate Policy 5.3.7 Locally Unwanted Land Uses.**

POLICY 5.3.7(b) – Ensure appropriate setbacks, buffers, and/or design standards to minimize offsite impacts.

The site plan will not ensure appropriate setbacks, buffer, and or design standards to minimize offsite impacts. The proposal does not meet the CP0-7 of 26 feet in height. The 55 feet is out of character for the neighborhood, but more importantly the added traffic from this facility will be detrimental to the neighborhood. **The request is not consistent with Sub Policy 5.3.7(b).**

Goal 5.6 City of Albuquerque of Albuquerque 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 located in an Area of Change and side by side in an Area of Consistency, where growth is not expected nor desired. Any future development on the subject site, which has been regularly used by Embassy Suites for overflow of parking and Special events, will increase an already environmentally impact area for residents and children and youth and create more traffic problems including increase in fatalities.

Due to the standards established by the CPO-7 Overlay Zone, including site standards, setback standards, and building height standards, any future development needs to adhere to CPO-7 standards in order to be compatible in form and scale to the immediately surrounding area, where CPO-7 standards also apply. The future development would not reinforce the character and intensity of the surrounding area residential area. The request does not facilitate this goal because it is out of character and will be developed in an area that has over built with medical facilities. The intensity and density are out of character with the residential area. General Offices is much preferred.

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

The request should be located in Centers and Corridors area where change is encouraged. The City of Albuquerque of Albuquerque of Albuquerque over built this area. Mountain Road cannot accommodate any more traffic. There are accidents on the frontage road, Lomas, Mountain Road NE every day.

The allowable uses and development standards associated with the MX-M zone support transit and commercial and retail uses. The request clearly does not facilitate Policy 5.6.2 d. The MX-M is already detrimental to nearby residents and MX-H will be more detrimental. The patrons of the hospital will not be using the transit system and neither will the employees or visitors.

Chapter 8: Economic Development

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

The current MX-M fosters a range of interesting places and contexts with different development intensities, densities, uses, and building scales. The MX-H zone district allows higher- intensity land use than the MX-M zone district, which will be detrimental to the neighborhood. Economic development opportunities should never be a factor for a zone map amendment. However, according to the Housing and Neighborhood Economic Development Fund (HNEDF) Plan states "Higher rents, lower vacancies, and increasing demand for new real estate development characterize the office, industrial, retail, and multi-family rental markets since 2002 and suggest that while the real estate market in the Pocket is growing, these conditions have not improved local residents' economic prospects." The HNEDF further states these economic prospects will create inhospitable economic conditions, displacement of

residents, and overall gentrification. This type of development would not improve economic conditions for local residents.

The request does not facilitate Policy 8.1.1., The subject site is currently vacant and being used as surface parking and for special events.

CHAPTER 8: ECONOMIC DEVELOPMENT

GOAL 8.1 – PLACEMAKING: Create places where businesses and talent will stay and thrive.

City of Albuquerque of Albuquerque staff states, “It is unclear from the applicant’s response how the requested zone map amendment will lead to a place where businesses and talent will stay and thrive. No studies or statistical data has been provided by the applicant to demonstrate or confirm that this will be the case.” SBMTNA agrees, but also understand that economics should not be a part of the decision of a zone map amendment. **The request does not facilitate Goal 8.1 Placemaking.**

POLICY 8.1.1 DIVERSE PLACES: Foster a range of interesting places and contexts with different development intensities, densities, uses, and building scales to encourage economic development opportunities.

The request is not an interesting place since it is available in the surrounding area. The area is over developed with medical facilities. The proposal is located within the Gateway Site Development Plan for Subdivision which has already created a traffic problem in this area and brings unwanted traffic into the neighborhood. **The request does not facilitate Policy 8.1.1. – Diverse Places already exist.**

POLICY 8.1.1(a) – Invest in Centers and Corridors to concentrate a variety of employment opportunities for a range of occupational skills and salary levels.

The request is required in the westside where employment is needed. **The request is doe not facilitate Sub Policy 8.1.1(a) to concentrate in an area with Centers and Corridors.**

POLICY 8.1.1.(c) – Prioritize local job creation, employer recruitment, and support for development projects that hire local residents.

Staff states, “The request could prioritize local job creation and recruitment during the construction phase of the proposed development; however, staff notes that the applicant’s (Nobis Rehabilitation Partners) headquarters is located in Allen, Texas. It is therefore unclear how the proposed use will continue to prioritize local job creation and hire local residents.” SBMTNA agrees. **The request does not facilitate Policy 8.1.1(c).**

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 HNDEF Plan 2022 states it will be detrimental to the neighborhood. The neighborhood will be displaced. A use that is more compatible to the school and neighborhood needs to be developed on this lot. **The request does not facilitate Policy 8.1.2 – Resilient Economy when reports state that there is a greater need of economic development in the westside where there is a larger concentration of people.**

GOAL 8.2 – ENTREPRENEURSHIP: Foster a culture of creativity and entrepreneurship and encourage private businesses to grow.

Staff states, “While the request may result in encouraging a private business to grow on the subject site, it is unclear from the applicant’s response how this would foster a culture of creativity and entrepreneurship given the permissive uses under the MX-H zone district.” SBMTNA agrees. **The request does not facilitate Goal 8.2 – Entrepreneurship since the jobs at the hospital are for educated and trained physical therapist, nurse and doctors who work for the hospital.**

Integrated Development Ordinance (IDO) 14-16-6-7(G)(3)-Review and Decision Criteria for Zone Map Amendments

The review and decision criteria outline policies and requirements for deciding zone change applications. The applicant must provide sound justification for the proposed change and demonstrate that several tests have been met. The burden is on the applicant to show why a change should 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 of Albuquerque of Albuquerque plans.

The subject site is currently zoned MX-M (Mixed-use Medium Intensity). The requested zoning is MX-H (Mixed-use High Intensity). The reason for the request is to facilitate the development of an Inpatient Rehabilitation Facility (IRF).

The Santa Barbara Martineztown Neighborhood Association understands that the proposed zone change does not meet the zone change decision criteria in IDO §14-16-6-7(G)(3). **The request is an illegal spot zone. The existing MX-M is detrimental to the neighborhood and neighborhood has asked for years for the City of Albuquerque of Albuquerque to stop the environmental impacts and preserve and protect the neighborhood. The HNDEF Plan 2022 and the Health Impact Study clearly defends the neighborhoods repetitive requests to protect the health, safety and welfare of the residents and repeatedly the request has been on deaf ears. (See**

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

This request is a spot zone, the applicant must “clearly facilitate” implementation of the ABC Comp Plan (see Criterion H). ***The request is not consistent with the City of Albuquerque of Albuquerque’s health, safety, morals and general welfare. The response by the applicant is not sufficient to Criterion A. The traffic impact will be detrimental and the hospital will cause displacement of residents and gentrification.***

B. The proposed amendment is not located in just an Area of Change (as shown in the ABC Comp Plan, as amended), it is side by side to an Area of Consistency next to a narrow historical road and in area that has the highest fatalities in all of Albuquerque. The applicant has demonstrated that the new zone would destroy the established character of the surrounding Area of Consistency and would permit development that is significantly different from the historical low density single-family dwellings. The City of Albuquerque of Albuquerque of Albuquerque has perpetuated racial inequities in our area and continues to allow uses that are not compatible to residential area. The applicant must also demonstrate that the existing zoning is inappropriate because it meets any of the following criteria:

1. There was no typographical error when the Zoning was applied. There was not a typographical or clerical error. ***The MX-M was approved during the initial approval of the IDO and then staff provided another chance for property owners to apply for a Zoning Conversion. The property owner was not allowed to go to a higher intense use, but could recommend a down zone.***
2. There have not been significant changes in the neighborhood. ***The historical single-family dwellings existed since 1850. What has been a detriment to the neighborhood is Gateway. The uses are not compatible and are detrimental to neighborhood. The MX-H is not compatible and will not complement the neighborhood. (See the Health Impact Study and HNEDF Plan 2022, page 16)***
3. ***A MX-H district will not be advantageous to the community as articulated by the ABC Com Plan, policy 4.1 to protect and preserve the neighborhood. As stated in the HNEDF Plan the proposal will be economical disastrous. The City of Albuquerque of Albuquerque has failed to protect the neighborhood from gentrification and cultural genocide. (See HNEDF Plan 2022 Plant) There are sufficient Rehabilitation Hospitals nearby. The City of Albuquerque of Albuquerque over developed the area with uses that are not compatible and detrimental to the neighborhood.***

The subject site is in an Area of Change and side by side in an Area of Consistency.

C. If the proposed amendment is located in an Area of Change and side by side an Area of Consistency (as shown in the ABC Comp Plan, as amended) and the applicant has demonstrated that the existing zoning is inappropriate because it does not meet 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 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 of Albuquerque of Albuquerque plan(s).

The subject property is within an Area of Change and next to Area of Consistency. There was no typographical error when the zoning was applied. There have not been significant changes in the neighborhood. The residential area still exists. The high schools still exist. Along with the adoption of the IDO the zoning designation of the subject site was changed from C-2 (Heavy Commercial Permissive Uses) to MX-M. The MX-H is a high intense use that will not benefit the surrounding neighborhood and will not facilitate the implementation of the applicable Goals and Policies in the ABC Comp Plan to protect and enhance the historical neighborhood. These Goals and policies are not supported because the request will not protect the health safety and welfare of the residents and is not compatible to a historical residential neighborhood.

D. The zone change does not include permissive uses that are 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 uses in the MX-M are already harmful to the neighborhood. The high intense use of the MX-H will only exacerbate the situation. The HIA report states that the government should alleviate the traffic. The report indicates it is not trying to alleviate the traffic situation it is increasing the traffic. The report further states the environment the neighborhood is living in that the government created is impacting the children's ability to learn and impacts their health. The permissive use and proposed uses are harmful to adjacent property, neighborhood and community.

E. The City of Albuquerque of Albuquerque'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 of Albuquerque of Albuquerque to serve the development made possible by the change of zone. **There is adequate capacity of Albuquerque under the current zone. The rehabilitation hospital service is already provided through the community.**
2. Will have adequate capacity of Albuquerque based on improvements for which the City of Albuquerque has already approved and budgeted capital funds during the next calendar year. There is no budget to try to alleviate the current issues with traffic. The State needs to go back to the drawing board and build the south frontage road to only exit at Lomas.

3. Will have adequate capacity of Albuquerque when the applicant fulfills its obligations under the IDO, the DPM, and/or an Infrastructure Improvements Agreement. ***There will be no adequate capacity.***

4. Will have adequate capacity when the City of Albuquerque and the applicant have fulfilled their respective obligations under a City of Albuquerque - approved Development Agreement between the City of Albuquerque and the applicant.

The request does not meet the criteria. The City of Albuquerque has done nothing to alleviate the existing problems with traffic. The proposed increase of traffic exasperates the situation.

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

The location of the subject site is not appropriate for the requested Zone Map Amendment based on the ABC Comp Plan and the studies done in the area demonstrate that this request will be detrimental to the neighborhood residents and youth at the high schools

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

The zone map amendment from MX-M to MX-H will not benefit the surrounding neighborhood because it does not meet the ABC Comp Plan goals to preserve and protect the neighborhood. The applicant's justification based upon economic considerations should never be considered. The HNEDF Plan 2022 states this request for zone map amendment is to allow a hospital which will create inhospitable economic conditions.

H. The zone change does 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. 1.2.3.

According to the LUHO, the request is a spot zone because it would apply a zone different from surrounding zone districts. The proposed zoning MX-H will not function as a transition between adjacent zones. The zones are MX-T to the north, R-1 to the east and Mx-M and Mx-M to the south. The proposed zone will not facilitate implementation of the Comprehensive Plan. The applicant has not demonstrated that subject site could function as a transition between the MX- M and MX-T zones. The east side of the property is the frontage road and freeway. The subject site is located within the CPO-7 Overlay Zone and the standards associated with this Overlay Zone require only 2 story 26 feet.

As required, the applicant has shown that the request will not clearly facilitate implementation of the ABC Comp Plan by preserving and protecting the residential neighborhood. The proposed use is already available in the surrounding area.

CONCLUSION

The applicant is requesting a zone change from MX-M zoning to MX-H zoning, which would **result in a spot zone**. The request could facilitate a pool for the High Schools and Open Space to protect the residents from the air pollution associated with the frontage roads and freeway. The proposed future development of a hospital use can be built today with only 26 feet in height and 20 beds. This will clearly bring more traffic that Mountain Road cannot accommodate, but the City of Albuquerque failed to vision the over built environment in this area and allowed incompatible uses that are detrimental to the neighborhood

The applicant does not adequately justify the request based upon the proposed zoning is not more advantageous to the community than the current zoning because it would not facilitate a preponderance of applicable Goals and policies. The applicant's responses to the Review and Decision Criteria for Zone Map Amendments established in 14-16-6-7(G)(3) of the IDO are not sufficient.

The applicant is still proposing a 3-story building which originally was designed for 60 beds. I find this deceiving to say the least when the proposal all along has been for 60 beds. **The old site plan required general offices which SBMTNA understands to be more compatible – 8 am to 5 pm service and not a 24-hour service.**

The proposed amendment to MX-H does not align with the City of Albuquerque ABC Comprehensive Plan. The neighborhood does not need more traffic, air and noise pollution. The City of Albuquerque has over developed in this area with healthcare services and the hospital does not meet the needs of the longtime residents in the neighborhood.

The site is located within the Central ABQ Community Planning Area which is designated as Area of Consistency. It is next to a historical single family residential neighborhood, a low-density development and next 4000 students that attend the two high schools as well as a day care center with 100 children. The commercial uses do not provide the day to day needs of the neighborhood. The buses that go down Mountain Road are rarely used.

Santa Barbara Martineztown Neighborhood Association met with the applicant. **The concerns SBMTNA had is regarding the Higher Intensity use of the MX-M, is the spot zone**, the increase in traffic, the current traffic congestion, safety, the environmental impacts from the freeway and frontage road, as well as the highest fatality rate of accidents in all of Albuquerque. The neighborhood association recommended the hospital to be built in westside near the hospitals since the roadways can accommodate this type of traffic and the need is much greater. The neighborhood area is saturated with rehabilitation hospitals.

The amendment does not facilitate the ABC Comp Plan's goals. Economics are not to be a factor in a zone map amendment. Due to the historical area, and the establishment of MX-M zone the is allowed to develop a 20-bed hospital. The proposed MX-H zone and the proposed hospital will interfere in the quality of life of the residents. The 48-bed hospital is detrimental to the residents. A facility which allows up to 60 beds would be more than adequate to address the needs of Albuquerque in the westside near the hospitals where there is a larger population.

The request is a spot zone. To the north is MX-T to the west is MX-M and R-1, to the south is MX-M and to the east is the frontage roads and the Interstate. The Albuquerque's Comprehensive Plan goals advocates for infill development that meets the needs of the residents. The efficient land use would be a swimming pool for the high schools and open space to protect the residents from the environmental impacts of the freeway. The City of Albuquerque already over developed south of Lomas.

SBMTNA understands that the City of Albuquerque has continued to perpetuate racial inequities in this neighborhood. In 2017, SBMTNA was involved in the discussion with the City of Albuquerque regarding the Traffic Impact Study for the neighborhood.

For the last two years, the City of Albuquerque has submitted the roundabout for Edith and Mountain to the Legislature and no money has been provided to get this project moving. Why now that this illegal request of a spot zone proposed hospital us are these recommendations made in this Crash Analysis. Why not in 2017 did the City of Albuquerque and State request funding for the roundabout at Edith and Mountain, cross walk with light for the youth at CEC and AHS, cross walk with median to prevent five-ton trucks from turning down at Mountain and South Frontage, a left turn only at the South Frontage and Mountain?

I find the inactions by the City of Albuquerque and State Officials to be criminal in nature due to the high volume of accidents at this location. The neighborhood association has waited for nine years after the discussion in 2017 on the Traffic Analysis for measures to be taken to protect the citizens of Albuquerque, the residents of Martineztown/Santa Barbara Neighborhood and the youth at the high schools etc. Yet, now because Cross Development an outside developer comes in represented by Tierra West you want to consider a zone map amendment to MX-H zone, an incompatible use, an illegal spot zone, next to a historical residential neighborhood and further commit culture genocide (deliberately targeting and taking out all aspects of the historical Martineztown Santa Barbara Neighborhood residents, culture, religious and ethnic group). The City of Albuquerque continues to inflict on the Santa Barbara Martineztown Neighborhood with zone categories and land uses that are detrimental to the health safety and welfare of the residents.

SBMTNA respectfully request that the Environmental Planning Commission to deny the Zoning Map Amendment from MX-M to MX- H for the subject site, facilitating the development of a healthcare facility which already exists in the surrounding area. The request is an illegal spot zone. This request does not support the City of Albuquerque Comprehensive Plan goals Goal 4.1 Character Enhance, protect, and preserve distinct communities. According to the HNDEF Plan 2022, the hospital will destroy the historical neighborhood of Martineztown Santa Barbara Neighborhood. The comments from NMDOT traffic report and Environmental Impact Study needs to be provided before any development happens on this site. This area has been over developed with medical facilities. The proposed physical therapy hospital is already available in the neighborhood. The neighborhood is environmentally impacted with the proposed MX-H zone.

**MOUNTAIN ROAD REHABILITATION HOSPITAL MOUNTAIN
ROAD/WOODWARD PLACE NE, CRASH ANALYSIS JUNE 3, 2024 DRAFT
REVIEWED BY SBMTNA**

This Crash Analysis was prepared in conjunction with the development of a 48-bed rehabilitation center and provides a comprehensive analysis of crash data at three key intersections near Mountain Rd and the south frontage road of Interstate 25... *The person that wrote the report deceives the public by stating there will only be 48 beds, when the applicant still proposes from the initial application a three-story building which accommodates 60 beds. This report is not sufficient because it did not review for 60 beds. The Impacts on High Density Developments on Traffic and Health, Health Impact Assessment on Martineztown states that Mountain Road is one of the top ten having crash rates involving pedestrians and bicycles. Diesel trucks come down Mountain Road and they are most dangerous for the neighborhood. The hospital will bring more diesel trucks to provide supplies for the hospital which is detrimental to the residents' health. Diesel trucks cause cancer. The conclusion of the HIA states how the increase traffic will affect the resident. SBMTNA pleads with the City of Albuquerque to utilize this land with what is existing there now. The existing traffic from freeway, frontage road impacts the residents and the children' health.*

Intersection #1 – Mountain Rd. / Edith Blvd.: *SBMTNA has learned over the years that the City of Albuquerque does not provide the correct record for the accidents that occur at this location. The neighbors state there is an accident every week in this location with the limited improvements.*

Intersection #2 – Mountain Rd. / Woodward Pl.: *The analysis is based on limited information.*

Intersection #3 – Mountain Rd. / I-25 W. Frontage Rd.: *The crashes are due to the fact that there is a hill with no visibility before you enter the intersection of Mountain and the South Frontage Road NE. My neighborhood who lived on High Street near this intersection stated there was an accident every week. From his account of traffic accidents, the record is not complete. The City of Albuquerque Buses do not follow the required speed limit and have had several crashes at this location, but this is not recorded.*

NMDOT performed an internal Crash Safety Analysis and subsequently installed mitigation measures in 2018. NMDOT recommended the following:

To address the identified crash trends at the Mountain Rd. / I-25 W. Frontage Rd. intersection, several recommendations are made:

1. Mask the green signal indicator at the E. Frontage Rd. to prevent confusion for drivers at the W. Frontage Rd.
2. Install lane configuration signage on the signal mast arm to clearly indicate the lane purposes for southbound traffic.
3. Implement bright yellow backplates on signal heads to enhance their visibility.

The recommendations in the Crash Analysis should have been done when we met with the City of Albuquerque in 2017. The Martineztown Santa Barbara Traffic Study February 2018 states "There were several comments regarding the intersection of Mountain Road and the I-25 Frontage Road. The comments received from the public were both for and against closing the intersection. This intersection is actually outside the scope of this project and is an ongoing project of the NMDOT. The NMDOT is currently doing improvements to the Frontage Road to try to reduce speeds and prevent accidents at the intersection."

There is no evidence that any of the recommendations made in the NMDOT study in 2018 or the Martineztown Santa Barbara Traffic Study that they were taken seriously to obtain the funding to improve the area.

These Crash Analysis accommodations are not sufficient. The City of Albuquerque Buses continue to crash at this corner and all 5-ton trucks continue to come down Mountain Road. I find this Crash Analysis to be extortion by the government to benefit the applicant.

Crash Analysis recommends to reduce crashes at the signalized intersection of Mountain Rd. / I-25 W. Frontage Rd.:

1. 1) Mask the green signal indicator at the E. Frontage Rd. so that it is not visible from the W. Frontage Rd.
2. 2) Construct lane configuration signage on the signal mast arm for the southbound approach on the W. Frontage Rd. to inform drivers that the far-left lane is a thru / left turn lane and the second from inside lane is a thru lane ONLY.
3. 3) Construct the bright yellow backplates on the signal heads at the intersection to improve visibility of the signals.

As I understand, the Crash Analysis the table is inaccurate and the recommendations by the neighborhood association are not included. The Analysis does not take into account that the South Frontage was an afterthought when the Interstate was being redeveloped. Jesse Lopez, SBMTNA Board Member was on the Interstate Committee and according to him Mountain Road was not an exit it was only Lomas. Drivers are coming up the hill on the south Frontage Road and are unable to see the light at the intersection. According to witnesses, more accidents have happened since the State Transportation made some small changes in or around 2018 such as cuts on the roadway and signal stating the light is red.

**SANTA BARBARA MARTINEZTOWN NEIGHBORHOOD
ASSOCIATION
EPC PR-2024-00976/AC-24-11 REMAND**

EXHIBITS

1. JULY 7, 2009 EMAIL FROM ISAAC BENTON FORMER CITY COUNCILOR TO CARMEN MARRONE STAFF PLANNER
2. PETITIONS TO OPPOSE THE ZONE MAP AMENDMENT TO MX-H
3. PICTURE OF DIESEL TRUCK

The Martineztown Santa Barbara Neighborhood residents oppose the proposed PR-24-009765, RZ-2024-00001, Zone Map Amendment from MX-M to MX-H for 1100 Woodward Place NE. The proposal is a spot zone and is not in character of the neighborhood. The application does not satisfy the IDO and legal requirements for changing the subject property's existing zoning. It also does not satisfy the day to day needs of the residents. This proposed zone map amendment from MX-M to MX-H is detrimental to the health, safety and welfare of the neighborhood. The neighborhood residents are already dealing with the health impact from the vehicle emissions at dangerously high levels from the interstate, and the heavy commercial uses surrounding the neighborhood, including over 2000 students and staff at Albuquerque High School and CEC School. This use will only increase the vehicles emissions with the City of Albuquerque recognizing is at unsafe levels.


Name Address Phone Number

Name	Address	Phone Number
Dalricia Duran	1300 Water NE	X
MARIE RATTER	1300 Water	
Nora Diaz	1300 Water NE	
Mary Duran	920 Armo NE	
Maciela Montano	724 Corbero Rd NE	
Polina ^{Josefa} Pizarro	919 Armo NE	
Adres Ayon	507 Rosemont NE 87102	
Benjamin A. (D) Pizarro	2428 Woodhill Dr. NE	
Julie Pizarro	556 W. 1st St NE	
Julie Chapman	1130 Waller St NE	505 507 2844
DAVID Astorga	1024 Edith NE	505 803 2615
Amanda Escobedo	1024 Edith NE	505 492 1998
ESTHER ESCOBEDO	1024 1/4 Edith NE	505 243 1950
JESSE LOPEZ	1127 Walter St. NE	
Patrick Arguelles	807 Mountain Rd NE	505-252-0225
Angeles M. Vigil	2714 Santa Clara SE	(505) 440-1514
Alonso Pizarro	706 Mt. Rd. W. E	505-243-2634
Ann Pizarro	614 Page Ave	(505) 720-2130
JOSUE APARICIO	513 MARTINEZ	505-252-4179
Rachael Adams	City Hall - Alameda	888
El Pizarro	2324 Broadway NE	-

The Martineztown Santa Barbara Neighborhood residents oppose the proposed PR-24-009765, RZ-2024-00001, Zone Map Amendment from MX- M to MX-H for 1100 Woodward Place NE. The proposal is a spot zone and is not in character of the neighborhood. The application does not satisfy the IDO and legal requirements for changing the subject property's existing zoning. It also does not satisfy the day to day needs of the residents. This proposed zone map amendment from MX-M to MX-H is detrimental to the health, safety and welfare of the neighborhood. The neighborhood residents are already dealing with the health impact from the vehicle emissions at dangerously high levels from the interstate, and the heavy commercial uses surrounding the neighborhood, including over 2000 students and staff at Albuquerque High School and CEC School. This use will only increase the vehicles emissions with the City of Albuquerque recognizing is at unsafe levels.

Name	Address	Phone Number
Shirley E. Polisar	1117 High St. NE. ALB. NM.	(714) 496-9535 87102

The Martineztown Santa Barbara Neighborhood residents oppose the proposed PR-24-009765, RZ-2024-00001, Zone Map Amendment from MX- M to MX-H for 1100 Woodward Place NE. The proposal is a spot zone and is not in character of the neighborhood. The application does not satisfy the IDO and legal requirements for changing the subject property's existing zoning. It also does not satisfy the day to day needs of the residents. This proposed zone map amendment from MX-M to MX-H is detrimental to the health, safety and welfare of the neighborhood. The neighborhood residents are already dealing with the health impact from the vehicle emissions at dangerously high levels from the interstate, and the heavy commercial uses surrounding the neighborhood, including over 2000 students and staff at Albuquerque High School and CEC School. This use will only increase the vehicles emissions with the City of Albuquerque recognizing is at unsafe levels.

Name	Address	Phone Number
 MARCIANO GARCIA	707 Mountain Rd NE.	505-247-0704
SANDRO ALVARADO	1128 1/2 Walter	505 903-3326
ARTHUR ALVARADO	1128 WALTER NE APTA	805-270-7716

From: "Benton, Isaac" <ibenton@cabq.gov>
Date: July 7, 2009 at 3:35:19 PM MDT
To: "Marrone, Carmen M." <CMarrone@cabq.gov>, Barbara Herrington <bherrington@sites-sw.com>, Phyllis Taylor <ptaylor@sites-sw.com>, "Patten-Quintana, Lorena" <lpatten-quintana@cabq.gov>
Cc: "Shair-Rosenfield, Kara" <karasr@cabq.gov>, "Dineen, Richard W." <rdineen@cabq.gov>, "Westmoreland, Bill" <wwestmoreland@cabq.gov>, "Hern, Phillip L." <PHern@abcwua.org>, cmariehern@aol.com, mom2301br@aol.com, waxamus@hotmail.com, lnjalopez@msn.com
Subject: RE: Mountain Road Update

Carmen, et al,

There are no "new proposals/solutions" for Mountain Road other than dealing with the UNM master plan and the I-40 ramp access, which the sector plan draft did not address and which I will remain very involved with. I am responding and will continue to respond to my constituents, as likely will the Mayor. Such responses become necessary when things drag on for too long, and not all the right players are brought to the table. The update of the plan has taken an eternity and is more contentious than it should be.

My efforts have been entirely in support of the Sector Plan, and I asked Mr. Westmoreland to help us with a few key questions. There is no duplication of work here; our meeting, which I thought was very productive, was not to plan for Mountain Road - it was to DO something in the near term about the dangerous and undesirable conditions that have existed on Mountain for years that have yet to be addressed.

Why don't we stop being so territorial, get down to business, and get things done. This is a community effort, not a work of art, and the more involvement

and support the better. I, for one, welcome the Mayor's involvement in this effort and hope that it will result in something actually getting done for the people on Mountain Road and in Martineztown/Santa Barbara.

Isaac Benton

-----Original Message-----

From: Marrone, Carmen M.
Sent: Mon 7/6/2009 3:41 PM
To: 'Barbara Herrington'; Phyllis Taylor; Patten-Quintana, Lorena
Cc: Benton, Isaac; Shair-Rosenfield, Kara; Dineen, Richard W.; Westmoreland, Bill
Subject: RE: Mountain Road Update

Barbara and others,

It seems that there is a lot of interest in fixing the traffic problems along Mt. Rd. While this is a good thing, I am concerned that we have too many cooks in the kitchen. As part of the Martineztown/Santa Barbara Sector Plan Update, Lorena has been working with property owners along Broadway, including the Post Office to address traffic on Mt. Rd and she has recently met with DMD and Wilson & Company to decide on temporary solutions along Mountain Road during the construction of the storm drain project. UNM is working on updating their Master Plan and is coordinating with us on the redesign of the intersection of Mountain Road & the west frontage road. Elected officials, representing the community, are holding separate meetings with the community and discussing possible solutions, and the consultant is attending meetings separate from the Planning Department who hired them to complete the sector plan update. On top of all this, we now have the Mayor's Office involved.

With so many different entities involved in the planning of Mt. Rd, there needs to be better communication and coordination in order to avoid duplication of work. The Planning Department is trying to complete the update of the Martineztown/Santa Barbara Sector Plan by next month which includes proposals for improving Mt. Rd. In order to complete the updated Plan, we need to be kept in the loop on any new proposals for Mt. Rd. Please coordinate with Lorena Patten-Quintana, Project Manager of the Sector Plan update regarding any new proposals for Mt. Rd. She has knowledge of the issues and constraints as well as the realistic solutions along this stretch of road. This knowledge could be helpful to those who are researching new

solutions.

Thank you for your cooperation,

Carmen Marrone
Manager, Long Range Planning
Planning Department

From: Barbara Herrington [<mailto:bherrington@sites-sw.com>]

Sent: Thursday, July 02, 2009 6:00 PM

To: Phyllis Taylor; Marrone, Carmen M.; Patten-Quintana, Lorena

Cc: Eric Wrage

Subject: Mountain Road Update

Loretta asked me to come to a neighborhood meeting this afternoon with Councilor Benton on Mountain Road to explain our recommendations for Mountain Road.

The Councilor has involved Bill Westmoreland from Mayor Chavez's office specifically to deal with this issue. The neighborhood residents reiterated their problems with Mountain Road. I explained our proposals and answered some questions.

1) Councilor Benton said he had met with both the UNM planners and the private property owners along Broadway (NAIOP reps).

His position is that the trucks going to businesses along Broadway can use Lomas or Odelia and don't need to use Mountain; he said the property owners really couldn't justify why they needed to use Mountain. He said he had been told by UNM planners (as were Lorena and I) that our proposed changes to Mountain Rd. will not affect them.

2) Apparently Rep. Heinrich has spoken with the Post Office and told them their trucks also needed to use Lomas, not Mountain. They are working on other entrances to the facility from Broadway, closer to Lomas. Neighbors have noticed the difference on Mountain Road.

3) Councilor Benton and Bill Westmoreland are exploring an option to block right turn access onto Mountain from the frontage road and to restrict eastbound traffic on Mountain to a right-turn-only onto the frontage road. UNM is only interested in traffic being able to get to and from their new facility from the interstate. They are going to discuss this option with others, such as Embassy Suites, Tri-Core

and others in the neighborhood.

- 4) Bill is going to investigate the collector status and prohibition on truck restrictions, as well as what happened to the original I-25 plans viewed by the Interstate Committee that did block access to Mountain Road.
- 5) The Councilor is planning to add funding to the storm drain project for the City to get started on implementing the Mountain Road changes while they are digging up the street, such as the restriping and adding the bicycle lanes. The rest of the project may have to be funded through the next bond cycle (2012). He is looking at transportation tax funds. This all depends on voter approval of both the bonds and the tax.

That's it. I will see you next Thursday. Are there any compiled neighborhood comments on the zoning that I could review before we meet?

Barbara

BARBARA S. HERRINGTON
PROJECT MANAGER

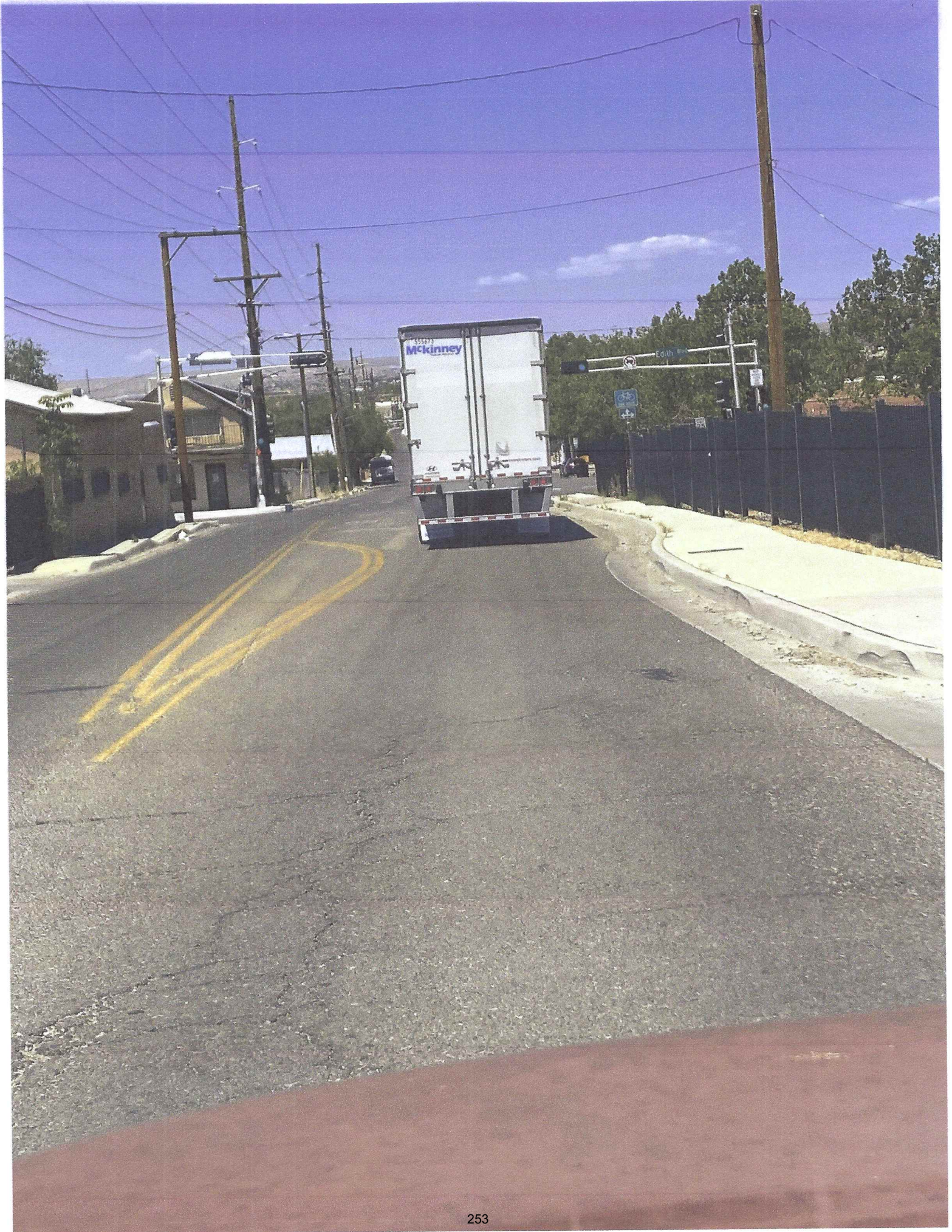
sites southwest

ALBUQUERQUE EL PASO

EMAIL: bherrington@sites-sw.com <<mailto:B@sites-sw.com>>

WEB: www.sites-sw.com <<http://www.sites-sw.com/>>

ABQ PH: 505.822.8200



SANTA BARBARA MARTINEZTOWN

EXHIBITS

FOR

Project #: PR-2024-009765 Case #: RZ-2024-00001

1. Exhibit 1 – Fairway Village Neighborhood Council Inc vs. Board of Commissioners of Dona Ana County and Picacho Hills Development.
2. Exhibit 2 – Impacts of High-Density Developments on Traffic and Health Report (HIA Report)
3. Exhibit 3 – Martineztown Santa Barbara Sector Development Plan Draft – August 2010
4. Exhibit 4 – R-20-75
5. Exhibit 5 – Technical Memorandum – Martineztown Santa Barbara Traffic Study
6. Exhibit 6 – AC-20-9 – Conditional Use for Construction Yard
7. Exhibit 7 – Martineztown Santa Barbara Traffic Study
8. Exhibit 8 – Albuquerque New Mexico Heat Watch Report
11/11/21
9. Exhibit 9 - Petition Signatures

July 15, 2024

SBMTNA SUPPLEMENTAL REVIEW OF THE REQUEST FOR A ZONE MAP AMENDMENT FROM MX-M TO MX-H FOR 1100 WOODWARD NE

Steve Chavez, Land Use Hearing Officer states that after reviewing the record, listening to arguments and cross examination testimony, he found that the application that the EPC relied on material inaccurate and conflicting evidence that was submitted by the City of Albuquerque Staff Planner. As a result, LUHO remanded the case back to EPC.

LUHO made it clear that the Gateway site plan for subdivision is material to the zone amendment. LUHO further states the staff planner failed to advise the EPC that ***CPO-7 overlay regulations are or could be supplanted by the design standards incorporated in and with the 1994 site plan for subdivision and that the MX-H transition recommended by staff is erroneous.***

The Hearing Officer further states that the proposed ***zone creates a spot zone.*** Because the existing zoning at the site is MX-M not C-3, EPC finding 12.C is erroneous. He further states that there is insufficient evidence that the proposed MX-H zone is different from surrounding zone districts and that it can function as a transition between adjacent zone districts. ***SBMTNA supports the LUHO's statement.***

The applicant for PR-2024-009765, RZ-2024- 00001 is Cross Development, the property owner is on record John Q. Hammons, LLC. The agent is Tierra West LLC. The legal description is all or a portion of Tract A Plat of Gateway Subdivision, the location is 1100 Woodward Place NE, between Mountain Road and Lomas Boulevard, the size is approximately 3.0 acres. The existing zoning is MX-M and the proposed zoning is MX-H.

The applicant has not adequately justified the request pursuant to IDO Review and Decision Criteria 14-16-6 7(G)(3) based upon the proposed zoning is **not** more advantageous to the community than the current zoning because it would not facilitate a preponderance of applicable Goals and policies, 4.1 to preserve and protect the historical residential neighborhood.

The subject site is vacant and surrounded by the frontage road that has the highest fatalities in all of Albuquerque including, two high schools to the north that has approximately 4000 students a day, and the 2 Steps Ahead Learning Center with up to 100 children, to the west is the historical residential Martineztown single family dwellings, and TRICOR to the southwest is New Heart Cardiac Rehabilitation and Prevention Program, southeast is Embassy Suites (owner John Q. Hammons, applicant), and further south at 505 Elm Street NE is the Lovelace UNM Rehabilitation Hospital, Medical Arts UNMH outpatient Rehab Service, 1025 Medical Arts Avenue NE, Odelia Healthcare, Rehabilitation Center and Physical Therapy, 1509 University Blvd N, Kindred Hospital 700 High Street NE, Albuquerque is for treatment and rehabilitation. The subject site directly abuts I-25 and Frontage Rd S. to the east.

The subject site has been used for special events and over flow of parking by Embassy Suites. The old “site plan” was not complete. The site plan is not readable on some parts, the site development plan does not follow the requirements on Lot 3, the Embassy Suites is on two of the lots that required different development than the current hotel, and the subject property on the “site development plan” states it is for general offices.

The subject site is located in an Area of Change as designated by the Comprehensive Plan and is side by side in an Area of Consistency which requires the City of Albuquerque to protect and preserve the neighborhood. **It is not located within a designated Center.**

The subject site is also located within the Santa Barbara Martineztown Character Protection Overlay Zone (CPO-7), and thus must adhere to the standards associated with this Overlay Zone. CPO-7. (See LUHO Remand, July 3, 2024)

The subject site is included in the Central Albuquerque Community Planning Assessment (CPA) area. The Central ABQ Community Planning Area (CPA) is currently being updated and the Historic Neighborhood Alliance has asked to have input in the plan and is waiting for a scheduled meeting to address our concerns.

ANALYSIS of APPLICABLE ORDINANCES, PLANS, AND POLICIES

The subject site is zoned MX-M [Mixed-use – Medium Intensity Zone District, IDO 14-16-2-4(C)], which was assigned upon adoption of the IDO as a conversion from the former SU-2 (C-3) Heavy Commercial zone corresponds to the C-3 Zone with the following exceptions A. Permissive Uses 1. Uses permissive and regulated in the C-2 zone. E. Height Structures shall not exceed 26 feet in height...

CHAPTER 4: COMMUNITY IDENTITY

GOAL 4.1 - CHARACTER: Enhance, protect, and preserve distinct communities

It is clear that the request would not protect and preserve distinct communities, higher intensity uses are not permissive in the existing residentially zoned portions of the SB/MT neighborhood. The HNDEF Plan 2022 states it will displace the residents that live in the neighborhood. The MX-M zone is detrimental to the neighborhood which is already causing cultural genocide. **The request does not clearly facilitate Goal 4.1 – Character.**

POLICY 4.1.1 – DISTINCT COMMUNITIES: Encourage quality development that is consistent with the distinct character of communities.

The request is detrimental to the residential area. The existing varying intensity of uses are contributing to the neighborhood children’s learning abilities and causing many health issues. The City of Albuquerque continues to perpetuate racial inequities in the Santa Barbara Martineztown Neighborhood by allowing industrial, manufacturing next to the existing historical residential neighborhood. The request locates a hospital use within 330 feet of existing residential zoned parcels. The old site development plan for the subject site provides a specific use for the subject site (General Office), the requested zone map amendment (if approved) would

change the intent of future development of the site to a proposed hospital use. The office use is an accepted transition than a 24 hours hospital. The request does not facilitate Policy 4.1.1. Distinct Communities.

POLICY 4.1.2 – IDENTITY AND DESIGN: Protect the identity and cohesiveness of neighborhoods by ensuring the appropriate scale and location of development, mix of uses, and character of building design.

The request will not protect the identity and cohesiveness of the surrounding neighborhood because the height of these uses over shadow the neighborhood and bring uses that are detrimental to the health, safety and welfare of the residents. residentially zoned parcels as articulated by the controlling Gateway Center Site Development Plan. The request is not consistent Policy 4.1.2 Identity and Design.

POLICY 4.1.4 – Neighborhoods would be violated by not enforcing the historical protection to enhance, protect and preserve the historical residential neighborhood and traditional communities as key to our long term. Based on this Goal, the more restrictive zoning is required to be applied.

THE ABQ COMP PLAN PART 14-16-1 GENERAL PROVISION PURPOSE 1-3 (A-L) – The proposed use will bring increased large diesel trucks and other traffic to an already congested area, having a detrimental effect on health, safety and welfare, particularly given the location of the subject property next to the freeway, frontage road, and congested Mountain Road NE.

ABQ COM PLAN INTRODUCTION ON ENVIRONMENTAL JUSTICE – The negative effects are unfairly focused on a vulnerable population in an historic residential neighborhood.

According to **5-9(A) PURPOSE** This Section 14-16-5-9 is intended to preserve the residential neighborhood character of established low-density residential development in any Residential zone district on lots adjacent to any Mixed-use or Non-residential zone district.

PART 1.4 LEGAL PURPOSE OF THE COMP PLAN – The Comp Plan purpose in the NMSA 1978, Section 3-19-9(A) is “to guide and accomplish a coordinated, adjusted and harmonious development of the City of Albuquerque ..., Promote health, safety, morals, This proposed hospital will be out of harmony with existing and future needs of the neighborhood, because of the negative impacts on environment, health, safety and welfare. (See Health Impact Study Report)

5-9(B) APPLICABILITY 5-9(B)(1) Protected Lots the Neighborhood Edges provisions in this Section 14-16-5-9 are intended to protect lots in any R-A, R-1, R-MC, or R-T zone district that contains low-density residential development. The general requirement 5-9(C) Building Height **5-9(C)(2) General Requirement** on Regulated Lots, any portion of a primary or accessory building within 100 feet of the nearest Protected Lot property line shall step down to a maximum height of 30 feet. (See figure below.)

Generally, the permissive uses allowed in the MX-H zone district are more more detrimental to those allowed in the MX-M zone district and are ***detrimental to any residential neighborhood including Martineztown Santa Barbara Neighborhood.***

POLICY 5.1.1(C)

It is important to protect the public health and safety by separating residents, children and youth from high intense land uses. Policy 5.6.3(a-j)Areas of Consistency – Protect and enhance the character of existing single-family neighborhoods. The request will result in an incompatible use that should be located in the westside of the city of Albuquerque next to the hospitals were jobs are needed. The area is already over developed and has sufficient physical therapy hospitals. The use will be next to an old historical roadway that cannot carry any more traffic and will eradicate the historical area over time. The request is better served on the westside where there is a larger population and a greater need. The request is not consistent with Sub-Policy 5.1.1(c).

POLICY 5.1.2 DEVELOPMENT AREAS: Direct the physical therapy in the westside to more intense growth to centers and corridors and use development areas to establish and maintain appropriate density and scale of development within or side by side Areas of Consistency. The request is not consistent with this policy.

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

The proposed use is for patients that need rehabilitation. The transit service will not be utilized by these patients or the people that visit them.

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

The request is for an MX-H zone district which allows a broader mix of higher-intensity land uses that are not compatible to a historical residential area. The subject site is currently vacant and surrounded by a two high schools and another children’s school to the north, to the west single-family dwellings and Tri Core, and directly south is New Heart Physical Therapy facility and Embassy Suites. This development would not add to these types of land uses. The current site is used by Embassy Suites for over flow of parking and special events. There is nothing at this location that the residents would use. The youth may go to the high schools, but nothing at Gateway would foster communities where residents can live, work, lean shop and play. The requests do not facilitate this policy.

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 does not create a healthy, sustainable, and distinct community with a mix of uses that are conveniently accessible from surrounding neighborhoods. There is nothing the residents would need at this location. The transit system has minimal usage along Mountain Road. The request does not facilitate Policy 5.2.1 Land Uses.

Policy 5.2.1 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.

The request does not encourage development that brings goods, services, and amenities within walking and biking distance of neighborhoods and does not promote good access for all residents.

The MX-H zone is detrimental to any neighborhood. The office uses in the old site plan is an 8 am to 5 pm office use. This would be better than a 24-hour service with traffic all night long. The request does not facilitate Policy 5.2.1 a.

Policy 5.2.1 e): Create healthy, sustainable communities with a mix of uses that are conveniently accessible from surrounding neighborhoods.

The request would not create a healthy, sustainable community. There is already a mix of uses. The hospital would not be a conveniently accessible use for the surrounding neighborhoods because the MX-H zone district would allow higher-intensity land uses on the subject site, which is incompatible to neighborhoods. The neighborhood does not need another rehabilitation hospital. The request does not facilitate Policy 5.2.1 e).

Policy 5.2.1 h): Encourage infill development that adds complementary uses and is compatible in form and scale to the immediately surrounding development.

The request does encourage infill development. The hospital is not a complementary use and is not compatible in form and scale to the immediately surrounding area. The uses and standards allowed in the MX-H zone district are not similar to the surrounding properties zoned MX-M. The request does not facilitate Policy 5.2.1 h).

Policy 5.2.1 n): Encourage more productive use of vacant lots and under-utilized lots, including surface parking.

The request does not encourage more productive use of vacant lots and under-utilized lots Development can be made possible under the MX-M zone with more compatible use such as general offices. The current vacant lot has been used for many special events and over flow of parking for Embassy Suites. The request does not facilitate Policy 5.2.1 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.

Future development on the subject site featuring uses allowed in the MX-M Zone District supports the public good by building a swimming pool for AHS and Open Space to protect the residents from the environmental impacts of the freeway. This type of use would keep the existing traffic which is already over capacity. The request for MX-H zone does not facilitate Goal 5.3 Efficient Development Patterns.

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

The subject site is a vacant infill site located in an area already served by existing infrastructure and public facilities. The request is for an incompatible use for the subject site. The site is now utilized by Embassy Suites for over flow of cars and special events. The current MX-M allows for future growth. The City of Albuquerque should require a use that will protect and preserve the residential area in order to be consistent Policy 5.3.1 Infill Development.

Policy 5.3.2 Leapfrog Development: Discourage growth in areas without existing infrastructure and public facilities.

The subject site is zoned MX-M and is located in an area already served by existing infrastructure and public facilities. Any development made possible by the current zoning could result in infill development of the currently subject site. This request does not facilitate Policy 5.3.2 Leapfrog Development since the current zone allows development. The issue is the overcapacity of traffic in an area that is over developed and the detriments of this traffic to nearby residents and students. The westside has existing infrastructure where this development is more suited to be built.

POLICY 5.3.7 – Locally Unwanted Uses: Ensure that land uses that are objectionable to immediate neighbors but may be useful to society are located carefully and equitably to ensure that social assets are distributed evenly and social responsibilities are borne fairly across the Albuquerque area.

The applicant is proposing a use that is already available to the nearby community. The proposed use would be better served on the westside in a large community for healthcare. The westside is in desperate need of jobs. **The request does not facilitate Policy 5.3.7 Locally Unwanted Land Uses.**

POLICY 5.3.7(b) – Ensure appropriate setbacks, buffers, and/or design standards to minimize offsite impacts.

The site plan will not ensure appropriate setbacks, buffer, and or design standards to minimize offsite impacts. The proposal does not meet the CP0-7 of 26 feet in height. The 55 feet is out of character for the neighborhood, but more importantly the added traffic from this facility will be detrimental to the neighborhood. **The request is not consistent with Sub Policy 5.3.7(b).**

Goal 5.6 City of Albuquerque of Albuquerque 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 located in an Area of Change and side by side in an Area of Consistency, where growth is not expected nor desired. Any future development on the subject site, which has been regularly used by Embassy Suites for overflow of parking and Special events, will increase an already environmentally impact area for residents and children and youth and create more traffic problems including increase in fatalities.

Due to the standards established by the CPO-7 Overlay Zone, including site standards, setback standards, and building height standards, any future development needs to adhere to CPO-7 standards in order to be compatible in form and scale to the immediately surrounding area, where CPO-7 standards also apply. The future development would not reinforce the character and intensity of the surrounding area residential area. The request does not facilitate this goal because it is out of character and will be developed in an area that has over built with medical facilities. The intensity and density are out of character with the residential area. General Offices is much preferred.

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

The request should be located in Centers and Corridors area where change is encouraged. The City of Albuquerque of Albuquerque of Albuquerque over built this area. Mountain Road cannot accommodate any more traffic. There are accidents on the frontage road, Lomas, Mountain Road NE every day.

The allowable uses and development standards associated with the MX-M zone support transit and commercial and retail uses. The request clearly does not facilitate Policy 5.6.2 d. The MX-M is already detrimental to nearby residents and MX-H will be more detrimental. The patrons of the hospital will not be using the transit system and neither will the employees or visitors.

Chapter 8: Economic Development

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

The current MX-M fosters a range of interesting places and contexts with different development intensities, densities, uses, and building scales. The MX-H zone district allows higher- intensity land use than the MX-M zone district, which will be detrimental to the neighborhood. Economic development opportunities should never be a factor for a zone map amendment. However, according to the Housing and Neighborhood Economic Development Fund (HNEDF) Plan states “Higher rents, lower vacancies, and increasing demand for new real estate development characterize the office, industrial, retail, and multi-family rental markets since 2002 and suggest that while the real estate market in the Pocket is growing, these conditions have not improved local residents’ economic prospects.” The HNEDF further states these economic prospects will create inhospitable economic conditions, displacement of

residents, and overall gentrification. This type of development would not improve economic conditions for local residents.

The request does not facilitate Policy 8.1.1., The subject site is currently vacant and being used as surface parking and for special events.

CHAPTER 8: ECONOMIC DEVELOPMENT

GOAL 8.1 – PLACEMAKING: Create places where businesses and talent will stay and thrive.

City of Albuquerque of Albuquerque staff states, “It is unclear from the applicant’s response how the requested zone map amendment will lead to a place where businesses and talent will stay and thrive. No studies or statistical data has been provided by the applicant to demonstrate or confirm that this will be the case.” SBMTNA agrees, but also understand that economics should not be a part of the decision of a zone map amendment. **The request does not facilitate Goal 8.1 Placemaking.**

POLICY 8.1.1 DIVERSE PLACES: Foster a range of interesting places and contexts with different development intensities, densities, uses, and building scales to encourage economic development opportunities.

The request is not an interesting place since it is available in the surrounding area. The area is over developed with medical facilities. The proposal is located within the Gateway Site Development Plan for Subdivision which has already created a traffic problem in this area and brings unwanted traffic into the neighborhood. **The request does not facilitate Policy 8.1.1. – Diverse Places already exist.**

POLICY 8.1.1(a) – Invest in Centers and Corridors to concentrate a variety of employment opportunities for a range of occupational skills and salary levels.

The request is required in the westside where employment is needed. **The request is doe not facilitate Sub Policy 8.1.1(a) to concentrate in an area with Centers and Corridors.**

POLICY 8.1.1.(c) – Prioritize local job creation, employer recruitment, and support for development projects that hire local residents.

Staff states, “The request could prioritize local job creation and recruitment during the construction phase of the proposed development; however, staff notes that the applicant’s (Nobis Rehabilitation Partners) headquarters is located in Allen, Texas. It is therefore unclear how the proposed use will continue to prioritize local job creation and hire local residents.” SBMTNA agrees. **The request does not facilitate Policy 8.1.1(c).**

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 HNDEF Plan 2022 states it will be detrimental to the neighborhood. The neighborhood will be displaced. A use that is more compatible to the school and neighborhood needs to be developed on this lot. . **The request does not facilitate Policy 8.1.2 – Resilient Economy when reports state that there is a greater need of economic development in the westside where there is a larger concentration of people.**

GOAL 8.2 – ENTREPRENEURSHIP: Foster a culture of creativity and entrepreneurship and encourage private businesses to grow.

Staff states, “While the request may result in encouraging a private business to grow on the subject site, it is unclear from the applicant’s response how this would foster a culture of creativity and entrepreneurship given the permissive uses under the MX-H zone district.” SBMTNA agrees. **The request does not facilitate Goal 8.2 – Entrepreneurship since the jobs at the hospital are for educated and trained physical therapist, nurse and doctors who work for the hospital.**

Integrated Development Ordinance (IDO) 14-16-6-7(G)(3)-Review and Decision Criteria for Zone Map Amendments

The review and decision criteria outline policies and requirements for deciding zone change applications. The applicant must provide sound justification for the proposed change and demonstrate that several tests have been met. The burden is on the applicant to show why a change should 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 of Albuquerque of Albuquerque plans.

The subject site is currently zoned MX-M (Mixed-use Medium Intensity). The requested zoning is MX-H (Mixed-use High Intensity). The reason for the request is to facilitate the development of an Inpatient Rehabilitation Facility (IRF).

The Santa Barbara Martineztown Neighborhood Association understands that the proposed zone change does not meet the zone change decision criteria in IDO §14-16-6-7(G)(3). **The request is an illegal spot zone. The existing MX-M is detrimental to the neighborhood and neighborhood has asked for years for the City of Albuquerque of Albuquerque to stop the environmental impacts and preserve and protect the neighborhood. The HNDEF Plan 2022 and the Health Impact Study clearly defends the neighborhoods repetitive requests to protect the health, safety and welfare of the residents and repeatedly the request has been on deaf ears. (See**

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

This request is a spot zone, the applicant must “clearly facilitate” implementation of the ABC Comp Plan (see Criterion H). ***The request is not consistent with the City of Albuquerque of Albuquerque’s health, safety, morals and general welfare. The response by the applicant is not sufficient to Criterion A. The traffic impact will be detrimental and the hospital will cause displacement of residents and gentrification.***

B. The proposed amendment is not located in just an Area of Change (as shown in the ABC Comp Plan, as amended), it is side by side to an Area of Consistency next to a narrow historical road and in area that has the highest fatalities in all of Albuquerque. The applicant has demonstrated that the new zone would destroy the established character of the surrounding Area of Consistency and would permit development that is significantly different from the historical low density single-family dwellings. The City of Albuquerque of Albuquerque of Albuquerque has perpetuated racial inequities in our area and continues to allow uses that are not compatible to residential area. The applicant must also demonstrate that the existing zoning is inappropriate because it meets any of the following criteria:

1. There was no typographical error when the Zoning was applied. There was not a typographical or clerical error. ***The MX-M was approved during the initial approval of the IDO and then staff provided another chance for property owners to apply for a Zoning Conversion. The property owner was not allowed to go to a higher intense use, but could recommend a down zone.***
2. There have not been significant changes in the neighborhood. ***The historical single-family dwellings existed since 1850. What has been a detriment to the neighborhood is Gateway. The uses are not compatible and are detrimental to neighborhood. The MX-H is not compatible and will not complement the neighborhood. (See the Health Impact Study and HNEDF Plan 2022, page 16)***
3. ***A MX-H district will not be advantageous to the community as articulated by the ABC Com Plan, policy 4.1 to protect and preserve the neighborhood. As stated in the HNEDF Plan the proposal will be economical disastrous. The City of Albuquerque of Albuquerque has failed to protect the neighborhood from gentrification and cultural genocide. (See HNEDF Plan 2022 Plant) There are sufficient Rehabilitation Hospitals nearby. The City of Albuquerque of Albuquerque over developed the area with uses that are not compatible and detrimental to the neighborhood.***

The subject site is in an Area of Change and side by side in an Area of Consistency.

C. If the proposed amendment is located in an Area of Change and side by side an Area of Consistency (as shown in the ABC Comp Plan, as amended) and the applicant has demonstrated that the existing zoning is inappropriate because it does not meet 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 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 of Albuquerque of Albuquerque plan(s).

The subject property is within an Area of Change and next to Area of Consistency. There was no typo graphical error when the zoning was applied. There have not been significant changes in the neighborhood. The residential area still exists. The high schools still exist. Along with the adoption of the IDO the zoning designation of the subject site was changed from C-2 (Heavy Commercial Permissive Uses) to MX-M. The MX-H is a high intense use that will not benefit the surrounding neighborhood and will not facilitate the implementation of the applicable Goals and Policies in the ABC Comp Plan to protect and enhance the historical neighborhood. These Goals and policies are not supported because the request will not protect the health safety and welfare of the residents and is not compatible to a historical residential neighborhood.

D. The zone change does not include permissive uses that are 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 uses in the MX-M are already harmful to the neighborhood. The high intense use of the MX-H will only exacerbate the situation. The HIA report states that the government should alleviate the traffic. The report indicates it is not trying to alleviate the traffic situation it is increasing the traffic. The report further states the environment the neighborhood is living in that the government created is impacting the children's ability to learn and impacts their health. The permissive use and proposed uses are harmful to adjacent property, neighborhood and community.

E. The City of Albuquerque of Albuquerque'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 of Albuquerque of Albuquerque to serve the development made possible by the change of zone. **There is adequate capacity of Albuquerque under the current zone. The rehabilitation hospital service is already provided through the community.**

2. Will have adequate capacity of Albuquerque based on improvements for which the City of Albuquerque has already approved and budgeted capital funds during the next calendar year. There is no budget to try to alleviate the current issues with traffic. The State needs to go back to the drawing board and build the south frontage road to only exit at Lomas.

3. Will have adequate capacity of Albuquerque when the applicant fulfills its obligations under the IDO, the DPM, and/or an Infrastructure Improvements Agreement. ***There will be no adequate capacity.***

4. Will have adequate capacity when the City of Albuquerque and the applicant have fulfilled their respective obligations under a City of Albuquerque - approved Development Agreement between the City of Albuquerque and the applicant.

The request does not meet the criteria. The City of Albuquerque has done nothing to alleviate the existing problems with traffic. The proposed increase of traffic exasperates the situation.

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

The location of the subject site is not appropriate for the requested Zone Map Amendment based on the ABC Comp Plan and the studies done in the area demonstrate that this request will be detrimental to the neighborhood residents and youth at the high schools

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

The zone map amendment from MX-M to MX-H will not benefit the surrounding neighborhood because it does not meet the ABC Comp Plan goals to preserve and protect the neighborhood. The applicant's justification based upon economic considerations should never be considered. The HNEDF Plan 2022 states this request for zone map amendment is to allow a hospital which will create inhospitable economic conditions.

H. The zone change does 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. 1.2.3.

According to the LUHO, the request is a spot zone because it would apply a zone different from surrounding zone districts. The proposed zoning MX-H will not function as a transition between adjacent zones. The zones are MX-T to the north, R-1 to the east and Mx-M and Mx-M to the south. The proposed zone will not facilitate implementation of the Comprehensive Plan. The applicant has not demonstrated that subject site could function as a transition between the MX- M and MX-T zones. The east side of the property is the frontage road and freeway. The subject site is located within the CPO-7 Overlay Zone and the standards associated with this Overlay Zone require only 2 story 26 feet.

As required, the applicant has shown that the request will not clearly facilitate implementation of the ABC Comp Plan by preserving and protecting the residential neighborhood. The proposed use is already available in the surrounding area.

CONCLUSION

The applicant is requesting a zone change from MX-M zoning to MX-H zoning, which would **result in a spot zone**. The request could facilitate a pool for the High Schools and Open Space to protect the residents from the air pollution associated with the frontage roads and freeway. The proposed future development of a hospital use can be built today with only 26 feet in height and 20 beds. This will clearly bring more traffic that Mountain Road cannot accommodate, but the City of Albuquerque failed to vision the over built environment in this area and allowed incompatible uses that are detrimental to the neighborhood

The applicant does not adequately justify the request based upon the proposed zoning is not more advantageous to the community than the current zoning because it would not facilitate a preponderance of applicable Goals and policies. The applicant's responses to the Review and Decision Criteria for Zone Map Amendments established in 14-16-6-7(G)(3) of the IDO are not sufficient.

The applicant is still proposing a 3-story building which originally was designed for 60 beds. I find this deceiving to say the least when the proposal all along has been for 60 beds. **The old site plan required general offices which SBMTNA understands to be more compatible – 8 am to 5 pm service and not a 24-hour service.**

The proposed amendment to MX-H does not align with the City of Albuquerque ABC Comprehensive Plan. The neighborhood does not need more traffic, air and noise pollution. The City of Albuquerque has over developed in this area with healthcare services and the hospital does not meet the needs of the longtime residents in the neighborhood.

The site is located within the Central ABQ Community Planning Area which is designated as Area of Consistency. It is next to a historical single family residential neighborhood, a low-density development and next 4000 students that attend the two high schools as well as a day care center with 100 children. The commercial uses do not provide the day to day needs of the neighborhood. The buses that go down Mountain Road are rarely used.

Santa Barbara Martineztown Neighborhood Association met with the applicant. **The concerns SBMTNA had is regarding the Higher Intensity use of the MX-M, is the spot zone**, the increase in traffic, the current traffic congestion, safety, the environmental impacts from the freeway and frontage road, as well as the highest fatality rate of accidents in all of Albuquerque. The neighborhood association recommended the hospital to be built in westside near the hospitals since the roadways can accommodate this type of traffic and the need is much greater. The neighborhood area is saturated with rehabilitation hospitals.

The amendment does not facilitate the ABC Comp Plan's goals. Economics are not to be a factor in a zone map amendment. Due to the historical area, and the establishment of MX-M zone the is allowed to develop a 20-bed hospital. The proposed MX-H zone and the proposed hospital will interfere in the quality of life of the residents. The 48-bed hospital is detrimental to the residents. A facility which allows up to 60 beds would be more than adequate to address the needs of Albuquerque in the westside near the hospitals where there is a larger population.

The request is a spot zone. To the north is MX-T to the west is MX-M and R-1, to the south is MX-M and to the east is the frontage roads and the Interstate. The Albuquerque's Comprehensive Plan goals advocates for infill development that meets the needs of the residents. The efficient land use would be a swimming pool for the high schools and open space to protect the residents from the environmental impacts of the freeway. The City of Albuquerque already over developed south of Lomas.

SBMTNA understands that the City of Albuquerque has continued to perpetuate racial inequities in this neighborhood. In 2017, SBMTNA was involved in the discussion with the City of Albuquerque regarding the Traffic Impact Study for the neighborhood.

For the last two years, the City of Albuquerque has submitted the roundabout for Edith and Mountain to the Legislature and no money has been provided to get this project moving. Why now that this illegal request of a spot zone proposed hospital us are these recommendations made in this Crash Analysis. Why not in 2017 did the City of Albuquerque and State request funding for the roundabout at Edith and Mountain, cross walk with light for the youth at CEC and AHS, cross walk with median to prevent five-ton trucks from turning down at Mountain and South Frontage, a left turn only at the South Frontage and Mountain?

I find the inactions by the City of Albuquerque and State Officials to be criminal in nature due to the high volume of accidents at this location. The neighborhood association has waited for nine years after the discussion in 2017 on the Traffic Analysis for measures to be taken to protect the citizens of Albuquerque, the residents of Martineztown/Santa Barbara Neighborhood and the youth at the high schools etc. Yet, now because Cross Development an outside developer comes in represented by Tierra West you want to consider a zone map amendment to MX-H zone, an incompatible use, an illegal spot zone, next to a historical residential neighborhood and further commit culture genocide (deliberately targeting and taking out all aspects of the historical Martineztown Santa Barbara Neighborhood residents, culture, religious and ethnic group).The City of Albuquerque continues to inflict on the Santa Barbara Martineztown Neighborhood with zone categories and land uses that are detrimental to the health safety and welfare of the residents.

SBMTNA respectfully request that the Environmental Planning Commission to deny the Zoning Map Amendment from MX-M to MX- H for the subject site, facilitating the development of a healthcare facility which already exists in the surrounding area. The request is an illegal spot zone. This request does not support the City of Albuquerque Comprehensive Plan goals Goal 4.1 Character Enhance, protect, and preserve distinct communities. According to the HNDEF Plan 2022, the hospital will destroy the historical neighborhood of Martineztown Santa Barbara Neighborhood. The comments from NMDOT traffic report and Environmental Impact Study needs to be provided before any development happens on this site. This area has been over developed with medical facilities. The proposed physical therapy hospital is already available in the neighborhood. The neighborhood is environmentally impacted with the proposed MX-H zone.

**MOUNTAIN ROAD REHABILITATION HOSPITAL MOUNTAIN
ROAD/WOODWARD PLACE NE, CRASH ANALYSIS JUNE 3, 2024 DRAFT
REVIEWED BY SBMTNA**

This Crash Analysis was prepared in conjunction with the development of a 48-bed rehabilitation center and provides a comprehensive analysis of crash data at three key intersections near Mountain Rd and the south frontage road of Interstate 25...
The person that wrote the report deceives the public by stating there will only be 48 beds, when the applicant still proposes from the initial application a three-story building which accommodates 60 beds. This report is not sufficient because it did not review for 60 beds. The Impacts on High Density Developments on Traffic and Health, Health Impact Assessment on Martineztown states that Mountain Road is one of the top ten having crash rates involving pedestrians and bicycles. Diesel trucks come down Mountain Road and they are most dangerous for the neighborhood. The hospital will bring more diesel trucks to provide supplies for the hospital which is detrimental to the residents' health. Diesel trucks cause cancer. The conclusion of the HIA states how the increase traffic will affect the resident. SBMTNA pleads with the City of Albuquerque to utilize this land with what is existing there now. The existing traffic from freeway, frontage road impacts the residents and the children' health.

Intersection #1 – Mountain Rd. / Edith Blvd.: *SBMTNA has learned over the years that the City of Albuquerque does not provide the correct record for the accidents that occur at this location. The neighbors state there is an accident every week in this location with the limited improvements.*

Intersection #2 – Mountain Rd. / Woodward Pl.: *The analysis is based on limited information.*

Intersection #3 – Mountain Rd. / I-25 W. Frontage Rd.: *The crashes are due to the fact that there is a hill with no visibility before you enter the intersection of Mountain and the South Frontage Road NE. My neighborhood who lived on High Street near this intersection stated there was an accident every week. From his account of traffic accidents, the record is not complete. The City of Albuquerque Buses do not follow the required speed limit and have had several crashes at this location, but this is not recorded.*

NMDOT performed an internal Crash Safety Analysis and subsequently installed mitigation measures in 2018. NMDOT recommended the following:

To address the identified crash trends at the Mountain Rd. / I-25 W. Frontage Rd. intersection, several recommendations are made:

1. Mask the green signal indicator at the E. Frontage Rd. to prevent confusion for drivers at the W. Frontage Rd.
2. Install lane configuration signage on the signal mast arm to clearly indicate the lane purposes for southbound traffic.
3. Implement bright yellow backplates on signal heads to enhance their visibility.

The recommendations in the Crash Analysis should have been done when we met with the City of Albuquerque in 2017. The Martineztown Santa Barbara Traffic Study February 2018 states “There were several comments regarding the intersection of Mountain Road and the I-25 Frontage Road. The comments received from the public were both for and against closing the intersection. This intersection is actually outside the scope of this project and is an ongoing project of the NMDOT. The NMDOT is currently doing improvements to the Frontage Road to try to reduce speeds and prevent accidents at the intersection.”

There is no evidence that any of the recommendations made in the NMDOT study in 2018 or the Martineztown Santa Barbara Traffic Study that they were taken seriously to obtain the funding to improve the area.

These Crash Analysis accommodations are not sufficient. The City of Albuquerque Buses continue to crash at this corner and all 5-ton trucks continue to come down Mountain Road. I find this Crash Analysis to be extortion by the government to benefit the applicant.

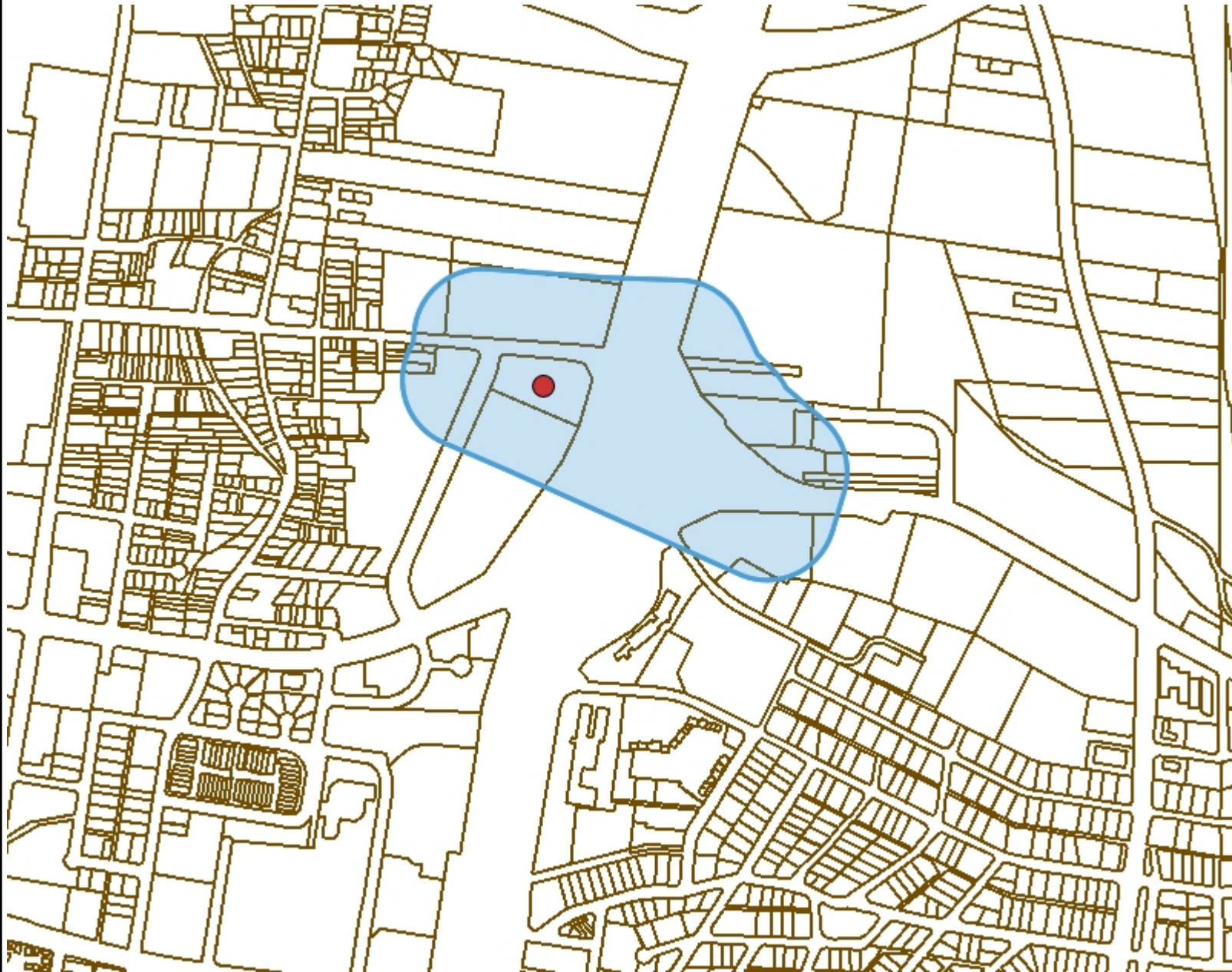
Crash Analysis recommends to reduce crashes at the signalized intersection of Mountain Rd. / I-25 W. Frontage Rd.:

1. 1) Mask the green signal indicator at the E. Frontage Rd. so that it is not visible from the W. Frontage Rd.
2. 2) Construct lane configuration signage on the signal mast arm for the southbound approach on the W. Frontage Rd. to inform drivers that the far-left lane is a thru / left turn lane and the second from inside lane is a thru lane ONLY.
3. 3) Construct the bright yellow backplates on the signal heads at the intersection to improve visibility of the signals.

As I understand, the Crash Analysis the table is inaccurate and the recommendations by the neighborhood association are not included. The Analysis does not take into account that the South Frontage was an afterthought when the Interstate was being redeveloped. Jesse Lopez, SBMTNA Board Member was on the Interstate Committee and according to him Mountain Road was not an exit it was only Lomas. Drivers are coming up the hill on the south Frontage Road and are unable to see the light at the intersection. According to witnesses, more accidents have happened since the State Transportation made some small changes in or around 2018 such as cuts on the roadway and signal stating the light is red.



1100 Woodward NE

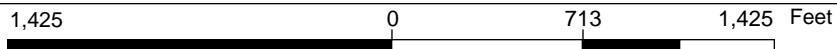


Legend

□ Bernalillo County Parcels

Notes

Buffer: 330 Ft.
ROW: I-25, Lomas Blvd NE, Mountain RD NE, Woodward Pl NE



WGS_1984_Web_Mercator_Auxiliary_Sphere
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1: 8,553

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THIS MAP IS NOT TO BE USED FOR NAVIGATION

AMERICAN LEGION DEPT OF NM &
AMERICAN LEGION AUXILIARY DEPT OF
NM
1215 MOUNTAIN RD NE
ALBUQUERQUE NM 87102

BOARD OF EDUCATION C/O PROPERTY
MANAGER
PO BOX 25704
ALBUQUERQUE NM 87125-0704

ENDEAVOR HOSPITALITY LLC
12105 SIGNAL AVE NE
ALBUQUERQUE NM 87122-1514

JDHQ LAND HOLDING LLC C/O ATRIUM
HOLDING COMPANY
12735 MORRIS RD SUITE 400 EXT
ALPHARETTA GA 30004-8904

REGENTS OF UNM ATTN: DIRECTOR
REAL ESTATE DEPT
1 UNIVERSITY OF NM MSC06 3595
ALBUQUERQUE NM 87131-0001

REGENTS OF UNM REAL ESTATE DEPT
MSC06-3595-1 UNIVERSITY OF NM
ALBUQUERQUE NM 87131-0001

SANDIA FOUNDATION
6211 SAN MATEO BLVD NE SUITE 100
ALBUQUERQUE NM 87109

SANDIA FOUNDATION C/O PARADIGM
TAX GROUP - ESS #0116 6890 S 2300 E
PO BOX 71870
SALT LAKE CITY UT 84171-0870

ARCHDIOCESE OF SANTA FE REAL
ESTATE CORPORATION
4000 ST JOSEPHS PL NW
ALBUQUERQUE NM 87120-1714

CHAVEZ VALENTINO REYES
1117 HIGH ST NE
ALBUQUERQUE NM 87102-2425

HUGH A CARLISLE POST 13 DEPT OF
NEW MEXICO
1201 MOUNTAIN RD NE
ALBUQUERQUE NM 87102-2716

MOFFETT DOLORES & ALESHA MYRA
DILLANDER
103 E ARAGON RD
BELEN NM 87002-4601

REGENTS OF UNM C/O REAL ESTATE
DEPT
1 UNIVERSITY OF NM MSC06 3595
ALBUQUERQUE NM 87131-0001

SANDIA FOUNDATION
6211 SAN MATEO BLVD NE SUITE 100
ALBUQUERQUE NM 87109-3533

SANDIA FOUNDATION
6211 SAN MATEO BLVD NE SUITE 100
ALBUQUERQUE NM 87109

TRICORE REFERENCE LABORATORIES
1001 WOODWARD PL NE
ALBUQUERQUE NM 87102

BOARD OF EDUCATION C/O PROPERTY
MANAGER
PO BOX 25704
ALBUQUERQUE NM 87125-0704

DUNEMAN CHRISTOPHER S & JAYMIE A
919 GRECIAN AVE NW
ALBUQUERQUE NM 87107-5732

JDHQ HOTELS LLC ATTN: ATRIUM
HOSPITALITY
12735 MORRIS RD SUITE 400 EXT
ALPHARETTA GA 30004-8904

MOFFETT DOLORES & ALESHA MYRA
DILLANDER
103 E ARAGON RD
BELEN NM 87002-4601

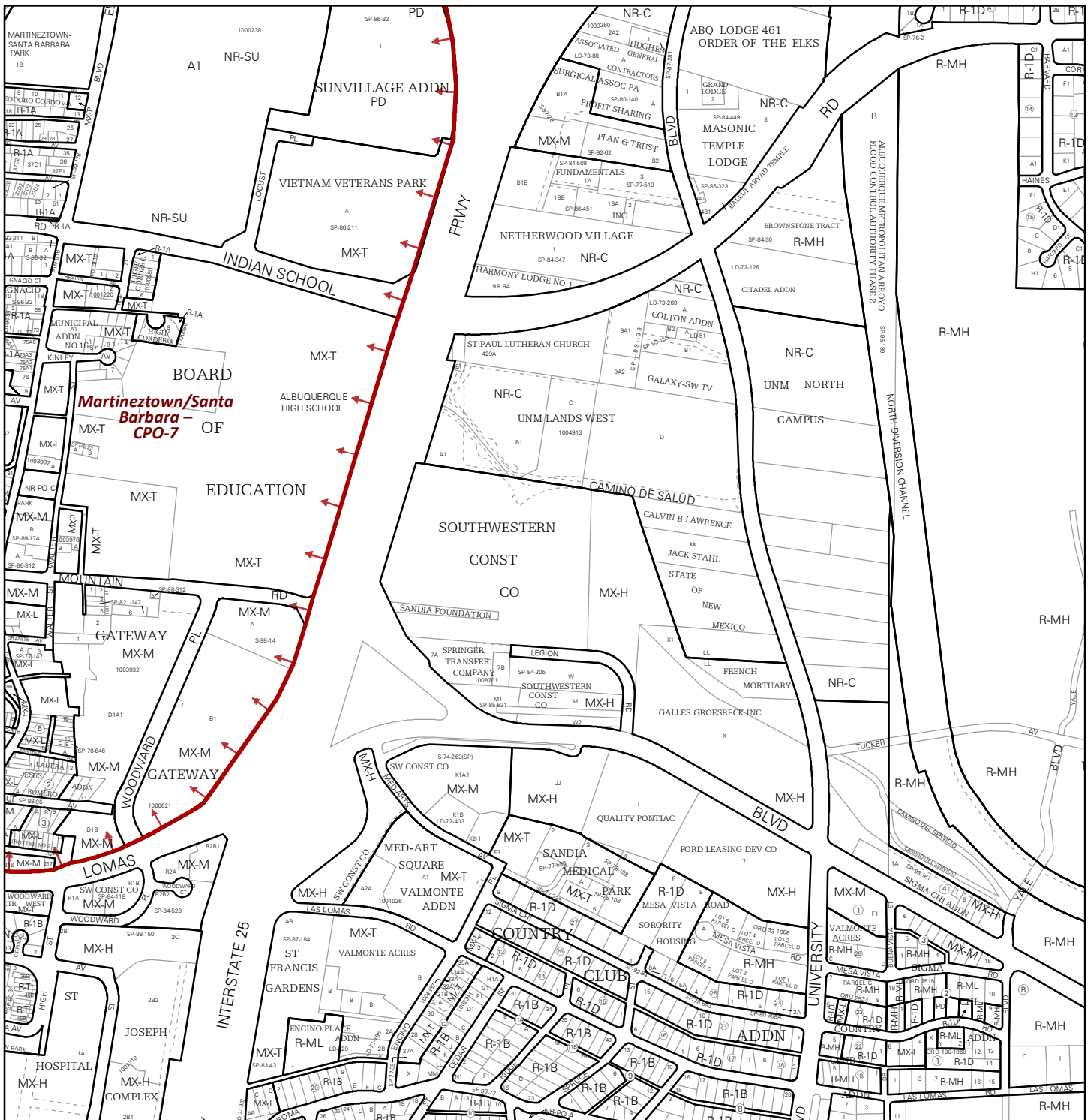
REGENTS OF UNM C/O REAL ESTATE
DEPT
1 UNIVERSITY OF NM MSC06 3595
ALBUQUERQUE NM 87131-0001

SANDIA FOUNDATION
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SANDIA FOUNDATION C/O PARADIGM
TAX GROUP - ESS #0116 6890 S 2300 E
PO BOX 71870
SALT LAKE CITY UT 84171-0870

VIGIL FRIEDA & GEORGE WYLER & LOUIE
WYLER & ELIZABETH GRIEGO ETAL
2733 GRACELAND DR NE
ALBUQUERQUE NM 87110-2959

UPC	Owner	Owner Address	Owner Address 2	SITUS Address	SITUS Add	Tax D	Legal Description	Pr	Deeded	Calculate
1.02E+17	AMERICAN LEGION DEPT OF NM & AMERICAN LEGION AUXILIARY DEPT OF NM	1215 MOUNTAIN RD NE	ALBUQUERQUE NM 87102	LEGION RD	ALBUQUE	A1A	TR 7-B PLAT OF TRS 7-A & 7-B SPRINGE	C	0.3535	0.35487
1.02E+17	ARCHDIOCESE OF SANTA FE REAL ESTATE CORPORATION	4000 ST JOSEPHS PL NW	ALBUQUERQUE NM 87120-1714	1212 STONE ST NE	ALBUQUE	A1A	W'LY PORT OF TR 6 PLAT OF SPRINGER	C	2.76	2.7558
1.02E+17	BOARD OF EDUCATION C/O PROPERTY MANAGER	PO BOX 25704	ALBUQUERQUE NM 87125-0704		ALBUQUE	A1A	E'LY PORT TR WEST OF FREEWAY BEIN	C	2.746	2.07711
1.02E+17	BOARD OF EDUCATION C/O PROPERTY MANAGER	PO BOX 25704	ALBUQUERQUE NM 87125-0704	807 MOUNTAIN RD NE	ALBUQUE	A1A	E'LY PORT OF TR 6 PLAT OF SPRINGER T	C	5.565	6.09533
1.02E+17	CHAVEZ VALENTINO REYES	1117 HIGH ST NE	ALBUQUERQUE NM 87102-2425	1118 HIGH ST NE	ALBUQUE	A1A	LT 6 SUMMARY PLAT LANDS OF ISAAC	R	0.2257	0.24526
1.02E+17	DUNEMAN CHRISTOPHER S & JAYMIE A	919 GRECIAN AVE NW	ALBUQUERQUE NM 87107-5732	824 MOUNTAIN RD NE	ALBUQUE	A1A	TR A SUMMARY PLAT TR A LANDS OF B	R	0.0421	0.05014
101505818	ENDEAVOR HOSPITALITY LLC	12105 SIGNAL AVE NE	ALBUQUERQUE NM 87122-1514	900 MEDICAL ARTS NE	ALBUQUE	A1A	TR LRMA W MED ARTS CENTER LAND C	C	2.8	2.92544
1.02E+17	HUGH A CARLISLE POST 13 DEPT OF NEW MEXICO	1201 MOUNTAIN RD NE	ALBUQUERQUE NM 87102-2716	1201 LEGION	ALBUQUE	A1A	TR 7-A PLAT OF TRS 7-A & 7-B SPRINGE	C	1.869	1.87897
1.02E+17	JDHQ HOTELS LLC ATTN: ATRIUM HOSPITALITY	12735 MORRIS RD SUITE 400 EXT	ALPHARETTA GA 30004-8904	1000 WOODWARD PL NE	ALBUQUE	A1A	TR B-1 PLAT OF TRACT B-1 GATEWAY S	C	9.3316	9.1881
1.02E+17	JDHQ LAND HOLDING LLC C/O ATRIUM HOLDING COMPANY	12735 MORRIS RD SUITE 400 EXT	ALPHARETTA GA 30004-8904	1100 WOODWARD PL NE	ALBUQUE	A1A	TRACT A PLAT OF GATEWAY SUBDIVISI	V	2.7845	2.54761
1.02E+17	MOFFETT DOLORES & ALESHA MYRA DILLANDER	103 E ARAGON RD	BELEN NM 87002-4601	914 MOUNTAIN RD NE	ALBUQUE	A1A	50X100FT NAWYLER E ENTRANC SEMA	R	0.1756	0.21136
1.02E+17	MOFFETT DOLORES & ALESHA MYRA DILLANDER	103 E ARAGON RD	BELEN NM 87002-4601	MOUNTAIN RD NE	ALBUQUE	A1A	25X100 N MARTINEZ S MARTINEZ E AL	V	0.0574	0.05689
1.02E+17	REGENTS OF UNM ATTN: DIRECTOR REAL ESTATE DEPT	1 UNIVERSITY OF NM MSC06 3595	ALBUQUERQUE NM 87131-0001	1001 MEDICAL ARTS AVE NE	ALBUQUE	A1A	TRACT K-1B LANDS OF SOUTHWESTERN	C	0.99	1.03032
1.02E+17	REGENTS OF UNM C/O REAL ESTATE DEPT	1 UNIVERSITY OF NM MSC06 3595	ALBUQUERQUE NM 87131-0001		ALBUQUE	A1A	TR Z SOUTHWESTERN CONST CO EXC T	V	17.839	17.7325
1.02E+17	REGENTS OF UNM C/O REAL ESTATE DEPT	1 UNIVERSITY OF NM MSC06 3595	ALBUQUERQUE NM 87131-0001	UNIVERSITY BLVD NE	ALBUQUE	A1A	TRACT IN S D 12 IN NE1/4 SW1/4 CON	V	0.596	0.58933
1.02E+17	REGENTS OF UNM REAL ESTATE DEPT	MSC06-3595-1 UNIVERSITY OF NM	ALBUQUERQUE NM 87131-0001	1000 LOMAS NE	ALBUQUE	A1A	TR K-1A1 PLAT SUBD OF TR K-2 & PORT	V	3.79	3.89222
1.02E+17	SANDIA FOUNDATION	6211 SAN MATEO BLVD NE SUITE 100	ALBUQUERQUE NM 87109-3533	LOMAS BLVD NE	ALBUQUE	A1A	34X34X646 S16 IN 3E D 512 P 421EXCE	V	0.43	0.5388
1.02E+17	SANDIA FOUNDATION	6211 SAN MATEO BLVD NE SUITE 100	ALBUQUERQUE NM 87109	LOMAS BLVD NE	ALBUQUE	A1A	TRACT M2 SOUTHWESTERN CONST CO	V	0.36	0.41648
1.02E+17	SANDIA FOUNDATION	6211 SAN MATEO BLVD NE SUITE 100	ALBUQUERQUE NM 87109	1200 LOMAS BLVD NE	ALBUQUE	A1A	T10N SEC16 R3E CON 3.73421APARCEL	C	3.21	3.77169
1.02E+17	SANDIA FOUNDATION	6211 SAN MATEO BLVD NE SUITE 100	ALBUQUERQUE NM 87109	LOMAS BLVD NE	ALBUQUE	A1A	TRACT M SOUTHWESTERN CONST CO E	V	1.182	1.20741
1.02E+17	SANDIA FOUNDATION C/O PARADIGM TAX GROUP - ESS #0116 6890 S 2300 E	PO BOX 71870	SALT LAKE CITY UT 84171-0870	1200 LEGION RD NE	ALBUQUE	A1A	TR W LANDS OF SOUTHWESTERN CONS	C	2.046	2.17232
1.02E+17	SANDIA FOUNDATION C/O PARADIGM TAX GROUP - ESS #0116 6890 S 2300 E	PO BOX 71870	SALT LAKE CITY UT 84171-0870	1200 LEGION RD NE	ALBUQUE	A1A	TR M-1 SOUTHWESTERN CONSTRUCTI	C	0.8531	0.97629
1.02E+17	TRICORE REFERENCE LABORATORIES	1001 WOODWARD PL NE	ALBUQUERQUE NM 87102	1001 WOODWARD PL NE	ALBUQUE	A1A	TR D-1-A-1 PLAT FOR LOTS 1 & 2 TR D-1	C	8.3708	8.49583
1.02E+17	VIGIL FRIEDA & GEORGE WYLER & LOUIE WYLER & ELIZABETH GRIEGO ETAL	2733 GRACELAND DR NE	ALBUQUERQUE NM 87110-2959	822 MOUNTAIN RD NE	ALBUQUE	A1A	D 17 P 464 50 BY 100BD	R	0.1374	0.06447



For more details about the Integrated Development Ordinance visit: <http://www.cabq.gov/planning/codes-policies-regulations/integrated-development-ordinance>

IDO Zone Atlas May 2018

IDO Zoning information as of May 17, 2018
The Zone Districts and Overlay Zones
are established by the
Integrated Development Ordinance (IDO).

Zone Atlas Page:
J-15-Z

- Easement
- Petroglyph National Monument
- Areas Outside of City Limits
- Airport Protection Overlay (APO) Zone
- Character Protection Overlay (CPO) Zone
- Historic Protection Overlay (HPO) Zone
- View Protection Overlay (VPO) Zone

- Escarpment

0 250 500 1,000 Feet

Jonathan Hollinger: So being said, let's open case number 4, and just a short recap for Vice chair. Remember that this is a remand. So we're hearing this de novo meaning a new, and there are clear instructions, one through 6 in the staff report, which I'm sure you read. But we just need to make sure that we have an opportunity for cross examination. Should the public not have all their questions answered, make our decision based on our own merits. Um, accept all the new information that's been provided in the case and ensure that notification as well as records, are all considered. So that being said. I'm sure Staff is gonna elaborate on that. Just want to get that out. Put it on the record and we can open Case 4. Let's move to the staff presentation.

Vicente Quevedo - Senior Planner: Hollinger. I would note I haven't been sworn in yet, and I don't think Miss Jones has been sworn in yet, so.

Jonathan Hollinger: Very well. Okay, let's go ahead and take care of that. Your name and address.

Vicente Quevedo - Senior Planner: Name Vicente Quevado. Address, 600 Second Street, northwest Albuquerque, New Mexico, 87102.

Jonathan Hollinger: And will you raise your right hand, and you swear to tell the truth, on a penalty of perjury?

Vicente Quevedo - Senior Planner: I do.

Jonathan Hollinger: Thank you. Miss Jones, would you also like to? Follow procedure.

Megan Jones: Yes.

Jonathan Hollinger: name, address.

Megan Jones: Megan Jones. 600 Second Street, northwest, Albuquerque, New Mexico 87102

Jonathan Hollinger: Thank you, and will you raise your hand? You swear to tell the truth, under penalty of perjury?

Megan Jones: Yes, I do.

Jonathan Hollinger: Thank you.

Megan Jones: Thank you.

Jonathan Hollinger: Okay, I think we have all those boxes checked. Let's begin with the presentation.

Vicente Quevedo - Senior Planner: Okay. Um, let's see. Here, let me pull up my Powerpoint real quick and share my screen. Go. Okay, let's see, I'm not sure. Oh, there we go! Can everybody see the presentation.

Gary Eyster: Yes.

Vicente Quevedo - Senior Planner: Okay. Good. Alright. Good afternoon. Chair and Commissioners. This is agenda item number 4, project number 2024-009765, case number RZ-2024-0001 this is a request for a zoning map amendment or ZMA from MX-M mixed use medium intensity to MX-H, mixed use high intensity for an approximately 3 acre site located at 1100 Woodward place northeast between Mountain Road and Lomas Boulevard, which would result in a spot 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 Ag Zone district is intended to allow higher density, infill development in appropriate locations. If approved, the Zma request would facilitate development of a future rehabilitation Hospital use which is being reviewed and decided by the EPC. Subsequent to this request. The ZMA request was originally heard by the EPC. On February 14, th 2024. It was appealed by the opposing Santa Barbara, Santa Barbara Martineztown Neighborhood Association, and was heard by the land use Officer or LUHO. On May 15th 2024, the request was remanded back to the EPC to be heard anew. The LUHO included 6 remand instructions as part of his decision for the case to be heard anew. I will review them in detail for the record. The 1st instruction requires that the EPC. Review the request for consideration anew due to an insufficient record. Second, instruction allows the parties and planning staff to supplement the record with additional evidence, so that the EPC can make a decision based on accurate information. Instruction 3 requires that the applicant meet notice requirements in the IDO, 14-16-6-4-k for the request to be reconsidered requires that the EPC offer the opportunity for cross-examination under procedural due process for New Mexico State law. Number 5 requires that planning staff accept all evidence submitted by applicants, whether Staff believes is relevant or not and finally, States that the EPC should make its own independent findings and conclusions. Um, Okay. Moving on. Staff received. I'm sorry. Let's see, we're on Slide 4. The subject site is vacant, undeveloped, and surrounded by a mix of commercial, educational, and office land uses that generally range from mid to high intensity. The subject site directly abuts i. 25, and the frontage road to the east. The subject site is located wholly in an area of change as designated by the comprehensive plan. Areas of change. Policies allow for a mix of uses and development of higher density and intensity in areas where growth is desired and can be supported by multimodal transportation. While the subject site is located within the CPO. 7. Character protection overlay Zone. The pre-IDO approved Gateway Center Site Development Plan for subdivision is the controlling document for the subject site. With regard to design guidelines the requirements of CPO 7 only govern the site where the controlling site plan is silent. Per IDO, 14-16-1-10-A pre-IDO approvals. The subject site is located along or within 660 feet of 3 major transit corridors, the I-25, frontage, mountain road and Lomas Boulevard Corridor. Those policies encourage higher density and higher intensity

development in appropriate places to create vibrant walkable districts that offer a wide range of services and recreational opportunities. The subject site is directly served by bus Route 5 Montgomery Carlisle, which is visible here on the screen, and the nearest bus stop directly abuts the subject site's northern boundary as well. That final picture there all affected neighbor associations and property owners within 100 feet were notified as required by IDO, 14-16-6-4-K. And the LUHO Remand instructions. Staff received several letters of support, and is aware of ongoing opposition to this request by the Santa Barbara Martineztown Neighbor Association. All materials were submitted prior to and within the 48-hour Rule requirements and have been included as part of the record. For this case. As mentioned, Staff has determined that the request will result in a spot zone, and the applicant has justified the request according to Criterion H, of the Zone map, amendment, justification criteria stating that the subject site will function as a transition between adjacent zones to the west, due to the existing pattern of zoning in the area, with more intent zone districts being located closer to I-25, in the frontage and less intent zones moving away from the subject site. Staff also notes that the applicant has submitted an additional analysis of the spot zone determination. It is up to the Commission to deliberate the topic of spot zoning regarding this case. The zoning Enforcement officer is in attendance to provide any, any additional information that the Commission may require to reach a conclusion. Staff finds that the applicant has justified has adequately justified the request based upon the proposed zoning being more advantageous to the community than the current zoning, because it would clearly facilitate the preponderance of applicable goals and policies of the comprehensive plan. The applicant's responses to the additional review and decision criteria for zone map amendments establish an IDO Section 14-16-6-7-G-3 are sufficient Staff does note that we have some amended language for finding number 3 instruction one, mostly clerical and for finding 13-h. And we can put that on the screen whenever the Commission is ready. Regarding PR-2024-009765, and case number RZ-2024-00001 staff recommends approval according to findings, 1 through 16 in the staff report and with that, staff stands for questions.

Jonathan Hollinger: Thank you, Mr. Vicente, for the presentation, as well as all the additional clarification. Commissioners, questions. All right. We'll move to the applicant, and your presentation. Will that be you, Mr. Bohannon?

Ronald Bohannon: It will be myself and Mr. Lazoya from my office.

Jonathan Hollinger: Okay. I believe we swore you in earlier. Mr. Lazoya. Go ahead and get you sworn in as well. Will you say your name and address for the record?

Sergio Lozoya, Tierra West: My name is Sergio Lozoya, Senior planner at Tierra West. My address is 5571 Midway Park Place, northeast, Albuquerque, New Mexico, 87109.

Jonathan Hollinger: Thank you. Will you raise your right hand? Do you swear to tell the truth, under penalty of perjury?

Sergio Lozoya, Tierra West: I do.

Jonathan Hollinger: Thank you.

Ronald Bohannon: Mr. Chair, if I may. Would you? I would, for a complete record, and that was some of the issues that we had with the with the appeal. I would like to enter my name and have you swear me in as well. Ronald R. Bohannon, 5571, Midway Park Place.

Jonathan Hollinger: Thank you. Will you raise your right hand? You swear to tell the truth, on a penalty of perjury?

Ronald Bohannon: I do?

Jonathan Hollinger: Very well.

Ronald Bohannon: Thank you, Mr. Chair. We're going to. We didn't know if this was going to be heard. Can concurrently with Item Number 5 on the site plan. There was some discussions with the hearing officer that the site plan would have been good to be heard concurrently. But we're fine with going through each individual case in sequence with the zone change. And then the site plan following this directly. Again. This site is located in a major corridor of I-25 to the south of our site is the Embassy Suite Suites hotel. That is very large. Prominent feature in the community. Across I-25 is MX-H zoning quite a bit of that. The whole area is quite a bit of medical facilities under the MX-M and MX-N(?unclear), zoning and MX-H east of that so with that, I'm going to let Mr. Lozoya walk through our zoning request. We're gonna hit the highlights we have provided a complete record to the for the record. But we're gonna hit the high points so that we can discuss this with the commission from those high points. With that I'll turn it over to Mr. Lozoya. One last thing is the owner Megan Veran is in the audience as well. Should we need should we need her to discuss anything from an owner's Perspective as well. Mr. Lazoya?

Sergio Lozoya, Tierra West: I thank you. Chair. Thank you, Mr. Bohannon. So as stated by Staff and Mr. Bohannon, the subject site is located on 1100 Woodward place between mountain road and Lomas Boulevard, and is bound by the Interstate, furnished to the East Albuquerque High to the north, Tri Core labs to the west and Embassy suites to the south beyond I-25 to the east and southeast are parcels zoned Mx-m. The existing zoning of the area is some Mx-m. Mx-L. and RT. And R- 1 to the west. MX-T. To the north again, Mx-H. To the east and southeast, and some MX-m and other parcels on and XH. To the south. So here's just a bit of a time lapse of the overall controlling Site plan for subdivision, and our parcel, as you can see, was totally vacant in 2002. By 2004 tri-core labs was fully built, and construction on Embassy suites had begun. And the most current satellite imagery available on Google shows the Embassy suites fully built out along with the Tricor and a heart facility here on the south and our site remains vacant. I would like to just quickly go over the initial meetings that were had as part of the original request. These meetings were held in January. During these meetings we discussed with the

Neighborhood Association what the request was what the requested zone at the moment would be. and what type of development would follow should this zone map amendment be approved? They raised concerns regarding traffic. Mostly traffic and the intensity of uses at that point. In time we were proposing 60 beds. Since then we have reduced the number of proposed beds for the use down to 48 beds. We also did in response to their comments and to the concerns. create a traffic safety study which Ron will go over, more likely in the Site Plan. a presentation, or if you all want him to go over that in this presentation we can certainly do that as well and we are in the middle of finalizing a traffic impact study. the traffic impact study was not required by the city. Our thresholds are well below what would be required, which is a hundred trips. That's the trigger our peak trips in the morning are more around 35 trips and 37 trips in the evening, which is more akin to a nursing facility. as Mr. Quevedo showed on his presentation. Here is the controlling site plan for subdivision, which was most recently amended in 1997. I did highlight what our subject site is here. Area 3. This amendment essentially added more parcels to these site plans. So this was one big lot before. And this further subdivided that that area. Here's an image of the proposed Site plan which will be discussed in the following agenda item. it is for a 3 story physical rehabilitation facility with 48 beds though this use is allowed in the Mx-M Zone district. We are requesting the Mx-H. Zone district, because the Mx-H. Zoning allows for a higher bed capacity which is essential for providing comprehensive rehabilitation services. Further, the increased capacity under Mx-H. Zoning enables operational efficiency by supporting the deployment of adequate medical staff equipment and specialized program. The site is strategically located and is well served by major transit corridors, Mountain road, northeast I-25 frontage road, and Lomas Boulevard, which is an ideal location for a medical facility. This aligns with Albuquerque's comprehensive plan goals which advocate for infill development efficient land use and enhance community services Here's an image of the elevations, and I have a more, a higher quality image if we'd like to see that again, this is going to be discussed in the following agenda. Item, the building height will be 55 feet. The parapet actually comes up to 50 feet, and there's an additional 5 feet beyond that to accommodate the stairwell. As stated in the Staff Report and our Justification letter, the proposed amendment would clearly facilitate the comprehensive plan, and would further a preponderance of goals and policies therein, as described in the Staff Report and Justification Letter. The request clearly facilitates goals and policies regarding land use centers and corridors desired growth development areas, major transit corridors and economic development. The request meets all criteria outlined in IDO 14-16-6, 7-G, 3-A through H, as described in the justification letter and the staff report. Here's a slide touching quickly on the community need for the Zone app amendment. Again, I'll we are stating that what is required to fully accommodate Albuquerque, and beyond is the need for a larger medical facility than what is allowed in the MX-M Zone district. As shown on the slide by 2030 or over 40% of the population in perennial county will be older adults which is 65 or older and New Mexico has a high prevalence of heart disease, cancer and stroke which may require surgery and thus rehabilitation services. So this zone map amendment is fulfilling the need for medical services, specialized medical services in Albuquerque and in New Mexico. I just wanted to demonstrate the transition that was discussed in the justification letter. As you can see here to the west, we have MX-L. Zones, and as you travel on the site plan, heading east, it slowly raises an intensity to Mx-M Where it will culminate in our proposed MX-H. Site. Thus, the transition of intensity of land use and zoning will work nicely. Here should this be approved. And just to quickly

touch on again our view, though we meet all the criteria for a zone map amendment, including status determination of a spot zone. It is our belief that this should not have been a spot zone. To begin with the definitions that you see on screen now are of adjacent and contiguous and the definition question would be surrounding. And so Staff determined that the definition of surrounding is meant to be touching. But we are in disagreement with that, because the IDO clearly has requirements or certain zones when requesting a zone map amendment which do require other zones to be touching. Mx-h is not one of those zones. The zones that do require contiguous land or rezoning are shown on the screen and are in the IDO. So you have non-residential business park, which requires a contiguous 20 acres of land to be rezoned. You have planned development which requires at least 2, but not less than 20 contiguous acres of land for a rezone and planned community, which requires a hundred contiguous acres. We believe that these requirements were inappropriately applied to our request as you can see in this diagram there is an Mx.-h zone, just just under 660 feet across the right of way, which is, I-25 and other instances in the IDO. The right of way is not considered to be a land use, and is not considered in distance measurements or notification and so it is our belief that it should not be considered in this case. This would not be a spot zone. There's the mx-h across there I use the measurement of 660 feet, because that's a commonly used measurement. It is 1/8th of a mile and here is 1,320 feet, which is a quarter mile, and you can see it starts to reach the Mx-H zone here to the southeast, and the one right across I-25. I also just wanted to point out that the nearest residential zone district to our site is just over 350 feet we measured from the property line to the Zone line In closing the proposal zoning from Mx-m to Mx-h meets the current needs of New Mexico and Albuquerque for healthcare. The Mx-m. Zoning's limitation of 20 beds is insufficient to support the comprehensive rehabilitation services required by the community. Particularly given the projected increase in the aging population and prevalence of chronic health conditions. the Mx-h. Zoning will enable the development of a state-of-the-art rehabilitation Hospital significantly enhancing the healthcare infrastructure and operational efficiency in Albuquerque. The amendment aligns with the city's comprehensive plan goals by promoting high density, mixed use, development, and a strategically located area well served by major transit corridors. It supports infill development, maximizes the utility of existing infrastructure and addresses the clear community need for expanded healthcare services by approving the zoning Map Amendment. The Environmental Planning Commission will facilitate a vital healthcare project that will have long lasting positive impacts on the community's health and well-being. With that I stand for questions, if Ron has nothing further to add.

Ronald Bohannon: Mr. Holstead, Ron Bohannon. I just want to reiterate that we did do a safety analysis in the area worked very closely with the New Mexico Department of Transportation and the city of Albuquerque Transportation Department as well as we just wrapped up a traffic impact study, and I'll be happy to go through the differences between those 2. But we have pulled all of the crash data for basically the last 15 years in this area. The summary is that we did not find any significant safety issues with this area. We did agree to some site modifications that we'll go over on the on the subsequent Site Development Plan, as well as working through some additional access easements through the Embassy suites with. So so with that, I think we'll be happy to answer any questions that the Commission might have.

Jonathan Hollinger: Thank you, Mr. Bohannon. Thank you, Mr. Lozoya. We appreciate the presentation Commissioners, questions.

Gary Eyster: Eyster.

Jonathan Hollinger: Mr. Eyster.

Thank you. Chair, Mr. Lozoya. Mr. Bohannon. review and decision criteria, D. Says, requested zoning does not include permissive uses harmful to adjacent property neighborhood community. unless use specific standards will adequately mitigate those harmful impacts The Mx-H. Has 2 permissive uses that 2 uses that become permissive beyond Mx-m. One is adult retail. One is self storage. Can you address how? Those will not be harmful to the neighborhood?

Ronald Bohannon: Thank you, Mr. Chair. This is Mr. Bohannon. Thank you, mister. Cher. Commissioner Eyster, the adult establishment would not be allowed, because it's within the distance requirements from the Albuquerque High School across the street, across mountain, so that would not be required. Considering storage units I've done storage units for 38 years from a traffic impact study standpoint storage units is even actually a much less you much less traffic generator than the medical facility that we're doing right now. And so I don't see that as a from a traffic and harmful issue would not have any additional impacts to the network. That if that use were to come in front of the Commission it would still have to follow the same site plan processes that we're going through on the subsequent case on it, to be able to mitigate any additional concerns that that a storage unit would have.

Gary Eyster: Could you remind us, the distance that adult retail must be from a school.

Ronald Bohannon: I'm doing it from memory, and maybe Sergio can look at it for me while I'm looking at it. But I want to say it has to be greater than 300 feet. That's my recollection.

Gary Eyster: Thank you. If he finds something different, he could report that later. Thank you, Mr. Bohannon.

Jonathan Hollinger: It's vice chair. I'll take an opportunity. I had a question for you in regards to applicable goals and policies, policy or goal. 4.1 speaks to character. In the staff. Report. It says that this request does not clearly facilitate this goal. Can you speak to that?

Ronald Bohannon: Yes, Mr. Chair, this is Ron Bohannon. The character of this area is is well defined today, and this is actually in harmony with that character. What you have to the south of us is the Embassy suites. To the west of us is Tricore, but further south on Lomas is a myriad of medical facilities, including the Heart Hospital, Manzano Mesa clinic, and a few others. To the east of this, across the

Interstate, which people will argue, is not part of the area, but looking at it from a per zoning standpoint point it does. There's additional medical facilities all through this area. So this whole core area, the Lomas I-25 area is really developing as a medical facility. And so this is, in my opinion, in complete harmony with that with that policy, in that it is promoting that And during this I think the the need is there. And you know it's striking that 40% of our population is in a situation where they need medical facilities. And that's why I urge the bike, the bike plan support earlier in this meeting is that. And that's why I bike as well. So I believe that it is it does meet that policy. And that's why we included it in our analysis.

Jonathan Hollinger: Okay? So you're in disagreement with the staff report.

Ronald Bohannon: Yes.

Jonathan Hollinger: Okay, I had one other. I'll let other commissioners jump in goal 5.2 Complete communities. Would you like to speak to that?

Ronald Bohannon: So. Again. Thank you. Mr. Chair., Ron Bohannon. Complete communities is, how do you balance all of the components for a complete community? And that that goes across the range from housing to various employments to retail and whatnot. So medical is a as as we've shown is a need. And so with that, we think that it has a very good need for meeting that policy. That it is compatible. The other good thing is is part of the overall fabric of network is, it is located to a lot of major hospitals down in this area. So it is a short distance from essentially 3 hospitals in this area. And again, what we did, what will go on the record this time, since it's an a de novo hearing is that what this allows, what this facility allows is it allows to free up bed space in these hospitals for more critical space. And it's a rehab rehabilitation center. So this is where you go to get well. You're not sitting in a hospital for 10 or 12 days. You come to this facility, which is we will relieve those other facilities in the community. and Mr.

Jonathan Hollinger: Welcome!

Ronald Bohannon: Still add something.

Jonathan Hollinger: Oh, go ahead, please. I didn't mean to cut you off.

Sergio Lozoya, Tierra West: Chairman Hollinger. So just to answer vice chair Eyster's question the distance, separation from a school or other types of residential zones and land uses is 500 feet through an adult retail, so it would not be allowed in that location.

Jonathan Hollinger: Thank you, Mr. Lasway. Thank you, Mr. Bohannon. I'll yield the floor for now. Other Commissioners. Okay, I have one more. Then Goal 5 2.1- healthy, sustainable communities. Can you speak to that one.

Ronald Bohannon: This, Mr. Chair, so sustainable communities is where you are not, in my opinion, is you're not using up a facility that you are, or a a resource. So it is one of those things that you continue to regenerate and renew your portion. A medical facility like this is we have generations. You, you know. Now, we have many generations that are out there that need continuing work and support from that from that area. So we are this. This facility will be needed for a number of years. And it's not a 1 and done the facility is is kind of the best answer that I have for you right now.

Jonathan Hollinger: Okay, last one I have for you, and I'll I'll kind of summarize that you're applying for Mx-h, and I believe, based on your presentation. You said it was for a higher bed, count, what would you be able to accomplish under Mx-m. Or what would hinder your ability.

Ronald Bohannon: Thank you, Mr. Chair, that's a great question. So under the Mx-m. There is a limitation to 20 beds. I actually champion that IDO amendment for Albuquerque ER in the northeast Albuquerque Heights, and that was a pretty arbitrary number that was picked at that point in time. And so what we are looking for is a facility that will house 48 beds.

Jonathan Hollinger: Okay? And you took that down from 60 based on your presentation.

Ronald Bohannon: That is correct.

Jonathan Hollinger: And was that decision based on interaction with the public.

Ronald Bohannon: It was based on interaction. It was based on actually generating more of the floor plans and their business model to where that was needed. And as well as as we got into the Site Development Plan to meet all of the other constraints and conditions that we need to meet on the on the site plan. So it's a parking ratio. Without going higher, you know, you could go 10 stories and put a parking structure underneath this thing that doesn't meet meet the business model, that what they're looking for. So this is a balance of building to parking, to, to landscaping and access.

Jonathan Hollinger: Got it Okay, thank you Other commissioners. Still the store for the floor for a while. Any additional questions.

Jarrold Likar: Likar. Yeah.

Jonathan Hollinger: Mr Laker.

Jarrold Likar: Mr. Bohannon and Mr. Lozoya. Would you say it sounds like the intensity of this zoning to the mx-h versus mx-m? Would you say, the surrounding businesses, Tricore, Embassy suites. I don't know if you ran those numbers, but it sounded like you're below the threshold of a traffic analysis with

those 2 businesses, actually generate more traffic than this business and this business would, if you could, put something else on there would actually generate less impact on the surrounding road?

Ronald Bohannon: This is Ron Bohannon. Thank you, Commissioner Liker. So to answer your 1st part of your question Embassy suites definitely generates a lot more traffic than than what we will, what we do, what we propose to generate and would require if it was being proposed, would require a a traffic impact study tricore is very close to that threshold. To, would you require a traffic impact Study. What can go under this under the Site Development Plan as you could put in a 10 story office building under the current approved Site Development plan and you could do that administratively. That also, too, would require traffic impact study would have a lot more impacts than what we're proposing.

Ronald Bohannon: And and I think, I hopefully answered, that what your complete question, and if I didn't I'll try to do it again.

Jarrold Likar: Yeah, so this this development could be something way more intense of the Mx-h zoning as opposed to what you're proposing.

Ronald Bohannon: That that is correct.

Jarrold Likar: Thank you.

Gary Eyster: Eyster.

Jonathan Hollinger: Okay. Vice chair.

Gary Eyster: Thank you. Chair. I I thought I heard you say, Mr. Bohannon, that under the current site plan you could do a I thought I heard you say 10 Story office building, but that not under Mx-m.

Ronald Bohannon: Mr. Chair, Mr. Commissioner, I, sir. Yes, you could. You could under the existing Controlling Site plan, based on our review and analysis is you could go up to 10. It allows a 10-story office development.

Gary Eyster: It trumps the Mx-m height, restriction.

Ronald Bohannon: Mr. Eyster, Yes, Commissioner is.

Gary Eyster: Oh, thank you! I did not know that.

Jonathan Hollinger: To Commissioner Esther. Mr. Lozoya, you have a question?

Sergio Lozoya, Tierra West: Chairman. Thank you. Chairman Hollinger. Vice chair. I just wanna clarify as well the site plan. The controlling site plan over this area. Allows for ours parcel 180 feet height. So just to give a frame of reference, the Embassy suites is approximately 100 feet and height, so you could have potentially under current zoning under current site plan, an office building at 180 feet. Again, our our proposal is is that 55 feet so less than a 3rd of what is allowed, and and we will discuss in in more detail in the Site Plan. I guess it's worth mentioning. Now me share my slide So per the ide under ID0 14-16-1-10-8-2. Any use standards or development standards associated with any pre-IDO approval or zoning designation, established rights and limitations, and are exclusive of and prevail over any other provision of this IDO, where those approvals are silent provisions in the IDO shall apply. So that was a major point in the Re is that this controlling Site plan was not presented as part of that case. So we needed to notify you all the Commissioners that this is the controlling Site plan. This is what heights are allowed on the Site plan, and that the site plan prevails over the IDO.

Gary Eyster: Thank thank you, Mr. Lozoya. Thank you, Mr. Bohannon. And when we get after we hear the public input, we get to close. I would like to ask the zoning Enforcement officer to verify all of that for us. That would be very helpful to me.

Jonathan Hollinger: Thank you. Vice chair. I'll add a note. And typically, since this is a a zone map. amendment, we wouldn't allow site plan, however, per the remand instruction number 2, I believe it's acceptable to add additional information as instructed. So typically we wouldn't allow that. But since this is a special case. I just want to get that on the record. Any other commissioners with questions before we move to public comment? Alright, this chat is. I see we have a few people signed up to speak.

Christina Chavez-Gonzales: Yes, Chair Hollinger, our 1st speaker, is going to be Ciaran Lithgow.

Gary Eyster: Seal.

Jonathan Hollinger: Hello would you state your name and address for the record.

Ciaran Lithgow: Yes, my name is Ciaran Lithgow. My address is 318 Amherst drive southeast Albuquerque, New Mexico, 87106.

Jonathan Hollinger: Thank you. Will you raise your right hand, and you spread, to tell the truth, on the penalty of perjury?

Ciaran Lithgow: I do?

Jonathan Hollinger: Very well. Since this is a bit of a special case, I will make note to the public that you are encouraged to ask questions. In lieu of extending cross examination. So you certainly make your

comments. If you have a question, then we'll do our best to address it? Other than that. Please proceed. Yeah. 2 min.

Ciaran Lithgow: Thank you. Chair Hollinger. Good afternoon. As I said, my name is Ciaran Lithgow. I am a citizen of Albuquerque and a founding board member of generation elevate New Mexico. Gen. M. Is a coalition, and we're dedicated to improving our community by championing smart and meaningful projects, and we encourage our membership to come speak at hearings like this I'm here to speak in favor of the proposed physical rehabilitation hospital. Right now, as the applicants have kind of laid out. Our State lacks sufficient hospital care, and it leaves many without the necessary support. A specialized intensive care. Rehabilitation hospital would free up beds in our hospital system for other high need patients. I want to point out that New Mexico's population has grown only 2% over the past 10 years, but that the population of people over 65 has grown by 46%. And that makes this particular type of a hospital especially important as our communities, our family members and our neighbors continue to age and require more specialized care We need to acknowledge our changing realities and plan for the needs of our community accordingly. So I urge EPC. Not to be afraid to approve changes like the 2 that are requested by the applicant. This one for the zoning change as a way to accommodate these changing needs of our community. This parcel has always been zoned to allow a medical use, and making this small zoning change to allow additional beds is not a massive change, and it provides an outsized benefit. I think that the part of the planning Commission's duty is really to consider everything in the balance and help steer the growth of our city. To meet community needs and healthcare is more than treatment. It's also social infrastructure. By investing in this project we're really investing in the wellbeing of our community as a whole. And so, I urge recommendation of approval and thank you for your time.

Jonathan Hollinger: We appreciate you. Thank you.

Jonathan Hollinger: Miss Chavez, who's next?

Christina Chavez-Gonzales: Yes, Chair Hollinger, our next speaker, is going to be Loretta Naranjo Lopez.

Jonathan Hollinger: Ms. Naranjo Lopez, are you with us?

Loretta Naranjo Lopez: Yes.

Jonathan Hollinger: Hi! Can you state your name and address for the record?

Loretta Naranjo Lopez: My name is Loretta Naranjo Lopez. I'm president of the Santa Barbara Martinez Town Neighborhood Association. I live at 1127, Walter Northeast, Albuquerque, New Mexico, 87102.

Jonathan Hollinger: And you swear to tell the truth, on our penalty of perjury?

Loretta Naranjo Lopez: I do.

Jonathan Hollinger: Very well. Are you requesting more than 2 min to speak?

Loretta Naranjo Lopez: Yes, please.

Jonathan Hollinger: Okay. And did you have a facilitated meeting where both was cast, allowing you to speak on others behalf?

Loretta Naranjo Lopez: Yes.

Jonathan Hollinger: Okay. Please. Proceed. You have 5 min.

Loretta Naranjo Lopez: Good morning. Chair and EPC. Commissioners. I just wanted to refer to July 15, 2024 letter that we have written. The Santa Barbara Martinez Town Neighborhood Association submits this letter for the scheduled hearing today to request again denial or deferral of the Zone Map Amendment in the remand hearing ordered by the LUHO for AC-24-11 at this time, based on the following, SBMTNA restates and incorporates all prior evidence and arguments from AC-24-11 against the proposed Zona Map Map Amendment, including the attached exhibits and the supplemental information that we provided. I I, I just want to state that this is within the 330 feet of residential zoned area, and the buffer map was provided as part of the exhibit. So I want to make it clear that the record that Tierra West provided is not accurate The SBMT Would like to emphasize the importance of the Cpo. 7. Character protection overlay restrictions for the neighborhood. A hospital within established limits is contemplated within CPO 7. The hospital proposed by the applicant violates the height limitations of the Cpo. 7 cpo. 7 does not contemplate Mx-h uses. The staff applicant analysis of the application of the Cpo. 7 to the subject site is in error as discussed below I I also wanna go into the The Zone map amendment constitutes a spot zone and Mx-h zoning is not a transition zone for the area upon information and belief. The City Council only recently amended the IDO definition of adjacent to state properties that are on opposite of an intersection diagonally, Kitty Corner, Caddy Corner or Caddy Corner are not considered EPC should require a traffic study subject to reasonable public review and comments for this application. The draft traffic report submitted by the applicant and apparently accepted to Staff, describes improvements that should have been made as requested by the neighbor over the last years. And if you look at the email that Councilor Benton, it was in 2009 we were discussing this to require approval of the applicants intense development as a condition of making needed traffic. Safety improvement is extortionate to the neighborhood. The city should be making the improvements with or without the applicants promises. I would just like to say that before the city of Albuquerque considers to accept the application for the request for a zone map amendment to Mx-h. The planner should have considered the overdevelopment in this area and the impacts it has on the residents living next to the freeway. The traffic condition that has been imposed. Excuse me That has been imposed on an old historic roadway that was developed before cars. The planning staff should have considered the political decision to open the South

frontage road and the fatalities that have occurred in this intersection, because the New Mexico DOT did not consider protecting the drivers or students. The planning staff immediately needed to recommend, based on the health, safety, and welfare of Martineztown, Santa Barbara residents, an environmental impact and traffic impact study that has accurate information. The impacts of high density developments on traffic and health written by Bernalillo County health matter. States continued increase of traffic will negatively impact residents into this area that traffic is impacting the children's learning ability. We know we have the highest health problems in this area because of the freeway because of the frontage road, because of the high traffic on Lomas Mountain, Odelia, Broadway. And we want something done now. and we would like the city. Consider that the noise from these areas are impacting the learning, ability and the health of the residents. We live right next door, within the 330 feet. We're here. We're living here. and we want something done. And this is not a use that is compatible for this neighborhood. We would prefer the offices. It's 8 Am. To 5 Pm. No noise, no diesel trucks coming in and out that cause impact to the health. So we're saying, Look at the letter review, the health impact study that was provided to you. Look at all the studies that were given by the city that nothing has been done. We've recommended different things to deal with this issue, and nothing has been done. The height is not appropriate for this area, and the number of beds. 3 story was 60 when they presented their case. They're saying, 48. That is not true. They're going to put 60 beds regardless because they're building the same, same building they proposed to us from the beginning. So it's it's so unfair to be saying that they're gonna just do 48. I'm please place everything as part of the record that we have provided. And we object to this. And we're we plead for you to understand that we're in a very delicate situation here. And we need to start planning and looking at this area, the West side needs these types of facility. We have hundreds of physical therapy hospitals nearby. We don't need anymore. The West Side does. And as a business, major, I would look at that as a better marketplace for this facility than here, because they have more people and wider arterials that can accommodate this kind of traffic. It's not appropriate in this area. Thank you for this opportunity to speak, and I would like to ask the applicant a question some questions. If I have the opportunity. I would like to do that.

Nichole Maher - EPC: You're on mute, Chair.

Jonathan Hollinger: See if I can remember everything I just said. Thanks. So thank you for your comments Ms. Naranjo. I I was just getting let. I was just getting ready to remind you that your your comment section was kind of running out. But since this is a hybrid version, we encourage the questions. They used to have to go through me but we've altered the rules for this meeting. So if you'd like to ask a question to the applicant this would be a great time.

Loretta Naranjo Lopez: I would like to ask Chair Who owns the property? Now, who's the property owner? Because there's been several names provided, and the media stated that it wasn't John Q. Hammonds that was the owner. It was I think. In the in the record. It says, I forget the name of the person that spoke to us at one of the facilitated meetings that their company was the one that owned the land. So for the record. I would like to know who owns the land.

Jonathan Hollinger: Mr. Bohannon, would that be you.

Ronald Bohannon: Thank you, Mr. Chair, Mr. Lozoya, would you pull up the actual owner so to answer the question. The current owner is in the process. We have a purchase agreement to buy the land from the owner to develop the hospital the rehab facility. So, Mr. Lozoya, will you pull up the actual owner of record?

Loretta Naranjo Lopez: And I have another question I wanna ask.

Sergio Lozoya, Tierra West: I can answer this question, if that's okay. And so the current owner is J. H. EQ. Land, holding LLC. And atrium holding companies. So they have authorized cross development to move forward with this application. They are, currently still finalizing that. But the owner of record is is the same one that we submit our applications with. We are agent of cross development, and they were authorized by the landowner to make this application.

Loretta Naranjo Lopez: Okay. And the other question let me just that I wanted to know was under the existing zoning. Mx-m you are allowed to build a physical therapy, a hospital with 20 beds But there is also a process for you to go through the zoning. Hearing examiner to request any more increase in beds. Is that not correct?

Ronald Bohannon: Mr. Hollinger, Ronald Bohannon. That is not correct. That zoning limits the number of beds to 20, 20 beds. That's my understanding. We could ask Staff to verify that But that's my understanding is it's a limitation of 20 beds.

Loretta Naranjo Lopez: I would like to ask Staff to clarify that recommendation, because my understanding is that they can go through the LUHO to increase the height, I guess, and they can. So that's another question. Can they go through the the I mean through the ZHE to go through the to request the heights of from 26 feet over and and they can go over the 20 beds if they requested through a conditional use. Is that not correct? because we're already with high, intense use. That's not compatible to any neighborhood. Martineztown has been treated very unequityably, you know. So we would like to make clear that right with the existing zone. What can they recommend at the zoning, hearing Examiner, under the conditional use?

Jonathan Hollinger: And I'll step in, this is Chair Hollinger. I also saw Miss Jones. Mr. Vos, I see that you're on. Would that appro that question be appropriate for you, and if so, I'll need to swear you in.

Michael Vos, ZEO: Thanks for Hollinger. My name is Michael Voss. Addresses 600 Second Street, Northwest 87102. I'm the city zoning Enforcement officer.

Jonathan Hollinger: Thank you, but you raise right hand, and do you spread to tell the truth and come to your virtue?

Michael Vos, ZEO: I do.

Jonathan Hollinger: Okay. Thank you.

Michael Vos, ZEO: So the the 1st part of that question was regarding the conditional use approval process under the Mx-m zoning Mr. Bohannon was correct, that in Mx-m. The number of beds is capped at 20, regardless of of any process you go through. The conditional use. Requirement is for properties that are located within 330 feet of residential. So it's permissive up to 20 when you're farther than 330 feet away. It's conditional. but only can the ZhE could only grant a conditional use up to the 20 bed requirement or limit within 330 feet of residential so any more than 20 has to go through this zone change process.

Loretta Naranjo Lopez: So then it's clear that with this high, intense use of Mx-m that we're asking even for higher intensity use from the 20 bed, because it's not allowing more than the 20 bed right? So we're already saying that it's an intense use. Next to residential. Mr. Chair. I would like Michael Vos to answer that.

Jonathan Hollinger: Very well. We've heard I think he's just gathering his thoughts.

Loretta Naranjo Lopez: Oh, okay.

Michael Vos, ZEO: Thanks. Chair not sure exactly how to answer that question. You know the Mx-m is the medium or moderate intensity uses that allow hospital up to 20 beds, and that's the current zoning of the property. The applicant has requested a change to to a higher intensity zone district. And if if you determine that they meet the criteria, that's the decision of this commission on whether more intense, which is more than 20 beds for a hospital is appropriate for this site and property.

Loretta Naranjo Lopez: So when does it come in? Mr. Chair? I would like to ask Mr. Ross.

Jonathan Hollinger: Very well, good.

Loretta Naranjo Lopez: When does it come in to You know, as Planner that we look at how the intensity of already the existing use and then requesting a higher intensity that an environmental impact study needs to be done in this area when we're looking at the health impact assessment done by by place matters. It's already saying that any more increases anymore. We, we deal with 4,000 students in this state daily that we're we deal with the freeway. That is, they're saying, even 10 miles out, you're impacted by that

freeway. We live right next door to it. We're dealing with Diesel trucks coming in and out of this area, daily impacting our health. And I would like to know, when are we deciding that this is enough.

Matt Myers: Chairman, Chairman Hollinger, this is Matt Myers. you know. I I this is it. Okay? Chair Hollinger, if I comment here?

Jonathan Hollinger: Sure I I was gonna ask a question. But go ahead, please.

Matt Myers: So you know, the the idea is we're opening this up and we're trying to get some questions answered. And chair Hollinger you, you keep. Keep in mind that if you still have the authority, if if you find the questions irrelevant or or repetitive to what has been addressed before. You still have the right as the chair, to say, I don't think those need to be answered, and I also think that the person who the question is asked towards. If if the question you know you can't answer it, I think you can feel free to say I can't answer it, especially in some of these, where I think the question might be not very clear, you know. So I just wanna make that clear what we're doing here that's all. Thank you.

Loretta Naranjo Lopez: So I just wanna clarify. My question is, I'm saying.

Jonathan Hollinger: Hold on a second.

Loretta Naranjo Lopez: Require an environmental impact study When does it say that? Enough is enough.

Jonathan Hollinger: So, miss Naranjo.

Loretta Naranjo Lopez: The regulations.

Jonathan Hollinger: Hold on a Second.

Loretta Naranjo Lopez: When do we meet the? We used to call it the Resolution 270-19.

Jonathan Hollinger: Ms. Naranjo, I'm gonna I'm gonna pause you for just a second. Okay, Mr. Bohannon, in one of your reports. I'm not sure exactly which one. I believe it was the traffic impact study. I read the executive summary, and I recall that you had proposed, or they had proposed additional upgrades to was the lighting to improve traffic conditions as well as prohibiting trucks. If that's correct, can you speak to that?

Ronald Bohannon: This is Ron Bohannon, chairman Hollinger the safety study. And so there's a difference between a safety study and a traffic impact study. The safety study again for for the benefit of the Commission We looked at the crash analysis. We looked at all of the turning movements in this area.

And what we're what we have on the Site Development Plan is, we have a series of additional mitigation measures. They're fairly, they're fairly minor when it comes to traffic and traffic mitigation measures to to limit any potential future future crashes. To that point. We also worked on the turning movements. Where we are limiting movements to mountain to a right in right out into our site as well as to Woodward as to our access as a right in right out. We have negotiated with Embassy suites a full movement to the South that will allow movements that we can go southbound from this to Woodward to Lomas, and then back at those other directions. And so that's those are the things that we are. We'll review during the Site Development Plan process. So I hope, I answered. We didn't limit trucks in this area because we still have deliveries through this area. But again, the deliveries are fairly routine. And as a percentage of our overall trips is pretty minor. Our peak days are about 37 trips in the morning and equal exiting, entering, and exiting. And about that same in the afternoon trip generation. Our traffic back studies are normally triggered. When your peak peak hours over 100 trips. We're well below that threshold. But we went ahead and did a traffic impact study as well, which which we looked at the intersections of Mountain, Woodward, Lomas, and the intersect the frontage road, as well as various other intersections in this area, all of those where there's a level of service that goes from A to A to F all of those intersections were well under a level of service C or ABE (?), so this this proposed use has really impacts on the traffic and traffic networks in this area.

Jonathan Hollinger: Thank you, Mr. Bohannon. I appreciate that.

Loretta Naranjo Lopez: I get to finish my questions, or or was there something going on that I'm not understanding? Could you please explain, Chair cause I was asking him about the environment impact study. Where? What? What in the in the IDO like we, this triggers it when we're saying that any increase of traffic. You could do what you think you're gonna do here. But we already have the over capacity. So I'm asking him, when does it trigger that the environmental impact study needs to be done. That's what I'm asking is that something that should have is I'm asking you, chair is, can that be answered? And if Mister Boss can't answer it, who can.

Jonathan Hollinger: So we, we hear your questions. I'm just trying to get the right players in so that we can address your questions appropriately. And I thought the traffic impact study that was done could have helped answer that. Mr. Bohannon or Mr. Boss, do you feel capable? Answering Ms. Naranjo's current question.

Ronald Bohannon: This is Ron Bohannon. Let me address it. So the the traffic impact study that we did does take into account all of the background traffic that's existing now. So we did go out and count all of the traffic at those intersections. That were provided by Mr. Cog, or the city of Albuquerque, or the State in the Mexico Department of Transportation. So all of the existing traffic that's there present today has been accounted for in our traffic impact study and our safety analysis What the, the, to my knowledge. There is no additional studies that are required. Unless you have specific needs that take a what

Ms. Naranjo Lopez is trying to address as far as social impacts and social in this area from a community need I don't know of any any requirements in the IDO, but I'll let Mr. Vos answer that question.

Michael Vos, ZEO: Thanks, Mr. Bohannon. This is Michael Vos again. There is no IDO specific requirement that the that an applicant, particularly for a zone map amendment produce an environmental impact study, which is what Ms. Naranjo Lopez has mentioned some applications for site plans may require a cumulative impact analysis When located in what we call the railroad and spur area. This lot is not in the railroad and spur area, and further, a hospital use that there that when you get to the Site plan again, this is just a zone map amendment. A hospital use is not one of the uses that requires a cumulative impact. Analysis under the IDO insofar as different impact studies may be produced or put into the record by an applicant or other parties this is a policy decision, so that could be evidence accepted by this commission as whether or not an applicant or a request meets certain is compliant with city policies, or I would point you at your to your review and decision. Criteria 6-7-g-3-D. Which says that the zoning does not pro include permissive uses that are harmful to the adjacent properties. It goes on to say, unless you specific standards adequately mitigate. But studies could be evidence about adequate mitigation. But there is no specific requirement that an app that an applicant produce such studies. If they can prove their meeting. The criteria, otherwise.

Loretta Naranjo Lopez: So, Mr. Vos, there's been like different traffic report from I think it was back in 20 I forget that they did in 2007, 2017. Maybe there was this report, this crash impact study that states in the report that it's kept not complete. And then there's a study that the DOT supposed to get that hasn't been received yet? And shouldn't we have all that information to make a decision for the EPC. To make a decision because it we're we're saying that we're giving these documents that aren't even complete. And yet we're waiting on New Mexico, DOT. Why isn't staff asking for a deferral to that dot is the the DOT reviews. This report, this so called traffic impact study report, and also for the neighborhood to review it, cause we haven't seen it So I'm really curious as to why Staff would not consider waiting on this before any decision is made, or deferring the case because we haven't reviewed the traffic impact study. We have reviewed the incomplete. We, we disagree with that crash study. It's it's it. Whoever did. It wasn't very good at it, and needs to go back to understanding how to do crash reports, because the information.

Jonathan Hollinger: So let's let's keep your questions specific so they can be answered.

Loretta Naranjo Lopez: What they provided.

Jonathan Hollinger: So yep.

Megan Jones: Sure, how.

Vicente Quevedo - Senior Planner: Sure, did you? Yeah.

Loretta Naranjo Lopez: the question is why Wasn't this deferred.

Jonathan Hollinger: Okay, hold on, everybody. Hold on too many people at once, Ms. Johns?

Megan Jones: Thank you. Chair, Hollinger. I'd like to give Vicente, though a chance to speak. I believe he had his hand raised.

Jonathan Hollinger: I appreciate that. Thank you. Mr. Vicente Let's go to you.

Vicente Quevedo - Senior Planner: Yes, thank you. Because the question was directed to Staff. We do have response to that again. It goes back to what Mr. Vos was referencing. This is a zone map amendment we are following the instructions of the land. Use hearing officer, which is why we're talking about the Site plan at all But the question that Ms Naranjo Lopez asked is more appropriate for the Site plan which is being heard subsequent to this case. And so we we did. Actually, we did discuss all of this with transportation staff We do have a Ernest Armijo here with transportation planning. If there's anybody wants to get into detail about that. But to directly answer Ms Naranjo Lopez question. That was something specific to the Site plan request, not the Zone Map amendment. And we did. Look into that. We didn't overlook it. So I just wanna make that clear. And there is actually a condition of approval for that. That addresses that, too. But again, we're not. We're not there yet. So that would be my response.

Jonathan Hollinger: Thank you, Mr. Vicente. There was a lot of people at once. Did anyone else have their hand up? Okay, Doesn't look like I'm gonna ask a question, Miss Travis. Is anyone else signed up from the public to speak.

Christina Chavez-Gonzales: Chair Hollinger at this moment. We have no other members of the public that have signed up to speak.

Jonathan Hollinger: Okay, just wanna make sure we give everyone an opportunity. I do see iphone with a hand up.

Christina Chavez-Gonzales: Yes they've just joined the queue.

iPhone: Yes, my name's Gilbert Speakman.

Jonathan Hollinger: And can you state your address for the record.

iPhone: 3800 Morningside drive northeast. But I'm a member of the Santa Barbara Martinez Neighborhood Association.

Jonathan Hollinger: Ok, Hold on we put you right that number, and do you swear to tell the truth, under penalty of perjury?

iPhone: I do?

Jonathan Hollinger: Okay. Are you requesting 1, 2 min to speak?

iPhone: Yes,

Jonathan Hollinger: vote cast, allowing you to speak on their behalf?

iPhone: Okay, yes, I was born and raised in in San, in Santa Barbara Martineztown.

Jonathan Hollinger: Hold on a second, sir, so I have a specific question for you. Were you part of a meeting where a vote was cast, authorizing you to speak on others behalf?

iPhone: Yes, miss, not Uncle Lopez, president of the Neighborhood Association authorized me.

Jonathan Hollinger: And was there a vote made.

iPhone: Yes, with our with our committee.

Jonathan Hollinger: Okay. Mr. Myers, I assume that qualifies. Maybe we're digging into the weeds.

Matt Myers: Chairman Hollinger. I I think they already had one designated speaker, who was a who was Ms. Naranjo Lopez, who was, who was entitled to 5 min, I think. You know you, you can do what you want. But I it sounds like he is speaking, and it would be a 2 min time limit for the rules, and of course you can always give him a little more time if you feel like it. Chair.

Jonathan Hollinger: Thank you, sir. Okay, so we just wanted to make sure we're playing all by the rules. Let's give you 2 min, and then, if we need additional time, we can, we can move into that.

iPhone: Okay, thank you. Yes. In 2017, I attended a a traffic study for for the area there. And it was Councilor Benton was was then the counselor, and he approved a roundabout on on the intersection of Edith and mountain road, and nothing ever got done there The the the traffic study that supposedly is is current now is is is not somebody's not telling the truth there. Because if you want car parts, you can stand in that corner there and pick your car parts There's there's accidents there weekly just about as far as the hospital goes. I I was I had a double bypass heart surgery in 2014, and I have the the hospital right there. Love this hospital. So why do we need another heart hospital we have east of there

we have the UNM hospital. We have hospitals all over, and and by my comment here is that this further gentrifies our neighborhood. So I I am against this this building and that's all I have to say. Thank you.

Jonathan Hollinger: Thank you for your comment, sir. Mr. Bohannan. Would you like to speak to the necessity or or not?

Ronald Bohannan: I I don't understand your question, Mr. Chair.

Jonathan Hollinger: The speaker said, that he doesn't believe there's a necessity for type of hospital. I was just curious if you'd like to address that or or not?

Ronald Bohannan: Yes, I I'll be happy to as well, and whenever you're ready I'm ready to address some of the other comments that have been raised in general public comment. But no, there is a need. There is a need in this community. Having lost my father just recently at 95, and having a 93 year old mother and a 88 year old stepfather and my sister 73, who's getting ready for a double bypass as well. There is a big need for this, and and anybody who is goes to the hospitals these days. You go to the ER and you sit there and you get checked in, and then you wait hours, if not days, for a bed And I I beg for anybody to go to Presbyterian to Lovelace, to any of the other major hospitals in this area, and and prove us that that's not wrong. So what you have is this is a facility, and we probably need a lot more of these facilities that will free up our primary hospitals to do what they need to do, which is that 1st line of treatment. These hospitals fill a big need in our community to allow those hospital beds to free up for the rest of our community. So there is a big need in this, this community.

Jonathan Hollinger: Thank you Mr. Bohannan. Miss Chavez, is anyone else signed up from the public to speak?

Christina Chavez-Gonzales: Chair Hollinger, at this moment no other members of the public have signed up to speak on this matter. If you wish to speak on this matter. Please say so now. No chair.

Jonathan Hollinger: Okay, thank you, Miss Chavez. Mr. Myers, I'll seek some guidance from you if there's no one else to speak. I think we can close the floor to public comment. This, in my opinion, and open up the opportunity for cross examination. Should any members of the public feel like they don't have their questions answered. Would you agree with that?

Matt Myers: Yeah, yes, I would agree with that. And I and I'd also agree that that the people who've already asked questions have had ample opportunity to do so. So you know, I unless there's somebody new, I think, the people who've already asked questions have had their opportunity as required, you know, pursuant to case law. Unless there's some new people who have not asked questions, they're certainly entitled to cross-examine somebody. Hmm. So with that guidance. I guess we

could ask if there are any additional members of the public who have questions and or ask the speakers who've already presented. If there's new information that they'd like to ask either staff or the applicant.

Gary Eyster: Eyster.

Jonathan Hollinger: Vice, chair.

Gary Eyster: Thank you. Chair.

Gary Eyster: I feel a certain amount of trepidation about the not going through a I think we should go through the formal process for cross examination, or we may get in trouble with the LUHO again. In other words I don't. I don't know that we we want to cut anyone off, even if they have spoken and asked questions already.

Matt Myers: Yeah, this. I certainly agree with that as well, Mr. Eyster, I mean, it's certainly the Commission's decision to do that. And I I was just saying, I think I think legally the the requirement is that people get an opportunity to ask questions. And and there it's reasonable to have some limit on that. But certainly that's the that's the Commission's ultimate decision to be made.

Gary Eyster: Thank you, Mr. Myers. I have the utmost appreciation. Respect for your legal knowledge. Perhaps another Commissioner has a point of view? Just, you know, it's a remand. We don't want to re remand. We just wanna make sure that we get this right.

Loretta Naranjo Lopez: I heard.

Tim MacEachen: Chair.

Jonathan Hollinger: Hold on just a second. Just the normal Mr. MacEachen.

Tim MacEachen: So, and I want everybody to be heard. I want everybody feel like they've been heard. But sometimes these questions are evolving into testimony again. There's some kind of question in there, but it's like 8 or 9 min of testimony, and then getting to a question. So I'd like to keep kind of a strong hand on that. As we move forward.

Jonathan Hollinger: Appreciate that. So that being said we can't open the floor to cross examination again, we'll make sure that the questions are direct, and not something that you've already asked. So should a member of the public have additional questions we can. We can certainly entertain that. I see Miss Naranjo's hand up. Yes, I just have a concise question.

Loretta Naranjo Lopez: Yes, I you know we had a comment by Mr. Bohannon like stating that he has elderly people, which we all do, and we're all aging. But you know that doesn't justify or diff. So I'm asking that we provide accurate information because I gave on our report all the hospital physical therapy hospitals that are surrounding us. We're overwhelmed with physical therapy hospitals. So I I you know I've gone to the hospital with my husband or with people. My husband had to do physical therapy, and there wasn't any issue of him getting physical therapy. So please do not give me that kind of comment. I want you to look at the record and see that there is these these facilities, provided we don't need anymore. They need them on the west side, where there's bigger arterials to accommodate the traffic again where.

Jonathan Hollinger: Ms. Naranjo.

Loretta Naranjo Lopez: Going to be.

Jonathan Hollinger: Ms. Naranjo.

Loretta Naranjo Lopez: Information, because I don't.

Jonathan Hollinger: I'll ask you to to try and form your statement in a question.

Loretta Naranjo Lopez: Did I get the the question clear to you? I just wanted. I don't wanna be giving people like, just, you know, experiences. We've all had those experiences I want.

Jonathan Hollinger: We We didn't. We didn't get your question. I was asking if you could. You could form statement into a form of a question that way to get you an answer.

Loretta Naranjo Lopez: That work Please explain.

Jonathan Hollinger: What we heard from you was that you were sympathetic to the concerns of Mr. Brian and his family members. But what we need is a specific question from you.

Loretta Naranjo Lopez: Well, the question is, is that, do we or do we not have physical therapy hospitals all over here in Albuquerque? They're everywhere. They're surrounding us. They're cross on self, Mark

Loretta Naranjo Lopez: Lomas, you know 2 of them right there. There's 1 up at medical arts. I already described him in the report. How many more.

Jonathan Hollinger: Now we're we're going to go with your 1st question. We can ask that to Mr. Bohannon, which is are there an abundance of physical therapy facilities within the surrounding area?

Ronald Bohannon: This is Ron Bohannon, Mr Chair Hollinger. There's a difference between a physical therapy location and a rehab hospital. And so a rehab hospital center, and so they are an abundant physical therapist in town. I don't disagree with that. There is not that hospital where you have an overnight stay, because those are have required special zonings, and through that area. And so there is not that that many rehab hospitals in Albuquerque.

Jonathan Hollinger: Thank you, Mr. Bohannon. Okay, Ms. Naranjo. So we have that answer. Do you have another question?

Loretta Naranjo Lopez: I don't, but I'd like to state I disagree. There's he's not. I'm talking about physical therapy hospitals that all they have overnight stay, so I don't agree with his record. So we need to have that record clarified.

Jonathan Hollinger: Okay, we'll we'll put that on the record. Do you have another question?

Loretta Naranjo Lopez: No, I'm I'm done. I you know, i i i think we've the whole record. If you've read, I hopefully the Board read it. The Commission read it, but you know the whole record shows that you know the LUHO. Who are you already stated? This was a spot zone. This has to be the Cpo. 7 is required. There's.

Jonathan Hollinger: So.

Loretta Naranjo Lopez: For the.

Jonathan Hollinger: We heard your testimony this. This is the opportunity for for questions. So if you don't have any additional questions, we'll have to cut you off.

Loretta Naranjo Lopez: Okay. Thank you.

Jonathan Hollinger: Thank you for your time Ms. Naranjo. Miss Chavez, Is anyone else from the public? Requesting cross examination?

Christina Chavez-Gonzales: Chair Hollinger, at this moment we have no other inquiries for cross examination. Should you be interested in cross-examining, please say so now. No chair.

Jonathan Hollinger: Thank you, Ms. Chavez. Okay, so that will conclude public comment, cross examination Commissioners. Do you have any comments you'd like to make at this time we could do that, or we can move to the staff, closing? Alright, seeing none, let's move to Staff closing.

Vicente Quevedo - Senior Planner: Okay. Commissioners. chair Hollinger Commissioners. I hate to to

bring this up, but it is something that we we do need to have for the record as well The the issue of the spot zone I, I believe, should be clarified. By the Commission. There should be some discussion at a minimum as to whether the Commission agrees with what is currently in the staff report with regard to findings. Or if there's another item that they'd like to add to that, I just I think we need clarification for the LUHO's instruction on that. So I wanna put that out there before I go into any other details for for closing, because we do have so 2 findings that we have modified. But I I don't wanna go there yet. So I'll put that back to you Chair Hollinger, unless you feel like we're we're good to go so.

Jonathan Hollinger: No, I appreciate that. I didn't know if that would. Your closing would stimulate some more conversation. I have a handful of questions. Perhaps we could jump into as requested, though, for the whole, maybe we should talk about Spot zoning, and perhaps why Mr. Bohannon and and Company doesn't believe that they have a spot zone. I would be curious to hear what the other commissioners have to say, and also see the Commissioner has hand up.

Gary Eyster: Hmm thank you. Chair I recall a Zone Map Amendment request not too long ago and it was made very clear to me by staff that if there is the if the requested zoning exists in the surrounding area. then it's not a spot zone and it doesn't say adjacent. It doesn't say caddy corner, it says in the surrounding area. So since we have a zoning Enforcement officer here did I? Did I understand that right a a few months ago. And do I understand it right today, Mr. Vos, that there is mx-h zoning in the surrounding area, and then, therefore, it's not a spot zone?

Michael Vos, ZEO: Yeah, thanks for the question. Chair and Commissioner Eyster, Michael Vos again. Um, as Vicente said. Staff made the made a determination that in this instance we think that it it is considered a spot zone. Why we asked the staff to provide a justification for it as a spot zone, and I mean, this commission is certainly you can debate and amend the recommended findings about this the criteria about spot zoning is specifically states the zoning Map amendment does not apply a zone district different from surrounding zone districts, so it does use the word surrounding, and not it contiguous, abutting, or adjacent in particular. If if you were talking with attorneys, there's several New Mexico court cases that address spot zones, and what is legally a spot zone in terms of sort of the surrounding area. Where the Ido uses the word surrounding outside of the spot zone. It gives the impression that it's more than just the immediately sort of adjacent properties So, looking a little bit farther for the spot, zone might be appropriate But I'd I would also say, staff tries to analyze these cases. Spot zoning is sort of a case by case analysis and applying things like the the Interstate you know, is quite a considered quite a big barrier to some so kind of maybe looking more in the surrounding area to you know what's west of the interstate. So that's sort of some of the factors that Staff considers when when we make a determination. When we decide, you know, we think it should be analyzed as a spot zone there, it could probably be argued. Kind of either way that's not a very straightforward answer for you, but the word surrounding, I think, does lead one to believe that it could be more than just what's sort of right next door.

Gary Eyster: Thank you. Thank you, Mr. Vos. On that basis. Was someone else wanting to chime in? Was it Mr. Myers?

Matt Myers: It was me. But I'll let you finish. I was interrupting you.

Gary Eyster: Well, I care very much what you think. I will go ahead and say, based on the extensive discussion we had several months ago about this, and I looked in the definitions and the idea I can't find surrounding the word surrounding. So I to me it means we decide how far we may think is appropriate, and in this case I'll go out on a limb and say, I think there is Mx-h zoning in the surrounding area. Thank you Chair.

Jonathan Hollinger: Thank you. Vice chair Mr. Mars, did you wanna add to that?

Matt Myers: Ye. Yes, thank you, Chairman Hollinger and Vice chair. Eyster, I I was just going to say real quickly that as it currently stands. The Staff report has findings. and those findings say that it is a spot zone but it is a justified spot zone. So that's what the staff report currently states. So it's good thing we're having this discussion, because if the Commission makes a decision other than that, if the Commission decides that it is not a spot zone. Then you would have to change the findings, and it would not have to be justified, because it would not be a spot zone. So I just want to be real clear about where we stand and what the path forward is.

Gary Eyster: Got it.

Jonathan Hollinger: I'm stuck. Mr. Bohannon, I see your hand up as well.

Ronald Bohannon: Yeah, thank you, Mr. Chair. So we have wrestled with this for the past couple of months, and I've been doing this a few years, and.

Loretta Naranjo Lopez: If I just know where we are on the are we just dealing with the the Commission? Are we still open?

Jonathan Hollinger: Ms. Naranjo, sorry you can't just jump in. The floor has been closed to the public at this point. We're in in free deliberation. So thank you.

Loretta Naranjo Lopez: So why are we talking to the applicant If it's closed?

Jonathan Hollinger: The the the applicant has the opportunity to speak. The floor has been closed to public and cross examination at this point.

Loretta Naranjo Lopez: I I've never heard of that being a part of as a professional planner working for the EPC. Once you close, the only port(?) can speak. Can somebody verify that? Because I would like Matt.

Jonathan Hollinger: I'm gonna have to ask you to stop interrupting. These are procedures and protocols we're trying to follow to the best of our ability. Mr. Bohannan has the floor.

Ronald Bohannan: Thank thank you, Mr. Chair. So so when you look at how applications are applied for, how they are processed, and then how notices are provided, which I think goes a long way to adding content to the discussion in front of the Commission when we get our notice. When we get our list to provide notice to the adjoining neighbors, neighborhoods, and property owners. It's very clear that we have to take out any right of ways, any public easements, and that is the boundary that is used for notification. In this case it was in. We had to exclude the Interstate. Yes, it is a very big barrier in appeals. We've had several cases where if you had included that right away they wouldn't have been appealed. And so when you look at it, and you say, what is adjacent? What is adjacent, or what is adjoining, or what is in the community. And you look. And you say, okay. If if you're saying the Interstate is the community on the East, then is that a land use? Then then what you have is then a transition from a interstate to Mx-H. Mx-M. And and and and continuing forward, we wanted to make sure that we met both criteria, and we think we do? we we feel strongly and that's why we put it in the record. We had a long discussion at the LUHO office, as well as saying is, is adjacent the criteria. We know that there, there it is probably loopholes in the IDO that probably need to be addressed, but the the surrounding one, we think is appropriate. And we feel like we're in the surrounding area. And so we feel like it's contiguous based on just the day to day. Application of of projects.

Jonathan Hollinger: Thank you, Mr. Bohannan. Vice chair, did that answer your question? You've stepped away for long. We're gonna say that that did Mr. Lozoya.

Gary Eyster: Chair chair. I'm I'm still here and hit. Thank you for allowing me to continue. I I didn't really have any question at this point I I made a position statement.

Jonathan Hollinger: Thank you. Thank you for the clarification. Mr. Lozoya?

Sergio Lozoya, Tierra West: Thank you, Chairman Hollinger, I would just like to add, in addition to Mr. Bohannan's statement, is that there are rules for rezoning where touching or contiguous zoning is required. Those rules apply to the Nr-b. Zone, the P-d zone and the P-C Zone, and it the idea was very clear when a parcel should be touching another parcel. That's a similar zone when requesting a zone map. Amendment. The the mxh has no such requirement. it we. There is another Mx-h zone right across the freeway, as as many have pointed out. So so we believe, if Tierra West: that the contiguous requirement is being falsely applied to our zone app request we believe that there's other mx-h surrounding and that it is not a spot tone, and I just wanted to add that.

Jonathan Hollinger: Thank you Mr. Lozoya? Mr. BVs, can you contribute to that? There, there's not a spot zone, and it was applied improperly. What is your standing?

Michael Vos, ZEO: Thanks. Chair Hollinger. I guess I would reiterate. Sort of staffs position generally is. We: try to make our review pretty tight. Sometimes. That's kind of taking a strong stance in one position that what can push the applicant to come back with a with their own strong response, which improves the record that's before you I in general, I co personally and professionally having been in kind of both sides of this world would take a more inclusive view of the of the surrounding area. For for what is a spot Zone. and that's I'm gonna go so far as to cite a New Mexico Court of Appeals case for for the Record, where in Bennett versus the city of Las Cruces, talking about a court reviewing a charge of spot of illegal spot Zoning, said that they The court cannot take too constrained a view of the surrounding neighborhood to discuss a zoning measure by merely looking at the nature of a particular city block on which the rezone land is located is simply incorrect. although the court must focus its attention on the immediately surrounding land. We are mindful that in this immediate area and they went on to talk about there's an industrial track. There's multi fit family. There's shopping centers. That was the context of of that court case, where, if you look around, there's a variety of different commercial uses, commercial zones And what's being proposed is a commercial use, or multifamily use. That may not be a spot zone. you know, and I think the other criteria to look at. If it furthers your comp plan. it may not be in a illegal spot Zone. There's there's lots of justification out there from a legal standpoint to probably say that this instance is not strictly speaking, in a spot zone.

Jonathan Hollinger: Okay, I think that'll suffice. Thank you for your input. Commissioner MacEachen?

Tim MacEachen: I wasn't sure you could see my hand. So you know, I think we could argue this for months and days, and obviously there's a couple of different definitions, and depending on your position of this particular case, how you're going to fall on this. So you know, Spot Zone, there's a whole lot of things to consider rather than the spot zone. So what I'd like to get to is, I'd like to hear their closes, because those might answer some of the questions I have. I've got a page of points that I'm concerned about, but maybe those will get answered if we can get to the closings.

Jonathan Hollinger: I hear you. I also agree. It's like we have some thumbs up. Mr. Vicente. Would you like to present your closing? And in your opinion you feel just appropriate this juncture.

Vicente Quevedo - Senior Planner: Thank you. Chair. Hollinger. Yes. What what I understood the instructions to be is that the EPC deliberate on that item, and that's what's happening. And it sounds like will continue to happen. I just wanna make sure we did not leave that out as part of the discussion per the LUHO's instructions. As far as closing goes. I think that as Mr. Vos stated. You know we we did. We did re-look at this case. Brand new and we did do a new analysis. So that's why you're seeing some of the policies that were referenced, you know. In our determination. Not clearly facilitating, for example. And so I think, taking a a another look at this case was was beneficial both for staff and for the commission And

so but in closing what Staff would still like to make clear is that we are recommending recommending approval. and and of the of project number 2024-009765, and case number RZ-2024-0001. Lastly, what I'll say is that we do have amended findings and if the Commission does decide to change course on finding 13-H, We can definitely facilitate some additional language on top of that, if needed, as Mr. Myers has referenced. Other than that, I have nothing else to add.

Jonathan Hollinger: Thank you Appreciate your closing the 13-H. Does that somehow connect with an alternate for the spot zone?

Vicente Quevedo - Senior Planner: The Chair Hollinger Commissioners, the if if we're not going to change the spot zone determination. The only thing that staff would like to add, is just to strengthen finding 13-H to once again. Better aligned with the LUHO's instructions, but also note that the additional evidence that the applicant is provided. So it just strengthens what's already there. It doesn't create a new one or anything like that. So a new finding, so.

Jonathan Hollinger: Thank you. Commissioner's questions for the staff?

Nicole Sanchez, Office of City Attorney: Chair Hollinger?

Jonathan Hollinger: Ms. Sanchez?

Nicole Sanchez, Office of City Attorney: Excuse me, I just wanted to mention that I do recommend allowing cross examination, if there is any on the spot zone issue.

Jonathan Hollinger: Are you suggesting we open the floor again?

Nicole Sanchez, Office of City Attorney: There was additional testimony made after the floor was closed. So, just to err in the side of caution, I would recommend just asking if there's any cross-examination just on that issue.

Jonathan Hollinger: Commissioners, any heartache about opening the floor again to cross examination?

Gary Eyster: Eyster. What, What was the new testimony?

Nicole Sanchez, Office of City Attorney: Regarding Mr. Quevedo mentioned that the spot zone issue should be further discussed and we allowed the applicant, and also a testimony from planning staff.

Jonathan Hollinger: I'm sorry I I didn't quite follow that as I understood it, was to open the floor again to cross examination, and then you threw a couple of things at me. I I didn't catch.

Nicole Sanchez, Office of City Attorney: Just solely on the spot Zone issue.

Matt Myers: Chair Hollinger. Maybe I could just weigh in here. This is Matt Myers.

Jonathan Hollinger: Please do. Thank you.

Matt Myers: What number one. I don't think we actually ever close the floor. I think we had just ended public comment. And then we were going to closing by staff and closing by the applicant. Number one, so that I think maybe we should just clarify that I don't think we had ever close the floor unless I'm wrong, and I could be certainly but then then the next thing is after there was public comment, and there was some cross examination we got into the subject of a spot zone. So, since there was additional testimony on that, it would probably be prudent to allow Miss Naranjo Lopez, and any other person who had spoken. If they have a specific question of somebody who spoke on the on the issue of Spot Zone to allow her an opportunity to question them regarding that specific issue.

Jonathan Hollinger: We'll take your advice, Mr. Myers. Being said, we can open the floor again for cross examination and see if Mr. Naranjo has a question relevant to spot zoning. Are are you still with usMs. Naranjo?

Loretta Naranjo Lopez: Yes, I'm I'm here. I wanted to, I guess give it to both Michael Vos and Vicente because as a professional planner, and my job is to do spot zones. This is a clear spot zone. There's no question about it. So I'm just. I'm just asking why, a planner would give a legal argument on the case? What what I'm saying is like referring to cases. If that came from the city planning legal department, because usually we get comments on it on our cases. Right? So I'm wondering Michael, if that's a legal case that was given to you by the the city legal department cause. Usually we base it on the IDO and what the IDO says And then why, Vicente, your argument on the spot zone is different from Michael, Vos. And how does that create conflict? Because right now I know it's a spot aone nobody has, to tell me That was my full time job. So. But I just want to know where. What? What makes you so far apart, not referring to the legal case. But I'm asking you, Mr. Vos. where did you get that case from?

Jonathan Hollinger: Mr. Vos.

Michael Vos, ZEO: Chair and commission. Thanks for that question, Miss Naranjo Lopez. I got that case from my knowledge of my probably limited knowledge of New Mexico case law regarding zoning. I look at these things as part of my professional job and our courts and their interpretations on zoning cases. Over time kind of in interpreting State law regarding zoning is how we ultimately need to to set up our zoning rules. So the IDO is the city's zoning ordinance that's based sort of we created it, using our city's police power as allowed by the State law to enable enabling the city of Albuquerque to enact a zoning ordinance. So when we change regulations we have to follow certain processes. Earlier in this hearing, you talked about R 27-1980 The criteria for zone changes that the city established which got

transferred into the zone change criteria and the IDO are ultimately a result of New Mexico case law. applying State law against our zoning regulations. So Our legal department did not provide me that case reference m I pulled that case reference myself and Why, we would have a different. I would have a difference of interpretation than Mr. Quevedo. I I don't think we're that far apart, I stated Staff. When we apply what's written in the IDO. We tried to do so in a relatively strict manner, and tried to be consistent over time. But ultimately case spot zones are case by case, and reading the language, you could probably open it up a little bit broader than what Staff did in this instance, or maybe has done in some other instances. One of the Commissioners Vice chair Eyster mentioned other cases where we were a little bit more broad. But again, it's a case-by-case analysis.

Loretta Naranjo Lopez: What the the reason I ask is because I would like to know why you didn't consider the resolution to look at the health, safety and welfare of the people that live here, because that would be more specific to your position as a planner. So I you know I I would say, you know. Yes, we. We may go out and look at law and that. But really we're looking at what's existing there, and it's not that it's the health, safety, and welfare. But I would like to know what you think is so different, Mr. Quevedo. that Mr. Vos is saying, because you're saying it is a spot zone. Right? You're saying that it is. And did you refer to the health, safety, and welfare of the residents when you were analyzing it?

Vicente Quevedo - Senior Planner: Miss Naranjo Lopez, to address both your questions. The 1st one I don't think that myself and Mr. Vos are a part on our analysis, because, as articulated in the staff report right now, Staff's contention is that it is a spot zone the applicant has a different take on it, and it's up to this commission to make the final determination. So we are on the same page. I think Mr. Vos was just trying to provide the Commission with additional information to help them make a decision final decision on that. So I disagree that we're far apart on that to answer your second question. If you look at the Zone map, zoning map, amendment criteria. the way that the health, safety, and welfare is established for through the IDO is by looking at a preponderance of comprehensive plan policies, goals, and policies, and that was done, and that is included in the staff report as well, so that that criteria was met. Staff didn't agree with all of the applicants contentions that it. It clearly facilitated that that was discussed here as part of the record. And so that would be my response is the health, safety, and welfare test is per criterion, A of the zone zoning map amendment contained within a criteria contained within the IDO.

Loretta Naranjo Lopez: Mr. Quevedo, We disagree on that right, because I'm saying it's a clear spot zone, and it's a detrimental. But what I want to know is you did not consider West of the freeway correct. You did not consider it because you're saying it's a spot zone?

Vicente Quevedo - Senior Planner: Are you talking about the determination of whether or not.

Loretta Naranjo Lopez: Who is.

Vicente Quevedo - Senior Planner: Spot zone cause we. We're saying. Staff is saying that it is right now.

Loretta Naranjo Lopez: Last but.

Vicente Quevedo - Senior Planner: So you and I. So so you're so just answer your question again, or reiterate right now the way that the staff report reads the findings read. It has been determined by Staff that it is a spot zone. So that's that's not in a conflict with with what your contention is what we're saying. Here is that once again, per the Luz instructions. The Commission, which is what's happening now needs to make a final determination about whether they agree with staff or not, and we will staff will follow whatever the EPCs decision is on that. And I think that's what we're trying to get to. So with that I'll I'll go ahead and close.

Loretta Naranjo Lopez: Could you stop going into that and just answer the question, did you consider the Mx-h west of the freeway?

Jonathan Hollinger: So, Ms. Naranjo, I'm gonna pause you for one second. Ms Jones?

Megan Jones: Thank you. Chair Hollinger. Yes, I I'd like to step in and get some clarification a little bit from Ms. Naranjo Lopez, If that's okay with you all?

Loretta Naranjo Lopez: Miss Jones. I just want that question answered. When you.

Megan Jones: Get.

Loretta Naranjo Lopez: So did.

Jonathan Hollinger: Hold on a second Ms. Narnjo. Miss Johns has a question for you.

Megan Jones: Miss, Ms Narnajo Lopez. Are you asking us if when Staff analyzed the request and the spot zone from Mx-m to Mx-h. If we looked at all of the surrounding zoning, including the zoning on the eastern side of I-25? Is that is that what you're asking? and what, specifically are you asking if we analyzed on the east side of i-25?

Loretta Naranjo Lopez: Ms Jones, I asked Mr. Quevedo to answer the question that did he consider when he stated it was not. It was a spot zone that it was. He did not include the Mx-h zone west of the property which is East, I mean east of the freeway. He did not consider that zone category on that east of the freeway. That's what I'm saying. I think I'm pretty clear. But I want Mr. Quevedo to answer that when he said it wasn't a spot zone.

Megan Jones: Ms. Naranjo.

Loretta Naranjo Lopez: He said he he wasn't considering that mx-h, that's what I'm looking at, but I want to clarify, that's all.

Jonathan Hollinger: We agree.

Megan Jones: Yes, thank you so much. If I can. If I can just have a moment to speak. Mr. Quevedo and I are both staff planners that analyze this case, and we have followed it for since, since, back in February, when it initially came through, and the determination that this

Loretta Naranjo Lopez: But it's a bit.(?)

Megan Jones: The determination that the Mx-H Zone district is a spot zone was made internally by multiple planning staff, including myself, Mr. Quevedo, and for this for this case being remanded back to the EPC Our CEO and other plan staff in our Zoning and Urban design and Development department. So this this wasn't just a determination made by one sole person and I would like to say that in our analysis we do consider all surrounding all surrounding Zone districts and land uses, and how they would be impacted by a zone change, especially when we determine that a zone change would result in a spot zone in this case that we did, and we do believe that it is a spot zone. And what we're doing here is asking the Commission whether or not they agree if it's a spot zone, and if they don't, they have the opportunity to amend the findings. To say this isn't a spot zone, and we'll go from there. But at this point we're in agreement, and across the eastern side of the Interstate into consideration.

Loretta Naranjo Lopez: That. What did you say about the West? Interstate.

Megan Jones: We did take the zoning on the eastern side of I-25 into consideration when determining if this was a spousal or not.

Loretta Naranjo Lopez: So you're Saying you did consider the Mx-h zone west of the freeway.

Megan Jones: When determining If this was a spot, zone or not, we did look at that zoning on the other side of the freeway east of the freeway.

Loretta Naranjo Lopez: You didn't include it as your decision?

Jonathan Hollinger: I'm not. I think I think we've exhausted the the topic staff is in the group.

Loretta Naranjo Lopez: Wait I'm on for the record is that the Mx-H Zone was not included in understanding, because it's they stated it was a spot zone, and the Mx-H. Zone was not included in their decision making cause. If it was, the the applicant is saying that then it's not a spot zone. So I'm just saying as a as a professional planner and city planner, I wouldn't have included it, cause it's not right in

this vicinity, so it's it shouldn't be included, but that I wanted it clarified, and I think they clarified that they didn't include that Mx zone, mx-h, so.

Jonathan Hollinger: Okay: so we'll we'll take that as a thorough answer. Thank you, Ms Jones. Thank you, Ms.Narnajo. Let's see I believe, unless Ms Chavez sees anyone else willing to speak or or would like to speak for cross examination, we'll go ahead and officially close that again.I don't see the other members of the public signed up.

Christina Chavez-Gonzales: No chair Hollinger.

Jonathan Hollinger: Thank you, Ms Chavez. So we've we've gone through staff closing. we've had some discussion from the Commissioners. We could have some more discussion, or we could hear the applicants closing and move to Commissioner deliberation Any commissioners with input at this point. Okay, let's go ahead and move to staff closing: Excuse me, applicant closing.

Ronald Bohannon: Thank you, Mr. Chair and and I and I appreciate the commission. What the ZHE. Wanted as my interpretation was just exactly what happened, a clear deliberation between the Commission that whatever decision that they make, they make it with every all the facts in front of them. And I think that's that's accomplished today.We've we're fine. If the Commission is good with the spot zone, we still think it's contiguous. So we think it's an expansion of that There are some reasons why we are taking that position that I don't want to belabor we feel that this project is needed in the community. We think it will be a benefit to the community. We think it's going to help the overall pop meet the policies of the comprehensive plan. We have, and we'll be able to demonstrate in the next that there hasn't been any fatalities in the surrounding network. Since 2017 that all of our crash data shows that there's not any fatalities. There's just there are crashes. There's actually not as many crashes as as we had anticipated. We we believe that we have met all of the criteria under under the IDO for the Zone Map Amendment and would urge your support.

Jonathan Hollinger: Thank you, Mr. Bohannon. Commissioners, Questions for the applicant? I know you had a handful Mr. MacEachen.

Tim MacEachen: Sorry.

Jonathan Hollinger: Oh, yeah, I just. I remember you saying you had a handful of questions.

Tim MacEachen: Well, I just. I've got concerns. I'm not sure. They, you know, rise to the level of a question. But I just I'm taking notes here, and I'm so trying to think this through and figure it out. And again they keep saying, You know, we really need this. This is a great use. And I understand use. I understand we need to use. We're just trying to decide if this use right here makes sense or whether it is

harmfully impactful on the community and I remember a few months ago we heard something on the West side where they said, Oh, you know we can't have the West Side have drive up windows because we've got to protect that community here. We're talking about Community Santa Barbara Martinez Town. That's probably one of the most cherished one of the most historic, one of the most sensitive communities in the entire city. And for some reason now we can't consider that. And I think that's wrong. I think we have to think about the impact of all all those students come out of Albuquerque High School each day, and how many people that takes to come out in and out of a high school, and we have to think about these roads, and Martinez Town, or some of our oldest roads are not wide, they're narrow, and a lot of people end up taking them, whether you put up signs or you put up like directional arrows or whatever you do, it's gonna increase the traffic through this highly sensitive, very important community. I think that's wrong, and that bothers me. So again, I get back to. you know, and in spot zone, I guess how I'd really like to see is that clean up our language, because there's no way we should be arguing for 3 hours of what a spot zone is. We need to clean up the IDO. And that needs, you know. Obviously, we can't do that today. But I'm having a lot of hard burn on this.

Jonathan Hollinger: Thank you for all that. Good to get it out, too.

Tim MacEachen: Told you it wasn't a long one.

Jonathan Hollinger: It's okay. Other commissioners? Gather some of my thoughts cause I also had some questions. Commissioners, If if you have questions, I'm I'm putting my my thoughts together.

DARAGON1: Chairman. This is a commissioner Aragon, and I do have some comments. I don't have any direct questions for the applicant, so I'm not sure this is the right time to address them.

Jonathan Hollinger: Sure we're we're chatting. Go ahead.

DARAGON1: The the comments, the instructions, that we got instruction number 6, 6 states that the EPC should make its own independent findings and conclusions. We don't have to accept Staff's recommendation if we have an issue of whether this is or not a spot zone, I think it's our responsibility to make that determination, not staff's, not the applicant, not the neighborhood. It's really what we're here for. So I think we need to at some point today decide whether or not we're going to vote on, and whether it's a spot zone or not, move on. That way. We can get this case finished. Hmm, group.

Jonathan Hollinger: Bus some of the thoughts that I have, or I don't think we're necessarily arguing at this point, at least based on what we've heard. If this is a spot zone, I guess the better question is a justified spot zone. We've heard testimony that they're just too many beds, even though it's been downsized to fit the project. We've heard that the height is too high. We've also heard that there were health concerns due to the traffic. Not sure I'm totally in agreement with that. I do like the traffic improvements that Mr. Bohannan spoke of. I also recall reading that at least someplace trucks were going to be restricted on one

of those roadways and forgive me, I don't have that in front of me. They've been pulling out in my head and also the question of the 330-foot buffer determining, if you know, we were gonna call this a spot zone or not? Th Those are all questions that I'm been pondering, and and what to do with this? Again, I'd like to hear from from the rest of you, because eventually we're gonna have to come to some sort of decision. Hmm. so it seems as though Commissioner MacEachen is probably leaning towards opposition. Alstead, Commissioner Cruz. You guys have any additional thoughts? not calling out. I'm just trying to stimulate some conversation, Mr. Liker.

Renn Halstead: This is, Halstead.

Jonathan Hollinger: Mr. Halstead.

Renn Halstead: Yeah, I sorry I'm being quiet. I'm just trying to wrap my head around. I think. sorting out whether this is a spot zone or not, like. Part of the question is. I guess, what is so critical about? What are we trying to control by saying it's a spot zone and I think the highway is sort of a confounding factor with that, because traditionally spot zone you know. I would think of in the middle of a you know, a parcel in the middle of a bunch of other development that you're trying to maintain some consistency. But I'm having a hard time rectifying how that how it applies. As far as controlling that consistency when you are abutting a big highway like we are on the east. So that's I'm just still struggling with that. I don't know if anyone else wants to noodle on that a little bit, but I'm a bit stuck.

DARAGON1: Aragon here. Maybe I could.

Jonathan Hollinger: Aragon.

DARAGON1: Let things out of my head here. So our zoning enforcement manager boss, he did very clearly state what the rules are for determining this. but yet they didn't follow them in their recommendation. The Vice chair Eyster did touch on this before in previous hearings, where it's basically an area. And I think we're getting an a surrounding area confused with a surrounding neighborhood. I think the freeway very clearly delineates neighborhoods. but may not delineate an area. If if you're kind of following me. things on the east side of the freeway are probably not in Santa Barbara Martinez Town there, that's a different area. That's a different neighborhood, different character. But it's in the area that is surrounding. And so I think if we look at it like that the if you look on a map. there's Mx-H zoning right there. So there's clearly not a spot zone. If you look at it that way. If you look at it, there's nothing adjacent to it in the neighborhood. Well, yeah, there's nothing adjacent to it in the neighborhood, but there's no criteria for it to be according to staff it does not have to be adjacent in order for us to approve it. So I think it's we just need to make a determination as a commission on whether or not we're going to either consider it a justifiable spot zone. There's a provision for that. or considered it's not a spot zone. It's it's a justified zone, and move on that way and not agree with Staff's opinion.

Jonathan Hollinger: Well said.

Tim MacEachen: Chair.

Jonathan Hollinger: Um, But MacEachen, jump in.

Tim MacEachen: So, and again I I hear what people are saying, but I think it's about setting precedent. If you set precedent with that by put doing what could be interpreted as a spot zone. Not only do other surrounding properties have the ability now to point at that, and try to get their zoning to, and it changes the whole complexion of the neighborhood, but also from other communities. They can say, Look! They went down there by Albuquerque High, and they did a spot zone there, and nobody was harmed. The reason they have a spot. Zone rule is, so we have continuity, and we have protection for people. We need to protect the people they've lived there that long. It's just that simple to me.

Jonathan Hollinger: Well, stated. So, to to add a conflicting opinion, I as I see this, it's in an area change. I believe that there is consistency among the healthcare and based on Commissioner Aragon. I I do think that there is relevance, and it's not necessarily a spot zone. And I I do feel like, based on what we've heard, there is need. So we have conflicting opinions. Now. Looks like they're both moving opposite directions. And and that's how this goes sometimes. So we'll all have to form our opinion and and see how this boat (vote?) moves.

Jarrold Likar: Likar.

Jonathan Hollinger: Mr. Likar.

Jarrold Likar: Regardless we if it's a spot, zone or not. I think there's merits to what they're trying to do there, in my opinion, not a spot zone because of the need to notify people on the other side of the freeway on the East Side. If you're notifying those people to me, that's almost directly adjacent. If the highway's void and you have to notify them, they're directly adjacent to an Mx-h. So I I don't see that as a as a spot zone. I think it's a good use for what they're considering. Obviously, it's a more intense use. But, as I stated previously, I think what they're ultimately doing is not as an intense user, it could have been, so in an I mean, one of the questions I have. Maybe that's staff or applicant is, if you're in an Mx-h. what's your bed limit for doing this type of facility in the Mx-h.

Jonathan Hollinger: And I believe I'm sorry to interrupt you if you weren't done. I believe that limit was 48.

Jarrold Likar: That's what they're proposing. What can you do?

Jonathan Hollinger: I believe it was 60, but based on parking. The only thing that made sense was.

Jarrold Likar: Garage. They could put in a garage, they could do all that if they wanted to. Could they put a hundred beds in an Mx-h.

Jonathan Hollinger: Okay, I won't steal this up. If if you'd like to address that, Mr. Bohannan.

Ronald Bohannan: So to answer your question. Yes, you could increase that if you wanted to put in a parking structure. But again, you have to look at the physical constraints of the site. It's a 3 acre site. and so even with you putting in a multi level garage, you would be limited to the probably not more than 60 or so 65 beds just based on the topography and the train, and our analysis.

Jonathan Hollinger: Thank you. And Mr. Likar I didn't want to cut you off. I was just trying to add some information. If you'd like the floor. It's still yours.

Jarrold Likar: No, I think I'm good.

Matt Myers: Chair Hollinger, Matt Myers.

Jonathan Hollinger: Mr. Myers

Matt Myers: Do you think it would be an appropriate time for a Vicente to show the alternate findings that alternate findings, saying, It is not a spot zone. And then perhaps the commission you could do a straw poll, or whatever you think appropriate chair Hollinger to to maybe, you know. See where everyone is on that issue, and you could get those alternate findings.

Jonathan Hollinger: That sounds like a lovely idea. Thanks for the the option.

Gary Eyster: Chair Commissioner, Eyster.

Jonathan Hollinger: Vice, chair.

Gary Eyster: Thank you. I think that we. We do need to look at the findings, obviously, but they need to support whatever decision we think this commission is headed for. And I think when I look at this request I can see the neighborhood to the west, down below the sand hills. There there are They've already got the Tricore lab. They've already got the hotel. having a 3 story rehab hospital there, doesn't I if I were in that neighborhood, I'm not sure that would bother me too much, and I'm not sure I could see it too much, but I'm not, and they are. And that's where I'm I'm sympathetic with Commissioner MacEachen's argument here. Um, when we make a decision Ultimately, we kind of just have to decide what's the number one and the number 2 that we're gonna go to as far as decision factors. And in this case I I could support disapproval on some of the same grounds that Commissioner MacEachen has stated.

Jonathan Hollinger: Thank you. Vice chair, Ms Johns?

Megan Jones: Thank you. Chair Hollinger. I just wanted to add, based on counsel Myers statement that if the Commission would like to see alternative findings stating that this request is that would not result in spots, and we would need to take a recess to prepare those findings. We. So. So whenever the Commission gets to a conclusion on the direction that they're going to go with this case, anything other than the recommendation of approval that we have, we will need to take a recess to prepare findings.

Jonathan Hollinger: Thank you, Miss Jones. So, at this point it looks like we're about half and half I'd like to hear from Commissioner Carver. Commissioner. Halstead. Let's kind of see where we are. Just so we're not wasting time, with with findings. If we're all leaning towards one direction or another.

Renn Halstead: Yeah. Chair.

Jonathan Hollinger: Commissioner Halstead.

Renn Halstead: Thanks. I'm leaning towards saying that this is not a spot zone. and I am also leaning in favor of of approval. I think that this they've shown that this is going to be a really beneficial project and a good use for the site. and also just as a caveat, and it coming from the architecture side, the the constraints of this site are do really pin them down. Even though you technically could of do a hundred beds or however many beds you want. This. This site just makes that impossible. there's just no way that that you can do that. So that's just me speaking as an architect. But the other thing I would wanna mention is, you know, that it was mentioned earlier that it could be. You could do a 10 story office tower, I mean. think about the the amount of traffic there. We're talking about 35 trips in the morning. That's. I mean, that's just nothing. So I really think that the the impact from traffic specifically is being is isn't a concern. And in my eyes.

Jonathan Hollinger: Thank you. Commissioner Carver. Did you have a thought?

Adrian N. Carver: Yeah, I guess so. Maybe it's a question, just a procedural question. So if we determine if we accept the findings as they are now that it is a spot zone. I we have to say that it's a justified spot zone in order to approve the application. Correct?

Matt Myers: Yes.

Adrian N. Carver: Okay, And if we did, if we decide that it is not a spot zone. then we need to change the findings just to wait. I'm getting. I'm getting my conf myself confused again. If it is not a spot zone, then we just need to a change the findings to reflect that, and we can vote up or down whether or not we want the application to proceed correct.

Matt Myers: That works. I mean, yeah.

Adrian N. Carver: I'm just trying to get my head around. What are the options? 2, 3 options do we have.

Matt Myers: Well, so just to be clear. If you find that it is not a spot zone right? It sounds to me like maybe some of the Commissioners might still say, even if it's not a spot zone, they will not approve it for some other reason. Okay, but that is not currently reflected in the findings found in the staff report just to be clear.

Adrian N. Carver: Okay.

Gary Eyster: Eyster.

Adrian N. Carver: Well, I let me Mr. Chair.

Jonathan Hollinger: Go ahead. Carver.

Adrian N. Carver: Yeah, i just as a matter of straw polling. I I think I am leaning towards it, not being a spot zone, and approval of the use.

Jonathan Hollinger: Okay, thank you for your opinion. Vice chair.

Gary Eyster: Thank you. Chair. I just wanted to put a little nuance on the question Commissioner Carver had there. If if we were to keep it as a spot zone. It already has a justification for that. And so there's nothing more to do but but vote approval. Yeah, you've got that Commissioner, and then If we were to put a a a question to the Commission, or even if the Chair just wanted to do a straw poll for the Commission that it's not a spot zone. Then, yeah, we'd break up and get a get that rewritten. Get that Finding Redone. But the. Before, but in order to do that, I would imagine the chair would want to have a pretty good feel that we had a a straw poll that would support approval. Because if we want to go to non approval, we gotta redo the whole. The whole findings that that take staff 30 40 min, anyway. But but, Commissioner Carver, like you, you said you're for a spot zone, and you're for approval. like, I'm sorry you're you're for a not a spot zone but for approval of the request. Thank you. Thank you. Chair.

Jonathan Hollinger: Thank you. Vice chair I saw someone's hand up. Mr. Quevedo.

Vicente Quevedo - Senior Planner: Yeah, yeah, just I just wanna make sure we're clear and appreciate that chair Hollinger and Commissioner Eyster. Yes. So whether or not whatever determination you mentioned you make on the spot. Zone does not change Staff's recommendation recommendation for approval, because if you leave it as is, it's a justified spot zone it's and it's been justified as Commissioner Eyster mentioned. If you say it's not a spot zone, then we need to modify finding 13-h to reflect that which

we could do with a with a short recess. If you do, if the Commission is leaning towards denial, then, as Commissioner said, we've got a staff has to go back and rewrite. The findings to reflect that decision, and that would take some time. So but just to be clear, the spot zone designation up or down doesn't change Staff's recommendation of approval. But you still make that final decision. So.

Jonathan Hollinger: Thank you, Mr. Halstead.

Renn Halstead: Yeah, thank you. Chair. I I wanted to ask. I'm I'm wondering if it's kind of does, I guess I want to understand what it matters the distinction between a spot, zone or not. If just taking just that piece. let's say we're the. There's enough people that are in in favor of approval. Is there some impact to the long term status of this site that that determination itself about the spot zone impacts? Or is it sort of a non-issue. And either way, if if indeed, we voted for approval it it doesn't change anything about the status of that site. That's what I'm I'm trying to understand.

Matt Myers: i bet I could answer that.

Renn Halstead: That is.

Matt Myers: Chair, Hollinger and Commissioner.

Jonathan Hollinger: Does.

Matt Myers: So I think ultimately what will happen is the commission. Better make a decision as to whether they think it is a spot zone or not. If they say we do not think it is a spot zone, this will most likely get appealed, and the appellants will say we think it is a spot zone. Okay. if you find that it is a spot zone, but a justified spot zone, it will still probably be appealed, and they will say it was not a justified spot. Zone so I mean, I think that's what's gonna happen either way is is what's gonna happen. That's that's how I see this playing out.

Jonathan Hollinger: Greg.

Matt Myers: If that clears it up, maybe it doesn't.

Jonathan Hollinger: Mister.

Renn Halstead: Yeah, clear as mud. Thanks.

Adrian N. Carver: Thanks. Chair. I I guess I'm I'm sensitive and sympathetic to Commissioner MacEachen's arguments about precedent. And so I'm I guess I'm kind of curious. I don't know who I'm directing this to, but if if we consider it a justified spot, zone does that? Maybe this is to you, Mr. Mc. Or

Commissioner MacEachen, and do you, in your opinion, if it was a justified spot zone, does that impact your concerns around setting a precedent.

Tim MacEachen: I think that's a real slippery slope. I'm just not sure how you do that. And that's why people go to law school. I'm just here to try to represent people within the city, and and try to do what I thinks best, and make the decision that is best for the people who live in this city.

Adrian N. Carver: So, Mr. Chair? Maybe for council, then, you know, the is there a difference between setting a precedent? You saying that this is a justified spot zone and saying that it is that it is a yeah, right? This is, this is tripping up my words, I'm sorry, guys. Is there a difference between in the way that we would be setting precedent in that if we called it a spot, zone or not?

Matt Myers: If if that was thanks, Commissioner Carver, if if that was directed towards me, I don't think it makes a difference in the precedent. But but I think, legally, I'm just saying legally now, I think legally. the Commission would have a better basis if they found it was not a spot zone that is based on my legal reading of the IDO. I think it is a bigger stretch legally to say it is not a spot zone to say it is a spot zone, but it is justified. So I think, just legally, just legally based on the plain language of the IDO. I think it is not a spot zone. I think it's easier to justify that than to say it is a spot zone but justified. That's just legally. thank you.

Jonathan Hollinger: Chair Hollinger. Commissioner Aragon.

DARAGON1: Chairman, thank you. So I did have a a question. So Staff did present to us the criteria for deter, for how we could go and determine whether or not it was a spot zone or not. But I'm not sure that I've got the information and how we determine whether it's a justified spot zone, if that's the direction we went in. And that's kind of leaning towards where Mr. Myers was going is what criteria has been presented to us that we could justify our saying, yep, yep. We heard that it's justified spot zone based on A, B and C. If that makes any sense.

Jonathan Hollinger: That that does. I think that's what the staff report had concluded. Yes, they're calling it a spot zone. And yes, they believe it's justified.

DARAGON1: So what justified it? That is, is my question.

Jonathan Hollinger: Mr. Quevedo.

Vicente Quevedo - Senior Planner: Allowing me to speak to that chair Hollinger.

Jonathan Hollinger: Sure.

Vicente Quevedo - Senior Planner: And the applicant can also answer this too. But, generally speaking, the justification that was provided by the applicant for the spot zone requirement was looking at the subject site and then going directly. You know, on on the site plan for a subdivision site which includes Embassy suites and Tricor, and all of that going west from from that site. Their their argument is that as you go west, the intensity decreases. and as you go east, it, it increases. And so once you get if you go west to east, for example, and you get up to the subject site. You go from Mx-h. Mx-m. And then with this zone change, if it's approved, would go to Mx-h, and that would be that that would justify the transition which is the requirement of the criterion. H and that's what is at issue here. If the if the Commission agrees with that argument. then we would stick with the finding that it is a justifiable spot zone per that rationale. If the Commission disagrees, which is what's been discussed here, looking at the other side of I-25, for example. Then then we would go with that. But that's their argument is that the intensity increases as you move east, and with the approval of the zone change, request, Mx-h. That would be the culmination of that increase. And that would be that transition that they're talking about. If that helps.

DARAGON1: Yes, that does help. It creates 2 scenarios that are both cloudy.

Jonathan Hollinger: Commissioner Aragon? Mr. Lozoya, I think you had your hand up for a little while. I'm sorry. Let's get to you.

Sergio Lozoya, Tierra West: Thank you. Chairman Hollinger. In addition to the transition requirement, there is also a requirement to further up a preponderance of applicable comprehensive plan goals and policies. So we did provide a thorough policy analysis. That's the 1st test. If this can be approved under criterion, a and within Criterion. H. You need to have a strong policy analysis of the comprehensive plan. So we did provide that policy analysis in which that reviewed and agreed that this request furthers a preponderance of applicable comprehensive goals and policies. So that is, there's 2 legs to the spot. Zone is is that it furthers the Comp plan, and it acts as a transition. Those are the ones that we went with in our justification, and those were staff was in agreement with those is the.

Loretta Naranjo Lopez: Is the floor closed, or is it not? I'd just like to know that.

Jonathan Hollinger: It's it's close Ms. Naranjo. Vice Chair Mr. Eyster.

Gary Eyster: No worries. Chair. Thank you. Again, I love the dialogue. It seems to me like this whole question of spot zone or not. Spot zone is is really kind of secondary, and it only becomes important if we are going to move toward approval. So I only have heard Commissioner MacEachen and me saying that we could kinda go with disapproval and and and and I could go with approval, too. So I, unless we hear a fair number of commissioners saying they want to move to disapproval. Chair. Maybe you could kind of do a straw poll and saying, Ca, you know, can we go? Shall we move to approval or not? And then then then, I think, if we do, we pick the strongest argument on the spot zone and and counsel, Myers said that is not a spot zone.

Jonathan Hollinger: So moved. Okay, I like the the suggestion. We, we definitely need to come to a decision here later. chairs position is that I think this is a justified spot. Zone. Let's see if we maybe just ran down the list where everybody falls. Commissioner Aragon.

Gary Eyster: Oh, Eyster. Chair. I don't know if I made myself clear. I I was as far as yes or no. It was more like, do we want to move to approval of the entire request on a on a straw poll? Does that make sense? Are you okay with that chair?

Jonathan Hollinger: Ye, yeah. And I think that's what I was getting at.

Gary Eyster: Oh, you! So you were already saying yes, it is. We do want to approve it. And then you were questioning about the spot zone.

Jonathan Hollinger: Per per my opinion. I was saying that I I think this is a justified so that that was my opinion, and I was hoping to take a stop over to see where we all kind of stand.

Gary Eyster: So that means a justified rezoning request. Is that what you meant.

Jonathan Hollinger: No, I've been approval of the the packet as presented by Staff. So Staff recommended approval, and and I'm in agreement with their opinion, and and that's my straw poll.

Gary Eyster: You're in approval. You're in a favor of approval of the whole request. and and also the way they've characterized the spot Zone.

Jonathan Hollinger: That's correct.

Gary Eyster: I understand. Thank thank you. Sorry to belabor that.

Jonathan Hollinger: So I was. I was hoping to get a little straw poll. See where we lie, and then we can. We can do something with this. So Commissioner Aragon? Where? Where do you fall?

DARAGON1: So I do support the request. I think the applicant and staff has made a pretty good case towards that now, as far as the spot. Zone I would if I had to choose, and I don't think there's a wrong choice here. I think I would choose that this is not a spot zone, and that it meets the criteria for such. But if the the board wanted to go the other way, I'm okay with that as well.

Jonathan Hollinger: Thank you. Commissioner Carver.

Adrian N. Carver: I concur with Commissioner Aragon.

Jonathan Hollinger: Mr. Cruz.

JOSEPH M CRUZ: I support the request as well.

Jonathan Hollinger: As is, and not being a spot zone. Is that what I'm hearing.

JOSEPH M CRUZ: Yes, exactly.

Jonathan Hollinger: Good. Commissioner, Likar.

Jarrod Likar: I'm same as Commissioner Cruz and Aragon.

Jonathan Hollinger: Coppala is not here. Commissioner Eyster heard from me, but I didn't get you're your official stance.

Gary Eyster: Thank you. Chair as I indicated to the Commission and to the public, I I could see an approval or a disapproval depending on the decision criteria I would I would go with the majority of the Commission on approval of the entire thing which sounds like approval. and I would go with. Council, Myers. Recommendation that it is. It is not a spot zone. that's what that's what Commissioners Aragon And Carver, the other said, I think.

Jonathan Hollinger: That's correct. Commissioner Halstead, how about you.

Renn Halstead: Yeah, I'm I'm in favor of approval, and that is not a spot zone.

Jonathan Hollinger: Okay, and Commissioner MacEachen. I assume your opinion is opposite, but I'd like to give you the floor anyway.

Tim MacEachen: It's not only opposite, it's so short. No.

Jonathan Hollinger: Okay. well, that leads us with a overwhelming majority. So if that's the pleasure of the Commission, and we were to move, I think we all have a stance, and we can finish this packet so we could have more deliberation if needed. I I think our straw poll kind of revealed our position. I'm open to more conversation or emotion at this point.

Matt Myers: I I think. Chair, Hollinger, you just need to get the new findings. It's it sounds like this is where the Commission's going to say, it's not a spot zone, and it sounds like Mr. Quevedo caveat would need a little more time to do that. Hello.

Jonathan Hollinger: I'm glad it's.

Vicente Quevedo - Senior Planner: Working on this? Thank you. Yes, yeah. Just a little time to to modify that language so that we could bring in parts of the discussion to make sure we're it. It matches what the Commission's been discussing. So even like, what do you think? 5 min, Megan? Or how long do you think.

Megan Jones: Thank you. Mr. Kevin. Yes, I'm okay with taking a a short recess to address the the findings that need to be amended. I'd say at least 15 min just because we haven't taken another a bathroom break since about 1045 this morning, so we might need to squeeze in a little break in between there as well. In addition to us amending the mending those findings to to show you.

Jonathan Hollinger: Well, we've been at it for a while. Perhaps we could take a lunch recess if everyone's in favor. Maybe we could take 30 min and come back and wrap this up Me. Yes.

Adrian N. Carver: Mr. Chair, may I ask, are we gonna have to do this again for the next case, like the the Site plan, too?

Jonathan Hollinger: That's undetermined at this point.

Adrian N. Carver: Okay.

Ronald Bohannon: Hopefully, not.

Jarrold Likar: I'm saying once it's way gone, let's go 5 and get her done.

Megan Jones: Hi Chair.

Jonathan Hollinger: Ms. Jones.

Megan Jones: Thank you, Commissioner Carver. Yes, this, the agenda item number 5 is a separate request for a site plan for the actual Rehab hospital youth. The request that you're seeing right now is just for the zone change from Mxm to Mxh. So that's a separate presentation. Separate public comment, deliberation on the Actual Site Plan.

Adrian N. Carver: I. I was just hoping if we needed to revise some things that we could do. 2 birds, 1 1 break.

Megan Jones: The the findings are completely separate, for a fine for is on change versus a site plan. Thank you.

Jonathan Hollinger: So let's go ahead and take 30 we'll come back and hopefully wrap this this package up.

BREAK

Jonathan Hollinger: Welcome back everyone. That's our 30 min recess if we can all start gathering again. This point looks like we're just missing Commissioner, Liker, and Commissioner Eyster. Miss Jones, are you able to make it back as well?

Vicente Quevedo - Senior Planner: She. She'll be at her desk shortly.

Jonathan Hollinger: Thank you.

Megan Jones: I'm here.

Jonathan Hollinger: No worries, thank you. Just need Commissioner Liker. See you. Okay. I think we have a full house again. Staff. Are you prepared to continue where we left off?

Vicente Quevedo - Senior Planner: Chair. Hollinger. Yes, we are prepared.

Jonathan Hollinger: Very well. If everyone's back let's go ahead and get this started. The time is 2:54.

Vicente Quevedo - Senior Planner: Okay. Is it okay to go ahead and share the.

Jonathan Hollinger: Yes, absolutely.

Vicente Quevedo - Senior Planner: Findings. Okay? So I'm gonna go and share my screen. And this is based on number. The 1st one is a clerical clerical. Update nothing, Major. The other 2 respond to the discussion that we that the Commission was having before. Sorry. Let me find my. I haven't said it before. I dislike the screen share feature on zoom, it's very clunky. Here we go. Here we go there we go. Sorry for that delay, so I wanna make sure I had the right thing in front of you commissioners.

Jonathan Hollinger: Probably see your screen.

Vicente Quevedo - Senior Planner: You can see everything. Yes. Okay. Do you want me to go through them? Briefly.

Jonathan Hollinger: Sure please.

Vicente Quevedo - Senior Planner: Okay. Again, as I mentioned the very 1st these are proposed, amended and additional findings for the the project in case the 1st modified finding the modification to finding number 3 instruction one just corrects the hearing date. It had the incorrect date of June 20th so that corrects that to July 18th and then we get into the alternate findings. So this would replace finding 13-H to respond to the non spot zone. Item, that the commission deliberated. Do you want me to read it out loud?

Jonathan Hollinger: We might as well, let's get that in the record. Make sure that commissioners are in agreement.

Vicente Quevedo - Senior Planner: Sounds good. So the alternate. This is alternate. Finding 13-H. The request would not result in a spot zone, because it would not apply a zone different from surrounding zone districts, as evidenced by the existing Mx-h Zone parcel directly east of the subject site on the other side of I-25, interstate 25. The record also reflects several similar medical and hospital uses in the surrounding area. The applicant has shown how the request would clearly facilitate, and I'll add the word a preponderance. of. I'm sorry that moved where to go. There it is.

Jonathan Hollinger: there it..

Vicente Quevedo - Senior Planner: A preponderance of the comprehensive plan policies as shown in response to criterion. A. The response, criterion H is sufficient. Then, however, even if the Commission had determined that it was a spot zone, the Commission further finds that it would have been a justifiable spot zone. So we're covering both bases there with that verb.

Tim MacEachen: Chair, but sure that.

Jonathan Hollinger: Mr. MacEachen.

Tim MacEachen: So I don't. And maybe I'm just a weirdo. But I don't think we need the word. Even the seconds sentence in the second paragraph, however, if the Commission had determined, how's that?

Jonathan Hollinger: Works for me.

Gary Eyster: Eyster.

Jonathan Hollinger: Vice, chair.

Gary Eyster: I don't think we should just talk about Mx-h uses on the east of Interstate. There's also Mx-h uses, so we should also say, and Mx-h uses South of Lomas immediately.

Vicente Quevedo - Senior Planner: Okay? so we should say, south of Lomas. Here. Is that correct? Or do you want a new new sentence?

Gary Eyster: Both both South of Lomas and east of I on the other side of I 25. That's fine.
Yeah, that's all that works. Okay. wait, wait a minute. Got we got them all mixed in there now existing zoned parcel directly east of the subject site. So get that cut out that South of Lomas.

Vicente Quevedo - Senior Planner: Just move that over.

Gary Eyster: And put it after interstate 25. And take care of the and all that.

Vicente Quevedo - Senior Planner: Okay, let me just zoom parcel directly east of the subject site. we'll just say on the other side of Interstate 25. And that's what you're saying. Okay? And south of Lomas Boulevard. Okay.

Jonathan Hollinger: So, so.

Megan Jones: Thank you. Chair Hollinger. in the second to last sentence, can you please add applicant has shown how the request would clearly facilitate a preponderance of applicable comprehensive plan goals and policies. but at applicable comprehensive plan. Goals and policies.

Renn Halstead: Halstead

Jonathan Hollinger: Mr. Halstead.

Renn Halstead: Thanks, chair I I would recommend changing the language that we were just modifying on the other side of Interstate 25 as well as south, so it doesn't seem like it's oh, the south side of Lomas, on the east side of vendor, say 25. That right.

Gary Eyster: Yeah.

Renn Halstead: okay.

Vicente Quevedo - Senior Planner: Okay, if we're good. With that I can move to the additional finding. That, we added. But I'll wait till the commission is ready.

Jonathan Hollinger: Commissioners, any opposition?

Gary Eyster: No.

Vicente Quevedo - Senior Planner: Okay? hmm, okay, then we will. We will replace the existing 3rd finding 13-h. With this language, there the other item that we wanted to add was, an an additional finding. So a new finding 17, just to reflect that the commission was deliberating in accordance with the land. Use hearing officers remand instructions. I'll read that into the record. So additional finding 17 during the July 18th 2024. Public hearing the Environmental Planning Commission deliberated as to whether the request would result in a spot zone pursuant to the land, use hearing officers remand instructions A/C. 2411. The Commission concluded that the request does not result in a spot zone. Therefore the Commission has provided updated findings to reflect this decision. We might take out the word, therefore, but feel free to word. Smith.

Gary Eyster: Well, the the alternate finding 13 HIII re so for the last sentence I would say, like you said Mr. Kv. Though, get rid of the therefore I would just say, the Commission. Yeah. The Commission developed alternate, finding 13 h. To reflect this.

Vicente Quevedo - Senior Planner: Okay.

Tim MacEachen: Can we say some of the Commission found? Yeah.

Vicente Quevedo - Senior Planner: The majority.

DARAGON1: 30.

Vicente Quevedo - Senior Planner: Listen to alternate finding 3rd and age to reflect. That's what we're saying. Does that work.

Matt Myers: I don't know that we say alternate finding, I think, sorry to interrupt. This is Matt Myers. I think it's the Commission developed, finding 13-H. Because they're not going to know that it was an alternate finding, are they? No.

Vicente Quevedo - Senior Planner: That's correct. I mean, it's it's in the record. But that that's what we're trying to show. But however, the Commission wants to word it, that's fine.

Matt Myers: Well, I'm not the commission, the people I'm just a lawyer. You guys tell.

Gary Eyster: Ha ha ha.

Vicente Quevedo - Senior Planner: Commissioners. Would you like to keep the word alternate, or just have it reflected as finding 13 each.

Renn Halstead: I think that's more concise. Okay?

Vicente Quevedo - Senior Planner: Okay, does that cover? Everything that was deliberated by the EPC, or there, is there any other additional items.

Gary Eyster: That's all I know of.

Jonathan Hollinger: And forgive me, This is chair. in the findings. Does that discuss the traffic improvements? Or is that a part of the next case things are starting to blend together for me.

Vicente Quevedo - Senior Planner: yeah, the the traffic improvements weren't weren't part of the findings for this case, Commissioner. I'm sorry. Chair Hollinger. Mainly because the Site plan was just supposed to be mentioned and and discuss, but not not gone into that level of detail. However, that being said, the applicant did provide that as part of the record, so we could note it. If you'd like to.

Jonathan Hollinger: I don't think that could hurt as a finding.

Vicente Quevedo - Senior Planner: Okay. Do you want that? Finding 18.

Jonathan Hollinger: Sure.

Vicente Quevedo - Senior Planner: Or yeah. So let's see, yeah, cause those those 2 would flow, and then the 18 would be a different one. So let me just I'm gonna go ahead and add that 18 something to the effect of, The applicant.

Tim MacEachen: Either. Chair Vos has his hand up.

Jonathan Hollinger: Let's go, Comm Vos, or or Mr. Vos.

Michael Vos, ZEO: Thank you. Chair and commissioners. if you're looking to speak to a traffic, the traffic study that was provided for the record. It's referenced in Staff's condition. 13 e. Which talks about infrastructure, improvement, capacity. So you could choose whether or not to add a new finding, or to add or revise something in finding 13 h.

Vicente Quevedo - Senior Planner: Let's see. It's in 13-8, you said, or 13.

Michael Vos, ZEO: 13, e.

Vicente Quevedo - Senior Planner: E, okay. would you like me to read that out loud Commissioners, or put it on the screen.

Jonathan Hollinger: I think the screen would suffice. And thank you, Mr. Vos. Okay.

Stopped on PM recording at 55 minutes.

Vicente Quevedo - Senior Planner: Let me pull that up here on one sec. I have to stop sharing one and share the other. think that's it. Okay, so this is how 13 E currently reads it says the city's existing infrastructure and public improvements, including, but not limited to its street trail and sidewalk systems meet one of the following requirements, we'll 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. and it says, the subject site is currently served by infrastructure, which will have adequate capacity. Once the applicant fulfills obligations any future development on the site which is currently vacant would be required to adhere to all obligations and standards under the IDO Dpm. And our infrastructure improvements improvement agreements. The applicant has also completed a full traffic safety study. Does that suffice, Or would you like to add more?

Jonathan Hollinger: I wonder? It would be wise to say that the EPC. Ever view the traffic study? I'm open to opinions. We could take that or leave it.

Megan Jones: Chair Hollinger. This is Megan Jones.

Jonathan Hollinger: Ms Jones.

Megan Jones: The traffic study was not included as part of the Zone change request that was included only for the Site plan request which is being heard subsequent to this. So I'm not sure if it's appropriate to state that that the traffic study was reviewed as part of the zone change.

Jonathan Hollinger: Okay, I'll I'll leave it out. I I think this would probably suffice unless anyone...

Vicente Quevedo - Senior Planner: Chair. Hollinger does clarify that it is a traffic traffic safety study, not the traffic impact study. So that would be a clear delineation between the 2 cases as well, so.

Jonathan Hollinger: Okay, I'll I'll drop that. Thank you.

Vicente Quevedo - Senior Planner: Okay. So I'm gonna go ahead and remove this and back to where we were at before.

Jonathan Hollinger: Alright commissioners. Does that satisfy the findings? As our per discussion looks like a lot of yeses.

Gary Eyster: Yes.

Jonathan Hollinger: I believe then we are to the point. We can make a motion sure can't do it. So.

DARAGON1: Aragon here. I'll make a motion.

Jonathan Hollinger: Thank you, Mr. Aragon.

DARAGON1: Let's see if I get the right right. Agenda. Item number 4, and it's only 3 o'clock. in the matter. Agenda. Item 4 project number PR-2024-009765, RZ-2024-00029. Dash zoning map, amendment or zone change. I move approval based on. I believe there's 18 findings from staff or 17 findings from Staff. 17.

Jonathan Hollinger: 17.

DARAGON1: 17 findings on from staff report.

Vicente Quevedo - Senior Planner: And and we would need to mention the modified and alternate.

Gary Eyster: Yeah.

Vicente Quevedo - Senior Planner: For the motion.

DARAGON1: Excellent. So in addition to that, go ahead, Halstead.

Renn Halstead: I'm sorry to interrupt. Was that the correct case number.

Jonathan Hollinger: I I was curious about that as well.

DARAGON1: There's 2 of them. There's 2024-009765 zoning map amendment. And then there's the 009 up. They're the same on my. a paper.

Renn Halstead: The projects are the same, but the case number should be different.

DARAGON1: Okay, so we have case number RZ-2024-00029.

Renn Halstead: That's not what I'm seeing. Chair is that.

DARAGON1: You're right. It is different on the stack staff report. It's a 2024-00001.

Megan Jones: That's that's correct. This is Megan Jones, Commissioner Aragon, the the project number and case number that's being shared on the screen right now by Mr. Quevedo, is the correct project and case number for the zone change.

DARAGON1: Okay.

Megan Jones: The pipeline being heard after this has the same project number, but a different case. Number.

DARAGON1: Okay, great. Just reading off the agenda. So I'll refer to the one on the screen as case number RZ-2024-000001. I got all the zeros right, if not, please correct it. and to include the alternate finding 13-h. And the additional finding 17.

Ronald Bohannon: And modified.

Jonathan Hollinger: Mr. Myers does that capture everything? That was a lot of information.

Matt Myers: I I think that's right, and with also with modified finding number 3, and I think he got it.

Jonathan Hollinger: Okay. If we have your approval, then we'll move forward. A motion was made. Do we have a second?

Renn Halstead: Second it.

Jonathan Hollinger: Second by Commissioner Halstead. Any just further discussion. It's done. We'll move to a roll call, though. Commissioner Aragon.

DARAGON1: Aragon. aye.

Jonathan Hollinger: Mr. Caver.

Adrian N. Carver: Carver. aye.

Jonathan Hollinger: Commissioner Cruz. Are you still with us? Mr. Likar?

Jarrold Likar: Likar aye.

Jonathan Hollinger: Vice Chair Eyster?

Gary Eyster: Eyster, aye.

7-18-24
EPC Hearing
Agenda Item #4

Jonathan Hollinger: Mr. Halstead.

Renn Halstead: Halstead aye.

Jonathan Hollinger: Mr. MacEachen?

Tim MacEachen: Mr. MacEachen, no.

Jonathan Hollinger: Mr. Hollinger's an aye. So that is 2, 3, 4, 5, 6 yeses, one no, and one absentee. So the motion will pass.

END

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NOTICE OF APPEAL

August 5, 2024

TO WHOM IT MAY CONCERN:

The Planning Department received an appeal on July 23, 2024. You will receive a Notice of Hearing as to when the appeal will be heard by the **Land Use Hearing Officer**. If you have any questions regarding the appeal please contact Nichole Maher, Planning Sr. Administrative Assistant at (505) 924-3845.

Please refer to the enclosed excerpt from the City Council Rules of Procedure for Land Use Hearing Officer Rules of Procedure and Qualifications for any questions you may have regarding the Land Use Hearing Officer rules of procedure.

Any questions you might have regarding Land Use Hearing Officer policy or procedures that are not answered in the enclosed rules can be answered by Michelle Montoya, Clerk to the Council, (505) 768-3100.

CITY COUNCIL APPEAL NUMBER: AC-24-18
PLANNING DEPARTMENT CASE FILE NUMBER:
PR-2024-009765, RZ-2024-00001

APPLICANT: Santa Barbara Martineztown Neighborhood Association
c/o Hessel E. Yntema III, Yntema Law Firm P.A.
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