

PLANNING DEPARTMENT
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OFFICIAL NOTIFICATION OF DECISION

June 11, 2020

Two Rivers LLC
5800 San Francisco Rd. NE
Albuquerque NM, 87109

Project #2018-001681
RZ-2020-00009 Zone Map Amendment
(Zone Change)

Modulus Architects Inc., agent for Two Rivers LLC, requests the above action for all or a portion of Lot 52 block 0000 Unit 2 of Atrisco Grant, located on Sunset Gardens Rd. SW, between 82nd St. SW and 86th St. SW, approximately 6.04 acres (L-09-Z)
Staff Planner: Leslie Naji

On June 11, 2020 the Environmental Planning Commission (EPC) voted to APPROVE Project # 2018-001681, RZ-2020-00009, Zoning Map Amendment (Zone Change)- EPC, based on the following Findings:

1. The request is for a zoning map amendment (zone change) for an approximately 6.04-acre site known as Tract 52 Unit 2 Atrisco Grant. The subject site is located on the south side of Sunset Gardens Rd., between 82nd St. SW and 86th St. SW. The site is currently vacant.
2. The Environmental Planning Commission (EPC) is hearing this case because the EPC is required to hear all zone change cases, regardless of site size, in the City.
3. The subject site is zoned PD (Planned Development). The purpose of the PD zone district is to accommodate small- and medium-scale innovative projects that cannot be accommodated through the use of other base zone districts, provided that those projects are consistent with the Albuquerque/Bernalillo County Comprehensive Plan (ABC Comp Plan), as amended and include standards that would not otherwise be required of the applicant in order to provide significant public, civic, or natural resource benefits. This zone district is applied on a case-by-case basis to reflect a negotiated agreement for uses and standards with the applicant. Allowable uses are negotiated on a case-by-case basis.
4. The applicant is requesting a zone change to MX-L (Mixed-Use Low Intensity Zone District) which will permit the property owners to develop per IDO regulations in an

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efficient process rather than requiring an EPC-Site Plan. The purpose of the MX-L zone district is to provide for neighborhood-scale convenience shopping needs, primarily at the corners of collector intersections. Primary land uses include non-destination retail and commercial uses, as well as townhouses, low-density multi-family residential dwellings, and civic and institutional uses to serve the surrounding area, with taller, multi-story buildings encouraged in Centers and Corridors. The subject site is located within an Area of Change and along a Major Transit Corridor as designated in the Comprehensive Plan. The subject site is not located within a Protection Overlay Zone.

5. There is PD zoning to the north of the site. Lots to the south, east, and west of the subject site are zoned R-1.
6. 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.
7. The request generally furthers the following, applicable Comprehensive Plan Goals and policies in regards to Community Identity:

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 requested zone map amendment to MX-L from PD will not affect the possible uses of the site but will allow for development with a possible mix of uses that may serve the surrounding area which is largely single-family residential with no neighborhood services. Requiring development to follow IDO design standards, including Neighborhood Edge standards, will ensure that any future development will support the surrounding scale and identity.

8. The request generally furthers the following, applicable Comprehensive Plan Goals and policies in regards to Land Use:
 - (a) GOAL 5.1- Centers & Corridors: Grow as a community of strong Centers connected by a multi-modal network of Corridors.

POLICY 5.1.1: Desired Growth: Capture regional growth in Centers and Corridors to help shape the built environment into a sustainable development pattern.

The request would permit a range of mixed uses near WR 66 Activity Center that will contribute toward the growth of the surrounding community. The existing PD zone will also permit a range of uses, however the requested MX-L zone will permit the property owners to develop per IDO regulations in an efficient process rather than requiring an EPC-Site Plan. The requested MX-L zone will encourage employment density, compact development, redevelopment, and infill in an area that is seeking mixed use area that provide for employment, entertainment and services without requiring driving. Demands that are not sufficiently being met, in large part, existing land use policies and

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regulations strongly encourage suburban, single family development over compact mixed-use commercial opportunities.

POLICY 5.1.6 (b): Provide neighborhood-oriented commercial, retail, institutional, and public services.

The requested MX-L Zone will allow for a wide range of low intensity, commercial, retail, institutional, and public services. The current zone of PD provides more uncertainty in future land use and requires unnecessary site plan review and approvals. Development of the site will promote stability for the area and provide services needed by the surrounding residences.

- (b) 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.

- a) Encourage development and redevelopment that brings goods, services, and amenities within walking and biking distance of neighborhoods and promotes good access for all residents.
- h) Encourage infill development that adds complementary uses and is compatible in form and scale to the immediately surrounding development.
- k) Discourage zone changes to detached single-family residential uses on the West Side.
- n) Encourage more productive use of vacant lots and under-utilized lots, including surface parking.

The proposed Zone Map Amendment request for mixed-use zone MX-L would allow for a mixture of non-residential uses that could help create a healthy, sustainable and distinct community in an Area of Consistency in Southwest Mesa's Community Planning Area. The request would make possible development of commercial uses along Sunset Gardens Rd. with close proximity to the surrounding neighborhoods on the east, south, and west sides of this subject site. The subject site is conveniently accessible from surrounding neighborhoods. The development of this site brings goods and services within walking and biking distance of neighborhoods. The location will offer choice services and employment and provides excellent access and connectivity for the surrounding neighborhoods.

Neighborhoods with locally-serving businesses promote sustainable economic growth and reinvestment of local dollars. A range of amenities in neighborhoods reduces the need to drive, increasing active transportation opportunities. The current limited variety in retail uses and lack of daily goods and services for neighboring residents fails to foster sociability.

The subject site is located in Albuquerque's Southwest Mesa where the imbalance of jobs to households poses a significant challenge for our future due to limited river crossings and our limited ability to increase the capacity of existing crossings. On the

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whole, residents drive less if there are job opportunities and services near their homes and desirable housing and amenities near workplaces. In areas with more houses than jobs, commute times tend to be longer, and congestion tends to be worse. East of the Rio Grande, there are almost 1.5 jobs for every household. West of the river, there is less than one job for every two households. Particularly at peak hours, traffic congestion at river crossings is expected to worsen dramatically over time, leading to bridge crossing times of an hour or more by 2040 without significant job growth on the West Side, as workers will have to continue commuting to jobs east of the river.

The requested MX-L zone furthers this policy by allowing for low intensity commercial and mixed uses in an area dominated by single-family development and lacking non-residential services. The MX-L zone is compatible and desirable in form and scale to the surrounding development, which includes single family, one-story detached houses, townhouses and apartments.

This request encourages job growth and commercial development on the West Side in place of residential. Although the requested MX-L zone would permit townhouse and multi-family versus a non-residential zone such as NR-C, the requested MX-L zone does not permit single-family residential development, which is specifically discouraged by this policy.

- (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.

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

This property is well serviced by existing infrastructure and other public facilities including access roads, water, sewer, and community parks. In addition, the subject site is surrounded by existing residential zoning; therefore, the requested MX-L zone will maximize an efficient, development pattern of mixed uses on an infill property.

- (d) **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.

POLICY 5.6.3 - Area of Consistency: Direct growth and more intense development to Centers, Corridors, industrial and business parks, and Metropolitan Redevelopment Areas where change is encouraged.

- a) Ensure that development reinforces the scale, intensity, and setback of the immediately surrounding context.
- b) Encourage development that expands employment opportunities.

Applicant Response: Future development of this site will be subject under MX-L zone and subject to the IDO requirements including Neighborhood Edges (14-16- 5-9), the non-residential zone dimensional standards (Table 5-1-3), buffer landscaping (14-16-5-6-(E)), and building design standards (14-16-5-11). These would help ensure appropriate

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scale and location of development and character of building design. These standards will protect and enhance the character of existing single-family neighborhoods. It will allow this land to develop increasing the aesthetics of the community while protecting its character. The requested MX-L zoning would allow for development of appropriately scaled buildings and use within the IDO design standards for areas of consistency.

9. The request generally furthers the following, applicable Comprehensive Plan Goals and policies in regards to Urban Design:

- (a) GOAL 7.2 PEDESTRIAN-ACCESSIBLE DESIGN: Increase walkability in all environments, promote pedestrian development in urban contexts, and increase pedestrian safety in auto-oriented context.

POLICY 7.2.1: Walkability: Ensure convenient and comfortable pedestrian travel. [ABC]

Currently, this vacant site lacks any sidewalks or bike lands. Development within the MX-L zone will require sidewalk construction by the developer along the property's street frontage, creating better pedestrian connectivity to surrounding residents and fill a longstanding void in the connectivity of pedestrian travel. This will allow residents in the community to have more community necessities that they currently lack. This will in turn promote walking to more convenient locations within their community. The development of this site will encourage a pedestrian-friendly community.

POLICY 7.3.3 - Place-making: Encourage efforts to establish and strengthen district identity within Centers, business districts, and neighborhoods.

Commercial development in the Southwest Mesa has not materialized anywhere near the growth the rest of Albuquerque has seen but it certainly remains one of the most underserved markets in Albuquerque. The requested MX-L zone will further this policy in a more direct and consistent manner than the current zone of PD, which relies upon negotiating the land uses and is intended for development that cannot be accommodated in one of the IDO's base zones.

POLICY 7.3.4 - Infill: Promote infill that enhances the built environment or blends in style and building materials with surrounding structures and the streetscape of the block in which it is located. [ABC]

- a) Promote building and massing of commercial and office uses adjacent to single-family neighborhoods that is neighborhood-scale, well-designated, appropriately located, and consistent with the existing development context and neighborhood character. [A]
- b) Promote buildings and massing of commercial and office uses adjacent to single-family neighborhoods that is neighborhood scale.

MX-L zone will permit a more efficient development process with mixed- uses in an infill location. IDO standards that would be applied to any development in the

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MX-L zone, including Neighborhood Edge standards, will assert compliance of scale and connectivity to the surrounding neighborhood.

10. The request generally furthers the following, applicable Comprehensive Plan Goals and policies in regards to Urban Design:

- (a) **GOAL 8.1 PLACEMAKING:** Create places where business and talent will stay and thrive.

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. [ABC]

This request for a Zone Map Amendment to MX-L will foster a greater range of opportunities for different densities and uses in a location highly visible, accessible and central to Southwest Mesa Community Planning Area. Neighborhoods with locally-serving businesses promote sustainable economic growth and reinvestment of local dollars. Mixed-use development of the site would assist the community in being more diverse in its use and service offerings to the community which is currently only residential.

POLICY 8.1.3 - Economic Base: Strengthen and diversify the economic base to help reduce reliance on government spending. [ABC]

This request allows for future development of the property providing an incentive to local business to expand and diversify employment, promote local hiring, higher wages and business that contributes to the economic base of the community and region that helps reduce reliance on government spending.

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

- (a) Criterion A: Consistency with the City's health, safety, 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 has adequately demonstrated, in policy-based response, that the request would be consistent with the City's health, safety, and general welfare. The response to Criterion A is sufficient.
- (b) Criterion B: The proposed amendment is located wholly in an Area of Consistency. The existing zoning is inappropriate because a different zone district is more advantageous to the community as articulated by the ABC Comp Plan.

The requested zone map amendment would be more advantageous to the community since many of the ABC Comp Plan goals and policies will be furthered as articulated in the policy analysis section. This proposed zone change will allow for implementation of development and implementation of patterns of land use that are consistent with the Comp Plan conditions and historic land use, development density and intensity and connectivity as a designation for employment and services.

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(c) Criterion C: The proposed amendment is located wholly in an Area of Consistency so this criterion does not apply.

(d) Criterion D: None of the permissive uses in the MX-L zone will be harmful to the adjacent property, neighborhood, or community.

All uses permitted in the requested MX-L zone are also permitted in the existing PD zone. PD uses are determined on a case-by-case basis; however, the negotiated uses are required to be shown on a Site Plan, reviewed and approved by the EPC, prior to development. The requested MX-L zone permits a variety of commercial uses plus the potential for residential uses from townhouse to higher density multifamily, as well as an efficient process of development. The area is largely characterized by residential uses and it would be advantageous to the existing residents for commercial services to be located in close proximity. IDO regulations will provide design controls for both high-density residential and commercial development.

(e) Criterion E: The City's existing infrastructure and public improvements currently have adequate capacity to serve the existing development.

(f) Criterion F: The applicant's justification for the requested zone change is not completely based on the property's location on a major street but rather on the preponderance of applicable Goals and Policies of the Comp Plan as outlined in our policy narrative. The justification for the request is not solely based on the property's location on a major street. The basis is connected more to providing a clearer and more predictable set of allowed uses, development standards, and path to development. While the location of the property is not the main reason for providing justification for commercial zoning, it does provide rationale for why this site is suitable for the proposed MX-L zoning and associated use. Access and connectivity are important considerations for mixed-use development

(g) Criterion G: The justification is not based completely or predominantly on the cost of land or economic considerations. The requested zone change will allow MX-L uses to develop, thereby providing more commercial, retail, and mixed-use housing choices in an area of Albuquerque currently underserved by such facilities. The subject site is located in Albuquerque's Southwest Mesa where the imbalance of jobs to households in the poses a significant challenge for our future due to limited river crossings and our limited ability to increase the capacity of existing crossings.

(h) Criterion H: Application of the MX-L zone may constitute a spot zone because it is different from the surrounding zones to the north, east, south and west. The requested change to MX-L will clearly facilitate implementation of the ABC Comp Plan, as amended, as discussed in the preponderance of goals and policies further by the change.

This proposal qualifies under criteria (a) in that the surrounding area is residential and MX-L has less permissive uses than the current PD zonings. The MX-L zone will protect the

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neighborhood in a greater way than PD zone does. Per the permissive uses above it limits the uses that can be considered harmful more than PD zoning. The southwest mesa needs jobs and services that the MX-L zone allows. This will benefit the surrounding neighborhoods and will function as a transition between adjacent zone districts.

12. The applicant's policy analysis adequately demonstrates that the request generally furthers a preponderance of applicable Goals and Policies in the Comprehensive Plan and does not significantly conflict with it. Based on this demonstration, the proposed zone category would be more advantageous to the community than the current zoning.
13. The applicant notified property owners within 100 feet as required by the IDO for a Zone Map Amendment-EPC application. The applicant also notified the affected neighborhood associations, Southwest Alliance of Neighborhoods (SWAN), Westside Coalition of Neighborhood Associations, and South Valley Coalition of Neighborhood Associations.
14. As of this writing, there are no letters in support of or opposition to this request.

APPEAL: If you wish to appeal this decision, you must do so within 15 days of the EPC's decision or by **June 26, 2020**. 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 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 EPC Recommendations to City Council; rather, a formal protest of the EPC's Recommendation can be filed within the 15 day period following the EPC's recommendation.

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 City Zoning Code must be complied with, even after approval of the referenced application(s).

Sincerely,

for Brennon Williams
Planning Director

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