



Environmental Planning Commission

**Agenda Number: 05
Project Number: 1010208
Case #: 14EPC-40059, 40060
October, 9th, 2014**

Staff Report

<i>Agent</i>	Angela Benson, DSA Architects
<i>Applicant</i>	Catholic Charities Foundation
<i>Request</i>	Annexation and Establishment of Zoning
<i>Legal Description</i>	MRGCD MAP 42, tracts 148A1B, 147B1, 147B2A, 148A1A1A1A1
<i>Location</i>	Bridge Boulevard between Anthony Lane and Pear Road
<i>Size</i>	1.37 acres
<i>Existing Zoning</i>	Bernalillo County C-N
<i>Proposed Zoning</i>	O-1

Staff Recommendation

A recommendation to City Council of APPROVAL of 14EPC-40059, Annexation, based on the Findings beginning on Page 13 and subject to the Conditions of Approval beginning on Page 18.

A recommendation to City Council of APPROVAL of 14EPC -40060, establishment of zoning, based on the Findings beginning on Page #, and subject to the Conditions of Approval beginning on Page 18.

***Staff Planner
Maggie Gould, Planner***

Summary of Analysis

This is a request for annexation and establishment of zoning for 1.37 acre parcel located outside the City limits in Bernalillo county. The site is zoned C-N, Bernalillo County Neighborhood Commercial, the applicant is requesting the O-1, Office and Institutional zone in the City Zoning Code. The applicant has justified the annexation request because the site contiguous to City land, has access to existing city services and a developed roadway network and will not require unprogrammed capital outlay on the part of the city. The applicant has justified the proposed zone as being more advantageous because it will allow the expansion of a needed community service and will be a low intensity zone and compatible with the surrounding development. The request will allow the expansion of the existing Catholic Charities offices.

Affected neighborhoods and property owners within 100 were notified. The neighborhood associations were offered a facilitated meeting. They declined because there were no concerns regarding the requests. Staff had not received any public comment. There is no known opposition. Staff is recommending approval of both requests.



City Departments and other interested agencies reviewed this application from 09-02-14 to 09-12-14
Agency comments used in the preparation of this report begin **on Page #.**

I. AREA CHARACTERISTICS AND ZONING HISTORY

Surrounding zoning, plan designations, and land uses:

	Zoning	Comprehensive Plan Area; Applicable Rank II & III Plans	Land Use
Site	R-1, C-N(County Neighborhood Commercial)	Semi Urban, Southwest Area Plan	Vacant/ single family
North	R-1	Established Urban, Southwest Area Plan	Agricultural , Single Family
South	R-1	Semi Urban, Southwest Area Plan	Single Family
East	O-1, SU-1 Commercial Bank with Drive thru	Semi Urban, Southwest Area Plan	Commercial, Public Institutional,
West	R-1	Semi Urban, Southwest Area Plan	Single Family

II. INTRODUCTION

Proposal

The applicant proposes to annex three parcels, comprising 1.37 acres into the City and establish the O-1 zone, as described in the zoning code on the site. The applicant owns the site to the east and would like to expand; this request will allow that expansion. The O-1 one zone is low intensity zone and will the expansion of the existing use and still be compatible with the surrounding residential area.

EPC Role

This is a quasi-judicial matter. The City Council will make the final decision on the request.

History/Background

The proposed annexation was approved by the Bernalillo County Commission in September of 2013 (AXBC-20130001). The approval of the zoning is also contingent upon the approval of the annexation.

Context

The subject site contains one single family house adjacent to Bridge Boulevard; the rest of the site is vacant. There is single family housing to the south and west and an alfalfa field and housing to the north. The western border of the site is the Atrisco acequia. The lot to the east contains the existing Catholic Charities offices. There are two other social service providers to the east, one for adults with disabilities and the Bernalillo County Housing Department. The

applicant proposes to expand the existing offices to the east and offer additional services that will add to the collection of services available. This is often a benefit for the people using those services because they do not have to travel to access multiple service providers.

The proposed zoning will be compatible with the existing development and will not cause any additional traffic or noise than would be allowed under the existing zone.

Transportation System

The Long Range Roadway System (LRRS) map, produced by the Mid-Region Council of Governments (MRCOG), identifies the functional classifications of roadways.

The Long Range Roadway System designates Bridge Boulevard as a Principal Arterial.

Comprehensive Plan Corridor Designation

Bridge is an Enhanced Transit Corridor.

Trails/Bikeways

There is a designated bike lane along Bridge.

Transit

The number 54 Bridge/Westgate route runs along Bridge in front of the site. There is a west bound stop just across Anthony Lane, to the west of the site. There are east bound stops on the north side of Bridge, 300 and 700 feet from the site.

Public Facilities/Community Services

Refer to the Public Facilities Map in the packet.

III. ANALYSIS

APPLICABLE ORDINANCES, PLANS AND POLICIES

Albuquerque Comprehensive Zoning Code

The majority of the subject site is currently zoned C-N, Bernalillo County Neighborhood Commercial. This zone allows R-1 permissive uses and a variety of retail and service uses including beauty shop, hardware store, bank, church, office, medical clinic, restaurant, greenhouse, gas station with up to 6 pumps and feed store with enclosed outdoor storage.

The two small parcels on the northwest corner are zoned R-1, Residential single family.

The site is also subject to the design requirements of the Bridge Boulevard Corridor plan. The plan requires a specific color palette, wall articulation and contains standards for site design, lighting and signage. The plan was not adopted by the City and will not apply to the site if the request is approved.

The O-1 zone allows office, service and institutional uses and limited dwelling units. Dwelling units, houses, townhouses or apartment are allowed permissively on up to 25% of a premise in the

O-1 zone, 60 % conditionally. A restaurant, personal service shop or similar incidental use is allowed in conjunction with an office building provided that that use takes up no more than 10% of the building and is primarily for the use of the occupants of the building. Buildings of up to 26 feet are allowed at any location in the O-1 zone; additional height is allowed provided it does not exceed a 45 degree angle plane drawn from the horizontal at the mean grade along each internal boundary of the premises and each adjacent public right of way centerline.

The O-1 zone has fewer permissive uses; the major differences in uses would be that the existing C-N zone allows a gas station with up to 6 pumps. The C-N zone allows a height over 26 feet , but requires that height not exceed 45 degree angle from the horizontal from the ground level of land zoned A-1, A-2, R-1, or M-H, which is unimproved or is improved with a conforming Permissive Use.

Albuquerque / Bernalillo County Comprehensive Plan

Policy Citations are in Regular Text; Staff Analysis is in ***Bold Italics***

The subject site is located in the area designated Semi-Urban by the Comprehensive Plan with a Goal to “maintain the character and identity of the Semi-Urban areas which have environmental, social or cultural conditions limiting urban land uses..”

Applicable policies include:

Policy II.B.4.a : Development within the Semi-Urban area shown by a Plan map shall be consistent with development limitations imposed by topography, soil conditions, groundwater quality, agricultural potential, flood potential, scenic qualities, recreation potential and existing development; overall gross density shall be up to 3 dwelling units per acre.

The proposed zone will allow development that is consistent with the existing development. The zoning will be the same zoning that is on the property to the east and will allow uses that are compatible with the existing residential uses to the south and west of the site. Policy II.B.4.a is furthered.

Policy II.B.4.b : Development in Semi-Urban areas shall include trail corridors, where appropriate, and shall be compatible with economic policies and historical and socio-cultural values, and shall maintain and integrate existing and new buildings and spaces of local significance into the community.

The proposed zone will allow development that is compatible with the economic policy, historical and socio cultural values of the area by allowing the expansion of any existing facility that provides services to the local community and by allowing uses that are compatible with the existing uses and character of the area because they are of a low intensity. Policy II.B.4.b is furthered.

Policy II.B.4.c : The following policies shall govern industrial and commercial development in Semi-Urban areas:

- Neighborhood-scale rather than regional-scale commercial centers are appropriate.
- Strip commercial development is discouraged in favor of clustered commercial development.

- Mixed-use areas should protect residential uses in the area, while offering a variety of local employment opportunities.
- Mineral extraction should be discouraged in highly scenic or prime recreational, agricultural, or residential areas.

The proposed zone will allow the development of buildings that are not more than 26 feet in height within 85 feet of a lot zoned for residential uses; this will protect the residential areas to the south and west while still allowing reasonable development that may provide some employment opportunities. The site is small and will allow a neighborhood scale development. Mineral extraction is not allowed under the proposed zone.

Economic Development Policy II.C.6: New Employment opportunities which will accommodate a wide range of occupational skills and salary levels shall be encouraged and new jobs located convenient to areas of most need.

The applicant states that the expansion of the existing campus will create 25 new jobs in an area of need. The 2010 Census lists the South Valley as census-designated place (CDP) with a median family income of \$32, 833. Approximately 21 % of area residents live below the poverty line. The median income city wide was \$46,979. Economic Development Policy II.C.6 is furthered by this request.

Education Policy II.C.7.a: A variety of opportunities for post-secondary and adult education and training shall be supported.

Education Policy II.C.7.g: Adult literacy shall be increased.

The applicant provides education and literacy training to adults through their existing programs. The annexation and proposed zoning will allow the expansion of these services. Policies II.B.7.a and g are furthered.

Human Services Goal: to site human service facilities in locations that provide the greatest possible access to services and to consider human rights and human service needs in development and redevelopment throughout the plan area.

Human Services Policy II.C.8.a: Zoning, land use, transportation and economic development strategies shall be consistent with the goal of maximizing access to human services.

The goal and policy II.C.8.a: are furthered by this request because it will allow the expansion of an existing social service provider located in an area of need. The site has good transit access and is centrally located.

Southwest Area Plan (Rank 2)

The Southwest Area Plan was first adopted in 1988 and revised in 2001. The Plan generally encompasses properties between the Rio Puerco and I-25/Rio Grande River and Isleta Pueblo and I-40 Central Avenue ; specific boundaries are shown on page 3 in the Plan. The main purpose of the Plan is “to create a living document that will continue to encourage community involvement, including the participation of the public and private sectors and non-profit

organizations, in order to implement the various policies and action strategies”. Relevant goals/policies include the following:

Community Involvement and Services Policies Goal: To foster a healthy community, we want services, programs and educational resources that collaborate to invest in all individuals. We want opportunities to learn, access to health and social care and public and private services that contribute to the wellbeing of the community.”

The Community Involvement and Services goal is furthered by this request because the proposed zoning will allow the expansion of the existing facility that provides a variety of social services to the community. The applicant is the owner of the site and intends to proceed with this expansion.

Policy 36: Public and Private sectors shall work together to support innovative programs that promote improved community services.

The applicant is a private provider of social services, including housing, education and legal consultation, to a wide variety of people. The request will allow the expansion of private services within walking distance of existing public and private services. Policy 36 is furthered.

Resolution 54-1990 (Policies for Annexation)

(A) Areas which are designated by the Albuquerque/Bernalillo County Comprehensive Plan as Central Urban, Established Urban, and Developing Urban are particularly appropriate for the range of urban services which the city can provide, and annexation of such areas into the city is desired and encouraged. More specifically, annexation of areas planned to be urban intensity of development will be approved when the following policies are met, unless the city concludes that the anticipated delay in provision of city services is so far into the future as to be speculative and therefore an unreasonable basis to provide for annexation:

(1) Compliance with city policy regarding land dedication for public facilities is assured;

(2) The applicant shall agree in writing to timing of capital expenditures for necessary major streets, water, sanitary sewer, and storm-water-handling facilities:

The project is an expansion to an existing facility in the City Limits which is served by City streets, transit, sanitary sewer, and storm water facilities. All utilities are in place and are of sufficient capacity for this development. There will be no expenditures to be incurred by the City of Albuquerque.

Although the site is within the Semi-urban area, there site has full access to urban services; staff agrees that there should be no expenditures from the city for this request.

(a) The timing to be per a written city statement of intent as to when it or another public body will be able to provide such capital facilities, such city statement to be issued prior to annexation; and/or

There will be no expenditures by the city for this project.

The site has full access to urban services; staff agrees that there should be no expenditures from the city for this request.

(b) The timing to remain indefinite but a substantial number of years in the future, based on a written city statement, made prior to annexation, that it will provide the facilities but no timing can be assured; and/or

There will be no expenditures by the city for this project.

The site has full access to urban services, staff agrees that there should be no expenditures from the city for this request.

(c) A commitment by the land owner that he or his successors in interest will, in a manner that satisfies city standards, install and pay for such facilities or cause them to be installed and paid. *There will be no expenditures by the city for this project.*

(3) The city may decline an annexation if necessary capital expenditures fall all or partly under division (2)(b) above, and the city concludes that it would be unreasonable to make land owners wait for basic utilities and facilities as long as would probably be the case;

(4) Land annexed shall be to some extent contiguous to the city limits, except land owned by the city may be annexed when it is not contiguous where this is allowed by state statutes;

(5) Land to be annexed shall have provision for convenient street access to the city;

The parcels to be annexed are immediately adjacent to the developed property in the City Limits. Staff agrees that this request meets the requirements of 4 and 5 above. The subject site is contiguous to City land and has full access from a major, developed road.

(6) Land to be annexed shall have reasonable boundaries so that providers of public services can determine with ease where the city boundary is located and so that public services can be delivered under appropriate service extension policies at reasonable operating and capital cost to the city; *A site plan and grading and drainage plan have already prepared, the City utilities have been located in Bridge Boulevard and will be easily brought to the property line for development. There are no additional utilities that need to be delivered, thus incurring no capital cost to the City.*

Staff agrees that there are existing utilities and other services at the site. The site has a clear boundary that is already registered with the County Assessor.

(7) City boundaries shall be established along platted lines which will make definite what the city limits are; annexation plats need not meet all requirements of a subdivision plat as specified by the Subdivision Ordinance.

With the approval of this request for annexation, the applicant intends to replat the existing two parcels into one cohesive parcel with the existing facility that is located in the City. This will satisfy the requirement for definite lines demonstrating City jurisdiction and territory.

Staff agrees that boundary lines are clear and with the re-platting action will be clear once the subject site is annexed.

(B) Areas which are designated by the Albuquerque/Bernalillo County Comprehensive Plan as Reserve are appropriate for annexation if they meet the guidelines established in the Reserve Area section (II-B-2) of the Plan, so as to create high quality, mixed use, largely self-sufficient planned communities. More specifically, such areas will be approved when the following policies are met:

- (1) The policies stated in the subsections of division (A) above; and
- (2) Applications are accompanied or preceded by satisfactory plans for each community proposed.

*The parcels being requested for Annexation are not identified as being part of the Reserve area. **The subject is within the boundaries of the Semi-Urban area, not the reserve area.***

(C) Areas which are designated by the Albuquerque/Bernalillo County Comprehensive Plan as Semi-Urban and as Rural are appropriate for annexation where the policies of the Semi-Urban and Rural Areas sections of the Plan are furthered or where the general public welfare clearly is better served by annexation. Zoning appropriate for a low intensity area, as indicated by the Comprehensive Plan, will be assigned. More specifically, annexation in areas planned to be less than urban intensity of development will be approved when the following policies are met:

- (1) The policies stated in the paragraphs of division (A) above;

The property being request for Annexation is in the Semi-Urban area of the comprehensive plan. The proposed zoning of O-1 will respect the location intensity and design of new development, existing neighborhood values, natural environmental conditions and carrying capacities, scenic resources and resources of other social cultural , recreational concerns because it is compatible with the adjacent O-1 zoning and will not overburden the existing natural or built environment. Furthermore, the proposed O-1 zoning for the parcel to annexed is consistent with the O-1 zoning in place at the existing Bridge Campus site to the east and will allow for cohesive development . Further demonstrating the adherence to policies of the comprehensive plan in which the general public clearly is better served by this annexation. The proposed development is compatible with the existing commercial development contiguous to the east which includes an office building, post office, restaurant, bank and retail.

The proposed O-1 zone will allow low intensity development that is compatible with the existing development. The O-1 zone is mapped in many places in the City adjacent to R-1, single family development and is general considered by the Planning Department to be a low intensity zone.

(2) Since the eventual annexation of all these areas is unlikely, special care shall be taken to maintain reasonable, compact boundaries in these areas. To this end, the city will not annex such land unless it:

- (a) Has at least 10% of its boundary contiguous to the city boundary; or

The parcels being requested for annexation are immediately adjacent to the existing city parcel and the existing facility that will be expanded by this approval. The entire length of the requested parcel is contiguous to the City boundary.

The subject site is directly adjacent to city property along its entire eastern boundary.

- (b) Does not create an arm of the city's incorporate area which is at any point less than 1,000 feet wide.

This request does not create an arm of the City area which is at any point less than 1,000 feet wide.

The parcel is approximately 260 feet wide; this is same length as the existing city parcel to the east. In section 2(a) above, the parcel meets the criteria of adjacency and so does not have to meet this requirement also.

(3) Barring exceptional conditions, the city will not annex land on one side of a public street without also annexing the land on the other side of the street; and

(4) Land shall not be annexed unless appropriate city zone categories are available for regulation of development in accord with planned and appropriate land development patterns.

This request is appropriate for the requested zoning designation of O-1 which is the City zoning of the parcel being expanded and adjacent to the parcels being request. This will allow for the cohesive development of an existing use.

The City land in the area is south of Bridge Blvd, these parcels add to the existing 30 acres of City land on the south side of the street. The north side of the street is an existing alfalfa field. The O-1 zoning is appropriate for the subject site because it will be the same as the adjacent property to the east and will contain uses that allow low intensity development that complements the exiting development patterns. This stratifies the requirement of 3 and 4 above.

(D) Areas which are outside Bernalillo County may be appropriate for annexation when the following policies have been met:

(1) The policies stated in the paragraphs of division (A) above;

(2) The Environmental Planning Commission and the City Council find that the area to be annexed:

(a) Is suitable for urban intensity land uses and is near areas in Bernalillo County which are designated urban by the Albuquerque/Bernalillo County Comprehensive Plan; or

(b) Is a city-owned park of open space.

(3) The long term benefits to the city from the proposed annexation are deemed to outweigh city costs; and

(4) The subject property owner's reasons for desiring annexation demonstrate a net benefit to the city and to the public welfare if the annexation is approved.

The property is within Bernalillo County, Section D does not apply.

(E) The city may annex land even though some or all of the above policies are not met where the Environmental Planning Commission and City Council find:

(1) That there is a particular hazard to the health of persons, that such hazard would be removed or materially alleviated by the city upon annexation, and that no other adequate and timely remedy for the removal or material alleviation of such hazard is available; or

(2) That city-owned land used for a public purpose is being annexed to better facilitate that use.

The policies in Section A are generally met.

Resolution 270-1980 (Policies for Zone Map Change Applications)

This Resolution outlines policies and requirements for deciding zone map change applications pursuant to the Comprehensive City Zoning Code. There are several tests that must be met and the applicant must provide sound justification for the change. The burden is on the applicant to show why a change should be made, not on the City to show why the change should not be made.

The applicant must demonstrate that the existing zoning is inappropriate because of one of three findings: there was an error when the existing zone map pattern was created; or changed

neighborhood or community conditions justify the change; or a different use category is more advantageous to the community, as articulated in the Comprehensive Plan or other City master plan.

Analysis of Applicant's Justification

Note: Policy is in regular text; Applicant's justification is in *italics*; staff's analysis is in ***bold italics***

- A. A proposed zone change must be found to be consistent with the health, safety, morals, and general welfare of the city.

The applicant states that the proposed zone will respect existing neighborhood values not create any adverse impacts to the natural or built environment, provide economic development and needed services. The request will provide new, quality development on site that has access to a full range of urban services. The applicant cites comprehensive plan language to show consistency with adopted plans and policies.

Staff agrees that request is consistent with health, safety, morals and general welfare of the City. None of the uses allowed in the proposed zone would be considered harmful and the expansion of services allowed by the new zone will benefit the community.

- B. Stability of land use and zoning is desirable; therefore the applicant must provide a sound justification for the change. The burden is on the applicant to show why the change should be made, not on the city to show why the change should not be made.

The proposed zone will be the same zone the parcels to the east and will be part of an existing group of property with similar development.

The proposed zone is the same as the adjacent parcel to the east. The uses in the proposed zone are similar, but slightly more restrictive than what is currently allowed. The type of development allowed will be compatible with the existing development in terms of height, uses and scale.

- C. A proposed change shall not be in significant conflict with adopted elements of the Comprehensive Plan or other city master plans and amendments thereto, including privately developed area plans which have been adopted by the city.

The applicant states that requested zoning will provide needed educational and social services and economic development by allowing the expansion of an existing, compatible use in the area. The zoning will be consistent with adjacent property,

The applicant refers to Semi Urban area goal and policies a,b and c. and the Education, Human Services and the Community Identity goals. The applicant also cites the Community Involvement and Services goal and policy 37 of the Southwest Area Plan. Staff believes that Economic Development Policy II.C.6., Education Policy II.C.7.a and Policy II.C.7.g, Human Services Goal and Policy II.C.8.a are also relevant.

Refer to policy analysis for more in depth discussion.

- D. The applicant must demonstrate that the existing zoning is inappropriate because:

1. There was an error when the existing zone map pattern was created; or
2. Changed neighborhood or community conditions justify the change; or
3. A different use category is more advantageous to the community, as articulated in the Comprehensive Plan or other city master plan, even though (D)(1) or (D)(2) above do not apply.

The applicant states that the proposed zoning will be more advantageous to the community as articulated in the applicable plans and policies because it will allow the expansion of an use that benefits the community by providing needed services.

Staff's Response (refer to policy analysis)

- E. A change of zone shall not be approved where some of the permissive uses in the zone would be harmful to adjacent property, the neighborhood, or the community.

The proposed zone is the same the property to the east. There are no uses proposed that are not permissive in the existing O-1 zone which has been compatible with existing development.

Staff agrees that the uses in the O-1 will not be harmful to community. The allowed uses are generally considered to be low intensity and compatible with residential development.

- F. A proposed zone change which, to be utilized through land development, requires major and unprogrammed capital expenditures by the city may be:

1. Denied due to lack of capital funds; or
2. Granted with the implicit understanding that the city is not bound to provide the capital improvements on any special schedule.

The site has full access to existing services and an existing road. No capital improvements will be required from the City.

Staff agrees that the site has access to a full range of urban services and should not require any additional resources from the City.

- G. The cost of land or other economic considerations pertaining to the applicant shall not be the determining factor for a change of zone.

The O-1 zone will promote development with an existing similarly zoned property and allow development that furthers infill development and adds services to the community.

The applicant is the owner of the site and the expansion of the existing use on the adjacent site will benefit the community. The applicant has justified this request using the applicable goals and policies and has not referenced the cost of land.

- H. Location on a collector or major street is not in itself sufficient justification for apartment, office, or commercial zoning.

The roadway classification has no bearing on this request, the location is based on serving the needs of the community.

The applicant has justified this request using applicable plans and policies. The location is appropriate for the propped zone.

- I. A zone change request which would give a zone different from surrounding zoning to one small area, especially when only one premise is involved, is generally called a “spot zone.” Such a change of zone may be approved only when:
1. The change will clearly facilitate realization of the Comprehensive Plan and any applicable adopted sector development plan or area development plan; or
 2. The area of the proposed zone change is different from surrounding land because it could function as a transition between adjacent zones; because the site is not suitable for the uses allowed in any adjacent zone due to topography, traffic, or special adverse land uses nearby; or because the nature of structures already on the premises makes the site unsuitable for the uses allowed in any adjacent zone.

The request is not a spot zone, the adjacent property has the same zone.

Staff’ agrees. There is similar zoning to the east and similar use.

- J. A zone change request, which would give a zone different from surrounding zoning to a strip of land along a street is generally called “strip zoning.” Strip commercial zoning will be approved only where:
1. The change will clearly facilitate realization of the Comprehensive Plan and any adopted sector development plan or area development plan; and
 2. The area of the proposed zone change is different from surrounding land because it could function as a transition between adjacent zones or because the site is not suitable for the uses allowed in any adjacent zone due to traffic or special adverse land uses nearby.

The request will not create a strip zone there is adjacent property with the same zone.

The request will add to the existing O-1 zoned property, the uses in the O-1 zone are not very different from the existing C-N zone, the request will still allow low intensity development.

IV. AGENCY & NEIGHBORHOOD CONCERNS

Reviewing Agencies

The Transit Department would like a new bus shelter adjacent to the site. The applicant is willing to provide this as part of future development

Neighborhood/Public

The Vecinos del Bosque, Neighborhood Association, South Valley Coalition of Neighborhood Associations, Southwest Alliance of Neighbors and the Westside Coalition of Neighbors were notified. Property owners within 100 feet of the site were also notified.

A facilitated meeting was recommended and declined by the neighborhood groups because there were no objections or questions regarding this request.

Staff has not received any comment from the public as of this writing.

V. CONCLUSION

The annexation and establishment of the O-1 zone for the subject site will not adversely impact the City of Albuquerque or the surrounding City and County development. The proposed zone is compatible with the existing City and County zoning. The annexation and new zoning will allow the applicant to consolidate the subject site and parcel to the east and expand the existing facility. Even if the applicant did not develop the proposed project expansion on the site the zoning would be appropriate for the area. The proposed zoning meets the intent of the Semi-Urban area to have low intensity development.

The applicant justified the annexation per R-270-1980 as being more advantageous to the community. The annexation request is justified per R-54-1990 because it is contiguous to the city limits, is not in the reserve area, has full access from an existing road, the city can provide services easily to the site and the proposed zoning is appropriate for the site.

FINDINGS – 14EPC-40059 October 9th 2014 Annexation

1. This is a request for the annexation for MRGCD MAP 42, tracts 148A1B, 147B1, 147B2A, 148A1A1A1A1 located Bridge Boulevard between Anthony Lane and Pear Road and containing approximately 1.37 acres.
2. The applicant would like to annexation the subject site into the City in order to consolidate the subject site with an adjacent parcel and expand the existing Catholic Charities campus.
3. This request was approved by the Bernalillo County Commission in September of 2013 (AXBC-201330001).
4. The Albuquerque/Bernalillo County Comprehensive Plan, Southwest Area Plan and the City of Albuquerque Zoning Code are incorporated herein by reference and made part of the record for all purposes.
5. The subject site is within the Semi Urban Urban Area of the Comprehensive Plan. The request is in general compliance with the following applicable goals and policies of the Comprehensive Plan:

Land Use Semi-Urban Area

- a. Policy II.B.4.a : Development within the Semi-Urban area shown by a Plan map shall be consistent with development limitations imposed by topography, soil conditions, groundwater quality, agricultural potential, flood potential, scenic qualities, recreation potential and existing development; overall gross density shall be up to 3 dwelling units per acre.

The proposed zone will allow development that is consistent with the existing development. The zoning will be the same zoning that is on the property to the east and will allow uses that are compatible with the existing residential uses to the south and west of the site. Policy II.B.4.a is furthered.

- b. Policy II.B.4.b : Development in Semi-Urban areas shall include trail corridors, where appropriate, and shall be compatible with economic policies and historical and socio-cultural values, and shall maintain and integrate existing and new buildings and spaces of local significance into the community.

The proposed zone will allow development that is compatible with the economic policy, historical and socio cultural values of the area by allowing the expansion of any existing facility that provides services to the local community and by allowing uses that are compatible with the existing uses and character of the area because they are of a low intensity. Policy II.B.4.b is furthered.

-
- c. Policy II.B.4.c : The following policies shall govern industrial and commercial development in Semi-Urban areas:
- Neighborhood-scale rather than regional-scale commercial centers are appropriate.
 - Strip commercial development is discouraged in favor of clustered commercial development.
 - Mixed-use areas should protect residential uses in the area, while offering a variety of local employment opportunities.
 - Mineral extraction should be discouraged in highly scenic or prime recreational, agricultural, or residential areas.

The proposed zone will allow the development of buildings that are not more than 26 feet in height within 85 feet of a lot zoned for residential uses; this will protect the residential areas to the south and west while still allowing reasonable development that may provide some employment opportunities. The site is small and will allow a neighborhood scale development. Mineral extraction is not allowed under the proposed zone.

Economic Development

- a. Economic Development Policy II.C.6: New Employment opportunities which will accommodate a wide range of occupational skills and salary levels shall be encouraged and new jobs located convenient to areas of most need.

The applicant states that the expansion of the existing campus will create 25 new jobs in an area of need. The 2010 Census lists the South Valley as census-designated place (CDP) with a median family income of \$32, 833. Approximately 21 % of area residents live below the poverty line. The median income city wide was \$46,979. Economic Development Policy II.C.6 is furthered by this request.

Education

- a. Education Policy II.C.7.a: A variety of opportunities for post-secondary and adult education and training shall be supported.
- b. Education Policy II.C.7.g: Adult literacy shall be increased.

The applicant provides education and literacy training to adults through their existing programs. The annexation and proposed zoning will allow the expansion of these services. Policies II.B.7.a and g are furthered.

Human Services

- a. Human Services Goal: to site human service facilities in locations that provide the greatest possible access to services and to consider human rights and human service needs in development and redevelopment throughout the plan area.

- b. Human Services Policy II.C.8.a: Zoning, land use, transportation and economic development strategies shall be consistent with the goal of maximizing access to human services.

The goal and policy II.C.8.a: are furthered by this request because it will allow the expansion of an existing social service provider located in an area of need. The site has good transit access and is centrally located.

6. Goals and policies of the Southwest Area Plan are furthered.

- a. Community Involvement and Services Policies Goal: To foster a healthy community, we want services, programs and educational resources that collaborate to invest in all individuals. We want opportunities to learn, access to health and social care and public and private services that contribute to the wellbeing of the community.”

The Community Involvement and Services goal is furthered by this request because the proposed zoning will allow the expansion of the existing facility that provides a variety of social services to the community. The applicant is the owner of the site and intends to proceed with this expansion.

- a) Policy 36: Public and Private sectors shall work together to support innovative programs that promote improved community services.

The applicant is a private provider of social services, including housing, education and legal consultation, to a wide variety of people. The request will allow the expansion of private services within walking distance of existing public and private services. Policy 36 is furthered.

7. The applicant has justified the Annexation request pursuant to R-54-1990 as follows:

(A) Areas which are designated by the Albuquerque/Bernalillo County Comprehensive Plan as Central Urban, Established Urban, and Developing Urban are particularly appropriate for the range of urban services which the city can provide, and annexation of such areas into the city is desired and encouraged. More specifically, annexation of areas planned to be urban intensity of development will be approved when the following policies are met, unless the city concludes that the anticipated delay in provision of city services is so far into the future as to be speculative and therefore an unreasonable basis to provide for annexation:

- (1) Compliance with city policy regarding land dedication for public facilities is assured;
- (2) The applicant shall agree in writing to timing of capital expenditures for necessary major streets, water, sanitary sewer, and storm-water-handling facilities:

Although the site is within the Semi-urban area, there site has full access to urban services; staff agrees that there should be no expenditures from the city for this request.

- (a) The timing to be per a written city statement of intent as to when it or another public body will be able to provide such capital facilities, such city statement to be issued

The site has full access to urban services; staff agrees that there should be no expenditures from the city for this request.

(b) The timing to remain indefinite but a substantial number of years in the future, based on a written city statement, made prior to annexation, that it will provide the facilities but no timing can be assured; and/or

The site has full access to urban services, staff agrees that there should be no expenditures from the city for this request.

(c) A commitment by the land owner that he or his successors in interest will, in a manner that satisfies city standards, install and pay for such facilities or cause them to be installed and paid. ***The site has full access to urban services, staff agrees that there should be no expenditures from the city for this request.***

(3) The city may decline an annexation if necessary capital expenditures fall all or partly under division (2)(b) above, and the city concludes that it would be unreasonable to make land owners wait for basic utilities and facilities as long as would probably be the case;

(4) Land annexed shall be to some extent contiguous to the city limits, except land owned by the city may be annexed when it is not contiguous where this is allowed by state statutes;

(5) Land to be annexed shall have provision for convenient street access to the city;
Staff agrees that this request meets the requirements of 4 and 5 above. The subject site is contiguous to City land and has full access from a major, developed road.

(6) Land to be annexed shall have reasonable boundaries so that providers of public services can determine with ease where the city boundary is located and so that public services can be delivered under appropriate service extension policies at reasonable operating and capital cost to the city;

Staff agrees that there are existing utilities and other services at the site. The site has a clear boundary that is already registered with the County Assessor.

(7) City boundaries shall be established along platted lines which will make definite what the city limits are; annexation plats need not meet all requirements of a subdivision plat as specified by the Subdivision Ordinance.

Staff agrees that boundary lines are clear and with the re-platting action will be clear once the subject site is annexed.

(B) Areas which are designated by the Albuquerque/Bernalillo County Comprehensive Plan as Reserve are appropriate for annexation if they meet the guidelines established in the Reserve Area section (II-B-2) of the Plan, so as to create high quality, mixed use, largely self-sufficient planned communities. More specifically, such areas will be approved when the following policies are met:

(1) The policies stated in the subsections of division (A) above; and

(2) Applications are accompanied or preceded by satisfactory plans for each community proposed.

The subject site is within the boundaries of the Semi-Urban area, not the reserve area.

(C) Areas which are designated by the Albuquerque/Bernalillo County Comprehensive Plan as Semi-Urban and as Rural are appropriate for annexation where the policies of the Semi-Urban and Rural Areas sections of the Plan are furthered or where the general public welfare clearly is better served by annexation. Zoning appropriate for a low intensity area, as indicated by the

Comprehensive Plan, will be assigned. More specifically, annexation in areas planned to be less than urban intensity of development will be approved when the following policies are met:

- (1) The policies stated in the paragraphs of division (A) above;

The proposed O-1 zone will allow low intensity development that is compatible with the existing development. The O-1 zone is mapped in many places in the City adjacent to R-1, single family development and is general considered by the Planning Department to be a low intensity zone.

(2) Since the eventual annexation of all these areas is unlikely, special care shall be taken to maintain reasonable, compact boundaries in these areas. To this end, the city will not annex such land unless it:

- (a) Has at least 10% of its boundary contiguous to the city boundary; or

The subject site is directly adjacent to city property along its entire eastern boundary.

(b) Does not create an arm of the city's incorporate area which is at any point less than 1,000 feet wide.

The parcel is approximately 260 feet wide; this is same length as the existing city parcel to the east. In section 2(a) above, the parcel meets the criteria of adjacency and so does not have to meet this requirement also.

(3) Barring exceptional conditions, the city will not annex land on one side of a public street without also annexing the land on the other side of the street; and

(4) Land shall not be annexed unless appropriate city zone categories are available for regulation of development in accord with planned and appropriate land development patterns.

The City land in the area is south of Bridge Blvd, these parcels add to the existing 30 acres of City land on the south side of the street. The north side of the street is an existing alfalfa field. The O-1 zoning is appropriate for the subject site because it will be the same as the adjacent property to the east and will contain uses that allow low intensity development that complements the exiting development patterns. This satisfies the requirement of 3 and 4 above.

(D) Areas which are outside Bernalillo County may be appropriate for annexation when the following policies have been met:

- (1) The policies stated in the paragraphs of division (A) above;

(2) The Environmental Planning Commission and the City Council find that the area to be annexed:

(a) Is suitable for urban intensity land uses and is near areas in Bernalillo County which are designated urban by the Albuquerque/Bernalillo County Comprehensive Plan; or

- (b) Is a city-owned park of open space.

(3) The long term benefits to the city from the proposed annexation are deemed to outweigh city costs; and

(4) The subject property owner's reasons for desiring annexation demonstrate a net benefit to the city and to the public welfare if the annexation is approved.

The property is within Bernalillo County, Section D does not apply.

(E) The city may annex land even though some or all of the above policies are not met where the Environmental Planning Commission and City Council find:

(1) That there is a particular hazard to the health of persons, that such hazard would be removed or materially alleviated by the city upon annexation, and that no other adequate and timely remedy for the removal or material alleviation of such hazard is available; or

(2) That city-owned land used for a public purpose is being annexed to better facilitate that use.

The policies in Section A are generally met.

8. No infrastructure or dedication of land is needed to support this annexation.

9. A replat may be required before a building permit can issued for the site.

10. The annexation is subject to final approval by the City Council.

11. A request to establish the O-1 zone in the site is heard concurrently with this request (14EPC-40060). The approval of the zoning is also contingent upon the approval of the annexation.

12. The Vecinos del Bosque, Neighborhood Association, South Valley Coalition of Neighborhood Associations, Southwest Alliance of Neighbors and the Westside Coalition of Neighbors were notified. Property owners within 100 feet of the site were also notified.

RECOMMENDATION - (14EPC-40059)

APPROVAL of 14 EPC-40059 , a request for Annexation for (legal description), based on the preceding Findings subject to the following Conditions of Approval

FINDINGS – 14EPC-40060 October 9th, 2014 Zone Map Amendment

1. This is a request for a zone map amendment/establishment of zoning for MRGCD MAP 42, tracts 148A1B, 147B1, 147B2A,148A1A1A1A1 located Bridge Boulevard between Anthony Lane and Pear Road and containing approximately 1.37 acres from C-N, Bernalillo County Neighborhood Commercial, to O-1 office and institutional zone in the City of Albuquerque.
2. A request for annexation (14EPC-40059) is heard with this request. The approval of the zoning is also contingent upon the approval of the annexation. The City Council will make the final determination regarding the annexation and zoning.

3. The annexation was approved by Bernalillo County in September of 2013 (AXBC-20130001).
4. The Albuquerque/Bernalillo County Comprehensive Plan, Southwest Area Plan and the City of Albuquerque Zoning Code are incorporated herein by reference and made part of the record for all purposes.
5. The subject site is within the Semi Urban Area of the Comprehensive Plan The request is in general compliance with the following applicable goals and policies of the Comprehensive Plan:

Land Use Semi-Urban Area

- d. Policy II.B.4.a : Development within the Semi-Urban area shown by a Plan map shall be consistent with development limitations imposed by topography, soil conditions, groundwater quality, agricultural potential, flood potential, scenic qualities, recreation potential and existing development; overall gross density shall be up to 3 dwelling units per acre.

The proposed zone will allow development that is consistent with the existing development. The zoning will be the same zoning that is on the property to the east and will allow uses that are compatible with the existing residential uses to the south and west of the site. Policy II.B.4.a is furthered.

- e. Policy II.B.4.b : Development in Semi-Urban areas shall include trail corridors, where appropriate, and shall be compatible with economic policies and historical and socio-cultural values, and shall maintain and integrate existing and new buildings and spaces of local significance into the community.

The proposed zone will allow development that is compatible with the economic policy, historical and socio cultural values of the area by allowing the expansion of any existing facility that provides services to the local community and by allowing uses that are compatible with the existing uses and character of the area because they are of a low intensity. Policy II.B.4.b is furthered.

- f. Policy II.B.4.c : The following policies shall govern industrial and commercial development in Semi-Urban areas:
 - Neighborhood-scale rather than regional-scale commercial centers are appropriate.
 - Strip commercial development is discouraged in favor of clustered commercial development.
 - Mixed-use areas should protect residential uses in the area, while offering a variety of local employment opportunities.

- Mineral extraction should be discouraged in highly scenic or prime recreational, agricultural, or residential areas.

The proposed zone will allow the development of buildings that are not more than 26 feet in height within 85 feet of a lot zoned for residential uses; this will protect the residential areas to the south and west while still allowing reasonable development that may provide some employment opportunities. The site is small and will allow a neighborhood scale development. Mineral extraction is not allowed under the proposed zone.

Economic Development

- b. Economic Development Policy II.C.6: New Employment opportunities which will accommodate a wide range of occupational skills and salary levels shall be encouraged and new jobs located convenient to areas of most need.

The applicant states that the expansion of the existing campus will create 25 new jobs in an area of need. The 2010 Census lists the South Valley as census-designated place (CDP) with a median family income of \$32, 833. Approximately 21 % of area residents live below the poverty line. The median income city wide was \$46,979. Economic Development Policy II.C.6 is furthered by this request.

Education

- c. Education Policy II.C.7.a: A variety of opportunities for post-secondary and adult education and training shall be supported.
- d. Education Policy II.C.7.g: Adult literacy shall be increased.

The applicant provides education and literacy training to adults through their existing programs. The annexation and proposed zoning will allow the expansion of these services. Policies II.B.7.a and g are furthered.

Human Services

- c. Human Services Goal: to site human service facilities in locations that provide the greatest possible access to services and to consider human rights and human service needs in development and redevelopment throughout the plan area.
- d. Human Services Policy II.C.8.a: Zoning, land use, transportation and economic development strategies shall be consistent with the goal of maximizing access to human services.

The goal and policy II.C.8.a: are furthered by this request because it will allow the expansion of an existing social service provider located in an area of need. The site has good transit access and is centrally located.

- 6. Goals and policies of the Southwest Area Plan are furthered.

- a. Community Involvement and Services Policies Goal: To foster a healthy community, we want services, programs and educational resources that collaborate to invest in all individuals. We want opportunities to learn, access to health and social care and public and private services that contribute to the wellbeing of the community.”

The Community Involvement and Services goal is furthered by this request because the proposed zoning will allow the expansion of the existing facility that provides a variety of social services to the community. The applicant is the owner of the site and intends to proceed with this expansion.

- b. Policy 36: Public and Private sectors shall work together to support innovative programs that promote improved community services.

The applicant is a private provider of social services, including housing, education and legal consultation, to a wide variety of people. The request will allow the expansion of private services within walking distance of existing public and private services. Policy 36 is furthered.

7. The applicant has justified the zone change request pursuant to R-270-1980 as follows:

- A. A proposed zone change must be found to be consistent with the health, safety, morals, and general welfare of the city.

Staff agrees that request is consistent with health, safety, morals and general welfare of the City. None of the uses allowed in the proposed zone would be considered harmful and the expansion of services allowed by the new zone will benefit the community.

- B. Stability of land use and zoning is desirable; therefore the applicant must provide a sound justification for the change. The burden is on the applicant to show why the change should be made, not on the city to show why the change should not be made.

The proposed zone is the same as the adjacent parcel to the east. The uses in the proposed zone are similar, but slightly more restrictive than what is currently allowed. The type of development allowed will be compatible with the existing development in terms of height, uses and scale.

- C. A proposed change shall not be in significant conflict with adopted elements of the Comprehensive Plan or other city master plans and amendments thereto, including privately developed area plans which have been adopted by the city.

The applicant states that requested zoning will provide needed educational and social services and economic development by allowing the expansion of an existing, compatible use in the area. The zoning will be consistent with adjacent property,

The applicant refers to Semi Urban area goal and policies a,b and c. and the Education, Human Services and the Community Identity goals. The applicant also cites the Community Involvement and Services goal and policy 37 of the Southwest Area Plan. Staff believes that Economic

Development Policy II.C.6., Education Policy II.C.7.a and Policy II.C.7.g, Human Services Goal and Policy II.C.8.a are also relevant.

Refer to policy analysis for more in depth discussion.

- D. The applicant must demonstrate that the existing zoning is inappropriate because:
4. There was an error when the existing zone map pattern was created; or
 5. Changed neighborhood or community conditions justify the change; or
 6. A different use category is more advantageous to the community, as articulated in the Comprehensive Plan or other city master plan, even though (D)(1) or (D)(2) above do not apply.

The applicant states that the proposed zoning will be more advantageous to the community as articulated in the applicable plans and policies because it will allow the expansion of an use that benefits the community by providing needed services.

Staff's Response (refer to policy analysis)

- E. A change of zone shall not be approved where some of the permissive uses in the zone would be harmful to adjacent property, the neighborhood, or the community.

Staff agrees that the uses in the O-1 will not be harmful to community. The allowed uses are generally considered to be low intensity and compatible with residential development.

- F. A proposed zone change which, to be utilized through land development, requires major and unprogrammed capital expenditures by the city may be:

3. Denied due to lack of capital funds; or
4. Granted with the implicit understanding that the city is not bound to provide the capital improvements on any special schedule.

Staff agrees that the site has access to a full range of urban services and should not require any additional resources from the City.

- G. The cost of land or other economic considerations pertaining to the applicant shall not be the determining factor for a change of zone.

The applicant is the owner of the site and the expansion of the existing use on the adjacent site will benefit the community. The applicant has justified this request using the applicable goals and policies and has not referenced the cost of land.

- H. Location on a collector or major street is not in itself sufficient justification for apartment, office, or commercial zoning.

The applicant has justified this request using applicable plans and policies. The location is appropriate for the propped zone.

-
- I. A zone change request which would give a zone different from surrounding zoning to one small area, especially when only one premise is involved, is generally called a “spot zone.” Such a change of zone may be approved only when:
3. The change will clearly facilitate realization of the Comprehensive Plan and any applicable adopted sector development plan or area development plan; or
 4. The area of the proposed zone change is different from surrounding land because it could function as a transition between adjacent zones; because the site is not suitable for the uses allowed in any adjacent zone due to topography, traffic, or special adverse land uses nearby; or because the nature of structures already on the premises makes the site unsuitable for the uses allowed in any adjacent zone.

There is similar zoning to the east and similar use. This is not a spot zone.

- J. A zone change request, which would give a zone different from surrounding zoning to a strip of land along a street is generally called “strip zoning.” Strip commercial zoning will be approved only where:
3. The change will clearly facilitate realization of the Comprehensive Plan and any adopted sector development plan or area development plan; and
 4. The area of the proposed zone change is different from surrounding land because it could function as a transition between adjacent zones or because the site is not suitable for the uses allowed in any adjacent zone due to traffic or special adverse land uses nearby.

The request will add to the existing O-1 zoned property, the uses in the O-1 zone are not very different from the existing C-N zone, the request will still allow low intensity development.

8. The Vecinos del Bosque, Neighborhood Association, South Valley Coalition of Neighborhood Associations, Southwest Alliance of Neighbors and the Westside Coalition of Neighbors were notified. Property owners within 100 feet of the site were also notified.

RECOMMENDATION - 14EPC-40060 October 9th 2014

APPROVAL of 14EPC 40060, a request for Zone Map Amendment/Establishment of zoning C-N to O-1 for MRGCD MAP 42, tracts 148A1B, 147B1, 147B2A,148A1A1A1A1 located Bridge Boulevard between Anthony Lane and Pear Road and containing approximately 1.37 acres, based on the preceding Findings

***Maggie Gould
Planner***

Notice of Decision cc list:

Angela Benson DSA Architects 4700 Lincoln road NE ABQ , NM 87109

Catholic Charities 3301 Candelaria Rd. NE suite B, ABQ, NM, 87107

CITY OF ALBUQUERQUE AGENCY COMMENTS

PLANNING DEPARTMENT

Zoning Enforcement

Office of Neighborhood Coordination

Vecinos Del Bosque (R)
South Valley Coalition of NA's
South West Alliance of Neighbors (SWAN)
Westside Coalition of NA's
9/12/14 – Recommended for Facilitation by the Staff Planner - siw

Long Range Planning

The request is for annexation and establishment of zoning for two parcels on Bridge Blvd. The applicant has provided justifications for these requests per R-54-1990 and R-270-1980. Bernalillo County Commission has approved the request for annexation of the property into the City of Albuquerque. A non-binding, illustrative site plan has been submitted with this request.

Metropolitan Redevelopment Agency

CITY ENGINEER(Transportation and Hydrology), DMD, NMDOT

14EPC-40059 Annexation

- No objection to the request.

14EPC-40043 Amendment to Zone Map (Zone Change)

- No objection to the request.
- Per the Long Range Roadway System map Bridge Blvd. is an existing Principal Arterial., containing approximately 76 feet of existing R/W. Bicycle lanes presently exist on Bridge Blvd. at the location of this request, which per the Long Range Bikeway Systems map.

WATER UTILITY AUTHORITY

Utility Services

ENVIRONMENTAL HEALTH DEPARTMENT

PARKS AND RECREATION

Planning and Design Annexation, No comments, Amendment to Zone Map, No comments

Open Space Division- Reviewed, no comment

City Forester

POLICE DEPARTMENT/Planning

SOLID WASTE MANAGEMENT DEPARTMENT

Refuse Division- Disapproved. Must display Refuse location or Detail.

FIRE DEPARTMENT/Planning

TRANSIT DEPARTMENT

Project # 1010208 14EPC-40059 ANNEXATION 14EPC-40060 AMENDMENT TO ZONE MAP AMMENDMENT (ZONE CHANGE) LOT(S) 148A1B, 147B1, 147B2A, 148A1A-1A1A1, 2012 AND 2043 BRIDGE BLVD. SW, ZONED C-N AND R-1, LOCATED ON BRIDGE BETWEEN ANTHONY LANE AND PEAR ROAD, CONTAINING APPROXIMATELY 1.37 ACRES (L-12).	Adjacent and nearby routes	Route #54, Bridge-Westgate route, passes the site on Bridge Blvd.
	Adjacent bus stops	Transit plans to move the existing bus stop, which is located 50' east from the northeast corner of the property, approximately 150' west adjacent to the property.
	Site plan requirements	Transit requests the applicant to install a Type C bus shelter as per the COA Design standard COA 2355, and associated bench and trash can at the existing bus stop located adjacent to the property on Bridge
	Large site TDM suggestions	None.
	Other information	None.

COMMENTS FROM OTHER AGENCIES

BERNALILLO COUNTY

ALBUQUERQUE METROPOLITAN ARROYO FLOOD CONTROL AUTHORITY

ALBUQUERQUE PUBLIC SCHOOLS

MID-REGION COUNCIL OF GOVERNMENTS

- MRMPO has no adverse comments.
- For informational purposes, the functional classification of Bridge Boulevard is that of an Urban Principal Arterial.

MIDDLE RIO GRANDE CONSERVANCY DISTRICT

PUBLIC SERVICE COMPANY OF NEW MEXICO