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OFFICIAL NOTIFICATION OF DECISION

June 16, 2022

City of Albuquerque 1 Civic Plaza Albuquerque, NM 87102 Project # PR-2018-001402 RZ-2022-00025- Zoning Map Amendment (Zone Change)

LEGAL DESCRIPTION:

Consensus Planning, agent for the City of Albuquerque Parks and Recreation Department, requests a zoning map amendment from R-A to NR-PO-B for all or a portion of Lots 1 through 3, Block 1, Plat of West Bank Estates together with Tract A1, Lands of Suzanne H Poole, and Tracts C-1 and Lot 4-A of Plat of Tracts C-1, C-2 and Lot 4-A, Lands of Suzanne H Poole being a Replat of Tract C, Lands of Suzanne H Poole, Tract C, Annexation Plat Land in Section 25 and 36, T11N R2E, Lot 4, Block 1 West; zoned R-A, located at 5001 Namaste Rd. NW, between La Bienvenida Pl. NW and the Oxbow Open Space, containing approximately 23 acres. (F-11 and F-12)

Staff Planner: Megan Jones

On June 16, 2022, the Environmental Planning Commission (EPC) voted to APPROVE PR-2018-001402/RZ-2022-00025, 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 23 acre site legally described as Lots 1 through 3, block 1, plat of West Bank Estates, together with tract A1 lands of Suzanne H. Poole and Tract C-1 & Lot 4-A, plat of Tracts C-1, C-2 & lot 4-A, lands of Suzanne H. Poole, being a replat of Tract C, lands of Suzanne H. Poole, Tract C annexation plat, land in section 25 & 36 T11N R2E, lot 4 block 1 west, located at 5001 Namaste Rd. NW between La Bienvenida Pl. NW and the Oxbow Open Space (the "subject site").
- 2. The subject site is currently vacant and bounded by existing Parks & Open Space uses and low-density residential. It is zoned R-A (Rural and Agricultural Zone District). The San Antonio Oxbow Open Space lies adjacent to the South and SE.
- 3. The applicant is requesting a zone change to NR-PO-B (Non-residential Park and Open Space, Sub-zone B: Major Public Open Space Zone District) to reflect the current ownership and management of these properties by the City of Albuquerque and to preserve the subject site as a Major Public Open Space (MPOS.

- 4. The subject site is in an area that the Comprehensive Plan designated an Area of Consistency. It is not located on or in a Corridor or Center as designated by the Comprehensive Plan.
- 5. The Albuquerque/Bernalillo County Comprehensive Plan, the Major Public Open Space Facilities Plan (MPOS Plan), and the Integrated Development Ordinance (IDO) are incorporated herein by reference and made part of the record for all purposes.
- 6. The request furthers the following, applicable goals and policies from Comprehensive Plan Chapter 4: Community Identity:
 - A. Policy 4.1.1 Distinct Communities: Encourage quality development that is consistent with the distinct character of communities.

The subject site is within a community that could be considered distinct because it is adjacent to the San Antonio Oxbow Open Space. The request to NR-PO-B is to not only reflect the City's ownership, but to protect the natural character of the land designated as Major Public Open Space (MPOS) and to preserve the areas for public recreation, use, and enjoyment, per the IDO description of a MPOS. This request would be consistent with the surrounding Open Space zone districts and distinct character of the community.

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

The request would protect the distinct identity of the Poole Property and surrounding Open Space land by preserving the subject site as a MPOS. The subject site is adjacent to the San Antonio Oxbow Open space, a drainage channel, a Park to the north, and the Rio Grande Valley State Park to the east. Although accessory uses are permitted under NR-PO-B, the subject site would remain protected and continue to offer the surrounding community a sense of place by preserving the land as MPOS.

C. Goal 4.3 City Community Planning Areas (CPA): Protect and enhance the natural and cultural characteristics and features that contribute to a distinct identity and prioritize projects and programs to meet the needs of communities, neighborhoods, and sub-areas.

The subject site is within the West Mesa CPA, which is described by the Comp Plan as characterized by its proximity to the Northwest Mesa Escarpment, Petroglyph National Monument, and the Bosque. The West Mesa CPA has not been completed, therefore distinct characteristics have not been updated in the Comp Plan, although, the request would protect the natural and cultural characteristics of the subject site that contribute to the surrounding residential community and adjacent San Antonio Oxbow open Space.

- 7. The request furthers the following, additional goals and policies from Comprehensive Plan 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 already served by existing infrastructure and public facilities, due to the surrounding residential community. The request would generally promote efficient development patterns and use of land by preserving land as that is adjacent to the San Antonio Oxbow Open Space and already recognized as culturally and historically relevant to the community. The request furthers Goal 5.3-Efficient Development Patterns.

B. Policy 5.5.1 Community Green Space: Provide visual relief from urbanization and offer opportunities for education, recreation, cultural activities, and conservation of natural resources by setting aside publicly-owned Open Space, parks, trail corridors, and open areas throughout the Comp Plan.

The request would allow the subject site to become a part of the City's network of Open Space, therefore facilitating opportunities for the conservation of natural resources. IT would provide access to an additional Open Space area alongside the existing San Antonio Oxbow Open Space and provide an opportunity for education, recreation, cultural activities in a publicly owned MPOS in a highly urbanized neighborhood on the City's west side. The request would allow a culturally significant piece of land to remain consistent with its existing character as a community open space, formally.

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.

The subject site is located in an Area of Consistency, where development reinforces the character and intensity of the surrounding area. The request would allow the subject site to remain consistent in character and zoning to the adjacent properties and 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 the character of an existing single-family neighborhood, by adding the subject property to the City's publicly owned network of Open Space. The surrounding neighborhood is primarily low density residential and outside of a center and corridor. There is MPOS adjacent to the subject site as well as a drainage channel and existing City Park.

8. The request furthers the following policy from Comprehensive Plan Chapter 7: Urban Design:

Policy 7.3.1 Natural and Cultural Features: Preserve, enhance, and leverage natural features and views of cultural landscapes.

The subject site, known as the Poole Property, is a culturally relevant piece of land to the surrounding community due to its natural features and cultural landscape. It is located adjacent to the existing San Antonio Oxbow Open space, near the Rio Grande Valley State Park, in a low-density residential neighborhood. The request would preserve the natural features and cultural landscape as well as enhance and leverage the subject site as an accessible Open Space amenity.

- 9. The request furthers the following goals and policies from Comprehensive Plan Chapter 10: Parks & Open Space:
 - A. Goal 10.1 Facilities & Access: Provide parks, Open Space, and recreation facilities that meet the needs of all residents and use natural resources responsibly.

The subject site is adjacent to the San Antonio Oxbow Open Space and recognized as a cultural amenity to the surrounding community. The request would preserve natural resources and provide an accessible Open Space amenity all residents. The subject site would be utilized responsibly because it will be managed by the City.

B. Policy 10.1.1 Distribution: Improve the community's access to recreational opportunities by balancing the City and County's parks and Open Space systems with the built environment.

The subject site is located in an existing residential neighborhood adjacent to the San Antonio Oxbow Open Space and a city owned park. The request would allow additional access to a City owned MPOS.

C. Goal 10.2 Parks: Provide opportunities for outdoor education, recreation, and cultural activities that meet community needs, enhance quality of life, and promote community involvement for all residents.

The request to NR-PO-B would result in a Major Public Open Space. The request would enhance the quality of life for residents within the surrounding neighborhood, by preserving a culturally significant site and natural resource. Although the Open space will be accessible to the community, and provide opportunities for outdoor education, recreation, and cultural activities, it is not being categorized as a City-owned Park.

D. Goal 10.3 Open Space: Protect the integrity and quality of the region's natural features and environmental assets and provide opportunities for outdoor recreation and education.

The request would protect the natural features and provide opportunities for outdoor recreation and education on the subject site. The subject site is located in an area primarily utilized and preserved as Open Space and the request would ensure that the subject site is preserved as an environmental asset.

E. Policy 10.3.1 Open Space Acquisition: Acquire significant lands throughout the community to shape the urban form, conserve natural and cultural resources, and protect agricultural land.

The subject property was acquired by the City in 2021 to be preserved as Open Space. The request would reflect the subject site as a city MPOS, which would conserve the natural and cultural resources of the subject site.

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

Policy 11.3.1 Natural and Cultural Features: Preserve and enhance the natural and cultural characteristics and features that contribute to the distinct identity of communities, neighborhoods, and cultural landscapes.

The subject site has cultural significance to the surrounding neighborhood due to its historical characteristics and natural features. Known as the Poole Property, the subject site has defined the community for nearly 55 years and remains a distinct identity of the community, neighborhood, and cultural landscape due to its proximity to the San Antonio Oxbow Open Space and natural landscape. The surrounding neighborhood has been opposed to any development occurring on the subject site, therefore making the request to Open Space use a want and need of the community.

- 11. The request furthers the following goals and policies from comprehensive Plan Chapter 13: Resilience & Sustainability:
 - A. Goal 13.4 Natural Resources: Protect, conserve, and enhance natural resources, habitats, and ecosystems.

The request would protect and conserve the subject site as a dedicated MPOS, therefore ensuring that the subject site remain dedicated to enhancing natural resources, a habitat for wildlife and the ecosystem near an existing Open Space and the Rio Grande Valley State Park.

B. Policy 13.4.4 Unique Landforms and Habitats: Protect areas with unique landforms, and crucial habitats for wildlife, through sensitive urban development or acquisition as Open Space.

The City acquired the subject site in 2021 for the purpose of preserving it as Open Space. The request would formally dedicate the land as a MPOS, therefore protecting the unique landform, which you can see through AGIS, and as a habitat for wildlife adjacent to the existing San Antonio Oxbow Open Space.

- 12. The request furthers the following policies from the MPOS Facility Plan section 5: Rio Grande Bosque:
 - A. Policy C. 3: Compatible land uses in most of Rio Grande Valley State Park may include walking, bicycling, fishing, picnicking, horseback riding and canoeing. Land uses in wildlife preserve areas shall be limited to scientific study. Public access to the Bosque shall be located in areas least sensitive to human use. Facilities shall be located and designed to divert uses away from sensitive habitats.

The request to NR-PO-B would provide additional access to MPOS adjacent to the existing San Antonio Oxbow Open Space, which has access trails to the Bosque. The subject site is located in an area that is least sensitive to human use, neat an existing MPOS.

B. Policy C.5: Coordinate plans for other facilities to ensure access to Rio Grande Valley State Park. Plans for development adjacent to the Park shall be reviewed to coordinate access consistent with the Major Public Open Space Facility Plan and the Bosque Action Plan.

The request to NR-PO-B would allow the subject site to become a MPOS and ensure access to the Rio Grande Valley State Park. The location of the request is adjacent to an existing MPOS, the San Antonio Oxbow Open space and the Bosque. The request would allow access coordination with the MPOS Facility Plan and the Bosque Action Plan.

C. Policy D. 1: Rio Grande Valley State Park and adjacent City-owned lands shall be managed so that uses, facilities, and resource conservation strategies are complementary.

The subject site is a City-owned land located adjacent to the Rio Grande Valley State Park and the San Antonio Oxbow Open Space. The request to NR-PO-B will allow the land to be managed as a dedicated MPOS in which land uses, facilities, and resource conservation on the subject site are complementary.

13. The request furthers the following policies from the MPOS Facility Plan Section 2: Issues and General Policies - Resource Management:

Policy C.6.e- Major Public Open Space lands provide visual relief from the impacts of urban development; as such, all lands within the Network comprise a visual resource. These resources include view sheds, view corridors, mountaintops and high points, escarpments and others.

The request for NR-PO-B zoning would allow the subject site to remain undeveloped so that visual resources would remain protected and not impacted by development (although open space amenities pursuant to the MPOS Plan would be allowed). The subject site would provide visual relief from the impacts of urban development and would allow the resource to be managed in a way consistent with the City's MPOS program.

- 14. 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 as well as the Major Public Open Space Facilities Plan (MPOS Plan) and does not significantly conflict with them. The applicant's policy-based response adequately demonstrates that the request furthers a preponderance of applicable Goals and policies regarding Community Identity, Land Use, Urban Design (Natural and Cultural Features), Parks & Open Space, Heritage Conservation, and Resilience & Sustainability and does not present any significant conflicts with the Comprehensive Plan. Additionally, the applicant has demonstrated that the request meets the mission and policies of the MPOS Plan to protect and preserve Open Space. Therefore, the request 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 the mission and policies within the MPOS Plan, therefore making it more advantageous to the community than the current zoning.

- 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-A zoning and the proposed NR-PO-B zoning. One use would become Permissive under the NR-PO-B zone that could be considered harmful to the community; Club or Event Facility, which is not currently permissive under the R-A zone. Several Permissive Accessory uses would become permissive including: Museum, Campground or Recreational Vehicle Park, Outdoor Vehicle Storage, Paid Parking Lot, Selfstorage, Amphitheater, Wind Energy Generation, and Dwelling Unit, Accessory with Kitchen. An Automated Teller Machine (ATM) becomes an allowable Temporary use. (See IDO Table 4-2-1, p. 145).

Additionally, the applicant demonstrated how the NR-BO-B zone district would be mitigated through the MPOS Plan. Since the surrounding land is zoned NR-PO in majority, the uses that would become permissive (some of which are already Permissive, Accessory, or Temporary) would generally not be considered harmful in this setting.

- E. Criterion E: The subject site is adequately served by existing infrastructure (requirement 1) and will have adequate capacity for the purposes of this request to serve as Open Space in the future.
- F. Criterion F: The subject site is not located on a major street and justification for the request does not rely on it.
- G. Criterion G: The request is not based on the cost of land or economic consideration, but for access to a MPOS for the community. 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 not result in a "spot zone" as it is adjacent to existing NR-PO-B, zoned properties.
- 15. The applicant's policy-based response adequately demonstrates that the request furthers a preponderance of applicable Goals and policies regarding Community Identity, Land Use, Urban Design (Natural and Cultural Features), Parks & Open Space, Heritage Conservation, and Resilience & Sustainability 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.
- 16. The affected neighborhood organizations are the Oxbow Village HOA, Ladera Heights NA, Rio Grande Compound HOA, Windmill Manor Place Subdivision HOA, The Enclave at Oxbow HOA, Rancho Encantado HOA, Alvarado Gardens NA, Story Rock HOA, Western Trails Estates HOA, Villa De Paz HOW Incorporated, La Luz Landowners Association, Santa Fe Village NA, Quaker Heights NA, La Luz Del Sol NA, Vista De La Luz HOA, North Valley Coalition, Westside Coalition of NA's, Oxbow Bluff NA,, Grand Heights Association, Vista Grande NA, Thomas Village NA, Rio Grande Blvd. NA, Taylor Ranch NA, Bosque Montano

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HOA Inc., Oxbow Park HOA, and St Joseph's Townhouse Association, which were notified as required. Property owners within 100 feet of the subject site were also notified as required.

- 17. A pre-application neighborhood meeting was held as A facilitated on Monday April 25, 2022 from 6:00 pm to 8:00 pm via Zoom. Several questions and comments were made by neighbors regarding the request, which were answered during the meeting. There were no unresolved issues or concerns.
- 18. As of this writing, Staff has not been contacted and is unaware of any opposition.

<u>APPEAL</u>: If you wish to appeal this decision, you must do so within 15 days of the EPC's decision or by **July 1, 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(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/MJ

cc: Consensus Planning, cp@consensusplanning.com

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