

PLANNING DEPARTMENT
URBAN DESIGN & DEVELOPMENT DIVISION
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OFFICIAL NOTIFICATION OF DECISION

April 20, 2023

HDDA RLD Albuquerque LLC
1 Ravina Dr., 9th floor
Atlanta, GA 30346-2112

Project # PR-2023-008380
RZ-2023-00011– Zoning Map Amendment
(Zone Change)

LEGAL DESCRIPTION:

ABQ Land Use Consulting, LLC requests a zoning map amendment from NR-LM to MX-H, for all or a portion of Tract Z-1-A of Redivision Tracts Z-1, Z-2 & Z-3, Block 6, Tract A Unit A, North Albuquerque Acres, located at 7620 Pan American Freeway NE, between San Francisco Dr. NE and Del Rey Ave. NE, approximately 4 acres (D-18)
Staff Planner: Robert Messenger

On April 20, 2023 the Environmental Planning Commission (EPC) voted to APPROVE Project # PR-2023-008380/RZ-2023-00011– Zoning Map Amendment (Zone Change), based on the following Findings:

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

- A. Goal 4.1 Character: Enhance, protect, and preserve distinct communities.
- B. Policy 4.1.1 Distinct Communities: Encourage quality development that is consistent with the distinct character of communities.

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

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

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

- 7. The request furthers the following Goals and Policies regarding Complete Communities and Efficient Development patterns from Comprehensive Plan Chapter 5: Land Use:

- A. Goal 5.2 Complete Communities: Foster communities where residents can live, work, learn, shop, and play together.
- B. Policy 5.2.1 Land Uses: Create healthy, sustainable, and distinct communities with a mix of uses that are conveniently accessible from surrounding neighborhoods.

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

Sub-policy 5.2.1(h): Encourage infill development that adds complementary uses and is compatible in form and scale to the immediately surrounding development.

The request would allow uses such as longer-term multi-family residential housing, which would complement the established mobile home parks nearby. The potential to convert the hotel

to multi-family without expanding its height or massing of buildings would be compatible in form and scale to the mostly one-story buildings immediately surrounding the subject site.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

9. The request furthers the following Goal and policies in Comprehensive Plan Chapter 9 Housing:
- A. Goal 9.1 Supply: Ensure a sufficient supply and range of high-quality housing types that meet current and future needs at a variety of price levels to ensure more balanced housing options.
 - B. Policy 9.1.1 Housing Options: Support the development, improvement, and conservation of housing for a variety of income levels and types of residents and households.

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

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

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

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

- A. Criterion A: The proposed zone change clearly facilitates implementation of the ABC Comp Plan, as amended, and other applicable plans adopted by the City.

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

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

more advantageous to the community than the current zoning.

- C. Criterion C: This criterion does not apply because the subject site is located wholly in an Area of Consistency.
- D. Criterion D: The applicant stated that the MX-H zoning does not have any harmful uses compared to the existing NR-LM zoning. They compared harmful uses within the existing NR-LM zoning and the proposed MX-H zoning and discussed how the harmful uses would be mitigated through the IDO's use specific standards.

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

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

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

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

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

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

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 15th 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/RM

cc: HDDA RLD Albuquerque LLC, greg@reviveliving.com
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EPC File