



Environmental Planning Commission

***Agenda Number: 03
Project #: 2018-001840
RZ-2018-00053
Hearing Date: February 14, 2019***

Staff Report

<i>Agent</i>	Jeannett A. Martinez
<i>Applicant</i>	Rosario Roman
<i>Request</i>	Zone Map Amendment (Zone Change)
<i>Legal Description</i>	Lot 13, Block 25, University Heights 123 Girard Blvd. SE, on the northwest corner of Girard Boulevard SE and Silver Avenue SE
<i>Location</i>	
<i>Size</i>	0.2 acres
<i>Existing Zoning</i>	RM-L
<i>Proposed Zoning</i>	MX-T

Staff Recommendation

**APPROVAL of
Project # 2018-001840
RZ-2018-00053**

***Staff Planner
Cheryl Somerfeldt***

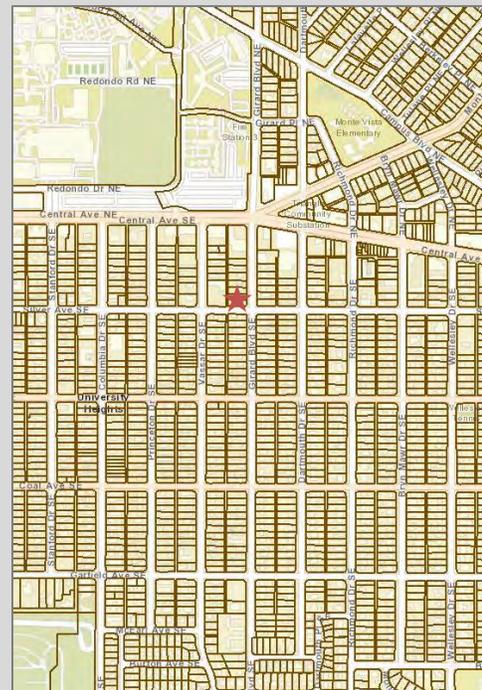
Summary of Analysis

This is a request for a Zone Map Amendment (Zone Change) located on the east edge of the University Heights neighborhood, and just outside of the western boundary of the Nob Hill neighborhood.

The request is to re-zone the property from the existing R-ML, Residential-Multi-Family Low Density Zone District, to the MX-T, Mixed-Use-Transition Zone District in order to use the existing 4300 square foot building for a mix of office and residential uses. The applicant wishes to operate a medical office / wellness clinic on the ground floor of the main house and apartments upstairs and in the back of the house for a total of 5 dwelling units.

The applicant notified the neighborhood associations and the property owners within 100 feet of the subject site as required. The applicant attended neighborhood meetings with the University Heights Association, the Nob Hill Association, and the Silver Hills Association.

Map



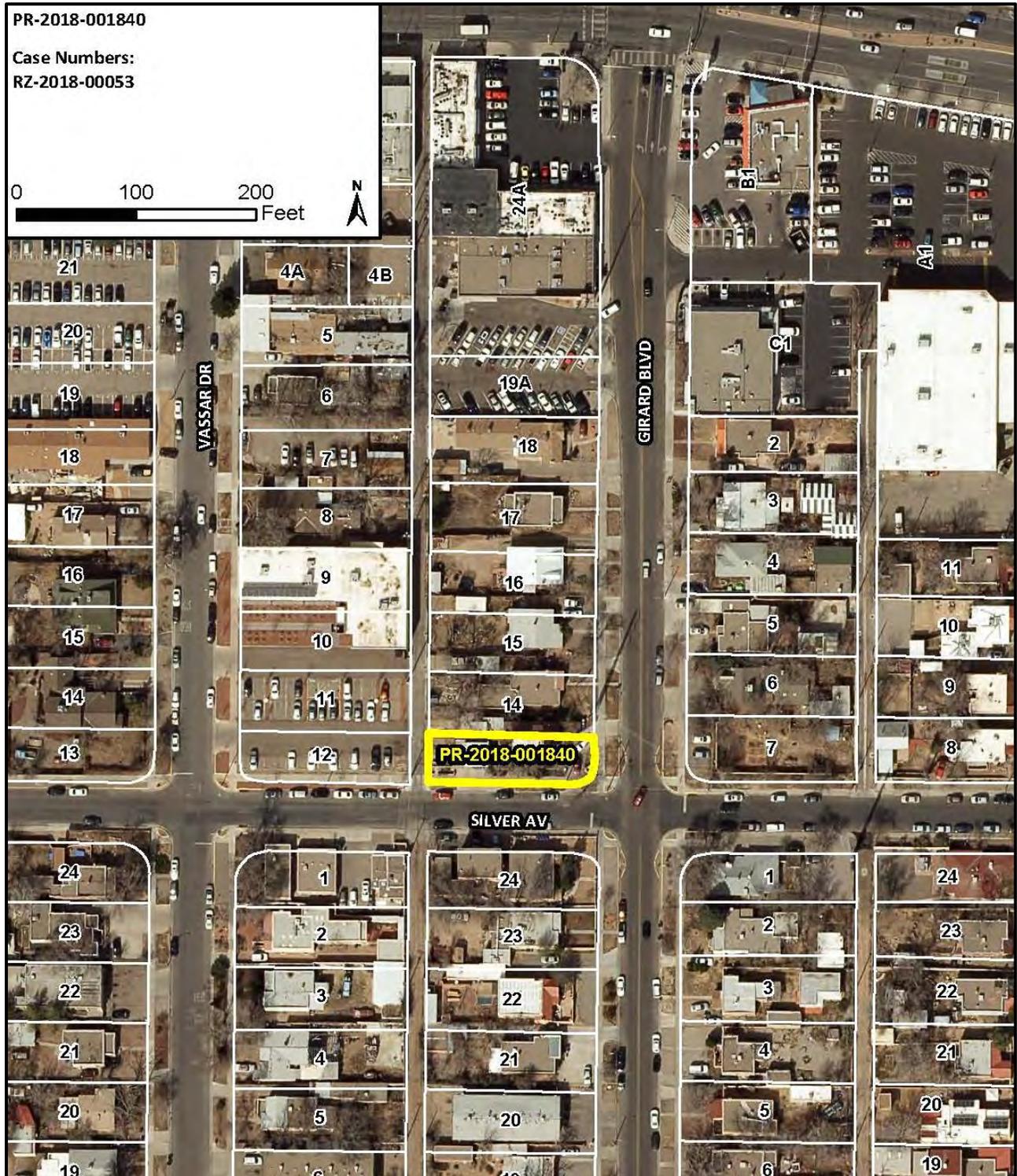
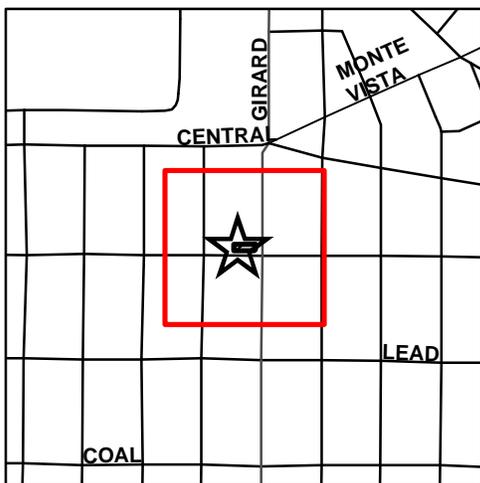
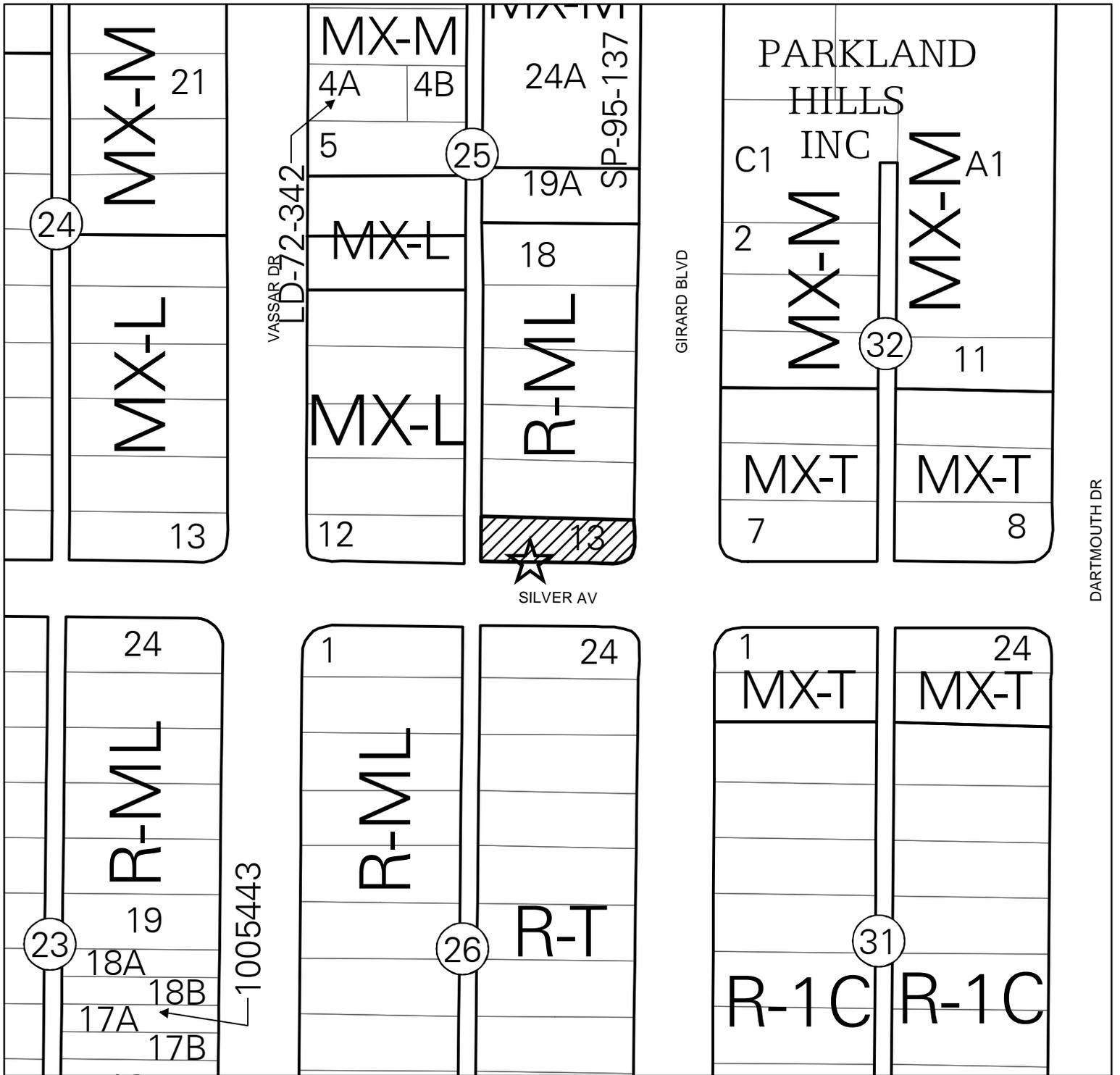


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IDO ZONING MAP

Note: Gray shading indicates County.



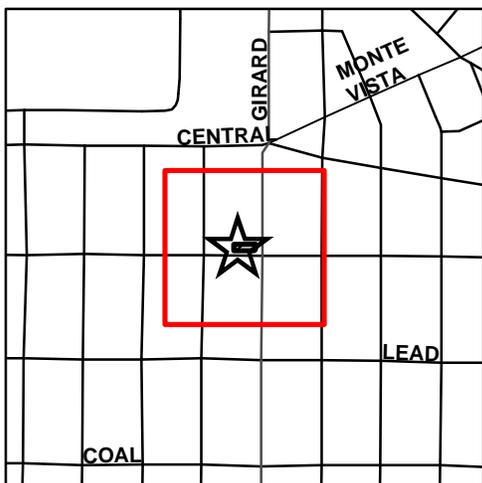
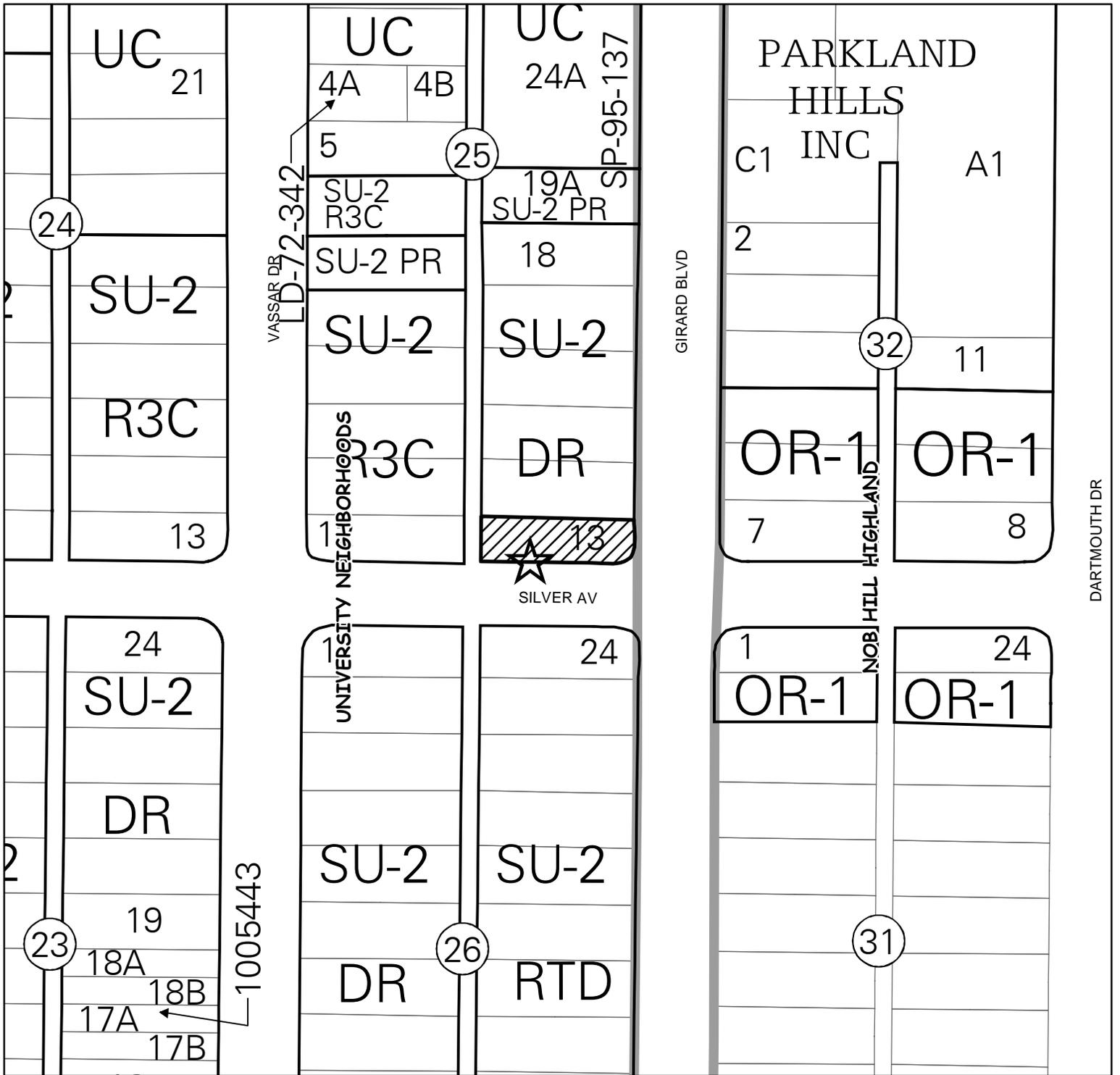
1 inch = 125 feet

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OLD ZONING MAP

Note: Gray shading indicates County.



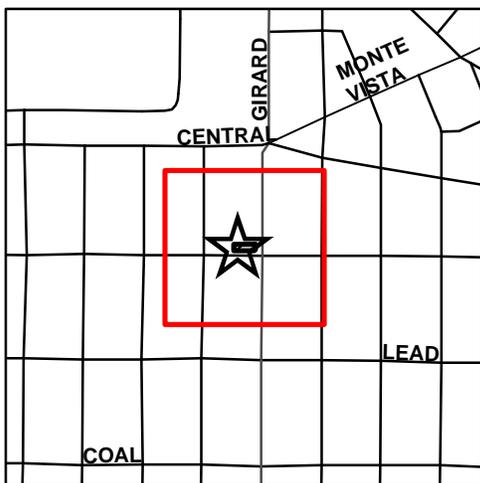
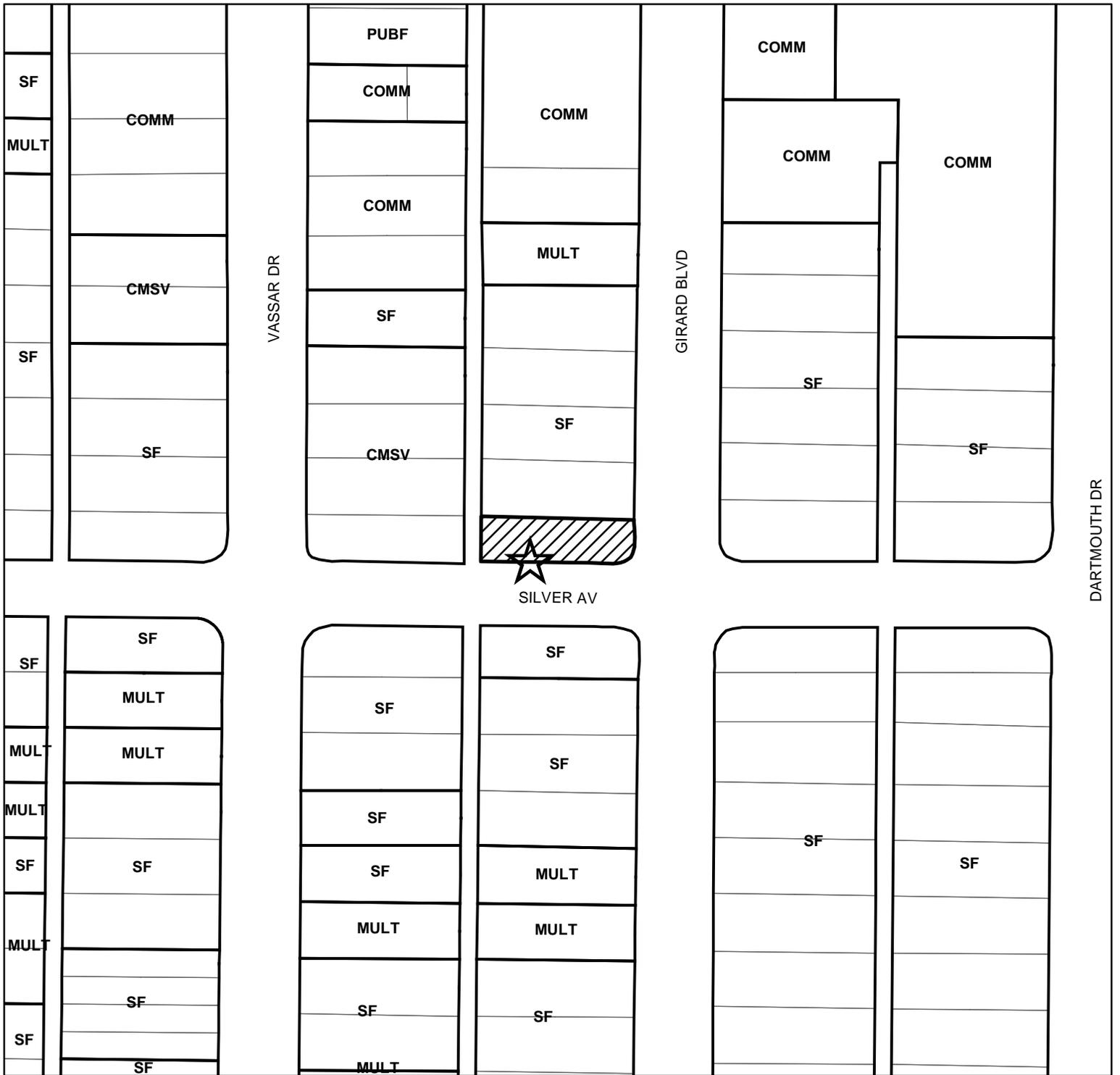
1 inch = 125 feet

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LAND USE MAP

Note: Gray shading indicates County.

KEY to Land Use Abbreviations

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



1 inch = 125 feet

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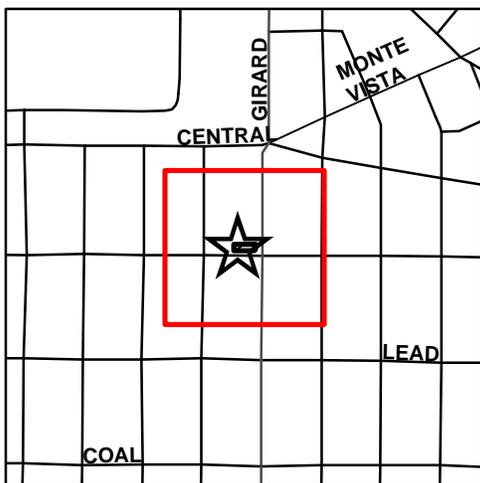
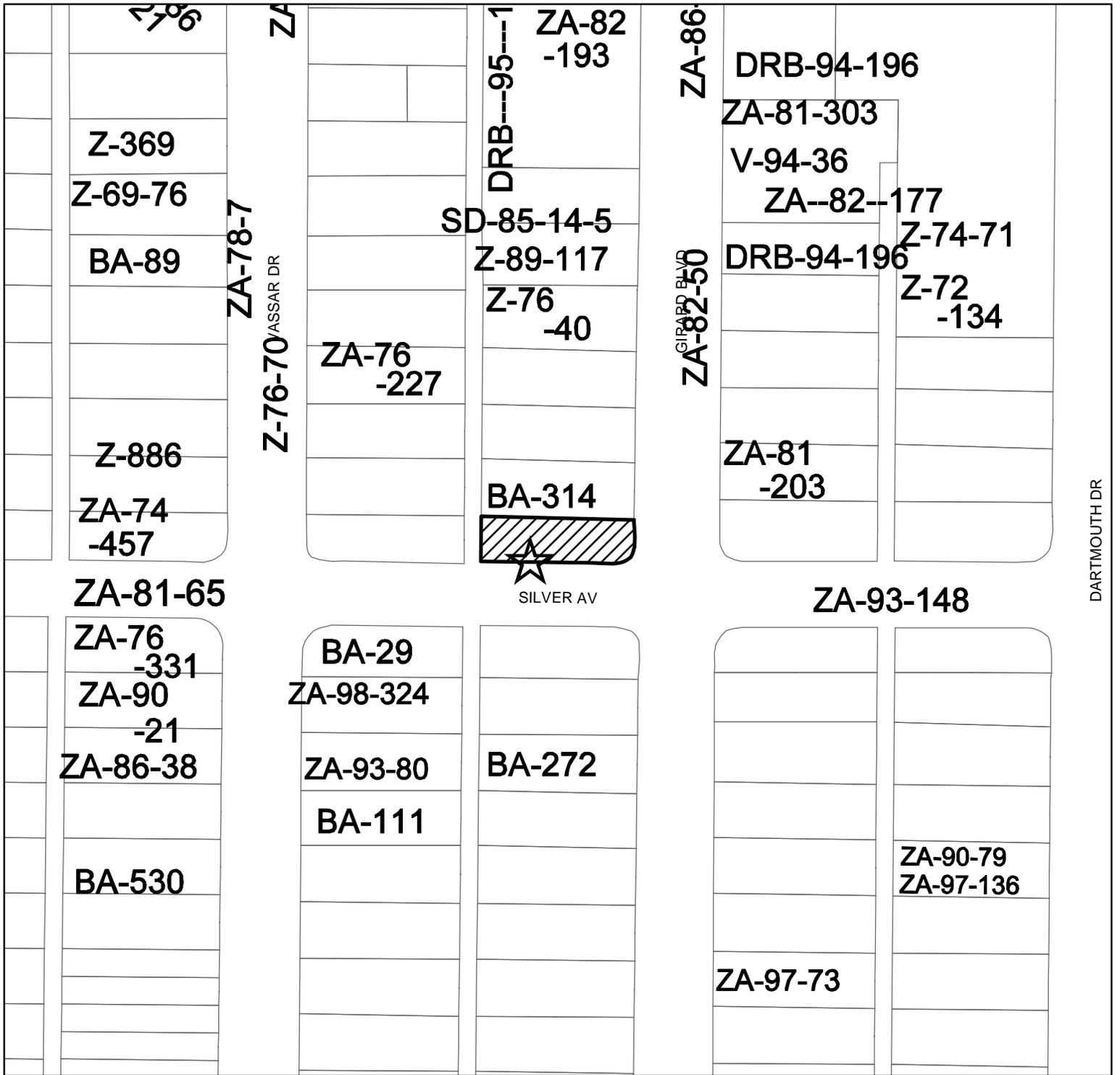
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HISTORY MAP

Note: Gray shading indicates County.



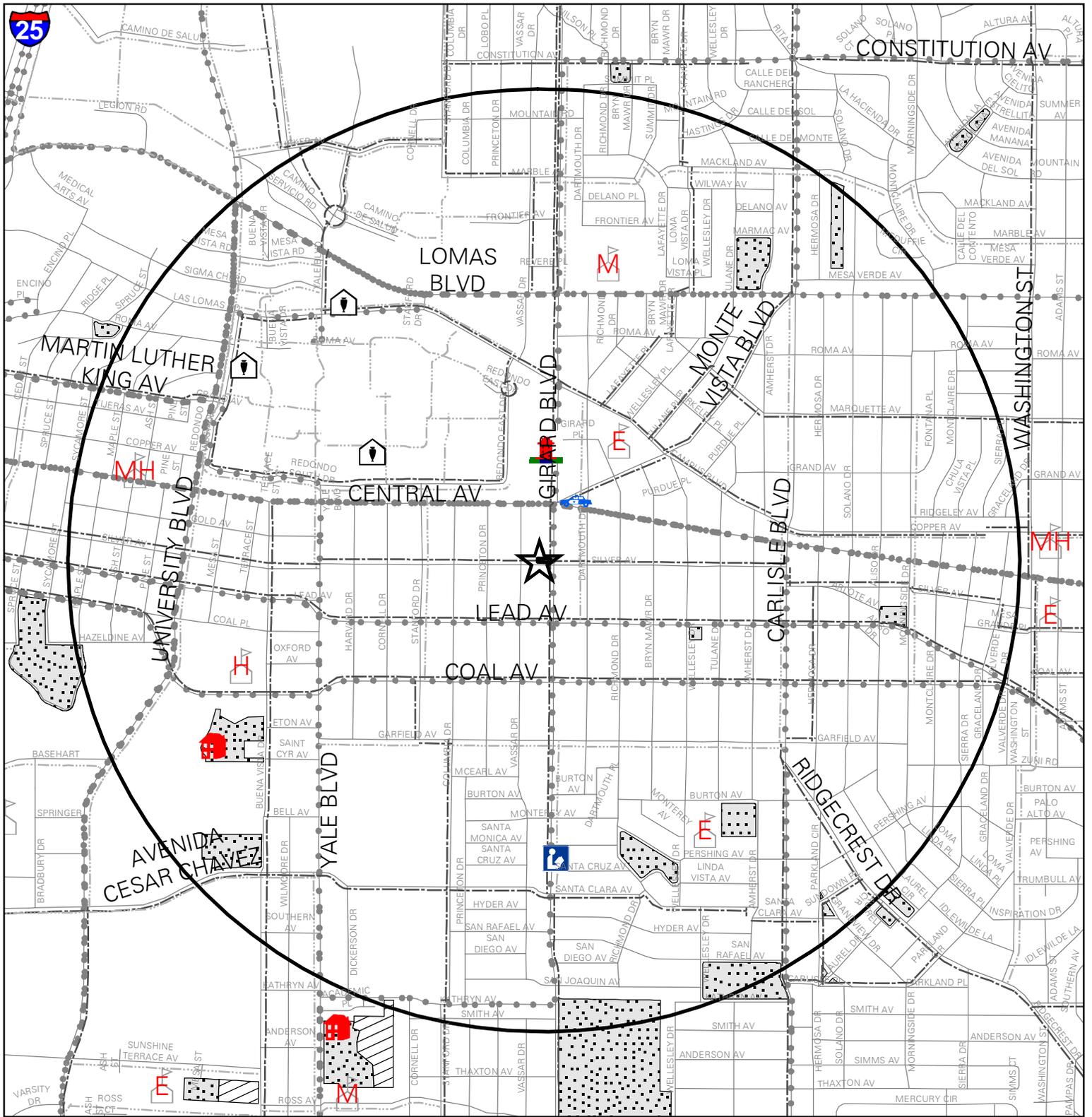
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Public Facilities Map with One-Mile Buffer



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

Introduction

	<i>IDO Conversion Zoning</i>	<i>Comprehensive Plan Area</i>	<i>Land Use</i>
<i>Site</i>	R-ML	Consistency	Multi-Family
<i>North</i>	R-ML	Consistency	Single Family
<i>South</i>	R-T	Consistency	Single Family
<i>East</i>	MX-T	Consistency	Single Family
<i>West</i>	MX-L	Change	Commercial Service

Proposal

This is a request for a Zone Map Amendment (Zone Change) for an approximately 0.2 acre property located at 123 Girard Boulevard SE on the northwest corner of Silver Avenue SE and Girard Boulevard SE, on the east edge of the University Heights neighborhood, and just outside of the western boundary of the Nob Hill neighborhood.

The request is to re-zone the property from the existing R-ML, Residential-Multi-Family Low Density Zone District, to the MX-T, Mixed-Use-Transition Zone District in order to use the existing 4300 square foot building for a mix of office and residential uses. The applicant purchased the property approximately 15 years ago as a rental home and attached apartments for a total of 7 dwelling units. The applicant intends to operate a medical office / wellness clinic on the ground floor of the main house (approximately 1300 square feet), 3 apartments upstairs (approximately 1300 square feet), and 2 apartments in the back of the house for a total of 5 dwelling units.

The applicant notified the neighborhood associations and the property owners within 100 feet of the subject site as required. The applicant attended neighborhood meetings with the University Heights Association, the Nob Hill Association, and the Silver Hills Association.

EPC Role

The EPC is hearing this case because the EPC is required to hear all zone change cases regardless of site size in the City. The EPC is the final decision-making body unless the EPC decision is appealed. If so, the Land Use Hearing Officer (LUHO) would hear the appeal and make a recommendation to the City Council, and the City Council would make the final decision. This is a quasi-judicial matter.

History/Background

The house was built in the early 1900's and purchased by the applicant approximately 15 years ago. AGIS aerial photos show all of the residential units attached to the original home prior to 1959. In 1986, the University Neighborhoods Sector Development Plan was adopted, re-zoning the subject site SU-2 DR (Diverse

Residential Zone), similar to the existing R-ML zone, permitting single family and multi-family residential uses. In August of 2001, a text amendment and zone change to RC (Residential/Commercial zone), similar to the requested MX-T zone, was proposed for the entire block on the west side of Girard from Silver Avenue to Central Avenue in order to permit a similar mixed office and residential use. In August of 2001, the Environmental Planning Commission (EPC) voted to recommend denial because although it agreed there had been changed neighborhood conditions, it did not agree that locating a commercial development outside the existing commercially zoned area to the north was consistent with the University Neighborhoods Sector Development Plan. Since then, a new Comprehensive Plan and the Integrated Development Ordinance (IDO) have been adopted.

The property owner has operated a multi-family property and has expressed difficulty with finding quality renters for the main house. The applicant attended a PRT meeting on October 15, 2018, to discuss options to operate a multi-disciplinary wellness clinic in the main house. It was determined that the use fits the definition for medical office, which is not permitted in the existing R-ML zone.

Context

The subject site is located in an area of mixed uses on the northwest corner of Silver Ave and Girard Blvd SE on the eastern edge of the University Heights neighborhood and just outside of the western border of the Nob Hill neighborhood. There is an alleyway directly west, which divides the subject property from an existing professional building and parking, zoned MX-L.

The subject site itself and 5 properties to the north are zoned R-ML, and include single-family and multi-family residences. Farther to the north at the next intersection, lies Central Avenue, a Comprehensive Plan designated Main Street and Premium Transit Corridor, and heavily commercially developed.

To the east across Girard Boulevard SE, are properties zoned MX-T, which appear to have originally been single family properties converted to multi-family and office uses, similar to the subject site and the request. To the south, across Silver Avenue SE, properties are zoned R-T, and developed with single-family and multi-family residences.

Roadway System

The Long Range Roadway System (2040 LRRS) map, produced by the Mid-Region Council of Governments (MRCOG), includes existing roadways and future recommended roadways along with their regional role.

The LRRS designates Central Avenue SE, one block to the north, as a Regional Principal Arterial. The LRRS designates Girard Boulevard SE as a Major Collector. The LRRS designates Silver Avenue SE a local road.

Comprehensive Plan Corridor Designation

Neither Silver Avenue SE or Girard Boulevard SE are designated corridors, however, the property lies one block south of Central Avenue NE which is designated a Main Street and a Premium Transit Corridor. The UNM Activity Center is also located one block to the north of the subject site.

Trails/Bikeways

The Long Range Bikeway System (LRBS) map, produced by the Mid-Region Council of Governments (MRCOG), identifies existing and proposed trails.

The LRBS designates Silver Boulevard SE a Bicycle Boulevard, a shared roadway optimized for bicycle traffic, and is on the 50-mile loop. The LRBS designates Girard Boulevard SE to have a Proposed Bicycle Lane.

The University Heights NA points out in their letter “At the Girard-Silver intersection, a bike-permeable median diverter allows bicycles on Silver to go through the intersection but eastbound vehicles on Silver must turn right (south) on to Girard and westbound vehicles on Silver must turn right (north) on to Girard.”

Transit

The subject site is located on bus Route 16 running north-south on Girard Boulevard SE, and is an approximately 1300-foot walk to an Albuquerque Rapid Transit (ART) station on Central Avenue.

Public Facilities/Community Services

Please refer to the Public Facilities Map in the packet for a complete listing of public facilities and community services located within one mile of the subject site.

Analysis of City Plans and Ordinances

Integrated Development Ordinance (IDO)

The application for this request was submitted subsequent to the effective date on May 17, 2018 of the Integrated Development Ordinance, which replaced the City’s Zoning Code, and is therefore subject to its regulations.

Pre-IDO Zoning

Prior to the effective date of the IDO, the subject site’s zoning was SU-2 DR (Diverse Residential) pursuant to the University Neighborhoods Sector Plan, originally adopted in 1986. Aerial photos in AGIS show all of the residential units attached to the original home prior to 1959. The DR zone would have permitted 4 units due to the lot size, however since the 7 residential units were legally developed prior to adoption of the University Neighborhoods Sector Plan, the use and building were legally non-conforming.

Existing IDO Zoning

Upon adoption of the IDO, the subject site was zoned R-ML (Residential – Multi-family Low Density Zone District, IDO 2-3(E)). The purpose of the R-ML zone district is to provide for a variety of low- to medium-density housing options. The primary land uses are townhouses and low-density multi-family buildings, as well as civic and institutional uses to serve the surrounding residential area.

Proposed Zoning

The request proposes to change the subject site's zoning to MX-T (Mixed Use Transition Zone District IDO 2-4(A)). The purpose of the MX-T zone is to provide for a transition between neighborhood and more intense commercial area. Primary land uses include a range of low-density multi-family residential and small-scale office, institutional, and pedestrian-oriented commercial uses.

The following is a list of all permissive uses of the R-ML and MX-T zones from Table 4-2-1 of the IDO:

R-ML

Dwelling, single-family detached
Dwelling, cluster development
Dwelling, cottage development
Dwelling, two-family detached (duplex)
Dwelling, townhouse
Dwelling, multi-family
Assisted living facility or nursing home
Community residential facility, small
Community residential facility, medium
Community center or library
Elementary or middle school
Parks and open space
Religious institution
Community garden
Residential community amenity
Solar energy generation
Utility, electric
Utility, other major

MX-T

Dwelling, single-family detached
Dwelling, cluster development
Dwelling, cottage development
Dwelling, two-family detached (duplex)
Dwelling, townhouse

Dwelling, live-work
Dwelling, multi-family
Assisted living facility or nursing home
Community residential facility, small
Community residential facility, medium
Community residential facility, large
Group home, small
Adult or child day care facility
Community center or library
Elementary or middle school
High school
Museum or Art Gallery
Parks and open space
Religious institution
Vocational school
Community garden
Health club or gym
Residential community amenity
Bed and breakfast
Hotel or motel
Bank
Medical or dental clinic
Office
Research or testing facility
Solar energy generation
Utility, electric
Utility, other major

Overlays

The subject site is not within the boundaries of a Character Protection Overlay (CPO), a Historic Protection Overlay (HPO), or a View Protection Overlay (VPO).

Parking

Although the request before the EPC is solely for a change in zone from R-ML to MX-T, and a Site Plan is not included with the request, public comment has indicated that parking for the request is a concern (see the Neighborhood/Public heading below), therefore potential IDO parking requirements are addressed in this section.

The applicant would not be required to provide extra parking upon re-use of the existing building pursuant to 5-5(B)(2)(b), which states that minimum off street parking requirements except those to satisfy the Americans with Disabilities Act do not apply for primary buildings constructed prior to 1965.

The applicant has indicated they will re-configure the current turn-around area facing Girard Boulevard SE into on-site vehicle parking and an on-site bicycle rack. In addition, the subject site appears from aerial photos to have 4 legal on-street parking spaces located on Silver Avenue SE.

If this zone change resulted in the development of new buildings, the requested uses would result in 6 parking spaces required. Per Table 5-5-1, the multi-family use would require 5 spaces and the medical office would require 3 spaces, totaling 8 spaces. Per IDO section 5-5(C)(5)(c)1, the minimum number of off-street parking spaces required may be reduced by 30% if the proposed development is located within 1,320 feet of any transit stop with a frequency of 15 minutes or better, and the subject site complies because of its proximity to the Rapid Ride and ART (Albuquerque Rapid Transit) station, resulting in 5 spaces required.

The applicant has indicated the intention to re-pave and re-configure the front turn-around into 5 parking spaces. On-street parking could account for 4 spaces. The applicant could also potentially use off-site parking or shared parking as permitted by the IDO for spots other than those required to meet the American with Disabilities Act (ADA). Therefore, staff concludes the proposed project would meet IDO parking requirements, even if the buildings were post-1965.

Definitions (if applicable)

Mixed-use Development: Properties with residential development and non-residential development on a single lot or premises. For the purposes of this IDO, mixed-use development can take place in the same building (i.e. vertical mixed-use) or separate buildings on the same lot or premises (i.e. horizontal mixed-use).

On-street Parking Space: An on-street storage area for the parking of one motor vehicle. For the purposes of this IDO, an on-street parking space abutting a lot may be counted as 1 on-street parking space for that lot if over ½ the length of the space is located between the imaginary extensions of the lot lines that are perpendicular to the street into the street right-of-way. See DPM for dimensional standards.

Albuquerque / Bernalillo County Comprehensive Plan (Rank 1)

Applicant's justification is in italics. Staff's Analysis is in bold italics.

The subject site is located in an Area of Consistency as designated by the Comprehensive Plan which has policies to protect and enhance the character of existing single-family neighborhoods, areas outside of Centers and Corridors, parks, and Major Public Open Space. Applicable policies include:

CHAPTER 4 - Community Identity

POLICY 4.1.1: Distinct Communities: Encourage quality development that is consistent with the distinct character of communities

The request furthers Policy 4.1.1 because it will permit a quiet, low flow, quality holistic wellness center that is consistent with the life style values of the University Heights and Nob Hill neighborhoods.

The subject site is part of the University Heights neighborhood, one of Albuquerque's older communities. The request would permit rehabilitation of the existing historic home, thereby consistent with the distinct character of University Heights. The request furthers Policy 4.1.1.

POLICY 4.1.2: Identity and Design: Protect the identity and cohesiveness of neighborhoods by ensuring the appropriate scale and location of development, mix of uses, and character of building design.

a) Maintain and preserve the unique qualities of historic areas.

The request furthers Policy 4.1.2 because it will allow for a consistent quality of use of the building and neighborhood grounds by reducing the number of renter at this site. This property's rich history has seen many different uses over time, including a sorority house, tutor house and a Bolivian import store in 2003. The different uses have also been appropriate use of this property, in this area of mixed uses of property.

Similarly, the requested MX-T zone would permit the rehabilitation of the existing historic home, thereby protecting the identity and cohesiveness of the University Heights neighborhood and ensuring the existing character of building design. The requested office use is an appropriate scale of development and mix of uses as shown by the existing MX-T properties across the street to the east and MX-L properties to the west. The request furthers Policy 4.1.2 and Policy 4.1.2 a).

POLICY 4.1.4: Neighborhoods: Enhance, protect, and preserve neighborhoods and traditional communities as key to our long-term health and vitality.

b): Respect existing neighborhood values and social, cultural, recreational resources.

The request furthers Policy 4.1.4 as a different zone district is advantageous to the community because it would ensure the preservation and integrity of the historic property site, which has been proven challenging solely as a rental property. Renters do not invest in upholding quality living conditions or neighborhood safety

as much as property owners. Implementing a wellness clinic will promote healthy living and neighborhood safety far better than if remaining rental property. This property sits in a location surrounded by homes that have converted into business: Skate Haven on 114 Vassar SE 87106, 202 Girard Blvd SE is now Siegel Law Offices and 122 Girard SE David Plotsky Law Offices. These are only a few examples of homes in direct sight of the property.

The request furthers Policy 4.1.4 (b) because the requested MX-T zone will allow for commercial development, it will better enhance, protect, and preserve the distinct University Heights community by providing a pedestrian friendly and neighborhood-serving destination. Activating the street with pedestrians is one method of increasing the long-term health, vitality and safety of neighborhood inhabitants.

I, the Applicant has undertaken the task of performing improvements to the Property and proposes uses that are consistent with and further the goals and policies of the ABC Comp Plan and criteria of the IDO PART 6-7(F)(3). The proposed subject site will be maintained and the premises' exterior grounds upgraded in such a way that respects and enhances existing neighborhood values and conditions.

As indicated by section II of University Neighborhood Sector Development plan 1986, "A pattern of commercial, institutional and mixed density residential land uses characterize the area. Commercial uses are concentrated along Central Avenue, in the 100 block of Harvard, Cornell, and Vassar Drives and along Yale Boulevard". This Pattern also continues crossing over into the Nob Hill Neighborhood, including, but not limited to, the 100 Block of Girard and Dartmouth, which are intimately close to the property in question. This reinforces that this zoning request, as a mixed use, supports the neighborhood values and unique culture.

The requested MX-T zone will enhance, protect, and preserve the University Heights and Nob Hill traditional communities by permitting the re-use of the existing tudor style home into a mix of office and residential uses that will contribute to long-term health and vitality of the neighborhood. The property is located near the University of New Mexico in a location where both higher density smaller unit residential and office uses are existing and needed. Silver Avenue SE is a designated Bicycle Boulevard that represents a local recreational resource that will support low-intensity mixed-uses. The request furthers Policy 4.1.4 and 4.1.4 b).

POLICY 4.2.2: Community Engagement: Facilitate meaningful engagement opportunities and respectful interactions in order to identify and address the needs of all residents.

The request furthers Policy 4.2.2, as I, Jeannett Martinez, the applicant, have maintained openness and contact between University Heights, Nob Hill and Silver Hills neighborhood associations. Additionally, I have set out to meet the residents and delivered flyers to the homes and housing units on west side of the 100 to 200

block of Girard extending to Lead Ave and the 100 to 200 block of Vassar, both East and West, extending to Lead Ave. The flyer inviting the residents to weigh in and contact me with their opinion and insight on the proposed rezoning.

In 2001, this property, along with several others, was attempted to be rezoned for a bookstore. During this attempt, there were several hand written letters, from residents, requesting approval for rezoning. The reason behind the supporting letters stated that commercial use would enhance and preserve the integrity of the property site and neighborhood safety and values. I have not received any written responses, in neither support nor opposing, in regards to the flyers I left on each property. The intention of the rezoning is to offer and contribute support to the residential, cultural and historical environment preceding this application.

The applicant conducted notification and outreach beyond what is required by the IDO in order to receive extensive feedback from the surrounding neighbors, and to make sure the existing neighborhood's values, social, cultural and recreational resources continue to be respected. Although, opposition exists from the established University Heights NA and partly from the Nob Hill NA, the applicant went door-to-door to gauge the opinions of the immediately surrounding neighbors and did not find concern. The request furthers Policy 4.2.2.

CHAPTER 5: Land Use

POLICY 5.1.1 Desired Growth: Capture regional growth in Centers and Corridors to help shape the built environment into a sustainable development pattern.

POLICY 5.1.9 Main Streets: Promote Main Streets that are lively, highly walkable streets lined with neighborhood oriented businesses.

The mix of uses proposed by the change to MX-T will enhance the existing walkability of the area, including Central Avenue, a designated Main Street Corridor. The request furthers Policies 5.1.1 and 5.1.9.

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

- a) Encourage development and redevelopment that brings goods, services, and amenities within walking and biking distance of neighborhoods and promotes good access for all residents.
- b) Maintain the characteristics of distinct communities through zoning and design standards that are consistent with long established residential development patterns.
- d) Encourage development that continues to support affordable housing options to meet a range of incomes and lifestyles.
- e) Create healthy, sustainable communities with a mix of uses that are conveniently accessible from surrounding neighborhoods.

*The request further*s Policy 5.2.1 (a) because it will foster communities where residents can live, work, learn, and work towards health together. Removing the

majority use of multi family living units on the subject site will improve the quality of development and site condition.

This request encourages development and redevelopment that brings goods, services, and amenities within walking and biking distance of neighborhoods and promotes good access for all residents because it is on the corner of Silver Ave, which is a bicycle boulevard. It is also located a block south off of Central Ave, which gives access to pedestrians coming from the transit system, UNM and in the surrounding neighborhoods.

This request furthers Policy 5.2.1 (b) as it is consistent in an area where the pattern of commercial, institutional and mixed density residential land uses characterize the area, as indicated in the Sector Plan adopted in 1986. The location and intention of this project supports multiple modalities of transportation for access. Central Avenue provides easy access from the transit system, bicycle access, pedestrian access and private vehicle. This location has pre-established responsible access via pedestrian and by bicycle. As a wellness and health facility, we will encourage people to choose access that is both environmentally friendly as well as healthy. We will provide a bicycle rack and sidewalk accessibility and as a facility encourage alternate transportation to ensure these values. This would encourage the reduction of use of private vehicle and promote use by those who alternatives modes of transportation are less practical.

This request furthers Policy 5.2.1 (d) because there will still be 5 remaining rental units. These rental units will maintain affordable housing for renters, which are have generally been students.

This request furthers Policy 5.2.1 (e) because the location and intention of this project supports multiple modalities of transportation for access. Central Ave provides access from the transit system, Silver Ave provides bicycle access and the location is heavily accessed by pedestrians from surrounding neighborhoods, shops and the University. Additionally, if rezoning is granted, the proposed wellness clinic will provide a bike rake in front and maintain an accessible sidewalk to encourage alternative and healthier modes of transportation.

The requested MX-T zone will permit a medical office, which will contribute to the health of the community through wellness services, and will be conveniently accessible from surrounding neighborhoods. The request furthers Policy 5.2.1.

The requested MX-T zone will encourage the redevelopment of the existing property and bring services and amenities within biking and walking distance of the University Heights and Nob Hill neighborhoods. Because it is located on Silver Avenue SE, a Bicycle Boulevard, and one block from Central Avenue, the Albuquerque Rapid Transit, the proposed project provides good access for local residents and for the broader community. The request furthers Policy 5.2.1 a).

The requested MX-T zone will maintain the characteristics of the communities through zoning and design standards that are consistent with the established

University Heights and Nob Hill development pattern. Girard Boulevard SE is a Major Collector and a more heavily-used north-south corridor with a mix of uses compared to the other surrounding local roads. In addition, The IDO applies Use Specific Standards that would limit the scope of the more controversial uses in the requested MX-T zone compared to the higher intensity mixed-use zones. The request furthers Policy 5.2.1 b).

The requested MX-T zone will continue to permit affordable housing options to meet a range of incomes and lifestyles with 5 of the 7 existing affordable rental units remaining. The request furthers Policy 5.2.1 d).

The requested MX-T zone will permit the proposed wellness center which will support community health through multi-disciplinary wellness services and a mix of office and residential uses conveniently accessible from the surrounding neighborhoods by walking, bicycling, transit, and single-occupancy vehicular travel. The request furthers Policy 5.2.1 d) e).

POLICY 5.6.3: Areas of Consistency: Protect and enhance the character of existing single-family neighborhoods, areas outside of Centers and Corridors, parks, and Major Public Open Space.

The subject site is located in an Area of Consistency (as shown in the ABC Comp Plan, as amended). The new zone would clearly reinforce or strengthen the established character of the surrounding area and would not permit development that is significantly different from that character as it is surrounded by residential homes that have also been converted into low flow MX-T businesses.

The subject site is in an Area of Consistency, and the adjacent properties to the north, west, and east are already zoned for multi-family and mixed-use development; therefore the requested MX-T zone would be consistent with the existing and future character of the surrounding area within a Main Street Corridor. Any new development is subject to the IDO's Neighborhood Edges standards (5-9) along the southern boundary, which would protect the adjacent R-T properties to the south. The request furthers Policy 5.6.3.

CHAPTER 6: Transportation

POLICY 6.4: Public Health: Promote individual and community health through active transportation, noise mitigation, and air quality protections.

*This request further*s Policy 6.4 because the proposed zoning encourages both environmental and personal health awareness. One form of achieving environmental, personal health, community health, noise and air quality control is to reduce the use of private vehicle use to access the wellness clinic. The location of the property supports multiple modalities of transportation to access the wellness clinic, as mentioned in previous policy.

The requested MX-T zone will permit a medical office which will promote individual and community health, and the location on a Bicycle Boulevard encourages active transportation. The request furthers Policy 6.4.

CHAPTER 8: Economic Development

POLICY 8.1.1: Diverse Places: Foster a range of interesting places and contexts with different development intensities, densities, uses, and building scale to encourage economic development opportunities.

POLICY 8.1.2: Resilient Economy: Encourage economic development efforts that improve quality of life for new and existing residents and foster a robust, resilient, and diverse economy.

The mix of uses allowed in the MX-T zone will contribute to a diverse place south of Central Avenue near UNM, and permit a more resilient and diverse economy than solely residential uses as permitted in the existing zone. The request furthers Policies 8.1.1 and 8.1.2.

POLICY 8.2.1: Local Business: Emphasize local business development.

The request furthers Policy 8.2.1 because it will encourage private businesses growth. Supporting private business growth is imperative to adding diversity and creativity economic opportunities. Additionally, the rezoning request would allow the proposed wellness clinic to empower people to choose different modalities of health and wellness, that is dictated by each individual needs.

The requested MX-T zone will permit the applicant to operate a local business, a wellness clinic/medical office, thereby supporting the local economy. The request furthers Policy 8.2.1.

CHAPTER 11: Heritage Conservation

POLICY 11.2.1: Gentrification: Balance the objectives of historic preservation and conservation of affordable housing.

- a) Work to maintain a range of housing options and affordability levels to ameliorate the displacement of low-income households.
- b) Encourage renovation and rehabilitation to preserve and enhance the existing housing stock.

This request furthers Policy 11.2.1 because during the 15 years that my mother has owned the property, she has never raised the rent. Rosario Roman, owner of the property, holds strong to the ideal that education is the most valuable form of wealth. This monetary exchange has made it difficult to preserve the property. However, with partial conversion of the property, the remaining rental units can be maintained affordable as well as additional income to improve and maintain the site.

The requested MX-T zone will permit the applicant to operate the desired medical office in the existing tudor styled house, therefore preserving the historic architecture at the same time conserving the affordable smaller apartments on the subject site. The request furthers Policy 11.2.1.

The requested MX-T zone permits multi-family use which maintains a range of housing options and affordability levels to ameliorate displacement of students to other areas. The request furthers Policy 11.2.1 a).

The requested MX-T zone will permit the medical office which will encourage the applicant to rehabilitate, preserve, and enhance the existing house. The request furthers Policy 11.2.1 b).

GOAL 11.3: Protect, reuse, and/or enhance significant cultural landscapes as important contributors to our heritage and rich and complex identities.

This request further Policy 11.2 as it has been made with the direct influence of admiration for the existing building structure. The old house has been called an old sorority house and a tutor house. Just about every resident in the Nob Hill and University Heights neighborhood recognizes this property. All have expressed the desire to see the property renovated. Rezoning this property will offer opportunity to reuse the property and therefore giving protection to a significant neighborhood landmark and structure.

Goal 11.3 does not apply because the subject site is not considered a “cultural landscape”. A “cultural landscape”, as defined by the World Heritage Committee, is the "cultural properties [that] represent the combined works of nature and of man." Acequias and arroyos are examples of cultural landscapes in New Mexico.

POLICY 11.2.3: Distinct Built Environments: Preserve and enhance the social, cultural, and historical features that contribute to the identities of distinct communities, neighborhoods, and districts.

a) Consider local history and the visual environment, particularly features unique to Albuquerque, as significant determinants in development and redevelopment decisions in light of their relationship to and effect upon the following: i. Architectural styles and traditions; ii. Current and historic significance to Albuquerque; iii. Historic plazas and Centers; iv. Culture, traditions, celebrations, and events

This request will further Policy 11.2.3 because it preserves and enhances significant historic district and building. These types of preservations call us to reflect our past as we move into the future and to strengthen our sense of identity.

Within the area, there are many buildings in major need of repair and needing appropriate development. The proposed change will contribute to the well-being of the neighborhood in that it enriches a balanced mix of existing housing and light neighborhood-scaled commercial spaces to serve the community on property that has holds a piece of neighborhood history.

This request furthers Policy 11.2.3 a) because the project ensures the protection of property style and distinct historical identification. This powerful attribute to the foundation established and preserved by both the University Heights and Nob Hill neighborhood. Rezoning of this property does not conflict with their values of development or establishment.

The requested MX-T zone will permit the applicant to operate the desired wellness center/medical business while considering the existing historic structure which is part of the identity, local history, and visual environment and has a unique historic significance to Albuquerque and the surrounding communities. The request furthers Policy 11.2.3 and 11.2.3 a).

Zone Map Amendment (Zone Change)

Pursuant to section 6-7(F)(3) of the Integrated Development Ordinance (IDO), Review and Decision Criteria, "An application for a Zoning Map Amendment shall be approved if it meets all of the following criteria" as shown. The burden is on the applicant to show why a change should be made, not on the City to show why the change should not be made.

The applicant must demonstrate that the existing zoning is inappropriate because of one of three findings: 1) there was an error when the existing zone district was applied to the property; or 2) there has been a significant change in neighborhood or community conditions affecting the site; or 3) a different zone district is more advantageous to the community as articulated by the Comprehensive Plan or other, applicable City plans.

The zone change justification letter analyzed here, received on January 23, 2018, is a response to Staff's request for a revised justification (see attachment). The subject site is currently zoned RI-B (Single-Family Residential Zone). The requested zoning is MX-L (Mixed Use Low Intensity Zone District). The reason for the request is to allow development of multi-family use and neighborhood commercial uses.

Note: *Applicant's justification is in italics, Staff's Analysis is in bold italics.*

- (a) The proposed zone change is consistent with the health, safety, and general welfare of the City as shown by furthering (and not being in conflict with) a preponderance of applicable Goals and Policies in the ABC Comp Plan, as amended, and other applicable plans adopted by the City.

The proposed zoning will allow for enhancement, protection and preservation of the traditional mixed-use for the University Heights and Nob Hill Community and contribute to the long-term health and vitality of the neighborhood. The proposed zone change is consistent with the health, safety, and general welfare of the City as shown by furthering (and not being in conflict with) a preponderance of applicable Goals and Policies in the ABC Comp Plan, as amended, and other applicable plans adopted by the City including the Plan because it furthers the Goals and Policies of the plans as further described in detail below.

Consistency with the City's health, safety, morals and general welfare is shown by demonstrating that a request furthers applicable Comprehensive Plan Goals and policies (and other plans if applicable) and does not significantly conflict with them. The applicant has adequately demonstrated, in his policy-based response, that the request would be consistent with the City's health, safety, morals and general welfare. The response to Criterion A is sufficient.

- (b) If the proposed amendment is located wholly or partially in an Area of Consistency (as shown in the ABC Comp Plan, as amended), the applicant has demonstrated that the new zone would clearly reinforce or strengthen the established character of the surrounding Area of Consistency and would not permit development that is significantly different from that character. The applicant must also demonstrate that the existing zoning is inappropriate because it meets any of the following criteria:
1. There was typographical or clerical error when the existing zone district was applied to the property.
 2. There has been a significant change in neighborhood or community conditions affecting the site.
 3. A different zone district is more advantageous to the community as articulated by the ABC Com Plan, as amended (including implementation of patterns of land use, development density and intensity, and connectivity), and other applicable adopted City plan(s).

The subject site is located in an Area of Consistency (as shown in the ABC Comp Plan, as amended). The new zone would clearly reinforce or strengthen the established character of the surrounding area and would not permit development that is significantly different from that character as it is surrounded by residential homes that have also been converted into low flow MX-T businesses.

In addition, the existing zoning is inappropriate because the requested zone is more advantageous to the community as shown in the Comprehensive Plan policy analysis under criteria (a) above. A different zone district is advantageous to the community because it would ensure the preservation and integrity of the historic property site, which has been proven challenging solely as a rental property. Renters do not invest in upholding quality living conditions or neighborhood safety as much as property owners uphold. This zoning will allow the implementation of a wellness clinic, which promotes healthy living and neighborhood safety, far better than if remaining rental property. This property sits in a location surrounded by homes that have converted into business: Skate Haven on 114 Vassar SE 87106, 202 Girard Blvd SE is now Siegel Law Offices and 122 Girard SE David Plotsky Law Offices. These are only a few examples of homes in direct sight of the property.

This proposed use is consistent with the surrounding neighborhood and/or building or other structure will infringe upon the light and air of any neighboring property. This proposed change will not be in conflict with adopted elements of the ABC Comprehensive Plan or other city master plans and amendments thereto, including privately developed area plans, which have been adopted by the city, the University Heights Redevelopment Area Plan, offering as a measure of stability of land use and zoning as desirable.

The zone change to MX-T would be more advantageous to the community than the current zoning (R-ML) because the request furthers a preponderance of applicable Goals and policies in the Comprehensive Plan regarding Community

Identity, Land Use, Transportation, Economic Development, and Heritage Conservation and does not significantly conflict with the Comprehensive Plan , as shown in the applicant's policy analysis in the response to Criterion A. The response to Criterion B is sufficient.

- (c) If the proposed amendment is located wholly in an Area of Change (as shown in the ABC Comp Plan, as amended) and the applicant has demonstrated that the existing zoning is inappropriate because it meets at least one of the following criteria:
1. There was typographical or clerical error when the existing zone district was applied to the property.
 2. There has been a significant change in neighborhood or community conditions affecting the site that justifies this request.
 3. A different zone district is more advantageous to the community as articulated by the ABC Comp Plan, as amended (including implementation of patterns of land use, development density and intensity, and connectivity), and other applicable adopted City plan(s).

This criterion is not applicable because the subject site is located entirely in an area of consistency, which is addressed in criteria b above.

The applicant's response is sufficient.

- (d) The zone change does not include permissive uses that would be harmful to adjacent property, the neighborhood, or the community, unless the Use-specific Standards in Section 16-16-4-3 associated with that use will adequately mitigate those harmful impacts.

- Community Residential Facility, Large
- Group Home, small
- Adult or Child Day Care Facility
- High School
- Museum
- Vocational School
- Health Club
- Bed and Breakfast
- Hotel or Motel
- Bank
- Medical or Dental Clinic
- Office
- Personal and Business Services, small

Some of the controversial uses could be a large community residential facility, or hotel. However, the scale of the property site is small, approximately 0.16 acres. IDO regulations will modify and protect the neighborhood by regulating the manner in which the site can be used. Some of the other uses, such as a high school cannot be supported on this property due to the limitation in size.

This zone will allow us to conduct a quiet, low flow wellness clinic, which will not disturb with excess of noise, light or traffic to the surrounding area. Furthermore, the clinic is looking to attract clients who seek a proactive approach to health and wellness, therefore respecting the neighboring surrounds.

The purpose of the MX-T zone is to serve as a transition between a more intense zone such as the MX-L to the west and residential zones such as the R-T to the south. That purpose would be achieved with the proposed zone change.

The applicant listed the uses that would become permitted if the zone change is approved. Staff finds that the permissive uses would not be harmful to adjacent property, the neighborhood, or the community because Use-specific Standards in Section 16-16-4-3 will adequately mitigate those harmful impacts as follows.

The existing R-ML zone permits small and medium sized community residential facilities whereas the proposed MX-T zone will permit a large community residential facility, which is a facility in which a person resides for more than 24 hours and can include persons who are handicapped but cannot include persons currently using or addicted to controlled substances who are not in a separate recognized recovery program. All sizes of facility are subject to the same regulations for distance from other facilities, and a large facility is unlikely due to the size of a site. A Group home small for those protected against housing discrimination would also be permitted if it meets all other regulations. An Adult or Child Day Care Facility would not include overnight care.

The subject parcel is approximate 7,100 square feet or 0.163 acres making it difficult to support a school, museum, health club, hotel or motel, bank of significant size, and small versions of these uses would not be harmful to the community. A bed & breakfast is currently permitted as accessory but would be permitted without an on-site resident in the proposed MX-T zone.

- (e) The City's existing infrastructure and public improvements, including but not limited to its street, trail, and sidewalk systems meet 1 of the following requirements:
1. Have adequate capacity to serve the development made possible by the change of zone.
 2. Will have adequate capacity based on improvements for which the City has already approved and budgeted capital funds during the next calendar year.
 3. Will have adequate capacity when the applicant fulfills its obligations under the IDO, the DPM, and/or an Infrastructure Improvements Agreement.
 4. Will have adequate capacity when the City and the applicant have fulfilled their respective obligations under a City- approved Development Agreement between the City and the applicant.

The City's existing infrastructure and public improvements meet criteria 1 above because both Girard Boulevard SE and Silber Avenue SE have adequate capacity to serve the subject site.

The subject site is on a corner lot on Girard Blvd and Silver Ave. There is an alleyway directly behind the house, followed by property owned by UNMH on 120 Vassar SE. directly south across the street is another RM-L property as is the neighboring property north of 123 Girard Blvd SE. There were no concerns following the traffic study.

The applicant refers to sub-criterion 1, that the subject has adequate infrastructure capacity to serve development that the request would make possible. This established urban area has sufficient infrastructure to support the uses of the requested MX-T zone on the approximately 0.163 acre subject site. Central Avenue is also a designated Premium Transit Corridor, which will provide a transportation option for residents and customers. The response to Criterion E is sufficient.

- (f) The applicant's justification for the requested zone change is not completely based on the property's location on a major street.

This criterion is not applicable because the subject site is not located on a major street.

The subject site's location at the northwest corner of Girard Boulevard SE, a Major Collector, and Silver Avenue SE, a local road. Rather than being a major street, the applicant's justification for the zone change is based on the request furthering a preponderance of applicable Comprehensive Plan policies regarding Community Identity, Land Use, Transportation, Economic Development, and Heritage Conservation as demonstrated in the response to Criterion A. The response to Criterion F is sufficient.

- (g) The applicant's justification is not based completely or predominantly on the cost of land or economic considerations.

The applicant's justification is not based completely or predominantly on the cost of land or economic considerations.

Economic considerations are always a factor with a private development project, but the applicant's justification is not based completely or predominantly on the cost of land or economic considerations. Rather, the applicant has demonstrated that the request furthers a preponderance of applicable Comprehensive Plan policies regarding Community Identity, Land Use, Transportation, Economic Development, and Heritage Conservation. The response to Criterion G is sufficient.

- (h) The zone change does not apply a zone district different from surrounding zone districts to one small area or one premises (i.e. create a "spot zone") or to a strip of land along a street (i.e. create a "strip zone") unless the change will clearly facilitate implementation of the ABC Comp Plan, as amended, and at least one of the following applies:

1. The area of the zone change is different from surrounding land because it can function as a transition between adjacent zone districts.

2. The site is not suitable for the uses allowed in any adjacent zone district due to topography, traffic, or special adverse land uses nearby.
3. The nature of structures already on the premises makes it unsuitable for the uses allowed in any adjacent zone district.

The reason this is not a request for a spot zone is because the properties across Girard Boulevard SE to the east of the subject site are also the requested MX-T zone. The following properties, which are in the close surrounding proximity of the subject site, have been converted in accordance with the IDO, with business names associated with the address indicated as follows:

- University of New Mexico Professional Building 120 Vassar SE from SU-2 to RM-L
- Skate Haven 114 Vassar SE from SU-2 to MX-L
- Carraro's & Joe's Place 108 Vassar SE from SU-2 to MX-M

This zone change request is not does not apply to a zone district different from surrounding districts to the subject parcel, because the requested zone is also located across the street, Girard Boulevard SE, to the west. The response to Criterion H is sufficient.

Agency & Neighborhood Concerns

Reviewing Agencies

Refer to other agency comments at the end of the staff report.

Neighborhood/Public

The applicant notified the Nob Hill Neighborhood Association, the University Heights Neighborhood Association, and the District 6 Coalition of Neighborhood Associations and property owners within 100 feet of the subject site as required (see attached).

The applicant attended three neighborhood meetings with the Nob Hill Neighborhood Association and one neighborhood meeting with each of the University Heights Neighborhood Association and the Silver Hills Neighborhood Association.

The Nob Hill Neighborhood Association submitted a letter (see attached) to staff expressing that during an association meeting, the project was opposed by 4, and supported by 3 members.

The University Heights Association (UHA) summarized the neighborhood meeting by stating: "Concerns were expressed about lack of parking for the business providers and patients (and potentially the remaining residential tenants). Existing "perpetual yard sales" by residents was mentioned. It was suggested that a site plan would be helpful. MX-T zoning, which is what is across the street on Girard, would have lesser impacts to the neighborhood than MX-L zoning. No objections were stated to the specifically proposed businesses."

The University Heights Association also submitted a letter (see attached) to staff stating a vote of 8 to 0 in opposition to the request, because the association feels it would not be advantageous to the community, and would exacerbate the existing significant parking deficit on the property that could create additional parking and dangerous traffic problems in the community. The UHA states that the applicant did not fully consider circulation patterns for all transportation modes, streetscape elements and amenities, and parking for vehicles and bicycles (see attached).

Staff addresses parking under IDO requirements above. Staff also notes that the development did not require a Traffic Impact Study. UHA correctly states that a bike-permeable median diverter at the intersection of Girard and Silver restricts access to the subject site to southbound on Silver Avenue SE. Staff finds that access issues are a consideration for businesses throughout the City, and a business owner must take this and their business model into account when locating.

Conclusion

This is a request for a Zone Map Amendment (Zone Change) for an approximately 0.2 acre property located at 123 Girard Boulevard SE on the northwest corner of Silver Avenue SE and Girard Boulevard SE, and on the east edge of University Neighborhoods and just outside of the western boundary of Nob Hill.

The applicant wishes to re-zone the property from the existing R-ML, Residential-Multi-Family Low Density Zone District, to the MX-T, Mixed-Use-Transition Zone District in order to operate the existing 4300 square foot building with mixed office and residential uses. The ground floor of the main house is expected to operate as a medical office and the back apartments and upstairs apartments will continue to be rented for a total of 5 dwelling units and a vertical mix of uses.

Staff concludes that the applicant has adequately justified the proposed zone change from R-ML to MX-T. The applicant's policy-based analysis shows that the requested Zone Map Amendment furthers a preponderance of applicable Goals and policies in the Comprehensive Plan and does not conflict with them. Staff finds that parking and traffic issues would not be exacerbated by the request.

Findings, Zoning Map Amendment (Zone Change)

Project #: 2018-001361, RZ: 2018-00XXX

1. This is a request for a Zone Map Amendment (Zone Change) for Lot 13, Block 25, University Heights, located at 123 Girard Blvd. SE, on the northwest corner of Girard Boulevard SE and Silver Avenue SE and containing approximately 0.2 acres.
2. The request is to change the zone from the existing R-ML, Residential - Townhouse Zone District to the proposed MX-L, Mixed Use - Low Intensity Zone District in order to permit neighborhood commercial uses and a restaurant on the subject site.
3. The request is to re-zone the property from the existing R-ML, Residential-Multi-Family Low Density Zone District, to the MX-T, Mixed-Use-Transition Zone District in order to use the existing 4300 square foot building for a mix of office and residential uses.
4. The applicant intends to operate a medical office / wellness clinic on the ground floor of the main house, 3 apartments upstairs, and 2 apartments in the back of the house for a total of 5 dwelling units.
5. The subject site is not within the boundaries of a Character Protection Overlay (CPO), a Historic Protection Overlay (HPO), or a View Protection Overlay (VPO).
6. The Albuquerque/Bernalillo County Comprehensive Plan and the City of Albuquerque Integrated Development Ordinance (IDO) are incorporated herein by reference and made part of the record for all purposes.
7. The subject site is within an Area of Consistency as designated by the Comprehensive Plan and the following policies apply:
 - a) The request furthers Policy 4.1.1 because the subject site is part of the University Heights neighborhood, one of Albuquerque's older communities. The request would permit rehabilitation of the existing historic home, thereby consistent with the distinct character of University Heights.
 - b) The request furthers Policy 4.1.2 and Policy 4.1.2 a) because the requested MX-T zone would permit the rehabilitation of the existing historic home, thereby protecting the identity and cohesiveness of the University Heights neighborhood and ensuring the existing character of building design. The requested office use is an appropriate scale of development and mix of uses as shown by the existing MX-T properties across the street to the east and MX-L properties to the west.
 - c) The request furthers Policy 4.1.4 and 4.1.4 b) because the requested MX-T zone will enhance, protect, and preserve the University Heights and Nob Hill traditional communities by permitting the re-use of the existing tudor style home into a mix of office and residential uses that will contribute to long-term health and vitality of the neighborhood. The property is located near the University of New Mexico in a location where both higher density smaller unit residential and office uses are existing and needed. Silver Avenue SE is a designated Bicycle Boulevard that represents a local recreational resource that will support low-intensity mixed-uses.

- d) The request furthers Policy 4.2.2 because the applicant conducted notification and outreach beyond what is required by the IDO in order to receive extensive feedback from the surrounding neighbors, and to make sure the existing neighborhood's values, social, cultural and recreational resources continue to be respected. Although, opposition exists from the established University Heights NA and partly from the Nob Hill NA, the applicant went door-to-door to gauge the opinions of the immediately surrounding neighbors and did not find concern.
- e) The request furthers Policies 5.1.1 and 5.1.9 because the mix of uses proposed by the change to MX-T will enhance the existing walkability of the area, including Central Avenue, a designated Main Street Corridor.
- f) The request furthers Policy 5.2.1 because the requested MX-T zone will permit a medical office, which will contribute to the health of the community through wellness services, and will be conveniently accessible from surrounding neighborhoods.
- g) The request furthers Policy 5.2.1 a) because the requested MX-T zone will encourage the redevelopment of the existing property and bring services and amenities within biking and walking distance of the University Heights and Nob Hill neighborhoods. Because it is located on Silver Avenue SE, a Bicycle Boulevard, and one block from Central Avenue, the Albuquerque Rapid Transit, the proposed project provides good access for local residents and for the broader community.
- h) The request furthers Policy 5.2.1 b) because the requested MX-T zone will maintain the characteristics of the communities through zoning and design standards that are consistent with the established University Heights and Nob Hill development pattern. Girard Boulevard SE is a Major Collector and a more heavily-used north-south corridor with a mix of uses compared to the other surrounding local roads. In addition, The IDO applies Use Specific Standards that would limit the scope of the more controversial uses in the requested MX-T zone compared to the higher intensity mixed-use zones.
- i) The request furthers Policy 5.2.1 d) because the requested MX-T zone will continue to permit affordable housing options to meet a range of incomes and lifestyles with 5 of the 7 existing affordable rental units remaining.
- j) The request furthers Policy 5.2.1 d) e) because the requested MX-T zone will permit the proposed wellness center which will support community health through multi-disciplinary wellness services and a mix of office and residential uses conveniently accessible from the surrounding neighborhoods by walking, bicycling, transit, and single-occupancy vehicular travel.
- k) The request furthers Policy 5.6.3 because the subject site is in an Area of Consistency, and the adjacent properties to the north, west, and east are already zoned for multi-family and mixed-use development; therefore the requested MX-T zone would be consistent with the existing and future character of the

surrounding area within a Main Street Corridor. Any new development is subject to the IDO's Neighborhood Edges standards (5-9) along the southern boundary, which would protect the adjacent R-T properties to the south.

- l) The request furthers Policy 6.4 because the requested MX-T zone will permit a medical office which will promote individual and community health, and the location on a Bicycle Boulevard encourages active transportation.
 - m) The request furthers Policies 8.1.1 and 8.1.2 because the mix of uses allowed in the MX-T zone will contribute to a diverse place south of Central Avenue near UNM, and permit a more resilient and diverse economy than solely residential uses as permitted in the existing zone.
 - n) The request furthers Policy 8.2.1 because the requested MX-T zone will permit the applicant to operate a local business, a wellness clinic/medical office, thereby supporting the local economy.
 - o) The request furthers Policy 11.2.1 because the requested MX-T zone will permit the applicant to operate the desired medical office in the existing tudor styled house, therefore preserving the historic architecture at the same time conserving the affordable smaller apartments on the subject site.
 - p) The request furthers Policy 11.2.1 a) because the requested MX-T zone permits multi-family use which maintains a range of housing options and affordability levels to ameliorate displacement of students to other areas.
 - q) The request furthers Policy 11.2.1 b) because the requested MX-T zone will permit the medical office which will encourage the applicant to rehabilitate, preserve, and enhance the existing house.
 - r) The request furthers Policy 11.2.3 and 11.2.3 a) because the requested MX-T zone will permit the applicant to operate the desired wellness center/medical business while considering the existing historic structure which is part of the identity, local history, and visual environment and has a unique historic significance to Albuquerque and the surrounding communities.
8. Pursuant to section 14-16-6-7(F)(3) of the Integrated Development Ordinance, Review and Decision Criteria, "An application for a Zoning Map Amendment shall be approved if it meets all of the following criteria".
- (a) Consistency with the City's health, safety, morals and general welfare is shown by demonstrating that a request furthers applicable Comprehensive Plan Goals and policies (and other plans if applicable) and does not significantly conflict with them. The applicant has adequately demonstrated, in his policy-based response, that the request would be consistent with the City's health, safety, morals and general welfare.
 - (b) The zone change to MX-T would be more advantageous to the community than the current zoning (R-ML) because the request furthers a preponderance of applicable Goals and policies in the Comprehensive Plan regarding Community

Identity, Land Use, Transportation, Economic Development, and Heritage Conservation and does not significantly conflict with the Comprehensive Plan , as shown in the applicant's policy analysis in the response to Criterion A.

- (c) This criterion is not applicable because the subject site is located entirely in an area of consistency, which is addressed in criteria b above.
- (d) The purpose of the MX-T zone is to serve as a transition between a more intense zone such as the MX-L to the west and residential zones such as the R-T to the south. That purpose would be achieved with the proposed zone change.

The applicant listed the uses that would become permitted if the zone change is approved. Staff finds that the permissive uses would not be harmful to adjacent property, the neighborhood, or the community because Use-specific Standards in Section 16-16-4-3 will adequately mitigate those harmful impacts as follows.

The existing R-ML zone permits small and medium sized community residential facilities whereas the proposed MX-T zone will permit a large community residential facility, which is a facility in which a person resides for more than 24 hours and can include persons who are handicapped but cannot include persons currently using or addicted to controlled substances who are not in a separate recognized recovery program. All sizes of facility are subject to the same regulations for distance from other facilities, and a large facility is unlikely due to the size of a site. A Group home small for those protected against housing discrimination would also be permitted if it meets all other regulations. An Adult or Child Day Care Facility would not include overnight care.

The subject parcel is approximate 7,100 square feet or 0.163 acres making it difficult to support a school, museum, health club, hotel or motel, bank of significant size, and small versions of these uses would not be harmful to the community. A bed & breakfast is currently permitted as accessory but would be permitted without an on-site resident in the proposed MX-T zone.

- (e) The applicant refers to sub-criterion 1, that the subject has adequate infrastructure capacity to serve development that the request would make possible. This established urban area has sufficient infrastructure to support the uses of the requested MX-T zone on the approximately 0.163 acre subject site. Central Avenue is also a designated Premium Transit Corridor, which will provide a transportation option for residents and customers.
- (f) The subject site's location at the northwest corner of Girard Boulevard SE, a Major Collector, and Silver Avenue SE, a local road. Rather than being a major street, the applicant's justification for the zone change is based on the request furthering a preponderance of applicable Comprehensive Plan policies regarding Community Identity, Land Use, Transportation, Economic Development, and Heritage Conservation as demonstrated in the response to Criterion A.
- (g) Economic considerations are always a factor with a private development project, but the applicant's justification is not based completely or predominantly on the

cost of land or economic considerations. Rather, the applicant has demonstrated that the request furthers a preponderance of applicable Comprehensive Plan policies regarding Community Identity, Land Use, Transportation, Economic Development, and Heritage Conservation.

- (h) This zone change request is not does not apply to a zone district different from surrounding districts to the subject parcel, because the requested zone is also located across the street, Girard Boulevard SE, to the west.
9. The applicant has adequately justified the proposed zone change from MX-L to MX-T. The applicant's policy-based analysis shows that the request furthers a preponderance of applicable goals and policies in the Comprehensive Plan and does not conflict with them.
 10. The subject site is located on the east edge of the University Heights Association boundaries, and just outside of the western boundary of the Nob Hill Association.
 11. neighborhood/public support or opposition
 12. The applicant notified the Nob Hill Neighborhood Association, the University Heights Neighborhood Association, and the District 6 Coalition of Neighborhood Associations and property owners within 100 feet of the subject site as required.
 13. The applicant attended three neighborhood meetings with the Nob Hill Neighborhood Association and one neighborhood meeting with each of the University Heights Neighborhood Association and the Silver Hills Neighborhood Association.
 14. The Nob Hill Neighborhood Association submitted a letter to staff expressing that during an association meeting, the project was opposed by 4, and supported by 3 members.
 15. The University Heights Association submitted a letter to staff stating a vote of 8 to 0 in opposition to the request. The association feels it would not be advantageous to the community, and would exacerbate the existing significant parking deficit on the property that could create additional parking and dangerous traffic problems in the community. The UHA states that the applicant did not fully consider circulation patterns for all transportation modes, streetscape elements and amenities, and parking for vehicles and bicycles.

Recommendation

APPROVAL of Project #: 2018-001840, RZ-2018-00053, a request for Zoning Map Amendment from R-ML to MX-T for Lot 13, Block 25, University Heights, based on the preceding Findings.

***Cheryl Somerfeldt
Planner***

Notice of Decision cc list:

List will be finalized subsequent to the EPC hearing on February 14, 2019.

Agency Comments

PLANNING DEPARTMENT

Long Range Planning

This request is for a zone map amendment from R-ML to MX-T. The site is abutting R-ML to the north and adjacent to MX-L to the west and MX-T to the east. There is property zoned R-T adjacent on the south side of the lot. A portion of the site is located within 660 ft. of the Central Ave Major Transit Corridor and Main Street Corridor. The site is within an Area of Consistency, adjacent to Area of Change to the west.

The applicant plans to develop the current dwelling unit into a wellness clinic while maintaining existing apartments. A wellness clinic would be considered a “Medical or Dental Clinic” in the IDO Use Table 6-1-1. This use is allowed in the MX-T zone but is limited to 10,000 SF or less.

This request is generally supported by the plans and policies outlined in the ABC Comprehensive Plan, particularly those for mixed-use development with Main Street areas. There is a mix of R-ML, R-T, MX-L, and MX-T in this area to the south of Central Ave. Silver Avenue is generally lined with MX-T or MX-M east of Girard Blvd. The two blocks west of this site are zoned MX-L. A change to MX-T in this location would extend the MX-T pattern and transition to the MX-L to the west. This zone would continue to serve Central Ave. and nearby residential uses while continuing to serve as transition between higher intensity mixed uses to the more residential neighborhood to the south.

ABC Comprehensive Plan Policy 5.1.1 Desired Growth: Capture regional growth in Centers and Corridors to help shape the built environment into a sustainable development pattern.

- a) Create walkable places that provide opportunities to live, work, learn, shop, and play.
- c) Encourage employment density, compact development, redevelopment, and infill in Centers and Corridors as the most appropriate areas to accommodate growth over time and discourage the need for development at the urban edge.

ABC Comprehensive Plan Policy 5.1.9 Main Streets: Promote Main Streets that are lively, highly walkable streets lined with neighborhood-oriented businesses.

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

- a) Encourage development and redevelopment that brings goods, services, and amenities within walking and biking distance of neighborhoods and promotes good access for all residents.
- b) Encourage development that offers choice in transportation, work areas, and lifestyles.

c) Maintain the characteristics of distinct communities through zoning and design standards that are consistent with long-established residential development patterns.

d) Create healthy, sustainable communities with a mix of uses that are conveniently accessible from surrounding neighborhoods.

ABC Comprehensive 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.

b) Ensure that development reinforces the scale, intensity, and setbacks of the immediately surrounding context.

f) Limit the location of higher-density housing and mixed-use development to areas within ¼ mile of transit stations and within 660 feet of arterials and Corridors as an appropriate transition to single-family neighborhoods.

ABC Comprehensive Plan Policy 8.1.1 Diverse Places: Foster a range of interesting places and contexts with different development intensities, densities, uses, and building scale to encourage economic development opportunities.

b) Support a variety of lower-density, lower-intensity services, jobs, and housing outside of Centers.

ABC Comprehensive Plan Policy 8.1.2 Resilient Economy: Encourage economic development efforts that improve quality of life for new and existing residents and foster a robust, resilient, and diverse economy.

c) Prioritize local job creation, employer recruitment, and support for development projects that hire local residents.

ABC Comprehensive Plan Policy 8.2.1 Local Business: Emphasize local business development.

Transportation Development Services

Reviewed. No objection to the request.

DEPARTMENT OF MUNICIPAL DEVELOPMENT (DMD) TRANSPORTATION

Reviewed. No Comment.

POLICE DEPARTMENT/PLANNING

Reviewed. No comment.

ABC WATER UTILITY AUTHORITY (ABCWUA)

Reviewed. No adverse comments to the proposed zone change.

ALBUQUERQUE METROPOLITAN ARROYO FLOOD CONTROL (AMAFCA)

No objections.

MID-REGION COUNCIL OF GOVERNMENTS (MRCOG)

For informational purposes:

- Girard Blvd is functionally classified as a Major Collector currently and in the Long Range Roadway System in the project area.
- The Long Range Bikeway System identifies Girard Blvd to include a proposed Bike Lane, and Silver Avenue is an existing Bike Boulevard.

PUBLIC SERVICE COMPANY OF NEW MEXICO

- An existing electric overhead 115kV transmission line is located along the eastern boundary of the subject site on Girard Blvd. An existing electric overhead distribution line is located on the southern boundary of the subject property along Silver Ave. SE. It is the applicant's obligation to abide by any conditions or terms of these easements.
- Ground-mounted equipment screening will be designed to allow for access to utility facilities. All screening and vegetation surrounding ground-mounted transformers and utility pads are to allow 10 feet of clearance in front of the equipment door and 5-6 feet of clearance on the remaining three sides for safe operation, maintenance and repair purposes. Refer to the PNM Electric Service Guide at www.pnm.com for specifications.

NEW MEXICO DEPARTMENT OF TRANSPORTATION (NMDOT)

Reviewed. NMDOT has no comments.



View of the subject site looking northwest from Girard Boulevard SE.



View of the subject site looking southwest from Girard Boulevard SE.



View of the subject site looking west from Girard Boulevard SE.



View of the subject site looking northeast from Silver Avenue SE.

APPLICATION



Please check the appropriate box and refer to supplemental forms for submittal requirements. All fees must be paid at the time of application.

Administrative Decisions	<input type="checkbox"/> Historic Certificate of Appropriateness – Major (Form L)	<input type="checkbox"/> Wireless Telecommunications Facility Waiver (Form W2)
<input type="checkbox"/> Archaeological Certificate (Form P3)	<input type="checkbox"/> Historic Design Standards and Guidelines (Form L)	Policy Decisions
<input type="checkbox"/> Historic Certificate of Appropriateness – Minor (Form L)	<input type="checkbox"/> Master Development Plan (Form P1)	<input type="checkbox"/> Adoption or Amendment of Comprehensive Plan or Facility Plan (Form Z)
<input type="checkbox"/> Alternative Signage Plan (Form P3)	<input type="checkbox"/> Site Plan – EPC including any Variances – EPC (Form P1)	<input type="checkbox"/> Adoption or Amendment of Historic Designation (Form L)
<input type="checkbox"/> WTF Approval (Form W1)	<input type="checkbox"/> Site Plan – DRB (Form P2)	<input type="checkbox"/> Amendment of IDO Text (Form Z)
<input type="checkbox"/> Minor Amendment to Site Plan (Form P3)	<input type="checkbox"/> Subdivision of Land – Minor (Form S2)	<input type="checkbox"/> Annexation of Land (Form Z)
Decisions Requiring a Public Meeting or Hearing	<input type="checkbox"/> Subdivision of Land – Major (Form S1)	<input checked="" type="checkbox"/> Amendment to Zoning Map – EPC (Form Z)
<input type="checkbox"/> Conditional Use Approval (Form ZHE)	<input type="checkbox"/> Vacation of Easement or Right-of-way (Form V)	<input type="checkbox"/> Amendment to Zoning Map – Council (Form Z)
<input type="checkbox"/> Demolition Outside of HPO (Form L)	<input type="checkbox"/> Variance – DRB (Form V)	Appeals
<input type="checkbox"/> Expansion of Nonconforming Use or Structure (Form ZHE)	<input type="checkbox"/> Variance – ZHE (Form ZHE)	<input type="checkbox"/> Decision by EPC, LC, DRB, ZHE, or City Staff (Form A)

APPLICATION INFORMATION

Applicant: Jeannett Martinez Phone: 505 264-9454

Address: 1026 Dorothy ST NE Email: nmspiritofwellness@gmail.com

City: Albuquerque NM State: NM Zip: 87112

Professional/Agent (if any): _____ Phone: _____

Address: _____ Email: _____

City: _____ State: _____ Zip: _____

Proprietary Interest in Site: _____ List all owners: _____

BRIEF DESCRIPTION OF REQUEST amendment from RM-L to MX-T. Desire to change Home into low flow app Wellness clinic. All attached apartment units will remain apartment rental units

SITE INFORMATION (Accuracy of the existing legal description is crucial! Attach a separate sheet if necessary.)

Lot or Tract No.: 13 Block: 25 Unit: _____

Subdivision/Addition: University Heights MRGCD Map No.: _____ UPC Code: 10160572472383302

Zone Atlas Page(s): K-16 Existing Zoning: RM-L Proposed Zoning: MX-T

of Existing Lots: 1 # of Proposed Lots: 1 Total Area of Site (acres): 0.16

LOCATION OF PROPERTY BY STREETS

Site Address/Street: 123 Girard Blvd SE Between: Girard Blvd / Central Ave and: Girard Blvd / Silver Ave

CASE HISTORY (List any current or prior project and case number(s) that may be relevant to your request.)

Signature: [Signature] Date: 11/26/18

Printed Name: Jeannett Martinez Applicant or Agent

FOR OFFICIAL USE ONLY

Case Numbers	Action	Fees
<u>RZ-2018-00053</u>	<u>AZM</u>	<u>\$485</u>

Meeting/Hearing Date: January 10 2018 Fee Total: \$485

Staff Signature: [Signature] Date: 11-29-18 Project # PR-2018-001840

Form Z: Policy Decisions

Please refer to the EPC hearing schedule for public hearing dates and deadlines. Your attendance is required.

A single PDF file of the complete application including all plans and documents being submitted must be emailed to PLNDRS@cabq.gov prior to making a submittal. Zipped files or those over 9 MB cannot be delivered via email, in which case the PDF must be provided on a CD.

INFORMATION REQUIRED FOR ALL POLICY DECISIONS (Except where noted)

- Interpreter Needed for Hearing? ___ if yes, indicate language: _____
- Proof of Pre-Application Meeting with City staff per IDO Section 14-16-6-4(B)
- Letter of authorization from the property owner if application is submitted by an agent
- Traffic Impact Study (TIS) form (not required for Amendment to IDO Text)
- Zone Atlas map with the entire site/plan amendment area clearly outlined and labeled (not required for Amendment to IDO Text) NOTE: For Annexation of Land, the Zone Atlas must show that the site is contiguous to City limits.

ADOPTION OR AMENDMENT OF COMPREHENSIVE PLAN

ADOPTION OR AMENDMENT OF FACILITY PLAN

- ___ Plan, or part of plan, to be amended with changes noted and marked
- ___ Letter describing, explaining, and justifying the request per the criteria in IDO Sections 14-16-6-7(A)(3) or 14-16-6-7(B)(3), as applicable
- ___ Required notices with content per IDO Section 14-16-6-4(K)(6)
 - ___ Office of Neighborhood Coordination notice inquiry response, notifying letter, and proof of first class mailing
 - ___ Proof of emailed notice to affected Neighborhood Association representatives
 - ___ Buffer map and list of property owners within 100 feet (excluding public rights-of-way), notifying letter, and proof of first class mailing

AMENDMENT TO IDO TEXT

- ___ Section(s) of the Integrated Development Ordinance to be amended with changes noted and marked
- ___ Justification letter describing, explaining, and justifying the request per the criteria in IDO Section 14-16-6-7(D)(3)
- ___ Required notices with content per IDO Section 14-16-6-4(K)(6)
 - ___ Office of Neighborhood Coordination notice inquiry response, notifying letter, and proof of first class mailing
 - ___ Buffer map and list of property owners within 100 feet (excluding public rights-of-way), notifying letter, and proof of first class mailing

ZONING MAP AMENDMENT – EPC

ZONING MAP AMENDMENT – COUNCIL

- Proof of Neighborhood Meeting per IDO Section 14-16-6-4(C)
- Letter describing, explaining, and justifying the request per the criteria in IDO Section 14-16-6-7(F)(3) or Section 14-16-6-7(G)(3), as applicable
- Required notices with content per IDO Section 14-16-6-4(K)(6)
 - Office of Neighborhood Coordination notice inquiry response, notifying letter, and proof of first class mailing
 - Proof of emailed notice to affected Neighborhood Association representatives
 - Buffer map and list of property owners within 100 feet (excluding public rights-of-way), notifying letter, and proof of first class mailing
- Sign Posting Agreement

ANNEXATION OF LAND

- ___ Application for Zoning Map Amendment *Establishment of zoning must be applied for simultaneously with Annexation of Land.*
- ___ Petition for Annexation Form and necessary attachments
- ___ Letter describing, explaining, and justifying the request per the criteria in IDO Section 14-16-6-7(E)(3)
- ___ Board of County Commissioners (BCC) Notice of Decision

I, the applicant or agent, acknowledge that if any required information is not submitted with this application, the application will not be scheduled for a public meeting or hearing, if required, or otherwise processed until it is complete.

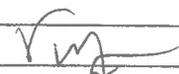
Signature: _____ Date: _____

Printed Name: _____ Applicant or Agent

FOR OFFICIAL USE ONLY

Project Number: _____ Case Numbers _____

PR-2018-001840 RZ-2018-00053

Staff Signature: 

Date: 11-29-18



PRE-APPLICATION REVIEW TEAM (PRT) MEETING REQUEST

Pre-application Review Team (PRT) Meetings are available to help applicants identify and understand the allowable uses, development standards, and processes that pertain to their request. ***PRT Meetings are for informational purposes only; they are non-binding and do not constitute any type of approval.*** Any statements regarding zoning at a PRT Meeting are not certificates of zoning. The interpretation of specific uses allowed in any zone district is the responsibility of the Zoning Enforcement Officer (ZEO).

When you submit PRT notes to meet a Pre-application Meeting requirement in Table 6-1-1, you will be charged a \$50 PRT fee.

PA#: _____	Received By: <u>G Delgado</u>	Date: <u>10.5.18</u>
APPOINTMENT DATE & TIME: <u>Oct 15, 2018 @ 1:30</u>		

Applicant Name: Jeannett Martinez Phone#: 505-264-9454 Email: nmspiritofwellness@gmail.com

PROJECT INFORMATION:

For the most accurate and comprehensive responses, please complete this request as fully as possible and submit any relevant information, including site plans, sketches, and previous approvals.

Size of Site: 3000 sq ft Existing Zoning: Residential Proposed Zoning: ~~MXL~~ Commercial

Previous case number(s) for this site: _____

Applicable Overlays or Mapped Areas: _____

Residential – Type and No. of Units: House w/ 3 attached apartment units on ground level. 4 units total to request rezone

Commercial – Estimated building square footage: _____ No. of Employees: _____

Mixed-use – Project specifics: _____

LOCATION OF REQUEST:

Physical Address: 2817 Silver SE 284 Silver SE 87106
2809 Silver SE 123 Grand SE One Atlas Page (Please identify subject site on the map and attach)

BRIEFLY DESCRIBE YOUR REQUEST (What do you plan to develop on this site?)

The addresses above are all one property (intak intacked) requesting to rezone for Commerical use to open a wellness clinic with nurse practitioner, acupuncture, massage, nutritional & herbal therapys

QUESTIONS OR CONCERNS (Please be specific so that our staff can do the appropriate research)

- What path do I need to pursue to support and ensure rezoning & city code compliance?

- What are my options if this request is denied?

PRE-APPLICATION REVIEW TEAM (PRT) MEETING NOTES

PA# 18-298 Date: 10-15-2018 Time: 1:30pm

Address: 2817, 2811, 2809 Silver Street SE and 123 Girard Street SE

AGENCY REPRESENTATIVES AT MEETING:

Planning: Cheryl

Code Enforcement: _____

Fire Marshall: _____

Transportation: _____

Other: _____

PRT DISCUSSIONS ARE FOR INFORMATIONAL PURPOSES ONLY!

THEY ARE NON-BINDING AND DO NOT CONSTITUTE ANY KIND OF APPROVAL..

*Additional research may be necessary to determine the exact type of application and/or process needed.
Factors unknown at this time and/or thought of as minor could become significant as the case progresses.*

REQUEST: Medical Dental Clinic

SITE INFORMATION:

Zone: R-ML, Medical Dental Clinic Not Permitted Size: _____

Use: _____ Overlay Zone: N/A

Comp Plan Area Of: Consistency Comp Plan Corridor: Main Street Corridor-Central Av
660 ft buffer

Comp Plan Center: _____ MPOS or Sensitive Lands: _____

Parking: _____ MR Area: N/A

Landscaping: _____ Street Trees: _____

Use Specific Standards: 4-3 (D) (25), cannot dispense methadone or syringe exchange

Dimensional Standards: _____

*Neighborhood Organization/s: _____

**This is preliminary information only. Neighborhood Organization information is only accurate when obtained from the Office of Neighborhood Coordination (ONC) at www.cabq.gov/neighborhoods/resources.*

PROCESS:

Type of Action: EPC - Zone Change / Zone Map Amendment

Review and Approval Body: EPC Is this PRT a requirement? YES

PRE-APPLICATION REVIEW TEAM (PRT) MEETING NOTES

PA# 18-298 Date: 10-15-2018 Time: 1:30pm

Address: 2817, 2811, 2809 Silver Street SE, and 123 Girard Street SE

NOTES: _____

Medical Dental Clinic permitted in MX-T and MX-L

Table 6-1-1, Zoning Map Amendment - EPC, per 6-7 (F) (3) Review and Decision Criteria

Google EPC Agendas Reports and Minutes: <https://www.cabq.gov/planning/boards-commissions/environmental-planning-commission/epc-agendas-reports-minutes>

Notification: Contact "Office of Neighborhood Coordination" for neighborhood list.

Neighborhood Associations get 15 days to respond and then 30 days to schedule meeting.

Code Enforcement

Parking Lot - Standards

T. Rosario Roman
4505 Bali Ct. NE
Albuquerque, NM 87111

November 21, 2018

TO: City of Albuquerque
Rezoning Department

RE: 123 Girard SE
Albuquerque, NM 87106
Authorization letter to Jeannett A. Martinez

To Whom It May Concern:

I T. Rosario Roman, sole owner of 123 Girard SE, Albuquerque, New Mexico 87106, authorize my daughter Jeannett A. Martinez to represent me and act on my behalf.

If you have questions or need more information, please do not hesitate to call me at 505 264-3102 or email me at romanslp@msn.com

Sincerely;

A handwritten signature in cursive script that reads "T. Rosario Roman". The signature is written in black ink and is positioned above the printed name.

T. Rosario Roman

CITY OF ALBUQUERQUE

TRAFFIC IMPACT STUDY (TIS) FORM

APPLICANT: Jeannett Martinez DATE OF REQUEST: 10/15/18 ZONE ATLAS PAGE(S): K16 Z

CURRENT:

ZONING R-ML
PARCEL SIZE (AC/SQ. FT.) 3000 SQF

LEGAL DESCRIPTION:

LOT OR TRACT # _____ BLOCK # _____
SUBDIVISION NAME _____

REQUESTED CITY ACTION(S):

ANNEXATION []
ZONE CHANGE [X]: From R-ML To MXT
SECTOR, AREA, FAC, COMP PLAN []
AMENDMENT (Map/Text) []

SITE DEVELOPMENT PLAN:

SUBDIVISION* [] AMENDMENT [X]
BUILDING PERMIT [] ACCESS PERMIT []
BUILDING PURPOSES [] OTHER []

*includes platting actions

PROPOSED DEVELOPMENT:

NO CONSTRUCTION/DEVELOPMENT [X]
NEW CONSTRUCTION []
EXPANSION OF EXISTING DEVELOPMENT []

GENERAL DESCRIPTION OF ACTION:

OF UNITS: 4
BUILDING SIZE: 3000 (sq. ft.)

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

APPLICANT OR REPRESENTATIVE 

DATE 10/15/18

(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 924-3994

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

10/15/18
DATE

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

TIS -SUBMITTED / /
-FINALIZED / / TRAFFIC ENGINEER _____ DATE _____

Jeannett Martinez, Applicant
January 23, 2019

Environmental Planning Commission, City of Albuquerque

Environmental Planning Commission
City of Albuquerque
600 Second Street NW
Albuquerque, NM 87102

**JUSTIFICATION LETTER UNDER IDO PART 14-16-6-7(F) (3)
RE: Request for Zone Map Amendment Approval by Jeannett Martinez
("Applicant") to Allow Use as Mixed-Use Transition (MX-T) at 123 Girard
Blvd SE 87106, Albuquerque NM, Described as K16 in zone atlas map.**

Introduction

The purpose of this letter is to provide background, policy support and justification for the proposed zone amendment of the property located at 123 Girard Blvd SE 87106 in the UNM/Nob Hill Neighborhood, from the current Residential multifamily house Zone (R-ML) to the Mixed-Use, Transition (MX-T) in an Area of Change. The MX-T zone will allow for small clinic of integrated health and wellness use.

The proposed zone change aims to promote investment and redevelopment of the site to accommodate new economic uses, opportunities and multiple benefits to the community through fulfillment of the criteria for approval of the zone change as herein detailed.

The business plan indicates pedestrian friendly, health and wellness center easily accessible to the neighborhood due to the subject site. Conversion to Mixed-Use, Transition (MX-T) is appropriate for this a community center, medical/dental clinic, a personal office and small business. I, Jeannett Martinez, the applicant, request to repurpose the multifamily living building composed of one main house with 3 attached ground apartment rental units, approximating 3,000 square feet for the use of a new integrated wellness center. There are 3 additionally remaining apartments on the second level. The 3 remaining rental units on the second level will remain rental apartment units. The second level is approximately 1300 square feet. This plan is also consistent with the permitted MX-T uses a dwelling of multi-living.

I, Jeannett Martinez, the applicant, have met IDO re-zoning requirements by notifying property owners within 100-feet, communicating and presenting to the required neighborhood associations. I, Jeannett Martinez, have met with University Heights, Nob Hill and Silver Hills NA. Gina Dennis, from District 6, was present at the initial University Heights NA meeting in November of 2018.

History and Background

The building was built in the early 1900's. The lot size is approximately 7100 square feet and the physical building is approximately 4300 square feet. It is a corner lot on Silver

Ave and Girard Blvd SE. There is an alleyway directly west of the property that divides the subject property and a professional building that belongs to the University of New Mexico. 123 Girard Blvd SE resides on the premises of University Heights and borders the start of the Nob Hill Neighborhood.

The University Heights neighborhood and surrounding neighborhoods, know the 123 Girard building well. One person stated the property used to be a sorority house and several others called it "the tutor house".

The subject property, 123 Girard Blvd SE was previously was designated Special Use (SU-2) under the prior Zoning Ordinance. Under City of Albuquerque *PART 2: ZONING DISTRICTS § 14-16-2-23 SU-2 Special Neighborhood Zone*, it is explained that SU-2 zoning promotes the conservation of special neighborhood characteristics which the city desires to preserve and the area has developed or should develop with a pattern of mixed land uses, which will need careful control and coordination of development at a sub-area scale in order to insure a desirable inter-mixture of uses. Currently, the zoning has now converted, under the IDO, to R-ML, residential multifamily low density.

Granting a zone change would help preserve the building integrity, which is desirable to both the city and neighborhood. The property is surrounded by former residential homes converted to businesses with the zoning MX-Ls, MX-Ts and MX-Ms.

My mother, Rosario Roman, has owned the building for the last 15 years. She bought the building as multi-family residential unit. The entire building consists of the main house, which has 3 bedrooms, two bathrooms and an office. The main house is physically attached to 3 down stairs apartment rental units. Above the main floor are another 3 apartment rental units, also attached to the ground floor structure.

Context

Under the care of my mother, Rosario Roman, she has managed and maintained the functional integrity of the building, including bringing electrical wiring up to code, managing and correcting plumbing issues, grounds keeping, and a new roof is being scheduled over the next few months. She has provided affordable to mostly students from UNM or CNM students. However, the main house has always been more challenging for her to rent. Student who have rented the house in the past have historically cause excessive damage to the inside of the house. It has been used as a "party house", assumingly due to the size and location. One set of renters in the main house even set up a skating board ramp inside, causing significant damage to the hardwood floors and walls. Due to the events that repeatedly occur by renters in the main home, we collectively decided it would be best to rezone the property and repurpose how the main home is used to protect it's integrity.

As a nurse practitioner, I, Jeannett Martinez, would like to offer clients a holistic and natural approach to complement the science of medicine and wellness. Health care providers that will work in the clinic will be an Ayurvedic health practitioners, massage

therapist, esthetician, and nurse practitioner. The goal of the clinic will be to share a multi disciplinary approach to wellness, in the best interest of each patient.

Rezoning of the property will give a location to hold a multi disciplinary clinic, invested in each individual's physical and emotional needs. This gentle use of the building will respectfully support the culture and structure of the Nob Hill and UNM area.

The total square foot of the entire building is estimated to be approximately 4300sq ft. However, the business application of the building will only change the functional use of the ground level. This includes the main house and 3 attached apartment rental units, estimating 3000 sq ft, from residential to MX-T. The 3 apartments above will remain apartment units intended for renting living space.

I, Jeannett Martinez, the applicant attended a PRT meeting on October 15, 2018, to discuss rezoning of subject site on 123 Girard Blvd SE, from RM-L to MX-T of the premises. Additionally, I sent each property owner and stakeholder, listed by the City of Albuquerque Planning Division, a certified letter disclosing the zone change application. Furthermore, I presented the zone change proposal at the UNM NA on November 7, 2018 and both Nob Hill NA and Silver Hills NA on November 12, 2018, in compliance with CABQ rezoning policies.

Addressing Parking Concerns

University Heights has expressed concerns of parking. The low flow clinic does not anticipate having more than 5 clients at a time in the clinic. In fact, it is anticipated to have an average of 3-4 clients in the clinic at one moment. Not all practitioners involved in the clinic, anticipate being in the same space, at the same time due to our different anticipated schedules. All health involved health care providers have agreed to park in the paid parking lot of Joe's Carrorro's. Additionally, there are plans to create a parking lot that holds 5 cars in the front of the house on 123 Girard Blvd SE. The entrance will be on Girard Blvd heading south. The exit will be heading west on Silver Ave.

We can offer to validate parking for any patients who use the paid parking lots. A bike rack will be placed out front to encourage cycling. Clients who live in the neighborhood will be encouraged to walk to the clinic. Both cycling and walking are also adventitious to one's health and environment. Furthermore, CABQ requires that we offer 1 parking space for each apartment and 3 parking spaces per 1000 sq ft of business. If rezoning is granted then we will be in compliance to provide 8 parking spaces. The new parking lot will hold 5 cars. On the Southside of the property, on Silver, exists 3 parking spots on that is already used by tenants for parking. This has been the situation prior to the purchase of the property by my mother, 15 years ago.

Review and Decision Criteria

An application for an Amendment to Official Zoning Map shall be approved if it meets all of the following criteria:

6-7(E)(3)(a) The proposed zone change is consistent with the health, safety, and general welfare of the City as shown by furthering (and not being in conflict with) a preponderance of applicable Goals and Policies in the ABC Comp Plan, as amended, and other applicable plans adopted by the City.

The proposed zoning will allow for enhancement, protection and preservation of the traditional mixed-use for the University Heights and Nob Hill Community and contribute to the long-term health and vitality of the neighborhood. The proposed zone change is consistent with the health, safety, and general welfare of the City as shown by furthering (and not being in conflict with) a preponderance of applicable Goals and Policies in the ABC Comp Plan, as amended, and other applicable plans adopted by the City including the Plan because it furthers the Goals and Policies of the plans as further described in detail below.

Policy 4.1.1

Distinct Communities: Encourage quality development that is consistent with the distinct character of communities [ABC]

The request furthers Policy 4.1.1 because it will provide a quiet, low flow, quality holistic wellness center that is consistent with the life style values of the University Heights and Nob Hill neighborhoods.

Policy 4.1.2

Identity and Design: Protect the identity and cohesiveness of neighborhoods by ensuring the appropriate scale and location of development, mix of uses, and character of building design. [ABC]

a) Maintain and preserve the unique qualities of historic areas. [ABC]

The request furthers Policy 4.1.2 because it will allow for a consistent quality of use of the building and neighborhood grounds by reducing the number of renter at this site. This property's rich history has seen many different uses over time, including a sorority house, tutor house and a Bolivian import store in 2003. The different uses have also been appropriate use of this property, in this area of mixed uses of property.

Policy 4.1.4

Neighborhoods: Enhance, protect, and preserve neighborhoods and traditional communities as key to our long-term health and vitality. [ABC]

The request furthers Policy 4.1.4 as a different zone district is advantageous to the community because it would insure the preservation and integrity of the historic property site, which has been proven challenging solely as a rental property. Renters do not invest in upholding quality living conditions or neighborhood safety as much as property owners. Implementing a wellness clinic will promote healthy living and neighborhood safety far better than if remaining rental property. This property sits in a location surrounded by homes that have converted into business: Skate Haven on 114 Vassar SE

87106, 202 Girard Blvd SE is now Siegel Law Offices and 122 Girard SE David Plotsky Law Offices. These are only a few examples of homes in direct sight of the property.

Policy 4.1.4

Neighborhoods: Enhance, protect, and preserve neighborhoods and traditional communities as key to our long-term health and vitality. [ABC]

b) Respect existing neighborhood values and social, cultural, recreational resources.

The request furthers Policy 4.1.4 (b) because the requested MX-T zone will allow for commercial development, it will better enhance, protect, and preserve the distinct University Heights community by providing a pedestrian friendly and neighborhood-serving destination. Activating the street with pedestrians is one method of increasing the long-term health, vitality and safety of neighborhood inhabitants.

I, the Applicant has undertaken the task of performing improvements to the Property and proposes uses that are consistent with and further the goals and policies of the ABC Comp Plan and criteria of the IDO PART 14-16-6-7(F)(3). The proposed subject site will be maintained and the premises' exterior grounds upgraded in such a way that respects and enhances existing neighborhood values and conditions.

As indicated by section II of University Neighborhood Sector Development plan 1986, "A pattern of commercial, institutional and mixed density residential land uses characterize the area. Commercial uses are concentrated along Central Avenue, in the 100 block of Harvard, Cornell, and Vassar Drives and along Yale Boulevard". This Pattern also continues crossing over into the Nob Hill Neighborhood, including, but not limited to, the 100 Block of Girard and Dartmouth, which are intimately close to the property in question. This reinforces that this zoning request, as a mixed use, supports the neighborhood values and unique culture.

POLICY 4.2.2

Community Engagement: Facilitate meaningful engagement opportunities and respectful interactions in order to identify and address the needs of all residents. [ABC]

The request furthers Policy 4.2.2, as I, Jeannett Martinez, the applicant, have maintained openness and contact between University Heights, Nob Hill and Silver Hills neighborhood associations. Additionally, I have set out to meet the residents and delivered flyers to the homes and housing units on west side of the 100 to 200 block of Girard extending to Lead Ave and the 100 to 200 block of Vassar, both East and West, extending to Lead Ave. The flyer inviting the residents to weigh in and contact me with their opinion and insight on the proposed rezoning.

In 2001, this property, along with several others, was attempted to be rezoned for a bookstore. During this attempt, there were several hand written letters, from residents, requesting approval for rezoning. The reason behind the supporting letters stated that commercial use would enhance and preserve the integrity of the property site and neighborhood safety and values. I have not received any written responses, in neither

support nor opposing, in regards to the flyers I left on each property. The intention of the rezoning is to offer and contribute support to the residential, cultural and historical environment preceding this application.

Policy 5.2.1

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

- a) Encourage development and redevelopment that brings goods, services, and amenities within walking and biking distance of neighborhoods and promotes good access for all residents.*
- b) Maintain the characteristics of distinct communities through zoning and design standards that are consistent with long established residential development patterns.*
- d) Encourage development that continues to support affordable housing options to meet a range of incomes and lifestyles.*
- e) Create healthy, sustainable communities with a mix of uses that are conveniently accessible from surrounding neighborhoods.*

The request furthers Policy 5.2.1 (a) because it will foster communities where residents can live, work, learn, and work towards health together. Removing the majority use of multi family living units on the subject site will improve the quality of development and site condition.

This request encourages development and redevelopment that brings goods, services, and amenities within walking and biking distance of neighborhoods and promotes good access for all residents because it is on the corner of Silver Ave, which is a bicycle boulevard. It is also located a block south of Central Ave, which gives access to pedestrians coming from the transit system, UNM and in the surrounding neighborhoods.

This request furthers Policy 5.2.1 (b) as it is consistent in an area where the pattern of commercial, institutional and mixed density residential land uses characterize the area, as indicated in the Sector Plan adopted in 1986. The location and intention of this project supports multiple modalities of transportation for access. Central Avenue provides easy access from the transit system, bicycle access, pedestrian access and private vehicle. This location has pre-established responsible access via pedestrian and by bicycle. As a wellness and health facility, we will encourage people to choose access that is both environmentally friendly as well as healthy. We will provide a bicycle rack and sidewalk accessibility and as a facility encourage alternate transportation to ensure these values. This would encourage the reduction of use of private vehicle and promote use by those who alternatives modes of transportation are less practical.

This request furthers Policy 5.2.1 (d) because there will still be 5 remaining rental units. These rental units will maintain affordable housing for renters, which are have generally been students.

This request furthers Policy 5.2.1 (e) because the location and intention of this project supports multiple modalities of transportation for access. Central Ave provides access

from the transit system, Silver Ave provides bicycle access and the location is heavily accessed by pedestrians from surrounding neighborhoods, shops and the University. Additionally, if rezoning is granted, the proposed wellness clinic will provide a bike rack in front and maintain an accessible sidewalk to encourage alternative and healthier modes of transportation.

Policy 6.4

Public Health: Promote individual and community health through active transportation, noise mitigation, and air quality protections.

This request furthers Policy 6.4 because the proposed zoning encourages both environmental and personal health awareness. One form of achieving environmental, personal health, community health, noise and air quality control is to reduce the use of private vehicle use to access the wellness clinic. The location of the property supports multiple modalities of transportation to access the wellness clinic, as mentioned in previous policy.

Policy 8.2.1

Local Business: Emphasize local business development. [ABC]

The request furthers Policy 8.2.1 because it will encourage private businesses growth. Supporting private business growth is imperative to adding diversity and creativity economic opportunities. Additionally, the rezoning request would allow the proposed wellness clinic to empower people to choose different modalities of health and wellness, that is dictated by each individual needs.

Policy 11.2.1

Gentrification: Balance the objectives of historic preservation and conservation of affordable housing. [ABC]

- a) Work to maintain a range of housing options and affordability levels to ameliorate the displacement of low-income households.*
- b) Encourage renovation and rehabilitation to preserve and enhance the existing housing stock.*

This request furthers Policy 11.2.1 because during the 15 years that my mother has owned the property, she has never raised the rent. Rosario Roman, owner of the property, holds strong to the ideal that education is the most valuable form of wealth. This monetary exchange has made it difficult to preserve the property. However, with partial conversion of the property, the remaining rental units can be maintained affordable as well as additional income to improve and maintain the site.

Policy 11.2

Protect, reuse, and/or enhance significant cultural landscapes as important contributors to our heritage and rich and complex identities.

This request further Policy 11.2 as it has been made with the direct influence of admiration for the existing building structure. The old house has been called an old sorority house and a tutor house. Just about every resident in the Nob Hill and University Heights neighborhood recognizes this property. All have expressed the desire to see the property renovated. Rezoning this property will offer opportunity to reuse the property and therefore giving protection to a significant neighborhood landmark and structure.

Policy 11.2.3

Distinct Built Environments: Preserve and enhance the social, cultural, and historical features that contribute to the identities of distinct communities, neighborhoods, and districts. [ABC]

This request will further Policy 11.2.3 because it preserves and enhances significant historic district and building. These types of preservations call us to reflect our past as we move into the future and to strengthen our sense of identity.

Within the area, there are many buildings in major need of repair and needing appropriate development. The proposed change will contribute to the well-being of the neighborhood in that it enriches a balanced mix of existing housing and light neighborhood-scaled commercial spaces to serve the community on property that has holds a piece of neighborhood history.

Policy 11.2.3

Distinct Built Environments: Preserve and enhance the social, cultural, and historical features that contribute to the identities of distinct communities, neighborhoods, and districts. [ABC]

a) Consider local history and the visual environment, particularly features unique to Albuquerque, as significant determinants in development and redevelopment decisions in light of their relationship to and effect upon the following: i. Architectural styles and traditions; ii. Current and historic significance to Albuquerque; iii. Historic plazas and Centers; iv. Culture, traditions, celebrations, and events

b) Encourage development that strengthens the identity and cohesiveness of the surrounding community and enhances distinct historic and cultural features.

c) Design streets and streetscapes that match the distinctive character of historic areas.

This request furthers Policy 11.2.3 because the project ensures the protection of property style and distinct historical identification. This powerful attribute to the foundation established and preserved by both the University Heights and Nob Hill neighborhood. Rezoning of this property does not conflict with their values of development or establishment.

6-7(E)(3)(b)

If the proposed amendment is located wholly or partially in an Area of Consistency (as shown in the ABC Comp Plan, as amended), the applicant has demonstrated that the new zone would clearly reinforce or strengthen the established character of the surrounding Area of Consistency and would not permit development that is significantly different from

that character. The applicant must also demonstrate that the existing zoning is inappropriate because it meets any of the following criteria:

- 1. There was typographical or clerical error when the existing zone district was applied to the property.*
- 2. There has been a significant change in neighborhood or community conditions affecting the site.*
- 3. A different zone district is more advantageous to the community as articulated by the ABC Com Plan, as amended (including implementation of patterns of land use, development density and intensity, and connectivity), and other applicable adopted City plan(s).*

The subject site is located in an Area of Consistency (as shown in the ABC Comp Plan, as amended). The new zone would clearly reinforce or strengthen the established character of the surrounding area and would not permit development that is significantly different from that character as it is surrounded by residential homes that have also been converted into low flow MX-T businesses.

In addition, the existing zoning is inappropriate because the requested zone is more advantageous to the community as shown in the Comprehensive Plan policy analysis under criteria (a) above. A different zone district is advantageous to the community because it would ensure the preservation and integrity of the historic property site, which has been proven challenging solely as a rental property. Renters do not invest in upholding quality living conditions or neighborhood safety as much as property owners uphold. This zoning will allow the implementation of a wellness clinic, which promotes healthy living and neighborhood safety, far better than if remaining rental property. This property sits in a location surrounded by homes that have converted into business: Skate Haven on 114 Vassar SE 87106, 202 Girard Blvd SE is now Siegel Law Offices and 122 Girard SE David Plotsky Law Offices. These are only a few examples of homes in direct sight of the property.

This proposed use is consistent with the surrounding neighborhood and/or building or other structure will infringe upon the light and air of any neighboring property. This proposed change will not be in conflict with adopted elements of the ABC Comprehensive Plan or other city master plans and amendments thereto, including privately developed area plans, which have been adopted by the city, the University Heights Redevelopment Area Plan, offering as a measure of stability of land use and zoning as desirable.

6-7(E)(3)(c)

If the proposed amendment is located wholly in an Area of Change (as shown in the ABC Comp Plan, as amended) and the applicant has demonstrated that the existing zoning is inappropriate because it meets at least one of the following criteria:

This criterion is not applicable because the subject site is located entirely in an area of consistency, which is addressed in criteria B above.

6-7(E)(3)(d)

The zone change does not include permissive uses that would be harmful to adjacent property, the neighborhood, or the community, unless the Use-specific Standards in Section 16- 16-4-3 associated with that use would adequately mitigate those harmful impacts.

- Community Residential Facility, Large
- Group Home, small
- Adult or Child Day Care Facility
- High School
- Museum
- Vocational School
- Health Club
- Residential Community Amenity
- Bed and Breakfast
- Hotel or Motel
- Bank
- Medical or Dental Clinic
- Office
- Personal and Business Services, small

Some of the controversial uses could be a large community residential facility, or hotel. However, the scale of the property site is small, approximately 0.16 acres. IDO regulations will modify and protect the neighborhood by regulating the manner in which the site can be used. Some of the other uses, such as a high school or vocational school cannot be supported on this property due to the limitation in size.

This zone will allow us to conduct a quiet, low flow wellness clinic, which will not disturb with excess of noise, light or traffic to the surrounding area. Furthermore, the clinic is looking to attract clients who seek a proactive approach to health and wellness, therefore respecting the neighboring surrounds.

6-7(E)(3)(e)

The City's existing infrastructure and public improvements, including but not limited to its street, trail, and sidewalk systems meet 1 the following requirements:

1. *Have adequate capacity to serve the development made possible by the change of zone.*
2. *Will have adequate capacity based on improvements for which the City has already approved and budgeted capital funds during the next calendar year.*
3. *Will have adequate capacity when the applicant fulfills its obligations under the IDO, the DPM, and/or an Infrastructure Improvements Agreement.*
4. *Will have adequate capacity when the City and the applicant have fulfilled their respective obligations under a City-approved Development Agreement between the City and the applicant.*

The City's existing infrastructure and public improvements meet criteria 1 above because both Girard Boulevard SE and Silber Avenue SE have adequate capacity to serve the subject site.

The subject site is on a corner lot on Girard Blvd and Silver Ave. There is an alleyway directly behind the house, followed by property owned by UNMH on 120 Vassar SE. directly south across the street is another RM-L property as is the neighboring property north of 123 Girard Blvd SE. There were no concerns following the traffic study.

6-7(E)(3)(f)

The applicant's justification for the requested zone change is not completely based on the property's location on a major street.

This criterion is not applicable because the subject site is not located on a major street.

6-7(E)(3)(g)

The applicant's justification is not based completely or predominantly on the cost of land or economic considerations.

The applicant's justification is not based completely or predominantly on the cost of land or economic considerations.

6-7(E)(3)(h)

The zone change does not apply a zone district different from surrounding zone districts to one small area or one premises (i.e. create a "spot zone") or to a strip of land along a street (i.e. create a "strip zone") unless the change will clearly facilitate implementation of the ABC Comp Plan, as amended, and at least one of the following applies:

- 1. The area of the zone change is different from surrounding land because it can function as a transition between adjacent zone districts.*
- 2. The site is not suitable for the uses allowed in any adjacent zone district due to topography, traffic, or special adverse land uses nearby.*
- 3. The nature of structures already on the premises makes it unsuitable for the uses allowed in any adjacent zone district.*

The reason this is not a request for a spot zone is because the properties across Girard Boulevard SE to the east of the subject site are also the requested MX-T zone.

The following properties, which are in the close surrounding proximity of the subject site, have been converted in accordance with the IDO, with business names associated with the address indicated as follows:

University of New Mexico Professional Building 120 Vassar SE from SU-2 to RM-L

Skate Haven 114 Vassar SE from SU-2 to MX-L

Carraro's & Joe's Place 108 Vassar SE from SU-2 to MX-M

Conclusion

The current Residential-Multifamily living zone (RM-L) is not adventitious to the subject site, especially while understanding the history behind the building. Approval of the requested Zone Map Amendment to the Mixed-Use, Transition (MX-T) zone that fulfills a preponderance of the ABC Comp Plan goals and policies, directly conforms to the MRA Plan recommendations and meets all of the IDO criteria is respectfully requested.

Thank you for your time,

Jeannett Martinez MSN, CNP-FNP, RN, Applicant

CARTESIAN SURVEYS

P.O. BOX 44414 RIO RANCHO, N.M. 87174
Phone (505) 896-3050 Fax (505) 891-0244

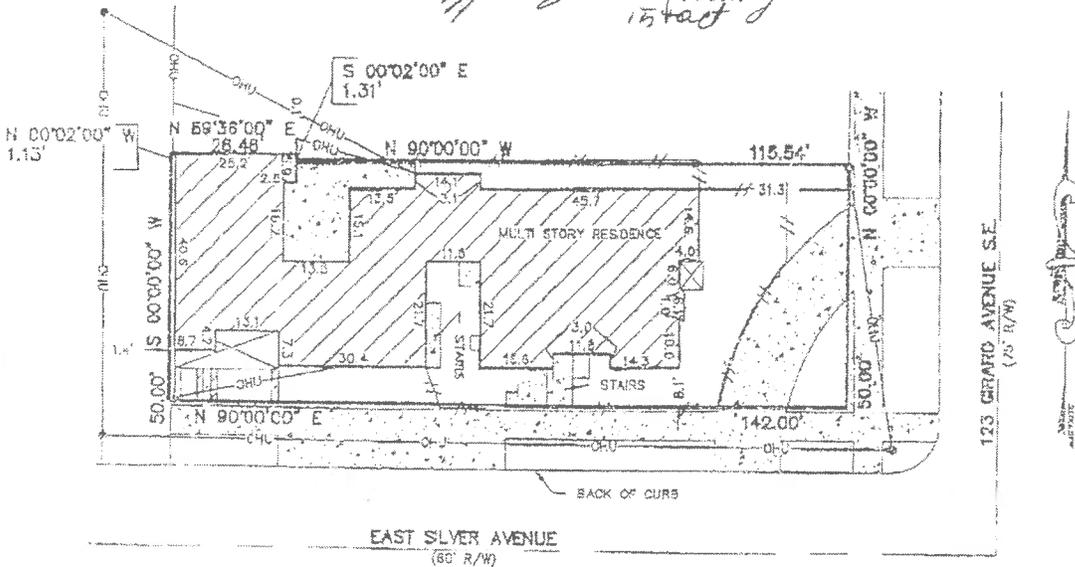
IMPROVEMENT LOCATION REPORT
LOT 13, BLOCK 25,
UNIVERSITY HEIGHTS
CITY OF ALBUQUERQUE
BERNALILLO COUNTY, NEW MEXICO

LEGEND

- COVERED AREA
- CONCRETE
- BLOCK WALL
- WOOD FENCE
- POWER POLE
- OVERHEAD UTILITY

- NOTE: 1. THIS PROPERTY LIES WITHIN FLOOD ZONE X WHICH IS DEFINED AS AN AREA OUTSIDE OF THE 500-YEAR FLOODPLAIN, AS DETERMINED BY F.E.M.A. AND SHOWN ON THE FLOOD INSURANCE RATE MAP DATED SEPTEMBER 20, 1986, MAP NO. 35001C0 333D.
2. THIS LOT IS SUBJECT TO THE CONDITIONS OF TITLE AFFECTING THE INSURED PREMISES AS CONTAINED ON THE NOTES ON THE RECORDED P.L.A.T.
3. THIS IS NOT A BOUNDARY SURVEY.

REVISION #10
T. Rosario Roman by
M.S. Hernandez
in fact



LEGAL DESCRIPTION

LOT NUMBERED THIRTEEN (13) AND THE SOUTHERLY PORTION OF LOT NUMBERED FOURTEEN (14) IN BLOCK NUMBERED TWENTY-FIVE (25) OF UNIVERSITY HEIGHTS, AN ADDITION TO THE CITY OF ALBUQUERQUE, NEW MEXICO, AS THE SAME ARE SHOWN AND DESIGNATED ON THE MAP OF SAID ADDITION, FILED IN THE OFFICE OF THE COUNTY CLERK OF BERNALILLO COUNTY, NEW MEXICO, ON FEBRUARY 7, 1916. THE PORTION OF SAID LOT FOURTEEN (14) IS MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT NUMBERED FOURTEEN (14) IN BLOCK NUMBERED TWENTY-FIVE (25) OF UNIVERSITY HEIGHTS, AN ADDITION TO THE CITY OF ALBUQUERQUE, NEW MEXICO, AS SHOWN AND DESIGNATED ON THE PLAT OF SAID ADDITION, FILED IN THE OFFICE OF THE COUNTY CLERK OF BERNALILLO COUNTY, NEW MEXICO, ON THE 7TH DAY OF FEBRUARY, 1916, RUNNING THENCE, N. 00°02' W, 1.13 FEET ALONG THE WESTERLY BOUNDARY OF SAID LOT 14 TO THE NORTHWEST CORNER OF THE TRACT HEREIN SET FORTH; THENCE LEAVING SAID LOT BOUNDARY AND RUNNING N. 89°36' E, 26.46 FEET TO THE NORTHEAST CORNER; THENCE, S. 0°02' E, 1.30 FEET TO THE SOUTHEAST CORNER, A POINT ON THE SOUTHERLY BOUNDARY OF SAID LOT 14; THENCE, S 89°36' W, 26.46 FEET ALONG THE SOUTHERLY BOUNDARY OF SAID LOT 14 TO THE SOUTHWEST CORNER AND PLACE OF BEGINNING.



Will Plotner Jr.
NMRPS No. 14271

THIS IS TO CERTIFY:
TO TITLE COMPANY: STEWART TITLE TO UNDERWRITER: STEWART TITLE GUARNTY CO.
TO LENDER: THE MORTGAGE HOUSE that on MAY 15TH 2002, Will W. Plotner, Jr., N.M.P.S. No. 14271, made an inspection of the premises situated at LOT 13, BLOCK 25, UNIVERSITY HEIGHTS, BERNALILLO County, New Mexico briefly described as (Address if applicable) 123 GIRARD SE, ALBUQUERQUE

PLAT REFERENCE: Bearings, distances and/or curve data are taken from the following plat (include filing information if plat is filed).
SEE LEGAL DESCRIPTION

NOTE: The error of closure is less than one foot of error for every _____ feet along the perimeter of the legal description provided. Easements shown hereon are as listed in the Title Commitment No. 22040221 provided by the Title Company. Improvement location is based on previous property surveys. No monuments were set. This tract is subject to all easements, restrictions and reservations of record which pertain. This report is not to be relied on for the establishment of fences, buildings or other future improvements.

THIS IS NOT A SURVEY FOR USE BY A PROPERTY OWNER FOR ANY PURPOSE (this includes building permits)

FURTHER CERTIFY as to the existence of the following at the time of my last inspection:

- Evidence of rights of way, old highways or abandoned roads, lanes, trails or driveways, sewer, drains, water, gas, or all pipe lines on or crossing said premises (show location, if none visible, so indicate):
- Springs, streams, rivers, ponds, or lakes located, so indicate:
- Evidence of cemeteries or family burial grounds bordering on or through said premises:
- Overhead utility poles, anchors, pedestals, wires or lines overhanging or crossing said premises and serving other properties (show location):
- Old driveways or walkways, joint garages, party walls or signs of support, steps or roofs in common or joint garages:
- Apparent encroachments, if the building, projections or corners thereof, or signs affixed thereto, fences or other indications of occupancy appear to encroach upon or overhang adjoining property, or the like appear to encroach upon or overhang inspected premises, specify (show location):
- Specific, physical evidence of boundary lines on all sides: SEE ABOVE SKETCH
- Has the property improved? If structure appears to encroach on adjoiners show approximate distance(s): YES
- Indications of recent building construction, alterations or repairs: SEE ABOVE SKETCH
- Approximate distance of structures from at least two lot lines must be shown. SEE ABOVE SKETCH

NOT APPLICABLE, UNLESS INDICATED OTHERWISE ON THE ABOVE SKETCH
Setback and setback violations are not shown hereon.

**CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
CURRENT PLANNING SECTION**

**ENVIRONMENTAL PLANNING COMMISSION
Project #: 2018-001840, RZ-2018-00053
Hearing Date: February 14, 2019**

PUBLIC NOTICE

Copy of Form submitted 10/5/2018 and resubmitted 11/21/2018

Neighborhood Meeting Inquiry For:

Environmental Planning Commission

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

Contact Name

Jeannett Martinez

Telephone Number

5052649454

Email Address

nmspiritofwellness@gmail.com

Company Name

NM Spirit of Wellness LLC

Company Address

123 Girard SE 87106

City

Albuquerque

State

NM

ZIP

87106

Legal description of the subject site for this project:

Requesting re-zoning from RM-L to MX-T for the main house and attached apartments for commercial use on lower level. Space to be opened as a low flow wellness clinic. Business will include sharing space with nurse practitioner, esthetician, massage therapist, Ayurvedic practitioners and nutritionist. Low flow volume business. Upper level to remain as 3 rentable apartment units.

Physical address of subject site:

123 Girard Blvd SE. House and 6 apartments. Three apartments on lower level in addition to main house and three apartments on upper level, all one attached property

Subject site cross streets:

Silver and Girard

Other subject site identifiers:

This site is located on the following zone atlas page:

k16- <http://arcg.is/Wn99y>

Association Name	First Name	Last Name	Association Email	Email
Silver Hill NA	Elizabeth	Doak	president@silverhillabq.com	elizcdoak@aol.com
Silver Hill NA	James	Montalbano	president@silverhillabq.com	ja.montalbano@comcast.net
Spruce Park NA	Peter	Feibelman	sprassociation@gmail.com	pfeibe@msn.com
Spruce Park NA	James	Tolbert	sprassociation@gmail.com	jamestolbert81@gmail.com
Sycamore NA	Peter	Schilke		pschilke@gmail.com
Sycamore NA	Mardon	Gardella		mg411@q.com
University Heights NA	Julie	Kidder	info@uhannm.org	julienkidder@gmail.com
University Heights NA	Don	Hancock	info@uhannm.org	srcdon@earthlink.net
Victory Hills NA	Patricia	Willson	victoryhillisabq@gmail.com	info@willsonstudio.com
Victory Hills NA	Erin	Engelbrecht	victoryhillisabq@gmail.com	e2brecht@gmail.com
District 6 Coalition of Neighborhood Associations	Gina	Dennis	GinaForNM@gmail.com	1816 Buena Vista Drive SE
District 6 Coalition of Neighborhood Associations	Eileen	Jessen	eileenjessen@gmail.com	420 General Hodges Street

X Nab Hill

X

X

X

Address Line 1	City	State	Zip	Mobile Phone	Phone
1606 Silver Avenue SE	Albuquerque	NM	87106		5.05E+09
1409 Silver Avenue SE	Albuquerque	NM	87106	5052430827	
1401 Sigma Chi Road NE	Albuquerque	NM	87106	5055143256	5.05E+09
424 Spruce NE	Albuquerque	NM	87106		5.06E+09
1217 Coal Avenue SE	Albuquerque	NM	87106		5.05E+09
411 Maple Street NE	Albuquerque	NM	87106		5.06E+09
120 Vassar SE	Albuquerque	NM	87106	5052693967	
105 Stanford SE	Albuquerque	NM	87106		5.05E+09
505 Dartmouth SE	Albuquerque	NM	87106	5059808007	
PO Box 40298	Albuquerque	NM	87196	5053508984	
#2	Albuquerque	NM	87106		5.06E+09
NE	Albuquerque	NM	87123	5059189744	

PM

To: Jeannett Martinez;
elizcdoak@aol.com

Subject: Re: FW: Requesting
neighborhood association meeting for
rezoningproperty onGirard/Silver SE

Hi

Thanks for reaching out. Our next meeting is scheduled for Nov. 12. It's usually at the Heights Community Center, but because of the Veterans Day holiday it might be moved to another location. I can let you know when we finalize that.

James Montalbano

Silver Hill NA

On October 8, 2018 at
3:21 PM Jeannett
Martinez
<nmspiritofwellness@g
mail.com> wrote:

This email address-
president@silverhillabq.
com did not work.
However, these emails
are listed as alternates.

From: Jeannett
Martinez
Sent: Monday, October
8, 2018 3:16 PM
To:

spnassociation@gmail.c
om;
president@silverhillabq
.com; info@uhanm.org
;
victoryhillsabq@gmail.c
om;
GinaForNM@gmail.com
; eileentjessen@gmail;
pschillke@gmail.com;
mg411@q.com
Cc: Jeannett Martinez
Subject: Requesting
neighborhood
association meeting for
rezoning property
on Girard/Silver SE

Good afternoon,

I am requesting to be added into the neighborhood meeting agenda to discuss my intentions to rezone a residential property on Silver and Girard SE for business. The purpose for the rezoning is to open a wellness clinic on the bottom level of the property. Currently, the property is a multi family apartment complex.

As part of the rezoning, the property will be renovated and restored with the intent of keeping it's original integrity as much as possible.

As part of the city requirements, I must reach out to the neighborhood coalitions and associations and provide proof of communication. If you prefer to not respond via email, I can send a certified letter to each member on the list. After an official communication attempt, the association or coalition has 2 weeks to respond. If the associations or coalitions would like a joint meeting, I must present an official sign in sheet with my name and situation on the agenda.

I have until the end of November to submit the required tasks.

I have attached a few maps of the property in question, along with a business flyer to better describe my intentions. Please disregard the opening date of the business. Due to the current situation, opening date will be January or February 2019 if rezoning is granted.

Please feel free to call
or text with any
questions or concerns.
However, an initial
official response via
email is nessecary.

Respectfully,

Jeannett Martinez CNP

505 264-9454

505 264-9454

On Oct 14, 2018, at 6:56 AM, J.A. Montalbano <ja.montalbano@comcast.net> wrote:

Jeannett

No more than 5 or 6 packets will be needed.
We can share if we get a crowd.

James

On October 12, 2018 at 10:02 AM
Jeannett Martinez <nmspiritofwellness@gmail.com> wrote:

Good morning James,

I would be delighted to join you and your neighborhood association on November 12, 2018. Kindly tell me how many members will attend so I can prepare a packet for each one. Also please include the time of the meeting. I believe the address for Heights Community Center is 823 Buena Vista Dr. SE 87106

Respectfully,

Jeannett Martinez CNP

505 264 -9454

From: J.A. Montalbano
Sent: Tuesday, October 9, 2018 12:43

Jeannett Martinez

505 264-9454

From: J.A. Montalbano

Sent: Friday, November 2, 2018 2:57 PM

To: Jeannett Martinez

Subject: Re: Requesting neighborhood association meeting for rezoning property on Girard/Silver SE

Hi. We are looking for an alternative location. I'll get back to you as soon as we pin that down. Thanks. James

On October 31, 2018 at 10:11 AM Jeannett Martinez
<nmspiritofwellness@gmail.com> wrote:

Good morning James,

I am checking in on the Silver Hills NA meeting on 11/12/18. I will be making an appearance to present the proposed zone change for property on 123 Girard SE.

This date is also the same day as the Nob Hill NA meeting. Therefore, I need to plan my for each meeting. You also mentioned that the location may not be at the Heights Community Center.

Thank you again for giving me the opportunity to present. I look forward to meeting with the Silver Hills NA.

Sincerely,

Jeannett Martinez

From: J.A. Montalbano

Sent: Tuesday, November 6, 2018 2:11 PM

To: Jeannett Martinez

Subject: RE: Requesting neighborhood association meeting for rezoning property on Girard/Silver SE

Hi, Jeannett

We will be meeting next door to the Heights Community Center, in the CNM building immediately to the west. It is the Student Resource Center, Room 203T. We'll expect you around 7:45.

James

On November 3, 2018 at 10:53 AM Jeannett Martinez <nmspiritofwellness@gmail.com> wrote:

Good morning James,

It seems the Nob Hill NA also falls on 11/12/2018. Theirs, however, starts at 6:30m. They have me on the agenda for 7pm. Would it be okay to be on your agenda around 7:45pm? That should give me time to pack up and move from one NA to another.

The city of ABQ also requests that I obtain a copy of the agenda and sign in sheet as proof that the event occurred. As, I am not familiar with the work flow of the NA meetings, I will follow your recommendations on how to obtain these documents after the meeting has occurred.

Thank you for your time and help. I look forward to meeting with you all on Monday 11/12/18.

Respectfully,

Rosario

From: Jeannett Martinez <nmspiritofwellness@gmail.com>
Sent: Monday, October 8, 2018 4:29 PM
To: juliemkidder@gmail.com; sricdon@earthlink.net; creekmisty@hotmail.com; ross@unm.edu; nurseep505@gmail.com; veronique_salinas@yahoo.com
Cc: Jeannett Martinez
Subject: Requesting neighborhood association meeting for rezoning property on Girard/Silver SE
Attachments: k16 zone atlas map.png; map2.jpg; map3.jpg; map6.jpg; Neighborhood Meeting Inquiry 10-5-2018.doc; NMSW_FLYER[1677].pdf

Good afternoon,

I am requesting to be added into the neighborhood meeting agenda to discuss my intentions to rezone a residential property on Silver and Girard SE for business. The purpose for the rezoning is to open a wellness clinic on the bottom level of the property. Currently, the property is a multi family apartment complex.

As part of the rezoning, the property will be renovated and restored with the intent of keeping it's original integrity as much as possible.

As part of the city requirements, I must reach out to the neighborhood coalitions and associations and provide proof of communication. If you prefer to not respond via email, I can send a certified letter to each member on the list. After an official communication attempt, the association or coalition has 2 weeks to respond. If the associations or coalitions would like a joint meeting, I must present an official sign in sheet with my name and situation on the agenda.

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I have attached a few maps of the property in question, along with a business flyer to better describe my intentions. Please disregard the opening date of the business. Due to the current situation, opening date will be January or February 2019 if rezoning is granted.

Please feel free to call or text with any questions or concerns. However, an initial official response via email is necessary.

Respectfully,

Jeannett Martinez CNP

505 264-9454

mg411@q.com

Cc: [Jeannett Martinez](#)

Subject: Requesting neighborhood association meeting for rezoning property on Girard/Silver SE

Good afternoon,

I am requesting to be added into the neighborhood meeting agenda to discuss my intentions to rezone a residential property on Silver and Girard SE for business. The purpose for the rezoning is to open a wellness clinic on the bottom level of the property. Currently, the property is a multi family apartment complex.

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As part of the city requirements, I must reach out to the neighborhood coalitions and associations and provide proof of communication. If you prefer to not respond via email, I can send a certified letter to each member on the list. After an official communication attempt, the association or coalition has 2 weeks to respond. If the associations or coalitions would like a joint meeting, I must present an official sign in sheet with my name and situation on the agenda.

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Please feel free to call or text with any questions or concerns. However, an initial official response via email is nessecary.

Respectfully,

Jeannett Martinez CNP

505 264-9454

Rosario

From: Don Hancock <sricon@earthlink.net>
Sent: Wednesday, October 10, 2018 4:45 PM
To: Jeannett Martinez; Gina Naomi Dennis
Subject: Re: 11/7/2018 Neighborhood association meeting

Jeannett,

Nice to talk with you. You have the correct information about the board meeting. There are usually 7-10 people present.

We look forward to discussing your project on November 7.

On 10/10/2018 4:00 PM, Jeannett Martinez wrote:

> Dear Don,

>

> I appreciate your telephone communication, as representative of UNM Neighborhood association, in regards to rezone of the property on 123 Girard and attached apartments on Silver.

>

> I accept your invitation to attend the next neighborhood association meeting on 11/7/2018 at 7pm, at 120 Vassar SE. Kindly inform me of the number of members that usually attend so I can prepare a information packet for them.

>

> I have included Gina Dennis, a representative of district 6, in this email as well, as a courtesy update.

>

> Sincerely,

>

> Jeannett Martinez

> 505 264-9454

>

Rosario

From: Gary & Melodie Eyster <meyster1@me.com>
Sent: Friday, October 12, 2018 9:03 AM
To: 'Jeannett Martinez'
Cc: Gary and Melodie Eyster
Subject: RE: Request for Zone Change, 123 Girard SE

I enjoyed speaking with you yesterday, Jeanett.
Please let me know what comes out of your PRT meeting and we'll continue our coordination.
Kind regards, Gary

From: Jeannett Martinez [mailto:nmspiritofwellness@gmail.com]
Sent: Wednesday, October 10, 2018 9:27 AM
To: Gary & Melodie Eyster
Subject: Re: Request for Zone Change, 123 Girard SE

Good morning Gary,

I should be free today after 4pm and tomorrow free from 11-5pm. I appreciate the response and look forward to talking with you. The phone number you have is the best way to reach me.

Thank you

Sincerely,

Jeannett Martinez
505 264-9455

On Oct 10, 2018, at 9:17 AM, Gary & Melodie Eyster <meyster1@me.com> wrote:

Thank you, Jeannett, for reaching out to Nob Hill Neighborhood Association regarding your requested zone change.

Our board of directors has asked me to contact you to determine the status of your request and the schedule going forward.

If you could provide me a couple windows of time I could call you at 264-9454.

Kind regards, Gary Eyster

Rosario

From: Jeannett Martinez <nmspiritofwellness@gmail.com>
Sent: Friday, October 12, 2018 10:02 AM
To: J.A. Montalbano; elizcdoak@aol.com
Subject: RE: FW: Requesting neighborhood association meeting for rezoning property on Girard/Silver SE

Good morning James,

I would be delighted to join you and your neighborhood association on November 12, 2018. Kindly tell me how many members will attend so I can prepare a packet for each one. Also please include the time of the meeting. I believe the address for Heights Community Center is 823 Buena Vista Dr. SE 87106

Respectfully,
Jeannett Martinez CNP
505 264 -9454

From: J.A. Montalbano
Sent: Tuesday, October 9, 2018 12:43 PM
To: Jeannett Martinez; elizcdoak@aol.com
Subject: Re: FW: Requesting neighborhood association meeting for rezoning property on Girard/Silver SE

Hi

Thanks for reaching out. Our next meeting is scheduled for Nov. 12. It's usually at the Heights Community Center, but because of the Veterans Day holiday it might be moved to another location. I can let you know when we finalize that.

James Montalbano

Silver Hill NA

On October 8, 2018 at 3:21 PM Jeannett Martinez <nmspiritofwellness@gmail.com> wrote:

This email address- president@silverhillabq.com did not work. However, these emails are listed as alternates.

From: Jeannett Martinez
Sent: Monday, October 8, 2018 3:16 PM
To: snpassociation@gmail.com; president@silverhillabq.com; info@uhanm.org; victoryhillsabq@gmail.com; GinaForNM@gmail.com; eileentjessen@gmail.com; pschillke@gmail.com;

AGENDA, NOB HILL NEIGHBORHOOD ASSOCIATION

NOVEMBER 12, 2018, 6:30 PM

MONTE VISTA CHRISTIAN CHURCH, 3501 CAMPUS DR NE

Small chapel room, just to the right as you enter the main door

Neighbors and Guests, please sign in at the front of the room.

CALL TO ORDER

Introductions

Establish quorum, (the board has 11 members)

Approve agenda

Officer's reports

Public comment (target, 2 minutes each)

OLD BUSINESS

- Consent Agenda, (Any director may ask to move any item to new business)
 - Approval of Minutes of October 8 meeting
 - Approval of Minutes of November 1 meeting
 - Approval of Treasurer's report
 - Newsletter Committee Report
- Special Exception Requests, Zone Changes, Alcohol Hearings, Building Permits
 - 342 Washington St NE, Variance to wall height, Lee Rosner, report
 - 4101 and 4119 Central Ave NE, Titan Nob Hill LLC, report
 - 421 Carlisle Blvd SE, Variance of wall height, John Sedillo, decision
 - 123 Girard SE, Request for zone change, Jeanett Martinez, decision
 - 207 Amherst Dr SE, Variance to wall height, Cynthia Sousa Sparks, decision
 - Safari Grill, Beer and Wine License, hearing was November 9
- Lead-Coal Safety Brigade
- Amherst/Marquette/Purdue ad hoc Committee

NEW BUSINESS

- Special Exception Requests, Zone Changes, Alcohol Hearings, Building Permits
 - 3812, 6 ft. fence between sidewalk and parking area, Gerry Landgraf
- Establish Committee on Community Form
- Establish Safety Committee
- One Albuquerque Neighborhood Summit
- CNM Community Vision Exercise
- Director's Announcements (2 minutes please)

ADJOURN

Confirmation that Jeannett Martinez met with the University Heights Association (UHA) Board of Directors at the regular meeting on November 7, 2018

Present from the UHA Board: Julie Kidder (President), Jennifer Simpson, Marlene Brown, Sherry Smith, Joseph Aguirre (Vice President), Ben Wasserott, Brian Stinar, Gene Trosterud, and Don Hancock (Secretary/Treasurer). Also present were: Gina Dennis (President of the District 6 Coalition), Richard Hallett, and Mr. Dameron (representing the trustee ownership of 121 Girard, SE).

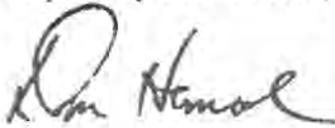
Jeannett Martinez and Rosario Roman, owner of 123 Girard, SE, had submitted written information prior to the meeting, which had been distributed to board members, and brought along copies of those materials.

Concerns were expressed about lack of parking for the business providers and patients (and potentially the remaining residential tenants). Existing "perpetual yard sales" by residents tenants was mentioned. It was suggested that a site plan would be helpful. MX-T zoning, which is what is across the street on Girard, would have lesser impacts to the neighborhood than MX-L zoning. No objections were stated to the specifically proposed businesses.

Jeannett also plans to meet with the boards of the Silver Hill and Nob Hill associations.

No action was taken on the zone change request. The board expects to take action once there is an actual request.

Prepared by Don Hancock, UHA Secretary/Treasurer.

A handwritten signature in black ink, appearing to read "Don Hancock", written in a cursive style.

November 12, 2018

Silver Hill Monthly Meeting 11/12/18

Meeting location: 1100 Buena Vista, #203B

Our next meeting is at 7 p.m. Monday, November 12, 2018 **at the CNM Student Resource Center, Room 203-T** (next door to, to the west of, Heights Community Center on Buena Vista). ALL are welcome to participate.

Here is the agenda:

- All or some of the following information
- Board Meeting
- Base ABQ
- Bike ABQ - Video
- City Planning & Zoning
- CNM
- Historic Overlay Zone
- Housing Heights NA
- Lead & Coal update
- North Hill NA
- Silver Hill residents only Blog
- Union Heights NA
- USM

SILVER HILL NEIGHBORHOOD ASSOCIATION

AGENDA

November 12, 2018

1. Call to Order
2. New Business
 - A. Report on October events
 - B. Upcoming November events (UNM Open House 11/27)
3. Old Business
 - A. Lead & Coal Safety
 - B. Thursdays @ Roosevelt Park
 - i. Preparation for 2019
 - C. Luminarias
 - D. Annual Meeting prep
4. Development at 123 Girard Blvd. SE
5. Approval of Minutes
6. Treasurer's report
7. Adjournment

For more information, visit www.shna.org

SHNA Board Meeting Minutes 09/10/2018

Meeting location: 1100 Buena Vista, #203B

Time and Location of the Meeting: the meeting was

From: Quevedo, Vicente M.
Sent: Monday, November 26, 2018 1:07 PM
To: 'nmspiritofwellness@gmail.com'
Subject: Public Notice Inquiry_123 Girard Blvd SE_EPC

Jeannett,

See list of associations below and attached regarding your EPC submittal. In addition, we have included web links below that will provide you with additional details about the new Integrated Development Ordinance (IDO) requirements. The web links also include notification templates that you may utilize when contacting each association. Thank you.

Association Name	First Name	Last Name	Email	
Nob Hill NA	Gary	Eyster	meyster1@me.com	3
Nob Hill NA	Curtis	Bayer	justbreezinalongblog@gmail.com	2
University Heights NA	Julie	Kidder	juliemkidder@gmail.com	1
University Heights NA	Don	Hancock	sricdon@earthlink.net	1
District 6 Coalition of Neighborhood Associations	Eileen	Jessen	eileentjessen@gmail.com	4
District 6 Coalition of Neighborhood Associations	Gina	Dennis	GinaForNM@gmail.com	1

IDO – Public Notice Requirements & Template: <https://www.cabq.gov/planning/urban-design-development/public-notice>

IDO – Neighborhood Meeting Requirements & Template: <https://www.cabq.gov/planning/urban-design-development/neighborhood-meeting-requirement-in-the-integrated-development-ordinance>

IDO - Administration & Enforcement section: <http://documents.cabq.gov/planning/IDO/IDO-Effective-2018-05-17-Part6.pdf>

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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disclosure or distribution is prohibited unless specifically provided under the New Mexico Inspection of Public Records Act. If you are not the intended recipient, please contact the sender and destroy all copies of this message.

From: webmaster=cabq.gov@mailgun.org [mailto:webmaster=cabq.gov@mailgun.org] **On Behalf Of** webmaster@cabq.gov
Sent: Wednesday, November 21, 2018 8:23 AM
To: Office of Neighborhood Coordination <nmspiritofwellness@gmail.com>
Cc: Office of Neighborhood Coordination <onc@cabq.gov>
Subject: Public Notice Inquiry Sheet Submission

Public Notice Inquiry For:

Environmental Planning Commission

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

Contact Name

jeannett martinez

Telephone Number

5052649454

Email Address

nmspiritofwellness@gmail.com

Company Name

NM Spirit of Wellness LLC

Company Address

123 Girard blvd SE 87106

City

Albuquerque

State

NM

ZIP

87106

Legal description of the subject site for this project:

Requesting re-zoning from RM-L to MX-T for the main house and attached apartments for commercial use on lower level. Space to be opened as a low flow wellness clinic. Business will include sharing space with nurse practitioner, esthetician, massage therapist, Ayurvedic practitioners and nutritionist. Low flow volume business. Upper level to remain as 3 rentable apartment units.

Physical address of subject site:

123 Girard Blvd SE. House and 6 apartments. Three apartments on lower level in addition to main house and three apartments on upper level, all one attached property

Subject site cross streets:

Girard Blvd and Silver Ave

Other subject site identifiers:

This site is located on the following zone atlas page: k16

This site is located on the following zone atlas page:

From: Jeannett Martinez
Sent: Wednesday, November 21, 2018 3:01 PM
To: JAMES
Subject: Re: rezoning announcement for 123 Girard Blvd. SE 87106

Good afternoon James,

The name I was given was Pats Doors on too bravo. However, I called a few days after meeting w silver hills and they did not seem to refurbish the windows as I was told. I will contact the contractor who gave me this info next week and verify.

I can see how we are all interested in locating a person with these talents.

Kind regards,

Jeannett Martinez

On Nov 21, 2018, at 10:35 AM, JAMES <ja.montalbano@comcast.net> wrote:

Thanks for the update, Jeannett.

On a separate note, would you share the name of the contractor who refurbishes windows?

Thanks,
James
Silver Hill

----- Original Message -----

From: Jeannett Martinez
To: elizcdoak@aol.com , Gina Dennis, J.A. Montalbano, pjfeibe@msn.com, jamestolbert81@gmail.com, pschillke@gmail.com , mg411@q.com , juliemkidder@gmail.com, Don Hancock, info@willsonstudio.com, e2brecht@gmail.com, eileentjessen@gmail.com, Gary & Melodie Eyster
Cc: Jeannett Martinez
Sent: November 21, 2018 at 9:19 AM
Subject: rezoning announcement for [123 Girard Blvd. SE 87106](#)

Good morning and happy holidays,

This communication is in regards to rezoning the property on 123 Girard SE 87106. I have had the pleasure of meeting with University Heights, Nob Hill and Silver Hills NA to discuss the project in question. I have heard support and concerns for the project.

The main concern is the parking situation that is currently an ongoing issue in this area. After careful consideration, I am confident that we will not contribute to the current parking congestion. As a low flow clinic, there will likely be, at the most, 3-5 clients in the clinic at any given time. All of the providers have agreed to park in the paid parking lot across from Carrorro's Joe's. Additionally, we will provide a bike rack and encourage clients who live in the area to walk and/or bike to the clinic. We will also validate parking for patient's who have to pay to park in the Carrorro's Joe's parking.

I hope this approach will not only encourage the healthy activity of walking and biking but will encourage mindfulness in the providers and clientele to conserve space for those less able to ambulate for longer distances. As a wellness clinic, I do not anticipate a large number of clientele with chronic debilitating illness, though they are welcome to seek treatment.

The current parking for the home allows for 4-5 cars to park in front of the house for student renters. The above parking plan will not disrupt the flow that is already in place. Additionally, if the rezoning is granted, I will become an active participant in upholding the integrity of the property. I have heard concerns over the quality of the renters. I have not participated in my mother's rental property business until now. Improving the condition of the building and the quality of the renters is also in my best interest as a business owner. Please rest a sure that your concerns have been heard and a plan for change has begun if granted the zoning change.

I also appreciate the voiced support for the project in question. I eagerly look forward to learning the outcome. As stated before, the intent of this project is not to stir disappointment or protest. I look forward to outcomes that are beneficial for who this may effect.

Attached is the letter to rezone. Everyone will receive a copy via postal services. However, as some addresses may have changed without my knowledge, I'm sending an emailed copy as well.

Thank you for taking the time.

Kind regards,

Jeannett Martinez

gi

[Note: Items with an asterisk (*) are required.]

- 9. Overlay Zone(s) [if applicable] _____
- 10. Center or Corridor Area [if applicable] _____
- 11. Current Land Use [vacant, if none] _____
- 12. Deviations Requested [if applicable] _____
- 13. Variances Requested [if applicable] _____

The anticipated public hearing _____ [meeting or hearing] for this request will be on
January 10, 2019 [date] at 0830 _____ [time]
 in the Hearing Room (Basement Level) of Plaza Del Sol, 600 2nd St NW, Albuquerque, NM 87102.*

You can check the agenda for the relevant decision-making body online here:
<https://www.cabq.gov/planning/boards-commissions> or call the Planning Department at 505-924-3860.

NOTE: Anyone may request and the City may require an applicant to attend a City-sponsored facilitated meeting with Neighborhood Associations, based on the complexity and potential impacts of a proposed project [IDO Section 14-16-6-4(D)]. To request a Facilitated Meeting regarding this project, contact the Planning Department at devhelp@cabq.gov or 505-924-3955. To view and download the Facilitated Meetings Criteria, visit <http://www.cabq.gov/planning/urban-design-development/facilitated-meetings-for-proposed-development>.

Please contact me with any questions or concerns at 505 264-9454 [phone number*] or
 via nmspiritofwellness@gmail.com [email*].

More information about the project can be found here: [project webpage*, if applicable]

Useful Links

Integrated Development Ordinance (IDO):

<http://www.cabq.gov/planning/codes-policies-regulations/integrated-development-ordinance>

IDO Interactive Map

<https://tinyurl.com/IDOzoningmap>

Sincerely,

Jeannett Martinez and Rosario Roman [Agent/Property Owner/Developer]

Cc: _____ [Other Neighborhood Associations, if any]

[Note: Items with an asterisk (*) are required.]

11/21/2018

[Date*]

University Heights, Nob Hill, Silver Hills, Spruce Park, Victory Hills, and Sycamore

[Name* of Property Owner or Neighborhood Association (NA) Representative, Name of NA]

123 Girard Blvd SE

[Address* of Property Owner or NA Representative]

RE: Public Notice of Proposed Project

Dear NA representatives [Name* of Property Owner or NA Representative],

In accordance with the procedures of the City of Albuquerque's Integrated Development Ordinance

(IDO) Subsection 14-16-6-4(K)(2) Mailed Public Notice, we are notifying you as a

Property Owner

[Property Owner or NA Representative] that

Rosario Roman and Jeannett Martinez

[Name of Agent/Property Owner/Developer]

will be submitting the following application(s): [Application(s) per Table 6-1-1 in the IDO]

Zoning Map Amendment – EPC

to be reviewed and decided by [Decision-making body per Table 6-1-1]

Environmental Planning Commission

The application(s) is/are for [description of project/request]

Requesting re-zoning from RM-L to MX-T for the main house and attached apartments for commercial use on lower level. Space to be opened as a LOW flow wellness clinic.

1. Property Owner* Rosario Roman and Jeannett Martinez
2. Agent* [if applicable] none
3. Subject Property Address* 123 Girard Blvd SE
4. Location Description corner of Silver and Girard. Zone atlas- K16
5. Zone Atlas Page <http://arcg.is/Wn99y> [Available here: <http://data.cabq.gov/business/zoneatlas/>]
6. Legal Description RM-L residential rental units
7. Area of Property [typically in acres]
8. IDO Zone District

Jeannett Martinez CNP
1026 Dorothy Street NE
Albuquerque, NM 87112
nmspiritofwellness@gmail.com

November 27, 2018

Dear Sir or Madam,

Good afternoon neighborhood association coalition leaders. The intent of this communication is to inform you that I am submitting an application to rezone the property on 123 Girard Blvd SE, from residential RM-L to MX-T for business use. This is all one attached property that has been divided into separate living units for rental purposes. If granted the rezoning, I would like to open a low flow integrated health and wellness clinic in the main house and leave the attached apartments as rental units.

I have had the pleasure of speaking at University Heights, Nob Hills and Silver Hills NA. I have not received any communication attempts from Spruce Park, Sycamore or Victory Hills NA. However, they have been included in each initial email communication and email update as well as included in the mailing of this letter, in accordance with proper procedure mandated by City of Albuquerque IDO.

The property owner, Rosario Roman, and I, Jeannett Martinez, her daughter are submitting a ZONE MAP AMENDMENT application to the ENVIRONMENTAL PLANNING COMMITTEE (EPC), for a hearing date of **January 10, 2019 at 0830**.

The PUBLIC hearing will take place at the date and time mentioned above in the Hearing Room (Basement level) of **Plaza Del Sol on 600 2nd Street NW, Albuquerque, NM 87102**.

Below is a copy/paste portion of the submitted notice given by the CABQ. Each of you received a copy of this letter in the email sent to your email addresses associated with your NA on 11/21/2018.

You can check the agenda for the relevant decision-making body online here: <https://www.cabq.gov/planning/boards-commissions> or call the Planning Department at 505-924-3860.

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Useful Links

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<http://www.cabq.gov/planning/codes-policies-regulations/integrated-development-ordinance>

IDO Interactive Map

<https://tinyurl.com/IDOzoningmap>

I welcome feedback in all forms. Feel free to reach out to me if needed.

Kind Regards and Warm Holiday Wishes,

Jeannett Martinez, CNP
nmspiritofwellness@gmail.com
505 264-9454

Jeannett Martinez CNP
1026 Dorothy Street NE
Albuquerque, NM 87112
nmspiritofwellness@gmail.com

November 27, 2018

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<http://www.cabq.gov/planning/codes-policies-regulations/integrated-development-ordinance>

IDO Interactive Map

<https://tinyurl.com/IDOzoningmap>

I welcome feedback in all forms. Feel free to reach out to me if needed.

Kind Regards and Warm Holiday Wishes,

A handwritten signature in black ink, appearing to read 'Jeannett', with a long horizontal flourish extending to the right.

Jeannett Martinez, CNP
nmspiritofwellness@gmail.com
505 264-9454

MARZANO
11600 HAINES AVE NE
ALBUQUERQUE
NM

87112-9998
3401380112

11/26/2018 (800)275-8777 2:05 PM

Product Description	Qty	Final Price
---------------------	-----	-------------

First-Class	1	\$3.50
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Package

Service -

Retail

2 Days

(Domestic)

(ALBUQUERQUE, NM 87106)

(Weight:0 Lb 1.40 Oz)

(Estimated Delivery Date)

(Friday 11/30/2018)

(USPS Tracking #)

(9500 1106 0628 8332 2498 29)

First-Class	1	\$3.50
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Package

Service -

Retail

2 Days

(Domestic)

(ALBUQUERQUE, NM 87106)

(Weight:0 Lb 1.40 Oz)

(Estimated Delivery Date)

(Friday 11/30/2018)

(USPS Tracking #)

(9500 1106 0628 8332 2498 30)

First-Class	1	\$3.50
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Package

Service -

Retail

2 Days

(Domestic)

(ALBUQUERQUE, NM 87106)

(Weight:0 Lb 1.40 Oz)

(Estimated Delivery Date)

(Friday 11/30/2018)

(USPS Tracking #)

(9500 1106 0628 8332 2498 43)

First-Class	1	\$3.50
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Package

Service -

Retail

2 Days

(Domestic)

(ALBUQUERQUE, NM 87123)

(Weight:0 Lb 1.50 Oz)

(Estimated Delivery Date)

(Friday 11/30/2018)

(USPS Tracking #)

(9500 1106 0628 8332 2498 50)

First-Class	1	\$3.50
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Package

Service -

Retail

2 Days

(Domestic)

(ALBUQUERQUE, NM 87106)

(Weight:0 Lb 1.40 Oz)

(Estimated Delivery Date)

(Friday 11/30/2018)

(USPS Tracking #)

(9500 1106 0628 8332 2498 67)

First-Class	1	\$3.50
-------------	---	--------

*Ann Marie Cole
105 Stanford
SE*

*Gracie Dennis
1816 Buena
VISTA - DORSE*

*Gary Eyster
316 Amherst
Drive*

*Eileen Jensen
420 General
Hodges st NE*

*Julie Kider
120vassar SE*

(Weight: 0 Lb 0.40 Oz) 120VUSUR SC
(Estimated Delivery Date)
(Friday 11/30/2018)
(USPS Tracking #)
(9500 1106 0628 8332 2498 67)

First-Class 1 \$3.50
Package
Service -
Retail
2 Days

Carth's Bayes

(Domestic)
(ALBUQUERQUE, NM 87108) 201 ALISO
(Weight: 0 Lb 0.40 Oz) Br SE
(Estimated Delivery Date)
(Friday 11/30/2018)
(USPS Tracking #)
(9500 1106 0628 8332 2498 74)

Total \$21.00

Debit Card Remit'd \$21.00

(Card Name: VISA)
(Account #: XXXXXXXXXXXXX7037)
(Approval #:
(Transaction #: 210)
(Receipt #: 017179)
(Debit Card Purchase: \$21.00)
(Cash Back: \$0.00)
(AID: A0000000980840 Chip)
(AL: US DEBIT)
(PIN: Verified)

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Standard Message and Data Rates may
apply. You may also visit www.usps.com
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or scan this code with
your mobile device:



or call 1-800-410-7420.

YOUR OPINION COUNTS

Bill #: 840-58700071-3-2E40596-2
Clerk: 2

Jeannett Martinez CNP
1026 Dorothy Street NE
Albuquerque, NM 87112
nmspiritofwellness@gmail.com

October 22, 2018

Dear Sir or Madam,

Good afternoon property owner. The intent of this communication is to inform you that I am requesting to rezone the property on 123 Girard SE, 2811 Silver SE, 2817 Silver SE and 2809 Silver SE 87106, from residential to MXT for business use. This is all one attached property that has been divided into separate living units for rental purposes. If granted the rezoning, I would like to open a low flow integrated health and wellness clinic.

As per the rezoning policies required by the City of Albuquerque, I must inform the property owners in the immediate surrounds of my intentions. I will be presenting this proposed zone change in the November neighborhood association meetings for Nob Hill, UNM and Silver Hills NA meetings. Please feel free to join the meetings on their scheduled November times, to voice any questions, concerns or support. Attendance is not required for property owners but it is welcomed. Please contact the City of Albuquerque if you need information on where and when the meetings are being held.

Thank you for your time.

Respectfully,

Jeannett Martinez
Certified Nurse Practitioner (CNP)
505 264-9454

7016 2710 0000 1045 8154

KINGSTON JON A
208 VASSAR SE
ALBUQUERQUE NM 87106

7016 2710 0000 1045 8192

GOLDFARB DAVID B & TESSIER DENISE
L TRUSTEES GOLDFARB RVT
PO BOX 379
CEDAR CREST NM 87008-0379

7016 2710 0000 1045 8167

ROMERO NELSON F & MARY JANE
12 VISTA DE LAS CRUCES
LOS LUNAS NM 87031

7016 2710 0000 1045 8178

BRAMLITT EDWARD T & KAREN
A TRUSTEES BRAMLITT RVT
8813 CAMINO OSITO NE
ALBUQUERQUE NM 87111-1406

7016 2710 0000 1045 8185

WOODSON OSCAR M
206 GIRARD BLVD SE
ALBUQUERQUE NM 87106

7016 2710 0000 1045 8208

PLOTSKY DAVID L & DOUGHERTY
MARY L
122 GIRARD BLVD SE
ALBUQUERQUE NM 87106

7016 2710 0000 1045 8116

SACKETT DEBRA S
204 GIRARD BLVD SE
ALBUQUERQUE NM 87106

7016 2710 0000 1045 8123

DAMERON WILBUR R JR & NANCY C
TRUSTEES DAMERON RVT
8608 LA SALA GRANDE NE
ALBUQUERQUE NM 87111-4563

7016 2710 0000 1045 8130

ROMAN T ROSARIO
4505 BALI CT NE
ALBUQUERQUE NM 87111

7016 2710 0000 1045 7904

GRIFFIN ELIZABETH R
6285 ALGODON RD SW
DEMING NM 88030

7016 2710 0000 1045 7911

SHERMAN R M & GARTLEY K A
119 GIRARD BLVD SE
ALBUQUERQUE NM 87106

7016 2710 0000 1045 7928

SIEGEL SANFORD & RITA
5411 ROYAL DR NE
ALBUQUERQUE NM 87111

7016 2710 0000 1045 7935

MCCOY ROBBIE C & KEMP
ROBIN D
116 GIRARD BLVD SE
ALBUQUERQUE NM 87106-2228

7016 2710 0000 1045 7942

SIMMONS NANCY LOUISE
120 GIRARD BLVD SE
ALBUQUERQUE NM 87106

7016 2710 0000 1045 7959

DG HEADQUARTERS LLC
120 VASSAR DR SE
ALBUQUERQUE NM 87106

7016 2710 0000 1045 7973

MAXON ERIC
13401 DESERT HILLS PL NE
ALBUQUERQUE NM 87111-3032

7016 2710 0000 1045 7966

REPIK JOHN J
4523 VALLEY GARDENS DR SW
ALBUQUERQUE NM 87105

7016 2710 0000 1045 7881

ORR CATHLEEN
204 VASSAR DR SE
ALBUQUERQUE NM 87106

7016 2710 0000 1045 7980

~~PLOTSKY DAVID L &
DOUGHERTY MARY L
122 GIRARD BLVD SE
ALBUQUERQUE NM 87106~~

Dup

CRANE EUGENE R & CRANE
CHRISTOPHER J
115 GIRARD BLVD SE
ALBUQUERQUE NM 87106-2227

7016 2710 0000 1045 7997

MCCLELLAN WILLIAM WALLACE &
DONNA J
PO BOX 4747
ALBUQUERQUE NM 87196-4747

7016 2710 0000 1045 7935

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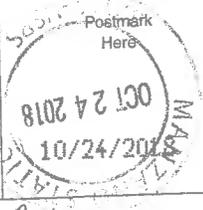
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ALBUQUERQUE, NM 87106

Certified Mail Fee	\$3.45	0112
Extra Services & Fees (check box, add fee as appropriate)	\$0.00	09
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00	
<input type="checkbox"/> Return Receipt (electronic)	\$0.00	
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00	
<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.50	
Total Postage and Fees	\$3.95	

Sent To: McCoy, Robert Kemp Robin
Street and Apt. No., or PO Box No.
116 Girard SE
City, State, ZIP+4®
ABO NM 87106

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



081 5407 0000 1045 7980

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ALBUQUERQUE, NM 87106

Certified Mail Fee	\$3.45	0112
Extra Services & Fees (check box, add fee as appropriate)	\$0.00	09
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00	
<input type="checkbox"/> Return Receipt (electronic)	\$0.00	
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00	
<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.50	
Total Postage and Fees	\$3.95	

Sent To: Engene Crane Christopher Crane
Street and Apt. No., or PO Box No.
115 Girard Blvd SE
City, State, ZIP+4®
ABO NM 87106

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7016 2710 0000 1045 7959

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ALBUQUERQUE, NM 87106

Certified Mail Fee	\$3.45	0112
Extra Services & Fees (check box, add fee as appropriate)	\$0.00	09
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00	
<input type="checkbox"/> Return Receipt (electronic)	\$0.00	
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00	
<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.50	
Total Postage and Fees	\$3.95	

Sent To: DG Headquarters
Street and Apt. No., or PO Box No.
120 Vassar DR SE
City, State, ZIP+4®
ABO NM 87106

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



0819 5407 0000 1045 8130

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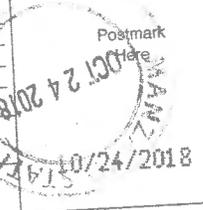
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ALBUQUERQUE, NM 87111

Certified Mail Fee	\$3.45	0112
Extra Services & Fees (check box, add fee as appropriate)	\$0.00	09
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00	
<input type="checkbox"/> Return Receipt (electronic)	\$0.00	
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00	
<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.50	
Total Postage and Fees	\$3.95	

Sent To: Roman T Rosario
Street and Apt. No., or PO Box No.
4505 Bala CT NE
City, State, ZIP+4®
ABO NM 87111

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7016 2710 0000 1045 7904

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DEMING, NM 88030

Certified Mail Fee	\$3.45	0112
Extra Services & Fees (check box, add fee as appropriate)	\$0.00	09
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00	
<input type="checkbox"/> Return Receipt (electronic)	\$0.00	
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00	
<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.50	
Total Postage and Fees	\$3.95	

Sent To: Griffin Elizabeth
Street and Apt. No., or PO Box No.
6285 algodons edsw
City, State, ZIP+4®
Deming NM 88030

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



0819 5407 0000 1045 7973

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ALBUQUERQUE, NM 87111

Certified Mail Fee	\$3.45	0112
Extra Services & Fees (check box, add fee as appropriate)	\$0.00	09
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00	
<input type="checkbox"/> Return Receipt (electronic)	\$0.00	
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00	
<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.50	
Total Postage and Fees	\$3.95	

Sent To: Maxon Eric
Street and Apt. No., or PO Box No.
13701 Desert Hills Pl NE
City, State, ZIP+4®
ABO NM 87111

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ALBUQUERQUE, NM 87105 ORIGINAL USE

Certified Mail Fee	\$3.45
Extra Services & Fees (check box, add fee as appropriate)	\$0.00
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00
Postage	\$0.50
Total Postage and Fees	\$3.95

Sent To: Repik, John
Street and Apt. No., or PO Box No. 4523 Valley Gardens Dr SW
City, State, ZIP+4® Albu NM 87105

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

Postmark Here: 0112 09 MANZANITO STATION NM OCT 24 2018

7016 2710 0000 1045 7942

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ALBUQUERQUE, NM 87106 ORIGINAL USE

Certified Mail Fee	\$3.45
Extra Services & Fees (check box, add fee as appropriate)	\$0.00
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00
Postage	\$0.50
Total Postage and Fees	\$3.95

Sent To: Simmons, Nancy Louise
Street and Apt. No., or PO Box No. 120 Girard Blvd SE
City, State, ZIP+4® Albu NM 87106

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Postmark Here: 0112 09 MANZANITO STATION NM OCT 24 2018

7016 2710 0000 1045 8123

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ALBUQUERQUE, NM 87111 ORIGINAL USE

Certified Mail Fee	\$3.45
Extra Services & Fees (check box, add fee as appropriate)	\$0.00
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00
Postage	\$0.50
Total Postage and Fees	\$3.95

Sent To: Dameron Wilbur Jr & Nancy C
Street and Apt. No., or PO Box No. 8608 La Sala Grande NE
City, State, ZIP+4® Albu NM 87111

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Postmark Here: 0112 09 MANZANITO STATION NM OCT 24 2018

7016 2710 0000 1045 7951

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Certified Mail Fee	\$3.45
Extra Services & Fees (check box, add fee as appropriate)	\$0.00
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00
Postage	\$0.50
Total Postage and Fees	\$3.95

Sent To: Sherman R M & Gortly K A
Street and Apt. No., or PO Box No. 119 Vassar SE
City, State, ZIP+4® Albu NM 87106

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Postmark Here: 0112 09 MANZANITO STATION NM OCT 24 2018

7016 2710 0000 1045 8208

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ALBUQUERQUE, NM 87106 ORIGINAL USE

Certified Mail Fee	\$3.45
Extra Services & Fees (check box, add fee as appropriate)	\$0.00
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00
Postage	\$0.50
Total Postage and Fees	\$3.95

Sent To: Plotsky D & Dougherty Mary
Street and Apt. No., or PO Box No. 122 Girard SE
City, State, ZIP+4® Albu NM 87106

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Postmark Here: 0112 09 MANZANITO STATION NM OCT 24 2018

7016 2710 0000 1045 8116

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ALBUQUERQUE, NM 87106 ORIGINAL USE

Certified Mail Fee	\$3.45
Extra Services & Fees (check box, add fee as appropriate)	\$0.00
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00
Postage	\$0.50
Total Postage and Fees	\$3.95

Sent To: Sackett, Debra
Street and Apt. No., or PO Box No. 204 Girard SE
City, State, ZIP+4® Albu NM 87106

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Postmark Here: 0112 09 MANZANITO STATION NM OCT 24 2018

7016 2710 0000 1045 8192

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CEDAR CREST, NM 87008

Certified Mail Fee	\$3.45	0112
Extra Services & Fees (check box, add fee as appropriate)	\$0.00	09
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00	Postmark Here
<input type="checkbox"/> Return Receipt (electronic)	\$0.00	
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00	
<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.50	
Total Postage and Fees	\$3.95	

Sent To: **David Goldfarb & Denise Tessier**
Street and Apt. No., or PO Box No.
PO BOX 379
City, State, ZIP+4®
Cedar Crest NM 87008-0379

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7016 2710 0000 1045 8154

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ALBUQUERQUE, NM 87106

Certified Mail Fee	\$3.45	0112
Extra Services & Fees (check box, add fee as appropriate)	\$0.00	09
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00	Postmark Here
<input type="checkbox"/> Return Receipt (electronic)	\$0.00	
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00	
<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.50	
Total Postage and Fees	\$3.95	

Sent To: **Kingston, Jan**
Street and Apt. No., or PO Box No.
208 Vassar SE
City, State, ZIP+4®
ABQ NM 87106

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7016 2710 0000 1045 8185

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ALBUQUERQUE, NM 87106

Certified Mail Fee	\$3.45	0112
Extra Services & Fees (check box, add fee as appropriate)	\$0.00	09
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00	Postmark Here
<input type="checkbox"/> Return Receipt (electronic)	\$0.00	
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00	
<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.50	
Total Postage and Fees	\$3.95	

Sent To: **Woodson, Oscar**
Street and Apt. No., or PO Box No.
206 Girard SE
City, State, ZIP+4®
ABQ NM 87106

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7016 2710 0000 1045 8178

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ALBUQUERQUE, NM 87111

Certified Mail Fee	\$3.45	0112
Extra Services & Fees (check box, add fee as appropriate)	\$0.00	09
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00	Postmark Here
<input type="checkbox"/> Return Receipt (electronic)	\$0.00	
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00	
<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.50	
Total Postage and Fees	\$3.95	

Sent To: **Bramlett, Edward & Karen**
Street and Apt. No., or PO Box No.
8913 Camino Osito NE
City, State, ZIP+4®
ABQ NM 87111-1406

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7016 2710 0000 1045 8161

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LOS LUNAS, NM 87031

Certified Mail Fee	\$3.45	0112
Extra Services & Fees (check box, add fee as appropriate)	\$0.00	09
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00	Postmark Here
<input type="checkbox"/> Return Receipt (electronic)	\$0.00	
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00	
<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.50	
Total Postage and Fees	\$3.95	

Sent To: **N. Romero & M.J. Romero**
Street and Apt. No., or PO Box No.
12 Vista de las Cruces
City, State, ZIP+4®
Los Lunas NM 87031

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7016 2710 0000 1045 8162

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ALBUQUERQUE, NM 87111

Certified Mail Fee	\$3.45	0112
Extra Services & Fees (check box, add fee as appropriate)	\$0.00	09
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00	Postmark Here
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<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00	
<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.50	
Total Postage and Fees	\$3.95	

Sent To: **Siegel, Rita & Sanford**
Street and Apt. No., or PO Box No.
5011 Royal dr NE
City, State, ZIP+4®
ABQ NM 87111

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

7016 2710 0000 1045 7997

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ALBUQUERQUE, NM 87196 **OFFICIAL USE**

Certified Mail Fee \$3.45

Extra Services & Fees (check box, add fee as appropriate)

<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00

Postage \$0.50

Total Postage and Fees \$3.95

Sent To McClellan William Wallace

Street and Apt. No., or PO Box No. PO Box 4747

City, State, ZIP+4® Albuquerque NM 87196

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0112 09
 OCT 24 2018
 MANZANITA STATION

7016 2710 0000 1045 7881

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ALBUQUERQUE, NM 87106 **OFFICIAL USE**

Certified Mail Fee \$3.45

Extra Services & Fees (check box, add fee as appropriate)

<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00

Postage \$0.50

Total Postage and Fees \$3.95

Sent To Orr Cathleen

Street and Apt. No., or PO Box No. 204 Vassar Dr. SE

City, State, ZIP+4® Albuquerque NM 87106

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0112 09
 OCT 24 2018
 MANZANITA STATION

SIGN POSTING AGREEMENT

REQUIREMENTS

POSTING SIGNS ANNOUNCING PUBLIC HEARINGS

All persons making application to the City under the requirements and procedures established by the City Zoning Code or Subdivision Ordinance are responsible for the posting and maintaining of one or more signs on the property which the application describes. Vacations of public rights-of-way (if the way has been in use) also require signs. Waterproof signs are provided at the time of application. If the application is mailed, you must still stop at the Development Services Front Counter to pick up the sign.

The applicant is responsible for ensuring that the signs remain posted throughout the 15-day period prior to public hearing. Failure to maintain the signs during this entire period may be cause for deferral or denial of the application. Replacement signs for those lost or damaged are available from the Development Services Front Counter at a charge of \$3.75 each.

1. LOCATION

- A. The sign shall be conspicuously located. It shall be located within twenty feet of the public sidewalk (or edge of public street). Staff may indicate a specific location.
- B. The face of the sign shall be parallel to the street, and the bottom of the sign shall be at least two feet from the ground.
- C. No barrier shall prevent a person from coming within five feet of the sign to read it.

2. NUMBER

- A. One sign shall be posted on each paved street frontage. Signs may be required on unpaved street frontages.
- B. If the land does not abut a public street, then, in addition to a sign placed on the property, a sign shall be placed on and at the edge of the public right-of-way of the nearest paved City street. Such a sign must direct readers toward the subject property by an arrow and an indication of distance.

3. PHYSICAL POSTING

- A. A heavy stake with two crossbars or a full plywood backing works best to keep the sign in place, especially during high winds.
- B. Large headed nails or staples are best for attaching signs to a post or backing; the sign tears out less easily.

4. TIME

Signs must be posted from 12/26/18 To 1/10/19

5. REMOVAL

- A. The sign is not to be removed before the initial hearing on the request.
- B. The sign should be removed within five (5) days after the initial hearing.

I have read this sheet and discussed it with the Development Services Front Counter Staff. I understand (A) my obligation to keep the sign(s) posted for (15) days and (B) where the sign(s) are to be located. I am being given a copy of this sheet.

[Signature] 11/29/18
(Applicant or Agent) (Date)

I issued 2 signs for this application, 11/29/18, [Signature]
(Date) (Staff Member)

PROJECT NUMBER: PR-2018-001840
RZ-2018-00053

Nob Hill Neighborhood Association, Inc.

PO Box 4875, Albuquerque, NM 87196

TheBoard@NobHill-NM.com

January 14, 2019

Derek Bohannon, Chair
Environmental Planning Commission
City of Albuquerque
via email to: rbrito@cabq.gov

RE: 123 Girard Blvd SE, Zone Map Amendment, Change from RM-L to MX-T,
Project # 2018-001840, Jeanett Martinez

Dear Chairman Bohannon and Commissioners,

Nob Hill Neighborhood Association was contacted by Ms. Martinez because her property borders on our Girard boundary. We appreciate her meeting with us on three occasions. At our regular board meeting on January 8, 2019 several directors expressed concern about very limited onsite parking while others noted that the zone change would likely result in physical improvements to the property.

At that time we considered a motion in support of the zone map amendment which failed, 3 For, 4 Against, 1 abstention. No further motion was made or voted on.

Respectfully yours,



Gary Eyster
President, Nob Hill Neighborhood Association

UNIVERSITY HEIGHTS ASSOCIATION

105 Stanford, SE
Albuquerque, NM 87106

December 10, 2018

Derek Bohannon, Chair
Environmental Planning Commission
City of Albuquerque



via email to: csomerfeldt@cabq.gov

RE: 123 Girard, SE Zone Change Request, Project # 2018-001840

Dear Chairperson Bohannon and Commissioners:

The University Heights Association (UHA) is the Recognized Neighborhood Association where the subject property at 123 Girard, SE is located. At its regular December 5, 2018 board meeting, the board members, unanimously by an 8-0 vote, passed a motion to oppose the zone change request because it does not meet any of the criteria for a zone change. The zone change would not be advantageous to the community, and in fact, it would exacerbate the existing significant parking deficit on the property and could create additional parking and dangerous traffic problems in the community. Therefore, UHA urges that the EPC deny the zone change request.

On November 7, 2018, Jeannett Martinez, the applicant for the zone change, and Rosario Roman, owner of 123 Girard, SE, attended the UHA board meeting to provide information about the zone change request that they were planning to submit. UHA confirms that the applicant complied with the requirements of Part 14-16-6-4(C) of the Integrated Development Ordinance (IDO) including: (1) to offer a meeting; (3) to provide a meeting request; (5) to provide information at the neighborhood meeting. UHA complied with (4) responding to the meeting offer and provided a meeting summary so that the applicant could show compliance with (6).

The UHA November 7, 2018 meeting summary stated:

Concerns were expressed about lack of parking for the business providers and patients (and potentially the remaining residential tenants). Existing “perpetual yard sales” by residents tenants was mentioned. It was suggested that a site plan would be helpful. MX-T zoning, which is what is across the street on Girard, would have lesser impacts to the neighborhood than MX-L zoning. No objections were stated to the specifically proposed businesses.

Part 14-16-6-7(F)(3) of the IDO states that a Zoning Map Amendment shall be approved if it meets all of the applicable criteria. For this zone change request, subsections (a) and (c) apply. Subsection (a) states:

The proposed zone change is consistent with the health, safety, and general welfare of the City as shown by furthering (and not being in conflict with) a preponderance of applicable Goals and Policies in the ABC Comp Plan, as amended, and other applicable plans adopted by the City.

IDO Part 14-16-6-7(F)(3)(c) provides that a zone change in an Area of Change can be approved only if it meets at least one of three criteria:

1. There was typographical or clerical error when the existing zone district was applied to the property.
2. There has been a significant change in neighborhood or community conditions affecting the site that justifies this request.
3. A different zone district is more advantageous to the community as articulated by the ABC Comp Plan, as amended (including implementation of patterns of land use, development density and intensity, and connectivity), and other applicable adopted City plan(s).

Criterion #1 does not apply to the subject property, nor does that applicant state that it does. The property has always been zoned residential, and has never been zoned commercial or mixed use. No typographical or clerical error was made when the property was zoned RM-L, nor its previous zoning of SU-2/DR under the University Neighborhoods Sector Development Plan.

Criterion #2 does not apply to the subject property, nor does the applicant state that it does. The only recent relevant change is the adoption of the IDO.

Criterion #3 is what the applicant states in the justification is the reason that the zone change request should be approved. UHA disagrees.

The Albuquerque Comprehensive Plan Section 4.1.2.1 PROTECTING & ENHANCING NEIGHBORHOOD CHARACTER includes:

- Circulation patterns for all transportation modes
- Streetscape elements and amenities
- Parking for vehicles and bicycles

The application does not concretely discuss those important characteristics of the UHA area. Nor does the application address the concerns raised at the UHA meeting on November 7, 2018, despite the requirements of Part 14-16-6-4(C)(6) that “If the concerns raised at the meeting have not been accommodated, the applicant must identify the site or project constraints that limit the ability to address those concerns.”

The Comprehensive Plan also includes Policy 4.1.4 Neighborhoods: Enhance, protect, and preserve neighborhoods and traditional communities as key to our long-term health and vitality. UHA is one of those neighborhoods that the Plan seeks to enhance, protect, and preserve. UHA does not oppose the specific businesses being proposed, nor oppose all Mixed Use Zoning. But the subject property is not an appropriate location, and we urge the applicant to seek a more appropriate site.

The community is in close proximity to the University of New Mexico (UNM), which does not provide sufficient parking for faculty, staff, and students. As a result, much of the UHA area has “U” Permit Parking to prevent the streets from being used as UNM parking lots and to allow residents to obtain parking permits.

The subject property has historically had a significant parking deficit for the residential uses. Because of the lack of parking, tenants living on the property routinely park on the sidewalk on the north side of Silver adjacent to the property as the building is about 8 feet from the sidewalk. Pedestrians cannot use that sidewalk and frequently walk into the street to get around cars parked on the sidewalk. The sidewalk also is frequently occupied by items for ongoing yard sales.

The application states that there are currently seven rental units (the previous DR zoning allowed for four dwelling units). Seven parking spaces for the subject property would be required to meet the IDO UC-MS-PT provisions of Part 14-16-5-5. The application states that with the zone change three rental units and 3,000 square feet of commercial space would be maintained. Under Part 14-16-5-5, three parking spaces would be required for the rental units and seven spaces for the proposed businesses (and some permissive uses in the MX-T zone require additional parking spaces), for a total of at least 10 parking spaces, or an increase of at least three parking spaces. The justification states a maximum of 5-6 clients (plus the practitioners) could be present at a time, which could mean more than seven commercial parking spaces could actually be needed. The applicant has told UHA that she could have practitioners park at nearby paid lots, but the zone change is not conditioned on such parking measures. The fact is that the proposed MX-T zoning could permissively allow for an increased parking deficit, which is not consistent with the neighborhood character and is not advantageous to the community.

A significant aspect of the neighborhood character is the Silver Avenue Bicycle Boulevard. At the Girard-Silver intersection, a bike-permeable median diverter allows bicycles on Silver to go through the intersection but eastbound vehicles on Silver must turn right (south) on to Girard and westbound vehicles on Silver must turn right (north) on to Girard. Northbound vehicles on Girard can turn right onto Silver eastbound or continue traveling north, but they cannot turn left onto Silver and they are also not supposed to turn across the median into the 123 Girard parking. Thus, the on-site parking at 123 Girard is in front of the building along Girard and can only appropriately be accessed by southbound vehicles on Girard. UHA is concerned that vehicles will try to access the parking off of Silver or northbound traffic will inappropriately turn across Girard, increasing the risks of accidents for southbound vehicles on Girard and pedestrians and bicyclists on Girard and Silver. Exiting from the parking could be difficult to either Silver or Girard, depending on the layout, which has not been included in the application. The only possible exits would be to go southbound on Girard or westbound on Silver. If vehicles exit and go northbound on Girard, there would be increased congestion and could endanger pedestrians and bicyclists, in addition to the likelihood of additional vehicle crashes. Thus, the intersection is not an appropriate place for additional parking or vehicular traffic, which would increase congestion and traffic flows that could endanger pedestrians and bicyclists.

UHA would also note that the adjacent properties to the north are used and zoned as residential. The properties directly south along the west side of Girard are also residentially zoned and used. The nearby properties that the justification sites as MX-T are on the east side of Girard. In Part V of the justification, the applicant states that 120 Vassar, SE (which is the Design Group, not UNM) is zoned RM-L. That is not correct, as the property is zoned MX-L and was previously zoned SU-2/R3C. That property at 120 Vassar, SE has long been commercially used and zoned, unlike 123 Girard, SE, which has always been residentially used and zoned.

Again, the UHA Board of Directors opposes the zone change to MX-T at 123 Girard, SE and urges that the EPC deny the request.

Thank you very much for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Don Hancock". The signature is fluid and cursive, with the first name "Don" being more prominent than the last name "Hancock".

Don Hancock
Secretary/Treasurer
Phone: 262-1862

cc: Jeannett Martinez <nmspiritofwellness@gmail.com>