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## OFFICIAL NOTIFICATION OF DECISION

January 18, 2024

Southwest, LLC.  
10421 S. Jordan Gateway Suite 600  
South Jordan, Utah, 84095

**Project # PR-2022-007157**  
RZ-2023-00048– Zoning Map Amendment  
(Zone Change)

### **LEGAL DESCRIPTION:**

Southwest, LLC, requests a zoning map amendment from R-ML to R-MH, for all or a portion of Tracts 7-11, Block 64, Terrace Addition and the North 10 ft of Gold Avenue, located at 1701 Gold Ave. SE, between Pine St. SE and University Blvd. SE, approximately 1-acre. (K-15)  
Staff Planner: Seth Tinkle

On January 18, 2024, the Environmental Planning Commission (EPC) voted to APPROVE Project # PR-2022-007157 RZ-2023-00048– Zoning Map Amendment (Zone Change), based on the following findings:

1. The request is for a zoning map amendment from R-ML to R-MH for an approximately 1.0-acre site legally described as all or a portion of Lots 7-11, Block 64, Terrace Addition & north 10ft vacated Gold Ave, located on the north side of Gold Ave., between Pine St. and University Blvd. (“the subject site”). A vacant church building exists on the subject site.
2. The subject site is zoned R-ML (Multi-Family Low Density Zone District), a designation received upon adoption of the IDO in May 2018 as a conversion from the former zoning of SU-2/SU-1 for Church and Related Facilities. The purpose of the R-ML zone district is to provide for a variety of low- to medium-density housing options.
3. The applicant is requesting a zone change to R-MH (Multi-Family High Density Zone District) to facilitate the future development on the subject site. The purpose of the R-MH zone district is to promote and encourage the development of high-density attached and multi-family housing, with taller, multi-story buildings encouraged in Centers and Corridors in areas close to major streets and public transit facilities.
4. The Comprehensive Plan designates the subject site as being within a Major Transit Corridor, within 660 feet of a Premium Transit Station, and within a Main Street Corridor. The subject site is adjacent to the UNM Activity Center and the Silver Hill Historic Protection Overlay Zone.

5. The Albuquerque/Bernalillo County Comprehensive Plan and the City of Albuquerque Integrated Development Ordinance (IDO) are incorporated herein by reference and made part of the record for all purposes.
6. The request clearly facilitates the following applicable Goal and Policies regarding Centers & Corridors and growth from 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 request could facilitate development and growth on the subject site, which is located within the Central Avenue Major Transit Corridor, Central Avenue Main Street Corridor, and CNM/UNM Premium Transit Station Area. Major Transit Corridors are served by high frequency and local transit; Main Street Corridors are lively, highly walkable neighborhood streets lined with local-serving businesses. Premium Transit Station Areas feature the highest level of transit service in the City of Albuquerque.

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 facilitate growth on the subject site, which is located within a Major Transit Corridor and Main Street Corridor. This request could facilitate future development in close proximity to transit, along with a diverse range of other land uses, which promotes sustainability within the built environment.

C. Sub-policy 5.1.1 (f): Discourage the development of detached single-family housing as an inappropriate use in Centers and along Corridors.

The request would discourage the development of detached single-family housing in a Major Transit and Main Street Corridor because single-family housing is not a permissible use within the R-MH Zone District, unlike the R-ML Zone District.

D. Sub-policy 5.1.1 (g): Encourage residential infill in neighborhoods adjacent to Centers and Corridors to support transit ridership.

The request could encourage residential infill in a neighborhood located adjacent to the UNM Activity Center and within the Central Avenue Major Transit and Main Street Corridors.

E. 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 could facilitate future growth and development on the subject site, which is located within an Area of Change and the Central Avenue Major Transit and Main Street Corridor, a lively, walkable area served by high frequency transit.

7. The request clearly facilitates the following applicable Goal and Policies regarding land use and development from Chapter 5: Land Use:

- A. 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 contribute to creating a healthy and sustainable community because it could facilitate higher-density residential development near a mix of land uses. The subject site's location near a Major Transit Corridor, within an established neighborhood, and near a variety of commercial, educational, and institutional uses promotes convenient access to this nearby mix of uses.

- B. 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 could promote future development that would generally maximize the utility of existing infrastructure and efficient use of land because it is located in an area with existing infrastructure and public facilities.

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

The request could support redevelopment of the subject site, which is located in an area already served by existing infrastructure and public facilities.

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

The request could facilitate higher-density housing on the subject site, which is located near an area with concentrated development. The request would discourage single-family housing because single-family housing is not a permissive or conditional use in the R-MH Zone District.

8. The request clearly facilitates the following applicable Goal and Policies regarding development areas from 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 request could encourage growth on the subject site because it could facilitate development of the subject site, which is located in an Area of Change, where growth is expected and desired.

- 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 direct more intense development to the subject site because it could facilitate development of the subject site, which is within an area of Change and near a designated Major Transit Corridor, where change is expected and desired.

- C. Sub-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 housing in an Area of Change in support of transit, commercial, and retail uses near the subject site.

- D. Sub-policy 5.6.2 (h): Encourage development in areas with a highly connected street grid and frequent transit service.

The request could encourage development in an area where adequate infrastructure and transit services exist, and where there is a highly connected street grid.

9. The request clearly facilitates the following applicable Policy regarding transit-oriented development from Chapter 6: Transportation:

Policy 6.1.2 – Transit-Oriented Development: Prioritizes transit-supportive density, uses, and building design along transit corridors.

The request could allow higher-density residential uses permissively on the subject site, which could promote transit-supportive density and ridership within 660’ from the CNM UNM Premium Transit Station and the Central Avenue Major Transit Corridor.

10. The request clearly facilitates the following applicable Goal regarding density from Chapter 9- Housing:

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

The request could support increased housing density within a Main Street and Major Transit Corridor that is well-serviced and features a diverse range of amenities. The request would discourage lower-density residential development because those uses are not permissive in the R-MH zone district.

11. 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).

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.

- B. Criterion B: The subject site is located wholly in an Area of Change, as designated by the Comprehensive Plan.
- C. Criterion C: The subject site is located wholly in an Area of Change. The applicant's policy-based analysis demonstrates that the request clearly facilitates 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 R-ML zoning and the proposed R-MH zoning, stating that the permissive uses in the R-MH Zone District would not be harmful to adjacent properties, the neighborhood, or the community. They discussed the context surrounding the subject site and indicated how uses that could be considered harmful would be mitigated through the Use-specific Standards in the IDO. Staff finds that the Use-Specific Standards in Section 16-16-4-3 of the IDO that are associated with new permissive uses will adequately mitigate harmful impacts that could be associated with those uses.
- E. Criterion E: The subject site is an infill site that is adequately served by existing infrastructure (requirement 1).
- 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.
- G. Criterion G: Economic considerations are a factor, but the applicant's justification is not completely or predominantly based upon them, nor is the justification based completely or predominantly upon the cost of land.
- H. Criterion H: The request would result in a spot zone because it would apply a zone different from surrounding zone districts. Therefore, Criterion H is a two-part test wherein the applicant must demonstrate that the request would clearly facilitate implementation of the ABC Comprehensive Plan and one of the three applicable situations (listed above).

The applicant acknowledges that the request would create a spot zone, but explains that it would be justified because the subject site will function as a transition between adjacent zone districts, one of which is higher intensity (MX-M) – the other lower (R-ML), and would clearly facilitate implementation of the Comprehensive Plan as shown in the response to Criterion A.

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 building encouraged in Centers and Corridors.

The purpose of the R-MH zone district is to promote and encourage the development of high-density attached and multi-family housing, with taller, multi-story building encouraged in Centers and Corridors in areas close to major streets and public transit facilities. The primary

land use is multi-family development, with limited civic and institutional uses to serve the surrounding residential area.

The purpose of the R-ML zone district is to provide for a variety of low-to-medium-density housing options. The primary land uses are townhouses and small-scale multi-family development, as well as civic and institutional uses to serve the surrounding residential area.

The applicant has demonstrated that the subject site can function as a transition between the more intense Zone District to the north (MX-M) and the less intense zone district to the south (R-ML) due to the varying levels of developmental intensity associated with each zone district. The MX-M Zone is more intense than the R-MH Zone because it allows far more permissive and conditional land uses (commercial, civic, institutional, and light industrial uses), with similar development standards, while the R-ML Zone is less intense because it allows lower-density residential land uses permissively, with otherwise similar allowable uses. Therefore, the requested R-MH Zone District could reasonably serve as a transition between the more intense mixed-use zone to the north and less intense residential zone to the south.

13. The applicant's policy-based responses adequately demonstrate that the request clearly facilitates a preponderance of applicable Goals and policies in the Comprehensive Plan.
14. The affected neighborhood organizations are the Silver Hill Neighborhood Association and Sycamore Neighborhood Association, which were all notified as required (see attachments). Property owners within 100 feet of the subject site were also notified as required (see attachments).
15. The applicant attended the regularly scheduled meeting of the Silver Hill NA on December 11, 2023. This was a non-facilitated meeting because there was no requested meeting by the Neighborhood Associations within 15 calendar days of notification. The applicant stated that most comments were supportive of potential residential development on the subject site, with some concerns regarding the nature of future development on the site.
16. The applicant stated that they would follow-up with the Neighborhood Association at their January Meeting (tentatively scheduled on January 8th), in which the Neighborhood association intends to vote on support/non-support on the request. At the January 8<sup>th</sup> meeting, board members of the Silver Hill NA were split in regard to the project, with 8 members voting against, 6 members voting for, and two members abstaining.
17. Staff received three comments in opposition to the request prior to the 48-hour deadline.
18. Staff received four additional comments after the 48-hour deadline, one in opposition, three in support, of the request.
19. Based on the conversation at the January 18, 2024 EPC Hearing, the applicant stated he would limit future development of the subject property based on a 48' maximum building height notwithstanding IDO Table 5-1-1 Residential Zone District Dimensional Standards.

**APPEAL:** If you wish to appeal this decision, you must do so within 15 days of the EPC's decision or by **February 2, 2024**. 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 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

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