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**CITY OF ALBUQUERQUE** 

Albuquerque, New Mexico

## **Planning Department**

Mayor Timothy M. Keller

## INTER-OFFICE MEMORANDUM

**December 28, 2020** 

TO: Pat Davis, President, City Council

BWilliams FROM: **Brennon Williams, Planning Director** 

**SUBJECT:** AC-20-15, Project PR-2020-004381, VA-2020-00306, VA-2020-00307, VA-

> VA-2020-00440, VA-2020-00441, VA-2020-00442: Hernandez, agent for RM 4102-405 LLC, appeals the Zoning Hearing Examiners decision to Deny a variance of 3ft to the 3ft maximum wall height for Lot 7, Martineztown Plan Phase 7, located at 405 Martin Luther King Ave

**NE, zoned MX-T [Section 14-16-5-7-D]** 

## **OVERVIEW**

Applicant filed a request for a variance of 3 feet to the maximum 3 foot wall height and was scheduled and heard at the October 20, 2020 public hearing.

November 04, 2020: The Zoning Hearing Examiner found that the applicant had not satisfied IDO Section 14-16-6-6(N)(3)(a)(1), regarding special circumstances. Based on evidence submitted by or on behalf of Applicant, it appears that there are no special circumstances applicable to the Subject Property that do not apply generally to other property in the same zone and vicinity, as required by Section 14-16-6-6(N)(3)(a)(1). Applicant cited crime, homelessness, drug use, vagrancy, trespassing and other social ills as the special circumstances. While the ZHE appreciated the challenges these social ills pose, especially to a school, evidence in the record makes clear that these social ills also challenge other properties in the vicinity, including without limitation another school in the immediate area. Because the criteria pertaining to special circumstances was not met, the Application must be denied

## BASIS FOR APPEAL AND STAFF RESPONSE

Section 14-16-6-4(V)(4) outlines the applicable criteria for the appeal in determining whether the Zoning Hearing Examiner erred in their decision:

## 6-4(V)(4) Criteria for Decision

The criteria for review of an appeal shall be whether the decision-making body or the prior appeal body made 1 of the following mistakes:

6-4(V)(4)(a) The decision-making body or the prior appeal body acted fraudulently, arbitrarily, or capriciously.

6-4(V)(4)(b) The decision being appealed is not supported by substantial evidence. 6-4(V)(4)(c) The decision-making body or the prior appeal body erred in applying the requirements of this IDO (or a plan, policy, or regulation referenced in the review and decision-making criteria for the type of decision being appealed).

The reasons for the appeal, excerpted from appellant's letter, are listed below, with a bulleted, italicized response from the Planner for the Zoning Hearing Examiner. Please see the Appellant's letter and submittal packet for further details.

We submit to you, being a school, a place of higher learning, this could be considered a special circumstance. The "Subject Property", putting us in the same category, as generally, to other property in the same zone and vicinity, as outlined in the city's Integrated Development Ordinance (IDO) Section 14-16-6-6(N)(3). When it comes to a safe environment for our children, in which is to learn and be taught; we have in evidence, and have cited may instances on the subject property of crime, homelessness, drug use, vagrancy, trespassing and other social ills as the special circumstances. To suggest the subject property, a school, is a typical use, and is like any other of the properties in the vicinity, is in our view, is as best, being "Arbitrary and Capricious".

- The Zoning Hearing Examiner did not find that the use was typical or like any other property in the vicinity.
- The Zoning Hearing Examiner did find that the special circumstances cited by the applicant applied to other properties in the same zone and vicinity.
- Based on the requirement regarding special circumstances in IDO Section 14-16-6-6(N)(3)(a)(1), the Zoning Hearing Examiner denied the application.

/ Lorena Patten-Quintana /
Lorena Patten-Quintana, ZHE Planner
Office of the Zoning Hearing Examiner
City of Albuquerque Planning Department

## AC-20-15 Memo

Final Audit Report 2020-12-28

Created: 2020-12-28

By: Lucinda Montoya (lucindamontoya@cabq.gov)

Status: Signed

Transaction ID: CBJCHBCAABAAiWLg9bRuC9gGFwuBQ7yGlnU6QlsOtu-p

## "AC-20-15 Memo" History

Document created by Lucinda Montoya (lucindamontoya@cabq.gov) 2020-12-28 - 3:58:45 PM GMT- IP address: 198.175.173.4

Document emailed to BN Williams (bnwilliams@cabq.gov) for signature 2020-12-28 - 3:59:20 PM GMT

Document e-signed by BN Williams (bnwilliams@cabq.gov)

E-signature obtained using URL retrieved through the Adobe Sign API

Signature Date: 2020-12-28 - 5:08:20 PM GMT - Time Source: server- IP address: 198.175.173.4

Agreement completed. 2020-12-28 - 5:08:20 PM GMT



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

RM 401-40 Steve Nakamura (Agent, Development Managing Consultants) request a variance of 3ft to the 3ft maximum wall height for Lot 7, Martineztown Plan Phase 7, located at 405 Martin Luther King Ave NE, zoned MX-T [Section 14-16-5-7-D]

| Special Exception No:     | . VA-2020-00306       |
|---------------------------|-----------------------|
| Project No:               | . Project#2020-004381 |
| Hearing Date:             | . 10-20-20            |
| Closing of Public Record: | . 10-20-20            |
| Date of Decision:         | . 11-04-20            |
|                           |                       |

On the 20th day of October, 2020, Development Managing Consultants, agent for property owner RM 401-40 Steve Nakamura ("Applicant") appeared before the Zoning Hearing Examiner ("ZHE") requesting a variance of 3ft to the 3ft maximum wall height ("Application") upon the real property located at 405 Martin Luther King Ave NE ("Subject Property"). Below are the ZHE's finding of fact and decision:

## **FINDINGS**:

- 1. Applicant is requesting a variance of 3ft to the 3ft maximum wall height.
- 2. All property owners within 100 feet of the subject property and the affected neighborhood association were notified.
- 3. The proper "Notice of Hearing" signage was posted for the required time period as required by The City of Albuquerque Integrated Development Ordinance (IDO), Section 14-16-6-4(K)(3).
- 4. Applicant, through its Agent and other representatives, appeared and gave evidence in support of the application. Certain neighbors appeared and gave evidence in opposition to or questioning of the Application.
- 5. The Subject Property is currently zoned MX-T.
- 6. The Subject Property is currently used as a school.
- 7. City Transportation submitted a report stating no objection.
- 8. The Applicant has authority to pursue this Application.
- 9. IDO Section 14-16-6-6(N)(3)(a) (Variance-Review and Decision Criteria) reads: "... an application for a Variance-ZHE shall be approved if it meets all of the following criteria:
  - (1) There are special circumstances applicable to the subject property that are not self-imposed and that 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. Such special circumstances of the property either create an extraordinary hardship in the form of a substantial and unjustified limitation on the reasonable use or return on the property, or practical difficulties result from strict compliance with the minimum standards.

- (2) The Variance will not be materially contrary to the public safety, health, or welfare.
- (3) The Variance does not cause significant material adverse impacts on surrounding properties or infrastructure improvements in the vicinity.
- (4) The Variance will not materially undermine the intent and purpose of the IDO or the applicable zone district.
- (5)The Variance approved is the minimum necessary to avoid extraordinary hardship or practical difficulties."
- 10. The Applicant bears the burden of ensuring there is evidence in the record supporting a finding that all of the above criteria are met under Section 14-16-6-4(N)(1).
- 11. Applicant has not satisfied IDO Section 14-16-6-6(N)(3)(a)(1), regarding special circumstances. Based on evidence submitted by or on behalf of Applicant, it appears that there are no special circumstances applicable to the Subject Property that do not apply generally to other property in the same zone and vicinity, as required by Section 14-16-6-6(N)(3)(a)(1). Applicant cited crime, homelessness, drug use, vagrancy, trespassing and other social ills as the special circumstances. While the ZHE appreciates the challenges these social ills pose, especially to a school, evidence in the record makes clear that these social ills also challenge other properties in the vicinity, including without limitation another school in the immediate area. Because the criteria pertaining to special circumstances is not met, this Application must be denied.

## DECISION:

DENIAL of a variance of 3ft to the 3ft maximum wall height.

## APPEAL:

If you wish to appeal this decision, you must do so by November 19, 2020 pursuant to Section 14-16-6-4(U), of the Integrated Development Ordinance, you must demonstrate that you have legal standing to file an appeal as defined.

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.

Robert Lucero, Esq.

Zoning Hearing Examiner

Voket Lucy's

cc:

ZHE File

**Zoning Enforcement** 

Steve Hernandez, Development Managing Consultants, steve@dmcnm.com

Amy Roble, 405 Dr. Martin Luther King Ave NE, 87102

Kris Houde, 617 Edith NE, #8, 87102

Renee Martinez, 515 Edith NE, 87102

Jarryd Rue, 405 Dr. Martin Luther King Ave NE, 87102

Eric Bose, 11900 Anaheim NE, 87122

Elizabeth Barbieri, mullanphyre@gmail.com

Leon Espinoza, leonespinoza888@yahoo.com

Steve Nakamura, 405 Dr. Martin Luther King Ave NE, 87102



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

RM 401-40 Steve Nakamura (Agent, Development Managing Consultants) request a variance of 3ft to the 3ft maximum wall height for Lot 6A, Brooks Harold, located at 401 Edith Blvd NE, zoned MX-L [Section 14-16-5-7-D]

| Special Exception No:     | . VA-2020-00307       |
|---------------------------|-----------------------|
| Project No:               | . Project#2020-004381 |
| Hearing Date:             | . 10-20-20            |
| Closing of Public Record: | . 10-20-20            |
| Date of Decision:         | . 11-04-20            |
|                           |                       |

On the 20th day of October, 2020, Development Managing Consultants, agent for property owner RM 401-40 Steve Nakamura ("Applicant") appeared before the Zoning Hearing Examiner ("ZHE") requesting a variance of 3ft to the 3ft maximum wall height ("Application") upon the real property located at 401 Edith Blvd NE ("Subject Property"). Below are the ZHE's finding of fact and decision:

## **FINDINGS**:

- 1. Applicant is requesting a variance of 3ft to the 3ft maximum wall height.
- 2. All property owners within 100 feet of the subject property and the affected neighborhood association were notified.
- 3. The proper "Notice of Hearing" signage was posted for the required time period as required by The City of Albuquerque Integrated Development Ordinance (IDO), Section 14-16-6-4(K)(3).
- 4. Applicant, through its Agent and other representatives, appeared and gave evidence in support of the application. Certain neighbors appeared and gave evidence in opposition to or questioning of the Application.
- 5. The Subject Property is currently zoned MX-T.
- 6. The Subject Property is currently used as a school.
- 7. City Transportation submitted a report stating no objection.
- 8. The Applicant has authority to pursue this Application.
- 9. IDO Section 14-16-6-6(N)(3)(a) (Variance-Review and Decision Criteria) reads: "... an application for a Variance-ZHE shall be approved if it meets all of the following criteria:
  - (1) There are special circumstances applicable to the subject property that are not self-imposed and that 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. Such special circumstances of the property either create an extraordinary hardship in the form of a substantial and unjustified limitation on the reasonable use or return on the property, or practical difficulties result from strict compliance with the minimum standards.

- (2) The Variance will not be materially contrary to the public safety, health, or welfare.
- (3) The Variance does not cause significant material adverse impacts on surrounding properties or infrastructure improvements in the vicinity.
- (4) The Variance will not materially undermine the intent and purpose of the IDO or the applicable zone district.
- (5)The Variance approved is the minimum necessary to avoid extraordinary hardship or practical difficulties."
- 10. The Applicant bears the burden of ensuring there is evidence in the record supporting a finding that all of the above criteria are met under Section 14-16-6-4(N)(1).
- 11. Applicant has not satisfied IDO Section 14-16-6-6(N)(3)(a)(1), regarding special circumstances. Based on evidence submitted by or on behalf of Applicant, it appears that there are no special circumstances applicable to the Subject Property that do not apply generally to other property in the same zone and vicinity, as required by Section 14-16-6-6(N)(3)(a)(1). Applicant cited crime, homelessness, drug use, vagrancy, trespassing and other social ills as the special circumstances. While the ZHE appreciates the challenges these social ills pose, especially to a school, evidence in the record makes clear that these social ills also challenge other properties in the vicinity, including without limitation another school in the immediate area. Because the criteria pertaining to special circumstances is not met, this Application must be denied.

## DECISION:

DENIAL of a variance of 3ft to the 3ft maximum wall height.

## APPEAL:

If you wish to appeal this decision, you must do so by November 19, 2020 pursuant to Section 14-16-6-4(U), of the Integrated Development Ordinance, you must demonstrate that you have legal standing to file an appeal as defined.

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.

Robert Lucero, Esq.

Zoning Hearing Examiner

Voket Lucy's

cc:

ZHE File
Zoning Enforcement
Steve Hernandez, Development Managing Consultants, steve@dmcnm.com



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

RM 401-40 Steve Nakamura (Agent, Development Managing Consultants) request a variance of 3ft to the 3ft maximum wall height for Lot 5, Block 4, Belvidere Addn, located at 405 Edith Blvd NE, zoned MX-L [Section 14-16-5-7-D]

| Special Exception No:     | VA-2020-00308       |
|---------------------------|---------------------|
| Project No:               | Project#2020-004381 |
| Hearing Date:             | 10-20-20            |
| Closing of Public Record: | 10-20-20            |
| Date of Decision:         | 11-04-20            |
|                           |                     |

On the 20th day of October, 2020, Development Managing Consultants, agent for property owner RM 401-40 Steve Nakamura ("Applicant") appeared before the Zoning Hearing Examiner ("ZHE") requesting a variance of 3ft to the 3ft maximum wall height ("Application") upon the real property located at 405 Edith Blvd NE ("Subject Property"). Below are the ZHE's finding of fact and decision:

## **FINDINGS**:

- 1. Applicant is requesting a variance of 3ft to the 3ft maximum wall height.
- 2. All property owners within 100 feet of the subject property and the affected neighborhood association were notified.
- 3. The proper "Notice of Hearing" signage was posted for the required time period as required by The City of Albuquerque Integrated Development Ordinance (IDO), Section 14-16-6-4(K)(3).
- 4. Applicant, through its Agent and other representatives, appeared and gave evidence in support of the application. Certain neighbors appeared and gave evidence in opposition to or questioning of the Application.
- 5. The Subject Property is currently zoned MX-T.
- 6. The Subject Property is currently used as a school.
- 7. City Transportation submitted a report stating no objection.
- 8. The Applicant has authority to pursue this Application.
- 9. IDO Section 14-16-6-6(N)(3)(a) (Variance-Review and Decision Criteria) reads: "... an application for a Variance-ZHE shall be approved if it meets all of the following criteria:
  - (1) There are special circumstances applicable to the subject property that are not self-imposed and that 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. Such special circumstances of the property either create an extraordinary hardship in the form of a substantial and unjustified limitation on the reasonable use or return on the property, or practical difficulties result from strict compliance with the minimum standards.

- (2) The Variance will not be materially contrary to the public safety, health, or welfare.
- (3) The Variance does not cause significant material adverse impacts on surrounding properties or infrastructure improvements in the vicinity.
- (4) The Variance will not materially undermine the intent and purpose of the IDO or the applicable zone district.
- (5)The Variance approved is the minimum necessary to avoid extraordinary hardship or practical difficulties."
- 10. The Applicant bears the burden of ensuring there is evidence in the record supporting a finding that all of the above criteria are met under Section 14-16-6-4(N)(1).
- 11. Applicant has not satisfied IDO Section 14-16-6-6(N)(3)(a)(1), regarding special circumstances. Based on evidence submitted by or on behalf of Applicant, it appears that there are no special circumstances applicable to the Subject Property that do not apply generally to other property in the same zone and vicinity, as required by Section 14-16-6-6(N)(3)(a)(1). Applicant cited crime, homelessness, drug use, vagrancy, trespassing and other social ills as the special circumstances. While the ZHE appreciates the challenges these social ills pose, especially to a school, evidence in the record makes clear that these social ills also challenge other properties in the vicinity, including without limitation another school in the immediate area. Because the criteria pertaining to special circumstances is not met, this Application must be denied.

## DECISION:

DENIAL of a variance of 3 feet to the 3ft maximum wall height...

## APPEAL:

If you wish to appeal this decision, you must do so by November 19, 2020 pursuant to Section 14-16-6-4(U), of the Integrated Development Ordinance, you must demonstrate that you have legal standing to file an appeal as defined.

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.

Robert Lucero, Esq.

Zoning Hearing Examiner

Hotert Lucy's

cc:

ZHE File
Zoning Enforcement
Steve Hernandez, Development Managing Consultants, steve@dmcnm.com

# Albuquerque



## **DEVELOPMENT REVIEW APPLICATION**

Effective 4/17/19

| Please check the appropriate box and   | refer to supplen | nental forms for sub                    | mittal requirements. All fe  | es must be paid at the time of application.                             | •    |  |
|--|------------------|---|------------------------------|---|------|--|
| Administrative Decisions   |                  |   | blic Meeting or Hearing      | Policy Decisions  |      |  |
| ☐ Archaeological Certificate (Form P3)   | □ Site           |   | ng any Variances – EPC       | ☐ Adoption or Amendment of Comprehensive Plan or Facility Plan (Form Z) |      |  |
| ☐ Historic Certificate of Appropriateness (Form L)   | – Minor □ Ma     | ster Development Pla                    | an (Form P1)                 | ☐ Adoption or Amendment of Historic Designation (Form L)                |      |  |
| ☐ Alternative Signage Plan (Form P3)   | □ His<br>(Form   |   | propriateness – Major        | ☐ Amendment of IDO Text (Form Z)  |      |  |
| ☐ Minor Amendment to Site Plan (Form F   | P3) 🗆 Dei        | molition Outside of HI                  | PO (Form L)                  | ☐ Annexation of Land (Form Z)   |      |  |
| ☐ WTF Approval <i>(Form W1)</i>  | ☐ His            | toric Design Standard                   | ds and Guidelines (Form L)   | ☐ Amendment to Zoning Map – EPC (Form Z)                                |      |  |
|  | □ Wir<br>(Form   |   | ations Facility Waiver       | ☐ Amendment to Zoning Map – Council (Form                               | 1 Z) |  |
|  |                  |   |                              | Appeals   |      |  |
|  |                  |   |                              | Decision by EPC, LC, ZHE, or City Staff (Fo                             | orm  |  |
| APPLICATION INFORMATION  |                  |   |                              | ( A)  |      |  |
| Applicant: RM 401-405, LLC   |                  |   |                              | Phone: 505 000 4404   |      |  |
| Address: 914 Pinehurst Rd. SE  |                  |   |                              | Phone: 505-228-1401 Email: steve@dmcnm.com                              |      |  |
| City: Rio Rancho   |                  |   | State: NM                    | Zip: 87124  |      |  |
|  | nandez (Dev      | elonment Manag                          |                              |   |      |  |
| Professional/Agent (if any): Steven Hernandez (Development Managing Consultants)  Address: 9320 Menaul Blvd. NE, Ste. D  Phone: 505-228-1401  Email: steve@dmcnm.com |                  |   |                              |   |      |  |
| City: Albuquerque State: N   |                  |   | State: NM                    | Zip: 87112  |      |  |
| Proprietary Interest in Site: Agent Only   | 1                | , | List all owners: RM 401      | -405, LLC (Steve Nakamura)  |      |  |
| BRIEF DESCRIPTION OF REQUEST   |                  |   |                              |   |      |  |
| We are appealing the decision of   | f the ZHE        |   |                              |   |      |  |
|  |                  |   |                              |   |      |  |
| SITE INFORMATION (Accuracy of the e  | xisting legal de | scription is crucial!                   | Attach a separate sheet if   | necessary.)   |      |  |
| Lot or Tract No.: 5  |                  |   | Block: 4                     | Unit:   |      |  |
| Subdivision/Addition: Belvidere Addition   |                  | MRGCD Map No.:                          | UPC Code: 101405745548613704 |   |      |  |
| Zone Atlas Page(s): K-14   |                  | isting Zoning: MX-L                     | -                            | Proposed Zoning:  |      |  |
| # of Existing Lots:  |                  | of Proposed Lots:                       |                              | Total Area of Site (acres):   |      |  |
| LOCATION OF PROPERTY BY STREET   |                  |   |                              |   |      |  |
| Site Address/Street: 405 Edith Blvd N  |                  | tween: Edith                            |                              | and: Broadway   |      |  |
| CASE HISTORY (List any current or price  |                  |   |                              | quest.)   |      |  |
| Project No: Project# 2020-0043   | 81 Special E     | xception : VA-20                        | 20-00308                     |   |      |  |
|  | nandez           |   |                              | Date: 11/17/2020  |      |  |
| Printed Name: Steven W. Hernande   | ez <i>O</i>      |   |                              | ☐ Applicant or ☒ Agent  |      |  |
| FOR OFFICIAL USE ONLY  |                  |   |                              |   |      |  |
| Case Numbers   | Action           | Fees                                    | Case Numbers                 | Action Fees   |      |  |
|  |                  |   |                              |   |      |  |
|  |                  |   |                              |   |      |  |
|  |                  |   |                              |   |      |  |
| Meeting/Hearing Date:  |                  |   |                              | Fee Total:  |      |  |
| Staff Signature:   |                  |   | Date:                        | Project #   |      |  |

# Albuquerque



## **DEVELOPMENT REVIEW APPLICATION**

Effective 4/17/19

| Please check the appropriate box and refer to  | supplen        | nental forms for sub  | omittal requirements. All fe | es must be paid at the tin                          | ne of application.        |  |  |
|--|----------------|-----------------------|------------------------------|---|---------------------------|--|--|
| Administrative Decisions   |                |                       | ıblic Meeting or Hearing     | Policy Decisions                                    |                           |  |  |
| ☐ Archaeological Certificate (Form P3)   | ☐ Site         |                       | ng any Variances - EPC       | ☐ Adoption or Amendme<br>Plan or Facility Plan (For | ent of Comprehensive m Z) |  |  |
| ☐ Historic Certificate of Appropriateness – Mino (Form L)  | □ Ma           | ster Development Pla  | an (Form P1)                 | ☐ Adoption or Amendme<br>Designation (Form L)       | ent of Historic           |  |  |
| ☐ Alternative Signage Plan <i>(Form P3)</i>  | ☐ His          |                       | propriateness – Major        | ☐ Amendment of IDO Te                               | ext (Form Z)              |  |  |
| ☐ Minor Amendment to Site Plan (Form P3)   | □ De           | molition Outside of H | PO (Form L)                  | ☐ Annexation of Land (F                             | Form Z)                   |  |  |
| ☐ WTF Approval <i>(Form W1)</i>  | ☐ His          | toric Design Standar  | ds and Guidelines (Form L)   | ☐ Amendment to Zoning                               | Map – EPC (Form Z)        |  |  |
|  | □ Wir<br>(Form |                       | ations Facility Waiver       | ☐ Amendment to Zoning                               | Map – Council (Form Z)    |  |  |
|  |                |                       |                              | Appeals   |                           |  |  |
|  |                |                       |                              | □ Decision by EPC, LC, A)                           | ZHE, or City Staff (Form  |  |  |
| APPLICATION INFORMATION  |                |                       |                              | 79  |                           |  |  |
| Applicant: RM 401-405, LLC   |                |                       |                              | Phone: 505-228-1                                    | 401                       |  |  |
| Address: 914 Pinehurst Rd. SE  |                |                       |                              | Email: steve@dme                                    |                           |  |  |
| City: Rio Rancho   |                |                       | State: NM                    | Zip: 87124  |                           |  |  |
| Professional/Agent (if any): Steven Hernand  | ez (Dev        | elopment Manag        | ing Consultants)             | Phone: 505-228-1401                                 |                           |  |  |
| Professional/Agent (if any): Steven Hernandez (Development Managing Consultants)  Address: 9320 Menaul Blvd. NE, Ste. D  Phone: 505-228-1401  Email: steve@dmcnm.com |                |                       |                              |   |                           |  |  |
| City: Albuquerque State: NM  |                |                       |                              | Zip: 87112  |                           |  |  |
| Proprietary Interest in Site: Agent Only   |                |                       |                              |   |                           |  |  |
| BRIEF DESCRIPTION OF REQUEST   |                |                       |                              |   |                           |  |  |
| We are appealing the decision of the   | ZHE            |                       |                              |   |                           |  |  |
|  |                |                       |                              |   |                           |  |  |
| SITE INFORMATION (Accuracy of the existing   | legal de       | scription is crucial! | Attach a separate sheet if   | necessary.)   |                           |  |  |
| Lot or Tract No.: 5  |                |                       | Block: 0000                  | Unit:   |                           |  |  |
| Subdivision/Addition: Brooks-Harold  |                |                       | MRGCD Map No.:               | UPC Code: 101405745548613704                        |                           |  |  |
| Zone Atlas Page(s): K-14   | Ex             | disting Zoning: MX-7  |                              | Proposed Zoning:                                    |                           |  |  |
| # of Existing Lots:  | # 0            | of Proposed Lots:     |                              | Total Area of Site (ac                              | res):                     |  |  |
| LOCATION OF PROPERTY BY STREETS  |                |                       |                              |   |                           |  |  |
| Site Address/Street: 401 Edith Blvd. NE  | Be             | etween: Edith         |                              | and: Broadway                                       |                           |  |  |
| CASE HISTORY (List any current or prior pro  | ect and c      | case number(s) that   | may be relevant to your re   | equest.)  |                           |  |  |
| Project No: Project# 2020-004381 - \$  | Special I      | Exception No: VA      | A-2020-00307                 |   |                           |  |  |
| Signature: Steven W. Hernan  | dez            |                       |                              | Date: 11/17/2020                                    |                           |  |  |
| Printed Name: Steven W. Hernandez  | 0              |                       |                              | ☐ Applicant or 🕱 A                                  | gent                      |  |  |
| FOR OFFICIAL USE ONLY  |                |                       |                              |   |                           |  |  |
| Case Numbers Ac  | ion            | Fees                  | Case Numbers                 | Action  | Fees                      |  |  |
|  |                |                       |                              |   |                           |  |  |
|  |                |                       |                              |   |                           |  |  |
|  |                |                       |                              |   |                           |  |  |
| Meeting/Hearing Date:  |                |                       |                              | Fee Total:  |                           |  |  |
| Staff Signature:   |                |                       | Date:                        | Project #   |                           |  |  |

# Albuquerque



## **DEVELOPMENT REVIEW APPLICATION**

Effective 4/17/19

| Please check the appropriate box and  | refer to supp  | oleme   | ental forms for sub         | mittal requirements. All fe       | es mus                                       | t be paid at the time of a                                   | application.        |  |
|---|----------------|---|-----------------------------|-----------------------------------|--|--|---------------------|--|
| Administrative Decisions  |                |   |                             | blic Meeting or Hearing           |  | y Decisions  |                     |  |
| ☐ Archaeological Certificate (Form P3)  | □<br>(Fe       | ☐ Site Plan – EPC including any Variances – EPC (Form P1) |                             |                                   | □ Add  | option or Amendment of 0<br>or Facility Plan <i>(Form Z)</i> | Comprehensive       |  |
| ☐ Historic Certificate of Appropriateness (Form L)  | – Minor        | Mast  | er Development Pla          | n (Form P1)                       |  | option or Amendment of hation (Form L)                       | Historic            |  |
| ☐ Alternative Signage Plan (Form P3)  |                | Histo<br>orm L  |                             | propriateness – Major             | □ Am   | endment of IDO Text (Fo                                      | rm Z)               |  |
| ☐ Minor Amendment to Site Plan (Form  | P3) 🗆          | Dem   | olition Outside of HF       | O (Form L)                        | ☐ Anı  | ☐ Annexation of Land (Form Z)                                |                     |  |
| ☐ WTF Approval (Form W1)  |                | Histo   | oric Design Standard        | s and Guidelines (Form L)         | ☐ Am   | ☐ Amendment to Zoning Map – EPC (Form Z)                     |                     |  |
|   |                | Wire<br>orm V   |                             | ntions Facility Waiver            | ☐ Amendment to Zoning Map – Council (Form Z) |  | - Council (Form Z)  |  |
|   |                |   |                             |                                   | Appea  | als  |                     |  |
|   |                |   |                             |                                   |  | cision by EPC, LC, ZHE,                                      | or City Staff (Form |  |
| APPLICATION INFORMATION   |                |   |                             |                                   | (A)  |  |                     |  |
| Applicant: RM 401-405, LLC  |                |   |                             |                                   | T DI   |  |                     |  |
| Address: 914 Pinehurst Rd. SE   |                |   |                             |                                   |  | none: 505-228-1401   |                     |  |
| City: Rio Rancho  |                |   |                             | State: NM                         | 0.0000                                       | mail: steve@dmcnm.   | com                 |  |
| , INOTATION   |                |   |                             |                                   | Zip: 87124                                   |  |                     |  |
| Professional/Agent (if any): Steven Hernandez (Development Managing Consultants)  Address: 0220 Margard Rhyd NE Con R |                |   |                             |                                   |  |  |                     |  |
| Address: 9320 Menaul Blvd. NE, Ste. D  City: Albuquerque State: NM  |                |   |                             |                                   | Email: steve@dmcnm.com  Zip: 87112           |  |                     |  |
| Proprietary Interest in Site: Agent Only  List all owners: RM 401   |                |   |                             |                                   | ·a)  |  |                     |  |
| BRIEF DESCRIPTION OF REQUEST  | y              |   |                             | List <u>sin</u> strillers. KW 401 | -405, L                                      | LC (Sieve Nakamui  | a)                  |  |
| We are appealing the decision of  | of the 7HF     |   |                             |                                   |  |  |                     |  |
| The dre appearing the decision of   | of the ZITE    |   | 1                           |                                   |  | ***************************************                      |                     |  |
| SITE INFORMATION (Accuracy of the   | existing legal | des   | cription is crucial!        | Attach a separate sheet if        | necessa                                      | arv.)  |                     |  |
| Lot or Tract No.: 7   |                |   | •                           | Block: 0000                       | Ur   |  |                     |  |
| Subdivision/Addition: Martineztown Plan Phase 7   |                |   | MRGCD Map No.:              | UF                                | UPC Code: 101405743948913701                 |  |                     |  |
| Zone Atlas Page(s): K-14  |                |   |                             | Proposed Zoning:                  |  | 140010701  |                     |  |
| # of Existing Lots:   |                |   | Total Area of Site (acres): |                                   |  |  |                     |  |
| LOCATION OF PROPERTY BY STREET  | TS             |   |                             |                                   |  |  |                     |  |
| Site Address/Street:405 Martin Luthe  | er King Av     | Betv  | ween: Edith                 |                                   | and: E                                       | Broadway   |                     |  |
| CASE HISTORY (List any current or pr  |                |   |                             | may be relevant to your re        |  |  |                     |  |
| Project No: Project # 2020-004  |                |   |                             |                                   |  |  |                     |  |
| Signature: Steven W. Her  |                |   |                             |                                   | Da   | ate: 11/17/2020  |                     |  |
| Drinted News Ct. 144 14   |                |   | Applicant or 🛛 Agent        |                                   |  |  |                     |  |
| FOR OFFICIAL USE ONLY   |                | 198   |                             |                                   |  |  |                     |  |
| Case Numbers  | Action         |   | Fees                        | Case Numbers                      |  | Action   | Fees                |  |
|   |                | $\neg$  |                             |                                   |  |  |                     |  |
|   |                |   |                             |                                   |  |  |                     |  |
|   | 907            |   |                             |                                   |  |  |                     |  |
| Meeting/Hearing Date:   |                |   |                             |                                   | Fe   | e Total:   |                     |  |
| Staff Signature:  |                |   |                             | Date:                             | Pro  | oject#   |                     |  |

## FORM A: Appeals

Complete applications for appeals will only be accepted within 15 consecutive days, excluding holidays, after the decision being appealed was made.

|   | API<br>CEI | PEAL OF A DECISION OF CITY PLANNING STAFF (HISTORIC PRESERVATION PLANNER) ON A HISTORIC RTIFICATE OF APPROPRIATENESS – MINOR TO THE LANDMARKS COMMISSION (LC)   |
|---|------------|---|
|   | API<br>PL/ | PEAL OF A DECISION OF CITY PLANNING STAFF ON AN IMPACT FEE ASSESSMENT TO THE ENVIRONMENTAL ANNING COMMISSION (EPC)  |
| X | API        | PEAL TO CITY COUNCIL THROUGH THE LAND USE HEARING OFFICER (LUHO)  |
|   | <u>X</u>   | Interpreter Needed for Hearing? NO_ if yes, indicate language:  |
|   | <u>X</u>   | A Single PDF file of the complete application including all documents being submitted must be emailed to <a href="PLNDRS@cabq.gov">PLNDRS@cabq.gov</a> prior to making a submittal. Zipped files or those over 9 MB cannot be delivered via email, in which case the PDF must be provided on a CD. PDF <a href="mailto:shall be organized">shall be organized</a> with the Development Review Application and this Form A at the front followed by the remaining documents <a href="mailto:in the order provided on this form.">in the order provided on this form.</a> |
|   | <u>X</u>   | Project number of the case being appealed, if applicable: Project # 2020-004381   |
|   | <u>X</u>   | Application number of the case being appealed, if applicable: VA-2020-00306 VA- 2020-00307 VA-2020-00307  |
|   | X          | Type of decision being appealed: ZHE  |
|   | <u>X</u>   | Letter of authorization from the appellant if appeal is submitted by an agent   |
|   | X          | Appellant's basis of standing in accordance with IDO Section 14-16-6-4(U)(2)  |
|   | <u>X</u>   | Reason for the appeal identifying the section of the IDO, other City regulation, or condition attached to a decision that has not been interpreted or applied correctly, and further addressing the criteria in IDO Section $14-16-6-4(U)(4)$   |
|   | <u>X</u>   | Copy of the Official Notice of Decision regarding the matter being appealed   |

| I, the applicant or agent, acknowledge that if any required information is not submitted with this application, the application will not be scheduled for a public meeting or hearing, if required, or otherwise processed until it is complete. |                 |                        |  |
|--|-----------------|------------------------|--|
| Signature: Steven W. Hernandez   |                 | Date: 11/16/2020       |  |
| Printed Name: Steven W. Hernandez  |                 | ☐ Applicant or ☒ Agent |  |
| FOR OFFICIAL USE ONLY  |                 |                        |  |
| Case Numbers:  | Project Number: | 1 B II 0               |  |
| Staff Signature:   |                 |                        |  |
| Date:  |                 | AAAAA                  |  |

## **Letter of Authorization**

To: Land Use Hearing Officer:

Date: November 18, 2020

Project No: Project#2020-004381

Application No: Case # being Appealed: VA-2020-00306

I, Steve Nakamura, owner of RM 401-405, LLC., the applicant, hereby authorize Steven W. Hernandez, with Development Managing Consultants, to act on my behalf in all matters related to this application for an appeal of decision for: Project#2020-004381, and Case # being appealed, VA-2020-00306.

These properties are located at 405 Martin Luther King Blvd, 401 Edith, & 405 Edith, all in northeast Albuquerque.

Property Owner's (Applicant) Printed Name: RM 401-405, LLC Steve Nakamura

Property owners (Applicant) Signature:

Mailing Address: 914 Pinehurst Rd. SE, Rio Rancho, NM 87124

City of Albuquerque, Planning Department

Plaza del Sol Building, 600 Second Street NW 87102

All of the 3 Project No are: Project#2020-004381

Application No(s): Case(s)# being Appealed: VA-2020-00306, VA-2020-00307, VA-2020-00308

Attn: Land Use hearing Officer (LUHO),

Basis of understand in accordance with IDO Section 14-16-6-4(U)(2)

Link to IDO and the appeal criteria:

http://documents.cabq.gov/planning/IDO/IDO-Effective-2018-05-17.pdf

14-16-6-4(U)(4) Criteria for Decision: The criteria for review of an appeal shall be whether the decision-making body or the prior appeal body made 1 of the following mistakes: 6-4(U)(4)(a) The decision-making body or the prior appeal body acted arbitrarily, or capriciously.

We are applying for an appeal under this above section 14-16-6-4(U)(4) of the IDO.

We stand on the belief that the decision made by the body, ZHE, did not use a standard of care with respect to the rights of a student and staff at a city school, and should be allowed a safe environment for a place of learning. Moreover, we feel the decision was made "arbitrarily" and "capriciously", and could also be referred to a random, and not necessarily, to the standard of care.

## **Arbitrary**

Irrational; capricious.

The term *arbitrary* describes a course of action or a decision that is not based on reason or judgment but on personal will or discretion without regard to rule or standard of care.

An arbitrary decision is one made without regard for the facts and circumstances presented, and it connotes a disregard of the evidence.

## Below is the basis of decision taken from the ZHE's "Notification of Decision"

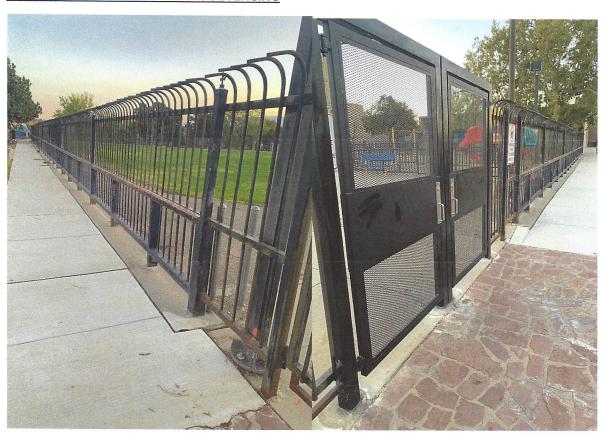
11. Applicant has not satisfied IDO Section 14-16-6-6(N)(3)(a)(1), regarding special circumstances. Based on evidence submitted by or on behalf of Applicant, it appears that there are no special circumstances applicable to the Subject Property that do not apply generally to other property in the same zone and vicinity, as required by Section 14-16-6-6(N)(3)(a)(1). Applicant cited crime, homelessness, drug use, vagrancy, trespassing and other social ills as the special circumstances. While the ZHE appreciates the challenges these social ills pose, especially to a school, evidence in the record makes

clear that these social ills also challenge other properties in the vicinity, including without limitation another school in the immediate area. Because the criteria pertaining to special circumstances is not met, this Application must be denied.

We submit to you, being a school, a place of higher learning, this could be considered a special circumstance. The "Subject Property", putting us in the same category, as generally, to other property in the same zone and vicinity, as outlined in the city's Integrated Development Ordinance (IDO) Section 14-16-6-6(N)(3). When it come to a safe environment for our children, in which is to learn and be taught; we have in evidence, and have cited many instances on the subject property of crime, homelessness, drug use, vagrancy, trespassing and other social ills as the special circumstances. To suggest the subject property, a school, is a typical use, and is like any other of the properties in the vicinity, is in our view, is, at best, being "Arbitrary and Capricious".

Further, this decision makes mention the other school in the immediate area, which is next door and across the street (Longfellow Elementary). If the ZHE uses them as an example and is comparing us to them, we should too be given a reasonable standard of care, to wit, a safe <u>fenced</u> environment for our students and staff, just as has been given for them. Longfellow enjoys an 8 foot+- fencing surrounding all of their common area (See pictures below).

## **LONGFELLOW ELEMENTRAY SCHOOL FENCING**



Once again, we think it "arbitrary" to recognize a property, with a land use allowing for a school, and containing children housed in a learning environment, to be considered and categorized as any other property in the vicinity. This we believe lessen the value of our children learning on a property having a safe, homogeneous learning environment, same as is given with our next-door neighbor, Longfellow Elementary, and for that matter, any other school in the city of Albuquerque. Moreover, because of the vicinities criminal element sited in this decision, this in of itself, should give us more cause for a special circumstance with respect to the land-use assigned to this property, and certainly, with regards to standard of care for facilities' housing our children.

On the basis stated above, we are respectfully requesting a reconsideration of the of the DENIAL of a variance of 3ft to the 3ft maximum wall height, for each of the three case numbers.

Thank you for your consideration,

Agent for Applicant,

Steven W. Hernandez Development Managing Consultants

Steven W. Hernandez

**DEVELOPMENT MANAGING CONSULTANTS** 

PROFESSIONAL CONSTRUCTION MANAGERS & CONSULTING ENGINEERS



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

RM 401-40 Steve Nakamura (Agent, Development Managing Consultants) request a variance of 3ft to the 3ft maximum wall height for Lot 7, Martineztown Plan Phase 7, located at 405 Martin Luther King Ave NE, zoned MX-T [Section 14-16-5-7-D]

| Special Exception No:     | VA-2020-00306       |
|---------------------------|---------------------|
| Project No:               | Project#2020-004381 |
| Hearing Date:             | 10-20-20            |
| Closing of Public Record: | 10-20-20            |
| Date of Decision:         | . 11-04-20          |
|                           |                     |

On the 20th day of October, 2020, Development Managing Consultants, agent for property owner RM 401-40 Steve Nakamura ("Applicant") appeared before the Zoning Hearing Examiner ("ZHE") requesting a variance of 3ft to the 3ft maximum wall height ("Application") upon the real property located at 405 Martin Luther King Ave NE ("Subject Property"). Below are the ZHE's finding of fact and decision:

## **FINDINGS:**

- 1. Applicant is requesting a variance of 3ft to the 3ft maximum wall height.
- 2. All property owners within 100 feet of the subject property and the affected neighborhood association were notified.
- 3. The proper "Notice of Hearing" signage was posted for the required time period as required by The City of Albuquerque Integrated Development Ordinance (IDO), Section 14-16-6-4(K)(3).
- 4. Applicant, through its Agent and other representatives, appeared and gave evidence in support of the application. Certain neighbors appeared and gave evidence in opposition to or questioning of the Application.
- 5. The Subject Property is currently zoned MX-T.
- 6. The Subject Property is currently used as a school.
- 7. City Transportation submitted a report stating no objection.
- 8. The Applicant has authority to pursue this Application.
- 9. IDO Section 14-16-6-6(N)(3)(a) (Variance-Review and Decision Criteria) reads: "... an application for a Variance-ZHE shall be approved if it meets all of the following criteria:
  - (1) There are special circumstances applicable to the subject property that are not self-imposed and that 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. Such special circumstances of the property either create an extraordinary hardship in the form of a substantial and unjustified limitation on the reasonable use or return on the property, or practical difficulties result from strict compliance with the minimum standards.

- (2) The Variance will not be materially contrary to the public safety, health, or welfare.
- (3) The Variance does not cause significant material adverse impacts on surrounding properties or infrastructure improvements in the vicinity.
- (4) The Variance will not materially undermine the intent and purpose of the IDO or the applicable zone district.
- (5) The Variance approved is the minimum necessary to avoid extraordinary hardship or practical difficulties."
- 10. The Applicant bears the burden of ensuring there is evidence in the record supporting a finding that all of the above criteria are met under Section 14-16-6-4(N)(1).
- 11. Applicant has not satisfied IDO Section 14-16-6-6(N)(3)(a)(1), regarding special circumstances. Based on evidence submitted by or on behalf of Applicant, it appears that there are no special circumstances applicable to the Subject Property that do not apply generally to other property in the same zone and vicinity, as required by Section 14-16-6-6(N)(3)(a)(1). Applicant cited crime, homelessness, drug use, vagrancy, trespassing and other social ills as the special circumstances. While the ZHE appreciates the challenges these social ills pose, especially to a school, evidence in the record makes clear that these social ills also challenge other properties in the vicinity, including without limitation another school in the immediate area. Because the criteria pertaining to special circumstances is not met, this Application must be denied.

## **DECISION:**

DENIAL of a variance of 3ft to the 3ft maximum wall height.

## APPEAL:

If you wish to appeal this decision, you must do so by November 19, 2020 pursuant to Section 14-16-6-4(U), of the Integrated Development Ordinance, you must demonstrate that you have legal standing to file an appeal as defined.

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.

Robert Lucero, Esq.

Zoning Hearing Examiner

Voket Lucy's

cc:

ZHE File

Zoning Enforcement

Steve Hernandez, Development Managing Consultants, steve@dmcnm.com

Amy Roble, 405 Dr. Martin Luther King Ave NE, 87102

Kris Houde, 617 Edith NE, #8, 87102

Renee Martinez, 515 Edith NE, 87102

Jarryd Rue, 405 Dr. Martin Luther King Ave NE, 87102

Eric Bose, 11900 Anaheim, 87122

Elizabeth Barbieri, mullanphyre@gmail.com

Leon Espinoza, leonespinoza888@yahoo.com

Steve Nakamura, 405 Dr. Martin Luther King Ave NE, 87102



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

RM 401-40 Steve Nakamura (Agent, Development Managing Consultants) request a variance of 3ft to the 3ft maximum wall height for Lot 6A, Brooks Harold, located at 401 Edith Blvd NE, zoned MX-L [Section 14-16-5-7-D]

| Special Exception No:     | VA-2020-00307         |
|---------------------------|-----------------------|
| Project No:               | . Project#2020-004381 |
| Hearing Date:             | . 10-20-20            |
| Closing of Public Record: | . 10-20-20            |
| Date of Decision:         | . 11-04-20            |
|                           |                       |

On the 20th day of October, 2020, Development Managing Consultants, agent for property owner RM 401-40 Steve Nakamura ("Applicant") appeared before the Zoning Hearing Examiner ("ZHE") requesting a variance of 3ft to the 3ft maximum wall height ("Application") upon the real property located at 401 Edith Blvd NE ("Subject Property"). Below are the ZHE's finding of fact and decision:

## **FINDINGS**:

- 1. Applicant is requesting a variance of 3ft to the 3ft maximum wall height.
- 2. All property owners within 100 feet of the subject property and the affected neighborhood association were notified.
- 3. The proper "Notice of Hearing" signage was posted for the required time period as required by The City of Albuquerque Integrated Development Ordinance (IDO), Section 14-16-6-4(K)(3).
- 4. Applicant, through its Agent and other representatives, appeared and gave evidence in support of the application. Certain neighbors appeared and gave evidence in opposition to or questioning of the Application.
- 5. The Subject Property is currently zoned MX-T.
- 6. The Subject Property is currently used as a school.
- 7. City Transportation submitted a report stating no objection.
- 8. The Applicant has authority to pursue this Application.
- 9. IDO Section 14-16-6-6(N)(3)(a) (Variance-Review and Decision Criteria) reads: "... an application for a Variance-ZHE shall be approved if it meets all of the following criteria:
  - (1) There are special circumstances applicable to the subject property that are not self-imposed and that 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. Such special circumstances of the property either create an extraordinary hardship in the form of a substantial and unjustified limitation on the reasonable use or return on the property, or practical difficulties result from strict compliance with the minimum standards.

- (2) The Variance will not be materially contrary to the public safety, health, or welfare.
- (3) The Variance does not cause significant material adverse impacts on surrounding properties or infrastructure improvements in the vicinity.
- (4) The Variance will not materially undermine the intent and purpose of the IDO or the applicable zone district.
- (5) The Variance approved is the minimum necessary to avoid extraordinary hardship or practical difficulties."
- 10. The Applicant bears the burden of ensuring there is evidence in the record supporting a finding that all of the above criteria are met under Section 14-16-6-4(N)(1).
- 11. Applicant has not satisfied IDO Section 14-16-6-6(N)(3)(a)(1), regarding special circumstances. Based on evidence submitted by or on behalf of Applicant, it appears that there are no special circumstances applicable to the Subject Property that do not apply generally to other property in the same zone and vicinity, as required by Section 14-16-6-6(N)(3)(a)(1). Applicant cited crime, homelessness, drug use, vagrancy, trespassing and other social ills as the special circumstances. While the ZHE appreciates the challenges these social ills pose, especially to a school, evidence in the record makes clear that these social ills also challenge other properties in the vicinity, including without limitation another school in the immediate area. Because the criteria pertaining to special circumstances is not met, this Application must be denied.

## **DECISION:**

DENIAL of a variance of 3ft to the 3ft maximum wall height.

## APPEAL:

If you wish to appeal this decision, you must do so by November 19, 2020 pursuant to Section 14-16-6-4(U), of the Integrated Development Ordinance, you must demonstrate that you have legal standing to file an appeal as defined.

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.

Robert Lucero, Esq.

Zoning Hearing Examiner

Voket Lucy's

cc:

ZHE File Zoning Enforcement Steve Hernandez, Development Managing Consultants, steve@dmcnm.com



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

RM 401-40 Steve Nakamura (Agent, Development Managing Consultants) request a variance of 3ft to the 3ft maximum wall height for Lot 5, Block 4, Belvidere Addn, located at 405 Edith Blvd NE, zoned MX-L [Section 14-16-5-7-D]

| Special Exception No:     | VA-2020-00308       |
|---------------------------|---------------------|
| Project No:               | Project#2020-004381 |
| Hearing Date:             | 10-20-20            |
| Closing of Public Record: | 10-20-20            |
| Date of Decision:         | 11-04-20            |

On the 20th day of October, 2020, Development Managing Consultants, agent for property owner RM 401-40 Steve Nakamura ("Applicant") appeared before the Zoning Hearing Examiner ("ZHE") requesting a variance of 3ft to the 3ft maximum wall height ("Application") upon the real property located at 405 Edith Blvd NE ("Subject Property"). Below are the ZHE's finding of fact and decision:

## **FINDINGS:**

- 1. Applicant is requesting a variance of 3ft to the 3ft maximum wall height.
- 2. All property owners within 100 feet of the subject property and the affected neighborhood association were notified.
- 3. The proper "Notice of Hearing" signage was posted for the required time period as required by The City of Albuquerque Integrated Development Ordinance (IDO), Section 14-16-6-4(K)(3).
- 4. Applicant, through its Agent and other representatives, appeared and gave evidence in support of the application. Certain neighbors appeared and gave evidence in opposition to or questioning of the Application.
- 5. The Subject Property is currently zoned MX-T.
- 6. The Subject Property is currently used as a school.
- 7. City Transportation submitted a report stating no objection.
- 8. The Applicant has authority to pursue this Application.
- 9. IDO Section 14-16-6-6(N)(3)(a) (Variance-Review and Decision Criteria) reads: "... an application for a Variance-ZHE shall be approved if it meets all of the following criteria:
  - (1) There are special circumstances applicable to the subject property that are not self-imposed and that 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. Such special circumstances of the property either create an extraordinary hardship in the form of a substantial and unjustified limitation on the reasonable use or return on the property, or practical difficulties result from strict compliance with the minimum standards.

- (2) The Variance will not be materially contrary to the public safety, health, or welfare.
- (3) The Variance does not cause significant material adverse impacts on surrounding properties or infrastructure improvements in the vicinity.
- (4) The Variance will not materially undermine the intent and purpose of the IDO or the applicable zone district.
- (5) The Variance approved is the minimum necessary to avoid extraordinary hardship or practical difficulties."
- 10. The Applicant bears the burden of ensuring there is evidence in the record supporting a finding that all of the above criteria are met under Section 14-16-6-4(N)(1).
- 11. Applicant has not satisfied IDO Section 14-16-6-6(N)(3)(a)(1), regarding special circumstances. Based on evidence submitted by or on behalf of Applicant, it appears that there are no special circumstances applicable to the Subject Property that do not apply generally to other property in the same zone and vicinity, as required by Section 14-16-6-6(N)(3)(a)(1). Applicant cited crime, homelessness, drug use, vagrancy, trespassing and other social ills as the special circumstances. While the ZHE appreciates the challenges these social ills pose, especially to a school, evidence in the record makes clear that these social ills also challenge other properties in the vicinity, including without limitation another school in the immediate area. Because the criteria pertaining to special circumstances is not met, this Application must be denied.

## **DECISION:**

DENIAL of a variance of 3 feet to the 3ft maximum wall height...

## APPEAL:

If you wish to appeal this decision, you must do so by November 19, 2020 pursuant to Section 14-16-6-4(U), of the Integrated Development Ordinance, you must demonstrate that you have legal standing to file an appeal as defined.

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.

Robert Lucero, Esq.

Zoning Hearing Examiner

Hotert Lucy's

cc:

ZHE File Zoning Enforcement Steve Hernandez, Development Managing Consultants, steve@dmcnm.com



## REQUEST FOR SPECIAL EXCEPTION

M Variance D Conditional Use D Other

Interpreter: DYes No

VA# 2020-00306 PR# 2020-004381

| Date: 3/10/2020                                   | Received By: Marcelo    |                     |  |
|---|-------------------------|---------------------|--|
| Address of Request: 405 Martin Luther King Ave.No |                         |                     |  |
| City: Albuquerque                                 | State: NM               | Zip: 87102          |  |
| Lot: 7 Block: 0000                                | Zone: MX-T              | Map pg. K-14        |  |
| Subdivision: Martineztown Plan Phase 7            | UPC# 101405743948913701 |                     |  |
| Property Owner(s): RM 401405, LLC                 |                         |                     |  |
| Mailing Address: 9320 Menaul Blvd. NE Ste D       |                         |                     |  |
| City: Albuquerque                                 | State: NM               | Zip: 87112          |  |
| Phone: 505-228-1401                               | Email: steve@dmcnm.com  |                     |  |
| Agent: Steven Hernandez                           |                         |                     |  |
| Mailing Address: 9320 Menaul Blvd. NE             |                         |                     |  |
| City: Albuquerque                                 | State: NM               | Zip: 87112          |  |
| Phone: 505-228-1401                               | Email: steve@dmcnm.com  |                     |  |
|   |                         | Fee Total: \$210.00 |  |

## **Completed Application Requirements:**

- o Copy of relevant IDO section
- o Letter of authorization (if agent representation)
- o Proof of Pre-application Meeting (not required for a variance)
- o Proof that neighborhood meeting requirements were met
- Proof that public notice requirements were met
- Photos (site and existing structures)
- Sketch plan
- Justification letter
- Sign posting

Approved for acceptance by:

Dates

Hearing Date: 0C1 - 20, 2020

| ZONING OFFICIAL USE ONLY                                   |                           |                                      |                   |  |  |  |
|--|---------------------------|--------------------------------------|-------------------|--|--|--|
|  | on to IDO Section: 14     |                                      |                   |  |  |  |
| Description of reque                                       | est: VARIANCE             | OF 3FT TO THE                        | 3FT               |  |  |  |
|  | MAXIMUM                   | WALL HEIGHT                          |                   |  |  |  |
| ☑ Ownership verified on AGIS ☐ Proof of ownership included |                           | ☐ Letter of authorization included   |                   |  |  |  |
| Case history number(s)                                     | from AGIS:                |                                      |                   |  |  |  |
| APO:   | CPO#                      | HPO#                                 | VPO#              |  |  |  |
| Wall variances not allo                                    | wed in low-density resid  | dential development in these 2 areas | per 5-7(D)(3)(e): |  |  |  |
| 1) CPO 3 an  |                           | / College View Historic Dist Mar     |                   |  |  |  |
| 2) CPO-8 states w  | valls no more than 3 feet | t high, but may request a variance   |                   |  |  |  |



## 5-7(C) WALL LOCATION

5-7(C)(1) Walls may be constructed anywhere on a parcel, including but not limited to any front, side, or rear setback area, unless otherwise prohibited by this IDO, by Articles 14-1 and 14-3 of ROA 1994 (Uniform Administrative Code and Uniform Housing Code), Article 14-2 of ROA 1994 (Fire Code), or by clear sight triangle requirements in the Development Process Manual (DPM).

5-7(C)(2) Walls may be constructed without any setback from a property line, unless otherwise prohibited by this IDO, by Articles 14-1 or 14-3 of ROA 1994 (Uniform Administrative Code and Uniform Housing Code), Article 14-2 of ROA 1994 (Fire Code), or by clear sight triangle requirements in the DPM. Walls may not encroach onto any public right-of-way without the prior written approval from the City Engineer and may not encroach onto any adjacent property without prior written approval of that property owner.

## 5-7(D) MAXIMUM WALL HEIGHT

5-7(D)(1) Maximum Wall Height Table
Unless specified otherwise in this IDO, walls shall comply with the height standards in Table 5-7-1.

| Table 5-7-1: Maximum \  | Nall Heigh  | it                             |                                  |                                |                          |
|---|-------------|--------------------------------|----------------------------------|--------------------------------|--------------------------|
| Zorie (Laguage) y   | Replicativa | Mixedrase                      | Non-residential<br>PAR-C, NR-EP) | Typicasidanda)<br>Dardy Na Cyb | istale alaa.             |
| Standard Well Height  |             |                                |                                  |                                |                          |
| Wall in the front yard or street side yard <sup>[1]</sup> .                 | 3 ft.       | 3 ft.                          | 3 ft.                            | 6 ft                           | 5-7(D)(2)                |
| Wall in other locations on the lot <sup>[2][3]</sup>                        | 8 ft.       | 8 ft;                          | 8 ft:                            |                                | 5-7(0)(2)                |
| contra las abrillios de la facto  | in med      | urlei (1. 16 2)                |                                  |                                |                          |
| Any portion of a wall in the re   | er yard abu | tting the front yard           | of a Residential zon             | e district.                    |                          |
| <10 ft. from the lot line abutting the street <sup>[1]</sup>                | 3 ft.       | 3 ft.                          | 3 ft.                            | 6 ft.                          | 5-7(D)(2)<br>5-7(D)(3)(d |
|   |             | 8ft                            |                                  |                                | an activities and the    |
| ≥10 ft. from the lot line abutting the street                               | 6ft.        | Low -density residential: 6ft. | 8 ft.                            | 8 ft.                          | 5-7(D)(2)                |
| Valle/Juillan Major Arnivi  | a ante Wate | r Public Open Spar             |                                  |                                |                          |
| Wall in a rear or interior side yard abutting a major arroyo                | 6 ft.       | 8 ft.                          | 8 ft.                            | 8 ft.                          | 5-7(D)(2)<br>5-7(E)(4)   |
| Wall in a rear or interior<br>side yard abutting Major<br>Public Open Space | 6 ft.       | 6 ft.                          | 6 ft.                            | 10 ft.                         | 5-7(D)(2)<br>5-7(E)(4)   |

[1] A Variance — ZHE for a wall greater than 3 ft. in height on a lot with low-density residential development may be approved pursuant to the criteria in Subsection 14-16-6-6(N)(3)(c) (Variance for a Taller Front or Side Yard Wall) if it meets the standards in Table 5-7-2.

(2) Portion of walls in the rear yard abutting the front yard of a Residential zone district are treated differently, with provisions later in this table.

[3] Where the rear yard of a through lot abuts at least 1 lot with any residential development that faces the second public street, the rear and side walls shall be subject to the same height restrictions applicable within the required front setback of the abutting residential property.



## Letter of Authorization

NOL

| 10: Zoning Hearing Examiner   |    |
|---|----|
| Date: 05/11/2020  |    |
| Project #   |    |
| ZHE#  |    |
|   |    |
| I, Steve Nakamura (RM 401-405, LLC) hereby authorize Steven Hernandez of "DMC" act on my behalf in all matters relating to this application for Special Exception filed for my property located at 405 Martin Luther King Ave. NE (Lot 7, Block 0000) Albuquerque, NM 87102 | to |
|   |    |
| Property Owner(s)* (Applicant) Printed Name RM 401-405  | _  |
| Property Owner(s)* (Applicant) Signature  |    |
| Mailing Address 9320 Meanul Blvd. NE, Albuq., NM 87112  | -  |

\* Where a property has more than one owner, all owners must consent in writing to the filing of the application to the maximum extent practicable. In the case that not all of the property owners have consented in writing to the application, or when the ownership status of some parties is unclear (as shown on a title abstract or title insurance commitment), the owner shall attest in writing that all of the property owners shown on a title abstract or title insurance commitment have been notified of the application in writing at their last known address as shown on the property tax records of Bernalillo County.

From: To:

Steve Hernandez

BOC

Steve Hernandez (steve@dmcnm.com); "Sanchez, Suzanna A."

"lizzie10@g.com"; "john@innoyateabg.com"; "david@contextabg.com"; "a.louisa.carson@gmail.com"; andersonbonnie505@gmail.com"

Date:

Subject

Attachments:

Public Notice to the Homeowners Association and Those in Your Neighborhood Wednesday, August 05, 2020 5:49:00 PM

REQUEST FOR NEIGHBORHOOD MEETING-v1.pdf

Rackable fence Exhibit 70-94inch.pdf 405 MLK - 401 & 405 Edith Blvd. Iron Fence Layout Image1.pdf

October Zoom - Public Notice of Hearing.pdf High

**Importance:** 

# Public Notice to the Homeowners Association and Those in Your Neighborhood

Hello, my name is Steve Hernandez. I am sending out this notice on behalf of the property owners at 405 Martin Luther King Blvd. NE and 401 & 405 Edith Blvd. NE (Adjoining Properties, Same Owner).

will too, help with public safety. wrought iron fence around our property. This iron fence will add value to the surrounding properties, and We are requesting a variance from the city, which if approved, will allow us to construct a 6-foot-high

# Please see the attached document:

۳

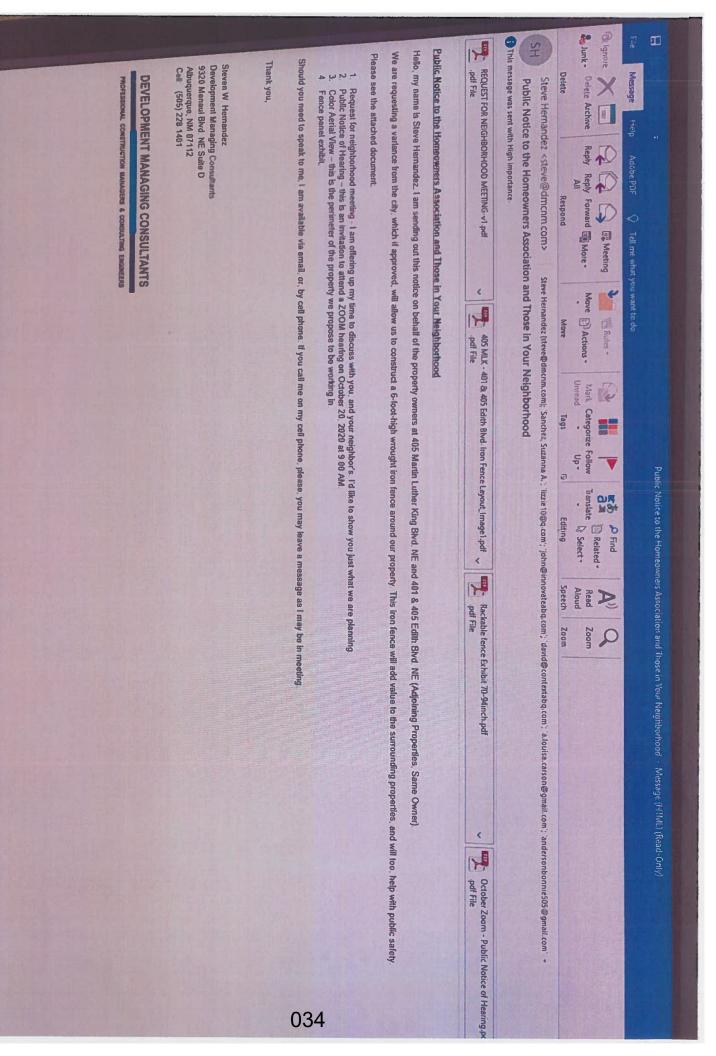
- Request for neighborhood meeting I am offering up my time to discuss with you, and your neighbor's. I'd like to show you just what we are planning.
- Public Notice of Hearing this is an invitation to attend a ZOOM hearing on October 20, 2020 at 9:00 AM.
- 3. Color Aerial View this is the perimeter of the property we propose to be working in.
- 4. Fence panel exhibit.

phone, please, you may leave a message as I may be in meeting. Should you need to speak to me, I am available via email, or, by cell phone. If you call me on my cell

Thank you,

Albuquerque, NM 87112 9320 Menaul Blvd. NE Suite D Steven W. Hernandez Cell: (505) 228.1401 **Development Managing Consultants** 

**DMC Logo Top** 



## **Steve Hernandez**

From:

Steve Hernandez <steve@dmcnm.com>

Sent:

Wednesday, August 05, 2020 5:50 PM

To:

Steve Hernandez (steve@dmcnm.com); 'Sanchez, Suzanna A.'

**Subject:** Attachments: Public Notice to the Homeowners Association and Those in Your Neighborhood

REQUEST FOR NEIGHBORHOOD MEETING-v1.pdf; 405 MLK - 401 & 405 Edith Blvd. Iron Fence

Layout\_Image1.pdf; Rackable fence Exhibit 70-94inch.pdf; October Zoom - Public Notice of

Hearing.pdf

**Importance:** 

High

## Public Notice to the Homeowners Association and Those in Your Neighborhood

Hello, my name is Steve Hernandez. I am sending out this notice on behalf of the property owners at 405 Martin Luther King Blvd. NE and 401 & 405 Edith Blvd. NE (Adjoining Properties, Same Owner).

We are requesting a variance from the city, which if approved, will allow us to construct a 6-foot-high wrought iron fence around our property. This iron fence will add value to the surrounding properties, and will too, help with public safety.

Please see the attached document:

 Request for neighborhood meeting - I am offering up my time to discuss with you, and your neighbor's. I'd like to show you just what we are planning.

2. Public Notice of Hearing – this is an invitation to attend a ZOOM hearing on October 20, 2020 at 9:00 AM.

3. Color Aerial View – this is the perimeter of the property we propose to be working in.

4. Fence panel exhibit.

Should you need to speak to me, I am available via email, or, by cell phone. If you call me on my cell phone, please, you may

leave a message as I may be in meeting.

Thank you,

Steven W. Hernandez **Development Managing Consultants** 9320 Menaul Blvd. NE Suite D Albuquerque, NM 87112 Cell: (505) 228.1401

## DEVELOPMENT MANAGING CONSULTANTS

PROFESSIONAL CONSTRUCTION MANAGERS & CONSULTING ENGINEERS

Neighborhood Meeting @ Site Sign in Sheet 8-19-20 1:00 PM Steve Heenander 228-1401 ROSLYN KLOSPPEZ 450-13-19 GIGUTA MOUTINEZ 292.3959 Richard Martinez 263-2664 RISTI HOUDE 366-1439 Renee Martinez 410-8122

From: Steve Hernandez <steve@dmcnm.com>
Sent: Tuesdav. August 25, 2020 10:12 AM

To: 'CenturyLink Customer'
Cc: Steve Hernandez - IPad

**Subject:** RE: Public Notice to the Homeowners Association and Those in Your Neighborhood Attachments: Abq Charter Campus\_Frontage Fence Design Layout - MLK & 401 Edith NE.pdf; ABQ

Charter Campus - MLK & 401 Edith NE \_ View-fence panel Exhibit.pdf

Hello Richard! It was nice meeting with your association's homeowners last week!

Attached is the fence layout as discussed on Wednesday. It shows all the frontage layout and proposed measurements therewith.

Please call me if you have questions.

Thank you,

Steven W. Hernandez Development Managing Consultants 9320 Menaul Blvd. NE Suite D Albuquerque, NM 87112 Cell: (505) 228.1401

### DEVELOPMENT MANAGING CONSULTANTS

PROFESSIONAL CONSTRUCTION MANAGERS & CONSULTING ENGINEERS

From: CenturyLink Customer < lizzie10@q.com>
Sent: Monday, August 17, 2020 10:10 PM
To: Steve Hernandez < steve@dmcnm.com>

Subject: Re: Public Notice to the Homeowners Association and Those in Your Neighborhood

Thanks, see you Wednesday,

From: "Steve Hernandez" < steve@dmcnm.com>

To: "ELIZABETH HALL" < lizzie10@q.com > Sent: Monday, August 17, 2020 1:25:35 PM

Subject: Re: Public Notice to the Homeowners Association and Those in Your Neighborhood

Richard, I am looking forward to seeing you on Wednesday at 1 o'clock! Thank you for sending the email.

Thank you,

Steve Hernandez

Development Managing Consultants 505-228-1401 Sent from my iPad

On Aug 13, 2020, at 10:23 PM, CenturyLink Customer < <a href="mailto:lizzie10@q:com">lizzie10@q:com</a>> wrote:

Steve,

thanks, as we discussed on the phone, I and a few others from the neighborhood would like to meet with you.

Place - On site, Edith and MLK

Date - August 19, 2020 (Wednesday)

Time - 1:00 pm

See you then, thanks. Richard Martinez 263-2664

From: "Steve Hernandez" <steve@dmcnm.com>

To: "ELIZABETH HALL" < lizzie10@q.com>

Cc: "Steve Hernandez" < steve@dmcnm.com>, "Sanchez, Suzanna A."

<suzannasanchez@cabq.gov>

Sent: Thursday, August 13, 2020 5:27:49 AM

Subject: RE: Public Notice to the Homeowners Association and Those in Your

Neighborhood

Thanks Richard! Please, call me on my cell phone, the number is 505-228-1401. I will make myself available most anytime you can get your group together. And, if it ends up being just you and I, then we can meet and you can report back to your peoples... thanks again!

Thank you,

Steven W. Hernandez
Development Managing Consultants
9320 Menaul Blvd. NE Suite D
Albuquerque, NM 87112
Off. Direct: (505) 296.7100
Fax: (505) 296.7105
Cell: (505) 228.1401

### <image001.jpg>

From: CenturyLink Customer < lizzie10@q.com>
Sent: Wednesday, August 12, 2020 10:12 PM
To: Steve Hernandez < steve@dmcnm.com>

Subject: Re: Public Notice to the Homeowners Association and Those in Your Neighborhood

### Steve

I agree, the best place to meet is at the site. Let me check with a few people who would like to attend, and then I will call you to schedule a date and time.

### thanks, richard martinez 263-2664

From: "Steve Hernandez" < steve@dmcnm.com>

To: "ELIZABETH HALL" < lizzie10@q.com>

Cc: "Steve Hernandez" < steve@dmcnm.com>, "Sanchez, Suzanna A."

<suzannasanchez@cabq.gov>

Sent: Wednesday, August 12, 2020 6:29:50 AM

Subject: RE: Public Notice to the Homeowners Association and Those in Your

Neighborhood

Richard, thank you for your email. I will be calling you, What is the best time for you and yours' to meet? I would suggest we meet at the property on the corner of MLK and Edith. This is where the installation is going to take place and is a good place to be in the open practicing social distancing...

Thank you,

Steven W. Hernandez
Development Managing Consultants
9320 Menaul Blvd. NE Suite D
Albuquerque, NM 87112
Off. Direct: (505) 296.7100
Fax: (505) 296.7105

Fax: (505) 296,7105 Cell: (505) 228,1401

### <image001.jpg>

From: CenturyLink Customer < lizzie10@q.com>
Sent: Tuesday, August 11, 2020 10:18 PM
To: Steve Hernandez < steve@dmcnm.com>

Subject: Re: Public Notice to the Homeowners Association and Those in Your Neighborhood

Steve, hi, hope all is well with you.

I am Richard Martinez, president of the South Martineztown neighborhood association (CICM).

i would like to meet with you to discuss the fence project, It would be me and some other people from the neighborhood.

Please call me so we can arrange a time, date, and place.

Richard Martinez 505-263-2664

From: "Steve Hernandez" < steve@dmcnm.com>

To: "Steve Hernandez" < steve@dmcnm.com >, "Sanchez, Suzanna A."

<suzannasanchez@cabq.gov>

Sent: Wednesday, August 5, 2020 5:49:47 PM

Subject: Public Notice to the Homeowners Association and Those in Your

Neighborhood

### Public Notice to the Homeowners Association and Those in Your Neighborhood

Hello, my name is Steve Hernandez. I am sending out this notice on behalf of the property owners at 405 Martin Luther King Blvd. NE and 401 & 405 Edith Blvd. NE (Adjoining Properties, Same Owner).

We are requesting a variance from the city, which if approved, will allow us to construct a 6-foot-high wrought iron fence around our property. This iron fence will add value to the surrounding properties, and will too, help with public safety.

### Please see the attached document:

- 1. Request for neighborhood meeting I am offering up my time to discuss with you, and your neighbor's. I'd like to show you just what we are planning.
- 2. Public Notice of Hearing this is an invitation to attend a ZOOM hearing on October 20, 2020 at 9:00 AM.
- 3. Color Aerial View this is the perimeter of the property we propose to be working in.
- 4. Fence panel exhibit.

Should you need to speak to me, I am available via email, or, by cell phone. If you call me on my cell phone, please, you may leave a message as I may be in meeting.

Thank you,

Steven W. Hernandez Development Managing Consultants 9320 Menaul Blvd. NE Suite D Albuquerque, NM 87112 Cell: (505) 228.1401

<image001.jpg>

From:

Bonnie Anderson <andersonbonnie505@gmail.com>

Sent:

Sunday, August 09, 2020 10:44 AM

To:

Steve Hernandez

**Subject:** 

Re: Public Notice to the Homeowners Association and Those in Your Neighborhood

Steve,

This property is part of Martineztown...not Huning Highlands.

**Bonnie** 

On Wed, Aug 5, 2020 at 4:49 PM Steve Hernandez < steve@dmcnm.com > wrote:

### Public Notice to the Homeowners Association and Those in Your Neighborhood

Hello, my name is Steve Hernandez. I am sending out this notice on behalf of the property owners at 405 Martin Luther King Blvd. NE and 401 & 405 Edith Blvd. NE (Adjoining Properties, Same Owner).

We are requesting a variance from the city, which if approved, will allow us to construct a 6-foot-high wrought iron fence around our property. This iron fence will add value to the surrounding properties, and will too, help with public safety.

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Should you need to speak to me, I am available via email, or, by cell phone. If you call me on my cell phone, please, you may leave a message as I may be in meeting.

Thank you,

Steven W. Hernandez Development Managing Consultants 9320 Menaul Blvd. NE Suite D Albuquerque, NM 87112 Cell: (505) 228.1401

From:

Sanchez, Suzanna A. <suzannasanchez@cabq.gov>

Sent:

Thursday, August 06, 2020 10:51 AM

To:

Steve Hernandez

**Subject:** 

RE: Public Notice to the Homeowners Association and Those in Your Neighborhood

Thank you, please keep all documents together to ensure a complete application.

From: Steve Hernandez [mailto:steve@dmcnm.com]

Sent: Wednesday, August 05, 2020 8:09 PM

To: Sanchez, Suzanna A. Cc: Steve Hernandez

Subject: RE: Public Notice to the Homeowners Association and Those in Your Neighborhood

Suzie. I attached a screen shot of the email that went out to the HOA(s). I blind copied everybody other then you and I. Also, attached is a pic of the letters that I will take to the post office tomorrow. I will get a receipt/confirmation...

Thank you.

Steven W. Hernandez
Development Managing Consultants
9320 Menaul Blvd, NE Suite D
Albuquerque, NM 87112
Off. Direct: (505) 296,7100
Fax: (505) 296,7105
Cell: (505) 228,1401

### **DEVELOPMENT MANAGING CONSULTANTS**

PROFESSIONAL CONSTRUCTION MANAGERS & CONSULTING ENGINEERS

From: Steve Hernandez <steve@dmcnm.com> Sent: Wednesday, August 05, 2020 5:50 PM

To: Steve Hernandez < steve@dmcnm.com>; 'Sanchez, Suzanna A.' < suzannasanchez@cabq.gov>

Subject: Public Notice to the Homeowners Association and Those in Your Neighborhood

Importance: High

### Public Notice to the Homeowners Association and Those in Your Neighborhood

Hello, my name is Steve Hernandez. I am sending out this notice on behalf of the property owners at 405 Martin Luther King Blvd. NE and 401 & 405 Edith Blvd. NE (Adjoining Properties, Same Owner).

We are requesting a variance from the city, which if approved, will allow us to construct a 6-foot-high wrought iron fence around our property. This iron fence will add value to the surrounding properties, and will too, help with public safety.

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Thank you,

Steven W. Hernandez
Development Managing Consultants
9320 Menaul Blvd. NE Suite D
Albuquerque, NM 87112
Cell: (505) 228.1401

### **DEVELOPMENT MANAGING CONSULTANTS**

PROFESSIONAL CONSTRUCTION MANAGERS & CONSULTING ENGINEERS

This message has been analyzed by Deep Discovery Email Inspector.

From:

David Tanner <david@contextabg.com>

Sent:

Friday, August 07, 2020 1:18 PM

To:

Steve Hernandez

Cc:

Sanchez, Suzanna A.; Bill Bice; Bonnie Anderson; David Mahlman; Josh Rogers; Lauren Green; Lisa Adkins; Moises Gonzalez; Richard van Schouwen; Rob Dickson; Terry Keene;

Tim McGivern; Todd Walters; Vince DiGregory

Subject:

Re: Public Notice to the Homeowners Association and Those in Your Neighborhood

Steve,

Thanks for reaching out. The EDo NA Board met yesterday via Zoom and discussed your request briefly. The Board did not have objections to your request for a 6-foot fence variance on these commercial properties. The Board also recognizes that these properties are just outside our jurisdiction and will yield to the perspective of the appropriate neighborhood association(s).

Thank you, David Tanner President, EDo

On Wed, Aug 5, 2020 at 5:49 PM Steve Hernandez <steve@dmcnm.com> wrote:

### Public Notice to the Homeowners Association and Those in Your Neighborhood

Hello, my name is Steve Hernandez. I am sending out this notice on behalf of the property owners at 405 Martin Luther King Blvd. NE and 401 & 405 Edith Blvd. NE (Adjoining Properties, Same Owner).

We are requesting a variance from the city, which if approved, will allow us to construct a 6-foot-high wrought iron fence around our property. This iron fence will add value to the surrounding properties, and will too, help with public safety.

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Should you need to speak to me, I am available via email, or, by cell phone. If you call me on my cell phone, please, you may leave a message as I may be in meeting.

Thank you,

. . . .

Steven W. Hernandez Development Managing Consultants 9320 Menaul Blvd. NE Suite D Albuquerque, NM 87112 Cell: (505) 228.1401

### **DEVELOPMENT MANAGING CONSULTANTS**

PROFESSIONAL CONSTRUCTION MANAGERS & CONSULTING ENGINEERS

### **REQUEST FOR NEIGHBORHOOD MEETING**

| Date: <u>08-05-2020</u>  |                       |
|--|-----------------------|
| To Whom This May Concern:  | (A)                   |
| I am requesting approval from the Zoning Hearing Examiner within the City a conditional use or variance to allow <u>for a 6 foot high perimeter view fence to the property.</u> The see through view fence will be constructed out of wrought iron to gates will be provided at the driveway entry point location for access. (s | be constructed around |
| Property owner Steve Nakamura  Agent if applicable Steven W. Hernandez (Development Managing Consultants)  Property Address: 401 & 405 Edith Blvd. NE , Albuquerque, NM, 8  Property Address: 405 Martin Luther King Blvd. NE, Albuquerque, New Mexico 87  | 7102 (zip code).      |
| This letter is an offer to meet with you to provide additional information. please respond within 15 days. If you do not want to meet, or you support let me know. You are more than welcome to call me or email at the contact information.   | the proposal, please  |
| Thank you,   |                       |
| Applicant Name Steven Hernandez  |                       |
| Email steve@dmcnm.com  |                       |
| Phone Number <u>505-228-1401</u>   |                       |

The City may require the applicant to attend a City-sponsored facilitated meeting with the Neighborhood Associations whose boundaries include or are adjacent to the proposed project, based on the complexity and potential impacts of a proposed project. For more information, please contact the ZHE Administrative Assistant Suzie Sanchez at 505-924-3894 or <a href="mailto:suzannasanchez@cabq.gov">suzannasanchez@cabq.gov</a>.

Please note: "You may submit written comments to the Zoning Hearing Examiner up to 6 days before the hearing (5pm on the Wednesday before the hearing). Written comments received after that deadline will not be taken into consideration for this application.

### **Public Notice of Hearing**

| Date: 08-05-2020   | *                          |
|--|----------------------------|
|  | 4 E                        |
|  |                            |
| To Mileon This May Concorns  |                            |
| To Whom This May Concern:  | * *                        |
| I am requesting approval from the Zoning Hearing Examiner within the City of Alk   | ouquerque for a conditiona |
| use or variance to allow a 3ft to the maximum of allowable height of 3ft to allow for a 6  |                            |
| (summary of request). 5-7 (D) Maximum Wall Height Per IDO 5-7(D)(1)  |                            |
| (Summary of Tequesty.  |                            |
| Property owner: Steve Nakamura   |                            |
|  |                            |
| Agent (If applicable): Steven W. Hernandez of Development Managing Consultants (D  | OMC)                       |
| The state of the s |                            |
| Property Address: 405 Martin Luther King Blvd. NE, Albuquerque, NM, 87102  | *                          |
| Property Address: Both 401 & 405 Edith Blvd. NE, Albuquerque, NM, 87102  |                            |
| Property Address: Dotti Hora too Editi Diva. NET . India da a la de la   |                            |
|  |                            |
|  | 1 7000                     |
| A hearing will be held on October 20, 2020 beginning at 9:00AM   | via ZOOM.                  |
| Join Zoom Meeting  |                            |
| https://cabg.zoom.us/j/7044490999  |                            |
| Meeting ID: 704 449 0999   |                            |
| One tap mobile   |                            |
| +16699006833,,7044490999# US (San Jose)  |                            |
| +12532158782,,7044490999# US (Tacoma)  |                            |
| Diel burreur legation  |                            |
| Dial by your location<br>+1 669 900 6833 US (San Jose)   |                            |
| +1 253 215 8782 US (Tacoma)  |                            |
| +1 301 715 8592 US (Germantown)  |                            |
| +1 312 626 6799 US (Chicago)   |                            |
| +1 346 248 7799 US (Houston)   |                            |

Thank you,

Applicant's Name: Steven Hernandez

Applicant's Number or Email Address: steve@dmcnm.com

For more information, please contact the ZHE Administrative Assistant Suzie Sanchez at 505- 924-3894 or suzannasanchez@cabq.gov.

+1 646 558 8656 US (New York)
Meeting ID: 704 449 0999
Find your local number: https://cabq.zoom.us/u/a2s7T1dnA

<sup>\*\*</sup>Please note: "You may submit written comments to the Zoning Hearing Examiner up to 6 days before the hearing (5pm on the Wednesday before the hearing). Written comments received after that deadline may result in deferral.

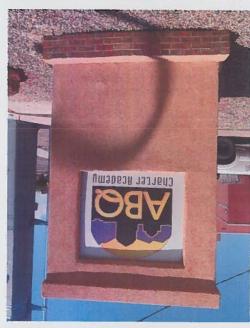










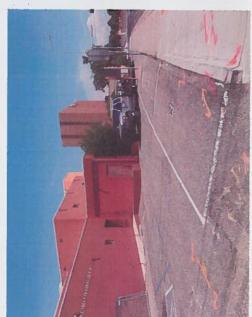












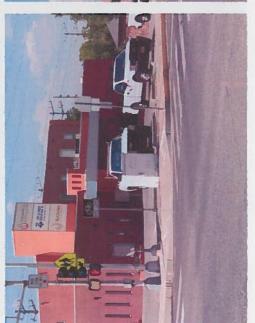














### CITY OF ALBUQUERQUE INVOICE

### **DEVELOPMENT MANAGING CONSULTANTS**

9320 MENAUL BLVD NE STE D

Reference NO: VA-2020-00306 Customer NO: CU-79752122

Date

Description

Amount

9/02/20

**Application Fee** 

\$210.00

Due Date: 9/02/20

Total due for this invoice:

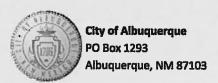
\$210.00

### Options to pay your Invoice:

1. Online with a credit card: http://posse.cabq.gov/posse/pub/lms/Default.aspx

2. In person: Plaza Del Sol, 600 2nd St. NW, Albuquerque, NM 87102

### PLEASE RETURN THE BOTTOM PORTION OF THIS INVOICE NOTICE WITH PAYMENT



Date:

9/02/20

**Amount Due:** 

\$210.00

Reference NO:

VA-2020-00306

Payment Code:

130

**Customer NO:** 

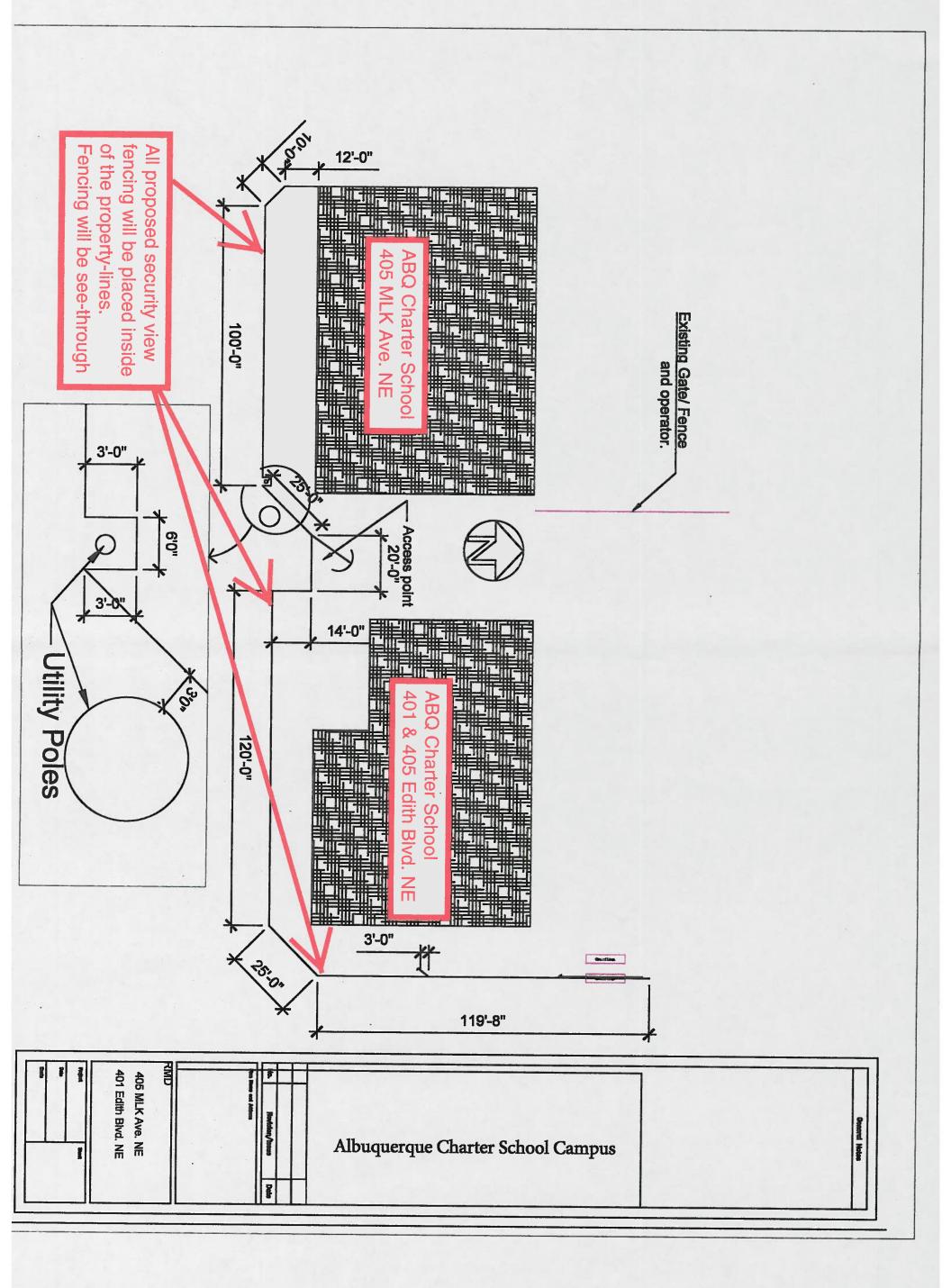
CU-79752122

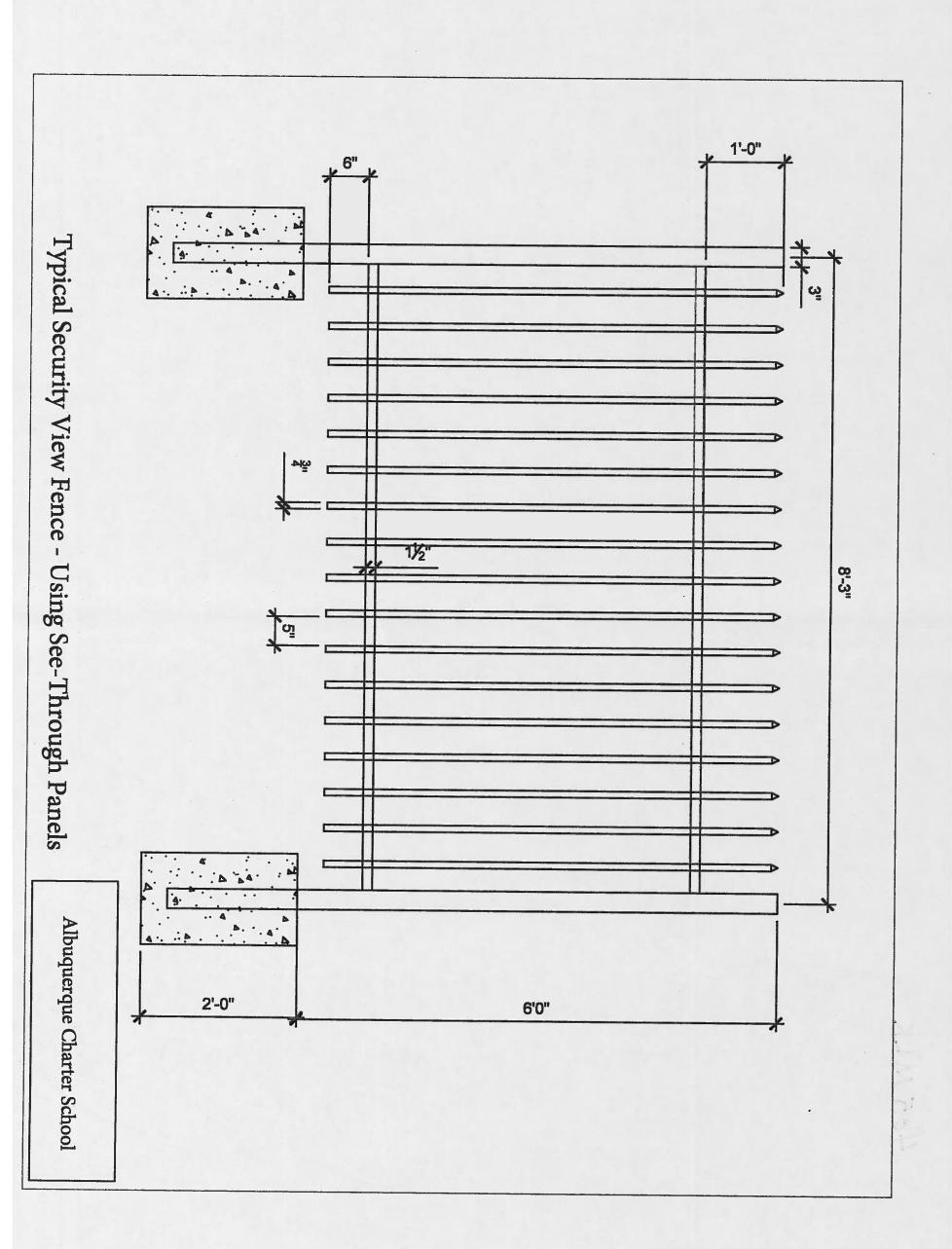
DEVELOPMENT MANAGING CONSULTANTS 9320 MENAUL BLVD NE STE D ALBUQUERQUE, NM 87112

դդիրակականկինորիկարկինություններիայի









### **VARIANCE JUSTIFICATION - GENERAL**

Zoning Hearing Examiner City of Albuquerque 600 2<sup>nd</sup> Street NW, 3<sup>rd</sup> Floor Albuquerque, NM 87102

| RE: Request for Variance of 3 feet to the maximum allowable height of 3 feet for a 6 foot high proposed see-through wrought iron security view fence. This at the (3) three listed properties below.  at 405 Martin Luther King Ave & 401 Edith & 405 Edith Blvd. NE (address of the subject property).  These 3 properties are connected and are owner by the same owner. (This is the campus for ABQ Charter School)  1) There are special circumstances applicable to the subject property that are not self-imposed and that do not apply generally to other property in the same zone district and vicinity. Those special circumstances create a hardship because _ this request is based on the large amount of criminal activity in our parking lot, and the unsanitary conditions of vagrants using our property as a tollet. This in addition to them sleeping on our campus both in the day and at night. Our teachers cars have also been broken into.  |
|---|
| 2) The Variance will not be materially contrary to the public safety, health, or welfare because On the contrary, this view fence is designed to help with the security and public health, safety and the welfare of the kids/students being educated at this location. Albuquerque Charter School campus.  We are also seeking a safe place for our teachers, our staff, and the parents of our students   |
| 3) The Variance does not cause adverse impacts on surrounding properties or infrastructure improvements in the vicinity because by design, this aesthetically calming and pleasing perimeter view fence, being see-through, and matching the color of the existing fencing, will enhance this corner and road frontage. This will add to the character and safety to the community and the surrounding area.  Security and life safety is tantamount for all the kids at ABQ Charter School. This is the GOAL with this request!  4) The Variance will not materially undermine the intent and purpose of this IDO or the applicable zone district because this project will alien it self with the intent of the IDO and will follow all COA guild-lines, as well as, with the required permitting processes, in-place as is deemed necessary.  Public safety is also an important aspect in the IDO, this project will be providing a safe haven for these students.  5) The Variance approved is the minimum necessary to avoid extraordinary hardship or practical difficulties because our request is founded in being able to offer children/students a safe and secure environment to study and focus as well as to walk around in an enclosed fenced perimeter campus.  Note: these three adjoining/connceted properties consist of the Albuquerque Charter School campus |
| Signature Steven W. Hernandez Date August 25, 2020  |



Date: 9/3/2020

Office: WEB Cashier:admin
Batch: 11435 Tran #: 27

\_\_\_\_\_\_

Building Permits

10:52 AM Station ID

Office WEB

Receipt #: 00642697

Reference VA-2020-00306

Trans Amt: \$630.00

130 Building Permit \$210.00

Payment Total: \$210.00

Building Permits

10:52 AM Station ID

Office WEB

Receipt #: 00642698

**Reference** VA-2020-00307 Trans Amt: \$630.00

130 Building Permit \$210.00

Payment Total: \$210.00

Building Permits

10:52 AM Station ID

Office WEB

Receipt #: 00642699

Reference VA-2020-00308

Trans Amt: \$630.00

130 Building Permit \$210.00

Payment Total: \$210.00

-----

Transaction Total: \$630.00

Echeck Tendered: \$630.00

Thank you for your payment.

Have a nice day!

### REQUEST FOR SPECIAL EXCEPTION

Interpreter: Yes No

VA# 2020-00307 PR# 2020-004381

| Date: 3/10/2020                             | Received By: Marcelo |                     |
|---|----------------------|---------------------|
| Address of Request: 401 Edith Blvd NE?      |                      |                     |
| City: Albuquerque                           | State: NM            | Zip:/87102          |
| Lot: 5 Block: 0000                          | Zone: MX-T MX-L      |                     |
| Subdivision: Brooks-Harold                  | UPC# 1014057455486°  |                     |
| Property Owner(s): RM 401405, LLC           |                      |                     |
| Mailing Address: 9320 Menaul Blvd. NE Ste D |                      | ,                   |
| City: Albuquerque                           | State: NM            | Zip: 87112          |
| Phone: 505-228-1401                         | Email: steve@dmcnm.d |                     |
| Agent: Steven Hernandez                     |                      |                     |
| Mailing Address: 9320 Menaul Blvd. NE       | •                    |                     |
| City: Albuquerque                           | State: NM            | Zip: 87112          |
| Phone: 505-228-1401                         | Email: steve@dmcnm.d |                     |
|   |                      | Fee Total: \$210.00 |

### **Completed Application Requirements:**

- o Copy of relevant IDO section
- o Letter of authorization (if agent representation)
- o Proof of Pre-application Meeting (not required for a variance)
- o Proof that neighborhood meeting requirements were met
- o Proof that public notice requirements were met
- Photos (site and existing structures)
- Sketch plan
- Justification letter
- Sign posting

| Approved   | for acceptance                          | by:                                    |
|--|---|--|
| THE RESERVE AND DESCRIPTION OF THE PERSON NAMED IN | هجود سياف سيان بارداد و جوب المختلفان و | THE RESERVE AND POST OF REAL PROPERTY. |

Date:

Hearing Date: 007 - 20, 2020

| ZONING OFFICIAL USE ONLY |                             |                                 |  |  |
|--------------------------|-----------------------------|---------------------------------|--|--|
| Request for except       | ion to IDO Section: 14-     | 16-5-7-D                        |  |  |
| Description of requ      | IEST: VARTANCE              | OF 3FT TO TH                    | E 3FT  |  |
| MAXIMUM WALL HEIGHT      |                             |                                 |  |  |
| D Ownership verified     | on AGIS Pro                 | oof of ownership included       | ☐ Letter of authorization included   |  |
| Case history number(s    | s) from AGIS:               |                                 |  |  |
| APO:                     | CPO#                        | HPO#                            | VPO#   |  |
| Wall variances not all   | owed in low-density reside  | ential development in these 2 a | reas per 5-7(D)(3)(e):   |  |
| 1) CPO 3 a               | and 2) Monte Vista /        | College View Historic Dist      | Mapped Area  |  |
| 2) CPO-8 states          | walls no more than 3 feet h | nigh, but may request a varianc | e de la companya del companya de la companya del companya de la co |  |



### 5-7(C) · WALL LOCATION

5-7(C)(1) Walls may be constructed anywhere on a parcel, including but not limited to any front, side, or rear setback area, unless otherwise prohibited by this IDO, by Articles 14-1 and 14-3 of ROA 1994 (Uniform Administrative Code and Uniform Housing Code), Article 14-2 of ROA 1994 (Fire Code), or by clear sight triangle requirements in the Development Process Manual (DPM).

5-7(C)(2) Walls may be constructed without any setback from a property line, unless otherwise prohibited by this IDO, by Articles 14-1 or 14-3 of ROA 1994 (Uniform Administrative Code and Uniform Housing Code), Article 14-2 of ROA 1994 (Fire Code), or by clear sight triangle requirements in the DPM. Walls may not encroach onto any public right-of-way without the prior written approval from the City Engineer and may not encroach onto any adjacent property without prior written approval of that property owner.

### 5-7(D) MAXIMUM WALL HEIGHT

5-7(D)(1) Maximum Wall Height Table
Unless specified otherwise in this IDO, walls shall comply with the height standards in Table 5-7-1.

| Table 5-7-1: Maximum  | is the same     | Y DESIGNATION OF THE STATE OF T | Nonviesidential       | White design will al  | MISSES CON                |
|---|-----------------|--|-----------------------|-----------------------|---------------------------|
| Zone Cetelgary  | Braildenbauf    | Adixedrase   |                       | r (producty) Aus Clyp | See viso:                 |
| Standard (Vall Height   |                 | 1787 11 15 19 19 19 1  |                       |                       |                           |
| Wall in the front yard or street side yard <sup>[1]</sup> .           | 3 ft.           | 3 ft.  | 3 ft.                 | 6 ft.                 | 5-7(D)(2)                 |
| Wall in other locations on the lot <sup>[2][3]</sup>                  | 8 ft            | 8 ft:  | 8 ft                  |                       | 5-7(0)(2)                 |
|   |                 |  |                       |                       | S44                       |
| Any portion of a wall in the  | rear yard abutt | ing the front yard   | of a Residential zone | e district.           |                           |
| <10 ft. from the lot line abutting the street <sup>[1]</sup>          | 3 ft.           | 3 ft.  | 3 ft.                 | · 6 ft.               | 5-7(D)(2)<br>5-7(D)(3)(d) |
| THE PERSON NAMED IN COLUMN  |                 | 8.ft.  |                       |                       | remarks in the delices.   |
| ≥10 ft. from the lot line abutting the street                         | 6ft.            | Low -density residential: 6ft.   | 8 ft.                 | 8ft.                  | 5-7(D)(2)                 |
| Walls Abuilding Major Arre  | ios and Major   | Public Open Spac   |                       |                       |                           |
| Wall in a rear or interior side yard abutting a major arroyo          | 6 ft.           | 8 ft.  | 8 ft.                 | 8 ft.                 | 5-7(D)(2)<br>5-7(E)(4)    |
| Wall in a rear or interior side yard abutting Major Public Open Space | 6 ft.           | 6 ft.  | 6 ft.                 | 10 ft.                | 5-7(D)(2)<br>5-7(E)(4)    |

[1] A Variance — ZHE for a wall greater than 3 ft. in height on a lot with low-density residential development may be approved pursuant to the criteria in Subsection 14-16-6-6(N)(3)(c) (Variance for a Taller Front or Side Yard Wall) if it meets the standards in Table 5-7-2.

[2] Portion of walls in the rear yard abutting the front yard of a Residential zone district are treated differently, with provisions later in this

[2] Portion of walls in the rear yard abutting the front yard of a Residential zone district are treated differently, with provisions later in this table.

[3] Where the rear yard of a through lot abuts at least 1 lot with any residential development that faces the second public street, the rear and side walls shall be subject to the same height restrictions applicable within the required front setback of the abutting residential property.





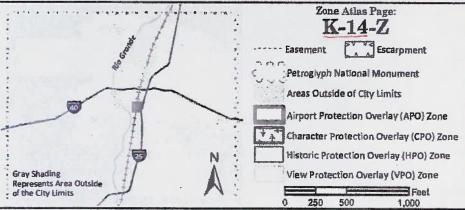
IDO Zone Atlas May 2018



IDO Zoning information as of May 17, 2018

The Zone Districts and Overlay Zones

are established by the Integrated Development Ordinance (IDO)



### **Letter of Authorization**

| To: Zoning Hearing Examiner   |  |                      |                      |
|---|--|----------------------|----------------------|
| Date: <u>05/11/2020</u>   | *  |                      |                      |
| Project#  |  |                      | *                    |
| ZHE#  |  | 5                    |                      |
|   |  |                      |                      |
| I, Steve Nakamura (RM 401-40  | Control of the Contro | orize Steven Hernani |                      |
| act on my behalf in all matters relat<br>located at 401 Edith Blvd. NE (Lot |  |                      | nied for my property |
|   |  |                      |                      |
| Property Owner(s)* (Applicant) Prin   | ted Name 2M U  | 01-405               | *                    |
| Property Owner(s)* (Applicant) Sign   | . /  | 11                   |                      |
| Mailing Address 9320 Menaul Bly   |  | NM 87112             |                      |
| Widning Mudi E33 OOLO Widiladi Di   |  | 1000000              |                      |

<sup>\*</sup> Where a property has more than one owner, all owners must consent in writing to the filing of the application to the maximum extent practicable. In the case that not all of the property owners have consented in writing to the application, or when the ownership status of some parties is unclear (as shown on a title abstract or title insurance commitment), the owner shall attest in writing that all of the property owners shown on a title abstract or title insurance commitment have been notified of the application in writing at their last known address as shown on the property tax records of Bernalillo County.

From:

Steve Hernandez

<u>:</u> BOC

Steve Hernandez (steve@dmcnm.com); "Sanchez, Suzanna A."

Subject: Date:

> Public Notice to the Homeowners Association and Those in Your Neighborhood andersonbonnie505@gmail.com" "lizzie10@q.com"; "john@innovateaho.com"; "david@contextabq.com"; "a.louisa.carson@gmail.com";

Attachments:

Wednesday, August 05, 2020 5:49:00 PM

REQUEST FOR NEIGHBORHOOD MEETING-v1.pdf 105 MLK - 401 & 405 Edith Blvd. Iron Fence Layout Image1.pdf

Rackable fence Exhibit 70-94inch.pdf
October Zoom - Public Notice of Hearing.pdf

Importance:

# Public Notice to the Homeowners Association and Those in Your Neighborhood

Hello, my name is Steve Hernandez. I am sending out this notice on behalf of the property owners at 405 Martin Luther King Blvd. NE and 401 & 405 Edith Blvd. NE (Adjoining Properties, Same Owner).

will too, help with public safety. wrought iron fence around our property. This iron fence will add value to the surrounding properties, and We are requesting a variance from the city, which if approved, will allow us to construct a 6-foot-high

## Please see the attached document:

- H Request for neighborhood meeting - I am offering up my time to discuss with you, and your neighbor's. I'd like to show you just what we are planning.
- Public Notice of Hearing this is an invitation to attend a ZOOM hearing on October 20, 2020 at 9:00 AM.
- Color Aerial View this is the perimeter of the property we propose to be working in.
- Fence panel exhibit.

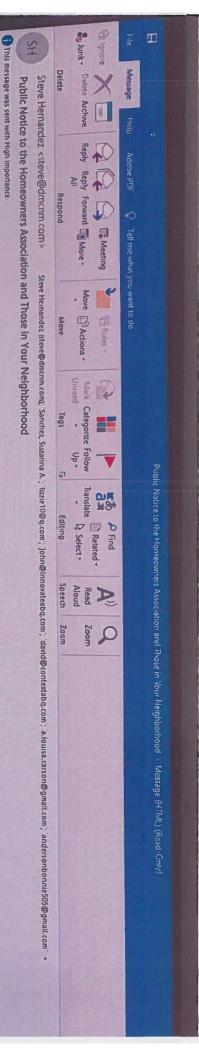
ယ

phone, please, you may leave a message as I may be in meeting. Should you need to speak to me, I am available via email, or, by cell phone. If you call me on my cell

Thank you,

Cell: (505) 228.1401 Albuquerque, NM 87112 9320 Menaul Blvd. NE Suite D Steven W. Hernandez **Development Managing Consultants** 

**DMC Logo Top** 



## Public Notice to the Homeowners Association and Those in Your Neighborhood

REQUEST FOR NEIGHBORHOOD MEETING-v1.pdf

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405 MLK - 401 & 405 Edith Blvd. Iron Fence Layout\_Image1.pdf

<

Rackable fence Exhibit 70-94inch.pdf .pdf File

<

.pdf File

October Zoom - Public Notice of Hearing.p

Hello, my name is Steve Hemandez. I am sending out this notice on behalf of the property owners at 405 Martin Luther King Blvd. NE and 401 & 405 Edith Blvd. NE (Adjoining Properties, Same Owner)

We are requesting a variance from the city, which if approved, will allow us to construct a 6-foot-high wrought iron fence around our property. This fron fence will add value to the surrounding properties, and will too, help with public safety

### Please see the attached document

- Request for neighborhood meeting I am offering up my time to discuss with you, and your neighbor's. I'd like to show you just what we are planning Public Notice of Hearing this is an invitation to attend a ZOOM hearing on October 20, 2020 at 9 00 AM.

  Color Aerial View this is the perimeter of the property we propose to be working in
- Fence panel exhibit

Should you need to speak to me, I am available via email, or, by cell phone. If you call me on my cell phone, please, you may leave a message as I may be in meeting.

**Development Managing Consultants** Sleven W Hemandez Albuquerque, NM 87112 Cell (505) 228 1401 9320 Menaul Blvd. NE Suite D

## DEVELOPMENT MANAGING CONSULTANTS

PROFESSIONAL CONSTRUCTION MANAGERS & CONSULTING ENGAGERS

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41

Y

From:

Steve Hernandez <steve@dmcnm.com>

Sent:

Tuesday, August 25, 2020 10:12 AM

To: Cc: 'CenturyLink Customer'

Subject:

Steve Hernandez - IPad

Attachments:

RE: Public Notice to the Homeowners Association and Those in Your Neighborhood Abq Charter Campus\_Frontage Fence Design Layout - MLK & 401 Edith NE.pdf; ABQ

Charter Campus - MLK & 401 Edith NE\_View-fence panel Exhibit.pdf

Hello Richard! It was nice meeting with your association's homeowners last week!

Attached is the fence layout as discussed on Wednesday. It shows all the frontage layout and proposed measurements therewith.

Please call me if you have questions.

Thank you,

Steven W. Hernandez
Development Managing Consultants
9320 Menaul Bivd. NE Suite D
Albuquerque, NM 87112
Cell: (505) 228.1401

### **DEVELOPMENT MANAGING CONSULTANTS**

PROFESSIONAL CONSTRUCTION MANAGERS & CONSULTING ENGINEERS

From: CenturyLink Customer < lizzie10@q.com>
Sent: Monday, August 17, 2020 10:10 PM
To: Steve Hernandez < steve@dmcnm.com>

Subject: Re: Public Notice to the Homeowners Association and Those in Your Neighborhood

Thanks, see you Wednesday,

From: "Steve Hernandez" < steve@dmcnm.com>

To: "ELIZABETH HALL" < lizzie10@q.com > Sent: Monday, August 17, 2020 1:25:35 PM

Subject: Re: Public Notice to the Homeowners Association and Those in Your Neighborhood

Richard, I am looking forward to seeing you on Wednesday at 1 o'clock! Thank you for sending the email.

Thank you,

Steve Hernandez

Development Managing Consultants 505-228-1401 Sent from my iPad

On Aug 13, 2020, at 10:23 PM, CenturyLink Customer < lizzie10@q.com> wrote:

Steve,

thanks, as we discussed on the phone, I and a few others from the neighborhood would like to meet with you.

Place - On site, Edith and MLK

Date - August 19, 2020 (Wednesday)

Time - 1:00 pm

See you then, thanks. Richard Martinez 263-2664

From: "Steve Hernandez" < steve@dmcnm.com>

To: "ELIZABETH HALL" < lizzie 10@q.com>

Cc: "Steve Hernandez" < steve@dmcnm.com >, "Sanchez, Suzanna A."

<suzannasanchez@cabq.gov>

Sent: Thursday, August 13, 2020 5:27:49 AM

Subject: RE: Public Notice to the Homeowners Association and Those in Your

Neighborhood

Thanks Richard! Please, call me on my cell phone, the number is 505-228-1401. I will make myself available most anytime you can get your group together. And, if it ends up being just you and I, then we can meet and you can report back to your peoples... thanks again!

Thank you,

Steven W. Hernandez Development Managing Consultants 9320 Menaul Blvd. NE Suite D Albuquerque, NM 87112 Off. Direct: (505) 296.7100 Fax: (505) 296.7105

Cell: (505) 296.7105

### <image001.jpg>

From: CenturyLink Customer < <a href="mailto:lizzie10@q.com">lizzie10@q.com</a>>
Sent: Wednesday, August 12, 2020 10:12 PM
To: Steve Hernandez <a href="mailto:steve@dmcnm.com">steve@dmcnm.com</a>>

Subject: Re: Public Notice to the Homeowners Association and Those in Your Neighborhood

### Steve

I agree, the best place to meet is at the site. Let me check with a few people who would like to attend, and then I will call you to schedule a date and time.

### thanks, richard martinez 263-2664

From: "Steve Hernandez" < steve@dmcnm.com>

To: "ELIZABETH HALL" < lizzie 10@q.com>

Cc: "Steve Hernandez" < steve@dmcnm.com >, "Sanchez, Suzanna A."

<suzannasanchez@cabq.gov>

Sent: Wednesday, August 12, 2020 6:29:50 AM

Subject: RE: Public Notice to the Homeowners Association and Those in Your

Neighborhood

Richard, thank you for your email! I will be calling you. What is the best time for you and yours' to meet? I would suggest we meet at the property on the corner of MLK and Edith. This is where the installation is going to take place and is a good place to be in the open practicing social distancing...

Thank you,

Steven W. Hernandez
Development Managing Consultants
9320 Menaul Blvd. NE Suite D
Albuquerque, NM 87112
Off. Direct: (505) 296.7100

Fax: (505) 296.7105 Cell: (505) 228.1401

### <image001.jpg>

From: CenturyLink Customer < lizzie10@q.com>
Sent: Tuesday, August 11, 2020 10:18 PM
To: Steve Hernandez < steve@dmcnm.com>

Subject: Re: Public Notice to the Homeowners Association and Those in Your Neighborhood

Steve, hi. hope all is well with you.

I am Richard Martinez, president of the South Martineztown neighborhood association (CICM).

i would like to meet with you to discuss the fence project, It would be me and some other people from the neighborhood.

Please call me so we can arrange a time, date, and place.

Richard Martinez 505-263-2664

From: "Steve Hernandez" <steve@dmcnm.com>

To: "Steve Hernandez" < steve@dmcnm.com>, "Sanchez, Suzanna A."

<suzannasanchez@cabq.gov>

Sent: Wednesday, August 5, 2020 5:49:47 PM

Subject: Public Notice to the Homeowners Association and Those in Your

Neighborhood

### Public Notice to the Homeowners Association and Those in Your Neighborhood

Hello, my name is Steve Hernandez. I am sending out this notice on behalf of the property owners at 405 Martin Luther King Blvd. NE and 401 & 405 Edith Blvd. NE (Adjoining Properties, Same Owner).

We are requesting a variance from the city, which if approved, will allow us to construct a 6-foot-high wrought iron fence around our property. This iron fence will add value to the surrounding properties, and will too, help with public safety.

### Please see the attached document:

- 1. Request for neighborhood meeting I am offering up my time to discuss with you, and your neighbor's. I'd like to show you just what we are planning.
- 2. Public Notice of Hearing this is an invitation to attend a ZOOM hearing on October 20, 2020 at 9:00 AM.
- 3. Color Aerial View this is the perimeter of the property we propose to be working in.
- 4. Fence panel exhibit.

Should you need to speak to me, I am available via email, or, by cell phone. If you call me on my cell phone, please, you may leave a message as I may be in meeting.

Thank you,

Steven W. Hernandez
Development Managing Consultants
9320 Menaul Blvd. NE Suite D
Albuquerque, NM 87112
Cell: (505) 228.1401

<image001.jpg>

From:

Bonnie Anderson <andersonbonnie505@gmail.com>

Sent:

Sunday, August 09, 2020 10:44 AM

To:

Steve Hernandez

Subject:

Re: Public Notice to the Homeowners Association and Those in Your Neighborhood

Steve,

This property is part of Martineztown...not Huning Highlands.

Bonnie

On Wed, Aug 5, 2020 at 4:49 PM Steve Hernandez <<u>steve@dmcnm.com</u>> wrote:

### Public Notice to the Homeowners Association and Those in Your Neighborhood

Hello, my name is Steve Hernandez. I am sending out this notice on behalf of the property owners at 405 Martin Luther King Blvd. NE and 401 & 405 Edith Blvd. NE (Adjoining Properties, Same Owner).

We are requesting a variance from the city, which if approved, will allow us to construct a 6-foot-high wrought iron fence around our property. This iron fence will add value to the surrounding properties, and will too, help with public safety.

### Please see the attached document:

- 1. Request for neighborhood meeting I am offering up my time to discuss with you, and your neighbor's. I'd like to show you just what we are planning.
- 2. Public Notice of Hearing this is an invitation to attend a ZOOM hearing on October 20, 2020 at 9:00 AM.
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- 4. Fence panel exhibit.

Should you need to speak to me, I am available via email, or, by cell phone. If you call me on my cell phone, please, you may leave a message as I may be in meeting.

Thank you,

Steven W. Hernandez
Development Managing Consultants
9320 Menaul Blvd. NE Suite D
Albuquerque, NM 87112
Cell: (505) 228.1401

From: Sanchez, Suzanna A. <suzannasanchez@cabq.gov>

Sent: Thursday, August 06, 2020 10:51 AM

To: Steve Hernandez

Subject: RE: Public Notice to the Homeowners Association and Those in Your Neighborhood

Thank you, please keep all documents together to ensure a complete application.

From: Steve Hernandez [mailto:steve@dmcnm.com]

Sent: Wednesday, August 05, 2020 8:09 PM

**To:** Sanchez, Suzanna A. **Cc:** Steve Hernandez

Subject: RE: Public Notice to the Homeowners Association and Those in Your Neighborhood

Suzie, I attached a screen shot of the email that went out to the HOA(s). I blind copied everybody other then you and I. Also, attached is a pic of the letters that I will take to the post office tomorrow. I will get a receipt/confirmation...

Thank you,

Steven W. Hernandez Development Managing Consultants 9320 Menaul Blvd. NE Suite D Albuquerque, NM 87112 Off. Direct: (505) 296.7100

Fax: (505) 296.7105 Cell: (505) 228.1401

### **DEVELOPMENT MANAGING CONSULTANTS**

PROFESSIONAL CONSTRUCTION MANAGERS & CONSULTING ENGINEERS

From: Steve Hernandez <steve@dmcnm.com> Sent: Wednesday, August 05, 2020 5:50 PM

To: Steve Hernandez <steve@dmcnm.com>; 'Sanchez, Suzanna A.' <suzannasanchez@cabq.gov>

Subject: Public Notice to the Homeowners Association and Those in Your Neighborhood

**Importance:** High

### Public Notice to the Homeowners Association and Those in Your Neighborhood

Hello, my name is Steve Hernandez. I am sending out this notice on behalf of the property owners at 405 Martin Luther King Blvd. NE and 401 & 405 Edith Blvd. NE (Adjoining Properties, Same Owner).

We are requesting a variance from the city, which if approved, will allow us to construct a 6-foot-high wrought iron fence around our property. This iron fence will add value to the surrounding properties, and will too, help with public safety.

Please see the attached document:

1. Request for neighborhood meeting - I am offering up my time to discuss with you, and your neighbor's. I'd like to show you just what we are planning.

- 2. Public Notice of Hearing this is an invitation to attend a ZOOM hearing on October 20, 2020 at 9:00 AM.
- 3. Color Aerial View this is the perimeter of the property we propose to be working in.
- 4. Fence panel exhibit.

Should you need to speak to me, I am available via email, or, by cell phone. If you call me on my cell phone, please, you may leave a message as I may be in meeting.

Thank you,

Steven W. Hernandez
Development Managing Consultants
9320 Menaul Blvd. NE Suite D
Albuquerque, NM 87112
Cell: (505) 228.1401

### **DEVELOPMENT MANAGING CONSULTANTS**

PROFESSIONAL CONSTRUCTION MANAGERS & CONSULTING ENGINEERS

This message has been analyzed by Deep Discovery Email Inspector.

From:

David Tanner <david@contextabg.com>

Sent:

Friday, August 07, 2020 1:18 PM

To:

Steve Hernandez

Cc:

Sanchez, Suzanna A.; Bill Bice; Bonnie Anderson; David Mahlman; Josh Rogers; Lauren Green; Lisa Adkins; Moises Gonzalez; Richard van Schouwen; Rob Dickson; Terry Keene;

Tim McGivern; Todd Walters; Vince DiGregory

Subject:

Re: Public Notice to the Homeowners Association and Those in Your Neighborhood

Steve,

Thanks for reaching out. The EDo NA Board met yesterday via Zoom and discussed your request briefly. The Board did not have objections to your request for a 6-foot fence variance on these commercial properties. The Board also recognizes that these properties are just outside our jurisdiction and will yield to the perspective of the appropriate neighborhood association(s).

Thank you,
David Tanner
President, EDo

On Wed, Aug 5, 2020 at 5:49 PM Steve Hernandez <steve@dmcnm.com> wrote:

### Public Notice to the Homeowners Association and Those in Your Neighborhood

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Steven W. Hernandez Development Managing Consultants 9320 Menaul Blvd. NE Suite D Albuquerque, NM 87112 Cell: (505) 228.1401

### **DEVELOPMENT MANAGING CONSULTANTS**

PROFESSIONAL CONSTRUCTION MANAGERS & CONSULTING ENGINEERS

From:

Steve Hernandez <steve@dmcnm.com>

Sent:

Wednesday, August 05, 2020 5:50 PM

To:

Steve Hernandez (steve@dmcnm.com); 'Sanchez, Suzanna A.'

Subject:

Attachments:

Public Notice to the Homeowners Association and Those in Your Neighborhood

REQUEST FOR NEIGHBORHOOD MEETING-v1.pdf; 405 MLK - 401 & 405 Edith Blvd. Iron Fence Layout\_Image1.pdf; Rackable fence Exhibit 70-94inch.pdf; October Zoom - Public Notice of

Hearing.pdf

Importance:

High

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leave a message as I may be in meeting.

Thank you,

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Albuquerque, NM 87112
Cell: (505) 228.1401

### **DEVELOPMENT MANAGING CONSULTANTS**

PROFESSIONAL CONSTRUCTION MANAGERS & CONSULTING ENGINEERS

Neishborhood Meeting @ Site
Sign in Sheet 8-19-20 1:00 PM

Steve Heenander 228-1401

ROSLYN KLOUPPER 450-13-TG

Aleura Martinez 263-2664

Risti Howde 366-1439

Renee Martinez 410-8126

### **REQUEST FOR NEIGHBORHOOD MEETING**

| Date: _08-05-2020   |
|---|
| To Whom This May Concern:   |
| I am requesting approval from the Zoning Hearing Examiner within the City of Albuquerque for a conditional use or variance to allow <u>for a 6 foot high perimeter view fence to be constructed around</u>  |
| the property. The see through view fence will be constructed out of wrought iron tube steel. Access controlle   |
| gates will be provided at the driveway entry point location for access. (summary of request).   |
| Property owner Steve Nakamura   |
| Agent if applicable Steven W. Hernandez (Development Managing Consultants) (AKA - DMC)  |
| Property Address: 401 & 405 Edith Blvd. NE , Albuquerque, NM, 87102 (zip code).  Property Address: 405 Martin Luther King Blvd. NE, Albuquerque, New Mexico 87102   |
| This letter is an offer to meet with you to provide additional information. If you wish to meet, please respond within 15 days. If you do not want to meet, or you support the proposal, please let me know. You are more than welcome to call me or email at the contact information provided below. |
| Thank you,  |
| Applicant Name Steven Hernandez   |
| Email steve@dmcnm.com   |
| Phone Number <u>505-228-1401</u>  |

The City may require the applicant to attend a City-sponsored facilitated meeting with the Neighborhood Associations whose boundaries include or are adjacent to the proposed project, based on the complexity and potential impacts of a proposed project. For more information, please contact the ZHE Administrative Assistant Suzie Sanchez at 505-924-3894 or <a href="mailto:suzannasanchez@cabq.gov">suzannasanchez@cabq.gov</a>.

Please note: "You may submit written comments to the Zoning Hearing Examiner up to 6 days before the hearing (5pm on the Wednesday before the hearing). Written comments received after that deadline will not be taken into consideration for this application.

### **Public Notice of Hearing**

| To Whom This May Concern:                  | 0.0  |
|--|--|
| I am requesting approval from the Zonin    | g Hearing Examiner within the City of Albuquerque for            |
|  | num of allowable height of 3ft to allow for a 6ft high iron view |
|  | m Wall Height Per IDO 5-7(D)(1)                                  |
| (Summary of request). 3-7 (D) Waxing       | Transfer of 150 or 15/1/   |
| Property owner: Steve Nakamura             | •  |
|  |  |
| Agent (If applicable): Steven W. Hernand   | ez of Development Managing Consultants (DMC)                     |
| Property Address: 405 Martin Luther King I | Blvd NF. Albuquerque, NM, 87102                                  |
| Property Address. 400 Martin Edition 1 mg  |  |
| Property Address: Both 401 & 405 Edith B   | lvd. NE, Albuquerque, NM, 87102                                  |
|  |  |
|  |  |
| A hearing will be held                     | i on <u>October 20, 2020</u> beginning at 9:00AM via ZOOM.       |
| A fical lig will be field                  | TOTI OCTOBEL EQ. EQES SOSIIIIIIS AT PIOTAL TAX AT THE            |
|  | Join Zoom Meeting  |
| ht   | ttps://cabq.zoom.us/j/7044490999                                 |
|  | Meeting ID: 704 449 0999   |
|  | One tap mobile   |
|  | 99006833,,7044490999# US (San Jose)                              |
| +125                                       | 32158782,,7044490999# US (Tacoma)                                |
|  | Dial by your location  |
|  | +1 669 900 6833 US (San Jose)                                    |
|  | +1 253 215 8782 US (Tacoma)                                      |
|  | +1 301 715 8592 US (Germantown)                                  |
|  | +1 312 626 6799 US (Chicago)                                     |
|  | +1 346 248 7799 US (Houston)                                     |

Thank you,

Date: 08-05-2020

Applicant's Name: Steven Hernandez

Applicant's Number or Email Address: steve@dmcnm.com

For more information, please contact the ZHE Administrative Assistant Suzie Sanchez at 505-924-3894 or suzannasanchez@cabq.gov.

\*\*Please note: "You may submit written comments to the Zoning Hearing Examiner up to 6 days before the hearing (5pm on the Wednesday before the hearing). Written comments received after that deadline may result in deferral.

+1 646 558 8656 US (New York)

Meeting ID: 704 449 0999

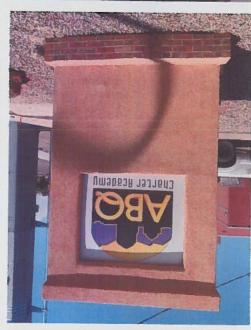
Find your local number: https://cabq.zoom.us/u/a2s7T1dnA









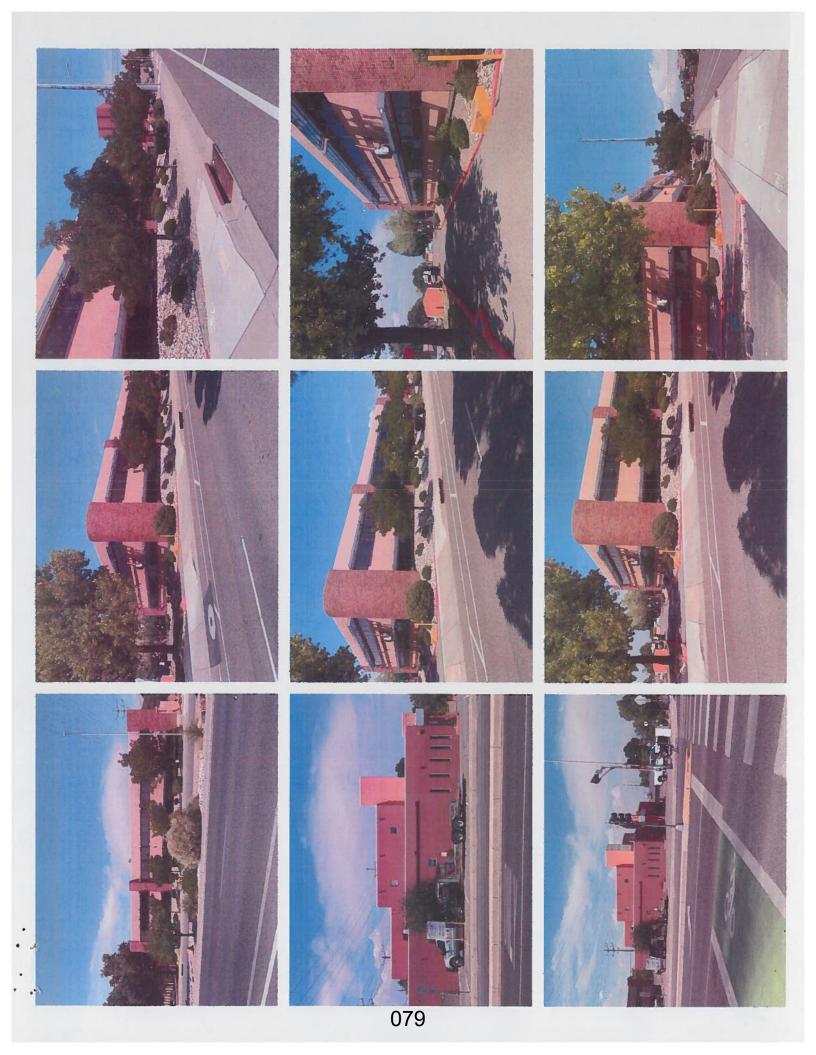


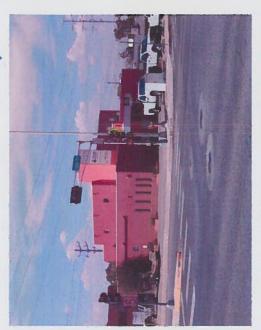










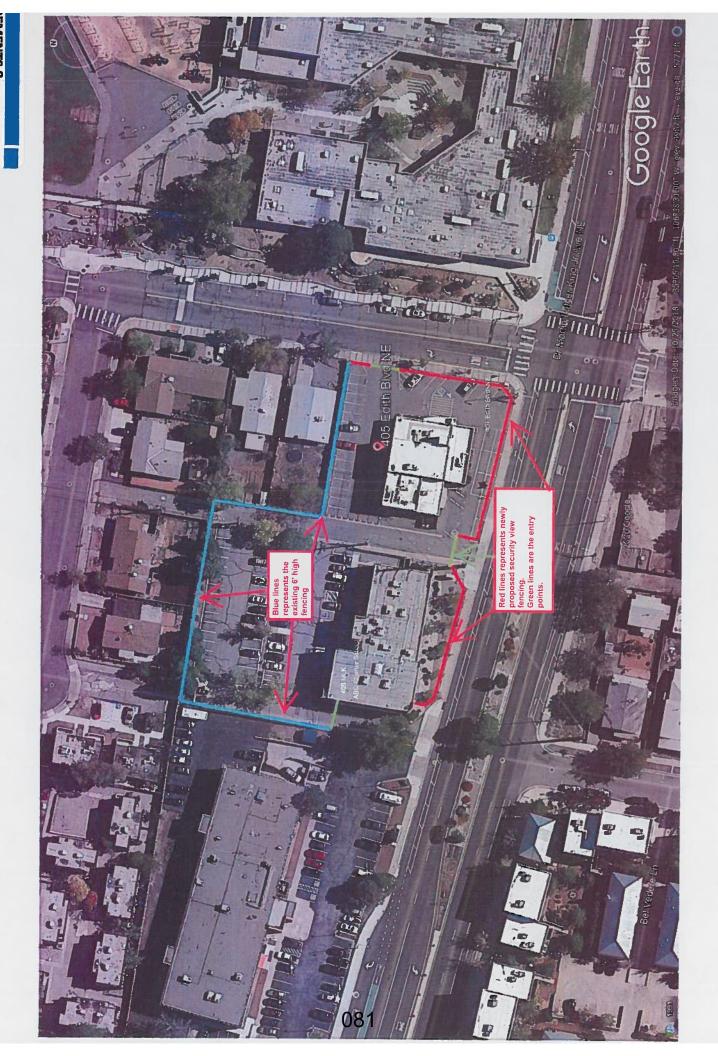




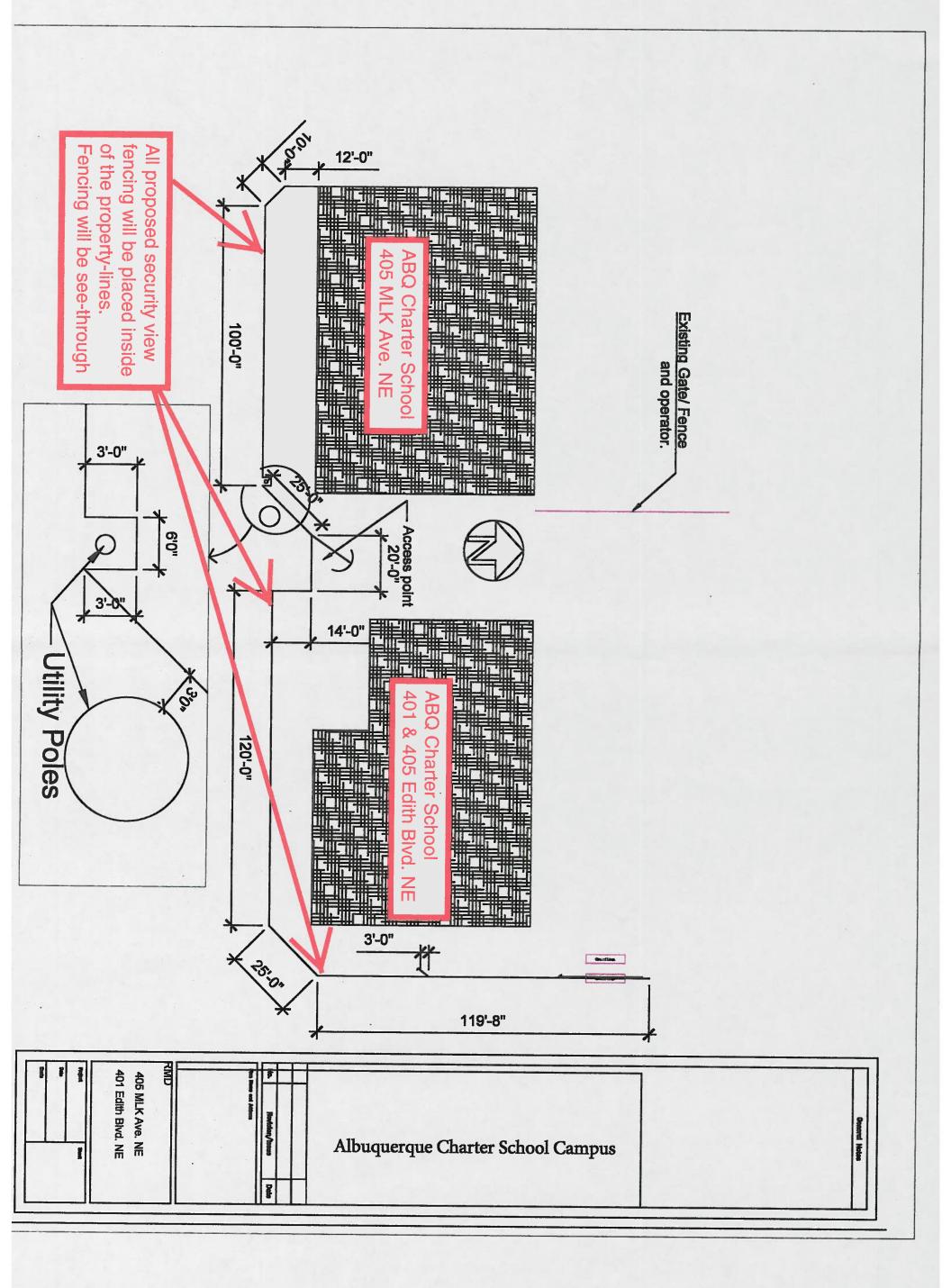


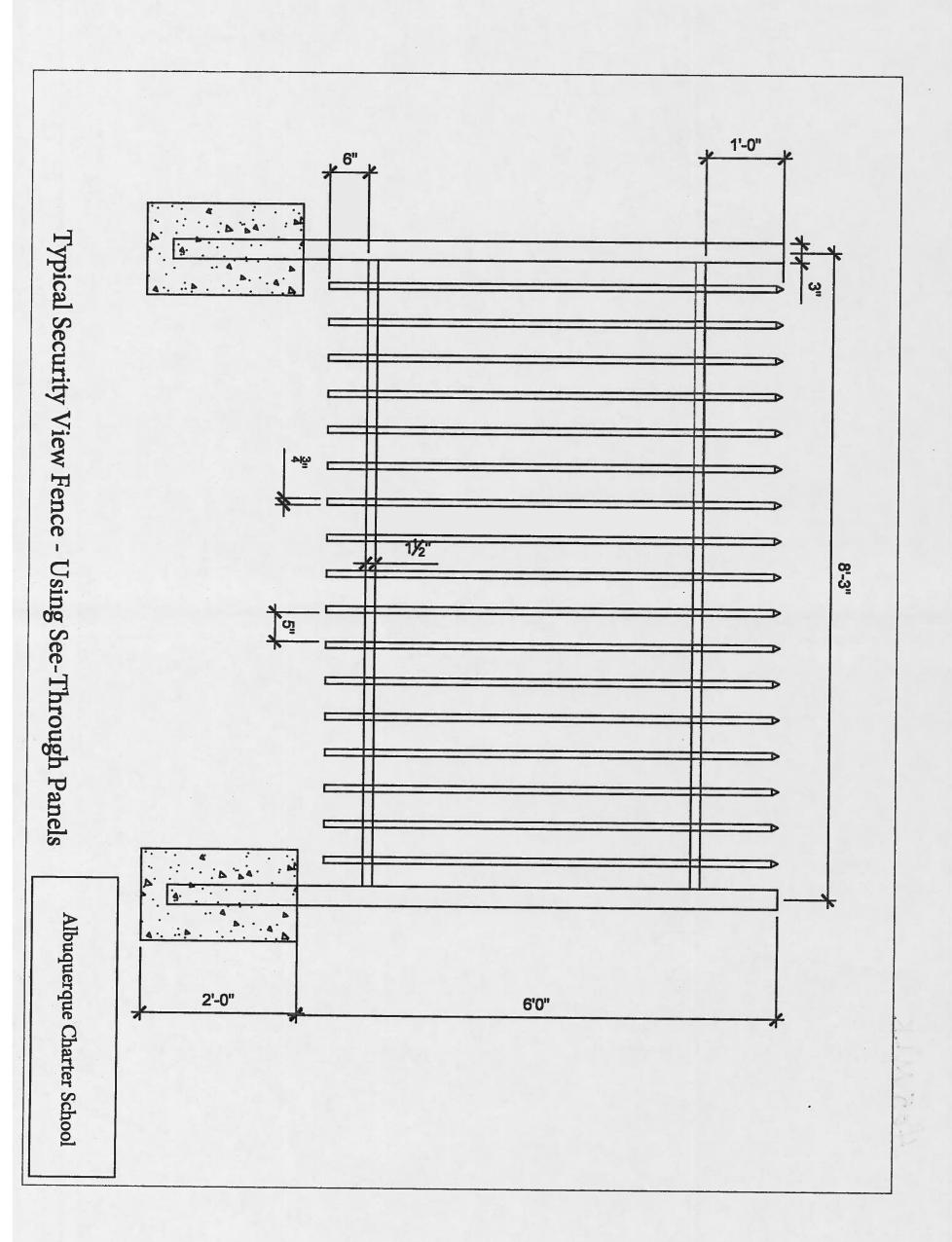












### **VARIANCE JUSTIFICATION - GENERAL**

Zoning Hearing Examiner City of Albuquerque 600 2<sup>nd</sup> Street NW, 3<sup>rd</sup> Floor Albuquerque, NM 87102

| RE: Request for Variance of 3 feet to the maximum allowable height of 3 feet for a 6 foot high                        |
|---|
| proposed see-through wrought iron security view fence. This at the (3) three listed properties below.                 |
| at 405 Martin Luther King Ave & 401 Edith & 405 Edith Blvd. NE (address of the subject property).                     |
| These 3 properties are connected and are owner by the same owner. (This is the campus for ABQ Charter School          |
| 1) There are special circumstances applicable to the subject property that are not self-imposed and                   |
| that do not apply generally to other property in the same zone district and vicinity. Those special                   |
| circumstances create a hardship because - this request is based on the large amount of criminal activity              |
| in our parking lot, and the unsanitary conditions of vagrants using our property as a toilet. This in addition to     |
| them sleeping on our campus both in the day and at night. Our teachers cars have also been broken into.               |
| CHOIN GOODING ON CO. CONTROL CO. IN C.  |
| 2) The Variance will not be materially contrary to the public safety, health, or welfare because                      |
| On the contrary, this view fence is designed to help with the security and public health, safety and the              |
| welfare of the kids/students being educated at this location, Albuquerque Charter School campus.                      |
| We are also seeking a safe place for our teachers, our staff, and the parents of our students                         |
| We are also seeking a sale place for our teachers, our stain, and the parents of our stadents                         |
|   |
| 3) The Variance does not cause adverse impacts on surrounding properties or infrastructure                            |
| improvements in the vicinity because by design, this aesthetically calming and pleasing perimeter view                |
| fence, being see-through, and matching the color of the existing fencing, will enhance this corner and road           |
| frontage. This will add to the character and safety to the community and the surrounding area.                        |
| Security and life safety is tantamount for all the kids at ABQ Charter School. This is the GOAL with this request!    |
| 4) The Variance will not materially undermine the intent and purpose of this IDO or the applicable                    |
|   |
| zone district because this project will alien it self with the intent of the IDO and will follow all COA              |
| guild-lines, as well as, with the required permitting processes, in-place as is deemed necessary.                     |
| Public safety is also an important aspect in the IDO, this project will be providing a safe haven for these students. |
| en em 17 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1  |
| 5) The Variance approved is the minimum necessary to avoid extraordinary hardship or practical                        |
| difficulties because our request is founded in being able to offer children/students a safe and secure environment    |
| to study and focus as well as to walk around in an enclosed fenced perimeter campus.                                  |
| Note: these three adjoining/connceted properties consist of the Albuquerque Charter School campus .                   |
|   |
|   |
|   |
|   |
|   |
| Signature Steven W. Hernandez Date August 25, 2020  |
| 7 Tagast Eu, EuL  |



### CITY OF ALBUQUERQUE INVOICE

### **DEVELOPMENT MANAGING CONSULTANTS**

9320 MENAUL BLVD NE STE D

Reference NO: VA-2020-00307 **Customer NO: CU-79752122** 

Date

Description

**Amount** 

9/02/20

**Application Fee** 

\$210.00

Due Date: 9/02/20

Total due for this invoice:

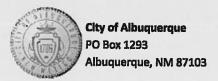
\$210.00

### Options to pay your Invoice:

1. Online with a credit card: http://posse.cabq.gov/posse/pub/lms/Default.aspx

2. In person: Plaza Del Sol, 600 2nd St. NW, Albuquerque, NM 87102

### PLEASE RETURN THE BOTTOM PORTION OF THIS INVOICE NOTICE WITH PAYMENT



Date:

9/02/20

**Amount Due:** 

\$210.00

Reference NO:

VA-2020-00307

Payment Code:

130

**Customer NO:** 

CU-79752122

**DEVELOPMENT MANAGING CONSULTANTS** 9320 MENAUL BLVD NE STE D **ALBUQUERQUE, NM 87112** 

- Ուլիկու Ուգիննեն իկնունիկեր հանկաներներ ին հ



Date: 9/3/2020

Office: WEB Cashier:admin
Batch: 11435 Tran #: 27

\_\_\_\_\_\_

Building Permits

10:52 AM Station ID

Office WEB

Receipt #: 00642697

Reference VA-2020-00306

Trans Amt: \$630.00

130 Building Permit \$210.00

Payment Total: \$210.00

Building Permits

10:52 AM Station ID

Office WEB

Receipt #: 00642698

**Reference** VA-2020-00307 Trans Amt: \$630.00

130 Building Permit \$210.00

Payment Total: \$210.00

Building Permits

10:52 AM Station ID

Office WEB

Receipt #: 00642699

Reference VA-2020-00308

Trans Amt: \$630.00

130 Building Permit \$210.00

Payment Total: \$210.00

-----

Transaction Total: \$630.00

Echeck Tendered: \$630.00

Thank you for your payment.

Have a nice day!



### REQUEST FOR SPECIAL EXCEPTION

M Variance □ Conditional Use □ Other

Interpreter: □ Yes No

VA# 2020-00308 PR# 2020-004381

| Date: 3/10/2020                             | Received By: Marcelo            |                     |
|---|---------------------------------|---------------------|
| Address of Request: 405 Edith Blvd NE       |                                 |                     |
| City: Albuquerque                           | State: NM                       | Zip: 87102          |
| Lot: 5 Block: 4                             | Zone: MX-T Mx-L                 | Map pg. K-14        |
| Subdivision: Belvidere Addn .               | UPC# 101405745548613            |                     |
| Property Owner(s): RM 401405, LLC           |                                 |                     |
| Mailing Address: 9320 Menaul Blvd. NE Ste D |                                 |                     |
| City: Albuquerque                           | State: NM                       | Zip: 87112          |
| Phone: 505-228-1401                         | Email: steve@dmcnm.cc           |                     |
| Agent: Steven Hernandez                     |                                 |                     |
| Mailing Address: 9320 Menaul Blvd. NE       | *                               |                     |
| City: Albuquerque                           | State: NM                       | Zip: 87112          |
| Phone: 505-228-1401                         | Email: steve@dmcnm.co           |                     |
|   | CONTRACTOR OF THE LOS ASSESSED. | Fee Total: \$210.00 |

### **Completed Application Requirements:**

- Copy of relevant IDO section
- o Letter of authorization (if agent representation)
- o Proof of Pre-application Meeting (not required for a variance)
- o Proof that neighborhood meeting requirements were met
- o Proof that public notice requirements were met
- o Photos (site and existing structures)
- Sketch plan
- Justification letter
- Sign posting

Approved for acceptance by:

Date:

Hearing Date: OCT . 20,2020

|                     | ZONI                         | NG OFFICIAL USE ONLY              |                                    |
|---------------------|------------------------------|-----------------------------------|------------------------------------|
| Request for excep   | ption to IDO Section: 14     | 1-16-5-7-D                        |                                    |
| Description of re   | quest: VARIANCE              | OF 3FT TO TH                      | E 3FT MAXIMUM                      |
|                     | WALL HED                     |                                   |                                    |
| Ownership verific   | od on AGIS DP                | roof of ownership included        | ☐ Letter of authorization included |
| Case history number | r(s) from AGIS:              |                                   |                                    |
| APO:                | CPO#                         | HPO#                              | VPO#                               |
| Wall variances not  | allowed in low-density resid | dential development in these 2 as | reas per 5-7(D)(3)(e):             |
| 1) CPO 3            |                              | / College View Historic Dist I    |                                    |
| 2) CPO-8 state      |                              | high, but may request a varianc   |                                    |



### REQUEST FOR SPECIAL EXCEPTION

Interpreter: Yes No

| VA#   | PR#              | <u></u>                 |  |
|---|------------------|-------------------------|--|
| Date: 3/10/2020   | Received By: Ma  | rcelo                   |  |
| Address of Request: 405 Edith Blvd NE   |                  |                         |  |
| City: Albuquerque   | State: NM        | Zip: 87102              |  |
| Lot: 5 Block: 4   | Zone: MX-T       | Map pg. K-14            |  |
| Subdivision: Belvidere Addn   | UPC# 1014057455  | UPC# 101405745548613704 |  |
| Property Owner(s): RM 401405, LLC  Mailing Address: 9320 Menaul Blvd. NE Ste D  City: Albuquerque | State: NM        | Zip: 87112              |  |
| Phone: 505-228-1401   | Email: steve@dmo | enm.com                 |  |
| Agent: Steven Hernandez  Mailing Address: 9320 Menaul Blvd. NE                                    |                  |                         |  |
| City: Albuquerque   | State: NM        | Zip: 87112              |  |
| Phone: 505-228-1401   | Email: steve@dmc |                         |  |
|   |                  | Fee Total: \$210.00     |  |

■ Variance □ Conditional Use □ Other

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- o Letter of authorization (if agent representation)
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- o Proof that public notice requirements were met
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- o Sketch plan
- o Justification letter

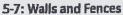
Approved for acceptance by:

o Sign posting

|                                   | ZONING OFFICIAL USE ONLY                         |                                    |
|-----------------------------------|--|------------------------------------|
| Request for exception to IDO Sec  | tion: 14-16-                                     |                                    |
| Description of request:           |  |                                    |
|                                   |  |                                    |
| ☐ Ownership verified on AGIS      | ☐ Proof of ownership included                    | ☐ Letter of authorization included |
| Case history number(s) from AGIS: |  |                                    |
|                                   |  | * *** ** **                        |
| APO: CPO#                         | HPO#   | VPO#                               |
| APO: CPO#                         | HPO# sity residential development in these 2 are |                                    |

Date:

**Hearing Date:** 



### 5-7(C) WALL LOCATION

Walls-may be constructed anywhere on a parcel, including but not limited to any 5-7(C)(1) front, side, or rear setback area, unless otherwise prohibited by this IDO, by Articles 14-1 and 14-3 of ROA 1994 (Uniform Administrative Code and Uniform Housing Code), Article 14-2 of ROA 1994 (Fire Code), or by clear sight triangle requirements in the Development Process Manual (DPM).

Walls may be constructed without any setback from a property line, unless 5-7(C)(2) otherwise prohibited by this IDO, by Articles 14-1 or 14-3 of ROA 1994 (Uniform Administrative Code and Uniform Housing Code), Article 14-2 of ROA 1994 (Fire Code), or by clear sight triangle requirements in the DPM. Walls may not encroach onto any public right-of-way without the prior written approval from the City Engineer and may not encroach onto any adjacent property without prior written approval of that property owner.

### **MAXIMUM WALL HEIGHT**

### 5-7(D)(1) Maximum Wall Height Table

Unless specified otherwise in this IDO, walls shall comply with the height standards in Table 5-7-1.

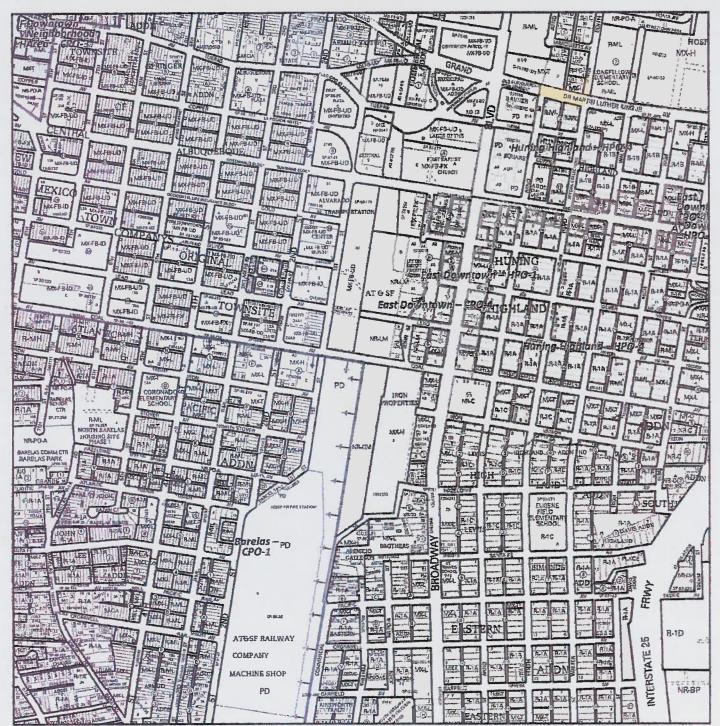
| Table 5-7-1: Maximum  | Wall Height    | Track (See Add   |                                  |                                    |                           |
|---|----------------|--|----------------------------------|------------------------------------|---------------------------|
| Zone Constany   | Rediction      | Milked use   | Non-residential<br>INR-C, NE-BR) | Non-residentia)<br>(DRAIN, PROGNI) | Sine plan                 |
| Standard Wall Relight   |                | THE PARTY OF THE P |                                  |                                    |                           |
| Wall in the front yard or street side yard <sup>[1]</sup> .                 | 3 ft.          | 3 ft.  | 3 ft.                            | 6 ft.                              | 5-7(D)(2)                 |
| Wall in other locations on the lot <sup>[2](3)</sup>                        | 8 ft           |  | 8ft                              |                                    | 5-7(D)(2)                 |
| come localmung needed   | តែ ស្នាខ័មត្រ  | idi 💮 🕹  |                                  |                                    |                           |
| Any portion of a wall in the r  | ear yard abutt | ing the front yard   | of a Residential zon             | e district.                        |                           |
| <10 ft. from the lot line abutting the street <sup>[1]</sup>                | 3 ft.          | 3 ft.  | 3 ft.                            | · 6 ft.                            | 5-7(D)(2)<br>5-7(D)(3)(d) |
|   |                | 8.ft.  | engerstaar reneralisas arvita    | servere plane and address          |                           |
| ≥10 ft. from the lot line<br>abutting the street                            | 6 ft.          | Low -density residential: 6ft.   | 8 ft.                            | 8 ft.                              | 5-7(D)(2)                 |
| Walls Audithor Maler Arrev  | os and Major   | Public Open Spar   |                                  |                                    |                           |
| Wall in a rear or interior side yard abutting a major arroyo                | 6 ft.          | 8 ft.  | 8 ft.                            | 8 ft.                              | 5-7(D)(2)<br>5-7(E)(4)    |
| Wall in a rear or interior<br>side yard abutting Major<br>Public Open Space | 6 ft.          | 6 ft.  | 6 ft.                            | 10 ft.                             | 5-7(D)(2)<br>5-7(E)(4)    |

[1] A Variance - ZHE for a wall greater than 3 ft. in height on a lot with low-density residential development may be approved pursuant to the criteria in Subsection 14-16-6-6(N)(3)(c) (Variance for a Taller Front or Side Yard Wall) If it meets the standards in Table 5-7-2.

[2] Portion of walls in the rear yard abutting the front yard of a Residential zone district are treated differently, with provisions later in this

[3] Where the rear yard of a through lot abuts at least 1 lot with any residential development that faces the second public street, the rear and side walls shall be subject to the same height restrictions applicable within the required front setback of the abutting residential property.





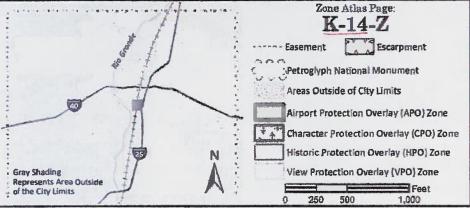
For more details about the Integrated Development Ordinance visit: http://www.cabq.gov/planning/codes-policies-regulations/integrated-development-ordinance

### IDO Zone Atlas May 2018



IDO Zoning information as of May 17, 2018

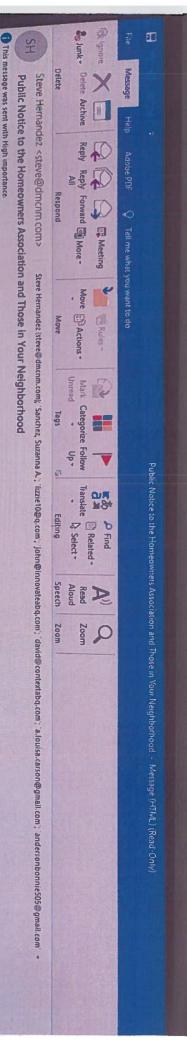
The Zone Districts and Overlay Zones
are established by the
Integrated Development Ordinance (IDO).



### Letter of Authorization

| Date: 05/11/2020  |        |                |   |
|---|--------|----------------|---|
| Project #   |        |                |   |
| ZHE#  |        | *:             |   |
|   |        |                |   |
| I, Steve Nakamura (RM 401-405, LLC) hereby authorize act on my behalf in all matters relating to this application for Spe |        |                | -                                       |
| account and an energy contribute to this abbreactors for the  |        | ALTHER TOT HIS | hioheira                                |
| located at 405 Edith Blvd NF (Lot 5, Block 4) Albuquerque, NM   | 187102 |                | *************************************** |
| located at 405 Edith Blvd. NE (Lot 5, Block 4) Albuquemue, NM   | 187102 |                |   |
| Property Owner(s)* (Applicant) Printed Name 2m 40   |        |                | •                                       |
|   |        | -              |   |

<sup>\*</sup> Where a property has more than one owner, all owners must consent in writing to the filing of the application to the maximum extent practicable. In the case that not all of the property owners have consented in writing to the application, or when the ownership status of some parties is unclear (as shown on a title abstract or title insurance commitment), the owner shall attest in writing that all of the property owners shown on a title abstract or title insurance commitment have been notified of the application in writing at their last known address as shown on the property tax records of Bernalillo County.



REQUEST FOR NEIGHBORHOOD MEETING-v1. pdf .pdf File <

405 MLK - 401 & 405 Edith Blvd. Iron Fence Layout\_Image1.pdf .pdf File <

Rackable fence Exhibit 70-94inch.pdf

<

October Zoom - Public Notice of Hearing.pc

## Public Notice to the Homeowerers Association and Those in Your Neighborhood

Helio, my name is Steve Hernandez. I am sending out this notice on behalf of the property owners at 405 Martin Luther King Blvd. NE and 401 & 405 Edith Blvd. NE (Adjoining Properties, Same Owner)

We are requesting a variance from the city, which if approved, will allow us to construct a 6-foot-high wrought fron fence around our property. This fron fence will add value to the surrounding properties, and will too, help with public safety Please see the attached document:

- Request for neighborhood meeting I am offering up my time to discuss with you, and your neighbor's. I'd like to show you just what we are planning. Public Notice of Hearing Itsis is an invitation to attend a ZOOM hearing on October 29, 2020 at 9.09 AM. Color Aerial View Ithis is the perimeter of the property we propose to be working in.
- Fence panel exhibit

Should you need to speak to me, I am available via email, or, by cell phone. If you call me on my cell phone, please, you may leave a message as I may be in meeting.

Thank you,

Steven W. Hemandez **Development Managing Consultants** 9320 Menaul Blvd NE Suite D Cell: (505) 228 1401 Albuquerque, NM 87112

## DEVELOPMENT MANAGING CONSULTANTS

PROFESSIONAL CONSTRUCTION MANAGERS & CONSULTING ENGINEERS

#

3

**41** 

do do

2

S From: To:

Steve Hernandez (steve@dmcnm.com); "Sanchez, Suzanna A."

Public Notice to the Homeowners Association and Those in Your Neighborhood "lizzie10@g.com"; "john@innovateabg.com"; "david@contextabg.com"; "a.louisa.carson@gmail.com"; "andersonbonnie505@gmail.com"

Subject:

Attachments:

Wednesday, August 05, 2020 5:49:00 PM

405 MLK - 401 & 405 Edith Blvd. Iron Fence Layout Image1.pdf REQUEST FOR NEIGHBORHOOD MEETING-v1.pdf

October Zoom - Public Notice of Hearing.pdf Rackable fence Exhibit 70-94inch.pdf

Importance:

護

# Public Notice to the Homeowners Association and Those in Your Neighborhood

Martin Luther King Bivd. NE and 401 & 405 Edith Bivd. NE (Adjoining Properties, Same Owner). Hello, my name is Steve Hernandez. I am sending out this notice on behalf of the property owners at 405

wrought iron fence around our property. This iron fence will add value to the surrounding properties, and will too, help with public safety. We are requesting a variance from the city, which if approved, will allow us to construct a 6-foot-high

### Please see the attached document:

- Request for neighborhood meeting I am offering up my time to discuss with you, and your neighbor's. I'd like to show you just what we are planning.
- 'n Public Notice of Hearing - this is an invitation to attend a ZOOM hearing on October 20, 2020 at 9:00 AM.
- 3. Color Aerial View this is the perimeter of the property we propose to be working in.
- Fence panel exhibit.

phone, please, you may leave a message as I may be in meeting. Should you need to speak to me, I am available via email, or, by cell phone. If you call me on my cell

Thank you,

Cell: (505) 228.1401 Albuquerque, NM 87112 Steven W. Hernandez 9320 Menaul Blvd. NE Suite D **Development Managing Consultants** 

DMC Logo Top

From:

Steve Hernandez <steve@dmcnm.com>

Sent:

Wednesday, August 05, 2020 5:50 PM

To:

Steve Hernandez (steve@dmcnm.com); 'Sanchez, Suzanna A.'

Subject:

Public Notice to the Homeowners Association and Those in Your Neighborhood

REQUEST FOR NEIGHBORHOOD MEETING-v1.pdf; 405 MLK - 401 & 405 Edith Blvd. Iron Fence

Layout\_Image1.pdf; Rackable fence Exhibit 70-94inch.pdf; October Zoom - Public Notice of

Hearing.pdf

Importance:

Attachments:

High

### Public Notice to the Homeowners Association and Those in Your Neighborhood

Hello, my name is Steve Hernandez. I am sending out this notice on behalf of the property owners at 405 Martin Luther King Blvd. NE and 401 & 405 Edith Blvd. NE (Adjoining Properties, Same Owner).

We are requesting a variance from the city, which if approved, will allow us to construct a 6-foot-high wrought iron fence around our property. This iron fence will add value to the surrounding properties, and will too, help with public safety.

### Please see the attached document:

- 1. Request for neighborhood meeting I am offering up my time to discuss with you, and your neighbor's. I'd like to show you just what we are planning.
- 2. Public Notice of Hearing this is an invitation to attend a ZOOM hearing on October 20, 2020 at 9:00 AM.
- 3. Color Aerial View this is the perimeter of the property we propose to be working in.

4. Fence panel exhibit.

Should you need to speak to me, I am available via email, or, by cell phone. If you call me on my cell phone, please, you may

leave a message as I may be in meeting.

Thank you,

Steven W. Hernandez
Development Managing Consultants
9320 Menaul Blvd. NE Suite D
Albuquerque, NM 87112
Cell: (505) 228.1401

### **DEVELOPMENT MANAGING CONSULTANTS**

PROFESSIONAL CONSTRUCTION MANAGERS & CONSULTING ENGINEERS

Neighborhood Meeting @ 5:te Sign in 5 heet 8-19-20 1:00 PM Steve Heenander 228-1401 ROSLYN KLOEPPER 450-13-TO Albura Martinez 292-3959 Richard Martinez 263-2664 Renee Martinez 410-8122 Renee Martinez 410-8122

From:

Steve Hernandez <steve@dmcnm.com>

Sent:

Tuesday, August 25, 2020 10:12 AM

To:

'CenturyLink Customer'

Cc:

Steve Hernandez - IPad

**Subject:** Attachments:

RE: Public Notice to the Homeowners Association and Those in Your Neighborhood Abq Charter Campus\_Frontage Fence Design Layout - MLK & 401 Edith NE.pdf; ABQ

Charter Campus - MLK & 401 Edith NE \_ View-fence panel Exhibit.pdf

Hello Richard! It was nice meeting with your association's homeowners last week!

Attached is the fence layout as discussed on Wednesday. It shows all the frontage layout and proposed measurements therewith.

Please call me if you have questions.

Thank you,

Steven W. Hernandez **Development Managing Consultants** 9320 Menaul Blvd. NE Suite D Albuquerque, NM 87112 Cell: (505) 228.1401

### **DEVELOPMENT MANAGING CONSULTANTS**

PROFESSIONAL CONSTRUCTION MANAGERS & CONSULTING ENGINEERS

From: CenturyLink Customer < lizzie10@q.com> Sent: Monday, August 17, 2020 10:10 PM To: Steve Hernandez <steve@dmcnm.com>

Subject: Re: Public Notice to the Homeowners Association and Those in Your Neighborhood

Thanks, see you Wednesday,

From: "Steve Hernandez" <steve@dmcnm.com>

To: "ELIZABETH HALL" < lizzie10@g.com> Sent: Monday, August 17, 2020 1:25:35 PM

Subject: Re: Public Notice to the Homeowners Association and Those in Your Neighborhood

Richard, I am looking forward to seeing you on Wednesday at 1 o'clock! Thank you for sending the email.

Thank you,

Steve Hernandez

Development Managing Consultants 505-228-1401 Sent from my iPad

On Aug 13, 2020, at 10:23 PM, CenturyLink Customer < iizzie10@q.com> wrote:

Steve,

thanks, as we discussed on the phone, I and a few others from the neighborhood would like to meet with you.

Place - On site, Edith and MLK

Date - August 19, 2020 (Wednesday)

Time - 1:00 pm

See you then, thanks. Richard Martinez 263-2664

From: "Steve Hernandez" < steve@dmcnm.com>

To: "ELIZABETH HALL" < lizzie10@q.com>

Cc: "Steve Hernandez" < steve@dmcnm.com >, "Sanchez, Suzanna A."

<suzannasanchez@cabq.gov>

Sent: Thursday, August 13, 2020 5:27:49 AM

Subject: RE: Public Notice to the Homeowners Association and Those in Your

Neighborhood

Thanks Richard! Please, call me on my cell phone, the number is 505-228-1401. I will make myself available most anytime you can get your group together. And, if it ends up being just you and i, then we can meet and you can report back to your peoples... thanks again!

Thank you,

Steven W. Hernandez
Development Managing Consultants
9320 Menaul Blvd. NE Suite D
Albuquerque, NM 87112
Off. Direct; (505) 296.7100
Fax; (505) 296.7105
Celt; (505) 228.1401

### <image001.jpg>

From: CenturyLink Customer < <a href="mailto:lizzie10@q.com">lizzie10@q.com</a>>
Sent: Wednesday, August 12, 2020 10:12 PM
To: Steve Hernandez < <a href="mailto:steve@dmcnm.com">steve@dmcnm.com</a>>

Subject: Re: Public Notice to the Homeowners Association and Those in Your Neighborhood

### Steve

I agree, the best place to meet is at the site. Let me check with a few people who would like to attend, and then I will call you to schedule a date and time.

### thanks, richard martinez 263-2664

From: "Steve Hernandez" < steve@dmcnm.com>

To: "ELIZABETH HALL" < lizzie10@g.com>

Cc: "Steve Hernandez" < steve@dmcnm.com >, "Sanchez, Suzanna A."

<suzannasanchez@cabq.gov>

Sent: Wednesday, August 12, 2020 6:29:50 AM

Subject: RE: Public Notice to the Homeowners Association and Those in Your

Neighborhood

Richard, thank you for your email! I will be calling you. What is the best time for you and yours' to meet? I would suggest we meet at the property on the corner of MLK and Edith. This is where the installation is going to take place and is a good place to be in the open practicing social distancing...

Thank you,

Steven W. Hernandez
Development Managing Consultants
9320 Menaul Blvd. NE Suite D
Albuquerque. NM 87112
Off. Direct: (505) 296.7100
Fax: (505) 296.7105
Cell: (505) 228.1401

### <image001.jpg>

From: CenturyLink Customer < <a href="mailto:lizzie10@q.com">lizzie10@q.com</a>>
Sent: Tuesday, August 11, 2020 10:18 PM
To: Steve Hernandez < steve@dmcnm.com>

Subject: Re: Public Notice to the Homeowners Association and Those in Your Neighborhood

Steve, hi. hope all is well with you.

I am Richard Martinez, president of the South Martineztown neighborhood association (CICM).

i would like to meet with you to discuss the fence project, it would be me and some other people from the neighborhood.

Please call me so we can arrange a time, date, and place.

Richard Martinez 505-263-2664

From: "Steve Hernandez" < steve@dmcnm.com>

To: "Steve Hernandez" <steve@dmcnm.com>, "Sanchez, Suzanna A."

<suzannasanchez@cabq.gov>

Sent: Wednesday, August 5, 2020 5:49:47 PM

Subject: Public Notice to the Homeowners Association and Those in Your

Neighborhood

### Public Notice to the Homeowners Association and Those in Your Neighborhood

Hello, my name is Steve Hernandez. I am sending out this notice on behalf of the property owners at 405 Martin Luther King Blvd. NE and 401 & 405 Edith Blvd. NE (Adjoining Properties, Same Owner).

We are requesting a variance from the city, which if approved, will allow us to construct a 6-foot-high wrought iron fence around our property. This iron fence will add value to the surrounding properties, and will too, help with public safety.

### Please see the attached document:

- 1. Request for neighborhood meeting I am offering up my time to discuss with you, and your neighbor's. I'd like to show you just what we are planning.
- 2. Public Notice of Hearing this is an invitation to attend a ZOOM hearing on October 20, 2020 at 9:00 AM.
- 3. Color Aerial View this is the perimeter of the property we propose to be working in.
- 4. Fence panel exhibit.

Should you need to speak to me, I am available via email, or, by cell phone. If you call me on my cell phone, please, you may leave a message as I may be in meeting.

Thank you,

Steven W. Hernandez
Development Managing Consultants
9320 Menaul Blvd. NE Suite D
Albuquerque, NM 87112
Cell: (505) 228.1401

<image001.jpg>

From:

Bonnie Anderson <andersonbonnie505@gmail.com>

Sent:

Sunday, August 09, 2020 10:44 AM

To:

Steve Hernandez

Subject:

Re: Public Notice to the Homeowners Association and Those in Your Neighborhood

Steve,

This property is part of Martineztown...not Huning Highlands.

Bonnie

On Wed, Aug 5, 2020 at 4:49 PM Steve Hernandez < steve@dmcnm.com > wrote:

### Public Notice to the Homeowners Association and Those in Your Neighborhood

Hello, my name is Steve Hernandez. I am sending out this notice on behalf of the property owners at 405 Martin Luther King Blvd. NE and 401 & 405 Edith Blvd. NE (Adjoining Properties, Same Owner).

We are requesting a variance from the city, which if approved, will allow us to construct a 6-foot-high wrought iron fence around our property. This iron fence will add value to the surrounding properties, and will too, help with public safety.

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- 4. Fence panel exhibit.

Should you need to speak to me, I am available via email, or, by cell phone. If you call me on my cell phone, please, you may leave a message as I may be in meeting.

Thank you,

Steven W. Hernandez Development Managing Consultants 9320 Menaul Blvd. NE Suite D Albuquerque, NM 87112 Cell: (505) 228.1401

From: Sanchez, Suzanna A. <suzannasanchez@cabq.gov>

Sent: Thursday, August 06, 2020 10:51 AM

To: Steve Hernandez

Subject: RE: Public Notice to the Homeowners Association and Those in Your Neighborhood

Thank you, please keep all documents together to ensure a complete application.

From: Steve Hernandez [mailto:steve@dmcnm.com]

Sent: Wednesday, August 05, 2020 8:09 PM

To: Sanchez, Suzanna A. Cc: Steve Hernandez

Subject: RE: Public Notice to the Homeowners Association and Those in Your Neighborhood

Suzie. I attached a screen shot of the email that went out to the HOA(s). I blind copied everybody other then you and I. Also, attached is a pic of the letters that I will take to the post office tomorrow. I will get a receipt/confirmation...

Thank you,

Steven W. Hernandez
Development Managing Consultants
9320 Menaul Blvd. NE Suite D
Albuquerque, NM 87112
Off. Direct. (505) 296.7100

Fax: (505) 296.7105 Cell: (505) 228.1401

### **DEVELOPMENT MANAGING CONSULTANTS**

PROFESSIONAL CONSTRUCTION MANAGERS & CONSULTING ENGINEERS

From: Steve Hernandez <steve@dmcnm.com> Sent: Wednesday, August 05, 2020 5:50 PM

To: Steve Hernandez <steve@dmcnm.com>; 'Sanchez, Suzanna A.' <suzannasanchez@cabq.gov>

Subject: Public Notice to the Homeowners Association and Those in Your Neighborhood

Importance: High

### Public Notice to the Homeowners Association and Those in Your Neighborhood

Hello, my name is Steve Hernandez. I am sending out this notice on behalf of the property owners at 405 Martin Luther King Blvd. NE and 401 & 405 Edith Blvd. NE (Adjoining Properties, Same Owner).

We are requesting a variance from the city, which if approved, will allow us to construct a 6-foot-high wrought iron fence around our property. This iron fence will add value to the surrounding properties, and will too, help with public safety.

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Thank you,

Steven W. Hernandez Development Managing Consultants 9320 Menaul Blvd. NE Suite D Albuquerque, NM 87112 Cell: (505) 228.1401

### **DEVELOPMENT MANAGING CONSULTANTS**

PROFESSIONAL CONSTRUCTION MANAGERS & CONSULTING ENGINEERS

This message has been analyzed by Deep Discovery Email Inspector.

From:

David Tanner <david@contextabq.com>

Sent:

Friday, August 07, 2020 1:18 PM

To:

Steve Hernandez

Cc:

Sanchez, Suzanna A.; Bill Bice; Bonnie Anderson; David Mahlman; Josh Rogers; Lauren Green; Lisa Adkins; Moises Gonzalez; Richard van Schouwen; Rob Dickson; Terry Keene;

Tim McGivern; Todd Walters; Vince DiGregory

Subject:

Re: Public Notice to the Homeowners Association and Those in Your Neighborhood

Steve,

Thanks for reaching out. The EDo NA Board met yesterday via Zoom and discussed your request briefly. The Board did not have objections to your request for a 6-foot fence variance on these commercial properties. The Board also recognizes that these properties are just outside our jurisdiction and will yield to the perspective of the appropriate neighborhood association(s).

Thank you, David Tanner President, EDo

On Wed, Aug 5, 2020 at 5:49 PM Steve Hernandez < steve@dmcnm.com > wrote:

### Public Notice to the Homeowners Association and Those in Your Neighborhood

Hello, my name is Steve Hernandez. I am sending out this notice on behalf of the property owners at 405 Martin Luther King Blvd. NE and 401 & 405 Edith Blvd. NE (Adjoining Properties, Same Owner).

We are requesting a variance from the city, which if approved, will allow us to construct a 6-foot-high wrought iron fence around our property. This iron fence will add value to the surrounding properties, and will too, help with public safety.

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Thank you,

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Cell: (505) 228.1401

### **DEVELOPMENT MANAGING CONSULTANTS**

PROFESSIONAL CONSTRUCTION MANAGERS & CONSULTING ENGINEERS

### REQUEST FOR NEIGHBORHOOD MEETING

The City may require the applicant to attend a City-sponsored facilitated meeting with the Neighborhood Associations whose boundaries include or are adjacent to the proposed project, based on the complexity and potential impacts of a proposed project. For more information, please contact the ZHE Administrative Assistant Suzie Sanchez at 505-924-3894 or <a href="mailto:suzannasanchez@cabq.gov">suzannasanchez@cabq.gov</a>.

Please note: "You may submit written comments to the Zoning Hearing Examiner up to 6 days before the hearing (5pm on the Wednesday before the hearing). Written comments received after that deadline will not be taken into consideration for this application.

### **Public Notice of Hearing**

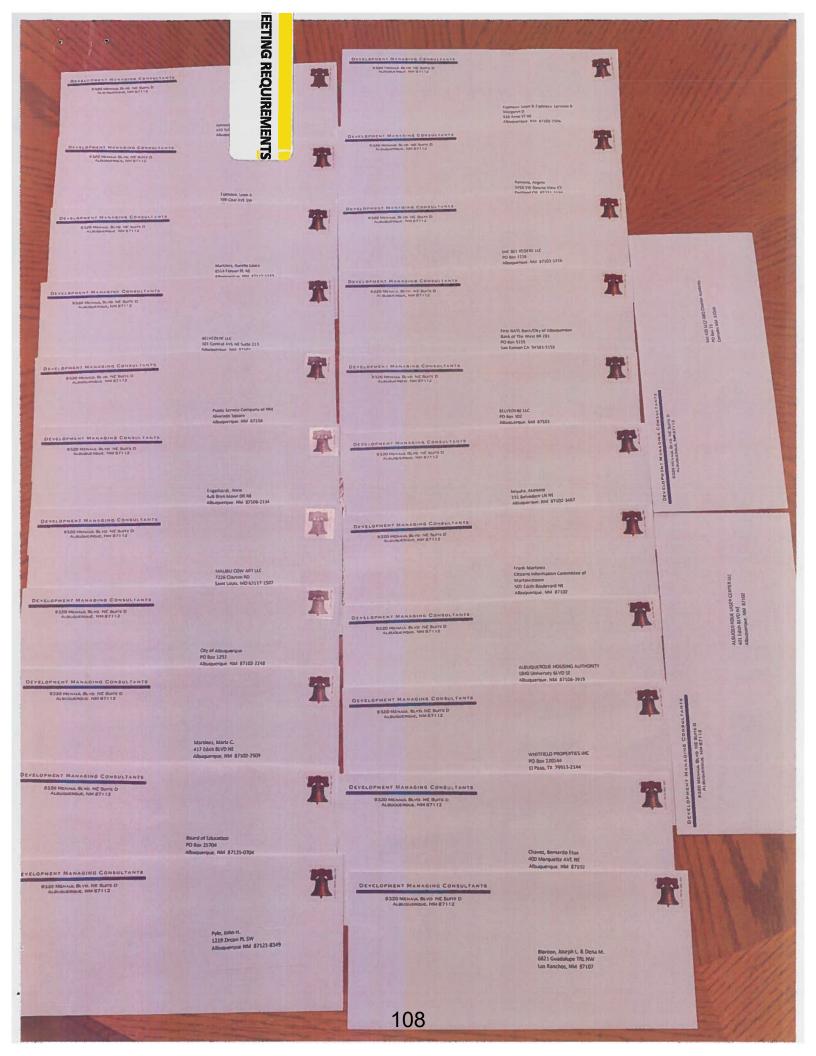
| Date: <u>08-05-2020</u>   |
|---|
|   |
| To Whom This May Concern:   |
| I am requesting approval from the Zoning Hearing Examiner within the City of Albuquerque for a conditional use or variance to allow a <u>3ft to the maximum of allowable height of 3ft to allow for a 6ft high iron view fence.</u> (summary of request). 5-7 (D) Maximum Wall Height Per IDO 5-7(D)(1) |
| Property owner: Steve Nakamura  |
| Agent (If applicable): Steven W. Hernandez of Development Managing Consultants (DMC)  |
| Property Address: 405 Martin Luther King Blvd. NE, Albuquerque, NM, 87102   |
| Property Address: Both 401 & 405 Edith Blvd. NE, Albuquerque, NM, 87102   |
| A hearing will be held on October 20, 2020 beginning at 9:00AM via ZOOM.  |
| Join Zoom Meeting   |
| https://cabq.zoom.us/j/7044490999   |
| Meeting ID: 704 449 0999  |
| One tap mobile  |
| +16699006833,,7044490999# US (San Jose)<br>+12532158782,,7044490999# US (Tacoma)  |
| Dial by your location   |
| +1 669 900 6833 US (San Jose)   |
| +1 253 215 8782 US (Tacoma)   |
| +1 301 715 8592 US (Germantown)   |
| +1 312 626 6799 US (Chicago)  |
| +1 346 248 7799 US (Houston)  |
| +1 646 558 8656 US (New York)   |
| Meeting ID: 704 449 0999  |
| Find your local number: https://cabq.zoom.us/u/a2s7T1dnA  |
| Thank you.  |

Applicant's Name: Steven Hernandez

Applicant's Number or Email Address: steve@dmcnm.com

For more information, please contact the ZHE Administrative Assistant Suzie Sanchez at 505-924-3894 or suzannasanchez@cabq.gov.

<sup>\*\*</sup>Please note: "You may submit written comments to the Zoning Hearing Examiner up to 6 days before the hearing (5pm on the Wednesday before the hearing). Written comments received after that deadline may result in deferral.

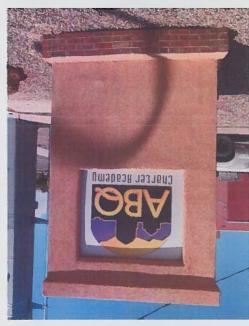


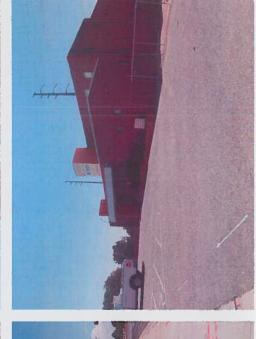




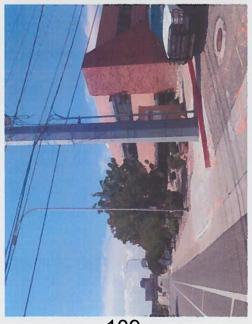


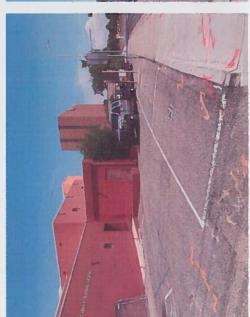


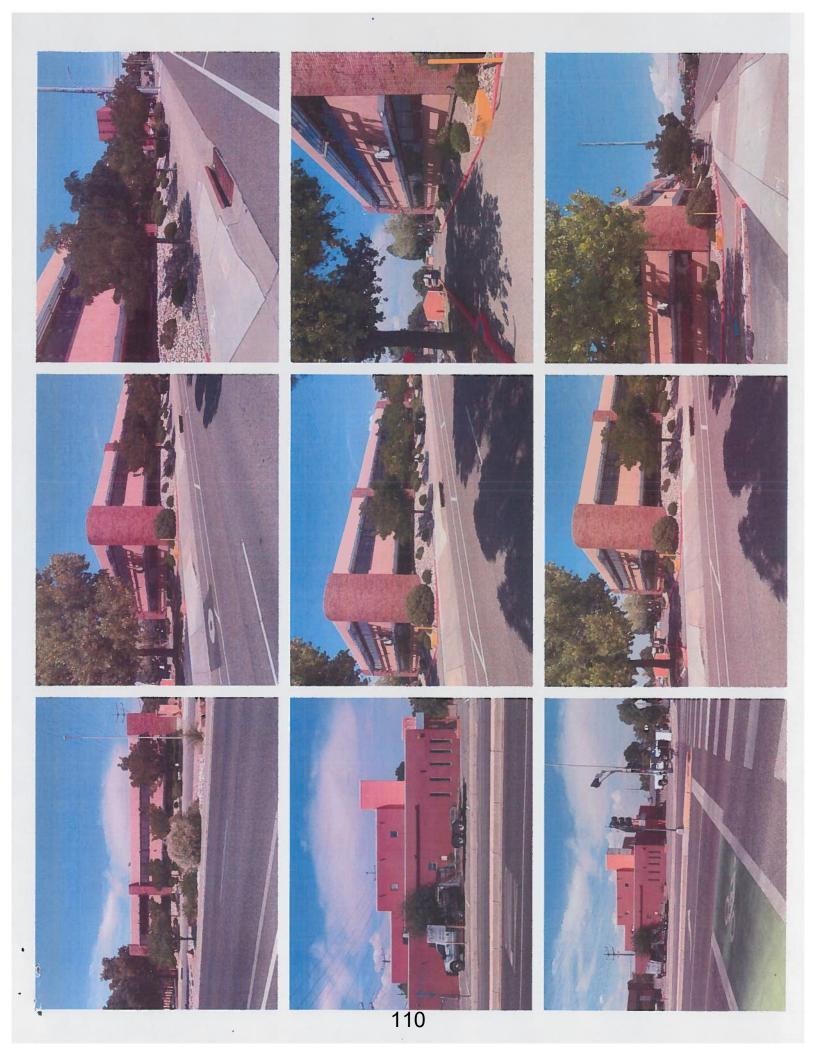


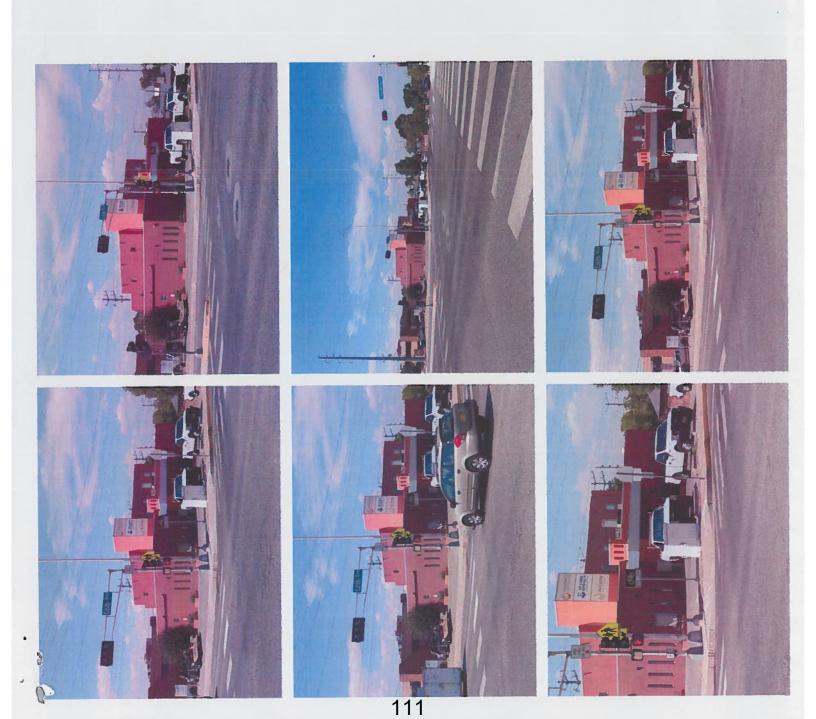




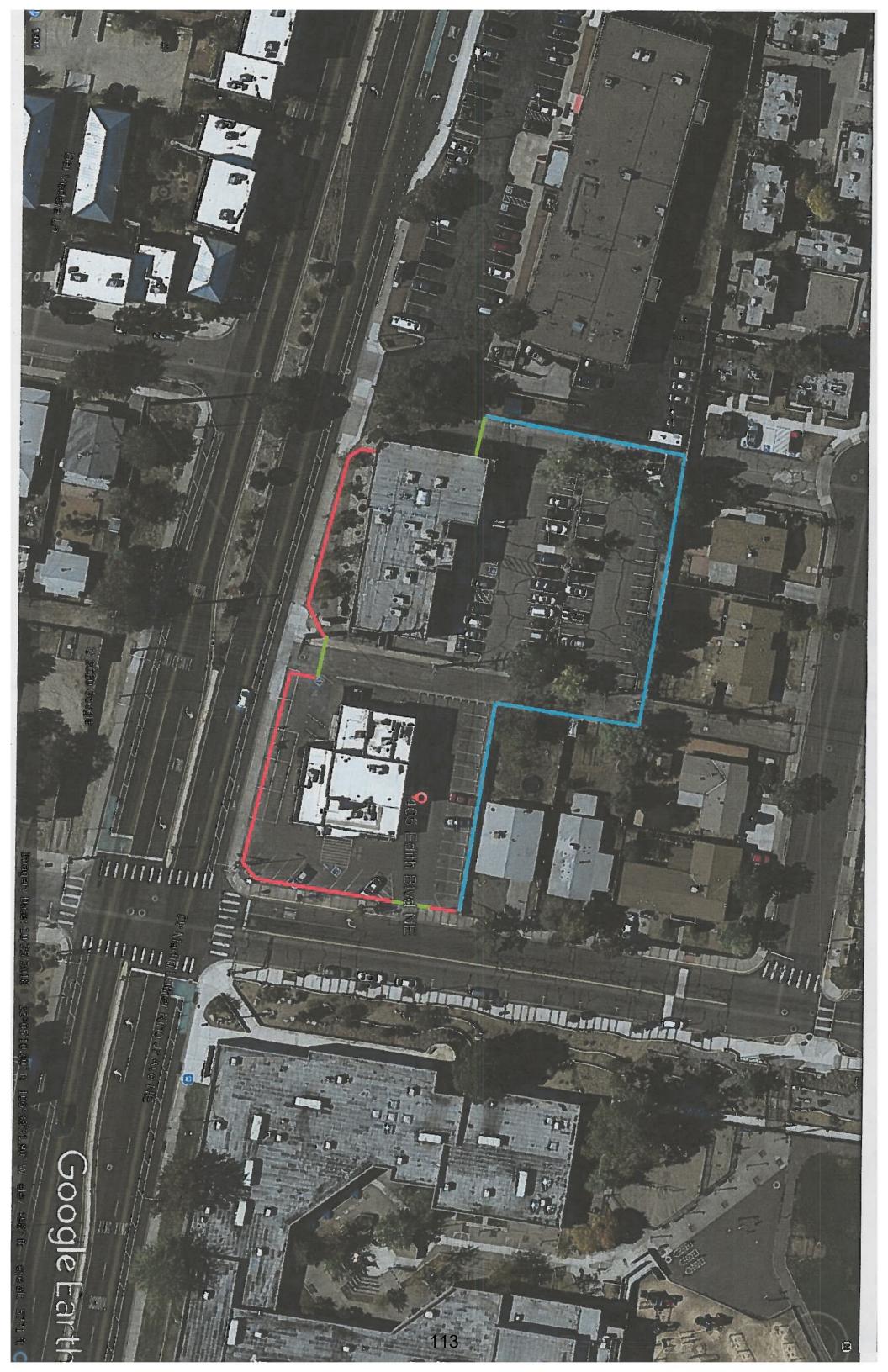


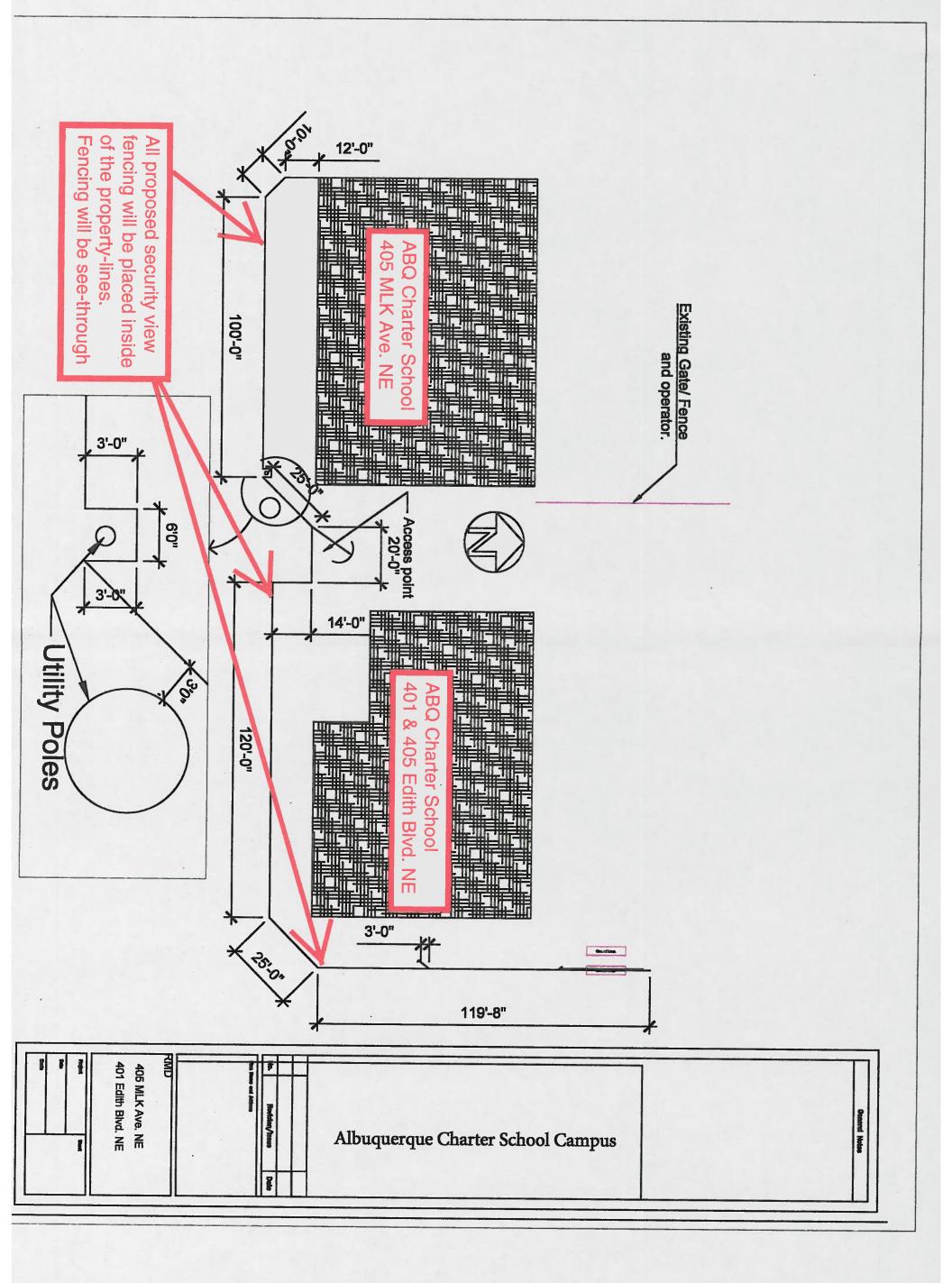


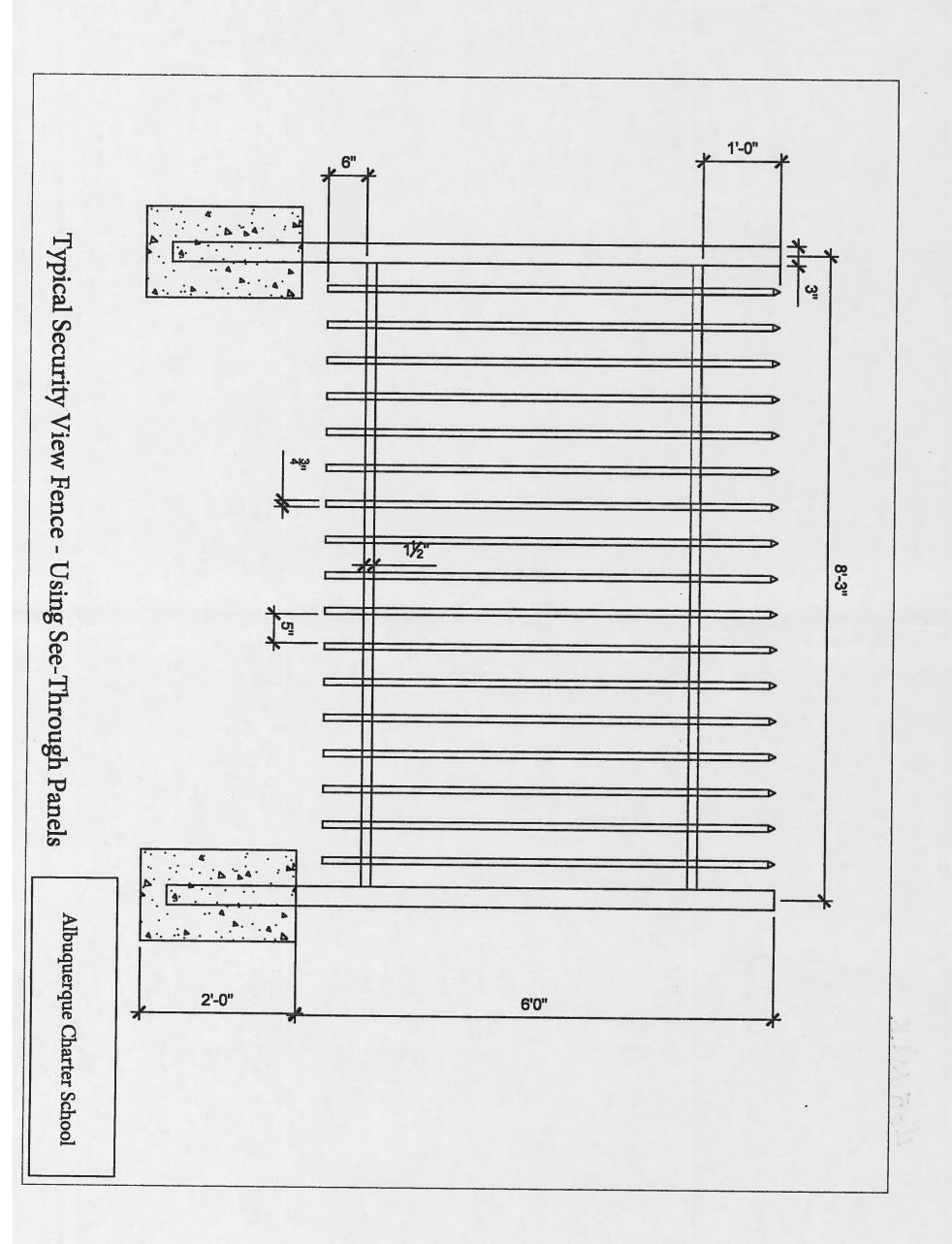












**VAR** 

## **USTIFICATION - GENERAL**

Zoning Hearing Examiner City of Albuquerque 600 2<sup>nd</sup> Street NW, 3<sup>rd</sup> Floor Albuquerque, NM 87102

| RE: Request for Variance of 3 feet to the maximum allowable height of 3 feet for a 6 foot high proposed see-through wrought iron security view fence. This at the (3) three listed properties below.  at 405 Martin Luther King Ave & 401 Edith & 405 Edith Blvd. NE (address of the subject property).  These 3 properties are connected and are owner by the same owner. (This is the campus for ABQ Charter School)  1) There are special circumstances applicable to the subject property that are not self-imposed and that do not apply generally to other property in the same zone district and vicinity. Those special circumstances create a hardship because - this request is based on the large amount of criminal activity in our parking lot, and the unsanitary conditions of vagrants using our property as a toilet. This in addition to them sleeping on our campus both in the day and at night. Our teachers cars have also been broken into.     |  |  |  |  |  |  |  |  |
|--|--|--|--|--|--|--|--|--|
| 2) The Variance will not be materially contrary to the public safety, health, or welfare because  On the contrary, this view fence is designed to help with the security and public health, safety and the  welfare of the kids/students being educated at this location, Albuquerque Charter School campus.  We are also seeking a safe place for our teachers, our staff, and the parents of our students  .   |  |  |  |  |  |  |  |  |
| 3) The Variance does not cause adverse impacts on surrounding properties or infrastructure improvements in the vicinity because by design, this aesthetically calming and pleasing perimeter view fence, being see-through, and matching the color of the existing fencing, will enhance this corner and road frontage. This will add to the character and safety to the community and the surrounding area.  Security and life safety is tantamount for all the kids at ABQ Charter School. This is the GOAL with this request!  4) The Variance will not materially undermine the intent and purpose of this IDO or the applicable zone district because this project will alien it self with the intent of the IDO and will follow all COA guild-lines, as well as, with the required permitting processes, in-place as is deemed necessary.  Public safety is also an important aspect in the IDO, this project will be providing a safe haven for these students. |  |  |  |  |  |  |  |  |
| 5) The Variance approved is the minimum necessary to avoid extraordinary hardship or practical difficulties because our request is founded in being able to offer children/students a safe and secure environment to study and focus as well as to walk around in an enclosed fenced perimeter campus.  Note: these three adjoining/connceted properties consist of the Albuquerque Charter School campus.   |  |  |  |  |  |  |  |  |
| Signature Steven W. Hernandez Date August 25, 2020   |  |  |  |  |  |  |  |  |



# CITY OF ALBUQUERQUE INVOICE

#### **DEVELOPMENT MANAGING CONSULTANTS**

9320 MENAUL BLVD NE STE D

Reference NO: VA-2020-00308 Customer NO: CU-79752122

**Date** 

Description

**Amount** 

9/02/20

**Application Fee** 

\$210.00

Due Date: 9/02/20

Total due for this invoice:

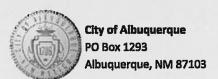
\$210.00

## Options to pay your Invoice:

1. Online with a credit card: http://posse.cabq.gov/posse/pub/lms/Default.aspx

2. In person: Plaza Del Sol, 600 2nd St. NW, Albuquerque, NM 87102

#### PLEASE RETURN THE BOTTOM PORTION OF THIS INVOICE NOTICE WITH PAYMENT



Date:

9/02/20

**Amount Due:** 

\$210.00

Reference NO:

VA-2020-00308

Payment Code:

130

**Customer NO:** 

CU-79752122

**DEVELOPMENT MANAGING CONSULTANTS** 9320 MENAUL BLVD NE STE D ALBUQUERQUE, NM 87112

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Date: 9/3/2020

Office: WEB Cashier:admin
Batch: 11435 Tran #: 27

\_\_\_\_\_\_

Building Permits

10:52 AM Station ID

Office WEB

Receipt #: 00642697

Reference VA-2020-00306

Trans Amt: \$630.00

130 Building Permit \$210.00

Payment Total: \$210.00

Building Permits

10:52 AM Station ID

Office WEB

Receipt #: 00642698

**Reference** VA-2020-00307 Trans Amt: \$630.00

130 Building Permit \$210.00

Payment Total: \$210.00

Building Permits

10:52 AM Station ID

Office WEB

Receipt #: 00642699

Reference VA-2020-00308

Trans Amt: \$630.00

130 Building Permit \$210.00

Payment Total: \$210.00

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Transaction Total: \$630.00

Echeck Tendered: \$630.00

Thank you for your payment.

Have a nice day!

## SIGN POSTING AGREEMENT

#### **REQUIREMENTS**

## POSTING SIGNS ANNOUNCING PUBLIC HEARINGS

All persons making application to the City under the requirements and procedures established by the Integrated Development Ordinance are responsible for the posting and maintaining of one or more signs on the property which is subject to the application, as shown in Table 6-1-1. 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 for a \$10 fee per sign. If the application is mailed, you must still stop at the Development Services Front Counter to pick up the sign(s).

The applicant is responsible for ensuring that the signs remain posted throughout the 15-day period prior to any public meeting or 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.

#### 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 OCT · 05 , 2020 To OCT · 20 , 2020

#### 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.

(Applicant or Agent)  $q-2\xi-20$  (Date)

I issued  $\frac{4}{2}$  signs for this application,  $\frac{09|02|2020}{(Date)}$ ,  $\frac{MARCELO 1BARRA}{(Staff Member)}$ 

PROJECT NUMBER: PR-2020 - 004381 VA-2020 - 00306

VA-2020-00306 VA-2020-00307 120A-2020-00308

**Revised 2/6/19** 

### Sanchez, Suzanna A.

From: CenturyLink Customer com> Sent: CenturyLink Customer 2020 11:31 PM

**To:** Sanchez, Suzanna A.

**Subject:** Variance request for six foot high fence, MLK and Edith NE, for October 20, 2020

Hearing

**Attachments:** IMG\_2810.JPG; request for six foot fence variance letter.pdf; CICM letter six foot fence

variance 4.pdf; ZHE six foot fence variance.pdf

#### Suzie

please find attached letters filed for the October 20, 2020 hearing, regarding variance request for a six foot high fence at MLK and Edith NE.

Please call if any questions, thanks. richard martinez 263-2664

\_\_\_\_\_

This message has been analyzed by Deep Discovery Email Inspector.

## EN UNIDAD HAY PODER :



To: Steven W. Hernandez

10/2/2020

**Development Managing Consultants** 

Reference: Request for IDO variance for six-foot perimeter fence around 401, 405 Edith NE and 405 Martin Luther King (MLK) Blvd. NE

Dear Steve hope all is well with you. I am following up on my letter to you, dated 9/8/2020 (Letter attached). As you know the City of Albuquerque ZHE meeting during which your request for this variance will be considered is scheduled for October 20, 2020, with written comments due by 10/14/2020.

Our community and neighborhood association would like to have your written response to our attached letter dated 9/8/2020 as soon as possible so we can have time to respond back to you and comply with all required City of Albuquerque time frame requirements.

Thank you for your attention to this issue, please contact me if there are questions.

Sincerely

Richard Martinez - President - Citizens Information Committee of Martineztown (CICM)

505-263-2664, or e-mail

cc: CICM board of Directors, CICM spokesperson, President Villa de San Martin townhomes HOA, Principle Longfellow Elementary School



## EN UNIDAD HAY PODER

To: Steven W. Hernandez

9/8/2020

**Development Managing Consultants** 



Reference: Request for IDO variance for six-foot perimeter fence around 401, 405 Edith NE and 405 Martin Luther King (MLK) Blvd. NE

In regards to your request for a variance to allow a six-foot-high perimeter fence, rather than the IDO zoning code allowed three-foot-high fence.

Our overall concerns relate to the six-foot-high fence with no set back or landscaping that distracts from our residential neighborhood environment, that the present IDO zoning code is meant to preserve.

While we do understand your concerns in requesting the variance, we are asking if modifications to your plan can be made to address our neighborhood residents' concerns.

As you may be aware, part of the original route of the "Camino Real" winds its way through our neighborhood and has been designated as a National Historic Trail. This portion of the "Camino Real" trail is planned to be joined with other portions of the trail, throughout the city of Albuquerque and the State of NM to form a more complete story of this historic trail system. We have already seen tourists from many parts of the world visiting the portion of the trail that runs along Edith Blvd, adjacent to your project. Moving forward in time, as the trail system is expanded, we would expect to see positive tourism affects increase, not only in our neighborhood but also generally for the entire city. With all this in mind, we are critically interested in preserving the aesthetic nature of our neighborhood.

Some possible plan modifications which we would like considered, in addition to any other ideas you may have, are discussed below.

It appears to us that the six-foot-high fence along the sidewalk on MLK that would enclose the existing landscaping in front of the existing Academy is not needed to enclose the campus. The landscaping is nicely done and because of the large rocks should not be a desirable location for vagrants to congregate. Additionally, the Academy building itself can be the enclosing barrier to the campus area, as it can be tied into fencing at both the East and West end of the building.

Please see how this has effectively been done at Longfellow elementary school, directly across the street from your project. This would eliminate the need and cost associated with approximately 100 feet of six-foot-high fencing.

Another option: The proposed fencing from the alley along the eastern portion of MLK and then north on Edith could be installed at the three-foot height, as allowed in the IDO zoning code. This of course would not require a variance hearing, and while maybe not ideal in keeping people either in or out, would certainly draw an absolute boundary line which most people would recognize and abide by. It has been our neighborhood experience that six-foot-high fencing will not keep everyone out. Unfortunately, if someone wants to get in, they will find a way, we have seen this at any number of locations in the neighborhood. This option would also seem to be less costly to install, and would preserve the residential neighborhood environment we feel important to maintain.

Another option: The proposed ornamental fencing from the alley along the eastern portion of MLK could be installed at a four-foot height level with a minimum set back, and then north along Edith at a three-foot level. This option would also seem to be less costly to install, and would be better than a six-foot-high fence to preserve the residential neighborhood environment we feel is important to maintain.

Another option: Install the six-foot-high fencing from the alley along the eastern portion of MLK and north on Edith, but also preserve the residential neighborhood quality by setting the fence back from the sidewalk far enough to install appropriate types of landscaping.

Listed below are some concerns, comments, and questions we feel should be addressed:

- Alley access off of MLK going north. The alley is city property, with utility access required. It appears as if you are going to use the alley as if it is your property. While this may be possible, I think you would have to first gain permission from the city and all other utilities that may be involved.
- Is it necessary to re-plat because of the combining of the two lots on Edith Blvd.? i.e.: 401 and 405 Edith Blvd. NE
- Is a City of Albuquerque traffic study warranted at MLK and north on Edith Blvd NE.?
   This in relation to potential conflict and difficulties with traffic that may occur due to Longfellow elementary school and the increased student and teacher population of the Academy.
- 4. The principle of Longfellow elementary school, Richard Ulibarri, has concerns related to parking along Edith NE, that has been designated for Longfellow teachers and staff. Additionally, Longfellow would hope that the Academy would reach out to work with Longfellow elementary school on various issues, one is the increase of high school age students in the neighborhood and the relationship with the existing younger elementary students.

- 5. Is it necessary to establish new Academy parking requirements because of the overflow of off campus Academy parking, especially on Marquette and Edith Blvd?
- 6. With considerations for the long-term aesthetics and partnership of the Academy and our neighborhood, we would like to suggest the possibility of including appropriate ornamental features on your proposed fencing, and the possibility of adding a flag pole on your campus (note the flags at Longfellow and other locations in the neighborhood).

I hope these suggestions will stimulate thoughts on your part to meet your needs as well as help us maintain the residential neighborhood environment we cherish dearly. We appreciate that you have chosen to use fencing material that is much nicer looking than other types of material you could have chosen, thank you.

Please contact me if there are any questions, and or to discuss any ideas you may have.

#### Sincerely

Richard Martinez - President - Citizens Information Committee of Martineztown (CICM) 263-2664, or e-mail

cc: CICM board of Directors, CICM spokesperson, President Villa de San Martin townhomes HOA, Principle Longfellow Elementary School

#### EN UNIDAD HAY PODER

To: Zoning Hearing Examiner

10/13/2020

Attn. ZHE Administrative assistant, Suzie Sanchez



From: Richard Martinez, President - Citizens Information Committee of Martineztown (CICM)

Reference: Requested variance to allow 3 ft. to the maximum of allowable height of 3 ft. to allow for a 6 ft. high iron view fence. 5-7 (D) Max wall Height per IDO 5-7 (D)(1)

Property address: 405 Martin Luther King Blvd. NE, and 401, and 405 Edith Blvd. NE, Albuquerque, NM, 87102

On behalf of the board of directors of the Citizens Information Committee of Martineztown (CICM), and our spokesperson Frank Martinez, the duly recognized neighborhood association of South Martineztown urges the hearing examiner to deny the requested variance referenced above.

- There are no special circumstances applicable to the subject property that would require a higher than code allowed fence along the sidewalk perimeter of the property. Fencing that follows the existing code requirements could be used to achieve any reasonable results desired, albeit with the possible loss of some parking spots.
- 2. The variance will be materially contrary to the public welfare, in that it will detract from the overall aesthetic presentation of our neighborhood. As you may be aware, part of the original route of the "Camino Real" winds its way through our neighborhood and has been designated as a National Historic Trail. This portion of the "Camino Real" trail is planned to be joined with other portions of the trail, throughout the city of Albuquerque and the State of New Mexico to form a more complete story of this historic trail system. We have already seen tourists from many parts of the world visiting the portion of the trail that runs along Edith Blvd. Moving forward in time, as the trail system is expanded, we would expect to see positive tourism affects increase, not only in our neighborhood but also generally for the entire city. With all this in mind, we are critically interested in preserving the aesthetic nature of our neighborhood.
- 3. The variance does cause a significant material adverse impact on surrounding properties and infrastructure in the neighborhood, by again distracting from our residential

127

- neighborhood environment. While we have always welcomed the Charter Academy in our neighborhood, we also have seen how a more aesthetic fencing plan is possible by observing how Longfellow elementary school has accomplished this.
- 4. The variance does undermine the basic intent and purpose of the IDO, in that the IDO is meant to protect and preserve our residential neighborhood environment in an aesthetic and reasonable way.
- 5. The variance as requested is not the minimum necessary option. There are no extraordinary hardships or practical difficulties that are unsurmountable if the existing zoning requirements are followed, albeit with some possible impact on parking spots or landscaping arrangements.

Please see two attached letters dated 9/8/2020 and 10/2/2020 both in response to a meeting held with the property developer. An additional meeting was held with the property developer on 10/9/2020 to try and resolve issues. No formal decisions or commitments were made at the meetings.

Also attached is a photo example of existing setback fencing in the neighborhood.

Sincerely

Richard Martinez
Richard Martinez

President (CICM)

cc: CICM board of directors

#### Sanchez, Suzanna A.

From: Steve Hernandez <steve@dmcnm.com>
Sent: Wednesday, October 14, 2020 1:39 PM

**To:** Sanchez, Suzanna A.

**Cc:** Steve Hernandez - IPad; Steve Nakamura; Stephanie Lucero

**Subject:** PR-2020-004381 / 2020-00307 - Evidence Submittal Deadline - Oct. 14, 2020

Attachments: PEDESTRIAN ACCESS-GATE LOCATION - Abq Charter Campus\_Frontage Fence Design

Layout - MLK & 401 Edith NE.pdf; ABQ Charter Academy\_Adequacy Excerpt from NM-Public School Facilities Authority.pdf; Exhibit - Martinez Town - Streetscape Walls.pdf; Additional\_Neighborhood Meeting(s) Sign-In Sheets.pdf; Yellow Sign Posting - Oct 5,

2020.pdf; Police Reports\_CrimeMapping\_Cost of Crime Damage.pdf

#### Hi Suzie!

Today is the deadline for my <u>"Evidence Submittal Deadline"</u> for the <u>(3)</u> variances which will be heard on October 20, 2020.

Please, find the following attached to this email. And please, include this email narrative page to be entered into evidence as well.

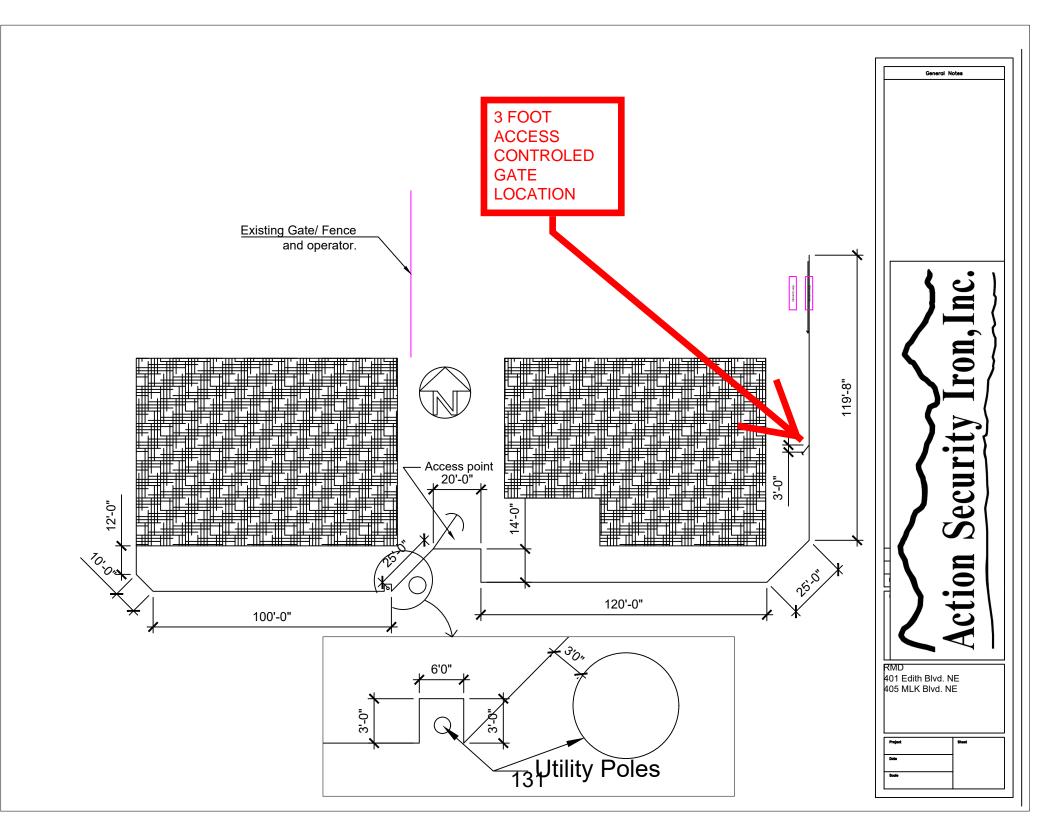
I respectfully request you enter the following exhibits into evidence for my hearing with the following narrative.

- 1. <u>'Pedestrian Access-Gate Location'</u> with approximate measurements. This was provided to those attending the neighborhood meetings.
- 2. 'ABQ Charter School Adequacy Excerpt provided by the NM Public School Facilities Authority'. This letter gives us the adequacy requirements with respect to "minimum height requirement for security fencing". This is too has been shared with the neighborhood associations.
- 3. <u>'Exhibit Martinez Town Streetscape Walls'.</u> This is being provided to you so you can see the current fencing standard along the Edith boulevard corridor and into the neighborhood of Martinez Town. After meeting with the homeowner's association, we wish you to see, that our fencing is going to vastly improve the streetscape fencing along our property and at one of the entry points of Martinez Town, at the corner of Edith and MLK Blvd.
- 4. Police Reports Crime Mapping Cost of Crime damage. This packet of information contains information pulled off of the COA crime mapping portal. The screen-shot shows in a (7) seven-day time period, 389 calls came into APD for immediate radius of our school. Additionally, the packet holds several police reports and correspondence's, and, receipts for damage repairs due to criminal activity. Though our variance request for a higher security fencing surrounding our school will not stop all nefarious conduct, it will however, offer some protection for our students, staff and parents.
- 5. <u>'Additional Neighborhood Meeting(s) Sign-In sheet'.</u> I continue to meet with the neighbors. We want them to be happy and wish for their support. This has been a challenge as most associations have many requests. The sign-in sheets are for face-to-face meetings. Several other avenues of communication continue to take place.
- <u>'Yellow Sign Posting'.</u> This attached PDF shows pictures of the signs posted on the properties on starting, October 5, 2020.
- 7. PR-2020-004381 / 2020-00307 Evidence Submittal Deadline Oct. 14, 2020 This Email narrative page with the list of additional evidence provided.

Steven W. Hernandez **Development Managing Consultants** 9320 Menaul Blvd. NE Suite D Albuquerque, NM 87112 Cell: (505) 228.1401

**DEVELOPMENT MANAGING CONSULTANTS** 

| PROFES | SSIONAL CON | ISTRUCTION | MANAGERS | 8 & CONSULTING | ENGINE | ERS   |           |        |           |
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#### Excerpt from:

THE NEW MEXICO PUBLIC SCHOOL ADEQUACY PLANNING GUIDE New Mexico Public School Facilities Authority

#### VIII. FACILITY AREAS A. SCHOOL SITE -ABQ Charter Academy - Adequacy Requirements

Two sections of the New Mexico State Adequacy Standards separately address minimum requirements for school sites and site development. The following Section 6.27.30.10 NMAC pertains to school site size and general minimum requirements in site development: 6.27.30.10 SCHOOL SITE.

A school site shall be of sufficient size to accommodate safe access, parking, drainage and security. Additionally, the site shall be provided with an adequate source of water and appropriate means of effluent disposal.

A. Safe access. A school site shall be configured for safe and controlled access that separates pedestrian from vehicular traffic. If buses are used to transport students then separate bus loading/unloading areas shall be provided wherever possible. Dedicated student drop-off and pickup areas shall be provided for safe use by student passengers arriving or departing by automobile.

- B. Parking. A school site shall include a maintainable surfaced area that is stable, firm and slip resistant and is large enough to accommodate 1.5 parking spaces /staff FTE and one student space /four high school students. If this standard is not met, alternative parking may be approved after the sufficiency of parking at the site is reviewed by the council using the following criteria: (1) availability of street parking around the school; (2) availability of any nearby parking lots; (3) availability of public transit; (4) number of staff who drive to work on a daily basis; and (5) average number of visitors on a daily basis.
- C. Drainage. A school site shall be configured such that runoff does not undermine the structural integrity of the school buildings located on the site or create flooding, ponding or erosion resulting in a threat to health, safety or welfare.
- D. Security. (1) All schools shall have safe and secure site fencing or other barriers with accommodations for safe passage through openings to protect students from the hazards of traffic, railroad tracks, steep slopes, animal nuisance, and to discourage unauthorized access to the campus This standard is met if the entire school is fenced or walled. If this standard is not met, alternative security may be approved after the sufficiency of security at the site is reviewed by the council using the following criteria: (a) amount of vehicular traffic near the school site; (b) existence of hazardous or natural barriers on or near the school site; (c) amount of animal nuisance or unique conditions near the school site; (d) visibility of the play/physical education area; and (e) site lighting, as required to meet safe, normal access conditions. (2) For schools which include students below grade 6, a fenced or walled play/physical education area shall be provided. [6.27.30.10 NMAC N, 9/1/02; A, 12/14/07]

2019-2020 PSCOC Security Project Funding Facility Scoring/Prioritization Method (based on existing facility condition - to be completed by PSFA staff) \* = see definitions Site Access Control Points Score Building Exterior Points Score Building Interior Points Score 1. Is there continuous fencing (min 6 feet tall) around occupied portions of the school site? \*





































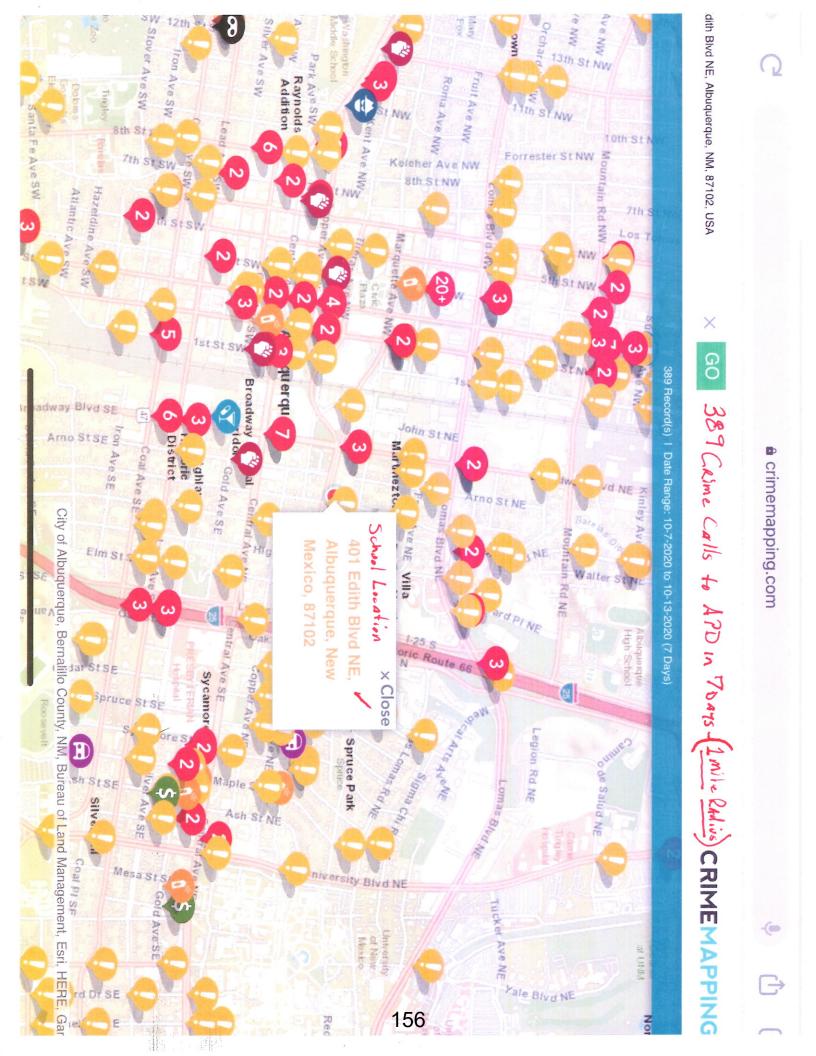












CAD No. 193570827

Case No. 190117148

# ALBUQUERQUE POLICE DEPARTMENT CRIMINAL TRESPASS NOTIFICATION-ORDER NOT TO RETURN

| Business:                            | ABQ CHARTER SCHOOL                    |  |   |  |
|--------------------------------------|---------------------------------------|--|---|--|
| Address:                             | 405 MARTIN LUTHER KIN                 | IG AV NE                               |   |  |
| City:                                | ALBUQUERQUE                           | State: NM Zip: 87                      | 102   |  |
| Proprietor:                          | ERIK BOSE                             |  | ***************************************   |  |
| Date:                                | 12/23/2019                            |  |   |  |
| Subject's Name                       | TOLBERT (Last)                        | ANTHONY<br>(First)                     |   |  |
| Date Of Birth:                       | 08/20/1971                            |  |   |  |
| Social Security                      | No: <b>-2563</b>                      |  |   |  |
| This is to notify<br>or remain on or | ANTHONY about the property located at | TOLBERT , that you 405 MARTIN LUTHER K | have hereby been denied consent to er   | ıter   |
| Criminal Trespa                      | ass New Mexico State Statute 3        | 0-14-1, dated 1978, or the Cit         | operty you will be in violation of the<br>ty of Albuquerque Crminal Trespass La<br>uply with this notice can result in your | aw,  |
|                                      | Subject's Signature                   |  | Proprietor's Signature  | PM Note the last of the common temperature program and an extension of the |
|                                      |                                       |  | CORDOVA, CHRISTIAN Officer's Printed Name   | <b>6196</b> I.D.   |
|                                      |                                       |  | Chestin Contain   |  |
|                                      |                                       |  | Officer's Signature   | Name   |

Form Distribution: Print 3 Copies

- 1. Records
- 2. Business
- 3. Subject



# Case # 9- 00810



Dear Citizen,

Please take a moment to look over some helpful pointers, as we know it's easy to forget when more important things need to be addressed.

- \* If you are looking for a copy of your police report please call Records at 505-768-2020.
- \* If you have anything else to add to your report please call the Telephone Reporting Unit at 505-768-2030 or go to your closest Sub Station.
- \* If you are in need of an Officer, a Crime Scene Specialist (CSS) or a Property Crime Reporting Technician (PCRT's) to come out to your location please call 505-242-COPS or if this is an emergency please call 911.
- \* Your incident will be turned over to a Detective. CSS's and PCRT's do not investigate crime.
- \* If a CSS and PSA II's tagged evidence for you make sure you call the original responding Officer or Detective in charge of your case to have your belongings returned. CSS's and PCRT's can not return evidence.
- \* We cannot release information on vehicles that were towed to the "Crime Lab." You will have to get a hold of the investigating Detective.
- \* If you need any further assistance you can call the Scientific Evidence Division at 505-823-4200 or the City information line at 311.

Original Officer J. Klunczy K Investigation Unit VA Infact



Today's Date 10 -08-19

C. Chave 7 #6324

190012701 APD Case Number

This case will be considered closed pending further leads

ALBUQUERQUE POLICE EMERGENCY 911 NON-EMERGENCY 242- COPS (242-2677) PHONE REPORTING UNIT 768-2030

768-2020

Today's Date 04/24/2019

Case CAD's Number OB

190037654

APD Case Number

This case will be considered closed pending further leads



ONE ALBUQUE APD BOUE

CITY OF ALBUQUERQUE OFFICE OF MAYOR TIM KELLER

albuquerque police 5408 2nd St NW Albuquerque, NM 87102 Albuquerque Police

EMERGENCY 911

NON-EMERGENCY 242-COPS (242-2677)

RECORD INFORMATION 768-2020

Today's Date 11-18-19

Case CAD's Number

190106107

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| SINE                 | ALIAS / N   | ICKNAM      | E                        |                    |                |         |   |  | MARK             | KS, SCAF              | RS, TATTO          | os                   |               |                        | CL                      | OTHING DE              | SCRIPT       | ION              |                                       |                    |                | ARI<br>WE    | MED WITH<br>APON CODE      |
| / BU                 | DRIVER'S  | LICENSE     | E NO.                    | D.L.S              | TATE           | ARRES   | ST/CITATIO  | ON NO.   | F.               | .B.I. NO.             |                    |                      | S.            | I.D. NO.               |                         |                        | NIC          | NO.              |                                       |                    |                | RES          | .STATUS                    |
| SNC                  | TYPE OF   | OFFICER     | ACTIVITY                 | /CIRCUM            | STANCE         | S OFF   | ICER ASS  | IGN TYPE   | ORI              | NO.                   | TYPE OF A          | ARRES                | T MUL         | TIPLE A                | RRES                    | EE DATE                | OF ARR       | DIS              | POSITI                                | ON OF A            | RRES           | TEE (        | JNDER 18                   |
| ERSON                |   | CODE INJU   |                          | 1E (LAST,          | FIRST, I       |         |   |  | <u> </u>         | SOCIA                 | AL SECURIT         | Y NO.                | 1             | DO                     | ОВ                      |                        |              | AGI              |                                       | GE) SEX            | M              | RAC          | CE<br>U                    |
| / P                  | STREET  | ADDRESS     | Rue                      |                    |                | Jarr    | ya  | APT.   | NO.              | RES.                  | PHONE              |                      |               | HEI                    | IGHT                    | WEIGH                  | т на         |                  | EYES                                  | ETHNICI            | Υ              |              | G ASSAULT<br>ST.HOM.CODE   |
| CTS                  | 1590 Va   | illey Vis   | sta Ct SE                | _                  |                |         | STATE   | ZIP  |                  | ,                     | ) 359-949<br>PHONE | 94                   | -             | VICTIM OF              | : ]}                    | ICTIM OF RE            | L.           | VICT             | IM OF R                               | EL.                | VICTII<br>SUSP | M OF         | REL.                       |
| SUSPEC               | RIO RA  | NCHO        |                          |                    |                |         | NM  | 87124  |                  |                       |                    |                      |               | JFF. NO.               |                         |                        |              |                  |                                       |                    |                |              |                            |
| iarryd.rue@abgca.org |   |             |                          | GANG               | AFFILI         | ATIO    | 4   |  |                  |                       |                    |                      |               |                        |                         |                        |              |                  |                                       |                    |                |              |                            |
| IMS                  | ALIAS / N   |             | ,                        |                    |                |         |   |  | MARK             | KS, SCAF              | RS, TATTO          | os                   |               |                        | CL                      | OTHING DE              | SCRIPT       | ION              | 13%                                   |                    |                | ARM<br>WEA   | MED WITH<br>PON CODE       |
| (VICTIMS             | DRIVER'S  | LICENSI     | E NO.                    |                    |                | ARRES   | ST/CITATIO  | ON NO.   | F.B.I. NO. S.I.E |                       |                    | I.I.D. NO. NIC       |               |                        | NIC                     | NO.                    |              |                  |                                       | RES                | S.STATUS       |              |                            |
| S                    | TYPE OF   | OFFICER     | ACTIVITY                 |                    | STANCE         | S OFF   | ICER ASS  | SIGN TYPE  | OR               | II NO.                | TYPE OF A          | RRES                 | T MUL         | TIPLE A                | ARRES                   | EE DATE                | OF ARE       | R DIS            | SPOSIT                                | ION OF A           | RRES           | STEE         |                            |
| <b>I</b> ⊢ I         | PERSON<br>CODE  | CODE INJU   | RY 3-NAM                 | ME (LAST,          | FIRST,         | MIDDLE  | ≣)  |  |                  | SOCIA                 | L SECURIT          | Y NO.                |               | DO                     | ОВ                      |                        |              | AGE              | (RANC                                 | GE) SEX            |                | RAC          | DE "                       |
| SUBJEC               | SUU   | 1           | Unkn                     | own                |                |         |   | APT.   | NO               | I DEO                 | DUONE              |                      |               | LIE                    | ICLIT                   | WEIGH                  | T 11A1       | 0                |                                       | 99<br>ETHNIC       | M              | LAC          | U<br>GG ASSAULT            |
| S                    | STREET  | ADDRESS     | 5                        |                    |                |         |   | APT.   | NO.              | RES.                  | PHONE              |                      |               | HEI                    | IGHT                    | WEIGH                  | T HAI        | K                | EYES                                  | L                  |                | jù           | GG ASSAULT<br>IST.HOM.CODE |
|                      | CITY  |             |                          |                    |                |         | STATE   | ZIP  |                  | BUS.                  | PHONE              |                      |               | VICTIM OF<br>OFF, NO.  | : }                     | ICTIM OF<br>USP.NO.    | L.           | VICT             | IM OF P.NO.                           | EL.                | VICTII         | M OF<br>.NO. | REL.                       |
|                      | EMAIL   |             | E                        | EMPLOYE            | R/SCHO         | OOL AN  | D ADDRE   | ss   |                  | -                     |                    |                      |               |                        | SU:<br>OF               | PECT OF<br>ENSE NO.    | ARRE         | STEE             | FOR<br>NO.                            | GANG               | AFFILI         | ATION        | 1                          |
|                      | ALIAS / N   | ICKNAME     |                          |                    |                |         |   |  | MARK             | KS, SCAF              | RS, TATTO          | os                   |               |                        | CLO                     | THING DE               | SCRIPT       | ION              | 1 - 1-                                |                    |                | ARN<br>WEA   | MED WITH<br>PON CODE       |
|                      | DRIVER'S  | LICENSI     | E NO.                    | D.L.               | STATE          | ARRE    | ST / CITA   | TION NO.   | F.               | .B.I. NO.             |                    |                      | S.            | I.D. NO.               |                         |                        | NIC          | NO.              |                                       |                    |                | RES          | S.STATUS<br>U              |
|                      | TYPE OF   | OFFICER     | ACTIVITY                 | /CIRCUM            | STANCE         | SOFF    | ICER ASS  | IGN TYPE   | ORIN             | NO.                   | TYPE OF A          | ARRES                | T MUL         | TIPLE A                | RRES                    | EE DATE                | OF ARE       | DIS              | POSITI                                | ON OF A            | RRES           | TEE (        |                            |
|                      | ADDL ON VE  | H.STATUS AC | CC-TRAFFIC<br>RN-BURNED/ | ACCIDENT<br>(ARSON |                | VIDENCE | NTACTRCV-   | RECOVERED  | )                | SEZ-SIEZE             |                    | OWED                 |               | VERED                  | VEH.TYF<br>CODE         | 1 - AUTO<br>2 - TRUCK  |              | 4 - CA<br>5 - BU | MPER/RV                               | 7 - ATV<br>8 - SNC |                |              | NKNOWN                     |
|                      | YEAR  | Di          | MG-DAMAGE<br>MB-EMBEZZL  | D/VANDALIZ<br>_ED  |                | IPOUNDE | ED REL-F<br>RPO-I   | RELEASED T<br>REPOSSESS<br>BODY ST                             | O OWNER          | RSTN-STOL<br>SUS-SUSE |                    | CTIM'S VI<br>ANT/WAE |               | N OWNER                |                         | 3 - MOTOF<br>LIC.STATE | RCYCLE       | 6 - OT           | HER                                   |                    |                |              | IAGE EST.                  |
| VEHICLE              |   | DED OV      | NEDIO NA                 | ME                 |                |         |   | -  | VIN              |                       |                    |                      |               |                        |                         | DISTINGUIS             | SHING F      | EATI             | JRES /                                | VISIBLE F          | AMA            | GE           |                            |
| /EH                  | REGISTE   | KED OW      | NER'S NAI                | VIE                |                |         |   |  | VIIN             |                       |                    |                      |               |                        |                         |                        |              |                  |                                       |                    |                |              |                            |
|                      | ADDRES  | 6           |                          |                    |                |         |   |  | TOW T            | O / BY                |                    |                      |               |                        |                         |                        |              |                  |                                       | NIC NO.            |                |              |                            |
|                      | AGENCY  | OPTIONA     | AL USE                   |                    |                |         |   |  | TOWE             | D FROM                |                    |                      |               |                        | OWNE                    | R NOTIFIED             | DAT          | E RE             | COVER                                 | ED T               | IME F          | ECO          | VERED                      |
|                      |   |             |                          |                    |                |         |   |  | -                |                       | <del>159</del> -   |                      |               |                        |                         |                        |              |                  |                                       |                    |                |              |                            |

|           | PROP<br>STA                 | -0000 0000000          | OTH-OTHE<br>STN-STOL<br>STR - STO  |                                 | RFJ-RE                                | REPOSSESSION<br>ECOVERED OUT<br>/IDENCE | SIDE AGENCY STOL<br>LST-LOST       |                 | FND - FOUND<br>YREC-RECOVERED<br>DMG-DAMAGED | FCN-FIELD      | CONTACT    | ARS-ARSONEI<br>SZD-SEIZED<br>SUS-SUSPECT |             | SFK-SAFE<br>OBS-OBSE<br>IMP-IMPOU                | RVED                                  |                 |
|-----------|-----------------------------|------------------------|--|---------------------------------|---------------------------------------|---|------------------------------------|-----------------|--|----------------|------------|--|-------------|--|---------------------------------------|-----------------|
|           |                             | UG<br>PE               | A-CRACK<br>B-COCAIN<br>C-HASHIS  | NE                              | D-HEROIN<br>E-MARIJUANA<br>F-MORPHINE |   | G-OPIUM<br>H-OTHER NARCOT<br>I-LSD | ics             | J-PCP<br>K-OTHER HALLUCI<br>L-AMPH/METHAM.   | NOGENS         | N-B        | THER<br>ARBITURATES<br>THER DEPRES       | SANTS       | U-UNF  | HER DRUGS<br>KNOWN<br>ER 3 TYPES      |                 |
| ERTY      | FIELD U                     | JNIT OF<br>SURE        |  | SAGE UNITS/IT<br>JID OUNCE      |                                       | GL-GALLON<br>GM-GRAM                    | KG-KI<br>LB-PC                     | LOGRAM          | LT-LITI<br>ML-MIL                            | ER<br>LLILITER |            | NUMBER OF<br>DUNCE                       | PLANTS      | XX-  | NOT REP                               | PORTED          |
| PROPERTY  | 1-PROPERTY<br>STATUS<br>CRM | PROPERTY<br>TYPE       | TYPE OF<br>Structure<br>wall   | TIEM<br>- Other Commercia       | al/Busines MA                         | AKE / BRAND                             |                                    | MODEL           |  |                | CALIB      | ER                                       | V           | ALUE (EXCEPT                                     | DRUGS)                                |                 |
| 1         | SUSPECTED<br>DRUG TYPE      | QUANTITY<br>UNIT OF MS | DESCRI   | PTION (COLOR, S                 |                                       | ES, ETC.)                               |                                    | SERIAL / O      | AN   |                | DATE       | RECOVERED                                | N           | IIC NO.  | · · · · · · · · · · · · · · · · · · · |                 |
|           | 2-PROPERTY<br>STATUS<br>CRM | PROPERTY<br>TYPE<br>C  | TYPE OF Camera   | ITEM                            |                                       | AKE / BRAND                             |                                    | MODEL           |  |                | CALIB      | ER                                       | V           | ALUE (EXCEPT                                     | DRUGS)                                |                 |
|           | SUSPECTED<br>DRUG TYPE      | _                      |  | PTION (COLOR, S<br>ra mount bro |                                       | ES, ETC.)                               |                                    | SERIAL / O      | AN   |                | DATE       | RECOVERED                                | N           | IIC NO.  |                                       |                 |
|           | 3-PROPERTY<br>STATUS        | PROPERTY<br>TYPE       | TYPE OF<br>Other (r  |                                 | MA                                    | KE / BRAND                              |                                    | MODEL           |  |                | CALIB      | ER                                       | V           | VALUE (EXCEPT DRUGS)                             |                                       |                 |
|           | SUSPECTED<br>DRUG TYPE      | QUANTITY<br>UNIT OF MS | Service and the service and th | PTION (COLOR, S                 |                                       | ES, ETC.)                               |                                    | SERIAL / O      | AN   |                | DATE       | RECOVERED                                | N           | IIC NO.  |                                       |                 |
|           | 4-PROPERTY<br>STATUS        | PROPERTY<br>TYPE       | TYPE OF  | Ilance footag                   |                                       | AKE / BRAND                             |                                    | MODEL           |  |                | CALIB      | ER                                       | V           | ALUE (EXCEPT                                     | DRUGS)                                |                 |
|           | SUSPECTED<br>DRUG TYPE      | QUANTITY<br>UNIT OF MS | DESCRI   | PTION (COLOR, S                 | IZE, FEATURE                          | ES, ETC.)                               |                                    | SERIAL / O      | AN   |                | DATE       | RECOVERED                                | N           | IIC NO.  |                                       |                 |
|           | M. O. EVE                   | NT CODE                | S: (AGEN   | ICY OPTIONAL I                  | JSE)                                  |   |                                    | l               |  | T              | TOTAL VALI | JE STOLEN                                | TOTAL<br>\$ | VALUE REC.                                       |                                       | ADDL ON<br>SUPP |
| <u>S</u>  | Unkno                       | wn su                  | bject  | broke the                       | surveill                              | lance ca                                | mera of C                          | Charter         | Academy                                      |                | •          |  |             |  |                                       |                 |
| SYNOPSIS  |                             |                        |  |                                 |                                       |   |                                    |                 |  |                |            |  |             |  |                                       |                 |
| SYN       |                             |                        |  |                                 |                                       |   |                                    |                 |  |                |            |  |             |  |                                       |                 |
| $\vdash$  | 1 (                         | On Nov                 | ıomhı  | or 10th 20                      | 10 1 wa                               | e diena                                 | tched to the                       | ne ARC          | Q Charter A                                  | Acaden         | ny loca    | ted at 4                                 | 105 M       | lartin Lut                                       | her K                                 | ina             |
|           | 2 .                         | r Ave                  | in ref   | erence to                       | a vanda                               | alism ca                                | II. I met w                        | ith the         | reporting                                    | party J        | arryd R    | Rue who                                  | state       | ed a mal   | e sub                                 | ject            |
|           | 3 (                         | lamag                  | ed the   | e busines                       | s' surve                              | ellance o                               | camera ar                          | nd start        | ted a fire c                                 | ausing         | burn n     | narks to                                 | the I       | building.  |                                       |                 |
|           |                             |                        |  |                                 |                                       |   |                                    |                 | eillance sho<br>building an                  |                |            |  |             |  |                                       | m of            |
| 4         |                             | ınknov                 | vn sul   | bstance in                      | nto hims                              | self. The                               | subject a                          | Iso be          | gins lightin                                 | g an o         | bject or   | n fire th                                | at ca       | used bur   | n mai                                 |                 |
| NARRATIVE | 8 t                         |                        |  |                                 |                                       |   |                                    |                 | the male sera you ca                         |                |            |  |             |  |                                       | s up            |
| NARI      | 10                          |                        | -  |                                 |                                       |   |                                    |                 | ecome fuz                                    |                | _          |  |             |  |                                       |                 |
|           | 1.1                         | he rep                 | oortin   | g party wa                      | as able                               | to make                                 | а сору о                           | f the su        | urveillance                                  | footag         | e and      | provide                                  | that        | CD to m  | e whic                                | ch              |
|           | 13 V                        | vas tag                | gged   | into evide                      | nce. no                               | thing fu                                | rther of ev                        | videntia        | ary value w                                  | as coll        | ected.     |  |             |  |                                       |                 |
|           |                             |                        |  |                                 |                                       |   |                                    |                 |  |                |            |  |             |  |                                       |                 |
|           |                             |                        |  |                                 |                                       |   |                                    |                 |  |                |            |  |             |  |                                       |                 |
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|           |                             |                        |  |                                 |                                       |   |                                    |                 |  |                |            |  |             |  |                                       | ADDL ON         |
| -         | "I WILL PR                  | OSECUTE/T              | ESTIFY   |                                 | RSTAND IT IS                          |   | COMPLAINAI                         |                 |  |                |            |  |             |  | DATE                                  |                 |
| TUS       | CHOLLE                      | THE OFFE               | NDER<br>D."  | FALS                            | FFENSE TO F<br>E REPORT TO<br>RANK    |   | SIGNATURE DATE                     | ion >           | DETECTIVE FOL                                | LOW-UP O       | FFICER / R | EFERRED T                                | 0           | I.D. NO  | DATE                                  |                 |
| STATUS    | CHAVE                       | Z,VEROI<br>G OFFICE    | NICA   |                                 | PSA<br>RANK                           | P6771                                   | 11-19-2<br>DATE                    | 019             | PROCESSED BY                                 |                | DATE       |  | 7           | RY PERSON  | DATE                                  |                 |
| ERT. /    |                             | NG OFFICI              |  |                                 | RANK                                  | I.D. NO                                 | DATE                               |                 | INCIDENT<br>ACTIVE INACT CLOSED              |                | EXCEP'     | T A-DEATH OF OF                          | FENDER      | D-VICTIM REF TO COOP                             | DATE                                  |                 |
| =         | DISTRIBL                    |                        | в Г  | NE NE                           | sw                                    | DAL DAL                                 | OTHER                              |                 | CASES CLEARE                                 |                |            | C-EXTRADITION                            |             | E-JUV NO CUSTODY<br>N-NOT APPLICABLE<br>CASE NO. | _                                     | DEV             |
|           |                             | IA                     | SE [   | VA VA                           | FTHL                                  | CACL                                    | =                                  | <del></del> 160 | CASE<br>NO.                                  |                |            |  |             |  |                                       | REV.<br>1/18    |

## Sean Fry

From: Sean Fry

Sent: Monday, March 2, 2020 9:59 AM

To: APD, FARU

Subject: Account# 153832, 2/25/20 Appeal

## Good morning,

Please let this serve as a written appeal for the false alarm generated by ABQ Charter Academy, account # 153832, for the alarm on February 25, 2020. Early in the morning of February 25, 2020 an individual was loitering around the premises located at 405 Dr. Martin Luther King. Jr AVE NE, and attempted to gain entry into our facility by throwing a rock at a lower story window setting off the alarm. We have video of the individual, who is known to us and under an arrest on-site notice for setting multiple fires as well as general threats against staff and scholars, as well as the police response after the individual had left the premises. As there was an attempt to gain entry into the building through vandalism, we do not feel that this is a false alarm, but an example of the alarm system working as designed. We request that this notice be removed from our account and the account be adjusted to reflect 0 false alarms under the current permit year.

Thank you, Sean

CC Alarm Unit, 1 Civic Plaza Albuquerque, NM 87102 March 2, 2020



Sean D. Fry, SFO

Business Manager

Albuquerque Charter Academy 405 Dr. Martin Luther King Jr. Ave NE Albuquerque, NM | 87102

Office: 505-242-6640 Ext. 2501 abgcharteracademy.org

|   |                                 |  |  |  | AW                  | イウンプ   | -         |
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| Visit ou                                | ır Website and:                 | LICKETERE  | Email M.A  | E NMACES, OF   | -G                  |  |           |
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|   | M.License # 26894 CR            |  |  |  | _Sold By            |  | ********* |
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| Ser                                     | rving Alb <mark>uquerq</mark> u | ue Since 1975!   | Deposit \$   | Date Via   | Rung I              | Зу   |           |
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| PLEASE PA                               | NY THE INSTALLER                | AT TIME OF INSTALL L                                     | JNLESS OTHER ARRANG  | GEMENTS HAVE BEEN MADE   | SUBTOTALD           | 587  | U         |
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| PRINTE                                  | D NAME                          |  |  |  | TAN A               | TH.  | A         |
| SIGNATU                                 | URE                             |  |  | Date:  | TOTAL               | 122  | 8         |
|   |                                 | nate may require re-quoti                                |  |  |                     | WJJ!   |           |
| Deposit                                 | s: A deposit is requ            | uired on all jobs where N                                | on-Refundable materials  |  |                     |  |           |
|   |                                 |  |  | tected visually. MS&G will not<br>d customer be present to ident |                     |  | lace      |
| All MS&                                 | G units have an ide             | entification marker.                                     |  |  |                     |  |           |
|   |                                 |  | ing on wood windows &  | doors you must always expect                                     | visual damage to    | occur. Disc  | cuss      |
| ALL CLAIMS                              | AND GOODS MUST BE               |  |  | NON-RETURNABLE. PLEASE REFEREN                                   |                     |  | CK.       |
|   |                                 |  |  | RITEMS LEFT OVER 30 DAYS, ALL PR                                 | ICE QUOTES VALID FO | OR 30 DAYS.  |           |
|   |                                 | D: I have the authority to<br>y require requoting. Pleas |  | Tide Company Info:<br>Closing Date                               |                     |  |           |
| meration (                              |                                 | y require requoting. Pleas<br>vork. Custom Orders will   |  | Title Co.  |                     |  |           |
|   | yours of                        | January C. Gold Will                                     | - Jan - Lapasie  | Title Officer  |                     |  |           |
| we will call                            |                                 |  | Data   | Title Officer  |                     |  |           |
| we will call                            |                                 |  | Date   | Title Co. Location Fax #/Email                                   |                     |  |           |

AMEX CARD 243890 AUTHORIZATION Amount Charged 633,88

Tax

I AGREE TO PAY THE ABOVE TOTAL AMOUNT ACCORDING TO THE CARD ISSUER AGREEMENT (MERCHANT AGREEMENT IF PRENTT UNITHER

| ty to order this work. Any | Title Company Info:  |
|----------------------------|----------------------|
| Please sign. Upon receipt, | Closing Date         |
| will require deposit.      | Title Co.            |
|                            | Title Officer        |
| Date                       | Title Co. Location · |
|                            | Fax #/Email          |

Thank you for your business! Pink - Billing Card - Production Yellow - Customer

734226 White-G

INVOICE #

on

## Steel Alliance Fab LLC

6210 Roadrunner Lp NE Rio Rancho NM 87144

## Invoice

| Date      | Invoice # |  |
|-----------|-----------|--|
| 3/20/2020 | 73        |  |



| Bill To  |  |
|--|--|
| Albuquerque Charter Academy<br>Jarryd Rue<br>405 Dr. Martin Luther King Jr. Ave<br>Albuquerque, NM 87102<br>US |  |

| P.O. No. | Terms    | Project        |                        |
|----------|----------|----------------|------------------------|
|          |          |                |                        |
|          | P.O. No. | P.O. No. Terms | P.O. No. Terms Project |

| Quantity      | Description   | Rate     | Amount              |
|---------------|---|----------|---------------------|
|               | fire escape security cage. fabricated out of materials matching exisiting perimter fence. also, painted black to match. Door with push bar for exiting. Sales Tax | 3,500.00 | 3,500.00T<br>273.00 |
| % deposit req | uired before start of project   | Total    | \$3,773.00          |

Balance \$ 1,886 50

## D & B GLASS 3136 COORS BLVD N.W. ALBUQ, NM 87120 (505) 836-2286 / Fax (505) 836-4042

Fed. ID# 850376366

ACES-ASSOC CHARTER EDUC SVC PO BOX 3146 , 87190

| Inv.#   | B0046497   | Date      | 10/08/2019 |
|---------|------------|-----------|------------|
| Cust. # | 3281855    | Price Cat | RTN, COD   |
| P.O.#   | CC ON FILE | Sold By   | MR         |
|         |            | Inst'l By |            |

ALBUQUERQUE CHARTER ACADEMY 405 MARTIN LUTHER KING NE 505-459-4439 ERIK ALBUQUERQUE, NM 87102

|              | 328-1855            | Fax: (5        | 1000 100 100   |               |                     |                           |
|--------------|---------------------|----------------|--|---------------|---------------------|---------------------------|
| Qty          | Part                | Thickness      | Description  | List          | Price               | Total                     |
|              |                     |                |  |               |                     |                           |
| 1 INS        | BBR                 | 1              | 45-1/2 X 44-1/2 BRONZE REFLECTIVE INSULATED*   | 295.00        | 295.00              | 295.0                     |
| 1 LAE        | BOR                 |                | INSTALLED *spcl price per mida   | 185.00        | 185.00              | 185.0                     |
|              |                     |                |  |               |                     |                           |
|              |                     |                |  |               |                     |                           |
|              |                     |                |  |               |                     |                           |
|              |                     |                | SPECIAL INSTRUCTIONS   |               | Labor               | 405.0                     |
| *** WE APPI  | ASAP THIS I         | USINESS ****   |  |               | Subtotal<br>Tax     | 185.00<br>480.00<br>37.80 |
| erms of navm | ent are 0 days from | n Invoice deta | A contine phases of 0 0000/, was much (a page)   |               | Total<br>Deductible | 517.80<br>0.00            |
|              |                     | n myorce uate. | A service charge of 0.000% per month (0.000% annum) will be added to past  | due accounts. | Balance             | 0.00                      |
| ECEIVED B    |                     |                |  |               |                     |                           |
|              | m by ADMIN Upda     |                | The state of the s |               |                     |                           |

## Steel Alliance Fab LLC

Invoice

691 Deerbrush Ct SW Los Lunas NM 87031

| Date     | Invoice # |
|----------|-----------|
| 4/6/2020 | 74        |

| Bill To  | * a |  |
|--|-----|--|
| Albuquerque Charter Academy<br>Jarryd Rue<br>405 Dr. Martin Luther King Jr. Ave<br>Albuquerque, NM 87102<br>US |     |  |
|  |     |  |

| P.O. No. | Terms          | Project |
|----------|----------------|---------|
| 2        | Due on receipt |         |

| Quantity         | Description   |                           |       | Rate  |        | Amount                        |
|------------------|---|---------------------------|-------|-------|--------|-------------------------------|
| Quantity 16      | Description  added enclosure to existing fire escape cage - using similar Sales Tax | r materials and painted b | lack. |       | 100.00 | Amount<br>1,600.00T<br>124.80 |
|                  |   |                           |       | 9 g   |        |                               |
| 50% deposit requ | ired before start of project  |                           |       | Total | 22     | \$1,724.80                    |



## FOR SERVICE INQUIRES OR IF MOVING CALL:

505-821-5777

FOR BILLING INQUIRES CALL:

505-821-5777

| Issue Date      | Due Date         |  |  |
|-----------------|------------------|--|--|
| 03/03/2020      | Due Upon Receipt |  |  |
| Customer Number | Invoice #        |  |  |
| AQ1005          | P 1461           |  |  |

For Service At: ABQ Charter Academy (Burg)

405 Dr Martin Luther King Jr Ave NE

Albuquerque, NM 87102-3541

Sales Person: Reference:

P.O Num:

|      |                      |                                | 4.5            |        |  |
|------|----------------------|--------------------------------|----------------|--------|--|
| Qty  | Part Number          | Part Description               | Price Each Tax | Amount |  |
| 1.00 |                      | Door Bird Video Intercome      | 416.00 Y       | 416.00 |  |
|      | Installed 11/8/19    |                                |                |        |  |
| 6.00 |                      | DSC AML Smokes                 | 145.00 Y       | 870.00 |  |
|      | Quoted 2 replaced 6. | Need to replace 8 more Smokes. |                |        |  |
| 6.00 | )                    | Labor                          | 95.00 Y        | 570.00 |  |
|      |                      |                                |                |        |  |

Take a moment to write a review at https://atechsecurity.com/write-review/

Fast - Easy - Secure! Pay your bills online at www.alarmpayments.com

| Charges   | 1,856.00 |
|-----------|----------|
|           |          |
| Sales Tax | 146.16   |
| Total Due | 2,002.16 |

INVOICE

RETURN BOTTOM PORTION WITH YOUR PAYMENT. CARD PAYMENTS WILL SHOW ON STATEMENTS AS "ALARM BILLING SVCS"

A-TECH Security Inc PO Box 92948 Albuquerque, NM 87199-2948

Thank you for your business!

P 1461

| Customer Number            | Am              | ount Due   | Amount Paid        |
|----------------------------|-----------------|------------|--------------------|
| AQ1005                     | 9               | \$2,002.16 |                    |
| IF PAYING BY CREDIT CARD - | Card Type: VI   | SA Mas     | sterCard Discover_ |
| Charge: from now on OR t   | his bill only _ | Billing Z  | Zip Code           |
| Card Number                |                 | 1          | Exp. Date:/        |
| Signature: X               |                 |            |                    |

ACES PO Box 3146 Albuquerque, NM 87190-3146 A-TECH Security Inc PO Box 92948 Albuquerque, NM 87199-2948

0000AQ10050000200216

# **DEVELOPMENT MANAGING CONSULTANTS**

# PROFESSIONAL CONSTRUCTION MANAGERS & CONSULTING ENGINEERS

Sign-in Sheet For

Pre-Variance Neighborhood Meeting #2
Date: 10-09-2020

| B  |
|--|
| Name Steve Hernandez  Erik Bose (Executive Director)  Ceon Uspinory  Rychard Martines  Range Martines  Range Martines  |
| Organization  Development Managing Consultants (DMC)  ABQ Charter School  ABQ Charter School  CICM  CICM   |
| Phone #  505-228-1401  505-242-6640  202-367-6867  205-263-2664  505-366-1439  3844/08/22  |
| Mobile #<br>505-228-1401   |
| E-Mail  steve@dmcnm.com  erik.bose@abqcharteracademy.org    bouczpiuæ4888 > 7-40.com    (133)=100 - com   Kris 042898 - com   Kris 042898 - com   Martinez, Reneee of Mail |
| 69   |

## Steve Hernandez

From:

Steve Hernandez <steve@dmcnm.com>

Sent:

Wednesday, August 05, 2020 5:50 PM

To:

Steve Hernandez (steve@dmcnm.com); 'Sanchez, Suzanna A.'

Subject:

Public Notice to the Homeowners Association and Those in Your Neighborhood

REQUEST FOR NEIGHBORHOOD MEETING-v1.pdf, 405 MLK - 401 & 405 Edith Blvd. Iron Fence

Layout\_Image1.pdf; Rackable fence Exhibit 70-94inch.pdf; October Zoom - Public Notice of

Hearing.pdf

Importance:

Attachments:

High

## Public Notice to the Homeowners Association and Those in Your Neighborhood

Hello, my name is Steve Hernandez. I am sending out this notice on behalf of the property owners at 405 Martin Luther King Blvd. NE and 401 & 405 Edith Blvd. NE (Adjoining Properties, Same Owner).

We are requesting a variance from the city, which if approved, will allow us to construct a 6-foot-high wrought iron fence around our property. This iron fence will add value to the surrounding properties, and will too, help with public safety.

Please see the attached document:

1. Request for neighborhood meeting - I am offering up my time to discuss with you, and your neighbor's. I'd like to show you just what we are planning.

2. Public Notice of Hearing - this is an invitation to attend a ZOOM hearing on October 20, 2020 at 9:00 AM.

3. Color Aerial View - this is the perimeter of the property we propose to be working in.

4. Fence panel exhibit.

Should you need to speak to me, I am available via email, or, by cell phone. If you call me on my cell phone, please, you may leave a message as I may be in meeting.

Thank you,

Steven W. Hernandez
Development Managing Consultants
9320 Menaul Blvd. NE Suite D
Albuquerque, NM 87112
Cell: (505) 228.1401

DEVELOPMENT MANAGING CONSULTANTS

PROFESSIONAL CONSTRUCTION MANAGERS & CONSULTING ENGINEERS

HOA - Sisn in Sheet Meeting # 1

Steve Heenander 228-1401

ROSLYN KLOEPPER 430-1379

Algura martinez 292-3959

Richard Martinez 263-2664

ROSTI HOWDE 366-1439

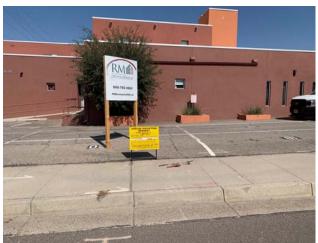
Renee Martinez 410-8122













REQUEST

VARIANCE OF 3FT TO THE

3 FT MAXIMUM WALL

RESENT ZONE MXL

ne Zoning Hearing Examiner of the City of Albuquerque ill hold a public hearing for details call 924-3894 VIA ZOOM I. on <u>OCI - 20</u> , 28 <u>20</u>

t 9:00 AM and such additional dates as may be duly stablished. All persons have the right to appear at such nearing. For information on this case or instructions on Request to be posted from DCL-05, 2020 to OCL-20, 2020 by SEVEN HERNANDE (565) 228-140





CITY OF ALBUQUERQUE PLANNING DEPARTMENT INTER-OFFICE MEMORANDUM

October 6, 2020

To: Lorena Patten-Quintana, ZHE Planner

From: Matt Grush, P.E. Senior Engineer

**Subject:** COMMENTS FOR THE ZHE HEARING OF October 20, **2020** 

The Transportation Development Review Services Section has reviewed the zone hearing requests, and submits the attached comments.

VA-2020-00306 PR-2020-004381

**Address: 405 Martin Luther King Ave NE** 

Transportation Review: No objections

After review of the provided application, Transportation has no objection to the construction of a fence over 3 feet. The wrought iron fencing will not affect the driveway sight distance.

CITY OF ALBUQUERQUE PLANNING DEPARTMENT INTER-OFFICE MEMORANDUM

October 6, 2020

To: Lorena Patten-Quintana, ZHE Planner

From: Matt Grush, P.E. Senior Engineer

**Subject:** COMMENTS FOR THE ZHE HEARING OF October 20, **2020** 

The Transportation Development Review Services Section has reviewed the zone hearing requests, and submits the attached comments.

VA-2020-00307 PR-2020-004381

**Address: 401 Martin Luther King Ave NE** 

Transportation Review: No objection

After review of the provided application, Transportation has no objection to the construction of a fence over 3 feet. The wrought iron fencing will not affect the driveway sight distance.

CITY OF ALBUQUERQUE PLANNING DEPARTMENT INTER-OFFICE MEMORANDUM

October 6, 2020

To: Lorena Patten-Quintana, ZHE Planner

From: Matt Grush, P.E. Senior Engineer

**Subject:** COMMENTS FOR THE ZHE HEARING OF October 20, **2020** 

The Transportation Development Review Services Section has reviewed the zone hearing requests, and submits the attached comments.

VA-2020-00308 PR-2020-004381

**Address: 405 Martin Luther King Ave NE** 

Transportation Review: No objection

After review of the provided application, Transportation has no objection to the construction of a fence over 3 feet. The wrought iron fencing will not affect the driveway sight distance

City of Albuquerque ZHE – October 20, 2020

Agenda Item #38 VA-2020-00306 PR-2020-004381

RM 401-40 Steve Nakamura (Agent, Development Managing Consultants) request a variance of 3ft to the 3ft maximum wall height for Lot 7, Martineztown Plan Phase 7, located at 405 Martin Luther King Ave NE, zoned MX-T [Section 14-16-5-7-D]

Ownership: Owner: RM 405 LLC/ ABQ CHARTER ACADEM

**Zone District/Purpose:** MX-T/The purpose of the MX-T zone district is to provide a transition between residential neighborhoods and more intense commercial areas. Primary land uses include a range of low-density multi-family residential and small-scale office, institutional, and pedestrian-oriented commercial uses.

Allowable Use: n/a

**Applicable Comp Plan Designation(s):** Area of Change; Broadway MS

Applicable Overlay Zones: None listed

**Applicable Use-Specific Standard(s):** n/a

## **Applicable Dimensional/Development Standards:**

| Table 5-7-1: Maximum Wall Height   |                  |  |                                  |                                   |                           |  |
|--|------------------|--|----------------------------------|-----------------------------------|---------------------------|--|
| Zone Category  | Residential      | Mixed-use                                  | Non-residential<br>(NR-C, NR-BP) | Non-residential<br>(NR-LM, NR-GM) | See also:                 |  |
| Standard Wall Height   |                  |  |                                  |                                   |                           |  |
| Wall in the front yard or<br>street side yard <sup>(1)</sup>   | 3 ft.            | 3 ft.                                      | 3 ft.                            | 6 ft.                             | 5-7(D)(2)                 |  |
| Wall in other locations on<br>the lot <sup>[2][3]</sup>  | 8 ft.            | 8 ft.                                      | 8 ft.                            | 10 ft.                            | 5-7(D)(2)                 |  |
| Corner Lot Abutting Reside   | ntial Zone Distr | ict  |                                  |                                   |                           |  |
| Any portion of a wall in the   | rear yard abutti | ng the front yard                          | of a Residential zon             | e district.                       |                           |  |
| <10 ft. from the lot line<br>abutting the street <sup>(1)</sup>  | 3 ft.            | 3 ft.                                      | 3 ft.                            | 6 ft.                             | 5-7(D)(2)<br>5-7(D)(3)(d) |  |
| ≥10 ft. from the lot line abutting the street  | 6 ft.            | 8 ft.<br>Low –density<br>residential: 6ft. | 8 ft.                            | 8 ft.                             | 5-7(D)(2)                 |  |
| Walls Abutting Major Arro  | yos and Major    | Public Open Space                          | e                                |                                   |                           |  |
| Wall in a rear or interior<br>side yard abutting a major<br>arroyo   | 6 ft.            | 8 ft.                                      | 8 ft.                            | 8 ft.                             | 5-7(D)(2)<br>5-7(E)(4)    |  |
| Wall in a rear or interior<br>side yard abutting Major<br>Public Open Space  | 6 ft.            | 6 ft.                                      | 6 ft.                            | 10 ft.                            | 5-7(D)(2)<br>5-7(E)(4)    |  |
| [3] A variance — 2HE for a wall greater than 3 ft. in height on a lot with low-density residential development may be approved pursuant to the criteria in Subsection 14-16-6-6[N[3]]c() (variance for a Taller Front or Side Yard Wall) if it meets the standards in Table 5-7-2. [2] Portion of walls in the rear yard abuting the front yard of a Residential zone district are treated differently, with provisions later in this table. [3] Where the rear yard of a through lot abuts at least 1 lot with any residential development that faces he second public stept, the rear and side walls shall be subject to the same height restrictions applicable within the required front setback of the abutting residential property. |                  |  |                                  |                                   |                           |  |

City Parcel

Address: 405 MARTIN LUTHER KING AV NE

**Apartment:** 

Lot: 7 Block: 0000

Subdivision: MARTINEZTOWN PLAN PHASE

**Prior Approval Conditions:** No prior special exceptions listed

**Traffic Recommendations:** No objection, exhibits

**Planning Recommendation:** This matter should proceed to a public hearing where the Zoning Hearing Examiner will hear additional evidence and make a written decision pursuant to applicable provisions of Section 14-16-6-4.



City of Albuquerque ZHE – October 20, 2020

Agenda Item #39

VA-2020-00307

PR-2020-004381

RM 401-40 Steve Nakamura (Agent, Development Managing Consultants) request a variance of 3ft to the 3ft maximum wall height for Lot 6A, Brooks Harold, located at 401 Edith Blvd NE, zoned MX-L [Section 14-16-5-7-D]

Ownership: Owner: ALBUQUERQUE LASER CENTER LLC

**Zone District/Purpose:** MX-L/The purpose of the MX-L zone district is to provide for neighborhood-scale convenience shopping needs, primarily at the corners of collector intersections. Primary land uses include non-destination retail and commercial uses, as well as townhouses, low-density multi-family residential dwellings, and civic and institutional uses to serve the surrounding area, with taller, multi-story buildings encouraged in Centers and Corridors.

Allowable Use: n/a

**Applicable Comp Plan Designation(s):** Area of Change; Broadway MS

Applicable Overlay Zones: None listed

Applicable Use-Specific Standard(s): n/a

## **Applicable Dimensional/Development Standards:**

|                   |   | Table 5-7-1: Maximum Wall Height   |  |  |  |  |  |  |
|-------------------|---|--|--|--|--|--|--|--|
| Residential       | Mixed-use   | Non-residential<br>(NR-C, NR-BP)   | Non-residential<br>(NR-LM, NR-GM)  | See also:  |  |  |  |  |
|                   |   |  |  |  |  |  |  |  |
| 3 ft.             | 3 ft.   | 3 ft.  | 6 ft.  | 5-7(D)(2)  |  |  |  |  |
| 8 ft.             | 8 ft.   | 8 ft.  | 10 ft.   | 5-7(D)(2)  |  |  |  |  |
| ntial Zone Distri | ict   |  |  |  |  |  |  |  |
| rear yard abutti  | ng the front yard   | of a Residential zon   | e district.  |  |  |  |  |  |
| 3 ft.             | 3 ft.   | 3 ft.  | 6 ft.  | 5-7(D)(2)<br>5-7(D)(3)(d)                                |  |  |  |  |
| 6 ft.             | 8 ft.<br>Low –density<br>residential: 6ft.                              | 8 ft.  | 8 ft.  | 5-7(D)(2)  |  |  |  |  |
| os and Major l    | Public Open Spac  | e  |  |  |  |  |  |  |
| 6 ft.             | 8 ft.   | 8 ft.  | 8 ft.  | 5-7(D)(2)<br>5-7(E)(4)                                   |  |  |  |  |
| 6 ft.             | 6 ft.   | 6 ft.  | 10 ft.   | 5-7(D)(2)<br>5-7(E)(4)                                   |  |  |  |  |
|                   | 3 ft. 8 ft. ntial Zone District yard abutti 3 ft. 6 ft. cos and Major I | 3 ft. 3 ft.  8 ft. 8 ft.  ntial Zone District rear yard abutting the front yard of t | Residential Mixed-use (NR-C, NR-BP)  3 ft. 3 ft. 3 ft.  8 ft. 8 ft. 8 ft.  ntial Zone District rear yard abutting the front yard of a Residential zon  3 ft. 3 ft. 3 ft.  6 ft. Low-density residential: 6ft. yos and Major Public Open Space  6 ft. 8 ft. 8 ft. | Sesidential   Mixed-use   (NR-C, NR-BP)   (NR-LM, NR-GM) |  |  |  |  |

[1] A Variance — ZHE for a wall greater than 3 ft. in height on a lot with low-density residential development may be approved pursuant to the criteria in Subsection 14-16-6-6(N)[3](c) (Variance for a Taller Front Side Yard Wall) if it meets the standards in Table 5-7-2.
[2] Portion of walls in the rear yard abutting the front yard of a Residential zone district are treated differently, with provisions later in this table.

ide walls shall be subject to the same height restrictions applicable within the required front setback of the abutting residential property.

City Parcel

Address: 401 EDITH BLVD NE

**Apartment:** 

Lot: 6A Block: 0000

Subdivision: BROOKS--HAROLD

Pin: ABQ134758

**Prior Approval Conditions:** No prior special exceptions listed

**Traffic Recommendations:** No objection

**Planning Recommendation:** This matter should proceed to a public hearing where the Zoning Hearing Examiner will hear additional evidence and make a written decision pursuant to applicable provisions of Section 14-16-6-4.



City of Albuquerque ZHE – October 20, 2020

Agenda Item #40

VA-2020-00308

PR-2020-004381

RM 401-40 Steve Nakamura (Agent, Development Managing Consultants) request a variance of 3ft to the 3ft maximum wall height for Lot 5, Block 4, Belvidere Addn, located at 405 Edith Blvd NE, zoned MX-L [Section 14-16-5-7-D]

Ownership: Owner: ALBUQUERQUE LASER CENTER LLC

**Zone District/Purpose:** MX-L/The purpose of the MX-L zone district is to provide for neighborhood-scale convenience shopping needs, primarily at the corners of collector intersections. Primary land uses include non-destination retail and commercial uses, as well as townhouses, low-density multi-family residential dwellings, and civic and institutional uses to serve the surrounding area, with taller, multi-story buildings encouraged in Centers and Corridors.

Allowable Use: n/a

**Applicable Comp Plan Designation(s):** Area of Change; Broadway MS

Applicable Overlay Zones: None listed

**Applicable Use-Specific Standard(s):** n/a

## **Applicable Dimensional/Development Standards:**

| Table 5-7-1: Maximum   | <b>Wall Height</b>                                     |  |   |  |                                      |
|--|--|--|---|--|--------------------------------------|
| Zone Category  | Residential  | Mixed-use  | Non-residential<br>(NR-C, NR-BP)  | Non-residential<br>(NR-LM, NR-GM)  | See also:                            |
| Standard Wall Height   |  |  |   |  |                                      |
| Wall in the front yard or<br>street side yard <sup>[1]</sup>   | 3 ft.  | 3 ft.  | 3 ft.   | 6 ft.  | 5-7(D)(2)                            |
| Wall in other locations on<br>the lot <sup>[2][3]</sup>  | 8 ft.  | 8 ft.  | 8 ft.   | 10 ft.   | 5-7(D)(2)                            |
| Corner Lot Abutting Reside   | ntial Zone Distr                                       | ict  |   |  |                                      |
| Any portion of a wall in the   | rear yard abutti                                       | ing the front yard                                   | of a Residential zon  | e district.  |                                      |
| <10 ft. from the lot line<br>abutting the street <sup>[1]</sup>  | 3 ft.  | 3 ft.  | 3 ft.   | 6 ft.  | 5-7(D)(2)<br>5-7(D)(3)(d             |
| ≥10 ft. from the lot line<br>abutting the street   | 6 ft.  | 8 ft.<br>Low –density<br>residential: 6ft.           | 8 ft.   | 8 ft.  | 5-7(D)(2)                            |
| Walls Abutting Major Arro  | yos and Major  | Public Open Space                                    | ce  |  |                                      |
| Wall in a rear or interior<br>side yard abutting a major<br>arroyo   | 6 ft.  | 8 ft.  | 8 ft.   | 8 ft.  | 5-7(D)(2)<br>5-7(E)(4)               |
| Wall in a rear or interior<br>side yard abutting Major<br>Public Open Space  | 6 ft.  | 6 ft.  | 6 ft.   | 10 ft.   | 5-7(D)(2)<br>5-7(E)(4)               |
| [1] A Variance – ZHE for a wall gree<br>criteria in Subsection 14-16-6-6(N)<br>[2] Portion of walls in the rear yard<br>table.<br>[3] Where the rear yard of a throug<br>side walls shall be subject to the sa | (3)(c) (Variance for a labutting the front ghost least | a Taller Front or Side Y<br>yard of a Residential zo | ard Wall) if it meets the<br>one district are treated o<br>tial development that fa | standards in Table 5-7-2<br>differently, with provision<br>ces the second public str | is later in this<br>eet, the rear an |

City Parcel

Address: 405 EDITH BLVD NE

Apartment:

Lot: 5 Block: 4

Subdivision: BELVIDERE ADDN

**Prior Approval Conditions:** No prior special exceptions listed

**Traffic Recommendations:** No objection

**Planning Recommendation:** This matter should proceed to a public hearing where the Zoning Hearing Examiner will hear additional evidence and make a written decision pursuant to applicable provisions of Section 14-16-6-4.



# Sanchez, Suzanna A.

From: Steve Hernandez <steve@dmcnm.com>
Sent: Tuesday, October 20, 2020 1:55 PM

**To:** Sanchez, Suzanna A. **Cc:** Steve Hernandez

**Subject:** Longfellow Elementary Fencing **Attachments:** IMG\_0487.jpg; IMG\_0486.jpg

Suzie: This school, Longfellow Elementary is across the street from our 401 & 405 Edith location. For agenda item's 38, 39, & 40, I (DMC) may be referring to these two pictures and this school as well (This fence is 7+ feet high). Again, only if needed, this for more of my support from the descension comments from the HOA.

Thank you,

Steven W. Hernandez Development Managing Consultants 9320 Menaul Blvd. NE Suite D Albuquerque, NM 87112 Off. Direct: (505) 296.7100

Fax: (505) 296.7105 Cell: (505) 228.1401

\_\_\_\_\_\_

This message has been analyzed by Deep Discovery Email Inspector.





# Sanchez, Suzanna A.

From: Steve Hernandez <steve@dmcnm.com>
Sent: Tuesday, October 20, 2020 6:00 PM

To: Sanchez, Suzanna A. Cc: Steve Hernandez

Subject: Martinez Town Wall Pics w/Addresses & Longfellow Elementary Fencing

**Attachments:** Martinez Town Wall Pics w-Addresses.pdf

Hi Suzie! Attached are the pictures used in today's hearing. I was able to assign an address to each of the pictures as requested by Robert Lucero, Esq., Zoning Hearing Examiner.

Thanks for your help Suzie!

Thank you,

Steven W. Hernandez Development Managing Consultants 9320 Menaul Blvd. NE Suite D Albuquerque, NM 87112 Off. Direct: (505) 296.7100

Fax: (505) 296.7105 Cell: (505) 228.1401

----Original Message-----

From: Sanchez, Suzanna A. <suzannasanchez@cabq.gov>

Sent: Tuesday, October 20, 2020 4:01 PM
To: Steve Hernandez < <a href="mailto:steve@dmcnm.com">steve@dmcnm.com</a>
Subject: RE: Longfellow Elementary Fencing

Received, thank you.

----Original Message-----

From: Steve Hernandez [mailto:steve@dmcnm.com]

Sent: Tuesday, October 20, 2020 1:55 PM

To: Sanchez, Suzanna A. Cc: Steve Hernandez

Subject: Longfellow Elementary Fencing

Suzie: This school, Longfellow Elementary is across the street from our 401 & 405 Edith location. For agenda item's 38, 39, & 40, I (DMC) may be referring to these two pictures and this school as well (This fence is 7+ feet high). Again, only if needed, this for more of my support from the descension comments from the HOA.

Thank you,

Steven W. Hernandez
Development Managing Consultants
9320 Menaul Blvd. NE Suite D

Albuquerque, NM 87112 Off. Direct: (505) 296.7100

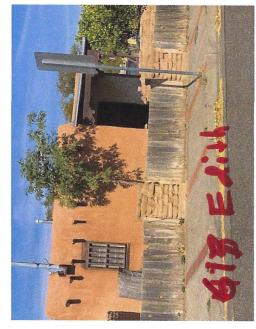
Fax: (505) 296.7105 Cell: (505) 228.1401

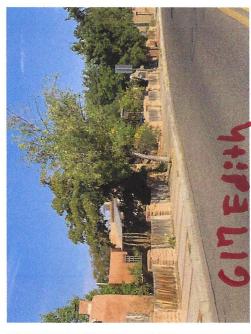
This message has been analyzed by Deep Discovery Email Inspector. \_\_\_\_\_

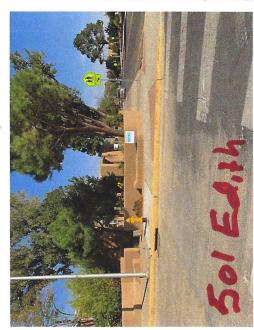
This message has been analyzed by Deep Discovery Email Inspector.

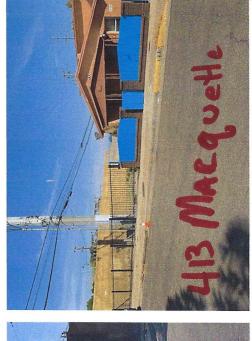


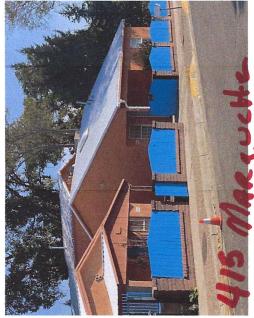




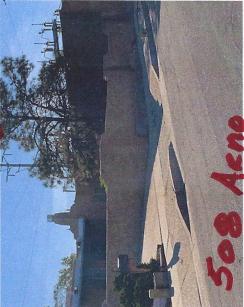


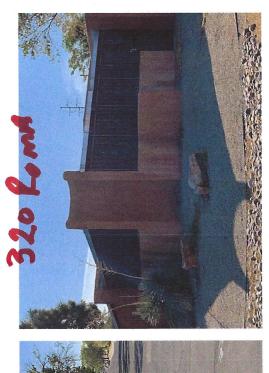


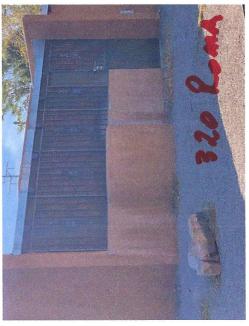




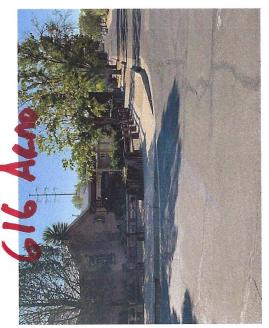


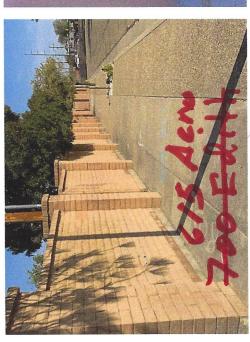


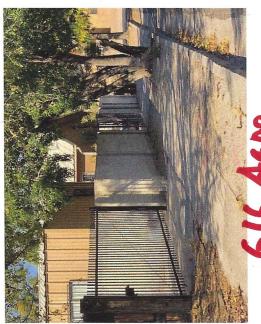


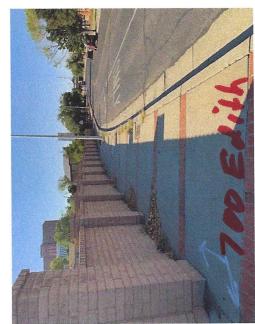




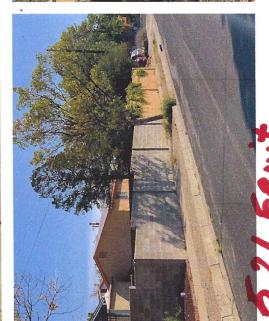


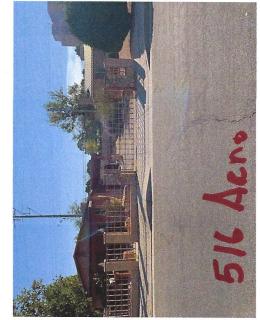




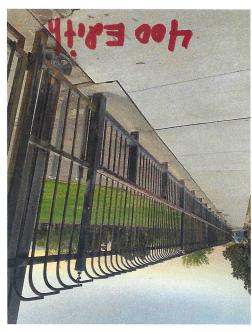




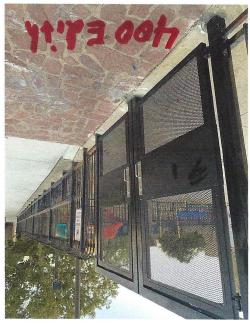


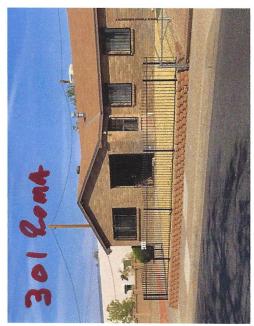














# CITY OF ALBUQUERQUE OFFICE OF ADMINISTRATIVE HEARINGS ZONING HEARING EXAMINER NOTIFICATION OF DECISION

RM 401-40 Steve Nakamura (Agent, Development Managing Consultants) request a variance of 3ft to the 3ft maximum wall height for Lot 7, Martineztown Plan Phase 7, located at 405 Martin Luther King Ave NE, zoned MX-T [Section 14-16-5-7-D]

| Special Exception No:     | . VA-2020-00306       |
|---------------------------|-----------------------|
| Project No:               | . Project#2020-004381 |
| Hearing Date:             | . 10-20-20            |
| Closing of Public Record: | . 10-20-20            |
| Date of Decision:         | . 11-04-20            |
|                           |                       |

On the 20th day of October, 2020, Development Managing Consultants, agent for property owner RM 401-40 Steve Nakamura ("Applicant") appeared before the Zoning Hearing Examiner ("ZHE") requesting a variance of 3ft to the 3ft maximum wall height ("Application") upon the real property located at 405 Martin Luther King Ave NE ("Subject Property"). Below are the ZHE's finding of fact and decision:

# **FINDINGS**:

- 1. Applicant is requesting a variance of 3ft to the 3ft maximum wall height.
- 2. All property owners within 100 feet of the subject property and the affected neighborhood association were notified.
- 3. The proper "Notice of Hearing" signage was posted for the required time period as required by The City of Albuquerque Integrated Development Ordinance (IDO), Section 14-16-6-4(K)(3).
- 4. Applicant, through its Agent and other representatives, appeared and gave evidence in support of the application. Certain neighbors appeared and gave evidence in opposition to or questioning of the Application.
- 5. The Subject Property is currently zoned MX-T.
- 6. The Subject Property is currently used as a school.
- 7. City Transportation submitted a report stating no objection.
- 8. The Applicant has authority to pursue this Application.
- 9. IDO Section 14-16-6-6(N)(3)(a) (Variance-Review and Decision Criteria) reads: "... an application for a Variance-ZHE shall be approved if it meets all of the following criteria:
  - (1) There are special circumstances applicable to the subject property that are not self-imposed and that 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. Such special circumstances of the property either create an extraordinary hardship in the form of a substantial and unjustified limitation on the reasonable use or return on the property, or practical difficulties result from strict compliance with the minimum standards.

- (2) The Variance will not be materially contrary to the public safety, health, or welfare.
- (3) The Variance does not cause significant material adverse impacts on surrounding properties or infrastructure improvements in the vicinity.
- (4) The Variance will not materially undermine the intent and purpose of the IDO or the applicable zone district.
- (5)The Variance approved is the minimum necessary to avoid extraordinary hardship or practical difficulties."
- 10. The Applicant bears the burden of ensuring there is evidence in the record supporting a finding that all of the above criteria are met under Section 14-16-6-4(N)(1).
- 11. Applicant has not satisfied IDO Section 14-16-6-6(N)(3)(a)(1), regarding special circumstances. Based on evidence submitted by or on behalf of Applicant, it appears that there are no special circumstances applicable to the Subject Property that do not apply generally to other property in the same zone and vicinity, as required by Section 14-16-6-6(N)(3)(a)(1). Applicant cited crime, homelessness, drug use, vagrancy, trespassing and other social ills as the special circumstances. While the ZHE appreciates the challenges these social ills pose, especially to a school, evidence in the record makes clear that these social ills also challenge other properties in the vicinity, including without limitation another school in the immediate area. Because the criteria pertaining to special circumstances is not met, this Application must be denied.

#### DECISION:

DENIAL of a variance of 3ft to the 3ft maximum wall height.

#### APPEAL:

If you wish to appeal this decision, you must do so by November 19, 2020 pursuant to Section 14-16-6-4(U), of the Integrated Development Ordinance, you must demonstrate that you have legal standing to file an appeal as defined.

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.

Robert Lucero, Esq.

Hotert Lucy's

Zoning Hearing Examiner

cc:

ZHE File

**Zoning Enforcement** 

Steve Hernandez, Development Managing Consultants, steve@dmcnm.com

Amy Roble, 405 Dr. Martin Luther King Ave NE, 87102

Kris Houde, 617 Edith NE, #8, 87102

Renee Martinez, 515 Edith NE, 87102

Jarryd Rue, 405 Dr. Martin Luther King Ave NE, 87102

Eric Bose, 11900 Anaheim NE, 87122

Elizabeth Barbieri, mullanphyre@gmail.com

Leon Espinoza, leonespinoza888@yahoo.com

Steve Nakamura, 405 Dr. Martin Luther King Ave NE, 87102



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

RM 401-40 Steve Nakamura (Agent, Development Managing Consultants) request a variance of 3ft to the 3ft maximum wall height for Lot 6A, Brooks Harold, located at 401 Edith Blvd NE, zoned MX-L [Section 14-16-5-7-D]

| Special Exception No:     | . VA-2020-00307       |
|---------------------------|-----------------------|
| Project No:               | . Project#2020-004381 |
| Hearing Date:             | . 10-20-20            |
| Closing of Public Record: | . 10-20-20            |
| Date of Decision:         | . 11-04-20            |
|                           |                       |

On the 20th day of October, 2020, Development Managing Consultants, agent for property owner RM 401-40 Steve Nakamura ("Applicant") appeared before the Zoning Hearing Examiner ("ZHE") requesting a variance of 3ft to the 3ft maximum wall height ("Application") upon the real property located at 401 Edith Blvd NE ("Subject Property"). Below are the ZHE's finding of fact and decision:

# **FINDINGS**:

- 1. Applicant is requesting a variance of 3ft to the 3ft maximum wall height.
- 2. All property owners within 100 feet of the subject property and the affected neighborhood association were notified.
- 3. The proper "Notice of Hearing" signage was posted for the required time period as required by The City of Albuquerque Integrated Development Ordinance (IDO), Section 14-16-6-4(K)(3).
- 4. Applicant, through its Agent and other representatives, appeared and gave evidence in support of the application. Certain neighbors appeared and gave evidence in opposition to or questioning of the Application.
- 5. The Subject Property is currently zoned MX-T.
- 6. The Subject Property is currently used as a school.
- 7. City Transportation submitted a report stating no objection.
- 8. The Applicant has authority to pursue this Application.
- 9. IDO Section 14-16-6-6(N)(3)(a) (Variance-Review and Decision Criteria) reads: "... an application for a Variance-ZHE shall be approved if it meets all of the following criteria:
  - (1) There are special circumstances applicable to the subject property that are not self-imposed and that 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. Such special circumstances of the property either create an extraordinary hardship in the form of a substantial and unjustified limitation on the reasonable use or return on the property, or practical difficulties result from strict compliance with the minimum standards.

- (2) The Variance will not be materially contrary to the public safety, health, or welfare.
- (3) The Variance does not cause significant material adverse impacts on surrounding properties or infrastructure improvements in the vicinity.
- (4) The Variance will not materially undermine the intent and purpose of the IDO or the applicable zone district.
- (5)The Variance approved is the minimum necessary to avoid extraordinary hardship or practical difficulties."
- 10. The Applicant bears the burden of ensuring there is evidence in the record supporting a finding that all of the above criteria are met under Section 14-16-6-4(N)(1).
- 11. Applicant has not satisfied IDO Section 14-16-6-6(N)(3)(a)(1), regarding special circumstances. Based on evidence submitted by or on behalf of Applicant, it appears that there are no special circumstances applicable to the Subject Property that do not apply generally to other property in the same zone and vicinity, as required by Section 14-16-6-6(N)(3)(a)(1). Applicant cited crime, homelessness, drug use, vagrancy, trespassing and other social ills as the special circumstances. While the ZHE appreciates the challenges these social ills pose, especially to a school, evidence in the record makes clear that these social ills also challenge other properties in the vicinity, including without limitation another school in the immediate area. Because the criteria pertaining to special circumstances is not met, this Application must be denied.

### **DECISION:**

DENIAL of a variance of 3ft to the 3ft maximum wall height.

#### APPEAL:

If you wish to appeal this decision, you must do so by November 19, 2020 pursuant to Section 14-16-6-4(U), of the Integrated Development Ordinance, you must demonstrate that you have legal standing to file an appeal as defined.

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.

Robert Lucero, Esq.

Zoning Hearing Examiner

Hotert Lucy's

cc:

ZHE File
Zoning Enforcement
Steve Hernandez, Development Managing Consultants, steve@dmcnm.com



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

RM 401-40 Steve Nakamura (Agent, Development Managing Consultants) request a variance of 3ft to the 3ft maximum wall height for Lot 5, Block 4, Belvidere Addn, located at 405 Edith Blvd NE, zoned MX-L [Section 14-16-5-7-D]

| Special Exception No:     | VA-2020-00308       |
|---------------------------|---------------------|
| Project No:               | Project#2020-004381 |
| Hearing Date:             | 10-20-20            |
| Closing of Public Record: | 10-20-20            |
| Date of Decision:         | 11-04-20            |
|                           |                     |

On the 20th day of October, 2020, Development Managing Consultants, agent for property owner RM 401-40 Steve Nakamura ("Applicant") appeared before the Zoning Hearing Examiner ("ZHE") requesting a variance of 3ft to the 3ft maximum wall height ("Application") upon the real property located at 405 Edith Blvd NE ("Subject Property"). Below are the ZHE's finding of fact and decision:

# **FINDINGS**:

- 1. Applicant is requesting a variance of 3ft to the 3ft maximum wall height.
- 2. All property owners within 100 feet of the subject property and the affected neighborhood association were notified.
- 3. The proper "Notice of Hearing" signage was posted for the required time period as required by The City of Albuquerque Integrated Development Ordinance (IDO), Section 14-16-6-4(K)(3).
- 4. Applicant, through its Agent and other representatives, appeared and gave evidence in support of the application. Certain neighbors appeared and gave evidence in opposition to or questioning of the Application.
- 5. The Subject Property is currently zoned MX-T.
- 6. The Subject Property is currently used as a school.
- 7. City Transportation submitted a report stating no objection.
- 8. The Applicant has authority to pursue this Application.
- 9. IDO Section 14-16-6-6(N)(3)(a) (Variance-Review and Decision Criteria) reads: "... an application for a Variance-ZHE shall be approved if it meets all of the following criteria:
  - (1) There are special circumstances applicable to the subject property that are not self-imposed and that 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. Such special circumstances of the property either create an extraordinary hardship in the form of a substantial and unjustified limitation on the reasonable use or return on the property, or practical difficulties result from strict compliance with the minimum standards.

- (2) The Variance will not be materially contrary to the public safety, health, or welfare.
- (3) The Variance does not cause significant material adverse impacts on surrounding properties or infrastructure improvements in the vicinity.
- (4) The Variance will not materially undermine the intent and purpose of the IDO or the applicable zone district.
- (5)The Variance approved is the minimum necessary to avoid extraordinary hardship or practical difficulties."
- 10. The Applicant bears the burden of ensuring there is evidence in the record supporting a finding that all of the above criteria are met under Section 14-16-6-4(N)(1).
- 11. Applicant has not satisfied IDO Section 14-16-6-6(N)(3)(a)(1), regarding special circumstances. Based on evidence submitted by or on behalf of Applicant, it appears that there are no special circumstances applicable to the Subject Property that do not apply generally to other property in the same zone and vicinity, as required by Section 14-16-6-6(N)(3)(a)(1). Applicant cited crime, homelessness, drug use, vagrancy, trespassing and other social ills as the special circumstances. While the ZHE appreciates the challenges these social ills pose, especially to a school, evidence in the record makes clear that these social ills also challenge other properties in the vicinity, including without limitation another school in the immediate area. Because the criteria pertaining to special circumstances is not met, this Application must be denied.

#### DECISION:

DENIAL of a variance of 3 feet to the 3ft maximum wall height...

### APPEAL:

If you wish to appeal this decision, you must do so by November 19, 2020 pursuant to Section 14-16-6-4(U), of the Integrated Development Ordinance, you must demonstrate that you have legal standing to file an appeal as defined.

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.

Robert Lucero, Esq.

Zoning Hearing Examiner

Hotert Lucy's

cc:

ZHE File
Zoning Enforcement
Steve Hernandez, Development Managing Consultants, steve@dmcnm.com



# Hearing on Special Exceptions to the Integrated Development Ordinance

# **MINUTES**

October 20, 2020 600 2<sup>nd</sup> St NW, Albuquerque, NM 87102

# **CITY STAFF PRESENT:**

Robert Lucero – Zoning Hearing Examiner

Lorena Patten-Quintana – ZHE Planner, Planning Department

Suzie Sanchez – Hearing Monitor

ZHE: Let's go on to 38, 39 and 40 and these are the VA-2020-00306-307 and 308 and they're all listed under project number PR-2020-004381 and it's RM-401 40 Steve Nakamura through agent, Development Managing Consultants requesting a variance of 3 feet to the 3 foot maximum wall height for Lot 7, Martineztown Plan Phase 7, located at 405 Martin Luther King Ave. Northeast, zoned MX-T. And, same applicant and agent requesting a variance of 3 feet to the 3-foot maximum wall height for Lot 6A, Brooks Harold located at 401 Edith Blvd NE, zoned MX-L. And, the same applicant and agent requesting a variance of 3 feet to 3-foot maximum wall height for Lot 5, Block 4, Belvedere Addition, located at 405 Edith Boulevard NE, also zoned M-XL. Now, before we proceed, I just wanted to note for the record that several years ago I represented, in my law practice, an entity - one of the applicants or perhaps an owner of the applicant, Steve Nakamura had an interest however, I do not represent any of the applicants or agents in this matter. I don't represent any of the opponents in this matter and therefore I believe that I have no conflict of interest in this matter but wanted to disclose that for the record. That being said, let's call for the agent. Do we have the agent with us?

STEVE HERNANDEZ: Yes, Steve Hernandez here agent with Development Managing Consultants, representing these three requests.

ZHE: Thank you, Mr. Hernandez and would you please state your mailing address for the record? I don't know if you said that.

STEVE HERNANDEZ: I did not, 9320 Menaul Blvd., Northeast Albuquerque, NM 87112.

ZHE: And, you know we're getting a strange sort of feed-back loop. I don't know if there's anything that can be done about that on your end. Is there any - - do you happen to have - - or be calling in or have another speaker open perhaps?

STEVE HERNANDEZ: Perhaps I do, hold on. Let's see if that's any better.

ZHE: I'm still getting a strange echo. Suzie, do you have any ideas on the technical side, how we might be able to cure that? I want the recording to be good for the public record.

HEARING MONITOR: You might be able to try turning down the volume.

ZHE: Would that work, Mr. Hernandez? If you turned down the volume?

STEVE HERNANDEZ: I actually turned the volume off.

ZHE: Go ahead and speak let's see if that did it.

STEVE HERNANDEZ: Okay. Once again, I'm here representing Mr. Steven Nakamura for three variance requests.

ZHE: Okay. Can you hear me, Mr. Hernandez?

STEVE HERNANDEZ: I can.

ZHE: Oh good, okay. Very good. So, why don't you give us a summary, a quick summary of these three requests and then I'll pose a few questions and then we'll allow public comment. Go ahead, sir.

STEVE HERNANDEZ: Once again. I'm sorry, did you ask me to summarize?

ZHE: Yes, please.

STEVE HERNANDEZ: Okay, we are requesting a 3 foot to the 3-foot allowable for a 6-foothigh proposed, see-through wrought iron, security fencing. These three listed properties or these three variances are connected properties and they are all owned by the same owner, Mr. Nakamura and they are the campus for the Albuquerque Charter School. All right, this request is based on the large amount of criminal activity in our parking lots and the unsanitary condition of the vagrants using the property, frankly as toilets. In addition to them sleeping on the campus both night and day, our teachers, their cars, the students, the visitors and parents are often accosted and, and being brought into a very unsafe environment from these folks just walking in, off the street. All right, as far as a, a special circumstance applicable to the subject property, not self-imposed, it actually would be that location along the boulevard where, even patients from the hospital next-door come onto the property. The amount of crime is astounding and in evidence, I submitted a crime report. In many instances, of police reports and even receipts of damages done pursuant to criminal activities, all right. The design, we feel, aesthetically is calming and pleasing. All right, it's a beautiful perimeter view you fence, typical to what is seen, not only adjacent to the property but throughout the neighborhood, all right. We believe it will enhance the corner of the road frontage and will add character and safety to the community and the surrounding area. I submitted into evidence some 23 assorted pictures of the Martineztown community and the various different fencing throughout the community some of which, was well in excess of the 6 feet height but it's really a very - - it's got all types of fences, okay. Once again, I do find several instances of this typical fence throughout the neighborhood. Alright, the -- we believe that our request will not undermine the intent of the proposed IDO, all right. We believe it falls within the guidelines as well as, with the required permitting process that we will certainly undertake. We are currently under construction with the new campus building that is a tentative improvement and a retrofit of the old laser clinic that was around the corner. Okay, once again, as far as a minimum necessary to avoid extraordinary hardship or practical difficulties; our request is founded in being able to offer children, students, staff a safe and secure environment so that they can study, so they can focus, so they can walk from one building to the other in an enclosed environment. And, I'll go one step further, we're asking for this under a life safety concern, all right. We really feel that in some instances, people have been threatened, all right. And, we want the children to be in a safe environment, the students, the staff, the visiting public even. And, we have also invited the homeowner's association to multiple meetings two of which were face to face. We toured the property, we met with the executive director, and we listened to their concerns. I tried to address those the best we can, all

right. I submitted into evidence also a - - an adequacy exhibit that pretty much states the minimum height requirement for security fencing by the New Mexico Public School Facility Authority being a minimum of 6-foot. All right, Longfellow right across the street and I submitted in - - to Suzie, while we were on the zoom conference today, I submitted her two other pictures of the Longfellow fencing that is at a higher and further away from the curb and yet, it's a typical fencing however, it's 7 to 8 feet high. Again, it's steel wrought iron fencing and it's access, it's access controlled. All right, and once again, we're concerned about the, the ability to have an environment, a school environment that allows for the children, the teachers, the staff to even walk outside and study amongst the campus. All right, at this point - - and, you know, we, we've found needles in the parking lot, we found all kinds of different stuff. A fire was actually started in one of the, one of the stairwells. You know, and so again, by the end, I end with our concern of life-safety issues. Thank you for your time.

ZHE: Thank you, Mr. Hernandez. Before we conclude or before you conclude, you mentioned the two photographs that you sent to Suzie and given that they weren't sent by the Wednesday deadline, I'm hoping that you might be able to share those on your screen, if we enable you to do a screen share so that you can share those so that... (Inaudible).

STEVE HERNANDEZ: I actually, I can actually do that right now. Let me see if this will work, here, I'll just turn my camera around. You can see the access-controlled fencing. All right, on one side of the page on the other side of the page, it's just a continuation of the fencing. It's got a J-hook on top but you can see if an average doorway is 6 feet 8 in height then, these doors are closer to 7 feet high, plus whatever is above the door header. All right, and again, this fencing here and - - actually all the 23 pictures that I submitted into evidence, these two being 24 and 25, all of it is virtually on the boulevard. All right, it's all in, in an area that - - and the pictures speak for themselves, you have those in evidence and I think that some of those pictures exhibit that even the people there in Martineztown are trying to seal themselves off from the crime. It's a beautiful neighborhood. I just want to go further to say, the people there in Martineztown, you know, they were wonderful people to work with. They had wonderful ideas but when push comes to shove, we talked about possibly lowering the fence but if we lower it - - we feel as though it doesn't, it doesn't have the intended outcome; people can still come over a 5-foot fence, certainly quicker than a 6-foot fence and that's all were asking for, is the 6-foot height.

ZHE: Okay, well thank you I appreciate that context and the testimony. Let's go ahead and open it to public comment and then Mr. Hernandez, you'll have the opportunity to respond at the end of the public comment.

STEVE HERNANDEZ: Thank you.

ZHE: So, let's see. I see Amy Roble, is that right?

AMY ROBLE: Yes, sir.

ZHE: Roble?

AMY ROBLE: Roble, yes sir.

ZHE: Hello, would you please state your full name and mailing address for the record?

AMY ROBLE: My name is Amy Robel and I'm principal at the school our mailing address is 405 Dr. Martin Luther King Junior Ave., Northeast 87102.

ZHE: Thank you and please raise your right hand and you affirm that your testimony will be true upon penalty of perjury?

AMY ROBLE: Yes, sir.

ZHE: Thank you, please proceed.

AMY ROBLE: So, I'm sorry that you can't see me a person. I'm 5 feet tall and I'm usually the first person who arrives on the campus in the morning, along with my day custodian who is also about my height and he's in his early 70's, bless his heart, our students, absolutely love him but you can imagine that when he and I do our initial perimeter check in the mornings when we get to school, we don't create a very imposing presence. And, in the mornings when we get here, most of the school year, it's still dark when we arrive and we do a perimeter sweep to make sure that everything is safe for the students who begin to arrive about 7:30 in the morning. Over the course of this last, I would say year, year and a half - - we absolutely love the neighborhood that we are in, the Martineztown community has been awesome. They helped us decorate the neighborhood for our drive-through graduation ceremony in May and came out and supported our scholars. We're right on a main bus line. We're within walking distance of the Alvarado Transportation Station which is essential for our families because we pull students from all over the Greater Albuquerque area but over the last, I would say, 18 months, we have been having more and more issues with having to wake up folks as we arrive at school and ask them to move along before students arrive. Sometimes these folks are very belligerent. Sometimes they are not completely clothed. Sometimes we're having to ask them to please put the needle down and move along their way. We've had to clean up urine, feces, drugs, tents. We've had multiple fires sat right up against the building. Thank God nothing has actually caught on fire. And, unfortunately, you know, even though we have security measures in place, APD is overwhelmed and has to prioritize those violent crimes that are in the process of occurring and they can't always get here right away. We were finally able to catch the gentleman who was responsible for setting the fires on campus but unfortunately, even though he was arrested and charged with a felony, the DA's office informed us that over the past three years, this individual has had 24 cases with similar charges against him and every single time he was found incompetent to stand trial and that was the case again in this case and he was released. So, all we're asking for, you know, I certainly don't expect this board to you know, solve the homeless crisis or solve the drug crises or any of those things. All I'm asking for, is for a fence to be able to be put around the property so that when I get to work in the morning, and when I do a perimeter sweep, I can be

sure that I'm gonna go home to my family at the end of the day and my students are going to be safe when they come to school.

ZHE: Thank you for that context Ms. Roble and I appreciate everything you do for the students and the community.

AMY ROBLE: Thank you.

ZHE: I see, is it Chris Houde and Renee Martinez? Is that right?

CHRISTY HOUDE: Yes, thank you very much my name is Christy Houde and Renee is with me as well and I, I am speaking on behalf of the Board of Directors of the Citizens Information Committee of Martineztown which - - and our spokesperson, Frank Martinez, the duly recognized Neighborhood Association of South Martineztown.

ZHE: Thank you, would you please state your mailing address for the record?

CHRISTY HOUDE: My mailing address is 617 Edith Northeast, #8, Albuquerque, 87102.

ZHE: Thank you and I see you have your right hand raised. Do you affirm that your testimony will be will be true upon a penalty of perjury?

CHRISTY HOUDE: Yes, sir.

ZHE: Thank you, go ahead.

CHRISTY HOUDE: Thank you for letting me speak and we have had several meetings with the, with Steve Hernández as he mentioned, to discuss the variance request for a 6-foot perimeter fence adjacent to the sidewalk. And, we have, we have no objection to a 6-foot fence with an appropriate setback from the sidewalk. Our issue is that, this increase of 3 feet - - from 3 feet to 6 feet is, is adjacent to the sidewalk. With an appropriate setback, that would be fine. And, an appropriate setback would then provide for separation for his students from parked vehicles. The fence right now that they are asking - - the 6 foot fence along the sidewalk, provides no separation between - - from students and the vehicles and it's our understanding that, that is one of the requirements for the school district. The photograph that the developer showed us just now is, is set back probably 15, maybe 15 to 20 feet from the sidewalk and we have some photographs of the, of the Longfellow School that we can show you, that here is the sidewalk in front of Longfellow School. There is no, there is no fence along the sidewalk there. We have -here's another photograph from Longfellow School showing access from the street directly to the entryway to the building and I believe Longfellow has a similar - - we have similar issues with vagrants in the community. We are a neighborhood adjacent to Downtown with the emphasis on sweeping the vagrants away from the Downtown area. We are a part of the surrounding neighborhoods that have to deal with the issues of vagrancy. The other - - and we do - - this is a factor in this location. I - - my belief is that is what the developer is attempting to do - - and

here's the photo of the building - - is protect the parking lot. And, I understand the wish to protect a parking lot, you know, when cars are stolen and vandalized, that's the purpose of insurance, to make things right. The, you know, vandals and vagrants in our neighborhood is - - this is adjacent to Downtown. This happens in every neighborhood. Let's see, so, I did submit, we did submit comments to the, to the Hearing Examiner and I did have one question regarding - - I had a question - - we had a question with - - What conclusion did City planning staff reach with regards to the merits of the case? We would like to know that.

ZHE: What was the question? Could you repeat that, please?

CHRISTY HOUDE: Thank you, sir. The question is what conclusion did City Planning staff reach regarding the merits of this case? Our understanding is that City Planning staff provides input to, to the Hearing Examiner with regard to merits of a case and we would like to know if in fact that happened and what those - - what conclusion City Planning staff reached with regard to merits of this case.

ZHE: You know, all of the documents that are submitted into the record, you know, from any City Department as well as, from the applicants and the public are available for inspection. Now, the City Planning staff is tasked with providing, under the IDO, a recommendation to the ZHE.

#### CHRISTY HOUDE: Yes.

ZHE: And in this case, as is available for public record, the recommendation was merely that the application appears to be complete and ready for consideration by the ZHE but there was not a recommendation of approval or denial. It was just that it needs to be heard so that the evidence can be brought forth. And so, now, it falls upon me to hear all the evidence and weigh it and make a decision. Are you still there ma'am?

CHRISTY HOUDE: As I said we have no objection to a 6-foot fence with an appropriate setback from the sidewalk.

ZHE: What would be considered...

CHRISTY HOUDE: Our objection is that...

ZHE: Oh, go - - I was just gonna ask, what, what would be considered an appropriate setback?

CHRISTY HOUDE: I'm sure there's a - - the IDO has a, has requirements for that. Whatever - - there is a 6-foot fence right now within, the within the property along the alley, I'm not sure if it's 6-foot but the issue is with a 3-foot fence adjacent to the sidewalk and whatever, whatever the IDO allows for an appropriate setback for a 6-foot fence, we would be in total agreement with.

ZHE: And, what is the - - what harm would result from having the 6-foot fence up next to the sidewalk?

CHRISTY HOUDE: It impacts the aesthetic of our neighborhood. The - - we currently are along the - - a portion of the National Historic Trail. Here, I can show you, this is part of our neighborhood, Martineztown Historic Trail - - the - - this trail along Edith is designed to be - - is planned to be joined with other portions of the trail to form a more complete story of the Historic Trail System. Our National Park is - - I mean our park, Martineztown Park is just north and part of Longfellow is listed on the National Park list of the National Parks as a National Park as a neighborhood park. It's one of - - I think the only one or maybe one other in the entire United States, we have tourists coming from all over the world to see our neighborhood. In addition, along, along Martin Luther King, on the, on the, the north side is which is where this Charter School Campus exists, there is no other 6-foot fence at all, from the front from the frontage road, from I-25 all the way into Downtown. This is one of the entry ways, the gateways into Downtown. And, to put 6 foot fencing adjacent to the sidewalk is, is - - when one walks on the sidewalk with a 6-foot fence next to you, it has a fortress affect which is why the IDO allows a 3foot fence. A 6-foot fence would be allowable with whatever the appropriate setback is. With regard to parking, there is parking in our neighborhood that's currently being used by some students and teachers of the charter school. Since, they've expanded with the purchase of these additional lots, we really don't know how many parking spots they need, that they're required to have. I don't know if there's been replatting done on that. But, there is certainly parking available on, you know, street parking in our neighborhood so there may be too - - there may be a loss of parking spaces for the parking lot from their building. And, also, this is what we see now, is parking spaces but there's parking on street, on street parking behind the school. The - -I'd like to site history and say that, you know, The Great Wall of China did not stop the hoards. A great wall will not stop vandals, vagrants from sleeping, people doing drugs, it - - this will not stop that. A 3-foot fence will establish a boundary that many people will respect. We don't believe that this will stop - - we don't believe this is a safety issue for children, we don't believe that.

ZHE: Okay, thank you for that context and additional testimony. Let's see, I see several hands raised. Let's give folks...

CHRISTY HOUDE: Oh! And, my friend Renee also here and she wants to speak too, so I'll let you call on her whenever.

ZHE: Let's go ahead and call on her now since she's - - we have you unmuted.

CHRISTY HOUDE: Okay, here you go, there.

ZHE: Ms. Martinez would you please state your full name and mailing address for the record?

RENEE MARTINEZ: My name is Renee Martinez, I'm at 515 Edith Blvd. NE. 87102.

ZHE: Thank you and please raise your right hand and do you affirm that your testimony will be true upon penalty of perjury?

RENEE MARTINEZ: I do.

ZHE: Thank you. Go ahead, two minutes, please.

RENEE MARTINEZ: Okay, of course I do agree with Chris about the 6-foot fence being allowed if it has a proper setback. One of the things, as a parent and a grandmother that I am worried about is - - I'm showing you another picture of the parking lot there. The other day, I almost backed into one of our neighbors and all cars have blind spots. The distance here between the parking and the building is - - you can hardly back up and turn - - and that - - this, this is the doorway to one of the classrooms. There are only two classrooms in this building and I believe when children are on their cell phones, they are going to be hit by cars. I think it's very unsafe. If they want a safe corridor for the children to walk in, they need to have that fenced off from the parking lot because they are not paying attention when they are walking to class and we all know that, how you can fall right over.

ZHE: Ms. Martinez? I appreciate your input but...

RENEE MARTINEZ: I'm looking at another picture. This is the second classroom...

ZHE: Ms. Martinez, can you hear me?

RENEE MARTINEZ: Yes.

ZHE: Hello? Can you hear me?

RENEE MARTINEZ: Yes.

ZHE: Oh good. I appreciate your input but I'd like to keep the testimony focused on the merits of the wall that's proposed not the future or any other walls.

RENEE MARTINEZ: Okay, okay, well...

ZHE: Otherwise we're gonna run out of time.

RENEE MARTINEZ: Okay, I would agree on the 6-foot fence with the setbacks, with the setbacks allowed in the zoning code because we don't want it to look like a warehouse district which, we have all over Broadway, on Lomas, as bunch of places. This is a walking neighborhood and we want to keep it - - when the Charter School went in, they knew of all the problems, they chose to expand. It's like people living under on runways and they complain about the noise. If, you know, - - they knew the conditions here when they purchased the additional property. Thank you.

ZHE: Thank you Ms. Martinez. Let's see, next, I see Jarryd Rue?

JARRYD RUE: Yes, sir.

ZHE: Thank you, sir. Would you please state your full name and mailing address for the record?

JARRYD RUE: Yes, sir my name is Jarryd Rue, mailing address is the same as the Charter School, 405 Dr. Martin Luther King Junior Ave., Northeast Albuquerque, NM 87102.

ZHE: Thank you, sir and please raise your right hand and do you affirm that your testimony will be true and upon penalty of perjury?

JARRYD RUE: Yes, sir I do.

ZHE: Thank you. Two minutes, go ahead.

JARRYD RUE: Yes, sir. Again, my name is Jarryd Rue, I am currently the security manager for the Albuquerque Charter Academy. I have been the security manager at that location for six years so, I have handled you know, pretty much everything that has come across at school or parking lot, you know, in regards to safety, health, things of that nature. So, I just wanted to be here to speak today on the fence and just kind of commenting on you know, things that have been said thus far. As far as the fencing in regards to safety around the parking lot, I feel strongly that, that would enhance the safety, you know, aesthetics aside, or beautifying the neighborhood, or knowing what we moved into, it is a matter of safety for students. Our students have been approached, you know, by very belligerent individuals who have no barrier to them. You know, if a fence was, you know, 6 feet tall, 3 feet away from the building, well that's not gonna do much to protect them getting out of their vehicles in the morning, or you know, our principal or janitor or anyone else who comes to our building. It's a matter of safety around our property and the students feeling safe and accepted to coming to a school. You know, as far as having insurance to make it right, I mean, that's a luxury for a lot of people. That's - - I know that's a lot to have insurance but that's not the case with a lot of our students who come in to our school, just given the demographic of some of our students. So, I feel that's not really a fair argument to make when it's the responsibility of, in my opinion, the school to create a safe, warming environment and that's what we're trying to do. You know, as far as the pictures too, of Longfellow, those pictures were facing south on Martin Luther King. Every morning, I drive into work, I see multiple homeless people sleeping in a window and APD has to come out and remove them from the property. Whether or not, Longfellow wanted to make a fence on that section of their property was up to them, clearly but it is still an issue with you know, vagrants moving into the property. So, you know, I feel that, obviously a 6-foot fence will stop a lot more than a 3-foot fence will, for obvious reasons. You know, if somebody wants to get in, you know, they will. Crime is, you know, a matter of circumstance but a 6-foot wall is going to be a lot more deterring than a 3-foot fence. And, we understand it's not The Great Wall of China, you

know, we're not trying to stop invading forces but it's a lot more deterrent of crime that a 3 foot fence is. And, that's all that I have to say.

ZHE: Thank you for your testimony Mr. Rue. Let's see, I see Eric Bose ER?

ERIC BOSE: Yes, I'm here.

ZHE: Hello, would you please state your full name and mailing address for the record?

ERIC BOSE: Sure, Eric Bose, 11900 Anaheim Ave. NE, 87122.

ZHE: Thank you, sir and please raise your right hand and do you affirm under penalty of perjury that your testimony will be true?

ERIC BOSE: I do, yes.

ZHE: Thank you. Go ahead, two minutes, please.

ERIC BOSE: Yes, thank you. I am the Executive Director of Albuquerque Charter Academy and I wanted to reemphasize the fact that we are trying to be good neighbors in this situation but we're also trying to make a safe and secure for scholars. We would like to have the 6-foot fence to protect, not only the cars but the students who travel from their car to the building is just as important as once they get inside a fence. So, if we did put an offset fence, which if you look at a property, we really don't have room to do much of an offset fence, it would be on the outside of cars. Even if we did, the students still have to get from their cars to that fence so we're trying to create an environment that is safe for students to come in, to park, to walk to class, to go from one class to the next, pass from one building to the next as they do as a high school. They also keep siting that Longfellow Elementary definitely has, you know, a different set of fencing but they also have a different clientele. Their students are being dropped off by their parents, their being dropped off on buses and our students are coming on their own, 16-year-old boys and girls who are arriving to school early in the morning and going home late in the evenings and they need to feel protected, they need to feel safe and secure. Parking is you know, is, is a high school thing and so, we need to have that safe environment for it and if you looked at - - I'm actually looking at the map right now, the Google Maps. The neighborhood is, is actually fenced off on the northside on Lomas with a solid block wall fence that is tall and is right at the same exact setback so, I'm not sure what precedence we're using with this to get it done but we would like to create a safe and secure, gated access environment for all of our students. And, that is our entire purpose, is just the safety of our students. So, thank you very much.

ZHE: Thank you, sir. I see Elizabeth Barbieri?

ELIZABETH BARBIERI: Yes.

ZHE: Good afternoon, would you please state your full name and mailing address for the record?

ELIZABETH BARBIERI: Yes, I have a mailing address but I'm also the property owner at 312 Arno Northeast, our family has owned it for 75 years. My mailing address is 8784 Bridge Port Ave. Saint Louis, Missouri, where I am calling in from.

ZHE: Thank you and please raise your right hand and do you affirm under penalty of perjury that your testimony will be true?

ELIZABETH BARBIERI: Yes.

ZHE: Thank you, go ahead. Two minutes please.

ELIZABETH BARBIERI: I want you to know how much I love Albuquerque. I don't want you to think I don't because I just absolutely love it and I miss your food so much, it's painful. I agree with Chris Houde and Renee Martinez. I think you're making Albuquerque look like a prison and I don't think it's a good thing to do for your community. I realize there are dangers Downtown. We have crime, we have vagrancy over on our property at 312 Arno believe me, we deal with it and it is difficult. But, I think for a school situation, I think they should hire a security guard or put that fence in so that it doesn't look so much like a prison, right off the side of the sidewalk, that you have this big iron thing for the expanse that they're asking for is huge. And, I just don't think aesthetically, I know no one wants to use that word but you have too beautiful of a city, you have too beautiful of a state to make yourself look so, so dangerous. I mean, it just isn't attractive and I think for the safety of the students, get - - hire a security guard. I think that would be a better solution.

ZHE: Thank you for your testimony with Barbieri.

ELIZABETH BARBIERI: Thank you.

ZHE: I see Sean Frye?

SEAN FRYE: Yes, I'm here.

ZHE: Thank you, sir. Would you please state your full name and mailing address for the record?

SEAN FRYE: My name is Sean Frye, my mailing address is 12432 Towner Ave. Northeast in Albuquerque 87112.

ZHE: Thank you sir and please raise your right hand and do you affirm under penalty of perjury that your testimony will be true?

SEAN FRYE: Yes.

ZHE: Thank you, sir. Go ahead, two minutes, please.

SEAN FRYE: Yes, thank you. So, as I stated, my name is Sean Frye. I am the business manager for the school. My business office is also located in the neighborhood, it's separate of the building. I wanted to point out a couple items. First off, as Ms. Martinez stated, that the setback, that there's a very little, a small amount of room between the sidewalk and the building at 401 Edith that if we had a setback, there would be even less room. Therefore, when we're asking for the fence, it's not only a matter of just keeping our students and our faculty safe, it's a matter of making sure that everybody who visits the school stays in a safe environment. The other item I want to point out more and speak to my, to my specialty is the finances. It was brought up that we should perhaps hire a security guard. We would love to have the finances to hire a security guard. As everyone here is aware, the State of New Mexico is in a very difficult time. Revenues are expected to be down by 20%, school revenues, our revenues are down by 7% against what they were just last year alone. What we're looking at here is how to serve our community and our scholars and our parents and our families the best way that we can and that's to provide not only their education but also a safe environment for them to do that in. The 6-foot fence is the best deterrent that we can provide for that. Again, the keyword here is deterrent. Everyone here seems to acknowledge that crime exists and crime is going to happen. I don't know anybody who leaves their front door open acknowledging that crime is going to happen just to make it easier. The best thing that we can do is to provide a reasonable deterrent to make sure that we are in a safe environment and we're providing a safe environment because that's what we've been trying to do as educators and as an educational institution. That's all I have to say, thank you.

ZHE: Thank you, Mr. Frye. Thank you for your testimony. I see Leon Espinoza.

LEON ESPINOZA: Hello, I'm Leon Espinoza.

ZHE: Hello, sir. Would you please state your mailing address for the record?

LEON ESPINOZA: Yes, 508 Coal Ave. SW., 87102.

ZHE: Thank you, sir. Please raise your right hand and do affirm under penalty of perjury that your testimony will be true?

LEON ESPINOZA: I do.

ZHE: Thank you, sir. Go ahead, two minutes, please.

LEON ESPINOZA: Yes, good afternoon. Thank you for hosting this meeting today. I've - - I own the two properties right next to the area in question and had the opportunity to meet with Mr. Hernandez and Mr. Bose recently with the neighborhood, the president of the neighborhood association. I'm not sure if that was mentioned earlier but he had an untimely passing and so he isn't here - - to be here today. I just spoke to his son, he said I could share that with the group but...

ZHE: Was that Richard Martinez?

LEON ESPINOZA: Yes.

ZHE: Oh, I'm sad to hear that.

LEON ESPINOZA: He said it was okay for me to share with the call today and who - - he had some reservations and we were working on trying to figure out some kind of, sort of reasonable solution. We understand that there is crime and issues with vandals and like - - we understand that, we live in the neighborhood. And, I think one of the bigger questions was, is it - - was it possible to find some kind of, sort of, happy medium in terms of working together to find a solution that was possibly incorporating you know, some kind of, sort of artwork or something that was historic to the neighborhood, something that would be able to include that might be some kind of potential meeting in the middle. That being said, I - - one of my main concerns, which I have spoke to Mr. Hernandez about, was having access to my properties through the alley and I guess I just wanted to make sure that if we - - he assured me that I would have access if the variances were granted. I just wanted to make sure to have some kind of, sort of documentation and note of record that, that was something that was promised to me if the variances are approved but I understand that it's a difficult period - - next paragraph - - I understand that this, is a difficult situation but you know, I think if there was an opportunity, we might be able to come to some kind of, sort of, meeting so that we could respect the history of the neighborhood which is a long, long history, one of the oldest neighborhoods in Albuquerque and in turn, one of the older ones in the country and we'd be more than willing to work with the school to help in the safety of their students and also the safety of the neighborhood. And, also, one other thing, I understand that, you know, there's different fences and different heights throughout the neighborhood, it's an old neighborhood - - that - - the wall on the - - Lomas, that is a tall brick wall, that was provided from the City during the, during the 70's when there was the - - there was - - I can't remember what it was called but there was revitalization of the neighborhood and so that was installed there by the City. And, a fence that is at Longfellow, that's really tall, that's recessed and so it is a little different, it's not up close to the sidewalk but it is a tall, tall fence. So, again, in those terms just hoping that we can do something going forward and maybe there's a way to kind of meet in the middle and help work through this but obviously there's concerns about the aesthetics and what it does to the neighborhood.

ZHE: Okay, very good. Thank you, Mr. Espinoza. Okay. Is there anyone - - I see Mr. Nakamura raising his hand.

STEVE NAKAMURA: Yes, sir.

ZHE: Good afternoon, would you please state your full name and mailing address for the record?

STEVE NAKAMURA: My name is Steve Nakamura and my address is PO Box 73 in Corrales, New Mexico.

ZHE: Thank you, sir and please raise your right hand. And, do you affirm under penalty of perjury that your testimony will be true?

STEVE NAKAMURA: I do.

ZHE: Thank you, sir. Go ahead, two minutes, please.

STEVE NAKAMURA: Sure, I just want to recognize that Steve Hernandez in my guy on the ground and has done a good job of speaking with the neighborhood and doing exactly what I sent him out to do. I'd just like to recap a couple of some of things that were said to make sure that there's a little clarification. And, I'd like to thank the staff of the Charter because I think they've plead their case very well to the Hearing Officer. The Albuquerque Police Department, according to Metropolitan Crime Watch receives over 400 calls a month within a one-mile radius of this particular property. I've heard numerous talk about a smaller fence on the property line of up to 3 feet. If we did a 3-foot fence on the property line and there was somebody walking down Martin Luther King or Edith or riding a bicycle and they fell off that bicycle, the would impale themselves on a wrought iron fence and possibly - - you know, that's a possibility that could happen that's why the 6-foot fence is utmost importance. You know, I heard a lady - - there was a lady that spoke a moment ago about a security guard, Albuquerque Charter does have security people in place and he spoke just a little bit - - a while ago, talking about what he's experienced on the property. So, we do have somebody who's related to security that is on the property, all the time. You know, I heard Sean Frye speak a little while ago about the money issues associated with this. Albuquerque Charter School is not Albuquerque Public School. Albuquerque Public Schools has an unlimited budget to do things like you saw, landscaping to do all the special things but Albuquerque Charter School does not. They don't fall under the same guidelines as Albuquerque Public Schools. So, I hope everybody, you know, - - I think we are all in agreement, that there's a problem Downtown and it's just the way that we do have to work together to resolve it. My wish is for the property to have a 6-foot fence against the property line because we don't have - - we are only on, I think, about an acre or so of property. We're not on 15 acres of property where we have a lot of room. Thank you.

ZHE: Thank you, Mr. Nakamura. Let's see, is there anyone who has not yet spoken, who would like to speak on any of these matters? It's 38, 39 and 40, last three items on the agenda. If you have not yet spoken and you would like to speak up, please raise your hand. Okay, Mr. Hernandez, I trust you've heard the public comment you now have the opportunity to respond and then I will have a couple of questions for you. Go ahead, sir.

STEVE HERNANDEZ: Okay. Thank you and I want to make sure that I'm clear, clearly being heard and I don't have an echo. First off,....

ZHE: Yeah, I'm still hearing the echo there, sir.

STEVE HERNANDEZ: I would like to thank Leon and the Homeowners Association for being present and again, helping us work through these, these, I won't call them obstacles I'll call them

solutions. All right, and Leon, yes, we have - - we go on the record by saying that we would allow you access to your home and all aspects of the back of your house as it, as it would be part of the fencing component. Mr. Lucero, Leon has the property right adjacent to the school and it is important for not only him but his neighbor as well, who will continue to have access as well. So, we go on the record by saying...

ZHE: Is that adjacent to the north? Is that right?

STEVE HERNANDEZ: The property that we are requesting access control on will - - he will be given that access, all right. Additionally, part of what we did talk about in the HOA meeting was, that we would allow them a canvas, if you will, a palette, to put their medallions on the fencing and other neighborhood, "I have arrived" type of emblems or, or somehow otherwise decoration. We would be very much able to work with them, with respect of that. Once again, if we move that fence back into the parking lot, it really kind of - - then we lose the parking lot. All right, I want to make mention of multiple - - 26 different pictures that I submitted into evidence of the fencing that actually abuts the sidewalk, just as though we would be abutting the sidewalk throughout Martineztown. Let me move the camera and see we can't show that a little bit more clear. Okay, so there's - - most of these - - once again, are right on the sidewalk - - there's 6-foothigh fence there, there's all different kinds. There's another 6-foot high, wrought iron fence exactly the way we're gonna do it. I'm saying it's the exact thing right on the back of a sidewalk, all right. All of their fencing is on the boulevard just like ours is. So, I think it's a little bit disingenuous to say that we want something yet, our standard is something different. Here's another example of the entrance to their community, a fence that's right along the boulevard. Another one here, 6 feet behind the other walkway, is fencing, 6-foot high. Again, and again I can show examples of different types of fence right on the sidewalk, again and again. All right, you know, areas where they, they completely closed in their house due to the amount of crime. I don't think anybody is suggesting that there is not the criminal element wanting to try to do, what they do. And then, let's see - - the last one I have is, is this guy here. Okay, this is the fence at Arno that is just completely closed off. This is 8 feet or better. So, again, we appreciate their comment. I don't wanna disrespect them whatsoever. If they've got fence, after fence, that is on the sidewalk - - the - - Elizabeth on 312 Arno, you too have a fence that connects right to your sidewalk. All right, so, I know we're all coming out wishing that we had more room. We at the school, wish we had more room to push that back all right, but I think we are in concert with our right to put the fence on the property line. And, I believe I heard time and time again, if that's acceptable for code, that they would also be in agreement with that. So, I believe that, you know, we will continue to beautify the area. We will continue to keep our landscaping - - now that we have that entire location, so-called corner, it allows us to, to really keep up the landscaping better than it was before. All right, the existing campus is really quite beautiful, the Homeowners Association commented again and again how nice it was to have the mature landscaping and moving this fence back gets into that mature landscaping. And so, once again, I request - - in our requests to allow our fencing to be on the property line with the requested 3-foot variance, on top of 3 foot for a 6-foot total. And, once again, we welcome the community to participate and decorate it, you know, we're making it more of a location that shows that I have arrived, whereas, the other location on Arno, is completely closed off. You know, it could be an 8-foot

fence. I didn't measure it, I was really quite astounded when I saw that but there's fence after, after fence after fence, that is either wrought iron or some other material on the curb - - or not the - - I'm sorry, on the sidewalk, time after time, after time. I could probably pick out 50 properties or more. I only took 23 pictures. In any event, I thank you for your time and I thank you all for...

ZHE: Mr. Hernandez, where are those properties located? Hello? Can you hear me? Hello? Are you there Mr. Hernandez? Hello?

STEVE HERNANDEZ: It muted me.

ZHE: Oh, are you still there?

STEVE HERNANDEZ: I am.

ZHE: Oh good. So, what are the addresses of the, of these properties that you submitted the photos of? I just wanna make sure I understand where they are in relation to the subject property.

STEVE HERNANDEZ: Well, can I - - I didn't get the addresses but I'm happy to go back and get those and then submit those to Suzie by Friday.

ZHE: If you could just, you know, as to the ones - - don't submit anything new into the record, you know new photos but to the ones that you've already submitted. If you could just indicate what the addresses are, that would be helpful and then also what was the address of the property that would have access through the alley that Mr. Espinoza had requested?

STEVE HERNANDEZ: His property is - - I do have that - - oh, no I don't.

ZHE: Are you there Mr. Espinoza?

STEVE HERNANDEZ: His would be the next property over. So, it would be...

LEON ESPINOZA: Yes, I am but I'm trying to be on another call as well, I'm sorry.

STEVE HERNANDEZ: It would be 406 Edith.

**ZHE:** 406 Edith?

STEVE HERNANDEZ: 406 Edith, yes.

ZHE: Okay, now, one question, I understand the discussion regarding the parking lot and I'm looking at the site plan that was submitted into evidence which, I like the color coding it makes it easy to understand what proposed and what's existing. And, it looks like the - - there's sort of two buildings, right? And, the building to the west, as it fronts MLK looks like it has a pretty

large landscaped area, why is there a need to have - - to sort of, block off that landscape area? Could the fence there be pushed back? What's the rationale for that area?

STEVE HERNANDEZ: Well, once again, we're trying to provide access control right there and while we're also allowing - - trying to allow that fenced off area there and it could even be an environment for kids to go out there and sit on the landscape and study. And, you know, we're getting those windows broken in, time after time, after time all right, from people picking up whatever they can get and going up there to the school and just throwing things right through the window. I believe that several of the people that testified earlier told me about coming in and there's a rock on the desk or some other projectile. It's security. It's for security and safety.

ZHE: Okay and then just one question on the criteria, as you know and as you addressed you know one of the first criteria for a variance is that there be a special circumstances that are not self-imposed and don't apply generally to the other property in the same zone district and vicinity and that those circumstances create a hardship. Do I understand correctly that it's really the criminal activity and sort of the unsanitary conditions that, that is a special circumstance sited?

STEVE HERNANDEZ: Yes, I believe that, that is the case. And, further, I'm sorry, I keep messing with this to try to get a better discussion. I picked up the crime report and I submitted into evidence 389 calls, in seven days for this area. In seven days. That's just one week of one month, you know, so yes, it's the crime, it's the amount of people accessing the property to pitch a tent, as it were and do other various activities, drugs and so on and so forth. And, you know what, I appreciate the term Mr. Bose used, he used that 'our graduates'. I love that because it is about giving these kids the environment that allows them to graduate. I mean, we all deserve our kids to have that opportunity. I - - my world is my grandkids and I want them to be in a safe environment and certainly to graduate.

ZHE: Thank you, Mr. Hernandez, and thank you to everyone who provided both written submittals and oral testimony today. I appreciate all of the participation from all of the parties and I'm going to do my best, I'm taking everything under consideration and I have to decide obviously under the rules of law that apply and so I'm going to focus on the merits and will issue a written decision in 15 days. So, thanks again and that will conclude the matters 38, 39 and 40 on the agenda.

# Planning Department Brennon Williams, Interim Planning Director

Development Review Division

600 2<sup>nd</sup> Street NW – 3<sup>rd</sup> Floor Albuquerque, NM 87102

# **NOTICE OF APPEAL**

November 20, 2020

# TO WHOM IT MAY CONCERN:

The Planning Department received an appeal on November 19, 2020. You will receive a Notice of Hearing as to when the appeal will be heard by the <u>Land Use Hearing Officer</u>. If you have any questions regarding the appeal please contact Alfredo Ernesto Salas, Planning Administrative Assistant at (505) 924-3370.

Please refer to the enclosed excerpt from the City Council Rules of Procedure for Land Use Hearing Officer Rules of Procedure and Qualifications for any questions you may have regarding the Land Use Hearing Officer rules of procedure.

Any questions you might have regarding Land Use Hearing Officer policy or procedures that are not answered in the enclosed rules can be answered by Crystal Ortega, Clerk to the Council, (505) 768-3100.

CITY COUNCIL APPEAL NUMBER: AC-20-15, AC-20-16 & AC-20-17 PLANNING DEPARTMENT CASE FILE NUMBER: PR-2020-004381, VA-2020-00440, VA-2020-00441 & VA-2020-00442, VA-2020-00306, VA-2020-00307, VA-2020-00308

APPLICANT: RM 401 – 405 LLC, 914 Pinehurst Rd. SE Rio Rancho, NM, 87124

AGENT: Steven Hernandez
Development Managing Consultants
9320 Menaul Blvd. Suite F
Albuquerque NM, 87112

Crystal Ortega, City Council, City county bldg. 9th floor
Kevin Morrow/Legal Department, City Hall, 4th FloorZHE file
Steve Hernandez, Development Managing Consultants, steve@dmcnm.com
Renee Martinez, 515 Edith NE, 87102
Jarryd Rue, 405 Dr. Martin Luther King Ave NE, 87102
Eric Bose, 11900 Anaheim NE, 87122
Elizabeth Barbieri, mullanphyre@gmail.com
Leon Espinoza leonespinoza888@yahoo.com
Steve Nakamura, 405 Dr. Martin Luther King Ave NE, 87102
steve@rachelmatthew.com



# **ZONING HEARING EXAMINER'S AGENDA**

TUESDAY, October 20, 2020 9:00 A.M.

Join Zoom Meeting

https://cabq.zoom.us/j/7044490999

Meeting ID: 704 449 0999

One tap mobile

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Dial by your location

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+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

+1 646 558 8656 US (New York)

+1 301 715 8592 US (Germantown)

+1 312 626 6799 US (Chicago) Meeting ID: 704 449 0999

Find your local number: https://cabq.zoom.us/u/a2s7T1dnA

Robert Lucero, Esq., Zoning Hearing Examiner Lorena Patten-Quintana, ZHE Planner Suzie Sanchez, ZHE Administrative Assistant

For Inquiries Regarding This Agenda, Please Call The Planning Dept. at (505) 924-3894.

# PLEASE ADDRESS ALL CORRESPONDENCE TO:

Robert Lucero, Esq., Zoning Hearing Examiner at suzannasanchez@cabq.gov

NOTICE TO PEOPLE WITH DISABILITIES: If you have a disability and you require special assistance to participate in this hearing, please contact Planning Information at (505) 924-3860.

# \*INTERPRETER NEEDED:

1. VA-2020-00267 Project#
PR-2020004240 Raydel Horta-Vigil requests a conditional use to allow family home daycare for Lot 7, Block 1, Rackheath Park Addn No 1, located at 3013 Conchas ST NE, zoned R-1C [Section 14-16-4-2]

2. VA-2020-00272 Project# PR-2020-

004302

Juan Angel Medrano requests a variance of 3 feet to the 3 feet maximum wall height for Lot 79-P1, El Rancho Grande Unit 11, located at 2119 Hermosa Creek DR SW, zoned R-1A [Section 14-16-5-7-D]

| 3.         | VA-2020-00286 | Project#<br>PR-2020-<br>004333 | Daniel and Juana Ramirez request a variance of 4ft to the 3ft maximum wall height for Lot 12, Block 3, Buena Tierra Addn, located at 2905 2 <sup>ND</sup> ST NW, zoned MX-M [Section 14-16-5-7-D]   |
|------------|---------------|--------------------------------|---|
| <u>OLD</u> | BUSINESS:     |                                |   |
| 4.         | VA-2020-00225 | Project#<br>PR-2020-<br>004085 | Edward Standefer requests a variance of 5ft to the 3ft maximum wall height for Lot 6, Block 23, Parkland Hills Addn, located at 712 Carlisle Blvd SE, zoned R-1D [Section 14-16-5-7(D)]   |
| 5.         | VA-2020-00226 | Project#<br>PR-2020-<br>004085 | Edward Standefer requests a variance of 20ft to the 20ft required front yard setback for Lot 6, Block 23, Parkland Hills Addn, located at 712 Carlisle Blvd SE, zoned R-1D [Section 14-16-5-1]  |
| 6.         | VA-2020-00227 | Project#<br>PR-2020-<br>004085 | Edward Standefer requests a variance of 10 ft to the 10ft required side yard setback for Lot 6, Block 23, Parkland Hills Addn, located at 712 Carlisle Blvd SE, zoned R-1D [Section 14-16-5-1]  |
| 7.         | VA-2020-00231 | Project#<br>PR-2020-<br>004149 | Phyllis Rademacher requests a variance of 3 feet to the 3 feet maximum wall height for Lot 1-P1, Block 2, Tompiro, located at 5923 Gran Quivira RD NW, zoned R-1B [Section 14-16-5-7(D)]  |
| 8.         | VA-2020-00235 | Project#<br>PR-2020-<br>004153 | Veronica Arteaga requests a variance of 2ft to the 3ft maximum wall height for Lot 48, Block 11, Skyview West Amended Replat, located at 416 Judith LA SW, zoned R-1B [Section 14-16-5-7(D)]  |
| 9.         | VA-2020-00236 | Project#<br>PR-2020-<br>004154 | Laith Rehani (Agent, Amjad Awwad) request a variance of 10.15% to the 10% maximum facade allowance for a wall sign for Lot A1, Block 8, South San Pedro Shopping Center, located at 901 San Pedro DR SE, zoned MX-L [Section 14-16-5-12(F)(2)]                                      |
| 10.        | VA-2020-00239 | Project#<br>PR-2020-<br>004158 | Helen Bachicha requests a variance of 3 feet to the 3 feet maximum wall height for Lot 2-P1, Block 8, Las Marcadas 2, located at 4908 Sherry Ann RD NW, zoned R-1C [Section 14-16-5-7(D)]   |
| 11.        | VA-2020-00262 | Project#<br>PR-2020-<br>003006 | La Luz Real Estate LLC / Joshua Lange requests a conditional use to allow a drive through or drive up facility for Lot 6A, Block 2, Sandia Plaza, located at 1115 Griegos RD NW, zoned MX-L [Section 14-16-4-2]   |
| 12.        | VA-2020-00263 | Project#<br>PR-2020-<br>003006 | La Luz Real Estate LLC / Joshua Lange requests a conditional use to allow a drive through or drive up facility for Lot 7A, Block 2, Sandia Plaza, located at 1111 Griegos RD NW, zoned MX-L [Section 14-16-4-2]   |
| 13.        | VA-2020-00264 | Project#<br>PR-2020-<br>003006 | La Luz Real Estate LLC / Joshua Lange requests a variance of 30 ft to the required 50 ft separation for a drive through lane between a regulated lot and a protected lot for Lot Lot 7A, Block 2, Sandia Plaza, located at 1111 Griegos RD NW, zoned MX-L [Section 14-16-5-9(F)(1)] |

# **NEW BUSINESS:**

| 14. | VA-2020-00270 | Project#<br>PR-2020-<br>004279 | Connie Sedillo requests a variance of 2 feet to the required 3 foot wall height in the front yard setback for Lot 18, Block 4, Bellamah-Dale Addn, located at 1803 Valencia DR NE, zoned R-1C [Section 14-16-5-7-D]   |
|-----|---------------|--------------------------------|---|
| 15. | VA-2020-00271 | Project#<br>PR-2020-<br>004292 | Angela Dapo requests a variance of 2 ft 9 inches to the 3 ft maximum wall height for Lot A1, Block 14, Panorama Heights Addn, located at 1720 Faith CT NE, zoned R-1C [Section 14-16-5-7-D]   |
| 16. | VA-2020-00273 | Project#<br>PR-2020-<br>004303 | Maria G Carbajal requests a variance of 3 feet to the 3 feet maximum wall height Lot 117-P1, El Rancho Grande Unit 14, located at 10224 Sandy Trail Rd SW, zoned R-1A [Section 14-16-5-7-D]   |
| 17. | VA-2020-00274 | Project#<br>PR-2020-<br>004304 | Jesus Carrillo-Martinez requests a variance of 3 feet to the 3 feet maximum wall height for Lot 126-P1, The Crossing Unit 1A, located at 8632 Casa Verde Ave NW, zoned R-1B [Section 14-16-5-7-D]   |
| 18. | VA-2020-00277 | Project#<br>PR-2020-<br>004317 | Maria Paredes requests a variance of 3 feet to the 3 feet maximum wall height for Lot 10, Block D, Cacy Subd, located at 2912 Corona DR NW, zoned MX-T [Section 14-16-5-7-D]  |
| 19. | VA-2020-00279 | Project#<br>PR-2020-<br>004319 | Karl A. Siegler (Agent, Gilbert Austin) requests a permit to allow a carport in the required front and side yard setbacks for Lot 38, Block G, New Holiday Park Parts 5 & 6, located at 12125 Genoa ST NE, zoned R-1C [Section 14-16-5-5(F)(2)(a)(2)(a)]                          |
| 20. | VA-2020-00280 | Project#<br>PR-2020-<br>004320 | Yuji S. Starcher (Agent, Gilbert Austin) requests a permit to allow a carport in the required front and side yard setbacks for Lot O, Block 30, Ridgecrest Addn, located at 1708 Morningrise PI SE, zoned R-1B [Section 14-16-5-5(F)(2)(a)(2)(a)]                                 |
| 21. | VA-2020-00281 | Project#<br>PR-2020-<br>004329 | Paul Hackett requests a variance of 7ft to the RV parking requirement of 11ft from the face of the curb for Lot 6, Block 6, Highlands North Addn, located at 6512 Northland Ave NE, zoned R-1C [Section 14-16-4-3-F-16]   |
| 22. | VA-2020-00283 | Project#<br>PR-2020-<br>004335 | Christopher Parrino (Agent, Ed Paschich) requests a variance of 12ft to the 15ft front yard setback for Lot 7, Block 3, Summer Garden Addn, located at 1509 Summer Ave NW, zoned R-1A [Section 14-16-5-1]   |
| 23. | VA-2020-00287 | Project#<br>PR-2020-<br>004347 | Faith Begay Holtrop requests a variance of 3 feet to the 3 feet maximum wall height for Lot 12, Block 7, Parkland Hills Addn, located at 621 Solano Dr SE, zoned R-1D [Section 14-16-5-7-D]   |
| 24. | VA-2020-00288 | Project#<br>PR-2020-<br>004354 | Roberto Rios requests a variance of 10 feet to the required 15 feet front yard setback for Lot 20A2, Block 1, Candlelight Foothills Unit 1, located at 13909 Lomas Blvd NE, zoned R-1C [Section 14-16-5-1]  |
| 25. | VA-2020-00290 | Project#<br>PR-2020-<br>004361 | United Business Bank (Future Owner, Bermudez Bros. LLC) (Agent, Modulus Architects) requests a conditional use to allow a drive through or drive up facility for Lot C2A, Block C, Altamont Addn Unit 6, located at 6000 Montgomery Blvd NE, zoned MX-L [Section 14-16-4-3(F)(4)] |

| 26. | VA-2020-00291 | Project#<br>PR-2020-<br>004362 | Roma Fourth Capital, LLC (Agent, Consensus Planning) requests a variance of 44 feet to the maximum building height of 45 feet when <20 feet from the front property line to allow a building of 89 feet in height for Lot D, Sunwest Centre, located at 303 Roma Ave NW, zoned MX-FB-UD [Section 14-16-2-4(E)(3)(d)]  |
|-----|---------------|--------------------------------|---|
| 27. | VA-2020-00292 | Project#<br>PR-2020-<br>004362 | Roma Fourth Capital, LLC (Agent, Consensus Planning) requests a variance of 14% to the required 40% of clear transparent windows and/or doors on each second floor and higher on the facade facing Third Street for Lot D, Sunwest Centre, located at 303 Roma Ave NW, zoned MX-FB-UD [Section 14-16-2-4(E)(3)(f)3.b] |
| 28. | VA-2020-00293 | Project#<br>PR-2020-<br>004362 | Roma Fourth Capital, LLC (Agent, Consensus Planning) requests a variance of 18% to the required 40% of clear transparent windows and/or doors on each second floor and higher on the facade facing Lomas Blvd for Lot D, Sunwest Centre, located at 303 Roma Ave NW, zoned MX-FB-UD [Section14-16-2-4(E)(3)(f)3.b]    |
| 29. | VA-2020-00294 | Project#<br>PR-2020-<br>004362 | Roma Fourth Capital, LLC (Agent, Consensus Planning) requests a variance of 38 bicycle parking spaces to the required 75 spaces to allow 37 spaces for Lot D, Sunwest Centre, located at 303 Roma Ave NW, zoned MX-FB-UD [Section 14-16-2-4(E)(3)g]   |
| 30. | VA-2020-00296 | Project#<br>PR-2020-<br>004370 | John Diomede (Agent, Keith Riche) requests a variance of 5 feet to the required 5 foot side yard setback to build a townhouse at zero lot line for Lot 19A-P1, Block 29, 14TH + Coal Unit 2, located at 1411 Coal Ave SW, zoned R-ML [Section 14-16-5-1]  |
| 31. | VA-2020-00297 | Project#<br>PR-2020-<br>004371 | Sonlee West and Adam Delu (Strata Design, LLC, Tim Nisly) request a variance of 3 feet 1 inch to the required 10 ft street side yard setback for Lot L1, Block 1, CoopersW T/Country Club Addn, located at 1110 Marquette Pl NE, zoned R-1B/R-ML [Section 14-16-5-1]  |
| 32. | VA-2020-00299 | Project#<br>PR-2020-<br>004371 | Sonlee West and Adam Delu (Strata Design, LLC, Tim Nisly) request a variance of 1 foot 8 inches to the required 5 ft interior side yard setback for Lot L1, Block 1, CoopersW T/Country Club Addn, located at 1110 Marquette PI NE, zoned R-1B/R-ML [Section 14-16-5-1]   |
| 33. | VA-2020-00298 | Project#<br>PR-2020-<br>004372 | Marcia Rae Cubra requests a variance of 3 feet to the 3 feet maximum wall height for Lot 3, Block 5, Victory Addn No 2, located at 1309 Vassar DR SE, zoned R-1B [Section 14-16-5-7-D]  |
| 34. | VA-2020-00300 | Project#<br>PR-2020-<br>004375 | Allison Burnett and Sarah Grant (Agent, Kevin O'Toole) request a variance to allow a carport within a front or side setback for Lot 26, Block 69, Parkland Hills Addn, located at 1032 Quincy ST SE, zoned R-1C [Section 14-16-5-5(F)(2)(a)(2)(a)]  |
| 35. | VA-2020-00301 | Project#<br>PR-2020-<br>004375 | Allison Burnett and Sarah Grant (Agent, Kevin O'Toole) request a variance to allow a carport 1 ft from the property line for Lot 26, Block 69, Parkland Hills Addn, located at 1032 Quincy ST SE, zoned R-1C [Section 14-16-5-5(F)(2)(a)(2)(a)]   |

| 36. | VA-2020-00304 | Project#<br>PR-2020-<br>004377 | Mike Fernandez requests a variance to allow a carport within a front or side setback for Lot 2, Block 23A, Mesa Del Norte, located at 912 Chama ST NE, zoned R-1C [Section 14-16-5-5(F)(2)(a)(2)(a)]   |
|-----|---------------|--------------------------------|--|
| 37. | VA-2020-00306 | Project#<br>PR-2020-<br>004381 | RM 401-40 Steve Nakamura (Agent, Development Managing Consultants) request a variance of 3ft to the 3ft maximum wall height for Lot 7, Martineztown Plan Phase 7, located at 405 Martin Luther King Ave NE, zoned MX-T [Section 14-16-5-7-D] |
| 38. | VA-2020-00307 | Project#<br>PR-2020-<br>004381 | RM 401-40 Steve Nakamura (Agent, Development Managing Consultants) request a variance of 3ft to the 3ft maximum wall height for Lot 6A, Brooks Harold, located at 401 Edith Blvd NE, zoned MX-L [Section 14-16-5-7-D]                        |
| 39. | VA-2020-00308 | Project#<br>PR-2020-<br>004381 | RM 401-40 Steve Nakamura (Agent, Development Managing Consultants) request a variance of 3ft to the 3ft maximum wall height for Lot 5, Block 4, Belvidere Addn, located at 405 Edith Blvd NE, zoned MX-L [Section 14-16-5-7-D]               |



# **ZONING HEARING EXAMINER'S AGENDA**

TUESDAY, October 20, 2020 9:00 A.M.

Join Zoom Meeting

https://cabq.zoom.us/j/7044490999

Meeting ID: 704 449 0999

One tap mobile

+16699006833,,7044490999# US (San Jose)

+12532158782,,7044490999# US (Tacoma)

Dial by your location

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+1 346 248 7799 US (Houston)

+1 646 558 8656 US (New York)

+1 301 715 8592 US (Germantown)

+1 312 626 6799 US (Chicago) Meeting ID: 704 449 0999

Find your local number: https://cabq.zoom.us/u/a2s7T1dnA

Robert Lucero, Esq., Zoning Hearing Examiner Lorena Patten-Quintana, ZHE Planner Suzie Sanchez, ZHE Administrative Assistant

For Inquiries Regarding This Agenda, Please Call The Planning Dept. at (505) 924-3894.

# PLEASE ADDRESS ALL CORRESPONDENCE TO:

Robert Lucero, Esq., Zoning Hearing Examiner at suzannasanchez@cabq.gov

NOTICE TO PEOPLE WITH DISABILITIES: If you have a disability and you require special assistance to participate in this hearing, please contact Planning Information at (505) 924-3860.

# \*INTERPRETER NEEDED:

1. VA-2020-00267

Project# PR-2020-004240

Raydel Horta-Vigil requests a conditional use to allow family home daycare for Lot 7, Block 1, Rackheath Park Addn No 1, located at 3013 Conchas ST

NE, zoned R-1C [Section 14-16-4-2] **DEFERRED TO 11-17-20** 

2. VA-2020-00272

Project# PR-2020-004302

Juan Angel Medrano requests a variance of 3 feet to the 3 feet maximum wall height for Lot 79-P1, El Rancho Grande Unit 11, located at 2119 Hermosa Creek DR SW, zoned R-1A [Section 14-16-5-7-D] **APPROVED WITH CONDITIONS** 

| 3. VA-2020-0028  | Project#<br>PR-2020-<br>004333 | Daniel and Juana Ramirez request a variance of 4ft to the 3ft maximum wall height for Lot 12, Block 3, Buena Tierra Addn, located at 2905 2 <sup>ND</sup> ST NW, zoned MX-M [Section 14-16-5-7-D] <b>DEFERRED TO 11-17-20</b>   |
|------------------|--------------------------------|---|
| OLD BUSINES      | <u>S:</u>                      |   |
| 4. VA-2020-0022  | Project#<br>PR-2020-<br>004085 | Edward Standefer requests a variance of 5ft to the 3ft maximum wall height for Lot 6, Block 23, Parkland Hills Addn, located at 712 Carlisle Blvd SE, zoned R-1D [Section 14-16-5-7(D)] <b>APPROVED</b>   |
| 5. VA-2020-0022  | Project#<br>PR-2020-<br>004085 | Edward Standefer requests a variance of 20ft to the 20ft required front yard setback for Lot 6, Block 23, Parkland Hills Addn, located at 712 Carlisle Blvd SE, zoned R-1D [Section 14-16-5-1] <b>APPROVED</b>  |
| 6. VA-2020-0022  | Project#<br>PR-2020-<br>004085 | Edward Standefer requests a variance of 10 ft to the 10ft required side yard setback for Lot 6, Block 23, Parkland Hills Addn, located at 712 Carlisle Blvd SE, zoned R-1D [Section 14-16-5-1] <b>APPROVED</b>  |
| 7. VA-2020-0023  | Project#<br>PR-2020-<br>004149 | Phyllis Rademacher requests a variance of 3 feet to the 3 feet maximum wall height for Lot 1-P1, Block 2, Tompiro, located at 5923 Gran Quivira RD NW, zoned R-1B [Section 14-16-5-7(D)] <b>APPROVED</b>  |
| 8. VA-2020-0023  | Project#<br>PR-2020-<br>004153 | Veronica Arteaga requests a variance of 2ft to the 3ft maximum wall height for Lot 48, Block 11, Skyview West Amended Replat, located at 416 Judith LA SW, zoned R-1B [Section 14-16-5-7(D)] <b>APPROVED</b>  |
| 9. VA-2020-0023  | Project# PR-2020- 004154       | Laith Rehani (Agent, Amjad Awwad) request a variance of 10.15% to the 10% maximum facade allowance for a wall sign for Lot A1, Block 8, South San Pedro Shopping Center, located at 901 San Pedro DR SE, zoned MX-L [Section 14-16-5-12(F)(2)] <b>WITHDRAWN</b>   |
| 10. VA-2020-0023 | Project#<br>PR-2020-<br>004158 | Helen Bachicha requests a variance of 3 feet to the 3 feet maximum wall height for Lot 2-P1, Block 8, Las Marcadas 2, located at 4908 Sherry Ann RD NW, zoned R-1C [Section 14-16-5-7(D)] <b>DENIED</b>   |
| 11. VA-2020-0026 | Project#<br>PR-2020-<br>003006 | La Luz Real Estate LLC / Joshua Lange requests a conditional use to allow a drive through or drive up facility for Lot 6A, Block 2, Sandia Plaza, located at 1115 Griegos RD NW, zoned MX-L [Section 14-16-4-2] <b>APPROVED WITH CONDITIONS</b>   |
| 12. VA-2020-0026 | Project#<br>PR-2020-<br>003006 | La Luz Real Estate LLC / Joshua Lange requests a conditional use to allow a drive through or drive up facility for Lot 7A, Block 2, Sandia Plaza, located at 1111 Griegos RD NW, zoned MX-L [Section 14-16-4-2] <b>APPROVED WITH CONDITIONS</b>   |
| 13. VA-2020-0026 | Project# PR-2020- 003006       | La Luz Real Estate LLC / Joshua Lange requests a variance of 30 ft to the required 50 ft separation for a drive through lane between a regulated lot and a protected lot for Lot Lot 7A, Block 2, Sandia Plaza, located at 1111 Griegos RD NW, zoned MX-L [Section 14-16-5-9(F)(1)] <b>APPROVED WITH CONDITIONS</b> |

# **NEW BUSINESS:**

| 14. | VA-2020-00270 | Project#<br>PR-2020-<br>004279 | Connie Sedillo requests a variance of 2 feet to the required 3 foot wall height in the front yard setback for Lot 18, Block 4, Bellamah-Dale Addn, located at 1803 Valencia DR NE, zoned R-1C [Section 14-16-5-7-D] <b>APPROVED</b>                                      |
|-----|---------------|--------------------------------|--|
| 15. | VA-2020-00271 | Project#<br>PR-2020-<br>004292 | Angela Dapo requests a variance of 2 ft 9 inches to the 3 ft maximum wall height for Lot A1, Block 14, Panorama Heights Addn, located at 1720 Faith CT NE, zoned R-1C [Section 14-16-5-7-D] <b>APPROVED</b>  |
| 16. | VA-2020-00273 | Project#<br>PR-2020-<br>004303 | Maria G Carbajal requests a variance of 3 feet to the 3 feet maximum wall height Lot 117-P1, El Rancho Grande Unit 14, located at 10224 Sandy Trail Rd SW, zoned R-1A [Section 14-16-5-7-D] <b>DEFERRED TO 11-17-20</b>  |
| 17. | VA-2020-00274 | Project#<br>PR-2020-<br>004304 | Jesus Carrillo-Martinez requests a variance of 3 feet to the 3 feet maximum wall height for Lot 126-P1, The Crossing Unit 1A, located at 8632 Casa Verde Ave NW, zoned R-1B [Section 14-16-5-7-D] <b>APPROVED</b>  |
| 18. | VA-2020-00277 | Project#<br>PR-2020-<br>004317 | Maria Paredes requests a variance of 3 feet to the 3 feet maximum wall height for Lot 10, Block D, Cacy Subd, located at 2912 Corona DR NW, zoned MX-T [Section 14-16-5-7-D] <b>APPROVED</b>   |
| 19. | VA-2020-00278 | Project#<br>PR-2020-<br>004318 | Maria Paredes requests a variance of 3 feet to the 3 feet maximum wall height for Lot 1, Block 10, Emil Mann Addn, located at 502 Louisiana Blvd SE, zoned MX-L [Section 14-16-5-7-D] <b>APPROVED</b>  |
| 20. | VA-2020-00279 | Project#<br>PR-2020-<br>004319 | Karl A. Siegler (Agent, Gilbert Austin) requests a permit to allow a carport in the required front and side yard setbacks for Lot 38, Block G, New Holiday Park Parts 5 & 6, located at 12125 Genoa ST NE, zoned R-1C [Section 14-16-5-5(F)(2)(a)(2)(a)] <b>APPROVED</b> |
| 21. | VA-2020-00280 | Project#<br>PR-2020-<br>004320 | Yuji S. Starcher (Agent, Gilbert Austin) requests a permit to allow a carport in the required front and side yard setbacks for Lot O, Block 30, Ridgecrest Addn, located at 1708 Morningrise PI SE, zoned R-1B [Section 14-16-5-5(F)(2)(a)(2)(a)] <b>APPROVED</b>        |
| 22. | VA-2020-00281 | Project#<br>PR-2020-<br>004329 | Paul Hackett requests a variance of 7ft to the RV parking requirement of 11ft from the face of the curb for Lot 6, Block 6, Highlands North Addn, located at 6512 Northland Ave NE, zoned R-1C [Section 14-16-4-3-F-16] <b>APPROVED</b>                                  |
| 23. | VA-2020-00283 | Project#<br>PR-2020-<br>004335 | Christopher Parrino (Agent, Ed Paschich) requests a variance of 12ft to the 15ft front yard setback for Lot 7, Block 3, Summer Garden Addn, located at 1509 Summer Ave NW, zoned R-1A [Section 14-16-5-1] <b>APPROVED</b>  |
| 24. | VA-2020-00287 | Project#<br>PR-2020-<br>004347 | Faith Begay Holtrop requests a variance of 3 feet to the 3 feet maximum wall height for Lot 12, Block 7, Parkland Hills Addn, located at 621 Solano Dr SE, zoned R-1D [Section 14-16-5-7-D] <b>APPROVED</b>  |
| 25. | VA-2020-00288 | Project#<br>PR-2020-<br>004354 | Roberto Rios requests a variance of 10 feet to the required 15 feet front yard setback for Lot 20A2, Block 1, Candlelight Foothills Unit 1, located at 13909 Lomas Blvd NE, zoned R-1C [Section 14-16-5-1] <b>DENIED</b>   |

| 26. | VA-2020-00290 | Project#<br>PR-2020-<br>004361 | United Business Bank (Future Owner, Bermudez Bros. LLC) (Agent, Modulus Architects) requests a conditional use to allow a drive through or drive up facility for Lot C2A, Block C, Altamont Addn Unit 6, located at 6000 Montgomery Blvd NE, zoned MX-L [Section 14-16-4-3(F)(4)] <b>APPROVED</b>                                     |
|-----|---------------|--------------------------------|---|
| 27. | VA-2020-00291 | Project#<br>PR-2020-<br>004362 | Roma Fourth Capital, LLC (Agent, Consensus Planning) requests a variance of 44 feet to the maximum building height of 45 feet when <20 feet from the front property line to allow a building of 89 feet in height for Lot D, Sunwest Centre, located at 303 Roma Ave NW, zoned MX-FB-UD [Section 14-16-2-4(E)(3)(d)] <b>APPROVED</b>  |
| 28. | VA-2020-00292 | Project#<br>PR-2020-<br>004362 | Roma Fourth Capital, LLC (Agent, Consensus Planning) requests a variance of 14% to the required 40% of clear transparent windows and/or doors on each second floor and higher on the facade facing Third Street for Lot D, Sunwest Centre, located at 303 Roma Ave NW, zoned MX-FB-UD [Section 14-16-2-4(E)(3)(f)3.b] <b>APPROVED</b> |
| 29. | VA-2020-00293 | Project#<br>PR-2020-<br>004362 | Roma Fourth Capital, LLC (Agent, Consensus Planning) requests a variance of 18% to the required 40% of clear transparent windows and/or doors on each second floor and higher on the facade facing Lomas Blvd for Lot D, Sunwest Centre, located at 303 Roma Ave NW, zoned MX-FB-UD [Section14-16-2-4(E)(3)(f)3.b] <b>APPROVED</b>    |
| 30. | VA-2020-00294 | Project#<br>PR-2020-<br>004362 | Roma Fourth Capital, LLC (Agent, Consensus Planning) requests a variance of 38 bicycle parking spaces to the required 75 spaces to allow 37 spaces for Lot D, Sunwest Centre, located at 303 Roma Ave NW, zoned MX-FB-UD [Section 14-16-2-4(E)(3)g] <b>APPROVED</b>   |
| 31. | VA-2020-00296 | Project#<br>PR-2020-<br>004370 | John Diomede (Agent, Keith Riche) requests a variance of 5 feet to the required 5 foot side yard setback to build a townhouse at zero lot line for Lot 19A-P1, Block 29, 14TH + Coal Unit 2, located at 1411 Coal Ave SW, zoned R-ML [Section 14-16-5-1] <b>APPROVED</b>  |
| 32. | VA-2020-00297 | Project#<br>PR-2020-<br>004371 | Sonlee West and Adam Delu (Strata Design, LLC, Tim Nisly) request a variance of 3 feet 1 inch to the required 10 ft street side yard setback for Lot L1, Block 1, CoopersW T/Country Club Addn, located at 1110 Marquette Pl NE, zoned R-1B/R-ML [Section 14-16-5-1] <b>APPROVED</b>  |
| 33. | VA-2020-00299 | Project#<br>PR-2020-<br>004371 | Sonlee West and Adam Delu (Strata Design, LLC, Tim Nisly) request a variance of 1 foot 8 inches to the required 5 ft interior side yard setback for Lot L1, Block 1, CoopersW T/Country Club Addn, located at 1110 Marquette PI NE, zoned R-1B/R-ML [Section 14-16-5-1] <b>APPROVED</b>   |
| 34. | VA-2020-00298 | Project#<br>PR-2020-<br>004372 | Marcia Rae Cubra requests a variance of 3 feet to the 3 feet maximum wall height for Lot 3, Block 5, Victory Addn No 2, located at 1309 Vassar DR SE, zoned R-1B [Section 14-16-5-7-D] <b>APPROVED WITH CONDITIONS</b>  |
| 35. | VA-2020-00300 | Project#<br>PR-2020-<br>004375 | Allison Burnett and Sarah Grant (Agent, Kevin O'Toole) request a variance to allow a carport within a front or side setback for Lot 26, Block 69, Parkland Hills Addn, located at 1032 Quincy ST SE, zoned R-1C [Section 14-16-5-5(F)(2)(a)(2)(a)] <b>APPROVED</b>  |

| 36. | VA-2020-00301 | Project#<br>PR-2020-<br>004375 | Allison Burnett and Sarah Grant (Agent, Kevin O'Toole) request a variance to allow a carport 1 ft from the property line for Lot 26, Block 69, Parkland Hills Addn, located at 1032 Quincy ST SE, zoned R-1C [Section 14-16-5-5(F)(2)(a)(2)(a)] <b>APPROVED</b> |
|-----|---------------|--------------------------------|---|
| 37. | VA-2020-00304 | Project#<br>PR-2020-<br>004377 | Mike Fernandez requests a variance to allow a carport within a front or side setback for Lot 2, Block 23A, Mesa Del Norte, located at 912 Chama ST NE, zoned R-1C [Section 14-16-5-5(F)(2)(a)(2)(a)] <b>APPROVED</b>  |
| 38. | VA-2020-00306 | Project#<br>PR-2020-<br>004381 | RM 401-40 Steve Nakamura (Agent, Development Managing Consultants) request a variance of 3ft to the 3ft maximum wall height for Lot 7, Martineztown Plan Phase 7, located at 405 Martin Luther King Ave NE, zoned MX-T [Section 14-16-5-7-D] <b>DENIED</b>      |
| 39. | VA-2020-00307 | Project#<br>PR-2020-<br>004381 | RM 401-40 Steve Nakamura (Agent, Development Managing Consultants) request a variance of 3ft to the 3ft maximum wall height for Lot 6A, Brooks Harold, located at 401 Edith Blvd NE, zoned MX-L [Section 14-16-5-7-D] <b>DENIED</b>                             |
| 40. | VA-2020-00308 | Project#<br>PR-2020-<br>004381 | RM 401-40 Steve Nakamura (Agent, Development Managing Consultants) request a variance of 3ft to the 3ft maximum wall height for Lot 5, Block 4, Belvidere Addn, located at 405 Edith Blvd NE, zoned MX-L [Section 14-16-5-7-D] <b>DENIED</b>                    |