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## OFFICIAL NOTIFICATION OF DECISION

July 21, 2022

Sawmill Bellamah Properties, LLC  
201 3rd St. NW, Suite 1150  
Albuquerque NM, 87102

**Project # PR-2022-007155**  
RZ-2022-00029– Zoning Map Amendment (Zone Change)

### **LEGAL DESCRIPTION:**

RB Planning LLC, agent for Sawmill Bellamah Properties, LLC, requests a Zoning Map Amendment from NR-LM to MX-H, for all or a portion of Tract A-2 plat of Tracts A-1, A-2 and A-3 Lands of William Andrew McCord, located at 1921 Bellamah Ave. NW, between Rio Grande Blvd. and 20th St., approximately 2.1 acres (H-13)

Staff Planner: Megan Jones

On July 21, 2022, the Environmental Planning Commission (EPC) voted to APPROVE Project # PR-2022-007155/RZ-2022-00029, a Zoning Map Amendment (Zone Change), based on the following Findings:

1. The request is for a zoning map amendment (zone change) for an approximately 2.1-acre site legally described as all or a portion of Tract A-2 Plat of Tracts A-1, A-2 and A-3 Lands of William Andrew McCord, located at 1921 Bellamah Ave. NW, between Rio Grande Blvd. NW and 20<sup>th</sup> St. NW (the “subject site”).
2. The subject site is located in the Sawmill/Wells Park Character Protection Overlay Zone (CPO-12) and the Sawmill/Wells Park Community Metropolitan Redevelopment Plan.
3. The subject site is zoned NR-LM (Non-Residential – Light Manufacturing Zone District) and is developed with a vacant wholesaling and distribution center. The applicant is requesting a zone change to MX-H (Mixed Use-High Intensity Zone District) to facilitate redevelopment of the subject site.
4. The subject site is in an area that the Comprehensive Plan designated an Area of Change.
5. The subject site is within 660’ of the Rio Grande Blvd. Major Transit Corridor, as designated by the comprehensive plan. Major Transit Corridors are to be served by high frequency and local transit (e.g. Rapid Ride, local, and commuter buses). These Corridors prioritize transit above other modes to ensure a convenient and efficient transit system.

6. 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.
7. The request furthers the following, applicable Policies from Comprehensive Plan Chapter 4: Character:

- A. 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. The adjacent properties to the south and west of the subject site are zoned for mixed uses and the land uses to the east consistent of restaurants and Planned Development zoning, which includes a mixed-use development. The request would protect the identity and cohesiveness of the neighborhood by contributing to the Sawmill District's identity as a growing live, learn, work, shop, and play community, which ensures the appropriate location of development and mix of uses.

- B. Policy 4.1.3 Placemaking: Protect and enhance special places in the built environment that contribute to distinct identity and sense of place.

Policy 4.1.4 Neighborhoods: Enhance, protect, and preserve neighborhoods and traditional. Approval of the requested Zone Change would allow the revitalization of the existing buildings and subject site that would contribute to the sense of place of the revitalization of the Sawmill District, a designated MRA within the City. The ability to redevelop the site will enhance the distinct identity of the Sawmill District along Bellamah Ave. NW. There are new developments to the north and east of the subject site, that are comprised of commercial, restaurant, and hospitality uses. The request to MX-H would protect the site and surrounding area as a mixed-use district. Although, the surrounding Sawmill/Wells Park neighborhood may be considered a traditional community within the city, the redevelopment of Sawmill, especially along Bellamah Ave. NW, has helped to enhance the MRA by protecting, enhancing and preserving the identity and sense of place of a traditional community.

8. The request furthers the following, applicable Goal and Sub-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.

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 a future mixed-use development 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 industrial use could expand retail opportunities and bring in more 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 distinct Sawmill community, which has been developing with a mix of uses over the past decade. The subject site is located within 660' of a Major Transit Corridor with a bus route along Bellamah

Ave. due to its designation as a City revitalization area. In general, the request would contribute to creating a complete community in a designated metropolitan redevelopment area.

- B. 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 of the subject site made possible by the request would generally promote efficient development patterns and use of land.

- C. 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.

9. The request furthers the following, additional policies and sub-policies regarding Centers and Corridors from Comprehensive Plan Chapter 5: Land Use

- A. Subpolicy 5.1.1a: Create walkable places that provide opportunities to live, work, learn, shop, and play.

The request would allow additional residential and commercial uses within the Sawmill District, a designated CPO and redevelopment area within the City. The surrounding area is characterized by office uses, moderate-intensity residential, multi-family, commercial services (hospitality), and retail. The request would provide an additional opportunity to live, work, shop and play in an area developed with connected sidewalks, transit, bike paths, and landscaping in a redevelopment area. Generally, adding mixed uses in proximity to residential, work and retail generally improves walkability.

- B. Subpolicy 5.1.1c: Encourage employment density, compact development, redevelopment, and infill in Centers and Corridors as the most appropriate areas to accommodate growth over time and discourage the need for development at the urban edge.

The request would encourage infill development within 660' of a Major Transit Corridor, which are appropriate areas to accommodate growth. The subject site would be redeveloped from an underutilized, vacant industrial building.

- C. Policy 5.1.2- Development Areas: Direct more intense growth to Centers and Corridors and use Development Areas to establish and maintain appropriate density and scale of development within areas that should be more stable.

The request would direct more intense growth and development of uses allowed in the MX-H (Mixed-Use High Intensity) zone to an Area of Change. The subject site is within 660' of Rio Grande Blvd. NW, a Major Transit Corridor, as designated by the comprehensive plan.

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

- A. 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 Sawmill District, a metropolitan redevelopment area, which has a growing concentration of jobs. The request would allow higher-density housing, a proposed mixed-use development specifically, within 660' of a Major Transit corridor, as designated by the comprehensive plan.

- 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 Change, where growth is expected and desired. The request would encourage, enable, and direct growth to it.

11. The request furthers the following Policy in Comprehensive Plan Chapter 7-Urban Design:

**Policy 7.3.3 Placemaking:** Encourage efforts to establish and strengthen district identity within Centers, business districts, and neighborhoods.

The MX-H zone district would allow future redevelopment of the subject site to coincide with the character and distinct identity of the surrounding Sawmill District along Bellamah Ave. NW. The subject site is within the Sawmill/Wells Park Character Protection Overlay zone (CPO-12), which requires all development within CPO-12 to follow strict site standards in addition to the MX-H design standards within the IDO. The CPO-12 protects the community's sense of place through context-sensitive design as well as encouraging efforts to strengthen the distinct identity of the Sawmill District. The request would allow future infill redevelopment of a vacant industrial building, which continues to establish the growing identity of the surrounding area as an a live, work, shop, and play community.

12. The request furthers the following Goal and policies in Comprehensive Plan Chapter 9-Housing:

**Goal 9.1 Supply:** Ensure a sufficient supply and range of high-quality housing types that meet current and future needs at a variety of price levels to ensure more balanced housing options.

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

**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 a site development plan is not a part of this request, the applicant is proposing future redevelopment of the existing building into a mixed-use project. Mixed-use developments in the surrounding Sawmill District currently offer a variety of housing options and price levels. The request could ensure more balanced housing options within the neighborhood. The request would ensure that future proposed development of the subject site would reinforce and strengthen the neighborhood characteristics and maintain appropriate densities through low density residential development that is consistent with the surrounding neighborhood and development context.

13. The request furthers the following policy from Comprehensive Plan Chapter 11-Heritage Conservation:

Policy 11.2.3 Distinct Built Environment: Preserve and enhance the social, cultural, and historical features that contribute to the identities of distinct communities, neighborhoods, and districts.

The request would allow redevelopment of the vacant and underutilized subject site. The Sawmill district is a designated redevelopment area and CPO-12 within the City. The surrounding area has been developing as a mixed-use community with live, work, shop, and play developments under the standards of the CPO-12 zone. The MX-H zone district would allow development of the site that would preserve and enhance the social and cultural features that contribute to the identity of the Sawmill District as it is redeveloping.

14. The request furthers the following policy from Comprehensive Plan Chapter 11-Heritage Conservation:

Policy 11.2.3 Distinct Built Environment: Preserve and enhance the social, cultural, and historical features that contribute to the identities of distinct communities, neighborhoods, and districts.

The request would allow redevelopment of the vacant and underutilized subject site. The Sawmill district is a designated redevelopment area and CPO-12 within the City. The surrounding area has been developing as a mixed-use community with live, work, shop, and play developments under the standards of the CPO-12 zone. The MX-H zone district would allow development of the site that would preserve and enhance the social and cultural features that contribute to the identity of the Sawmill District as it is redeveloping.

15. 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 furthers a preponderance of applicable Goals and policies regarding character, land use, centers and corridors, infill and efficient development patterns, jobs-housing balance 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.
- B. Criterion B: This criterion does not apply because the subject site is not located in an Area of Consistency, either wholly or in part.
- C. Criterion C: The subject site is located wholly in an Area of Change. 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.

- 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 Sawmill/Wells Park CPO-12 and MRA, which is adequately served by existing infrastructure and therefore meets requirement E.1.
- F. Criterion F: The subject site is located on Bellamah Ave. NW, a local urban street. Though this location factors into the applicant's policy analysis as being near a Major Transit Corridor, 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 is adjacent to the subject site to the east and north. MX-M zoning is adjacent to the subject site to the west and MX-L/MX-M zoning is across Bellamah Ave. NW to the south. The MX-H zoning would provide a transition between the existing mixed-use zoning and the NR-LM zoning to the north and east 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 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).

16. 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.

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17. The affected neighborhood organizations is the Sawmill Area Neighborhood Association, which was notified as required. Property owners within 100 feet of the subject site were also notified as required.
18. A pre-application facilitated meeting was requested and held on April 5, 2022. Details about the ZMA request and the future, proposed project were presented. Participants voiced support for request.
19. As of this writing, Staff has not been contacted and 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 **August 5, 2022**. 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,

for Alan M. Varela,  
Planning Director

AV/CL/SB

cc: RB Planning, LLC, [RBplanning505@gmail.com](mailto:RBplanning505@gmail.com)  
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