

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 17, 2022

Sun Center Partners LLC
100 Sun Ave. NE, Suite 210
Albuquerque NM, 87109

Project # PR-2022-006237
RZ-2022-00051 – Zoning Map Amendment (Zone Change)

LEGAL DESCRIPTION:

Modulus Architects & Land Use Planning, Inc., agent for Sun Center Partners LLC, requests a zoning map amendment from NR-BP to MX-H, for all or a portion of Tract 2A-2B3 (Replat Map for Tract 2A-2BA and 2A-2B2) Journal Center, located at 7700 Jefferson St. NE, between San Francisco Dr. NE and Jefferson St. NE, approximately 3.0 acres (D-17-Z)
Staff Planner: Leroy Duarte

On November 17, 2022, the Environmental Planning Commission (EPC) voted to APPROVE Project # PR-2022-006237, RZ-2022-00051 – a Zoning Map Amendment (Zone Change), based on the following Findings:

1. The request is for a zoning map amendment (zone change) for an approximately 3-acre site legally described as Tract 2A-2B3 (Replat Map for Tract 2A-2BA and 2A-2B2) Journal Center, located at 7700 Jefferson St. NE, between San Francisco Dr. NE and Jefferson St. NE (the “subject site”).
2. The subject site is located in Journal Center, a business and industrial park that was conceptualized in the 1980s and has developed according to the Journal Center Master Development Plan. The subject site currently serves as a parking lot containing 314 parking spaces.
3. The subject site is zoned NR-BP (Non-Residential Business Park Zone District). The applicant is requesting a zone change to MX-H (Mixed Use-High Intensity Zone District) to facilitate future development of mixed-uses, such as multi-family development, although the MX-H zone also allows a variety of commercial uses.
4. The subject site is in an area that the Comprehensive Plan designated an Area of Change and is within the boundaries of the Journal Center Employment Center.
5. Jefferson St. NE is a designated Multi-Modal Corridor and Premium Transit Corridor. Multi-Modal corridors are anticipated to be served by high-frequency and local transit. However, until active Premium Transit stations (see IDO definition) are developed, the underlying corridor designation is used.

6. 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.
7. The request furthers 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 located in Journal Center, a designated Employment Center, and along Jefferson St. NE, a designated Multi-Modal Corridor. Employment Centers prioritize opportunities for industrial and business districts supported by retail and residential uses. When mostly built out, it is appropriate to introduce mixed-use and/or high-density residential uses (Comprehensive Plan, p.56 3-4 & p.113 5-15). The request for a mixed-use zone would introduce mixed use (multi-family residential is proposed) into a largely built-out, established Employment Center. The request would strengthen this Employment Center by facilitating growth in an appropriate location and in accordance with the Comprehensive Plan, and along a well-connected Multi- Modal Corridor.

- B. Sub-policy 5.1.1 (a): Create walkable places that provide opportunities to live, work, learn, shop, and play.

The request would allow create walkable places that provide opportunities to live, work, learn, shop, and play within an established business & industrial park characterized by office uses, a school, commercial services (hospitality), and retail. The request would provide connectivity through sidewalks, transit, bike paths, landscaping, and a trail system. Providing residential uses in close proximity to work, retail, and open spaces generally improves walkability.

- C. Sub-policy 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 in a designated Employment Center and along a designated Multi-Modal Corridor. The requested zone change to MX-H, would not allow single-family detached housing.

8. The request furthers the following, additional policies and sub-policies regarding Centers and Corridors from Comprehensive Plan Chapter 5: Land Use:

- A. 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 more intense growth and development of uses allowed in the MX-H (Mixed-Use High Intensity) zone to an Area of Change. The subject site is within the designated Journal Center, Employment Center and along Jefferson St. NE, a designated Corridor the appropriate density and scale within the center and corridor.

- B. Policy 5.1.5- Employment Centers: Create centers that prioritize employment opportunities and foster synergy among businesses.

The Journal Center is an established, designated Employment Center that prioritizes employment opportunities. The Comprehensive Plan states, when mostly built out, it is appropriate to introduce mixed-use and/or high-density residential development to Employment Centers (p.113 5-15). The request to MX-H, would allow high-intensity mixed use multi-family development that would help bring housing to jobs, attract more employment opportunities, and foster a wider variety of uses.

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

The request would facilitate redevelopment of the subject site into a mixed-use multi-family development allowed by the MX-H zone. The request would promote ridership along Jefferson a Multi-Modal Transit Corridor.

9. 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 facilitate development permissible under the MX-H zone, such as multi-family. The request would help foster a community where people can live near work. Offering more residential development could expand retail opportunities and improve connectivity through paths and trails within the Employment Center. The request would facilitate creating a community that currently does not exist.

- B. Sub-Policy 5.2.1(a) Land Uses: 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 for MX-H zoning would facilitate development that would bring residents to the existing survives and amenities that are already in place, resulting in accessibility that would be within walking distance.

- C. Sub-Policy 5.2.1(f) Land Uses: Encourage higher density housing as an appropriate use in the following situations: within designated Centers and Corridors; In areas with good street connectivity and convenient access to transit.

The request for MX-H zoning would allow and encourage higher density housing in a designated Employment Center and along a designated Multi-Modal Corridor, where the street connectivity is exceptionally sufficient and access to transit is also very good.

- D. 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 within a designated Employment Center. The subject site contains a parking lot of 314 spaces. The MX-H zone district would allow proposed multi-family housing on the subject site, which could contribute to an

expanding community within the employment center. The request would facilitate development compatible in scale to the surrounding development.

10. The request furthers the following Goals and policy regarding infill and efficient development patterns in Chapter 5-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 to support the public good.

The subject site is well-served by existing infrastructure and public facilities, the redevelopment made possible by the request would promote efficient development patterns and use of land.

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

The subject site is an infill site located in an area well-served by existing infrastructure and public facilities. The request would support additional growth in this established Employment Center.

11. The request furthers the following Goal regarding housing near jobs in Chapter 5-Land use:

Goal 5.4.1- 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.

The requested MX-H zone district does not allow single-family detached housing. The subject site is located within the designated Journal Center Employment Center, which has a high concentration of jobs. The request would allow higher-density housing, proposed multi-family specifically, within this area.

12. The request furthers the following Goal and policy regarding city development areas and area of change 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 Change, where growth is expected and desired. The request would encourage, enable, and direct growth within the employment center, thus reinforcing the character and intensity of the surrounding area as described in the Comprehensive Plan.

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 request would facilitate growth and more intense development of the subject site with a wider range of uses than allowed by the current NR-BP zoning. The subject site is within an Area of Change as well as a designated Employment Center and along a Multi-Modal Corridor. The request would allow high intensity uses such as multi-family development to occur which would facilitate growth to the center and corridor.

13. The request furthers the following Goal and policy regarding placemaking and resilient economy in Chapter 8- Placemaking:

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

The request would facilitate creation of a place where business and talent would stay and thrive. The addition of more uses to this existing employment center, such as housing for employees, could help accommodate workers from a talent pool who are seeking housing options that are within close proximity to their work and a variety of services that are within walking distances.

B. Policy 8.1.2- Resilient Economy: Encourage economic development efforts that improve quality of life for new and existing residents and foster a robust, resilient, and diverse economy.

The request would facilitate uses that would encourage development that would foster a robust resilient economy by providing housing for employees, that would help accommodate workers from a talent pool who are seeking housing options that are within the employment center. Future development would also provide employment opportunities during development.

14. The request furthers the following Goal and policies regarding housing options, density, and other areas in Chapter 9- Housing:

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

The request would facilitate development that would increase housing density within an employment center, that would provide residents with amenities and services within walking distance and located in a well-served public transit area.

B. 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 facilitate development that would increase housing density and housing options within an employment center, that would maintain the scale of the surrounding development by complementing the surrounding uses that are permissible under the MX-H zone.

15. 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 Centers and Corridors (Employment Centers and Major Transit Corridors), infill and efficient development patterns, and jobs-housing balance (if developed as residential). Therefore, the request is consistent with the City's health, safety, morals and general welfare.

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

- C. Criterion C: The subject site is located wholly in an Area of Change. The applicant's policy-based analysis (see response to Criterion A) demonstrates that the request would clearly facilitate a preponderance of applicable Comprehensive Plan Goals and policies and therefore would be more advantageous to the community than the current zoning.
- D. Criterion D: The applicant compared the existing NR-BP zoning and the proposed MX-H zoning and discussed each use that would become permissive. Adding residential uses (the key difference between existing and proposed zoning) to an existing Employment Center is generally not considered harmful. Since the surrounding land is zoned NR-BP, which is considered a more intense zoning category, the commercial uses that would become permissive (some of which are already conditional) would generally not be considered harmful in this setting.

Uses that would become permissive under the MX-H zone, which are not currently allowed, are townhouse, multi-family, assisted living or nursing home, community residential facility, dormitory, group homes, outdoor residential community amenity, art gallery, and grocery store. Some conditional uses in NR-BP would become permissive and a few uses not previously allowed would become permissive accessory uses (see IDO table 4-2-1: Allowable Uses p. 146).

Furthermore, the IDO has Use-Specific standards to mitigate the impacts of uses that could be considered harmful. Note that uses such as pawn shop, adult retail, bar, nightclub, light vehicle repair, club or event facility, and cannabis retail, are permissive in NR-BP and would remain permissive in MX-H.

- E. Criterion E: The subject site is an infill site in an established business park that is adequately served by existing infrastructure and therefore meets requirement E.1.
- F. Criterion F: Though the subject site's location along Jefferson St. NE (a Principal Arterial) factors into the policy analysis, the applicant is not completely basing their justification upon it. Rather, the request would generally strengthen Centers and Corridors and direct growth to an appropriate location in accordance with the Comprehensive Plan.
- G. Criterion G: Economic considerations are a factor, but the applicant's justification is not completely or predominantly based upon them. Rather, the applicant has adequately demonstrated that the request clearly facilitates a preponderance of applicable Comprehensive Plan Goals and policies and does not conflict with them.
- H. Criterion H: The request would result in a spot zone because it would apply a zone different from surrounding zone districts. NR-BP zoning surrounds the subject site in all four directions. The request would create a spot zone, but would be a justified spot zone because it would clearly facilitate implementation of the Comprehensive Plan as shown in the response to Criterion A.

As required, the applicant chose one of the reasons: number two, stating that the subject site is not suitable for the uses allowed by the adjacent zone district (NR-BP). Topography and traffic are not factors, because they would be similar to the situation of other tracts. Rather, the size and scale of the subject site in comparison to the adjacent NR-BP-zoned properties hinders the parcel's ability to develop under NR-BP uses and MX-H will allow uses that are more compatible with the subject site and needs of the surrounding area.

OFFICIAL NOTICE OF DECISION

Project # PR-2022-006237

November 17, 2022

Page 7 of 7

16. The applicant's policy-based response adequately demonstrates that the request clearly facilitates a preponderance of applicable Goals and policies regarding Centers and Corridors (Employment Centers and Major Transit Corridors), infill and efficient development patterns, and jobs-housing balance (if developed as residential), 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.
17. The affected neighborhood organizations are the Alameda North Valley Neighborhood Association (NA), the North Valley Coalition, and the District 4 Coalition of NAs, which were notified as required. Property owners within 100 feet of the subject site were also notified as required.
18. 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 **December 6, 2022**. 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/LD

cc: Modulus Architects & Land Use Planning, Inc., awilliamson@modulusarchitects.com
Sun Center Partners LLC, sgoodman@goodmanrealty.com
Alameda North Valley Association, Deborah Potter 1019 Guadalupe Court NW
Albuquerque NM 87114
Alameda North Valley Association, Steve Wentworth, anvanews@aol.com
District 4 Coalition of Neighborhood Associations, Mark Reynolds, reynolds@unm.edu
District 4 Coalition of Neighborhood Associations, Mildred Griffiee, mgriffiee@noreste.org
Legal, dking@cabq.gov
EPC File