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## OFFICIAL NOTIFICATION OF DECISION

October 21, 2021

Homewise Inc.  
1301 Siler Rd., Bldg. D  
Santa Fe, NM 87507

**PR-2021-005994-RZ-2021-00040**  
Zoning Map Amendment (Zone Change)

### LEGAL DESCRIPTION:

Consensus Planning Inc., agent for Homewise Inc., requests a zoning map amendment from R-ML to MX-T for the easterly portions of Lots 1 through 3 and all or a portion of Lots 4, A1, and A2, Block H, Atlantic and Pacific Addition, located on 2nd St. SW, between Hazeldine Ave. SW and Atlantic Ave. SW, approximately 0.5 acre (K-14-Z).

Staff Planner: Silvia Bolivar

On October 21, 2021, the Environmental Planning Commission (EPC) voted to Approve PR-2021-005994/RZ-2021-00040, 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 0.50-acre site legally described as easterly portions of Lots 1 through 3 and all or a portion of Lots 4, A1, and A2, Block H, Atlantic and Pacific Addition (the “subject site”), located on the west side of 2<sup>nd</sup> Street SW, between Hazeldine Avenue SW and Atlantic Avenue SW.
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 is requesting a zone change to MX-T (Mixed-Use – Transition Zone District) in order to develop the subject site with small scale commercial services and mixed-use, live-work spaces that would serve as a transition between the R-ML zoned properties to the west and the MX-H and PD zoned properties to the east.
4. 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).
5. The subject site is within 660 feet of 4<sup>th</sup> Street SW, which is a Major Transit Corridor and Main Street Corridor as designated by the Comprehensive Plan.
6. The subject site is within the boundaries of the Barelvas Character Protection Overlay Zone, CPO-1.

7. 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.

8. 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 underutilized lots near residential neighborhoods. The request would also expand the area’s mix of uses to surrounding neighborhoods and would help preserve this distinct community by transforming a long-neglected block in Barelás.

B. Policy 4.1.1 – Distinct Communities: Encourage quality development that is consistent with the distinct character of communities.

The subject site is in Barelás, one of Albuquerque’s first distinct communities. The request would permit rehabilitation and re-use of existing historic buildings and allow for a larger range and mix of uses than what is currently permitted, thereby encouraging quality development that is consistent with the distinct character of the community.

C. 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 MX-T zone would protect the identity and cohesiveness of the surrounding neighborhood by facilitating the rehabilitation and re-use of existing buildings while creating a transition between higher density development to the west of the subject site and the residential zones to the south and east. The purpose of the MX-T zoning district is to provide a transition between residential neighborhoods and more intense commercial areas. If the zone map amendment is approved, the scale and location of development would be appropriate and would allow a mix of uses while ensuring the character of building design.

D. Subpolicy 4.1.2(a): Maintain and preserve the unique qualities of historic areas.

The request would allow for the maintenance and preservation of the unique qualities of the historic area by facilitating the adaptive reuse of existing buildings. One of the buildings, has a historic function of a drugstore, a shop, and a dwelling with an estimated construction date between 1919 and 1924. The request would allow for the historic building to return to its’ commercial use while preserving its’ unique qualities.

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

A. Policy 4.1.4 – Neighborhoods: – Enhance, protect, and preserve neighborhoods and traditional communities as key to our long-term health and vitality.

The request furthers Policy 4.1.4 by allowing a mix of uses that can serve as a transition between the MX-H/PD zoning to the east of the subject site and the R-ML to the west. Liquor Retail becomes a conditional use in the requested MX-T thus providing more protection from that use

being developed adjacent to R-ML neighborhoods and traditional communities. The request would help preserve and maintain historically significant buildings and spaces by allowing for the properties to be rehabilitated and adapted for new uses while contributing to the vitality of the area

- B. Subpolicy 4.1.4(a): Respect existing neighborhood values and social, cultural, recreational resources.

The R-ML zone would facilitate redevelopment of the subject site with small-scale commercial services that would include a daycare center and mixed-use, live-work spaces and would add resources to the neighborhood while respecting neighborhood values.

- C. Subpolicy 4.1.4(c): Support improvements that protect stable, thriving residential neighborhoods and enhance their attractiveness.

The request would facilitate improvements in a block in Barelas and would help protect the thriving residential neighborhoods and enhance their attractiveness by allowing for adaptive reuse of existing buildings. Adaptive reuse of buildings and new construction within historic districts is encouraged because vacant and underused lots break down the neighborhood fabric.

10. The request furthers the following Goals and Policies from Chapter 5: Land Use pertaining to Desired Growth:

- A. Subpolicy 5.1.3(b): Support mixed-use development.

The request for a zone map amendment to MX-T would support mixed-use development by facilitating redevelopment of the site with live-work spaces, a daycare center, and commercial services in Barelas, a character protection overlay zone near Downtown.

- B. Subpolicy 5.1.3(g): Minimize the potential negative impacts of Downtown development or abutting neighborhoods.

The request would help minimize the potential negative impacts of development on abutting neighborhoods by stabilizing a residential block in Barelas. The requested MX-T zone would provide a transition between Downtown, the Railyards, the Wheels Museum, and development on the east side of 2<sup>nd</sup> Street SW and the residential neighborhoods to the west of the subject site.

- C. Goal 5.2 – Complete Communities: Foster communities where residents can live, work, learn, shop, and play together.

The request would facilitate development of the subject site, which would provide additional opportunities for residents to live and work, although the subject site's small size (.5 acre) limits some of those opportunities. The request would foster complete communities where residents can live and work together because the daycare/school will be located within ¼ of mile to two bus lines to encourage the use of transportation, particularly for employees.

- D. 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-T zoning would maintain many of the uses allowable under R-ML, while adding live-work and child day care facility options. The request would contribute to the

continuation of a healthy, sustainable and distinct community that would be conveniently accessible from surrounding neighborhoods while providing a mix of uses.

- E. Subpolicy 5.2.1(a): Encourage development and redevelopment that brings good, services, and amenities within walking distance of neighborhoods and promotes good access for all residents.

The request furthers subpolicy 5.2.1(a) because the requested MX-T zone permits a range of uses including the proposed live-work spaces and a daycare center, providing an opportunity to learn. Because the subject site is located on 2<sup>nd</sup> Avenue SW and within 660 feet of 4<sup>th</sup> Street SW, both a Main Street Corridor and Major Transit Corridor, the proposed development would provide good access for local residents and for the broader community.

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

- A. Subpolicy 5.2.1(c): Maintain the characteristics of distinct communities through zoning and design standards that are consistent with long established residential development patterns.

The request supports existing development patterns in Barelvas and in the Downtown area which have historically contained a mix of residential and commercial uses. Moreover, the request would allow for the corner building on the subject site to be returned to its original commercial uses while activating the block.

- B. Subpolicy 5.2.1(e): Create healthy, sustainable communities with a mix of uses that are conveniently accessible from surrounding neighborhoods.

The requested MX-T zone would facilitate development of a daycare center thereby creating a healthy and sustainable community with a mix of uses that would include live-work areas that are conveniently accessible from surrounding neighborhoods.

- C. 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 request would encourage infill development and would add complementary uses that are compatible in form and scale to the surrounding development as existing buildings would be redeveloped. The proposed development would be more compatible in form and scale than the uses to the east of the subject site and would function as a transition between neighboring zones and uses.

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

The request would facilitate rehabilitation of the subject site and would encourage more productive use of the under-utilized lots by increasing density while adding resources to the area.

12. 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.

Although part of the subject site has been vacant, the surrounding areas are already developed. The area is served by existing infrastructure and public facilities, so the development 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 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. Policy 5.4.1 – Housing Near Jobs: Allow higher-density housing and discourage single-family housing near areas with concentrated employment.

The Barelas neighborhood is adjacent to Downtown, an Employment Center, and the request would facilitate a small increase in higher-density housing that would include live-work spaces while discouraging single-family housing near Downtown.

- D. 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 and a daycare center along 2<sup>nd</sup> Street SW, an urban principal arterial and near 4<sup>th</sup> Street SW, a major transit corridor and main street corridor.

13. The request furthers the following Goals and Policies from Chapter 5: Land Use pertaining to City Development Areas and Appropriate Transitions:

- 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 growth at this location. Directing growth to this area would help direct 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 (4<sup>th</sup> 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 directing growth away from the neighborhoods to the east and south of the subject site.

- C. 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 2<sup>nd</sup> Avenue SW and within 660 feet of 4<sup>th</sup> Street SW, both a Main Street Corridor and Major Transit Corridor, the proposed development would provide

good access for local residents and for the broader community while encouraging mixed-use development.

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

- A. 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 mix of uses permitted in the MX-T zone would contribute to a diverse place on 2<sup>nd</sup> Street SW, and permit a more resilient and diverse economy than solely residential uses permitted by the existing residential R-ML zone.

- B. Subpolicy 8.1.2(a): Maximize opportunities for economic development that furthers social, cultural, and environmental goals.

The request would facilitate development of commercial services and would enhance an existing residential property. The mix of uses permitted in the MX-T zone would maximize opportunities for economic development while generally furthering social, cultural, and environmental goals for the area.

15. The request furthers the following Goals and Policies from Chapter 9: Housing pertaining to Housing Options, Affordability and Sustainability:

- A. Policy 9.1.1 – Housing Options: Support the development, improvement, and conservation of housing for a variety of income levels and types of residents and households.

The request would support the development, improvement and conservation of housing for a variety of income levels and types of residents and households. The request would allow for these contributing properties to be brought up to standards while allowing them to contribute to the general fabric of the neighborhood. The applicant will ensure that the property is rehabilitated to serve a variety of income levels, types of residents and households as this is the core of their mission.

- B. Subpolicy 9.1.1(a): Increase the supply of housing that is affordable for all income levels.

Similar to Policy 9.1.1. – Housing Options, the request would increase the supply of housing that is affordable for all income levels.

- C. Subpolicy 9.1.1(h): Maintain an affordable housing supply in neighborhoods, in addition to creating market-rate housing, as part of revitalization efforts.

The request would facilitate revitalization efforts while maintaining an affordable housing supply in neighborhoods by creating market-rate housing facilitated by the applicant.

- D. Policy 9.1.2 – Affordability: Provide for mixed-income neighborhoods by encouraging high-quality, affordable and mixed income housing options through the area.

The request is for a zone map amendment, not a site plan. Therefore, Staff is unable to determine if in fact the proposed development would encourage high-quality housing options in the area. However, the core mission of the applicant is to empower people through home ownership so more than likely the request would allow for mixed income housing options throughout the area.

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

The request would generally encourage a diversity of housing types by facilitating redevelopment of these contributing properties as live/work spaces.

- F. Subpolicy 9.1.2(c): Encourage housing types that maintain the scale of existing single-family neighborhoods while expanding housing options

The redevelopment of the subject site would maintain the scale of the surrounding neighborhoods while expanding housing options. If the zone map amendment is approved, the applicant is proposing to redevelop the subject site with small scale commercial services and lower density development by using the existing buildings already on the site.

- G. Subpolicy 9.1.2(d): Encourage the development of higher-density affordable and mixed-income housing in Downtown, near job centers, and along transit corridors.

The request would facilitate rehabilitation of the subject site that is near Downtown, near job centers, and along transit corridors while offering a small increase in higher density and affordable mixed income housing.

- H. Goal 9.2. – Sustainable Design: Promote housing design that is sustainable and compatible with the natural and built environments.

The reuse of older sites and buildings for new uses is a sustainable choice in building. The redevelopment of the subject site made possible by the request would conserve land, save energy and resources, while preserving the community heritage and providing compatibility with the natural and built environments.

- I. 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.

The request would facilitate redevelopment of the subject site and would allow commercial development and live-work dwellings that would enhance the neighborhood character while responding to development context and maintaining compatibility with development that is occurring in the area.

16. 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 and housing and does not present any significant conflicts with the Comprehensive Plan. 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 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 it would facilitate redevelopment of existing buildings with small scale commercial services and mixed-use, live-work spaces 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 applicant provided a table that provides a comparison of allowable uses from the R-ML and MX-T zones. Uses that would become permissive under the R-ML zone, which are not currently allowed include dwelling-live-work, adult or daycare facility, hotel or motel, and a medical or dental clinic/office, bank, club or event facility, health club, general retail (small), and cannabis cultivation/cannabis-derived products).

None of the permissive uses in the MX-T zone would be harmful to the adjacent property, neighborhood or community. The zone change would allow for more permissive residential uses such as live-work spaces while maintaining the neighborhood edge requirements to the adjacent R-ML zoning. The proposed MX-T zoning would limit the ability for liquor retail sales adjacent to the existing homes found in R-ML. The proposed zone change would also eliminate the possibility to have a car wash, light vehicle fueling station and repair shops adjacent to existing homes therefore decreasing the type and intensity of the adjacent development. The change in potential permissive uses from R-ML to MX-T would create a predictable development pattern.

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 (subcriterion 3).

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 on 2<sup>nd</sup> 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 R-ML 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 for the zone map amendment meets subcriterion 3 because the structures on the subject site are not suited for low density residential use and the rezone would allow for the properties to be redeveloped with a mix of uses. Having a lower intensity mixed-use zone will create an appropriate transition between the MX-H and PD zones located along 2<sup>nd</sup> Street SW and the R-ML zones to the west of the subject site.

17. 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.

18. The affected neighborhood organization is the Barelás Neighborhood Association. Property owners within 100 feet of the subject site were also notified as required.

19. A pre-application facilitated meeting was held on September 1, 2021 with members of the Barelas Neighborhood Association and the Barelas Community Coalition. The applicant explained that the commercial building would retain its original footprint and the vision is to have businesses that meet community needs, such as the daycare, healthcare, pharmacies, and possible additional tenants. Their vision is to provide needed services that add vibrancy and vitality to the block and benefit the surrounding neighborhood and community.
20. As of this writing, Staff has received several letters of support to the request. The letters indicate that a thoughtful transformation of the currently empty lots and buildings is anticipated, particularly understanding that a daycare facility would be an anchor tenant for the area. Others expressed concern that the current vacancy and underuse of the buildings is exacerbating a sense of disenchantment and perpetual neglect.

**APPEAL:** If you wish to appeal this decision, you must do so within 15 days of the EPC's decision or by **November 5, 2021**. 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 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,

for Alan M. Varela,  
Planning Director

AV/SB

cc:

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