

PLANNING DEPARTMENT
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OFFICIAL NOTIFICATION OF DECISION

August 15, 2024

YES Housing
901 Pennsylvania NE
Albuquerque, NM 87110

Project # PR-2024-010617
SI-2024-00037– Zoning Map Amendment

YES Housing requests a Zoning Map Amendment from MX-L to MX-M for all or a portion of the southerly portion of Tract 162A, Airport Unit of Atrisco Grant, Tract 163, excluding the northeasterly portion & the southeasterly portion to the right-of-way, Tract 164, 10N 2E SEC15, and Tract 165, excluding the southwesterly portion to the right-of-way, the Airport Unit of Town of Atrisco Grant between Mountain Rd., located at 701 Coors Blvd. NW, a site of approximately 13.5 acres. (J-10, J-11)

Staff Planners: Nasima Hadi, Leslie Naji

On August 15, 2024, the Environmental Planning Commission (EPC) voted to APPROVE PR-2024-010617 RZ-2024-00037 – Zoning Map Amendment, based on the following findings:

FINDINGS – RZ-2024-00037 – Zoning Map Amendment

1. This is a request for a Zoning Map Amendment for an approximately 13.5-acre site (“subject site”) legally described as the southerly portion of Tract 162A, Tract 163, excluding the north-easterly portion & the southeasterly portion to the right-of-way, Tract 164, 10N 2E SEC15, and Tract 165, excluding the southwesterly portion to the right-of-way, the Airport Unit of Town of Atrisco Grant, located at 701 Coors Blvd. NW, Albuquerque, NM 87121, between Fortuna Rd. NW and Glenrio Rd. NW. Zone Map (J-10-Z & J-11-Z).
2. The applicant is requesting a zone change from MX-L (Mixed-Use Low Intensity) and MX-M (Mixed-Use Medium Intensity) to a unified zoning classification of MX-M, which would remove the existing floating zone lines on the subject site. The request would facilitate development of a future affordable housing complex.
3. The subject site consists of four separate lots, each partly vacant. The south end of each lot is currently used for commercial services, light vehicle sales, and rental. Prior to the effective date of the Integrated Development Ordinance (IDO) in 2018, the properties were zoned C-1 and C-2 across property lines.

On April 7, 2004, Project Number 1003355, an application was made to DRB to request a sketch plat to adjust lot lines to conform with zone lines. This process was never completed. The adoption of the IDO perpetuated the cross-lot line zoning, leaving part of each lot zoned MX-L and part MX-M.

4. The subject site is in an area that the Comprehensive Plan designated an Area of Change and falls within the 660 ft. of the Coors Major Transit Corridor.
5. The subject site is located within the Coors Blvd. Character Protection Overlay zone (CPO-2). CPO standards affect the physical development of sites, and while such standards do not come into play with a zoning map amendment, they will be incorporated into the future site development.
6. The City of Albuquerque Integrated Development Ordinance (IDO) and Albuquerque/Bernalillo County Comprehensive Plan are incorporated herein by reference and made part of the record for all purposes.
7. The request is wholly or generally consistent with the following ABC Comprehensive Plan Goal and Policies regarding Community Identity from Chapter 4.

a) **POLICY 4.1.1 DISTINCT COMMUNITIES:** Encourage quality development that is consistent with the distinct character of a community.

The area of the proposed zoning map amendment does not have a distinct character; however, it furthers this goal by encouraging quality development in a community that has a desire for affordable housing opportunities and the development of vacant land located within the Coors Corridor.

b) **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 furthers this policy because it will be consistent with mix of uses in the surrounding area. The request would facilitate development of the proposed future project along Coors Corridor, which provides a transition from a major corridor to the educational uses located immediately west of the site and single-family detached residential neighborhoods southwest and northwest of the site.

8. The request clearly facilitates the following Comprehensive Plan Goals and Policies regarding land use, efficient development patterns, and infill development from Chapter 5: Land Use.

a) **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 subject site is within the Coors Corridor, will allow for much-needed affordable housing along this major transit corridor, and has the potential to provide opportunities to local businesses for employees to live in close to their work. The development of the subject property furthers this sub-policy C by encouraging the development of existing underutilized property and infill of vacant property.

b) **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 furthers this policy by allowing permissive uses that contribute to new affordable housing stock and promotes the development of housing on vacant and underutilized land within the Coors Corridor.

c) **POLICY 5.1.10 MAJOR TRANSIT CORRIDORS:** Foster corridors that prioritize high frequency transit service with pedestrian-oriented development.

The subject property is located along the Coors Transit Corridor, which offers a variety of options for vehicular and non-vehicular transportation options. Transit stops are located at both intersections with Coors Blvd., at Fortuna and at Glenrio, and at a major pedestrian overpass that originates on the site along Coors, which encourages use of public transit from the site.

d) **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 this policy by facilitating the future development of vacant land with housing and employment uses in a Major Transit Corridor. This property will be able to provide much needed multi-family housing providing transition from commercial development along Coors.

e) **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 furthers this goal by supporting development within an infill development area that is currently supported by existing infrastructure and public facilities and where the area is currently half vacant.

f) **POLICY 5.3.2 LEAPFROG DEVELOPMENT:** Discourage growth in areas without existing infrastructure and public facilities.

The request furthers this policy by allowing for future development where there is existing infrastructure and public facilities supporting any future development at this location.

g) **POLICY 5.6.2 AREAS OF CHANGE:** Direct growth and more intense development to the Centers, Corridors, industrial and business parks, and Metropolitan Redevelopment Areas where change is encouraged.

All necessary infrastructure to support new uses and development of this property exists adjacent to the site. Improvements required for development on site will be constructed by the applicant in conjunction and cooperation with the City of Albuquerque in order to meet the required standards.

9. The request clearly facilitates the following Comprehensive Plan Goals and Policies regarding quality housing and diversity of housing from Chapter 9: Housing.

- a) **GOAL 9.1 SUPPLY:** Ensure a sufficient supply and range of high-quality housing types that meet current and future needs at a variety of price levels to ensure more balanced housing options.

This zoning map amendment is requested to create a site with a single zoning category. Such rezoning is necessary to proceed with development. The proposed project to follow the rezoning will help to ensure a sufficient supply and range of quality affordable housing opportunities that meet current and future needs at a variety of price levels. This project will help to create more quality housing to meet the current demand projections.

- b) **POLICY 9.2.2 HIGH QUALITY:** Encourage quality and innovation in new housing design and construction, materials, and energy and water conservation.

The applicant plans to provide quality and innovated new affordable housing designs in which community services are intended to become part of the overall program of development. This request could create a more viable opportunity of affordable housing that supports the needs of residents of the area.

- c) **GOAL 9.3 DENSITY:** Support increased housing density in appropriate places with adequate services and amenities.

The subject site is an infill parcel that is surrounded by services, amenities, existing infrastructure, and transit connectivity. This request helps to support increased housing density in appropriate places because the subject site is highly connected to existing services and is within an Area of Change as well as the Coors Corridor, both of which are desired locations for increased density and intensity of land uses.

10. The applicant has adequately justified the request pursuant to IDO §14-16-6-7(G)(3) Review and Decision Criteria for Zoning Map Amendments, 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. Consistency with the City's health, safety, morals, and general welfare is shown by demonstrating that a request clearly facilitates applicable Comprehensive Plan Goals and Policies and does not significantly conflict with them.

Applicable citations: Policy 4.1.1 Distinct Communities, Policy 4.1.2 Identity and Design, Policy Goal 5.1 Centers & Corridors, Policy 5.1.1 Desired Growth, Policy 5.1.2 Development Areas, Policy 5.1.10 Major Transit Corridors, Goal 5.2 Complete Communities, Policy 5.2.1 Land Uses, Goal 5.3 Efficient Development Patterns, Policy 5.3.2 Leapfrog Development, Goal 5.6 City Development Areas, Goal 9.1 Supply, Policy 9.2.2 High Quality, Goal 9.3 Density.

- 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 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 subject site is located wholly in an area of Change; therefore, this criterion does not apply.

6-7(G)(3)(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 pattern of land use, development density and intensity, and connectivity), and other applicable adopted City plan(s).

Although the existing zoning is not in error, nonetheless, it does not make sense to have a single lot or property with two different zoning classifications. Change of zoning classification to be the same across the site is necessary for future development of the site; therefore, Sub-Criterion 3 is satisfied.

6-7(G)(3)(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 majority of uses within the MX-L and MX-M zoning classifications are the same. As it is currently classified, the more permissive uses of MX-M are already allowed. No new uses will be added to the site. The only potentially harmful use would be that a bar is permissive under MX-M but conditional under MX-L. The location of a West Mesa High School to the west of the site places a 300-foot separation between the school and any potential bar. Although not a part of this application, the intended use of the site is affordable housing and a child-care facility.

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 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.

The request meets the requirement that the City's existing infrastructure and public improvements adequately serve the subject site and have adequate capacity to serve the development made possible by the change of zone. Any infrastructure improvements that may be required to meet the capacity required for the development will be provided by the applicant/developer.

- 6-7(G)(3)(f) The applicant's request for the requested zone change is not completely based on the property's location on a major street.

The applicant's justification is not based on the subject site's location along a major street. The subject property is located along the Coors Corridors which is ideal for residents to be able to utilize transit services. The requested zone change meets a preponderance of applicable Goals and policies regarding complete communities, development patterns, redevelopment, Corridors, and economic development and is more advantageous to the community than the current zoning designation.

- 6-7(G)(3)(g) The applicant's justification is not based completely or predominantly on the cost of land or economic considerations.

The cost of land and economic considerations are not the factor for the requested zone change. The applicant's justification is based on the need for a unified zone classification across the site to develop along an established corridor, encourage development that broadens housing options to meet a range of life events, and support additional growth in areas with existing infrastructure and public facilities.

- 6-7(G)(3)(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.

The MX-M zone would not apply a zone different from the surrounding zone districts and therefore would not create a spot zone. Most portions of existing lots are zoned MX-M, and the smallest portion of the lots are zoned MX-L, which is surrounded by the existing MX-M zone. This request is to change the entire subject site's zoning to

MX-M. Also, another MX-M zoning exists directly to the south of the site; therefore, the zone change will facilitate new development.

11. The affected neighborhood organizations West Mesa NA, South West Alliance of Neighborhoods (SWAN), and Los Volcanes NA were contacted, as well as property owners within 100 feet of the subject site, as required.
12. Pre-application facilitated neighborhood meetings were held on April 10, 2023, April 11, 2023, April 19, 2023, and April 25, 2023 with West Mesa NA, South West Alliance of Neighborhoods (SWAN), and Los Volcanes NA.
13. There were no unresolved issues or concerns, and after the facilitated meeting, participants supported zone change from MX-L to MX-M . There was no opposition to the request.

APPEAL: If you wish to appeal this decision, you must do so within 15 days of the EPC's decision or by **August 30, 2024**. The date of the EPC's decision is not included in the 15-day period for filing an appeal, and if the 15th day falls on a Saturday, Sunday or Holiday, the next working day is considered as the deadline for filing the appeal.

For more information regarding the appeal process, please refer to IDO §14-16-6-4(V), Administration and Enforcement. A non-refundable filing fee will be charged and must be paid at the time the appeal is filed.

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

Notice of Decision cc list:

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EPC file