

**TABLE OF CONTENTS**  
**AC-20-16**  
**PR-2020-004381, VA-2020-00306, VA-2020-00307,**  
**VA-2020-00308, VA-2020-00440, VA-2020-00441, VA-2020-00442**

PAGE(S)

MEMO.....	1 - 3
NOTICE OF DECISION, OCTOBER 20, 2020.....	4 - 12
APPEAL APPLICATION / REASON FOR APPEAL .....	13 - 29
MATERIAL SUBMITTED TO ZHE.....	30 - 197
ZHE MINUTES, OCTOBER 20, 2020.....	198 - 215
ADDITIONAL INFORMATION.....	216 - 226



Mayor Timothy M. Keller

# CITY OF ALBUQUERQUE

Albuquerque, New Mexico

## Planning Department

### INTER-OFFICE MEMORANDUM

December 28, 2020

**TO:** Pat Davis, President, City Council

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

**SUBJECT:** AC-20-16, Project PR-2020-004381, VA-2020-00306, VA-2020-00307, VA-2020-00308, VA-2020-00440, VA-2020-00441, VA-2020-00442: Steven 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 6A, Brooks Harold, located at 401 Edith Blvd NE, zoned MX-L [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-20-16 Memo

Final Audit Report

2020-12-28

Created:	2020-12-28
By:	Lucinda Montoya (lucindamontoya@cabq.gov)
Status:	Signed
Transaction ID:	CBJCHBCAABAA61akInvHnHdrPuK8Hvu0wQPjxjwYcdqm

## "AC-20-16 Memo" History

-  Document created by Lucinda Montoya (lucindamontoya@cabq.gov)  
2020-12-28 - 3:59:54 PM GMT- IP address: 198.175.173.4
-  Document emailed to BN Williams (bnwilliams@cabq.gov) for signature  
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-  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 - 5:08:03 PM GMT - Time Source: server- IP address: 198.175.173.4
-  Agreement completed.  
2020-12-28 - 5:08:03 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

cc:

ZHE File

Zoning Enforcement

Steve Hernandez, Development Managing Consultants, [steve@dmcnm.com](mailto: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](mailto:mullanphyre@gmail.com)

Leon Espinoza, [leonespinoza888@yahoo.com](mailto: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

cc:

ZHE File

Zoning Enforcement

Steve Hernandez, Development Managing Consultants, [steve@dmcnm.com](mailto: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

cc:

ZHE File

Zoning Enforcement

Steve Hernandez, Development Managing Consultants, [steve@dmcnm.com](mailto:steve@dmcnm.com)



Please check the appropriate box and refer to supplemental forms for submittal requirements. All fees must be paid at the time of application.

Administrative Decisions	Decisions Requiring a Public Meeting or Hearing	Policy Decisions
<input type="checkbox"/> Archaeological Certificate (Form P3)	<input type="checkbox"/> Site Plan – EPC including any Variances – EPC (Form P1)	<input type="checkbox"/> Adoption or Amendment of Comprehensive Plan or Facility Plan (Form Z)
<input type="checkbox"/> Historic Certificate of Appropriateness – Minor (Form L)	<input type="checkbox"/> Master Development Plan (Form P1)	<input type="checkbox"/> Adoption or Amendment of Historic Designation (Form L)
<input type="checkbox"/> Alternative Signage Plan (Form P3)	<input type="checkbox"/> Historic Certificate of Appropriateness – Major (Form L)	<input type="checkbox"/> Amendment of IDO Text (Form Z)
<input type="checkbox"/> Minor Amendment to Site Plan (Form P3)	<input type="checkbox"/> Demolition Outside of HPO (Form L)	<input type="checkbox"/> Annexation of Land (Form Z)
<input type="checkbox"/> WTF Approval (Form W1)	<input type="checkbox"/> Historic Design Standards and Guidelines (Form L)	<input type="checkbox"/> Amendment to Zoning Map – EPC (Form Z)
	<input type="checkbox"/> Wireless Telecommunications Facility Waiver (Form W2)	<input type="checkbox"/> Amendment to Zoning Map – Council (Form Z)
		<b>Appeals</b>
		<input checked="" type="checkbox"/> Decision by EPC, LC, ZHE, or City Staff (Form A)

### APPLICATION INFORMATION

Applicant: RM 401-405, LLC		Phone: 505-228-1401
Address: 914 Pinehurst Rd. SE		Email: steve@dmcnm.com
City: Rio Rancho	State: NM	Zip: 87124
Professional/Agent (if any): Steven Hernandez (Development Managing Consultants)		Phone: 505-228-1401
Address: 9320 Menaul Blvd. NE, Ste. D		Email: steve@dmcnm.com
City: Albuquerque	State: NM	Zip: 87112
Proprietary Interest in Site: Agent Only	List all owners: RM 401-405, LLC (Steve Nakamura)	

### BRIEF DESCRIPTION OF REQUEST

We are appealing the decision of the ZHE

### SITE INFORMATION (Accuracy of the existing legal description 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	Existing Zoning: MX-L	Proposed Zoning:
# of Existing Lots:	# of Proposed Lots:	Total Area of Site (acres):

### LOCATION OF PROPERTY BY STREETS

Site Address/Street: 405 Edith Blvd NE	Between: Edith	and: Broadway
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### CASE HISTORY (List any current or prior project and case number(s) that may be relevant to your request.)

Project No: Project# 2020-004381 Special Exception : VA-2020-00308

Signature: <i>Steven W. Hernandez</i>	Date: 11/17/2020
Printed Name: Steven W. Hernandez	<input type="checkbox"/> Applicant or <input checked="" type="checkbox"/> Agent

### FOR OFFICIAL USE ONLY

Case Numbers	Action	Fees	Case Numbers	Action	Fees
Meeting/Hearing Date:			Fee Total:		
Staff Signature:		Date:	Project #		





Please check the appropriate box and refer to supplemental forms for submittal requirements. All fees must be paid at the time of application.

Administrative Decisions	Decisions Requiring a Public Meeting or Hearing	Policy Decisions
<input type="checkbox"/> Archaeological Certificate (Form P3)	<input type="checkbox"/> Site Plan – EPC including any Variances – EPC (Form P1)	<input type="checkbox"/> Adoption or Amendment of Comprehensive Plan or Facility Plan (Form Z)
<input type="checkbox"/> Historic Certificate of Appropriateness – Minor (Form L)	<input type="checkbox"/> Master Development Plan (Form P1)	<input type="checkbox"/> Adoption or Amendment of Historic Designation (Form L)
<input type="checkbox"/> Alternative Signage Plan (Form P3)	<input type="checkbox"/> Historic Certificate of Appropriateness – Major (Form L)	<input type="checkbox"/> Amendment of IDO Text (Form Z)
<input type="checkbox"/> Minor Amendment to Site Plan (Form P3)	<input type="checkbox"/> Demolition Outside of HPO (Form L)	<input type="checkbox"/> Annexation of Land (Form Z)
<input type="checkbox"/> WTF Approval (Form W1)	<input type="checkbox"/> Historic Design Standards and Guidelines (Form L)	<input type="checkbox"/> Amendment to Zoning Map – EPC (Form Z)
	<input type="checkbox"/> Wireless Telecommunications Facility Waiver (Form W2)	<input type="checkbox"/> Amendment to Zoning Map – Council (Form Z)
		<b>Appeals</b>
		<input checked="" type="checkbox"/> Decision by EPC, LC, ZHE, or City Staff (Form A)

### APPLICATION INFORMATION

Applicant: RM 401-405, LLC		Phone: 505-228-1401
Address: 914 Pinehurst Rd. SE		Email: steve@dmcnm.com
City: Rio Rancho	State: NM	Zip: 87124
Professional/Agent (if any): Steven Hernandez (Development Managing Consultants)		Phone: 505-228-1401
Address: 9320 Menaul Blvd. NE, Ste. D		Email: steve@dmcnm.com
City: Albuquerque	State: NM	Zip: 87112
Proprietary Interest in Site: Agent Only	List all owners: RM 401-405, LLC (Steve Nakamura)	

### BRIEF DESCRIPTION OF REQUEST

We are appealing the decision of the ZHE

### SITE INFORMATION (Accuracy of the existing legal description 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	Existing Zoning: MX-T	Proposed Zoning:
# of Existing Lots:	# of Proposed Lots:	Total Area of Site (acres):

### LOCATION OF PROPERTY BY STREETS

Site Address/Street: 401 Edith Blvd. NE	Between: Edith	and: Broadway
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### CASE HISTORY (List any current or prior project and case number(s) that may be relevant to your request.)

Project No: Project# 2020-004381 - Special Exception No: VA-2020-00307

Signature: Steven W. Hernandez	Date: 11/17/2020
Printed Name: Steven W. Hernandez	<input type="checkbox"/> Applicant or <input checked="" type="checkbox"/> Agent

### FOR OFFICIAL USE ONLY

Case Numbers	Action	Fees	Case Numbers	Action	Fees
Meeting/Hearing Date:			Fee Total:		
Staff Signature:			Date:		
			Project #		





Please check the appropriate box and refer to supplemental forms for submittal requirements. All fees must be paid at the time of application.

Administrative Decisions	Decisions Requiring a Public Meeting or Hearing	Policy Decisions
<input type="checkbox"/> Archaeological Certificate (Form P3)	<input type="checkbox"/> Site Plan – EPC including any Variances – EPC (Form P1)	<input type="checkbox"/> Adoption or Amendment of Comprehensive Plan or Facility Plan (Form Z)
<input type="checkbox"/> Historic Certificate of Appropriateness – Minor (Form L)	<input type="checkbox"/> Master Development Plan (Form P1)	<input type="checkbox"/> Adoption or Amendment of Historic Designation (Form L)
<input type="checkbox"/> Alternative Signage Plan (Form P3)	<input type="checkbox"/> Historic Certificate of Appropriateness – Major (Form L)	<input type="checkbox"/> Amendment of IDO Text (Form Z)
<input type="checkbox"/> Minor Amendment to Site Plan (Form P3)	<input type="checkbox"/> Demolition Outside of HPO (Form L)	<input type="checkbox"/> Annexation of Land (Form Z)
<input type="checkbox"/> WTF Approval (Form W1)	<input type="checkbox"/> Historic Design Standards and Guidelines (Form L)	<input type="checkbox"/> Amendment to Zoning Map – EPC (Form Z)
	<input type="checkbox"/> Wireless Telecommunications Facility Waiver (Form W2)	<input type="checkbox"/> Amendment to Zoning Map – Council (Form Z)
		<b>Appeals</b>
		<input checked="" type="checkbox"/> Decision by EPC, LC, ZHE, or City Staff (Form A)

### APPLICATION INFORMATION

Applicant: RM 401-405, LLC		Phone: 505-228-1401
Address: 914 Pinehurst Rd. SE		Email: steve@dmcnm.com
City: Rio Rancho	State: NM	Zip: 87124
Professional/Agent (if any): Steven Hernandez (Development Managing Consultants)		Phone: 505-228-1401
Address: 9320 Menaul Blvd. NE, Ste. D		Email: steve@dmcnm.com
City: Albuquerque	State: NM	Zip: 87112
Proprietary Interest in Site: Agent Only	List all owners: RM 401-405, LLC (Steve Nakamura)	

### BRIEF DESCRIPTION OF REQUEST

We are appealing the decision of the ZHE

### SITE INFORMATION (Accuracy of the existing legal description is crucial! Attach a separate sheet if necessary.)

Lot or Tract No.: 7	Block: 0000	Unit:
Subdivision/Addition: Martineztown Plan Phase 7	MRGCD Map No.:	UPC Code: 101405743948913701
Zone Atlas Page(s): K-14	Existing Zoning: MX-T	Proposed Zoning:
# of Existing Lots:	# of Proposed Lots:	Total Area of Site (acres):

### LOCATION OF PROPERTY BY STREETS

Site Address/Street: 405 Martin Luther King Av Between: Edith and: Broadway

### CASE HISTORY (List any current or prior project and case number(s) that may be relevant to your request.)

Project No: Project # 2020-004381 Special Exception No: VA-2020-00306

Signature: Steven W. Hernandez	Date: 11/17/2020
Printed Name: Steven W. Hernandez	<input type="checkbox"/> Applicant or <input checked="" type="checkbox"/> Agent

### FOR OFFICIAL USE ONLY

Case Numbers	Action	Fees	Case Numbers	Action	Fees
Meeting/Hearing Date:			Fee Total:		
Staff Signature:		Date:	Project #		



**FORM A: Appeals**

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

- ☐ APPEAL OF A DECISION OF CITY PLANNING STAFF (HISTORIC PRESERVATION PLANNER) ON A HISTORIC CERTIFICATE OF APPROPRIATENESS – MINOR TO THE LANDMARKS COMMISSION (LC)
- ☐ APPEAL OF A DECISION OF CITY PLANNING STAFF ON AN IMPACT FEE ASSESSMENT TO THE ENVIRONMENTAL PLANNING COMMISSION (EPC)
- ☒ APPEAL TO CITY COUNCIL THROUGH THE LAND USE HEARING OFFICER (LUHO)

☒ Interpreter Needed for Hearing? NO if yes, indicate language: \_\_\_\_\_

☒ A Single PDF file of the complete application including all documents being submitted must be emailed to [PLNDRS@cabq.gov](mailto:PLNDRS@cabq.gov) 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 shall be organized with the Development Review Application and this Form A at the front followed by the remaining documents in the order provided on this form.

☒ Project number of the case being appealed, if applicable: Project # 2020-004381

☒ Application number of the case being appealed, if applicable: VA-2020-00306 VA- 2020-00307 VA-2020-00307

☒ Type of decision being appealed: ZHE

☒ Letter of authorization from the appellant if appeal is submitted by an agent

☒ Appellant's basis of standing in accordance with IDO Section 14-16-6-4(U)(2)

☒ 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)

☒ 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

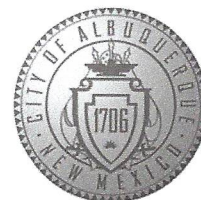
**FOR OFFICIAL USE ONLY**

Case Numbers:

Project Number:

Staff Signature:

Date:



## **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 **fenced** 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,

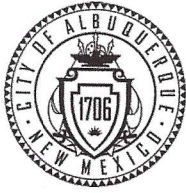
*Steven W. Hernandez*

Agent for Applicant,

Steven W. Hernandez  
Development Managing Consultants

**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

cc:

ZHE File

Zoning Enforcement

Steve Hernandez, Development Managing Consultants, [steve@dmcnm.com](mailto: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

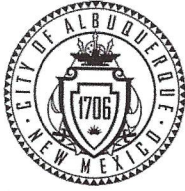
Eric Bose, 11900 Anaheim, 87122

Elizabeth Barbieri, [mullanphyre@gmail.com](mailto:mullanphyre@gmail.com)

Leon Espinoza, [leonespinoza888@yahoo.com](mailto: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.



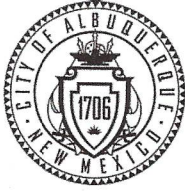
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Robert Lucero, Esq.  
Zoning Hearing Examiner



cc:

ZHE File  
Zoning Enforcement  
Steve Hernandez, Development Managing Consultants, [steve@dmcnm.com](mailto: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.



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Robert Lucero, Esq.  
Zoning Hearing Examiner

cc:

ZHE File  
Zoning Enforcement  
Steve Hernandez, Development Managing Consultants, [steve@dmcnm.com](mailto:steve@dmcnm.com)





planning

## REQUEST FOR SPECIAL EXCEPTION

☒ Variance ☐ Conditional Use ☐ OtherInterpreter: ☐ Yes ☒ NoVA# 2020-00306PR# 2020-004381

<b>Date:</b> 3/10/2020		<b>Received By:</b> Marcelo	
<b>Address of Request:</b> 405 Martin Luther King Ave. NE			
<b>City:</b> Albuquerque		<b>State:</b> NM	<b>Zip:</b> 87102
<b>Lot:</b> 7	<b>Block:</b> 0000	<b>Zone:</b> MX-T	<b>Map pg.</b> K-14
<b>Subdivision:</b> Martineztown Plan Phase 7		<b>UPC#</b> 101405743948913701	
<b>Property Owner(s):</b> RM 401405, LLC			
<b>Mailing Address:</b> 9320 Menaul Blvd. NE Ste D			
<b>City:</b> Albuquerque		<b>State:</b> NM	<b>Zip:</b> 87112
<b>Phone:</b> 505-228-1401		<b>Email:</b> steve@dmcnm.com	
<b>Agent:</b> Steven Hernandez			
<b>Mailing Address:</b> 9320 Menaul Blvd. NE			
<b>City:</b> Albuquerque		<b>State:</b> NM	<b>Zip:</b> 87112
<b>Phone:</b> 505-228-1401		<b>Email:</b> steve@dmcnm.com	
<b>Fee Total:</b> \$210.00			

## Completed Application Requirements:

- Copy of relevant IDO section
- Letter of authorization (if agent representation)
- Proof of Pre-application Meeting (not required for a variance)
- 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:

Date:

Hearing Date: OCT. 20, 2020

ZONING OFFICIAL USE ONLY			
<b>Request for exception to IDO Section:</b> 14-16- <u>5-7</u>			
<b>Description of request:</b> <u>VARIANCE OF 3FT TO THE 3FT</u> <u>MAXIMUM WALL HEIGHT.</u>			
<input checked="" type="checkbox"/> Ownership verified on AGIS		<input type="checkbox"/> Proof of ownership included	
<input type="checkbox"/> Letter of authorization included			
<b>Case history number(s) from AGIS:</b>			
<b>APO:</b>	<b>CPO#</b>	<b>HPO#</b>	<b>VPO#</b>
<b>Wall variances not allowed in low-density residential development in these 2 areas per 5-7(D)(3)(e):</b>			
1) CPO 3 and 2) Monte Vista / College View Historic Dist. - Mapped Area			
2) CPO-8 states walls no more than 3 feet 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 Wall Height					
Zone Category	Residential	Mixed-use	Non-residential (NR-C, NR-BP)	Non-residential (NR-EV, NR-GM)	See also
<b>Standard Wall Height</b>					
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.	10 ft.	5-7(D)(2)
<b>Corner Lot Abutting Residential Zone District</b>					
Any portion of a wall in the rear yard abutting the front yard of a Residential zone district.					
<10 ft. from the lot line abutting the street <sup>[3]</sup>	3 ft.	3 ft.	3 ft.	6 ft.	5-7(D)(2) 5-7(D)(3)(d)
≥10 ft. from the lot line abutting the street	6 ft.	8 ft. Low-density residential: 6 ft.	8 ft.	8 ft.	5-7(D)(2)
<b>Walls Abutting Major Arroyos and Major Public Open Space</b>					
Wall in a rear or interior side yard abutting a major arroyo	6 ft.	8 ft.	8 ft.	8 ft.	5-7(D)(2) 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) 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(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

To: Zoning Hearing Examiner

Date: 05/11/2020

Project # \_\_\_\_\_

ZHE# \_\_\_\_\_

I, Steve Nakamura (RM 401-405, LLC) hereby authorize Steven Hernandez of "DMC" to 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.

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:** [Steve Hernandez](#)  
**To:** [Steve Hernandez \(steve@dmcm.com\); "Sanchez, Suzanna A." <lizziel0@a.com>; "John@innovateabq.com"; "David@contextabq.com"; "a.louisa.carson@gmail.com"; "andersonbonnie505@gmail.com"](#)  
**Bcc:**  
**Subject:** **Public Notice to the Homeowners Association and Those in Your Neighborhood**  
**Date:** **Wednesday, August 05, 2020 5:49:00 PM**  
**Attachments:** [REQUEST FOR NEIGHBORHOOD MEETING-v1.pdf](#)  
[405 MLK - 401 & 405 Edith Blvd. Iron Fence Layout\\_Images1.pdf](#)  
[Image001.jpg](#)  
[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.

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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 call 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

DMC Logo Top





File Message Help Adobe PDF Tell me what you want to do



Steve Hernandez &lt;steve@dmcm.com&gt;

Steve Hernandez [steve@dmcm.com], Sanchez, Suzanne A., [suzanne10@q.com], john@innovateabq.com, david@contextabq.com, alouisa.carson@gmail.com, andersonbonnie505@gmail.com

Public Notice to the Homeowners Association and Those in Your Neighborhood

This message was sent with High Importance.

REQUEST FOR NEIGHBORHOOD MEETING-v1.pdf

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

Rackable fence Exhibit 70-94inch.pdf

October Zoom - Public Notice of Hearing.pdf

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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 &amp; CONSULTING ENGINEERS

## 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  
**Attachments:** 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

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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

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

Steve Hernandez 228-1401  
ROSALYN KLOPPER 430-1379  
Alaura Montano 292-3957  
Richard Martinez 263-2664  
Kisti HOWARD 366-1439  
Renee Martinez 410-8122



## Steve Hernandez

---

**From:** Steve Hernandez <steve@dmcnm.com>  
**Sent:** Tuesday, 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 <[lizzie10@q.com](mailto: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](mailto:steve@dmcnm.com)>  
**To:** "ELIZABETH HALL" <[lizzie10@q.com](mailto:lizzie10@q.com)>  
**Cc:** "Steve Hernandez" <[steve@dmcnm.com](mailto:steve@dmcnm.com)>, "Sanchez, Suzanna A." <[suzannasanchez@cabq.gov](mailto: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](mailto:lizzie10@q.com)>  
**Sent:** Wednesday, August 12, 2020 10:12 PM  
**To:** Steve Hernandez <[steve@dmcnm.com](mailto: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](mailto:steve@dmcnm.com)>  
**To:** "ELIZABETH HALL" <[lizzie10@q.com](mailto:lizzie10@q.com)>  
**Cc:** "Steve Hernandez" <[steve@dmcnm.com](mailto:steve@dmcnm.com)>, "Sanchez, Suzanna A." <[suzannasanchez@cabq.gov](mailto: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](mailto:lizzie10@q.com)>  
**Sent:** Tuesday, August 11, 2020 10:18 PM  
**To:** Steve Hernandez <[steve@dmcnm.com](mailto: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](mailto:steve@dmcnm.com)>  
**To:** "Steve Hernandez" <[steve@dmcnm.com](mailto:steve@dmcnm.com)>, "Sanchez, Suzanna A." <[suzannasanchez@cabq.gov](mailto: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>

## Steve Hernandez

---

**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](mailto: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



## Steve Hernandez

---

**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 than 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

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Albuquerque, NM 87112  
Cell: (505) 228.1401

## **DEVELOPMENT MANAGING CONSULTANTS**

**PROFESSIONAL CONSTRUCTION MANAGERS & CONSULTING ENGINEERS**

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This message has been analyzed by Deep Discovery Email Inspector.

## Steve Hernandez

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**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](mailto:steve@dmcnm.com)> wrote:

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## **DEVELOPMENT MANAGING CONSULTANTS**

**PROFESSIONAL CONSTRUCTION MANAGERS & CONSULTING ENGINEERS**

## 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 for a 6 foot high perimeter view fence to be constructed around the property. The see through view fence will be constructed out of wrought iron tube steel. Access controlled 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 505-228-1401

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 [suzannasanchez@cabq.gov](mailto: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 will not be taken into consideration for this application.



**Public Notice of Hearing**

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 a 3ft to the maximum of allowable height of 3ft to allow for a 6ft high iron view fence. (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)

+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/j/7044490999>

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](mailto: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.**

DEVELOPMENT MANAGING CONSULTANTS

9320 MENAUL BLVD. NE SUITE D  
ALBUQUERQUE, NM 87112

Johnson, Donald Whitney  
433 Valencia Pl NE  
Albuquerque, NM 87109-2155

DEVELOPMENT MANAGING CONSULTANTS

9320 MENAUL BLVD. NE SUITE D  
ALBUQUERQUE, NM 87112

Epimero, Leon A  
508 Cedar Ave SW

DEVELOPMENT MANAGING CONSULTANTS

9320 MENAUL BLVD. NE SUITE D  
ALBUQUERQUE, NM 87112

Martinez, Aurora Laura  
6514 Edgemoor Pl NE  
Albuquerque, NM 87113-1111

DEVELOPMENT MANAGING CONSULTANTS

9320 MENAUL BLVD. NE SUITE D  
ALBUQUERQUE, NM 87112

ALLIED RE LLC  
301 Central Ave NE Suite 313  
Albuquerque, NM 87101

DEVELOPMENT MANAGING CONSULTANTS

9320 MENAUL BLVD. NE SUITE D  
ALBUQUERQUE, NM 87112

Public Service Company of NM  
Abercrombie Square  
Albuquerque, NM 87158

DEVELOPMENT MANAGING CONSULTANTS

9320 MENAUL BLVD. NE SUITE D  
ALBUQUERQUE, NM 87112

Engelhardt, Anne  
626 Bryn Mawr DR NE  
Albuquerque, NM 87108-2134

DEVELOPMENT MANAGING CONSULTANTS

9320 MENAUL BLVD. NE SUITE D  
ALBUQUERQUE, NM 87112

MALBU CDW ART LLC  
7216 Clayton RD  
Saint Louis, MO 63117-1507

DEVELOPMENT MANAGING CONSULTANTS

9320 MENAUL BLVD. NE SUITE D  
ALBUQUERQUE, NM 87112

City of Albuquerque  
PO Box 1293  
Albuquerque, NM 87103-2248

DEVELOPMENT MANAGING CONSULTANTS

9320 MENAUL BLVD. NE SUITE D  
ALBUQUERQUE, NM 87112

Martinez, Maria C.  
417 Lotts Blvd NE  
Albuquerque, NM 87102-2509

DEVELOPMENT MANAGING CONSULTANTS

9320 MENAUL BLVD. NE SUITE D  
ALBUQUERQUE, NM 87112

Board of Education  
PO Box 25704  
Albuquerque, NM 87125-0704

DEVELOPMENT MANAGING CONSULTANTS

9320 MENAUL BLVD. NE SUITE D  
ALBUQUERQUE, NM 87112

Pyle, John H.  
1219 Zircon PL SW  
Albuquerque, NM 87121-8349

DEVELOPMENT MANAGING CONSULTANTS

9320 MENAUL BLVD. NE SUITE D  
ALBUQUERQUE, NM 87112

Epimero, Leon A & Epimero, Laraine &  
Margaret D  
416 Arroyo St NE  
Albuquerque, NM 87102-3506

DEVELOPMENT MANAGING CONSULTANTS

9320 MENAUL BLVD. NE SUITE D  
ALBUQUERQUE, NM 87112

Romero, Angela  
5456 1st Avenue NE  
Albuquerque, NM 87113-1111

DEVELOPMENT MANAGING CONSULTANTS

9320 MENAUL BLVD. NE SUITE D  
ALBUQUERQUE, NM 87112

SNC BEL VENDOR LLC  
PO Box 1216  
Albuquerque, NM 87101-3216

DEVELOPMENT MANAGING CONSULTANTS

9320 MENAUL BLVD. NE SUITE D  
ALBUQUERQUE, NM 87112

First NATL Bank/City of Albuquerque  
Bank of the West BR 281  
PO Box 5155  
San Ramon, CA 94543-5155

DEVELOPMENT MANAGING CONSULTANTS

9320 MENAUL BLVD. NE SUITE D  
ALBUQUERQUE, NM 87112

BILVID RE LLC  
PO Box 303  
Albuquerque, NM 87103

DEVELOPMENT MANAGING CONSULTANTS

9320 MENAUL BLVD. NE SUITE D  
ALBUQUERQUE, NM 87112

Miyake Akamasa  
311 Belvedere LN NE  
Albuquerque, NM 87102-3487

DEVELOPMENT MANAGING CONSULTANTS

9320 MENAUL BLVD. NE SUITE D  
ALBUQUERQUE, NM 87112

Frank Martinez  
Citizens Information Committee of  
Midwestern  
501 Fifth Boulevard NE  
Albuquerque, NM 87102

DEVELOPMENT MANAGING CONSULTANTS

9320 MENAUL BLVD. NE SUITE D  
ALBUQUERQUE, NM 87112

ALBUQUERQUE HOUSING AUTHORITY  
1840 University BLVD SE  
Albuquerque, NM 87106-3919

DEVELOPMENT MANAGING CONSULTANTS

9320 MENAUL BLVD. NE SUITE D  
ALBUQUERQUE, NM 87112

WHITFIELD PROPERTIES INC  
PO Box 220144  
El Paso, TX 79913-2144

DEVELOPMENT MANAGING CONSULTANTS

9320 MENAUL BLVD. NE SUITE D  
ALBUQUERQUE, NM 87112

Chevel, Bernardo Elias  
400 Marquette AVE NE  
Albuquerque, NM 87102

Blanton, Joseph L & Dena M.  
6621 Guadalupe TRL NW  
Los Ranchos, NM 87107

DEVELOPMENT MANAGING CONSULTANTS

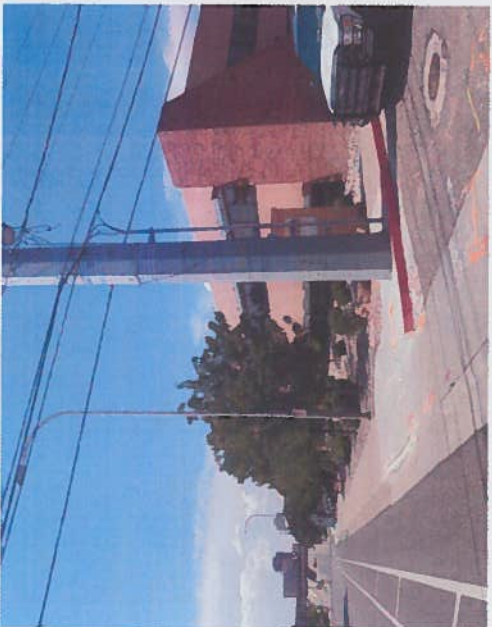
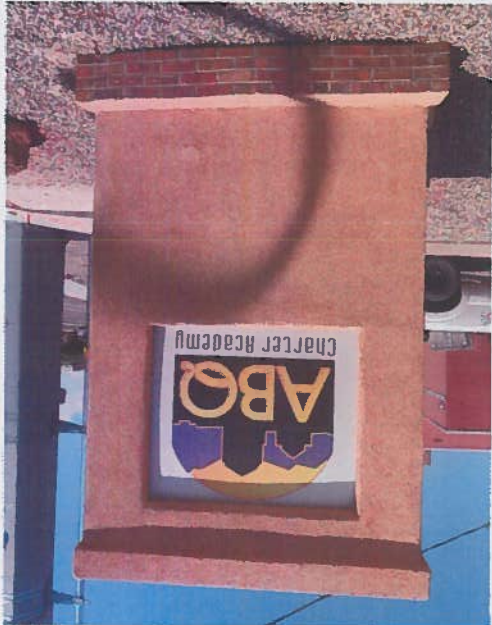
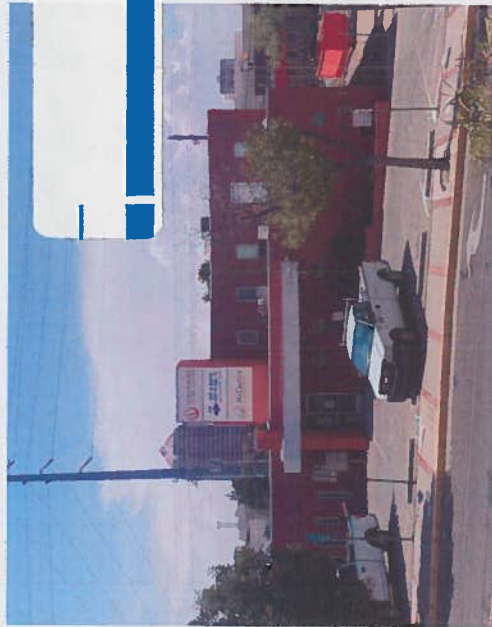
9320 MENAUL BLVD. NE SUITE D  
ALBUQUERQUE, NM 87112

ALBUQUERQUE LASER CENTER LLC  
401 66th BLVD NE  
Albuquerque, NM 87102

DEVELOPMENT MANAGING CONSULTANTS

9320 MENAUL BLVD. NE SUITE D  
ALBUQUERQUE, NM 87112















# 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



City of Albuquerque  
PO Box 1293  
Albuquerque, NM 87103

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



130 0000VA202000306001025467120590771000000000000210000CU79752122



MENTS &  
MAP OVERVIEW



Blue lines  
represents the  
existing 6' high  
fencing

Red lines represents newly  
proposed security view  
fencing.  
Green lines are the entry  
points.





405 Edith Blvd NE

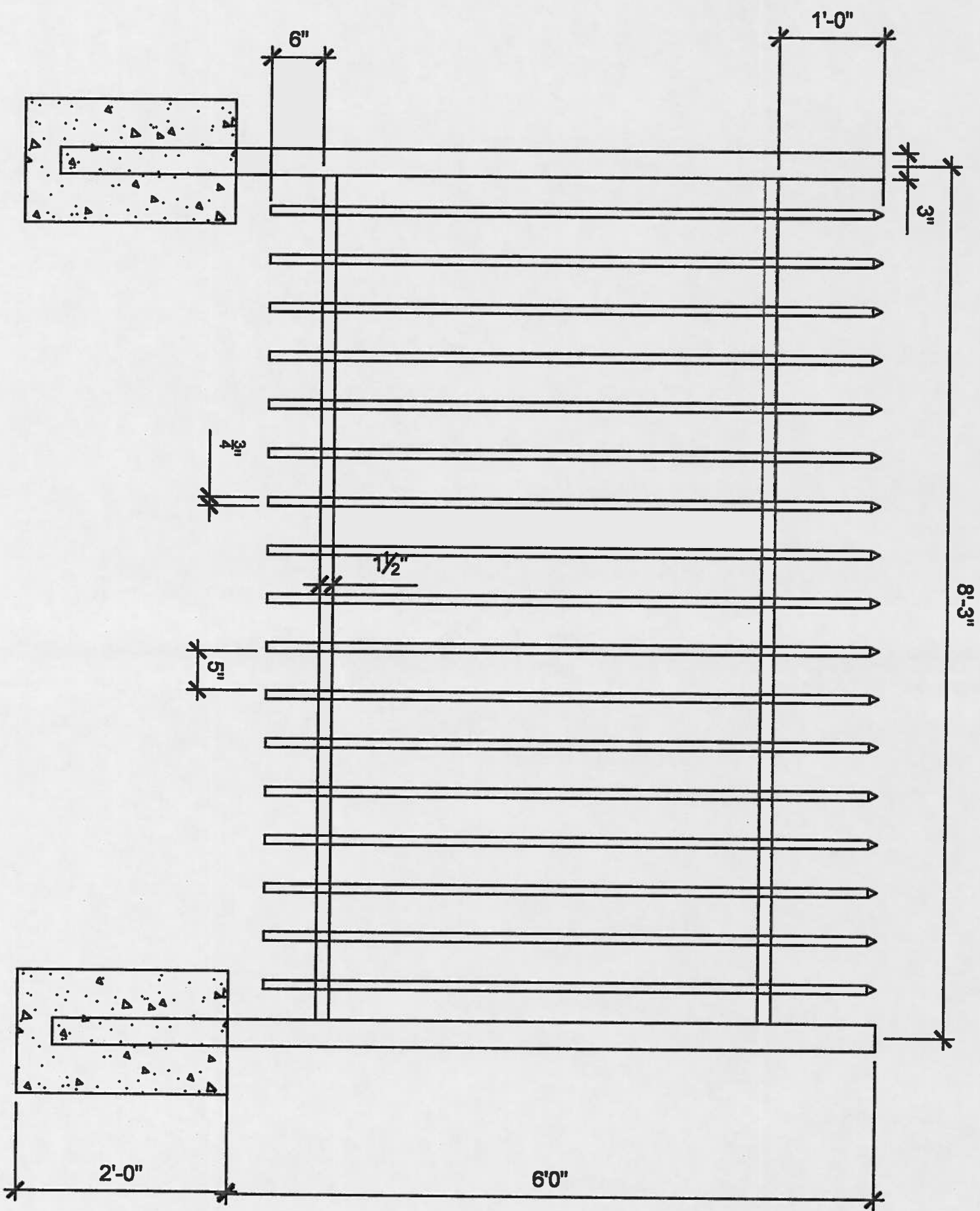
Google Earth

Imagery Date: 10/25/2018 15:15:10.00 N 106:28:31.90 W elev: 4987 ft elev alt: 5771 ft

Dr Martin Luther King Jr Ave NE







Typical Security View Fence - Using See-Through Panels

Albuquerque Charter School



## 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.

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 align 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/conncted 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**

☒ Variance ☐ Conditional Use ☐ Other

Interpreter: ☐ Yes ☒ No

VA# 2020-00307

PR# 2020-004381

*CORNER*

<b>Date:</b> 3/10/2020		<b>Received By:</b> Marcelo	
<b>Address of Request:</b> 401 Edith Blvd NE			
<b>City:</b> Albuquerque		<b>State:</b> NM	<b>Zip:</b> 87102
<b>Lot:</b> 5	<b>Block:</b> 0000	<b>Zone:</b> MX-T <i>MX-L</i>	<b>Map pg.</b> K-14
<b>Subdivision:</b> Brooks-Harold		<b>UPC#</b> 101405745548613704	
<b>Property Owner(s):</b> RM 401405, LLC			
<b>Mailing Address:</b> 9320 Menaul Blvd. NE Ste D			
<b>City:</b> Albuquerque		<b>State:</b> NM	<b>Zip:</b> 87112
<b>Phone:</b> 505-228-1401		<b>Email:</b> steve@dmcnm.com	
<b>Agent:</b> Steven Hernandez			
<b>Mailing Address:</b> 9320 Menaul Blvd. NE			
<b>City:</b> Albuquerque		<b>State:</b> NM	<b>Zip:</b> 87112
<b>Phone:</b> 505-228-1401		<b>Email:</b> steve@dmcnm.com	
<b>Fee Total:</b> \$210.00			

**Completed Application Requirements:**

- Copy of relevant IDO section
- Letter of authorization (if agent representation)
- Proof of Pre-application Meeting (not required for a variance)
- 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:**

**Date:**

**Hearing Date:** *OCT. 20, 2020*

ZONING OFFICIAL USE ONLY			
<b>Request for exception to IDO Section:</b> 14-16- <i>5-7-D</i>			
<b>Description of request:</b> <i>VARIANCE OF 3FT TO THE 3FT MAXIMUM WALL HEIGHT</i>			
<input checked="" type="checkbox"/> Ownership verified on AGIS	<input type="checkbox"/> Proof of ownership included	<input type="checkbox"/> Letter of authorization included	
<b>Case history number(s) from AGIS:</b>			
<b>APO:</b>	<b>CPO#</b>	<b>HPO#</b>	<b>VPO#</b>
<b>Wall variances not allowed in low-density residential development in these 2 areas per 5-7(D)(3)(e):</b>			
1) CPO 3 and 2) Monte Vista / College View Historic Dist. - Mapped Area			
2) CPO-8 states walls no more than 3 feet high, but may request a variance			



**Part 14-16-5: Development Standards**  
**5-7: Walls and Fences**

5-7(C): Wall Location  
 5-7(D)(1): Maximum Wall Height Table

**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 Wall Height					
Zone Category	Residential	Mixed-use	Non-residential (NR-C, NR-BP)	Non-residential (NR-TM, NR-GM)	See also:
<b>Standard Wall Height</b>					
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.	10 ft.	5-7(D)(2)
<b>Corner Lot Abutting Residential Zone District</b>					
Any portion of a wall in the rear yard abutting the front yard of a Residential zone 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) 5-7(D)(3)(d)
≥10 ft. from the lot line abutting the street	6 ft.	Low-density residential: 6 ft.	8 ft.	8 ft.	5-7(D)(2)
<b>Walls Abutting Major Arroyos and Major Public Open Space</b>					
Wall in a rear or interior side yard abutting a major arroyo	6 ft.	8 ft.	8 ft.	8 ft.	5-7(D)(2) 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) 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.



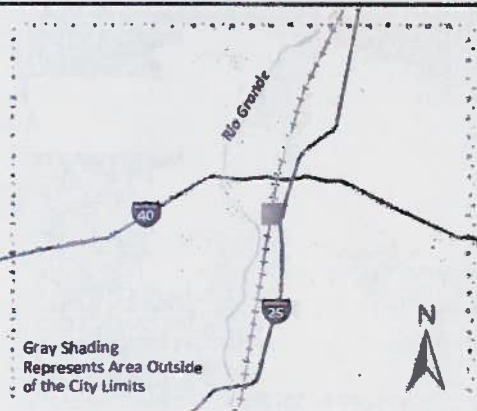


For more details about the Integrated Development Ordinance visit: <http://www.cabq.gov/planning/codes-policies-regulations/integrated-development-ordinance>

## 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).



Gray Shading  
Represents Area Outside  
of the City Limits

Zone Atlas Page:

**K-14-Z**

- Easement
  - Escarpment
  - Petroglyph National Monument
  - Areas Outside of City Limits
  - Airport Protection Overlay (APO) Zone
  - Character Protection Overlay (CPO) Zone
  - Historic Protection Overlay (HPO) Zone
  - View Protection Overlay (VPO) Zone
- 0 250 500 1,000 Feet



### Letter of Authorization

To: Zoning Hearing Examiner

Date: 05/11/2020

Project # \_\_\_\_\_

ZHE# \_\_\_\_\_

I, Steve Nakamura (RM 401-405) hereby authorize Steven Hernandez of "DMC" to act on my behalf in all matters relating to this application for Special Exception filed for my property located at 401 Edith Blvd. NE (Lot 6A, Block 0000) Albuquerque, NM 87102.

Property Owner(s)\* (Applicant) Printed Name RM 401-405

Property Owner(s)\* (Applicant) Signature *[Signature]*

Mailing Address 9320 Menaul Blvd. NE Ste. D Albuquerque, 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:** Steve Hernandez  
**To:** Steve Hernandez (steve@dmcm.com); "Sanchez, Suzanna A." <jizze10@a.com>; "John@innovateabn.com"; "david@contextabn.com"; "alouisa.carson@gmail.com"; "andersonbonnie505@gmail.com";  
**Subject:** Public Notice to the Homeowners Association and Those in Your Neighborhood  
**Date:** Wednesday, August 05, 2020 5:49:00 PM  
**Attachments:** REQUEST FOR NEIGHBORHOOD MEETING-v1.pdf  
405 MLK - 401 & 405 Edith Blvd. Iron Fence Layout\_Image1.pdf  
Image001.jpg  
Rackable fence Exhibit 70-94inch.pdf  
October Zoom - Public Notice of Hearinga.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:

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

DMC Logo Top





File Message Help Adobe PDF Tell me what you want to do

Ignore Delete Archive Reply Forward More Meeting Respond Move Actions Mark Unread Categorize Follow Up Translate Related Select Find Read Aloud Zoom

Steve Hernandez <steve@dmcm.com>

Steve Hernandez (steve@dmcm.com), Sanchez, Suzanne A., tizzie10@q.com, john@innovatecbq.com, dave@contextabq.com, alouisa.carson@gmail.com, andersonbonne505@gmail.com

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

This message was sent with High Importance.

REQUEST FOR NEIGHBORHOOD MEETING-v1.pdf

405 MLK - 401 & 405 Edith Blvd. Iron Fence Layout Image1.pdf

Recktable fence Exhibit 70-94inch.pdf

October Zoom - Public Notice of Hearing.pdf

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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



## Steve Hernandez

---

**From:** Steve Hernandez <steve@dmcnm.com>  
**Sent:** Tuesday, 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](mailto:steve@dmcnm.com)>  
**To:** "ELIZABETH HALL" <[lizzie10@q.com](mailto: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](mailto: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](mailto:steve@dmcnm.com)>

**To:** "ELIZABETH HALL" <[lizzie10@q.com](mailto:lizzie10@q.com)>

**Cc:** "Steve Hernandez" <[steve@dmcnm.com](mailto:steve@dmcnm.com)>, "Sanchez, Suzanna A." <[suzannasanchez@cabq.gov](mailto: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](mailto:lizzie10@q.com)>

**Sent:** Wednesday, August 12, 2020 10:12 PM

**To:** Steve Hernandez <[steve@dmcnm.com](mailto: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](mailto:steve@dmcnm.com)>  
**To:** "ELIZABETH HALL" <[lizzie10@q.com](mailto:lizzie10@q.com)>  
**Cc:** "Steve Hernandez" <[steve@dmcnm.com](mailto:steve@dmcnm.com)>, "Sanchez, Suzanna A." <[suzannasanchez@cabq.gov](mailto: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>

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**From:** CenturyLink Customer <[lizzie10@q.com](mailto:lizzie10@q.com)>  
**Sent:** Tuesday, August 11, 2020 10:18 PM  
**To:** Steve Hernandez <[steve@dmcnm.com](mailto: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](mailto:steve@dmcnm.com)>  
**To:** "Steve Hernandez" <[steve@dmcnm.com](mailto:steve@dmcnm.com)>, "Sanchez, Suzanna A." <[suzannasanchez@cabq.gov](mailto: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.
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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

<image001.jpg>

## **Steve Hernandez**

---

**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](mailto: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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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

## Steve Hernandez

---

**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 than 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.

## Steve Hernandez

---

**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](mailto: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.

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**



## 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  
**Attachments:** 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:

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

Steve Hernandez 228-1401  
Roslyn Klopper 480-1379  
Alaura Inautioz 292-3957  
Richard Martinez 263-2664  
Kisti HOWDE 366-1439  
Renee Martinez 410-8122

## 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 for a 6 foot high perimeter view fence to be constructed around the property. The see through view fence will be constructed out of wrought iron tube steel. Access controlled 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 505-228-1401

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 [suzannasanchez@cabq.gov](mailto: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 will not be taken into consideration for this application.

**Public Notice of Hearing**

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 a 3ft to the maximum of allowable height of 3ft to allow for a 6ft high iron view fence.  
(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)

+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/j/7044490999>

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](mailto: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.



DEVELOPMENT MANAGING CONSULTANTS

9320 MENAUL BLVD NE SUITE D  
ALBUQUERQUE, NM 87112

Johnson, Donald Anthony  
433 Tularia PL NE  
Albuquerque, NM 87106 2155

DEVELOPMENT MANAGING CONSULTANTS

9320 MENAUL BLVD NE SUITE D  
ALBUQUERQUE, NM 87112

Estadex Loan A  
108 Coal Ave SW

DEVELOPMENT MANAGING CONSULTANTS

9320 MENAUL BLVD NE SUITE D  
ALBUQUERQUE, NM 87112

Martinez, Aurora Lanza  
8514 Flamingo PL NE  
Albuquerque, NM 87111 1151

DEVELOPMENT MANAGING CONSULTANTS

9320 MENAUL BLVD NE SUITE D  
ALBUQUERQUE, NM 87112

DELVIDERE LLC  
301 Central Ave NE Suite 319  
Albuquerque, NM 87101

DEVELOPMENT MANAGING CONSULTANTS

9320 MENAUL BLVD NE SUITE D  
ALBUQUERQUE, NM 87112

Public Service Company of NM  
Alameda Square  
Albuquerque, NM 87158

DEVELOPMENT MANAGING CONSULTANTS

9320 MENAUL BLVD NE SUITE D  
ALBUQUERQUE, NM 87112

Engelhardt, Anne  
626 Bryn Mawr Dr NE  
Albuquerque, NM 87106-2134

DEVELOPMENT MANAGING CONSULTANTS

9320 MENAUL BLVD NE SUITE D  
ALBUQUERQUE, NM 87112

MALIBU COW ART LLC  
7226 Clayton RD  
Saint Louis, MO 63117-1507

DEVELOPMENT MANAGING CONSULTANTS

9320 MENAUL BLVD NE SUITE D  
ALBUQUERQUE, NM 87112

City of Albuquerque  
PO Box 1293  
Albuquerque, NM 87103 2248

DEVELOPMENT MANAGING CONSULTANTS

9320 MENAUL BLVD NE SUITE D  
ALBUQUERQUE, NM 87112

Martinez, Maria C.  
417 Edith BLVD NE  
Albuquerque, NM 87102 2509

DEVELOPMENT MANAGING CONSULTANTS

9320 MENAUL BLVD NE SUITE D  
ALBUQUERQUE, NM 87112

Board of Education  
PO Box 25704  
Albuquerque, NM 87125-0704

DEVELOPMENT MANAGING CONSULTANTS

9320 MENAUL BLVD NE SUITE D  
ALBUQUERQUE, NM 87112

Pyle, John H.  
1219 Zircon PL SW  
Albuquerque, NM 87121-8349

DEVELOPMENT MANAGING CONSULTANTS

9320 MENAUL BLVD NE SUITE D  
ALBUQUERQUE, NM 87112

Estadex Loan A Estadex Services &  
Margaret D  
433 Tularia PL NE  
Albuquerque, NM 87106 2155

DEVELOPMENT MANAGING CONSULTANTS

9320 MENAUL BLVD NE SUITE D  
ALBUQUERQUE, NM 87112

Suttons, Angela  
1456 SW Olympic Village CT  
Portland, OR 97211 1134

DEVELOPMENT MANAGING CONSULTANTS

9320 MENAUL BLVD NE SUITE D  
ALBUQUERQUE, NM 87112

SAC BELVEDERE LLC  
PO Box 1316  
Albuquerque, NM 87103 1216

DEVELOPMENT MANAGING CONSULTANTS

9320 MENAUL BLVD NE SUITE D  
ALBUQUERQUE, NM 87112

First NATL Bank/City of Albuquerque  
Bank of the West Bldg 281  
PO Box 5155  
San Ramon, CA 94583 5155

DEVELOPMENT MANAGING CONSULTANTS

9320 MENAUL BLVD NE SUITE D  
ALBUQUERQUE, NM 87112

DELVIDERE LLC  
PO Box 303  
Albuquerque, NM 87103

DEVELOPMENT MANAGING CONSULTANTS

9320 MENAUL BLVD NE SUITE D  
ALBUQUERQUE, NM 87112

Miyake, Akira  
331 Belvedere LN NE  
Albuquerque, NM 87102 3487

DEVELOPMENT MANAGING CONSULTANTS

9320 MENAUL BLVD NE SUITE D  
ALBUQUERQUE, NM 87112

Frank Martinez  
Cabrera Information Committee of  
Martinez/Down  
501 Edith Boulevard NE  
Albuquerque, NM 87102

DEVELOPMENT MANAGING CONSULTANTS

9320 MENAUL BLVD NE SUITE D  
ALBUQUERQUE, NM 87112

ALBUQUERQUE HOUSING AUTHORITY  
1840 University BLVD SE  
Albuquerque, NM 87106 3919

DEVELOPMENT MANAGING CONSULTANTS

9320 MENAUL BLVD NE SUITE D  
ALBUQUERQUE, NM 87112

WHITFIELD PROPERTIES INC  
PO Box 220144  
El Paso, TX 79913-2144

DEVELOPMENT MANAGING CONSULTANTS

9320 MENAUL BLVD NE SUITE D  
ALBUQUERQUE, NM 87112

Chavez, Bernardo Elias  
400 Marquette AVE NE  
Albuquerque, NM 87102

DEVELOPMENT MANAGING CONSULTANTS

9320 MENAUL BLVD NE SUITE D  
ALBUQUERQUE, NM 87112

Blanton, Joseph L. & Dana M.  
6821 Guadalupe TRL NW  
Los Ranchos, NM 87107

DEVELOPMENT MANAGING CONSULTANTS

9320 MENAUL BLVD NE SUITE D  
ALBUQUERQUE, NM 87112

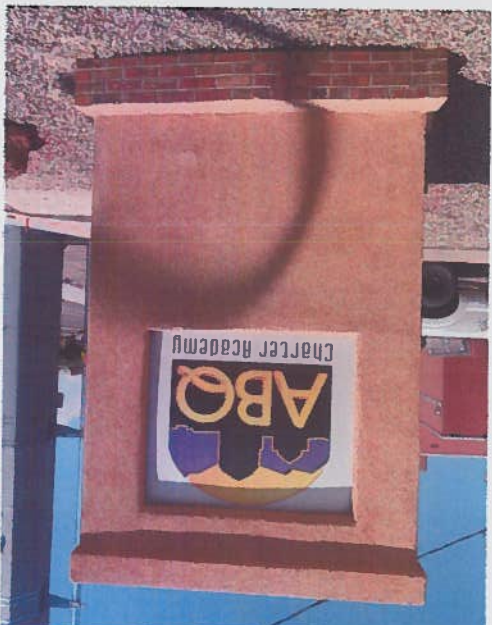
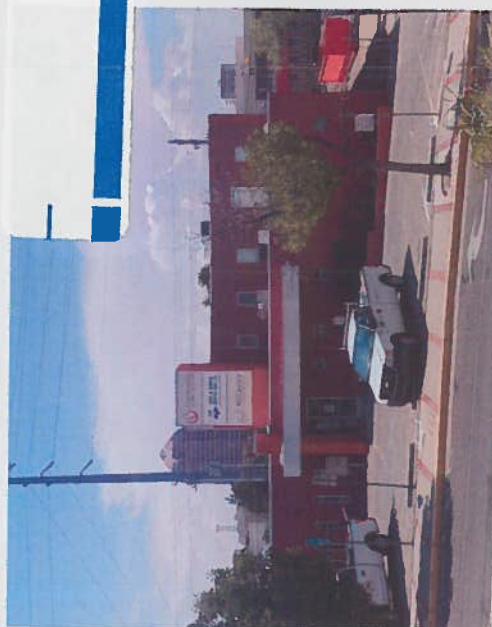
DELVIDERE LLC  
PO Box 303  
Albuquerque, NM 87103

ALBUQUERQUE LASER CENTER LLC  
401 Edith BLVD NE  
Albuquerque, NM 87102

DEVELOPMENT MANAGING CONSULTANTS

9320 MENAUL BLVD NE SUITE D  
ALBUQUERQUE, NM 87112

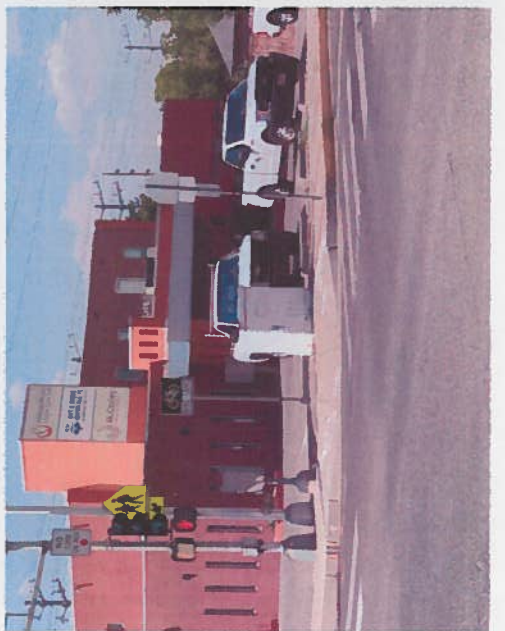




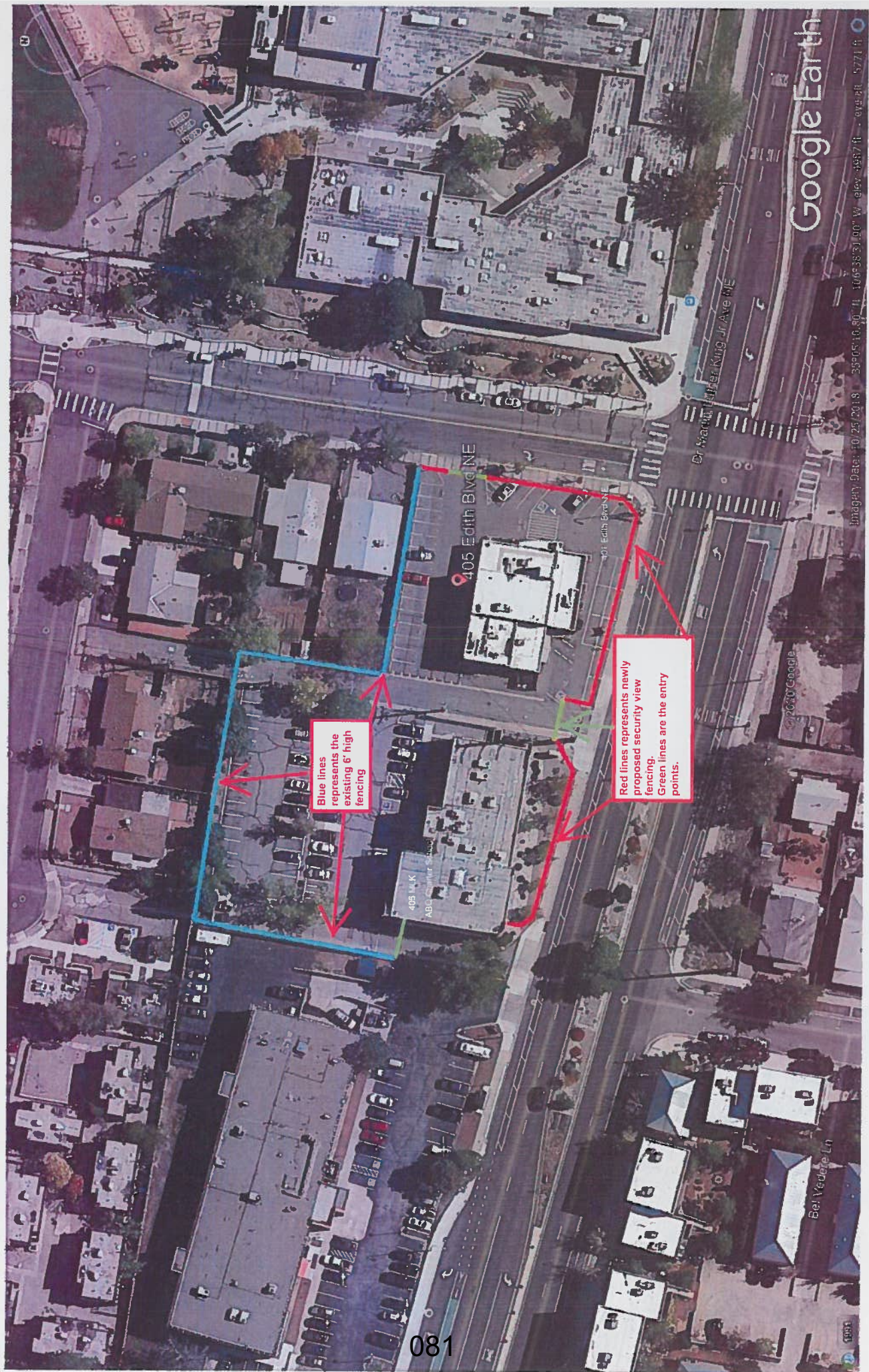
















405 Edith Blvd NE

Dr Martin Luther King Jr Ave NE

Google Earth

Imagery Date: 10/25/2018 35°15'10.40" N 106°38'31.90" W elev: 4987 ft elev alt: 5771 ft



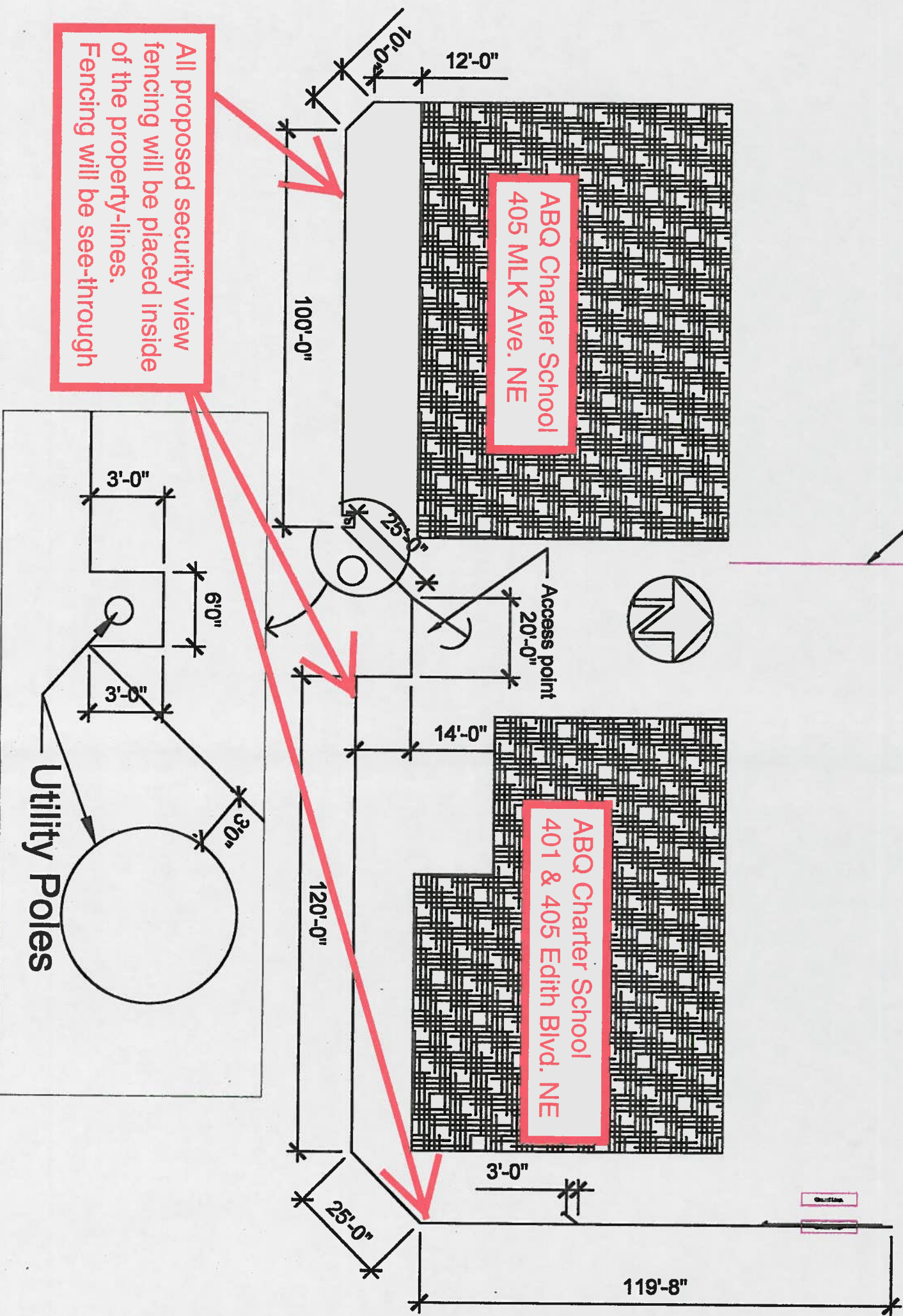
Existing Gate/ Fence  
and operator.



ABQ Charter School  
405 MLK Ave. NE

ABQ Charter School  
401 & 405 Edith Blvd. NE

Access point  
20'-0"



General Notes

Albuquerque Charter School Campus

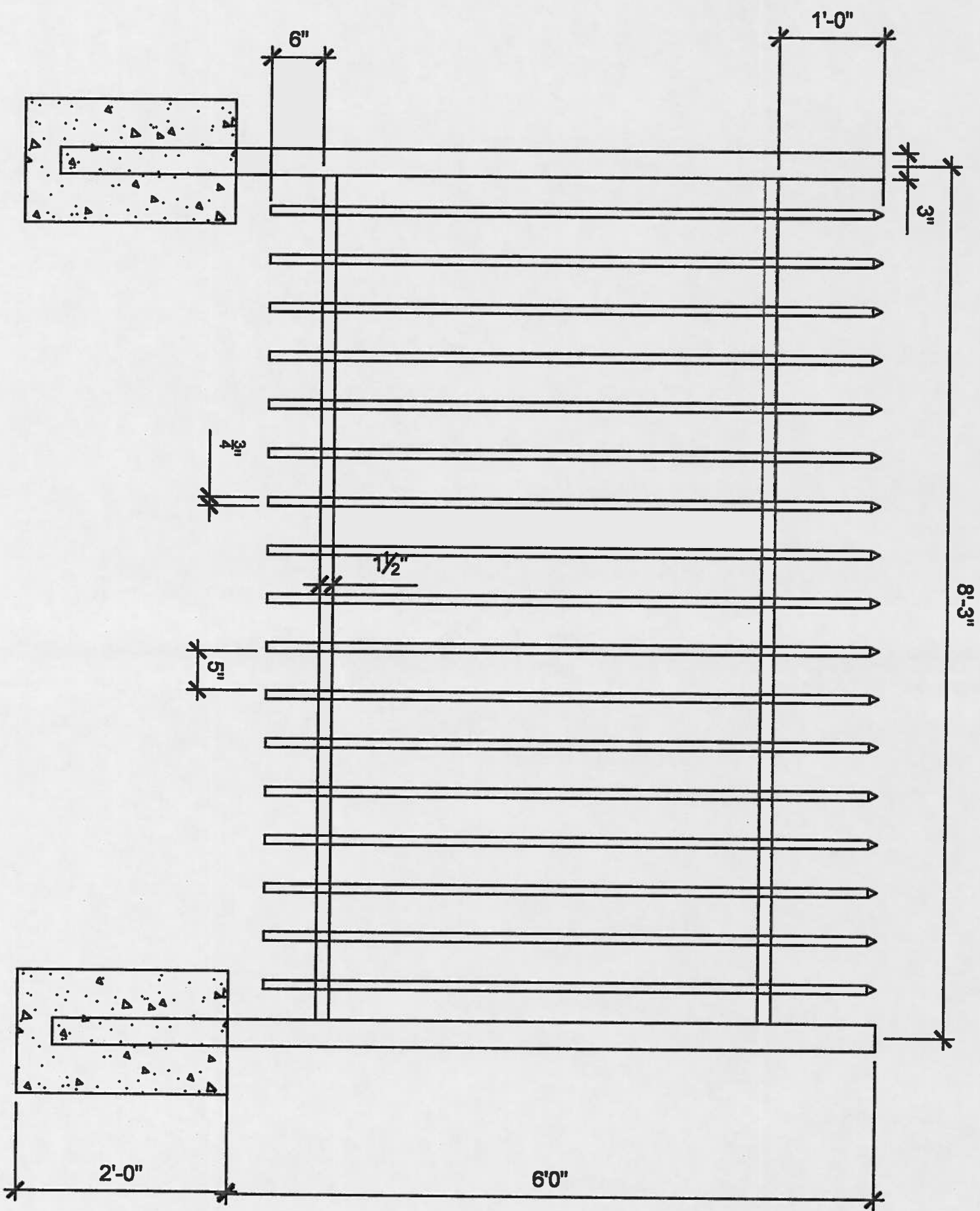
No.	Revisions/Notes	Date

Drawn by and Address

RMD

405 MLK Ave. NE  
401 Edith Blvd. NE

Project	Sheet





## 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.

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 align 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/conncted 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-2020-00307

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

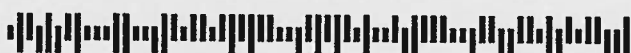
PLEASE RETURN THE BOTTOM PORTION OF THIS INVOICE NOTICE WITH PAYMENT



City of Albuquerque  
PO Box 1293  
Albuquerque, NM 87103

**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



130 0000VA20200030700102546712061268500000000000210000CU79752122





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

☒ 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 <u>Mx-L</u>	Map pg. K-14
Subdivision: Belvidere Addn		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@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
- o Proof that public notice requirements were met
- o Photos (site and existing structures)
- o Sketch plan
- o Justification letter
- o Sign posting

Approved for acceptance by:

Date:

Hearing Date: OCT. 20, 2020

ZONING OFFICIAL USE ONLY			
Request for exception to IDO Section: 14-16- <u>5-7-D</u>			
Description of request: <u>VARIANCE OF 3FT TO THE 3FT MAXIMUM WALL HEIGHT.</u>			
<input checked="" type="checkbox"/> Ownership verified on AGIS	<input type="checkbox"/> Proof of ownership included	<input type="checkbox"/> Letter of authorization included	
Case history number(s) from AGIS:			
APO:	CPO#	HPO#	VPO#
Wall variances not allowed in low-density residential development in these 2 areas per 5-7(D)(3)(e):			
1) CPO 3 and 2) Monte Vista / College View Historic Dist. - Mapped Area			
2) CPO-8 states walls no more than 3 feet high, but may request a variance			

# REQUEST FOR SPECIAL EXCEPTION

☒ Variance ☐ Conditional Use ☐ Other

Interpreter: ☐ Yes ☒ No

VA# \_\_\_\_\_ PR# \_\_\_\_\_

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

## Completed Application Requirements:

- Copy of relevant IDO section
- Letter of authorization (if agent representation)
- Proof of Pre-application Meeting (not required for a variance)
- 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

<b>Approved for acceptance by:</b>	<b>Date:</b>	<b>Hearing Date:</b>
------------------------------------	--------------	----------------------

ZONING OFFICIAL USE ONLY			
<b>Request for exception to IDO Section: 14-16-</b>			
<b>Description of request:</b>			
<input type="checkbox"/> Ownership verified on AGIS	<input type="checkbox"/> Proof of ownership included	<input type="checkbox"/> Letter of authorization included	
<b>Case history number(s) from AGIS:</b>			
<b>APO:</b>	<b>CPO#</b>	<b>HPO#</b>	<b>VPO#</b>
<b>Wall variances not allowed in low-density residential development in these 2 areas per 5-7(D)(3)(e):</b>			
1) CPO 3 and 2) Monte Vista / College View Historic Dist. - Mapped Area			
2) CPO-8 states walls no more than 3 feet 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 Wall Height					
Zone Category	Residential	Mixed use	Non-residential (NR-C, NR-BP)	Non-residential (NR-PM, NR-QM)	See also:
<b>Standard Wall Height</b>					
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]</sup>	8 ft.	8 ft.	8 ft.	10 ft.	5-7(D)(2)
<b>Corner Lot Abutting Residential Zone District</b>					
Any portion of a wall in the rear yard abutting the front yard of a Residential zone district.					
<10 ft. from the lot line abutting the street <sup>[3]</sup>	3 ft.	3 ft.	3 ft.	6 ft.	5-7(D)(2) 5-7(D)(3)(d)
≥10 ft. from the lot line abutting the street	6 ft.	8 ft. Low-density residential: 6 ft.	8 ft.	8 ft.	5-7(D)(2)
<b>Walls Abutting Major Arroyos and Major Public Open Space</b>					
Wall in a rear or interior side yard abutting a major arroyo	6 ft.	8 ft.	8 ft.	8 ft.	5-7(D)(2) 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) 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(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**

To: Zoning Hearing Examiner

Date: 05/11/2020

Project #                     

ZHE#                     

I, Steve Nakamura (RM 401-405, LLC) hereby authorize Steven Hernandez of "DMC" to act on my behalf in all matters relating to this application for Special Exception filed for my property located at 405 Edith Blvd. NE (Lot 5, Block 4) Albuquerque, NM 87102.

Property Owner(s)\* (Applicant) Printed Name RM 401-405

Property Owner(s)\* (Applicant) Signature 

Mailing Address 9320 Menaul Blvd. NE Ste. D, Albuquerque, 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.



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SH Steve Hernandez <steve@dmcm.com> Steve Hernandez (steve@dmcm.com), Sanchez, Suzanne A., lizzie10@a.com, john@innovatebbq.com, david@contentabq.com, alouisa.carson@gmail.com, andersonbonnie505@gmail.com

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

This message was sent with high importance

REQUEST FOR NEIGHBORHOOD MEETING-v1.pdf .pdf File

405 MLK - 401 &amp; 405 Edith Blvd. Iron Fence Layout,image1.pdf .pdf File

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

October Zoom - Public Notice of Hearing.pdf .pdf File

**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 neighbors. 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 &amp; CONSULTING ENGINEERS

**From:** [Steve Hernandez](#)  
**To:** [Steve Hernandez \(steve@dmcm.com\); "Sanchez, Suzanna A." <ilziet10@a.com>; "John@innovateabq.com"; "david@contextabq.com"; "alouisa.carson@gmail.com"; "andersonbonnie505@gmail.com"](#)  
**Bcc:**  
**Subject:** **Public Notice to the Homeowners Association and Those in Your Neighborhood**  
**Date:** **Wednesday, August 05, 2020 5:49:00 PM**  
**Attachments:** [REQUEST FOR NEIGHBORHOOD MEETING-V1.pdf](#)  
[405 MLK - 401 & 405 Edith Blvd. Iron Fence Layout\\_ Image1.pdf](#)  
[Image001.jpg](#)  
[Backable 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.

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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.
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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

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

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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 Hernandez 228-1401  
Roslyn Klopper 450-1379  
Aleura Inautioz 292-3951  
Richard Martinez 263-2664  
Kisti HOWDE 366-1439  
Renee Martinez 410-8122

## Steve Hernandez

---

**From:** Steve Hernandez <steve@dmcnm.com>  
**Sent:** Tuesday, 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](mailto:steve@dmcnm.com)>  
**To:** "ELIZABETH HALL" <[lizzie10@q.com](mailto: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](mailto: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](mailto:steve@dmcnm.com)>  
**To:** "ELIZABETH HALL" <[lizzie10@q.com](mailto:lizzie10@q.com)>  
**Cc:** "Steve Hernandez" <[steve@dmcnm.com](mailto:steve@dmcnm.com)>, "Sanchez, Suzanna A." <[suzannasanchez@cabq.gov](mailto: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](mailto:lizzie10@q.com)>  
**Sent:** Wednesday, August 12, 2020 10:12 PM  
**To:** Steve Hernandez <[steve@dmcnm.com](mailto: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](mailto:steve@dmcnm.com)>  
**To:** "ELIZABETH HALL" <[lizzie10@q.com](mailto:lizzie10@q.com)>  
**Cc:** "Steve Hernandez" <[steve@dmcnm.com](mailto:steve@dmcnm.com)>, "Sanchez, Suzanna A." <[suzannasanchez@cabq.gov](mailto: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](mailto:lizzie10@q.com)>  
**Sent:** Tuesday, August 11, 2020 10:18 PM  
**To:** Steve Hernandez <[steve@dmcnm.com](mailto: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](mailto:steve@dmcnm.com)>  
**To:** "Steve Hernandez" <[steve@dmcnm.com](mailto:steve@dmcnm.com)>, "Sanchez, Suzanna A." <[suzannasanchez@cabq.gov](mailto: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>

## Steve Hernandez

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**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](mailto: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.

Please see the attached document:

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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



## Steve Hernandez

---

**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 than 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

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Albuquerque, NM 87112  
Cell: (505) 228.1401

## **DEVELOPMENT MANAGING CONSULTANTS**

**PROFESSIONAL CONSTRUCTION MANAGERS & CONSULTING ENGINEERS**

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This message has been analyzed by Deep Discovery Email Inspector.



## Steve Hernandez

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**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 Mahiman; 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](mailto:steve@dmcnm.com)> wrote:

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

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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: 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 for a 6 foot high perimeter view fence to be constructed around the property. The see through view fence will be constructed out of wrought iron tube steel. Access controlled 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 505-228-1401

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 [suzannasanchez@cabq.gov](mailto: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 will not be taken into consideration for this application.



**Public Notice of Hearing**

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 a 3ft to the maximum of allowable height of 3ft to allow for a 6ft high iron view fence.  
(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)

+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/j/7044490999>

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](mailto: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.

# LEETING REQUIREMENTS

## DEVELOPMENT MANAGING CONSULTANTS

9320 MENAUL BLVD NE SUITE D  
ALBUQUERQUE, NM 87112

Author  
435 7th  
Albuquerque

## DEVELOPMENT MANAGING CONSULTANTS

9320 MENAUL BLVD NE SUITE D  
ALBUQUERQUE, NM 87112

Eggen, Leon A  
100 Coal Ave SW

## DEVELOPMENT MANAGING CONSULTANTS

9320 MENAUL BLVD NE SUITE D  
ALBUQUERQUE, NM 87112

Sturges, Amelia L  
5514 Tanager SE NE  
Albuquerque NM 87117 1225

## DEVELOPMENT MANAGING CONSULTANTS

9320 MENAUL BLVD NE SUITE D  
ALBUQUERQUE, NM 87112

Belvedere LLC  
201 Central Ave NE Suite 315  
Albuquerque NM 87101

## DEVELOPMENT MANAGING CONSULTANTS

9320 MENAUL BLVD NE SUITE D  
ALBUQUERQUE, NM 87112

Public Service Company of NM  
Abogado Salazar  
Albuquerque NM 87158

## DEVELOPMENT MANAGING CONSULTANTS

9320 MENAUL BLVD NE SUITE D  
ALBUQUERQUE, NM 87112

Engelhardt, Anne  
440 Bryn Mawr DR NE  
Albuquerque NM 87106-2134

## DEVELOPMENT MANAGING CONSULTANTS

9320 MENAUL BLVD NE SUITE D  
ALBUQUERQUE, NM 87112

MALIBU CONW ART LLC  
7218 Clayton RD  
Saint Louis, MO 63117 1597

## DEVELOPMENT MANAGING CONSULTANTS

9320 MENAUL BLVD NE SUITE D  
ALBUQUERQUE, NM 87112

City of Albuquerque  
PO Box 1293  
Albuquerque NM 87103 2248

## DEVELOPMENT MANAGING CONSULTANTS

9320 MENAUL BLVD NE SUITE D  
ALBUQUERQUE, NM 87112

Martinez, Maria C.  
417 64th BLVD NE  
Albuquerque NM 87102-7509

## DEVELOPMENT MANAGING CONSULTANTS

9320 MENAUL BLVD NE SUITE D  
ALBUQUERQUE, NM 87112

Board of Education  
PO Box 25704  
Albuquerque, NM 87125-0704

## DEVELOPMENT MANAGING CONSULTANTS

9320 MENAUL BLVD NE SUITE D  
ALBUQUERQUE, NM 87112

Pyle, John M.  
1219 Zircon PL SW  
Albuquerque NM 87121-4349

## DEVELOPMENT MANAGING CONSULTANTS

9320 MENAUL BLVD NE SUITE D  
ALBUQUERQUE, NM 87112

Engelhardt, Leon & Englehardt, Leon &  
Margaret D  
616 Arroyo ST NE  
Albuquerque NM 87102-7506

## DEVELOPMENT MANAGING CONSULTANTS

9320 MENAUL BLVD NE SUITE D  
ALBUQUERQUE, NM 87112

Remora, Angela  
5456 SW Denning View CT  
Portland OR 97211 1124

## DEVELOPMENT MANAGING CONSULTANTS

9320 MENAUL BLVD NE SUITE D  
ALBUQUERQUE, NM 87112

SHE BEL VEDERE LLC  
PO Box 1716  
Albuquerque NM 87103 1216

## DEVELOPMENT MANAGING CONSULTANTS

9320 MENAUL BLVD NE SUITE D  
ALBUQUERQUE, NM 87112

First NATI Bank/City of Albuquerque  
Bank of the West 88 281  
PO Box 5155  
San Ramon CA 94583-5155

## DEVELOPMENT MANAGING CONSULTANTS

9320 MENAUL BLVD NE SUITE D  
ALBUQUERQUE, NM 87112

BELVEDERE LLC  
PO Box 303  
Albuquerque NM 87103

## DEVELOPMENT MANAGING CONSULTANTS

9320 MENAUL BLVD NE SUITE D  
ALBUQUERQUE, NM 87112

Melyak, AARON  
151 Bedford LN NE  
Albuquerque NM 87102 3487

## DEVELOPMENT MANAGING CONSULTANTS

9320 MENAUL BLVD NE SUITE D  
ALBUQUERQUE, NM 87112

Frank Martorel  
Citizens Information Committee of  
Martoreltown  
501 64th Boulevard NE  
Albuquerque, NM 87102

## DEVELOPMENT MANAGING CONSULTANTS

9320 MENAUL BLVD NE SUITE D  
ALBUQUERQUE, NM 87112

ALBUQUERQUE HOUSING AUTHORITY  
1840 University BLVD SE  
Albuquerque, NM 87106-3919

## DEVELOPMENT MANAGING CONSULTANTS

9320 MENAUL BLVD NE SUITE D  
ALBUQUERQUE, NM 87112

WHITFIELD PROPERTIES INC  
PO Box 220344  
El Paso, TX 79913-2144

## DEVELOPMENT MANAGING CONSULTANTS

9320 MENAUL BLVD NE SUITE D  
ALBUQUERQUE, NM 87112

Chavez, Bernardo Elias  
400 Marquette AVE NE  
Albuquerque NM 87102

## DEVELOPMENT MANAGING CONSULTANTS

9320 MENAUL BLVD NE SUITE D  
ALBUQUERQUE, NM 87112

Blanton, Joseph L & Dena M.  
6821 Guadalupe TRL NW  
Los Ranchos, NM 87107

## DEVELOPMENT MANAGING CONSULTANTS

9320 MENAUL BLVD NE SUITE D  
ALBUQUERQUE, NM 87112

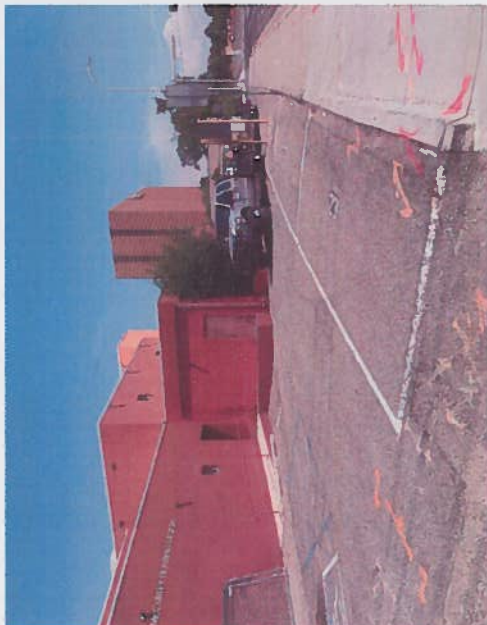
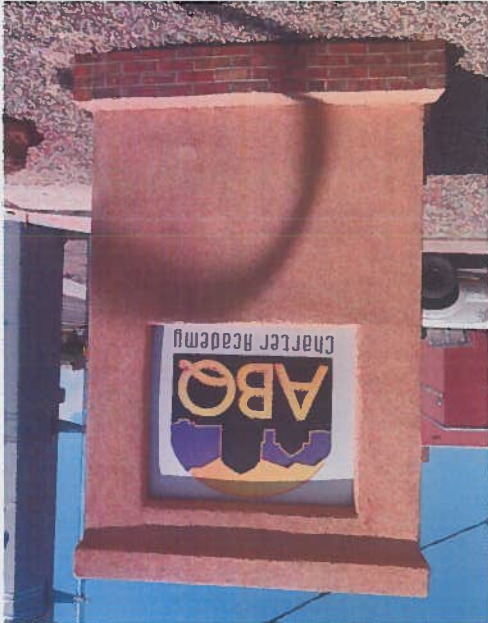
SAI CO LLC/JACQ Quiero Alabam  
PO Box 111  
Albuquerque NM 87108

## DEVELOPMENT MANAGING CONSULTANTS

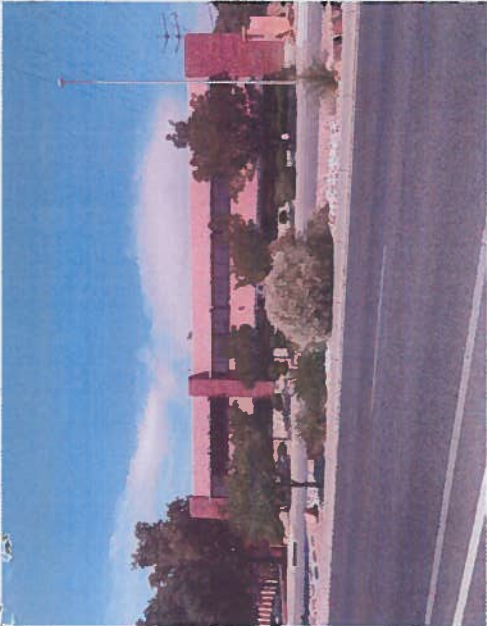
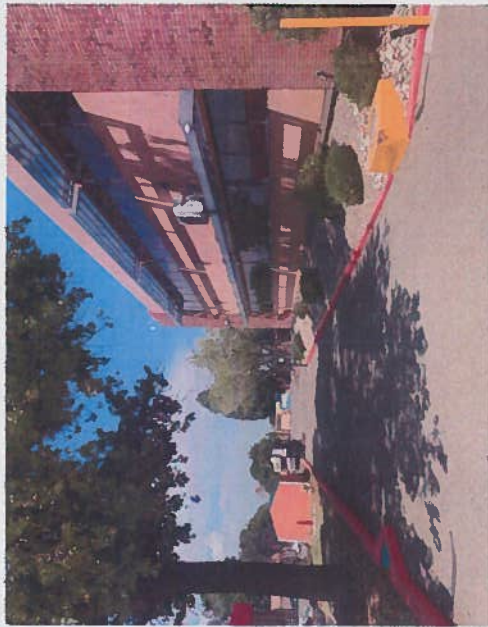
9320 MENAUL BLVD NE SUITE D  
ALBUQUERQUE, NM 87112

ALBUQUERQUE USER CENTER LLC  
401 64th BLVD NE  
Albuquerque NM 87102

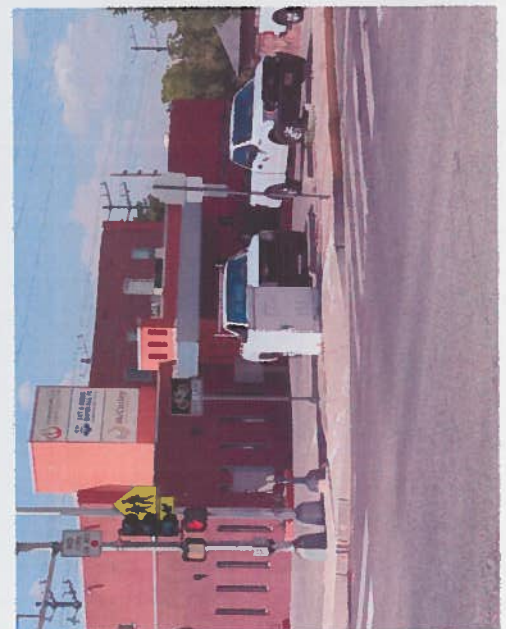
















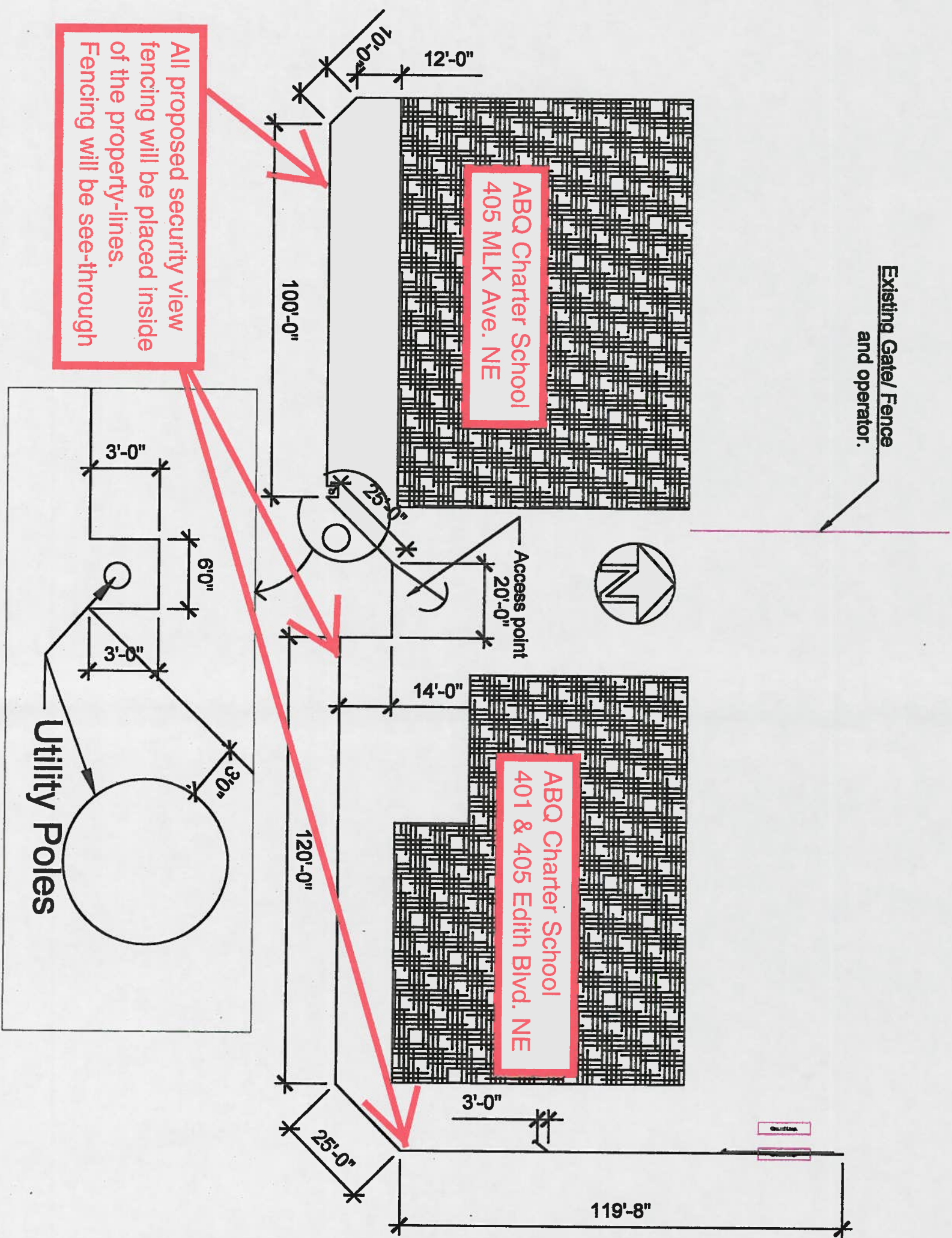
Blue lines  
represents the  
existing 6' high  
fencing

Red lines represents newly  
proposed security view  
fencing.  
Green lines are the entry  
points.

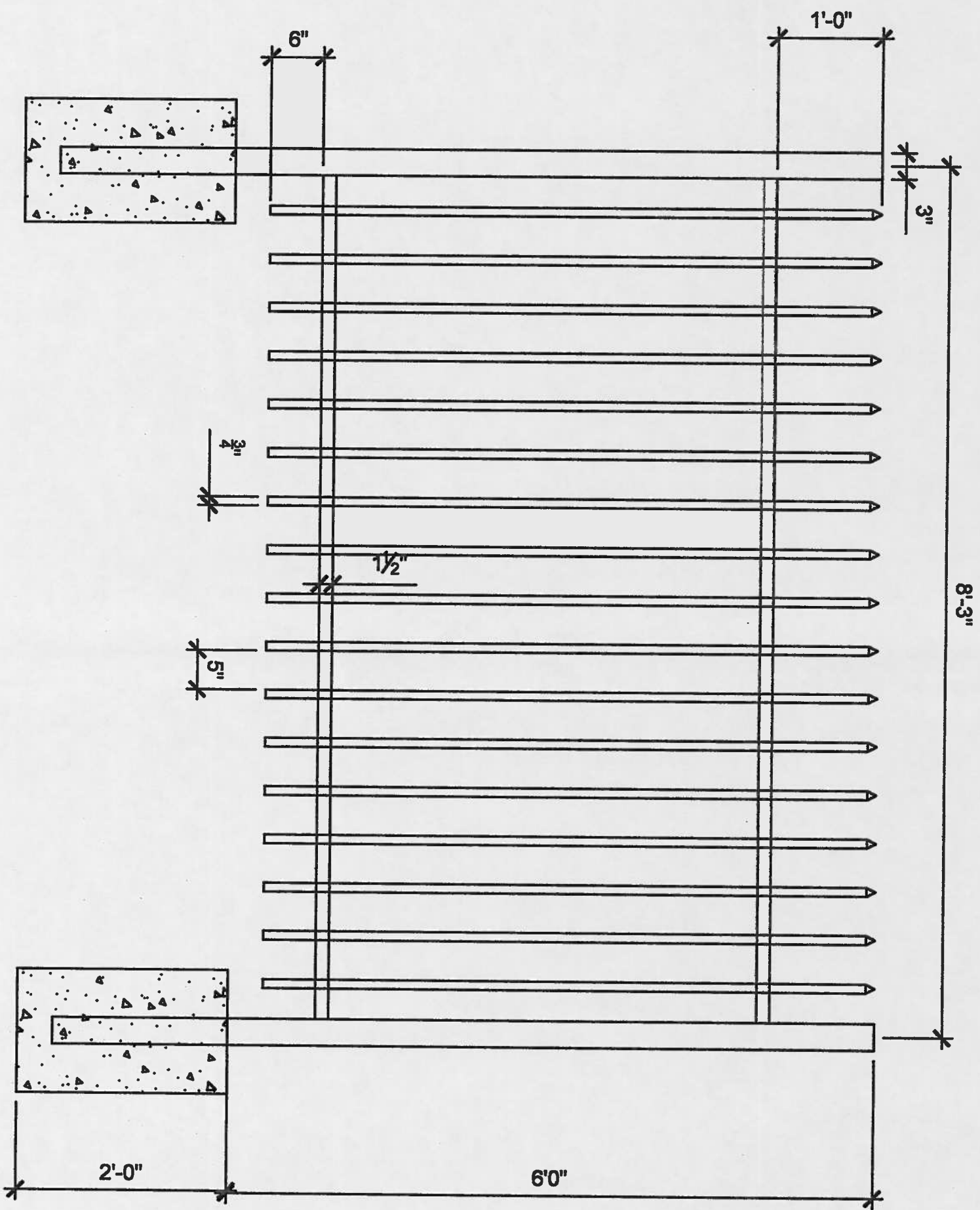












Typical Security View Fence - Using See-Through Panels

Albuquerque Charter School

VAR 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.

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/conncted 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



City of Albuquerque  
PO Box 1293  
Albuquerque, NM 87103

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



130 0000VA202000308001025467120615445000000000000210000CU79752122



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!

# 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.

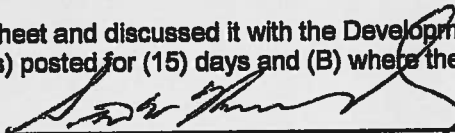
#### 4. TIME

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)

9-28-20  
(Date)

I issued 4 signs for this application, 09/02/2020, MARCELO IBARRA  
(Date) (Staff Member)

PROJECT NUMBER: PR-2020-004381

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



**Sanchez, Suzanna A.**

---

**From:** CenturyLink Customer <lizzie10@q.com>  
**Sent:** Monday, October 12, 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.



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









To: Steven W. Hernandez  
Development Managing Consultants

9/8/2020

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:

1. 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.
2. 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
3. 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





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.

1. 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

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

A handwritten signature in black ink that reads "Richard Martinez". The signature is written in a cursive, flowing style with a long horizontal stroke at the end.

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 **"Evidence Submittal Deadline"** for the **(3)** 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. **'Pedestrian Access-Gate Location'** 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. **'Exhibit – Martinez Town – Streetscape Walls'**. 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. **'Additional Neighborhood Meeting(s) Sign-In sheet'**. 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.
6. **'Yellow Sign Posting'**. 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.**

Thank you,

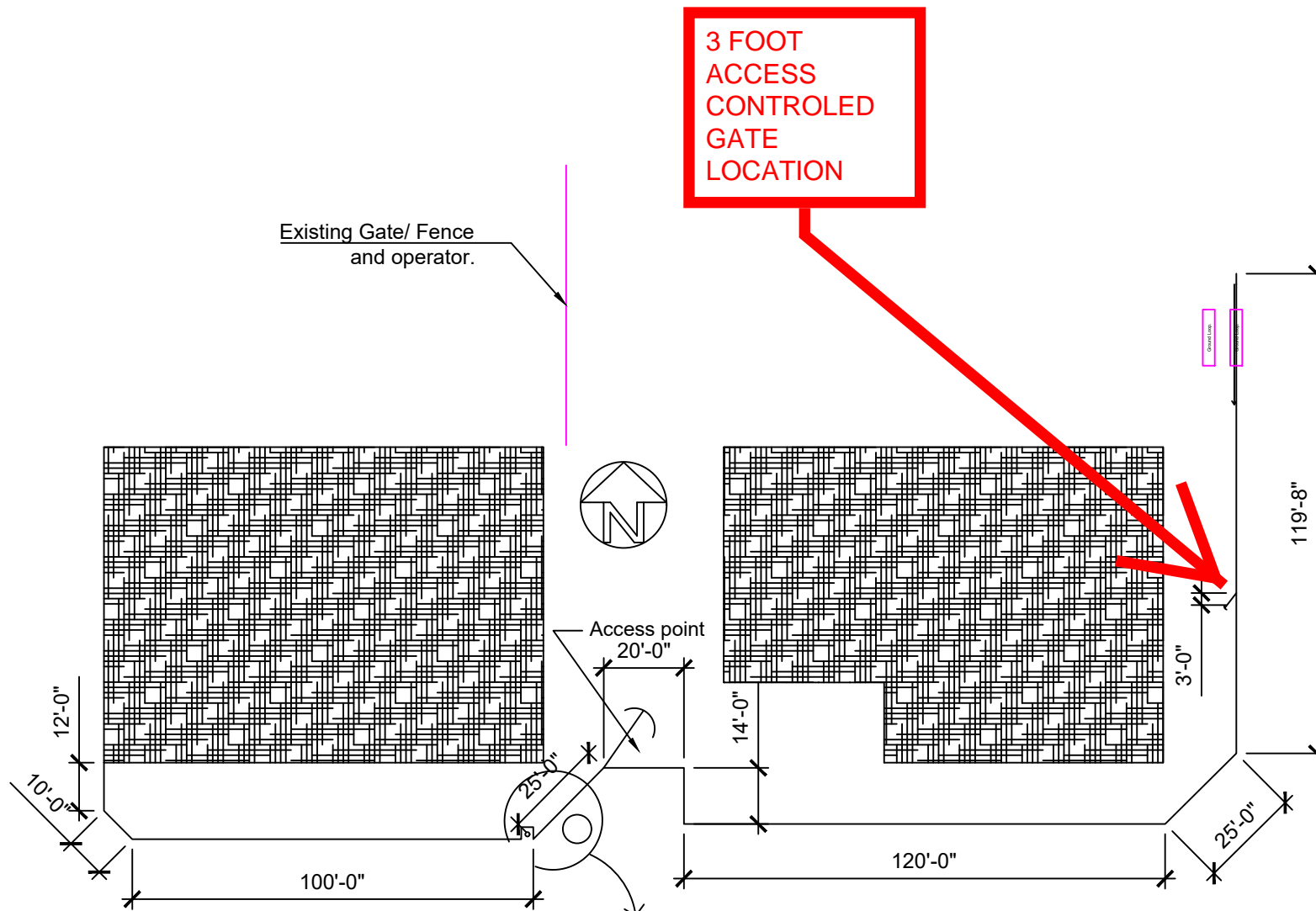
Steven W. Hernandez  
Development Managing Consultants  
9320 Menaul Blvd. NE Suite D  
Albuquerque, NM 87112  
Cell: (505) 228.1401

**DEVELOPMENT MANAGING CONSULTANTS**

PROFESSIONAL CONSTRUCTION MANAGERS & CONSULTING ENGINEERS

=====  
This message has been analyzed by Deep Discovery Email Inspector.





**Action Security Iron, Inc.**

RMD  
401 Edith Blvd. NE  
405 MLK Blvd. NE

Project	Sheet
Date	
Scale	

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? \*



















































145



















150



















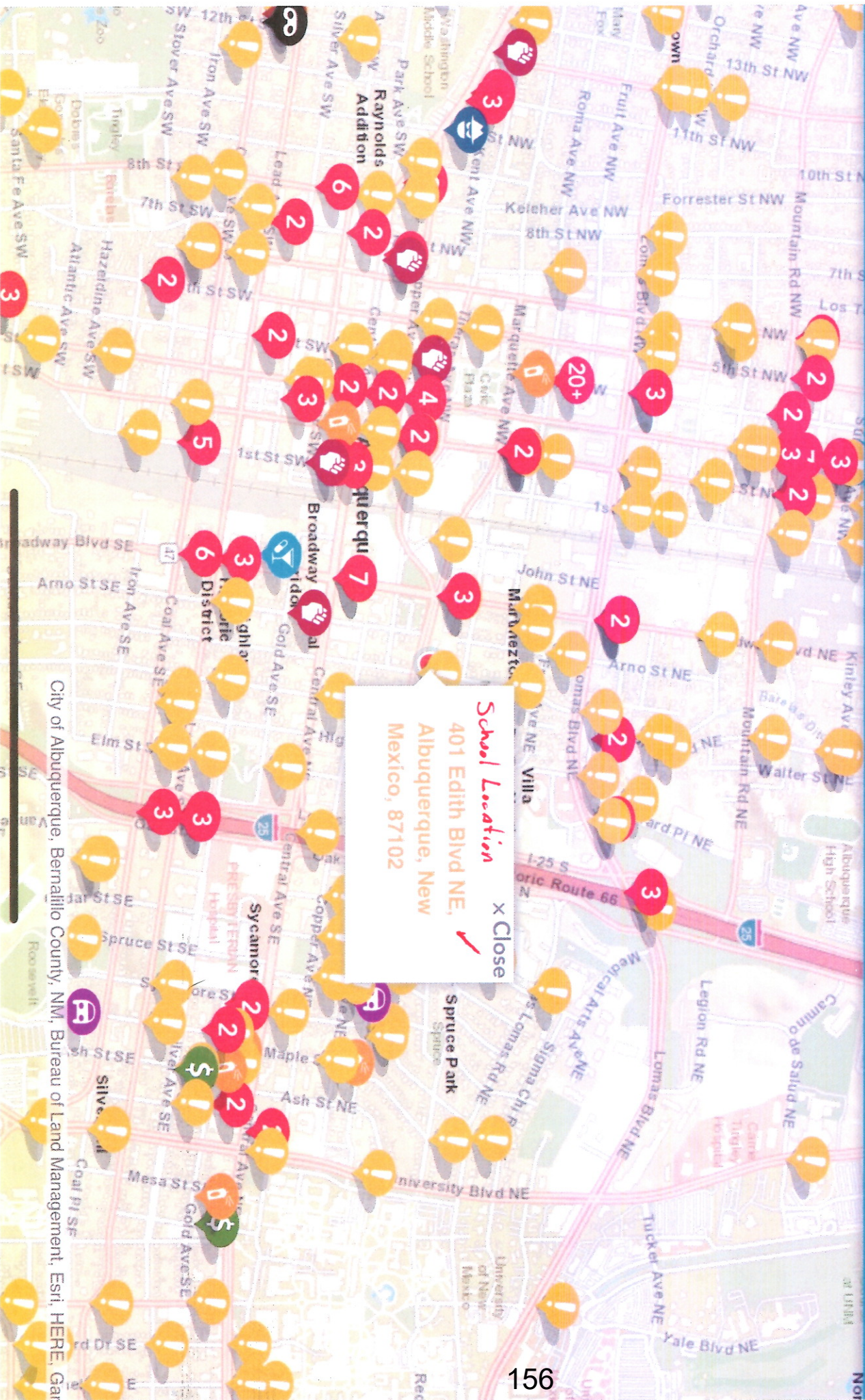
Albany Blvd NE, Albuquerque, NM, 87102, USA

X

GO

389 Crime Calls to APD in 70 days (1 mile Radius) CRIMEMAPPING

389 Record(s) | Date Range: 10-7-2020 to 10-13-2020 (7 Days)





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

Business: ABQ CHARTER SCHOOLAddress: 405 MARTIN LUTHER KING AV NECity: ALBUQUERQUE State: NM Zip: 87102Proprietor: ERIK BOSEDate: 12/23/2019Subject's Name: TOLBERT ANTHONY  
(Last) (First)Date Of Birth: 08/20/1971Social Security No: --2563

This is to notify ANTHONY TOLBERT, that you have hereby been denied consent to enter or remain on or about the property located at 405 MARTIN LUTHER KING AV NE which is in the City of Albuquerque, New Mexico. If you do return to this property you will be in violation of the Criminal Trespass New Mexico State Statute 30-14-1, dated 1978, or the City of Albuquerque Criminal Trespass Law, section 12-2-3, Ordinance No. 96-1973, dated August 1, 1994. Failure to comply with this notice can result in your arrest.

---

Subject's Signature

---

Proprietor's Signature

---

<b>CORDOVA, CHRISTIAN</b>	<b>6196</b>
Officer's Printed Name	I.D.

---

  
Officer's SignatureForm Distribution: Print 3 Copies

1. Records
2. Business
3. Subject



Case # 19-106810

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. Klunetzky Investigation Unit VA Impact



Today's Date 10-08-19  
 Case CAD's Number C. Chavez #63241 OR  
190012701  
 APD Case Number  
☐ This case will be considered closed pending further leads



Today's Date 04/24/2019  
 Case CAD's Number OR  
190037654  
 APD Case Number  
☐ This case will be considered closed pending further leads



Matthew Tinney  
Sergeant

o 505.761.8868  
e mtinney@cabq.gov

ONE  
ALBUQUE APD  
QUE

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  
 OR  
190106102  
 APD Case Number



OCCURRENCE DATE(S)				DATE REPORTED		STATE OF NEW MEXICO UNIFORM INCIDENT REPORT				ORI NO. NM 0010100		CASE NO. 190106102		PAGE 1		OF 1																	
ON		OR		BETWEEN		MM/DD/YYYY				MM/DD/YYYY				MM/DD/YYYY		AGENCY/COUNTY ALBUQUERQUE POLICE DEPARTMENT				DISTRICT NO. 226		INCIDENT NO. 193230440		CARGO THEFT		BURGLARY FORCE NOT		NO. OF UNITS ENT 1					
TIME 1749		DAY OF WEEK MON		TIME 1830		DAY OF WEEK MON		TIME 1031		DAY OF WEEK TUE		ADDRESS/LOCATION OF INCIDENT 405 MARTIN LUTHER KING AVE NE				CITY ALBUQUERQUE		ZIP 87102		GANG REL YES NO		HATE/BIAS MOT CODE 99											
ADDL ON SUPP		OFFENSE / INCIDENT				STATUTE OR ORDINANCE				FEL MISD		ATTEM PTED		COMPL ETED		UCR OFFENSE CODE		CRIMINAL ACTIVITY CODE		LOCAT CODE		WEAPON CODE UP TO 3 PER OFFENSE		OFFENDER(S) SUSPECTED OF USING ALCOHOL DRUG COMPI UNK									
		1. Criminal Damage to Property				2999 12-03-01				M				X		290				53						X							
		2.																															
		3.																															
ADDL ON SUPP		PERSON CODES				VIC-VICTIM CIT-CITED SUS-SUSPECT ARR-ARRESTEE				TYPE CODES				F-FINANCIAL INST. R-RELIGIOUS				INJURY CODES				A-SEVERE BODY TRAUMA-BRUISING				B-BURNS							
		GUA-GUARDIAN WIT-WITNESS INT-INTERVIEW OTH-OTHER				I-INDIVIDUAL L - LAW OFFICER O-OTHER S-SOCIETY				B-BUSINESS G-GOVERNMENT U-UNKNOWN				C-COMPLAINT OF PAIN				D-DEATH				G-GUNSHOT WOUND				H-BROKEN BONES							
		REP-REPORTING PARTY DEC-DECEASED MSP-MISSING PERSON																															
PERSON CODE VAB		CODE TYPE B		INJURY CODE		1-NAME (LAST, FIRST, MIDDLE) ABQ Charter School				SOCIAL SECURITY NO.				DOB				AGE (RANGE)				SEX		RACE									
STREET ADDRESS 405 MARTIN LUTHER KING AVE NE				APT. NO.				RES. PHONE				HEIGHT		WEIGHT		HAIR		EYES		ETHNICITY		AGG ASSAULT JUST HOM CODE											
CITY ALBUQUERQUE				STATE NM		ZIP 87102		BUS. PHONE (505) 242-6640				VICTIM OF OFF. NO. 1		VICTIM OF SUSP. NO.		REL.		VICTIM OF SUSP. NO.		REL.		VICTIM OF SUSP. NO.		REL.									
EMAIL				EMPLOYER/SCHOOL AND ADDRESS								SUSPECT OF OFFENSE NO.		ARRESTED FOR OFFENSE NO.		GANG AFFILIATION																	
ALIAS / NICKNAME				MARKS, SCARS, TATTOOS								CLOTHING DESCRIPTION								ARMED WITH WEAPON CODE													
DRIVER'S LICENSE NO.				D.L.STATE		ARREST/CITATION NO.				F.B.I. NO.				S.I.D. NO.				NIC NO.				RES.STATUS											
TYPE OF OFFICER ACTIVITY/CIRCUMSTANCES				OFFICER ASSIGN TYPE				ORI NO.				TYPE OF ARREST				MULTIPLE ARRESTEE				DATE OF ARR				DISPOSITION OF ARRESTEE UNDER 18									
PERSON CODE REP		CODE TYPE I		INJURY CODE		2-NAME (LAST, FIRST, MIDDLE) Rue Jarryd				SOCIAL SECURITY NO. L				DOB				AGE (RANGE) 32				SEX M		RACE U									
STREET ADDRESS 1590 Valley Vista Ct SE				APT. NO.				RES. PHONE (505) 359-9494				HEIGHT		WEIGHT		HAIR		EYES		ETHNICITY U		AGG ASSAULT JUST HOM CODE											
CITY RIO RANCHO				STATE NM		ZIP 87124		BUS. PHONE				VICTIM OF OFF. NO.		VICTIM OF SUSP. NO.		REL.		VICTIM OF SUSP. NO.		REL.		VICTIM OF SUSP. NO.		REL.									
EMAIL jarryd.rue@abqca.org				EMPLOYER/SCHOOL AND ADDRESS								SUSPECT OF OFFENSE NO.		ARRESTED FOR OFFENSE NO.		GANG AFFILIATION																	
ALIAS / NICKNAME				MARKS, SCARS, TATTOOS								CLOTHING DESCRIPTION								ARMED WITH WEAPON CODE													
DRIVER'S LICENSE NO.				D.L.STATE NM		ARREST/CITATION NO.				F.B.I. NO.				S.I.D. NO.				NIC NO.				RES.STATUS R											
TYPE OF OFFICER ACTIVITY/CIRCUMSTANCES				OFFICER ASSIGN TYPE				ORI NO.				TYPE OF ARREST				MULTIPLE ARRESTEE				DATE OF ARR				DISPOSITION OF ARRESTEE UNDER 18									
PERSON CODE SUU		CODE TYPE I		INJURY CODE		3-NAME (LAST, FIRST, MIDDLE) Unknown				SOCIAL SECURITY NO.				DOB				AGE (RANGE) 0 - 99				SEX M		RACE U									
STREET ADDRESS				APT. NO.				RES. PHONE				HEIGHT		WEIGHT		HAIR		EYES		ETHNICITY U		AGG ASSAULT JUST HOM CODE											
CITY				STATE		ZIP		BUS. PHONE				VICTIM OF OFF. NO.		VICTIM OF SUSP. NO.		REL.		VICTIM OF SUSP. NO.		REL.		VICTIM OF SUSP. NO.		REL.									
EMAIL				EMPLOYER/SCHOOL AND ADDRESS								SUSPECT OF OFFENSE NO. 1		ARRESTED FOR OFFENSE NO.		GANG AFFILIATION																	
ALIAS / NICKNAME				MARKS, SCARS, TATTOOS								CLOTHING DESCRIPTION								ARMED WITH WEAPON CODE													
DRIVER'S LICENSE NO.				D.L.STATE		ARREST / CITATION NO.				F.B.I. NO.				S.I.D. NO.				NIC NO.				RES.STATUS U											
TYPE OF OFFICER ACTIVITY/CIRCUMSTANCES				OFFICER ASSIGN TYPE				ORI NO.				TYPE OF ARREST				MULTIPLE ARRESTEE				DATE OF ARR				DISPOSITION OF ARRESTEE UNDER 18									
ADDL ON SUPP		VEH STATUS CODE		ACC-TRAFFIC ACCIDENT				EVD-EVIDENCE				OUT-OUTSIDE RECOVERY. OTHER AGENCY SAR-STOLEN AND RECOVERED				VEH TYPE CODE		1 - AUTO		4 - CAMPER/RV		7 - ATV		U - UNKNOWN									
				BRN-BURNED/ARSON				FCN-FIELD CONTACT				RCV-RECOVERED				SEZ-SIEZED		TOW-TOWED		2 - TRUCK/VAN		5 - BUS		8 - SNOWMOBILES									
				DMG-DAMAGED/VANDALIZED IMP-IMPOUNDED				REL-RELEASED TO OWNER/STN-STOLEN				REL-RELEASED TO OWNER/STN-STOLEN				VEH-VICTIM'S VEH		3 - MOTORCYCLE		6 - OTHER													
				EMB-EMBEZZLED				LST-LOST				RPO-REPOSSESSION				SUS-SUSPECT																	



<b>PROPERTY</b>	<b>PROPERTY STATUS</b>		OTH-OTHER STN-STOLEN STR - STOLEN & RECOVERED		RPO-REPOSSESSION RFJ-RECOVERED OUTSIDE AGENCY STOLEN PROPERTY EVI-EVIDENCE		FND - FOUND REC-RECOVERED DMG-DAMAGED		FCN-FIELD CONTACT		ARS-ARSONED/BURNED SZD-SEIZED SUS-SUSPECT		SFK-SAFEKEEPING OBS-OBSERVED IMP-IMPOUNDED	
	<b>DRUG TYPE</b>		A-CRACK B-COCAINE C-HASHISH		D-HEROIN E-MARIJUANA F-MORPHINE		G-OPIUM H-OTHER NARCOTICS I-LSD		J-PCP K-OTHER HALLUCINOGENS L-AMPH/METHAM.		M-OTHER N-BARBITURATES O-OTHER DEPRESSANTS		P-OTHER DRUGS U-UNKNOWN X-OVER 3 TYPES	
	<b>FIELD UNIT OF MEASURE</b>		DU-DOSAGE UNITS/ITEMS FO-FLUID OUNCE		GL-GALLON GM-GRAM		KG-KILOGRAM LB-POUND		LT-LITER ML-MILLILITER		NU-NUMBER OF PLANTS OZ-OUNCE		XX-NOT REPORTED	
	1-PROPERTY STATUS <b>CRM</b>	PROPERTY TYPE <b>Y</b>	TYPE OF ITEM Structure - Other Commercial/Business <b>wall</b>		MAKE / BRAND		MODEL		CALIBER		VALUE (EXCEPT DRUGS)			
SUSPECTED DRUG TYPE	QUANTITY UNIT OF MS	DESCRIPTION (COLOR, SIZE, FEATURES, ETC.) <b>Burn marks on the wall</b>				SERIAL / OAN		DATE RECOVERED		NIC NO.				
2-PROPERTY STATUS <b>CRM</b>	PROPERTY TYPE <b>C</b>	TYPE OF ITEM Camera <b>Camera</b>		MAKE / BRAND		MODEL		CALIBER		VALUE (EXCEPT DRUGS)				
SUSPECTED DRUG TYPE	QUANTITY UNIT OF MS	DESCRIPTION (COLOR, SIZE, FEATURES, ETC.) <b>Camera mount broken</b>				SERIAL / OAN		DATE RECOVERED		NIC NO.				
3-PROPERTY STATUS <b>EVI</b>	PROPERTY TYPE <b>Y</b>	TYPE OF ITEM Other (none of the above) <b>video</b>		MAKE / BRAND		MODEL		CALIBER		VALUE (EXCEPT DRUGS)				
SUSPECTED DRUG TYPE	QUANTITY UNIT OF MS	DESCRIPTION (COLOR, SIZE, FEATURES, ETC.) <b>Surveillance footage</b>				SERIAL / OAN		DATE RECOVERED		NIC NO.				
4-PROPERTY STATUS	PROPERTY TYPE	TYPE OF ITEM		MAKE / BRAND		MODEL		CALIBER		VALUE (EXCEPT DRUGS)				
SUSPECTED DRUG TYPE	QUANTITY UNIT OF MS	DESCRIPTION (COLOR, SIZE, FEATURES, ETC.)				SERIAL / OAN		DATE RECOVERED		NIC NO.				
M. O. EVENT CODES: (AGENCY OPTIONAL USE)								TOTAL VALUE STOLEN \$		TOTAL VALUE REC. \$		ADDL ON SLIP		
<b>SYNOPSIS</b>	<b>Unknown subject broke the surveillance camera of Charter Academy.</b>													
<b>NARRATIVE</b>	<p>1 On November 19th 2019 I was dispatched to the ABQ Charter Academy located at 405 Martin Luther King Jr Ave in reference to a vandalism call. I met with the reporting party Jarryd Rue who stated a male subject</p> <p>2 damaged the business' surveillance camera and started a fire causing burn marks to the building.</p> <p>3</p> <p>4</p> <p>5 At approximately 1749 on November 18th 2019 surveillance shows a male subject sit down at the bottom of</p> <p>6 an outside staircase located on the south side of the building and begin using syringes to inject and</p> <p>7 unknown substance into himself. The subject also begins lighting an object on fire that caused burn marks to</p> <p>8 the building. At approximately 1830 on the listed date the male subject gathers his belongings and walks up</p> <p>9 the stairway once the subject is out of view of the camera you can see an object strike the surveillance</p> <p>10 camera causing it to have a broken wall mount and become fuzzy in view.</p> <p>11</p> <p>12 The reporting party was able to make a copy of the surveillance footage and provide that CD to me which</p> <p>13 was tagged into evidence. nothing further of evidentiary value was collected.</p>													
<b>CERT. / STATUS</b>	"I WILL PROSECUTE/TESTIFY SHOULD THE OFFENDER BE ARRESTED."		YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	"I UNDERSTAND IT IS A CRIMINAL OFFENSE TO FILE A FALSE REPORT TO POLICE."		COMPLAINANT / VICTIM CERTIFICATION SIGNATURE <b>X</b>				DATE			
	REPORTING OFFICER (PRINT) <b>CHAVEZ, VERONICA</b>		RANK <b>PSA</b>	I.D. NO <b>P6771</b>	DATE <b>11-19-2019</b>	DETECTIVE FOLLOW-UP OFFICER / REFERRED TO				I.D. NO	DATE			
	ASSISTING OFFICER (PRINT)		RANK	I.D. NO	DATE	PROCESSED BY		DATE	DATA ENTRY PERSON		DATE			
	APPROVING OFFICER (PRINT)		RANK	I.D. NO	DATE	INCIDENT STATUS ACTIVE <input checked="" type="checkbox"/> INACT <input type="checkbox"/> CLOSED <input type="checkbox"/> UF <input type="checkbox"/> CLA <input type="checkbox"/> CLE <input type="checkbox"/>		EXCEPT CODE	A-DEATH OF OFFENDER B-PROSECUTION DECLINED C-EXTRADITION DENIED		D-VICTIM REF TO COOP E-JUV NO CUSTODY N-NOT APPLICABLE	DATE		
DISTRIBUTION		<input type="checkbox"/> B <input type="checkbox"/> NE <input type="checkbox"/> SW <input type="checkbox"/> DAL <input type="checkbox"/> OTHER	<input type="checkbox"/> IA <input type="checkbox"/> SE <input type="checkbox"/> VA <input type="checkbox"/> FTHL <input type="checkbox"/> CACU <input type="checkbox"/> NW	CASES CLEARED BY THIS ARREST CASE NO.				CASE NO.		REV. 1/18				



## Sean Fry

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**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, SFD*

**Business Manager**

Albuquerque Charter Academy  
405 Dr. Martin Luther King Jr. Ave NE  
Albuquerque, NM | 87102  
Office: 505-242-6640 Ext. 2501  
[abqcharteracademy.org](http://abqcharteracademy.org)





INVOICE # 726318


**MOBILE**  
 SCREEN & GLASS INC.

(505) 294-0542 FAX (505) 294-3619

Visit our Website and:

**CLICK HERE**  
 to schedule service or  
 a FREE estimate

www.mobilescreenandglass.com

8650 Indian School RD NE - Albuquerque, NM 87112

N.M. License # 26894 CRS# 02-072498005

Fed. ID 85-0350412

Serving Albuquerque Since 1975!

Date 1/8/20 Erik  
 Phone 459-4439  
 Sold To ALBA Charter Acad  
 Address 405 Dr. MLK NE Phone Amberlee  
 Email \_\_\_\_\_ Fax 720-5858  
 Del'd To \_\_\_\_\_  
 Sold By 13  
☐ Customer Size ☐ Pick Up ☐ Install ☐ Deliver  
 Deposit \$ \_\_\_\_\_ Date \_\_\_\_\_ Via \_\_\_\_\_ Rung By \_\_\_\_\_

Quantity	Location	Description	Unit price	Extension
1		1g Reglaze 448 x 454 x 1 1/4 1/2 1/4 Brz/clear		<del>587.61</del> 587.41

 Mobile Screen and Glass Inc.  
 8650 Indian School RD. NE  
 Albuquerque, NM 87112  
 Phone: (505) 294-0542  
 www.MobileScreenandGlass.com

1.00 11 587.61  
 Storefront Repl/Repair

Sub Total 587.61  
 Tax 46.27  
 Total 633.88

Tendered 633.88  
 Change 0.00

 Thank You!  
 1/9/2020 03:16:36  
 TRANSACTION: 18

INVOICE: 199286 Register RG2

 AMEX CARD  
 AUTHORIZATION 243890  
 Amount Charged 633.88

 I AGREE TO PAY THE ABOVE TOTAL  
 AMOUNT ACCORDING TO THE CARD ISSUER  
 AGREEMENT (MERCHANT AGREEMENT IF  
 IDENT NUMBER)

*Complete #13*

ALL UNLESS OTHER ARRANGEMENTS HAVE BEEN MADE

SUBTOTAL	
TAX	46.27
TOTAL	633.88

Date: 1/8/20

quoting.  
 re Non-Refundable materials are being ordered.  
 if fogged units can only be detected visually. MS&G will not be responsible for missed,  
 quote. We highly recommend customer be present to identify & mark IG units to be replaced.

working on wood windows & doors you must always expect visual damage to occur. Discuss  
 r.  
 IN INVOICE. ALL CUSTOM WORK IS NON-RETURNABLE. PLEASE REFERENCE YOUR WARRANTY ON THE BACK.  
 COLLECTION. NOT RESPONSIBLE FOR ITEMS LEFT OVER 30 DAYS. ALL PRICE QUOTES VALID FOR 30 DAYS.

ty to order this work. Any  
 Please sign. Upon receipt,  
 will require deposit.

Date \_\_\_\_\_

Title Company Info:

Closing Date \_\_\_\_\_

Title Co. \_\_\_\_\_

Title Officer \_\_\_\_\_

Title Co. Location \_\_\_\_\_

Fax #/Email \_\_\_\_\_

Thank you for your business!

Yellow - Customer

Pink - Billing

Card - Production



**CLICK HERE**  
to schedule service or  
a **FREE** estimate

164



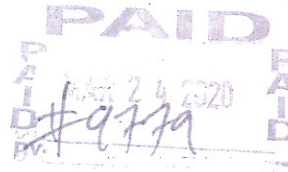
Steel Alliance Fab LLC

6210 Roadrunner Lp NE  
Rio Rancho NM 87144

# Invoice

Date	Invoice #
3/20/2020	73

Bill To
Albuquerque Charter Academy Jarryd Rue 405 Dr. Martin Luther King Jr. Ave Albuquerque, NM 87102 US



P.O. No.	Terms	Project

Quantity	Description	Rate	Amount
1	fire escape security cage. fabricated out of materials matching existing perimeter fence. also, painted black to match. Door with push bar for exiting. Sales Tax	3,500.00 7.80%	3,500.00T 273.00
50% deposit required before start of project		<b>Total</b>	\$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**

Bus.: (505) 328-1855

Fax: (505) -

Bus.: (505) 242-6640 x1

Qty	Part	Thickness	Description	List	Price	Total
1	INSBR	1	45-1/2 X 44-1/2 BRONZE REFLECTIVE	295.00	295.00	295.00
1	LABOR		INSULATED* INSTALLED *spcl price per mida	185.00	185.00	185.00

**SPECIAL INSTRUCTIONS**

**INSTALL ASAP THIS PM**

\*\*\*\*\* WE APPRECIATE YOUR BUSINESS \*\*\*\*\*

Labor	185.00
Subtotal	480.00
Tax	37.80
Total	517.80
Deductible	0.00
Balance	0.00

Terms of payment are 0 days from Invoice date. A service charge of 0.000% per month (0.000% annum) will be added to past due accounts.

RECEIVED BY:

10/8/19 2:40pm by ADMIN Updated 10/16/19 3:04pm by ADMIN



Steel Alliance Fab LLC

691 Deerbrush Ct SW  
Los Lunas NM 87031

# Invoice

Date	Invoice #
4/6/2020	74

Bill To
Albuquerque Charter Academy Jarryd Rue 405 Dr. Martin Luther King Jr. Ave Albuquerque, NM 87102 US

P.O. No.	Terms	Project
	Due on receipt	

Quantity	Description	Rate	Amount
16	added enclosure to existing fire escape cage - using similar materials and painted black.	100.00	1,600.00T
	Sales Tax	7.80%	124.80
50% deposit required before start of project		<b>Total</b>	\$1,724.80



PO Box 92948  
Albuquerque, NM 87199-2948

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:

P.O Num:

Reference:

## INVOICE

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](http://www.alarmpayments.com)

<b>Charges</b>	<b>1,856.00</b>
<b>Sales Tax</b>	<b>146.16</b>
<b>Total Due</b>	<b>2,002.16</b>

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	Amount Due	Amount Paid
AQ1005	\$2,002.16	
IF PAYING BY CREDIT CARD - Card Type: VISA <input type="checkbox"/> MasterCard <input type="checkbox"/> Discover <input type="checkbox"/>		
Charge: from now on <input type="checkbox"/> OR this bill only <input type="checkbox"/> Billing Zip Code <input type="text"/>		
Card Number <input type="text"/>		Exp. Date: <input type="text"/>
Signature: X <input type="text"/>		

ACES  
PO Box 3146  
Albuquerque, NM 87190-3146

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

0000AQ10050000200216





## Sign-in Sheet For

## Meeting #2

169

## 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  
**Attachments:** 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:

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

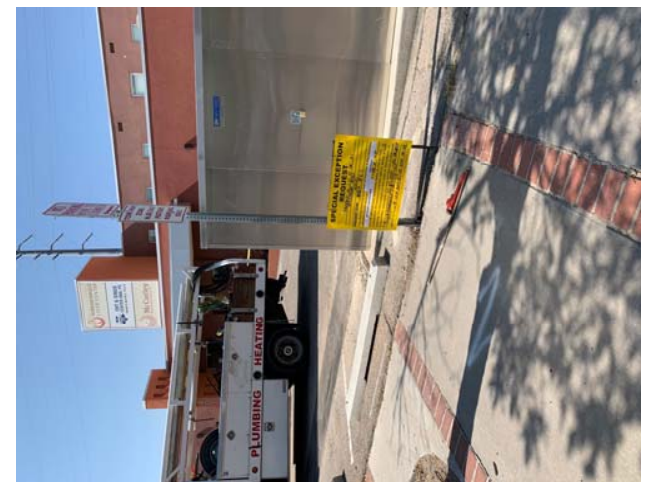
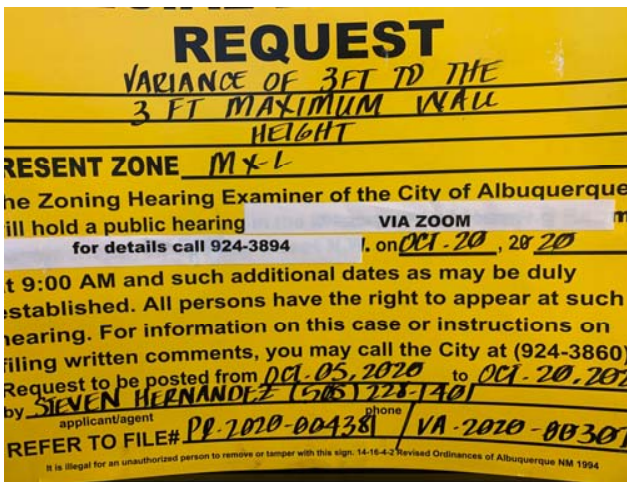
### **DEVELOPMENT MANAGING CONSULTANTS**

PROFESSIONAL CONSTRUCTION MANAGERS & CONSULTING ENGINEERS

HOA - Sign in Sheet Meeting #1

Steve Hernandez 228-1401  
Roslyn Klopper 450-1379  
Alaura Martinez 292-3951  
Richard Martinez 263-2664  
Kisti Howde 366-1439  
Renee Martinez 410-8122





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

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**To:** Lorena Patten-Quintana, ZHE Planner

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

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**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

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**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 (NR-C, NR-BP)	Non-residential (NR-LM, NR-GM)	See also:
<b>Standard Wall Height</b>					
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.	10 ft.	5-7(D)(2)
<b>Corner Lot Abutting Residential Zone District</b>					
Any portion of a wall in the rear yard abutting the front yard of a Residential zone district.					
<10 ft. from the lot line abutting the street <sup>[2]</sup>	3 ft.	3 ft.	3 ft.	6 ft.	5-7(D)(2) 5-7(D)(3)(d)
≥10 ft. from the lot line abutting the street	6 ft.	8 ft. Low-density residential: 6ft.	8 ft.	8 ft.	5-7(D)(2)
<b>Walls Abutting Major Arroyos and Major Public Open Space</b>					
Wall in a rear or interior side yard abutting a major arroyo	6 ft.	8 ft.	8 ft.	8 ft.	5-7(D)(2) 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) 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(h)(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.

**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					
Zone Category	Residential	Mixed-use	Non-residential (NR-C, NR-BP)	Non-residential (NR-LM, NR-GM)	See also:
<b>Standard Wall Height</b>					
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.	10 ft.	5-7(D)(2)
<b>Corner Lot Abutting Residential Zone District</b>					
Any portion of a wall in the rear yard abutting the front yard of a Residential zone 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) 5-7(D)(3)(d)
≥10 ft. from the lot line abutting the street	6 ft.	8 ft. Low-density residential: 6ft.	8 ft.	8 ft.	5-7(D)(2)
<b>Walls Abutting Major Arroyos and Major Public Open Space</b>					
Wall in a rear or interior side yard abutting a major arroyo	6 ft.	8 ft.	8 ft.	8 ft.	5-7(D)(2) 5-7(E)(4)
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[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.

### 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 Wall Height					
Zone Category	Residential	Mixed-use	Non-residential (NR-C, NR-BP)	Non-residential (NR-LM, NR-GM)	See also:
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Wall in other locations on the lot <sup>(2)(3)</sup>	8 ft.	8 ft.	8 ft.	10 ft.	5-7(D)(2)
<b>Corner Lot Abutting Residential Zone District</b>					
Any portion of a wall in the rear yard abutting the front yard of a Residential zone 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) 5-7(D)(3)(d)
≥10 ft. from the lot line abutting the street	6 ft.	8 ft. Low-density residential: 6ft.	8 ft.	8 ft.	5-7(D)(2)
<b>Walls Abutting Major Arroyos and Major Public Open Space</b>					
Wall in a rear or interior side yard abutting a major arroyo	6 ft.	8 ft.	8 ft.	8 ft.	5-7(D)(2) 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) 5-7(E)(4)
<small>[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.</small>					

**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](mailto:suzannasanchez@cabq.gov)>  
Sent: Tuesday, October 20, 2020 4:01 PM  
To: Steve Hernandez <[steve@dmcnm.com](mailto:steve@dmcnm.com)>  
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



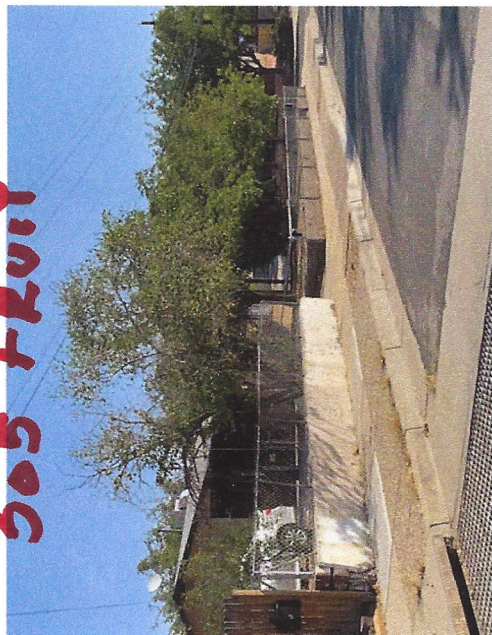
Albuquerque, NM 87112  
Off. Direct: (505) 296.7100  
Fax: (505) 296.7105  
Cell: (505) 228.1401

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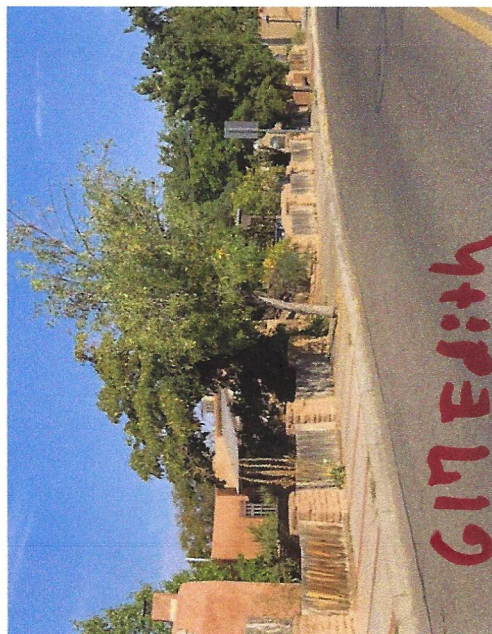
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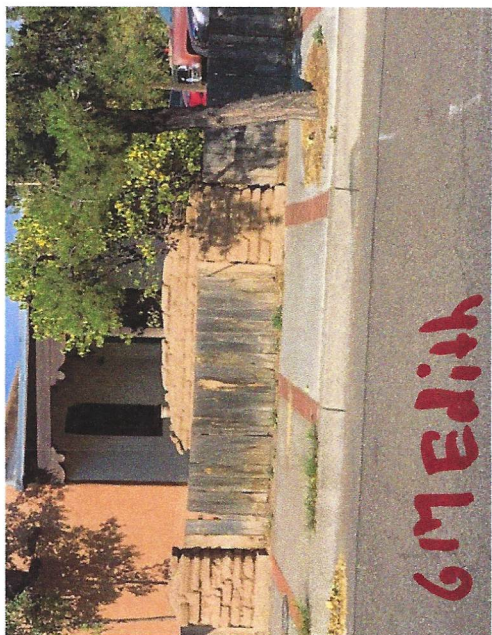
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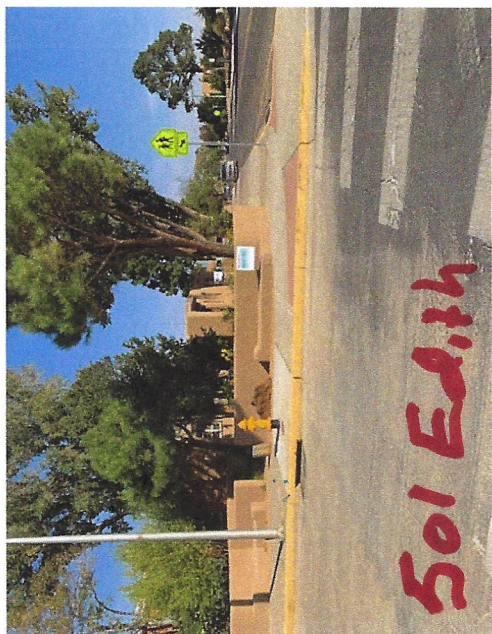
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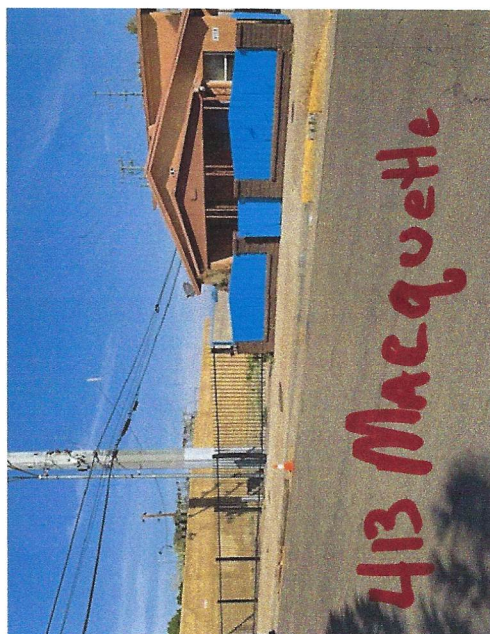
617 Edith



501 Edith



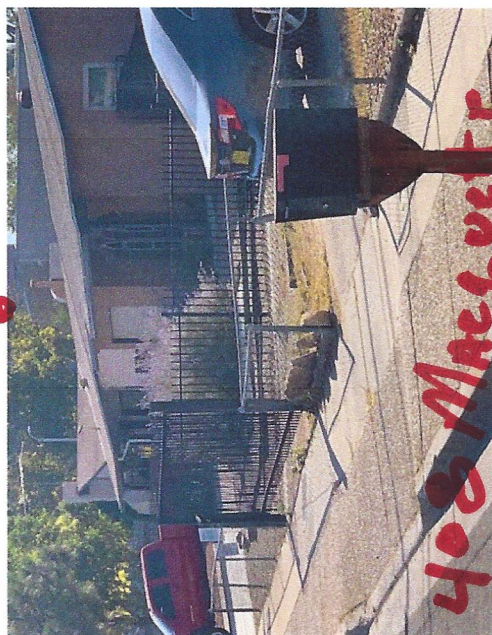
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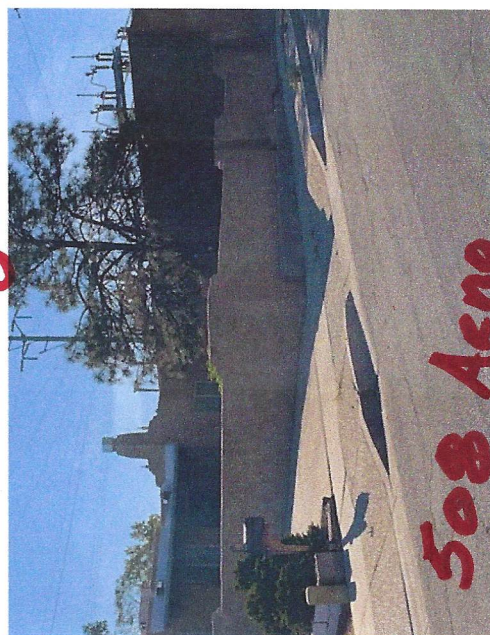
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408 Macquette

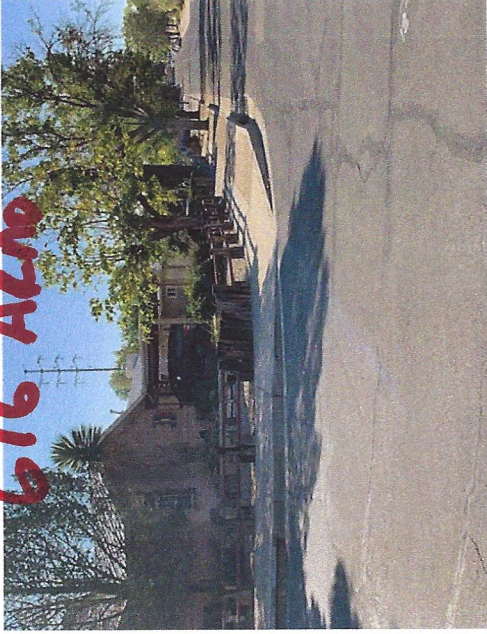


508 Acno

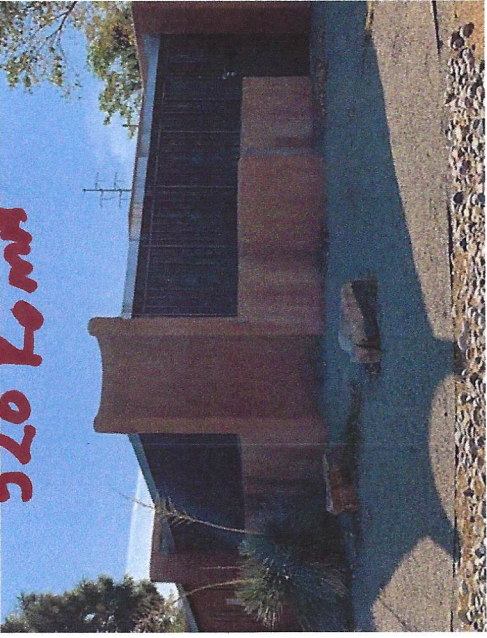




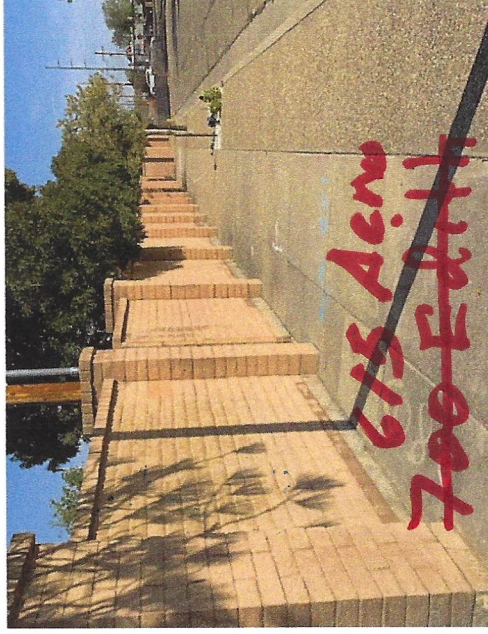
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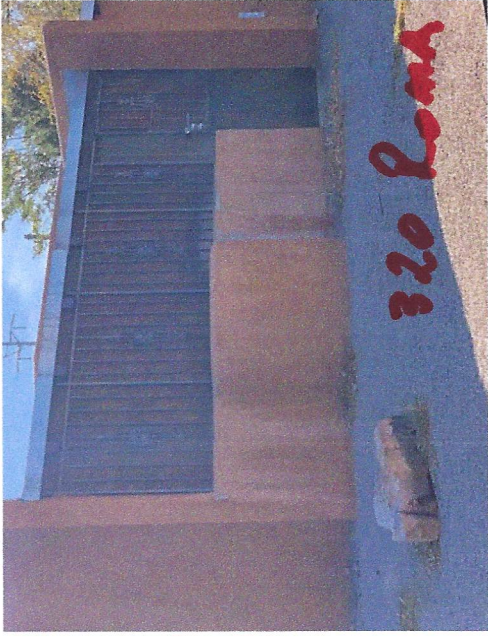
320 Loma



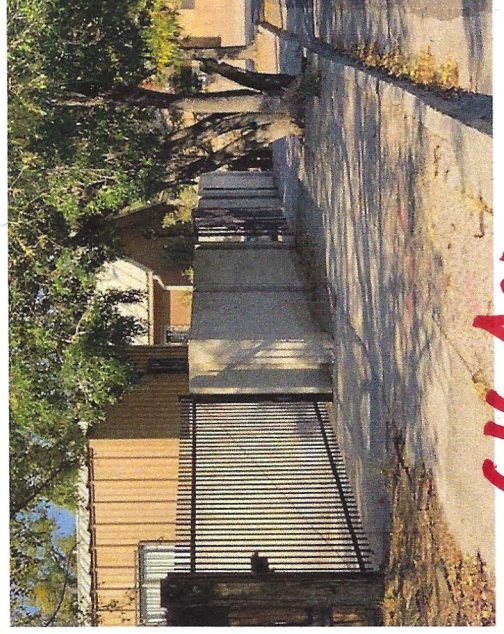
615 Acno  
~~700 Edith~~



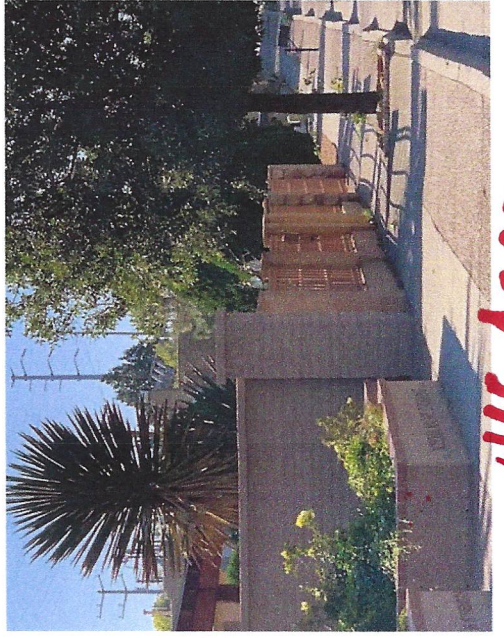
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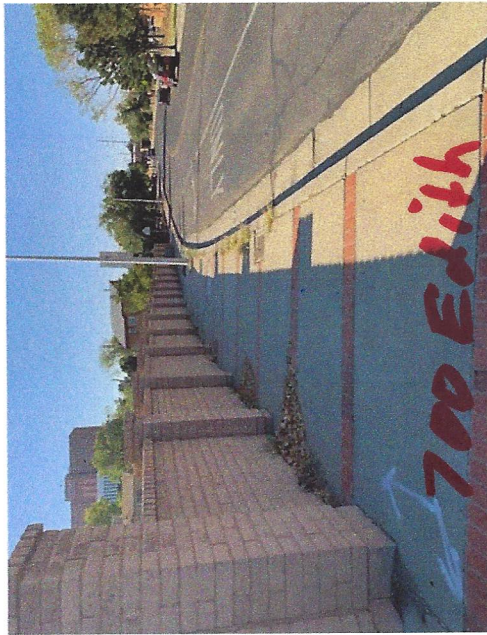
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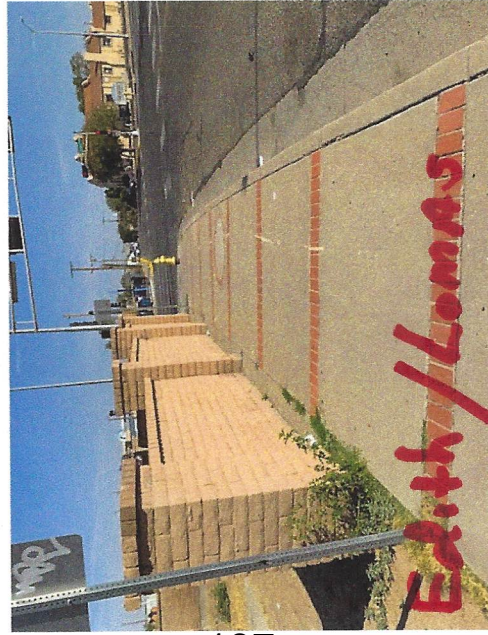
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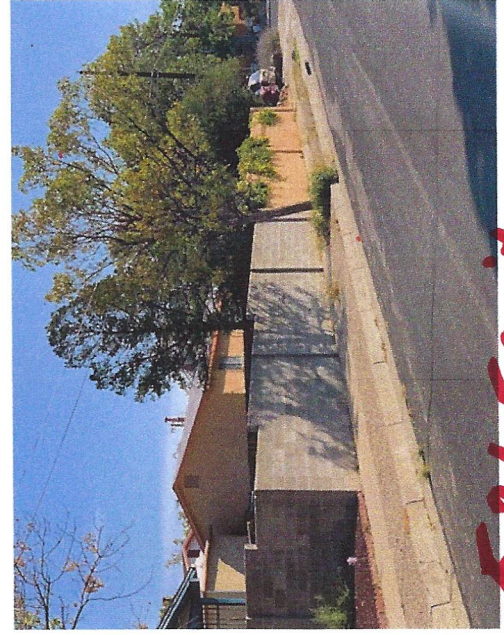
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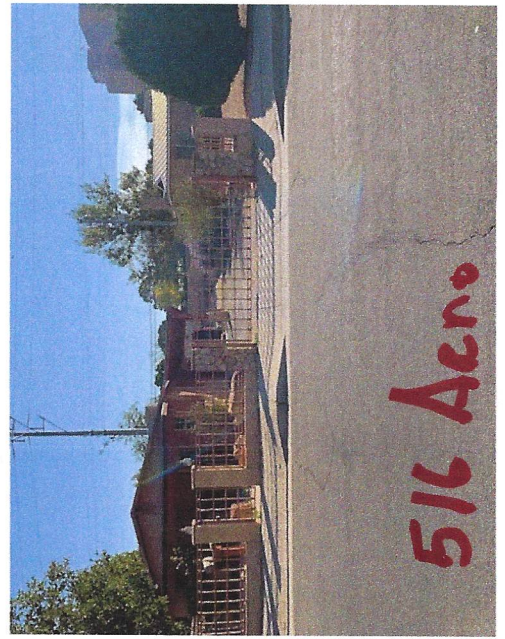
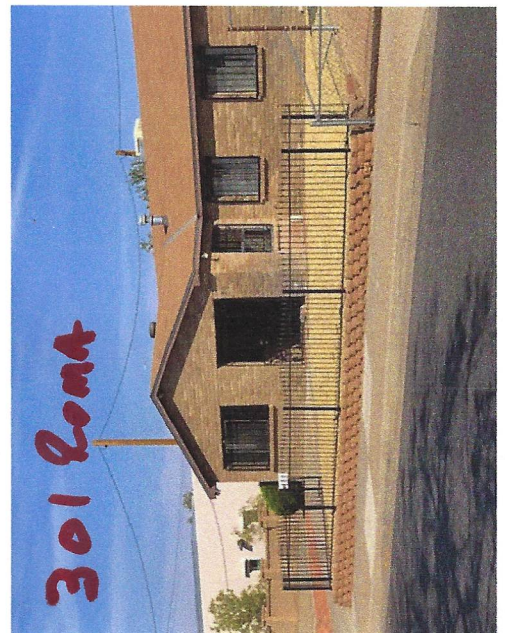
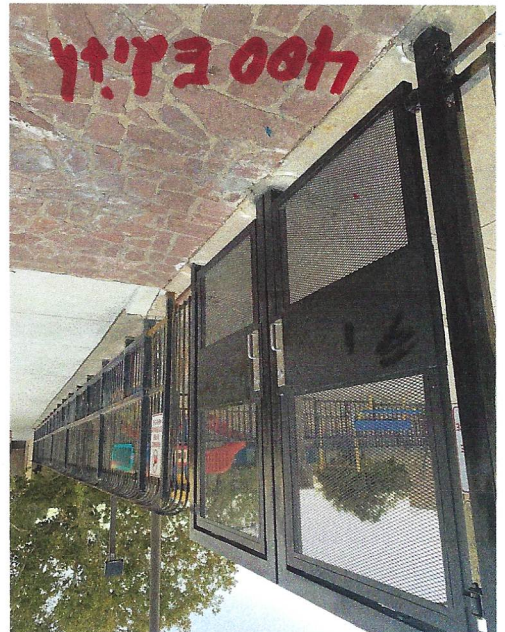
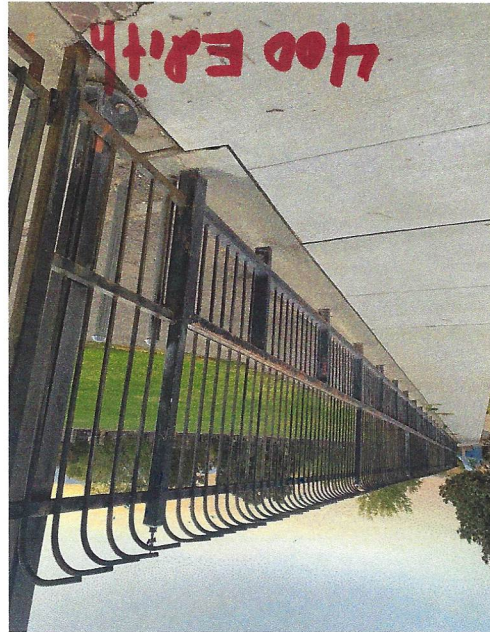
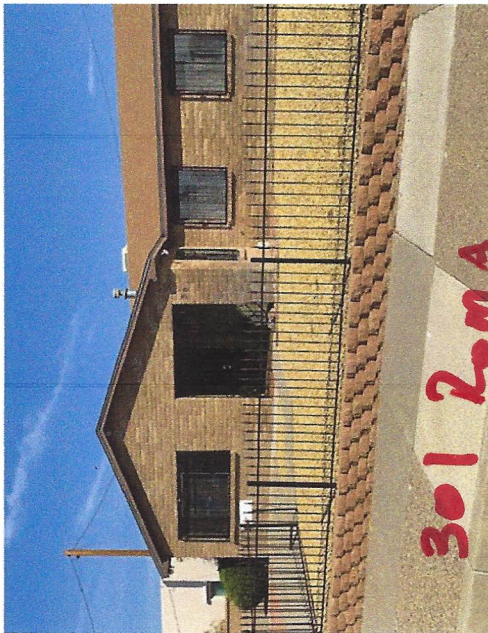
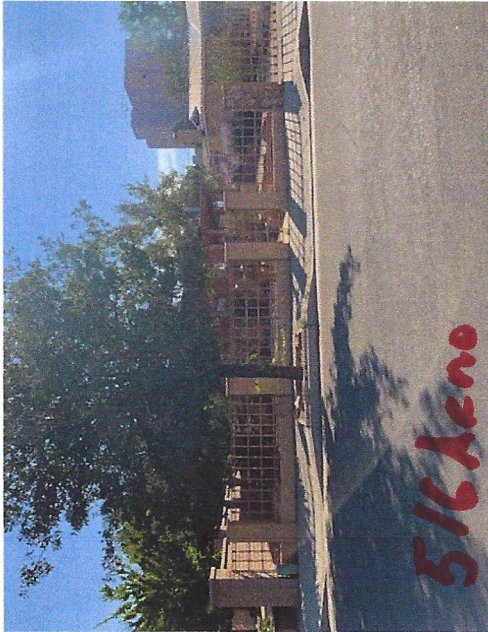
Edith/Lomas



521 Feuit











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.



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Robert Lucero, Esq.  
Zoning Hearing Examiner



cc:

ZHE File

Zoning Enforcement

Steve Hernandez, Development Managing Consultants, [steve@dmcnm.com](mailto: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

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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.



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Robert Lucero, Esq.  
Zoning Hearing Examiner



cc:

ZHE File

Zoning Enforcement

Steve Hernandez, Development Managing Consultants, [steve@dmcnm.com](mailto: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.



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Robert Lucero, Esq.  
Zoning Hearing Examiner



cc:

ZHE File

Zoning Enforcement

Steve Hernandez, Development Managing Consultants, [steve@dmcnm.com](mailto: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-foot-high 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 3-foot 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 hords. 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 sitting 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, they 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-foot-high 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 cited?

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.

## **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 **Land Use Hearing Officer**. 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**

cc: Crystal Ortega, City Council, City county bldg. 9<sup>th</sup> floor  
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## **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

+1 669 900 6833 US (San Jose)

+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/j/7044490999>

*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.

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### **PLEASE ADDRESS ALL CORRESPONDENCE TO:**

**Robert Lucero, Esq., Zoning Hearing Examiner at [suzannasanchez@cabq.gov](mailto:suzannasanchez@cabq.gov)**

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**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#<br>PR-2020-<br>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]            |
| 2. VA-2020-00272 | Project#<br>PR-2020-<br>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] |
|----|---------------|--------------------------------|---|

### OLD 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# PR-2020-004279	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# PR-2020-004292	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# PR-2020-004303	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# PR-2020-004304	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# PR-2020-004317	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# PR-2020-004319	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# PR-2020-004320	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# PR-2020-004329	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# PR-2020-004335	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# PR-2020-004347	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# PR-2020-004354	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# PR-2020-004361	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# PR-2020-004362	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# PR-2020-004362	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# PR-2020-004362	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 [Section 14-16-2-4(E)(3)(f)3.b]
29.	VA-2020-00294	Project# PR-2020-004362	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# PR-2020-004370	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# PR-2020-004371	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, Coopers--W T/Country Club Addn, located at 1110 Marquette PI NE, zoned R-1B/R-ML [Section 14-16-5-1]
32.	VA-2020-00299	Project# PR-2020-004371	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, Coopers--W 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# PR-2020-004372	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# PR-2020-004375	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# PR-2020-004375	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

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Dial by your location

+1 669 900 6833 US (San Jose)

+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/j/7044490999>

*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.

\*\*\*\*\*

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**Robert Lucero, Esq., Zoning Hearing Examiner at [suzannasanchez@cabq.gov](mailto:suzannasanchez@cabq.gov)**

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\*\*\*\*\*

### **\*INTERPRETER NEEDED:**

- |                  |                                |   |
|------------------|--------------------------------|---|
| 1. VA-2020-00267 | Project#<br>PR-2020-<br>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] <b>DEFERRED TO 11-17-20</b>                |
| 2. VA-2020-00272 | Project#<br>PR-2020-<br>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] <b>APPROVED WITH CONDITIONS</b> |



- |    |               |                                |   |
|----|---------------|--------------------------------|---|
| 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] <b>DEFERRED TO 11-17-20</b> |
|----|---------------|--------------------------------|---|

### OLD 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)] <b>APPROVED</b>   |
| 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] <b>APPROVED</b>  |
| 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] <b>APPROVED</b>  |
| 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)] <b>APPROVED</b>  |
| 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)] <b>APPROVED</b>  |
| 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)] <b>WITHDRAWN</b>   |
| 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)] <b>DENIED</b>   |
| 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] <b>APPROVED WITH CONDITIONS</b>   |
| 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] <b>APPROVED WITH CONDITIONS</b>   |
| 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)] <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-2020-004361 | 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-2020-004362 | 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-2020-004362 | 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-2020-004362 | 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 [Section 14-16-2-4(E)(3)(f)3.b] <b>APPROVED</b>   |
| 30. | VA-2020-00294 | Project#<br>PR-2020-004362 | 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-2020-004370 | 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-2020-004371 | 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, Coopers--W T/Country Club Addn, located at 1110 Marquette PI NE, zoned R-1B/R-ML [Section 14-16-5-1] <b>APPROVED</b>  |
| 33. | VA-2020-00299 | Project#<br>PR-2020-004371 | 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, Coopers--W 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-2020-004372 | 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-2020-004375 | 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>  |

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| 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>                    |