

PLANNING DEPARTMENT
URBAN DESIGN & DEVELOPMENT DIVISION
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OFFICIAL NOTIFICATION OF DECISION

March 21, 2024

ACG Engineering and
Construction
Management, LLC
1625 Gold Avenue SE
Albuquerque NM 87106

Project # PR-2024-009946
RZ-2024-00014– Zoning Map Amendment
(Zone Change)

LEGAL DESCRIPTION:

Consensus Planning, Inc., agent for ACG Engineering and Construction Management, LLC, request a zoning map amendment from RM-L to MX-L, for all or a portion of Lots 23 and 24, Block 2, University Heights Addition, located at 201 & 203 Harvard Drive SE, between Silver Avenue SE and Lead Avenue SE, approximately 0.5 acres (K-16-Z)
Staff Planner: Robert Messenger

On March 21, 2024, the Environmental Planning Commission (EPC) APPROVED Project # PR-2024-009946, RZ-2024-00014 – Zoning Map Amendment (Zone Change) based on the following Findings:

1. The request is for a zoning map amendment (zone change) for an approximately 0.34-acre site legally described as Lots 23, 24, Block 2, University Heights Addition, located at 201 and 203 Harvard Ave. SE, between Silver Ave. SE and Lead Ave. SE, (the “subject site”).
2. The subject site is zoned R-ML (Residential – Multi-Family Low Density Zone District). The applicant is requesting a zone change from R-ML to MX-L (Mixed-use – Low Intensity Zone District) to facilitate future development.
3. The subject site is in an area that the Comprehensive Plan designated an Area of Consistency and is not within a Comp Plan-designated Center or Corridor.
4. 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.
5. The request furthers the following Goal in Chapter 4 Community Identity with respect to community identity.

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

The request would enhance, protect, and preserve the distinct community of the University Heights neighborhood. It would allow the development of low-intensity commercial (coffee shop) and civic (gathering space) uses that enhance the existing character and protect it from more intense development that would be appropriate north and west of the subject site.

6. The request furthers the following Goal, and policy 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 foster a community where residents can live, work, learn, shop, and play together. Within a mile of the subject site are numerous uses such as parks and community centers, schools, and retail uses that create a complete community, as well as employment opportunities at the UNM and CNM.

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 for MX-L zoning would help create a healthy, sustainable, and distinct community with a mix of uses that are conveniently accessible from surrounding neighborhoods. The proposed uses on the subject site would complement nearby uses and is easily accessible by walking, biking, transit and automobiles.

7. The request furthers the following Goal regarding efficient development patterns in Chapter 5 Land use:

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 promote development patterns that maximize the utility of existing infrastructure by using existing infrastructure and public facilities, rather than having to develop infrastructure and facilities where they do not exist.

8. The request furthers the following Goal and policy regarding city development areas, and areas of consistency in 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 in an Area of Consistency, and changing it to mixed-use low density would reinforce the character of the surrounding commercial uses to the north as well as residential uses to the south and east.

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

The request would protect and enhance the character of existing single-family neighborhoods, areas outside of Centers and Corridors, parks, and Major Public Open Space. The subject site is not located in a Center or along a Corridor, but is near single-family neighborhoods, and parks.

10. 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 clearly facilitates a preponderance of applicable Goals and policies regarding Complete Communities, Efficient Development Patterns, and City Development Areas. Therefore, the request is consistent with the City's health, safety, and general welfare.
- B. Criterion B: The subject site is located wholly in an Area of Consistency. The applicant's policy-based analysis (see response to Criterion A) demonstrates 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 has also demonstrated that the existing zoning is inappropriate because of criteria 2 and 3: there has been a significant change in neighborhood or community conditions affecting the site, and a different zone district is more advantageous to the community as articulated by the ABC Comp Plan, respectively.
- C. Criterion C: This criterion does not apply because the subject site is not located in an Area of Change, either wholly or in part.
- D. Criterion D: The applicant compared the existing R-ML zoning and the proposed MX-L zoning and discussed each use that would become permissive. Since the surrounding land to the north and west is zoned MX-L, the commercial uses that would become permissive would generally not be considered harmful in this setting.

The IDO has Use-Specific standards to mitigate the impacts of uses that could be considered harmful. Furthermore, permissive uses such as a methadone clinic and syringe exchange facility would not be allowed because of the proximity to a religious institution and residential uses.

- E. Criterion E: The subject site is adequately served by existing infrastructure, and rezoning it to MX-L would have only negligible impacts on the existing infrastructure and public facilities.
- F. Criterion F: The subject site's location on a local street does not factor into the policy analysis. Rather, the request to rezone the property from R-ML to MX-L is to facilitate future development.
- G. Criterion G: The applicant's justification is not based completely or predominantly on the cost of land or economic considerations. Rather, the applicant has justified the zone change request to allow future development for a coffee shop and community space.

- H. Criterion H: The request would not result in a spot zone because properties to the north and west of the subject site are also designated MX-L zoning.
11. The applicant's policy-based response adequately demonstrates that the request furthers a preponderance of applicable Goals and policies regarding Complete Communities, Efficient Development Patterns, and City Development Areas, 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.
 12. The affected neighborhood organizations are the University Heights and District 6 Coalition of Neighborhood Associations, which were notified as required. Property owners within 100 feet of the subject site were also notified as required.
 13. A pre-application meeting was requested and it was held January 23, 2024. Concerns expressed during the facilitated pre-application neighborhood meeting included commercial development south of Silver, vehicular traffic on Silver (a bike boulevard), the scale of the new building, and impacts if ownership changes, none of which impact the zone change.
 14. As of this writing, Staff has received two letters of opposition, one from a member of the University Heights NA and another by an area resident, but and is unaware of any other opposition.

APPEAL: If you wish to appeal this decision, you must do so within 15 days of the EPC's decision or by **April 5, 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

OFFICIAL NOTICE OF DECISION

PR-2024-009946

March 21, 2024

Page 5 of 5

AV/RM/MJ

cc: ACG Engineering and Construction Management, LLC 1625 Gold Avenue SE Albuquerque NM 87106

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EPC File