



## ***Environmental Planning Commission***

**Agenda Number: 8**  
**Project #: PR-2023-008175**  
**Case #: RZ-2023-00007**  
**Hearing Date: April 20, 2023**

### ***Staff Report***

<b>Agent</b>	Jitka Dekojova
<b>Applicant</b>	Kinley Raccoon LLC
<b>Request</b>	<b>Zoning Map Amendment (zone change)</b>
<b>Legal Description</b>	all or a portion of Lot 07, Block 19, Eastern Addition
<b>Location</b>	located at 1102 Edith Blvd SE, between Garfield Ave. SE, and Lewis Ave. SE
<b>Size</b>	Approximately 0.2 acre
<b>Existing Zoning</b>	R-1A
<b>Proposed Zoning</b>	R-ML

### ***Staff Recommendation***

***APPROVAL of RZ-2023-00007, based on the Findings beginning on Page 22.***

***Staff Planner  
Leroy Duarte, Planner***

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

The request is for a zoning map amendment for an approximately 0.2-acre site located at 1102 Edith Blvd. SE. The applicant wants to change the subject site's zoning to R-ML to remedy a non-conforming use on the property. The subject site is in an Area of Consistency. It is not located along a designated corridor or 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 generally be more advantageous to the community overall because it furthers a preponderance of applicable Comprehensive Plan Goals and policies.

The affected neighborhood organization is the South Broadway Neighborhood Association, which was notified as required and submitted a letter. Property owners within 100 feet of the subject site were also notified as required. As of this writing, Staff received one letter of opposition.

Staff recommends approval.



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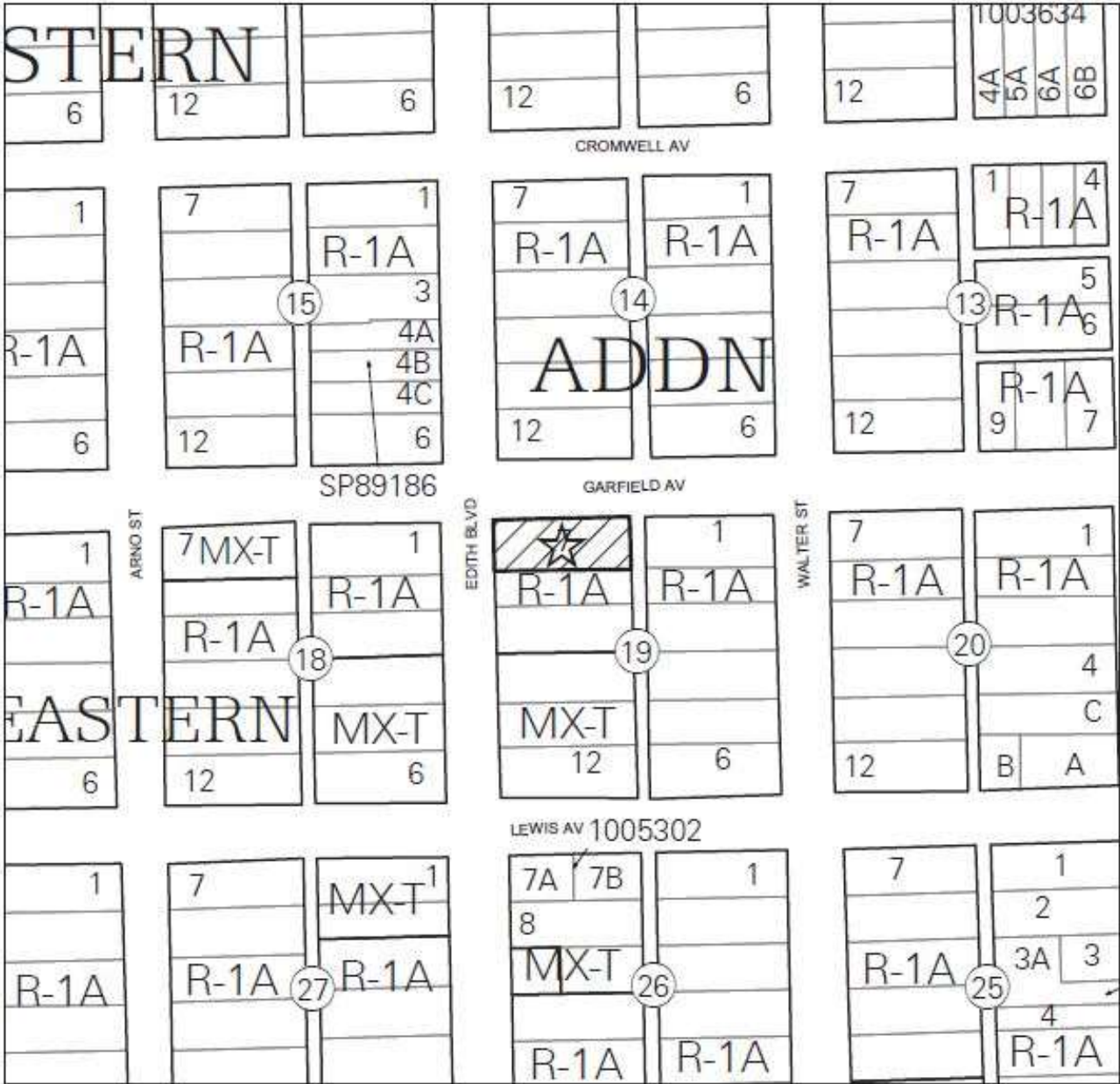
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**IDO ZONING MAP**

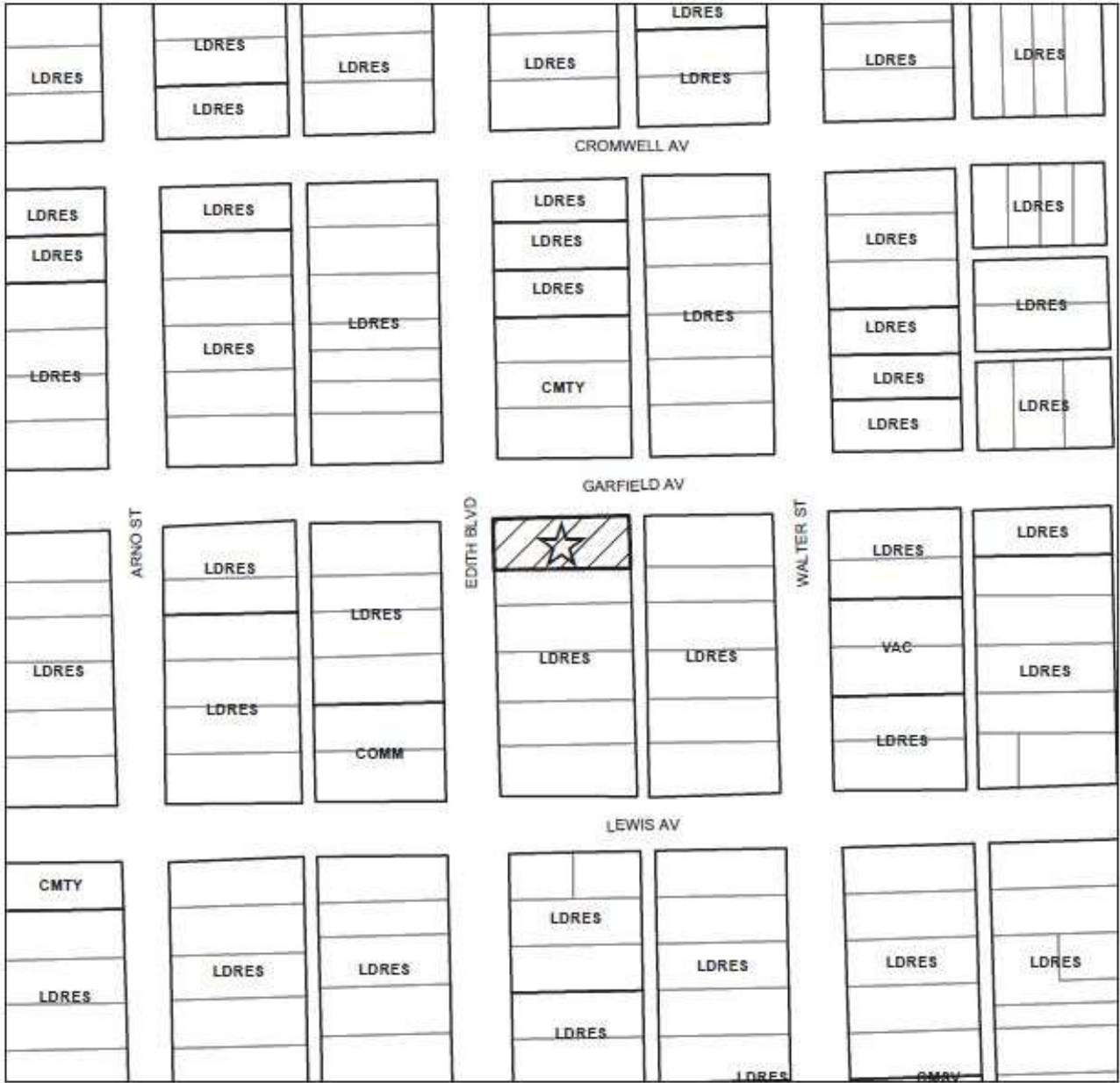
Note: Gray shading  
indicates County.



1 inch = 150 feet

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LAND USE MAP

Note: Gray shading  
Indicates County.

- |                                  |                                |
|----------------------------------|--------------------------------|
| Key to Land Use Abbreviations    | APRT   Airport                 |
| LDRES   Low-density Residential  | TRAN   Transportation          |
| MULT   Multi-family              | AGRI   Agriculture             |
| COMM   Commercial Retail         | PARK   Parks and Open Space    |
| CMSV   Commercial Services       | DRNG   Drainage                |
| OFC   Office                     | VAC   Vacant                   |
| IND   Industrial                 | UTIL   Utilities               |
| INSMED   Institutional / Medical | CMTY   Community               |
| ED   Educational                 | KAFB   Kirtland Air Force Base |



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**HISTORY MAP**

Note: Gray shading  
indicates County.

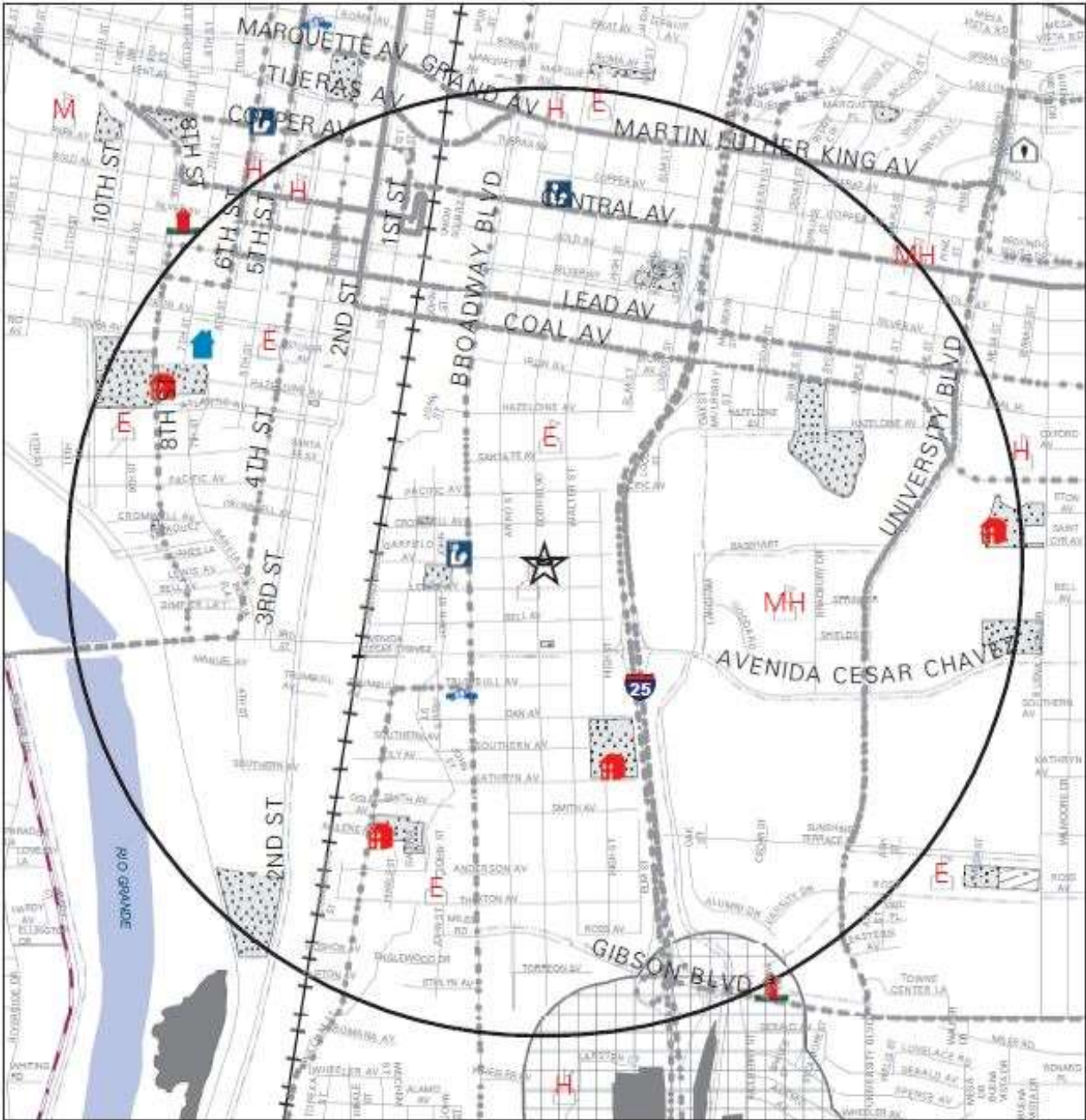


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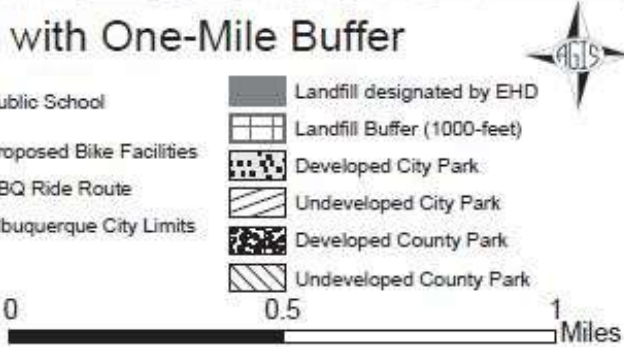
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Public Facilities Map with One-Mile Buffer

- |                      |             |                          |                             |
|----------------------|-------------|--------------------------|-----------------------------|
| 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>Zoning</b>	<b>Comprehensive Plan Area</b>	<b>Land Use</b>
<b>Site</b>	R-1A	Area of Consistency	Dwelling, single-family
<b>North</b>	R-1A	Area of Consistency	Community, Non-profit Org.
<b>South</b>	R-1A	Area of Consistency	Dwelling, single-family
<b>East</b>	R-1A	Area of Consistency	Dwelling, single-family
<b>West</b>	R-1A	Area of Consistency	Dwelling, single-family

### **Request**

The request is for a zoning map amendment (zone change) for an approximately 0.2-acre site legally described as all or a portion of Lot 07, Block 19, Eastern Addition, located at 1102 Edith Blvd. SE, between Garfield Ave. SE, and Lewis Ave. SE (the “subject site”). The subject site currently Contains a tri-plex, which has existed since about 1967.

The applicant is requesting a zone change to R-ML (Residential-Multi-family Low Density Zone District) to remedy a non-conforming use (triplex) on the property. The existing use is non-conforming because the subject site's R-1A zoning permissive uses only allow single-family dwellings.

### **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 make then make the final decision. The request is a quasi-judicial matter.

### **Context**

The subject site, located in the South Broadway Neighborhood, is bounded by Garfield Ave. SE to the north and Lewis Ave. SE to the south. Further north to the site lies a non-profit organization. To the south, east and west of the subject site lie small lot single-family residential homes with a community school located at the intersection of Lewis Ave. SE and Edith Blvd. SE.

### **History**

The South Broadway area was developed at different times with the oldest settlement in San Jose around 1830 and was located along the Barelás ditch in the western and southern portions of the area. Later grid patterns of subdivision to the east and north of San Jose were laid out between 1880 and 1900 due to the establishment and growth of the railroad industry. San Jose Neighborhood is



comparable in age to Barelás- the neighboring community to the west, both Barelás and San José predate the railroad but were divided by the placement of the tracks. Around 1830, when settlement began, the construction of the Barelás ditch irrigated the southern portion of the area. Property lines in the older San José area were oriented to the ditch. Landowners divided the land into narrower strips ensuring each parcel had access to irrigation. This is what created the distinctive pattern of narrow lots perpendicular to the ditch that is typical of older Hispanic development throughout New Mexico.

As agricultural use of the land declined, the land was divided into smaller and smaller lots with little or no orientation to either streets or the ditch. The resulting pattern is one of very irregular lot sizes often with limited access. As a result, the density exceeded R-1 standards of one house per 6,000 sq. ft. lot. With the coming of the railroad, economic base shifted from toward a dependence on wage labor. Agricultural activity was no longer a community function.

South Broadway saw most of its growth between 1885 and 1925. Many of the subdivisions developed to the north and west, and then gradually filled the south and east through the 1920. The neighborhoods were primarily working-class residents employed by the railroad or iron foundry. Later growth of industrial and heavy commercial uses took place in the area after the decline of the railroad.

In 1986 the South Broadway Sector Development Plan (SBSDP) was adopted. The SBSDP area covered 1,008 acres and was bounded by Coal to the north, Woodward to the south, the railroad tracks to the west and Interstate-25 to the east.

The South Broadway Sector Development Plan was identified as a rank three plan and served as a guide for new development, redevelopment and conservation of the South Broadway Area. It was intended to promote an arrangement of land use, circulation services.

One of the goals for the South Broadway area was a conservation effort in order to improve and expand the housing available to low- and moderate-income families until all housing in the area meets City Housing code Standards. One of the key recommendations was zoning. In order to stabilize land use patterns zoning was issued more closely related to existing uses.

SU-2/ the special neighborhood zone was created. The SU-2 zone allowed a mixture of uses that combined to create appropriate land use categories in a given neighborhood, where conventional zone categories were inadequate to address special needs. SU-2 zoning was controlled by the description of land use categories in the sector development plan: MR- Mixed Residential Use, LCR- Limited Commercial Residential, NCR- Neighborhood Commercial Residential, HC- Heavy Commercial, HM-Heavy Manufacturing, SU-1- Special Use, and P-R- Reserve Parking. The South Broadway Sector Development was repealed upon the adoption of the IDO.

The property has been operating as a triplex since as early as 1967. The applicant was unable to obtain a zonal certification due to lack of records. The applicant had met with City staff and was recommended in order to remedy the non-conforming use on the property a zone change was needed.

### ***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. Edith Blvd. SE is classified as a local street.

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

The subject site is in an Area of Consistency as designated by the Comprehensive Plan and is within the boundaries of the Central ABQ Community Planning Assessment (CPA) area. The subject site is not located in an activity center or located along a corridor.

The Central Albuquerque CPA area is the location of the original Old Town settlement with surrounding agricultural lands, the New Town development during the railroad era (now known as Downtown), and the original residential subdivisions, many of which have been designated as historic neighborhoods.

With its varying architectural styles and building scale, depending on the historical era of each neighborhood ranging from historic adobe to Victorian architecture of the railroad era neighborhoods, small lots, proximity to the Rio Grande and mix of land uses are the characteristics of the Central Albuquerque CPA.

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

A proposed bicycle boulevard runs along Edith Blvd. SE, adjacent to the subject site. The proposed bike boulevard would share the street with vehicles and connect to existing bike lanes off of Pacific Ave. SE, Coal Ave. SE and Lead Ave. SE.

### ***Transit***

The subject has no transit service or bus stops.

### ***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***

Adjacent: Those properties that are abutting or separated only by a street, alley, trail, or utility easement, whether public or private. See also Alley, Multi-use Trail, Private Way, Right-of-way, and Street.

Low-density Residential Development: Properties with residential development of any allowable land use in the Household Living category in Table 4-2-1 other than multi-family dwellings. Properties with small community residential facilities are also considered low-density residential development. Properties that include other uses accessory to residential primary uses are still

considered low-density residential development for the purposes of this IDO. See also Dwelling Definitions for Dwelling, Cluster Development; Dwelling, Cottage Development; Dwelling, Live-work; Dwelling, Single-family Detached; Dwelling, Townhouse; and Dwelling, Two-family Detached (Duplex); Manufactured Home, and Other Uses Accessory to Residential Primary Uses.

Multi-family Residential Development: Residential development of multi-family dwellings or uses from the Group Living category (except small community residential facilities) in zone districts as allowed per Table 4-2-1. Properties that include both multi-family dwellings and low-density residential development are considered multi-family residential development for the purposes of this IDO. Properties with other uses accessory to residential primary uses allowed per Table 4-2-1 are still considered multi-family residential development for the purposes of this IDO. See also Other Uses Accessory to Residential Primary Uses.

Dwelling, Multi-family: A building, multiple buildings, or a portion of a building located on a single lot, containing 3 or more dwelling units, each of which is designed for or occupied by one family only, with separate housekeeping and cooking facilities for each, and that does not meet the definition of a townhouse dwelling. Within mixed-use development, a building containing 2 or more dwelling units is considered multi-family. See also Development Definitions for Multi-family.

Nonconforming Use: A use of a structure or land that does not conform to the IDO requirements for land uses in the zone district where it is located, but that was an approved use at the time the use began.

Nonconformity: A structure, use, lot, sign, or site feature that does not conform to applicable zoning but that did conform to applicable zoning in effect at the time it was built or developed.

### ***Zoning***

The subject site is zoned R-1A (Residential- Single-family Zone District), which was assigned upon adoption of the IDO. The purpose of the R-1 zone district is to provide for neighborhoods of single-family homes with a variety of lot sizes and dimensions. When applied in developed areas, an additional purpose is to require that redevelopment reinforce the established character of the existing neighborhood. Primary land uses include single-family detached homes on individual lots, with limited civic and institutional uses to serve the surrounding residential area. Allowable uses are shown in Table 4-2-1.

The request is to change the subject site's zoning to R-ML (Residential- Multi-family Low Density Zone District, IDO 14-16-2-4(D)). The purpose of the R-ML zone district is to provide for a variety of low- to medium-density housing options. The primary land uses are townhouses and small-scale multi-family development, as well as civic and institutional uses to serve the surrounding residential area. Allowable uses are shown in Table 4-2-1.

In general, low density multi-family housing would become a permissive use in the R-ML zone, which would remedy the non-conforming use. R-1A zoning does not allow multi-family housing.



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 *italics*.

*Chapter 4: Community Identity*

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

*The request would remedy a non-conforming use that would enhance the community by establishing conformity on the property, which would protect the existing use and preserve the structures that currently serve as a triplex. The request clearly facilitates Goal 4.1- Character.*

Policy 4.1.2- Identity and Design: Protect the identity and cohesiveness of neighborhoods by ensuring the appropriate scale and location of development, mix of uses, and character of building design.

*The request would protect the identity and cohesiveness of the South Broadway Neighborhood by ensuring the appropriate scale and location of the existing development would be consistent with the City's IDO; a non-conforming use would be conforming and the character of the building would remain undisturbed. The request clearly facilitates Goal 4.1.2- Identity and Design.*

Policy 4.1.4- Neighborhoods: Enhance, protect, and preserve neighborhoods and traditional communities as key to our long-term health and vitality.

*The request would enhance the current property by bringing the existing non-conforming use into conformity. As a result, the request would protect, and preserve the neighborhood and the traditional community by keeping uses similar to what is existing in the South Broadway Neighborhood. The request clearly facilitates Goal 4.1.4- Neighborhoods.*

*Chapter 5: Land Use*

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

*The request would remedy a non-conforming use. The request would bring the existing triplex into conformity and would foster a place where residents can remain living in. Adjacent to the subject lies a family activity center where residents can learn and play together. The request partially facilitates Goal 5.2-Complete Communities.*

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

*The request would contribute to creating a healthy and sustainable community because it would remedy a non-conformity in an area characterized primarily by mixed-residential uses similar to the request. The request partially facilitates Policy 5.2.1-Land Uses.*

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 well-served by existing infrastructure and public facilities; the request would remedy a non-conforming use (triplex) that would promote efficient development patterns and use of land. The request clearly facilitates Goal 5.3-Efficient Development Patterns.*

Goal 5.6-City Development Areas: Encourage and direct growth to Areas of Change where it is expected and desired and ensure that development in and near Areas of Consistency reinforces the character and intensity of the surrounding area.

*The subject site is located in an Area of Consistency, where the character and intensity of the surrounding area is intended to be reinforced. The request would remedy a non-conforming use that would bring the existing triplex into conformity, that would reinforce the character and intensity of the surrounding area remaining the same. The request clearly facilitates Goal 5.6-City Development Areas.*

#### *Chapter 8: Economic Development*

Policy 8.1.1- Diverse Places: Foster a range of interesting places and contexts with different development intensities, densities, uses, and building scale to encourage economic development opportunities.

*The request would remedy a non-conforming use that would foster a triplex that would be different in scale, and housing density housing, thereby supporting a range of interesting places and contexts. The request partially facilitates Policy 8.1.1- Diverse Places.*

#### *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.

*The request would remedy a non-conforming use (triplex) that would help meet the current and future housing needs the City is currently facing. The request partially facilitates Goal 9.1 - Supply.*

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 support the conservation of an existing triplex that has been in operation for over 50 years. The request would remedy the non-conforming use of the triplex which would provide different housing types for residents within the South Broadway Neighborhood. The request clearly facilitates Policy 9.1.1-Housing Options.*

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

*The request would remedy a non-conforming triplex that would provide housing within the South Broadway community at a variety of income levels. The request clearly facilitates Policy 9.1.2- Affordability.*

Goal 9.3- Density: Support increased housing density in appropriate places with adequate services and amenities.

*The request would remedy a non-conforming triplex that would support housing density that would be appropriate in the area and also be within walking distance to a family activity center. The request clearly facilitates Policy 9.3-Density.*

Policy 9.3.2- Other Areas: Increase housing density and housing options in other areas by locating near appropriate uses and services and maintaining the scale of surrounding development.

*The request would remedy a non-conforming triplex that would retain its current housing option within the South Broadway Neighborhood, that would provide residents with amenities and services within the surrounding area. The request clearly facilitates Policy 9.3.2-Other Areas.*

### ***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 31, 2023, is a response to Staff's request for a revised justification (see attachment). The subject site is currently zoned R-1A (Residential-Single-family Zone District). The requested zoning is R-ML (Residential- Multi-family Low Density Zone District). The reason for the request is to remedy a non-conforming use on the property.

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. A proposed zone change must be found to be 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 zone change is consistent with the health, safety, and general welfare of the City as shown by furthering (and not conflicting with) a preponderance of applicable Goals and Policies in the ABC Comprehensive Plan, and other applicable plans adopted by the City. Please refer to the in-depth analysis of the applicable Goals and Policies.*

Staff: Consistency with the City's health, safety, morals and general welfare is shown by demonstrating that a request furthers applicable Comprehensive Plan Goals and policies (and other plans if applicable) and does not significantly conflict with them.

Applicable citations: Goal 4.1-Character; Policy 4.1.2-Identity and Design; Policy 4.1.4-Neighborhoods; Goal 5.3-Efficient Development Patterns; Goal 5.6-City Development Areas; Policy 9.1.1-Housing Options; Policy 9.1.2-Affordability; and Goal 9.3-Density

The applicant's policy-based response adequately demonstrates that the request clearly facilitates a preponderance of applicable Goals and policies regarding Community Identity, Land Use, and Housing 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 sufficient.

B. If the proposed amendment is located wholly or partially in an Area of Consistency (as shown in the ABC Comp Plan, as amended), the applicant has demonstrated that the new zone would clearly reinforce or strengthen the established character of the surrounding Area of Consistency and would not permit development that is significantly different from that character. The applicant must also demonstrate that the existing zoning is inappropriate because it meets any of the following criteria:

1. There was typographical or clerical error when the existing zone district was applied to the property.
2. There has been a significant change in neighborhood or community conditions affecting the site.
3. A different zone district is more advantageous to the community as articulated by the ABC 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: The subject property is located within an Area of Consistency. and the proposed zone clearly reinforces the established character (keeping existing use on site) and would not permit development that is significantly different from the area's character.*

*The Applicant choses the following criteria: 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).*

*A different zone district is more advantageous to the community as it would align the zoning with a long existing site use (directly supporting the Comprehensive Plan Policy 5.6.3) in a*

*manner that is consistent with existing patterns of land uses within the area. The request would allow provisions for affordable housing options within the established character of the area on a parcel that is directly adjacent and within ¼ of a mile of the Broadway Main Street Corridor. The site is located within an Area of Consistency where the Comp Plan promotes development that is complementary to the established scale and character of distinctive neighborhoods while accommodating new residents and jobs in areas already well served by infrastructure and transit. As described in 6-7(G)(3)(a) above the existing triplex is consistent with the historic neighborhood patterns and uses of the neighborhood. The building itself, which confirms with the underlying dimensional standards of the existing and proposed zoning district, will not be altered and is consistent with established historic development and architectural patterns of the area. From the outside, the building is not discernable as a triplex. If granted, this use would further Comprehensive Plan to provide a variety of housing options within the City, which is even more critical given our current housing crisis. This request also supports the Center and Corridor growth management vision to "grow as a community of strong Centers connected by a multi-modal network of Corridors" by allowing the continuance of affordable housing directly adjacent to the Broadway Main Street Corridor. The allowance for housing near this Corridor also furthers the goals for the creation of complete communities in which residents can live in locations where they can conveniently access goods and services by variable modes of transport.*

*Furthermore, the requested zone change is more advantageous to the community because it allows property to operate as it has been for over 50 years with no changes. If zone change is denied, the applicant will be forced to either sell the property to a cash buyer or terminate the tenants' leases in order to bring the property into compliance and refinance the mortgage which matures in spring 2023. In this case the tenants will likely have difficulty finding comparable rental properties at an affordable price within the same area.*

Staff: The subject site is located in an Area of Consistency. A different zone district would be more advantageous to the community. The request would remedy a non-conforming use on the property and would provide efficient implementation of patterns of land use, development density and intensity, and connectivity within the area that would be similar in use and scale and would clearly reinforce or strengthen the surrounding area. 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 located in an Area of Consistency, so this criterion does not apply.*

Staff: The subject site is located wholly in an Area of Consistency, so this criterion does not apply. 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 R-ML zone does not allow permissive uses that would be considered harmful to the adjacent property, neighborhood, or community. Table 1 (IDO Table 4-2-1) shows comparison of allowable uses between the existing R-1A and the proposed R-ML zones. The proposed R-ML zone provides an appropriate zone and facilitates several goals of the Comprehensive Plan. Additionally, the size of the lot restricts many uses that may be allowed in the R-ML zone that could otherwise be considered harmful – such as nursing home or a large residential facility.*

IDO Zoning Comparison (IDO table 4-2-1)		
Allowable Use	R-1A	R-ML
Dwelling, single-family detached	P	P
Dwelling, mobile home		
Dwelling, cluster development	P	P
Dwelling, cottage development	P	P
Dwelling, two-family detached (duplex)	P	P
Dwelling, townhouse		P
Dwelling, live-work		C
Dwelling, multi-family		P
Assisted living facility or nursing home		P
Community residential facility, small	P	P
Community residential facility, large		P
Dormitory		
Group home, small		C
Group home, medium		C
Group home, large		

*Table 1. IDO zoning comparison. P = Permissive Primary, C = Conditional Primary, blank cell = Not Allowed.*

*Live/work and small to medium group homes are the only uses that are allowed conditionally in*



*the RM-L zone district, but not allowed in the R-1A zone. Conditional uses require a Conditional*

*Use Permit through a public hearing in front of the Zoning Hearing Examiner to be allowed on a subject site. Similar to this zone map amendment request, the applicant must provide justification that these uses will not be injurious to the surrounding area and the impacted neighborhood and property owners are provided an opportunity to provide input. These uses would therefore be adequately vetted to ensure they are not harmful to the area.*

*Townhouses, multi-family, assisted living facility or nursing homes, and large community residential facilities are the only new uses that would be permissively allowed in the RM-L zone that would not be allowed within the existing R-1A zone. The subject site is only 0.1286 acres which significantly limits the viability of these uses. Particularly for a standard multi-family dwelling or assisted living facility, the site is not feasibly large enough to accommodate both the uses and their associated required off-street parking. The proposed RM-L zone districts requires a minimum lot size of 2,200 sq.ft. for townhouses which limits this use to two dwellings. This would generate units that are within the established development character with the established housing of the area. Community residential facilities are already allowed within the R-1A zone, this use would simply allow more residents and the IDO's use standards require the dwelling to be consistent with the standards of the underlying district which is still consistent with established patterns and therefore not harmful.*

*While R-ML allows for a taller building height (38 feet) than the existing R-1A (26 feet), the Applicant chose to apply for an R-ML zone change as opposed to the previously considered MX-T zone change. MX-T was initially considered because it only allows for 30-foot buildings. However, the neighbors in attendance at a neighborhood meeting on February 16, 2023 were more concerned about permissive uses than about building height which contributed to the decision to apply instead for R-ML which has more restrictive permissive uses.*

Staff: The applicant compared the existing R-1A zoning and the proposed RM-L zoning and discussed each use that would become permissive. Townhouses, multi-family, assisted living facility or nursing homes, and large community residential facilities are new uses that would become permissive in the RM-L zone. (see IDO table 4-2-1: Allowable Uses p. 146).

Furthermore, the IDO has Use-Specific standards to mitigate the impacts of uses that could be considered harmful. Many of the new permissive uses allowed would still not be allowed due to the size and lot requirements. 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 have adequate capacity for the development made possible by the proposed zone amendment, so this request meets requirement Criteria 1. The site is already developed with three dwelling units that are proposed to remain and are served adequately by current infrastructure. These units are served by the existing roadway network sidewalks and nearby transit, water/sewer services, and storm drainage systems. No additional improvements are necessary and the zone amendment will not require major expenditures by the City to provide additional services and/or infrastructure.*

Staff: The subject site is an infill site that is adequately served by existing infrastructure (requirement 1). 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 property is located on Edith Blvd SE, which is a local road; therefore, the Applicant's justification for the requested zone change is not completely based on the property's location on a major street. As previously stated, the primary purpose of this request is to bring the long-established use into compliance with the IDO.*

Staff: The justification for the requested zone change is to remedy a non-conforming use (triplex) and is not completely based on the property's location on a major street. The response to Criterion F is sufficient.

- G. The applicant's justification is not based completely or predominantly on the cost of land or economic considerations.

*Applicant: The Applicant's justification is not based completely or predominantly on the cost of land or economic considerations, since the cost of land or other economic considerations are not the determining factor for this zone change request. Instead, the requested zone amendment furthers numerous policies and goals of the ABC Comp Plan and will allow for the existing uses to become conforming in a manner that is consistent with the surrounding context and mixed density neighborhood. The request also addresses the imbalance of housing in Greater Downtown.*

Staff: Economic considerations are a factor, but the applicant's justification is not completely or predominantly based upon them. Rather, the applicant wants to remedy a non-conforming use and has adequately demonstrated that the request clearly facilitates a preponderance of applicable Comprehensive Plan Goals and policies and does not conflict with them. 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: The Applicant is aware that the requested zone amendment creates a “spot zone” since the surroundings zones in the area are R-1A, MX-T, and MX-L. Following requested meeting with the South Broadway Neighborhood Association on February 16, 2023 where concerns were raised about potential harmful uses allowed within existing MX-T properties in the neighborhood, the Applicant opted for RM-L zone.*

*While the area of the zone change for the subject site is different from surrounding land because it can function as a transition between adjacent zone districts MX-T and R1-A, the Applicant chooses following criteria:*

*Criteria 3: The nature of the structure already on the premises makes it unsuitable for the uses of the existing R-1A zone district. The existing building on the site includes three units and the R ML district is the first zone district that permissively accommodates a triplex dwelling. The request will prevent the termination of existing leases for tenants living on the premises and allow for legal investment in the property, which provides “hidden” density and expanded affordable Missing Middle housing options as compared to alternative large-scale multi-family developments.*

*This zone amendment clearly facilitates the implementation of the Comprehensive Plan as shown above. It provides opportunities for individuals to live in a location that provides options for transportation, work areas, and lifestyles.*

Staff: The request would result in a spot zone because it would apply a zone different from surrounding zone districts. R-1A zoning surrounds the subject site in all four directions. There is some MX-T zoning within the area south of the subject site. The applicant acknowledges that the request would create a spot zone, but explains that it would be a justified spot zone because it would remedy a non-conforming use because the nature of structure already on the premises makes it unsuitable for the uses allowed in the R-1A zone district. The request clearly facilitates implementation of the Comprehensive Plan as shown in the response to Criterion A. 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. Agency comments begin on p.26.



***Neighborhood/Public***

The affected neighborhood organization is the South Broadway Neighborhood Association which was notified as required. Property owners within 100 feet of the subject site were also notified as required. (see attachments).

A pre-application neighborhood meeting was held on February 16, 2023 via zoom with the Albuquerque South Broadway Neighborhood Association and neighbors (see attachment). Neighborhood concerns about the request included non-conformity issues, permissive uses under the proposed zoning and history of other zone map amendments within the area. The applicants answered the questions to the best of their abilities and acknowledged the concerns of the neighbors.

Staff has received two letters; one letter was received from the South Broadway Neighborhood Association in favor of the request and another letter received from 3 neighborhood residents was in opposition. (see attachment).

***IV. CONCLUSION***

The request is for a zoning map amendment (zone change) for an approximately 0.2-acre site legally described as all or a portion of Lot 07, Block 19, Eastern Addition, located at 1102 Edith Blvd SE, between Garfield Ave. SE, and Lewis Ave. SE, (the “subject site”).

The applicant is requesting a zone change to R-ML (Residential-Multi-family Low Density Zone District) to remedy a non-conforming use (triplex) on the property.

The applicant has adequately justified the request based upon the proposed zoning being more advantageous to the community than the current zoning because it would clearly facilitate a preponderance of applicable Goals and policies.

The affected neighborhood organization is the South Broadway Neighborhood Association which was notified as required. Property owners within 100 feet of the subject site were also notified as required. A pre-application meeting was held was requested. Neighbors voiced their concerns regarding potential harmful uses and possible outcome if request was granted. The applicant decided to propose a different zone request and provided staff with a letter. The applicant wished to change their zoning request from MX-T-to-R-ML in order to limit the amount of permissive uses allowed on the property.

As of this writing, Staff has received two letters; one letter was received from the South Broadway Neighborhood Association in favor of the request and another letter received from 3 neighborhood residents was in opposition.

Staff recommends approval.

***FINDINGS - RZ-2023-00007, April 20, 2023- Zoning Map Amendment (Zone Change)***

1. The request is for a zoning map amendment (zone change) for an approximately 0.2-acre site legally described as all or a portion of Lot 07, Block 19, Eastern Addition, located at 1102 Edith Blvd SE, between Garfield Ave. SE, and Lewis Ave. SE, (the “subject site”).
2. The subject site is zoned R-1A (Residential- Single-family Zone District). The applicant is requesting a zone change to R-ML (Residential Multi-family Low Density Zone District) to remedy a non-conforming use on the property..
3. The subject site is in an area that the Comprehensive Plan designated an Area of Consistency and is within the boundaries of the Central Albuquerque Community Planned Area (CPA).
4. 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.
5. The request furthers the following, applicable Goal and policies regarding Community Identity Chapter 4: Land Use:
  - A. Goal 4.1- Character: Enhance, protect, and preserve distinct communities  
The request would remedy a non-conforming use that would enhance the community by establishing conformity on the property, which would protect the existing use and preserve the structures that currently serve as a triplex.
  - B. Policy 4.1.2- Identity and Design: Protect the identity and cohesiveness of neighborhoods by ensuring the appropriate scale and location of development, mix of uses, and character of building design.  
The request would protect the identity and cohesiveness of the South Broadway Neighborhood by ensuring the appropriate scale and location of the existing development would be consistent with the City’s IDO; a non-conforming use would be conforming and the character of the building would remain undisturbed.
  - C. Policy 4.1.4- Neighborhoods: Enhance, protect, and preserve neighborhoods and traditional communities as key to our long-term health and vitality.  
The request would enhance the current property by bringing the existing non-conforming use into conformity. As a result, the request would protect, and preserve the neighborhood and the traditional community by keeping uses similar to what is existing in the South Broadway Neighborhood.
6. The request furthers the following Goals and policy, and in Chapter 5-Land Use:
  - A. Goal 5.3-Efficient Development Patterns: Promote development patterns that maximize the utility of existing infrastructure and public facilities and the efficient use of land to support the public good.

The subject site is well-served by existing infrastructure and public facilities; the request would remedy a non-conforming use (triplex) that would promote efficient development patterns and use of land.

- B. Goal 5.6-City Development Areas: Encourage and direct growth to Areas of Change where it is expected and desired and ensure that development in and near Areas of Consistency reinforces the character and intensity of the surrounding area.

The subject site is located in an Area of Consistency, where the character and intensity of the surrounding area is intended to be reinforced. The request would remedy a non-conforming use that would bring the existing triplex into conformity, that would reinforce the character and intensity of the surrounding area remaining the same.

7. The request furthers the following Goals and policies regarding Housing in Chapter 9:

- A. 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 support the conservation of an existing triplex that has been in operation for over 50 years. The request would remedy the non-conforming use of the triplex which would provide different housing types for residents within the South Broadway Neighborhood.

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

The request would remedy a non-conforming triplex that would provide housing within the South Broadway community at a variety of income levels.

- C. Goal 9.3- Density: Support increased housing density in appropriate places with adequate services and amenities.

The request would remedy a non-conforming triplex that would support housing density that would be appropriate in the area and also be within walking distance to a family activity center.

- D. Policy 9.3.2- Other Areas: Increase housing density and housing options in other areas by locating near appropriate uses and services and maintaining the scale of surrounding development.

The request would remedy a non-conforming triplex that would retain its current housing option within the South Broadway Neighborhood, that would provide residents with amenities and services within the surrounding area.

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

- A. Criterion A: Consistency with the City's health, safety, morals and general welfare is shown by demonstrating that a request furthers applicable Comprehensive Plan Goals and policies (and other plans if applicable) and does not significantly conflict with them. The applicant's policy-based response demonstrates that the request clearly facilitates a preponderance of

applicable Goals and policies regarding community identity, land use, and housing. Therefore, the request is consistent with the City's health, safety, morals and general welfare.

- B. Criterion B: The subject site is located in an Area of Consistency. A different zone district would be more advantageous to the community. The request would remedy a non-conforming use on the property and would provide efficient implementation of patterns of land use, development density and intensity, and connectivity within the area that would be similar in use and scale and would clearly reinforce or strengthen the surrounding area.
- C. Criterion C: The subject site is located wholly in an Area of Consistency, so this criterion does not apply.
- D. Criterion D: The applicant compared the existing R-1A zoning and the proposed RM-L zoning and discussed each use that would become permissive. Townhouses, multi-family, assisted living facility or nursing homes, and large community residential facilities are new uses that would become permissive in the RM-L zone. (see IDO table 4-2-1: Allowable Uses p. 146).

Furthermore, the IDO has Use-Specific standards to mitigate the impacts of uses that could be considered harmful. Many of the new permissive uses allowed would still not be allowed due to the size and lot requirements

- E. Criterion E: The subject site is an infill site that is adequately served by existing infrastructure (requirement 1).
  - F. Criterion F: The justification for the requested zone change is to remedy a non-conforming use (triplex) and is not completely based on the property'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 wants to remedy a non-conforming use and has adequately demonstrated that the request clearly facilitates 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. R-1A zoning surrounds the subject site in all four directions. There is some MX-T zoning within the area south of the subject site. The applicant acknowledges that the request would create a spot zone, but explains that it would be a justified spot zone because it would remedy a non-conforming use because the nature of structure already on the premises makes it unsuitable for the uses allowed in the R-1A zone district. The request clearly facilitates implementation of the Comprehensive Plan as shown in the response to Criterion A.
9. The applicant's policy-based response adequately demonstrates that the request clearly facilitates a preponderance of applicable Goals and policies 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.

10. The affected neighborhood organization is the South Broadway Neighborhood Association which was notified as required. Property owners within 100 feet of the subject site were also notified as required.
11. A pre-application meeting was held on February 16, 2023 via zoom. Neighborhood concerns about the request included non-conformity issues, permissive uses under the proposed zoning and history of other zone map amendments within the area.
12. As of this writing, Staff has received two letters; one letter was received from the South Broadway Neighborhood Association in favor of the request and another letter received from 3 neighborhood residents was in opposition.

***RECOMMENDATION - RZ-2022-00007, April 20, 2023***

**APPROVAL of Project #: 2023-008175, Case#: RZ-2023-00007, a zone change from R-1A to R-ML, for Lot 07, Block 19, Eastern Addition, located at 1102 Edith Blvd SE, between Garfield Ave. SE, and Lewis Ave. SE., an approximately 0.2-acre site, based on the preceding Findings.**

---

*Leroy Duarte*  
Current Planner

Notice of Decision cc list:

Kinley Raccoon LLC, [Jitka.dekojova@yahoo.com](mailto:Jitka.dekojova@yahoo.com)  
Kinley Raccoon LLC, [Chelsea.gulling@gmail.com](mailto:Chelsea.gulling@gmail.com)  
South Broadway NA, Frances Armijo, [fparmijo@gmail.com](mailto:fparmijo@gmail.com)  
South Broadway NA, Tiffany Broadous, [tiffany.hb10@gmail.com](mailto:tiffany.hb10@gmail.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***

PR- 2023-008175, RZ-2023-00007

Zoning Map Amendment

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)***

No Comments.

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

## ***WATER UTILITY AUTHORITY***

RZ-2023-00007– Zoning Map Amendment (Zone Change)

1. No adverse comment.
2. For informational purposes only:
  - 2a. This site is currently receiving water and sewer service from ABCWUA.
  - 2b. For any future buildout that increases water usage please make a request for availability.
  - 2c. Request for availability link: <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**

Project # PR-2023-008175 RZ-2023-00007– Zoning Map Amendment (Zone Change) -No comments at this time.

**FIRE DEPARTMENT/Planning**

**TRANSIT DEPARTMENT**

No comments.

**COMMENTS FROM OTHER AGENCIES**

**BERNALILLO COUNTY**

**ALBUQUERQUE METROPOLITAN ARROYO FLOOD CONTROL AUTHORITY (AMAFCA)**

No adverse comments.

**ALBUQUERQUE PUBLIC SCHOOLS**

1. Project #2023-008175
  - a. EPC Description: RZ-2023-00007, Zoning Map Amendment (Zone Change).
  - b. Site Information: Eastern Addition, Tract 007, Block 019.
  - c. Site Location: Located at 1102 Edith Blvd. SE, between Garfield Ave. SE and Lewis Ave. SE.
  - d. Request Description: The applicant is requesting approval of a Zoning Map Amendment to change the zoning from R-1A to MX-T (Mixed-Use Transition) to allow for the existing triplex use to conform with the current IDO.
  - e. APS Comments: Existing residential development at this location impacts Eugene Field Elementary School, Washington Middle School, and Albuquerque High School.
    - a. Residential Units: 3
    - b. Est. Elementary School Students: 1

- c. Est. Middle School Students: 1
- d. Est. High School Students: 1
- e. Est. Total # of Students from Project: 3

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

**School Capacity**

<b>School</b>	<b>2022-2023 (40<sup>th</sup> Day) Enrollment</b>	<b>Facility Capacity</b>	<b>Space Available</b>
Eugene Field Elementary School	137	350	213
Washington Middle School	275	650	375
Albuquerque High School	1,727	1,950	223

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)**

MRMPO has no adverse comment.

**MIDDLE RIO GRANDE CONSERVANCY DISTRICT**

**PUBLIC SERVICE COMPANY OF NEW MEXICO**



*Figure 1: Sign posting looking from Edith Blvd.*





***Figure 2: Sign posting looking from Garfield Av.***



***Figure 3: Looking east to subject site.***



***Figure 4: Looking south to subject site.***





***Figure 7: Looking west from within subject site.***

## HISTORY

# CITY OF ALBUQUERQUE

## CODE ENFORCEMENT

Plaza Del Sol Building, Suite 500

600 2<sup>nd</sup> Street NW

Albuquerque, NM 87102

Tel: (505) 924-3850 Fax: (505) 924-3847



Date: April 11, 2022

**VIA Email, [jitka.dekojova@yahoo.com](mailto:jitka.dekojova@yahoo.com)**

Jitka Dekojova

710 Roma Ave NW

Albuquerque, NM 87102

RE: 1102 Edith Blvd. SE – the “property”.

UPC: 101405642351014613

To Whom It May Concern:

This letter will certify that according to the map on file in this office on April 11, 2022, the referenced property, legally described as: \* 007 019EASTERN ADD Albuquerque, Bernalillo County, New Mexico, is Zoned: RESIDENTIAL – SINGLE-FAMILY ZONE DISTRICT (R-1)

The current use of the property is Dwelling, Multi-family, which is not a permissive use in the R-1 Zone.

This property has been inspected and it was found not to be in compliance with the applicable provisions of the Integrated Development Ordinance. This site is not controlled by an approved site development plan, and there are no special exceptions associated with this site. The overlays associated with this site are, South Broadway Area, Railroad and Spur Area.

If you have any questions regarding this matter please contact me at (505) 924-3301 or by email at [ametzgar@cabq.gov](mailto:ametzgar@cabq.gov).

Sincerely:

Angelo Metzgar,

Code Compliance Manager, Code Enforcement, Planning Department

### EXISTING ZONING

Please refer to IDO Section 14-16-2-3(B) for the R-1A Zone District

### PROPOSED ZONING

Please refer to IDO Section 14-16-2-3(E) for the R-ML 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: Kinley Raccoon LLC		Phone: 505-730-4016
Address: 710 Roma Ave NW		Email: jitka.dekojova@yahoo.com
City: Albuquerque	State: NM	Zip: 87102
Professional/Agent (if any): N/A		Phone:
Address:		Email:
City:	State:	Zip:
Proprietary Interest in Site:		List <u>all</u> owners:

### BRIEF DESCRIPTION OF REQUEST

The Applicant is requesting approval of a Zoning Map Amendment to change the zoning from R-1A to MX-T (Mixed-Use Transition) in order to make the existing use conforming.

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

Lot or Tract No.: 007	Block: 019	Unit:
Subdivision/Addition: Eastern Addition	MRGCD Map No.:	UPC Code:
Zone Atlas Page(s): L-14-Z	Existing Zoning: R-1A	Proposed Zoning: MX-T
# of Existing Lots: 1	# of Proposed Lots: 1	Total Area of Site (acres): 0.1286

### LOCATION OF PROPERTY BY STREETS

Site Address/Street: 1102 Edith Blvd SE	Between: Garfield Ave SE	and: Lewis Ave SE
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### CASE HISTORY (List any current or prior project and case number(s) that may be relevant to your request.)

Signature:		Date: 01/31/2023
Printed Name: Jitka Dekojova		<input checked="" type="checkbox"/> Applicant or <input 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: \_\_\_\_\_
- NA Proof of Pre-Application Meeting with City staff per IDO Section 14-16-6-4(B)
- NA Letter of authorization from the property owner if application is submitted by an agent
- 06 Traffic Impact Study (TIS) form (not required for Amendment to IDO Text)
- 03 Zone Atlas map with the entire site/plan amendment area clearly outlined and labeled (not required for Amendment to IDO Text) NOTE: For Annexation of Land, the Zone Atlas must show that the site is contiguous to City limits.

☐ **ADOPTION OR AMENDMENT OF COMPREHENSIVE PLAN**

☐ **ADOPTION OR AMENDMENT OF FACILITY PLAN**

- \_\_\_ Plan, or part of plan, to be amended with changes noted and marked
- \_\_\_ Letter describing, explaining, and justifying the request per the criteria in IDO Sections 14-16-6-7(A)(3) or 14-16-6-7(B)(3), as applicable
- \_\_\_ Required notices with content per IDO Section 14-16-6-4(K)(6)
- \_\_\_ Office of Neighborhood Coordination notice inquiry response, notifying letter, and proof of first class mailing
- \_\_\_ Proof of emailed notice to affected Neighborhood Association representatives
- \_\_\_ Buffer map and list of property owners within 100 feet (excluding public rights-of-way), notifying letter, and proof of first class mailing

☐ **AMENDMENT TO IDO TEXT**

- \_\_\_ Section(s) of the Integrated Development Ordinance to be amended with changes noted and marked
- \_\_\_ Justification letter describing, explaining, and justifying the request per the criteria in IDO Section 14-16-6-7(D)(3)
- \_\_\_ Required notices with content per IDO Section 14-16-6-4(K)(6)
- \_\_\_ Office of Neighborhood Coordination notice inquiry response, notifying letter, and proof of first class mailing
- \_\_\_ Buffer map and list of property owners within 100 feet (excluding public rights-of-way), notifying letter, and proof of first class mailing

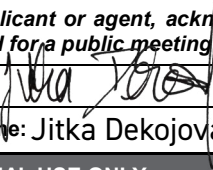

☒ **ZONING MAP AMENDMENT – EPC**

☐ **ZONING MAP AMENDMENT – COUNCIL**

- \_\_\_ Proof of Neighborhood Meeting per IDO Section 14-16-6-4(C)
- \_\_\_ Letter describing, explaining, and justifying the request per the criteria in IDO Section 14-16-6-7(F)(3) or Section 14-16-6-7(G)(3), as applicable
- \_\_\_ Required notices with content per IDO Section 14-16-6-4(K)(6)
- \_\_\_ Office of Neighborhood Coordination notice inquiry response, notifying letter, and proof of first class mailing
- \_\_\_ Proof of emailed notice to affected Neighborhood Association representatives
- \_\_\_ Buffer map and list of property owners within 100 feet (excluding public rights-of-way), notifying letter, and proof of first class mailing
- \_\_\_ Sign Posting Agreement

☐ **ANNEXATION OF LAND**

- \_\_\_ Application for Zoning Map Amendment *Establishment of zoning must be applied for simultaneously with Annexation of Land.*
- \_\_\_ Petition for Annexation Form and necessary attachments
- \_\_\_ Letter describing, explaining, and justifying the request per the criteria in IDO Section 14-16-6-7(E)(3)
- \_\_\_ Board of County Commissioners (BCC) Notice of Decision

<b>I, 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.</b>	
Signature: 	Date: 01/31/2023
Printed Name: Jitka Dekojova	<input checked="" type="checkbox"/> Applicant or <input type="checkbox"/> Agent
<b>FOR OFFICIAL USE ONLY</b>	
Project Number:	Case Numbers
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Staff Signature:	
Date:	





# City of Albuquerque

Planning Department  
Development Review Services Division

## Traffic Scoping Form (REV 12/2020)

**Project Title:** \_\_\_\_\_ **Building Permit #:** \_\_\_\_\_ **Hydrology File #:** \_\_\_\_\_  
**Zone Atlas Page:** L-14-Z **DRB#:** \_\_\_\_\_ **EPC#:** \_\_\_\_\_ **Work Order#:** \_\_\_\_\_  
**Legal Description:** 007 019 Eastern Addition  
**City Address:** 1102 Edith Blvd SE, Albuquerque, NM 87102  
**Applicant:** Kinley Raccoon LLC **Contact:** Jitka Dekojova  
**Address:** 710 Roma Ave NW, Albuquerque, NM 87102  
**Phone#:** 505.730.4016 **Fax#:** \_\_\_\_\_ **E-mail:** jitka.dekojova@yahoo.com

### Development Information

**Build out/Implementation Year:** \_\_\_\_\_ **Current/Proposed Zoning:** R-1A/MX-T  
**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:**  
existing triplex  
\_\_\_\_\_  
\_\_\_\_\_  
**Days and Hours of Operation (if known):** \_\_\_\_\_

### Facility

**Building Size (sq. ft.):** 1,787 sf  
**Number of Residential Units:** 3  
**Number of Commercial Units:** 0

### Traffic Considerations

**Expected Number of Daily Visitors/Patrons (if known):\*** \_\_\_\_\_ **Zoning change traffic** N/A  
**Expected Number of Employees (if known):\*** \_\_\_\_\_  
**Expected Number of Delivery Trucks/Buses per Day (if known):\*** \_\_\_\_\_  
**Trip Generations during PM/AM Peak Hour (if known):\*** \_\_\_\_\_  
**Driveway(s) Located on:** Street Name  
**Adjacent Roadway(s) Posted Speed:**  

<u>Street Name</u> <u>Garfield Ave SE</u>	<u>Posted Speed</u> <u>25 MPH</u>
<u>Street Name</u> <u>Edith Blvd SE</u>	<u>Posted Speed</u> <u>25 MPH</u>

## Roadway Information (adjacent to site)

Comprehensive Plan Corridor Designation/Functional Classification: Garfield Ave SE, Edith Blvd SE - local  
(arterial, collector, local, main street)

Comprehensive Plan Center Designation: N/A  
(urban center, employment center, activity center)

Jurisdiction of roadway (NMDOT, City, County): city

Adjacent Roadway(s) Traffic Volume: \_\_\_\_\_ Volume-to-Capacity Ratio: \_\_\_\_\_  
(if applicable)

Adjacent Transit Service(s): bus stop Nearest Transit Stop(s): Route 16, bus stop at Garfield Ave SE and Broadway Blvd SE

Is site within 660 feet of Premium Transit?: no

Current/Proposed Bicycle Infrastructure: Edith Blvd SE - bikes and cars share the road  
(bike lanes, trails)

Current/Proposed Sidewalk Infrastructure: existing municipal sidewalks

## Relevant Web-sites for Filling out Roadway Information:

City GIS Information: <http://www.cabq.gov/gis/advanced-map-viewer>

Comprehensive Plan Corridor/Designation: <https://abc-zone.com/document/abc-comp-plan-chapter-5-land-use> (map after Page 5-5)

Road Corridor Classification: <https://www.mrcog-nm.gov/DocumentCenter/View/1920/Long-Range-Roadway-System-LRRS-PDF?bidId=>

Traffic Volume and V/C Ratio: <https://www.mrcog-nm.gov/285/Traffic-Counts> and <https://public.mrcog-nm.gov/taqa/>

Bikeways: [http://documents.cabq.gov/planning/adopted-longrange-plans/BTFP/Final/BTFP%20FINAL\\_Jun25.pdf](http://documents.cabq.gov/planning/adopted-longrange-plans/BTFP/Final/BTFP%20FINAL_Jun25.pdf) (Map Pages 75 to 81)

## 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: Zoning amendment, TIS not required

 P.E.

1/31/2023

TRAFFIC ENGINEER

DATE



## **Submittal**

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

Submit by email to the City Traffic Engineer [mgrush@cabq.gov](mailto:mgrush@cabq.gov) . Call 924-3362 for information.

### **Site Plan/Traffic Scoping 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 (Check DPM and IDO for sidewalk requirements. Also, Centers have wider sidewalk requirements.)
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). Note if site is within 660 feet of premium transit.
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.
8. Note if site is within a Center and more specifically if it is within an Urban Center.
9. Note if site is adjacent to a Main Street.
10. Identify traffic volumes on adjacent roadway per MRCOG information. If site generates more than 100 vehicles per hour, identify v/c ratio on this form.

March 29, 2023

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

## RE: Zoning Map Amendment for 1102 Edith Blvd SE

Dear Mr. Chairman and members of the Environmental Planning Commission,

Kinley Raccoon, LLC (Applicant) submits this request for approval of a Zone Map Amendment from R1-A to RM-L for a site located at 1102 Edith Blvd SE. The requested zone map amendment is needed to remove an existing non-conformity and bring the property into compliance with the use regulations of the IDO. The purpose of this letter is to provide justification of the Applicant's request by responding to the decision criteria specified in Integrated Development Ordinance (IDO) Section 14-16-6-7(G)(3).

The subject site is located on the southeast corner of Edith Blvd SE and Garfield Ave SE and legally described as 007 019 Eastern Addition (Figure 1).

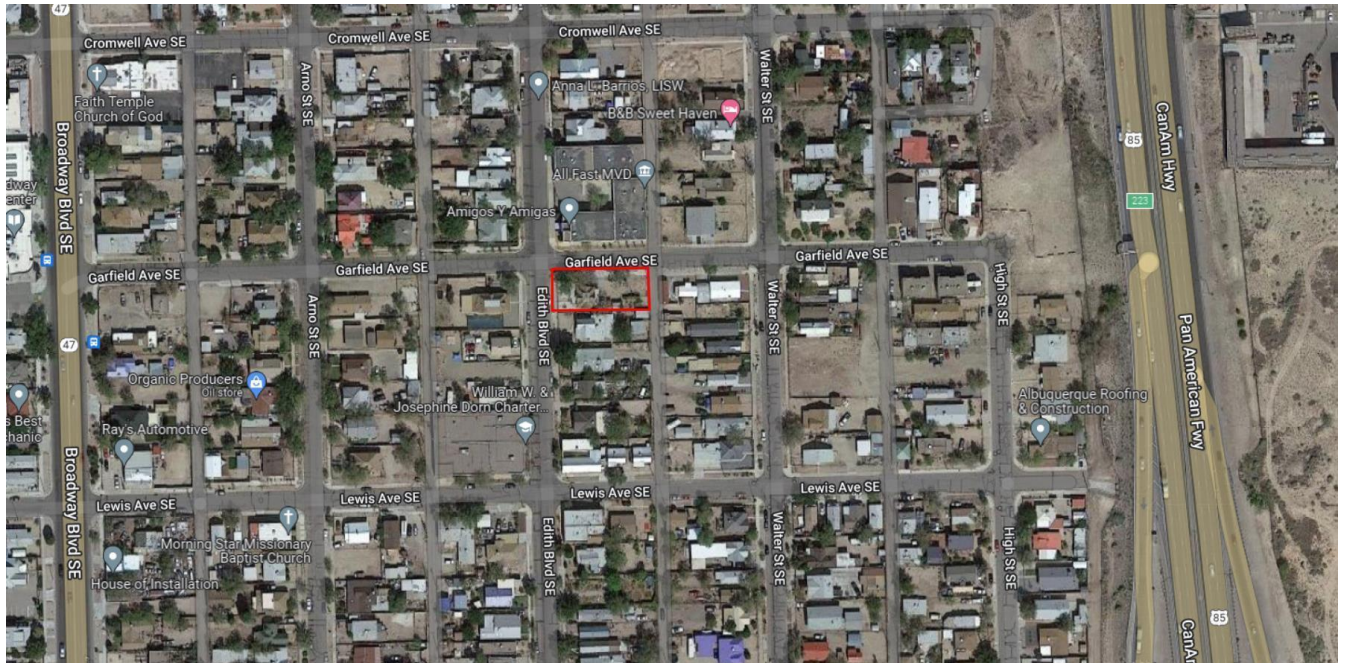


Figure 1. Subject site (shown in red) and its context within the South Broadway Neighborhood.

## 1. LAND USE CONTEXT

The subject site is 0.1286 acres in size (approximately 5,600 square feet) and is developed with one two-story building. The subject site is zoned Single-family R-1A which accommodates the smallest lot sizes of a minimum 3,500 sq. ft. Prior to the IDO, the lot was zoned SU-2/ MR which was the equivalent of R-1 within the South Broadway Sector Development Plan. This plan was repealed with the adoption of the IDO in 2018. The Applicant was informed that the zone change would amend a sector development plan and therefore officially be called a “sector development plan amendment” – however for the purpose of this justification letter, the Applicant uses the understood term “zone change” or “zone map amendment”. The site is located within the South Broadway Metropolitan Redevelopment Area (MRA) Plan boundary that guides redevelopment within the area (Figure 2).

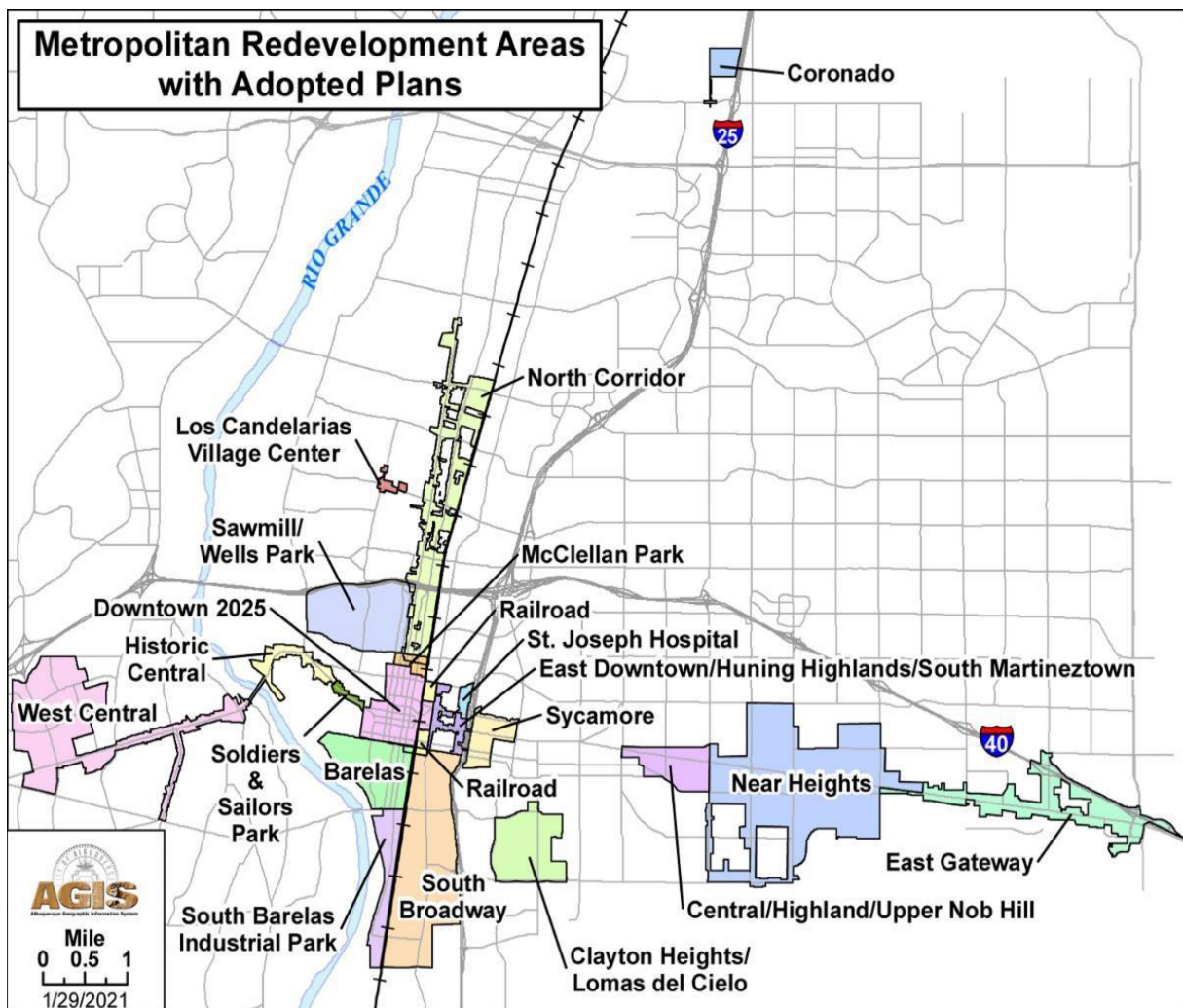


Figure 2. Metropolitan Redevelopment Areas within the City. Subject's property is part of South Broadway MRA.

The zone amendment directly addresses below goals listed for this MRA:

- The conservation and renewal of neighborhoods and the improvement of living conditions of low- and moderate-income families.
- To promote an arrangement of land use, circulation and services which will contribute to the economic, social and physical and safety, welfare and convenience of the people who live in the area within the larger framework of the city and abutting County area.
- Conservation, improvement and expansion of the housing available to low- and moderate-income families.

The South Broadway Sector Development Plan shows the subject property located within the John Marshall neighborhood. The neighborhood has historically exhibited mixed use and development densities. The MRA plan describes land use patterns in neighborhoods at the time of its adoption in 1986 as containing high to medium density residential housing consisting of duplexes to fourplexes that developed with no regular pattern. Commercial and industrial uses were found interspersed or contiguous to this residential area (Figure 3).

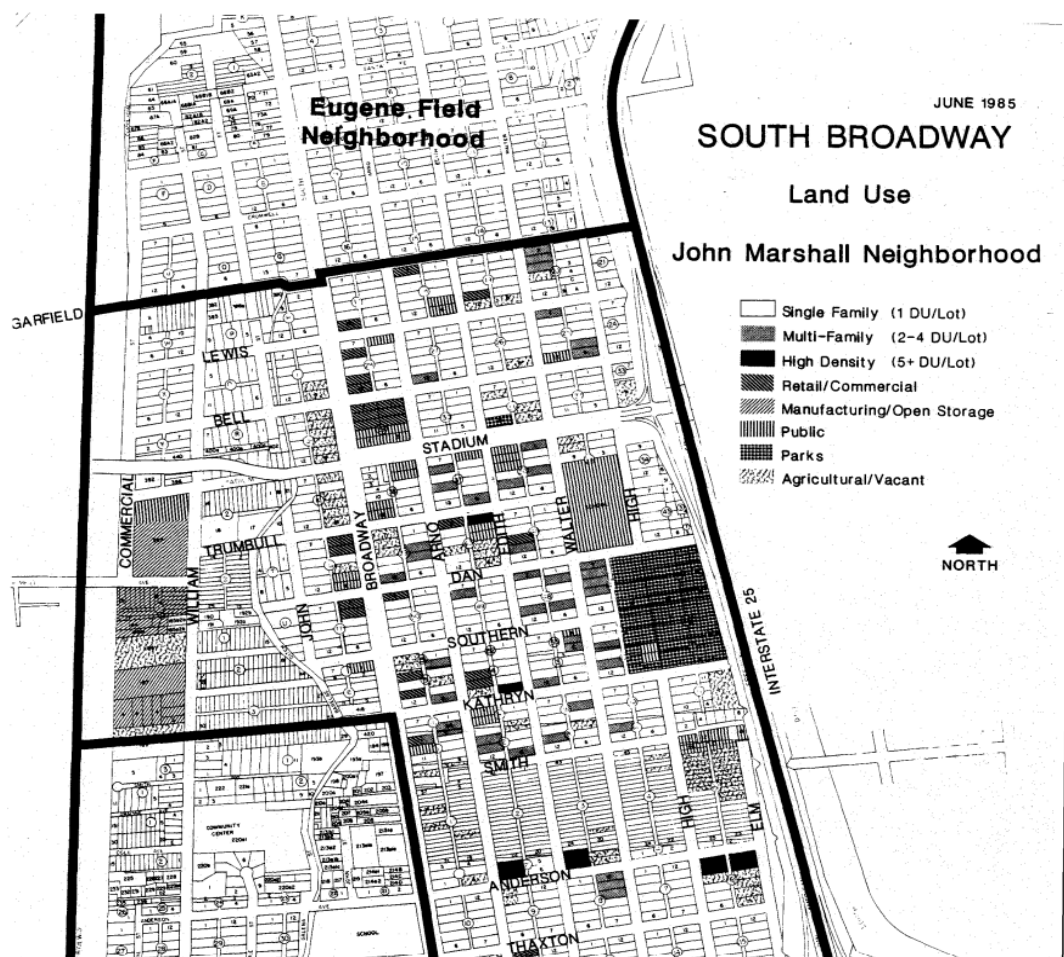


Figure 3. Land use in John Marshall Neighborhood as listed in the South Broadway Sector Development Plan.



This mixed fabric of commercial and residential uses intermingled is documented on the 1959 aerial image of the site (Figure 4). Across from the subject property is a two-story church, down the same block is a charter school. Much of the neighborhood today includes homes and lots that have historically been subdivided to accommodate more units. The neighborhood today is characterized by a mixture of housing types including duplexes, accessory dwelling units, and some larger developments.



*Figure 4. Subject site (shown in red) and its land use context from 1959 aerial view.*

Today, the zoning within the area of the subject site is a mix of R-1A, MX-T, and MX-L (Figure 5). The subject site is directly adjacent to the Broadway Main Street Corridor Area located within 1/4 mile of the designated Main Street Corridor Area. The site is not located within a designated Historic or Character Protection Area.

**Approval of the requested zone change will remove a non-conformity while preserving the existing mixed nature of the neighborhood and ensuring the continuance of affordable housing options during a major housing crisis all of which supports numerous adopted City goals, including recent Housing Forward ABQ policies.**



Figure 5. Subject site (shown in red) and its land use context.

## 2. SITE HISTORY AND ZONING

The Applicant purchased the subject property in December 2021 and since then did several repairs to enhance curb appeal and renovate the building and its units (Figure 6).



Figure 6. Property showing before and after exterior work.



In 2017 the city underwent a major overhaul of its current zoning when the IDO was adopted. In the South Broadway Neighborhood properties were blanketly rezoned by default to R-1 with R-2 zoning granted on conditional basis for SU-2/MR properties. Several small multifamily properties were rezoned to MX-T while the subject property was rezoned to R-1A. The previous owner purchased the property as a multi-family home in 1985 in its existing state as a triplex. In fact, the previous owner actually rented one of the units himself in early 1970s and stated that the house operated as multi-family as far back as 1967. Below is a timeline that the Applicant was able to construct from available records and conversations with the previous owner:

- Property was built in 1944 prior to first zoning laws.
- City has initial aerial shots available from 1959.
- Property has been operated as multi-family since at least 1967 with no long-term vacancy.
- Previous owner was renting the upstairs unit in 1972/1973.
- Previous owner purchased property in 1985 as multi-family.
- Neighbors acknowledge property has always been used as multi-family.
- Property has had two active gas meters since at least 2003.
- Property has had two active electric meters since at least 2003.
- The South Broadway Sector Development Plan was repealed in 2017
- During the time of the purchase by the Applicant in 2022, the subject property has been listed Land Use Code at the BernCo Assessor's website as Multifamily Res U4U.
- Comcast has multiple accounts and unit separations (A,B,C) for drop cable service.
- House inspector at Veterans Plus Home Solutions attests that beyond any reasonable doubt the property's interior has not been renovated for at least 10 years and therefore has been operating as multi-family at least since 2012.
- There are several other properties in the South Broadway area operating as low-density multifamily comparable to 1102 Edith Blvd SE.

The current R-1A (Residential Single-family, small lot) zoning does not allow for the existing use of the dwelling as three-unit property, so the property is considered non-conforming. The Applicant worked with the Planning Department, Code Enforcement Division, and previous property owner, and even though the property operated and was designed as multi-family dwelling since at least 1967, the Applicant was unable to obtain Zonal Certification due to lack of available records. After a meeting with The Code Compliance Manager Angelo Metzgar, Senior Code enforcement Specialist Jeffrey Palmer, and Planning Officer Christian Moore, it was recommended that the Applicant apply for a zone change with the Environmental Planning Commission (EPC)

**The Applicant is requesting approval of a Zoning Map Amendment to change the zoning from R-1A to Multi-Family Low Density Zone District (R-ML) in order to make the existing use conforming.**

### 3. SUMMARY

The Applicant for this request is a local, female-operated, small company that owns another property in Martineztown. The subject site was purchased by the Applicant in December 2021. Since the property has always been divided into multiple units, it was overlooked through the resale process by many parties and we closed on the property without understanding that it was non-conforming.

The Applicant became aware of the zoning issue when contacting the city to acquire address designations. The property sits in an area with postal service operating “block mail slots” so no official multiple address designations exist on property. As soon as the Applicant was made aware of this situation, they immediately started to communicate with the Code Enforcement and were being proactive in addressing this issue while accommodating existing renters on property.

It is the Applicant's belief that the proposed zone change is more advantageous to the community and justified. This request is supported by the Mayoral goals to add housing units in downtown areas and meets the requirements for a Zoning Map Amendment – EPC per IDO Section 14-16-6-7(G) as described below.

### 4. JUSTIFICATION PER IDO

This request for a Zoning Map Amendment complies with the criteria outlined in Section 14-16-6-7(G)(3) of the Integrated Development Ordinance (IDO) as follows:

**6-7(G)(3)(a) The proposed zone change is consistent with the health, safety, and general welfare of the City as shown by furthering (and not being in conflict with) a preponderance of applicable Goals and Policies in the ABC Comp Plan, as amended, and other applicable plans adopted by the City.**

**Applicant's Response:** *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, because the request to rezone from R1-A to R-ML clearly facilitates the ABC Comp Plan goals and policies related to desired infill development, land uses, and varied housing options at an affordable scale. The proposed zone map amendment also furthers goals listed in South Broadway MRA as listed above.*

*The subject property is located within Central ABQ Community Planning Area (CPA) that includes the oldest parts of town and the original residential subdivisions. The area is referred to as a mix of land uses and proximity of residential and non-residential uses. Approval of the requested zone change is more advantageous to the community and works beautifully with the goals of the ABC Comp Plan as listed below:*

**GOAL 4.1 Character: Enhance, protect, and preserve distinct communities.**

*The proposed zone amendment will maintain existing character of the neighborhood and address the following policies:*

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 zone amendment protects the identity and cohesiveness of the neighborhood and maintains the existing urban fabric because it allows compatible (existing) residential uses on the site and at densities that have been in place for decades as demonstrated by the property history (above). The adopted MRA plan for the area indicates that the neighborhood historically contained a mix of high to medium density residential housing. The proposed zone amendment would allow the existing triplex to remain on the site, which is consistent with the scale, character and mix of residential uses within the area. This would maintain the urban fabric and protect the cohesiveness of the neighborhood as the denial of the zone change would result in fewer dwelling units in the neighborhood and potentially lead to two families to be forced out.

Policy 4.1.4 Neighborhoods: Enhance, protect, and preserve neighborhoods and traditional communities as key to our long-term health and vitality.

The neighborhood has long exhibited land use patterns that were comprised of a variety of medium to high residential uses such as duplexes and fourplexes. Many of these development types still exist within the area, which may not be reflected by the current zoning. This request will enhance, protect, and preserve the long-established neighborhood patterns because it supports improvements that protect stable and thriving residential neighborhoods within a city that is currently lacking adequate housing resources. By allowing the existing use of the property to continue, the property will keep respecting existing neighborhood values while supporting improvements that protect stable and thriving residential neighborhoods because it retains existing vital use on site.

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

While this zone amendment request would not directly provide jobs, education, retail or amenities, it would allow middle missing housing choices that are compatible with the existing area land use and character of the neighborhood to remain. This housing is located within ¼ of a mile of the Broadway Main Street that allows for a variety of walkable mixed-use development. The request to retain the existing triplex would thereby foster a complete community where equitable housing solutions are available in close proximity to neighborhood where residents can live, work, and shop together.

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 proposed zone amendment helps to create healthy, sustainable, and distinct communities because it allows for compatible (existing) residential uses and at densities that have been in place for decades in an area of good street connectivity and convenient access to transit while maintaining the characteristics of established residential development pattern, therefore directly supports this policy.

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 proposed zone amendment will further this goal by allowing the continuation of affordable housing within an established neighborhood that is sufficiently served by existing infrastructure and utilities, thereby supporting efficient development patterns in areas with existing infrastructure and public facilities. The proposed zone amendment would allow the continuation of affordable housing within an established neighborhood within a ¼ of a mile of a Main Street Corridor that is sufficiently served by existing infrastructure and utilities. The request would thereby support efficient development patterns in areas with existing infrastructure and public facilities and discourage sprawl and leapfrog development at the municipal boundary.

GOAL 5.6 City Development Areas: Encourage and direct growth to Areas of Change where it is expected and desired and ensure that development in and near Areas of Consistency reinforces the character and intensity of the surrounding area.

The subject site is located within an Area of Consistency (Figure 7). As stated above, the existing triplex has been used as such for over 50 years, prior to the applicant purchasing the site, and is consistent with the existing uses and character of the surrounding area. Approval of the zone amendment will ensure that potential development of the property fits into the character by directly support Policy 5.6.3 sub policy 5.6.3.d to support zone changes that help align the appropriate zone with existing land uses. This request would enhance the character of existing mixed neighborhood because permissive uses feasible on site are compatible with surrounding development including church across the street, Tortuga Gallery down the street, and a charter school on the same block.

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

Healthy, economically stable, and diverse urban areas require diversity in dwelling options. The proposed zone amendment will further this goal by directly supporting the following policy:

Policy 8.1.1 Diverse Places: Foster a range of interesting places and contexts with different development intensities, densities, uses, and building scale to encourage economic development opportunities.

The proposed zone amendment will allow for an existing triplex to be legally conforming. Allowing three separate households to live in the community will directly support local businesses with more opportunities and economic spending than a single-family home. The proposed zone change fosters a range of interesting places and contexts with different development intensities, densities, uses, and building scale because it allows for the existing density and variety to remain intact (studio, 1-BR, 2-BR) which is vital to encourage economic development in the areas where zone already allows for it.

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.

The request for a zone amendment ensures that a sufficient supply of housing and high-quality housing types meet current and future needs at a variety of price levels. By allowing for the existing triplex use, the zone amendment ensures more opportunities for balanced housing options in an area where housing is in high demand. R-ML zone offers a type of housing in which a variety of high-quality housing can be offered at a variety of prices. By not allowing for

*this zone change, the supply of existing housing will decrease when the existing triplex needs to be converted to a single-family house. The requested zone change complies with the following policies:*

*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.*

*This zone amendment supports the development, improvement, and conservation of housing for a variety of income levels and types of residents and households, because it conserves existing multi-unit housing for a variety of income levels. The existing multi-unit housing maintains the supply of affordable housing in the area – three various types of units within the triplex at three various rents provides better variety than one large single-family house to which the subject's property would have to be converted in zone map amendment is not approved.*

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

*This zone amendment request provides for mixed-income neighborhoods because it allows to keep existing affordable housing options: three various sized units ranging from \$700 to \$1,100. The existing triplex directly increases the housing supply and influences the stabilization of rent price.*

*GOAL 9.3 Density: Support increased housing density in appropriate places with adequate services and amenities.*

*This zone amendment directly supports this goal because it increases housing density in appropriate place with adequate service and amenities, while maintaining appropriate urban fabric and character. Following policy is met since the area has already adequate services.*

*Policy 9.3.2 Other Areas: Increase housing density and housing options in other areas by locating near appropriate uses and services and maintaining the scale of surrounding development.*

*This zone amendment request increases housing density and housing options because it is located in area with an adequate existing service and maintains the scale of surrounding development.*

**6-7(G)(3)(b) If the proposed amendment is located wholly or partially in an Area of Consistency (as shown in the ABC Comp Plan, as amended), the applicant has demonstrated that the new zone would clearly reinforce or strengthen the established character of the surrounding Area of Consistency and would not permit development that is significantly different from that character. The applicant must also demonstrate that the existing zoning is inappropriate because it meets any of the following criteria:**

- 1. There was typographical or clerical error when the existing zone district was applied to the property.**
- 2. There has been a significant change in neighborhood or community conditions affecting the site 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 property is located within an Area of Consistency (Figure 7) and the proposed zone clearly reinforces the established character (keeping existing use on site) and would not permit development that is significantly different from the area's character (Table 1).*

*The Applicant chooses following criteria: 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).*

*A different zone district is more advantageous to the community as it would align the zoning with a long existing site use (directly supporting the Comprehensive Plan Policy 5.6.3) in a manner that is consistent with existing patterns of land uses within the area. The request would allow provisions for affordable housing options within the established character of the area on a parcel that is directly adjacent and within ¼ of a mile of the Broadway Main Street Corridor. The site is located within an Area of Consistency where the Comp Plan promotes development that is complementary to the established scale and character of distinctive neighborhoods while accommodating new residents and jobs in areas already well served by infrastructure and transit. As described in 6-7(G)(3)(a) above the existing triplex is consistent with the historic neighborhood patterns and uses of the neighborhood. The building itself, which confirms with the underlying dimensional standards of the existing and proposed zoning district, will not be altered and is consistent with established historic development and architectural patterns of the area. From the outside, the building is not discernable as a triplex. If granted, this use would further Comprehensive Plan to provide a variety of housing options within the City, which is even more critical given our current housing crisis. This request also supports the Center and Corridor growth management vision to "grow as a community of strong Centers connected by a multi-modal network of Corridors" by allowing the continuance of affordable housing directly adjacent to the Broadway Main Street Corridor. The allowance for housing near this Corridor also furthers the goals for the creation of complete communities in which residents can live in locations where they can conveniently access goods and services by variable modes of transport.*

*Furthermore, the requested zone change is more advantageous to the community because it allows property to operate as it has been for over 50 years with no changes. If zone change is denied, the applicant will be forced to either sell the property to a cash buyer or terminate the tenants' leases in order to bring the property into compliance and refinance the mortgage which matures in spring 2023. In this case the tenants will likely have difficulty finding comparable rental properties at an affordable price within the same area.*

**6-7(G)(3)(c) If the proposed amendment is located wholly in an Area of Change (as shown in the ABC Comp Plan, as amended) and the applicant has demonstrated that the existing zoning is inappropriate because it meets at least one of the following criteria:**



**Applicant's Response:** *The subject site is located in an Area of Consistency, so this criterion does not apply (Figure 7)*

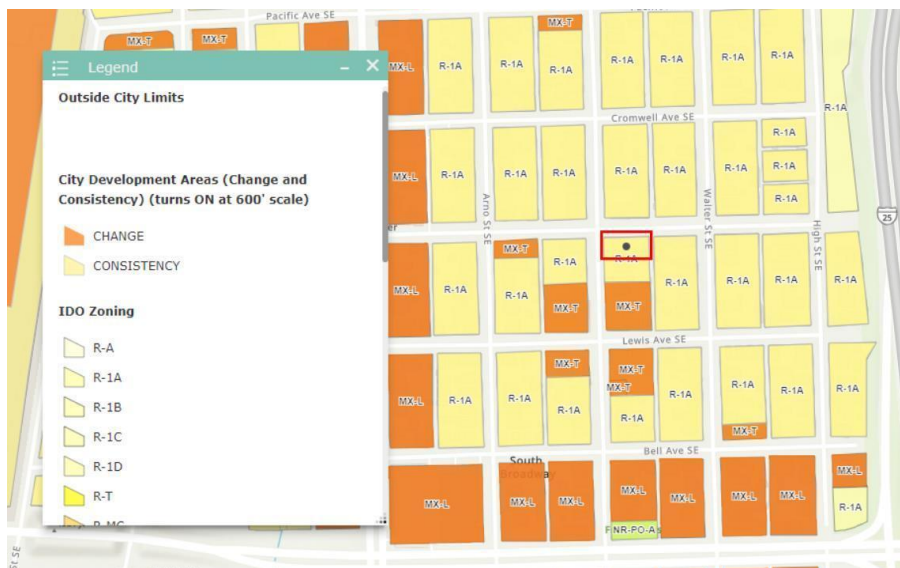


Figure 7. A map of City Development Areas with subject property outlined in red.

**6-7(G)(3)(d)** The requested 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's Response:** *The requested R-ML zone does not allow permissive uses that would be considered harmful to the adjacent property, neighborhood, or community. Table 1 (IDO Table 4-2-1) shows comparison of allowable uses between the existing R-1A and the proposed R-ML zones. The proposed R-ML zone provides an appropriate zone and facilitates several goals of the Comprehensive Plan. Additionally, the size of the lot restricts many uses that may be allowed in the R-ML zone that could otherwise be considered harmful – such as nursing home or a large residential facility.*

IDO Zoning Comparison (IDO table 4-2-1)		
Allowable Use	R-1A	R-ML
Dwelling, single-family detached	P	P
Dwelling, mobile home		
Dwelling, cluster development	P	P
Dwelling, cottage development	P	P
Dwelling, two-family detached (duplex)	P	P
Dwelling, townhouse		P

Dwelling, live-work		C
Dwelling, multi-family		P
Assisted living facility or nursing home		P
Community residential facility, small	P	P
Community residential facility, large		P
Dormitory		
Group home, small		C
Group home, medium		C
Group home, large		

*Table 1. IDO zoning comparison. P = Permissive Primary, C = Conditional Primary, blank cell = Not Allowed.*

*Live/work and small to medium group homes are the only uses that are allowed conditionally in the RM-L zone district, but not allowed in the R-1A zone. Conditional uses require a Conditional Use Permit through a public hearing in front of the Zoning Hearing Examiner to be allowed on a subject site. Similar to this zone map amendment request, the applicant must provide justification that these uses will not be injurious to the surrounding area and the impacted neighborhood and property owners are provided an opportunity to provide input. These uses would therefore be adequately vetted to ensure they are not harmful to the area.*

*Townhouses, multi-family, assisted living facility or nursing homes, and large community residential facilities are the only new uses that would be permissively allowed in the RM-L zone that would not be allowed within the existing R1-A zone. The subject site is only 0.1286 acres which significantly limits the viability of these uses. Particularly for a standard multi-family dwelling or assisted living facility, the site is not feasibly large enough to accommodate both the uses and their associated required off-street parking. The proposed RM-L zone districts requires a minimum lot size of 2,200 sq.ft. for townhouses which limits this use to two dwellings. This would generate units that are within the established development character with the established housing of the area. Community residential facilities are already allowed within the R1-A zone, this use would simply allow more residents and the IDO's use standards require the dwelling to be consistent with the standards of the underlying district which is still consistent with established patterns and therefore not harmful.*

*While R-ML allows for a taller building height (38 feet) than the existing R-1A (26 feet), the Applicant chose to apply for an R-ML zone change as opposed to the previously considered MX-T zone change. MX-T was initially considered because it only allows for 30 foot buildings. However, the neighbors in attendance at a neighborhood meeting on February 16, 2023 were more concerned about permissive uses than about building height which contributed to the decision to apply instead for R-ML which has more restrictive permissive uses.*

**6-7(G)(3)(e) The City's existing infrastructure and public improvements, including but not limited to its street, trail, and sidewalk systems meet 1 of the following requirements:**

- 1. 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's Response:** *The City's existing infrastructure and public improvements have adequate capacity for the development made possible by the proposed zone amendment, so this request meets requirement Criteria 1. The site is already developed with three dwelling units that are proposed to remain and are served adequately by current infrastructure. These units are served by the existing roadway network sidewalks and nearby transit, water/sewer services, and storm drainage systems. No additional improvements are necessary and the zone amendment will not require major expenditures by the City to provide additional service and/or infrastructure.*

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

**Applicant's Response:** *The property is located on Edith Blvd SE, which is a local road; therefore, the Applicant's justification for the requested zone change is not completely based on the property's location on a major street. As previously stated, the primary purpose of this request is to bring the long-established use into compliance with the IDO.*

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

**Applicant's Response:** *The Applicant's justification is not based completely or predominantly on the cost of land or economic considerations, since the cost of land or other economic considerations are not the determining factor for this zone change request. Instead, the requested zone amendment furthers numerous policies and goals of the ABC Comp Plan and will allow for the existing uses to become conforming in a manner that is consistent with the surrounding context and mixed density neighborhood. The request also addresses the imbalance of housing in Greater Downtown.*

**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 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's Response:** *The Applicant is aware that the requested zone amendment creates a "spot zone" since the surrounding zones in the area are R-1A, MX-T, and MX-L. Following requested meeting with the South Broadway Neighborhood Association on February 16, 2023 where concerns were raised about potential harmful uses allowed within existing MX-T properties in the neighborhood, the Applicant opted for RM-L zone.*

*While the area of the zone change for the subject site is different from surrounding land because it can function as a transition between adjacent zone districts MX-T and R1-A, the Applicant chooses following criteria:*

*Criteria 3: The nature of the structure already on the premises makes it unsuitable for the uses of the existing R-1A zone district. The existing building on the site includes three units and the R-ML district is the first zone district that permissively accommodates a triplex dwelling. The request will prevent the termination of existing leases for tenants living on the premises and allow for legal investment in the property, which provides "hidden" density and expanded affordable Missing Middle housing options as compared to alternative large scale multi-family developments.*

*This zone amendment clearly facilitates the implementation of the Comprehensive Plan as shown above. It provides opportunities for individuals to live in a location that provides options for transportation, work areas, and lifestyles.*


## **5. CONCLUSION**

The request for a Zoning Map Amendment from R-1A to R-ML furthers numerous goals and policies of the city's efforts to provide more housing in the Greater Downtown and more diverse housing options. The proposed zone change is compatible with the surrounding neighborhood while also eliminating a nonconformity that will relieve the Applicant from any potential legal issues. In the shorter term, it will support continued investment and upkeep in the property that will benefit the neighborhood and greater community.

Kinley Raccoon LLC respectfully requests that the Environmental Planning Commission approve this request for a Zoning Map Amendment for the subject site based on the information provided.

Thank you for your consideration.

Sincerely,

  
Jitka Dekojova and Chelsea Gulling  
Kinley Raccoon, LLC

## STAFF INFORMATION

March 15, 2023

TO: Kinley Raccoon LLC.  
FROM: Leroy Duarte, Planner  
City of Albuquerque Planning Department  
TEL: (505) 924-3452  
RE: Edith Zone Change

---

I've completed a first review of the proposed sector development plan map amendment (zone change) request. I have suggestions that will help make the justification approvable. 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 29, 2023.**

⇒ Note: If you have trouble with this deadline, please let me know.

1) Introduction:

- A. Though I've done my best for this review, additional items may arise as the case progresses. If so, I will inform you immediately.

2) 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.

3) Notification & Neighborhood Issues:

- A. Have any neighborhood representatives or members of the public contacted you other than what was provided for the file? Are you aware of any concerns?

4) Project Letter/Overview:

- A. Mention the MRA in this section and not in criterion (h).
- B. SU-2 zone only means the subject site was in a Sector Development Plan.
- C. SU-2/MR corresponds to R-1. (South Broadway Sector Development Plan)



D. South Broadway Sector Development Plan was repealed in 2018.

E. Sector Development Plan shows site as a Single-family.

F. Look at the maps from the Sector Development Plan to see history of zoning (maps 4b &5)

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

- A. Please note: I'm happy to assist you as much as I can, although I cannot write the justification or do the thinking part on behalf of a private party.
- B. language to be used needs to state *Clearly Facilitates* in lieu of *furthering*.
- C. Because the zone change would amend a sector development plan, it is officially called a "sector development plan map amendment", though the term zone change is used and understood.
- D. 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 show how your request furthers (makes a reality) the chosen Goals and policies. Citations of text from the body of the documents are not used because the Goals and policies embody the thoughts in the text.

6) 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:

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

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

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

- A. 6-7(G)(3)(a): Restate the policy 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 policy

will need a thorough detailed response. Many of the policies listed do not contain a response or restate the policy in the answer.

- B. 6-7(G)(3)(b): The response must demonstrate how the request would clearly reinforce or strengthen the established character of the surrounding Area of Consistency. State and explain which criteria is being met; 1,2, or 3. Pick only one.
- C. 6-7(G)(3)(c): Response is sufficient.
- D. 6-7(G)(3)(d): Assisted living facility or nursing home, community residential facility large can be harmful to the surrounding area. Height development standards can also be harmful. You need to list all potential harmful effects and how they could be harmful with respect to the new permissive uses.  
Include a section on how these harmful uses can be mitigated as well.
- E. 6-7(G)(3)(e): Sufficient.
- F. 6-7(G)(3)(f): Sufficient.
- G. 6-7(G)(3)(g): sufficient.
- H. 6-7(G)(3)(h): This has to do with whether or not the proposed zone change would create a “spot zone”. Does the subject site meet the definition? Why or why not? This request would create a spot zone because adjacent to the site is surrounded by R-1A zoning. *Clearly facilitates* language will need to be used here. Pick one of the criteria. Remove MRA section not relevant to the criteria response (place elsewhere).

## NOTIFICATION



Chelsea Gulling &lt;chelsea.gulling@gmail.com&gt;

**1102 Edith Ave. SE Neighborhood Meeting Inquiry - CORRECTED ADDRESS**

5 messages

Carmona, Dalaina L. <dlcarmona@cabq.gov>  
 To: Chelsea Gulling <chelsea.gulling@gmail.com>

Fri, Oct 14, 2021

**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 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:

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

Association Name	First Name	Last Name	Email	Address Line 1	City	State	Zip	Mobile Phone	Phone
South Broadway NA	Frances	Armijo	<a href="mailto:fparmijo@gmail.com">fparmijo@gmail.com</a>	915 William SE	Albuquerque	NM	87102	5054003473	5052478798
South Broadway NA	Tiffany	Broadous	<a href="mailto:tiffany.hb10@gmail.com">tiffany.hb10@gmail.com</a>	215 Trumbull SE	Albuquerque	NM	87102		5055074250

The ONC does not have any jurisdiction over any other aspect of your application beyond this neighborhood contact information. We can't answer question sign postings, pre-construction meetings, permit status, site plans, buffers, or project plans, so we encourage you to contact the Planning Department at: 505.3857 Option #1, e-mail: [devhelp@cabq.gov](mailto:devhelp@cabq.gov), or visit: <https://www.cabq.gov/planning/online-planning-permitting-applications> with those types of questions.

Please note the following:

- You will need to e-mail each of the listed contacts and let them know that you are applying for an approval from the Planning Department for your project.
- Please use this online link to find the required forms you will need to submit your permit application. <https://www.cabq.gov/planning/urban-design-development/public-notice>.
- The Checklist form you need for notifying neighborhood associations can be found here: [https://documents.cabq.gov/planning/online-forms/PublicNotice/CABQ-Official\\_public\\_notice\\_form-2019.pdf](https://documents.cabq.gov/planning/online-forms/PublicNotice/CABQ-Official_public_notice_form-2019.pdf).
- The Administrative Decision form you need for notifying neighborhood associations can be found here: <https://documents.cabq.gov/planning/online-forms/PublicNotice/Emailed-Notice-Administrative-Print&Fill.pdf>.
- Once you have e-mailed the listed contacts in each neighborhood, you will need to attach a copy of those e-mails AND a copy of this e-mail from the Planning Department to your application and submit it to the Planning Department for approval.

If your application requires you to offer a neighborhood meeting, you can click on this link to find required forms to use in your e-mail to the neighborhood association(s):

<http://www.cabq.gov/planning/urban-design-development/neighborhood-meeting-requirement-in-the-integrated-development-ordinance>

If your application requires a pre-application or pre-construction meeting, please plan on utilizing virtual platforms to the greatest extent possible and adhere to current Public Health Orders and recommendations. The health and safety of the community is paramount.

If you have questions about what type of notification is required for your particular project or meetings that might be required, please click on the link below to a table of different types of projects and what notification is required for each:

<https://ido.abc-zone.com/integrated-development-ordinance-ido?document=1&outline-name=6-1%20Procedures%20Summary%20Table>

Thank you.





Chelsea Gulling &lt;chelsea.gulling@gmail.com&gt;

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**Notification of Zone Change Request for 1102 Edith Blvd SE.**

1 message

**Chelsea Gulling** <chelsea.gulling@gmail.com>

Tue, Jan 24, 2023 at 5:02 PM

To: fparmijo@gmail.com, tiffany.hb10@gmail.com

Cc: Jitka Dekojova &lt;jitka.dekojova@yahoo.com&gt;

Dear Tiffany &amp; Frances--

We are writing to inform you of a Zone Map Amendment request from R-1A to MX-T for the property at 1102 Edith Blvd SE.

**Property History, Renovations, Need for Zone Change & Future Plans:**

Kinley Raccoon LLC purchased the triplex in December 2021. Prior to our ownership, the property was owned by the same family for over 30 years and we understand that it has operated as a triplex for the entire time.

Following purchase of the property, we painted and repaired the exterior, added a washer and dryer and did some cosmetic repairs inside the units--see attached jpeg before and after exterior photos. We have no plans to operate the building any differently than it has been operating for the last thirty years - as a triplex however, we currently are not legally confirming due to the extensive zone changes in the area done through the Integrated Development Ordinance (IDO) in 2017.

**Our Attempts to be Legally Conforming Without a Zone Change:**

We attempted to be grandfathered into the new zoning laws so that we would not have to do a zone change. However, since the request to be grandfathered in was not made within the required two-year time period following the 2017 IDO adoption, we were unable to do so. Therefore, zone change is our only option to operate as a legally conforming triplex.

**Our Next Steps:**

We plan to get on the agenda for a zone change request at the earliest Environmental Planning Commission (EPC) hearing. Once we receive confirmation of that meeting, we will notify you of the date.

In accordance with the procedures of the City of Albuquerque's Integrated Development Ordinance (IDO) Section 14-16-6-4(C) Pre-submittal Neighborhood Meeting, we are providing you with an opportunity to discuss this request.

If you would like to schedule a Neighborhood Meeting to discuss this matter, please contact me or my partner, Jitka Dekojova within the required 15-day period of this email date (**by Tuesday, February 7, 2023**) at 505-730-4016 or by *replying all* to this email. Also, if you decide to decline a meeting, please let us know as well so we can move forward with scheduling. 😊

**Attachments: Photo: Before & After Photos of the Exterior, Required COA Notice Form, IDO Zone Atlas Page.**

--

Chelsea Gulling & Jitka Dekojova  
Kinley Raccoon LLC

---

**3 attachments**



**Before and After Photo Exterior.jpg**  
439K



**IDOZoneAtlasPage\_L-14-Z.pdf**  
556K



**NeighborhoodMeetingRequest-1102 Edith BLvd SE.pdf**  
200K



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

**Public Notice of a Proposed Project in the City of Albuquerque  
for Decisions Requiring a Meeting or Hearing  
Mailed/Emailed to a Neighborhood Association**

Date of Notice\*: 01.31.2023

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:

Neighborhood Association (NA)\*: South Broadway

Name of NA Representative\*: Frances Armijo and Tiffany Broadous

Email Address\* or Mailing Address\* of NA Representative<sup>1</sup>: tiffany.hb10@gmail.com, fparmijo@gmail.com

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

1. Subject Property Address\* 1102 Edith Blvd SE, Albuquerque, NM 87102  
Location Description \_\_\_\_\_
2. Property Owner\* Kinley Raccoon LLC
3. Agent/Applicant\* [if applicable] N/A
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

Summary of project/request<sup>2</sup>\*:

approval of a Zoning Map Amendment to change the zoning from R-1A to MX-T in order to make the existing triplex a legally conforming use of property

<sup>1</sup> Pursuant to [IDO Subsection 14-16-6-4\(K\)\(5\)\(a\)](#), email is sufficient if on file with the Office of Neighborhood Coordination. If no email address is on file for a particular NA representative, notice must be mailed to the mailing address on file for that representative.

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

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

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

☐ Zoning Hearing Examiner (ZHE)

☐ Development Review Board (DRB)

☐ Landmarks Commission (LC)

☒ Environmental Planning Commission (EPC)

Date/Time\*: March 16, 2023 8.40 am

Location\*<sup>3</sup>: ZOOM <https://cabq.zoom.us/j/2269592859> or by calling the following number:  
1 301 715 8592 and entering 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>4</sup>:

[jitka.dekojova@yahoo.com](mailto:jitka.dekojova@yahoo.com)

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

1. Zone Atlas Page(s)\*<sup>5</sup> L-14-Z
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\*:

no exceptions are requested

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:

Virtual neighborhood meeting is scheduled for February 16 where the application will be discussed at regular South Broadway Neighborhood Association meeting. Please contact your neighborhood representative Francis Armijo at [fparmijo@gmail.com](mailto:fparmijo@gmail.com), 505-400-3473 or Tiffany Broadous at [tiffany.hb10@gmail.com](mailto:tiffany.hb10@gmail.com), 505-507-4250.

<sup>3</sup> Physical address or Zoom link

<sup>4</sup> Address (mailing or email), phone number, or website to be provided by the applicant

<sup>5</sup> Available online here: <http://data.cabq.gov/business/zoneatlas/>

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

5. **For Site Plan Applications only\***, attach site plan showing, at a minimum:

- ☐ a. Location of proposed buildings and landscape areas.\*
- ☐ b. Access and circulation for vehicles and pedestrians.\*
- ☐ c. Maximum height of any proposed structures, with building elevations.\*
- ☐ d. **For residential development\***: Maximum number of proposed dwelling units.
- ☐ e. **For non-residential development\***:
  - ☐ Total gross floor area of proposed project.
  - ☐ Gross floor area for each proposed use.

**Additional Information [Optional]:**

From the IDO Zoning Map<sup>6</sup>:

1. Area of Property [typically in acres] 0.1286 acres
  2. IDO Zone District R-1A
  3. Overlay Zone(s) [if applicable] N/A
  4. Center or Corridor Area [if applicable] N/A
- Current Land Use(s) [vacant, if none] residential (triplex)
- 

**NOTE:** Pursuant to [IDO Subsection 14-16-6-4\(L\)](#), property owners within 330 feet and Neighborhood Associations within 660 feet may request a post-submittal facilitated meeting. If requested at least 15 calendar days before the public meeting/hearing date noted above, the facilitated meeting will be required. To request a facilitated meeting regarding this project, contact the Planning Department at [devhelp@cabq.gov](mailto:devhelp@cabq.gov) or 505-924-3955.

**Useful Links**

**Integrated Development Ordinance (IDO):**

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

**IDO Interactive Map**

<https://tinyurl.com/IDOzoningmap>

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

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<sup>6</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

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: 1102 Edith Blvd SE, Albuquerque, NM 87102

Name of property owner: Kinley Raccoon LLC

Name of applicant: Jitka Dekojova

Date, time, and place of public meeting or hearing, if applicable: March 16, 2023 8.40 am on Zoom

find information at: <https://www.cabq.gov/planning/boards-commissions/environmental-planning-commission>

Address, phone number, or website for additional information:

Jitka Dekojova 505-730-4016

**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.

(Applicant signature)

01/31/2023

(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.

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

**Public Notice of a Proposed Project in the City of Albuquerque  
for Decisions Requiring a Meeting or Hearing  
Mailed/Emailed to a Neighborhood Association**

Date of Notice\*: 01.31.2023

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Neighborhood Association (NA)\*: South Broadway

Name of NA Representative\*: Frances Armijo and Tiffany Broadous

Email Address\* or Mailing Address\* of NA Representative<sup>1</sup>: tiffany.hb10@gmail.com, fparmijo@gmail.com

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

1. Subject Property Address\* 1102 Edith Blvd SE, Albuquerque, NM 87102  
Location Description \_\_\_\_\_
2. Property Owner\* Kinley Raccoon LLC
3. Agent/Applicant\* [if applicable] N/A
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

Summary of project/request<sup>2</sup>\*:

approval of a Zoning Map Amendment to change the zoning from R-1A to MX-T in order to make the existing triplex a legally conforming use of property

<sup>1</sup> Pursuant to [IDO Subsection 14-16-6-4\(K\)\(5\)\(a\)](#), email is sufficient if on file with the Office of Neighborhood Coordination. If no email address is on file for a particular NA representative, notice must be mailed to the mailing address on file for that representative.

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

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

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

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☐ Development Review Board (DRB)

☐ Landmarks Commission (LC)

☒ Environmental Planning Commission (EPC)

Date/Time\*: March 16, 2023 8.40 am

Location\*<sup>3</sup>: ZOOM <https://cabq.zoom.us/j/2269592859> or by calling the following number:  
1 301 715 8592 and entering 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>4</sup>:

[jitka.dekojova@yahoo.com](mailto:jitka.dekojova@yahoo.com)

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

1. Zone Atlas Page(s)\*<sup>5</sup> L-14-Z
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\*:

no exceptions are requested

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:

Virtual neighborhood meeting is scheduled for February 16 where the application will be discussed at regular South Broadway Neighborhood Association meeting. Please contact your neighborhood representative Francis Armijo at [fparmijo@gmail.com](mailto:fparmijo@gmail.com), 505-400-3473 or Tiffany Broadous at [tiffany.hb10@gmail.com](mailto:tiffany.hb10@gmail.com), 505-507-4250.

<sup>3</sup> Physical address or Zoom link

<sup>4</sup> Address (mailing or email), phone number, or website to be provided by the applicant

<sup>5</sup> Available online here: <http://data.cabq.gov/business/zoneatlas/>



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

5. **For Site Plan Applications only\***, attach site plan showing, at a minimum:

- ☐ a. Location of proposed buildings and landscape areas.\*
- ☐ b. Access and circulation for vehicles and pedestrians.\*
- ☐ c. Maximum height of any proposed structures, with building elevations.\*
- ☐ d. **For residential development\***: Maximum number of proposed dwelling units.
- ☐ e. **For non-residential development\***:
  - ☐ Total gross floor area of proposed project.
  - ☐ Gross floor area for each proposed use.

**Additional Information [Optional]:**

From the IDO Zoning Map<sup>6</sup>:

1. Area of Property [typically in acres] 0.1286 acres
  2. IDO Zone District R-1A
  3. Overlay Zone(s) [if applicable] N/A
  4. Center or Corridor Area [if applicable] N/A
- Current Land Use(s) [vacant, if none] residential (triplex)
- 

**NOTE:** Pursuant to [IDO Subsection 14-16-6-4\(L\)](#), property owners within 330 feet and Neighborhood Associations within 660 feet may request a post-submittal facilitated meeting. If requested at least 15 calendar days before the public meeting/hearing date noted above, the facilitated meeting will be required. To request a facilitated meeting regarding this project, contact the Planning Department at [devhelp@cabq.gov](mailto:devhelp@cabq.gov) or 505-924-3955.

**Useful Links**

**Integrated Development Ordinance (IDO):**

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

**IDO Interactive Map**

<https://tinyurl.com/IDOzoningmap>

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

---

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



Chelsea Gulling &lt;chelsea@gullingconsulting.com&gt;

## Public Notification of Zone Change Request for 1102 Edith Blvd SE - Public hearing notice

1 message

Jitka Dekojova &lt;jitka.dekojova@yahoo.com&gt;

Mon, Jan 30, 2023 at 4:12 PM

To: "fparmijo@gmail.com" &lt;fparmijo@gmail.com&gt;, "tiffany.hb10@gmail.com" &lt;tiffany.hb10@gmail.com&gt;

Cc: Chelsea Gulling &lt;chelsea@gullingconsulting.com&gt;

Dear Tiffany and Frances,

you spoke to my partner Chelsea previously about us moving forward with Zone Map Amendment for 1102 Edith Blvd SE. As requested, we will join you (virtually) at South Broadway Neighborhood Meeting on February 16 and answer any questions.

### Property History, Renovations, Need for Zone Change & Future Plans:

Kinley Raccoon LLC purchased the triplex in December 2021. Prior to our ownership, the property was owned by the same family for over 30 years and we understand that it has operated as a triplex for the entire time.

Following purchase of the property, we painted and repaired the exterior, added a washer and dryer and did some cosmetic repairs inside the units. We have no plans to operate the building any differently than it has been operating for the last thirty years - as a triplex however, we currently are not legally conforming due to the extensive zone changes in the area done through the Integrated Development Ordinance (IDO) in 2017.

### Our Attempts to be Legally Conforming Without a Zone Change:

We attempted to be grandfathered into the new zoning laws so that we would not have to do a zone change. However, since the request to be grandfathered in was not made within the required two-year time period following the 2017 IDO adoption, we were unable to do so. Therefore, zone change is our only option to operate as a legally conforming triplex.

### EPC Public Hearing Notice:

As required by IDO Table 6-1-1, the EPC Public Hearing date will be March 16th, 2023, beginning at 8:40 am via ZOOM at which time this application will be reviewed.

Zoom Link for EPC Meeting:

<https://cabq.zoom.us/j/2269592859>

or join by calling the following number: 1 301 715 8592 and entering Meeting ID: 226 959 2859

*Attachments: Public notice forms and Zone Atlas Map*

Please let us know if you have any questions regarding the EPC hearing.

Chelsea Gulling & Jitka Dekojova  
Kinley Raccoon LLC

---

**3 attachments**



**03 IDOZoneAtlasPage\_L-14-Z (1).pdf**  
556K



**Emailed Notice-PublicMeetingHearing for NA (1).pdf**  
184K



**CABQ-Official\_public\_notice\_form-2019 (3).pdf**  
634K

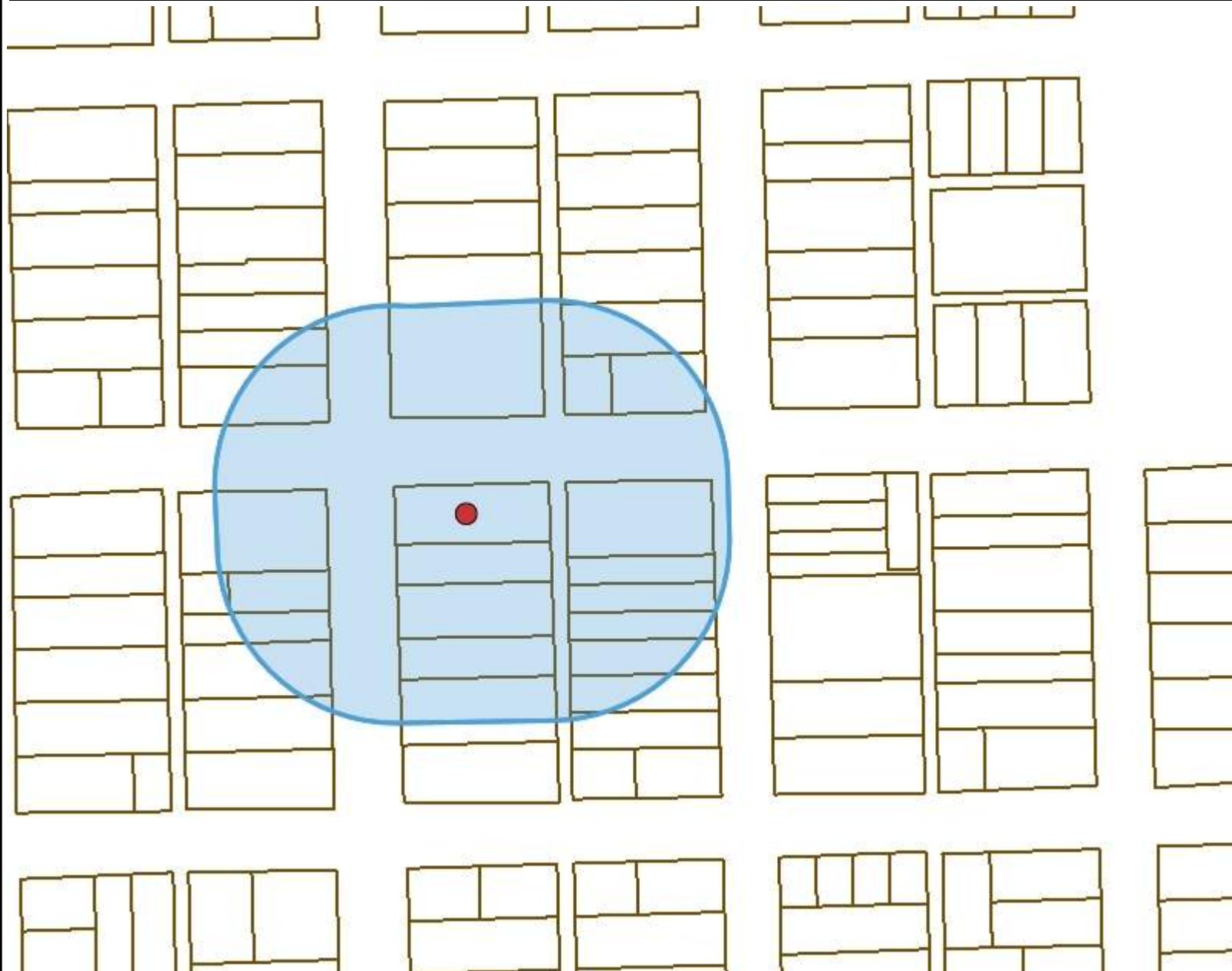


# 1102 Edith Blvd SE



## Legend

□ Bernalillo County Parcels



## Notes

BUFFER: 170 Ft.  
ROW: Edith Blvd. SE; 70 Ft.

280 0 140 280 Feet

WGS\_1984\_Web\_Mercator\_Auxiliary\_Sphere  
1/30/2023 © City of Albuquerque

1: 1,678

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THIS MAP IS NOT TO BE USED FOR NAVIGATION

WILLIAMS MONICA FISCHETTI-PALMIERI  
2821 MAXIMILLIAN RD NW  
ALBUQUERQUE NM 87104-1816

PALLADINO JULI  
1023 EDITH BLVD SE  
ALBUQUERQUE NM 87102-4408

UNITED SOUTH BROADWAY  
CORPORATION  
PO BOX 25242  
ALBUQUERQUE NM 87125

PEREZ JOSE FERNANDO III  
1902 WALTER ST SE  
ALBUQUERQUE NM 87102-4868

DORN JOHNNY RAY & NOVA D  
1106 EDITH ST SE  
ALBUQUERQUE NM 87102

DUNWORTH MARY LOU  
1107 WALTER ST SE  
ALBUQUERQUE NM 87102-4458

UNITED SOUTH BROADWAY  
CORPORATION  
PO BOX 25242  
ALBUQUERQUE NM 87125

KINLEY RACCOON LLC  
710 ROMA AVE NW  
ALBUQUERQUE NM 87102-2039

BIRKLEY WILLIAM  
1114 EDITH BLVD SE  
ALBUQUERQUE NM 87102-4434

AVALOS JESUS  
1107 EDITH BLVD SE  
ALBUQUERQUE NM 87102

NEIGHBORHOOD CENTER LLC  
1020 EDITH BLVD SE  
ALBUQUERQUE NM 87102

MIRELES LAWRENCE  
1075 SE BIANCA ST  
HILLSBORO OR 97123-4697

HAMILTON MARNELLI JOANNE  
1101 EDITH BLVD SE  
ALBUQUERQUE NM 87109-4433

UNITED SOUTH BROADWAY CORP  
PO BOX 25242  
ALBUQUERQUE NM 87125

SALAS BERNADETTE E  
1101 WALTER ST SE  
ALBUQUERQUE NM 87102-4458

JONES DIANE DORN  
PO BOX 26665  
ALBUQUERQUE NM 87125-6665

LEONARD GLYNN & LANDRUM TYRON &  
CARLA MITCHELL & ETAL  
1117 WALTER ST SE  
ALBUQUERQUE NM 87102-4458

LUJAN RICHARD & LELAND AIS LAURIE  
1113 EDITH BLVD SE  
ALBUQUERQUE NM 87102

MERZ TYLER AARON & SPRAGINS  
ELIZABETH LEE  
1120 EDITH BLVD SE  
ALBUQUERQUE NM 87102-4434

HUSE KENNETH & ELAINE  
4307 BOULDER DR  
MIDLAND TX 79707-3612

GREATHOUSE ANNA LORRAINE  
1021 EDITH BLVD SE  
ALBUQUERQUE NM 87102-4408

ETG PROPERTIES LLC  
8301 LOMAS BLVD NE  
ALBUQUERQUE NM 87110-7908

CARTER GARY  
1520 HIGH ST SE  
ALBUQUERQUE NM 87102-1628

VALENZUELA FRANCES G  
1019 WALTER ST SE  
ALBUQUERQUE NM 87102-4421

CHAVEZ-TORRES RICARDO  
1609 EASTRIDGE DR NE  
ALBUQUERQUE NM 87112-4510

MIRELES VIRGINIA  
1109 WALTER ST SE  
ALBUQUERQUE NM 87102-4458

January 31, 2023

Avalos, Jesus  
1107 Edith Blvd SE  
Albuquerque, NM 87102

RE: Public Notice of EPC Hearing // Zone Map Amendment

Dear Jesus,  
We are excited to be a part of your neighborhood!  
Please see the following materials we are  
required to send. Please know, we have  
no plans to alter the use of the lot. We just  
look forward to gaining the legal designation  
to continue operating the property as a triplex.

We are writing to inform you of a Zone Map Amendment request from R-1A to MX-T for the property at 1102 Edith Blvd SE.

**Property History, Renovations, Need for Zone Change & Future Plans:**

Kinley Raccoon LLC purchased the triplex in December 2021. Prior to our ownership, the property was owned by the same family for over 30 years and we understand that it has operated as a triplex for the entire time.

Following purchase of the property, we painted and repaired the exterior, added a washer and dryer and did some cosmetic repairs inside the units. We have no plans to operate the building any differently than it has been operating for the last thirty years - as a triplex however, we currently are not legally conforming due to the extensive zone changes in the area done through the Integrated Development Ordinance (IDO) in 2017.

**Our Attempts to be Legally Conforming Without a Zone Change:**

We attempted to be grandfathered into the new zoning laws so that we would not have to do a zone change. However, since the request to be grandfathered in was not made within the required two-year time period following the 2017 IDO adoption, we were unable to do so. Therefore, zone change is our only option to operate as a legally conforming triplex.



Chelsea Gulling & Jitka Dekojova  
710 Roma Ave. NW  
Albuquerque, NM 87102

AVALOS JESUS  
1107 EDITH BLVD SE  
ALBUQUERQUE NM 87102



Chelsea Gulling & Jitka Dekojova  
710 Roma Ave. NW  
Albuquerque, NM 87102

DORN JOHNNY RAY & NOVA D  
1306 EDITH ST SE  
ALBUQUERQUE NM 87102



Chelsea Gulling & Jitka Dekojova  
710 Roma Ave. NW  
Albuquerque, NM 87102

BIRKLEY WILLIAM  
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ALBUQUERQUE NM 87102-4434



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DUNWORTH MARY LOU  
1107 WALTER ST SE  
ALBUQUERQUE NM 87102-4456



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JONES GARET DORR  
PO BOX 26605  
ALBUQUERQUE NM 87125-6605



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NEIGHBORHOOD CENTER LLC  
1020 EDITH BLVD SE  
ALBUQUERQUE NM 87102

# 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.

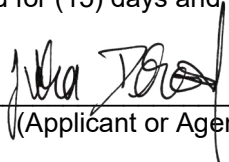
4. TIME

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.

  
\_\_\_\_\_  
(Applicant or Agent)

01/31/2023  
\_\_\_\_\_  
(Date)

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

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

## FACILITATED MEETING REPORT

**CITY OF ALBUQUERQUE**  
**LAND USE FACILITATED MEETING REPORT**  
**1102 Edith SE- February 16, 2023**

**Project:** 1102 Edith NE - EPC Application for Zone Map Amendment

**Property Description/Address:** 1102 Edith SE, ABQ NM 87102

**Date Submitted:** February 25, 2023

**Submitted By:** Jocelyn M. Torres

**Meeting Date/Time:** February 16, 2023, 6:00 pm – 8:00 pm

**Meeting Location:** Via Zoom

**Facilitator:** Jocelyn M. Torres

**Applicants:** Kinley Raccoon LLC, Jitka Dekojova and Chelsea Gulling

**Neighborhood Associations/Interested Parties:** Albuquerque South Broadway Neighborhood Association (SBNA); neighbors.

**Facilitator's Note Regarding the City of Albuquerque Land Use Facilitation Program:**

**Purpose**

Created in 1994 to encourage communication between the applicants proposing land use projects and residents that would be impacted by proposed projects. The Facilitation process provides an opportunity for residents and applicants to exchange information, ask questions, and discuss concerns about proposed projects. Residents and applicants have expressed increased satisfaction with the land use process.

**What is Facilitation?**

Facilitation is a collaborative voluntary process used to help parties discuss issues, identify and achieve goals and complete tasks in a mutually-satisfactory manner. This process uses a facilitator, who focuses on the processes and assists and guides the participants in procedures of dispute resolution and decision-making. The facilitator is impartial to the issues being discussed, has no advisory role on the content of the meeting, and no interest in the outcome of the meeting.<sup>1</sup>

This was a productive meeting between the SBNA and the Applicants. Towards the end of the meeting, the Facilitator discouraged the repetitive questions being asked of the Applicants. The same questions had already been asked of the Applicants and answered several times. The Facilitator's role is to guide the participants in the collaborative and mutually-satisfactory dispute resolution and decision-making process. The Facilitator was therefore protecting and facilitating the process. A participant then asked: "*are you advocating for this or what? As a facilitator, I'm just saying.*" The Facilitator responded that she has no interest in the property or the outcome of the meeting. The Facilitator instead performed her role in a manner that was fair to the process and the participants.

**Background Summary:**

APD Officer Davis provided a neighborhood crime report prior to the commencement of this meeting.

Applicants purchased this triplex in 2021. They were unaware that the triplex was a nonconforming use as a result of its post-IDO zone designation of R-1. The property, along with several surrounding parcels, had been zoned SU-2 prior to the effective date of the IDO. Applicants' purchase was after the two year window for an IDO zone change. Applicants have since renovated the triplex by painting the building, doing cosmetic upgrades to the units and by adding a washer and dryer. They have been unable to obtain metered service or a mailbox due to the nonconforming zone. As a result, applicants have filed for a zone change to MX-T. Their Zoom EPC hearing date is March 16, 2023. An agenda will be posted on the EPC website.

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<sup>1</sup> <https://www.cabq.gov/legal/adr/land-use-facilitation>.



**CITY OF ALBUQUERQUE**  
**LAND USE FACILITATED MEETING REPORT**  
**1102 Edith SE- February 16, 2023**

Neighbors had mixed reactions to this zone change request. The attached CABQ map shows that five surrounding properties have MX-T zones. Applicants will try to get more background information on those properties. *See Action Item 2.*

**1. Discussion:**

a. The Applicants addressed:

- i. Their purchase of the triplex in December, 2021.
- ii. Due to the date of purchase, Applicants missed the two year window for an IDO zone change.
- iii. Their intent to maintain ownership of the triplex and to continue its current use.
- iv. Applicants' renovations and updates to the property.
- v. The property was run as a triplex for approximately 50 years, was previously zoned SU-2, and is listed as multi-family housing on the county website.
- vi. Applicants have encountered obstacles, such as being unable to obtain separate mailboxes and metering, due to the nonconforming IDO R-1 zone designation.
- vii. Next steps.

b. SBNA questions and comments:

- i. Some neighbors voiced concern that if the zone is changed to MX-T, applicants may repurpose the property to another "permissive use" within that zone.
- ii. One neighbor stated a preference that applicants not pursue the requested zone change and that they retain the current "nonconforming" R-1 zoning designation.
- iii. Other neighbors are undecided.
- iv. SBNA will vote on their joint decision regarding this application.

**2. Conclusions.**

- a. Applicants will follow up on action items.
- b. Applicants will pursue the application process.
- c. All interested parties may attend the public EPC hearing of March 16, 2023.

**Meeting Specifics** *Participant Questions and Comments are Italicized.* Others are displayed in regular font.

**1. Purpose of zone change application.**

- a. *Q: Couldn't we do a zone variance instead of a map change? Couldn't a variance get the same effect since you're just wanting information for that existing property? If I'm not mistaken, what you're asking for is not just for that property, it's applicable all over. But couldn't you get the same thing with just a variance request?*

A: I wish we could because it would have been much easier. Variance, though is used for something like a variance in building height, wall height, or little things like that. The only way we could do this, after not being grandfathered in, is with the zone change. To clarify very clearly, this will only be applicable to that one parcel on 1102 Edith. It will not affect the surrounding areas or the whole neighborhood at all.

**CITY OF ALBUQUERQUE**  
**LAND USE FACILITATED MEETING REPORT**  
**1102 Edith SE- February 16, 2023**

- b. *C/Q: On the map that you showed earlier, you showed MX-T properties. Those properties were not changed after the zoning code. They were probably there already. I don't think anyone in our neighborhood went down through that process. During that, there was a time period. So those have been MX-T for quite some time. I think the question that I have is that you mentioned in a letter that you were illegally operating a triplex. My understanding is that you're not illegally operating it. It's just a non-conforming building. So what is the fear about future operation of that property as a triplex?*

A: It is illegally operating because the use is, well, not illegal; nonconforming.

C: *It's nonconforming, but that's different than being illegal. You are actually legal because you have three tenants and you have three units. The City allowed you to operate all three units. So you're not illegal. You are legally operating a non-conforming building. So what's the purpose of having to come into conformity? Because there's lots of properties in these old historic neighborhoods that have this designation. So why the need to do this? Because it does open the door to a lot of other uses. So that property could then be used for a number of different purposes.*

A: Yes you are correct that the zone MX-T allows for uses other than triplex. However, there is nothing from the City, any kind of paper, that says we can keep operating as a triplex. Basically, during the meeting, they said, well, we are not going to kick anyone out. You can keep what you're doing, but you need to make this right.

Q: *What do you mean by that? Make it right. What do they mean by that?*

A: Make the zone comply with the use.

C: *They're not making anybody else do it. You can operate that property as nonconforming triplex from now on. No one's going to come along and change that on you, because that's what the others have been doing. So the question for me is, you bought a building, it was a triplex, it was a non-conforming property as are a number of properties in the area. So why the need to change? Because if you're going to continue to operate as a triplex, as you said, why would you need to change? You own the building, and if you some later date you decided you wanted to do something different, then you could bring it back to the neighborhood association and then be real clear what you're asking for in terms of usage. You'd come back and say you want to do this or that. But now to ask for a pretty extensive, pretty aggressive kind of zoning, which we kind of like to keep out of the residential area. That kind of zoning typically falls on Broadway when you're mixing a lot of commercial with residential properties. We've kind of kept that out of the residential part of the neighborhood, and it's very difficult to do because we're so close to Broadway with that property.*

C: *So I guess the question is, if you're not planning on doing anything other than a triplex, as you said, then why the need for a zoning change at this point in time? If later on, as the owner, you want to change it and do something else, then you could come back to the neighborhood with a very specific use that you want, and then they could weigh it from that use, because MX-T says that you could also operate a group home, a small group home. And according to the planning department, when I talk to them, they cannot regulate what kind of halfway house it could be. So it could be any number of halfway contract houses as long as it meets the small group home definition.*

**CITY OF ALBUQUERQUE**  
**LAND USE FACILITATED MEETING REPORT**  
**1102 Edith SE- February 16, 2023**

*Q: Did they give you a deadline for converting it?*

A: We don't have a deadline but we have a letter that it's not conforming.

*Q: My question is, if you're going to operate it as a triplex, even though it's a non-conforming property, you can still operate it as a triplex till the cows come home. If you choose to change your zoning later on, then you would file an application before the City of Albuquerque. It would come back to the neighborhood, and they could make a decision based on, you now want to operate this or that or the other. They'd be very specific about it. So I guess just kind of opening up that kind of extensive zoning is a real big ask for a property that you legally own. You can legally operate it as a triplex. And the only reason that the City would say that you need to change it is if you want to do something else, you will have to change it.*

Facilitator: Chelsea has posted the MX-T definition in chat. It reads:

The purpose of the MX-T Zone District is to provide a transition between residential neighborhoods and more intense commercial areas. Primary land uses include a range of low density, multifamily residential and small scale office, institutional and pedestrian oriented commercial uses.

As far as I understand, Diana is asking for the purpose of the requested change to MX-T, as opposed to the R-1 zone.

*C: Yeah. So we'd be changing from R-1, which is residential, and it's been operating that way with no problem in this community for over 50 years. There's no reason to build a transition between the residential and that property. What is the purpose of creating that transition? It's already in a residential space operating as a low density, multifamily residential property, and it's been operating that way for a long time, so why change it?*

Facilitator: What was the property zoned before the IDO?

A: I'd have to look it up to be sure, but I think it was zoned SU-2. We understood that it was a really broad designation, which is why all of these homes prior to 2017 could be operated in many different ways. It was a very unique situation. I think some of the paperwork we found said that you could even operate a zoo, so it was really broad.

Facilitator: This will be Action Item 1. Find out the definition of SU-2, what the property was zoned before, to determine why it is now zoned as R-1.

*Q: Because you put up the definition of MX-T. It talks about low density, multifamily residential, small office, institutional. Under that code, you can have an auditorium venue. You can have brew club, which we call liquor consumption, health clinic, blood banks, bed and breakfast, hotel, motels, and small group homes that include drug rehabilitation and offender programs as well. So that would change us tremendously, change the use of that building. If they were to choose at some point in time, if we were to allow MX-T, that could be done, and that would very much change the character of the residential area.*

Facilitator: I think that this partnership has a right to go forward and ask for the zone change. There will be an EPC hearing on that. Then neighbors can make comments and ask questions.

**CITY OF ALBUQUERQUE**  
**LAND USE FACILITATED MEETING REPORT**  
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As property owners, they have the right to go forward if they choose to do so, for whatever reasons they may have.

*Q: I have a question for Diana. If they change to MX-T, that zone allows for several other uses. Is that correct?*

*C: If it becomes MX-T there are uses that they could use the property for, that they cannot do under the current zoning. You can see that even under the current zoning, it's pretty high. It's a pretty big change in the use of the property and what might come into the neighborhood.*

*Q: Could that happen with all these other MX-T properties that now exist? Could the same concerns be applied there?*

*C: Except that those have been here for a long time. These are already operating as MX-T. I would have to look at that map, which I will do after the meeting, and share with you where they are and what they are.*

*C: But they could revert to something that we would not want in our neighborhood.*

*C: But if you look at the map, those are not as close to the heart of the residential area.*

*C: Really? I'm not seeing that.*

*C: But see, that MX-T where it says South Broadway Cultural Center? That's on Broadway, right? And then the stuff on Bell. I don't know what all that is, because those are all residential properties. I'd have to look and see what those are that are on Bell southeast. It could be apartment buildings, I don't know. But we don't have that many apartments in our neighborhood.*

A: Diana, I'm learning that all those other uses could be done with MX-T. I was not aware of that. I will just say for clarity, this MX-L, that's one that is kind of meant more for buffers. And I'll put the definition in for MX-L. You can see that's what's around the perimeter. Our understanding is that MX-L is what allows for storefronts and that kind of thing.

*C: We were told that nobody will get kicked out of the apartment you are legally operating. I talked to the zoning department the other day about it because I wanted to be clear. And according to the people that you made the application with, they said, no, it's a legally operating triplex. It's just a non-conforming building. So if you want to change something, then you would have to go for a change. It would be RM-L or MX-T. At this point, you are perfectly legal. No reason to have to change it unless you're planning on changing the use.*

A: Yeah, I am really not sure, because we were never told that we can legally operate it as a triplex.

Facilitator: Chelsea posted the following in chat:

The Integrated Development Ordinance. The purpose of the MX-T Zone District is to provide a transition between residential neighborhoods and more intense commercial areas. Primary land uses include a range of low density, multifamily residential and small scale office, institutional and pedestrian oriented commercial uses..

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*C: Yeah. So we'd be changing from an R-1, which is residential, and it's been operating that way with no problem in this community for over 50 years. There's no reason to build a transition between the residential and that property. What is the purpose of creating that transition? It's already in a residential space operating as a low density, multifamily residential property, and it's been operating that way for a long time, so why change it?*

Facilitator: I have a question for the Applicants. What was the zoning for that property before the IDO became effective?

A: As far as we know, the MX-T zone came with the IDO. The properties around were not zoned MX-T before 2017. There was an older zone, something like SU-2, used in the South Broadway area. I am not a planner, so if I need to research this, I will do it. But the IDO introduced the MX-T zone.

Facilitator: Historically, do you know what zone was attributed to this property before the IDO came into existence? Do you know from closing documents what the zone was for that property?

A: It was the SU-2. We understood that it was a really broad designation, which is why all of these homes prior to 2017 could be operated in many different ways. It was a very unique situation. Some of the paperwork we found said that you could even operate a zoo. It was really broad.

Facilitator: We need to clarify this. I could make an action item for the report. I usually give two weeks from the date of the report to respond. Find the definition of the prior zoning designation and we'll at least have clarification of how the triplex ended up with the current IDO zoning. That's my question.

A: The property was zoned SU-2, which was a pretty flexible use. During the IDO, it was rezoned to R-1.

Facilitator: Let's get the exact definition of that SU-2 to get a better understanding of how it applied to your property and how your property ended up having triplex.

*C: But, Joycelyn, what about the fact that when the IDO came along, the SU-2 allowed for some light commercial? Because in the old days, we had little corner grocery stores. We had little salon hair dressing, like services for community that were there. And then when the IDO came through, they changed that and made it more amenable to the residential area of the neighborhood by giving it R-1.*

Facilitator: Several properties fell through the cracks with the IDO rezone. Diana has another question.

*C: Yeah, I just wanted to because you put the definition of an MX-T, and it talks about low density, multifamily residential, small office, institutional. Under that code, you can have auditorium venue. You can have brew club, which we call liquor consumption, health clinic, blood banks, bed and breakfast, hotel, motels, and small group homes that include drug rehabilitation and offender programs as well. So that would change us tremendously, change the use of that building. If they were to choose at some point in time, if we were to allow, that could be done, and that would very much change the character of the residential area.*

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Facilitator: I think you said that, I guess clearer now than what you said before. I understand your hesitation, but I think that this partnership has a right to go forward, to ask for the zone change. There's going to be an EPC hearing on that. Then neighbors, whoever it is, can make comments and ask questions, but as property owners, they have the right to go forward if they choose to do so, for whatever reasons they may have.

*C: I'm not questioning that at all.*

Facilitator: It doesn't have to be our reason. They're the property owners and they have the right to go forward. Marie has a question. Go ahead, Marie.

C: The applicant has posted several definitions in chat that answer some of the questions that were just being asked.

Facilitator: To have an action item doesn't mean it requires 14 days to respond. It just means that we get clarification. Also, for the purpose of the EPC, or anyone else that is reading the public report, they understand that we did cover this territory and that we did get that question answered. I prefer to do it through the action item route that we already discussed and then to let the applicants do that research. Thank you, Marie. I mean, that's a great statement, but I think it's better to have it pinned down in the report.

*Q: I have a question for Diana. So you're saying that if an MX-T property exists, that they could use it for many other things. Did I misunderstand you? Is that right?*

*A: Yes, Frances. If it becomes MX-T, these are allowable uses. These are uses that they could use the property for; that they cannot do under the current zoning. You can see that even under the current zoning, it's pretty high. It's pretty big change in the use of the property and what might come into the neighborhood.*

Facilitator: Could that happen with all these other MX-T properties that now exist? Could the same concerns be applied there?

*C: Except that those have been here for a long time. These were already operating as MX-T. So I would have to look at that map. I will after this meeting. I will look at that map, and I will go and look at every one of those MX-T buildings and share with you where they are and what they are.*

*Q: But they could revert to something that we would not want in our neighborhood?*

*C: But if you look at the map, those are not as close to the heart of the residential area.*

*Q/C: Really? See, I'm not seeing that.*

*C: But see that MX-T where it says South Broadway Cultural Center? That's on Broadway, right? And then the stuff on Bell, I don't know what all that is, because those are all residential properties. I'd have to look and see what those are that are on the Bell southeast. It could be apartment buildings, I don't know. But we don't have that many apartments in our neighborhood.*



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A: If it's helpful, again, we're new to this. We've done a lot of research. This is what we've come up with. I'm just going to also put in there, Diana. I was not aware that all of those other uses could be done with MX-T. I will just say for clarity, this MX-L is meant more for buffers. I'll put in the definition for MX-L. You can see that's what is around the perimeter. Our understanding is that MX-L allows for storefronts and that kind of thing.

C: *Yeah, commercial storefront kinds of things. Versus these other uses that come with an MX-T versus MX-L. We don't have any MX-T in our area, except for, I don't know what that is.*

A: Yeah, you can see on the same block, there are two MX-T properties across the street, and the other two are MX-T. One the neighbors; they're all MX-T.

C: *One of them used to be the old station; used to be a hair salon; and it is now a residential property. It's an apartment. It's a single apartment sitting there that wraps around the block. All of those, I think, are just apartment buildings that have been here for a long time. But they're MX-T, so they could probably do that, but they haven't done it in 100 years.*

C: *I just want to bring up the chat comment with Chelsea. She put in the definition of MX-L, which I think is appropriate for the project. If you go down to the primary land uses, non-destinational residential and commercial use, as well as townhouse, low density, multi-family residential dwelling. So I think that would fit their land use appropriately. That would be to apply for MX-L if anything.*

Facilitator: My understanding is that when you talked to the City, they gave you guidance that the MX-T would be the appropriate zone for this parcel, right?

A: Yes, because MX-L is meant for the perimeter and there's actually more use for MX-L, than for MX-T. You can see with the map that the four surrounding buildings are MX-T. That's how they are able to operate as multi-family. The MX-L would be an option but the feedback we got is that because that's not already in the neighborhood, MX-T is the option. Also, neighbors don't like that as much, because you can get three stories on that, and you can't do that with the one that we're trying to apply for.

C: *She addressed my concern, because my concern with MX-L is that the buildings could be taller. In our residential area, we don't want buildings that are similar to skyscrapers, basically, because we do want the buildings to conform and keep with the character of the neighborhood. Even if it is a little taller. Even if you look at what's across the street, that is mixed use, but it also has art and businesses and a church.*

C: *That was once owned by the Baptist Convention and has been there forever. They didn't go and try to change the use into something like a group home or something else. They stuck with what they had said they were going to do, even as the owners have transitioned over the years. And so I like that we're having this conversation. What attracted you to our neighborhood is one of my questions.*

A: I live in the greater downtown area. I like the variety, the historical aspects and how colorful and vibrant the place is. We liked that it's close to downtown, near the school. It's a neighborhood we had been looking at for a while. This was a property that we liked. It was just kind of as simple as that. We drove through the neighborhood and appreciated the character and the people. We found in our conversations with people that we appreciated it.

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*Q: Are you guys going to be hands on landlords or have a local management company? Are you guys going to be absentee landlords? Because one of the things that was good about that property, and even the ones on the corners, is that the landlords are local. They're hands on, so they can address any issues that arise immediately. We don't have a lot of, especially in that block, incidents on crime. We don't have a lot of incidents of destroyed property. As a landlord, how do you plan to keep the character of our community? How active do you plan to be? Are you guys going to have any local management? Are you going to be way-distant landlords? What is your involvement on that level going to be, and how are you going to keep the apartments affordable? Is it just an investment piece for you? Is it going to be affordable based on the neighborhood demographics? Can you answer some of those questions for me, please?*

A: Yes, absolutely. Again, I live in the downtown area, so I don't think we can be distant landlords, but I understand your concerns. We have one long term tenant which has been living there for, I believe, two or three years. He's very happy he's planning to stay.

A: We do have a property management company. We did manage for a little while, but the day to day is too much. So we do have a property management company. I would say we're as hands on as we can be with a property management company. Deacon is the property management company. We did a lot of research. We just got a management company. This is our first experience with it. We talk to them frequently. We have certainly talked to the tenants. I'll say a little bit about I think it's important to us we didn't get in this to be absent landlords. Of course, it's an investment property. We bought it as an investment. We're not living it in ourselves, but I think that's not the primary value. We got into it because you can appreciate the design and the communities. I'm a community organizer by trade, so that's why I really appreciate these kinds of neighborhood meetings. Like, this is what I do in my day job, and I appreciate community input. I appreciate the concerns and I appreciate the dialogue. I think the reality is, we're new owners here. We got into this because we liked the neighborhood. We wanted to add more color. We wanted to renovate some parts and we're excited about that. We were excited to get a project where we could add some of our own touches. We certainly care deeply. I care very deeply about the experience of the tenants and the neighbors. Beyond that, we're so new, I don't know how many examples I can provide. All I can ask is that people give us a shot and, respect that we're really wanting to do the right thing.

*C: I do appreciate what you're saying. I didn't mean, to come across as being overly aggressive. Some in the neighborhood speak pretty much the same jargon that you're speaking and the reality turned out to be something quite different. So at this stage, it's just always good, I think, for us to get a feel of the owners and what they're saying. So at this time, what you're telling us, and what you've been quite emphatic on, is that you have no intention of ever changing it from a triplex to something more with higher density. That you plan to keep it as a triplex.*

A: Correct.

*C: If I'm hearing you correctly, even though for the last 30, 40, 50, 60 years it's been operated under the zoning, and even when it was under the SU-2 and under the current zoning. When it goes to the other aspect, which is residential, that you're saying that you've been told by the City that it is a nonconforming building. I'm kind of curious about that because there are some other properties in the neighborhood that under similar circumstances, and they haven't come to us asking for the kind of changes that you're asking. They've been able to continue operating as they have. Okay, I did talk to a couple of realtors, and I just talked to a couple of newer property owners that I was aware of in the community with similar circumstances. So that's why I keep*

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*coming back to why the particular variance. But as we do the homework, I think that we'll have more answers, because right now, I'm not quite on board with the type of change that you're asking for. I'm not quite on board because of what it can allow in the future.*

*And so I'm just saying I'm not on board with the type of changes that you're asking for at this time. I don't think that as a neighborhood association, we have quite enough information on the differences of the zoning and what it was used for before and all the subtitles and all that stuff. And I think that we just need more information as a neighborhood organization to make a better informed decision. Although I do appreciate what you're saying, I'm just not comfortable at this moment because I just feel like I don't have enough information. And I think that as we've had this as this meeting progresses, I think that's part of why there's that action step that needs to be taken that the Facilitator has stated so that we can have a little bit more clarity as to exactly what each change means.*

Facilitator: Thanks Marie. I think that's a good way to put it. You're willing to listen to both owners and what their plans are. I do think that the action item will help. Another thing would help is an agent like Consensus Planning. They probably would do what Diana was thinking of doing. Maybe a person could consult with the City and look into the surrounding zone changes to see if that MX-T zone resulted from the IDO. Did they fall within that two year window, or how did they get that zoning? That was a question that Diana brought up. She said she could do that research, but the Applicants can also do that research. That might help clarify how some property owners came within that two year window and some didn't. For whatever reason, you didn't even buy the property within that two year window. That might be another thing to look into if you would like to do that. Tiffany, do you have a question or a comment?

*C/Q: I think somebody mentioned it at the beginning, and the answer was not clear to me. I just need some clarity. Are you asking to change the whole neighborhood or are you just asking to change this single individual property? And that's what was not clear to me from the earlier part of this, as you explained it.*

A: We are not trying to change the property or the neighborhood. We are trying to keep the building as is. We are changing the property's zone.

*C: It will not affect the neighborhood unless you decide under MX-T to do one of these other uses. Yes, as owners, you have a right to do that. Yes, we can't stop you. There's nothing legally we can do to stop you.*

Facilitator: I think they've said many times with Diana's and Marie's questions that is not their intent. Now, I do understand the zoning runs with the property, and if these two were to sell the property and get the rezoning, it would have that zone. There are several permissive uses. And I'm not an IDO expert, but I know that there are permissive uses. However, I think both partners in this property investment have said they don't want to change the property; they just want to bring it into conformance with the proper zoning.

*Q/C: Are you advocating for this or what? As a facilitator, I'm just saying.*

Facilitator: I'm not advocating for anybody. I don't have a stake in this. It's not my property. Unfortunately, with the IDO, some properties fell through the cracks. We don't know why. I have conducted several meetings very similar to this one. If I knew the IDO better, I could give a better explanation. I'm not an advocate for the neighborhood association, nor am I an advocate

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for the investment partnership. My understanding from doing this work is that this is not the only property that may have fallen through the cracks after the IDO was passed. Go ahead, Jitka, you had something.

A: Yes, I understand. And you're absolutely correct that the MX-T zone allows different uses. However, if you want to apply for anything like you mentioned, liquor license or any other different use, we will have the same neighborhood meeting, and we will go through the EPC again. So if that happened, you would have a say to again respond to this. On the other hand, all these uses which are permitted under MX-T require off street parking. You can see that the lot has no available off street parking on the premises. So even the lot size itself excludes all the uses which might be happening later. Even though it would be zoned for something else, if something else would be developed there, there will be a neighborhood meeting process and hearing through the EPC.

*C: Well, I do keep up with the IDO because our neighborhood is always under siege, so we have to keep up with zoning issues. And I can tell you that right now, the mayor is getting ready to, in these areas, having buildings with unlimited parking requirements. So they may not, whoever comes in, may not have to look for parking because it looks like that's what's going to happen. They're going to have unlimited parking requirements, so that's not going to be any protection. That may not ever come up on a future zoning. So now that you mentioned it, though, if you are going to keep it as it is and no one's going to stop you, and I think that's the question needs to be asked to Jocelyn.*

Facilitator: My name is Jocelyn.

*Q: Jocelyn, okay. Thank you for correcting me. So, Jocelyn, in the future, if they decide to do something later, the City said they're not going to do anything to them. I think that's a question we have to ask. Why is the City telling them they have to do this if they're legally operating a non-conforming property? As long as they're going to use it as a triplex, why are they telling them to come now? So if you guys decide to do something later, then leave it as it is. If you come later for something else and choose to use your property differently, then you'd bring it back to the neighborhood. But at that point, you'd be having an application that says we're going to put an X, Y or Z there at that location, and then the neighborhood would have a better idea of what they're looking at in terms of the use right now,*

Facilitator: I think we're not going through that again, Diana, because it's starting to feel like harassment to me. That's not the purpose of this meeting. I am leading the meeting.

*Q: Can I just ask a question?*

Facilitator: You've asked the same questions many times. Marie also asked similar questions. I even asked similar questions. The two Applicants have answered those questions. If the neighborhood association chooses to support the application, that's up to them. If they choose not to, that's up to them. If individual neighbors say, I don't like this application and they want to show up to the EPC hearing, then you certainly have the right to do that. But we're not going to use this meeting for a purpose of asking the same questions multiple times, and we've already asked them and they've been answered. Jitka and Chelsea, do you have anything else?

A: I will just respond in a different way to that. Again, we're new to this. The way we even found out that we were legally non-conforming, is that when we tried to get a mailbox, like

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every time we try to do something, maybe these other properties, maybe they're able to do this easily. I don't know. I didn't talk to them. But I think that's great because they've been doing it for so long, probably prior to 2017. But for us, because we're new owners, every time we've tried to do anything, it's become a huge headache. We were told we couldn't split the mailboxes. We had to go through all of this paperwork to try and different mailboxes. With the meters, we can't have a meter for each unit. That's made it difficult because we've had to pay extra money to try to figure out which meter is going to which property and which tenants to split it between. That became clear to us even within a year of ownership. No matter what we do, because we're not legally conforming, is just going to be a headache.

What we were told is, yeah, like, we might not do anything. We might not make you stop if we like, let sleeping dogs lie. But that just doesn't that doesn't allow us to try and make the property our own, quite honest. And that's what we really need to do. If we ever wanted to refinance, we wouldn't be able to refinance, let alone sell the property, which truly we have no plans of doing. Like, we bought this to hold it for a very long time. It just leaves us in a very confinement and we can't basically, like the City told us, kind of like don't ask, don't tell kind of thing. But we would prefer to be open and be operating in a way that we can get a mailbox for each of our tenants and not have to try to figure out a way to make it work. Because from what I understand, we can do this more research I put in the S-2 stuff, and we can certainly try to find more about that. Like, we want to be as open as possible. But the reality is what we understand, from what I understand, in layman's terms, this property should have been given that use after 2017, and it just wasn't. So now we're just owners in this pickle. And as new owners, it's very difficult to try to do anything. That is the bottom line.

Facilitator: I'm going to read something from the chat. Ms. Jaramillo said "I hope to see both Chelsea and Jitka at our meetings in the future. Welcome to South Broadway." That's a positive note from the chat. Jitka, did you want to make a statement, comment or ask a question?

A: I don't think so. Again, thank you for having us here. It has been frustrating and we are doing what we can with limited resources and we're not trying to change things or anger anyone. And we appreciate all of your time to talking to us.

Facilitator: There are five MX-T properties on the map. Can you check with planning and see if they have the date that those people received the MX-T zone?

A: Okay, yes, we'll try to do that.

Facilitator: Just those not the whole neighborhood. I think one thing that Diana had mentioned is when did those people get those zones? That seems like that's a relevant question. Did they get them as a result of that two year window, or did they get them in another way? Would you like to make that a second action item?

A: We certainly will try. We have our EPC hearing scheduled in March. We have a point person from the City. Mr. Leroy Duarte. We certainly will ask him. The property was previously zoned SU-2. We tried to get grandfathered in for three months but that didn't work.

Facilitator: I'm just thinking that might clarify how they got that zoning. Try to obtain that information on those five properties.



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C: I do appreciate them for taking the time to talk with us and to address and to answer our questions and to share their frustration. They're right. The planning department can be interesting at times, hard and difficult to navigate. So I thank you for your honesty, and then just thank you for taking our concerns seriously.

*C: If my questions made you feel harassed or battered in any way, please don't. Thank you. Because that was not the intent. I'm just trying to get clarity. And again, I'm still at the same place. Until there's more clarity, I'm just not totally on board with what your request, but I do thank you again for your transparency.*

Facilitator: Thanks, Marie. Tiffany?

*C/Q: You mentioned that the county records had something different. Did that help the City at all? It seems like it should to me. Wow.*

A: You can still go to the county website and see that it says multi-family. The City planning department told us that the county information is for taxes.

*C: But it's one IDO for the whole City. I'm not trying to upset you but it's just really not making sense to any of us.*

Facilitator: Diana said she did not intend to harass anybody. I know that nobody intended to harass anybody. I just didn't want the applicants to feel like they had to respond to the same question in this meeting over and over again. I didn't want them to feel uncomfortable. And that's why we have this process, so that everybody can speak and everybody can feel as comfortable as possible while doing so. I really appreciate everybody.

*C: I just want to finally say that we live here every day, and so what happens at that site makes a big difference. It's a difference if you're an investor. So I know, honestly, welcome to the neighborhood and that kind of thing. I think that's important. But you guys don't live here, and so what happens on a day to day basis doesn't impact you in the same way. So we are adamant about it, we're asking questions about it, and that's just because we want to do the best thing for our neighborhood.*

Facilitator: Thank you, Diana. You jogged my memory. What are the next steps? When is the EPC hearing?

A; Our EPC hearing is on March 16. We send the zoom link and information to Tiffany and Francis. We also notified the neighbors via mail to the neighborhood properties.

Facilitator: Does the EPC hearing start at 09:00?

A: Yes they start at 09:00. I think they release the agenda a day before, so I'm not sure what time this case would come up. It could be noon, it could be any time. But Chelsea and I are happy to meet again before the meeting if we need to clarify things or go through anything again.

Facilitator: I appreciate working with Jitka and with Francis to put the meeting together. I know it was on short notice, but I we put the meeting together and will have a report. That will be sent to Francis Armijo, SBNA President, and to anyone that put their email address in chat. I



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understand that various members do not want their email addresses circulated. Participants will also be listed in the report.

**Action Items (target response date is two weeks from report date):**

1. Applicants will provide definition and function of prior SU-2 zoning designation.
2. Applicants will research and report on the five MX-T zoned properties surrounding 1102 Edith SE; as highlighted in the accompanying map.

**Next Steps:** EPC Hearing 3/16/23 at 9:00 am via Zoom.

**Names & Affiliations of Participants and Interested Parties:**

**Applicants:**

Jitka Dekojova  
Chelsea Gulling

**Participants:**

Frances Armijo	SBNA President
Tiffany Broadous	SBNA Vice-President
Diana Dorn-Jones	Neighbor
Marie Marmash	Neighbor
Onastine Jaramillo	Neighbor
David Johnson	Neighbor
Joan Harris-Jones	Neighbor
Meredith Buntig	Neighbor

**CABQ ADR:**

Jocelyn M. Torres	Land Use Facilitator
Tyson Hummell	CABQ ADR Coordinator



Figure 3. Zoning map showing the location of the proposed development and the surrounding area.

Red depicts 110'2' Edith SE. Black depicts 5' surrounding MX-T properties. Jmt 2-25-23

## LETTERS

April 10, 2023

From: Johnny R. and Nova Dorn -1106 Edith Blvd., SE

Diana Dorn-Jones and Terence L. Jones -1108 Edith Blvd., SE

**Request for Denial of Applicant Request for Zone Map Change from R-1 to RML**

Property Address: 1102 Edith Blvd. SE; Albuquerque, NM 87012

Applicant: Jitka Dekojova/Chelsea Gurling

Request: Zone Map Amendment (zone change)

Location: 1102 Edith Blvd. SE between Garfield Ave SE and Lewis Ave SE

Existing Zoning: R-1-A

Proposed Zoning: R-ML

Project # PR-2023-008175

Case # RZ-2023-00007

This request was originally submitted to the Environmental Planning Commission (EPC) for the hearing of March 16, 2023. The Applicant requested deferred to the April 20, 2023 hearing. A letter dated March 6, 2023 from the Applicants to Leroy Duarte, Staff Planner, states that the deferral is requested so that the applicant could strengthen their Justification Letter.

In checking the Staff Report on Thursday, April 6, 2023, no new information was contained in the report, therefore it's unclear as to what the justifications are for the zone map amendment.

Our request for denial is based on what we currently understand from the original March 16, 2023 Staff Report that states the zone map change request from R-1A to R-ML is to remedy a non-conforming use of the property.

We are requesting denial of the above referenced request for the following reasons:

1. The property is located in an Area of Consistency
2. The property is not located along a Major Transit Corridor or in an Activity Center
3. The property does not meet requirements for a zone map change as no health and safety issues currently exist.

4. Request does not meet requirements to address Nonconforming Uses as regulated in the IDO (Part 14-16-6: Administration and Enforcement; 6-8(C) (1) Authority to Continue.

**There is no reason for a Zone Map Amendment for the purposes of legal operation of the property in question.**

#### Background Information:

The applicants purchased the property in December 2021. The property is a triplex and the applicant currently operates it as a triplex.

On January 31, 2023, the applicant sent letters (see attached) to impacted neighbors stating that, while they have no intentions of operating the property differently, they were seeking a zone map change because they were not legally conforming due to the extensive zone changes in the area done through the Integrated Development Ordinance (IDO).

Neighbors were given the impression that without a zone map change, the Applicant would have to cease operation because to continue operation with the current A1-R zoning it would be illegal.

In reviewing the IDO and consulting with City Planning Department, we have found that the applicant is not being required to change the zoning to legally operate the property as it currently exists.

We can only surmise that the only reason for a zone map change to RML would be for the purpose of establishing the ground work to develop a higher and more intensive land use on this site.

We request that this application be denied and respectfully ask the Environmental Planning Commission (EPC) take into consideration the following Alternate Findings:

#### **ALTERNATE FINDINGS:**

A Zone Map Amendment (zone change) is not the manner in which to address a “Nonconforming” property. Under the IDO (Part 14-16-6-8; 6-8 NON CONFORMITIES; 6-8(C) Nonconforming Uses, 6-8(C) (1) speaks to Authority to Continue. This section specifically states that nonconforming use of land or a structure shall be allowed to continue. This language

addresses what appear to be the concerns of the Applicant as stated in their letters to the neighborhood.

Moreover, the request does not meet the standards required for a Zone Map Amendment (zone change). There are currently no health and safety issues associated with the property in question and no health and safety issues existing in the surrounding neighborhood properties to be addressed or resolved as a result of this request.

Approval of a more intense zoning such as (R-ML) that allow greater “permissive” density is not appropriate and will not:

(1) Improve the health and safety of the neighborhood

(2) Protect the identity and cohesiveness of the neighborhood by ensuring the appropriate scale and location of development, rather the request would change the identity by allowing undesired uses associated with R-ML such as height allowances increased to 38 feet, thus not keeping the neighborhood identity and scale of existing development

Please Note: The seller intentionally decreased the density of the property by reducing the occupancy level from 7 units down to occupancy level of a triplex thereby bringing the property use closer to its current R-1-A zoning than the proposed R-ML zoning that allows for much higher/intensive uses, to include the potential to bring what is now a 2 story “Victorian” era property to a height of 38’ (three-story).

The density reduction made by the previous owner was, in fact, advantageous to neighborhood health and wellness because the higher density of 5 single-room-occupancy with one bath on the second story would have negatively impacted occupants as well as the neighborhood during the height of COVID-19 Pandemic where people living in close proximity were at higher risk of contracting and transmitting the virus.

This is a matter of real concern for the neighborhood for the following reasons:

According the Centers for Disease Control (CDC) and the Department of Health and Social Service (HHS), Office of Minority Health (OMH), South Broadway neighborhood experienced some of the highest rates of COVID-19 in Bernalillo County. The South Broadway neighborhood (87102 zip codes) is one of seven (7) neighborhoods working in a collaborative partnership with Bernalillo County to address the high rates of COVID-19 under a federal HHS/OMH grant to increase vaccination rates and education among people residing in these neighborhoods.



Finally, approval of the applicant will open the neighborhood up to more intense land use that is not desired. The Applicant can continue to operate the property as a triplex legally and without concern for existing zoning.

The current R-1A zoning is more advantageous to the neighborhood allowing the neighborhood to maintain the historic character and land use patterns that currently exist.

As impacted neighboring property owners, we are not opposed to the current and historical use of the property. We would, however, have concerns if the Applicant decides to use the R-ML designation to bring in plans for proposed development that are permissive under the R-ML zoning such as increased height allowances to 38 feet, thus not keeping with the neighborhood identity and scale of existing housing development.

Respectfully submitted on behalf of:

Johnny R. and Nova Dorn and

Diana Dorn-Jones and Terence L. Jones ddj5050@att.net

# South Broadway Neighborhood Association's Response to M-RL Zoning Change Request to 1102 Edith, SE

The South Broadway Neighborhood Association (SBNA) Board of Directors met on March 2, 2023 to review and discuss information, and vote on a request to rezone 1102 Edith property to an M-RL zone status. Present were Frances Armijo (President), Tiffany Broadous (Vice President), Onastine Jaramillo (Board Member) Joan Jones (Treasurer), Marie Marmash (Board Member) and Albert Martinez (Board Member). Absent, but providing her written vote, was Meredith Bunting (Secretary).

On a 5 to 2 vote the SBNA Board of Directors voted to approve the request. Below are statements from the two dissenting and five supporting Board members.

## **Dissenting:**

### From Marie Marmash, Board Member

I am not in support of the Zoning Change Request for 1120 Edith SE. I don't feel the South Broadway Neighborhood Association has enough knowledge about Zoning Issues to make an informed decision which could possibly impact all of South Broadway. The Zoning request could set a precedent in our neighborhood which would possibly change the character of that residential area.

Also, I am NOT willing to assume liability legal or otherwise as a result of speaking on behalf of the whole neighborhood and the nearest neighbors in this matter. I feel South Broadway as a whole, but especially the neighbors immediately impacted by 1120 Edith SE should have their voices and concerns heard. I also feel they should have an understanding of the Zoning Request and land uses that request allow. Again I am not in support of the request.

### From Tiffany Broadous, Vice President

- 1) approval of this change will set a precedent
  - 2) the attendance at the 2/16/2023 monthly neighborhood meeting and mediated session was not sufficient to get everyone's input from all residents and in particular those who live on the same street or the same block as 1102 Edith SE
  - 3) Since the meeting the requestors have changed their request from MXT to RML
  - 4) Some of the additional Permissive or allowed uses could have major impact on the adjacent neighbors
  - 5) this change could have such a great impact and long-term impact on surrounding neighbors (height allowance along with other things)
- As the Vice-President / Board member I am not comfortable saying yes to the zone change for 1102 Edith SE

## **Approving:**

### From Frances Armijo, President

I vote to approve the M-RL rezoning request to 1102 Edith. I believe the applicants have been transparent and eager to ensure that we have all the information we need to reach a decision. They informed the Association and all the residents within the 100 ft. as required by the Ordinance, and met with those individuals attending the Feb. 16<sup>th</sup> meeting. Changing their request from the suggested MX-T to the suggested R-ML shows their willingness to cooperate to convert this property to a triplex. I feel it is an overreach to assume these applicants want anything more than to revert this property to its original triplex status. There is no proof that this R-ML zone request will set a precedent nor liability to this neighborhood. My decision is based on reviewing all the material we have received, the February 16<sup>th</sup> membership mediated meeting, our follow-up Board of Directors meeting, and discussions with EPC staff.

## South Broadway Neighborhood Association's Response to M-RL Zoning Change Request to 1102 Edith, SE

From Meredith Bunting, Secretary

I just finished reading the whole transcript of our meeting on February 16, requesting an application for new zoning of the triplex at 1102 Edith. I also read most of the other letters, but not all the attached charts!

I am in favor of the property owners seeking a R-ML zone change, as they have been advised by the City Planner they spoke with. I think they have diligently done all their homework and did not flinch from doing what was requested by Jocelyn Torres. They have done a huge amount of work and expressed their desire to 'make things right', even if it means a lot of extra work. This proves to me that their motives are right. They do not have the 'corporate mentality' to just get something out of the neighborhood and leave but wish to work with the neighborhood to make it better. I vote that we approve their request.

From Joan Jones, Treasurer

I vote to approve the R-ML zone change. I feel that we have no reason to disagree with this request. Applicants have provided us with all their available information and have invested their money to have a triplex replaced on this property. They should be allowed to continue.

From Albert Martinez, Board Member

I approve the R-ML zone change. The house had been a triplex for years and has had no problems. I do not see this request as presenting any problems as the applicants have assured us that they only want this zoning change for a triplex. I once again reviewed the 4.2.1 table and see very little difference with the already used R-1 and the requested R-ML zoning change request.

From Onastine Jaramillo, Board Member

I vote with the majority.