

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 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

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](mailto:dking@cabq.gov)  
EPC File