

PLANNING DEPARTMENT  
URBAN DESIGN & DEVELOPMENT DIVISION  
600 2nd Street NW, 3rd Floor, Albuquerque, NM 87102  
P.O. Box 1293, Albuquerque, NM 87103  
Office (505) 924-3860 Fax (505) 924-3339



## OFFICIAL NOTIFICATION OF DECISION

November 12, 2020

Curtis Pino, DDS MDS  
P.O. Box 94598  
Albuquerque, NM 87199

**Project #2020-004475**

RZ-2020-00030- Zoning Map Amendment (Zone Change)

**LEGAL DESCRIPTION:**

Consensus Planning, agent for Curtis Pino DDS MDS, requests a zoning map amendment from R-ML to MX-L, for all or a portion of Lot 21 Block 9 North Albuquerque Acres Unit 3 Tract 2, located at 7413 Holly Ave. NE, between Louisiana Blvd. NE and Wyoming Blvd. NE, approximately 0.9 acre (C-19-Z)  
Staff Planner: Lorena Patten-Quintana

On November 12, 2020, the Environmental Planning Commission (EPC) voted to Approve Project # 2020-004475/ RZ-2020-00030- a Zoning Map Amendment (Zone Change), based on the following Findings:

**FINDINGS:**

1. The request is for a zoning map amendment for an approximately 0.89-acre site, located at 7413 Holly Ave NE between Louisiana Blvd and Wyoming Blvd NE, legally described as Tract 2 Unit 3 North Albuquerque Acres, zoned R-ML.
2. The applicant wants to change the subject site's zoning from R-ML (Multi-Family Low Density Zone District) to MX-L (Mixed Use Low Intensity Zone District) to allow for future construction of an office building.
3. The subject site is zoned R-ML (Multi-Family Low Density Zone District). The purpose of the R-ML zone district is to provide for a variety of low- to medium-density housing options. 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.
4. There is MX-H zoning to the east of the site. Lots to the north, south and west of the subject site are zoned MX-L.

5. 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.

6. The request generally furthers the following, applicable Comprehensive Plan Goals and policies in regards to Community Identity:

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

Policy 4.1.1 Distinct Communities: Encourage quality development that is consistent with the distinct character of a community.

The requested zone map amendment will allow uses more consistent with surrounding adjacent properties.

B. 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 will allow for mixed use development similar to those of surrounding properties. Required IDO design standards will help ensure appropriate scale and location of development and character of building design as well as protect the identity and cohesiveness of the neighborhood.

7. 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.

c) Encourage employment density, compact development, redevelopment, and infill in Centers and Corridors as the most appropriate areas to accommodate growth over time and discourage the need for development at the urban edge.

The request encourages redevelopment in an appropriate area that is within 600' of Paseo Del Norte, one of the Comprehensive Plan's identified Commuter Corridors. The current transportation infrastructure at the intersection of Paseo Del Norte Boulevard and Wyoming Boulevard already account for the anticipated increased development in this area and have road capacity that can handle the anticipated traffic patterns with multiple lanes to include thru-lanes, right and left turning lanes, bike paths, and pedestrian access/crossing.

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

The request discourages detached single-family housing and encourages commercial development that is within 600' of Paseo Del Norte. Single-family detached housing is not a permissive use in the MX-L zoning and the existing residential structure is planned for demolition.

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 maintains a consistent, more intense commercial scale of redevelopment in the area by removing a residential use and providing more appropriate zoning for the parcel that reflects the adjacent commercial properties near an established Commuter Corridor.

- 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.

The request encourages commercial development that will provide health and other services within walking and biking distances to the surrounding residential neighborhoods.

h) Encourage infill development that adds complementary uses and is compatible in form and scale to the immediate surrounding development.

The request allows the redevelopment of more permissive commercial uses that are compatible to the immediate surrounding development. The existing single-family home is inconsistent with the surrounding development.

- 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.

The request supports more options for compatible redevelopment within an infill development area that is currently supported by existing infrastructure and public facilities.

Policy 5.3.2 Leapfrog Development: Discourage growth in areas without existing infrastructure and public facilities.

The request allows for development where there is existing infrastructure and public facilities to surrounding commercial and residential development. The subject property is not located at the urban fringe.

- 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 Areas of Consistency: Protect and enhance the character of existing single-family neighborhoods, areas outside of Center and Corridors, parks, and Major Public Open Space.

- b) Ensure that development reinforces the scale, intensity, and setbacks of the immediately surrounding context.

The request reinforces the character and intensity of the surrounding area by allowing for more commercial uses that will reinforce the scale, intensity, and setbacks of the immediately surrounding commercial and office development.

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

- A. Goal 7.3 Sense of Place: Reinforce sense of place through context-sensitive design of development and streetscapes.

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.

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

The request allows for zoning and the redevelopment of the subject property in a way that is consistent with the existing neighborhood character and can maintain the existing commercial development context.

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

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

Policy 8.1.5 Available Land: Maintain sufficient land that is appropriately zoned to accommodate projected employment growth in targeted areas.

The request increases permissive commercial uses on a parcel that will be more stable in the current commercial setting and can more appropriately accommodate employment growth in the area.

10. 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: 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.

- 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 Comprehensive Plan goals and policies will be furthered. This zone change will allow for implementation of patterns of land use that are consistent with the Comprehensive Plan, development density and intensity, and connectivity as a designation for employment and services.

- 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.

The adjacent properties are either vacant or already developed with commercial and office uses. The adjacent zoning is primarily MX-L (consistent with this request) or MX-H. The zone change does allow for a number of permissive commercial uses that could be developed on the property and, most importantly, includes medical and dental services that are currently planned by the applicant.

- E. Criterion E: The City's existing infrastructure and public improvements currently have adequate capacity to serve the future 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. Although the subject property is located near a Commuter Corridor, the property is located directly on an Urban Major Collector (Classification 4), 2-lane paved road in an area that already provides similar commercial medical and dental services. The request is based on the intent to develop the subject property with more consistent zoning by allowing for services that will benefit the surrounding neighborhoods.
- G. Criterion G: The justification is not based completely or predominantly on the cost of land or economic considerations. The cost of land or economic considerations are not the determining factor because nearly all of the surrounding land is already zoned MX-L or MX-H.
- H. Criteria H: The development proposed for the subject parcel will provide complementary services and will not constitute a spot zone because it is the same as the surrounding zones to the north, south and west.

11. 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.
12. 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.
13. 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 **November 30, 2020**. The date of the EPC's decision is not included in the 15-day period for filing an appeal, and if the 15<sup>th</sup> 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

BW/CL

cc: Consensus Planning Inc., [cp@consensusplanning.com](mailto:cp@consensusplanning.com)  
District 4 Coalition of Neighborhood Associations, Mildred Griffiee, [mena\\_treasurer@noreste.org](mailto:mena_treasurer@noreste.org)  
District 4 Coalition of Neighborhood Associations, Daniel Regan, [dlreganabq@gmail.com](mailto:dlreganabq@gmail.com)  
North Domingo Baca Neighborhood Association, Lorna Howerton, [hhowerton9379@msn.com](mailto:hhowerton9379@msn.com)  
North Domingo Baca Neighborhood Association, Judie Pellegrino, [Judiepellegrino@gmail.com](mailto:Judiepellegrino@gmail.com)  
EPC file  
[avarela@cabq.gov](mailto:avarela@cabq.gov)