



**Landmarks & Urban
Conservation Commission**



**Agenda Number: 4
Case No.: 16LUCC 50041
Project # 1010965
Date January 11, 2017**

Staff Report

Agent	Consensus Planning	<p>Staff Recommendation</p> <p><i>APPROVAL of Case #16 LUCC 50041, Project # 1010965, a request for a Certificate of Appropriateness for new construction, based on the Findings 1-13 beginning on page 14 and subject to Conditions on page 16.</i></p> <p style="text-align: right;">Leslie Naji Planner</p>
Applicant	Evergreen Development LLC	
Request	Certificate of Appropriateness for new construction	
Legal Description	Lot 7 & 8a, Block 53 of Original Townsite Abq	
Address/Location	814 and 816 Tijeras Ave.	
Size	0.374 acres	
Zoning	Su-2, DNA-OR	
Historic Loc.	Fourth Ward Historic Overlay Zone	

Summary of Analysis

The application is for a Certificate of Appropriateness for the new construction of six townhouse units with garages. The two story townhouse units would be facing Tijeras and situated at the southeast corner of Tijeras and 9th St.

This project has been reviewed against the New Town Neighborhoods Development Guidelines for new construction and finds that the proposed townhouse development is consistent with specific applicable development guidelines for the Fourth Ward Historic Overlay Zone.

The proposed new construction is appropriate and the historic architectural character of the Fourth Ward is sufficiently respected to meet applicable guidelines.

PRIMARY REFERENCES:

Landmarks and Urban Conservation Ordinance; Design Guidelines for the Appropriate Historic Zones.

SUMMARY OF REQUEST

Requests	<i>Certificate of Appropriateness for the construction of six new townhouses and six detached garages with accessory units above.</i>
Historic Location	<i>Fourth Ward Historic Overlay Zone</i>

AREA HISTORY AND CHARACTER

Surrounding architectural styles, historic character and recent (re)development

	# of Stories	Roof Configuration, Architectural Style and Approximate Age of Construction	Historic Classification & Land Use
General Area	1-2	Flat and hipped roofs. Mix of residential and office uses.	Residential Office
Site to the North	1	Low profile shed roof, simplified International office strip, 1960	Office (non-contributing)
Sites to the South	2	NHR O'Reilly house, pitched hip and gable, Queen Anne, 1904	Registered Contributing
	1	Flat roof, Pueblo Revival, Stucco, 1925	Contributing
	1	Pitched gable, small cottage, 1925	Residential
Site to the East		Parking Lot	
Site to the West	1	Flat roof, Pueblo Revival, Stucco, 1936	Multi-Family Residential Contributing

INTRODUCTION

Proposal

The applicant proposes to construct six new two-story single family townhouses on two vacant lots at 814 & 816 Tijeras Ave. NW. Garage entrances for the townhouses are located on Kent Avenue at the rear of the project. The property is approximately .3735 acres and is currently an unpaved vacant lot.

The townhouses are designed as three groups of two attached units. Each unit has its own lot which includes a detached 2 car garage with a secondary unit above the garage. The garages will be separated from the townhouse structure by a minimum of a 10-foot interior courtyard.

The townhouses are set close to the street and are complimentary to the adjacent Fourth Ward Historic District with flat roofs and stucco covered construction with Territorial style brick detailing.

Context

The Fourth Ward Historic District is a neighborhood of fine homes that grew up between the original Villa de Albuquerque (Old Town) and the "new town" that had grown around the railroad tracks over a mile to the east. The Fourth Ward Historic District and Overlay Zone derives its name from the City's early system of political subdivisions called "Wards". This large historic district is bounded by Lomas Boulevard to the north; Tijeras, Kent and Central to the south; Keleher Avenue and Eighth St. on the east; and 14th and 15th Streets to the west. A small portion of the historic district at the southeast corner is not included in the boundaries of the historic overlay zone.

The district contains a variety of homes built between 1880 and 1930, with most of the development beginning in the early twentieth century. Prior to 1900, most new housing was concentrated in Huning Highland to the east of the railroad tracks and the Fourth Ward has a few houses on large parcels of land. After the turn of the century, the Fourth Ward became the fashionable neighborhood for Albuquerque's growing business class. A wide variety of architectural styles are represented in the district including Queen Anne, Bungalow, Hipped Box, Prairie, Federal Revival style, Territorial Revival, Mission Revival, Spanish Pueblo Revival, Dutch Colonial Revival, Tudor Revival and Foursquare.

The area developed primarily as a residential neighborhood of mostly single-family dwellings, some multi-family apartments containing central landscaped courtyards, and a few commercial structures. Originally, the front yards were unfenced and street trees were planted in the strip between the curb and the sidewalk. The homes typically had a 20 foot front yard setback on the north-south streets and a 15 foot front yard setback on the east-west streets. The Fourth Ward Historic District was listed on the New Mexico Register of Cultural Properties in 1979 and the National Register of Historic Places in 1980. The City Council mapped the Historic Overlay Zone in 1991.

History

The project site was originally divided into lots in 1898. By 1902, the first of three residences to be built in the site was constructed, a single story house at 814 Tijeras. Within six years the other two houses to be built on the site were constructed; another single story residence and a large Queen Anne style, 2 story house built at the corner of Tijeras and 9th St. By the mid-1950s, the house at 814 had been vacated and the large house at 820 had been turned into a training school for Mountain States Telephone and Telegraph Co.; however, by 1960, these properties also became vacant.

The site is located along the eastern edge of the Fourth Ward Historic Overlay Zone and as such is in close proximity to commercial properties outside the zone. It is also surrounded by a variety of architectural styles and uses including a 16 unit single story pueblo revival apartment complex, directly across 9th Street from the project site.

APPLICABLE PLANS, ORDINANCES, DESIGN GUIDELINES & POLICIES

ANALYSIS

Policies are written in regular text and staff analysis and comment in bold italic print.

Albuquerque-Bernalillo County Comprehensive Plan of 1988, amended 2003

This site is a Historic Resource in terms used in the *Comprehensive Plan*. The plan sets out goals and policies concerning land use, environmental protection and heritage conservation. Chapter II, Section 5, Historic Resources Goals and Policies (pp. II-61-II-62) states:

“The Goal for Historic Resources is to protect, reuse or enhance significant historic buildings and districts.”

Applicable Historic Resources policies include:

Policy a: Efforts to provide incentives for the protection of significant buildings and districts shall be continued and expanded.

Policy b: Research, evaluation, and protection of historical and cultural properties in the City and County shall be continued where appropriate.

Policy c: Increase public and inter-agency awareness of historic resources and preservation concerns.”

This site is contained in the Central Urban Development Area, a portion of the Established Urban Development Area as defined in the *Comprehensive Plan*, and is subject to the policies of Section II.B.5 (Established Urban Area) as well as the Central Urban Area policies. The Goal of the Central Urban Area is to “promote the Central Urban Area as a focus for arts, cultural, and public facilities/activities while recognizing and enhancing the character of its residential neighborhoods and its importance as the historic center of the City.”

The Goal of the Established Urban Area is to "create a quality urban environment which perpetuates the tradition of identifiable, individual, but integrated communities within the metropolitan area and which offers variety and maximum choice in housing, transportation, work areas, and life styles, while creating a visually pleasing built environment."

Applicable Established Urban Area policies include:

Policy d: "The location, intensity, and design of new development shall respect existing neighborhood values, natural environmental conditions and carrying capacities, scenic resources, and resources of other social, cultural, and recreational concern."

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

Comprehensive Zoning Code/ Downtown Neighborhood Area Sector Development Plan

The subject property is zoned SU-2/DNA-OR office residential under the Downtown Neighborhood Area Sector Development Plan. It corresponds with uses permissive in the R-2 zone of the Zoning Code with the exception of townhouses to be regulated according to the SU-2/DNA-TH zone which corresponds to the R-T zone of the Zoning Code and shall have a maximum building height of 40 feet.

One of the Land Use goals of the DNASPD states:

Land Use Goal 2: The Downtown Neighborhood area will promote infill development of surface parking lots and vacant parcels, and redevelopment of distressed structures and properties.

Objective 2.1: Replace surface parking lots and vacant lots with appropriately-scaled infill development.

The project directly addresses the Goals and Objectives of the DNA sector Development Plan through an infill project on a long vacant lot at the edge of the Fourth Ward HOZ. It has posed two problems related to the CZC all regarding the 9th St. side. These are:

- 1. Window opening percentage on the 9th St building faces, and*
- 2. Building setback on a public right-of-way.*

The Agent applied to the ZHE requesting a variance of the percentage of window/door openings to be facing a public right-of way. On 10-05-2016, the ZHE granted a variance of 19 percent openings rather than the 30 percent required. This design incorporates that variance.

Additional issues remain unresolved concerning building setback along the 9th street frontage. This will require an additional variance from the ZHE which the agent will apply for.

Resolution –046-1991 Designating the Fourth Ward and Eighth and Forrester Historic Overlay Zones (1991)

This resolution designated, mapped, and provided general guidelines for the establishment of the Fourth Ward and Eighth and Forrester Historic Overlay Zones. For this case, this resolution will be referred to only as it applies to the Fourth Ward Historic Overlay Zone and the subject property contained therein, excluding references to the Eighth and Forrester Historic Overlay Zone. Contained within this resolution are general guidelines, of which the specific Fourth Ward Historic Overlay Zone Design Guidelines are derived.

Fourth Ward Historic Overlay Zone Design Guidelines

The Landmarks and Urban Conservation Commission approved specific development guidelines as delegated by *Resolution –046-1991*. These guidelines were revised in 2002. The guidelines for New Construction are applicable to this case. The policy states, "New construction should add visual interest and a sense of scale to the streetscape and be compatible with the general characteristics of contributing buildings in the vicinity. New buildings should reflect designs traditionally used in the area." Section VI Miscellaneous Features is also applicable to this case. Section VI.A.1 states that, "All site and right-of-way alterations shall be reviewed by the LUCC for a Certificate of appropriateness."

Landmarks and Urban Conservation Ordinance

This site consists of new construction in the Fourth Ward Historic Overlay Zone. The project is subject to certain provisions of the Landmarks and Urban Conservation Ordinance (Article 12, R.O.A., 1994). The purpose of this ordinance is to:

"Preserve, protect, enhance, perpetuate and promote the use of structures and areas of historical, cultural, architectural, engineering, archeological or geographic significance located in the city; to strengthen the city's economic base by stimulating the tourist industry; to enhance the identity of the city by protecting the city's heritage and prohibiting the unnecessary destruction or defacement of its cultural assets; and to conserve existing urban developments as viable economic and social entities."

Section 14-12-8 (A) of the LUC ordinance provides that:

"Within the boundaries of a historic zone, urban conservation overlay zone, or landmark site, the exterior appearance of any structure shall not be altered, new structures shall not be constructed, and existing structures shall not be demolished until a Certificate of Appropriateness has been duly approved."

New Town Neighborhoods Development Guidelines for the Huning Highland, Fourth Ward and Eighth & Forrester Historic Overlay Zones

The development guidelines were revised and adopted by the LUCC in October 2010. The development guidelines to protect neighborhood character, specifically those relating to new building, are applicable to this request. The proposal is analyzed with regard to relevant sections:

POLICY – New Buildings

New construction should add visual interest and a sense of scale to the streetscape and be compatible with the general characteristics of contributing buildings in the vicinity. New buildings should reflect designs traditionally used in the area.

The Fourth Ward Overlay Zone has a mix of architectural styles. The project site, currently vacant, has a number of different style buildings in close proximity to it. The predominant style in this area is the Pueblo Vernacular and elements of this have been incorporated into the design of the six townhouse units proposed for the site.

Guidelines

1. Design new buildings to appear similar in scale to other buildings on the block:

- Break large masses into smaller segments similar to other buildings.
- The perceived mass of buildings from the street shall be reduced by details such as windows, doors and entry porches.

Although the block site is vacant the surrounding streets have a variety of building types and heights. The two story units are in keeping with other buildings in the area and fall well below the 40 feet maximum allowance.

Various details have been incorporated within the architectural design to break up the overall mass of the buildings.

- *Each unit is set back 3 feet from the adjacent unit*
- *Units are grouped in three groups of two*
- *Each unit has a 5 foot forward extension of the front façade which acts as a balcony above.*
- *Porches and balcony doors have red tiled roofs adding further detailing*
- *Roof lines vary in height with the uppermost parapet having brick coursing*
- *Individual units approximate the width of small houses across Kent Ave and the joined units width approximates the width of larger individual houses on 9th St.*
- *All street facing elevations have a combination of windows, door and roof articulation to reduce the overall massing effect.*

2. Design a new building to reinforce a sense of human scale. This can be achieved with the use of:

- Building materials of traditional dimensions
- One-story porches
- Solid to void ratios that are similar to traditional buildings.
- Windows should be recessed and similar in size to surrounding buildings.

The townhouse design successfully addresses the human scale with elements and materials similar to other projects in the neighborhood:

- ***Front gardens have a short three foot wall***
- ***All units have a one story porch***
- ***Window units are often in pairs with ratios in keeping with surrounding buildings***
- ***Windows appear to be well recessed with wide molding around stationary windows***

3. Design the front elevation to appear similar in scale to contributing buildings on the block.

- On a two-story building there should be a one-story element such as a porch.

Although there are both one and two story buildings near the project, the majority of houses are one story. In keeping with this, there is a one story extension to the front of each unit.

4. Infill construction should enhance the pedestrian character of the district.

- Entrances to new buildings shall be oriented towards the street.
- Maintain patterns of window and door proportions and placement found in the vicinity.
- Maintain the front setback most common on the block.
- The space between adjacent buildings should be the same as the average space between other buildings on the block.
- Parking and garages should be located towards the rear of the property whenever possible.

The project is a neighborhood infill but not an infill lot. It is currently a dirt lot used for weekend parking and the remaining third of the block is a paved and fenced parking lot. As such, it does not need to blend in with specific structures along the street.

The front elevation setback along Tijeras is similar to the setback of the 9th St apartments. Directly across Tijeras is another parking lot and a commercial building which touches on the property line and goes off at an angle from the street.

The 10 foot spacing between the individual buildings is similar to that seen between single family houses on Kent Avenue.

Garages and accessory uses are to the rear of the property. The nature of the site resulted in direct street access rather than from an alley. The setback established for the garages is approximately 38 feet from the curb due to a wide right-of-way. Driveway cuts are limited to one for every two units resulting in a total of three.

5. Use building forms that are similar to those of contributing buildings on the block.
 - Rectangular masses are the typical building form.

Building forms are typical of simplified pueblo buildings with stucco exterior, square edges and flat roofs.

6. Use roof forms that are similar to contributing buildings on the block.
 - Hip and gabled roofs are appropriate in most settings.
 - Flat roofs should be used only where appropriate to the context and should have a parapet.

The mixture of styles in this area of the Fourth Ward keeps any one from being the norm. Nonetheless, there are several flat roofed structures directly across the street on two sides of the project site. The project has a central raised parapet with brick coping. The lower parapets are unarticulated.

7. Exterior materials used on new buildings should complement those materials found on contributing buildings in the neighborhood.
 - The use of wood, masonry and stucco is encouraged. If wood is used, it must be laid in a historic manner such as beveled (clapboard) or drop (shiplap).
 - Synthetic siding materials, such as cementitious products, may be appropriate if they are similar to traditional materials.
 - Wood is the preferred choice for window and doors. Metal window frames are discouraged other than exterior cladding for wood windows.
 - Roofing materials shall be similar in appearance to other buildings in the district.

The material used on the building exteriors is stucco. A different color is used on the detached garage portion of the units than from the housing units.

8. Imitation of older historic styles is discouraged.
- Interpretations of historic styles may be appropriate if they are subtly distinguishable as new buildings.
 - Incorporate details and ornamentation found on historic buildings within the context of new construction.

Although there are historically reminiscent features incorporated in this project, such as the brick coping, they do not attempt to mimic historical structures and express compatible contemporary design.

9. Contemporary interpretations of traditional detail are encouraged.
- a. New designs for details such as window and door trim, porch railings, columns add interest while remaining compatible with the historic buildings.

The project design is straight forward and provides no new ornamentation.

POLICY – Garages & Accessory Buildings

Historic accessory buildings should be preserved when feasible. This may include preserving the structure in its present condition, rehabilitating it or executing an adaptive reuse.

Guidelines

3. New garages and accessory buildings should complement the historic source.
- Accessory buildings should be subordinate to the main building.
 - The main building should inspire design for new garages with building details derived from the main building.
 - Building materials should be compatible with the main building although some contemporary materials are acceptable substitutes for wood siding. Unfinished concrete block and plywood are not appropriate materials for new accessory buildings.

Although there are no historical site buildings to be referenced with the townhouse project, efforts have been made to apply the same design criteria related to primary and secondary building compatibility. The styling for both buildings is similar with emphasis being added to the primary townhouse structure through the use of:

- *Color difference,*

- *Larger mass of townhouses,*
- *Roof line variation of townhouses, and*
- *Added height of townhouses.*

4. New accessory buildings should be sited towards the rear of the property and should not be located on front or side yards.

Accessory garage units are accessible from Kent Ave. which acts as the rear of the property. The front of the townhouse is dedicated to the living space with the rear being for vehicular access. Although garage doors face Kent Ave., the upper floors have balconies, windows and door openings contributing a residential character and rhythm to the project on the south face.

5. Access to these structures such as driveways shall be consistent with other existing driveways in the neighborhood.

Not all properties in this area have driveways, although with parking lots adjacent and across from the site parking access is not contrary to the neighborhood character. Driveways are combined to make one drive for every two townhouses. This utilizes a standard width driveway, similar to those local across Kent Ave., and leave 50 feet of curb space between each drive.

5. Garage doors that are substantially visible from the public street must be of a style and material appropriate to the main building and district.
- Stamped metal or vinyl are not considered to be appropriate materials
 - Two single doors on two car garages are preferable to a single door. This presents a less blank appearance.

Garage doors are separated into two separate, single car doors. The garage doors are fiberglass, designed with windows, with a wood appearance. Each garage is stepped back from the adjoining one. There is a step back of 2'-8" between the 2 smaller units to the east and a 5'-0" step back between the larger 4 units.

POLICY – Site Features & Streetscapes

Historic site features should be retained. New site features should be compatible with the architectural character of the historic district.

Guidelines

Parking (Planting) Strips

The guidelines require that planting strips are to be maintained and impervious materials such as brick pavers are prohibited. Although there is currently no actual planting in these areas, the strip along Tijeras is a dirt planting strip. The development plans show this as brick pavers, which are not allowed under the guidelines. Planting strips along the sidewalk in the public right-of-way need to be planted and maintained as well as the proposed augmenting landscape areas along 9th St. and around the driveways along Kent St.

The strip along 9th St. is currently crushed fine gravel. The project design does not call out any change in this status. Due to its inaccessibility to a water source, this is probably the best solution.

Fences and Free Standing walls

The nature of the proposed project, consisting of new construction on a vacant lot, does not have site context to incorporate. The entire site is surrounded by a stucco faced wall. The individual townhouse units have a 3'-0" high wall around the front garden area. The wall steps back from the sidewalk, at the corner of Tijeras and 9th St., creating a 5 feet by 9 feet landscaping area. This setback of the wall also allows clear site lines for traffic at the corner.

Along 9th St., the proposal calls for a 6 foot high stucco covered block wall, which is an appropriate material for the HOZ although not common in this specific area. This wall runs along the sidewalk for approximately 25 feet then steps away from the sidewalk a distance of three feet for a distance of 19 feet at which point it returns back to the sidewalk and continues for another 24 feet.

This area of the Fourth Ward has very few fences in the yards. Of those that are present, there is a mix of wrought iron, wood panels, decorative block, stucco covered block and split rail. (See Appendix 1) The design of the wall compliments the architecture of the proposed townhouses and garages. It also provides privacy and security to residents at the fringe of the HOZ.

The addition of the brick coping and the three foot deep landscaping area in the center of the wall expanse provides interesting elements to the pedestrian experience and considering the eclectic mix in the area, does not detract from the architectural character of the historic district.

Parking Areas and Driveways

The guidelines for parking and driveways have the intention of locating vehicle access to the rear of a property and to avoid large parking areas in the HOZ. Consideration has been given to both of these concerns with the project site plan. Considering Tijeras Ave. to be the main

thoroughfare and Kent Ave. to be secondary, the townhouses face Tijeras and the garages face Kent.

In order to minimize the number of curb cuts, which affects the number of street curbside parking spaces, a single driveway is used for each two units or every four garage doors. This results in 3 curb cuts along Kent Ave. The property line along Kent Ave. is set back 18 feet from the curb. This combined with the garage set back places the buildings at 38 feet from the street on average. In the area of the setback, the proposal shows landscaped areas including deciduous shade trees, flowering trees and various shrubberies. This adds a softening of this length of Kent Ave. which currently lacks a sidewalk or any form of planting.

ADDITIONAL CONSIDERATIONS

The overall plan for the construction of six new townhouses with separate garages, is in conformance with the design guidelines for the Fourth Ward Historic Overlay Zone. The property, which is currently a vacant lot and perhaps one of the largest single pieces of undeveloped land in downtown, would be an asset to the Fourth Ward Historic Overlay Zone by providing residential units and greenery with the addition of multiple landscaped areas.

CONCLUSIONS

As discussed in the analysis above, these townhouses successfully draw from the architectural vocabulary of the historic houses in the Fourth Ward Historic Overlay Zone. There still remains the issue of the building setback along 9th St. and the treatment of the planting strip along Tijeras; however, the proposal largely complies with the applicable guidelines for the historic overlay zone and the criteria for approval of a Certificate of Appropriateness.

Staff concludes that the project is eligible for a Certificate of Appropriateness subject to the recommended conditions of approval.

FINDINGS for APPROVAL of a request for a Certificate of Appropriateness for new construction - Case 16-LUCC-50015/ Project # 1010802 (September 14, 2016)

1. This application is a request for a Certificate of Appropriateness for new construction at 814 & 816 Tijeras Avenue NW on lots 7 & 8a, Block 53 Original Townsite of Albuquerque, a property in the Fourth Ward Historic Overlay Zone, zoned SU-2/DNA-OR
2. The subject site is a vacant lot of approximately 0.374 acres.
3. The proposal is to construct 6 new single family townhouses with detached garages having secondary units on the second floor. The proposed townhouses would be 990-1290 sq. feet each, and the secondary units are approximately 400 sq. ft. Units have flat roofs and stucco exterior. Front balconies off set wall heights and doorways have red tiled roof porches.
4. Section 14-12-8(A) of the Landmarks and Urban Conservation Ordinance states that within the boundaries of a historic zone, the exterior appearance of any structure shall not be altered, new structures shall not be constructed, and existing structures shall not be demolished until a Certificate of Appropriateness has been duly approved.
5. The LUC Ordinance specifies that an application for a Certificate of Appropriateness shall be approved if it complies with several specified criteria. The LUC Ordinance Section 14-12(8) (B) (1) states that a Certificate of Appropriateness shall be approved if "*The change is consistent with the designation ordinance and specific development guidelines for the landmark or historic zone*".
6. The proposed work is consistent with the designation ordinance R-132-1980. The proposed work complies with the relevant development guidelines for the historic zone as described in the staff report and in Findings 7 through 13 below.
7. The proposal is consistent with guidelines for *New Buildings #1, 2, 3, 5 & 7*. It maintains building mass, rhythm, material and detailing consistent with properties within the Fourth Ward Historic Overlay Zone. Adjoined units are stepped back from one another to further modify the scale of the buildings. Building elements such as windows, doors and tiles are of traditional dimensions.
8. The proposal is consistent with guidelines for *New Buildings #4* in its contribution to the pedestrian experience by providing shade trees and landscaped areas. Along the Tijeras, front elevation, the spaces between units and undulations closer and further from the sidewalk also contribute to the pedestrian experience.

9. The proposal is consistent with *New Buildings Guideline #6*, utilizing flat roof construction similar to the majority of buildings in the immediate vicinity of the project.
10. The proposal is consistent with guidelines for *Accessory Buildings # 3, 4, 5 & 6*. The accessory buildings are similar to but subordinate to the townhouses. They are separate from the main buildings and have access sited to the rear of the property. The spacing of driveways is not inconsistent with existing driveways. Garage doors, though facing Kent Ave., are well set back from the curb and have ample landscaping to visually shield their view.
11. The proposal substantially complies with the guidelines for *Site Features & Streetscape with the exception of #6 Parking (planting) Strip*. The proposal shows brick pavers in the front planting strip which will need to be planted to meet the guidelines.
12. The proposal enhances the pedestrian character of the neighborhood by adding development to a large vacant site which will include additional sidewalks and landscaped areas.
13. The LUC Ordinance Section 14-12(8)(B)(2) states that a Certificate of Appropriateness shall be approved if "*The architectural character, historical value, or archaeological value of the structure or site itself or of any historic zone or urban conservation overlay zone in which it is located will not be significantly impaired or diminished*". The architectural character, historical value of the Fourth Ward Historic Overlay Zone will not be significantly impaired or diminished due to the proposal's conformance with the specific development guidelines.

RECOMMENDATION - Case No. 16-LUCC-50041/ Project # 1010965- January 11, 2017

APPROVAL of 16-LUCC-50041/ Project # 1010965, an application for a Certificate of Appropriateness for new construction, located at 814 and 816 Tijeras Ave., described as Lot 7 & 8a, Block 53 of Original Townsite Albuquerque, a property in the Fourth Ward Historic Overlay Zone, zoned SU-2/DNA-OR based on the above thirteen (13) findings and subject to the following conditions.

Conditions of Approval Recommended

1. Provide a planting strip along Tijeras Avenue in lieu of brick pavers.
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2. Acquire zoning variance for 9th St. building setback.
 3. Applicant is responsible to acquire, and approval is contingent upon, approval of all applicable permits and related approvals.
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**Leslie Naji, Staff Planner
Urban Design and Development Division**

Attachments:

A-1 Fences in Fourth Ward

ATTACHMENT A-1

FENCES IN THE FOURTH WARD



APPLICATION MATERIAL



SUBDIVISION	Supplemental Form (SF)	S Z ZONING & PLANNING
<input type="checkbox"/> Major subdivision action	<input type="checkbox"/> S	<input type="checkbox"/> Zoning Annexation
<input type="checkbox"/> Minor subdivision action	<input type="checkbox"/> Z	<input type="checkbox"/> Zone Map Amendment (Establish or Change Zoning, includes Zoning within Sector Development Plans)
<input type="checkbox"/> Vacation	<input type="checkbox"/> V	<input type="checkbox"/> Adoption of Rank 2 or 3 Plan or similar
<input type="checkbox"/> Variance (Non-Zoning)	<input type="checkbox"/> P	<input type="checkbox"/> Text Amendment to Adopted Rank 1, 2 or 3 Plan(s), Zoning Code, or Subd. Regulations
SITE DEVELOPMENT PLAN	<input type="checkbox"/> D	<input type="checkbox"/> Street Name Change (Local & Collector)
<input type="checkbox"/> for Subdivision	<input type="checkbox"/> L	<input type="checkbox"/> A APPEAL / PROTEST of...
<input type="checkbox"/> for Building Permit	<input type="checkbox"/> A	<input type="checkbox"/> Decision by: DRB, EPC, LUCC, Planning Director, ZEO, ZHE, Board of Appeals, other
<input type="checkbox"/> Administrative Amendment (AA)		
<input type="checkbox"/> Administrative Approval (DRT, URT, etc.)		
<input type="checkbox"/> IP Master Development Plan		
<input checked="" type="checkbox"/> Cert. of Appropriateness (LUCC)		
STORM DRAINAGE (Form D)		
<input type="checkbox"/> Storm Drainage Cost Allocation Plan		

PRINT OR TYPE IN BLACK INK ONLY. The applicant or agent must submit the completed application in person to the Planning Department Development 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): Consensus Planning PHONE: 505-764-4501
 ADDRESS: 302 8th St NW FAX:
 CITY: ALBUQUERQUE STATE NM ZIP 87102 E-MAIL: afishman@consensusplanning.com
 APPLICANT: EVERGREEN DEVELOPMENT, LLC PHONE: 505-220-7777
 ADDRESS: 510 Second St NW FAX:
 CITY: ALBUQUERQUE STATE NM ZIP 87102 E-MAIL: jmahoney8@comcast.net
 Proprietary Interest in site: OWNER List all owners:

DESCRIPTION OF REQUEST: CERTIFICATE OF APPROPRIATENESS FOR NEW CONVENTION IN THE FOURTH WARD HISTORIC DISTRICT

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. 8A, 7 Block: 53 Unit:
 Subdiv/Addn/TBKA: ORIGINAL TOWNSHIP OF ALBUQUERQUE
 Existing Zoning: SU-2 DNA-02 Proposed zoning: MRGCD Map No
 Zone Atlas page(s): K-14 UPC Code: 101405701453623101, 101405102263523104

CASE HISTORY:

List any current or prior case number that may be relevant to your application (Proj., App., DRB, AX_Z_V_S, etc.): 1010965, 1010966

CASE INFORMATION:

Within city limits? Yes Within 1000FT of a landfill? NO
 No. of existing lots: 2 No. of proposed lots: 6 Total site area (acres): .374
 LOCATION OF PROPERTY BY STREETS: On or Near: Trees Ave
 Between: 9th St and 8th St

Check if project was previously reviewed by: Sketch Plat/Plan or Pre-application Review Team(PRT) Review Date:

SIGNATURE Jacqueline Fishman DATE 12/14/16
 (Print Name) JACQUELINE FISHMAN Applicant: Agent:

FOR OFFICIAL USE ONLY

<input type="checkbox"/> INTERNAL ROUTING	Application case numbers	Action	S.F.	Fees
<input type="checkbox"/> All checklists are complete	<u>162LUCC - 50041</u>	<u>COA</u>	<u> </u>	<u>\$ 35.00</u>
<input type="checkbox"/> All fees have been collected	<u> </u>	<u>ADY</u>	<u> </u>	<u>\$ 35.00</u>
<input type="checkbox"/> All case #s are assigned	<u> </u>	<u>CMF</u>	<u> </u>	<u>\$ 10.00</u>
<input type="checkbox"/> AGIS copy has been sent	<u> </u>	<u> </u>	<u> </u>	<u>\$ </u>
<input type="checkbox"/> Case history #s are listed	<u> </u>	<u> </u>	<u> </u>	<u>\$ </u>
<input type="checkbox"/> Site is within 1000ft of a landfill	<u> </u>	<u> </u>	<u> </u>	<u>\$ </u>
<input type="checkbox"/> F.H.D.P. density bonus	<u> </u>	<u> </u>	<u> </u>	<u>\$ </u>
<input type="checkbox"/> F.H.D.P. fee rebate	<u> </u>	<u> </u>	<u> </u>	<u>\$ </u>
	Hearing date <u>January 11, 2017</u>			Total <u>\$ 80.00</u>
	<u>12-14-16</u>	Project # <u>1010965</u>		
	Staff signature & Date			

FORM L: LANDMARKS AND URBAN CONSERVATION COMMISSION

- CERTIFICATE OF APPROPRIATENESS PUBLIC HEARING
- CERTIFICATE OF APPROPRIATENESS STAFF DECISION
- CERTIFICATE OF COMPLIANCE (HH-Edo UCOZ)

Historic Zone or Designation:

- Historic Old Town
- Historic Old Town Buffer Zone
- Huning Highland
- Fourth Ward
- Eighth & Forrester
- City Landmark
- HH-Edo UCOZ

Type of Request:

- Alteration
- New Construction
- Sign (Please read the note below)*
- Relocation
- Demolition
- National Register Nomination Review
- City Landmark Designation
- City Overlay Designation
- Other _____

Number and Classification of structures on property:

- # ___ Significant Structures
- # ___ Contributing Structures
- # ___ Noncontributing Structures
- # ___ Unclassified Structures

- Does this request involve a residential property?
 Yes No
- Are tax credits or preservation loan funds applied for in connection with this proposal?
 Yes No

Attention applicants:

A conference with the Lucc Planner is advised prior to application. Call the Lucc Administrative Assistant at 924-3883 for an appointment. At the conference, the planner will determine if your project may be approved administratively or if a public hearing before the Commission is required. The planner will also determine what materials are required to complete an application. These requirements will be indicated on the "Project Drawing Checklist" that the planner will complete during your pre-application conference. For public hearings, the applicant will prepare packets containing one each of the items with drawings folded to fit into an 8.5" by 14" pocket.

Lucc public hearing applications:

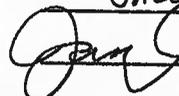
- Project drawing checklist completed during a consultation with Lucc planner
- All materials indicated on the project drawing checklist. **15 packets for residential projects 18 for nonresidential or multi-use projects. 10**
- Letter detailing the scope of the proposal including:
 1. Extent of work to be done
 2. Use(s) of existing and/or proposed site(s) and structure(s)
 3. Square footage of proposed structure(s)
 4. Proposed phasing of improvements and provisions for interim facilities
 5. Relevant historic facts
- Zone Atlas map with the entire property precisely and clearly outlined and crosshatched
- Office of Neighborhood Coordination inquiry response, notifying letter, certified mail receipts
- Sign Posting Agreement (provided upon application)

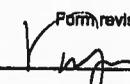
Administrative (Staff) Approval checklist:

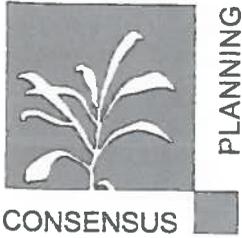
- Project drawing checklist completed during consultation with Lucc planner
- All materials indicated on the project drawing checklist and required by the Lucc planner
- Letter detailing the scope of the proposal including:
 1. Extent of work to be done
 2. Use(s) of existing and/or proposed site(s) and structure(s)
 3. Square footage of proposed structure(s)
 4. Proposed phasing of improvements and provisions for interim facilities
 5. Relevant historic facts
- Zone Atlas map with the entire property precisely and clearly outlined and crosshatched
- Administrative Approval (LUCCS) Sign Posting Agreement
- Lucc building permit waiver signed by the applicant (provided upon approval)

*PLEASE NOTE: Approval of a signs in the overlay zones also require a sign permit from Zoning in addition to Lucc approval.

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

JACQUELINE FISHMAN
 Applicant name (print)

 Applicant signature/date
 12/14/16

<input type="checkbox"/> Checklists complete	Application case numbers	Form revised October 2007
<input type="checkbox"/> Fees collected	16 Lucc 50041	 12-14-16
<input type="checkbox"/> Case #s assigned	_____	Dev Review Division signature/date
<input type="checkbox"/> Related #s listed	_____	PROJECT# 1010965



CONSENSUS

December 14, 2016

J. Matt Myers, Chairman
Landmarks and Urban Conservation Commission
City of Albuquerque
600 Second Street NW
Albuquerque, NM 87102

Landscape Architecture
Urban Design
Planning Services

Re: Application for Certificate of Appropriateness for New Construction at 814 and 816 Tijeras NW

302 Eighth St. NW
Albuquerque, NM 87102

(505) 764-9801
Fax 842-5495
cp@consensusplanning.com
www.consensusplanning.com

Dear Mr. Chairman and Members of the Landmarks and Urban Conservation Commission:

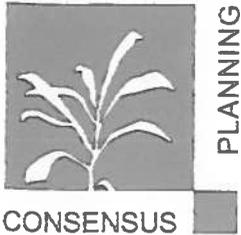
The purpose of this letter is to request a Certificate of Appropriateness for new construction at 814 and 816 Tijeras Avenue NW. The legal description for the property is Lot 8A and Lot 7, Block 53, Original Townsite of Albuquerque. This property falls within the Fourth Ward Historic District, as well as the Downtown Neighborhood Area Sector Development Plan (DNASDP). The property is approximately .3735 acres in size and is zoned SU-2/DNA-OR. The property is believed to be the largest vacant and undeveloped property in the Downtown Neighborhood Area.



Subject property highlighted.

PRINCIPALS

James K. Strozier, AICP
Christopher J. Green, PLA,
ASLA, LEED AP
Jacqueline Fishman, AICP
Laurie Firor, PLA, ASLA



The applicant met with Mary Ellen Hennessey and Leslie Naji on September 9, 2016 to discuss the project. We received a project drawing checklist, which is attached to this submittal. The submittal includes a site plan, floor plans, building elevations, perspective drawings, and a landscape plan. All have been designed in compliance with the Lucc and DNASDP requirements.

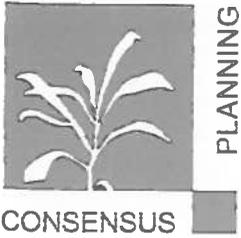
Project Description

The applicant, John Mahoney, is proposing to build six townhouse units on this property. The townhouses are proposed in three groups of two attached units. Each of the townhouses will be on their own individual lot that will also include a detached garage with a secondary unit above the garage. The townhouses will "front" on Tijeras Avenue, which is designated as a major roadway, and the detached garages will be located in the rear. The garages will be separated from the townhouse structure by a minimum of a 10-foot interior courtyard and will face Kent Avenue.

The townhouses are designed as two-story structures that fit well and are complementary to the adjacent development and the Fourth Ward Historic District. The structures are 23'-4" at their highest point, far shorter than the 40 feet that is allowed by the DNASDP. The townhouses are designed with two floor plan options. Floor Plan A is a total of 1,290 square feet and Floor Plan B is a total of 990 square feet. The garage structure for Floor Plan A has a ground floor area of 450 square feet and a second story of 400 square feet, which can function as a secondary dwelling unit. The garage structure for Floor Plan B is slightly smaller at 440 square feet for the garage and 390 for the second story.

The townhouses "front" Tijeras and are set close to the street. The front elevation is well-articulated and proportioned with horizontal changes in massing, 30% of its surface in windows and doors, a second story "stepback" of 6 feet, a second story balcony/deck, and a covered entry porch. Brick coping is provided for the tallest portion of the unit. The first story windows are double hung, aluminum clad wood, with mutins, and with an outside dimension of 6'-0" x 6'-0". A clay tile roof is provided at the covered porch as well as above the second story sliding glass doors that go out to the deck. The front entry door is wood. There are no driveway cuts along Tijeras Avenue, so the existing 8-foot public sidewalk runs uninterrupted along the front of the project. The applicant is proposing a 3-foot wall and street trees along Tijeras Avenue.

The south elevation along Kent Street is also well-articulated with a second story balcony and horizontal stepbacks in the garage structures that are intended to break-up the plane of this elevation. Each pair of townhouses will share one driveway, so there will only be three driveway cuts on Kent Avenue. Each townhouse unit includes a two-car garage with garage doors that are offset from each other by 5 feet on Unit A and 2'-8" feet on Unit B. The garage doors are fiberglass, designed with windows, with a wood appearance. The garage structures are then further offset from each other by 2'-8". The Kent Street right-of-way extends approximately 18 feet north of the curb line, which allows the garage structures to be setback a minimum of 38 feet from



the street pavement. This provides additional area for landscaping (street trees and shrubs) within the public right-of-way along the public sidewalk that will help break up the view of the garage doors and ensure that the garage doors do not dominate the street view area along Kent Avenue.

The west elevation along 9th Street features the side façade of the westernmost unit and detached garage structure. This façade includes windows for both stories, a horizontal (stepback) in the building massing, and a covered entry from the interior courtyard. The windows are a combination of double-hung and stationary. The garage structure also features windows in the first and second stories. The applicant is proposing a 6-foot tall privacy wall designed with brick coping along 9th Street. The wall includes a 3-foot inset that runs between the unit and the garage structure that features plantings. Street trees are also provided within the public right-of-way.

Neighborhood Coordination

The applicant has met twice with representatives from the Downtown Neighborhood Association to discuss this project. The discussions were very productive and the neighborhood wrote a letter of support for the variances to the DNASDP windows/doors regulation, which requires each building facade facing the street to contain 30% of its surface in windows and doors and does not allow garage doors to be counted towards the requirement. The variances were for the Kent side (garage) elevation and the 9th Street side elevation for the westernmost unit. The Zoning Hearing Examiner approved the variances, finding that the project was not contrary to the public interest or injurious to the community, that there were special circumstances applicable to the property (specifically that this small property had three street frontages and had an unusual shape), the special circumstances were not self-imposed and create an unnecessary hardship that would severely limit the reasonable use of the property that need not be endured, and lastly, substantial justice would be done (see attached ZHE Notifications of Decision). The ZHE found that the variance "would permit a more desirable, pedestrian-focused design of the property overall".

On behalf of the applicant, thank you for consideration of this application for Certificate of Appropriateness. We appreciate your support.

Sincerely,

A handwritten signature in black ink, appearing to read "Jac Fishman", with a long horizontal flourish extending to the right.

Jacqueline Fishman, AICP
Principal

EVERGREEN DEVELOPMENT, LLC
510 Second Street, NW, Suite 101 - Albuquerque, NM - 87102

August 4, 2016

Christopher Graeser
Zoning Hearing Examiner
City of Albuquerque
600 Second Street, NW
Albuquerque, NM 87102

Dear Mr. Graeser:

This letter authorizes Consensus Planning, Inc. to act as our agent for the variance requests on behalf of Evergreen Development, LLC before the Zoning Hearing Examiner. The legal description of the property to be reviewed is Lots 7 and 8A, Block 53 of the Original Townsite of Albuquerque Subdivision.

Please contact me at 505-220-7777 should you have any questions or require additional information.

Sincerely,


John J. Mahoney
President
Evergreen Development



CITY OF ALBUQUERQUE
OFFICE OF ADMINISTRATIVE HEARINGS
ZONING HEARING EXAMINER
NOTIFICATION OF DECISION

JOHN MAHONEY (JACQUELINE FISHMAN, AGENT) requests a special exception to Section 14-16-2-23(A) and pg 98 (G)(1) Downtown Neighborhood Area : a VARIANCE of 19 percent to the required 30 percent on facades that face a public street to have windows/doors for all or a portion of Lot 7, Block 53, Original Townsite of Abq zoned SU-2 DNA-OR, located on 814 TIJERAS AV NW (J-13)

Special Exception No:..... **16ZHE-80225**
Project No:..... **Project# 1010965**
Hearing Date:..... 09-20-16
Closing of Public Record:..... 09-20-16
Date of Decision: 10-05-16

On the 20th day of September, 2016, JACQUELINE FISHMAN ("Agent") acting as agent on behalf of the property owner JOHN MAHONEY ("Applicant") appeared before the Zoning Hearing Examiner ("ZHE") requesting a variance of 19 percent to the required 30 percent on facades that face a public street to have windows/doors ("Application") upon the real property located at 814 TIJERAS AV NW ("Subject Property"). Below are the ZHE's findings of fact and decision:

FINDINGS:

1. Applicant is requesting a variance of 19 percent to the required 30 percent on facades that face a public street to have windows/doors.
2. The City of Albuquerque Zoning Code of Ordinances Section 14-16-4-2 (C)(2) (Special Exceptions – Variance) reads: "*A variance application shall be approved by the Zoning Hearing Examiner, if and only if, the Zoning Hearing Examiner finds all of the following:*
 - (a) *The application is not contrary to the public interest or injurious to the community, or to property or improvements in the vicinity;*
 - (b) *There are special circumstances applicable to the subject property which do not apply generally to other property in the same zone and vicinity such as size, shape, topography, location, surroundings, or physical characteristics created by natural forces or government action for which no compensation was paid;*
 - (c) *Such special circumstances were not self-imposed and create an unnecessary hardship in the form of a substantial and unjustified limitation on the reasonable use or return on the property that need not be endured to achieve the intent and purpose of the Zoning Code (§14-16-1-3) and the applicable zoning district; and*
 - (d) *Substantial justice is done.*"
3. The Applicant bears the burden of ensuring there is evidence in the record supporting a finding that the above criteria are met under Section 14-16-4-2(C).

4. The ZHE finds that Application is not: (i) contrary to the public interest, (ii) injurious to the community; or (iii) injurious to the property or improvements located in the vicinity as required by Section 14-16-4-2 (C)(2)(a).
5. Specifically, the ZHE finds that the proposed variance will not interfere with the views, light or access of other residents or impact neighborhood character or security. There is no resultant increase in intensity of use, noise or traffic. The site plan as proposed is appropriate in the context of the surrounding development.
6. The variance will permit a more desirable, pedestrian-focused design of the property overall.
7. The one objection received related to the height of the structures, which would not be addressed by denial of the variance request (the height is significantly less than allowed) and traffic on Kent Ave, which would also not be addressed by denial of the variance.
8. The ZHE finds that requiring additional windows/doors would require removal of the garages, which would not change the visual effect of the design in any significant way, but would result in outdoor storage of vehicles and personal property.
9. The ZHE finds that there are special circumstances applicable to the Subject Property which do not apply generally to other property in the same zone and vicinity such as size, shape, topography, location, surroundings, or physical characteristics created by natural forces or government action for which no compensation was paid, as required by Section 14-16-4-2(C)(2)(b).
10. Specifically, the ZHE finds that the Subject Property remains one of the largest undeveloped lots in the downtown neighborhood area constitutes special circumstances in and of itself, in addition to its unusual shape and other constraints.
11. The ZHE finds that such special circumstances were not self-imposed and create an unnecessary hardship in the form of a substantial and unjustified limitation on the reasonable use or return on the property that need not be endured to achieve the intent and purpose of the Zoning Code (§14-16-1-3) and the applicable district, as required by Section 14-16-4-2(C)(2)(c).
12. The ZHE finds that substantial justice will be done if this Application is approved, as required pursuant to Section 14-16-4-2 (C)(2)(d).
13. The ZHE finds that the proper "Notice of Hearing" signage was posted for the required time period as required by Section 14-16-4-2(B)(4).
14. The ZHE finds that the Applicant has authority to pursue this Application.

CONCLUSIONS OF LAW:

The criteria within Section 14-16-4-2(C)(2) of the Albuquerque Zoning Code are satisfied.

DECISION:

APPROVAL of a variance of 19 percent to the required 30 percent on facades that face a public street to have windows/doors.

If you wish to appeal this decision, you must do so by October 20, 2016, in the manner described below. A non-refundable filing fee will be calculated at the Planning Department's Land Development Coordination counter and is required at the time the Appeal is filed.

Appeal is to the Board of Appeals within 15 days of the decision. A filing fee of \$105.00 shall accompany each appeal application, as well as a written explanation outlining the reason for appeal and a copy of the ZHE decision. Appeals are taken at 600 2nd Street, Plaza Del Sol Building, Ground Level, Planning Application Counter located on the west side of the lobby. **Please present this letter of notification when filing an appeal.** When an application is withdrawn, the fee shall not be refunded.

An appeal shall be heard by the Board of Appeals within 45 days of the appeal period and concluded within 75 days of the appeal period. The Planning Division shall give written notice of an appeal, together with a notice of the date, time and place of the hearing to the applicant, a representative of the opponents, if any are known, and the appellant.

Please note that pursuant to Section 14. 16. 4. 4. (B), of the City of Albuquerque Comprehensive Zoning Code, you must demonstrate that you have legal standing to file an appeal as defined.

You will receive notice if any other person files an appeal. If there is no appeal, you can receive building permits any time after the appeal deadline quoted above, provided all conditions imposed at the time of approval have been met. However, the Zoning Hearing Examiner may allow issuance of building permits if the public hearing produces no objection of any kind to the approval of an application. To receive this approval, the applicant agrees in writing to return the building permit or occupation tax number.

Successful applicants are reminded that other regulations of the City must be complied with, even after approval of a special exception is secured. This decision does not constitute approval of plans for a building permit. If your application is approved, bring this decision with you when you apply for any related building permit or occupation tax number. Approval of a conditional use or a variance application is void after one year from date of approval if the rights and privileges are granted, thereby have not been executed or utilized.



Christopher L. Graeser, Esq.
Zoning Hearing Examiner

cc: Zoning Enforcement
ZHE File
jmahoney8@comcast.net
fishman@consensusplanning.com
bexce@gmail.com



CITY OF ALBUQUERQUE
OFFICE OF ADMINISTRATIVE HEARINGS
ZONING HEARING EXAMINER
NOTIFICATION OF DECISION

JOHN MAHONEY (JACQUELINE FISHMAN, AGENT) requests a special exception to Section 14-16-2-23(A) and Pg 98(G)(1) Downtown Neighborhood Area SDP : a VARIANCE of 19 percent to the required 30 percent on facades that face a public street to have windows/doors for all or a portion of Lot 8A, Block 53, Original Townsite of Abq zoned SU-2 DNA-OR, located on 816 TIJERAS AV NW (J-13)

Special Exception No:..... **16ZHE-80226**
Project No:..... **Project# 1010966**
Hearing Date:..... 09-20-16
Closing of Public Record:..... 09-20-16
Date of Decision: 10-05-16

On the 20th day of September, 2016, JACQUELINE FISHMAN (“Agent”) acting as agent on behalf of the property owner JOHN MAHONEY (“Applicant”) appeared before the Zoning Hearing Examiner (“ZHE”) requesting a variance of 19 percent to the required 30 percent on facades that face a public street to have windows/doors (“Application”) upon the real property located at 816 TIJERAS AV NW (“Subject Property”). Below are the ZHE’s findings of fact and decision:

FINDINGS:

1. Applicant is requesting a variance of 19 percent to the required 30 percent on facades that face a public street to have windows/doors.
2. The City of Albuquerque Zoning Code of Ordinances Section 14-16-4-2 (C)(2) (Special Exceptions – Variance) reads: “*A variance application shall be approved by the Zoning Hearing Examiner, if and only if, the Zoning Hearing Examiner finds all of the following:*
 - (a) *The application is not contrary to the public interest or injurious to the community, or to property or improvements in the vicinity;*
 - (b) *There are special circumstances applicable to the subject property which do not apply generally to other property in the same zone and vicinity such as size, shape, topography, location, surroundings, or physical characteristics created by natural forces or government action for which no compensation was paid;*
 - (c) *Such special circumstances were not self-imposed and create an unnecessary hardship in the form of a substantial and unjustified limitation on the reasonable use or return on the property that need not be endured to achieve the intent and purpose of the Zoning Code (§14-16-1-3) and the applicable zoning district; and*
 - (d) *Substantial justice is done.*”
3. The Applicant bears the burden of ensuring there is evidence in the record supporting a finding that the above criteria are met under Section 14-16-4-2(C).

4. The ZHE finds that Application is not: (i) contrary to the public interest, (ii) injurious to the community; or (iii) injurious to the property or improvements located in the vicinity as required by Section 14-16-4-2 (C)(2)(a).
5. Specifically, the ZHE finds that the proposed variance will not interfere with the views, light or access of other residents or impact neighborhood character or security. There is no resultant increase in intensity of use, noise or traffic. The site plan as proposed is appropriate in the context of the surrounding development.
6. The variance will permit a more desirable, pedestrian-focused design of the property overall.
7. The one objection received related to the height of the structures, which would not be addressed by denial of the variance request (the height is significantly less than allowed) and traffic on Kent Ave, which would also not be addressed by denial of the variance.
8. The ZHE finds that requiring additional windows/doors would require removal of the garages, which would not change the visual effect of the design in any significant way, but would result in outdoor storage of vehicles and personal property.
9. The ZHE finds that there are special circumstances applicable to the Subject Property which do not apply generally to other property in the same zone and vicinity such as size, shape, topography, location, surroundings, or physical characteristics created by natural forces or government action for which no compensation was paid, as required by Section 14-16-4-2(C)(2)(b).
10. Specifically, the ZHE finds that the Subject Property remains one of the largest undeveloped lots in the downtown neighborhood area constitutes special circumstances in and of itself, in addition to its unusual shape and other constraints.
11. The ZHE finds that such special circumstances were not self-imposed and create an unnecessary hardship in the form of a substantial and unjustified limitation on the reasonable use or return on the property that need not be endured to achieve the intent and purpose of the Zoning Code (§14-16-1-3) and the applicable district, as required by Section 14-16-4-2(C)(2)(c).
12. The ZHE finds that substantial justice will be done if this Application is approved, as required pursuant to Section 14-16-4-2 (C)(2)(d).
13. The ZHE finds that the proper "Notice of Hearing" signage was posted for the required time period as required by Section 14-16-4-2(B)(4).
14. The ZHE finds that the Applicant has authority to pursue this Application.

CONCLUSIONS OF LAW:

The criteria within Section 14-16-4-2(C)(2) of the Albuquerque Zoning Code are satisfied.

DECISION:

APPROVAL of a variance of 19 percent to the required 30 percent on facades that face a public street to have windows/doors.

If you wish to appeal this decision, you must do so by October 20, 2016, in the manner described below. A non-refundable filing fee will be calculated at the Planning Department's Land Development Coordination counter and is required at the time the Appeal is filed.

Appeal is to the Board of Appeals within 15 days of the decision. A filing fee of \$105.00 shall accompany each appeal application, as well as a written explanation outlining the reason for appeal and a copy of the ZHE decision. Appeals are taken at 600 2nd Street, Plaza Del Sol Building, Ground Level, Planning Application Counter located on the west side of the lobby. **Please present this letter of notification when filing an appeal.** When an application is withdrawn, the fee shall not be refunded.

An appeal shall be heard by the Board of Appeals within 45 days of the appeal period and concluded within 75 days of the appeal period. The Planning Division shall give written notice of an appeal, together with a notice of the date, time and place of the hearing to the applicant, a representative of the opponents, if any are known, and the appellant.

Please note that pursuant to Section 14.16.4.4 (B), of the City of Albuquerque Comprehensive Zoning Code, you must demonstrate that you have legal standing to file an appeal as defined.

You will receive notice if any other person files an appeal. If there is no appeal, you can receive building permits any time after the appeal deadline quoted above, provided all conditions imposed at the time of approval have been met. However, the Zoning Hearing Examiner may allow issuance of building permits if the public hearing produces no objection of any kind to the approval of an application. To receive this approval, the applicant agrees in writing to return the building permit or occupation tax number.

Successful applicants are reminded that other regulations of the City must be complied with, even after approval of a special exception is secured. This decision does not constitute approval of plans for a building permit. If your application is approved, bring this decision with you when you apply for any related building permit or occupation tax number. Approval of a conditional use or a variance application is void after one year from date of approval if the rights and privileges are granted, thereby have not been executed or utilized.



Christopher L. Graeser, Esq.
Zoning Hearing Examiner

cc: Zoning Enforcement
ZHE File
jmahoney8@comcast.net
fishman@consensusplanning.com
bexce@gmail.com

SIGN POSTING AGREEMENT

REQUIREMENTS

POSTING SIGNS ANNOUNCING PUBLIC HEARINGS

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

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

1. LOCATION

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

2. NUMBER

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

3. PHYSICAL POSTING

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

4. TIME

Signs must be posted from December 27, 2016 to January 11, 2017

5. REMOVAL

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

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

SL Peh
(Applicant or Agent)

12-14-16
(Date)

I issued 3 signs for this application,

12-14-16
(Date)

[Signature]
(Staff Member)

PROJECT NUMBER: 1010965



City of Albuquerque
P.O. Box 1293, Albuquerque, NM 87103

PLEASE NOTE: The NA/HOA information listed in this letter is valid for one (1) month. If you haven't filed your application within one (1) month of the date of this letter - you will need to get an updated letter from our office.

December 12, 2016

Sal Perdomo
Consensus Planning
302 8th Street NW
Albuquerque, NM 87106
Phone: 505-764-9801
E-mail: Perdomo@consensusplanning.com

Dear Sal:

Thank you for your inquiry of **December 7, 2016** requesting the names of **ALL Neighborhood and/or Homeowner Associations** who would be affected under the provisions of *§14-8-2-7 of the Neighborhood Association Recognition Ordinance* by your proposed project at **(LUCC SUBMITTAL) TRACT C-4-A PLAT OF TRACTS C3A C3B C3C AND C4A SEVEN BAR RANCH LOCATED ON NM HWY BETWEEN ELLISON DR AND CIBOLA PL** zone map J-K-13-14.

Our records indicate that the **Neighborhood and/or Homeowner Associations** affected by this submittal and the contact names are as follows:

BARELAS NEIGHBORHOOD ASSOCIATION (R)

Elisha Miranda-Pohl 5418 Evans Rd. SW/87102 385-9029 (c)	Stephen Eiland 1115 Santa Fe Ave. SW/87102
---	---

BROADWAY CENTRAL CORRIDORS PARTNERSHIP, INC.

Doug Majewski P.O. Box 302/87103	Rob Dickson P.O. Box 302/87103 515-5066 (c)
-------------------------------------	--

CITIZENS INFORMATION COMMITTEE OF MARTINEZTOWN (R)

Kristi L. Houde 617 Edith Blvd. NE, Apt. #8/87102 250-6704 (c)	Frank H. Martinez 501 Edith NE/87102 243-5267 (h)
---	--

DOWNTOWN NEIGHBORHOODS ASSOCIATION (R)

Reba Eagles 1500 Lomas Blvd. NW, Ste. B/87104 604-3434 (c)	David McCain 1424½ Lomas Blvd. NW/87104 250-8757 (c)
---	---

HUNING HIGHLAND HISTORIC DISTRICT ASSOCIATION (R)

Bonnie Anderson 522 Edith SE/87102	Ann L. Carson 416 Walter SE/87102
---------------------------------------	--------------------------------------

MARTINEZTOWN WORK GROUP

Loretta Naranjo Lopez 1127 Walter NE/87102 270-7716 (c)	Christina Dauber 708 Don Tranquilino NE/87102 243-1718 (h) 828-5472 (w)
--	---

RAYNOLDS ADDITION NEIGHBORHOOD ASSOCIATION (R)

Bob Tilley 806 Lead Ave. SW/87102 263-9848 (h)	Deborah Foster 1307 Gold SW/87102 243-4865 (h)
---	---

SANTA BARBARA-MARTINEZTOWN ASSOCIATION (R)

Monique Bell
1113 Edith Blvd. NE/87102 319-0839 (c)

Christina Chavez
517 Marble NE/87102 459-4521 (c)

SILVER PLATINUM DOWNTOWN NEIGHBORHOOD ASSOCIATION (R)

Ron Casias
205 Silver Ave. SW, Apt. #428/87102
319-0958 (c)

Leonard Morin
100 Silver Ave. SW, Apt. #401/87102
319-1169 (c)

SOUTH BROADWAY NEIGHBORHOOD ASSOCIATION (R)

Frances Armijo
915 William SE/87102 400-3473 (c) 247-8798 (h)

Gwen Colonel
900 John St. SE/87102 513-257-9414 (c)

Please note that according to §14-8-2-7 of the *Neighborhood Association Recognition Ordinance* you are required to notify each of these contact persons by **certified mail, return receipt requested, before the Planning Department will accept your application filing (PLEASE ATTACH: 1) Copy of this letter; 2) Copy of letters sent to NA/HOA's and 3) Copy of White Receipts showing proof that you sent certified mail w/stamp from USPS showing date.)** If you have any questions about the information provided please contact me at (505) 924-3902 or via an e-mail message at vquevedo@cabq.gov.

Sincerely,

Vicente M. Quevedo

Vicente M. Quevedo

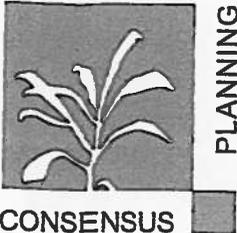
Neighborhood Liaison

OFFICE OF NEIGHBORHOOD COORDINATION

Planning Department

**LETTERS MUST BE SENT TO
BOTH CONTACTS OF EACH
NA/HOA FOR THIS
PLANNING SUBMITTAL.**

VMPICNL



December 14, 2016

Reba Eagles
DNA
1500 Lomas Blvd. NW, Ste. B
Albuquerque, NM 87104

David McCain
DNA
1424 1/2 Lomas Blvd. NW
Albuquerque, NM 87104

Re: Application for Certificate of Appropriateness for New Construction at 814 and 816 Tijeras NW

Landscape Architecture
Urban Design
Planning Services

302 Eighth St. NW
Albuquerque, NM 87102

(505) 764-9801
Fax 842-5495
cp@consensusplanning.com
www.consensusplanning.com

Dear Ms. Eagles:

The purpose of this letter is to provide notification that Consensus Planning has submitted a request for Certificate of Appropriateness to the Landmarks and Urban Conservation Commission (LUCC) for new construction at 814 and 816 Tijeras Avenue NW. This property falls within the Fourth Ward Historic District, as well as the Downtown Neighborhood Area Sector Development Plan (DNASDP). The property is approximately .3735 acres in size and is zoned SU-2/DNA-OR. The property is currently vacant and undeveloped.

The applicant, John Mahoney, is proposing to build six, two-story townhouse units on this property (see attached site plan, building elevations, and perspective drawing). The townhouses are proposed in three groups of two attached units. Each of the townhouses will be on their own individual lot that will also include a detached garage with a secondary unit above the garage. The townhouses will "front" on Tijeras Avenue, which is designated as a major roadway, and the detached garages will be located in the rear. The garages will be separated from the townhouse structure by a minimum of a 10-foot interior courtyard and will face Kent Avenue.

The townhouses are designed as two-story structures that fit well and are complementary to the adjacent development and the Fourth Ward Historic District. Each of the elevations are well-articulated and proportioned with horizontal changes in massing, windows and doors, a front second story "stepback" of 6 feet, second story balcony/deck on the unit and the garage structure, and a covered entry porch. Brick coping is provided for the tallest portion of the townhouse unit. There are no driveway cuts along Tijeras Avenue, so the existing 8-foot public sidewalk runs uninterrupted along the front of the project. Each street side of the project includes street trees.

The case will be heard by the LUCC on January 11, 2017 at 3:00 at Plaza del Sol. Please do not hesitate to contact me at 764-9801 with any questions about this project or if you would like to meet to review the project in person.

PRINCIPALS

James K. Strozier, AICP
Christopher J. Green, PLA
ASLA, LEED AP
Jacqueline Fishman, AICP
Laurie Firor, PLA, ASLA

Sincerely,

Jacqueline Fishman, AICP
Principal

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Sent To: **Dany Marjancki**
 Street and Apt. No., or PO Box No. **P.O. Box 302**
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Sent To: **Krista L. Horde**
 Street and Apt. No., or PO Box No. **617 EDITH BWP NE Apt. #8**
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Sent To: **Christina Danber**
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Sent To: **Stephan Eiland**
 Street and Apt. No., or PO Box No. **4855 1115 Santa Fe Ave SW**
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Sent To: **Rob Dickson**
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Postage	\$1.36
Total Postage and Fees	\$7.36



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Sent To Monique Bell
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Sent To Bonnie Anderson
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 Street and Apt. No., or PO Box No. 1500 Lomas Blvd NW Ste B
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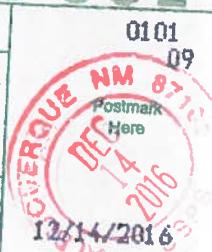
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<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00

Postage \$1.36

Total Postage and Fees \$7.36

Sent To **GWEN COLONEL**
 Street and Apt. No., or PO Box No. **900 JOHN ST. SE**
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Street and Apt. No., or PO Box No.	806 LEAD AVE SW	
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<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
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Total Postage and Fees	\$7.36	
Sent To	Louette Namirja Lopez	
Street and Apt. No., or PO Box No.	1127 Walter NE	
City, State, ZIP+4®	ABQ NM 87102	

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