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PR-2024-010860, VA-2024-00262, VA-2024-00317 (Appeal)

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CITY OF ALBUQUERQUE

Albuquerque, New Mexico

Planning Department

Mayor Timothy M. Keller

INTER-OFFICE MEMORANDUM

December 3, 2024

TO: Dan Lewis, President, City Council

FROM: Alan Varela, Planning Director 
Alan Varela (Dec 4, 2024 09:28 MST)

SUBJECT: AC-24-29, PR-2024-010860, VA-2024-00262: Faith Lutheran Church – Amber Webb appeals the Zoning Hearing Examiner’s decision of DENIAL for a variance of 135 feet to the required 200-foot distance for an illuminated sign to be visible from a Residential zone district.

OVERVIEW

On October 15th, 2024, Juanita Garcia with JAG Planning & Zoning, LLC, agent for the property owner, and Amber Webb with Faith Lutheran Church as the Applicant appeared before the Zoning Hearing Examiner (“ZHE”) requesting a variance of 135 feet to the 200-foot distance for an illuminated sign to be visible from a Residential zone district on a property located at 10000 Spain Rd NE (“subject property”), zoned MX-T.

The ZHE denied the Applicant’s request in a written decision dated October 30, 2024.

The Appellant timely filed an appeal of the ZHE’s decision prior to the appeal deadline of November 14, 2024. The Appellant, Faith Lutheran Church, asserts that the agent testified that the Applicant was willing to institute mitigating measures to ensure that adjacent property owners would not be adversely impacted by the proposed sign. The appellant alleged error and asserted that the ZHE decision and findings are not supported by substantial evidence pursuant to IDO §14-16-6-4-(U)(4)(b).

BASIS FOR APPEAL

IDO §14-16-6-4(U)(4) outlines the applicable criteria for the appeal in determining whether the ZHE erred in its decision:

6-4(U)(4) Criteria for Decision

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

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

6-4(U)(4)(b) The decision being appealed is not supported by substantial evidence.

6-4(U)(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 in quotes below, with bulleted, italicized responses from Planning Department staff for the ZHE.

“The appellant believes this finding is not supported by substantial evidence since the appellant did testify of the willingness to institute mitigating measures to ensure that adjacent property owners would not be adversely impacted by the proposed sign.”

IDO 14-16-6-4(U)(4) Criteria for Decision cited for reason for appeal:

1. Per IDO 6-4(U)(4)(b) The ZHE's decision is not supported by substantial evidence.

- *ZHE Finding #9: Based on evidence in the record, the variance will cause significant adverse material impacts on surrounding properties, and therefore does not satisfy IDO Section 14-16-6-6(O)(3)(a). Specifically, opponent neighbors who live directly across Spain Rd NE submitted written correspondence and sworn testimony as to the negative impacts the light from the existing sign has on their quality of life. The existing sign was constructed prior to the IDO effective date and is apparently legally nonconforming. The Application seeks to replace the existing reader board with an LED board, which necessitates the requested variance. Evidence in the record supports a conclusion that the new sign would be at least as bright, if not brighter, than the existing sign. **During testimony, Applicant appeared unwilling to institute mitigating measures, such as dimming or turning off lights during late night hours. [Emphasis added]***

The applicant has two existing signs located on the subject property that were established prior to the IDO's effective date in 2018, and it is possible that they are legally “Nonconforming Structures” pursuant to IDO §14-16-7-1 Definitions: “A structure that does not conform to the IDO requirements for structures in the zone district where its located, for reasons other than the use of the structure, but that did not violate those requirements at the time the structure was constructed. By way of example: a nonconforming structure could be one that violates height, setback, aesthetic, or form requirements.”

Any structure that is defined as nonconforming pursuant to the IDO shall conform to the current IDO standards if the structure's original approved intent is changed or altered. In the Applicant's case, the original sign was defined as an “Illuminated Sign” pursuant to the IDO §14-16-17-1 Definitions: “Any sign that is directly lighted by an on-premises electrical light source, internal or external except light sources specifically and clearly operated for the purposes of lighting the general area in which the sign is located rather than upon the sign itself, including but not limited to luminous tubing signs such as neon signs. All electronic signs are illuminated signs.”

The Applicant is requesting to change one of the two existing signs from “Illuminated Sign” to “Electronic Sign,” defined in IDO §14-16-7-1 as: “A sign that is internally lit to display messages

and images that are changed electronically. The lit sign area may be of various types, including but not limited to flat screen, active display matrix, or a board with a single or multiple lines of text graphics. The light source may vary but is typically Light Emitting Diodes (LED) ” IDO §14-16-6-8(F) regulates the modification of nonconforming signs of any kind. Among other things, modification of the lighting/illumination type and/or conversion of a non-electronic nonconforming sign to an electronic sign is prohibited unless the new or modified sign is allowed and conforms to current IDO requirements. The application indicates that an electronic sign is requested to add a reader board to communicate messages that change on the electronic sign. The IDO’s electronic sign regulations require that messages and images are static, but they are allowed to change as long as they do so no more often than once every 8 seconds and the transition between does not exceed 1 second and does not include any visual effects.

Planning Staff notes that one (1) illuminated sign for non-residential development within 50 feet of a Residential zone district is allowed to remain illuminated between 11:00 PM and sunrise pursuant to IDO §14-16-5-12(E)(5)(b). Spain Road is approximately 65 feet wide, wider than this 50-foot distance requirement from the properties zoned Residential to the north, but there are also other Residential zone districts abutting this premises but located farther from the actual signs themselves. Insofar as the existing signs may be legally nonconforming, the variance would not be needed if 1 of the signs turned off between these hours. If the Applicant wants both signs to remain illuminated, a variance would be needed to the number of illuminated signs allowed on the premises (1) to allow a second illuminated sign to remain illuminated during these hours.

*IDO §14-16- 5-12(E)(5)(c) specifies that illuminated signs in any Mixed-use zone district “**may turn on or off or change its brightness**, provided that all of the following requirements are met...” [emphasis added]. The 200-foot distance separation is one of those requirements along with stipulations that the changing of illumination does not create apparent motion or continuous flashing. Read in whole, this regulation appears to limit having lights turn on and off to draw attention to the sign or changing messages or imagery on an electronic sign when close to residential development, more than just the lighting simply turning on when it gets dark outside and turning off again when it gets light again after sunrise. If the simple act of lighting turning on and off when it gets dark out must follow these requirements, the existing signs may also be nonconforming to the 200-foot distance separation from residential. Regardless, this provision would prohibit electronic signs that flash, create apparent motion, or change brightness, if not all illuminated signs that turn on/off, within 200 feet of Residential zone districts.*

Planning Staff further notes that an electronic sign, in and of itself, is not outright prohibited in this location, as none of the areas specified in §14-16-5-12(H)(2) apply. Further, the IDO does not prohibit electronic signs for non-residential development in Residential zone districts but instead limits their sign area to 25 percent of the total sign area [IDO §14-16-5-12(H)(2)(b)].

Regardless of why the applicable sign(s) may be nonconforming, the applicant’s requested change for one illuminated sign to become an electronic sign initiated the variance request. As the subject property is zoned MX-T (Mixed-use – Transition Zone District) and located less than 200 feet from a Residential zone district R-1C (Residential – Single Family), without the variance such a sign is presumably not allowed under IDO §14-16-5-12(E)(5)(c)1, “The sign is not within 200 feet in any direction of any Residential zone district and visible from that zone district.” Reading all of the relevant sign regulations together is difficult, and there may be conflicts, but the changing of messages on an electronic reader board, which seems to be proposed, appears to be the sign “turn[ing] on or

off or chang[ing] its brightness,” thus triggering the 200-foot distance separation from residential. The sign that is requested to change to an electronic sign is located less than 100 feet from the adjacent residential neighborhood across Spain Road thereby does not comply with the required 200-foot minimum distance separation from any residential zone district.

Public notice and meetings were coordinated by the applicant with the surrounding neighborhood residents, with three (3) property owners of residential properties submitting written opposition to the request. Property owners residing at 5300, 5305 & 5308 Lucille Drive expressed concern over the new signage. Their concerns stem from the existing signage with the proposed changes to electronic signs. The Applicant purchased a light meter to obtain compliance measurements for IDO standards but provided no calibration documentation supporting the measurement or a certified lighting plan.

The Appellant states that they expressed an openness to restrictions on their current lighting situation at the hearing, but Planning staff notes that they did not appear to meet their burden of proof to offer and ensure appropriate mitigation through detailed mitigation measures or other commitments to mitigate the impact of the electronic reader board as expressed by the residential neighbors.

The IDO has some built-in requirements that are intended to avoid or mitigate potential impacts. Pursuant to the IDO §14-16-5-12(H)(4)a, “Electronic signs shall have automatic dimming control, with either photocell (hardwired) or software settings.” Further, IDO §14-16-5(H)(4)(b) specifies, “Electronic signs shall not exceed an illumination level of 0.3-foot candles above ambient light as measure from a distance specified in Table 5-12-6 based on sign area with the light meter held perpendicular to the sign and targeting the color white.” These requirements apply regardless of proximity to residential uses, and whether or not the signs have changing messages or turn on and off. If the ZHE’s denial is overturned or remanded, and a variance granted, it seems reasonable that additional, specific conditions be imposed to mitigate any adverse impacts.

Table 5-12-1: Illumination Measurement Distance

Area of Sign (sq. ft.) ^[1]	Measurement Distance (ft.)	Area of Sign (cont.) ^[1]	Measurement Distance (cont.)
10	32	65	81
15	39	70	84
20	45	75	87
25	50	80	89
30	55	85	92
35	59	90	95
40	63	95	97
45	67	100	100
50	71	300	150
55	74	378	200
60	77	672	250

[1] For signs with an area other than those specifically listed in this table, the measurement distance may be calculated with the following formula: Measurement Distance (ft.) = square root of [Area of Electronic Sign (sq. ft.) x 100].

Despite the above, Planning staff notes that the 200-foot distance separation for illuminated signs that turn on and off is another mechanism built into the IDO that helps mitigate potential adverse impacts of a specific type of illuminated sign. Assuming the proposed electronic sign requires this variance to be located where it is proposed due to an existing nonconformity or the simple nature of the type of sign proposed (one that turns on and off), the ZHE’s denial is reasonable. Planning staff further

believes the ZHE could have denied the request under other review and decision criteria in IDO §14-16-6-6(O)(3)(a) not elaborated in the Official Notice of Decision:

- *Whether there are special circumstances applicable to this lot that are not self-imposed, it is not clear what the extraordinary hardship or practical difficulty is for having or keeping the existing illuminated signs. If the existing sign(s) do not “turn on or off or change [their] brightness,” a variance to the 200-foot distance separation may not be necessary to install new replacement signage, as long as that signage does not include a changing message (which requires lights to turn on or off).*
- *This variance request may undermine the intent and purpose of the IDO. While the IDO standard requested to be varied does not use the word “prohibited,” it uses similar language, stating “The sign is **not within** 200 feet in any direction of any Residential zone district...” [emphasis added]. A variance of any amount to this standard allows such a sign to be placed where the rules otherwise forbid it. Like certain Use-specific Standards in IDO §14-16-4-3 and other requirements throughout the IDO, regulations like this stipulate where certain kinds of development are allowed or unambiguously not allowed, and this standard appears to be more than a simple dimensional standard like setback or height, which are often varied due to unique characteristics of a property and resulting hardships. Varying this standard could undermine the IDO’s intent, especially as it is not clear how any unique circumstances presented relate to the distance between the subject property and the nearby residential uses. Further clarification on this matter may help staff better administer the IDO and make our best recommendations to applicants and decision-makers.*

In conclusion, Planning staff does not view an error in the decision and stands behind ZHE’s denial of this request based on Findings #1-10.

/ Adam Sena /

Adam Sena, Senior Planner
City of Albuquerque Planning Department

/ Michael Vos /

Michael Vos, AICP, Principal Planner
City of Albuquerque Planning Department






10000 Spain Rd NE - Faith Luthern Church Appeal Memo_Final

Final Audit Report

2024-12-04

Created:	2024-12-04
By:	Lucinda Montoya (lucindamontoya@cabq.gov)
Status:	Signed
Transaction ID:	CBJCHBCAABAAuuXZ69yCWc9ZIRQP0BbueKBn1xgHAs3b

"10000 Spain Rd NE - Faith Luthern Church Appeal Memo_Final" History

-  Document created by Lucinda Montoya (lucindamontoya@cabq.gov)
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CITY OF ALBUQUERQUE
OFFICE OF ADMINISTRATIVE HEARINGS
ZONING HEARING EXAMINER
NOTIFICATION OF DECISION

Faith Lutheran Church - Amber Webb (Agent JAG Planning & Zoning LLC - Juanita Garcia) requests a Variance of 135 ft to the required 200' distance for an Illuminated Sign to be visible from a residential zone for Lot ZIA, Academy Place, located at 10000 Spain Rd NE [Section 14-16-5-12(E)(5)(c)(1)]

Special Exception No: **VA-2024-00262**
Project No: **PR-2024-010860**
Hearing Date: 10-15-24
Closing of Public Record: 10-15-24
Date of Decision: 10-30-24

On the 15th day of October, 2024, JAG Planning & Zoning LLC - Juanita Garcia, agent for property owner Faith Lutheran Church - Amber Webb (“Applicant”) appeared before the Zoning Hearing Examiner (“ZHE”) requesting a variance of 135 ft to the required 200' distance for an Illuminated Sign to be visible from a residential zone (“Application”) upon the real property located at 10000 Spain Rd NE (“Subject Property”). Below are the ZHE’s finding of fact and decision:

FINDINGS:

1. Applicant is requesting a variance of 135 ft to the required 200' distance for an Illuminated Sign to be visible from a residential zone.
2. The ZHE finds that the Applicant has authority to pursue this Application.
3. All property owners within 100 feet and affected neighborhood association(s) were notified.
4. The ZHE finds that the proper “Notice of Hearing” signage was posted for the required time period as required by Section 14-16-6-4(J)(4).
5. The City of Albuquerque Integrated Development Ordinance (“IDO”), Section 14-16-6-6(O)(3)(a) (Variance-Review and Decision Criteria) reads: “... *an application for a Variance-ZHE shall be approved if it meets all of the following criteria:*
 - (1) *There are special circumstances applicable to a single lot that are not self-imposed and that do not apply generally to other property in the same zone and vicinity such as size, shape, topography, location, surroundings, physical characteristics, natural forces or government actions for which no compensation was paid. Such special circumstances of the lot either create an extraordinary hardship in the form of a substantial and unjustified limitation on the reasonable use or economic return on the property, or practical difficulties result from strict compliance with the minimum standards.*
 - (2) *The Variance will not be materially contrary to the public safety, health, or welfare.*
 - (3) *The Variance does not cause significant material adverse impacts on surrounding properties or infrastructure improvements in the vicinity.*
 - (4) *The Variance will not materially undermine the intent and purpose of the IDO or the applicable zone district.*
 - (5) *The Variance approved is the minimum necessary to avoid extraordinary hardship or practical difficulties.*”

6. 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).
7. The 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).
8. Applicant appeared and gave evidence in support of the application.
9. Based on evidence in the record, the variance will cause significant adverse material impacts on surrounding properties, and therefore does not satisfy IDO Section 14-16-6-6(O)(3)(a). Specifically, opponent neighbors who live directly across Spain Rd NE submitted written correspondence and sworn testimony as to the negative impacts the light from the existing sign has on their quality of life. The existing sign was constructed prior to the IDO effective date and is apparently legally nonconforming. The Application seeks to replace the existing reader board with an LED board, which necessitates the requested variance. Evidence in the record supports a conclusion that the new sign would be at least as bright, if not brighter, than the existing sign. During testimony, Applicant appeared unwilling to institute mitigating measures, such as dimming or turning off lights during late night hours.
10. Because all prongs of the IDO test must be satisfied and, as stated above, the Application failed to satisfy IDO Section 14-16-6-6(O)(3)(a), the Application must be denied. Out of considerations of administrative and quasi-judicial economy, the ZHE will not summarize any analysis of the remaining prongs of the IDO test in this Notification of Decision.

DECISION:

DENIAL of a variance of 135 ft to the required 200' distance for an Illuminated Sign to be visible from a residential zone.

APPEAL:

If you wish to appeal this decision, you must do so by November 14, 2024 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

Juanita Garcia PO BOX 7857, 87194, jag@jagpandz.com

Jerry Watts 4804 Todd St NE, 87109

Haldon Lewin 1728 Buffalo Dancer Trail, 87112

Ryan Ratliff 5300 Lucille Drive, 87111

Marcos Ortiz 5308 Lucille Drive, 87111



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: Faith Lutheran Church, Amber Webb		Phone: (505) 296-0762
Address: 10000 Spain RD NE		Email: awebb@faithabq.org
City: Albuquerque	State: NM	Zip: 87111
Professional/Agent (if any): JAG Planning & Zoning, Juanita Garcia		Phone: (505) 362-8903
Address: P.O. Box 7857		Email: jag@jagpandz.com
City: Albuquerque	State: NM	Zip: 87194
Proprietary Interest in Site: Owner	List all owners: Faith Lutheran Church	

BRIEF DESCRIPTION OF REQUEST

Appeal of Zoning Hearing Examiner (ZHE) Denial of VA-2024-00262 for a Variance of 135 Feet to the required 200' distance for an illuminated sign to be visible from a residential zone.

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

Lot or Tract No.: Z1A	Block:	Unit:
Subdivision/Addition: Academy Place	MRGCD Map No.:	UPC Code: 102106112727730217
Zone Atlas Page(s): Z-F-21	Existing Zoning: MX-T	Proposed Zoning: No Change
# of Existing Lots: 1	# of Proposed Lots: No Change	Total Area of Site (acres): 8.5689

LOCATION OF PROPERTY BY STREETS

Site Address/Street: 10000 Spain Road NE	Between: Eubank Blvd NE	and: Morris Street NE
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CASE HISTORY (List any current or prior project and case number(s) that may be relevant to your request.)

PR2024-010860, VA-2024-00262

Signature: <i>Juanita Garcia</i>	Date: 11/14/2024
Printed Name: Juanita Garcia, JAG Planning & Zoning	<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-2024-010860
- Application number of the case being appealed, if applicable: VA-2024-00262
- Type of decision being appealed: ZHE Variance Decision
- 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

<p><i>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.</i></p>	
<p>Signature: <u>Juanita Garcia</u></p>	<p>Date: November 14, 2024</p>
<p>Printed Name: Juanita Garcia - JAG Planning & Zoning, LLC</p>	<p><input type="checkbox"/> Applicant or <input checked="" type="checkbox"/> Agent</p>
<p>FOR OFFICIAL USE ONLY</p>	
<p>Case Numbers: _____</p>	<p>Project Number: _____</p>
<p>Staff Signature: _____</p>	
<p>Date: _____</p>	



LETTER OF AUTHORIZATION

Subject Property: 10000 Spain RD NE, Tract Z1A, Academy Place, Containing Approximately 8.5689 Acres.

I, the undersigned owner of subject property, hereby designate JAG Planning & Zoning, LLC to be my authorized representative for appeal matters of (VA-2024-00262) associated with this property.

Amber R. Webb 11/13/24
Faith Lutheran Church – Amber Webb Date



November 14, 2024

Dan Lewis, President
Albuquerque City Council
c/o Land Use Hearing Officer (LUHO)

Honorable Lewis,

This appeal has been submitted pursuant to Section §14-16-6-4(U) of the Integrated Development Ordinance (IDO) by JAG Planning and Zoning, LLC on behalf of Faith Lutheran Church. Faith Lutheran Church appeals the denied decision of the Zoning Hearing Examiner (ZHE) dated October 30, 2024 for a Variance of 135' to the required 200' distance for an Illuminated Sign to be visible from a residential zone for Lot Z1A, Academy Place, located at 10000 Spain Road NE. (See ZHE Notice of Decision)

Standing and Timing of Appeal

This appeal was submitted within the appeal deadline as specified within the ZHE's Official Notification of Decision that was provided to the agent two days after the decision date. Faith Lutheran Church has standing to appeal this decision since they are the owners of the property listed in the application for this particular request, as specified in Section 6-4(U)(2)(a)(1) of the IDO. The appellant and its agent made appearances before the ZHE on October 15, 2024 and did provide testimony and evidence to support the approval of sign variance.

Appeal Criteria for Decision

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

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

-
- 6-4(U)(4)(b) The decision being appealed is not supported by substantial evidence.
 - 6-4(U)(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).

History and Nature of the Property

The subject property is generally located east of Eubank Blvd NE and south of Spain Road NE and zoned MX-T (Mixed Use – Transition Zone District) within the IDO. The subject site is not located within an Overlay Zone. The site is developed with a church and currently has illuminated freestanding signs that are visible from a residential zone and located within 200’ of a residential zone.

The surrounding land use is mostly single family residential along the north side of Spain and along the south side of Spain, east of Morris Road NE. There are commercial uses and high residential development along the south side of Spain, west of Morris Road NE. Further west of the subject site is a larger shopping center known as the “The Promenade” which include retail, service and restaurant establishments. The single-family residential development located north of the subject site and further east are zoned R-1C and R-T, respectively. The appellant’s proposed modification to its existing sign is directly south of the residential development zoned R-1C.

Sign Variance Application

The property owners submitted a Sign Variance Application of 135’ to the required 200’ distance for an Illuminated Sign to be visible from a residential zone.

The subject site has two existing freestanding signs that existed prior to the adoption of the IDO. Both of these signs are currently illuminated since there were no restrictions related to illuminated signs adjacent to a residential zone. The proposed electronic reader board will be placed on one of the freestanding signs that is located on the west end of the front property line.

The appellant intends on replacing an existing illuminated reader board that requires the appellant to modify the lettering on a regular basis, with a reader board that can be changed electronically. The new, modified proposed reader board will allow the appellant to disseminate information more frequently without the need to physically change letters. The proposed

electronic illuminated reader board will be similar in size and shape of the existing reader board, as depicted below:



Image of existing sign with existing reader board proposed to be replaced.

ZHE Determination

The ZHE denied the sign variance per Finding numbered 9, which reads as follows:

9. "Based on evidence in the record, the variance will cause significant adverse material impacts on surrounding properties, and therefore does not satisfy IDO Section 14-16-6-6(O)(3)(a). Specifically, opponent neighbors who live directly across Spain RD NE submitted written correspondence and sworn testimony as to the negative impacts the light from the existing sign has on their quality of life. The existing sign was constructed prior to the IDO effective date and is apparently legally nonconforming. The application seeks to replace the existing reader board with an LED board, which necessitates the requested variance. Evidence in the record supports a conclusion that the new sign would be at least as bright, if not brighter, than the existing sign. During testimony, Applicant appeared unwilling to institute mitigating measures, such as dimming or turning off lights during the late night hours." (See ZHE Notice of Decision)

Reason for the Appeal

B. The ZHE's decision is being appealed because the denial is not supported by substantial evidence. [6-4(U)(4)(b)]

The appellant believes this finding is not supported by substantial evidence since the appellant did testify of the willingness to institute mitigating measures to ensure that adjacent property owners would not be adversely impacted by the proposed sign.

October 15, 2024 ZHE Hearing

Prior to submitting a variance application for the October 15, 2024 ZHE hearing, the appellant attempted to reach out to adjacent property owners to discuss the proposed variance application to determine if there would be opposition. Hal Lewin, a member of Faith Lutheran Church and the Project Manager of the proposed sign, knocked on doors of houses adjacent to the subject property and did not receive any negative comments from the residents, but did receive feedback from an owner who did not show support of opposition to the request. Once official notice was provided to the adjacent property owners of the pending application, the ZHE office received emails from three different property owners who expressed their opposition to the proposed electronic sign, with one expressing discontent with the existing sign on the subject property.

To have an understanding of what the adjacent property owners were encountering, the appellant bought a light meter (Exhibit 2) to determine if the existing sign is in violation of the illumination regulations as identified in the IDO. Using the light meter, the appellant conducted several luminance tests in the area of the church property to determine what sort of luminance impact Faith Lutheran Church was having on the neighbors. What the luminance tests revealed was that the building mounted lights that are intended to provide for security were actually shining brightly onto adjacent properties. In an effort to resolve this matter, the appellant had shields constructed to control the luminance of the light fixtures.

After the building mounted light were shielded, the appellant performed additional luminance tests to determine the luminance impact from the existing sign that is part of this variance request. The appellant provided testimony at the ZHE hearing that luminance readings were below what is currently allowed for luminance for signage. During the ZHE hearing, the appellant verbally

identified the location of where measurements were taken and the readings that were displayed on the meter.

During the ZHE hearing, the appellant also identified the sections of the IDO that pertains to the regulation of illuminated signs and specifically, the amount of illumination that can be emitted from the proposed sign. This effort was to demonstrate the appellant's understanding of the sign regulations and whether or not the existing sign is exceeding the light regulations. Given the luminance analysis that was performed, the appellant believes the existing sign is not in violation and that the proposed sign would not be either, based on lighting controls that are available for the sign.

The appellant also provided photos that were taken during the night hours of the immediate area to discuss the amount of ambient lighting that exists. The appellant provided a photograph of a street light that exists on the residential side of Spain RD NE. The photo clearly shows the amount of luminance that is projected onto one of the neighbors who was present at the ZHE hearing. With Spain being a major collector street, there is a moderate number of vehicles that pass through the area, some of which have their lights shining directly onto a neighbor's property. In addition, the appellant showed photographs from the appellant's side of Spain RD NE to demonstrate the gap in luminance between the appellant's property and the adjacent residential properties.

After hearing the testimony from two adjacent property owners who were present at the ZHE hearing, the appellant reiterated the proposed sign's technology and the ability and the willingness to control the sign's illumination. On a couple of specific occasions, the appellant expressed willingness to control the sign in such a manner to prevent the proposed sign from having any negative impacts on adjacent properties, as identified on the following excerpts:

"There are other lights in the area that contribute to the lighting in the area. Yes, we do have illuminated signs on the property, but as mentioned, we did not find our signs to exceed the allowance that is currently in place and are assuring, today, that we will continue on that path, and will not have this proposed sign, if you do approve it, will be below the luminance that is allowed for signs. We do guarantee that. As Mr. Lewin mentioned, there are ways to control the sign and we will make every effort to ensure those elements are used to control the luminance that is coming from the sign." (06:27:28 --> 06:28:22.389)

Question from Mr. Lucero: "Would the appellant consider sort of night hours, you know, not having the sign on during the late-night hours, things of that nature that might mitigate any potential negative impact."

"Mr. Lucero. So, we have talked about that we would prefer that we have the lights on, but we would also be amenable to any restrictions you may have as conditions of approval in keeping with the spirit of the neighborhood." (06:30:04.456 --> 06:30:24.389)

Faith Lutheran Church Commitment

The appellant is providing its commitment to ensure that the proposed illuminated sign does not have any adverse material impacts on surrounding properties by clearly committing to have the proposed sign, along with the remaining existing panels turned off between the hours of 10:00 pm and 6:00 am. The appellant is requesting an exception to these hours during religious holidays, which include Christmas Eve and Holy week to a modified schedule of having the sign turned off between 12 am and 6 am. Faith Lutheran Church has services during these days into the late hours and providing information to patrons will be especially helpful. We believe the willingness to control the hours of the sign's operation will assist with mitigating any negative impacts the proposed sign may cause and will demonstrate the appellant's commitment to be a good neighbor.

Conclusion

The denial of the Sign Variance (VA-2024-00252) is contrary to the IDO since the reason for the denial is not supported by substantial evidence identified in the record. The appellant was willing, and is still willing to institute mitigating measures, such as dimming, or turning off lights during late night hours, as demonstrated at the October 15, 2024 ZHE hearing. We respectfully request your approval of this appeal.

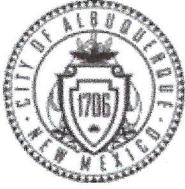
Sincerely,



Juanita Garcia

Principal

JAG Planning & Zoning



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

Faith Lutheran Church - Amber Webb (Agent JAG Planning & Zoning LLC - Juanita Garcia) requests a Variance of 135 ft to the required 200' distance for an Illuminated Sign to be visible from a residential zone for Lot ZIA, Academy Place, located at 10000 Spain Rd NE [Section 14-16-5-12(E)(5)(c)(1)]

Special Exception No: **VA-2024-00262**
Project No: **PR-2024-010860**
Hearing Date: 10-15-24
Closing of Public Record: 10-15-24
Date of Decision: 10-30-24

On the 15th day of October, 2024, JAG Planning & Zoning LLC - Juanita Garcia, agent for property owner Faith Lutheran Church - Amber Webb ("Applicant") appeared before the Zoning Hearing Examiner ("ZHE") requesting a variance of 135 ft to the required 200' distance for an Illuminated Sign to be visible from a residential zone ("Application") upon the real property located at 10000 Spain Rd NE ("Subject Property"). Below are the ZHE's finding of fact and decision:

FINDINGS:

1. Applicant is requesting a variance of 135 ft to the required 200' distance for an Illuminated Sign to be visible from a residential zone.
2. The ZHE finds that the Applicant has authority to pursue this Application.
3. All property owners within 100 feet and affected neighborhood association(s) were notified.
4. The ZHE finds that the proper "Notice of Hearing" signage was posted for the required time period as required by Section 14-16-6-4(J)(4).
5. The City of Albuquerque Integrated Development Ordinance ("IDO"), Section 14-16-6-6(O)(3)(a) (Variance-Review and Decision Criteria) reads: "... *an application for a Variance-ZHE shall be approved if it meets all of the following criteria:*
 - (1) *There are special circumstances applicable to a single lot that are not self-imposed and that do not apply generally to other property in the same zone and vicinity such as size, shape, topography, location, surroundings, physical characteristics, natural forces or government actions for which no compensation was paid. Such special circumstances of the lot either create an extraordinary hardship in the form of a substantial and unjustified limitation on the reasonable use or economic return on the property, or practical difficulties result from strict compliance with the minimum standards.*
 - (2) *The Variance will not be materially contrary to the public safety, health, or welfare.*
 - (3) *The Variance does not cause significant material adverse impacts on surrounding properties or infrastructure improvements in the vicinity.*
 - (4) *The Variance will not materially undermine the intent and purpose of the IDO or the applicable zone district.*
 - (5) *The Variance approved is the minimum necessary to avoid extraordinary hardship or practical difficulties."*

6. 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).
7. The 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).
8. Applicant appeared and gave evidence in support of the application.
9. Based on evidence in the record, the variance will cause significant adverse material impacts on surrounding properties, and therefore does not satisfy IDO Section 14-16-6-6(O)(3)(a). Specifically, opponent neighbors who live directly across Spain Rd NE submitted written correspondence and sworn testimony as to the negative impacts the light from the existing sign has on their quality of life. The existing sign was constructed prior to the IDO effective date and is apparently legally nonconforming. The Application seeks to replace the existing reader board with an LED board, which necessitates the requested variance. Evidence in the record supports a conclusion that the new sign would be at least as bright, if not brighter, than the existing sign. During testimony, Applicant appeared unwilling to institute mitigating measures, such as dimming or turning off lights during late night hours.
10. Because all prongs of the IDO test must be satisfied and, as stated above, the Application failed to satisfy IDO Section 14-16-6-6(O)(3)(a), the Application must be denied. Out of considerations of administrative and quasi-judicial economy, the ZHE will not summarize any analysis of the remaining prongs of the IDO test in this Notification of Decision.

DECISION:

DENIAL of a variance of 135 ft to the required 200' distance for an Illuminated Sign to be visible from a residential zone.

APPEAL:

If you wish to appeal this decision, you must do so by November 14, 2024 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

Juanita Garcia PO BOX 7857, 87194, jag@jagpandz.com

Jerry Watts 4804 Todd St NE, 87109

Haldon Lewin 1728 Buffalo Dancer Trail, 87112

Ryan Ratliff 5300 Lucille Drive, 87111

Marcos Ortiz 5308 Lucille Drive, 87111

ET130 DIGITAL LIGHT METER AUTO-RANGING

Easy-to-use precision light meter measures illuminance levels in Foot Candles (FC) and Lux



- FC/LUX HOLD
- MAX/MIN LIGHT
- LCD APO
- ||||| AUTO

CE FC

KLEIN TOOLS 
For Professionals... Since 1857™

ET130 Digital Light Meter Auto-Ranging

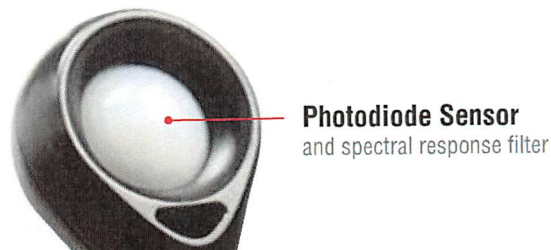


The **ET130** is an easy-to-use precision light meter with single-handed operation to monitor light levels in both Foot Candles (FC) and Lux.

- **Spectral Range:**
400 to 760 nm;
white light CIE standard
- **Range:**
0 to 4,000 FC;
0 to 40,000 Lux
(1 FC \approx 10.76 Lux)
- **Resolution:**
0.01 FC / 0.1 Lux
- **Repeatability:**
+/- 3%
- **Sample Rate:**
2 times per second
- **Drop Protection:**
3.3 ft. (1 m)



KLEIN TOOLS
For Professionals... Since 1857™



Photodiode Sensor
and spectral response filter



Digital LCD Screen
with backlit display and
40-segment bar graph

MAX/MIN Button
to capture
maximum and
minimum values

Hold button
to hold the current
measurement on
the display

Backlight Button
for easy
viewing in
low light

Included Accessories:
Carrying Pouch, 9V Battery



Power On/Off Button

RANGE/FC/LUX Button
easily toggles between
units and ranges

Cat. No.	UPC# 0-92644+	Batteries	Height	Width	Depth	Weight (oz.)
ET130	69066-2	1 x 9V	8.1" (206 mm)	2.1" (54 mm)	1.4" (36 mm)	5.5 (156 g)

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

Faith Lutheran Church - Amber Webb (Agent JAG Planning & Zoning LLC - Juanita Garcia) requests a Variance of 135 ft to the required 200' distance for an Illuminated Sign to be visible from a residential zone for Lot ZIA, Academy Place, located at 10000 Spain Rd NE [Section 14-16-5-12(E)(5)(c)(1)]

Special Exception No: **VA-2024-00262**
Project No: **PR-2024-010860**
Hearing Date: 10-15-24
Closing of Public Record: 10-15-24
Date of Decision: 10-30-24

On the 15th day of October, 2024, JAG Planning & Zoning LLC - Juanita Garcia, agent for property owner Faith Lutheran Church - Amber Webb (“Applicant”) appeared before the Zoning Hearing Examiner (“ZHE”) requesting a variance of 135 ft to the required 200' distance for an Illuminated Sign to be visible from a residential zone (“Application”) upon the real property located at 10000 Spain Rd NE (“Subject Property”). Below are the ZHE’s finding of fact and decision:

FINDINGS:

1. Applicant is requesting a variance of 135 ft to the required 200' distance for an Illuminated Sign to be visible from a residential zone.
2. The ZHE finds that the Applicant has authority to pursue this Application.
3. All property owners within 100 feet and affected neighborhood association(s) were notified.
4. The ZHE finds that the proper “Notice of Hearing” signage was posted for the required time period as required by Section 14-16-6-4(J)(4).
5. The City of Albuquerque Integrated Development Ordinance (“IDO”), Section 14-16-6-6(O)(3)(a) (Variance-Review and Decision Criteria) reads: “... *an application for a Variance-ZHE shall be approved if it meets all of the following criteria:*
 - (1) *There are special circumstances applicable to a single lot that are not self-imposed and that do not apply generally to other property in the same zone and vicinity such as size, shape, topography, location, surroundings, physical characteristics, natural forces or government actions for which no compensation was paid. Such special circumstances of the lot either create an extraordinary hardship in the form of a substantial and unjustified limitation on the reasonable use or economic return on the property, or practical difficulties result from strict compliance with the minimum standards.*
 - (2) *The Variance will not be materially contrary to the public safety, health, or welfare.*
 - (3) *The Variance does not cause significant material adverse impacts on surrounding properties or infrastructure improvements in the vicinity.*
 - (4) *The Variance will not materially undermine the intent and purpose of the IDO or the applicable zone district.*
 - (5) *The Variance approved is the minimum necessary to avoid extraordinary hardship or practical difficulties.*”

6. 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).
7. The 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).
8. Applicant appeared and gave evidence in support of the application.
9. Based on evidence in the record, the variance will cause significant adverse material impacts on surrounding properties, and therefore does not satisfy IDO Section 14-16-6-6(O)(3)(a). Specifically, opponent neighbors who live directly across Spain Rd NE submitted written correspondence and sworn testimony as to the negative impacts the light from the existing sign has on their quality of life. The existing sign was constructed prior to the IDO effective date and is apparently legally nonconforming. The Application seeks to replace the existing reader board with an LED board, which necessitates the requested variance. Evidence in the record supports a conclusion that the new sign would be at least as bright, if not brighter, than the existing sign. During testimony, Applicant appeared unwilling to institute mitigating measures, such as dimming or turning off lights during late night hours.
10. Because all prongs of the IDO test must be satisfied and, as stated above, the Application failed to satisfy IDO Section 14-16-6-6(O)(3)(a), the Application must be denied. Out of considerations of administrative and quasi-judicial economy, the ZHE will not summarize any analysis of the remaining prongs of the IDO test in this Notification of Decision.

DECISION:

DENIAL of a variance of 135 ft to the required 200' distance for an Illuminated Sign to be visible from a residential zone.

APPEAL:

If you wish to appeal this decision, you must do so by November 14, 2024 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

Juanita Garcia PO BOX 7857, 87194, jag@jagpandz.com

Jerry Watts 4804 Todd St NE, 87109

Haldon Lewin 1728 Buffalo Dancer Trail, 87112

Ryan Ratliff 5300 Lucille Drive, 87111

Marcos Ortiz 5308 Lucille Drive, 87111



REQUEST FOR SPECIAL EXCEPTION

Variance Conditional Use Other Interpreter: Yes No
 VA# VA-2024-00262 PR# PR-2024-010860

Date: August 19, 2024		Received By: Victoria Tena	
Address of Request: 10000 Spain Rd NE			
City: Albuquerque		State: New Mexico	Zip: 87111
Lot: ZIA	Block: 0000	Zone: MX-T	Map pg. F-21
Subdivision: Academy Place		UPC# 102106112727730217	
Property Owner(s): Faith Lutheran Church – Amber Webb			
Mailing Address: 10000 Spain Rd NE			
City: Albuquerque		State: NM	Zip: 87111
Phone: 505-296-0762		Email: awebb@faithabq.org	
Agent: JAG Planning & Zoning LLC – Juanita Garcia			
Mailing Address: PO Box 7857			
City: Albuquerque		State: NM	Zip: 87194
Phone: 505-362-8903		Email: jag@jagpandz.com	
			Fee Total: \$214.20

Completed Application Requirements:

- Copy of relevant IDO section
- Letter of authorization (if agent representation)
- 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
- Payment of fees

Approved for acceptance by:	Date:	Hearing Date:
------------------------------------	--------------	----------------------

ZONING OFFICIAL USE ONLY			
Request for exception to IDO Section: 14-16-5-12(E)(5)(c)(1)			
Description of request: a Variance of 135 ft to the required 200' distance for an Illuminated Sign to be visible from a from a residential zone			
<input checked="" type="checkbox"/> Ownership verified on AGIS <input type="checkbox"/> Proof of ownership included <input type="checkbox"/> Letter of authorization included			
Case history number(s) from AGIS: 1001758			
APO:	CPO#	HPO#	VPO#
Wall variances not allowed in low-density residential development in these 2 areas per 5-7(D)(3)(e):			
1) CPO 3 and 2) Monte Vista / College View Historic Dist. - Mapped Area			
2) CPO-8 states walls no more than 3 feet high, but may request a variance			2 nd check Initials CMT

5-12(E)(4)(e) Freestanding sign structures shall not use guy wires, bracing, or external supports.

5-12(E)(5) Illumination and Motion

5-12(E)(5)(a) General

1. Signs may be internally or externally lit, provided that the light source is not directly visible from the public right-of-way or from adjacent properties unless specified otherwise in this IDO.
2. No white portion of an illuminated sign shall exceed the luminance limits in Table 5-12-1 during the hours of darkness.

ANSI/IES Lighting Designation	Maximum Luminance (Nits)
Lz1	108
Lz2	323
Lz3	685

3. No sign or any part of any sign shall move or rotate at a rate of more than once each 10 seconds, with the exception of wind devices, the motion of which is not restricted.
4. No sign or any part of any sign shall change its message or picture at a rate of more than once each 8 seconds.

5-12(E)(5)(b) Residential Zone Districts

In any Residential zone district or within 50 feet in any direction of any Residential zone district, both of the following requirements apply.

1. Illuminated signs are prohibited on lots with low-density residential development.
2. No more than 1 sign per premises with multi-family, mixed-use, or non-residential development shall be illuminated, apart from the general illumination of the premises, between 11:00 PM and sunrise, unless Subsection 14-16-5-12(H)(4) (Illumination, Brightness, and Images) applies a more restrictive standard.

5-12(E)(5)(c) Mixed-use and Non-residential Zone Districts

An illuminated sign or illuminated element of a sign in any Mixed-use or Non-residential zone district may turn on or off or change its brightness, provided that all of the following requirements are met, unless Subsection 14-16-5-12(H)(4) (Illumination, Brightness, and Images) applies any more restrictive standard or Subsection 14-16-5-12(F)(4)(a) (Neon Signs along Central Avenue) applies any less restrictive standard to eligible signs.

1. The sign is not within 200 feet in any direction of any Residential zone district and visible from that zone district.
2. The sign is not within 330 feet in any direction of Major Public Open Space.

Printable page

PARID: 102106112727730217
FAITH LUTHERAN CHURCH,

N/A

Class

Class Non Residential
Tax District A1A

Current Owner

Owner FAITH LUTHERAN CHURCH
Owner Mailing Address 10000 SPAIN NE
Unit
City ALBUQUERQUE
State NM
Zip Code 87111
Other Mailing Address

Ownership for Tax Year Selected

Tax Year 2024
Owner Name FAITH LUTHERAN CHURCH
Owner Mailing Address 10000 SPAIN NE
Unit
City ALBUQUERQUE
State NM
Zip Code 87111
Other Mailing Address

Description

Location Address N/A
City ALBUQUERQUE
State NM
Zip Code 87111
Property Description TR Z1A PLAT OF TRS Z1A & Z2A1 ACADEMY PLACE REPL OF TRS Z1 & Z2A CONT 8.5689 AC M/L
Public Improvement District
Tax Increment Development Districts

Document #

Document #:

Real Property Attributes

Primary Building SQ FT 26000
Year Built 1978
Lot Size (Acres) 8.5689
Land Use Code RELIGIOUS
Style STANDARD

Manufactured Home Attributes

Make :
License :
VIN :
Year :
Size :

Values

Tax Year 2024



LETTER OF AUTHORIZATION

SUBJECT PROPERTY: 10000 Spain RD NE, Tract Z1A, Academy Place, Containing Approximately 8.5689 AC

I, the owner representative of the subject property, hereby designate JAG Planning & Zoning, LLC to be my authorized representative for any Planning and Zoning matters associated with this property.

Amber R. Webb

7/26/24

Amber Webb
Director of Operations
Faith Lutheran Church

Date

Public Notice of Proposed Project

1 message

JAG JAG <jag@jagpandz.com>

Tue, Sep 3, 2024 at 10:56 AM

To: lamesainternationaldistrict@gmail.com, NoBull Bob <nobullbob1@gmail.com>, Janie McGuigan <janiemc07@gmail.com>

Cc: Amber Webb <awebb@faithabq.org>, haldon Lewin <haldonlewin@gmail.com>, JAG JAG <jag@jagpandz.com>

September 3, 2024

Re: Public Notice of Proposed Project

Dear Neighborhood Association Representative,

Idalia Lechuga-Tena – District 8 Coalition of Neighborhood Associations**Bob Fass – District 8 Coalition of Neighborhood Associations****Bob Fass – Oso Grande Neighborhood Association****Janie McGuigan – Oso Grande Neighborhood Association**

JAG Planning & Zoning, will be representing Faith Lutheran Church for a Variance to the 200-foot distance requirement to allow an illuminated sign that may turn on or off or change its brightness. The applicant is proposing to replace an existing reader board on the freestanding sign located near the west vehicular entrance.

The variance application, to be heard by the Zoning Hearing Examiner (ZHE), will be submitted on **September 3, 2024** and is expected to be heard on **October 15, 2024**. Your Neighborhood Association was initially notified on August 7, 2024, regarding this application to determine if a meeting would be beneficial to your association. No meeting was requested by your association, but we are always willing to meet to discuss if you have any specific questions.

We are attaching the City of Albuquerque Public Notice for a Proposed Project form, a full-size copy of the zone atlas map, and the exhibit we intend to include in our application.

Please don't hesitate to contact us if you have any questions.

Thank you for your consideration.

Kind regards,

Juanita and Andrew Garcia
Principals
JAG Planning & Zoning, LLC
P.O. Box 7857, Albuquerque, NM 87194
(505) 362-8903 and (505) 363-5613



Neighborhood Notification - 10000 Spain NE.pdf
6932K



10000 Spain RD NE_ Neighborhood Meeting Inquiry Sheet Submission

1 message

Office of Neighborhood Coordination <onc@cabq.gov>
To: JAG JAG <jag@jagpandz.com>

PLEASE NOTE:

The neighborhood association contact information listed below is valid for 30 calendar days after today's date.

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	Association Email	First Name	Last Name	Email	Alternative Email	Address Line 1	City	State	Zip
District 8 Coalition of Neighborhood Associations	district8coalition@gmail.com	Idalia	Lechuga-Tena	latesainternationaldistrict@gmail.com	idaliait@gmail.com	4405 Prairie Loft Way NE	Albuquerque	NM	87111
District 8 Coalition of Neighborhood Associations	district8coalition@gmail.com	Bob	Fass	nobullbob1@gmail.com		5226 Edwards Drive NE	Albuquerque	NM	87111
Oso Grande NA	info@osograndena.org	Bob	Fass	nobullbob1@gmail.com		5226 Edwards Drive NE	Albuquerque	NM	87111
Oso Grande NA	info@osograndena.org	Janie	McGuigan	janiemc07@gmail.com		4924 Purcell Drive NE	Albuquerque	NM	87111

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, 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-types-of-questions>.

Please note the following:

- 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 your permit application. <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-P>
- 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 Planni

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 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 wh each:

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

Company Name

JAG Planning & Zoning, LLC

Company Address

P.O. Box 7857

City

Albuquerque

State

NM

ZIP

87194

Legal description of the subject site for this project:

Tract Z1A, Academy Place, containing approximately 8.56 acres.

Physical address of subject site:

[10000 Spain RD NE](#)

Subject site cross streets:

Eubank Blvd NE and Spain Road NE

Other subject site identifiers:

East of Eubank Blvd NE and South of Spain RD NE

This site is located on the following zone atlas page:

F-21

Captcha

x

 **Faith Luthern Church F-21.pdf**
1427K

Thank you,

Suzie



Suzie Flores

Senior Administrative Assistant

Office of Neighborhood Coordination (ONC) | City Council Department | City of Albuquerque

(505) 768-3334 Office

E-mail: suzannaflores@cabq.gov

Website: www.cabq.gov/neighborhoods

From: webmaster@cabq.gov <webmaster@cabq.gov>

Sent: Wednesday, July 24, 2024 5:25 PM

To: Office of Neighborhood Coordination <jag@jagpandz.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:

Zoning Hearing Examiner

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

Contact Name

Juanita Garcia

Telephone Number

5053628903

Email Address

jag@jagpandz.com

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

Public Notice of a Hearing before the Zoning Hearing Examiner in the City of Albuquerque

Date of Notice*: 9/3/24

This notice of an application for a proposed project is provided as required by the Integrated Development Ordinance (IDO) §14-16-6-4(K) Public Notice. This notice is being provided to (mark as relevant):

- Neighborhood Association Representatives on the attached list from the Office of Neighborhood Coordination.¹
 Property Owners within 100 feet of the Subject Property.

Project Information Required by IDO §14-16-6-4(K)(1)(a)

- Subject Property Address* 10000 Spain RD NE ABQ, NM 87111 (zipcode)
Location Description Lot Z1A, Academy Place
- Property Owner* Faith Lutheran Church
- Agent/Contractor (if other than the property owner) JAG Planning & Zoning, Juanita Garcia
- Application Type(s)²* per IDO Table 6-1-1:
 Conditional Use
 Variance
 Other _____
 Carport Permit
 Major Wall/Fence Permit

Summary of project/request*:

Variance of 135 feet to the required 200' distance for an illuminated sign to be visible from

a residential zone.

- This application will be decided by the Zoning Hearing Examiner at a public hearing.

Hearing Date*: October 15, 2024 (Tuesday)

The hearing will begin at 9:00AM via ZOOM.

For Zoom details and the agenda, please visit the CABQ Planning Webpage:

<https://www.cabq.gov/planning/boards-commissions/zoning-hearing-examiner/zhe-agendas-action-sheets-decisions>

To contact staff, email PlanningZHE@cabq.gov or call the Planning Department at 505-924-3860 and select the option for "Boards, Commissions, and ZHE signs."

Please note: You may submit written comments to the Zoning Hearing Examiner up to 6 days before the hearing. (Deadline is 5 pm on the Wednesday before the hearing.)

¹ If this box is marked, the Neighborhood Association Representative Contact List from the City's Office of Neighborhood Coordination must be included as an attachment.

² Other application types require separate forms available here: <https://www.cabq.gov/planning/codes-policies-regulations/integrated-development-ordinance-1/public-notice>. Otherwise, please mark all that apply.

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

6. Where more information about the project can be found*:

Applicant name: Juanita Garcia, JAG Planning & Zoning

Email: jag@jagpandz.com

Phone: (505) 362-8903

Online website or project page: _____

Attachments:

Neighborhood Association Representative Contact List from the City's Office of Neighborhood Coordination^{3*}

Others: _____

Project Information Required for Mail/Email Notice by IDO §14-16-6-4(K)(1)(b):

1. Zone Atlas Page(s)⁴ F-21

2. Project Illustrations, as relevant⁵

Architectural drawings

Elevations of the proposed building(s)

Other illustrations of the proposed application

See attachments or the website/project page noted above for the items marked above.

3. The following exceptions to IDO standards have been requested for this project*:

Deviation(s) Variance(s) Waiver(s)

Explanation*: A Variance of 135 feet to the required 200' distance for an illuminated sign to be visible from a residential zone

4. A Pre-submittal Neighborhood Meeting was required by Table 6-1-1: Yes No

Summary of the Pre-submittal Neighborhood Meeting, if one occurred:

Notices were sent to the affected neighborhood associations and no meeting was required. The applicant is still willing to meet, if necessary.

[Note: The meeting report is required to be provided in the application materials.]

NOTE: Pursuant to IDO §14-16-6-4(L), property owners within 330 feet and Neighborhood Associations within 660 feet may request a post-submittal facilitated meeting. If requested at least 15 calendar days before the public meeting/hearing date noted above, the facilitated meeting will be required. To request a facilitated meeting regarding this project, contact the Planning Department at devhelp@cabq.gov or 505-924-3860 and select option for "Boards, Commissions, and ZHE Signs."

Useful Links

Integrated Development Ordinance (IDO): <https://ido.abc-zone.com>

IDO Interactive Map: <https://tinyurl.com/idozoningmap>

³ Must be attached if this notice is to Neighborhood Association Representatives.

⁴ Available online here: <http://data.cabq.gov/business/zoneatlas>

⁵ While not required, it is recommended that a site plan be included showing the location of existing buildings, if any, and the proposed project.

Language Access Notice:

We provide free interpretation services to help you communicate with us. If you need help, you can request interpretation at any service counter in our Department, located in the Plaza Del Sol building, 600 2nd Street NW, Albuquerque, NM 87102.

Notificación de Acceso Lingüístico.

Ofrecemos servicios gratuitos de interpretación para ayudarlo a comunicarse con nosotros. Si necesita ayuda, puede solicitar servicios de interpretación en cualquier mostrador de servicio de nuestro Departamento; ubicado en el edificio Plaza Del Sol, 600 2nd Street NW, Albuquerque, NM 87102.

語言輔助通知。我們提供免費口譯服務，以幫助你與我們溝通。如果你需要幫助，你可以在我們部門的任何服務台請求口譯，服務台位於 Plaza Del Sol大樓，600 2nd Street NW，阿爾伯克基，NM 87102。

Thông báo về cách Tiếp cận Ngôn ngữ. Chúng tôi cung cấp các dịch vụ thông dịch miễn phí để giúp quý vị giao tiếp với chúng tôi. Nếu quý vị cần giúp đỡ, quý vị có thể yêu cầu thông dịch tại bất cứ quầy dịch vụ nào trong Sở của chúng tôi, tọa lạc tại tòa nhà Plaza Del Sol, 600 2nd Street NW, Albuquerque, NM 87102.

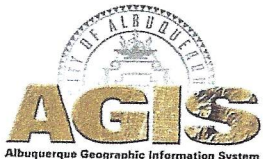
Saad Hadahwiis'a O'oolkaah bee dah na'astsooz. Nihi bik'inaasdzil t'aadoo baahilinigoo 'ata' hashne' tse'esgizii ach'i' dzaadi! Dzaadi! Danihi dahootahgoo bee nihi-. Daa' danihi bidin nishli dzaadi! Dzaadi! Danihi bineesh'a yinishkeed 'ata' hashne' -di t'aa biholniihgoo tse'esgizii ket'aaz -di nihihigii dah diikaah, -k'eh -di tsin Plaza Del Sol Kiniit'aagoo, 600 2nd Kiniit'aa NW, Albuquerque, NM 87102.



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

IDO Zone Atlas

May 2018



Albuquerque Geographic Information System

IDO Zoning information as of May 17, 2018


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

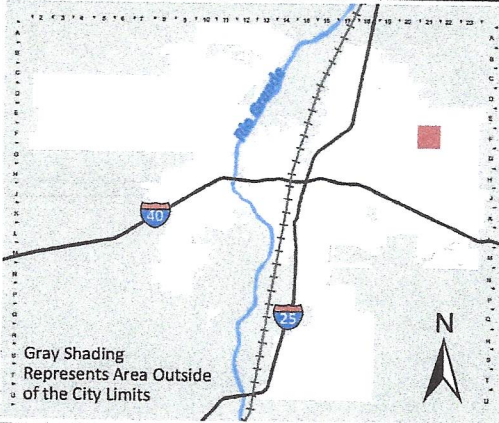
Zone Atlas Page:

F-21-Z

- Easement
- Petroglyph National Monument
- Areas Outside of City Limits
- Airport Protection Overlay (APO) Zone
- Character Protection Overlay (CPO) Zone
- Historic Protection Overlay (HPO) Zone
- View Protection Overlay (VPO) Zone


Escarpment

 Escarpment



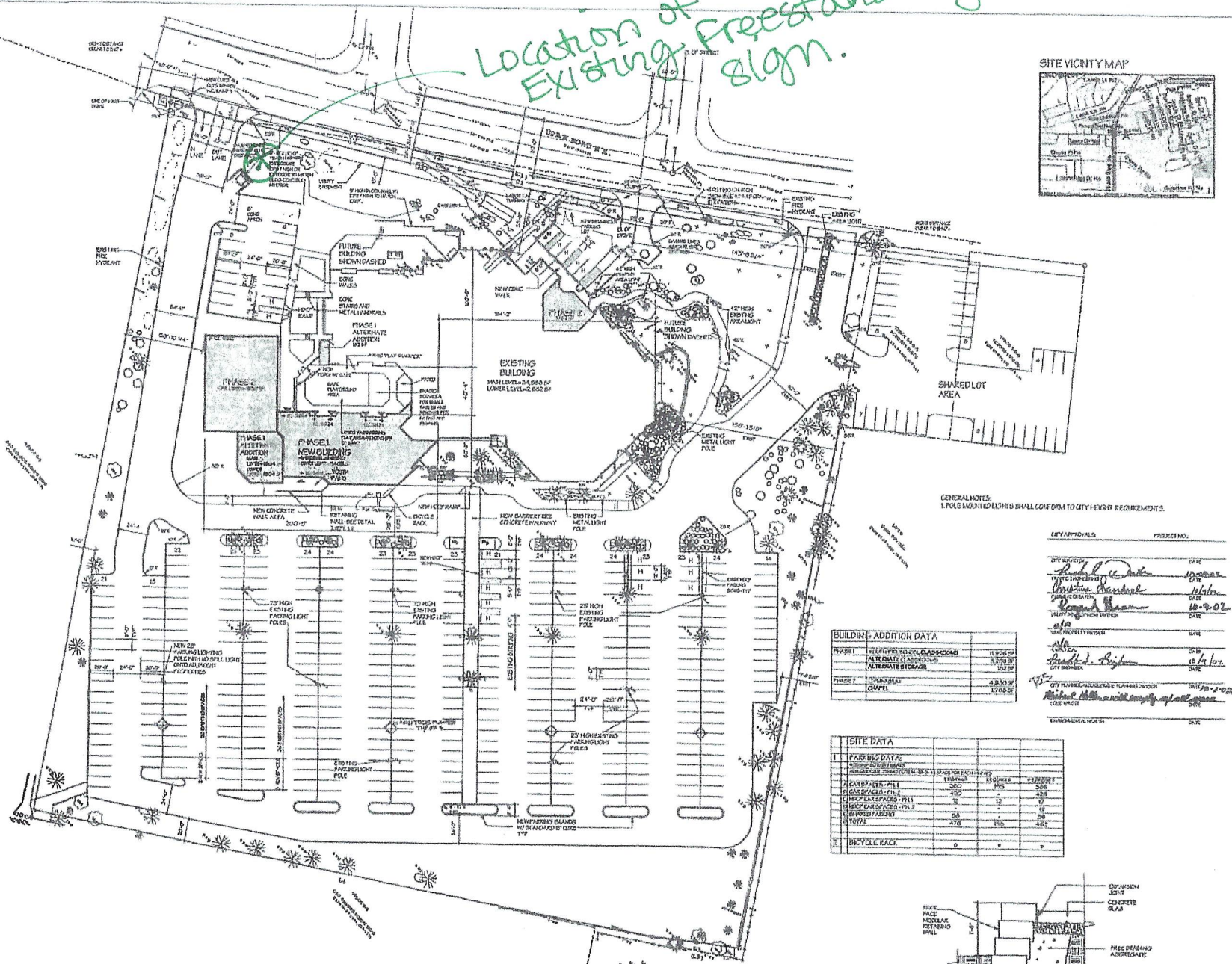
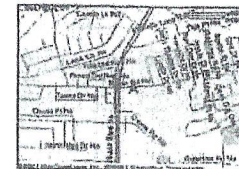
Gray Shading Represents Area Outside of the City Limits

0 250 500 1,000 Feet



Location of Existing Freestanding Sign.

SITE VICINITY MAP



GENERAL NOTES:
1. POLE MOUNTED LIGHTS SHALL CONFORM TO CITY HEIGHT REQUIREMENTS.

CITY APPROVALS PROJECT NO.

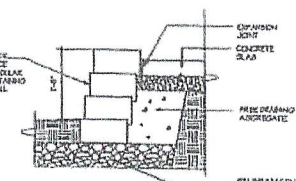
APPROVED BY: *Robert J. Deane* DATE: 10-20-02
 APPROVED BY: *Christina Gonzalez* DATE: 10/16/02
 APPROVED BY: *David Ryan* DATE: 10-20-02
 APPROVED BY: *Michael A. Ryan* DATE: 10/16/02
 APPROVED BY: *Michael A. Ryan* DATE: 10/16/02
 APPROVED BY: *Michael A. Ryan* DATE: 10/16/02

BUILDING ADDITION DATA

PHASE	DESCRIPTION	AREA (SQ FT)
PHASE 1	NEW PHASE 2 CLASSROOMS	11,226 SQ FT
PHASE 1	ALTERNATE CLASSROOMS	3,279 SQ FT
PHASE 1	ALTERNATE STORAGE	1,000 SQ FT
PHASE 2	NEW PHASE 2 CLASSROOMS	2,231 SQ FT
PHASE 2	NEW PHASE 2 STORAGE	1,765 SQ FT

SITE DATA

DESCRIPTION	AREA (SQ FT)	PERCENT
TOTAL SITE AREA	1,000,000	100%
PHASE 1 AREA	15,000	1.5%
PHASE 2 AREA	5,000	0.5%
PARKING AREA	100,000	10%
LANDSCAPING	50,000	5%
WALKWAYS	20,000	2%
UTILITIES	10,000	1%
OTHER	10,000	1%



RETAINING WALL SECTION (PK 1.1) TYPICAL

PHASE 2 SITE PLAN 1"=30'-0"

STATION NINETEEN

Architects • Incorporated
 200 UNIVERSITY AVENUE SOUTHEAST
 MINNEAPOLIS, MINNESOTA 55414
 PHONE (612) 823-1821
 FAX (612) 823-0912

R+E

RODMAN AND EISEN ARCHITECTS
 200 UNIVERSITY AVENUE SOUTHEAST, 4TH FL.
 MINNEAPOLIS, MN 55414
 PHONE (612) 823-0912
 FAX (612) 823-0912

PROJECT NO. 4249

DATE 10/16/02

SCALE 1/4"=1'-0"

DATE 10/16/02

BY *Michael A. Ryan*

CHECKED BY *Michael A. Ryan*

DATE 10/16/02

PROJECT NO. 4249

DATE 10/16/02

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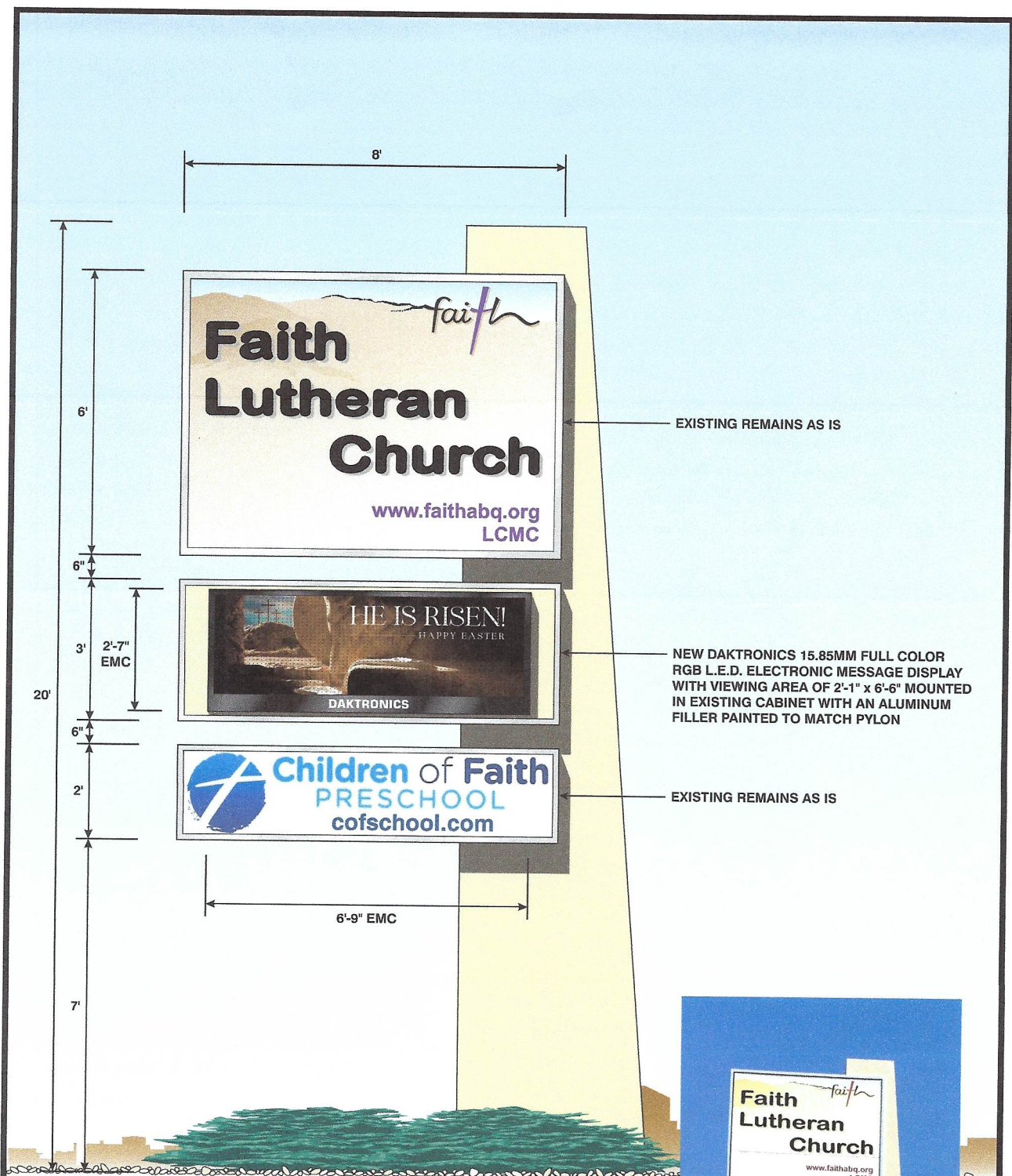
BY *Michael A. Ryan*

CHECKED BY *Michael A. Ryan*

DATE 10/16/02

PROJECT NO. 4249

DATE 10/16/02



NEW EMC DISPLAY FOR EXISTING DOUBLE FACE ILLUMINATED FREE-STANDING DISPLAY



SIGN LOCATION

AL-
ZEON signs
EPNM, INC.
 ELECTRICAL PRODUCTS COMPANY
 2024 S.W. 5th Ave. Homestead, FL 33110
 (305) 243-3774 Toll Free: 800-444-7407
 Fax: (305) 243-3575

THIS DESIGN IS THE EXCLUSIVE PROPERTY OF EPNM, INC. AND CANNOT BE REPRODUCED EITHER IN WHOLE OR IN PART WITHOUT THEIR WRITTEN CONSENT.
 COLOR ON THIS PRESENTATION DOES NOT REPRESENT THE EXACT MATERIAL COLOR SPECIFIED. SEE DRAWINGS FOR EXACT APPEARANCE OF COLORS SPECIFIED. PIPE SIZES, S, AND OR SPICES MAY CHANGE THE WEIGHT, CONCENT, DEFLECTIONS OR ENGINEERING CALCULATIONS FOR FINAL INSTALLATION.
 ACTUAL SIZE OF SIGN AND COPY FROM SCALED DRAWING MAY VARY 1/2"

TITLE: FAITH LUTHERAN CHURCH	
SCALE: 1/2" = 1'- 0"	DRWG NO: 1123 - 426 APPROVED FOR PRODUCTION:
SALES: CRAIG MCGURN	CUSTOMER APPROVAL:
DESIGN BY: R. GONZALES	



JAG JAG <jag@jagpandz.com>

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

14 messages

JAG JAG <jag@jagpandz.com>

Wed, Aug 7, 2024 at 8:36 AM

To: "lamesainternationaldistrict@gmail.com" <lamesainternationaldistrict@gmail.com>, "nobullbob1@gmail.com" <nobullbob1@gmail.com>, "janiemc07@gmail.com" <janiemc07@gmail.com>

Cc: JAG JAG <jag@jagpandz.com>, Amber Webb <awebb@faithabq.org>, haldon Lewin <haldonlewin@gmail.com>

August 7, 2024

Re: Neighborhood Meeting about Future Development Application

Dear Neighborhood Association Representative,

Idalia Lechuga-Tena – District 8 Coalition of Neighborhood Associations

Bob Fass – District 8 Coalition of Neighborhood Associations

Bob Fass – Oso Grande Neighborhood Association

Janie McGuigan – Oso Grande Neighborhood Association

JAG Planning & Zoning, will be representing Faith Lutheran Church for a Variance to the 200-foot distance requirement to allow an illuminated sign that may turn on or off or change its brightness. The applicant is proposing to replace a reader board on an existing free standing sign located near the west vehicular entrance.

The variance application, to be heard by the Zoning Hearing Examiner (ZHE), will be submitted on or before **September 3, 2024** and is expected to be heard on **October 15, 2024**. Because of the type of application, The Integrated Development Ordinance (IDO) requires the applicant to contact your neighborhood associations to determine if you would like to meet to discuss this matter.

We are sending this information to determine if your association would like to have a meeting to discuss this application. We are attaching a copy of the site plan, sign elevation view drawing, the Neighborhood Meeting Request for a Proposed Project Form provided by the City of Albuquerque, and a full-size copy of the Zone Atlas Map highlighting the area of the proposed project for your review and consideration.

Please don't hesitate to contact us if you have any questions.

Thank you.

Kind regards,

Juanita and Andrew Garcia
Principals
JAG Planning & Zoning, LLC
P.O. Box 7857, Albuquerque, NM 87194
(505) 362-8903 and (505) 363-5613



2 attachments

 **Lutheran Faith Church Neigborhood Meeting Request.pdf**
4492K

 **Faith Luthern Church F-21.pdf**
1430K

Amber Webb <awebb@faithabq.org>
To: JAG JAG <jag@jagpandz.com>
Cc: Hall Bob <bob@integrateddesignarch.com>

Wed, Aug 7, 2024 at 11:38 AM

Thank you, Juanita!

In His service,

Amber

Amber R. Webb Otero, MBA

Director of Operations

Faith Lutheran Church

505-296-0762

www.faithabq.org



 Please print this e-mail only if absolutely necessary.

[Quoted text hidden]

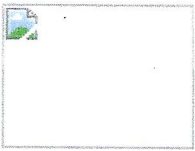
JAG JAG <jag@jagpandz.com>
To: Amber Webb <awebb@faithabq.org>
Cc: Hall Bob <bob@integrateddesignarch.com>

Wed, Aug 7, 2024 at 12:03 PM

Thank you Amber. We didn't find the sign on the site plan and had to identify it the best we could. Hoping that we do not hear back from the neighborhood associations.

We will keep you posted.

Juanita and Andrew Garcia
Principals
JAG Planning & Zoning, LLC
P.O. Box 7857, Albuquerque, NM 87194
(505) 362-8903 and (505) 363-5613



[Quoted text hidden]

JAG JAG <jag@jagpandz.com>
To: Amber Webb <awebb@faithabq.org>
Cc: Hall Bob <bob@integrateddesignarch.com>

Thu, Aug 8, 2024 at 12:00 PM

Hello Amber and Hal,

While working on a different project we came across this information on the City Council's website indicating that Pre-Application meetings with affected neighborhood associations are no longer required. Yahoo! However, we still need to notify the adjacent neighborhood associations at time of application and at that point they can still request a meeting. This new process can also delay a project if the meeting does not occur prior to the hearing date.

We are going to stick with the notice we sent out and also intend on submitting the application prior to the September application deadline date. Continuing on this path will allow us to get feedback from them sooner rather than later.

Please let us know if you have any questions.

Thank you.

Juanita and Andrew Garcia
Principals
JAG Planning & Zoning, LLC
P.O. Box 7857, Albuquerque, NM 87194
(505) 362-8903 and (505) 363-5613



On Wed, Aug 7, 2024 at 11:38 AM Amber Webb <awebb@faithabq.org> wrote:
[Quoted text hidden]

Amber Webb <awebb@faithabq.org>

Thu, Aug 8, 2024 at 4:55 PM

To: JAG JAG <jag@jagpandz.com>

Cc: Hall Bob <bob@integrateddesignarch.com>, Hal Lewin <haldonlewin@gmail.com>, Russ S <skocy1@msn.com>

Good to know!

Thanks, Juanita and Andrew.

In His service,

Amber

Amber R. Webb Otero, MBA

Director of Operations

Faith Lutheran Church

505-296-0762

www.faithabq.org



 Please print this e-mail only if absolutely necessary.

From: JAG JAG <jag@jagpandz.com>

Sent: Thursday, August 8, 2024 12:01 PM

To: Amber Webb <awebb@faithabq.org>

Cc: Hall Bob <bob@integrateddesignarch.com>

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

Hello Amber and Hal,

While working on a different project we came across this information on the City Council's website indicating that Pre-Application meetings with affected neighborhood associations are no longer required. Yahoo! However, we still need to notify the adjacent neighborhood associations at time of application and at that point they can still request a meeting. This new process can also delay a project if the meeting does not occur prior to the hearing date.

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Please let us know if you have any questions.

Thank you.

Juanita and Andrew Garcia

Principals

JAG Planning & Zoning, LLC

P.O. Box 7857, Albuquerque, NM 87194

(505) 362-8903 and (505) 363-5613

[Redacted]

[Quoted text hidden]

[Quoted text hidden]

[Quoted text hidden]

Thank you.

Kind regards,

[Quoted text hidden]

haldon Lewin <haldonlewin@gmail.com>

Wed, Aug 14, 2024 at 11:11 AM

To: Amber Webb <awebb@faithabq.org>, JAG JAG <JAG@jagpandz.com>

Cc: Russ Skocypec <Skocy1@msn.com>, Jerry Watts <jwatts@faithabq.org>

Juanita and Andrew

Is it possible to have a "pre" 26 August meeting to discuss presentation and possible question that neighborhood organizations may ask. Just so we may be prepared. Additionally, has Zeon Signs been invited to the 26 August meeting. May be nice to have them available to answer any technical questions that may arise. I am available anytime this week and next week.

Hal

On Aug 8, 2024, at 4:55 PM, Amber Webb <awebb@faithabq.org> wrote:

Good to know!

Thanks, Juanita and Andrew.

In His service,

Amber

Amber R. Webb Otero, MBA

Director of Operations

Faith Lutheran Church

505-296-0762

www.faithabq.org

<image001.jpg>

 Please print this e-mail only if absolutely necessary.

From: JAG JAG <jag@jagpandz.com>

Sent: Thursday, August 8, 2024 12:01 PM

To: Amber Webb <awebb@faithabq.org>

Cc: Hall Bob <bob@integrateddesignarch.com>

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

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While working on a different project we came across this information on the City Council's website indicating that Pre-Application meetings with affected neighborhood associations are no longer required. Yahoo! However, we still need to notify the adjacent neighborhood associations at time of application and at that point they can still request a meeting. This new process can also delay a project if the meeting does not occur prior to the hearing date.

We are going to stick with the notice we sent out and also intend on submitting the application prior to the September application deadline date. Continuing on this path will allow us to get feedback from them sooner rather than later.

Please let us know if you have any questions.

Thank you.

Juanita and Andrew Garcia
Principals
JAG Planning & Zoning, LLC
P.O. Box 7857, Albuquerque, NM 87194
(505) 362-8903 and (505) 363-5613

<~WRD3472.jpg>

On Wed, Aug 7, 2024 at 11:38 AM Amber Webb <awebb@faithabq.org> wrote:

Thank you, Juanita!

In His service,

Amber

Amber R. Webb Otero, MBA

Director of Operations

Faith Lutheran Church

505-296-0762

www.faithabq.org

<image001.jpg>

 Please print this e-mail only if absolutely necessary.

From: JAG JAG <jag@jagpandz.com>

Sent: Wednesday, August 7, 2024 8:36 AM

To: lamesainternationaldistrict@gmail.com; nobullbob1@gmail.com; janiemc07@gmail.com

Cc: JAG JAG <jag@jagpandz.com>; Amber Webb <awebb@faithabq.org>; haldon Lewin <haldonlewin@gmail.com>

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

August 7, 2024

Re: Neighborhood Meeting about Future Development Application

Dear Neighborhood Association Representative,

Idalia Lechuga-Tena – District 8 Coalition of Neighborhood Associations

Bob Fass – District 8 Coalition of Neighborhood Associations

Bob Fass – Oso Grande Neighborhood Association

Janie McGuigan – Oso Grande Neighborhood Association

JAG Planning & Zoning, will be representing Faith Lutheran Church for a Variance to the 200-foot distance requirement to allow an illuminated sign that may turn on or off or change its brightness. The applicant is proposing to replace a reader board on an existing free standing sign located near the west vehicular entrance.

The variance application, to be heard by the Zoning Hearing Examiner (ZHE), will be submitted on or before **September 3, 2024** and is expected to be heard on **October 15, 2024**. Because of the type of application, The Integrated Development Ordinance (IDO) requires the applicant to contact your neighborhood associations to determine if you would like to meet to discuss this matter.

We are sending this information to determine if your association would like to have a meeting to discuss this application. We are attaching a copy of the site plan, sign elevation view drawing, the Neighborhood Meeting Request for a Proposed Project Form provided by the City of Albuquerque, and a full-size copy of the Zone Atlas Map highlighting the area of the proposed project for your review and consideration.

Please don't hesitate to contact us if you have any questions.

Thank you.

Kind regards,

Juanita and Andrew Garcia
Principals
JAG Planning & Zoning, LLC
P.O. Box 7857, Albuquerque, NM 87194
(505) 362-8903 and (505) 363-5613

<~WRD3472.jpg>

JAG JAG <jag@jagpandz.com>

Wed, Aug 14, 2024 at 1:32 PM

To: haldon Lewin <haldonlewin@gmail.com>

Cc: Amber Webb <awebb@faithabq.org>, Russ Skocypec <Skocy1@msn.com>, Jerry Watts <jwatts@faithabq.org>

Hello Hal,

It's possible that we may not have a meeting. We have just reserved a time and place in case they want to meet. We have not heard back from them yet and are not sure if they want to meet. We can email them closer to the date to see if they do want to meet. Zeon signs are not included in the email. Can you contact them to see if they would be available if we do meet?

Thanks.

Juanita and Andrew Garcia
Principals
JAG Planning & Zoning, LLC
P.O. Box 7857, Albuquerque, NM 87194
(505) 362-8903 and (505) 363-5613



[Quoted text hidden]

haldon Lewin <haldonlewin@gmail.com>

Wed, Aug 14, 2024 at 8:14 PM

To: JAG JAG <jag@jagpandz.com>

I will get Zeon a heads up that there maybe a meeting.

Thanks

Hal

[Quoted text hidden]

JAG JAG <jag@jagpandz.com>

Thu, Aug 22, 2024 at 12:01 PM

To: "lamesainternationaldistrict@gmail.com" <lamesainternationaldistrict@gmail.com>, "nobullbob1@gmail.com" <nobullbob1@gmail.com>, "janiemc07@gmail.com" <janiemc07@gmail.com>

Cc: Amber Webb <awebb@faithabq.org>, haldon Lewin <haldonlewin@gmail.com>

Hello,

We are following up on this email to determine if the meeting we have scheduled for August 26, 2024 at 6 pm will be necessary.

Thank you.

Juanita and Andrew Garcia
Principals
JAG Planning & Zoning, LLC

P.O. Box 7857, Albuquerque, NM 87194
(505) 362-8903 and (505) 363-5613



[Quoted text hidden]

Janie McGuigan <janiemc07@gmail.com>

Thu, Aug 22, 2024 at 1:29 PM

To: JAG JAG <jag@jagpandz.com>

Cc: "lamesainternationaldistrict@gmail.com" <lamesainternationaldistrict@gmail.com>, "nobullbob1@gmail.com" <nobullbob1@gmail.com>, Amber Webb <awebb@faithabq.org>, haldon Lewin <haldonlewin@gmail.com>, NoBull Bob <rfass522@comcast.net>

Hello Mr & Ms Garcia,

Thank you for touching base with our neighborhood association again.

The Board members of the Oso Grande Neighborhood Association (OGNA) met on Thursday, August 15 at 6:00 pm at our regular monthly Board meeting to review the site plan and specifications for the proposed new electronic sign for Faith Lutheran Church on Spain Rd. After our discussion, we concluded that the Board of OGNA has no objection to the new sign and therefore will not need a Neighborhood Meeting to discuss the matter any further.

Please let us know if this email response will suffice, or if we need to also create an official mailed letter.

Sincerely,

Janie McGuigan

Secretary, Oso Grande Neighborhood Association

[Quoted text hidden]

--

Janie

Janie McGuigan

janiemc07@gmail.com

505-918-1884

JAG JAG <jag@jagpandz.com>

Thu, Aug 22, 2024 at 1:51 PM

To: Janie McGuigan <janiemc07@gmail.com>

Cc: "lamesainternationaldistrict@gmail.com" <lamesainternationaldistrict@gmail.com>, "nobullbob1@gmail.com" <nobullbob1@gmail.com>, Amber Webb <awebb@faithabq.org>, haldon Lewin <haldonlewin@gmail.com>, NoBull Bob <rfass522@comcast.net>

Thank you Janie,

We truly do appreciate your response in regards to this project and are also appreciative of the support. Your email is sufficient and no formal letter is required.

Just to confirm, we are also hoping to hear back from a representative from the District 8 Coalition.

Thanks again!

Kind regards,

Juanita and Andrew Garcia
Principals

JAG Planning & Zoning, LLC
P.O. Box 7857, Albuquerque, NM 87194
(505) 362-8903 and (505) 363-5613



[Quoted text hidden]

Janie McGuigan <janiemc07@gmail.com>
To: JAG JAG <jag@jagpandz.com>

Thu, Aug 22, 2024 at 1:55 PM

You are welcome.

The contact person for District 8 is cc: in this email. Mr. Bob Fass and/or the Secretary for District 8 coalition will respond.

[Quoted text hidden]

NoBull Bob <nobullbob1@gmail.com>

Thu, Aug 22, 2024 at 2:19 PM

To: Janie McGuigan <janiemc07@gmail.com>, JAG JAG <jag@jagpandz.com>

Cc: "lamesainternationaldistrict@gmail.com" <lamesainternationaldistrict@gmail.com>, Amber Webb <awebb@faithabq.org>, haldon Lewin <haldonlewin@gmail.com>, NoBull Bob <RFASS522@comcast.net>

The District 8 Coalition of Neighborhoods has no objection to you request.

Bob Fass

President, District 8 Coalition of Neighborhoods
505-239-4774

From: Janie McGuigan <janiemc07@gmail.com>

Sent: Thursday, August 22, 2024 1:29 PM

To: JAG JAG <jag@jagpandz.com>

Cc: lamesainternationaldistrict@gmail.com <lamesainternationaldistrict@gmail.com>; nobullbob1@gmail.com <nobullbob1@gmail.com>; Amber Webb <awebb@faithabq.org>; haldon Lewin <haldonlewin@gmail.com>; NoBull Bob <rfass522@comcast.net>

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

[Quoted text hidden]

JAG JAG <jag@jagpandz.com>

Fri, Aug 23, 2024 at 7:21 PM

To: NoBull Bob <nobullbob1@gmail.com>

Cc: Janie McGuigan <janiemc07@gmail.com>, "lamesainternationaldistrict@gmail.com" <lamesainternationaldistrict@gmail.com>, Amber Webb <awebb@faithabq.org>, haldon Lewin <haldonlewin@gmail.com>, NoBull Bob <RFASS522@comcast.net>

Thank you Bob. We truly appreciate your response.

Kind regards,

Juanita and Andrew Garcia
Principals
JAG Planning & Zoning, LLC
P.O. Box 7857, Albuquerque, NM 87194
(505) 362-8903 and (505) 363-5613

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

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

Date of Request*: 8/7/24

This request for a Neighborhood Meeting for a proposed project is provided as required by Integrated Development Ordinance (IDO) [IDO §14-16-6-4\(K\)](#)¹ to Neighborhood Association Representatives on the attached list from the Office of Neighborhood Coordination (ONC). The Neighborhood Association Representative Contact List from the ONC must be included as an attachment.²

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.³

Email address to respond yes or no: jag@jagpandz.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:

Monday, August 26, 2024 6:00 PM

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

1. Subject Property Address* 10000 Spain Road NE
Location Description Tract Z1A, Academy Place
2. Property Owner* Faith Lutheran Church
3. Agent/Applicant* [if applicable] JAG Planning & Zoning - Juanita Garcia
4. Application(s) Type* per IDO [Table 6-1-1](#) [mark all that apply]
 - Site Plan - Administrative⁴
 - Conditional Use Approval
 - Demolition Outside of an HPO⁵
 - Expansion of Nonconforming Use or Structure
 - Historic Design Standards and Guidelines
 - Master Development Plan

¹ See [IDO Table 6-1-1](#) for notice requirements.

² Pursuant to [IDO §14-16-6-4\(K\)\(2\)\(a\)](#), 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.

³ If no one replies to this request, the applicant may be submitted to the City to begin the review/decision process.

⁴ Required for applications that meet thresholds established in [IDO §14-16-6-4\(B\)\(1\)\(b\)](#).

⁵ This procedure applies only if the Historic Preservation Planner determines, pursuant to [IDO §14-16-6-6\(B\)\(2\)](#) (Demolition Outside of an HPO Procedure), that a hearing is necessary.

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

- Site Plan - EPC
- Vacation of Public Right-of-way – Council
- Vacation of Public Right-of-way – DHO
- Variance – EPC
- Variance – ZHE
- Variance – DHO
- Waiver – DHO
- Adoption or Amendment of Historic Designation
- Amendment to IDO Text – Small Area
- Zoning Map Amendment – EPC
- Zoning Map Amendment – Council

Summary of project/request^{6*}:

Variance to the 200-foot distance requirement to allow the replacement of a reader board with an illuminated sign.

5. This type of application will be decided by*: City Staff

OR at a public hearing by:

- Development Hearing Officer (DHO)
- Landmarks Commission (LC)
- City Council
- Environmental Planning Commission (EPC)
- Zoning Hearing Examiner (ZHE)

6. Where more information about the project can be found^{7*}:

Preferred project contact name: Juanita Garcia - JAG Planning & Zoning

Email: jag@jagpandz.com

Phone: (505) 362-8903

Online website or project page: _____

Attachments: Elevation View of the Proposed Sign & Site Plan showing location of existing sign.

Information Required for Mail/Email Notice by [IDO §14-16-6-4\(K\)\(1\)\(b\)](#):

1. Zone Atlas Page(s)⁸ F-21
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

⁶ 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.

⁷ Address (mailing or email), phone number, or website to be provided by the applicant.

⁸ Available online here: <http://data.cabq.gov/business/zoneatlas/>

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

3. The following exceptions to IDO standards will be requested for this project*:

Deviation(s) Variance(s) Waiver(s)

Explanation:

Variance to the 200-foot distance requirement to allow an illuminated sign that may turn on or off or change its brightness. The subject site is required to be 200' from a residential zone and is currently approximately 65 feet at its nearest point.

4. **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 from IDO Zoning Map⁹:

- 1. Area of Property [typically in acres] 8.5689 acres
- 2. IDO Zone District MX-T
- 3. Overlay Zone(s) [if applicable]
- 4. Center or Corridor Area [if applicable] None
- 5. Current Land Use(s) [vacant, if none] Church

Useful Links

Integrated Development Ordinance (IDO):

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

IDO Interactive Map

<https://tinyurl.com/IDOzoningmap>

⁹ Available here: <https://tinyurl.com/idozoningmap>

Language Access Notice:

We provide free interpretation services to help you communicate with us. If you need help, you can request interpretation at any service counter in our Department, located in the Plaza Del Sol building, 600 2nd Street NW, Albuquerque, NM 87102.

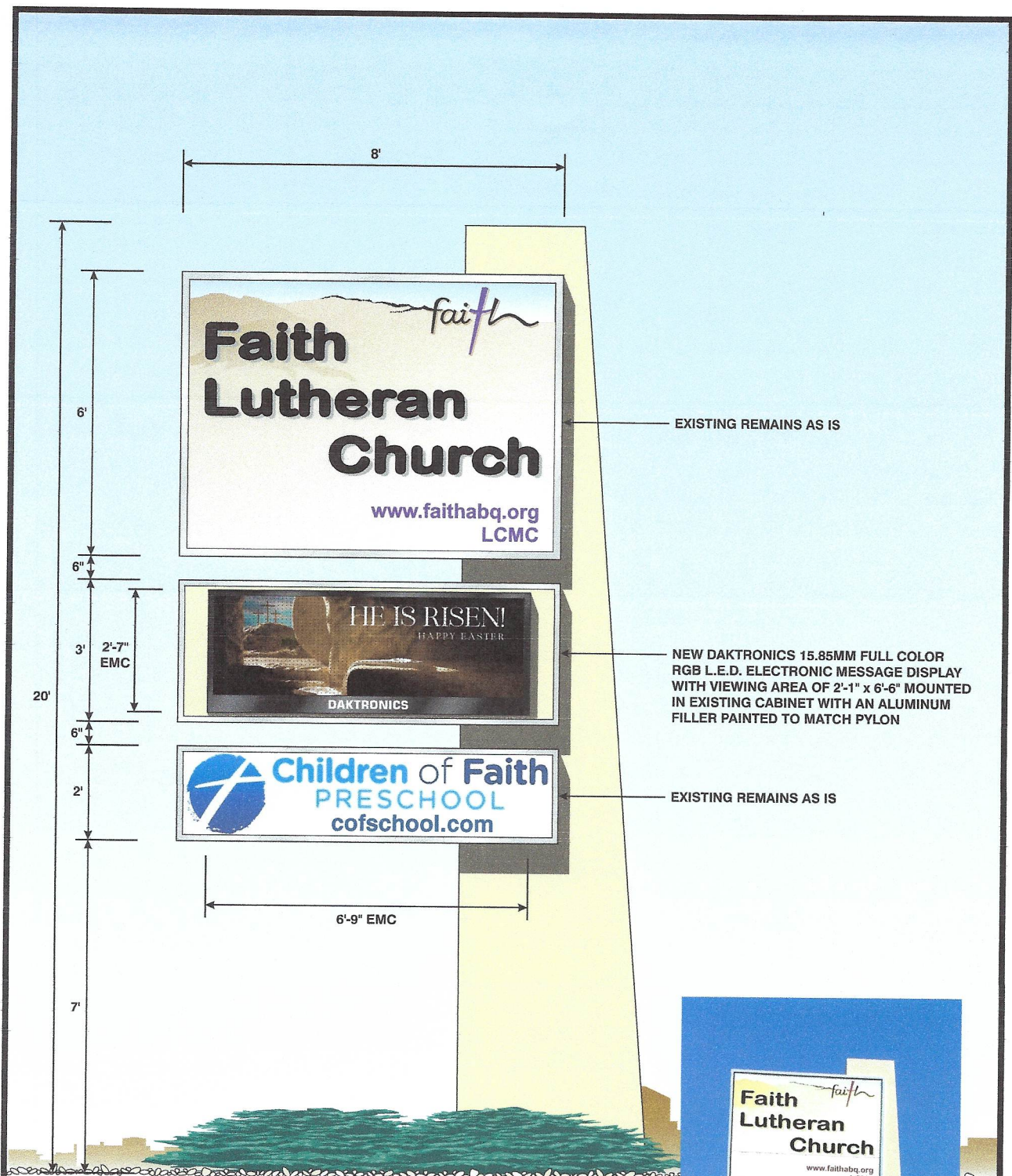
Notificación de Acceso Lingüístico.

Ofrecemos servicios gratuitos de interpretación para ayudarlo a comunicarse con nosotros. Si necesita ayuda, puede solicitar servicios de interpretación en cualquier mostrador de servicio de nuestro Departamento; ubicado en el edificio Plaza Del Sol, 600 2nd Street NW, Albuquerque, NM 87102.

語言輔助通知。我們提供免費口譯服務，以幫助你與我們溝通。如果你需要幫助，你可以在我們部門的任何服務台請求口譯，服務台位於 Plaza Del Sol大樓，600 2nd Street NW，阿爾伯克基，NM 87102。

Thông báo về cách Tiếp cận Ngôn ngữ. Chúng tôi cung cấp các dịch vụ thông dịch miễn phí để giúp quý vị giao tiếp với chúng tôi. Nếu quý vị cần giúp đỡ, quý vị có thể yêu cầu thông dịch tại bất cứ quầy dịch vụ nào trong Sở của chúng tôi, tọa lạc tại tòa nhà Plaza Del Sol, 600 2nd Street NW, Albuquerque, NM 87102.

Saad Hadahwiis'a O'oolkaah bee dah na'astsooz. Nihi bik'inaasdzil t'aadoo baahilinigoo 'ata' hashne' tse'esgizii ach'i' dzaadi! Dzaadi! Danihi dahootahgoo bee nihi-. Daa' danihi bidin nishli dzaadi! Dzaadi! Danihi bineesh'a yinishkeed 'ata' hashne' -di t'aa biholniihgoo tse'esgizii ket'aaz -di nihihigii dah diikaah, -k'eh -di tsin Plaza Del Sol Kiniit'aagoo, 600 2nd Kiniit'aa NW, Albuquerque, NM 87102.



NEW EMC DISPLAY FOR EXISTING DOUBLE FACE ILLUMINATED FREE-STANDING DISPLAY



SIGN LOCATION

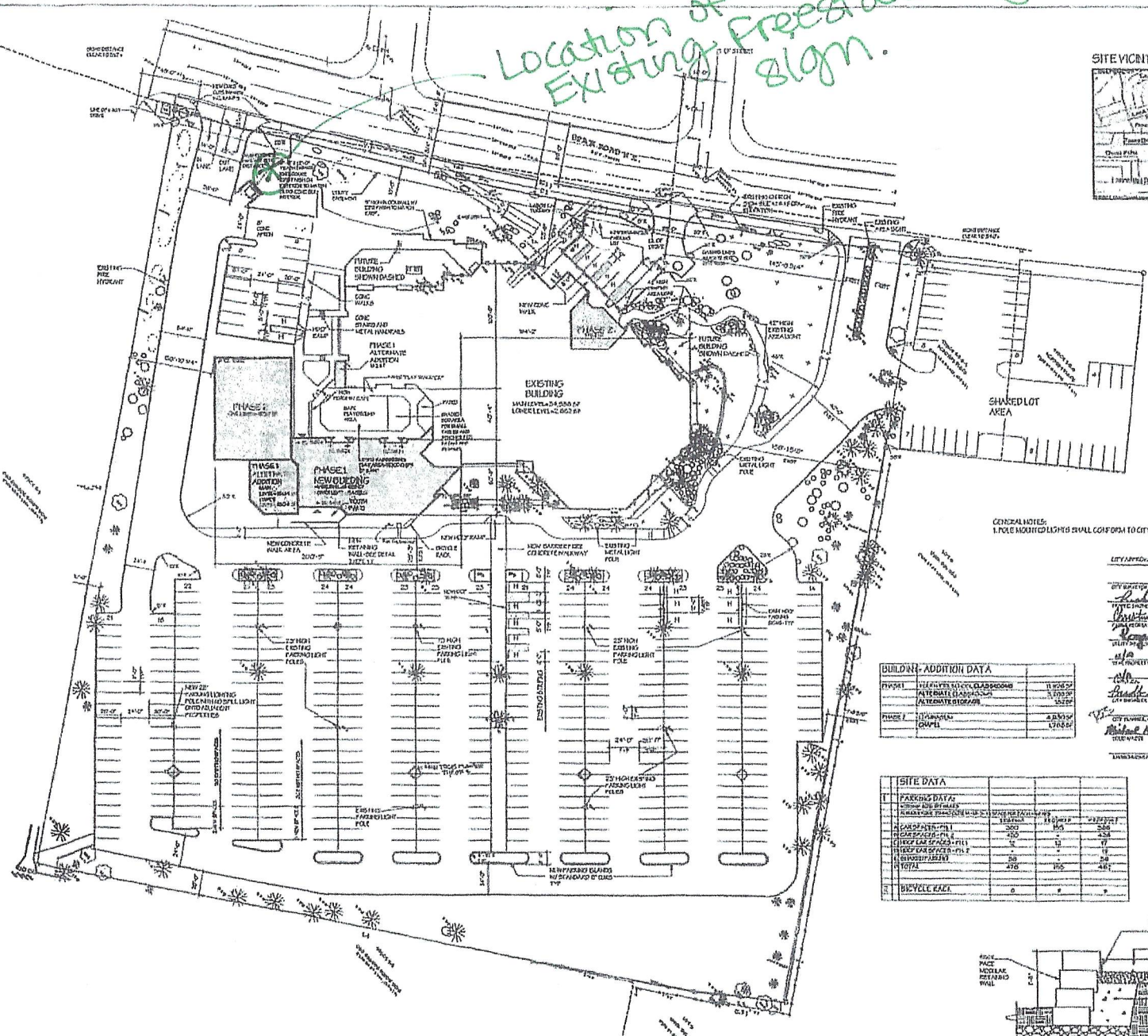
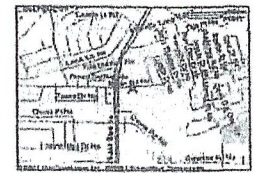
ZEON signs
AL-EPNM, INC.
 ELECTRICAL PRODUCTS COMPANY
 2024 5th St. NW Albuquerque, NM 87102
 (505) 245-3774 Toll Free: 800-444-7407
 Fax: (505) 245-3575

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 ACTUAL SIZE OF SIGN AND COPY FROM SCALED DRAWING MAY VARY 1/2"

TITLE: FAITH LUTHERAN CHURCH	
SCALE: 1/2" = 1'-0"	DRWG NO: 1123 - 426
SALES: CRAIG MCGURN	APPROVED FOR PRODUCTION:
DESIGN BY: R. GONZALES	CUSTOMER APPROVAL:

Location of Freestanding Existing Bldg.

SITE VICINITY MAP



CONCRETE NOTES:
1. ALL MODIFIED LIGHTS SHALL CONFORM TO CITY REQUIREMENTS.

CITY APPROVALS

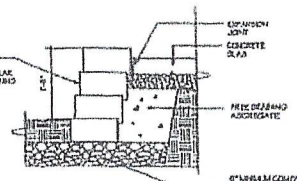
APPROVAL	DATE
<i>[Signature]</i>	10-20-02
<i>[Signature]</i>	10-20-02
<i>[Signature]</i>	10-20-02
<i>[Signature]</i>	10-20-02
<i>[Signature]</i>	10-20-02

BUILDING ADDITION DATA

PROJECT	W/WORK
W/ALTERATION CLASSROOM	W/WORK
W/ALTERATION STORAGE	W/WORK
W/ALTERATION STORAGE	W/WORK

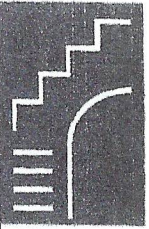
SITE DATA

ITEM	AMOUNT	UNIT
PARKING SPACES	470	
BIKE RACKS	0	



PHASE 2 SITE PLAN
1"=30'-0"

RETAINING WALL SECTION
1"=1'-0"



STATION NINETEEN

Architects • Incorporated
8001 LAWRENCE AVENUE SOUTHEAST
MINNEAPOLIS, MN 55414
PHONE (612) 823-1600
FAX (612) 823-2012



DORMAN AND GREEN ARCHITECTS
1000 WISCONSIN COURT N.E.
ALBUQUERQUE, NM 87102
PHONE (505) 263-1100

Project: FAITH LUTHERAN CHURCH
Site: 4249 NEW MEXICO

Architect: DORMAN AND GREEN
Contractor: [Blank]
Date: 10-20-02

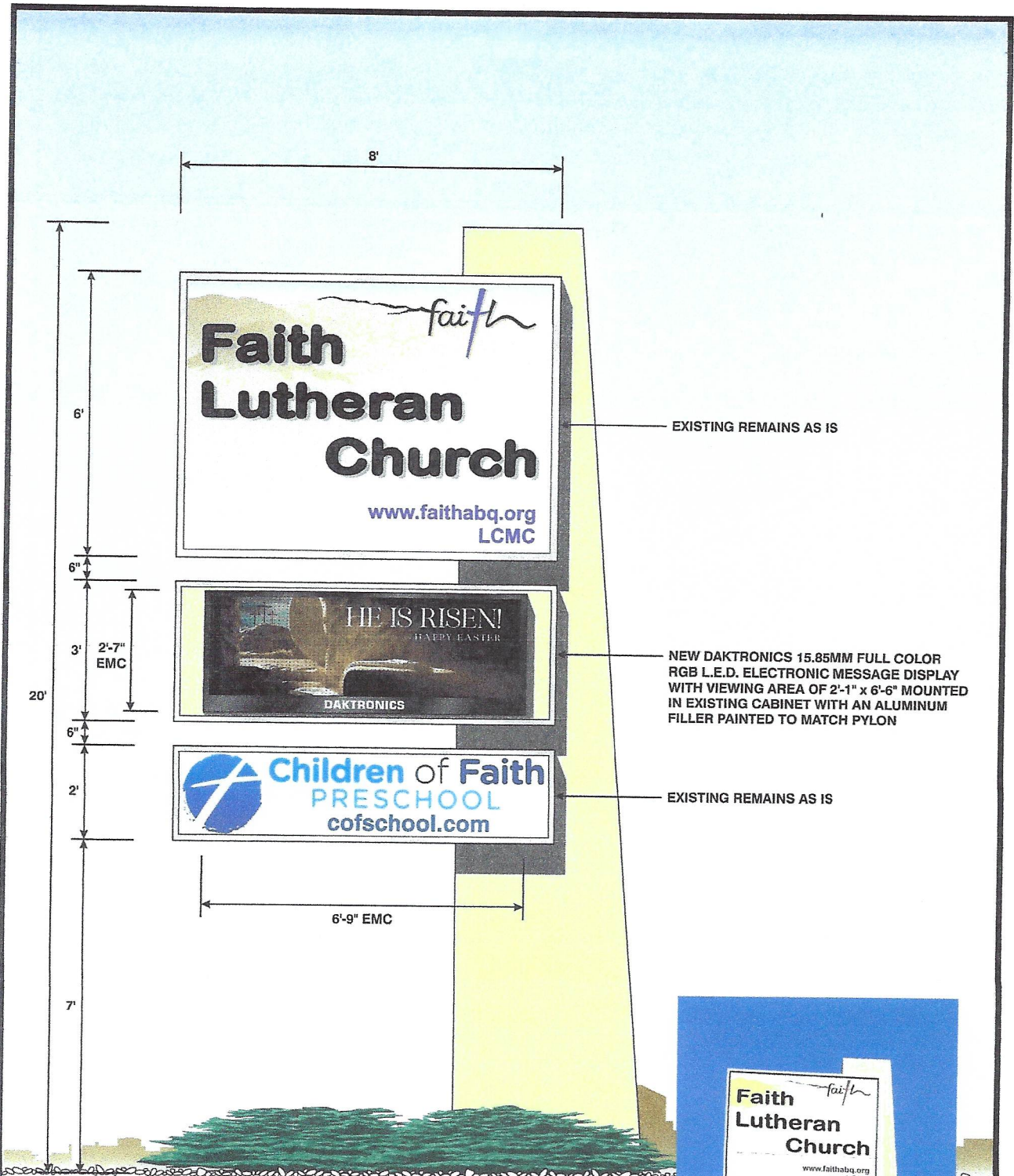
FAITH LUTHERAN CHURCH

ALBUQUERQUE, NEW MEXICO

DRB SUBMISSION

PHASE 2 SITE DEVELOPMENT PLAN

DRB 1.2



NEW EMC DISPLAY FOR EXISTING DOUBLE FACE ILLUMINATED FREE-STANDING DISPLAY



SIGN LOCATION

AL-
ZEON signs
EPNM, INC.
 ELECTRICAL PRODUCTS COMPANY
 2024 S.W. 9th Ave. Alhambra, CA 91702
 (626) 243-3771 Toll Free: 800-444-7407
 Fax: (626) 243-3575

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 ACTUAL SIZE OF SIGN AND COPY FROM SCALE DRAWING MAY VARY 1/2"

TITLE: FAITH LUTHERAN CHURCH	
SCALE: 1/2" = 1'- 0"	DRWG NO: 1123 - 426 [APPROVED FOR PRODUCTION:
SALES: CRAIG MCGURN	CUSTOMER APPROVAL:
DESIGN BY: R. GONZALES	



September 3, 2024

Robert Lucero
Zoning Hearing Examiner
City of Albuquerque
Planning Department

Mr. Lucero,

JAG Planning and Zoning, LLC, on behalf of Faith Lutheran Church, is requesting approval of a variance of 135' to the required 200' distance for an illuminated sign to be visible from a residential zone to allow a replacement of an illuminated sign. The variance application is for the property legally described as Lot Z1A, Academy Place, located at 10000 Spain RD NE and containing approximately 8.56 acres.

Land Use and Zoning

The subject property is zoned MX-T (Mixed Use – Transition Zone District) within the Integrated Development Ordinance (IDO). The subject site is not located within an Overlay Zone. The subject site is located on the south side of Spain NE between Eubank and Juan Tabo NE.

The site is developed with a church and currently has illuminated freestanding signs that are visible from a residential zone and located 200' of a residential zone.

Surrounding Land Use and Zoning

The surrounding land use is mostly single family residential along the north side of Spain and along the south side of Spain, east of Morris Road NE. There are commercial uses and high residential development along the south side of Spain, west of Morris Road NE. Further west of the subject site is a larger shopping center known as the "The Promenade" which include retail, service and restaurant establishments. The single-family residential development located north of the subject site and further east are zoned R-1C and R-T, respectively. The applicant's proposed modification to its existing sign is directly south of the residential development zoned R-1C.

Proposed Reader Board Sign

The subject site has two existing freestanding signs that existed prior to the adoption of the IDO. Both of these signs are currently illuminated since there were no restrictions related to

illuminated signs adjacent to a residential zone. The proposed electronic reader board will be placed on one of the freestanding signs that is located on the west end of the front property line.

The applicant intends on replacing an existing illuminated reader board that requires the applicant to modify the lettering on a regular basis, with a reader board that can be changed electronically. The new, modified proposed reader board will allow the applicant to disseminate information more frequently without the need to physically change letters. The proposed electronic illuminated reader board will be similar in size and shape of the existing reader board, as depicted below:



Image of existing sign with existing reader board proposed to be replaced.

Variance Request

The proposed illuminated reader board replacement sign will be located within 200 feet of a residential zone along Spain RD NE and will not meet the following regulation that pertains to this requirement within the IDO is as follows:

5-12(E)(5)(c) Mixed-use and Non-residential Zone Districts

An illuminated sign or illuminated element of a sign in any Mixed-use or Non-residential zone district may turn on or off or change its brightness, provided that all of the following requirements are met, unless Subsection 14-16-5-12(H)(4) (Illumination, Brightness, and Images) applies any more restrictive standard or Subsection 14-16-5-12(F)(4)(a) (Neon Signs along Central Avenue) applies any less restrictive standard to eligible signs.

1. The sign is not within 200 feet in any direction of any Residential zone district and visible from that zone district.

The proposed replacement sign will be visible from the residential zones to the north and will be located within 200 feet for the residential zone. Given the location of the existing sign, the applicant is requesting to allow a variance to the distance requirement, as further explained.

Criteria for Approval of a Variance

The City of Albuquerque Integrated Development Ordinance, Section 14-16-6-6(O)(3)(a) (Variance – Review and Decision Criteria) reads: “... An application for a Variance – ZHE shall be approved if it meets all of the following criteria:

1. *There are special circumstances applicable to a single lot that are not self-imposed and that do not apply generally to other property in the same zone district and vicinity, including but not limited to size, shape, topography, location, surroundings, and physical characteristics, and such special circumstances were created either by natural forces or by government eminent domain actions for which no compensation was paid. Such special circumstances of the property either create an extraordinary hardship in the form of substantial and unjustified limitation on the reasonable use or return on the property, or practical difficulties result from strict compliance with the minimum standards.*
2. *The Variance will not be materially contrary to the public safety, health, or welfare.*
3. *The Variance does not cause significant material adverse impacts on surrounding properties or infrastructure improvements in the vicinity.*
4. *The Variance will not materially undermine the intent and purpose of this IDO or the applicable zone districts.*
5. *The Variance approved is the minimum necessary to avoid extraordinary hardship or practical difficulties.*

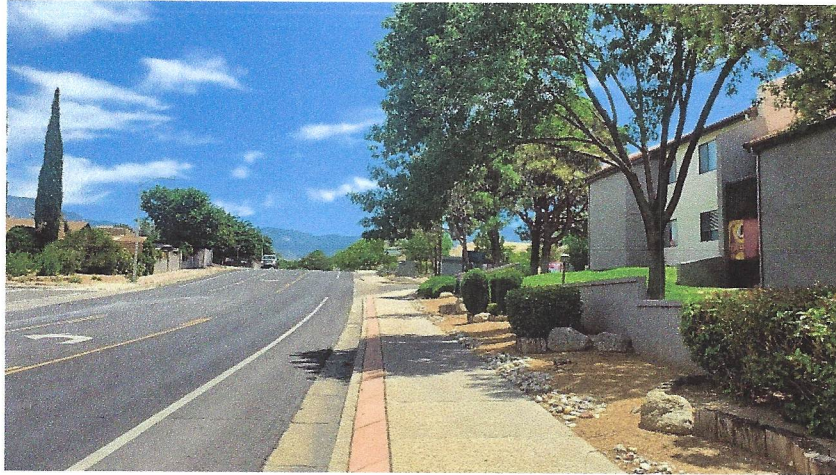
Reasons for the Variance Approval

A Variance of 135’ to the required 200’ distance for an illuminated sign to be visible from a residential zone, IDO Section 14-16-5-12(E)(5)(c)(1).

1. *There are special circumstances applicable to the subject property that are not self-imposed and that do not apply generally to other property in the same zone district and vicinity, including but not limited to size, shape, topography, location, surroundings, and physical characteristics, and such special circumstances were created either by natural forces or by government eminent domain actions for which no compensation was paid. Such special circumstances of the property either create an extraordinary hardship in the form of substantial and unjustified limitation on the reasonable use or return on the property, or practical difficulties result from strict compliance with the minimum standards.*

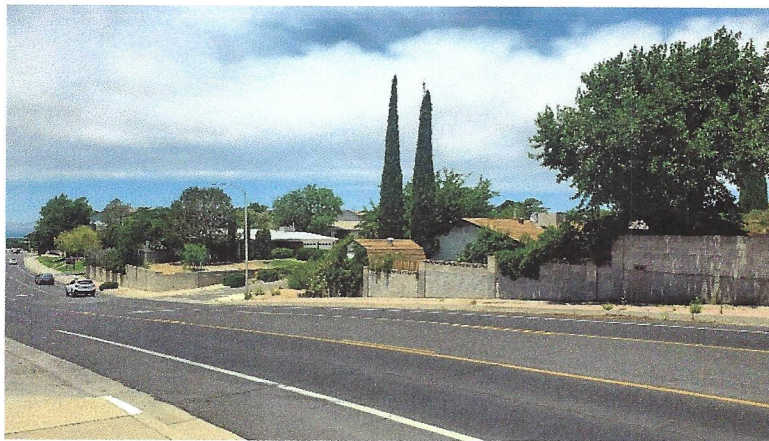
There are special circumstances applicable to this lot that are not self-imposed and that do not apply generally to other properties in the same zone district and vicinity that is related to the location of the site. The site is located on a curved road that does not allow for clear visibility along Spain Road NE, when traveling east bound.

The City of Albuquerque requires street trees along Spain Road for multi-family and commercial development, which also contributes to low visibility of the site.



Looking east along Spain Road NE.

In addition, the grade of road varies which also does not allow for clear visibility when traveling west bound along Spain NE.



The change of grade along Spain Road NE next to subject site.

The location of the subject site, in relation to Spain Road, contributes to the special circumstance that is applicable only to the area of the proposed sign. The existing regulations create a hardship on the reasonable use of the property to replace an existing illuminated sign with an electronic sign that will be user friendly to the applicant.

2. The Variance will not be materially contrary to the public safety, health, or welfare.

The Variance will not be materially contrary to the public safety, health, or welfare because the proposed sign will allow for clear information to the public regarding activities occurring on the subject property. The construction of the sign will be reviewed by the City's Planning Department, Code Enforcement and the Building and Safety Division to ensure the sign is engineered and constructed to meet all associated IDO regulations and building codes. The sign will also meet the maximum luminance allowed for signs when adjacent to residential zone.

Furthermore, the sign will meet the requirements related to "Change of illumination does not produce any apparent motion of the visual image, including but not limited to illusion of moving objects, moving patterns or bands of light, expanding or contracting shapes, or any similar effect of animation except twinkling," as specified in Section 14-16-5-12(E)(5)(c)(1) of the IDO.

3. The Variance does not cause significant material adverse impacts on surrounding properties or infrastructure improvements in the vicinity.

The Variance does not cause significant material adverse impacts on surrounding properties or infrastructure improvements in the vicinity because the proposed replacement of a sign will be on an existing sign that has been on the site for many years. The proposed sign will not be placed in the direction of the adjacent residential zone, but at a 90-degree angle, thereby reducing the amount of illumination that will be directed toward the residential area. The site currently has two freestanding signs and the proposed variance is to allow for the replacement of a reader board that is currently located on the westerly freestanding sign. The existing signs have not impacted the surrounding properties since being placed on the site.

In addition, the proposed replacement sign will not affect any infrastructure improvements that currently exists within the area since the sign will be located on private property and not within the right-of-way.

4. The Variance will not materially undermine the intent and purpose of this IDO or the applicable zone districts.

The proposed variance will not materially undermine the intent and purpose of this IDO or the applicable zone district. The IDO allows for the provision of a variance, if all the criteria are met. The intent of IDO will still be met in that the proposed replacement sign will meet all other regulations related to the brightness of the sign. The IDO allows for

applicants to seek a variance to regulations in instances that are unique to a site, not allowing the site to meet all of the regulations.

5. ***The Variance approved is the minimum necessary to avoid extraordinary hardship or practical difficulties.***

The Variance approved is the minimum necessary to avoid extraordinary hardship or practical difficulties. The replacement of the reader board sign will be located on an existing freestanding sign, in the same area of the existing reader board sign and will be similar in size and shape. The applicant believes that replacing the existing illuminated reader board with an electronic reader board will conveniently allow the applicant to provide information to the public regarding pertinent information related to the church activities. Currently, the applicant requires an individual to remove and replace the lettering that is used to provide information, which can be difficult at times. In addition, since traffic moves at a moderate rate of speed along this portion of Spain Road, the signs are needed to readily identify the information that is being provided by the applicant.

Neighborhood Notification

The applicant notified two affected neighborhood associations regarding a proposed meeting, based on information from the Office of Neighborhood Coordination. Both of the neighborhood associations responded indicating that no meeting was required and there is no opposition to this request.

Copies of all, Neighborhood Association information from the Office of Neighborhood Coordination, proof of notification and correspondences have been included in this application.

Conclusion

The proposed variance will allow development to occur on the subject site that is consistent with the public safety, health and public welfare of the community and will not materially undermine the intent and purpose of the IDO or any other applicable ordinance or regulations as mentioned above.

Thank you for your consideration on this matter.

Sincerely,



Juanita Garcia
Principal

JAG Planning & Zoning, LLC

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 _____ To _____

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.

Juanita Garcia
(Applicant or Agent)

9/3/2024
(Date)

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

PROJECT NUMBER: _____



CITY OF ALBUQUERQUE INVOICE

**JAG PLANNING & ZONING JUANITA GARCIA &
ANDREW GARCIA**

PO BOX 7857

Reference NO: VA-2024-00262

Customer NO: CU-92571744

Date	Description	Amount
9/04/24	2% Technology Fee	\$4.20
9/04/24	Application Fee	\$100.00
9/04/24	Facilitated Meeting Fee	\$50.00
9/04/24	Posted Sign Fee	\$10.00
9/04/24	Published Notice Fee	\$50.00

Due Date: **9/04/24**

Total due for this invoice:

\$214.20

Options to pay your Invoice:

1. Online with a credit card: <https://posse.cabq.gov/posse/pub/lms/Default.aspx>
2. In person: Plaza Del Sol, 600 2nd St. NW, Albuquerque, NM 87102

PLEASE RETURN THE BOTTOM PORTION OF THIS INVOICE NOTICE WITH PAYMENT



City of Albuquerque
PO Box 1293
Albuquerque, NM 87103

Date: 9/04/24

Amount Due: **\$214.20**

Reference NO: VA-2024-00262

Payment Code: 130

Customer NO: CU-92571744

JAG PLANNING & ZONING JUANITA
GARCIA & ANDREW GARCIA
PO BOX 7857
ALBUQUERQUE, NM 87194



130 0000VA202400262001025467211031675000000000000021420CU92571744

Faith
LUTHERAN CHURCH
faithabq.org LCMC
NEW WORSHIP TIMES
SAT 5PM
SUN 9 1030AM
Children's Faith

Main Entrance
Preschool
Church Parking

SATURDAYS 5 PM
SUNDAYS 9 AM
10:30 AM



Electronic signs are prohibited on any lot abutting Mountain Road in the Sawmill/Wells Park – CPO-12.

5. Volcano Mesa – CPO-13

Electronic signs are prohibited in Volcano Mesa – CPO-13, except within the Volcano Heights Urban Center as mapped in the ABC Comp Plan, as amended, where they are allowed.

5-12(H)(3) Type and Maximum Number of Electronic Signs

5-12(H)(3)(a) On-premises Signs

1. If a premises meets the requirements for an electronic sign in this Subsection 14-16-5-12(H), the premises shall not have more than 1 electronic sign.
2. The type of electronic sign is limited to a freestanding, wall, or canopy sign and is also subject to provisions in Table 5-12-1, Table 5-12-2, and Table 5-12-4.

5-12(H)(3)(b) Off-premises Signs

1. The modification of an existing off-premises sign that makes the sign an electronic sign shall constitute a new electronic sign. However, such modification shall not cause an existing off-premises sign located in 1 of the following areas to forfeit its status as a nonconforming sign only with respect to its location along an interstate highway:
 - a. Within 660 feet of Interstate Highway 25.
 - b. Within 660 feet of Interstate Highway 40.
2. A new off-premises electronic sign may be allowed if the applicant can demonstrate that existing off-premises signs and support structures containing at least 3 times the advertising area of the proposed electronic sign will be permanently removed.
3. The removed signs must be located on a property of equivalent or less intense zoning than the location of the proposed off-premises electronic sign, as determined by the Planning Director based on the maximum height and size of development allowed in each zone district.
4. Off-premises signs that have been removed and not replaced may count as removed advertising space for the purposes of permitting a new electronic off-premises sign.
5. Subsections 2, 3, and 4 above shall not apply to the improvement, upgrade, or replacement of an existing electronic sign so long as the advertising space is not increased by such improvement, upgrade, or replacement.

5-12(H)(4) Illumination, Brightness, and Images

Electronic signs shall comply with all the following requirements, in addition to any applicable and more restrictive requirements in Subsection 14-16-5-12(E)(5) (Illumination and Motion).

5-12(H)(4)(a) Electronic signs shall have automatic dimming controls, with either photocell (hardwired) or software settings.

5-12(H)(4)(b) Electronic signs shall not exceed an illumination level of 0.3 foot candles above ambient light as measured from a distance specified in Table 5-12-6 based on sign area, with the light meter held perpendicular to the sign and targeting the color white.

Table 5-12-6: Illumination Measurement Distance

Area of Sign (sq. ft.) ^[1]	Measurement Distance (ft.)	Area of Sign (cont.) ^[1]	Measurement Distance (cont.)
10	32	65	81
15	39	70	84
20	45	75	87
25	50	80	89
30	55	85	92
35	59	90	95
40	63	95	97
45	67	100	100
50	71	300	150
55	74	378	200
60	77	672	250

[1] For signs with an area other than those specifically listed in this table, the measurement distance may be calculated with the following formula: Measurement Distance (ft.) = square root of [Area of Electronic Sign (sq. ft.) x 100].

5-12(H)(4)(c) The luminance level shall also comply with any regulations for illumination of on-premises or off-premises signs in Section 14-16-5-12 (Signs) as applicable.

5-12(H)(4)(d) Electronic signs shall have only static messages and images.

5-12(H)(4)(e) The message or image on an electronic sign shall not change more often than once each 8 seconds.

5-12(H)(4)(f) Transition between messages or images on an electronic sign shall not exceed 1 second and shall not include any visual effects during that time.

5-12(I) TEMPORARY SIGNS

5-12(I)(1) Standards

Temporary signs may be erected without obtaining a sign permit, provided that they comply with the standards in Table 5-12-6. They shall not count toward any maximum number of signs or sign area allowed on a property.

View from 5300 with streetlight illumination



View from 5305



View Looking East toward 5300



View Looking West toward 5300



Hernandez, Diane

From: Ryan Ratliff <Ryan@nmfleetdesign.com>
Sent: Tuesday, September 24, 2024 3:22 PM
To: Hernandez, Diane
Subject: 1000 Spain Rd. NE (Faith Lutheran Church)

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

Greetings,

My name is Ryan Ratliff, I live at 5300 Lucille Dr. NE directly across Spain from the above mentioned address. I will be unable to attend the meeting via Zoom and wanted to voice my opinion. I am 100% AGAINST the proposal for the Faith Lutheran digital sign to be installed on Spain. The backlit sign they currently have is extremely bright and pose many problems for my family. We CANNOT have a comfortable amount of darkness in the front rooms of our house currently, which often times I have considered filing a complaint to the city for the unnecessary amount of light pollution I currently experience. I have installed blackout curtains and blinds to mitigate the amount of light in our rooms but continue to have issues. The proposed sign will absolutely be an increased problem for my family and all neighbors in the neighborhood. While I realize the church wants to advertise, they must realize the families that live in the neighborhood 24-7 deserve to have comfort and not a flashing billboard sign when they look out their window. I have lived at 5300 Lucille Dr. NE for 22 years. I appreciate the opportunity to voice my opinion. I can be reached by cell phone if necessary. 505-550-7996

Respectfully,
Ryan Ratliff
New Mexico Fleet Design
505-341-3791

Hernandez, Diane

From: Colleen Lino <clino7.21@gmail.com>
Sent: Monday, September 30, 2024 6:24 PM
To: Hernandez, Diane
Subject: 10000 Spain Rd. NE (Faith Lutheran Church Sign)

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

Greetings,

My name is Colleen Lino. I live at 5305 Lucille Dr. NE directly across from the Lutheran Church (address above). I will not be able to attend the Zoom meeting and wanted to express my opinion on the proposal for the Faith Lutheran digital sign. My husband and I are absolutely against the proposal for the digital sign to be installed by the Faith Lutheran Church.

As a resident living directly adjacent to the church for 20 years, I want to highlight the significant impact this sign would have on our quality of life. Currently, we are already affected by the church's floodlights, which shine directly into our upstairs primary bedroom, disrupting our ability to enjoy a peaceful home environment at night. Despite our efforts to mitigate this issue with blackout curtains, the addition of a large, brightly lit digital sign would exacerbate the problem and further diminish our comfort at home.

While I understand the church's desire to advertise its events and services, I urge the church to consider alternatives that would not infringe upon the well-being of the residents in our neighborhood that live there 24/7. A non-illuminated/digital sign could serve the church's purpose without creating a nuisance for those of us living nearby.

We appreciate the importance of community engagement and the role of the church in our neighborhood, but we must also ensure that our home remains a sanctuary where we can relax and enjoy our surroundings.

Thank you for taking the time to consider our concerns. I hope action will be taken to prevent the construction of this digital sign, prioritizing the peace and comfort of the residents in our community and neighborhood.

Sincerely,
Colleen Lino, CPA

Hernandez, Diane

From: El Toro <alphaomega23@msn.com>
Sent: Tuesday, October 1, 2024 8:57 PM
To: Hernandez, Diane
Subject: 10000 Spain Rd. NE (Faith Lutheran Church Signage)

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

Ms. Hernandez,

Below is my input to the Faith Lutheran Church Signage, please send quick response stating receipt of my e-mail.

Thank you,
Marcos

Zoning Commission,

I am voicing my dissatisfaction and opposition for the permit that is currently being considered for the Faith Lutheran Church signage upgrade. My residence is located directly across and less than 100 feet from the proposed RGB L.E.D. electronic message display. As clearly stated in my home plat, this area is designated as a residential zone. The non compliance of lighting ordinances will adversely impact the value of our homes and ultimately our investment. The current sign that is installed at this location is already an eye sore to the public right-of-way and to the entire residential neighborhood that must endure this light pollution 24/7. Light pollution has a direct impact on the environment with direct consequences for humans, wildlife and our climate. It is a known factor that digital advertising screens using this type of LED lighting create unnecessary light pollution and has been shown to have serious consequences for local biodiversity and human health. The negative impact on human health has been linked to a risk for obesity, depression, sleep disorders, diabetes, and some types of cancers. When the human body is exposed to blue light optical radiation and/or digital displays, melatonin production can be suppressed, consequently leading to sleep disorders and other health problems. Numerous studies have also shown that the disruptive effects of excessive light pollution can lead to increased headaches, worker fatigue, medically defined stress and increased anxiety.

I have lived at my current residence, 5308 Lucille Dr. NE, since 1997 and during this time I have seen the Faith Lutheran Church expand into a full-blown complex. This new digital signage is only aggravating a bad situation considering that the current sign already displays an unreasonable and excessive amount of light pollution. We live in a designated residential zone area and introducing this industrial type of signage is totally out of character for this residential area, spoiling its esthetic appeal. The effect of this type of digital lighting can have profound and damaging social, esthetic, economic, biodiversity and health implications for our entire neighborhood. We respectfully request that this permit be denied.

Marcos P. Ortiz
5308 Lucille Dr. ABQ, New Mexico 87111
alphaomega23@msn.com
+1 (505) 604-9031

City of Albuquerque ZHE – October 15, 2024

Agenda Item # 38

VA-2024-00262

PR-2024-010860

Faith Lutheran Church - Amber Webb (Agent JAG Planning & Zoning LLC - Juanita Garcia) requests a Variance of 135 ft to the required 200' distance for an Illuminated Sign to be visible from a residential zone for Tract Z1A, Academy Place, located at 10000 Spain Rd NE, zoned MX-T [Section 14-16-5-12(E)(5)(c)(1)]

Ownership: JCJ LLC

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

Allowable Use: N/A

Applicable Comp Plan Designation(s): Area of Consistency

Applicable Overlay Zones: N/A

Applicable Use-Specific Standard(s): N/A

Applicable Dimensional/Development Standards: 14-16-5-12 SIGNS

5-12(E)(5) Illumination and Motion

5-12(E)(5)(a) General

1. Signs may be internally or externally lit, provided that the light source is not directly visible from the public right-of-way or from adjacent properties unless specified otherwise in this IDO.
2. No portion of an illuminated sign shall have a luminance greater than 200 foot lamberts or 685 nits at night.
3. No sign or any part of any sign shall move or rotate at a rate of more than once each 10 seconds, with the exception of wind devices, the motion of which is not restricted.
4. No sign or any part of any sign shall change its message or picture at a rate of more than once each 8 seconds.

5-12(E)(5)(b) Residential Zone Districts *[not applicable as the nearest residential lots are 97 feet away from the subject property]*

5-12(E)(5)(c) Mixed-use and Non-residential Zone Districts

An illuminated sign or illuminated element of a sign in any Mixed-use or Non-residential zone district may turn on or off or change its brightness, provided that all of the following requirements are met, unless Subsection 14-16-5-12(H)(4) (Illumination, Brightness, and Images) applies any more restrictive standard or Subsection 14-16-5-12(F)(4)(a) (Neon Signs along Central Avenue) applies any less restrictive standard to eligible signs.

1. The sign is not within 200 feet in any direction of any Residential zone district and visible from that zone district.
2. The sign is not within 330 feet in any direction of Major Public Open Space.
3. Change of illumination does not produce any apparent motion of the visual image, including but not limited to illusion of moving objects, moving patterns or bands of light, expanding or contracting shapes, or any similar effect of animation except twinkling.
4. There is no continuous or sequential flashing in which more than 1/3 of the lights are turned on or off at one time.

Table 5-12-1: On-premises Signs in Mixed-use and Non-residential Zone Districts		
Sign Type	Zone District	
	Mixed-use Zone Districts, NR-C, NR-LM, NR-GM	NR-BP, NR-SU, NR- PO, PD, PC
Wall Sign		
<i>Number, maximum</i>	N/A	Per approved plan ^[1]
<i>Area, maximum</i>	Shall not exceed the following percentages of façade area, inclusive of door and window openings: MX-T, MX-FB-ID: 5% MX-L: 10% MX-M, MX-H, MX-FB-FX, MX-FB-AC, MX-FB-UD, NR-C: 15% NR-LM, NR-GM: 25%	
<i>Location</i>	Where there is no side setback between 2 establishment frontages in the same or abutting buildings, no wall sign may extend closer than 2 feet to the shared edge of the frontage.	
Freestanding Sign		
<i>Number, maximum</i> ^[2]	1 / premises / street frontage. A freestanding sign is allowed only where there is at least 100 feet of street frontage or 1 / Joint Sign Premises, pursuant to Subsection 14-16-5-12(F)(2)(b).	Per approved plan ^[1]
<i>Area, maximum</i>	MX-T, MX-FB-ID: 50 sq. ft. MX-L: 100 sq. ft. Any other Mixed-use zone district, NR-C, NR-LM, NR-GM: 100 sq. ft. at allowable locations abutting a local or collector street. 200 sq. ft. at allowable locations abutting an arterial street or interstate highway. 300 sq. ft. at allowable locations within 200 feet of a through lane of an interstate highway and visible from the interstate highway.	

Table 5-12-1: On-premises Signs in Mixed-use and Non-residential Zone Districts		
Sign Type	Zone District	
	Mixed-use Zone Districts, NR-C, NR-LM, NR-GM	NR-BP, NR-SU, NR- PO, PD, PC
<i>Height, maximum^[3]</i>	MX-T, MX-FB-ID: 9 ft. MX-L: 18 ft. Any other Mixed-use zone district, NR-C, NR-LM, NR-GM: 26 ft.	
<p>[1] Per approved NR-BP Master Development Plan; NR-SU, PD, or PC Site Plan – EPC; or NR-PO Master Plan as applicable. If no Master Development Plan is approved or if the approved Master Development Plan does not specify sign standards, see Subsection 14-16-2-5(B)(3)(c)3.</p> <p>[2] For premises where freestanding signs are allowed, for each street frontage, either a freestanding sign or projecting signs are allowed, not both (i.e. projecting signs can be used on any street frontage where a freestanding sign is not used).</p> <p>[3] For any freestanding sign that is within 200 feet of a through lane of an interstate highway, the maximum height is measured from the highway road grade at the closest point from the premises.</p>		

Traffic Recommendations:

No objection. After review of the provided application, Transportation has no objection to the variance.

Planning Recommendation:

Recommendation # 1: Application was on the ZHE August 2024 Agenda and was deferred to the ZHE September 2024 hearing.

Recommendation # 2: The Applicant's justification letter identifies that they would like to be allowed to replace their existing reader board with an LED board that will provide the same messaging as their existing board. The illumination will remain the same as the signage was installed with the existing signage prior to the adoption and implementation of the City of Albuquerque Integrated Development Standards. Additional information from the applicant about the nature of their sign should be requested at the ZHE hearing on this matter, and staff will be prepared to discuss this further, particularly as it relates to the existing signage structure.

Recommendation # 3: This case meets all application and notification requirements set forth within the City of Albuquerque Integrated Development Ordinance (IDO) to be heard in a public hearing where the Zoning Hearing Examiner will hear additional evidence and make a written decision pursuant to applicable provisions of the IDO Section 14-16-6-4.



SPECIAL EXCEPTION REQUEST

Property Address 10000 Spain Rd NE

Property Owner Faith Lutheran Church-Amber Webb

Name of Applicant JAG Planning & Zoning LLC-Juanita Garcia

Summary of Request Variance of 135 ft to the required

200' distance for an Illuminated Sign to be visible from

a residential zone

A public hearing is required and will be held

electronically via Zoom and/or in person in the

Plaza Del Sol Hearing Room at 600 2ND ST NW

on Oct 15, 2024 at 9:00 AM.

Required posting dates Sept 30 to Nov 14

For information, contact the City of Albuquerque

Planning Department at (505)924-3894.

REFER TO FILE# VA#2024-00262

It is illegal for an unauthorized person to remove or tamper with this sign.

SPECIAL EXCEPTION REQUEST

Property Address 10000 Spain Rd NE
Property Owner Faith Lutheran Church Amber Webb
Name of Applicant UG Planning & Zoning LLC Juanita Garcia
Summary of Request Variance of PB #1 to the required 200' distance for an illuminated sign to be visible from
Plaza Del Sol
A public hearing is required and will be held electronically via Zoom and/or in person in the Plaza Del Sol Hearing Room at 600 2ND ST NW on Oct 15, 2024 at 9:00 AM.
Required posting dates Sept 30 to Nov 4
For information, contact the City of Albuquerque Planning Department at (505)924-3894.
REFER TO FILE# VA# 2024-00262

It is illegal for an individual person to remove or tamper with this sign.

JAG PLANNING & ZONING

P.O. Box 7857



JAG PLANNING & ZONING

P.O. Box 7857
Albuquerque, NM 87194

CROUCH CHRISTOPHER DARREN & PATRICIA RIVERA
5301 VERONICA DR NE
ALBUQUERQUE NM 87111-1949

LINO COLLEEN & CONNOR
5305 LUCILLE DR NE
ALBUQUERQUE NM 87111 1937

JAG PLANNING & ZONING

P.O. Box 7857
Albuquerque, NM 87194



FAITH LUTHERAN CHURCH
10000 SPAIN NE
ALBUQUERQUE NM 87111

LOPEZ JOSE A & DIANA M
5301 JOHN THOMAS DR NE
ALBUQUERQUE NM 87111-1935

JAG PLANNING & ZONING

P.O. Box 7857
Albuquerque, NM 87194



GRUPE-PASSADORE LUBER CO EQR R E
TAX DEPT (51028)
PO BOX 87407
CHICAGO IL 60680

MCKEON JESSICA S
5300 VAN CHRISTOPHER DR NE
ALBUQUERQUE NM 87111-1948

JAG PLANNING & ZONING

P.O. Box 7857
Albuquerque, NM 87194



HOCHREIN JAMES & SUSAN
1422 TIERRA VERDE PL SW
ALBUQUERQUE NM 87111-1936

MESA DEL OSO APARTMENTS LLC
3021 CITRUS CIR SUITE 130
WALNUT CREEK CA 94598-2635

JAG PLANNING & ZONING

P.O. Box 7857
Albuquerque, NM 87194



KRACKE GEORGE H REVOCABLE TRUST
5301 LUCILLE DR NE
ALBUQUERQUE NM 87111-1937

NGO JOHN & YING YI
5304 JOHN THOMAS DR NE
ALBUQUERQUE NM 87111-1936

JAG PLANNING & ZONING

P.O. Box 7857
Albuquerque, NM 87194

JAG PLANNING & ZONING

P.O. Box 7857



ORTIZ MARCOS P & STEPHANIE M
5308 I IICILLE DR NE
ALBUQUERQUE NM 87111-1938

YATES LELAND G & YUMIKO H
5304 VAN CHRISTOPHER DR NE
ALBUQUERQUE NM 87111-1948

JAG PLANNING & ZONING

P.O. Box 7857
Albuquerque, NM 87194



RATLIFF RYAN S TRUSTEE RATLIFF TRUST
5300 LUCILLE DR NE
ALBUQUERQUE NM 87111-1938

SPEAKMAN JANET TRUST
5300 JOHN THOMAS DR NE
ALBUQUERQUE NM 87111-1936

JAG PLANNING & ZONING

P.O. Box 7857
Albuquerque, NM 87194



RIII CSC TESORO OWNER LLC
135 MAIN ST SUITE 1300
SAN FRANCISCO CA 94105-1816

JAG PLANNING & ZONING

P.O. Box 7857
Albuquerque, NM 87194



RIVERA ADINA C TRUSTEE RIVERA RVT
5305 VERONICA DR NE
ALBUQUERQUE NM 87111-1949

JAG PLANNING & ZONING

P.O. Box 7857
Albuquerque, NM 87194



ROCKRIMMON GROUP LLC
3204 CAMINO DE LA SIERRA NE
ALBUQUERQUE NM 87111-5502

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
INTER-OFFICE MEMORANDUM

Sep 27th, 2024

To: Lorena Patten-Quintana, ZHE Planner

From: Muhammad Saeed Zafar, Engineering Assistant

Subject: COMMENTS FOR THE ZHE HEARING OF Oct 02, 2024

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

VA-2024-00262

PR-2024-010860

Address: 10000 Spain Rd NE

Subject: A variance of 135 ft to the required 200 ft distance for an illuminated sign to be visible from a residential zone.

Transportation Review: **No Objection**

After review of the provided application, Transportation has no objection to the variance.



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

MINUTES

[October 15, 2024]

600 2nd St NW, Albuquerque, NM 87102

CITY STAFF PRESENT:

Robert Lucero – Zoning Hearing Examiner

Mike Vos – ZEO, Planning Department

Adam Sena – Senior Planner, ZHE Planning Department

Misa Bloom –Planner, ZHE Planning Department

Diane Hernandez – Admin. Assistant, Planning Department

VA-2024-00262
PR-2024-010860
10000 Spain Rd NE
AC-24-29
(Starts at 05:37:59)

ZHE - Robert Lucero: And next up is agenda item 38. That's VA 2024-00262. PR 2024-010860. Faith Lutheran Church, Amber Webb through Agent JAG Planning and Zoning, LLC, Juanita Garcia requests a variance of 135 feet to the required 200 foot distance for an illuminated sign to be visible from a residential zone for Lot Zia Academy Place located at 10000 Spain Road Northeast. Do we have the applicant or agent here today? Hey, Miss Garcia?

Juanita Garcia: Hello, Mr. Lucero!

ZHE - Robert Lucero: Would you please state your full name and mailing address for the record.

Juanita Garcia: Yes. My name is Juanita Garcia, and I'm at PO Box 7857, Albuquerque, New Mexico, 87194.

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

Juanita Garcia: Yes.

ZHE - Robert Lucero: Thank you. And then I see a Ryan Ratcliffe with the hand raised. Is he part of your clients?

Juanita Garcia: No.

ZHE - Robert Lucero: Okay, so we'll get to public comment after the presentation by the applicant team. Will there be anyone else testifying on behalf of your client?

Juanita Garcia: Yes.

ZHE - Robert Lucero: Okay, I see Jerry Watts with the hand raised. Are you there, sir?

Jerry Watts: Yes, I am.

ZHE - Robert Lucero: Thank you. Would you please state your full name and mailing address for the record?

Jerry Watts: Sure. My name is Jerry Watts. My mailing address is 4804 Todd Street, northeast Albuquerque, New Mexico, 87109.

Jerry Watts: and I'm sort of senior pastor here at Faith Lutheran.

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

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Jerry Watts: I do affirm that.

ZHE - Robert Lucero: Thank you, sir.

ZHE - Robert Lucero: All right. Go ahead. Oh, I see. One other hand raised, is it? Haldon Lewin? Oh, looks like you're on mute there. oops.

haldonlewin: About now?

ZHE - Robert Lucero: There we go. Yep. Thank you, sir. Would you please state your full name? Mailing address for the record.

haldonlewin: Held in Lewin, 1728 Buffalo Dancer Trail, northeast Albuquerque, New Mexico, 87112.

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

haldonlewin: I do.

ZHE - Robert Lucero: Thank you, sir.

ZHE - Robert Lucero: very good. Who's gonna lead us off.

Juanita Garcia: I will, Mr. Mr. Lucero. So we are here on behalf of Faith Lutheran Church, and we're requesting approval of a variance of 135 feet to the required 200 foot distance for an illuminated sign to be visible from a residential zone. And this is for the replacement of an existing illuminated sign. So this is for the property at 10000 Spain Road, northeast and it's zoned MX-T within the Integrated Development Ordinance, the IDO and the subject site is not located within an overlay zone, and is located on the south side of Spain, northeast, between Eubank and Juan Tabo. And Mr. Lucero, I'm hoping I can share my screen.

ZHE - Robert Lucero: Oh, yeah, Diane, would you please enable that.

Juanita Garcia: Okay, I'm hoping you can see my screen.

ZHE - Robert Lucero: It says that it's starting. There we go. There it is. I can see it.

Juanita Garcia: Okay, perfect. So this is the zone Atlas page that identifies the subject site. It's on page F-21, and so just to kind of give an understanding of the surrounding area. So, the land is mostly a single family residential along the north side of Spain and along the south side of Spain, east of Morris. But there are also commercial uses and high residential development along the south side of Spain, west of Morris Northeast. Further west of the subject site is the larger shopping center known as the Promenade, which includes retail service and restaurant

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establishments. So it's right around this corner of Spain and Eubank. That would be the southwest corner.

Juanita Garcia: There is a single-family residential development located immediately north of the subject site. And they're both zone R-1C and R-T. As you could see here on the Zone Atlas Page. And so the applicant's proposed modification to its existing sign is directly south of the residential development that is zoned RC. So the subject site currently has a sign, 2 signs actually on the property. Just kind of want to share the site plan that shows a little kind of the location of the overall site. Let me see, I'm trying to share my screen so I'm not sure if you're seeing this.

ZHE - Robert Lucero: Oh, yeah.

Juanita Garcia: Okay, so and this is all part of the record so far. So this is the overall site. It's you know, it's got a church on the site, and it's got 2 freestanding signs. Currently, the one that we are speaking of is on the west side of the property, and then there is another sign on the east side of the property, both free standing, that existed prior to the adoption of the IDO. Both of these signs are currently illuminated, since there were no restrictions related to illuminated signs adjacent to a residential zone. The proposed Electronic Reader Board will be placed on one of the freestanding signs that is located on the East End as highlighted there.

Juanita Garcia: So, and let me stop sharing that share and show the proposed sign. Sorry. Okay? And I'm hoping to. Okay. So this is this is a picture of the of the sign on the west side of the property. And so we intend to replace an existing illuminated reader board. So there are 3 signs on this freestanding sign, or 3 panels. The panel in the middle is the one that currently contains the Reader board that can be changed, and we're so we're hoping to replace it with an illuminated sign that could be changed electronically. the new modified, proposed Reader Board will allow the applicant to disseminate information more frequently without the need to physically change the letters. The proposed Electronic Illuminated Reader Board will be similar in size and shape to the existing Reader board. So it's not going to be any larger than what's currently there. In terms of the box given the type of proposed sign and the location of the proposed sign, it's required to apply for the variance to the distance requirement. And so that's what we're here today for.

Juanita Garcia: So we submitted in our application the criteria that addresses a letter that addresses each of the criteria. But we want to just highlight some of the ones that we believe are very critical for this particular request. So the 1st one being that there are special circumstances applicable to the subject property that are not self-imposed, and that do not apply generally to other property in the same zone district and vicinity.

Juanita Garcia: So with that, we do want to argue that there are special circumstances applicable to this lot that are not self-imposed, and that do not apply generally to other properties in the same zone district and vicinity, that is, and that's related to the location of the site. So the site is located on a curved road that does not allow for clear visibility along Spain Road. When traveling eastbound the City of Albuquerque requires street trees along Spain road for multifamily and commercial development, which also contributes to low visibility of the site.

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Juanita Garcia: In addition, the grade of the road varies also, and does not allow for clear visibility when traveling westbound along Spain northeast, and so the location of the site in relation to Spain Road contributes to the special circumstances that is applicable only to the area of the proposed sign. The existing regulations create a hardship on the reasonable use of the property to replace an existing and to replace an existing illuminated sign with electronic sign that will be user friendly to the applicant.

Juanita Garcia: The variance will not be materially contrary to the public safety, health or welfare. So we argue that the variance will not be materially contrary to the public safety, health, and welfare, because the proposed sign will allow for clear information to the public regarding activities occurring on the subject property.

Juanita Garcia: The construction of the sign will be reviewed by the city's Planning Department, Code Enforcement and the Building and Safety Division to ensure the sign is engineered and constructed to all associated IDO regulations and building codes.

Juanita Garcia: Furthermore, the sign will meet the requirements to ensure that change of illumination does not produce any apparent motion of the visual image, including, but not limited to illusion, of moving objects, moving patterns, or bands of light, expanding or contracting shapes, or any similar effect of animation except twinkling. And that's as specified in the zoning code.

Juanita Garcia: The variance approved is a minimum necessary to avoid extraordinary hardship or practical difficulties. The variance approved is the minimum. The replacement of the Reader Board will be located on an existing freestanding sign in the same area of the existing Reader Board and will be similar in size and shape. The applicant believes that, replacing the existing Reader board with an electronic Reader board will conveniently allow the applicant to provide information to the public regarding pertinent information related to the church activities.

Juanita Garcia: Currently, the applicant requires an individual to remove and replace lettering that is used to provide information which can be difficult at times. In addition, since traffic moves at a moderate rate of speed along this portion of Spain the signs are needed to readily identify the information that is being provided by the applicant.

Juanita Garcia: The applicant notified 2 affected neighborhood associations regarding a proposed meeting based on the information from the Office of Neighborhood Coordination. Both of the neighborhood associations responded, indicating that no meeting was required, and that there was no opposition to the request; and that information has been provided as part of our application. Adjacent property owners were also notified of this request, which resulted in responses to your office from a few residents who indicated they are not in support of this request. So these opposition letters triggered the applicant to analyze and review the site in relation to outdoor lighting.

Juanita Garcia: The applicants did notice that building mounted light spotlight fixtures that are intended to assist with security, were actually shining brightly onto the neighboring properties.

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So the applicant has made modifications to most of most impactful light fixture that may have contributed to the letters of opposition.

Juanita Garcia: JAG also visited the site at night on several occasions, and noticed that in addition to the building mounted light fixtures, this immediate area is impacted by street lights and the number of vehicles that drive up and down Spain Road. This portion of Spain is considered a collector's street which is intended to carry substantial traffic from adjacent residential streets to arterial streets. So, Mr. Hearing Officer, I know that we submitted photos for the record. I'm hoping that you did receive them or have them?

ZHE - Robert Lucero: Are these the night pictures?

Juanita Garcia: Yes.

ZHE - Robert Lucero: Yes, we sure did.

Juanita Garcia: Okay? So I'm hoping to share those as well cause I think they will help. You see the situation in terms of lighting. So this, this is a picture that was taken of Spain. And this is looking eastbound, and we are on the north side of the street. Faith Lutheran Church is across the street. So there's a there is a street light right at this corner. And the 1st complaint that we received was from the property owner who lives at this home, and they, we believe, are here today. So there's as you could see, it's pretty bright, shines pretty brightly onto the neighboring properties.

Juanita Garcia: So let me show the other, please. So this light or picture here shows this. This is Spain. Now we're looking westbound here again. Pretty bright street light shining onto neighboring properties. In particular, the house right next to it. Our sign is directly across the street. Unfortunately, we did not include a picture of the sign in this image here, but I do have that. So let me stop sharing here again. So this photo here. Okay, so this and sorry. Let me share before I start speaking. So I'm hoping you could see it.

ZHE - Robert Lucero: Yes.

Juanita Garcia: Okay, so this, this is a picture of the sign that's taken from the corner right next to the street light. So you could see the existing sign. I also want to point out that right next to this sign is this detention pond that's required to deal with the grading and drainage of the site. Just want to show you that because we want to mention that a little later. Okay, and then I have one more actually, 2 more pictures. And I one was not included. But I'm hoping that you'll allow us to show it real quick.

ZHE - Robert Lucero: Yeah, sure.

Juanita Garcia: Okay, so this, this is a picture of the road from a couple of houses down. So I believe I have the addresses. 5305, and I believe it's Lucille northeast. So as you could see, the residential area is still pretty dark. I can't even really I can't even see the sign that reads the stop

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sign. I can't read that. It's pretty dark still. And then one more. One more picture, please. So this, okay, so this is a picture of our existing sign. And this is looking eastbound. Okay, this is from the side of the of the of the sign, which is obviously going to receive the most illumination from the sign. Because, you know, fortunate for us, we're not facing the street. You know, perpendicular to the street we are. We're not facing the street, so most of the illumination is happening on the sides of the sign as opposed to directly toward Spain. So. And as you can see, there's still some areas that are dark along Spain Road. From this sign. So most of the illumination that's happening along the residential side across the street is really coming from the street light there.

ZHE - Robert Lucero: Okay.

Juanita Garcia: Okay? So, just to kind of give you, you know, a snapshot of what it's looking like in that area at night. And so we just really wanted to demonstrate that. But I also want to, you know, alert you to the regulations that are found in the IDO and Mr. Lucero, we did include, of course, a section of the zoning code that that is pertinent to this request. And you should have that in your application as well, and I just kind of want to alert you to that particular page. So that would be page 2 of the of the application.

ZHE - Robert Lucero: Okay.

Juanita Garcia: And so this is this is the page. And so, of course, this is the this is a section of the ordinance that applies to our particular request, indicating that any mixed use or non-residential zone districts, if you're going to have, you know, signs that change, illumination, brightness, or images, that the sign is not within 200 feet in any direction of any residential district. So that's you know we do, of course, intend on changing images, and so, since we're going to be 200 feet, we are going. This is why we need the variance. But I also want to identify that the section up above really does apply to residential zone districts.

Juanita Garcia: And in any property within 50 feet in any direction of in a residential zone district, and if you excluded the right of way we would be within that measurement. So, in here it states that that no more than one sign per premises, with multifamily mixed use, shall be illuminated apart from the general illumination of the premises between 11 PM and sunrise, unless subsection 14-16-5-12(H)(4) applies a more restrictive standard. So we, you know, looked at that particular section to see if there was something that would be more restrictive. And so what we found was that the zoning code does have, and let me have you let me have you see, look at that screen, or are you looking at it now? Is there a table.

ZHE - Robert Lucero: (H)(4)(A) and (B)?.

Juanita Garcia: (H)(4)(A) and (B), yes. Okay, good. I thought I had to get out and go back in. I just had to click on it. Okay, so this is this is the section 5-12(H)(4). And so, it's got to comply with these requirements in addition to any more restrictive requirements here, it's stating that electronic sign shall not exceed an illumination level of 0.3 foot candles above ambient light as measured from distance specified in this table below. So our proposed sign will be 20.66 square

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feet so as measured from our sign, it could not 45 feet from our sign, it could not exceed 0.3 foot candles above ambient light. So remember, ambient light is the lighting that exists without the sign in this asks us to ensure that we cannot, that we will not be a 0.3 foot panels above what's already there, and we will definitely comply with that as well. And there'll be some discussion regarding that as well.

Juanita Garcia: So because we have demonstrated that there are some lighting issues in the area. We believe that the variance does not cause significant material adverse impacts on surrounding properties or infrastructure improvements in the vicinity. because the replacement of a sign will be on an existing sign that has been on the site for many years. The proposed sign will not be placed in the direction of the adjacent residential zone, but at a 90-degree angle, thereby reducing the amount of illumination that will be directed toward the residential area. The site currently consists of the 2 signs and the proposed variance is to allow the replacement of a reader board that is currently located on the westerly freestanding sign, and the existing signs will not impact the surrounding properties, since the sign already exists. So with that, I do want to turn it over to our project manager, Hal Lewin, to discuss what he's done to contribute to this application.

haldonlewin: Thank you. Yes, I am the project manager for the installation of the digital sign there at Faith. The history of the project is approximately at the beginning of the year, Pastor Jerry Watts, approached us to form a facility task committee to address structural issues with the church along with outreach program for the church. And one of the things that came up among several was the digital sign. And the fact that this particular sign is a quite getting aged, and it's difficult to read, and deterioration. And I probably would challenge you one of those pictures that Miss Garcia showed is that if you could have possibly read what the digital the Reader board of that sign said, I know I couldn't read it in the picture, and I don't doubt if anybody else can, too. So we would like to replace that sign so we could have a better viewing to the public. That's not the most important thing, though. The most important thing, I believe, is it takes us about 2 hours to replace a message on that sign. We do this with a 10-foot pole with a little suction cup on. We attach the letters on. We put them up, we slot them in there, and that's fine. But some of the smaller letters, like eyes, and the number one, and periods and colons are too small for the suction cup, and typically require us to put out a ladder to reach up there and grab those letters and rearrange them.

haldonlewin: It's not safe in any possible climate conditions, and I think, I'm not quite sure, but I believe we've had a couple incidents where people have fallen off the ladder. So why, why, up the date the sign itself? Well, it's part of our outreach to a community one. It will be used to grow our church now we we're more than just church services. We do a lot of nonprofit contributions throughout the community, homeless, food for children and, etc. Also a target people seeking a church driving down Spain. And it will enhance and beautify our building and grounds of the property.

haldonlewin: Of course we wanted to be good neighbors, and we knew that we were going to be requiring a variance. So I personally went around to each of the neighbors north of Spain and passed out a diagram that Miss Garcia showed of the sign, and would talk about what we were planning on doing. Nearly all of the neighbors were indifferent, and said that they appreciate me

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coming around and talking to him about it, and many of them expressed that they thought would be a good idea.

haldonlewin: Now, 5300 Lucille drive, I talked to the lady of the house there, and she said that she was very familiar with variances, and she was at my point was indifferent. 5305, another person who voiced a complaint wasn't really interested in listening to me, and in his defense, he kind of had an excited dog at his door, and he was trying to handle the dog, and he probably thought I was trying to sell him solar panels, or be a politician or something. Anyway, he was not interested. The individual at 5308 did not answer the door. They probably were not home at that time.

haldonlewin: Alright, so we also knew that we would be, we need to have some information. So like Ms. Garcia did. We made several trips, both daytime and nighttime, to the neighborhood, particularly Lucille Drive, because that was the street that we thought would be most have most difficulty with the sign. We measured the distances from 5300, and from the sign we came up with 177 feet to their home. On 5308, it was 248 feet. On 5305, we came up with a reading of 201 feet. So we knew that we were probably in violation of that restriction on the 1st house. Went ahead and purchased a photometer to take illumination readings. What was the light value out there? And it was interesting, of course, at that time we discovered that we had the Security light on Faith building that was shining down there, which we immediately built a shroud or shield to go around it to deflect the light. So it no longer, I believe, shows down Lucille Drive at all.

haldonlewin: And second, that we noticed that the street light provided a lot of illumination. We took readings of the sign itself, the current one, and really I was surprised. But we came up with 0 foot candles for all 3 properties. And that was a little surprising, because then we went up directly in front of the of the sign, the current sign, about 20 feet out, and took foot and came up with a .2 foot candles. We took a reading from the street light, and that illumination there came up right there at 5300 Lucille drive of 2.5 foot candles. So our sign was producing less light in the neighborhood than the street light was at the corner.

haldonlewin: So then discussing restrictions with Dectronics, who will design the sign for us. And they came up with, and they gave us the specification, does have it on and off controls. It does provide a dimmer setting, both manual auto and programmable. This one, sure, this alone will ensure that we stay below the .3 foot candles restriction. it does have the provisions like, I said, to turn off the screen during certain hours. If we need to. We feel like we're in compliance with section 5-12(H)(4) Illumination, brightness, and image of integrated development ordinance by the city. And particularly, we feel like we're in compliance with the .3 foot candles at the distance of 45 feet, like Ms. Garcia calculated earlier. So, in conclusion, sir, we believe that Faith Lutheran Church is in compliance with the city ordinance. and we urge your approval for our variance to our permit. Thank you very much.

ZHE - Robert Lucero: Thank you, Mr. Lewyn. Ms. Garcia, anything further before I call for public comment?

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Juanita Garcia: Just one more. Mr. Watts, so we're hoping that he can say just a few words.

Juanita Garcia: Thank you.

ZHE - Robert Lucero: Oh, sure! Go ahead, Mr. Watts.

Jerry Watts: Thank you. Just 1st of all, thank you for this opportunity to express this opportunity that we hope to share a greater invitation to our neighborhood. Through the use of this improved sign. We were formed as a congregation here in Albuquerque in 1955, and moved just about 20 years later and had our 1st worship service there on Spain Road in 1975.

Jerry Watts: And so we've been there on Spain Road since 1975, and hope to be and continue to be good neighbors, and our hope is that this sign will not only beautify the property, but also be an opportunity to invite others from our community to know what is going on among us. As the leader of our staff, I can affirm some of the things that Mr. Hal said, and shared about the time restraints on a staff person or volunteer doing those letters, and the safety concerns are something that we've experienced, and indeed, someone has fallen off the ladder doing those signage before, but we hope that our presence in the community will be better known through a better, visible and easier to read sign. As we continue, we hope, a positive impact in our neighborhood as we have since 1975. Thank you.

ZHE - Robert Lucero: Thank you, Mister Watts. Very good. Well, let's call for a public comment. I do see that we already have one person with the hand raised. And then, at the end of the public comment, the applicant agents will have a chance to respond. So let's start with Ryan Let's see, Ratliff. Are you there?

Ryan Ratliff: Yes. Can you hear me?

ZHE - Robert Lucero: Yes, thank you. Would you please state your full name and mailing address for the record.

Ryan Ratliff: Ryan, Ratliff, 5300, Lucille Drive northeast Albuquerque, New Mexico, 87111.

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

Ryan Ratliff: I affirm it will be true.

ZHE - Robert Lucero: Thank you, sir. Go ahead.

Ryan Ratliff: Yes, sir, I live at 5300 Lucille, the aforementioned address that's been in there. The pictures taken were very cleverly taken not to show the full exposure of the light on the front of my house. I sent Miss Garcia some photographs of the interior of my house, with the curtains open, and to show the amount of light that comes inside, she didn't show those photos. I have

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them on my cell phone. I'll show you right now. This is what the sign looks like, can you see that picture?

ZHE - Robert Lucero: Let's see, I can't see anything much other than your name on the screen. I'm wondering if your video might be,

Ryan Ratliff: Oh, let's see!

ZHE - Robert Lucero: Might have to click on the little the video?

Ryan Ratliff: There we go!

ZHE - Robert Lucero: Let's see, I still see only your name.

Ryan Ratliff: Let me see if I can get that.

ZHE - Robert Lucero: There's also like a little sort of arrow pointing up. And if you go to video settings sometimes that there's things you can.

Ryan Ratliff: Oh, yeah, I've seen it. Okay, how's that?

ZHE - Robert Lucero: No, unfortunately I can't.

Ryan Ratliff: Unfortunately, anyways, I sent photos. I can send them. If you give me any email address to everyone involved, it shows the actual amount of light that comes into my house when my interior lights are turned off and my curtains are open. What we've had to do with the current sign, sir, and everybody listening, we have blackout curtains and blinds in the front windows of our house, and the only way that we can get 0 light coming through from that sign is to tape the edge of our window sill around the blackout curtains. That's the only way we get 100% no light coming in. I know they mentioned the street light. Yes, that is on the corner, but that light faces downward. It lights up the street and the sidewalk. It does not shine directly into the front of my house.

Ryan Ratliff: JAG, they reached out to me and said, Hey, we'd like to meet. We think it's the security lights on the side of the building. Then I stated in the email with photographs. No, ma'am, that is not the issue. The issue is the sign. And I sent photographs as to what it is. We've made complaints to the church over the years about the sign. Maybe they could put it on a timer, and shut it off at 10 o'clock, because it shines all night long. We have children, and the gentleman from the church said he came and spoke to the lady of the house at 5300. There is no lady of the house. He spoke to me, and I told him exactly what I thought about that sign. I did not like it. So that is untrue.

Ryan Ratliff: I know several of the neighbors I've spoke to are not happy with the light. They don't like what it is now. I'm assuming you have some letters there. I've sent a letter in, and the light now is unacceptable. I mean we live there. I get, I'm all for the church advertising, but there

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has to be a better option because I live there. We have neighbors there, you know they they're trying to sell a service. I have to live with that 24-7.

ZHE - Robert Lucero: Thank you, Mister Ratliff, and,

Ryan Ratliff: Yes, sir.

ZHE - Robert Lucero: Just so that just to confirm, we did get your email opposing the application into the record.

Ryan Ratliff: Thank you.

ZHE - Robert Lucero: Thank you, sir.

ZHE - Robert Lucero: Let's see, I see El Toro Loco with the hand raised. Are you there?

El_Toro_Loco: Yes, I'm here.

ZHE - Robert Lucero: Good. Thank you.

El_Toro_Loco: I'm not El Toro Loco, it's just that the Chinese and the Russians are taking our data. So I use an alias. My name is Marcos Ortiz, and I'm at 5308 Lucille Drive northeast.

ZHE - Robert Lucero: Oh, thank you, sir, please raise your right hand, and you affirm under penalty of perjury that your testimony today will be true?

El_Toro_Loco: Yes, sir.

ZHE - Robert Lucero: Thank you. Go ahead, sir.

El_Toro_Loco: Okay, sir. I've lived here at 5308 Lucille Drive since 1997, and I've seen the faith Lutheran church just expand exponentially. Several years ago they wanted, they put a sign up that they added a building to their structure. And it was it was a trying time, and finally they had a hearing for the for the zoning, and I had to go downtown and they wanted to, they put in you a saint. I don't know if it's a sanctuary, or it's a daycare for the kids, I don't know what it was but long story short, the Zoning Department made them move Phase 4, which was the landscaping to Phase one. The church is on the public right of way, and I have to agree with Ryan on the photos very cleverly done, I might add. Spain does not curve going west. Once you pass the sign, it goes downhill, but it does not curve. As was pointed out earlier.

El_Toro_Loco: We talk about, you know the health and public safety and moderate speed. The whole city is racing down everywhere. Spain Avenue is a collector. She's correct, but going up and down the street is very dangerous. The other thing is that, as it was stated, I've been on your Zoom Meetings all morning because I didn't know when this was gonna come up. So I had lunch. So with that, with that said, it's the health to the, not only to the residential, but to the

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aesthetics is important. I was stated earlier in your one of your one of your cases that you had, for it's, I think, right there by Ensignor Plaza. The gentleman was very adamant about variances. Why do we have those laws, if all you need is \$75, and just change the variance? I live in this neighborhood. My neighborhood is a residential neighborhood. They're selling a service like Ryan pointed out. And that's, that's okay. We live in a capitalist system. I'm all for that. But at some point that sign I could see from my house, and the gentleman that said that he went to the neighborhood and talked to the neighbors around there. He never came to my house, just like they never came to my house when it was they were doing the addition to the daycare center. I think it is.

El_Toro_Loco: The other thing is those 3 foot candles. I take greater measurements for the military. I'd like to see those radiometric measurements because to say that the sign is only parallel, the light is only shining, parallel to Spain is ludicrous. That is ludicrous. You can't say that. The photon disperses 360, all the way around. So when you look forward, your eye is catching 180 field of view. To say that it's not only on Spain is incorrect. The other thing is, they talk about being a good neighbor and beautifying the property, I see that as light pollution. I sent a real detailed letter to Ms. Hernandez, and I don't know if the Faith Lutheran got it. Do they send, do they send the letters to them, or how does that work, sir?

ZHE - Robert Lucero: Generally we share with the agent, so Miss Garcia would have obtained a copy.

El_Toro_Loco: Right? So they probably saw, oh, it's 5308, we're not gonna talk to him. Because, like, I said, we had a big issue with the new, I think it's a children's daycare? But to say that it's gonna enhance the beauty of the surrounding area, I'm not buying it. I'm all stocked up. So the safety issue, that's the same thing they brought up when they when I and the zoning back when they did that, they didn't want to put a wall up that faces the back of their church because they brought the same thing as safety. But the zoning, back then, if you look at the record, made them put that up, because in that backside of that wall there's nothing but 200 amp panels, electrical panels. So the number 2 thing that you could bring up that people will fall safety, and the kids.

El_Toro_Loco: Those are the 2 things that will pass anything but guess what I pay my taxes. Our taxes are extremely high and that's neither here or there, but I got to look at that sign, and to say that that sign does not luminate onto my house, I would invite anybody to come and stand right in front of my house, and you could see that sign. And I think that's about 3 foot candles. Is that how many Watts were still radiant? Can you please tell the gentleman to see what the whisper rating is on that.

ZHE - Robert Lucero: Yeah, we'll ask Mr. Lewin to respond to that question.

El_Toro_Loco: Okay? And then let me see. I'm going over my notes. Please forgive me for one second. Yeah, I have one final couple of notes on the on the photo, the angle that was taken. It was perpendicular. Of course you're not gonna see that it's when you go off the center line. Then there's where the light on the pixels of the camera will illuminate. Those are cleverly done. I give them that much and then and one final thing is, you know what, it says 200 feet, that's what the

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law states. When I bought my house, if I would have known that much development was going to go there, I would have never bought it here. But it just keeps growing and growing and growing. That's all I have, sir.

ZHE - Robert Lucero: Thank you, Mr. Ortiz.

haldonlewin: Yes, I can address the fact about his house. First of all, I did stop at his house. It was a Saturday afternoon. I basically remember his house because it has a kind of a patio out front. And I did ring the doorbell and knock on it, and no one came to the door, so I apologize. They didn't come back and research it more with you.

El_Toro_Loco: So if you go, if I may, for one second, you can't ring the doorbell. You know why? There's no doorbell.

haldonlewin: Whatever the-

El_Toro_Loco: No, no, no, no! Because words mean stuff. You can't be lying. You just said you affirmed to Mr. Lucero that you wouldn't lie. Doesn't your oath mean anything?

ZHE - Robert Lucero: Let him. Let's let him continue his-

Ryan Ratliff: You said you spoke to me at 5300, or the woman of the house, and there is no woman in the house. I own that house, and you spoke to me, sir. You're lying about that as well.

ZHE - Robert Lucero: If you guys keep interrupting, I'm gonna have to shut you out of the hearing, please. We're at the response period. Now let's let Mr. Lewin respond.

haldonlewin: Okay. I don't remember so displeased with it. I did go through several, and I didn't take down maybe thorough notes, but I thought a woman came, and I discussed it with her. I might have been a street off. I apologize for that. I don't remember any discussion of the dislike so much I all my thought was mostly was indifference and unfamiliar with variances, and that all I did not recall any particular distaste to it, and I'm sorry if I did. I went through several houses. Maybe I forgot that one. I'm not sure. But the house at 5308, whatever it is, whatever apparatus you have to ring the door or not, ring a doorbell or try. I couldn't get through the gate, and so I assume that I couldn't get anybody come to the door, so I gave up on that one. I do apologize for that now.

haldonlewin: The device that we use I think it's made by Kindle. I'm not quite sure I ordered it the photometer to take light measurements. And I was not by myself. I have my cohort was with me, and we were taking light measurements. And that's what we got for readings off this current sign. We could not get any illumination readings to come through. And I'd be welcome to come out and sit down and go through that with you then. What we what we attempted.

ZHE - Robert Lucero: Let's see if there's any more public comment, and then we'll go back to the agent. Thank you, Mr. Lewyn. So again, for everyone who's in attendance. This is agenda item

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38. We're in the public comment period. If you've not yet spoken and would like to add your comments. So please raise your hand. Scrolling through the participants. I don't see anyone else indicating that they'd like to speak. Again, please raise your hand to provide public comment on agenda Item 38. Okay. It doesn't appear that there's any further public comment. Miss Garcia, would you like to provide any last response.

Juanita Garcia: So just to indicate that I had reached out to Mr. Ratliff in regards to his email I did ask him whether or not he thought that the lighting on the buildings, the security lightings, were a major contributor to that. He did not agree, and he did send me photos and I was not able to respond to him as quickly as I would have liked. But I did respond to him last week, and asked him if we could talk about this a little bit more, and I received no response from him. So I did not include his photos that were provided to us. He was within his rights to include them himself. And you know, the photographs that we took are, of course, photographs that were taken of the area to demonstrate what it looks like in the area at night for your benefit, Mr. Lucero, because you, you know, are hearing all of us testify in regards to what the situation is like. And so it's best to have the photos demonstrate what the situation is like. And so that's why we provided the photos. I mean, we took them from the areas that we thought would be most crucial to our argument to show that there are other lights in the area that do contribute to the lighting in this area. And yes, we do have illuminated signs on the property, but, as mentioned, we were not, did not, find our signs to exceed the allowance that's currently in place, and we are assuring today that we will continue on that path, and will not have this sign, this proposed sign, if you do approve, it will be below the luminance that's allowed for signs, and we do guarantee that. As Mr. Lewin mentioned, there are ways to control the sign, and we will make every effort to ensure that those elements are used to control the luminance that's coming from the sign. In regards to the curvature of the road. There isn't an extreme curve on the road, as you could see from the Zone Atlas Page. There is a little bit of a curve that does contribute to low visibilities from different portions of Spain Road. And so we continue to make that argument, and the same goes with the grade of Spain Road.

Juanita Garcia: In regards to contacting Mr. Ortiz. Initially, I did believe that he was outside of the 100 foot boundary that's showing on the buffer map of those properties that are most that would be impacted most from this request. But it turns out Mr. Ortiz actually owns 2 properties along that street. But I'm not sure if talking to him would have resolved this matter. I think that he seems to be opposed to this request, opposed to any electronic sign in general throughout the City of Albuquerque. So, but you know we'd be willing to still talk to him. Not sure if there's any benefit to that now. But we thought that he was outside of the 100 foot boundary, which is why we did not directly reach out to him.

ZHE - Robert Lucero: Say, Miss Garcia, would the applicant consider sort of night hours, you know, not having the sign on during the late night hours, things of that nature that might mitigate any potential negative impact?

Juanita Garcia: Mr. Lucero. So we have talked about that we would prefer that we have the lights on, but we would also be amenable to any restrictions you may have as conditions of approval in keeping with the spirit of the neighborhood.

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ZHE - Robert Lucero: Okay. thank you. Well, I see that opponents have the hand raised. But I given the interest of time that we still have a number of cases to get to, I'm going to go ahead and close this matter. I appreciate your feedback, Mr. Ratliff, with Mr. Ortiz. Appreciate all of the submittals. We did receive those letters into the record, as well as another letter of opposition. So I have a lot to consider. I'm going to do my best to apply the facts in the record to the IDO, and I will issue a written decision in 15 days.

Ryan Ratliff: Mr. Lucero, I'd love to invite you into my home to look at what the light does. I would invite you into my home to see what that light does inside my house.

ZHE - Robert Lucero: Thank you, sir. Unfortunately, I can only go on what's in the record. I can't make any site visits, but I appreciate the offer.

Ryan Ratliff: You bet! And to Mr. Watts the Bible says, Love thy neighbor, do a better job.

ZHE - Robert Lucero: That concludes agenda Item 38. Thank you. Everyone.

Juanita Garcia: Thank you.

(End at 06:31:28)

**CITY OF ALBUQUERQUE
PLANNING DEPARTMENT**

URBAN DESIGN & DEVELOPMENT DIVISION
600 2nd Street NW – 3rd Floor
Albuquerque, NM 87102



NOTICE OF APPEAL

November 22, 2024

TO WHOM IT MAY CONCERN:

The Planning Department received an appeal on November 14, 2024. 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 Nichole Maher, Planning Sr. Administrative Assistant, (505) 924-3845 or nmaher@cabq.gov.

Please refer to the enclosed excerpt from the Land Use Hearing Officer Rules of Procedure and Qualifications for any questions you may have about this 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 Michelle Montoya, Clerk to the City Council, (505) 768-3100 or mmmontoya@cabq.gov.

CITY COUNCIL APPEAL NUMBER: AC-24-29
PLANNING DEPARTMENT CASE FILE NUMBER:
PR-2024-010860, VA-2024-00262 (Zoning Variance), VA-2024-00317 (Appeal)

APPLICANT: Faith Lutheran Church
10000 Spain Rd NE
Albuquerque, NM 87111

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Albuquerque, NM 87194

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ZHE File