Staff Report

**Agent/Applicant**  McKown Belanger Associates (MBA)

**Requests**
- Sector Development Plan Map Amendment (zone change)
- Site Development Plan for Building Permit (as-built)

**Legal Description**  Lot 7, Block 12, Huning’s Highlands Addition

**Location**  On Edith Blvd. NE, between Tijeras Ave. NE and Copper Ave. NE (205 Edith Blvd. NE)

**Size**  Approximately 0.2 acre

**Existing Zoning**  SU-2/MR (Mixed Residential)

**Proposed Zoning**  SU-2/SU-1 for O-1 Permissive Uses

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**Staff Recommendation**


**Staff Planner**

Catalina Lehner-AICP, Senior Planner

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**Summary of Analysis**

The proposal 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.

The applicants recently purchased a remodeled home and opened an interior design firm. They state that they were unaware that the zoning did not allow an office until they received a Notice of Violation from the Code Enforcement Division. The applicant is requesting a zone change in order to continue to operate the business on the subject site.

The Broadway Central Corridors Partnership, the Huning Highland Historic District Association (HHHDA), and neighbors within 100 feet were notified as required. Three letters of opposition were received. These neighbors oppose the use of a home solely to operate a business and are concerned about setting a precedent. A facilitated meeting was not held because it was not requested.

Staff finds that the zone change has not been adequately justified and recommends denial of the proposal.

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Note: This application was submitted prior to the May 17, 2018, the effective date of the Integrated Development Ordinance (IDO).
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II. INTRODUCTION

Proposal

This proposal is for a sector development plan map amendment (zone change) to the Hunning Highland Sector Development Plan (HHSDP), and an as-built site development plan for building permit, for Lot 7, Block 12, Hunning’s Highlands Addition, an approximately 0.2 acre site located on Edith Blvd. NE, between Tijeras Ave. NE and Copper Ave. NE (205 Edith Blvd. NE) (the “subject site”). The application was submitted on May 16, 2018, one day before the effective date of the Integrated Development Ordinance (IDO) (May 17, 2018), and therefore is being heard under the former zoning system.

The applicants recently purchased a remodeled home in this historic neighborhood and proceeded to open an interior design firm. The subject site is zoned SU-2/MR (Mixed Residential) pursuant to the HHSDP. The applicants state that they were unaware that the office use was not allowed in the SU-2/MR zone until they received a Notice of Violation (NOV) from the Code Enforcement Division. The applicant is requesting zoning of SU-2/SU-1 for O-1 Permissive Uses in order to continue operating the business on the subject site.

An associated, as-built site development plan for building permit, for the existing building 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 is on the western side of Edith Blvd. NE, between Tijeras Ave. NE and Copper Ave. NE. It is the second lot from the northern side of a small block that consists of four lots. This block is Arno St. NE lies to the west and Walter St. NE lies to the east. Dr. Martin Luther King, Jr. Ave. is a block north of the subject site and Central Ave. is a block south of the subject site. The subject site is located in the Huning Highland Historic District.

To the north is a single-family home zoned R1-B (formerly SU-2/MR). Though the land use is listed as multi-family. Across Tijeras Ave. NE, to the north, is a multi-family style building that houses an office (zoned R-ML, formerly SU-2/RO, Residential Office).

To the west is an alley and single-family homes. To the east are single-family homes and a duplex. To the south are single-family homes, and then the City Special Collections Library. The buildings are typical of the historic, early 1900s period in which the subdivision developed. Central Ave. is little further south, within walking distance of the subject site.

**Comprehensive Plan**

The subject site is in an Area of Consistency, as are the lots to the south and the east. The lots to the north and west are in an Area of Change. The subject site is not in a designated Activity Center and is about a block and a half north of Central Ave., which is designated a Premium Transit Corridor, a Major Transit Corridor, and a Main Street Corridor. A Premium Transit station is within 660 feet (considered acceptable walking distance).

The Huning Highland Sector Development Plan (HHSDP) applies because the application was submitted before May 17, 2018, when it was rescinded upon adoption of the Integrated Development Ordinance (IDO). The subject site is within the boundaries of the Huning Highland Historic District and the Historic Overlay Zone (HOZ). The IDO contains a HOZ for Huning Highland (HOZ-4).

**History & Background**

The subject site is located in the historic Huning Highlands Neighborhood, which was platted in 1880. The Huning Highlands Sector Development Plan (HHSDP) contains a history of the larger Plan area (see p. 7). In 1959, when zoning was established for the first time in Albuquerque, much of the area was zoned for office use because planners at the time envisioned the expansion of office uses to the east of downtown. Prior to adoption of the 1977 Plan, the Huning Highland area was zoned O-1 and C-2 for office and commercial uses. However, the northeast heights continued to grow and expansion of areas near Downtown slowed down, so the Huning Highland area largely retained its residential character though it continued to decline.
The HHSDP, adopted in January 1988 (Enactment No. 3-1988), superseded the previous neighborhood plan (the 1977 Plan). The subject site was zoned SU-2/MR (Mixed Residential) in both plans (see Zoning section of this report). Huning Highland became the City’s first nationally registered Historic District in 1978. In 1980, the City Council designated the Huning Highlands Historic District as the first City Historic Overlay Zone (HOZ) to protect historic architecture and streetscapes (HHSDP, p. 8). The boundaries of the Historic District and the HOZ are the same, though these differ slightly from the sector plan boundaries (some commercial properties in the SE and NW corners of the area are not included with the historic designations). The subject site is within the boundaries of the HHSDP, the Historic District, and the HOZ.

The single family home on the subject site was built as part of the original neighborhood, which was platted in the 1880s. There are no relevant case history or case tracking numbers. The applicants recently purchased the property from a real estate agent, who had cleaned it up with the intention of flipping it. The applicants also made improvements to the property. However, certain non-historically appropriate changes were made to the historic home (ex. windows). Concerned neighbors contacted Historic Preservation Staff, who worked with the former and current property owners to ensure that the home maintains the historic qualities that characterize the HOZ.

**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. NE, Arno St. NE, Tijeras Ave. NE, and Edith Blvd. NE (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 between Central Ave. NE to the south and Dr. Martin Luther King, Jr. Ave. to the north. Some of the most frequent transit service in the City runs along Central Ave, which is about a block and a half south of the subject site. 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. The ART busses will run along Central Ave. when that system is operational. 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. NE. Central Ave. has a bike lane at this location, north of the subject site.

**Public Facilities/Community Services**

Please refer to the Public Facilities Map (see attachment).
III. ZONING

Definitions- §14-16-1-5

**HOME OCCUPATION.** An activity carried on for profit or for philanthropic purposes, where all or part of the activity takes place on a residentially-used lot and the activity is not being legally conducted as another permissive or conditional principal use.

**OFFICE.** A place where consulting, record keeping, the work of a professional person such as a physician or lawyer is done, or a headquarters of an enterprise or organization; the sale of on-premises goods is not included.

**ZONE, RESIDENTIAL.** The RO-1, RO-20, R-1, MH, R-T, R-LT, RG, R-2, R-3, RA-1, RA-2, RC, and RD zones; and the segments of the SU-1, SU-2, and SU-3 zones where the predominant use allowed in a subarea is residential.

Existing Zoning

The subject site is zoned “SU-2/MR (Mixed Residential)” pursuant to the Huning Highland Sector Development Plan (HHSDP), which established zoning for the area. The subject site was given this zoning designation upon adoption of the 1977 Plan (HHSDP, p. 8-9). The subject site’s zoning carried over into the existing 1988 Plan.

The SU-2 Special Neighborhood Zone “allows a mixture of uses controlled by a sector development plan” (see Zoning Code §14-16-1-22), in this case the HHSDP. 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.

The R-1 zone (see Zoning Code §14-16-2-6) allows “house, one per lot” as the main permissive use, though other uses are allowed as accessory uses (ex. non-commercial accessory structure, garage sale, day care, home occupation, etc.). The interior design business is an office use, and office is not listed as permissive or conditional in the R-1 zone. The business cannot be considered a home occupation (see definition, above) because the subject site is not used as a residence.

Proposed Zoning

The applicant proposes the following zoning: SU-2/SU-1 for O-1 Uses. The applicants want to be able to operate their interior design business on the subject site. The proposed zoning would be site plan controlled by use of the SU-1 zone, but the SU-2 would be retained so the subject site would remain subject to the HHSDP.

The SU-1 Special Use 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).

The O-1 zone (see Zoning Code §14-16-2-15) “provides sites suitable for office, service, institutional, and dwelling uses.” Some permissive uses in the O-1 zone are beauty shop, church, dwelling unit up
to 25% area of the premises, office, and parking lot. Some conditional uses are community residential program, dwelling units more than 25% area of the premises, retailing of food and drink. The requested designation of “O-1 Uses” means that both permissive and conditional O-1 uses would be allowed.

The Integrated Development Ordinance (IDO) & Zoning
The IDO became effective on May 17, 2018, which is after this application was filed. Therefore, the application is being evaluated under the regulations in place at the time of application submittal (the Zoning Code and the HHSDP) and not the new IDO.

For informational purposes, the subject site’s SU-2/M-R zoning would convert to R-1B under the IDO. The proposed zoning of SU-2/SU-1 for O-1 Permissive Uses would convert to MX-T under the IDO. The business would fall under the category “Personal and business services, small”, which is defined as establishments with less than 10,000 sf of area. The MX-T zone would also allow for a single-family home permissively, in case the applicants want to use the existing building as a home. If the SU-1 for O-1 Permissive Uses zoning is approved and converted to MX-T, then the site plan will continue to control development and uses pursuant to IDO Section 14-16-1-10(A).

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. The Goals and policies listed below are those cited by the applicant in the zone change justification letter (see attachment). Staff does not provide analysis or additional citations other than what the applicant provided because, pursuant to Section B of R270-1980, the burden is on the applicant to show why the zone change should be made.

Chapter 4- Community Identity

  Goal 4.1-Character
  Policy 4.1.1-Distinct Communities
  Goal 4.2- Process

Chapter 5- Land Use

  Policy 5.1.1-Desired Growth
  Policy 5.1.8-Premium Transit Corridors
  Policy 5.1.10-Major Transit Corridors
  Goal 5.2- Complete Communities
  Policy 5.2.1-Land Uses
  Policy 5.3.1-Infill Development
  Policy 5.3.2-Leapfrog Development
  Policy 5.4.1-Housing near Jobs
  Policy 5.6.3-Areas of Consistency
  Policy 5.6.2-Areas of Change
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.

The HHSDP contains one overarching Goal (see p.1) and eleven bulleted objectives (see p. 6). However, none of these are cited in the applicant’s justification.

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 July 27, 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 O-1 Permissive Uses”. The reason for the request is to allow the interior design business to continue to operate on the subject site. The applicants own the subject site.

Text of R270-1980 is in regular text. The applicant’s justification (summarized) is in italics. 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 change requested herein is consistent with the health, safety, morals, and general welfare of the City because the request will further the outlined goals and policies of the comp Plan as demonstrated in Sections C and D of this request. The allowed uses under SU-1 for Permissive O-I uses will not be harmful as demonstrated in Section E. MBA’s employees will be at work when residents are away, thereby creating a presence and deterring crime. MBA’s presence will not increase traffic and it has no exterior signage. Office uses are already present in the vicinity. MBA’s request will clearly facilitate the applicable provisions of the Comp Plan.

Consistency with the City’s health, safety, morals and general welfare is shown by demonstrating that a request furthers (or clearly facilitates if the request is for SU-1 zoning) applicable Goals and policies from the Comprehensive Plan and other applicable plans (see Section C), which in this case is the Huning Highland Sector Development Plan (HHSDP). Also, since the proposed zone change is to an SU-I zone, it is dependent upon an associated site development plan. The response to Section A is sufficient, but the applicant has not demonstrated that the request clearly facilitates realization of applicable Goals and policies in the response to Section C.

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 change to the zone map will actually support stability of land use and zoning rather than defeat it. It is critically important to understand that MBA only seeks a change to the zone map to match its existing use (and that of a number of neighbors), not to allow new or different uses. Furthermore, the property will be controlled by the accompanying site plan, and the commission will have the opportunity to approve particular uses among the list of permissive uses, rather than the entire list.

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 that shows the existing building and site and indicates the proposed use as “interior design firm”. No changes to what exists currently are proposed. Though another O-I permissive use would be able to occupy the subject site, it would be constrained by the size of the building and the lot area and would have to be a small-scale operation.

A broader request to a zone with commercial uses or increased residential density, for example, could have a greater effect upon land use stability in the area because these uses are typically more intense than permissive uses in the O-I zone.

The current use (interior design firm), specified on the site development plan, is unlikely to adversely affect stability of land use and zoning in the immediate area, which is characterized by a mix of single-family residential, multi-family residential, office, institutional, and
commercial uses. The response to Section B is sufficient, though the applicant has not adequately demonstrated that the proposed zone change is justified in the response to Section C.

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: Community Identity Goal 4.1-Character; Policy 4.1.1-Distinct Communities; Land Use Policy 5.1.1-Desired Growth; 5.1.8-Premium Transit Corridors; Policy 5.1.10-Major Transit Corridors; Goal 5.2- Complete Communities; Policy 5.2.1-Land Uses; Policy 5.6.3-Areas of Consistency; Policy 5.6.2-Areas of Change.

Staff finds that the following citations do not apply: Goal 4.2- Process, Policy 5.3.1-Infill Development; Policy 5.3.2-Leapfrog Development; Policy 5.4.1-Housing near Jobs.

Goal 4.2 is about the community engagement process that will be part of the Community Planning Area (CPA) assessments and not applicable to this zone change request.

Policy 5.3.1 refers to infill development, but the request is not for development. Rather, it’s for re-using an already developed building and site.

Policy 5.3.2 refers to leapfrog development. The applicant does not explain how this zone change would discourage leapfrog development. It seems unlikely that the applicants would construct a new office building in an area not served by infrastructure and public facilities.

Policy 5.4.1 refers to encouraging higher density housing, and therefore discouraging single-family housing, near Employment Centers. The subject site is not in the Downtown Center or in a designated Employment Center.

The applicant states that the request clearly facilitates applicable Goals and policies of the Comprehensive Plan because the Comp Plan encourages mixed use areas, with compatible residential and non-residential uses within walking distance, and that barriers to high-quality infill should be removed. Furthermore, most of the neighborhood in the vicinity of the subject site is designated an Area of Change. A transition from residential properties to offices and other small operations has begun to occur organically, and the immediate area is characterized by a variety of uses such as offices and commercial uses.

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 additional Goals and policies from the Comprehensive Plan apply to the request, as do the Goal and some objectives in the HHSDP. The applicant’s policy citations are insufficient and the arguments are not sufficiently linked to Goals and policies to conclude that the request clearly facilitates realization of the Comprehensive Plan and the HHSDP. The Goal and objectives of the HHSDP were not addressed. The response to Section C is insufficient, so this test is not met.
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 existing zoning is inappropriate because neighborhood or community conditions have changed sufficiently to justify the zone map amendment and a change to the zone map is necessary to reflect current uses. One house on the same block is being used as a home office and two others have rental units.

The SU-1 zone for permissive O-I uses would also be more advantageous to the community for the simple reason that leaving the existing zone map in place will require the City to either shut down a number of existing businesses or litigate the propriety of the map and its selective enforcement thereof.

There are a number of mixed-use areas in the sector that would allow MBA to continue operating its business at the current location. It appears that in many instances the zoning was chosen based on the use of the buildings. For example, the mixed-use area at 501 Central NE encompasses three buildings north of Central, but only two buildings in the next block to the east, four buildings in the next block, then three buildings in the next block. If these existing businesses are being grandfathered into an area that is otherwise zoned residential, the same should be done for MBAs location and its neighbors operating businesses in homes.

The applicant refers to (D)(2), that changed community conditions justify the proposed change. Over many years, change has occurred in the Huning Highland area, which was originally a residential subdivision. The area’s proximity to Downtown, and the fact that Central Avenue runs through it, have been forces for change over time. The HHSDP (1988, previously 1977) has responded to these changes by establishing various categories of SU-2 zoning in addition to MR (Mixed Residential), including SU-2 for RO (Residential Office) and SU-2 for NCR (Neighborhood Commercial Residential), to reflect the unique situation of Huning Highland. The zone map was amended in 2005 (R-2005-185) to add the SU-2 CRZ (Corridor Revitalization Zone) along Central Ave. and extending a few lots to the north and south.

Zone change requests pertain to a particular subject site and are evaluated based on that property’s particulars, not by comparing it to the situation of other properties. Even if such comparisons were used as a matter of practice, the applicant’s claims that the City would have to shut down existing businesses or litigate selective enforcement of the zone map would have to be substantiated.

For example, the applicant refers to the area around 501 Central Ave. NE, which is now a vacant lot, and that these businesses were “grandfathered” into an area that would otherwise be zoned residential. These properties are zoned SU-2 CRZ pursuant to the current plan and prior to 1987 were zoned SU-2 NCR pursuant to the 1977 HHSDP. Indeed at some point, commercial
uses developed on these properties and they were given zoning to reflect their existing land uses, but this is a very different situation than placing an office use in part of Block 12, which is zoned SU-2 MR for residential uses since at least 1987.

Furthermore, the block north of the subject site is zoned SU-2 RO, so the office use to the north is permissive. Any office uses to the south where SU-2 RO zoning is indicated are also permissive (see attachment). Though some uses near the subject site could operating in conflict with their site’s zoning, it’s critical to check the zoning and see if the use is allowed. If a discrepancy is found between land use and zoning, it can be reported to the Code Enforcement Division for investigation and a possible enforcement.

The discussion does not include a nexus between changed community conditions and how they have affected the subject site and made a zone change warranted. The response to Section D is insufficient.

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.”

None of the permissive uses in the SU-1 zone for permissive O-1 uses would be harmful to adjacent property, the neighborhood, or the community, but would further the City’s policies and benefit the neighborhood. Dwelling units and offices are present throughout the neighborhood. Most of the permissive uses are simply not economically feasible for this location. Furthermore, the property will be controlled by the site plan accompanying the application. Declining to amend the zone map to allow existing uses to continue will require existing businesses and multi-tenant rentals to relocate and houses that have been converted to those uses to be reconstructed into residences, including the removal of a parking lot at a neighboring office.

The permissive uses in the O-1 zone would generally not be harmful to adjacent property, the neighborhood, or the community because, with an SU-2/SU-1 zone, the subject site would be site plan controlled. Future, major amendments would return to the EPC. Also, any operation would be limited due to the subject site’s size (approximately 6,700 sf), including the present operation, which does not generate much traffic or noise and does not have signage.

Some neighbors have expressed concern that the proposed zone change would set a precedent of allowing an office use among residential uses, which they believe would be harmful. R270-1980 does not have a criterion that allows precedent to be used as an argument. It is important to remember that zone change requests are decided upon the merits and specifics of the particular case and how the request fulfills the requirements of R270-1980—not upon those of other properties in the area. 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.”

The zone change will not require capital expenditures by the City. MBA seeks the zone change to reflect current uses. Any capital expenditures required by the current use have been made.

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.”

MBA does not assert that the cost of land or other economic considerations should determine the outcome of its application.

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.”

MBA’s property is not located on a collector or major street and MBA does not assert that its location in itself is justification for its application.

The subject site fronts Edith Blvd. NE, a local street. Tijeras Ave. and Copper Ave. are designated as local streets in this location. 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 one premise is involved, is generally called a ‘spot zone’. Such a change of zone may be approved only when:

1) the change will clearly facilitate realization of the Comprehensive Plan and any applicable adopted sector development plan or area development plan, or

2) the area of the proposed zone change is different from surrounding land because it could function as a transition between adjacent zones, because the site is not suitable for the uses allowed in any adjacent zone due to topography, traffic or special adverse land uses nearby, or because the nature of structures already on the premises makes the site unsuitable for the uses allowed in any adjacent zone.”

The application may appear to be a disfavored spot zone. In fact, the entire three-block area already appears to be both spot-zoned and zoned incorrectly. 301 Edith Blvd. NE is zoned SU-2 RO, but houses a law firm. 123 Edith Blvd. NE is zoned MR- the only property on the block that is so zoned. Half the block at the NE corner of Central and Arno is zoned SU-2 MR while the other half us SU-2 CRA. The pattern is repeated along each side of Central. In this neighborhood, spot zoning is the rule, not the exception. Nevertheless, as discussed in detail above, MBAs requested change will clearly facilitate realization of a number of the Comp Plan’s policies.
The request for SU-2/SU-1 for O-1 permissive uses would create a spot zone because the subject site is only one premise and it would be surrounded by SU-2/MR zoning. A three-block area would not meet the definition of spot zone. The property at 301 Edith Blvd. NE is part of a block of SU-2/RO zoning, in which an office is a permissive use. The property at 123 Edith Blvd. NE is zoned SU-2/MR but the rest of the block to the south is zoned SU-2/RO. Again, this zoning pattern was established by the HHSDP, as was the SU-2/CRZ (Corridor Revitalization Zone) along both sides of Central Ave. Though an examination of land use patterns is interesting, analysis of a zone change request is not comparative with other properties.

A spot zone can be justified provided that the applicant demonstrates that the request clearly facilitates realization of applicable Goals and policies. In this case, the response to Section B is sufficient (though in part irrelevant), but the applicant has not adequately demonstrated that the proposed zone change is justified in the response to Section C.

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.”

MBA’s property is not a strip of land along a street, and its application does not request a strip zone.

The request would not result in a strip zone because the subject site is not a “strip of land along a street”. The response to Section J is sufficient.

**Conclusion**

Staff finds that the applicant has not adequately justified the sector development plan map amendment (zone change) pursuant to R270-1980, primarily due to the response to Section C. The policy citations are insufficient and the arguments are not sufficiently linked to Goals and policies to conclude that the request clearly facilitates realization of the Comprehensive Plan and the HHSDP. The Goal and objectives of the HHSDP were not addressed.

Without an adequate, policy-based response to Section C, the response to Section I (which requires that a spot zone be justified by demonstrating that the request clearly facilitates realization of applicable Goals and policies) cannot be sufficient. Similarly, the response to Section A depends upon an adequate policy-based response. Regarding Section D, the applicant has not adequately demonstrated that changed community conditions justify the proposed zoning. The remaining sections (B, E, F, G, and J) are sufficiently addressed. For these reasons, Staff recommends denial 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, if any, will be need to be addressed.

Site Plan Layout / Configuration
The subject site is located at the SW corner of Tijeras Rd. NE and Edith Blvd. NE. The entrance of the existing single-family home faces east. The driveway is along the subject site’s northern side. There is no garage. The home and front yard take up about half of the lot and the back yard takes up the other half.

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

Vehicular Access, Circulation & Parking
Access to the subject site is from Edith Blvd. NE via a driveway along the subject site’s northern side. The driveway serves as a parking area. On-street parking is also available on Edith Blvd. NE.

Minimum required parking for an office use is one space for every 200 sf of net leasable area on the ground floor. The building is approximately 1,200 sf, so 6 parking spaces are required. One handicap parking space, one bicycle parking space, and one motorcycle parking space are required.

Because the requested zoning is SU-1, however, off-street parking is decided by the EPC pursuant to Zoning Code §14-16-2-22, Special Use Zone. The EPC may approve less parking if it chooses.
The site plan indicates that 2 or 3 parking spaces can be accommodated in the back yard. On-street parking would also be available. A Traffic Impact Study (TIS) was not required.

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

Pedestrian and bicycle access is available from both Tijeras Ave. and Edith Blvd. NE. There is a pedestrian pathway from the sidewalk to the doorway. Access to transit is good and within walking distance. The subject site is a block and a half north of Central Ave., which is designated a Main Street Corridor and has some of the most frequent transit service in the City.

**Walls/Fences**

The subject site is not fenced in the front. There are three-foot, white picket fences on both sides of the subject site, and a six-foot white wooden fence along the rear property line that abuts the alley. There is a shorter, white wooden fence enclosing the patio area directly in back of the house. The fences are shown on the elevations sheet.

**Lighting and Security**

Lighting is provided by post lights at the gates. There are no light poles.

**Landscaping**

The subject site is landscaped in the front with a variety of xeric plants, including coneflower, grasses, lavender, nandina, and turpentine bush, with an Ash tree on each side of the pathway. One of the Ash trees existed prior to the applicant’s purchase of the property.

The back is landscaped with lavender, artemesia, some turf, vitex, lantana, and marigolds. The property owners kept the mature Elm tree. All landscaping would remain.

Landscape beds should be dimensioned. The landscaping calculations need to be redone using the correct figure for net lot area, though it appears that the 15% requirement is met. However, 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. If there are any easements, they should be shown and mentioned with a note.

**Architecture & Design**

The existing building mostly typifies the architectural style of the early 1900s, when the Huning Highland neighborhood was built. Some alterations (ex. the windows) have occurred, and Historic Preservation Staff have been involved. No changes to the building 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).
The building is made of brick and has a front porch and a back deck. The roof is pitched and has a feature window on the front, consistent with the style of the era. Shingles were replaced and are tan. The patio and deck fencing is painted white. Approximate building height and colors and materials should be indicated.

**Signage**

There is no signage.

**VII. AGENCY & NEIGHBORHOOD CONCERNS**

**Reviewing Agencies/Pre-Hearing Discussion**

City Departments and other agencies reviewed this application from 07/06/’18 to 07/22/’18. 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.

Long-Range Planning Staff note that the zoning pattern in this area establishes an island of R-1 uses surrounded by multi-family and neighborhood commercial uses, and that the Comprehensive Plan supports keeping single-family neighborhoods intact. The subject site’s Area of Consistency designation reflects this intention.

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 after EPC, Staff from Transportation, Hydrology, and Utilities would have an opportunity to comment. Agency comments begin on p. 23.

**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.

Staff has received three letters of opposition. The HHHDA, at its June meeting, voted to oppose the request. They do not support the use of a home solely to operate a business, though generally they support residents who operate business out of their homes. The HHHDA is concerned about setting a precedent (see attachment).

Two neighbors also provided letters. The residents across the street (202 Edith Blvd. NE) are concerned that the zone change could lead to decay rather than improvement of the neighborhood and point out that they are retired and at home during the day so the business wouldn’t improve neighborhood security (see attachment). The other letter is from a neighbor on the 100 block of Edith Blvd., who also believes that the business would not improve neighborhood security. She wants to protect the nature of the historic overlay district as a residential subdivision (see attachment).
A facilitated meeting was not held. Staff has not received any phone calls or additional correspondence as of this writing. The applicant’s letter indicates that they are aware of some support for the request, but Staff doesn’t have anything in 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 0.2 acre site located at 205 Edith Blvd. NE, between Tijeras Ave. NE and Copper Ave. NE. The subject site is within the boundaries of the Huning Highland Sector Development Plan (HHSDP), and is in the Huning Highland Historic District and the Historic Overlay Zone.

The applicant proposes to change the subject site’s zoning from “SU-2/MR (Mixed Residential)” to “SU-2/SU-1 for O-1 Permissive Uses” in order to continue operating an interior design business. The applicants received a Notice of Violation (NOV) from the Code Enforcement Division.

The sector development plan map amendment (zone change) has not been adequately justified pursuant to R270-1980 because the response to Section C does not contain a sufficient policy-based demonstration that the request would clearly facilitate realization of applicable Goals and policies in the Comprehensive Plan and the HHSDP.

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. Staff received three letters of opposition, from the Huning Highland Historic District Association (HHHDA) and two neighbors. A facilitated meeting was not held.

Staff recommends denial of the zone change and, therefore, the associated site development plan for building permit.
FINDINGS – RZ-2018-0005, August 9, 2018- Sector Development Plan Map Amendment (Zone Change)

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, for Lot 7, Block 12, Huning’s Highlands Addition, an approximately 0.2 acre site located on Edith Blvd. NE, between Tijeras Ave. NE and Copper Ave. NE (205 Edith Blvd. NE) (the “subject site”).

2. The applicant owns the subject site and proposes to change the subject site’s zoning from SU-2/MR (Mixed Residential) to SU-2/SU-1 for Permissive O-1 Uses to allow operation of an interior design firm to continue.

3. The subject request is accompanied by a request for an as-built site development plan for building permit (SI-2018-00012).

4. The Comprehensive Plan designates the subject site as an Area of Consistency. The subject site is within the boundaries of the Huning Highland Sector Development Plan (HHSDP) and is in the Huning Highland Historic District and the Historic Overlay Zone (HOZ).

5. 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.

6. The applicant has not adequately justified the sector development plan map amendment (zone change) request pursuant to Resolution 270-1980:

   A. Section A: Consistency with the City’s health, safety, morals and general welfare can be shown by demonstrating that the request clearly facilitates applicable Goals and policies from the Comprehensive Plan and the other applicable plans, the Huning Highland Sector Development Plan (HHSDP). The response to Section A is sufficient, but the applicant has not demonstrated that the request clearly facilitates realization of applicable Goals and policies in the response to Section C.

   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 in the area because they would be limited, due the size of the historic building and the lot area, to small-scale operations.

   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 arguments are not sufficiently linked to Goals and policies to conclude that the request clearly facilitates
realization of the Comprehensive Plan and the HHSDP. Additional Goals and policies from the Comprehensive Plan, and the Goal and some objectives in the HHSDP, should be included.

D. **Section D:** The applicant has not adequately demonstrated that changed community conditions (D)(2) justify the proposed zone change because the discussion does not include a nexus between changed community conditions and how they have affected the subject site and made a zone change warranted. Rather, the discussion focuses on other properties that may have a discrepancy between their zoning and land use, without substantiating the claims.

E. **Section E:** The permissive uses in the O-1 zone would generally not be harmful to adjacent property, the neighborhood, or the community. The subject site would be site plan controlled and major amendments would be required to return to the EPC. Any operation would be limited due to the subject site’s size (approximately 6,700 sf), including the present operation, which does not generate much traffic or noise and does not have signage.

F. **Section F:** The proposed zone change requires no capital expenditures by the City. Infrastructure is in place.

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:** The subject site is not located on a collector or major street.

I. **Section I:** The request would create a spot zone because the subject site is only one premise and it would be surrounded by SU-2/MR zoning. A spot zone can be justified provided that the applicant demonstrates that the request clearly facilitates realization of applicable Goals and policies, which did not occur in the response to Section C.

J. **Section J:** The request is for a single lot and not for a strip of land along a street, and therefore would not result in a “strip zone”.

7. The applicant has not adequately justified the zone change pursuant to R270-1980, primarily due to the response to Section C. The policy citations are insufficient and the arguments are not sufficiently linked to Goals and policies to conclude that the request clearly facilitates realization of the Comprehensive Plan and applicable sector development plan (the HHSDP). The Goal and objectives of the HHSDP were not addressed.

Without an adequate, policy-based response to Section C, the response to Section I cannot be sufficient. Similarly, the response to Section A depends upon an adequate policy-based response. Regarding Section D, the applicant has not adequately demonstrated that the existing zoning is inappropriate and that the proposed zone category would be more advantageous to the community, based on the policy-based discussion in Section C. The remaining sections (B, E, F, G, and J) are sufficiently addressed.
8. 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.

9. Staff received three letters of opposition. The HHHDA, at its June meeting, voted to oppose the request. They do not support the use of a home solely to operate a business and are concerned about setting a precedent. Two neighbors also provided letters. The residents across the street (202 Edith Blvd. NE) are concerned that the request could lead to decay rather than improvement of the neighborhood and point out that the business wouldn’t improve neighborhood security. The other letter is from a neighbor on the 100 block of Edith Blvd., who primarily wants to protect the nature of the historic overlay district as a residential subdivision.

10. Some neighbors have expressed concern that the proposed zone change would set a precedent of allowing an office use among residential uses, which they believe would be harmful. R270-1980 does not have a criterion that allows precedent to be used as an argument. Zone change requests are decided upon the merits and specifics of the particular case, not upon those of other properties in the area, and how the request fulfills the requirements of R270-1980.

11. A facilitated meeting was not held. Staff has not received any phone calls or additional correspondence as of this writing.

RECOMMENDATION - RZ-2018-00005, August 9, 2018- Sector Development Plan Map Amendment (Zone Change)

DENIAL of RZ-2018-00005, a request for a sector development plan map amendment from SU-2 for M-R (Mixed Residential) to “SU-2 for SU-1 for O-1 Permissive Uses” for Lot 7, Block 12, Huning’s Highlands Addition, an approximately 0.2 acre site located on Edith Blvd. NE, between Tijeras Ave. NE and Copper Ave. NE (205 Edith Blvd. NE), based on the preceding Findings.

FINDINGS - SI-2018-00012, August 9, 2018-Site Development Plan for Building Permit (as-built)

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, for Lot 7, Block 12, Huning’s Highlands Addition, an approximately 0.2 acre site located on Edith Blvd. NE, between Tijeras Ave. NE and Copper Ave. NE (205 Edith Blvd. NE) (the “subject site”).

2. The subject request is accompanied by a sector development plan map amendment (zone change) request (RZ-2018-00005). The sector development plan map amendment request is not justified pursuant to R270-1980.
3. The Comprehensive Plan designates the subject site as an Area of Consistency. The subject site is within the boundaries of the Huning Highland Sector Development Plan (HHSDP) and is in the Huning Highland Historic District and the Historic Overlay Zone (HOZ).

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. Pursuant to Zoning Code 14-16-2-22(A)(1), the SU-1 zone, a request for a zone change to an SU-1 zone must be accompanied by a site development plan. Because the zone change is not justified at this time, the associated site development plan is rendered unnecessary.

6. 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.

7. Staff received three letters of opposition. The HHHDA, at its June meeting, voted to oppose the request. They do not support the use of a home solely to operate a business and are concerned about setting a precedent. Two neighbors also provided letters. The residents across the street (202 Edith Blvd. NE) are concerned that the request could lead to decay rather than improvement of the neighborhood and point out that the business wouldn’t improve neighborhood security. The other letter is from a neighbor on the 100 block of Edith Blvd., who primarily wants to protect the nature of the historic overlay district as a residential subdivision.

8. A facilitated meeting was not held. Staff has not received any phone calls or additional correspondence as of this writing.

RECOMMENDATION - SI-2018-00012, August 9, 2018

DENIAL of SI-2018-00012, an as-built Site Development Plan for Building Permit for Lot 7, Block 12, Huning’s Highlands Addition, an approximately 0.2 acre site located on Edith Blvd. NE, between Tijeras Ave. NE and Copper Ave. NE (205 Edith Blvd. NE), based on the preceding Findings.
Notice of Decision cc list

cc: McKown Belanger Associates, 205 Edith Blvd. NE, ABQ, NM 87102
    Wade Jackson, Sutin, Thayer & Browne, 6100 Uptown Blvd. NE, Suite 400, ABQ, NM 87110
    Broadway Central Corridors Partn. Inc., Jim Maddox, 515 Central Ave. NE, ABQ, NM 87102
    Broadway Central Corridors Partn. Inc., Rob Dickson, P.O. Box 302, ABQ, NM 87103
    Huning Highland Historic Dist. Assoc., Ann Carson, 416 Walter St. SE, ABQ, NM 87102
    Huning Highland Historic Dist., Assoc., Bonnie Anderson, 321 High St. SE, ABQ, NM 87102
    Lauren Walker Austin, 121 Edith Blvd. NE, ABQ, NM 87102
    Bruce Redford and Dennis Crowley, 202 Edith Blvd. NE, ABQ, NM 87102
    Kevin Morrow kmorrow@cabq.gov
    Kathy Berglund kberglund@cabq.gov
CITY OF ALBUQUERQUE AGENCY COMMENTS

PLANNING DEPARTMENT

Zoning Enforcement
No adverse comments.

Office of Neighborhood Coordination

Long Range Planning

Comments for Zone Map Amendment:
This zoning on this property was established by the Huning Highland Sector Development Plan (SDP) in 1988. According to the SDP, SU-2/MR corresponds to R-1 in the Zoning Code with exceptions for front setback, accessory dwelling units, and conditional uses, which do not include office.

The SDP does include a zone SU-2/RO (Residential Office) that corresponds to R-2 with allowance for office uses in 50% of the floor area as a conditional use.

This property was not zoned SU-2/RO when it could have been. Nor were surrounding properties on the block. This block is surrounded by SU-2/MR zoning on all but the north side. The property to the north across Tijeras Ave. is zoned SU-2/RO.

The zoning pattern in this area establishes an island of R-1 uses surrounded by multi-family and neighborhood commercial uses. There are clearly pressures for this area to convert to the same uses that are more intense than the S-2/MR (R-1 equivalent) zone.

The Area of Change and Consistency map reflects this land use pattern and resulting pressure on the island of single-family uses.

In general, the Comprehensive Plan supports keeping single-family neighborhoods intact and discourages zone changes within single-family neighborhoods. It may be the case that in this area, the single-family neighborhood has already transitioned to other land uses, perhaps illegally, and the larger question is whether it is still desirable and advisable to maintain the island of single-family surrounded by other uses in Areas of Change.
ABC Comp Plan Goal 5.6 City Development Areas: Encourage and direct growth to Areas of Change where it is expected and desired and ensure that development in and near Areas of Consistency reinforces the character and intensity of the surrounding area.

ABC Comp Plan 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.

ABC Comp Plan Policy 5.6.3.b: Ensure that development reinforces the scale, intensity, and setbacks of the immediately surrounding context.

ABC Comp Plan Policy 5.6.3.b: Carefully consider zone changes from residential to non-residential zones in terms of scale, impact on land use compatibility with abutting properties, and context.

The application cites additional policies, some of which do not apply to this location. This site is within a Premium Transit and Major Transit area, but it is not within the Downtown or Urban Centers, so Policy 5.1.3 and Policy 5.1.4 do not apply to this request. Further, the cited Area of Change policy is not applicable to this request.

The policies on Desired Growth (5.1.1), Major Transit Corridors (5.1.10), Infill Development (5.3.1), and Housing near Jobs (5.4.1) could be considered to be applicable to the subject site. However, in total, the collection of policies in support of neighborhood stability are more salient to this request than the applicant’s cited policies in favor of changing the zoning of this site from a residential to an office zone.

The Huning Highland SDP has several relevant, if competing Objectives:

- To protect and enhance the unique residential character of the area.
- To encourage and support appropriate commercial development.
- To promote housing rehabilitation programs for low-income property owners.
- To encourage and support local employment and local business development.

The requested zone, SU-2/SU-1 for O-1 would convert to MX-T under the IDO. Clearly, the MX-T zone would allow more intense uses and allow development at a larger scale than the surrounding R-1B zoning. Given these Comp Plan policies and Sector Plan objectives, Long Range does not recommend approval of the zone map amendment.
Comments for Site Plan for Building Permit:
The Site Plan for Building Permit indicates one structure labeled “Residence.” The second page shows the interior layout with a living room, dining room, kitchen, three bedrooms and two bathrooms. This is consistent with maintaining the site with the SU-2/MR zoning and single-family residential uses. There is nothing in this Site Plan that indicates the zone, uses, building elevations and dimensions, or building height, all of which are required elements of a Site Development Plan for Building Permit.

Due to the inconsistency with what is shown on the requested Site Plan for Building Permit and the zone change request, and the deficient content included with the Site Plan for Building Permit, Long Range does not recommend approval of this request.

CITY ENGINEER

Transportation Development
No objection to the zone change request. Transportation Development Conditions:

1. Developer is responsible for permanent improvements to the transportation facilities adjacent to the proposed development site plan, as required by the Development Review Board (DRB).

2. Site plan shall comply and be in accordance with all applicable City of Albuquerque requirements, including the Development Process Manual and current ADA criteria.

Hydrology Development

New Mexico Department of Transportation (NMDOT)
NMDOT has no comment.

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. RZ-2018-00005 Sector Development Plan Map Amendment (Zone Change)
   a. Identification: UPC – 101405744743512404

2. SI-2018-00012 – Site Development Plan for Building Permit Amendment
   a. The indicated building permit amendment does not appear to affect the buildings required fire flow for the building thus an availability statement is not necessary at this
time. Should the fire flow for the building change please request and availability statement. Requests can be made at the link below:


ii.  Request shall include a City Fire Marshal approved Fire 1 Plan and a zone map showing the site location.

ENVIRONMENTAL HEALTH DEPARTMENT

Air Quality Division

Environmental Services Division

PARKS AND RECREATION

Planning and Design

Open Space Division

City Forester

POLICE DEPARTMENT/Planning

No comment on the zone change.

SOLID WASTE MANAGEMENT DEPARTMENT

Refuse Division- No comment

FIRE DEPARTMENT/Planning

TRANSIT DEPARTMENT

Site is very proximate to the Central Avenue Premium Transit Corridor. Not directly on a route, but is within 800 walking feet of the EDo ART station (Fixed Routes 766 and 777) and within 1200 feet in either direction from a Fixed Route 66 stop. No comment.

COMMENTS FROM OTHER AGENCIES

BERNALILLO COUNTY

ALBUQUERQUE METROPOLITAN ARROYO FLOOD CONTROL AUTHORITY

AMAFCA has no objections.

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 4: Looking S toward Copper and Central Aves., while standing on Edith Blvd. NE in front of the subject site.

Figure 5: Looking N, toward Dr. MLK, Jr. Ave., while standing on Edith Blvd. NE in front of the subject site.

Figure 6: Looking NW along Edith Blvd. NE. The third building is on the subject site.
Figure 7: The multi-family building (duplex) across the street from the subject site. The hospital building is on the background.

Figure 8: A building used as an office, at the NW corner of Edith Blvd. NE and Tijeras Ave. NE.

Figure 9: Looking W, along Tijeras Ave. NE, toward Downtown.
ZONING

Please refer to the Zoning Code §14-16-2-22
for specifics of the SU-1 zone
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.
NEIGHBORHOOD COMMERCIAL/RESIDENTIAL ZONE (SU-2/NCR) Concerns regarding this zone were with its wording and with an area zoned NCR in the southeast corner of the neighborhood.

a) The current Huning Highland Sector Development Plan states that the NCR zone corresponds to R-3 or medium density residential in the Comprehensive City Zoning Code. Since the NCR zone is located almost exclusively on principal arterials and the uses within these areas are predominantly commercial, the zone does not fit the character of the area zoned.

b) The southeastern corner of the neighborhood (between Lead and Coal from the west side of High to Locust and including the southern half of the block north of Lead between Elm and Locust and the two lots at the southeast corner of the block between Lead and Silver, Elm and High) is currently zoned NCR. Land uses in this NCR pocket include single family, multi-family, institutional, office, service commercial, and the old Mead's bakery, now used as a bakery distribution center.

The Task Force was concerned that the western edge of this area on High Street, which is now residential, could develop with permissive NCR uses (hotel/motel, furniture store, car wash, auto supply store, automobile repair) that would negatively impact the adjacent residential area. The current NCR zoning does not reflect the differing land use potentials of properties on the freeway frontage and those in the interior of this area. Rezoning the currently residential area in the 400 block of High Street from NCR to MR to reflect its residential quality could be challenged by property owners as too severe.

c) Signs allowed in the NCR zone are controlled by both the existing Huning Highland Sector Development Plan, the sections of the Comprehensive City Zoning Code referred to in the Sector Development Plan and the Historic Overlay Zone guidelines, with the more stringent provisions prevailing. The zone in the City Comprehensive Zoning Code which corresponds to NCR is C-1 or Neighborhood Commercial. This allows free-standing or wall off-premise signs as large as 78 square feet and up to 18 feet high and free-standing and projecting on-premise signs up to 100 square feet or building mounted signs which take up 20 per cent of the building facade. Signs as large as this could overwhelm the historic buildings on the commercial streets. 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, and are too limiting for a commercial strip. Since this commercial development is historically valid in itself, as well as contributing to the overall well being of Huning Highlands, the Overlay Zone Guidelines should be amended to allow better guidance and more realistic sign coverage.
HISTORY
OFFICIAL NOTIFICATION OF DECISION

July 12, 2018

Project# 2018-001200 (1011313)
RZ-2018-00005- Sector Development Plan Map Amendment
(Zone Change)
SI-2018-00012 – Site Development Plan for Building Permit

LEGAL DESCRIPTION:
Wade Jackson, Sutin Thayer & Browne, agent for McKown Belanger Associates, requests the above action for all or a portion
of Lot 7, Block 12, Huning's Highland Addition, zoned SU-2/MR
to SU2/SU-1 for O-1 uses, located at 205 Edith Blvd. NE,
between Copper Ave. and Tijeras Ave. NE, containing
approximately 0.2 acres. (K-14)
Staff Planner: Catalina Lehner

On July 12, 2018 the Environmental Planning Commission (EPC) voted to DEFER Project 2018-001200/RZ-2018-00005, a Sector Development Plan Map Amendment (zone change) and SI-2018-00012, a Site Development Plan for Building Permit, for 30 days based on the following 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. The applicants are requesting a 30 day deferral to the August 9, 2018 hearing in order to revise the zone change justification letter and the associated, as-built site development plan for building permit.

APPEAL: If you wish to appeal this decision, you must do so within 15 days of the EPC's decision or by JULY 27, 2017. The date of the EPC’s decision is not included in the 15-day period for filing an appeal, and if the 15th day falls on a Saturday, Sunday or Holiday, the next working day is considered as the deadline for filing the appeal.

For more information regarding the appeal process, please refer to Section 14-16-4-4 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.
OFFICIAL NOTICE OF DECISION
Project #2018-001200
July 12, 2018
Page 2 of 2

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,

[Signature]
David S. Campbell
Planning Director

DSC/CL

cc: McKown Belanger Associates, 205 Edith Blvd. NE, ABQ, NM 87102
Wade Jackson, 6100 Uptown Blvd. NE, Suite 400, ABQ, NM 87110
Broadway Central Corridors Partn. Inc., Jim Maddox, 515 Central Ave. NE, ABQ, NM 87102
Broadway Central Corridors Partn. Inc., Rob Dickson, P.O. Box 302, ABQ, NM 87103
Huning Highland Historic Dist. Assoc., Ann Carson, 416 Walter SE, ABQ, NM 87102
Huning Highland Historic Dist., Assoc., Bonnie Anderson, 321 High St. SE, ABQ, NM 87102
Lauren Walker Austin, 121 Edith NE, ABQ, NM 87102
Bruce Redford, 202 Edith NE, ABQ, NM 87102
Kevin Morrow kmorrow@cabq.gov
Kathy Berglund kberglund@cabq.gov
APPLICATION INFORMATION
Supplemental Form (SF) of the City of Albuquerque

SUBDIVISION
— Major subdivision action
— Minor subdivision action
— Vacant
— Variance (Non-Zoning)

ZONING & PLANNING
— Annexation
— Zone Map Amendment (Establish or Change Zoning, includes Zoning within Sector Development Plans)
— 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

SITE DEVELOPMENT PLAN
— for Subdivision
— for Building Permit
— Administrative Amendment (AA)
— Administrative Approval (ERT, URT, etc.)
— IP Master Development Plan
— Cert. of Appropriateness (LUCC)

STORM DRAINAGE (Form D)
— Storm Drainage Cost Allocation Plan
— Street Name Change (Local & Collector)

APPLICATION INFORMATION:
Professional/Agent (if any): Wade Jackson
ADDRESS: 6100 Uptown Blvd NE, Ste 400
PHONE: 505-883-3481
FAX:
CITY: Albuquerque STATE: NM ZIP: 87110 E-MAIL: wjs@alten.com

APPLICANT: McKeeen Behrens Assoc
ADDRESS: 205 Edith NE
PHONE: 505-343-3400
FAX:
CITY: Albuquerque STATE: NM ZIP: 87102 E-MAIL: shepard@cabq.gov

Proprietary interest in site: See Deed
List all owners: Camille & Steve Shepard

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.
Block:
Unit:
Subdiv/Addn/TBKA: Hurnings Highland addition
Existing Zoning: SU-3 MR
Proposed zoning: SU-1 P O-1 V
MRGC Map No. MRGC Map No
Zone Atlas page(s): K-14
UPC Code: 1 014 057 447 475 1404

CASE HISTORY:
List any current or prior case number that may be relevant to your application (Proj., App., DRB, AX, Z, V, S, etc.):

CASE INFORMATION:
Within city limits: __Yes__ Within 1000FT of a landfill: __No__
No. of existing lots: 1
No. of proposed lots: 1
Total site area (acres): 1

LOCATION OF PROPERTY BY STREETS: On or Near: Edith
Between: Cooper and Tyrians
Check if project was previously reviewed by: Sketch Plat Plan [ ] or Pre-application Review Team [PRT] [ ]
Review Date:

SIGNATURE:
(Print Name): Wade L. Jackson
DATE: 5/14/18

Applicant: [ ] Agent: [ ]

FOR OFFICIAL USE ONLY

 INTERNAL ROUTING
— All checklists are complete
— All fees have been collected
— All case #s are assigned
— AGIS copy has been sent
— Case History #s are listed
— Site is within 1000ft of a landfill
— F.H.D.P. density bonus
— F.H.D.P. fee rebate

Application case numbers
Action: ASDM
S.F.: $240.00
Fees: $240.00

Hearing date: July 12, 2018
Project # PR-2018-001200
FORM Z: ZONE CODE TEXT & MAP AMENDMENTS, PLAN APPROVALS & AMENDMENTS

I. 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.

II. SDP PHASE I – DRB CONCEPTUAL PLAN REVIEW (DRBPM1) (Unadvertised)
III. SDP PHASE II - EPC FINAL REVIEW & APPROVAL (EPC14) (Public Hearing)
IV. SDP PHASE II - DRB FINAL SIGN-OFF (DRBPM2) (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
   - Sign Posting Agreement form
   - Traffic Impact Study (TIS) form (for EPC public hearing only)
   - Fee for EPC public hearing 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.

V. 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.

VI. AMENDED TO SECTOR DEVELOPMENT MAP (EPC03)
VII. 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/amenagement 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
   - 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.

VIII. 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.

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

[Signature]
Applicant name (print)

[Signature]
Applicant signature & Date

[Signature]
Staff signature & Date

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

Application case numbers

RZ-2012 - 0000

Project # 1011313

Revised: June 2011
FORM P(1): SITE DEVELOPMENT PLAN REVIEW – EPC PUBLIC HEARING

☐ SITE DEVELOPMENT PLAN FOR SUBDIVISION (EPC16) Maximum Size: 24" x 36"
- 0 acres or more and zoned SU-1, IP, SU-2, PC, or Shopping Center: Certificate of No Effect or Approval
- Scaled Site Development Plan and related drawings (folded to fit into an 8.5" by 14" pocket) 15 copies
- For IP master development plans, include general building and parking locations, and design requirements for buildings, landscaping, lighting, and signage.
- Site Development Plans and related drawings reduced to 8.5" x 11" (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 Neighborhood Coordination inquiry response, notification letter, certified mail receipts
- Completed Site Development 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 AND/OR WAIVER OF STANDARDS FOR WIRELESS TELECOM FACILITY (WTF) (EPC17) Maximum Size: 11" x 17"
- 5 acres or more and zoned SU-1, IP, SU-2, PC, or Shopping Center: Certificate of No Effect or Approval
- Scaled Site Development Plan and related drawings (folded to fit into an 8.5" by 14" pocket) 15 copies.
- Site Development Plan for Subdivision, if applicable, previously approved or simultaneously submitted. (Folded to fit into an 8.5" by 14" pocket) 15 copies.
- Site Development Plans and related drawings reduced to 8.5" x 11" (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 Neighborhood Coordination inquiry response, notification 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 waiver requests of a wireless regulation requirement, the following materials are required in addition to those listed above:
- Collocation evidence as described in Zoning Code §14-16-3-17(C)(2)
- Notarized statement declaring number of antennas accommodated. Refer to §14-16-3-17(D)(1)(d)(i)
- 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(D)(1)(d)(ii)
- 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(D)(1)(d)(v)
- Registered engineer or architect's stamp on the Site Development Plans. Refer to §14-16-3-17(D)(1)(d)(iv)
- Office of Neighborhood Coordination inquiry response based on ¼ mile radius, notification letter, certified mail receipts
- Map showing 100 foot buffer (excluding ROW) around the site, list of property owners, certified mail receipts

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"
- Proposed amended Site Development Plan (folded to fit into an 8.5" by 14" pocket) 15 copies
- DRB signed Site Development Plan being amended (folded to fit into an 8.5" by 14" pocket) 15 copies
- DRB signed Site Development Plan for Subdivision, if applicable (required when amending SDP for Building Permit) 15 copies
- Site plans and related drawings reduced to 8.5" x 11" (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 Neighborhood Coordination inquiry response, notification letter, certified mail receipts
- Sign Posting Agreement
- Completed Site Development Plan for Building Permit Checklist (not required for SPS amendment)
- 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.

Applicant name (print) ____________________________
Applicant signature / date __________________________

☐ Checklists complete
☐ Fees collected
☐ Case # assigned
☐ Related # listed

Application case numbers

Form revised August 2017

Project #: 1011313

5-16-15
Planner signature / date
May 2, 2018

Wade L. Jackson
Sutin Thayer & Browne
Post Office Box 1945
Albuquerque, NM 87103-1945
Phone: 505.883.3431 Email: WJ@sutinfirm.com

Re: 205 Edith Boulevard, NE

Dear Mr. Jackson,

Sutin, Thayer & Browne, A Professional Corporation, represents McKown Belanger Associates and is authorized to submit an application for a zone map amendment on its behalf.

Thank you for your assistance with this matter. Please contact me if you have any questions.

Sincerely,

C. Sherwood

Camille Sherwood
for MBA – McKown Belanger Associates
CITY OF ALBUQUERQUE
TRAFFIC IMPACT STUDY (TIS) FORM

APPLICANT: McKee, Belanger Assoc.  DATE OF REQUEST: 5/8/18  ZONE ATLAS PAGE(S): K-14-7

CURRENT:
ZONING  SU-2 MR
PARCEL SIZE (AC/SQ. FT.)  12 acres

REQUESTED CITY ACTION(S):
ANNEXATION [ ]
ZONE CHANGE [ X ]: From SU-2 MR To SU-2 MR
SECTOR, AREA, FAC, COMP PLAN [ ]
AMENDMENT (Map/Text) [ ]

LEGAL DESCRIPTION:
LOT OR TRACT # 7
BLOCK # 1
SUBDIVISION NAME Hunting Highland Add

SITE DEVELOPMENT PLAN:
SUBDIVISION* [ ] AMENDMENT [ ]
BUILDING PERMIT [ ] ACCESS PERMIT [ ]
BUILDING PURPOSES [ ] OTHER [ ]
*Includes platting actions

GENERAL DESCRIPTION OF ACTION:
# OF UNITS: 1
BUILDING SIZE: ~1400 (sq. ft.)

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

APPLICANT OR REPRESENTATIVE  WEISGEL  DATE 5/8/18
(To be signed upon completion of processing by the Traffic Engineer)

Planning Department, Development & Building Services Division, Transportation Development Section - 2nd Floor West, 600 2nd St. NW, Plaza del Sol Building, City, 87102, phone 924-3964

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

THRESHOLDS MET? YES [ ] NO [X] 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.

TRAFFIC ENGINEER  5/8/18

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  / /  -FINALIZED  / /  TRAFFIC ENGINEER  DATE

Revised January 20, 2011
July 27, 2018

HAND DELIVERED

Environmental Planning Commission
City of Albuquerque
600 2nd St. NW
Albuquerque, NM 87102

Amendment to Zone Map for
205 Edith Blvd. NE

Dear Commission Member:

The enclosed application seeks an amendment to the zone map on behalf of McKown, Belanger Associates ("MBA"), an Albuquerque interior design firm. This letter will address the issues identified in Resolution 270-1980 and the policies identified in the City of Albuquerque Comprehensive Plan ("Comp Plan").

Background

MBA purchased the house at 205 Edith Blvd. NE in November, 2017, after it had been renovated, and relocated its business to that location in late December. It was not until the weekend of April 14-15, 2018, when it received a Notice of Violation, that MBA learned that the house it had purchased was zoned for residential use only. The enclosed application seeks an amendment of the zone map from SU-2/MR to SU-2/SU-1 for O-1 permissive uses. The application seeks to change the zone map to match existing uses, not to allow new or different uses.

MBA is a commercial interior design firm with a staff of three that sells design services only. Its clients are primarily located outside of New Mexico, so its office has very little foot or vehicle traffic. Staff currently utilizes the house's driveway and off-street parking behind the house that is shielded from view behind a privacy fence. MBA chose to relocate to this location due to the historic nature and relative quiet of the neighborhood, as well as its mixed use environment, with restaurants and other business within walking distance of the site. Because of the firm's interest in the historical quality of the house and surrounding neighborhood, and the understanding of the need for maintaining the streetscape, MBA recently completed landscape renovations at the property. MBA's plans for landscaping and improving the property are residential in feel and were submitted to the City for approval.
July 27, 2018
Page 2

To follow is the Resolution 270-1980 analysis to show how the requested zone map amendment will further the goals set forth in the Comp Plan and are consistent with the growth and development patterns desired by the City.

Section 1(A)

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

The change requested herein is consistent with the health, safety, morals, and general welfare of the City because the request will further the outlined goals and policies of the Comp Plan as demonstrated in Sections C and D of this request. The allowed uses under SU-1 for permissive O-1 uses will not be harmful to adjacent property, the neighborhood, or the community as demonstrated in Section E. MBA’s employees will be at work when residents of homes in the neighborhood are away at work, thereby creating a presence and deterring crime and loitering. Because its clientele is mostly outside of Albuquerque, MBA’s presence in the residential neighborhood will not increase traffic more than a residence would, and the building has no exterior signage to detract from the neighborhood feel. MBA’s office will not use utilities or generate waste in excess of the average household. The office will not require any changes to the existing infrastructure. The office uses MBA requests are already present in the vicinity, which support neighborhood scale and employment opportunities at this appropriate location. As will be discussed in detail below, MBA’s requested change will clearly facilitate the applicable provisions of the Comp Plan.

Section 1(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.”

Ironically, the change to the zone map will actually support stability of land use and zoning rather than defeat it. As stated above, it is critically important to understand that MBA only seeks a change to the zone map to match its existing use (and that of a number of neighbors), not to allow new or different uses. The Planning Department itself, in its comments on MBA’s application, acknowledges that the property exists on an island of R-1 uses surrounded by multi-family and neighborhood commercial uses, and questions whether maintaining that island of residential zoning remains desirable.

Of course, the O-1 zone has a list of permissive uses, which will also ensure stability and limit negative impacts on surrounding residential properties. Furthermore, the property will be controlled by the accompanying site plan, so the Commission will have the opportunity to approve particular uses among that list of permissive uses, rather than the entire list. Declining to amend the zone map to allow existing uses to continue will require existing businesses and
multi-tenant rentals to relocate and houses that have been converted to those uses to be
reconstructed into residences, including the removal of a parking lot at a neighboring office.

Section 1(C)

Because MBA’s application seeks a “spot zone,” as is discussed in detail below with regard to
Section 1(I), the requirement of Section 1(C) that “[a] proposed change shall not be in significant
conflict with adopted elements of the Comprehensive Plan or other City master plans” is
superseded by the requirement of Section 1(I) that “the [zone] change will clearly facilitate
realization of the Comprehensive Plan and any applicable adopted sector development plan or
area development plan. . . .”

MBA’s requested change will clearly facilitate the applicable provisions of the Comp Plan. For
many of the reasons discussed above, MBA’s office would not fit in a traditional commercial
area and MBA would likely have relocated to an outlying area rather than choosing the kind of
mixed-use infill that the Comprehensive Plan advocates. See Comp Plan Section 5.1.1. Indeed,
the Comp Plan encourages “mixed-use areas—those with compatible residential and non-
residential uses within walking distance of each other. . . .” Id. One of its primary strategies for
doing so to direct growth to Centers and Corridors. The vast majority of the neighborhood in
which MBA’s property is located is, as anyone who has visited recently can attest, an Area of
Change. The transition from residential properties to offices and other small commercial
operations began to occur organically. It is only natural for the zoning to follow suit. Section
5.1.2 of the Comp Plan provides that the City should remove barriers to high-quality infill, rather
than create them through selective application of the zone map. In this way, approving the
amendment to the zone map will help satisfy the following policies from Chapter 5 (Land Use)
of the Comp Plan.

Policy 5.1.8: Premium Transit Corridors: Foster corridors that prioritize high-
capacity, high-frequency transit service, with mixed-use, transit-oriented
development within walking distance of transit stations.

MBA’s property is within a Premium Transit Corridor, within which the City prioritizes mixed-
used development. This Policy supports MBA’s application.

Policy 5.1.10: Major Transit Corridors: Foster corridors that prioritize high-
frequency transit service with pedestrian-oriented development.

Perhaps inadvertently, MBA’s requested amendment will minimize negative impacts on the
neighborhood by providing a transition between development along the Central Avenue Transit
Corridor and abutting single-family residential uses. As will be discussed in more detail below,
several blocks along Central Ave. seem to attempt to provide this buffer with zoning that allows
commercial uses, but with no discernable pattern other than perhaps the existing uses of the
buildings.
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.

MBA’s request will foster a community where residents can live, work, and shop. According to the goals of its own Comp Plan, the City should support the continuing transition of residential properties to house offices.

Policy 5.3.1: Infill Development: Support additional growth in areas with existing infrastructure and public facilities.

To reiterate, MBA’s application will allow infill development and avoid sprawl by allowing an existing business to relocate to an area with existing infrastructure and public facilities.

Policy 5.3.2: Leapfrog Development: Discourage growth in areas without existing infrastructure and public facilities.

By the same token, allowing MBA’s to relocate to the Downtown area will keep it from finding a new location, likely at or near the urban edge for a number of reasons.

Policy 5.4.1: Housing near Jobs: Allow higher-density housing and discourage single-family housing near areas with concentrated employment.

Although MBA’s application only seeks to amend the zone map to match existing uses, it will have the effect of discouraging single-family housing near areas with concentrated employment.

MBA’s application will not be contrary to any of Comp Plan’s policies. The Planning Department’s comments on MBA’s application indicate that Policy 5.6.3 indicates that the character of the existing single-family neighborhood should be protected and enhanced because MBA’s property is located within an Area of Consistency. But this Policy simply cannot apply in the way the Planning Department suggests. As the map on the first page of the Agency Comments shows, five-eighths of the block on which MBA’s property sits is an Area of Change. This includes the houses next door and directly behind MBA’s. Three of eight houses on the block does not constitute a “single-family neighborhood,” particularly where some of the other five buildings already house the sorts of O-1 uses MBA seeks. The character of three single-family homes cannot be protected and enhanced under Policy 5.6.3 where higher-density housing and mixed-use development are encouraged at the house next door under Policy 5.6.2. Where the Comp Plan defines the “areas” of consistency and change as a single home, those designations are meaningless because the policies attached to each of them compete with the other.
Granting MBA’s application will help deter sprawl. It will encourage development where adequate infrastructure and community services exist and in an area with a highly connected street grid and frequent transit service. MBA’s use will be very low-impact, however, thereby minimizing the negative impacts of development on existing residential uses with respect to noise, stormwater runoff, contaminants, lighting, air quality, and traffic. Granting the application would clearly facilitate the goals and policies of the Comp Plan.

The Huning Highland Sector Development Plan calls for SU-2 zoning 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. Goal 4.1 of the Comp Plan is similar to the first of these goals, and clearly supports MBA’s application. Pursuant to Goal 4.1, the City is to “encourage quality development that is consistent with the distinct character of communities.” MBA’s requested change will have no impact on the special neighborhood characteristics. Its site plan-controlled use will not include exterior signage or customer parking. This application constitutes the careful control and coordination of mixed uses required by the Sector Development Plan. Approval of the application, considering the absence of opposition from neighbors, satisfies the goals and objectives of the plan.

Similarly, Goal 4.2 supports MBA’s application. It calls for the City to “engage communities to identify and plan for their distinct character needs.” Not a single member of the community has opposed MBA’s application, and several have stopped by the location to discuss it and express support. Denying the application on the grounds that the Planning Department feels the character of the existing single-family neighborhood should be protected and enhanced, for example, would be directly contrary to Goal 4.2.

Section 1(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) and (2) above do not apply.”

The existing zoning is inappropriate because neighborhood or community conditions have changed sufficiently to justify the zone map amendment and a change to the zone map is necessary to reflect current uses. One house on the same block as MBA is being used as a home office and two others comprise multiple rental units. A house in the block directly north of MBA is being used as offices (a law office, no less). The house directly across the street to the east is being used to film a television series, and is a tourist attraction that invites vehicle and pedestrian traffic far in excess of any of the aforementioned businesses. The changed neighborhood and
community conditions therefore justify the change to the zone map. The SU-1 zone for permissive O-1 uses would also be more advantageous to the community for the simple reason that leaving the existing zone map in place will require the City to either shut down a number of existing businesses or litigate the propriety of the map and its selective enforcement thereof.

The entire Huning Highland sector is currently zoned SU. If other homes in the area have a variance or other exception allowing them to serve solely as commercial endeavors and not residences or home businesses, MBA should have the opportunity to obtain the same variance. If they do not, the City should consider re-zoning the entire block. At least half of the houses on the block, which will continue to be zoned as single-family residential under the IDO, comprise businesses or multiple rental units. The City will therefore have to shut down or relocate those businesses.

There are a number of mixed-use areas in the sector that would allow MBA to continue operating its business at its current location. Indeed, it appears that in many instances the zoning was chosen based on the use of the buildings, and not the other way around. For example, the mixed-use area at 501 Central NE encompasses three buildings to the north of Central, but only two buildings in the next block to the east, four buildings in the next block, then three buildings again in the next block. If these existing businesses are being “grandfathered” into an area that would otherwise be zoned residential, the same should be done for MBA’s location and its neighbors that are operating businesses in homes.

Section 1(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.”

For the reasons discussed above, none of the permissive uses in the SU-1 zone for permissive O-1 uses would be harmful to the adjacent property, the neighborhood, or community. They would, in fact, further the City’s own policies and benefit the neighborhood. Dwelling units and offices are present throughout the neighborhood. Incidental uses with such a building and a residential program would be perfectly consistent with the existing uses. A beauty or barber shop, a club (without a liquor license), a medical supply facility, a photocopy or photography studio, or a radio or television studio or antenna would not differ materially from the residential and commercial uses currently located within the neighborhood and could offer residents services for which they are not required to travel. Most of the permissive uses are simply not economically feasible for this location, such as a church, an institution, park-and-ride facilities, a parking lot, a public utility structure, an on-premise sign, a storage structure or equipment yard, and a wireless telecommunications facility.

Furthermore, the property will be controlled by the site plan accompanying the application, so the Commission will have the opportunity to approve particular uses among that list of permissive uses, rather than the entire list. Declining to amend the zone map to allow existing uses to continue will require existing businesses and multi-tenant rentals to relocate and houses
that have been converted to those uses to be reconstructed into residences, including the removal of a parking lot at a neighboring office.

Section 1(F)

“A proposed zone change which, to be utilized through land development, requires major and unprogrammed capital expenditures by the City may be:

(1) denied due to lack of capital funds, or

(2) granted with the implicit understanding that the City is not bound to provide the capital improvements on any special schedule.”

The zone change will not require capital expenditures by the City. At the risk of redundancy, MBA seeks the zone map amendment to reflect current uses, not to allow new or different ones. Any capital expenditures required by the current land use have been made.

Section 1(G)

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

MBA does not assert that the cost of land or other economic considerations should determine the outcome of its application.

Section 1(H)

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

MBA’s property is not located on a collector or major street and MBA does not assert that its location is itself justification for its application.

Section 1(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.”

The application may appear to be a disfavored spot zone. In fact, the entire three-block area
already appears to be both spot-zoned and zoned incorrectly. 301 Edith Blvd. NE is zoned SU-2
RO, but houses a law firm. 123 Edith Blvd. NE is zoned M-R, the only property on the block
that is so zoned. The building to the south at 423 Central Ave. NE is zoned SU-2 RO, while the
building at the northeast corner of Central and Arno is zoned SU-2 SU-1 PUD. Half of the block
at the northeast corner of Central and Edith is zoned SU-2 MR while the other half is SU-2 CRZ.
The block to the east includes the same combination of zoning, but with different numbers of
buildings in each zone. That pattern is repeated along each side of Central. In this
neighborhood, spot zoning is the rule, not the exception.

Nevertheless, as discussed in detail above, MBA’s requested change will clearly facilitate
realization of a number of the Comp Plan’s policies.

Section 1(f)

“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 only be
approved where: (1) the change will clearly facilitate realization of the Comprehensive Plan and
any adopted sector development plan or area 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 uses allowed in any adjacent zone due to traffic or
special adverse land uses nearby.”

MBA’s property is not a strip of land along a street, and its application does not request a strip
zone.

Finally, the equity of the situation demands that MBA’s application be granted. The City has not
enforced the existing zone map that prohibits several neighboring properties from operating
businesses and multi-tenant rentals. Enforcing the zone map will force MBA to relocate its
office, renovate the building back into a residence, and then sell the house, all while ignoring the
zoning and building code violations engaged in by MBA’s neighbors.
Very truly yours,

SUTIN, THAYER & BROWNE
A Professional Corporation

By

Wade L. Jackson
Albuquerque Office
Catalina,

Thank you for your time this morning. I would like to clarify that MBA is seeking a change from SU-2/MR to SU-2/SU-1 for O-1 permissive uses only.

Can you please let us know how many copies of the site plan you will need? Thank you.

Wade L. Jackson
Post Office Box 1945
Albuquerque, NM 87103-1945
Telephone 505.883.3431
Fax 505.855.9514
WLJ@sutinfirm.com
https://ddej3-0-
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Biography

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This message has been analyzed by Deep Discovery Email Inspector.
Thank you for your payment. Have a nice day!
NOTIFICATION &
NEIGHBORHOOD INFORMATION
May 10, 2018

VIA CERTIFIED MAIL

Bonnie Anderson
Huning Highland Historic District Association
321 High St. SE
Albuquerque, NM 87102

Dear Ms. Anderson:

This firm represents McKown, Belanger Associates ("MBA"), an Albuquerque commercial interior design firm with a staff of three. MBA purchased the house at 205 Edith Blvd. NE in November, 2017, and relocated its business to that location in late December. MBA’s clients are primarily located out of state, so its office has very little foot or vehicle traffic and no exterior signage.

It was not until the weekend of April 14-15, 2018, when it received a Notice of Violation, that MBA learned that the house it had purchased was zoned for residential use only. MBA is therefore applying to the City of Albuquerque for an amendment to the zone map from the existing zoning of SU-2 to SU-1. The application seeks to change the zone map to match existing uses, not to allow new or different uses.

Staff currently utilizes the driveway and curbside parking in front of the house, but MBA is installing new landscaping that will allow for all parking to be off-street behind the house and behind a privacy fence that will block the parking from view from the street. MBA chose to relocate to this location due to the historic nature and relative quiet of the neighborhood. Because of the firm’s interest in the historical quality of the house and surrounding area, and the understanding of the need for maintaining the streetscape, plans for landscaping and improving the property are residential in feel and have been submitted to the City for approval.

The requested change is consistent with the health, safety, morals, and general welfare of the City, and in fact benefit them. MBA’s employees will be at work when residents of homes in the neighborhood are away at work, thereby creating a presence and deterring crime and loitering. Because its clientele is mostly outside of Albuquerque, MBA’s presence in the area will not
increase traffic, and the building has no exterior signage to detract from the neighborhood feel. MBA’s office will not use utilities or generate waste in excess of the average household. The office will not require any changes to the existing infrastructure.

As is detailed in MBA’s application, the requested change does not conflict with the City’s Comprehensive Plan or the current uses of adjacent properties. The zone change will not require capital expenditures by the City. Because MBA seeks the zone map amendment to reflect current uses, any capital expenditures required by the current land use have been made.

I welcome your input, as the consent of the owners of neighboring properties is important to the City’s approval of MBA’s application. The City of Albuquerque Environmental Planning Commission will hold a hearing on MBA’s application on July 12, 2018 at 8:30 a.m. in the Plaza del Sol hearing room at 600 2nd St. NW. The legal description of the property is Lot 7, Block 12, Huning’s Highland Addition to the City of Albuquerque, New Mexico, as the same is shown and designated on the map of said addition filed in the Office of the Probate Clerk and Ex-Officio Recorder of Bernalillo County, New Mexico, on May 12th, 1887.

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 or by phone at (505) 768-4712 or (505) 768-4660.

Very truly yours,

SUTIN, THAYER & BROWNE
A Professional Corporation

By

Wade E. Jackson
Albuquerque Office
Wade L. Jackson

From: Quevedo, Vicente M. <vqueuevo@cabq.gov>
Sent: Tuesday, May 08, 2018 2:04 PM
To: Wade L. Jackson
Subject: Notification Inquiry_205 Edith_EPC
Attachments: Page_K-14-Z.PDF; Notification Inquiry_205 Edith_EPC.xlsx; INSTRUCTION SHEET FOR APPLICANTS.pdf

Wade,

Good afternoon. See list of affected associations below and attached related to your upcoming EPC submittal. Please also review the attached instruction sheet.

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<th>Association Name</th>
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<td>Broadway Central Corridors Partnership Incorporated</td>
<td>Jim</td>
<td>Maddox</td>
<td><a href="mailto:jim@maddoxrealtors.com">jim@maddoxrealtors.com</a></td>
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<tr>
<td>Broadway Central Corridors Partnership Incorporated</td>
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<td>Dickson</td>
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<td>Huning Highland Historic District Association</td>
<td>Ann</td>
<td>Carson</td>
<td><a href="mailto:a.louisa.carson@gmail.com">a.louisa.carson@gmail.com</a></td>
<td>416 Main</td>
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<tr>
<td>Huning Highland Historic District Association</td>
<td>Bonnie</td>
<td>Anderson</td>
<td><a href="mailto:andersonbonnie505@gmail.com">andersonbonnie505@gmail.com</a></td>
<td>321 H</td>
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</table>

Respectfully,

Vicente M. Quevedo, MCRP
Neighborhood Liaison
Office of Neighborhood Coordination
City of Albuquerque – City Council
(505) 768-3332

Website: www.cabq.gov/neighborhoods

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From: webmaster=cabq.gov@mailgun.org [mailto:webmaster=cabq.gov@mailgun.org] On Behalf Of webmaster@cabq.gov
Sent: Tuesday, May 08, 2018 9:12 AM
To: Office of Neighborhood Coordination <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
Wade Jackson
Company Name
Sutin, Thayer & Browne
Address
6100 Uptown Blvd. NE Suite 400
City
Albuquerque
State
NM
ZIP
87110
Telephone Number
5058833431
Email Address
wlj@sutinfirm.com
Anticipated Date of Public Hearing (if applicable):
July
Describe the legal description of the subject site for this project:
Lot 7 in Block 12 of the Huning's Highland Addition.
Located on/between (physical address, street name or other identifying mark):
205 Edith NE
This site is located on the following zone atlas page:
K-14

This message has been analyzed by Deep Discovery Email Inspector.
Good morning Wade,

Here is the buffer map information you requested. If you have any question please feel free to give me a call.

Thank you,

Geraldine Delgado
Senior Office Assistant
Planning Department
600 2nd St NW
Albuquerque, NM 87102
505-924-3860
gdelgado@cabq.gov
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<td>Complete items 1, 2, and 3.</td>
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<td>Print your name and address on the reverse so that we can return the card to you.</td>
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<td>Attach this card to the back of the mailpiece, or on the front if space permits.</td>
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1. Article Addressed to:  

KOPAN MARIA  
4117 MACKLAND AVE NE  
ALBUQUERQUE NM 87110-7713

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<tr>
<td>B. Received by (Printed Name)</td>
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<td>C. Date of Delivery</td>
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D. Is delivery address different from item 1?  
If YES, enter delivery address below:  

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PS Form 3811, July 2015 PSN 7530-02-000-9055

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1. Article Addressed to:  

GALLEGOS MEDINA MARIA DANETTE  
5 APPLEWOOD LN NW  
ALBUQUERQUE NM 87107

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D. Is delivery address different from item 1?  
If YES, enter delivery address below:  

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PS Form 3811, July 2015 PSN 7530-02-000-9053

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1. Article Addressed to:  

EDITH PARTNERSHIP  
301 EDITH BLVD NE  
ALBUQUERQUE NM 87102

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PS Form 3811, July 2015 PSN 7530-02-000-9053
PRATER LORI A
400 COPPER AVE NE APT 303
ALBUQUERQUE NM 87102-3446

WRAY JOHN A CO TR WRAY RVT
621316 POMAIKAI PL
KAMUELA HI 96743
**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

   NYURO MICHAEL & JULIE SHOUGH
   6890 JASPER ST
   ALTA LOMA CA 91701

2. Article Number (Transfer from service label)

   7005 1160 0001 1253 4853

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**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

   LUND CARL M TRUSTEE  CARL M LUND
   400 COPPER AVE NE APT 302
   ALBUQUERQUE NM 87102-3446

2. Article Number (Transfer from service label)

   7005 1160 0001 1253 4860

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**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

   OTHART CHRISTINE M
   409 TIERAS AVE NE
   ALBUQUERQUE NM 87102

2. Article Number (Transfer from service label)

   7005 1160 0001 1253 4877
### SENDER: COMPLETE THIS SECTION
- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

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<td>VISE DAVID R</td>
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### COMPLETE THIS SECTION ON DELIVERY
- A. Signature
- B. Received by (Printed Name)
- C. Date of Delivery
- D. Is delivery address different from item 1? Yes/No

### SENDER: COMPLETE THIS SECTION
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### COMPLETE THIS SECTION ON DELIVERY
- A. Signature
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1. Article Addressed to:

EDO PROPERTIES LLC
201 ARNO ST NE APT 404
ALBUQUERQUE NM 87102-4479

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| PS Form 3811, July 2015 PSN 7530-02-000-9053 |

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1. Article Addressed to:

OTWAY ANATOL
202 EDITH BLVD SE
ALBUQUERQUE NM 87102

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1. Article Addressed to:

OKUNOR SHIAME C/O THE LEBECK CO LLC
916 LOMAS BLVD NW
ALBUQUERQUE NM 87102-1954

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1. Article Addressed to:
FIRST NATL BANK/CITY OF ALBUQUER
BANK OF THE WEST
Bl 281
P.O. BOX 5155
SAN RAMON CA 94583-5155

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1. Article Addressed to:
REDFORD BRUCE B & CROWLEY DEN
202 EDITH BLVD NE
ALBUQUERQUE NM 87102-3526

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1. Article Addressed to:
FRITZSCHE ELIZABETH H
6715 GUADALUPE TRL NW
ALBUQUERQUE NM 87107

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</table>
Bonnie Anderson
Huning Highland Historic District Association
321 High Street NE
Albuquerque, NM 87102

9590 9402 2017 6123 9661 88

Jim Maddox
Broadway Central Corridors Partnership Inc
515 Central Ave NE
Albuquerque, NM 87102

9590 9402 2394 6249 1020 22

Ann Carson
Huning Highland Historic District Association
416 Walter SE
Albuquerque, NM 87102

9590 9402 2017 6123 9668 98
SENDOR: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
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1. Article Addressed to:

Rob Dickson
Broadway Central Corridors Partnership Inc
PO Box 302
Albuquerque, NM 87103

2. Article Number (Transfer from service label)

7015 1520 0001 8122 1826

PS Form 3811, July 2015 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature

☐ Agent
☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes ☐ No

If YES, enter delivery address below:

SENDOR: COMPLETE THIS SECTION

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1. Article Addressed to:

Albuquerque Loft Developers LLC
400 Copper Avenue NE
Albuquerque, NM 87102

2. Article Number (Transfer from service label)

7015 1520 0001 8122 1826

PS Form 3811, July 2015 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature

☐ Agent
☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes ☐ No

If YES, enter delivery address below:

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1. Article Addressed to:

Mary Keeling Spare
201 Edith Blvd NE
Albuquerque, NM 87102-3525

2. Article Number (Transfer from service label)

7016 3010 0001 0630 9661

PS Form 3811, July 2015 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature

☐ Agent
☐ Addressee

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C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes ☐ No

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<tr>
<td>GOLDBERG LINDA B &amp; MICHAEL L</td>
<td></td>
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<tr>
<td>1000 N RANDOLPH ST</td>
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<td>ARLINGTON VA 22201-5627</td>
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<td>If YES, enter delivery address below:</td>
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<td>BRIGGS LIZZ</td>
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<tr>
<td>1600 MILLERTOWN RD</td>
<td></td>
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<tr>
<td>AUBURN CA 95603</td>
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</tr>
<tr>
<td>WANSA RVT</td>
<td></td>
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<tr>
<td>200 EDITH BLVD NE</td>
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<tr>
<td>ALBUQUERQUE NM 87102-3526</td>
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1. Article Addressed to:

   JAB RE INVESTMENTS LLC C/O SHERWOOD STEVE F & CAMILLE L 7112 CASA ELENA DR NE ALBUQUERQUE NM 87113-1154

2. Article Number (Transfer from service label)

   7005 1160 0001 1253 4846

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PS Form 3811, July 2015 PSN 7530-02-009-9053

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Domestic Return Receipt
June 14, 2018

Environmental Planning Commission
Plaza Del Sol Building
600 2nd St. NW
ABQ, NM

The Board of Huning Highlands Historic District Association voted at our monthly meeting on June 6, 2018, to oppose the request for a zoning amendment from the owners of 205 Edith Blvd. NE. The house they bought is zoned for residential use only and they are now using that house to operate a business without any resident. The Board has supported residents who want to operate a business out of their home, but we do not support the use of a home solely to operate a business. No matter how low impact that business may be on the neighborhood, we do not want to set a precedent.

Sincerely,

Bonnie Anderson
President, HHHDA
321 High St. SE, ABQ, 87102
andersonbonnie505@gmail.com
14 June 2018

Ms. Catalina Lehner
EPC, City of Albuquerque Planning Department
600 2nd Street NW, 3rd Floor
Albuquerque, NM 87102

Dear Ms. Lehner:

We are writing in opposition to the request for a zoning amendment that you have received from the owners of 205 Edith Boulevard NE. The owners’ arguments, as set forth by their lawyer, are unpersuasive at best and fallacious at worst.

The owners claim that, when they purchased the property, they were unaware of the zoning regulations governing the neighborhood. This claim suggests, at the very least, a lack of due diligence: ignorance of the law has never been a valid excuse for breaking the law. In addition, we find the claim disingenuous—witness the fact that the owners moved swiftly to create a fait accompli by converting the back garden into a parking lot and by redesigning the front garden. It is not irrelevant to note that the firm they employed violated a city regulation stipulating that work of this kind not begin before 7 AM.

As the owners and residents of 202 Edith NE, directly across the street from 205, we are proof that the owners’ second claim is unpersuasive. They argue that they will be improving security by running a daytime business while most people are away at work. This is in fact not the case: both of us are retired and therefore we live at home. Indeed the majority of those in the immediate neighborhood are either retired, semi-retired, or doing freelance work from home. It is customers coming and going from the owners’ establishment who pose a risk to security—not absent residents.

Finally, as architectural historians whose areas of expertise include the making and unmaking of American cities, we know that amendments of this kind often lead to the decay rather than the improvement of inner-city neighborhoods. Huning Highlands has fought hard to maintain its historic, residential character. It would be a great shame to erode the protections that have preserved one of Albuquerque’s most attractive districts.

Sincerely,

Bruce Redford    Dennis Crowley
June 13, 2018

Ms. Catalina Lehner
EPC
City of Albuquerque Planning Department
600 2nd Street NW
3rd Floor
Albuquerque, New Mexico 87102

Re: EPC 2018-0012

Dear Ms. Lehner,

I am a neighbor of 205 Edith Blvd. NE living at 121/123 Edith NE.

I am in opposition of allowing an amendment to the Zone Map for 205 Edith NE for multiple reasons. This is a residential block in the Huning Highland Historic District and to allow commercial use for one home in the middle of a residential block creates a spot zone and certainly creates a precedent that is detrimental to the nature of the entire Historic Protected Huning Highland Addition neighborhood.

In response to the letter sent to the neighbors by the applicant’s attorneys Sutin, Thayer, and Brown, I have several comments to question their justifications to allow an Amendment to Zoning:

1. It is stated that while McKown, Belanger Associates purchased the property in November 2017 and they were not aware of the zoning violation until April 14-15, 2018. It is obvious that all the homes in the block are residential not commercial. Their attorneys even refer to the property as a home. The buyers and their Realtor are responsible for reasonable Due Diligence prior to purchasing a property to know the zoning and the restrictions of the zoning. Ignorance or disregard of the zoning code isn’t a valid excuse to violate the code and the Huning Highland Sector Plan. Nor should ignorance or disregard be used to justify a zone change.

2. The argument that the presence of a business is consistent with the safety of the neighborhood and that their presence contributes in a positive manner since they are present during the day when people are at work is ridiculous. It only proves to discredit this statement. Many of the neighbors are at retirement age and are at home during the day. Personally, I have never seen any associate of McKown, Belanger nor have they made any effort to introduce themselves to me nor to any of the neighbors to my knowledge. Nor have they engaged in any neighborhood activity including attending Neighborhood Meetings since they moved in the December 2017. Their contribution to the safety of the neighborhood is non-existent to the best of my knowledge.

3. The landscaping mentioned in the letter from Sutin, Thayer, and Brown as a justification is immaterial and is a deceptive comment. The front landscaping was started during the first week of June 2018 and continues as of today. This is considerably after notification that the applicant was in violation of the zoning code and the delivery of the letter from their attorneys. I can only assume that it was done to give the impression that they are financially committed to the property but timing is everything. In any case, landscaping is not a factor to the basic question of a zoning violation.

I thank you for taking the time to read this letter and hope that my concerns will be taken into serious consideration in the matter. It is imperative that we protect the nature of our beautiful historic overlay district as the first residential subdivision of Albuquerque for future generations.

Lauren Austin, Vice-Chairman of the Landmark Commission
121 Edith Blvd. NE
Albuquerque, New Mexico 87102

505-459-2844
SITE DEVELOPMENT PLAN REDUCTIONS