

CITY of ALBUQUERQUE

TWENTY FIFTH COUNCIL

COUNCIL BILL NO. O-22-7 ENACTMENT NO. _____

SPONSORED BY: **Brook Bassan, by request**

1 **ORDINANCE**

2 **ADOPTING A ZONING MAP AMENDMENT FOR AN APPROXIMATELY 14.1**
3 **ACRE SITE LOCATED ON THE SOUTHERN SIDE OF HARPER ROAD NE,**
4 **BETWEEN WYOMING BOULEVARD NE AND VENTURA STREET NE, FROM**
5 **MX-L TO R-1C IN ORDER TO FACILITATE FUTURE DEVELOPMENT.**

6 **WHEREAS, the subject site is legally described as Tract A2, Plat of Tracts**
7 **A-1 and A-2 Hoffmantown Baptist Church Site; and**

8 **WHEREAS, the subject site is vacant and the applicant wants to develop a**
9 **single-family subdivision; and**

10 **WHEREAS, the subject site is currently zoned MX-L (Mixed-Use Low**
11 **Intensity Zone District), which it received upon adoption of the Integrated**
12 **Development Ordinance (IDO) in May 2018 as a conversion from the former**
13 **zoning of SU-1 for Senior Living Facility and Related Services, including On –**
14 **premise Liquor Consumption; and**

15 **WHEREAS, the purpose of the MX-L zone district is to provide for**
16 **neighborhood-scale convenience shopping needs, primarily at intersections**
17 **of collector streets. Primary land uses include non-destination retail and**
18 **commercial uses, as well as townhouses, low-density multi-family, and civic**
19 **and institutional uses to serve the surrounding area, with taller, multi-story**
20 **buildings encouraged in Centers and Corridors; and**

21 **WHEREAS, the MX-L zone does not allow single-family detached homes;**
22 **and**

23 **WHEREAS, the purpose of the R-1 zone district is to provide for**
24 **neighborhoods of single-family homes with a variety of lot sizes and**

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1 dimensions. When applied in developed areas, an additional purpose is to
2 require that redevelopment reinforce the established character of the existing
3 neighborhood. Primary land uses include single-family detached homes on
4 individual lots, with limited civic and institutional uses to serve the
5 surrounding residential area; and

6 WHEREAS, the subject site is located in an area that the Comprehensive
7 Plan has designated an Area of Consistency and is not in a designated
8 Activity Center or along a designated Corridor; and

9 WHEREAS, at its October 21, 2021 public hearing, the Environmental
10 Planning Commission voted to forward a recommendation of APPROVAL of
11 the zone change to the City Council.

12 BE IT ORDAINED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF
13 ALBUQUERQUE:

14 SECTION 1. The Official Zone Map is hereby amended to show the R-1C
15 zone on the property known as Tract A2, Plat of Tracts A-1 and A-2
16 Hoffmantown Baptist Church Site.

17 SECTION 2. FINDINGS.

18 (A) The request is for a zoning map amendment for an approximately 14.1-
19 acre site legally described a Tract A2, Plat of Tracts A-1 and A-2 Hoffmantown
20 Baptist Church Site, between Barstow St. NE and Ventura St. NE,
21 approximately 14.1 acres (the “subject site”).

22 (B) The subject site is located on the south side at the intersection of
23 Harper Rd NE and Red Sky Rd NE. The subject site is vacant.

24 (C) The subject site is zoned MX-L (Mixed Use – Low Intensity). The
25 applicant is requesting a zone change to R-1C (Single-Family Large Lot) to
26 facilitate future development of 39 single-family dwellings.

27 (D) The subject site is in an Area of Consistency and is not in a designated
28 center or along a designated corridor. The Facility Plan for Arroyos also
29 applies due to the adjacency of the South Pino Arroyo.

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1 (E) Sites greater than 10 gross acres are required to also be heard by the
2 City Council as required by IDO section 14-16-6-7(H) Zoning Map Amendment-
3 Council.

4 (F) The Albuquerque/Bernalillo County Comprehensive Plan and the
5 Integrated Development Ordinance (IDO) are incorporated herein by reference
6 and made part of the record for all purposes.

7 (G) The request furthers the following, applicable Comprehensive Plan
8 Goals and policies:

9 (1) Goal 4.1 – Character: Enhance, protect, and preserve distinct
10 communities.

11 (2) Policy 4.1.2 – Identity and Design: Protect the identity and
12 cohesiveness of neighborhoods by ensuring the appropriate scale and
13 location of development, mix of uses, and character of building design.

14 (3) Sub-policy(c) 5.2.1 – Land Uses: Maintain the characteristics of
15 distinct communities through zoning and design standards that are
16 consistent with long-established residential development patterns.

17 (4) Sub-policy(h) 5.2.1 – Land Uses: Encourage infill development that
18 adds complementary uses and is compatible in form and scale to the
19 immediately surrounding development.

20 (5) Goal 5.3 Efficient Development Patterns: Promote development
21 patterns that maximize the utility of existing infrastructure and public
22 facilities and the efficient use of land to support the public good.

23 (6) Goal 5.6 City Development areas: Encourage and direct growth to
24 Areas of Change where it is expected and desired to ensure that
25 development in and near Areas of Consistency reinforces the character
26 and intensity of the surrounding area.

27 (7) Policy 5.6.3 Areas of Consistency: Protect and enhance the character
28 of existing single-family neighborhoods, areas outside of Centers and
29 Corridors, parks, and Major Public Open Space.

1 **(8) Sub-policy(b) 5.6.3 Areas of Consistency: Ensure that development**
2 **reinforces the scale, intensity, and setbacks of the immediately**
3 **surrounding context.**

4 **(9) Goal 9.2.1 –Compatibility: Encourage housing development that**
5 **enhances neighborhood character, maintains compatibility with**
6 **surrounding land uses, and responds to its development context – i.e.**
7 **urban, suburban, or rural – with appropriate densities, site design, and**
8 **relationship to the street.**

9 **(H) The request is justified pursuant to IDO Subsection 14-16-6-7(G)(3)-**
10 **Review and Decision Criteria for Zone Map Amendments, as follows:**

11 **(1) Criterion A: Consistency with the City’s health, safety, morals and**
12 **general welfare is shown by demonstrating that a request furthers**
13 **applicable Comprehensive Plan Goals and policies (and other plans if**
14 **applicable) and does not significantly conflict with them. The applicant’s**
15 **policy-based response demonstrates that the request furthers a**
16 **preponderance of applicable Goals and policies regarding character,**
17 **identity, complete communities, land uses, efficient development patterns,**
18 **infill development, city development areas and compatibility. Therefore, the**
19 **request is consistent with the City’s health, safety, morals and general**
20 **welfare.**

21 **(2) Criterion B: The subject site is located in an Area of Consistency. The**
22 **applicant’s response demonstrates that the request would clearly reinforce**
23 **a preponderance of applicable Comprehensive Plan Goals and policies and**
24 **therefore would be more advantageous to the community than the current**
25 **zoning.**

26 **(3) Criterion C: This criterion does not apply because the subject site is not**
27 **located in an Area of Change, either wholly or in part.**

28 **(4) Criterion D: The applicant compared the existing MX-L zoning and the**
29 **proposed R-1C zoning and discussed that all non-residential uses would**
30 **be eliminated. Since the surrounding land is zoned R-1C, uses that would**
31 **become permissive already exist in the current zoning and are not**

1 considered to be detrimental in this setting because the uses would
2 become identical.

3 (5) Criterion E: The subject site is an infill site that is adequately served by
4 existing infrastructure and therefore meets requirement 1.

5 (6) Criterion F: The request is not based on the property’s location on a
6 major street. The request reinforces and strengthens the character of the
7 area in accordance with the Comprehensive Plan.

8 (7) Criterion G: The applicant has adequately demonstrated that the
9 request furthers a preponderance of applicable Comprehensive Plan Goals
10 and policies and does not conflict with them.

11 (8) Criterion H: The applicant has demonstrated the request will match with
12 the existing zoning of the surrounding area and therefore would not create
13 a “spot zone”.

14 SECTION 3. SEVERABILITY CLAUSE. If any section, paragraph, sentence,
15 clause, word or phrase of this ordinance is for any reason held to be invalid or
16 unenforceable by any court of competent jurisdiction, such decision shall not
17 affect the validity of the remaining provisions of this ordinance and each
18 section, paragraph, sentence, clause, word, or phrase thereof irrespective of
19 any provision being declared unconstitutional or otherwise invalid.

20 SECTION 4. COMPILATION. Section 1 of this ordinance shall be
21 incorporated in and made part of the Revised Ordinances of Albuquerque,
22 New Mexico, 1994.

23 SECTION 5. EFFECTIVE DATE. This Ordinance shall take effect five days
24 publication by title and general summary.

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Mayor Timothy M. Keller

CITY OF ALBUQUERQUE

Albuquerque, New Mexico

Office of the Mayor

INTER-OFFICE MEMORANDUM

December 15, 2021

TO: Cynthia Borrego, President, City Council

FROM: Timothy M. Keller, Mayor 

SUBJECT: Project# 2018-001560, RZ-2021-00041 –Zone Map Amendment– Hoffmantown Baptist Church Site (Harper Rd. NE)- The Environmental Planning Commission (EPC) forwards a recommendation of APPROVAL to the City Council regarding a Zoning Map Amendment from MX-L to R-1C for Tract A2, Plat of Tracts A-1 and A-2 Hoffmantown Baptist Church Site, between Barstow St. NE and Ventura St. NE, approximately 14.1 acres (the “subject site”). Staff Planner: Leroy Duarte

Request

The applicant wants to change the subject site’s zoning from MX-L to R-1C in order to develop a subdivision of single-family homes in the future. The subject site is currently zoned MX-L (Mixed Use -Low Intensity Zone District) and is located in a designated Area of Consistency. It is not in a designated Activity Center or along a designated Corridor. The requested zone is R-1C (Residential Single-Family Zone District).

Process

Zoning Map Amendments within an Area of Consistency for 10 gross acres or more are required to be heard by the Environmental Planning Commission (EPC) to inform a recommendation to the City Council. The EPC found that the applicant had adequately justified the request pursuant to the zone change criteria in IDO Subsection 14-16-6-7(G)(3)- Review and Decision Criteria for Zoning Map Amendments, based upon the request being generally more advantageous to the community than the current zoning.

On October 21, 2021, at its regularly scheduled public hearing, the EPC voted to forward a recommendation of approval to the City Council regarding the request.

Neighborhood/Public


The affected neighborhood organizations are the District 4 Coalition of Neighborhood Associations and the Cherry Hills Civic Association, which were notified as required. Property owners within 100 feet of the subject site were also notified as required. No inquiries or comments were received. There is no known opposition.

Conclusion

In its capacity as a recommending body, the EPC voted 7-0 to forward a recommendation of approval to the City Council. The Planning Department supports the EPC's recommendation.

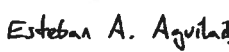
Title/ Subject of Legislation: Project# 2018-001560, RZ-2021-00041 –Zone Map Amendment– Hoffmantown Baptist Church Site (Harper Rd. NE)

Approved:



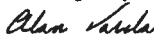
Sarita Nair Date
Chief Administrative Officer 11/18/22

Approved as to Legal Form:



Esteban A. Aguilar, Jr. Date
City Attorney 12/17/2021 | 5:39 PM MST

Recommended:



Alan Varela Date
Interim Planning Director 12/17/2021 | 4:33 PM MST

Cover Analysis

1. What is it?

The request is for a Zone Map Amendment (zone change) to R-1C (Residential Single Family Zone District) for an approximately 14.1 acre, vacant site located on the south side of Harper Rd. NE, between Wyoming Blvd. NE and Ventura St. NE, zoned MX-L (Mixed Use - Low Intensity Zone District).

2. What will this piece of legislation do?

This legislation will allow a zone change from MX-L to R-1C for a site larger than 10 gross acres located within an Area of Consistency as designated in the Comprehensive Plan.

3. Why is this project needed?

This legislation will facilitate future development of a single-family residential project.

4. How much will it cost and what is the funding source?

No governmental cost is associated with the zone change request. Future development of the subject site will be funded privately.

5. Is there a revenue source associated with this Plan? If so, what level of income is projected?

No. NA.

FISCAL IMPACT ANALYSIS

TITLE: Zone Map Amendment-
Hoffmantown Baptist Church site

R: O:
FUND: 110
DEPT: 4926000

- No measurable fiscal impact is anticipated, i.e., no impact on fund balance over and above existing appropriations.
- (If Applicable) The estimated fiscal impact (defined as impact over and above existing appropriations) of this legislation is as follows:

	Fiscal Years			Total
	2022	2023	2024	
Base Salary/Wages				-
Fringe Benefits at	-	-	-	-
Subtotal Personnel	-	-	-	-
Operating Expenses				-
Property			-	-
Indirect Costs	-			-
Total Expenses	\$ -	\$ -	\$ -	\$ -
[X] Estimated revenues not affected				
[] Estimated revenue impact				
Amount of Grant	-			-
City Cash Match	-	-	-	-
City Inkind Match		-	-	-
City IDOH *15.30	-			-
Total Revenue	\$ -	\$ -	\$ -	\$ -

These estimates do not include any adjustment for inflation.

* Range if not easily quantifiable.

Number of Positions created 0

COMMENTS ON NON-MONETARY IMPACTS TO COMMUNITY/CITY GOVERNMENT:

This is a request for a Zone Map Amendment from MX-L to R-1C for an approximately 14.1 acre site located on the south side of Harper Rd. NE to facilitate development of a future subdivision. This request will not incur any monetary commitments or impacts for the City of Albuquerque.

PREPARED BY:

Debbie Dombroski 12/14/2021
FISCAL MANAGER (date)

APPROVED:

Alan Landa 12/17/2021 | 4:33 PM MST
DIRECTOR (date)

REVIEWED BY:

Linda Cutler 12/17/2021 | 4:42 PM MST
EXECUTIVE BUDGET ANALYST (date)

DocuSigned by:

Lawrence L. Davis 12/17/2021 | 4:52 PM MST
BUDGET OFFICER (date)

DocuSigned by:

Christine Barker 12/17/2021 | 4:54 PM MST
CITY ECONOMIST (date)

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

October 21, 2021

Pulte Group
7601 Jefferson St. NE, Suite 320
Albuquerque, NM 87109

PR-2018-001560-RZ-2021-00041
Zoning Map Amendment (Zone Change)

LEGAL DESCRIPTION:

Consensus Planning Inc., agent for Pulte Group, requests a zoning map amendment from MX-L to R-1C for all or a portion of Tract A-2 Plat of Tracts A-1 and A-2, Hoffmantown Baptist Church site, located on Harper Rd. NE, between Barstow St. NE and Ventura St. NE, approximately 14.1 acres (E-20)
Staff Planner: Leroy Duarte

On October 21, 2021, the Environmental Planning Commission (EPC) voted to RECOMMEND APPROVAL to the City Council of PR-2018-001560/RZ-2021-00041, a Zoning Map Amendment (Zone Change), based on the following Findings:

1. The request is for a zoning map amendment for an approximately 14.1-acre site legally described as a Tract A2, Plat of Tracts A-1 and A-2 Hoffmantown Baptist Church Site, between Barstow St. NE and Ventura St. NE, approximately 14.1 acres (the "subject site").
2. The subject site is located on the south side at the intersection of Harper Rd NE and Red Sky Rd NE. The subject site is vacant.
3. The subject site is zoned MX-L (Mixed Use – Low Intensity). The applicant is requesting a zone change to R-1C (Single-Family Large Lot) to facilitate future development of 39 single-family dwellings.
4. The subject site is in an Area of Consistency and is not in a designated center or along a designated corridor. The Facility Plan for Arroyos also applies due to the adjacency of the South Pino Arroyo.
5. Sites greater than 10 gross acres are required to also be heard by the City Council as required by IDO section 14-16-6-7(H) Zoning Map Amendment-Council.
6. The Albuquerque/Bernalillo County Comprehensive Plan and the Integrated Development Ordinance (IDO) are incorporated herein by reference and made part of the record for all purposes.

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7. The request is consistent with the following Comprehensive Plan Goal and policy from Chapter 4: Community Identity

A. Goal 4.1 – Character: Enhance, protect, and preserve distinct communities.

The request would enhance the area by facilitating similar development in the future, protect the neighborhood by eliminating non-residential uses which would also help to preserve the identity of the community.

B. 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 request would protect the identity and cohesiveness of neighborhoods by ensuring the appropriate scale and location of development by changing the zone from MX-L to R-1C. The downzone will eliminate all non-residential uses and reinforce the low intensity scale, thus ensuring the identity of the neighborhood is protected.

8. The request furthers the following goal and sub-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 facilitate development of a new single-family housing development and foster a community within the established community. Residents in the newly developed subdivision will have the opportunity to live, work, learn, shop and play together based on the amenities close in proximity to the proposed subdivision.

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

The request will eliminate non-residential uses, develop a subdivision with the same residential patterns and establish the same zoning standards that are equivalent to Cherry Hills Neighborhood.

C. Sub-policy(h) 5.2.1 – Land Uses: Encourage infill development that adds complementary uses and is compatible in form and scale to the immediately surrounding development.

The request will encourage infill development that is comparable to the immediately surrounding development- single-family dwellings.

D. Sub-policy(n) 5.2.1 – Land Uses: Encourage more productive use of vacant lots and under-utilized lots, including surface parking.

The zone change request will create a subdivision that will be an efficient and productive use of the vacant land and is supported by the neighborhood association.

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9. The request furthers the following goal from Comprehensive Plan Chapter 5: Land Use.

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 zone change request will create a subdivision development that will promote development patterns that are similar to the Cherry Hills Neighborhood, while also using existing infrastructure of the surrounding area.

10. The request furthers the following goal, policy, and sub-policy from Comprehensive Plan Chapter 5: Land Use.

- A. Goal 5.6 City Development areas: Encourage and direct growth to Areas of Change where it is expected and desired to ensure that development in and near Areas of Consistency reinforces the character and intensity of the surrounding area.

The subject site is located in an Area of Consistency, the proposed zone change reinforces the character and intensity of the surrounding area by matching the existing zoning north of the site

- 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 the existing single-family neighborhood by eliminating all non-residential permissive uses.

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

The request would ensure that the future subdivision development will reinforce the scale, intensity, and setbacks of the immediately surrounding context by implementing the same zoning.

11. The request is consistent with the following Comprehensive Plan Goal from Chapter 9: Housing:

Goal 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 will support future housing development and will reinforce and strengthen the neighborhood characteristics and maintain appropriate densities through the zone change.

12. 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:

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- A. Criterion A: 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 significantly conflict with them. The applicant's policy-based response 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. Therefore, the request is consistent with the City's health, safety, morals and general welfare.
 - B. Criterion B: The subject site is located in an Area of Consistency. The applicant's response demonstrates that the request would clearly reinforce a preponderance of applicable Comprehensive Plan Goals and policies and therefore would be more advantageous to the community than the current zoning.
 - C. Criterion C: This criterion does not apply because the subject site is not located in an Area of Change, either wholly or in part.
 - D. Criterion D: The applicant compared the existing MX-L zoning and the proposed R-1C zoning and discussed that all non-residential uses would be eliminated. Since the surrounding land is zoned R-1C, uses that would become permissive already exist in the current zoning and are not considered to be detrimental in this setting because the uses would become identical.
 - E. Criterion E: The subject site is an infill site that is adequately served by existing infrastructure and therefore meets requirement 1.
 - F. Criterion F: The request is not based on the property's location on a major street. The request reinforces and strengthens the character of the area in accordance with the Comprehensive Plan.
 - G. Criterion G: The applicant has adequately demonstrated that the request furthers a preponderance of applicable Comprehensive Plan Goals and policies and does not conflict with them.
 - H. Criterion H: The applicant has demonstrated the request will match with the existing zoning of the surrounding area and therefore would not create a "spot zone".
13. The affected, registered neighborhood organizations District 7 Coalition of Neighborhood Associations, ABQ Park, Alvarado Park, Classic Uptown, Inez, Jerry Cline Park, Mark Twain, Quigley Park, Snow Heights, Winrock South and Winrock Villas Condo Neighborhood Associations were notified as required. Property owners within 100 feet of the subject site were also notified as required.
14. As of this writing, Staff received communication inquiring about the future development of the property, access, design, and floodplain of the Zoning Map Amendment request, there is no known opposition.

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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 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 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,



Digitally signed by James M. Aranda
DN: cn=James M. Aranda, o=City of
Albuquerque, ou=Planning
Department,
email=jmaranda@cabq.gov, c=US
Date: 2021.10.22 15:16:05 -06'00'

for Alan M. Varela,
Planning Director

AV/LD

cc:

Bruce Orem, orem@aa.edu

Pulte Group, Kevin.Patton@PulteGroup.com

Cherry Hills Civic Association, Rob MacIvor, rmacivor2@comcast.net

Cherry Hills Civic Association, Ellen Dueweke, edueweke@juno.com

District 4 Coalition of Neighborhood Associations, Daniel Regan, dlreganabq@gmail.com

District 4 Coalition of Neighborhood Associations, Mildred Griffiee, mgriffiee@noreste.org

Consensus Planning Inc., fishman@consensusplanning.com

Legal, kmorrow@cabq.gov

EPC file