

CITY COUNCIL NOTICE OF DECISION

re: AC-18-6

**Notice of Decision  
City Council  
City of Albuquerque  
June 20, 2018**

**AC-18-6** Project #1005206/17EPC-40054 & 17EPC-40067: Dayan Hochman, of Roybal-Mack & Cordova, P.C, agents for Larry Tucker, appeal the decision of the Environmental Planning Commission (EPC) to Approve a Sector Development Plan Map Amendment (Zone Change) and an associated, As-Built Site Development Plan for Building Permit for an approximately 0.6 acre site known as Lot 8 and the additional south seven feet and eight inches of Lot 7, Lot 9, and Lot 10, Block 24, Huning's Highlands Addition

**Decision**

On June 18, 2018, by a vote of 8-0, the City Council voted to remand this appeal to the EPC with the following instructions:

1. Clarify findings required by R-270-1980(D) to identify how, if at all, the proposed zoning is more advantageous to the community, as articulated by the Comprehensive Plan or other City master plan . . ." as compared to the existing zoning at the site;
2. Clarify findings as to which special use category is intended, subsection 14-16-2-22(B)(7), or B(35); and
3. Identify and appropriately limit the "special events" that will be permitted relative to type, size, hours, and frequency.

Recused: Winter

**IT IS THEREFORE ORDERED THAT THE MATTER IS REMANDED TO THE ENVIRONMENTAL PLANNING COMMISSION**

**Attachments**

1. Action Summary from the June 18, 2018 City Council Meeting

A person aggrieved by this decision may appeal the decision to the Second Judicial District Court by filing in the Court a notice of appeal within thirty (30) days from the date this decision is filed with the City Clerk.

  
\_\_\_\_\_  
Ken Sanchez, President  
City Council

Date: 6-25-18  
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# CITY OF ALBUQUERQUE

## City Council

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April 10, 2018

To all interested parties:

The following appeal is on the agenda of the **Monday, May 7, 2018** City Council meeting, which will begin at 5:00 p.m. in the Vincent E. Griego Chambers, Basement Level, 1 Civic Plaza NW:

AC-18-6 Project #1005206/17EPC-40054 & 17EPC-40067: Dayan Hochman, of Roybal-Mack & Cordova, P.C, agents for Larry Tucker, appeal the decision of the Environmental Planning Commission (EPC) to Approve a Sector Development Plan Map Amendment (Zone Change) and an associated, As-Built Site Development Plan for Building Permit for an approximately 0.6 acre site known as Lot 8 and the additional south seven feet and eight inches of Lot 7, Lot 9, and Lot 10, Block 24, Huning's Highlands Addition

The City Council will be voting to either "Accept" or "Reject" the Land Use Hearing Officer's recommended Decision, therefore, public testimony is not taken at this time. Should the City Council reject the Land Use Hearing Officer's recommended Decision, the appeal will then be scheduled for a full hearing before the City Council at a date no earlier than the next regular meeting of the full Council.

If you have any questions, I can be reached at 768-3100.

Sincerely,

  
Crystal Ortega  
Clerk of the Council

Attachments:

Land Use Hearing Officer's Recommendation  
Excerpt from the Council's Rules of Procedure

**BEFORE THE CITY OF ALBUQUERQUE  
LAND USE HEARING OFFICER**

**APPEAL NO. AC-18-6**

**Project No. 1005206; 17-EPC-40054**

**LARRY TUCKER, Appellant,**

**and,**

**KARA GRANT and STEVEN GRANT, Party Opponents.**

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1    **I.     BACKGROUND & HISTORY**

2           This is an appeal that originates from a zone-change and a sector plan amendment decision  
3 of the Environmental Planning Commission (EPC). The zone-change alters the existing SU-2-MR  
4 zone on three abutting lots and homes to SU-2-SU-1 so that the applicants can use all three homes  
5 as a bed and breakfast establishment and have special events such as weddings, corporate retreats,  
6 reunions, and other similar gatherings on site [R. 91].

7           The relevant background is as follows. The SU-2 and the existing MR zone are established  
8 at the site by the Huning Highland Sector Development Plan (HHSDP) [See HHSDP, p 31-33]. In  
9 the HHSDP, the SU-2 zone corresponds to a Special Neighborhood zone and the MR zone  
10 corresponds to the R-1 zone for residential uses in the City's Zoning Code [HHSDP, 31]. The  
11 addresses of the three lots are 207, 209, and 201 High Street, NE. The applicants, Kara and Steven  
12 Grant, purchased the three properties fifteen years ago [R. 91]. The applicants reside at 201 High  
13 Street, NE, own all three homes, and operate a lawful bed and breakfast establishment out of the  
14 home located at 207 High Street, NE. In December 2008, the City Zoning Hearing Examiner

15 (ZHE) granted a conditional use permit to Kara and Steven Grant to operate a bed and breakfast  
16 establishment at the home located at 207 High Street, NE [R.66].<sup>1</sup> It is undisputed that under the  
17 existing SU-2-MR zone, the HHSDP allows bed and breakfast uses as conditional uses [R. 82 and  
18 HHSDP, 32]. The applicants' December 2008 conditional use permit does not include holding  
19 special events at the 207 High Street, NE location [R. 66-67].<sup>2</sup> Each of the three lots have historic  
20 residential homes on them that are further regulated through the Landmarks and Urban  
21 Conservation Commission (LUCC). The three lots and homes comprise the zone-change site.

22 In 2017, a neighbor filed a complaint with the City Zoning Enforcement Division because  
23 the applicants had been holding special events at 207 High Street, NE [R. 34]. The City issued a  
24 Notice of Violation to the applicants for holding special events without a permit [R. 34]. The  
25 applicants met with City Zoning Staff and were directed to seek a zone-change so that they could  
26 lawfully hold such special events and expand their bed and breakfast use to all three lots [R. 34].  
27 On August 1, 2017, the Grants met with City Planning Staff in a Pre-Application Review Team  
28 (PRT) meeting [R.109]. Subsequently, the Grants submitted their application for the zone-change  
29 on October 12, 2017 [R. 87]. The applicants' Site Plan reveals that the combined three residential  
30 properties total .6-acres of land. [R. 142, 27]. In addition, although not in the EPC record, Steven  
31 and Kara Grant testified that their proposed bed and breakfast use will have a total of eleven guest  
32 rooms in the three historic homes [LUHO hrg.]. The applicants entered into a lease agreement with

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1. Although the applicants claim they have approval to operate their bed and breakfast operation out of both 207 and 209 High Street, NE, there is only documentation in the record that the applicants have a conditional use permit to operate a bed and breakfast establishment out of the one property—207 High Street, NE.

2. I note for the City Council, that there is no evidence in the record that the applicants cannot obtain the same objectives (a single bed and breakfast use allowing special events) on the three-lots without a zone change but through the ZHE in a renewed conditional use application. As shown below, this should have been a relevant inquiry for the EPC under the Comprehensive Plan.

33 a nearby Church for overflow parking [R. 103].<sup>3</sup> Finally, the record identifies the functional  
34 classifications of the two streets that abut the Grants' proposed bed and breakfast, Copper Avenue  
35 and High Street, as local streets [R. 36].

36 The zone-change application was initially scheduled to be heard by the EPC at its December  
37 15, 2017 public hearing, but on recommendation from Planning Staff, the hearing was deferred  
38 until February 2018 [R. 64]. Apparently, the justification for the zone-change was inadequate, so  
39 the Grants were directed to provide a better justification before the EPC would hear the matter [R.  
40 184]. In the meantime, the City sponsored a facilitated meeting between the applicants and the  
41 neighborhood on January 29, 2018 [R. 136].

42 After submitting more information to justify the zone-change, the City's Planning Staff  
43 recommended that the EPC approve the zone-change [R. 27]. The EPC heard and approved the  
44 Grants' application at their public hearing on February 8, 2018 [R. 149-170]. This timely appeal  
45 followed on February 23, 2018 [R. 6]. Separated only by an alleyway easement, the Appellant,  
46 Larry Tucker, resides directly behind the zone-change site at 210 Walter Street, NE [R. 6]. The  
47 Appellant is represented by counsel [R. 8].

48 The Appellant's appeal is primarily based on the zone-change criteria of R-270-1980.  
49 However, he also contends that the EPC failed to follow some procedural processes regarding  
50 documents submitted to the EPC.<sup>4</sup> These issues, are inconsequential and harmless error.<sup>5</sup>  
51 Distilling Appellant's multi-faceted arguments on R-270-1980, the crux of Appellant's

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3. The lease agreement appears to be non-binding because there is no consideration for the duties of the parties.

4. Appellant claims that the EPC did not consider a completed facilitated meeting report and a letter submitted by the Appellant's legal counsel.

5. The facilitated report is in the record and did not include additional relevant facts regarding the issues before the EPC. The letter, although not considered by the EPC, similarly presented no new facts. The substantive content in the letter was presented before the EPC by the Appellant through his testimony.

52 contentions is that the EPC failed to meaningfully apply three significant applicable standards of  
53 R-270-1980 to the zone-change application. Specifically, Appellant contends that the applicant  
54 could not show that the allowed special events use approved by the EPC with the zone-change will  
55 not cause harm to his use of his property, and therefore, under R-270-1980 § 1.E, the zone change  
56 should not have been granted. Appellant argues that he demonstrated to the EPC that without  
57 conditions for the special events and the proximity of the events to his residence will be harmful  
58 to his quiet enjoyment of his residential use. Appellant further claims that because the zone-change  
59 effectively creates a spot-zone with the SU-1 zone, there is insufficient evidence in the record to  
60 support the EPC's finding that the zone-change "clearly facilitates realization of the  
61 Comprehensive Plan" [R-270-1980 § 1.I(1)]. Finally, regarding R-270-1980, Appellant claims that  
62 there is insufficient evidence in the record demonstrating that the existing MR zone is  
63 inappropriate.

64 Appellant also generally contends that the EPC failed to determine if the zone-change uses  
65 will satisfy the definition of a bed and breakfast establishment under the Zoning Code or under the  
66 HHSDP. Appellant contends that the number of guest rooms exceeds what is allowed in the Zoning  
67 Code for a bed and breakfast establishment.

68

## 69 **II. STANDARD OF REVIEW**

70 A review of an appeal is a whole record review to determine if the EPC erred:

- 71 1. In applying adopted city plans, policies, and ordinances in arriving at the  
72 decision;
- 73 2. In the appealed action or decision, including its stated facts;
- 74 3. In acting arbitrarily, capriciously or manifestly abusive of discretion.

75 At the appeal level of review, the decision and record must be supported by a preponderance of  
76 the evidence to be upheld. However, the standard of proof for the EPC is substantial evidence. The  
77 LUHO is advisory to the City Council. If a remand is necessary to clarify or supplement the record,  
78 or if the remand would expeditiously dispose of the matter, the LUHO has authority to recommend  
79 that the matter be remanded for reconsideration by the EPC. The City Council may grant the appeal  
80 in whole or in part, deny it, or remand it to the LUHO or to the EPC.<sup>6</sup>

81

### 82 **III. DISCUSSION**

83 After reviewing the entire record and hearing the arguments and testimony of the parties,  
84 including the testimony of the City Staff Planner in this matter, I find that the record lacks sufficient  
85 evidence to support the zone-change decision under the R-270-1980. It is not supported by even  
86 the minimum preponderance of evidence. I also find, as explained in detail below, that the site plan  
87 and the bed and breakfast use approved expressly contravenes the Zoning Code. Under the Zoning  
88 Code, in an SU-1 zone, a bed and breakfast establishment that encompasses less than one-acre  
89 cannot be located on a local street and it cannot have more than eight guest rooms. As explained  
90 in detail below, the EPC erred as a matter of the applicable law because the bed and breakfast use  
91 allowed by the EPC with the zone created (SU-1) does not meet the standards for a SU-1 zone.  
92 Because the errors under § 14-16-2-22(B)(7) are dispositive, I find that the only appropriate  
93 remedy is to recommend a reversal of the EPC's decision.

94 I start the analysis with some basic propositions regarding the significance of R-270-1980.  
95 For the City of Albuquerque, City Council Resolution-270-1980 sets in motion the principal policy

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6. See Rules of the Land Use Hearing Officer adopted by the City Council, February 18, 2004. Bill No. F/S OC-04-6 and codified in Section 14-16-4-4 of the Zoning Code.

96 standards for judging zone-change applications in the City. The following policy rules in R-270-  
97 1980 are applicable to this appeal. Resolution 270-1980 was framed by the City Council partly in  
98 response to a significant zoning decision from the New Mexico Supreme Court in *Miller v. City of*  
99 *Albuquerque*, 1976-NMSC-052. In *Miller*, the Court established principal rationales in zoning  
100 analysis for all municipalities and counties to follow. One such policy rationale is that “there is [a]  
101 presumption that the initial determination of the type of zoning for the property involved is the  
102 correct one” [*Miller* at ¶ 15]. This policy is to some extent recapitulated in Section R-270-1980 §  
103 1.B. Because stability of land-uses and zoning is a desired objective, zone-change requests must  
104 also be justified by the applicant [R-270-1980 § 1.B]. That means the applicant proposing a zone-  
105 change carries all the burdens of proof for each applicable policy under R-270-1980. In addition,  
106 the “proposed change shall not be in significant conflict with adopted elements of the  
107 Comprehensive Plan or other City master plans and amendments thereto including privately  
108 developed area plans which have been adopted by the City” [R-270-1980, § 1.C]. Furthermore,  
109 the applicant to a zone-change has the burden to show with substantial evidence that the existing  
110 zoning of the site is “inappropriate” because there was a mistake in the existing zoning; or that  
111 “changed neighborhood or community conditions justify” the zone-change; or that a “different use  
112 category is more advantageous to the community” as “articulated” in the applicable rank City plans  
113 [R-270-1980, § 1.D]. In this zone-change application the applicants justified their SU-1 zone-  
114 change proposal with the “more advantageous” justification in R-270-1980, § 1.D(3).

115 In addition, because the proposed SU-1 zone is surrounded by MR zones, the introduction of  
116 the SU-1 zone creates a spot zone. Under R-270-1980 § 1.I, a spot zone can only be approved  
117 when “the change will clearly facilitate realization of the Comprehensive Plan and any applicable  
118 adopted sector development plan or area development plan” or because of various topographical

119 reasons and differences in surrounding land, it will serve as a transition between zones. The zone-  
120 change site is not distinguishable from the surrounding land and landscape, so it does not serve as  
121 a transition. The EPC, expressly found, in its finding 9.C, that the spot zone created by the zone-  
122 change clearly facilitates realization of the Comprehensive Plan (Comprehensive Plan) and in the  
123 HHSDP [R. 19-20]. As shown below the EPC’s findings regarding the Comprehensive Plan and  
124 the spot zone lack substance and are insufficient to support the zone-change and to satisfy the  
125 policy tests.

126

127 **A. There is Insufficient Evidence in the Record Showing that the Existing Zone is**  
128 **Inappropriate and that the Zone-Change Clearly Facilitates Realization of the**  
129 **Comprehensive Plan Under R-270-1980.**  
130

131 This appeal raises a novel question. If the Comprehensive Plan policies cited by the EPC to  
132 support the zone-change under R-270-1980 § 1.D are also applicable to support a finding for  
133 maintaining the existing zone, can R-270-1980 § 1.D(3) be satisfied? I find that because R-270-  
134 1980 § 1.D requires threshold evidence that the existing zone is “inappropriate,” if the policies  
135 employed to support the zone-change also support not changing the zone, R-270-1980 § 1.D(3)  
136 cannot be satisfied. Otherwise the policy analysis and burdens of proof therein R-270-1980 would  
137 be rendered an essentially meaningless exercise. There are two criterion that must be satisfied in  
138 § 1.D(3). If only one is satisfied, the test under R-270-1980 § 1.D(3) cannot be met. The precise  
139 language states in relevant part expressly requires that the MR zone be shown to be “inappropriate  
140 because:

141 A different use category is more advantageous to the community, as articulated  
142 in the Comprehensive Plan or other City master plan” [R. 270-1980 § 1.D(3)].  
143

144 It is self-evident that the Comprehensive Plan polices brought to bear on the analysis must both

145 demonstrate that the existing zone is inappropriate while simultaneously showing that the proposed  
146 zone is more advantageous to the community. Thus, the proof for the inappropriateness of the  
147 existing zone and the proof that the proposed zone is more advantageous to the community arise  
148 from the policies in the applicable rank plans. In this matter it is the Comprehensive Plan and the  
149 HHSDP. Conversely, if the Comprehensive Plan policies that are applied to support the zone-  
150 change can similarly be applied to support the status quo or the *appropriateness* of the existing  
151 zone, those Comprehensive Plan policy rationales necessarily fall short to satisfy the full analysis  
152 required under R-2701980 § 1.D(3). As shown in more detail below, this is the case in this appeal.

153 Moreover, it is undisputed that the zone-change at the site creates a spot zone [R. 19, 34].  
154 Mixed Residential (MR) zoning surrounds the site [R. 34]. In addition, primarily residential uses  
155 comprise the MR zones that surround the site [R. 31]. Because the proposed SU-1 zone is a spot  
156 zone, under R-270-1980, the zone-change must also satisfy a seemingly rigorous standard  
157 regarding the Comprehensive Plan. The zone-change can be approved:

158 “*only* when the change will *clearly facilitate realization* of the Comprehensive  
159 Plan and any applicable adopted sector development plan or area development  
160 plan” (Emphasis added) [R-270-1980 § 1.I(1)].

161  
162 Of the various analyses required for a zone-change under R-270-1980, the “clearly facilitate”  
163 standard is the most difficult one to satisfy. To meet this standard the EPC found that the zone-  
164 change advances policies in the Comprehensive Plan (Comprehensive Plan) and policies in the  
165 HHSDP, a rank three plan [R. 19].

166 In support of the “more advantageous” and the “clearly facilitate” analyses under R-270-  
167 1980 regarding the Comp Plan, the EPC identified two land use policies, three economic  
168 development policies, and two heritage conservation policies that are furthered by the zone-change  
169 [EPC Findings 5-7, R. 18-19]. Although, these policies are clearly applicable and are advanced by

170 the zone-change, I find that each of these policies are equally advanced if the EPC denied the zone-  
171 change application. That is, each of the Comprehensive Plan policies identified by the EPC to  
172 support the zone-change also support that the existing zone is appropriate essentially because the  
173 primary use allowed with the zone-change (a bed and breakfast establishment) is also conditionally  
174 allowed in the existing zone. Thus, the stated policies do not support a finding that the existing  
175 zone is inappropriate under § 1.D of R-270-1980. And, as further detailed below, under R-270-  
176 1980 § 1.I, the short list of policies used to support the EPC finding that the zone-change “clearly  
177 facilitates realization of the Comprehensive Plan” not only become insufficient to show the  
178 inappropriateness of the existing zone, but the list is too meager to meet the high standard  
179 envisioned in R-270-1980 § 1.I to demonstrate that the zone-change “clearly facilitates realization  
180 of the comprehensive plan.”

181 Of the 7 goals and 39 policy objectives in the Land Use element of the Comprehensive  
182 Plan, the EPC only found and applied two Land Use policies to support its decision. The EPC  
183 identified Comprehensive Plan Land Use policy 5.2.1 and 5.6.3 as applicable policies that are  
184 advanced by the zone-change [R. 18]. Comprehensive Plan policy 5.2.1 states in full:

185 Create healthy, sustainable, and distinct communities with a mix of uses that  
186 are conveniently accessible from surrounding neighborhoods.  
187

188 For Comprehensive Plan policy 5.2.1, the EPC found that the zone-change will “contribute to the  
189 distinct, historical community” because the bed and breakfast use will add to the mixed uses in the  
190 neighborhood [R. 18]. Yet, this policy objective is also clearly accomplished with the existing  
191 Mixed Residential zone and the existing use at the site. Moreover, because the use is an allowed  
192 conditional use in the SU-2-MR zone, policy 5.2.1 can theoretically be accomplished for all the  
193 properties. There can be no dispute that the MR zone was created and applied to the area by the  
194 HHSDP because mixed uses are preferred. Thus, Policy 5.2.1 is advanced with the MR zone.

195           Next, it is undisputed that two of the three historic homes in the zone-change site are in a  
196 designated Area of Consistency as defined by the Comprehensive Plan. In the Comprehensive  
197 Plan, Areas of Consistency require an additional tier of scrutiny because the emerging policy  
198 objective is to protect these areas [Comprehensive Plan 5-23]. The EPC found that Comprehensive  
199 Plan 5.6.3 is advanced because the zone-change and use allowed will “contribute to protecting and  
200 enhancing the character of the existing, historic, mostly single-family neighborhood” and it will  
201 preserve and promote the historic buildings “without disrupting neighboring uses” [R. 18]. Again,  
202 Comprehensive Plan policy 5.6.3 is equally applicable to the existing MR zone and for the same  
203 reasons identified by the EPC to support the zone-change. The MR zone and the uses allowed  
204 (permissibly and conditionally) therein by the HHSDP similarly encourages preservation and  
205 promotion of the historic area and homes. Moreover, because the predominate zoning is MR, there  
206 is a presumption under R-270-1980 § 1.B, that the existing zone satisfies Policy 5.6.3 “without  
207 disrupting the neighborhood.” This is so because maintaining the status quo is “desirable” under  
208 R-270-1980 and because bed and breakfast establishment uses are allowed in the existing MR-  
209 zone.

210           Regarding the Economic Development policy justifications utilized by the EPC to support  
211 the zone-change, just as with the Land Use policies, they are equally applicable and advanced by  
212 maintaining the existing MR zone because: (1) under the existing SU-2-MR zone, bed and  
213 breakfast uses are conditionally permissible; and (2) the applicants already have a conditional use  
214 permit for a bed and breakfast establishment on the site at 207 High Street, NE. They can  
215 theoretically apply to expand that use for the other two properties, thereby accomplishing the  
216 underlying purpose for the zone-change. In addition, if the underlying purpose of the zone-change  
217 is to hold special events, there is no evidence in the record or in the Zoning Code that this cannot

218 also be achieved through the ZHE as part of the conditional use of a bed and breakfast  
219 establishment.

220 Each of the three Economic Development policies cited by the EPC concern promoting  
221 “entrepreneurship” and encourage local business uses [See Comp Plan Policies 8.1.4, 8.2, 8.2.1].  
222 The EPC specifically found that zone-change will allow “a private business to grow and would  
223 emphasize further development of a locally-owned business” [R. 18]. I again emphasize that,  
224 because the use applied for is already a conditional use in the existing zone, Comprehensive Plan  
225 policy objectives 8.2 and 8.2.1 are equally valid policies to support the stability and the  
226 appropriateness of the exiting MR zone.

227 As for Policy 8.1.4, the EPC found that allowing outdoor events at the zone-change site  
228 promotes marketing of the “historic characteristics of the-neighborhood” [R. 18]. As stated above,  
229 these policy objectives are equally advanced with the existing zone, the existing use, and the  
230 allowed conditional uses in the zone. In short, the language and allowed uses in the HHSDP’s MR  
231 zone district contemplates and anticipates small local business uses therein. The fact that a bed and  
232 breakfast is a conditional use in the existing zone should have weighed heavy in favor of  
233 maintaining the stability of the status quo. See the equally significant policy objective encapsulated  
234 in R-270-1980 § 1.B.

235 Lastly, the two Historic Conservation Comprehensive Plan policies (Policy 11.2.1 and  
236 11.2.2) cited by the EPC to satisfy § 1.D and § 1.I of R-270-1980 are just as equally applicable to  
237 the appropriateness of existing zone and maintaining it. Both Policies 11.2.1 and 11.2.2 encourages  
238 preservation of historic uses and districts [Comprehensive Plan, 11-25]. However, in the HHSDP,  
239 one of the significant purposes of the existing SU-2-MR zone is to preserve and conserve the  
240 existing historic characteristics of the neighborhood [HHSDP, 31]. In addition, because the three

241 residential historic buildings are also regulated by the LUCC, alterations to the homes are well-  
242 controlled to preserve their historic significance. Thus, Comprehensive Plan policies 11.2.1 and  
243 11.2.2 are also advanced with the existing MR-zone.

244 I further find that the meager list of Comprehensive Plan policy objectives cited by the EPC  
245 are inadequate to satisfy the high standard required in R-270-1980 § 1.I. There is a total of 61  
246 Comprehensive Plan policies applicable to Albuquerque in the combined Land Use, Economic  
247 Development, and in the Historic Conservation elements of the Comprehensive Plan. Yet, only the  
248 above seven were cited by the EPC to support its finding that the zone-change will “clearly  
249 facilitate realization” of the Comprehensive Plan. The seven policies are insufficient to meet the  
250 high standard in R-270-1980 § 1.I. And, because each of the seven policies cited do not  
251 demonstrate that the existing zoning is inappropriate, I find that these policies are inadequate to  
252 satisfy the “more advantageous” requirement.

253 Notwithstanding, in the Comprehensive Plan, there are significant applicable policies which  
254 the EPC ignored that specifically support not granting a SU-1 zone because the use sought with  
255 the SU-1 zone can be achieved through the existing zone. Comp Plan Policy 5.7.2.18 is such a  
256 limitation and it encourages the City to:

257 “[l]imit the list of uses allowed in the SU-1 zone to those that are unique,  
258 infrequently occurring, and not adequately addressed by other zones.”  
259 [Comprehensive Plan, 5-52].<sup>7</sup>  
260

261 Again, bed and breakfast establishments are well addressed as conditional uses in the existing  
262 SU-2-MR zone. Although outdoor special events are not expressly addressed, there is no evidence  
263 in the record, in the HHSDP, or in the Zoning Code, that prevents the ZHE from setting reasonable

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7. At the LUHO hearing, a City Staff Planner testified that because this policy is in the Implementation element of the Land Use Section of the Comprehensive Plan, it is somehow inapplicable until the IDO is in effect. I find no support for this contention in the Comprehensive Plan.

264 conditions for allowing and attaching special events with the bed and breakfast use. Thus, a zone-  
265 change is unnecessary and Comprehensive Plan Policy 5.7.2.18 is advanced by not introducing a  
266 SU-1 zone because the use sought is “adequately addressed” by the existing zone.

267

268 **B. The Bed and Breakfast Use Does Not Satisfy the Minimum Standards in the**  
269 **Zoning Code.**  
270

271 In the Zoning Code, there is limiting language for certain special uses identified for the  
272 SU-1 zone classification. In § 14-16-2-22(B) of the SU-1 zoning Code provisions there are 26  
273 special use categories all with various limitations, exclusive to each use. Among these 26 special  
274 uses, “Bed and Breakfast Establishments” are demarcated with specified use limitations for SU-1  
275 zoning. Under § 14-16-2-22(B)(7), it states in full:

276 Bed and Breakfast Establishment: A bed and breakfast establishment with five  
277 to eight guestrooms *shall* abut a collector, minor arterial street, or major arterial  
278 street, except a site of one acre or greater may abut a local collector street  
279 (Emphasis added) [ § 14-16-2-22(B)(7)].<sup>8</sup>  
280

281 These provisions are further complemented by the definition of a breakfast establishment in the  
282 Zoning Code.<sup>9</sup> The definition states in full:

283 Bed and Breakfast Establishment. A house with a permanent resident and a  
284 subordinate use of *up to* eight guest rooms which may be rented for short-term  
285 overnight lodging with breakfast served to overnight guests only; some or all  
286 guest rooms may be in accessory living quarters (Emphasis added) [§ 14-16-1-  
287 5].

288 The EPC and City Planning Staff failed to address these highly applicable limitations as they

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8. This provision can be interpreted to be applicable to only bed and breakfast establishments of 5-8 guest rooms. However, if a bed and breakfast establishment exceeds eight guestrooms, it would run afoul of the following definition of bed and breakfast establishments in § 14-16-1-5. Thus, the correct interpretation is that these uses cannot exceed eight guestrooms.

9. I note for the City Council that under the HHSDP, only five guest rooms are allowed [HHSDP, 32]. However, under the Zoning Code, § 14-16-1-4(A), the more restrictive appears to be applicable. In addition, because the SU-1 zone is the proposed zone, its provisions are more applicable than those in the HHSDP.

289 apply to the Grants' zone-change and use therein. As a result, the EPC misapplied the SU-1 Zoning  
290 Code language. A correct application of the applicable SU-1 provisions in the Zoning Code renders  
291 the zone-change invalid and contrary to the applicable law.

292 The zone-change application submitted to the Planning Department, together with the EPC  
293 decision, makes it clear that although the bed and breakfast use includes three separate abutting  
294 buildings on three separate lots, the zone-change is for a single bed and breakfast use which  
295 comprises the site plan [R. 17, 91]. The City Planning Staff also reviewed the Grants' application  
296 as a single use [R. 27-35]. In addition to the above failures regarding R-270-1980 and the SU-1  
297 Zoning Code provisions, there are no findings by the EPC regarding how many guest rooms are  
298 included in the site plan. Because the number of guest rooms for a bed and breakfast use is  
299 regulated by the proposed SU-1 zone in the Zoning Code, the EPC should have given the issue  
300 some attention.

301 At the LUHO hearing, both Kara and Steven Grant testified under oath that there is a total of  
302 eleven guests rooms in the three-buildings. There are four guest rooms located in each of the  
303 buildings at 209 and 207 High Street, NE, and there are three guest rooms located at 201 High  
304 Street, NE. Eleven guest rooms exceed the limitation for SU-1 zoning under § 14-16-2-22(B)(7)  
305 and it exceeds what is defined in the Zoning Code for a bed and breakfast establishment in § 14-  
306 16-1-5.

307 In addition, if a bed and breakfast establishment in a SU-1 zone has less than one-acre, it  
308 "*shall* abut a collector street, minor arterial street, or major arterial street" (Emphasis added) [§  
309 14-16-2-22(B)(7)]. The combined lots which constitutes the bed and breakfast in the site plan is  
310 only .6-acres in size [R. 17]. The record identifies the functional classifications of the two streets  
311 that abut the Grants' proposed bed and breakfast site. Copper Avenue and High Street are local

312 streets [R. 36]. This is undisputed. Thus, not only does the number of guest rooms exceed what is  
313 allowed under both the definition of a bed and breakfast establishment and in the SU-1 zone  
314 classification, but the proposed use does not satisfy minimum necessary acreage requirement in §  
315 14-16-2-22(B)(7) for SU-1 zoning.

316 Accordingly, the approval of the bed and breakfast use with the SU-1 zoning classification  
317 was erroneous because the use conspicuously violates the Zoning Code. Therefore, aside from the  
318 other errors regarding R-270-1980, the EPC erred as a matter of the applicable law for bed and  
319 breakfast establishments when it granted the zone-change.

320

#### 321 IV. CONCLUSION

322 For all the reasons described above, I respectfully recommend that Appellants' appeal be  
323 granted. The EPC's decision should be overturned for several significant reasons. First, the  
324 decision lacks sufficient evidence that the existing MR-zone is "inappropriate" and that the zone-  
325 change "clearly facilitates realization of the Comprehensive Plan" under R-270-1980 § 1.D(3) and  
326 § 1.I respectively. Second, the bed and breakfast use can be approved under the current zoning,  
327 and there is policy support in the Comprehensive Plan for denying the zone-change because of this  
328 fact alone. Third, perhaps the most significant reason for denying the zone-change is that the bed  
329 and breakfast use approved by the EPC does not satisfy the clear standards to qualify for a SU-1  
330 zone in the Zoning Code. For all these reasons, I respectfully recommend that the City Council  
331 reverse the EPC and deny the zone-change.

332



Steven M. Chavez, Esq.  
Land Use Hearing Officer  
April 9, 2018

Copies to:

Appellants  
Party Opponents  
City Staff

**Excerpt from the City Council's Rules of Procedure (5/2016)\*  
Regarding the Hearing of the Land Use Hearing Officer's  
Recommended Decision by the City Council**

The Hearing Officer shall enter his or her findings and recommended decision ("decision") within 5 days after the close of the hearing and shall forward the decision and findings to the parties and the Council within 5 days of entering the decision.

When the Council receives the Hearing Officer's findings and decision, the Council shall place the decision on the agenda of the next regular full Council meeting provided that there is a period of at least 10 days between the receipt of the decision and the Council meeting. The parties may submit comments to the Council regarding the Hearing Officer's decision and findings provided such comments are in writing and received by the Council and the other parties of record four days prior to the Council meeting.

The Council shall vote whether to accept or reject the Hearing Officer's decision and findings. A motion to reject or accept the Hearing Officer's decision and findings must be approved by a majority of the membership of the Council.

The Council may accept the decision and amend the findings of the Hearing Officer if such an amendment is consistent with the decision of the Hearing Officer.

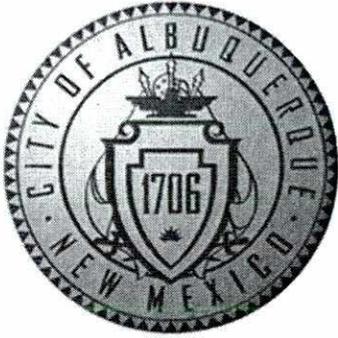
If the Hearing Officer's decision is rejected, the appeal shall be scheduled to be heard by the full Council no earlier than the next regular meeting of the full Council.

If the Hearing Officer rules are in conflict with the Zoning Code, the Zoning Code shall prevail. If the Hearing Officer rules are silent regarding an area that is addressed by the Zoning Code, the Zoning Code shall apply.

\*For the complete set of rules that apply to land use appeals, see the City Council Rules of Procedure, which can be viewed on the Council's website at <http://www.cabq.gov/council>

**RECORD TRANSMITTED TO CITY COUNCIL**

**(includes EPC Notices of Decision and Staff reports)**



**CITY OF ALBUQUERQUE**  
**Albuquerque, New Mexico**  
**Office of the Mayor**

Mayor Timothy M. Keller

**INTER-OFFICE MEMORANDUM**

March 15, 2018

**TO:** Ken Sanchez, President, City Council

**FROM:** David Campbell, Planning Director 

**Subject:** **AC-18-6 – Project #1005206/17EPC-40054 & 17EPC-40067:** Dayan Hochman, of Roybal-Mack & Cordova, P.C, agents for Larry Tucker, appeal the decision of the Environmental Planning Commission (EPC) to APPROVE a Sector Development Plan Map Amendment (Zone Change) and an associated, As-Built Site Development Plan for Building Permit for an approximately 0.6 acre site known as Lot 8 and the additional south seven feet and eight inches of Lot 7, Lot 9, and Lot 10, Block 24, Huning’s Highlands Addition (the “subject site”). Staff Planner: Catalina Lehner

**REQUEST**

The subject site is located on High St. NE, between Central Ave. NE and Dr. Martin Luther King, Jr. Ave. NE (201, 207 & 209 High St. NE). The lots contain historic homes, which have been renovated and are operating as a bed and breakfast (B&B). The subject site is zoned SU-2/MR (Mixed Residential) pursuant to the Huning Highlands Sector Development Plan (HHSDP).

This is an appeal of the Environmental Planning Commission’s (EPC’s) decision to approve a sector development plan map amendment (zone change) to change the subject site’s zoning to SU-2/SU-1 for Bed and Breakfast to Include Special Events, and an associated as-built site development plan for building permit. The applicants have been operating a bed and breakfast for several years and, relatively recently have begun to hold special events (such as weddings, gatherings, and retreats) on the subject site. The appellant, a neighbor, appealed the EPC’s decision due to concern about amplified sound, blocking his driveway, elimination of off-street parking, and disturbing his and other residents’ right to quiet enjoyment of their homes. These concerns are outlined in a February 23, 2018 letter from the attorney representing Mr. Tucker.

**ZONING**

Pursuant to the HHSDP, the current SU-2/MR zoning allows a bed and breakfast as a conditional use provided that certain conditions are met (HHSDP, p. 31-32). The SU-2/MR zone corresponds to the R-1 zone of the Zoning Code, with exceptions regarding setbacks, conditional uses, bed and breakfast establishment, parking lot, and signage. A bed and breakfast establishment is allowed as a conditional use provided that:

- a. The owner is a permanent resident.

- b. There is one off-street parking space per rentable unit plus one space for the resident owner and each staff person.
- c. One guest room unit may be provided for the first 1000 square feet of heated floor area in the major structure; there may be up to five guest rooms per premises.
- d. Except for a sign as permitted in the zone, no change shall be made to the exterior appearance of the building which would indicate that a Bed & Breakfast is located in the building.
- e. A Site Development Plan showing parking entrances and exits and signage shall be approved by the Zoning Hearing Examiner.

The SU-2/MR zone does not allow special events. Therefore, under the current zoning, the applicants are not allowed to hold special events on the subject site. The requested zone, SU-2/SU-1 for Bed and Breakfast to Include Special Events, would allow the bed and breakfast to operate and the special events to be held.

Because an SU-1 zone is requested, an as-built site development plan for building permit for the subject site is required pursuant to Zoning Code §14-16-2-22(A)(6), the Special Use Zone. The subject site's zoning would be site plan controlled through the SU-1 zone, but the SU-2 would be retained and the subject site would remain subject to applicable provisions of the HHSDP such as those of the Historic Overlay Zone. The HHSDP (January 1988, as amended) does not include general SU-2 regulations.

### **BACKGROUND & HISTORY**

The subject site is located in the historic Huning Highlands Neighborhood. The HHSDP was adopted in January 1988 (Enactment No. 3-1988). In 1980, the City Council designated the Huning Highlands Historic District as the City's first Historic Overlay Zone. The subject site is located within the Historic Overlay Zone.

The applicants have operated the B&B since 2006, upon receiving an approval for a conditional use on Lot 9 from the Zoning Hearing Examiner (ZHE) (Project #1005206/06ZHE-01482). Staff did not find evidence that conditional uses were approved for the other two lots (Lot 8 and Lot 10). The proposed zone change to SU-2/SU-1 for Bed and Breakfast to Include Special Events would change the subject site's zoning so that a conditional use would not be needed for Lots 8 and 10; a zone change is a higher remedy than a conditional use and makes the latter unnecessary.

The appellant, Mr. Tucker, moved to the neighborhood in December 2014. Thereafter, when special events were held, he became concerned—primarily due to noise from outdoor events. He contacted the Code Enforcement Division of the Planning Department. A Notice of Violation (NOV) was issued because outdoor events are not allowed in the SU-2/MR zone. The applicants were advised to seek a zone change to SU-2/SU-1 for Bed and Breakfast to Include Special Events. Enforcement action was stayed while a remedy is being sought.

### **EPC DECISION**

At its February 08, 2018 public hearing, the EPC voted to approve the zone change and the associated, as-built site development plan for building permit. The EPC concluded that the applicant adequately justified the zone change pursuant to R270-1980 because the policy-based explanation demonstrates that the request clearly facilitates realization of applicable Goals and policies in the Comprehensive Plan and the HHSDP, and supports the reasoning that a different zoning category would be more advantageous to the community as a whole. The EPC's findings are elaborated in the February 08, 2018 Official Notification of Decision.

## REASONS FOR APPEAL TO THE CITY COUNCIL

Pursuant to Zoning Code §14-16-4-4(B)(4), the Appellant must articulate the reason(s) for the appeal and show that the EPC erred:

- a. In applying adopted City plans, policies, and ordinances in arriving at the decision.
- b. In the appealed action or decision, including its stated facts.
- c. In acting arbitrarily or capriciously or manifestly abusive of discretion.

In the February 23, 2018 letter, the appellant alleges that the zone change does not further applicable Goals and policies in the Comprehensive Plan and the HHSDP, and that it is inconsistent with the health, safety, morals, and general welfare of the City [§14-16-4-4(B)(4)(a)]. The appellant refutes six findings elaborated in the Official Notification of Decision. Four main topics emerge:

1. Letters of concern may not have been made part of the record.
2. There is no limitation on the number of outdoor events.
3. Lack of clarity regarding the definition of B&B and how it applies to the case.
4. The proposed zoning does not further Goals and policies in the Comprehensive Plan and the HHSDP, and therefore is inconsistent with the health, safety, morals, and general welfare of the City.

## RESPONSE TO APPELLANT'S ARGUMENTS

### *1. Letters of concern may not have been made part of the record.*

The appellant is referring to the facilitated meeting report and the letter submitted on his behalf by his attorney. The appellant disputes Finding #11 and Finding #9 on pages 4 and 6 of the Official Notification of Decision, specifically the sentence that "A neighbor who lives near the subject site is opposed due to concern about noise, but did not provide a letter."

The statement is factually accurate as of the writing of the Staff report, which was due with the compiled materials (the record) on January 31, 2018. The facilitated meeting report arrived that afternoon, and was included with the Staff report compilation. The letter from the appellant's attorney, dated January 26, 2018, was sent to the Planning Department via regular mail (not hand-delivered) and was received on February 5, 2018. This is too late to have been included with the Staff report compilation. The EPC's Rules of Conduct (Rule B.12) state that all written materials should be submitted at least ten days prior to the EPC hearing.

Also, pursuant to the EPC Rules of Conduct (Rule B.12), the EPC can consider "limited, clarifying written material if it has been submitted to the EPC and any known opposing party at least 48 hours prior to the public hearing". This is commonly referred to as the "48 hour rule". The appellant's letter, received on February 5, 2018, was emailed to the EPC the morning of February 6, 2018 pursuant to the 48 hour rule. Though the application for the request was filed in December 2017, this is the only letter submitted by the appellant. The record is complete and all information was fully considered by the EPC in making its decision.

### *2. There is no limitation on the number of outdoor events.*

The applicants provided testimony regarding the number of outdoor events they hold, which was a total of eleven events in 2016 and 2017. Some events were during the day and some others, such as weddings, were outdoors during the day and night and included amplified sound. However, there is no requirement to limit the number of outdoor events. The HHSDP does not allow outdoor events, which is why the applicants are seeking a zone change.

The EPC chose not to limit the number of outdoor events and did not place a condition of approval on the site development plan. A finding was added at the hearing to state that the City's Noise Ordinance (Chapter 9, Article 9, ROA 1994) will be complied with. The applicants would have to obtain a noise permit for any future events. There was no agency comment from the Environmental Health Department, which administers the Noise Ordinance.

*3. Lack of clarity regarding the definition of B&B and how it applies to the case.*

The subject site is currently zoned SU-2/MR pursuant to the HHSDP. The SU-2/MR zone allows a B&B conditionally provided that certain stipulations are met. The requirements for a B&B are specifically for this zone, in which a B&B is a conditional use. The applicant is requesting a zone change, not a conditional use, so these requirements would no longer apply. Other SU-2 requirements, such as those pertaining to the Historic Overlay Zone, would continue to apply. The HHSDP (January 1988, as amended) does not include general SU-2 regulations, which are found in the newer sector development plans.

The Zoning Code contains a definition of Bed and Breakfast Establishment that applies generally, City-wide. The proposed zoning (SU-2/SU-1 for Bed and Breakfast to Include Outdoor Events) is an SU-1 zone. As such, the specific requirements of Zoning Code 14-16-2-22, the SU-1 zone, apply over a general definition. Subsection (A)(1) requires that, for a change to an SU-1 zone, an associated site development plan is required. SU-1 is the only zone that requires a site plan, thus making the zone "site plan defined" and specifically tied to what is shown on the associated site development plan. Defining the zoning through an associated site development plan creates clarity because only the uses shown on the site development plan can occur.

The required site development plan is the vehicle through which the use is designated in the SU-1 zone, pursuant to Subsection (A)(2). The EPC's decision is consistent with the requirements of 14-16-2-22(A)(2) because the specific use permitted is designated in the standard manner.

*4. The proposed zoning does not further Goals and policies in the Comprehensive Plan and the HHSDP, and therefore is inconsistent with the health, safety, morals, and general welfare of the City.*

As required by R270-1980, the applicant's response to Section C demonstrates that the proposed zoning clearly facilitates realization of applicable Goals and policies in the Comprehensive Plan and the HHSDP. Findings 5, 6, 7, and 8 of the Official Notification of Decision explain specifically how the request furthers each applicable Goal and policy. In general, the Huning Highland neighborhood is a mixture of residential and small commercial uses, existing properties and redeveloping properties. As a designated Area of Consistency in the Comprehensive Plan, it is intended to remain this way. The small-scale growth and change, in a historic context, generally supports the vision for the Downtown area and an area one block north of the major transit corridor, Central Avenue. Because applicable Goals and policies are furthered, the request is considered consistent with the City's health, safety, morals, and general welfare.

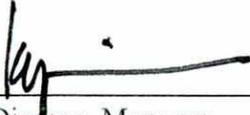
## **CONCLUSION**

This is an appeal of the EPC's decision to approve a zone change and an associated site development plan for building permit to allow a currently operating B&B to hold outdoor events. The proposed zoning is SU-2/SU-1 for Bed and Breakfast to Include Outdoor Events.

The EPC found that the applicant adequately justified the request pursuant to R270-1980, as required, by providing a policy-based explanation to demonstrate that the request clearly facilitates realization of applicable Goals and policies in the Comprehensive Plan and the HHSDP, and support the reasoning that a different zoning category would be more advantageous to the community as a whole.

Both parties received due process at the EPC hearing and were allowed opportunities for input and cross-examination. The record contains substantial evidence to show that the EPC fully considered the zone change request and as-built site development plan, and acted within its authority to approve the request.

APPROVED:

A handwritten signature in black ink, appearing to read 'Kym Dicome', written over a horizontal line.

Kym Dicome, Manager  
Current Planning Section  
Planning Department



### Supplemental Form (SF)

<p><b>SUBDIVISION</b></p> <p><input type="checkbox"/> Major subdivision action</p> <p><input type="checkbox"/> Minor subdivision action</p> <p><input type="checkbox"/> Vacation</p> <p><input type="checkbox"/> Variance (Non-Zoning)</p> <p><b>SITE DEVELOPMENT PLAN</b></p> <p><input type="checkbox"/> for Subdivision</p> <p><input type="checkbox"/> for Building Permit</p> <p><input type="checkbox"/> Administrative Amendment (AA)</p> <p><input type="checkbox"/> Administrative Approval (DRT, URT, etc.)</p> <p><input type="checkbox"/> IP Master Development Plan</p> <p><input type="checkbox"/> Cert. of Appropriateness (LUCC)</p> <p><b>STORM DRAINAGE (Form D)</b></p> <p><input type="checkbox"/> Storm Drainage Cost Allocation Plan</p>	<p><b>S</b> <b>Z</b> <b>ZONING &amp; PLANNING</b></p> <p><input type="checkbox"/> Annexation</p> <p><b>V</b> <input type="checkbox"/> Zone Map Amendment (Establish or Change Zoning, includes Zoning within Sector Development Plans)</p> <p><b>P</b> <input type="checkbox"/> Adoption of Rank 2 or 3 Plan or similar</p> <p><input type="checkbox"/> Text Amendment to Adopted Rank 1, 2 or 3 Plan(s), Zoning Code, or Subd. Regulations</p> <p><b>D</b> <input type="checkbox"/> Street Name Change (Local &amp; Collector)</p> <p><b>L A</b> <b>APPEAL / PROTEST of...</b></p> <p><input type="checkbox"/> Decision by: DRB, EPC, LUCC, Planning Director, ZEO, ZHE, Board of Appeals, other</p>
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PRINT OR TYPE IN BLACK INK ONLY. The applicant or agent must submit the completed application in person to the Planning Department Development Services Center, 600 2<sup>nd</sup> Street NW, Albuquerque, NM 87102. Fees must be paid at the time of application. Refer to supplemental forms for submittal requirements.

PDF copy of the completed application along with all the plans and documents being submitted must be emailed to (PLNDRS@cabq.gov) prior to processing this application. **Zipped files and files over 9 Megabytes will not get delivered via email, Therefore, PDF files must be provided on a CD**

### APPLICATION INFORMATION:

Professional/Agent (if any): Antonia Raybal-mack / Darren Lec Cordova PHONE: 505-2883500  
 ADDRESS: 1121 4th St NW Ste 10 FAX: 505-2883501  
 CITY: Albuquerque STATE NM ZIP 87102 E-MAIL: Antonia@RaybalMackLaw.com  
 APPLICANT: Larry Tucker PHONE: 505-2883500  
 ADDRESS: 210 Walter St FAX: 505-2883501  
 CITY: Albuquerque STATE NM ZIP 87102 E-MAIL: \_\_\_\_\_  
 Proprietary interest in site: \_\_\_\_\_ List all owners: \_\_\_\_\_

### DESCRIPTION OF REQUEST:

Is the applicant seeking incentives pursuant to the Family Housing Development Program?  Yes.  No.

### SITE INFORMATION: ACCURACY OF THE EXISTING LEGAL DESCRIPTION IS CRUCIAL! ATTACH A SEPARATE SHEET IF NECESSARY.

Lot or Tract No. 7, 8, 9, 10 Block: 24 Unit: \_\_\_\_\_  
 Subdiv/Addn/TBKA: Hunings Highlands Addition  
 Existing Zoning: SU-2MR Proposed zoning: SU-2/SU-1 MRGCD Map No \_\_\_\_\_  
 Zone Atlas page(s): \_\_\_\_\_ UPC Code: \_\_\_\_\_

### CASE HISTORY:

List any current or prior case number that may be relevant to your application (Proj., App., DRB-, AX\_Z\_, V\_, S\_, etc.): Project # 1005206

### CASE INFORMATION:

Within city limits?  Yes Within 1000FT of a landfill? \_\_\_\_\_  
 No. of existing lots: \_\_\_\_\_ No. of proposed lots: \_\_\_\_\_ Total site area (acres): 0.6  
 LOCATION OF PROPERTY BY STREETS: On or Near: High St. NE  
 Between: Central and Martin Luther King Jr. Ave  
 Check if project was previously reviewed by: Sketch Plat/Plan  or Pre-application Review Team(PRT)  Review Date: \_\_\_\_\_

### SIGNATURE

(Print Name) Darren Cordova for Larry Tucker DATE \_\_\_\_\_ Applicant:  Agent:

### FOR OFFICIAL USE ONLY

<input type="checkbox"/> INTERNAL ROUTING	Application case numbers	Action	S.F.	Fees
<input type="checkbox"/> All checklists are complete	<u>18 LC - 30005</u>	<u>Appeal</u>	_____	<u>\$35.00</u>
<input type="checkbox"/> All fees have been collected	_____	_____	_____	<u>\$20.00</u>
<input type="checkbox"/> All case #s are assigned	_____	_____	_____	\$ _____
<input type="checkbox"/> AGIS copy has been sent	_____	_____	_____	\$ _____
<input type="checkbox"/> Case history #s are listed	_____	_____	_____	\$ _____
<input type="checkbox"/> Site is within 1000ft of a landfill	_____	_____	_____	\$ _____
<input type="checkbox"/> F.H.D.P. density bonus	_____	_____	_____	Total
<input type="checkbox"/> F.H.D.P. fee rebate	Hearing date _____	_____	_____	<u>\$105.00</u>

Staff signature & Date: [Signature] 2-23-18 Project # 1005206

FORM A: APPEAL/ PROTEST

Appeal to the Zoning Board of Appeals regarding:

- DECISION OF THE ZONING HEARING EXAMINER

(BOA01)

- Project number of case being appealed: \_\_\_\_\_
- Application number of case being appealed: \_\_\_\_\_
- Reason for the appeal \*
- Appellant's basis of standing as an appellant \*
- Letter of authorization from the appellant if this application for appeal is submitted by an agent
- Copy of the Official Notification of Decision regarding the matter being appealed
- Fee (see schedule)

Appeal to the Landmarks and Urban Conservation Commission regarding:

- CERTIFICATE OF APPROPRIATENESS  
DECISION OF THE PLANNING DIRECTOR OR STAFF

(LUCCAPP)

- Project number of case being appealed: \_\_\_\_\_
- Application number of case being appealed: \_\_\_\_\_
- Reason for the appeal \*
- Appellant's basis of standing as an appellant \*
- Letter of authorization from the appellant if this application for appeal is submitted by an agent
- Copy of the Official Notification of Decision regarding the matter being appealed
- Fee (see schedule)

Appeal to the Environmental Planning Commission regarding:

- DECLARATORY RULING OF THE ZONING ENFORCEMENT OFFICER
- DETERMINATION OF THE IMPACT FEE ADMINISTRATOR

(EPC09)  
(EPC10)

- Project number of case being appealed: \_\_\_\_\_
- Application number of case being appealed: \_\_\_\_\_
- Reason for the appeal \*
- Appellant's basis of standing as an appellant \*
- Letter of authorization from the appellant if this application for appeal is submitted by an agent
- Copy of the Official Notification of Decision regarding the matter being appealed
- Fee (see schedule)

Appeal/ Protest to the City Council and/ or the Land Use Hearing Officer regarding:

- ADMINISTRATIVE AMENDMENT/DECISION OF PLANNING DIRECTOR/STAFF (CCSTAFF)
- DETERMINATION OR ACTION OF THE EPC (CCEPC)
- DETERMINATION OR ACTION OF THE DRB RE: SUBDIVISION ORD (CCDRB)
- ACTION OF THE ZONING BOARD OF APPEALS REGARDING AN APPEAL (CCBOA)
- DECISION OF THE LANDMARKS URBAN CONSERVATION COMMISSION (CCLUCC)

- Project number of case being appealed: 1005206
- Application number of case being appealed: 17EPC-40054 + 17EPC-40067
- Reason for the appeal \*
- Appellant's basis of standing as an appellant \*
- Letter of authorization from the appellant if this application for appeal is submitted by an agent
- Copy of the Official Notification of Decision regarding the matter being appealed
- Fee (see schedule)

\* Criteria for reasonable appeals and criteria for standing as an appellant are given in *Zoning Code §14-16-4.4*. Any appeal must meet these criteria to be heard. The applicant should review these and other relevant documents carefully before preparing an application for appeal.

I, the applicant, acknowledge that any information required but not submitted with this application will likely result in deferral of actions.

Darren Cordova  
Applicant name (print)  
[Signature]  
Applicant signature / date



- Checklists complete
- Fees collected
- Case #s assigned
- Related #s listed

Application case numbers  
18CC - 30095  
\_\_\_\_\_  
\_\_\_\_\_

Form revised 04/2007  
[Signature] 2-23-18  
Planner signature / date  
Project # 1005206



ROYBAL – MACK & CORDOVA, P.C.

1321 6th Street NW Albuquerque, NM 87102  
P: (505) 288-3500 F: (505) 288-3501  
www.roybalmacklaw.com

*Dayan M. Hochman*  
[Day@roybalmacklaw.com](mailto:Day@roybalmacklaw.com)

Via: Electronic Mail

February 27, 2018

Michael Vos  
City of Albuquerque Planning Dept.  
[mvos@cabq.gov](mailto:mvos@cabq.gov)

Re: Larry Tucker City of ABQ EPC Decision Appeal Request

Dear Mr. Vos:

Please be advised that this firm represents Larry Tucker in the above referenced matter.

Please forward all future correspondence to our office.

If you have any questions, please contact me.

Sincerely,

/s/ Dayan M. Hochman  
*Attorney for Larry Tucker*



*Day Hochman*  
*[Day@roybalmacklaw.com](mailto:Day@roybalmacklaw.com)*

February 23, 2018

Via: *Hand Delivery*

*Christina Chavez*  
*1:30 pm*

Steven M. Chavez, Esq., Land Use Hearing Officer  
City of Albuquerque Planning Dept.  
Urban Design & Development Division  
P.O. Box 1293  
Albuquerque, NM 87103

Re: Request for Administrative Appeal

Dear Mr. Chavez,

Please be advised that this firm represents Larry Tucker. Pursuant to the terms of the City of Albuquerque Zoning Code § 14-16-4-4, this letter serves as a formal request to appeal the February 8, 2018 declaratory findings and approval of the Environmental Planning Commission of project #1005206 (17EPC-40054 Sector Development Plan Map Amendment (zone change) and 17EPC-40067 Site Development Plan for Building Permit) submitted by Steven and Kara Grant for the properties located at 201, 207 and 209 High St. NE, Albuquerque, NM 87102. Mr. Tucker is an interested party as defined in § 14-16-4-4(B)(2)(e) as the neighbor located directly behind the aforementioned properties. As grounds for this appeal, Mr. Tucker submits the following:

With regards to the findings for 17EPC-40054 (Zone Change)

1. Number 5(B): Mr. Tucker disputes the EPC's finding that the proposal would contribute to protecting and enhancing the character of the Huning Highlands neighborhood by

preserving the historic buildings and using them in a way that would promote their historic value *without disrupting neighborhood uses*. (Emphasis added). Conversely, Mr. Tucker has and is prepared to offer testimony that permission for the zone change amendment would allow the applicants to host an unlimited number of outdoor events that disturb his and other residents' right to the quiet enjoyment of their homes. These events historically have included disturbances such as loud music and other amplified sounds, the complete blocking of Mr. Tucker's driveway by catering and delivery trucks, and the elimination of off-street parking for residents for extended periods of time.

2. Number 6(C): Mr. Tucker disputes the EPC's finding that the proposal would allow for *small outdoor events*, which would be marketed based on the historic characteristics of the neighborhood, and would leverage the uniqueness of the neighborhood and proximity to Route 66 on a regional level. (Emphasis added). There is no limiting language in the EPC's decision as to the size of such outdoor events, and the applicants have historically hosted large outdoor events at the properties with large numbers of participants. Moreover, in its decision the EPC failed to include the recommendation by City of Albuquerque environmental staff that limitations be imposed on such small outdoor events, which would make them more tolerable to surrounding neighbors and other affected parties.
  
3. Number 9(A) and (E): Mr. Tucker vigorously opposes the EPC's finding that the proposed zoning was demonstrated to further applicable goals and policies in the City of Albuquerque Comprehensive Plan and the Huning Highland Sector Development Plan

(HHS DP), therefore rendering the amendment consistent with the health, safety, morals and general welfare of the City. He also disputes the EPC's finding that the use of the property, with outdoor events, would not harm the community, the neighborhood, or the adjacent property. In actuality, the amendment runs afoul of Section 1(E) of Enactment 270-1980 of the City of Albuquerque's Zone Change Policy, which states:

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.

As stated above, the amendment will be harmful to Mr. Tucker and other surrounding neighbors' quiet enjoyment of their properties by disturbing them several times a week with loud music, amplified sound, the elimination of off-street parking for residents, and in the case of Mr. Tucker, periodically blocking access to his driveway.

4. Number 11: Mr. Tucker also vigorously disputes the EPC's assertion that he did not provide a letter to the Commission outlining his concerns in time for consideration as part of the record provided to members of the EPC. In fact, letters from both Mr. Tucker personally and from this law firm were submitted by mail to Staff Planner Catarina Lehner on February 1, 2017, who later confirmed that the letters were included in the materials submitted to the EPC prior to the February 8, 2018 hearing. If the letters were not included in the packet materials considered by the EPC, Mr. Tucker asserts that his due process rights were violated given the failure of the City of Albuquerque to consider

the letters, and challenges the outcome of the hearing as being prefaced on an incomplete record.

5. Number 12: Mr. Tucker similarly disputes the EPC's assertion that the facilitated meeting report was not included in the materials submitted for consideration prior to the February 8, 2018 hearing. Although the report was not available as of the publication of the Staff report, the facilitated meeting report was included for consideration with all materials submitted to the EPC as confirmed by Ms. Lehner on February 22, 2018 by phone. As with his objection to Number 11, *supra*, if the facilitated meeting report was indeed not included in the materials for consideration, Mr. Tucker again asserts that his due process rights were similarly violated, as the facilitated meeting report was available for inclusion into the materials as confirmed by Ms. Lehner.
6. Number 14: Mr. Tucker points to the Hearing Officer's attention that should relevant requirements of the HHSDP continue to apply under the new SU-2/SU-1 zoning, the stated restrictions on bed and breakfasts as expressly set forth in the HHSDP should additionally apply.

With regards to the findings of 17EPC-40067 (Building Permit – as built)

1. Number 5(B): Mr. Tucker disputes the EPC's findings for the same reasons outlined in his response to Number 5(B) above, regarding the zone change request.
2. Number 6(B): Mr. Tucker disputes the EPC's findings for the same reasons outlined in his response to Number 6(C) above, regarding the zone change request.

The EPC decision failed to comply with the procedural requirements for an SU-1 zone:

The EPC's finding with regards to the amendment also fails to rectify outstanding issues with regards to the application of conflicting city guidelines regulating the Grants' specific use of the property as a "bed and breakfast." According to Section 14-16-2-22(A)(2) of the City of Albuquerque Zoning Code, "a decision implementing a change to the zone map to SU-1 zoning shall designate the specific use permitted." While the EPC's decision states that the approved use for the site is as a bed and breakfast with special events and also notes that the applicant if approved will have to comply with all applicable city ordinances, the findings fail to identify which specific provisions of the Zoning Code or sector development plan concerning the use of a property as a bed and breakfast will apply to the Grants' property.

Furthermore, due to inconsistencies in the definitions of bed and breakfast in the City of Albuquerque Zoning Code, HHSDP and City Resolutions, it is unclear from the plain language of the EPC findings what specific requirements will apply to the Grants' use of the property as a "bed and breakfast," if any at all. Whereas the HHSDP provides that bed and breakfasts are permitted, provided (*inter alia*) the owner is a permanent resident [with] the allowance of up to five guest rooms per premises, Article 16 of the City of Albuquerque Comprehensive Zoning Code defines a "bed and breakfast establishment" as "a house with a permanent resident and a subordinate use of up to eight guest rooms which may be rented for a short-term overnight lodging with breakfast served to overnight guests only." Additionally, City of Albuquerque Tenth Council Resolution 138-1992, "Adopting Policies for SU-1 for Bed and Breakfast Establishments in Residential Areas," which is embodied in City of Albuquerque Code of Resolutions §1-1-11, establishes that bed and breakfast establishments located in residential

areas are prohibited from holding receptions or private parties for a fee and limits bed and breakfast establishments to a total of five to eight rooms while also limiting full-time staff to permanent residents. Because of the conflicting requirements applicable to bed and breakfasts such as the Grant's and the failure of the EPC's decision to specify which definition of bed and breakfast applies to the Grant's establishment, Mr. Tucker argues that the EPC's decision fails to meet the requirements under Section 14-16-2-22(A)(2) of the Comprehensive Zoning Code.

Without specific language identifying which definition applies to the Grants' use, the EPC decision will effectively remove any restriction on the Grants' use of the property in the future, so long as they do not modify the site development plan. As such, Mr. Tucker refutes the EPC's assertion that the amendment furthers applicable goals and policies in the City of Albuquerque Comprehensive Plan and the Huning Highland Sector Development Plan and argues that the EPC decision actually works counter to those goals. If implemented in its current state, this EPC's decision to implement this zone change will potentially allow the unrestricted use of the Grants' property outside of the regulations that the City places on upon other bed and breakfasts without consideration of whether such use even fits within any definition of bed and breakfast.

The bed and breakfast operated by the Grants consists of three properties located on adjoining lots. The Grants are only permanent residents of one of those properties, and it is also unclear if these three properties conform to the definition of "bed and breakfast establishment" in the Comprehensive Zoning Code. If all three properties are to be considered one bed and breakfast establishment with a total of thirteen rooms, it violates the restrictions set forth by the

Comprehensive Zoning Code and the HHS DP. If all three properties are to be considered separate bed and breakfasts, they would arguably still violate the full-time permanent resident requirement set forth in the Zoning Code and HHS DP, as well. Because it is unclear which bed and breakfast restrictions apply to the Grant's property and if the Grants are in violation of such restrictions set forth by the city in furtherance of the applicable goals and policies in the City of Albuquerque Comprehensive Plan and the Huning Highland Sector Development Plan, it is difficult to see how the EPC arrived at its conclusion that the amendment is consistent with the health, safety, morals and general welfare of the City if it runs afoul of established city regulations and restrictions for properties of this type. Without compliance with at least one of these definitions, it is difficult to see how the Grants' use of the subject properties can be characterized as a bed and breakfast.

For all reasons stated above, Mr. Tucker asserts his right to an administrative appeal of the February 8, 2018 EPC decision related to project 1005206 as set forth in the City of Albuquerque Zoning Code § 14-16-4-4.

Sincerely,



---

Dayan Hochman, Esq.  
Noel Schaefer, Esq.

*Attorneys for Larry Tucker*

# CITY OF ALBUQUERQUE



**PLANNING DEPARTMENT**  
**URBAN DESIGN & DEVELOPMENT DIVISION**  
600 2nd Street NW, 3rd Floor, 87102  
P.O. Box 1293, Albuquerque, NM 87103  
Office (505) 924-3860 Fax (505) 924-3339

## OFFICIAL NOTIFICATION OF DECISION

February 8, 2018

Steven & Kara Grant  
201, 207, 209 High St. NE  
Albuquerque, NM 87102

**Project# 1005206**  
17EPC-40054 Sector Development Plan Map Amendment  
(zone change)  
17EPC-40067 Site Development Plan for Building Permit

### LEGAL DESCRIPTION:

Lot 8 and the additional south seven feet and eight inches of Lot 7, Lot 9, and Lot 10, Block 24, Huning's Highlands Addition, zoned SU-2/MR, to SU-2/SU-1 for Bed and Breakfast to Include Special Events, located on High St. NE, between Central Ave. NE and Dr. Martin Luther King, Jr. Ave. NE, containing approximately 0.6 acre. (K-14) Staff Planner: Catalina Lehner

PO Box 1293

On February 8, 2018 the Environmental Planning Commission (EPC) voted to APPROVE Project 1005206/17EPC-40054, a Sector Development Plan Map Amendment (Zone Change) and 17EPC-40067, an as-built Site Development Plan for Building Permit, based on the following Findings and subject to the following Conditions of approval:

NM 87103

### FINDINGS- 17EPC-40054, Sector Development Plan Map Amendment (Zone Change):

www.cabq.gov

1. The subject request is for a site development plan for building permit for Lot 8 and the additional south seven feet and eight inches of Lot 7, Lot 9, and Lot 10, Block 24, Huning's Highlands Addition, an approximately 0.6 acre site located at the northwest corner of Copper Ave. and High St. NE, between Central Ave. NE and Dr. Martin Luther King, Jr. Ave. NE (the "subject site").
2. The subject request is accompanied by a request for an as-built site development plan for building permit (17EPC-40067).
3. The Comprehensive Plan designates Lot 9 and Lot 10 of the subject site as an Area of Consistency. Lot 8 is designated an Area of Change. The subject site is within the boundaries of the Huning Highland Sector Development Plan (HHSDP) and is in the Huning Highland Historic District designated by the City.
4. The Albuquerque/Bernalillo County Comprehensive Plan, the Huning Highlands Sector Development Plan (HHSDP) and the City of Albuquerque Zoning Code are incorporated herein by reference and made part of the record for all purposes.

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5. The proposal furthers the following, applicable Land Use policies of the Comprehensive Plan:
  - A. Policy 5.2.1-Land Uses: Create healthy, sustainable, and distinct communities with a mix of uses that are conveniently accessible from surrounding neighborhoods.  
The proposal would contribute to the distinct, historical community by providing a use that adds to the mix of uses in the neighborhood, which would be conveniently accessible from surrounding neighborhoods.
  - 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.  
Part of the subject site (Lot 8) is in an Area of Consistency and part is in an Area of Change (Lots 9 and 10). The proposal would contribute to protecting and enhancing the character of the existing, historic, mostly single-family neighborhood that is outside of a designed Center and Corridor because it would preserve the historic buildings and use them in a way that would promote their historic value without disrupting neighboring uses.
6. The proposal furthers the following Economic Development policies of the Comprehensive Plan:
  - A. Goal 8.2-Entrepreneurship: Foster a culture of creativity and entrepreneurship and encourage private businesses to grow.
  - B. Policy 8.2.1 -Local Business: Emphasize local business development.  
The proposal would encourage a private business to grow and would emphasize further development of a locally-owned business.
  - C. Policy 8.1.4 -Leverage Assets: Enhance and market the region's unique characteristics internally and to outside businesses and individuals in order to compete with other regions.  
The proposal would allow small outdoor events, which would be marketed based on the historic characteristics of the neighborhood, and would leverage the uniqueness of the neighborhood and proximity to Route 66 on a regional level.
7. The proposal furthers the following Comprehensive Plan Goal and policy regarding Heritage Conservation:
  - A. Goal 11.2-Historic Assets: Preserve and enhance significant historic districts and buildings to reflect our past as we move into the future and to strengthen our sense of identity.  
The proposal would help preserve historic buildings, which are in a designated City historic district, because it would promote the use and character of the historic buildings and thereby reinforce the identity of the neighborhood.

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- B. Policy 11.2.2 -Historic Registration: Promote the preservation of historic buildings and districts determined to be of significant local, State, and/or National historical interest.
- Specifically, the proposal would promote preservation and use of historic buildings in a significant and designated historic district, the Huning Highland Historic District, and help to promote them as an important part of the community.
8. The proposal furthers the Goal of the HHSDP and the following, applicable objectives:
- A. Goal: The continued development of Huning Highlands into a viable residential and commercial area, building on its unique historic character and location.
- The proposal would facilitate the continued development and promotion of Huning Highlands as a viable residential and commercial area. The applicants reside on the subject site and operate the B&B use, which builds on the neighborhood's unique historic character and location.
- B. Objective 1: to protect and enhance the unique residential character of the area.
- The proposal would help protect and enhance the unique residential character of the area by preserving the buildings and continuing to support their re-use.
- C. Objective 7: to encourage and support local employment and local business development.
- The proposal would encourage and support continued development of a local business.
9. The applicant has adequately justified the sector development plan map amendment (zone change) request pursuant to Resolution 270-1980:
- A. Section A: The proposed zoning has been demonstrated to further applicable Goals and policies in the Comprehensive Plan and the Huning Highland Sector Development Plan (HHSDP). Therefore, the proposed sector development plan amendment is consistent with the health, safety, morals, and general welfare of the City.
- B. Section B: The proposed zoning is limited in scope and, because an SU-1 zone is requested, it is tied to an "as-built" site development plan for the subject site. The uses allowed by the proposed zoning would be unlikely to adversely affect stability of land use and zoning and, as the applicant demonstrated, are justified pursuant to R270-1980.
- C. Section C: Since the request is for an SU-1 zone, the "clearly facilitates" test (see Section I) applies and overrides the less rigorous "no significant conflict" test. The applicant has provided a policy-based discussion to demonstrate that the proposed zone change clearly facilitates realization of the Comprehensive Plan and the HHSDP.
- D. Section D: The applicant has adequately demonstrated that a different use category would be more advantageous to the community (D)(3), and that the existing zoning is inappropriate. The proposed, different zone category is more advantageous to the community, based on the policy-based discussion in Section C, because the request clearly facilitates applicable Goals and policies.

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- E. Section E: The proposed SU-2/SU-1 zoning is narrow in scope and would allow only the specified bed and breakfast use as shown on the associated, as-built site development plan. The use, with outdoor events, would not harm the community, the neighborhood, or adjacent property. Other uses that could be considered harmful in the subject site's setting would not be allowed.
- F. Section F: The proposed zone change requires no capital expenditures by the City.
- G. Section G: Economic considerations pertaining to the applicant are a factor in the zone change request, but they are not the determining factor.
- H. Section H: Location on a collector or major street is not used as justification for this request.
- I. Section I: The requested SU-1 zoning is a justifiable spot zone because the applicant has demonstrated, in the policy-based response to Section C, that the request will clearly facilitate realization of the Comprehensive Plan and the HHSDP.
- J. Section 1J: The request is for a single lot and not a strip of land, and therefore would not result in a "strip zone".
10. The applicant has adequately justified the sector development plan map amendment (zone change) pursuant to R270-1980. The response to Section C provides a policy-based explanation of how the proposal clearly facilitates realization of applicable Goals and policies in the Comprehensive Plan and the Huning Highland Sector Development Plan (HHSDP)(Sections C and I), and supports the reasoning that a different zoning category would be more advantageous to the community (Section D). The remaining sections (A, B, E, F, G, H, and J) are sufficiently addressed.
11. The affected neighborhood organizations are the Broadway Central Corridors Partnership, Inc and the Huning Highland Historic District Association (HHHDA), which the applicant notified as required. The applicant also notified property owners within 100 feet of the subject site, as required. A letter of support from the HHHDA was submitted, along with other letters of support. A neighbor who lives near the subject site is opposed due to concern about noise, but did not provide a letter.
12. A facilitated meeting was held on January 29, 2018 between the applicants and the concerned neighbor. The neighbor is concerned specifically about amplified sound coming from the subject site, especially when weddings are held there, and would like to limit the number of weddings hosted. As of publication of the Staff report, the facilitated meeting report was not completed.
13. The applicant shall comply with all relevant ordinance requirements, including but not limited to the Noise Ordinance (Chapter 9, Article 9, ROA 1994).
14. Under the requested zoning of SU-2/SU-1 for Bed and Breakfast to Include Special Events relevant requirements of the HHSDP will continue to apply. Pursuant to 14-16-2-11(A)(6), the

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Special Use Zone, the zoning is interdependent with the as-built site development plan.

**CONDITION-** 17EPC-40054, Sector Development Plan Map Amendment (Zone Change):

1. Final approval of the accompanying site development plan for building permit (17EPC-40067) is required. The EPC delegates its approval authority to the Planning Department through the administrative approval (AA) process. The applicant is required to apply for an AA rather than the Development Review Board (DRB).

**FINDINGS-** 17EPC-40067, Site Development Plan for Building Permit (as-built):

1. The subject request is for a site development plan for building permit for Lot 8 and the additional south seven feet and eight inches of Lot 7, Lot 9, and Lot 10, Block 24, Huning's Highlands Addition, an approximately 0.6 acre site located at the northwest corner of Copper Ave. and High St. NE, between Central Ave. NE and Dr. Martin Luther King, Jr. Ave. NE (the "subject site").
2. The subject request is accompanied by a sector development plan map amendment (zone change) request (17EPC-40054). The sector development plan map amendment request is justified pursuant to R270-1980.
3. The Comprehensive Plan designates Lot 9 and Lot 10 of the subject site as an Area of Consistency. Lot 8 is designated an Area of Change. The subject site is within the boundaries of the Huning Highland Sector Development Plan (HHSDP) and is in the Huning Highland Historic District designated by the City.
4. The Albuquerque/Bernalillo County Comprehensive Plan, the Huning Highlands Sector Development Plan (HHSDP) and the City of Albuquerque Zoning Code are incorporated herein by reference and made part of the record for all purposes.
5. The proposal furthers the following, applicable Land Use policies of the Comprehensive Plan:
  - A. Policy 5.2.1-Land Uses: Create healthy, sustainable, and distinct communities with a mix of uses that are conveniently accessible from surrounding neighborhoods.

The proposal would contribute to the distinct, historical community by providing a use that adds to the mix of uses in the neighborhood, which would be conveniently accessible from surrounding neighborhoods.
  - 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.

Part of the subject site (Lot 8) is in an Area of Consistency and part is in an Area of Change (Lots 9 and 10). The proposal would contribute to protecting and enhancing the character of the existing, historic, mostly single-family neighborhood that is outside of a designed Center and Corridor because it would preserve the historic buildings and use them in a way that would promote their historic value without disrupting neighboring uses.

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6. The proposal furthers the following Economic Development policies of the Comprehensive Plan:
  - A. Goal 8.2-Entrepreneurship: Foster a culture of creativity and entrepreneurship and encourage private businesses to grow.
  - B. Policy 8.2.1 -Local Business: Emphasize local business development.  
The proposal would encourage a private business to grow and would emphasize further development of a locally-owned business.
  - C. Policy 8.1.4 -Leverage Assets: Enhance and market the region's unique characteristics internally and to outside businesses and individuals in order to compete with other regions.  
The proposal would allow small outdoor events, which would be marketed based on the historic characteristics of the neighborhood, and would leverage the uniqueness of the neighborhood and proximity to Route 66 on a regional level.
7. The proposal furthers the following Comprehensive Plan Goal and policy regarding Heritage Conservation:
  - A. Goal 11.2-Historic Assets: Preserve and enhance significant historic districts and buildings to reflect our past as we move into the future and to strengthen our sense of identity.  
The proposal would help preserve historic buildings, which are in a designated City historic district, because it would promote the use and character of the historic buildings and thereby reinforce the identity of the neighborhood.
  - B. Policy 11.2.2 -Historic Registration: Promote the preservation of historic buildings and districts determined to be of significant local, State, and/or National historical interest.  
Specifically, the proposal would promote preservation and use of historic buildings in significant and designated historic district, the Huning Highland Historic District, and help to promote them as an important part of the community.
8. The proposal furthers the Goal of the HHS DP and the following, applicable objectives:
  - A. Goal: The continued development of Huning Highlands into a viable residential and commercial area, building on its unique historic character and location.  
The proposal would facilitate the continued development and promotion of Huning Highland as a viable residential and commercial area. The applicants reside on the subject site and operate the B&B use, which builds on the neighborhood's unique historic character and location.
  - B. Objective 1: to protect and enhance the unique residential character of the area.  
The proposal would help protect and enhance the unique residential character of the area by preserving the buildings and continuing to support their re-use.
  - C. Objective 7: to encourage and support local employment and local business development.  
The proposal would encourage and support continued development of a local business.

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9. The affected neighborhood organizations are the Broadway Central Corridors Partnership, Inc. and the Huning Highland Historic District Association (HHHDA), which the applicant notified as required. The applicant also notified property owners within 100 feet of the subject site, as required. A letter of support from the HHHDA was submitted, along with other letters of support. A neighbor who lives near the subject site is opposed due to concern about noise, but did not provide a letter.
10. A facilitated meeting was held on January 29, 2018 between the applicants and the concerned neighbor. The neighbor is concerned specifically about amplified sound coming from the subject site, especially when weddings are held there, and would like to limit the number of weddings hosted. As of publication of the Staff report, the facilitated meeting report was not completed.
11. The applicant shall comply with all relevant ordinance requirements, including but not limited to, the Noise Ordinance (Chapter 9, Article 9, ROA 1994).
12. Under the requested zoning of SU-2/SU-1 for Bed and Breakfast to Include Special Events, relevant requirements of the HHS DP will continue to apply. Pursuant to 14-16-2-11(A)(6), the Special Use Zone, the zoning is interdependent with the as-built site development plan.

**CONDITIONS**-17EPC-40067, Site Development Plan for Building Permit (as-built):

1. The EPC delegates final sign-off authority of this site development plan Staff through the administrative approval (AA) process. The applicant is required to apply for an AA instead of the Development Review Board (DRB) process. Staff is responsible for ensuring that all EPC Conditions have been satisfied and that other applicable City requirements have been met.  

A letter shall accompany the submittal, specifying all modifications that have been made to the site plan since the EPC hearing, including how the site plan has been modified to meet each of the EPC conditions. Unauthorized changes to this site plan, including before or after final sign-off, may result in forfeiture of approvals.
2. Prior to final approval, the applicant shall meet with the Staff planner to ensure that conditions of approval are met. Evidence of this meeting shall be provided at the time of application.
3. Main Sheet- Notes:
  - A. A note shall be added to indicate that the use shall comply with all applicable City ordinances including, but not limited to, the Noise Ordinance (Chapter 9, Article 9 ROA 1994).
  - B. The site description (listed as site data) shall match the legal description.
  - C. The note shall mention location in the Huning Highland Historic District.
  - D. Add a note regarding refuse collection.
4. Main Sheet- Other:
  - A. Specify what the "1 story brick" building is.

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- B. Indicate any easements.
  - C. Existing and proposed zoning shall be listed.
  - D. The backyard area where special events are held shall be indicated.
5. Parking:
- A. Parking notes shall be clarified and reflect that the parking is pursuant to the HHSDP.
  - B. Provide parking (12 spaces) shall be listed.
  - C. A note shall be added to indicate that parking for events is provided through a private agreement with First Presbyterian Church or a successor.
6. Landscaping- General:
- A. Indicate the approximate square footage of landscaping beds.
  - B. Provide approximate landscaping calculations.
  - C. Add a note that landscape maintenance is the responsibility of the property owner.
7. Landscaping- Plant Palette:
- A. The evergreens shall be identified as a juniper species and a hedge plant (or more specific).
  - B. Rosemary shall be added to the plant palette.
  - C. Spanish Broom shall be removed and replaced with Lavender species.
  - D. Roses and a planting bed shall be added to the turf grass area on Lot 8.
8. Walls/Fences
- A. A detail for the picket fence and the cedar fence shall be provided.
  - B. Specify the height of the existing picket fence.
9. Elevations:
- A. Provide a schedule of colors and materials for each elevation sheet.
  - B. Add a note that no renovation or construction work is part of this site development plan.
10. Clarification:
- A. Label the site plan as "As-Built Site Development Plan for Building Permit".
  - B. The lots shall be labeled (Lot 8, Lot 9, Lot 10).
  - C. Switch out the standard signature block with a space for an AA stamp.
  - D. Remove the part of the first General Note regarding no change of use.

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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 **FEBRUARY 23, 2018**. The date of the EPC's decision is not included in the 15-day period for filing an appeal, and if the 15<sup>th</sup> day falls on a Saturday, Sunday or Holiday, the next working day is considered as the deadline for filing the appeal.

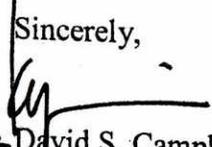
For more information regarding the appeal process, please refer to Section 14-16-4-4 of the Zoning Code. A Non-Refundable filing fee will be calculated at the Land Development Coordination Counter and is required at the time the appeal is filed. It is not possible to appeal EPC Recommendations to City Council; rather, a formal protest of the EPC's Recommendation can be filed within the 15 day period following the EPC's recommendation.

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 City Zoning Code must be complied with, even after approval of the referenced application(s).

**ZONE MAP AMENDMENTS:** Pursuant to Zoning Code Section 14-16-4-1(C)(16), a change to the zone map does not become official until the Certification of Zoning (CZ) is sent to the applicant and any other person who requests it. Such certification shall be signed by the Planning Director after appeal possibilities have been concluded and after all requirements prerequisite to this certification are met. If such requirements are not met within six months after the date of final City approval, the approval is void. The Planning Director may extend this time limit up to an additional six months.

**SITE DEVELOPMENT PLANS:** Pursuant to Zoning Code Section 14-16-3-11(C)(1), if less than one-half of the approved square footage of a site development plan has been built or less than one-half of the site has been developed, the plan for the undeveloped areas shall terminate automatically seven years after adoption or major amendment of the plan: within six months prior to the seven-year deadline, the property owners shall request in writing through the Planning Director that the Planning Commission extend the plan's life an additional five years. Additional design details will be required as a project proceeds through the Development Review Board and through the plan check of Building Permit submittals for construction. Planning staff may consider minor, reasonable changes that are consistent with an approved Site Development Plan so long as they can be shown to be in conformance with the original, approved intent.

Sincerely,

  
For David S. Campbell  
Planning Director

DSC/CLL

cc: Steven & Kara Grant, 207-209 High St. NE. ABQ, NM 87102  
Broadway Central Corridors Partnership, Inc. Jim Maddox, 515 Central Ave. NE, ABQ, NM 87102  
Broadway Central Corridors Partnership, Inc. Rob Dixon, P.O. Box 302, ABQ, NM 87102

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Huning Highland Hist. Dist. Assoc., Bonnie Anderson, 522 Edith SE, ABQ, NM 87102  
Huning Highland Hist. Dist. Assoc., Ann Carson, 416 Walter SE, ABQ, NM 87102  
Noel Schaefer, Roybal-Mack & Cordova, 1121 4<sup>th</sup> St. NW, Ste. 10, ABQ, NM 87102  
Larry Tucker, 210 Walter St. NE, ABQ, NM 87102  
Sam Kochansky, 423 Walter St. SE, ABQ, NM 87102



## Environmental Planning Commission

Agenda Number: 03  
Project Number: 105206  
Case #: 17EPC-40054 & 40067  
Hearing Date: February 08, 2018

### Staff Report

<b>Agent/Applicant</b>	Steve and Kara Grant
<b>Requests</b>	<b>Sector Development Plan Map Amendment (zone change)</b> <b>Site Development Plan for Building Permit (as-built)</b>
<b>Legal Description</b>	Lot 8 and the additional south seven feet and eight inches of Lot 7, Lot 9, and Lot 10, Block 24, Huning's Highlands Addition
<b>Location</b>	on High St. NE, between Central Ave. NE and Dr. Martin Luther King, Jr. Ave. NE (201, 207 & 209 High St. NE)
<b>Size</b>	Approximately 0.6 acre
<b>Existing Zoning</b>	SU-2/MR (Mixed Residential)
<b>Proposed Zoning</b>	SU-2/SU-1 for Bed and Breakfast to Include Special Events

### Staff Recommendation

**APPROVAL** of 17EPC-40054, based on the Findings beginning on Page 17, and subject to the Condition of Approval on Page 20.

**APPROVAL** of 17EPC-40067, based on the Findings beginning on Page 20, and subject to the Conditions of Approval beginning on Page 23.

**Staff Planner**

**Catalina Lehner-AICP, Senior Planner**

### Summary of Analysis

The request is for a sector development plan map amendment (zone change) to the Huning Highland Sector Development Plan (HHS DP) and an as-built site development plan for building permit. A bed and breakfast operates on the subject site, where the applicants also reside.

The applicant is requesting a zone change in order to continue to host special events, such as meetings and weddings. The case was deferred for 60 days to allow the applicant time to strengthen the justification, provide the as-built site development plan, and ensure proper notification. Notification has been completed.

The Broadway Central Corridors Partnership and the Huning Highland Historic District Association (HHHDA) were notified as required. Letters of support were received from the HHHDA, neighbors, and other businesses. A facilitated meeting was held on January 29, 2018 to discuss a neighbor's concerns, which is primarily noise.

Staff finds that the zone change has been adequately justified and recommends approval subject to conditions.





Project #1005206





## LAND USE MAP

Note: Grey shading indicates County.

### KEY to Land Use Abbreviations

- AGRI Agriculture
- COMM Commercial - Retail
- CMSV Commercial - Service
- DRNG Drainage
- MFG Manufacturing
- MULT Multi-Family or Group Home
- PARK Park, Recreation, or Open Space
- PRKG Parking
- PUBF Public Facility
- SF Single Family
- TRAN Transportation Facility
- VAC Vacant Land or Abandoned Buildings
- WH Warehousing & Storage



1 inch = 200 feet

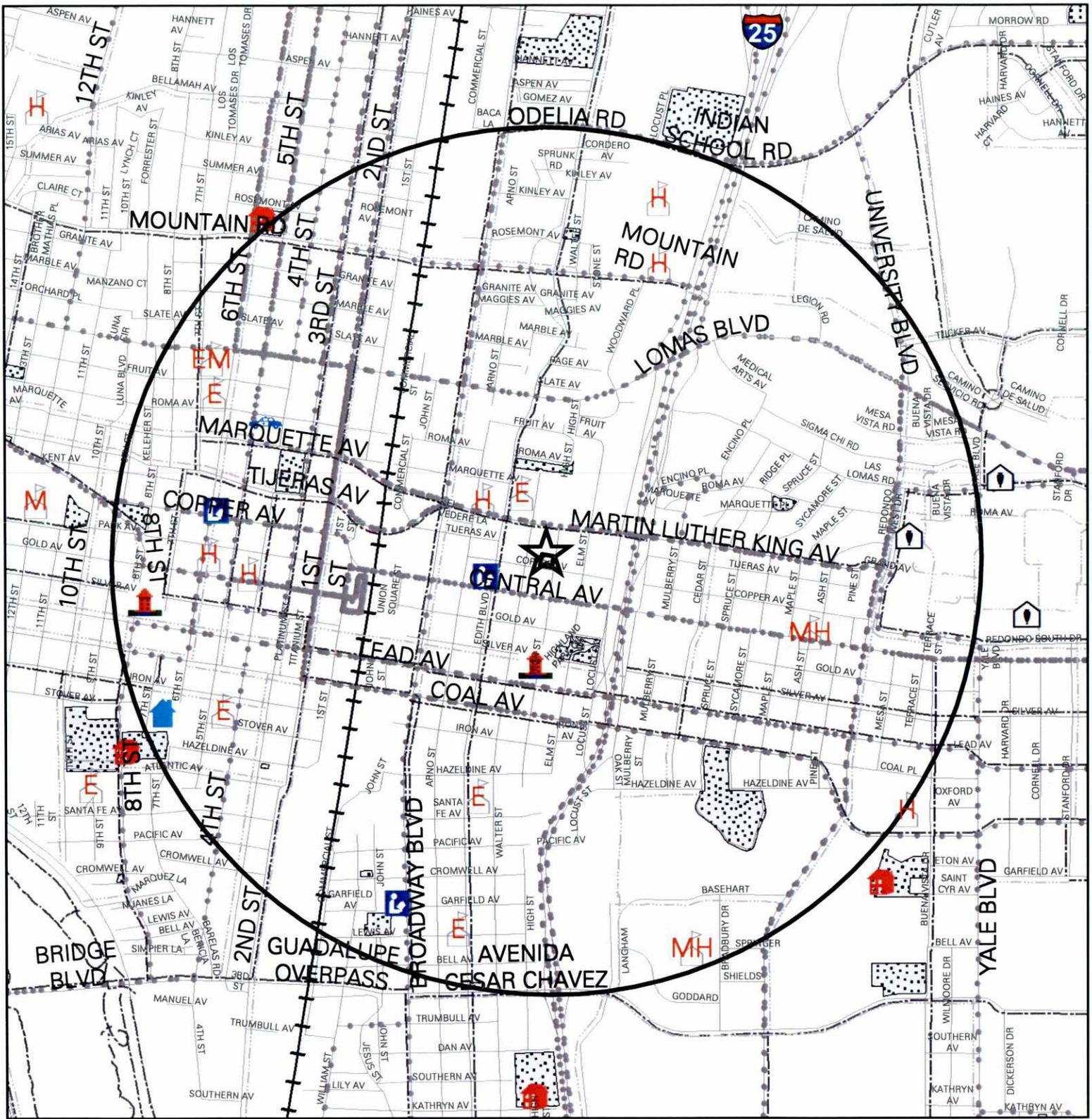
**Project Number:**  
1005206

**Hearing Date:**  
12/14/2017

**Zone Map Page: K-14**  
**Application Case Numbers:**  
17EPC-40054





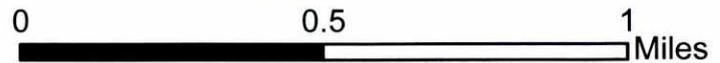


## Public Facilities Map with One-Mile Buffer



- |                      |             |                          |                             |
|----------------------|-------------|--------------------------|-----------------------------|
| Community Center     | Fire        | Public Schools           | Landfill Buffer (1000-feet) |
| Multi-Service Center | Police      | Proposed Bike Facilities | Landfill designated by EHD  |
| Senior Center        | Sheriff     | ABQ Bike Facilities      | Developed County Park       |
| Library              | Solid Waste | ABQ Ride Routes          | Undeveloped County Park     |
| Museum               |             | Albuquerque City Limits  | Developed City Park         |
|                      |             |                          | Undeveloped City Park       |

Project Number: 1005206



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Attachments

**I. AREA CHARACTERISTICS**

*Surrounding zoning, plan designations, and land uses:*

	<b>Zoning</b>	<b>Comprehensive Plan Area; Applicable Rank II &amp; III Plans</b>	<b>Land Use</b>
<b>Site</b>	SU-2/M-R (Mixed Residential)	Area of Change (Lot 8), Area of Consistency (Lots 9 and 10) Huning Highland Sector Development Plan Huning Highland Historic Overlay Zone	Bed and breakfast, single-family home
<b>North</b>	SU-2/M-R (Mixed Residential)	Area of Consistency Huning Highland Sector Development Plan Huning Highland Historic Overlay Zone	Single-family homes, MLK Jr. Ave., Lovelace Medical Center
<b>South</b>	SU-2/RO (Residential Office)	Area of Consistency Huning Highland Sector Development Plan Huning Highland Historic Overlay Zone	Large home (quadraplex)
<b>East</b>	SU-2/M-R (Mixed Residential)	Area of Change Huning Highland Sector Development Plan Huning Highland Historic Overlay Zone	Courtyard apartment building, single-family homes
<b>West</b>	SU-2/M-R (Mixed Residential)	Area of Consistency, Area of Change Huning Highland Sector Development Plan Huning Highland Historic Overlay Zone	Alley, single-family homes

**II. INTRODUCTION**

**Request**

This request is for a sector development plan map amendment (zone change) to the Huning Highland Sector Development Plan (HHSDP), and an as-built site development plan for building permit, for Lot 8 and the additional south seven feet and eight inches of Lot 7, Lot 9, and Lot 10, Block 24, Huning’s Highlands Addition, an approximately 0.6 acre site that comprises the northwest corner of Copper Ave. and High St. NE, between Central Ave. NE and Dr. Martin Luther King, Jr. Ave. NE (201, 207 & 209 High St. NE) (the “subject site”).

The applicants reside on the subject site and also operate a bed and breakfast (B&B). The subject site is zoned SU-2/MR (Mixed Residential) pursuant to the HHSDP. The applicants have been hosting special events, such as weddings, gatherings, and retreats. A concerned neighbor brought this to the attention of the Code Enforcement Division. A Notice of Violation (NOV) was issued because outdoor events are not allowed with the subject site’s current MR zoning. The applicants were advised to seek a zone change to SU-2/SU-1 for Bed and Breakfast to Include Special Events.

An as-built site development plan for building permit, for the existing buildings on the subject site, is required pursuant to Zoning Code §14-16-2-22(A)(6), the Special Use Zone, because an SU-1 zone is requested.

### ***Environmental Planning Commission (EPC) Role***

The EPC is hearing this case because the EPC is required to hear all zone map amendment (zone change) cases, regardless of site size, in the City. The EPC is the final decision-making body unless the EPC decision is appealed [Ref: §14-16-2-22(A)(1)]. If so, an appeal would be heard by the Land Use Hearing Officer (LUHO). The request is a quasi-judicial matter.

### ***Context***

The subject site, which consists of three lots, comprises the northwest corner of Copper Ave. and High St. (201, 207 & 209 High St. NE), between Dr. Martin Luther King, Jr. Ave. and Central Ave. The subject site is in the Huning Highland Historic District. To the north are single-family homes. To the west is an alley and single-family homes. To the east are single-family homes and a multi-family use (a historic courtyard apartment building). To the south is a large home that is really a quadraplex, single-family homes, and some commercial uses. The buildings are typical of the historic period in which the subdivision developed (the early 1900s). Central Ave. is further south, within short walking distance of the subject site.

The subject site is not located in a designated Activity Center. Two of the lots of the subject site are designed an Area of Consistency, and the other lot (the northern lot) is designated an Area of Change. The immediate area is somewhat of a checkerboard of lots that are designated Area of Consistency and Area of Change. The Huning Highland Sector Development Plan (HHSDP) applies. The subject site is within the boundaries of the Huning Highland Historic Design Overlay Zone.

### ***History & Background***

The subject site is located in the historic Huning Highlands Neighborhood. The Huning Highlands Sector Development Plan (HHSDP) contains a history of the larger Plan area (see p. 7). The HHSDP, adopted in January 1988 (Enactment No. 3-1988), superseded the previous neighborhood plan (the 1977 Plan). In 1980, the City Council designated the Huning Highlands Historic District as the first City Historic Overlay Zone to protect historic architecture and streetscapes (HHSDP, p. 8).

The applicant provided some historical details about the subject site (see attachment). One of the houses on the subject site (207 High St.) is known as the Heritage House and was built in 1907. Another house (209 High St.) is referred to as the "Spy House" because it's the location where an individual sold atomic bomb drawings to the Russians. The other structures served as boarding houses during the depression and also have interesting history.

The applicants purchased the property about 15 years ago and have operated the Bed and Breakfast (B&B) since 2006, upon receiving an approval for a conditional use on Lot 9 from the Zoning Hearing Examiner (ZHE) (Project #1005206/06ZHE-01482, see attachment). Staff was not able to find evidence that conditional uses were approved for the other two lots (Lot 8 and Lot 10).

Earlier in 2006, the applicants obtained a Certificate of Appropriateness from the Landmarks and Urban Conservation Commission (LUCC) to remove old shingles and replace them (Project #1002852/06LUCC-01331).

Prior to the applicant's owning the subject site, there were a couple of other approvals. In March 1998, the LUCC approved a Certificate of Appropriateness for modifications to the porch and door opening of the house at 201 High St. (LUCC-98-8). In October 1976, a height variance of three feet was approved in order to permit a six foot high fence at 201 High St. (ZA-76-272).

### ***Transportation System***

The 2040 Long Range Roadway System (LRRS) map, produced by the Mid-Region Metropolitan Planning Organization (MRMPO), identifies the functional classifications of roadways. Copper Ave. and High St., which the subject site fronts, are local streets. Dr. Martin Luther King, Jr. Ave. and Central Ave. are Community Principal Arterials.

### ***Transit & Bikeways***

The subject site is a block north of Central Ave., which is a short walk from some of the most frequent transit service in the City. Albuquerque Ride Route #66- Central Ave., runs along Central Ave. and makes frequent stops. It offers service weekdays and weekends. Rapid Ride service, Routes #766 and #777, runs frequently along Central Ave. on weekdays and weekends, from early morning into the night. Albuquerque Ride Route #50-Airport, Yale, Downtown runs along Dr. Martin Luther King, Jr. Ave. and offers service weekdays and weekends.

A bike route runs along Edith Blvd., west of the subject site. Central Ave. has a bike lane at this location, north of the subject site.

### ***Public Facilities/Community Services***

A wide variety of public facilities, including 14 schools, 3 libraries, and a senior center, are within a one mile radius of the subject site.

⇒ For specifics, please refer to the Public Facilities Map (see attachment).

## **III. ZONING**

### ***Definitions- §14-16-1-5***

***BED AND BREAKFAST ESTABLISHMENT.*** A house with a permanent resident and a subordinate use of up to eight guest rooms which may be rented for short-term overnight lodging with breakfast served to overnight guests only; some or all guest rooms may be in accessory living quarters.

### ***Existing Zoning***

The subject site is zoned "SU-2/MR (Mixed Residential)" pursuant to the HHSDP, which established zoning for the area. The SU-2 Special Neighborhood Zone "allows a mixture of uses controlled by a sector development plan" (see Zoning Code §14-16-2-23).

Prior to adoption of the 1977 Plan, the Huning Highland area was zoned O-1 and C-2 for office and commercial uses. The subject site was zoned SU-2/MR (Mixed Residential) upon adoption of the 1977 Plan (HHSDP, p. 8-9). This zoning designation was carried over into the existing 1988 Plan.

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The SU-2/MR zone corresponds to the R-1 zone of the Zoning Code, with exceptions (HHSDP, p. 31-32) regarding setbacks, conditional uses, bed and breakfast establishment, parking lot, and signage. A bed and breakfast establishment is allowed in the SU-2/MR zone as a conditional use, provided that:

- a. The owner is a permanent resident.
- b. There is one off-street parking space per rentable unit plus one space for the resident owner and each staff person.
- c. One guest room unit may be provided for the first 1000 square feet of heated floor area in the major structure; there may be up to five guest rooms per premises.
- d. Except for a sign as permitted in the zone, no change shall be made to the exterior appearance of the building which would indicate that a Bed & Breakfast is located in the building.
- e. A Site Development Plan showing parking entrances and exits and signage shall be approved by the Zoning Hearing Examiner.

The applicants obtained a conditional use in 2006 for Lot 9 (see History section of this report). The proposed zone change to SU-2/SU-1 for Bed and Breakfast to Include Special Events would change the subject site's zoning so that a conditional use would not be needed for Lots 8 and 10. The subject site's zoning would be site plan controlled through the SU-1 zone, but the SU-2 would be retained so the subject site would remain subject to the HHSDP.

#### ***Proposed Zoning***

The applicant proposes the following zoning: SU-2/SU-1 for Bed and Breakfast to include Special Events. The applicants want to be able to host special events, such as weddings, retreats, or family gatherings, on the subject site, and would limit them in size to 50 people and the hours of 7 am to 10 pm via a private contract.

The SU-1 zone (see Zoning Code §14-16-2-22) provides suitable sites for uses that are special, and for which the appropriateness of the use to a specific location depends upon the character of the site design. An associated site development plan is required with the SU-1 designation pursuant to subsection (A)(6) of the SU-1 zone (see Section VI of this report).

#### ***IV. ANALYSIS -ADOPTED ORDINANCES, PLANS, AND POLICIES***

##### ***A) ALBUQUERQUE/BERNALILLO COUNTY COMPREHENSIVE PLAN (RANK I)***

The subject site is located in an area that the 2017 Albuquerque/Bernalillo County Comprehensive Plan has designated an Area of Consistency. Applicable Goals and policies are listed below; when a Goal or policy is listed as not applicable, it's because the applicant included them in the zone change justification letter. Staff analysis is in ***bold italics***.

##### ***Chapter 5- Land Use***

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

***Policy 5.2.1-Land Uses:*** Create healthy, sustainable, and distinct communities with a mix of uses that are conveniently accessible from surrounding neighborhoods.

*The proposal would generally contribute to a complete community in the sense that the use supports local business and opportunities for working and learning, and perhaps shopping and playing. Though tourists stay there, the events could provide an opportunity for residents as well. The proposal partially furthers Goal 5.2-Complete Communities.*

*The proposal would contribute to the distinct, historical community by providing a use that adds to the mix of uses in the neighborhood, which would be conveniently accessible from surrounding neighborhoods. The proposal furthers Policy 5.2.1- Land Uses.*

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.

*Part of the subject site (Lot 8) is in an Area of Consistency and part is in an Area of Change (Lots 9 and 10). The proposal would contribute to protecting and enhancing the character of the existing, historic, mostly single-family neighborhood that is outside of a designed Center and Corridor because it would preserve the historic buildings and use them in a way that would promote their historic value without disrupting neighboring uses. The proposal furthers Policy 5.6.3-Areas of Consistency.*

Policy 5.6.2-Areas of Change: Direct growth and more intense development to Centers, Corridors, industrial and business parks, and Metropolitan Redevelopment Areas where change is encouraged.

*Part of the subject site (Lot 8) is in an Area of Consistency and part is in an Area of Change (Lots 9 and 10). The proposal does not consist of growth or more intense development and the subject site is not located in a designated Center or along a Corridor. Though one lot is designated as an Area of Change, Policy 5.6.2 does not apply.*

*Staff suggests that the applicant request that the subject site (all three lots) be designated an Area of Consistency or an Area of Change because it functions as one site because it functions as one site that is not entirely residential.*

#### *Chapter 8- Economic Development*

Goal 8.2-Entrepreneurship: Foster a culture of creativity and entrepreneurship and encourage private businesses to grow.

Policy 8.2.1 -Local Business: Emphasize local business development.

*The proposal would encourage a private business to grow and would emphasize further development of a locally-owned business. Therefore, the proposal generally furthers Goal 8.2-Entrepreneurship and Policy 8.2.1 -Local Business.*

Policy 8.1.4 -Leverage Assets: Enhance and market the region's unique characteristics internally and to outside businesses and individuals in order to compete with other regions.

*The proposal would allow small outdoor events, which would be marketed based on the historic characteristics of the neighborhood, and would leverage the uniqueness of the neighborhood and proximity to Route 66 on a regional level. The proposal furthers Policy 8.1.4- Leverage Assets.*

*Chapter 11- Heritage Conservation*

Goal 11.2-Historic Assets: Preserve and enhance significant historic districts and buildings to reflect our past as we move into the future and to strengthen our sense of identity.

Policy 11.2.2 -Historic Registration: Promote the preservation of historic buildings and districts determined to be of significant local, State, and/or National historical interest.

*The proposal would help preserve historic buildings, which are in a designated City historic district, because it would promote the use and character of the historic buildings and thereby reinforce the identity of the neighborhood. Goal 11.2-Historic Assets, is furthered.*

*Specifically, the proposal would promote preservation and use of historic buildings in a significant and designated historic district, the Huning Highland Historic District, and help to promote them as an important part of the community. The proposal furthers Policy 11.2.2-Historic Registration.*

***B) HUNING HIGHLAND SECTOR DEVELOPMENT PLAN (RANK III)***

The Huning Highlands Sector Development Plan (HHSDP) generally encompasses properties between the following approximate boundaries: Dr. Martin Luther King, Jr. Ave. on the north, Coal Ave. on the south, Broadway Blvd. on the west, and Locust St. on the east. Specific boundaries are shown on p. 4.

The HHSDP was first adopted in 1977 (R4-1977, the 1977 Plan) and then was revised and adopted in 1988 (Bill No. R-336, Enactment No. 3-1988). Planning efforts began in 1985 to rewrite zoning language, clarify requirements and update existing conditions. Staff determined that a new Plan, rather than an amendment, was needed. The result is the existing 1988 HHSDP, the purpose of which was to review existing conditions and recommend amendments to the 1977 Plan. The HHSDP established zoning throughout the Plan area and used the SU-2 designation.

Two amendments were enacted in 2005. One established the SU-2/CRZ Corridor Revitalization Zone for lots fronting Central Ave. between Broadway Blvd. and lots fronting Broadway Blvd. between Central and Coal Aves. (Bill No. R-04-155, Enactment No. R-2005-033). The other amended this and the HOZ legislation to establish the Huning Highland-East Downtown Urban Conservation Overlay Zone and associated regulations. The subject site is not within either of these areas, however.

The HHSDP contains one overarching Goal (see p.1) and eleven bulleted objectives (see p. 6). The following apply to the proposal:

Goal: The continued development of Huning Highlands into a viable residential and commercial area, building on its unique historic character and location.

Objective 1: to protect and enhance the unique residential character of the area.

Objective 7: to encourage and support local employment and local business development.

*The proposal furthers the Goal of the HHSDP because it would facilitate the continued development and promotion of Huning Highlands as a viable residential and commercial area. The applicants reside on the subject site and operate the B&B use, which builds on the neighborhood's unique historic character and location.*

*The proposal furthers Objective 1 because it would help protect and enhance the unique residential character of the area by preserving the buildings and continuing to support their re-use. The proposal also furthers Objective 7 because it would encourage and support continued development of a local business.*

## V. SECTOR DEVELOPMENT PLAN MAP AMENDMENT

### RESOLUTION 270-1980 (POLICIES FOR ZONE MAP AMENDMENTS)

#### Requirements

Resolution 270-1980 outlines policies and requirements for deciding zone map change applications. The applicant must provide sound justification for the proposed change and demonstrate that several tests have been met. The burden is on the applicant to show why a change should be made.

The applicant must demonstrate that the existing zoning is inappropriate because of one of three findings: 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 land use category is more advantageous to the community, as articulated in the Comprehensive Plan or other City master plan.

#### Justification & Analysis

The zone change justification letter analyzed here, received on January 29, 2018, is a response to Staff's request for a revised justification (see attachment). The subject site is currently zoned SU-2/M-R (Mixed Residential). A change of zone would constitute an amendment to the Huning Highland Sector Development Plan (HHSDP). The requested zoning is "SU-2/SU-1 for Bed and Breakfast to include special events". The reason for the request is to allow small outdoor events to continue to operate on the subject site. The applicants own the subject site and reside there.

Text of R270-1980 is in regular text. The applicant's justification (summarized) is in *italics*, and Staff's analysis follows 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 proposed zone change is consistent with the health, safety, morals, and general welfare of the City, especially the Huning Highland neighborhood. The zone change will allow for uses consistent with the visions of the local community, the Comprehensive Plan and the Huning Highland Sector Plan.*

*The addition of special events is consistent with: the health of the City because it will have limited hours and comply with the noise ordinance (see Section C for specifics); the safety of the City because events will be held in a private back yard (see Section C for specifics); the morals of the*

*City because the neighborhood scale will be maintained (see Section C for specifics); and the general welfare because it supports employment and offers a service (see Section C for specifics).*

***Consistency with the City's health, safety, morals and general welfare is shown by demonstrating that a proposal furthers applicable Goals and policies from the Comprehensive Plan and other applicable plans, which the applicant has done in the response to Section C. It's also important to note that the proposed zone change, as a change to an SU-1 zone, is dependent upon an associated site development plan. The response to Section A is sufficient.***

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 subject site is part of the historic Huning Highland neighborhood, which is zoned as a historic neighborhood. The zoning has been vital to protecting the remaining homes and history of the area. The HHSDP recognizes B&Bs as a way to ensure economic vitality of larger homes and offers support for their adaptive re-use. The proposal contributes to stability of the neighborhood because it would add small events, which maintain the character and history of these culturally significant properties which were previously used as apartments and boarding homes.*

***The requested zoning is limited in scope and, because an SU-1 zone is requested, it is tied to an "as-built" site development plan for the subject site. No changes to what exists currently are proposed. A broader request to a zone with commercial uses or increased residential density, for example, could possibly affect land use stability in the area due to greater intensity of uses—though the homes have operated previously as apartments and boarding homes.***

***The specified use (outdoor events), which would have to be small-scale to be accommodated on the subject site, would be unlikely to adversely affect stability of land use and zoning in the area, which is characterized by stability. The applicant has demonstrated that the proposed zone change is justified. The response to Section B is sufficient.***

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."

*Applicant's Relevant Citations: Land Use Goal 5.2 and Policy 5.2.1; Economic Development Policies 8.1.4 and 8.2.1; Heritage Conservation Goal 11.2 and Policy 11.2.2; Huning Highland Sector Development Plan (HHSDP) Goal and Objectives 1 and 7.*

***Land Use policy 5.5.5 pertains to properties in the County, so it does not apply. The subject site is in both an Area of Consistency and an Area of Change. The applicant discussed the concept of Area of Change, but did not cite Land Use Policy 5.6.2.***

***The applicant states that the proposal clearly facilitates applicable Goals and policies of the Comprehensive Plan and the HHSDP because it supports expansion of a local small business***

*and other related businesses nearby, contributes to redevelopment of an area, and is sensitive to the character of the historic district.*

*Though the test in Section C is whether or not there is “significant conflict” with an adopted element of the Comprehensive Plan or other City master plan such as a sector development plan, since the request is for an SU-1 zone, the more rigorous test of “clearly facilitates” found in Section I, applies. Staff finds the policy citations sufficient overall and concludes that the proposed zone change clearly facilitates realization of the Comprehensive Plan and applicable sector development plan (the HHSDP).*

D. “The applicant must demonstrate that the existing zoning is in appropriate 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 (1) and (2) above do not apply.”

*The requested zoning is inappropriate because a different category is more advantageous to the community, as indicated by the Comprehensive Plan and the HHSDP. The area is indicated in both plans as having very diverse uses; the proposal to accommodate special events on the subject site leverages the neighborhood’s unique historic and cultural attributes, and is within close proximity to Downtown.*

*The applicant cites (D)(3), that a different use category would be more advantageous to the community. The applicant has adequately demonstrated that the existing zoning is inappropriate and that the proposed, different zone category would be more advantageous to the community, based on the policy-based discussion in Section C. The proposal clearly facilitates applicable Goals and policies in the Comprehensive Plan and the HHSDP. The response to Section D is sufficient.*

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 change to include special events would not be harmful to adjacent property, the neighborhood, or the community. Instead, it would expand on the existing zoning with uses that are compatible with adjacent land uses and support the preservation of historically and culturally significant properties. The zoning proposed is reflective of the land use, scale, and character of adjacent properties. The events would be limited to 50 people, hours would be limited to 7 am to 10 pm, and parking would be provided through an agreement with the Presbyterian Church on Elm St.*

*The narrowly defined SU-2 for SU-1 zoning would allow only the specified B&B use as shown on the as-built site development plan, and the outdoor events. With an SU-1 zone, the zoning and the site development plan are inseparable. Other uses that could be considered harmful in the subject site’s setting would not be allowed. The response to Section E is sufficient.*

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.”

*Rezoning the properties would not require any major and unprogrammed capital expenditures by the City. All improvements or changes that may occur due to the rezone would be on the owners of the property.*

***The request would not require major or unprogrammed capital expenditures by the City. Infrastructure is in place. The response to Section F is sufficient.***

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 determining factor for the use change is not the cost of land or other economic considerations. The main motivation is to provide a venue in the community for small-scale special events, which is compatible with uses in the neighborhood and the character of the historic district.*

***Economic considerations are a factor, but the applicant is not using them as the determining factor for the request. The response to Section G is sufficient.***

H: “Location on a collector or major street is not in itself sufficient justification of apartment, office or commercial zoning.”

*The properties for the proposed rezone are not located on a collector or a major street.*

***The subject site is located on Copper Ave. and High St. NE. Both are designated as local streets. Also, the request is not for apartment, office, or commercial zoning. The response to Section H is sufficient.***

I: “A zone change request which would give a zone different from surrounding zoning to one small area, especially when only 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 for a zone change to include special events will be made three adjacent parcels and will clearly facilitate realization of the Comprehensive Plan and the Huning Highland Sector Development Plan through expansion of a local, small business and other nearby businesses, and contributes to the redevelopment of the area and the overall character of the historic district.*

*The SU-1 zone creates a spot zone by definition because it is tied to a site development plan for a given site, which is unique. However, a spot zone is required to be justifiable according to reason 1) or reason 2). The applicant has demonstrated in the response to Section C that the proposed zone change would clearly facilitate realization of the Comprehensive Plan and the SWPSDP (reason 1). The response to Section I is sufficient.*

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 applicable 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 requested zoning would not be classified as a strip zone because the surrounding properties are all MR zoned. As stated earlier, this will be a spot zone because of the need for the SU-1 for the three properties only.*

*The request would not result in a strip zone. Though the subject site could be considered a "strip of land along a street", the zoning would not be commercial. Furthermore, the SU-1 zone is a spot zone by definition because it creates unique zoning that depends upon a site development plan. The response to Section J is sufficient.*

#### Conclusion

*Staff finds that the applicant has adequately justified the sector development plan map amendment (zone change) pursuant to R270-1980. The response to Section C provides a policy-based explanation of how the proposal clearly facilitates realization of applicable Goals and policies in the Comprehensive Plan and the Huning Highland Sector Development Plan (HHSDP)(Sections C and I), and supports the reasoning that a different zoning category would be more advantageous to the community (Section D). The remaining sections (A, B, E, F, G, H, and J) are sufficiently addressed. For these reasons, Staff recommends approval of the sector development plan map amendment (zone change) request.*

#### **VI. SITE DEVELOPMENT PLAN FOR BUILDING PERMIT- "AS BUILT" & PROCESS**

A site development plan is required for a zone change to an SU-1 Zone pursuant to §14-16-2-22-(A)(1). Zoning Code §14-16-3-11 states, "...Site Development Plans are expected to meet the requirements of adopted city policies and procedures." However, the HHSDP does not contain any General SU-2 Regulations, as do some sector development plans. Compliance with Zoning Code

requirements, enacted after the buildings were constructed, is triggered by a square footage addition of 200 sf or greater. However, no additional square footage is proposed.

Since an SU-1 zone is requested, precise documentation of what exists on the site is very important for two reasons: 1) with an SU-1 zone, items not specified on the site development plan are not allowed; and 2) so the site development plan won't have to be amended later. The applicant has provided an "as built" site development plan for building permit (see attachment), which Staff has reviewed.

***Process***

The site development plan is for an existing, "as built" site. Minor revisions are needed for clarification and documentation purposes. Staff has determined that it is not necessary for the site development plan to go to the Development Review Board (DRB). All infrastructure is already in place.

Staff requests that the EPC delegate its approval authority for the site development plan to Staff, so that the "as built" site development plan can be approved administratively. Staff will check the revised site development plan for compliance with the EPC's conditions of approval. Routing to Staff from Transportation, Utilities, and Hydrology is a part of the administrative approval (AA) process. Comments from these Staff persons will be need to be addressed.

***Site Plan Layout / Configuration***

The subject site is consists of three lots at the northwestern corner of Copper Ave. and High St. NE, between Dr. Martin Luther King, Jr. Ave and Central Ave. There are existing, historic homes on each lot. The homes on Lots 8 and 9 front High St. and the home on Lot 10 fronts Copper Ave. There is an accessory building and garage on Lot 8 and Lot 10.

*Refuse Enclosure:* The subject site is already set up for residential service.

***Vehicular Access, Circulation & Parking***

Lot 8 and Lot 9 are accessed from High St. NE, and Lot 10 is accessed from Copper Ave. NE.

*Parking:* Because the requested zoning is SU-1, off-street parking is decided by the EPC pursuant to Zoning Code §14-16-2-22, Special Use Zone. The HHSDP specifies parking requirements for B&Bs on p. 32, as follows: "one off-street parking space per rentable unit plus one space for the resident owner and each staff person." There are 10 rooms and the owners, so 11 spaces are required. 12 spaces are provided. Seven on Lot 8, three on Lot 9, and two on Lot 10.

Bicycle parking is not required because the threshold is 5 or more dwelling units (4 are on site). Motorcycle spaces are not required for residential uses. Handicap spaces are not required because there is no increase in parking needed due to new construction or renovation [see Zoning Code §14-16-3-1, Off-Street Parking Regulations].

Provided parking needs to be shown. The applicants have a lease agreement for parking with First Presbyterian Church; this parking is used for events on the subject site. A note to indicate this is needed on the site plan. A Traffic Impact Study (TIS) was not required.

***Pedestrian and Bicycle Access and Circulation, Transit Access***

Pedestrian and bicycle access is available from both Copper Ave. and High St. NE. Access to transit is good, since the subject site is one block north of Central Ave., which has some of the most frequent transit service in the City.

***Walls/Fences***

The subject site is fenced with an approximately 3-foot picket fence that encloses the front yards of the homes. The height needs to be indicated on the site plan. A 6-foot cedar fence serves to fence off the back yards on each lot. A fence detail for both should be included.

***Lighting and Security***

Each of the dwellings has a porch light and some security lighting. There are no light poles.

***Landscaping***

The subject site is landscaped with a combination of xeric landscaping, some patches of turf grass, and mature elm and mulberry trees that characterize the neighborhood. Lot 8 has a turf grass area in the front, with various plantings (day lilies, ivy, etc.) and tea roses and a butterfly bush up against the house. Lot 9 has a turf area in the back yard, where the special events are held. In the front yard are lavender and rosemary bushes, with various small potted evergreens. A juniper species is between the sidewalk and the street. Lot 10 has mostly gravel and a birdbath, with some unidentified hedge-type shrubs.

All landscaping would remain. A note is needed on the landscaping plan that the landscaping is the responsibility of the property owner.

Landscape beds should be dimensioned and landscaping calculations provided for documentation purposes, although Zoning Code 14-16-3-10, Landscaping Regulations Applicable to Apartment and Non-Residential Development, does not apply because no building addition over 200 sf is proposed.

***Grading & Drainage Plan***

The subject site is already developed and is flat. A grading & drainage plan was not included. If determined necessary by the City Hydrologist, a grading and drainage plan will be requested.

***Utility Plans***

The subject site is already served by utilities-water lines and sanitary sewer lines. Three water meters are shown along High St. NE. There is a fire hydrant on the SE corner of the subject site. If there are any easements, they should be shown and mentioned with a note.

### ***Architecture & Design***

The existing buildings typify the architectural style of the early 1900s, when the Huning Highland neighborhood was built. One of the homes was built in 1907 and another in 1912. No changes to the buildings are proposed. If any changes are desired in the future, the applicant will need to obtain a Certificate of Appropriateness from the Landmarks and Urban Conservation Commission (LUCC).

Two of the historic homes front High St. NE (Lot 8 and Lot 9) and the other fronts Copper Ave. (Lot 10). The applicants' residence is at the back of Lot 10. There are two garages at the back of the lots, and an unidentified brick building.

The homes are made of brick and finished with stucco and brick accents. The roofs are pitched and windows trimmed in the style of the era. Shingles were replaced on the roof of the home on Lot 8, with the permission of the LUCC. Colors used include light green, brick red, medium yellow, medium blue, and maroon. The site plan elevations are shown in black and white; a color and materials schedule (a table) is needed on each elevation sheet. Approximate height of the buildings should be mentioned.

### ***Signage***

There is a monument sign on Lot 9. The HHSDP establishes signage regulations for B&Bs via the SU-2/MR zone (see p. 32). The sign cannot exceed 6 feet tall or be illuminated. A sign detail (a photo) is provided. The sign complies, though its height should be listed.

## ***VII. AGENCY & NEIGHBORHOOD CONCERNS***

### ***Reviewing Agencies/Pre-Hearing Discussion***

City Departments and other agencies reviewed this application from 11/06/'17 to 11/22/'17. Few comments were received. Transit Staff note that the subject site is proximate to the Central Avenue Premium Transit Corridor, and that it is well-served by Transit. Water Utility Authority Staff note that the subject site has been served since 2008.

Long Range Planning Staff note that the allowance of outdoor special events should have time and frequency limits attached to the requested SU-1 zone and the corresponding site development plan to protect the neighbors' enjoyment of their properties.

Note that, at the time of the agency commenting period, the proposal did not include the "as-built" site development plan. As part of the AA process, Staff from Transportation, Hydrology, and Utilities would have an opportunity comment. Agency comments begin on p. 26.

### ***Neighborhood/Public***

The affected neighborhood organizations are the Broadway Central Corridors Partnership, Inc. and the Huning Highland Historic District Association (HHHDA), which the applicant notified as required. The applicant also notified property owners within 100 feet of the subject site, as required. Since the original notification included two of the three lots that comprise the subject

site, the notification needed to be re-done based on all three lots. This was accomplished during the deferral period.

A letter of support from the HHHDA was submitted, along with other letters of support from neighbors (see attachments). A neighbor who lives on Walter Street, behind the subject site, is opposed due to concern about noise, but did not submit his concerns in writing. His attorney has contacted Staff. The applicants have been aware of his concern for a while now, however.

A facilitated meeting was held on January 29, 2018 between the applicants and the concerned neighbor. The neighbor is concerned specifically about amplified sound coming from the subject site, especially when weddings are held, and would like to limit the number of weddings that the applicants host. As of this writing, the facilitated meeting report was not completed.

Staff has not received any phone calls or additional correspondence as of this writing.

#### **VIII. CONCLUSION**

This request is for a sector development plan map amendment (zone change) and an associated “as built” site development plan for building permit for an approximately 0.6 acre site that consists of three lots and comprises the northwest corner of Copper Ave. and High St., between Dr. Martin Luther King, Jr. Ave. and Central Ave. The subject site is within the boundaries of the Huning Highland Sector Development Plan (HHSDP) and is in the Huning Highland Historic District.

The applicant proposes to change the subject site’s zoning from “SU-2/MR (Mixed Residential)” to “SU-2/SU-1 for Bed and Breakfast to Include Special Events”. The zone change is needed to allow the applicants to host special events, such as weddings, gatherings, and retreats.

The sector development plan map amendment (zone change) has been adequately justified pursuant to R270-1980. Overall, the request generally furthers relevant Comprehensive Plan and HHSDP policies. Conditions of approval are needed to clarify the as-built site development plan for building permit.

The affected neighborhood organizations are the Broadway Central Corridors Partnership, Inc. and the Huning Highland Historic District Association, which were notified as required. Property owners within 100 feet of the subject site were also notified, as required. Letters of support were submitted. A neighbor who lives near the subject site is opposed due to concern about noise. A facilitated meeting was held on January 29, 2018.

Staff recommends approval of the zone change and the associated site development plan for building permit, with delegation of the EPC’s approval authority to Staff (administrative approval, or AA) for the as-built site development plan.

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***FINDINGS - 17EPC-40054, February 08, 2018- Sector Development Plan Map Amendment (Zone Change)***

1. The subject request is for a site development plan for building permit for Lot 8 and the additional south seven feet and eight inches of Lot 7, Lot 9, and Lot 10, Block 24, Huning's Highlands Addition, an approximately 0.6 acre site located at the northwest corner of Copper Ave. and High St. NE, between Central Ave. NE and Dr. Martin Luther King, Jr. Ave. NE (the "subject site").
2. The subject request is accompanied by a request for an as-built site development plan for building permit (17EPC-40067).
3. The Comprehensive Plan designates Lot 9 and Lot 10 of the subject site as an Area of Consistency. Lot 8 is designated an Area of Change. The subject site is within the boundaries of the Huning Highland Sector Development Plan (HHS DP) and is in the Huning Highland Historic District designated by the City.
4. The Albuquerque/Bernalillo County Comprehensive Plan, the Huning Highlands Sector Development Plan (HHS DP) and the City of Albuquerque Zoning Code are incorporated herein by reference and made part of the record for all purposes.
5. The proposal furthers the following, applicable Land Use policies of the Comprehensive Plan:
  - A. Policy 5.2.1-Land Uses: Create healthy, sustainable, and distinct communities with a mix of uses that are conveniently accessible from surrounding neighborhoods.

The proposal would contribute to the distinct, historical community by providing a use that adds to the mix of uses in the neighborhood, which would be conveniently accessible from surrounding neighborhoods.
  - 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.

Part of the subject site (Lot 8) is in an Area of Consistency and part is in an Area of Change (Lots 9 and 10). The proposal would contribute to protecting and enhancing the character of the existing, historic, mostly single-family neighborhood that is outside of a designed Center and Corridor because it would preserve the historic buildings and use them in a way that would promote their historic value without disrupting neighboring uses.
6. The proposal furthers the following Economic Development policies of the Comprehensive Plan:
  - A. Goal 8.2-Entrepreneurship: Foster a culture of creativity and entrepreneurship and encourage private businesses to grow.
  - B. Policy 8.2.1 -Local Business: Emphasize local business development.

The proposal would encourage a private business to grow and would emphasize further development of a locally-owned business.

- C. Policy 8.1.4 -Leverage Assets: Enhance and market the region's unique characteristics internally and to outside businesses and individuals in order to compete with other regions.

The proposal would allow small outdoor events, which would be marketed based on the historic characteristics of the neighborhood, and would leverage the uniqueness of the neighborhood and proximity to Route 66 on a regional level.

7. The proposal furthers the following Comprehensive Plan Goal and policy regarding Heritage Conservation:

- A. Goal 11.2-Historic Assets: Preserve and enhance significant historic districts and buildings to reflect our past as we move into the future and to strengthen our sense of identity.

The proposal would help preserve historic buildings, which are in a designated City historic district, because it would promote the use and character of the historic buildings and thereby reinforce the identity of the neighborhood.

- B. Policy 11.2.2 -Historic Registration: Promote the preservation of historic buildings and districts determined to be of significant local, State, and/or National historical interest.

Specifically, the proposal would promote preservation and use of historic buildings in a significant and designated historic district, the Huning Highland Historic District, and help to promote them as an important part of the community.

8. The proposal furthers the Goal of the HHSDP and the following, applicable objectives:

- A. Goal: The continued development of Huning Highlands into a viable residential and commercial area, building on its unique historic character and location.

The proposal would facilitate the continued development and promotion of Huning Highlands as a viable residential and commercial area. The applicants reside on the subject site and operate the B&B use, which builds on the neighborhood's unique historic character and location.

- B. Objective 1: to protect and enhance the unique residential character of the area.

The proposal would help protect and enhance the unique residential character of the area by preserving the buildings and continuing to support their re-use.

- C. Objective 7: to encourage and support local employment and local business development.

The proposal would encourage and support continued development of a local business.

9. The applicant has adequately justified the sector development plan map amendment (zone change) request pursuant to Resolution 270-1980:
- A. Section A: The proposed zoning has been demonstrated to further applicable Goals and policies in the Comprehensive Plan and the Huning Highland Sector Development Plan (HHS DP). Therefore, the proposed sector development plan amendment is consistent with the health, safety, morals, and general welfare of the City.
  - B. Section B: The proposed zoning is limited in scope and, because an SU-1 zone is requested, it is tied to an “as-built” site development plan for the subject site. The uses allowed by the proposed zoning would be unlikely to adversely affect stability of land use and zoning and, as the applicant demonstrated, are justified pursuant to R270-1980.
  - C. Section C: Since the request is for an SU-1 zone, the “clearly facilitates” test (see Section I) applies and overrides the less rigorous “no significant conflict” test. The applicant has provided a policy-based discussion to demonstrate that the proposed zone change clearly facilitates realization of the Comprehensive Plan and the HHS DP.
  - D. Section D: The applicant has adequately demonstrated that a different use category would be more advantageous to the community (D)(3), and that the existing zoning is inappropriate. The proposed, different zone category is more advantageous to the community, based on the policy-based discussion in Section C, because the request clearly facilitates applicable Goals and policies.
  - E. Section E: The proposed SU-2/SU-1 zoning is narrow in scope and would allow only the specified bed and breakfast use as shown on the associated, as-built site development plan. The use, with outdoor events, would not harm the community, the neighborhood, or adjacent property. Other uses that could be considered harmful in the subject site’s setting would not be allowed.
  - F. Section F: The proposed zone change requires no capital expenditures by the City.
  - G. Section G: Economic considerations pertaining to the applicant are a factor in the zone change request, but they are not the determining factor.
  - H. Section H: Location on a collector or major street is not used as justification for this request.
  - I. Section I: The requested SU-1 zoning is a justifiable spot zone because the applicant has demonstrated, in the policy-based response to Section C, that the request will clearly facilitate realization of the Comprehensive Plan and the HHS DP.
  - J. Section 1J: The request is for a single lot and not a strip of land, and therefore would not result in a “strip zone”.

10. The applicant has adequately justified the sector development plan map amendment (zone change) pursuant to R270-1980. The response to Section C provides a policy-based explanation of how the proposal clearly facilitates realization of applicable Goals and policies in the Comprehensive Plan and the Huning Highland Sector Development Plan (HHS DP)(Sections C and I), and supports the reasoning that a different zoning category would be more advantageous to the community (Section D). The remaining sections (A, B, E, F, G, H, and J) are sufficiently addressed.
11. The affected neighborhood organizations are the Broadway Central Corridors Partnership, Inc. and the Huning Highland Historic District Association (HHHDA), which the applicant notified as required. The applicant also notified property owners within 100 feet of the subject site, as required. A letter of support from the HHHDA was submitted, along with other letters of support. A neighbor who lives near the subject site is opposed due to concern about noise, but did not provide a letter.
12. A facilitated meeting was held on January 29, 2018 between the applicants and the concerned neighbor. The neighbor is concerned specifically about amplified sound coming from the subject site, especially when weddings are held there, and would like to limit the number of weddings hosted. As of publication of the Staff report, the facilitated meeting report was not completed.

***RECOMMENDATION - 17EPC-40054, February 08, 2018- Sector Development Plan Map Amendment (Zone Change)***

**APPROVAL of 17EPC-40054, a request for a sector development plan map amendment from SU-2 for M-R (Mixed Residential) to “SU-2 for SU-1 for Bed and Breakfast to include special events” for Lot 8 and the additional south seven feet and eight inches of Lot 7, Lot 9, and Lot 10, Block 24, Huning’s Highlands Addition, an approximately 0.6 acre site located at the northwest corner of Copper Ave. and High St. NE, based on the preceding Findings and subject to the following Condition of Approval.**

***CONDITION OF APPROVAL - 17EPC-40054, February 08, 2018–Sector Development Plan Map Amendment (Zone Change)***

1. Final approval of the accompanying site development plan for building permit (17EPC-40067) is required. The EPC delegates its approval authority to the Planning Department through the administrative approval (AA) process. The applicant is required to apply for an AA rather than the Development Review Board (DRB).

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***FINDINGS -17EPC-40067, February 08, 2018-Site Development Plan for Building Permit (as-built)***

1. The subject request is for a site development plan for building permit for Lot 8 and the additional south seven feet and eight inches of Lot 7, Lot 9, and Lot 10, Block 24, Huning’s Highlands Addition, an approximately 0.6 acre site located at the northwest corner of Copper Ave. and High St. NE, between Central Ave. NE and Dr. Martin Luther King, Jr. Ave. NE (the “subject site”).

2. The subject request is accompanied by a sector development plan map amendment (zone change) request (17EPC-40054). The sector development plan map amendment request is justified pursuant to R270-1980.
3. The Comprehensive Plan designates Lot 9 and Lot 10 of the subject site as an Area of Consistency. Lot 8 is designated an Area of Change. The subject site is within the boundaries of the Huning Highland Sector Development Plan (HHSDP) and is in the Huning Highland Historic District designated by the City.
4. The Albuquerque/Bernalillo County Comprehensive Plan, the Huning Highlands Sector Development Plan (HHSDP) and the City of Albuquerque Zoning Code are incorporated herein by reference and made part of the record for all purposes.
5. The proposal furthers the following, applicable Land Use policies of the Comprehensive Plan:
  - A. Policy 5.2.1-Land Uses: Create healthy, sustainable, and distinct communities with a mix of uses that are conveniently accessible from surrounding neighborhoods.

The proposal would contribute to the distinct, historical community by providing a use that adds to the mix of uses in the neighborhood, which would be conveniently accessible from surrounding neighborhoods.
  - 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.

Part of the subject site (Lot 8) is in an Area of Consistency and part is in an Area of Change (Lots 9 and 10). The proposal would contribute to protecting and enhancing the character of the existing, historic, mostly single-family neighborhood that is outside of a designed Center and Corridor because it would preserve the historic buildings and use them in a way that would promote their historic value without disrupting neighboring uses.
6. The proposal furthers the following Economic Development policies of the Comprehensive Plan:
  - A. Goal 8.2-Entrepreneurship: Foster a culture of creativity and entrepreneurship and encourage private businesses to grow.
  - B. Policy 8.2.1 -Local Business: Emphasize local business development.

The proposal would encourage a private business to grow and would emphasize further development of a locally-owned business.
  - C. Policy 8.1.4 -Leverage Assets: Enhance and market the region's unique characteristics internally and to outside businesses and individuals in order to compete with other regions.

The proposal would allow small outdoor events, which would be marketed based on the historic characteristics of the neighborhood, and would leverage the uniqueness of the neighborhood and proximity to Route 66 on a regional level.

7. The proposal furthers the following Comprehensive Plan Goal and policy regarding Heritage Conservation:
- A. Goal 11.2-Historic Assets: Preserve and enhance significant historic districts and buildings to reflect our past as we move into the future and to strengthen our sense of identity.  
  
The proposal would help preserve historic buildings, which are in a designated City historic district, because it would promote the use and character of the historic buildings and thereby reinforce the identity of the neighborhood.
  - B. Policy 11.2.2 -Historic Registration: Promote the preservation of historic buildings and districts determined to be of significant local, State, and/or National historical interest.  
  
Specifically, the proposal would promote preservation and use of historic buildings in a significant and designated historic district, the Huning Highland Historic District, and help to promote them as an important part of the community.
8. The proposal furthers the Goal of the HHSDP and the following, applicable objectives:
- A. Goal: The continued development of Huning Highlands into a viable residential and commercial area, building on its unique historic character and location.  
  
The proposal would facilitate the continued development and promotion of Huning Highlands as a viable residential and commercial area. The applicants reside on the subject site and operate the B&B use, which builds on the neighborhood's unique historic character and location.
  - B. Objective 1: to protect and enhance the unique residential character of the area.  
  
The proposal would help protect and enhance the unique residential character of the area by preserving the buildings and continuing to support their re-use.
  - C. Objective 7: to encourage and support local employment and local business development.  
  
The proposal would encourage and support continued development of a local business.
9. The affected neighborhood organizations are the Broadway Central Corridors Partnership, Inc. and the Huning Highland Historic District Association (HHHDA), which the applicant notified as required. The applicant also notified property owners within 100 feet of the subject site, as required. A letter of support from the HHHDA was submitted, along with other letters of support. A neighbor who lives near the subject site is opposed due to concern about noise, but did not provide a letter.
10. A facilitated meeting was held on January 29, 2018 between the applicants and the concerned neighbor. The neighbor is concerned specifically about amplified sound coming from the subject site, especially when weddings are held there, and would like to limit the number of weddings hosted. As of publication of the Staff report, the facilitated meeting report was not completed.

***RECOMMENDATION - 17EPC-40067, February 08, 2018***

**APPROVAL of 17EPC-40067, an As-built Site Development Plan for Building Permit for Lot 8 and the additional south seven feet and eight inches of Lot 7, Lot 9, and Lot 10, Block 24, Huning's Highlands Addition, an approximately 0.6 acre site located at the northwest corner of Copper Ave. and High St. NE, based on the preceding Findings and subject to the following Conditions of Approval.**

***CONDITIONS OF APPROVAL -17EPC-40067, February 08, 2018- Site Development Plan for Building Permit***

1. The EPC delegates final sign-off authority of this site development plan Staff through the administrative approval (AA) process. The applicant is required to apply for an AA instead of the Development Review Board (DRB) process. Staff is responsible for ensuring that all EPC Conditions have been satisfied and that other applicable City requirements have been met.

A letter shall accompany the submittal, specifying all modifications that have been made to the site plan since the EPC hearing, including how the site plan has been modified to meet each of the EPC conditions. Unauthorized changes to this site plan, including before or after final sign-off, may result in forfeiture of approvals.

2. Prior to final approval, the applicant shall meet with the Staff planner to ensure that conditions of approval are met. Evidence of this meeting shall be provided at the time of application.

3. Main Sheet- Notes:

- A. A note shall be added to indicate that the use shall comply with all applicable City ordinances including, but not limited to, the Noise Ordinance (Chapter 9, Article 9 ROA 1994).
- B. The site description (listed as site data) shall match the legal description.
- C. The note shall mention location in the Huning Highland Historic District.
- D. Add a note regarding refuse collection.

4. Main Sheet- Other:

- A. Specify what the "1 story brick" building is.
- B. Indicate any easements.
- C. Existing and proposed zoning shall be listed.
- D. The backyard area where special events are held shall be indicated.

5. Parking:

- A. Parking notes shall be clarified and reflect that the parking is pursuant to the HHSDP.
- B. Provide parking (12 spaces) shall be listed.

- C. A note shall be added to indicate that parking for events is provided through a private agreement with First Presbyterian Church or a successor.
6. Landscaping- General:
- A. Indicate the approximate square footage of landscaping beds.
  - B. Provide approximate landscaping calculations.
  - C. Add a note that landscape maintenance is the responsibility of the property owner.
7. Landscaping- Plant Palette:
- A. The evergreens shall be identified as a juniper species and a hedge plant (or more specific).
  - B. Rosemary shall be added to the plant palette.
  - C. Spanish Broom shall be removed and replaced with Lavender species.
  - D. Roses and a planting bed shall be added to the turf grass area on Lot 8.
8. Walls/Fences
- A. A detail for the picket fence and the cedar fence shall be provided.
  - B. Specify the height of the existing picket fence.
9. Elevations:
- A. Provide a schedule of colors and materials for each elevation sheet.
  - B. Add a note that no renovation or construction work is part of this site development plan.
10. Clarification:
- A. Label the site plan as “As-Built Site Development Plan for Building Permit”.
  - B. The lots shall be labeled (Lot 8, Lot 9, Lot 10).
  - C. Switch out the standard signature block with a space for an AA stamp.
  - D. Remove the part of the first General Note regarding no change of use.
- 

*Catalina Lehner*

**Catalina Lehner, AICP  
Senior Planner**

***Notice of Decision cc list***

cc: Steven and Kara Grant, 201-209 High St. NE. ABQ, NM 87102  
Broadway Central Corridors Partnership, Inc. Jim Maddox, 515 Central Ave. NE, ABQ, NM 87102  
Broadway Central Corridors Partnership, Inc. Rob Dixon, P.O. Box 302, ABQ, NM 87102  
Huning Highland Historic District Association, Bonnie Anderson, 522 Edith SE, ABQ, NM 87102  
Huning Highland Historic District Association, Ann Carson, 416 Walter SE, ABQ, NM 87102  
Dayan Hochman, Roybal-Mack & Cordova, 1121 4<sup>th</sup> St. NW, Ste. 10, ABQ, NM 87102  
Larry Tucker, 210 Walter St. NE, ABQ, NM 87102

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## ***CITY OF ALBUQUERQUE AGENCY COMMENTS***

### ***PLANNING DEPARTMENT***

#### ***Zoning Enforcement***

No adverse comments.

#### ***Office of Neighborhood Coordination***

#### ***Long Range Planning***

Any allowance of outdoor special events should have time and frequency limits attached to the requested SU-1 zone and the corresponding site development plan to protect the neighbors' enjoyment of their properties.

### ***CITY ENGINEER***

#### ***Transportation Development***

No objection to the request. Note: site development plan would be reviewed as part of the AA process.

#### ***Hydrology Development***

Note: site development plan would be reviewed as part of the AA process.

#### ***New Mexico Department of Transportation (NMDOT)***

No comments.

### ***DEPARTMENT of MUNICIPAL DEVELOPMENT***

#### ***Transportation Planning***

No comment.

#### ***Traffic Engineering Operations (Department of Municipal Development)***

#### ***Street Maintenance (Department of Municipal Development)***

**RECOMMENDED CONDITIONS FROM THE CITY ENGINEER:** none.

### ***WATER UTILITY AUTHORITY***

#### ***Utility Services***

1. 17EPC-40054 Sector Development Plan Map Amendment
  - Identification: UPC – 101405752041812603
    - a. No adverse comment pertaining to the proposed amendment.
    - b. The site has been served since 2008.

### ***ENVIRONMENTAL HEALTH DEPARTMENT***

#### ***Air Quality Division***

**Environmental Services Division**

**PARKS AND RECREATION**

**Planning and Design**

**Open Space Division**

**City Forester**

**POLICE DEPARTMENT/Planning**

**SOLID WASTE MANAGEMENT DEPARTMENT**

**Refuse Division**- No comment

**FIRE DEPARTMENT/Planning**

**TRANSIT DEPARTMENT**

Site is proximate to the Central Avenue Premium Transit Corridor. Not on a route, but it is proximate to the #12 and #92 Commuter Routes; to the Fixed Route 50 from Downtown to the Airport; the Fixed Route 66 on Central' and to the ART 766 and 777 routes which will commence service in the next 60 days. Nearest stop pair for the 12, 92, and 50 is between Walter and High on MLK; nearest stop on Central will be the Walter Street ART stop, 800 feet walking distance from the property.

**COMMENTS FROM OTHER AGENCIES**

**BERNALILLO COUNTY**

**ALBUQUERQUE METROPOLITAN ARROYO FLOOD CONTROL AUTHORITY**

No comments.

**ALBUQUERQUE PUBLIC SCHOOLS**

This will have no adverse impact to the APS district.

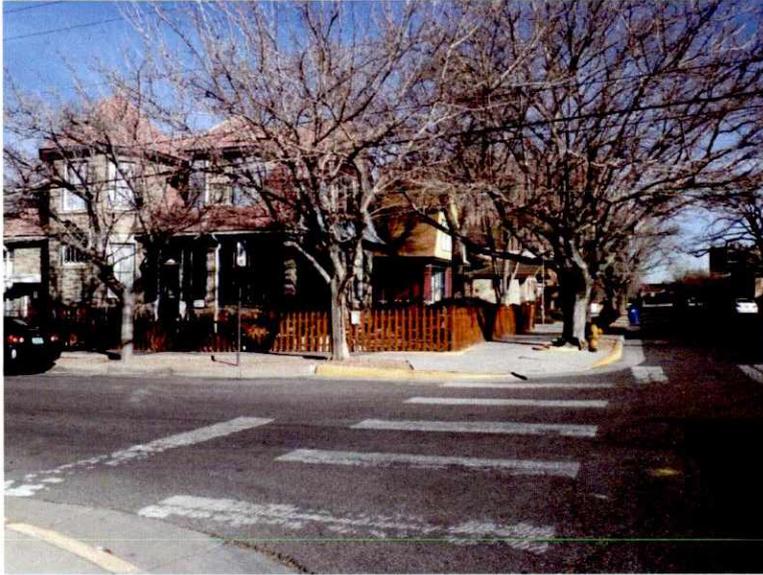
**MID-REGION COUNCIL OF GOVERNMENTS**

MRMPO has no adverse comments.

**MIDDLE RIO GRANDE CONSERVANCY DISTRICT**

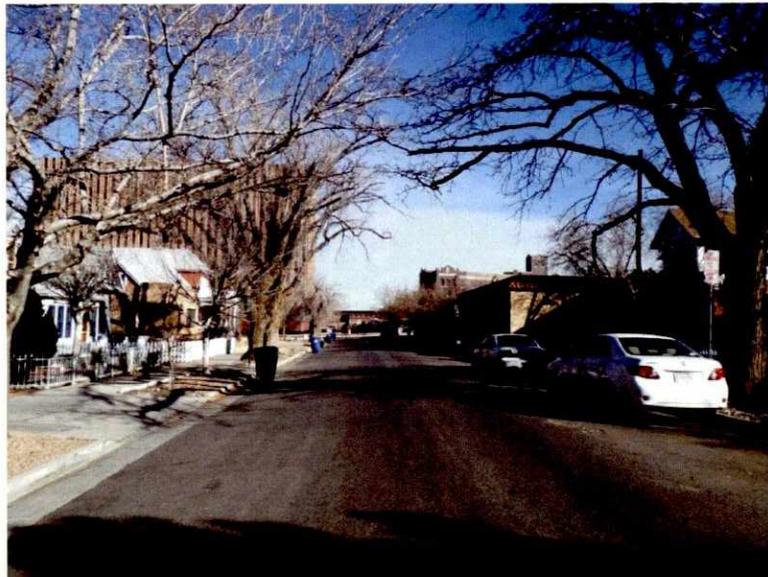
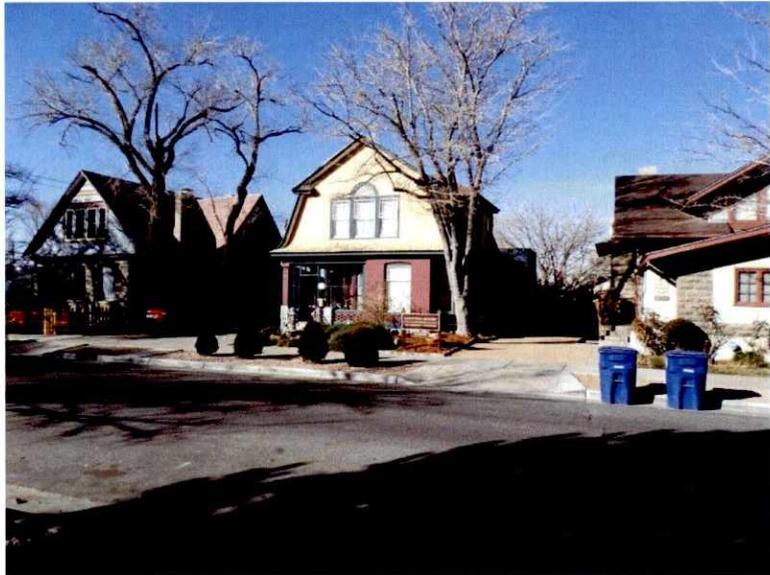
**PUBLIC SERVICE COMPANY OF NEW MEXICO**

PNM has no comments based on information provided to date.



**Figure 1:** Looking NW, at the subject site, from the corner of Copper Ave. and High St. NE.

**Figure 2:** Looking SSW, at the subject site, while standing across High St. NE.



**Figure 3:** Looking N, while standing on High St. NE, in front of the subject site.

Figure 4: Looking S, down High St. NE, at Central Ave.

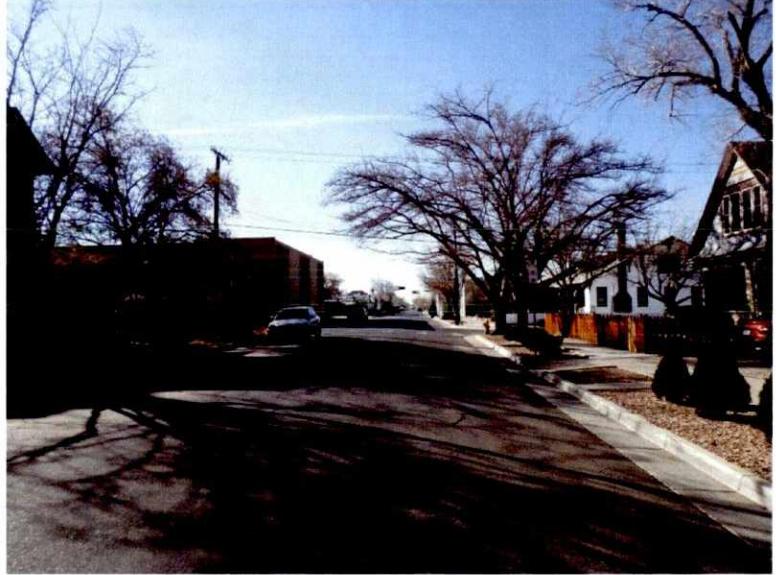
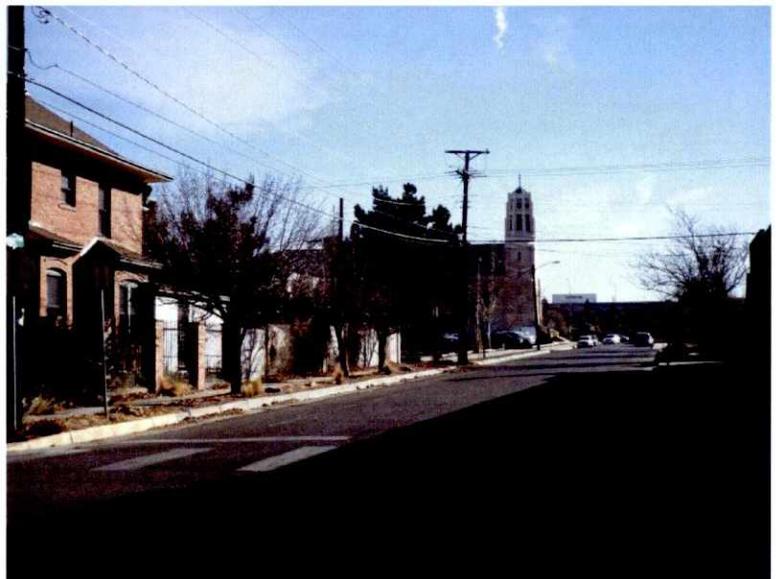


Figure 5: Looking E, at the courtyard apartment building, across High St. NE, from the subject site.

Figure 6: Looking E, along Copper Ave., at the church and I-25.



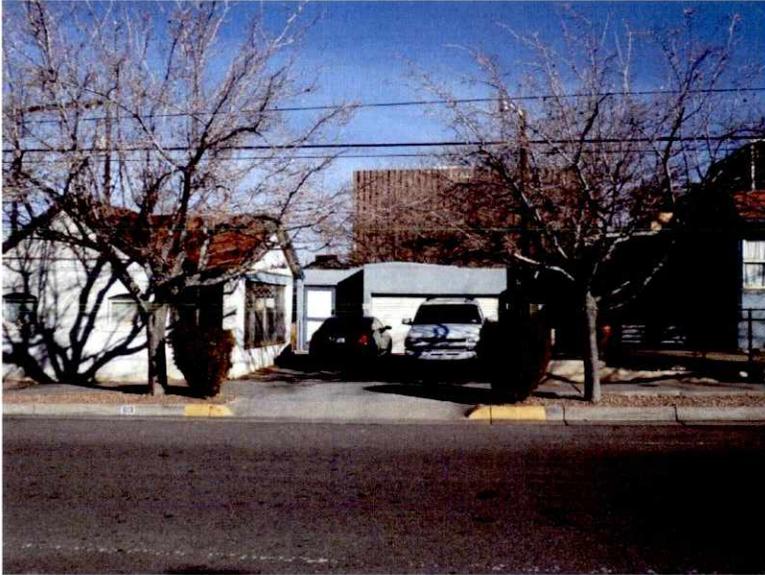


Figure 7: Looking N at the subject site, while standing across Copper Ave.

Figure 8: Looking N, at the alley that runs along the subject site's western side.

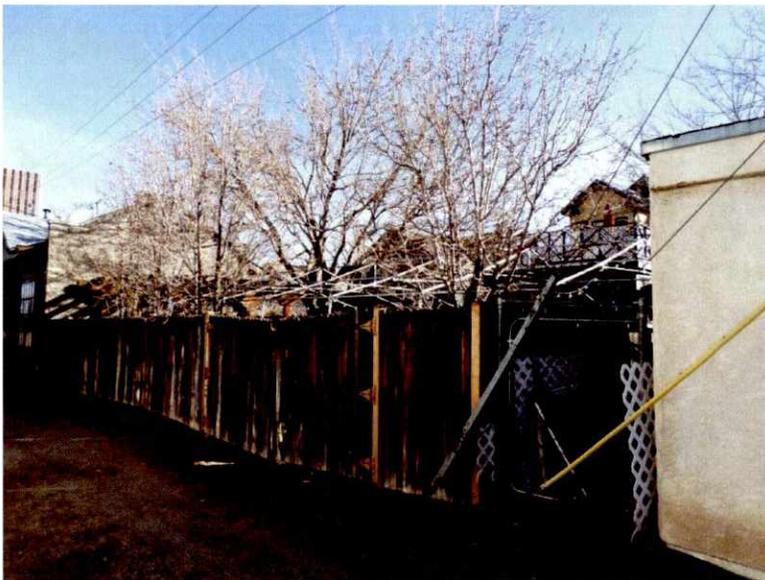
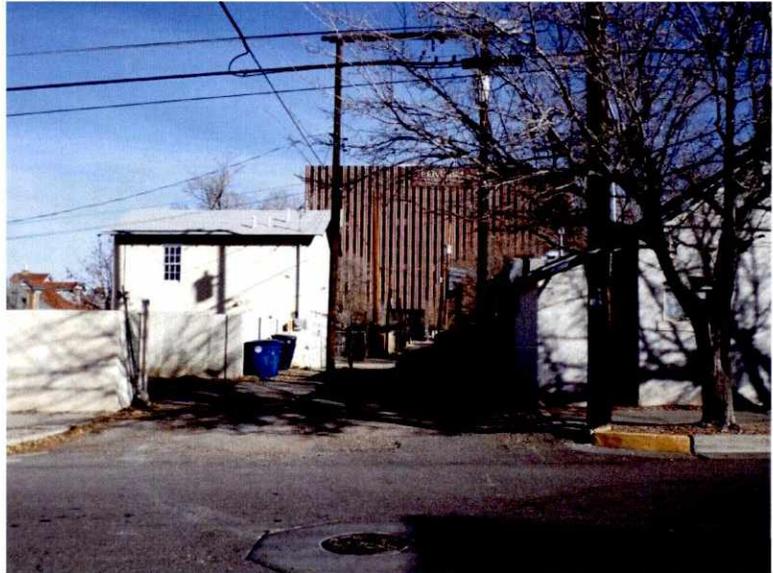
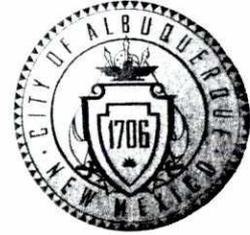


Figure 9: Looking NE, at the backyard of Lot 9 of the subject site, while standing in the alley.

HISTORY

# CITY OF ALBUQUERQUE



**PLANNING DEPARTMENT**  
**URBAN DESIGN & DEVELOPMENT DIVISION**  
600 2nd Street NW, 3rd Floor, 87102  
P.O. Box 1293, Albuquerque, NM 87103  
Office (505) 924-3860 Fax (505) 924-3339

## OFFICIAL NOTIFICATION OF DECISION

December 15, 2017

Steven & Kara Grant  
207-209 High St. NE  
Albuquerque, NM 87102

**Project# 1005206**  
17EPC-40054 Sector Development Plan Map Amendment  
(zone change)  
17EPC-40067 Site Development Plan for Building Permit

### LEGAL DESCRIPTION:

The above action for Lot 8, Lot 9 and the additional south seven feet and eight inches of Lot 7, and Lot 10, Block 24, Huning's Highlands Addition, zoned SU-2/MR, to SU-2/SU-1 for Bed and Breakfast to include special events, located on High St. NE, between Central Ave. NE and Dr. Martin Luther King, Jr. Ave. NE, containing approximately 0.6 acre. (K-14)

Staff Planner: Catalina Lehner

PO Box 1293

Albuquerque NM 87103  
On December 14, 2017 the Environmental Planning Commission (EPC) voted to DEFER Project 1005206/17EPC-40054, a Sector Development Plan Map Amendment (Zone Change) and 17EPC-40067, a Site Development Plan for Building Permit, for 60 days to the February 08, 2017 hearing based on the following Findings:

NM 87103

### FINDINGS:

- www.cabq.gov
1. The request is for a sector development plan map amendment (zone change) to the Huning Highland Sector Development Plan (HHSDP) and an as-built site development plan for building permit.
  2. A bed and breakfast operates on the subject site. The applicant is requesting a zone change in order to continue to host special events, such as meetings and weddings.
  3. The applicant is requesting a 60 day deferral to strengthen the zone change justification, provide the required as-built site development plan, and ensure that notification is correct.

**APPEAL:** If you wish to appeal this decision, you must do so within 15 days of the EPC's decision or by **DECEMBER 29, 2017**. The date of the EPC's decision is not included in the 15-day period for filing an appeal, and if the 15<sup>th</sup> day falls on a Saturday, Sunday or Holiday, the next working day is considered the deadline for filing the appeal.

For more information regarding the appeal process, please refer to Section 14-16-4-4 of the Zoning Code. A Non-Refundable filing fee will be calculated at the Land Development Coordination Counter and is

OFFICIAL NOTICE OF DECISION

Project #1005206

December 14, 2017

Page 2 of 2

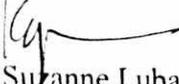
required at the time the appeal is filed. It is not possible to appeal EPC Recommendations to City Council; rather, a formal protest of the EPC's Recommendation can be filed within the 15 day period following the EPC's recommendation.

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 City Zoning Code must be complied with, even after approval of the referenced application(s).

ZONE MAP AMENDMENTS: Pursuant to Zoning Code Section 14-16-4-1(C)(16), a change to the zone map does not become official until the Certification of Zoning (CZ) is sent to the applicant and any other person who requests it. Such certification shall be signed by the Planning Director after appeal possibilities have been concluded and after all requirements prerequisite to this certification are met. If such requirements are not met within six months after the date of final City approval, the approval is void. The Planning Director may extend this time limit up to an additional six months.

SITE DEVELOPMENT PLANS: Pursuant to Zoning Code Section 14-16-3-11(C)(1), if less than one-half of the approved square footage of a site development plan has been built or less than one-half of the site has been developed, the plan for the undeveloped areas shall terminate automatically seven years after adoption or major amendment of the plan: within six months prior to the seven-year deadline, the property owners shall request in writing through the Planning Director that the Planning Commission extend the plan's life an additional five years. Additional design details will be required as a project proceeds through the Development Review Board and through the plan check of Building Permit submittals for construction. Planning staff may consider minor, reasonable changes that are consistent with an approved Site Development Plan so long as they can be shown to be in conformance with the original, approved intent.

Sincerely,

  
for Suzanne Lubar  
Acting Planning Director

SL/CLL

cc: Steven & Kara Grant, 207-209 High St. NE. ABQ, NM 87102  
Broadway Central Corri. Part. Inc. Jim Maddox, 515 Central Ave. NE, ABQ, NM 87102  
Broadway Central Corri. Part. Inc. Rob Dixon, P.O. Box 302, ABQ, NM 87102  
Huning Highland Hist. Dist. Assoc., Bonnie Anderson, 522 Edith SE, ABQ, NM 87102  
Huning Highland Hist. Dist. Assoc., Ann Carson, 416 Walter SE, ABQ, NM 87102  
Dayan Hochman, 1121 4<sup>th</sup> St. NW, Ste. 10, ABQ, NM 87102  
Larry Tucker, 210 Walter St. NE, ABQ, NM 87102



CITY OF ALBUQUERQUE  
OFFICE OF THE ZONING HEARING EXAMINER  
NOTIFICATION OF DECISION

**STEVE & KARA GRANT** request(s) a special exception to Huning Highland Sector Plan 1. A. B. 4. b.: a **CONDITIONAL USE** to allow for a proposed bed and breakfast establishment in a M-R zone on all or a portion of Lot(s) 9, Block(s) 24, Huning Highland Addition, zoned SU-2 and located at **207 HIGH ST NE (K-14)**

Special Exception No:..... **06ZHE - 01482**  
Project No: ..... **1005206**  
Hearing Date: ..... 11-28-06  
Closing of Public Record: ..... 11-28-06  
Date of Decision: ..... 12-11-08

**STATEMENT OF FACTS:** The applicants, Steve and Kara Grant, request a conditional use to allow for a proposed bed and breakfast establishment in a M/R zone. The applicants testified that the neighbors, as well as the Huning Castle Neighborhood Association, support this proposal. The applicant demonstrated that the proposed use will not be injurious to the surrounding properties, the neighborhood or the community. Signage on the building and parking on the premises will conform to the Zoning Ordinance. The yellow sign was posted. There was no opposition to this request at the hearing, nor is there any opposition noted in the file.

Based on all of the testimony and a review of the entire file, it is determined that there is substantial evidence to make the following findings and conclusions:

**FINDINGS AND CONCLUSIONS:** I find that this request complies with Section 14.16. 2. 6. (B). (12)., for the granting of a conditional use upon a finding that the proposed use will not cause injury to the neighborhood, adjacent property or the community, nor will it be damaged by surrounding structures. For reasons stated above, this request is approved.

**DECISION:** Approved.

**If you wish to appeal this decision, you may do so within fifteen (15) days from the date of decision, above, in the manner described below:**

Appeal is to the Board of Appeals within 15 days of the decision. A filing fee of \$55.00 shall accompany each appeal application, as well as a written explanation outlining the reason for appeal and a copy of the ZHE decision. Appeals are taken at 600 2nd Street, Plaza Del Sol Building, Ground Level, Planning Application Counter located on the west side of the lobby. **Please present this letter of notification when filing an appeal.** When an application is withdrawn, the fee shall not be refunded.

06ZHE – 01482 (continued)

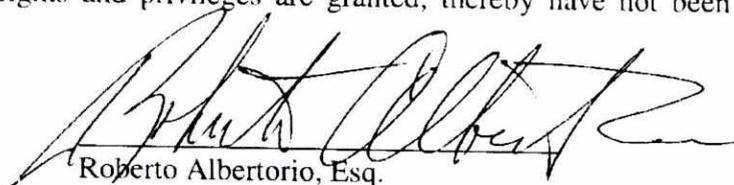
December 11, 2006

An appeal shall be heard by the Board of Appeals within 45 days of the appeal period and concluded within 75 days of the appeal period. The Planning Division shall give written notice of an appeal, together with a notice of the date, time and place of the hearing to the applicant, a representative of the opponents, if any are known, and the appellant.

Please note that pursuant to Section 14. 16. 4. 4. (B), of the City of Albuquerque Comprehensive Zoning Code, you must demonstrate that you have legal standing to file an appeal as defined.

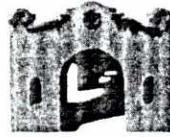
You will receive notice if any other person files an appeal. If there is no appeal, you can receive building permits any time after the appeal deadline quoted above, provided all conditions imposed at the time of approval have been met. However, the Zoning Hearing Examiner may allow issuance of building permits if the public hearing produces no objection of any kind to the approval of an application. To receive this approval, the applicant agrees in writing to return the building permit or occupation tax number.

Successful applicants are reminded that other regulations of the City must be complied with, even after approval of a special exception is secured. This decision does not constitute approval of plans for a building permit. If your application is approved, bring this decision with you when you apply for any related building permit or occupation tax number. Approval of a conditional use or a variance application is void after one year from date of approval if the rights and privileges are granted, thereby have not been executed or utilized.



Roberto Albertorio, Esq.  
Zoning Hearing Examiner

cc: Zoning Enforcement (2)  
ZHE File (2)  
Steve & Kara Grant, 207 High St NE, 87102



Landmarks & Urban  
Conservation Commission

**CERTIFICATE OF APPROPRIATENESS**

**Staff Decision**

City of Albuquerque, Planning Department  
600 2nd Street NW-3rd Floor  
Albuquerque, NM 87102  
(505) 924-3883, FAX (505) 924-3339

**06LUCC-01331/ Project #1002852/ LUCCS-06-35**

**DATE:** September 11, 2006

**GRANTED TO:** Steve & Kara Grant  
209 High Street NE  
Albuquerque NM 87102  
237-2866

**LOCATION:** 209 High Street NE, also described as Lot 8 Block 24, Huning's Highland Addition, containing a contributing building in the Huning Highland Historic Overlay Zone and zoned SU2/MR. (Zone Atlas Page K-14).

**PROPOSAL:** **Re-roof house, removal of existing shingle layers and replace with asphalt shingle.**

**DECISION:** Approved, based on the following findings:

**FINDINGS:**

1. This is a request for re-roofing at 209 High Street NE, Lot 8, Block 24, Huning Highland Addition, a contributing property within the Huning Highland Historic Overlay Zone (K-14-Z).
2. The project will remove old shingles to the wood, install new sheathing and felt, and install asphalt shingles.
3. The *Huning Highlands Historic Overlay Zone Design Guidelines* state that "the use of asphalt shingles for roofs is acceptable." The replacement shingle roofing will be similar to others approved by the LUCC and by staff, and will be compatible to the original materials used on this house. (*Huning Highland Historic Overlay Zone Design Guidelines, III.A.6.c and LUC Ordinance §14-12-8.B.2.*)
4. The *Huning Highlands Historic Overlay Zone Design Guidelines* state "renovation and rehabilitation of existing residential buildings shall keep original door, window, and roof shapes." Roof shape is unaltered by this proposal. (*Huning Highland Historic Overlay Zone Design Guidelines, III.B.1.e. and LUC Ordinance §14-12-8B.2.*)
5. The proposed work meets the criteria of the *Landmarks and Urban Conservation Ordinance Sections 14-12-8 B (1, 2, 4)* in that the architectural character of the structure or site will not be diminished by the proposal.

CONDITIONS:

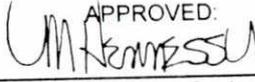
1. This approval **does not include the removal or alteration of any existing chimneys, or other character defining architectural details.**  
(Huning Highland Historic Overlay Zone Design Guidelines, III.B.1.a. and LUC Ordinance §14-12-8.B.4.)

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**Any deviation** from the information and/or conditions upon which this decision was made requires further Landmarks and Urban Conservation Commission review. Applicant is responsible for acquiring **any and all additional City of Albuquerque** department review and/or permits required for implementation of this project.

Failure to obtain the necessary permits for implementation of this proposal **within one (1) year voids** this Certificate of Appropriateness. However, failure to implement this proposal for the purpose of abating a code violation within the specified time issued by a Code Enforcement agency shall render the property owner subject to the penalty provisions of all applicable codes.

**Appeal to the Landmarks and Urban Conservation Commission:** Any person aggrieved with any determination of the Landmarks and Urban Conservation Commission staff acting under this ordinance may file an appeal to the Commission by submitting written application to the Planning Department within 15 days of this Staff Decision. The date the approval in question is issued is not included in the 15 day period for filing an appeal and if the fifteenth day falls on a Saturday, Sunday or holiday as listed in the City's Merit System Ordinance, the next working day is considered as the deadline for filing the appeal. The Landmarks and Urban Conservation Commission may decline to hear the appeal if it finds that all City plans, policies and ordinances have been properly followed by its staff in the Staff Decision. If it decides that there is substantial reason to believe that all City plans, policies and ordinances have not been properly followed or are inadequate, the Commission shall hear the appeal.

APPROVED:  
  
Maryellen Hennessy, Senior Planner  
Landmarks and Urban Conservation Commission

CC: Zoning Code Enforcement Inspector, 600 2<sup>nd</sup> Street NW, 7<sup>th</sup> Floor, 87103  
Erskine Maytorena, Huning Highland Historic District Assoc 201 Walter NE Albuquerque, NM 87102  
Steve Grant, Huning Highland Historic District Assoc., 209 High St. NE, Albuquerque NM 87102



## CERTIFICATE OF APPROPRIATENESS

### Landmarks and Urban Conservation Commission

City of Albuquerque, Planning Department, 600 2nd Street NW-3rd Floor, Albuquerque, NM 87102  
(505)924-3860, FAX (505)924-3339

### 03LUC-01282 / Project # 1002852 / LUCCS-03-25

**DATE:**

8/8, 2003

**GRANTED TO:**

Kara and Steve Grant  
8904 Haines Avenue NE  
Albuquerque, N.M. 87112  
(505) 237-2866

**LOCATION:**

209 High Street NE, Lot 8, Block 24, Huning's Highland Addition, zoned SU-2/MR, a **contributing** property within the boundaries of the Huning's Highland Historic Overlay Zone (K-14-Z).

**PROPOSAL:**

**New rear yard fence with rolling gate. Fence is to be cedar picket, steel supports for posts and gate will be covered with cedar. Two gates at main house will be wood picket gates. Rolling gate will be steel support frame covered in cedar pickets. Small concrete trench (6" wide) will be poured for rolling gate.**

**DECISION:**

Approved, based on the following findings and subject to the following conditions:

**FINDINGS:**

1. This is a request for new rear yard fencing at 209 High Street SE, Lot 8, Block 24, Huning's Highland Addition, a **contributing** structure within the Huning's Highland Historic Overlay Zone.
2. This request includes side and rear yard fencing, with gates and fencing joining the main house. The rolling gate on the rear yard will be constructed of cedar.
3. The *Huning Highlands Historic Overlay Zone Design Guidelines* allow for fencing to be of appropriate materials, such as wood, stone, etc. A cedar picket fence meeting current Zoning regulations is an appropriate fence material and type. (*Huning Highland Historic Overlay Zone Design Guidelines, III.E.4.*)

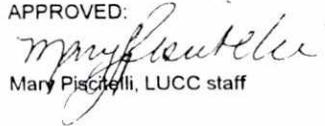
**CONDITIONS:**

1. **All steel structural members must be completely covered with cedar pickets so that no posts are visible from the street or alley. Rolling gate must be covered of the same cedar material so no steel structure is visible.** Applicant is responsible for acquiring any and all additional City of Albuquerque department reviews and/or permits required for implementation of this proposal. LUCC Staff must review any changes to the LUCC-approved plans due to permitting requirements that affects the exterior appearance of the property. The LUCC staff must stamp and final sign off of all building permit plan sets prior to permit issuance.
2. If applicant does not obtain the necessary permits for implementation of this proposal within one (1) year, this Certificate of Appropriateness is void. Not implementing an approved application for a Certificate of Appropriateness in a timely fashion, for the purpose of abating a code violation identified by a City of Albuquerque code enforcement agency, makes the property owner subject to the penalty provisions of all applicable codes.

If you or other parties wish to appeal this decision, you may do so by 8/23, 2003, 5:00 p.m., as described below. A filing fee is required.

**Appeal to the Landmarks and Urban Conservation Commission:** Any person aggrieved with any determination of the Landmarks and Urban Conservation Commission staff acting under this ordinance may file an appeal to the Commission by submitting written application to the Planning Department within 15 days of this Staff Decision. The date the approval in question is issued is not included in the 15 day period for filing an appeal and if the fifteenth day falls on a Saturday, Sunday or holiday as listed in the City's Merit System Ordinance, the next working day is considered as the deadline for filing the appeal. The Landmarks and Urban Conservation Commission may decline to hear the appeal if it finds that all City plans, policies and ordinances have been properly followed by its staff in the Staff Decision. If it decides that there is substantial reason to believe that all City plans, policies and ordinances have not been properly followed or are inadequate, the Commission shall hear the appeal.

APPROVED:



Mary Piscitelli, LUCC staff

xc: Andrew Garcia, Zoning Enforcement Services Inspector, Plaza del Sol-600 2<sup>nd</sup> Street NW, 7<sup>th</sup> Fl.  
Steve Chavez, Residential Code Services Manager, Plaza del Sol-600 2<sup>nd</sup> Street NW, 4th Fl.  
Bill Hoch, HHNA, 205 Highland Park Circle SE, 87102  
Charles Incendio, HHHDA, 201 High St. NE, 87102

NOTIFICATION OF DECISION  
CERTIFICATE OF APPROPRIATENESS  
Landmarks and Urban Conservation Commission  
City of Albuquerque, Planning Department, 600 2nd St., NW, Albuquerque, NM 87103

March 13, 1998

Charles Incendio  
201 High NE  
Albuquerque, NM 87102

**LUCC-98-8** Charles Incendio requests a retroactive Certificate of Appropriateness for modifications at the residential property located at 201 High Street NE, Lot 10, Block 24, Huning Highland Addition, a Significant building in the Huning Highland Historic Overlay Zone, Zoned SU-2/MR, Map K-14-Z.

This is to inform you that on March 12, 1998, the Landmarks and Urban Conservation Commission (LUCC) took the following action regarding this matter the LUCC granted:

*Approval based on Staff Findings 1-2.*

**STAFF FINDINGS:**

1. The porch wall uses exposed materials compatible with historic construction in the district.
2. The original door opening is maintained and a shiny, metallic appearance is avoided.

**RELEVANT ORDINANCES, DESIGN GUIDELINES AND POLICIES:**

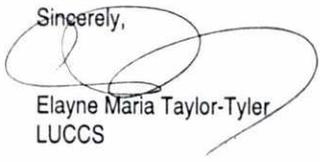
14-12-8(A), 14-12-8(B)(1), H.H.H.O.Z.D.G.-III.A., H.H.H.O.Z.D.G.-III.B.(1)(e).

If you wish to appeal this decision, you may do so by March 27, 1998, in the manner described below. A filing fee of \$50.00 is required.

*Appeal to City Council. Any person aggrieved with any determination of the Landmarks and Urban Conservation Commission acting under this ordinance may file an appeal to the City Council by submitting written application to the Planning Department within 15 days of the Landmarks and Urban Conservation Commission's decision. The date the determination in question is issued is not included in the 15-day period for filing an appeal, and if the fifteenth day falls on a Saturday, Sunday, or holiday as listed in the Merit System Ordinance, the next working day is considered as the deadline for filing the appeal. The City Council may decline to hear the appeal if it finds that all City plans, policies, and ordinances have been properly followed. If it decides that there is substantial reason to believe that all City plans, policies, and ordinances have not been properly followed or are inadequate, it shall hear the appeal.*

Any deviation from the information and/or conditions upon which this decision was made requires further Landmarks and Urban Conservation Commission review. Successful applicants are reminded that other regulations of the City must be complied with, even after approval of the referenced application(s). Approval of this case does not constitute approval of plans for a building permit. **You must bring two copies of your plans to Landmarks and Urban Conservation Commission Staff for signature before submitting them to Zoning and the Building & Safety Division for building permit.** A building permit must be issued within one year of the date of approval. Failure to obtain a building permit within one year voids the Certificate of Appropriateness.

Sincerely,

  
Elayne Maria Taylor-Tyler  
LUCCS

cc: Bill Hoch, Huning Highland Neighborhood Assn., 205 Highland Park Circle SE, 87102  
George and Deborah Emery, Huning Highland Neighborhood Assn., 202 High NE, 87102

# OFFICIAL NOTICE

CITY OF ALBUQUERQUE  
PLANNING DEPARTMENT  
Box 1293, Albuquerque, NM 87103

Date October 19, 1976

Fred J. Walker  
201 High St., N.E.  
Albuquerque, NM 87102

NOTIFICATION OF DECISION  
ON A ZONING SPECIAL EXCEPTION

File ZA-76-272  
Location: 201 High St., N.E.

Your application for special exception under the Comprehensive Zoning Ordinance was considered at the Zoning Administrator's hearing on October 5, 1976. The following decision was made:

**FINDINGS:** This neighborhood contains a wide variety of conflicting land uses. The subject lot, until recently zoned O-1, has now been rezoned SU-2 residential (with a 10 ft. front and corner side setback); the SU-2 regulations, still under consideration, have so far failed to set special wall regulations for these areas. The character of the neighborhood is sufficiently exceptional to justify the requested variance; the variance should make the property more suitable for family living, an objective of the sector development plan. The requested variance will not be injurious to the neighborhood or appropriate use of adjoining property.

**DECISION:** A three foot height variance is approved to permit a six foot fence in the required front and side yard setback areas, on the conditions that no fence over three feet be closer than 11 feet from the junction of sidewalks and driveways or in the clear sight triangle.

If you wish to appeal this decision, you may do so by November 3, 1976 in the manner described below, as excerpted from the Zoning Ordinance of the City of Albuquerque.

1. Jurisdiction. Appeal of special exception decisions by the Zoning Administrator is to the Planning Commission. Appeal of decisions by the Planning Commission is to the City Commission.
2. Application. A decision by the Zoning Administrator or the Planning Commission is final unless appeal is initiated by application to the City on prescribed forms within fifteen days of the decision. A building permit dependent on a case shall not be issued until an appeal is decided, or the time for filing the appeal has expired without an appeal being filed.
3. Acceptance. The City Commission may decline to accept an appeal if it finds that all adopted City plans, policies, and ordinances have been properly followed. If it decides that there is a substantial question that all such City plans, policies, and ordinances have not been properly followed or are not adequate, it shall accept the appeal. The Planning Commission shall accept all appeal cases sent to it.
4. Fee. A filing fee of \$25 must accompany each appeal application. When an application is withdrawn the application fee shall not be refunded.
5. Hearing and Decision. An appeal, if accepted, shall be decided within sixty days of its filing. Decision shall be following a public hearing. Public notice of an appeal must be given by legal advertisement in a newspaper of general circulation in the City of Albuquerque at least fifteen days before the hearing. The Planning Department must give written notice of an appeal, together with a notice of the date, time, and place of hearing to the applicant, a representative of the opponents, if any are known, and the appellant.

Successful applicants are reminded that other regulations of the City must be complied with, even after approval of the Zoning Administrator is secured. Approval of this case does not constitute approval of plans for a building permit. If your application is approved, bring this letter when you come to City Hall, 400 Marquette NW, to secure any related building permit. You should take two copies of your plans to the Building & Inspection Division to initiate such a permit.

Approval of a conditional use or variance application is void after one year from date of approval if the rights and privileges granted thereby have not been executed or utilized.

Sincerely,



Zoning Administrator

ZA

Letter of  
Advice

DAP:ps

BHB-02

# OFFICIAL NOTICE

## DECISION ON A REQUESTED SPECIAL EXCEPTION

As provided by the Comprehensive City Zoning Code,  
Chapter 7, Article XIV, Revised Ordinances of Albuquerque, NM, 1974

CITY OF ALBUQUERQUE  
PLANNING DEPARTMENT  
P.O. Box 1293, Albuquerque, NM 87103

Fred J. Walker requests a variance on Lot 10, Block 24, Huning Highland Addition, zoned SU-2/Mixed Residential and located 201 High Street, NE.

Decision No.:	ZA-79-74
Hearing Date:	March 21, 1979
Decision Date:	March 30, 1979

DECISION: A three foot height variance is approved to allow a six foot fence in the required corner side setback area on the conditions that (1) no fence over three feet high is closer than eleven feet from the junction of the public sidewalk and the driveway and (2) no fence over three feet high is located in the front yard (east of the house). A height variance in the front yard setback is denied.  
See attached Findings.

If you wish to appeal this decision, you may do so by April 16, 1979 in the manner described below, as excerpted from Section 45 of the Comprehensive City Zoning Code.

Jurisdiction. Appeal is to the Planning Commission.

Application. A special exception decision is final unless appeal is initiated by application to the City on prescribed forms within 15 days of the decision.

Fee. A filing fee to \$40 shall accompany each appeal application. When an application is withdrawn the fee shall not be refunded.

Hearing and Decision. An appeal shall be heard within 60 days of its filing. The decision shall be following a public hearing. This hearing shall review carefully the previous decisions on the matter. The Planning Department shall give written notice of an appeal, together with a notice of the date, time, and place of hearing to the applicant, a representative of the opponents, if any are known, and the appellant.

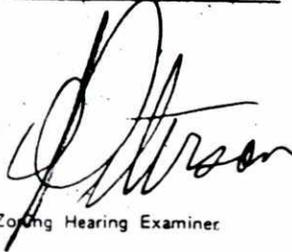
The above decision is not final and building permits dependent on it will not normally be issued until an appeal is decided or the time for filing the appeal has expired without an appeal being filed. However, if public hearing produces no objection of any kind to approval of an application, which application is approved, the Hearing Examiner may allow issuance of a building permit before 15 days. To receive this approval, the applicant agrees in writing to return related building permits if an appeal is duly filed.

Successful applicants are reminded that other regulations of the City must be complied with, even after approval of a special exception is secured. This decision does not constitute approval of plans for a building permit. If your application is approved, bring this decision when you apply for any related building permit or occupation tax number.

Approval of a conditional use or variance application is void after one year from date of approval if the rights and privileges granted thereby have not been executed or utilized.

DAP/cac

cc: Ervin Addy, 123 High SE  
Dan Luna, 420 Edith SE

  
Zoning Hearing Examiner

**FINDINGS FOR ZA-79-74**

**FINDINGS:** This neighborhood contains some conflicting land uses. The subject lot, until two and one-half years ago zoned O-1, is now zoned SU-2/Mixed Residential. That zone category has a ten foot front and corner side setback requirement (there is a residence front yard adjacent to the west).

In 1976 Mr. Walker requested and received a variance (ZA-76-272) for a fence such as he has erected; however, the erected fence is not set back eleven feet at the driveway as was required under that approval. In 1976 the SU-2 regulations were not settled. At the time of the variance decision Planning staff was intending to propose higher front walls as a standard in this area. It appeared that due to the semi-institutional uses and liquor establishments in the immediate area, the fence was justified to make the property more suitable for family living, an objective of the sector development plan.

Since that time the Planning Commission, with the concurrence of staff, decided that high front walls are not appropriate for this area. This decision was reached with knowledge that there are many pre-1976 fences at front lot lines and well over three feet in height. They are legally nonconforming. These facts were understood by the Planning Commission. Their existence cannot be exceptional physical conditions suitable to justify a front yard fence variance. The appearance of a six foot chain link fence in the required front setback area is inappropriate to the historic character of the area which the City and many neighborhood residents are not trying to reinforce.

The New Mexico Department of Corrections halfway house which was next door to this site in 1976 is now gone. Other negative influences are diminishing.

The small size of the rear yard is sufficiently exceptional to justify a side setback variance, but it does not now justify a front yard fence. The appearance of the side yard will be justified only if there is no fence in the front yard over three feet high.

A side setback variance will not be injurious to the neighborhood or appropriate use of adjacent property and is consistent with the intent and purposes of the Zoning Code and Comprehensive Plan.



## ZONING

Please refer to the Zoning Code §14-16-2-22  
for specifics of the SU-1 zone

## APPENDIX B

### ENACTMENT 270-1980

ADOPTING POLICIES FOR ZONE MAP CHANGE APPLICATIONS AND APPEALS OF ENVIRONMENTAL PLANNING COMMISSION DECISIONS; SUPERSEDING CITY COUNCIL RESOLUTIONS 217-1975 AND 182-1978 RELATING TO ZONE CHANGE APPLICATIONS AND APPEALS.

**WHEREAS**, the usefulness of the Comprehensive City Zoning Code in implementing the City's Comprehensive Plan and promoting health, safety, morals, and general welfare is enhanced by a reasonable flexibility in order to deal reasonably with changes in the physical, economic, and sociological aspects of the city; and

**WHEREAS**, certain general policies for consideration of zone map changes and other zoning regulation changes should be recognized as determinative.

**BE IT RESOLVED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF ALBUQUERQUE:**

Section 1. The following policies for deciding zone map change applications pursuant to the Comprehensive City Zoning Code are hereby adopted:

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

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.

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.

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 (1) or (2) above do not apply.

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.

F. A proposed zone change which, to be utilized through land development, requires major and un-programmed 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.

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

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

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 make the site unsuitable for the uses allowed in any adjacent 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;

(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.

Section 2. City Council Resolutions 217-1975 and 182-1978 adopting policies for zone map change applications and appeals of (the) Environmental Planning Commission are hereby superseded.

CITY of ALBUQUERQUE  
SEVENTH COUNCIL

COUNCIL BILL NO. R-336 ENACTMENT NO. B-1988

SPONSORED BY: Steve D. Gallegos

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Bracketed Material - Deletion

1 RESOLUTION  
2 ADOPTING THE HUNING HIGHLANDS SECTOR DEVELOPMENT PLAN; SUPERCEDING  
3 THE SIMILARLY NAMED PLAN ADOPTED BY RESOLUTION 4-1977; REPEALING THE  
4 SIGN PORTION OF THE HUNING HIGHLAND HISTORIC OVERLAY ZONE GUIDELINES.  
5 WHEREAS, the Council, the Governing Body of the City of  
6 Albuquerque, has the authority to adopt plans for the physical  
7 development of areas within the platting jurisdiction of the City  
8 authorized by statute, Section 3-19-5 NMSA 1978, and by its home  
9 rule powers; and  
10 WHEREAS, the Council recognizes the need for sector development  
11 plans to guide the City of Albuquerque and other agencies and  
12 individuals to ensure orderly redevelopment and effective  
13 utilization of funds; and  
14 WHEREAS, Huning Highlands as shown on the attached maps and  
15 described in the attached text, is a designated Community  
16 Development Area; and  
17 WHEREAS, the Huning Highlands Sector Development Plan,  
18 Resolution 4-1977, was originally adopted in 1977 and substantial  
19 changes in the plan are necessary; and  
20 WHEREAS, subsequent amendments, Resolution No. 2-1979,  
21 Resolution No. 223-1984, Resolution No. 127-1984 amended the Huning  
22 Highland Sector Development Plan of 1978; and  
23 WHEREAS, the Huning Highlands Sector Development Plan has been  
24 developed with the assistance of area residents, property owners,  
25 business people, and institutions; and  
26 WHEREAS, recent community meetings in Huning Highlands indicated

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[Bracketed Material] - Deletion

1 significant concern for neighborhood issues, including clarity of  
2 language, zoning, traffic, parking, commercial revitalization,  
3 crime, population turnover, and historic preservation; and

4 WHEREAS, the Environmental Planning Commission, in its advisory  
5 role on all matters related to planning, zoning and environmental  
6 protection, has approved and recommended the adoption of the Huning  
7 Highlands Sector Development Plan; and

8 WHEREAS, the Landmarks and Urban Conservation Commission, the  
9 body mandated to oversee the Huning Highland Historic Overlay zone,  
10 has approved and recommended the changes to the Huning Highland  
11 Historic Overlay Zone Guidelines.

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

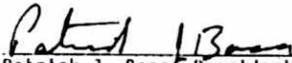
14 Section 1. The Huning Highlands Sector Development Plan is  
15 hereby adopted as a Rank Three Plan, attached hereto and made a part  
16 hereof, and as a guide to partial implementation of  
17 Albuquerque/Bernalillo County Comprehensive Plan, the administration  
18 of the U.S. Housing and Community Development Act of 1974 funds, and  
19 the investment of other public and private funds. The Huning  
20 Highlands Sector Development Plan adopted by Resolution 4-1977 and  
21 the amendments thereof adopted by Resolution No. 2-1979, Resolution  
22 No. 223-1984 and Resolution No. 127-1984 are hereby superceded by  
23 the 1987 Huning Highlands Sector Development Plan.

24 Section 2. All redevelopment activities within the area,  
25 including housing rehabilitation, land acquisition, and public  
26 improvements, shall be guided by the attached Huning Highlands  
27 Sector Development Plan.

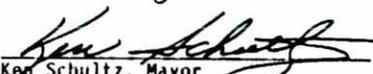
28 Section 3. The Huning Highlands Sector Development Plan shall  
29 guide City actions and regulations with respect to City actions  
30 regarding future land use, landscaping and building requirements,  
31 and design guidelines.

32 Section 4. Section III.F, Signage, is repealed from the Huning  
33 Highland Historic Overlay Zone Guidelines, which guidelines were

1 adopted by Council Resolution 132-1980.  
2 PASSED AND ADOPTED THIS 30th DAY OF November,  
3 1987.  
4 BY A VOTE OF 9 FOR AND 0 AGAINST.

5  
6   
7 Patrick J. Baca, President  
City Council

8  
9 APPROVED THIS 5<sup>th</sup> DAY OF January, 1988.

10  
11   
12 Ken Schultz, Mayor  
City of Albuquerque

13  
14 ATTEST:

15  
16   
17 City Clerk

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This Huning Highland Sector Development Plan replaces the 1977 Huning Highland Sector Development Plan and all amendments to the 1977 Plan which were adopted prior to the adoption of this Plan. Because the earlier land use categories have been substantially rewritten for greater clarity, and because this Plan sets forth action on a number of issues which have emerged since the adoption of the 1977 Plan, a new Plan is clearer and more appropriate than amendments to the 1977 Plan would have been.

## 1. Zoning

### A. Land Use

The Huning Highland Sector Plan Area is zoned SU-2, the Special Neighborhood Zone, which allows a mixture of uses controlled by a Sector Development Plan as described in Section 31 of the Comprehensive City Zoning Code. SU-2 zoning is appropriate for areas where other available zones do not promote conservation of special neighborhood characteristics, or where the land should develop with a mixture of uses which need careful control and coordination, or where there are factors that impair the sound growth and economic health of the area as regulated by zoning. The Huning Highland Sector Development Plan Area meets the first and second criteria. Within the overall SU-2 zone, separate zoning categories are established as shown on Map 9, and are regulated as follows.

The MIXED RESIDENTIAL zone (SU-2/MR) category corresponds to the R-1 Residential Zone in the Comprehensive City Zoning Code with the following exceptions:

#### A. Setback - Front Yard

1. The minimum front yard setback is 10 feet except the setback for a garage or carport is 20 feet.

#### B. Conditional Uses

1. Dwelling units in an accessory structure, provided the structure was originally constructed as a residence and provided lot size, open space and landscaping requirements in the Townhouse (RT) zone in the Comprehensive City Zoning Code are met.
2. Uses in the Residential Townhouse (RT) Zone in the Comprehensive City Zoning Code are allowed; development must meet all requirements in the RT zone.
3. Apartments and churches or other places of worship, legally existing as of the adoption of this Plan, are to be treated as approved conditional uses.

4. Bed and Breakfast establishments\* provided
  - a. The owner is a permanent resident;
  - b. There is one off-street parking space per rentable unit plus one space for the resident owner and each staff person;
  - c. One guest room unit may be provided for the first 1000 square feet of heated floor area in the major structure on a lot and one for every additional 400 square feet of heated floor area in the major structure; there may be up to five guest rooms per premises;
  - d. Except for a sign as permitted in this zone, no change shall be made to the exterior appearance of the building which would indicate that a Bed & Breakfast is located in the building;
  - e. A Site Development Plan showing parking entrances and exits and signage shall be approved by the Zoning Hearing Examiner.
  
5. Parking lot, provided:
  - a. The property abuts properties zoned Neighborhood Commercial Residential (SU2/NCR) on at least one side.
  - b. The property is vacant or includes a non-contributing building in the Huning Highland National Register Historic District.
  - c. A Site Development Plan has been approved by the Zoning Hearing Examiner which includes an area equal to at least ten percent of the off-street parking area (including related driveways) devoted to landscaping; at least 50% of required landscaping shall be located on or within five feet of the public right-of-way if the location and types of plants and other materials are compatible with utility lines, sidewalks and the safe use of the streets. Parking standards given in Section 40. A. 5. of the Comprehensive City Zoning Code shall be met.
  - d. Parking off alleys for activities off site can be provided on any MR-zoned lot adjacent to the NCR zone if no demolition of contributing buildings in the Huning Highland Overlay Zone is required and parking space standards as listed for parking lots in the Office (O-1) section of the Comprehensive City Zoning Code are met.
  
6. One non-illuminated free-standing or wall sign not to exceed six square feet in area may be approved, where needed, for approved conditional uses.

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\*BED AND BREAKFAST means a dwelling unit divided into at least one but not more than five guest rooms where lodging is provided for compensation and where breakfast is provided.

The issues in this section were first identified at a series of public meetings to which all property owners, residents and merchants in Huning Highlands were invited. Following the meetings, Redevelopment Division staff grouped the problems raised into general issue categories (crime, zoning, commercial development, traffic, etc.) and submitted these to the Huning Highland task force for further discussion and identification of concerns which the Plan could address.

## **Zoning**

Redevelopment Division staff recommended clarifying some of the zoning language (see Appendix B for existing zoning language). Staff and the task force agreed that some changes in the existing zoning language and some re-zoning were needed to 1) reduce the potential for development which could adversely impact neighborhood residential quality, and 2) provide areawide regulations for parking in residential areas. The lack of a neighborhoodwide policy on parking uses was cited by the Environmental Planning Commission when it denied a request for a zone change to allow a parking lot on a residentially-zoned lot at Silver and Arno. A staff zoning concern was that the sign regulations in existing zoning allows signs which are incompatible with the historic character of the area and which differ from the Historic Overlay Zone Design Guideline sign regulations.

### **Issues Identified**

**MIXED RESIDENTIAL ZONE (SU-2/MR)** In the residentially zoned blocks, the current regulations do not address several problems which have become apparent during the past nine years.

- a) Conversions of garages and other non-living quarter accessory structures to dwelling units are allowed under a conditional use provision in the MR zone. Each such conversion destabilizes the area by creating multi-family densities in inappropriate structures.
- b) There are no criteria for granting conditional use permits for bed and breakfast establishments, which are allowed in this zone as boarding or lodging houses. The neighborhood is not protected from the parking and traffic impacts of B & B's. City environmental health regulations (Albuquerque Food Sanitation Ordinance, Chapter 6, Article 25) address all types of food service use, requiring B & B's to meet standards for full service restaurants. These requirements cannot be easily complied with in most residential situations, thus virtually eliminating a viable re-use for larger historic homes in residential areas.

- c) Conditional uses include R-2 development which could require demolition of historic buildings, would place more traffic on the residential streets, and increase off-street parking demands.
- d) Densities are based on density per acre which is difficult to interpret and enforce in a developed area.
- e) Rehabilitation of residentially zoned properties on Lead and Coal is slower than elsewhere in the area. The proximity of the structures to these streets makes stable low-density residential uses difficult to maintain. Nine properties in the MR zone along Coal and Lead are in substandard condition. An additional issue, however, was that commercial zoning on Lead would further split off the residential area between Lead and Coal from the residential area to the north.
- f) Some commercial properties on Broadway and Central now need additional off-street parking, which in many cases can only be found in adjacent residential areas. If commercial redevelopment increases, this need will also increase. Parking use, however, could have a severe negative impact on the residential quality of the area and require demolition of historic homes.
- g) Signs in this zone are regulated as under Residential R-1 zoning, which allows only a foot-square sign placed in a window. These existing regulations are too restrictive for allowed uses such as existing apartments and Bed and Breakfast establishments.

RESIDENTIAL/OFFICE ZONE (SU-2/RO) RO zoning in the Huning Highland Sector Plan area was written to allow limited commercial use in existing residential dwellings and to encourage appropriate (defined as "does not alter the residential character of the neighborhood") residential and office development.

- a) The issue with this zone is the need for a clearer definition of appropriate uses: several of the activities included as conditional uses in the Residential Office Zone, such as group training homes, medical supplies and services, restaurants and even some office uses, could generate traffic and noise which would adversely affect adjacent residential areas.
- b) Signs in this zone are controlled as under the Office O-1 zone in the City Comprehensive Zoning Code. This zone allows wall, canopy, free-standing and projecting on-premise signs which can be up to 75 square feet or 15 percent of the facade; these sizes could negatively impact the existing residential character of most of the areas zoned RO. The existing sign regulations in the Historic Overlay Zone Guidelines do not provide sufficient information to property owners wishing to place signs in the area. They control "all signs in areas zoned residential," but do not specify if the Residential Office zone falls in this category.

APPLICATION INFORMATION



Supplemental Form (SF)

**SUBDIVISION**

- Major subdivision action
- Minor subdivision action
- Vacation
- Variance (Non-Zoning)

**SITE DEVELOPMENT PLAN**

- for Subdivision
- for Building Permit
- Administrative Amendment (AA)
- Administrative Approval (DRT, URT, etc.)
- IP Master Development Plan
- Cert. of Appropriateness (LUCC)

**STORM DRAINAGE (Form D)**

- Storm Drainage Cost Allocation Plan

**S Z ZONING & PLANNING**

- Annexation
- V** Zone Map Amendment (Establish or Change Zoning, includes Zoning within Sector Development Plans)
- P** Adoption of Rank 2 or 3 Plan or similar Text Amendment to Adopted Rank 1, 2 or 3 Plan(s), Zoning Code, or Subd. Regulations

**D** Street Name Change (Local & Collector)

**L A APPEAL / PROTEST of...**

- Decision by: DRB, EPC, LUCC, Planning Director, ZEO, ZHE, Board of Appeals, other

PRINT OR TYPE IN BLACK INK ONLY. The applicant or agent must submit the completed application in person to the Planning Department Development Services Center, 600 2<sup>nd</sup> Street NW, Albuquerque, NM 87102.  
Fees must be paid at the time of application. Refer to supplemental forms for submittal requirements.

**APPLICATION INFORMATION:**

Professional/Agent (if any): \_\_\_\_\_ PHONE: \_\_\_\_\_  
ADDRESS: \_\_\_\_\_ FAX: \_\_\_\_\_  
CITY: \_\_\_\_\_ STATE \_\_\_\_\_ ZIP \_\_\_\_\_ E-MAIL: \_\_\_\_\_  
APPLICANT: STEVEN & KARA GRANT PHONE: 505-238-0308  
ADDRESS: 207-209 HIGH ST. NE FAX: 505-238-9881  
CITY: ALBUQUERQUE STATE NM ZIP 87102 E-MAIL: SKGRANTS@GMAIL.COM  
Proprietary interest in site: \_\_\_\_\_ List all owners: \_\_\_\_\_

**DESCRIPTION OF REQUEST:** SPECIAL REQUEST TO OFFICIALLY ALLOW CURRENT BED 4 BREAKFAST (DOWNTOWN HISTORIC) TO HOST SMALL OUTDOOR SPECIAL EVENTS.  
Is the applicant seeking incentives pursuant to the Family Housing Development Program?  Yes.  No.

**SITE INFORMATION: ACCURACY OF THE EXISTING LEGAL DESCRIPTION IS CRUCIAL! ATTACH A SEPARATE SHEET IF NECESSARY.**

Lot or Tract No. \_\_\_\_\_ Block: 24 Unit: 9  
Subdiv/Addn/TBKA: HUNTING HIGHLAND/EDO  
Existing Zoning: SU-2/MR Proposed zoning: SU-2-BED4 BREAKFAST MRGCD Map No. to include special events  
Zone Atlas page(s): K-14 UPC Code: FACILITY ID: FA0072120

**CASE HISTORY:**

List any current or prior case number that may be relevant to your application (Proj., App., DRB-, AX\_Z\_V\_, S\_, etc.): 1005206  
(Prior Approval 10/2006)

**CASE INFORMATION:**

Within city limits?  Yes Within 1000FT of a landfill? NO  
No. of existing lots: 3 No. of proposed lots: \_\_\_\_\_ Total site area (acres): \_\_\_\_\_  
LOCATION OF PROPERTY BY STREETS: On or Near: HIGH & COPPER NE (1 BLOCK N. OF CENTRAL  
Between: CENTRAL/MLK and I-25 & BROADWAY  
Check if project was previously reviewed by: Sketch Plat/Plan  or Pre-application Review Team(PRT)  Review Date: \_\_\_\_\_

**SIGNATURE**

Steven Grant DATE 10/12/17  
(Print Name) STEVEN GRANT Applicant:  Agent:

**FOR OFFICIAL USE ONLY**

	Application case numbers	Action	S.F.	Fees
<input type="checkbox"/> INTERNAL ROUTING	<u>17EPC - 40054</u>			
<input type="checkbox"/> All checklists are complete				<u>\$240.00</u>
<input type="checkbox"/> All fees have been collected		<u>CME</u>		<u>\$50.00</u>
<input type="checkbox"/> All case #s are assigned		<u>ADV</u>		<u>\$75.00</u>
<input type="checkbox"/> All case #s are assigned				
<input type="checkbox"/> AGIS copy has been sent				
<input type="checkbox"/> Case history #s are listed				
<input type="checkbox"/> Site is within 1000ft of a landfill				
<input type="checkbox"/> F.H.D.P. density bonus				
<input type="checkbox"/> F.H.D.P. fee rebate				
				Total
				<u>\$365.00</u>
	Hearing date <u>Dec. 14, 2017</u>			
	<u>10-16-17</u>			
	Staff signature & Date	Project # <u>1005206</u>		

SUBMIT ALL IN PDF DISK

**FORM Z: ZONE CODE TEXT & MAP AMENDMENTS, PLAN APPROVALS & AMENDMENTS**

**ANNEXATION (EPC08)**

- Application for zone map amendment including those submittal requirements (see below).  
*Annexation and establishment of zoning must be applied for simultaneously.*
  - Petition for Annexation Form and necessary attachments
  - Zone Atlas map with the entire property(ies) clearly outlined and indicated  
NOTE: The Zone Atlas must show that the site is in County jurisdiction, but is contiguous to City limits.
  - Letter describing, explaining, and justifying the request  
NOTE: Justifications must adhere to the policies contained in "Resolution 54-1990"
  - Letter of authorization from the property owner if application is submitted by an agent
  - Board of County Commissioners (BCC) Notice of Decision
  - Office of Neighborhood Coordination (ONC) inquiry response form, notification letter(s), certified mail receipts
  - Sign Posting Agreement form
  - Traffic Impact Study (TIS) form
  - List any original and/or related file numbers on the cover application
- EPC hearings are approximately 7 weeks after the filing deadline.* Your attendance is required.

- SDP PHASE I - DRB CONCEPTUAL PLAN REVIEW (DRBPH1)** (Unadvertised)
  - SDP PHASE II - EPC FINAL REVIEW & APPROVAL (EPC14)** (Public Hearing)
  - SDP PHASE II - DRB FINAL SIGN-OFF (DRBPH2)** (Unadvertised)
  - Copy of findings from required pre-application meeting (needed for the DRB conceptual plan review only)
  - Proposed Sector Plan (30 copies for EPC, 6 copies for DRB)
  - Zone Atlas map with the entire plan area clearly outlined and indicated
  - Letter describing, explaining, and justifying the request
  - Office of Neighborhood Coordination (ONC) inquiry response form, notification letter(s), certified mail receipts (for EPC public hearing only)
  - Traffic Impact Study (TIS) form (for EPC public hearing only)
  - Fee for EPC final approval only (see schedule)
  - List any original and/or related file numbers on the cover application
- Refer to the schedules for the dates, times and places of DRB and EPC hearings.* Your attendance is required.

**AMENDMENT TO ZONE MAP - ESTABLISHMENT OF ZONING OR ZONE CHANGE (EPC05)**

- Zone Atlas map with the entire property clearly outlined and indicated
  - Letter describing, explaining, and justifying the request pursuant to Resolution 270-1980.
  - Letter of authorization from the property owner if application is submitted by an agent
  - Office of Neighborhood Coordination (ONC) inquiry response form, notification letter(s), certified mail receipts
  - Sign Posting Agreement form
  - Traffic Impact Study (TIS) form
  - Fee (see schedule)
  - List any original and/or related file numbers on the cover application
- EPC hearings are approximately 7 weeks after the filing deadline.* Your attendance is required.
- SUBMIT APPL. VIA HARD COPY & CD DISK PDF*

**AMENDED TO SECTOR DEVELOPMENT MAP (EPC03)**

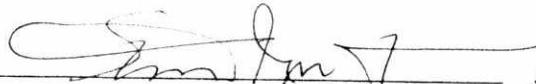
**AMENDMENT SECTOR DEVELOPMENT, AREA, FACILITY, OR COMPREHENSIVE PLAN (EPC04)**

- Proposed Amendment referenced to the materials in the Plan being amended (text and/or map)
  - Plan to be amended with materials to be changed noted and marked
  - Zone Atlas map with the entire plan/amendment area clearly outlined
  - Letter of authorization from the property owner if application is submitted by an agent (map change only)
  - Letter describing, explaining, and justifying the request pursuant to Resolution 270-1980 (Sector Plan map change only)
  - Letter briefly describing, explaining, and justifying the request
  - Office of Neighborhood Coordination (ONC) inquiry response form, notification letter(s), certified mail receipts (for sector plans only)
  - Traffic Impact Study (TIS) form
  - Sign Posting Agreement
  - Fee (see schedule)
  - List any original and/or related file numbers on the cover application
- EPC hearings are approximately 7 weeks after the filing deadline.* Your attendance is required.

**AMENDMENT TO ZONING CODE OR SUBDIVISION REGULATORY TEXT (EPC07)**

- Amendment referenced to the sections of the Zone Code/Subdivision Regulations being amended
  - Sections of the Zone Code/Subdivision Regulations to be amended with text to be changed noted and marked
  - Letter describing, explaining, and justifying the request
  - Fee (see schedule)
  - List any original and/or related file numbers on the cover application
- EPC hearings are approximately 7 weeks after the filing deadline.* Your attendance is required.

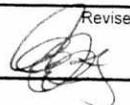
I, the applicant, acknowledge that any information required but not submitted with this application will likely result in deferral of actions.

  
 \_\_\_\_\_  
 Applicant name (print)  
 STEVEN GRANT 10/13/17  
 \_\_\_\_\_  
 Applicant signature & Date



Revised: June 2011

- Checklists complete
  - Fees collected
  - Case #s assigned
  - Related #s listed
- Application case numbers  
 17 EPC - 40054

 10-16-17  
 \_\_\_\_\_  
 Staff signature & Date  
 Project # 1005206

FORM P(1): SITE DEVELOPMENT PLAN REVIEW – E.P.C. PUBLIC HEARING

- SITE DEVELOPMENT PLAN FOR SUBDIVISION (EPC16) Maximum Size: 24" x 36"**
  - IP MASTER DEVELOPMENT PLAN (EPC11)**
    - \_\_\_ 5 Acres or more & zoned SU-1, IP, SU-2, PC, or Shopping Center: Certificate of No Effect or Approval
    - \_\_\_ Scaled Site Plan and related drawings (folded to fit into an 8.5" by 14" pocket) **20 copies**.
    - \_\_\_ For IP master development plans, include general building and parking locations, and design requirements for buildings, landscaping, lighting, and signage.
    - \_\_\_ Site plans and related drawings reduced to 8.5" x 11" format (**1 copy**)
    - \_\_\_ Zone Atlas map with the entire property(ies) clearly outlined
    - \_\_\_ Letter briefly describing, explaining, and justifying the request
    - \_\_\_ Letter of authorization from the property owner if application is submitted by an agent
    - \_\_\_ Office of Community & Neighborhood Coordination inquiry response, notifying letter, certified mail receipts
    - \_\_\_ Completed Site Plan for Subdivision and/or Building Permit Checklist
    - \_\_\_ Sign Posting Agreement
    - \_\_\_ Traffic Impact Study (TIS) form with required signature
    - \_\_\_ Fee (see schedule)
    - \_\_\_ List any original and/or related file numbers on the cover application
- EPC hearings are approximately 7 weeks after the filing deadline. Your attendance is required.**

- SITE DEVELOPMENT PLAN FOR BUILDING PERMIT (EPC15) Maximum Size: 24" x 36"**
  - SITE DEVELOPMENT PLAN and/or WAIVER OF STANDARDS FOR WIRELESS TELECOM FACILITY (WTF) (EPC17)**
    - \_\_\_ 5 Acres or more & zoned SU-1, IP, SU-2, PC, or Shopping Center: Certificate of No Effect or Approval
    - \_\_\_ Site Plan and related drawings (folded to fit into an 8.5" by 14" pocket) **20 copies**.
    - \_\_\_ Site Plan for Subdivision, if applicable, previously approved or simultaneously submitted. (Folded to fit into an 8.5" by 14" pocket.) **20 copies**
    - \_\_\_ Site Plans and related drawings reduced to 8.5" x 11" format (**1 copy**)
    - \_\_\_ Zone Atlas map with the entire property(ies) precisely and clearly outlined and crosshatched (to be photocopied)
    - \_\_\_ Letter briefly describing, explaining, and justifying the request
    - \_\_\_ Letter of authorization from the property owner if application is submitted by an agent
    - \_\_\_ Office of Community & Neighborhood Coordination inquiry response, notifying letter, certified mail receipts
    - \_\_\_ Sign Posting Agreement
    - \_\_\_ Completed Site Plan for Subdivision and/or Building Permit Checklist
    - \_\_\_ Traffic Impact Study (TIS) form with required signature
    - \_\_\_ Fee (see schedule)
    - \_\_\_ List any original and/or related file numbers on the cover application
- NOTE:** For wireless telecom facilities, requests for waivers of requirements, the following materials are required in addition to those listed above for application submittal:
- \_\_\_ Collocation evidence as described in Zoning Code §14-16-3-17(A)(6)
  - \_\_\_ Notarized statement declaring number of antennas accommodated. Refer to §14-16-3-17(A)(13)(d)(2)
  - \_\_\_ Letter of intent regarding shared use. Refer to §14-16-3-17(A)(13)(e)
  - \_\_\_ Affidavit explaining factual basis of engineering requirements. Refer to §14-16-3-17(A)(13)(d)(3)
  - \_\_\_ Distance to nearest existing free standing tower and its owner's name if the proposed facility is also a free standing tower §14-16-3-17(A)(17)
  - \_\_\_ Registered engineer or architect's stamp on the Site Development Plans
  - \_\_\_ Office of Community & Neighborhood Coordination inquiry response as above **based on ¼ mile radius**
- EPC hearings are approximately 7 weeks after the filing deadline. Your attendance is required.**

- AMENDED SITE DEVELOPMENT PLAN FOR BUILDING PERMIT (EPC01) Maximum Size: 24" x 36"**
  - AMENDED SITE DEVELOPMENT PLAN FOR SUBDIVISION (EPC02)**
    - \_\_\_ Proposed amended Site Plan (folded to fit into an 8.5" by 14" pocket) **20 copies**
    - \_\_\_ DRB signed Site Plan being amended (folded to fit into an 8.5" by 14" pocket) **20 copies**
    - \_\_\_ DRB signed Site Plan for Subdivision, if applicable (required when amending SDP for Building Permit) **20 copies**
    - \_\_\_ Site plans and related drawings reduced to 8.5" x 11" format (**1 copy**)
    - \_\_\_ Zone Atlas map with the entire property(ies) clearly outlined
    - \_\_\_ Letter briefly describing, explaining, and justifying the request
    - \_\_\_ Letter of authorization from the property owner if application is submitted by an agent
    - \_\_\_ Office of Community & Neighborhood Coordination inquiry response, notifying letter, certified mail receipts
    - \_\_\_ Sign Posting Agreement
    - \_\_\_ Completed Site Plan for Building Permit Checklist (not required for amendment of SDP for Subdivision)
    - \_\_\_ Traffic Impact Study (TIS) form with required signature
    - \_\_\_ Fee (see schedule)
    - \_\_\_ List any original and/or related file numbers on the cover application
- EPC hearings are approximately 7 weeks after the filing deadline. Your attendance is required.**

I, the applicant, acknowledge that any information required but not submitted with this application will likely result in deferral of actions.

X  
X

\_\_\_\_\_  
Applicant name (print)

\_\_\_\_\_  
Applicant signature / date



- Checklists complete
- Fees collected
- Case #s assigned
- Related #s listed

Application case numbers  
17 - EPC - 40067

Form revised November 2010

\_\_\_\_\_  
Planner signature / date  
Project #: 10015206

11-15-17

# CITY OF ALBUQUERQUE

## TRAFFIC IMPACT STUDY (TIS) FORM

APPLICANT: STEVE & KARA GRANT DATE OF REQUEST: 10/11/17 ZONE ATLAS PAGE(S): K-14

**CURRENT:**

ZONING SU-2/M-R  
PARCEL SIZE (AC/SQ. FT.) \_\_\_\_\_

**LEGAL DESCRIPTION:**

LOT OR TRACT # 9 BLOCK # 24  
SUBDIVISION NAME HUNING HIGHLAND

**REQUESTED CITY ACTION(S):**

ANNEXATION [ ]

ZONE CHANGE [  ]: From SU-2/M-R To SU2/SU1

SECTOR, AREA, FAC, COMP PLAN [ ]

AMENDMENT (Map/Text) [ ]

**SITE DEVELOPMENT PLAN:**

SUBDIVISION\* [ ] AMENDMENT [ ]

BUILDING PERMIT [ ] ACCESS PERMIT [ ]

BUILDING PURPOSES [ ] OTHER [ ]

\*includes platting actions

**PROPOSED DEVELOPMENT:**

NO CONSTRUCTION/DEVELOPMENT [  ]

NEW CONSTRUCTION [ ]

EXPANSION OF EXISTING DEVELOPMENT [ ]

**GENERAL DESCRIPTION OF ACTION:**

# OF UNITS: \_\_\_\_\_

BUILDING SIZE: 2400 (sq. ft.)

**Note:** changes made to development proposals / assumptions, from the information provided above, will result in a new TIS determination.

APPLICANT OR REPRESENTATIVE [Signature] DATE 10/11/17

(To be signed upon completion of processing by the Traffic Engineer)

**Planning Department, Development & Building Services Division, Transportation Development Section -**  
2<sup>ND</sup> Floor West, 600 2<sup>nd</sup> St. NW, Plaza del Sol Building, City, 87102, phone 924-3994

TRAFFIC IMPACT STUDY (TIS) REQUIRED: YES [ ] NO [  ] BORDERLINE [ ]

THRESHOLDS MET? YES [ ] NO [  ] MITIGATING REASONS FOR NOT REQUIRING TIS: PREVIOUSLY STUDIED: [ ]  
Notes:

**If a TIS is required:** a scoping meeting (as outlined in the development process manual) must be held to define the level of analysis needed and the parameters of the study. **Any subsequent changes to the development proposal identified above may require an update or new TIS.**

[Signature]  
TRAFFIC ENGINEER

10-12-17  
DATE

Required TIS **must be completed prior to applying to the EPC and/or the DRB.** Arrangements must be made prior to submittal if a variance to this procedure is requested and noted on this form, otherwise the application may not be accepted or deferred if the arrangements are not complied with.

TIS -SUBMITTED   /  /   TRAFFIC ENGINEER \_\_\_\_\_ DATE \_\_\_\_\_  
-FINALIZED   /  /

Steve & Kara Grant  
Downtown Historic Bed & Breakfast  
207-209 High St. NE  
Albuquerque, NM 87102  
[info@bbabq.com](mailto:info@bbabq.com)  
505-238-0308 or 505-238-9881

Date: 1.12.18  
Re: Application Letter Re-Zone from SU2/MR to SU1

To Whom It May Concern:

We are writing this letter as a small business owner in the Historic Huning Highland Neighborhood District to request a zone change for our current status of Approved Conditional Use for a Bed and Breakfast business SU-2 MR (Mixed Residential) to a SU-1(Special Use for Bed and Breakfast to include Special Outdoor Events). We have been the owner of three historic homes in this neighborhood for over fifteen years now. The legal description of the properties are: Lot 8, Lot 9 and the additional south seven feet and eight inches of Lot 7, and lot 10, Block 24 of the Huning Highlands Addition. Our time and investment here we feel has brought an increase value in the neighborhood not only for ourselves and our business but to others in the neighborhood as well as the city. We love this neighborhood and the rich history of it and have not only chosen to have a business in it but also to live here to raise our family.

This neighborhood was recognized as a historic neighborhood in 1979 to protect the rich history of the area and the historic value it brings to the city of Albuquerque. This is one of the many things we love about being a part of this neighborhood. It is also why we have purchased multiple properties here and have chosen to restore each one back to its original beauty. In the process of restoring the homes we were inspired to share these beautiful homes with others by opening them as a bed and breakfast. This was something that we were able to do because of being in line with the Huning Highland Sector Plan that clearly supports and actively approves a Bed and Breakfast operation.

Since starting this business over 10 years ago we have been fortunate to be one of Albuquerque's premier Bed & Breakfast experiences for both local and out of state visitors. We are consistently highly ranked in the top position with TripAdvisor, Yelp, Google and Facebook. We've hosted thousands of guests seeing Albuquerque for the first time and have helped compliment our great city as a destination when traveling. Being that our exposure has rapidly increased over this time frame we have had more inquiries for both indoor & outdoor events because of the beauty not only of the property inside but the landscape as well. Therefore we have allowed certain interested parties to host their wedding day, corporate retreat, team meeting, reunions, etc. We felt this was a win/win not only for us but the citizens of Albuquerque as well as the city. This it not only gave the public different Albuquerque event area options and choices but lead to additional tax revenue and positive exposure for the city.

However in November 2017 it was brought to our attention that we needed to apply for a new zoning classification to continue officially allowing any and all outdoor events. Therefore, in

order to comply with the city's request we are applying for this zone change that would move us from our current status of SU-2/MR to an SU-1 status.

If approved there will be a limited number of events, especially outdoor events. As well as a strict limit on the number of people attending any event. These limits will be important to us to make sure limited traffic preserves the property and grounds as well as to be aware of our immediate local neighborhood surroundings and to comply with any and all city regulations. However the accommodation segment of our business is and will continue to be our main source of revenue.

I would like to thank you in advance for reviewing and considering our proposal. We feel that our proposed zone change is in perfect alignment and consistent with important city concerns and future objectives. I hope that you also feel the same and hope that all the attached information in regard to our request helps you have a better understanding of why we are applying for this zone change.

Sincerely,  
Steve & Kara Grant

This is a request that Lot 8, Lot 9 and the additional south seven feet and eight inches of Lot 7, and Lot 10, Block 24 of the Huning Highlands additions be considered for a Zoning change from SU-2 MR (Mixed Residential, Huning Highlands Sector Development Plan) with an Approved Conditional Use for Bed and Breakfast to SU-2/SU-1 (Special Use for Bed and Breakfast to include Special Events). The properties have been private residences for 15 years and a private business as a bed and breakfast for 11+ years. Since beginning the business in 2006, the Bed and Breakfast has had continued community and neighborhood support. The homes have been meticulously restored for the use as a bed and breakfast, and have been graciously opened and shared with the community for historic tours, private events. The neighbors have felt that the improvements to these three properties have increased the value of their properties as well as the value of the neighborhood (see attached letters of support from neighbors).

Recently, we were made aware that the properties are in need of an SU-1 Zone to continue to make the unique, historically and culturally significant properties available to host private events, such as weddings, family celebrations and business retreats. Therefore, we are requesting a rezone from SU-1 MR to SU-1/SU-2 for Bed and Breakfast to include Special Events, so that the community of Albuquerque can continue to enjoy these properties for other future special events, as well as, be available for those outside of Albuquerque to learn about the history and uniqueness of the downtown area. Below you will find justification for this rezone as well as support of this use from the Huning Highland Sector Plan and the Comprehensive City Zoning.

## **SECTOR DEVELOPMENT PLAN MAP AMENDMENT**

### **Response to Resolutions 270-1980**

The following narratives will provide evidence that the proposed rezoning of properties Lot 8, Lot 9 and the additional south seven feet and eight inches of Lot 7, and Lot 10, Block 24 of the Huning Highlands additions are considered in accordance with the recently adopted City of Albuquerque Comprehensive Plan and the Huning Highland Sector Development Plan. This request is in compliance with Resolution 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.**

#### **Applicant's Response:**

The proposed zone change from SU-1 M-R to SU-1/SU-2 For Bed and Breakfast to include Special Events is consistent with the health, safety, morals, and welfare of the city, especially in the Huning Highland neighborhood. The zone change will allow for uses consistent with the visions of the local community, Albuquerque's Comprehensive Plan and the Huning Highland Sector Plan. The development will offer employment opportunities, special event opportunities, overnight lodging and the historic preservation of culturally significant properties. The site will serve the local neighborhood, as well as the visitors around the globe.

The proposed addition of Special Events to the existing Approved Conditional Use for Special Events is consistent with the **health** of the city. All events hosted on the property are subject to the already approved Environmental Health regulations in place for the Bed and Breakfast use. All outdoor events on the property will be concluded prior to 10:00 PM and will be limited to decibels determined by the noise ordinance. Parking for all events will be located off-street through a pre-arranged agreement with the Presbyterian Church. Please refer to Section C for examples of the zone change contributing to the of specific Comprehensive Plan policies.

The proposed addition of Special Events is consistent with the safety of the city. The property is fully enclosed and secured. All special events would be hosted in the private rear yard of the facility and not visible from the street. Please refer to Section C for examples of the zone change contributing to the preponderance of specific Comprehensive Plan policies.

The proposal is aligned with the **morals** of the city. The development maintains the existing neighborhood scale and will offer an event venue for private events, such as weddings and family celebrations in addition to providing overnight accommodations. In addition, this zoning proposal is a result of genuine conversations with and support from the surrounding neighbors to arrive at a zoning approach that works for everyone now, and in the future. Please refer to Section C for examples of the zone change contributing to specific Comprehensive Plan policies.

The development contributes to the **general welfare** within the community by offering employment opportunities, basic services such as overnight accommodations and hospitality services, an event venue and community access to cultural significant properties within the area. Please refer to Section C for examples of the zone change contributing to the preponderance of specific Comprehensive Plan policies.

**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.**

**Applicant's Response:** The properties in question are part of the historic Huning Highland Neighborhood. This particular neighborhood was one of Albuquerque's first subdivisions platted in 1880. That being said, this is one of Albuquerque's first neighborhoods with many beautiful historic homes and a historic mixture of uses. It was in 1979 the city also recognized the importance of the history of this neighborhood by zoning it as a historic neighborhood. This protective zoning has been vital in making sure that the remaining homes and history of this area are protected. The Huning Highland Sector Development Plan recognizes Bed and Breakfast use as a means of ensuring the economic vitality of larger historic homes in the neighborhood. In addition, the City has a section in the Comprehensive Plan exclusively for Heritage Conservation which recognizes the unique contribution that historical properties offer and supports strategies to ensure their adaptive re-use.

The proposed zoning change contributes to the stability of land use and zoning within the area. The context of the development borders a mixture of residential and commercial uses in a historic neighborhood. Adjacent land uses include single and multi-family residential, motels, restaurants, and retail. The properties, in question, consists of three restored historical homes that have been utilized as a Bed and Breakfast since 2006 with prior use as apartments and boarding homes. The proposed rezoning is an expansion of the existing Approved Conditional Use for Bed and Breakfast use in order to permit for small neighborhood events, such as historic home tours and weddings and family celebrations which maintain the original character and history of these culturally significant properties. The proposed SU-2/SU-1 for Bed and Breakfast to include Special Events zone increases opportunities for community use of and access to historic structures.

**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 proposed rezoning is not in conflict with adopted elements of the Comprehensive Plan or the Huning Highlands Sector Development Plan. The subject site is located in an Area of Change. The zone change request is consistent with the Comprehensive plan intent to make Areas of Change the focus of new urban-scale development that benefit job creation and expanded housing options. As part of an Areas of Change, the requested zone change fosters additional residents, services, and jobs and can be accommodated in locations ready for new development by through the provision of compatible and supportive hospitality and event space. These uses are limited in the area and help to encourage new development in an area where economic growth is desired by providing much needed options for event venues and accommodations in the downtown area. The following section demonstrates how the proposed zone change clearly facilitates applicable goals and policies from the 2017 Comprehensive Plan and the Huning Highland Sector Development plan.

**HERITAGE CONSERVATION**

***Goal 11.2 Historic Assets***

***Preserve and enhance significant historic districts and buildings to reflect our past as we move into the future and to strengthen our sense of identity.***

***Policy 11.2.2***

***Historic Registration: Promote the preservation of historic buildings and districts determined to be of significant local, State, and /or National historical interest.***

- 1. Preserve and maintain historically significant buildings and spaces.***
- 2. Recognize historic buildings and districts as vital elements of the community.***
- 3. Encourage the adaptive reuse of historic structures as a strategy to preserve character and encourage reinvestment.***

**Applicant Response:** The properties in question are considered to be significant (201 and 207 High Street) and contributing (209 High Street) properties in the Huning Highland Historic Overlay District and are Registered Cultural Properties of the State of New Mexico. Due to the nature of being a historic neighborhood and a Registered Cultural Property, opportunities to preserve and enhance this historic district are very important. However, preserving the historical character of older buildings and move into the future is a something that is at times very difficult to balance.

The properties in question are a beautiful statement of the history of this area from the early 1900's. One house was built between 1906 and 1912. Another, referred to as the "Spy House," is the location where David Greenglass sold atomic bomb drawings to the Russians in 1945 and eventually lead to the demise of Ethel and Julius Rosenberg. The "Spy House" has been featured many times in the newspaper as well as several book publications. The other properties served as boarding houses during the depression and have interesting history behind them as well. This rich history has drawn many visitors to these houses. Small tours, including out of state, school and historic groups, have visited the properties to share the history. The SU-1 rezone supports the preservation and enhancement of historic districts and buildings by permitting families and small groups of visitors to use the facilities for cultural events and activities. By allowing Special Event Uses on the property, community members and visitors have a greater opportunity to share and participate in an understanding of the area history and identity.

## **LAND USE**

### ***Goal 5.2 Complete Communities***

***Foster communities where residents can live, work, learn, shop and play together.***

#### ***POLICY 5.2.1***

***Land Uses: Create healthy, sustainable, and distinct communities with a mix of uses that are conveniently accessible from surrounding neighborhoods. [ABC]***

1. a) Encourage development and redevelopment that brings goods, services, and amenities within walking and biking distance of neighborhoods and promotes good access for all residents. [ABC]
2. b) Encourage development that offers choice in transportation, work areas, and lifestyles. [ABC]
3. c) Maintain the characteristics of distinct communities through zoning and design standards that are consistent with long- established residential development patterns. [ABC]
4. d) Encourage development that broadens housing options to meet a range of incomes and lifestyles. [ABC]
5. e) Create healthy, sustainable communities with a mix of uses that are conveniently accessible from surrounding neighborhoods. [ABC]

#### ***Policy 5.5.5***

***Developing and established Urban Areas: Create a quality urban environment that perpetuates the tradition of identifiable, individual, compact, but integrated area and***

*that offers variety and maximum choice in housing, transportation, work areas, and lifestyles, while creating a visually pleasing built environment.*

**Applicant Response:** The request for the zone change to accommodate Special Events to the existing Bed and Breakfast use supports the Complete Communities goal of creating a healthy community with a mix of uses for the surrounding neighborhood. The proposed use provides an event venue within the community and enables access for neighbors and visitors to experience a culturally and historically significant property. The Special Event use contributes to the distinction of the community and provides a unique opportunity to share in history of the area. These uses contribute to a quality urban environment that is identifiable and provides choice in housing, transportation, work areas and lifestyles.

## **ECONOMIC DEVELOPMENT**

### ***Policy 8.1.1***

***Diverse Places: Foster a range of interesting places and contexts with different development intensities, densities, uses, and building scale to encourage economic development opportunities.***

### ***Policy 8.1.4***

***Leverage Assets: Enhance and market the region's unique characteristics internally and to outside businesses and individuals in order to compete with other regions.***

***a. Encourage development that leverages the history and character of special places, such as Route 66 and Old Town.***

### ***Policy 8.2.1***

***Local Business: Emphasize local business development.***

**Applicant Response:** The proposed SU-1/SU-2 for Bed and Breakfast to include Special Events zone change will support “fostering a range of interesting places” and “encourage economic development.” Special Event and Bed and Breakfast use will help the city by attracting more people to the Huning Highland area as a unique, historic and beautiful place stay overnight or to host personal events for either family, corporate or business retreats. The properties currently attract families, business or out of town guests who come to stay and enjoy the downtown area and local character. The requested zone change will foster a range of interesting places by enabling a small scale and culturally significant private event venue that will support a range of economic development opportunities.

Located on properties a block from Historic Route 66 and within the Huning Highland Historic District, the proposed zone change to SU-1/SU-2 for Bed and Breakfast to include Special Events encourages development that leverages the history and character of special places. The contribution the Spy House has had to national history and the adjacent buildings to the character of the historic district can further be leveraged beyond overnight accommodations through the addition of Special Events to further contribute to

the redevelopment and reinvestment of the neighborhood. The addition of this use enables the accommodation of requests from outside businesses for receptions and group gatherings on the property, creating a unique group and meeting space competitive with historical venues in other regions.

In addition, the addition of Special Events to the existing Approved Conditional Use for Bed and Breakfast will allow more opportunities for private businesses to grow. The bed and breakfast currently partners with restaurants and business in the neighborhood to provide services and goods for guests. The addition of a Special Event use will allow for additional collaborations with and demand for local businesses to provide event related services and support.

### **HUNING HIGHLAND SECTOR PLAN**

#### **GOAL**

*“The goal of the Huning Highland Sector Plan is the continued development of Huning Highlands into a viable residential and commercial area, building on its unique historic character and location.”*

#### **Objectives**

To protect and enhance the unique residential character of the area.

To encourage and support local employment and local business development.

**Applicant Response:** The zone change to SU-2/SU-1 for Bed and Breakfast to include Special Events specifically protects and enhances the unique residential character of the area by leveraging three historical properties for local employment and business development and builds upon an existing local business to meet local demands for a special event venue. In addition, the zone change to SU-2/SU-1 for Bed and Breakfast to include Special Events is consistent with the Huning Highland Sector Development Plan which identifies Bed and Breakfast uses as vital opportunities to support larger historic homes. The properties currently comply with each of the following specific sector development plan requirements regarding a Bed and Breakfast establishment in a MR designated zone:

- a. The owner is a permanent resident.
- b. There is one off-street parking space per rentable unity plus one space for the resident owner and each staff person.
- c. One guest room unit may be provided for the first 1000 square feet of heated floor area in the major structure; there may be up to five guest rooms per premises.
- d. Except for a sign as permitted in the zone, no change shall be made to the exterior appearance of the building which would indicate that a Bed & Breakfast is located in the building.
- e. A Site Development Plan showing parking entrances and exits and signage shall be approved by the Zoning Hearing Examiner.

The SU-1/SU-2 for Bed and Breakfast to include Special Events clearly facilitates the applicable goals and policies of the 2017 Comprehensive Plan and the Huning Highland Sector Development Plan through the expansion of a local, small business and other nearby businesses, and contributes to redevelopment of an area with a use that is sensitive to neighborhood needs and the overall character of the historic district.

The Special Events addition to the existing Approved Conditional Use for Bed and Breakfast recognizes the vital role these properties play to the historic character of the neighborhood by providing an opportunity to leverage a historical asset for community reinvestment and allows the community and visitors additional opportunities to experience the historic past of Albuquerque long into the future.

**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 category is more advantageous to the community, as articulated in the Comprehensive Plan or other City master plan, even though (1) or (2) above do not apply.***

**Applicant's Response:** The existing zoning is inappropriate because a different category is more advantageous to the community, and is indicated by the Comprehensive Plan and the Huning Highland Sector Development Plan. The properties are situated in the middle of an established urban area, on a block with a mix of MR (Mixed Residential), RO (Residential/Office) and SU-1 for Bank Drive-thru uses and the properties directly across Copper Avenue are designated CRZ (Community Residential) in the EDo Sector Development Plan. The area is indicated in both the City Comprehensive and Sector Development plans as having very diverse uses. The proposed zone change to accommodate special events on the property expands upon the existing Bed and Breakfast use to leverage the unique cultural and historical attributes of the properties, meets community demands for a small intimate event venue within close proximity to downtown and is in keeping with the Comprehensive plan goal for the area of creating a very diverse community of mixed uses.

The proposed zone change to SU-1/SU-2 Bed and Breakfast to include Special Events would be more advantageous to the community by providing an additional opportunity to encourage the mixed use and diversity of the area by combining the uniqueness of a neighborhood with a business compatible with the long established development pattern of the neighborhood. The proposed zoning will provide redevelopment that brings hospitality services and an event venue within walking distance of residential neighborhoods and downtown commercial, hospital and business uses. The properties in question are within a one block walking distance of the new ART stop at Walter Avenue, promoting choice in transportation, work areas and lifestyles. It maintains the characteristics of the unique historic Huning Highland neighborhood by engaging in a Bed and Breakfast use, which is noted in the Huning Highland Sector Development Plan as "viable re-use for larger historic homes in residential areas." All of the above Land

Use Policies from the City Comprehensive Plan and the Sector Development Plan are support for why a different zone category is more advantageous to the community.

**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.**

**Applicant Response:** The proposed request for a zone change to SU-2/SU-1 for Bed and Breakfast to include Special Events would not be harmful to adjacent property, the neighborhood or the community. Instead, the proposed zoning expands on the existing zoning with uses that are not only compatible, but also ensure the economic vitality of an historic property in a neighborhood with economic instability in a manner that is not only compatible with adjacent land uses, but also supports the preservation of historically and culturally significant properties. The zoning proposed in this application is reflective of the land use, scale, and character of those on the immediately adjacent properties.

The properties are currently zoned SU-2/MR with an Approved Conditional Use for Bed and Breakfast. The requested zone change for SU-2/SU-1 for Bed and Breakfast to include Special Events requests a additional use of private events on the properties for up to 50 people. This will not affect the parking of the neighbors around the property because an agreement is in place with the Presbyterian Church on Elm and Copper to share the large parking lot with the bed and breakfast for any and all additional parking needs that any events or guests may have. This parking lot is owned by the church and used as their overflow parking lot. In addition, all events will respect the needs of neighboring properties by limiting outdoor activities to the hours of 7 a.m. to 10 p.m. (These terms will be incorporated into all signed agreements made between the owners and persons wanting to host an event prior to any event).

**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.

**Applicant's Response:** Rezoning the properties in question would not require any major and unprogrammed capital expenditures by the City. The City is not bound to provide the capital improvements on any special schedule. All improvements or changes that may occur due to this rezone of SU-1 would be on the owners of the property.

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

**Applicant's Response:** The determining factor for the use change is not the cost of land or other economic considerations. The main motivation for the zone change is to provide

a venue in the community for small-scale special events and family celebrations, a use which is compatible with the existing Approved Conditional Use, the adjacent uses in the neighborhood and the character of the historic district.

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

**Applicant's Response:** The properties for proposed rezone are not located on a collector or major street.

**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*
2. **The area of the proposed zone change is different from surrounding land because it could function as a transition between adjacent zone; 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 make the site unsuitable for the uses allowed in any adjacent zone.**

**Applicant's Response:** The request for a zone change from SU-1 MR with an Approved Conditional Use for a Bed and Breakfast to a SU-1/SU-2 for Bed and Breakfast to include Special Events will be made to three adjacent parcels and will clearly facilitate the realization of the Comprehensive Plan and the Huning Highland Sector plan as follows:

The three historic properties in question are currently in an MR zone with an Approved Conditional Use for Bed and Breakfast on a block with a mixture of zones and land uses, including Mixed Residential, Residential Office and SU-1 for Drive-up Bank. Properties across the street are zoned for Commercial Residential Uses, Mixed Residential and SU-1 for Hospital Uses. This mixture of uses is consistent with the Huning Highland Sector Plan goal of a viable residential and commercial area. The request for SU-1/SU-2 for Bed and Breakfast to include Special Events maintains the existing Approved Conditional use while enable a space for community events and meetings during specified hours. This use furthers the goal of a viable residential and commercial area and leverages the unique historic character of these properties and the Huning Highland Neighborhood.

The SU-1 rezone to allow the addition of Special Event uses supports the Comprehensive policy of using the property for a wide variety of uses which are accessible from surrounding neighborhoods, adjacent business community and within one block of the new ART station. The properties provide a visually pleasing environment for guests as well as neighbors to enjoy the historic character of early Albuquerque. All uses on the property comply with all city ordinances in regard to noise, lighting and pollution. All guests on the property are informed of a strict noise policy of 10 pm. A shared parking

agreement has been contracted with the Presbyterian Church reduce on street parking impact to the neighborhood.

The SU-1/SU-2 for Bed and Breakfast to include Special Events clearly facilitates the applicable goals and policies of the 2017 Comprehensive Plan and the Huning Highland Sector Development Plan through the expansion of a local, small business and other nearby businesses, and contributes to redevelopment of an area with a use that is sensitive to neighborhood needs and the overall character of the historic district.

The Special Events addition to the existing Approved Conditional Use for Bed and Breakfast recognizes the vital role these properties play to the historic character of the neighborhood by providing an opportunity to leverage a historical asset for community reinvestment and allows the community and visitors additional opportunities to experience the historic past of Albuquerque long into the future.

**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.**

**Applicant’s Response:** The requested zoning for this property will not be classified as a strip zone because the surrounding properties and the properties in front and behind the bed and breakfast are all MR zoned. As stated earlier this will be a “spot zone” because of needing the SU-1 for all three of the proposed properties only.

**Steve                      &                      Kara                      Grant**

Downtown Historic Bed & Breakfast

505-842-0223 | 505-238-9881 (Kara) 505-238-0308(Steve) |  
info@bbabq.com | <http://www.downtownhistoric.com/> |  
201 High St. NE / Albuquerque, NM 87102

- - - - -

FIRST PRESBYTERIAN CHURCH- Albuquerque, New Mexico

LEASE

This **LEASE**, dated October 19, 2017, between **THE FIRST PRESBYTERIAN CHURCH (U.S.A.) OF ALBUQUERQUE, NM**, a New Mexico non-profit corporation ("Landlord") having an office at 215 Locust Avenue, N.E., Albuquerque, New Mexico 87102, and **DOWNTOWN HISTORIC BED AND BREAKFAST**, (Heritage House, LLC) located at 207 and 209 High Street NE, Albuquerque, NM 87102 ("Tenant").

WITNESSETH:

**WHEREAS**, Tenant and Landlord wish to enter into a lease for parking space in the area indicated by Exhibit A.

**NOW, THEREFORE**, Landlord and Tenant, in consideration of the foregoing premises and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, hereby agree as follows:

1, Terms of Lease.

Landlord and Tenant agree that this Lease, effective as of October 19, 2017:

a. Initial Term: The term of this Lease shall commence on October 19, 2017 (the "Effective Date"), and shall continue until December 31, 2023, (the "Initial Term").

b. Possession and Use:

The Lessee may use the premises only for parking lot purposes without prior approval from Lessor and conform with applicable laws. Parking will not be permitted in adjacent church parking areas. During Easter, Christmas Eve and Christmas church services, when the church parking lot (s) is or are full, the Lessor may use unoccupied parking places on the leased premises at the sole risk of the Lessor. For other religious days or holidays, Lessor will request approval from the Lessee. Appropriate provisions will be made for this parking in any sublease agreement

c. Rent: Lessor agrees to grant the use for the said premises at no charge.

2. Merger; No Oral.

All negotiations, considerations, representations and understandings between the parties with respect to the Lease are incorporated herein. This lease may not be amended, modified, or otherwise changed without the mutual agreement in writing of the parties hereto.

### 3. Duplicate Originals; Counterparts.

This Lease may be executed in any number of duplicate originals and each duplicate original shall be deemed to be an original. This Lease may be executed in several counterparts, each of which counterparts shall be deemed an original instrument.

### 4. Liability for Use of Premises:

Whereby not otherwise specifically excepted in this lease, Lessee covenants and agrees that Lessor shall be free from liability and claim for damages by reason of any injury to any person or persons, including Lessee, or property of any kind whatsoever, and to whomsoever belonging, including Lessee's, from cause or causes whatsoever while in, upon or in any way connected with the premises during the term of this Lease or any extension thereof, or any occupancy hereunder. Lessee hereby covenants and agrees to indemnify and save harmless Lessor from all liability, loss, costs and obligations on account or arising out of any such injuries or losses, however occurring. Lessor agrees that Lessee shall have the right to contest the validity or any and all such claims and defend, settle and compromise any and all such claims of any kind or character and by whomsoever claimed, in the name of Lessor, as Lessee may deem necessary, provided: however, that the expenses thereof shall be paid by Lessee.

### 5. Insurance:

Lessee agrees that during the term of this Lease or any extension or renewal hereof, there will be maintained in force an Insurance Policy Rider listing the Lessor as "additionally Insured" which will name Lessor and Lessee or any Assignee or Sub-lessee of Lessee as insured against all liability resulting from injury occurring to persons or property in or about the premises, the liability under such insurance to be not less than \$300,000.00 for anyone person injured, \$500,000.00 for anyone accident, and \$100,000.00 for property damage.

### 6. Condemnation:

If, during the term of this Lease, the entire premises shall be taken as a result of the exercise of the power of eminent domain, this Lease shall terminate and both the Lessor and Lessee shall appear or intervene in the judicial proceedings in which such power is asserted and award shall be apportioned between Lessor and Lessee as the Court shall determine. In the event of a partial taking, rent shall be abated in proportion to the Lessee's loss of beneficial use as a result of such taking, or in the opinion of Lessee such taking shall materially intervene with the peaceful or profitable occupation of the demised premises, the Lessee may, at its option, wholly terminate this Lease by giving notice to Lessor of its intention to do so.

### 7. Easement and Dedication for Utilities and Streets:

Lessor agrees, at the request of Lessee, to grant such easements as may be necessary to enable the premises to be adequately served by gas, electricity, water, sewer and telephone utilities, and to dedicate public use such proportions of the premises as may be required by any government authority for streets, alleys, parkways or other use.

8. Lessor's Access to Premises:

Lessor, or their agent or nominee, shall at all reasonable times have access to the premises for the purpose of examining or inspecting the condition thereof, to exhibit the premises to prospective purchasers, to determine if Lessee is performing the covenants and agreements of this Lease, and to post such reasonable notices as Lessor may desire protect the rights of Lessor.

It is further agreed that the lease terms are for Monday through Saturday and that Lessor shall have right to use on Sundays and Religious Holidays.

9. Title Evidence:

Lessor hereby warrants that they hold good and merchantable title to the premises, free and clear of all easements, conditions, restrictions, liens and encumbrances.

10. Default of Lessee and Remedies of Lessor:

If anyone of the following events (herein called "events of default") shall occur:

- A. Lessee shall neglect or fail to pay any installment of the rent herein reserved at the time and in the manner herein provided;
- B. Lessee shall breach or become in default under any provision, covenant or condition of this Lease:
- C. Lessee shall file a voluntary petition in bankruptcy or shall be adjudicated a bankrupt or insolvent, or shall file any petition or answer seeking any reorganization, arrangement, composition, readjustment, liquidation, dissolution or similar relief under the present or future federal bankruptcy act or any other present or future applicable federal state or other statute or law, or shall seek or consent to or acquiesce in the appointment of any trustee, receiver or liquidator of Lessee or of all or any substantial part of its properties or of all or any substantial part of its properties or of the premises;

11. Option to Extend Term and Increase Rental:

The term of this Lease may be extended, at the option of the Lessee. Lessee shall notify Lessor in writing of its intention to extend the term of the Lease, such notification to be in the hands of Lessor at lease ninety (90) days prior to the expiration of the original term, or any succeeding agreed upon term. Failure to notify the Lessor as prescribed hereinabove shall cause the Lease to become null and void at the end of the then leased term, or the extended term, and the Lessee shall have no further rights thereunder. Any option period which is exercised shall be subject to the terms and conditions contained in this Lease except the monthly rental.

12. Effectiveness.

This Lease shall become effective only upon execution and delivery thereof by Landlord and Tenant.

13. Exhibit A.

The premises shall include:

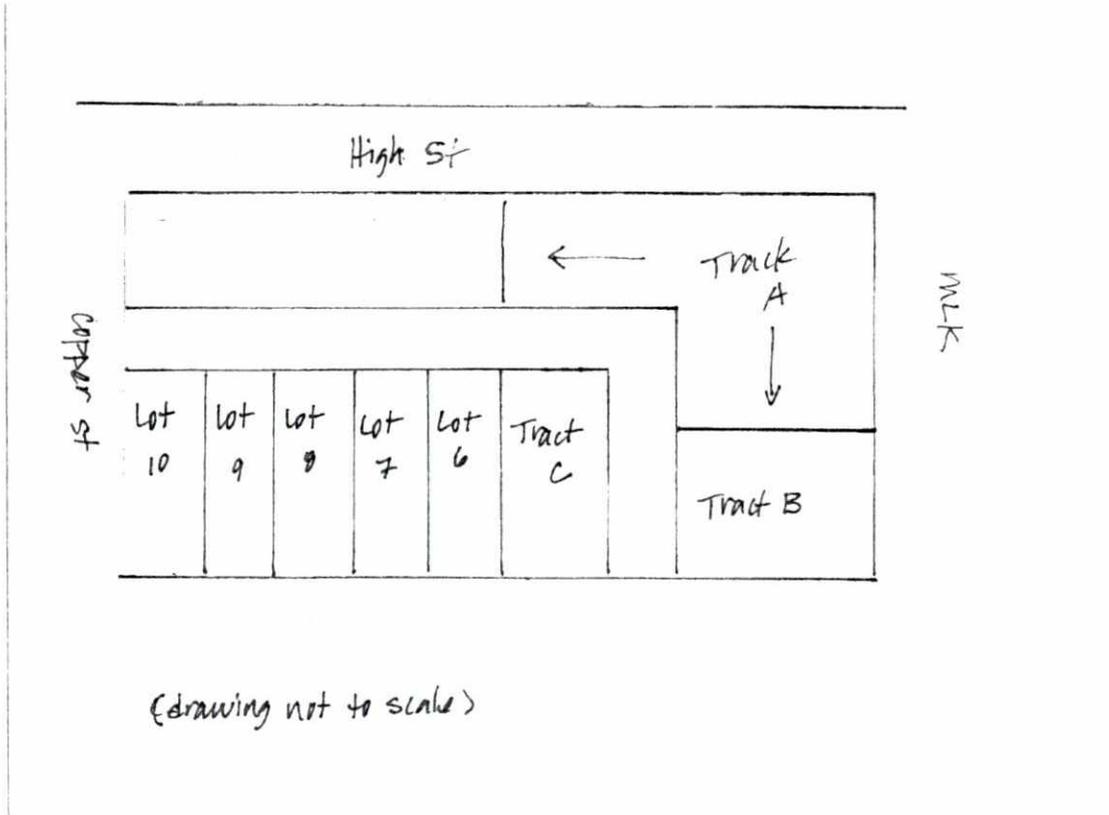
The following parcel which shall be used primarily by the Lessee:

TR C OF PLAT SHOWING TRS A, B, & C  
BLK 45 HUNING HIGHLAND ADDN  
CONT 10,603 SQ FT +-  
and

LOT NUMBERED 6  
BLK 45 HUNING HIGHLAND ADDN

And the following parcels which shall be used primarily by the Lessor:

LOTS NUMBERED 7, 8, 9 AND 10  
BLK 45 HUNING HIGHLAND ADDN







## PRE-APPLICATION REVIEW TEAM (PRT) MEETING

PA# 17-103 Date: 8.1.2017 Time: 1:00 PM

Address: 201, 207, 209 HIGH STREET NE

### 1. AGENCY REPRESENTATIVES PRESENT AT MEETING

Planning:  Kym Dicome  Other: \_\_\_\_\_  
Code Enforcement:  Ben McIntosh  Other: VINCE MONTANO  
Fire Marshall:  Antonio Chinchilla  Eric Gonzales  
Transportation:  MAURA ALMAWI

### 2. TYPE OF APPLICATION ANTICIPATED / APPROVAL AUTHORITY

- Zone Map Amendment  EPC Approval  City Council Approval  
 Sector Dev. Plan Amendment  EPC Approval  City Council Approval  
 Site Dev. Plan for Subdivision  EPC Approval  DRB Approval  Admin Approval  
 Site Dev. Plan for Bldg. Permit  EPC Approval  DRB Approval  Admin Approval  
 Other \_\_\_\_\_

### 3. SUMMARY OF PRT DISCUSSION:

Current Zoning: SU. 2 MP

Proposed Use/Zone: SU. 2/SU. 1 FOR BED + BREAKFAST AND SPECIAL

Applicable Plans: \_\_\_\_\_ EVENTS?

Applicable Design Regulations: \_\_\_\_\_

Previously approved site plans/project #s: \_\_\_\_\_

Requirements for application: (R-270-1980, Notification, as-built drawings, TIS, Check Lists, Other) \_\_\_\_\_

Handouts Given:

Zone Map Amendment Process  R-270-1980  AA Process  EPC Schedule

Additional Notes:

EXISTING B+B WHICH CARRIES OUT SPECIAL EVENTS WHICH  
IS A VIOLATION OF THE EXISTING ZONING.

WILL REQUIRE A ZONE CHANGE TO SU. 1 FOR B+B AND EVENT  
CENTER.

MUST USE THE GOALS + POLICIES OF NEW COMP PLAN TO  
JUSTIFY THE REQUEST. 270. 1980.

**\*\*\*Please Note:** PRT DISCUSSIONS ARE FOR INFORMATIONAL PURPOSES ONLY: THEY ARE NON-BINDING AND DO NOT CONSTITUTE ANY KIND OF APPROVAL. Statements regarding Zoning are not Certificates of Zoning. **Additional research may be necessary to determine the exact type of application and/or process needed. It is possible that factors unknown at this time and/or thought of as minor could become significant as the case progresses.**

JUSTIFICATION: ZONE CHANGE. = <sup>SPECIAL</sup> EVENTS + BED + BREAKFAST.  
EPC → 6 WEEKS. 2 THURSDAY.  
SUBMITTAL.

- HANDOUT. SUMMARY OF LAND USE PROCEDURES.
- MAY BE RESTRICTIONS SUCH AS # PEOPLE/# EVENTS.
- CASE TRACKING #s. - PULL FEES.
- USE 2017 COMP PLAN
- P. 270. 1980 → TEST FOR ZONE CHANGE.
- APPEAL - AFTER 15 DAYS OF EPC
- GET NA SUPPORT. SUBMIT W/ APPLICATION.
  - P. 270. 1980
  - ZONE MAP AMENDMENT
  - APPLICATION PACKET (WEBSITE)

POSSIBLE ISSUES: > TRAFFIC, PARKING + ALCOHOL SALES

NOTIFICATION &  
NEIGHBORHOOD INFORMATION

**From:** Downtown Historic B&B [info@bbabq.com](mailto:info@bbabq.com)  
**Subject:** Re: Notification Inquiry\_207 High St. NE\_EPC  
**Date:** October 12, 2017 at 1:01 PM  
**To:** Carmona, Dalaina L. [dcarmona@caba.gov](mailto:dcarmona@caba.gov)



Hey Dalaina, thanks again for sending that info below.  
 Now I have another question. As per the zoning application I'm doing one the items says the following:

**“Office of Neighborhood Coordination (ONC) inquiry response from, notification letters, certified mail receipts”**

Is what you sent me via this email the actual inquiry response from OR is there something else I need to do?  
 Is there a certain notification form letter I need to be using or simply write my own letter and keep copy for application?  
 Thanks.....S

**Steve & Kara Grant**

**Downtown Historic Bed & Breakfast**

505-842-0223 | 505-238-9881 (Kara) 505-238-0308(Steve) |  
[info@bhbabq.com](mailto:info@bhbabq.com) | <http://www.downtownhistoric.com/> |  
 201 High St. NE / Albuquerque, NM 87102



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On Oct 11, 2017, at 4:50 PM, Carmona, Dalaina L. <[dcarmona@caba.gov](mailto:dcarmona@caba.gov)> wrote

Steve,

Good morning. See list of affected associations and coalitions below and attached related to your upcoming EPC submittal.  
 Please also review the attached instructions sheet as we have added some updated information. Thank you.

Association Name	First Name	Last Name	Email	Address Line 1	City	State	Zip	Mobile Phone	Phone
Broadway Central Corridors Partnership Incorporated	Jim	Maddox	<a href="mailto:jim@maddoxrealtors.com">jim@maddoxrealtors.com</a>	515 Central Avenue NE	Albuquerque	NM	87102	5052594656	5057640400
Broadway Central Corridors Partnership Incorporated	Rob	Dickson	<a href="mailto:rob@abqhigh.com">rob@abqhigh.com</a>	PO Box 302	Albuquerque	NM	87103	5055155066	
Huning Highland Historic District Association	Bonnie	Anderson		522 Edith SE	Albuquerque	NM	87102		
Huning Highland Historic District Association	Ann	Carson		416 Walter SE	Albuquerque	NM	87102		

*Dalaina L. Carmona*  
 Senior Administrative Assistant  
 Office of Neighborhood Coordination  
 Council Services Department  
 1 Civic Plaza NW, Suite 9087, 9<sup>th</sup> Floor  
 Albuquerque, NM 87102  
 505-768-3334

[dicarmona@cabq.gov](mailto:dicarmona@cabq.gov) or [UNC@cabq.gov](mailto:UNC@cabq.gov)  
[www.cabq.gov/neighborhoods](http://www.cabq.gov/neighborhoods)  
<image001.gif><image002.png><image003.png>

From: [webmaster=cabq.gov@mailgun.org](mailto:webmaster=cabq.gov@mailgun.org) / <mailto:webmaster=cabq.gov@mailgun.org> On Behalf Of [webmaster@cabq.gov](mailto:webmaster@cabq.gov)  
Sent: Wednesday, October 11, 2017 3:27 PM  
To: Office of Neighborhood Coordination <[onc@cabq.gov](mailto:onc@cabq.gov)>  
Subject: Notification Inquiry Sheet Submission

Notification Inquiry for:

Environmental Planning Commission Submittal

If you selected "Other" in the question above, please describe what you are seeking a Notification Inquiry for below:

Contact Name

Steve Grant

Company Name

Address

207 High St. NE

City

Albuquerque

State

NM

ZIP

87102

Telephone Number

505-238-0308

Email Address

[skgrants@gmail.com](mailto:skgrants@gmail.com)

Anticipated Date of Public Hearing (if applicable):

12.14.2017

Describe the legal description of the subject site for this project:

Block 24.1 Lot 9

Located on between (physical address, street name or other identifying marker):

207 High St. NE, Albuquerque, NM 87102

This site is located on the following zone atlas page:

K-14

<INSTRUCTION SHEET FOR APPLICANTS PDF><Notification Inquiry - 207 High St. NE - EPC xls>

**Steve & Kara Grant - "Downtown Historic Bed & Breakfast"  
207 High St. NE - Albuquerque, NM 87102**

**Rob Dickson  
Broadway Central Corridors Partnership Inc.  
P.O. Box 302 - Albuquerque, NM 87103**

**Re: 207-209 High St. NE (NW Corner of High & Copper NE)  
Block:24 Unit:8/9 Zone Atlas: K-14  
Huning Highland Neighborhood  
Public EPC Hearing Date/Time: Dec. 14th, 2017 @ 8:30AM  
Location: 600 2nd St. NW - Basement Hearing Room - ABQ. NM 87102**

**Hello Rob, I do hope this letter finds you doing very well. The reason for me reaching out to you is to simply let you and others know that since running a very successful bed and breakfast over the last 11 years it's now time make apply for a new zone change. We are currently approved for SU2/MR, which has worked so far. However it's come to our attention that becoming approved for SU1 makes more sense for our business model. The reason for the proposed request change is to allow us to become officially a place for the occasional small outdoor/indoor event throughout each year. As you already know we run a great little B&B business, in-fact thousands of guests have come to enjoy who we are, see our great city and this has been reflected in the wonderful positive online reviews. This in-turn only brings positive exposure to our wonderful neighborhood community, a true win-win. Hoping this all makes perfect sense, but please reach out to us directly if you have any concerns, questions, etc. Lastly Kara and I would really appreciate it if you save the date and be available for the hearing, this will only help EPC Board make the right decision.**

**Affected Neighborhood Associations and Homeowner Associations may request a Facilitated Meeting regarding this project by contacting the Alternative Dispute Resolution (ADR) Program by email at [striplett@cabq.gov](mailto:striplett@cabq.gov), by phone at (505) 768-4712 or (505) 768-4660. A facilitated meeting request must be received by ADR by: Nov. 13th, 2017**

**Sincerely, Steven Grant - 505-238-0308**

**10.13.2017**



**Steve & Kara Grant - "Downtown Historic Bed & Breakfast"  
207 High St. NE - Albuquerque, NM 87102**

**Jim Maddox**

**Broadway Central Corridors Partnership Inc.  
515 Central Ave. NE - Albuquerque, NM 87102**

**Re: 207-209 High St. NE (NW Corner of High & Copper NE)  
Block:24 Unit:8/9 Zone Atlas: K-14  
Huning Highland Neighborhood  
Public EPC Hearing Date/Time: Dec. 14th, 2017 @ 8:30AM  
Location: 600 2nd St. NW - Basement Hearing Room - ABQ. NM 87102**

**Hello Jim, I do hope this letter finds you doing very well. The reason for me reaching out to you is to simply let you and others know that since running a very successful bed and breakfast over the last 11 years it's now time make apply for a new zone change. We are currently approved for SU2/MR, which has worked so far. However it's come to our attention that becoming approved for SU1 makes more sense for our business model. The reason for the proposed request change is to allow us to become officially a place for the occasional small outdoor/indoor event throughout each year. As you already know we run a great little B&B business, in-fact thousands of guests have come to enjoy who we are, see our great city and this has been reflected in the wonderful positive online reviews. This in-turn only brings positive exposure to our wonderful neighborhood community, a true win-win. Hoping this all makes perfect sense, but please reach out to us directly if you have any concerns, questions, etc. Lastly Kara and I would really appreciate it if you save the date and be available for the hearing, this will only help EPC Board make the right decision.**

**Affected Neighborhood Associations and Homeowner Associations may request a Facilitated Meeting regarding this project by contacting the Alternative Dispute Resolution (ADR) Program by email at [striplett@cabq.gov](mailto:striplett@cabq.gov), by phone at (505) 768-4712 or (505) 768-4660. A facilitated meeting request must be received by ADR by: Nov. 13th, 2017**

**Sincerely, Steven Grant - 505-238-0308**

**10.13.2017**



**Steve & Kara Grant - "Downtown Historic Bed & Breakfast"  
207 High St. NE - Albuquerque, NM 87102**

**Bonnie Anderson  
Huning Highland Historic District Assoc.  
522 Edith SE - Albuquerque, NM 87102**

**Re: 207-209 High St. NE (NW Corner of High & Copper NE)  
Block:24 Unit:8/9 Zone Atlas: K-14  
Huning Highland Neighborhood  
Public EPC Hearing Date/Time: Dec. 14th, 2017 @ 8:30AM  
Location: 600 2nd St. NW - Basement Hearing Room - ABQ. NM 87102**

**Hello Bonnie, I do hope this letter finds you doing very well. The reason for me reaching out to you is to simply let you and others know that since running a very successful bed and breakfast over the last 11 years it's now time make apply for a new zone change. We are currently approved for SU2/MR, which has worked so far. However it's come to our attention that becoming approved for SU1 makes more sense for our business model. The reason for the proposed request change is to allow us to become officially a place for the occasional small outdoor/indoor event throughout each year. As you already know we run a great little B&B business, in-fact thousands of guests have come to enjoy who we are, see our great city and this has been reflected in the wonderful positive online reviews. This in-turn only brings positive exposure to our wonderful neighborhood community, a true win-win. Hoping this all makes perfect sense, but please reach out to us directly if you have any concerns, questions, etc. Lastly Kara and I would really appreciate it if you save the date and be available for the hearing, this will only help EPC Board make the right decision.**

**Affected Neighborhood Associations and Homeowner Associations may request a Facilitated Meeting regarding this project by contacting the Alternative Dispute Resolution (ADR) Program by email at [striplett@cabq.gov](mailto:striplett@cabq.gov), by phone at (505) 768-4712 or (505) 768-4660. A facilitated meeting request must be received by ADR by: Nov. 13th, 2017**

**Sincerely, Steven Grant - 505-238-0308**

**10.13.2017**



**Steve & Kara Grant - "Downtown Historic Bed & Breakfast"  
207 High St. NE - Albuquerque, NM 87102**

**Ann Carson  
Huning Highland Historic District Assoc.  
416 Walter SE - Albuquerque, NM 87102**

**Re: 207-209 High St. NE (NW Corner of High & Copper NE)  
Block:24 Unit:8/9 Zone Atlas: K-14  
Huning Highland Neighborhood  
Public EPC Hearing Date/Time: Dec. 14th, 2017 @ 8:30AM  
Location: 600 2nd St. NW - Basement Hearing Room - ABQ. NM 87102**

***Hello Ann, I do hope this letter finds you doing very well. The reason for me reaching out to you is to simply let you and others know that since running a very successful bed and breakfast over the last 11 years it's now time make apply for a new zone change. We are currently approved for SU2/MR, which has worked so far. However it's come to our attention that becoming approved for SU1 makes more sense for our business model. The reason for the proposed request change is to allow us to become officially a place for the occasional small outdoor/indoor event throughout each year. As you already know we run a great little B&B business, in-fact thousands of guests have come to enjoy who we are, see our great city and this has been reflected in the wonderful positive online reviews. This in-turn only brings positive exposure to our wonderful neighborhood community, a true win-win. Hoping this all makes perfect sense, but please reach out to us directly if you have any concerns, questions, etc. Lastly Kara and I would really appreciate it if you save the date and be available for the hearing, this will only help EPC Board make the right decision.***

***Affected Neighborhood Associations and Homeowner Associations may request a Facilitated Meeting regarding this project by contacting the Alternative Dispute Resolution (ADR) Program by email at [striplett@cabq.gov](mailto:striplett@cabq.gov), by phone at (505) 768-4712 or (505) 768-4660. A facilitated meeting request must be received by ADR by: Nov. 13th, 2017***

**Sincerely, Steven Grant - 505-238-0308**

**10.13.2017**



7017 1450 0001 0312 6208

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ALBUQUERQUE, NM 87102

Certified Mail Fee	\$3.35
Extra Services & Fees (check box, add fees as appropriate)	\$2.75
<input checked="" type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00
Postage	\$0.49
Total Postage and Fees	\$6.59

Postmark Here: ALBUQUERQUE, NM 15 OCT 13 2017

10/13/2017

Sent To: **Bonnie Anderson**  
Street and Apt. No., or PO Box No.: **522 EDITH SE**  
City, State, ZIP+4®: **ABQ, NM 87102**

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

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ALBUQUERQUE, NM 87102

Certified Mail Fee	\$3.35
Extra Services & Fees (check box, add fees as appropriate)	\$2.75
<input checked="" type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00
Postage	\$0.49
Total Postage and Fees	\$6.59

Postmark Here: ALBUQUERQUE, NM 15 OCT 13 2017

10/13/2017

Sent To: **Jim Maddox**  
Street and Apt. No., or PO Box No.: **515 CENTRAL AVE NE**  
City, State, ZIP+4®: **ABQ, NM 87102**

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

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ALBUQUERQUE, NM 87102

Certified Mail Fee	\$3.35
Extra Services & Fees (check box, add fees as appropriate)	\$2.75
<input checked="" type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00
Postage	\$0.49
Total Postage and Fees	\$6.59

Postmark Here: ALBUQUERQUE, NM 15 OCT 13 2017

10/13/2017

Sent To: **Carson**  
Street and Apt. No., or PO Box No.: **416 WALTER ST. SE**  
City, State, ZIP+4®: **ABQ, NM 87102**

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

7017 1450 0001 0312 6192

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ALBUQUERQUE, NM 87103

Certified Mail Fee	\$3.35
Extra Services & Fees (check box, add fees as appropriate)	\$2.75
<input checked="" type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00
Postage	\$0.49
Total Postage and Fees	\$6.59

Postmark Here: ALBUQUERQUE, NM 15 OCT 13 2017

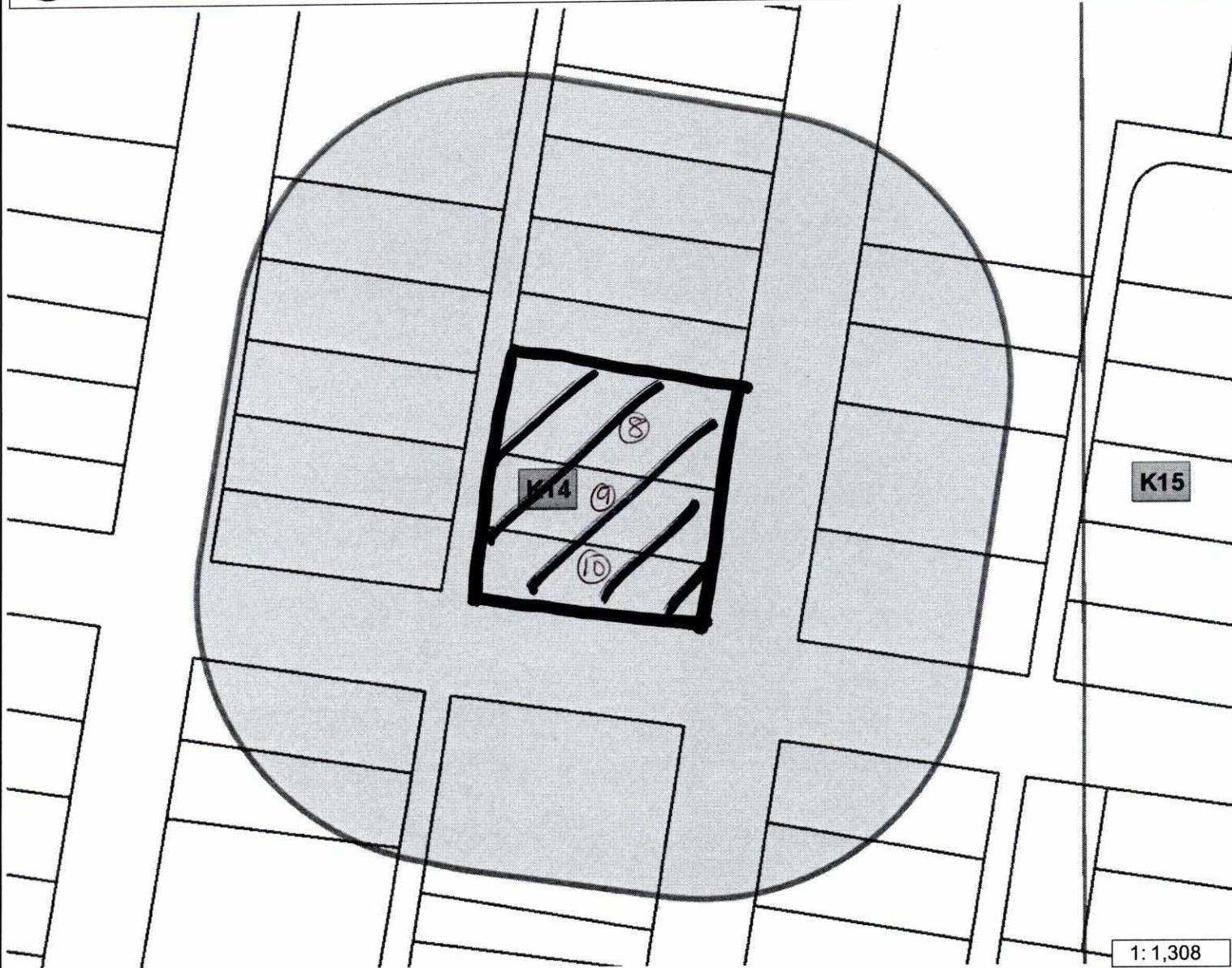
10/13/2017

Sent To: **Rob Dickson**  
Street and Apt. No., or PO Box No.: **P.O. Box 302**  
City, State, ZIP+4®: **ABQ NM 87103**

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# 201, 207, 209 High St.



### Legend

- Bernalillo County Parcels
- Zone Grid
- Municipal Limits**
  - Corrales
  - Edgewood
  - Los Ranchos
  - Rio Rancho
  - Tijeras
  - UNINCORPORATED
- World Street Map

- Subject site
- Lot #

### Notes

Buffer: 165ft.  
ROW: 65ft.

1: 1,308

0.0 0 0.02 0.0 Miles

WGS\_1984\_Web\_Mercator\_Auxiliary\_Sphere  
11/16/2017 © City of Albuquerque

This map is a user generated static output from [www.cabq.gov/gis](http://www.cabq.gov/gis) and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

Renovation based on all 3 lots

renotification - 2 additional property owners

TUCKER LARRY  
210 WALTER ST NE  
ALBUQUERQUE NM 87102-3504

WILSON JASON M  
711 ARNO ST SE  
ALBUQUERQUE NM 87102

HILGENDORF ROBERT & LING TONG  
1824 CAMINO CORRALES  
SANTA FE NM 87505-7503

TOWN CENTER LAND LLC  
202 CENTRAL AVE SE  
ALBUQUERQUE NM 87102

VTR LOVELACE MC & REHAB LLC  
353 N CLARK ST SUITE 3300  
CHICAGO IL 60654

KING GLENN AARON  
214 WALTER ST NE  
ALBUQUERQUE NM 87102-3504

COE THOMAS E & ALLISON  
116 WALTER NE  
ALBUQUERQUE NM 87102

PERINA ANSON & BEVERLY A  
521 N TAFT HILL RD  
FORT COLLINS CO 80521-1536

WADE RICHARD C  
218 WALTER ST NE  
ALBUQUERQUE NM 87102-3504

HMCH LLC  
11641 WOODMAR LN NE  
ALBUQUERQUE NM 87111-6518

CHFG ALBUQUERQUE LLC  
101 LA RUE FRANCE RD SUITE 100  
LAFAYETTE LA 70508-3138

GRIEGO EVA TRUSTEE EVA GRIEGO  
FAMILY TRUST  
215 HIGH ST NE  
ALBUQUERQUE NM 87102-3624

BRYANT RICHARD & PATRICIA L  
202 HIGH ST NE  
ALBUQUERQUE NM 87102-3625

GRANT STEVEN A & KARA J  
207 HIGH ST NE  
ALBUQUERQUE NM 87102

GRANT STEVE & KARA  
209 HIGH ST NE  
ALBUQUERQUE NM 87102-3624

BEILUE SAM  
204 WALTER ST NE  
ALBUQUERQUE NM 87102-3504

PINKU INC  
701 CENTRAL AVE NE  
ALBUQUERQUE NM 87102-3603

HILGENDORF ROBERT N  
310 MCKENZIE ST  
SANTA FE NM 87501

MADDALEN INEZ TRUSTEE MADDALEN  
RVT  
121 HIGH ST NE  
ALBUQUERQUE NM 87102-3623

CHARNAS SUZY MCKEE  
212 HIGH ST NE  
ALBUQUERQUE NM 87120-3625

GRANT STEVEN & KARA  
201 HIGH ST NE  
ALBUQUERQUE NM 87102-3624

PINKU INC  
701 CENTRAL AVE NE  
ALBUQUERQUE NM 87102-3603

DELGADO FERNANDO & DAY CHARLES  
DAVID  
200 WALTER ST NE  
ALBUQUERQUE NM 87102

ONDICH STEPHEN A & HEIDI A  
PO BOX K  
ALBUQUERQUE NM 87103

○ new parties required to be notified.

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Extra Services & Fees (check box, add fee as appropriate)	\$2.75	
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00	JAN 12 2018 Postmark Here
<input type="checkbox"/> Return Receipt (electronic)	\$0.00	
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00	
<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.49	01/12/2018
Total Postage and Fees	\$6.59	

Sent To **TOWN CENTER LAND, LLC**  
 Street and Apt. No., or PO Box No. **202 CENTRAL AVE SE**  
 City, State, ZIP+4® **ALBUQUERQUE, NM 87102**

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**LAFAYETTE, LA 70508**

Certified Mail Fee	\$3.35	0101 22
Extra Services & Fees (check box, add fee as appropriate)	\$2.75	
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00	JAN 12 2018 Postmark Here
<input type="checkbox"/> Return Receipt (electronic)	\$0.00	
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00	
<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.49	01/12/2018
Total Postage and Fees	\$6.59	

Sent To **CHFC ALBUQUERQUE, LLC**  
 Street and Apt. No., or PO Box No. **101 LA RUE FRANE RD., SUITE 100**  
 City, State, ZIP+4® **LAFAYETTE, LA 70508-3138**

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

Original notification property owners list

WILSON JASON M  
711 ARNO ST SE  
ALBUQUERQUE NM 87102

HILGENDORF ROBERT & LING TONG  
1824 CAMINO CORRALES  
SANTA FE NM 87505-7503

VTR LOVELACE MC & REHAB LLC  
353 N CLARK ST SUITE 3300  
CHICAGO IL 60654

KING GLENN AARON  
214 WALTER ST NE  
ALBUQUERQUE NM 87102-3504

COE THOMAS E & ALLISON  
116 WALTER NE  
ALBUQUERQUE NM 87102

PERINA ANSON & BEVERLY A  
521 N TAFT HILL RD  
FORT COLLINS CO 80521-1536

WADE RICHARD C  
218 WALTER ST NE  
ALBUQUERQUE NM 87102-3504

HMCH LLC  
11641 WOODMAR LN NE  
ALBUQUERQUE NM 87111-6518

GRIEGO EVA TRUSTEE EVA GRIEGO FAMILY  
TRUST  
215 HIGH ST NE  
ALBUQUERQUE NM 87102-3624

BRYANT RICHARD & PATRICIA L  
202 HIGH ST NE  
ALBUQUERQUE NM 87102-3625

GRANT STEVEN A & KARA J  
207 HIGH ST NE  
ALBUQUERQUE NM 87102

GRANT STEVE & KARA  
209 HIGH ST NE  
ALBUQUERQUE NM 87102-3624

BEILUE SAM  
204 WALTER ST NE  
ALBUQUERQUE NM 87102-3504

PINKU INC  
701 CENTRAL AVE NE  
ALBUQUERQUE NM 87102-3603

MADDALEN INEZ TRUSTEE MADDALEN RVT  
121 HIGH ST NE  
ALBUQUERQUE NM 87102-3623

CHARNAS SUZY MCKEE  
212 HIGH ST NE  
ALBUQUERQUE NM 87120-3625

GRANT STEVEN & KARA  
201 HIGH ST NE  
ALBUQUERQUE NM 87102-3624

PINKU INC  
701 CENTRAL AVE NE  
ALBUQUERQUE NM 87102-3603

DELGADO FERNANDO & DAY CHARLES DAVID  
200 WALTER ST NE  
ALBUQUERQUE NM 87102

ONDICH STEPHEN A & HEIDI A  
PO BOX K  
ALBUQUERQUE NM 87103

Tucker Larry  
210 Walter St. NE  
Albuquerque, NM 87102

-typical-

**Steve & Kara Grant - "Downtown Historic Bed & Breakfast"**  
**www.downtownhistoric.com**  
**207 High St. NE - Albuquerque, NM 87102**

**Jason Wilson**  
**711 Armo St. SE**  
**Albuquerque, NM 87102**

**Re: 207-209 High St. NE (NW Corner of High & Copper NE)**  
**Block:24 Unit:8/9 Zone Atlas: K-14 - Huning Highland Neighborhood**  
**Public EPC Hearing Date/Time: Dec. 14th, 2017 @ 8:30AM**  
**Location: 600 2nd St. NW - Basement Hearing Room - ABQ. NM 87102**

**Hello Jason, we hope this letter finds you doing well. We are writing this letter first to thank you for your neighborhood support not only to us personally as a family but to our business as well. It has been such a privilege to be a part of this historic neighborhood. It has been a great place to live to watch our children grown up as well as our business grow to be one of the number bed and breakfasts in Albuquerque. We love the many activities the historic society puts together to make others aware of the history and unique aspects of this neighborhood something we value and feel needs to be protected. In fact, we feel what we have been able to create with our bed and breakfast is a great addition to the historical aspect of this area. It has made not only those in Albuquerque, but others all over the world aware of this amazing neighborhood and has accentuated some of Albuquerque's most unique historic features. This obviously brings only positive exposure to our wonderful neighborhood community and city.**

**Since opening the bed and breakfast we occasionally have offered the property for small outdoor events to the community (always under 50 guests & ending no later than 10pm) as well as operating as a bed and breakfast. However, recently it's been brought to our attention that we are in need of a zoning correction to continue running the business in this same format. Therefore in order to comply with the city request we are applying for a new zone change that would move us from our current SU2/MR to a SU1 status.**

**Thank you for your understanding and support. Please reach out to us directly if you have any concerns, need further clarification or questions.**

**Sincerely, Steven & Kara Grant**  
**505-238-0308 or 505-238-9881**  
**info@bbabq.com**



11/1/17

**Note: Affected Neighborhood Associations and Homeowner Associations may request a Facilitated Meeting regarding this project by contacting the Alternative Dispute Resolution (ADR) Program by email at [striplett@cabq.gov](mailto:striplett@cabq.gov), by phone at (505) 768-4712 or (505) 768-4660. A facilitated meeting request must be received by ADR by: Nov. 13th, 2017**

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<input type="checkbox"/> Return Receipt (electronic)	\$0.00	
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00	
<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.49	
Total Postage and Fees	\$6.59	

Sent To **PINKA**  
 Street and Apt. No., or PO Box No.  
**701 CENTRAL AVE NE**  
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<input type="checkbox"/> Return Receipt (electronic)	\$0.00	
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00	
<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.49	
Total Postage and Fees	\$6.59	

Sent To **HMCH**  
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**11641 WOODMAN LN. NE**  
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<input type="checkbox"/> Return Receipt (electronic)	\$0.00	
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00	
<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.49	
Total Postage and Fees	\$6.59	

Sent To **CLEVE + LYNN BRYANT**  
 Street and Apt. No., or PO Box No.  
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<input type="checkbox"/> Return Receipt (electronic)	\$0.00	
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00	
<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.49	
Total Postage and Fees	\$6.59	

Sent To **SAM BEILWE**  
 Street and Apt. No., or PO Box No.  
**204 WALTER ST. NE**  
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**ABQ., NM 87102**

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<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00	
<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.49	
Total Postage and Fees	\$6.59	

Sent To **EVA GRIEGO**  
 Street and Apt. No., or PO Box No.  
**215 HIGH ST. NE**  
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**ABQ., NM 87102**

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<input type="checkbox"/> Return Receipt (electronic)	\$0.00	
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00	
<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.49	
Total Postage and Fees	\$6.59	

Sent To **STEPHEN ONDICH**  
 Street and Apt. No., or PO Box No.  
**P.O. BOX K**  
 City, State, ZIP+4®  
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<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00	10/31/2017
<input type="checkbox"/> Return Receipt (electronic)	\$0.00	
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00	
<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.49	
Total Postage and Fees	\$6.59	

Sent To **JANEZ MADDALEM**  
Street and Apt. No., or PO Box No.  
**121 HIGH ST. NE**  
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**ABQ, NM 87102**

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Extra Services & Fees (check box, add fees as appropriate)	\$2.75	
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00	10/31/2017
<input type="checkbox"/> Return Receipt (electronic)	\$0.00	
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<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.49	
Total Postage and Fees	\$6.59	

Sent To **SUZY CHARNAS**  
Street and Apt. No., or PO Box No.  
**212 HIGH ST. NE**  
City, State, ZIP+4®  
**ABQ, NM 87102**

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Extra Services & Fees (check box, add fees as appropriate)	\$2.75	
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00	10/31/2017
<input type="checkbox"/> Return Receipt (electronic)	\$0.00	
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00	
<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.49	
Total Postage and Fees	\$6.59	

Sent To **FERNANDO/DAY**  
Street and Apt. No., or PO Box No.  
**200 WALTER NE**  
City, State, ZIP+4®  
**ABQ, NM 87102**

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Extra Services & Fees (check box, add fees as appropriate)	\$2.75	
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00	10/31/2017
<input type="checkbox"/> Return Receipt (electronic)	\$0.00	
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00	
<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.49	
Total Postage and Fees	\$6.59	

Sent To **LARRY TUCKER**  
Street and Apt. No., or PO Box No.  
**210 WALTER ST. NE**  
City, State, ZIP+4®  
**ABQ, NM 87102**

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Certified Mail Fee	\$3.35	0101 22 Postmark Here OCT 31 2017
Extra Services & Fees (check box, add fees as appropriate)	\$2.75	
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00	10/31/2017
<input type="checkbox"/> Return Receipt (electronic)	\$0.00	
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00	
<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.49	
Total Postage and Fees	\$6.59	

Sent To **GLENN KIMS**  
Street and Apt. No., or PO Box No.  
**214 WALTER ST. NE**  
City, State, ZIP+4®  
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Certified Mail Fee	\$3.35	0101 22 Postmark Here OCT 31 2017
Extra Services & Fees (check box, add fees as appropriate)	\$2.75	
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00	10/31/2017
<input type="checkbox"/> Return Receipt (electronic)	\$0.00	
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00	
<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.49	
Total Postage and Fees	\$6.59	

Sent To **RICHARD WADE**  
Street and Apt. No., or PO Box No.  
**218 WALTER ST. NE**  
City, State, ZIP+4®  
**ABQ, NM 87102**

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FORT COLLINS, CO 80521

Certified Mail Fee	\$3.35
Extra Services & Fees (check box, add fees as appropriate)	\$2.75
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00

Postage \$0.49

Total Postage and Fees \$6.59

0101  
22



Sent To ANSON & BEVERLY PERINA  
Street and Apt. No., or PO Box No. 521 N. TAFT HILL RD.  
City, State, ZIP+4® FORT COLLINS, CO 80521

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ALBUQUERQUE, NM 87102

Certified Mail Fee	\$3.35
Extra Services & Fees (check box, add fees as appropriate)	\$2.75
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00

Postage \$0.49

Total Postage and Fees \$6.59

0101  
22



Sent To THOMAS COE  
Street and Apt. No., or PO Box No. 116 WALTER NE  
City, State, ZIP+4® ALBUQ., NM 87102

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Postage \$0.49

Total Postage and Fees \$6.59

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Design Group Architects

Randi McGinn  
McGinn, Carpenter, Montoya  
and Love, P.A.

Kristelle Siarza  
Siarza Social Digital

Yancy Sturgeon  
Hotel Parq Central

November 3, 2017

Zoning Hearing Examiner  
600 2<sup>nd</sup> Street NW  
Albuquerque, NM 87102

Ladies and Gentlemen:

The EDo Neighborhood Association Board of Directors supports the zoning change request of Downtown Historic Bed & Breakfast for their properties at 207-209 High Street NE in the Huning Highland/EDo neighborhood. The request would change the zoning from SU-2/MR to SU-1.

Steve and Kara Grant and their family have been great neighbors, and we truly appreciate them and their lodging guests, for preserving and activating those lovely historic homes in our railroad-era neighborhood that is continuing its renaissance.

Thank you for considering our views.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Jim Maddox', written over a horizontal line.

Jim Maddox, President  
For the Board



# HUNING

HIGHLANDS

HISTORIC Est. 1880 DISTRICT

November 1, 2017

Zoning Hearing Examiner  
600 2<sup>nd</sup> Street  
Albuquerque, NM

We understand that Steve and Kara Grant, owners of the bed and breakfast business at 207-209 High Street NE, are applying for permission to rezone their property from SU-2/MR to SU-1.

The Board of Directors of the HHHDA fully support their proposal to change the zoning for this property, which we see as a benefit to our neighborhood.

Please feel free to contact us with any questions.

Sincerely,

Bonnie Anderson  
President, HHHDA  
522 Edith SE, ABQ, 87102  
andersonbonnie505@gmail.com

**Cleve and Lynn Bryant  
202 High St NE  
Albuquerque, NM 87102**

October 31, 2017

Re: Downtown Historic B&B  
Steve and Kara Grant  
207 & 209 High St NE

To Whom It May Concern:

Our property is located just across the street from the Grant's "Downtown Historic B&B" business. It's been great having them for neighbors. We have watched them restore each of these houses and then turn them into premier Bed & Breakfast properties, preserving the history and character of each house and sharing them with the community. They have been excellent neighbors and have contributed to both our neighborhood and the Albuquerque economy in very positive ways.

Besides the usual B&B traffic they also hold events such as weddings and meetings. These are always great events. The parking is taken care of so that it does not impose on the neighborhood parking and the noise and traffic are no more than one would expect living in the city. Music is never loud and always ends by 10 PM. We live directly across the street and have not ever had a problem with any of the guests or visitors to the B&B in the 10 years they have been in operation.

The Grant's and their business enterprise have been very welcome, wonderful neighbors and we are very happy to let others know what they have added to our street. We encourage others to come and experience these historic homes and see what can be done to preserve the historic significance of our Albuquerque neighborhoods and see what being a good neighbor really means.

Sincerely,

Cleve & Lynn Bryant  
505-688-7234 & 505-688-7238

A handwritten signature in black ink, appearing to read "C. Bryant". The signature is stylized and written in a cursive-like font.

**Inez Maddalen  
121 High St. NE  
Albuquerque, NM 87102**

**October 25, 2017**

**Re: Downtown Historic B&B/Steve & Kara Grant  
201,207,209 High St. NE**

**To Whom it May Concern:**

**I live and have other properties directly South (across the street) of the Grants home and business. Over the last 15 years I've known the Grant family and during this time been able to watch their family grow and see them start and run a successful business.**

**Their Bed & Breakfast has been a great compliment to the neighborhood over the last 10 years. In addition to hosting guests throughout the years, I've notice they have also done the occasional wedding or other types of outdoor events. Whenever they have some sort of outdoor event they are always very respectful of parking, music/PA noise, ending at a respectful time and anything else related anything else related to that particular event. They have been delightful neighbors and wish them much more success!**

**Sincerely,**

  
**Inez Maddalen  
(505) 453-0171**

**Sam Beilue  
204 Walter NE  
Albuquerque, NM 87102**

**October 25, 2017**

**Re: Downtown Historic B&B/Steve & Kara Grant  
207 High St. NE**

**To Whom it May Concern:**

***My property is located directly across the alley from the backyard of the subject property (207 High St. NE) which is apart of the Downtown Historic B&B business. The backyard area is where they have done an occasional outdoor event and during the last 10 years it has never been an issue me. The distance between their backyard space and mine is about 30+ feet. Whenever there's been an outdoor event (which is not too often) they are always very respectful of music/PA noise volume and ending at a respectful time, it seems like any past evening events normally shut down by 9 or 10PM. All is quiet after that.***

***The Bed & Breakfast has been a great addition to the neighborhood over the last 10 years. They have been great neighbors! I wish them and the B&B much success in the future.***

**Sincerely,**



**Sam Beilue  
(505) 918-6384**

*Eva Griego  
215 High St. NE  
Albuquerque, NM 87102*

*October 24, 2017*

*Re: Downtown Historic Be&B/Steve & Kara Grant  
207 & 209 High St. NE*

*To Whom it May Concern:*

*My home is located directly North of 207/209 High St. NE which is the Grant's "Downtown Historic Be&B" business. It's been wonderful watching them raise their kids, purchase each home, restore each house and then turn it into a Bed and Breakfast business. Along with the normal guests throughout each week we've also noticed some outdoor guest events, but even when this is happening it's not disturbing at all at my home. And when it's over, it's really over.*

*I love Steve and Kara as neighbors and their Bed & Breakfast operation in our neighborhood and wish them much more success in the future.*

*Thank You,  
Eva Griego*

*Eva Griego  
(505) 242-3303*

**Jason Wilson  
219 High St. NE  
Albuquerque, NM 87102**

**October 24, 2017**

**Re: Downtown Historic B&B/Steve & Kara Grant  
207 & 209 High St. NE**

**To Whom it May Concern:**

**Our property is located just one house North of 209 High St. NE which is the Grant's "Downtown Historic B&B" business. We've enjoyed having them as neighbors, seeing the restoration of each house take place and then turning it into a B&B business. It looks like they keep pretty busy with the normal guest activity throughout each month. Additionally and every once in awhile we'll sometimes notice what looks to be some sort of either an outdoor or indoor event at the B&B. However whenever that takes place they have it very well controlled, making it pleasant and non-disruptive to our daily home routine. It's really great having this Bed & Breakfast in our neighborhood.**

**Regards,**



**Jason Wilson  
(505) 400-1879**

From: **C. David Day** [cdavidday@terradesigns.org](mailto:cdavidday@terradesigns.org)  
Subject: Re: Grant/Downtown Historic B&B Support Letter  
Date: October 30, 2017 at 9:58 PM  
To: Grant Steve & Kara [info@bbabq.com](mailto:info@bbabq.com)  
Cc: Delgado Fernando [fernando@fernandodelgadophotography.com](mailto:fernando@fernandodelgadophotography.com)



Steve - feel free to print out or email...we made some small edits.

David Day & Fernando Delgado  
200 Walter NE  
Albuquerque, NM 87102

October 23, 2017

Re: Downtown Historic B&B/Steve & Kara Grant  
201,207 & 209 High St. NE

To Whom it May Concern:

Our property is located just across the alley (West) from the immediate backyard of 207 High St. NE which is the Grant's Downtown Historic B&B business.  
The backyard area is where they have produced an a few outdoor events during the years they've been open. We've never had any concerns and this has never been an issue us.  
The close distance between their backyard space and ours is only about 40+ feet. Whenever there's been an outdoor event they are always very respectful of music/PA noise volume, parking control and ending at a respectful time which is no later than 10PM.

We absolutely love having the Bed & Breakfast as an addition to the Huning Highland Neighborhood. We have engaged the B & B for some events for ourselves as well.  
The B & B has been great for the neighborhood and the city of ABQ by giving others an opportunity to come stay and experience what these historic homes and walkable neighborhoods are all about.  
Steve, Kara, and the B&B have been great neighbors!

Sincerely,

David Day & Fernando Delgado  
(505) 515-1333 or (505) 377-0551

c. david day

---

terra designs I.I.C.

505.515.1333  
[cdavidday@terradesigns.org](mailto:cdavidday@terradesigns.org)



# FIRST PRESBYTERIAN CHURCH

Albuquerque, New Mexico

October 19, 2017

To Whom it May Concern:

For the past 10 years we have had an outstanding relationship with our neighbors at Downtown Historic Bed and Breakfast (Heritage House, LLC) who has a business at 207 High St NE in Albuquerque New Mexico

The Downtown Historic Bed and Breakfast is part of the Huning Highland Neighborhood and have always complied with the Neighborhood Association policies. We are pleased to also have a working relationship in providing much needed parking for their guest and events held at their place of business.

Sincerely

Carolyn Rhodes  
Church Administrator



# CITY OF ALBUQUERQUE

## LAND USE FACILITATION PROGRAM PROJECT 1005206 MEETING REPORT

**Project #:** 1005206 17EPC-40054  
**Property:** 207, 209 High Street NE  
**Hearing Date:** 8 February 2018  
**Staff Planner:** Catalina Lehner

**Date Submitted:** 31 January 2018  
**Submitted By:** David Gold

**Meeting Date/Time:** 29 January 2018 6-7:15 pm  
**Meeting Location:** Preservation Station, 601 Coal SE @ Walter  
**Facilitator:** Philip Crump  
**Co-facilitator:** David Gold

### Parties:

**Applicant:** Kara and Steve Grant

**Neighborhood Associations/Interested Parties:** Huning Highlands Historic District NA (HHHDNA)

### Background/Meeting summary:

The applicants wish to rezone from SU-2/MR to SU-1 for a bed and breakfast that can hold special events. The purpose is to hold special events. They applicants are currently holding special events but was told by code enforcement that they are out of compliance with the zoning code and plans.

Their neighbor in the back across the alley objects to the noise and other aspects of some of the special events. There is disagreement about the number of objectionable events that take place, and the impact of the events. He objects to the zoning request.

While there were significant disagreements on the issues, the discussions among the participants were civil.

### Outcome:

#### *Areas of agreement:*

- *Noise is an issue.*

#### *Unresolved issues and concerns:*

- *How to fix the noise.*
- *The number of events that are taking place.*

### Meeting specifics:

- 1) **Overview of application**
  - a. The Applicant wishes to rezone from SU-2/MR to SU-1 bed and breakfast with special events.
  - b. They understand from staff that this will allow them to hold special events.
  - c. They currently hold special events like weddings, corporate and city events.
  - d. They were told by code enforcement that they are out of compliance with their zoning, and need to rezone.
    - i. They were not clear which specific code or plan they were not in compliance with, and specifically why the zoning change is necessary.
  - e. They bought the Heritage House in 2006 and the Spy House in 2008.

**CITY OF ALBUQUERQUE**  
**LAND USE FACILITATION PROGRAM PROJECT 1005206 MEETING REPORT**

- f. They have put in over \$300,000 to improve the properties.
- g. They got permits immediately; they pointed out that other people operate AirBnB without permits.
- h. They said they try to be good neighbors.

**2) Concerns of Neighbor**

- a. The neighbor who lives across the alley behind the applicants' property has several concerns.
  - i. He is concerned by the noise of weddings and feels he does not have the full use of his property.
  - ii. He would like to be notified if they are going to have a noisy event so he can make alternate plans.
  - iii. He is also concerned about parking and blocking the alley by service vehicles.

**3) Noise Concerns**

- a. The neighbor said the noise makes it impossible to use his backyard when the applicants are having wedding events.
  - i. He feels the bass from the speakers on his front porch, and does not believe the applicant's sound is at an appropriate level for a residential neighborhood.
  - ii. He stated that the noise is clearly audible to his neighbors across the street, and is audible blocks away on Edith Street.
- b. The applicants reported that they tried to reduce the noise, but apparently their efforts are insufficient for their neighbor.
  - i. They moved the speakers so they faced their house, instead of the neighbors.
    - 1. It was pointed out that the sound could be reflecting off the house, and could actually be worse.
  - ii. They used their Iphone as a sound meter and tried various locations.
    - 1. The applicant did not remember specific readings but thought they were in compliance with their permit.
    - 2. It was pointed out that their phone may not be calibrated, and they could compare it to a City noise meter to calibrate it.

**4) Frequency of Events and Lack of Notice**

- a. The applicants and their neighbor disagree on the frequency of noisy events.
- b. The applicants stated that they had 4 weddings this year and 4 last year.
- c. They stated that the other events had some low level background music, but were mostly just people talking. These included corporate and city events.
- d. The neighbor stated that there were definitely more noisy events than 4 per year.
- e. The neighbor also asked that he be notified of when events were scheduled to take place, so he can avoid scheduling events in his backyard.
- f. The applicants stated they have no more than 4 weddings / year and that they are concerned about wear and tear on their property from such events.

**5) Parking and Blocking the Alley**

- a. The neighbor was also concerned about parking and blocking the alley.
  - i. These concerns were less important than the noise and lack of notice.
- b. The applicants stated that they had an overflow parking agreement with the nearby Presbyterian church, so on-street parking should not be an issue.

**CITY OF ALBUQUERQUE**  
**LAND USE FACILITATION PROGRAM PROJECT 1005206 MEETING REPORT**

- c. They also stated that the only use of the alley occurred when Garcia's drops off tables and chairs for an event. This typically takes 20 minutes.
  - i. All other catering deliveries are done in the front of the house.

6) **Concerns of Other Attendee**

- a. Another attendee was concerned about what the law is that governs outdoor events.
- b. He apparently has outdoor events has assumed he was within the law. His business is not a bed and breakfast.
- c. The facilitators recommended he seek answers from City planning staff.
- d. He also stated that the area was not residential, but mixed use residential, so these types of activities should be allowed.

7) **Attempts at Resolution**

- a. The neighbor offered the applicants to have a maximum of 4 weddings/year and that he would receive notification. He felt he could live with that amount.
- b. The applicants asked the neighbor if it was the noise or number of events he was concerned with, and if there were no noise, if the events would bother him. He stated that the noise was his main concern, but he didn't see a way to reduce it to a point where it wouldn't bother him.
- c. The applicants stated that they felt uncomfortable limiting themselves to a fixed number of weddings, or noisy events, per year at this time. They stated that even though they had 4 for the last two years, they could envision up to 2 in May, June, September, and 3 in October in any given year.
- d. The applicants stated they would talk to a sound engineer in their church and try to come up with a way to lower the sound the neighbor experienced.
- e. The neighbor offered to work with the applicant to test the sound levels.
- f. Despite the civil discussion of possible resolutions, no firm agreements were reached.

**Next steps:** Possible continued discussions.

**Application Hearing Details: EPC Hearing is scheduled for 8 February 2018**

- 1. Hearing Time:
  - a. The Commission will begin hearing applications at 8:30 a.m.
  - b. The actual time this application will be heard by the Commission will depend on the applicant's position on the Commission's schedule
- 2. Hearing Process:
  - a. Comments from facilitated meetings will go into a report which goes to the City Planner.
  - b. City Planner includes facilitator report in recommendations.
  - c. The Commission will make a decision and parties have 15 days to appeal the decision.
- 3. Resident Participation at Hearing:

Written comments must be received no later than **9:00 am Monday 5 February 2018** and may be sent to:  
Catalina Lehner [clehner@cabq.gov](mailto:clehner@cabq.gov) (505) 924-3935 600 2<sup>nd</sup> St., 3<sup>rd</sup> floor, Albuquerque, NM, 87102  
OR  
Karen Hudson, Chair, EPC, c/o Planning Department, 600 2<sup>nd</sup> St., 3<sup>rd</sup> floor, Albuquerque, NM, 87102

**Attendees and Affiliations:**

Kara Grant

Applicant

Steve Grant

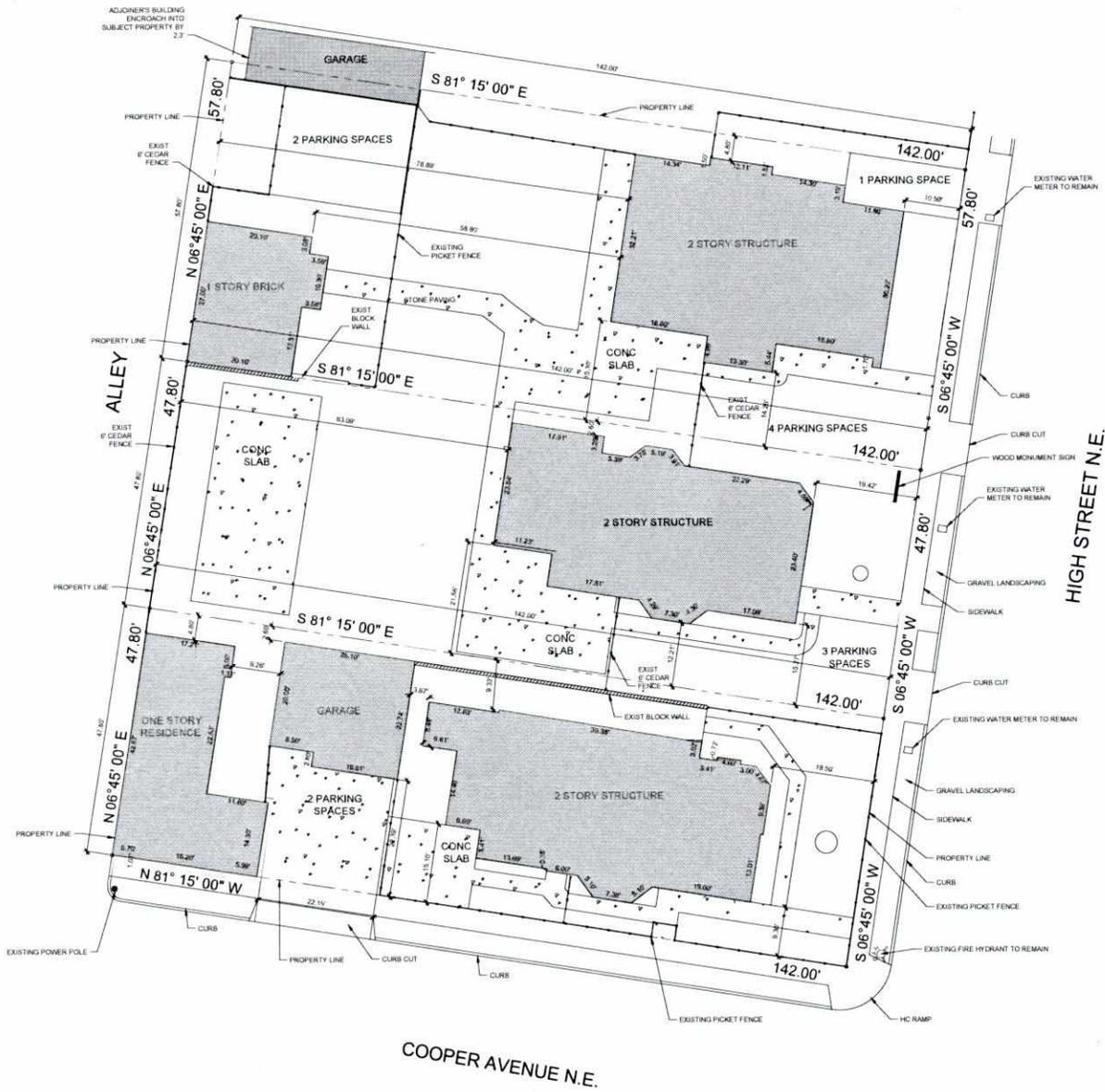
Applicant

# CITY OF ALBUQUERQUE

## LAND USE FACILITATION PROGRAM PROJECT 1005206 MEETING REPORT

Larry Tucker	Neighbor
Dayan Hochman	Att'y for Mr Tucker
Ann Carson	HHHDNA
Sam Kochansky	HHHDNA

SITE DEVELOPMENT PLAN REDUCTIONS



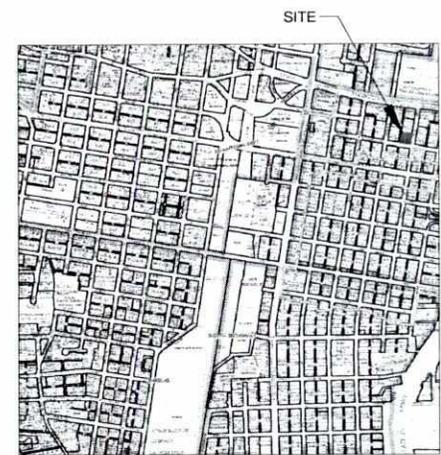
**SITE PLAN**

SCALE: 1" = 10'-0"



**GENERAL NOTES**

1. THE REQUEST IS FOR ZONE CHANGE ONLY. NO CONSTRUCTION WORK OR CHANGE IN USE IS REQUESTED.
  2. ALL STRUCTURES ERECTED PRIOR TO 1985.
  3. ~~PARKING SPACES~~ PARKING SPACES: EXISTING TO REMAIN.
  4. EXISTING SITE LIGHTING IS PORCH LIGHTS MOUNTED AT DOORS. STRUCTURES EXEMPT FROM PARKING, CONSTRUCTED PRIOR TO 1985.
- BED AND BREAKFAST: 1 SPACE FOR OWNER, 1 PER ROOM.  
 10 ROOMS = 10 SPACES + 1 OWNER SPACE  
 PARKING PROVIDED = 11 SPACES



VICINITY MAP - ZONE ATLAS K-14

SITE DATA: LOTS 8, 9 & 10, BLOCK 24, HUNING HIGHLAND SUBDIVISION  
 PROPOSED USAGE: EXISTING USE BED & BREAKFAST  
 ZONING: SU-2  
 ZONE ATLAS PAGE: K14  
 HUNING HIGHLAND SECTOR PLAN

TOTAL SITE AREA	LOT 8 = 8,208 SF LOT 9 = 6,796 SF LOT 10 = 6,796 SF TOTAL = 21,700 SF
BUILDING *	LOT 8 = 1,733 SF 580 SF 100 SF (ENCROACHMENT) LOT 9 = 1,621 SF LOT 10 = 1,700 SF 548 SF 967 SF TOTAL = 3,951 SF
PARKING / DRIVES + IMPERVIOUS & IMPERVIOUS	LOT 8 = 1,546 SF LOT 9 = 824 SF LOT 10 = 532 SF TOTAL = 2,868 SF
SIDEWALKS / SLABS *	LOT 8 = 1,064 SF LOT 9 = 1,852 SF LOT 10 = 672 SF TOTAL = 3,424 SF
LANDSCAPING *	LOT 8 = 3,156 SF LOT 9 = 2,886 SF LOT 10 = 2,414 SF TOTAL = 8,456 SF

PROJECT NUMBER \_\_\_\_\_  
 APPLICATION NUMBER \_\_\_\_\_

This plan is consistent with the specific Site Development Plan approved by the Environmental Planning Commission (EPC), dated \_\_\_\_\_ and the Findings and Conditions in the Official Notification of Decision are satisfied.

Is an Infrastructure List required? ( ) Yes ( ) No. If Yes, then a set of approved DRB plans with a work order is required for any construction within Public Right-of-Way or for completion of public improvements.

DRB SITE DEVELOPMENT PLAN SIGNOFF APPROVAL

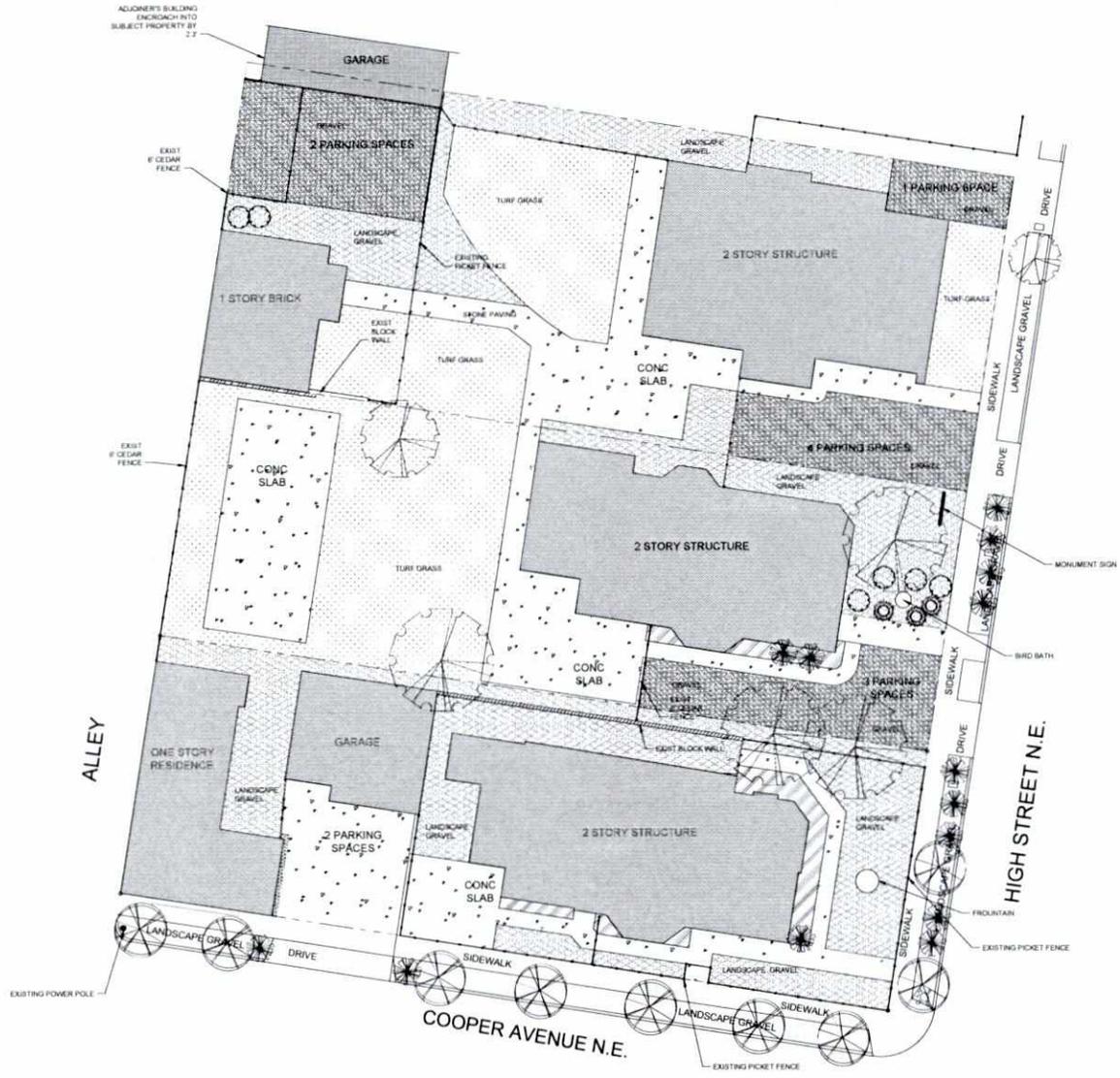
Traffic Engineer - Transportation Division	_____	Date	_____
Water Utility Department	_____	Date	_____
Parks & Recreation Department	_____	Date	_____
City Engineer	_____	Date	_____
Environmental Health	_____	Date	_____
Solid Waste Management	_____	Date	_____
DRB Chairperson - Planning Department	_____	Date	_____
Environmental Health (if necessary)	_____	Date	_____

**DOWNTOWN HISTORIC BED & BREAKFAST**  
 201, 207, 209 HIGH ST NE  
 ALBUQUERQUE, NM 87102

ISSUING TITLE

SITE PLAN	
DATE	PROJECT NO.
DRAWN	SCALE
CHECKED	DRAWING NO.
REVISION	
DATE 1/27/18	1 of _____

- GENERAL NOTES
- 1 ALL PLANTING AREAS NOT COVERED IN TURF HAS A GROUND TOPPING OF CRUSHED ROCK, RIVER ROCK, OR OTHER SIMILAR MATERIAL WHICH EXTENDS COMPLETELY UNDER THE PLANT MATERIAL. HOWEVER THESE MATERIALS SHALL NOT BE USED AS FOCAL LANDSCAPE.
  - 2 IT IS THE INTENT OF THIS PLAN TO COMPLY WITH THE CITY OF ALBUQUERQUE WATER CONSERVATION, LANDSCAPING AND WATER WASTE ORDINANCE, PLANTING RESTRICTION APPROACH.
  - 3 APPROVAL OF THIS PLAN DOES NOT CONSTITUTE OR IMPLY EXEMPTION FROM WATER WASTE PROVISIONS OF THE WATER CONSERVATION, LANDSCAPING AND WATER WASTE ORDINANCE. WATER MANAGEMENT IS THE SOLE RESPONSIBILITY OF THE PROPERTY OWNER.
  - 4 ALL LANDSCAPING IS EXISTING. NO NEW PLANTING INTENDED AS PART OF THIS PLAN.



PLANTING LEGEND

SYMBOL	QTY	BOTANICAL NAME	COMMON NAME	SIZE/SPEC
<b>TREES</b>				
	5	EXISTING TO REMAIN	ELM	20"
	9	EXISTING TO REMAIN	MULBERRY	20"
<b>SHRUBS</b>				
	6	EXISTING TO REMAIN	SAGE	
	14	EXISTING TO REMAIN	EVERGREEN UNIDENTIFIED	
	3	EXISTING TO REMAIN	SPANISH BROOM	
<b>WILDFLOWERS</b>				
	PLANTING BED, MULTIPLE PLANT TYPES			

LANDSCAPE PLAN

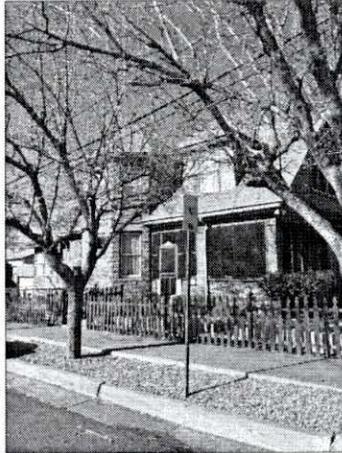
SCALE 1" = 10'-0"



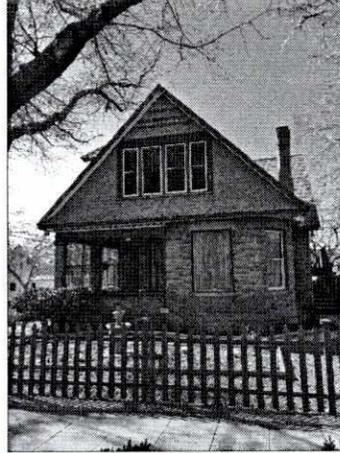
DOWNTOWN HISTORIC BED & BREAKFAST  
201, 207, 209 HIGH ST NE  
ALBUQUERQUE, NM 87102

DATE: 1/27/18

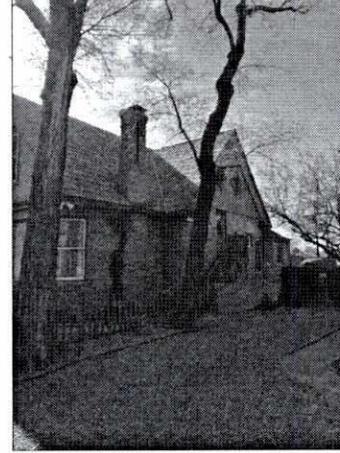
PROJECT NO: \_\_\_\_\_  
SCALE: \_\_\_\_\_  
SHEET NO: **2**



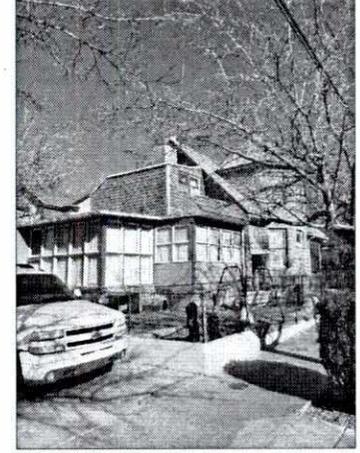
SIDE - SOUTH (COPPER STREET)



FRONT - EAST (HIGH STREET)



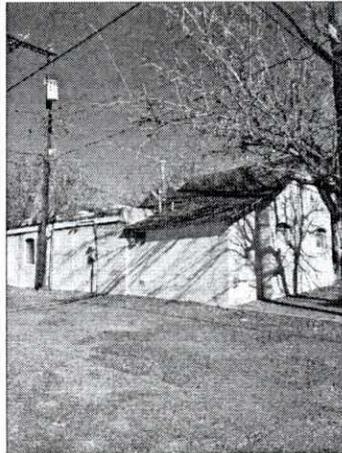
SIDE - NORTH



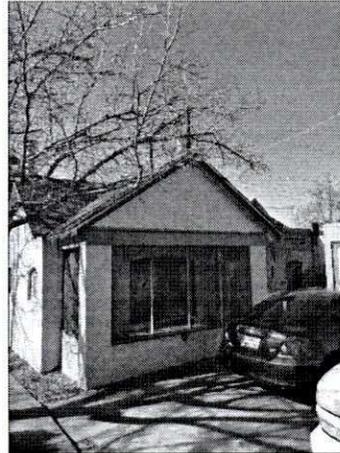
BACK - WEST (ALLEY)

**MAIN BUILDING ELEVATIONS**

SCALE: NTS



SIDE - WEST (ALLEY)



FRONT - SOUTH (COPPER STREET)



SIDE - NORTH

**ACCESSORY BUILDING ELEVATIONS**

SCALE: NTS

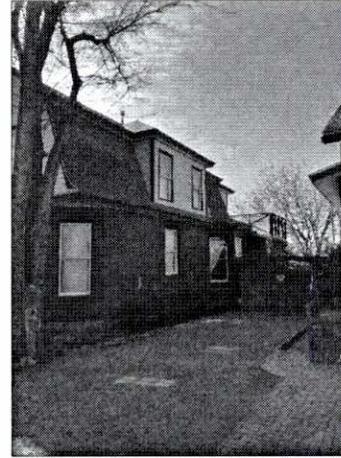
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DRAWING TITLE <b>201 HIGH STREET ELEVATIONS</b>			
SHEET NO.	DRAWING NO.	PROJECT NO.	
	DATE	SCALE	
	DRAWN BY	DRAWING NO.	<b>3</b>
	DATE	1/27/18	



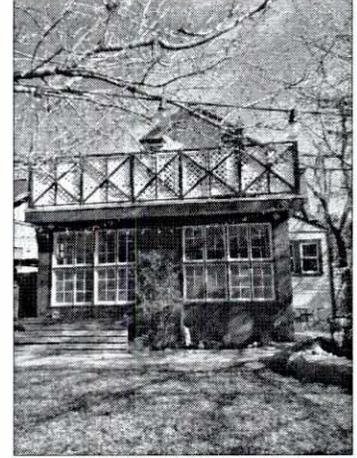
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FRONT - EAST (HIGH STREET)



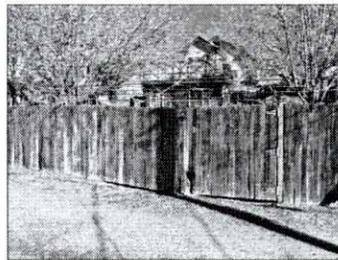
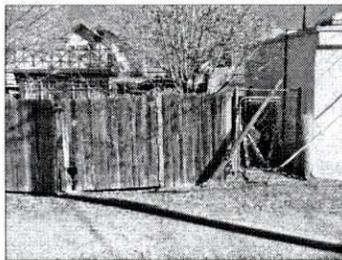
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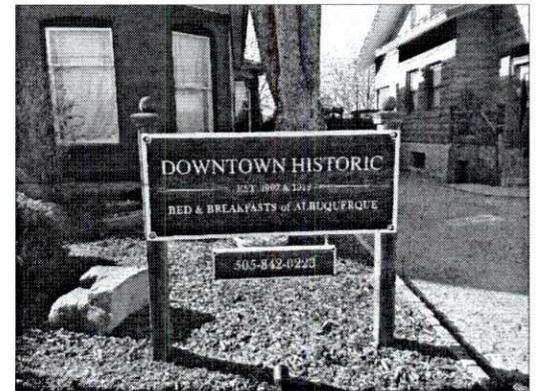
**MAIN BUILDING ELEVATIONS**

SCALE: NTS



**ALLEY ELEVATIONS**

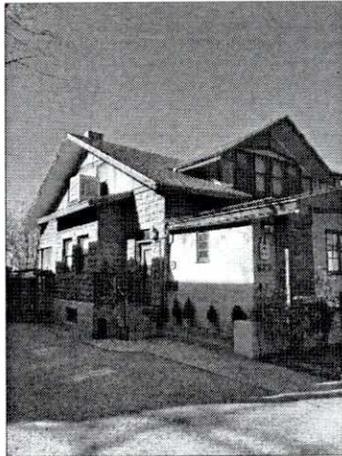
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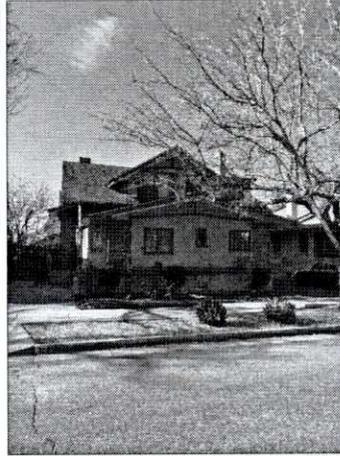
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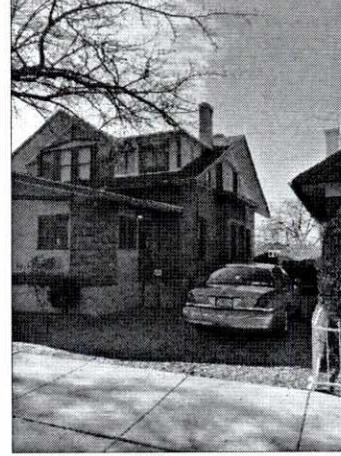
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DATE	DESIGNED	PROJECT NO.
	DRAWN	SCALE
	CHECKED	DRAWING NO.
	REVISIONS	<b>4</b>
DATE 1/27/18		



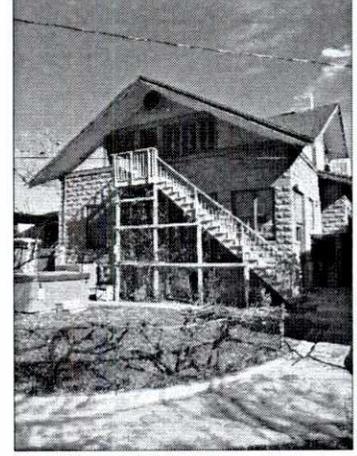
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FRONT - EAST (HIGH STREET)



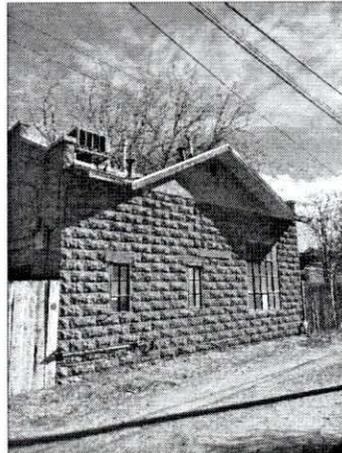
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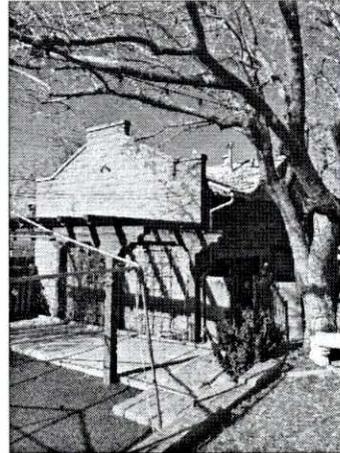
BACK - WEST (ALLEY)

**MAIN BUILDING ELEVATIONS**

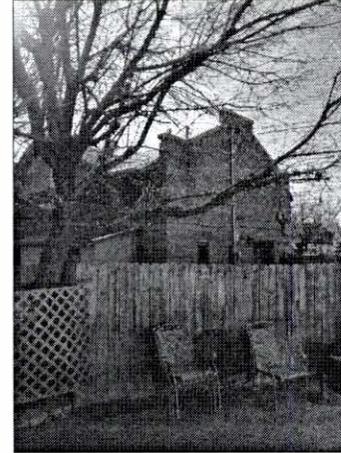
SCALE: NTS



SIDE - WEST (ALLEY)



SIDE - SOUTH



FRONT - EAST

**ACCESSORY BUILDING ELEVATIONS**

SCALE: NTS

DOWNTOWN HISTORIC BED & BREAKFAST 201, 207, 209 HIGH ST NE ALBUQUERQUE, NM 87102			
DRAWING TITLE <b>209 HIGH STREET ELEVATIONS</b>			
SHEET NO.	DESIGNED	PROJECT NO.	<b>5</b>
	DRAWN	SCALE	
	CHECKED	DRAWING NO.	
	DATE: 1/27/18		



*Not Approved*

**ENVIRONMENTAL PLANNING COMMISSION  
AMENDED ACTION SUMMARY**

**Thursday, February 8, 2018  
8:30 a.m.**

**Plaza Del Sol Hearing Room, Lower Level  
600 2<sup>nd</sup> Street NW**

**COMMISSIONER MEMBERS PRESENT:** Derek Bohannon, Chair  
Bill McCoy, Vice Chair  
Karen Hudson  
Dan Serrano  
Maia Mullen  
Peter Nicholls  
David Shaffer  
Moises Gonzalez

**COMMISSIONER MEMBERS ABSENT:**

\*\*\*\*\*

**Call to Order: 8:30 A.M.**

- A. Pledge of Allegiance
- B. Announcement of Changes and/or Additions to the Agenda
- C. Approval of Amended Agenda
- D. Swearing in of City Staff

**~~I. Project# 1000936~~**  
~~17EPC-40069 Zone Map Amendment  
(Zone Change)~~

~~Consensus Planning, agent for Hotsy Equipment Company requests the above action for all or a portion of Lot 4, Paradise Plaza, zoned SU-1 for Mixed Use Development-C-1 Permissive Uses, excluding automobile related retail and service uses and drive-up facilities including package liquor sales ancillary to a retail grocery of 20,000 square feet minimum and restaurant with alcoholic drink sales for on-premise consumption (maximum 4.5 acres) to C-1, located on the east side of Unser Blvd. NW between Crown Rd. NW and Summer Ridge Rd. NW, containing approximately 2 acres. (A-11)  
Staff Planner: Cheryl Somerfeldt~~

**A motion was made by Commissioner Nicholls and Seconded by Commissioner Serrano that matter 17EPC-40069 be approved based on findings and conditions. The motion carried by the following vote:**

**For: 7 - Hudson, Bohannon, McCoy, Serrano, Mullen, Nicholls and Shaffer**

**Against: 1- Gonzalez**

**2. Project# 1009920**  
17EPC-40070 Site Development Plan for Building Permit (Deviations to the East Gateway Sector Development Plan)

RBA Architects agent for Doug Adams, requests the above action for all or a portion of Lot 1-A, Block 48, Skyline Heights, zoned SU-2/M-1, located on Eubank Blvd. SE, between Bell Ave. SE and Trumbull Ave. SE, containing approximately 1.5 acres. (L-20)  
Staff Planner: Maggie Gould

**A motion was made by Commissioner Hudson and Seconded by Commissioner McCoy that matter 17EPC-40070 be approved based on findings and conditions. The motion carried by the following vote:**

**For: 6 - Hudson, Bohannon, McCoy, Serrano, Nicholls and Shaffer**

**Against: 2- Gonzalez and Mullen**

**COMMISSIONER GONZALEZ RECUSES HIMSELF**

**3. Project# 1005206**  
17EPC-40054 Sector Development Plan Map Amendment (Zone Change)  
17EPC-40067 Site Development Plan for Building Permit (as-built)

Steven and Kara Grant request the above actions for Lot 8 and the additional south seven feet and eight inches of Lot 7, Lot 9, and Lot 10, Block 24, Hunings Highlands Addition, zoned SU-2/MR, to SU-2/SU-1 for Bed and Breakfast to Include Special Events, located on High St. NE, between Central Ave. NE and Dr. Martin Luther King, Jr. Ave. NE, containing approximately 0.6 acre. (K-14)  
Staff Planner: Catalina Lehner  
**(Deferred from December 14, 2017)**

**SEE ATTACHED TRANSCRIPT AC-18-6**

**A motion was made by Commissioner Mullen and Seconded by Commissioner McCoy that matter 17EPC-40054 be approved based on findings and condition. The motion carried by the following vote:**

**For: 5 - Hudson, Bohannon, McCoy, Mullen and Shaffer**

**Against: 2 - Serrano & Nicholls**

**Recused: 1 – Gonzalez**

**A motion was made by Commissioner Nicholls and Seconded by Commissioner Serrano that matter 17EPC-40067 be approved based on findings and conditions. The motion carried by the following vote:**

**For: 5 - Hudson, Bohannon, McCoy, Mullen and Shaffer**

**Against: 2 - Serrano & Nicholls**

**Recused: 1 – Gonzalez**

**COMMISSIONER GONZALEZ RETURNS  
COMMISSIONER MULLEN LEAVES FOR THE DAY**

**4. OTHER MATTERS:**

**A. IDO Training**

**MOVES TO THE END OF AGENDA**

**B. Approval of November 9, 2017 Action Summary Minutes (Deferred from January 11, 2018 Hearing)  
A motion was made by Commissioner Hudson and Seconded by Commissioner McCoy that matter be Approved. The motion carried by the following vote:**

**For: 5 - Hudson, McCoy, Gonzalez, Nicholls & Serrano**

**Recused: 2 – Bohannon & Shaffer**

**C. Approval of December 14, 2017 Action Summary Minutes (Deferred from January 11, 2018 Hearing)  
A motion was made by Commissioner Hudson and Seconded by Commissioner McCoy that matter be Approved. The motion carried by the following vote:**

**For: 5 - Hudson, McCoy, Gonzalez, Bohannon & Serrano**

**Recused: 2 – Nicholls & Shaffer**

**D. Approval of January 11, 2018 Action Summary Minutes  
A motion was made by Commissioner Hudson and Seconded by Commissioner McCoy that matter be Approved. The motion carried by the following vote:**

**For: 7 - Hudson, McCoy, Gonzalez, Bohannon, Shaffer, Nicholls & Serrano**

**COMMISSIONER SERRANO LEAVES BEFORE IDO TRAINING**

**IDO TRAINING**

**5. ADJOURNED: 1:00 P.M.**

**NOTE: For Notice of Decision please refer to <http://www.cabq.gov/planning/boards-commissions/environmental-planning-commission/epc-staff-reports>**

CHAIR BOHANNAN: Ms. Henry, are we recording?

MS. HENRY: Yes, sir.

CHAIR BOHANNAN: Ok, well let's go ahead and start with agenda item #3.

COMMISSIONER GONZALEZ: Mr. Chair.

CHAIR BOHANNAN: Oh, I'm sorry, Commissioner Gonzalez.

COMMISSIONER GONZALEZ: I just wanted to say I'm going to recuse myself. There's - - I know Grant too well, I called them when their dog was out, a couple of weeks ago and I don't know the other people who are in agreement, so I think it be fair for me; it would not be fair if I were to (inaudible), so I'm gonna leave now.

CHAIR BOHANNAN: All right, I appreciate it (inaudible). Do you plan on returning for the IDO?

COMMISSIONER GONZALEZ: I will. I'm gonna get a cup of coffee and I'll be back.

CHAIR BOHANNAN: Ok. So I'll wait for Mr. Gonzalez has left the room. You can (inaudible) in my hot spot if you want. (inaudible). All right, Ms. Lehner.

MS. LEHNER: Good Morning, Mr. Chair and Commissioners. This is agenda item #3, is Project #1005206, 17EPC-40054 & 40067. This request is for a sector development plan map amendment or zone change and an associated, "as-built" site development plan for building permit for an approximately 0.6 acre site, located on High St. NE, between Central Avenue and Dr. Martin Luther King, Jr. Avenue. The subject site consists of three lots, which the applicants own. A bed and breakfast operates on the subject site, where the applicants also reside.

The case was deferred for 60 days to allow the applicant time to strengthen the justification, provide an as-built site development plan, and ensure proper notification.

The subject site is located in an Area of Change and an Area of Consistency; is within the boundaries of the Huning Highland Sector Development Plan and the Huning Highland Historic Overlay Zone. The subject site is zoned SU-2 MR Mixed Residential, pursuant to the HHSDP. The applicants have been hosting special events, which is not allowed under the current zoning. A neighbor notified the Code Enforcement Division and a Notice of Violation or NOV was issued. The applicants were advised to seek a zone change to SU-2/SU-1 for Bed and Breakfast to Include Special Events, hence the current application.

The applicant has adequately justified the zone change request pursuant to R270-1980 and has demonstrated that it clearly facilitates applicable Goals and policies. Because the zone change is to an SU-1 zone, a site development plan is required and the two are interdependent. It's especially important to make the site plan accurate now, rather than have to seek amendments later. Therefore, conditions of approval are proposed to provide clarification.

Staff recommends that approval of the as-built site development plan be delegated to the Planning Director, which means administrative approval by Staff, rather than to the Development Review Board, or DRB. This is consistent to what has been done in the past with other as-built site development plans. The site is already developed, infrastructure is already in place, and no changes are proposed to the site, so there is no need to go to the DRB.

The affected neighborhood organizations are the Broadway Central Corridors Partnership and the Huning Highland Historic District Association, which were notified as required. Property owners within 100 feet of the subject site were also notified, as required. Since the original notification included two of the three lots that comprise the subject site, the notification had to be re-done based on all three lots. This was accomplished during the deferral period.

Letters of support were submitted from the Huning Highland Historic District Association and some neighbors. However, there is also opposition. A neighbor who lives across the alley to the west is concerned about amplified sound associated with special events. A facilitated meeting was held on January 29. Regarding Project #1005206, 17EPC-40054 & 40067, Staff recommends approval subject to conditions.

And when we get to the point where we're discussing findings then I would have a few suggestions for some, perhaps new findings. With that I stand for questions

CHAIR BOHANNAN: Any questions for staff? No. Ms. Lehner, if you could just articulate a little more on why your requesting to go to the Planning Director, the site building plan, in lieu of DRB? And just kind of (inaudible) and just kind of expand on that. I know everybody's always a little cautious to do that and the differences between an already existing as-built and something for new design and DRB's role on that?

MS. LEHNER: Thank you. Mr. Chair, members of the Commission. That is correct. In other cases, as in this case, particularly in places, this etcetera or whatever is happening. If the site is completely developed, if there are going to be no changes to it, infrastructures already in place, the Development Review Board is a technical body. And they review hydrology, transportation, different engineering type concerns and since nothing is changing, it's simply as-built; there is no reason to go through that process. So, consistent with how we have recommended in other cases then the best way would be Administrative Approval for this type of submittal.

CHAIR BOHANNAN: Thank you.

MS. LEHNER: Thank you.

CHAIR BOHANNAN: This time we'd like to hear from the applicant. Good morning.

MS. GRANT: Good morning.

CHAIR BOHANNAN: State your name and address for the record?

MS. GRANT: I'm Kara Grant and I live at 201 High Street, NE.

CHAIR BOHANNAN: You swear to tell the truth under penalty of perjury?

MS. GRANT: Yes, I do.

CHAIR BOHANNAN: Ok.

MS. GRANT: First, thank you for your time and I'd like to just give a little bit of a background history of this property. We have owned these properties for over 15 years. We have also lived in these properties with our four children. It's been about 12 years that we opened them up as a Bed and Breakfast. We did seek city approval, upon doing this, one property the 207 High Street property, we got approval in 2006. In 2008, we got

the 209 High Street property; and then the 201 High Street property is our home, that we live in. We did get strongly supported by city approval and neighborhood acceptance.

Once, during the time upon doing this when we first opened, we were just primarily a Bed and Breakfast offering accommodations to people, and we were approached by one of our guests to ask us if they could host their wedding on the property. We did seek approval; we followed the Huning Highlands Sector Plan in establishing our Bed and Breakfast, which has several points that we complied with in that there wasn't anything about holding events, so we were not aware that this was not something we were not supposed to be doing. So, we did allow the guests to do that, since then we have allowed other guests to either have personal celebrations, we have also hosted some corporate, as well as some city events. Recently, however, we were notified, as Ms. Lehner said, that we were not in compliance. So, we immediately went to the city to correct the problem. That was when we were advised to re-zone or seek a new zoning from an MR SU-1 to an SU or SU-2 to an SU-1. It should be noted that in this it is a downtown neighborhood, as she said. It's Mixed Residential it's a mixture of different zonings; it's MR RO Neighborhood Commercial Residential, as well as some SUs. So, we do feel our request is consistent with much of the zoning in this area.

There has been, as she mentioned, some concerns that we are, especially in our facilitated meeting, we did go ahead and try to address. One of the biggest concerns was the noise of the event. We have always with all of our events starting shutting them down at 9:45 and had a total full shut down by 10 P.M., which is in compliance with the City Noise Ordinance.

One of the things was an owner or somebody on the property at all times. We have always been a full time resident on the property, either our self or one of our children. And then if we're gone on vacation or anything like that we do have somebody that works for us who is on the property. So there is always somebody managing the property and on the property.

The number of events we have always been very conscientious of that, because we have personally restored all of these properties with a significant amount of money. I'm trying to maintain the historical integrity of these particular homes and love these homes. So we've never allowed a huge amount of events. We've tried to always limit it to no more than if we did have one, one even on a weekend, and of course, because of New Mexico weather, we don't earlier than late April and no more than at the end of late October, if we had any outdoor events.

Another question, which you will find in the file, is to address parking. We actually, right off, sought the Presbyterian Church to allow us, which is just one block over to share their parking lot and we do have a signed agreement with them. So, for any of the events we encourage to keep the guest or anybody off of the streets to not congested it for the neighbors in the area. We provide signage in front of the property if there was an event, as well as I have little invitation cards that the person hosting the event would always give to any of the people attending, so that the - - they were - - everyone was notified and aware of where to be able to park.

I'm now gonna let my husband go ahead and he was going to speak as to some of the benefits and things of our property.

CHAIR BOHANNAN: Good morning, can you state...

MR. GRANT: Good morning, Mr. Chairman, Commissioner's...

CHAIR BOHANNAN: Name and address for the record, please?

MR. GRANT: Steve Grant. 201 High Street NE, Albuquerque, New Mexico.

CHAIR BOHANNAN: Do you swear to tell the truth under penalty of perjury?

MR. GRANT: You bet I do. So, our little Bed and Breakfast has brought big exposure to Albuquerque and the surrounding areas. We've hosted thousands of people from all over the world, which has led to be - - to us being the number one ranked bed and breakfast operation villa Trip Advisor, which has changed for the last several years from being in the last place, thanks goodness.

We have actually had people that actually come stayed with us that have actually looked at relocating to Albuquerque and have been able to, sometimes - - at times relocated into our neighborhood, which has been really nice to see. According to our neighbor's we are within direct - - we are actually a direct, not a direct, but I should say, a breath of fresh air to our area. We've been in the neighborhood for over 15 years now, and so, the proof is that we've made this properties, had increased the overall value of the neighborhood area and more positive exposure for Albuquerque and the area that we live in.

This particular request we have over six letters of support from our neighbors that live either directly behind us or directly across the street from the Bed and Breakfast operation. We also have the support, that's in your files the report of as well, from the Huning Highland Neighborhood Association and the EDO Board, as well, or Broadway Corridor's as they're referred to before. We are currently members of the Ambassadors of the AED, which is Albuquerque Economic Development. We posted meetings for this (inaudible), Westside Chamber, Retreats for UNM, Sandia Labs, Intel, Microsoft, Comcast Cable, the list goes on. Ironically, the very day that someone came from the city and contacted us about the notice of concern, was actually the very day we were hosting a roundtable discussion for New Mexico Technology Council, which included Tim Keller, CEOs from varies Tech Companys and few Secretaries of State, it was a breakfast meeting in the backyard, and it went very well.

Additionally, we have great relationship with surrounding hospitals; we posted Doctors, visiting Docs, visiting Nurses that have come and been there for a few days or (Inaudible) sometimes. We are an official vendor with UNM; posting guests from professors that are visiting from - - for various reasons, from different parts of the country. We've even hosted some historic events that have led to just tours of the neighborhood and just getting our great city and great neighborhood better exposure. These are just a few of the ways that have - - that Albuquerque has benefited via our historic properties. Allowing us to become - - to continue I should say, our bed and breakfast business with enhancements – enhancement of being able to allow outdoor venue services at different times of the year, because it's - - we have to consider the weather, really brings even more engagement and more interest into the Downtown Market of Albuquerque. We actually thank you so much for the consideration for the rezone approval of our properties. It's only gonna enhance and increase public awareness and bring us all closer to the city's goals. Thank you very much.

CHAIR BOHANNAN: Ms. Henry, do we have anyone signed up from the public to speak?

MS. HENRY: Yes, sir.

CHAIR BOHANNAN: How many?

MS. HENRY: Four.

CHAIR BOHANNAN: Let's go ahead and call the first two, please?

MS. HENRY: Noel Schaefer followed by Larry Tucker.

CHAIR BOHANNAN: Good morning. Can you state your name and address for the record?

MR. SCHAEFER: Morning Mr. Chair and Commissioners. My name is Noel Schaefer I'm with the Law firm Roybal, Mack and Cordova. We work at 1121 4<sup>th</sup> Street NW, Suite 1D. I'm here on behalf and representing Mr. Larry Tucker.

CHAIR BOHANNAN: All right. Do you swear to tell the truth under penalty of perjury?

MR. SCHAEFER: Yes, I do.

CHAIR BOHANNAN: Ok. I'll go ahead and start you off with two minutes.

MR. SCHAEFER: Ok, thank you. Well the reason we're here today, is that Mr. Tucker is here to formally object to this zoning change. We are concerned and we do feel that it is an inappropriate zoning change for this particular location. Mr. Tucker is the individual who was basically the driving force behind the Notice of Violation that was filed against the Grants. And it was two years in us working with the city; to try and get Code Enforcement out there to simply enforce the Sector Development Plan as written. We still believe, to this day, that they are not in compliance with the Island Sector - - Sector Development Plan as written, as it applies to Bed and Breakfast establishment from that location.

And we further - - we object to the re-zoning to allow them in essence; move to (inaudible) seemed to be more considered or more likely considered an event site, as opposed to a Bed and Breakfast, because much of the events that the Grants described this morning seem to be unrelated to the actual B&B operations that they are doing that.

The other issues that we have is that these are large events; according to the approval or the suggested approval from the staff, of 50 individuals or 50 guests and then that does not include, the staff and other individuals that are there to assist with these events.

And we also, have some concerns about the parking, while I understand the Grants secured an agreement with the First Presbyterian Church. There is no rent for that particular agreement, so we don't have - - I don't feel there's a lot of protection there to ensure that that agreement is going to (inaudible) over the long term in the event that the church happens to change its mind about that.

The other issue that we would point to is just the fact that the Grants, they mentioned this morning that they did receive a conditional use in 2006 and that is one that we were able to locate and identify, however, ourselves through IPRA Requests, as well as the staff were not able to locate the approval that they suggest they received for location 209 High Street. And so, this is one of the issues where we are basically before you, because of the concerns that we have for the latest to ongoing zoning violations, basically being (inaudible) staff through this zoning change and the individuals who are applying are basically being allowed to continue to operate in violation of the Sector Development Plan, as written, as well as (inaudible) we believe in (inaudible)

CHAIR BOHANNAN: All right, thank you. Any questions or comments for the gentlemen? Commissioner Nicholls.

COMMISSIONER NICHOLLS: Thank you Mr. Chair. Your client is Mr. Tucker. Would he be more comfortable if this were to continue to be just a Bed and Breakfast without the special events?

MR. SCHAEFER: Yes, sir that would be absolutely - - he moved into the area in 2014. He immediately began encountering issues with special events and began almost immediately communicating those issues to the Grants. We have since 2006 been pursuing enforcement and it was only in basically; I think it was in middle of 2007 that we're actually able to get that done. Mr. Tucker would be more comfortable with having (inaudible) and as I said, "I don't believe that the premises that the Grants are operating as it stands today, is actually in compliance with the Sector Development Plan or a Bed and Breakfast." The requirements under the plan are that they have to be a permanent resident at the premises and that the premises cannot contain more than 5 dwelling units. Now, if again, if we're gonna basically draw the line to where the premises is and we called it 3 - - that we take each of the parcels and call it one unit by premises, for the purposes of the Grants being able to reside in 201; they should only be able to have 5 dwelling units for the Bed and Breakfast on the 3 lots. If want to parcel it up and call them 3 individual premises and then you can be permanently residing on each and that would be (inaudible) particular matter.

CHAIR BOHANNAN: Commissioner Hudson.

COMMISSIONER HUDSON: Thank you Mr. Chair. You made a comment that in the Parking Agreement they have with the church that, because they're not paying rent it's not - - (inaudible) I mean it's still enforcement though. Is it not?

MR. SCHAEFER: Well there's no consideration and so, there's nothing in terms of the Grant saying, that we have provided you consideration that allows us, basically the benefit of the bargain, to use the parking space.

COMMISSIONER HUDSON: So, you feel if there was any consideration then it would then be enforceable?

MR. SCHAEFER: I think that would - - yes, it certainly would make it a much more enforceable contact, in terms that we are paying you then saying for the benefit we are receiving.

COMMISSIONER HUDSON: Ok, thanks.

MR. SCHAEFER: Ok.

CHAIR BOHANNAN: All right, thank you. If you could call the next speaker?

MS. HENRY: Larry Tucker followed by Sam Kochansky.

CHAIR BOHANNAN: Good morning.

MR. TUCKER: How are you?

CHAIR BOHANNAN: I'm good, thank you. How are you?

MR. TUCKER: Good.

CHAIR BOHANNAN: Can you state your name and address for the record?

MR. TUCKER: Larry Tucker. 210 Walter Street, NE.

CHAIR BOHANNAN: Do you swear to tell the truth under penalty of perjury?

MR. TUCKER: I do.

CHAIR BOHANNAN: And who are you representing today?

MR. TUCKER: Myself.

CHAIR BOHANNAN: I'm gonna start you off with two minutes.

MR. TUCKER: Yeah, I just wanted to make sure that I was able to register my disagreement and my disapproval of this process. And I just heard a question would I be concerned if it were just a Bed and Breakfast; I solely support the Bed and Breakfast. It's a beautiful place. All the things I hear and see in the application about what it does to the neighborhood, etcetera. I have no qualms with, I mean, it's more that I basically am having parties in my backyard. My home is also a historic home I'm very proud of. And, you know, on top of the inability to use my property as I should be able to use it on the weekends or whenever, because I just I'm just inside their parties blasting directly across the alley. And there's - - I have very little trust that from one time it's going to be normal to another time I need to call the cops, cause the DJ I can hear 2 blocks away.

I just don't know what - - first of all, I mean, I mean I'm just very surprised that there's not some sort of - - that this is something that is easily accepted just by saying, "Who helps me when it's needed," so where gonna have this every day in a residential neighborhood. You know, because it's gonna affect my property values. If they decide to have their dance all the time, I'm just gonna leave, you know, and it's gonna be hard for me to own a property. I don't know why somebody would want that?

I actually bought the home did a lot of diligence that it was December, you know, there were not outside events in December, whenever I was there, so I didn't know what I was getting into. And I just feel that, you know, it's not really fair to me, as an individual, to have to be, you know, barricading myself in my house or leaving my home to go every time there's a party that I don't even generally have notice about. So, even when I look at this application if it were approved. What is my remedy, in terms of how many events they're gonna hold, how loud they're gonna be? If they're too loud; I call the police, the police don't come, maybe they come hours later, because I can speak to experience in that, I mean (inaudible)? I just feel like a - - I want to make sure that my voice is heard and understood and that the description of what's really happening here is real and, you know, I'm the one who's directly affected by this, (inaudible). Thank you.

CHAIR BOHANNAN: Any questions? Commissioner Hudson.

COMMISSIONER HUDSON: Thank you, Mr. Chair. I just like to ask you, what would preclude any of your neighbors that are just homeowners from having parties in their yard and having a DJ or what not?

MR. TURNER: If my neighbors were to that, I mean, once every couple of months or what have you. If they were to have parties, I mean I'm not the kind of person who's gonna be, I don't care about that, I like to have parties myself, that's part of the problem. I can't have people over when I want too, to have a barbeque - - that I can use my backyard. There's really nothing that - - were talking about commercial events here. We're not talking about people having a personal party; we're talking about people making a lot of money on throwing big load weddings with DJs and people getting really rowdy in the backyard. So, for me that's a different - - it's a different situation and I have no problem with people throwing parties now and again. And even if they would throw these parties in a very limited basis; I hear it's limited, but that has not been my experience. And I also had a facilitated meeting and I talked about this, you know, from my point of view. I'm not doing anything, but

I'm willing to say, "Hey a limit piece of it," that's ok with me if I can get an understanding that it's not going to be at your, you know, that whatever want and all the time. But I didn't get really any - - any kind of acceptance of that.

COMMISSIONER HUDSON: So, I'd like to ask you that question. What would be reasonable to you on limiting them to how many events per year?

MR. TURNER: Well, per year, once a month would be reasonable for me.

COMMISSIONER HUDSON: Ok.

MR. TURNER: Once a month would be (inaudible), even if it were allowed, you know, just so I can plan my plan my life, get out of town.

COMMISSIONER HUDSON: Just curious to just know where you're standing.

MR. TURNER: Sure.

COMMISSIONER HUDSON: Thank you.

MS. HENRY: Sam Kochansky followed by Jim Maddox.

CHAIR BOHANNAN: Good morning.

MR. KOCHANSKY: Good morning everybody.

CHAIR BOHANNAN: If you could state your name and address for the record?

MR. KOCHANSKY: Sam Kochansky. I live at 423 Walter Street, SE.

CHAIR BOHANNAN: Do you swear to tell the truth under penalty of perjury?

MR. KOCHANSKY: Of course.

CHAIR BOHANNAN: And who are you representing today?

MR. KOCHANSKY: Me.

CHAIR BOHANNAN: I'm gonna start you out with two minutes. (inaudible)

MR. KOCHANSKY: The only reason that I'm here is too support Kara and Steve. We - - and I'm an artist, 423 is also my studio and gallery. I am licensed by the city to run that gallery. We have events almost every month. Not only does the city encourage it, they advertise it for us. We have Art Crawl. We have certain party events during the year. And we are here because of one person.

Huning Highlands Historic District and anybody who know me, knows that I'm a great supporter of this neighborhood. We are a vi - - just vibrant artist community here and other artists are moving in and opening up studios and we have business there. No one complains about our events. And when we do have events we go to the city, we get our permit and everything is fine. Because one person has complained; we are all here now, I

took the day off to say that “We need to have these kinds of small businesses in our neighborhood; this is what makes us a vibrant community.” Why we need to rezone is beyond me. We’ve been here for years. They’ve been here longer than I have. I’ve been here about 7 or 8 years. Code Enforcement has never been a problem for us, until we got this one complaint. And now, all of a sudden, we have to re-zone the community? I don’t understand that. I don’t want to waste your time, it’s a waste of my time, but here we are. So, I’m here to express my support for Steve and Kara.

CHAIR BOHANNAN: Thank you. Do you reside at your studio, at (inaudible)?

MR. KOCHANSKY: Yes.

CHAIR BOHANNAN: Are you events normally daytime, night time, combination of the two?

MR. KOCHANSKY: Yes, probably (inaudible) there’re a combination.

CHAIR BOHANNAN: Ok.

MR. KOCHANSKY: Sometimes we have afternoon events. Art Crawl is usually in the evening after six. The - - anytime we have a party to celebrate an opening, a studio opening, we can go till midnight according to our permit. I often bring in local bands from Downtown. We play until midnight; that’s the permit, that’s what the city ordinance calls for, that’s what we have. We’ve never had a complaint. It’s just an expectation in the neighborhood that people have parties.

CHAIR BOHANNAN: And what distance are you from the subject property? How far are you, approximately?

MR. KOCHANSKY: I’m two blocks (inaudible)

CHAIR BOHANNAN: Two blocks. Ok. Any other questions, comments for the gentlemen? Commissioner Nicholls.

COMMISSIONER NICHOLLS: Thank you, Mr. Chair. When you hold an art gallery event...

MR. KOCHANSKY: A studio...

COMMISSIONER NICHOLLS: As a studio? Would that be largely indoor or also outdoor?

MR. KOCHANSKY: Both. We have a great drive and a Victorian Garden out front. And people like to mill around outside, as well.

COMMISSIONER NICHOLLS: And is that a chargeable event?

MR. KOCHANSKY: Oh no. Charge - - as an admission?

COMMISSIONER NICHOLLS: (inaudible)

MR. KOCHANSKY: Oh no. No.

COMMISSIONER NICHOLLS: Thank you.

MR. KOCHANSKY: It's only for the express purposes of selling my art and making money to pay my mortgage. (inaudible)

COMMISSIONER NICHOLLS: Thanks.

CHAIR BOHANNAN: Thank you.

MR. KOCHANSKY: Thank you.

MS. HENRY: Jim Maddox.

MR. MADDOX: Good morning, Mr. Chairman, Commissioners.

CHAIR BOHANNAN: Can you state your name and address for the record, please?

MR. MADDOX: Jim Maddox. 210 Walter Street, SE.

CHAIR BOHANNAN: You swear to tell the truth under penalty of perjury?

MR. MADDOX: I do.

CHAIR BOHANNAN: And who are you representing today?

MR. MADDOX: I represent myself. I represent, as a property owner and as a resident of Downtown Neighborhood Association.

CHAIR BOHANNAN: You're a president of the Downtown Neighborhood Association?

MR. MADDOX: East Downtown.

CHAIR BOHANNAN: East Downtown Neighborhood Association. Did you hold a meeting about this with the neighborhood association?

MR. MADDOX: We actually wrote a letter, but somehow it got lost in the Ethernet. So, it's not in your package, probably. I don't know what happened to it?

CHAIR BOHANNAN: How does 5 minutes sound?

MR. MADDOX: What?

CHAIR BOHANNAN: How does 5 minutes sound?

MR. MADDOX: It's great. Do you know me or something (inaudible)

CHAIR BOHANNAN: The president of a recognized neighborhood association.

MR. MADDOX: I live at 210 Walter Street, since 1985. I lived at 715 Gold, SE, since 1980, so I've been over, whatever that is. I own the building at 515 Central. I run a Real Estate Company, so we've been brokering

Real Estate in Huning Highlands, since before 1980 and we're very familiar with the neighborhood. We - - this is exactly the type of use we like. It's like Sam's Art Gallery. This is a mixed - - a very mixed neighborhood. It's a very interesting neighborhood; in that if you walk through this neighborhood you will see houses that were built in 85 - - 1885, clear up to a house that was built last year. And you'll see a mix of housing. There's 6 lots on each street, each block, typical block in Huning Highland. My block, which is 210 Walter is, most people say, the best block, because of the condition of the properties, trees, different things. We have - - I'm the only single family dwelling on that block. Every other one has been a conversion from a house to three units. There's a 10 unit apartment building next to my house. It's all good stuff. So these kinds of uses that are higher density and higher uses, creative uses are good for us. It's a neighborhood that's still in change. It hasn't completely changes. We embrace everybody; I got to say that, because we have all kinds of people there, very diversified. That's it. I don't think I have anything else to say.

CHAIR BOHANNAN: Does anyone have any questions, for this gentleman? Thank you, so much...

MR. MADDOX: (inaudible)

CHAIR BOHANNAN: Thank you so much for your time. Ms. Henry, do we have anyone else signed up to speak?

MS. HENRY: No sir.

CHAIR BOHANNAN: (inaudible). All right, with that I'd like to hear from the applicant. Hello, do you have anything you'd like to say in closing or address any of the comments that you heard, today?

MS. GRANT: I would like to address, like the one concern on the number of events. I do have a number for exactly, I mean, it seems like the biggest thing he addressed was weddings. And so, this year alone I had four - - or not this year, 2017 I had 4 weddings, 2016 I had 2 weddings. Now 2015, which would have been the first year he had known; I did have more weddings, I did have 10. One of those actually, two of those was my son's wedding, so they we're family weddings. And then one of them was also, a close family friend.

As far as, like I heard somebody saying, "Charging events," the way we had justified is that it is guest on the property. So, two hosted event; they do have to reserve the rooms, so it's not like there just exclusive, you know events. Now some of the city events, of course like he was speaking of, its the breakfast event. Those events of course are not guests on the property. We just allowed, you know, them the use just basically to support the neighborhood and show them the use of our area. But, like I say, as far as the weddings, as far as revenue based and everything it is a revenue that comes in from the support of the rooms and then they're allowed to use the property if they basically reserve the rooms, as well. I think that was the most (inaudible)

MR. GRANT: Is there any particular questions that you have for us, maybe? (inaudible)

CHAIR BOHANNAN: You're taking my job from me, now. (inaudible) Does anybody have any questions? I'll start with Commissioner Mullen.

COMMISSIONER MULLEN: Thank you, Mr. Chair. What is your protocol for - - do you inform neighbors of upcoming events or is there some...

MS. GRANT: You know, we haven't ever, I mean, when we first started doing them we did kind of let the neighbors know, but, I mean, we've not, I mean we've never had any opposition, so I will admit that we didn't notify them. But the - - what we've always, like I said try to do was to be conscientious of not congesting the

streets, you know, with the noise, which we have been extremely intentional. We come to anybody running music or anything like that. 9:45 is getting close to a shut down and then by 10:00 p.m. we ask that even additional guests on the property need to vacate the property if they're not, you know, guests that are on the property and everything. So, we've tried to be conscientious of that and so, I know that's one reason that the neighbors in the past have never had a problem. It probably would have been, you know, maybe if that's something we need to do if we we're having an event to notify the neighbors. We're certainly open to, you know, doing that.

MR. GRANT: We definitely want to be a good neighbor. We really feel like we have been a good neighbor or a great neighbor. We have support, I'm looking at the map right now, we have support from neighbors that surround, letters of support, 6 different letters that are directly across the street and actually behind our Bed & Breakfast as well and next to Mr. Tucker. So, you know, we definitely want to be an asset and a good neighbor to the surrounding neighbors and the community. And it is a mixed residential, as Mr. Maddox mentioned, it's mixed residential, so it's a diverse neighborhood. It's not like were a neighborhood and I'm not gonna - - maybe like Four Hills where it's a neighborhood, neighborhood. Does that make sense? (inaudible) it's different, a little different (inaudible) Huning Highland Neighborhood. And we're very, you know, like Kara mentioned, we're very careful about making sure that we're respectful, we don't do, I mean the season for when we do wedding is maybe two and two or three in May and the same number maybe in June. We don't typically do anything in July and August, because guess what it's too hot. And we have to be careful with our beautiful grass; we don't want to get to much traffic, so we want to make sure that we're (inaudible) traffic to traffic during the hot months of summer. And then we do maybe the same number in September and October. And I believe with the new IDO that's coming up there's actually approval for Bed and Breakfast to do events. It's already approved. That's going to be out in May so...

CHAIR BOHANNAN: (inaudible) All right, thank you so much. For the sake of going by our Hearing Procedures and not getting mired down in any kind of controversy; I'd like to inform the public they have the right to cross examination of anything they've heard today. If anybody would like to question the applicant or question anybody who has opposed, I invite you to please sign in again, with Ms. Henry, and if you could submit your questions in writing? We'll go ahead and take a 10 minute break, so that you can document all those. They will be passed up to me and I will read them allowed to whoever they are addressed to. So, with that we'll take a 10 minute break.

I have two questions for staff and three questions for the applicant. So, we will go ahead and start with the questions that I've - - I believe should be addressed by staff.

The first question is: with this re-zoning, this presumes that it would be past, with re-zoning from - - would it possibly affect the entire Huning Highland Sector Development Plan? This was asked by Mr. Sam Kochansky (inaudible) Kochansky. If you could come forward and maybe expand on what you're trying to ask?

MR. KOCHANSKY: Well one of the concerns that we had, in discussing this re-zoning to begin with, is that what would happen if I have an event and one of my neighbors complains and now I have to come back and ask for a re-zoning? Or another business owner in the neighborhood has a neighbor who complains then we have to go through this process with every business that has a complaint. My concern is if you rezone this, which I'm very supportive of this. Are you going to do the whole neighborhood of the Old Overlay for the Historic District or just for Steve and Kara? That's my question.

CHAIR BOHANNAN: I believe staff will answer this, but the question at hand is the subject property. We're not addressing anything other than the subject property they have. Is staff in concurrence?

MR. KOCHANSKY: Thank you.

CHAIR BOHANNAN: Thank you, next question for staff. The letters of support received... (inaudible) Oh Ms. Lehner would you like to address it.

MS. LEHNER: Mr. Chair, member of the Commission. Yes, please I would like to address the question. I understand that question to be: with this re-zoning, would it affect the entire Huning Highland Sector Development Plan Area? And yes, as you had mentioned Mr. Chair, this particular request pertains only to the subject site and that's what we are considering today. So, with respect to the subject site; they are requesting SU-2 for SU-1 for Bed and Breakfast and Special Events. They are retaining the SU-2 designation. And what that means is that they will continue to be subject to the requirements of the Huning Highlands Sector Development, the Huning Highland Historic Overlay Zone, which they are part of. They're not requesting to be removed from that SU-2 or else they would have requested simply SU-1. Also, further I would like to clarify that, when you're requesting SU-1 zone, it is on a case by case basis. That means that because with SU-1 zone it is pursuant to 14-16-2-22-(A)6 of the Zoning Code. An SU-1 zone is tied to a Site Development Plan and we have that Site Development Plan as part of this request. So, those two are not separate able and that is what is - - and that's a (inaudible) of SU-1 Zone being very particular to the subject site at hand.

CHAIR BOHANNAN: Thank you. Next question: The letters of support received from the neighbors to the west of the property, across the alley. Do you know if those individuals reside in those residences? Ms. Lehner, (inaudible)

MS. LEHNER: Mr. Chair, members of the Commission. We do have several of those in the - - in the record and it states the person's name and their address. I don't personally know whether or not they live there. That would have to be, I believe, queried through the GIS System or perhaps verify that those people individually.

CHAIR BOHANNAN: Thank you. The next three questions are for the applicant. You indicated that 5 wedding events were held in 2017. First part; where these all held prior to you receiving the Notice of Violation?

MS. GRANT: Two of the weddings were held prior to and then, and it was actually 4 and not 5. And the last two; they were held after notification, but we went to the city when we received the notification and they told - - and we we're very concerned, because they were in September, no, late October and so we went the city as soon as received the notification. I mentioned to them that I had 2 other weddings that were supposed to be coming in October and the city notified me that if we filled out the paper work and began the process of seeking a new zoning change that we were held under the right to go ahead and hold - - post those last two events. After that, and also after we met with the city, we did on our website, any calls we've received we have not booked any events. We have told them at this time until, you know, this is resolved with the city and we know what we're allowed to do we have not hosted or accepted any events.

CHAIR BOHANNAN: Next question. If you had not received the Notice of Violation would you have had more events?

MS. GRANT: For last year? Those were all - - actually those weddings and those events are usually booked a year at a time. So, at that time that was all we had booked for that year anyway, for 217.

CHAIR BOHANNAN: Next question. How many events total for 2017 and 2016?

MS. GRANT: Just weddings or overall events?

CHAIR BOHANNAN: Overall events.

MS. GRANT: Overall, ok, so that would be 6 weddings and then corporate events we did, The Hispano Chamber (inaudible) yeah and 4 additional events. But those we're (inaudible) yeah and those were during the day. They were not like a wedding where we had to worry or be considered about a 10 pm shut down; they were, you know, kind of like mingling time for people.

CHAIR BOHANNAN: Those 11 that you just mentioned. Was that 2017?

MS. GRANT: 16 and 17.

CHAIR BOHANNAN: So, total 11 events for the 2 years combined?

MS. GRANT: Correct.

CHAIR BOHANNAN: Ok. Did you ever pull permits, from the city, for any of your events?

MS. GRANT: No, we didn't.

CHAIR BOHANNAN: Ok, that's all we had. Thank you.

MS. GRANT: Thank you.

CHAIR BOHANNAN: All right. Ok, Commissioner Hudson has a question for the applicant.

COMMISSIONER HUDSON: Yeah, thank you. You know I wanted to address your parking agreement that you have with the church. And I appreciate that you did that, I'm sure, you know, that parking is an issues, so you took care of it. But I did notice in the parking agreement that it was only for 6 years. You did have an option in it, but the option doesn't really state for how long or anything like that. Is there a reason you only did it for 6 years?

MR. GRANT: That is the agreement that I worked out with the church. They were talking about what length of time. We'd been using the parking space and you do see a map there of the parking area where the parking is happening? Ok. So, we've been utilizing that parking space by verbal agreement from them for many years and when this came out I went to them and said I think I better have something officially - - official to present to the board for this particular case. So, I don't know if there was really a - - we have a great relationship with the church, as far as to answer your question of why that is only for six years. They just put that in there, I mean, our relationship has been a great relationship for 15 years; I don't think it would be an issue to extend it, but I could always talk to them and get that extended I'm sure. I don't think that'll be an issue. They could probably do it for 10 or 15 years if they wanted too, I guess. Does that make sense?

COMMISSIONER HUDSON: Ok.

MR. GRANT: Yeah, you bet.

COMMISSIONER HUDSON: Thank you.

CHAIR BOHANNAN: Commissioner Serrano.

COMMISSIONER SERRANO: Thank you, Mr. Chairman. And I have a couple of questions. How many units do you have in the Bed and Breakfast?

MS. GRANT: Rooms you mean?

COMMISSIONER SERRANO: Rooms...

MS. GRANT: Total. So, in the 209 house we have 4 rooms; and in the 207 house we have 4 rooms and then we have two cottages in the back.

COMMISSIONER SERRANO: So, typically when you have an event or wedding they take...

MS. GRANT: The 10.

COMMISSIONER SERRANO: Let's say for example; I went and took one of the un - - one of the rooms for a weekend the other 6, 7, 8 whatever you had left are vacant and someone else came along and said, you know, I'd like the other 6, the remaining rooms and host an event. You'd turn it away?

MS. GRANT: Correct. That's the policy that I had. When I post an event I do not rent the property to outside guests and simply, because it's you know, people come to a Bed and Breakfast for a relaxing time and I don't want them to have to feel like they're part of a party, so I do not.

COMMISSIONER SERRANO: So they have that reasonable expectation to have some privacy and quiet and...

MS. GRANT: Exactly, correct.

COMMISSIONER SERRANO: And not be bothered by anything loud.

MS. GRANT: Yes.

COMMISSIONER SERRANO: But that - - wouldn't that same reasonable expectation carry out to the neighbors?

MS. GRANT: Meaning, oh, to notify the neighbors, you mean?

COMMISSIONER SERRANO: Afford the expectation of, you know, quiet, not having a loud party or traffic or what have you. And where I'm going with this is; I know we're creating mixed use neighborhoods and stuff, maybe I'm more traditionalist with respect to how I identify a neighborhood. You sort of alluded to it when you made reference to the Four Hills Neighborhood. I don't know who lives where and what goes on. I'm not in that neighborhood, but obviously we have some folks from the neighborhood who I think have expressed a reasonable expectation to have a traditional neighborhood. And as we go down the path of creating mixed use neighborhoods and maybe, you know, that's a great idea in some areas. But what happens when we open the door, and I think someone alluded to it earlier, I think the gentleman came up, even though this is case specific. What happens if we approve this and then the same gentleman, who's protesting, goes to his gallery and says, "Hey I need you to get a zone change," so, are we establishing a unique precedent in approving this for you and then opening the doors for everyone else to have to come in front of us and get it? Or do we maintain, what I think should be, a good neighborhood and not approve this and then just let things - - let the neighborhoods be the neighborhoods.

MR. GRANT: (inaudible) we appreciate your question, it's (Inaudible). This particular neighborhood, we're one block from Central Avenue, it's a mixed residential neighborhood, so therefore, it's a little different, it's a little more, I guess unique, as opposed to other neighborhoods. If this was a traditional neighborhood in Rio Rancho and I didn't mean to pick on Four Hills, believe me I might live there I don't know, but I just was, you know, if it was a traditional neighborhood, it's not - - this particular neighborhood that we live in, that the property is located is so unique and different, as opposed to other types of neighborhoods, in our opinion of course. So, and as far as like other - - and this is based on our situation. Would this allow for somebody else to maybe do the same thing in a different area of the neighborhood or wherever else. I can't answer that question. Who knows what's gonna happen there, but ....

MS. GRANT: Yeah, and in answer to your question. I totally agree with you, I mean like asking the question about, you know, respecting the guests. And I think that's why the one thing that we have tried to do, because, like I even mentioned, you know, some of those weddings that we had was, you know, our sons, a close family friend. I mean anybody can host a wedding, really in their back yard. And I think that's one thing that we have tried to do is number one; limit the number of events and so, we are very conscientious of not having a large number of events. And also, as far the sound, starting like I say at 9:45 shutdown, I mean, because - - and I agree, probably in our fault we probably should have pulled a permit, but I didn't really think about that, because of the fact that we were always shutting them down by what we knew to be the City Noise Ordinance, actually prior to it by 10:00 p.m. So, you know, we were trying to be conscientious. But yeah, I agree, you know, and understand what you're saying and I think that's why, you know what we do even doing this is being extremely conscientious of not, I mean, we do not want to become a full event center where we're posting, you know, many events. Cause I said we restored these properties, we value them, we spent a ton on money, you know, the landscaping. And having a huge amount of events in the back yard and pulling it off as a full event center would be, you know, pretty detrimental on our property, honestly. So... (inaudible) I'm trying to answer (inaudible)

MR. GRANT: It's a lot of work doing these weddings. There was something else I was going to mention, I'm trying to remember, you were saying - - you were doing such a good job. But, you know, oh I know what I was going to say. And one of the things that I recognize, didn't know this, but I guess a Noise Permit has to be pulled if it's going to be after during the weekend on - - normally weddings are either, hopefully on Saturday there's only one wedding per weekend if we do one. And from what I understand, maybe somebody can clarify, but you only have to pull a Noise Ordinance on the weekends, Friday and Saturday if it's past 11:00, I believe. I could be wrong, but that's I heard. But I - - the last weddings we did we pulled a Noise Ordinance to make sure we were in compliance and the person said, "We'll you don't really need to pull this," I said "I know, but we still want to pull it," even though we were shutting things down by 10 PM. Does that make sense?

COMMISSIONER SERRANO: (inaudible)

MR. GRANT: So, just wanted to clarify.

CHAIR BOHANNAN: Any other questions or comments? Alright, thank you. At this time I'd like to hear from staff in closing.

MS. LEHNER: Mr. Chairman, members of the Commission. There are several items that I would like to clarify in closing. And I'll take those kind of in order to which they were presented. Unfortunately, many of the comments, the very specific concerns raised by the opposing party and his attorney, I wasn't completely aware of until first thing this morning. I will do my very best to address them. They did submit a letter pursuant to the 48 hour rule. Unfortunately, that's not in a (inaudible), because it was not received in time and

like I said, I would have been able to more additional research and maybe write something into the staff report had these documents been received in a more timely fashion.

But, ok, so let me just start with a conditional use ok, we're gonna back this thing up. There is a conditional use for 209 High Street. That is the one that I was able to find in the record. I didn't find any other evidence of any other conditional uses, but that aside that is why the application was made, because the remedy is to seek a zone change. A zone change is the higher remedy than a conditional use. I suppose, they could have gone and pulled conditional uses on the other properties, but under advise of the Code Enforcement Division it was a better idea to go SU-1 - - SU-2/SU-1 for Bed and Breakfast, to include the outdoor events, because I believe the stipulation in the Huning Highland Sector Development Plan does not include the special event, so therefore, they had to seek the higher remedy and go for the SU-1 Zoning. Which, like again, is tied to the sector - - is tied to the site plan, so that's why they're in for the request that they're in for.

Now, with respect to the Huning Highland Sector Development Plan; there is a provision, I think, is being taken out of context and that's something that I really want to clarify. This is page 31 of the Huning Highland Sector Development Plan referring to the mixed use residential zone, which they're changing zones, so again, not applicable. But, supposing that it were and they were going for a conditional use, B - - provision B conditional use has some stipulations on that conditional use. And 1, if you turn to page number 4; B-4 refers to a Bed and Breakfast, but again this is conditional use for a Bed and Breakfast, not what they're asking for. So, NA, that's why I took this one off the table. I mean, it's important to think about and that's why it's written into the staff report, of course, EPC - - for example; in the parking section; the EPC does have discretion over parking in the SU-1 Zone, but for comparative purposes, let's take a look at this. But again, that's not the controlling regulation, because it is a request to SU-1 zone. So, I just wanted to clarify that.

Ok, a couple of other things. There was a concern - - this is thoughts not necessarily to this one, but I'm going through these in order, so please bear with me, the letter from gentlemen from EDO it' indeed an attachment to the staff report. It's in the attachments, there are several, so if you take a close look the letters in there.

And then some of the cross examination questions, again I did believe I addressed it adequately by saying, "They will retain the SU-2 over the SU-1," so again, will be complying with the Huning Highland Sector Development Plans Overlay Zone.

And, I think what this kind of boils down to is two things: an enforcement issue and certainly a noise issue. Now, the City's Noise Ordinance is found in Chapter 9, Article Noise Control. And that states that someone - - "You can obtain a temporary permit, which allows noncompliance with the limitations prescribed in this article for the purpose of amplified sound or construction noise activities (inaudible)." So, what that says is that if you're planning on doing some amplified sound in exceedance of a decibel limitation within a noise ordinance then you can pull a permit. That's what everybody's talking about, with respect to permits, a noise permit is issued through the Environmental Health Department. The Environmental Health Department is the one - - are the ones responsible for enforcement of the noise ordinance.

So, there's - - the next provision is under 2E, and it says, "Unless other dates and times are explicitly address in the permit; permitted noise shall to continue past 10 P.M., on Sunday, Monday, Tuesday, Wednesday and Thursday. On Friday and Saturday permitted noise shall not continue past 12 A.M." So, that's what we have on the books with respect to the noise ordinance. And just wanted to put that out there, so everybody understands what is allowed and the kind of permits that could be pulled. And if they were to do an event then yes, they would need - - would need a noise permit, in my opinion.

The other - - the final issue that I would like to address is the issue of precedence, and I heard that come up at the end, I think Commissioner Serrano's questions of the Grants. I think we have to remember two things with respect the precedent. Number 1: we're looking at one application for these three lots, and again, EPC cases are a case by case basis. That's just a very standard procedure.

Number 2: the reason why this would not establish a precedent is because there're requesting an SU-1 zone, SU-2/SU-1 for Bed and Breakfast and Special Events. An SU-1 zone is a spot zone by definition, it is unique. You can't - - you cannot establish a precedent with something that is unique. So, that is all I have. Thank you.

CHAIR BOHANNAN: Any questions for staff? I have a quick one just for my own knowledge. Does the noise ordinance have anything about decibel trespass? I know the lighting ordinance has stuff about, you know; you can measure foot candles from property line. I was if the noise ordinance has any kind of measurable quantification in it?

MS. LEHNER: Mr. Chair, members of the Board. Let me take a quick look through that article. Mr. Chair, Commissioners. I'm not seeing anything about decibel trespass per se called out in the ordinance, but my understanding of the way that it's measured is that the measurement in decibels is taken at the property line.

CHAIR BOHANNAN: Ok. It was more for curiosity (inaudible). Commissioner Shaffer.

COMMISSIONER SHAFFER: Thank you Chairman. I have two questions for staff. In regards to the cond - - the clarification that you just gave on the conditional use, which they're not asking for, your giving clarification versus a zone change. Was that in response to the question or I guess the comment from the opposition about the parcel versus single parcel? And if it was considered three single parcels with someone living on site on each one was that kind of addressing that concern?

MS. LEHNER: Mr. Chair, Commissioner Shaffer. Yes it does ad - - that was my intention was to address some of those concerns. Thank you.

COMMISSIONER SHAFFER: I believe that - - I wanted to confirm that. The second question I have for you was in regards to Commissioner Serrano's concern about opening the flood gates, sort of speak, I believe you answered that as saying it's a spot zone. My other question, I just wanted to ask. Was the zoning map that's included in the package that currently highlights all of the SU-2 zones and everything that's already in the neighborhood? Correct?

MS. LEHNER: Mr. Chair, Commissioner Serrano. Typically, which one are you referring too?

COMMISSIONER SHAFFER: Page, oh man, it's another page number... the zoning map that's in...

MS. LEHNER: Zoning, zoning map...

COMMISSIONER SHAFFER: (inaudible) and that currently highlights already the multiple zones that are in the neighborhood already. Correct?

MS. LEHNER: Yes, Mr. Chair, Commissioner Shaffer. This is - - this is the shot that goes - - that is provided by AGIS and it does show a portion, not the entirety of the Huning Highland Area, but this is a scale they had chosen and indeed it does show a variety of SU-2 zones in the area.

COMMISSIONER SHAFFER: Thank you.

CHAIR BOHANNAN: Any other questions for staff? Any other questions or comments for those of us not on the commission? Hearing none at the time I'll close the floor. Entertain comments and discussion on the zone change at hand? I'd just like to say that we really need to, in our discussion; weigh the policy justifications, especially with respect to R-270-1980 and how that applies to this zone change more so, than the business, current business operation. Businesses change all the time, operational management plans change all the time and it's not in our purview to direct how a business is run, so we need to way this zone change on the merits of R-270-1980 and its policy justifications. Don't all speak at once (inaudible). Commissioner Nicholls, I believe you have something to say?

COMMISSIONER NICHOLLS: Where to start? And thank you Mr. Chairman, for that clarification regarding R-270-1980. I guess the question that I'm wrestling with, with R-270-1980 is; is it more advantageous to the owners of the B&B or is it more advantageous to the community at large? And I find that while it is advantageous to the owners of the B&B, I'm not so convinced that this is advantageous to the community at large. I think that this is a classic example to me of not in my backyard. I would not want to think that this was happening in properties next to me. I just don't feel that this is being fully justified. I think there's also, I question to the issue of precedence. I understand that this being SU-2/SU-1 request that yes this a spot zone, but let me expand on that. Three blocks down the same street someone could easily come back and request an SU-2/SU-1 for their property and they would be reasonable to site that this is already been done, within the general area. So, I'm not over convinced that the issue of precedence or none precedence, I should say, applies in this case.

I do have some concerns, but yet there is overflow parking at the church, but that is overflow parking it's not necessarily the only parking, there can be parking on the street for a number of the guests. And I think that was brought out in some of the documentation from Mr. Tucker's Attorney. At this point I really don't feel comfortable in supporting this application, but I'm more than willing to hear what my other commissioners have to say and it is possible they could sway my vote.

CHAIR BOHANNAN: Thank you. Would you like to speak? Commissioner Hudson is apparently gathering her thoughts, so I'll go ahead and go.

So, my understanding is if Huning Highlands Sector Development Plan had a permissive use, that was special events, which this qualified for, this would be a remedy they could seek. Whether it's oversight for not envisioning that type of use or whatever; that designation doesn't exist in that sector development plan and that's why we have the SU-2/SU-1 request before us today. I have to side with a lot of the justification in the Comp Plan and by the applicant; that I do believe this furthers the character and neighborhood of the area. I - - at the same time do understand when you buy a residence you have a reasonable expectation to enjoy that residence in comfort. So, I'm trying - - I'm really trying to weigh the two against each other, and everybody knows my stance as a person of individual property rights taken precedence over anything else that's just the way I (inaudible). So, I understand and identify with the neighbor who feels aggrieved by - - aggrieved if this request went through and what he would be subject too. But at the same time I have to also weight the multiple letters of support. The fact that the existing designation is a mixed use, so there was some foresight that this area is indeed a good area for mixed use type establishments throughout the city. The - - it brings a lot of character and a lot of things I would desire in a place where I live, but that's more personal opinion. Needless to say, I am on the fence about either way that I could go, but I do agree with the justifications - - policy justifications as it relates to the Comp Plan overall how this property would affect the community at large over versus the one neighbor who is having issue with it. So I am leaning more towards supporting this.  
Commissioner Mullen.

COMMISSIONER MULLEN: Thank you, Mr. Chair. And just - - you actually summarized many of my own sentiments, but I wanted to be clear and I agree with you. I agree with the policy analysis and the staff report especially as it pertains to R-270-1980. And I think we need to specifically point out the SU-2 SU-1 zone really carries heavy weight within this analysis. You know this is not an open ended zone change they're asking for it's a very strict zone change and they're agreeing to that. And so, I certainly, we all have empathetic ear to the neighbor who is concerned about this, but when we pull back a little bit, this of course is my soap box, I can't imagine a more appropriate place to encourage mixed use development. This is a block off Central, ART is a reality for whatever people want to say or feel about it, it's here. And where else would we want to encourage such wonderful Urban Renewal within our city. And if you go to any other major city, slightly larger than our own, this is exactly the type of texture you would find in a neighborhood, along a major corridor like Central with public transportation. And so, even removing some of the specifics of this case and looking at it in a very kind of academic manner and tying this back, although academic, tying it back to the Comprehensive Plan and the vision for our city. This is completely appropriate and so, I fully support the zone change.

CHAIR BOHANNAN: Thank you, any other questions? Commissioner Shaffer.

COMMISSIONER SHAFFER: Thank you Chairman. I 100% agree with what you said following the R-270-1980, the direction that we need to follow and meet, understood. I believe there's a letter and the intent of that was followed. My personal commentary to that would be that I would be a good neighbor and post notice, find some way of notifying all around as soon as an event was booked. Again, it's operational I understand it's not our - - our task at hand, but that would be my - - my commentary on that thing to be a good neighbor in finding some way to alert everybody, so everyone can make plans. Expectations can be met, permits pulled, appropriate or applicable and that it - - this use conforms with the SU-1/SU-2 designation that they're asking for.

CHAIR BOHANNAN: Commissioner McCoy.

COMMISSIONER MCCOY: Thank you, Chair. This is indeed difficult, and I like you Mr. Chairman, a big personal property rights advocate. And I have to look from either side of the alley, both property owners have rights, and Mr. Tucker his attorney's testimony, his statement that stuck very clearly in my mind was "What is my remedy," and laws full of remedies for either party. That's what we're discussing here. This was one of the first neighborhoods I came to know and love in the city. It's been my home now for well over 50 years, there were two other cities. I concur with Commissioner Mullen that, in my opinion, this is one of the areas that will create the fabric Albuquerque wants to have, the walkability, the mix uses, etcetera. So, having heard the arguments, etcetera I lean heavily towards supporting this application.

CHAIR BOHANNAN: All right with that I'd be willing to entertain a motion if no one has anything else to say? Commissioner Mullen.

COMMISSIONER MULLEN: Ms. Lehner, did you have additions or some - - it seems to me at the beginning of this discussion you had made a request.

MS. LEHNER: Mr. Chair, Commissioner Mullen. We could add some findings one - - that has do with compliance with the noise ordinance. And we developed to add another finding about SU-2/SU-1, and that being very specific, if you would like to add that as well? We could draft those for your consideration.

COMMISSIONER MULLEN: Since I'm willing to make this motion I find those appropriate unless my fellow commissioners have any objections? But that seems to further define our discussion today.

CHAIR BOHANNAN: I'm not seeing any commissioners with any objections. How long would you need to craft the findings?

MS. LEHNER: Mr. Chair, Commissioners. If you could please, give us 5 minutes. Thank you.

CHAIR BOHANNAN: We'll take a five minute break.

MS. LEHNER: Mr. Chair, Commissioners. I am ready. I will read these into the record, but I will also place them here should you not be able to read my scratchy writing.

Ok, so on these findings would be added to page 20, of the staff report, which the first one would be a new finding 13 and a new finding 14. Same findings would be added on page 22, of the staff report, as a new finding 11 and finding number 12. They read as follows: the first one, new finding 13, page 20. The applicant shall comply with all relevant ordinance requirements, including, but not limited to the noise ordinance, Chapter 9, Article 9.

Second, new finding: under the requested zoning of SU-2/SU-1 for Bed and Breakfast to include Special Events, relevant requirements of the Huning Highland Sector Development Plan will continue to apply. Pursuant to 14-16-2-22(A)6, the SU-1 Zone, the zoning is interdependent with the as-built Site Development Plan.

CHAIR BOHANNAN: Thank you. I believe we have a commissioner ready to make a motion.

COMMISSIONER MULLEN: Thank you Mr. Chair. This is Commissioner Mullen coming to you with her glasses on, but a scratchy throat. In the matter of Project #105206, EPC Case #17EPC excuse me, 40054 for a zone change I make a motion for approval, based on the staff report findings 1 through 12, with an additional finding number 13 & 14, as read into record. And condition number 1.

CHAIR BOHANNAN: I have a motion from Commissioner Mullen and a second from Commissioner McCoy. All those in favor and by a show of hands, say "Aye"

COMMISSIONERS: Aye.

CHAIR BOHANNAN: All those opposed.

COMMISSIONERS SERRANO AND NICHOLLS: No.

CHAIR BOHANNAN: The motion passes 5 to 2 with Commissioner Serrano and Nicholls voting in opposition. Please let the record reflect that Commissioner Gonzalez has recused himself.

COMMISSIONER MULLEN: Thank you, Mr. Chair. In the matter of Project #105206, 17EPC-40067, Site Development Plan for a Building Permit, I'd like to make a motion of approval, based on the findings 1 through 10, in the staff report, new findings 11 and 12, as read into the record and conditions of approval 1 through 10, as put forth in the staff report.

COMMISSIONER MCCOY: Second.

CHAIR BOHANNAN: I have a motion of approval from Commissioner Mullen and a second from Commissioner McCoy. All those in favor and by a show of hands say "Aye".

COMMISSIONER'S: Aye.

CHAIR BOHANNAN: All those opposed.

COMMISSIONERS NICHOLLS AND SERRANO: No.

CHAIR BOHANNAN: Please let the record show the motion passes 5 to 2, with Commissioner Nicholls and Serrano voting against and Commissioner Moises Gonzalez recusing himself from this case.

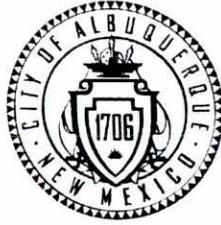
## ENVIRONMENTAL PLANNING COMMISSION SIGN-IN SHEET

**AGENDA ITEM NO:** 3      **DATE:** February 8, 2018  
**CASE:** 1005206 17EPC-40054 & 40067 Hunings Highlands Addition

**PLEASE PRINT CLEARLY**

<p>1. Name: <u>Noel Schoefor</u> <sup>Royal</sup> <u>Rock 3</u>  Address: <u>1121 4th St NW</u> <sup>Concordia</sup> <u>ID</u>  <u>Alb</u>                      <u>NM</u>                      <u>87102</u>  City                                      State                                      Zip</p>	<p>6. Name: <u>Cross examine</u>  Address: _____  _____  City                                      State                                      Zip</p>
<p>2. Name: <u>Larry Tucker</u>  Address: <u>210 Walter St</u>  <u>Alb</u>                      <u>NM</u>                      <u>87102</u>  City                                      State                                      Zip</p>	<p>7. Name: <u>Noel Schoefor</u>  Address: _____  _____  City                                      State                                      Zip</p>
<p>3. Name: <u>Sam Kochansky</u>  Address: <u>423 Walter St SE</u>  <u>Alb</u>                      <u>NM</u>                      <u>87102</u>  City                                      State                                      Zip</p>	<p>8. Name: <u>Sam Kochansky</u>  Address: _____  _____  City                                      State                                      Zip</p>
<p>4. Name: <u>Jim Wadcox</u> (?)  Address: <u>210 Walter SE</u>  <u>Alb</u>                      <u>NM</u>                      <u>87102</u>  City                                      State                                      Zip</p>	<p>9. Name: _____  Address: _____  _____  City                                      State                                      Zip</p>
<p>5. Name: _____  Address: _____  _____  City                                      State                                      Zip</p>	<p>10. Name: _____  Address: _____  _____  City                                      State                                      Zip</p>

Note: Your contact information will be kept confidential. It will only be used for the purpose of mailing out Notice of Decision.



**ENVIRONMENTAL PLANNING COMMISSION  
AGENDA**

**Thursday, February 8, 2018  
8:30 a.m.**

**Plaza Del Sol Hearing Room, Lower Level  
600 2<sup>nd</sup> Street NW**

**MEMBERS**

**Derek Bohannon, Chair  
Bill McCoy, Vice Chair**

**Maia Mullen  
Karen Hudson  
David Shaffer**

**Moises Gonzalez  
Peter Nicholls  
Dan Serrano**

\*\*\*\*\*

**NOTE: A LUNCH BREAK AND/OR DINNER BREAK WILL BE ANNOUNCED AS NECESSARY**

Agenda items will be heard in the order specified unless changes are approved by the EPC at the beginning of the hearing; deferral and withdrawal requests (by applicants) are also reviewed at the beginning of the hearing. Applications deferred from a previous hearing are normally scheduled at the end of the agenda.

There is no set time for cases to be heard. However, interested parties can monitor the progress of the hearing by calling the Planning Department at **924-3860**. All parties wishing to address the Commission must sign-in with the Commission Secretary at the front table prior to the case being heard. Please be prepared to provide brief and concise testimony to the Commission if you intend to speak. **In the interest of time, presentation times are limited as follows, unless otherwise granted by the Commission Chair: Staff – 5 minutes; Applicant – 10 minutes; Public speakers – 2 minutes each. An authorized representative of a recognized neighborhood association or other organization may be granted additional time if requested. Applicants and members of the public with legal standing have a right to cross-examine other persons speaking per Rule B.13 of the EPC Rules of Conduct.**

All written materials – including petitions, legal analysis and other documents – should ordinarily be submitted at least 10 days prior to the public hearing, ensuring presentation at the EPC Study Session. The EPC strongly discourages submission of written material at the public hearing. Except in extraordinary circumstances, the EPC will not consider written materials submitted at the hearing. In the event the EPC believes that newly submitted material may influence its final decision, the application may be deferred to a subsequent hearing.

**NOTE: ANY AGENDA ITEMS NOT HEARD BY 8:30 P.M. MAY BE DEFERRED TO ANOTHER HEARING DATE AS DETERMINED BY THE PLANNING COMMISSION.**

**Call to Order:**

- A. Pledge of Allegiance
- B. Announcement of Changes and/or Additions to the Agenda
- C. Approval of Amended Agenda
- D. Swearing in of City Staff

**1. Project# 1000936**

17EPC-40069 Zone Map Amendment  
(Zone Change)

Consensus Planning, agent for Hotsy Equipment Company requests the above action for all or a portion of Lot 4, Paradise Plaza, zoned SU-1 for Mixed Use Development-C-1 Permissive Uses, excluding automobile related retail and service uses and drive-up facilities including package liquor sales ancillary to a retail grocery of 20,000 square feet minimum and restaurant with alcoholic drink sales for on-premise consumption (maximum 4.5 acres) to C-1, located on the east side of Unser Blvd. NW between Crown Rd. NW and Summer Ridge Rd. NW, containing approximately 2 acres. (A-11)

Staff Planner: Cheryl Somerfeldt

**2. Project# 1009920**

17EPC-40070 Site Development Plan for  
Building Permit (Deviations to the East  
Gateway Sector Development Plan)

RBA Architects agent for Doug Adams, requests the above action for all or a portion of Lot 1-A, Block 48, Skyline Heights, zoned SU-2/M-1, located on Eubank Blvd. SE, between Bell Ave. SE and Trumbull Ave. SE, containing approximately 1.5 acres. (L-20)

Staff Planner: Maggie Gould

**3. Project# 1005206**

17EPC-40054 Sector Development Plan  
Map Amendment (Zone Change)

17EPC-40067 Site Development Plan  
for Building Permit (as-built)

Steven and Kara Grant request the above actions for Lot 8 and the additional south seven feet and eight inches of Lot 7, Lot 9, and Lot 10, Block 24, Hunings Highlands Addition, zoned SU-2/MR, to SU-2/SU-1 for Bed and Breakfast to Include Special Events, located on High St. NE, between Central Ave. NE and Dr. Martin Luther King, Jr. Ave. NE, containing approximately 0.6 acre. (K-14)

Staff Planner: Catalina Lehner

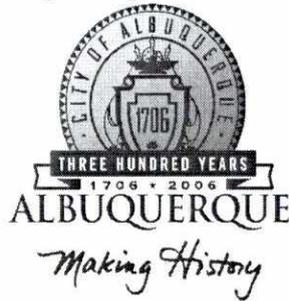
**(Deferred from December 14, 2017)**

**4. OTHER MATTERS:**

- A. IDO Training
- B. Approval of November 9, 2017 Action Summary Minutes **(Deferred from January 11, 2018 Hearing)**
- C. Approval of December 14, 2017 Action Summary Minutes **(Deferred from January 11, 2018 Hearing)**
- D. Approval of January 11, 2018 Action Summary Minutes

**5. ADJOURNED:**

TO BE PUBLISHED IN THE ALBUQUERQUE JOURNAL ON FRIDAY MARCH 16, 2018



NOTICE OF PUBLIC HEARING  
CITY COUNCIL OF THE CITY OF ALBUQUERQUE

TO ALL CITIZENS AND PARTIES IN INTEREST:

Notice is hereby given that the City of Albuquerque Land Use Hearing Officer will hold a public hearing on **Tuesday April 3, 2018 at 9:00 a.m.** in the Council Committee Room, 9<sup>th</sup> Floor, Albuquerque/Bernalillo County Government Center, One Civic Plaza NW, to consider the following that was rescheduled:

**AC-18-6 – Project #1005206/17EPC-40054 & 17EPC-40067: Noel Schaefer and Dey Hochman, of Roybal-Mack & Cordova, agents for Larry Tucker, appeal the decision of the Environmental Planning Commission (EPC) to APPROVE a Sector Development Plan Map Amendment (Zone Change) and an associated, as-Built Site Development Plan for Building Permit for an approximately 0.6 acre site known as Lot 8 and the additional south seven feet and eight inches of Lot 7, Lot 9, and Lot 10, Block 24, Huning’s Highlands Addition (the “subject site”).**

Staff Planner: Catalina Lehner

Details of the above may be examined at the Current Planning Division of the Planning Department, 3<sup>rd</sup> Floor, Plaza del Sol Building, 600 Second St. NW, Monday thru Friday, between 9 am - 4 pm.

Ken Sanchez  
City Council President

NOTICE TO PERSONS WITH DISABILITIES: If you have a disability and require special assistance to participate in this meeting, please contact the Council office at least one day before the meeting date at 768-3100. TTY users please call New Mexico Relay Network toll free at 1-800-659-8331.

APPROVED:   
for Russell Brito, Manager  
Urban Design & Development

# CITY OF ALBUQUERQUE

## *Planning Department*

*David Campbell, Director*

### *Development Review Division*

600 2<sup>nd</sup> Street NW – 3<sup>rd</sup> Floor

Albuquerque, NM 87102



## NOTICE OF HEARING

March 13, 2018

**AGENT:**           **Antonia Roybal Mack/Darra Lee Cordova**  
                          **1121 4<sup>th</sup> st NW**  
                          **Suite 1D**  
                          **Albuquerque NM 87102**

**APPLICANT:**   **Larry Tucker**  
                          **210 Walter st NE**  
                          **Albuquerque NM, 87102**

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

**AC-18-6 – Project #1005206/17EPC-40054 & 17EPC-40067: Noel Schaefer and Dey Hochman, of Roybal-Mack & Cordova, agents for Larry Tucker, appeal the decision of the Environmental Planning Commission (EPC) to APPROVE a Sector Development Plan Map Amendment (Zone Change) and an associated, as-Built Site Development Plan for Building Permit for an approximately 0.6 acre site known as Lot 8 and the additional south seven feet and eight inches of Lot 7, Lot 9, and Lot 10, Block 24, Huning’s Highlands Addition (the “subject site”).**  
Staff Planner: Catalina Lehner

The City of Albuquerque Land Use Hearing Officer will hear the above appealed case on **Tuesday April 3, 2018**. The hearing begins at **9:00 am** in the Council Committee Room, 9<sup>th</sup> Floor, Albuquerque/Bernalillo County Government Center, One Civic Plaza NW.

**Submittal of new information or questions regarding the hearing with the City Council should be directed to Council Services, c/o Crystal Ortega, One Civic Plaza NW, 9<sup>th</sup> Floor, Albuquerque NM 87102, (505) 768-3100.**

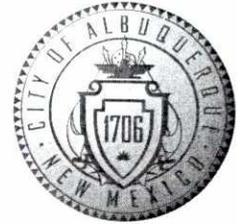
If you would like a copy of the record submitted to the City Council, copies are available upon request by calling (505) 924-3370.

Sincerely,

*Albuquerque - Making History 1706-2006*

Alfredo Salas

# CITY OF ALBUQUERQUE



## *Planning Department*

*David Campbell, Director*

### *Development Review Division*

600 2<sup>nd</sup> Street NW – 3<sup>rd</sup> Floor

Albuquerque, NM 87102

## NOTICE OF APPEAL

February 27, 2018

### TO WHOM IT MAY CONCERN:

The Planning Department received an appeal on February 26, 2018. You will receive a Notice of Hearing as to when the appeal will be heard by the **Land Use Hearing Officer**. If you have any questions regarding the appeal please contact Alfredo Salas, Planning Administrative Assistant at (505) 924-3370.

***Please refer to the enclosed excerpt from the City Council Rules of Procedure for Land Use Hearing Officer Rules of Procedure and Qualifications for any questions you may have regarding the Land Use Hearing Officer rules of procedure.***

Any questions you might have regarding Land Use Hearing Officer policy or procedures that are not answered in the enclosed rules can be answered by Crystal Ortega, Clerk to the Council, (505) 768-3100.

**CITY COUNCIL APPEAL NUMBER: AC-18-6**

**PLANNING DEPARTMENT CASE FILE NUMBER: 1005206**

**17EPC-40054**

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

**AGENT: Antonia Roybal Mack/Darra Lee Cordova  
1121 4<sup>th</sup> st NW  
Suite 1D  
Albuquerque NM 87102**

**APPLICANT: Larry Tucker  
210 Walter st NE  
Albuquerque NM, 87102**

cc: Crystal Ortega, City Council, City county bldg. 9<sup>th</sup> floor  
Christopher Tebo/Legal Department, City Hall, 4<sup>th</sup> Floor-  
EPC File  
Steven & Kara Grant, 207-209 High St. NE. ABQ, NM 87102  
Broadway Central Corridors Partnership, Inc. Jim Maddox,  
515 Central Ave. NE, ABQ, NM 87102  
Broadway Central Corridors Partnership, Inc.  
Rob Dixon, P.O. Box 302, ABQ, 87102  
Highland Hist. Dist. Assoc., Bonnie Anderson, 522 Edith SE, ABQ, NM 87102  
Highland Hist. Dist. Assoc., Ann Carson, 416 Walter SE, ABQ, NM 87102  
Noel Schaefer, Roybal-Mack & Cordova, 1121 4<sup>th</sup> St. NW, Ste. 10, ABQ, NM  
Larry Tucker, 210 Walter St. NE, ABQ, NM 87102  
Sam Kochansky, 423 Walter St. SE, ABQ, NM 87102



**CITY OF ALBUQUERQUE  
PLANNING DEPARTMENT**

**INTER-OFFICE MEMORANDUM**

**TO:** ENVIRONMENTAL HEALTH – Paul Olson  
PARKS & RECREATION:  
PARK DESIGN – Christina Sandoval  
OPEN SPACE DIVISION – Kent Swanson  
CITY FORRESTER – Joran Viers  
PLANNING:  
LONG RANGE PLANNING – Linda Rumpf  
METROPOLITAN REDEVELOPMENT – Joan Black  
HYDROLOGY – Doug Hughes  
TRANSPORTATION DEV. SERVICES – Raquel Michel  
ZONING – Ben McIntosh  
ABC WATER UTILITY AUTHORITY – Kris Cadena – Christopher Gustafson  
POLICE DEPARTMENT – Steve Sink  
FIRE DEPARTMENT – Antonio Chinchilla  
SOLID WASTE MANAGEMENT DEPARTMENT – Michael Anaya  
TRANSPORTATION PLANNING – John MacKenzie  
TRANSIT DEPARTMENT – Lawrence Kline  
ALBUQUERQUE PUBLIC SCHOOLS – April Winters  
AMAFCA – Lynn Mazur  
COUNTY OF BERNALILLO – Catherine VerEecke  
MID-REGION COUNCIL OF GOVERNMENTS – Maida Rubin  
MIDDLE RIO GRANDE CONSERVANCY DISTRICT – Subhas Shah  
NM DEPARTMENT OF TRANSPORTATION – Nancy Perea  
NM GAS COMPANY –  
PETROGLYPH NATIONAL MONUMENT – Diane Souder  
PUBLIC SERVICE COMPANY OF NEW MEXICO – Laurie Moye

**FROM:** Russell Brito, Urban Design and Development Division, Planning Department

**SUBJECT:** ENVIRONMENTAL PLANNING COMMISSION CASE DISTRIBUTION

Attached are the legal descriptions, applications, and related materials for the cases scheduled for public hearing before the Environmental Planning Commission on **December 14, 2017**.

**Please remember that all agency comments are due on November 20, 2017.**

**COMMENTS TO:** Cheryl Somerfeldt ([csomerfeldt@cabq.gov](mailto:csomerfeldt@cabq.gov))  
Maggie Gould ([mgould@cabq.gov](mailto:mgould@cabq.gov))  
Michael Vos ([mvos@cabq.gov](mailto:mvos@cabq.gov))  
Catalina Lehner ([clehner@cabq.gov](mailto:clehner@cabq.gov))

**Project# 1000032**  
17EPC-40066 Site Development Plan for  
Subdivision Amendment

Red Shamrock 4, LLC requests the above action for all or a portion of lots 1-9, Coors Pavilion, zoned SU-3, located on Coor Blvd, NW, between St Josephs NW and Western Trail, NW, containing approximately 21 acres. (G-11)  
Staff Planner: Maggie Gould

**Project# 1000202**  
17EPC-40057 Site Development Plan for  
Building Permit Amendment

Treveston Elliot Architect, agent for Alamo Center, LLC, requests the above action for all or a portion of Alameda West zoned SU-1, located on Seven Bar Loop Rd. NW, between Coors Blvd, NW and Cottonwood Dr. NW, containing approximately 12.68 acres. (B-14)  
Staff Planner: Maggie Gould

**Project# 1000599**  
17EPC-40063 Sector Development Plan  
Amendment

Consensus Planning, agent for Western Albuquerque Land Holdings, requests the above action for all or a portion of tracts 16-20, West of Westland Atrisco Grant, Unit A, zoned A-1 to SU-2 for Town Center, located on North of I-40 between Arroyo Vista Blve. (98TH ST) and Atrisco Terrace Major Public Open Space. (K-8)  
Staff Planner: Michael Vos

**Project# 1003458**  
17EPC-40061 Annexation  
17EPC-40062 Zone Map Amendment (Zone  
Change)

Consensus Planning, agent for Western Albuquerque Land Holdings, requests the above action for all or a portion of tracts 16-20, West of Westland Atrisco Grant, Unit A, zoned A-1 to SU-2 for Town Center, located on North of I-40 between Arroyo Vista Blve. (98TH ST) and Atrisco Terrace Major Public Open Space, containing approximately 12.3 acres. (K-8) Staff Planner Michael Vos

**Project# 1005206**  
17EPC-40054 Sector Development Plan Map  
Amendment

Steven and Kara Grant, request the above action for all or a portion of block 24, Huning Highland/EDO Unit 9, zoned SU-2/MR, located on High and Copper NE, containing approximately .75 acre. (K-14)  
Staff Planner: Catalina Lehner

**Project# 1005280**  
17EPC-40064 Site Development Plan for  
Building Permit

Martin Grummer Architect, agent for JMD McMahan, request the above action for all or a portion of lots 6A1, 9A, 9B, 9C, 9D, Plat of McMahan Marketplace, zoned SU-1, located on McMahan, between Unser Blvd and Fineland containing approximately 7 acres. (A-11)  
Staff Planner: Cheryl Somerfeldt

**Project# 1008337**  
17EPC-40065 Zone Map Amendment (Zone  
Change)

Consensus Planning, agent for Cornerstone Capital, LLC requests the above action for all or a portion of tracts 1-A, 1-B, 1-C, AND 2-5, Brunacini Industrial Park, zoned M-1 to C-2, located on Menaul Blvd. between Vassar Dr. and Richard Dr, containing approximately 9.8 acres.  
Staff Planner: Cheryl Somerfeldt

**Project# 1011435**

17EPC-40058 Site Development Plan for  
Subdivision  
17EPC-40059 Site Development Plan for  
Building Permit

Scott Anderson, agent for KIDZ Acadmy Preschool, LLC, requests the above actions for all or a portion of lot A-1, Finland Development, zoned SU-1 for C-1 located on Crown Rd. and Finland Dr. NW. (A-11)  
Staff Planner: Maggie Gould

**Project# 1011436**

17EPC-40060 Zone Map Amendment (Zone  
Change)

Stephen Caruso, agent for Martie L. Williams, requests the above action for all or a portion of lot 48, block 78, Snow Heights, zoned O-1 to C-1, located on Candelaria between Juan Tabo and Morris, containing approximately .25 acre. (H-21) Staff Planner: Catalina Lehner

## Lehner, Catalina L.

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**From:** Downtown Historic B&B <info@bbabq.com>  
**Sent:** Monday, December 04, 2017 10:34 PM  
**To:** Lehner, Catalina L.  
**Subject:** Re: EPC Hearing Deferral Request

Catalina,

Can we make our hearing for February 8 instead of the January 11th. I have been trying to work on everything and had planned to have it for you to look over by December 1st. However I caught that huge flu bug and am still fighting it. Got it right after Thanksgiving. Have had a hard time being able to get everything together because of feeling so bad. Now the holidays are quickly coming and I feel like I just am not able to focus my time on everything.

So sorry for asking for this was really wanting to get it to you by the first of December.

Kara

### Steve & Kara Grant

#### Downtown Historic Bed & Breakfast

505-842-0223 | 505-238-9881 (Kara) 505-238-0308(Steve) |  
info@bbabq.com | <http://www.downtownhistoric.com/> |  
201 High St. NE / Albuquerque, NM 87102



On Dec 1, 2017, at 3:33 PM, Lehner, Catalina L. <[CLehner@cabq.gov](mailto:CLehner@cabq.gov)> wrote:

Hi Steve and Kara,

Thanks for getting back to me. Do you want to be heard on January 11 or February 8, 2018 or later? We usually list deferrals as 30, 60, or 90 days.

-Catalina

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**From:** [info@bbabq.com](mailto:info@bbabq.com) [<mailto:info@bbabq.com>]  
**Sent:** Friday, December 01, 2017 1:58 PM  
**To:** Lehner, Catalina L.  
**Cc:** Downtown Historic B&B  
**Subject:** EPC Hearing Deferral Request

Hi again, please see attached doc.

Let me know if this works, thanks.....S

Steve & Kara Grant

Downtown Historic B&B  
[www.downtownhistoric.com](http://www.downtownhistoric.com)

505-238-0308-Steve/Cell  
505-238-9881-Kara/Cell

# CITY OF ALBUQUERQUE



**PLANNING DEPARTMENT**  
**URBAN DESIGN & DEVELOPMENT DIVISION**  
600 2nd Street NW, 3rd Floor, 87102  
P.O. Box 1293, Albuquerque, NM 87103  
Office (505) 924-3860 Fax (505) 924-3339

## OFFICIAL NOTIFICATION OF DECISION

December 15, 2017

Steven & Kara Grant  
207-209 High St. NE  
Albuquerque, NM 87102

**Project# 1005206**  
17EPC-40054 Sector Development Plan Map Amendment  
(zone change)  
17EPC-40067 Site Development Plan for Building Permit

### LEGAL DESCRIPTION:

The above action for Lot 8, Lot 9 and the additional south seven feet and eight inches of Lot 7, and Lot 10, Block 24, Huning's Highlands Addition, zoned SU-2/MR, to SU-2/SU-1 for Bed and Breakfast to include special events, located on High St. NE, between Central Ave. NE and Dr. Martin Luther King, Jr. Ave. NE, containing approximately 0.6 acre. (K-14)  
Staff Planner: Catalina Lehner

PO Box 1293

On December 14, 2017 the Environmental Planning Commission (EPC) voted to DEFER Project 1005206/17EPC-40054, a Sector Development Plan Map Amendment (Zone Change) and 17EPC-40067, a Site Development Plan for Building Permit, for 60 days to the February 08, 2017 hearing based on the following Findings:

NM 87103

### FINDINGS:

1. The request is for a sector development plan map amendment (zone change) to the Huning Highland Sector Development Plan (HHS DP) and an as-built site development plan for building permit.
2. A bed and breakfast operates on the subject site. The applicant is requesting a zone change in order to continue to host special events, such as meetings and weddings.
3. The applicant is requesting a 60 day deferral to strengthen the zone change justification, provide the required as-built site development plan, and ensure that notification is correct.

www.cabq.gov

**APPEAL:** If you wish to appeal this decision, you must do so within 15 days of the EPC's decision or by **DECEMBER 29, 2017**. The date of the EPC's decision is not included in the 15-day period for filing an appeal, and if the 15<sup>th</sup> 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 14-16-4.4 of the Zoning Code. A Non-Refundable filing fee will be calculated at the Land Development Coordination Counter and is

**OFFICIAL NOTICE OF DECISION**

Project #1005206

December 14, 2017

Page 2 of 2

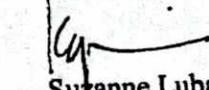
required at the time the appeal is filed. It is not possible to appeal EPC Recommendations to City Council; rather, a formal protest of the EPC's Recommendation can be filed within the 15 day period following the EPC's recommendation.

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 City Zoning Code must be complied with, even after approval of the referenced application(s).

**ZONE MAP AMENDMENTS:** Pursuant to Zoning Code Section 14-16-4-1(C)(16), a change to the zone map does not become official until the Certification of Zoning (CZ) is sent to the applicant and any other person who requests it. Such certification shall be signed by the Planning Director after appeal possibilities have been concluded and after all requirements prerequisite to this certification are met. If such requirements are not met within six months after the date of final City approval, the approval is void. The Planning Director may extend this time limit up to an additional six months.

**SITE DEVELOPMENT PLANS:** Pursuant to Zoning Code Section 14-16-3-11(C)(1), if less than one-half of the approved square footage of a site development plan has been built or less than one-half of the site has been developed, the plan for the undeveloped areas shall terminate automatically seven years after adoption or major amendment of the plan: within six months prior to the seven-year deadline, the property owners shall request in writing through the Planning Director that the Planning Commission extend the plan's life an additional five years. Additional design details will be required as a project proceeds through the Development Review Board and through the plan check of Building Permit submittals for construction. Planning staff may consider minor, reasonable changes that are consistent with an approved Site Development Plan so long as they can be shown to be in conformance with the original, approved intent.

Sincerely,



*for* Suzanne Lubar  
Acting Planning Director

SL/CLL

cc: Steven & Kara Grant, 207-209 High St. NE. ABQ, NM 87102  
Broadway Central Corri. Part. Inc. Jim Maddox, 515 Central Ave. NE, ABQ, NM 87102  
Broadway Central Corri. Part. Inc. Rob Dixon, P.O. Box 302, ABQ, NM 87102  
Huning Highland Hist. Dist. Assoc., Bonnie Anderson, 522 Edith SE, ABQ, NM 87102  
Huning Highland Hist. Dist. Assoc., Ann Carson, 416 Walter SE, ABQ, NM 87102  
Dayan Hochman, 1121 4<sup>th</sup> St. NW, Ste. 10, ABQ, NM 87102  
Larry Tucker, 210 Walter St. NE, ABQ, NM 87102



**Environmental  
Planning  
Commission**

**Agenda Number: 07  
Project Number: 105206  
Case #s: 16EPC-40068 & 40069  
Hearing Date: December 14, 2017**

**Staff Report**

<b>Agent/Applicant</b>	Steve and Kara Grant
<b>Requests</b>	<b>Sector Development Plan Map Amendment (zone change)</b> <b>Site Development Plan for Building Permit (as-built)</b>
<b>Legal Description</b>	Lot 8, Lot 9 and the additional south seven feet and eight inches of Lot 7, and Lot 10, Block 24, Huning's Highlands Addition
<b>Location</b>	on High St. NE, between Central Ave. NE and Dr. Martin Luther King, Jr. Ave. NE (201, 207 & 209 High St. NE)
<b>Size</b>	Approximately 0.6 acre
<b>Existing Zoning</b>	SU-2/MR (Mixed Residential)
<b>Proposed Zoning</b>	SU-2/SU-1 for Bed and Breakfast to include special events

**Staff Recommendation**

**DEFERRAL of 16EPC-40068 and 16EPC-40069, at the request of the applicant, for 60 days to the February 08, 2018 hearing, based on the Findings below.**

**Staff Planner**

**Catalina Lehner-AICP, Senior Planner**

**Summary of Analysis**

The request is for a sector development plan map amendment (zone change) to the Huning Highland Sector Development Plan (HHSDP) and an as-built site development plan for building permit. A bed and breakfast operates on the subject site, where the applicants also reside.

The applicant is requesting a zone change in order to continue to host special events, such as meetings and weddings. Since special events are not allowed under the current zoning, Code Enforcement Staff issued a Notice of Violation (NOV). The applicant was advised to seek a zone change.

The applicant is requesting a 60 day deferral to strengthen the zone change justification and to provide the required as-built site development plan.

The Broadway Central Corridors Partnership and the Huning Highland Historic District Association were notified as required. Notification of property owners within 100 feet of the subject site will be redone to ensure that the correct buffering was used.

**Findings**

1. The request is for a sector development plan map amendment (zone change) to the Huning Highland Sector Development Plan (HHSDP) and an as-built site development plan for building permit.
2. A bed and breakfast operates on the subject site. The applicant is requesting a zone change in order to continue to host special events, such as meetings and weddings.
3. The applicant is requesting a 60 day deferral to strengthen the zone change justification, provide the required as-built site development plan, and ensure that notification is correct.

MS. DICOME: Next item is item 7, project 1005206. The applicant has requested a deferral to the February 8<sup>th</sup>, 2018 Hearing, based on the three findings in the Supplemental Staff Report.

COMMISSIONER BOHANNAN: I make a motion for deferral.

COMMISSIONER SERRANO: I second it.

CHAIR HUDSON: I have a motion from Commissioner Bohannan and a second from Commissioner Serrano. All those in favor please indicate by saying “Aye” and raise your hand?

ALL COMMISSIONERS: Aye.

CHAIR HUDSON: Those opposed? The motion passes unanimously.





**ENVIRONMENTAL PLANNING COMMISSION  
AGENDA**

**Thursday, December 14, 2017  
8:30 a.m.**

**Plaza Del Sol Hearing Room, Lower Level  
600 2<sup>nd</sup> Street NW**

**MEMBERS**

**Karen Hudson, Chair  
Derek Bohannon, Vice-Chair**

**Maia Mullen  
Bill McCoy  
James Peck**

**Moises Gonzalez  
Peter Nicholls  
Dan Serrano**

\*\*\*\*\*

**NOTE: A LUNCH BREAK AND/OR DINNER BREAK WILL BE ANNOUNCED AS NECESSARY**

Agenda items will be heard in the order specified unless changes are approved by the EPC at the beginning of the hearing; deferral and withdrawal requests (by applicants) are also reviewed at the beginning of the hearing. Applications deferred from a previous hearing are normally scheduled at the end of the agenda.

There is no set time for cases to be heard. However, interested parties can monitor the progress of the hearing by calling the Planning Department at **924-3860**. All parties wishing to address the Commission must sign-in with the Commission Secretary at the front table prior to the case being heard. Please be prepared to provide brief and concise testimony to the Commission if you intend to speak. **In the interest of time, presentation times are limited as follows, unless otherwise granted by the Commission Chair: Staff – 5 minutes; Applicant – 10 minutes; Public speakers – 2 minutes each. An authorized representative of a recognized neighborhood association or other organization may be granted additional time if requested. Applicants and members of the public with legal standing have a right to cross-examine other persons speaking per Rule B.13 of the EPC Rules of Conduct.**

All written materials – including petitions, legal analysis and other documents – should ordinarily be submitted at least 10 days prior to the public hearing, ensuring presentation at the EPC Study Session. The EPC strongly discourages submission of written material at the public hearing. Except in extraordinary circumstances, the EPC will not consider written materials submitted at the hearing. In the event the EPC believes that newly submitted material may influence its final decision, the application may be deferred to a subsequent hearing.

**NOTE: ANY AGENDA ITEMS NOT HEARD BY 8:30 P.M. MAY BE DEFERRED TO ANOTHER HEARING DATE AS DETERMINED BY THE PLANNING COMMISSION.**

with package liquor sales incidental to that use, restaurant with full-service liquor for on-premise consumption, located on McMahan Blvd. NW between Unser Blvd. NW and Fineland Dr. NW, containing approximately 7 acres. (A-11)  
Staff Planner: Cheryl Somerfeldt

**7. Project# 1005206**

17EPC-40054 Sector Development Plan Map Amendment (zone change)  
17EPC-40067 Site Development Plan for Building Permit

Steven and Kara Grant, request the above action for Lot 8, Lot 9 and the additional south seven feet and eight inches of Lot 7, and Lot 10, Block 24, Huning's Highlands Addition, zoned SU-2/MR, located on High St. NE, between Central Ave. NE and Dr. Martin Luther King, Jr. Ave. NE, containing approximately 0.6 acre. (K-14)  
Staff Planner: Catalina Lehner

**8. 10. Project# 1000202**

17EPC-40057 Site Development Plan for Building Permit Amendment

Treveston Elliot Architect, agent for Alamo Center, LLC, requests the above action for all or a portion of Alameda West Shopping Center Tracts A-D, E-1, E-2, Gas Company of NM and Gas Company of NM Easement, zoned SU-1 for C-2 Uses, located on Seven Bar Loop Rd. NW, between Coors Blvd. NW and Cottonwood Dr. NW, containing approximately 22.5 acres. (B-14)  
Staff Planner: Maggie Gould

**9. Project# 1011436**

17EPC-40060 Zone Map Amendment (Zone Change)

Stephen Caruso, agent for Martin L. Williams, requests the above action for Lot 48, Block 78, Snow Heights Addition and the southerly 22 feet vacated of Candelaria Rd. NE, zoned O-1, to C-1, located on Candelaria Rd. NE, between Juan Tabo Blvd. NE and Morris St. NE, containing approximately 0.27 acre.  
(H-21) Staff Planner: Catalina Lehner

**10. Project# 1011363**

17EPC-40042 Site Development Plan for Building Permit

Murphy Oil USA, Inc., agent for Murphy Oil USA Inc., requests the above action for all or a portion of Tract C-2, Seven Bar Ranch, zoned SU-1 for IP Uses, located on the northwest corner of NM Highway 528 NW and Cottonwood Dr. NW, containing approximately 1.25 acres. (A-14)  
Staff Planner: Maggie Gould (**Deferred from 10/12/17**)

**11. OTHER MATTERS:**

- A. Approval of October 12, 2017 Amended Action Summary Minutes
- B. Approval of September 14, 2017 Second Amended Action Summary Minutes
- C. Approval of August 10, 2017 Second Amended Action Summary Minutes
- D. Approval of July 13, 2017 Third Amended Action Summary Minutes
- E. EPC Election of Officers

**12. ADJOURNED:**