

# CITY OF ALBUQUERQUE



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

## OFFICIAL NOTIFICATION OF DECISION

November 14, 2019

Shaikh & Rizwana Quaraishi/  
Mohammed & Mona Quaraishi  
3012 Central Ave. SE  
Albuquerque, NM 87106

**Project #2019-002916 (1006687)**  
RZ-2019-00062 – Zone Map Amendment (Zone Change)

### LEGAL DESCRIPTION:

The above action for all or a portion of Lots 11 and 12, Block 3, North Albuquerque Acres, Tract 3, Unit 3, zoned PD, to R-1D, located at Oakland Ave. NE, between Black Oak Ct. NE, and Ventura St. NE, containing 1.8 acres. (C-20 )  
Staff Planner: Whitney Phelan

On November 14, 2019 the Environmental Planning Commission (EPC) voted to APPROVE Project 2019-002916, RZ-2019-00062, a Zone Map Amendment (Zone Change), based on the following findings:

### FINDINGS:

1. This is a request for a Zoning Map Amendment (Zone Change) for a site located on the south side of Oakland Ave NE, between Black Oak Ct and Ventura St NE legally described as Lots 11 & 12, Block 3, North Albuquerque Acres, Tract 3, Unit 3.

www.cabq.gov

2. The Environmental Planning Commission (EPC) is hearing this case as a recommending body. Pursuant to Section 6-7(F)(1) of the Integrated Development Ordinance because the subject site is less than 10 gross acres and is located wholly or partially in an Area of Consistency as shown in the ABC Comprehensive Plan, as amended.

3. The subject site is zoned PD (Planned Development); the intention of the PD zone district is to allow for innovative projects that cannot be accommodated through the use of other base zone districts through approval of a Site Plan- EPC. The applicant is requesting a zone change to R-1D (Residential — Single-Family) in order to develop the site, which is currently vacant, with single- family dwellings. The purpose of the R-1D zone district is to provide for neighborhoods of single-family homes on individual lots with a variety of lot sizes and dimensions.

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4. The subject site is not located within a Center or Corridor as designated in the Comprehensive Plan nor is it located within a Protection Overlay Zone.
5. There is existing R-1D zoning to the north, south, east and west of the site. All properties abutting the subject site are developed with single-family dwellings.
6. The Albuquerque/Bernalillo County Comprehensive Plan and the City of Albuquerque Integrated Development Ordinance (MO) are incorporated herein by reference and made part of the record for all purposes.
7. The request 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 communities.

The requested R-1D zoning would allow development of single-family dwellings on extra-large lots. The applicant would be required to obtain building permits, which would follow the design guidelines established in the ID0. North Albuquerque Acres is not necessarily considered a distinct community, but there is a distinct character and feel to how many lots are developed and R-1D would allow that pattern to continue.
  - (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 subject site contains two lots that match the standard lot size of surrounding lots. The requested R-1D zoning would protect the identity and cohesiveness of the surrounding neighborhood. The current PD zoning is intended to support creative and unique properties that cannot be accomplished through typical base zones.
8. The request furthers the following, applicable Comprehensive Plan Goals and policies in regards to 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.~~

POLICY 5.3.1: Infill Development: Support additional growth in areas with existing infrastructure and public facilities.

This request would allow development patterns that could maximize the utility of existing infrastructure and public facilities. The properties abutting the subject site are already developed with single-family dwellings, and the development of the lots would work to support additional growth, while maintaining existing infrastructure.

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**(b) GOAL 5.6: City Development Areas: Encourage and direct growth to Areas of Change where it is expected and desired to 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 Centers and Corridors, parks, and Major Public Open Space.**

**5.6.3.b: Ensure the development reinforces the scale, intensity and setbacks of the immediately surrounding context.**

**5.6.3.d: In areas with predominantly single-family residential uses, support zone changes that help align the appropriate zone with existing land uses.**

The subject site is located in an Area of Consistency, where the Comprehensive Plan intends and encourages support of zone changes in predominantly single-family residential neighborhoods that help align the appropriate zone with existing land uses. It seeks to ensure that development will reinforce the scale, intensity, and setbacks of the immediately surrounding context. The request will help reinforce the scale, intensity, and setbacks of the immediately surrounding context and will align existing land uses.

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

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

**POLICY 7.3.2: Community Character: Encourage design strategies that recognize and embrace character differences that give communities their distinct identities and make them safe and attractive places.**

The request is for a zone change, which does not include building design or site planning. There is no way to evaluate future design at this stage, though the applicable IDO design standards (see 4.1.2 Identity and Design) would ensure higher quality design that would add to the existing community character.

10. The request furthers the following, applicable Comprehensive Plan Goals and policies in regards to Housing:

**GOAL 9.2: Sustainable Design: Promote housing design that is sustainable and compatible with the natural built environment.**

**POLICY 9.2.1: Compatibility: Encourage housing development that enhances neighborhood character, maintains compatibility with surrounding land uses, and responds to its development context — i.e. urban, suburban, or rural — with appropriate densities, site design and relationship to the street.**

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The R-1D zone requires individual lots to be developed with a single-family dwelling. The design standards in the IDO would require that the new development match existing densities, scale, and setbacks of the surrounding single-family homes. The current PD zoning allows for flexibility in use and design depending on what might get approved for a particular site. PD zoning is not compatible within the context of the neighborhood.

11. The applicant has adequately justified the request pursuant to the Integrated Development Ordinance (IDO) Section 6-7(F)(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 has not adequately demonstrated, in his policy-based response, that the request would be consistent with the City's health, safety, morals and general welfare.

The applicant has provided the required policy-based response and has adequately demonstrated that the request would further a preponderance of applicable Goals and policies and not be in significant conflict with them. The subject site is located within an Area of Consistency and is zoned PD surrounded by R-1D zoned properties that have been developed with single-family residences. Applicable Goals and policies cited above would generally be furthered by a zoning map amendment to the subject site from PD to R-1D. The current site does not meet the size thresholds for the PD zone and would allow for the Environmental Planning Commission to approve a site regulated development plan that could allow a number of uses as well as set specific design standards. The neighborhood that the subject site is located in follows a general pattern of extra-large lots developed with single-family dwellings.

B. Criterion B: The subject site is located wholly in an Area of Consistency. A zone change from PD to R-1D would permit development that would reinforce and strengthen the established character of the surrounding parcels. The applicant has sufficiently shown that the current zoning of PD is inappropriate because R-1D is more advantageous to the community as articulated by the ABC Comp Plan, as amended. The adjacent R-1D lots have been developed with Single-family dwellings and the request will allow similar development to occur on the currently vacant site (2 parcels).

C. Criterion C: The subject site is located wholly in an Area of Consistency, so this criterion does not apply.

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**D. Criterion D:** The change in potential permissive uses from PD to R-1D create a predictable development pattern and decrease the bucket of potential uses. The PD zone would require EPC site plan approval, which would provide an opportunity for the EPC to require protections to abutting property owners if any of those uses could be harmful, but developing a property with a single-family dwelling is not the intention of the PD zone district. The dimensional standards in the IDO will require that development of a single-family dwelling match the surrounding neighborhood context in density, scale, and setback. R-1D would provide additional protections, by considering the lot to be a "protected lot", per the IDO, if more intense development were to occur nearby at any point in the future. The PD zone district does not offer those same protections.

**E. Criterion E:** The City's existing infrastructure and public improvements will have adequate capacity to serve the development made possible by the change of zone (Criterion 1) because the site is located within a single-family residential neighborhood. Any additional requirements would be fulfilled during the building permit process.

**F. Criterion F:** The subject site is located along a Local Road and is not a major street, and is not being used as justification for the zone change request. Justification is based on furthering a preponderance of applicable Comprehensive Plan Policies as demonstrated in response to Criterion A.

**G. Criterion G:** Although the applicant states that the property could not be developed without a zone change from PD to R-1D because of site dimensional requirements, the property could currently be developed for single-family residential while maintaining the current zoning. A memo (see attached) from the ZEO dated May 29, 2018 states that PD properties in platted residential areas could be developed with single-family residences, but that applicants are strongly recommended to apply for a zoning conversion through the Phase II Zoning Conversion process. However, the applicant missed the time frame for the Phase II process and has chosen to request a Zoning Map Amendment from the EPC in order to develop the site and obtain the low-density residential protections afforded to R-1D properties. The request is not based primarily on economic considerations or the cost of land.

**H. Criterion H:** The request would not result in a spot zone because it would not apply a different zone to one small area or one premises. The properties located to the north, south, east and west are R-1D and are development with low-density residential, which is the intended future development for the parcels by the applicant.

12. 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

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significantly conflict with it. Based on this demonstration, the proposed zone category would be more advantageous to the community than the current zoning.

13. The affected neighborhood organizations are the Nor Este Neighborhood Association and the District 4 Coalition, which were notified as required. Property owners within 100 feet of the subject site were also notified as required.
14. IDO Subsection 5-1(C)(2) Contextual Residential Development in Areas of Consistency should be applicable at the Development Review Board (DRB) for any future minor subdivision (platting) action.

**APPEAL:** If you wish to appeal this decision, you must do so within 15 days of the EPC's decision or by **NOVEMBER 29, 2019**. 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/WP

cc: Shaikh & Rizwana Quaraishi/Mohammed & Mona Quaraishi, 3012 Central Ave SE, ABQ, NM 81106  
Arch & Plan Land Use Consultants, P.O. Box 25911, ABQ, NM 87125  
Daniel Regan, Dist. 4 Coalition of NAs, 4109 Chama St. NE, ABQ, NM 87109  
Michael Pridham, Dist. 4 Coalition of NAs, 6413 Northland Ave NE, ABQ, NM 87109  
Timothy Krier, Nor Este NA, 8900 Olivine St. NE, ABQ, NM 87113

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Jim Griffee, Nor Este NA, P.O. Box 94115, ABQ, NM 87199  
Heather Ingram, 8901 Oakland Ave NE, ABQ, NM 87122  
Greg Jarmer, 9000 Oakland Ave NE, ABQ, NM 87122  
Richard Rowten, 8950 Oakland Ave NE, ABQ, NM 87122  
Debra Grabowski, 8851 Oakland Ave NE, ABQ, NM 87122  
Michael T. Akerson, 8800 Oakland Ave NE, ABQ, NM 87122  
Jeff Apodaca, 8912 Oak Ridge Ct NE, ABQ, NM 87122  
Mike Novak, 9020 Oakland Ave NE, ABQ, NM 87122  
Robert Clark, [bclarksandia@msn.com](mailto:bclarksandia@msn.com)  
Alan Varela, [avarela@cabq.gov](mailto:avarela@cabq.gov)