



## ***Environmental Planning Commission***

### ***Staff Report***

***Agenda Number: 4  
Project #: PR-2023-008380  
Case #: RZ-2023-00011  
Hearing Date: April 20, 2023***

<b><i>Agent</i></b>	ABQ Land Use Consulting, LLC
<b><i>Applicant</i></b>	HDDA RLD Albuquerque, LLC
<b><i>Request</i></b>	<b>Zoning Map Amendment (zone change)</b>
<b><i>Legal Description</i></b>	Tract Z-1-A of Redivision Tracts Z-1, Z-2 & Z-3, Block 6, Tract A Unit A, North Albuquerque Acres
<b><i>Location</i></b>	located at 7620 Pan American Freeway NE
<b><i>Size</i></b>	Approximately 4-acres
<b><i>Existing Zoning</i></b>	NR-LM
<b><i>Proposed Zoning</i></b>	MX-H

### ***Staff Recommendation***

***APPROVAL of RZ-2023-00011, based on the Findings beginning on Page 27.***

***Staff Planner  
Robert Messenger, AICP-Planner***

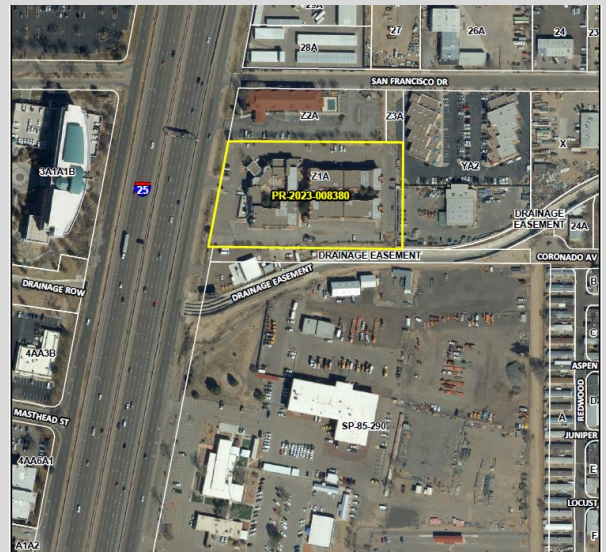
### ***Summary of Analysis***

The request is for a zoning map amendment for an approximately 4-acre site in the North Albuquerque Community Planning Area. The applicant intends to change the subject site's zoning to MX-H to facilitate future redevelopment.

The subject site is in an Area of Consistency. It is located along a Commuter Corridor (I-25) but is not in an Activity Center.

The applicant has adequately justified the request pursuant to the IDO zone change criteria in 14-16-6-7(G)(3). The proposed zoning would be more advantageous to the community overall because it clearly facilitates implementation of applicable Comprehensive Plan Goals and policies.

There are no affected neighborhood organizations within the notification boundaries of the subject site. Property owners within 100 feet of the subject site were also notified as required. As of this writing, Staff is unaware of any opposition. Staff recommends approval.



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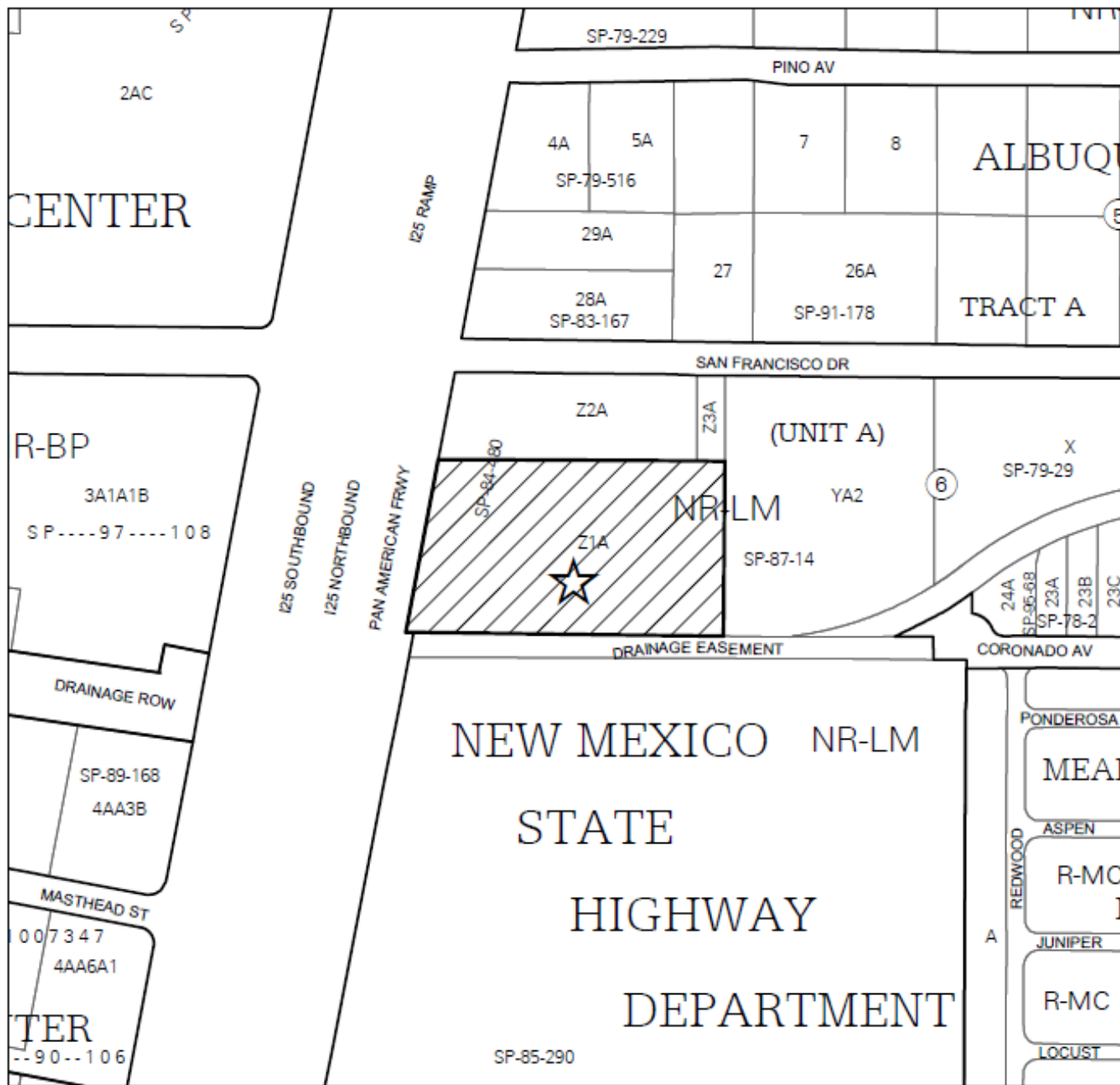
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*Attachments*

2-Photographs – Existing Conditions	xx
3-Zoning	xx
4-History	xx
5-Applicant Information	xx
6-Staff Information	xx
7-Notification	xx
8-Sign Posting	xx







**IDO ZONING MAP**

Note: Gray shading indicates County.



1 inch = 250 feet

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## 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

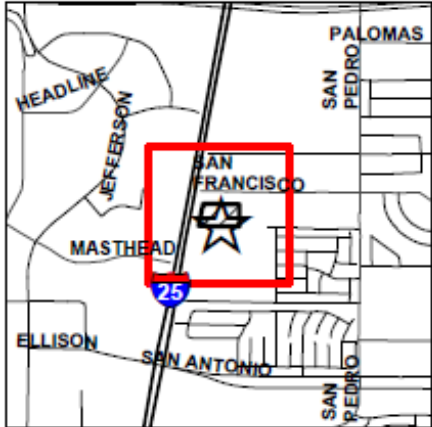
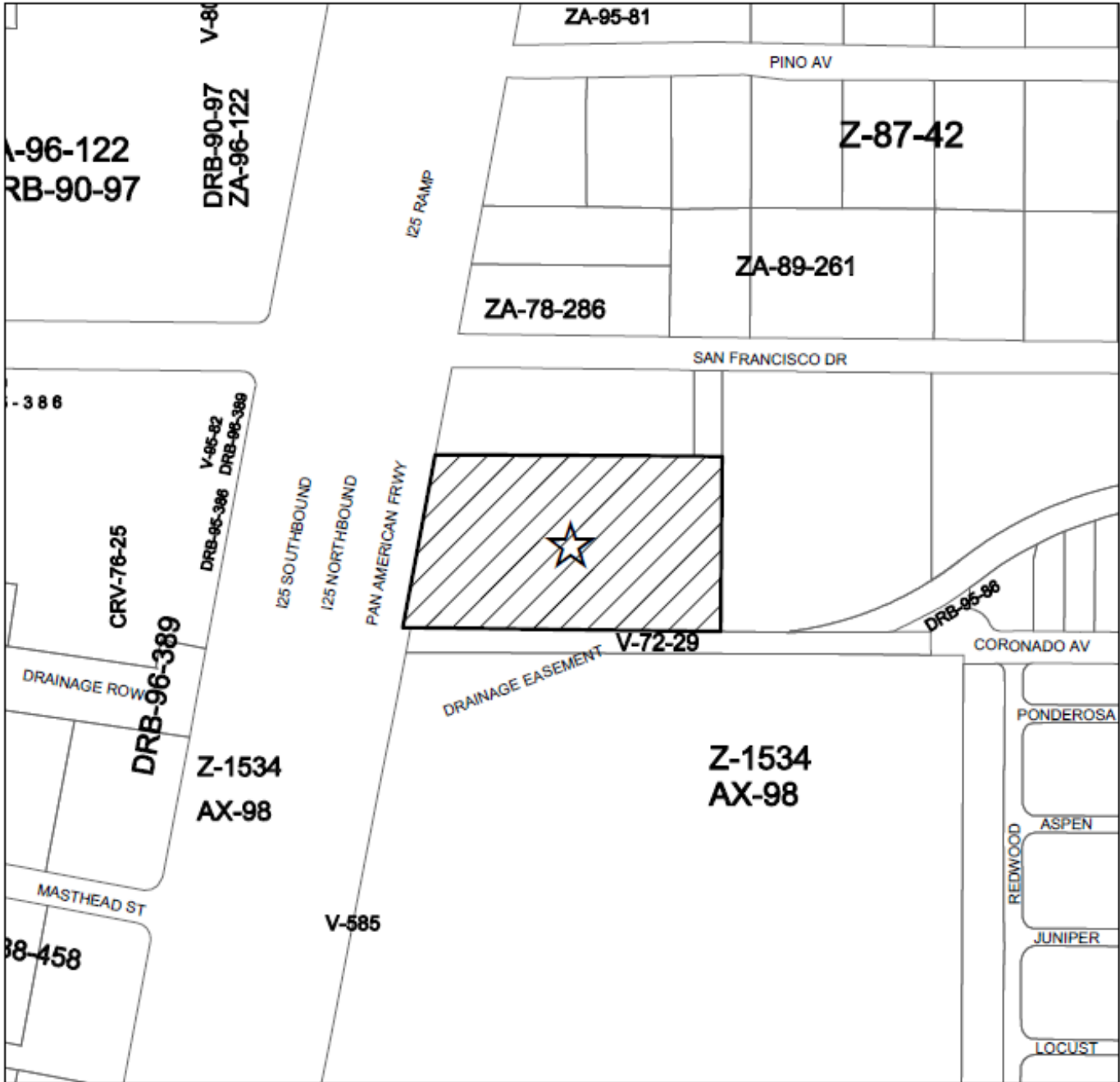


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**HISTORY MAP**

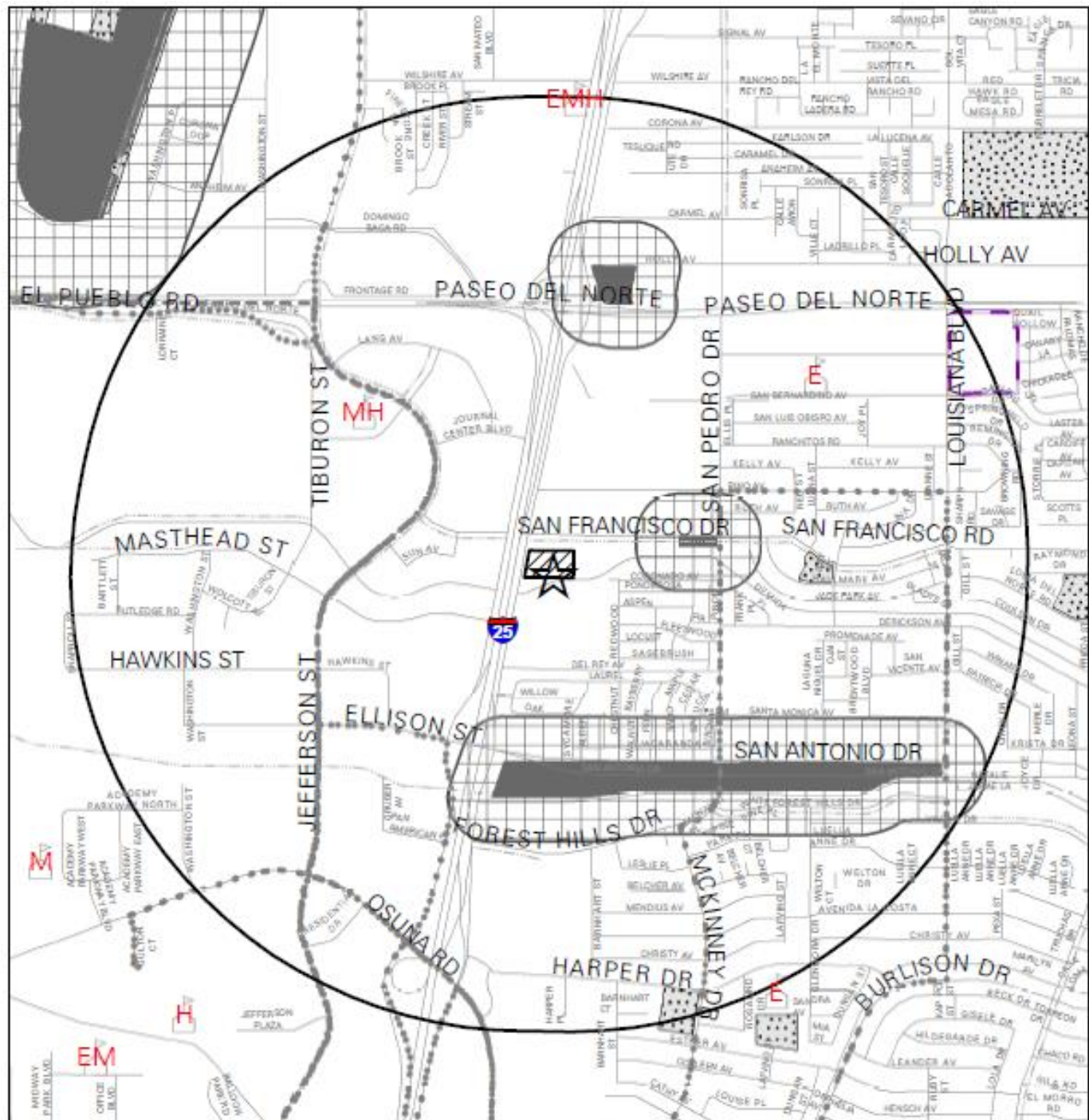
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Public Facilities Map with One-Mile Buffer

- |                      |             |                          |                             |
|----------------------|-------------|--------------------------|-----------------------------|
| 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     |

## ***I. INTRODUCTION***

### ***Surrounding zoning, plan designations, and land uses:***

	<b><i>Zoning</i></b>	<b><i>Comprehensive Plan Area</i></b>	<b><i>Land Use</i></b>
<b><i>Site</i></b>	NR-LM	Area of Consistency	Commercial Services (Hotel or Motel)
<b><i>North</i></b>	NR-LM	Area of Consistency	Commercial Services (Hotel or Motel)
<b><i>South</i></b>	NR-LM	Area of Consistency	Office (Government)
<b><i>East</i></b>	NR-LM	Area of Consistency	Industrial (Warehousing)
<b><i>West</i></b>	NR-BP	Area of Change	Office

### ***Request***

The request is for a zoning map amendment (zone change) for an approximately 4-acre site legally described as Tract Z-1-A of Redivision Tracts Z-1, Z-2 & Z-3, Block 6, Tract A Unit A, North Albuquerque Acres, located at 7620 Pan American Freeway NE, south of the intersection of Pan American Freeway NE and San Francisco St. NE (the “subject site”).

The subject site is located along a Commuter Corridor (I-25) but is not located within an Activity Center. It is not located along any Main Street, Transit, or Multi-Modal Corridors.

The applicant is requesting a zone change from NR-LM to MX-H (Mixed Use-High Intensity Zone District) to facilitate redevelopment of the hotel buildings on the subject site.

### ***EPC Role***

The EPC is hearing this case 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 Land Use Hearing Officer (LUHO) would hear the appeal and make a recommendation to the City Council. The City Council would then make the final decision. The request is a quasi-judicial matter.

### ***Context***

The subject site is bounded on the north by San Francisco St. NE, on the west by Pan American Freeway NE (I-25 frontage road), and on the south by Del Rey Ave. NE. A drainage channel (the North Pino Arroyo), which runs west under I-25 and through the Journal Center, abuts the subject site to the south.

The subject site is located within the North Albuquerque Acres subdivision and is east of I-25 across from the Journal Center. The Journal Center is an established business park and major employment center characterized by a variety of commercial and light manufacturing land uses.



Immediately north of the subject site is a hotel, and north of that is a storage facility. The lot east of the subject site is comprised of a variety of offices and small warehouse facilities. South of the site is the NMDOT District 3 offices and service yard.

Although not immediately adjacent to the subject site, within approximately 1000 feet south of it is Albuquerque Meadows Residents Association, which is an ages 55 years and up manufactured home community. Approximately 500 feet southeast of the subject site lie manufactured home communities Jade Park and Meadowbrook Park.

A concrete-lined drainage channel (the North Pino Arroyo) runs along the south side of the subject site. West of Interstate 25, it functions as a linear park through the Journal Center Employment Center, with grass in places and tables with seating. The North Pino Arroyo is classified as a Major Open Space Link arroyo (see p. 15 of this report).

### ***History***

The subject site was originally zoned M-1 and became NR-LM upon the adoption of the IDO in May 2018.

Comments received from the City of Albuquerque DRB Transportation Development for the NMDOT Sketch Plat (PR-2021-006337) included requirements for the NMDOT District 3 offices to construct sidewalks along the I-25 frontage road (Pan American Freeway NE) and on the south side of their property that abuts Del Rey Ave. NE.

As an example of a zone change from non-residential to mixed-use zoning for the purpose of allowing a multi-family use, a recent zone map amendment in 2022 (PR-2022-006971) changed the zoning at 7644 Jefferson St. from NR-BP to MX-H to allow a future multi-family use.

There is no additional case history known for the subject site.

### ***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. Pan American Freeway NE (frontage road) and San Francisco Rd. NE are classified as major collectors.

### ***Comprehensive Plan Designations***

The subject site is in an Area of Consistency as designated by the Comprehensive Plan. This location is included in the North Albuquerque Community Planning Assessment (CPA) area.

Interstate 25, west of the subject site, is designated by the Comprehensive Plan as a Commuter Corridor. Page 3-5 of the of the ABC Comp Plan defines Commuter Corridor as:

Commuter Corridors are higher-speed and higher-traffic volume with routes for people going across town (e.g., limited-access roadways). These Corridors accommodate faster and longer trips for personal vehicles, commuter bus service, and often bicycling.

### ***Trails/Bikeways***

A bike route exists north of the subject site along San Francisco Rd NE, and it is the only bike facility with direct access to the subject site.

Further north of the subject site is the South Domingo Baca Trail, which continues west over I-25 along Paseo del Norte. South of the subject site is the Pino Arroyo Trail, which parallels San Antonio Dr. NE and continues west under I-25. East of the subject site are bike lanes along San Pedro Drive NE that connect with the multi-use trails and bike route noted above.

The only sidewalks in the vicinity of the subject area lie along San Francisco Dr. NE, immediately north of the subject site, and on the south side of Del Rey Ave. NE, south of the subject site and NMDOT District 3 offices.

### ***Transit***

The subject site is not directly served by transit. The closest routes are to the east and west of the subject site: Route 34, the San Pedro Commuter route that runs Monday through Friday; and Route 140, San Mateo/Jefferson, a local route that operates Monday through Friday; respectively. ABQ Ride Route 251- ABQ Rio Rancho Rail Runner Connection runs along Jefferson in the weekday am and pm peak periods.

### ***Public Facilities/Community Services***

Please refer to the Public Facilities Map (see attachment), which shows public facilities and community services located within one mile of the subject site.

## ***II. ANALYSIS of APPLICABLE ORDINANCES, PLANS, AND POLICIES***

### ***Integrated Development Ordinance (IDO)***

#### ***Definitions***

##### **Mixed-use Zone District**

Any zone district categorized as Mixed-use in Part 14-16-2 of the IDO.

##### **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.

#### ***Zoning***

The subject site is zoned NR-LM (Non-Residential – Light Manufacturing Zone District, IDO 14-16-2-5(C)), which was assigned upon adoption of the IDO as a conversion from the former M-1 (Light Manufacturing) zoning. The purpose of the NR-LM zone district is to accommodate moderate-intensity commercial, light assembly, fabrication, and light manufacturing uses, while buffering adjacent lower-intensity, Residential and Mixed-use zone districts from the traffic, noise, and other impacts of those uses. 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. The MX-H zone district is intended to allow higher-density infill development in appropriate locations. Specific permissive uses are listed in Table 4-2-1 of the IDO.

In general, the NR-LM zone allows a wider variety of industrial uses than MX-H, and MX-H allows residential uses, which NR-LM does not. For a discussion of specific uses that would become permissive if the request is approved, please refer to the discussion of zone change criterion 14-16-6-7(G)(3)(d) in this report.

#### ***ALBUQUERQUE / BERNALILLO COUNTY COMPREHENSIVE PLAN***

The subject site is located in an area that the 2017 Albuquerque/Bernalillo County Comprehensive Plan has designated an Area of Consistency. Applicable Goals and policies are listed below. Staff analysis follows in ***bold italics***.

#### *Chapter 4: Community Identity*

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

Policy 4.1.1 Distinct Communities: Encourage quality development that is consistent with the distinct character of communities.

***The subject site is in an area characterized by one to three story buildings, government facilities with large paved lots for transportation equipment (NMDOT District 3 offices and CABQ Pino Yards), and low- to moderate-income housing. The area is lacking in parks, trees, and neighborhood-scaled retail. Although a zone change itself cannot guarantee quality development, the requirements of the MX-H Zone District Development Standards per IDO Table 2-4-D(2) will help ensure that any development on the subject site has adequate amounts of usable open space, landscaping, and other amenities to make the development consistent with the distinct character of this area. The request generally 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 subject site is in an area that has cohesive neighborhoods. Unfortunately, the nearby mobile home parks lack representation as recognized Neighborhood Associations (NAs) and much of the area continues to be underdeveloped and lacking in amenities that support neighborhoods. As noted above, any development that must conform to the MX-H zoning regulations (or any other MX zone district established by the 2018 IDO) will be an improvement on the large paved parking lots that characterize this area. Policy 4.1.2 Identity and Design is facilitated.***



*Chapter 5: Land Use*

Goal 5.1 Centers & Corridors: Grow as a community of strong Centers connected by a multi-modal network of Corridors.

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 to change the subject site from NR-LM to the MX-H Zone District would allow more intense uses that would be better suited to Centers and Corridors. Although the subject site is not in a Comprehensive Plan-defined Center, a more intense development that must conform to the improved planning regulations of the IDO would be an improvement on an otherwise generic and undistinguished area. Allowing the subject site to remain vacant will lead to further instability in the area, and both the subject site and surroundings will continue to languish. More thoughtful planning as a result of the improved CPA process could recognize that the area does need some changes for the better. Policy 5.1.2 is partially facilitated by this request.*

Goal 5.2 Complete Communities: Foster communities where residents can live, work, learn, shop, and play together.

*The uses that would be allowed in the MX-H Zoning District are more conducive to fostering a community where residents can live, work, learn, shop, and play together. For example, a farmers' market, which provides an opportunity to socialize and participate in a sustainable agricultural economy, is a Permitted use in MX-H Zoning but only a "Conditional if Vacant" use in the current NR-LM Zone District. Because the request would help encourage the development of complete communities and incentivize better, human-scaled development in the area, Goal 5.2 Complete Communities is facilitated.*

Policy 5.2.1 Land Uses: Create healthy, sustainable, and distinct communities with a mix of uses that are conveniently accessible from surrounding neighborhoods.

*As noted above, Permitted Uses in MX-H would allow healthy, sustainable, and a distinct mix of uses such as farmers' markets rather than non-community oriented uses such as outdoor storage of vehicles. General retail would also be allowed; thus, the new MX-H Zone District would be more capable of providing retail services accessible from surrounding neighborhoods. Policy 5.2.1 Land Uses is generally facilitated.*

Sub-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 would allow uses such as longer-term multi-family residential housing, which would complement the established mobile home parks nearby. Although the MX-H Zone District could allow more intense uses than the previous 3-story hotel, the numerous requirements – such as Variances – to design and permit a higher-density residential use that conforms to the IDO would be cost-prohibitive and highly unlikely to occur in the near term. The potential to convert the*

*hotel to multi-family without expanding its height or massing of buildings would be compatible in form and scale to the mostly one-story buildings immediately surrounding the subject site. Sub-policy 5.2.1(h) is facilitated.*

Goal 5.3 Efficient Development Patterns: Promote development patterns that maximize the utility of existing infrastructure and public facilities and the efficient use of land to support the public good.

*The request would promote uses and development patterns that maximize existing infrastructure and public facilities. Infrastructure that supported the previous hotel use can be repurposed for uses such as multi-family housing without the need for substantial infrastructure improvements such as larger water and sewer lines. Goal 5.3 Efficient Development Patterns is facilitated.*

Policy 5.3.1 Infill Development: Support additional growth in areas with existing infrastructure and public facilities.

*The request would provide the potential for additional growth such as multi-family housing that would grow the residential base necessary to stabilize and improve the area in the future. The possibility of growing the long-term residential base in the area would support both established and almost-complete public facilities such as North Domingo Baca Park, which is within 2 miles of the subject site. Policy 5.3.1 Infill Development is facilitated.*

Goal 5.4 Jobs-Housing Balance: Balance jobs and housing by encouraging residential growth near employment across the region and prioritizing job growth west of the Rio Grande.

*The request would allow the potential for long-term residential uses that would be closer to established employment centers rather than continue the non-residential uses allowed in NR-LM zoning. The proximity of the subject site to employment centers such as the Journal Center, as well as nearby government facilities (NMDOT and CABQ public works yards) would provide a better balance of jobs and housing. Goal 5.4 Jobs-Housing Balance is facilitated.*

Policy 5.4.1 Housing Near Jobs: Allow higher-density housing and discourage single-family housing near areas with concentrated employment.

- a) Prioritize higher-density housing where services and infrastructure are available.
- b) Prioritize mixed-use development near where substantial employment exists in Employment Centers.
- c) See Housing Goal 9.1 for policies about housing supply and affordability.

*The request would allow the potential to prioritize higher-density housing near available services and infrastructure, and near substantial employment centers. Furthermore, the ability to provide low- to moderate-income housing would support a base of workers in the immediate area to fill the variety of manufacturing, light warehouse, retail, and office employment jobs nearby. Although the request would not guarantee affordable housing, it is unlikely that higher-income housing would be built in the site. Therefore, regardless of whether it would be affordable according to HUD definitions, the potential to convert the hotel to multi-family would most likely*

*result in naturally affordable housing. Policy 5.4.1 Housing Near Jobs would be facilitated if this request were approved.*

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.

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

*The request would protect and enhance the character of the area, which is outside of Centers and Corridors but is NOT near single-family neighborhoods, parks, and Major Public Open Space. The land uses that have been consistently located in the area include large paved parking lots for the outdoor storage of transportation-related equipment, light industrial/warehouse, and mobile home/manufactured housing parks. Policy 5.6.3 is facilitated by this request.*

Sub-Policy 5.6.3 Areas of Consistency e): In areas with predominantly non-residential uses, carefully consider zone changes from non-residential to mixed-use or residential zones for potential impact on land use compatibility with abutting properties, employment opportunities, and historic development patterns.

*As noted above, the zone change to a zoning district that allows long-term residential uses would promote the ability to transform the existing mobile home parks and light industrial/office uses into an area with more compatible uses and therefore have fewer negative impacts to the surroundings. The uses allowed under MX-H Zoning would be compatible with abutting properties, employment opportunities, and historic development patterns. Sub-policy 5.6.3 Areas of Consistency e) is facilitated by this request.*

## Chapter 9: Housing

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.

Policy 9.1.1 Housing Options: Support the development, improvement, and conservation of housing for a variety of income levels and types of residents and households.

*The request would allow the Permissive uses of multi-family residential housing that supports the development, improvement, and conservation of housing for a variety of income levels. The location of the subject site and its surroundings would be more likely to continue the pattern of low- to moderate income housing nearby, and would be less likely to cause the negative impacts of gentrification such as rapid price inflation that occur in other residential neighborhoods. Policy 9.1.1. is facilitated by this request.*

Policy 9.1.2 Affordability: Provide for mixed-income neighborhoods by encouraging high-quality, affordable and mixed income housing options throughout the area.



- a) Prioritize support for affordable housing that the market is unable to provide for populations with the lowest income levels and/or special needs.
- b) Encourage a diversity of housing types, such as live/work spaces, stacked flats, townhouses, urban apartments, lofts, accessory dwelling units, and condominiums.
- c) Encourage housing types that maintain the scale of existing single-family neighborhoods while expanding housing options.
- d) Encourage the development of higher-density affordable and mixed-income housing in Downtown, near job centers, and along transit corridors.

***Changing the zoning to allow multi-family residential uses would not guarantee “affordability” as defined by HUD and CABQ Family & Community Services. However, the existing hotel buildings and their location are more likely to be redeveloped as naturally affordable housing that the housing market has failed to provide. Policy 9.1.2 is only partially facilitated by this request.***

***NOT APPLICABLE***

The following Goals and Policies are not applicable or not clearly facilitated by the zone change request.

***Chapter 5: Land Use***

**Goal 5.7 Implementation Processes:** Employ procedures and processes to effectively and equitably implement the Comp Plan.

Because this goal applies to the IDO annual update and not to land use cases, it is not applicable.

***FACILITY PLAN FOR ARROYOS (FPA)- RANK II***

The Facility Plan for Arroyos (FPA, 1986) establishes guidelines and procedures for implementing Comprehensive Plan goals to create a multi-purpose network of recreational trails and open space along arroyos (FPA, p.11). The FPA is a Rank II facility plan that designates some arroyos for further study and development as recreational corridors. The term arroyo is defined as a “small, steep-sided watercourse or gulch with a nearly flat floor” (p.75). The FPA contains general policies for all arroyos and seven specific policies for different classifications of arroyos.

The subject site’s southern boundary abuts the North Pino Arroyo, which appears to be a part of the much larger South Pino Arroyo system according to the fold-out map contained in the FPA. The FPA classifies the North Pino Arroyo as a Major Open Space Arroyo and as a Major Open Space Link arroyo. It was intended for development of an arroyo corridor plans (p. 33), though so far this has not occurred. The FPA intends that Major Open Space Link arroyos have recreational trails and form continuous east-west linkages across the City, which is consistent with the arroyo’s usage as a linear park with tables and seating, and mature landscaping nearby, as it traverses east-west through the Journal Center area.

At the time this staff report was written, the Mid-Region Metropolitan Planning Organization (MRMPO) Long Range Bikeway System Map did not propose any multi-use trails adjacent to the

North Pino Arroyo *east* of Jefferson St. NE. The MRMPO does propose a multi-use trail *west* of Jefferson St. NE, within the Journal Center, connecting to the North Diversion Channel Trail.

***Integrated Development Ordinance (IDO) 14-16-6-7(G)(3)-Review and Decision Criteria for Zone Map Amendments***

Requirements

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.

The applicant must demonstrate that the existing zoning is inappropriate because of one of three findings: 1) there was an error when the existing zone district was applied to the property; or 2) there has been a significant change in neighborhood or community conditions affecting the site; or 3) a different zone district is more advantageous to the community as articulated by the Comprehensive Plan or other, applicable City plans.

Justification & Analysis

The zone change justification letter analyzed here, received on March 30, 2023, is a response to Staff's request for a revised justification (see attachment). The subject site is currently zoned NR-LM (Non-Residential – Light Manufacturing Zone). The requested zoning is MX-H (Mixed Use High Intensity Zone). The reason for the request is to facilitate redevelopment of the site for multi-family housing.

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: The proposed Zoning Map Amendment fulfills criterion 6-7(G)(3)(a) by maintaining the health, safety, and general welfare of the City because the request is consistent with the following Comprehensive Plan goals and policies:*

Staff: Consistency with the City's health, safety, morals and general welfare is shown by demonstrating that a request furthers (and does not significantly conflict with) a preponderance of applicable Comprehensive Plan Goals and Policies. In the case of a spot zone, the bar is the higher "clearly facilitates" test (see Criterion H). The applicant's policy analysis demonstrates that the request clearly facilitates implementation of applicable Comprehensive Plan Goals and Policies and, therefore, is consistent with the City's health, safety, morals and general welfare.

Applicable citations: Policy 4.1.1 Distinct Communities, Policy 4.1.2 Identity and Design, Policy 5.1.2 Development Areas, Goal 5.2 Complete Communities, Policy 5.2.1 (h) Land Uses, Goal 5.3 Efficient Development Patterns, Policy 5.4.1 Housing Near Jobs, Policy 5.6.3 Areas of Consistency and Sub-Policy 5.6.3 (e), Goal 5.7 Implementation Processes, and Goal 9.1 Housing Supply; Policies 9.1.1 Housing Options, and 9.1.2 Affordability.

The applicant's policy-based response adequately demonstrates that the request facilitates implementation of ABC Comp Plan Goals and Policies regarding Land Use, Centers and Corridors, infill and efficient development patterns, and Jobs-Housing Balance, if developed as residential, and does not present any significant conflicts with the Comprehensive Plan. Therefore, the request is consistent with the City's health, safety, morals and general welfare. The response to Criterion A is facilitated.

- 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 Com Plan, as amended (including implementation of patterns of land use, development density and intensity, and connectivity), and other applicable adopted City plan(s).

***Applicant Response:*** *This request will clearly reinforce or strengthen the established character of the surrounding Area of Consistency by allowing new uses that are compatible with the existing development in the nearby area. As described in the policy analysis portion of the justification letter, this request will allow the addition of residential uses in an area with existing non-residential and jobs focus. This is consistent with adopted policy guidance for bringing housing to existing employment centers. None of the new uses allowed in the MX-H zone are incompatible with the uses on nearby lots. Because the development of this area is substantially less intense than what is allowed in the NR-LM zone district, adding higher-density residential uses will continue to strengthen the character of the surrounding area. The removal of some uses that are allowed in the NR-LM zone will not weaken the established character of the area because many of the uses allowed in the NR-LM zone are not developed in the area. Therefore, the character of the area is very similar to the character of areas developed with MX-H zoning. Therefore, the request would clearly strengthen and reinforce the established character of this Area of Consistency.*



*This request and application demonstrate that there has been a significant change in community conditions affecting the site and that a different zone district is more advantageous to the community as articulated by the ABC Comprehensive Plan and other applicable adopted City plans.*

*The subject site is located within an “Area of Consistency” as designated by the Comprehensive Plan. If approved, this zone change would allow the property owner to make investments in this property that will respond to significant changed community conditions affecting the site. The current hotel use is underutilized due to an abundance of hotel and private short-term rental accommodations in Albuquerque. In recent years short-term home rentals have been popularized through services such as Vacation Rental By Owner (VRBO) and Air BnB Rentals. This new market trend has allowed property owners across the county to rent any residential property similar to hotels, but without having a hotel business or commercial zone district.*

*Residential property owners are able to get higher rental rates by renting by the night, so it is a smart economic move for small-scale capitalists who own or want to invest in single-family residential property. The explosion of this new business model has had the unintended consequence of removing a substantial amount of housing stock from availability for standard home or apartment rentals for residential dwelling purposes. This trend has moved commercial uses into neighborhoods, but there has been little done to replace those dwellings that used to be standard month-to-month rentals. This has created a massive deficit in the number of permanent housing units. Another changed community condition is a result of the COVID pandemic, which sent many people out of big cities into smaller communities like Albuquerque, which has a relatively lower cost of living and a great deal of open space and public amenities that became more desirable during the peak of the pandemic. Our fair city remains a desirable and in demand place to live. These changed community conditions have served to both make the current commercial use of this property less viable while also making the proposed residential uses more viable, if the zone change request is approved.*

*The proposed use is more advantageous to the community as it implements numerous Community Identity, Land Use, and Housing goals and policies of the Comp Plan, see analysis in section 6-7(G)(3)(a) above. The requested zone also aligns with the existing character and scale of development on this block and in the broader North I-25 Community Planning Area. The requested zone change will help implement a more advantageous land use pattern and development density and intensity for this location. This request will implement Mayor Tim Keller’s vision for emergency provision of more housing units at all levels of affordability. The request is also consistent with the policies related to adding housing in locations that are near existing employment centers, which serves to reduce traffic congestion, reduce wear and tear on our street system, and can reduce overall housing + transportation costs for residents.*

*This zone change request would allow underused hotel units to be converted into long-term dwelling units to provide permanent housing for many more residents in the city who may be housing insecure. It will help to address the housing crisis and extreme deficit of at least 13,000 and potentially up to 33,000 dwelling units. The zone change request will allow the property owner to reinvest in the property and make improvements to convert the hotel rooms*

*into full dwelling units. This promotes stability and reinforces the established character of the surrounding Area of Consistency. The zone change request will allow the property owner to respond to changed community conditions and to create more housing units, which is more advantageous to the community than the current land use.*

Staff: The COVID-19 Pandemic, lack of housing supply, and the current period of rapid price inflation have caused rents to greatly exceed the average renter's ability to afford rental units. The market has not provided enough rental housing, especially for persons of lower- to moderate-incomes. The request would allow the potential for hotel to rental conversions that align with the goals of the Mayor's Housing Forward initiative. The response to 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 subject site is not located within an Area of Change, so the review and decision criterion 6-7(G)(3)(c) does not apply to this request.*

Staff: 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 Section 16-16-4-3 associated with that use will adequately mitigate those harmful impacts.

*Applicant: The requested zoning will not include permissive uses that would be harmful to adjacent property, the neighborhood, or the community.*

***Permissive Uses within NR-LM vs. MX-H Zone Districts***

*A comparison of the uses allowed in the NR-LM vs. MX-H zone districts is provided in the summary table below, which is an excerpt from the IDO Table 4-2-1 Allowable Uses. Yellow highlighting indicates uses that would be allowed in the zone change request is approved, and blue highlighting indicates uses that will no longer be allowed if the zone change request is approved.*

IDO Use Table 4-2-1			
IDO Use	MX-H	NR-LM	Use Specific Standards
Dwelling, townhouse	P	I	<a href="#">4-3(B)(6)</a>
Dwelling, live-work	P	I	<a href="#">4-3(B)(7)</a>
Dwelling, multi-family	P	I	<a href="#">4-3(B)(8)</a>
Assisted living facility or nursing home	P	I	
Community residential facility, small	P	I	<a href="#">4-3(B)(9)</a>
Community residential facility, large	P	I	<a href="#">4-3(B)(9)</a>
Dormitory	P	I	
Group home, medium	P	I	<a href="#">4-3(B)(10)</a>
Group home, large	C	I	<a href="#">4-3(B)(10)</a>
Adult or child day care facility	P	A	
Community center or library	P	C	<a href="#">4-3(C)(1)</a>
Elementary or middle school	P	CV	<a href="#">4-3(C)(2)</a>
High school	P	C	<a href="#">4-3(C)(3)</a>
Hospital	P	I	<a href="#">4-3(C)(4)</a>
Parks and open space	P	C	<a href="#">4-3(C)(7)</a>
Religious institution	P	CV	<a href="#">4-3(C)(8)</a>
University or college	P	CV	
Community garden	P	C	<a href="#">4-3(D)(1)</a>
General agriculture		P	<a href="#">4-3(D)(3)</a>
Kennel		P	<a href="#">4-3(D)(4)</a>
Nursery		P	
Residential community amenity, indoor	P	I	<a href="#">4-3(D)(11)</a>



Heavy vehicle and equipment		P	<a href="#">4-3(D)(17)</a>
Outdoor Vehicle Storage		P	<a href="#">4-3(D)(21)</a>
Blood services facility	C	P	
Construction contractor facility and yard	C	P	<a href="#">4-3(D)(25)</a>
Mortuary	P	C	
Residential community amenity, outdoor	P	I	
Building and home improvement materials store	C	P	<a href="#">4-3(D)(34)</a>
Cannabis retail	P	A	<a href="#">4-3(D)(35)</a>
Farmers' market	P	CV	<a href="#">4-3(D)(36)</a>
General retail, medium	P	C	<a href="#">4-3(D)(37)</a>
General retail, large	C	I	<a href="#">4-3(D)(37)</a>
Freight terminal or dispatch center		P	<a href="#">4-3(D)(43)</a>
Railroad yard		P	<a href="#">4-3(D)(46)</a>
Geothermal energy generation	A	P	<a href="#">4-3(E)(9)</a>
Recycling drop-off bin facility	A	P	<a href="#">4-3(E)(13)</a>
Salvage yard		C	<a href="#">4-3(E)(15)</a>
Above-ground storage of fuels or feed		C	

*Analysis of the difference in allowed uses between NR-LM and MX-H zone districts, and how those differences could potentially impact surrounding uses.*

- The following uses are allowed permissively or conditionally in the MX-H zone district, but not in the NR-LM zone: Residential dwellings, including townhouse, live-work, multi-family and associated residential community amenities; Assisted living facility or nursing home;*

*Community residential facility; Dormitory; and Group home, medium. There are two non-residential uses that would be allowed – hospital and general retail, large – that are not allowed in the current NR-LM zone. None of these uses could harm or be harmed by the surrounding office, warehousing, or light-manufacturing uses.*

- The following uses are allowed permissively or conditionally in the NR-LM zone district but are not allowed in the MX-H zone: general agriculture, kennel, and nursery. These uses could be developed on the surrounding lots but not in the requested zone. Of these uses, kennel is the one that has potential adverse impacts on residential use. The use-specific standard for kennel regarding outdoor animal runs near residential uses will protect future residents at this site if the zone change request is approved. There are also several more industrial uses that are allowed currently but would not be allowed if the zone change is approved. These include heavy vehicle and equipment storage, rental and sales, outdoor vehicle storage, freight terminal or dispatch center, railroad yard, salvage yard, and above-ground storage of fuel or feed. The property owner does not desire to develop any of these uses at the existing property. Because all of the abutting lots are already developed, it is unlikely that any of these uses that may have adverse impacts on future residents at the subject site would be developed in the future.*

*The purpose of the MX-H zone 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. This site's size and existing development, the surrounding zoning and land uses, and the larger context of this area in the North I-25 corridor support a request for MX-H zoning as an appropriate zone for the subject site. This zone is the most closely matched Mixed-use zone to the surrounding NR-LM lots that also allows residential uses. The IDO procedural requirements, dimensional standards, and use-specific standards have been carefully crafted to minimize negative impacts and harmful uses from this zone.*

Staff: The applicant stated that the MX-H zoning does not have any harmful uses compared to the existing NR-LM zoning. They compared harmful uses within the existing NR-LM zoning and the proposed MX-H zoning and discussed how the harmful uses would be mitigated through the IDO's use specific standards.

Residential uses that would become permissive under the MX-H zone, which are not currently allowed, are townhouse, multi-family, assisted living or nursing home, community residential facility, dormitory, and group homes (see IDO table 4-2-1: Allowable Uses p. 146). These medium to high density residential uses would contribute to the growing mixed-use development trend within the surrounding area, and the nearby Journal Center in particular.

Furthermore, the IDO has Use-Specific standards to mitigate the impacts of uses that could be considered harmful. The 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. 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.
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.

*Applicant: The City's existing infrastructure and public improvements will adequately serve the allowable uses in the proposed MX-H zone district. There are existing public safety services, parks, open space, and other community facilities in the area. Existing public infrastructure includes roadways, water, sewer, and storm drain facilities that serve this property. The subject site is already developed with three hotel buildings. Allowing this property to have longer-term residential dwellings rather than only overnight and short-term rentals will not impact the capacity of existing infrastructure and public improvements. Therefore, criterion 1 of this element is satisfied.*

Staff: Except for sidewalks that would connect the site to existing sidewalks along San Francisco Dr. NE, the subject site is an infill site that is adequately served by existing infrastructure. Because sidewalks within the subject site property will be constructed in order for the applicant to fulfill its obligations under the IDO, the DPM, and/or an Infrastructure Improvements Agreement, existing infrastructure and public improvements will have adequate capacity (requirement 3). Therefore, 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 Long Range Roadway System classifications for the nearby streets are:*

- *Pan American Freeway NE is an interstate freeway frontage road owned and operated by NMDOT*
- *Interstate - 25 is an interstate freeway road owned and operated by NMDOT*
- *San Francisco Rd. NW is designated as a local street*

*The subject site is located on a major street – Pan American Freeway is a NMDOT frontage road. However, its location on a major street is not at all used as justification for this request. This zone map amendment request is primarily justified based on the MX-H zone being more appropriate for the community in terms of land uses allowed and consistency with adopted goals and policies, see response to 6-7(G)(3)(a) above. Allowing residential uses at this location will help address the severe housing crisis in Albuquerque, which is more advantageous for the community.*

Staff: The subject site is located on Pan American Freeway NE, an urban interstate frontage road. The applicant is not completely basing their justification for the request upon the subject site's location on a major street. Rather, the request to MX-H would allow redevelopment of the subject site's vacant hotel buildings. 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 Response:*** The justification for this request is NOT based on the cost of land or economic considerations. The request's consistency with adopted goals and policies is the primary justification for the zone map amendment request, see also response to 6-7(G)(3)(a) above.

***Additional Applicant Response:*** The justification provided in this letter is not based completely or predominantly on the cost of land or other economic considerations. The request is justified because it implements the City's goals for housing by allowing conversion of a building that is already used for short-term tenancy. This request will allow a substantial new amount of new dwelling units to be added to the City's stock of housing. The request also furthers the City's goal of adding residential options in areas that are substantially developed with jobs. This provides opportunities for people to live near where they work, can lessen travel times, road congestion, and greenhouse gas emissions and fossil fuel consumption.

Staff: Economic considerations are a factor, but the applicant's justification is not completely or predominantly based upon them. Rather, the applicant has adequately demonstrated that the zone change request clearly facilitates implementation of the ABC Comp Plan. 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 Response:*** This request would apply a zone district different from surrounding zone districts to one small area or one premises, i.e., create a "spot zone." If approved, this zone change request would establish a different zone than is mapped on any of the adjacent lots. This request will clearly facilitate implementation of multiple, significant city Goals and policies of the ABC Comp Plan, as amended, which is described in response to 6-7(G)(3)(a) above, which are not reiterated here for brevity. The MX-H zone is clearly more advantageous to the community because it will allow for more housing, which is desperately needed in this city.

*The requested spot zone is further justified because the nature of structures on the property make it unsuitable for the uses allowed in any adjacent zone district. As explained above, a hotel is allowed in the NR-LM zone district. However, there is little demand for this use, particularly in light of the staggering need for more permanent residential dwelling units in Albuquerque. If this request is denied, the property will continue to stagnate and bring in small economic benefits and tax receipts to the city. However, if the zone change is approved, the existing structures will be able to be remodeled and reused as permanent residential dwelling units, filling some of the housing supply need. The changed community conditions, described in justification criteria 6-7(G)(3)(b), above, explain why the current use is no longer suitable for this property. In summary, the public good and benefits of allowing a spot zone far outweigh potential adverse impacts of creating a new spot zone in this location.*

Staff: The request would result in a spot zone because it would apply a zone different from surrounding zone districts. NR-LM zoning is adjacent to the subject site to the south, east and north. NR-BP zoning is adjacent to the subject site to the west of I-25.

The applicant acknowledges that the request would create a spot zone, but explains that it would be a justified spot zone because it would clearly facilitate implementation of the Comprehensive Plan as shown in the response to Criterion A.

As required, the applicant responded to sub-criteria number three to meet the second part of the two-part test in Criterion H. The applicant stated that the subject site is not suitable for the uses allowed by the adjacent zone district (NR-LM). The response to Criterion H is sufficient.

### **III. AGENCY & NEIGHBORHOOD CONCERNS**

#### ***Reviewing Agencies***

City departments and other agencies reviewed this application. Few agency comments were received.

Albuquerque Public Schools (APS) noted the school systems that would be impacted as EG Ross Elementary School, McKinley Middle School, and Del Norte High School.

Albuquerque Solid waste offered comments about the minimum refuse service and recycle service if a multi-family dwelling site of 169 units were developed, which will become more important as future site plans are reviewed. Agency comments begin on p.29.

#### ***Neighborhood/Public***

There are no affected neighborhood organizations within the notification distance of the subject site. Property owners within 100 feet of the subject site were notified as required (see attachments). Staff is not aware of any opposition to the request.

### **IV. CONCLUSION**

The request is for a zoning map amendment (zone change) for an approximately 4-acre site described as all or a portion of Tract Z-1-A of Redivision Tracts Z-1, Z-2 & Z-3, Block 6, Tract A Unit A, North Albuquerque Acres, located at 7620 Pan American Freeway NE, near the intersection of Pan American Freeway NE and San Francisco Dr. NE (the “subject site”).

The subject site is located within the boundaries of the North Albuquerque Community Planning Area. It is developed with a vacant 3-story hotel complex and is zoned NR-LM (Non-Residential Light Manufacturing Zone District). The applicant wants to change the subject site's zoning to MX-H (Mixed Use-High Intensity Zone District) to facilitate future redevelopment of the subject site.

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 implementation of applicable Goals and policies.

There are no affected neighborhood organizations within the notification distance of the subject property. Property owners within 100 feet of the subject site were also notified as required. Staff is not aware of any opposition as of this writing.

Staff recommends approval.



***FINDINGS - RZ-2023-00011, April 20, 2023- Zoning Map Amendment (Zone Change)***

1. The request is for a zoning map amendment (zone change) for an approximately 4-acre site legally described as Tract Z-1-A of Redivision Tracts Z-1, Z-2 & Z-3, Block 6, Tract A Unit A, North Albuquerque Acres, near the intersection of Pan American Freeway NE and San Francisco Dr. NE (the “subject site”).
2. The subject site is zoned NR-LM (Non-Residential – Light Manufacturing Zone District) and is developed with a vacant hotel. The applicant is requesting a zone change to MX-H (Mixed Use-High Intensity Zone District) to facilitate redevelopment of the subject site.
3. The subject site is in an area that the Comprehensive Plan designated an Area of Consistency, and is located in the North Albuquerque Community Planning Area (CPA).
4. The subject site is along a Commuter Corridor. It is not located in an Activity Center.
5. 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.
6. The request clearly facilitates implementation of the following, applicable Goals and Policies from Comprehensive Plan Chapter 4: Community Identity:

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

B. Policy 4.1.1 Distinct Communities: Encourage quality development that is consistent with the distinct character of communities.

The proposed zoning, if approved, will be subject to the requirements of the MX-H Zone District Development Standards per IDO Table 2-4-D(2). This will help ensure that any development on the subject site has adequate amounts of usable open space, landscaping, and other amenities to make the development consistent with the distinct character of this area.

C. 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 zoning would allow the subject site to be redeveloped into uses that would protect the identity and cohesiveness of nearby light industrial and mobile home/manufactured home land uses.

7. The request furthers the following Goals and Policies regarding Complete Communities and Efficient Development patterns 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.

- 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 would facilitate the future development of the subject site under the MX-H zone, which would generally help foster a community where people can live near work. The redevelopment of the subject site from a vacant hotel use would potentially expand housing options for residents to live, work, shop, and play. The request would contribute to creating a healthy and sustainable community because it would facilitate future development in the North Albuquerque CPA. In general, the request would contribute to creating a complete community in a designated metropolitan redevelopment area.

Sub-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 would allow uses such as longer-term multi-family residential housing, which would complement the established mobile home parks nearby. The potential to convert the hotel to multi-family without expanding its height or massing of buildings would be compatible in form and scale to the mostly one-story buildings immediately surrounding the subject site.

- 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.

The subject site is already served by existing infrastructure and public facilities, so redevelopment possible by the request would generally promote efficient development patterns and use of land.

- D. Policy 5.3.1 Infill Development: Support additional growth in areas with existing infrastructure and public facilities.

The subject site is an infill site located in an area already served by existing infrastructure and public facilities. The request would support additional growth in this revitalization area.

8. The request furthers the following, additional policies and sub-policies regarding Housing and City Development Areas from Comprehensive Plan Chapter 5: Land Use:

- A. Goal 5.4 Jobs-Housing Balance: Balance jobs and housing by encouraging residential growth near employment across the region and prioritizing job growth west of the Rio Grande.

The request would allow the potential for long-term residential uses that would be closer to established employment centers rather than continue the non-residential uses allowed in NR-LM zoning. The proximity of the subject site to employment centers such as the Journal Center, as well as nearby government facilities (NMDOT and CABQ public works yards) would provide a better balance of jobs and housing.

- B. Policy 5.4.1 Housing Near Jobs: Allow higher-density housing and discourage single-family housing near areas with concentrated employment.

The requested MX-H zone district does not allow single-family detached housing. The subject site is located within the North Albuquerque CPA, and less than a mile from the Journal Center, which has a concentration of jobs. The request would allow higher-density housing and discourage single-family housing near areas with concentrated employment.

- 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.

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

The request would protect and enhance the character of the area, which is outside of Centers and Corridors but is NOT near single-family neighborhoods, parks, and Major Public Open Space. The land uses that have been consistently located in the area include large paved parking lots for the outdoor storage of transportation-related equipment, light industrial/warehouse, and mobile home/manufactured housing parks.

Sub-Policy 5.6.3 Areas of Consistency e): In areas with predominantly non-residential uses, carefully consider zone changes from non-residential to mixed-use or residential zones for potential impact on land use compatibility with abutting properties, employment opportunities, and historic development patterns.

The zone change to MX-H would allow long-term residential uses that would be compatible with abutting properties, employment opportunities, and historic development patterns.

9. The request furthers the following Goal and policies in Comprehensive Plan 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.
- B. Policy 9.1.1 Housing Options: Support the development, improvement, and conservation of housing for a variety of income levels and types of residents and households.

The request would allow the Permissive uses of multi-family residential housing that supports the development, improvement, and conservation of housing for a variety of income levels. The location of the subject site and its surroundings would facilitate and conserve the continued pattern of low- to moderate income housing nearby.

- C. Policy 9.1.2 Affordability: Provide for mixed-income neighborhoods by encouraging high-quality, affordable and mixed income housing options throughout the area.

The MX-H zone district allows a variety of high-intensity residential uses including multi-family dwelling units, townhomes, live-work, and group living. The request would allow the underutilized subject site to be redeveloped into a residential use. Although the request would not guarantee affordability as defined by the US Housing and Urban Development (HUD), future proposed development of the subject site would maintain appropriate densities that are consistent with the surrounding neighborhood and development context.

10. The applicant has adequately justified the request pursuant to the Integrated Development Ordinance (IDO) Section 14-16-6-7(G)(3)-Review and Decision Criteria for Zoning Map Amendments, as follows:

- A. Criterion A: The proposed zone change clearly facilitates implementation of 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 furthers (and does not significantly conflict with) a preponderance of applicable Comprehensive Plan Goals and Policies. In the case of a spot zone, the bar is the higher "clearly facilitates" test (see Criterion H). The applicant's policy analysis demonstrates that the request clearly facilitates implementation of applicable Comprehensive Plan Goals and Policies and, therefore, is consistent with the City's health, safety, morals and general welfare.

- B. Criterion B: The subject site is located wholly in an Area of Consistency. The applicant's policy-based analysis (see response to Criterion A) demonstrates that the request would further a preponderance of applicable Comprehensive Plan Goals and policies and therefore would be more advantageous to the community than the current zoning.

- C. Criterion C: This criterion does not apply because the subject site is located wholly in an Area of Consistency.

- D. Criterion D: The applicant stated that the MX-H zoning does not have any harmful uses compared to the existing NR-LM zoning. They compared harmful uses within the existing NR-LM zoning and the proposed MX-H zoning and discussed how the harmful uses would be mitigated through the IDO's use specific standards.

Residential uses would become permissive under the MX-H zone, which are not currently allowed, are townhouse, multi-family, assisted living or nursing home, community residential facility, dormitory, and group homes (see IDO table 4-2-1: Allowable Uses p. 146). These high intensity uses would contribute to redevelopment of the surrounding area.

Furthermore, the IDO has Use-Specific standards to mitigate the impacts of uses that could be considered harmful.

- E. Criterion E: The subject site is an infill site in the North Albuquerque CPA, which will be adequately served by infrastructure upon the applicant's fulfillment of obligations per the IDO, DPM and/or an Infrastructure Improvements Agreement. Therefore, it meets criterion E.3.
- F. Criterion F: The subject site is located on Pan American Freeway NW, classified as urban interstate frontage. Though this location factors into the applicant's policy analysis, the applicant is not completely basing their justification for the request upon the subject site's location on a major street.
- G. Criterion G: Economic considerations are a factor, but the applicant's justification is not completely or predominantly 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.
- H. Criterion H: The request would result in a spot zone because it would apply a zone different from surrounding zone districts. NR-LM zoning surrounds the subject site to the north, east and south. NR-BP zoning is adjacent to the subject site to the west (in the Journal Center west of I-25). Although it would be a spot zone, the MX-H zoning would provide a transition of land uses between the existing light industrial zoning surrounding the site and the R-MC zoning with a mobile home park and manufactured housing nearby to the south and southeast of the subject site, respectively.

The applicant acknowledges that the request would create a spot zone, but explains that it would be a justified spot zone because it would clearly facilitate implementation of the Comprehensive Plan as shown in the response to Criterion A.

As required, the applicant responded to two of the three sub-criteria numbers one and two. The applicant stated that the subject site can function as a transition zone between medium intensity mixed-uses and the high intensity NR-LM uses and that the subject site is not suitable for the uses allowed by the adjacent zone district (NR-LM).

- 11. The applicant's policy-based response adequately demonstrates that the request clearly facilitates a "spot zone" and furthers a preponderance of applicable Goals and policies regarding character, land use, centers and corridors, infill and efficient development patterns, jobs-housing balance, sense of place and placemaking, and economic development and does not present any significant conflicts with the Comprehensive Plan. Therefore, the request is consistent with the City's health, safety, morals, and general welfare.
- 12. There are no affected neighborhood organizations in the notification distance buffer surrounding the subject site. Property owners within 100 feet of the subject site were notified as required.
- 13. As of this writing, Staff is unaware of any opposition.

***RECOMMENDATION - RZ-2023-00011, April 20, 2023***

**APPROVAL of Project #: PR-2023-008380, Case #: RZ-2023-00011, a zone change from NR-LM to MX-H, for all or a portion of Tract Z-1-A of Redivision Tracts Z-1, Z-2 & Z-3, Block 6, Tract A Unit A, North Albuquerque Acres, located at 7620 Pan American Freeway NE, near the intersection of Pan American Freeway NE and San Francisco Dr. NE, an approximately 4-acre site, based on the preceding Findings.**

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*Robert Messenger*

***Robert Messenger, AICP  
Current Planner***

Notice of Decision cc list:

ABQ Land Use Consulting, [carl@abqlanduse.com](mailto:carl@abqlanduse.com)  
HDDA RLD Albuquerque LLC, [greg@reviveliving.com](mailto:greg@reviveliving.com)  
Legal, [dking@cabq.gov](mailto:dking@cabq.gov)  
EPC file



# ***CITY OF ALBUQUERQUE AGENCY COMMENTS***

## ***PLANNING DEPARTMENT***

### ***Zoning Enforcement***

### ***Long Range Planning***

## ***CITY ENGINEER***

### ***Transportation Development***

- The Transportation has no objection to the Zoning Map Amendment for this item.

### ***Hydrology Development***

### ***New Mexico Department of Transportation (NMDOT)***

## ***DEPARTMENT of MUNICIPAL DEVELOPMENT***

### ***Transportation Planning***

### ***Traffic Engineering Operations (Department of Municipal Development)***

### ***Street Maintenance (Department of Municipal Development)***

## ***RECOMMENDED CONDITIONS FROM THE CITY ENGINEER:***

## ***WATER UTILITY AUTHORITY***

1. No objections.
2. For information purposes only:
  - 2a. Project site has an existing Water and Wastewater account.
  - 2b. If additional buildout takes place, additional services are needed, or the existing account will be converted, a Request for Availability will be needed.
  - 2c. Link to Availability Statement form: <https://www.abcwua.org/info-for-builders-availability-statements/>

### ***Utility Services***

## ***ENVIRONMENTAL HEALTH DEPARTMENT***

### ***Air Quality Division***

### ***Environmental Services Division***

***PARKS AND RECREATION***

***Planning and Design***

***Open Space Division***

***City Forester***

***POLICE DEPARTMENT/Planning***

***SOLID WASTE MANAGEMENT DEPARTMENT***

If the zone amendment is approved by the EPC, the minimum refuse service for a multi-family dwelling site of 169 units will be 92.95 cubic yards of refuse, and 20.28 cubic yards of recycle that will have to be disposed of each week. Trash enclosures must meet City of Albuquerque's minimum requirements, and a site plan approved for access by the Solid Waste Department will be required.

***FIRE DEPARTMENT/Planning***

***TRANSIT DEPARTMENT***

***COMMENTS FROM OTHER AGENCIES***

***BERNALILLO COUNTY***

***Public Works Division, Transportation Planning***

No adverse comment. No nearby BC roads or intersections.

***ALBUQUERQUE METROPOLITAN ARROYO FLOOD CONTROL AUTHORITY***

No adverse comments to the zone map change.

***ALBUQUERQUE PUBLIC SCHOOLS***

**1. Project #2023-008380**

- a. EPC Description: RZ-2023-00011, Zoning Map Amendment (Zone Change).
- b. Site Information: North Albuquerque Acres, Tract A, Unit A, Z1A.
- c. Site Location: Located at 7620 Pan American Freeway NE, between San Francisco Dr NE, and Del Rey Ave NE.
- d. Request Description: The applicant is requesting approval of a Zoning Map Amendment to change the zoning from NR-LM to MX-H, to convert a hotel to apartments.
- e. APS Comments: Existing residential development at this location impacts EG Ross Elementary School, McKinley Middle School, and Del Norte High School.
  - a. Residential Units: 169
  - b. Est. Elementary School Students: 43
  - c. Est. Middle School Students: 18

d. Est. High School Students: 19

e. Est. Total # of Students from Project: 80

\*The estimated number of students from the proposed project is based on an average student School Capacity

School	2022-2023 (40 <sup>th</sup> Day) Enrollment	Facility Capacity	Space Available
EG Ross Elementary School	405	512	107
McKinley Middle School	484	600	116
Del Norte High School	1,076	1,393	317

To address overcrowding at schools, APS will explore various alternatives. A combination or all of the following options may be utilized to relieve overcrowded schools.

- Provide new capacity (long term solution)
  - Construct new schools or additions
  - Add portables
  - Use of non-classroom spaces for temporary classrooms
  - Lease facilities
  - Use other public facilities
- Improve facility efficiency (short term solution)
  - Schedule Changes
    - Double sessions
    - Multi-track year-round
  - Other
    - Float teachers (flex schedule)
- Shift students to Schools with Capacity (short term solution)
  - Boundary Adjustments / Busing
  - Grade reconfiguration
- Combination of above strategies

All planned additions to existing educational facilities are contingent upon taxpayer approval.

***MID-REGION METROPOLITAN PLANNING ORGANIZATION (MRMPO)***

***MIDDLE RIO GRANDE CONSERVANCY DISTRICT***

***PUBLIC SERVICE COMPANY OF NEW MEXICO***



**Figure 1:** Looking south at subject site, 7620 Pan American Freeway



**Figure 2:** Public Notification Sign posting in front of 7620 Pan American Freeway





**Figure 3:** Looking northeast at Subject Site.



**Figure 4:**  
Looking west at  
subject site from  
rear parking lot.





**Figure 5:** Closeup of property from rear parking lot looking west showing vandalism and trespassing.



**Figure 6:** Looking south from subject site towards N. Pino drainage channel and NMDOT District 3 offices/ service yard in background.



## HISTORY

The subject site was part of a larger  
annexation approved on December 20, 1965  
(Ordinance 2765)

## ZONING

Please refer to IDO Section 14-16-2-4(D) for the MX-H  
Zone District

## APPLICANT 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: HDDA RLD ALBUQUERQUE LLC		Phone: 1-615-495-3680
Address: 1 Ravina Dr Floor 9th		Email: greg@reviveliving.com
City: Atlanta	State: GA	Zip: 30346-2112
Professional/Agent (if any): ABQ Land Use Consulting LLC - Carl Garcia		Phone: 505-306-6289
Address: 6300 Riverside Plaza Ln NW Ste 100		Email: carl@abqlanduse.com
City: Albuquerque	State: NM	Zip: 87120
Proprietary Interest in Site: Agent	List all owners: HDDA RLD ALBUQUERQUE LLC	

### BRIEF DESCRIPTION OF REQUEST

Zone map amendment - EPC

Zone map amendment from NR-LM to MX-H

### SITE INFORMATION (Accuracy of the existing legal description is crucial! Attach a separate sheet if necessary.)

Lot or Tract No.: Z1A	Block: 6	Unit:
Subdivision/Addition: N ABQ Acres Tract A Unit A	MRGCD Map No.:	UPC Code: 101806306622830605
Zone Atlas Page(s): D-18	Existing Zoning: NR-LM	Proposed Zoning: MX-H
# of Existing Lots: 1	# of Proposed Lots:	Total Area of Site (acres): 3.805

### LOCATION OF PROPERTY BY STREETS

Site Address/Street: 7620 Pan American Frwy NE	Between: San Francisco Dr NE	and: Del Rey Ave NE
--	------------------------------	---------------------

### CASE HISTORY (List any current or prior project and case number(s) that may be relevant to your request.)

NA

Signature: <i>Carl Garcia</i>	Date: 3-7-2023
Printed Name: ABQ Land Use Consulting LLC - Carl Garcia	<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? No 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

**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.**

Signature:

*Carl Garcia*

Date: 3-7-2023

Printed Name: Carl Garcia - ABQ Land Use Consulting LLC

☐ Applicant or ☒ Agent

**FOR OFFICIAL USE ONLY**

Project Number:

Case Numbers

-

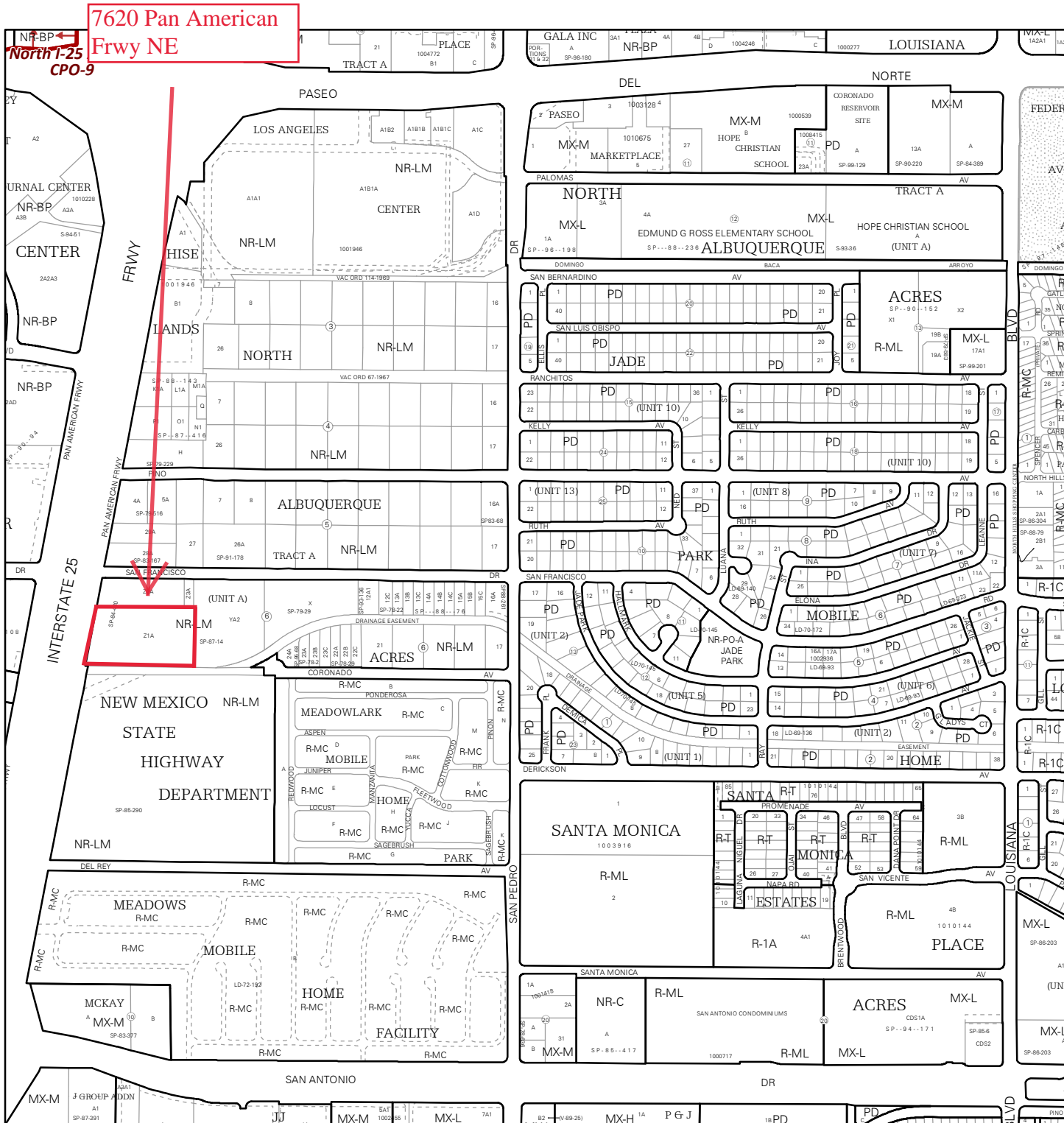
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-

Staff Signature:

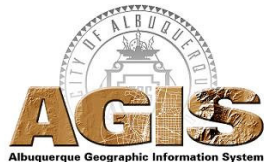
Date:



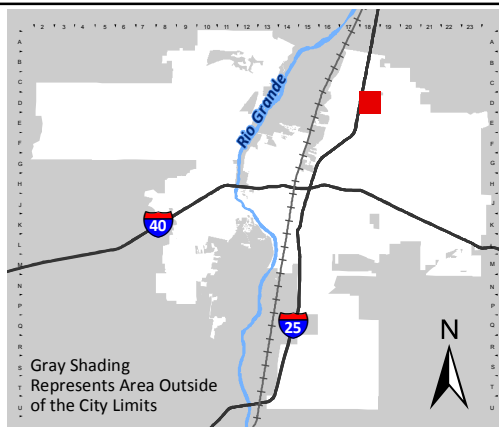


For more details about the Integrated Development Ordinance visit: <http://www.cabq.gov/planning/codes-policies-regulations/integrated-development-ordinance>

# 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: D-18-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





# ABQ Land Use Consulting LLC

Planning & Zoning Process Specialists

## AGENT AUTHORIZATION FORM

Address: 7620 Pan American Frwy NE

City: Albuquerque State: Nm Zip 87109

Lot(s): Z1A Block: 6

Subdivision: N ABQ ACRES TRACT A UNIT A

UPC: 101806306622830605

Legal Description: TRACT Z-1-A OF REDIVISION TRACTS Z-1, Z-2 & Z-3 BLK 6 (NOW COMPRISING TRACTS Z-1-A, Z-2-A & Z-3-A BLK 6) TRACT A UNIT ANORTH ALBUQUERQUE ACRES CONT 3.8058 AC

Description of request: Zone map amendment (Zone change)

The registered property owner(s) of subject property do hereby authorize ABQ Land Use Consulting LLC – Carl Garcia and/or representatives to act on my/our behalf on all matters relating to this application. We certify that all information submitted in this application is true and accurate to the best of our knowledge.

Property Owner 1: HARRIS - ALBUQUERQUE, LLC (Declarant)

Property Owner 2:

Property Owner(s) Address (if different from above):

Phone 1:

Phone 2:

Email 1:

Email 2:

Signature 1: A.T. Burt - AUTHORIZED SIGNATORY Date: 03.08.2023

Signature 2: Date:

## AJ Belt

---

**From:** Greg Presley  
**Sent:** Tuesday, March 7, 2023 6:59 PM  
**To:** Tim Moore  
**Cc:** AJ Belt; Simon Burgess  
**Subject:** Fwd: Please sign and return letter of authorization  
**Attachments:** 7620 Pan American Frwy NE - Agent authorization.pdf

Tim,

Here is a form that Carl is asking for a signature.

I spoke with him today and he feels strong that we will get the MF use change.

Let me know if you need further information.

Greg A. Presley  
SVP of Development  
Revive Living Development  
102 W 3rd St. Suite 725  
Winston-Salem, NC 27101  
Direct 1-615-495-3680

Begin forwarded message:

**From:** Carl Garcia <carl@abqlanduse.com>  
**Date:** March 7, 2023 at 5:50:31 PM CST  
**To:** Greg Presley <greg@reviveliving.com>  
**Subject:** Please sign and return letter of authorization

Greg,

Can you please sign and return this form, I'm unable to locate a signed authorization.

Thanks,

--

Carl Garcia  
ABQ Land Use Consulting LLC  
[abqlanduse.com](http://abqlanduse.com)  
[carl@abqlanduse.com](mailto:carl@abqlanduse.com)  
505-310-2400



# City of Albuquerque

Planning Department  
Development Review Services Division

## Traffic Scoping Form (REV 07/2019)

**Project Title:** EPC Zone change request **Building Permit #:** \_\_\_\_\_ **Hydrology File #:** \_\_\_\_\_  
**Zone Atlas Page:** D-18 **DRB#:** \_\_\_\_\_ **EPC#:** \_\_\_\_\_ **Work Order#:** \_\_\_\_\_  
**Legal Description:** TRACT Z-1-A OF REDIVISION TRACTS Z-1, Z-2 & Z-3 BLK 6 (NOW COMPRISING TRACTS Z-1-A, Z-2-A & Z-3-A BLK 6)  
**City Address:** 7620 Pan American Frwy NE  
**Applicant:** ABQ LAND USE CONSULTING LLC **Contact:** CARL GARCIA  
**Address:** 6300 Riverside Plaza Ln NW Ste 100, Alb, NM 87120  
**Phone#:** 505-306-6289 **Fax#:** \_\_\_\_\_ **E-mail:** carl@abqlanduse.com

### Development Information

**Build out/Implementation Year:** 1986 per Accessor record **Current/Proposed Zoning:** NR-LM to MX-H

**Project Type:** New: ( ) Change of Use: (☒) Same Use/Unchanged: ( ) Same Use/Increased Activity: ( )

**Proposed Use (mark all that apply):** Residential: (☒) Office: ( ) Retail: ( ) Mixed-Use: ( )

**Describe development and Uses:**

Convert a hotel to apartments

**Days and Hours of Operation (if known):** Permanent residents if zone change is approved. Will be changed to apartments

### Facility

**Building Size (sq. ft.):** 46,164 square feet

**Number of Residential Units:** 169

**Number of Commercial Units:** None

### Traffic Considerations

**Expected Number of Daily Visitors/Patrons (if known):\*** Unknown

**Expected Number of Employees (if known):\*** Approximately 10-15

**Expected Number of Delivery Trucks/Buses per Day (if known):\*** Unknown

**Driveway(s) Located on:** Street Name Pan American frwy and San Francisco Dr. NE

**Adjacent Roadway(s) Posted Speed:**

Street Name	<u>Pan American frwy</u>	Posted Speed	<u>45mph</u>
-------------	--------------------------	--------------	--------------

Street Name	<u>San Francisco Dr NE</u>	Posted Speed	<u>25mph</u>
-------------	----------------------------	--------------	--------------

ITE Land Use #220  
Mutifamily Housing  
(Low-Rise) 169 DUs  
AM peak 75 trips  
PM peak 93 trips

*\* If these values are not known, assumptions will be made by City staff. Depending on the assumptions, a full TIS may be required*

### Roadway Information (to be completed by City of Albuquerque staff)

Comprehensive Plan Corridor Designation/Functional Classification: Urban Interstate Frontage  
Comprehensive Plan Center Designation: none  
Jurisdiction of roadway (NMDOT, City, County): NMDOT  
Adjacent Roadway(s) Traffic Volume: \_\_\_\_\_ Volume-to-Capacity Ratio: \_\_\_\_\_  
Adjacent Transit Service(s): \_\_\_\_\_ Nearest Transit Stop(s): \_\_\_\_\_  
Current/Proposed Bicycle Infrastructure: \_\_\_\_\_

### TIS Determination

**Note:** Changes made to development proposals / assumptions, from the information provided above, will result in a new TIS determination.

**Traffic Impact Study (TIS) Required:** Yes [ ☐ ] No [ ☒ ] **Borderline** [ ☐ ]

Thresholds Met? Yes [ ☐ ] No [ ☒ ]

Mitigating Reasons for Not Requiring TIS: \_\_\_\_\_ Previously Studied: [ ☐ ]

Notes:

*M. P. E.*

3/7/2023

TRAFFIC ENGINEER

DATE

### Submittal

The Scoping Form must be submitted as part of any building permit application. See the Development Process Manual Chapter 7.4 for additional information.

Submit by email to [plndrs@cabq.gov](mailto:plndrs@cabq.gov) and to the City Traffic Engineer. Call 924-3991 for information.

### Site Plan Checklist

Site plan, building size in sq. ft. (show new, existing, remodel), to include the following items as applicable:

1. Access -- location and width of driveways
2. Sidewalks
3. Bike Lanes (check for designated bike routes, long range bikeway system) ([check MRCOG Bikeways and Trails in the 2040 MTP map](#))
4. Location of nearby multi-use trails, if applicable ([check MRCOG Bikeways and Trails in the 2040 MTP map](#))
5. Location of nearby transit stops, transit stop amenities (eg. bench, shelter)
6. Adjacent roadway(s) configuration (number of lanes, lane widths, turn bays, medians, etc.)
7. Distance from access point(s) to nearest adjacent driveways/intersections



# ABQ Land Use Consulting LLC

## Planning & Zoning Process Specialists

March 9, 2023

*REVISED 3/24/23 (revisions underlined)*

David Shaffer, Chair  
Environmental Planning Commission  
City of Albuquerque  
600 Second Street NW  
Albuquerque, New Mexico 87102

RE: Zoning Map Amendment for 7620 Pan American Freeway NE

Dear Mr. Chair and EPC Commissioners,

On behalf of the applicant, HDDA RLD Albuquerque, LLC, I respectfully submit to the EPC this Zone Map Amendment request for 7620 Pan American Freeway NE, a 3.8-acre site located east of Interstate 25 and south of San Francisco Rd. NE (see full legal description in the application form). This letter will describe how this request for a zone change from NR-LM to MX-H is consistent with the public health, safety, and welfare and how approval of the request would implement ABC Comprehensive Plan Goals and Policies. This letter will further justify this request as being consistent with the review and decision criteria specified in the Integrated Development Ordinance (IDO) Section 14-16-6-7(G)(3).

### Project Request

The applicant proposes to rezone the 3.8-acre site from NR-LM (Non-residential – Light Manufacturing) to MX-H (Mixed-use - High Intensity). The property presently is developed with a 3-building hotel. If approved, the request would allow the applicant to convert these buildings from a hotel into a 169 dwelling-unit apartment complex. This request would further the goals and purpose of ABQ Housing Forward 2022 and implement elements of the ABC Comprehensive Plan.

This site abuts I-25 and the North Pino Arroyo (identified with a red dot below). The property is located near three single-family residential neighborhoods (Albuquerque Meadows Residents Association to the south and Meadowbrook Park and Jade Park to the east) zoned R-MC, R-MC, and PD, respectively. The site is north of the NMDOT office complex and south of another hotel, with warehousing, self-storage, and light manufacturing uses in the general vicinity. This lot is surrounded by NR-LM zoning with NR-BP zoning west of I-25 (see the site context table and maps below).

**TABLE 1. SURROUNDING ZONING & LAND USE**

	Land Use	Zoning
--	----------	--------

1

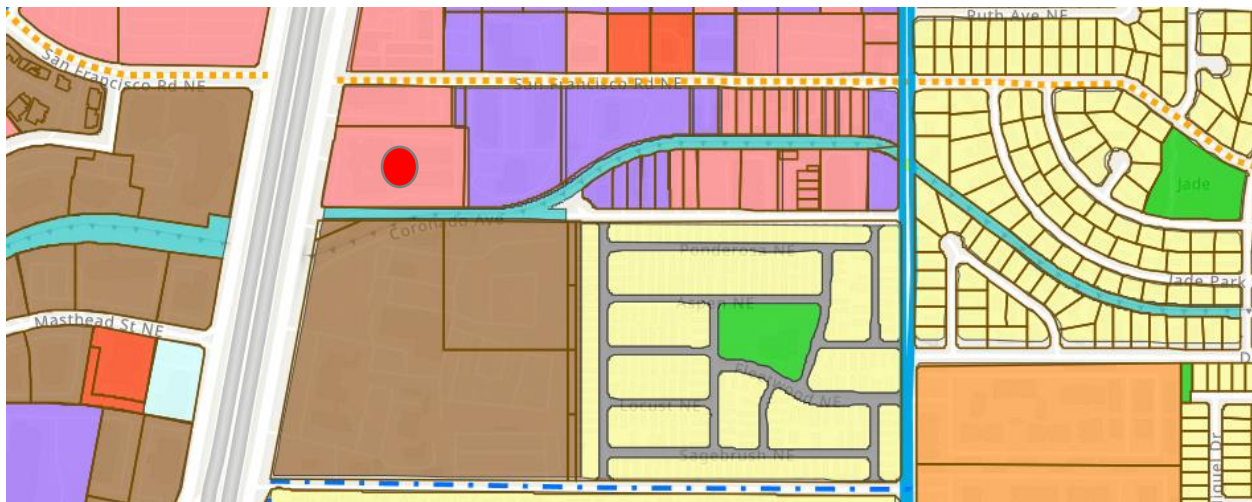


# ABQ Land Use Consulting LLC

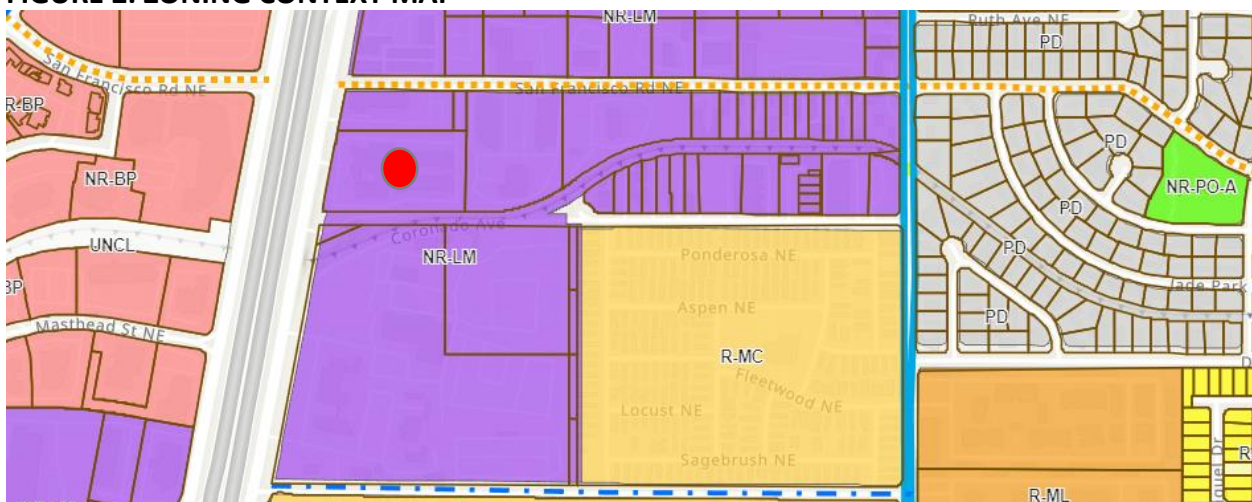
Planning & Zoning Process Specialists

Subject Site	Hotel	NR-LM (Non-residential – Light Manufacturing)
<b>North</b>	Hotel	NR-LM (Non-residential – Light Manufacturing)
<b>South</b>	Office	NR-LM (Non-residential – Light Manufacturing)
<b>East</b>	Warehousing	NR-LM (Non-residential – Light Manufacturing)
<b>West</b>	Office	NR-BP (Non-residential – Business Park)

**FIGURE 1. LAND USE CONTEXT MAP**



**FIGURE 2. ZONING CONTEXT MAP**





# ABQ Land Use Consulting LLC

## Planning & Zoning Process Specialists

### Purpose of Request

The purpose of this request is to allow the owner to convert this property from a hotel use to multi-family. The existing hotel is considered a commercial use that is allowed in the mixed-use zones all the way to the non-residential zones. Because people do not live in a hotel permanently, it is not considered a residential use. However, this use uniquely blurs the boundary between residential and commercial due to the fact that the service provided is dwelling space. Hotels typically have on-site amenities similar to larger apartment complexes. But because of the wide range of zones this use is allowed in, they may locate in areas that are not traditionally seen for residences. Hotels are allowed in all 4 mixed-use zones and the first 4 non-residential zones, while multi-family dwellings are allowed in the highest two residential zones and all 4 mixed-use zones.

The impetus of the request is to respond to the civic and market need for more housing in Albuquerque. Like most cities, there is a need for more housing units. Albuquerque needs between 13,000 and 33,000 new units to address the housing supply. In 2022, Albuquerque announced “Housing Forward ABQ,” which analyzed the housing need in the city and proposed a set of bold strategies to address the housing crisis. The main goal of this effort is to create 5,000 new units of housing in addition to what the private housing market is already anticipated to generate. This goal would ramp up the number of dwelling units provided in the next several years through implementing several innovative strategies.

There is a critical need for more housing units to accommodate the existing and future demand for housing at all income levels. To try to address part of the proposed housing shortfall, we are setting a goal of adding at least **5,000 additional housing units** above and beyond what the private housing market will provide to the current supply in Albuquerque for the entire range of users by 2025. While this will not meet the entire demand for housing over the next several years, it will begin to catalyze the development of various housing types to meet the demands from all segments of the Albuquerque community.

– Housing Forward ABQ

The first strategy to achieve this ambitious goal is through conversions of hotel/motel properties to supportive or affordable housing. Albuquerque Mayor Tim Keller said that the redevelopment of hotels to housing units is vital to increasing supply and that it is “low-hanging fruit” to respond to the housing crisis (see ABQ Journal article: Mayor Tim Keller: ‘Housing supply is a crisis,’ October 26, 2022). This zone change request is in alignment with that approach. According to Housing Forward ABQ, the format of hotels is one that immediately lends itself to conversion to affordable, studio housing. Each hotel room is equipped with a private bathroom and can be retrofit with a small kitchen at minimum cost. The IDO provides several related definitions and use-specific standards that provide guidance on how this use can be implemented in ways that are safe and supportive for residents and the community.





# ABQ Land Use Consulting LLC

Planning & Zoning Process Specialists

Additional Applicant Response: This request to change the zoning of the property from NR-LM to MX-H is considered a down zone, because there are less intense uses allowed at the site. The MX-H zone is the most compatible zone district to the surrounding properties that allows multi-family uses. This zone district is the best zone based on the review criteria for Zone Map Amendments, IDO Section 14-16-6-7(G)(3), as demonstrated in the Zone Change Criteria section below. While the purpose of the request is to allow multi-family residential dwellings in the near term, if approved, all of the uses allowed in the MX-H zone are also allowed. The future land use could change to or add any of those uses. The uses that are currently allowed in NR-LM but not allowed in MX-H will no longer be allowed, or will require conditional use approval in some cases. See section 6-7(G)(3), below, for a full list of the differences in land uses that are allowed permissively, conditionally, or accessory between the current zone and the requested zone.

The MX-H zone is the best transition to the nearby NR-LM uses because it is the zone with the most similarities in terms of uses to the surrounding NR-LM zone district. All of the other Mixed-use zones are intended to be lower density and serve as a transition to other residential and low-density/intensity uses. Because this lot is surrounded by NR-LM, the Interstate Highway, and NR-BP uses west of I-25, there is no need for a lower intensity zone to serve as a transition. The MX-H zone is the most intense zone that allows multi-family uses, so because of this, it is the most compatible with the surrounding NR-LM zone district set of allowable uses. Because the uses developed on those abutting uses are not the most intense uses allowed in that zone, the multi-family uses that are desired by the applicant are compatible in this location. Finally, there are residential uses and parks within ½ mile of this property that can serve future residents (see Figure 1, above).

## **Zoning & Use Analysis**

This site was zoned NR-LM when the Integrated Development Ordinance went into effect in May 2018. This zone most closely matched the former M-1 zone, Light Manufacturing, in terms of uses allowed. The NR-LM zone is intended to accommodate moderate-intensity commercial, light assembly, fabrication, and manufacturing uses, while buffering adjacent lower-intensity Residential and Mixed-use zone districts.

The surrounding area is generally developed with less intensity than is allowed in the NR-LM zone district. The majority of uses allowed on abutting lots would also be allowed in the MX-H and NR-C zone districts due to the size, design, or use of the lot. Both office and hotel are allowed in all 4 of the mixed-use zones and the first 4 non-residential zones. Warehousing is allowed conditionally in MX-M and MX-H and permissively in the first 4 non-residential zones. The nearby manufacturing is of a size it could be considered Artisan Manufacturing, which is allowed in all 4 of the mixed-use zones and the first 4 non-residential zones. If the production process is such that it does not meet the Artisan Manufacturing use, it would be classified as Light Manufacturing, which is allowed permissively in the first 4 of the non-residential zone





## ABQ Land Use Consulting LLC

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districts. All of the uses on nearby lots are compatible with the MX-H zone district being requested in this application. The significance of this is that while this area is zoned for light manufacturing, it is essentially developed as a higher-intensity mixed-use district.

The applicant certifies that this development will be consistent with all applicable Use-Specific Standards for Multi-family Dwelling and all applicable IDO definitions. Any future development on this property will be consistent with the uses and standards provided in the MX-H zone district.

#### **Planning Context and Designations**

The subject site is within the North Albuquerque Community Planning Area. It is designated as an Area of Consistency, as designated by the Comprehensive Plan, which means it is an area where development must reinforce the character and intensity of existing development. It is in a location surrounded entirely within other land designated as Area of Consistency, primarily because none of the abutting corridors are designated by the Comprehensive Plan as corridors where change is desired.

The subject site abuts Pan American Freeway, which is designated by the MRCOG Long Range Roadway System as a road type 6, other, as an Interstate Freeway frontage road. This road carried slightly over 5,000 average daily trips in 2017. The subject site is not within a Comp Plan designated Center or Corridor.

#### **Neighborhood Outreach**

The Applicant has followed all notification procedures required in Table 6-1-1 of the IDO. There are no neighborhood associations that include this property or that abut this property.

Public Notice of the application submittal was mailed to all property owners within 100 feet of the property, excluding right-of-way. A sign was posted on the property prior to application submittal to notify anyone that may be driving or walking past the property. Evidence of these required notifications is provided with the application. The required published and web posting notice will be performed by the Planning Department after submittal of this application.

#### **Zone Map Amendment Justification**

This request for a Zoning Map Amendment for a property under 10 acres in an Area of Consistency is a policy-based decision made by the EPC. This request complies with the eight review and decision criteria outlined in Section 14-16-6-7(G)(3) of the Integrated Development Ordinance (IDO), and is justified as follows:

14-16-6-7(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



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applicable Goals and Policies in the ABC Comp Plan, as amended, and other applicable plans adopted by the City.

**Applicant Response:** *The proposed Zoning Map Amendment fulfills criterion 6-7(G)(3)(a) by maintaining the health, safety, and general welfare of the City because the request is consistent with the following Comprehensive Plan goals and policies:*

**Policy 4.1.1 - Distinct Communities:** Encourage quality development that is consistent with the distinct character of communities.

**Applicant Response:** *This request to establish MX-H zoning for the subject site will encourage quality development that is consistent with the distinct character of the North Albuquerque community. The request will allow new uses at the subject site and will trigger reinvestment in this property to convert the hotel to a multi-family dwelling. A broader range of uses will be allowed in the existing buildings, which will add more vitality and activity at the existing development.*

**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.

**Applicant Response:** *The subject site is located on Pan American Freeway, the frontage road to Interstate 25. Much of this commercial corridor is developed with hotel, office, and light manufacturing uses and zones. However, there are single-family residential neighborhoods interspersed along the I-25 corridor in the near vicinity. If approved, the MX-H zone will allow the property to be converted to multi-family residential uses, which is consistent both with nearby uses and nearby development form and character. The zone change request will maintain the existing development and buildings, so the ultimate character of the surrounding development will remain unchanged. Any future construction or reconstruction of the buildings at this site will follow all building design standards, and therefore fulfil the IDO's building design and character requirements. The relatively small lot size (in comparison to other lots in the area) means that the existing development will remain in scale and context with the surrounding area.*

*The proposed mix of uses allowed by MX-H is generally consistent with uses allowed in the current NR-LM zone. However, the requested MX-H zone also allows multi-family residential uses. This is the most significant land use distinction between the NR (non-residential) zones and the MX (mixed-use zones). The MX-H uses are generally characterized as "large-scale destination retail and high-intensity commercial,*



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*residential, light industrial, and institutional uses, as well as high-density residential uses.”*

*The scale, location, mix of uses, and character of building design will be consistent with existing development in the vicinity. The requested MX-H zone district is compatible with surrounding land uses, which would act to reinforce established character and protect identity and cohesiveness in the North Albuquerque Community Planning Area. Because there is no plan to demolish any of the existing structures in the near term, any future construction in a longer time frame at this site will comply with the setbacks, building massing, and any future design standards that may be developed during the CPA process.*

**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.

**Applicant Response:** *This location is not in a Comp Plan designated Center or Corridor. Therefore, it is appropriate to maintain the existing density and scale of development in this area. The request would allow an adaptive reuse of 3 existing buildings, which will maintain the same density and scale of development at this site. The use of the site will remain stable, other than changing from overnight to short term rentals to monthly lease periods.*

**Goal 5.2 Complete Communities:** Foster communities where residents can live, work, learn, shop, and play together.

**Applicant Response:** *The request for MX-H zoning will allow an appropriate range of uses to allow residents to live, work, learn, shop, and play together. The current NR-LM zone does not allow residential uses, and this is an area that already contains low-density residential uses. Allowing higher-density residential uses to this area will not be harmful, and in fact is more appropriate than single-family residential uses due to the convenient access to the transportation system. The uses allowed in the NR-LM zone and the uses currently developed on the abutting lot are hotel, office, and warehouse. All of these uses are allowed in the MX-H zone district. All of these uses are allowed in the MX-H zone district. Therefore, the new uses that would be allowed in the MX-H zone (further described in justification criterion 6-7(G)(3)(d) below) are compatible with the existing uses and will not significantly change the character of the surrounding development.*

**Policy 5.2.1(h) - Land Uses:** Encourage infill development that adds complementary uses and is compatible in form and scale to the immediately surrounding development



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**Applicant Response:** *This request would encourage infill development that adds complementary uses that are compatible in form and scale to the immediately surrounding development because the zone requested would allow an adaptive reuse of the existing hotel with a slightly different land use that is desperately needed in Albuquerque. The form and scale of the infill development will be compatible because it is an existing development that will be renovated and upgraded. See Criterion D, below, for a complete comparison of the uses allowed in the NR-LM zone as compared to the MX-H zone.*

**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.

**Applicant Response:** *This request would promote development patterns that maximize the utility of existing infrastructure and public facilities and the efficient use of land by allowing the site to be redeveloped with additional residential dwellings. Because of the housing crisis facing the city, Mayor Tim Keller wants to prioritize adaptive reuse of existing hotels for longer term residential dwellings. In many locations this use would be allowed, but this is a Non-residential zone, so a zone change is required for this conversion. As analyzed in this letter, this location is appropriate for residential uses and the zone change will not harm the nearby businesses, residents nor the residents of the future multi-family apartment complex. All of the other uses allowed in the MX-H zone are also compatible with the surrounding development and would also contribute to efficient development patterns to maximize existing infrastructure and public facilities.*

**Policy 5.4.1 Housing near Jobs:** Allow higher-density housing and discourage single-family housing near areas with concentrated employment. [ABC]

- a) Prioritize higher-density housing where services and infrastructure are available.
- b) Prioritize mixed-use development near where substantial employment exists in Employment Centers.
- c) See Housing Goal 9.1 for policies about housing supply and affordability.

**Applicant Response:** *The request will allow higher-density housing near areas with concentrated employment. The Jefferson Employment Center is directly west of the subject site, and there are also concentrations of employment along I-25. This request will allow higher-density housing in a location with existing services and infrastructure, and adds housing to an area where substantial employment exists.*



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**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.

**Applicant Response:** *The request is located in an Area of Consistency. Because it is an adaptive reuse of an existing building, the new use will continue to reinforce the character and intensity of the surrounding area. All of the uses allowed in the MX-H zone are also compatible with the character of the surrounding area.*

**Policy 5.6.3 Areas of Consistency e)** In areas with predominantly non-residential uses, carefully consider zone changes from non-residential to mixed-use or residential zones for potential impact on land use compatibility with abutting properties, employment opportunities, and historic development patterns.

**Applicant Response:** *This request would allow higher-density residential uses in a predominantly non-residential area. Generally, residential uses are not appropriate within an area that has NR zoning. This allows higher intensity uses to be developed without impacting nearby neighborhoods. However, this is an existing use where people stay overnight and some extended stays. As such, this property is unlikely to be used as or redeveloped with job concentrations. The area predominantly has smaller lots, some of which have also been converted to multi-family residential zones. Allowing monthly leases – and fully residential uses – will not negatively impact land use compatibility with the abutting properties. There are not existing uses or development that would harm or be harmed by allowing longer-term residential leases at this property. There will be an approximately similar number of employment opportunities as there are currently. All of the uses allowed in the MX-H zone are also compatible with the character of the surrounding area.*

**Policy 9.1.1 Housing Options:** Support the development, improvement, and conservation of housing for a variety of income levels and types of residents and households.

**Applicant Response:** *The request supports and facilitates the development and improvement of housing for a variety of income levels and types of residents. The dwellings will primarily serve smaller households at the lower end of the economic spectrum. This end of the market is particularly underserved, in light of the rising home and rent prices and the increasing numbers of people living in homelessness in our community. Providing more housing can help ameliorate both the housing shortage and perhaps also have a positive impact on rental rates. If approved, this request will have an*



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*immediate impact on increasing the supply of housing that is affordable for all income levels because the overall number of housing units have been increased, thereby increasing the supply. If, in the future other uses besides multi-family residential are developed at this property, this policy would not be applicable to the request. However, there is nothing in the request that conflicts with this policy.*

**Policy 9.1.2 Affordability:** Provide for mixed-income neighborhoods by encouraging high-quality, affordable and mixed income housing options throughout the area.

- b) Encourage a diversity of housing types, such as live/work spaces, stacked flats, townhouses, urban apartments, lofts, accessory dwelling units, and condominiums.
- c) Encourage housing types that maintain the scale of existing single-family neighborhoods while expanding housing options.
- d) Encourage the development of higher-density affordable and mixed-income housing in Downtown, near job centers, and along transit corridors.

**Applicant Response:** *The request would allow development of approximately XX new multi-family dwelling units. The site will complement the existing single-family neighborhoods in the near vicinity. This request will encourage the development of higher-density housing near job centers, while being just outside of existing single-family neighborhoods so the scale of those existing communities is not impacted. If, in the future other uses besides multi-family residential are developed at this property, this policy would not be applicable to the request. However, there is nothing in the request that conflicts with this policy.*

**Goal 5.7 - Implementation Processes:** Employ procedures and processes to effectively and equitably implement the Comp Plan.

**Applicant Response:** *The requested zone map amendment follows an established IDO procedure to address land use and development needs that may not be adequately accommodated by the current zone. Increased demand for housing means that the City should support all efforts to add housing and support private efforts to add housing in areas that would be appropriate for new housing units. The request will support efforts to effectively and equitably implement the Comp Plan, and the request does not conflict with any policies or goals.*

14-16-6-7(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





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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 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).

**Applicant Response:** *This request will clearly reinforce or strengthen the established character of the surrounding Area of Consistency by allowing new uses that are compatible with the existing development in the nearby area. As described in the policy analysis portion of the justification letter, this request will allow the addition of residential uses in an area with existing non-residential and jobs focus. This is consistent with adopted policy guidance for bringing housing to existing employment centers. None of the new uses allowed in the MX-H zone are incompatible with the uses on nearby lots. Because the development of this area is substantially less intense than what is allowed in the NR-LM zone district, adding higher-density residential uses will continue to strengthen the character of the surrounding area. The removal of some uses that are allowed in the NR-LM zone will not weaken the established character of the area because many of the uses allowed in the NR-LM zone are not developed in the area. Therefore, the character of the area is very similar to the character of areas developed with MX-H zoning. Therefore, the request would clearly strengthen and reinforce the established character of this Area of Consistency.*

*This request and application demonstrate that there has been a significant change in community conditions affecting the site and that a different zone district is more advantageous to the community as articulated by the ABC Comprehensive Plan and other applicable adopted City plans.*

*The subject site is located within an "Area of Consistency" as designated by the Comprehensive Plan. If approved, this zone change would allow the property owner to make investments in this property that will respond to significant changed community conditions affecting the site. The current hotel use is underutilized due to an abundance of hotel and private short-term rental accommodations in Albuquerque. In recent years short-term home rentals have been popularized through services such as Vacation Rental By Owner (VRBO) and Air BnB Rentals. This new market trend has allowed property owners across the county to rent any residential property similar to hotels, but without having a hotel business or commercial zone district.*



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*Residential property owners are able to get higher rental rates by renting by the night, so it is a smart economic move for small-scale capitalists who own or want to invest in single-family residential property. The explosion of this new business model has had the unintended consequence of removing a substantial amount of housing stock from availability for standard home or apartment rentals for residential dwelling purposes. This trend has moved commercial uses into neighborhoods, but there has been little done to replace those dwellings that used to be standard month-to-month rentals. This has created a massive deficit in the number of permanent housing units. Another changed community condition is a result of the COVID pandemic, which sent many people out of big cities into smaller communities like Albuquerque, which has a relatively lower cost of living and a great deal of open space and public amenities that became more desirable during the peak of the pandemic. Our fair city remains a desirable and in demand place to live. These changed community conditions have served to both make the current commercial use of this property less viable while also making the proposed residential uses more viable, if the zone change request is approved.*

*The proposed use is more advantageous to the community as it implements numerous Community Identity, Land Use, and Housing goals and policies of the Comp Plan, see analysis in section 6-7(G)(3)(a) above. The requested zone also aligns with the existing character and scale of development on this block and in the broader North I-25 Community Planning Area. The requested zone change will help implement a more advantageous land use pattern and development density and intensity for this location. This request will implement Mayor Tim Keller's vision for emergency provision of more housing units at all levels of affordability. The request is also consistent with the policies related to adding housing in locations that are near existing employment centers, which serves to reduce traffic congestion, reduce wear and tear on our street system, and can reduce overall housing + transportation costs for residents.*

*This zone change request would allow underused hotel units to be converted into long-term dwelling units to provide permanent housing for many more residents in the city who may be housing insecure. It will help to address the housing crisis and extreme deficit of at least 13,000 and potentially up to 33,000 dwelling units. The zone change request will allow the property owner to reinvest in the property and make improvements to convert the hotel rooms into full dwelling units. This promotes stability and reinforces the established character of the surrounding Area of Consistency. The zone change request will allow the property owner to respond to changed community conditions and to create more housing units, which is more advantageous to the community than the current land use.*

14-16-6-7(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:





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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 Response:** *The subject site is not located within an Area of Change, so the review and decision criterion 6-7(G)(3)(c) does not apply to this request.*

14-16-6-7(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 16-16-4-3 associated with that use will adequately mitigate those harmful impacts.

**Applicant Response:** *The requested zoning will not include permissive uses that would be harmful to adjacent property, the neighborhood, or the community.*

### **Permissive Uses within NR-LM vs. MX-H Zone Districts**

*A comparison of the uses allowed in the NR-LM vs. MX-H zone districts is provided in the summary table below, which is an excerpt from the IDO Table 4-2-1 Allowable Uses. Yellow highlighting indicates uses that would be allowed in the zone change request is approved, and blue highlighting indicates uses that will no longer be allowed if the zone change request is approved.*

IDO Use Table 4-2-1			
IDO Use	MX-H	NR-LM	USS
Dwelling, townhouse	P		<a href="#">4-3(B)(6)</a>
Dwelling, live-work	P		<a href="#">4-3(B)(7)</a>
Dwelling, multi-family	P		<a href="#">4-3(B)(8)</a>
Assisted living facility or nursing home	P		
Community residential facility, small	P		<a href="#">4-3(B)(9)</a>



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Community residential facility, large	P	I	<a href="#">4-3(B)(9)</a>
Dormitory	P	I	
Group home, medium	P	I	<a href="#">4-3(B)(10)</a>
Group home, large	C	I	<a href="#">4-3(B)(10)</a>
Adult or child day care facility	P	A	
Community center or library	P	C	<a href="#">4-3(C)(1)</a>
Elementary or middle school	P	CV	<a href="#">4-3(C)(2)</a>
High school	P	C	<a href="#">4-3(C)(3)</a>
Hospital	P	I	<a href="#">4-3(C)(4)</a>
Parks and open space	P	C	<a href="#">4-3(C)(7)</a>
Religious institution	P	CV	<a href="#">4-3(C)(8)</a>
University or college	P	CV	
Community garden	P	C	<a href="#">4-3(D)(1)</a>
General agriculture		P	<a href="#">4-3(D)(3)</a>
Kennel		P	<a href="#">4-3(D)(4)</a>
Nursery		P	
Residential community amenity, indoor	P	I	<a href="#">4-3(D)(11)</a>
Heavy vehicle and equipment		P	<a href="#">4-3(D)(17)</a>
Outdoor Vehicle Storage		P	<a href="#">4-3(D)(21)</a>
Blood services facility	C	P	
Construction contractor facility and yard	C	P	<a href="#">4-3(D)(25)</a>
Mortuary	P	C	



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Residential community amenity, outdoor	P	I	
Building and home improvement materials store	C	P	<a href="#">4-3(D)(34)</a>
Cannabis retail	P	A	<a href="#">4-3(D)(35)</a>
Farmers' market	P	CV	<a href="#">4-3(D)(36)</a>
General retail, medium	P	C	<a href="#">4-3(D)(37)</a>
General retail, large	C	I	<a href="#">4-3(D)(37)</a>
Freight terminal or dispatch center		P	<a href="#">4-3(D)(43)</a>
Railroad yard		P	<a href="#">4-3(D)(46)</a>
Geothermal energy generation	A	P	<a href="#">4-3(E)(9)</a>
Recycling drop-off bin facility	A	P	<a href="#">4-3(E)(13)</a>
Salvage yard		C	<a href="#">4-3(E)(15)</a>
Above-ground storage of fuels or feed		C	

*Analysis of the difference in allowed uses between NR-LM and MX-H zone districts, and how those differences could potentially impact surrounding uses.*

- The following uses are allowed permissively or conditionally in the MX-H zone district, but not in the NR-LM zone: Residential dwellings, including townhouse, live-work, multi-family and associated residential community amenities; Assisted living facility or nursing home; Community residential facility; Dormitory; and Group home, medium. There are two non-residential uses that would be allowed – hospital and general retail, large – that are not allowed in the current NR-LM zone. None of these uses could harm or be harmed by the surrounding office, warehousing, or light-manufacturing uses.*



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- *The following uses are allowed permissively or conditionally in the NR-LM zone district but are not allowed in the MX-H zone: general agriculture, kennel, and nursery. These uses could be developed on the surrounding lots but not in the requested zone. Of these uses, kennel is the one that has potential adverse impacts on residential use. The use-specific standard for kennel regarding outdoor animal runs near residential uses will protect future residents at this site if the zone change request is approved. There are also several more industrial uses that are allowed currently but would not be allowed if the zone change is approved. These include heavy vehicle and equipment storage, rental and sales, outdoor vehicle storage, freight terminal or dispatch center, railroad yard, salvage yard, and above-ground storage of fuel or feed. The property owner does not desire to develop any of these uses at the existing property. Because all of the abutting lots are already developed, it is unlikely that any of these uses that may have adverse impacts on future residents at the subject site would be developed in the future.*

*The purpose of the MX-H zone 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. This site's size and existing development, the surrounding zoning and land uses, and the larger context of this area in the North I-25 corridor support a request for MX-H zoning as an appropriate zone for the subject site. This zone is the most closely matched Mixed-use zone to the surrounding NR-LM lots that also allows residential uses. The IDO procedural requirements, dimensional standards, and use-specific standards have been carefully crafted to minimize negative impacts and harmful uses from this zone.*

14-16-6-7(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.

***Applicant Response:*** *The City's existing infrastructure and public improvements will adequately serve the allowable uses in the proposed MX-H zone district. There are existing public safety services, parks, open space, and other community facilities in the area. Existing public infrastructure includes roadways, water, sewer, and storm drain facilities that serve this property. The subject site is already developed with three hotel buildings. Allowing this property to have longer-term residential dwellings rather than only overnight and short-term rentals will*



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*not impact the capacity of existing infrastructure and public improvements. Therefore, criterion 1 of this element is satisfied.*

14-16-6-7(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.

***Applicant Response:*** *The Long Range Roadway System classifications for the nearby streets are:*

- *Pan American Freeway NE is an interstate freeway frontage road owned and operated by NMDOT*
- *Interstate - 25 is an interstate freeway road owned and operated by NMDOT*
- *San Francisco Rd. NW is designated as a local street*

*The subject site is located on a major street – Pan American Freeway is a NMDOT frontage road. However, its location on a major street is not at all used as justification for this request. This zone map amendment request is primarily justified based on the MX-H zone being more appropriate for the community in terms of land uses allowed and consistency with adopted goals and policies, see response to 6-7(G)(3)(a) above. Allowing residential uses at this location will help address the severe housing crisis in Albuquerque, which is more advantageous for the community.*

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

***Applicant Response:*** *The justification for this request is NOT based on the cost of land or economic considerations. The request's consistency with adopted goals and policies is the primary justification for the zone map amendment request, see also response to 6-7(G)(3)(a) above.*

***Additional Applicant Response:*** *The justification provided in this letter is not based completely or predominantly on the cost of land or other economic considerations. The request is justified because it implements the City's goals for housing by allowing conversion of a building that is already used for short-term tenancy. This request will allow a substantial new amount of new dwelling units to be added to the City's stock of housing. The request also furthers the City's goal of adding residential options in areas that are substantially developed with jobs. This provides opportunities for people to live near where they work, can lessen travel times, road congestion, and greenhouse gas emissions and fossil fuel consumption.*

14-16-6-7(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



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facilitate implementation of the ABC Comp Plan, as amended, and at least one 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.

***Applicant Response:*** *This request would apply a zone district different from surrounding zone districts to one small area or one premises, i.e., create a “spot zone.” If approved, this zone change request would establish a different zone than is mapped on any of the adjacent lots. This request will clearly facilitate implementation of multiple, significant city Goals and policies of the ABC Comp Plan, as amended, which is described in response to 6-7(G)(3)(a) above, which are not reiterated here for brevity. The MX-H zone is clearly more advantageous to the community because it will allow for more housing, which is desperately needed in this city.*

*The requested spot zone is further justified because the nature of structures on the property make it unsuitable for the uses allowed in any adjacent zone district. As explained above, a hotel is allowed in the NR-LM zone district. However, there is little demand for this use, particularly in light of the staggering need for more permanent residential dwelling units in Albuquerque. If this request is denied, the property will continue to stagnate and bring in small economic benefits and tax receipts to the city. However, if the zone change is approved, the existing structures will be able to be remodeled and reused as permanent residential dwelling units, filling some of the housing supply need. The changed community conditions, described in justification criteria 6-7(G)(3)(b), above, explain why the current use is no longer suitable for this property. In summary, the public good and benefits of allowing a spot zone far outweigh potential adverse impacts of creating a new spot zone in this location.*

### Conclusion

We respectfully request that City of Albuquerque Environmental Planning Commission approve this Zoning Map Amendment for MX-H (Mixed-use – High Intensity) from NR-L (Non-residential – Light Manufacturing). The Applicant believes this amendment will enhance the character of the area through reinvestment in renovating and upgrading the property, it will increase opportunities to add much needed residential housing capacity in Albuquerque, and it will ensure the goals and policies of the Comprehensive Plan are implemented. All of the application requirements have been satisfied and they are documented in this application.





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For the reasons identified in this project letter and the provided justification of the request for a Zone Map Amendment – EPC, we respectfully request that the Environmental Planning Commission consider and approve this request for MX-H zoning at 7620 Pan American Freeway NE.

If you have any questions or need any additional information, please feel free to contact me at (505) 310-2400 or via email at [carl@abqlanduse.com](mailto:carl@abqlanduse.com).

Sincerely,

*Carl Garcia*

Carl Garcia  
ABQ Land Use Consulting, LLC

### **Excerpts of the Staff Letter and Applicant Response (3/24/23)**

1) Introduction: Nothing to respond to.

2) Key Issues/Project Request:

A. The request is for a zone map amendment from NR-LM to MX-H, which would allow conversion of a hotel into multi-family residential. Rephrase Project Request to explain that this is a “down zone” and MX-H is the closest zone district that would also allow multi-family.

→ Done.

B. Explain how MX-H zoning would be the best zone district based on review criteria IDO 14-16-6-7 (G)(3) and acknowledge that the request is for the whole category.

→ Done.

3) Process: Nothing to respond to.

4) Notification & Neighborhood Issues:

A. Have any property owners within 100 feet of the subject property or members of the public contacted you? Are you aware of any concerns?



## ABQ Land Use Consulting LLC

Planning & Zoning Process Specialists

- Yes, property owners within 100 feet of the subject property were notified. No members of the public have contacted me regarding this request. I am not aware of any concerns regarding this request.

5) Zone Map Amendment (zone change)- General: Nothing to respond to.

6) Zoning & Use Analysis:

- A. Please delete definitions and standards for “Multi-family Dwelling Use-Specific Standards” on pages 4 and 5 because the EPC is only reviewing the zone change request and not the site plan at this stage. These items will be addressed at DFT review for building permit.

→ Done.

- B. Note regarding the difference between a project letter and the justification part of the zone change: for instance, references to promoting the neighborhood, marketing the area, and facilitating economic development are OK for a project letter. If you can find these concepts in the Comp Plan Goals and policies, they can be brought into your justification analysis.

→ Thank you, noted.

7) Zone Map Amendment (zone change)- Concepts & Research:

- A. Responding to the criteria of IDO 14-16-6-7(G)(3) is more of a legal exercise than anything else. It is critical to “hit the nail on the head” both conceptually and in terms of form. This can be done by:

i. answering the questions in the customary way (see examples)

ii. using conclusory statements such as “because\_\_\_\_\_”

iii. re-phrasing the requirement itself in the response.

iv. choosing an option when needed to respond to a requirement.

→ Thank you, noted.

- B. When requesting a spot zone, the test in section 6-7(G)(3)(h) is more rigorous than the test would be if a spot zone was not created. Therefore, the higher standard (and the wording it entails) applies and must be carried over into the response to 6-7(G)(3)(h) (with the same wording).

→ Thank you, noted.



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C. Refer to the link provided below for examples of Zone Map Amendments staff reports:

<https://www.cabq.gov/planning/boards-commissions/environmental-planning-commission/epc-agendas-reports-minutes>

➔ Thank you, noted.

### 8) Zone Map Amendment (zone change)- Section by Section:

Please incorporate the following to provide a strengthened, improved response to 14-16-6-7 (G)(3):

A. 6-7(G)(3)(a): Restate the question in the answer, then add a “because” at the end of the first sentence. Please see examples of how this question is properly answered from previous cases. Each Goal and Policy will need a thorough, detailed response.

- a. Because this is a spot zone in an Area of Consistency, “**further**s criteria 6-7(G)(3)(a)...” is not strong enough (see also Criteria b and h). Show how the request **fulfills** criterion a.

➔ Done.

- b. Choose goals and policies that apply to the zone change request only and not the proposed site plan, because the site plan is not being reviewed yet. Until then, it is difficult to prove quality of design, affordable housing, and similar characteristics. Rephrase responses to note that the new zone category will add new uses and not just the multi-family use. Strengthen responses to show how these new uses will be compatible with existing uses and not significantly change the character of the surrounding development.

➔ Thank you, noted. The responses have been reviewed to ensure there is no mention of a site plan. Responses have been rephrased to discuss all the allowable uses in the new zone category. However, because the request is intended to and will be used to add multi-family uses to this property, those statements remain valid and applicable to this zone change request. The answers have been broadened to address any future uses that may be added to the property or developed in the long-term future if the current hotel buildings become obsolete.

B. 6-7(G)(3)(b): The response must satisfy a two-part test. Show 1) how the request would **clearly reinforce or strengthen** the established character of the surrounding Area of Consistency; and 2) that the existing zoning is inappropriate because **any of the following** criteria: 1, 2, or 3 is being met.



## ABQ Land Use Consulting LLC

### Planning & Zoning Process Specialists

- a. Rewrite response to discuss “how the request would clearly reinforce or strengthen the established character...”

→ Done.

- b. For the second part of the test, just pick one Criterion that best describes why the existing zoning is inappropriate. You chose both Criterion 2 and Criterion 3. Also note that the COVID-19 pandemic is a global phenomenon and not specific to one particular neighborhood or community.

→ Respectfully, the criterion is that the request needs to meet the first criterion and “any” of the following 3 other criteria, not “only” one. Based on my analysis, this request meets 2 of the 3 criteria; therefore, it is appropriate for the justification letter to discuss both items. If you disagree that one of the two criteria analyzed is *inconsistent* with the request, please let me know which one is inappropriate and why. I understand your staff report may hone in on one of the criteria as being more relevant to the request, however, I believe both are relevant and applicable.

- i. Remove all verbiage such as “...it is a smart economic move...” because they conflict w/ Criterion G “...justification is not based completely or predominantly on the cost of land or economic considerations.”

→ Respectfully, Criterion G states that economic considerations may not be the *complete* or *predominant* justification for the request. It does not require that economic considerations may not be *any* part of the reason for the request. The primary reason for the request is that residential units are more consistent with the needs of the community than an underused hotel. The need for more residential units, which can be accommodated in aging hotel buildings, is the sole reason a zone change is being requested for this property. The applicant and I acknowledge that different uses are allowed in the MX-H zone than the current NR-LM zone, and the justification addresses all of the potential uses of this property. However, the intended near-term use as multi-family dwelling units must also be discussed. This explanation of the global pandemic and its impacts on market trends, housing location choices, and people’s shift away from relying only on hotels to the growing market for short-term rentals of residential properties explains and justifies the “changed community conditions.” The justification was revised to make clear that the “smart economic move” is for property owners, in general, to change uses, and is not intended to be describing this particular request in specific.



## ABQ Land Use Consulting LLC

Planning & Zoning Process Specialists

- ii. Reduce length of verbiage in the response – especially re: the COVID pandemic and references to affordability (because the hotel conversion would only provide market rate units).

➔ Done. Verbiage related to the affordability of the housing have been removed. See above for an explanation about why the global pandemic was included in the justification response.

- C. 6-7(G)(3)(c): Update response to cite Criterion **6-7(G)(3)(c)**; otherwise, sufficient.

➔ Done.

- D. 6-7(G)(3)(d): Sufficient.

- E. 6-7(G)(3)(e): Sufficient.

- F. 6-7(G)(3)(f): Sufficient.

- G. 6-7(G)(3)(g) (strengthen): Please re-state the response and show how economic considerations were not the only or predominant reasons for the justification. Removing economic discussions in the justification letter (e.g., on page 11) will help strengthen the request.

➔ Done. Regarding the economic considerations discussed on page 11 of the original justification letter, those specifically pertain to low-density residential properties and are included in the letter to explain the context of the changed community conditions. That context is not used to refer to this commercial property or the future high-density residential uses that are desired to be developed here. I believe that the justification letter adequately describes how economic considerations are not the only or predominant justification for this request.

- H. 6-7(G)(3)(h) (re-do): The proposed zone change meets the definition of a spot zone because it would apply a zone district different from surrounding zone districts to one premise. Therefore, the applicant must show how the proposed zone change satisfies the two-part test: 1) clearly facilitates implementation of the Comp Plan and 2) fulfills one of the criteria (1, 2, or 3) in Criterion H.

- a. Rewrite response to discuss “how the request will clearly facilitate...” Strengthening response to 6-7(G)(3)(a) will prove how the request does that.

➔ Done.

- b. Begin a new paragraph at “The requested zoning is appropriate...” to satisfy the second part of the test. Remove references that emphasize economic considerations.

➔ Done.

## STAFF INFORMATION



March 21, 2023

TO: ABQ Land Use Consulting, LLC  
FROM: Robert Messenger, AICP, Planner  
City of Albuquerque Planning Department  
TEL: (505) 924-3837  
RE: PR-2023-008380 RZ-2023-00011 – ZMA – EPC, 7620 Pan American Freeway NE

---

I've completed a first review of the proposed zone change request. I have a few questions and several suggestions that will help strengthen the justification. I am available to answer questions about the process and requirements. Please provide the following:

- ⇒ A revised zone change justification letter by **12 pm on Wednesday, March 30, 2023.**
- ⇒ Note: If you have trouble with this deadline, please let me know.

1) Introduction:

- A. Additional items may arise as the case progresses. If so, I will inform you immediately.
- B. This is what I have for the legal description: Tract Z-1-A of Redivision Tracts Z-1, Z-2 & Z-3 Blk 6 (now comprising Tracts Z-1-A, Z-2-A & Z-3-A Blk 6) Tract A Unit A North Albuquerque Acres approximately 3.8 acres. Please revise the justification letter to reflect the full legal description.

2) Key Issues/Project Request:

- A. The request is for a zone map amendment from NR-LM to MX-H, which would allow conversion of a hotel into multi-family residential. Rephrase Project Request to explain that this is a “down zone” and MX-H is the closest zone district that would also allow multi-family.
- B. Explain how MX-H zoning would be the best zone district based on review criteria IDO 14-16-6-7 (G)(3) and acknowledge that the request is for the whole category.

3) Process:

- A. Information regarding the EPC process, including the calendar and current Staff reports, can be found at:  
<http://www.cabq.gov/planning/boards-and-commissions/environmental-planning-commission/>
- B. Timelines and EPC calendar: the EPC public hearing for April is the 20<sup>th</sup>. Final staff reports will be available one week prior, on April 13<sup>th</sup>.
- C. Please visit the link above to find copies of Staff reports that will serve as examples of zone changes.
- D. Note that, if a zone change request is denied, you cannot reapply again for one year.

- E. Agency comments will be distributed as they come in. I will email you a copy of all the comments compiled and will forward any late comments to you.

4) Notification & Neighborhood Issues:

- A. Have any property owners within 100 feet of the subject property or members of the public contacted you? Are you aware of any concerns?

5) Zone Map Amendment (zone change)- General:

- A. A zone change justification is all about the requirements of IDO 14-16-6-7(G)(3) and how the request meets the criteria.

The exercise is to choose applicable Goals and policies from the Comprehensive Plan that show how your request furthers (makes a reality) the chosen Goals and policies.

6) Zoning & Use Analysis:

- A. Please delete definitions and standards for “Multi-family Dwelling Use-Specific Standards” on pages 4 and 5 because the EPC is only reviewing the zone change request and not the site plan at this stage. These items will be addressed at DFT review for building permit.
- B. Note regarding the difference between a project letter and the justification part of the zone change: for instance, references to promoting the neighborhood, marketing the area, and facilitating economic development are OK for a project letter. If you can find these concepts in the Comp Plan Goals and policies, they can be brought into your justification analysis.

7) Zone Map Amendment (zone change)- Concepts & Research:

- A. Responding to the criteria of IDO 14-16-6-7(G)(3) is more of a legal exercise than anything else. It is critical to “hit the nail on the head” both conceptually and in terms of form. This can be done by:
- i. answering the questions in the customary way (see examples)
  - ii. using conclusory statements such as “because \_\_\_\_\_”
  - iii. re-phrasing the requirement itself in the response.
  - iv. choosing an option when needed to respond to a requirement.
- B. When requesting a spot zone, the test in section 6-7(G)(3)(h) is more rigorous than the test would be if a spot zone was not created. Therefore, the higher standard (and the wording it entails) applies and must be carried over into the response to 6-7(G)(3)(h) (with the same wording).
- C. Refer to the link provided below for examples of Zone Map Amendments staff reports:
- <https://www.cabq.gov/planning/boards-commissions/environmental-planning-commission/epc-agendas-reports-minutes>

8) Zone Map Amendment (zone change)- Section by Section:

Please incorporate the following to provide a strengthened, improved response to 14-16-6-7 (G)(3):

- A. 6-7(G)(3)(a): Restate the question in the answer, then add a “because” at the end of the first sentence. Please see examples of how this question is properly answered from previous cases. Each Goal and Policy will need a thorough, detailed response.
- a. Because this is a spot zone in an Area of Consistency, “**further**s criteria 6-7(G)(3)(a)...” is not strong enough (see also Criteria b and h). Show how the request **fulfills** criterion a.
  - b. Choose goals and policies that apply to the zone change request only and not the proposed site plan, because the site plan is not being reviewed yet. Until then, it is difficult to prove quality of design, affordable housing, and similar characteristics. Rephrase responses to note that the new zone category will add new uses and not just the multi-family use. Strengthen responses to show how these new uses will be compatible with existing uses and not significantly change the character of the surrounding development.
- B. 6-7(G)(3)(b): The response must satisfy a two-part test. Show 1) how the request would **clearly reinforce or strengthen** the established character of the surrounding Area of Consistency; and 2) that the existing zoning is inappropriate because **any of the following** criteria: 1, 2, or 3 is being met.
- a. Rewrite response to discuss “how the request would clearly reinforce or strengthen the established character...”
  - b. For the second part of the test, just pick one Criterion that best describes why the existing zoning is inappropriate. You chose both Criterion 2 and Criterion 3. Also note that the COVID-19 pandemic is a global phenomenon and not specific to one particular neighborhood or community.
    - i. Remove all verbiage such as “...it is a smart economic move...” because they conflict w/ Criterion G “...justification is not based completely or predominantly on the cost of land or economic considerations.”
    - ii. Reduce length of verbiage in the response – especially re: the COVID pandemic and references to affordability (because the hotel conversion would only provide market rate units).
- C. 6-7(G)(3)(c): Update response to cite Criterion **6-7(G)(3)(c)**; otherwise, sufficient.
- D. 6-7(G)(3)(d): Sufficient.
- E. 6-7(G)(3)(e): Sufficient.
- F. 6-7(G)(3)(f): Sufficient.

- G. 6-7(G)(3)(g) (strengthen): Please re-state the response and show how economic considerations were not the only or predominant reasons for the justification. Removing economic discussions in the justification letter (e.g., on page 11) will help strengthen the request.
- H. 6-7(G)(3)(h) (re-do): The proposed zone change meets the definition of a spot zone because it would apply a zone district different from surrounding zone districts to one premise. Therefore, the applicant must show how the proposed zone change satisfies the two-part test: 1) clearly facilitates implementation of the Comp Plan and 2) fulfills one of the criteria (1, 2, or 3) in Criterion H.
- a. Rewrite response to discuss “how the request will clearly facilitate...” Strengthening response to 6-7(G)(3)(a) will prove how the request does that.
  - b. Begin a new paragraph at “The requested zoning is appropriate...” to satisfy the second part of the test. Remove references that emphasize economic considerations.

## NOTIFICATION

7620 Pan American Frwy NE Neighborhood Meeting Inquiry Sheet Submission External Inbox x



Carmona, Dalaina L. <dcarmona@cabq.gov>  
to me ▾

Jan 12, 2023, 10:42 AM ☆ ↶ ⋮

**PLEASE NOTE:**

The City Council recently voted to update the Neighborhood Association Recognition Ordinance (NARO) and the Office of Neighborhood Coordination (ONC) is working to ensure all neighborhood associations and neighborhood coalitions are in compliance with the updated ordinance. There will likely be many updates and changes to association and coalition contact information over the next several months. With that in mind, please check with the ONC every two (2) weeks to ensure that the contact information you have for associations and coalitions is up to date.

Dear Applicant:

As of Thursday, January 12, 2023, there are **NO** neighborhood associations to notify.

Please make certain to read the information further down in this e-mail as it will help answer other questions you may have.

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 attach a copy of this e-mail from the ONC to your application and submit it to the Planning Department for approval.

Thank you.



*Dalaina L. Carmona*

Senior Administrative Assistant  
Office of Neighborhood Coordination  
Council Services Department  
1 Civic Plaza NW, Suite 9087, 9<sup>th</sup> Floor  
Albuquerque, NM 87102  
505-768-3334



[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 to a Property Owner**

Date of Notice\*: 3-6-2023

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:

Property Owner within 100 feet\*: See attached buffer address labels and envelope photos

Mailing Address\*: See attached buffer address labels and envelope photos

**Project Information Required by [IDO Subsection 14-16-6-4\(K\)\(1\)\(a\)](#)**

1. Subject Property Address\* 7620 Pan American Frwy  
Location Description Pan American frwy and San Francisco Dr. NE
2. Property Owner\* HDDA RLD ALBUQUERQUE LLC
3. Agent/Applicant\* [if applicable] ABQ Land Use Consulting LLC - Carl Garcia
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 - EPC

Summary of project/request<sup>1</sup>\*:

Zone map amendment from NR-LM to MX-H

5. This application will be decided at a public meeting or hearing by\*:

- |  |   |
|--|---|
| <input type="checkbox"/> Zoning Hearing Examiner (ZHE) | <input type="checkbox"/> Development Review Board (DRB)                     |
| <input type="checkbox"/> Landmarks Commission (LC)     | <input checked="" type="checkbox"/> Environmental Planning Commission (EPC) |

<sup>1</sup> Attach additional information, as needed to explain the project/request.

[Note: Items with an asterisk (\*) are required.]

Date/Time\*: April 20, 2023 starting at 8:40am

To join online with video: Zoom Link

Location\*<sup>2</sup>: To call in: (301) 715-8592

Meeting ID: 226 959 2859

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.

6. Where more information about the project can be found\*<sup>3</sup>:  
[carl@abqlanduse.com](mailto:carl@abqlanduse.com) or 505-310-2400

**Project Information Required for Mail/Email Notice by [IDO Subsection 6-4\(K\)\(1\)\(b\)](#):**

1. Zone Atlas Page(s)\*<sup>4</sup> D-18
2. Architectural drawings, elevations of the proposed building(s) or other illustrations of the proposed application, as relevant\*: Attached to notice or provided via website noted above
3. The following exceptions to IDO standards have been requested for this project\*:

☐ Deviation(s)

☐ Variance(s)

☐ Waiver(s)

Explanation\*:

NA

4. A Pre-submittal Neighborhood Meeting was required by [Table 6-1-1](#): ☒ Yes ☐ No

Summary of the Pre-submittal Neighborhood Meeting, if one occurred:

There are no neighborhood associations on file with ONC, supporting document included

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.\*

<sup>2</sup> Physical address or Zoom link

<sup>3</sup> Address (mailing or email), phone number, or website to be provided by the applicant

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

[Note: Items with an asterisk (\*) are required.]

- ☐ 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. 48,164 square feet

**Additional Information:**

From the IDO Zoning Map<sup>5</sup>:

1. Area of Property [typically in acres] 3.805 Acres
  2. IDO Zone District NR-LM
  3. Overlay Zone(s) [if applicable] None
  4. Center or Corridor Area [if applicable] None
- Current Land Use(s) [vacant, if none] Most recent use was a hotel but is currently 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>

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

**OFFICIAL PUBLIC NOTIFICATION FORM  
FOR MAILED OR ELECTRONIC MAIL NOTICE  
CITY OF ALBUQUERQUE PLANNING DEPARTMENT**



**PART I - PROCESS**

Use [Table 6-1-1](#) in the Integrated Development Ordinance (IDO) to answer the following:

Application Type: Zone map amendment

Decision-making Body: EPC

Pre-Application meeting required: ☒ Yes ☐ No

Neighborhood meeting required: ☐ Yes ☒ No Only if requested

Mailed Notice required: ☒ Yes ☐ No

Electronic Mail required: ☒ Yes ☐ No

Is this a Site Plan Application: ☐ Yes ☒ No **Note: if yes, see second page**

**PART II – DETAILS OF REQUEST**

Address of property listed in application: 7620 Pan American Frwy

Name of property owner: HDDA RLD ALBUQUERQUE LLC

Name of applicant: ABQ Land Use Consulting LLC - Carl Garcia

Date, time, and place of public meeting or hearing, if applicable: April 20, 2023 starting at 8:40am

To join online with video: Zoom Link, To call in: 301-715-8592, Meeting ID 226 959 2859

Address, phone number, or website for additional information: carl@abqlanduse.com or 505-310-2400

**PART III - ATTACHMENTS REQUIRED WITH THIS NOTICE**

☒ Zone Atlas page indicating subject property.

☐ Drawings, elevations, or other illustrations of this request.

☐ Summary of pre-submittal neighborhood meeting, if applicable.

☐ Summary of request, including explanations of deviations, variances, or waivers.

**IMPORTANT: PUBLIC NOTICE MUST BE MADE IN A TIMELY MANNER PURSUANT TO [SUBSECTION 14-16-6-4\(K\)](#) OF THE INTEGRATED DEVELOPMENT ORDINANCE (IDO). PROOF OF NOTICE WITH ALL REQUIRED ATTACHMENTS MUST BE PRESENTED UPON APPLICATION.**

I certify that the information I have included here and sent in the required notice was complete, true, and accurate to the extent of my knowledge.

Carl Garcia (Applicant signature) 3-6-2023 (Date)

**Note:** Providing incomplete information may require re-sending public notice. Providing false or misleading information is a violation of the IDO pursuant to IDO Subsection 14-16-6-9(B)(3) and may lead to a denial of your application.

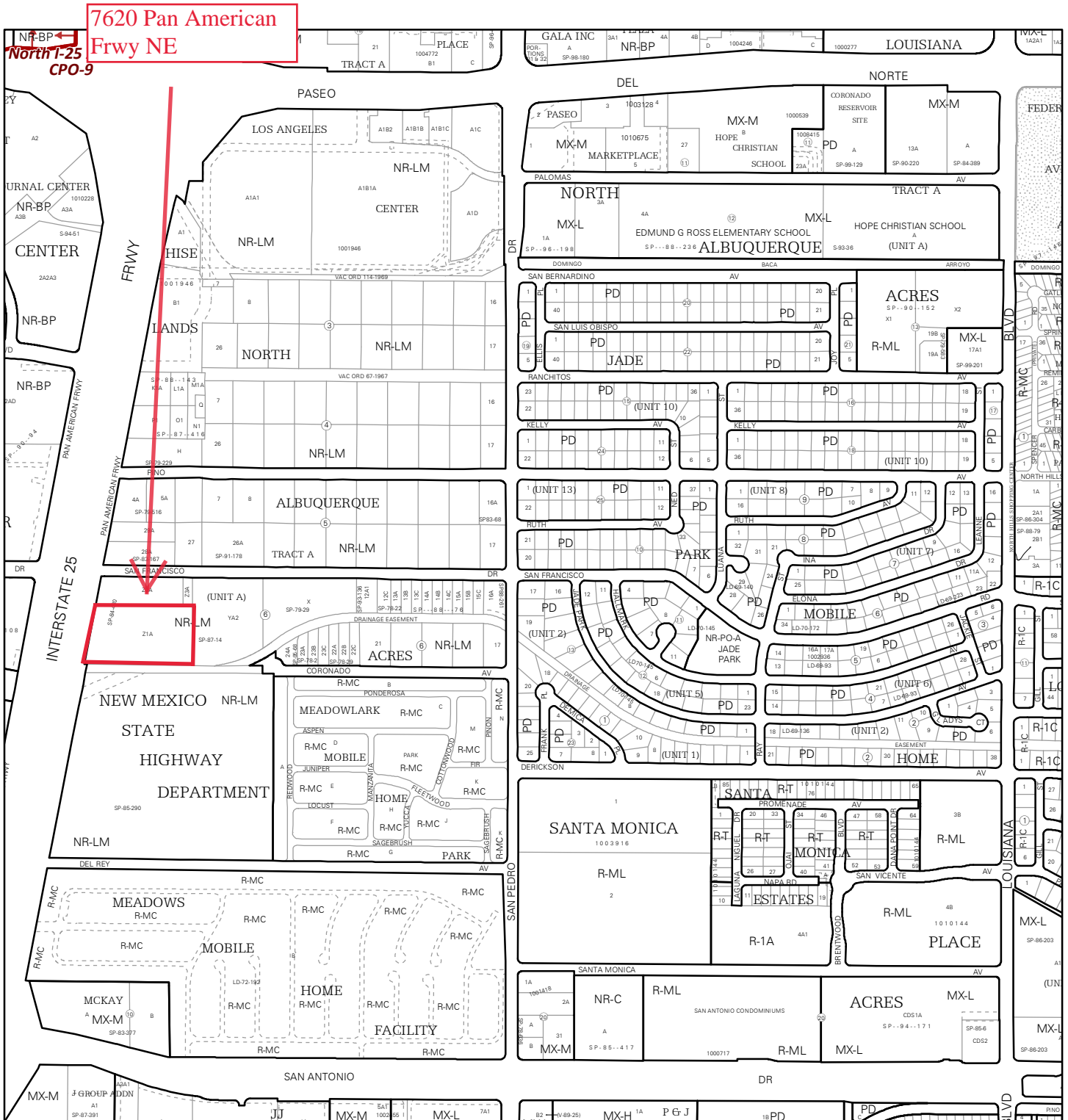
**OFFICIAL PUBLIC NOTIFICATION FORM  
FOR MAILED OR ELECTRONIC MAIL NOTICE  
CITY OF ALBUQUERQUE PLANNING DEPARTMENT**



**PART IV – ATTACHMENTS REQUIRED FOR SITE PLAN APPLICATIONS ONLY**

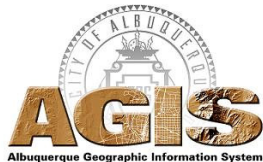
Provide a site plan that shows, at a minimum, the following:

- ☐ 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.

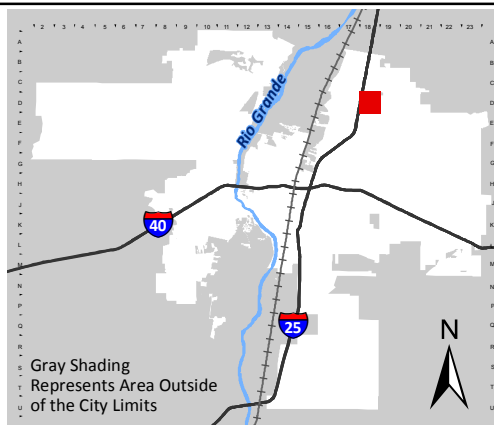


For more details about the Integrated Development Ordinance visit: <http://www.cabq.gov/planning/codes-policies-regulations/integrated-development-ordinance>

# 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: D-18-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
- Gray Shading  
Represents Area Outside  
of the City Limits
- 0 250 500 1,000 Feet



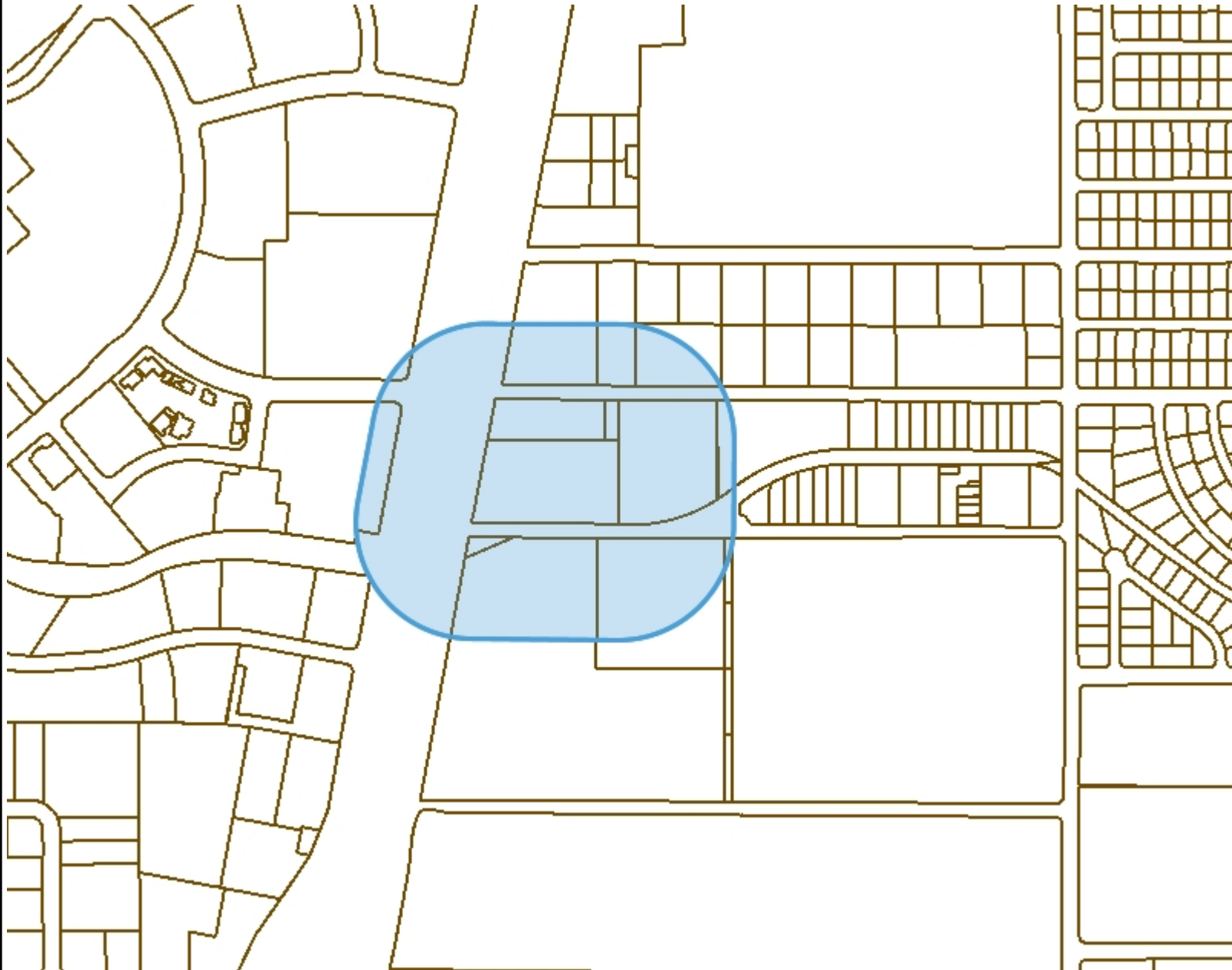


## 7620 Pan American Frwy NE



### Legend

■ Bernalillo County Parcels



1,119 0 559 1,119 Feet

WGS\_1984\_Web\_Mercator\_Auxiliary\_Sphere  
3/6/2023 © City of Albuquerque

1: 6,711

The City of Albuquerque ("City") provides the data on this website as a service to the public. The City makes no warranty, representation, or guaranty as to the content, accuracy, timeliness, or completeness of any of the data provided at this website. Please visit <http://www.cabq.gov/abq-data/abq-data-disclaimer-1> for more information.  
THIS MAP IS NOT TO BE USED FOR NAVIGATION

### Notes

Buffer: 440 Ft.  
ROW: I-25; 340 Ft.

## 7620 Pan American Frwy NE – Neighbor Mailout Pic



TORTUGA LAND COMPANY LLC ATTN:  
HAYNES AARON J  
PO BOX 67  
LOS LUNAS NM 87031-0067

D C L P TRUST  
7600 PAN AMERICAN EAST FWY NE  
ALBUQUERQUE NM 87109

HDDA RLD ALBUQUERQUE LLC  
1 RAVINA DR FLOOR 9TH  
ATLANTA GA 30346-2112

ALBUQUERQUE NM IV FGF LLC C/O  
BOYD WATTERSON ASSET MGMT LLC  
1 N WACKER DR SUITE 4025  
CHICAGO IL 60606-2844

ALBUQUERQUE NM IV FGF LLC C/O  
BOYD WATTERSON ASSET MGMT LLC  
1 N WACKER DR SUITE 4025  
CHICAGO IL 60606-2844

NEW MEXICO STATE HIGHWAY DEPT  
7500 I-25 E FRONTAGE RD NE  
ALBUQUERQUE NM 87109

NEW MEXICO STATE HIGHWAY DEPT  
7500 I-25 E FRONTAGE RD NE  
ALBUQUERQUE NM 87109

HARMS IRWIN TODD & DEBORA LYNN  
TRUSTEES HARMS FAMILY RVT  
PO BOX 91868  
ALBUQUERQUE NM 87199

REAL ESTATE LTD PTNS NUMBER TWO  
4610 RIO GRANDE LN  
LOS RANCHOS DE ALBUQUERQUE NM  
87107

N M STATE HIGHWAY COMM  
PO BOX 1149  
SANTA FE NM 87501

ATRIUM FINANCE III  
12735 MORRIS RD EXT SUITE 400  
ALPHARETTA GA 30004-8904

NMC LANDHOLDINGS LLC  
700 AUTUMNWOOD PL SE  
ALBUQUERQUE NM 87123-4350

HARMS IRWIN TODD & DEBORA LYNN  
TRUSTEES HARMS FAMILY RVT  
PO BOX 91868  
ALBUQUERQUE NM 87199

RUSSCO PROPERTY LLC  
5800 SAN FRANCISCO RD NE  
ALBUQUERQUE NM 87109-4604

SAN FRANCISCO LTD CO  
PO BOX 94084  
ALBUQUERQUE NM 87199-4084

SAN FRANCISCO LTD CO  
PO BOX 94084  
ALBUQUERQUE NM 87199-4084

MEADOWBROOK PARK LTD ATTN:  
FORTUNE TRAVEL INC  
11100 SANTA MONICA BLVD SUITE 1150  
LOS ANGELES CA 90025-3384

SIGN POSTING AGREEMENT

REQUIREMENTS

POSTING SIGNS ANNOUNCING PUBLIC HEARINGS

All persons making application to the City under the requirements and procedures established by the City Zoning Code or Subdivision Ordinance are responsible for the posting and maintaining of one or more signs on the property which the application describes. 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. If the application is mailed, you must still stop at the Development Services Front Counter to pick up the sign.

The applicant is responsible for ensuring that the signs remain posted throughout the 15-day period prior to public 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 at a charge of \$3.75 each.

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 \_\_\_\_\_ To \_\_\_\_\_

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.

Carl Garcia

(Applicant or Agent)

3-7-2023

(Date)

I issued \_\_\_\_\_ signs for this application, \_\_\_\_\_, \_\_\_\_\_  
(Date) (Staff Member)

PROJECT NUMBER: \_\_\_\_\_



# REQUEST

ZONE MAP  
AMENDMENT

← ZOOM ID 2268592859

The City of Albuquerque Environmental Planning Commission will hold a public hearing in the Plaza Del Sol Building Hearing Room, Basement, 600 2nd St. NW, on APRIL 20, 2023 at 8:30 AM. All persons have a right to appear at such a hearing. For information on this case or other instructions on filing written comments, call the Planning Department at (505) 924-3860 or contact the applicant.

Required to be posted from APRIL 5 to MAY 5, 23  
by CARL GARCIA 505-306-6289

applicant/agent

REFER TO FILE#

R2-2023-00011 / PR-2023-  
008380

phone  
It is illegal for an unauthorized person to remove or tamper with this sign