



Environmental Planning Commission

Agenda Number: 8
Project #: PR-2024-009946
Case #: RZ-2024-00014
Hearing Date: March 21, 2024

Staff Report

Agent	Consensus Planning
Applicant	ACG Engineering and Construction Management, LLC
Request	Zoning Map Amendment
Legal Description	Lots 23,24, Block 2, University Heights Addition
Location	201 and 203 Harvard Dr. SE, between Silver St. SE and Lead Ave. SE
Size	Approximately 0.34 acre
Existing Zoning	R-ML
Proposed Zoning	MX-L

Staff Recommendation

APPROVAL of PR-2024-009946 RZ-2024-00014, based on the Findings beginning on Page 20.

Staff Planner
Robert Messenger, Senior Planner

Summary of Analysis

The request is for a zoning map amendment for an approximately 0.34-acre site located at 201 and 203 Harvard Dr. SE. The applicant requests a zone change from R-ML to MX-L to facilitate redevelopment. The subject site is in an Area of Consistency and not within a Corridor or Center.

The applicant has adequately justified the request pursuant to the IDO zone change criteria in 14-16-6-7(G)(3). The proposed zoning would be more advantageous to the community overall because it furthers a preponderance of Comprehensive Plan Goals and policies.

The affected neighborhood organizations are University Heights and District 6 Coalition of Neighborhood Associations, which were notified as required. A pre-submittal meeting was held on January 23, 2024. Property owners within 100 feet of the subject site were notified as required. As of this writing, Staff is unaware of any opposition.

Staff recommends approval.

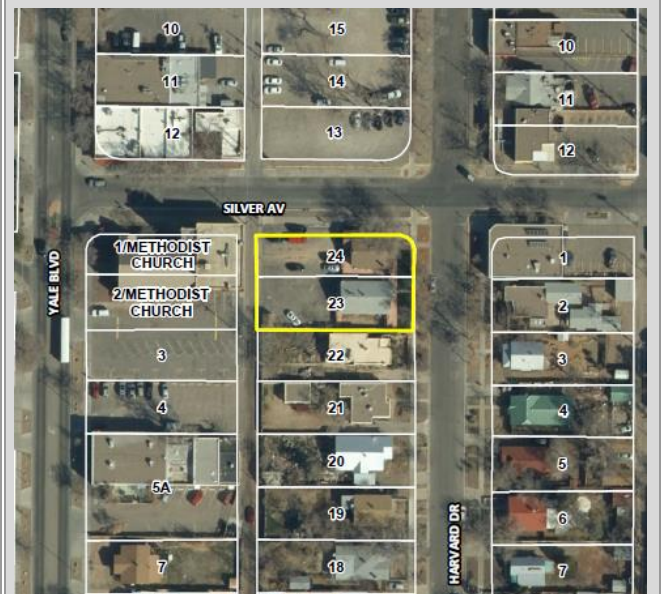


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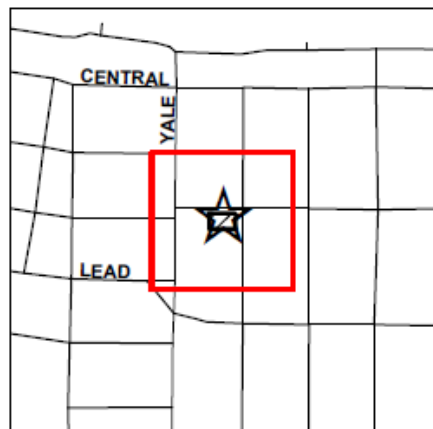
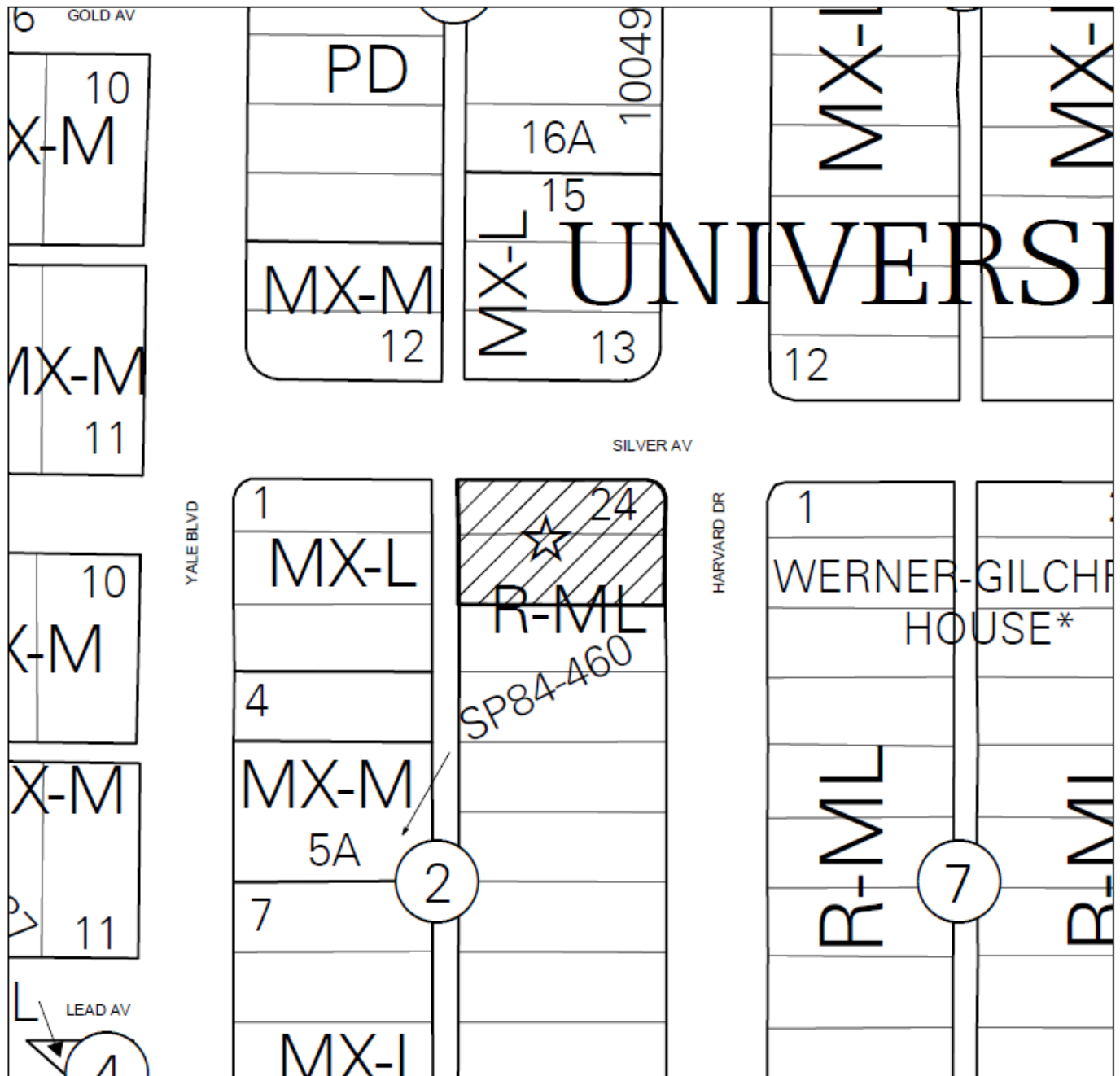
7-Staff Information P. 107

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IDO ZONING MAP

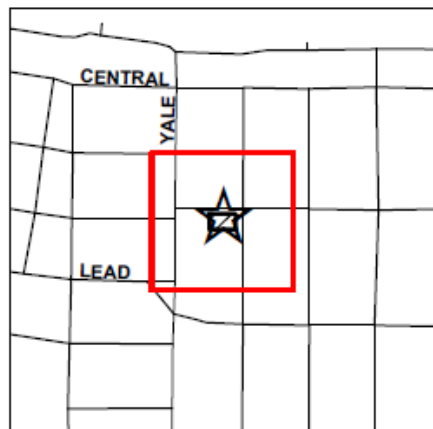
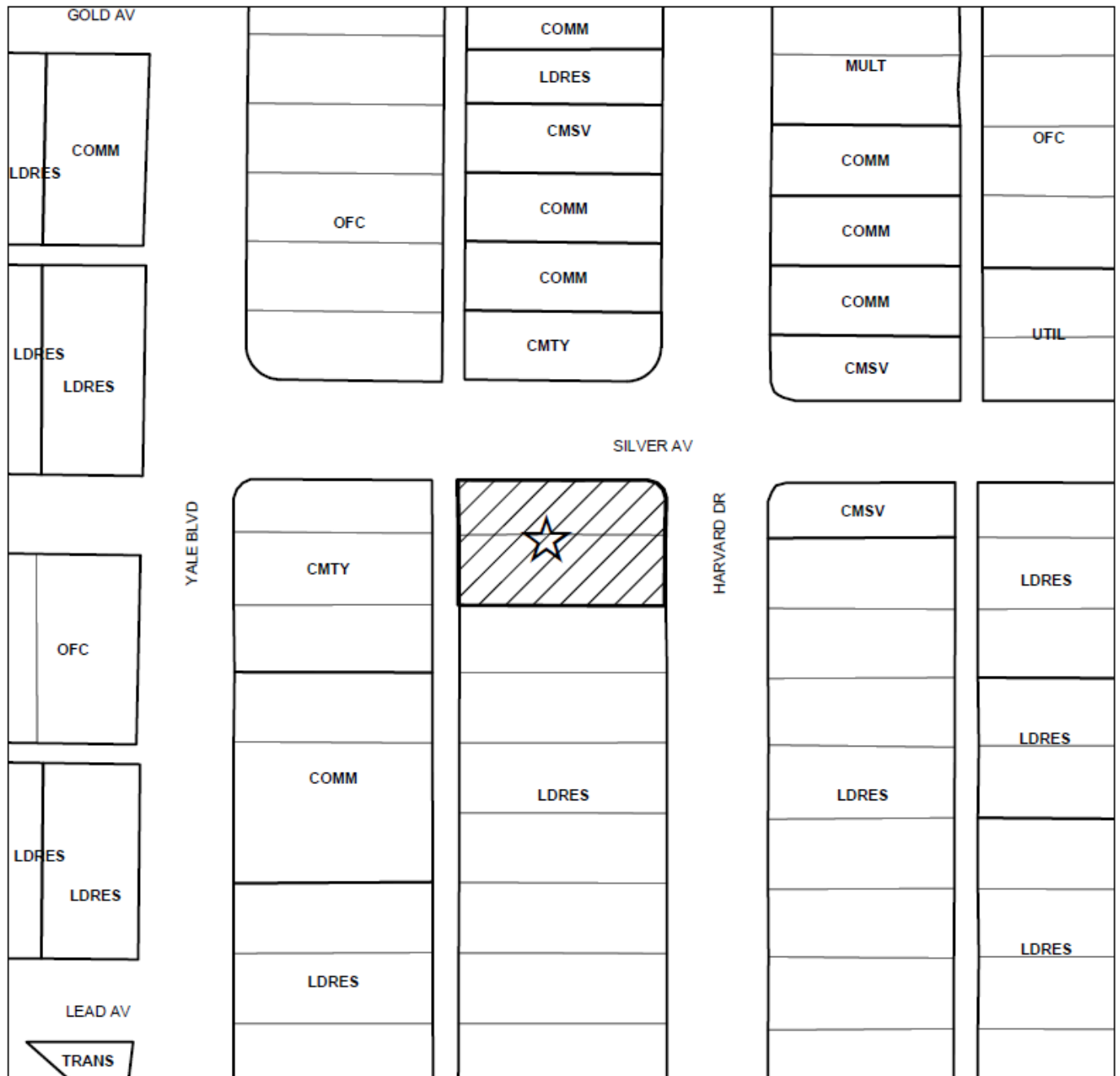
Note: Gray shading indicates County.



1 inch = 100 feet

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LAND USE MAP

Note: Gray shading indicates County.

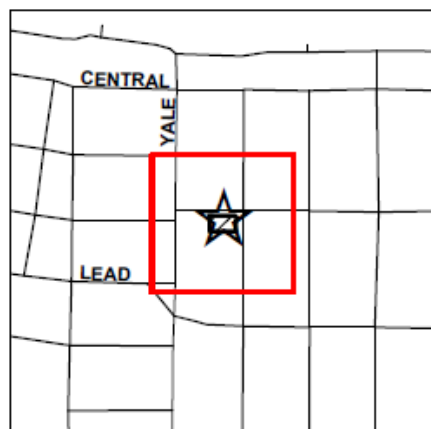
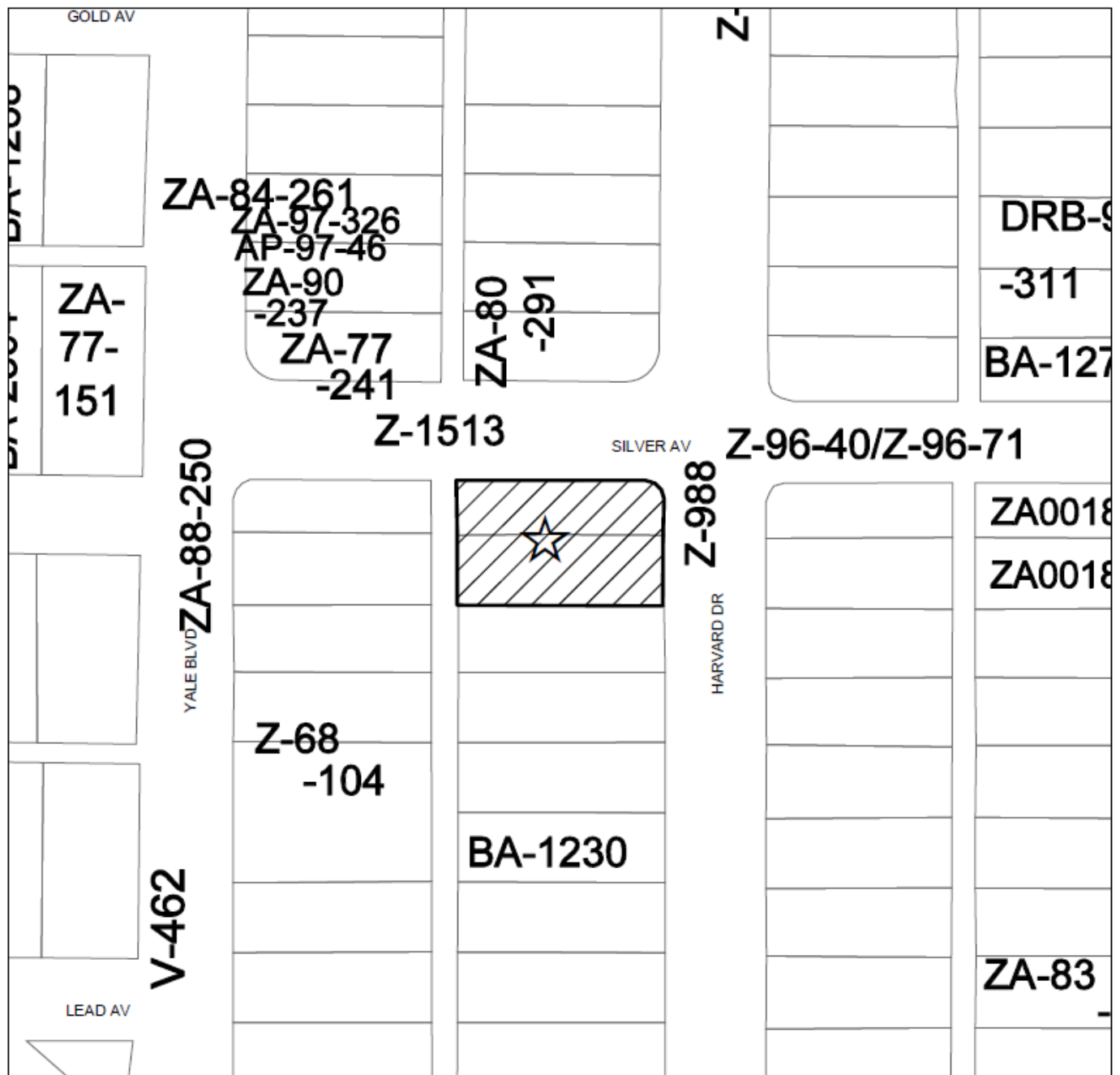
- | | |
|--------------------------------------|--------------------------------|
| Key to Land Use Abbreviations | APRT Airport |
| LDRES Low-density Residential | TRANS Transportation |
| MULT Multi-family | AGRI Agriculture |
| COMM Commercial Retail | PARK Parks and Open Space |
| CMSV Commercial Services | DRNG Drainage |
| OFC Office | VAC Vacant |
| IND Industrial | UTIL Utilities |
| INSMED Institutional / Medical | CMTY Community |
| ED Educational | KAFB Kirtland Air Force Base |



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HISTORY MAP

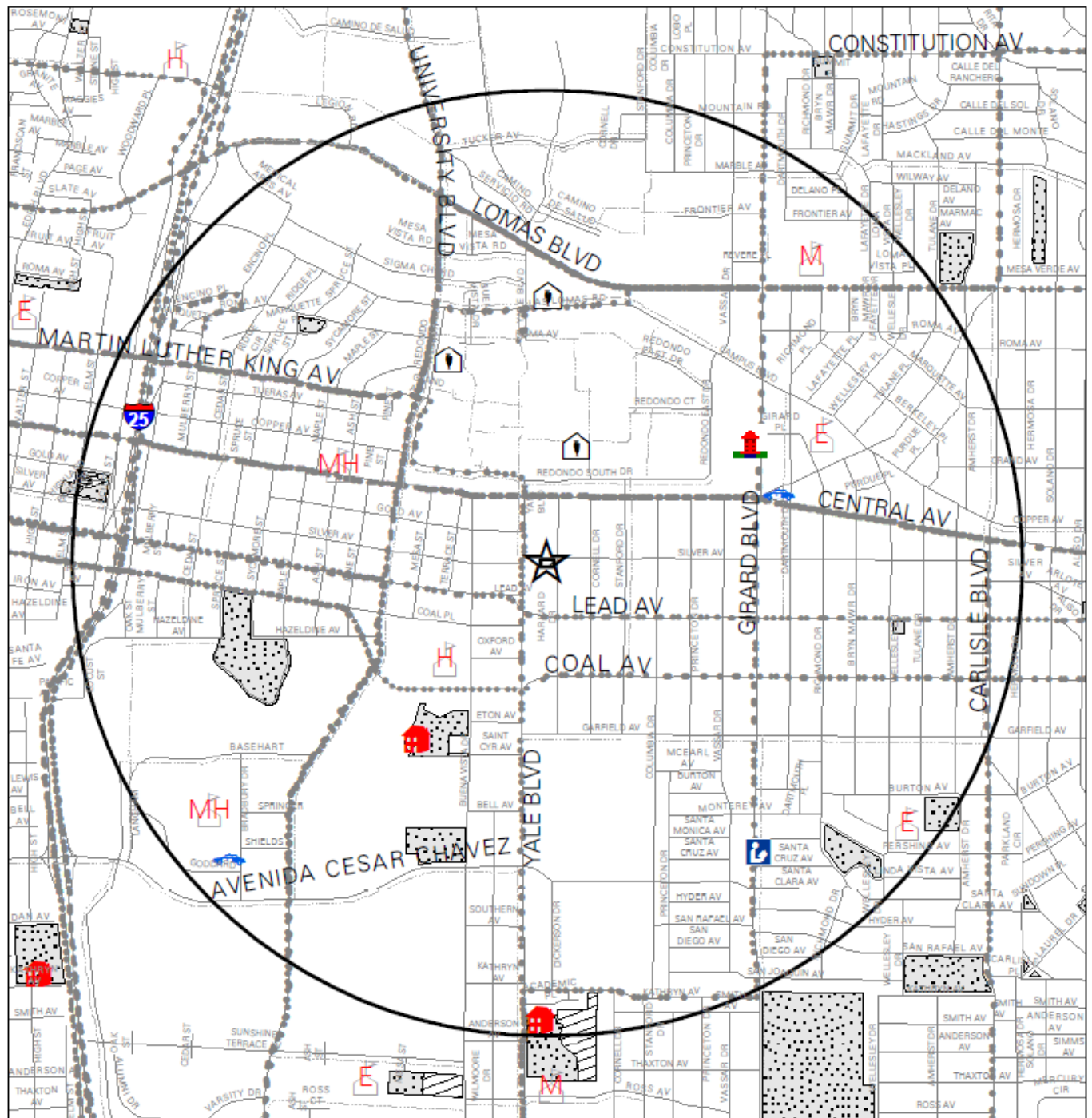
Note: Gray shading indicates County.



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Public Facilities Map with One-Mile Buffer

- | | | | |
|----------------------|-------------|--------------------------|-----------------------------|
| Community Center | Fire | Public School | Landfill designated by EHD |
| Multi-Service Center | Police | Proposed Bike Facilities | Landfill Buffer (1000-feet) |
| Senior Center | Sheriff | ABQ Ride Route | Developed City Park |
| Library | Solid Waste | Albuquerque City Limits | Undeveloped City Park |
| Museum | | | Developed County Park |
| | | | Undeveloped County Park |



I. INTRODUCTION

Surrounding zoning, plan designations, and land uses:

	<i>Zoning</i>	<i>Comprehensive Plan Area</i>	<i>Land Use</i>
<i>Site</i>	R-ML	Area of Consistency	Single-family residential
<i>North</i>	MX-L	Area of Change	Paid parking lot
<i>South</i>	R-ML	Area of Consistency	Single-family residential
<i>East</i>	R-ML	Area of Consistency	Non-profit organization
<i>West</i>	MX-L	Area of Consistency	Religious institution

Request

The request is for a zoning map amendment (zone change) for an approximately 0.34-acre site legally described as Lots 23 and 24, Block 2, University Heights Addition, located at 201 and 203 Harvard Dr. SE, between Silver St. SE and Lead Ave. SE (the “subject site”). The subject site is currently developed with single-family residential uses and a paid parking lot.

The applicant is requesting a zone change from R-ML (Multi-family Low Density) to MX-L (Mixed-Use Low Intensity) to facilitate redevelopment of the subject site for a potential future coffee shop and community gathering space. There is not a site plan associated with this request and staff is analyzing the zone change request for all uses that would become permissive.

EPC Role

The EPC is hearing this case because the EPC is required to hear all zone change cases, regardless of site size, in the city. The EPC is the final decision-making body unless the EPC decision is appealed. If so, the Land Use Hearing Officer (LUHO) would hear the appeal and make a recommendation to the City Council. The City Council would then make the final decision. The request is a quasi-judicial matter.

Context

The subject site is bounded by Silver St. SE on the north, Harvard Dr. SE on the east, Yale Blvd. SE on the west, and Lead Ave. SE on the south. Land uses surrounding the site include a paid commercial parking lot to the north, a non-profit agency to the east, church property to the west, and single-family residential to the south.

Near the site on Harvard Ave. SE are various restaurants, retail shops, and apartments – many of which are in the “Brick Light District” immediately north of the subject site. This area and surrounding commercial uses on Central Ave. SE serve the needs of UNM students, faculty, and staff as well as everyday needs of neighborhood residents.

A church that is being used for non-profit activities is west of the site, and south of that is the Outpost Performance Space on Yale, a nonprofit musical entertainment venue. The Outpost website notes that this location offers an “intimate, informally-respectful, alcohol and smoke free” home for a variety of musical performances as well as youth and adult music classes.

History

City Ordinance 208 on June 19, 1925 annexed properties east of what is now I-25, south of Mountain, north of Gibson, and west of San Pedro into the City Limits of Albuquerque. This eastward expansion furthered the development of the University of New Mexico main campus and commercial areas and subdivisions such as Nob Hill, featuring iconic neon signs along Central Ave. “Route 66”.

This area was originally designated as “The Coming Aristocratic Residence Section of Albuquerque” and then changed rapidly with the expansion of the City and UNM in the 1960s and 1970s (page 8, University Neighborhoods Sector Development Plan). Parking issues, traffic congestion, crime, and increased multi-family apartment development were cited as concerns that led to initiatives such as the University Neighborhoods Sector Development and subsequent Metropolitan Redevelopment Area plans.

The subject site was within the “University Neighborhoods Sector Development Plan” adopted in 1986 and repealed in 2017 by the Integrated Development Ordinance (IDO). The property was originally zoned “DR” for Diverse Residential. Upon the adoption of the 1986 University Neighborhoods SDP, the property was zoned “SU-2/DR”.

In 2007, EPC Case # 1006652 was a variance request for several items that were mostly related to parking spaces and design. It was denied, appealed, and the appeal was also denied in November 27, 2007.

The current owners purchased the property in 2008. The property included parking lots to the rear of both 201 and 203 Harvard Dr. SE, which were used for the Methodist Church parking needs. The owner requested a zone map amendment (ZMA) in 2010 as EPC Case # 1008365. The ZMA was approved and it changed the rear parking lots from SU-2 to “P” for Parking and Transportation. It became R-ML upon the adoption of the IDO in 2017.

Transportation System

The Long-Range Roadway System (LRRS) map, produced by the Mid-Region Metropolitan Region Planning Organization (MRMPO), identifies the functional classifications of roadways. Harvard Dr. SE and Silver Ave. SE are classified as local streets, Yale Blvd. SE as a Minor Arterial, and Lead Ave. SE as a Principal Arterial.

Comprehensive Plan Designations

The subject site is in an Area of Consistency as designated by the Comprehensive Plan. It is adjacent to but not within any Comp Plan-designated Center or Corridor, or Metropolitan Redevelopment Area (MRA). The subject site is within the Near Heights Community Planning

Area (CPA), which completed its Community Planning Area Assessment and was accepted by City Council in 2023.

This area is characterized by large institutional developments such as the University of New Mexico and Central New Mexico campuses, Albuquerque International Sunport, and Veterans Affairs complex. Much of Route 66 (Central Avenue) runs through the area, featuring historic tourist attractions and neon signs. Public transit, a gridded street network, sidewalks and biking facilities provide multimodal access to shopping, educational, and cultural destinations. One of the most desirable characteristics is the diversity of ethnicities, races, ages, and cultural viewpoints and the sense of inclusiveness this diversity creates.

Trails/Bikeways

Silver Avenue is designated a bike boulevard, beginning at Monroe St. NE and ending at Broadway Blvd. SE. Yale Blvd. SE is designated a bike route, and proposed to have bike lanes. Redondo Drive, north of Central and within the University of New Mexico Campus, is designated a bike route. Lead Avenue has existing bike lanes and is proposed to have buffered bike lanes.

Transit

The subject site is close to three transit services along Central Ave. SE as follows:

- Albuquerque Rapid Transit (ART) Red Line (#766) runs daily with a frequency of 24 minutes. It runs between Central & Unser Transit Center to the Uptown Transit Center.
- ART Green Line (#777) runs daily with a frequency of 24 minutes between the Central & Unser Transit Center to Tramway/Central.
- Central Avenue (#66) provides local service daily with a peak frequency of 20 minutes.

In addition to these transit routes on Central:

- Zuni transit route (#97) runs south of the subject site on Lead Ave. SE Monday through Friday with a frequency of one hour; and,
- Airport / Yale / Downtown transit route (#50) runs west of the subject site on Yale Blvd. SE daily with a peak frequency of 30 minutes.

Public Facilities/Community Services

Please refer to the Public Facilities Map (see attachment), which shows public facilities and community services located within one mile of the subject site.

II. ANALYSIS of APPLICABLE ORDINANCES, PLANS, AND POLICIES

Integrated Development Ordinance (IDO)

Definitions

Multi-family Residential Development: Residential development of multi-family dwellings or uses from the Group Living category (except small community residential facilities) in zone districts as allowed per Table 4-2-1. Properties that include both multi-family dwellings and low-density residential development are considered multi-family residential development for the purposes of this IDO. Properties with other uses accessory to residential primary uses

allowed per Table 4-2-1 are still considered multi-family residential development for the purposes of this IDO. See also Other Uses Accessory to Residential Primary Uses.

Mixed-use Development: Properties with residential development and non-residential development on a single lot or premises. For the purposes of this IDO, mixed-use development can take place in the same building (i.e., vertical mixed-use) or separate buildings on the same lot or premises (i.e., horizontal mixed-use).

Zoning

The subject site is zoned R-ML (Multi-Family Low Density Zone District). The applicant wants to rezone it to MX-L (Mixed-Use Low Intensity Zone District) to facilitate future development of a coffee shop, breakfast restaurant, and community gathering space.

The purpose of the R-ML zone district is to provide for a variety of low- to medium-density housing options. The primary land uses are townhouses and small-scale multi-family development, as well as civic and institutional uses to serve the surrounding residential area. Allowable uses are shown in Table 4-2-1.

The purpose of the MX-L zone district is to provide for neighborhood-scale convenience shopping needs, primarily at intersections of collector streets. Primary land uses include non-destination retail and commercial uses, as well as townhouses, low-density multi-family, and civic and institutional uses to serve the surrounding area, with taller, multi-story buildings encouraged in Centers and Corridors. Other allowable uses are shown in Table 4-2-1.

For a discussion of specific uses that would become permissive if the request is approved, please refer to the discussion of zone change criterion 14-16-6-7(G)(3)(d) in this report.

ALBUQUERQUE / BERNALILLO COUNTY COMPREHENSIVE PLAN

The subject site is located in an area that the 2017 Albuquerque/Bernalillo County Comprehensive Plan has designated an Area of Consistency. Revitalization and development that occur in these areas should be at a scale and density (or intensity) similar to immediately surrounding development in order to reinforce the existing character of established neighborhoods. Applicable Goals and policies are listed below. Staff analysis follows in ***bold italics***.

Chapter 4: Community Identity

Goal 4.1 Character: Enhance, protect, and preserve distinct communities.

The request would enhance, protect, and preserve the distinct community of the University Heights neighborhood, south of the University of New Mexico. Distinguishing features of the area include the Bricklight District that features various neighborhood-oriented restaurants, shops, commercial services, and apartments. The rezoning request to MX-L would allow additional uses that would complement the

distinct character of the area, while ensuring that harmful uses would be reduced through Use-specific Standards. The request furthers 4.1 Character.

Chapter 5: Land Use

Goal 5.2 Complete Communities: Foster communities where residents can live, work, learn, shop, and play together.

The request would foster a community where residents can live, work, learn, shop, and play together. It would provide the opportunity for additional community-supportive uses that serve existing residents as well as UNM staff and students. Within a mile of the subject site are numerous uses such as parks and community centers, schools, and retail uses that create a complete community. The request could support a complete community with potential future development made possible through this request, and therefore furthers Goal 5.2 Complete Communities.

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

The request would help create a healthy, sustainable, and distinct community with a mix of uses that are conveniently accessible from surrounding neighborhoods. The area is well-served by five transit routes, the Silver Avenue Bicycle Boulevard, and a gridded development pattern that support transit, biking, and walking, respectively. The request would allow additional uses for area residents to utilize in a healthy and sustainable manner because it would be accessible by multi-modal transportation. The request generally furthers Policy 5.2.1 Land Uses.

Sub-Policy 5.2.1(a): Encourage development and redevelopment that brings goods, services, and amenities within walking and biking distance of neighborhoods and promotes good access for all residents.

Goal 5.3 Efficient Development Patterns: Promote development patterns that maximize the utility of existing infrastructure and public facilities and the efficient use of land to support the public good.

The request would promote development patterns that maximize the utility of existing infrastructure and public facilities and the efficient use of land to support the public good because future development would utilize existing infrastructure and public facilities on site, rather than having to develop infrastructure and facilities where they do not exist. The request furthers Goal 5.3 Efficient Development Patterns.

Goal 5.6 City Development Areas: Encourage and direct growth to Areas of Change where it is expected and desired and ensure that development in and near Areas of Consistency reinforces the character and intensity of the surrounding area.

The request to MX-L Zoning would reinforce the character of the surrounding area of Consistency that is mostly low-density multi-family, non-profit agencies, and low-intensity commercial uses because the MX-L zone district includes permissive uses that are consistent with the surrounding area. The request furthers Goal 5.6 City Development Areas.

Policy 5.6.3 Areas of Consistency: Protect and enhance the character of existing single-family neighborhoods, areas outside of Centers and Corridors, parks, and Major Public Open Space.

The request would protect and enhance the character of existing single-family neighborhoods, areas outside of Centers and Corridors, parks, and Major Public Open Space. The subject site is not located in a Center or along a Corridor, but is within a mixed residential area of low density multi-family and single-family housing. Although the subject site is within an Area of Consistency, the University Area is distinct because it is characterized by low-intensity commercial and non-profit uses rather than a homogenous single-family only pattern of development. The request furthers Policy 5.6.3 Areas of Consistency.

Integrated Development Ordinance (IDO) 14-16-6-7(G)(3)-Review and Decision Criteria for Zone Map Amendments

Requirements

The review and decision criteria outline policies and requirements for deciding zone change applications. The applicant must provide sound justification for the proposed change and demonstrate that several tests have been met. The burden is on the applicant to show why a change should be made.

The applicant must demonstrate that the existing zoning is inappropriate because of one of three findings:

- 1) there was an error when the existing zone district was applied to the property; or
- 2) there has been a significant change in neighborhood or community conditions affecting the site; or
- 3) a different zone district is more advantageous to the community as articulated by the Comprehensive Plan or other, applicable City plans.

Justification & Analysis

The zone change justification letter analyzed here, received on February 12, 2024 is a response to Staff's request for a revised justification (see attachment). The subject site is currently zoned R-ML (Residential Multi-family low density). The requested zone change from R-ML to MX-L would allow the owners to develop the lot for a coffee shop and community gathering space.

The applicant believes that the proposed zoning map amendment (zone change) meets the zone change decision criteria in IDO §14-16-6-7(G)(3) as elaborated in the justification letter. The citation is from the IDO. The applicant's arguments are in *italics*. Staff analysis follows in plain text.

- A. A proposed zone change must be found to be consistent with the health, safety, and general welfare of the City as shown by furthering (and not being in conflict with) a preponderance of applicable Goals and Policies in the ABC Comp Plan, as amended, and other applicable plans adopted by the City.

Applicant: The subject property is completely located in an Area of Consistency. The proposed zone change is consistent with the health, safety, and general welfare of the City and would clearly reinforce and strengthen the established character of the surrounding Area of Consistency as shown by furthering and not being in conflict with the City's goals and policies as listed below.

Staff: Consistency with the City's health, safety, morals and general welfare is shown by demonstrating that a request furthers applicable Comprehensive Plan Goals and policies (and other plans if applicable) and does not significantly conflict with them.

Applicable citations: Goal 4.1 Character; Goal 5.2 Complete Communities; Policy 5.2.1 Land Uses; Goal 5.3 Efficient Development Patterns; Goal 5.6 City Development Areas; and Policy 5.6.3 Areas of Consistency.

Non-applicable citations: Goal 8.1 Placemaking; Policy 8.1.1 Diverse Places; Goal 8.2 Entrepreneurship; and Policy 8.2.1 Local Business.

The applicant's policy-based response adequately demonstrates that the request furthers a preponderance of applicable Goals and Policies in the ABC Comp Plan regarding Complete Communities, Efficient Development Patterns, and City Development Areas, and does not present any significant conflicts with the Comprehensive Plan. Therefore, the request is consistent with the City's health, safety, morals and general welfare. The response to Criterion A is sufficient.

- B. If the subject property is located partially or completely in an Area of Consistency (as shown in the ABC Comp Plan, as amended), the applicant has demonstrated that the new zone would clearly reinforce or strengthen the established character of the surrounding Area of Consistency and would not permit development that is significantly different from that character. The applicant must also demonstrate that the existing zoning is inappropriate because it meets any of the following criteria:
1. There was typographical or clerical error when the existing zone district was applied to the property.
 2. There has been a significant change in neighborhood or community conditions affecting the site.

3. A different zone district is more advantageous to the community as articulated by the ABC Comp Plan, as amended (including implementation of patterns of land use, development density and intensity, and connectivity), and other applicable adopted City plan(s).

Applicant: While the subject site is located entirely in an Area of Consistency, the zone change will reinforce and strengthen the established character of the area and will not permit development that is significantly different from the character of the University Heights area. The existing zoning is inappropriate because it meets both criteria 2 and 3. There have been significant changes in the neighborhood with the Bricklight district, the Reimagine Harvard Drive project, the University Area MRA, and the recent mixed-use developments in the surrounding areas seeking to encourage development, employment, and a variety of housing options in the University Heights and surrounding neighborhoods. The MX-L zone will be more advantageous to the community as this will expand the permissive uses to encourage development while remaining consistent with the patterns of land use, development density and intensity, and connectivity as articulated by the Comprehensive Plan and the character of the University Heights area.

Staff: The subject site is located wholly in an Area of Consistency and the applicant has demonstrated that the new zone would clearly reinforce the character of the surrounding Area of Consistency and would not permit development that is significantly different from that character.

- C. If the proposed amendment is located wholly in an Area of Change (as shown in the ABC Comp Plan, as amended) and the applicant has demonstrated that the existing zoning is inappropriate because it meets at least one of the following criteria:
 1. There was typographical or clerical error when the existing zone district was applied to the property.
 2. There has been a significant change in neighborhood or community conditions affecting the site that justifies this request.
 3. A different zone district is more advantageous to the community as articulated by the ABC Comp Plan, as amended (including implementation of patterns of land use, development density and intensity, and connectivity), and other applicable adopted City plan(s).

Applicant: The subject site is located entirely in an Area of Consistency.

Staff: The subject site is located wholly in an Area of Consistency, so this criterion does not apply. The response to Criterion C is sufficient.

- D. The zone change does not include permissive uses that would be harmful to adjacent property, the neighborhood, or the community, unless the Use-specific Standards in Section 16-16-4-3 associated with that use will adequately mitigate those harmful impacts.

Applicant: The requested MX-L zoning does include permissive uses that would be potentially harmful to adjacent properties, neighborhoods, or communities. However, any potential impact MX-L uses may have will be subject to Use-Specific standards (including those related to the adjacent religious institution) that will adequately mitigate those harmful impacts.

TABLE 2: Permissive Use Comparison: R-ML vs. MX-L		
Use	R-ML	MX-L
Dwelling, live-work	C	P
Dormitory	-	P
Group home, small and medium	C	P
Adult or child day care facility	C	P
High School	C	P
Museum	CV	P
Vocational school	-	P
General agriculture	-	P
Veterinary hospital and other pet services	-	P
Other indoor entertainment	-	P
Health club or gym	A	P
Mobile food truck court	-	P
Restaurant	-	P
Hotel or motel	-	P
Car wash	-	P
Light vehicle repair	-	P
Paid parking lot; parking structure	A	P
Bank	-	P
Club or event facility	-	P
Commercial services	-	P
Medical or dental clinic	-	P
Office; Personal and business services, small	-	P
Research or testing facility	-	P
Bakery goods or confectionery shop	-	P
Cannabis retail	-	P
Farmer's market	T	P
General retail, small; Grocery store	-	P
Artisan manufacturing	-	P
Cannabis cultivation; Cannabis-derived products manufacturing	-	P
Wireless Telecommunications Facility: Freestanding	-	P
Recycling drop-off bin facility	-	P

Table 2 provides a comparison of the permissive uses in the R-ML and MX-L zones. The uses that would be made permissive through the zone change to MX-L that could potentially be harmful include cannabis retail, cannabis cultivation, and cannabis-derived products

manufacturing. All three uses are subject to Use Specific Standards, which require the uses to be in a fully enclosed building. Cannabis retail requires a Conditional Use Approval if located within 600 feet of any other cannabis retail establishment, cannabis cultivation and cannabis-derive products manufacturing require a Conditional Use Approval if within 300 feet of a school or child day care facility. Conditional Use approvals require a public hearing process. Hotel, motel, and car wash are clearly not feasible at this location.

The subject property is adjacent to a religious institution. Adult Entertainment or Adult Retail, Methadone Centers, and Syringe Exchange Facilities are prohibited within 500 feet, 330 feet, and 500 feet respectively in any direction of a religious institution.

Staff: The applicant noted some of the newly-permissive uses allowed in MX-L Zoning that would potentially be harmful to adjacent properties and the neighborhood. They noted that potentially harmful impacts would be reduced by use-specific standards or would be prohibited because of proximity to residential uses or religious uses.

The applicant was incorrect in noting that General Agriculture would be permissive in MX-L Zoning; this use is prohibited in MX-L Zoning. Adult Retail is prohibited in MX-L Zoning. Liquor Retail is prohibited because the subject site is not located in any of the small areas where it is allowed as an accessory use to a grocery store [IDO 4-3(D)(39(e))].

The response to Criterion D is sufficient.

- E. The City's existing infrastructure and public improvements, including but not limited to its street, trail, and sidewalk systems, meet any of the following criteria:
1. Have adequate capacity to serve the development made possible by the change of zone.
 2. Will have adequate capacity based on improvements for which the City has already approved and budgeted capital funds during the next calendar year.
 3. Will have adequate capacity when the applicant fulfills its obligations under the IDO, the DPM, and/or an Infrastructure Improvements Agreement (IIA).
 4. Will have adequate capacity when the City and the applicant have fulfilled their respective obligations under a City-approved Development Agreement between the City and the applicant.

Applicant: Given its previous residential use and existing infrastructure, this zone change request meets Criteria #1. The City's existing infrastructure and public improvements have adequate capacity to serve the proposed development that would be made possible by the zone change. Central Avenue, Yale Boulevard, and Lead Avenue have transit services, Silver Avenue and Yale Boulevard have bike facilities, and the University Heights area has excellent road network connectivity. The sidewalks on Harvard Drive are adequately buffered from the street. The subject property has access to public utilities including water, sewer, and electric services.

Staff: The subject site is an infill site that is adequately served by existing infrastructure and public improvements. The response to Criterion E is sufficient.

- F. The applicant's justification for the requested zone change is not completely based on the property's location on a major street.

Applicant: This justification is not completely based on the property's location on a major street because Silver Avenue and Harvard Drive are not major streets. Rather, the justification for the proposed zone change is based on the advantages it will bring to the community by expanding the uses permissible on those properties to accommodate the type of developments desired by residents of the community.

Staff: The subject site is located at the southwest corner of Silver St. SE and Harvard Dr. SE, both of which are designated local streets. The applicant is not completely basing their justification upon the subject site's location on a major street because the location is only along local streets. Rather, the request to rezone the property from R-ML to MX-L is to facilitate future development of the property. The response to Criterion F is sufficient.

- G. The applicant's justification is not based completely or predominantly on the cost of land or economic considerations.

Applicant: The zone change request is not based completely or predominantly on the cost of land or other economic considerations but rather on the benefit offered by mixed-use developments in an area within walking distance to a MainStreet Corridor, on a bike boulevard, in walking distance to the Popejoy ART Station, multiple services and amenities, and in close proximity to CNM and UNM.

Staff: The applicant's justification is not based completely or predominantly on the cost of land or economic considerations. Rather, the applicant has adequately demonstrated that the request furthers a preponderance of applicable Goals and Policies in the ABC Comp Plan, as amended, and other applicable plans adopted by the City. The response to Criterion G is sufficient.

- H. The zone change does not apply a zone district different from surrounding zone districts to one small area or one premises (i.e., create a "spot zone") or to a strip of land along a street (i.e., create a "strip zone") unless the change will clearly facilitate implementation of the ABC Comp Plan, as amended, and at least one of the following applies:

1. The area of the zone change is different from surrounding land because it can function as a transition between adjacent zone districts.
2. The site is not suitable for the uses allowed in any adjacent zone district due to topography, traffic, or special adverse land uses nearby.
3. The nature of structures already on the premises makes it unsuitable for the uses allowed in any adjacent zone district.

Applicant: This request for a zone change from R-ML to MX-L does not create a spot zone on the subject property because the adjacent properties to the north and west of the subject property are also zoned MX-L.

Staff: The response to Criterion H is sufficient.

III. AGENCY & NEIGHBORHOOD CONCERNS

Reviewing Agencies

City departments and other agencies reviewed this application. Few agency comments were received. None of the responding agencies had any adverse comments. See page 26 for a list of comments.

Neighborhood/Public

The affected neighborhood organizations are the University Heights Neighborhood Association (NA) and the District 6 Coalition of Neighborhood Associations, which were notified as required. Property owners within 100 feet of the subject site were also notified as required (see attachments). An offer to hold a neighborhood meeting was emailed to the impacted neighborhoods and they held it on January 23, 2024.

Concerns expressed during the facilitated pre-application neighborhood meeting included commercial development south of Silver, vehicular traffic on Silver (a bike boulevard), the scale of the new building, and impacts if ownership changes. See facilitated meeting notes attached.

Staff is aware of two letters opposed to this request at the time of this report. Concerns expressed in these letters included: intrusion of commercial uses south of Silver into an area of low-density residential, increased auto traffic on Silver, and potential increases in vehicle-pedestrian-bicyclist conflicts.

IV. CONCLUSION

The request is for a zoning map amendment (zone change) for an approximately 0.34-acre site legally described as Lots 23,24, Block 2, University Heights Addition, located at 201 and 203 Harvard Ave. SE, between Silver St. SE, and Lead Ave. SE, (the “subject site”).

The applicant is requesting a zone change to MX-L (Non-residential Commercial Zone District) to facilitate future development of the property.

The applicant has adequately justified the request based upon the proposed zoning being more advantageous to the community than the current zoning because it would clearly reinforce or strengthen the established character of the surrounding Area of Consistency and would not permit development that is significantly different from that character.

The affected neighborhood organizations are the University Heights Neighborhood Association and the District 6 Coalition of Neighborhood Associations, which were notified as required. Property owners within 100 feet of the subject site were also notified as required.

A pre-application neighborhood meeting was offered to the neighborhood associations and it was held January 23, 2024.

Staff recommends approval.

FINDINGS - RZ-2024-00014, May 18, 2023- Zoning Map Amendment (Zone Change)

1. The request is for a zoning map amendment (zone change) for an approximately 0.12-acre site legally described as Lots 23, 24, Block 2, University Heights Addition, located at 201 and 203 Harvard Ave. SE, between Silver St. SE and Lead Ave. SE, (the “subject site”).
2. The subject site is zoned R-ML (Residential- Single-family Zone District) and MX-L (Non-residential Commercial Zone District). The applicant is requesting a zone change from R-ML to MX-L to facilitate future development.
3. The subject site is in an area that the Comprehensive Plan designated an Area of Consistency and is not within a Comp Plan-designated Center or Corridor.
4. The City of Albuquerque Integrated Development Ordinance (IDO) and the Comprehensive Plan are incorporated herein by reference and made part of the record for all purposes.
5. The request furthers the following Goal in Chapter 4 Community Identity with respect to community identity.

A. Goal 4.1 Character: Enhance, protect, and preserve distinct communities.

The request would enhance, protect, and preserve the distinct community of the University Heights neighborhood. It would allow the development of low-intensity commercial (coffee shop) and civic (gathering space) uses that enhance the existing character and protect it from more intense development that would be appropriate north and west of the subject site.

6. The request furthers the following Goal, and policy in Chapter 5 Land use, with respect to complete communities.

A. Goal 5.2 Complete Communities: Foster communities where residents can live, work, learn, shop, and play together.

The request would foster a community where residents can live, work, learn, shop, and play together. Within a mile of the subject site are numerous uses such as parks and community centers, schools, and retail uses that create a complete community, as well as employment opportunities at the UNM and CNM.

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

The request for MX-L zoning would help create a healthy, sustainable, and distinct community with a mix of uses that are conveniently accessible from surrounding

neighborhoods. The proposed uses on the subject site would complement nearby uses and is easily accessible by walking, biking, transit and automobiles.

7. The request furthers the following Goal regarding efficient development patterns in Chapter 5 Land use:

Goal 5.3 Efficient Development Patterns: Promote development patterns that maximize the utility of existing infrastructure and public facilities and the efficient use of land to support the public good.

The request would promote development patterns that maximize the utility of existing infrastructure by using existing infrastructure and public facilities, rather than having to develop infrastructure and facilities where they do not exist.

8. The request furthers the following Goal and policy regarding city development areas, and areas of consistency in Chapter 5 Land use:

- A. Goal 5.6 City Development Areas: Encourage and direct growth to Areas of Change where it is expected and desired and ensure that development in and near Areas of Consistency reinforces the character and intensity of the surrounding area.

The subject site is located in an Area of Consistency, and changing it to mixed-use low density would reinforce the character of the surrounding commercial uses to the north as well as residential uses to the south and east.

- B. Policy 5.6.3 Areas of Consistency: Protect and enhance the character of existing single-family neighborhoods, areas outside of Centers and Corridors, parks, and Major Public Open Space.

The request would protect and enhance the character of existing single-family neighborhoods, areas outside of Centers and Corridors, parks, and Major Public Open Space. The subject site is not located in a Center or along a Corridor, but is near single-family neighborhoods, and parks.

10. The applicant has adequately justified the request pursuant to the Integrated Development Ordinance (IDO) Section 14-16-6-7(G)(3)-Review and Decision Criteria for Zoning Map Amendments, as follows:

- A. Criterion A: Consistency with the City's health, safety, morals and general welfare is shown by demonstrating that a request furthers applicable Comprehensive Plan Goals and policies (and other plans if applicable) and does not significantly conflict with them. The applicant's policy-based response demonstrates that the request clearly facilitates a preponderance of applicable Goals and policies regarding Complete Communities, Efficient Development Patterns, and City Development Areas. Therefore, the request is consistent with the City's health, safety, and general welfare.

- B. Criterion B: The subject site is located wholly in an Area of Consistency. The applicant's policy-based analysis (see response to Criterion A) demonstrates that the new zone would clearly reinforce or strengthen the established character of the surrounding Area of Consistency and would not permit development that is significantly different from that character. The applicant has also demonstrated that the existing zoning is inappropriate because of criteria 2 and 3: there has been a significant change in neighborhood or community conditions affecting the site, and a different zone district is more advantageous to the community as articulated by the ABC Comp Plan, respectively.
- C. Criterion C: This criterion does not apply because the subject site is not located in an Area of Change, either wholly or in part.
- D. Criterion D: The applicant compared the existing R-ML zoning and the proposed MX-L zoning and discussed each use that would become permissive. Since the surrounding land to the north and west is zoned MX-L, the commercial uses that would become permissive would generally not be considered harmful in this setting.

The IDO has Use-Specific standards to mitigate the impacts of uses that could be considered harmful. Furthermore, permissive uses such as a methadone clinic and syringe exchange facility would not be allowed because of the proximity to a religious institution and residential uses.

- E. Criterion E: The subject site is adequately served by existing infrastructure, and rezoning it to MX-L would have only negligible impacts on the existing infrastructure and public facilities.
 - F. Criterion F: The subject site's location on a local street does not factor into the policy analysis. Rather, the request to rezone the property from R-ML to MX-L is to facilitate future development.
 - G. Criterion G: The applicant's justification is not based completely or predominantly on the cost of land or economic considerations. Rather, the applicant has justified the zone change request to allow future development for a coffee shop and community space.
 - H. Criterion H: The request would not result in a spot zone because properties to the north and west of the subject site are also designated MX-L zoning.
11. The applicant's policy-based response adequately demonstrates that the request furthers a preponderance of applicable Goals and policies regarding Complete Communities, Efficient Development Patterns, and City Development Areas, and does not present any significant conflicts with the Comprehensive Plan. Therefore, the request is consistent with the City's health, safety, morals, and general welfare.

12. The affected neighborhood organizations are the University Heights and District 6 Coalition of Neighborhood Associations, which were notified as required. Property owners within 100 feet of the subject site were also notified as required.
13. A pre-application meeting was requested and it was held January 23, 2024. Concerns expressed during the facilitated pre-application neighborhood meeting included commercial development south of Silver, vehicular traffic on Silver (a bike boulevard), the scale of the new building, and impacts if ownership changes, none of which impact the zone change.
14. As of this writing, Staff has received two letters of opposition, one from a member of the University Heights NA and another by an area resident, but and is unaware of any other opposition.

RECOMMENDATION - RZ-2024-00014, March 21, 2024

APPROVAL of Project #: 2024-009946, Case#: RZ-2024-00014, a zone change from R-ML to MX-L, for Lots 23, 24, Block 2, University Heights Addition, between Silver St. SE and Lead Ave. SE, an approximately 0.34-acre site, based on the preceding Findings.

Robert Messenger
Senior Planner

Notice of Decision cc list:

ACG Engineering and Construction Management, LLC, acgengineering@gmail.com
Consensus Planning, cp@consensusplanning.com
University Heights NA, Mandy Warr, mandy@theremedyspa.com
University Heights NA, Don Hancock, sricdon@earthlink.net
District 6 Coalition of NAs, Mandy Warr, mandy@theremedyspa.com
District 6 Coalition of NAs, Patricia Willson, info@willsonstudio.com
Legal, dking@cabq.gov
EPC file

CITY OF ALBUQUERQUE AGENCY COMMENTS

PLANNING DEPARTMENT

Zoning Enforcement

Long Range Planning

CITY ENGINEER

Transportation Development

PR- 2024-009946, RZ-2024-00014 Zoning Map Amendment

- Transportation has no objection to the Zoning Map Amendment for this item.

Hydrology Development

New Mexico Department of Transportation (NMDOT)

DEPARTMENT of MUNICIPAL DEVELOPMENT

Transportation Planning

Traffic Engineering Operations (Department of Municipal Development)

Street Maintenance (Department of Municipal Development)

RECOMMENDED CONDITIONS FROM THE CITY ENGINEER:

WATER UTILITY AUTHORITY

Project # PR-2024-009946 RZ-2024-00014
Zoning Map Amendment (Zone Change)

- 1. No objections to Zoning Map Amendment.**
- 2. For informational purposes only:**
 - 2a. Please make a Request for Availability to obtain conditions for service. For reference see the following link: <https://www.abcwua.org/info-for-builders-availability-statements/>**

Utility Services

ENVIRONMENTAL HEALTH DEPARTMENT

Air Quality Division

Environmental Services Division

PARKS AND RECREATION

Planning and Design

Open Space Division

City Forester

POLICE DEPARTMENT/Planning

SOLID WASTE MANAGEMENT DEPARTMENT

Project # PR-2024-009946 RZ-2024-00014– Zoning Map Amendment (Zone Change)---

Should the Zone Map Amendment be approved, a site plan to scale will have to be approved for access by the Solid Waste Department. The site plan can be sent to hgallegos@cabq.gov for review. The City of Albuquerque minimum requirements for a trash enclosure can be found using the following link:

<https://www.cabq.gov/solidwaste/documents/enclosurespecificationswordfont14.pdf>. A sanitary drain will also be required in the trash enclosure.

FIRE DEPARTMENT/Planning

TRANSIT DEPARTMENT

COMMENTS FROM OTHER AGENCIES

BERNALILLO COUNTY

**ALBUQUERQUE METROPOLITAN ARROYO FLOOD CONTROL AUTHORITY
(AMAFCA)**

Project # PR-2024-009946

**Tract 23 & 24, University Heights
Addition, located at 201 & 203 Harvard
Drive SE, between Silver Avenue SE,
and Lead Avenue SE**

K-16

RZ-2024-00014– Zoning Map Amendment (Zone Change)

- No adverse comments to the zone map change.

ALBUQUERQUE PUBLIC SCHOOLS

MID-REGION METROPOLITAN PLANNING ORGANIZATION (MRMPO)

PR-2024-009946

MRMPO has no adverse comments

MIDDLE RIO GRANDE CONSERVANCY DISTRICT

PUBLIC SERVICE COMPANY OF NEW MEXICO

PNM Comments

PR-2024-009946

There are PNM facilities and/or easements in the alley to the west of the site and along the Silver Avenue and Harvard Drive frontages.

It is the applicant's obligation to determine if existing utility easements or rights-of-way are located on or adjacent to the property and to abide by any conditions or terms of those easements.

Any existing easements may have to be revisited and/or new easements may need to be created for any electric facilities as determined by PNM. If existing electric lines or facilities need to be moved, then that is at the applicant's expense.

Any existing and/or new PNM easements and facilities need to be reflected on a future Site Plan and any future Plat.

Structures, especially those made of metal like storage buildings and canopies should not be within or near PNM easements without close coordination with and agreement from PNM.

Perimeter and interior landscape design should abide by any easement restrictions and not impact PNM facilities. Please adhere to the landscape standards contained in IDO Section 14-16-5-6(C)(10) as applicable.

The applicant should contact PNM's New Service Delivery Department as soon as possible to coordinate electric service regarding any proposed project. Submit a service application at <https://pnmnsd.powerclerk.com/MvcAccount/Login> for PNM to review.

If existing electric lines or facilities need to be moved, then that is at the applicant's expense. Please contact PNM as soon as possible at <https://pnmnsd.powerclerk.com/MvcAccount/Login> for PNM to review.

PHOTOGRAPHS - Existing Conditions



Figure 1: Looking S at subject site, 201 & 203 Harvard Dr. SE



Figure 2: Looking SW to subject site.



Figure 3: Looking north from subject site to Bricklight District.



Figure 4: Looking east from subject site to Peace & Justice Center.



Figure 5: Looking south from subject site to single-family residential.



Figure 6: Looking west to rear parking lot of 201 & 203 Harvard Dr. SE and church on Yale SE.

ZONING

Please refer to IDO Sections 14-16-2-3() for the R- on istrict
an 14-16-2-4 for t - Zone District

HISTORY



City of Albuquerque
Planning Department
Development Review Division
P.O. Box 1293
Albuquerque, New Mexico 87103

Augustine or Susan Grace
201 & 203 Harvard SE
Albuquerque, NM 87106

Date: September 9, 2010

OFFICIAL NOTIFICATION OF DECISION

FILE: **Project # 1008365**
10EPC-40037 - AMNDT TO
SECTOR DEVELOPMENT PLAN ZONE MAP
(ZONE CHG)

LEGAL DESCRIPTION: AUGUSTINE OR SUSAN GRACE request the above action for all or a portion of lots 23 & 24, block 2, UNIVERSITY HEIGHTS zoned SU-2/SU-1 FOR CHURCH & REL FAC to P (PARKING) located on HARVARD SE BETWEEN SILVER SE AND LEAD SE containing approximately 0.2 acre. (K-16) Randall Falkner, Staff Planner

On September 9, 2010 the Environmental Planning Commission voted to **Approve** Project 1008365/10EPC-40337, an Amendment to Sector Development Plan Zone Map (Zone Change) based on the following findings:

FINDINGS:

1. This is a request for an amendment to the University Neighborhoods Sector Development Plan Zone Map from SU-2/SU-1 for Church & Related Facilities to P (Parking). The request comprises the westerly portion of Lots 23 and 24, Block 2, University Heights Addition. The site is located on Harvard Drive, between Silver Avenue and Lead Avenue.
2. The subject site was originally approved in 1966 (Z-1513) to serve as off-street parking for the University Heights United Methodist Church. The University Heights United Methodist Church has stated that it no longer owns or needs the parking spaces on the subject site and has sold the site to the applicant. The applicant intends to keep using the site as a parking lot.
3. The parking requirement for the church is 33 spaces (including the 10 percent transit reduction) and the church parking lot has 31 existing parking spaces. The applicant has an agreement with the church that they can use the parking lot for overflow parking if necessary.

4. The Albuquerque/Bernalillo County Comprehensive Plan, the University Neighborhoods Sector Development Plan, and the City of Albuquerque Zoning Code are incorporated herein by reference and made part of the record for all purposes.
5. The subject site is within the area designated Central Urban by the Comprehensive Plan. The Central Urban plan is a portion of the Established Urban Area and is also subject to those policies. The subject site is also in the University Neighborhoods Sector Development Plan.
6. The applicant provided an adequate justification for the zone change request pursuant to Resolution 270-1980:
 - a. The request is consistent with the health, safety, morals, and general welfare of the City. The request for a zone change from SU-2/SU-1 for Church & Related Facilities to P (Parking) would not change the current use of the site as a parking lot. The parking lot is properly maintained and provides a safe place for people to park and then walk to nearby destinations.
 - b. The stability of land use and zoning would be maintained with the request. The request will not change the land use, since it will still be used as a parking lot. The site has been a parking lot since 1966 when the site plan and zoning were approved. The actual use of the land (parking lot) would match the proposed zoning (P).
 - c. The request is not in significant conflict with adopted elements of the Comprehensive Plan, including the following:
 - i. Established Urban Area Policy II.B.5i – The request will complement residential areas and has been sited to minimize adverse effects of noise, lighting, pollution, and traffic. The request for a P zone complements residential areas by allowing a place to park for those going to school, restaurants, or other local establishments in the neighborhood. The parking lot provides a known location for parking and keeps cars from parking on local residential streets in an area where there is a parking deficit.
 - ii. Economic Development Goal – The request would help to achieve steady and diversified economic development balanced with other important social, cultural and environmental goals. The request continues to allow parking at an established location, which serves to support local businesses and higher education institutions.
 - iii. Economic Development Policy II.D.6b – The request provides convenient parking for local businesses, which helps to develop local businesses and could serve as a recruiting tool for outside firms. The request helps to provide parking in an area where there is a parking deficit.

CITY OF ALBUQUERQUE

Planning Department
Richard Dineen, Director
Development Review Division
600 2nd Street NW - 3rd Floor
Albuquerque, NM 87102



CITY OF ALBUQUERQUE BOARD OF APPEALS (AMENDED) NOTIFICATION OF DECISION

Chris Smith, agent for Nob Hill Neighborhood Association appeals the Zoning Hearing Examiner's approval of a special exception to Section 14.16.2.6. (B). (14): a VARIANCE of a 2.5' to the 3' wall height allowance for a proposed 5' 10" wall in the front yard setback area on all or a portion of Lot(s) 3, Block(s) 36, University Heights ADDN, zoned R-1 and located at 408 DARTMOUTH DR SE (K-16).

Appeal No:..... 07BOA-20016
Special Exception No:..... 07ZHE-00480
Project No:..... 1005509
Hearing Date:..... 11/27/07
Decision Date:..... 11/27/07

In the matter of 07BOA-20016, the Board of Appeals voted to **AFFIRM** the Appeal thereby overturning the Zoning Hearing Examiner's decision based upon the following Findings:

FINDINGS:

1. A variance is an extraordinary exception to the zoning regulations intended to prevent the regulations from operating to deprive a property owner of all beneficial use of the property and should be granted sparingly only under peculiar and exceptional circumstances.
2. It is the burden of the applicant to ensure that there is evidence in the record showing that all of the criteria for approving a variance have been met.
3. The request is for a variance of 2.5 feet to the 3-foot wall height allowance for an existing 5' 10" wall in the front setback area.
4. The first test, which must be met before the other criteria for the granting of a variance can be applied is to find the property exceptional.
5. The applicant has stated that exceptionality is based on the slope of the lot, and has testified that in contrast to all of the other properties in the neighborhood, which except for the next-door property are flat, this property slopes down about 12 inches toward the front.
6. The Zoning Hearing Examiner has stated that photos taken during a site inspection indicate that the property is fairly level.
7. The slope of the property is the only circumstance mentioned by the applicant in support of the variance.
8. Other than the applicant's testimony, the record includes no evidence that the appellant's property is sloped differently than other properties in the neighborhood.
9. The record includes no evidence that the appellant's parcel is irregular or unusually narrow or shallow in shape.
10. There is no evidence in the record to support a finding of exceptionality.
11. Before a variance can be approved, it must further be found that an unnecessary hardship is produced as a result of the exceptional aspect of the property. This hardship must result in either the creation of an exceptional, substantial, and unjustified limitation on the property owner's reasonable use of his property or deprive the owner of a reasonable return on the property under any use permitted by its existing zone.
12. The Zoning Hearing Examiner has found that as a result of the exceptional aspect of the property, the regulations produce an unnecessary hardship in that it will limit the owner's reasonable use of the property and/or deprive the owner of a reasonable return on the property. The Notification of Decision, however, includes no information on the substantial evidence in the record to support that finding.
13. The record includes no evidence or testimony that an unnecessary hardship has been produced by any exceptional characteristics of the appellant's property that creates an exceptional, substantial, and unjustified limitation of the property owner's reasonable use of the property, or deprives the owner of a reasonable return on the property under any use permitted by its existing zone.

P.O. Box 1293

Albuquerque

New Mexico 87103

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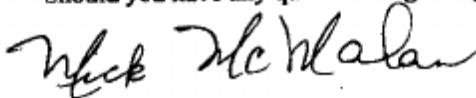
14. The decision of the Zoning Hearing Examiner is not supported by the record or by the controlling provisions of the Zoning Code.
15. The Zoning Hearing Examiner incorrectly applied City ordinances in arriving at his decision.
16. The Zoning Hearing Examiner erred in his decision by failing to explain his finding of exceptionality.
17. The Zoning Hearing Examiner erred in his decision by failing to explain his finding of unnecessary hardship.
18. Because the record includes no evidence of exceptionality or hardship, and absent such explanation in his Notification of Decision, the Board can only conclude that the Zoning Hearing Examiner acted arbitrarily in approving this application.

If you wish to appeal this decision, you must do so by **December 12, 2007**, in the manner described below. A non-refundable filing fee will be calculated at the Land Development Coordination counter and is required at the time the appeal is filed.

APPEAL TO THE CITY COUNCIL: Any person aggrieved with any determination of the Board of Appeals acting under this ordinance may file an appeal to the City Council by submitting written application on the Planning Department form to the Planning Department within 15 days of the Board of Appeals decision. The date the determination in question is issued is not included in the 15-day period for filing an appeal, and if the fifteenth day falls on Saturday, Sunday or holiday as listed in the Merit System Ordinance, the next working day is considered as the deadline for the filing of the appeal.

The City Council may decline to hear the appeal if it finds that all City plans, policies and ordinances have been properly followed. If it decides that all City plans, policies, and ordinances have not been properly followed, it shall hear the appeal. Such an appeal, if heard, shall be opened within 60 days of the expiration of the appeal period.

Should you have any questions regarding this action, please call me at 924-3860.



Mick McMahan, Chair
Board of Appeals

cc: Grover Mann, 7724 Vista Del Arroyo NE, 87109
Richard and Patricia Wilson, 505 Dartmouth DR SE, 87106
J. Stace McGee, stace@edi-arch.com
Board of Appeals Members (5)
Jon Messier, COA/Planning Department
Mark Shoensmith, COA/Legal Department
Roberto Albertorio, ZHE, Office of Administrative Hearings, 7th Floor First Plaza Galeria, Ste #735
Zoning Enforcement Division
ZHE File

CITY OF ALBUQUERQUE

Planning Department

Richard Dineen, Director

Development Review Division

600 2nd Street NW - 3rd Floor

Albuquerque, NM 87102



CITY OF ALBUQUERQUE BOARD OF APPEALS (AMENDED) NOTIFICATION OF DECISION

Chris Smith, agent for Nob Hill Neighborhood Association appeals the Zoning Hearing Examiner's approval of a special exception to Section 14.16.2.6. (B). (14): a **VARIANCE** of a 2.5' to the 3' wall height allowance for a proposed 5' 10" wall in the front yard setback area on all or a portion of Lot(s) 3, Block(s) 36, University Heights ADDN, zoned R-1 and located at 406 DARTMOUTH DR SE (K-16).

Appeal No:..... 07BOA-20016
Special Exception No:..... 07ZHE-00480
Project No:..... 1005509
Hearing Date:..... 11/27/07
Decision Date:..... 11/27/07

In the matter of 07BOA-20016, the Board of Appeals voted to **AFFIRM** the Appeal thereby overturning the Zoning Hearing Examiner's decision based upon the following Findings:

FINDINGS:

1. A variance is an extraordinary exception to the zoning regulations intended to prevent the regulations from operating to deprive a property owner of all beneficial use of the property and should be granted sparingly only under peculiar and exceptional circumstances.
2. It is the burden of the applicant to ensure that there is evidence in the record showing that all of the criteria for approving a variance have been met.
3. The request is for a variance of 2.5 feet to the 3-foot wall height allowance for an existing 5' 10" wall in the front setback area.
4. The first test, which must be met before the other criteria for the granting of a variance can be applied is to find the property exceptional.
5. The applicant has stated that exceptionality is based on the slope of the lot, and has testified that in contrast to all of the other properties in the neighborhood, which except for the next-door property are flat, this property slopes down about 12 inches toward the front.
6. The Zoning Hearing Examiner has stated that photos taken during a site inspection indicate that the property is fairly level.
7. The slope of the property is the only circumstance mentioned by the applicant in support of the variance.
8. Other than the applicant's testimony, the record includes no evidence that the appellant's property is sloped differently than other properties in the neighborhood.
9. The record includes no evidence that the appellant's parcel is irregular or unusually narrow or shallow in shape.
10. There is no evidence in the record to support a finding of exceptionality.
11. Before a variance can be approved, it must further be found that an unnecessary hardship is produced as a result of the exceptional aspect of the property. This hardship must result in either the creation of an exceptional, substantial, and unjustified limitation on the property owner's reasonable use of his property or deprive the owner of a reasonable return on the property under any use permitted by its existing zone.
12. The Zoning Hearing Examiner has found that as a result of the exceptional aspect of the property, the regulations produce an unnecessary hardship in that it will limit the owner's reasonable use of the property and/or deprive the owner of a reasonable return on the property. The Notification of Decision, however, includes no information on the substantial evidence in the record to support that finding.
13. The record includes no evidence or testimony that an unnecessary hardship has been produced by any exceptional characteristics of the appellant's property that creates an exceptional, substantial, and unjustified limitation of the property owner's reasonable use of the property, or deprives the owner of a reasonable return on the property under any use permitted by its existing zone.

P.O. Box 1293

Albuquerque

New Mexico 87103

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14. The decision of the Zoning Hearing Examiner is not supported by the record or by the controlling provisions of the Zoning Code.
15. The Zoning Hearing Examiner incorrectly applied City ordinances in arriving at his decision.
16. The Zoning Hearing Examiner erred in his decision by failing to explain his finding of exceptionality.
17. The Zoning Hearing Examiner erred in his decision by failing to explain his finding of unnecessary hardship.
18. Because the record includes no evidence of exceptionality or hardship, and absent such explanation in his Notification of Decision, the Board can only conclude that the Zoning Hearing Examiner acted arbitrarily in approving this application.

If you wish to appeal this decision, you must do so by **December 12, 2007**, in the manner described below. A non-refundable filing fee will be calculated at the Land Development Coordination counter and is required at the time the appeal is filed.

APPEAL TO THE CITY COUNCIL: Any person aggrieved with any determination of the Board of Appeals acting under this ordinance may file an appeal to the City Council by submitting written application on the Planning Department form to the Planning Department within 15 days of the Board of Appeals decision. The date the determination in question is issued is not included in the 15-day period for filing an appeal, and if the fifteenth day falls on Saturday, Sunday or holiday as listed in the Merit System Ordinance, the next working day is considered as the deadline for the filing of the appeal.

The City Council may decline to hear the appeal if it finds that all City plans, policies and ordinances have been properly followed. If it decides that all City plans, policies, and ordinances have not been properly followed, it shall hear the appeal. Such an appeal, if heard, shall be opened within 60 days of the expiration of the appeal period.

Should you have any questions regarding this action, please call me at 924-3860.



Mick McMahan, Chair
Board of Appeals

cc: Grover Mann, 7724 Vista Del Arroyo NE, 87109
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Zoning Enforcement Division
ZHE File

**CITY OF ALBUQUERQUE
BOARD OF APPEALS
(AMENDED) NOTIFICATION OF DECISION**

Chris Smith, agent for Nob Hill Neighborhood Association appeals the Zoning Hearing Examiner's approval of a special exception to Section 14.16.2.6. (B). (14): a **VARIANCE** of a 2.5' to the 3' wall height allowance for a proposed 5' 10" wall in the front yard setback area on all or a portion of Lot(s) 3, Block(s) 36, University Heights ADDN, zoned R-1 and located at 406 DARTMOUTH DR SE (K-16).

Appeal No:..... 07BOA-20016
Special Exception No:..... 07ZHE-00480
Project No:..... 1005509
Hearing Date:..... 11/27/07
Decision Date:..... 11/27/07

In the matter of 07BOA-20016, the Board of Appeals voted to **AFFIRM** the Appeal thereby overturning the Zoning Hearing Examiner's decision based upon the following Findings:

FINDINGS:

1. A variance is an extraordinary exception to the zoning regulations intended to prevent the regulations from operating to deprive a property owner of all beneficial use of the property and should be granted sparingly only under peculiar and exceptional circumstances.
2. It is the burden of the applicant to ensure that there is evidence in the record showing that all of the criteria for approving a variance have been met.
3. The request is for a variance of 2.5 feet to the 3-foot wall height allowance for an existing 5' 10" wall in the front setback area.
4. The first test, which must be met before the other criteria for the granting of a variance can be applied is to find the property exceptional.
5. The applicant has stated that exceptionality is based on the slope of the lot, and has testified that in contrast to all of the other properties in the neighborhood, which except for the next-door property are flat, this property slopes down about 12 inches toward the front.
6. The Zoning Hearing Examiner has stated that photos taken during a site inspection indicate that the property is fairly level.
7. The slope of the property is the only circumstance mentioned by the applicant in support of the variance.
8. Other than the applicant's testimony, the record includes no evidence that the appellant's property is sloped differently than other properties in the neighborhood.
9. The record includes no evidence that the appellant's parcel is irregular or unusually narrow or shallow in shape.
10. There is no evidence in the record to support a finding of exceptionality.
11. Before a variance can be approved, it must further be found that an unnecessary hardship is produced as a result of the exceptional aspect of the property. This hardship must result in either the creation of an exceptional, substantial, and unjustified limitation on the property owner's reasonable use of his property or deprive the owner of a reasonable return on the property under any use permitted by its existing zone.
12. The Zoning Hearing Examiner has found that as a result of the exceptional aspect of the property, the regulations produce an unnecessary hardship in that it will limit the owner's reasonable use of the property and/or deprive the owner of a reasonable return on the property. The Notification of Decision, however, includes no information on the substantial evidence in the record to support that finding.
13. The record includes no evidence or testimony that an unnecessary hardship has been produced by any exceptional characteristics of the appellant's property that creates an exceptional, substantial, and unjustified limitation of the property owner's reasonable use of the property, or deprives the owner of a reasonable return on the property under any use permitted by its existing zone.

14. The decision of the Zoning Hearing Examiner is not supported by the record or by the controlling provisions of the Zoning Code.
15. The Zoning Hearing Examiner incorrectly applied City ordinances in arriving at his decision.
16. The Zoning Hearing Examiner erred in his decision by failing to explain his finding of exceptionality.
17. The Zoning Hearing Examiner erred in his decision by failing to explain his finding of unnecessary hardship.
18. Because the record includes no evidence of exceptionality or hardship, and absent such explanation in his Notification of Decision, the Board can only conclude that the Zoning Hearing Examiner acted arbitrarily in approving this application.

If you wish to appeal this decision, you must do so by **December 12, 2007**, in the manner described below. A non-refundable filing fee will be calculated at the Land Development Coordination counter and is required at the time the appeal is filed.

APPEAL TO THE CITY COUNCIL: Any person aggrieved with any determination of the Board of Appeals acting under this ordinance may file an appeal to the City Council by submitting written application on the Planning Department form to the Planning Department within 15 days of the Board of Appeals decision. The date the determination in question is issued is not included in the 15-day period for filing an appeal, and if the fifteenth day falls on Saturday, Sunday or holiday as listed in the Merit System Ordinance, the next working day is considered as the deadline for the filing of the appeal.

The City Council may decline to hear the appeal if it finds that all City plans, policies and ordinances have been properly followed. If it decides that all City plans, policies, and ordinances have not been properly followed, it shall hear the appeal. Such an appeal, if heard, shall be opened within 60 days of the expiration of the appeal period.

Should you have any questions regarding this action, please call me at 924-3860.



Mick McMahan, Chair
Board of Appeals

cc: Grover Mann, 7724 Vista Del Arroyo NE, 87109
Richard and Patricia Wilson, 505 Danmouth DR SE, 87106
J. Stace McGee, stace@edi-arch.com
Board of Appeals Members (5)
Jon Messier, COA/Planning Department
Mark Shoemith, COA/Legal Department
Roberto Albertorio, ZHE, Office of Administrative Hearings, 7th Floor First Plaza Galeria, Ste #735
Zoning Enforcement Division
ZHE File



CITY OF ALBUQUERQUE BOARD OF APPEALS (AMENDED) NOTIFICATION OF DECISION

Richard Willson appeals the Zoning Hearing Examiner's approval of a special exception to Section 14.16.2.6. (B). (14).: a **VARIANCE** of a 2.5' to the 3' wall height allowance for a proposed 5' 10" wall in the front yard setback area on all or a portion of Lot(s) 3, Block(s) 36, University Heights ADDN, zoned R-1 and located at 406 DARTMOUTH DR SE (K-16).

Appeal No:..... 07BOA-20017
Special Exception No:..... 07ZHE-00480
Project No:..... 1005509
Hearing Date:..... 11/27/07
Decision Date:..... 11/27/07

In the matter of 07BOA-20017, the Board of Appeals voted to **AFFIRM** the Appeal thereby overturning the Zoning Hearing Examiner's decision based upon the following Findings:

FINDINGS:

1. A variance is an extraordinary exception to the zoning regulations intended to prevent the regulations from operating to deprive a property owner of all beneficial use of the property and should be granted sparingly only under peculiar and exceptional circumstances.
2. It is the burden of the applicant to ensure that there is evidence in the record showing that all of the criteria for approving a variance have been met.
3. The request is for a variance of 2.5 feet to the 3-foot wall height allowance for an existing 5' 10" wall in the front setback area.
4. The first test, which must be met before the other criteria for the granting of a variance can be applied is to find the property exceptional.
5. The applicant has stated that exceptionality is based on the slope of the lot, and has testified that in contrast to all of the other properties in the neighborhood, which except for the next-door property are flat, this property slopes down about 12 inches toward the front.
6. The Zoning Hearing Examiner has stated that photos taken during a site inspection indicate that the property is fairly level.
7. The slope of the property is the only circumstance mentioned by the applicant in support of the variance.
8. Other than the applicant's testimony, the record includes no evidence that the appellant's property is sloped differently than other properties in the neighborhood.
9. The record includes no evidence that the appellant's parcel is irregular or unusually narrow or shallow in shape.
10. There is no evidence in the record to support a finding of exceptionality.
11. Before a variance can be approved, it must further be found that an unnecessary hardship is produced as a result of the exceptional aspect of the property. This hardship must result in either the creation of an exceptional, substantial, and unjustified limitation on the property owner's reasonable use of his property or deprive the owner of a reasonable return on the property under any use permitted by its existing zone.
12. The Zoning Hearing Examiner has found that as a result of the exceptional aspect of the property, the regulations produce an unnecessary hardship in that it will limit the owner's reasonable use of the property and/or deprive the owner of a reasonable return on the property. The Notification of Decision, however, includes no information on the substantial evidence in the record to support that finding.
13. The record includes no evidence or testimony that an unnecessary hardship has been produced by any exceptional characteristics of the appellant's property that creates an exceptional, substantial, and unjustified limitation of the property owner's reasonable use of the property, or deprives the owner of a reasonable return on the property under any use permitted by its existing zone.

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New Mexico 87103

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14. The decision of the Zoning Hearing Examiner is not supported by the record or by the controlling provisions of the Zoning Code.
15. The Zoning Hearing Examiner incorrectly applied City ordinances in arriving at his decision.
16. The Zoning Hearing Examiner erred in his decision by failing to explain his finding of exceptionality.
17. The Zoning Hearing Examiner erred in his decision by failing to explain his finding of unnecessary hardship.
18. Because the record includes no evidence of exceptionality or hardship, and absent such explanation in his Notification of Decision, the Board can only conclude that the Zoning Hearing Examiner acted arbitrarily in approving this application.

If you wish to appeal this decision, you must do so by **December 12, 2007**, in the manner described below. A non-refundable filing fee will be calculated at the Land Development Coordination counter and is required at the time the appeal is filed.

APPEAL TO THE CITY COUNCIL: Any person aggrieved with any determination of the Board of Appeals acting under this ordinance may file an appeal to the City Council by submitting written application on the Planning Department form to the Planning Department within 15 days of the Board of Appeals decision. The date the determination in question is issued is not included in the 15-day period for filing an appeal, and if the fifteenth day falls on Saturday, Sunday or holiday as listed in the Merit System Ordinance, the next working day is considered as the deadline for the filing of the appeal.

The City Council may decline to hear the appeal if it finds that all City plans, policies and ordinances have been properly followed. If it decides that all City plans, policies, and ordinances have not been properly followed, it shall hear the appeal. Such an appeal, if heard, shall be opened within 60 days of the expiration of the appeal period.

Should you have any questions regarding this action, please call me at 924-3860.



Mick McMahan, Chair
Board of Appeals

cc: Grover Mann, 7724 Vista Del Arroyo NE, 87109
Richard and Patricia Wilson, 505 Dartmouth DR SE, 87106
J. Stace McGee, stace@odi-arch.com
Board of Appeals Members (5)
Jon Messier, COA/Planning Department
Mark Shoemith, COA/Legal Department
Roberto Albertorio, ZHE, Office of Administrative Hearings, 7th Floor First Plaza Galeria, Ste #735
Zoning Enforcement Division
ZHE File

CITY OF ALBUQUERQUE

Planning Department

Richard Dineen, Director

Development Review Division

600 2nd Street NW - 3rd Floor

Albuquerque, NM 87102



CITY OF ALBUQUERQUE BOARD OF APPEALS (AMENDED) NOTIFICATION OF DECISION

Richard Willson appeals the Zoning Hearing Examiner's approval of a special exception to Section 14.16.2.6. (B). (14): a **VARIANCE** of a 2.5' to the 3' wall height allowance for a proposed 5' 10" wall in the front yard setback area on all or a portion of Lot(s) 3, Block(s) 36, University Heights ADDN, zoned R-1 and located at 406 DARTMOUTH DR SE (K-16).

Appeal No:..... 07BOA-20017
Special Exception No:..... 07ZHE-00480
Project No:..... 1005509
Hearing Date:..... 11/27/07
Decision Date:..... 11/27/07

In the matter of 07BOA-20017, the Board of Appeals voted to **AFFIRM** the Appeal thereby overturning the Zoning Hearing Examiner's decision based upon the following Findings:

FINDINGS:

1. A variance is an extraordinary exception to the zoning regulations intended to prevent the regulations from operating to deprive a property owner of all beneficial use of the property and should be granted sparingly only under peculiar and exceptional circumstances.
2. It is the burden of the applicant to ensure that there is evidence in the record showing that all of the criteria for approving a variance have been met.
3. The request is for a variance of 2.5 feet to the 3-foot wall height allowance for an existing 5' 10" wall in the front setback area.
4. The first test, which must be met before the other criteria for the granting of a variance can be applied is to find the property exceptional.
5. The applicant has stated that exceptionality is based on the slope of the lot, and has testified that in contrast to all of the other properties in the neighborhood, which except for the next-door property are flat, this property slopes down about 12 inches toward the front.
6. The Zoning Hearing Examiner has stated that photos taken during a site inspection indicate that the property is fairly level.
7. The slope of the property is the only circumstance mentioned by the applicant in support of the variance.
8. Other than the applicant's testimony, the record includes no evidence that the appellant's property is sloped differently than other properties in the neighborhood.
9. The record includes no evidence that the appellant's parcel is irregular or unusually narrow or shallow in shape.
10. There is no evidence in the record to support a finding of exceptionality.
11. Before a variance can be approved, it must further be found that an unnecessary hardship is produced as a result of the exceptional aspect of the property. This hardship must result in either the creation of an exceptional, substantial, and unjustified limitation on the property owner's reasonable use of his property or deprive the owner of a reasonable return on the property under any use permitted by its existing zone.
12. The Zoning Hearing Examiner has found that as a result of the exceptional aspect of the property, the regulations produce an unnecessary hardship in that it will limit the owner's reasonable use of the property and/or deprive the owner of a reasonable return on the property. The Notification of Decision, however, includes no information on the substantial evidence in the record to support that finding.
13. The record includes no evidence or testimony that an unnecessary hardship has been produced by any exceptional characteristics of the appellant's property that creates an exceptional, substantial, and unjustified limitation of the property owner's reasonable use of the property, or deprives the owner of a reasonable return on the property under any use permitted by its existing zone.

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14. The decision of the Zoning Hearing Examiner is not supported by the record or by the controlling provisions of the Zoning Code.
15. The Zoning Hearing Examiner incorrectly applied City ordinances in arriving at his decision.
16. The Zoning Hearing Examiner erred in his decision by failing to explain his finding of exceptionality.
17. The Zoning Hearing Examiner erred in his decision by failing to explain his finding of unnecessary hardship.
18. Because the record includes no evidence of exceptionality or hardship, and absent such explanation in his Notification of Decision, the Board can only conclude that the Zoning Hearing Examiner acted arbitrarily in approving this application.

If you wish to appeal this decision, you must do so by **December 12, 2007**, in the manner described below. A non-refundable filing fee will be calculated at the Land Development Coordination counter and is required at the time the appeal is filed.

APPEAL TO THE CITY COUNCIL: Any person aggrieved with any determination of the Board of Appeals acting under this ordinance may file an appeal to the City Council by submitting written application on the Planning Department form to the Planning Department within 15 days of the Board of Appeals decision. The date the determination in question is issued is not included in the 15-day period for filing an appeal, and if the fifteenth day falls on Saturday, Sunday or holiday as listed in the Merit System Ordinance, the next working day is considered as the deadline for the filing of the appeal.

The City Council may decline to hear the appeal if it finds that all City plans, policies and ordinances have been properly followed. If it decides that all City plans, policies, and ordinances have not been properly followed, it shall hear the appeal. Such an appeal, if heard, shall be opened within 60 days of the expiration of the appeal period.

Should you have any questions regarding this action, please call me at 924-3860.



Mick McMahan, Chair
Board of Appeals

cc: Grover Mann, 7724 Vista Del Arroyo NE, 87109
Richard and Patricia Wilson, 505 Dartmouth DR SE, 87106
J. Stace McClee, stace@jedi-arch.com
Board of Appeals Members (5)
Jon Messier, COA/Planning Department
Mark Shoesmith, COA/Legal Department
Roberto Albertorio, ZHE, Office of Administrative Hearings, 7th Floor First Plaza Galeria, Ste #735
Zoning Enforcement Division
ZHE File

**CITY OF ALBUQUERQUE
BOARD OF APPEALS
(AMENDED) NOTIFICATION OF DECISION**

Richard Willson appeals the Zoning Hearing Examiner's approval of a special exception to Section 14.16.2.6. (B). (14): a **VARIANCE** of a 2.5' to the 3' wall height allowance for a proposed 5' 10" wall in the front yard setback area on all or a portion of Lot(s) 3, Block(s) 36, University Heights ADDN, zoned R-1 and located at 406 DARTMOUTH DR SE (K-16).

Appeal No:..... 07BOA-20017
Special Exception No:..... 07ZHE-00480
Project No:..... 1005509
Hearing Date:..... 11/27/07
Decision Date:..... 11/27/07

In the matter of 07BOA-20017, the Board of Appeals voted to **AFFIRM** the Appeal thereby overturning the Zoning Hearing Examiner's decision based upon the following Findings:

FINDINGS:

1. A variance is an extraordinary exception to the zoning regulations intended to prevent the regulations from operating to deprive a property owner of all beneficial use of the property and should be granted sparingly only under peculiar and exceptional circumstances.
2. It is the burden of the applicant to ensure that there is evidence in the record showing that all of the criteria for approving a variance have been met.
3. The request is for a variance of 2.5 feet to the 3-foot wall height allowance for an existing 5' 10" wall in the front setback area.
4. The first test, which must be met before the other criteria for the granting of a variance can be applied is to find the property exceptional.
5. The applicant has stated that exceptionality is based on the slope of the lot, and has testified that in contrast to all of the other properties in the neighborhood, which except for the next-door property are flat, this property slopes down about 12 inches toward the front.
6. The Zoning Hearing Examiner has stated that photos taken during a site inspection indicate that the property is fairly level.
7. The slope of the property is the only circumstance mentioned by the applicant in support of the variance.
8. Other than the applicant's testimony, the record includes no evidence that the appellant's property is sloped differently than other properties in the neighborhood.
9. The record includes no evidence that the appellant's parcel is irregular or unusually narrow or shallow in shape.
10. There is no evidence in the record to support a finding of exceptionality.
11. Before a variance can be approved, it must further be found that an unnecessary hardship is produced as a result of the exceptional aspect of the property. This hardship must result in either the creation of an exceptional, substantial, and unjustified limitation on the property owner's reasonable use of his property or deprive the owner of a reasonable return on the property under any use permitted by its existing zone.
12. The Zoning Hearing Examiner has found that as a result of the exceptional aspect of the property, the regulations produce an unnecessary hardship in that it will limit the owner's reasonable use of the property and/or deprive the owner of a reasonable return on the property. The Notification of Decision, however, includes no information on the substantial evidence in the record to support that finding.
13. The record includes no evidence or testimony that an unnecessary hardship has been produced by any exceptional characteristics of the appellant's property that creates an exceptional, substantial, and unjustified limitation of the property owner's reasonable use of the property, or deprives the owner of a reasonable return on the property under any use permitted by its existing zone.

14. The decision of the Zoning Hearing Examiner is not supported by the record or by the controlling provisions of the Zoning Code.
15. The Zoning Hearing Examiner incorrectly applied City ordinances in arriving at his decision.
16. The Zoning Hearing Examiner erred in his decision by failing to explain his finding of exceptionality.
17. The Zoning Hearing Examiner erred in his decision by failing to explain his finding of unnecessary hardship.
18. Because the record includes no evidence of exceptionality or hardship, and absent such explanation in his Notification of Decision, the Board can only conclude that the Zoning Hearing Examiner acted arbitrarily in approving this application.

If you wish to appeal this decision, you must do so by **December 12, 2007**, in the manner described below. A non-refundable filing fee will be calculated at the Land Development Coordination counter and is required at the time the appeal is filed.

APPEAL TO THE CITY COUNCIL: Any person aggrieved with any determination of the Board of Appeals acting under this ordinance may file an appeal to the City Council by submitting written application on the Planning Department form to the Planning Department within 15 days of the Board of Appeals decision. The date the determination in question is issued is not included in the 15-day period for filing an appeal, and if the fifteenth day falls on Saturday, Sunday or holiday as listed in the Merit System Ordinance, the next working day is considered as the deadline for the filing of the appeal.

The City Council may decline to hear the appeal if it finds that all City plans, policies and ordinances have been properly followed. If it decides that all City plans, policies, and ordinances have not been properly followed, it shall hear the appeal. Such an appeal, if heard, shall be opened within 60 days of the expiration of the appeal period.

Should you have any questions regarding this action, please call me at 924-3860.



Mick McMahan, Chair
Board of Appeals

cc: Grover Mann, 7724 Vista Del Arroyo NE, 87109
Richard and Patricia Wilson, 505 Dartmouth DR SE, 87106
J. Stace McGee, stace@edi-arch.com
Board of Appeals Members (5)
Jon Messier, COA/Planning Department
Mark Shoesmith, COA/Legal Department
Roberto Albertorio, ZHE, Office of Administrative Hearings, 7th Floor First Plaza Galeria, Ste #735
Zoning Enforcement Division
ZHE File

CITY OF ALBUQUERQUE



Planning Department

Richard Dineen, Director

Development Review Division

600 2nd Street NW - 3rd Floor

Albuquerque, NM 87102

CITY OF ALBUQUERQUE BOARD OF APPEALS NOTIFICATION OF DECISION

Don Hancock, agent for University Heights United Methodist Church, appeals the Zoning Hearing Examiner's denial of a special exception to University Neighborhood Sector Development Plan, page 70, DR. 4. a.: a VARIANCE of: a) 1,950 sq ft to the 5,000 sf lot size requirement for one existing structure; b) 10' to the 15' rear yard setback area requirement for an existing structure; c) 2 parking spaces to the 2 required parking space requirement, on all or a portion of Lot(s) 24, Block(s) 2, University Heights ADDN, zoned SU-2 DR and located at 201 HARVARD SE (K-16)

Appeal No:..... 07BOA-20014
Special Exception No: 07ZHE-80013,
80014 & 80015
Project No:..... 1006652
Hearing Date:..... 11/27/07
Decision Date: 11/27/07

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In the matter of 07BOA-20014, the Board of Appeals voted to **DENY** the Appeal thereby upholding the Zoning Hearing Examiner's decision based upon the following Findings:

FINDINGS:

1. The variance is an extraordinary exception to the zoning regulations intended to prevent the regulations from operating to deprive a property owner of all reasonable beneficial use of the property and should be granted sparingly only under peculiar and exceptional circumstances.
2. It is the burden of the applicant to ensure that there is evidence in the record showing that all of the criteria for approving a variance have been met.
3. The request is for variances of 1,950 square feet to the 5,000 square-foot lot size requirement, and two parking spaces to the two-space parking requirement. These variances will allow the division of one lot into two separate lots: (1) a lot with an existing residence, which, with a total of 3,050 square feet, will consist of less than the 5,000 square-foot minimum required by the zoning district, and will have no on-site parking; and (2) a second lot which will provide continued parking, both for the applicant and for the residential lot.
4. The first test, which must be met before the other criteria for the granting of a variance can be applied is to find the property exceptional.
5. The applicant has stated that exceptionality is based on the current split-zoning of the existing lot, which is a unique circumstance in that there are no other split-zoned properties within the larger neighborhood, and on the existence of both a single-family house and a church parking lot on the parcel.
6. Variances are permitted only when it has been determined that the property is exceptional based on the physical characteristics of the land, conditions or use of the parcel, or irregularity in shape.
7. Multiple zoning of a parcel is not included in any of the listed bases for a determination of exceptionality.

CITY OF ALBUQUERQUE

November 27, 2007
07BOA-20014
Page 2 of 2



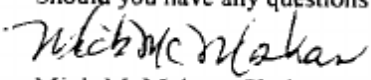
8. Use of a portion of property for parking is a common occurrence, and the use of a portion of this property for parking does not support a determination of exceptionality. Whether this parking is used for residential, church, or some other use is not significant in determining such exceptionality.
9. The record includes no evidence that the appellant's parcel is irregular or unusually narrow or shallow in shape.
10. There is no evidence in the record to support a finding of exceptionality.
11. If it can be determined that there is exceptionality, the second test which must be met is to find that as a result of the exceptional aspect of the property, the regulations produce unnecessary hardship that creates an exceptional, substantial, and unjustified limitation of the property owner's reasonable use of his property, or deprives the owner of a reasonable return on the property under any use permitted by its existing zone.
12. The applicant states that the exceptionality of the parcel results in an unnecessary hardship, in that without the requested variance, the properties apparently cannot be sold because of the substandard lot size and the need for rear and parking variances.
13. Other than the applicant's statement to this effect, the record includes no evidence of the impossibility of such a sale.
14. Whether the properties are conveyed to a new owner or not, they may continue to be used as they are today. The record includes no evidence that a failure to approve the requested variance would create an exceptional, substantial, and unjustified limitation on the reasonable use of this property.
15. The record includes no evidence that the owner is being deprived of a reasonable return on the property under the existing use.
16. The record includes no evidence or testimony that an unnecessary hardship has been produced by any exceptional characteristics of the appellant's property that creates an exceptional, substantial, and unjustified limitation of the property owner's reasonable use of the property, or deprives the owner of a reasonable return on the property under any use permitted by its existing zone.
17. The decision of the Zoning Hearing Examiner is supported by the record and by the controlling provisions of the Zoning Code.
18. The Zoning Hearing Examiner correctly applied City ordinances in arriving at his decision.

If you wish to appeal this decision, you must do so by **December 12, 2007** in the manner described below. A non-refundable filing fee will be calculated at the Land Development Coordination counter and is required at the time the appeal is filed.

APPEAL TO THE CITY COUNCIL: Any person aggrieved with any determination of the Board of Appeals acting under this ordinance may file an appeal to the City Council by submitting written application on the Planning Department form to the Planning Department within 15 days of the Board of Appeals decision. The date the determination in question is issued is not included in the 15-day period for filing an appeal, and if the fifteenth day falls on Saturday, Sunday or holiday as listed in the Merit System Ordinance, the next working day is considered as the deadline for the filing of the appeal.

The City Council may decline to hear the appeal if it finds that all City plans, policies and ordinances have been properly followed. If it decides that all City plans, policies, and ordinances have not been properly followed, it shall hear the appeal. Such an appeal, if heard, shall be opened within 60 days of the expiration of the appeal period.

Should you have any questions regarding this action, please call me at 924-3860.


Mick McMahan, Chair
Board of Appeals

cc: University Heights United Methodist Church, 2210 Silver SE, 87106
John Hambach, 205 Harvard Drive SE, 87106
John Menauecci, Berger-Briggs, P O Drawer K, 87103
Danny Hernandez, UHA, P O Box 4297, 87196
Board of Appeals Members (4)
Jon Messier, COA/Planning Department
Mark Shoemith, COA/Legal Department
Roberto Albertorio, ZHE, Office of Administrative Hearings, 7th Floor First Plaza Galeria, Ste #735
Zoning Enforcement Division

P.O. Box 1293

Albuquerque

New Mexico 87103

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10/27/07 10:10 AM

- d. Community conditions have changed over the years, as the church no longer needs as much parking as it once did, and can comfortably park on its own parking lot. The applicant has also shown that a different use category is more advantageous to the community as articulated in the Comprehensive Plan.
 - e. There are no permissive uses that would be harmful to the adjacent property, the neighborhood or the community. The site is already being used as a parking lot.
 - f. The request requires no capital expenditures on the part of the City.
 - g. The cost of land and other economic considerations are not the determining factor for the requested zone map amendment.
 - h. The site is not located on an arterial or collector street.
 - i. The request creates a spot zone; however, the proposed zone map amendment facilitates the realization of a preponderance of Comprehensive Plan goals and policies.
 - j. The request does not constitute a strip zone.
7. A letter of support has been received from the University Heights United Methodist Church.
8. There is no known neighborhood opposition to the request.

CONDITIONS OF APPROVAL - 10EPC 40037, 9/9/2010, Amend Sector Development Plan Zone Map

- 1. Prior to issuance of the zoning certificate, the applicant shall meet with the staff planner to ensure that all conditions of approval are met.
- 2. Amend the 1966 approved site development plan (Z-1513) to delete the subject site from the plan.

IF YOU WISH TO APPEAL/PROTEST THIS DECISION, YOU MUST DO SO BY September 24, 2010 IN THE MANNER DESCRIBED BELOW. A NON-REFUNDABLE FILING FEE WILL BE CALCULATED AT THE LAND DEVELOPMENT COORDINATION COUNTER AND IS REQUIRED AT THE TIME THE APPEAL IS FILED. IT IS NOT POSSIBLE TO APPEAL EPC RECOMMENDATIONS TO CITY COUNCIL; RATHER, A FORMAL PROTEST OF THE EPC'S RECOMMENDATION CAN BE FILED WITHIN THE 15 DAY PERIOD FOLLOWING THE EPC'S DECISION.

OFFICIAL NOTICE OF DECISION
SEPTEMBER 9, 2010
PROJECT 1008365/10EPC-40037
PAGE 4 OF 4

Appeal to the City Council: Persons aggrieved with any determination of the Environmental Planning Commission acting under this ordinance and who have legal standing as defined in Section 14-16-4-4.B.2 of the City of Albuquerque Comprehensive Zoning Code may file an appeal to the City Council by submitting written application on the Planning Department form to the Planning Department within 15 days of the Planning Commission's decision. The date the determination in question is issued is not included in the 15-day period for filing an appeal, and if the fifteenth day falls on a Saturday, Sunday or holiday as listed in the Merit System Ordinance, the next working day is considered as the deadline for filing the appeal. The City Council may decline to hear the appeal if it finds that all City plans, policies and ordinances have been properly followed. If they decide that all City plans, policies and ordinances have not been properly followed, they shall hear the appeal. Such appeal, if heard, shall be heard within 45 days of its filing.

YOU WILL RECEIVE NOTIFICATION IF ANY PERSON FILES AN APPEAL. IF THERE IS NO APPEAL, YOU CAN RECEIVE BUILDING PERMITS AT ANY TIME AFTER THE APPEAL DEADLINE QUOTED ABOVE, PROVIDED ALL CONDITIONS IMPOSED AT THE TIME OF APPROVAL HAVE BEEN MET. SUCCESSFUL APPLICANTS ARE REMINDED THAT OTHER REGULATIONS OF THE CITY MUST BE COMPLIED WITH, EVEN AFTER APPROVAL OF THE REFERENCED APPLICATION(S).

Successful applicants should be aware of the termination provisions for Site Development Plans specified in Section 14-16-3-11 of the Comprehensive Zoning Code. Generally plan approval is terminated 7 years after approval by the EPC

Sincerely,

Debbie Stover
Planning Director

DS/rf/ns

cc:

Augustine/Susan Grace, 201 & 203 Harvard SE, Albuquerque, NM 87106
Sherry Smith, University Heights N.A., 405 Stanford SE, Albuquerque, NM 87106
Lanny Heinlen, 2315 ½ Lead St. SE, Albuquerque, NM 87106

APPLICANT INFORMATION

Form Z: Policy Decisions

Please refer to the EPC hearing schedule for public hearing dates and deadlines. Your attendance is required.

A single PDF file of the complete application including all plans and 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.

INFORMATION REQUIRED FOR ALL POLICY DECISIONS (Except where noted)

N/A Interpreter Needed for Hearing? _____ if yes, indicate language: _____

N/A Proof of Pre-Application Meeting with City staff per IDO Section 14-16-6-4(B)

Letter of authorization from the property owner if application is submitted by an agent

Traffic Impact Study (TIS) form (not required for Amendment to IDO Text)

Zone Atlas map with the entire site/plan amendment area clearly outlined and labeled (not required for Amendment to IDO Text) NOTE: For Annexation of Land, the Zone Atlas must show that the site is contiguous to City limits.

ADOPTION OR AMENDMENT OF COMPREHENSIVE PLAN

ADOPTION OR AMENDMENT OF FACILITY PLAN

___ Plan, or part of plan, to be amended with changes noted and marked

___ Letter describing, explaining, and justifying the request per the criteria in IDO Sections 14-16-6-7(A)(3) or 14-16-6-7(B)(3), as applicable

___ Required notices with content per IDO Section 14-16-6-4(K)(6)

___ Office of Neighborhood Coordination notice inquiry response, notifying letter, and proof of first class mailing

___ Proof of emailed notice to affected Neighborhood Association representatives

___ Buffer map and list of property owners within 100 feet (excluding public rights-of-way), notifying letter, and proof of first class mailing

AMENDMENT TO IDO TEXT

___ Section(s) of the Integrated Development Ordinance to be amended with changes noted and marked

___ Justification letter describing, explaining, and justifying the request per the criteria in IDO Section 14-16-6-7(D)(3)

___ Required notices with content per IDO Section 14-16-6-4(K)(6)

___ Office of Neighborhood Coordination notice inquiry response, notifying letter, and proof of first class mailing

___ Buffer map and list of property owners within 100 feet (excluding public rights-of-way), notifying letter, and proof of first class mailing

ZONING MAP AMENDMENT – EPC

ZONING MAP AMENDMENT – COUNCIL

Proof of Neighborhood Meeting per IDO Section 14-16-6-4(C)

Letter describing, explaining, and justifying the request per the criteria in IDO Section 14-16-6-7(F)(3) or Section 14-16-6-7(G)(3), as applicable

Required notices with content per IDO Section 14-16-6-4(K)(6)

Office of Neighborhood Coordination notice inquiry response, notifying letter, and proof of first class mailing

Proof of emailed notice to affected Neighborhood Association representatives

Buffer map and list of property owners within 100 feet (excluding public rights-of-way), notifying letter, and proof of first class mailing

Sign Posting Agreement

ANNEXATION OF LAND

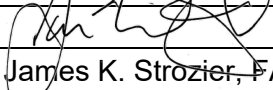
___ Application for Zoning Map Amendment *Establishment of zoning must be applied for simultaneously with Annexation of Land.*


___ Petition for Annexation Form and necessary attachments

___ Letter describing, explaining, and justifying the request per the criteria in IDO Section 14-16-6-7(E)(3)

___ Board of County Commissioners (BCC) Notice of Decision

I, the applicant or agent, acknowledge that if any required information is not submitted with this application, the application will not be scheduled for a public meeting or hearing, if required, or otherwise processed until it is complete.

Signature: 	Date:
Printed Name: James K. Strozier, FAICP	<input type="checkbox"/> Applicant or <input checked="" type="checkbox"/> Agent

FOR OFFICIAL USE ONLY	
Project Number:	Case Numbers
	-
	-
	-
Staff Signature:	
Date:	

February 21, 2024

Jonathan R. Hollinger, Chair
Environmental Planning Commission
600 2nd Street NW
Albuquerque, NM 87102

Re: 201 and 203 Harvard Drive SE

Dear Mr. Chair,

Augustine and Susan Grace, owners of the subject property, hereby authorize Consensus Planning to act as our agent for all matters related to the request for a Zone Map Amendment, Site Plan – Administrative, and platting. This authorization includes meetings and coordination with City staff, neighborhood associations, Environmental Planning Commission, Development Hearing Officer, etc. for the properties located at the southwest corner of Harvard Drive SE, and Silver Ave SE.

The properties are legally described as the following:

- * 024 002 University Heights Addition
- * 023 002 University Heights Addition

Sincerely,

Signature:

A handwritten signature in black ink, appearing to read 'A C', written over a horizontal line.

Printed Name: AUGUSTINE C. GRACE



City of Albuquerque

Planning Department
Development Review Services Division

Traffic Scoping Form (REV 12/2020)

Zoning Map Amendment Request,
201 & 203 Harvard Drive SE

Project Title: _____ Building Permit #: N/A Hydrology File #: N/A

Zone Atlas Page: K-16-Z DRB#: N/A EPC#: N/A Work Order#: N/A

Legal Description: _____

City Address: 201 & 203 Harvard Drive SE

Applicant: ACG Engineering and Construction Management Contact: James K. Strozier

Address: 302 Eighth Street NW

Phone#: 505-764-9801 Fax#: _____ E-mail: cp@consensusplanning.com

Development Information

Build out/Implementation Year: N/A Current/Proposed Zoning: R-ML/MX-L

Project Type: New: () Change of Use: () Same Use/Unchanged: () Same Use/Increased Activity: ()

Proposed Use (mark all that apply): Residential: () Office: () Retail: () Mixed-Use: () Change of Zoning

Describe development and Uses:
Zoning Map Amendment from R-ML to MX-L

Days and Hours of Operation (if known): N/A

Facility

Building Size (sq. ft.): N/A

Number of Residential Units: N/A

Number of Commercial Units: N/A

Traffic Considerations

Expected Number of Daily Visitors/Patrons (if known):* N/A

Expected Number of Employees (if known):* N/A

Expected Number of Delivery Trucks/Buses per Day (if known):* N/A

Trip Generations during PM/AM Peak Hour (if known):* N/A

Driveway(s) Located on: Street Name N/A

Adjacent Roadway(s) Posted Speed: Street Name Harvard Drive Posted Speed Not posted

Street Name Silver Avenue Posted Speed 18

* If these values are not known, assumptions will be made by City staff. Depending on the assumptions, a full TIS may be required

Roadway Information (adjacent to site)

Comprehensive Plan Corridor Designation/Functional Classification: Local urban streets
(arterial, collector, local, main street)

Comprehensive Plan Center Designation: None
(urban center, employment center, activity center)

Jurisdiction of roadway (NMDOT, City, County): City

Adjacent Roadway(s) Traffic Volume: N/A Volume-to-Capacity Ratio: N/A
(if applicable)

Adjacent Transit Service(s): Buses 50, 97, 777, 766, and 66 Nearest Transit Stop(s): Central, Yale and Lead

Is site within 660 feet of Premium Transit?: No

Current/Proposed Bicycle Infrastructure: Silver Avenue Bike Boulevard
(bike lanes, trails)

Current/Proposed Sidewalk Infrastructure: N/A

Relevant Web-sites for Filling out Roadway Information:

City GIS Information: <http://www.cabq.gov/gis/advanced-map-viewer>

Comprehensive Plan Corridor/Designation: <https://abc-zone.com/document/abc-comp-plan-chapter-5-land-use> (map after Page 5-5)

Road Corridor Classification: <https://www.mrcog-nm.gov/DocumentCenter/View/1920/Long-Range-Roadway-System-LRRS-PDF?bidid=>

Traffic Volume and V/C Ratio: <https://www.mrcog-nm.gov/285/Traffic-Counts> and <https://public.mrcog-nm.gov/taqa/>

Bikeways: http://documents.cabq.gov/planning/adopted-longrange-plans/BTFP/Final/BTFP%20FINAL_Jun25.pdf (Map Pages 75 to 81)

TIS Determination

Note: Changes made to development proposals / assumptions, from the information provided above, will result in a new TIS determination.

Traffic Impact Study (TIS) Required: Yes [] No Borderline []

Thresholds Met? Yes [] No

Mitigating Reasons for Not Requiring TIS: _____ Previously Studied: []

Notes: The Zone Map Amendment does not require a TIS. When the property is developed the traffic requirements will need reevaluation.

M.P. P.E.

1/30/2024

TRAFFIC ENGINEER

DATE



Submittal

The Scoping Form must be submitted as part of any building permit application, DRB application, or EPC application. See the Development Process Manual Chapter 7.4 for additional information.

Submit by email to the City Traffic Engineer mgrush@cabq.gov . Call 924-3362 for information.

Site Plan/Traffic Scoping Checklist

Site plan, building size in sq. ft. (show new, existing, remodel), to include the following items as applicable:

1. Access -- location and width of driveways
2. Sidewalks (Check DPM and IDO for sidewalk requirements. Also, Centers have wider sidewalk requirements.)
3. Bike Lanes (check for designated bike routes, long range bikeway system) ([*check MRCOG Bikeways and Trails in the 2040 MTP map*](#))
4. Location of nearby multi-use trails, if applicable ([*check MRCOG Bikeways and Trails in the 2040 MTP map*](#))
5. Location of nearby transit stops, transit stop amenities (eg. bench, shelter). Note if site is within 660 feet of premium transit.
6. Adjacent roadway(s) configuration (number of lanes, lane widths, turn bays, medians, etc.)
7. Distance from access point(s) to nearest adjacent driveways/intersections.
8. Note if site is within a Center and more specifically if it is within an Urban Center.
9. Note if site is adjacent to a Main Street.
10. Identify traffic volumes on adjacent roadway per MRCOG information. If site generates more than 100 vehicles per hour, identify v/c ratio on this form.



February 8, 2024

Jonathan R. Hollinger
Environmental Planning Commission
City of Albuquerque
600 2nd Street NW
Albuquerque, NM 87102

RE: Zoning Map Amendment, 201 & 203 Harvard Drive SE

Landscape Architecture
Urban Design
Planning Services

302 Eighth St. NW
Albuquerque, NM 87102

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

Dear Mr. Chair,

The purpose of this letter is to justify a Zoning Map Amendment by responding to criteria in the Integrated Development Ordinance (IDO) Section 14-16-6-7(G), on behalf of ACG Engineering and Construction Management LLC. The subject property is legally described as *24 002 University Heights Addition and * 023 002 University Heights Addition and contains a total of approximately 0.33 acres.

The subject property is located on the corner of Silver Avenue and Harvard Drive. The existing zoning is R-ML (Multi-family Low Density). The Applicant is requesting a Zoning Map Amendment to MX-L (Mixed-use Low Intensity) to allow for a coffee shop, breakfast restaurant, and a community gathering space. The Applicant is ACG Engineering and Construction Management LLC, whose Principal is Augustine Grace. Augustine and his wife, Susan, own both 201 & 203 Harvard Drive.



Subject property.

PRINCIPALS

James K. Strozier, FAICP
Jacqueline Fishman, AICP

ASSOCIATES

Ken Romig, PLA, ASLA

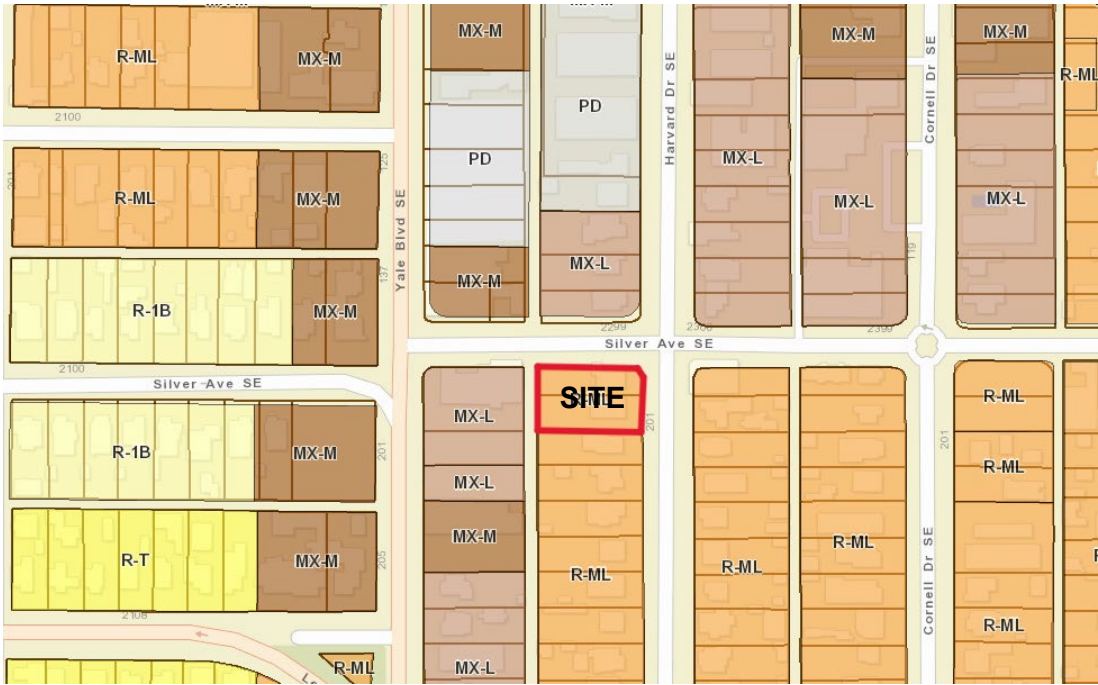
EXISTING CONDITIONS

The subject property is approximately 0.33 acres and zoned R-ML. The western portion of the property is being used as paid parking while the residential homes east of the property are vacant. The subject property is located within the Near Heights Planning Area. Character considerations for the Near Heights Planning Area



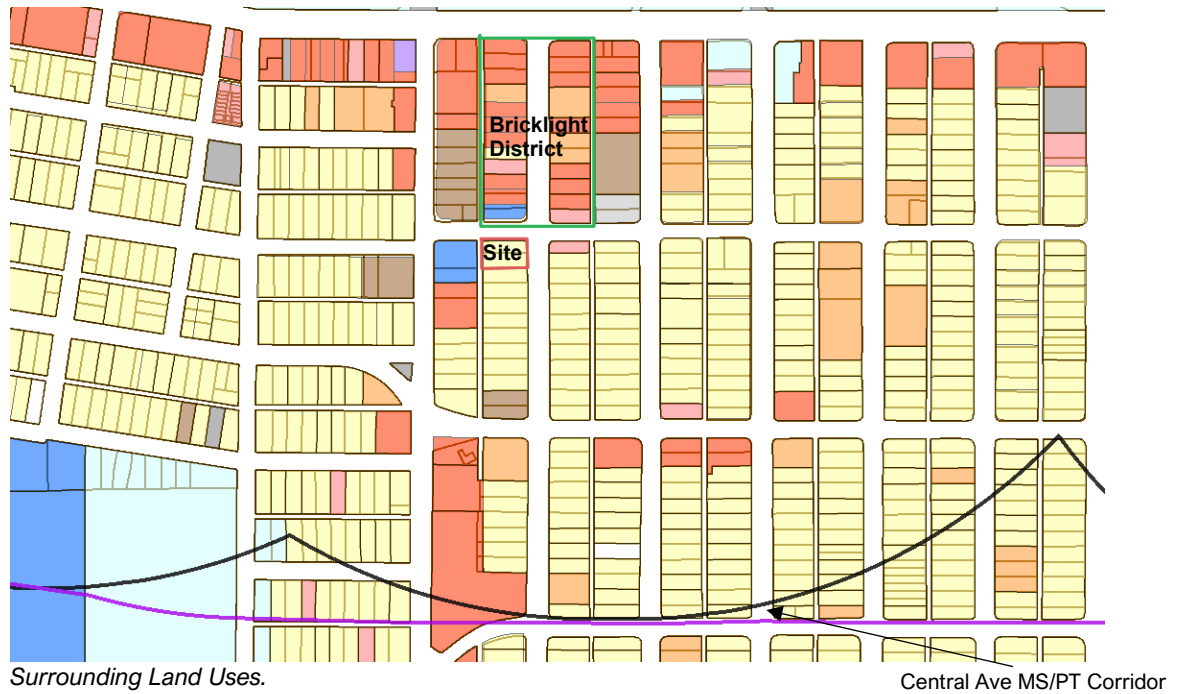
include varying architectural styles and building scales, ethnic and cultural diversity of residents, and transit-supportive development patterns.

Adjacent zoning and land use include R-ML zoned properties to the east, which contain a community organization and mixed density residential; MX-L to the north, which contains parking; MX-L to the west, which contains a church; and R-ML to the south, containing mixed density residential development. The subject property is directly south of the Bricklight District on Harvard Drive, adjacent to the UNM Activity Center as designated by the Comprehensive Plan and adjacent to the plan area for the University Metropolitan Redevelopment Area. Land uses in the larger surrounding area include restaurants, laundromat, small businesses, multi-family apartments, coffee shops, community organizations, parking, schools, and institutions.



Existing Zoning.

TABLE 1: ADJACENT ZONING and LAND USE		
Direction	Zoning	Land Use
North	MX-L	Parking
South	R-ML	Mixed density residential
East	R-ML	Community organization and mixed density residential
West	MX-L	Church



Surrounding Land Uses.

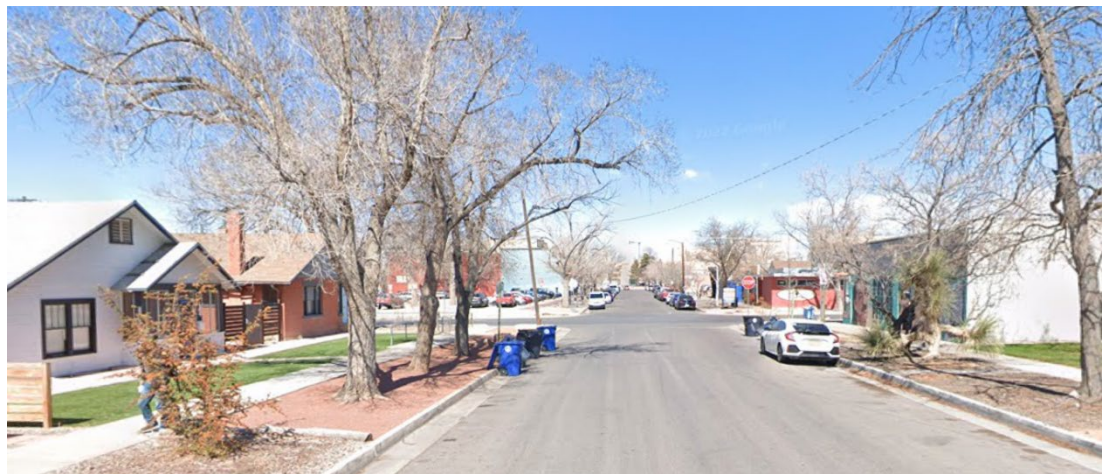
The subject property is located along Silver Avenue, which is a designated Bike Boulevard. Transit services are provided along Yale Avenue via Bus Route 50 Airport-Downtown, along Lead Avenue via Bus 97 Zuni, and along Central Avenue via Bus 66 Central, Rapid Ride Buses 777, 766, and 790. The subject property is approximately 0.13 miles from Central Avenue which is a Main Street Corridor, a Premium Transit, and a Major Transit Corridor as designated by the Comprehensive Plan.



View looking west to the subject property



View looking south to the subject property.



View from the intersection of Harvard Dr and Silver Ave facing the Bricklight District, with the subject properties on the left. Sidewalks protected by buffer and street trees, on-street (permit) and paid parking lots available in the vicinity.

THE REQUEST

The Applicant is requesting a zone change from R-ML to MX-L to redevelop the property for a coffee shop, breakfast restaurant, and a community gathering space. Per the IDO, “The purpose of the MX-L zone district is to provide for neighborhood-scale convenience shopping needs, primarily at intersections of collector streets. Primary land uses include non-destination retail and commercial uses, as well as townhouses, low density multi-family, and civic and institutional uses to serve the surrounding area, with taller, multi-story buildings encouraged in Centers and Corridors.”

The permissive uses in the R-ML zone district are similar to those in the MX-L zone district, with a few differences that will be explained later in this letter. The MX-L zone district will accommodate neighborhood-scale retail and commercial services, low-density multifamily, and civic and institutional purposes that are consistent with the existing uses in the area. The MX-L zone on this property, which is adjacent to the UNM Activity Center, the Harvard Bricklight District, the University Area MRA and located at an intersection, will provide a suitable location for neighborhood-scale commercial services.



This request is supported by Comprehensive Plan goals and policies and meets the requirements for a Zoning Map Amendment – EPC per *IDO Section 14-16-6-7(G)* as described below.

ZONING MAP AMENDMENT JUSTIFICATION

This request for a Zoning Map Amendment complies with the criteria outlined in Integrated Development Ordinance Section 14-16-6-7(G) as follows:

6-7(G)(3): An application for a Zoning Map Amendment shall be approved if it meets all of the following criteria:

6-7(G)(3)(a): The proposed zone change is consistent with the health, safety, and general welfare of the City as shown by furthering (and not being in conflict with) a preponderance of applicable Goals and Policies in the ABC Comprehensive Plan, as amended, and other applicable plans adopted by the City.

Applicant Response: *The proposed zone change is consistent with the health, safety, and general welfare of the City as shown by furthering the City's goals and policies as listed below:*

Goal 4.1 Character: Enhance, protect, and preserve distinct communities.

Applicant Response: *The zone change to MX-L will further this goal because it will complement the existing MX-L zones in the surrounding areas. Permissive uses in the MX-L zone district are consistent with the existing uses in the University Heights area. With the subject property being adjacent to the UNM Activity Center, the Harvard Bricklight District, the University Area MRA, a zone change will enable a variety of land uses that will enhance, protect, and preserve the character of the University Heights community. The property will also act as an expansion of the successful redevelopment of the Bricklight District, which has added vibrancy and activity to the area.*

Policy 4.1.1 Distinct Communities: Encourage quality development that is consistent with the distinct character of the communities.

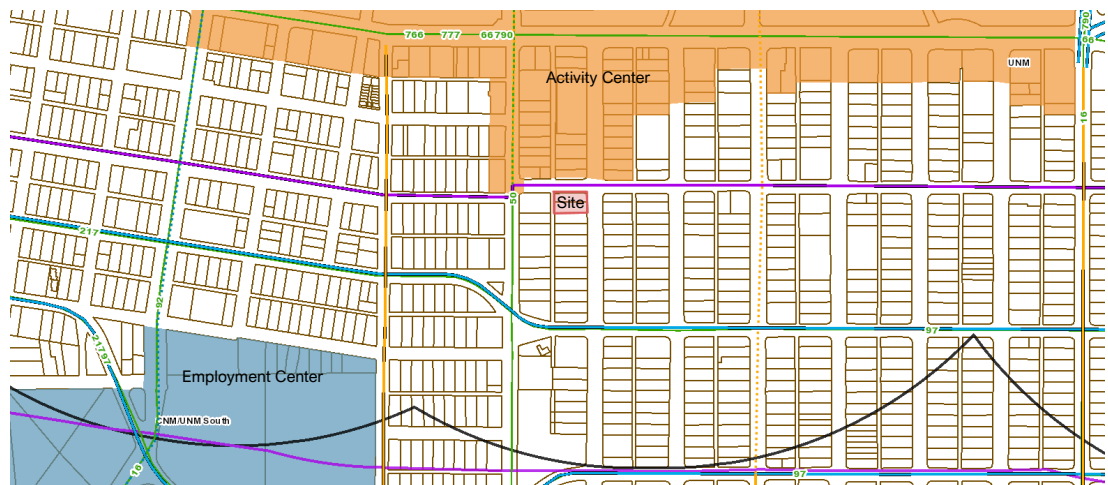
Applicant Response: *The zone change will further this policy by encouraging quality development that is consistent with the distinct character of the University Heights community and the Bricklight District because the surrounding land uses are pedestrian-scale commercial, residential, institutional, community organizations, and parking. With an expansion of permissive uses in the MX-L zone district, future development of the subject property will be required to meet IDO development standards, including Use Specific Standards.*

Goal 5.1 Centers & Corridors: Grow as a community of strong Centers connected by a multi-modal network of Corridors.

Applicant Response: *The zone change to MX-L furthers this goal by allowing neighborhood-scale retail, commercial, and low-intensity residential development within the designated Central Avenue Main Street Corridor, Major Transit, and Premium Transit Station Areas. Access to I-25, a Commuter Corridor, is convenient from the subject site. The subject property is well-located in an area where growth is encouraged and connected to a multi-modal network of corridors, including the Silver Avenue Bike Boulevard.*

Policy 5.1.1 Desired Growth: Capture regional growth in Centers and Corridors to help shape the built environment into a sustainable development pattern.

Applicant Response: *The zone change to MX-L furthers this goal because of the subject property’s proximity (within a ¼ mile) to Activity and Employment Centers, and Major Transit and Premium Transit Corridors. Allowing retail, commercial, and mixed uses will capture regional growth to the UNM/CNM Activity and Employment Centers and the Central Avenue Corridor which will help shape the built environment. The location and the permissible uses in the MX-L will build upon the success of the Bricklight District and expand walkable spaces that provide opportunities to live, work, learn, shop, and play. It will also encourage employment density, redevelopment, and mixed-use residential buildings to grow the University Heights area and meet the needs of nearby residents.*



Centers and Corridors

Policy 5.1.5 Employment Centers: Create Centers that prioritize employment opportunities and foster synergy among businesses.

- a) Prioritize office and commercial employment in areas with good access via automobile and transit.
- b) Prioritize industrial employment in areas with good connectivity for freight routes.

Applicant Response: *The zone change to MX-L furthers this policy because the subject property has excellent access and connectivity to the major street network via Central Avenue (a Premium Transit Corridor), to I-25 (a Commuter Corridor), the Bike Boulevard on Silver Avenue, as well as access to Bus Route 66 (Central with a peak frequency of 15 minutes), Bus 766 and 777 (Rapid Ride with a peak frequency of 15 minutes), Bus 790 (Rapid Ride with a peak frequency of 17 minutes) along Central Avenue, Bus 50 (Airport-Downtown with a peak frequency of 30 minutes) and Bus Route 97 (Zuni with a peak frequency of 60 minutes) along Lead Avenue. The subject property is also directly south of the Harvard Bricklight District and can contribute to creating employment opportunities and fostering synergy among the businesses in that area. These factors provide greater access to a wider range of future employment opportunities made possible with this zone change.*



Policy 5.1.8 Premium Transit Corridors: Foster corridors that prioritize high capacity, high-frequency transit service, with mixed-use, transit-oriented development within walking distance of transit stations.

Applicant Response: *The zone change to MX-L furthers this goal because the subject property is within the Central Avenue Premium Transit Corridor. This will allow mixed uses within walking distance of the Popejoy ART Station.*

Policy 5.1.9 Main Streets: Promote Main Streets that are lively, highly walkable streets lined with neighborhood-oriented businesses.

Applicant Response: *The zone change to MX-L furthers this policy because the subject property is located within the Central Avenue Main Street Corridor and is within a highly walkable neighborhood. The zone change will facilitate the liveliness of Harvard Drive (Bricklight District) and Silver Avenue and accommodate neighborhood-oriented businesses. The MX-L will provide a good transition between the developments north of Silver Avenue and the abutting single-family residential lots.*

Goal 5.2 Complete Communities: Foster communities where residents can live, work, learn, shop, and play together.

Applicant Response: *The zone change to MX-L furthers this goal by allowing retail, commercial, residential, and mixed-use developments. With the subject property's proximity to both UNM and CNM, the zone change will foster a community within the University Heights area where residents can live, work, learn, shop, and play together.*

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

Applicant Response: *The zone change to MX-L furthers this policy by expanding the permissive land uses to include a mix of uses that are conveniently accessible from the surrounding neighborhoods. This subject property is located along a bike boulevard, has excellent transit access via Buses 50, 97, 66, 766, 777, and 790, and excellent connectivity to the major street network via Central Avenue and I-25. This zone change will encourage development or redevelopment that brings goods, services, and amenities within walking and biking distance of neighborhoods and promotes good access for all residents. Having goods and services within walking or biking distance will contribute to a healthy, sustainable, and distinct University Heights community.*



Transportation network and neighborhoods surrounding the subject properties.

Goal 5.3 Efficient Development Patterns: Promote development that maximizes the utility of existing infrastructure and public facilities and the efficient use of land to support the public good.

Applicant Response: *The zone change furthers this goal because it will help promote development with retail, commercial, institutional, and residential uses that will maximize the use of existing infrastructure and public facilities. Central Avenue, an Urban Principal Arterial; Silver Avenue, a Bike Boulevard; and transit services available in the area provide connectivity to the site. The subject property has access to public utilities including water, sewer, and electric services. The location of the subject property and its proximity to other public facilities provide the opportunity to efficiently use the land to support the public good through the proposed development.*

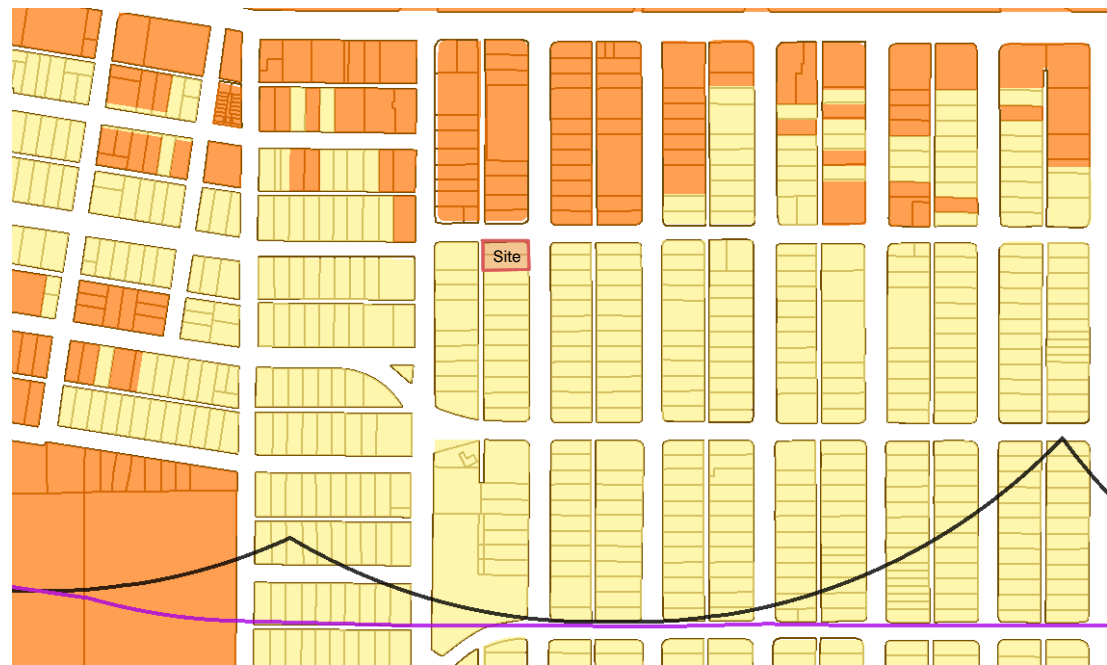
Goal 5.6 City Development Areas: Encourage and direct growth to Areas of Change where it is expected and desired and ensure that development in and near Areas of Consistency reinforces the character and intensity of the surrounding area.

Applicant Response: *While the subject property is completely in an Area of Consistency, the zone change furthers this goal because the uses allowed in the MX-L zone are consistent with existing uses in the surrounding area. Uses in the area include restaurants, offices, single-family residences, apartments, live-work-play spaces, coffee shops, and schools. Approval of the zone change on the subject property will encourage development that will reinforce the character and intensity of the surrounding areas.*

Policy 5.6.3 Areas of Consistency: Protect and enhance the character of single-family neighborhoods, areas outside of Centers and Corridors, parks, and Major Public Open Space.

Applicant Response: *The subject property is completely in an Area of Consistency. However, the subject property is located within a Main Street Corridor and a Premium Transit Corridor where mixed-use developments are encouraged. Several parcels to the west and southwest on Yale, to the north on Harvard, and to the northeast on Cornell are zoned MX-L. The Applicant has considered the surrounding context, and the zone change aligns with the existing*

land uses. The zone change will enhance the character of the University Heights area.



Areas of Consistency and Change

Policy 6.1.3 Auto Demand: Reduce the need for automobile travel by increasing mixed-use development, infill development within Centers, and travel demand management (TDM) programs.

Applicant Response: *This request furthers this policy by increasing mixed-use development within a well-connected area. This area is served by a bike boulevard, transit access via Buses 50, 97, 66, 766, 777, and 790, and grid street network that lends itself to walkability. This zone change will allow additional uses that will reduce the need for automobile travel in an area with excellent options for transit, walking, and/or biking.*

Goal 8.1 Placemaking: Create places where business and talent will stay and thrive.

Applicant Response: *The zone change to MX-L furthers this goal by expanding the permissive land uses that will assist in attracting new development to this area. The uses permissive in the MX-L zone district will complement the uses in the Bricklight District, on Harvard Drive; and the uses along Silver Avenue, bicycle boulevard; thereby contributing to places where businesses and talent stay and thrive.*

Policy 8.1.2 Diverse Places: Foster a range of interesting places and contexts with different development intensities, densities, uses, and building scale to encourage economic development opportunities.

Applicant Response: *The zone change furthers this policy by allowing for a wider range of retail, commercial, and mixed uses to encourage economic development opportunities. The subject property's proximity to the University MRA, the Harvard Bricklight District, and surrounding public facilities will foster a range of interesting*



places and contexts at different development intensities, densities, uses, and building scales desirable to residents.

Policy 8.1.3 Economic Base: Strengthen and diversify the economic base to help reduce reliance on government spending.

Applicant Response: *The zone change furthers this policy by allowing for a wider range of retail, commercial, and mixed uses on the subject property that will strengthen and diversify the economic base and support job creation in the area. The larger surrounding area has an abundance of single-family residential development and multi-family apartments and the zone change to MX-L will allow for potential employees to work close to home.*

Policy 8.2.1 Local Business: Emphasize local business development.

Applicant Response: *The zone change furthers this policy by providing the opportunity for local employers to expand and diversify the employment base through retail, commercial, mixed uses and other permissive uses in the MX-L zone. The Applicant is a local employer looking to develop and create a new local business.*

UNIVERSITY METROPOLITAN REDEVELOPMENT AREA PLAN

The subject property is adjacent to the University Metropolitan Redevelopment Area Plan Area on the north and west. The plan supports redevelopment projects, strategic public investment, and expanding the capacity of community and business-led implementation groups through catalytic strategies including increasing housing options and strengthening the commercial environment. Bricklight District was identified by neighbors as an example of appreciated, neighborhood-appropriate development. The MX-L zone will create a space similar in function to the Bricklight District, accommodating desired development for residents.

6-7(G)(3)(b) If the subject property is located partially or completely in an Area of Consistency (as shown in the ABC Comprehensive Plan, as amended), the applicant has demonstrated that the new zone would clearly reinforce or strengthen the established character of the surrounding Area of Consistency and would not permit development that is significantly different from that character. The applicant must also demonstrate that the existing zoning is inappropriate because it meets any of the following criteria.

1. There was typographical or clerical error when the existing zone district was applied to the property.
2. There has been a significant change in neighborhood or community conditions affecting the site.
3. A different zone district is more advantageous to the community as articulated by the ABC Comprehensive Plan, as amended (including implementation of patterns of land use, development density and intensity, and connectivity), and other applicable adopted City plan(s).

Applicant Response: *While the subject site is located entirely in an Area of Consistency, the zone change will reinforce and strengthen the established character of the area and will not permit development that is significantly different*



from the character of the University Heights area. The existing zoning is inappropriate because it meets both criteria 2 and 3. There have been significant changes in the neighborhood with the Bricklight district, the Reimagine Harvard Drive project, the University Area MRA, and the recent mixed-use developments in the surrounding areas seeking to encourage development, employment, and a variety of housing options in the University Heights and surrounding neighborhoods. The MX-L zone will be more advantageous to the community as this will expand the permissive uses to encourage development while remaining consistent with the patterns of land use, development density and intensity, and connectivity as articulated by the Comprehensive Plan and the character of the University Heights area.

6-7(G)(3)(c) If the subject property is located wholly in an Area of Change (as shown in the ABC Comp Plan, as amended) and the applicant has demonstrated that the existing zoning is inappropriate because it meets any of the following criteria:

1. There was a typographical or clerical error when the existing zone district was applied to the property.
2. There has been a significant change in neighborhood or community conditions affecting the site that justifies this request.
3. A different zone district is more advantageous to the community as articulated by the ABC Comp Plan, as amended (including implementation of patterns of land use, development density and intensity, and connectivity), and other applicable adopted City plan(s).

Applicant Response: *The subject site is located entirely in an Area of Consistency.*

6-7(G)(3)(d) The requested zoning does not include permissive uses that would be harmful to the neighborhood or the community unless the Use-specific Standards in Section 14-16-4-3 associated with that use will adequately mitigate those harmful impacts.

Applicant Response: *The requested NR-LM zoning does not include permissive uses that would be potentially harmful to adjacent properties, neighborhoods, or communities. Further, because the subject property is adjacent to a church, any potential impact MX-L uses may have will be subject to Use-Specific standards.*

TABLE 2: Permissive Use Comparison: R-ML vs. MX-L

Use	R-ML	MX-L
Dwelling, live-work	C	P
Dormitory	-	P
Group home, small and medium	C	P
Adult or child day care facility	C	P
High School	C	P
Museum	CV	P
Vocational school	-	P
General agriculture	-	P
Veterinary hospital and other pet services	-	P



Other indoor entertainment	-	P
Health club or gym	A	P
Mobile food truck court	-	P
Restaurant	-	P
Hotel or motel	-	P
Car wash	-	P
Light vehicle repair	-	P
Paid parking lot; parking structure	A	P
Bank	-	P
Club or event facility	-	P
Commercial services	-	P
Medical or dental clinic	-	P
Office; Personal and business services, small	-	P
Research or testing facility	-	P
Bakery goods or confectionery shop	-	P
Cannabis retail	-	P
Farmer's market	T	P
General retail, small; Grocery store	-	P
Artisan manufacturing	-	P
Cannabis cultivation; Cannabis-derived products manufacturing	-	P
Wireless Telecommunications Facility: Freestanding	-	P
Recycling drop-off bin facility	-	P

Table 2 provides a comparison of the permissive uses in the R-ML and MX-L zones. The uses that would be made permissive through the zone change to MX-L that could potentially be harmful include cannabis retail, cannabis cultivation, and cannabis-derived products manufacturing. All three uses are subject to Use Specific Standards, which require the uses to be in a fully enclosed building. Cannabis retail requires a Conditional Use Approval if located within 600 feet of any other cannabis retail establishment, cannabis cultivation and cannabis-derived products manufacturing require a Conditional Use Approval if within 300 feet of a school or child day care facility. Conditional Use approvals require a public hearing process. Hotel, motel, and car wash are clearly not feasible at this location.

6-7(G)(3)(e) The City's existing infrastructure and public improvements, including but not limited to its street, trail, and sidewalk systems, meet any of the following criteria:

1. Have adequate capacity to serve the development made possible by the change of zone.
2. Will have adequate capacity based on improvements for which the City has already approved and budgeted capital funds during the next calendar year.
3. Will have adequate capacity when the applicant fulfills its obligations under the IDO, the DPM, and/or an Infrastructure Improvements Agreement (IIA).

4. Will have adequate capacity when the City and the applicant have fulfilled their respective obligations under a City approved Development Agreement between the City and the applicant.

Applicant Response: *Given its previous residential use and existing infrastructure, this zone change request meets Criteria #1. The City's existing infrastructure and public improvements have adequate capacity to serve the proposed development that would be made possible by the zone change. Central Avenue, Silver Avenue, and Harvard Drive contain transit services and bike facilities, and convenient road network connectivity. The sidewalks on Harvard Drive are adequately buffered from the street. The subject property has access to public utilities including water, sewer, and electric services.*

6-7(G)(3)(f) The applicant's justification for the Zoning Map Amendment is not completely based on the property's location on a major street.

Applicant's Response: *This justification is not completely based on the property's location on a major street because Silver Avenue and Harvard Drive are not major streets. Rather, the justification for the proposed zone change is based on the advantages it will bring to the community by expanding the uses permissible of those properties to accommodate the type of developments desired by residents of the community.*

6-7(G)(3)(g) The applicant's justification is not based completely or predominantly on the cost of land or economic considerations.

Applicant's Response: *The zone change request is not based completely or predominantly on the cost of land or other economic considerations but rather on the benefit offered by mixed-use developments in an area within a MainStreet Corridor, on a bike boulevard, in walking distance to the Popejoy ART Station, multiple services and amenities, and in close proximity to CNM and UNM.*

6-7(G)(3)(h) The Zoning Map Amendment does not apply a zone district different from surrounding zone districts to one small area or one premise (i.e. create a "spot zone") or to a strip of land along a street (i.e. create a "strip zone") unless the requested zoning will clearly facilitate implementation of the ABC Comprehensive Plan, as amended, and at least one of the following applies:

1. The subject property is different from the surrounding land because it can function as a transition between adjacent zone districts.
2. The subject property is not suitable for the uses allowed in any adjacent zone district due to topography, traffic, or special adverse land uses nearby.
3. The nature of structures already on the subject property makes it unsuitable for the uses allowed in any adjacent zone district.

Applicant's Response: *This request for a zone change from R-ML to MX-L does not create a spot zone on the subject property because the adjacent properties to the north and west of the subject property are also zoned MX-L.*

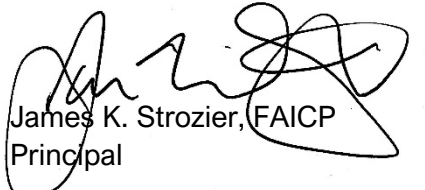


Conclusion

The request is for a Zoning Map Amendment from R-ML to MX-L on 201 & 203 Harvard Drive SE. The MX-L zone district will allow for desired neighborhood-scale retail, commercial, and mixed uses within the University Heights Neighborhood. The MX-L zone district will facilitate new development in an area served by existing infrastructure and access to a multi-modal network of corridors. Designated mixed-use space that is in a walkable and bicycle-friendly area, within close proximity to premium transit and other public facilities will further several goals and policies in the Comprehensive Plan.

Based on the information provided in this letter, we request your approval to change the subject site’s zoning district from R-ML to MX-L on behalf of ACG Engineering and Construction Management.

Sincerely,



James K. Strozier, FAICP
Principal

NOTIFICATION

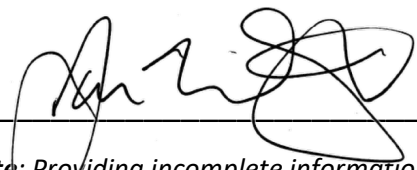


**OFFICIAL PUBLIC NOTIFICATION FORM
FOR MAILED OR ELECTRONIC MAIL NOTICE
CITY OF ALBUQUERQUE PLANNING DEPARTMENT**



PART I - PROCESS	
Use Table 6-1-1 in the Integrated Development Ordinance (IDO) to answer the following:	
Application Type:	
Decision-making Body:	
Pre-Application meeting required:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Neighborhood meeting required:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Mailed Notice required:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Electronic Mail required:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Is this a Site Plan Application:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Note: if yes, see second page
PART II – DETAILS OF REQUEST	
Address of property listed in application: 201 & 203 Harvard Drive SE	
Name of property owner: Augustine and Susan Grace	
Name of applicant: ACG Engineering and Construction Management LLC	
Date, time, and place of public meeting or hearing, if applicable:	
March 21, 2024 8:40am Via Zoom https://cabq.zoom.us/j/2269592859	
Address, phone number, or website for additional information:	
Ayoni Oyenuga at oyenuga@consensusplanning.com , Jim Strozier at cp@consensusplanning.com or 505-764-9801	
PART III - ATTACHMENTS REQUIRED WITH THIS NOTICE	
<input checked="" type="checkbox"/> Zone Atlas page indicating subject property.	
N/A Drawings, elevations, or other illustrations of this request.	
<input checked="" type="checkbox"/> Summary of pre-submittal neighborhood meeting, if applicable.	
<input checked="" type="checkbox"/> Summary of request, including explanations of deviations, variances, or waivers.	
IMPORTANT: PUBLIC NOTICE MUST BE MADE IN A TIMELY MANNER PURSUANT TO SUBSECTION 14-16-6-4(K) OF THE INTEGRATED DEVELOPMENT ORDINANCE (IDO). PROOF OF NOTICE WITH ALL REQUIRED ATTACHMENTS MUST BE PRESENTED UPON APPLICATION.	

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

 _____ (Applicant signature) 2/8/2024 _____ (Date)

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



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

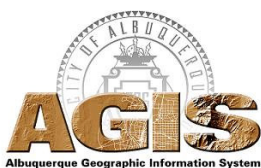


PART IV – ATTACHMENTS REQUIRED FOR SITE PLAN APPLICATIONS ONLY	
Provide a site plan that shows, at a minimum, the following:	
N/A.	Location of proposed buildings and landscape areas.
N/A.	Access and circulation for vehicles and pedestrians.
N/A.	Maximum height of any proposed structures, with building elevations.
N/A.	For residential development: Maximum number of proposed dwelling units.
N/A.	For non-residential development: <ul style="list-style-type: none"> <input type="checkbox"/> Total gross floor area of proposed project. <input type="checkbox"/> Gross floor area for each proposed use.

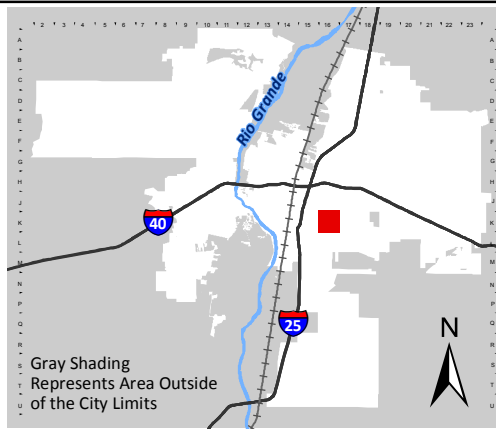


For more details about the Integrated Development Ordinance visit: <http://www.cabq.gov/planning/codes-policies-regulations/integrated-development-ordinance>

IDO Zone Atlas May 2018

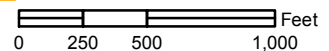


IDO Zoning information as of May 17, 2018
The Zone Districts and Overlay Zones
are established by the
Integrated Development Ordinance (IDO).



Zone Atlas Page:
K-16-Z

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



From: Office of Neighborhood Coordination
To: Ayoni Oyenuga
Subject: 201 and 203 HARVARD DR SE - Public Notice Inquiry Sheet Submission
Date: Tuesday, January 30, 2024 10:59:00 AM
Attachments: Image001.png
IDOZoneAtlasPage_K-16-Z.pdf

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	Address Line 1	City	State	Zip	Mobile Phone
District 6 Coalition of Neighborhood Associations		Patricia	Willson	info@willsonstudio.com	505 Dartmouth Drive SE	Albuquerque	NM	87106	5059808007
District 6 Coalition of Neighborhood Associations		Mandy	Warr	mandy@theremedyspa.com	113 Vassar Drive SE	Albuquerque	NM	87106	5054014367
University Heights NA	info@uhanm.org	Don	Hancock	sricdon@earthlink.net	105 Stanford SE	Albuquerque	NM	87106	5052622053
University Heights NA	info@uhanm.org	Mandy	Warr	mandy@theremedyspa.com	113 Vassar Drive SE	Albuquerque	NM	87106	5054014367

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

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

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

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

If you have questions about what type of notification is required for your particular project or meetings that might be required, please click on the link below to see a table of different types of projects and what notification is required for each: <https://ido.abc-zone.com/integrated-development-ordinance-ido?document=1&outline-name=6-1%20Procedures%20Summary%20Table>

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: Tuesday, January 30, 2024 10:32 AM
To: Office of Neighborhood Coordination <oyenuga@consensusplanning.com>
Cc: Office of Neighborhood Coordination <onc@cabq.gov>
Subject: Public Notice Inquiry Sheet Submission

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

Public Notice Inquiry For:

Environmental Planning Commission

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

Contact Name

Ayoni Oyenuga

Telephone Number

505-764-9801

Email Address

oyenuga@consensusplanning.com

Company Name

Consensus Planning, Inc

Company Address

302 8th Street NW

City

Albuquerque
State NM
ZIP 87102
Legal description of the subject site for this project:
* 023 002UNIVERSITY HTS ADD
* 024 002UNIVERSITY HTS ADD
Physical address of subject site:
201 HARVARD DR SE ALBUQUERQUE NM 87106 and 203 HARVARD DR SE ALBUQUERQUE NM 87106
Subject site cross streets:
Silver Avenue and Harvard Drive SE
Other subject site identifiers:
This site is located on the following zone atlas page:
K-16-Z
Captcha
x

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

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

Date of Request*: January 3, 2024

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

Neighborhood Association (NA)*: See attached public notice inquiry

Name of NA Representative*: See attached public notice inquiry

Email Address* or Mailing Address* of NA Representative¹: See attached public notice inquiry

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

Email address to respond yes or no: cp@consensusplanning.com

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

Meeting Date / Time / Location:
TBD

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

1. Subject Property Address* 201 and 203 Harvard Drive SE
Location Description Located at the Corner of Harvard Drive SE and Silver Ave SE
2. Property Owner* Augustine and Susan Grace
3. Agent/Applicant* [if applicable] Agent: Consensus Planning Inc/
Applicant: ACG Engineering and Construction Management
4. Application(s) Type* per IDO [Table 6-1-1](#) [mark all that apply]
 - Site Plan

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

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

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

Other: Zone Map Amendment

Summary of project/request^{3*}:

Request to change the zoning from R-ML to MX-L to allow for the redevelopment of existing homes and construction of a coffee shop/breakfast establishment

5. This application will be decided administratively by the Development Facilitation Team (DFT)

Application materials: <https://www.cabq.gov/planning/development-review-services/site-plan-admin-dft>

To contact staff, email PLNDRS@cabq.gov or call the Planning Department at 505-924-3946.

6. Where more information about the project can be found^{4*}:

N/A

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

1. Zone Atlas Page(s)^{5*} K-16-Z

2. Architectural drawings, elevations of the proposed building(s) or other illustrations of the proposed application, as relevant^{*}: Attached to notice or provided via website noted above

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

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

Explanation:

N/A

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

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

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

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

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

- 5. **For Site Plan Applications only***, attach site plan showing, at a minimum: N/A
 - a. Location of proposed buildings and landscape areas.*
 - b. Access and circulation for vehicles and pedestrians.*
 - c. Maximum height of any proposed structures, with building elevations.*
 - d. **For residential development***: Maximum number of proposed dwelling units.
 - e. **For non-residential development***:
 - Total gross floor area of proposed project.
 - Gross floor area for each proposed use.

Additional Information:

- 1. From the IDO Zoning Map⁶:
 - a. Area of Property [typically in acres] 0.326 in total
 - b. IDO Zone District R-ML
 - c. Overlay Zone(s) [if applicable] N/A
 - d. Center or Corridor Area [if applicable] N/A
 - 2. Current Land Use(s) [vacant, if none] Low-density residential development.
-

Useful Links

Integrated Development Ordinance (IDO):

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

IDO Interactive Map

<https://tinyurl.com/IDOzoningmap>

Cc: _____ [Other Neighborhood Associations, if any]

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

From: [Ayoni Oyenuga](#)
To: "mandy@theremedyspa.com"; "srcidon@earthlink.net"; "info@willsonstudio.com"
Cc: [Jim Strozier](#); [Zachary Trischitta](#)
Subject: Application Notice
Date: Thursday, February 8, 2024 9:02:00 AM
Attachments: [NA Notification Packet.pdf](#)

Dear Neighbors,

This email is notification that Consensus Planning is submitting an application for a Zoning Map Amendment to the City of Albuquerque Environmental Planning Commission (EPC) on behalf of ACG Engineering and Management LLC. The property is located at 201 & 203 Harvard Drive SE.

The subject property is legally described as **24 002 University Heights Addition and * 023 002 University Heights Addition*. The Applicant is requesting to change the zoning of the property from R-ML TO MX-L to allow for a coffee shop, breakfast restaurant, and community gathering space.

This item will be heard on March 21, 2024, starting at 8:40 a.m. The hearing will be via zoom. You can access the zoom link and agendas on the EPC website: <https://www.cabq.gov/planning/boards-commissions/environmental-planning-commission/epc-agendas-reports-minutes>.

If you have questions regarding this item, please do not hesitate to contact me or Jim Strozier at cp@consensusplanning.com or by phone at (505) 764-9801.

Attachments: Neighborhood Association Notification Packet.

Ayoni Oyenuga

Consensus Planning, Inc.
302 Eighth Street NW
Albuquerque, NM 87102
(505) 764-9801

From: [Mail Delivery System](#)
To: info@willsonstudio.com
Subject: Delivered: Application Notice
Date: Thursday, February 8, 2024 9:02:55 AM
Attachments: [Application Notice.msg](#)

Your message has been delivered to the following recipients:
info@willsonstudio.com <mailto:info@willsonstudio.com>
Subject: Application Notice

From: [Microsoft Outlook](#)
To: srcdon@earthlink.net
Subject: Relayed: Application Notice
Date: Thursday, February 8, 2024 9:02:16 AM
Attachments: [Application Notice.msg](#)

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:
srcdon@earthlink.net (srcdon@earthlink.net) <mailto:srcdon@earthlink.net>
Subject: Application Notice

From: [Microsoft Outlook](#)
To: mandy@theremedyspa.com
Subject: Relayed: Application Notice
Date: Thursday, February 8, 2024 9:02:20 AM
Attachments: [Application Notice.msg](#)

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:
mandy@theremedyspa.com (mandy@theremedyspa.com) <mailto:mandy@theremedyspa.com>
Subject: Application Notice

From: [Office of Neighborhood Coordination](#)
To: [Zachary Trischitta](#)
Subject: 203 Harvard Dr SE Public Notice Inquiry Sheet Submission_EPC
Date: Wednesday, December 20, 2023 1:04:13 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)

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	Association Website	First Name	Last Name	Email	Address Line 1	City	State	Zip	Mobile Phone	Phone
University Heights NA	info@uhanm.org	www.uhanm.org	Mandy	Warr	mandy@theremedyspa.com	113 Vassar Drive SE	Albuquerque	NM	87106	5054014367	5052659219
University Heights NA	info@uhanm.org	www.uhanm.org	Don	Hancock	sricdon@earthlink.net	105 Stanford SE	Albuquerque	NM	87106	5052622053	5052621862
District 6 Coalition of Neighborhood Associations		www.district6coalition.com	Mandy	Warr	mandy@theremedyspa.com	113 Vassar Drive SE	Albuquerque	NM	87106	5054014367	5052659219
District 6 Coalition of Neighborhood Associations		www.district6coalition.com	Patricia	Willson	info@willsonstudio.com	505 Dartmouth Drive SE	Albuquerque	NM	87106	5059808007	

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

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

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

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

If you have questions about what type of notification is required for your particular project or meetings that might be required, please click on the link below to see a table of different types of projects and what notification is required for each: <https://ido.abc-zone.com/integrated-development-ordinance-ido?document=1&outline-name=6-1%20Procedures%20Summary%20Table>

Thank you.



Vanessa Baca
 Manager

Office of Neighborhood Coordination (ONC) | City Council Department | City of Albuquerque
 (505) 768-3331 Office
 E-mail: vanessabaca@cabq.gov
 Website: www.cabq.gov/neighborhoods



From: webmaster@cabq.gov <webmaster@cabq.gov>
Sent: Wednesday, December 20, 2023 9:28 AM
To: Office of Neighborhood Coordination <trischitta@consensusplanning.com>
Cc: Office of Neighborhood Coordination <onc@cabq.gov>
Subject: Public Notice Inquiry Sheet Submission

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

Public Notice Inquiry For:
 Environmental Planning Commission
 If you selected "Other" in the question above, please describe what you are seeking a Public Notice Inquiry for below:

Contact Name
 Zachary Trischitta
 Telephone Number
 5057649801
 Email Address
trischitta@consensusplanning.com
 Company Name
 Consensus Planning
 Company Address
 302 8th Street NW
 City
 Albuquerque
 State
 NM
 ZIP
 87102
 Legal description of the subject site for this project:
 * 024 002UNIVERSITY HTS ADD
 and
 * 023 002UNIVERSITY HTS ADD
 Physical address of subject site:
 201 HARVARD DR SE ALBUQUERQUE NM 87106 and 203 HARVARD DR SE ALBUQUERQUE NM 87106
 Subject site cross streets:
 Harvard Drive SE and Silver Ave SE
 Other subject site identifiers:
 This site is located on the following zone atlas page:
 K-16-Z
 Captcha
 x

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

Public Notice of a Proposed Project in the City of Albuquerque for Policy Decisions Mailed/Emailed to a Neighborhood Association

Date of Notice*: February 8, 2024

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

Neighborhood Association (NA)*: See attached neighborhood contacts from Office of Neighborhood Coordination

Name of NA Representative*: See attached neighborhood contacts from Office of Neighborhood Coordination

Email Address* or Mailing Address* of NA Representative¹: See attached neighborhood contacts from Office of Neighborhood Coordination

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

1. Subject Property Address* 201 & 203 Harvard Drive SE
Location Description Harvard Drive SE and Silver Avenue SE
2. Property Owner* Augustine and Susan Grace
3. Agent/Applicant* [if applicable] Agent: Consensus Planning, Inc. /
Applicant: ACG Engineering and Constructuion Management LLC
4. Application(s) Type* per IDO [Table 6-1-1](#) [mark all that apply]

Zoning Map Amendment

Other: _____

Summary of project/request²:

Zone Map Amendment from R-ML to MX-L to allow for coffee shop, breakfast restaurant,
and community gathering space.

5. This application will be decided at a public hearing by*:

Environmental Planning Commission (EPC)

City Council

This application will be first reviewed and recommended by:

Environmental Planning Commission (EPC)

Landmarks Commission (LC)

Not applicable (Zoning Map Amendment – EPC only)

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

² Attach additional information, as needed to explain the project/request.

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

Date/Time*: Thursday March 21, 2024. Begins at 8:40 a.m.

Location*³: Via Zoom <https://cabq.zoom.us/j/2269592859>

Agenda/meeting materials: <http://www.cabq.gov/planning/boards-commissions>

To contact staff, email devhelp@cabq.gov or call the Planning Department at 505-924-3860.

6. Where more information about the project can be found*⁴:

Please contact Ayoni Oyenuga at oyenuga@consensusplanning.com,
Jim Strozier at cp@consensusplanning.com or 505-764-9801

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

1. Zone Atlas Page(s)*⁵ K-16

2. Architectural drawings, elevations of the proposed building(s) or other illustrations of the proposed application, as relevant*: Attached to notice or provided via website noted above

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

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

Explanation*:

No deviations, variances, or waivers are anticipated with the Zoning Map Amendment.

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:

A presubmittal meeting was held on January 23, 2024 and was attended by some members of the University Heights NA and the District 6 Coalition of NAs.

See attached Facilitated Meeting Report.

³ Physical address or Zoom link

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

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

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

Additional Information [Optional]:

From the IDO Zoning Map⁶:

- 1. Area of Property [typically in acres] 0.326
 - 2. IDO Zone District R-ML
 - 3. Overlay Zone(s) [if applicable] None
 - 4. Center or Corridor Area [if applicable] Central Avenue Main Street Corridor Area and Premium Transit Station Area
- Current Land Use(s) [vacant, if none] Parking lot and single family homes

NOTE: For Zoning Map Amendment – EPC only, pursuant to [IDO Subsection 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 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 505-924-3955.

Useful Links

Integrated Development Ordinance (IDO):

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

IDO Interactive Map

<https://tinyurl.com/IDOzoningmap>

Cc: _____ [Other Neighborhood Associations, if any]

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

From: [Jim Strozier](#)
To: "Mandy Warr"; [P. Davis Willson](#); srcidon@earthlink.net
Cc: [Ayoni Oyenuga](#); [Zachary Trischitta](#)
Subject: IDO Neighborhood Meeting Notification for a Zoning Map Amendment at 201 and 203 Harvard Drive SE
Date: Wednesday, January 3, 2024 9:55:00 AM
Attachments: [Harvard ONC Materials.pdf](#)

University Heights and District 6 Coalition,

On behalf of ACG Engineering and Construction Management LLC, Consensus Planning is preparing an application for a Zone Map Amendment to the City of Albuquerque Environmental Planning Commission (EPC). ACG is the owner of the properties located at 201 and 203 Harvard Drive SE. The applicant requests the zoning of the property be changed from R-ML to MX-L to allow for the redevelopment of the existing homes and construction of a coffee shop/breakfast establishment.

As part of the IDO requirements, we are providing you with an opportunity to discuss this request prior to making an application. Should you desire to request a meeting regarding this project, please do not hesitate to email Ayoni Oyenuga at oyenuga@consensusplanning.com, Jim Strozier at cp@consensusplanning.com or by phone at (505) 764-9801 by January 18, 2024.

Please reach out to us if you have any questions. Thank you.

Jim Strozier, FAICP
Consensus Planning, Inc.
302 8th Street NW
(505) 764-9801

From: [Microsoft Outlook](#)
To: ["Mandy Warr"](#)
Subject: Relayed: IDO Neighborhood Meeting Notification for a Zoning Map Amendment at 201 and 203 Harvard Drive SE
Date: Wednesday, January 3, 2024 9:55:53 AM
Attachments: [IDO Neighborhood Meeting Notification for a Zoning Map Amendment at 201 and 203 Harvard Drive SE.msg](#)

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:
'Mandy Warr' (mandy@theremedyspa.com) <mailto:mandy@theremedyspa.com>
Subject: IDO Neighborhood Meeting Notification for a Zoning Map Amendment at 201 and 203 Harvard Drive SE

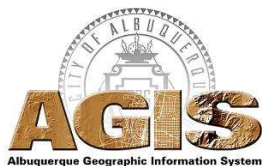
From: [Microsoft Outlook](#)
To: sricdon@earthlink.net
Subject: Relayed: IDO Neighborhood Meeting Notification for a Zoning Map Amendment at 201 and 203 Harvard Drive SE
Date: Wednesday, January 3, 2024 9:55:51 AM
Attachments: [IDO Neighborhood Meeting Notification for a Zoning Map Amendment at 201 and 203 Harvard Drive SE.msg](#)

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:
sricdon@earthlink.net (sricdon@earthlink.net) <mailto:sricdon@earthlink.net>
Subject: IDO Neighborhood Meeting Notification for a Zoning Map Amendment at 201 and 203 Harvard Drive SE

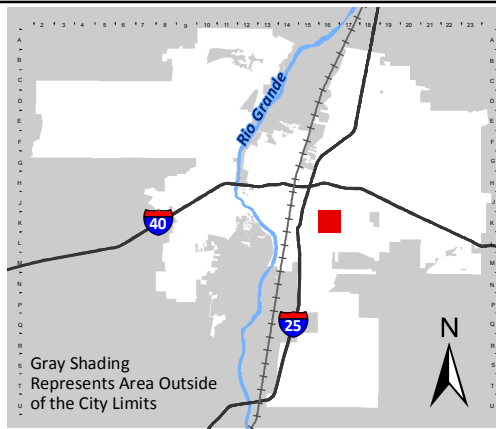


For more details about the Integrated Development Ordinance visit: <http://www.cabq.gov/planning/codes-policies-regulations/integrated-development-ordinance>

IDO Zone Atlas May 2018

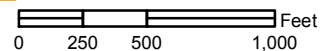


IDO Zoning information as of May 17, 2018
The Zone Districts and Overlay Zones
are established by the
Integrated Development Ordinance (IDO).



Zone Atlas Page:
K-16-Z

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



CITY OF ALBUQUERQUE
LAND USE FACILITATION PROGRAM PROJECT MEETING REPORT
201-03 Harvard SE Zone Map Amendment EPC

Project #:

Property Description/Address: 201 and 203 Harvard SE

Date Submitted: 24 January 2024

Submitted By: Philip Crump

Meeting Date/Time: Tuesday 23 January 2024 5:30-6:15 pm

Meeting Location: Via Google Meet

Facilitator: Philip Crump

Applicant/Agent: ACG Engineering and Construction Management/Consensus Planning

Neighborhood Associations/Interested Parties: University Heights NA, District 6 Coalition of NAs

Background/Meeting Summary:

This meeting was held to review the upcoming application to the EPC for a Zone Map Amendment regarding a property on the SW corner of Harvard and Silver SE. The application will request a change in the zoning from R-ML (Multifamily low density residential) to MX-L (Low intensity mixed use). The purpose is to allow development of a coffee, breakfast, and social gathering facility incorporating the current residences and an additional two-story building between them.

The .32 acre property, purchased in 2008 from University Heights Methodist Church, includes the two houses facing Harvard and a parking lot to the rear (west). The houses would remain essentially the same while the intermediate building would be a modern glass/steel/concrete structure. The owners anticipate a request to join the Bricklight district which occupies the 100 block of Harvard SE. In a presentation of the historical and current zoning, the agent noted that the properties to the east and south are R-ML, while those on the north and west at MX-L.

While citizens attending the meeting were generally in favor of the project, there were concerns expressed. Concerns included the first-time impact of a commercial development of the residential street south of Silver, potential vehicular traffic impacts on a Bike Boulevard, the scale of the proposed new building, and future impacts if the ownership of the property were to change.

Outcome:

There was no direct opposition to the project voiced, though questions and issues were raised and the agent was asked to address those questions in the application.

Meeting Specifics:

1) Characteristics and history of the property

- a) The property consists of two single-story residences and a parking area to the rear.
 - i) The property was purchased in 2008 by the applicants from University Heights Methodist Church.
 - (1) At that time, it was zoned Special Use for church and related activities and was part of the sector plan.
 - (a) The sector plan allowed single-family townhouse and duplex residential uses as well as conditional uses that included a daycare center or school.
 - (2) The zoning then changed to P (Parking) for the parking area to the rear and SU-2/DR (Diverse Residential) for the front.
 - (3) The IDO brought a change to R-ML for the property.
 - ii) The agent showed a chart indicating that new MX-L zoning would allow a lengthy variety of commercial uses not allowed under the residential R-ML zoning.
 - (1) The maximum building height (38 feet) would not change.
 - iii) The property is immediately south of the University Metropolitan Redevelopment Area [MRA], which promotes commercial development.
 - (1) The owners anticipate requesting to become a part of the Bricklight commercial district which exists on the 100 block of Harvard.

CITY OF ALBUQUERQUE
LAND USE FACILITATION PROGRAM PROJECT MEETING REPORT
201-03 Harvard SE Zone Map Amendment EPC

- (a) The property is a short walk to Central Avenue, UNM, Rapid Ride and the ART station, and the commercial activity along Central and in the Bricklight district.
- b) The exteriors of the two houses will remain essentially unchanged.
 - i) Between the two houses will be a two-story common area, enclosed gathering space, and a rooftop deck.
 - (1) The new building will be a modern structure of glass, steel and concrete.
 - ii) There will be a landscaped interior courtyard for year round enjoyment.
 - iii) The parking area behind the houses will be improved, while the number of available spaces will be reduced somewhat.
 - (1) Landscaping and greater use of the alley will be improvements
 - iv) On-street parking for this block of Harvard likely will remain by permit only.
 - (1) There is no on-street parking allowed on Silver.
- 2) Vision and purpose of the project**
 - a) The owners intend to create a neighborhood destination where someone could get coffee or breakfast and have a place for social, collaborative gatherings.
 - i) One collaborative discussion format is Alpha, a Christian-based spiritual renewal program for the university,, the neighborhood, and Albuquerque.
 - (1) Its purpose is to create an open space for honest and open conversations about life's biggest questions.
- 3) Questions and concerns**
 - a) Zoning—One neighborhood representative was concerned that the zoning stays with the property not the owner.
 - i) If the ownership were to change, other uses could come in that are not so compatible with the area.
 - (1) “The dominoes start to fall on residential zoned property, then that has an effect on the people who do live on that block.”
 - ii) She asked why, in light of the vacant or underutilized properties identified in the Redevelopment Plan, the owners could not have found a suitably zoned property elsewhere in the area.
 - iii) Additionally, this represents a reduction in available housing in the area.
 - (1) The agent suggested that the trade-off is housing versus that kind of community gathering space.
 - (a) He said that this (and other issues) will be addressed in the application.
 - b) Excessive commercial uses?—Another representative said there probably needs to be more discussion in the application about providing additional commercial space in an area that already has perhaps too much.
 - i) The purpose of the MRA is to provide improvements in the larger University area, but this is outside the MRA.
 - c) Silver Avenue uses—The representative said there has long been the idea that south of Silver is residential and areas north of Silver can be commercial or mixed use.
 - d) Silver Avenue traffic—The representative, noting that Silver is a Bike Boulevard, asked whether this would put more vehicular traffic on Silver.
 - i) Already, the parking lot draws traffic.
 - ii) The neighborhood association has been talking about some further activities to improve the pedestrian and bicycle nature of Silver and discourage vehicles on the street.
 - (1) The agent reported that they want to make this a bicycle friendly location where people can get into the property, park their bikes and use the facility.
 - (a) They want to encourage that level of activity as much as possible.
 - e) Scale of the new building—A NA representative said that while the proposed new building might be in scale with the church which faces the commercial Yale Avenue, it is out of scale with the residential Harvard Avenue.

CITY OF ALBUQUERQUE
LAND USE FACILITATION PROGRAM PROJECT MEETING REPORT
201-03 Harvard SE Zone Map Amendment EPC

- i) Based on his conversations with a few people, this issue will come up.
 - (1) The agent said that they will review this issue, in light of the Near Heights Community Plan and other documents.
- f) Energy considerations for the new building—The architect/representative noted that the conceptual drawing shows a building that may be a very elegant glass box with patio space up above.
 - i) She encouraged the designer to pay attention to the City’s energy code and ensure a building that is practical to construct.
- g) Support—A neighborhood owner said that he knows the owner and believes that turning the property into a coffee shop or something else is something that he supports.

Next Steps: When the applicants and agent finalize the application, it will be submitted to the EPC. They hope to be able to appear for hearing in March.

EPC Application Hearing Details:

EPC Hearing scheduled for (3rd Thursday date, potentially 21 March 2024)

- 1. Hearing Time:
 - a. All meetings are currently held via Zoom: <https://cabq.zoom.us/j/2269592859>
 - b. The Commission will begin hearing applications at 8:30 a.m.
 - c. The actual time this application will be heard by the Commission will depend on the applicant’s position on the Commission’s schedule
- 2. Hearing Process:
 - a. Comments from facilitated meetings will go into a report which goes to the City Planner.
 - b. City Planner includes facilitator report in recommendations.
 - c. The Commission will make a decision and parties have 15 days to appeal the decision.
- 3. Resident Participation at Hearing:
 - a. Written comments must be received 10 days prior to the hearing and may be sent to: (insert Name, phone, & email of Staff Planner), 600 2nd St., 3rd floor, Albuquerque, NM, 87102 OR, EPC Chair, c/o Planning Department, 600 2nd St., 3rd floor, Albuquerque, NM, 87102

Names & Affiliations of Attendees and additional Interested Parties:

*Augustine & Susan Grace	ACG Engineering & Construction Mgmt
*Cesar Marquez Garcia	ACG Engineering & Construction Mgmt
*Tyler Tiger	Partner
*Alexis Portillo	Partner
*Jim Strozier	Consensus Planning
Ayon Oyenuga	Consensus Planning
*Zachary Trischitta	Consensus Planning
*Patricia Willson	District 6 Coalition, Victory Hills NA
Mandy Warr	District 6 Coalition, University Heights NA
*Don Hancock	University Heights NA
Brian Stinar	University Heights NA
Margie Trosterud	
Eugene Trosterud	
Peggy Neff	
Tyson Hummell	CABQ ADR Coordinator
Krista Baca	ADR Paralegal
*Philip Crump	Facilitator

*Attendee

CITY OF ALBUQUERQUE
AMENDMENT to Land Use Facilitated Meeting Report
201-203 Harvard Dr SE

Project: 201-203 Harvard Dr SE

Meeting Date and Time: 23 January 2024, 5:30-6:15 pm

Date Submitted: 25 January 2024

Original Submission: 24 January 2024

Submitted By: Philip Crump

Facilitator: Philip Crump

*Corrections/changes/additions are shown in **BOLD**.*

Background/Meeting Summary:

This meeting was held to review the upcoming application to the EPC for a Zone Map Amendment

....

The .32 acre property, purchased in 2008 from University Heights **United** Methodist Church,...

Outcome:

There was no direct opposition to the project voiced, though questions and issues were raised....

2. Vision and purpose of the project

a. The owners intend to ...

i) One collaborative discussion format ...

(1) Its purpose is to create an open space for honest and open conversations about life's biggest questions. **There would not be a bar, only non-alcoholic drinks served.**

3. Questions and concerns

a. Zoning—One neighborhood representative was concerned that ...

e. Scale of the new building—A NA representative said that while the proposed new building might be in scale with the church which faces the commercial Yale Avenue, it is out of scale with the residential Harvard ~~Avenue~~ **Drive**.

Names & Affiliations of Attendees and additional Interested Parties:

...

*Don Hancock

University Heights NA

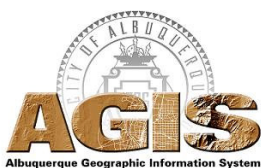
*Brian Stinar

University Heights NA

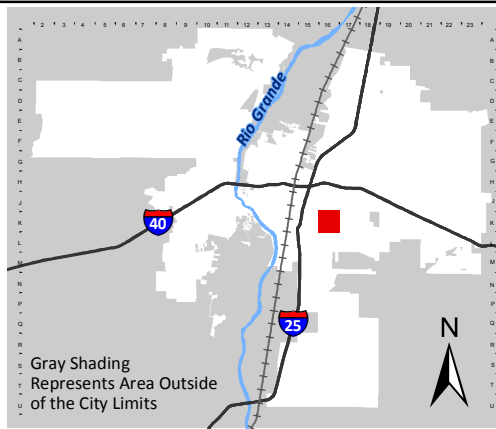


For more details about the Integrated Development Ordinance visit: <http://www.cabq.gov/planning/codes-policies-regulations/integrated-development-ordinance>

IDO Zone Atlas May 2018

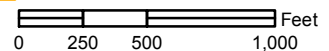


IDO Zoning information as of May 17, 2018
The Zone Districts and Overlay Zones
are established by the
Integrated Development Ordinance (IDO).



Zone Atlas Page:
K-16-Z

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





February 8, 2024

Landscape Architecture
Urban Design
Planning Services

302 Eighth St. NW
Albuquerque, NM 87102

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

Re: IDO Notice – Property owners within 100 feet of subject property

Dear property owner,

On behalf of ACG Engineering and Construction Management LLC, Consensus Planning, Inc. is providing you with notice that we are submitting a Zoning Map Amendment application for EPC approval which will be heard at a public hearing on **March 21, 2024, at 8:40 am via Zoom <https://cabq.zoom.us/j/2269592859>**. The request is to change the zoning of the property from R-ML to MX-L to allow for a coffee shop, breakfast place, and community gathering space.

You can access the agenda on the EPC website: <https://www.cabq.gov/planning/boards-commissions/environmental-planning-commission/epc-agendas-reports-minutes>. The required notice forms and information regarding the public hearing are included in this mailed notice.

Per the IDO section, 6-4(K)(3)(a) mailed public notice to all property owners within 100 feet of the subject site is required. Please reach out to oyenuga@consensusplanning.com or call 505.764.9801 with any questions or concerns regarding this mail. We look forward to hearing from you soon.

Sincerely,

Ayoni Oyenuga
Planner

PRINCIPALS

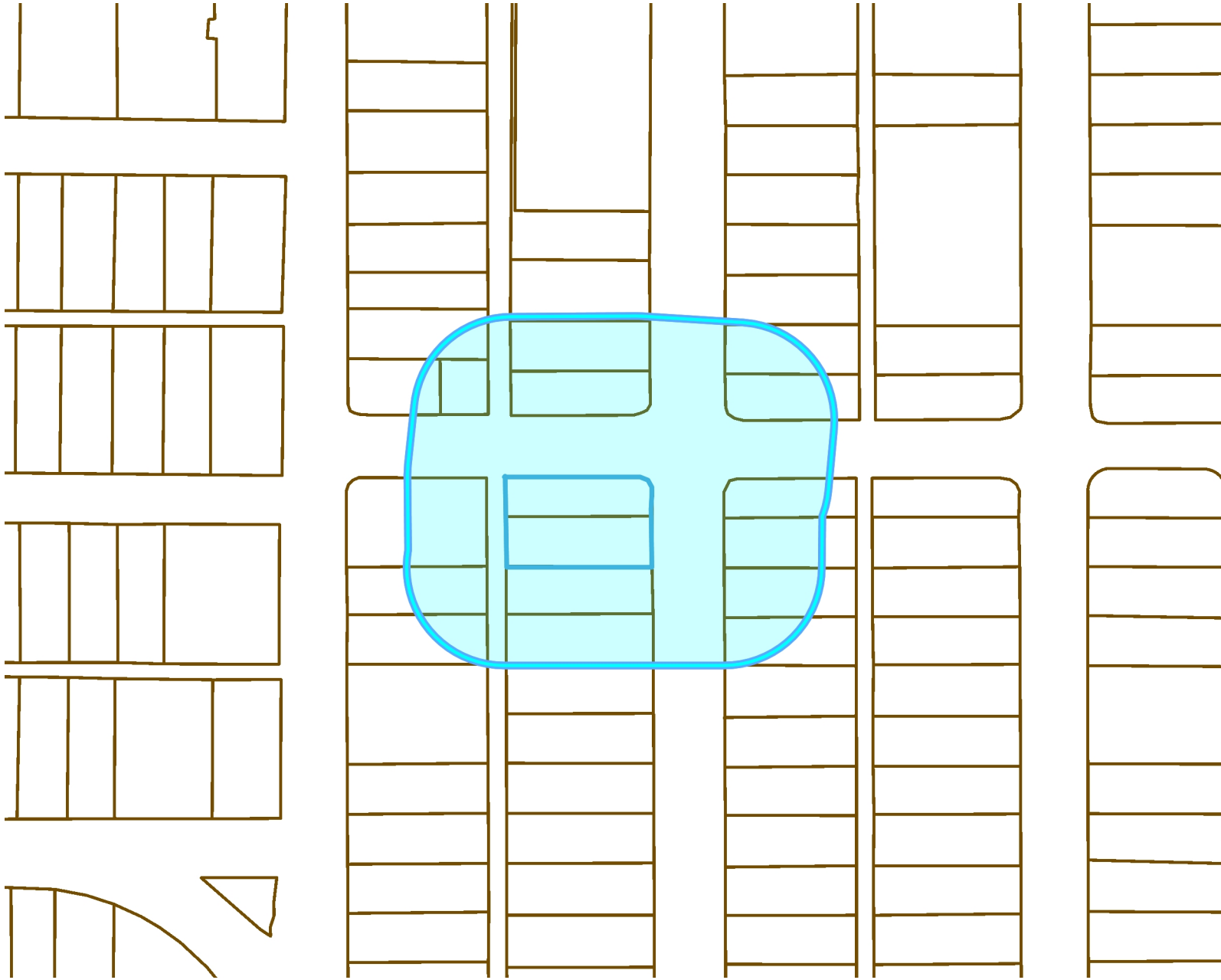
James K. Strozier, FAICP
Jacqueline Fishman, AICP

ASSOCIATES





Ken Romig, PLA, ASLA,
SITES AP



100 feet buffer 201 & 203 Harvard Drive SE

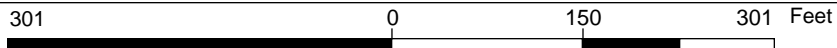


Legend

-  Bernalillo County Parcels
- Municipal Limits**
 -  Corrales
 -  Edgewood
 -  Los Ranchos
 -  Rio Rancho
 -  Tijeras
 -  UNINCORPORATED

Notes

1/30/2024



WGS_1984_Web_Mercator_Auxiliary_Sphere
1/30/2024 © City of Albuquerque

1: 1,803

The City of Albuquerque ("City") provides the data on this website as a service to the public. The City makes no warranty, representation, or guaranty as to the content, accuracy, timeliness, or completeness of any of the data provided at this website. Please visit <http://www.cabq.gov/abq-data/abq-data-disclaimer-1> for more information.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

HARVARD MALL PARTNERS C/O BRICKLIGHT
MAESTAS & WARD PROP MGMT
PO BOX 92560
ALBUQUERQUE NM 87199

ARCHIBEQUE BENNY TRUSTEE ARCHIBEQUE
LVT
PO BOX 50205
ALBUQUERQUE NM 87181-0205

SANDOVAL DAVID P & GLORIA J
4107 ARBORDALE LN NW
ALBUQUERQUE NM 87107

STAFFORD DAVID
207 HARVARD DR SE
ALBUQUERQUE NM 87106-3522

HUMBACH JOHN A & EVA
9 BENEDICT RD
COLD SPRING NY 10516-2916

GRACE AUGUSTINE C & SUSAN G
10021 CORONA AVE NE
ALBUQUERQUE NM 87122

MCCOMB DAVID & BURKHART SARAH REGINA
107 HERMOSA DR SE
ALBUQUERQUE NM 87108-2609

UNIV HGTS UNITED METHODIST CHURCH
2210 SILVER SE
ALBUQUERQUE NM 87106

ANDAZOLA SAMUEL AVIV & REBECCA
DANIELLE
PO BOX 1271
CEDAR CREST NM 87008-1271

NORDIN LAURA
72 CHIMAJA RD
CORRALES NM 87048-7272

SILVER STREET RETAIL LLC
4333 PAN AMERICAN FWY NE SUITE A
ALBUQUERQUE NM 87107-6833

PEACE & JUSTICE EDUCATION PROJECT INC
202 HARVARD DR SE
ALBUQUERQUE NM 87106-5505

OUTPOST PRODUCTIONS INC
PO BOX 4543
ALBUQUERQUE NM 87196-4543

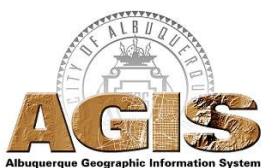
RICE SHERRY KATHLEEN
909 PRINCETON DR SE
ALBUQUERQUE NM 87106-3034

RICE VIRGINIA KESSLER
208 HARVARD DR SE
ALBUQUERQUE NM 87106-5505

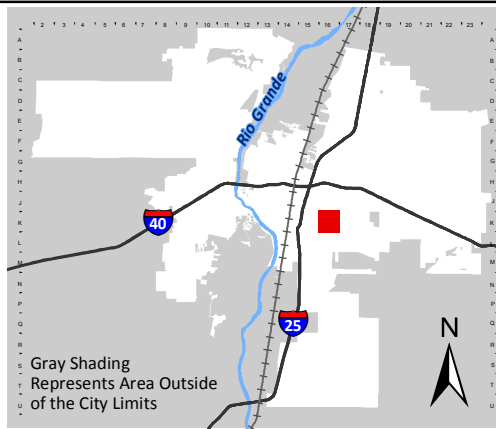


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IDO Zone Atlas May 2018

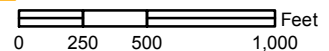


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- Areas Outside of City Limits
- Airport Protection Overlay (APO) Zone
- Character Protection Overlay (CPO) Zone
- Historic Protection Overlay (HPO) Zone
- View Protection Overlay (VPO) Zone



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

Public Notice of a Proposed Project in the City of Albuquerque for Policy Decisions Mailed to a Property Owner

Date of Notice*: February 8, 2024

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

Property Owner within 100 feet*: See application documentation.

Mailing Address*: See application documentation.

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

1. Subject Property Address* 201 & 203 Harvard Drive SE
Location Description Harvard Drive SE and Silver Avenue SE
2. Property Owner* Augustine and Susan Grace
3. Agent/Applicant* [if applicable] Agent: Consensus Planning, Inc. /
Applicant: ACG Engineering and Construction Management LLC
4. Application(s) Type* per IDO [Table 6-1-1](#) [mark all that apply]

Zoning Map Amendment

Other: _____

Summary of project/request^{1*}:

Zone Map Amendment from R-ML to MX-L to allow for coffee shop, breakfast restaurant and community gathering space.

5. This application will be decided at a public hearing by*:

Environmental Planning Commission (EPC) City Council

This application will be first reviewed and recommended by:

Environmental Planning Commission (EPC) Landmarks Commission (LC)

Not applicable (Zoning Map Amendment – EPC only)

Date/Time*: Thursday March 21, 2024. Begins at 8:40 a.m.

Location*²: Via Zoom <https://cabq.zoom.us/j/2269592859>

¹ Attach additional information, as needed to explain the project/request.

² Physical address or Zoom link

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

Agenda/meeting materials: <http://www.cabq.gov/planning/boards-commissions>

To contact staff, email devhelp@cabq.gov or call the Planning Department at 505-924-3860.

6. Where more information about the project can be found^{*3}:

Please contact Ayoni Oyenuga at oyenuga@consensusplanning.com,
Jim Strozier at cp@consensusplanning.com or 505-764-9801

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

1. Zone Atlas Page(s)^{*4} K-16-Z
2. Architectural drawings, elevations of the proposed building(s) or other illustrations of the proposed application, as relevant^{*}: Attached to notice or provided via website noted above
3. The following exceptions to IDO standards have been requested for this project^{*}:

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

Explanation^{*}:

No deviations, variances, or waivers are anticipated with the Zoning Map Amendment.

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:

A presubmittal meeting was held on January 23, 2024 and was attended by some members of the University Heights NA and the District 6 Coalition of NAs.

Meeting discussed issues related to parking, traffic, scale, and the need to adequately justify the change. Generally supportive of the request.

³ Address (mailing or email), phone number, or website to be provided by the applicant

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

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

Additional Information:

From the IDO Zoning Map⁵:

1. Area of Property [typically in acres] 0.326
 2. IDO Zone District R-ML
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-

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Consensus Planning
302 8th Street NW
Albuquerque, NM 87102

FIRST-CLASS
US POSTAGESM PITNEY BOWES
ZIP 87102 \$ 000.64⁰
02 7H
0006057985 FEB 08 2024

SANDOVAL DAVID P & GLORIA J
4107 ARBORDALE LN NW
ALBUQUERQUE NM 87107

Consensus Planning
302 8th Street NW
Albuquerque, NM 87102

FIRST-CLASS
US POSTAGESM PITNEY BOWES
ZIP 87102 \$ 000.64⁰
02 7H
0006057985 FEB 08 2024

STAFFORD DAVID
207 HARVARD DR SE
ALBUQUERQUE NM 87106-3522

Consensus Planning
302 8th Street NW
Albuquerque, NM 87102

FIRST-CLASS
US POSTAGESM PITNEY BOWES
ZIP 87102 \$ 000.64⁰
02 7H
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SILVER STREET RETAIL LLC
4333 PAN AMERICAN FWY NE SUITE A
ALBUQUERQUE NM 87107-6833

Consensus Planning
302 8th Street NW
Albuquerque, NM 87102

FIRST-CLASS
US POSTAGESM PITNEY BOWES
ZIP 87102 \$ 000.64⁰
02 7H
0006057985 FEB 08 2024

ARCHIBEQUE BENNY TRUSTEE ARCHIBEQUE
LVT
PO BOX 50205
ALBUQUERQUE NM 87181-0205

Consensus Planning
302 8th Street NW
Albuquerque, NM 87102

FIRST-CLASS
US POSTAGESM PITNEY BOWES
ZIP 87102 \$ 000.64⁰
02 7H
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OUTPOST PRODUCTIONS INC
PO BOX 4543
ALBUQUERQUE NM 87196-4543

Consensus Planning
302 8th Street NW
Albuquerque, NM 87102

FIRST-CLASS
US POSTAGESM PITNEY BOWES
ZIP 87102 \$ 000.64⁰
02 7H
0006057985 FEB 08 2024

HARVARD MALL PARTNERS C/O BRICKLIGHT
MAESTAS & WARD PROP MGMT
PO BOX 92560
ALBUQUERQUE NM 87199

Consensus Planning
302 8th Street NW
Albuquerque, NM 87102

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US POSTAGESM PITNEY BOWES
ZIP 87102 \$ 000.64⁰
02 7H
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UNIV HGTS UNITED METHODIST CHURCH
2210 SILVER SE
ALBUQUERQUE NM 87106

Consensus Planning
302 8th Street NW
Albuquerque, NM 87102

FIRST-CLASS
US POSTAGESM PITNEY BOWES
ZIP 87102 \$ 000.64⁰
02 7H
0006057985 FEB 08 2024

ANDAZOLA SAMUEL AVIV & REBECCA
DANIELLE
PO BOX 1271
CEDAR CREST NM 87008-1271

Consensus Planning
302 8th Street NW
Albuquerque, NM 87102

FIRST-CLASS
US POSTAGESM PITNEY BOWES
ZIP 87102 \$ 000.64⁰
02 7H
0006057985 FEB 08 2024

PEACE & JUSTICE EDUCATION PROJECT INC
202 HARVARD DR SE
ALBUQUERQUE NM 87106-5505

Consensus Planning
302 8th Street NW
Albuquerque, NM 87102

FIRST-CLASS
US POSTAGESM PITNEY BOWES
ZIP 87102 \$ 000.64⁰
02 7H
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RICE VIRGINIA KESSLER
208 HARVARD DR SE
ALBUQUERQUE NM 87106-5505

Consensus Planning
302 8th Street NW
Albuquerque, NM 87102

FIRST-CLASS
US POSTAGESM PITNEY BOWES
ZIP 87102 \$ 000.64⁰
02 7H
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NORDIN LAURA
72 CHIMAJA RD
CORRALES NM 87048-7272

Consensus Planning
302 8th Street NW
Albuquerque, NM 87102

FIRST-CLASS
US POSTAGESM PITNEY BOWES
ZIP 87102 \$ 000.64⁰
02 7H
0006057985 FEB 08 2024

MCCOMB DAVID & BURKHART SARAH REGINA
107 HERMOSA DR SE
ALBUQUERQUE NM 87108-2609

Consensus Planning
302 8th Street NW
Albuquerque, NM 87102

FIRST-CLASS
US POSTAGESM PITNEY BOWES
ZIP 87102 \$ 000.64⁰
02 7H
0006057985 FEB 08 2024

RICE SHERRY KATHLEEN
909 PRINCETON DR SE
ALBUQUERQUE NM 87106-3034

Consensus Planning
302 8th Street NW
Albuquerque, NM 87102

FIRST-CLASS
US POSTAGESM PITNEY BOWES
ZIP 87102 \$ 000.64⁰
02 7H
0006057985 FEB 08 2024

HUMBACH JOHN A & EVA
9 BENEDICT RD
COLD SPRING NY 10516-2916

Consensus Planning
302 8th Street NW
Albuquerque, NM 87102

FIRST-CLASS
US POSTAGESM PITNEY BOWES
ZIP 87102 \$ 000.64⁰
02 7H
0006057985 FEB 08 2024

GRACE AUGUSTINE C & SUSAN G
10021 CORONA AVE NE
ALBUQUERQUE NM 87122

S INFORMATION

February 20, 2024

TO: Consensus Planning
FROM: Robert Messenger, AICP, Planner
City of Albuquerque Planning Department
TEL: (505) 924-3837
RE: PR-2024-009946 RZ-2024-00014 ZMA – EPC, 201 & 203 Harvard Dr. SE

I've completed a first review of the proposed zone change request. I have a few questions and several suggestions that will help strengthen the justification. I am available to answer questions about the process and requirements. Please provide the following:

⇒ A revised zone change justification letter by **12 pm on Wednesday, February 28th, 2024.**

⇒ Note: If you have trouble with this deadline, please let me know.

1) Introduction/General:

- A. Additional items may arise as the case progresses. If so, I will inform you immediately.
- B. Please address the Agent Authorization letter, which is page 3 of the application, to Jonathon Hollinger, who is the new EPC Chair.
- C. This is what I have for the legal description: Lots 24 and 23 of Block 2, University Heights Addition
- C. This is what I have for the total area (201 and 203 Harvard Dr. SE): 0.34 acres
- D. Page 22 of application, or page 3 of 14 of Project Letter: Note that Rapid Ride service 790 has been discontinued. Please remove all references to Route 790.

2) Key Issues/Project Request:

- A. The request is for a zone map amendment from R-ML to MX-L for both 201 and 203 Harvard Dr. SE to facilitate future development.
- B. A vacant or occupied house is the current use for the property zoned R-ML

3) Process:

- A. Information regarding the EPC process, including the calendar and current Staff reports, can be found at:

<http://www.cabq.gov/planning/boards-and-commissions/environmental-planning-commission/>

- B. Timelines and EPC calendar: the EPC public hearing is March 21st. Final staff reports will be available one week prior, on March 14th.

- C. Please visit the link above to find copies of Staff reports that will serve as examples of zone changes.
- D. Note that, if a zone change request is denied, you cannot reapply again for one year.
- E. Agency comments will be distributed as they come in. I will email you a copy of all the comments compiled and will forward any late comments to you.

4) Notification & Neighborhood Issues:

- A. Were the concerns raised at the facilitated meeting resolved or addressed? These included:
 - the impact of a commercial development south of Silver,
 - potential vehicular traffic impacts on a Bike Boulevard,
 - the scale of the proposed new building, and
 - future impacts if the ownership of the property were to change
- B. Have any property owners within 100 feet of the subject property or members of the public contacted you? Are you aware of any concerns?

5) Zone Map Amendment (zone change)- General:

- A. A zone change justification is all about the requirements of IDO 14-16-6-7(G)(3) and how the request meets the criteria.

The exercise is to choose applicable Goals and policies from the Comprehensive Plan that show how your request furthers (makes a reality) the chosen Goals and policies.

- B. For Criterion A, the word used in the policy analysis is usually “furthers” unless a higher test applies. When a request is demonstrated to further a preponderance of applicable Goals and policies, then it is deemed consistent with the City’s general health, safety, and welfare.

6) Zone Map Amendment (zone change)- Concepts & Research:

- A. Refer to the link provided below for examples of Zone Map Amendments staff reports:

<https://www.cabq.gov/planning/boards-commissions/environmental-planning-commission/epc-agendas-reports-minutes>

7) Zone Map Amendment (zone change)- Section by Section:

Please incorporate the following to provide a strengthened, improved response to 14-16-6-7 (G)(3):

- A. 6-7(G)(3)(a): Because the test for Criterion A “is consistent with” is a weaker test than what’s required by Criterion B, the Response to Criterion A needs to be redone. Criterion A needs to be rewritten to demonstrate that “the new zone would **clearly reinforce or strengthen** the established character of the surrounding Area of Consistency...”

- i. Policy 4.1.1 does not apply because a zone change alone cannot guarantee quality development.
 - ii. Goal 5.1 and Policies 5.1.1, 5.1.5, 5.1.8, and 5.1.9 are not applicable because the subject site is not within any Comp Plan-designated Center or within any Comp Plan Corridors.
 - iii. Goal 5.6 response only addresses “Areas of Consistency” but does not explain how the request directs growth to “Areas of Change”. Only half of the Goal is addressed.
 - iv. Policy 5.6.3 is applicable. However, the response needs to be redone to note that the subject site is outside of Centers and Corridors.
 - v. Policy 6.1.3 is not applicable because a zone change itself cannot guarantee development that will reduce auto demand or provide a TDM program.
 - vi. Policy 8.2.1 Local Business – Paragraph describing University Metropolitan Redevelopment Area Plan information should be removed since the subject site is not within the University MRA.
- B. 6-7(G)(3)(b): Sufficient.
- C. 6-7(G)(3)(c): Please expand by noting that subject site is located in an Area of Consistency.
- D. 6-7(G)(3)(d): Potential uses were a concern at the facilitated neighborhood meeting. Consider replacing “church” with “religious institution” to make a stronger connection to the IDO, which prohibits some uses based on proximity to a *religious institution*. These uses include adult entertainment or adult retail [IDO 4-3(D)(6)], methadone clinic, and syringe exchange facility.
- E. 6-7(G)(3)(e): Please rewrite the statement “Central Avenue, Silver Avenue, and Harvard Drive contain transit services and bike facilities, and convenient road network connectivity” because it could imply that all three streets have both transit and bike facilities. Only Central Avenue and Yale Blvd have transit services. Only Silver and Yale have bike facilities or bike designations; Bike Boulevard and Bike Route, respectively. Harvard does not have transit or bike services/facilities.
- F. 6-7(G)(3)(f): Sufficient.
- G. 6-7(G)(3)(g): Sufficient.
- H. 6-7(G)(3)(h): Sufficient.

FACILITATED MEETING REPORT

CITY OF ALBUQUERQUE
LAND USE FACILITATION PROGRAM PROJECT MEETING REPORT
201-03 Harvard SE Zone Map Amendment EPC

Project #:

Property Description/Address: 201 and 203 Harvard SE

Date Submitted: 24 January 2024

Submitted By: Philip Crump

Meeting Date/Time: Tuesday 23 January 2024 5:30-6:15 pm

Meeting Location: Via Google Meet

Facilitator: Philip Crump

Applicant/Agent: ACG Engineering and Construction Management/Consensus Planning

Neighborhood Associations/Interested Parties: University Heights NA, District 6 Coalition of NAs

Background/Meeting Summary:

This meeting was held to review the upcoming application to the EPC for a Zone Map Amendment regarding a property on the SW corner of Harvard and Silver SE. The application will request a change in the zoning from R-ML (Multifamily low density residential) to MX-L (Low intensity mixed use). The purpose is to allow development of a coffee, breakfast, and social gathering facility incorporating the current residences and an additional two-story building between them.

The .32 acre property, purchased in 2008 from University Heights Methodist Church, includes the two houses facing Harvard and a parking lot to the rear (west). The houses would remain essentially the same while the intermediate building would be a modern glass/steel/concrete structure. The owners anticipate a request to join the Bricklight district which occupies the 100 block of Harvard SE. In a presentation of the historical and current zoning, the agent noted that the properties to the east and south are R-ML, while those on the north and west at MX-L.

While citizens attending the meeting were generally in favor of the project, there were concerns expressed. Concerns included the first-time impact of a commercial development of the residential street south of Silver, potential vehicular traffic impacts on a Bike Boulevard, the scale of the proposed new building, and future impacts if the ownership of the property were to change.

Outcome:

There was no direct opposition to the project voiced, though questions and issues were raised and the agent was asked to address those questions in the application.

Meeting Specifics:

1) Characteristics and history of the property

- a) The property consists of two single-story residences and a parking area to the rear.
 - i) The property was purchased in 2008 by the applicants from University Heights Methodist Church.
 - (1) At that time, it was zoned Special Use for church and related activities and was part of the sector plan.
 - (a) The sector plan allowed single-family townhouse and duplex residential uses as well as conditional uses that included a daycare center or school.
 - (2) The zoning then changed to P (Parking) for the parking area to the rear and SU-2/DR (Diverse Residential) for the front.
 - (3) The IDO brought a change to R-ML for the property.
 - ii) The agent showed a chart indicating that new MX-L zoning would allow a lengthy variety of commercial uses not allowed under the residential R-ML zoning.
 - (1) The maximum building height (38 feet) would not change.
 - iii) The property is immediately south of the University Metropolitan Redevelopment Area [MRA], which promotes commercial development.
 - (1) The owners anticipate requesting to become a part of the Bricklight commercial district which exists on the 100 block of Harvard.

CITY OF ALBUQUERQUE
LAND USE FACILITATION PROGRAM PROJECT MEETING REPORT
201-03 Harvard SE Zone Map Amendment EPC

- (a) The property is a short walk to Central Avenue, UNM, Rapid Ride and the ART station, and the commercial activity along Central and in the Bricklight district.
- b) The exteriors of the two houses will remain essentially unchanged.
 - i) Between the two houses will be a two-story common area, enclosed gathering space, and a rooftop deck.
 - (1) The new building will be a modern structure of glass, steel and concrete.
 - ii) There will be a landscaped interior courtyard for year round enjoyment.
 - iii) The parking area behind the houses will be improved, while the number of available spaces will be reduced somewhat.
 - (1) Landscaping and greater use of the alley will be improvements
 - iv) On-street parking for this block of Harvard likely will remain by permit only.
 - (1) There is no on-street parking allowed on Silver.
- 2) Vision and purpose of the project**
 - a) The owners intend to create a neighborhood destination where someone could get coffee or breakfast and have a place for social, collaborative gatherings.
 - i) One collaborative discussion format is Alpha, a Christian-based spiritual renewal program for the university,, the neighborhood, and Albuquerque.
 - (1) Its purpose is to create an open space for honest and open conversations about life's biggest questions.
- 3) Questions and concerns**
 - a) Zoning—One neighborhood representative was concerned that the zoning stays with the property not the owner.
 - i) If the ownership were to change, other uses could come in that are not so compatible with the area.
 - (1) “The dominoes start to fall on residential zoned property, then that has an effect on the people who do live on that block.”
 - ii) She asked why, in light of the vacant or underutilized properties identified in the Redevelopment Plan, the owners could not have found a suitably zoned property elsewhere in the area.
 - iii) Additionally, this represents a reduction in available housing in the area.
 - (1) The agent suggested that the trade-off is housing versus that kind of community gathering space.
 - (a) He said that this (and other issues) will be addressed in the application.
 - b) Excessive commercial uses?—Another representative said there probably needs to be more discussion in the application about providing additional commercial space in an area that already has perhaps too much.
 - i) The purpose of the MRA is to provide improvements in the larger University area, but this is outside the MRA.
 - c) Silver Avenue uses—The representative said there has long been the idea that south of Silver is residential and areas north of Silver can be commercial or mixed use.
 - d) Silver Avenue traffic—The representative, noting that Silver is a Bike Boulevard, asked whether this would put more vehicular traffic on Silver.
 - i) Already, the parking lot draws traffic.
 - ii) The neighborhood association has been talking about some further activities to improve the pedestrian and bicycle nature of Silver and discourage vehicles on the street.
 - (1) The agent reported that they want to make this a bicycle friendly location where people can get into the property, park their bikes and use the facility.
 - (a) They want to encourage that level of activity as much as possible.
 - e) Scale of the new building—A NA representative said that while the proposed new building might be in scale with the church which faces the commercial Yale Avenue, it is out of scale with the residential Harvard Avenue.

CITY OF ALBUQUERQUE
LAND USE FACILITATION PROGRAM PROJECT MEETING REPORT
201-03 Harvard SE Zone Map Amendment EPC

- i) Based on his conversations with a few people, this issue will come up.
 - (1) The agent said that they will review this issue, in light of the Near Heights Community Plan and other documents.
- f) Energy considerations for the new building—The architect/representative noted that the conceptual drawing shows a building that may be a very elegant glass box with patio space up above.
 - i) She encouraged the designer to pay attention to the City’s energy code and ensure a building that is practical to construct.
- g) Support—A neighborhood owner said that he knows the owner and believes that turning the property into a coffee shop or something else is something that he supports.

Next Steps: When the applicants and agent finalize the application, it will be submitted to the EPC. They hope to be able to appear for hearing in March.

EPC Application Hearing Details:

EPC Hearing scheduled for (3rd Thursday date, potentially 21 March 2024)

- 1. Hearing Time:
 - a. All meetings are currently held via Zoom: <https://cabq.zoom.us/j/2269592859>
 - b. The Commission will begin hearing applications at 8:30 a.m.
 - c. The actual time this application will be heard by the Commission will depend on the applicant’s position on the Commission’s schedule
- 2. Hearing Process:
 - a. Comments from facilitated meetings will go into a report which goes to the City Planner.
 - b. City Planner includes facilitator report in recommendations.
 - c. The Commission will make a decision and parties have 15 days to appeal the decision.
- 3. Resident Participation at Hearing:
 - a. Written comments must be received 10 days prior to the hearing and may be sent to: (insert Name, phone, & email of Staff Planner), 600 2nd St., 3rd floor, Albuquerque, NM, 87102 OR, EPC Chair, c/o Planning Department, 600 2nd St., 3rd floor, Albuquerque, NM, 87102

Names & Affiliations of Attendees and additional Interested Parties:

*Augustine & Susan Grace	ACG Engineering & Construction Mgmt
*Cesar Marquez Garcia	ACG Engineering & Construction Mgmt
*Tyler Tiger	Partner
*Alexis Portillo	Partner
*Jim Strozier	Consensus Planning
Ayon Oyenuga	Consensus Planning
*Zachary Trischitta	Consensus Planning
*Patricia Willson	District 6 Coalition, Victory Hills NA
Mandy Warr	District 6 Coalition, University Heights NA
*Don Hancock	University Heights NA
Brian Stinar	University Heights NA
Margie Trosterud	
Eugene Trosterud	
Peggy Neff	
Tyson Hummell	CABQ ADR Coordinator
Krista Baca	ADR Paralegal
*Philip Crump	Facilitator

*Attendee

CITY OF ALBUQUERQUE
AMENDMENT to Land Use Facilitated Meeting Report
201-203 Harvard Dr SE

Project: 201-203 Harvard Dr SE

Meeting Date and Time: 23 January 2024, 5:30-6:15 pm

Date Submitted: 25 January 2024

Original Submission: 24 January 2024

Submitted By: Philip Crump

Facilitator: Philip Crump

*Corrections/changes/additions are shown in **BOLD**.*

Background/Meeting Summary:

This meeting was held to review the upcoming application to the EPC for a Zone Map Amendment

....

The .32 acre property, purchased in 2008 from University Heights **United** Methodist Church,...

Outcome:

There was no direct opposition to the project voiced, though questions and issues were raised....

2. Vision and purpose of the project

a. The owners intend to ...

i) One collaborative discussion format ...

(1) Its purpose is to create an open space for honest and open conversations about life's biggest questions. **There would not be a bar, only non-alcoholic drinks served.**

3. Questions and concerns

a. Zoning—One neighborhood representative was concerned that ...

e. Scale of the new building—A NA representative said that while the proposed new building might be in scale with the church which faces the commercial Yale Avenue, it is out of scale with the residential Harvard ~~Avenue~~ **Drive**.

Names & Affiliations of Attendees and additional Interested Parties:

...

*Don Hancock

University Heights NA

*Brian Stinar

University Heights NA

LETTERS

UNIVERSITY HEIGHTS ASSOCIATION

105 Stanford, SE
Albuquerque, NM 87106
505/262-1862
info@uhanm.org
www.uhanm.org



March 11, 2024

Mr. Jonathan R. Hollinger, Chair
Environmental Planning Commission (EPC)
City of Albuquerque

via email: rmessenger@cabq.gov

Dear Chair Hollinger:

Re: Zoning Map Amendment, 201 & 203 Harvard Drive SE

The University Heights Association (UHA) is the Recognized Neighborhood Association where the subject property is located. Two members of the UHA Board of Directors attended the facilitated meeting on January 23, 2024. All members of the Board received the February 8, 2024 Application Letter for the Amendment, as well as the February 26 resubmittal letter. At its regular monthly meeting on March 7, 2024, the UHA Board of Directors voted 5-1 to oppose the zone change because it does not meet the requirements of Integrated Development Ordinance (IDO) Section 14-16-6-7(G)(3) and would be injurious to the neighborhood.

The UHA Board appreciates that the applicant has owned and cared for the subject property for more than 15 years. However, the Amendment runs with the property. Further, the application does not provide adequate justification for the requested Amendment under the IDO requirements and is incomplete in describing the history of the zoning of the area and the applicable current city policies. Therefore, the UHA Board requests that the EPC deny the request.

IDO Section 14-16-6-7(G)(3) states that a Zoning Map Amendment must meet all of the applicable criteria (a) through (h). (14-16-6-7(G)(3)(c) does not apply because the property is in an Area of Consistency.) As will be described in more detail, the application does not meet the requirements of Section 14-16-6-7(G)(3)(a) because it is not consistent with the health, safety, and general welfare of the City, because it is in conflict with a preponderance of applicable Goals and Policies in the ABC Comp Plan, as amended, and other applicable plans adopted by the City.

The application does not meet any of the requirements of Section 14-16-6-7(G)(3)(b) because it does not reinforce or strengthen the established character of the surrounding Area of Consistency. Further, the existing zoning is appropriate. There is no typographical error, there is not a significant change in neighborhood or community conditions affecting the site, and a different zone district is not more advantageous to the community as articulated by the ABC Comp Plan.

Brief history of UHA area zoning

Zoning of the UHA area prior to the 1978 University Neighborhoods Sector Development Plan was for most of the area to be high density R-3 residential zoning, with commercially zoned areas along Central Avenue and Yale Boulevard, in the 100 blocks of Harvard, Cornell and Vassar and a few lots along Lead Avenue for three blocks east of Yale. Attached Map 1. The 1978 Sector Plan downzoned all of the R-3 zoning south of Silver, increased allowed commercial zoning along Central, and slightly decreased the number of commercially zoned lots along Lead. Map 2.

The 1986 Sector Development Plan maintained the zoning in the UHA area from the 1978 Sector Plan. Map 3. Basic Goals of the Sector Plan included: “Encourage infill residential construction in appropriate places” and “Improve conditions in business areas.” Page 1.

Current IDO Zoning and University Metropolitan Development Area (UMRA)

The current Comprehensive Plan designates the area south of Silver, including the subject properties, as an Area of Consistency. When the IDO was approved, area zoning designations changed, but the commercial (including Mixed Use) and residential zoning areas were not changed. The Zone Atlas Map Page K-16-Z is included four times in the Application Packet.

Thus, there has been no increase in commercial or mixed use zoning in the residential area south of Silver since prior to the 1978 Sector Development Plan. The Application does not mention that fact, nor discuss what specific changes in that residential area justifies such a major change in 45 years of history and policy.

In fact, the significant recent study of area characteristics reinforces the appropriateness of the existing zoning. On December 5, 2022, the City Council approved R-22-74, the University Metropolitan Development Area (UMRA) Plan, which was also approved by the Mayor. The first two action areas of the Plan are to increase housing options and strengthen the commercial environment within the UMRA boundaries, which do not include the subject properties. The Council ordinance and the UMRA Plan state: “The lower-density residential character of neighborhoods to the south of Silver should be preserved.” (emphasis added). The subject properties are in the area south of Silver Avenue. Map 4. Providing for increased commercial use through the proposed MX-L zoning is contrary to the policy of maintaining the lower-density residential character of the neighborhood. That residential character of the area south of Silver Avenue has not changed.

The UMRA Plan also determined that around 25 percent of the commercial properties within the UMRA boundaries are vacant. Page 25. Consequently, the UMRA Plan, which UHA supported, proposes various measures to improve the commercial and mixed use properties within the UMRA boundaries, but not with the subject properties that are outside of those boundaries. Adding more commercial zoning in an area with greatly excess commercial properties, as shown by vacancies, including within a block of the subject properties, is contrary

to the data and to city policies. The Application mentions that the subject property is adjacent to the UMRA on pages 3 and 5, but does not discuss those details of the ordinance and the UMRA Plan. Thus, the proposed zoning is not consistent with the preponderance of applicable goals and plans adopted by the City, as required by IDO Section 14-16-6-7(G)(3)(a).

The proposed MX-L zoning meets none of the three criteria in Section 14-16-6-7(G)(3)(b) because there is no typographical error, there is not a significant change in neighborhood or community conditions affecting the site, and a different zone district is not more advantageous to the community as articulated by the ABC Comp Plan.

Regarding IDO Section 14-16-6-7(G)(3)(d), the resubmitted Application concedes that some of the permissive uses “would be potentially harmful,” but maintains that either the intensity of the uses or the proximity of the University Heights United Methodist Church provide adequate mitigation. The UHA Board does not agree that the proximity mitigates all of the harmful permissive uses. Additionally, some of those permissive uses would increase traffic on the Silver Bicycle Boulevard, which would also be injurious to the neighborhood by creating more vehicle-bicycle-pedestrian conflicts.

Thus, the context, history, and preponderance of city goals and policies is to maintain the existing R-ML zoning of the subject properties. Therefore, the UHA Board of Directors requests that the EPC deny the Zoning Map Amendment request.

Thank you very much for your consideration.

Sincerely,

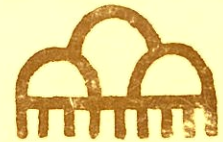


Don Hancock
Secretary-Treasurer
sricdon@earthlink.net
505-262-1862

cc: Augustine Grace
Jim Strozier
Ayoni Oyenuga
Patricia Willson

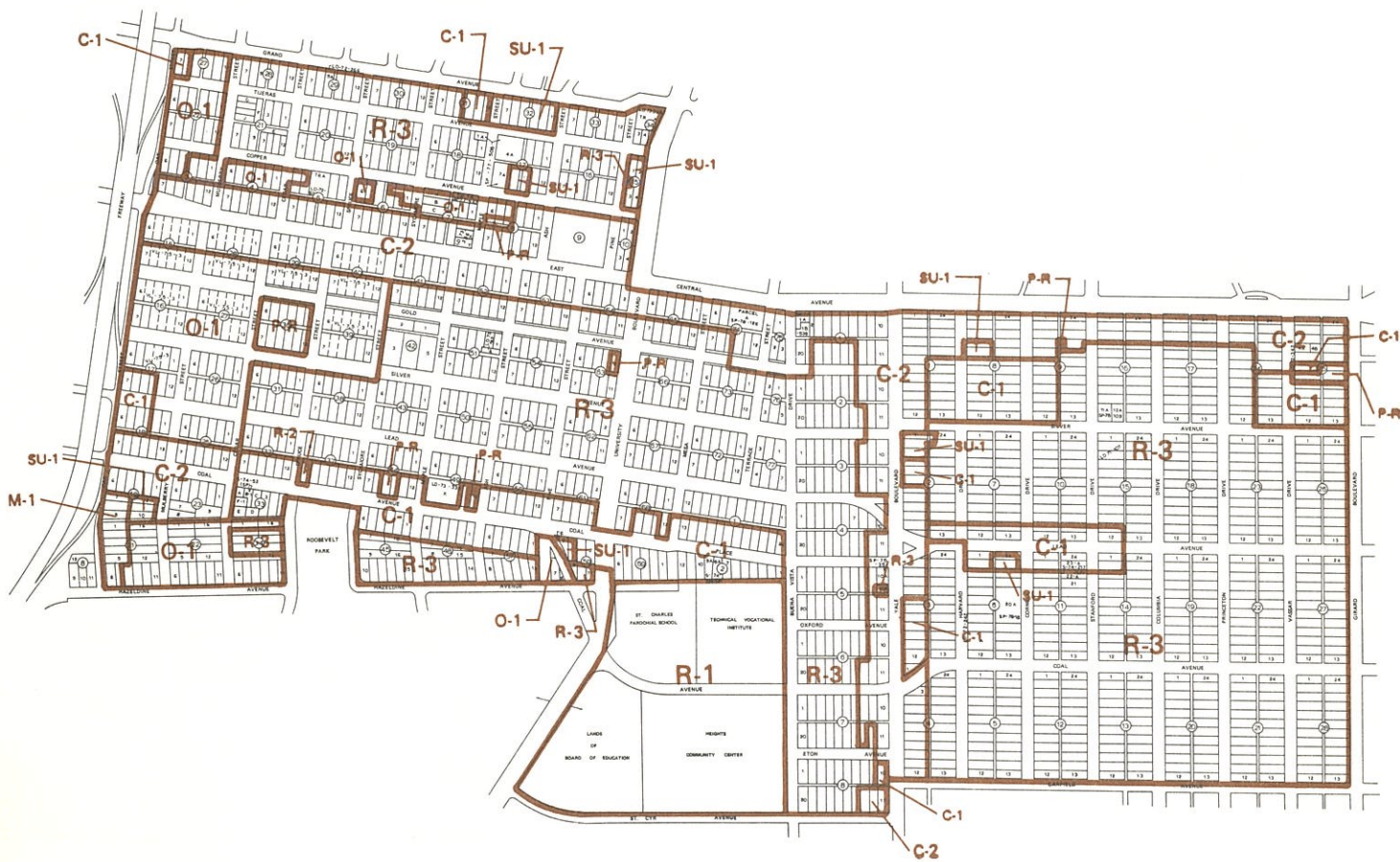


MUNICIPAL DEVELOPMENT DEPARTMENT
PLANNING DIVISION



UNIVERSITY NEIGHBORHOODS AREA

Sector Development Plan



MAP 4

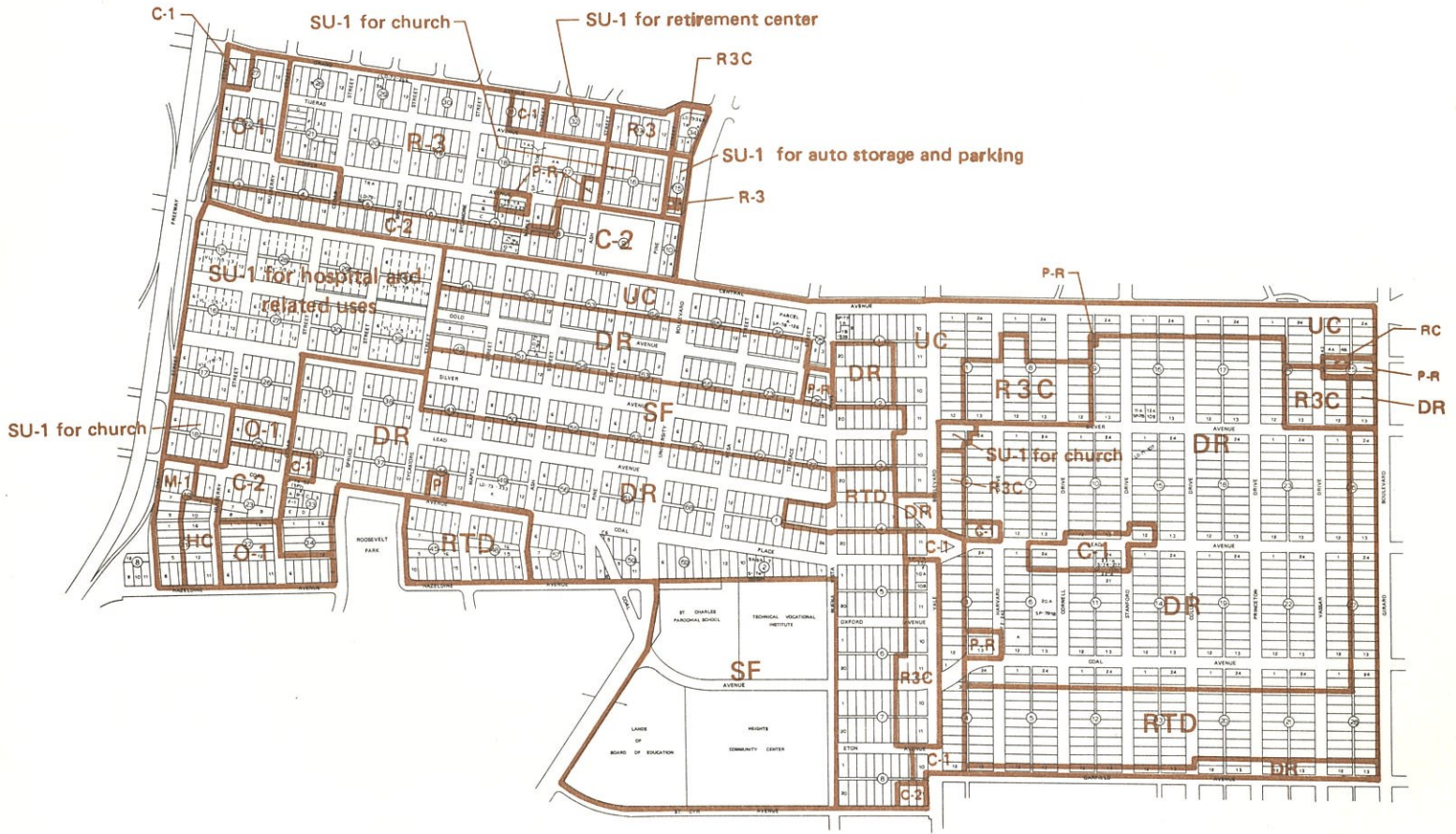
EXISTING ZONING

- R-1 SINGLE FAMILY RESIDENTIAL
- R-2 LOW DENSITY APARTMENTS
- R-3 MEDIUM DENSITY APARTMENTS
- O-1 OFFICE
- C-1 NEIGHBORHOOD COMMERCIAL

- C-2 COMMUNITY COMMERCIAL
- M-1 LIGHT MANUFACTURING
- SU-1 SPECIAL USE
- P-R PARKING RESERVE



UNIVERSITY NEIGHBORHOODS AREA



MAP 5

LAND USE PLAN



- | | |
|----------------------------------|--------------------------|
| SF SINGLE FAMILY RESIDENTIAL | UC UNIVERSITY COMMERCIAL |
| RTD RESIDENTIAL TOWNHOUSE DUPLEX | C-2 COMMUNITY COMMERCIAL |
| DR DIVERSE RESIDENTIAL | HC HEAVY COMMERCIAL |
| R-3 MEDIUM DENSITY RESIDENTIAL | M-1 LIGHT MANUFACTURING |
| O-1 OFFICE | SU-1 SPECIAL USE |
| C-1 NEIGHBORHOOD COMMERCIAL | P-R PARKING RESERVE |
| R3C RESIDENTIAL COMMERCIAL | |

UNIVERSITY NEIGHBORHOODS AREA

JUNE 1986

UNIVERSITY NEIGHBORHOODS

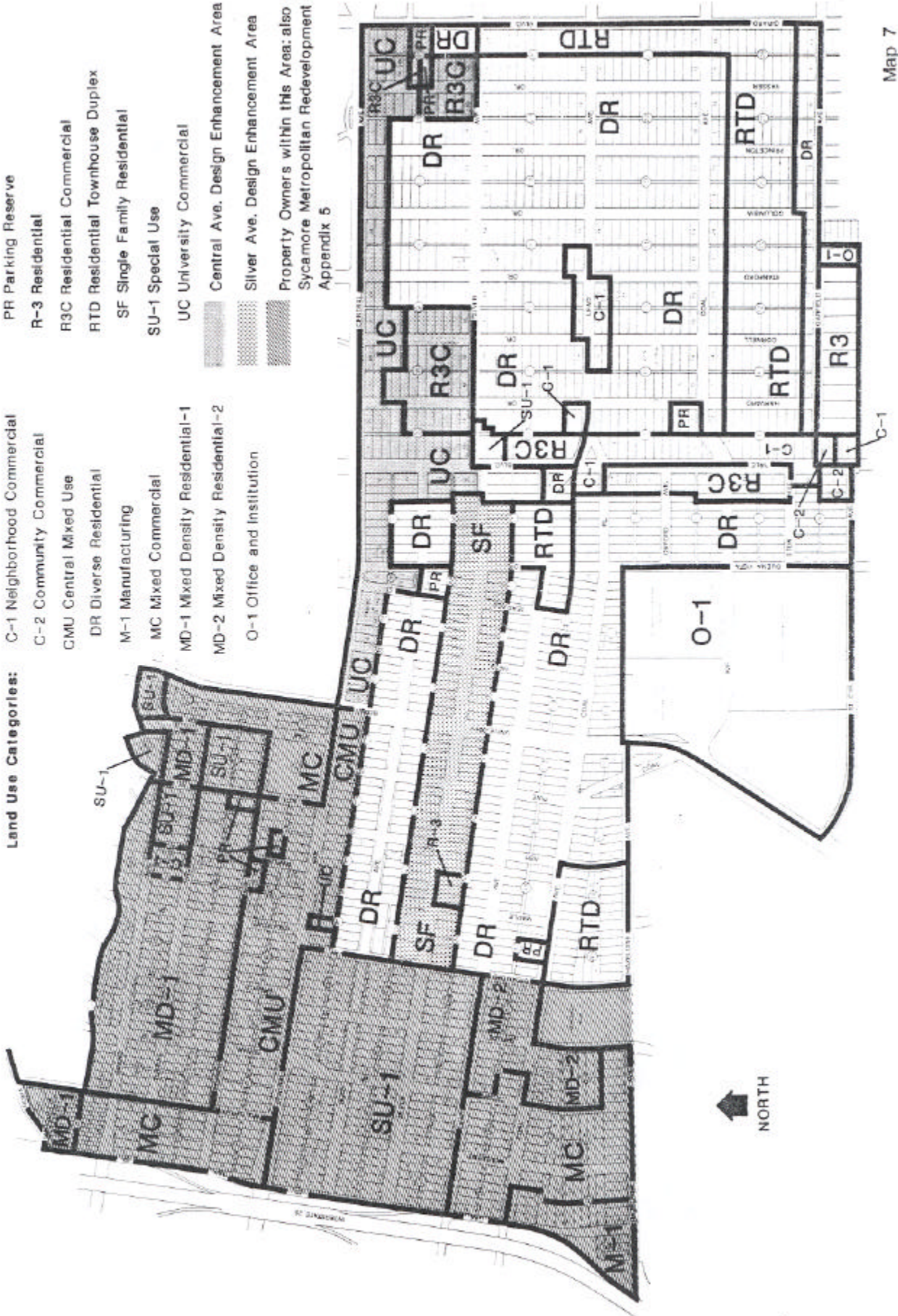
SU-2 ZONING

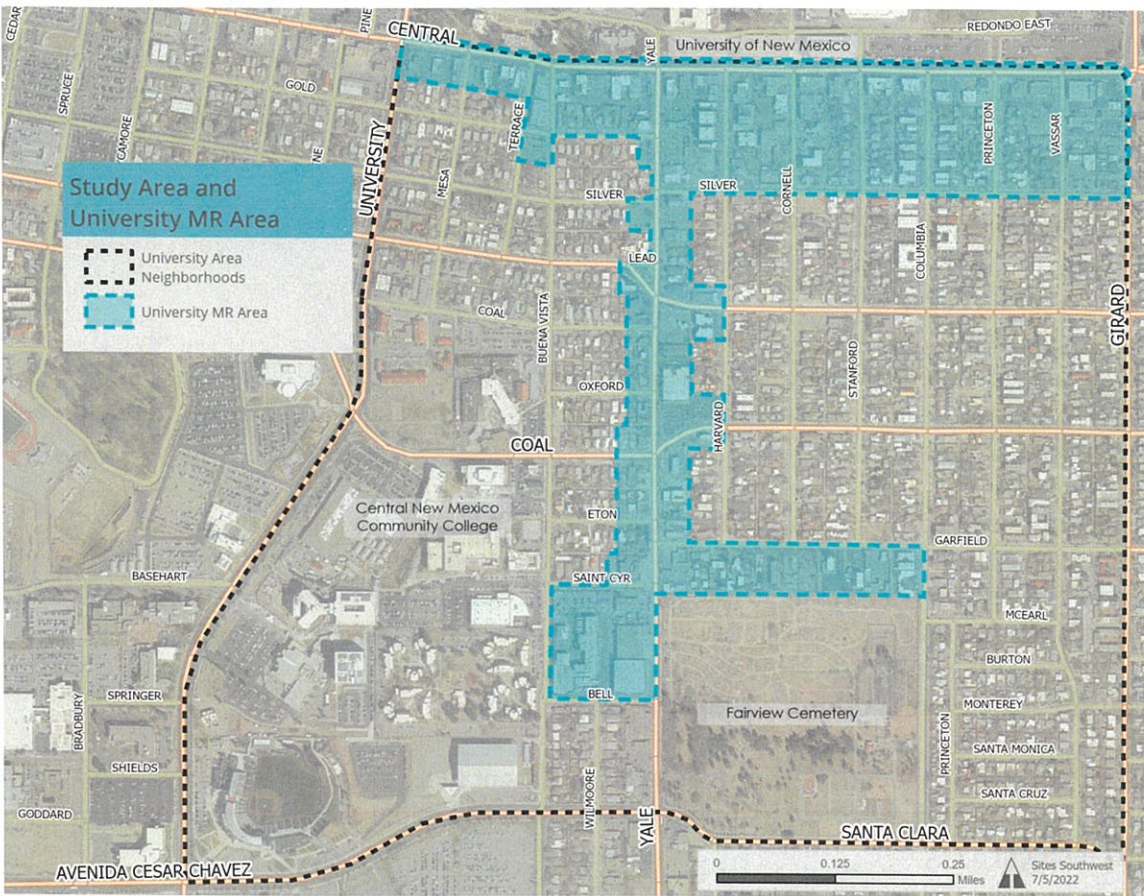
Land Use Categories:

- C-1 Neighborhood Commercial
- C-2 Community Commercial
- CMU Central Mixed Use
- DR Diverse Residential
- M-1 Manufacturing
- MC Mixed Commercial
- MD-1 Mixed Density Residential-1
- MD-2 Mixed Density Residential-2
- O-1 Office and Institution
- PR Parking Reserve
- R-3 Residential
- R3C Residential Commercial
- RTD Residential Townhouse Duplex
- SF Single Family Residential
- SU-1 Special Use
- UC University Commercial

- Central Ave. Design Enhancement Area
- Silver Ave. Design Enhancement Area

Property Owners within this Area: also see
Sycamore Metropolitan Redevelopment Plan,
Appendix 5





MAP 4

Date: March 10, 2024

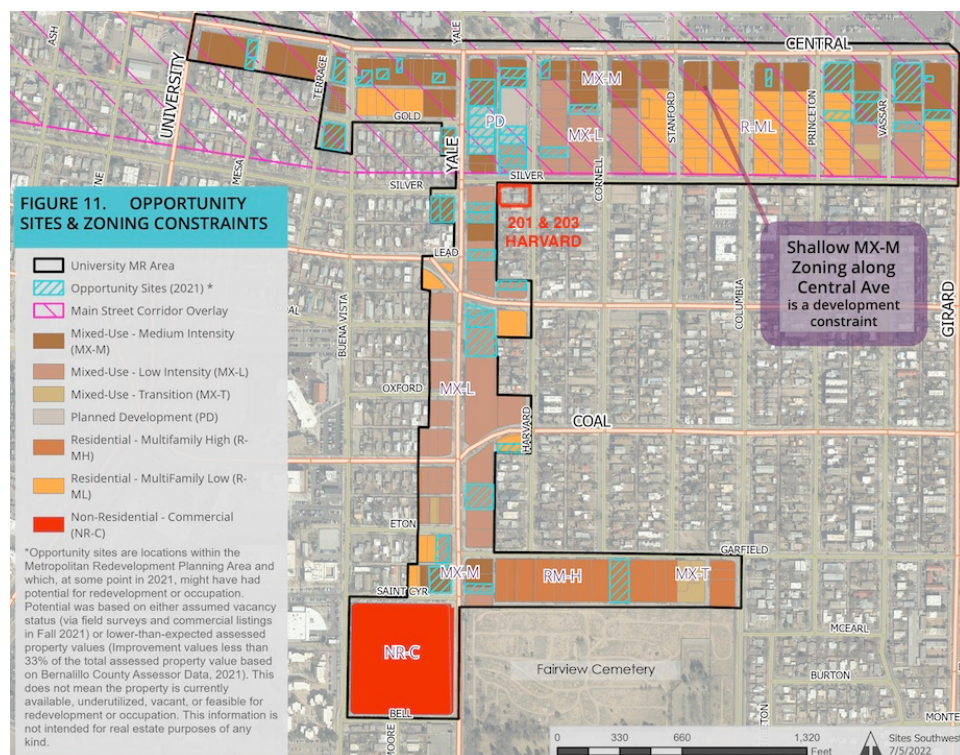
To: EPC Chair Jonathan Hollinger
From: Patricia Willson, Albuquerque resident
Re: Zone Map Amendment, 201 & 203 Harvard Drive SE

Chair Hollinger,

I am opposed to the Zone Map Amendment for 201 & 203 Harvard SE. While this would not constitute a spot zone, it pushes the MX-L zone into a solid block of RM-L, creating a domino effect eating away at the residential zone south of Silver Avenue. A ZMA stays with the property; the current owners could choose to sell the property and a new owner would have many permissive uses available to them in the MX-L zone.

We are constantly told that we are in a housing crisis—why remove two rentals (4, if you replaced the parking with two ADUs)—when housing in the University area is in such short supply? One block west, 20 units of well-designed, desperately needed housing is currently under construction. Wouldn't the highest and best use of this property be to provide the maximum number of housing units possible?

The University Metropolitan Redevelopment Area Plan shows dozens of "Opportunity Sites" (shown with blue crosshatch; these may be vacant, underutilized, or otherwise available sites near or adjacent to the subject site.) The MRA provides incentives for development to improve the commercial areas along Central and down Yale; why not invest in the already struggling commercial Bricklight District and maintain existing housing in the residential zone?



The applicant did a thorough job of responding to the criteria outlined in the Integrated Development Ordinance for a zoning map amendment justification. The EPC will likely grant this ZMA—but what is the point of the Comprehensive Plan and the Community Planning Area assessment if Zoning and Areas of Change/Areas of Consistency can be changed easily and often?

Thank you for your time and attention,

Patricia Willson, Albuquerque resident

SIGN POSTING

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.

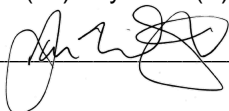
4. TIME

Signs must be posted from 3/6/2024 To 4/5/2024

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.

 _____ 2/8/2024
(Applicant or Agent) (Date)

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

PROJECT NUMBER: _____

Mar 3, 2024 at 5:55:49 PM
N 8883022 E 352189
2253-2273 Silver Ave SE
Albuquerque NM 87106
United States

REQUEST

City of Albuquerque
Planning Department
300 S. 1st Street
Albuquerque, NM 87102

Zoning Map Amendment from
R-ML (Multi-family Low Density) to
MX-L (Mixed-use Low Intensity)

The City of Albuquerque Environmental Planning Commission will hold a public hearing in the ~~City of Albuquerque~~ on March 21, 2024 at 8:30 AM. All persons have a right to appear at such a hearing. For information on this case or other instructions on filing written comments, call the Planning Department at (505) 924-3888 or contact the applicant.

Required to be posted from 03/06/2024 to 07/05/2024
by Consensus Planning, Inc. 505-769-9801
REFER TO FILE # PR-2024-001996 / AZ-2024-00014

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

Mar 3, 2024 at 5:57:48 PM
N 3882997 E 352223
201 Harvard Dr SE
Albuquerque NM 87106
United States

REQUEST

City of Albuquerque
Planning Department
400 S 1st Street
Albuquerque, NM 87102

Zoning Map Amendment from
R-ML (Multi-family Low Density) to
MX-L (Mixed-use Low Intensity)

The City of Albuquerque Environmental Planning Commission will hold a public hearing ~~on March 21, 2024~~

on March 21, 2024 at 8:30 AM. All persons have a right to appear at such a hearing. For information on this case or other instructions on filing written comments, call the Planning Department at (505) 924-3860 or contact the applicant.

Required to be posted from 03/06/2024 to 03/05/2024

by Condensed Planning, Inc 505-764-9801

REFER TO FILES PR-2024-009946/RE-2024-00014