



# 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

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



## ***Table of Contents***

I.	MAPS .....	1
	AERIAL MAP .....	1
	IDO ZONING MAP .....	2
	LAND USE MAP .....	3
	HISTORY MAP .....	4
	PUBLIC FACILITIES / COMMUNITY SERVICES .....	5
II.	OVERVIEW .....	6
	REQUEST .....	6
	UPDATE .....	6
III.	BACKGROUND .....	7
	EPC ROLE .....	8
	HISTORY/BACKGROUND .....	8
	CONTEXT .....	9
	Trails/Bikeways .....	9
IV.	ANALYSIS OF CITY PLANS AND ORDINANCES .....	9
	ALBUQUERQUE / BERNALILLO COUNTY COMPREHENSIVE PLAN (RANK 1) .....	9
	Comprehensive Plan Designations .....	10
	Applicable Goals & Policies .....	10
	INTEGRATED DEVELOPMENT ORDINANCE (IDO) .....	16
	IDO Zoning .....	16
	Overlay Zones .....	16
	IDO Definitions .....	17
V.	ZONE MAP AMENDMENT (ZONE CHANGE) .....	17
VI.	AGENCY & NEIGHBORHOOD CONCERNS .....	27
	REVIEWING AGENCIES .....	27
	NEIGHBORHOOD/PUBLIC .....	27
VII.	CONCLUSION .....	28
	FINDINGS, ZONING MAP AMENDMENT (I.E., ZONE CHANGE) .....	30
	RECOMMENDATION .....	38
	AGENCY COMMENTS .....	39

**ATTACHMENTS**

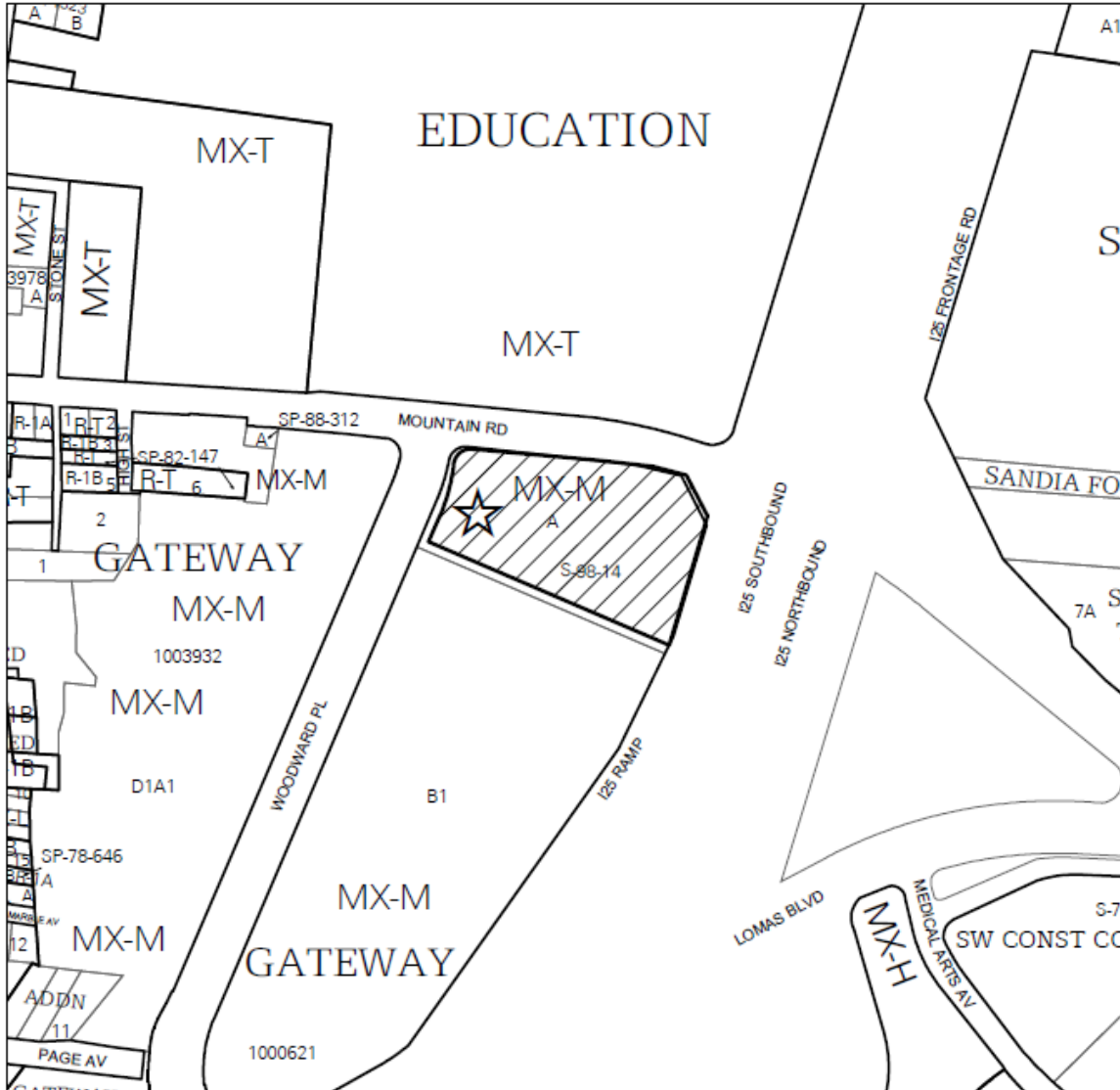
A) PHOTOGRAPHS..... A  
B) HISTORY ..... B  
C) APPLICATION INFORMATION ..... C  
D) STAFF INFORMATION ..... D  
E) PUBLIC NOTICE ..... E  
F) NEIGHBORHOOD MEETING REPORT ..... F  
G) PUBLIC COMMENT ..... G  
H) CONTROLLING SITE PLAN ..... H

I. Maps

Aerial Map



**IDO Zoning Map**



**IDO ZONING MAP**

Note: Gray shading  
indicates County.

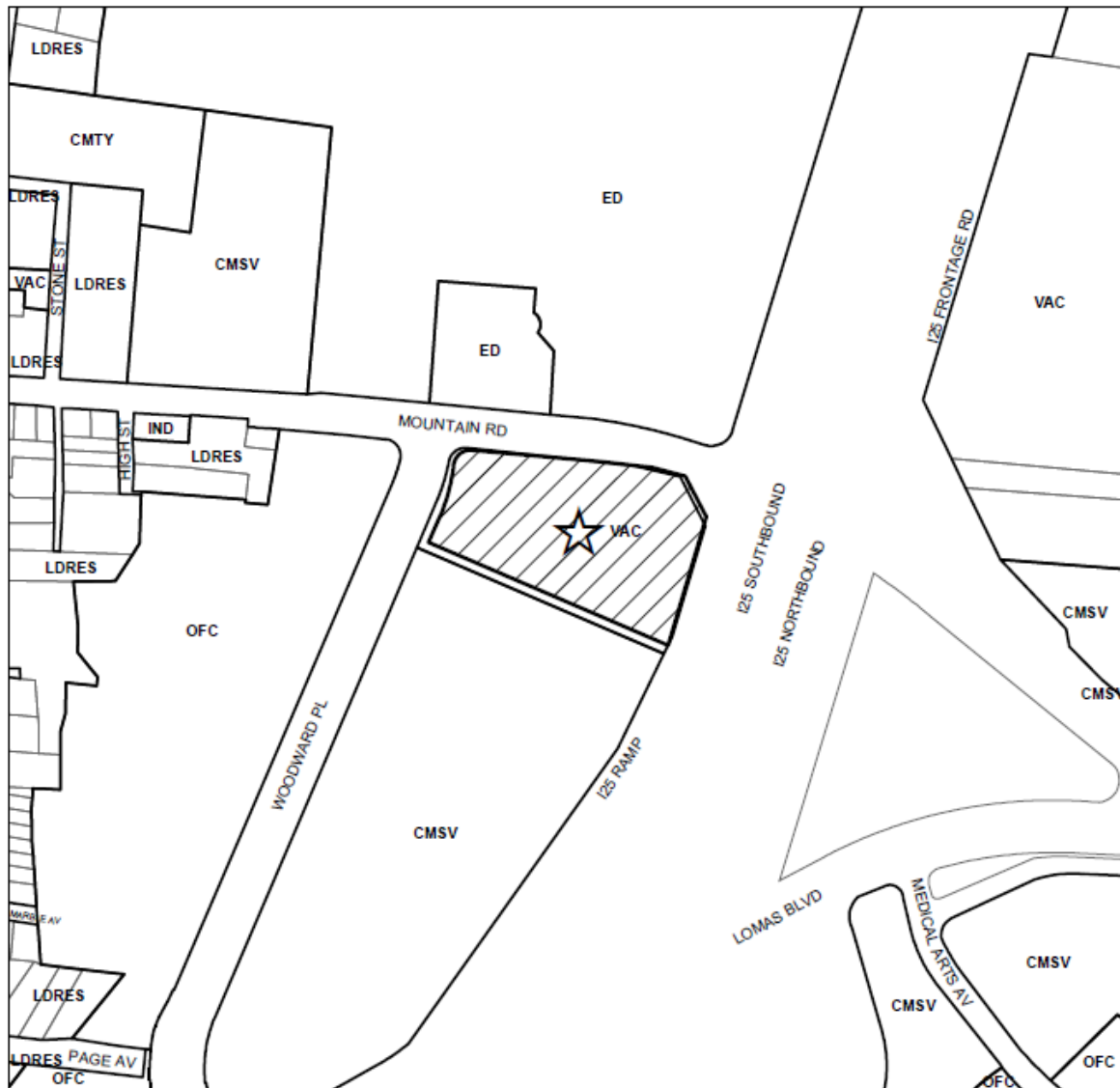


1 inch = 250 feet

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 |

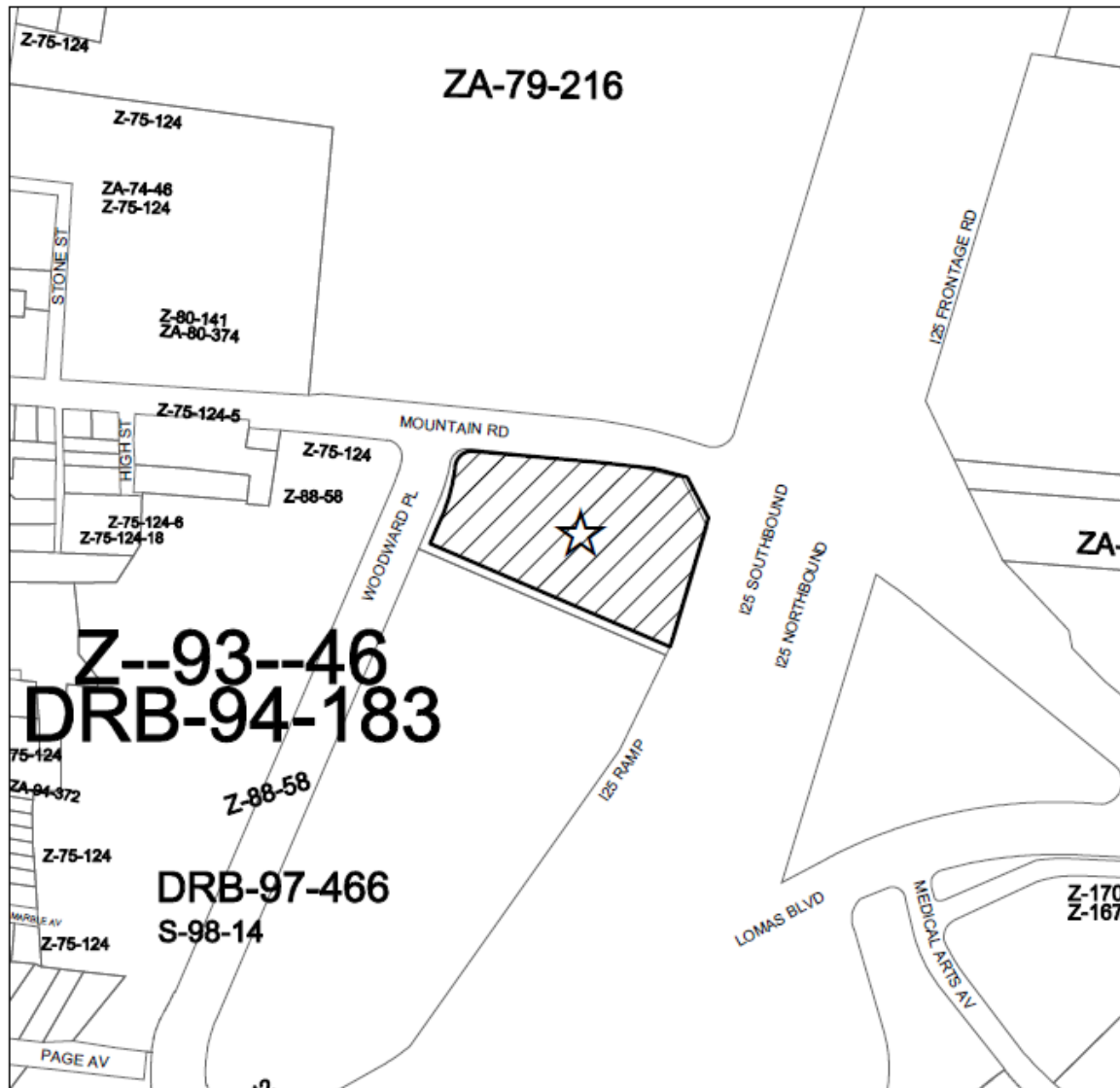


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Hearing Date:  
 6/20/2024  
 Project Number:  
 PR-2024-009765  
 Case Numbers:  
 RZ-2024-00001

Zone Atlas Page:  
 J-15

History Map



HISTORY MAP

Note: Gray shading indicates County.

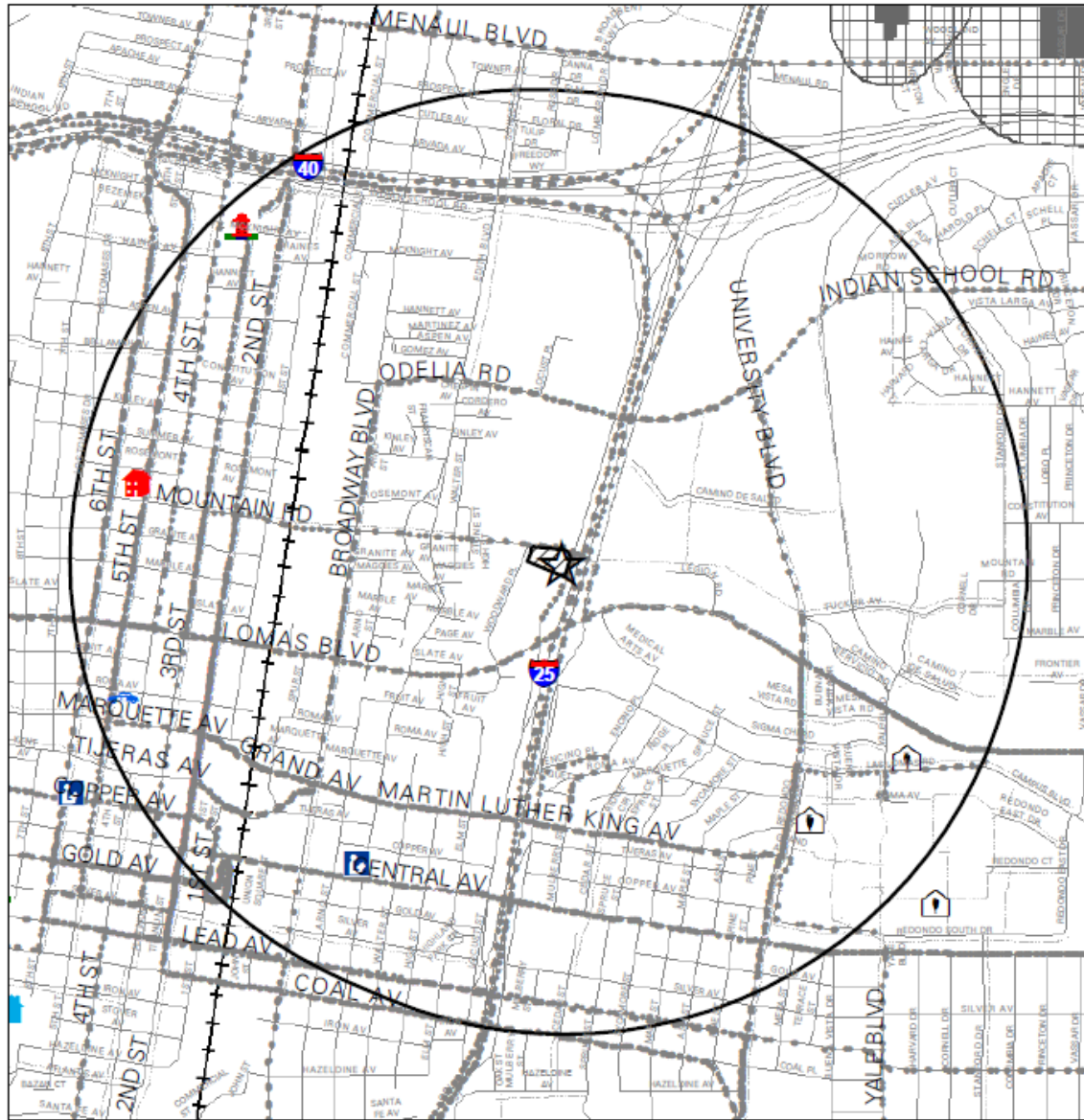


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Hearing Date:  
6/20/2024  
Project Number:  
PR-2024-009765  
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RZ-2024-00001

Zone Atlas Page:  
J-15

**Public Facilities / Community Services**

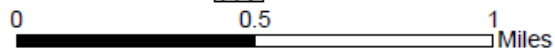


**Public Facilities Map with One-Mile Buffer**

- |                      |             |                          |                             |
|----------------------|-------------|--------------------------|-----------------------------|
| 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 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.*

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:

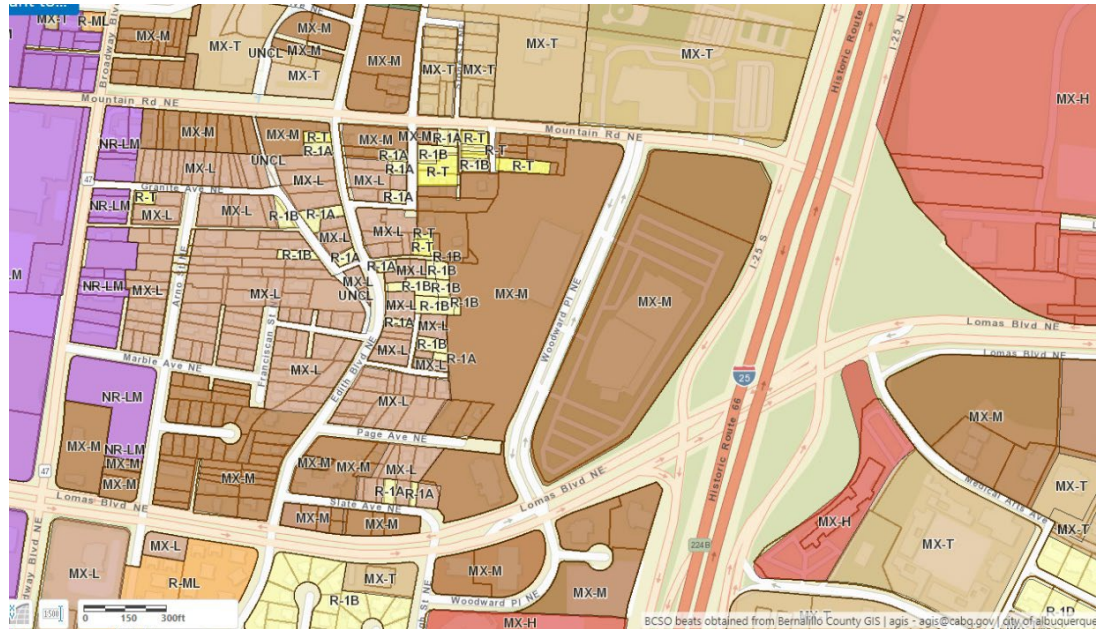
1. The area of the zone change is different from surrounding land because it can function as a transition between adjacent zone districts.
2. The site is not suitable for the uses allowed in any adjacent zone district due to topography, traffic, or special adverse land uses nearby.
3. The nature of structures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

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*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.<sup>1</sup>

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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].<sup>2</sup> 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

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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.<sup>3</sup> 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

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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.<sup>4</sup> In addition,  
108 because the existing zoning at the site is MX-M not C-3, EPC finding 12.C is erroneous.<sup>5</sup>

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.

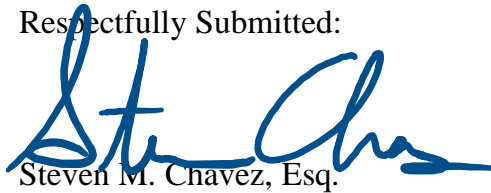
138 5. Because the IDO places the burden on the applicants to satisfy the numerous IDO  
139 tests for zone amendments, Planning Staff must accept all evidence submitted by the applicants  
140 whether Staff believes it is relevant or not.

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 May 17, 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 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, jasalazarm@gmail.com  
Legal, [dking@cabq.gov](mailto: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 4<sup>th</sup> 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)

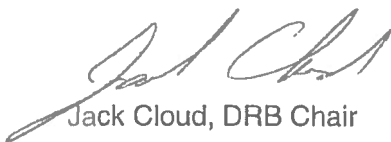
At the **February 26, 2014** Development Review Board meeting, a **two** year extension of the Subdivision Improvements Agreement was approved.

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).



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)
		<b>Appeals</b>
		<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](mailto: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

<b><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></b>	
Signature: 	Date: 7.3.24
Printed Name: Sergio Lozoya	<input type="checkbox"/> Applicant or <input checked="" type="checkbox"/> Agent
<b>FOR OFFICIAL USE ONLY</b>	
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](mailto: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

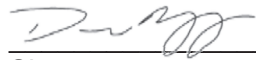
Cross Development hereby authorizes Tierra West, LLC to obtain information and submit entitlement and permit applications for a Zone Map Amendment at the above referenced Property, and act as Cross Developments agent for the limited purpose of entitling, permitting, and subdividing the above referenced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

*M. Grush P.E.*

4/2/2024

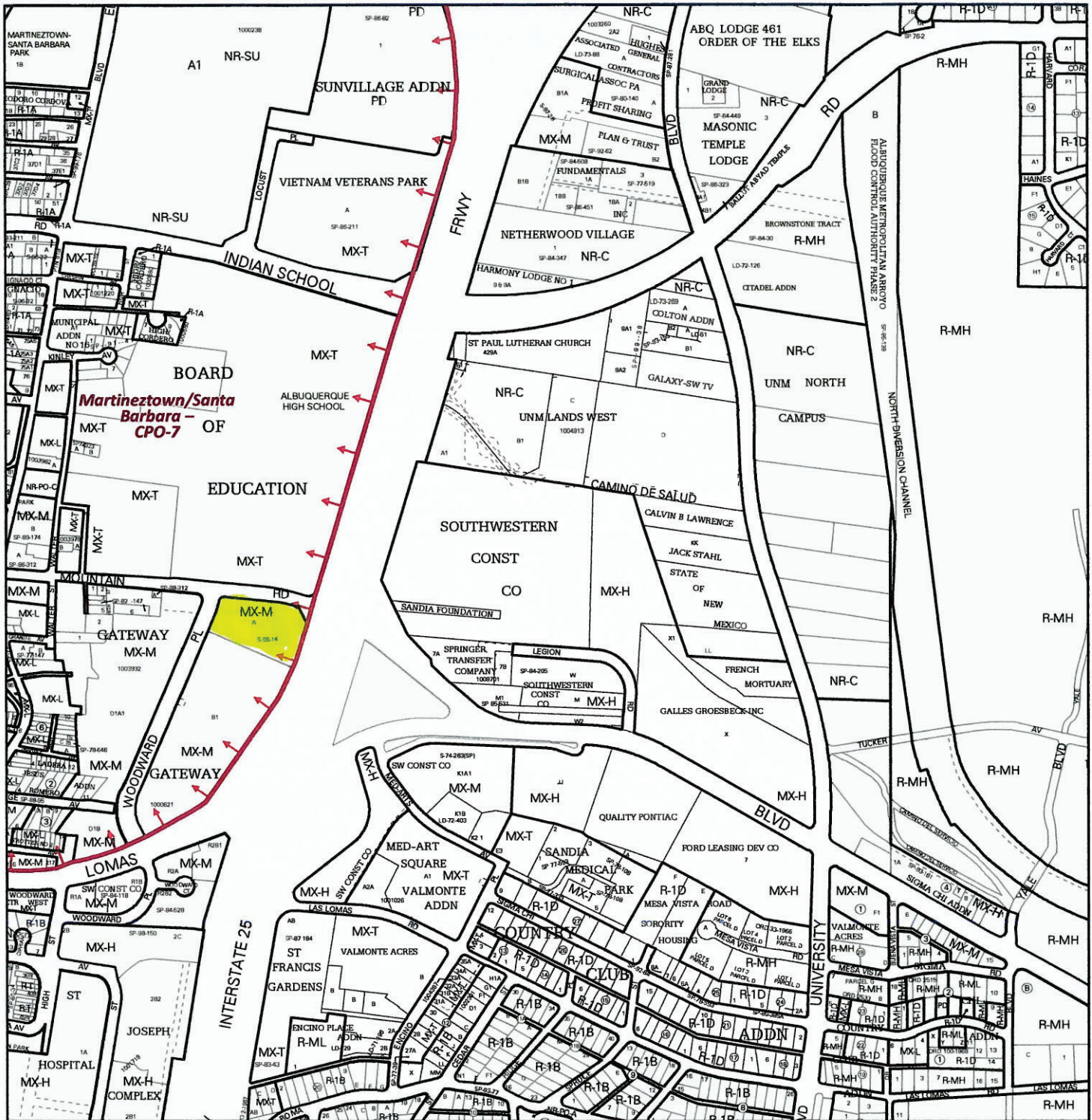
---

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>

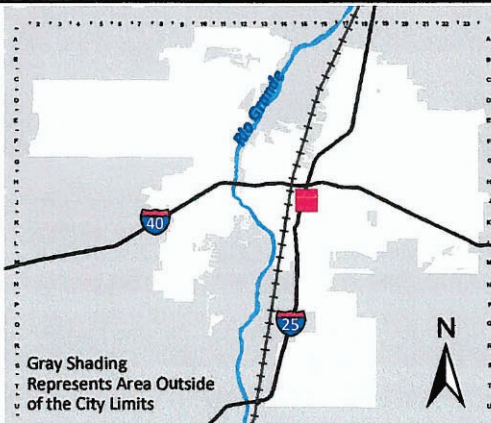
## IDO Zone Atlas

### May 2018



**IDO Zoning information as of May 17, 2018**

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



Gray Shading Represents Area Outside of the City Limits

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

0 250 500 1,000 Feet

# 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
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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 30<sup>th</sup>, 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**

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**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

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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

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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**

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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**

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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.

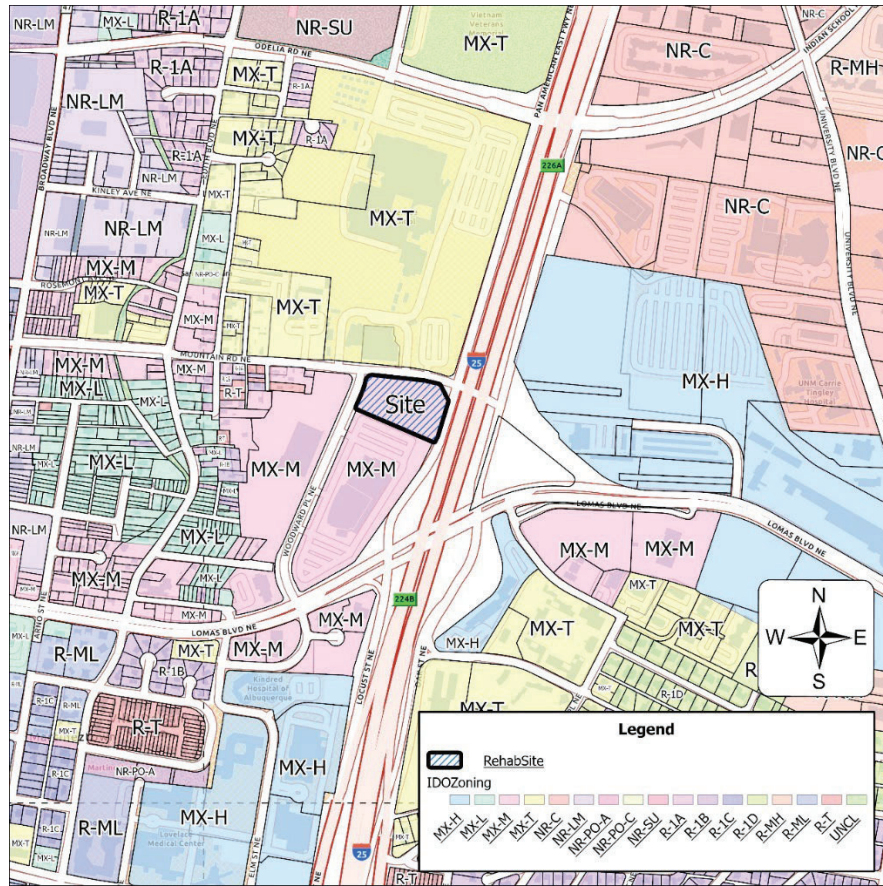


Figure 1: Zoning information

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

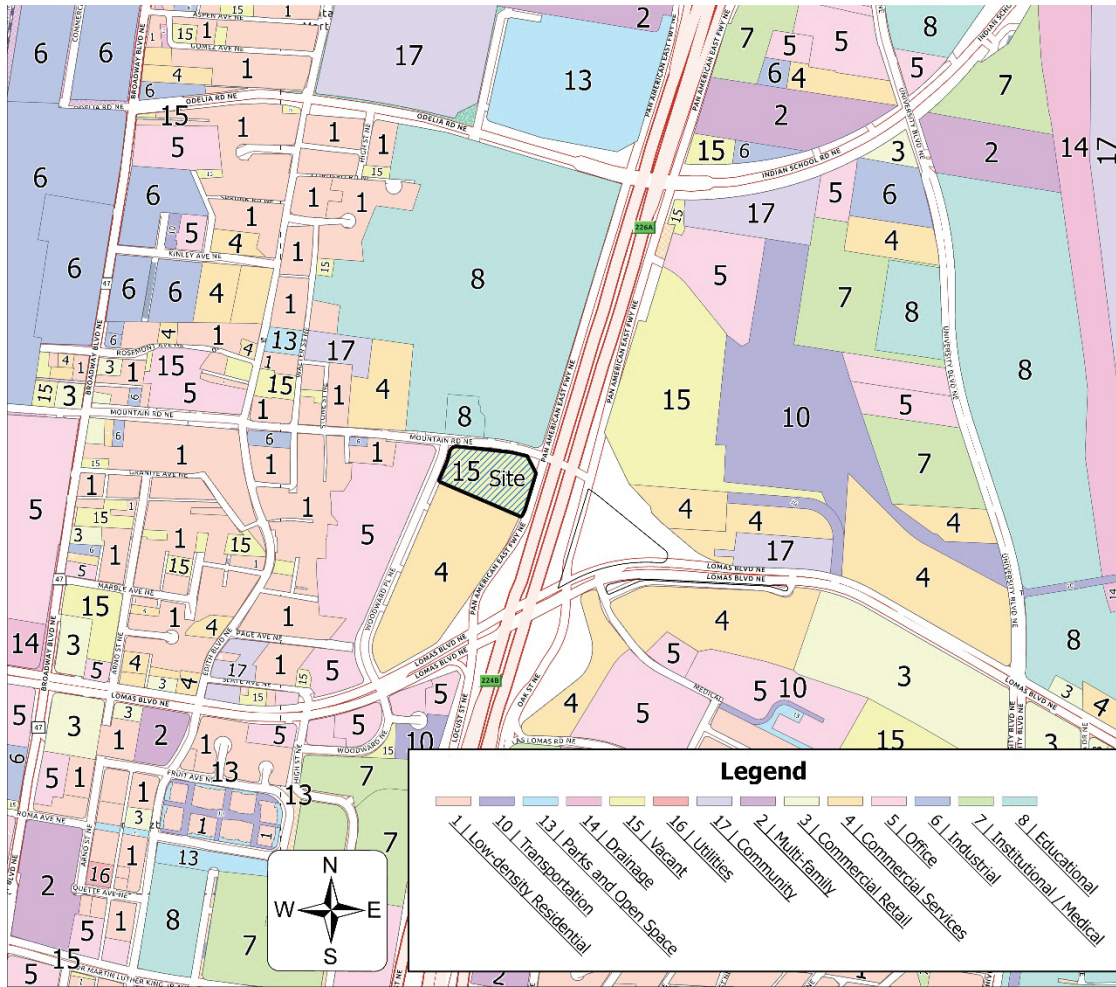


Figure 2: Land Use

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)**

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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**

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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 15<sup>th</sup>, 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

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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

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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

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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 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)(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

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

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

**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

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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](mailto:ccherne@cabq.gov)

[cabq.gov/planning](http://cabq.gov/planning)

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**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](mailto: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](mailto:tbrown@tierrawestllc.com)

---

**From:** Ron Bohannan <[rrb@tierrawestllc.com](mailto:rrb@tierrawestllc.com)>  
**Sent:** Monday, June 24, 2024 3:59 PM  
**To:** Terry Brown <[tbrown@tierrawestllc.com](mailto:tbrown@tierrawestllc.com)>; Haynes, Margaret, DOT <[margaret.haynes@dot.nm.gov](mailto:margaret.haynes@dot.nm.gov)>  
**Cc:** Cherne, Curtis <[CCherne@cabq.gov](mailto:CCherne@cabq.gov)>; Jon Niski <[JNiski@tierrawestllc.com](mailto: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](mailto:tbrown@tierrawestllc.com)>  
**Sent:** Monday, June 24, 2024 11:47 AM  
**To:** Haynes, Margaret, DOT <[margaret.haynes@dot.nm.gov](mailto:margaret.haynes@dot.nm.gov)>  
**Cc:** Cherne, Curtis <[CCherne@cabq.gov](mailto:CCherne@cabq.gov)>; Ron Bohannan <[rrb@tierrawestllc.com](mailto:rrb@tierrawestllc.com)>; Jon Niski <[JNiski@tierrawestllc.com](mailto: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](mailto: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





# 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 market 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 Adults<sup>1</sup>*

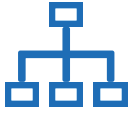
*New Mexico Has High Prevalence of Heart Disease, Cancer, and Stroke<sup>2</sup>*

<sup>1</sup>[New Census data shows New Mexicans are getting older: UNM Newsroom cabq\\_senioraffairs\\_onesheet\\_8-5x11\\_oct2021-aging-study.pdf](#)

<sup>2</sup>[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



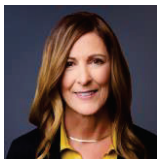
**Tracey Nixon**  
*Chief Compliance Officer*

- 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 across various organizations with a focus in (IRF) health. At Nobis, Jerry has executive oversight of all financial aspects of finance, revenue cycle management, and budgeting.
- 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.

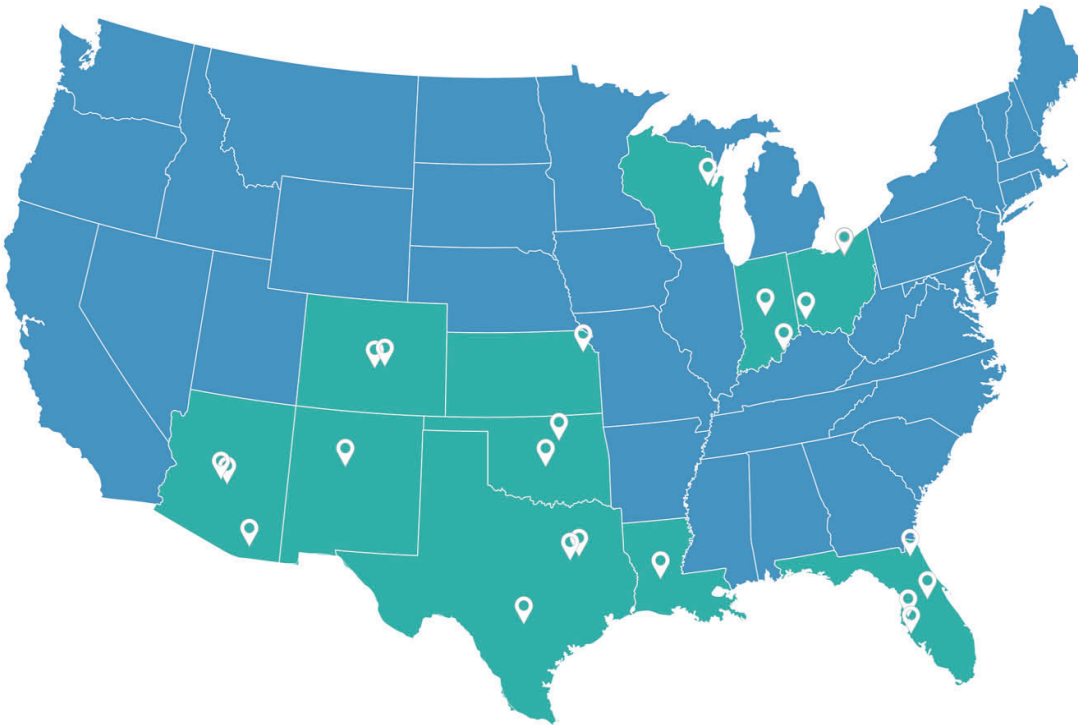


**Christopher Bergh**  
*Chief Operating Officer*

- 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 27<sup>th</sup>, 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 1/8<sup>th</sup> of a mile, and 1320 – feet which is equal to 1/4<sup>th</sup> 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



## 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 3<sup>rd</sup> at 5 PM (to be analyzed by staff for the June 20<sup>th</sup> EPC hearing)**

and renotification by:

**Wednesday June 5<sup>th</sup> 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 30<sup>th</sup> 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](mailto: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](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](mailto:suzannaflores@cabq.gov)  
Website: [www.cabq.gov/neighborhoods](http://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](mailto: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](mailto: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 18<sup>th</sup>, 2024

If you have any questions regarding the application, please contact Sergio Lozoya at 505-858-3100 or [slozoya@tierrawestllc.com](mailto: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](mailto:achristie@tierrawestllc.com)  
[www.tierrawestllc.com](http://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 Representative<sup>1</sup>: 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/request<sup>2</sup>\*:

De novo rehearing of Zone Map Amendment from MX-M to MX-H

<sup>1</sup> 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.

<sup>2</sup> Attach additional information, as needed to explain the project/request.



[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 Map<sup>6</sup>:

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](mailto: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]  
\_\_\_\_\_

---

<sup>6</sup> Available here: <https://tinurl.com/idozoningmap>

**From:** April Christie  
**Sent:** Wednesday, June 26, 2024 9:09 AM  
**To:** 'salamdezia@gmail.com'  
**Cc:** Donna Bohannan; 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

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 18<sup>th</sup>, 2024

If you have any questions regarding the application, please contact Sergio Lozoya at 505-858-3100 or [slozoya@tierrawestllc.com](mailto: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](mailto:achristie@tierrawestllc.com)  
[www.tierrawestllc.com](http://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\*: Loretta Naranjo Lopez

Email Address\* or Mailing Address\* of NA Representative<sup>1</sup>: 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/request<sup>2</sup>\*:

De novo rehearing of Zone Map Amendment from MX-M to MX-H

<sup>1</sup> 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.

<sup>2</sup> Attach additional information, as needed to explain the project/request.





[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 Map<sup>6</sup>:

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](mailto:devhelp@cabq.gov) or 505-924-3955.

**Useful Links**

**Integrated Development Ordinance (IDO):**

<https://ido.abc-zone.com/>

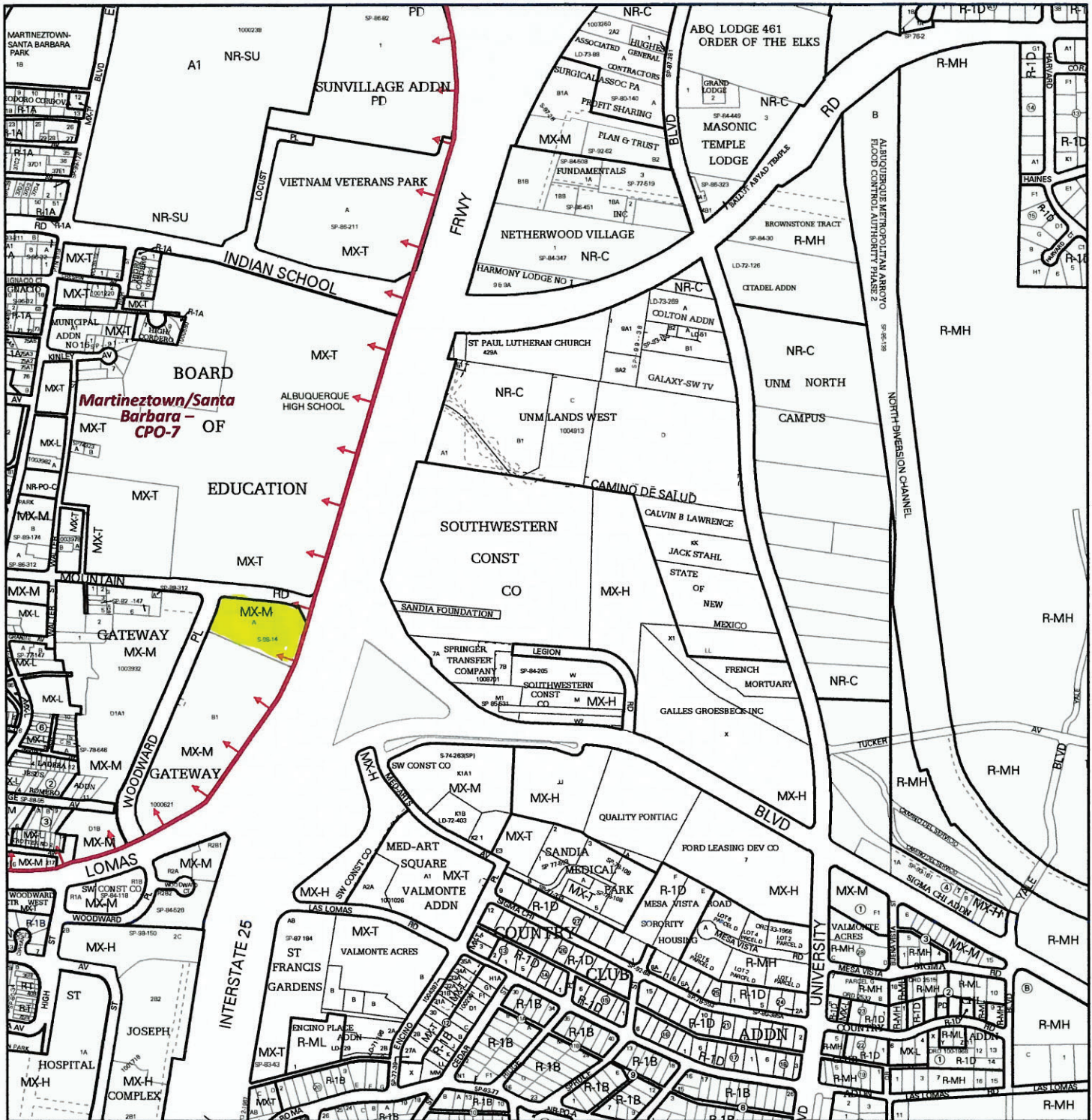
**IDO Interactive Map**

<https://tinyurl.com/IDOzoningmap>

Cc: \_\_\_\_\_ [Other Neighborhood Associations, if any]

---

<sup>6</sup> 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

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

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\(K\)](#).<sup>1</sup>

- 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\(K\)\(1\)\(a\)](#)

- Subject Property Address\* 1100 Woodward PI NE  
Location Description 1100 Woodward PI NE
- Property Owner\* Tract A Plat of Gateway Subdivision Containing 2.7845 Acres
- Agent/Applicant [if applicable] Tierra West, LLC
- 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/request<sup>2</sup>\*:  
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
- 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\*<sup>3</sup>: Zoom: <https://cabq.zoom.us/j/2269592859>

<sup>1</sup> Please mark as relevant. See [IDO Table 6-1-1](#) for notice requirements.

<sup>2</sup> Attach additional information, as needed to explain the project/request.

<sup>3</sup> 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](mailto: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)\*<sup>4</sup> 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 Map<sup>5</sup>:**

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](mailto: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>

<sup>4</sup> Available online here: <http://data.cabq.gov/business/zoneatlas>

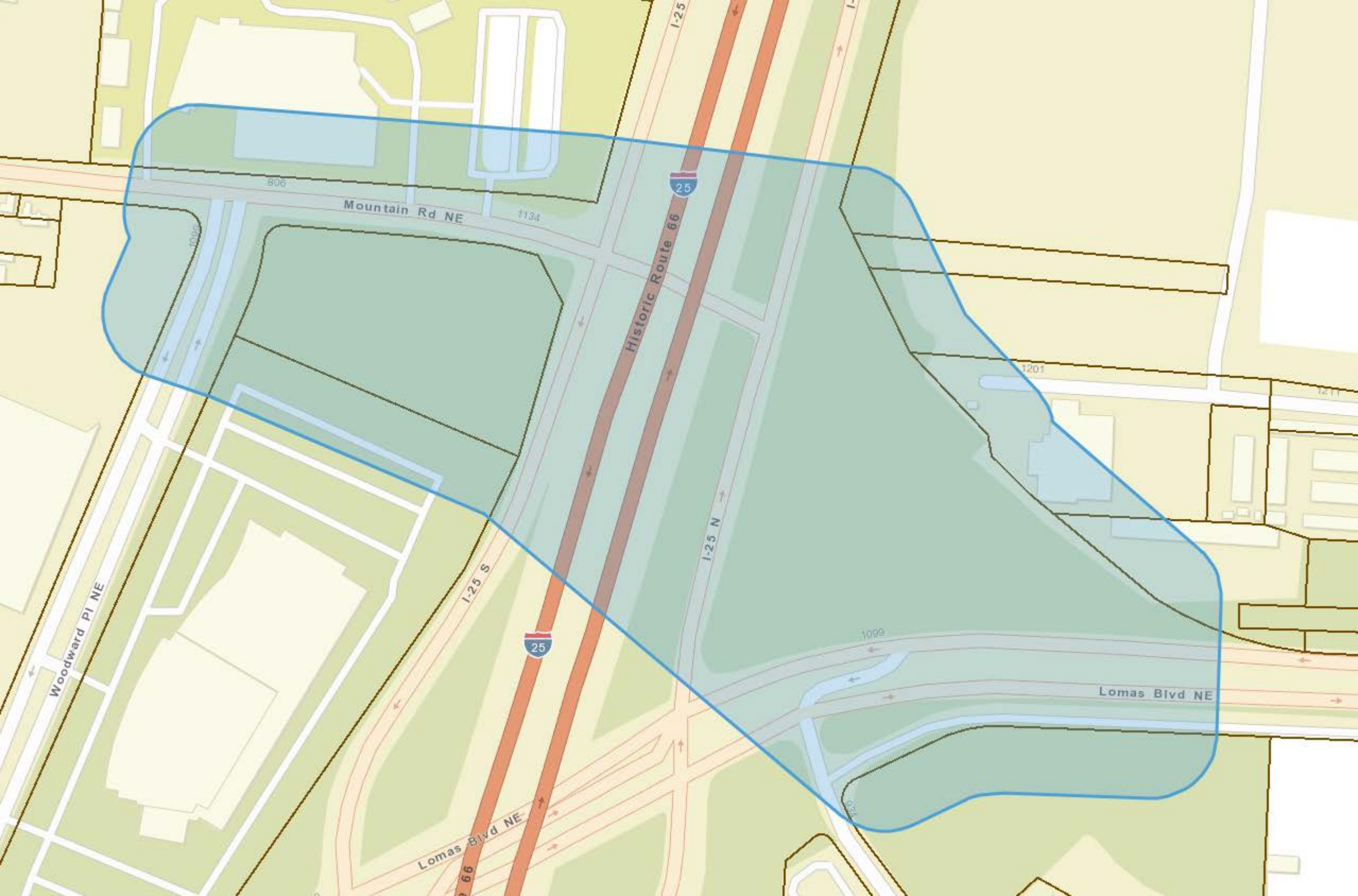
<sup>5</sup> Available here: <https://tinyurl.com/idozoningmap>

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

Woodward Pl NE

25

25

806

1134

1201

1211

I-25 S

I-25 N

1099

1098

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

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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.

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<input type="checkbox"/> Certified Mail Restricted Delivery	\$ _____
<input type="checkbox"/> Adult Signature Required	\$ _____
<input type="checkbox"/> Adult Signature Restricted Delivery	\$ _____

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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)		
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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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NEW MEXICO  
1201 MOUNTAIN RD NE  
ALBUQUERQUE NM 87102-2716

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions



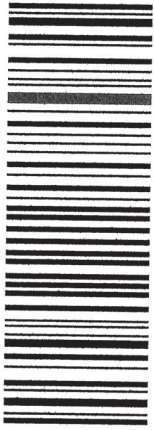
HUGH A CARLISLE POST 13 DEPT OF NEW MEXICO  
1201 MOUNTAIN RD NE  
ALBUQUERQUE NM 87102-2716

062S0001443199



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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

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

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DENE  
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Extra Services & Fees (check box, add fee as appropriate)	
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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	\$ _____

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

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Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$
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PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions



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PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions



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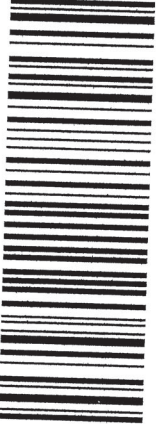
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TAX GROUP - ESS #0116 6890 S 2300 E  
PO BOX 71870  
SALT LAKE CITY UT 84171-0870

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

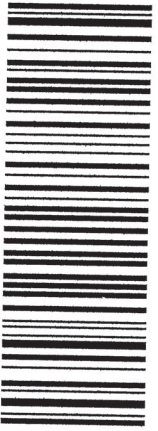


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SALT LAKE CITY UT 84171-0870

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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

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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
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## G) PUBLIC COMMENT



# EMBASSY SUITES

by HILTON™

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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,



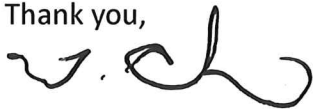
we believe our hotel will provide a comfortable place for family member to stay while supporting their loved ones in rehabilitation.

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.

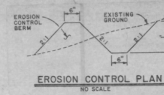
Thank you,

A handwritten signature in black ink, appearing to read 'Thad Clark', with a stylized, flowing script.

Thad Clark  
Hotel General Manager

## H) CONTROLLING SITE PLAN

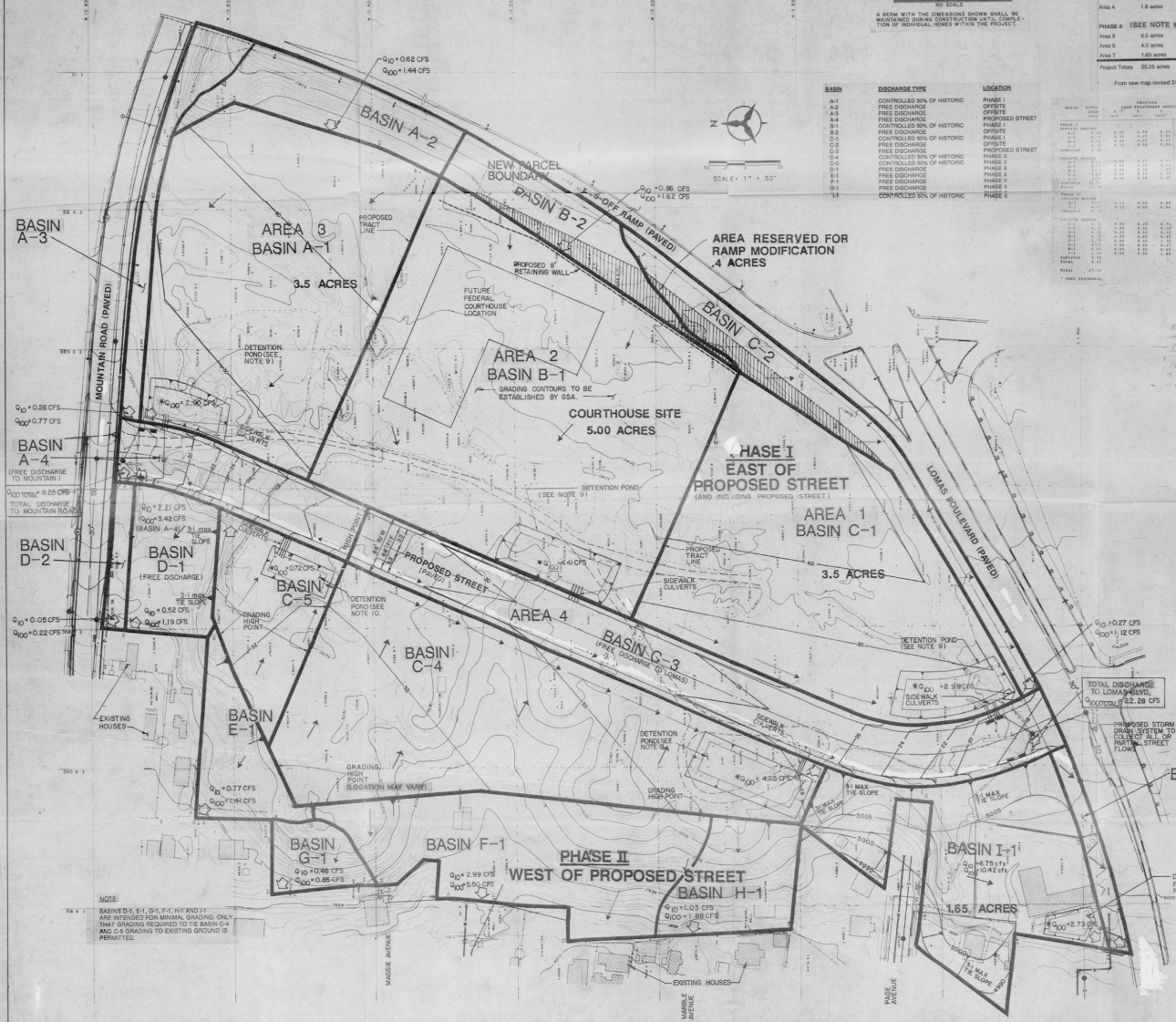




**GATEWAY CENTER Land Use Schedule**

Zone	Average Density	Use	Building Area	Height	FAR
<b>PHASE I (TO BE PLATTED)</b>					
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	275,000 GSF	180 feet	1.65
Area 4	1.6 acres	Public Street Right-of-Way	n/a	n/a	0.0
<b>PHASE II (SEE NOTE 10)</b>					
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
<b>Phase II Total</b>	<b>25.20 acres</b>		<b>1,060,000 GSF</b>		<b>1.0</b>

From new map issued 3/19/01.

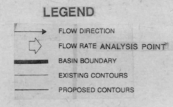


**DISCHARGE TYPE LOCATION**

Basin	Discharge Type	Location
A-1	CONTROLLED 50% OF HISTORIC	PHASE I OFFSITE
A-2	FREE DISCHARGE	OFFSITE
A-3	FREE DISCHARGE	PROPOSED STREET
A-4	CONTROLLED 50% OF HISTORIC	PHASE I
B-1	CONTROLLED 50% OF HISTORIC	PHASE I
B-2	FREE DISCHARGE	OFFSITE
C-1	CONTROLLED 50% OF HISTORIC	PHASE I
C-2	FREE DISCHARGE	PROPOSED STREET
C-3	CONTROLLED 50% OF HISTORIC	PHASE I
C-4	FREE DISCHARGE	PHASE I
C-5	CONTROLLED 50% OF HISTORIC	PHASE I
D-1	FREE DISCHARGE	PHASE I
E-1	FREE DISCHARGE	PHASE I
F-1	CONTROLLED 50% OF HISTORIC	PHASE I
G-1	FREE DISCHARGE	PHASE I
H-1	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, A-3, 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 PER 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.



**NOTE**  
BASINS D-1, E-1, G-1, F-1, H-1 AND I-1 ARE INTENDED FOR MINIMAL GRADING ONLY. THAT GRADING REQUIRED TO THE BASIN C-4 AND C-5 GRADING TO EXISTING GROUND IS PERMITTED.

**GATEWAY CENTER**

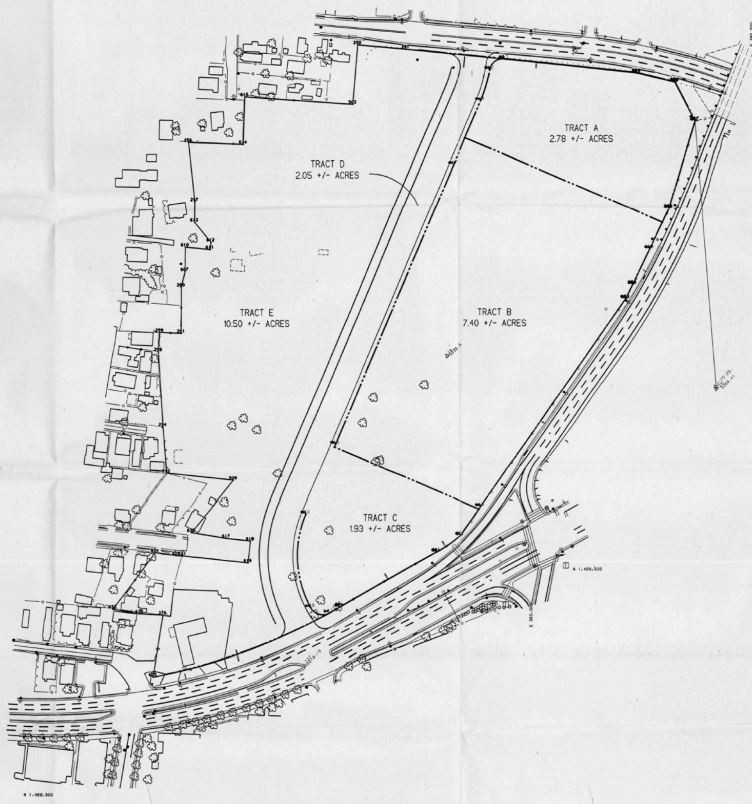
**CONCEPTUAL GRADING/ DRAINAGE PLAN**

**DRAINAGE REPORT**

DATE: 11/20/01  
 DRAWN BY: KW  
 CHECKED BY: JT  
 PROJECT NO: 01-0000

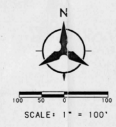
CONCEPTUAL GRADING/DRAINAGE PLAN





LOCATION MAP  
ZONE ATLAS MAP NO. 2-1912  
NO SCALE

SKETCH PLAT  
EMBASSY SUITES  
OCTOBER 1997



CONDITIONS OF SITE PLAN FOR SUBDIVISION APPROVAL

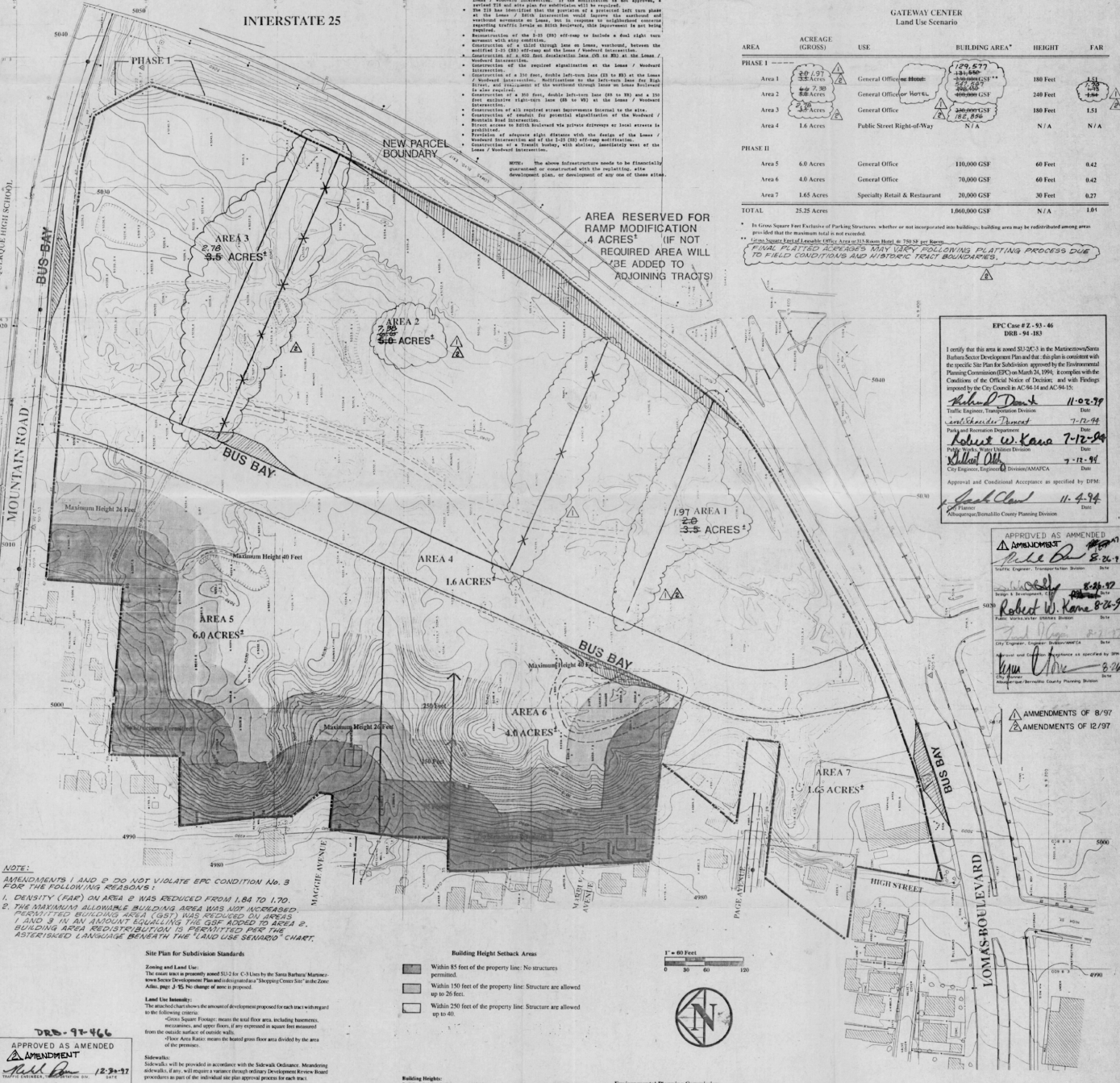
- Approved by the Board of the City Council on the modification must be made prior to the final sign-off of the site plan as approved, with the following conditions:
- 1. The maximum allowable building area was not increased.
- 2. The maximum allowable building area was not increased.
- 3. The maximum allowable building area was not increased.
- 4. The maximum allowable building area was not increased.
- 5. The maximum allowable building area was not increased.
- 6. The maximum allowable building area was not increased.
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- 14. The maximum allowable building area was not increased.
- 15. The maximum allowable building area was not increased.
- 16. The maximum allowable building area was not increased.
- 17. The maximum allowable building area was not increased.
- 18. The maximum allowable building area was not increased.
- 19. The maximum allowable building area was not increased.
- 20. The maximum allowable building area was not increased.

GATEWAY CENTER Land Use Scenario

AREA	ACREAGE (GROSS)	USE	BUILDING AREA*	HEIGHT	FAR
PHASE I					
Area 1	2.29 ACRES	General Office/Hotel	129,577 GSF	180 Feet	1.81
Area 2	2.30 ACRES	General Office/Hotel	129,577 GSF	240 Feet	1.81
Area 3	2.28 ACRES	General Office	129,577 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	6.0 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	30 Feet	0.27
TOTAL	25.25 ACRES		1,660,000 GSF	N/A	1.04

\* In Green Square Feet Exclusive of Parking Structures, whether or not incorporated into buildings; building area may be redistributed among areas provided that the maximum total is not exceeded.  
 \*\* Final Platted Acreages 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)



EPC Case # 7-93-46  
 DRB-94-183

I certify that this area is zoned S1-2C3 in the Metropolitan/Urban Urban-Service Development Plan and that this plan is consistent with the specific Site Plan for Subdivision approved by the Environmental Planning Commission (EPC) on March 25, 1994, in compliance with the Conditions of the Official Notice of Decision, and with the findings reported by the City Council in AC-94-14 and AC-94-15.

*Robert W. Kane* 7-12-94  
 City Engineer

*Robert W. Kane* 7-12-94  
 Public Works Director

*John D. ...* 11-4-94  
 City Planner

APPROVED AS AMENDED  
 APPROVED  
 APPROVED

*Robert W. Kane* 8-26-97  
 Public Works Director

*John D. ...* 8-26-97  
 City Planner

AMENDMENTS OF 8/97  
 AMENDMENTS OF 12/97

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. THE MAXIMUM ALLOWABLE BUILDING AREA WAS NOT INCREASED.  
 4. THE MAXIMUM ALLOWABLE BUILDING AREA WAS NOT INCREASED.  
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 9. THE MAXIMUM ALLOWABLE BUILDING AREA WAS NOT INCREASED.  
 10. THE MAXIMUM ALLOWABLE BUILDING AREA WAS NOT INCREASED.  
 11. THE MAXIMUM ALLOWABLE BUILDING AREA WAS NOT INCREASED.  
 12. THE MAXIMUM ALLOWABLE BUILDING AREA WAS NOT INCREASED.

Site Plan for Subdivision Standards

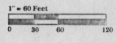
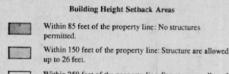
**Zoning and Land Use:**  
 The zoning and land use for this site is S1-2C3 in the Santa Barbara Metropolitan/Urban-Service Development Plan and Subordinate "Shopping Center Site" in the Zoning Code, Part 4, 95, of the City of Santa Barbara.

**Land Use Intensity:**  
 The attached chart shows the amount of development proposed for each tract with regard to the following criteria:  
 - Gross Square Footage: means the total floor area, including basement, mezzanine, and upper floors, if any, expressed in square feet measured from the outside surface of outside walls.  
 - Floor Area Ratio: means the total gross floor area divided by the area of the premises.

**Sidewalks:**  
 Sidewalks will be provided in accordance with the Sidewalk Ordinance. Meandering sidewalks, if any, will require a variance through existing Development Review Board procedures as part of the individual site plan approval process for each tract.

**Internal Circulation:**  
 The internal circulation network will be reviewed on an individual site development plan basis. Individual site plan submittals, conforming to the standards of the approved Site Plan for Subdivision, shall be reviewed under the procedures described in the Santa Barbara Metropolitan/Urban-Service Development Plan. In addition, all individual site plans must have the approval of the Environmental Planning Commission (EPC). All site plans will have access to Truck 4, to be dedicated as a public street right-of-way.

**Pedestrian and Vehicular Access and Egress:**  
 The western access point to the site will be located at Lomas Boulevard. Density is shown from the existing Woodward Plaza connection. The western access point will be located along Woodward Road. Access to the 1992 Long Range Major Street Plan (LRMSP) is provided by the Middle Street Corridor of Government (MSCOG). Lomas Boulevard is classified as a "Primary Arterial" roadway. Mountain Road is classified as a "Minor Arterial" roadway. A "spur" road will be dedicated to provide access to all internal lots and through the site. This access road will feature pedestrian sidewalks and areas for public transit use. Pedestrian sidewalks will be designed to connect the neighborhood to the west and to Lomas Boulevard to the east.



**Building Height:**  
 Building height shall be as specified in the Site Plan for Subdivision, shall be in conformance with the Santa Barbara Metropolitan/Urban-Service Development Plan, and shall be measured in accordance with sections 8.3.43 and 8.3.44 of the City of Santa Barbara Zoning Code.

**Parking Structures:**  
 Parking structures are encouraged but are limited as follows:  
 Area 1-3: Not greater than 40 feet above adjacent natural grade.  
 Area 4-6: Not greater than 70 feet above adjacent natural grade.  
 Area 7: Not greater than 40 feet above adjacent natural grade.

**Area 7:**  
 Area 7 will be regulated by the height restrictions listed in the O-1 (Office) zoning regulations, as directed by the Santa Barbara Metropolitan/Urban-Service Development Plan.

**Setbacks:**  
 Minimum setbacks to the base of structures and to general areas including drive ways and parking spaces shall be twenty (20) feet from the perimeter edge of any listed public area or property lines. These setbacks exceed the regulations specified in the Zoning Code.

Environmental Planning Commission

- Approved Conditions: (Per 2.31-45) March 24, 1994
- The requirements of the Transportation Division of the City of Santa Barbara, as detailed in their memo dated March 15, 1994, shall be met.
  - 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.
  - 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.

DRB-94-166  
 APPROVED AS AMENDED  
 APPROVED  
 APPROVED

*Robert W. Kane* 12-29-97  
 Public Works Director

*John D. ...* 12-29-97  
 City Planner

*Royce A. ...* 2-17-98  
 Planning Director

*John D. ...* 3/17/98  
 City Planner

AMENDMENT DESCRIPTIONS  
 DATED 8/97:  
 1. AREA 2 INCREASED IN SIZE TO 2.28 ACRES  
 2. AREA 3 BUILDING AREA INCREASED TO 129,577 GSF  
 3. AREA 2 FAR (DENSITY) INCREASED TO 1.70  
 4. AREA 1 DECREASED IN SIZE TO 2.0 ACRES  
 5. AREA 1 BUILDING AREA DECREASED TO 129,577 GSF  
 6. HOTEL USE ADDED TO AREA 2 AND DELETED FROM AREA 1

DATED 12/97:  
 1. AREA 3 REDUCED IN SIZE TO 2.28 ACRES  
 2. AREA 3 BUILDING AREA REDUCED TO 129,577 GSF  
 3. AREA 2 INCREASED IN SIZE TO 2.30 ACRES  
 4. AREA 2 BUILDING AREA INCREASED TO 129,577 GSF  
 5. AREA 2 FAR (DENSITY) REDUCED TO 1.70  
 6. AREA 1 REDUCED IN SIZE TO 1.97 ACRES  
 7. AREA 1 BUILDING AREA REDUCED TO 129,577 GSF

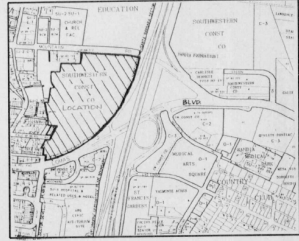
GATEWAY TO CENTER CITY

SANDIA FOUNDATION  
 700 Lomas Boulevard NE  
 Albuquerque NM 87102

Prepared By The  
 SANDIA FOUNDATION

9226.142

97286A.02



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' Arrows
- 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 Grant, within projected Section 16, T14N, R3E, NMPM
- 8. Total acreage of said Subdivisions created 0.3606 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 said "Y" of the PLAT OF VARIOUS TRACTS OF LAND OF SOUTHWESTERN CONSTRUCTION COMPANY, Albuquerque, New Mexico, that to encompass portions in the office of the County Clerk of Bernalillo County, New Mexico on January 10, 1967 in Volume 08, folio 100 as Document No. 32778, together with parcels of land described in Warranty Deeds recorded May 8, 1986, April 9, 1993, September 29, 1993, and January 9, 1994, folio Four (4) Tracts, to dedicate Public Street Right-of-Way to the City of Albuquerque and to grant easements

NOTES

- 1. Basis of Survey: New Mexico State Plane Grid Bearings (Central Zone NAD 1927 datum.
- 2. Distances are ground distances.
- 3. All easements of record are shown.
- 4. Centers (in feet of 1/8" increments) to be installed of all P.C., P.T., angle points and street intersections shall be ascertained by subdivision measurements on all corners of a straight horizontal (L) alignment only upon stamped "City of Albuquerque," "Certificate of Monumentation," "Survey Marker," "No Move," "PLM 6042."
- 5. 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 event of a public utility easement, 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 access 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), fence, or 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, or addition, or any structures adjacent to or near easements shown on this plat.

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, that to encompass portions in the office of the County Clerk of Bernalillo County, New Mexico on January 10, 1967 in Volume 08, folio 100 as Document No. 32778, together with parcels of land described in Warranty Deeds recorded May 8, 1986, April 9, 1993, September 29, 1993, and January 9, 1994, folio Four (4) Tracts, to dedicate Public Street Right-of-Way to the City of Albuquerque and to grant easements

~~PRELIMINARY  
PLAT~~

PLAT NUMBER	DATE
TRACING INSTRUMENT	DATE
CITY DIRECTOR	DATE
AMAT.F.A.	DATE
TRAFFIC ENGINEER	DATE
CITY SURVEYOR	DATE
PROPERTY MANAGEMENT	DATE
UTILITY DEVELOPMENT DEPARTMENT	DATE
DESIGN & DEVELOPMENT DEPT.	DATE
U.S. WEST COMMUNICATIONS	DATE
PNM ELECTRIC SERVICES	DATE
PNM GAS SERVICES	DATE

I, A. DEWIL BEASER, do hereby certify that TAKES ARE CURRENT AND HAVE BEEN FILED UPON.

PROPERTY OWNER OF RECORD: \_\_\_\_\_

BERNALILLO COUNTY TREASURER'S OFFICE \_\_\_\_\_ DATE \_\_\_\_\_

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, that to encompass portions in the office of the County Clerk of Bernalillo County, New Mexico on January 10, 1967 in Volume 08, folio 100 as Document No. 32778, together with parcels of land described in Warranty Deeds recorded May 8, 1986, April 9, 1993, September 29, 1993, and January 9, 1994, folio Four (4) Tracts, to dedicate Public Street Right-of-Way to the City of Albuquerque and to grant easements

SANDIA FOUNDATION  
A NEW MEXICO NON-PROFIT CORPORATION

BY: *Russel Hiller*  
Russel Hiller, Managing Director

State of New Mexico )  
                                  ) SS  
County of Bernalillo )

This instrument was acknowledged before me on *14th* day of *NOVEMBER* 1997, by Russel Hiller, Managing Director of Sandia Foundation, a New Mexico Non-Profit Corporation.

My Commission Expires *12-22-99*

*12-22-99*

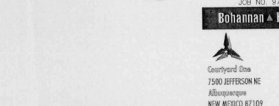
**PNM STAMP**

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**

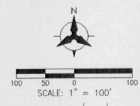
I, A. DEWIL BEASER, a registered Professional New Mexico Surveyor, certify that I am responsible for this survey and that this plat was prepared by me or under my supervision, always of conformity with the Minimum Requirements of the Board of Registration for Professional Engineers and Professional Surveyors 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.

Robinson-Huston Inc.  
Surveyor  
New Mexico Professional Surveyor #644  
7500 Jefferson Street, N.E.  
Albuquerque, New Mexico 87109  
Date *Nov. 14, 1997*



**Bohannon & Huston**  
Geostaff One  
7500 Jefferson NE  
Albuquerque  
New Mexico 87109  
INDEPENDENT PROFESSIONAL SURVEYORS, LANDCARE ARTISTS





NMGSIC 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 = 0.9999238  
 ΔX = -00'13.99"  
 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	150.00
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"



NMGSIC 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 = -00'13.14"  
 SLD 1929 Elevation = 5088.411

JOB NO. 97-2864-03



Bohannon & Huston  
 Surveyors  
 7500 REVERSON NE  
 Albuquerque  
 NEW MEXICO 87109