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OFFICIAL NOTIFICATION OF DECISION

May 18, 2023

Palindrome Communities LLC
412 NW 5th Avenue
Portland, OR 97209

Project # PR-2023-008520
RZ-2023-00015– Zoning Map Amendment
(Zone Change)

LEGAL DESCRIPTION:

Dekker Perich Sabatini (DPS), agent for Palindrome Communities LLC, requests a Zoning Map Amendment from R-ML to MX-L, for all or a portion of Lots 1-6 and 13-15, including the northern 70 feet of the northern 109 feet; the southern 38 feet of the northern 108 feet, and the southern 34 feet of Lots 13-15 respectively, Block 1, Baca Addition, bounded by Second St. and Third St. SW and Santa Fe Ave. and Pacific Ave. SW, approximately 1.1 acres (K-14-Z).

On May 18, 2023 the Environmental Planning Commission (EPC) voted to APPROVE Project # PR-2023-008520, RZ-2023-00015– Zoning Map Amendment (Zone Change), based on the following Findings:

1. The request is for a zoning map amendment from R-ML to MX-L, for all or a portion of Lots 1- 6 and 13-15, including the northern 70 feet of the northern 109 feet; the southern 38 feet of the northern 108 feet; and the southern 34 feet of Lots 13-5 respectively, Block 1, Baca Addition (the “subject site”), bounded by Second Street and Third Street SW and Santa Fe Avenue and Pacific Avenue SW, approximately 1.0 acre.
2. The subject site is zoned R-ML (Residential – Multi-Family Low Density Zone District) which was converted from the former zoning of SU-2, RG (Residential).
3. The applicant wants to change the subject site’s zoning to MX-L to accommodate a combination of live/work and multi-family uses along with commercial services.
4. Initially, the request was to rezone seven parcels to MX-M but the applicant amended their request to rezone six parcels to MX-L in response to staff and neighborhood concerns.
5. The applicant is proposing a taproom as a future use but, under MX-L, a taproom is not a permissive use and would require a Conditional Use Permit.
6. The subject site is in an Area of Change as designated by the Comprehensive Plan and is in the Central Albuquerque Community Planning Area (CPA).

7. The subject site is within 660 feet of 4th Street SW, which is a Major Transit Corridor and Main Street Corridor as designated by the Comprehensive Plan.
8. The subject site is within the boundaries of the Barelás Character Protection Overlay Zone, CPO-1.
9. The subject site is within the boundaries of the Barelás Neighborhood Commercial Area Revitalization Plan. Applicable goals and strategies from the Barelás Metropolitan Redevelopment Plan are referenced in this report.

The request is consistent and supports the general Barelás Neighborhood Commercial Area Revitalization Plan goals as listed above. In addition, because the request is for the MX-L zone, which is intended to provide a variety of low-to-medium density housing options in addition to neighborhood-scale convenience shopping needs, the request would allow more opportunities to use the property, thereby supporting additional goals within the redevelopment plan.

10. The Rail Yards Master Plan is a Rank 2 policy document. Together, the Rail Yards Master Plan, the Landscape Plan, and the Site Plan constitute the Site Plan – EPC required for development in the PD zone district. The allowable uses and development standards in these documents are regulatory and apply to all development and redevelopment on the Rail Yards property. Applicable principles and policies from the Albuquerque Rail Yards Master Plan – February 2023 Update are referenced in this report.

The MP is a long-range planning document that is intended to guide redevelopment of the Rail Yards property into a vibrant, mixed-use employment and cultural center that includes commercial, office, light industrial, institutional, and residential uses that are complemented by public spaces.

11. The request furthers the following Goals and Policies from Chapter 4: Community Identity pertaining to Character:

A. Goal 4.1. – Character: Enhance, protect, and preserve distinct communities.

The request would contribute to enhancing, protecting, and preserving the community by allowing for the development of a vacant lot near residential neighborhoods. In addition, the request would expand the area's mix of uses to surrounding neighborhoods and help preserve this distinct community by transforming a long-neglected block in Barelás.

B. Policy 4.1.2 – Identity and Design: Protect the identity and cohesiveness of the neighborhoods by ensuring the appropriate scale and location of development, mix of uses, and character of building design.

The requested MX-L zone would protect the identity and cohesiveness of the Barelás neighborhood because the MX-L zone would maintain the existing building height for the future proposed development. The small-scale change would also protect the community's cohesiveness and promote neighborhood participation/interaction. The allowable uses under MX-L would provide retail convenience for better variety and capacity to meet local consumer needs, further protecting the neighborhoods. The request would facilitate the property's development, be of an appropriate scale and location, and expand the mix of uses in the neighborhood.

C. Policy 4.2 – Process: Engage communities to identify and plan for their distinct character and needs.

The request furthers this goal because the applicant has met with the community, who have helped identify and plan for their needs while maintaining the area's character. In addition, in response to neighborhood concerns, the applicant amended their request to rezone the property to MX-L rather than MX-M, which would have allowed for more intense uses and an increase in building height.

- D. Policy 4.2.2 – Community Engagement: Facilitate meaningful engagement opportunities and respectful interactions in order to identify and address the needs of all residents.

The request furthers this policy as the applicant and agent met with the Barelás Neighborhood Association through a facilitated meeting and at two informal meetings to discuss the proposal and address concerns over the proposed zone map amendment. Community engagement is critical in the process of zone map amendments, particularly in neighborhoods with a character protection overlay zone, such as the Barelás CPO-1. Furthermore, the applicant has addressed neighborhood concerns by amending their request to MX-L rather than MX-M.

12. The request furthers the following Goals and Policies from Chapter 5: Land Use pertaining to Centers and Corridors:

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

The Comprehensive Plan does not designate the subject site as being in an Activity or Employment Center. However, 4th Street SW, west of the subject site, is within 660 feet and is classified as a Major Transit Corridor/Main Street Corridor. The request would facilitate the development of the subject site by expanding allowable uses. In addition, it would foster a multi-modal network of Corridors that connects the area to nearby Activity and Employment Centers, as several transit routes serve the area. Eventually, the planned expansion of the Rail Trail would help foster the community's growth through its accessibility to additional multi-modal Corridor.

- B. Subpolicy 5.1.1(f): Discourage the development of detached single-family housing as an inappropriate use in Centers and along Corridors.

The subject site is within walking distance of the 4th Street Major Transit Corridor/Main Street Corridor, and the area would best be served by the allowable uses in the MX-L zone. The MX-L zone would allow for a variety of low-to-medium-density housing options and would discourage the development of detached single-family housing. Furthermore, the request is consistent and supports the general Barelás Revitalization Plan goals and policies.

- C. Policy 5.1.2 – Development Areas: Direct more and 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 allowable uses under the MX-L zone would help direct more intense growth to the 4th Street Corridor. The allowable building height, similar to the existing R-ML zone, would help maintain the appropriate density and scale of development. The site is located within an Area of Change where more intense development should be directed. The Comprehensive Plan intends to make Areas of Change the focus of new, urban-scale development that would be possible under the MX-L zone.

- D. Policy 5.1.9 – Main Streets: Promote Main Streets that are lively, highly walkable streets lined with neighborhood-oriented businesses.

The request furthers this policy because the allowable uses under the MX-L zone would help strengthen 4th Street SW, a Main Street, and would help promote highly walkable streets. The permissible uses under MX-L would help provide opportunities for small businesses to become established and would further strengthen 4th Street by providing a variety of goods and services. In addition, the permissible uses under the MX-L zone would help anchor the street grid connection from 2nd to 4th Streets and from Santa Fe, Pacific Avenues, and the 4th Street Main Street.

- E. Policy 5.1.10 Major Transit Corridors: Foster corridors that prioritize high-frequency transit service with pedestrian-oriented development.

The request furthers this policy because 4th Street SW is a Major Transit Corridor, and the expansion of allowable uses would prioritize transit service with pedestrian-oriented development. In addition, the permissible uses under MX-L would help encourage higher-density residential areas and neighborhood-scale convenience shopping needs that prioritize the high-frequency transit service along 4th Street SW.

13. The request furthers the following Goals and Policies from Chapter 5: Land Use pertaining to Complete Communities and Land Uses:

- 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 requested MX-L zone would permit a mix of uses that would be conveniently accessible to the surrounding neighborhoods and the nearby downtown neighborhoods. The request would result in quality-of-life benefits, including the reduction of automobile dependency and an increase in the range of housing options. In addition, it would provide job-producing commercial development to foster a community where residents can live, work, learn, shop, and play together. Although it is a spot zone because the adjacent properties are zoned R-ML, the requested MX-L zone is appropriate. The requested MX-L zone would encourage the development of the subject site and help bring services and amenities within biking and walking distance of the Barelas CPO-1.

- B. Subpolicy 5.2.1(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.

Similar to Policy 5.2.1 – Land Uses, the request would encourage development and redevelopment that would bring goods, services, and amenities within walking and biking distance of Barelas CPO-1. In addition, the allowable uses under MX-L would be conveniently accessible to the surrounding and nearby downtown neighborhoods and help foster a healthy economy.

- C. Subpolicy 5.2.1(b): Encourage development that offers choice in transportation, work areas, and lifestyles.

The request furthers Subpolicy 5.2.1(b) because the allowable uses under MX- would encourage a choice in transportation, work areas, and lifestyles. By allowing the low-density, mixed-uses near

the edge of the neighborhood, residents could easily walk to new, proposed developments. In addition, the site is easily accessible by bicycle because there are bicycle lanes on 2nd and 4th Streets.

- D. Subpolicy 5.2.1(d): Encourage development that broadens housing options to meet a range of incomes and lifestyles.

If the zone map amendment were approved, it would create housing at a higher density and increase the diversity of housing in the community. The increased density would include dwelling; townhouse, dwelling; live-work, and dwelling; multi-family, which would broaden housing options. Currently, the request is for a zone map amendment, so it is unknown if the request would meet a range of incomes.

- E. Subpolicy 5.2.1(f): Encourage higher density housing as an appropriate use in the following situations:

- i. Within designated Centers and Corridors;
- ii. In areas with good street connectivity and convenient access to transit;
- iii. In areas where a mixed density pattern is already established by zoning or use, where it is compatible with existing area land uses, and where adequate infrastructure is or will be available;
- iv. In areas now predominantly zoned single-family only where it comprises a complete block face and faces onto similar or higher density development;
- v. In areas where a transition is needed between single-family homes and much more intensive development.

The request furthers this subpolicy because the broadened housing options under MX-L would be located within the 4th Street Corridor. This corridor has good street connectivity and is accessible to nearby transit routes. In addition, the requested MX-L zone would provide a much-needed transition between the single-family homes that are zoned R-ML west of the subject site and the future proposed development of the Rail Yards, where more intense development would occur.

- F. Subpolicy 5.2.1(h): Encourage infill development that adds complementary uses and is compatible in form and scale to the immediately surrounding development.

The proposed infill development and uses allowable under MX-L would add complementary uses and be compatible in form and scale with the immediately surrounding development. As previously mentioned, the allowable building height under the existing zoning (R-ML) is 38 feet; the permissible height under the requested zoning (MX-L) is also 38 feet. In addition, since the subject site is located in Barelás CPO-1, the site is not eligible for increased height bonuses allowed under Urban Centers/Main Streets or Premium Transit Corridors, further ensuring that the future development made possible by request would be compatible in form and scale to the immediately surrounding development.

- G. Subpolicy 5.2.1(n): Encourage more productive use of vacant lots and under-utilized lots, including surface parking.

The request would facilitate the development of the subject site and encourage more productive use of six under-utilized lots by increasing density while adding resources to the area. If approved, the request would allow the revitalization of the neighborhood while efficiently using a vacant site.

14. The request furthers the following Goals and Policies from Chapter 5: Land Use pertaining to Efficient Development Patterns and Jobs-Housing Balance:

- 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 request furthers this Goal because the request would enhance sustainability by efficiently using existing community/public facilities and infrastructure. The request would also promote compact development while increasing density, further maximizing existing infrastructure. The area is served by existing infrastructure and public facilities, so the development made possible by the request would promote efficient development patterns and the use of land.

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

Similar to Goal 5.3, the subject site is located in an area with existing infrastructure and public facilities. The surrounding properties are already developed with a mix of uses, and the rehabilitation of the subject site would support additional growth while maintaining existing infrastructure.

- C. Goal 5.4 - Jobs-Housing Balance: Balance jobs and housing by encouraging residential growth near employment across the region and prioritizing job growth west of the Rio Grande.

This request would further this goal because the allowable uses would help balance jobs and housing in Barelas and encourage residential growth near employment in the neighborhood and the Downtown area.

- D. Policy 5.4.1 – Housing Near Jobs: Allow higher-density housing and discourage single-family housing near areas with concentrated employment.

The request would allow for higher-density housing while discouraging single-family housing near areas with the potential for concentrated employment, such as the 4th Street Corridor and Rail Yards.

- E. Subpolicy 5.4.1(a): Prioritize higher-density housing where services and infrastructure are available.

The area is served by existing infrastructure and services, so the allowable uses made possible by the request would help prioritize higher-density housing in Barelas.

- F. Subpolicy 5.4.1(b): Prioritize mixed-use development near where a substantial employment exists in Employment Centers.

The request would facilitate mixed-use development near Downtown, an Employment Center that would include live-work spaces along 2nd Street SW, a principal urban arterial near 4th Street SW, a Major Transit Corridor, and Main Street Corridor.

15. The request furthers the following Goals and Policies from Chapter 5: Land Use pertaining to Areas of Change:

- 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 areas.

The request would encourage and direct growth to an Area of Change where the subject site is located and would help focus development there. Directing growth to this area would help steer developmental pressure away from the surrounding neighborhoods located in Areas of Consistency and would help reinforce the character of the area.

- B. Policy 5.6.2 – Areas of Change: Direct growth and more intense development to Centers, Corridors, industrial and business parks, and Metropolitan Redevelopment Areas where change is encouraged.

The subject site is located in an Area of Change, near the Downtown Employment Center and within 660 feet of a Major Transit Corridor/Main Street (4th Street), where the Comprehensive Plan intends and encourages changes to happen. The request would direct growth and more intense development to the subject site located within the Metropolitan Redevelopment Plan for Barelas while steering growth away from the neighborhoods to the west and south of the subject area.

- C. Subpolicy 5.6.2(b): Encourage development that expands employment opportunities.

The uses allowable under MX-L would encourage development and expand allowable uses, thereby expanding employment opportunities in Barelas CPO-1.

- D. Subpolicy 5.6.2(d): Encourage higher-density housing and mixed-use development as appropriate land uses that support transit and commercial and retail uses.

Because the subject site is located on 2nd Avenue SW and within 660 feet of 4th Street SW, both a Main Street Corridor and Major Transit Corridor, the proposed development would provide reasonable access for residents and the broader community while encouraging mixed-use development and higher-density housing.

- E. Subpolicy 5.6.2(g): Encourage development in areas where adequate infrastructure and community services exist.

The request furthers this subpolicy because the area is served by adequate infrastructure and there are existing community services nearby.

- F. Subpolicy 5.6.2(h): Encourage development in areas with a highly connected street grid and frequent transit service.

Barelas's rectilinear street grid provides relatively direct connections and multiple routes resulting in high connectivity. The area is also served by frequent transit service along the 4th Street Corridor and 2nd Street SW.

16. The request furthers the following Goals and Policies from Chapter 6: Transportation:

- A. Policy 6.1.2 – Transit-Oriented Development: Prioritize transit-supportive density, uses, and building design along Transit Corridors.

The request furthers Policy 6.12 because the increased density and allowable uses along a Main Street Corridor and 2nd Street SW would help prioritize transit-supportive density. In addition, the

increased density would help increase ridership along the Corridor and make transit an even more viable option.

- B. Policy 6.1.3 – Auto Demand: Reduce the need for automobile travel by increasing mixed-use development, infill development within Centers, and travel demand management (TDM) programs.

The request furthers this policy because the MX-L zone would allow diverse uses to be located nearby, thereby reducing vehicle trips and encouraging transit ridership. In addition, the request would allow for mixed-use/infill development within the 4th Street Corridor, which has frequent transit service. Furthermore, the area has a rectilinear street grid that provides direct connections and multiple routes resulting in high connectivity.

- C. Goal 6.2 – Multi-Modal System: Encourage walking, biking, and transit, especially at peak-hour commuting times, to enhance access and mobility for people of all ages and abilities.

The mix of uses permitted in the MX-L zone would encourage walking, biking, and transit. In addition, local entrepreneurs are anticipated to be part of the proposed commercial services, which would help promote walking, biking, and transit.

17. The request furthers the following Goals and Policies from Chapter 8: Economic Development:

- A. Goal 8.1 – Placemaking: Create places where business and talent will stay and thrive.

The requested zone would allow for a mix of uses that would create places of business where local talent would stay and thrive. The mixed-use development would provide affordable access to jobs for people without automobiles or with fewer automobiles per household, contributing to economic growth and placemaking. The commercial areas are anticipated to be used and served by residents.

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

Policy 8.2.2 – Diverse Talent: Promote a more inclusive ecosystem for developing entrepreneurs.

The request furthers this Goal and Policy because it is anticipated that the future commercial shops will be for small business owners within the area and will help promote a more inclusive ecosystem for developing entrepreneurs.

- C. Subpolicy 8.2.2(c): Support neighborhood-based capacity building for potential entrepreneurs.

The commercial uses allowable under the MX-L zone will help support neighborhood-based capacity for potential entrepreneurs. The facilitated meeting reports have stated that the neighborhood would favor establishing businesses belonging to local residents.

18. The request furthers the following Goals and Policies from Chapter 9: Housing:

- A. Subpolicy 9.1.1(i): Provide for the development of multi-family housing close to public services, transit, and shopping.

The requested MX-L zone would allow for multi-family housing that would be close to public services, transit along 4th Street Corridor and 2nd Street and near shopping areas.

- B. Subpolicy 9.1.2(b): Encourage a diversity of housing types, such as live/work spaces, stacked flats, townhouses, urban apartments, lofts, accessory dwelling units, and condominiums.

The requested MX-L would allow for live/work spaces that are not allowed in the existing R-ML zone.

- C. Subpolicy 9.1.2(e): Encourage mixed-use development that includes non-residential uses and the opportunity for access to services.

One of the components of the proposed development would be for non-residential uses, which would be located on the first floor. In addition, the development made possible by the proposed request would encourage mixed-use development that would include non-residential uses.

- D. Goal 9.3 - Density: Support increased housing density in appropriate places with adequate services and amenities.

The request would support increased housing density, although at a minimal level, because the allowable building height would be the same as the existing R-ML zone.

- E. Policy 9.3.2 – Other Areas: Increase housing density and housing options in other areas by locating near appropriate uses and services and maintaining the scale of surrounding development.

The request would allow for increased housing density and options near areas with appropriate uses and services. The allowable building height under MX-L will ensure that the scale of development will be similar to the surrounding development.

- F. Subpolicy 9.3.2(b): Encourage multi-family and mixed-use development in areas where a transition is needed between single-family homes and more intense development.

The uses allowable under MX-L will encourage multi-family and mixed-used development while providing a more intense use of the Rail Yards and the R-ML zones west of the subject site.

19. The request furthers the following Goals and Policies from Chapter 11: Heritage Conservation:

- A. Goal 11.2 – Historic Assets: Preserve and enhance significant historic districts and buildings to reflect our past as we move into the future and to strengthen our sense of identity.

The request would help and preserve and enhance significant historic districts and buildings because the increased density and mix of uses would help promote the 4th Street Corridor. The requested MX-L zone would also help protect the A&P Superintendent's House that is listed on the New Mexico State Register of Cultural Properties and on the National Register of Historic Places because the allowable height under MX-L would be the same as the existing R-ML. The site would be further protected because any proposed development would have to adhere to neighborhood edge policies within the IDO that impose buffers, limits uses and heights.

20. The request furthers the following Goals and Policies from Chapter 12: Infrastructure, Community Facilities & Services:

- A. Goal 12.1 – Infrastructure: Plan, coordinate, and provide for efficient, equitable, and environmentally sound infrastructure to support existing communities and the Comp Plan's vision for future growth.

The mix of uses permitted in the MX-T zone would provide efficient and environmentally sound infrastructure that would support existing communities as envisioned in the Comprehensive Plan.

21. The applicant has adequately justified the request pursuant to the Integrated Development Ordinance (IDO) Section 14-16-6-7(F)(3)-Review and Decision Criteria for Zoning Map Amendments, as follows:
- A. Criterion A: The applicant's policy-based response adequately demonstrates that the request furthers a preponderance of applicable Goals and policies regarding community identity, land use, infill, efficient development patterns, housing, infrastructure, community services, facilities and housing and does not present any significant conflicts with the Comprehensive Plan. However, the request would create a spot zone because it would apply a zone different from the surrounding R-ML but would function as a transition because the maximum allowable height for the MX-L zoning is the same as the current zoning's maximum allowable building height of 38 feet. Therefore, the request is consistent with the City's health, safety, and morals and general welfare.
 - B. Criterion B: The subject site is located wholly in an Area of Change, so this Criterion does not apply.
 - C. Criterion C: The subject site is located wholly in an Area of Change and the applicant refers to sub-criterion 3, that a different zone district is more advantageous to the community as articulated by the Comprehensive Plan, including implementation of land use patterns, development density and intensity, and connectivity. The applicant has adequately justified the request by demonstrating that the request would facilitate development of the subject site with mixed-use development that would include live-work spaces and small-scale commercial services in an area that consists predominantly of allowable uses in the R-ML zone district. The request would further Comprehensive Plan Goals and policies relating to community identity, land use, infill, and housing.
 - D. Criterion D: The requested MX-L (Mixed-Use-Low Intensity Zone) and use of the subject site are intended to be more neighborhood in scale. The applicant provided a table that offers a comparison of allowable uses from the R-ML and MX-L zones. The zone change would allow for more permissive residential uses, such as live-work spaces while maintaining neighborhood edge requirements to the adjacent R-ML zones. Uses that would become permissive under the MX-L zone, which are not currently allowed, include adult or daycare facilities, hotels or motels, motor vehicle-related uses, medical or dental clinics/offices, banks, club or event facilities, health clubs, general retail (small), artisan manufacturing, and cannabis cultivation/cannabis-derived products).

Light vehicle repair could be harmful to nearby residents, but the Use-specific Standards for light vehicle repair (Section 4-3(D)(19)(d)) state that any building that contains painting or vehicle repair is prohibited within 25 feet in any direction of any Residential zone district or lot containing a residential use in any Mixed-use zone district. In addition, the IDO's Development Standards limit the site's overall density. A car wash would become a permissive use under MX-L, but the Use-specific Standards for a car wash (Section 4-3(D)(16)(b)) state that a car wash building and any associated outdoor activities are prohibited within 50 feet in any direction of any residential zone district or any lot containing a residential use in any mixed-zone district.

Industrial uses allowed under MX-L include artisan manufacturing, cannabis cultivation, and cannabis-derived Products Manufacturing. However, the Use-specific standards for artisan manufacturing (Section 4-3-(E)(1) state that the use must be conducted within a fully enclosed portion of a building and, if located in any mixed-zone district, the use shall not exceed 10,000 square feet of gross floor area that would further protect the adjacent residential neighborhoods. Cannabis cultivation and Cannabis-derived Products Manufacturing are allowable under MX-L but also have restrictions, including Section

4-3(E)(2)(c) and 4-3(E)(3)(d) that state that within 300 feet of a school or a child day care facility, the use shall require a Conditional Use Approval according to Subsection 14-16-6-6(A). The MX-L will allow for more flexibility but will be under the jurisdiction of the IDO.

- E. Criterion E: The City's existing infrastructure and public improvements would have adequate capacity to serve the development made possible by the zone change (Criterion 1).
 - F. Criterion F: The applicant's justification is not completely based on the property's location on a major street. The subject site is located along 2nd Street SW, which is classified as a local, urban street.
 - G. Criterion G: Economic considerations are always a factor, but the applicant's justification for the MX-L zone is not based completely or predominantly on the cost of land or economic considerations. Rather, the applicant has demonstrated that the request furthers a preponderance of applicable Comprehensive Plan Goals and policies and therefore would generally be more advantageous to the community than the existing zoning.
 - H. Criterion H: The request would create a spot zone because it would apply a zone different from the surrounding zone district. The request meets sub-criterion 1 because the subject site is located at the intersection of Santa Fe Avenue and 2nd Street SW and would function as a transition between the proposed intense development of the Rail Yards and the R-ML zoning west of the subject site. The request would allow for this spot zone to function as a transition because the maximum allowable height for MX-L zoning is the same as the current zoning's maximum allowable building height of 38 feet. Having a lower density than what is proposed at the Rail Yards and mixed-use development
22. The applicant's policy analysis adequately demonstrates that the request furthers a preponderance of applicable Goals and policies in the Comprehensive Plan and does not significantly conflict with them. Based on this demonstration, the proposed zone category would generally be more advantageous to the community than the current zoning.
23. The affected neighborhood organization is the Barelás Neighborhood Association. Property owners within 100 feet of the subject site were also notified as required.
24. A pre-application facilitated meeting was held on March 16, 2023 with members of the Barelás Neighborhood Association and the Barelás Community Coalition. The applicant explained to members in attendance that they seek a zone map amendment for a series of vacant parcels that would facilitate the construction of mixed-use development. A twenty foot wide vegetative buffer would be applied along the property lines of the residential use located on the same block to provide screening. On-site parking is planned to be located towards the interior of the site and screened from public streets by the surrounding mixed-use buildings. All buildings are anticipated to be 3 stories the bottom floor along Santa Fe and 2nd Street would contain commercial uses and live/work components with housing above. As per the meeting minutes, the parties present expressed tentative consensus with regard to this project.
25. Staff has received one email requesting a hybrid meeting at the May 18, 2023, EPC hearing. In addition, five form letters were received from "The Residents of Barelás" stating that they oppose the zone map amendment to MX-M. The letters say that property owners were not adequately notified of the Barelás Neighborhood Association meeting on March 16, 2023. They oppose any commercial development as they believe the historic residential neighborhood must be preserved. It is important to note that a letter was received from a resident that attended the neighborhood association meeting. A review of the

application reveals that the applicant followed the proper notification requirements because they emailed and mailed notifications to the two contact addresses on file with the Office Of Neighborhood Coordination as per IDO Section 6-4(K)(3)(b).

Since the submittal of the application, the applicant has amended their request to MX-L as opposed to MX-M zoning.

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).

Sincerely,

Catalina Lehner

for Alan M. Varela,
Planning Director

AV/CL/SB

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