

PLANNING DEPARTMENT  
URBAN DESIGN & DEVELOPMENT DIVISION  
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## OFFICIAL NOTIFICATION OF DECISION

September 16, 2021

Mase LLC  
1805 Kriss Pl. NE  
Albuquerque, NM 87112

**PR-2021-005845 RZ-2021-00029**  
Zoning Map Amendment (Zone Change)

### **LEGAL DESCRIPTION:**

Garcia/Kraemer & Associates, agent for Mase LLC, requests a zoning map amendment from R-1C to R-T for all or a portion of Lot 6, Rossiter Addition, located at 4409 9th St. NW, between San Clemente Ave. NW and Belrose Ave. NW, approximately 0.31 acre (G-14)  
Staff Planner: Shawn Watson

On September 16, 2021, the Environmental Planning Commission (EPC) voted to APPROVE PR-2021-005845, RZ-2021-00029– Zoning Map Amendment (Zone Change), from R-1C to R-T, based on the following Findings:

1. This is a request for a Zoning Map Amendment for an approximately 0.31-acre site known as Lot 6, Rossiter Addition located at 4409 9<sup>th</sup> Street NW between San Clemente Avenue NW and Belrose Avenue NW.
2. The applicant requests a Zoning Map Amendment from R-1C to R-T to allow the existing townhouse use to become a permissive use.
3. The subject site is within an Area of Consistency as designated by the Comprehensive Plan.
4. The Albuquerque/Bernalillo County Comprehensive Plan and the City of Albuquerque Integrated Development Ordinance are incorporated herein by reference and made part of the record for all purposes.
5. The request generally furthers the following applicable Comprehensive Plan goals and policies related to Community Identity:
  - A. Goal 4.1 - Character: Enhance, protect, and preserve distinct communities.

The request would enhance, protect, and preserve the distinct community of Los Griegos by allowing the existing townhouse use to become a permissive use. Properties on the surrounding block, including the subject site, are developed with mixed low-density residential uses and some include large lots, which reflect the historic character and development patterns of this neighborhood.

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

The request would preserve quality development that is consistent with the distinct character of the community. The townhouses have existed for over 70 years, and the request would protect and preserve the distinct community by making it conforming under the IDO, which could facilitate future reinvestment in the property.

6. The request generally furthers the following applicable Comprehensive Plan goals and policies related to Complete Communities:

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

The request would foster a community where residents can live, work, learn, shop, and play together by making it conforming under the IDO, which could facilitate future reinvestment in the property. Future investment would allow the residential use to continue in an area near commercial uses. This enables residents to access nearby jobs, retail, and transit, especially along 4<sup>th</sup> Street.

- B. Sub-policy 5.2.1.c: Maintain the characteristics of distinct communities through zoning and design standards that are consistent with long established residential development patterns.

- C. Sub-policy 5.2.1.d: Encourage development that broadens housing options to meet a range of incomes and lifestyles.

The request would maintain the characteristics of distinct communities through zoning and design standards that are consistent with long established residential development patterns. Properties on the surrounding block, including the subject site, are developed with mixed low-density residential uses and some include large lots, which reflect the historic character and development patterns of this neighborhood. The current R-1C zoning does not reflect the mixed low-density uses that exist throughout the block, and the request would align zoning with the uses associated with the long-established residential development patterns (Sub-policy 5.2.1.c). The request would also encourage development that broadens housing options to meet a range of incomes and lifestyles making the existing townhouse use conforming under the IDO, which could facilitate future reinvestment in the existing structures or allow for new housing options (Sub-policy 5.2.1.d).

7. The request generally furthers the following applicable Comprehensive Plan goals and policies related to Areas of Consistency:

- 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 request would ensure that development in an Area of Consistency reinforces the character and intensity of the surrounding area. The neighborhood is characterized by mixed low-density residential uses and mixed lot sizes, which reflect the area's historic development patterns. The requested R-T zone district would allow uses, including the existing townhouse use, that would reinforce the low-density character of this Area of Consistency.

- B. 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.

The request would protect and enhance the character of this low-density residential neighborhood in an Area of Consistency. The current townhouse use has existed over 70 years, and the request would maintain consistency for its residents and the neighborhood. If new development were to occur on the subject site in the future, the requested R-T zone district would allow uses that would reinforce the low-density character of the surrounding neighborhood.

- C. Sub-policy 5.6.3.b: Ensure that development reinforces the scale, intensity, and setbacks of the immediately surrounding context.

- D. Sub-policy 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 request would ensure that development reinforces the scale, intensity, and setbacks of the immediately surrounding context in this Area of Consistency. For new development, IDO Section 14-16-5-1(C)(2) Contextual Residential Development in Areas of Consistency regulates lot size and front and side setbacks, and the R-T zone district dimensional standards regulated building height to also reinforce intensity of the surrounding context (Sub-policy 5.6.3.b). The request would also support a zone change that would help align the appropriate zone with existing land uses in an area with predominately low-density residential uses, which further reinforces the existing character in this Area of Consistency (Sub-policy 5.6.3.d).

8. The request generally furthers the following applicable Comprehensive Plan goals and policies related to Housing Supply:

- A. Goal 9.1 - Supply: Ensure a sufficient supply and range of high-quality housing types that meet current and future needs at a variety of price levels to ensure more balanced housing options.

The request would ensure a sufficient supply and range of high-quality housing types that meet current and future needs at a variety of price levels to ensure more balanced housing options. For over 70 years, the existing 9-unit development has supplied the neighborhood with multiple dwelling units that reinforce the low-density residential character of the area. The request would make the existing townhouse use conforming under the IDO, which could facilitate future reinvestment in the property to meet future housing needs at a variety of price levels for the neighborhood.

- B. 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 existing townhouses have been on the subject site for over 70 years, and the request could facilitate improvement and conservation of the existing housing by making it conforming under the IDO, which could allow for future reinvestment in the property. The townhouse use allows for existing housing to remain in the neighborhood for a variety of income levels and types of residents and households. If the subject site were to be redeveloped in the future, the request R-T zoning would also allow multiple residential uses that would support this Policy.

- C. Sub-policy 9.1.1.a: Increase the supply of housing that is affordable for all income levels.
- D. Sub-policy 9.1.1.h: Maintain an affordable housing supply in neighborhoods, in addition to creating market-rate housing, as part of revitalization efforts.

This request would maintain the supply of housing that is affordable for all income levels (Sub-policy 9.1.1.a) and maintain an affordable housing supply in neighborhoods, in addition to creating market-rate housing, as part of revitalization efforts (Sub-policy 9.1.1.h) by making the existing townhouse use conforming under the IDO. The conforming status can more easily facilitate future reinvestment in the property. The existing 9-unit development provides an affordable housing option in the Los Griegos neighborhood.

9. The applicant has adequately justified the request pursuant to 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, and general welfare is shown by demonstrating that a request furthers a preponderance of applicable Comprehensive Plan goals and policies (and other plans if applicable) and does not significantly conflict with them. The applicant has adequately demonstrated this in a policy-based response. Therefore, the request is consistent with the City's health, safety, and general welfare.
- B. Criterion B: The site is located wholly within an Area of Consistency. A different zone district (R-T) would generally be more advantageous to the community than the existing zone district (R-1C), which the applicant's policy analysis has shown to be inappropriate since the long-standing existing use is not allowed as a permissive use in the R-1C zone district. The new zone would reinforce the established character of the surrounding Area of Consistency and would not permit development that is significantly different from that character since the neighborhood consists of mixed, low-density residential uses. The request furthers Comprehensive Plan goals and policies relating to Character, Areas of Consistency, and Housing Options.
- C. Criterion C: The subject site is located wholly within an Area of Consistency, so this criterion does not apply.
- D. Criterion D: The zone change does not include permissive uses that would be harmful to adjacent property, the neighborhood, or the community. The requested zone (R-T) allows 5 additional uses to become permissive uses compared to the existing zone (R-1C). Each of those uses are regulated by Use-Specific Standards that would mitigate any harmful impacts these might new uses might introduce to the adjacent property, neighborhood, or community.

The townhouse use becomes permissive in the R-T zone district, which would address the current legally nonconforming use on the subject site. If the site were to be redeveloped with a new townhouse use in the future, the Use-Specific Standard in IDO Section 14-16-4-3(B)(5)(c) limits a new development to 3 dwelling units for properties abutting the R-1 zone district.

The Art Gallery use also becomes permissive. In the R-1C zone district, the Art Gallery use is conditional if the structure has been vacant for 5 or more years. The Use-Specific Standard that regulates this use limits its size to 10,000 square feet of gross floor area in any Residential zone district. The R-T zone district dimensional standards would also regulate setbacks and building height (maximum: 26 ft.) for the Art Gallery use.

The Bed and Breakfast use and Independent living facility use become permissive accessory uses in the R-T zone district. However, the Use-Specific Standard in IDO Section 14-16-4-3(F)(10) for Independent living facility notes that “this use is only allowed when accessory to an assisted living facility or nursing home.” The Assisted living facility or nursing home use is a conditional use in the R-T zone district. The Bed and Breakfast use is also regulated by a Use-Specific Standard, and IDO Section 14-16-4-3(D)(12)(d) notes that when allowed as an accessory use, the owner shall reside on-site as their permanent residence.

The Farmers’ market use is allowed as a temporary use in the R-T zone district. It is allowed as a temporary use in all the Residential zone districts except R-1. The Farmers’ market use requires a Temporary Use Permit, and the Use-Specific Standard regulates the size of the use.

- E. Criterion E: The request meets this requirement because the City’s existing infrastructure and public improvements have adequately served the subject site and its existing use for decades.
  - F. Criterion F: The applicant’s justification is not completely based on the subject site’s location on a major street because 9<sup>th</sup> Street NW is a local street. The request is primarily based on changing the zone district to allow the existing townhouse use to become a permissive use. The request is supported by a preponderance of applicable Comprehensive Plan goals and policies.
  - G. Criterion G: The applicant’s justification is not based completely or predominately on the cost of land or economic considerations. The main purpose of the request is to change the zoning to allow the existing townhouse use to become a permissive use.
  - H. Criterion H: The request would apply a zone district different from surrounding zone districts to one small area or one premises (i.e. create a "spot zone") because all of the abutting properties are zoned R-1C. While the zone district would be different from the zoning of nearby properties, the existing use is similar to other uses on the surrounding block—that is, they are developed with mixed low-density residential uses and some include large lots, which reflect the historic character and development patterns of this neighborhood. The structures already on the premises make it unsuitable for the uses allowed in the R-1C zone district. Although the zone change would create a spot zone, the change clearly facilitates implementation of the ABC Comp Plan as described in Criterion A.
10. 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 it. Based on this demonstration, the proposed zone category (R-T) would be more advantageous to the community than the current zoning (R-1C).
  11. The affected neighborhood organizations, Greater Gardner and Monkbridge NA and North Valley Coalition, were notified as required. Property owners within 100 feet of the subject site were also notified as required.
  12. As of this writing, Staff received communication inquiring about the purpose and process of the Zoning Map Amendment request, and one property owner expressed support.

**APPEAL:** If you wish to appeal this decision, you must do so within 15 days of the EPC's decision or by **October 1, 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 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 IDO must be complied with, even after approval of the referenced application(s).

Sincerely,

for Alan M. Varela,  
Planning Director

AV/SW

cc: Greater Gardner & Monkbridge Neighborhood Association, Chris Sylvan, [sylvan.cs@gmail.com](mailto:sylvan.cs@gmail.com)  
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