

PLANNING DEPARTMENT  
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## OFFICIAL NOTIFICATION OF DECISION

April 15, 2021

Titan Development  
Attn: Josh Rogers  
6300 Riverside Plaza Lane NW. Ste. 200  
Albuquerque, NM 87120

**Project #2021-005195**  
RZ-2021-00006—Zoning Map Amendment (zone change)

### **LEGAL DESCRIPTION:**

Dekker Perich Sabatini, agents for Titan Development, c/o Josh Rogers, requests a Zoning Map Amendment from NR-BP to MX-H for Tract 6A-1, plat of Journal Center Phase 2, Unit 1, located at 7501 Jefferson St. NE, comprising the northwestern corner of the intersection of Jefferson St. NE and Masthead St. NE, approximately 5.2 acres (D-17)  
Staff Planner: Catalina Lehner

On April 15, 2021, the Environmental Planning Commission (EPC) voted to Approve Project # 2021-005195/RZ-2021-00006, a Zoning Map Amendment (zone change), based on the following Findings:

1. The request is for a zoning map amendment (zone change) for an approximately 5.2 acre site legally described as Tract 6A-1, plat of Journal Center Phase 2, Unit 1, and comprising the northwestern corner of the intersection of Jefferson St. NE and Masthead St. NE (7501 Jefferson St. NE) (the “subject site”).
2. The subject site is located in Journal Center, a business park that was conceptualized in the 1980s and has developed according to the Journal Center Master Plan. The subject site is vacant (except for some pavement).
3. The subject site is zoned NR-BP (Non-Residential Business Park Zone District). The applicant is requesting a zone change to MX-H (Mixed Use-High Intensity Zone District) to facilitate future development of mixed-uses, such as multi-family development, although the MX-H zone also allows a variety of commercial uses.
4. The subject site is in an area that the Comprehensive Plan designated an Area of Change and is within the boundaries of the Journal Center Employment Center. The Facility Plan for Arroyos also applies due to the adjacency of the North Pino Arroyo.
5. Jefferson St. NE is a designated Multi-Modal Corridor with a Premium Transit overlay. Multi-Modal corridors are anticipated to be served by high-frequency and local transit. However, until active Premium Transit stations (see IDO definition) are developed, the underlying corridor designation is used. Currently, Central Ave. is the only Premium Transit Corridor operating.

6. The Albuquerque/Bernalillo County Comprehensive Plan, the Facility Plan for Arroyos, and the City of Albuquerque Integrated Development Ordinance (IDO) are incorporated herein by reference and made part of the record for all purposes.
7. The request furthers the following, applicable Goal and Sub-policies regarding growth and Centers and Corridors from Comprehensive Plan Chapter 5: Land Use:

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

The subject site is located in Journal Center, a designated Employment Center. Employment Centers are a special type of Activity Center. When mostly built out, it is appropriate to introduce mixed-use and/or high density residential uses (Comp Plan, p. 5-15). The request for a mixed-use zone would introduce mixed use (multi-family residential is desired) into a largely built-out, established Employment Center. The request would strengthen this Employment Center by facilitating growth in an appropriate location and in accordance with the Comprehensive Plan, and along a designated Multi- Modal Corridor (Jefferson Rd. NE).

- B. Subpolicy 5.1.1a: Create walkable places that provide opportunities to live, work, learn, shop, and play.

The request would add (mostly) residential uses to a business park characterized by office uses and a few shops, and would provide an opportunity to live in the area. Generally, adding residential uses in proximity to work, retail, and open spaces improves walkability.

- C. Subpolicy 5.1.1c: 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 would encourage infill development in a designated Employment Center and along a designated Major Transit Corridor, which are appropriate areas to accommodate growth.

- D. Subpolicy 5.1.1f: Discourage the development of detached single-family housing as an inappropriate use in Centers and along Corridors.

The subject site is in a designated Center and along a designated Corridor. The request, which would result in MX-H zoning, does not allow single-family detached housing.

8. The request furthers the following, additional policies regarding Centers and Corridors from Comprehensive Plan Chapter 5: Land Use:

- A. 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 would direct more intense growth and development of uses allowed in the MX-H (Mixed-Use High Intensity) zone to an Area of Change that is in a designated Center (Journal Center) and along a designated Corridor (Jefferson St. NE).

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

Journal Center is an established, designated Employment Center that already prioritizes employment opportunities and fosters synergy among businesses. The Comprehensive Plan states, when mostly built out, it is appropriate to introduce mixed-use and/or high density residential uses to Employment Centers (p. 5-15). Allowing more uses, in accordance with the Comprehensive Plan at this point in the Center's life, would help re-create it as a destination and perhaps attract more employment opportunities and foster synergy among a wider variety of uses.

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

The request would facilitate development of uses permissive in the MX-H zone. More intense uses (especially multi-family residential) are generally desirable along Major Transit Corridors because they would help activate the corridor with more people using transit and walking. The MX-L zone and the MX-M zone allow the same residential uses permissively: townhouse, live-work, and multi-family. Though a zone change is not needed to achieve this, redevelopment of the subject site with more mixed-uses and at a higher intensity than previously allowed would generally foster development of the corridor and support transit service.

9. The request furthers the following Goal and policies in Chapter 5-Land use, with respect to complete communities.

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

The request would facilitate redevelopment of the subject site, which would provide additional opportunities for area residents to live, work, shop, and perhaps learn and play, together, and would generally foster such a community.

- 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 would generally contribute to creating a healthy and sustainable community because it would facilitate development of a mix of uses that would be conveniently accessible from surrounding neighborhoods via designated Transit corridors, which would encourage transit use, walking, and biking. Redevelopment near the City's eastern gateway would contribute to the distinct character of this community.

- C. Sub-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 would facilitate redevelopment and development on the subject site, which is adjacent to an established neighborhood. Any new goods, services, and amenities would be within walking and biking distance of this neighborhood and of nearby neighborhoods. The subject site's location at an intersection of two designated arterials that are also transit corridors promotes good access by vehicles and transit.

10. The request furthers the following Goals and policy regarding infill and efficient development patterns in 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.

The subject site is already served by existing infrastructure and public facilities, so the redevelopment made possible by the request would generally promote efficient development patterns and use of land.

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

The subject site is an infill site located in an area already served by existing infrastructure and public facilities. The request would support additional growth in this established Employment Center.

- C. 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 in an Area of Change, where growth is expected and desired. The request would encourage, enable, and direct growth to it.

11. The request furthers the following Goal, Sub-policy, and policy regarding complete communities:

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

The request would facilitate development of future uses under the MX-H zone, which includes residential uses such as multi-family, which would help foster a community where people can live near work. With more residents, the existing shops could possibly expand and the linear park/arroyo would get more use for recreation and play. In general, the request would contribute to creating a complete community where one doesn't currently exist.

- B. Sub-Policy 5.2 f: Encourage higher density housing as an appropriate use in the following situations:

- i. Within designated Centers and Corridors;
- ii. In areas with good street connectivity and convenient access to transit;
- iii. In areas where a mixed density pattern is already established by zoning or use, where it is compatible with existing area land uses, and where adequate infrastructure is or will be available;
- iv. In areas now predominantly zoned single-family only where it comprises a complete block face and faces onto similar or higher density development;
- v. In areas where a transition is needed between single-family homes and much more intensive development.

The request for MX-H zoning would allow and encourage higher density housing in a designated Employment Center and along a designated Multi-Modal Corridor, where the street connectivity is good and access to transit convenient.

- C. Policy 5.4.1- Housing Near Jobs: Allow higher-density housing and discourage single-family housing near areas with concentrated employment.

Journal Center is a designated Employment Center with a concentration of jobs. The requested MX-H zone would allow higher-density housing inside this employment area; MX-H does not allow single-family detached housing.

12. The request furthers the following Goal and policy pair from Comprehensive Plan Chapter 9- Housing:

- A. Goal 9.3-Density: Support increased housing density in appropriate places with adequate services and amenities.

The request for a mixed-use zone (MX-H) would allow and support development of residential uses, among them the more dense multi-family residential. The subject site is an appropriate place for such development because it already has adequate services and amenities nearby.

- B. Policy 9.3.2- Other Areas: Increase housing density and housing options in other areas by locating near appropriate uses and services and maintaining the scale of surrounding development.

Job centers (such as Journal Center) is one of the other areas mentioned. The request would allow residential uses, including multi-family (higher density housing), to develop near appropriate uses such as jobs and services. The MX-H zone would allow heights consistent with the surrounding, multi-story development.

13. The request generally furthers the placemaking Goal from Chapter 8- Economic Development. Goal 8.1- Placemaking, aims to “create places where business and talent will stay and thrive.” The request would facilitate creation of a place where business and talent would stay and thrive. The addition of more uses to this existing business destination, such as housing for employees, could help accommodate workers from a talent pool who are looking for proximity of housing to work and a variety of services within close distances.

14. 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 other plans if applicable) and does not significantly conflict with them. The applicant’s policy-based response demonstrates that the request furthers a preponderance of applicable Goals and policies regarding Centers and Corridors (Employment Centers and Major Transit Corridors), infill and efficient development patterns, and jobs-housing balance (if developed as residential). Therefore, the request is consistent with the City’s health, safety, morals and general welfare.

- B. Criterion B: This criterion does not apply because the subject site is not located in an Area of Consistency, either wholly or in part.
- C. Criterion C: The subject site is located wholly in an Area of Change. The applicant's policy-based analysis (see response to Criterion A) demonstrates that the request would further a preponderance of applicable Comprehensive Plan Goals and policies and therefore would be more advantageous to the community than the current zoning.
- D. Criterion D: The applicant compared the existing NR-BP zoning and the proposed MX-H zoning and discussed each use that would become permissive. Adding residential uses (the key difference between existing and proposed zoning) to an existing Employment Center is generally not considered harmful. Since the surrounding land is zoned NR-BP, which is considered a more intense zoning category, the commercial uses that would become permissive (some of which are already conditional) would generally not be considered harmful in this setting.
- Furthermore, the IDO has Use-Specific standards to mitigate the impacts of uses that could be considered harmful. Note that uses such as pawn shop, adult retail, bar, nightclub, light vehicle repair, club or event facility, and cannabis retail, are permissive in NR-BP and would remain permissive in MX-H.
- E. Criterion E: The subject site is an infill site in an established business park that is adequately served by existing infrastructure and therefore meets requirement E.1.
- F. Criterion F: Though the subject site's location along Jefferson St. NE (a Principal Arterial) factors into the policy analysis, the applicant is not completely basing their justification upon it. Rather, the request would generally strengthen Centers and Corridors and direct growth to an appropriate location in accordance with the Comprehensive Plan.
- G. Criterion G: Economic considerations are a factor, but the applicant's justification is not completely or predominantly based upon them. Rather, the applicant has adequately demonstrated that the request furthers a preponderance of applicable Comprehensive Plan Goals and policies and does not conflict with them.
- H. Criterion H: The request would result in a spot zone because it would apply a zone (MX-H) different from surrounding zone districts (NR-BP). The spot zone is justifiable because the applicant has adequately demonstrated in the response to Criterion A that the request would clearly facilitate implementation of the Comprehensive Plan.

As required, the applicant chose one of the supplemental reasons: number two, stating that the subject site is not suitable for the uses allowed by the adjacent zone district (NR-BP). The applicant contends that the adjacent NR-BP-zoned properties constitute a special adverse land use that hinders the parcel's ability to develop based on current trends and market factors. Though the subject site could develop under the current NR-BP zoning, mixed-use and residential use would not be allowed. The Comprehensive Plan and the IDO generally support mixing uses and bringing jobs and housing closer together.

15. The applicant's policy-based response adequately demonstrates that the request furthers a preponderance of applicable Goals and policies regarding Centers and Corridors (Employment Centers and Major Transit Corridors), infill and efficient development patterns, and jobs-housing balance (if developed as residential), and does not present any significant conflicts with the Comprehensive Plan. Therefore, the request is consistent with the City's health, safety, morals, and general welfare.
16. The affected neighborhood organizations are the Alameda North Valley Neighborhood Association (NA), the North Valley Coalition, and the District 4 Coalition of NAs, which were notified as required. Property owners within 100 feet of the subject site were also notified as required.
17. As of this writing, Staff has not been contacted and is unaware of any opposition.

**APPEAL:** If you wish to appeal this decision, you must do so within 15 days of the EPC's decision or by **April 30, 2021**. The date of the EPC's decision is not included in the 15-day period for filing an appeal, and if the 15<sup>th</sup> day falls on a Saturday, Sunday or Holiday, the next working day is considered as the deadline for filing the appeal.

For more information regarding the appeal process, please refer to Section 14-16-6-4(V) of the IDO, Administration and Enforcement. A Non-Refundable filing fee will be calculated at the Land Development Coordination Counter and is required at the time the appeal is filed. It is not possible to appeal EPC Recommendations to City Council; rather, a formal protest of the EPC's Recommendation can be filed within the 15 day period following the EPC's recommendation.

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

Sincerely,

for Brennon Williams  
Planning Director

BW/CL

cc: Josh Rogers, Titan Development, 6300 Riverside Plaza Lane NW, Ste. 200, ABQ NM, 87120  
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