

March 17, 2021

TO: Will Gleason, D/P/S Design
FROM: Catalina Lehner, Senior Planner
City of Albuquerque Planning Department
TEL: (505) 924-3935
RE: Project #2021-005195/RZ-2021-00006, Journal Center Zone Change

I've completed a first review of the proposed zoning map amendment (zone change). I have a few questions and some suggestions regarding the justification. I am available to answer questions about the process and requirements. Please provide the following:

⇒ A revised zoning change justification letter pursuant to the zone change criteria (one copy) by:

12 pm on Friday, March 26, 2021.

Note: If you have difficulty with this deadline, please let me know.

1) Introduction:

- A. Though I've done my best for this review, additional items may arise as the case progresses. If so, I will inform you immediately.
- B. This is what I have for the legal description: Dekker Perich Sabatini, agents for Titan Development, c/o Josh Rogers, requests a Zoning Map Amendment from NR-BP to MX-H for Tract 6A-1, plat of Journal Center Phase 2, Unit 1, located at 7501 Jefferson St. NE, comprising the northwestern corner of the intersection of Jefferson St. NE and Masthead St. NE, approximately 5.2 acres. Is this correct?
- C. On AGIS, the subject site has a grey shading/dotted pattern on a swath that runs east west across it. Do you know what this is, perhaps a drainage area?
- D. The application states that the intention is for the zone change to make multi-family development possible on the subject site. Could you please tell me a little about this? Note: Journal Center and Journal Center 2 have design standards, which will be important as any future projects develop.
- E. Have you done any additional background research on the subject site and on Journal Center? The Journal Center and Journal Center 2 are prior approvals that remain valid today, so I suggest taking a detailed look at them if you have not already.

2) Process:

- A. Information regarding the EPC process, including the calendar and current Staff reports, can be found at:

<http://www.cabq.gov/planning/boards-commissions/environmental-planning-commission>

- B. Timelines and EPC calendar: the EPC public hearing for April is the 15th. Final staff reports will be available one week prior, on April 8th.
- C. Note that, if a zone change request is denied, you cannot reapply again for one year.
- D. Agency comments will be distributed around Wednesday, March 24th. I will email you a copy of the comments and will forward any late ones to you.

3) Notification & Neighborhood Issues:

Notification requirements for a zone change are explained in Section 14-16-6-4(K), Public Notice (IDO, p. 378). The required notification consists of: i) an emailed letter to neighborhood representatives indicated by the ONC, and ii) a mailed letter (first-class) to property owners within 100 feet of the subject site.

- A. It appears that notification offering the pre-application facilitated meeting is complete. I found that each person on the ONC list received, via email: cover letter, required meeting request form, letter of explanation, and zone atlas page. The date for expiration of the 15 days, in the letter of explanation dated February 8, I think should have been February 23 (not February 20), but that seems inconsequential.
- B. It looks like a pre-application facilitated meeting was not requested. Is that correct? Did anyone respond and say “no thanks”?
- C. It appears that the e-mail notification to NA representatives is also complete. The attachment (a .pdf) sent to both neighborhood representatives is the form required by 6-4(K)(1)(b), correct? Thank you for keeping this in good order, which made it easy to cross-check.
- D. The notification to property owners also appears complete. Thank you for providing photos of the envelopes.
- E. The sign posting agreement specifies the sign posting period as March 31 to May 1, 2021. I believe the ending date is April 15, 2021.
- F. Have any neighborhood representatives or members of the public contacted you so far?

4) Project Letter:

- A. In general, I can follow the project letter. As you’ve mostly done, this is the place to put information such as overarching trends in planning and the market. Some such information is included in the justification portion of the letter, and I will suggest that it be moved here.
- B. I the second line, please use Mixed-Use High Intensity District to be consistent with IDO terminology. I would also add a citation to MX-H.
- C. Page 2: It would be helpful to add a citation to the statistics in the second paragraph, consistent with how citations are used in other parts of this letter. Also, I suggest removing paragraph 5 (or perhaps updating it).
- D. The last three paragraphs of the letter, after the justification portion, discuss process and Journal Center’s covenants. I’m not sure what you mean when referring to the SU-1

designation for the site. What SU-1 guidelines? Could this maybe be discussed under the Site Location/History section of the letter? I would check this for any use restrictions.

Note: the subject site is located near the middle of Journal Center, which is all zoned NR-BP (formerly IP). The change to MX-H would be a different zone than surrounding zoning; the spot zone criterion is a key element of this case.

5) Zone Map Amendment (zone change)- Overview: use and journal center

Note: A zone change justification is about the requirements of the zone change criteria 14-16-6-7 (g)(3) and how a proposed project can be demonstrated to fulfill them. The merits of the project itself and planning and/or market trends, generally do not belong in this discussion.

- A. The task in a zone change justification is to choose applicable Goals and policies from the Comprehensive Plan and demonstrate how the request furthers (makes a reality) each applicable Goal and policy. Furthering is shown by providing explanations using “because” statements and tailoring the response to match the wording of the Goal or policy.
- B. Please note:
- C. Responding to the zone change criteria is more of a legal exercise than anything else. It is critical to “hit the nail on the head” both conceptually and in terms of form. This can be done by:
 - i. answering the questions in the customary way (see examples).
 - ii. using conclusory statements such as “because_____”.
 - iii. re-phrasing the requirement itself in the response, and
 - iv. choosing an option when needed to respond to a requirement.
- D. Version 1 (v.1, March 3, 2021) of the zone change justification is a good start, but a strengthened and expanded policy analysis is needed to fulfill Criterion A. The responses to Criterion D, Criterion F, and Criterion H are currently not meeting the requirement and also need to be strengthened.

6) Zone Map Amendment (zone change)- Section by Section:

Please address and incorporate the following to provide a strengthened response to the IDO zone change criteria.

A. Criterion A (strengthen):

Based on this writing at this time, the proposed zone change is not adequately justified. This is primarily because the spot zone criterion (H) states that a spot zone must “clearly facilitate” applicable Comprehensive Plan Goals and policies and the analysis in the response to Criterion A does not show that.

- Generally, if you cite a policy, the Goal on top of it (which is more general) most always applies. Please keep this in mind and add some Goal(s) to the citations.
- Also in general, I suggest strengthening the Centers and Corridors arguments because C & C are a cornerstone of the Comprehensive Plan.

- Include Area of Change or Area of Consistency, another cornerstone of the Comprehensive Plan.
- Provide a response below each cited Goal and policy. For example, on page 3, Policy 5.1.1 is cited, but there is no discussion. Responses are also lacking for Policy 5.1.10, Policy 5.15, Goal 5.2, Policy 5.2.1, Goal 5.3, Goal 5.4, Goal 9.3, and Policy 9.3.2.
- Subpolicies are less important, but OK to include. Please keep in mind that the structure (in order of significance) is Goals, policies, subpolicies, objectives (please do not include objectives).
- In each response to the Goals and policies, please strengthen the connection between the citation and the request. Think about how the request furthers X policy “because” or explain “why” it does.
- To ensure a tight connection between the citation and the request, try using some of the words from the cited Goal and policy in the response. For example, in the response to Policy 5.3.1, add a “because” after the statement “The request furthers this policy because” and use some of the words in the policy, rather than go right into an explanation without first having tied the two together.
- p. 3- Policy 5.1.1. Would the request lead to regional growth? Why or why not?
- p. 4- Policy 5.1.5. How would the request help prioritize employment opportunities? Seems like it would not.
- Please include a conclusory statement regarding the entirety of Criterion A.

B. Criterion B: OK

C. Criterion C: OK, but please revise a couple of things in the second sentence, which reads awkward. “as indicated by the above justification with the ABC Comp Plan” (?) and use “because” instead of by.

D. Criterion D (re-do): Criterion D is answered by providing a table of uses that would become permissive in the MX-H zone that are not already permissive under the current zoning. After the table, a discussion of each newly permissive use, and mitigation of any harmful impacts, follows. Please refer to examples online to see recent responses:

<https://www.cabq.gov/planning/boards-commissions/environmental-planning-commission/epc-agendas-reports-minutes>

E. Criterion E: OK

F. Criterion F (re-do and be precise): The response does not answer the question regarding “not completely based on the property’s location on a major street” because it does not discuss streets or name the relevant street. Furthermore, this response is market-based and trend-based, which is fine, but that type of narrative mostly belongs in the project letter.

G. Criterion G: OK

- H. Criterion H (re-do and be precise): Would the request result in a spot zone? Why or why not? How is a spot zone defined? If the answer is yes, then proceed to the two-part test. First, address the “clearly facilitates” portion and then choose at least one of the following (1, 2, or 3).

I do not follow the transition argument. What is the subject site a transition from and to if all of the surrounding zoning is NR-BP?