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OFFICIAL NOTICE OF DECISION

October 16, 2025

Bernalillo County Metropolitan Court
401 Lomas Blvd NW
Albuquerque, NM 87102

Project # [ZMA-2025-00015](#)
Zoning Map Amendment (Zone Change)

LEGAL DESCRIPTION:

JAG Planning & Zoning, LLC, agent for Bernalillo County Metropolitan Court, requests a Zoning Map Amendment from MX-H (approx. 0.10 acre) to MX-M, for all or a portion of Tract A-1, Bernalillo County Metropolitan Court, located at 401 Lomas Blvd NW, between 4th Street and 5th Street, approximately 3.5 acres.

(J-14)

Staff Planner: William Steele

On October 16, 2025, the Environmental Planning Commission (EPC) voted to APPROVE Plan # ZMA-2025-00015, a Zoning Map Amendment (Zone Change) based on the following Findings.

FINDINGS – ZMA-2025-00015, a Zoning Map Amendment (Zone Change)

1. The request is for a Zoning Map Amendment (zone change) from MX-H to MX-M, for the center portion (approx. 0.10 acres) of Tract A-1, Bernalillo County Metropolitan Court, located at 401 Lomas Blvd NW, between 4th Street and 5th Street, comprised of approximately 3.5 acres (the “subject site”).
2. The EPC is the reviewing and final decision-making body because the subject site is within an Area of Change and is less than 20 acres [[IDO §14-16-6-7\(G\)\(1\)\(a\)3](#)]. The request is a quasi-judicial matter.
3. 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.
4. The subject site, which is one lot, includes three zone districts. The zone change would remedy one of two floating zone lines. The remaining floating zone line will be corrected with a future subdivision (replat) to be reviewed by the Development Hearing Officer (DHO). The southern boundary line of the MX-M zone district shall correspond with the legal lot line established via the future replat. A Certificate of Zoning will not be issued until the future replat is finalized.

5. The intention of the zone change is to facilitate redevelopment of infrastructure, replat, and develop a future proposed gate and guard shack at the intersection of 5th St. and Slate St. on the western edge of the subject site. A 16-foot alley within the subject site would also be vacated. Ultimately, the zone change would allow the subdivision (i.e., replat) of the subject site into two separate parcels.
6. On August 27, 2025, the Development Hearing Officer forwarded a recommendation of approval to City Council to vacate a portion of Slate Ave NW and an existing 16-foot-wide alley that leads to the existing parking structure on the northern portion of the subject site (VAC-2025-00030). At the time of this writing the vacation request has not been heard by Council.
7. The Long Range Roadway System (2040 LRRS) map, produced by the Mid-Region Council of Governments (MRCOG) designates Lomas Blvd. NW as Existing Regional Principal Arterial. Fourth St. NW and 5th St. NW are designated as Existing Minor Arterials. The MRCOG's 2040 Primary Freight Corridors and Truck Restrictions Map designates Lomas Blvd. NW as a Primary Freight Corridor.

The Long Range Bikeway System (LRBS) map, produced by MRCOG shows a proposed protected bike lane on Lomas Blvd NW and potential bike facility along 4th St. NW. There are no existing or proposed trails identified in the vicinity of the subject site.

There are multiple bus stops near the subject site. A bus stop for west and eastbound near the subject site on Lomas Blvd. NW. There are bus stops on west side of the subject site near 5th and Slate Ave. Another bus stop is north of the subject site near the intersection of Marble Ave. NW and 4th St. NW

8. Lomas Blvd NW is a designated Major Transit Corridor bordering the subject site to the south and is within 660-feet of the 3rd St. Major Transit corridor to the east. 4th St. NW is designated as a Multi-modal Corridor and Main Street Corridor.
9. The subject site is in the Downtown Center and within the Central Albuquerque (ABQ) CPA.
10. The existing portion of the subject site to be rezoned is zoned MX-H (Mixed-use – High Intensity). The proposed zoning is MX-M (Mixed-use – Medium Intensity) zone district.
11. The subject site is within an Area of Change as designated by the Comprehensive Plan. Areas of Change include Centers, Corridors, and Metropolitan Redevelopment Areas, where new development and redevelopment are desired and appropriate. Areas of Change are intended to be the focus of urban-scale development that benefits job growth and housing opportunities. The following Goals and Policies apply:
12. The request is consistent with the following Goal and Policy related to Character, Identity, and Design from Comprehensive Plan Chapter 4: Community Identity.

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

The proposed zone change will enhance protect and preserve the distinct community of downtown by eliminating a zoning designation on a lot that is not consistent with the existing uses. The current MX-H zoning is inconsistent with zoning in the surrounding area. The request will assist in creating uniformity on the subject site by removing a floating zone line and will facilitate the future replating of the subject site.

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 proposed downzone will protect the cohesiveness of downtown by ensuring its appropriate scale and location of existing development. The subject site contains three different zoning designations and rezoning from MX-H to MX-M will ensure that development standards are consistent once the lot is subdivided.

13. The request is consistent with the following Goals and Policies related to Center, Corridors, Land Uses, Development and Areas of Change from Comprehensive Plan Chapter 5: Land Use.

- A. GOAL 5.1 CENTERS & CORRIDORS: Grow as a community of strong Centers connected by a multi-modal network of Corridors.

The subject site is located within the Downtown Center and is accessed from the 4 St. NW Multi-modal/Main Street Corridor and is within the Lomas Blvd NW and 3rd St. Major Transit Corridor areas. The request would continue to provide the opportunity for growth as a community of strong Centers connected by a multi-modal network of Corridors which would be accessible to the surrounding area.

- 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 zone change from MX-H to MX-M, a zoning designation already in existence on the northern portion of the subject site, will promote a distinct community because the current mix of uses on the subject site will remain unchanged. The subject site is already classified as a mixed-use development with parking, retail, and government offices. The site would continue to be conveniently accessible to those in neighborhoods downtown.

- C. 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 designated as and is surrounded by Areas of Change. The request could encourage, maintain and direct growth to the area where it is expected and desired. Additionally, the proposed zone change allows uses that would reinforce the character and intensity of the surrounding area, which contains designated areas of consistency.

- D. POLICY 5.6.2 AREAS OF CHANGE: 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 change is located in the Downtown Center and is adjacent to the Lomas Blvd NW Major Transit Corridor and 4 St. NW Multi-modal/Main Street Corridor. The rezoning of the MX-H portion of the subject site to MX-M will allow the subject site to have two zoning designations that will be properly subdivided creating two separate parcels with their individual zoning designations. This will provide consistency in the zoning designation so that any future development on the subject site could occur without having to go through the zoning process again. Although the request doesn't not direct more growth to the subject site, it allows the subject site to develop and adhere to the Downtown Center in an Area of Change.

- E. POLICY 5.7.4 STREAMLINED DEVELOPMENT: Encourage efficiencies in the development review process.

The requested zoning map amendment is consistent with this policy by encouraging efficiencies in the development review process. The zoning map amendment will eliminate

one of two floating zone lines on the subject site. This request will allow for the subdivision of the parcel into two lots, corresponding with the remaining floating zone line between the MX-M and MX-FB-UD portions of the subject site. The proposed MX-M zoning request will allow for any future development on subject site to be streamlined without having to address any floating zone lines.

14. 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.

Applicable citations: Goal 4.1-Character, 4.1.2-Identity and Design, Goal 5.1-Centers & Corridors, Policy 5.2.1-Land Uses, Goal 5.6-City Development Areas, Policy 5.6.2-Areas of Change, Policy 5.7.4 Streamlined Development.

The applicant's policy-based response adequately demonstrates that the request furthers a preponderance of applicable goals and policies regarding land use, centers and corridors, areas of change, and development and thereby does not present any significant conflicts with the Comprehensive Plan. Thus, the request is consistent with the City's health, safety, and general welfare.

- 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 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 wholly in an Area of Change, so 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 patterns of land use, development density and intensity, and connectivity), and other applicable adopted City plan(s).

The existing zoning is split with a floating zone line which was an error when the existing boundary of the zone district was applied, most likely with the conversion of zoning when the IDO was established in 2018. Zone district boundaries typically align with lot lines.

The applicant's policy-based analysis demonstrates that the request would further a preponderance of applicable Comprehensive Plan Goals and Policies, therefore would be more advantageous to the community than the current zoning. The applicant also provided responses to the analysis based on the character and land use goals and policies of the Comprehensive Plan relative to the request. The uses associated with the zone change could be more advantageous to the community.

- 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.

The requested MX-M zoning would result in a downzone from the existing MX-H zoning on this portion of the subject site. MX-M is the existing zone designation on the northern half of the subject site. The requested zoning does not include many permissive uses that would be potentially harmful to adjacent properties, neighborhoods, or communities and will adequately mitigate those harmful impact. Adult retail is allowed in MX-H but is not permissive in the MX-M zoning district. Bar, Nightclub, Taproom and cannabis retail are permissive in the MX-M zoning district that currently exists on the subject site and are subject to the regulations of the IDO, DPM, City and State.

- 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 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 City's public improvement and existing infrastructure have adequate capacity to serve the existing development on the subject site. The applicant would be required to meet all regulations under the IDO, DPM and infrastructure agreements for any future redevelopment of the site (Criterion 3). There is no site development included with this request.

- 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.

Though the location of the subject site on Lomas Blvd NW, a major street, is appropriate for the requested Zone Map Amendment. Staff's justification is not based predominantly on that. Rather, the justification is based on the previous thorough ABC Comp Plan analysis and shows that the request furthers a preponderance of Goals and Policies in the categories of Land Use and Community Identity. These analyses highlight the benefits of the proposed zone change, many of which would apply regardless of the property's location on a major street.

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

Economic considerations or cost of land are not factors, and the applicant's justification is not based upon them. Rather, the applicant has adequately demonstrated that the request furthers a preponderance of applicable Comprehensive Plan goals and policies and does not conflict with them. The request to downzone would remove a floating zone line and facilitate the replating of an existing lot with multiple zoning districts, so that each lot has one zone designation.

- 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 district.

This Zoning Map Amendment from MX-H to MX-M does not create a "spot zone" on a small area that is different from surrounding zone districts. The subject site is surrounded by MX-M zoning around the northern portion of the site.

15. The ABQCore Neighborhood Association and Downtown Neighborhoods Association are within 660-feet of the subject site and were notified as required.
16. Property owners within 100 feet of the subject site were notified by the applicant, as required.
17. A business and property owner adjacent to the subject site reached out to the applicant's agent requesting information regarding the ZMA request and its impact on the zoning, access, and value of their property. The applicant's agent was able to explain the rezoning was only for the subject

OFFICIAL NOTICE OF DECISION

Project # ZMA-2025-00015

October 16, 2025

Page 7 of 7

site and would not change the zone category of their property or any of the surrounding properties. The agent explained how the vacation request of Slate Ave NW and the 16 ft wide alley north of Slate Ave NW between Lomas Blvd. NW and Marble Ave. NW would not affect vehicular access to their property. The agent couldn't respond to the effects the proposed ZMA would have of the value of properties and provided the contact information of the Bernalillo County Assessor's Office. The agent sent the business and property owner a certified letter with this information as requested.

18. The applicant nor the City was not required to offer a tribal meeting. The subject site is not 660 ft of Major Public Open Space or tribal land.

APPEAL

If you wish to appeal, you must do so within 15 days of the EPC's decision or by **October 31, 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 nonrefundable 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/WS

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