



## OFFICIAL NOTIFICATION OF DECISION

September 10, 2020

ABQ Living Inc. 401 K Profit Sharing  
1939 Avenida Las Campanas NW  
Albuquerque, NM 87107

**Project #2020-004194**  
RZ-2020-00022– Zoning Map Amendment (Zone Change)

### LEGAL DESCRIPTION:

Modulus Architects Inc., agent for ABQ Living Inc., 401 K Profit Sharing Plan, requests a Zoning Map Amendment from R-1C to MX-T for all or a portion of Lot 5A, Plat of Lot 5A, Plat of Lots 5A and 5B North Fourth Street Homesites Addition, being a replat of Lot 5, located at 602 Montaña Rd. NW, between Villa Canela Ct. NW and the Harwood Lateral, approximately 1.4 acres (F-14-Z)

Staff Planner: Linda Rumpf

On September 10, 2020, the Environmental Planning Commission (EPC) voted to APPROVE PR-2020-004194/RZ-2020-00022, 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 1.33-acre site known as: all or a portion of LT 5A PLAT OF LT 5A Plat of LTS 5A & 5B North Fourth Street Homesites ADDNBEING A REPL OF LT 5, (the “subject site”). The subject site is located at 602 Montaña Rd. NW, between Villa Canela Ct. NW and the Harwood Lateral. The site is currently vacant.
2. The subject site is currently zoned R-1C (Residential – Single-Family Zone District) and the Applicant, ABQ Living Inc., 401 K Profit Sharing Plan, is requesting MX-T (Mixed-Use – Transition Zone District) zoning for the site with an intent to renovate an existing structure into an office or offices depending on market demand
3. The subject site is in an area that the Comprehensive Plan has designated an Area of Consistency. This site is within Montaña Rd Major Transit Corridor.
4. 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.
5. The request furthers the following, applicable Goal and policies regarding Character:
  - A. Goal 4.1 Character: Enhance, protect, and preserve distinct communities.  
By changing the zoning and developing this vacant site, this request would enhance, protect and preserve a distinct community. This request is consistent with Goal 4.1.
  - B. Policy 4.1.1 Distinct Communities: Encourage quality development that is consistent with the distinct character of communities. [ABC]

The subject site is located within an Area of Consistency, a Major Transit Corridor and is within Near North Valley Community Planning Area. Future developments will follow the IDO standards and contribute to the vision of this community. The request is consistent with Policy 4.1.1.

- 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. [ABC]

This request would be subject to IDO requirements including Neighborhood Edges (14-16-5-9), the mixed-use zone dimensional standards (Table 5-1-2), buffer landscaping (14-16-5-6(E)), and building design standards (14-16-5-11). These would help ensure appropriate scale and location of development and character of building design as well as protect the identity and cohesiveness of the neighborhood. The request is consistent with Policy 4.1.2.

6. The request furthers the following, applicable Goal and policies regarding 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 property lies just west of the 4<sup>th</sup> Street Main Street corridor and faces Montano, a Major Transit Corridor. This request will contribute to the growth as a community connected by a multi-modal network of Corridors. The request is consistent with Goal 5.1

- B. Policy 5.1.1 Desired Growth: Capture regional growth in Centers and Corridors to help shape the built environment into a sustainable development pattern. [ABC]
- C. Policy 5.1.1(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 zone change can support appropriate development along the Montañito Corridor and by helping to shape future development that supports the corridor. The request encourages employment density, compact development, redevelopment, and infill in the Corridor. The request is consistent with Policy 5.1.1 and Policy 5.1.1(c).

- D. 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 promote neighborhood scale commercial developments along the Major Transit Corridor and would establish and maintain appropriate density and scale of development within areas that should be more stable. The request is consistent with Policy 5.1.2.

- E. Policy 5.1.6 (b): Provide neighborhood-oriented commercial, retail, institutional, and public services.

The requested MX-T zone will allow for neighborhood-oriented commercial, retail, institutional, and public services. The request is consistent with is consistent with Policy 5.1.6(b).

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

MX-T zoning allows a variety of commercial and residential uses that can contribute to a complete community in this area. The request is generally consistent with Goal 5.2.

- G. Policy 5.2.1 Land Uses: Create healthy, sustainable, and distinct communities with a mix of uses that are conveniently accessible from surrounding neighborhoods. [ABC]
- H. Policy 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.

The proposed MX-T zoning district allows for a greater mix of uses that would be accessible from surrounding neighborhoods. The request is consistent with Policy 5.2.1 and 5.2.1(a).

- I. 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 allow more opportunities for infill development that will maintain the scale of existing residential and commercial development in the neighborhood. The request is consistent with Policy 5.2.1(h).

- J. 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 requested zoning district allows for a greater variety and intensity of uses that can more efficiently utilize existing infrastructure and public facilities along the Montaña Corridor. The request is consistent with Goal 5.3.

- K. Policy 5.3.1 Infill Development: Support additional growth in areas with existing infrastructure and public facilities. [ABC]

The subject site is well serviced by existing infrastructure and other public facilities including access roads, water, sewer, and a nearby community park. The request is consistent with Policy 5.3.1.

- L. Policy 5.6.3 Area of Consistency: Protect and enhance the character of existing single-family neighborhoods, areas outside of Centers and Corridors, parks, and Major Public Open Space. [A]

Future development of this site under the MX-T zone will be subject to the IDO requirements including Neighborhood Edges (14-16- 5-9), the non-residential zone dimensional standards (Table 5-1-3), buffer landscaping (14-16-5- 6-(E)), and building design standards (14- 16-5-11). These standards will protect and enhance the character of existing single- family neighborhoods. This request is consistent with Policy 5.6.

- M. Policy 5.6.2 (b): Encourage development that expands employment opportunities.

This requested MX-T zone will encourage commercial development that will expand employment opportunities in the area. This request is consistent with Policy 5.6.2 (b).

7. The request furthers the following, applicable Goal and policies regarding Economic Development:

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

The proposed MX-T zoning district allows for a variety of uses that can accommodate a greater variety of businesses and that can encourage business development. The request is consistent with Goal 8.1.

- B. Policy 8.1.1 Diverse Places: Foster a range of interesting places and contexts with different development intensities, densities, uses, and building scale to encourage economic development opportunities.

The proposed zone change will enable the development of a vacant site to allow for an office use that will encourage economic development opportunities. The request is consistent with Policy 8.1.1.

- C. 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. [ABC]

The proposed zone change will enable the development of a vacant site that would provide for more resilient economy. The request is consistent with Policy 8.1.2.

- D. Policy 8.1.3 Economic Base: Strengthen and diversify the economic base to help reduce reliance on government spending. [ABC]

This zone change request will allow for the development that will contribute to the economic base. This request is consistent with Policy 8.1.3.

8. The applicant has adequately justified the request pursuant to the Integrated Development Ordinance (IDO) Section 6-7(F)(3)-Review and Decision Criteria for Zone Map Amendments, as follows:

- A. Criterion A: Criterion A is an important component of a zone change justification, though all criteria are required to be fulfilled adequately. 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 conflict with them. See the section entitled "*Albuquerque / Bernalillo County Comprehensive Plan (Rank I)*" which precedes this section for further policy analysis. The response to Criterion A is sufficient.
- B. Criterion B: The applicant chose #3, that a different zone district is more advantageous to the community, as articulated in the Comprehensive Plan, than the current zoning. The applicant has adequately demonstrated, through the required policy analysis in the response to Criterion A, that the request would be generally more advantageous to the community as articulated in the Comprehensive Plan. The response to criterion B is sufficient.
- C. Criterion C: The subject site is located in an Area of Consistency. Criterion C does not apply.
- D. Criterion D: The applicant provided a thorough discussion of the uses that would become permissive in the MX-T zone and addressed the issue of potential harm to adjacent property, the neighborhood, or the community. The applicant points out that possible uses that could be considered harmful to adjacent property owners have been mitigated by specific use standards and regulations identified in the Integrated Development Ordinance. They are also controlled by Specific-Use Standards found in the IDO to mitigate potential harmful effects on the surrounding area. The response to Criterion D is sufficient.
- E. Criterion E: Requirement 1 applies. The applicant states that existing infrastructure and public improvements would have adequate capacity to serve development made possible by the proposed zone change. However, if the use change would cause the need for infrastructure improvements, the applicant would be responsible for providing them. The response to Criterion E is sufficient.
- F. Criterion F: The subject site is located on Montañó Rd. NW, which the Comprehensive Plan designates as a Major Transit Corridor, but that location is not being used as the primary justification for the request. The applicant has demonstrated that the request furthers a preponderance of applicable, Comprehensive Plan Goals and policies and does not conflict with them. The response to Criterion F is sufficient.

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- G. Criterion G: The applicant has adequately demonstrated that the request furthers a preponderance of applicable Comprehensive Plan policies (Criteria A, C, and D) and does not conflict significantly with them. The response to Criterion G is sufficient.
- H. Criterion H: The request would result in a justified spot zone because it would act as a transition between adjacent zoning districts and it facilitates implementation of the Comprehensive Plan by allowing uses that are appropriate and preferred along the Major Transit Corridor and furthers all applicable policies of the Comprehensive Plan cited above. It will provide the needed scale for office use in this area. The response to Criterion H is sufficient.
9. The zone map amendment is adequately justified pursuant to the IDO Review and Decision criteria for zone changes in 14-16-6-7(F)(3). The policy analysis demonstrates that the request furthers a preponderance of applicable Goals and policies and does not conflict with them.
10. The affected neighborhood organizations are the Los Poblanos NA and North Valley Coalition, which were notified as required. Property owners within 100 feet of the subject site were also notified as required.
11. No neighborhood representatives requested a meeting but there were calls and emails inquiring more information on what was being proposed on site. There were no major concerns that arose from the inquiry calls/emails. There has not been any known 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 September 25, 2020. 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(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

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cc: EPC file

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