

PLANNING DEPARTMENT
URBAN DESIGN & DEVELOPMENT DIVISION
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OFFICIAL NOTIFICATION OF DECISION

May 18, 2023

Hector Lopez & Paula Escamilla
1419 Elfecho Baca Dr. SW
Albuquerque, NM 87121

Project # PR-2023-008516
RZ-2023-00013– Zoning Map Amendment
(Zone Change)

LEGAL DESCRIPTION:

ABQ Land Use Consulting LLC-Carl Garcia, agent for Hector Lopez & Paula Escamilla, requests a zoning map amendment from R-1A to NR-C, for all or a portion of Block 1 west 50.0 feet of east 150.0 feet of South Broadway Acres Unit No. 1, located at 418 Bethel Dr. SE, between Broadway Blvd. SE and John St. SE, approximately 0.12 acre (M-14)

Staff Planner: Robert Messenger

On May 18, 2023 the Environmental Planning Commission (EPC) voted to Approve Project # PR-2023-008516, RZ-2023-00013– Zoning Map Amendment (Zone Change), based on the following Findings:

1. The request is for a zoning map amendment (zone change) for an approximately 0.12-acre site legally described as all or a portion of Block B west 50.0 feet of east 150.0 feet of South Broadway Acres Unit 1, located at 481 Bethel Dr. SE, between Broadway Blvd. SE and John St. SE, (the “subject site”).
2. The subject site is zoned R-1A (Residential- Single-family Zone District) and NR-C (Non-residential Commercial Zone District). The applicant is requesting a zone change from R-1A to NR-C to remedy a floating zone line on the property.
3. The subject site is in an area that the Comprehensive Plan designated an Area of Consistency and is not within a Comp Plan-designated Center or Corridor.
4. 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.
5. The request furthers the following Goal, policies, 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 would allow full use of a lot currently used for a landscaping business, which provides employment and provides tree-trimming services for commercial and residential customers.

Within a mile of the subject site are numerous uses such as parks and community centers, schools, and retail uses that create a complete community.

- 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 request for NR-C zoning would help create a healthy, sustainable, and distinct community with a mix of uses that are conveniently accessible from surrounding neighborhoods. The business use on the subject site is complementary to nearby uses and is easily accessible by walking, biking, transit and automobiles.

6. The request furthers the following Goals and policy regarding efficient development patterns in Chapter 5-Land use:

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 request would promote development patterns that maximize the utility of existing infrastructure by using existing infrastructure and public facilities, rather than having to develop infrastructure and facilities where they do not exist.

7. The request furthers the following Goal and policies regarding city development areas, areas of consistency, and appropriate transitions 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, and allowing it to be fully-used for a business would reinforce the character of the surrounding commercial uses to the east as well as residential uses to the west.

- 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 protect and enhance the character of existing single-family neighborhoods, areas outside of Centers and Corridors, parks, and Major Public Open Space. The subject site is not located in a Center or along a Corridor, but is near single-family neighborhoods, and parks.

- C. Policy 5.6.4 Appropriate Transitions: Provide transitions in Areas of Change for development abutting Areas of Consistency through adequate setbacks, buffering, and limits on building height and massing.

The existing setbacks, small lot size, and walls surrounding the subject site are adequate transitional elements that buffer the residential uses to the west from more intense commercial uses to the north, south, and east; many of which are located in an Area of Change.

8. The request furthers the following Goal and policy regarding entrepreneurship in Chapter 8 Economic Development:

A. Goal 8.2 Entrepreneurship: Foster a culture of creativity and entrepreneurship and to encourage private businesses to grow.

The request would foster a culture of creativity and entrepreneurship and to encourage private business to grow. The request would allow a private business to grow by using the entire lot for their landscaping contract business.

B. Policy 8.2.1 Local Business: Emphasize local business development.

The request would emphasize local business development by allowing it to fully use the entire lot for the landscaping business. A clear and consistent zoning designation would allow the owner of the business to properly insure their business, pursue loans, conduct title or mortgage applications, and similar business actions.

9. 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 clearly facilitates a preponderance of applicable Goals and policies regarding Complete Communities, Efficient Development Patterns, City Development Areas, and Entrepreneurship. 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 new zone would clearly reinforce or strengthen the established character of the surrounding Area of Consistency and would not permit development that is significantly different from that character. The applicant has also demonstrated that the existing zoning is inappropriate because of criterion 3; a different zone district is more advantageous to the community as articulated by the ABC Comp Plan.

C. Criterion C: This criterion does not apply because the subject site is not located in an Area of Change, either wholly or in part.

D. Criterion D: The applicant compared the existing R-1A zoning and the proposed NR-C zoning and discussed each use that would become permissive. Adding commercial uses (the key difference between existing and proposed zoning) to an existing site where NR-C uses have been consistently maintained is generally not considered harmful. Since much of the surrounding land is zoned NR-C, the commercial uses that would become permissive (some of which are already conditional, including the landscaping business) would generally not be considered harmful in this setting.

The IDO has Use-Specific standards to mitigate the impacts of uses that could be considered harmful. Furthermore, permissive uses such as light vehicle repair would be mitigated pursuant to

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IDO 14-16-6-4(H)(2) because the subject site is located within the Railroad and Spur Small Area, where a Cumulative Impacts Analysis would be required.

- E. Criterion E: The subject site is adequately served by existing infrastructure, and allowing the full use of it for the existing business would have only negligible impacts on the existing infrastructure and public facilities.
 - F. Criterion F: The subject site's location on a local street does not factor into the policy analysis. Rather, the request to rezone (a portion of) the property from R-1A to NR-C is to remedy a floating zone line on the property.
 - G. Criterion G: The applicant's justification is not based completely or predominantly on the cost of land or economic considerations. Rather, the applicant has justified the zone change request to remedy a floating zone boundary.
 - H. Criterion H: The request would not result in a spot zone because it matches the NR-C zoning of parcels north, east, and south of the subject site.
10. The applicant's policy-based response adequately demonstrates that the request clearly facilitates a preponderance of applicable Goals and policies regarding Complete Communities, Efficient Development Patterns, City Development Areas, and Entrepreneurship, 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.
 11. The affected neighborhood organization is the San Jose Association, which was notified as required. Property owners within 100 feet of the subject site were also notified as required.
 12. A pre-application meeting was offered but neither requested nor held.
 13. 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 **June 2, 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 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).

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Sincerely,

Catalina Lehner

for Alan M. Varela,
Planning Director

AV/CL/RM

cc: Hector Lopez & Paula Escamilla, hpaulaescamilla@yahoo.com
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