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City of Albuquerque

Planning Department

Timothy M. Keller, Mayor

Interoffice Memorandum

August 11, 2026

To: **Klarissa J. Peña, President, City Council**

From: **Alan Varela, Director, Planning Department** Initial

Subject: **AC-26-08 (PR-2021-005222, ZMA-2026-00012): The Sawmill Community Land Trust (SCLT) appeals the Environmental Planning Commission (EPC) decision to APPROVE a Zoning Map Amendment from NR-BP to MX-H (ZMA-2026-00008) for all or a portion of Tract B-1 a Replat of Tract B Division of Lands of Freeway – Oldtown L, located at 1050 18th Street NW, at the intersection of Bellamah Ave. NW and 18th St. NW, approximately 4.1 acres.**

OVERVIEW

This is an appeal of the EPC's decision to approve a Zoning Map Amendment – EPC (i.e., zone change) from NR-BP to MX-H to facilitate the redevelopment of an existing warehouse to multi-family dwellings. The subject site is approximately 4.1 acres located at 1050 18th Street NW at the intersection of Bellamah Ave. NW and 18th St. NW.

The EPC approved the zone change request on June 18, 2026. The decision was based on Findings #1-16 in the Notice of Decision. The Appellants timely submitted an appeal of the EPC's decision on July 3, 2026.

APPELLANTS

The appeal was filed by the Sawmill Community Land Trust (SCLT), a non-profit community development corporation.

Basis of Standing

The Appellant asserts that the SCLT has standing to appeal based on proximity as a property owner within 330 feet of the subject site [IDO § 14-16-6-4(U)(2)(a)(5) and Table 6-4-2].

The appellant made an appearance of record through verbal comments at the EPC hearing on June 18, 2026.

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BASIS FOR APPEAL

IDO § 14-16-6-4(U)(4) establishes the criteria for the appeal in determining whether the EPC erred in its decision.

1. The decision-making body or the prior appeal body acted fraudulently, arbitrarily, or capriciously.
2. The decision being appealed is not supported by substantial evidence.
3. The decision-making body or the prior appeal body erred in applying the requirements of this IDO.

The Appellant asserts that the EPC erred by acting arbitrarily and capriciously in its decision to approve the zone change request (Criterion 1).

Staff Response

The EPC's decisions were based on 16 findings in the Notice of Decision. The findings were based on a thorough analysis in the Staff Report as well as testimony and discussion at the hearing.

The Appellant's arguments have been summarized below, followed by Planning staff responses in *italics*.

Issue 1: The zone change to MX-H allows development out of scale and not in character with adjacent properties.

Appellant claim: The MX-H zone district does not support IDO goals and policies, e.g., Goal 4.1 Character, Policy 4.13 Placemaking, or Policy 9.2.1 Compatibility.

Staff Response*: The EPC found that the proposed zone change from NR-BP to MX-H met the Review and Decision Criteria in IDO § 14-16-6-7(G)(3) [(a-h)]. The EPC found that the zone change would support Comp Plan Goal 4.1 and Policies 4.1.3 and 9.2.1 [Findings 7A, 7B, and 9].*

EPC found that the zone change would allow less intense uses (e.g., residential, community center or library, indoor and outdoor residential community amenities, art gallery, grocery store, and medium retail) than those currently allowed permissively (e.g., light manufacturing) and would enhance and preserve the emerging higher density, mix of uses in the community to the north, west, and south, including the city-wide need for additional higher- density housing options allowed by the MX-H zone district. The zone change does not introduce new harmful uses to the area [Findings 13D and 13H].

Appellant claim: Building heights allowed in the MX-H zone district are much higher than those of adjacent properties.

Staff Response*: The EPC found that the allowable building heights in the MX-H zone district were an appropriate scale for the subject site and surrounding land uses based on discussion during the hearing [Finding 13H, Transcript, pp. 5, 25-34].*

The maximum building height allowed in the MX-H zone district is 68 feet at this location. The subject site is adjacent to an R-1 zone district; therefore, building heigh step-down standards within the Neighborhood Edge [IDO § 16-14-5-9(c)(1)] would restrict the maximum height of a building to 30 feet tall within 100 feet of Protected Lots in R-1 [Finding 13D and 13H].

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The subject site is within the Sawmill/Wells Park Character Protection Overlay (CPO-12) zone [Staff Report p. 14, 15, 27], which was discussed during the EPC hearing [Transcript, pp. 26-28]. CPO-12 restricts building height within 25 feet of the front property line to 15 feet and does not allow building height bonuses [IDO § 14-16-3-1(C)].

The Site Plan for adjacent property to the north of the subject site restricts building heights to 48 feet (Project # 1005354) [Transcript, p. 6].

On surrounding properties, CPO-12 limits building height in NR-BP to 35 feet. CPO-12 does not establish limits for MX-M or MX-H zone districts. MX-M limits building height to 48 feet within 100 feet of a lot line with no building height maximum farther than 100 feet from a lot line [IDO Table 5-1-2]. MX-H limit building to 68 feet within 100 feet of the lot line with no maximum farther than 100 feet from the lot line [Transcript, pp. 26-27. Four properties zoned MX-H are within ¼ mile of the subject site [Transcript, p. 5].

Issue 2: EPC erred in applying the Review and Decision Criteria in IDO § 14-16-6-6(G)(3).

Appellant's Claim: The new zone would not reinforce or strengthen the established character of the surrounding Area of Consistency and would allow development that is significantly different from that character [IDO § 14-16-6-7(G)(3)(b)].

***Staff Response**: The appellant is citing a criterion that only applies to a subject property in an Area of Consistency, which does not apply to this subject site. The subject site is entirely within an Area of Change. Accordingly, the EPC found that that there "have been significant changes in neighborhood and community conditions that affect the site that can justify this request, and the request could be more advantageous with thoughtful, context-driven development" [Finding 13C]. This finding responds to the applicable criterion for subject properties in an Area of Change [IDO § 14-16-6-7(G)(3)(c)].*

Appellant's Claim: The City's existing infrastructure and public improvements, including but not limited to its street, trail, and sidewalk systems, would not have adequate capacity to serve the development made possible by the change of zone [IDO § 14-16-6-7(G)(3)(e)].

***Staff Response**: EPC found: "[t]his request meets Criterion 1. There is existing infrastructure at the subject site and includes streets, sidewalks, utility facilities, sewer and water system facilities, street lighting, and other improvements used by the public and in common by the property owners. Drainage and flood control for the site may be required for any future redevelopment. The subject site should have adequate capacity to serve the development made possible by the change of zone" [Finding 13E].*

Appellant's Claim: The applicant's justification for the Zoning Map Amendment is completely based on the property's location on a major street [IDO § 14-16-6-7(G)(3)(f)].

***Staff Response**: EPC Finding 13F asserts that, "[t]he subject site is not located on a major street and is not the applicant's justification for the zone change." Findings 7-13 find adequate justification for the zone change beyond the location on a major street.*

Appellant's Claim: The applicant's justification is based completely or predominantly on the cost of land or economic considerations [IDO § 14-16-6-7(G)(3)(g)].

***Staff Response**: At the hearing EPC discussed whether MX-M would be a better zone change request in this location due to a lower building height maximum [Transcript, pp. 25-34]. The*

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EPC found that "economic considerations do play a role in the request for the higher intensity MX-H zone district vs. MX-M since it is more cost effective to build denser housing. Nevertheless, the applicant has adequately demonstrated that the request clearly facilitates a variety of applicable Comprehensive Plan goals and policies and does not significantly conflict with them" [Finding 13G].

Issue 3: The subject site should be considered a "spot" zone.

Appellant's Claim: The subject site does not serve as a "'transitional' zone," as stated in the Findings, but as more of a "spot zone."

***Staff Response**: IDO review and decision criterion § 14-16-6-7(G)(3)(h) applies to a Zoning Map Amendment that would "not apply a zone district different from surrounding zone districts to one small area or one premises (i.e., create a 'spot zone')."*

The EPC found that the subject site is not a transition between R-1 and the proposed MX-H, but a property that is "in an area with a notable diversity of zone districts; within 1,320-foot radius (¼ mile) of the subject site, there are properties zoned PD, NR-LM, MX-H, MX-M, MX-L, MX-T, R-ML, R-T, R-1, and NR-PO-C. Furthermore, the existing MX-H zoning consists of four lots covering more than 7.3 acres. Therefore, MX-H and the permissive land uses are already established in the nearby surroundings" and does not result in a spot zone [Finding 13H].

Three of the four properties with MX-H zoning are located within 750 feet of the subject site, and the other is within approximately 0.25 mile [Transcript, p. 5].

Issue 4: Traffic

Appellant's Claim: Traffic has become a serious problem in the area since it has become a popular destination, and more development would add more pedestrian and vehicle traffic.

***Staff Response**: EPC discussed traffic impact at the hearing [Transcript, pp. 13, 18-19, 31-34]. Traffic impact is studied when a site plan is proposed for a particular use; therefore, a Traffic Scoping Form is not required for a zone change request. A traffic impact study may be required for any future development pursuant to standards in the DPM or IDO § 14-16-5-2(E)(2)(c). The extent of the study or report will depend on the location of the project, the amount of traffic generated from the development, and the existing conditions in the project area.*

Issue 5: MX-M would be a more appropriate zone district for the subject site.

Appellant's Claim: MX-M would allow for "positive growth while respecting the scale, safety, and quality of life of a unique community."

***Staff Response**: As noted above, EPC discussed whether MX-M would be a better zone change request in this location due to a lower building height maximum but concluded that the EPC is limited to considering the request before them, if the applicant does not request a different zone district [Transcript, pp. 6-10, 17-18, 24-28, 33-34].*

EPC found that the request for a zone change to MX-H met the Review and Decision Criteria in IDO § 14-16-6-7(G)(3) [Findings # 7-13].

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CONCLUSION

In the Notice of Decision for June 18, 2026, the EPC found that the applicant adequately justified the request pursuant to the IDO zone change criteria in § 14-16-6-7(G)(3) [Findings 7-13]. The EPC carefully considered all relevant factors in arriving at its decision based on substantial evidence in the record and acted within its discretionary authority to approve the request. The record contains substantial evidence that the EPC's decision was neither arbitrary nor capricious.

MJ

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