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OFFICIAL NOTICE OF DECISION

June 26, 2025

Albuquerque Center for Peace & Justice **Plan # ZMA-2025-00006**
202 Harvard Drive SE Zoning Map Amendment (Zone Change)
Albuquerque, NM 87106

LEGAL DESCRIPTION:

Consensus Planning, agent for Albuquerque Center for Peace and Justice, requests a Zoning Map Amendment from RM-L to MX-L, for all or a portion of Lot 1 Block 7, located at 202 Harvard Dr SE (Situs address 200 Harvard Dr SE), between Silver Ave and Harvard Dr, approximately 0.2 acres. (K-16)
Staff Planner: Dennis Felipe, Jr.

On June 26, 2025, the Environmental Planning Commission (EPC) voted to **APPROVE** Plan # ZMA-2025-00006, a Zoning Map Amendment (Zone Change), based on the following Findings.

FINDINGS – ZMA-2025-00002, a Zoning Map Amendment (Zone Change):

1. The request is for a Zoning Map Amendment from R-ML (Residential – Multi-family Low Density) to MX-T (Mixed-use – Low Intensity) for an approximately 0.2-acre property legally described as all or a portion of 001 007 University Heights addition, located at 202 Harvard Dr. SE at situs address 200 Harvard Dr SE (the “subject site”).
2. The application was deferred from the May 15, 2025 EPC hearing to the June 26, 2025 EPC hearing to allow the applicant/agent time to meet with concerned neighbors regarding the original request to from R-ML to MX-L. The applicant met with the neighbors during the deferral period to mitigate concerns and have updated the request to MX-T.
3. The request would remove the nonconformity of the existing office use on the subject site and allow the applicant to expand services to meet the needs of the community. Currently the site uses are office and personal and business services that are not permissive in the R-ML zone district, but are permissive in the MX-T zone district. The applicant wishes to expand services to an event facility to host events for members and non-members of their business which are beyond the uses permissive in the R-ML zone district.
4. In the repealed 1986 University Neighborhoods Sector Development Plan, the land use on the subject property was “public/semi-public,” and zoning was Diverse Residential (DR). The zone district referred to R-2 from the Comprehensive Zoning Code and was converted to R-ML when the IDO became effective in May 2018. The Albuquerque Center for Peace and Justice has been in operation on the subject site for over 20 years. There is no history available for a subdivision or site plan for the

subject site. Although, according to the City Aerial Map, the existing structure has been on the site since at least 1959.

5. The Albuquerque/Bernalillo County Comprehensive Plan and the City of Albuquerque Integrated Development Ordinance (IDO) are incorporated herein by reference and made part of the record for all purposes.
6. The subject site is located in an Area of Consistency as designated by the Comprehensive Plan. The applicant has adequately justified the request by demonstrating that the proposed zoning is more advantageous to the community than the current zoning. Staff Finds that the request clearly facilitates a preponderance of applicable Comprehensive Plan goals and policies and would reinforce or strengthen the established character of the surrounding area.
7. The subject site is not within the boundaries of any Centers or Corridors.
8. The subject site is within the Near Heights Community Planning Area (CPA).
9. The purpose of the MX-T zone district is to provide 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.
10. The request clearly facilitates the following applicable Goals and Policies from Comprehensive Plan Chapter 4 – Community Identity.

A. GOAL 4.1 CHARACTER: Enhance, protect, and preserve distinct communities.

The requested zone change to MX-T would help enhance and preserve the distinct character of the University Heights community by reinforcing the existing mixed-use development pattern along this section Silver Avenue. The area surrounding the site, located south of UNM, is already characterized by a blend of residential, institutional, and low-intensity commercial uses. The MX-T zone is well-suited to this context, as it allows for a range of small-scale retail, office, civic, and residential uses that are compatible with adjacent residential neighborhoods and the nearby University activity center.

This site, located at the corner of Harvard and Silver and home to the long-standing Peace and Justice Center, has functioned as a civic and office space for more than 20 years. The existing building predates the Integrated Development Ordinance (IDO) and was never constructed or used as a residential dwelling. The proposed MX-T zone district would bring the site's zoning into alignment with its historic and current use and the established character of the surrounding area.

The MX-T zone would serve as an appropriate transition between more intense mixed-use zoning to the north (MX-L and MX-M) and the residential zoning to the south. The request supports continued investment in community-oriented services while ensuring compatibility with the scale and intensity of nearby development.

11. The request clearly facilitates the following applicable Goals 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 can allow a variety of land uses that contribute to a sustainable and distinct community, providing non-destination retail and commercial uses, townhouses, low-density multi-family, and civic and institutional uses to serve the surrounding area. The proposed MX-T zone

district will serve as a transition zone from residential to commercial, and would not introduce new harmful uses to the area. The request can foster the community by providing residents places to live, work, learn, shop, and play all within a close proximity.

- 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. [ABC]

The requested MX-T zoning designation contributes to the distinct character of University Heights and adjacent Bricklight District by permitting uses that are compatible with and accessible from the surrounding mixed-use neighborhood. Situated in a highly accessible, walkable, and bike-friendly location, the zone encourages mixed-use development consistent with the existing neighborhood can supports local businesses and reduces reliance on automobiles. Compliance with design and compatibility standards will help ensure that any future development integrates seamlessly with the existing community fabric.

- C. 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.

Located near major transit corridors and the UNM Activity Center, the subject site benefits from existing infrastructure and public services that support efficient development. The proposed MX-T zoning reflects the site's historic commercial use while encouraging continued and expanded community-serving activities that optimize land use without significant new infrastructure demands. By aligning zoning with existing use patterns, the request supports efficient utilization of utilities and transportation networks. All future development must comply with IDO standards, ensuring responsible and sustainable site design.

- D. 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.

Although situated in an Area of Consistency, the requested MX-T zoning reflects and preserves the site's historic role as a neighborhood-serving commercial corner. Maintaining mixed uses in this location aligns with the intent of an Area of Consistency, to protect neighborhood character while allowing compatible development that supports community needs. The request avoids abrupt land use shifts, serving as a transitional buffer between higher-intensity commercial uses to the north and residential neighborhoods to the south.

- E. POLICY 5.6.3 AREAS OF CONSISTENCY: Protect and enhance the character of existing single-family neighborhoods, areas outside of Centers and Corridors, parks, and Major Public Open Space.

The subject site is located in an Area of Consistency. It's one block south of Central Ave, designated as a Main Street Corridor and is within the alignment of two ART transit lines. The site's long-standing mixed-use character and historic commercial use fit well within the Area of Consistency framework. The MX-T zoning provides a transition between more intense mixed-use development north of Silver Avenue and the residential character of University Heights to the south. The allowed uses under MX-T are compatible with neighborhood scale and function, preserving the character of the surrounding community while minimizing adverse impacts, and balancing neighborhood protection with appropriate commercial activity.

12. The request clearly facilitates the following applicable Goals and Policies from Comprehensive Plan Chapter 8 – Economic Development.

A. GOAL 8.1 PLACEMAKING: Create places where business and talent will stay and thrive.

This request supports continued use with potential growth of a long-standing community-serving site within the University Heights neighborhood. The structure historically commercial and contributes to the neighborhood's fabric as a mixed-use corner property near UNM and Central Avenue. The proposed MX-T zoning aligns with surrounding development patterns and allows a broader set of compatible uses—including offices, civic spaces, small-scale retail, and institutional uses—that will reinforce the vitality and appeal of the area. Therefore, the existing business has the opportunity to stay and thrive in the area.

The site is located within a UC-MS-PT Corridor and within walking distance of the ART stop at Cornell and Central, making it an ideal location for pedestrian- and transit-accessible businesses.

13. Pursuant to §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."

- 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.

The proposed zone change is consistent with the health, safety, and general welfare of the City as shown by applicant's policy-based response clearly facilitate (and not being in conflict with) a preponderance of applicable Goals and Policies regarding in the ABC Comp Plan, as amended, and other applicable plans adopted by the City as shown in the sections above.

Applicable Citations: Goal 4.1 Character, Goal 5.2 Complete Communities; Policy 5.2.1 Land Uses; Goal 5.3 Efficient Development Patterns; Goal 5.6; Policy 5.6.3 Areas of Consistency; Goal 8.1 Placemaking.

Partially facilitated Citations: Policy 5.7.4 Streamlined Development; Policy 8.1.1 Diverse Places; Policy 8.1.3 Economic Base; Policy 8.2.1 Local Business.

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

The subject site is located entirely within an Area of Consistency, as designated by the ABC Comprehensive Plan. The request has demonstrated that the proposed MX-T zoning would reinforce the character of the surrounding area by aligning with existing development patterns along Silver Ave., which already contains a mix of residential, institutional, and low-intensity commercial and office uses. The existing structure on the property has existed on the property since pre 1959 and was originally constructed for neighborhood commercial use and has long functioned as a community-oriented space. MX-T zoning would allow for a continuation of this use while also limiting potential development intensity to levels appropriate for the surrounding residential context.

The proposed zone would not permit development significantly different from the established character of the area. Rather, it would provide a regulatory framework that formalizes the site's long-standing role as a neighborhood-serving non-residential use and accommodates a compatible range of uses.

The request also meets Subsection 3 of this criterion, in that a different zone district (MX-T) is more advantageous to the community, as articulated by the Comprehensive Plan. The proposed zone supports goals and policies related to complete communities, infill development, small-scale mixed-use, preservation of character, and access to transit. The request also supports development patterns and connectivity consistent with nearby designated Main Street and Premium Transit Corridors.

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 patterns of land use, development density and intensity, and connectivity), and other applicable adopted City plan(s).

The subject site is entirely located within an Area of Consistency, as designated by the Comp Plan.

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 applicant compared the allowable uses in the R-ML (Residential – Multi-family Low Density) and the proposed MX-T (Mixed-Use – Transition) zone districts. Several permissive uses allowed under the proposed MX-T zone but not under the existing R-ML zoning could be considered potentially incompatible with adjacent properties, the neighborhood, or the broader community. These include: wireless telecommunications facilities (WTFs).

However, uses that may be considered harmful are subject to use-specific standards in the IDO that are intended to mitigate potential impacts. Wireless Telecommunications Facilities (WTFs): Per IDO §14-16-4-3(E)(13)(e)1.a., freestanding WTFs are prohibited within 100 feet of any property line of a residential zone district. As the existing lot is less than 100 feet in depth, a freestanding WTF would not be allowed on the site.

Based on the above, the proposed zone change would not result in permissive uses that are incompatible with surrounding development due to IDO requirements that significantly constrain these uses.

- 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 subject site is served by existing infrastructure and public improvements, and the request meets the requirement by ensuring that future uses will have adequate capacity. The site is developed with an office and community-based personal and business services which will continue to utilize existing infrastructure that serves the site.

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

The applicant has provided justification for the zone change that is unrelated to the property's location on a major street. Instead, the justification focuses on bringing the zoning into conformance with the current use of the site and enabling continued and expanded community-serving functions—such as outreach services, office space for non-profit and advocacy groups, and public events—that exceed what is permissive under the R-ML zone. The subject site is not located on a major street, and this is not the basis of the applicant's justification.

- 6-7(G)(3)(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 primarily based on the cost of land or other economic considerations. Rather, the justification emphasizes consistency with the existing land use pattern, proximity to transit and amenities, and alignment with applicable Comprehensive Plan Goals and policies. The justification is not economic in nature and demonstrates that the proposed zoning is more advantageous to the community.

- 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:

- a. The area of the zone change is different from surrounding land because it can function as a transition between adjacent zone districts.
- b. The site is not suitable for the uses allowed in any adjacent zone district due to topography, traffic, or special adverse land uses nearby.
- c. The nature of structures already on the premises makes it unsuitable for the uses allowed in any adjacent zone district.

The proposed zone change to MX-T would create a spot zone, as the MX-T zone is not applied to other properties adjacent to or in the immediate vicinity. However, the applicant has provided justification under Criterion 1, noting that the site can function as a transition between adjacent zone districts. The subject site is surrounded by intense mixed-use zoning to the north (MX-L and MX-M) and residential zoning to the south of the subject site. While some surrounding properties are developed with single-family homes, the surrounding context includes both multi-family residential and low-intensity mixed-use developments.

The site's location near the intersection of two local streets, its proximity to the Main Street / Premium Transit Corridor along Central Avenue, and the presence of an existing non-residential structure support the applicant's assertion that the site can appropriately serve as a transitional zone. While the applicant's response to criterion, (a), demonstrates how a preponderance of applicable goals and policies in the Comprehensive Plan are furthered, Staff's analysis finds that the request would clearly facilitate implementation of a preponderance of applicable Comprehensive Plan goals and policies by aligning zoning with the existing development pattern and expanding opportunities for neighborhood-serving uses.

14. The affected neighborhood associations (NA) are the District 6 Coalition of NA, Silver Hill NA, and University Heights NA which were notified of the original request and remodified of the new request to MX-T as required. Property owners within 100 feet of the subject site were also notified and re-notified as required during the same time-frame. Sign postings were also replaced for the updated request. The subject property is not within the areas that trigger the Pre-submittal Tribal Meeting pursuant to IDO §14-16-6-4(B).
15. The University Heights NA requested a non-facilitated meeting with the applicant regarding this request. The NA is concerned about why a zone change is needed if the uses are legally nonconforming. The applicant submitted a memo responding to a discussion between the Board of Directors for the University Heights NA.
16. As aforementioned, the applicant and agent met with the neighbors that were not available to meet prior to May EPC hearing. The applicant/agent was able to mitigate concerns of new permissive uses that the MX-L one district would bring to the area and updated the request to MX-T
17. Staff has received a letter of support from the University Heights NA for the MX-T zone change request and are unaware of opposition at the time of this writing.

APPEAL

If you wish to appeal, you must do so within 15 days of the EPC's decision or by **July 14, 2025**. The date of the EPC's decision is not included in this 15-day period. If the 15th day falls on a Saturday, Sunday, or Holiday, the next working day is considered the deadline for filing an appeal.

For more information regarding the appeal process, please refer to the Integrated Development Ordinance (IDO), §14-16-6-4(U) (Appeals). The IDO is available online here: <https://www.cabq.gov/ido>. A non-refundable fee is required to be paid when the appeal is filed. It is not possible to appeal EPC recommendations to the City Council, because a recommendation is not a final decision.

You will receive notification if anyone files an appeal. If the decision is not appealed, you can receive building permits any time after the appeal deadline, provided all conditions of approval associated with the decision and all other applicable regulations have been met.

Sincerely,

for Alan Varela
Planning Director

AV/MJ/DFJ

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