



PLANNING DEPARTMENT
URBAN DESIGN & DEVELOPMENT DIVISION
600 2nd Street NW, 3rd Floor, 87102
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Office (505) 924-3860 Fax (505) 924-3339

OFFICIAL NOTIFICATION OF DECISION

November 14, 2016

High Desert Assisted Living, LLC
12105 Sierra Grande Ave NE
ABQ, NM 87112

Project# 1010903
16EPC-40030 Zone Map Amendment (Zone Change)

LEGAL DESCRIPTION:

The above action for all or a portion of Lot 1, Block B, Monterey Manor, zoned R-1 to O-1, located on Sierra Grande Ave NE, between Lomas Blvd, NE and Mountain Rd. NE, containing approximately .24 acre. (J-22)
Staff Planner: Vicente M. Quevedo

PO Box 1293

On November 10, 2016 the Environmental Planning Commission (EPC) voted DENY Project #1010903/16EPC-40030, a Zone Map Amendment (Zone Change), based on the following findings:

Albuquerque FINDINGS:

- NM 87103
1. This is a request for a Zone Map Amendment from R-1 (Residential) to O-1 (Office and Institution) for Lot 1, Block B, Monterey Manor located on Sierra Grande Ave. NE, between Lomas Blvd. and Mountain Rd. and containing approximately .24 acres.
 2. The applicant is proposing to increase the allowable maximum number of client residents from up to ten (which is the allowed maximum under the existing R-1 zoning designation) to up to eighteen (which is the allowed maximum under the requested O-1 zoning designation) for a future assisted living home on the subject site located within the Monterey Manor residential subdivision area.
 3. The existing R-1 zoning for the subject site appears to have been established around the time that the subject site was annexed into the City of Albuquerque in approximately 1963 (S-1243 & S-1243-A). The subject site currently contains a residential dwelling unit that was converted into an Assisted Living Facility (which is allowed under the existing R-1 zoning designation) that operated from February 1989 until June 2014. The unit has been vacant for approximately two years.
 4. The request was originally submitted on June 30, 2016 for the August 11, 2016 EPC public hearing.
- www.cabq.gov

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5. The request has been deferred twice (for a total of 90 days) at the applicant's request for the stated purpose of allowing the applicant additional time to revise their R270-1980 Zone Map Amendment justification narrative.
6. The applicant did not submit an updated R270-1980 justification narrative by the October 28, 2016 Planning Department deadline, per the EPC 2016 Application and Hearing Schedule that was provided to the applicant on July 15, 2016.
7. 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.
8. The subject site is within the Established Urban Area of the Comprehensive Plan. The request furthers the following policy of the Comprehensive Plan cited by the applicant:

Policy II.B.5.o.: Redevelopment and rehabilitation of older neighborhoods in the Established Urban Area shall be continued and strengthened.

The request furthers Policy II.B.5.o. because the residential subdivision that the subject site is located within was established in the early 1960's, and the applicant is proposing to conduct internal tenant improvement / renovations within the existing residential structure to ensure that the dwelling unit meets current regulatory standards, as well as meet any and all requirements required by the State of New Mexico for an Assisted Living facility.

9. The applicant has not sufficiently justified the zone change request pursuant to the requirements of R-270-1980 as follows:
 - A. Consistency with the City's health, safety, morals and general welfare is shown by demonstrating that a request furthers a preponderance of applicable Goals and policies from the Comprehensive Plan and other applicable plans, which the applicant has not sufficiently completed in the response to Section C. The response to Section 1.A is not sufficient.
 - B. The applicant has not sufficiently demonstrated how the requested zone change from R-1 to O-1 will ensure stability of land use within the residential neighborhood.
 - C. The applicant has not demonstrated that the request furthers a preponderance of applicable Goals and policies from the Comprehensive Plan and other applicable plans. Therefore, a significant conflict may exist with regard to the Comprehensive Plan or other applicable plans.
 - D. The applicant has stated that the existing R-1 zoning designation for the subject site is inappropriate because it places limitations on the number of beds that the applicant can potentially house within the existing residential dwelling unit on the subject site. However, the applicant has not demonstrated that the requested O-1 zoning designation is more advantageous based on a preponderance of applicable policies within the Comprehensive Plan or other applicable plans related to the subject site.
 - E. The applicant did not provide a response to Section 1.E.

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- F. It appears that the requested zone change will not require any major or un-programmed capital expenditures by the City.
 - G. The test under Section 1.G. of R270-1980 is whether economic considerations pertaining to the applicant are the determining factor for a change of zone. In response to Section 1.G. the applicant has stated that the senior citizen population will increase over the next few decades and that Assisted Living Homes are cheaper options for the elderly than traditional nursing homes. However, the applicant has not demonstrated that economic considerations pertaining to the applicant are not the determining factor for the requested change of zone.
 - H. The request is for Office and Institutional zoning, however the subject site is not located on a collector or major street. Sierra Grande Ave. is a local street.
 - I. The applicant has not provided a response to Section 1.I.
 - J. The applicant has not provided a response to Section 1.J.
10. The East Gateway Coalition of Neighborhood Associations along with property owners within 100 feet of the subject site were notified as required.
11. The project was recommended for facilitation by the Office of Neighborhood Coordination, and a facilitated meeting was held on July 29, 2016. Meeting participants voiced concern over: traffic, appearance, maintenance and operation, and the present and future impact of the proposed zone change.
12. The Planning Department has received over 50 sets of written public comments, a notarized petition with 118 separate signatures all opposing the zone change request, as well as a transcribed online interview / podcast entitled "Shoulders of Titans" dated November 2015 in which the current owner of the subject site (Dale Hensel) was interviewed about his business practices and entrepreneurial activities.
13. All written public comment was submitted for the record by a group of Monterey Manor Neighbors who state that they are opposed to the zone change because the applicant has not sufficiently justified the zone change to O-1 (Office and Institution), and that economics are the determining factor for the zone change request.
14. The applicant did not appear at the hearing on his application held in the afternoon of November 10, 2016. The applicant was present at the morning session of the Commission's hearings, and he was advised that his application would be heard in the afternoon.

APPEAL: If you wish to appeal this decision, you must do so within 15 days of the EPC's decision or by **November 28, 2016**. 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

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the deadline for filing the appeal.

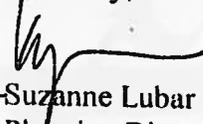
For more information regarding the appeal process, please refer to Section 14-16-4-4 of the Zoning Code. A Non-Refundable filing fee will be calculated at the Land Development Coordination Counter and is required at the time the appeal is filed. It is not possible to appeal EPC Recommendations to City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

You will receive notification if any person files an appeal. If there is no appeal, you can receive Building Permits at any time after the appeal deadline quoted above, provided all conditions imposed at the time of approval have been met. Successful applicants are reminded that other regulations of the City Zoning Code must be complied with, even after approval of the referenced application(s).

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

DEFERRAL FEES: Pursuant to Zoning Code Section 14-16-4-1(B), deferral at the request of the applicant is subject to a \$110.00 fee per case.

Sincerely,


for Suzanne Lubar
Planning Director

SL/VQ

cc: High Desert Assisted Living, LLC, 12105 Sierra Grande Ave NE, ABQ, NM 87112
Jody L. Borris, 2500 Mariposa Parkway AV, NE, Rio Rancho, NM 87144
Roger Hartman, East Gateway Coalition, 1308 Wagon Train Dr. SE, ABQ, NM 87123
Roger Mickelson, East Gateway Coalition, 1432 Catron Av. SE, ABQ, NM 87123
Cindy Miller, 12208 Casa Grande Ave NE, ABQ, NM 87112
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Tommy Donham, c/o Cindy Miller 12208 Casa Grande Ave NE, ABQ, NM 87112
Willie Thomas, 12604 Loyola Ave. NE, ABQ, NM 87112
Jeff Miller, 1005 Casa Grande Pl. NE, ABQ, NM 87112
Ken Blemer, 12412 Sierra Grande NE, ABQ, NM 87112
Gemma Morris, 1124 Upland NE, ABQ, NM 87112

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Tiffany Rawls, 12312 Casa Grande Ave NE, ABQ, NM 87112

Betty Russel, 12204 Casa Grande Ave NE, ABQ, NM 87112

Dale Hensel, 2500 Parkway Ave, Rio Rancho, NM 87144

Don Martindell, 12300 Loyola Ave NE, ABQ, NM 87112

