

PLANNING DEPARTMENT  
URBAN DESIGN & DEVELOPMENT DIVISION  
600 2nd Street NW, 3rd Floor, Albuquerque, NM 87102  
P.O. Box 1293, Albuquerque, NM 87103  
Office (505) 924-3860 Fax (505) 924-3339



## OFFICIAL NOTIFICATION OF DECISION

April 20, 2023

Kinley Raccoon LLC  
710 Roma Ave. NW  
Albuquerque, NM 87102

**Project # PR-2023-008175**  
RZ-2023-00007– Zoning Map Amendment

### LEGAL DESCRIPTION:

Kinley Raccoon LLC, requests a zoning map amendment from R-1A to R-ML, for 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, approximately 0.2 acre (L-14-Z)

Staff Planner: Leroy Duarte

On April 20, 2023 the Environmental Planning Commission (EPC) voted to APPROVE Project # PR-2023-008175, RZ-2023-00007– Zoning Map Amendment, based on the following Findings:

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.

**APPEAL**: If you wish to appeal this decision, you must do so within 15 days of the EPC's decision or by **May 5, 2023**. The date of the EPC's decision is not included in the 15-day period for filing an appeal, and if the 15<sup>th</sup> day falls on a Saturday, Sunday or Holiday, the next working day is considered as the deadline for filing the appeal.

For more information regarding the appeal process, please refer to Section 14-16-6-4(V) of the Integrated Development Ordinance (IDO), Administration and Enforcement. A Non-Refundable filing fee will be calculated at the Land Development Coordination Counter and is required at the time the appeal is filed. It is not possible to appeal an EPC Recommendation to the City Council since this is not a final decision.

You will receive notification if any person files an appeal. If there is no appeal, you can receive Building Permits at any time after the appeal deadline quoted above, provided all conditions imposed at the time of approval have been met. Successful applicants are reminded that other regulations of the IDO must be complied with, even after approval of the referenced application(s).

Sincerely,

*Catalina Lehner*

for Alan M. Varela,  
Planning Director

AV/CL/LD

cc: Kinley Raccoon LLC, [jitka.dekojova@yahoo.com](mailto:jitka.dekojova@yahoo.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)  
Diana Dorn-Jones, [ddj5050@att.net](mailto:ddj5050@att.net)  
Legal, [dking@cabq.gov](mailto:dking@cabq.gov)  
EPC File