



**Environmental
Planning
Commission**

**Agenda Number: 04
Project Number: 1011436
Case Number: 17EPC-40050
Hearing Date: January 11, 2018**

Staff Report

Agent	Richard Hanna and Stephen Caruso
Applicant	Martin L. Williams
Request	Zone Map Amendment (zone change)
Legal Description	Lot 48, Block 78, Snow Heights Addition and the southerly 22 feet vacated of Candelaria Rd. NE
Location	On Candelaria Rd. NE, between between Juan Tabo Blvd. NE and Morris St. NE (11,100 Candelaria Rd. NE)
Size	Approximately 0.27 acre
Existing Zoning	O-1
Proposed Zoning	C-1

Staff Recommendation

DENIAL of 17EPC-40060, based on the Findings beginning on Page 14.

Staff Planner

Catalina Lehner, AICP-Senior Planner

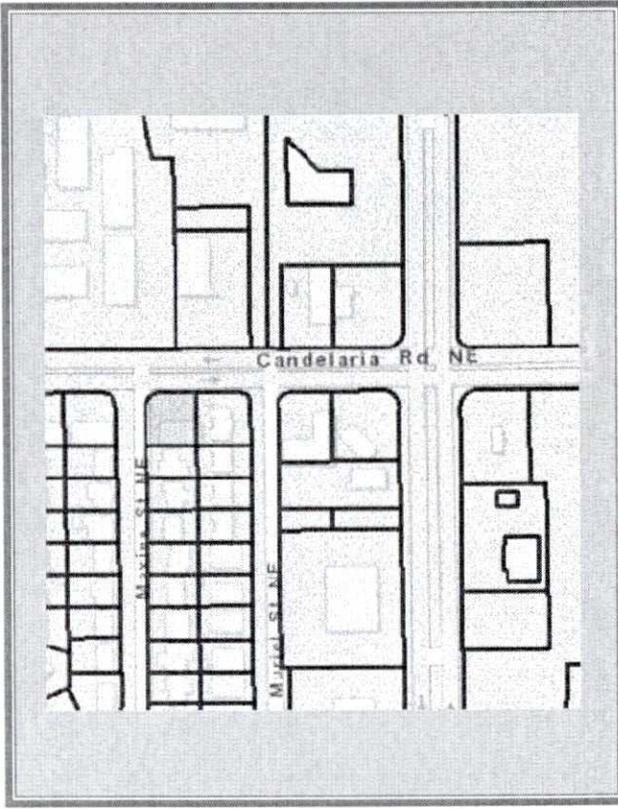
Summary of Analysis

The request is for a zone change for an approx. 0.27 acre site, zoned O-1, on Candelaria Rd. NE, just west of the intersection with Juan Tabo Blvd. NE. The subject site contains a building with five small office suites built in the 1970s. The request was deferred for 30 days to allow time to strengthen the zone change justification and to ensure complete notification.

The applicant wants to change the zoning to align with the fact that the office suites have been rented to small commercial businesses for quite some time and to accommodate a potential tenant (a dog wash, which is not allowed in O-1).

The subject site is in an Area of Consistency as designated by the Comprehensive Plan. No sector development plans apply. The zone map amendment has not been adequately justified pursuant to R-270-1980. The responses to Sections C, D, E, and H are insufficient.

The affected neighborhood organization is the District 8 Coalition, which was notified as required. Property owners within 100 feet of the subject site were also notified as required. A facilitated meeting was not requested. There is no known opposition. Staff recommends denial.





Project #1011436/17EPC-40060



Legend

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

Notes

0.0 0 0.02 0.0 Miles

WGS_1984_Web_Mercator_Auxiliary_Sphere
1/3/2018 © City of Albuquerque

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

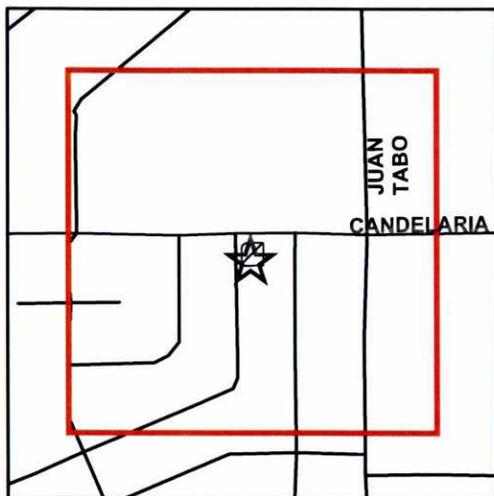
THIS MAP IS NOT TO BE USED FOR LEGAL PURPOSES

1:1,454



ZONING MAP

Note: Grey shading indicates County.



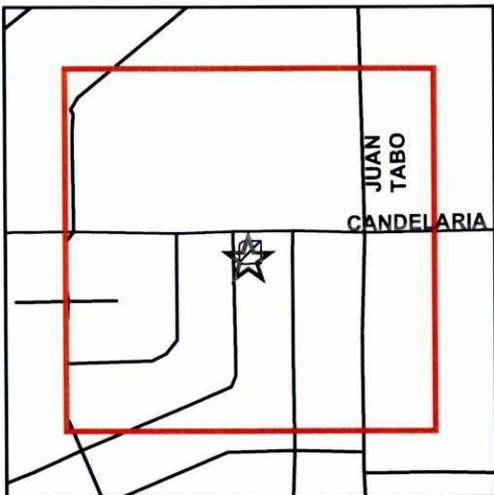
1 inch = 200 feet

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LAND USE MAP

Note: Grey shading indicates County.

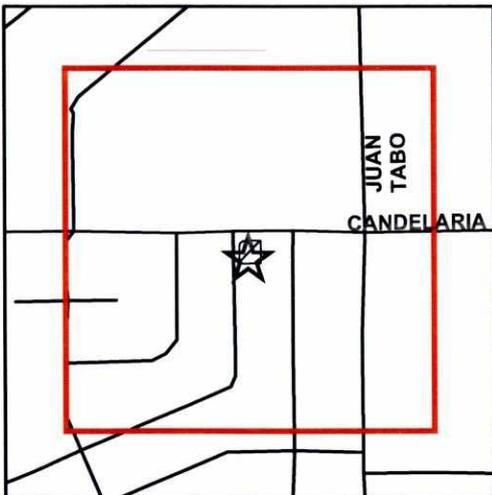
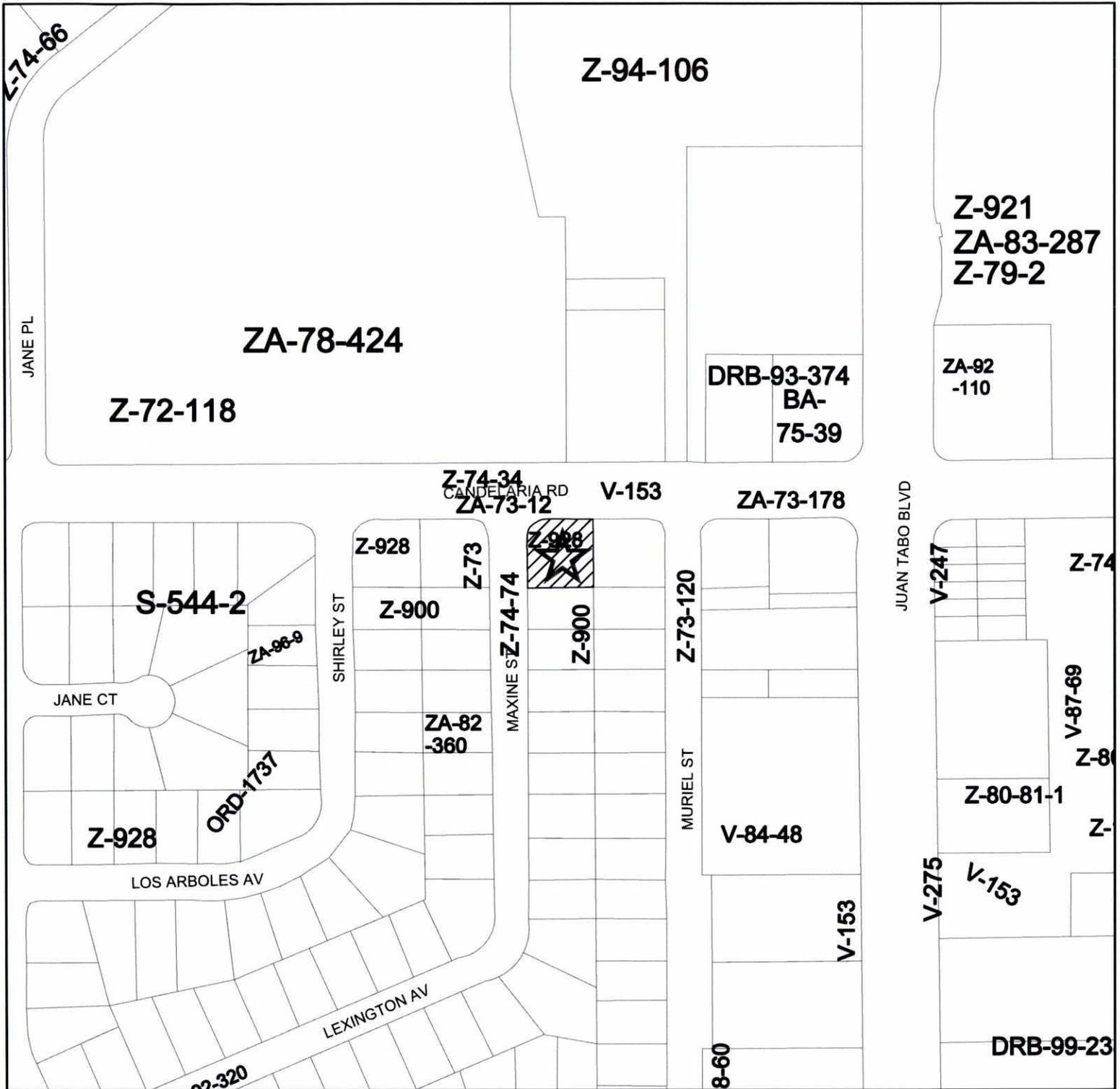
KEY to Land Use Abbreviations

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



1 inch = 200 feet

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HISTORY MAP

Note: Grey shading
indicates County.



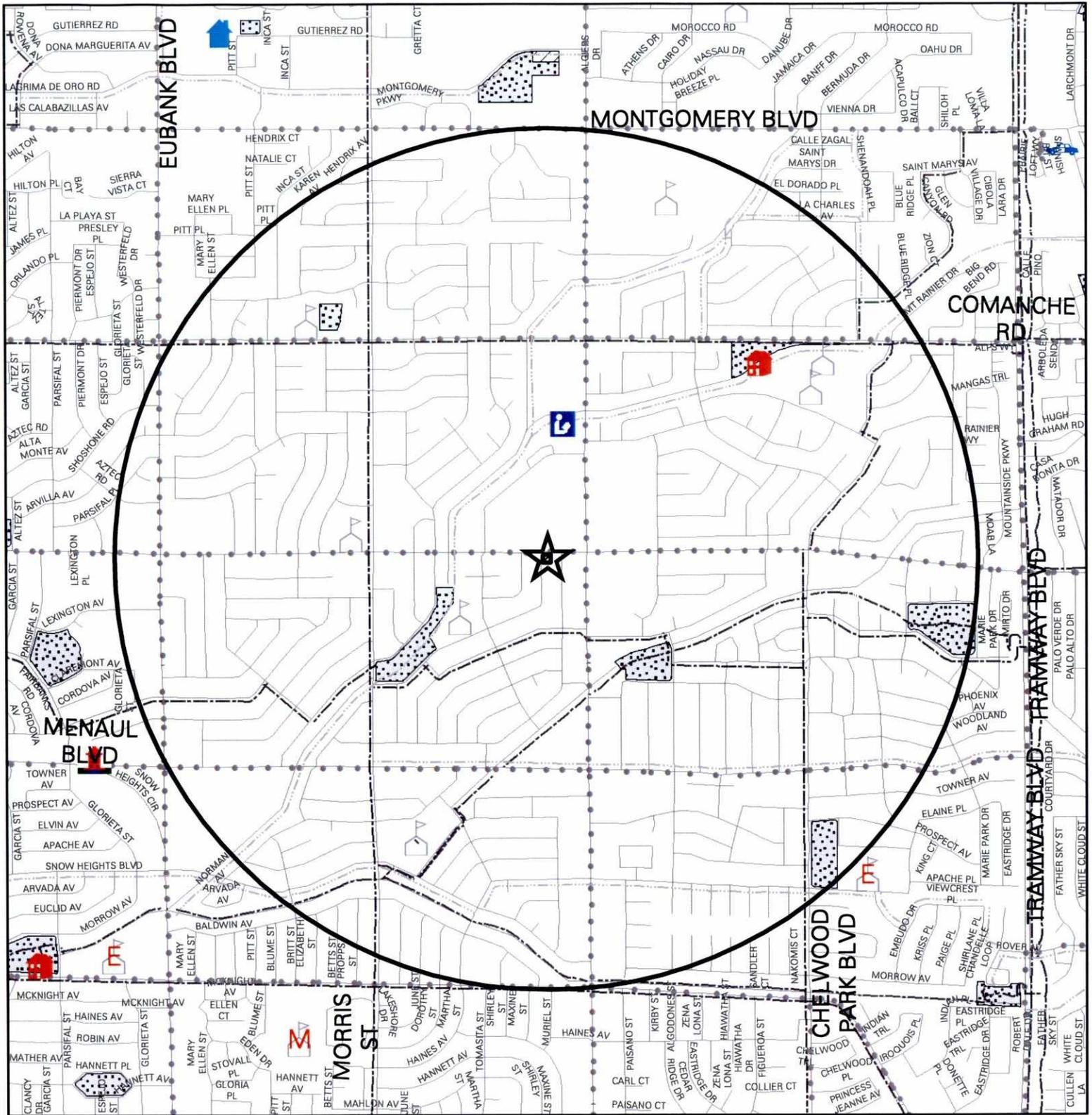
1 inch = 200 feet

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Public Facilities Map with One-Mile Buffer

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

Project Number: 1011436

0 0.5 1 Miles

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Attachments

I. INTRODUCTION

Surrounding zoning, plan designations, and land uses:

	Zoning	Comprehensive Plan Area; Applicable Rank II & III Plans	Land Use
Site	O-1	Area of Consistency	Commercial (hair studio, karate, massage)
North	C-2 (SC)	Area of Consistency	Commercial/Retail, Multi-Family Residential
South	R-1	Area of Consistency	Single-family residential
East	R-3	Area of Consistency	Multi-Family Residential
West	O-1	Area of Consistency	Office Suites

Request

The request is for a zone map amendment (zone change) for an approximately (≈) 0.27 acre site located on the southern side of Candelaria Rd. NE, between Juan Tabo Blvd. NE and Morris St. NE, specifically between Maxine St. NE and Muriel St. NE (the “subject site”). The subject site is zoned O-1 (Office) and is occupied by an approximately 3,000 square foot (sf) building consisting of five office suites.

The applicant wants to change the subject site’s zoning to the C-1 (Community Commercial) zone in order to align the zoning with the long-standing use of the building as space for small commercial businesses and because the applicant has a prospective tenant, a dog wash business, that is not allowed in the O-1 zone.

The request was deferred for 30 days to allow time to ensure complete notification and strengthen the zone change justification. Proper notification to the affected neighborhood organization and property owners was completed. Regarding the zone change justification, a revised letter was received on January 2, 2018. However, it does not sufficiently address the requirements of R270-1980. Staff provided a detailed memo dated November 27, 2017 that explained what is needed in order to assist the applicant (see attachment).

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 [Ref: §14-16-2-22(A)(1)]. If so, the Land Use Hearing Officer (LUHO) would hear the appeal and make a recommendation to the City Council. The City Council would make the final administrative decision. The request is a quasi-judicial matter.

Context

The subject site is located ≈300 feet west of the intersection of Candelaria Rd. NE and Juan Tabo Blvd. NE. A variety of land uses exists in the area. To the north are an apartment complex, an auto parts retail store, and an auto repair business. To the south are single-family homes. To the west is a small building consisting of several office suites. To the east is a small, multi-family residential use.

The subject site is not located in a designated Activity Center. Nor is it located along a designated Corridor. No sector development plan applies.

History

The subject site is part of the larger Snowheights Chavez addition, which spans roughly from Menaul Blvd. on the south and Candelaria Rd. on the north, and from Juan Tabo Blvd. on the east and Eubank Blvd. to the west.

It's unclear when the subject site was annexed, but it was prior to 1960. In June of 1960, the City Commission passed an ordinance (No. 1737, see attachment) amending the zone map for an approximately 5.8 acre area that included portions of Blocks 75, 76, 77, and 78. The subject site, Lot 48 of Block 78, was rezoned from R-3 to R-2.

In February 1973, the zoning on the subject site and the lot adjacent east was changed from R-2 to O-1 as indicated by a finding in a 1974 Staff report. However, there is no corresponding case history number.

In August 1974, the EPC Land Use Control Board denied a request for a zone change for these two lots from O-1 to C-1 (Z-74-74, see attachment). Planning Staff recommended denial for several reasons, a couple of them are: the applicant obtained neighborhood support for the prior zone change indicating that neighbors preferred office uses to multi-family uses, and that there are vast amounts of vacant commercial land in the immediate vicinity.

The applicant appealed (Appeal 74-16, see attachment) because they were receiving requests from businesses, which required C-1 zoning and so they thought that C-1 zoning was the highest and best use for the two lots. However, the Planning Department noted that highest and best use is an appraisal term and not a land use term to be used in evaluating a zone change request, and further noted that the trend at the time of having zoned a lot of land for office uses was not a permanent market condition and that plenty of C-1 zoned land was available.

Pursuant to its rules at the time, the City Council unanimously accepted the LUPZ committee's recommendation to not accept the appeal. Because all adopted City plans, policies, and ordinances were followed by the EPC Land Use Control Board, the action was proper so the applicant's appeal was not accepted (see attachment). The zoning remained O-1, which is what it is today. However, the applicant has indicated that the subject site has a long history of being rented to small commercial uses.

Transportation System

The Long Range Roadway System (LRRS) map, produced by the Mid-Region Council of Governments (MRCOG), identifies the functional classifications of roadways. Candelaria Rd. is a Minor Arterial. Juan Tabo Blvd. is a Community Principal Arterial. Maxine St. and Muriel St. NE are local streets.

Comprehensive Plan Corridor Designation

The subject site is approximately 300 feet west of Juan Tabo Blvd., which the Comprehensive Plan designates as a Multi-Modal Corridor. Multi-Modal Corridors are intended to encourage the re-development of aging, auto-oriented, commercial strip development to a more mixed-use, pedestrian-oriented environment that focuses heavily on providing safe, multi-modal transportation options (p. 5-17).

Trails/Bikeways

There are no bike lanes or bike routes along Candelaria Rd. NE or Juan Tabo Blvd.

Transit

ABQ Ride Route #7-Candelaria, passes by the subject site. It's a commuter route with limited, weekday service. Route #1-Juan Tabo, available approximately 300 feet east of the subject site, offers frequent service from morning to evening and on the weekends.

Public Facilities/Community Services

Please refer to the Public Facilities Map (see attachment), which shows public facilities and community services located within one mile of the subject site.

II. ANALYSIS of APPLICABLE ORDINANCES, PLANS, AND POLICIES

Albuquerque Comprehensive Zoning Code

The subject site is currently zoned O-1 (Office and Institution Zone) and has been for many years (see History section of this report). The O-1 zone "provides sites suitable for office, service, institutional, and dwelling uses" (see Zoning Code §14-16-2-15). The O-1 zone permissively allows uses such as office, beauty shop, club, and institutions such as libraries, nursing homes, and schools.

The request proposes to change the zoning to the C-1 (Community Commercial) zone. The C-1 zone "provides suitable sites for office, service, institutional, and limited commercial uses to satisfy the day-to-day needs of residential areas" (see Zoning Code §14-16-2-16). The proposed use of general, small commercial is found in subsection (A)(8). The dog wash use is found in subsection (A)(8)(o).

The C-1 zone contains permissive uses, such as gas station, pawn shop, car wash, and cell tower, which could potentially be considered harmful to adjacent single-family residential uses. This discussion should be included with the response to Section E of R270-1980.

Albuquerque / Bernalillo County Comprehensive Plan

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

Chapter 4: Community Identity

Goal 4.1 Character: Enhance, protect, and preserve distinct communities.

Goal 4.1-Character refers to Goal 4.3, which contains character-defining elements for each City Community Planning Area (CPA). However, these are not defined yet. Goal 4.1 also references Land Use Policy 5.2.1, which refers to creating communities with a mix of uses that are conveniently accessed by neighborhoods, which the request would generally promote. In sum, Goal 4.1-Character, is partially furthered.

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

The request would generally enhance the neighborhood and be consistent with existing uses in the area, but the part of the policy about traditional communities does not apply. The request partially furthers Policy 4.1.4-Neighborhoods.

Chapter 5- Land Use

Goal 5.1- Centers & Corridors: Grow as a community of strong Centers connected by a multi-modal network of Corridors.

Goal 5.1 does not apply. The subject site is not in a designated Center or along a designated Corridor.

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 5.1.1 does not apply because it refers to regional growth, and the request is about providing space for small, local commercial enterprises. Also, the subject site is not in a Center or along a Corridor.

Policy 5.1.11- Multi-Modal Corridors: Design safe Multi-Modal Corridors that balance the competing needs of multiple modes of travel and become more mixed-use and pedestrian-oriented over time.

Policy 5.1.1 does not apply because the request does not have to do with designing multi-modal corridors and no site development plan is being considered as part of the request.

Goal 5.3-Efficient Development Patterns: Promote development patterns that maximize the utility of existing infrastructure and public facilities and the efficient use of land to support the public good.

The development pattern near the subject site has been in place since the 1970s and existing infrastructure would continue to be used. This is a more efficient use of land in the public interest, in contrast to greenfield or fringe development. The request furthers Goal 5.3-Efficient Development Patterns.

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

Though existing infrastructure serves the subject site, the request would not result in additional growth. The building would remain the same size, and would still accommodate small tenants. Policy 5.3.1- Infill Development does not apply.

Chapter 8: Economic Development

8.1.2.4-Zoning Capacity for Economic Activity, cited by the applicant, is not a Goal. It is a chapter sub-heading on p. 8-20 of the Comp Plan. Text is not cited in analysis. Rather, the Goals and policies that embody the ideas in the text are what's cited and the applicant could have provided additional citations.

Resolution 270-1980- Policies for Zone Map Amendments

Requirements

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

Pursuant to Section D, the applicant must demonstrate that the existing zoning is inappropriate because of one of three reasons: 1) there was an error when the existing zone map pattern was created; or 2) changed neighborhood or community conditions justify the change; or 3) a different land use category is more advantageous to the community, as articulated in the Comprehensive Plan or other City master plan.

Justification & Analysis

The subject site is currently zoned O-1. The requested zoning is C-1. The reason for the request is to allow existing (and new) commercial uses in an approximately 3,000 square foot (sf) building consisting of five office suites.

The zone change justification letter analyzed here (version 3), received on January 2, 2018, is a response to Staff's second request for a revised justification (see attachment). The previous version of the letter (version 2), was dated November 19, 2017 (see attachment). Staff provided the applicant with a guidance memo that explained how to strengthen the zone change justification and

meet the requirements of R270-1980, and ensure that the application is complete so that it can be heard (see attachment).

The applicant believes that the proposed zone map amendment (zone change) conforms to R270-1980 as elaborated in the justification letter. Staff analysis is in **bold text**. The citation in quotes is from R270-1980.

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

Applicant (summarized): The proposed zone map amendment is consistent with the health, safety, morals and general welfare of the City and neighborhood because the request will further several Goals and policies of the Comprehensive Plan. The allowed uses in C-1 will not be harmful to adjacent property, the neighborhood, or community. The rezone will allow for redevelopment of an existing property and will help the general welfare by repurposing a small amount of space for new businesses.

Staff: Consistency with the City's health, safety, morals and general welfare is shown by demonstrating that a request furthers applicable Goals and policies from the Comprehensive Plan (and other plans if applicable), as shown in the response to Section C. The response to Section A is sufficient, but the applicant has not sufficiently demonstrated that the test in Section C is met.

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

Applicant (summarized): The zone change will provide for stability of land use and zoning because it will allow for the redevelopment, a slightly more intense use, allowing for more local jobs. It will also help stabilize the area with less office space that sits vacant. C-1 is appropriate at this location because of other retail across the street and to the east.

Staff: The proposed zone change would not adversely affect stability of land use or zoning because the existing and future C-1 commercial uses would be generally compatible with existing commercial uses in the area. However, the burden is on the applicant to show why the change should be made. Though the response to Section B is sufficient, the applicant has not shown that the test of Sections C, D, E, and H are met.

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

Applicant (summarized): The applicant believes that the zone change furthers the Goals as stated in the Comprehensive Plan Goals related to infill, redevelopment, mixed-use communities, and the nearby multi-modal corridor.

Note: Citations of Goals and policies belong in the response to Section C of R270-1980, and not in the general project letter.

Applicable citations: Goal 4.1-Character; Goal 5.2-Complete Communities and Policy 5.2.1-Land Uses; Goal 5.3-Efficient Development Patterns;

Non-applicable citations: Policy 4.1.4- Neighborhoods; Goal 5.1-Centers and Corridors and Policy 5.1.1-Desired Growth; Policy 5.1.11-Multi-Modal Corridor (design); Policy 5.3.1- Infill Development; 8.1.2.4-Zoning Capacity for Economic Activity (citation is text).

The applicant's non-applicable citations outnumber the applicable citations. The subject site is not located in a designated Center or along a designated Corridor. No citations are provided regarding Area of Change or Area of Consistency, which is a very important distinction in the 2017 Comp Plan. The request would not result in additional growth because the building is not proposed to change.

Staff finds that additional policy citations are needed to demonstrate that the request would not result in a significant conflict. The response to Section C is insufficient.

D. "The applicant must demonstrate that the existing zoning is in appropriate because:

- 1) there was an error when the existing zone map pattern was created, or
- 2) changed neighborhood or community conditions justify the change, or
- 3) a different use category is more advantageous to the community, as articulated in the comprehensive Plan or other City master plan, even though (1) and (2) above do not apply."

Applicant (summarized): The existing zoning is inappropriate based on 2 and 3 above. The area has changed over the last 40 years with less demand for the existing O-1 zoning. Vacant neighborhood office space is a detriment to the surrounding area. The requested zoning would further a number of Goals and policies in the Comprehensive Plan. Vacant and underutilized buildings are contrary and inappropriate as provided for in the Comprehensive Plan, which recognizes the value of mixed-use neighborhoods, better access to goods and services by foot or bicycle, better use of infrastructure, and preservation of community character. The request addresses these better than maintenance of the existing zoning.

Staff: The task in Section D is to choose either 1, 2, or 3. The applicant chose 2 and 3. The argument in 2, that there is less demand for O-1 zoning over the last 40 years, is not a changed community condition. Historical records indicate that the applicants for a zone change in 1974, from O-1 to C-1, stated at that time that office space is not in demand in the area (case Z-74-74), so nothing has changed.

That leaves reason 3. The applicant did not adequately make the case that a different zone category would be more advantageous to the community as articulated in applicable plans (the Comprehensive Plan). This demonstration is found in the response to Section C, in

which the applicant needs to provide additional, relevant policy citations and discuss how the request furthers them. The response to Section D is insufficient.

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

Applicant (summarized): The change will not be harmful as its uses are appropriate and compatible with the neighborhood since it will accommodate an expanded palate (sic) of neighborhood commercial uses. The requested C-1 zone intentionally limits permissive uses that are compatible with the neighborhoods, which is further restricted by the small parcel size and existing building.

Staff: The applicant did not discuss the permissive uses in the C-1 zone, which is necessary to demonstrate that they are not harmful to adjacent property, the neighborhood, or the community. Certain C-1 permissive uses are often concerning to neighbors; single-family homes (zoned R-1) are adjacent south of the subject site. The existing building does not restrict uses, which run with the land. The building could be removed and the site reused. The response to Section E is insufficient.

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

- 1) denied due to lack of capital funds, or
- 2) granted with the implicit understanding that the City is not bound to provide the capital improvements on any special schedule."

Applicant (summarized): The zone change will not require unprogrammed capital expenditures since the existing infrastructure exists. The proposed zoning will allow the property to better utilize the existing infrastructure in place.

Staff: The request would not require major or unprogrammed capital expenditures by the City and the subject site is already served by existing infrastructure. The response to Section F is sufficient.

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

Applicant: The cost of land or other economic considerations are not the determining factor for this request. The request will allow the subject site to address the non-conforming history of the property with zoning that is appropriate at this location.

Staff: Economic considerations are a factor, but they are not the determining factor for the request. The response to Section G is sufficient.

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

Applicant: The request provides for an appropriate transition between the R-1 zone to the south and the minor arterial of Candelaria. Retail is across the street and again one lot to the east. Primary justification for the zone change request is property improvement, redevelopment, and infill.

Staff: The response does not address location on a collector or major street, so the applicant did not answer the question. The response to Section H is insufficient.

I: "A zone change request which would give a zone different from surrounding zoning to one small area, especially when only premise is involved, is generally called a 'spot zone'. Such a change of zone may be approved only when:

- 1) the change will clearly facilitate realization of the Comprehensive Plan and any applicable adopted sector development plan or area development plan, or
- 2) the area of the proposed zone change is different from surrounding land because it could function as a transition between adjacent zones, because the site is not suitable for the uses allowed in any adjacent zone due to topography, traffic or special adverse land uses nearby, or because the nature of structures already on the premises makes the site unsuitable for the uses allowed in any adjacent zone."

Applicant (summarized): The request is a "spot zone" due to the surrounding zoning consisting of O-1, R-1, and R-3. However, the spot zone is justified because it furthers numerous Comprehensive Plan goals and policies. This change clearly supports item 1 by furthering several Goals and policies as provided earlier in this analysis.

The proposed use is more in character with the design of the existing building. Support of local business as economic development Goals and policies reflect the opportunities for 4 to 5 local small businesses to locate on the subject site meeting the expressed interest to the applicant from those needing smaller spaces in a convenient location.

Staff: The request would result in a spot zone because it would give a zone different (C-1) from surrounding zoning to one small area, and one premises is involved. Though the response to Section I is sufficient, the applicant has not adequately demonstrated that the request will clearly facilitate realization of the Comprehensive Plan (see the response to Section C).

J: "A zone change request which would give a zone different from surrounding zoning to a strip of land along a street is generally called 'strip zoning'. Strip commercial zoning will be approved only where:

- 1) the change will clearly facilitate realization of the Comprehensive Plan and any applicable adopted sector development plan or area development plan, and
- 2) the area of the proposed zone change is different from surrounding land because it could function as a transition between adjacent zones or because the site is not suitable for the uses allowed in any adjacent zone due to traffic or special adverse land uses nearby."

Applicant (summarized): The current C-1 zone is a strip zone as O-1 and this request is not a strip zone because it is only one lot which is a spot zone.

Staff: It is unclear what the applicant means by stating that “the current C-1 zone is a strip zone as O-1” and the response doesn’t mention what a strip zone is and isn’t. The response to Section J is insufficient, though Staff agrees that the request would result in a spot zone and not a strip zone.

Staff Conclusion

Staff finds that the applicant has not adequately justified the zone map amendment (zone change) pursuant to R270-1980. All of the tests are required to be met. The response to Section C does not contain sufficient citations of relevant Goals and policies, and the concepts as they relate to the request need to be more thought out. This is necessary to demonstrate that the request meets the requirement of not resulting in a significant conflict.

Regarding Section D, the applicant did not adequately make the case that a different zone category would be more advantageous to the community as articulated in applicable plans. In the response to Section E, the applicant did not discuss the permissive uses in the C-1 zone, which is necessary to demonstrate that they are not harmful to adjacent property, the neighborhood, or the community.

The response to Section A is adequate in itself, but it refers to furthering Goals and policies and this demonstration was not made adequately in the response to Section C. Section I requires a demonstration of “clearly facilitates” applicable Goals and policies when a spot zone is involved, as is the case here, but the applicant’s justification does not meet the lesser test of “no significant conflict” in Section C. For these reasons, Staff recommends denial of the zone map amendment (zone change) request.

III. AGENCY & NEIGHBORHOOD CONCERNS

Reviewing Agencies

City departments and other interested agencies reviewed this application from 11/6/2017 to 11/22/2017. Few agency comments were received. Long Range Planning Staff note that the applicant should revise the justification letter to address all sections of R270-1980. Water Utility Authority Staff note that the subject site has been receiving water service since 1974. Agency comments begin on p.18 of this report.

Neighborhood/Public

The District 8 Coalition was required to be notified, which the applicant did (see attachments). Property owners within 100 feet of the subject site were also notified, as required (see attachments). Because the certified return receipts were not filled out with names to whom the letters were sent, notification could not be verified. Staff requested a re-notification, which was part of the reason for the 30-day deferral of the request. The applicant completed the re-notification and provided filled out, certified return receipts (see attachment).

A facilitated meeting was not requested. As of this writing, Staff has not received any inquiries or correspondence regarding the request. There is no known opposition.

IV. CONCLUSION

The request is for a zone map amendment for an ≈ 0.27 acre site located on the south side of Candelaria Rd. NE, just west of the intersection with Juan Tabo Blvd. A building, consisting of five small office suites, has existed on the subject site since the 1970s. This request was deferred for 30 days to allow time to ensure complete notification and to strengthen the zone change justification.

The subject site is zoned O-1 (Office and Institution Zone). The applicant wants to change the zoning to C-1 Neighborhood Commercial to align the zoning with how the building has been used, and to accommodate new, small retail tenants.

The renotification was done. The District 8 Coalition and property owners within 100 feet of the subject site were notified, as required. A facilitated meeting was not requested. Staff has not received any inquiries or written comments and there is no known opposition.

The applicant has not adequately justified the zone map amendment (zone change) pursuant to R270-1980. The response does not contain sufficient citations of relevant Goals and policies, and the concepts need to be more thought out to demonstrate that the request would not result in a significant conflict (Section C).

The applicant did not adequately make the case that a different zone category would be more advantageous to the community as articulated in applicable plans (Section D). The response to Section E did not discuss the permissive uses in the C-1 zone. Section I requires a demonstration of "clearly facilitates" applicable Goals and policies when a spot zone is involved, but the applicant's justification does not meet the lesser test of "no significant conflict" in Section C. Therefore, Staff recommends denial.

FINDINGS - 17EPC-40060, January 11, 2018- Zone Map Amendment (Zone Change)

1. The request is for a zone map amendment (zone change) for an approximately (\approx) 0.27 acre site located on the southern side of Candelaria Rd. NE, located on Candelaria Rd. NE, between Juan Tabo Blvd. NE and Morris St. NE, specifically between Maxine St. NE and Muriel St. NE (the "subject site"). An approximately 3,000 square foot (sf) building consisting of five office suites exists on the subject site.
2. The request was deferred for 30 days at the December 14, 2017 hearing to allow time to ensure complete notification and strengthen the zone change justification.
3. The subject site is zoned O-1 (Office and Institution Zone). The applicant is requesting a zone change to C-1 (Neighborhood Commercial) so that the zoning matches the historical use of the property and to attract new small retail tenants.
4. The subject site is in an area that the Comprehensive Plan has designated an Area of Consistency. No area of sector development plans apply.
5. The Albuquerque/Bernalillo County Comprehensive Plan and the City of Albuquerque Zoning Code are incorporated herein by reference and made part of the record for all purposes.
6. The request partially furthers the following, applicable Goal and policy from the Comprehensive Plan:

Goal 4.1 Character: Enhance, protect, and preserve distinct communities.

Goal 4.1-Character refers to Goal 4.3, which contains character-defining elements for each City Community Planning Area (CPA). However, these are not defined yet. Goal 4.1 also references Land Use Policy 5.2.1, which refers to creating communities with a mix of uses that are conveniently accessed by neighborhoods, which the request would generally promote.

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

The request would generally enhance the neighborhood and be consistent with existing uses in the area, but the part of the policy about traditional communities does not apply.

7. The request furthers the following, applicable Comprehensive Plan Goal:

Goal 5.3-Efficient Development Patterns: Promote development patterns that maximize the utility of existing infrastructure and public facilities and the efficient use of land to support the public good.

The development pattern near the subject site has been in place since the 1970s and existing infrastructure would continue to be used. This is a more efficient use of land in the public interest, in contrast to greenfield or fringe development.

8. The applicant has adequately justified the zone map amendment (zone change) request pursuant to Resolution 270-1980 as follows:
- A. Section A: Consistency with the City's health, safety, morals and general welfare is shown by demonstrating that the request furthers applicable Goals and policies from the Comprehensive Plan (and other plans if applicable), as shown in the response to Section C. The response to Section A is sufficient, but the applicant has not adequately demonstrated that the test in Section C is met.
 - B. Section B: The proposed zone change may not adversely affect stability of land use or zoning because C-1 commercial uses are presumed to be generally compatible with existing commercial uses in the area. However, the burden is on the applicant to show why the change should be made and to demonstrate that stability and land use would not be adversely affected.
 - C. Section C: Additional citations of applicable Goals and policies in the Comprehensive Plan are needed to demonstrate that the request would not result in a significant conflict.
 - D. Section D: The applicant did not adequately make the case that a different zone category would be more advantageous to the community as articulated in applicable plans (the Comprehensive Plan). This demonstration is found in the response to Section C, in which the applicant needs to provide additional, relevant policy citations and discuss how the request furthers them. Also, the argument that there is less demand for O-1 zoning over the last 40 years is not considered a changed community condition (like a new park or community center).
 - E. Section E: The applicant did not discuss the permissive uses in the C-1 zone, which is necessary to demonstrate that they are not harmful to adjacent property, the neighborhood, or the community. Certain C-1 permissive uses (ex. gas station) are often concerning to neighbors; single-family homes (zoned R-1) are adjacent south of the subject site. The existing building does not restrict uses, which run with the land. The building could be removed and the site reused.
 - F. Section F: The request would not require major or unprogrammed capital expenditures by the City and the subject site is already served by existing infrastructure.
 - G. Section G: Economic considerations are a factor, but they are not the determining factor for the request.
 - H. Section H: The response does not address location on a collector or major street, so the applicant did not answer the question.
 - I. Section I: The request would result in a spot zone because it would give a zone different (C-1) from surrounding zoning to one small area and one premise is involved. However, the

applicant has not adequately demonstrated that the request will clearly facilitate realization of applicable Goals and policies in the Comprehensive Plan (see the response to Section C).

- J. Section J: It is unclear what the applicant means by stating that “the current C-1 zone is a strip zone as O-1”. Though Staff agrees that the request would result in a spot zone and not a strip zone, the response is inadequate because it doesn’t mention what a strip zone is and isn’t.
9. The applicant has not adequately justified the zone map amendment (zone change) pursuant to R270-1980; all tests are required to be met. The response to Section C does not contain sufficient citations of relevant Goals and policies, and the concepts as they relate to the request need to be more thought out. This is necessary to demonstrate that the request meets the requirement of not resulting in a significant conflict. Regarding Section D, the applicant did not adequately make the case that a different zone category would be more advantageous to the community as articulated in applicable plans. In the response to Section E, the applicant did not discuss permissive uses in the C-1 zone, which is necessary to demonstrate that they are not harmful to adjacent property, the neighborhood, or the community.
10. The request would result in a spot zone. Section I requires a demonstration of “clearly facilitates” applicable Goals and policies when a spot zone is involved, as is the case here, but the applicant’s justification does not meet the lesser test of “no significant conflict” in Section C and therefore does not meet the more rigorous test in Section I.
11. Proper notification to the affected neighborhood organization and property owners was completed and certified return receipts were provided.
12. The District 8 Coalition and property owners within 100 feet of the subject site were notified, as required. A facilitated meeting was not requested. As of this writing, Staff has not received any inquiries or correspondence regarding the request. There is no known opposition.

RECOMMENDATION - 17EPC-40060, January 11, 2018

DENIAL of 17EPC-40060, a zone change from O-1 to C-1, for Lot 48, Block 78, Snow Heights Addition and the southerly 22 feet vacated of Candelaria Rd. NE, an approximately 0.27 acre site located at 11,100 Candelaria Rd. NE, between between Juan Tabo Blvd. NE and Morris St. NE, based on the preceding Findings.

Catalina Lehner

**Catalina Lehner, AICP
Senior Planner**

cc: Martin L. Williams, 9800 Montgomery NE, Suite 1, ABQ, NM 87111
Richard Hanna, Hanna Commercial, 8500 Menaul Blvd. NE, Ste. B-550, ABQ, NM 87112
Stephen Caruso, 9998 Montgomery Blvd, NE, Suite B, ABQ, NM 87111
District 8 Coalition, Donald Couchman, 6441 Concordia Rd. NE, ABQ, NM 87111
District 8 Coalition, Daniel Flegel, 3423 Del Agua Ct. NE, ABQ, NM 87111

CITY OF ALBUQUERQUE AGENCY COMMENTS

PLANNING DEPARTMENT

Zoning Enforcement

No adverse comments.

Office of Neighborhood Coordination

Long Range Planning

The applicant should revise and add to the zoning justification letter to address all applicable policies of R-270-1980.

CITY ENGINEER

Transportation Development

Must have TIS form completed and signed.

Hydrology Development

New Mexico Department of Transportation (NMDOT)- No comments.

DEPARTMENT of MUNICIPAL DEVELOPMENT

Transportation Planning- No comment.

Traffic Engineering Operations (Department of Municipal Development):

Street Maintenance (Department of Municipal Development):

RECOMMENDED CONDITIONS FROM CITY ENGINEER, DMD and NMDOT:

WATER UTILITY AUTHORITY

Utility Services

1. 17EPC-40060 Zone Map Amendment (Zone Change)
 - Identification: UPC – 102105948253312127
 - a. Site has been receiving service since 1974
 - b. No adverse comment pertaining to the zone change.
 - c. If redevelopment of the site occurs please request an availability statement. Requests can be made at the link below:
 - i. http://www.abcwua.org/Availability_Statements.aspx
 - ii. Request shall include a City Fire Marshal approved Fire 1 Plan and a zone map showing the site location.

ENVIRONMENTAL HEALTH DEPARTMENT

Air Quality Division

Environmental Services Division

PARKS AND RECREATION

Planning and Design

Open Space Division

City Forester

POLICE DEPARTMENT/Planning

SOLID WASTE MANAGEMENT DEPARTMENT

Refuse Division- No Comment.

FIRE DEPARTMENT/Planning

TRANSIT DEPARTMENT

Commuter route 7 passes in front of the site. West-bound stop immediately across Candelaria; east-bound stop approximately 300 feet east of the site.

COMMENTS FROM OTHER AGENCIES

BERNALILLO COUNTY

ALBUQUERQUE METROPOLITAN ARROYO FLOOD CONTROL AUTHORITY

No comments.

ALBUQUERQUE PUBLIC SCHOOLS

This will have no adverse impacts to the APS district.

MID-REGION COUNCIL OF GOVERNMENTS

MRMPO has no adverse comments.

MIDDLE RIO GRANDE CONSERVANCY DISTRICT

PUBLIC SERVICE COMPANY OF NEW MEXICO

PNM has no comments based on information provided to date.



Figure 1: Looking south, at the building on the subject site. Renovations are underway.

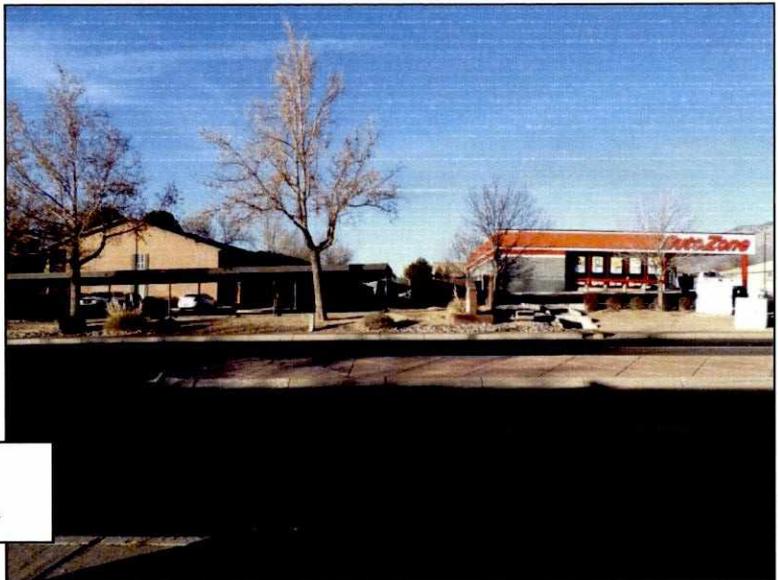


Figure 2: Looking north, from the subject site, across Candelaria Rd. NE.

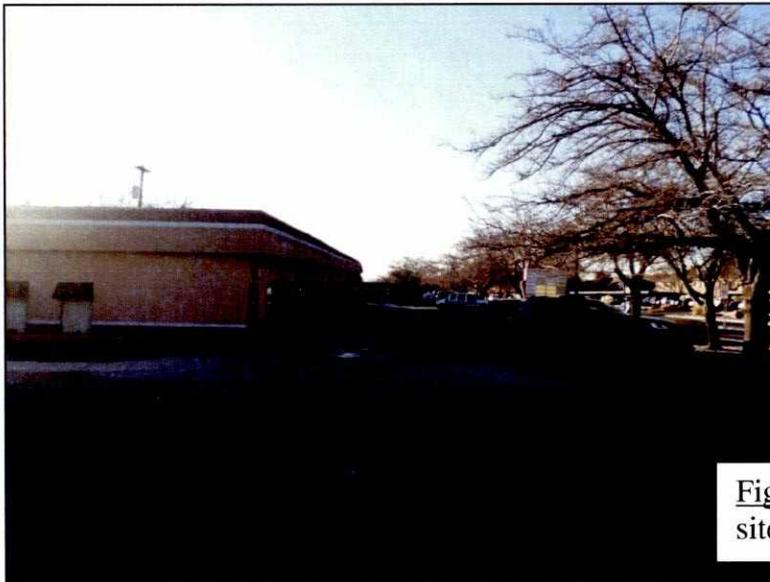


Figure 3: Looking west, from the subject site, across Maxine St.

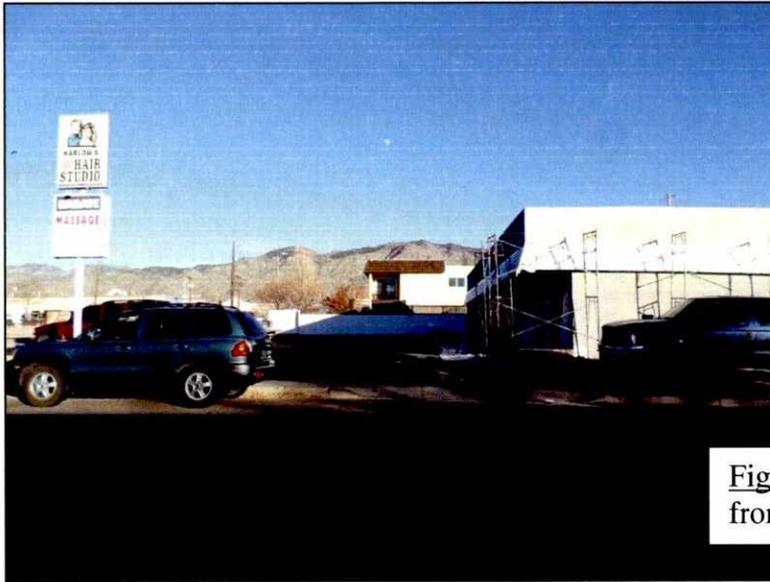


Figure 4: Looking east, at the subject site, from Maxine St.

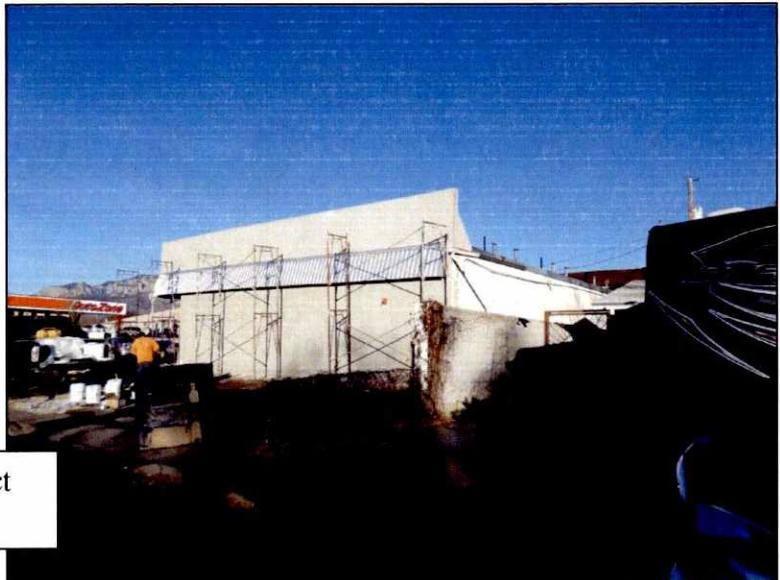


Figure 5: Looking northeast, at the subject site, from Maxine St.

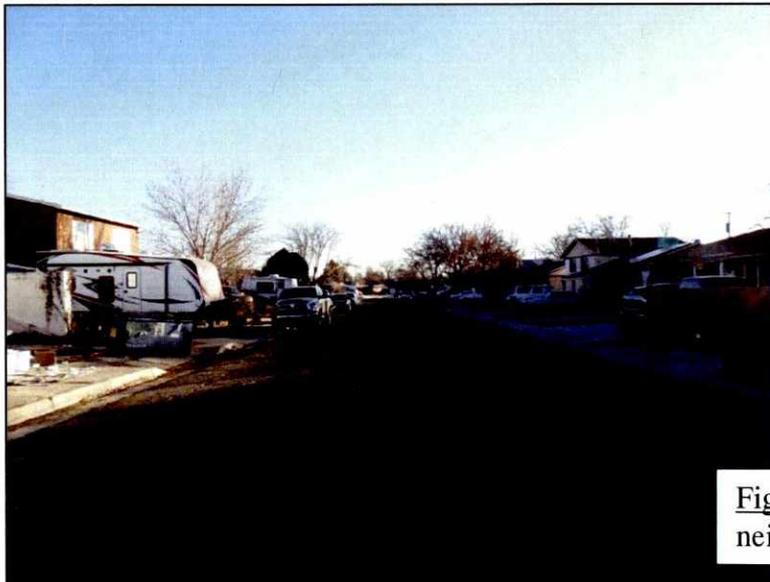


Figure 6: Looking south, at the neighborhood, down Maxine St.

ZONING

Please refer to §14-16-2-15 for the O-1 zone
and to §14-16-2-16 for the C-1 zone

APPENDIX B

ENACTMENT 270-1980

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

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

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

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

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

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

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

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

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

(1) there was an error when the existing zone map pattern was created, or

(2) changed neighborhood or community conditions justify the change, or

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

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

F. A proposed zone change which, to be utilized through land development, requires major and un-programmed capital expenditures by the City may be;

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

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

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

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

I. A zone change request which would give a zone different from surrounding zoning to one small area, especially when only one premise is involved, is generally called a "spot zone." Such a change of zone may be approved only when;

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

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

J. A zone change request which would give a zone different from surrounding zoning to a strip of land along a street is generally called "strip zoning." Strip commercial zoning will be approved only where;

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

(2) the area of the proposed zone change is different from surrounding land because it could function as a transition between adjacent zones or because the site is not suitable for the uses allowed in any adjacent zone due to traffic or special adverse land uses nearby.

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

HISTORY

CITY OF ALBUQUERQUE



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

OFFICIAL NOTIFICATION OF DECISION

December 15, 2017

Martin L. Williams
9800 Montgomery Blvd. NE, #1
Albuquerque, NM 87111

Project# 1011436
17EPC-40060 Zone Map Amendment
(Zone Change)

LEGAL DESCRIPTION:

The above action for Lot 48, Block 78, Snow Heights Addition and the southerly 22 feet vacated of Candelaria Rd. NE, zoned O-1, to C-1, located on Candelaria Rd. NE, between Juan Tabo Blvd. NE and Morris St. NE, containing approximately 0.27 acre.
(H-21) Staff Planner: Catalina Lehner

PO Box 1293 On December 14, 2017 the Environmental Planning Commission (EPC) voted to DEFER Project 1011436/17EPC-40060, Zone Map Amendment (Zone Change), for 30 days to the January 11, 2018 hearing based on the following Findings:

Albuquerque FINDINGS:

1. The request is for a zone map amendment (zone change) from O-1 to C-1. The subject site contains an existing building with five small office suites.
2. The applicant is requesting a zone change because the office suites have been rented to small commercial businesses for many years, and also because of interest from a potential tenant.
3. The applicant is requesting a 30 day deferral to strengthen the zone change justification and to ensure that notification is complete.

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

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

You will receive notification if any person files an appeal. If there is no appeal, you can receive Building

OFFICIAL NOTICE OF DECISION

Project #1011436

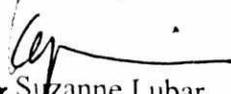
December 14, 2017

Page 2 of 2

Permits at any time after the appeal deadline quoted above, provided all conditions imposed at the time of approval have been met. Successful applicants are reminded that other regulations of the City Zoning Code must be complied with, even after approval of the referenced application(s).

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

Sincerely,


for Suzanne Lubar
Acting Planning Director

SL/CLL

cc: Martin L. Williams, 9800 Montgomery NE, Suite 1, ABQ, NM 87111
Stephen Caruso, 9998 Montgomery Blvd, NE, Suite B, ABQ, NM 87111
District 8 Coalition, Donald Couchman, 6441 Concordia Rd. NE, ABQ, NM 87111
District 8 Coalition, Daniel Flegel, 3423 Del Agua Ct. NE, ABQ, NM 87111



GEORGE L. CARRUTHERS
Director

ALBUQUERQUE/BERNALILLO COUNTY PLANNING DEPARTMENT

November 19, 1974

Mr. Arthur H. Lewis
705 Arizona SE
Albuquerque, New Mexico 87108

Dear Mr. Lewis:

On November 18, the City Council unanimously accepted the Council's Land Use, Planning & Zoning Committee's recommendation that your Application to Appeal No. 74-17 (Case No. Z-74-73), submitted by you as agent for University Building Company, Inc., not be accepted.

The Committee's recommendation was made after examination of the case record and determination that all adopted City plans, policies, and ordinances were properly followed in the action taken by the EPC Land Controls Board.

The Council's action is pursuant to the provisions of Section 25.C.3. of the City's Zoning Ordinance No. 2726, as amended, and the adopted policy concerning appeals of Planning Commission decisions.

Sincerely,


S. Phil Garcia
Principal Planner

SPG:new

cc: University Bldg. Co., Inc., P.O. Box 8381, 87108
R. Baca, 2435 Edna NW, 87104
L. Reed, 2430 Dora NW, 87104

Appeal No. 74-16 (Z-74-74) L. L. Beckedorff & C. W. Trask appeal the EPC Land Controls Board's denial of their request for a change of zone from O-1 to C-1 for Lots 1 & 36, Block 77 and for Lot 48, Block 78, Snow Heights Addition, located on the south side of Candelaria Road NE between Shirley & Muriel Streets.

PL Map No.: H-21 Material: Report, Sketch, Aerial Photo

COMMENTS FROM OTHER DEPARTMENTS:

Traffic Engineer: "No objection."
Water Engineer:
Liquid Waste Engineer: "No objection re sanitary sewer service."
City Engineer: "Require a drainage plan prior to approval of development plan. Sanitary sewer lines are located in adjacent streets."
Public Works Dept.: "No objection."
COB: "This appears to be strip commercial zoning. The ability to meet off-street parking requirements for commercial zoning on lots of this size is questionable."
Air Mgmt. Div.: "No comment."
AMRCA: "On-site infiltration detention should be required prior to issuance of building permits."

PLANNING DEPARTMENT COMMENT TO EPC LAND CONTROLS BOARD, 8-15-74:

The subject property is presently zoned O-1 and is vacant. These two lots, along with Lot 48, Block 78, Snow Heights Addition on the east side of Maxine, were changed from R-2 to O-1 on February 20, 1973.

At the time of the R-2 to O-1 request, the applicant canvassed the neighborhood and secured 13 signatures of persons who agreed to "I would prefer the above lots be used for single-story office facilities rather than for multi-family dwellings".

The Planning Department recommended denial of the previous request because these lots could have been developed as residential as were the properties to the west.

The applicants' reason for the subject request states in part that office space is not sufficiently in demand in this area and that inquiries from businesses which require C-1 zoning indicate that the highest and best use of this land is C-1.

When this land was changed from R-2 to O-1, there were many requests for zone changes because apartments were overbuilt in Albuquerque. Now, the same thing is being said of offices, however, this is not a permanent market situation, and zoning intensification will not solve the problem.

The term "highest and best use" is an appraisal term which refers to maximum monetary yield from a piece of property and is not a land use term or consideration in zoning matters.

There are vast amounts of vacant commercially-zoned property within the immediate vicinity of this property, and the need for more is doubtful.

Traffic movements in this area would be increased on Candelaria Road and on the residential streets to the south if the zoning is intensified and developed more than the present zoning allows.

- Findings:
1. The subject lots and the one across the street to the east were changed from R-2 to O-1 on February 20, 1973.
 2. At the time of the previous zone change the applicant secured 13 signatures of persons who agreed to "I would prefer the above lots be used for single-story office facilities rather than for multi-family dwellings."
 3. When this land was changed from R-2 to O-1 there were many requests for zone changes because apartments were overbuilt. Now, the same thing is being said of offices, however, this is not a permanent market situation, and zoning intensification will not solve the problem.
 4. There are vast amounts of vacant commercial land within the immediate vicinity of this property, and the need for additional amounts is doubtful.
 5. Further intensification of the zoning would also intensify traffic movements on Candelaria Road and the residential streets to the south.

RECOMMENDATION: DENIAL OF Z-74-74 IS RECOMMENDED FOR THE ABOVE REASONS.

CITY COMMISSION

June 14, 1960

Z-928

Commission Ordinance No. _____

COMMISSION ORDINANCE NO. 1737

AN ORDINANCE AMENDING THE "ZONE MAP" OF THE CITY OF ALBUQUERQUE AS SHOWN IN COMMISSION ORDINANCE NO. 1493 BY MAKING CERTAIN CHANGES THERETO AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE CITY COMMISSION, CITY OF ALBUQUERQUE, as follows:

SECTION 1. That the "Zona Map" referred to in Section 4 and other sections of Commission Ordinance No. 1493 is hereby amended by making the following zone changes:

R-3 to R-1 for Lots 1 and 2 and Lots 17 thru 20, Block 75;

R-3 to R-1 for all of Block 76;

R-3 to R-2 for Lots 1 and 36, Block 77;

R-3 to R-2 for Lot 48, Block 78;

All in Snow Heights Addition (Blocks 43--88)
to the City of Albuquerque.

SECTION 2. This Ordinance is hereby declared to be an emergency measure on the ground of urgent public need. It is therefore to become effective immediately upon its passage and publication as provided by law.

ENACTED AND APPROVED THIS 14th day of June 1960.

Chairman of City Commission and
Ex-Officio Mayor of the City of
Albuquerque.

ATTEST:

City Clerk

APPLICATION INFORMATION

December 27, 2017

Richard Hanna
Hanna Commercial, LLC
8500 Menaul Blvd NE Suite B-550
Albuquerque, NM 87112

RE: Zoning Change for 11100 Candelaria NE from O-1 to C-1

Dear Mr. Hanna,

Please use this letter from me as the building owner to authorize you to represent me as my agent to change the zoning at 11100 Candelaria from O-0 to C-1 to better fit the building construction and the way in which it has been used over the years.

Sincerely,

Martin W. Williams



October 30, 2017

Stephan Caruso
Caruso Realty, LLC
9998 Montgomery Blvd NE Ste B
Albuquerque, NM 87111

RE: Zoning Change for 11100 Candelaria NE from O-1 to C-1

Dear Mr. Caruso,

Please use this letter from me as the building owner to authorize you to represent me as my agent to change the zoning at 11100 Candelaria from O-0 to C-1 to better fit the building construction and the way in which it has been used over the years.

Sincerely,

A handwritten signature in blue ink, appearing to read "Martin W. Williams", with a long horizontal flourish extending to the right.

Martin W. Williams



SUBDIVISION

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

SITE DEVELOPMENT PLAN

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

STORM DRAINAGE (Form D)

- Storm Drainage Cost Allocation Plan

Supplemental Form (SF)

S Z ZONING & PLANNING

- Annexation
- Zone Map Amendment (Establish or Change Zoning, includes Zoning within Sector Development Plans)
- Adoption of Rank 2 or 3 Plan or similar
- Text Amendment to Adopted Rank 1, 2 or 3 Plan(s), Zoning Code, or Subd. Regulations
- Street Name Change (Local & Collector)
- L A APPEAL / PROTEST of...**
 - Decision by: DRB, EPC, LUCC, Planning Director, ZEO, ZHE, Board of Appeals, other

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

APPLICATION INFORMATION:

Professional/Agent (if any): Stephen Capuso PHONE: 459-8286
 ADDRESS: 9996 Montgomery Blvd NE Ste B FAX: _____
 CITY: Alb STATE: NM ZIP: 87111 E-MAIL: steve@capusorealty.net
 APPLICANT: Maria L Williams PHONE: 363-9397
 ADDRESS: 4800 Montgomery Blvd Suite 1 FAX: _____
 CITY: Alb STATE: NM ZIP: 87111 E-MAIL: mrol71@yahoo.com
 Proprietary interest in site: _____ List all owners: Sole

DESCRIPTION OF REQUEST: Change Zoning from O-1 to C-1

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

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

Lot or Tract No. Lot 48 Block: 78 Unit: _____
 Subdiv/Addn/TBKA: Snow Heights
 Existing Zoning: O-1 Proposed zoning: C-1 MRGCD Map No _____
 Zone Atlas page(s): H-21 UPC Code: _____

CASE HISTORY:

List any current or prior case number that may be relevant to your application (Proj., App., DRB-, AX_Z_, V_, S_, etc.): _____

CASE INFORMATION:

Within city limits? Yes Within 1000FT of a landfill? _____
 No. of existing lots: 1 No. of proposed lots: _____ Total site area (acres): _____
 LOCATION OF PROPERTY BY STREETS: On or Near: Candelaria
 Between: Juan Tabo and Morris
 Check if project was previously reviewed by: Sketch Plan/Plan or Pre-application Review Team(PRT) Review Date: 10-3

SIGNATURE: [Signature] DATE: 10/30/17
 (Print Name) _____ Applicant: Agent:

FOR OFFICIAL USE ONLY

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

Application case numbers	Action	S.F.	Fees
<u>17EPC - 400600</u>	<u>ARM</u>		<u>\$ 240.00</u>
			<u>\$ 75.00</u>
			<u>\$ 50.00</u>
			\$ _____
			\$ _____
			Total
			<u>\$ 365.00</u>

Hearing date: December 14, 2017
[Signature] 11-2-17 Staff signature & Date
 Project # 1011436

Revised: 11/2014

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

ANNEXATION (EPC08)

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

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

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

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

AMENDED TO SECTOR DEVELOPMENT MAP (EPC03)

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

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

AMENDMENT TO ZONING CODE OR SUBDIVISION REGULATORY TEXT (EPC07)

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

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

Richard Hamm
Richard Hamm
Richard Hamm

Applicant name (print)
11/2/17
Applicant signature & Date



- Checklists complete
 - Fees collected
 - Case #s assigned
 - Related #s listed
- Application case numbers
17EPC - 40060

Revised: June 2011

Vog 11-2-17
Staff signature & Date

Project # 1011436

CITY OF ALBUQUERQUE

TRAFFIC IMPACT STUDY (TIS) FORM

APPLICANT: Marty Williams DATE OF REQUEST: 10/31/17 ZONE ATLAS PAGE(S): H-21

CURRENT: ZONING O-1 LEGAL DESCRIPTION: LOT OR TRACT # 48 BLOCK # 28
PARCEL SIZE (AC/SQ. FT.) 11,000 SF SUBDIVISION NAME Snow Heights

REQUESTED CITY ACTION(S):
ANNEXATION [] SITE DEVELOPMENT PLAN:
ZONE CHANGE []: From O-1 To C-1 SUBDIVISION* [] AMENDMENT []
SECTOR, AREA, FAC, COMP PLAN [] BUILDING PERMIT [] ACCESS PERMIT []
AMENDMENT (Map/Text) [] BUILDING PURPOSES [] OTHER []
*includes platting actions

PROPOSED DEVELOPMENT: NO CONSTRUCTION/DEVELOPMENT [] # OF UNITS: _____
NEW CONSTRUCTION [] BUILDING SIZE: _____ (sq. ft.)
EXPANSION OF EXISTING DEVELOPMENT []

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

APPLICANT OR REPRESENTATIVE Ruled Henry DATE 10-31-17
(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 [] BORDERLINE []

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

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

Logan Pats 10-31-17
TRAFFIC ENGINEER DATE

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

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

December 29, 2017

Ms. Karen Hudson, Chair
Environmental Planning Commission
c/o City of Albuquerque
PO Box 1293
Albuquerque, NM 87103

RE: Zone Map Amendment From O-1 To C-1, Zone Atlas Page H21

Dear Ms. Hudson and members of the Environmental Planning Commission;

Richard Hanna as agent for Martin Williams in accordance with City Resolution 270-1980, respectfully request your review and approval of a Zone Map Amendment, to change the zoning from O-1 to C-1 for 11100 Candelaria NE. The property is legally described as Lot 48 Block 78 Snow Heights Addition and Sly 22 ft Vac as marked. The property is located on the south side of Candelaria east of Maxine. Over the years numerous retail uses have been there including the current water purification company. The purpose of this zone change is to allow the existing building to be legally used as a neighborhood commercial uses (C-1), operating there.

Surrounding zoning, plan designations and land uses are:

Site:	Zoning	Compressive Plan Area	Land Use
North	C-2 (SC)	Area of Consistency	Retail – AutoZone, Shopping Center, and Apartments
South	R-1	Area of Consistency	Single Family
East	R-3 and C-1	Area of Change	Multi-Family and Retail
West	O-1	Area of Consistency	Office

Existing Conditions:

The building was built as a small retail/office center of approximately 3,000 square feet with 5 small 650 square foot suites which makes it ideal for someone to start and run a business from this location and have it affordable, local, and walkable to the neighborhood. This building differs from other nearby office buildings to the west because it has doors directly into each suite, like retail. The building has adequate parking to support small retail users and there is an existing solid wall between the building and the adjacent single family home. This zone change will correct an existing non-conforming property.

The subject is zoned O-1 and has had this zoning since the existing building was built. The zoning in this area of the city is straight zoned without a sector development plan affecting the subject property. A hair salon and massage have been tenants for several years along with the water purification company. Others include Young Essential Oils sold their products there and even some of the City's own documentation from the Assessor's office show it to be used for multi-tenant retail. We are asking the zoning to be changed to bring the building into compliance to how it has been used.

The subject site is surrounded by several different land uses, from community retail and apartments to the north, office to the west, single family to the south and apartments and neighborhood retail to the

east. The Candelaria frontage on the south side of the street provides a narrow transition zone from this minor arterial to the single-family housing.

Proposal:

The new owner is planning to do renovations to the building to enhance its usefulness and its ascetics. Some of these changes can already be seen with the work in the parking lot and soon, the exterior of the building. The zone change is needed to support the interest by local businesses such as pet grooming to allow for these types of uses and other not needing large spaces. It will further the goals in the Comprehensive Plan to allow for more local entrepreneurial ventures and start ups since this will be an affordable place to locate their business.

If granted, the requested Zone Map Amendment would create a more favorable zoning designation for the subject property. The existing land use has proven a challenge to maintain as a result of changed conditions over time because it is harder to lease lower end office space. The requested C-1 zone will facilitate the redevelopment of the building that provides new economic investment in the area and will allow for needed services and employment opportunities. There is not a need for the amount of office zoning that currently exists in this area. Reducing the amount of office space will help keep the remaining office buildings better occupied.

Transportation System:

The Long Range Roadway System (LLR) map, produced by the Mid-Region Council of Governments (MRCOG), identifies the functional classifications of roadways. The LLRS designates Candelaria as a Minor Arterial. There is a proposed bike lane along Candelaria and a bike lane along Juan Tabo currently. Fixed bus route 7 running along Candelaria and route 1 along Juan Tabo are very close to the subject site.

This site has good multi-modal score showing a 77 walk score, 28 for transit, and 66 for biking. The proposed change in zoning will likely improve these scores and demonstrates that the location is excellent for a small-scale retail area designed for the neighborhood.

Analysis of Applicable Ordinances, Plans and Policies

Albuquerque Comprehensive Zoning Code:

The existing zoning for the subject site is O-1 Office and Institution Zone which provides areas for office, service, institutional, and dwelling uses. Permissive include a church, day care, schools, medical supplies and services, beauty shop or barber shop, club, museums, library, park and ride and nursing homes.

The proposed zoning for the subject site is C-1 Neighborhood Commercial Zone which provides areas for office, service, institutional and limited commercial uses to satisfy the day-to-day needs of residential areas. Uses permissive in the C-1 zone have many things in common with the existing zone with the addition of retail sales to the following goods, plus incidental retailing of related goods and incidental service or repair: Arts and crafts, Auto Parts, Books, magazines, newspapers and stationary, Christmas trees, Clothing, Cosmetics, notions, hobby supplies, Flowers and plants, Food and drink for consumption on premises or off, Furniture, Hardware, Jewelry, Musical instruments and supplies, Sporting goods, Dry cleaning, Health Gyms, Pet grooming, Tailoring, and Small animal clinic.

Difference:

Both the existing O-1 and the proposed C-1 zone are intended for areas that are compatible with R-1 zoning adjacent to these zones. The difference is in that C-1 allows more products and services to be sold than and O-1 which is more office related, and products cannot generally be sold. As an existing building with no plans for expansion, any setbacks, height restrictions, or other concerns would not be an issue between the two zone types. Approval of this request would allow the building to be in compliance to the way this has been used over the years.

APPLICABLE PLANS AND POLICIES

The property is located within an Area of Consistency and along Candelaria Boulevard, and just west of Juan Tabo Boulevard, which is designated as a multi-modal corridor, in the Albuquerque Bernalillo County Comprehensive Plan. The intersection of Candelaria and Juan Tabo is identified as an area of change, which begins approximately 150 feet to the east of the subject property. A zone change request requires approval of the Environmental Planning Commission (EPC) based on Resolution 270-1980. The applicant response to applicable goals and policies and Resolution 270-1980 are provided below in italics.

Albuquerque Bernalillo County Comprehensive Plan, 2017:

Plan Element 4: Community Identity

Goal 4.1 Character; Enhance, Protect, and preserve the distinct communities.

This change would allow for an existing building to be used in a manner consistent with its past and current usage and in a way that further protects and enhances the neighborhood character and vitality.

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

The request would encourage small start-up businesses because it is hard to find a small affordable retail space in the area. It further supports improvements that protect stable neighborhoods and it could encourage further revitalization. Changing the use of the building allows the property to have long-term viability.

Goal 5.1 Centers & Corridors

Grow as a community of strong Centers connected by a multi-modal network of Corridors.

POLICY 5.1.1

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

- a) Create walkable places that provide opportunities to live, work, learn, shop, and play.

This request furthers this policy by permitting small, neighborhood retail and services within walking distance of existing single and multi-family housing.

POLICY 5.1.11

Multi-Modal Corridors: Design safe Multi-Modal Corridors that balance the competing needs of multiple modes of travel and become more mixed-use and pedestrian-oriented over time. [ABC]

- a) Encourage the redevelopment of aging auto-oriented commercial strip development to a more mixed-use, pedestrian-oriented environment.

- b) Prioritize improvements that increase pedestrian safety and convenience and make bicycle and transit options more viable.
- c) Encourage lower auto traffic speeds and narrower traffic lanes to accommodate other modes of travel in more intense and active areas along the corridor.

The zone map amendment furthers this policy by allowing neighborhood commercial uses for a building that has historically been used for small neighborhood commercial activities, thereby creating the opportunity for new development along Candelaria Boulevard, just west of the Juan Tabo Multi-Modal corridor.

Goal 5.2 Complete Communities

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

Policy 5.2.1

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

- 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.
- g) Locate quality commercial development and redevelopment in existing commercial zones and designated Centers and Corridors.
- h) Encourage infill development that adds complementary uses and is compatible in form and scale to the immediately surrounding development.

The zone map amendment furthers this policy by facilitating infill redevelopment of an existing building that is currently zoned O-1 to bring goods and services within walking and biking distance of the adjacent neighborhoods. The proposed C-1 permissive uses will permit the continued use of this property with complementary uses. The existing building is compatible in form and scale to the immediately surrounding development.

Goal 5.3 Efficient Development Patterns

Promote development patterns that maximize the utility of existing infrastructure and public facilities and the efficient use of land to support the public good.

Policy 5.3.1

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

This request furthers this policy by facilitating infill development along Candelaria Boulevard, an existing minor arterial. The property has an existing building and is currently served with existing infrastructure. The proposed zone change will provide for continued and future small neighborhood commercial services.

- b) Encourage development and redevelopment that brings goods, services, and amenities within walking and biking distance of neighborhoods and promotes good access for all residents. This change furthers this goal by expanding the uses of the property that are compatible with the existing character of the area.

Goal 8.1.2.4 Zoning Capacity for Economic Activity

Balance supply and demand for non-residential development.

This request furthers this goal as it allow for re-purposiing an existing class C office space of which there is and excess supply and allows other uses. This will help the area's other office buildings vacancy and promotes investment into the area.

Resolution 270-1980:

- A. A proposed zone change must be found to be consistent with the health, safety, morals, and general welfare of the City.
The proposed zone map amendment is consistent with the health, safety, morals and general welfare of the City and neighborhood because the request will further the several goals and policies of the Comprehensive Plan. The allowed uses under C-1 will not be harmful to adjacent properties, the neighborhood or community as this zoning is already nearby now. The rezone will allow for redevelopment of an existing property to help the general welfare of the area by repurposing a small amount of space for new businesses that could not otherwise locate there.

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

The zone change will provide for stability of both land use and zoning of the property because it will allow for the redevelopment, a slightly more intense use, allowing for more local jobs for local businesses and it will also help stabilize the area with less office space that sits vacant. C-1 is an appropriate use at this location because of other retail across the street and one lot over to the east.

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

This zone change furthers the goals and stated in the Comprehensive Plan related to infill, redevelopment, mixed-use communities, and the nearby multi-modal corridor as stated above. earlier.

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

This request is based on the existing zoning being inappropriate based on 2 and 3 above. The area has changed over the last 40 years with less demand for the existing O-1 zoning and office space. Vacant neighborhood office space is a detriment to the surrounding area. In addition, the requested zoning will further a number of goals and policies articulated in the Comprehensive Plan. Vacant and underutilized non-residential building

are in fact contrary and inappropriate as provided for in the Comprehensive Plan. The new Comprehensive Plan recognizes the value of mixed-use neighborhoods, better access to goods and services by foot or bicycle, better use of existing infrastructure, and preservation of the existing community character. This request addresses those goals and policies better than maintenance of the existing zoning, which further demonstrates that the existing zoning is inappropriate.

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

This change would not be harmful as its uses are appropriate and compatible with the neighborhood since it will accommodate an expanded palate of neighborhood commercial uses in an existing non-residential building. The requested C-1 zone intentionally limits permissive uses that are compatible with the neighborhoods, which is further restricted by the small parcel size and existing building.

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

1. denied due to lack of capital funds
2. granted with implicit understanding that the City is not bound to provide the capital improvements on any special schedule.

This zone change will not require unprogrammed capital expenditure since the existing infrastructure exists. In fact, the proposed zoning will allow the property to better utilize the existing infrastructure in place.

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

The cost of the land or other economic considerations are not the determining factor for this zone change request. The request will allow the subject site to address the "non-conforming" history of the property with zoning that is appropriate at this location.

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

The request provides for an appropriate transition between the R-1 zone to the south and the minor arterial I of Candelaria. Retail is across the street and again one lot to the east. Primary justification for the zone change request is property improvement, redevelopment and infill.

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

special adverse land uses nearby; or because the nature of structures already on the premises make the site unsuitable for the uses allowed in any adjacent zone.

The request is a "spot zone" due to the surrounding zoning consisting of O-1, R-1 and R-3. However, the spot zone is justified since it furthers numerous Comprehensive Plan goals and policies as enumerated above. This change clearly supports item 1 by furthering several Comprehensive Plan goals and policies as provided earlier in this analysis. The proposed use is more in character with the design of the existing non-residential building and previous land uses over the years. Support of local business as Economic Development Goals and Policies applied to this request reflect the opportunities for 4 to 5 local small businesses to locate on the subject site meeting the expressed interest to the applicant from those needing smaller spaces in a convenient location.

J. A zone change request which would give a zone different from surrounding zoning to a strip of land along a street is generally call "strip zoning". Strip commercial zoning will be approved only where:

1. the change will clearly facilitate realization of the Comprehensive Plan and any adopted sector development plan ore area development plan
2. the area of the proposed zone change is different from surrounding land because it could function as a transition between adjacent zones or because the site is not suitable for the uses allowed in any adjacent zone due to traffic or special adverse land uses nearby.

The current C-1 zone is a "strip zone" as O-1 and this request is not a strip zone because it is only one lot which is a "spot zone".

Conclusion:

The proposed zone map amendment is justified because the area has changed over the decades, the change would further the City's Comprehensive Plan both in general and in this specific area. By removing some of the office space in the area, it will allow other owners in the area to have better occupancy for their buildings and to allow this owner to redevelop this property so it improves opportunities for the community uses other than just office space. We respectfully request that the Planning Commission approve this requested change in zoning.

Respectfully submitted,



Richard Hanna
Hanna Commercial, LLC

PRE-APPLICATION REVIEW TEAM (PRT) MEETING

PA# 17-147 Date: 10-3-17 Time: 2:00

Address: 11100 Candalaria Rd. NE

1. AGENCY REPRESENTATIVES PRESENT AT MEETING

Planning: Kym Dicome Other: Cheryl Somerville
Code Enforcement: Ben McIntosh Other: Vince Montaño
Fire Marshall: Antonio Chinchilla Eric Gonzales
Transportation: Marwa Al-Najjar

2. TYPE OF APPLICATION ANTICIPATED / APPROVAL AUTHORITY

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

3. SUMMARY OF PRT DISCUSSION:

Current Zoning: O-1
Proposed Use/Zone: C-1
Applicable Plans: None
Applicable Design Regulations: None
Previously approved site plans/project #s: 2-928
Requirements for application: (R-270-1980, Notification, as-built drawings, TIS, Check Lists, Other)

Handouts Given:

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

Additional Notes:

The applicant will need to justify the request pursuant to R-270-1980. Please note that there are no Area or Sector Development plans that apply to the site. The policies in the 2017 Comprehensive Plan apply.

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

The site is within an area of consistent

Recommend reaching out to neighbors and neighborhood associations prior to submitting the request

- Would like to add uses & re-hab building - no added square foot
- Find policies in Comprehensive Plan
- No neighborhood associations, but neighbors within 100ft
- Could research IDO conversion

Mikaela Rantz - Whitmore or Russell Brito

STAFF INFORMATION

November 27, 2017

TO: Richard Hanna and Stephen Caruso
FROM: Catalina Lehner, Senior Planner
City of Albuquerque Planning Department
TEL: (505) 924-3935
RE: Project #1011436, Juan Tabo/Candelaria Zone Change

I've reviewed version 2 (v.2) of the zone change justification letter. I have some suggestions to help strengthen the justification. Please provide the following:

- ⇒ A revised zone change justification letter pursuant to R270-1980 (one copy, black and white) by **12 pm on Thursday, November 30, 2017.**
- ⇒ Note: If you have trouble with this deadline, please let me know. It is possible to defer a case for 30 days to the January 11, 2018 hearing if you need more time.
- ⇒ Taking more time is preferable to providing an insufficient justification. If a zone change is denied, you will not be able to apply for one year (see memo #1).

1) New Items

- A. Please address the comment from Transportation Development Staff (see separate email).
- B. Please number the pages in the letter.

2) Please re-review the items below, from the first memo:

Zone Map Amendment (zone change)- General:

- A. Please note: I'm happy to assist you as much as I can, although I cannot write the justification or do the thinking part on behalf of a private party.
- B. Several planning agents are available for hire to write zone change justifications. Have you talked to any agents? They are listed on the EPC agendas, available on the website provided in section 2 of this letter.
- C. A zone change justification is all about the requirements of R270-1980 and how a proposed project can be demonstrated to fulfill them. The merits of the project, no matter how compelling, are not included in R270-1980. Neither is neighborhood support.

The exercise is to choose applicable Goals and policies from the Comprehensive Plan and other applicable plans such as a sector development plan. In this case, however, no sector development plans apply. Then, demonstrate how your request furthers (makes a reality) the chosen Goals and policies. Citations of text from the body of the documents are not used because the Goals and policies embody the thoughts in the text.

3) Please re-review the items below, from the first memo:

Zone Map Amendment (zone change)- Concepts & Research:

- A. Responding the Sections A-J of R270-1980 is more of a legal exercise than anything else. It is critical to “hit the nail on the head” both conceptually and in terms of form. This can be done by:
- i. answering the questions in the customary way (see examples)
 - ii. using conclusory statements such as “because_____”
 - iii. re-phrasing the requirement itself in the response (ex. Sections F, G, and H), and
 - iv. choosing an option when needed to respond to a requirement (ex. Sections D, I, and J).

Please review the Staff analysis of the justifications for the projects listed below, to further understand the concepts.

- B. Here are a couple of zone change cases that can serve as examples that have recently been through the EPC process: Project #1011337 from October 2017 (approved) and Project #1011395 from November 2017 (approved). Project #1000936 from December 2016 was denied, and can serve as an example of what not to do. ***Please see the Staff analysis of 1000936 to see what the problems were with his answers.***

Please review these cases to see how Sections A-J are responded to. The Staff report explains in detail regarding why the responses are sufficient or insufficient, so please read the analysis and incorporate that into your own justification.

- C. Tip: Please do not copy these justifications. They are for different properties with a different set of circumstances than the subject site. It’s OK to look for similarities, but the zone change justification for the subject site must be tailored to it.

4) Project Letter

- A. p. 1- The table is unnecessary, but it’s ok if you want to use it. Please note the correct zoning for the site to the north.
- B. p.2- bottom and p. 3. Please look at examples of agent’s letters. That’s what you’re writing- not a Staff report.

Remove the heading for analysis. The analysis of the Zoning Code (three paragraphs) needs to be worked into the justification for R270-1980 (see below).

- C. p. 3 middle. The analysis of the Comprehensive Plan goes in the discussion of R270-1980 in Section C.
- D. p. 7-conclusion. Please see D, below. Change in an area (i.e.-over the last 40 years) due to the regular course of development does not constitute a changed community condition.

5) Zone Map Amendment (zone change)- Section by Section:

Please address and incorporate the following to provide a strengthened response to R270-1980. V.2) is an improvement, but there are certain sections (see below) that aren’t answered sufficiently at this time.

- A. Section A: OK

B. Section B: OK

C. Section C (re-organize and strengthen): The task in Section C is to demonstrate that the proposed zone change would further applicable Goals and policies in the 2017 Comprehensive Plan.

Please see examples of how this question is properly answered. This is the most important part of the justification.

- i. Place the analysis from the project letter into the justification (see 4C, above).
- ii. Please read the Comprehensive Plan sections regarding Area of Change and Area of Consistency. The statement in the second paragraph on p. 5 that an Area of Change is “in response to the fact that the area is changed” is incorrect. Please read the Comp Plan and try to understand what it’s getting at.
- iii. Is the subject site in an Area of Consistency or an Area of Change? See the map in the Comp Plan and determine which one and discuss the appropriate Goal and any policies. Tip: it can’t be in both.
- iv. Expand the explanation under Policy 5.2.1-Complete Communities.
- v. Please revisit Policy 5.3- Infill Development and maybe find other related policies that fit the project.
- vi. There are many other chapters in the Comprehensive Plan. Please take a look at them and see if any Goals and policies can be used.
- vii. Be sure to include a conclusory statement regarding the entirety of Section C.

D. Section D (re-do): The response to D is supposed to start out with: “The existing zoning is inappropriate because _____”, followed by an explanation based on 1, 2, or 3.

Please see examples of how this question is properly answered.

Change in an area (i.e.-over the last 40 years) due to the regular course of development does not constitute a changed community condition.

E. Section E (re-do): Please discuss the permissive uses in the requested zone and what the zone means, and see examples of how this question is properly answered. Some of the verbiage from the letter, p. 3, where you discussed permissive uses, could be brought here. Discussion is needed, not just to cut and paste it here. What are the permissive use in the zone that could be harmful? Would they be? Why or why not?

F. Section F: OK

G. Section G: OK

H. Section H (re-do): Please respond to the question using the question phrasing as part of the answer. The verbiage provided in H discusses spot zone, and that’s not the question in H.

I. Section I (respond): ***See examples of how this question is properly answered.***

- i. Incorporate the verbiage from the response to H regarding spot zone.
- ii. Choose reason i or ii, not both.

iii. Please explain either reason i or ii as it relates to the project.

iv. The last sentence should be also incorporated into the response to C.

J. Section J (clarify and strengthen): This has to do with whether or not the proposed zone change would create a “strip zone”. Does the subject site meet the definition? Why or why not?

Why would the current C-1 zone be a strip zone if the lot size is not changing? Please see examples of how this question is properly answered.

November 15, 2017

TO: Stephen Caruso
FROM: Catalina Lehner, Senior Planner
City of Albuquerque Planning Department
TEL: (505) 924-3935
RE: Project #1011436, Juan Tabo/Candelaria Zone Change

I've completed a first review of the proposed zone map amendment (zone change) request. I have a few questions and several suggestions that will help make the justification approvable. I am available to answer any questions about the process and requirements. Please provide the following:

⇒ A revised zone change justification letter pursuant to R270-1980 (one copy, black and white) by **12 pm on Tuesday, November 27, 2017.**

⇒ Note: If you have trouble with this deadline, please let me know. It is possible to defer a case for 30 days to the January 11, 2018 hearing if you need more time.

1) Introduction:

- A. Though I've done my best for this review, additional items may arise as the case progresses. If so, I will inform you immediately.
- B. Please tell me about the proposed project. What do you want to do and what are you presently doing?
- C. It looks like the property been sold recently. Our records (GIS system) shows that it's owned by John Rubio and Albert and Rosey Harrison.
- D. How was it determined that you need zone change? Did you receive a Notice of Violation (NOV)? If so, please provide a copy for the file.
- E. A zone change, because it changes land entitlements, is a big deal and has been considered such since 1980 (the rules are called R270-1980). If a potential tenant is looking to rent a space to operate a business, it would be faster and easier to find a space that is already zoned C-1. However, given the property's history of operating commercial uses out of an O-1 zone, maybe you'd like to change the zoning anyway.

2) Process:

- A. Information regarding the EPC process, including the calendar and current Staff reports, can be found at:
<http://www.cabq.gov/planning/boards-and-commissions/environmental-planning-commission/>
- B. Timelines and EPC calendar: the EPC public hearing for December is the 14th. Final staff reports will be available one week prior, on December 7th.

- C. Please visit the link above to find copies of Staff reports that will serve as examples of zone changes (please see section 5 of this memo).
- D. Did you attend a pre-application review team (PRT) meeting? If so, please provide a copy of the notes for the file.
- E. Note that, if a zone change request is denied, you cannot reapply again for one year. (ex. car wash case, NW Abq.)
- F. Agency comments will be distributed on Wednesday, November 22nd. I will email you a copy of the comments and will forward any late comments to you.

3) Notification & Neighborhood Issues:

- A. Notification is incomplete at this stage; please note that incomplete notification will result in a deferral of this case.

Please contact the Office of Neighborhood Coordination to obtain a list of affected neighborhood organizations in the area. Vicente Quevedo can be reached at: vquevedo@cabq.gov.

Once you have the list, the contact persons will need to be notified. Notification at least 15 days prior to the hearing (not counting holidays when the City is closed) is required.

- B. Have any neighborhood representatives or members of the public contacted you other than what was provided for the file? Are you aware of any concerns?
- C. As of this writing, no one has contacted me and a facilitated meeting has not been requested.

4) Integrated Development Ordinance (IDO):

- A. The City Council passed the IDO, a new zoning code, on Monday, November 13 (O-17-49). The IDO includes a Zoning Conversion Map that shows today's zoning and the new zoning.

<https://www.abc-zone.com/ido-zoning-conversion-map>

The subject site would convert to the MX-T (mixed-use transition) zone. The MX-T zone replaces the old RC, Residential Commercial zone. Small retail uses would be allowed as accessory uses, meaning that they can't be the primary use of the property.

- B. With the zone change request, if you obtain C-1 zoning, it will convert to MX-L (mixed use low intensity) zone when the IDO is adopted in approximately 6 months or so.

5) Zone Map Amendment (zone change)- General:

- A. Please note: I'm happy to assist you as much as I can, although I cannot write the justification or do the thinking part on behalf of a private party.
- B. Several planning agents are available for hire to write zone change justifications. Have you talked to any agents? They are listed on the EPC agendas, available on the website provided in section 2 of this letter.
- C. A zone change justification is all about the requirements of R270-1980 and how a proposed project can be demonstrated to fulfill them. The merits of the project, no matter how compelling, are not included in R270-1980. Neither is neighborhood support.

The exercise is to choose applicable Goals and policies from the Comprehensive Plan and other applicable plans such as a sector development plan. In this case, however, no sector development plans apply. Then, demonstrate how your request furthers (makes a reality) the chosen Goals and policies. Citations of text from the body of the documents are not used because the Goals and policies embody the thoughts in the text.

6) Zone Map Amendment (zone change)- Concepts & Research:

- A. Responding the Sections A-J of R270-1980 is more of a legal exercise than anything else. It is critical to “hit the nail on the head” both conceptually and in terms of form. This can be done by:
- i. answering the questions in the customary way (see examples)
 - ii. using conclusory statements such as “because _____”
 - iii. re-phrasing the requirement itself in the response (ex. Sections F, G, and H), and
 - iv. choosing an option when needed to respond to a requirement (ex. Sections D, I, and J).
- B. Version 1 (v.1) of the zone change justification lacks a response to each section (A through J) of R270-1980. For each section, please write out the requirement and then your answer. There is a particular way that this is required to be done, from an urban planning perspective, as a matter of practice.
- C. Here are a couple of zone change cases that can serve as examples that have recently been through the EPC process: Project #1011337 from October 2017 (approved) and Project #1011395 from November 2017 (approved). Project #1000963 from December 2016 was denied, and can serve as an example of what not to do.
- Please review these cases to see how Sections A-J are responded to. The Staff report explains in detail regarding why the responses are sufficient or insufficient, so please read the analysis and incorporate that into your own justification.
- D. Tip: Please do not copy these justifications. They are for different properties with a different set of circumstances than the subject site. It’s OK to look for similarities, but the zone change justification for the subject site must be tailored to it.

7) Zone Map Amendment (zone change)- Section by Section:

Please address and incorporate the following to provide a strengthened, approvable response to R270-1980:

- A. Section A (respond): Restate the question in the answer, then add a “because” at the end of the first sentence. Please see examples of how this question is properly answered.
- B. Section B (respond): The response must discuss stability of land use and zoning. Neither word was mentioned in your response. Please see examples of how this question can be properly answered.
- C. Section C (respond): The task in Section C is to demonstrate that the proposed zone change would “clearly facilitate” applicable Goals and policies in the 2017 Comprehensive Plan.
- Is the subject site in an Area of Consistency or an Area of Change? See the map in the Comp Plan.

- Please choose applicable Goals and policies to make your case. Copy the text of each applicable Goal and policies and then respond to each directly underneath the citation.
- Be sure to include a conclusory statement regarding the entirety of Section C.

Please see examples of how this question is properly answered.

- D. Section D (respond): The response to D is supposed to start out with: “The existing zoning is inappropriate because _____”, followed by an explanation based on 1, 2, or 3.

Please see examples of how this question is properly answered.

- E. Section E (respond): Please discuss the permissive uses in the requested zone and what the zone means, and see examples of how this question is properly answered.

- F. Section F (respond): Please re-phrase the question in your response and see examples of how this question is properly answered.

- G. Section G (respond): Please re-phrase the question in your response and see examples of how this question is properly answered.

- H. Section H (respond): Please re-phrase the question in your response and see examples of how this question is properly answered. You’ll need to find out if the subject site is located on a collector or major street.

- I. Section I (respond): This has to do with whether or not the proposed zone change would create a “spot zone”. Does the request meet the definition? Why or why not?

Please choose either reason i or ii and see examples of how this question is properly answered.

- J. Section J (respond): This has to do with whether or not the proposed zone change would create a “strip zone”. Does the subject site meet the definition? Why or why not?

Please choose either reason i or ii and see examples of how this question is properly answered.

NEIGHBORHOOD INFORMATION

Lehner, Catalina L.

From: Quevedo, Vicente M.
Sent: Monday, November 20, 2017 3:22 PM
To: 'rhanna@richardHanna.com'
Cc: Lehner, Catalina L.
Subject: Notification Inquiry_11100 Candelaria_EPC
Attachments: Notification Inquiry_11100 Candelaria_EPC.xlsx; Instruction Sheet for Applicants_General.pdf; Zone atlas page marked.pdf

Richard,

Good afternoon. See list of affected associations below and attached related to your EPC submittal. Also review the attached instruction sheet. Please also note that the instruction sheet requires you to include language on your notification letter informing affected associations that they may request a facilitated meeting by contacting the Alternative Dispute Resolution Program. This correspondence is being sent to you after your application was accepted by the Planning Department because the original request was filled out incorrectly (stated that the requested action was to be submitted to the Zoning Hearing Examiner instead of EPC).

Your requested action is currently scheduled to be heard by the EPC on December 14, 2017. However, following a discussion with Current Planning Manager Kym Dicome, if any member of the public requests a facilitated meeting related to your requested action, you will need to take an automatic deferral to the January 11, 2018 public hearing in order to allow enough time to schedule a meeting and get a final report issued. Thank you.

Association Name	First Name	Last Name	Email	Address Line 1	City	State	Zip	N P
District 8 Coalition of Neighborhood Associations	Donald	Couchman	dhc@zianet.com	6441 Concordia Road NE	Albuquerque	NM	87111	505
District 8 Coalition of Neighborhood Associations	Daniel	Flegel	danflegel@gmail.com	3423 Del Agua Court NE	Albuquerque	NM	87111	505

Respectfully,

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

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From: webmaster=cabq.gov@mailgun.org [mailto:webmaster=cabq.gov@mailgun.org] **On Behalf Of** webmaster@cabq.gov
Sent: Monday, November 20, 2017 12:38 PM
To: Office of Neighborhood Coordination <onc@cabq.gov>
Subject: Notification Inquiry Sheet Submission

Notification Inquiry For:

Environmental Planning Commission Submittal

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

Contact Name

Richard Hanna

Company Name

Hanna Commercial, LLC

Address

8500 Menaul Blvd NE Suite B550

City

Albuquerque

State

NM

ZIP

87112

Telephone Number

505-332-0522

Email Address

rhanna@richardHanna.com

Anticipated Date of Public Hearing (if applicable):

December 14, 2017

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

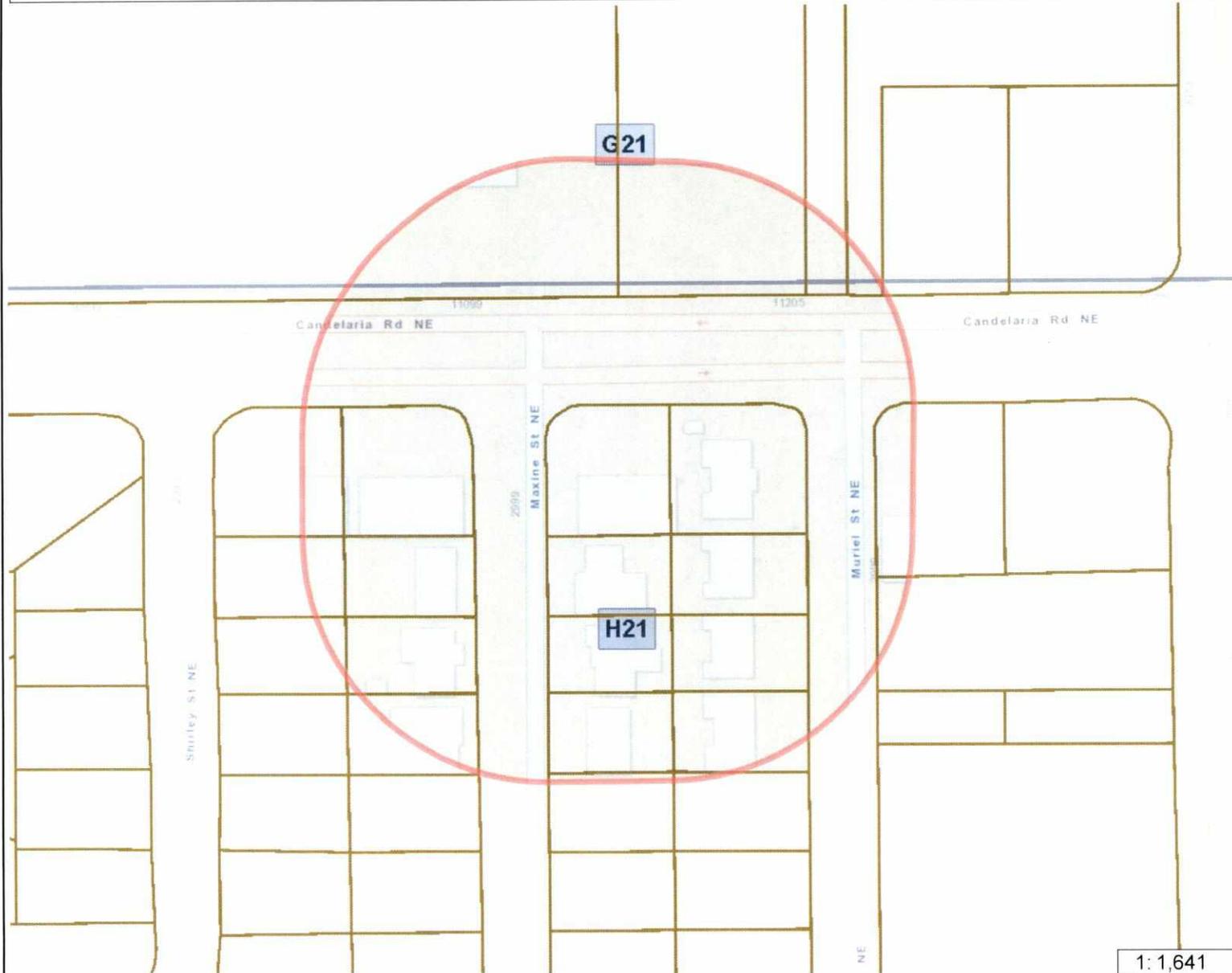
Lot 48 Block 78 Snow Heights Additon

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

11100 Candelaria NE on the corner of Maxine and Candelaria
This site is located on the following zone atlas page:
H21



11100 Candelaria



Legend

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

Notes

Buffer: 185ft
ROW: Candelaria 85ft.

0.1 0 0.03 0.1 Miles

WGS_1984_Web_Mercator_Auxiliary_Sphere
10/17/2017 © City of Albuquerque

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

THIS MAP IS NOT TO BE USED FOR NAVIGATION

BENAVIDEZ COLEEN
2927 MAXINE ST NE
ALBUQUERQUE NM 87112-1738

VIGIL DANIEL A
11000 CANDELARIA RD NE SUITE 100W
ALBUQUERQUE NM 87112-1767

CANDELARIA EAST LLC
11000 CANDELARIA RD NE SUITE 100W
ALBUQUERQUE NM 87112

MEIER ROBERT G TRUSTEE R G MEIER
LVT C/O CARUSO JANET
2925 MURIEL ST NE APT 4
ALBUQUERQUE NM 87112-1762

PETERSON PROPERTIES INVESTMENTS
LLC
2325 SAN PEDRO NE
ALBUQUERQUE NM 87110

CHECK WITH ME LLC
4110 CUTLER AVE NE
ALBUQUERQUE NM 87110-3896

MEESE JACQUELINE M TRUSTEE MEESE
RVT
2920 MAXINE ST NE
ALBUQUERQUE NM 87112-1739

BEGAY DANIELLE R
2928 MAXINE ST NE
ALBUQUERQUE NM 87112-1739

SPIRIT MASTER FUNDING X LLC C/O
SPIRIT REALTY CAPITAL
16767 N PERIMETER DR SUITE 210
SCOTTSDALE AZ 85260-1062

AUTO ZONE INC
PO BOX 2198 DEPT
MEMPHIS TN 38101-2198

CARUSO JANET
2925 MURIEL ST NE 4
ALBUQUERQUE NM 87112-1762

MEIER ROBERT G TRUSTEE ROBERT G
MEIER LIVING TRUST
3325 MORRIS ST NE 4
ALBUQUERQUE NM 87111-4989

CARUSO STEPHEN A
PO BOX 20666
ALBUQUERQUE NM 87154-0666

MCDONALD MATT TRUSTEE FOR THE
2920 SHIRLEY ST NE TRUST
2500 PARKWAY AVE NW
RIO RANCHO NM 87144

BOREN 11200 LLC
11400 SANTA MONICA DR NE
ALBUQUERQUE NM 87122-2452

LYLE STEPHEN P SR & BEVERLY J
2932 MAXINE ST NE
ALBUQUERQUE NM 87112

LYLE JOHN
2924 MAXINE ST NE
ALBUQUERQUE NM 87112-1739

LYLE ROBERT S
2923 MAXINE ST NE
ALBUQUERQUE NM 87112-1738

PRIME JANE PLACE LLC
50 CALIFORNIA ST SUITE 2525
SAN FRANCISCO CA 94111

RUBIO JOHN G & HARRISON ALBERT P
& ROSEY S
1044 COLUMBIA DR NE
ALBUQUERQUE NM 87106

ZAMORA FRANK & MARY JANE
10920 CANDELARIA RD NE
ALBUQUERQUE NM 87112-1729

NUNN PATTON E & CELESE O
11209 CANDELARIA RD NE
ALBUQUERQUE NM 87111-1732

MIER ROBERT G TRUSTEE R G MEIER
LVT C/O CARUSO STEPHEN
PO BOX 20666
ALBUQUERQUE NM 87154-0666

HEARN ROBERT D
2931 MAXINE ST NE
ALBUQUERQUE NM 87112-1738

Marty Williams

505-363-9397 | mroc71@yahoo.com

October 28, 2017

RE: 11100 Candelaria NE proposed zoning change from O-1 to C-1

Dear Neighbor :

This letter is to inform you that I will submit an application on or before November 2, 2017 for a zone map amendment to the City of Albuquerque Planning Department for review and possible approval. The hearing will be on December 14, 2017 in the basement of the Plaza del Sol building at 200 2nd St downtown. We do not know the exact time on the agenda because it has not been set yet. The city's review process will take a minimum of 15 days whereupon a final decision will be rendered. We are proposing to change the zoning from O-1 to C-1 so that we can give you a place to start your own small retail shop and to buy from those who live nearby.

This application can be reviewed at the City Planning Department offices in downtown Albuquerque at the Plaza del Sol building, located at 600 2nd Street NW. It is advised that you call the Planning Department at 924-3860 to schedule a visit so that the project file will be available upon your arrival. To arrange a visit to review this application, please contact the Current Planning Division at 924-3860. If you have any concerns regarding this request, please contact the Current Planning Division at 924-3860 within the next 10 days to speak to the planner who will be reviewing the project.

If you have questions or comments you would like for me to answer, please contact me at 505-363-9397 or mroc71@yahoo.com .

Sincerely,

Marty Williams

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 City, State, ZIP+4: *Alb, NM 87112*

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 City, State, ZIP+4: *Alb, NM 87110*

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Postage	\$0.49	12/23/2017
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 Street and Apt. No., or PO Box No.: *PO Box 2066*
 City, State, ZIP+4: *Alb, NM 87154*

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Total Postage and Fees	\$3.84	

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 City, State, ZIP+4: *SCOTTSDALE AZ 85260-106*

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<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.49	12/23/2017
Total Postage and Fees	\$3.84	

Sent To: *Janet Caruso*
 Street and Apt. No., or PO Box No.: *2925 Maxine NE #4*
 City, State, ZIP+4: *Alb, NM 87112*

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ALBUQUERQUE, NM 87112

OFFICIAL USE

Certified Mail Fee	\$3.35	0111 45
Extra Services & Fees (check box, add fee as appropriate)	\$0.00	
<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	\$0.49	12/23/2017
Total Postage and Fees	\$3.84	

Sent To: *LYLE STEPHEN SR + BEVEL*
 Street and Apt. No., or PO Box No.: *2925 Maxine St NE*
 City, State, ZIP+4: *Alb, NM 87112*

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Certified Mail Fee	\$3.35	0111
	\$0.00	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	\$0.49	
Total Postage and Fees	\$3.84	12/23/2017

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Sent To *John Lyle*
 Street and Apt. No., or PO Box No. *2924 Maximo ST NE*
 City, State, ZIP+4® *Albuquerque NM 87112*

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MEMPHIS, TN 38104

OFFICIAL USE

Certified Mail Fee	\$3.35	0111
	\$0.00	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	\$0.49	
Total Postage and Fees	\$3.84	12/23/2017

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Sent To *Auto Zone*
 Street and Apt. No., or PO Box No. *PO Box 2198*
 City, State, ZIP+4® *Memphis TN 38101*

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ALBUQUERQUE, NM 87154

OFFICIAL USE

Certified Mail Fee	\$3.35	0111
	\$0.00	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	\$0.49	
Total Postage and Fees	\$3.84	12/23/2017

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Sent To *MFR Robert C. JOCARASO Stephen*
 Street and Apt. No., or PO Box No. *PO Box 20666*
 City, State, ZIP+4® *Albuquerque NM 87154*

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ALBUQUERQUE, NM 87112

OFFICIAL USE

Certified Mail Fee	\$3.35	0111
	\$0.00	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	\$0.49	
Total Postage and Fees	\$3.84	12/23/2017

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Sent To *Robert Hearn*
 Street and Apt. No., or PO Box No. *2931 Maximo ST NE*
 City, State, ZIP+4® *Albuquerque NM 87112*

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ALBUQUERQUE, NM 87106

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Certified Mail Fee	\$3.35	0111
	\$0.00	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	\$0.49	
Total Postage and Fees	\$3.84	12/23/2017

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Sent To *John Rubio & Al Harrison*
 Street and Apt. No., or PO Box No. *1049 Columbia Dr NE*
 City, State, ZIP+4® *Albuquerque NM 87106*

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Certified Mail Fee	\$3.35	0111
	\$0.00	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	\$0.49	
Total Postage and Fees	\$3.84	12/23/2017

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Sent To *Robert Lyle*
 Street and Apt. No., or PO Box No. *2923 Maximo ST NE*
 City, State, ZIP+4® *Albuquerque NM 87112*

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ALBUQUERQUE, NM 87112

OFFICIAL USE

Certified Mail Fee	\$3.35	0111
Extra Services & Fees (check box, add fee as appropriate)	\$0.00	45
<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	\$0.49	12/23/2017
Total Postage and Fees	\$3.84	

Sent To: Daniel Vigil
 Street and Apt. No., or PO Box No.: 11000 Candelaria NE
 City, State, ZIP+4®: ALBU NM 87112

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RIO RANCHO, NM 87144

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Certified Mail Fee	\$3.35	0111
Extra Services & Fees (check box, add fee as appropriate)	\$0.00	45
<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	\$0.49	12/23/2017
Total Postage and Fees	\$3.84	

Sent To: McDONALD TRUST
 Street and Apt. No., or PO Box No.: 2500 PARKWAY AVE NW
 City, State, ZIP+4®: RIO RANCHO NM 87144

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ALBUQUERQUE, NM 87112

OFFICIAL USE

Certified Mail Fee	\$3.35	0111
Extra Services & Fees (check box, add fee as appropriate)	\$0.00	45
<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	\$0.49	12/23/2017
Total Postage and Fees	\$3.84	

Sent To: Candelaria East, LLC
 Street and Apt. No., or PO Box No.: 11000 Candelaria Rd NE
 City, State, ZIP+4®: ALBU NM 87112

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ALBUQUERQUE, NM 87122

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Certified Mail Fee	\$3.35	0111
Extra Services & Fees (check box, add fee as appropriate)	\$0.00	45
<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	\$0.49	12/23/2017
Total Postage and Fees	\$3.84	

Sent To: BOREN 11200 LLC
 Street and Apt. No., or PO Box No.: 11400 SANTA MONICA DR
 City, State, ZIP+4®: ALBU NM 87122

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ALBUQUERQUE, NM 87112

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Certified Mail Fee	\$3.35	0111
Extra Services & Fees (check box, add fee as appropriate)	\$0.00	45
<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	\$0.49	12/23/2017
Total Postage and Fees	\$3.84	

Sent To: Danielle begay
 Street and Apt. No., or PO Box No.: 2928 MARIE ST NE
 City, State, ZIP+4®: ALBU NM 87112

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ALBUQUERQUE, NM 87111

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Certified Mail Fee	\$3.35	0111
Extra Services & Fees (check box, add fee as appropriate)	\$0.00	45
<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	\$0.49	12/23/2017
Total Postage and Fees	\$3.84	

Sent To: PETERSON PROPERTIES INV
 Street and Apt. No., or PO Box No.: 2325 SAN PEDRO NE
 City, State, ZIP+4®: ALBU NM 87110

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