



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

REQUEST FOR EXTENSIONS OF PERIOD OF VALIDITY FOR THE FOLLOWING:

Special Exception No: VA-2019-00119
VA-2019-00120
VA-2019-00121
VA-2019-00122
VA-2019-00123
VA-2019-00124
VA-2019-00125
VA-2019-00159

Project No: 2019-002281

Original Hearing Date: 05-21-2019

Closing of Original Public Record: 05-21-2019

Date of Original Decision: 06-05-2019

On the 27th day of May 2020, Roger Cinelli, agent for property owner Michael Keefe (“Applicant”) filed a written request for a time extension on the approved applications listed above.

Below are the ZHE’s findings of fact and decision:

FINDINGS:

1. Applicant is requesting a time extension on the approved applications listed above.
2. The City of Albuquerque Integrated Development Ordinance (IDO) Section 14-16-6-4(W)(4)(a) (Extensions of Period of Validity) reads:
 1. *For each permit or approval for which Table 6-4-4 shows an expiration period, except an Impact Fee Assessment or a Site Plan, the original decision-making body may approve 1 extension of validity for a time not to exceed the original period of validity for that permit or approval for good cause shown, provided that all of the following requirements are met:*
 - a. *The applicant or property owner files a written request for the time extension before the expiration of the original permit or approval with the Planning Director.*

- b. The extension is considered and a decision made via the same procedure required for the initial approval, except that no public hearing shall be required.*
- 2. If an application to extend the validity of a permit or approval listed in Table 6-4-4 is received before the permit or approval expires, but the body authorized to grant an extension does not meet between the date of the application and the date on which the permit or approval expires, the period of validity shall automatically be extended until the next meeting date of the body authorized to grant an extension.*
- 3. Impact Fee Assessments and Sign Permits for electronic signs may not be extended.*
3. Applicant filed its written request before expiration of the original approvals, because the original approvals were set to expire on June 5, 2020, and Applicant filed the application on May 27, 2020.
4. Applicant's request for extension was considered and made upon the same procedure required for the initial approvals, except that no public hearing is required, consistent with and pursuant to IDO Section 14-16-6-4(W)(4)(a)(1)(b)
5. Applicant has demonstrated good cause for the requested extension, because:
- a. The Department of Metropolitan Development (DMD) "North Fourth Street Redevelopment Study" proposes the widening of the right of way for North Fourth from Mountain Road to Camino Español. A 10' widening of the Fourth Street right of way on the east frontage is planned. The change to the right of way affects the referenced Site; minor building location adjustments have been made. The decisions made by the Zoning Hearing Examiner will not be compromised by the changes to the site. However, certain adjustments require application to, and approval of, the City Development Review Board (DRB).
- b. Extenuating circumstances related to the COVID-19 pandemic have necessitated the requested extension.
6. Applicant's application satisfies the requirements of IDO Section 14-16-6-4(W)(4)(a), cited above.

DECISION:

Dated as of June 1, 2020

APPROVAL of the request for a time extension of six (6) months (to December 5, 2020) on the approved applications listed above.



Robert Lucero, Esq.
Zoning Hearing Examiner

cc:

ZHE File
Zoning Enforcement
Roger Cinelli, rcinelli@q.com