

TABLE OF CONTENTS
AC-22-15,
PR-2021-006330-VA-2022-00167- VA-2022-00241

PAGE(S)

MEMO.....	1 - 3
NOTICE OF DECISION, JULY 19, 2022.....	4 - 8
APPEAL APPLICATION / REASON FOR APPEAL	9- 24
MATERIAL SUBMITTED TO ZHE.....	25 - 127
ZHE MINUTES, JULY 19, 2022.....	128 - 146
ADDITIONAL INFORMATION.....	147 - 152



CITY OF ALBUQUERQUE

Albuquerque, New Mexico

Planning Department

Mayor Timothy M. Keller

INTER-OFFICE MEMORANDUM

September 12, 2022

TO: Isaac Benton, President, City Council

FROM: Alan Varela, Planning Director 
Alan Varela (Sep 12, 2022 08:57 MDT)

SUBJECT: AC-22-15, PR-2021-006330-VA-2022-00167:

Consensus Planning, Inc. and Resnick & Louis, P.C., agent for Group II U26 VC LLC, appeals the Zoning Hearing Examiners decision to Deny a conditional use to allow for self-storage for Lot Portion of Lot 1, Block 2, Volcano Cliffs Unit 26, located at 99999 Paseo Del Norte NW, zoned MX-M [Subsection 14-16-4-3(D)(29)]

OVERVIEW

On July 19, 2022, Consensus Planning, agent for property owners Group II U26 VC LLC, appeared before the Zoning Hearing Examiner (ZHE) requesting a conditional use to allow for self-storage.

The Zoning Hearing Examiner denied the request, and the Notice of Decision was issued August 3, 2022.

The Applicant timely filed an appeal of the ZHE's decision on August 18, 2022.

BASIS FOR APPEAL

IDO Subsection 14-16-6-4(V)(4) outlines the applicable criteria for the appeal in determining whether the Zoning Hearing Examiner erred in its 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).

STAFF RESPONSE

The reasons for the appeal, excerpted from Appellant's letter, are listed below, followed by a bulleted, italicized response from the Planner for the ZHE. Please see the Appellant's letter and submittal packet for additional details.

"The ZHE erred in applying requirements not required by the IDO and the Comprehensive Plan and exceeded his authority."

- *IDO Subsection 14-16-6-6(A)(3)(a) requires consistency with the ABC Comp Plan, as amended.*
- *The ZHE found that the Applicant did not meet the burden of providing evidence that established that the requested Conditional Use Approval is consistent with the ABC Comp Plan, as amended.*

"The ZHE exceeded his authority by considering height and design of the proposed self-storage facility."

- *The ZHE found that the proposed building height, although allowed within the MX-M zone district, is not consistent with the ABC Comp Plan. Although the proposed self-storage and its building design would be allowed within the mixed-zone district, according to the ABC Comp Plan, future development in cultural landscape areas are encouraged to practice sensitive site design and review. (See Finding 12.c. in the Notice of Decision for cited Comp Plan policies.)*

"The ZHE's decision is not based upon substantial evidence."

- *Applicant bears the burden of providing a sound justification for the requested decision, based on substantial evidence, pursuant to IDO Subsection 14-16-6-4(E)(3).*
- *Applicant bears the burden of showing compliance with required standards through analysis, illustrations, or other exhibits as necessary, pursuant to IDO Section 14-16-6-4(E)(4).*
- *Finding #12: "Applicant has not met the burden of providing evidence that established that the requested Conditional Use Approval is consistent with the ABC Comp. Plan, as amended."*

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





AC-22-15 Memo-MRW

Final Audit Report

2022-09-12

Created:	2022-09-12
By:	Lucinda Montoya (lucindamontoya@cabq.gov)
Status:	Signed
Transaction ID:	CBJCHBCAABAAxpE-hP3XBcUxoUhPIRo8X45-Ziargb1J

"AC-22-15 Memo-MRW" History

-  Document created by Lucinda Montoya (lucindamontoya@cabq.gov)
2022-09-12 - 2:49:44 PM GMT- IP address: 143.120.133.160
-  Document emailed to Alan Varela (avarela@cabq.gov) for signature
2022-09-12 - 2:50:08 PM GMT
-  Document e-signed by Alan Varela (avarela@cabq.gov)
E-signature obtained using URL retrieved through the Adobe Acrobat Sign API
Signature Date: 2022-09-12 - 2:57:13 PM GMT - Time Source: server- IP address: 143.120.133.62
-  Agreement completed.
2022-09-12 - 2:57:13 PM GMT



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

Group II U26 VC LLC (Agent, Consensus Planning) requests a conditional use to allow for self-storage for Lot Portion of Lot 1, Block 2, Volcano Cliffs Unit 26, located at 99999 Paseo Del Norte NW, zoned MX-M [Section 14-16-4-3(D)(29)]

Special Exception No:..... **VA-2022-00167**
Project No: **Project#2019-002663**
Hearing Date: 07-19-22
Closing of Public Record: 07-19-22
Date of Decision: 08-03-22

On the 19th day of July, 2022, Consensus Planning, agent for property owners Group II U26 VC LLC (“Applicant”) appeared before the Zoning Hearing Examiner (“ZHE”) requesting a conditional use to allow for self-storage (“Application”) upon the real property located at 99999 Paseo Del Norte NW (“Subject Property”). Below are the ZHE’s finding of fact and decision:

FINDINGS:

1. Applicant is requesting a conditional use to allow for self-storage.
2. On June 2, 2022, a facilitated meeting hosted by Agent, representing Applicant, was attended by neighborhood associations to discuss the proposed self-storage. As a result of this meeting, Applicant revised the proposed building elevations from 42 feet, 5 inches with a pitched roof to 37 feet, 6 inches with only a flat roof.
3. IDO Section 14-16-4, Table 4-2-1 provides that a conditional use approval is necessary for a self-storage facility if located within the MX-L or MX-M zone district.
4. The Subject Property is located in MX-M zone district.
5. Therefore, a self-storage facility on the Subject Property requires a Conditional Use Approval pursuant to IDO Subsection 14-16-6-6(A).
6. The Subject Property’s legal description of the existing tract is Tract 1, Block 2, Volcano Cliffs Subdivision Unit 26, containing 15.7217 acres.
7. The Subject Property is located in the West Mesa, and adjacent areas include the Petroglyph National Monument, near the Piedras Marcadas Canyon area.
8. The City of Albuquerque Code of Ordinances Section 14-16-6-6(A)(3) (Review and Decision Criteria– Conditional Use) reads: *“An application for a Conditional Use Approval shall be approved if it meets all of the following criteria:*
 - (a) It is consistent with the ABC Comp. Plan, as amended;*
 - (b) It complies with all applicable provisions of the IDO, including, but not limited to any Use-specific Standards applicable to the use in Section 14-16-4-3; the DPM; other adopted City regulations; and any conditions specifically applied to development of the property in any prior permit or approval affecting the property;*
 - (c) It will not create significant adverse impacts on adjacent properties, the surrounding neighborhood, or the larger community;*

(d) It will not create material adverse impacts on other land in the surrounding area, through increases in traffic congestion, parking congestion noise, or vibration without sufficient mitigation or civic or environmental benefits that outweigh the expected impacts;

(e) It will not increase non-residential activity within 300 feet of a lot in any residential zone district between the hours of 8:00 pm and 6:00 am;

(f) It will not negatively impact pedestrian or transit connectivity without appropriate mitigation

9. Applicant bears the burden of providing a sound justification for the requested decision, based on substantial evidence, pursuant to IDO Section 14-16-6-4(E)(3).
10. Applicant bears the burden of showing compliance with required standards through analysis, illustrations, or other exhibits as necessary, pursuant to IDO Section 14-16-6-4(E)(4).
11. Agent appeared and gave evidence in support of the application.
12. Applicant has not met the burden of providing evidence that established that the requested Conditional Use Approval is consistent with the ABC Comp. Plan, as amended.
 - a. Agent testified and provided written submittals claiming the Application is consistent with the ABC Comp. Plan because the proposed self-storage would be located within the MX-M zone district. Agent's written submittals highlight that since the proposed self-storage facility will be within a mix-used zone and an Area of Change, the Application should be approved because the ABC Comp. Plan dedicated this area for intended and direct growth.
 - b. Opponents object that the proposed self-storage is inconsistent with the ABC Comp. plan because the ABC Comp. Plan requires more stringent and sensitive development review and requirements for cultural landscapes.
 - c. The following policies in the ABC Comp. Plan protect and/or enhance significant cultural landscapes:
 - i. Policy 11.3.1 (b): "Minimize the visibility of structures in highly scenic areas and on the western horizon as seen throughout the city through building design..."
 - ii. Policy 11.3.1 (c): "Protect important views from public rights-of-way through regulations on street orientation, site layout, building height, and signs".
 - iii. Policy 11.3.1 (d): "Encourage site design that enhances and leverages views to cultural landscapes"
 - d. In addition, the ABC Comp. Plan Table A-1, includes the "Volcano Cliffs Sector Development Plan", as a city area and sector development plan with goals and policies incorporated into the ABC Comp. Plan.
 - i. The "Volcano Cliffs Sector Development Plan", updated in May 2011, vision states, "To preserve the fantastic views from the Volcano Cliffs area. Respect the many, individual, private property owners in the Volcano Cliffs area. Protect the unique location of the Volcano Cliffs area".
 - ii. Although the City's adoption of the IDO superseded the "Volcano Cliffs Sector Development Plan" and converted the zoning of the Subject Property to the IDO MX-L zone district in 2018, and ultimately in 2019 as

MX-M zone district, the underlying principles of the Volcano Cliffs Sector Development Plan are carried-over into the current ABC Comp. Plan.

- iii. The ZHE finds these principles found in the “Volcano Cliffs Sector Development Plan” provide that the Volcano Cliffs area, West Mesa, is a cultural landscape that the ABC Comp. Plan seeks to protect with sensitive type development review and requirements.
 - e. Although the MX-M zone district encourages mix use and has a height requirement of 48 feet for buildings, the ZHE reads the above-cited policies of the ABC Comp. Plan and vision of the “Volcano Cliffs Sector Development Plan” as intentional planning policy set in place to protect the cultural landscape, such as Volcano Cliffs and areas in and around Petroglyph National Monument.
 - f. Taken together, the ZHE finds that the proposed building height, although allowed within MX-M zone districts, is not consistent with the ABC Comp. Plan. Although the proposed self-storage and its building design would be allowed within the mixed-zone district, according to the ABC Comp. Plan, future development in cultural landscape areas are encouraged to practice sensitive site design and review.
 - g. The ZHE finds the proposed self-storage, due to its height and design, and nature of use inharmonious with the surrounding community, would minimize visibility of highly scenic areas and inability to blend in with existing structures, and would interfere with the cultural landscape of the surrounding area. As such, the proposed self-storage is not consistent with the ABC Comp. Plan.
 - h. Therefore, the conditional use request for the proposed self-storage should be and hereby is denied.
13. Additionally, Applicant has not met the burden of providing evidence that establishes that the requested Conditional Use approval will not create significant adverse impacts on adjacent properties, the surrounding neighborhood, or the larger community.
- a. Agent testified and provided written submittals maintaining that the proposed self-storage would not create significant adverse impacts on adjacent properties, the surrounding neighborhood, or the larger community, because the Subject Property would be located within a mixed-use zone, in which self storage uses are appropriate. Specifically, Agent’s written submittals assert that the proposed self-storage would adhere to all specific use criteria and will be in a suitable addition to an area already zoned for commercial and multi-family uses.
 - b. Opponents claim that the design of the building would adversely impact the area, because if its inconsistency with the neighborhood and negative impacts on Petroglyph National Monument.
 - c. As stated earlier, the design is inconsistent with the ABC Comp. Plan, because it obstructs visibility, and the proposed self-storage overall design is not in harmony and consistent with what currently exists in the neighborhood.
 - d. If this conditional use is approved, the height allowance within the area will set precedent, and thus further negatively impact the intended vision for cultural landscape protection set forth in the ABC Comp. Plan and Volcano Cliffs Sector Development Plan by incorporation into the Comp Plan.

14. Because all prongs of the conditional use test must be satisfied and, as stated above, Applicant failed to satisfy IDO Sections 14-16-6-6(A)(3)(a) and (c), the Application must be denied. Consequently, in the interest of administrative and quasi-judicial economy, the ZHE will not set forth in this Notification of Decision an analysis of the other prongs of the conditional use test.

DECISION:

DENIAL of a conditional use to allow for self-storage.

APPEAL:

If you wish to appeal this decision, you must do so by August 18, 2022 pursuant to Section 14-16-6-4(V), 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
Consensus Planning, Vos@consensusplanning.com, fishman@consensusplanning.com
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Michael Miller, 8416 Chil Pine
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Andrew Kashuda, 6327 Basil PL, 87120
Erika Samson, 6105 Golden Seal CT NW
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John Edward, PO BOX 26506, 87125
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Jeff Richards, 8131 Chikarie DR
Renee Horvath, aboard111@gmail.com
Jane Beckle, 7021 Lamar Ave NW, 87120
Nancy Hendrix, Petroglyph Monument, 6001 Unser, 87120



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"/> Alternative Landscape Plan (Form P3)	<input type="checkbox"/> Demolition Outside of HPO (Form L)	<input type="checkbox"/> Annexation of Land (Form Z)
<input type="checkbox"/> Minor Amendment to Site Plan (Form P3)	<input type="checkbox"/> Historic Design Standards and Guidelines (Form L)	<input type="checkbox"/> Amendment to Zoning Map – EPC (Form Z)
<input type="checkbox"/> WTF Approval (Form W1)	<input type="checkbox"/> Wireless Telecommunications Facility Waiver (Form W2)	<input type="checkbox"/> Amendment to Zoning Map – Council (Form Z)
		Appeals
		<input checked="" type="checkbox"/> Decision by EPC, LC, ZHE, or City Staff (Form A)

APPLICATION INFORMATION

Applicant: Group II U26 VC LLC		Phone:
Address: 2400 Louisiana Blvd NE, Bldg 3, Room 115		Email:
City: Albuquerque	State: NM	Zip: 87110
Professional/Agent (if any): Consensus Planning, Inc. and Resnick & Louis, P.C.		Phone: (505) 764-9801
Address: 302 8th Street NW		Email: fishman@consensusplanning.com
City: Albuquerque	State: NM	Zip: 87102
Proprietary Interest in Site:	List all owners: Group II U26 VC LLC	

BRIEF DESCRIPTION OF REQUEST

Appeal of ZHE Denial of a Conditional Use for Self-storage

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

Lot or Tract No.: Portion of Tract 1	Block: 2	Unit: 26
Subdivision/Addition: Volcano Cliffs Subdivision	MRGCD Map No.:	UPC Code: 101106404014530102
Zone Atlas Page(s): C-11-Z	Existing Zoning: MX-M	Proposed Zoning: No Change
# of Existing Lots: 1	# of Proposed Lots: 2+	Total Area of Site (acres): 15.7 acres total

LOCATION OF PROPERTY BY STREETS

(self-storage to be on approx. 1.82 acres)

Site Address/Street: 99999 Paseo del Norte NW	Between: Kimmick Drive NW	and: Calle Plata NW
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CASE HISTORY (List any current or prior project and case number(s) that may be relevant to your request.)

Project #1009082 and PR-2019-002663

Signature:	Date: 8/18/2022
Printed Name: Jacqueline Fishman, AICP	<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 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: PR-2019-002663
- ☒ Application number of the case being appealed, if applicable: VA-2022-00167
- ☒ Type of decision being appealed: Denial of a Conditional Use for Self-storage
- ☒ 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(V)(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(V)(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: 

Date: 8/18/2022

Printed Name: Jacqueline Fishman, AICP

☐ Applicant or ☒ Agent

FOR OFFICIAL USE ONLY

Case Numbers:

Project Number:

Staff Signature:

Date:



August 18, 2022

City of Albuquerque
Planning Department
600 Second Street NW
Albuquerque, New Mexico 87102

RE: Paseo del Norte and Kimmick NW – Conditional Use for Self-Storage

To Whom it May Concern:

The purpose of this letter is to authorize Consensus Planning, Inc. and Resnick & Louis, P.C. to act as our agents for an appeal of the decision of the Zoning Hearing Examiner to deny a Conditional Use request for self-storage on the property located at the southwest corner of Paseo del Norte and Kimmick Drive NW.

The property is legally described as a portion of Tract 1, Block 2, Volcano Cliffs Subdivision Unit 26. Group II U26 VC, LLC is the owner of the subject property.

Thank you for your consideration.

Sincerely,

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

Steve Metro
Managing Member
Group II U26 VC LLC



Landscape Architecture
Urban Design
Planning Services

302 Eighth St. NW
Albuquerque, NM 87102

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

APPELLANT'S BASIS OF STANDING

This appeal is filed on behalf of Group II U26 VC LLC ("Applicant") from a decision of the Zoning Hearing Examiner ("ZHE") denying Applicant's application for a Conditional Use for Self-Storage on the property located at the southwest corner of Paseo del Norte and Kimmick Drive NW (the "Subject Property")

As the Applicant and owner of the Subject Property listed in the application for Conditional Use Approval, Group II U26 VC LLC has standing to file this appeal in accordance with IDO Section 6-4(V)(2)(a)1.

Per IDO Section 6-4(V)(2)(b), the Applicant made an appearance of record through their Agent, Consensus Planning, Inc., by submitting an initial application requesting approval of the Conditional Use for Self-Storage and through the Agent's testimony at the public hearing before the ZHE.

PRINCIPALS

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

REPLY TO: ALBUQUERQUE
OFFICE
5600 Eubank Blvd., NE, Suite 220
Albuquerque, NM 87111
(505) 652-1339

GROUND FORS FOR APPEAL

This is an appeal by Group II U26 VC LLC (“Applicant”) from a decision of the Zoning Hearing Examiner (“ZHE”) denying Applicant’s application for a Conditional Use for Self-Storage on the property located at the southwest corner of Paseo del Norte and Kimmick Drive NW (the “Subject Property”).

I. FACTS

The planned self-storage facility will be a fully enclosed, climate-controlled facility, located on a 1.82-acre parcel on the west side of the Subject Property. The facility was originally planned with a height of 42 feet, 5 inches and pitched roof sections up to 48 feet tall at the peak. However, after meeting with the neighborhood associations in a facilitated meeting on Thursday, June 2, 2022, the Applicant revised the building elevations with a lower building height of approximately 37 feet, 6 inches with a flat roof only. Paseo del Norte is a limited access roadway, so access to the facility will be from Kimmick Drive to the east and shared with the future commercial pads. No public access to the commercial area is proposed from Rosa Parks Road to the south.

The Subject Property is vacant, as is most of the surrounding area, and has been for many years. When the IDO was adopted, that Subject Property was included in the MX-L Zone [Mixed-Use Low Intensity, IDO §14-16-2-4(B)] and in an Area of Change. On October 10, 2019, the EPC granted a zone change on two tracts of land totaling 15.97 acres near the intersection of Paseo del Norte Boulevard NW and Kimmick Drive NW (the “Subject Property”) to an MX-M zone (Mixed-Use Medium Intensity Zone). The EPC’s decision was appealed by adjacent property owners and the Westside Coalition of Neighborhood Associations. The LUHO recommended that the appeal be denied. On February 11, 2020, the City Council adopted the LUHO’s recommendation and approved the zone change.

Nothing has changed in the area of the Subject Property since the City Council approved the zone change in February of 2020. To the North of the Subject Property is the Volcano Heights Urban Center, and the IDO assigns to it mixed-use zoning that includes NR-BP, MX-M, and MX-H, all equal to or exceeding the intensity of the zoning on the Subject Property. The Volcano Heights Urban Center is not a developed Urban Center, like Uptown. The Volcano Heights Urban Center is a planning concept that exists on paper only. Its ultimate development as an Urban Center may take many years. No development has occurred along this stretch of Paseo del Norte between the escarpment up to Universe Boulevard to the West. Paseo del Norte is designated as a Commuter Corridor as well as a future Premium Transit Corridor.

New residential subdivisions as part of the La Cuentista development are being constructed to the south of the Subject Property, as well as numerous other homes on original Volcano Cliffs lots that along with the Subject Property were part of a Special Assessment District 228. These property owners worked together in order to extend the infrastructure needed for development in this area south of Paseo del Norte and spent millions of dollars to improve the South side of Paseo del Norte and to construct a traffic signal at Kimmick. No infrastructure exists on the north side and may not exist for quite a long time.

The following table shows the existing land uses and zoning from AGIS. Adjacent zoning includes MX-L, MX-M, NR-BP, R-ML, and R-1B. Most of the surrounding lots are vacant, including within the Volcano Heights Urban Center to the north. Single-family residential uses are built within the La Cuentista subdivision to the south.

Direction	Zoning	Land Use
North	NR-BP	Vacant
South	MX-L, R-1B	Vacant, Single-family Residential
East	MX-M	Vacant
West	R-ML	Vacant

The Subject Property is located within the Northwest Mesa Escarpment View Protection Overlay (VPO-2) but is outside the Height Restrictions Sub-area. Therefore, development on the Subject Property must meet and will comply with the requirements within *IDO Section 3-6(E) (4-6)*, which address colors, reflectivity, and mechanical equipment screening. The site is also within the Volcano Mesa Character Protection Overlay (CPO-13); however, this overlay only applies to low-density residential development.

The Petroglyph National Monument is approximately 2,400 feet East of the Subject Property.

The Subject Property is zoned MX-M. Self-storage requires a Conditional Use Approval if located within the MX-M zone *IDO Part 14-16-4 Table 4-2-1 Allowable Uses*.

II. REQUIREMENTS FOR CONDITIONAL USE

IDO Part 14-16-6-6(A)(3) provides that an application for a Conditional Use Approval shall be approved if it meets all of the following criteria:

- 6-6(A)(3)(a) It is consistent with the adopted ABC Comp Plan, as amended.
- 6-6(A)(3)(b) It complies with all applicable provisions of this IDO, including but not limited to any Use-specific Standards applicable to the use in Section 14-16-4-3; the DPM; other adopted City regulations; and any conditions specifically applied to development of the property in a prior permit or approval affecting the property, or there is a condition of approval that any

Variances or Waivers needed to comply with any of these provisions must be approved or the Conditional Use Approval will be invalidated pursuant to Subsection (2)(c)2 above.

- 6-6(A)(3)(c) It will not create significant adverse impacts on adjacent properties, the surrounding neighborhood, or the larger community.
- 6-6(A)(3)(d) It will not create material adverse impacts on other land in the surrounding area through increases in traffic congestion, parking congestion, noise, or vibration without sufficient mitigation or civic or environmental benefits that outweigh the expected impacts.
- 6-6(A)(3)(e) On a project site with existing uses, it will not increase non-residential activity within 300 feet in any direction of a lot in any Residential zone district between the hours of 10:00 P.M. and 6:00 A.M.
- 6-6(A)(3)(f) It will not negatively impact pedestrian or transit connectivity without appropriate mitigation.

III. ZHE REQUIREMENTS; CRITERIA FOR DECISION

IDO Part 14-16-6-4(O)(1) requires the ZHE to “review the applicant’s justification for the request and only approve the request if it finds that the justification is sound based on substantial evidence.”

IDO Part 14-16-6-4(N)(5)(b) requires that the ZHE provide a written decision with findings based upon the review criteria, in this case for a Conditional Use. IDO Part 14-16-6-4(N)(5)(c) requires that “Each finding shall be supported by substantial evidence.”

IDO Part 14-16-6-4(V)(4) provides: 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).

IV. GROUNDS FOR APPEAL

The ZHE erred when he found:

g. The ZHE finds the proposed self-storage, due to its height and design, and nature of use inharmonious with the surrounding community, would minimize visibility of highly scenic areas and inability to blend in with existing structures, and would interfere with the cultural landscape of the surrounding area. As such, the proposed self-storage is not consistent with the ABC Comp. Plan.

h. Therefore, the conditional use request for the proposed self-storage should be and hereby is denied.

Decision, Finding 12.

A. THE ZHE ERRED IN APPLYING REQUIREMENTS NOT REQUIRED BY THE IDO AND THE COMPREHENSIVE PLAN AND EXCEEDED HIS AUTHORITY

The ZHE denied the application because he found that the proposed Conditional Use was not consistent with the Comprehensive Plan.

The opponents of the approval of a Conditional Use contended and the ZHE agreed that “the ABC Comp. Plan requires more stringent and sensitive development review and requirements for cultural landscapes.” Decision Finding 12.b. The ZHE ignored the requirements imposed by IDO and found that more severe requirements were applicable to the Subject Property. The ZHE found that the Subject Property is within a “cultural landscape area.” He did so by reference to the now rescinded Volcano Cliffs Sector Development Plan. See Decision Finding 12.d.¹ He then found that Comprehensive Plan policies in Part 11, to “Preserve and enhance the natural and cultural characteristics and features that contribute to the distinct identity of communities, neighborhoods, and cultural landscapes,” Comprehensive Plan Policy 11.3.1, requires the practice of sensitive site design.

The ZHE found:

Taken together, the ZHE finds that the proposed building height, although allowed within MX-M zone districts, is not consistent with the ABC Comp. Plan. Although the proposed self-storage and its building design would be allowed within the mixed-zone district, according to the ABC Comp. Plan, future development in *cultural landscape areas are encouraged to practice sensitive site design and review*.

Decision Finding 12.f.

¹ It is important to note that the Subject Property was in a mixed-use zone under the prior Sector Development Plan, which was similar in all material respects to the description for MX-L (Mixed-use Low Intensity) zones in the IDO, with a maximum height of 38 feet.

The ZHE ignored Comprehensive Plan Policy 11.3.4, which specifically addresses preservation of the Petroglyph National Monument and the Northwest Escarpment as a priceless cultural landscape. Policy 11.3.4.d specifically establishes as a policy the conservation and protection of the Monument and surrounding lands through regulations associated with the Volcano Mesa and Northwest Mesa Escarpment Area. Policy 11.3.4.k “Encourage[s] appropriate edge treatments, transitions, and buffers through site design and development.” The zoning of the Subject Property under the IDO implements this policy.

The IDO, not the ZHE, implements the Comprehensive Plan’s goals and policies regarding the preservation of cultural landscapes. See IDO Part 14-16-1-3(A). The City Council, when it adopted the IDO, established the Northwest Mesa Escarpment View Overlay Zone as a View Protection Overlay Zone to protect and preserve the sensitive area adjacent to the Petroglyph National Monument and escarpment area. The purpose of the View Protection Overlay (VPO) zone is “to preserve areas with unique and distinctive views that are worthy of conservation, such as those from public rights-of-way to cultural landscapes identified in the ABC Comp Plan, as amended.” IDO Part 14-16-3-6.

To preserve the areas with unique and distinctive views, the City Council established building and structure height restrictions within the Height Restrictions Sub-area depicted in Section 3-6(E)(1). See Section 3-6(E)(3). The remaining area within the Northwest Mesa Escarpment View Overlay Zone has no similar height restriction and the height restrictions are established by the individual use zones. *The Subject Property is not within the Height Restrictions Sub-area.* The MX-M zoning establishes height restrictions for the Subject Property.

The remaining provisions of Section 3-6(E) and the provisions of the IDO implement the design requirements contemplated by the Comprehensive Plan within the Northwest Mesa Escarpment View Overlay Zone. Dimensional standards are established by Section 5-1(D) (1) and Table 5-1-2. Section 5-2 establishes site design for sensitive lands. Section 4-3(D) establishes use-specific standards for commercial uses. Section 4-3(D)(29) establishes use specific standards for self-storage uses, and for example requires that “all storage shall be within fully enclosed portions of a building” ((D)(29)(a); and limits public access within 100 feet of any residential zone between 10:00 P.M. and 7:00 A.M.(D)(29)(d).

These requirements and standards were established by the City Council. It is and was unnecessary for the ZHE to impose other requirements in connection with the ZHE’s consideration and decision on the application for Conditional Use approval. In doing so the ZHE exceeded his authority and erred.²

² The ZHE also erred by considering whether the proposed use would be harmonious with the surrounding area. Nothing in the Comprehensive Plan or in IDO requires that mixed uses or any uses be harmonious with surrounding area. Harmonious development is for Master Plans (See IDO Part 14-16-7-1 definition of Master Plan) and not the ZHE. Moreover, the surrounding area is vacant. Any

B. THE ZHE EXCEEDED HIS AUTHORITY BY CONSIDERING HEIGHT AND DESIGN OF THE PROPOSED SELF STORAGE FACILITY

The issue before the ZHE was an application for Conditional Use for a Self-Storage Facility. The IDO defines a Conditional Use as “A land use that is allowable in a particular zone district subject to conditional approval by the ZHE based upon a review of the *potential adverse impacts of the use*. . .” IDO PART 14-16-7-1. The issue for decision by the ZHE is whether the use—the self-storage facility—meets the requirements of IDO Part 14-16-6-6(A)(3). The ZHE weighed the design and not just the proposed use. Whether the proposed building and surrounding areas comply with the use-specific standards of the IDO or whether the design and placement on the Subject Property is compliant with the IDO are for the DRB, not the ZHE.

C. THE ZHE’S DECISION IS NOT BASED UPON SUBSTANTIAL EVIDENCE.

In Finding 7, the ZHE found that the Subject Property is adjacent to the Petroglyph National Monument. IDO defines “adjacent” as “Those properties that are abutting or separated only by a street, alley, trail, or utility easement, whether public or private. IDO Part 14-16-7-1. To “abut” is “to touch or share a property line. *Id.* the Subject Property is approximately 2,400 feet from the boundary of the Petroglyph National Monument. It is not adjacent.

In Finding 12.g, the ZHE found that the self-storage facility would be unable “to blend in with existing structures and would interfere with the cultural landscape of the surrounding area.” The Subject Property is in the area of the very Northern end of the Petroglyph National Monument and in the least sensitive portion of the Northwest Escarpment Area. Factually, there are no existing structures around the Subject Property. The entire area is vacant and undeveloped. The Subject Property and the adjacent property are in a transition area, buffering the single-family residences to the South. The only structures in existence are single family residences to the South. IDO zones in the area immediately to the North of those homes are MX-L, MX-M, and across Paseo del Norte, to the North, within the Volcano Heights Urban Center. No structure approved in these mixed-use zones will ever blend in with single family homes. There are no culturally sensitive landscape elements, other than views, located on any surrounding land to blend into. The City Council has spoken on protection of views. The Subject Property and surrounding land and the land across Paseo del Norte to the North are not in the Height Restrictions Subarea. The maximum height in the MX-M zone is 48 feet.³

development would be inharmonious with the surrounding vacant area. Equally as true, any commercial development will rarely be harmonious with single-family residential development.

³ In 2021 the City Council rejected a proposed amendment to the Northwest Mesa Escarpment VPO-2 that, among other things would have extended the height limitation of the Height Restrictions Subarea. See, Project #2018-001843, RZ-2020-00048-Amendment to Integrated Development Ordinance (O-21-60) Ordinance (IDO) Text-Small Areas for 2020 Annual Update.

The proposed Conditional Use complies with all applicable provisions of IDO, including but not limited to any Use-specific Standards applicable to the use in Section 14-16-4-3; the DPM; other adopted City regulations. To have found otherwise is not based upon substantial evidence.

V. CONCLUSION

In conclusion, the LUHO should find that the ZHE erred in denying the application and recommend approval of the application.

John S. Campbell

John S. Campbell



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

Group II U26 VC LLC (Agent, Consensus Planning) requests a conditional use to allow for self-storage for Lot Portion of Lot 1, Block 2, Volcano Cliffs Unit 26, located at 99999 Paseo Del Norte NW, zoned MX-M [Section 14-16-4-3(D)(29)]

Special Exception No:..... **VA-2022-00167**
Project No: **Project#2019-002663**
Hearing Date: 07-19-22
Closing of Public Record: 07-19-22
Date of Decision: 08-03-22

On the 19th day of July, 2022, Consensus Planning, agent for property owners Group II U26 VC LLC (“Applicant”) appeared before the Zoning Hearing Examiner (“ZHE”) requesting a conditional use to allow for self-storage (“Application”) upon the real property located at 99999 Paseo Del Norte NW (“Subject Property”). Below are the ZHE’s finding of fact and decision:

FINDINGS:

1. Applicant is requesting a conditional use to allow for self-storage.
2. On June 2, 2022, a facilitated meeting hosted by Agent, representing Applicant, was attended by neighborhood associations to discuss the proposed self-storage. As a result of this meeting, Applicant revised the proposed building elevations from 42 feet, 5 inches with a pitched roof to 37 feet, 6 inches with only a flat roof.
3. IDO Section 14-16-4, Table 4-2-1 provides that a conditional use approval is necessary for a self-storage facility if located within the MX-L or MX-M zone district.
4. The Subject Property is located in MX-M zone district.
5. Therefore, a self-storage facility on the Subject Property requires a Conditional Use Approval pursuant to IDO Subsection 14-16-6-6(A).
6. The Subject Property’s legal description of the existing tract is Tract 1, Block 2, Volcano Cliffs Subdivision Unit 26, containing 15.7217 acres.
7. The Subject Property is located in the West Mesa, and adjacent areas include the Petroglyph National Monument, near the Piedras Marcadas Canyon area.
8. The City of Albuquerque Code of Ordinances Section 14-16-6-6(A)(3) (Review and Decision Criteria– Conditional Use) reads: *“An application for a Conditional Use Approval shall be approved if it meets all of the following criteria:*
 - (a) It is consistent with the ABC Comp. Plan, as amended;*
 - (b) It complies with all applicable provisions of the IDO, including, but not limited to any Use-specific Standards applicable to the use in Section 14-16-4-3; the DPM; other adopted City regulations; and any conditions specifically applied to development of the property in any prior permit or approval affecting the property;*
 - (c) It will not create significant adverse impacts on adjacent properties, the surrounding neighborhood, or the larger community;*

(d) It will not create material adverse impacts on other land in the surrounding area, through increases in traffic congestion, parking congestion noise, or vibration without sufficient mitigation or civic or environmental benefits that outweigh the expected impacts;

(e) It will not increase non-residential activity within 300 feet of a lot in any residential zone district between the hours of 8:00 pm and 6:00 am;

(f) It will not negatively impact pedestrian or transit connectivity without appropriate mitigation

9. Applicant bears the burden of providing a sound justification for the requested decision, based on substantial evidence, pursuant to IDO Section 14-16-6-4(E)(3).
10. Applicant bears the burden of showing compliance with required standards through analysis, illustrations, or other exhibits as necessary, pursuant to IDO Section 14-16-6-4(E)(4).
11. Agent appeared and gave evidence in support of the application.
12. Applicant has not met the burden of providing evidence that established that the requested Conditional Use Approval is consistent with the ABC Comp. Plan, as amended.
 - a. Agent testified and provided written submittals claiming the Application is consistent with the ABC Comp. Plan because the proposed self-storage would be located within the MX-M zone district. Agent's written submittals highlight that since the proposed self-storage facility will be within a mix-used zone and an Area of Change, the Application should be approved because the ABC Comp. Plan dedicated this area for intended and direct growth.
 - b. Opponents object that the proposed self-storage is inconsistent with the ABC Comp. plan because the ABC Comp. Plan requires more stringent and sensitive development review and requirements for cultural landscapes.
 - c. The following policies in the ABC Comp. Plan protect and/or enhance significant cultural landscapes:
 - i. Policy 11.3.1 (b): "Minimize the visibility of structures in highly scenic areas and on the western horizon as seen throughout the city through building design..."
 - ii. Policy 11.3.1 (c): "Protect important views from public rights-of-way through regulations on street orientation, site layout, building height, and signs".
 - iii. Policy 11.3.1 (d): "Encourage site design that enhances and leverages views to cultural landscapes"
 - d. In addition, the ABC Comp. Plan Table A-1, includes the "Volcano Cliffs Sector Development Plan", as a city area and sector development plan with goals and policies incorporated into the ABC Comp. Plan.
 - i. The "Volcano Cliffs Sector Development Plan", updated in May 2011, vision states, "To preserve the fantastic views from the Volcano Cliffs area. Respect the many, individual, private property owners in the Volcano Cliffs area. Protect the unique location of the Volcano Cliffs area".
 - ii. Although the City's adoption of the IDO superseded the "Volcano Cliffs Sector Development Plan" and converted the zoning of the Subject Property to the IDO MX-L zone district in 2018, and ultimately in 2019 as

MX-M zone district, the underlying principles of the Volcano Cliffs Sector Development Plan are carried-over into the current ABC Comp. Plan.

- iii. The ZHE finds these principles found in the “Volcano Cliffs Sector Development Plan” provide that the Volcano Cliffs area, West Mesa, is a cultural landscape that the ABC Comp. Plan seeks to protect with sensitive type development review and requirements.
 - e. Although the MX-M zone district encourages mix use and has a height requirement of 48 feet for buildings, the ZHE reads the above-cited policies of the ABC Comp. Plan and vision of the “Volcano Cliffs Sector Development Plan” as intentional planning policy set in place to protect the cultural landscape, such as Volcano Cliffs and areas in and around Petroglyph National Monument.
 - f. Taken together, the ZHE finds that the proposed building height, although allowed within MX-M zone districts, is not consistent with the ABC Comp. Plan. Although the proposed self-storage and its building design would be allowed within the mixed-zone district, according to the ABC Comp. Plan, future development in cultural landscape areas are encouraged to practice sensitive site design and review.
 - g. The ZHE finds the proposed self-storage, due to its height and design, and nature of use inharmonious with the surrounding community, would minimize visibility of highly scenic areas and inability to blend in with existing structures, and would interfere with the cultural landscape of the surrounding area. As such, the proposed self-storage is not consistent with the ABC Comp. Plan.
 - h. Therefore, the conditional use request for the proposed self-storage should be and hereby is denied.
13. Additionally, Applicant has not met the burden of providing evidence that establishes that the requested Conditional Use approval will not create significant adverse impacts on adjacent properties, the surrounding neighborhood, or the larger community.
- a. Agent testified and provided written submittals maintaining that the proposed self-storage would not create significant adverse impacts on adjacent properties, the surrounding neighborhood, or the larger community, because the Subject Property would be located within a mixed-use zone, in which self storage uses are appropriate. Specifically, Agent’s written submittals assert that the proposed self-storage would adhere to all specific use criteria and will be in a suitable addition to an area already zoned for commercial and multi-family uses.
 - b. Opponents claim that the design of the building would adversely impact the area, because if its inconsistency with the neighborhood and negative impacts on Petroglyph National Monument.
 - c. As stated earlier, the design is inconsistent with the ABC Comp. Plan, because it obstructs visibility, and the proposed self-storage overall design is not in harmony and consistent with what currently exists in the neighborhood.
 - d. If this conditional use is approved, the height allowance within the area will set precedent, and thus further negatively impact the intended vision for cultural landscape protection set forth in the ABC Comp. Plan and Volcano Cliffs Sector Development Plan by incorporation into the Comp Plan.

14. Because all prongs of the conditional use test must be satisfied and, as stated above, Applicant failed to satisfy IDO Sections 14-16-6-6(A)(3)(a) and (c), the Application must be denied. Consequently, in the interest of administrative and quasi-judicial economy, the ZHE will not set forth in this Notification of Decision an analysis of the other prongs of the conditional use test.

DECISION:

DENIAL of a conditional use to allow for self-storage.

APPEAL:

If you wish to appeal this decision, you must do so by August 18, 2022 pursuant to Section 14-16-6-4(V), 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
Consensus Planning, Vos@consensusplanning.com, fishman@consensusplanning.com
Michael Voorhees, mike@cyonic.com
Wendy Jo Haskins, 6309 Visa PL NW, 87120
Michael Miller, 8416 Chil Pine
Chris Burgess, 6201 Basil PL, 87120
Adris Samari, 7827 Mesa De Oro
Andrew Kashuda, 6327 Basil PL, 87120
Erika Samson, 6105 Golden Seal CT NW
Shawn Martinez, 6331 Basil PL NW
John Edward, PO BOX 26506, 87125
David Dunlap, 6448 Aloe RD NW, 87120

Jeff Richards, 8131 Chikarie DR
Renee Horvath, aboard111@gmail.com
Jane Beckle, 7021 Lamar Ave NW, 87120
Nancy Hendrix, Petroglyph Monument, 6001 Unser, 87120

REQUEST FOR SPECIAL EXCEPTION

☐ Variance ☐ Conditional Use ☐ Other Interpreter: ☐ Yes ☐ No
 VA# VA-2022-00167 PR# PR-2019-002663

Date: 6/6/2022		Received By: Concetta Trujillo	
Address of Request: 99999 Paseo del Norte NW just west of Kimmick Rd NW			
City: Albuquerque	State: NM	Zip: 87120	
Lot: Portion of Tract 1	Block: 2	Zone: MX-M	Map page: C-11-Z
Subdivision: Volcano Cliffs Unit 26		UPC# 101106404014530102	
Property Owner(s): GROUP II U26 VC LLC			
Mailing Address: 2400 Louisiana Blvd NE, Bldg 3, Room 115			
City: Albuquerque	State: NM	Zip: 87110	
Phone: (505) 897-2229	Email: aleemhasham@gmail.com		
Agent: Consensus Planning, Inc.			
Mailing Address: 302 8th Street NW			
City: Albuquerque	State: NM	Zip: 87102	
Phone: (505) 764-9801	Email: fishman@consensusplanning.com		
Fee Total: \$ 265.20			

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: SSF	Date: 6/9/22	Hearing Date: 7/19/22
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ZONING OFFICIAL USE ONLY			
Request for exception to IDO Section: 14-16- 4-3(D)(29) Table 4-2-1			
Description of request: CONDITIONAL USE to allow for self storage.			
<input 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: 1009082, PR-2019-002663			
APO:	CPO# 13	HPO#	VPO# 2
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			

Part 14-16-4: Use Regulations

4-3: Use-specific Standards

with all State and federal requirements regarding the storage, handling, transfer, use, and safety of those materials, procedures, or radiation, and shall require a Conditional Use Approval pursuant to Subsection 14-16-6(A).

4-3(D)(28)(b) If located in an MX-T or MX-L zone district, this use shall not exceed 10,000 square feet of gross floor area.

4-3(D)(28)(c) Facilities that require Conditional Use Approval pursuant to Subsection (a) above are prohibited in the MX-T or MX-L zone districts.

4-3(D)(29) Self-storage

4-3(D)(29)(a) All storage shall be within fully enclosed portions of a building.

4-3(D)(29)(b) Public access to any storage units within 100 feet in any direction of any Residential zone district or lot containing a residential use in any Mixed-use zone district is prohibited between 10:00 P.M. and 7:00 A.M.

4-3(D)(29)(c) An opaque wall or fence at least 6 feet and no more than 8 feet high or a landscape buffer at least 50 feet wide shall be provided along any lot line that abuts any Residential zone district or lot containing a residential use in any Mixed-use zone district.

4-3(D)(29)(d) Security fencing shall not include razor wire or barbed wire.

4-3(D)(29)(e) In the MX-L, MX-M, MX-H, and MX-FB zone districts, and on lots in the NR-C zone district within a UC-AC-MS-PT area, access to individual storage units shall be through interior corridors; direct access to individual units from outdoor areas is not allowed.

4-3(D)(29)(f) In the NR-C zone district outside of UC-AC-MS-PT areas, exterior doors to individual storage units shall not face any abutting street frontage, or, if the site is located on a corner lot, shall not face the primary street frontage.

4-3(D)(30) Balloon Fiesta Park Events and Activities

Uses and conditions on operations are governed by the Balloon Fiesta Master Plan, as amended.

4-3(D)(31) Drive-in Theater

4-3(D)(31)(a) This use shall be enclosed with an opaque wall, fence, or vegetative screen at least 6 feet and no more than 8 feet high.

4-3(D)(31)(b) A screen located less than 500 feet from an arterial street or interstate highway shall be located, oriented, or shielded so that the picture surface cannot be seen from the arterial street or interstate highway.

4-3(D)(32) Other Outdoor Entertainment

4-3(D)(32)(a) This use shall include fencing or other measures meeting the standards in Section 14-16-5-6 (Landscaping, Buffering, and Screening) and designed to prevent balls or other objects from the activity from passing beyond the property line and onto any

June 6, 2022

Robert Lucero, Zoning Hearing Examiner
City of Albuquerque
600 Second Street NW
Albuquerque, New Mexico 87102

RE: Paseo del Norte and Kimmick NW – Conditional Use Approval

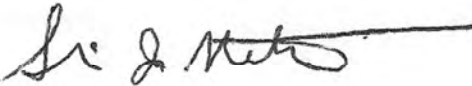
To Whom it May Concern:

The purpose of this letter is to authorize Jubilee Developments, LLC and Consensus Planning, Inc. to act as our agents for a Conditional Use Approval request for self-storage on the property located at the southwest corner of Paseo del Norte and Kimmick Drive NW.

The property is legally described as a portion of Tract 1, Block 2, Volcano Cliffs Subdivision Unit 26. Group II U26 VC, LLC is the owner of the subject property.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Steve Metro", with a long horizontal line extending to the right.

Steve Metro
Managing Member
Group II U26 VC LLC

PRE-APPLICATION REVIEW TEAM (PRT) MEETING REQUEST

Pre-application Review Team (PRT) Meetings are available to help applicants identify and understand the allowable uses, development standards, and processes that pertain to their request. **PRT Meetings are for informational purposes only; they are non-binding and do not constitute any type of approval.** Any statements regarding zoning at a PRT Meeting are not certificates of zoning. The interpretation of specific uses allowed in any zone district is the responsibility of the Zoning Enforcement Officer (ZEO).

When you submit PRT notes to meet a Pre-application Meeting requirement in Table 6-1-1, you will be charged a \$50 PRT fee.

Official Use only		
PA#:	Received By:	Date:
APPOINTMENT DATE & TIME:		

Applicant Name: Jubilee Developments, LLC Phone#: (505) 764-9801 Email: vos@consensusplanning.com
Agent: Consensus Planning, Inc.

PROJECT INFORMATION:

For the most accurate and comprehensive responses, please complete this request as fully as possible and submit any relevant information, including site plans, sketches, and previous approvals.

Size of Site: 15.7 acres Existing Zoning: MX-M Proposed Zoning: MX-M

Previous case number(s) for this site: PR-2019-002663; 1009082

Applicable Overlays or Mapped Areas: CPO-13 and VPO-2

Residential – Type and No. of Units:

Non-residential – Estimated building square footage: ~105,000 square feet No. of Employees:

Mixed-use – Project specifics:

LOCATION OF REQUEST:

Physical Address: 99999 Paseo del Norte NW Zone Atlas Page (Please identify subject site on the map and attach) C-11

BRIEFLY DESCRIBE YOUR REQUEST (What do you plan to develop on this site?)

Conditional Use Approval for a self-storage facility on a portion of Tract 1, Block 2, Volcano Cliffs Unit 26

QUESTIONS OR CONCERNS (Please be specific so that our staff can do the appropriate research)

If Conditional Use is approved, the applicant intends to subdivide the existing tract and submit for site plan approval for the storage facility through the Site Plan - DRB process. Are there any other processes or important issues to be aware of for this site?

PRE-APPLICATION MEETING NOTES

PA#: 22-163 Notes Provided (date): 06/09/22

Site Address and/or Location: 99999 Paseo del Norte NW

Pre-application notes are for informational purposes only and are non-binding. They do not constitute an approval of any kind. Additional research may be necessary to determine the exact type of process and/or application required. Factors unknown and/or thought of as minor at this time could become significant as a case progresses.

Request Self-Storage

Basic Site Information

Current Use(s): Commercial

Size (acreage): 15.7

Zoning: MX-M

Overlay Zone(s): CPO-3, VPO-2

Comprehensive Plan Designations

Development Area: Change

Corridor(s): Urban Center Buffer

Center: None listec

Near Major Public Open Space (MPOS)?: No

Integrated Development Ordinance (IDO)

Please refer to the IDO for requirements regarding dimensional standards, parking, landscaping, walls, signage, etc.
<https://www.cabq.gov/planning/codes-policies-regulations/integrated-development-ordinance>

Proposed Use(s): Self-Storage

Use Specific Standards: 14-16-4-3(D)(29)

Applicable Definition(s): Self-storage A use consisting of 3 or more individual, small, self-contained, fully enclosed units in building that are leased or owned for the storage of business and household goods or contractors' supplies. Storage areas provided for renters of residential dwellings on the same premises are not considered self-storage.

Sensitive Lands: *Please see IDO Section 14-16-5-2 for information about required analysis, development standards, and changes to process that may result if this Section applies.*

Notice

Neighborhood Meeting Offer Required? (see IDO Table 6-1-1). If yes, please refer to:

<https://www.cabq.gov/planning/urban-design-development/neighborhood-meeting-requirement-in-the-integrated-development-ordinance>

Process

Decision Type(s) (see IDO Table 6-1-1): Conditional Use Approval

Specific Procedure(s)*: 14-16-6-6(A)

**Please refer to specific procedures for relevant decision criteria required to be addressed.*

Decision Making Body/ies: ZHE

Is this a PRT requirement? YES

Handouts Provided

- | | | | |
|--|---|--|---|
| <input type="checkbox"/> Zoning Map Amendment | <input type="checkbox"/> Site Plan Amendments | <input type="checkbox"/> Site Plan- EPC | <input type="checkbox"/> Site Plan- DRB |
| <input type="checkbox"/> Site Plan- Admin | <input type="checkbox"/> Variance-ZHE | X <input type="checkbox"/> Conditional Use | <input type="checkbox"/> Subdivision |
| <input type="checkbox"/> Site History/Research | <input type="checkbox"/> Transportation | <input type="checkbox"/> Hydrology | <input type="checkbox"/> Fire |

If you have additional questions, please contact Leroy Duarte lduarte@cabq.gov at (505) 924-3860 to schedule a follow-up meeting.

From: [Planning PRT](#)
To: [Michael Vos](#)
Cc: [Sanchez, Suzanna A.](#)
Subject: RE: ZHE PRT for the Southwest Corner of Paseo del Norte and Kimmick Drive NW
Date: Monday, June 6, 2022 11:04:16 AM

Michael,

Your application has been received. We have had an influx of request therefore your application will be submitted for review on Wednesday, June 15, 2022 after 12:00 PM.

At this time there are no in person consultations taking place, the team will review your application on the date noted and provide note/comments in regards to your request.

Once the team has finalized the application they will then email the completed packet.

Your PRT Request # 22-163 ZHE

Thank you,



Planning Pre-Application Review Team (PRT)

Office email planningprt@cabq.gov

From: Michael Vos <Vos@consensusplanning.com>
Sent: Friday, June 3, 2022 3:46 PM
To: Planning PRT <PlanningPRT@cabq.gov>
Cc: Sanchez, Suzanna A. <suzannasanchez@cabq.gov>; Patten-Quintana, Lorena <lpatten-quintana@cabq.gov>
Subject: ZHE PRT for the Southwest Corner of Paseo del Norte and Kimmick Drive NW

[EXTERNAL] Forward to phishing@cabq.gov and delete if an email causes any concern.

Hello,

Please see attached for a pre-application inquiry for the site referenced above to obtain a Conditional Use Approval. We have already held a facilitated neighborhood meeting and will submit for future information of site planning processes separately.

Please let me know if you have any questions.

Thanks,

Michael Vos, AICP

CONSENSUS PLANNING, INC.

302 Eighth Street NW

Albuquerque, NM 87102

From: [Sanchez, Suzanna A.](#)
To: [Michael Vos](#)
Subject: RE: Paseo del Norte and Kimmick Self-storage Conditional Use
Date: Wednesday, April 27, 2022 2:55:01 PM

Good afternoon,

Below is a list of representatives for the subject site.

Association Name	First Name	Last Name	Email	Address Line 1	City	State	Zip
Westside Coalition of Neighborhood Associations	Rene	Horvath	aboard111@gmail.com	5515 Palomino Drive NW	Albuquerque	NM	87120
Westside Coalition of Neighborhood Associations	Elizabeth	Haley	ekhaley@comcast.net	6005 Chaparral Circle NW	Albuquerque	NM	87114
Paradise Hills Civic Association	Tom	Anderson	ta_a@msn.com	10013 Plunkett Drive NW	Albuquerque	NM	87114

Thank you,

Suzie

From: Michael Vos [mailto:Vos@consensusplanning.com]
Sent: Wednesday, April 27, 2022 11:17 AM
To: Sanchez, Suzanna A.
Subject: Paseo del Norte and Kimmick Self-storage Conditional Use

[EXTERNAL] Forward to phishing@cabq.gov and delete if an email causes any concern.

Good morning Suzie,

We are beginning work on a conditional use application for a self-storage facility on a portion of the property located at the southwest corner of Paseo del Norte and Kimmick. The approximate area is shown on the attached zone atlas page, although I understand that we may be making the request based on the larger parcel at this time. If you can provide the neighborhood contacts, we would appreciate it.

Let me know if there are any questions.

Thanks,
Michael Vos, AICP
CONSENSUS PLANNING, INC.
302 Eighth Street NW
Albuquerque, NM 87102
phone (505) 764-9801
vos@consensusplanning.com

From: [Jackie Fishman](#)
To: [aboard111@gmail.com](#); [ekhaley@comcast.net](#); [ta_a@msn.com](#)
Cc: [Michael Vos](#)
Subject: Pre-application Notification - PdN and Kimmick NW
Date: Monday, May 9, 2022 2:55:19 PM
Attachments: [Paseo and Kimmick Neighborhood Meeting Information.pdf](#)

Dear Neighbors,

This email is notification that Consensus Planning is assisting Jubilee Developments, LLC with a Conditional Use application for a proposed self-storage facility to be located on the south side of Paseo del Norte and west of Kimmick Drive NW. Please see the attached City forms and information for the property, including the preliminary site plans and building elevation.

As part of the City process and in accordance with the City's Integrated Development Ordinance (IDO) Subsection 14-16-6-4(C) Neighborhood Meeting, we are providing you an opportunity to discuss the application prior to our submittal to the Zoning Hearing Examiner. Should you have any questions or if you would like to request a meeting regarding this proposed application, please do not hesitate to email me at fishman@consensusplanning.com, Michael Vos at vos@consensusplanning.com, or contact us by phone at 505-764-9801. Per City requirements, you have 15 days or until May 24, 2022, to request a meeting.

Sincerely,

Jacqueline Fishman, AICP
Principal
Consensus Planning, Inc.
302 Eighth Street NW
Albuquerque, NM 87102
P: 505.764.9801

**OFFICIAL PUBLIC NOTIFICATION FORM
FOR MAILED OR ELECTRONIC MAIL NOTICE
CITY OF ALBUQUERQUE PLANNING DEPARTMENT**



PART I - PROCESS

Use [Table 6-1-1](#) in the Integrated Development Ordinance (IDO) to answer the following:

Application Type: Conditional Use Approval

Decision-making Body: Zoning Hearing Examiner (ZHE)

Pre-Application meeting required: ☒ Yes ☐ No

Neighborhood meeting required: ☒ Yes ☐ No

Mailed Notice required: ☒ Yes ☐ No

Electronic Mail required: ☒ Yes ☐ No

Is this a Site Plan Application: ☐ Yes ☒ No **Note: if yes, see second page**

PART II – DETAILS OF REQUEST

Address of property listed in application: 99999 Paseo del Norte NW

Name of property owner: GROUP II U26 VC LLC

Name of applicant: Jubilee Developments LLC (Agent: Consensus Planning, Inc.)

Date, time, and place of public meeting or hearing, if applicable:

TBD

Address, phone number, or website for additional information:

Please contact Michael Vos with Consensus Planning for more information at vos@consensusplanning.com or by calling (505) 764-9801.

PART III - ATTACHMENTS REQUIRED WITH THIS NOTICE

☒ Zone Atlas page indicating subject property.

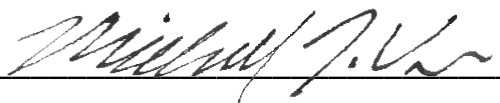
☒ Drawings, elevations, or other illustrations of this request.

☐ Summary of pre-submittal neighborhood meeting, if applicable.

☒ Summary of request, including explanations of deviations, variances, or waivers.

IMPORTANT: PUBLIC NOTICE MUST BE MADE IN A TIMELY MANNER PURSUANT TO [SUBSECTION 14-16-6-4\(K\)](#) OF THE INTEGRATED DEVELOPMENT ORDINANCE (IDO). PROOF OF NOTICE WITH ALL REQUIRED ATTACHMENTS MUST BE PRESENTED UPON APPLICATION.

I certify that the information I have included here and sent in the required notice was complete, true, and accurate to the extent of my knowledge.

 (Applicant signature) May 9, 2022 (Date)

Note: Providing incomplete information may require re-sending public notice. Providing false or misleading information is a violation of the IDO pursuant to IDO Subsection 14-16-6-9(B)(3) and may lead to a denial of your application.



OFFICIAL PUBLIC NOTIFICATION FORM
FOR MAILED OR ELECTRONIC MAIL NOTICE
CITY OF ALBUQUERQUE PLANNING DEPARTMENT



PART IV – ATTACHMENTS REQUIRED FOR SITE PLAN APPLICATIONS ONLY

Provide a site plan that shows, at a minimum, the following:

- ☐ a. Location of proposed buildings and landscape areas.
- ☐ b. Access and circulation for vehicles and pedestrians.
- ☐ c. Maximum height of any proposed structures, with building elevations.
- ☐ d. For residential development: Maximum number of proposed dwelling units.
- ☐ e. For non-residential development:
 - ☐ Total gross floor area of proposed project.
 - ☐ Gross floor area for each proposed use.

REQUEST FOR NEIGHBORHOOD MEETING

Date: May 9, 2022

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 self-storage facility on a portion of the property located at the southwest corner of Paseo del Norte and Kimmick Drive NW.

_____ (summary of request).

Property owner GROUP II U26 VC LLC (Applicant: Jubilee Developments LLC)

Agent if applicable Consensus Planning, Inc.

Property Address 99999 Paseo del Norte NW, Albuquerque, NM, 87120 (zip code).

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.

Thank you,

Applicant Name Jackie Fishman, AICP, Principal, Consensus Planning, Inc. (Agent)

Email fishman@consensusplanning.com

Phone Number (505) 764-9801

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.

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.

[Note: Items with an asterisk (*) are required.]

Neighborhood Meeting Request for a Proposed Project in the City of Albuquerque

Date of Request*: May 9, 2022

This request for a Neighborhood Meeting for a proposed project is provided as required by Integrated Development Ordinance (IDO) [Subsection 14-16-6-4\(K\) Public Notice](#) to:

Neighborhood Association (NA)*: See attached

Name of NA Representative*: See attached

Email Address* or Mailing Address* of NA Representative¹: See attached

The application is not yet submitted. If you would like to have a Neighborhood Meeting about this proposed project, please respond to this request within 15 days.²

Email address to respond yes or no: Jackie Fishman, fishman@consensusplanning.com or
Michael Vos, vos@consensusplanning.com

The applicant may specify a Neighborhood Meeting date that must be at least 15 days from the Date of Request above, unless you agree to an earlier date.

Meeting Date / Time / Location:

Project Information Required by [IDO Subsection 14-16-6-4\(K\)\(1\)\(a\)](#)

1. Subject Property Address* 99999 Paseo del Norte NW
Location Description West side of Kimmick Dr NW between Paseo del North and Rosa Parks Rd.
2. Property Owner* GROUP II U26 VC LLC
3. Agent/Applicant* [if applicable] Consensus Planning, Inc. / Jubilee Developments LLC
4. Application(s) Type* per IDO [Table 6-1-1](#) [mark all that apply]
 - ☒ Conditional Use Approval
 - ☐ Permit _____ (Carport or Wall/Fence – Major)
 - ☐ Site Plan
 - ☐ Subdivision _____ (Minor or Major)

¹ Pursuant to [IDO Subsection 14-16-6-4\(K\)\(5\)\(a\)](#), email is sufficient if on file with the Office of Neighborhood Coordination. If no email address is on file for a particular NA representative, notice must be mailed to the mailing address on file for that representative.

² If no one replies to this request, the applicant may be submitted to the City to begin the review/decision process.

[Note: Items with an asterisk (*) are required.]

- ☐ Vacation _____ (Easement/Private Way or Public Right-of-way)
- ☐ Variance
- ☐ Waiver
- ☐ Zoning Map Amendment
- ☐ Other: _____

Summary of project/request^{3*}:

Conditional Use request for proposed self-storage facility.

5. This type of application will be decided by^{*}: ☐ City Staff
OR at a public meeting or hearing by:
☒ Zoning Hearing Examiner (ZHE) ☐ Development Review Board (DRB)
☐ Landmarks Commission (LC) ☐ Environmental Planning Commission (EPC)
☐ City Council
6. Where more information about the project can be found^{*4}:
Please contact Jackie Fishman, fishman@consensusplanning.com or Michael Vos, vos@consensusplanning.com or
(505) 764-9801

Project Information Required for Mail/Email Notice by [IDO Subsection 6-4\(K\)\(1\)\(b\)](#):

1. Zone Atlas Page(s)^{*5} C-11-Z
2. Architectural drawings, elevations of the proposed building(s) or other illustrations of the proposed application, as relevant^{*}: Attached to notice or provided via website noted above
3. The following exceptions to IDO standards will be requested for this project^{*}:

- ☐ Deviation(s) ☐ Variance(s) ☐ Waiver(s)

Explanation:

4. An offer of a Pre-submittal Neighborhood Meeting is required by [Table 6-1-1](#)^{*}: ☒ Yes ☐ No

³ Attach additional information, as needed to explain the project/request. Note that information provided in this meeting request is conceptual and constitutes a draft intended to provide sufficient information for discussion of concerns and opportunities.

⁴ Address (mailing or email), phone number, or website to be provided by the applicant

⁵ Available online here: <http://data.cabq.gov/business/zoneatlas/>

[Note: Items with an asterisk (*) are required.]

5. **For Site Plan Applications only***, attach site plan showing, at a minimum:

- ☐ a. Location of proposed buildings and landscape areas.*
- ☐ b. Access and circulation for vehicles and pedestrians.*
- ☐ c. Maximum height of any proposed structures, with building elevations.*
- ☐ d. **For residential development***: Maximum number of proposed dwelling units.
- ☐ e. **For non-residential development***:
 - ☐ Total gross floor area of proposed project.
 - ☐ Gross floor area for each proposed use.

Additional Information:

1. From the IDO Zoning Map⁶:

- a. Area of Property [typically in acres] 15.7 acres total (self-storage to be on approx. 1.82 acres)
- b. IDO Zone District Mixed-Use Moderate Intensity (MX-M)
- c. Overlay Zone(s) [if applicable] Volcano Mesa CPO-13 and NW Mesa Escarpment VPO-2
- d. Center or Corridor Area [if applicable] N/A

2. Current Land Use(s) [vacant, if none] Vacant

Useful Links

Integrated Development Ordinance (IDO):

<https://ido.abc-zone.com/>

IDO Interactive Map

<https://tinyurl.com/IDOzoningmap>

Cc: _____ [Other Neighborhood Associations, if any]

⁶ Available here: <https://tinurl.com/idozoningmap>

From: [Sanchez, Suzanna A.](#)
To: [Michael Vos](#)
Subject: RE: Paseo del Norte and Kimmick Self-storage Conditional Use
Date: Wednesday, April 27, 2022 2:55:01 PM

Good afternoon,

Below is a list of representatives for the subject site.

Association Name	First Name	Last Name	Email	Address Line 1	City	State	Zip
Westside Coalition of Neighborhood Associations	Rene	Horvath	aboard111@gmail.com	5515 Palomino Drive NW	Albuquerque	NM	87120
Westside Coalition of Neighborhood Associations	Elizabeth	Haley	ekhaley@comcast.net	6005 Chaparral Circle NW	Albuquerque	NM	87114
Paradise Hills Civic Association	Tom	Anderson	ta_a@msn.com	10013 Plunkett Drive NW	Albuquerque	NM	87114

Thank you,

Suzie

From: Michael Vos [mailto:Vos@consensusplanning.com]
Sent: Wednesday, April 27, 2022 11:17 AM
To: Sanchez, Suzanna A.
Subject: Paseo del Norte and Kimmick Self-storage Conditional Use

[EXTERNAL] Forward to phishing@cabq.gov and delete if an email causes any concern.

Good morning Suzie,

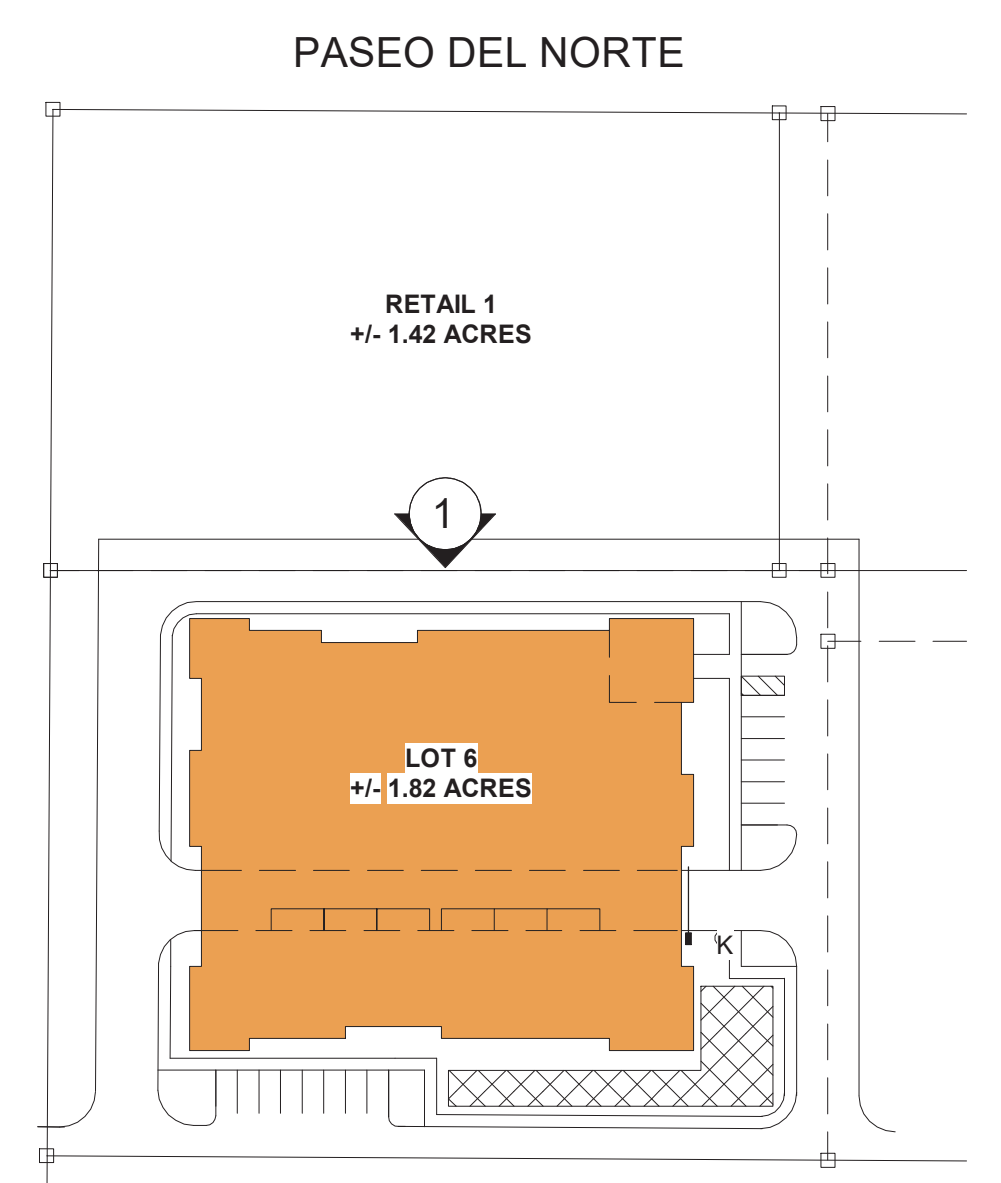
We are beginning work on a conditional use application for a self-storage facility on a portion of the property located at the southwest corner of Paseo del Norte and Kimmick. The approximate area is shown on the attached zone atlas page, although I understand that we may be making the request based on the larger parcel at this time. If you can provide the neighborhood contacts, we would appreciate it.

Let me know if there are any questions.

Thanks,
Michael Vos, AICP
CONSENSUS PLANNING, INC.
302 Eighth Street NW
Albuquerque, NM 87102
phone (505) 764-9801
vos@consensusplanning.com



1
SK-01
CONCEPT SITE PLAN
SCALE: 1" = 30'-0"



From: [Rene' Horvath](#)
To: [Jackie Fishman](#)
Cc: [ekhaley@comcast.net](#); [ta_a@msn.com](#); [Michael Vos](#)
Subject: Re: Pre-application Notification - PdN and Kimmick NW
Date: Tuesday, May 10, 2022 8:14:15 PM

Dear Jackie,
Thank you for the notice. I would like to request a facilitated meeting regarding the storage facility.
Rene' Horvath

On Mon, May 9, 2022 at 2:55 PM Jackie Fishman <fishman@consensusplanning.com> wrote:

Dear Neighbors,

This email is notification that Consensus Planning is assisting Jubilee Developments, LLC with a Conditional Use application for a proposed self-storage facility to be located on the south side of Paseo del Norte and west of Kimmick Drive NW. Please see the attached City forms and information for the property, including the preliminary site plans and building elevation.

As part of the City process and in accordance with the City's Integrated Development Ordinance (IDO) Subsection 14-16-6-4(C) Neighborhood Meeting, we are providing you an opportunity to discuss the application prior to our submittal to the Zoning Hearing Examiner. Should you have any questions or if you would like to request a meeting regarding this proposed application, please do not hesitate to email me at fishman@consensusplanning.com, Michael Vos at vos@consensusplanning.com, or contact us by phone at 505-764-9801. Per City requirements, you have 15 days or until May 24, 2022, to request a meeting.

Sincerely,

Jacqueline Fishman, AICP

Principal

Consensus Planning, Inc.

302 Eighth Street NW

Albuquerque, NM 87102

CITY OF ALBUQUERQUE
LAND USE FACILITATION PROGRAM PROJECT MEETING REPORT
PDN and Kimmick - ZHE Pre-Application

Project: PDN and Kimmick - Pre-Application to ZHE for Storage Facility Conditional Use

Property Description/Address: PDN and Kimmick

Date Submitted: June 7, 2022

Submitted By: Jocelyn M. Torres

Meeting Date/Time: June 2, 2022, 5:30 pm -7:00 pm

Meeting Location: Via Zoom

Facilitator: Jocelyn M. Torres

Applicant: Jubilee Developments, LLC

Agent: Consensus Planning - Jackie Fishman, Principal and Michael Vos, Senior Planner.

Neighborhood Associations/Interested Parties: Westside Coalition, Neighbors

Background Summary:

This was a pre-application meeting for a Conditional Use Storage Facility application to be submitted to the Zoning Hearing Examiner (ZHE) the week of June 6, 2022. Estimated hearing date is July 29, 2022. Notice will be provided per the Integrated Development Ordinance (IDO) requirements.

The facility will be indoors, with no outdoor access. The zoning is MX-M and the location is Paseo and Kimmick. The elevation resembles an apartment or hotel. Parking is underneath and on the sides of the building. Access is through Kimmick. MX-M allows a maximum height of 48 feet. The tip of the building is just above 48 feet and the bulk is about 43 feet and a little lower in the center. The building will have multiple stucco colors and some detail as well as IDO required landscaping. If the conditional use is approved the Developer will proceed to the Development Review Board (DRB). IDO required notice will be provided. The ZHE and DRB have public hearings.

The storage facility will face Paseo to the north. MX-L is the southernmost zone. The residential multi-family development in the MX-L zone will face Kimmick. The current owner is selling the 15.7 acres and will not be developing the site.

Outcomes:

1. Areas of concern:

- a. Neighbors are primarily concerned about:
 - i. the facility's proximity to the Volcano Monument and the Escarpment;
 - ii. the building heights for this and other planned development;
 - iii. whether a storage facility draws homeless individuals and burglaries;
 - iv. locating the proposed storage facility near their homes and neighborhood; and
 - v. the likely increase in traffic.

2. Conclusions.

- a. The developer seeks to design the storage facility in an attractive manner that is most conducive to the location.
- b. The Agent will be working with the National Park Service regarding the development.
- c. Neighbors oppose the proposed conditional use application for a self-storage facility.

CITY OF ALBUQUERQUE
LAND USE FACILITATION PROGRAM PROJECT MEETING REPORT
PDN and Kimmick - ZHE Pre-Application

Meeting Specifics (*Participant Questions and Comments are Italicized*):

1. Type of Development.

a. *Q: What type of development will this be?*

A: This will be a mixed use commercial, retail and residential development.

b. *Q: So the storage is for the apartments?*

A: No this is a mixed use project that includes residential and nonresidential. Self-storage is popular now so those in the apartments can rent a space. It is an indoor facility that doesn't allow for drive-up access.

c. *Q: So this is the MX-M zone change that they got a few years ago?*

A. Correct.

d. *C: When the zoning amendment was approved by the EPC, they recommended that the developers consult with the National Park Service. I don't recall that happening yet. I don't know if you reached out to us at all or if that was ignored, but we would appreciate being consulted for the development that is occurring in this area. Even though we're not directly adjacent to this area, we are affected by it. The view shed would be affected by it. The cultural integrity of the area likely will be affected by it. So I would request that the developer work with us to do things like try to limit to under 35 feet. We also have concerns about light generated by this building. If anybody is interested, there is one of these very small developments off of I-25. If you're driving over I-25, it is a pretty large facility. It does not look like an apartment building. I also was concerned about access on Paseo Del Norte. I think there's a stop right there now that's not working or has an operation at this point to generate more traffic on the road.*

A. Yes, there is a traffic light there. It's not operational. Our clients have paid for that. They paid for the extension of utilities. And yes, at some point when this area gets developed, the traffic light will be operational. Our access to the site will be from Kimmick and going through the center. It will also have access mostly to the multi-family from Rosa Parks on the south.

e. *C: So when the last zoning change was done, it was done assuring us that the real reason was they wanted future developers to be able to build a grocery store for us, and most grocery stores were larger than would be allowed. They were assuring us that this was going to be low density; small things useful for the nearby neighborhoods. Well, that's not what this is. So that was kind of a bait and switch, which is what we expected. But when we look at the three story choice on this location, it flies in the face of the character protection overlay for Volcano Mesa, because the main characteristic is the view corridor that we have to the volcanoes, to the rest of the city and the views of the Escarpment from below not being impacted by tall buildings. That's the main characteristic of the entire character protection overlay zone.*

That character protection definition states that that in accordance with the Albuquerque Comprehensive Plan, our key cultural landscapes and resources, including the volcanoes and Northwest Mesa Escarpment and the Bosque, will be protected from the negative impacts of nearby development and preserved in perpetuity for future generations as priceless community

CITY OF ALBUQUERQUE
LAND USE FACILITATION PROGRAM PROJECT MEETING REPORT
PDN and Kimmick - ZHE Pre-Application

assets and key contributors to our sense of place and identity as a community of diverse cultures and rich heritage.

Putting a three story self-storage facility right along the corridor for everyone involved here is not compliant with the Comprehensive Plan. I know I will personally oppose it. I'm pretty sure everyone that I've spoken to in Petroglyph Estates is up in arms about this. I've heard from folks in La Cuentista 1 and 2 who are utterly disgusted with putting a three-story building right there. So I feel that it's going to be cost prohibitive for the developer to try to move this forward because it flies in the face of the Albuquerque Comprehensive Plan. And even though the representatives of the developer here scrutinize the idea for loopholes and where they can go, and they may look at the character protection overlay zone and say, oh, the height limits are only for residential buildings. That was a typo. And it's only in the character protection overlay zone for Volcano Mesa, where it had a little additional stuff about residential buildings. Every other character protection overlay zone specifies other limitations, but regardless, because it's not compliant with the spirit or the letter of the Comprehensive Plan and just completely ignores that, I think you could probably let the clients know that this is going to be opposed at each and every step, most likely vociferously, and it'll probably go all the way to the City Council and possibly beyond that, because a three-story storage facility right up here amongst mostly residential properties is not what people want.

f. C: *I'd just like to echo what was just said, because it covers what I was going to say and even more. I would just like to emphasize some points. In the character protection overlay zone, it says only 50 percent on that second story. So how anybody thinks that they're going to put a three-story building in here without massive opposition and without having to change the actual wording of documents and the city's concept for this area, I have no idea. They may have a plan to do it, but I'm going to be very interested in watching it. I guarantee you that I'll be following it every step of the way. That's all I had to say.*

g. Q: *I live in La Cuentista. Was that zoning always a mixed use or commercial or residential? How was that zoned before?*

A: *In the sector plan, which has gone away, like all the sector plans in the city, it has always been a mixed use site. So when the IDO was adopted in 2018, the site converted from the previous zoning to MX-L. This area on the north side of the site was subject of a zone change from MX-L to MX-M because of its adjacency to Paseo.*

Q: *Next question is that if the community is opposing this whole project, how could we actually affect the submittal of this application, or can we stop the application to the zoning department?*

A: *No, you cannot stop somebody from making an application. That's part of their constitutional right. You can oppose it, but you can't stop them from asking.*

Q/C: *What is the likelihood of the opposition to actually succeed on your experience? Because I know projects that have been approved and (opposition) didn't matter and still went through.*

A: *It depends on a lot of factors, but I'm not sure I can address that. I think we have a good chance of getting this done, but I can't really project what's going to happen in the future.*

Q: *As far as the actual storage is concerned, do you have any other elevations of that storage facility or just the one that you showed on the screen? Is that the only one that you have?*

CITY OF ALBUQUERQUE
LAND USE FACILITATION PROGRAM PROJECT MEETING REPORT
PDN and Kimmick - ZHE Pre-Application

A: Yes, that's the only one that we have. We're pretty early in the design process because we are asking for the use first. Typically, a developer doesn't want to go through the whole design process unless they know that they can do the project first.

- h. C/Q: It appears that the proposed siting of the building abuts the RM-L property that is right next to the MX-M property. Isn't there a height restriction for the view that goes from the MX-M property and west to Unser?.*

No, the prior statement was in error. The VPO does not impact this site at all. Some residentially zoned lots are protected. The IDO has a maximum building height of 30 feet within 100 feet of the protected lots.

Q: Then how do you build a 48 foot building?

A: We have a 20 foot landscape buffer to the west; 26 feet to the east; a five foot sidewalk; and another eight feet or so, which does not equal 100 feet.

Clarification: The RM-L lots are in a multi-family zone district and are not subject to the height step down requirement, They are subject to a landscape buffer. The 20 foot dimension that's on the site plan will be a heavily landscaped buffer separating this from the properties to the west.

A: I misspoke. The protected lot is to the south. This storage facility is not even close to being within 100 feet of a protected lot to the south. Right?

Clarification: Yes the protected lots are far south of this location.

- i. C/Q: I live in La Cuentista and back up to Rosa Parks. I'm confused on the access. It sounds like there is a gate into Rosa Parks. Who has access to that gate? Because this is residential and we already have speeding problems down Rosa Parks. I'm concerned on that front.*

A. I was trying to explain that the residential part of this property will be gated at the Rosa Parks access point. The roadway itself is not gated. The gate at Rosa Parks will be the residential access point.

Q: Is that just for the residences, or is it also for people who have a storage unit?

A. The only people that will be able to get through the property from Rosa Parks are the residents of this area. The commercial area will be accessed from Kimmick.

Q: There is obviously enough land. Why is there such an insistence on three stories when we have communities that are allowed one story for La Cuentista 2 and maybe two stories in the other communities nearby?

A: There are a lot of self-storage projects going on. Most of them are taller rather than wider. I guess some economy of scale to go up instead of wide, but I really can't speak to that much. That's a comment that I will take back to our team. See Action Item 1.

CITY OF ALBUQUERQUE
LAND USE FACILITATION PROGRAM PROJECT MEETING REPORT
PDN and Kimmick - ZHE Pre-Application

j. Q: Can you add an action item for the Agent to consult with the National Park Service?

A. Yes I will consult with the Park Service Superintendent. See Action Item 2.

2. Building Height:

a. Q/C: So the building height is 48 feet? One of the neighborhood issues was height.

A: No the bulk of the building is intentionally less than 48 feet. Presumably the commercial pad sites will be shorter buildings along the (PDN) roadway. We have five lots. Three are along Paseo; one is in the center and we have frontage along Kimmick.

b. Q: Will the retail be two stories?

A: No. Retail is generally one story.

c. Q: What is the building height of the one story commercial?

A: We don't have a user for the retail sites but it is not within the View Protection Overlay (VPO) so we are not limited by the VPO.

d. Q: Please explain the building height once more.

A. The maximum height is measured at the midpoint of the roofline. The tip of the pitched roof I'm pointing to is 48 feet, ten and one-eighth of an inch. The midpoint is 45 feet. It's three feet shorter from the tip to the midpoint. The bulk of the building is about 43 feet.

e. C: We're talking about a three-story storage facility and it's unclear about the other pads. That's very concerning. And I agree with what people have said. We're going to have to watch this. I do hope you'll keep us informed by email on hearings because so many times these situations simply aren't very publicly communicated.

A: We're very transparent about what we're doing. This was a pre-application notice, so the application hasn't been made. Once we make the application, we will notify the official representatives that the Office of Neighborhood Coordination (ONC) will provide information just like we did for this. They'll be notified by mail and then adjacent property owners within 100 feet will be notified by US Postal Service mail.

C: That's great, except that people like me, who are elected officials, get the questions from the neighborhood. That's why I'm hoping that you can notify the people who provided their emails.

Facilitator. The people that provided their names, affiliations and email addresses will be placed on the roster and will be sent the report. Beyond that it's going to be up to the Agent and the Developer to comply with IDO required notice. If you put your information in chat or you email me your name, affiliation and email address, I'll have that information for the roster and for the purpose of sending you a report.

f. Q: Do you have any idea what height the apartments are going to be? If this (storage facility) is going to be four (three) stories and 40 feet, then I'm sure that the apartments are going to be at least three stories high.

CITY OF ALBUQUERQUE
LAND USE FACILITATION PROGRAM PROJECT MEETING REPORT
PDN and Kimmick - ZHE Pre-Application

A: They will likely be three stories, but we have protected lots both on the south and on the west side of the property, which means that commercial buildings cannot be over 30 feet within 100 feet of a protected lot. So the first hundred feet from these lots south of Rosa Parks; 100 feet from this point into the site, cannot be taller than 30 feet. Same thing on the west side.

See Clarification.

C: I totally oppose this project. I think everybody is on the same page. We've seen the chat and I just want to voice my opinion.

- g. *C/Q: One of my concerns regarding this parcel, but particularly this planned development, is its close proximity to sensitive land, specifically the escarpment and the adjacent lands above and below the mesa. What consideration is being given to potential impacts on sensitive lands? Has there been any consideration of measures needed to mitigate that?*

A: As I've tried to explain, we intentionally buried this use towards the center of the site. It's not along Paseo. Again, this is not part of the VPO. I do understand that height is a sensitive issue so I encouraged the team to bring it further down towards the center. We are following all City rules that apply to the site. We do have MX-M zoning, which allows a conditional use. Conditional use is not as rigorous a test as that of a zone change or variance. Conditional uses are uses that are anticipated in the IDO but need special consideration.

- h. *C/Q: My issue is not specifically the height. It is its proximity to very sensitive land, specifically the Escarpment. I live in a neighborhood a little further south, which is against the Escarpment. In my view, we've absolutely seen the impacts of development adjacent to the Escarpment and above it. What is the thinking about the potential impact of this particular parcel and proposal on the sensitive lands?*

A. So I was just trying to measure to about 1900 feet away. I don't think it has an impact to the monument in terms of the use and it's not adjacent. It's not even close really to that edge like you can see on my screen. It's over 1900 feet away. I don't agree with you that this is going to have a negative impact. We're trying to be careful about how this is sited and what it looks like. We can take the pitch off the roof if that's the desire of the group and make it all flat and a little bit less interesting looking. That's probably in the realm of possibilities. Going back to the elevation, I thought it looked better to have more detailing along the roofline, but we can try to knock this off and make it flat like the rest of the roofline if that's the overwhelming desire.

C: I do share the concern about height. I guess I would simply disagree significantly that this project poses no potential impact on sensitive lands. In my view 1900 feet is not that far. It doesn't have to be immediately at the edge of the public open space boundary to have potential impact. I hope that that will be considered if this goes forward.

- i. *C:Q:I want to get back to the building height issue. As mentioned, this is a sensitive area. It's right next to national monuments. There is a height restriction in the VPO II.. I know you measured 1900 feet. La Cuentista is just across the street at Rosa Parks and Kimmick. You are adjacent to this open space area. During the zone change the concern was the building height and what was being presented during the appeal is that it was not going to be an issue. There should be some consideration that height was the biggest concern when they got the zone change. It was presented like we're protected with all these protections. Because of that, I'm just*

CITY OF ALBUQUERQUE
LAND USE FACILITATION PROGRAM PROJECT MEETING REPORT
PDN and Kimmick - ZHE Pre-Application

wondering whether applicants will go down to two-stories max on all the buildings and apartments? It would be a little more in scale than what you're currently proposing.

A. Are you waiting for me to respond to that? I can't agree to that here. I don't have the benefit of having my client here. It's unlikely that we're going to agree to the entire site being no more than two stories. I agreed to take the comment back about the storage facility itself, and we'll just have to wait and see. *See Action Item 3.*

C: *I'm willing to negotiate with the park service, the neighborhoods to get an appropriate height. Well, that's the whole point of these pre-application meetings is to kind of work out something that's a little more agreeable.*

A. The point of the pre-application meetings is to hear what your concerns are with the project. So given that this is the first time we're hearing about your concerns, although I anticipated some of it, I can't answer tonight what my client will agree to, but I can agree to take the comment back to them and see what the response is.

C: *I would like for you to encourage the Developer to negotiate agreements with the neighborhood to get the heights down. I think it's really important. This is a national monument. There's open space right next to it. La Cuentista open space. And the comprehensive plan, which was mentioned earlier, is all about scale and character and being sensitive to our natural resources. This is a citywide issue too. These natural areas, just like the foothills in the mountains, they try to build sensibly. They don't build three-story storage facilities right up into the foothills. And now we're talking about the Mesa top. They got the zone change. It would be helpful if they could keep the building heights to a maximum of two stories.*

3. Traffic.

a. C/Q: *I'm the state representative for the area in question. I am really concerned. I think somebody brought up the issue of Rosa Parks status. It is a neighborhood road. I'm really concerned about any traffic pattern that relies on Rosa Parks and Kimmick. Has this gone to the Albuquerque Municipal Development Department for the traffic analysis yet or is that in the future?.*

A: Representative the traffic study was done in I believe in 2017. It was approved by City Transportation. We are doing an updated trip generation analysis to see if there's any difference between what was assumed five or six years ago versus what we're looking at today.

b. C/Q: *I think most people on the call know that there is an enormous difference between 2017 and 2022, probably 1000 homes difference, among other things. I have a couple more questions, but you said that the next steps after this event (include) the zoning hearing examiner and then the development review board. Am I correct and do you have a timeline for that?*

A: We haven't made the ZHE submittal yet. This is a pre-application facilitated meeting. We would like to make that submittal next week. That's just for the conditional use, not for the design and site plan. The hearing date will likely be approximately 45 days after the submittal. *See Timetable.* The hearing examiner takes 15 days to make the decision. There is a 15 day appeal period. We won't be done with that process until a month after the hearing. So it's a several month process for the zoning hearing examiner. At some point towards the end of that, we would be looking at making the submittal to the DRB for the site plan.

CITY OF ALBUQUERQUE
LAND USE FACILITATION PROGRAM PROJECT MEETING REPORT
PDN and Kimmick - ZHE Pre-Application

C: I'm just very concerned about the traffic pattern because we're right in the middle of the expansion of the sale from Kimmick up to Universe. And it would appear that wasn't part of the 2017 plan since that design has only started in the last year.

A. Representative, this property owner dedicated right of way for Paseo years ago. You can see how the top property line sort of goes down a little bit. I don't remember how many feet of their property they dedicated for Paseo but it was their fair share.

- d. *C/Q: I have a question about the mouth of Kimmick. A couple of things have happened coming down Kimmick. We already have construction traffic that is congested. We already have people not stopping at stop signs. Also, when you get to the mouth of Kimmick, the road narrows significantly. I understand the concept from the owner or the builder of this building. If they paid their fair share (for the Paseo right of way), are they going to pay their fair share and widen that mouth of Kimmick if this goes in? And what are we going to do about all of the traffic when we're looking at the pattern? Yes, that's a pattern coming off Paseo onto Kimmick, but I don't believe that pattern addresses what's going on within the actual development. How is that going to be looked at and how's the traffic from this and the further development of this particular area going to affect this entire development and the traffic patterns within it when we're already getting cut through from Kimmick to Paseo? How will that be addressed and will this owner be paying for a lot of those improvements to those road areas?*

A: So the way this works, as I mentioned before, there was a traffic study done in 2017 by Terry Brown. We are looking at whether or not it needs to be updated. City Transportation makes that decision. If the road needs to be further widened from what it is today, the City Transportation Department makes that decision. And they will tell us if we need to further dedicate any property either on our side or on the property to the east on the other side of Kimmick.

Q/C: Okay. Where do we address the cut through and things of that nature because again, this is going to generate a lot more traffic within the neighborhoods if it goes through. I agree with Mike and everyone else. We're very much opposed to this particular plan. By the way, thank you, Jackie, for coming on and giving us this update. It's much appreciated.

4. Self-Storage Facility.

- a. *C/Q: I live in La Cuentista and work for the Albuquerque Police Department as a crime scene investigator. The problem that I'm having is that a storage facility is going to be placed there. Our homeless population is not getting smaller and is starting to migrate towards the west side. I'm sure everybody that has been a west side intersection has seen somebody panhandling. Right now, our crime with storage facilities has completely increased because homeless people feel that they have nowhere to live. The first place they migrate to is towards the freeway and a really busy intersection. They break into these facilities. I think that that's going to start increasing our crime on the west side. Right now we don't have any crime in our neighborhoods.*

Another concern is its aesthetics and what it's going to do to our property values. With Pulte building a Cuentista 3, the traffic will increase. West side traffic is already horrible as it is.

Crime is my biggest concern with that storage facility.

CITY OF ALBUQUERQUE
LAND USE FACILITATION PROGRAM PROJECT MEETING REPORT
PDN and Kimmick - ZHE Pre-Application

A: I am not aware of increased crime near storage facilities and will research this. See Action Item 4.

- b. *C/Q: When I purchased my home, this property was zoned for commercial like in a nice village atmosphere. When we moved in they talked about a coffee shop or that kind of atmosphere. I'm worried about traffic and about putting in a storage unit and apartments. It is hard to connect with the EPC. When Pulte applied for their development the hearing was continually postponed.*

How do citizens of this area, who bought with that intent and the benefits of living here get before the EPC to suggest a good plan for this area? I think we need a better way to be able to weigh in and provide input. For example, the City's traffic department needs to look at this holistically along with the big plan. Just because it has MX-M zoning doesn't mean that we shouldn't be more mindful about the buildings and opportunities located here.

A: Something that I didn't say earlier, but I want to say now is if you're concerned about traffic, a self-storage facility probably generates the least amount of traffic. Because how many people want to go and visit their storage unit? It's probably a handful of cars a day for this one use; less than retail; and far less than residential. So to me, that is a positive for you guys if you're concerned about traffic.

C: It's not just about traffic but about the cumulative effect for the whole area. It's also about the design, height and other issues. Like others have said, I'd just like to see a better plan for this area in general. I believe our planning boards and our commissioners have an obligation to do that for us as well.

- c. *C/Q: The storage site appears to be to the west end of the land zoned MX-M. You indicated that there would be access from Kimmick. I did not hear there was going to be access from Rosa Parks. I'd like that clarified.*

A: The commercial area access is going to be from where the Valiente right of way used to be, which was vacated.

Q: So where the split between MX-M and MX-L is?

A. That's where our access is going to be to this MX-M area. The residential access can also come from Kimmick, but their main access point is going to be from Rosa Parks. That will be a full access. They will likely have access roadway area. The people in the commercial area will not be able to drive through the MX-L area and access Rosa Parks. The residential area will be gated.

- d. *Q: Is this only an indoor storage? Are they going to store RVs and boats?*

A. This is solely indoor storage.

Q: Is there going to be a full time person to stop the homeless people from coming in? We're all worried about this. These are half-million dollar homes. We chose to live here. Our taxes are enormous. We pay at least \$5,000 to \$6,000 a year. Of course, we are going to be very concerned about what is going in here; especially after we've been told since 2014 what is supposed to be going in.

CITY OF ALBUQUERQUE
LAND USE FACILITATION PROGRAM PROJECT MEETING REPORT
PDN and Kimmick - ZHE Pre-Application

A. I'm very sensitive to the homeless issue. I live and own a small business in District two. We're continually impacted by homelessness. I also do a number of homeless shelter projects in Albuquerque. I'm keenly aware of those issues. I'm not aware that storage facilities attract homeless people any more than anything else attracts homeless people. That was the first time I ever heard that. I'm happy to try to follow up with some of the people I work with on homelessness. It's the first I've ever heard someone say that, and I would say too, there will be staff in this building and it will be fully secured and there will be people around it because we're trying to do a mixed use development as the original sector plan anticipated on this property. See Action Item 5.

e. C/Q: The City Council is considering a provisional homeless area or encampment in open space, which is directly across from here. If we're going to be housing homeless people directly across from Paseo, how does that affect us? This open space actually opens up on backyards of homeowners. I'm concerned that this development might attract a much larger homeless population.

A. They have not taken action on it at Council.

C: As mentioned in the Chat, this Monday the City Council will be looking at safe outdoor spaces and lots regarding homeless encampments. They're looking at whether to make them permissive in mixed use and non-residential commercial zones. Right here you have a lot of mixed use zones. So that's what they're looking at.

5. Action Items (Target response date is 6/13/22):

- a. The Agent will inquire as to why the storage facility is designed to be taller rather than wider.*
- b. The Agent will consult with the National Park Service Superintendent.*
- c. The Agent will inquire as to whether the Developer will limit building heights to two stories.*
- d. The Agent will research whether storage facilities are more susceptible to break-ins.*
- e. The Agent will research whether storage facilities attract homeless individuals.*

6. Anticipated Application and Hearing Timetable:

- a. The application to the Zoning Hearing Examiner will be submitted the week of June 6, 2022.*
- b. The anticipated hearing date is July 29, 2022.*
- c. For questions or more information, call Suzie Sanchez, ZHE Administrative Assistant at (505) 924-3894.*

From: Carmona, Dalaina L.
To: Michael Vos
Subject: 99999 Paseo del Norte NW between Paseo del Norte and Kimmick Drive NW Neighborhood Meeting Inquiry Sheet Submission
Date: Monday, May 9, 2022 8:28:41 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[IDOZoneAtlasPage_C-11-Z_Site.pdf](#)

Dear Applicant:

Please find the neighborhood contact information listed below. Please make certain to read the information further down in this e-mail as it will help answer other questions you may have.

Association Name	First Name	Last Name	Email	Address Line 1	City	State	Zip	Mobile Phone	Phone
Westside Coalition of Neighborhood Associations	Rene	Horvath	aboard111@gmail.com	5515 Palomino Drive NW	Albuquerque	NM	87120		5058982114
Westside Coalition of Neighborhood Associations	Elizabeth	Haley	elizabethkayhaley@gmail.com	6005 Chaparral Circle NW	Albuquerque	NM	87114	5054074381	5059805376
Paradise Hills Civic Association	Tom	Anderson		10013 Plunkett Drive NW	Albuquerque	NM	87114	5053040106	5058972593

PLEASE NOTE: The ONC does not have any jurisdiction over any other aspect of your application beyond this neighborhood contact information. We can't answer questions about sign postings, pre-construction meetings, permit status, site plans, buffers, or project plans, so we encourage you to contact the Planning Department at: 505-924-3857 Option #1, e-mail: devhelp@cabq.gov, or visit: <https://www.cabq.gov/planning/online-planning-permitting-applications> with those types of questions.

You will need to e-mail each of the listed contacts and let them know that you are applying for an approval from the Planning Department for your project. Please use this online link to find the required forms you will need to submit: <https://www.cabq.gov/planning/urban-design-development/public-notice>. The Checklist form you need for notifying neighborhood associations can be found here: https://documents.cabq.gov/planning/online-forms/PublicNotice/CABQ-Official_public_notice_form-2019.pdf. The Administrative Decision form you need for notifying neighborhood associations can be found here: <https://documents.cabq.gov/planning/online-forms/PublicNotice/Emailed-Notice-Administrative-Print&Fill.pdf>

Once you have e-mailed the listed contacts in each neighborhood, you will need to attach a copy of those e-mails AND a copy of this e-mail from the ONC to your application and submit it to the Planning Department for approval.

If your application requires you to offer a neighborhood meeting, you can click on this link to find required forms to use in your e-mail to the neighborhood association(s): <http://www.cabq.gov/planning/urban-design-development/neighborhood-meeting-requirement-in-the-integrated-development-ordinance>

If your application requires a pre-application or pre-construction meeting, please plan on utilizing virtual platforms to the greatest extent possible and adhere to all current Public Health Orders and recommendations. The health and safety of the community is paramount.

If you have questions about what type of notification is required for your particular project or meetings that might be required, please click on the link below to see a table of different types of projects and what notification is required for each:

<https://ido.abc-zone.com/integrated-development-ordinance-ido?document=1&outline-name=6-1%20Procedures%20Summary%20Table>



Dalaina L. Carmona

Senior Administrative Assistant
Office of Neighborhood Coordination
Council Services Department
1 Civic Plaza NW, Suite 9087, 9th Floor
Albuquerque, NM 87102
505-768-3334
dlcarmona@cabq.gov or ONC@cabq.gov
Website: www.cabq.gov/neighborhoods



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From: webmaster=cabq.gov@mailgun.org <webmaster=cabq.gov@mailgun.org> **On Behalf Of** webmaster@cabq.gov
Sent: Sunday, May 8, 2022 1:40 PM
To: Office of Neighborhood Coordination <vos@consensusplanning.com>
Cc: Office of Neighborhood Coordination <onc@cabq.gov>
Subject: Neighborhood Meeting Inquiry Sheet Submission

[EXTERNAL] Forward to phishing@cabq.gov and delete if an email causes any concern.

Neighborhood Meeting Inquiry For:

Development Review Board

If you selected "Other" in the question above, please describe what you are seeking a Neighborhood Meeting Inquiry for below:

Contact Name

Michael Vos

Telephone Number

5057649801

Email Address

vos@consensusplanning.com

Company Name

Consensus Planning, Inc.

Company Address

302 8th Street NW

City

Albuquerque

State

NM

ZIP

87102

Legal description of the subject site for this project:

TR 1 BLK 2 PLAT OF TR 1 BLK 2 VOLCANO CLIFFS SUBD UNIT 26 and *00050006VOLCANO CLIFFS SUBD UNIT 26

Physical address of subject site:

99999 Paseo del Norte NW

Subject site cross streets:

Paseo del Norte and Kimmick Drive NW

Other subject site identifiers:

Southwest corner of the referenced intersection

This site is located on the following zone atlas page:

C-11

From: [Michael Vos](#)
To: [aboard111@gmail.com](#); [elizabethkayhaley@gmail.com](#)
Cc: [Jackie Fishman](#)
Subject: Public Notice for Conditional Use at Paseo del Norte and Kimmick Drive NW
Date: Tuesday, June 7, 2022 11:37:00 AM
Attachments: [Paseo and Kimmick Public Notice Packet.pdf](#)

Dear Neighbors,

This email is to notify you that on behalf of Group II VC U26, LLC, Consensus Planning has submitted an application for a Conditional Use Approval for Self-Storage for the property located at the southwest corner of Paseo del Norte and Kimmick Drive NW.

A hearing will be held on July 19, 2022 beginning at 9:00AM via ZOOM. Please call 505-924-3894 for details and updates regarding an in-person hearing. If an in-person hearing is available, it will occur in the Plaza Del Sol Hearing Room at 600 2ND Street NW-Basement Level.

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)

Additional details, including the pre-application facilitated meeting report is attached. If you have any questions, please do not hesitate to contact Jackie Fishman at fishman@consensusplanning.com, myself at vos@consensusplanning.com, or by calling our office at (505) 764-9801.

Sincerely,

Michael Vos, AICP

CONSENSUS PLANNING, INC.

302 Eighth Street NW

Albuquerque, NM 87102

phone (505) 764-9801

vos@consensusplanning.com

Consensus Planning, Inc.
302 8th Street NW
Albuquerque, NM 87102

Tom Anderson
Paradise Hills Civic Association
10013 Plunkett Drive NW
Albuquerque, NM 87114

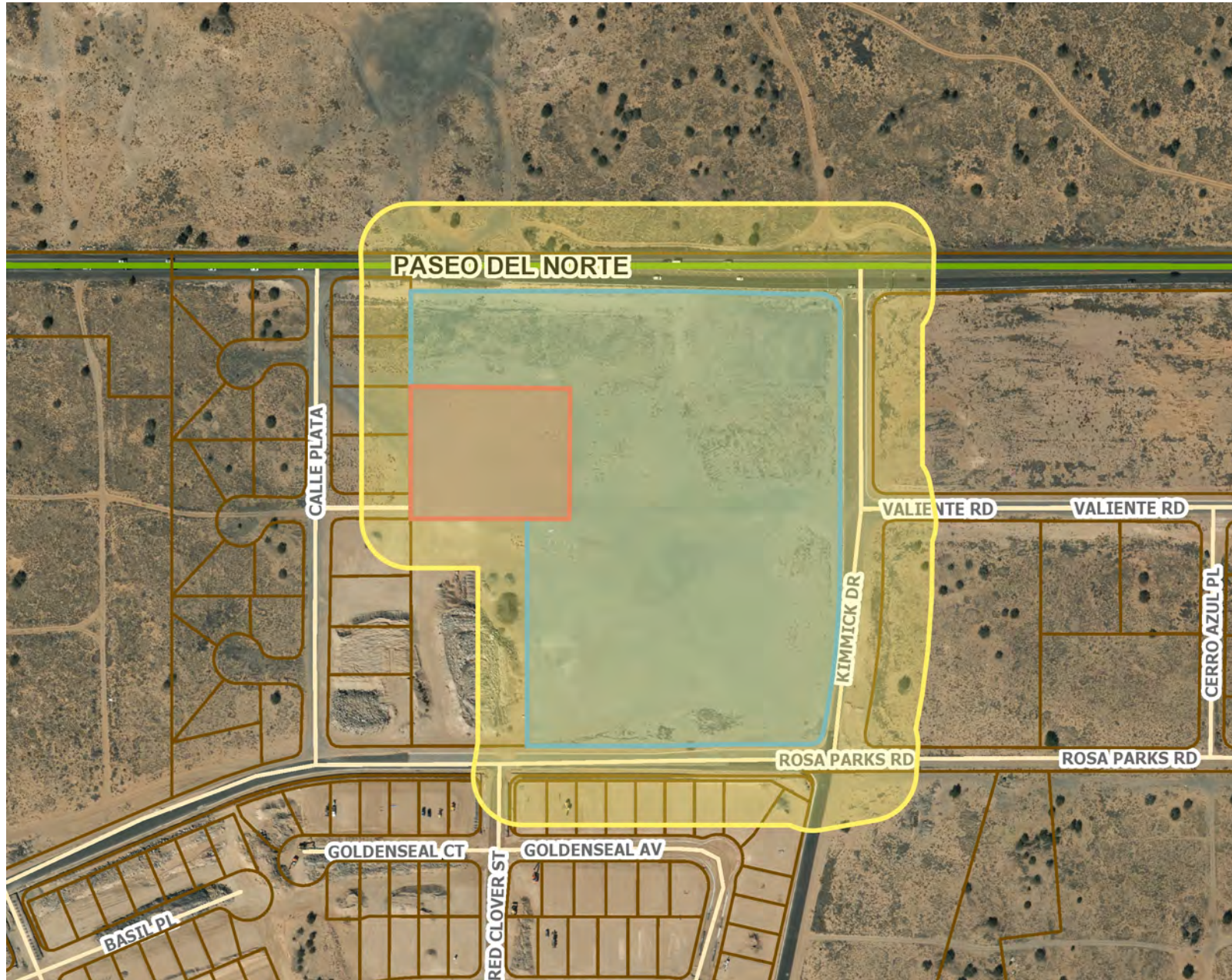
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100-foot Property Owner Buffer Map



Legend

- Bernalillo County Parcels
- Primary Streets
 - Freeway
 - Principal Arterial
 - Minor Arterial
 - Local Streets
 - BN and SF Railroad
- Other Streets
- Municipal Limits
 - Corrales
 - Edgewood
 - Los Ranchos
 - Rio Rancho
 - Tijeras
 - UNINCORPORATED

Notes

Prepared by Consensus Planning 6/6/22

601 0 301 601 Feet

WGS_1984_Web_Mercator_Auxiliary_Sphere
6/6/2022 © City of Albuquerque

1: 3,607

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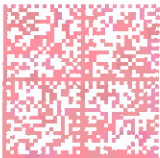
THIS MAP IS NOT TO BE USED FOR NAVIGATION

UPC	Owner	Owner Address	Owner Address 2	SITUS Address	SITUSADD2	Legal Description	Acres
101006451217240906	AMADOR SAMMY & SYLVIA	14429 CRYSTAL LANTERN DR	HACIENDA HGTS CA 91745-2510	N/A	ALBUQUERQUE NM 87120	* 002 002VOLCANO CLIFFS SUBD UNIT 26	0.3788
101006451218340905	AMADOR SAMMY & SYLVIA	14429 CRYSTAL LANTERN DR	HACIENDA HGTS CA 91745-2510	N/A	ALBUQUERQUE NM 87120	* 01A 002VOLCANO CLIFFS UNIT 26 REPL L 1 & 2	0.4515
101106410522731501	BEDROCK PARTNERSHIP & N M GEN PARTNERSHIP C/O GERALD	1509 HARVARD CT NE	ALBUQUERQUE NM 87106-3712		ALBUQUERQUE NM 87114	TRACT 2-A REPLAT OF TR 2 68.75 AC TRACT & 66	60.67
101106408506130604	CITY OF ALBUQUERQUE	PO BOX 2248	ALBUQUERQUE NM 87103-2248	ROSA PARKS RD NW	ALBUQUERQUE NM 87120	N'LY PORT OF TRACT D CORRECTION PLAT OF THE	5.0006
101106406208330713	ELA CHARLES S & CONNIE C	6001 GOLDENSEAL AVE NW	ALBUQUERQUE NM 87120-5427	6001 GOLDENSEAL AVE NW	ALBUQUERQUE 87120	LT 8 BLK 7 FINAL PLAT OF LA CUENTISTA SUBDIVI!	0.2525
101106404208330716	GARCIA JEFFREY C & SANDRA KAREN	6011 GOLDENSEAL AVE NW	ALBUQUERQUE NM 87120-5427	6011 GOLDENSEAL AVE NW	ALBUQUERQUE 87120	LT 5 BLK 7 FINAL PLAT OF LA CUENTISTA SUBDIVI!	0.1532
101106404014530102	GROUP II U26 VC LLC C/O WRIGHT BILLY J ROOM 115	2400 LOUISIANA BLVD NE BLDG 3	ALBUQUERQUE NM 87110-4362	PASEO DEL NORTE NW	ALBUQUERQUE NM 87120	TR 1 BLK 2 PLAT OF TR 1 BLK 2 VOLCANO CLIFFS S	15.7217
101106402408330719	KING LINDA A	6023 GOLDENSEAL AVE NW	ALBUQUERQUE NM 87120-5427	6023 GOLDENSEAL AVE NW	ALBUQUERQUE 87120	LT 2 BLK 7 FINAL PLAT OF LA CUENTISTA SUBDIVI!	0.1532
101106404208930721	LA CUENTISTA UNIT II HOMEOWNERS ASSOCIATION INC C/O BL	8700 EDUCATION PL NW BLDG A	ALBUQUERQUE NM 87114-6374	GOLDENSEAL AVE NW	ALBUQUERQUE 87120	TR 10 FINAL PLAT OF LA CUENTISTA SUBDIVISION	0.2018
101006449706142308	LA CUENTISTA UNIT II HOMEOWNERS ASSOCIATION INC C/O BL	8700 EDUCATION PL NW BLDG A	ALBUQUERQUE NM 87114-6374	BUCKTHORN AVE NW	ALBUQUERQUE 87120	TR 9 FINAL PLAT OF LA CUENTISTA SUBDIVISION, I	1.4402
101106403008330718	LOVATO MONICA A & NICOLE D	6019 GOLDENSEAL AVE NW	ALBUQUERQUE NM 87120-5427	6019 GOLDENSEAL AVE NW	ALBUQUERQUE 87120	LT 3 BLK 7 FINAL PLAT OF LA CUENTISTA SUBDIVI!	0.1532
101106410411830201	MGME DEVELOPMENT INC	600 SAN JOSE AVE SE	ALBUQUERQUE NM 87102-5066	N/A	ALBUQUERQUE NM 87120	*00010005VOLCANO CLIFFS SUBD UNIT 26	3.24
101106405408330714	MOYA JOHN A	6005 GOLDENSEAL AVE NW	ALBUQUERQUE NM 87120-5427	6005 GOLDENSEAL AVE NW	ALBUQUERQUE 87120	LT 7 BLK 7 FINAL PLAT OF LA CUENTISTA SUBDIVI!	0.1541
101006451216240907	OMLOR MICHAEL A & GLENNA M TRUSTEES OMLOR RVT	600 SAN JOSE AVE SE	ALBUQUERQUE NM 87102-5066	N/A	ALBUQUERQUE NM 87120	* 003 002VOLCANO CLIFFS SUBD UNIT 26	0.3788
101006451213441005	ROLLINS MICHAEL & LINA	10700 MARBLE STONE DR NW	ALBUQUERQUE NM 87114	N/A	ALBUQUERQUE NM 87120	* 001 006VOLCANO CLIFFS SUBD UNIT 26	0.4326
10110640408330715	SANCHEZ JACOB TY	6009 GOLDENSEAL AVE NW	ALBUQUERQUE NM 87120-5427	6009 GOLDENSEAL AVE NW	ALBUQUERQUE 87120	LT 6 BLK 7 FINAL PLAT OF LA CUENTISTA SUBDIVI!	0.1534
101106403608330717	SAUERS CAROLYN I	6015 GOLDENSEAL AVE NW	ALBUQUERQUE NM 87120-5427	6015 GOLDENSEAL AVE NW	ALBUQUERQUE 87120	LT 4 BLK 7 FINAL PLAT OF LA CUENTISTA SUBDIVI!	0.1532
101106406907630712	SINCLAIR KARINA L & SONO JON M	8240 BURDOCK ST NW	ALBUQUERQUE NM 87120-5413	8240 BURDOCK ST NW	ALBUQUERQUE 87120	LT 9 BLK 7 FINAL PLAT OF LA CUENTISTA SUBDIVI!	0.3393
101106400611830101	TRACT 5 U26 LLC	5700 UNIVERSITY BLVD SE SUITE 310	ALBUQUERQUE NM 87106-9601	N/A	ALBUQUERQUE NM 87120	*00050006VOLCANO CLIFFS SUBD UNIT 26	2.53
101106401708330720	TRAN LARRY & VAN KYLEE	6027 GOLDENSEAL AVE NW	ALBUQUERQUE NM 87120-5427	6027 GOLDENSEAL AVE NW	ALBUQUERQUE 87120	LT 1 BLK 7 FINAL PLAT OF LA CUENTISTA SUBDIVI!	0.1643
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GROUP II U26 VC LLC
C/O WRIGHT BILLY J ROOM 115
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PO BOX 30928
ALBUQUERQUE NM 87190-0928



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6027 GOLDENSEAL AVE NW
ALBUQUERQUE NM 87120-5427



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TRACT 5 U26 LLC
5700 UNIVERSITY BLVD SE SUITE 310
ALBUQUERQUE NM 87106-9601



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ASSOCIATION INC C/O BLUE DOOR REALTY LLC
8700 EDUCATION PL NW BLDG A
ALBUQUERQUE NM 87114-6374

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PARTNERSHIP C/O GERALD GOLD
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PO BOX 2248
ALBUQUERQUE NM 87103-2248

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Public Notice of Hearing

Date: June 6, 2022

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 self-storage facility on a portion of Tract 1, Block 2, Volcano Cliffs Unit 26 (summary of request).

Property owner: GROUP II U26 VC LLC

Agent (If applicable): Consensus Planning, Inc.

Property Address: 99999 Paseo del Norte NW, Albuquerque, NM, 87120 (zip code).

A hearing will be held on July 19, 2022 beginning at 9:00AM via ZOOM. Please call 505- 924-3894 for details and updates regarding an in-person hearing. If an in-person hearing is available, it will occur in the Plaza Del Sol Hearing Room at 600 2ND Street NW-Basement Level.

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)

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

Thank you,

Applicant's Name: Jackie Fishman, AICP and Michael Vos, AICP

Applicant's Number or Email Address: fishman@consensusplanning.com and vos@consensusplanning.com

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

Please note: "You may submit written comments to the Zoning Hearing Examiner up to 6 days before the hearing (5pm on the Wednesday before the hearing). Written comments received after that deadline may result in deferral. An agenda can be found at <http://www.cabq.gov/planning/boards-commissions/zoning-hearing-examiner/zhe-agendas-action-sheets-decisions>.

**OFFICIAL PUBLIC NOTIFICATION FORM
FOR MAILED OR ELECTRONIC MAIL NOTICE
CITY OF ALBUQUERQUE PLANNING DEPARTMENT**



PART I - PROCESS

Use [Table 6-1-1](#) in the Integrated Development Ordinance (IDO) to answer the following:

Application Type: Conditional Use Approval

Decision-making Body: Zoning Hearing Examiner

Pre-Application meeting required: ☒ Yes ☐ No

Neighborhood meeting required: ☒ Yes ☐ No

Mailed Notice required: ☒ Yes ☐ No

Electronic Mail required: ☒ Yes ☐ No

Is this a Site Plan Application: ☐ Yes ☒ No **Note: if yes, see second page**

PART II – DETAILS OF REQUEST

Address of property listed in application: 99999 Paseo del Norte NW (southwest corner of Paseo del Norte and Kimmick Drive)

Name of property owner: GROUP II U26 VC LLC

Name of applicant: Jubilee Developments, LLC (Agent: Consensus Planning, Inc.)

Date, time, and place of public meeting or hearing, if applicable:

July 19, 2022 9:00 AM via Zoom (Meeting ID# 704 449 0999)

Address, phone number, or website for additional information:

www.cabq.gov/zoninghearingexaminer or 505-924-3894

PART III - ATTACHMENTS REQUIRED WITH THIS NOTICE

☒ Zone Atlas page indicating subject property.

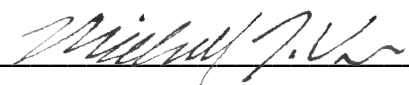
☐ Drawings, elevations, or other illustrations of this request.

☒ Summary of pre-submittal neighborhood meeting, if applicable.

☒ Summary of request, including explanations of deviations, variances, or waivers.

IMPORTANT: PUBLIC NOTICE MUST BE MADE IN A TIMELY MANNER PURSUANT TO [SUBSECTION 14-16-6-4\(K\)](#) OF THE INTEGRATED DEVELOPMENT ORDINANCE (IDO). PROOF OF NOTICE WITH ALL REQUIRED ATTACHMENTS MUST BE PRESENTED UPON APPLICATION.

I certify that the information I have included here and sent in the required notice was complete, true, and accurate to the extent of my knowledge.

 (Applicant signature) June 6, 2022 (Date)

Note: Providing incomplete information may require re-sending public notice. Providing false or misleading information is a violation of the IDO pursuant to IDO Subsection 14-16-6-9(B)(3) and may lead to a denial of your application.



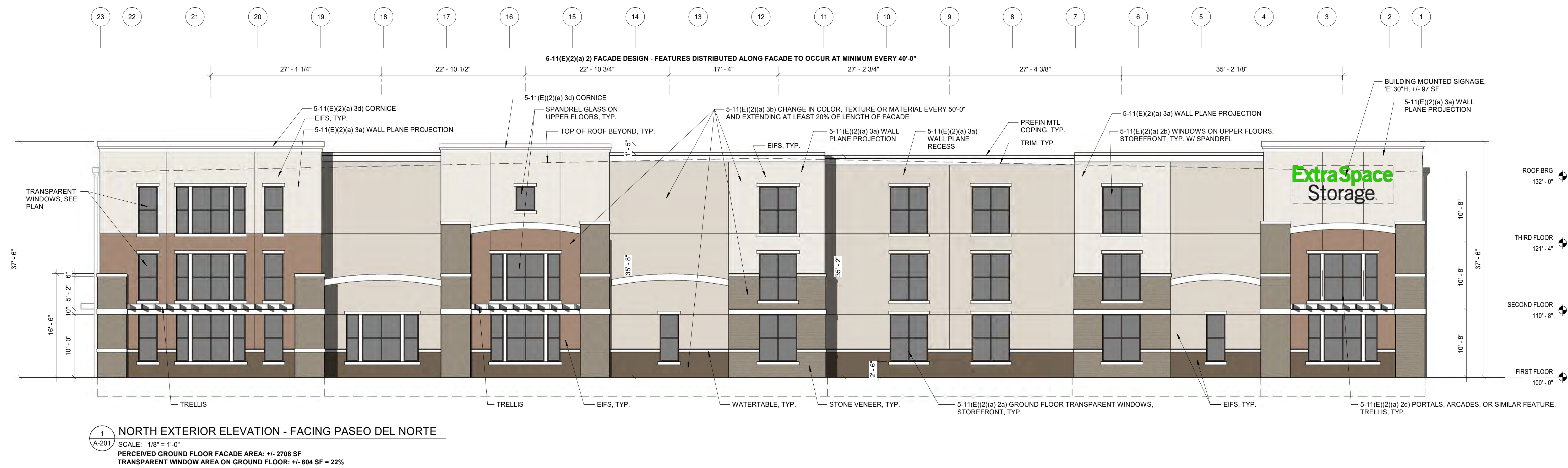
OFFICIAL PUBLIC NOTIFICATION FORM
FOR MAILED OR ELECTRONIC MAIL NOTICE
CITY OF ALBUQUERQUE PLANNING DEPARTMENT



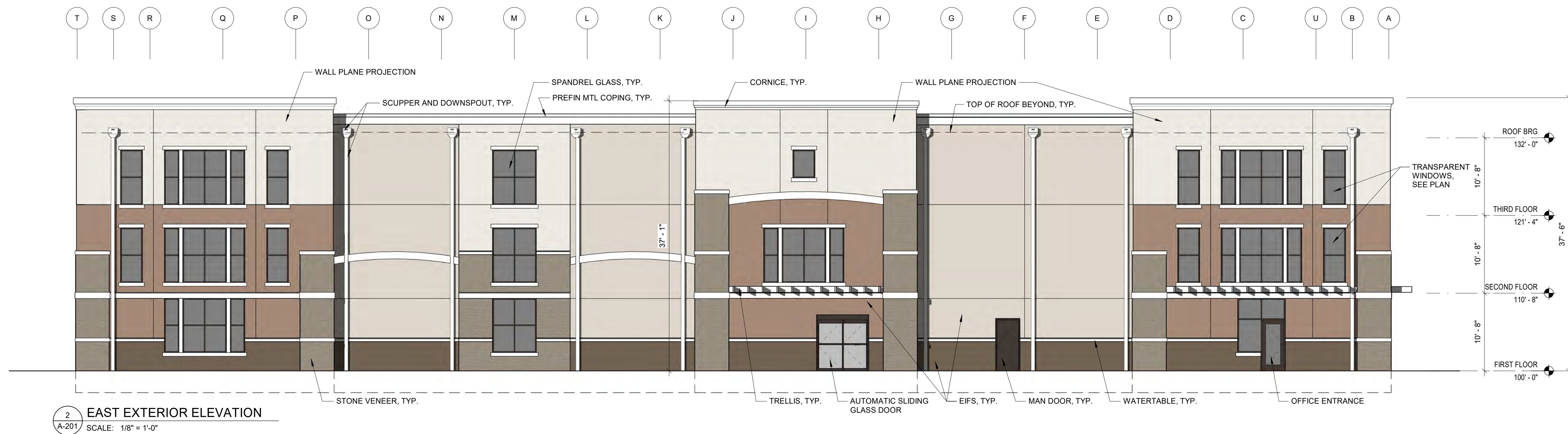
PART IV – ATTACHMENTS REQUIRED FOR SITE PLAN APPLICATIONS ONLY

Provide a site plan that shows, at a minimum, the following:

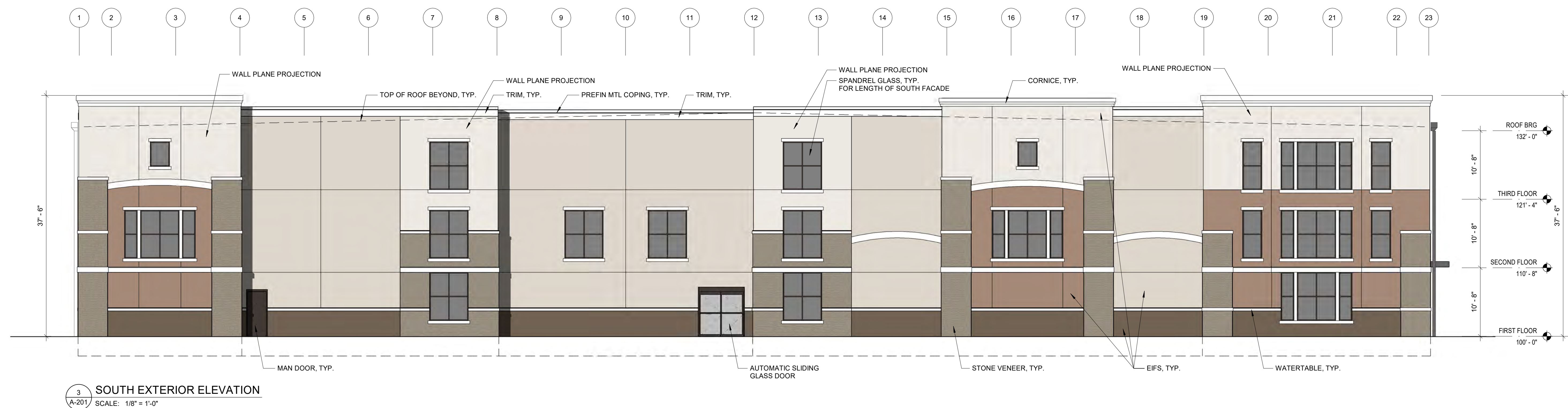
- ☐ a. Location of proposed buildings and landscape areas.
- ☐ b. Access and circulation for vehicles and pedestrians.
- ☐ c. Maximum height of any proposed structures, with building elevations.
- ☐ d. For residential development: Maximum number of proposed dwelling units.
- ☐ e. For non-residential development:
 - ☐ Total gross floor area of proposed project.
 - ☐ Gross floor area for each proposed use.



1 NORTH EXTERIOR ELEVATION - FACING PASEO DEL NORTE
SCALE: 1/8" = 1'-0"
PERCEIVED GROUND FLOOR FACADE AREA: +/- 2708 SF
TRANSPARENT WINDOW AREA ON GROUND FLOOR: +/- 604 SF = 22%



2 EAST EXTERIOR ELEVATION
SCALE: 1/8" = 1'-0"



3 SOUTH EXTERIOR ELEVATION
SCALE: 1/8" = 1'-0"

4-3(D)(29) SELF STORAGE

4-3(D)(29)(a) ALL STORAGE SHALL BE WITHIN FULLY ENCLOSED PORTIONS OF A BUILDING.

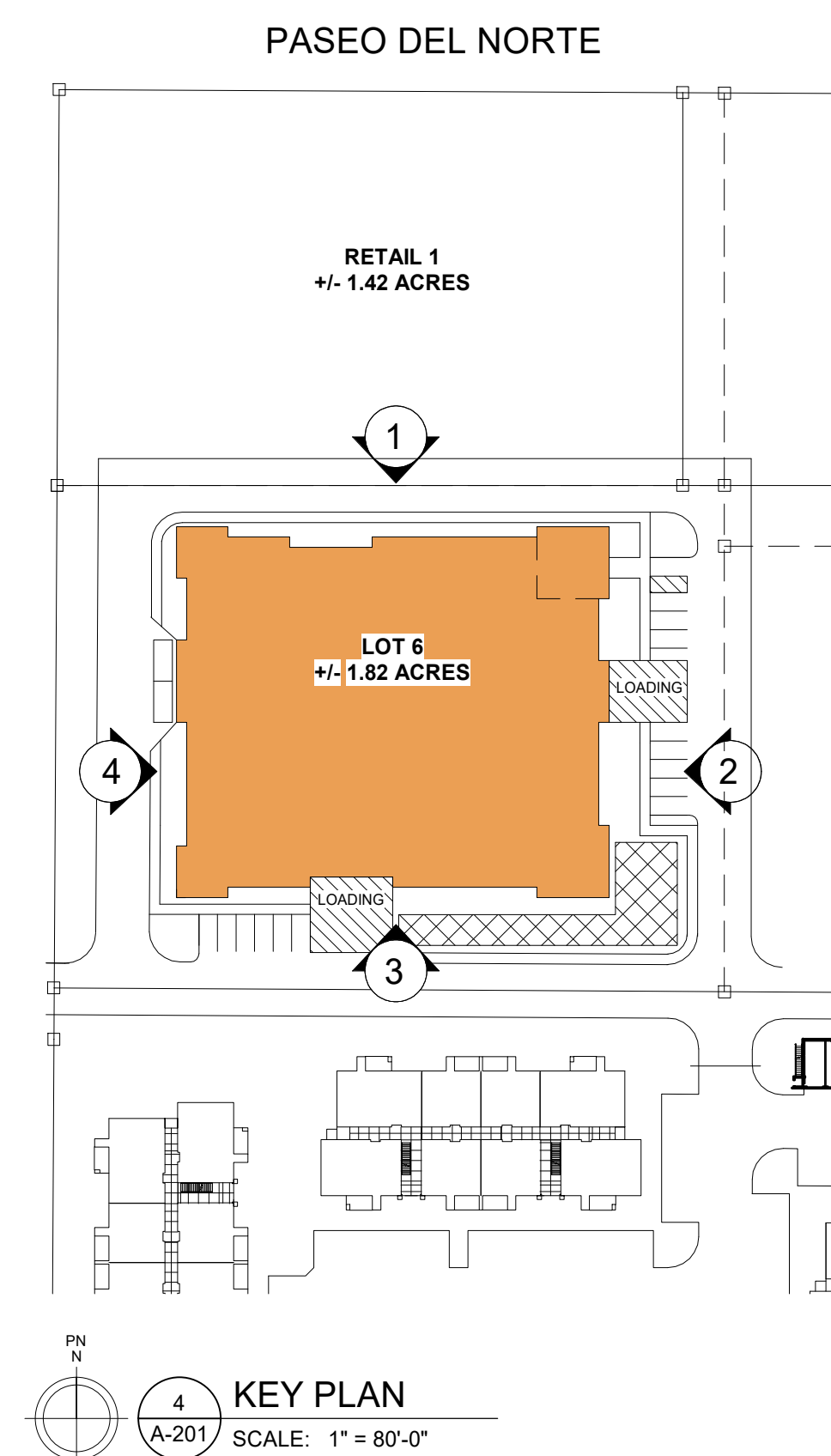
4-3(D)(29)(b) PUBLIC ACCESS TO ANY STORAGE UNITS WITHIN 100 FEET IN ANY DIRECTION OF ANY RESIDENTIAL ZONE DISTRICT OR LOT CONTAINING A RESIDENTIAL USE IN ANY MIXED-USE ZONE DISTRICT IS PROHIBITED BETWEEN 10:00PM AND 7:00 AM.

4-3(D)(29)(c) AN OPAQUE WALL OR FENCE AT LEAST 6 FEET AND NO MORE THAN 8 FEET HIGH OR A LANDSCAPE BUFFER AT LEAST 50 FEET WIDE SHALL BE PROVIDED ALONG ANY LOT LINE THAT ABUTS ANY RESIDENTIAL ZONE DISTRICT OR LOT CONTAINING A RESIDENTIAL USE IN ANY MIXED-USE ZONE DISTRICT.

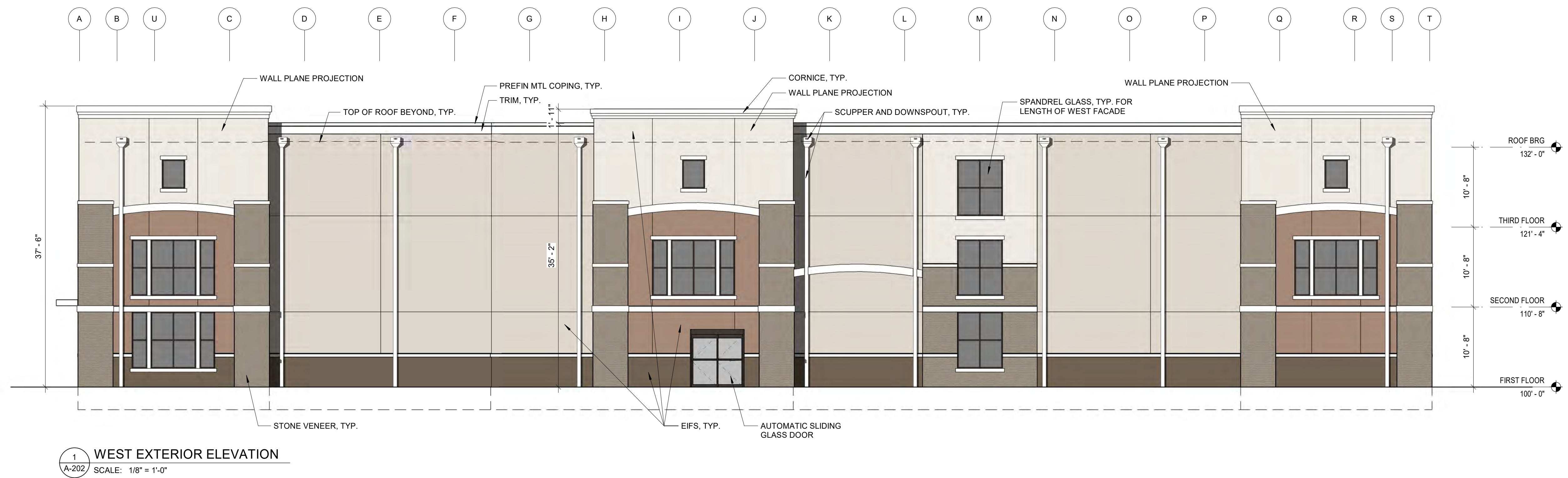
4-3(D)(29)(d) SECURITY FENCING SHALL NOT INCLUDE RAZOR WIRE OR BARBED WIRE.

4-3(D)(29)(e) IN THE MX-L, MX-M, MX-H, AND MX-FB ZONE DISTRICTS, AND ON LOTS IN THE NR-C ZONE DISTRICT WITHIN A UC-AC-MS-PT AREA, ACCESS TO INDIVIDUAL STORAGE UNITS SHALL BE THROUGH INTERIOR CORRIDORS. DIRECT ACCESS TO INDIVIDUAL UNITS FROM OUTDOOR AREAS IS NOT ALLOWED.

4-3(D)(29)(f) IN THE NR-C ZONE DISTRICT OUTSIDE OF UC-AC-MS-PT AREAS, EXTERIOR DOORS TO INDIVIDUAL STORAGE UNITS SHALL NOT FACE ANY ABUTTING STREET FRONTAGE, OR, IF THE SITE IS LOCATED ON A CORNER LOT, SHALL NOT FACE THE PRIMARY STREET FRONTAGE.



4 KEY PLAN
SCALE: 1" = 80'-0"





June 7, 2022

Robert Lucero, Esq.,
Zoning Hearing Examiner
City of Albuquerque
600 Second Street NW
Albuquerque, New Mexico 87102

RE: Request for Conditional Use Approval for Self-Storage

Dear Mr. Lucero,

The purpose of this letter is to request approval of a Conditional Use for Self-Storage on the property located at the southwest corner of Paseo del Norte and Kimmick Drive NW, zoned MX-M. The location of the self-storage facility is proposed on the west side of the subject site (see below). Self-storage requires a Conditional Use Approval if located within the MX-M zone district per *IDO Part 14-16-4 Table 4-2-1 Allowable Uses*. The legal description of the existing tract is *Tract 1, Block 2, Volcano Cliffs Subdivision Unit 26, containing 15.7217 acres*. If approved, a replat will be processed to create a separate tract for development of the self-storage use. The storage facility is proposed on approximately 1.82 acres of the larger tract.

Subject Property highlighted in blue and self-storage location outlined in red.

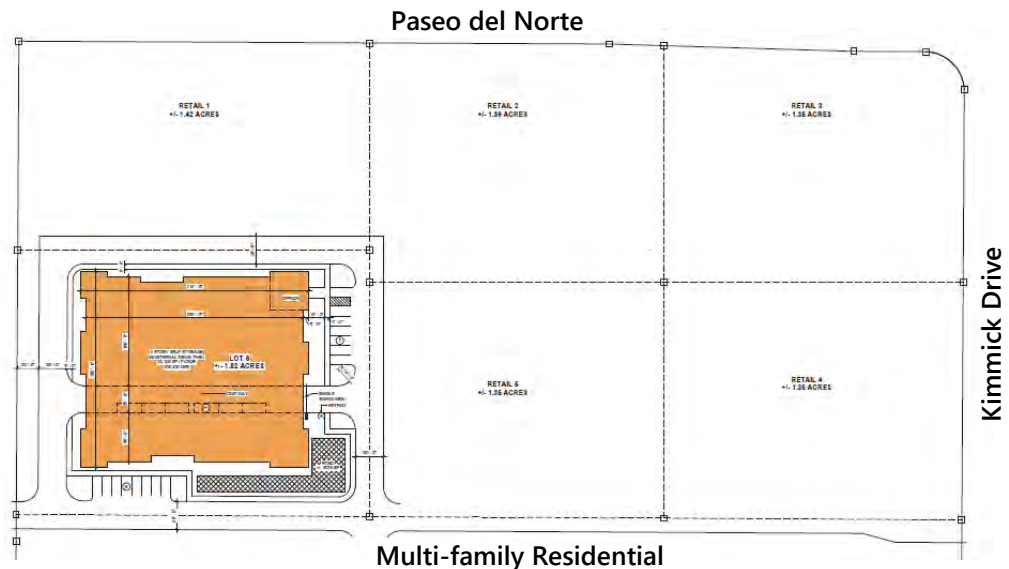


PRINCIPALS

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

PROJECT DESCRIPTION

The Applicant proposes to develop the overall site with self-storage, multi-family residential, and several small commercial pad sites in the future. The self-storage facility is proposed to be a three-story facility totaling approximately 105,300 square feet. It will be a fully enclosed, climate-controlled facility with interior access as specified for mixed-use zone districts. The height of the three-story structure was originally designed to accommodate a drive aisle through the center of the building, necessitating taller ceiling height and an overall height for most of the structure being 42 feet, 5 inches and pitched roof sections up to 48 feet tall at the peak. However, after meeting with the neighborhood associations in a facilitated meeting on Thursday, June 2, 2022, the Applicant revised the building elevations with a lower building height of approximately 37 feet, 6 inches with a flat roof only. Paseo del Norte is a limited access roadway, so access to the facility will be from Kimmick Drive to the east and shared with the future commercial pads. No public access to the commercial area is proposed from Rosa Parks Road to the south.



BACKGROUND

The subject property was formerly part of the Volcano Cliffs Sector Development Plan, which designated the property as mixed-use and converted to MX-L upon the effective date of the Integrated Development Ordinance (IDO) in 2018. A Site Plan for Subdivision consistent with the previous Volcano Cliffs mixed-use zoning was approved by the Development Review Board in 2017, which will be superseded or amended by the proposed development.

In 2019, the property owner requested a Zoning Map Amendment for the northern half of the property from MX-L to MX-M, which was approved by the Environmental Planning Commission (EPC) on October 10, 2019 (PR-2019-002663, RZ-2010-00043). The MX-M zone provides for a wide array of moderate-

intensity retail, commercial, institutional, and multi-family residential uses consistent with the site's location adjacent to an Urban Center.

EXISTING CONDITIONS

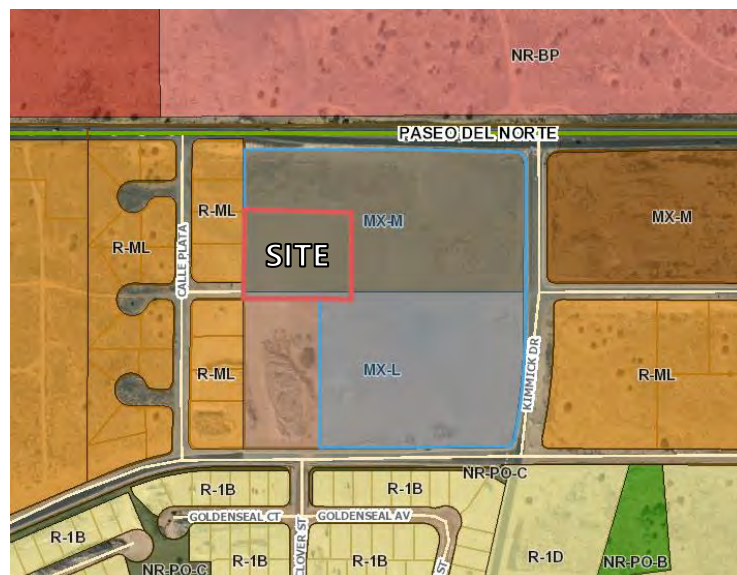
The subject property is located on the southwest corner of Paseo del Norte and Kimmick Drive and is currently vacant. It is within an Area of Change and the Northwest Mesa Community Planning Area designated within the ABC Comprehensive Plan. The Volcano Heights Urban Center is located adjacent to the project site to the north across Paseo del Norte, which is designated as a Commuter Corridor as well as a future Premium Transit Corridor.

The subject site is located within the Northwest Mesa Escarpment View Protection Overlay (VPO-2) but is outside the Height Restrictions Sub-area. Therefore, development on the subject site must meet and will comply with the requirements within *IDO Section 3-6(E)(4-6)*, which address colors, reflectivity, and mechanical equipment screening. The site is also within the Volcano Mesa Character Protection Overlay (CPO-13); however, this overlay only applies to low-density residential development.

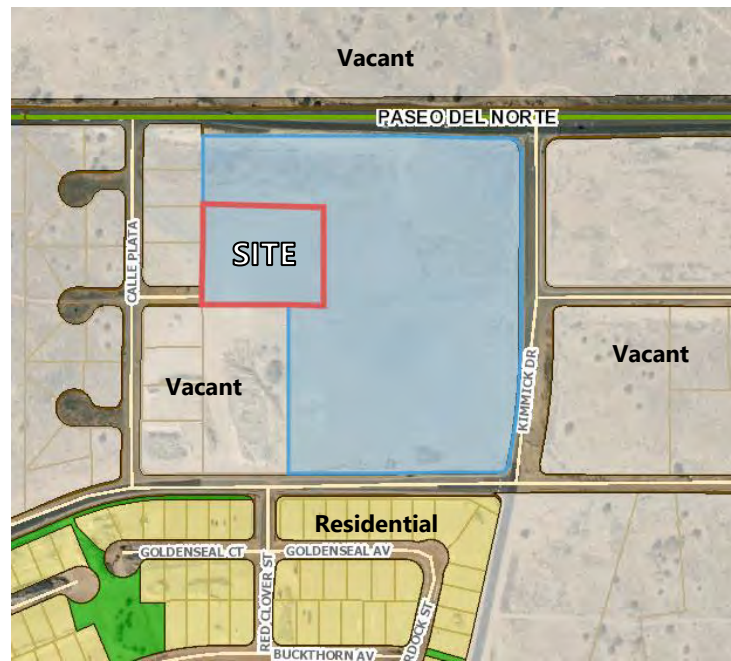
Zoning and Land Use

The following table and maps show the existing land uses and zoning from AGIS. Adjacent zoning includes MX-L, MX-M, NR-BP, R-ML, and R-1B. Most of the surrounding lots are vacant, including within the Volcano Heights Urban Center to the north. Single-family residential uses are built within the La Cuentista subdivision to the south.

Direction	Zoning	Land Use
North	NR-BP	Vacant
South	MX-L, R-1B	Vacant, Single-family Residential
East	MX-M	Vacant
West	R-ML	Vacant



Surrounding Zoning



Surrounding Land Use

CONDITIONAL USE CRITERIA

The following is an explanation of how the request meets the specific criteria for a Conditional Use for Self-Storage:

6-6(A)(3)(a) It is consistent with the adopted ABC Comp Plan, as amended.

POLICY 5.1.4 Urban Centers: *Create highly accessible and walkable Urban Centers that provide a range of employment opportunities and higher-density housing options.*

Applicant Response: Approval of the Conditional Use for Self-Storage will help facilitate growth and development within the Volcano Mesa area and the adjacent Volcano Heights Urban Center. Contributing to an overall mixed-use development on the project site, the request furthers the Urban Center policy by bringing more mixed-use and higher-density development closer to the Urban Center where infrastructure is currently lacking. Construction of additional development and related infrastructure will have a positive impact on the overall development trajectory of the Urban Center and surrounding area and support additional growth and development as desired by the Comprehensive Plan.

POLICY 5.1.12 Commuter Corridors: *Allow auto-oriented development along Commuter Corridors that are higher-speed and higher-traffic volume routes for people going across town, often as limited-access roadways.*

Sub-policy a) *Allow auto-oriented, single-use development, such as strip retail, large retail facilities, and business and institutional campuses along Commuter Corridors.*



Sub-policy b) Buffer residential land uses adjacent to Commuter Corridors.

Applicant Response: The requested self-storage facility is a large, single-use that is appropriately located along the Paseo del Norte Commuter Corridor, which is also a limited-access roadway. The site will be accessed from Kimmick Drive along with additional commercial pad sites on the northern portion of the subject property. The existing residential subdivisions to the south will be buffered from the proposed self-storage use by the MX-L zoned property in between.

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

Sub-policy a) Encourage development and redevelopment that brings goods, services, and amenities within walking and biking distance of neighborhoods and promotes good access for all residents.

Applicant Response: Approval of the proposed self-storage use will bring an in-demand service to the Northwest Mesa with great access for all residents in the subdivisions to the south, future subdivisions to the west, and multi-family residential that will support development surrounding the site and within the Urban Center to the north. As part of an overall mixed-use development of the subject property, the request furthers this policy by adding to the mix of conveniently accessible uses and will encourage additional positive development in the area.

POLICY 5.3.1 Infill Development: Support additional growth in areas with existing infrastructure and public facilities.

Applicant Response: Approval of the Conditional Use for Self-Storage will allow for the development of an infill site in an area with existing infrastructure, much of which was contributed to by this property owner and built through the Special Assessment District.

POLICY 5.6.2: Areas of Change: Direct growth and more intense development to Centers, Corridors, industrial and business parks, and Metropolitan Redevelopment Areas where change is encouraged.

Applicant Response: The subject site is within an Area of Change, and approval of the Conditional Use for self-storage helps direct growth and more intense development to this Area of Change. The EPC approved a Zoning Map Amendment for the property in 2019, which was intended to allow for more intense uses and development as appropriate next to an Urban Center, and approval of this Conditional Use is consistent with this previous approval to bring more intense development to this location in a way that is supportive of the surrounding area and, eventually, the Urban Center.



POLICY 5.6.4 Appropriate Transitions: Provide transitions in Areas of Change for development abutting Areas of Consistency through adequate setbacks, buffering, and limits on building height and massing.

Applicant Response: Consistent with this policy, the Applicant has taken great care to site the proposed self-storage facility on the subject property so that it is away from the single-family residential to the south. This creates a transitional area within the MX-L zoned portion of the property for other uses, as well as prevents public access to the storage facility directly from Rosa Parks Road. Access will be limited to a shared commercial access on Kimmick Drive on the east side of the property. Further, the Applicant has taken great care to limit the building height and massing. The three-story structure allows the use to be built within a smaller footprint than would otherwise be accomplished with a shorter building thus limiting the visual impacts of an exceedingly long or wide structure. In addition, while the underlying zoning allows for a 48-foot-tall building, the Applicant has designed significantly below this maximum height and reduced the proposed height following meeting with the neighbors to be 37 feet, 6 inches.

6-6(A)(3)(b) It complies with all applicable provisions of this IDO, including but not limited to any Use-specific Standards applicable to the use in Section 14-16-4-3; the DPM; other adopted City regulations; and any conditions specifically applied to development of the property in a prior permit or approval affecting the property, or there is a condition of approval that any Variances or Waivers needed to comply with any of these provisions must be approved or the Conditional Use Approval will be invalidated pursuant to Subsection (2)(c)2 above.

Applicant Response: The Conditional Use for Self-Storage is subject to and will comply with the Use-Specific Standards in *IDO Section 4-3(D)(29) Self-storage*.

4-3(D)(21)(a) All storage shall be within fully enclosed portions of a building.

Applicant Response: The proposed self-storage facility will be a climate-controlled, fully enclosed building, and all storage units will only be accessible through interior corridors.

4-3(D)(21)(b) Public access to any storage units within 100 feet in any direction of any Residential zone district or lot containing a residential use in any Mixed-use zone district is prohibited between 10:00 P.M and 7:00 A.M.

Applicant Response: The proposed self-storage building abuts a Residential Zone District on its west edge and the hours of operation will be limited to comply with this restriction. The proposed self-storage business will have standard office hours Monday through Friday from 9:30 A.M. to 6:00 P.M., Saturdays from 9:00 A.M. to 5:30 P.M., and closed on Sunday. Keypad access to the facility will be from 7:00 A.M. to 10:00 P.M. daily. Every customer will have a unique access code to enter the facility.



4-3(D)(21)(c) An opaque wall or fence at least 6 feet and no more than 8 feet high or a landscape buffer at least 50 feet wide shall be provided along any lot line that abuts any residential zone district or lot containing a residential use in any Mixed-use zone district.

4-3(D)(21)(d) Security fencing shall not include razor wire or barbed wire.

Applicant Response: The proposed self-storage facility will meet IDO standards for security fencing and not include razor wire. Additional details for this and related site access will be determined through the Site Plan approval process with the DRB.

4-3(D)(21)(e) In the MX-L, MX-M, MX-H, and MX-FB zone districts, and on lots in the NR-C zone district within a UC-AC-MS-PT area, access to individual storage units shall be through interior corridors; direct access to individual units from outdoor areas is not allowed.

Applicant Response: The proposed self-storage units will only have direct access through interior corridors. There will be no direct access to individual units from outdoor areas.

4-3(D)(21)(f) In the NR-C zone district outside of UC-AC-MS-PT areas, exterior doors to individual storage units shall not face any abutting street frontage, or, if the site is located on a corner lot, shall not face the primary street frontage.

Applicant Response: This Criterion is not applicable. The subject site is within the MX-M zone, not in the NR-C zone district.

Northwest Mesa Escarpment View Protection Overlay Zone

In addition to the Use-Specific Standards for Self-Storage, development on the site is also subject to the requirements contained in the Northwest Mesa Escarpment View Protection Overlay Zone (VPO-2). The site is not within the Height Restrictions Sub-area and therefore is not subject to the standards within *Section 3-6(E)(3)*. Development is required to meet and will comply with the standards within *Section 3-6(E)(4) Colors; (5) Reflectivity; and (6) Roof-mounted Equipment*. The conceptual building elevations, included in our pre-application notification to neighbors and within the application packet show a well-designed building with colors consistent with these requirements, including tan, brown, and muted red. In addition, based on the square footage of the storage building, it will require a Site Plan-DRB. The Development Review Board (DRB) will review the site plan and associated building elevations for compliance with the VPO-2 standards.

6-6(A)(3)(c) It will not create adverse impacts on adjacent properties, the surrounding neighborhood, or the larger community.

Applicant Response: The self-storage facility will not adversely impact adjacent properties, surrounding neighborhoods, or the larger community. The subject



property is within a mixed-use zone that has been planned for both commercial and multi-family uses for many years and has been recognized by the City and EPC as appropriate for a higher intensity of uses through approval of the MX-M zoning in 2019, which was appealed to the City Council that ultimately rejected the appeal. The specific use of self-storage on the property will attract fewer daily vehicle trips and generate less activity than many other uses allowed by the underlying zoning, as customers visit self-storage infrequently. Self-storage is a very low generator of traffic, and it is anticipated that an average of only 30 customers per day will visit the facility once leasing is stabilized after initial construction. The use of the subject site as self-storage will benefit the surrounding neighborhoods by providing secure indoor, climate-controlled storage units for personal items, and the building and site will meet all IDO requirements for this type of facility and complement the area's surrounding commercial uses. Further, the facility is anticipated to be operated by ExtraSpace, a national, publicly traded company, so it is in their best interest to manage a clean, safe storage facility. Security cameras will monitor all points of entry and elevator lobbies with recording devices, and a staff person will be on site during all normal business hours after the initial lease-up period.

6-6(A)(3)(d) It will not create material adverse impacts on other land in the surrounding area through increases in traffic congestion, parking congestion, noise, or vibration without sufficient mitigation or civic or environmental benefits that outweigh the expected impacts.

Applicant Response: The self-storage use will not create traffic or parking congestion in the area. Storage uses generate lower traffic volume because users make infrequent trips to the site. As mentioned, it is anticipated that an average of only 30 customers may visit the site daily after the initial lease-up. As customers will not be staying at the site for extended periods of time, and storage is a passive use, noise will be minimal. Any noise or vibration from moving trucks visiting the site will not impact any surrounding neighbors due to the separation of the site from the existing subdivisions. Further, the site access on Kimmick from Paseo del Norte will limit the few visits to the property away from residences.

6-6(A)(3)(e) On a project site with existing uses, it will not increase non-residential activity within 300 feet in any direction of a lot in any Residential zone district between the hours of 10:00 P.M. and 6:00 A.M.

Applicant Response: This criterion does not apply, as the site does not have existing uses. Nonetheless, the hours of operation as required by the use-specific standards for self-storage and customer keypad access meet the requirement and will not increase non-residential activity between 10:00 P.M. and 6:00 A.M.



6-6(A)(3)(f) It will not negatively impact pedestrian or transit connectivity without appropriate mitigation.

Applicant Response: Self-storage development on the subject property will not negatively impact pedestrian or transit connectivity. ABQ Ride Transit does not serve this area at this time. As the area develops, it is anticipated that transit will be extended, specifically with Paseo del Norte designated as a Premium Transit Corridor. Further, development of this property will not negatively impact pedestrian activity, but it will improve pedestrian connectivity in the area. When this site goes through the subdivision and site plan approval process, the DRB will require frontage improvements to include sidewalks surrounding the site, which will allow users to access not only this property but travel to and from the surrounding neighborhoods.

Conclusion

Based on this justification and supporting documentation, on behalf of Group II VC U26, LLC, we respectfully request that you review and approve this request for Conditional Use for Self-Storage. Thank you for your consideration.

Sincerely,

Jacqueline Fishman, AICP
Principal

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.

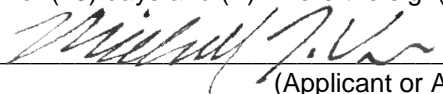
4. TIME

Signs must be posted from July 4, 2022 To August 18, 2022

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)

6/7/22
(Date)

I issued _____ signs for this application, _____, _____
(Date) (Staff Member)

PROJECT NUMBER: PR-2019-002663



CITY OF ALBUQUERQUE INVOICE

CONSENSUS PLANNING, INC. JACQUELINE
FISHMAN, AICP

302 8TH ST NW

Reference NO: VA-2022-00167

Customer NO: CU-65594126

Date	Description	Amount
6/08/22	2% Technology Fee	\$5.20
6/08/22	Application Fee	\$100.00
6/08/22	Facilitated Meeting Fee	\$50.00
6/08/22	Posted Sign Fee	\$10.00
6/08/22	Pre-Application Meeting Fee	\$50.00
6/08/22	Published Notice Fee	\$50.00

Due Date: **6/08/22**

Total due for this invoice:

\$265.20

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: 6/08/22

Amount Due: \$265.20

Reference NO: VA-2022-00167

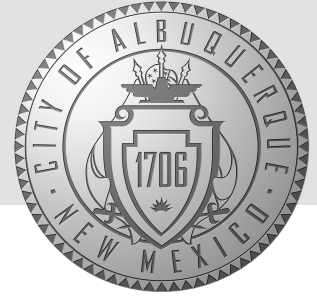
Payment Code: 130

Customer NO: CU-65594126

CONSENSUS PLANNING, INC.
JACQUELINE FISHMAN, AICP
302 8TH ST NW
ALBUQUERQUE, NM 87102



130 0000VA202200167001025667159995402000000000000026520CU65594126



Your transaction is complete – Thank you!

Your request for payment has been received.

An additional confirmation will be sent to your email account if it was provided with the payment.

Your Reference Number: **2022159006-34**

06/09/2022 11:01:30 AM

Total Amount:	\$272.49
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Building Permits, Business Registrations, Code Enforcement Permits and Planning Applications 2022159006-34-1	\$265.20
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NAME: PL/SQL: NUMERIC OR VALUE ERROR: CHARACTER STRING BUFFER TOO
CUSTOMER NUMBER: CU65594126

Permit Information PERMIT NUMBER: VA-2022-00167 PERMIT DESCRIPTION: PL002: Planning: Application Fee (Variance and Appeals) NAME: PL/SQL: NUMERIC OR VALUE ERROR: CHARACTER STRING BUFFER TOO	\$100.00
---	-----------------

Permit Information PERMIT NUMBER: VA-2022-00167 PERMIT DESCRIPTION: PL001: Planning: Facilitated Meeting Fee (Variance and Appeals) NAME: PL/SQL: NUMERIC OR VALUE ERROR: CHARACTER STRING BUFFER TOO	\$50.00
---	----------------

Permit Information PERMIT NUMBER: VA-2022-00167 PERMIT DESCRIPTION: PL003: Planning: Published Notice (Variance and Appeals) NAME: PL/SQL: NUMERIC OR VALUE ERROR: CHARACTER STRING BUFFER TOO	\$50.00
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Permit Information PERMIT NUMBER: VA-2022-00167 PERMIT DESCRIPTION: PL004: Planning: Posted Sign Fee (Variance and Appeals) NAME: PL/SQL: NUMERIC OR VALUE ERROR: CHARACTER STRING BUFFER TOO	\$10.00
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Permit Information PERMIT NUMBER: VA-2022-00167 PERMIT DESCRIPTION: PL002: Planning: Pre-Application Meeting (Variance and Appeals) NAME: PL/SQL: NUMERIC OR VALUE ERROR: CHARACTER STRING BUFFER TOO	\$50.00
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Permit Information PERMIT NUMBER: VA-2022-00167 PERMIT DESCRIPTION: TF001: Planning: Technology Fee Application (Variance and Appeals) NAME: PL/SQL: NUMERIC OR VALUE ERROR: CHARACTER STRING BUFFER TOO	\$5.20
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6/9/22, 11:02 AM

iPayment Enterprise 4.5.1.6.56309

American Express Service Fee 2022159006-34-8	\$7.29
American Express Credit Sale M CARD NUMBER: *****1001 LAST NAME: Hasham	\$265.20
American Express Service Fee Credit Sale M CARD NUMBER: *****1001 LAST NAME: Hasham	\$7.29
Total Amount:	\$272.49



Payment processing disclaimer. Set me in Workgroup Config

Powered by CORE Business Technologies



SIGN POSTING AGREEMENT

REQUIREMENTS

POSTING SIGNS ANNOUNCING PUBLIC HEARINGS

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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.
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4. TIME

Signs must be posted from 7/1 To 8/18

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.

[Signature]
(Applicant or Agent)

6/17/22
(Date)

I issued 11 signs for this application, 6/16/22 [Signature]
(Date) (Staff Member)

PROJECT NUMBER: VA-2022-00167

Sanchez, Suzanna A.

From: Rene' Horvath <aboard111@gmail.com>
Sent: Wednesday, July 13, 2022 4:59 PM
To: Sanchez, Suzanna A.
Subject: Comments doe ZHE hearing
Attachments: Comments Regarding the Storage Facility at Kimmick and Paseo for the ZHE Hearing.pdf

[EXTERNAL] Forward to phishing@cabq.gov and delete if an email causes any concern.

Dear Susie,
Here are my comments for the ZHE Hearing. Please see attached.
Let me know that you received them.
Thank you,
Rene' Horvath



Virus-free. www.avg.com

To: Robert Lucero, Esq., Zoning Hearing Examiner

Re: Proposed conditional use for a Storage Facility at Kimmick and Paseo

DATE: July 13, 2022

Dear Robert Lucero, Esq.

Several WSCONA members attended the facilitated meeting for the Storage Facility at Kimmick and Paseo and shared the same concerns expressed at that meeting regarding the proposed storage facility as a conditional use, as well as the building height. We agree with the letter written by Mr. Voorhees that the proposed storage facility does not meet the goals and policies of the 2010 Volcano Cliffs Sector development Plan nor the goals and policies of the ABC- Comp Plan, that references the Volcano Cliffs sector plan.

The site is adjacent to Petroglyph National Monument, and the City owned Open Space La Cuentista. The Mesa top with the Volcanoes and Petroglyph rich escarpment is one of the three defining natural features of Albuquerque. Comprehensive Plans and Sector Plans have consistently required more stringent sensitive type development, with more requirements, for this natural and culturally rich area of Albuquerque. We agree the use and size/height of the building does not meet the goals and policies of the ABC Comp Plan. Below are some of those policies from the ABC to Z Comp Plan that relate to the sensitive nature of the surrounding area. :

Chapter 10 demonstrates that Albuquerque has unique features that are worthy of preservation:

- c) See **Heritage Conservation Policy 11.3.3** for policies related to land development adjacent to the Bosque.

ACTIONS

- 10.3.4.1** Update the *Bosque Action Plan* to reflect documented changes including climate, wildlife, vegetation, recreation use and infrastructure, access, and restored areas. [ABC]
- 10.3.4.2** **Acquire adjacent lands suitable for recreation uses that provide links to the river and Bosque** through dedication, **leases, or fee simple purchases.** [ABC]
- 10.3.4.3** **Evaluate the feasibility of a multi-use trail along the west side** of the Rio Grande to enhance public access while protecting habitat and the ecological functions of the Bosque. [ABC]

POLICY 10.3.5

Petroglyph National Monument: Preserve the volcanoes, key portions of the basalt flow, and the Northwest Mesa Escarpment as part of the Open Space network. [ABC]

- a) Identify and conserve the unique environmental, visual, recreational, archaeological, and historical qualities and opportunities of the Northwest Mesa Escarpment. [A]
- b) Conserve the Escarpment as an entire unit with a recognizable relationship to the volcanoes that created it, the mesa top which borders it, and the arroyos that bisect it. [A]
- c) **Design public access and public facilities to be compatible with the sensitive nature of the Escarpment.** [A]
- d) Acquire land suitable for MPOS as funding becomes available to help conserve important ecological and archaeological features and include hiking trails. [A]
- e) Limit utilities and roads to areas that are least sensitive to disturbance, avoiding the following areas: Piedras Marcadas Canyon,

the point where the mid branch of the San Antonio crosses the Escarpment, the Marsh peninsula, Rinconada Canyon, and the escarpment immediately south of Rinconada Canyon. [A]

- f) See **Heritage Conservation Policies 11.3.4 and 11.3.6** related to development on lands within and adjacent to the Monument and on the Northwest Mesa.
- g) See **Infrastructure, Community Facilities & Services Policies 12.1.4 and 12.1.5** for policies related to drainage infrastructure improvements that cross the Monument.

POLICY 10.3.6

Escarpments: Preserve the ceja and Mesa del Sol escarpments as part of the Open Space network.

ACTION

- 10.3.6.1** **Preserve the ceja from Central Avenue south to the Bernalillo County limits** as Open Space. [ABC]

Goal 11.3 Cultural Landscapes

Protect, reuse, and/or enhance significant cultural landscapes as important contributors to our heritage and rich and complex identities.

POLICY 11.3.1

Natural and Cultural Features: Preserve and enhance the natural and cultural characteristics and features that contribute to the distinct identity of communities, neighborhoods, and cultural landscapes. [ABC]

- a) Minimize negative impacts and maximize enhancements and design that complement the natural environment, particularly features unique to Albuquerque, in development and redevelopment in light of the relationship to and effect upon the following:
 - i. Indigenous vegetation and other materials appropriate to landscapes;
 - ii. Topography and landscape features such as arroyos, the Rio Grande and Bosque, the foothills, and escarpments;
 - iii. Soils and erosion potential;
 - iv. Colors and textures of the natural environment; and
 - v. Scenic views from the public right-of-way
- b) Minimize the visibility of structures in highly scenic areas and on the western horizon as seen throughout the city through building design and materials that blend with the natural colors of the landscape and limit reflectivity.
- c) Protect important views from public rights-of-way through regulations on street orientation, site layout, building height, and signs.
- d) Encourage site design that enhances and leverages views to cultural landscapes.
- e) Encourage appropriate edge treatments, transitions, and buffers through site design and development standards for development adjacent to Open Space.
- f) Plat single-loaded streets to maintain scenic edges next to Open Space.
- g) Encourage reconstruction and revegetation to a natural setting.
- h) See Policies 11.3.2 through 11.3.6 below for more about specific cultural landscapes.
- i) See Community Identity Goals 4.1 and 4.3 for character protections and character-defining elements of each Community Planning Area.
- j) See Land Use Policies 5.1.1, 5.3.3, and 5.3.4 for desired development patterns that help preserve natural and cultural features.
- k) See Transportation Goal 6.8 for policies on environmental and cultural considerations in roadway planning, design, and construction.

Albuquerque/Bernalillo County Comprehensive Plan - As Adopted by City Council - MARCH 2017 11-27

- g) See Transportation Goal 6.8 for policies on environmental and cultural considerations in roadway planning, design, and construction.
- h) See Parks & Open Space Policy 10.3.4 for policies related to protecting Open Space lands within the Bosque.
- i) See also Resilience & Sustainability Policy 13.4.4 for protection of unique landforms and habitats.

ACTIONS

11.3.3.1 Encourage dedication or secure easements or leases to ensure public access on private lands adjacent to the Bosque. [ABC]

11.3.3.2 Develop and implement design standards for edge treatments to ensure contextual development adjacent to the Rio Grande Valley State Park. [ABC]

POLICY 11.3.4

Petroglyph National Monument: Regulate adjacent development to protect and preserve the Petroglyph National Monument – its volcanoes, petroglyphs, and Northwest Mesa Escarpment – as a priceless cultural landscape and community resource that provides physical, cultural, and economic benefits. [A]

- a) Protect the archaeological and historical resources of the Monument.
- b) Preserve and protect the Monument from growth and development pressures on the West Side.
- c) Conserve and protect the Monument and surrounding lands through regulations associated with the Volcano Mesa and Northwest Mesa Escarpment Areas.
- d) Minimize and mitigate negative impacts, including fugitive dust; stormwater runoff; and damage to vegetation, slopes, or boulders.
- e) Follow best practices for blasting to minimize negative impacts and fugitive dust on the Monument.
- f) Minimize visual impact of adjacent development through design standards related to color, reflectivity, building materials, and screening.
- g) Protect views to and from the black Escarpment face, which gives physical order to the community and acts as a visual reference point.
- h) Buffer MPOS and the Monument from adjacent development, preferably with a single-loaded street (i.e. a street with development only on the side not abutting the Monument) and/or landscaped areas.
- i) Prioritize dedication and acquisition of land abutting multi-use trails, rock outcroppings, and the Monument for parks and/or MPOS.
- j) Provide public access at points least sensitive to use and least disruptive to adjacent neighborhoods.
- k) Encourage appropriate edge treatments, transitions, and buffers through site design and development.

Albuquerque/Bernalillo County Comprehensive Plan - As Adopted by City Council - MARCH 2017 11-29

WSCONA and TRNA members have been involved with the planning issues regarding the Volcano Mesa Area for many years. We have supported the preservation of Open Space and helped ensure sensitive development for one of Albuquerque's greatest resources on the mesa top. The building heights have always been a concern to us because they can negatively affect the ability of new development to blend with the natural environment nearby.

The surrounding single family homes have followed very high standards in terms of building heights and they utilize earth tone colors which blend with the natural surroundings. This application does not take into account the hard work performed over many years to get complementary development on the mesa top.

Thank you,
Rene' Horvath
WSCONA and TRNA Land Use Director

La Cuentista is Open Space that TRNA and WSCONA supported for acquisition in order to buffer the monument.



It

Sanchez, Suzanna A.

From: Jane Baechle <jane.baechle@gmail.com>
Sent: Wednesday, July 13, 2022 8:05 AM
To: Sanchez, Suzanna A.
Subject: Letter of Opposition for 7/19/2022
Attachments: ZHE Comments.pdf

[EXTERNAL] Forward to phishing@cabq.gov and delete if an email causes any concern.

Dear Ms. Sanchez,

I am attaching a letter of opposition to the request for conditional use approval for self storage on Lot 1, Block 2, Volcano Cliffs Unit 26 at 99999 Paseo del Norte NW.

This is agenda item 27 for the ZHE Agenda on 7/19/2022, VA-2022-00167, Project #PR-2019-002663.

I appreciate your assistance in assuring this letter is provided to Mr. Robert Lucero, ZHE, in advance of this hearing date. Please confirm your receipt of my request.

Thank you very much.

Jane Baechle
Member
Santa Fe Village Neighborhood Association Board

Jane Baechle
7021 Lamar Avenue NW
Albuquerque, NM 87120
Jane.Baechle@gmail.com

Date: July 13, 2022

To: Robert Lucero, Esq.
Zoning Hearing Examiner
City of Albuquerque

From: Jane Baechle
Member
Santa Fe Village Neighborhood Association Board

Re: VA-2022-00167
Project # PR-2019-002663

I am writing to register opposition to approval of the request for “a conditional use to allow for self storage for Lot Portion of Lot 1, Block 2, Volcano Cliffs Unit 26, located at 99999 Paseo del Norte NW”. This is Item 27, VA-2022-00167, Project # PR-2019-002663, on the Zoning Hearing Examiner’s Agenda for Tuesday, July 19, 2022.

This position is informed by discussions with SFVNA Board members regarding the potential deleterious effect of this use on the NW Mesa escarpment, adjacent neighborhoods and the sensitive land within and adjacent to the Petroglyph National Monument. It has been approved by a majority of the current members of the SFVNA Board.

The impact of higher density and more intensive development of this area has been documented as far back as the request to upzone this area from MX-L to MX-M in 2019, a request ultimately approved by the EPC on October 10, 2019. City planning staff denied approval at EPC meetings and cited the applicant’s failure to support its positions regarding compliance of this request with the IDO and ABC Comp Plan. Despite planning staff analysis and recommendation of denial and objections from neighbors, Albuquerque Open Space and the National Park Service, the request was approved.

The EPC decision was appealed. A vote of the ABQ City Council, taken after the death of District 1 Councilor Ken Sanchez and before his replacement, Councilor Lan Sena, was seated in

March of 2020, allowed the approval to stand despite the votes of 4 Councilors to reject the Land Use Hearing Officer approval of the zone change.

The concerns outlined in the EPC documents of September 12, 2019 and October 10, 2019 on the zoning map amendment remain. These same concerns were frequently cited in the Pre-application facilitated meeting held on Thursday, June 2, 2022. Opposition was voiced once again by participants in the facilitated meeting.

There is every reason to believe that the proposed conditional use will negatively impact adjacent areas. Self-service storage is incompatible with the culturally sensitive nature and character of the area. Self-service storage clearly represents a use incompatible with lands which continue to contain evidence of Ancestral Puebloan art, culture and spirituality.

A structure of this size and design cannot fail to negatively impact sensitive lands in either its construction or operation. Its construction will require disturbing the land itself and likely impact adjacent areas, including the escarpment itself. The EPC Notice of Decision from 2019 states that the area involved is approximately 1065 feet west of MPOS. That is surely within an area where the effects of construction of a three story structure may be expected to be significant.

The design of any structure, including its height, represents a major concern for any development in this area. While this was acknowledged as an issue in the Pre-application facilitated meeting, the proposed design presented at that time called for a structure of the maximum allowed height of 48' in an MX-M zone. Neither a tasteful facade nor a carefully planned driveway to the structure will mitigate the negative effects of a structure of this height in such close proximity to residential neighborhoods or the monument and the escarpment. It will dwarf surrounding residences and any planned buffer will not diminish its impact. It will also block the wide view of the western horizon and the volcanoes; the latter which represent an important element of the experience of the Petroglyph National Monument and the understanding of why this area represented sacred ground to the Ancestral Puebloan people.

In summary, the conditional use being requested for this lot represents a significant detriment to this area. It is profoundly incompatible with nearby residential neighborhoods and a national monument and landscape which honors ancestral people. It risks irreparable damage to sensitive land. The building height proposed at the June 2nd facilitated meeting is consistent with MX-M requirements in the IDO. Nonetheless, it amplifies the perception that the proposed use is incompatible with the culturally sensitive nature and character of the surrounding area and affirms how prescient the concerns articulated in 2019 when the zoning change was proposed truly were.

Sanchez, Suzanna A.

From: mb422 <mb422@comcast.net>
Sent: Wednesday, July 13, 2022 4:53 AM
To: Sanchez, Suzanna A.
Subject: Memo in oppositon
Attachments: Memo in Opposition-B.pdf; ATT00001.txt; Memo in Opposition-M.pdf

[EXTERNAL] Forward to phishing@cabq.gov and delete if an email causes any concern.

Mr. Lucero,

We will be unable to attend this month's ZHE and have a great concern with one of the agenda items. Please accept these two documents to be considered for VA-2022-00167, Project# PR-2019-002663, during the 19 July ZHE meeting.

Kind Regards,
Baxter and Remedios Sosebee

TO: **Robert Lucero, Esq., Zoning Hearing Examiner**

FROM: **Baxter Sosebee**, 6409 Picardia PL NW, Albuquerque, NM 87120

DATE: **July 13, 2022**

RE: **Memorandum in Opposition** to the Group II U26 VC LLC (Agent, Consensus Planning) request for a conditional use to allow for self-storage for Lot Portion of Lot 1, Block 2, Volcano Cliffs Unit 26, located at 99999 Paseo Del Norte NW.

Mr. Lucero,

On 6/2/22, 43 neighbors from the Westside Coalition of Neighborhood Associations, the La Quintista neighborhood, and the Petroglyph Estates neighborhood participated in a facilitated Zoom meeting regarding the proposed self-storage facility, which included a presentation on the 3 story structure planned for the location. All 43 expressed their opposition to the project. Undeterred however, the developer is continuing their efforts. For context, it is important to note that the lot in question for this hearing was originally zoned under the Sector Development Plan with the description as follows:

*"Mixed-Use zones provide for small offices, shops, community facilities, or townhouses with ground-floor home occupations including office, retail, and service activities **at the neighborhood scale** extending goods and services to locations that may not be able to support major retail."*

In contrast, this use—a 3 story self-storage facility—does not match that vision. The developer is only asking for the conditional use, without presenting any development plan, but to grant such approval in the absence of relevant intent is contrary to the Comprehensive Plan.

As the current Albuquerque/Bernalillo County Comprehensive Plan states in Section 3.1:

*"Together, we must make choices to protect all we share, **including the stunning natural beauty of the Rio Grande and Bosque, Sandia Mountains, and volcanoes on the West Mesa**. As stewards of this place, we must work together to plan our streets and trails, water and energy resources, economy, parks, cultural attractions, neighborhoods, and all other elements that make up the fabric of our community."*

Figure A-1 of the Comprehensive Plan also lists "**City Sector Development Plans With Policies that Are Incorporated into the Comp Plan**", which includes the **Volcano Cliffs Sector Development Plan**.

For in depth reference, it is important to note the history of this plan. "In 2010, at the direction of City Councilor Dan Lewis and Planning Director Deborah Stover, in consultation with area property owners, a new approach to developing long-range plans for this special area of Albuquerque was initiated. Three separate, but related, "Rank III" Sector Development Plans were developed in order to address the diverse needs of and issues within each planning area. The City sought input from stakeholders and property owners throughout the process and used that input to guide the development of the three plans."

One of these plans "The Volcano Cliffs Sector Development Plan (VCSDP), includes the areas where small, large, and acreage lots are individually owned and low-density residential development will predominate, with some commercial."

Here is a synopsis from the VCSDP:

Purpose of the Plan. The Volcano Cliffs Sector Development Plan covers 2,327 acres of land and adopts zoning and overall policy guidance for development within the plan area. From meeting with the steering committee, comprised of representatives of the Volcano Cliffs Property Owners Association, the following Vision and Guiding Principles were adopted:

Vision. The plan will:

- **PRESERVE the fantastic views from the Volcano Cliffs area.**
- RESPECT the many individual, private property owners in the Volcano Cliffs area.
- PROTECT the unique location of the Volcano Cliffs area.

Guiding Principles. The following principles guided the development of this plan:

- Develop a flexible plan and encourage development that is both ecologically and financially sustainable.
- Ensure good quality development.

- **Protect views to and from the Volcano Cliffs area.**
- Respect the unique location, surrounded by the Petroglyph National Monument and Major Public Open Space.
- Respect the existing platted lots of various sizes and the many individual property owners.
- Provide a planning framework to support future Special Assessment Districts (SADs) or other such funding mechanisms.
- Ensure delivery of utilities and infrastructure to the area.
- Provide opportunities for jobs and a range of housing types.
- Acquire Major Public Open Space in an equitable and timely fashion.
- Ensure walkable thoroughfares in Volcano Cliffs.

One of the 5 major Environmental and Open Space Goals states:

"Maintain scenic edges, protect important views, and minimize the visual impact of development on the western horizon as seen throughout the city."

*The visual impact of development in the Plan area, especially in the western portions of the Plan area, adjacent to the rising mass of the volcanic cones, should be developed in a manner that preserves a sense of open space by encouraging the clustering of homes and through rural densities. **In addition, height, color, and other visual qualities will be controlled along the Escarpment edge of Volcano Cliffs. The built environment and landscape along the edges where Volcano Cliffs and the Petroglyph National Monument meet should form a pleasant transition from the natural area to the developed area.** Open space constitutes an important resource that demands special landscape and architectural treatments."*

Two of the six Land Use and Urban Design Goals are as follows:

"Bring homes, businesses, and daily destinations—like retail and community facilities— closer together within neighborhoods and districts."

*Ideally, homes should be within walking distance of a **mixed-use village center containing retail, community services, and a small park or plaza**. Volcano Cliffs also includes more rural areas, with larger platted lots, adding to the residential diversity of the area. Studies have shown that this walkable pattern of development can reduce the number of vehicle-trips dramatically. Walkable districts and neighborhoods also have proven social and economic benefits resulting from better access to basic needs and amenities, safer and more active streets, and improved health through physical activity."*

*"Establish a Village Center as a **mixed-use Neighborhood Activity Center that offers a range of service, commercial, and entertainment uses**; urban housing; and some employment opportunities.*

A mixed-use Neighborhood Activity Center designation (as per the Rank II West Side Strategic Plan, using the criteria of the Rank I Comprehensive Plan) for the Village Center will provide an opportunity for residents in the surrounding residential areas to access a range of goods and services that they may need in their daily lives. The Village Center also provides an opportunity for housing options at higher densities than the surrounding single family neighborhoods. Clustering retail services within close proximity to residential areas provides an opportunity for goods and services to be accessible to adjacent residential neighborhoods. Following the West Side Strategic Plan, a well-designed central plaza will serve as a focus for community life in the Neighborhood Activity Center and help enhance a sense of place."

A multi-story self-storage facility is not in alignment with any of these goals or visions. The facility will disrupt the view corridors of neighborhoods, commuters, and visitors. It would abruptly jut above the surrounding structures. It fails to provide the walkable retail and community services desired by those who live here, and who made decisions to buy and build here and to pay SAD fees, all with the reasonable expectation that the City would follow the zoning and development plans in a manner consistent with their stated goals, vision, and intent. It also violates the very purpose for which the Volcano Mesa Character Protection Overlay (VPO-13) was created, to protect the unique and culturally significant view corridors that exist in all directions.

It is NOT consistent with the adopted ABC Comp Plan, as amended. It WILL create significant adverse impacts on adjacent properties, the surrounding neighborhood, and the larger community, including disrupting view lines sacred to the Pueblo peoples who have been a part of this landscape for thousands of years.

Based upon all of the above—representing years of work by many stakeholders and the homeowners who live here—I urge you to deny this request for conditional use.

Kind Regards,
Baxter Sosebee
Petroglyph Estates

TO: **Robert Lucero, Esq., Zoning Hearing Examiner**

FROM: **Remedios Sosebee**, 6409 Picardia PL NW, Albuquerque, NM 87120

DATE: **July 13, 2022**

RE: **Memorandum in Opposition** to the Group II U26 VC LLC (Agent, Consensus Planning) request for a conditional use to allow for self-storage for Lot Portion of Lot 1, Block 2, Volcano Cliffs Unit 26, located at 99999 Paseo Del Norte NW.

Mr. Lucero,

On 6/2/22, 43 neighbors from the Westside Coalition of Neighborhood Associations, the La Quintista neighborhood, and the Petroglyph Estates neighborhood participated in a facilitated Zoom meeting regarding the proposed self-storage facility, which included a presentation on the 3 story structure planned for the location. All 43 expressed their opposition to the project. Undeterred however, the developer is continuing their efforts. For context, it is important to note that the lot in question for this hearing was originally zoned under the Sector Development Plan with the description as follows:

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Based upon all of the above—representing years of work by many stakeholders and the homeowners who live here—I urge you to deny this request for conditional use.

Kind Regards,
Remedios Roselee
Petroglyph Estates

Sanchez, Suzanna A.

From: Hendricks, Nancy E <Nancy_Hendricks@nps.gov>
Sent: Wednesday, July 13, 2022 2:29 PM
To: Sanchez, Suzanna A.
Cc: Walter, Chanteil G; Skaar, Karen S
Subject: National Park Service Comments: Self Storage Facility Paseo del Norte Boulevard NW, and Kimmick Drive NW, Albuquerque, Applicant Jubilee Developments LLC Group II U26 VC LLC

Follow Up Flag: Follow up
Flag Status: Flagged

[EXTERNAL] Forward to phishing@cabq.gov and delete if an email causes any concern.

IN REPLY REFER TO:
I.A.I.

July 13, 2022

Robert Lucero, Zoning Hearing Examiner
Via email at: suzannasanchez@cabq.gov
City of Albuquerque Planning Department
Plaza del Sol Building
600 Second NW
Albuquerque, NM 87102

Dear Mr. Lucero,

I am writing on behalf of the National Park Service (NPS) concerning a storage facility that is proposed at the southwest corner of Paseo del Norte Boulevard NW, and Kimmick Drive NW, Albuquerque, and owned by Group II U26 VC LLC (Applicant Jubilee Developments LLC). I attended the June 2, 2022, meeting hosted by Consensus Planning, Inc. who represented the property owner. Our understanding is that while the facility meets the Individual Development Ordinance (IDO) zoning for the area as Mixed-Use Moderate Intensity (MX-M), conditional use approval is required per the IDO 16-14-6-4 (E)(3) and the guidelines listed at 6-6(A), Conditional Use Approval.

We appreciate that the developer is willing to reduce the height of the facility to 37 feet, however we still have serious concerns about this facility and its effects on Petroglyph National Monument. This facility would be located approximately 1,500 feet from the boundary of Petroglyph National Monument, near the Piedras Marcadas Canyon area. Petroglyph National Monument is one of the most outstanding features of the West Mesa and is important not just to the residents of the West Mesa, providing trails and recreational opportunities, but also to visitors from the United States and around the world. We documented more than 360,000 visitors to the monument in 2021. Piedras Marcadas Canyon contains significant cultural resources, including a large and significant concentration of petroglyphs, and numerous archaeological sites. The escarpment area is listed on the National Register of Historic Places (NRHP) as the Las Imagines Archeological District and is considered sacred to the Pueblo and Tribal people of New Mexico and throughout the Southwest.

The building as designed would be three stories high and appears to be designed with little thought to blending in with the surrounding landscape of the West Mesa. The height of the building, now at 37 feet, would detract from the views of the monument both from the surrounding areas, on Paseo del Norte Blvd, and for those visitors within the monument. We are developing a trail system in the monument, and it appears from the drawing that the building height would make it very visible to the monument visitors.

Since this is one of many plots that have been rezoned, the height and design of this structure may be precedent-setting and increase the likelihood for the approval of similar commercial structures in the future. Multiple commercial structures of this height would change the views of the monument dramatically and detract from the cultural significance of the area. As currently designed, we believe the building would create significant adverse impacts on the surrounding area including Petroglyph National Monument, and would not meet the review and decision criteria at 6-6(A)(3)(c).

We recommend rethinking the design to lower the height of the facility, and to consider a design that better blends in and is more compatible with the natural and cultural landscape of the West Mesa area. To reduce any potentially adverse effect to cultural and historic sites listed on the NRHP, we also advise engaging with the NM State Historic Preservation Office (SHPO) for appropriate mitigations.

Lighting design is also a concern. Night lighting can affect the behavior of birds, bats, and other wildlife. We would like to learn more about the lighting plans for the structure to ensure low level lighting is used to reduce the potential negative effects on wildlife, the NPS may have mitigations and Best Management Practices that may be applied to the design to mitigate impacts.

Thank you for your consideration. Please contact me by email at nancy_hendricks@nps.gov if you have questions or would like to discuss further.

Sincerely,

Nancy Hendricks
Superintendent

Nancy Hendricks, Superintendent
Petroglyph National Monument
6001 Unser Blvd, NW
Albuquerque, NM 87120

Sanchez, Suzanna A.

From: Shawn Rarrick <sgscubadog@hotmail.com>
Sent: Wednesday, July 13, 2022 9:25 AM
To: Sanchez, Suzanna A.
Subject: Robert Lucero , Esq, Zoning Hearing Examiner
Attachments: Zoning letter to Lucero 2022.docx

[EXTERNAL] Forward to phishing@cabq.gov and delete if an email causes any concern.

Letter regarding the request for changes to zoning in Petroglyph Estates.

TO: Robert Lucero, Esq., Zoning Hearing Examiner

FROM: Shawn and Glenda Rarrick 6209 Papagayo Rd NW, Albuquerque, NM 87120

DATE: July 12, 2022

RE: Memorandum in Opposition to the Group II U26 VC LLC (Agent, Consensus Planning) request for a conditional use to allow for self-storage for Lot Portion of Lot 1, Block 2, Volcano Cliffs Unit 26, located at 99999 Paseo Del Norte NW

Mr. Lucero,

We are contacting you about our opposition to the above proposed zoning change. Our reasons for objection to the storage facility are as follows:

- Replaces small businesses that would continue to support the community in a more sustainable way
- Creates no real jobs
- Provides no common areas for community gathering
- Goes against our sector development (which we have all adhered to)
- Violates the purpose of the neighborhood
- Does not preserve significant cultural areas or the protected views of the Volcano Cliffs
- It will negatively impact view corridors from the Petroglyph National Park and adjacent City of Albuquerque open space

As residents of this community, we are passionate about preserving the natural beauty of this unique and culturally significant area. We fear that allowing exceptions that were not in the original planning and design of this community, will set a precedent of continued exceptions that will degrade the intent of our neighborhood. We encourage you to take a drive on Paseo towards Unser and see for yourself how any large structures would impact the amazing vistas of the volcanos and the surrounding areas.

Thank you for your consideration on this matter.

Shawn and Glenda Rarrick

Sanchez, Suzanna A.

From: Michael Vos <Vos@consensusplanning.com>
Sent: Wednesday, July 13, 2022 4:37 PM
To: Sanchez, Suzanna A.; Jackie Fishman
Subject: RE: ZHE New Evidence-99999 Paseo Del Norte
Attachments: Paseo and Kimmick Self-storage Additional Support Memo.pdf

[EXTERNAL] Forward to phishing@cabq.gov and delete if an email causes any concern.

Suzie,
Please see attached for additional written information to add to the record for this case. Let us know if there are any questions.

Thanks,
Michael Vos, AICP
CONSENSUS PLANNING, INC.
302 Eighth Street NW
Albuquerque, NM 87102
phone (505) 764-9801
vos@consensusplanning.com

From: Sanchez, Suzanna A. <suzannasanchez@cabq.gov>
Sent: Wednesday, July 13, 2022 12:16 PM
To: Jackie Fishman <fishman@consensusplanning.com>
Cc: Michael Vos <Vos@consensusplanning.com>
Subject: ZHE New Evidence-99999 Paseo Del Norte

Good afternoon,

Attached is what has been received so far for 99999 Paseo Del Norte. I will also forward any additional comments received by 5pm today. Please let me know if you have any questions.

Thank you,

Suzie



SUZIE SANCHEZ-FLORES
zhe administrative assistant
o 505.924.3894
e suzannasanchez@cabq.gov
cabq.gov/planning



Memorandum

To: Robert Lucero, Zoning Hearing Examiner

From: Jackie Fishman, AICP, and Michael Vos, AICP, Consensus Planning, Inc.

Date: July 13, 2022

Re: Action Items and Comment Responses for Proposed Self-storage and Paseo del Norte and Kimmick

The purpose of this memo is to provide additional information regarding neighborhood concerns and follow-up on the action items from the facilitated meeting held June 2, 2022, as well as comments submitted by neighbors to the Zoning Hearing Examiner regarding this application.

Are storage facilities more susceptible to break-ins?

The Applicant communicated with Laura Kuehn, a Crime Prevention Specialist with the Albuquerque Police Department regarding this question, and data for a selection of self-storage facilities around the city were provided. It was noted that commercial burglary is the largest category of crime for these types of facilities, which is unsurprising due to the nature of the business. However, it does not appear that self-storage facilities in and of themselves attract more crime than any other type of business. Ms. Kuehn noted that, as with most businesses, management has a critical role in this.

Crime statistics were provided by Ms. Kuehn for a 17-month period for several different storage facilities around Albuquerque. Several of the facilities surveyed had as few as zero or one burglary within that 17-month timeframe, and many had total calls for service only once or twice per month, on average.

Important to note, the facilities that had the most calls for service appear to be older facilities with units accessed directly from the outdoors and concentrated along the Central Avenue Corridor. The MX-M zoning for the Paseo del Norte and Kimmick site does not allow for this style of self-storage facility. The closest example of what is proposed in the crime data is the Extra Space Storage facility at 1911 Ladera Drive NW, which is a 3-story, indoor climate-controlled facility like what is proposed through this request. The Ladera facility had only 14 total calls for service over 17 months; half of those were classified as “other,” which includes Albuquerque Fire and Rescue calls.

Do storage facilities attract homeless individuals?

Regarding the question of homelessness, the Applicant reached out to Lisa Huval, City Deputy Director for Housing and Homelessness, and Carol Pierce, Director, with the Family and Community Services Department to get their perspective on the matter. It was their opinion “that storage facilities do not in and of themselves encourage people without homes to congregate in the area where the facility is located.” Such congregation is more common in locations where services are available to them, such as places with food and bathrooms that are accessible. It is unlikely that the proposed storage facility will provide an appealing location for unhoused individuals to congregate any more than any other permissive commercial business allowed by the zoning of the subject property.

Building Height Concerns

Another aspect of the project cited as a concern by several neighbors and by the Superintendent of the Petroglyph National Monument is regarding the 3-story building height. At the facilitated meeting, the original design of the building was shown at 42 feet, 5 inches with pitched roof sections up to 48 feet tall, which is permissive under the MX-M zoning of the property. After hearing the neighbor concerns, the Applicant had the building redesigned and lowered the building height to 37 feet, 6 inches while maintaining 3-stories within the structure. This was accomplished by removing an internal drive aisle through the center of the structure.

The site is located within the Northwest Mesa Escarpment View Protection Overlay Zone, but it is located outside of the height restrictions sub-area as confirmed by James Aranda, Zoning Enforcement Officer. As the underlying zoning that was approved by the City allows up to 48 feet and the original IDO zoning of the property allowed 38 feet, the Applicant believes it is appropriate for the proposed building height at this site. Other uses may be constructed permissively with the same or taller heights on the subject property. In addition, while the site is not within the height restrictions sub-area, the building design must still comply with other requirements regarding colors and reflectivity to minimize the impact on the surrounding area. The Applicant fully intends to comply with these requirements.

Conformance with Prior Sector Development Plan

Some comments have been submitted by neighbors expressing their concern that the proposed development and use of the site are not compatible with the spirit and intent of the Volcano Cliffs Sector Development Plan, which previously governed the site. Primary concerns are regarding the views to and from the Volcano Cliffs area, as well as some concerns about the importance of mixed-use zones to provide goods and services at the neighborhood scale. It is important to note that the cited description of the mixed-use zones from the prior Sector Development Plan is similar to the description for MX-L (Mixed-use Low Intensity) zones in the IDO. The IDO states, *“The purpose of the MX-L zone district is to provide for **neighborhood-scale** convenience shopping needs, primarily at intersections of collector streets.”* [emphasis added] The subject property having been changed from MX-L to the more intense MX-M zone notwithstanding, the MX-L zone also allows self-storage facilities as a Conditional Use and a maximum height of 38 feet. It appears that it is the policy decision of the City Council that such uses, and heights can be appropriate as part of a neighborhood-scale commercial area.

In addition to the appropriateness of the use generally, critical context to this request is the site’s location along Paseo del Norte, a busy Commuter Corridor, as well as immediately adjacent to the Volcano Heights Urban Center. Buildings constructed on the north side of the road could be built up to 65 feet tall, or higher.

Conclusion

Overall, the Applicant firmly believes that this Conditional Use request is justified and complies with the applicable criteria for approval. Great effort has been made to bring the building height down in response to comments, below what is allowed permissively by the zoning of the property. Self-storage facilities do not appear in and of themselves to create more or less crime or congregation of unhoused individuals than any other commercial use that could locate on the property. Therefore, the self-storage facility will not create any significant adverse impacts on nearby properties or the surrounding area and should be approved.

Sanchez, Suzanna A.

From: Jackie Fishman <fishman@consensusplanning.com>
Sent: Tuesday, July 19, 2022 3:11 PM
To: Sanchez, Suzanna A.; Patten-Quintana, Lorena
Cc: Michael Vos
Subject: PdN and Kimmick
Attachments: 036 - Site RePlat July 14th - 20220714_volcano cliffs u26 replat drb (3 sheets) (2) (1).pdf

[EXTERNAL] Forward to phishing@cabq.gov and delete if an email causes any concern.

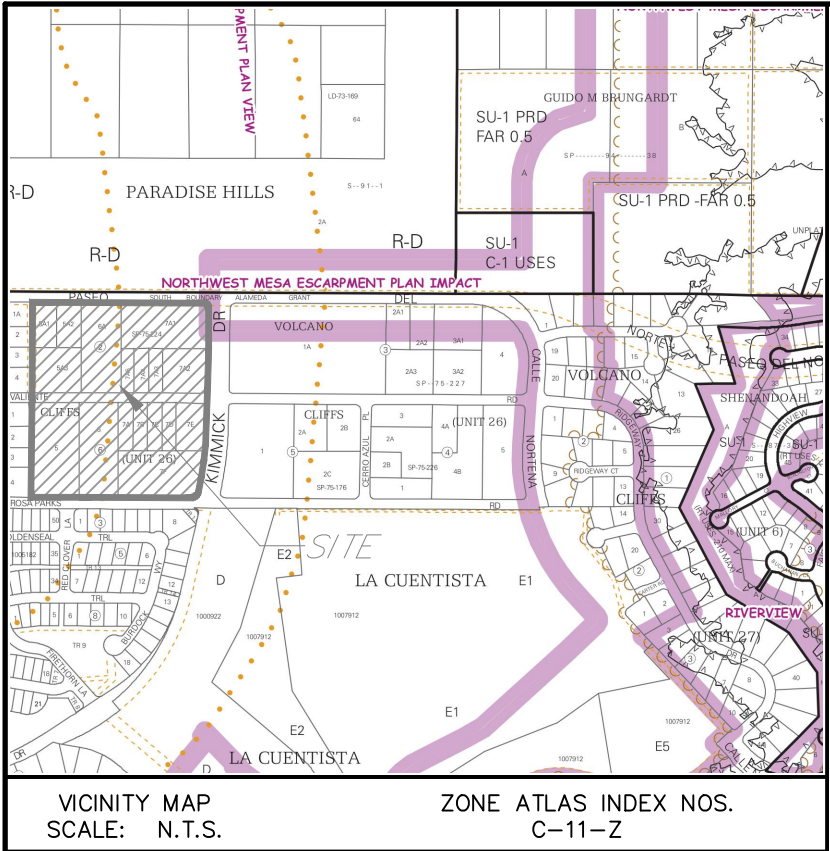
Suzie –

Here's a copy of the plat that we will be submitting to the DRB next month and that I showed during the hearing.

Thanks!

Jacqueline Fishman, AICP

Principal
Consensus Planning, Inc.
302 Eighth Street NW
Albuquerque, NM 87102
P: 505.764.9801



SUBDIVISION DATA:

TOTAL NO. OF LOTS EXISTING:	2
TOTAL NO. OF TRACTS CREATED:	3
GROSS SUBDIVISION ACREAGE:	18.2557 ACRES
TOTAL MILES OF STREETS CREATED:	0
ZONE ATLAS INDEX NO:	C-11-Z
DATE OF SURVEY:	APRIL 2010
CURRENT ZONING:	MX-M for Tract 1A MX-L for Tract 1B & Tract 1C

DISCLOSURE STATEMENT:

THE PURPOSE OF THIS PLAT IS TO REPLAT TRACT 1, BLOCK 2 AND LOT 5, BLOCK 6 UNIT 26, VOLCANO CLIFFS SUBDIVISION INTO THREE TRACTS TO MATCH THE ZONE MAP AMENDMENT APPROVED BY THE ENVIRONMENTAL PLANNING COMMISSION.

THIS IS TO CERTIFY THAT TAXES ARE CURRENT AND PAID ON

UNIFORM PROPERTY CODE # : 1-011-064-040-145-30102
PROPERTY OWNER OF RECORD: GROUP II U26 VC, LLC, A NEW MEXICO LIMITED LIABILITY COMPANY

UNIFORM PROPERTY CODE # : 1-011-064-006-118-30101
PROPERTY OWNER OF RECORD: TRACT 5 U26, LLC, A NEW MEXICO LIMITED LIABILITY COMPANY

BERNALILLO COUNTY TREASURER'S OFFICE: _____ DATE: _____

INDEXING INFORMATION FOR COUNTY CLERK
OWNER(S): VARIOUS
SECTIONS 14&15, T.11 N., R.2 E., N.M.P.M.
SUBDIVISION: VOLCANO CLIFFS SUBDIVISION, UNIT 26

Layout Name: DRB-1of3
Drawing Name: 14111700_REPLAT_METRO.dwg
NETWORK ADDRESS: M:\TRN\14-100-117-00\2_Disciplines\Survey\Drawings\ Plot By: PAJ

LEGAL DESCRIPTION:

A CERTAIN TRACT OF LAND BEING DESCRIBED AS TRACT 1, BLOCK 2 AND LOT 5, BLOCK 6, UNIT 26 VOLCANO CLIFFS SUBDIVISION FILED WITH THE OFFICE OF THE COUNTY CLERK OF BERNALILLO COUNTY, NEW MEXICO ON SEPTEMBER 12, 2013 IN BOOK: 2013C, PAGE: 92 AS DOCUMENT # 2013089890 AND VOLUME D4, FOLIO 133 FILED JUNE 23, 1971; SAID TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT THE SOUTHWEST CORNER OF SAID TRACT 1 AND ALSO A POINT ON THE NORTHERLY RIGHT OF WAY LINE OF ROSA PARKS; WHENCE, THE A.C.S. (ALBUQUERQUE CONTROL STATION) 3-E10, A BRASS CAP IN PLACE, BEARS S.28°46'12"W., 8,467.09 FEET DISTANT; THENCE FROM SAID POINT OF BEGINNING, ALONG SAID NORTHERLY RIGHT OF WAY LINE,
S89°40'55"W., A DISTANCE OF 239.96 FEET; THENCE, LEAVING SAID NORTHERLY RIGHT OF WAY LINE,
N.00°19'05"E., 921.04 FEET TO THE NORTHWEST CORNER OF SAID TRACT DESCRIBED HEREIN, BEING A POINT ON THE SOUTHERLY RIGHT OF WAY LINE OF PASEO DEL NORTE; THENCE, ALONG SAID RIGHT OF WAY LINE,
S.89°43'24"E. A DISTANCE OF 544.22 FEET; THENCE,
S.88°17'26"E. A DISTANCE OF 224.95 FEET; THENCE,
S89°43'24"E. A DISTANCE OF 67.02 FEET TO A POINT OF CURVATURE; THENCE,
SOUTHEASTERLY, 54.31 FEET ALONG THE ARC OF SAID CURVE TO THE RIGHT HAVING A RADIUS OF 36.78 FEET AND A CENTRAL ANGLE OF 84°36'32"SUBTENDED BY A CHORD OF 49.52 FEET WHICH BEARS S.44°42'09"E. TO A POINT OF TANGENCY, BEING A POINT ON THE WESTERLY RIGHT OF WAY LINE OF KIMMICK DRIVE; THENCE ALONG SAID WESTERLY RIGHT OF WAY LINE,
S.00°19'05"W. A DISTANCE OF 509.90 FEET TO A POINT OF CURVATURE; THENCE,
SOUTHWESTERLY, 349.19 FEET ALONG THE ARC OF SAID CURVE TO THE RIGHT HAVING A RADIUS OF 1,781.34 FEET AND A CENTRAL ANGLE OF 11°13'53"SUBTENDED BY A CHORD OF 348.63 FEET WHICH BEARS S.05°56'02"W. TO A POINT OF COMPOUND CURVATURE; THENCE,
SOUTHWESTERLY, 34.37 FEET ALONG THE ARC OF SAID CURVE TO THE RIGHT HAVING A RADIUS OF 25.00 FEET AND A CENTRAL ANGLE OF 78°46'06"SUBTENDED BY A CHORD OF 31.73 FEET WHICH BEARS S.50°56'02"W. TO A POINT OF TANGENCY ON THE NORTHERLY RIGHT OF WAY LINE OF ROSA PARKS ROAD; THENCE WESTERLY ALONG SAID RIGHT OF WAY LINE,
N.89°40'55"W. A DISTANCE OF 149.95 FEET TO AN ANGLE POINT; THENCE,
S.88°53'10"W. A DISTANCE OF 160.05 FEET TO AN ANGLE POINT; THENCE,
N.89°40'55"W. A DISTANCE OF 262.60 FEET TO THE SOUTHWEST CORNER OF SAID TRACT HEREIN DESCRIBED, THE POINT OF BEGINNING;
SAID TRACT CONTAINING AN AREA OF 795,218 SQUARE FEET OR 18.2557 ACRES, MORE OR LESS.

NOTICE OF SUBDIVISION PLAT CONDITIONS:



A VARIANCE OR WAIVER FROM CERTAIN SUBDIVISION REQUIREMENTS HAS BEEN GRANTED BY THE CITY AND THE ALBUQUERQUE METROPOLITAN ARROYO FLOOD CONTROL AUTHORITY IN CONNECTION WITH THIS PLAT.

FUTURE SUBDIVISION OF LANDS WITHIN THIS PLAT, ZONING SITE DEVELOPMENT PLAN APPROVALS, AND DEVELOPMENT PERMITS MAY BE CONDITIONED UPON DEDICATION OF RIGHTS-OF-WAY AND EASEMENTS, AND/OR UPON INFRASTRUCTURE IMPROVEMENTS BY THE OWNER FOR WATER, SANITARY SEWER, STREETS, DRAINAGE, GRADING AND PARKS IN ACCORDANCE WITH CURRENT RESOLUTIONS, ORDINANCES AND POLICIES IN EFFECT AT THE TIME FOR ANY SPECIFIC PROPOSAL.

THE CITY (AND AMAFCA WITH REFERENCE TO DRAINAGE) MAY REQUIRE AND/OR PERMIT EASEMENTS TO BE ADDED, MODIFIED OR REMOVED WHEN FUTURE PLATS OR SITE DEVELOPMENT PLANS ARE APPROVED.

BY ITS APPROVAL THE CITY MAKES NO REPRESENTATION OR WARRANTIES AS TO AVAILABILITY OF UTILITIES, OR FINAL APPROVAL OR ALL REQUIREMENTS INCLUDING (BUT NOT LIMITED TO) THE FOLLOWING ITEMS: WATER AND SANITARY SEWER AVAILABILITY; FUTURE STREET DEDICATIONS AND/OR IMPROVEMENTS; PARK AND OPEN SPACE REQUIREMENTS; DRAINAGE REQUIREMENT AND/OR IMPROVEMENTS; AND EXCAVATION, FILLING OR GRADING REQUIREMENTS. ANY PERSON INTENDING DEVELOPMENT OF LANDS WITHIN THIS SUBDIVISION IS CAUTIONED TO INVESTIGATE THE STATUS OF THESE ITEMS.

GENERAL NOTES:

- COUNCIL BILL R-11-306 CREATES SPECIAL ASSESSMENT DISTRICT 228 (SAD 228) AND STATES THAT THE ADDITION OF IMPROVEMENTS TO THE DISTRICT IS IN THE GENERAL INTEREST OF THE CITY. THE TRACTS, EASEMENTS, AND RIGHT-OF-WAY SHOWN ON THIS PLAT ARE WITHIN THE IMPROVEMENT LIMITS DEFINED BY COUNCIL BILL R-11-306 FOR SAD 228.
- FIELD SURVEY WAS PERFORMED IN APRIL 2010 AND AUGUST 2020.
- BEARINGS SHOWN ARE NEW MEXICO STATE PLANE GRID BEARINGS (CENTRAL ZONE NAD 83). BASED ON A LINE FROM CONTROL STATION 3_E10 TO CONTROL STATION 13-D10 BEARING = N.54°12'22"E.
- ALL DISTANCES ARE GROUND DISTANCES.
- CORNERS SHOWN AS  AND LABELED FND, ARE 5/8" REBAR WITH CAP STAMPED "C.S. CROSHAW PS 14733", UNLESS OTHERWISE INDICATED. POSITIONAL ACCURACY IS WITHIN TOLERANCE AS REFERENCED IN MINIMUM STANDARDS FOR SURVEYING IN NEW MEXINCO, SECTION 12.8.2.16.B
- CORNERS SHOWN AS  AND LABELED SET, ARE 5/8" REBAR WITH CAP STAMPED "B.M. ARAGON PS 15268", UNLESS OTHERWISE INDICATED. POSITIONAL ACCURACY IS WITHIN TOLERANCE AS REFERENCED IN MINIMUM STANDARDS FOR SURVEYING IN NEW MEXINCO, SECTION 12.8.2.16.B

SOLAR NOTE:

SUBDIVISION ORDINANCE SECTION 14-14-4-7. PROHIBITION ON PRIVATE RESTRICTIONS ON THE INSTALLATION OF SOLAR COLLECTORS ON PROPERTY WITHIN THE AREA FOR WHICH DRB APPROVAL IS SOUGHT. NO PROPERTY WITHIN THE AREA OF REQUESTED FINAL ACTION SHALL AT ANY TIME BE SUBJECT TO A DEED RESTRICTION, COVENANT, OR BINDING AGREEMENT PROHIBITING SOLAR COLLECTORS FROM BEING INSTALLED ON BUILDINGS OR ERECTED ON THE LOTS OR PARCELS WITHIN THE AREA OF PROPOSED PLAT. THE FOREGOING REQUIREMENT SHALL BE A CONDITION TO APPROVAL OF THIS PLAT OR SITE DEVELOPMENT PLAN FOR SUBDIVISION.

PLAT OF
TRACTS 1-A, 1-B and 1-C, BLOCK 2
VOLCANO CLIFFS SUBDIVISION, UNIT 26
A Replat of Tract 1, Block 2 and
Lot 5, Block6
Volcano Cliffs Subdivision, Unit 26
WITHIN SECTIONS 14 & 15
T.11 N., R.2 E., N.M.P.M.
CITY OF ALBUQUERQUE
BERNALILLO COUNTY, NEW MEXICO
JULY 2022

PROJECT NUMBER: _____

APPLICATION NUMBER: _____

PLAT APPROVAL

UTILITY APPROVALS: PUBLIC UTILITY EASEMENTS SHOWN ON THIS PLAT ARE NOT EXCLUSIVE AND ARE GRANTED FOR THE COMMON AND JOINT USE OF THE UTILITIES DESIGNATED ON THIS PLAT, THEIR SUCCESSORS AND ASSIGNS, AND FOR THE USE OF ANY OTHER PUBLIC UTILITIES WHOSE USE OF SAID EASEMENT IS DEEDED TO BE IN THE PUBLIC INTEREST. DISCLAIMER: IN APPROVING THIS PLAT, PNM ELECTRIC SERVICES (PNM) AND NEW MEXICO GAS COMPANY (NMGC) AND CENTURY LINK DID NOT CONDUCT A TITLE SEARCH OF THE PROPERTIES SHOWN HEREON, CONSEQUENTLY, PNM, NMGC AND CENTURY LINK DO NOT WAIVE NOR RELEASE ANY EASEMENT OR EASEMENT RIGHTS WHICH MAY HAVE BEEN GRANTED BY PRIOR PLAT, REPLAT OR OTHER DOCUMENT, WHICH ARE NOT SHOWN ON THIS PLAT.

PNM ELECTRIC SERVICES _____ DATE _____

NEW MEXICO GAS COMPANY _____ DATE _____

CENTURY LINK _____ DATE _____

COMCAST _____ DATE _____

CITY APPROVALS:

CITY SURVEYOR _____ DATE _____

TRAFFIC ENGINEERING, TRANSPORTATION DIVISION _____ DATE _____

ABCWUA _____ DATE _____

PARKS AND RECREATION DEPARTMENT _____ DATE _____

A.M.A.F.C.A. _____ DATE _____

CITY ENGINEER HYDROLOGY _____ DATE _____

CODE ENFORCEMENT _____ DATE _____

DRB CHAIRPERSON, PLANNING DEPARTMENT _____ DATE _____

SURVEYOR'S CERTIFICATION:

I, BENJAMIN M. ARAGON, A DULY REGISTERED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF NEW MEXICO, DO HEREBY CERTIFY THAT THIS PLAT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION, MEETS THE MINIMUM REQUIREMENTS FOR MONUMENTATION AND SURVEYS OF THE ALBUQUERQUE SUBDIVISION ORDINANCE, SHOWS ALL EASEMENTS MADE KNOWN TO ME BY THE OWNER(S), UTILITY COMPANIES, OR OTHER PARTIES EXPRESSING AN INTEREST, IS CORRECT AND TRUE TO THE BEST OF MY BELIEF AND KNOWLEDGE AND THAT THIS SURVEY AND PLAT MEET THE MINIMUM STANDARDS FOR SURVEYING IN NEW MEXICO AS ADOPTED BY THE NEW MEXICO BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND SURVEYORS EFFECTIVE MAY 1, 2007.

BENJAMIN M. ARAGON
N.M.P.L.S. #15268

DATE _____



WILSON & COMPANY
4401 MASTHEAD ST. NE SUITE 150
ALBUQUERQUE, NEW MEXICO 87109
PHONE: 505-348-4000
FAX: 505-348-4155

SHEET 1 OF 3

PLAT OF
TRACTS 1-A, 1-B and 1-C, BLOCK 2
VOLCANO CLIFFS SUBDIVISION, UNIT 26
A Replat of Tract 1, Block 2 and
Lot 5, Block6
Volcano Cliffs Subdivision, Unit 26
WITHIN SECTIONS 14 & 15
T.11 N., R.2 E., N.M.P.M.
CITY OF ALBUQUERQUE
BERNALILLO COUNTY, NEW MEXICO
JULY 2022

FREE CONSENT AND DEDICATION:

THE TRACTS SHOWN HEREON ARE REPLETTED WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF THE UNDERSIGNED OWNERS. ALL EXISTING ACCESS, UTILITY AND DRAINAGE EASEMENTS SHOWN HEREON INCLUDE THE RIGHT TO CONSTRUCT, OPERATE, INSPECT AND MAINTAIN FACILITIES THEREIN; ALL PUBLIC UTILITY EASEMENTS SHOWN HEREON FOR THE COMMON AND JOINT USE OF GAS, ELECTRICAL POWER AND COMMUNICATION SERVICES FOR OVERHEAD AND/OR BURIED DISTRIBUTION LINES, CONDUITS, AND PIPES FOR UNDERGROUND AND/OR OVERHEAD UTILITIES WHERE SHOWN OR INDICATED, AND INCLUDING THE RIGHT OF INGRESS AND EGRESS FOR CONSTRUCTION AND MAINTENANCE AND THE RIGHT TO TRIM INTERFERING TREES AND SHRUBS; SAID OWNERS DO HEREBY CONSENT TO ALL OF THE FOREGOING AND DO HEREBY CERTIFY THAT THIS SUBDIVISION IS THEIR FREE ACT AND DEED.

PROPERTY OWNER SIGNATURE(S):

TRACT 1, BLOCK 2, VOLCANO CLIFFS SUBDIVISION, UNIT 26:

BILLY J. WRIGHT, MANAGER
 FOR: GROUP II U26 VC, LLC, A NEW MEXICO LIMITED LIABILITY COMPANY

STATE OF NEW MEXICO)
) ss.
 COUNTY OF BERNALILLO)

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THIS _____ DAY OF _____, 2022, BY BILLY J. WRIGHT.

NOTARY PUBLIC: _____

MY COMMISSION EXPIRES: _____

STEVEN J. METRO, MANAGER
FOR: GROUP II U26 VC, LLC, A NEW MEXICO LIMITED LIABILITY COMPANY

STATE OF NEW MEXICO)
) ss.
COUNTY OF BERNALILLO)

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THIS _____DAY OF
_____, 2022, BY STEVEN J. METRO.

NOTARY PUBLIC: _____

MY COMMISSION EXPIRES: _____

LOT 5, BLOCK 6, VOLCANO CLIFFS SUBDIVISION, UNIT 26:

RUDY GUZMAN, MANAGER
 FOR: TRACT 5 U26, LLC, A NEW MEXICO LIMITED LIABILITY COMPANY

STATE OF NEW MEXICO)
) ss.
 COUNTY OF BERNALILLO)

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THIS _____ DAY OF _____, 2022, BY RUDY GUZMAN.

NOTARY PUBLIC: _____

MY COMMISSION EXPIRES: _____

STEVEN J. METRO, MANAGER
FOR: TRACT 5 U26, LLC, A NEW MEXICO LIMITED LIABILITY COMPANY

STATE OF NEW MEXICO)
) ss.
COUNTY OF BERNALILLO)

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THIS _____DAY OF _____, 2022, BY STEVEN J. METRO.

NOTARY PUBLIC: _____

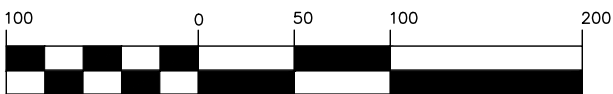
MY COMMISSION EXPIRES: _____

WILSON
& COMPANY
4401 MASTHEAD ST. NE SUITE 150
ALBUQUERQUE, NEW MEXICO 87109
PHONE: 505-348-4000
FAX: 505-348-4155

SHEET 2 OF 3

LINE TABLE		
LINE NO.	BEARING	DISTANCE
L3	S89°43'24"E	67.02'

CURVE TABLE				
CURVE NO.	DELTA	RADIUS	LENGTH	CHORD BEARING/DISTANCE
C3	11°13'53"	1781.34'	349.19'	S05°56'02"W 348.63'
C4	78°46'06"	25.00'	34.37'	S50°56'02"W 31.73'
C6	84°36'32"	36.78'	54.31'	S44°42'09"E 49.52'

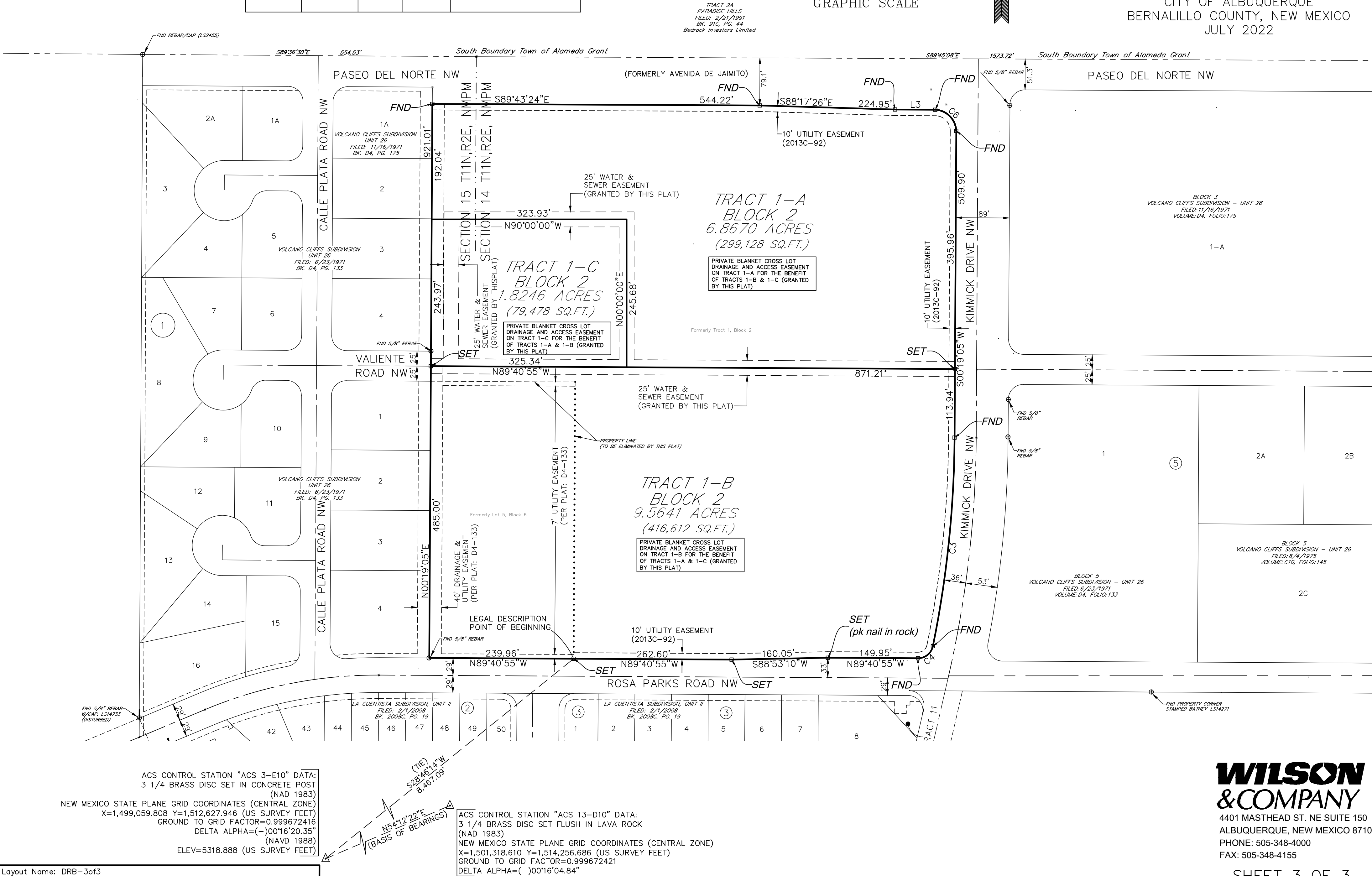


(IN FEET)
1 inch = 100 ft.

GRAPHIC SCALE



PLAT OF
TRACTS 1-A, 1-B and 1-C, BLOCK 2
VOLCANO CLIFFS SUBDIVISION, UNIT 26
A Replat of Tract 1, Block 2 and
Lot 5, Block6
Volcano Cliffs Subdivision, Unit 26
WITHIN SECTIONS 14 & 15
T.11 N., R.2 E., N.M.P.M.
CITY OF ALBUQUERQUE
BERNALILLO COUNTY, NEW MEXICO
JULY 2022



**WILSON
& COMPANY**
4401 MASTHEAD ST. NE SUITE 150
ALBUQUERQUE, NEW MEXICO 87109
PHONE: 505-348-4000
FAX: 505-348-4155

Sanchez, Suzanna A.

From: Jackie Fishman <fishman@consensusplanning.com>
Sent: Friday, July 22, 2022 7:46 AM
To: Patten-Quintana, Lorena; Sanchez, Suzanna A.
Subject: RE: PdN and Kimmick
Attachments: ZHE presentation - PdN and Kimmick.pdf

[EXTERNAL] Forward to phishing@cabq.gov and delete if an email causes any concern.

Suzie – see attached.

Jacqueline Fishman, AICP

Principal
Consensus Planning, Inc.
302 Eighth Street NW
Albuquerque, NM 87102
P: 505.764.9801

From: Patten-Quintana, Lorena <lpatten-quintana@cabq.gov>
Sent: Friday, July 22, 2022 7:41 AM
To: Jackie Fishman <fishman@consensusplanning.com>; Sanchez, Suzanna A. <suzannasanchez@cabq.gov>
Cc: Michael Vos <Vos@consensusplanning.com>
Subject: Re: PdN and Kimmick

Hi Jackie,

Yes. Please send them to Suzie. -Lorena

From: Jackie Fishman <fishman@consensusplanning.com>
Sent: Thursday, July 21, 2022 8:13 PM
To: Sanchez, Suzanna A.; Patten-Quintana, Lorena
Cc: Michael Vos
Subject: Re: PdN and Kimmick

[EXTERNAL] Forward to phishing@cabq.gov and delete if an email causes any concern.

Do you want a copy of the exhibits that I used at the hearing?

Jackie Fishman, AICP
Principal

From: Sanchez, Suzanna A. <suzannasanchez@cabq.gov>
Sent: Wednesday, July 20, 2022 10:08 AM
To: Jackie Fishman <fishman@consensusplanning.com>; Patten-Quintana, Lorena <lpatten-quintana@cabq.gov>
Cc: Michael Vos <Vos@consensusplanning.com>
Subject: RE: PdN and Kimmick

Received, thank you.

Suzie

From: Jackie Fishman [<mailto:fishman@consensusplanning.com>]
Sent: Tuesday, July 19, 2022 3:11 PM
To: Sanchez, Suzanna A.; Patten-Quintana, Lorena
Cc: Michael Vos
Subject: PdN and Kimmick

[EXTERNAL] Forward to phishing@cabq.gov and delete if an email causes any concern.

Suzie –

Here's a copy of the plat that we will be submitting to the DRB next month and that I showed during the hearing.

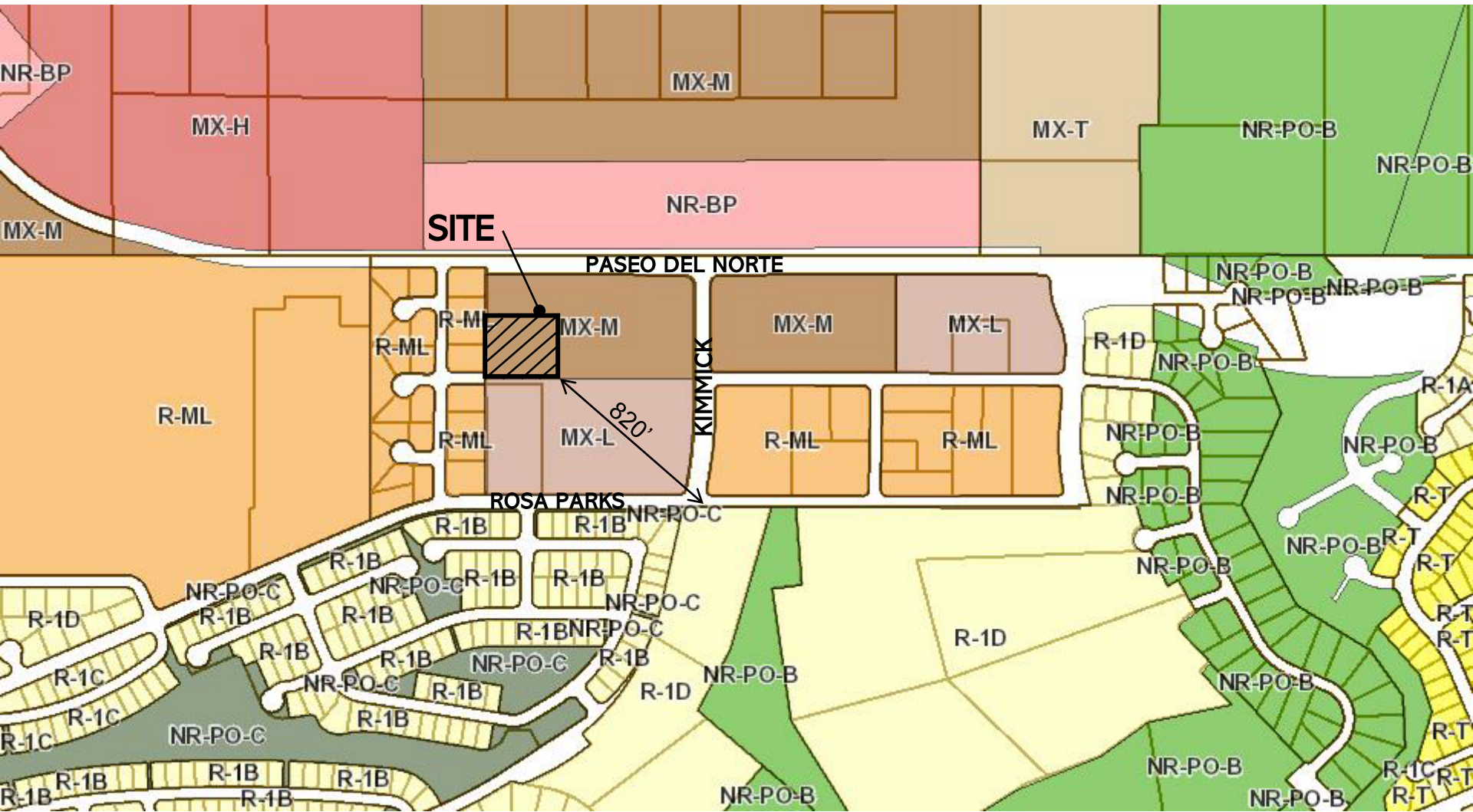
Thanks!

Jacqueline Fishman, AICP
Principal
Consensus Planning, Inc.
302 Eighth Street NW
Albuquerque, NM 87102
P: 505.764.9801

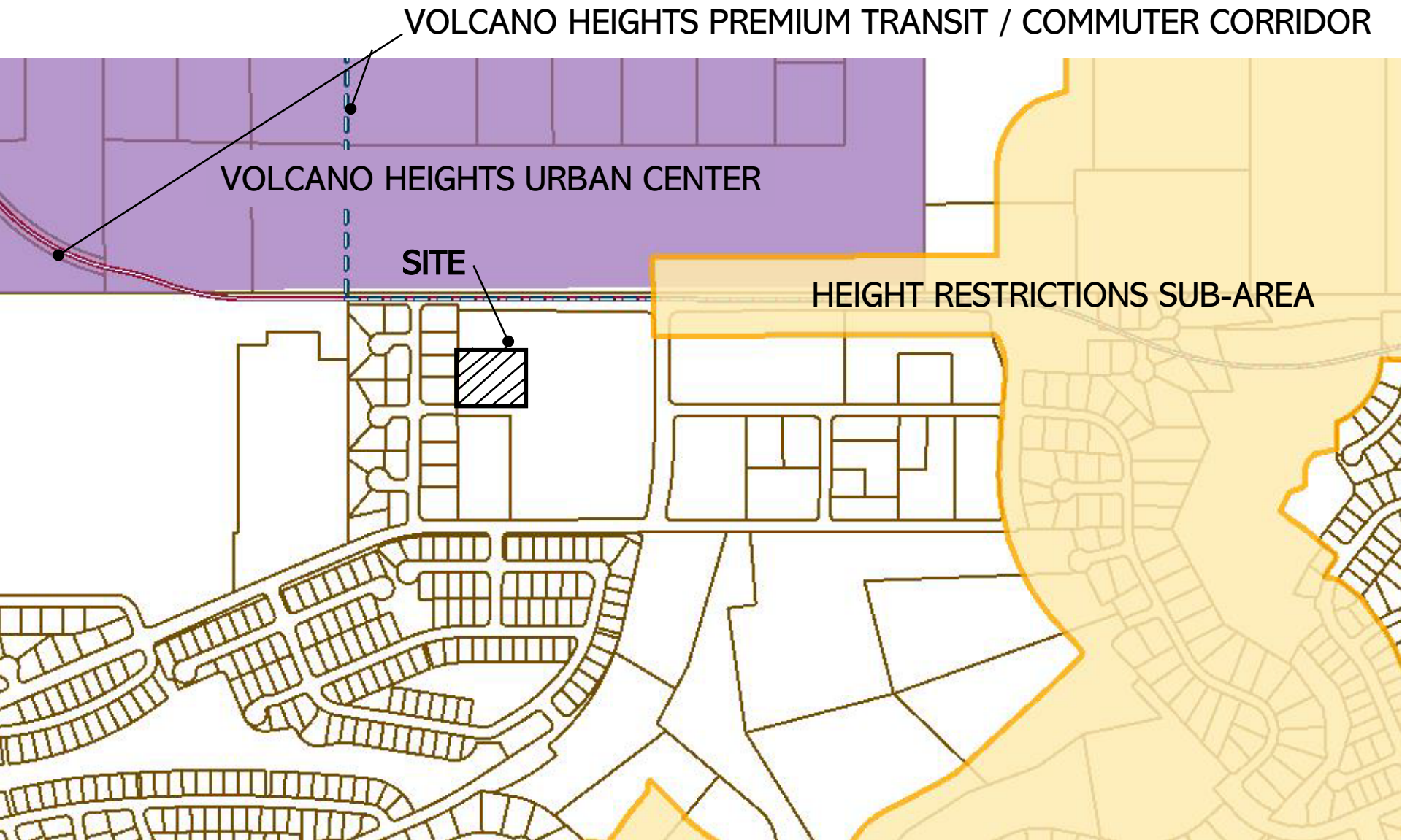
SITE LOCATION



EXISTING ZONING



ZONING OVERLAYS & CPLAN DESIGNATIONS



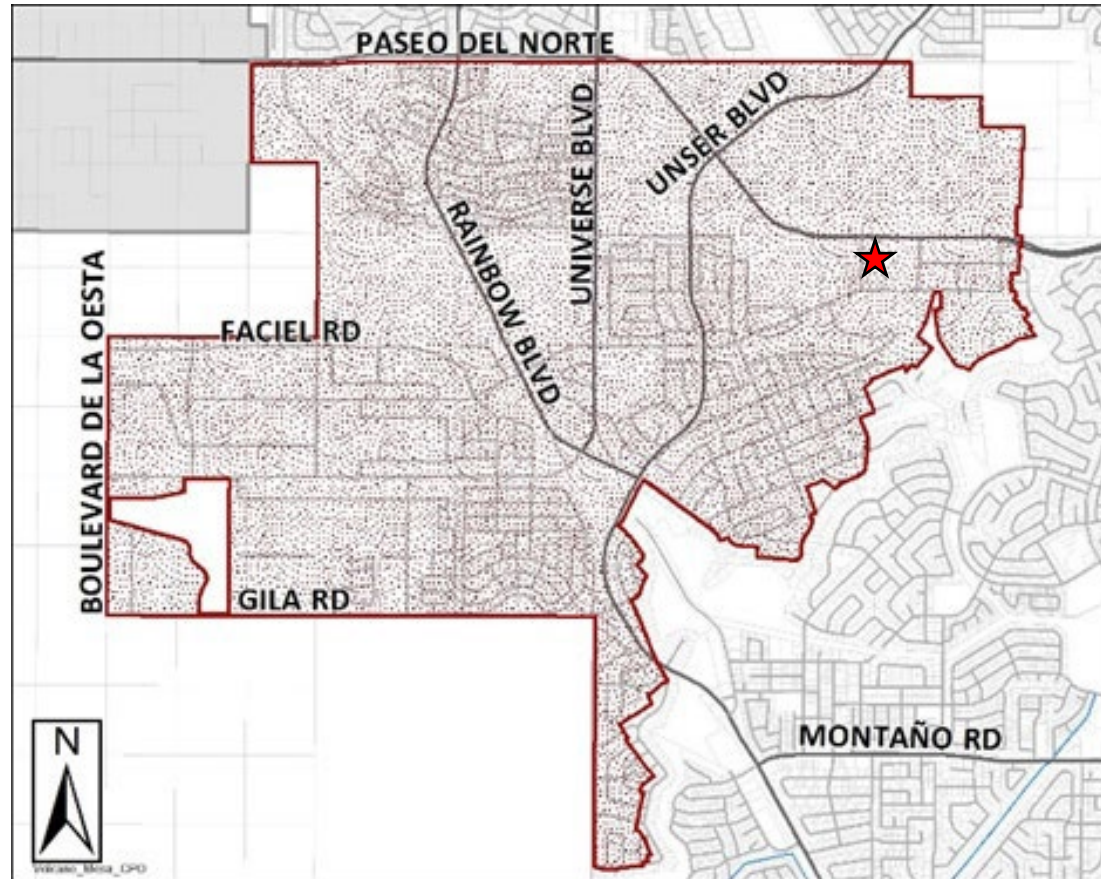
VOLCANO MESA CPO-13 – DOES NOT APPLY

3-4(N)(1) Applicability

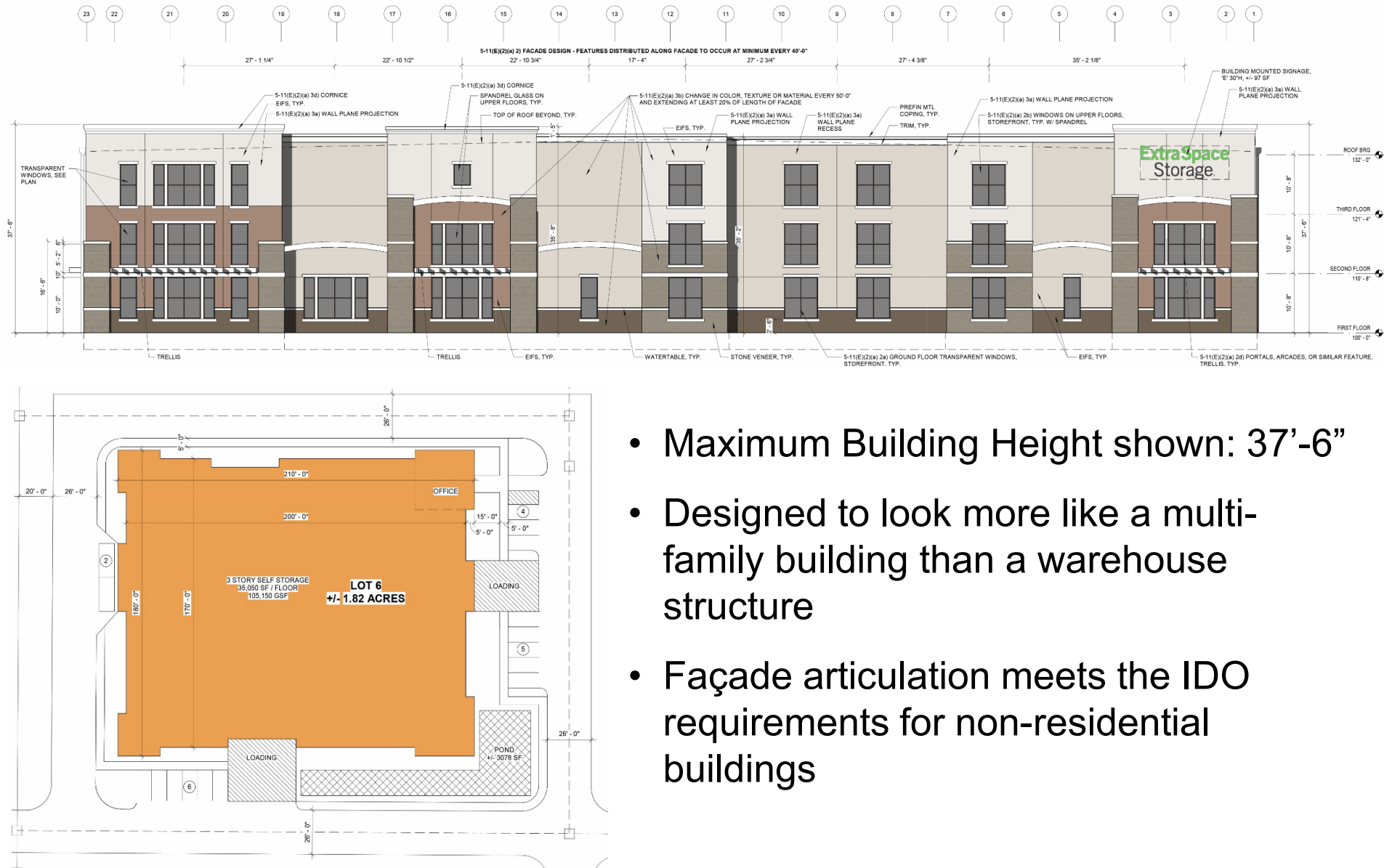
The CPO-13 standards apply to low-density residential development in the following mapped area. Where the CPO-13 boundary crosses a lot line, the entire lot is subject to these standards.

Low-density Residential Development

Properties with residential development of any allowable land use in the Household Living category in Table 4-2-1 other than multi-family dwellings. Properties with small community residential facilities are also considered low-density residential development. Properties that include other uses accessory to residential primary uses are still considered low-density residential development for the purposes of this IDO.

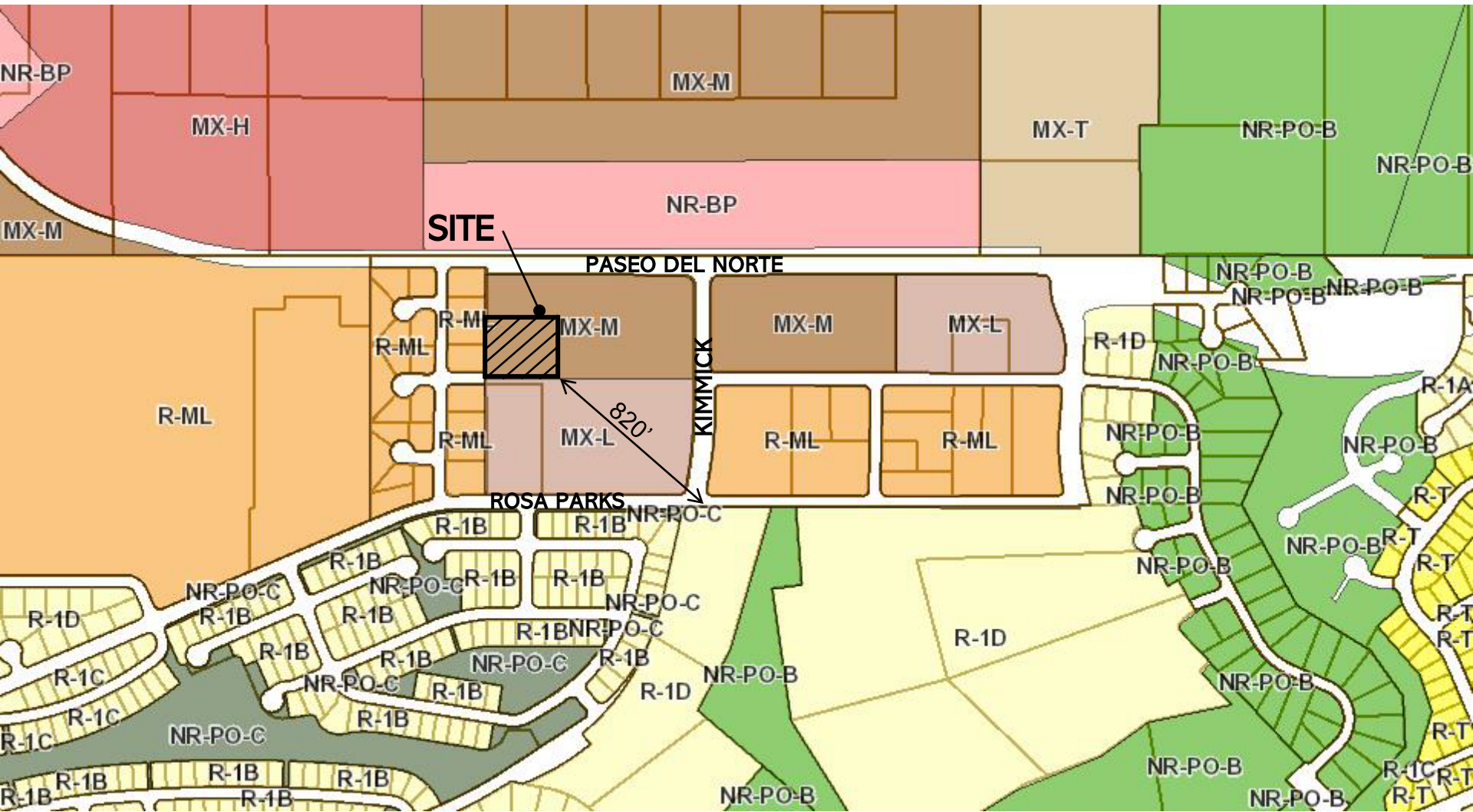


SITE PLAN & ELEVATION



- Maximum Building Height shown: 37'-6"
- Designed to look more like a multi-family building than a warehouse structure
- Façade articulation meets the IDO requirements for non-residential buildings

EXISTING ZONING



CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
INTER-OFFICE MEMORANDUM

July 5, 2022

To: Lorena Patten-Quintana, ZHE Planner

From: Matt Grush, P.E. Senior Engineer

Subject: COMMENTS FOR THE ZHE HEARING OF July 19, 2022

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

VA-2022-00167

PR-2019-002663

Address: Paseo del Norte NW just west of Kimmick Rd NW

Transportation Review: No objections

After review of the provided application, Transportation has no objection to
CONDITIONAL USE to allow for Self Storage.

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
OFFICE OF ADMINISTRATIVE HEARINGS
ZONING HEARING EXAMINER
NOTIFICATION OF DECISION

Group II U26 VC LLC (Agent, Consensus Planning) requests a conditional use to allow for self-storage for Lot Portion of Lot 1, Block 2, Volcano Cliffs Unit 26, located at 99999 Paseo Del Norte NW, zoned MX-M [Section 14-16-4-3(D)(29)]

Special Exception No:..... **VA-2022-00167**
Project No: **Project#2019-002663**
Hearing Date: 07-19-22
Closing of Public Record: 07-19-22
Date of Decision: 08-03-22

On the 19th day of July, 2022, Consensus Planning, agent for property owners Group II U26 VC LLC (“Applicant”) appeared before the Zoning Hearing Examiner (“ZHE”) requesting a conditional use to allow for self-storage (“Application”) upon the real property located at 99999 Paseo Del Norte NW (“Subject Property”). Below are the ZHE’s finding of fact and decision:

FINDINGS:

1. Applicant is requesting a conditional use to allow for self-storage.
2. On June 2, 2022, a facilitated meeting hosted by Agent, representing Applicant, was attended by neighborhood associations to discuss the proposed self-storage. As a result of this meeting, Applicant revised the proposed building elevations from 42 feet, 5 inches with a pitched roof to 37 feet, 6 inches with only a flat roof.
3. IDO Section 14-16-4, Table 4-2-1 provides that a conditional use approval is necessary for a self-storage facility if located within the MX-L or MX-M zone district.
4. The Subject Property is located in MX-M zone district.
5. Therefore, a self-storage facility on the Subject Property requires a Conditional Use Approval pursuant to IDO Subsection 14-16-6-6(A).
6. The Subject Property’s legal description of the existing tract is Tract 1, Block 2, Volcano Cliffs Subdivision Unit 26, containing 15.7217 acres.
7. The Subject Property is located in the West Mesa, and adjacent areas include the Petroglyph National Monument, near the Piedras Marcadas Canyon area.
8. The City of Albuquerque Code of Ordinances Section 14-16-6-6(A)(3) (Review and Decision Criteria– Conditional Use) reads: *“An application for a Conditional Use Approval shall be approved if it meets all of the following criteria:*
 - (a) It is consistent with the ABC Comp. Plan, as amended;*
 - (b) It complies with all applicable provisions of the IDO, including, but not limited to any Use-specific Standards applicable to the use in Section 14-16-4-3; the DPM; other adopted City regulations; and any conditions specifically applied to development of the property in any prior permit or approval affecting the property;*
 - (c) It will not create significant adverse impacts on adjacent properties, the surrounding neighborhood, or the larger community;*

- (d) It will not create material adverse impacts on other land in the surrounding area, through increases in traffic congestion, parking congestion noise, or vibration without sufficient mitigation or civic or environmental benefits that outweigh the expected impacts;*
- (e) It will not increase non-residential activity within 300 feet of a lot in any residential zone district between the hours of 8:00 pm and 6:00 am;*
- (f) It will not negatively impact pedestrian or transit connectivity without appropriate mitigation*
9. Applicant bears the burden of providing a sound justification for the requested decision, based on substantial evidence, pursuant to IDO Section 14-16-6-4(E)(3).
 10. Applicant bears the burden of showing compliance with required standards through analysis, illustrations, or other exhibits as necessary, pursuant to IDO Section 14-16-6-4(E)(4).
 11. Agent appeared and gave evidence in support of the application.
 12. Applicant has not met the burden of providing evidence that established that the requested Conditional Use Approval is consistent with the ABC Comp. Plan, as amended.
 - a. Agent testified and provided written submittals claiming the Application is consistent with the ABC Comp. Plan because the proposed self-storage would be located within the MX-M zone district. Agent's written submittals highlight that since the proposed self-storage facility will be within a mix-used zone and an Area of Change, the Application should be approved because the ABC Comp. Plan dedicated this area for intended and direct growth.
 - b. Opponents object that the proposed self-storage is inconsistent with the ABC Comp. plan because the ABC Comp. Plan requires more stringent and sensitive development review and requirements for cultural landscapes.
 - c. The following policies in the ABC Comp. Plan protect and/or enhance significant cultural landscapes:
 - i. Policy 11.3.1 (b): "Minimize the visibility of structures in highly scenic areas and on the western horizon as seen throughout the city through building design..."
 - ii. Policy 11.3.1 (c): "Protect important views from public rights-of-way through regulations on street orientation, site layout, building height, and signs".
 - iii. Policy 11.3.1 (d): "Encourage site design that enhances and leverages views to cultural landscapes"
 - d. In addition, the ABC Comp. Plan Table A-1, includes the "Volcano Cliffs Sector Development Plan", as a city area and sector development plan with goals and policies incorporated into the ABC Comp. Plan.
 - i. The "Volcano Cliffs Sector Development Plan", updated in May 2011, vision states, "To preserve the fantastic views from the Volcano Cliffs area. Respect the many, individual, private property owners in the Volcano Cliffs area. Protect the unique location of the Volcano Cliffs area".
 - ii. Although the City's adoption of the IDO superseded the "Volcano Cliffs Sector Development Plan" and converted the zoning of the Subject Property to the IDO MX-L zone district in 2018, and ultimately in 2019 as

MX-M zone district, the underlying principles of the Volcano Cliffs Sector Development Plan are carried-over into the current ABC Comp. Plan.

- iii. The ZHE finds these principles found in the “Volcano Cliffs Sector Development Plan” provide that the Volcano Cliffs area, West Mesa, is a cultural landscape that the ABC Comp. Plan seeks to protect with sensitive type development review and requirements.
 - e. Although the MX-M zone district encourages mix use and has a height requirement of 48 feet for buildings, the ZHE reads the above-cited policies of the ABC Comp. Plan and vision of the “Volcano Cliffs Sector Development Plan” as intentional planning policy set in place to protect the cultural landscape, such as Volcano Cliffs and areas in and around Petroglyph National Monument.
 - f. Taken together, the ZHE finds that the proposed building height, although allowed within MX-M zone districts, is not consistent with the ABC Comp. Plan. Although the proposed self-storage and its building design would be allowed within the mixed-zone district, according to the ABC Comp. Plan, future development in cultural landscape areas are encouraged to practice sensitive site design and review.
 - g. The ZHE finds the proposed self-storage, due to its height and design, and nature of use inharmonious with the surrounding community, would minimize visibility of highly scenic areas and inability to blend in with existing structures, and would interfere with the cultural landscape of the surrounding area. As such, the proposed self-storage is not consistent with the ABC Comp. Plan.
 - h. Therefore, the conditional use request for the proposed self-storage should be and hereby is denied.
13. Additionally, Applicant has not met the burden of providing evidence that establishes that the requested Conditional Use approval will not create significant adverse impacts on adjacent properties, the surrounding neighborhood, or the larger community.
- a. Agent testified and provided written submittals maintaining that the proposed self-storage would not create significant adverse impacts on adjacent properties, the surrounding neighborhood, or the larger community, because the Subject Property would be located within a mixed-use zone, in which self storage uses are appropriate. Specifically, Agent’s written submittals assert that the proposed self-storage would adhere to all specific use criteria and will be in a suitable addition to an area already zoned for commercial and multi-family uses.
 - b. Opponents claim that the design of the building would adversely impact the area, because if its inconsistency with the neighborhood and negative impacts on Petroglyph National Monument.
 - c. As stated earlier, the design is inconsistent with the ABC Comp. Plan, because it obstructs visibility, and the proposed self-storage overall design is not in harmony and consistent with what currently exists in the neighborhood.
 - d. If this conditional use is approved, the height allowance within the area will set precedent, and thus further negatively impact the intended vision for cultural landscape protection set forth in the ABC Comp. Plan and Volcano Cliffs Sector Development Plan by incorporation into the Comp Plan.

14. Because all prongs of the conditional use test must be satisfied and, as stated above, Applicant failed to satisfy IDO Sections 14-16-6-6(A)(3)(a) and (c), the Application must be denied. Consequently, in the interest of administrative and quasi-judicial economy, the ZHE will not set forth in this Notification of Decision an analysis of the other prongs of the conditional use test.

DECISION:

DENIAL of a conditional use to allow for self-storage.

APPEAL:

If you wish to appeal this decision, you must do so by August 18, 2022 pursuant to Section 14-16-6-4(V), 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
Consensus Planning, Vos@consensusplanning.com, fishman@consensusplanning.com
Michael Voorhees, mike@cyonic.com
Wendy Jo Haskins, 6309 Visa PL NW, 87120
Michael Miller, 8416 Chil Pine
Chris Burgess, 6201 Basil PL, 87120
Adris Samari, 7827 Mesa De Oro
Andrew Kashuda, 6327 Basil PL, 87120
Erika Samson, 6105 Golden Seal CT NW
Shawn Martinez, 6331 Basil PL NW
John Edward, PO BOX 26506, 87125
David Dunlap, 6448 Aloe RD NW, 87120

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Nancy Hendrix, Petroglyph Monument, 6001 Unser, 87120



**Hearing on Special Exceptions
to the Integrated Development Ordinance**

MINUTES

July 19, 2022

600 2nd 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 to the next unheard item, which is agenda item 27. That's VA-2022-00167, project number PR-2019-002663, Group II U26 VC, LLC through its agent, Consensus Planning requests a conditional use to allow for self-storage for a Lot Portion of Lot 1, Block 2, Volcano Cliffs Unit 26, located at an unaddressed Paseo del Norte NW, which is zoned MX-M. Do we have the agents here today?

J. FISHMAN: Yes.

ZHE: Good afternoon. Would you please state your full name and mailing address for the record?

J. FISHMAN: Yes, thank you Mr. Lucero. My name is Jackie Fishman, I'm a principal with Consensus Planning, and my address is 302 8th ST NW, Albuquerque, 87102.

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

J. FISHMAN: I do.

ZHE: Thank you. Go ahead.

J. FISHMAN: All right. I'm going to share my screen. Let's see. There we go. Can you see that?

ZHE: Yes.

J. FISHMAN: Okay. Okay. Thank you, Mr. Lucero. The applicant is proposing a fully enclosed, climate controlled self-storage facility on a 1.82-acre site out of a larger 19-acre site at the southwest corner of Paseo del Norte and Kimmick. The subject site is located in an area well served and surrounded by the major street network. Paseo Del Norte to the north is designated as a regional principal arterial, a commuter corridor and a future premium transit corridor. Kimmick Drive to the east is classified as a minor collector. Paseo and Kimmick is the only signalized intersection in this area of Paseo. Rosa Parks to the south is classified as a major collector and Unser Boulevard to the west is a commuter corridor. The Volcano Heights Urban Center is across Paseo to the north of our subject property. It is one of the only two designated Urban Centers in Albuquerque, the other one is in Uptown. Okay, the project site is zoned MX-M. The property abutting to the north is also MX-M. NR-BP is across Paseo; to the east is MX-M as you can see on my slide. To the south is MX-L which, we're using as a transition to the single-family development further south of Rosa Parks and then to the west is R-ML, vacant property. The self-storage building is the first project within the applicant's larger 19-acre site. To the south of our self-storage site, we're planning multi-family residential which will require a site plan review and approval by DRB. To the north of our subject site, in the east will be retail buildings. Again, all on our 19-acre site. We intentionally sited and designed the self-storage building to be in the center of the applicant's site to minimize any impact on the single-family development in La Cuentista. It's also as far away from City Open Space as we could make it. My map on the screen shows approximately 820 feet of separation between the corner of our site and the closest Open Space, Major Public Open Space by the City. This slide shows the various zoning overlays

and designations from the Comprehensive Plan. As I mentioned before, the Volcano Heights Urban Center is across the street. That's the color in purple. Paseo is a designated premium transit corridor and commuter corridor. The site is also located within the Volcano Mesa CPO 13 and the North West Mesa Escarpment View Protection Overlay but is not within the VPO's height restriction sub area which has been confirmed by the City's Zoning Enforcement Officer, James Aranda. And, you can see that on my screen. The sub height restriction, sub area is the yellowish, orange color and it's not extending into our site. This slide, just to be clear, because it is confusing out here with all the different overlays. Volcano Mesa CPO 13 doesn't apply to this site. It does apply to low density residential development in this mapped area that I show on my slide. We are not allowed to have any low-density residential development in this 19-acres because of the MX zoning. And, I also show the definition of low-density residential development on my slide. Okay, so this shows the north facing elevation and the site plan. The MX-M, I know that you know this, has a maximum height of 48 feet. Our original design showed a taller building but based on our facilitated meeting, which was very, very well attended, we re-designed the building to remove the drive aisle under the building which allowed the building to shrink in height by 11 feet to 37 feet 6 inches. We also removed the pitch roof elements to make the building as short as we could while still accomplishing what we need for the project. We have otherwise designed the building to comply with the IDO for non-residential buildings. In terms of our letter responding to the conditional use criteria, we do go through each and every one of the criterion. Criterion A, is all about the Comprehensive Plans and goals and policies. We sight many of them are urban centers, commuter corridors, buffering of residential land uses and so on. There's a hefty policy analysis in our letter. For Criterion B, in terms of furthering the applicable provisions of the IDO, including use-specific standards for self-storage. Our building will be fully enclosed and access to storage units will be through interior corridors. Our operating hours meet the use-specific standard of being closed between the hours of 10:00PM and 7:00AM. Because, we're within 100 feet is a residential zone or development which is, you know, mostly to the west, we'll have a 6-foot opaque wall on our west property line abutting a residential zone, another use-specific standard for self-storage. The project will also be designed to meet the VP02 requirements for color, reflectivity, and roof-mounted equipment. Regarding Criterion C, we will not have adverse impacts on the adjacent property surrounding neighborhood or larger community. Again, the self-storage will be within a larger mixed-use property that's been designated for mixed use since the adoption of the Sector Plan, years ago. The building is placed in the center of the site, again, as far away from low-density residential development and City Open Spaces as we could get it. We lowered the building again, by 11 feet which is actually more of a MX-L building height than MX-M. Traffic generation by self-storage is the lowest of any commercial uses. This was confirmed by our Traffic Engineer, Terry Brown. He looked at the ITE Manual; he did the original traffic study in 2007. He was required to look at traffic generation per these specific uses and again, it's the lowest generator of traffic of any commercial use we can find. A conditional use will benefit the surrounding neighborhood by allowing for a secure indoor climate-controlled facility. It will be operated by Extra Space. Security cameras will monitor all the entries and elevator lobbies with recording devices and the building will be staffed during normal business hours. For Criterion D,

it will not have adverse impacts on land in the surrounding area through traffic congestion, parking congestion, noise, vibration without significant mitigation. Again, the self-storage is a low traffic generator within an area served by the major street network. The business will be accessed from a driveway along Kimmick. There will be no access to the facility or other commercial uses from Rosa Parks. I think that's a really important point. All activities will take place inside the building. And then, also, lastly, self-storage generates a relatively low parking demand compared to other commercial uses. Criterion E, doesn't really apply because it's not on a project site with existing uses however, our office hours are Monday through Friday 9:30 to 6:00, Saturday's 9:00 to 5:30. It's closed on Sunday however, keypad access to the facility will be from 7 AM to 10 PM daily, and each customer will have a unique access code to enter the facility. For Criterion F, the conditional use will not impact pedestrian or transit connectivity without appropriate mitigation and the site is along a designated premium transit corridor and commuter corridor. So, the area will be served by transit in the future. It is not currently. Future transit stops on Paseo, there's no reason to think they would be affected. Sidewalks and pedestrian connections will be developed throughout the site, the self-storage site, as well as the larger 19-acre site. And, again, the site plan for this project as well as the multi-family project will be reviewed and approved by the DRB. Mr. Lucero, with that, I would stand ready for any questions you may have. We have other members of the team on the call and we're all prepared to answer any questions. Thank you.

ZHE: Thank you, Ms. Fishman. I did just have a couple questions and one is, I'm going to leave your share up because I suspect you might have a handy exhibit. And, one is, I understand from the submittals that this is, you know, one large, to be plated parcel. Is there a designation, even if it's in draft form that we could use to tie the Notice of Decision to so, that it doesn't apply to the entirety of the existing platted parcel?

J. FISHMAN: Yes, Mr. Lucero. We are in the process of preparing a plat that is getting ready to be submitted to DRB to subdivide the property. We're - - It'll probably be done before the site plans but we are trying to time our two site plans to go with the plat and I would be happy to provide that plat to you and your office.

ZHE: Okay. Is that something that you can show on the screen? Just because we've had the policy that you know, we have a deadline of a week before to submit things unless you show it at the hearing, then we can accept it up until this Friday.

J. FISHMAN: Yes, if I could take a couple minutes to pull that up while others are talking.

ZHE: Sure. Okay.

J. FISHMAN: I'd be happy to show that in my rebuttal time.

ZHE: Very good. Okay, I see some hands raised. Is there anyone else from the, sort of applicant team that Ms. Fishman referenced that would like to speak before we go for public comment? On the applicant's side? Andrew Washuta?

ANDREW WASHUTA: Hey there, Mr. Lucero, I'm gonna defer over actually to Mike, he had his hand raised first, if that's all right?

ZHE: I see you there, Mike Voorhees? Hello, sir.

M. VOORHEES: Hello, sir.

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

M. VOORHEES: Sure, Michael Todd Voorhees at 6320 Camino Alto Northwest in Petroglyph Estates, that's 87120.

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

M. VOORHEES: I do.

ZHE: Thank you, sir. Go ahead.

M. VOORHEES: Thank you. As I submitted in written comments, the problem I and many of our, my neighbors have, is not in the very specifics of applying the IDO, as we switched over to that process. What we have a problem with is, that the major goals, visions of the incorporated plans, from the Sector Development Plans, are still enforced and were incorporated into the Comprehensive Plan. However, the applicant and their representative act as though this is no longer the case even though, the very specific details of construction projects have been surrendered to the new standards in the IDO. The goals and the visions are still very much a part of that regulation and it falls to you as the Zoning Hearing Examiner to weigh those very real concerns. And, one of them is, placing a three-story building in this area, there is culturally sensitive to the Pueblos of the area and other native peoples and is also one of the resources specifically mentioned multiple times in the Comprehensive Plan and in the predecessor, Sector Development Plan. The very reason for the Character Preservation Overlay Zone for that area is to protect these views and it's mentioned again and again. I cited that. So, putting something that's not a neighborhood scale type of commercial activity here that is glaringly rising up from the Escarpment on the west side flies in the face of all of those goals which I cited in the plan. So, it's not - - This is an inappropriate choice of development. When we purchased homes here or purchased land, and worked on these plans, we all wanted to see appropriate neighborhood scale, walkable items and as Jackie pointed out, this is a drive-up facility, that you know, is only occasionally used. It's not the envisioned neighborhood, you know, come in to a café or restaurant or a small grocery store or other things that serve the needs of the neighborhood. It's a drive-in, throw your stuff in storage and it unnecessarily rises three stories out which will be seen from across the City. So, it's not only impacts of views that you'll see when you're driving on Paseo; it impacts the neighbors immediately to the south. I can already see a 30-foot mound of dirt that is being piled up without zoning authorization by the current owner of the land, just south of where that storage facility is going to be and it's already blocked our view of the Jemez Mountains. While, they've stopped activity on that because apparently it was just an agreement between the landowner and one of the construction firms. It gives us a very real visual cue of just

how disrupted this will be to all of the residents and the visitors to this area. So, it's not a matter of did they lower it by 7 feet, it's that, it's really not the appropriate type of business that was ever envisioned in any of the Sector Development Plans that are incorporated into the IDO. So, I just ask that you use your discretion in looking at the full picture and not merely the detailed minutia of construction plans which, I have no doubt that Consensus Planning will have complied to those letters very well. They just tend to ignore the goals and policies and visions that were incorporated in these plans. That's I guess the bulk of why I oppose it. I think you'll hear others including the Superintendent of the Petroglyph National Monuments and the other neighborhood associations in the area have similar concerns.

ZHE: Thank you, Mr. Voorhees.

M. VOORHEES: Thank you very much. I appreciate it.

ZHE: Let's see. I see Wendy Jo Haskins with a hand raised?

W. HASKINS: Thank you. My name is Wendy Jo Haskins; I reside at 6309 Basil Place NW, Albuquerque 87120.

ZHE: Thank you. Please raise your right hand. Do you affirm under penalty of perjury that your testimony today will be true?

W. HASKINS: Yes.

W. HASKINS: Yes, sir. Thank you.

ZHE: Thank you. Go ahead.

W. HASKINS: And, thank you for my time and also thank Mike for his letter which actually comprehensively covers a lot of the key points for consideration. I want to elaborate a little bit on what he was, on what Mike was talking about for this project. When the neighborhood was designed, it was designed, and the MX was put into place, it was put into place with permissive primary, what would be appropriate for the neighborhood. And, when you go to conditional primary, it changes the whole character, it changes what was intended originally. So, the neighborhood, when people came here, for consideration, what is permissive primary, those uses that really fit within a neighborhood. Now, I don't believe that they could redesign, they could lower it to one-story but it's still a conditional use and a conditional use is just not appropriate for where this neighborhood is. A conditional use would be more appropriate where, say a neighborhood was bordering with industrial or bordering with commercial. That's why we have the zoning maps and zoning strategies that you have. That's not the case here. The case here is that you're within residential. That actually borders the National Monument and so this really is not an appropriate use of this property and nor was it the intent. I ask that the developer look at uses that would be considered conducive to the neighborhood, and enhance the neighborhood, not detract or diminish from the neighborhood and the intent and the surrounding area. And so with that, I will defer to my other neighbors who also have the same concerns and I thank you for your time.

ZHE: Thank you, Ms. Haskins. Let's see, I see Michael Miller with a hand raised.

M. MILLER: Yes, my name is Michael Miller. Can you hear me?

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

M. MILLER: Yes, my mailing address is 8416 Sheltie Pine Rd. NW, Albuquerque 87120 but my pertinent interest in this is, I'm the owner of Lot 3, on Block numbered 4 of Volcano Cliffs Subdivision Unit 26 on Valiente Rd., Northwest. So, the unit would be directly to the west of my large lot.

ZHE: I see. Before you go further, let's get you sworn in. Would you please raise your right hand?

M. MILLER: Yup.

ZHE: And, do you affirm under penalty of perjury that your testimony today will be true?

M. MILLER: Yes, it will.

ZHE: Thank you, sir. Go ahead. Two minutes, please.

M. MILLER: Thank you. Yes, so, we purchased this lot as a residential with the understanding that it was, that there was some commercial zoning. We were informed that it would be coffee shops and small restaurants, not a colossus self-storage unit. So, that would be - - It's gonna be basically behind my house but it would be, I assume it's gonna be lit up to deter crime so, there'd basically be stadium lights behind my house and in between the new neighborhood that's going in the middle. So, same thing that Mike said earlier, it's going to be a, just an eyesore between two residential areas and obviously not for that at all; not what we purchased that land for a few years back. So, that's - - I just wanted to try to, I wanted to try to understand how that benefits the community by having a large storage unit in the middle of two and then also not at this is up for debate today but I am not happy about the apartment complex that they have planned there as well.

ZHE: Thanks, Mr. Miller. Let's see, I see Chris Burges with a hand raised.

C. BURGES: Yes, this is Chris Burges. I live at 6201 Basil Pl., Albuquerque, NM 87120.

ZHE: Thank you, sir. And, please raise your right hand. Do you affirm under penalty of perjury that your testimony today will be true?

C. BURGES: I do.

ZHE: Thank you, sir. Go ahead.

C. BURGES: I live approximately, about 900 feet from the proposed storage area. My big complaint is like others, just the height of the building. I do appreciate that they lowered the height of the building. Thank you for that. Still, three-stories would be a significant obstruction

to mountain views and everything that myself, my family and mostly, I'm pretty sure all of the residents enjoy.

ZHE: Thank you, sir.

C. BURGESS: Thank you.

ZHE: I see, is it Adris with a hand raised?

ADRIS SAMARI: Yeah, it's Adris.

ZHE: Adris.

ADRIS SAMARI: Yup, address 7827 Mesa de Oro.

ZHE: Thank you, would you please state your full name for the record?

ADRIS SAMARI: Yes, Adris Samari.

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

ADRIS SAMARI: Yes.

ZHE: Thank you, go ahead.

ADRIS SAMARI: I'm quite surprised about what I'm hearing. I believe this is for our community. It's an opportunity to you know, grow the community have some accessibility as far as storing our belongings somewhere nearby. I don't believe this is an eyesore. I don't believe that you know, it'll diminish any kind of views. It looks quite pleasant when you look at the pictures from Ms. Fishman when she presented it earlier. I think it's not gonna be anything negative for that community, quite frankly, I look forward to it. I think it, we have houses for days on the west side and I believe that having a broad spectrum of different businesses around in our community will just help us thrive and grow that part of our community. So, I was quite you know, leaned back a little bit and I was shocked to see some people you know, talking that way but I believe it's a great thing for our community and I'm always a proponent of growth, positivity. This isn't a site where people are going to leave their belongings out in the open where everyone can see it. It's enclosed, it's brand new, and then, I don't think it brings any negativity to the community. So, I quite frankly I look forward to that happening and seeing a lot of our you know, vacant land being developed so, we can all leave this place a better place than we were left it. So, I'm hopeful that this will move forward and make it more of a beautiful place. So, that is my thoughts about this.

ZHE: Thank you, sir. Where is your residence in relation to the subject site?

ADRIS SAMARI: I am up maybe about half a mile or a mile up Paseo.

ZHE: Okay.

ADRIS SAMARI: East.

ZHE: Thank you.

ADRIS SAMARI: Yup.

ZHE: Thank you.

ADRIS SAMARI: Thank you.

ZHE: Thank you, sir. I see Andrew Washuta with a hand raised. Are you there?

ANDREW WASHUTA: Yup. Hey, Mr. Lucero. I'm ready to go.

ZHE: All right. Would you please state your full name and mailing address for the record?

ANDREW WASHUTA: Sure. So, full name is Andrew Kenneth Washuta and my mailing address is 6327 Basil Pl. NW, Albuquerque, NM 87120.

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

ANDREW WASHUTA: I do.

ZHE: Thank you, go ahead, sir.

ANDREW WASHUTA: Perfect. Thank you. I really appreciate you making this space for this. So, one of the things, I wanted to respond to the resident just before me really quick. I think that an important word that he used there was community and when I think about community obviously it's not just about the people in the area that, that is a big piece of it but it's like the feeling and that sense of community and when I think about a self-storage unit, you think about people that are kind of coming and going and it's not in the sense that it's like a space to commune and actively engage in conversation. As another resident said earlier, you're just dropping your belongings and kind of going and you might not even check back for years. So, I don't feel it's the same as if it were a coffee shop, let's say or if it was a restaurant in this zoning. The other thing that I just wanted to call out really quick is, I did a little bit of research, and there's an Extra Space Storage that's just under 2 miles from this location on 9221 Eagle Ranch. There's a Taylor Ranch Self-storage that's 1.16 miles away. There's Ventana Ranch Self-storage, its 1.24 miles away and there's an A-1 Self-storage that's 2.6. So, in the total radius of about like 2.6 miles let's call it around the proposed location, there is a total of four pre-existing self-storage structures. So, that's kind of one piece. The thing that makes it a real travesty, at least for me, is that it's 1,700 feet from our National Monument and as someone mentioned earlier, we do have Nancy Hendricks the superintendent at Petroglyph on the call as well but, that was just something that I wanted to call out is that distance to the beautiful monument. The last thing that I would say is, that as far as it goes, the one thing that we heard when we actually met with the planners before was that, as far as it goes, it didn't feel like there was any cohesive long-term plans for this space. The storage unit isn't going to bring jobs you know, if anything, it's staffed by one person or two people. You know, people could say or make the assumption it

could bring bad characters to the area but that's just an assumption. Which, you know, one could argue that they could beef that up with security whether that's internal or external which I feel would only make it even more of an eyesore certainly as you're coming up Paseo right underneath that beautiful bridge.

HEARING MONITOR: Excuse me, Robert. The time limit is up.

ZHE: Thank you, Suzie. Go ahead and finish your thought, Mr. Washuta.

ANDREW WASHUTA: Sure, sure. I appreciate it. Yeah, so just as you're coming up that, Paseo, it would be a little bit of an eyesore. So, I just wanted to call out those couple of things but that's all I've got for now. Thank you. I appreciate the time.

ZHE: Thank you, sir. I see Erika, smiley face, with the hand raised.

E. SAMPSON: That's me! Hello!

ZHE: There you are. Would you please state your full name and mailing address for the record?

E. SAMPSON: You got it! Erika Sampson, I live at 6105 Goldenseal CT NW.

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

E. SAMPSON: Yes, sir.

ZHE: Thank you. Go ahead.

E. SAMPSON: So, I would just like to say that we're just strongly opposed to building this storage facility. It's actually in the land that's directly behind me so; it'll impact not only me but the neighborhood and the surrounding areas. And, what's so special about this Volcano Cliffs area is we have panoramic views of the mountains and the city. It is spectacular. And, we also have the Petroglyph National Monument and I feel like we have to do everything we can to protect those areas. In addition, in the area I live in, La Cuentista II, they purposely built all of our homes one story again, to protect those views. And, many of the homes, in the other surrounding areas are one story and there's a few two-stories here and there. So, again, that low height is a benefit to this neighborhood. So, in contrast, this proposed storage facility, even though they redesigned it, and lowered it 11 feet, it's still three-stories high and really in my opinion is gonna affect those views for everyone in the neighborhood, even people just driving down Paseo. Lastly, as Andrew pointed out, we don't need another storage facility. Like he said, there's four of them in the vicinity and there's no shortage of available storage. So, I just don't think it's necessary. I hope that you'll deny the request and help us maintain the unique character of this area and the breathtaking views and protect the National Monument. And, that's basically it. Thank you.

ZHE: Thank you for your testimony. I see Shawn Martinez with a hand raised.

S. MARTINEZ: Yes, good afternoon, Mr. Lucero.

ZHE: Good afternoon.

S. MARTINEZ: I'm Shawn Martinez, my address is 6331 Basil Place NW, Albuquerque, NM 87120.

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

S. MARTINEZ: I do.

ZHE: Thank you, sir. Go ahead.

S. MARTINEZ: Just a couple of short comments. I just wanted to take the time to say that I do not feel that this is conducive to community gathering, community building or community involvement. It's definitely not the best use in my opinion, of vacant land with stunning views. My backyard backs up to Rosa Park, on the corner of Rosa Park and Aloe and it would most definitely affect my personal views as well as the views of my neighbors. So, I just wanted to say that I am strongly opposed as well and hope that this request is denied. Thank you.

ZHE: Thank you, Mr. Martinez. Next, I see John Edward with a hand raised. Are you there? John Edward?

J. EDWARD: Yes, I'm here. How are you today?

ZHE: Hello, sir. I'm doing well. Would you please state...

J. EDWARD: Can you hear me all right?

ZHE: Yeah. Yeah. Will you please state your full name and mailing address for the record?

J. EDWARD: John Edward, PO BOX 26506 Albuquerque, NM 87125.

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

J. EDWARD: It will be.

ZHE: Thank you, sir. Go ahead.

J. EDWARD: One of the clarifications before I make a comment is the stake at issue where the conversation points the height for the specific use.

ZHE: What was that?

J. EDWARD: What is the bone of contention that is being heard? Can they build something 30 feet if it was a different use or is it the use that's specific? Two things in combination or either one of those by themselves?

ZHE: You know, I'll let the applicant address that but just from what's asked for is a conditional use. What's in front of me is, is whether the use itself is appropriate as proposed by the applicant.

J. EDWARD: Okay. My point and my concern is that a lot of people are talking in subdivisions where they're using the due diligence of a Realtor who did not do their job and who represented something not be the case. And, I'm very apologetic because I am a Realtor and that makes my industry look very bad but to the extent that people are complaining and are concerned about the height of the building. Those building heights have been established for a very, very long time and to the extent that people are giving them false information and it's not being verified by the due diligence process for buying a piece of real estate I think is concern because then what it does is it modifies the development patterns of our community. They're supposed to help with community building and transportation planning and I think that those things need to be considered and to that extent, my understanding is, at least to the best that I can tell, this falls within the height guidelines. If I was them, would I want this to maybe be something else? Sure, but to the extent that things are being done subject to here say and information that is deemed to be duping people into making decisions. I don't know what to say other than the fact that this is not a new conversation in the planning and zoning world. People constantly are making decisions without taking on the proper responsibility of self-due diligence and if that's an important factor, then that needs to go in before a purchase is made.

HEARING MONITOR: Excuse me Robert, the time limit is up.

J. EDWARD: Thank you.

ZHE: Thank you, Mr. Edward. Let's see, I see David Dunlap with a hand raised. Are you there?

D. DUNLAP: Yes, I am. Can you hear me?

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

D. DUNLAP: Yes, David Dunlap, mailing address and residence address is 6448 Aloe, that's A-L-O-E Road NW, 87120 and I am a resident of La Cuentista I which is the property to the basically, west of where this property is at. To begin with...

ZHE: Let's get you sworn in, sir.

D. DUNLAP: Oh yes, I'm so sorry.

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

D. DUNLAP: Yes, I do.

ZHE: Thank you, sir. Go ahead.

D. DUNLAP: Actually, before I get to the original comment that I was going to make, I have to address what Mr. Edwards just said about due diligence. While due diligence is very important when you are investing in a property, it does not mean that you blindly go along and do not want what is best for your neighborhood and your community. So, just to say, sorry that is the height that is allowed, is not correct. Now, on to what I was originally going to say. It will affect our community. It will affect our neighborhood. You can talk about the light pollution. You could

talk about the loss of views. You can talk about the fact that in no way shape or form does it help to bring on a cohesive neighborhood. It is a facility and I used self-storage facilities in the past, it's some place you drive through, you throw your stuff into the bin and you leave. We were always told and we always believed, based on the original zoning of the property, which was MX-L and it was only changed, less than a year and a half ago to MX-M even though there were protests from all of the adjoining neighborhoods that we were buying into a neighborhood that we were gonna have coffee shops. They were gonna have a small supermarket. We were going to have things that were going to help bring the community together on those properties. There is no way that a self-storage facility does that. Period.

ZHE: Thank you, Mr. Dunlap. Let's see, I see Jeff Richards with a hand raised.

J. RICHARDS: Yes, can you hear me?

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

J. RICHARDS: My name is Jeff Richards, I live at 8131 Chickeree Drive, Albuquerque, NM 87120. I live in La Cuentista as well.

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

J. RICHARDS: I do.

ZHE: Thank you, sir. Go ahead.

J. RICHARDS: I'd like to state that I'm strongly opposed to this facility going up. I've lived here for almost 9 years. So, much before a lot of these houses even went up and even the idea of a self-storage place even were to go up. I don't think that this type of facility has a vested interest in promoting a community feel. As homeowners do, we have a vested interest in our neighborhood and our community so, I would say, definitely deny this request. As a conditional primary use, this requires your approval so, as to Mr. Edwards, this isn't just a forgone conclusion that this is gonna be approved. I think the neighborhood, multiple neighborhoods are adamantly against this facility going up. Not everybody is on to say that but I don't think that the business will have a vested interest. On top of that, allowing a three-story facility, I don't think we would ever allow a three-story house to be built, so why would we allow a three-story storage eyesore facility to be built. So, I would like to say, I'm opposed to this and please deny it.

ZHE: Thank you for your comments, sir. I see Rene Horvath with a hand raised. Hello.

R. HORVATH: Yes. Hello.

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

R. HORVATH: My name is Rene Horvath, I live at 5515 Palomino Drive in Taylor Ranch. I am with the Taylor Ranch Neighborhood Association and the Westside Coalition and we've been involved with the planning for anything that's built up there and I just wanted to make some comments.

ZHE: Yes. Before we go on, let's get you sworn in.

R. HORVATH: Okay.

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

R. HORVATH: Yes.

ZHE: Thank you, go ahead.

R. HORVATH: When they first started planning any development out there and by the way, I was involved in the effort to make Petroglyph National Monument, which it did become a National Monument in 1990. And so, the goal of the whole planning process was to be sensitive around the monument area and so, Albuquerque has three main Open Space areas that plans have always focused on like the mountains in the Foothills, the river in the Bosque and the mesa with the volcanos and the Escarpment with the Petroglyphs, to build sensitively around those areas. So, when they first started talking about the planning, the Urban Center was mainly at Unser and Paseo and that's where the intensity was supposed to be. Everything on the periphery, escarpment, volcanos, the Open Space, was supposed to be done sensitively. And yes, there was a 2010 Sector Plan in place which a lot of the neighbors are referring to, to keep the building heights low and it complements the Open Space area. And, I - - The Westside Coalition and Taylor Ranch did support the acquisition of the La Cuentista Open Space, which is just across the street from the property site east of Kimmick Road and south of Rosa Parks. So, it's just basically across the street and I showed a picture of that, in its natural form, with its rock props and juniper forest with the beautiful mountains in the district. So, views are very important so, there's always been a concern about the building heights in this area and three-stories is very high. And, as the Park Service wrote a letter, that they're concerned because they have a lot of visitors from the US and other countries and I've met them and they come here and so this is an important resource to consider in terms of building heights, blending with the natural features of our Open Space and monument areas. So, I wanted to give you that perspective in looking at how we proceed. So, thank you very much.

ZHE: Thank you, Ms. Horvath. Let's see, I see a Jane, I'm going to mis-pronounce this last name, is it Baechle?

J. BAECHLE: That's close. It's Jane Baechle.

ZHE: Baechle. Thank you and would you please state your mailing address for the record?

J. BAECHLE: Address is 7021 Lamar Avenue NW, it is 87120.

ZHE: Thank you, Ms. Baechle. Would you please raise your right hand and do you affirm under penalty of perjury that your testimony today will be true?

J. BAECHLE: I do.

ZHE: Thank you, go ahead.

J. BAECHLE: Okay, so I am a member of the Santa Fe Village Neighborhood Association Board of Directors. We are a recognized neighborhood association and I'm really articulating a position supported by the majority of our Santa Fe Village Neighborhood Association Board. By its definition as a conditional use, I believe the IDO acknowledges that, that use may reasonably be expected to be opposed by both residents and other stake holders and be deemed to be incompatible with the area in which it's, the use is being proposed. And, I think that's particularly applicable to this request. Self-service storage is incompatible with the natural and cultural landscape of the Northwest Mesa Escarpment. It conflicts with the ABC Comp Plan policies intended to protect those two areas, the Escarpment and the adjacent Petroglyph National Monument. I believe it would be materially adversely impactful, particularly on the Petroglyph National Monument which was established by an act of Congress specifically to protect the surrounding culturally rich and sensitive landscape. It would also negatively impact the experience of visitors to the monument. I just believe that self-serve storage in and of itself is incompatible with land which continues to contain evidence that ancestral pueblo and art, culture and spirituality. I do have concerns that the design and scale also will have a materially adverse impact on the sensitive land surrounding the area. In summary, our neighborhood association board opposes this conditional use application and we respectfully ask that it be denied. And, I thank you for your time.

ZHE: Thank you, Ms. Baechle. I see Nancy Hendricks with a hand raised. Good afternoon.

N. HENDRICKS: Good afternoon, Mr. Lucero. I'm Nancy Hendricks, I'm the Super Intendent of the Petroglyph National Monument which is located at 6001 Unser Blvd NW, 87120.

ZHE: Thank you. Please raise your right hand and do you affirm under penalty of perjury that your testimony today will be true?

N. HENDRICKS: I do.

ZHE: Thank you. Go ahead.

N. HENDRICKS: Thank you, Mr. Lucero for the opportunity to comment on this project. I really appreciate it and I appreciate all the support and comments provided by the neighbors of Petroglyph National Monument. They made a great case why this proposed project would have negative impacts on the monument resources. While we appreciate that the developer is willing to reduce the height of the facility to 37 feet, we still have serious concerns about the facility and its effect on Petroglyph National Monument. As so elegantly stated by previous commenters, Petroglyph National Monument is an important part of the West Mesa and an important part of Albuquerque and beyond. It is a National Monument designated by Congress to protect the 20 thousand Petroglyphs that are located at the monument but it also has very important cultural significance for 29 tribes and pueblos that are located in New Mexico and beyond, in Arizona, Oklahoma, Colorado, and Utah. So, they feel that this area is sacred and we do our best to manage it and protect the resources here on the West Mesa. We also provide opportunities for visitors and neighbors alike to come in and explore the resources here providing miles of trails. Our visitation last year was more than 360,000 visitors. This location is about 1,500 feet from the

monument boundary in a very significant site that is part of Piedras Marcadas Canyon. That was already damaged by the construction of Paseo Del Norte BLVD. Any further damage to this area, to this sensitive area has a forever permanent effect on these natural and cultural resources that are significant to the City of Albuquerque, people of the West Mesa, the country and the world. So, I appreciate that, while the height of the facility is now lower. I still think that there could be adjustments further made to make it blend in with the surrounding environment better and to make it less impactful on the viewshed of monument, both looking into the monument and looking from the monument outward. So, I do appreciate all of the concerns and I echo all of the concerns from the neighbors that this would have adverse effect on the neighboring landscapes of the West Mesa and Petroglyph National Monument. If you want to talk anything more about this, I'd appreciate it. If you want to talk to me, separately, I can provide you with some more input on this project. We would appreciate if they do go forward with this project, to be involved where we could reduce the impacts of it, reduce the impacts of design, of the night sky, of the lighting if it were to be approved. But, I really hope that you consider our comments and deny this request. Thank you.

ZHE: Thank you, Ms. Hendricks. Okay, I don't see anyone's hand raised. I'm going to call the case one more time. This is agenda item 27 and it's a request for a conditional use to allow for self-storage near Paseo and Kimmick at an unaddressed parcel on Paseo Del Norte. If you haven't yet spoken and would like to add your public comments, please raise your hand. I'm scrolling through the participant list and I don't see anyone with a hand raised. Again, let's just do a last call for public comment on agenda item 27. If you have not yet spoken. Okay, I don't see anyone else indicating they'd like to speak. Ms. Fishman, are you there?

J. FISHMAN: Yes.

ZHE: Oh, there you are. Would you like to respond to the public comment?

J. FISHMAN: Yes, thank you, Mr. Lucero. I'm going to share my screen again if I may. Okay. I'm assuming you can see that.

ZHE: Yes.

J. FISHMAN: This is the plat that I was referencing earlier. It shows our self-storage site to be Tract 1C, Block 2, 1.8246 acres and so, like I said, this has been prepared and ready to go to DRB as soon as we get through this process. So, I can provide that to your office.

ZHE: Okay.

J. FISHMAN: One of the things that I wanted to respond to from the previous speakers, well, just a little background. I think I eluded to this, this large tract, north, if you can see the east, west bow line, everything north of there, the current MX-M zoned property was part of a zone change. It wasn't a year and a half ago, it was in 2019, and we went through the EPC to re-zone that part of the property from MX-L to MX-M. The EPC approved it. I believe it was unanimous and you know, many of these same neighbors have the same issues that they're talking about today, even Ms. Hendrix from the National Park Service. She spoke at that zoning hearing in front of the

EPC, they took their comments at that time to heart but they did not agree and they rezoned it to MX-M. The case was appealed to City Council and the LUHO, the LUHO rejected the appeal, recommended rejection of the appeal, and City Council voted and denied the appeal. So, while I understand that they wish it hadn't been re-zoned, it was. We're fully within our rights to ask for a conditional use for a storage facility on this site. During that process when we were going through the zoning, what we explained at the time was that the MX-L would be a transition between a more intense MX-M that's along Paseo and Kimmick which is, will be a signalized intersection and the single family, low-density residential development to the south. The MX-L being a transition. The EPC and the City Council agreed with that. I also want to remind everyone that this is a 19-acre site. We cannot fill this site with coffee shops and cute little retail. We want that, you know, we want a sit-down restaurant and a coffee shop. We can't make that happen until, you know, somebody approaches this developer but we can't fill the whole site with small uses like that. Again, Tract 1B that you can see on the screen, is going to be multi-family. We are not allowed to have single family in an MX zone. So, you know, I think a lot of the people that spoke from La Cuentista, they would like this to be single family or maybe Open Space but we can't do either on this property. So, like I said in my presentation, we put the self-storage in the MX-M area. We could have put it in the MX-L. We put it in MX-M, we tried to keep it away from the neighbors while still having the commercial frontage along Paseo. In terms of lighting, obviously, we are going to follow all the rules and regulations. We are going to DRB who is going to look through every sheet that we create, a site plan, landscape plan, grading and drainage, utility plan and building elevations. The design is not done. We could still make changes if need be and we will definitely look at how to light the site without violating the night sky ordinances. In terms of height, again, we're allowed to have 48, we have 37 and a half. But, I would also like to remind everyone that across the street in the Urban Center, right across the street, we have NR-BP, which has a maximum height of 65 feet. We also have MX-H across the street, 68 feet. So, right across the street, in the Urban Center, in some cases, closer to the monument than this site are taller heights. And, that's something that I presented to the EPC and the City Council and they certainly understood that. One thing that I didn't hear from anyone is you know, what exactly is the impact of a self-storage building on the monument? I mean, yeah, we heard about height. We heard about lighting but in terms of a use, why, I don't really understand why the use of a storage building is detrimental either to the neighbors or to the monument. I think this is a, as I presented and as our traffic engineer analyzed, this is a very low traffic generating use. There's not a lot of visitors there. Yes, it's not a real exciting kind of use here but again, we've got a lot of other acreage here that we can put other uses here and we do want to make it a mixed-use site as was intended by the City Planning Department and the City Council. With that, Mr. Lucero, I would stand ready for any questions you may have.

ZHE: Thank you. You know, one thing I saw reference to in the justification letter, and there was some discussion earlier but if you could put in a little more detail, the prior Sector Development Plan, what import it has to this matter and how if so, sort of how that was transferred over into the IDO.

J. FISHMAN: Okay. Yes, and I can probably pull up an exhibit but I won't take the time, you know, the Sector Plans unfortunately, don't exist anymore. I've been part of sector plans in my own neighborhood, in the neighborhood right adjacent to my office, I like them. They City did not and we did away with them collectively. Some of the sector plans, the regulations were incorporated into the IDO but as I presented earlier, in terms of the CPO. Let me see if I can pull that up on my screen again. Can you see that there?

ZHE: Yes.

J. FISHMAN: Okay, so the Volcano Mesa CPO 13, the standards apply to low density residential development only. It doesn't apply to commercial. We don't have, we don't have and we're not allowed to have low density residential on this 19 acres. So, its, but we do have some requirements for color and we are following that. That will be reviewed and approved hopefully by the DRB. The neighbors will be notified of the DRB submittal of the site plan and will be able to ask for a facilitated meeting, come to the DRB hearing as a public hearing item and weigh in. Does that help answer your questions?

ZHE: Yeah, I guess that does. One thing that I heard from Mr. Voorhees is that even though the Sector Plans don't exist, that certain regulations were carried and implemented into the IDO and others do not and the intent or the policy, rationales of them were carried over into the Comp Plan and ought to be considered in terms of consistency with the Comp Plan. Is that, do you agree with that?

J. FISHMAN: Yes, I mean, I think the Comprehensive Plan, you know, by definition is the overarching rank one, plan for the City and it does set you know, general goals and policies City wide and it does talk about protection for neighborhoods and community building and all the things that people mentioned. I think we just have a fundamental difference of opinion that this is, I don't think its negative for the community. I think there's a lot of other uses that could go there that would have a lot more traffic and impact the area but on the other hand, we do have a developer that contributed to the SAD in this area. Steve Metro retired from Wilson and Company, was the engineer on that, contributed to the cost of the SAD and for this property, dedicated his right of way to, for Paseo, paid for the traffic signal at this intersection you know, so he's in a sense part of this community as well just like the people that have moved into La Cuentista.

ZHE: Okay. Anything else that you'd like to add in closing, Ms. Fishman?

J. FISHMAN: Let me just look at my notes real quick. No. You know, again, I would just say that you know, our job today is to look at the use only. The site plan and the building elevation is there as exhibits to inform the viewers and reviewers of the project. The design itself will go to DRB and so, with that I would say, to me, the use is appropriate for the area. It's appropriate because we did put it in the center of the site. We're going to have buildings that block the view of that building from the south. I can't imagine how somebody that lives in a single-family house in La Cuentista will be able to see this because we'll have apartment buildings in front of it and a fully, beautifully landscaped site there. We've got a lot of Open Space in that project. We are

also landscape architects. We're landscaping the heck out of it to make it a beautiful place. I'm hoping that we can get approved by you Mr. Lucero and move forward and we will continue to keep working with the neighbors, the National Park Service and others on making this as good as we can.

ZHE: Well, thank you and I do see that we have a couple hands raised but if I let certain replies, then I have to let everyone reply and so I think we're going to conclude the hearing at this time, on this matter but I appreciate everyone's testimony. I hear you and I appreciate everyone who's made written submittals as well and you've given me a lot to consider. I'm going to do my best to apply the law, applicable law to the facts in this case and decide it on the merits and I'll issue the written decision in 15 days. Thank you, everybody.

J. FISHMAN: Thank you.

ZHE: That concludes agenda item 27.

NOTICE OF APPEAL

August 23, 2022

TO WHOM IT MAY CONCERN:

The Planning Department received an appeal on August 22, 2022. 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-22-15
PLANNING DEPARTMENT CASE FILE NUMBER:
PR-2021-006330-VA-2022-00167-VA-2022-00241

APPLICANT: Group II U26 VC LLC
2400 Louisiana Blvd NE, Bldg 3, Room 115
Albuquerque NM, 87110

AGENT: Consensus Planning, Inc. and Resnick & Louis, P.C.
302 8th Street NW
Albuquerque NM, 87102

cc: Crystal Ortega, Mandi Hinojos, City Council, City county bldg. 9th floor
Kevin Morrow/Legal Department, City Hall, 4th Floor-
Group II U26 VC LLC, aleemhasham@gmail.com
Consensus Planning, fishman@consensusplanning.com
Michael Voorhees, mike@cyonic.com
Wendy Jo Haskins, 6309 Visa PL NW, 87120, whaskins@comcast.net
Michael Miller, 8416 Chilte Pine RD NW, Albuquerque, NM 87120
Chris Burges 6201 BASIL PL NW, ALBUQUERQUE NM 87120
Adris Samari, 7827 MESA DE ORO RD ALBUQUERQUE 87114
Andrew Washuta, andrew.washuta@gmail.com
Erika Sampson, 6105 Goldenseal CT NW, Albuquerque, NM 87120
Sean Martinez, 6331 Basil PL NW, Albuquerque, NM 87120
John Edward, PO BOX 26506 Albuquerque, NM 87125

cc: David Dunlap, 6448 Aloe RD NW, Albuquerque, NM 87120
Jeff Richards, 8131 Chicory DR NW, Albuquerque, NM 87120
Rene' Horvath, aboard111@gmail.com
Jane Baechle, 7021 Lamar Ave NW, Albuquerque, NM 87120
Nancy Hendrix, Superintendent Petroglyph Monument, Nancy_Hendricks@nps.gov
Elaine Candelaria elaine.candelaria@gmail.com
Michael Vos Vos@consensusplanning.com



ZONING HEARING EXAMINER'S AGENDA

TUESDAY, July 19, 2022 9:00 A.M.

Join Zoom Meeting

<https://cabq.zoom.us/j/7044490999>

Meeting ID: 704 449 0999

One tap mobile

+1-669-900-6833,,7044490999# US (San Jose)

+1-253-215-8782,,7044490999# US (Tacoma)

Dial by your location

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+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

+1 646 558 8656 US (New York)

+1 301 715 8592 US (Germantown)

+1 312 626 6799 US (Chicago)

Meeting ID: 704 449 0999

Find your local number: <https://cabq.zoom.us/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.

PLEASE ADDRESS ALL CORRESPONDENCE TO:

Robert Lucero, Esq., Zoning Hearing Examiner at suzannasanchez@cabq.gov

NOTICE TO PEOPLE WITH DISABILITIES: If you have a disability and you require special assistance to participate in this hearing, please contact Planning Information at (505) 924-3860.

INTERPRETER NEEDED:

- | | | | |
|----|---------------|----------|--|
| 1. | VA-2022-00153 | Project# | Adriana Rico Espinoza requests a taller wall permit major for Lot 12-P1, |
| | | PR-2022- | Block 3, Sunset West Unit 4, located at 9100 Sunfish Ave SW, zoned R-1B |
| | | 007123 | [Section 14-16-5-7(G)(3)] |

- | | | | |
|----|---------------|--------------------------------|--|
| 2. | VA-2022-00168 | Project#
PR-2019-
002179 | Marcial Anaya requests a variance of 5 ft to the required 5 ft side yard setback for Lot 11, Block 26, Waggoman & Denison Addn, located at 340 General Bradley ST NE, zoned R-1C [Section 14-16-5-1(C)(1)] |
|----|---------------|--------------------------------|--|

OLD BUSINESS:

- | | | | |
|----|---------------|--------------------------------|--|
| 3. | VA-2021-00390 | Project#
PR-2021-
006174 | Jared Congdon (Agent, Roger Congdon) requests a variance of 4 ft for a retaining wall in the rear yard for Lot 19A, Stonegate Village located at 4909 Oso Grande PL NE, zoned R-T [Section 14-16-5-7(D)] |
|----|---------------|--------------------------------|--|

NEW BUSINESS:

- | | | | |
|-----|---------------|--------------------------------|--|
| 4. | VA-2022-00138 | Project#
PR-2022-
007102 | Diane Franklin requests a variance of 2 ft to allow a 6 ft wall in the side yard for Lot 5, Block 25A, Osullivans, located at 1229 Dartmouth NE, zoned R-1B [Section 14-16-5-7(D)] |
| 5. | VA-2022-00139 | Project#
PR-2022-
007109 | Robert Martinez (Agent, Gilbert Austin) requests a permit carport for Lot 13, Block 27, Waggoman & Denison ADDN, located at 437 General Stilwell ST NE, zoned R-1C [Section 14-16-5-5(F)(2)(a)(3)(b)] |
| 6. | VA-2022-00140 | Project#
PR-2022-
007110 | Jerome Deroy & Kia Margarida Ramirez (Agent, Renaissance Man Construction, LLC) requests a taller wall permit major for Lot A, Block 13, Loma Vista Addn, located at 1012 Dartmouth DR NE, zoned R-1B [Section 14-16-5-7(D)(3)(g)] |
| 7. | VA-2022-00141 | Project#
PR-2022-
007110 | Jerome Deroy & Kia Margarida Ramirez (Agent, Renaissance Man Construction, LLC) requests a variance of 3 ft to the required 3 ft wall in the front and street side yard for Lot A, Block 13, Loma Vista Addn, located at 1012 Dartmouth DR NE, zoned R-1B [Section 14-16-5-7(D)] |
| 8. | VA-2022-00142 | Project#
PR-2019-
003030 | Dominic Martinez (Agent, ABQ Land Use Consulting, LLC) requests an expansion of non-conforming use of 10.27% increase in area for Lot 6A, Nelsons, located at 520 Montano RD NW, zoned MX-M [Section 14-16-6-8(c)(4)] |
| 9. | VA-2022-00144 | Project#
PR-2022-
007113 | Luis Villalba requests a taller wall permit major for Lot 33, Glendale Gardens, located at 4915 Rincon RD NW, zoned R-1D [Section 14-16-5-7(D)(3)(g)] |
| 10. | VA-2022-00145 | Project#
PR-2022-
007113 | Luis Villalba requests a variance of 4 ft to the required 3 ft for view fencing in the front yard for Lot 33, Glendale Gardens, located at 4915 Rincon RD NW, zoned R-1D [Section 14-16-5-7(D)(1)] |

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|-----|---------------|----------------------------|---|
| 11. | VA-2022-00146 | Project#
PR-2022-007115 | Lubricar Properties IV, LLC (Agent, Tierra West) requests a variance of 30 ft to the required 15 ft maximum setback for Lot C1, Atrisco Village, located at 130 Coors Blvd NW, zoned MX-M [Section 14-16-5-1(D), 14-16-3-4(C)(3)(b), 14-16-1-8(a)(1)] |
| 12. | VA-2022-00147 | Project#
PR-2022-007116 | Alexis & Joseph Artery request a variance of 14 ft to the required 15 ft rear yard setback for Lot 12, Block 23, Parkland Hills Addn, located at 724 Carlisle BLVD SE, zoned R-1D [Section 14-16-5-1(C)(1)] |
| 13. | VA-2022-00148 | Project#
PR-2022-007118 | M Maokamphiou requests a variance of 2 ft to the required 6 ft wall height on the street rear yard for Lot 1, Block 7, Rhodes Sandia Vista Addn, located at 524 Martha ST NE, zoned R-1C [Section 14-16-5-7(D)(3)(g)] |
| 14. | VA-2022-00149 | Project#
PR-2022-007120 | Kirby Trust (Agent, Elizabeth Jaffe) requests a conditional use to allow an accessory dwelling without a kitchen for Lot 10, Block 3, Sunset Terrace Addn, located at 1109 Princeton DR NE, zoned R-1B [Section 14-16-4-3(F)(5)(g)] |
| 15. | VA-2022-00151 | Project#
PR-2022-007122 | Daniel Gallegos requests a permit wall major in the street side yard for Lot 8, Block 1, Atrisco Ct, located at 9800 Ryno CT SW, zoned R-T [Section 14-16-5-7(D)(3)(g)] |
| 16. | VA-2022-00152 | Project#
PR-2022-007122 | Daniel Gallegos requests a variance of 3 ft to allow for a 6 ft high solid wall on the street side for Lot 8, Block 1, Atrisco Ct, located at 9800 Ryno CT SW, zoned R-T [Section 14-16-5-7(D)(1)] |
| 17. | VA-2022-00155 | Project#
PR-2019-002179 | Jana Quintero requests a conditional use to allow for cannabis retail within 600 ft of another cannabis retail location for Lot 6, Block 8, Mesa Grande Addn, located at 4012 Central Ave SE, zoned MX-M [Section 14-16-4-3(D)(35)(c)] |
| 18. | VA-2022-00156 | Project#
PR-2022-007125 | Faith Tabernacle Baptist Church (Agent, Henry Douglas) requests a variance of 2 ft view fencing to the 3 ft allowable fence at the front of the property for Lot 9, Block 5, Bevans Addn, located at 7701 Zuni RD SE, zoned MX-L [Section 14-16-5-7(D)(3)(g)] |
| 19. | VA-2022-00157 | Project#
PR-2021-006322 | Joes Properties, LLC (Agent, Consensus Planning) requests a conditional use to allow artisan manufacturing in an MX-T zone for Lot 232A Old Town Pk, MRGCD Map 38, located at 522 Romero ST NW, zoned MX-T [Section 14-16-4-3(E)(1)] |
| 20. | VA-2022-00158 | Project#
PR-2022-007126 | LaLynn Hines requests a variance of 3 ft to the allowable 3 ft fence/wall in the front and street side yard for Lot 1, Townsend Addn, located at 6102 Central AVE SW, zoned MX-M [Section 14-16-5-7(D)(1)] |

- | | | | |
|-----|---------------|----------------------------|--|
| 21. | VA-2022-00159 | Project#
PR-2022-007127 | Viola and David Estrada requests for a permit wall major in the front yard for Lot 27B, Block 1, Villa Del Rey Addn, located at 9629 Villa Del Rey NE, zoned R-1C [Section 14-16-5-7(D)(3)(g)] |
| 22. | VA-2022-00160 | Project#
PR-2022-007128 | Ryan Gomez (Agent, Patti Rios) requests a variance of 3 ft to the required 3 ft for a wall/fence in the front yard for Lot B, Bellamahs Central Addn, located at 10601 Central AVE NE, zoned MX-H [Section 14-16-5-7(D)(1)] |
| 23. | VA-2022-00161 | Project#
PR-2022-007129 | Andres Alarcon and Parvathi Kumar requests a permit wall major in the front yard for Lot 13, Block 16, Glenwood Hills Unit 3, located at 13316 Hidden Valley RD NE, zoned R-1D [Section 14-16-5-7(D)(3)(g)] |
| 24. | VA-2022-00162 | Project#
PR-2022-007129 | Andres Alarcon and Parvathi Kumar requests a variance of 3 ft to the maximum 3 ft wall height in the front yard for Lot 13, Block 16, Glenwood Hills Unit 3, located at 13316 Hidden Valley RD NE, zoned R-1D [Section 14-16-5-7(D)(1)] |
| 25. | VA-2022-00163 | Project#
PR-2022-007130 | Porfirio and Tanya Maestas request a variance of 2 ft to the required 3 ft for a solid wall in the front yard for Lot 1, Town of Atrisco Grant U-8 Replat TR-280, located at 5515 Iliff RD NW, zoned R-1B [Section 14-16-5-7(D)(1)] |
| 26. | VA-2022-00164 | Project#
PR-2022-007130 | Porfirio and Tanya Maestas requests a taller wall permit major for Lot 1, Town of Atrisco Grant U-8 Replat TR-280, located at 5515 Iliff RD NW, zoned R-1B [Section 14-16-5-7(D)(3)(g)] |
| 27. | VA-2022-00167 | Project#
PR-2019-002663 | Group II U26 VC LLC (Agent, Consensus Planning) requests a conditional use to allow for self-storage for Lot Portion of Lot 1, Block 2, Volcano Cliffs Unit 26, located at 99999 Paseo Del Norte NW, zoned MX-M [Section 14-16-4-3(D)(29)] |