

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

September 21, 2023

City of Albuquerque
Parks & Recreation Department
Attn; Cheryl Somerfeldt
1801 N 4th St.
Albuquerque, NM 87102

Project # PR-2023-009108
RZ-2023-00031– Zoning Map Amendment
(Zone Change)

LEGAL DESCRIPTION:

City of Albuquerque Parks & Recreation Department c/o Cheryl Somerfeldt requests a zoning map amendment from R1-D to NR-PO-A for all or a portion of Lot 12 Palisades Park, Lot 13 Palisades Park Replat, and Lot 16 Palisades Park Addition Replat, located on Rincon Rd. NW, west of 53rd St. NW and south of Pat Hurley Park, approximately 1.6 acres (J-11-Z)
Staff Planner: Catherine Heyne

On September 21, 2023 the Environmental Planning Commission (EPC) voted to APPROVE Project # PR-2023-009108, RZ-2023-00031 – Zoning Map Amendment (Zone Change) based on the following Findings:

1. The request is for a Zoning Map Amendment for an approximately 1.6-acre site, legally described as all or a portion of Lot 12 Palisades Park, Lot 13 Palisades Park Replat, and Lot 16 Palisades Park Addition Replat on Rincon Rd. NW, west of 53rd St. NW and south of Pat Hurley Park (“the subject site”).
2. The subject site is currently zoned R-1D (Residential - Single Family Zone District). All parcels are vacant and not being used.
3. The applicant is requesting a zone change to NR-PO-A (Non-residential – Park and Open Space, Sub-zone A: City-owned or Managed Parks Zone District) to incorporate the vacant parcels into the adjacent Pat Hurley Park to the north and align future actions on the subject site to park management and oversight by the City of Albuquerque.
4. The subject site is in an Area of Consistency by the Comprehensive Plan. It is not located along a Major Transit Corridor and is not located in a Center as designated by the Comprehensive Plan.
5. The Albuquerque Comprehensive Plan and the Integrated Development Ordinance (IDO) are incorporated herein by reference and made part of the record for all purposes.

6. The request furthers the following Goals and Policies from Comprehensive Plan Chapter 5: Land Use:

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

The request would foster communities where residents can live, work, learn, and play together because the subject site would add additional space for recreation and other activities adjacent to existing low-density residential development. The addition of a City-owned park would contribute to the development of a complete community.

- B. 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 zone map amendment contributes to creating a healthy and sustainable community within an established residential neighborhood. The request would result in a combination of uses within the Pat Hurley area because it would facilitate the development of a City-owned park that would be conveniently accessible by the surrounding neighborhoods while contributing to a healthy, sustainable community.

- C. Sub-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 request encourages development that supports a public amenity within walking distance of neighborhoods as well as allows residents access to a previously landlocked parcel. The subject site's location near a Major Collector roadway, Yucca Rd NW, and within a quarter of a mile of the Central Avenue Main Street Corridor also promotes good access for all residents.

- 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 will encourage complementary infill uses by the expansion of a City managed park to the north and adjacent to the subject site that is consistent in form and scale to adjacent, allowable uses under NR-PO-A of Pat Hurley Park.

- E. Sub-policy 5.2.1(n)- Encourage more productive use of vacant lots and under-utilized lots, including surface parking.

The rezoning request will encourage productive use of the steep terrain of the vacant and under-utilized subject site by addressing erosion and green space preservation within the neighborhood. Furthermore, the request will make efficient use of existing Pat Hurley Park amenities to the north while facilitating expansion of a City park.

- F. 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 within an Area of Consistency as designated by the Comprehensive Plan. The request would reinforce the character and intensity of the surrounding area by expanding a City-owned, public park for the adjacent, low-density residential development and beyond.

- G. Policy 5.6.1- Community Green Space: Provide visual relief from urbanization and offer opportunities for education, recreation, cultural activities, and conservation of natural resources by setting aside publicly-owned Open Space, Parks, trail corridors, and open areas throughout the Comp Plan area.

The subject site is located adjacent to single-family dwellings and the existing Pat Hurley Park. Additional park space would expand opportunities for recreation and education for nearby residents and area visitors. The subject site would support existing uses while providing visual relief from urbanization.

- H. 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 subject site is adjacent to an established single-family neighborhood and the existing Pat Hurley Park that are outside of a Center or Corridor and designated Major Public Open Space. The request would protect and enhance the character of the neighborhood by facilitating the development of the subject site as a City Owned public park. The NR-PO-A would limit the types of development allowed on the subject site to those already permissive in the surrounding area.

7. The request furthers the following Goals and Policies from Comprehensive Plan Chapter 10: Parks and Open Space:

- A. Goal 10.1- Facilities & Access: Provide parks, Open Space, and recreation facilities that meet the needs of all residents and use natural resources responsibly.

The request would facilitate the development of public recreational facilities as part of a City-owned Park that would meet the needs of all residents. It would also support the responsible stewardship of natural resources within an established neighborhood consistent to the NR-PO-A zone district.

- B. Policy 10.1.1- Distribution: Improve the community's access to recreational opportunities by balancing the City and County's parks and Open Space systems with the built environment.

The request would expand the community's access to recreational opportunities and green space by facilitating the designation and development of the subject site as a City-owned Park within the established Pat Hurley neighborhood. The subject site is located directly adjacent to residential development; therefore, the request would contribute to balancing the City Park system within the built environment.

- C. Sub-Policy 10.1.1(a)- Distribution: Protect and maintain a high-quality, accessible system of recreation facilities and sites sufficient to serve all areas.

The request would protect and add to the existing recreation facilities of the Pat Hurley Park which serve the surrounding community and City as a whole. The subject site is within a quarter of a mile of the Central Avenue Main Street Corridor and is accessible from the Premium Transit Station, Yucca Station.

- D. Goal 10.2- Parks: Provide opportunities for outdoor education, recreation, and cultural activities that meet community needs, enhance quality of life, and promote community involvement for all residents.

The request to rezone the subject site to a City-owned or Managed Park, NR-PO-A, would enhance the quality of life for all residents by maintaining the natural landscape through the preservation of green space and providing a location for additional outdoor educational, recreational, and cultural activities.

- E. Policy 10.2.1- Park Types: Plan and implement a system of parks to meet a range of needs at different scales, including small neighborhood parks, community parks, active parks, regional parks, and linear parks.

The request would facilitate the expansion of Pat Hurley Park as part of the City's park system to meet the active space needs of the community at the community park scale.

8. The request furthers the following Goal from Comprehensive Plan Chapter 13: Resilience & Sustainability:

Goal 13.5 - Community Health: Protect and maintain safe and healthy environments where people can thrive.

Parks provide intrinsic recreational, social, aesthetic, and environmental benefits. Therefore, adding additional acreage to the City's public park system through a zone change for the subject site, further protects and maintains safe and healthy environments where people can thrive.

9. 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, and general welfare is upheld by demonstrating that the request furthers applicable Comprehensive Plan Goals and policies and does not significantly conflict with them. The applicant's policy-based response adequately demonstrates that the request furthers a preponderance of applicable Goals and Policies regarding character, identity, complete communities, land uses, efficient development patterns, infill development, city development areas and compatibility, and does not present any significant conflicts with the Comprehensive Plan. Therefore, the request is consistent with the City's health, safety, and general welfare.

- B. Criterion B: The subject site is located wholly in an Area of Consistency. The applicant's

policy-based response (see response to Criterion A) shows that the request would generally reinforce the established character of the surrounding Area of Consistency, which contains a long-established park.

The request also generally meets Sub-criterion 3 because a zone district different from the current zoning would generally be more advantageous to the community as articulated by the applicant's policy-based response addressed in Criterion A.

- C. Criterion C: The subject site is located wholly in an Area of Consistency, so this criterion does not apply.
 - D. Criterion D: The applicant compared allowable uses in the existing R-1D zone district and the proposed NR-PO-A zone district. The requested NR-PO-A (Non-residential - Park and Open Space Zone District, City-owned or Managed Parks) and use of the subject site are intended to be at neighborhood scale. Permissive uses in the NR-PO-A zone that would be allowed such as stadium or racetrack; elementary, middle or high school; and sports field would be unachievable due to the challenging topography, small size of the subject site, and development standards required by the IDO. Furthermore, the uses allowed in the NR-PO-A are consistent with the established character of the area and would not be harmful to the surrounding neighborhood. All future development under the NR-PO-A zone would be subject to applicable IDO standards that would serve to protect and preserve the identity of the neighborhood.
 - E. Criterion E: The subject site has adequate capacity to serve the development that will be possible by the zone change (Criterion 1) and makes efficient use of existing community amenities and infrastructure while facilitating the development of a park.
 - F. Criterion F: The subject site is neither located on a major street nor adjacent to a major roadway. The justification is not based on location, but on the use for public recreation, open space, and enjoyment it will provide the community.
 - G. Criterion G: The request is not based on the cost of land or economic consideration, but to facilitate the development of an improved City-owned park and network. The applicant has explained that the request furthers applicable Comprehensive Plan Goals and Policies as well as reinforces the established character of the area. The zone change is more advantageous to the community than the existing zoning.
 - H. Criterion H: The applicant has generally justified this criterion. The request will not result in a spot or strip zone because it will not apply a different zone to one small area or one premise. The property located north of and adjacent to the subject site is zoned NR-PO-A. The subject site would provide visual relief from the urban environment and increase green space access for visitors and the established neighborhood.
10. The applicant's policy-based response generally demonstrates that the request furthers a preponderance of applicable Goals and policies regarding Land Use, Parks & Open Space, and Resilience & Sustainability and does not present any significant conflicts with the Comprehensive Plan. Therefore, the request is consistent with the City's health, safety, and general welfare.

11. The affected neighborhood organizations are Pat Hurley Neighborhood Association and Westside Coalition of Neighborhood Associations that were notified as required. Property owners within 100 feet of the subject site were also notified as required.
12. A pre-application facilitated meeting was held on Monday, August 7, 2023 from 5:00 pm to 7:00 pm via Zoom. Several questions and comments were made by neighbors regarding the request, which were answered during the meeting. There were no unesolved issues or concerns.
13. As of this writing, Staff has received written support from the Pat Hurley Neighborhood Association for the zone change; there is no known opposition.

APPEAL: If you wish to appeal this decision, you must do so within 15 days of the EPC's decision or by **October 6, 2023**. 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/CH

cc: City of Albuquerque, Parks & Recreation Dept. csomerfeldt@cabq.gov
Pat Hurley NA, Barbara Baca vicepresident.phna@gmail.com
Pat Hurley NA, Julie Radoslovich, julieradoslovich@gmail.com
Westside Coalition of NAs, Rene Horvath aboard111@gmail.com
Westside Coalition of NAs, Elizabeth Haley, elizabethkayhaley@gmail.com
Legal, dking@cabq.gov
EPC File