

PLANNING DEPARTMENT
URBAN DESIGN & DEVELOPMENT DIVISION
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OFFICIAL NOTIFICATION OF DECISION

March 16, 2023

DK Development NM
801 Central Ave. NE
Albuquerque, NM 87102

Project # PR-2022-007919
RZ-2022-00060– Zoning Map Amendment (Zone Change)

LEGAL DESCRIPTION:

Dawson Jariwala, DK Development NM, requests a zoning map amendment from R-T to R-ML, for all or a portion of Lot 22, Block 27, University Heights Addition, located at 305 Girard Blvd. SE, between Lead Ave. SE and Coal Ave. SE, approximately 0.2 acre (K-16)

Staff Planner: Leroy Duarte

On March 16, 2023 the Environmental Planning Commission (EPC) voted to DENY Project # PR-2022-007919/RZ-2022-00060 – a Zoning Map Amendment, based on the following findings:

1. The request is for a zoning map amendment (zone change) for an approximately 0.2-acre site legally described as Lot 22, Block 27 University Heights Addition, located at 305 Girard Blvd. SE, between Lead Ave. SE. and Coal Ave. SE (the “subject site”).
2. The subject site contains a duplex.
3. The subject site is zoned R-T (Residential Townhomes Zone District). The applicant is requesting a zone change to R-ML (Residential Multi-family Low Density Zone District) to facilitate future low-density multi-family development.
4. The subject site is in an area that the Comprehensive Plan designated an Area of Consistency. Girard Blvd. SE is a designated Major Collector Street. It is not in a designated 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 does not further the following, applicable Goal and Sub-policies regarding growth and Centers and Corridors from Comprehensive Plan Chapter 4: 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 request would change the identity by allowing R-ML uses, which would permit low density multi-family development; height allowances would increase to 38 feet, thus not keeping the neighborhood identity and scale the same as existing development.

7. The request does not further the following, applicable Goal and Sub-policies regarding growth and Centers and Corridors from Comprehensive Plan Chapter 5: Land Use:

- A. Goal 5.1-Centers & Corridors: Grow as a community of strong Centers connected by a multi-modal network of Corridors.

The subject site is not located along a corridor and is not in a designated center.

- B. Sub-policy 5.1.1 (d): Encourage the development of multi-unit, multi-story apartments and mixed-use residential buildings in Downtown, Urban Centers, and Activity Centers to increase housing density and expand housing options and affordability.

The request would allow multi-family low density development within the area. However, the request is for a zone map amendment and plans for proposed development are not being reviewed. It is too early in the development process to say with certainty that the request would in fact expand housing options and affordability.

- 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 relatively more intense growth and development of uses allowed in the R-ML (Residential- Multi-family Low Density) zone to an Area of Consistency. The request would not maintain the appropriate density and scale of development within the Girard corridor. To the east of the subject site is R-1 development and to the west is R-ML; the subject site is currently zoned R-T. The R-T zone acts as a transition zone from R-1 to R-ML.

8. The request does not further the following Goal and sub-policies in Chapter 5-Land use, with respect to complete communities.

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

The request is for a zone map amendment, low-density multi-family development could only occur if granted. The request would not provide jobs, education, retail, or amenities in order for residents to work, learn, shop, and play together.

- B. 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 facilitate future mixed-use development on an infill site, permissive uses include low-density multi-family housing. The request would not be compatible in scale to the immediate surrounding development. R-T zoning is acting as a transition zone to a more intense zone R-ML west of the subject site.

9. The request does not further the following Goal and policy regarding city development areas and area of consistency in Chapter 5-Land use:

- 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 subject site is located in an Area of Consistency, where the intensity and character of the surrounding area is protected. The request would not enhance the character of the existing single-family neighborhood because permissive uses would become more intense and allowable building heights would also increase, thus not reinforcing the character and intensity of the surrounding area as described in the Comprehensive Plan.

- B. 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 not enhance or protect the character of existing single-family neighborhoods by facilitating permissive uses that would be not be consistent with the existing zoning to the east of the subject site. Building heights would increase as well as higher densities would become permissive within the Near Heights area.

10. The applicant has not 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 conflict with them. The applicant's policy-based response does not adequately demonstrate that the request clearly reinforces a preponderance of applicable Goals and policies and does present significant conflicts with the Comprehensive Plan. Furthermore, there is a conflict with the University Metropolitan Redevelopment Area Plan, which states that "The lower-density residential character of neighborhoods to the south of Silver should be preserved" (R-74 p.45). Therefore, the request is not consistent overall 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 demonstrates that the request would not reinforce or strengthen the established character of the surrounding Area of Consistency and would permit development that is significantly different from that character.
- 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-T zoning and the proposed R-ML zoning and discussed each use that would become permissive. Adding one residential use (the key difference between existing and proposed zoning) to the existing area is generally not considered harmful. A potential harmful impact the request could have would be the height difference. A max height of 38 feet would become permissive under the R-ML zone.

Uses that would become permissive under the R-ML zone, which are not currently allowed, are multi-family, assisted living or nursing home, community residential facility, and elementary or middle school. (see IDO table 4-2-1: Allowable Uses p. 146).

- E. Criterion E: The subject site is an infill site that is adequately served by existing infrastructure (requirement 1).
 - F. Criterion F: The subject site is located on Girard Blvd. SE, a Major Collector Street as designated by the comprehensive plan. 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. Rather, the request to R-ML is located in an area of consistency and would not protect the identity of the neighborhood by allowing permissive uses that would not be of the same scale and density.
 - G. Criterion G: Economic considerations are a factor, but the applicant's justification is not completely or predominantly based upon them.
 - H. Criterion H: The request would apply a zone district different from surrounding zone districts to a small strip of land along Girard Blvd. SE. The request would not maintain the appropriate density and scale of development within the Girard corridor. Higher density and building heights would become permissive under the R-ML zone. To the east of the subject site lies R-1 development and to the west lies R-ML, the subject site is currently zoned R-T. The R-T zone is acting as a transition zone from R-1 to R-ML.
11. The applicant's policy-based response does not demonstrate that the request clearly reinforces a preponderance of applicable Goals and policies regarding Centers and Corridors and Community Identity, and presents some significant conflicts with the Comprehensive Plan. Therefore, the request is inconsistent with the City's health, safety, morals and general welfare.
 12. The affected neighborhood organizations are the Nob Hill Neighborhood Association, the District 6 Coalition of Neighborhood Associations, and the University Heights Neighborhood Association, which were notified as required. Property owners within 100 feet of the subject site were also notified as required. A pre-application neighborhood facilitated meeting was held on October 27, 2022 via Zoom. Concerns regarding the request included location, parking, design and pricing and were answered by the applicant.
 13. On January 1, 2023 staff was contacted by Beverly Paca, an adjacent property owner, who expressed opposition to the request. Don Hancock also reached out to staff, on January 9, 2023, and was also in opposition.

APPEAL: If you wish to appeal this decision, you must do so within 15 days of the EPC's decision or by **April 1, 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

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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/LD

cc: DK Development NM, dkdevelopmentsnm@gmail.com
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EPC File