

PLANNING DEPARTMENT
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OFFICIAL NOTIFICATION OF DECISION

February 18, 2022

Homewise, Inc. and Michael A.
Gonzales
1301 Siler Rd., Building D
Santa Fe, NM, 87507

Project #2020-004771
RZ-2022-00005– Zoning Map Amendment
(Zone Change)

LEGAL DESCRIPTION:

Consensus Planning, agent for Homewise, Inc. and Michael A. Gonzales, requests a zoning map amendment from MX-L to MX-M for all or a portion of Lot 1, Block 1, Gutierrez Addition, Tract 30B, MRGCD Map 41, and Tract A Plat of Tracts A and B, Barelas Coffee House, located on 4th St. SW and Barelas St. SW, between Bell Ave. SW and Simpier Ln. SW, approximately 1.5 acres (L-14-Z)
Staff Planner: Sergio Lozoya

On February 17, 2022, the Environmental Planning Commission (EPC) voted to Approve Project #2020-004771, RZ-2022-00005– Zoning Map Amendment (Zone Change), based on the following Findings:

1. The request is for a Zoning Map Amendment (zone change) for an approximately 1.5-acre site comprised of three lots, located on 4th St SW and Bell Ave SW, between Bell Ave SW and Simpier Ln SW (the subject site).
2. The subject site is legally described as Lot 1, Block 1, Gutierrez Addition, Tract 30B, MRGCD Map 41, and Tract A Plat of Tracts A and B, Barela's Coffee House.
3. The subject site is zoned MX-L (Mixed-Use – Light Intensity). The applicant is requesting a zone change to MX-M (Mixed-Use – Medium Intensity) to facilitate future development of a catering service/small business incubator, though other uses would be allowed by the MX-M zone.
4. The subject site is in an Area of Change as designated by the Comprehensive Plan and is in the Central Albuquerque CPA. It is not in a designated Activity Center.
5. The subject site abuts (is within 660 feet of) 4th St SW, which is a Major Transit Corridor and Main Street Corridor as designated by the Comprehensive Plan.
6. The subject site is within the boundaries of the Barelas Character Protection Overlay Zone, CPO-1

7. The Albuquerque/Bernalillo County Comprehensive Plan and the City of Albuquerque Integrated Development Ordinance (IDO) are incorporated herein by reference and made part of the record for all purposes.
8. The request furthers the following Goals and Policies from Chapter 4: Community Identity pertaining to Character:

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

The request would contribute to enhancing, protecting, and preserving the community by allowing for the development of underutilized lots near residential neighborhoods. The request would also expand the area’s mix of uses to surrounding neighborhoods and would help preserve this distinct community by transforming a prominent block in Barelás.

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

The subject site is in Barelás, one of Albuquerque’s first distinct communities. The request would facilitate the redevelopment and re-use of existing buildings, and allow for a larger range and mix of uses than what is currently permitted, thereby encouraging quality development that is consistent with the distinct character of the community.

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, protect, and preserve the Barelás neighborhood by facilitating the development of a community-based catering service/small business incubator (Street Food Institute). The Street Food Institute would bring redevelopment to, and enhance an underutilized lot, while preserving existing storefronts. The Street Food Institute would act as an anchor for future development of the subject site.

D. Sub-policy 4.1.4(a): Respect existing neighborhood values and social, cultural, recreational resources

The request would respect existing neighborhood values and social, cultural, recreational resources because Homewise (the applicant) has worked extensively with the community to ensure future development would align with residents’ values. There were two facilitated meetings regarding the request, along with a survey of the Barelás Neighborhood conducted in 2020

E. Sub-policy 4.1.4(c): Support improvements that protect stable, thriving residential neighborhoods and enhance their attractiveness.

The request would support improvement of the thriving Barelás Neighborhood because it would facilitate the development of the subject site with a community-based catering service (Street Food Institute). The subject site is adjacent to existing residential neighborhoods, the proposed zone change to MX-M would enhance their attractiveness with new development along 4th Street and Bell.

9. The request furthers the following Goals and Policies from Chapter 5: Land Use, regarding Centers and Corridors, as follows:

- A. Sub-policy 5.6.1(b): Provide neighborhood-oriented commercial, retail, institutional, and public services.

The subject site is located adjacent to residential development, future development of the site will serve the nearby neighborhood by providing neighborhood-oriented commercial development. The commercial kitchen/catering services/small business incubator provides a public service to local future small business owners.

- B. Policy 5.1.9 – Main Streets: Promote Main Streets that are lively, highly walkable streets lined with neighborhood-oriented businesses.

The subject site is located on 4th St SW, which is designated as a Main Street Corridor by the Comprehensive Plan. The proposed zone map amendment would encourage new development and align the 4th St SW corridor with local, neighborhood-oriented businesses. The subjects site location on a Major Transit Corridor and near residential development would promote walkability and pedestrian-oriented development

- C. Policy 5.1.10 – Major Transit Corridors: Foster corridors that prioritize high frequency transit service with pedestrian-oriented development.

The subject site is located on 4th St SW, which is designated as a Major Transit Corridor by the Comprehensive Plan. The proposed zone map amendment would encourage new development and align the 4th St corridor with local, neighborhood-oriented businesses. The subjects site location on a Major Transit Corridor and near residential development would promote walkability and pedestrian-oriented development.

10. The request furthers the following, applicable Goals and Policies from Chapter 5: Land Use, regarding Centers and Corridors and Complete Communities, as follows:

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

The request would facilitate development of the subject site, which would provide additional opportunities for residents to live and work. The request would foster complete communities where residents can live and work together because the proposed Street Food Institute and future development is located within a ¼ mile of a bus route, and is adjacent to residential development in Barelás.

- 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 requested MX-M zoning would maintain many of the uses allowable under MX-L, while adding catering services and potential for development of other uses allowed in the MX-M zone. The request would contribute to the continuation of a healthy, sustainable and distinct community that would be conveniently accessible from surrounding neighborhoods while providing a mix of uses.

- C. Subpolicy 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 encourage infill development and would add complementary uses that are compatible in form and scale to the surrounding development as existing buildings would be

redeveloped. The proposed development would be more compatible in form and scale with the neighborhood than the existing, underutilized warehouse. The request furthers Sub-policy 5.2.1(h).

11. The request furthers the following, applicable Goals and Policy from Chapter 5: Land Use, regarding City Development Areas, as follows:

A. 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 request would encourage and direct growth to an Area of Change where the subject site is located and would help focus growth at this location. Directing growth to this area would help direct developmental pressure away from the surrounding neighborhoods located in Areas of Consistency and would help reinforce the character of the area.

B. Policy 5.6.2 – Areas of Change: Support additional growth in areas with existing infrastructure and public facilities.

The subject site is located in an Area of Change, adjacent to the 4th/Barelas Activity Center, and within 660-feet of a Major Transit Corridor/Main Street (4th Street) where the Comprehensive Plan intends and encourages changes to happen. The request would direct growth and more intense development to the subject site located within the Metropolitan Redevelopment Plan for Barelas.

12. The request furthers the following Policy from Chapter 8: Economic Development as follows:

Policy 8.1.2 – Resilient Economy: Encourage economic development efforts that improve quality of life for new and existing residents and foster a robust, resilient, and diverse economy.

The proposed zone change would encourage economic development efforts and foster a robust, resilient, and diverse economy by facilitating the development of a community oriented small business incubator (Street Food Institute). The request also facilitates the development of existing structures on the site, and would offer a broader range of uses on the subject site.

13. 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 applicant's policy-based response adequately demonstrates that the request furthers a preponderance of applicable Goals and policies regarding community identity, land use, economic development and does not present any significant conflicts with the Comprehensive Plan. Therefore, the request is consistent with the City's health, safety, and morals and general welfare.

B. Criterion B: The subject site is located wholly in an Area of Change, so this Criterion does not apply.

C. Criterion C: The subject site is located wholly in an Area of Change and the applicant refers to sub-criterion 3, that a different zone district is more advantageous to the community as

articulated by the Comprehensive Plan, including community identity, land use, and economic development. The applicant has adequately justified the request by demonstrating that it would facilitate redevelopment of existing buildings with small scale commercial services, including a catering/small business incubator.

- D. Criterion D: The applicant compared the existing MX-L zoning and the proposed MX-M zoning. Uses that would become permissive under the MX-M zone, which are not currently allowed, are listed in the table above. Uses that could be interpreted as harmful are: hospital, bar, nightclub, light vehicle fueling station, light vehicle sales and rental, and pawn shop.

The applicant discussed potentially harmful uses allowed in the MX-M zone district. Generally speaking, there are regulations in place which would mitigate some of the impacts of said uses, along with site restrictions, that would mitigate the development of some of the more intense uses. The proposed use, should a zone change be approved, is a catering service/commercial kitchen that will be used as a small business incubator by the Street Food Institute (a local organization)

- E. Criterion E: The City's existing infrastructure and public improvements will have adequate capacity to serve future development made possible by the zone change (Criterion 1).
- F. Criterion F: The Applicant's justification is not completely based on the property's location on a major street. The subject site is located on 4th St SW, which is a Minor Arterial.
- G. Criterion G: Economic considerations are always a factor, but the applicant's justification for the MX-M zone is not based completely or predominantly on the cost of land or economic considerations. Rather, the applicant has demonstrated that the request furthers a preponderance of applicable Comprehensive Plan Goals and policies and therefore would generally be more advantageous to the community than the existing zoning.
- H. Criterion H: The request would not result in a spot zone because it would not apply a zone district different from surrounding zone districts to one small area or one premise.

14. The applicant's policy analysis adequately demonstrates that the request furthers a preponderance of applicable Goals and policies in the Comprehensive Plan and does not significantly conflict with them. Based on this demonstration, the proposed zone category would generally be more advantageous to the community than the current zoning.
15. The affected neighborhood organization is the Barelás Neighborhood Association, which was notified as required. Property owners within 100 feet of the subject site were also notified as required.
16. A pre-application facilitated meeting was held on December 14th, 2021 and on February 1st, 2022 with members of the Barelás Neighborhood Association and the Barelás Community Coalition. Though there is general support for the request, attendees expressed concerns about parking, potentially harmful uses such as bar/nightclub or light-vehicle fueling station occupying the space, and future plans for the southernmost lot.

17. As of this writing, Staff has received several letters in support of the request. The letters touched on economic benefits, support for small and local businesses, support of existing community lead efforts (Rail Yards Market), and creation of jobs should the zone change be approved.

APPEAL: If you wish to appeal this decision, you must do so within 15 days of the EPC's decision or by **March 4, 2022**. 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(U) 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,

for Alan M. Varela,
Planning Director

AV/CL/SL

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EPC File