

# 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

September 13, 2018

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

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

### LEGAL DESCRIPTION:

Lot 8 and the additional south seven feet and eight inches of Lot 7, Lot 9, and Lot 10, Block 24, Huning's Highlands Addition, zoned SU-2/MR, to SU-2/SU-1 for Bed and Breakfast to Include Special Events, located on High St. NE, between Central Ave. NE and Dr. Martin Luther King, Jr. Ave. NE, containing approximately 0.6 acre. (K-14) Staff Planner: Catalina Lehner (**DEFERRED FROM DECEMBER 14, 2017**) (**REMAND FROM CITY COUNCIL**)

PO Box 1293

On September 13, 2018 the Environmental Planning Commission (EPC) voted to APPROVE Project 1005206/17EPC-40054, a Sector Development Plan Map Amendment (Zone Change) and 17EPC-40067, an as-built Site Development Plan for Building Permit, based on the following Findings and subject to the following Conditions of approval:

NM 87103

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

1. The subject request is for a sector development map amendment (zone change) for Lot 8 and the additional south seven feet and eight inches of Lot 7, Lot 9, and Lot 10, Block 24, Huning's Highlands Addition, an approximately 0.6 acre site located at the northwest corner of Copper Ave. and High St. NE, between Central Ave. NE and Dr. Martin Luther King, Jr. Ave. NE (the "subject site").
2. The proposed zone change is from SU-2/M-R (Mixed Residential) to SU-2/SU-1 for Bed and Breakfast to Include Special Events to allow the continued operation of a bed and breakfast (B&B) and hosting of special events such as weddings, gatherings, and retreats.
3. The purpose of the subject request is to remedy a Notice of Violation issued by the Code Enforcement Division because special events are not allowed in the SU-2/M-R zone.
4. The subject request is accompanied by a request for an as-built site development plan for building permit (17EPC-40067) as required pursuant to the SU-1 zone [ (§14-16-2-22(A)(1)) ].

# OFFICIAL NOTICE OF DECISION

Project #1005206

September 13, 2018

Page 2 of 12

5. The subject request was heard and approved at the February 8, 2018 EPC hearing. An aggrieved neighbor appealed the decision. The hearing before the Land Use Hearing Officer (LUHO) was held on April 3, 2018. The City Council rejected the LUHO's recommendation and opted to hear the case, which it did on June 18, 2018. The Council voted to remand the case to the EPC with instructions.
6. The remand instructions from the City Council are for the EPC to:
  - A. 1. Clarify findings required by R270-1980(D) to identify how, if at all, the proposed zoning is more advantageous to the community, as articulated by the Comprehensive Plan or other City master Plan..."as compared to the existing zoning at the site.
  - B. 2. Clarify findings as to which special use category is intended, subsection 14-16-2-22(B)(7), or B(35); and
  - C. 3. Identify and appropriately limit the "special events" that will be permitted relative to type, size, hours, and frequency.
7. The Comprehensive Plan designates Lot 9 and Lot 10 of the subject site as an Area of Consistency. Lot 8 is designated an Area of Change. The subject site is within the boundaries of the Huning Highland Sector Development Plan (HHSDP) and is in the Huning Highland Historic District designated by the City.
8. The Albuquerque/Bernalillo County Comprehensive Plan, the Huning Highlands Sector Development Plan (HHSDP) and the City of Albuquerque Zoning Code are incorporated herein by reference and made part of the record for all purposes.

## *Remand Topic 1- Clarify findings required by R270-1980(D)*

9. The proposal furthers the following, applicable Comprehensive Plan Goals:

### A. Community Identity Goal 4.1- Character: Enhance, protect, and preserve distinct communities.

The subject site is located in the Central Albuquerque Community Planning Area (CPA), which is characterized by a mix of land uses and proximity of residential and non-residential uses (p. 4-24). The Huning Highland neighborhood is a distinct community. The request would enhance the community by providing a space for events by using historic homes that are consistent with the community's character, thereby protecting and preserving the community and its unique history.

### B. Transportation Goal 6.2-Multi-Modal System: Encourage walking, biking, and transit, especially at peak-hour commuting times, to enhance access and mobility for people of all ages and abilities.

The subject site is located within 660' feet of a designated Major Transit Corridor and near Downtown. Major Transit Corridors prioritize transit service and emphasize walkability and cycling, which results in enhanced access and mobility for people of all ages and mobilities. The proposal would allow for special events to be provided in an area that is situated to encourage walking, biking, and transit usage, and thereby enhance access to them for people who use alternative transportation modes and to encourage walking, biking, and transit use.

OFFICIAL NOTICE OF DECISION

Project #1005206

September 13, 2018

Page 3 of 12

10. The proposal furthers the following, applicable Land Use policies of the Comprehensive Plan:

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

The proposal would contribute to the distinct, historical community of Huning Highland by providing a new use (special events) that adds to the existing mix of uses in the neighborhood. The existing B&B already contributes to the mix of uses in Huning Highland by operating a business that has preserved the historic homes and emphasized their appeal and interest, which is a healthy and sustainable way to promote the neighborhood and the surrounding neighborhoods in the Central Albuquerque CPA. The subject site is located in a designated Major Transit Corridor (Central Avenue) and is conveniently accessible from surrounding neighborhoods.

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

The majority of the subject site (Lots 9 and 10) is in an Area of Consistency. The proposal would contribute to protecting and enhancing the character of the historic Huning Highland neighborhood because it would emphasize the existing buildings' historic character and background. Hosting special events, such as meetings and get-togethers, would enhance the character of the existing neighborhood (which has single-family and multi-family uses) by utilizing the buildings in a way that would promote awareness and interest in protecting the historic aspects of Huning Highlands, which includes not only buildings, but also people and occurrences.

11. The proposal furthers the following Economic Development Goal and policies of the Comprehensive Plan:

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

The proposal would encourage entrepreneurship and a private business, the B&B, to grow by allowing special events to be held.

- B. Policy 8.2.1 -Local Business: Emphasize local business development.

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

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

The historically-designated Huning Highlands neighborhood and Central Avenue (Route 66) are unique characteristics of the region that can be marketed locally and to outside businesses. The proposal would allow special events to be held at the subject site in Huning Highland, one block north of Central Avenue (Route 66), and would contribute to enhancement of the region's unique characteristics through promotion of tourism, history, and historic

OFFICIAL NOTICE OF DECISION

Project #1005206

September 13, 2018

Page 4 of 12

preservation that could help Albuquerque compete with other regions. The history of the Spy House is unique to Albuquerque and, specifically, the Huning Highland neighborhood.

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

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

The subject site is in the Huning Highland neighborhood, a designated historic district; the buildings on the subject site are historically significant. The proposal would help promote preservation of this historic district and these buildings because the special events would bring attendees who can learn about and appreciate the area's historic character, thereby enhancing its promotion and strengthening sense of identity for the area.

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

The historic buildings on the subject site, and the Huning Highland Historic District of which it is a part, are of significant local, state, and National historical interest. The proposal would promote awareness and preservation of historic buildings in this designated historic district because the special events would attract more people to the area and expose them to this unique historic context. The history of the Spy House and its past residents is important to the City's, the State's, and the Nation's past and present.

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

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

Though the existing B&B already builds on the neighborhood's unique historic character and location, the special events would expose more people to this area and further promote its unique character and location. Therefore, the proposal would facilitate the continued development and promotion of Huning Highlands as a viable residential and commercial area.

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

The proposal would help protect and enhance the unique residential character of Huning Highland, which consists of single-family and multi-family residences on both sides of Central Avenue. In addition to continuing to support the preservation of historic buildings on the subject site, the proposal would attract more people to visit the area and promote interest in its architecture and history. Preserving the historic value of the B&B helps preserve the neighborhood's value and appeal as a diverse residential area.

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

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

OFFICIAL NOTICE OF DECISION

Project #1005206

September 13, 2018

Page 5 of 12

14. The applicant has adequately justified the sector development plan map amendment (zone change) request pursuant to Resolution 270-1980:
  - A. Section A: The proposed zoning has been demonstrated to further applicable Goals and policies in the Comprehensive Plan and the Huning Highland Sector Development Plan (HHSDP). Therefore, the proposed sector development plan amendment is consistent with the health, safety, morals, and general welfare of the City.
  - B. Section B: The proposed zoning is limited in scope and, because an SU-1 zone is requested, it is tied to an "as-built" site development plan for the subject site. The uses allowed by the proposed zoning would be unlikely to adversely affect stability of land use and zoning and, as the applicant demonstrated, are justified pursuant to R270-1980.
  - C. Section C: Since the request is for an SU-1 zone, the "clearly facilitates" test (see Section I) applies and overrides the less rigorous "no significant conflict" test. A policy-based discussion demonstrates that the proposed zone change clearly facilitates realization of the Comprehensive Plan and the HHSDP because it furthers Comprehensive Plan Goal 4.1-Character (Community Identity) and Goal 6.2-Multi-Modal System (Transportation); Land Use Policies 5.2.1-Land Uses and 5.6.3-Areas of Consistency; Economic Development Goal 8.2-Entrepreneurship, Policy 8.2.1- Local Business, and Policy 8.4.1-Leverage Assets; Heritage Conservation Goal 11.2-Historic Assets and Policy 11.2.2-Historic Registration; and the Goal of the HHSDP and Objectives 1 and 7.
  - D. Section D: The policy-based discussion in Section C adequately demonstrates that a different use category would be more advantageous to the community (D)(3), because the request clearly facilitates applicable Goals and policies in the Comprehensive Plan and the HHSDP. Therefore, the existing zoning is inappropriate because another category is more advantageous overall for the neighborhood, the community, and the City.
  - E. Section E: The proposed SU-2/SU-1 zoning is narrow in scope and would allow only the specified bed and breakfast use as shown on the associated, as-built site development plan, and the new use- special events. Overall, the new use would not harm the greater community, the neighborhood, or adjacent property. Other uses that could be considered harmful in the subject site's setting would not be allowed.
  - F. Section F: The proposed zone change requires no capital expenditures by the City.
  - G. Section G: Economic considerations pertaining to the applicant are a factor in the zone change request, but they are not the determining factor.
  - H. Section H: Location on a collector or major street is not used as justification for this request.
  - I. Section I: The requested SU-1 zoning is a justifiable spot zone because the applicant has demonstrated, in the policy-based response to Section C, that the request will clearly facilitate realization of the Comprehensive Plan and the HHSDP.

**OFFICIAL NOTICE OF DECISION**

Project #1005206

September 13, 2018

Page 6 of 12

- J. Section J: The request is for a single lot and not a strip of land, and therefore would not result in a "strip zone".

*Remand Topic 2- Clarify findings regarding special use category*

15. The proposed use of B&B with special events meets the standards of the SU-1 zone and is allowed in the SU-1 zone because it falls under subsection (B)(35), a combination of uses not allowed by other zones. Subsection (B)(7)-B&B, does not apply because the proposed use is a use combination and, furthermore, the existing B&B does not meet the Zoning Code definition of a B&B establishment because it has more than eight guest rooms.

*Remand Topic 3- Appropriately limit "special events"*

16. Limitations on activities should not be placed on the site development plan for building permit associated with the zone change request for two reasons: a) enforcement issues, and b) consistency with administrative practice. A more appropriate mechanism to place limitations on the special outdoor events is a private agreement. If the parties are able to reach common ground, the agreement could be recorded and thereby become enforceable via civil action.
17. The affected neighborhood organizations are the Broadway Central Corridors Partnership, Inc. and the Huning Highland Historic District Association (HHHDA), which the applicant notified as required. The applicant also notified property owners within 100 feet of the subject site, as required. A letter of support from the HHHDA was submitted, along with other letters of support. A neighbor who lives near the subject site is opposed due primarily to concern about noise.
18. A facilitated meeting was held on January 29, 2018 between the applicants and the aggrieved neighbor. The neighbor is concerned primarily about amplified sound coming from the subject site, especially when weddings are held, and would like to limit the number of outdoor events held. Despite discussion of possible resolutions, no firm agreements were reached.

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

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

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

1. The subject request is for a site development plan for building permit for Lot 8 and the additional south seven feet and eight inches of Lot 7, Lot 9, and Lot 10, Block 24, Huning's Highlands Addition, an approximately 0.6 acre site located at the northwest corner of Copper Ave. and High St. NE, between Central Ave. NE and Dr. Martin Luther King, Jr. Ave. NE (the "subject site").
2. The purpose of the subject request is to remedy a Notice of Violation issued by the Code Enforcement Division because special events are not allowed in the SU-2/M-R zone.

OFFICIAL NOTICE OF DECISION

Project #1005206

September 13, 2018

Page 7 of 12

3. The subject request is accompanied by a request for a zone change from SU-2/M-R (Mixed Residential) to SU-2/SU-1 for Bed and Breakfast to Include Special Events.
4. The subject request was heard and approved at the February 8, 2018 EPC hearing. An aggrieved neighbor appealed the decision. The hearing before the Land Use Hearing Officer (LUHO) was held on April 3, 2018. The City Council rejected the LUHO's recommendation and opted to hear the case, which it did on June 18, 2018. The Council voted to remand the case to the EPC with instructions.
5. The remand instructions from the City Council are for the EPC to:
  - A. 1. Clarify findings required by R270-1980(D) to identify how, if at all, the proposed zoning is more advantageous to the community, as articulated by the Comprehensive Plan or other City master Plan..."as compared to the existing zoning at the site.
  - B. 2. Clarify findings as to which special use category is intended, subsection 14-16-2-22(B)(7), or B(35); and
  - C. 3. Identify and appropriately limit the "special events" that will be permitted relative to type, size, hours, and frequency.
6. The Comprehensive Plan designates Lot 9 and Lot 10 of the subject site as an Area of Consistency. Lot 8 is designated an Area of Change. The subject site is within the boundaries of the Huning Highland Sector Development Plan (HHSDP) and is in the Huning Highland Historic District designated by the City.
7. The Albuquerque/Bernalillo County Comprehensive Plan, the Huning Highlands Sector Development Plan (HHSDP) and the City of Albuquerque Zoning Code are incorporated herein by reference and made part of the record for all purposes.
8. The proposal furthers the following, applicable Comprehensive Plan Goals:
  - A. Community Identity Goal 4.1- Character: Enhance, protect, and preserve distinct communities.

The subject site is located in the Central Albuquerque Community Planning Area (CPA), which is characterized by a mix of land uses and proximity of residential and non-residential uses (p. 4-24). The Huning Highland neighborhood is a distinct community. The request would enhance the community by providing a space for events by using historic homes that are consistent with the community's character, thereby protecting and preserving the community and its unique history.
  - B. Transportation Goal 6.2-Multi-Modal System: Encourage walking, biking, and transit, especially at peak-hour commuting times, to enhance access and mobility for people of all ages and abilities.

The subject site is located within 660' feet of a designated Major Transit Corridor and near Downtown. Major Transit Corridors prioritize transit service and emphasize walkability and cycling, which results in enhanced access and mobility for people of all ages and mobilities.



**OFFICIAL NOTICE OF DECISION**

**Project #1005206**

**September 13, 2018**

**Page 8 of 12**

The proposal would allow for special events to be provided in an area that is situated to encourage walking, biking, and transit usage, and thereby enhance access to them for people who use alternative transportation modes and to encourage walking, biking, and transit use..

**9. The proposal furthers the following, applicable Land Use policies of the Comprehensive Plan:**

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

The proposal would contribute to the distinct, historical community of Huning Highland by providing a new use (special events) that adds to the existing mix of uses in the neighborhood. The existing B&B already contributes to the mix of uses in Huning Highland by operating a business that has preserved the historic homes and emphasized their appeal and interest, which is a healthy and sustainable way to promote the neighborhood and the surrounding neighborhoods in the Central Albuquerque CPA. The subject site is located in a designated Major Transit Corridor (Central Avenue) and is conveniently accessible from surrounding neighborhoods.

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

The majority of the subject site (Lots 9 and 10) is in an Area of Consistency. The proposal would contribute to protecting and enhancing the character of the historic Huning Highland neighborhood because it would emphasize the existing buildings' historic character and background. Hosting special events, such as meetings and get-togethers, would enhance the character of the existing neighborhood (which has single-family and multi-family uses) by utilizing the buildings in a way that would promote awareness and interest in protecting the historic aspects of Huning Highlands, which includes not only buildings, but also people and occurrences.

**10. The proposal furthers the following Economic Development Goal and policies of the Comprehensive Plan:**

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

The proposal would encourage entrepreneurship and a private business, the B&B, to grow by allowing special events to be held.

- B. Policy 8.2.1 -Local Business:** Emphasize local business development.

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

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

The historically-designated Huning Highlands neighborhood and Central Avenue (Route 66) are unique characteristics of the region that can be marketed locally and to outside businesses.



**OFFICIAL NOTICE OF DECISION**

**Project #1005206**

**September 13, 2018**

**Page 9 of 12**

The proposal would allow special events to be held at the subject site in Huning Highland, one block north of Central Avenue (Route 66), and would contribute to enhancement of the region's unique characteristics through promotion of tourism, history, and historic preservation that could help Albuquerque compete with other regions. The history of the Spy House is unique to Albuquerque and, specifically, the Huning Highland neighborhood.

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

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

The subject site is in the Huning Highland neighborhood, a designated historic district; the buildings on the subject site are historically significant. The proposal would help promote preservation of this historic district and these buildings because the special events would bring attendees who can learn about and appreciate the area's historic character, thereby enhancing its promotion and strengthening sense of identity for the area.

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

The historic buildings on the subject site, and the Huning Highland Historic District of which it is a part, are of significant local, state, and National historical interest. The proposal would promote awareness and preservation of historic buildings in this designated historic district because the special events would attract more people to the area and expose them to this unique historic context. The history of the Spy House and its past residents is important to the City's, the State's, and the Nation's past and present.

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

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

Though the existing B&B already builds on the neighborhood's unique historic character and location, the special events would expose more people to this area and further promote its unique character and location. Therefore, the proposal would facilitate the continued development and promotion of Huning Highlands as a viable residential and commercial area.

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

The proposal would help protect and enhance the unique residential character of Huning Highland, which consists of single-family and multi-family residences on both sides of Central Avenue. In addition to continuing to support the preservation of historic buildings on the subject site, the proposal would attract more people to visit the area and promote interest in its architecture and history. Preserving the historic value of the B&B helps preserve the neighborhood's value and appeal as a diverse residential area.

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

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

**OFFICIAL NOTICE OF DECISION**

Project #1005206

September 13, 2018

Page 10 of 12

13. The affected neighborhood organizations are the Broadway Central Corridors Partnership, Inc. and the Huning Highland Historic District Association (HHHDA), which the applicant notified as required. The applicant also notified property owners within 100 feet of the subject site, as required. A letter of support from the HHHDA was submitted, along with other letters of support. A neighbor who lives near the subject site is opposed due primarily to concern about noise.
14. A facilitated meeting was held on January 29, 2018 between the applicants and the aggrieved neighbor. The neighbor is concerned primarily about amplified sound coming from the subject site, especially when weddings are held, and would like to limit the number of outdoor events held. Despite discussion of possible resolutions, no firm agreements were reached.

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

1. The EPC delegates final sign-off authority of this site development plan Staff through the administrative approval (AA) process. The applicant is required to apply for an AA instead of the Development Review Board (DRB) process. Staff is responsible for ensuring that all EPC Conditions have been satisfied and that other applicable City requirements have been met.  
  
A letter shall accompany the submittal, specifying all modifications that have been made to the site plan since the EPC hearing, including how the site plan has been modified to meet each of the EPC conditions. Unauthorized changes to this site plan, including before or after final sign-off, may result in forfeiture of approvals.
2. Main Sheet- Notes:
  - A. A note shall be added to indicate that the use shall comply with all applicable City ordinances including, but not limited to, the Noise Ordinance (Chapter 9, Article 9 ROA 1994).
  - B. The site description (listed as site data) shall match the legal description.
  - C. The note shall mention location in the Huning Highland Historic District.
  - D. Add a note regarding refuse collection.
3. Main Sheet- Other:
  - A. Specify what the "1 story brick" building is.
  - B. Indicate any easements.
  - C. Existing and proposed zoning shall be listed.
  - D. The backyard area where special events are held shall be indicated.
4. Parking:
  - A. Parking notes shall be clarified and reflect that the parking is pursuant to the HHSDP.
  - B. Provide parking (12 spaces) shall be listed.

## OFFICIAL NOTICE OF DECISION

Project #1005206

September 13, 2018

Page 11 of 12

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

**APPEAL:** If you wish to appeal this decision, you must do so within 15 days of the EPC's decision or by **SEPTEMBER 28, 2018**. The date of the EPC's decision is not included in the 15-day period for filing an appeal, and if the 15<sup>th</sup> day falls on a Saturday, Sunday or Holiday, the next working day is considered as the deadline for filing the appeal.

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

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

OFFICIAL NOTICE OF DECISION

Project #1005206

September 13, 2018

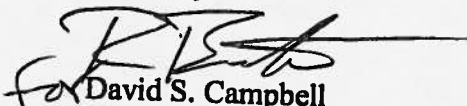
Page 12 of 12

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

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

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

Sincerely,

  
David S. Campbell  
Planning Director

DSC/CLL

cc: Steven & Kara Grant, 207-209 High St. NE. ABQ, NM 87102  
Broadway Central Corridors Partnership, Inc. Jim Maddox, 515 Central Ave. NE, ABQ, NM 87102  
Broadway Central Corridors Partnership, Inc. Rob Dixon, P.O. Box 302, ABQ, NM 87102  
Huning Highland Hist. Dist. Assoc., Bonnie Anderson, 522 Edith SE, ABQ, NM 87102  
Huning Highland Hist. Dist. Assoc., Ann Carson, 416 Walter SE, ABQ, NM 87102  
Dayan Hochman-Vigil, Roybal-Mack & Cordova, 1121 4<sup>th</sup> St. NW, Ste. 10, ABQ, NM 87102  
Larry Tucker, 210 Walter St. NE, ABQ, NM 87102  
Sam Kochansky, 423 Walter St. SE, ABQ, NM 87102  
Bruce Redford, 202 Edith Blvd NE, ABQ, NM 87102  
Lauren Austin, 121 Edith NE, ABQ, NM 87102  
Kevin Morrow [kmorrow@cabq.gov](mailto:kmorrow@cabq.gov)  
Kathy Berglund [kberglund@cabq.gov](mailto:kberglund@cabq.gov)