



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

May 10, 2024

RE: SUPPORT FOR THE NOBIS ALBUQUERQUE REHABILITATION HOSPITAL

EPC Project and Case Numbers: PR-2024-009765, SI-2024-00468, Gateway Center/1100 Woodward PI NE Site Plan-EPC, Major Amendment.

Hello EPC Commissioners:

I am a member of Generation Elevate New Mexico ("GENM"). GENM is a coalition of young leaders committed to positively shaping the future of New Mexico by championing smart, sustainable, and resilient growth development projects and governmental policies.

I am writing to voice my **support** for the NOBIS Albuquerque Rehabilitation Hospital and the requests being brought forward to the Environmental Planning Commission on May 16th. This development is important for the health and wellbeing of our community, families, and friends, and will help New Mexicans in the following ways:

1. **Addressing Healthcare Needs:** Our state lacks sufficient hospital care, leaving many without necessary support. A specialized intensive care rehabilitation hospital will free up beds in our hospital system for other high-needs patients.
2. **Social Infrastructure:** Healthcare is more than treatment—it's social infrastructure. By investing in this project, we're investing in the well-being of our community as a whole. This is especially important as our communities, families, and neighbors age.
3. **Job Creation:** Approximately 100 healthcare jobs will be created—60 during the day and 40 at night—boosting our local economy and providing essential services.
4. **Strategic Location:** Situated in our greater downtown area, this project will build on an infill site adjacent to other medical uses, and will add a buffer between residential neighborhoods and the freeway.
5. **Convenience for Families:** Adjacent to a hotel, family members traveling from across the state will have a comfortable place to stay, supporting their loved ones during rehabilitation.
6. **Specialized Care:** This hospital will bring a specialized rehabilitation facility to New Mexico for complex issues like stroke, spinal cord injury, brain injury, and other medical and neurological disorders.



In closing, I want to express my wholehearted support for this project. Together, we can make a difference in the lives of countless individuals and build a stronger, healthier community for generations to come.

Thank you,

Alex Pulliam

SUPPORT FOR THE ALBUQUERQUE REHABILITATION HOSPITAL - EPC Project and Case Numbers: PR-2024-009765, SI-2024-00468

Ciaran Lithgow <ciaranlithgow@gmail.com>

Tue 5/14/2024 5:33 AM

To: Planning EPC <PlanningEPC@cabq.gov>

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

Hello EPC Commissioners:

I am a member of Generation Elevate New Mexico ("GENM"). GENM is a coalition of young leaders committed to positively shaping the future of New Mexico by championing smart, sustainable, and resilient growth development projects and governmental policies.

I am writing to voice my support for the NOBIS Albuquerque Rehabilitation Hospital and the requests being brought forward to the Environmental Planning Commission on May 16th. This development is important for the health and wellbeing of our community, families, and friends, and will help New Mexicans in the following ways:

- 1) Addressing Healthcare Needs: Our state lacks sufficient hospital care, leaving many without necessary support. A specialized intensive care rehabilitation hospital will free up beds in our hospital system for other high-needs patients.
- 2) Social Infrastructure: Healthcare is more than treatment—it's social infrastructure. By investing in this project, we're investing in the well-being of our community as a whole. This is especially important as our communities, families, and neighbors age.
- 3) Job Creation: Approximately 100 healthcare jobs will be created—60 during the day and 40 at night—boosting our local economy and providing essential services.
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- 6) Specialized Care: This hospital will bring a specialized rehabilitation facility to New Mexico for complex issues like stroke, spinal cord injury, brain injury, and other medical and neurological disorders.

In closing, I want to express my wholehearted support for this project. Together, we can make a difference in the lives of countless individuals and build a stronger, healthier community for generations to come.

Please note this letter of support is a personal comment as a citizen of Albuquerque, and does not represent the opinions of my place of work.

Thank you,

Ciaran Lithgow

www.letselevatenm.org

ciaranlithgow@gmail.com

SUPPORT FOR THE ALBUQUERQUE REHABILITATION HOSPITAL - EPC Project and Case Numbers: PR-2024-009765, SI-2024-00468

Dawson Jariwala <dkdevelopmentsnm@gmail.com>

Tue 5/14/2024 8:06 AM

To: Planning EPC <PlanningEPC@cabq.gov>

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

Dear EPC Commissioners,

I represent Generation Elevate New Mexico (GENM), a coalition of young leaders dedicated to fostering positive growth in our state through the advocacy of intelligent, sustainable, and resilient development initiatives and governmental policies.

I am reaching out to express my endorsement for the NOBIS Albuquerque Rehabilitation Hospital and the proposals scheduled for discussion at the Environmental Planning Commission meeting on May 16th. This project holds significant importance for the health and welfare of our community, families, and friends, and stands to benefit New Mexicans in several key ways:

- 1. Addressing Healthcare Needs:** With a shortage of hospital facilities in our state, many individuals lack access to essential care. The establishment of a specialized intensive care rehabilitation hospital will alleviate pressure on existing facilities, allowing for better allocation of resources to high-needs patients.
- 2. Social Infrastructure:** Healthcare encompasses more than just medical treatment; it forms a crucial aspect of our social infrastructure. By investing in this endeavor, we are investing in the overall well-being of our community, particularly as our population ages.
- 3. Job Creation:** The project will generate around 100 healthcare positions, contributing to our local economy and delivering vital services to our residents, with 60 positions available during the day and 40 at night.
- 4. Strategic Location:** Positioned within our downtown area, this development will utilize an infill site adjacent to other medical facilities, serving as a buffer between residential areas and the freeway.
- 5. Convenience for Families:** Being situated near a hotel, families traveling from across the state will have convenient accommodation options while supporting their loved ones during the rehabilitation process.
- 6. Specialized Care:** The hospital will offer specialized rehabilitation services for conditions such as stroke, spinal cord injury, brain injury, and various medical and neurological disorders, addressing complex healthcare needs within New Mexico.

In conclusion, I wholeheartedly endorse this project and believe that, collectively, we can positively impact the lives of numerous individuals while building a more resilient and healthier community for future generations.

Thank you,
Dawson Jariwala
President

May 13, 2024

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

RE: SUPPORT FOR THE NOBIS ALBUQUERQUE REHABILITATION HOSPITAL

EPC Project and Case Numbers: PR-2024-009765, SI-2024-00468, Gateway Center/1100 Woodward Pl NE Site Plan-EPC, Major Amendment.

Hello EPC Commissioners:

I am writing to voice my **support** for the NOBIS Albuquerque Rehabilitation Hospital and the requests being brought forward to the Environmental Planning Commission on May 16th. This rehabilitation hospital is important for the health and wellbeing of our community, families, and friends, and will help New Mexicans in the following ways:

1. **Addressing Healthcare Needs:** Our state lacks sufficient hospital care, leaving many without necessary support. A specialized intensive care rehabilitation hospital will free up beds in our hospital system for other high-needs patients.
2. **Social Infrastructure:** Healthcare is more than treatment—it's social infrastructure. By investing in this project, we're investing in the well-being of our community as a whole. This is especially important as our communities, families, and neighbors age.
3. **Job Creation:** Approximately 100 healthcare jobs will be created—60 during the day and 40 at night—boosting our local economy and providing essential services.
4. **Strategic Location:** Situated in our greater downtown area, this project will build on an infill site adjacent to other medical uses, and will add a buffer between residential neighborhoods and the freeway.
5. **Convenience for Families:** Adjacent to a hotel, family members traveling from across the state will have a comfortable place to stay, supporting their loved ones during rehabilitation.
6. **Specialized Care:** This hospital will bring a specialized rehabilitation facility to New Mexico for complex issues like stroke, spinal cord injury, brain injury, and other medical and neurological disorders.

I urge the Commission to recommend approval for the development. Together, we can make a difference in the lives of countless individuals and build a stronger, healthier Albuquerque community for generations to come. I

Thank you,

Omega Delgado

Omega Delgado, AICP

www.letselevatenm.org

SUPPORT FOR THE ALBUQUERQUE REHABILITATION HOSPITAL - EPC Project and Case Numbers: PR-2024-009765, SI-2024-00468

Diana C. Duran <dcd@fbtarch.com>

Fri 5/10/2024 6:08 PM

To: Planning EPC <PlanningEPC@cabq.gov>

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

Hello EPC Commissioners:

I am a member of Generation Elevate New Mexico ("GENM"). GENM is a coalition of young leaders committed to positively shaping the future of New Mexico by championing smart, sustainable, and resilient growth development projects and governmental policies.

I am writing to voice my support for the NOBIS Albuquerque Rehabilitation Hospital and the requests being brought forward to the Environmental Planning Commission on May 16th. This development is important for the health and wellbeing of our community, families, and friends, and will help New Mexicans in the following ways:

1. Addressing Healthcare Needs: Our state lacks sufficient hospital care, leaving many without necessary support. A specialized intensive care rehabilitation hospital will free up beds in our hospital system for other high-needs patients.
2. Social Infrastructure: Healthcare is more than treatment—it's social infrastructure. By investing in this project, we're investing in the well-being of our community as a whole. This is especially important as our communities, families, and neighbors age.
3. Downtown Albuquerque has been consistently underserved in terms of medical and health programs. The disparity downtown compared with other areas of the metropolitan area is a concerning issue, especially with an aging population that currently lives in the surrounding area.
4. Job Creation: Approximately 100 healthcare jobs will be created—60 during the day and 40 at night—boosting our local economy and providing essential services.
5. Strategic Location: Situated in our greater downtown area, this project will build on an infill site adjacent to other medical uses and will add a buffer between residential neighborhoods and the freeway.
6. Convenience for Families: Adjacent to a hotel, family members traveling from across the state will have a comfortable place to stay, supporting their loved ones during rehabilitation.
7. Specialized Care: This hospital will bring a specialized rehabilitation facility to New Mexico for complex issues like stroke, spinal cord injury, brain injury, and other medical and neurological disorders.

In closing, I want to express my wholehearted support for this project. Together, we can make a difference in the lives of countless individuals and build a stronger, healthier community for generations to come.

Thank you,

<GENM Member>

www.letselevatenm.org

 fbt | architects

Diana Duran, ARCHITECT, AIA

One Park Square | 6501 Americas Pkwy NE, Ste. 300 | Albuquerque, NM 87110

PHO 505.883.5200 EMAIL dcd@fbtarch.com WEB fbtarch.com

NEW MEXICO

COLORADO

TEXAS

SUPPORT FOR THE ALBUQUERQUE REHABILITATION HOSPITAL - EPC Project and Case Numbers: PR-2024-009765, SI-2024-00468

Diane Kappus <diane@kingcapitalcre.com>

Fri 5/10/2024 6:21 PM

To:Planning EPC <PlanningEPC@cabq.gov>

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

Hello EPC Commissioners:

I am a member of Generation Elevate New Mexico ("GENM"). GENM is a coalition of young leaders committed to positively shaping the future of New Mexico by championing smart, sustainable, and resilient growth development projects and governmental policies.

I am writing to voice my support for the NOBIS Albuquerque Rehabilitation Hospital and the requests being brought forward to the Environmental Planning Commission on May 16th. I am also a resident that lives in the same neighborhood as the proposed project at 316 Bel Vedere Lane and do not share the same concerns other neighbors have over increased traffic to the area.

This development is important for the health and wellbeing of our community, families, and friends, and will help New Mexicans in the following ways:

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- 6) Specialized Care: This hospital will bring a specialized rehabilitation facility to New Mexico for complex issues like stroke, spinal cord injury, brain injury, and other medical and neurological disorders.

Thank you,

Diane Kappus

www.letselevatenm.org

SUPPORT FOR THE ALBUQUERQUE REHABILITATION HOSPITAL - EPC Project and Case Numbers: PR-2024-009765, SI-2024-00468

JT Mitchell <jt@dxd.capital>

Fri 5/10/2024 8:27 PM

To:Planning EPC <PlanningEPC@cabq.gov>

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

Hello EPC Commissioners:

I am a member of Generation Elevate New Mexico ("GENM"). GENM is a coalition of young leaders committed to positively shaping the future of New Mexico by championing smart, sustainable, and resilient growth development projects and governmental policies.

I support for the NOBIS Albuquerque Rehabilitation Hospital and the requests being brought forward to the Environmental Planning Commission on May 16th. This development is important for the health and wellbeing of our community, families, and friends.

I live downtown and we need this kind of infrastructure. There are many areas around the state that are essentially healthcare deserts, the more resources we can add, the better. According to the US Census Bureau, 8.2% of New Mexicans are without healthcare coverage and 19.2% of our population is over 65 years old, above the national average of 17.3%. These stats underscore the importance of increasing our health resources.

This project is a no-brainer for our community and will have a tremendous long-term benefit.

Thank you,


JT Mitchell

SUPPORT FOR THE ALBUQUERQUE REHABILITATION HOSPITAL - EPC Project and Case Numbers: PR-2024-009765, SI-2024-00468

Omega Delgado <omegad27@gmail.com>

Mon 5/13/2024 4:03 PM

To:Planning EPC <PlanningEPC@cabq.gov>

 1 attachments (92 KB)

EPC Support Letter for Albuquerque Rehab Hospital_DelgadoOmega.docx.pdf;

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

Hello EPC Commissioners:

I am a member of Generation Elevate New Mexico ("GENM"). GENM is a coalition of local leaders committed to positively shaping the future of New Mexico by championing projects that will improve services and the city for its residents.

I am writing to voice my support for the NOBIS Albuquerque Rehabilitation Hospital and the requests being brought forward to the Environmental Planning Commission on May 16th. Please include the attached letter of support in the packet.

Thank you,
Omega Delgado

SUPPORT FOR THE NOBIS ALBUQUERQUE REHABILITATION HOSPITAL

Rafael Castellanos <rc24090@gmail.com>

Mon 5/13/2024 8:17 PM

To:Planning EPC <PlanningEPC@cabq.gov>

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

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Specialized Care: This hospital will bring a specialized rehabilitation facility to New Mexico for complex issues like stroke, spinal cord injury, brain injury, and other medical and neurological disorders.

In closing, I want to express my wholehearted support for this project. Together, we can make a difference in the lives of countless individuals and build a stronger, healthier community for generations to come.

Thanks,

--

Rafael Castellanos
(505) 514-7519

Support for Noris Albuquerque Rehabilitation Facility

Salvator Perdomo <salvatorperdomo@gmail.com>

Fri 5/10/2024 9:45 PM

To: Planning EPC <PlanningEPC@cabq.gov>

Cc: info@letselevatenm.org <info@letselevatenm.org>

 1 attachments (49 KB)

EPC Support Letter for Albuquerque Rehab Hospital.pdf;

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

Hello,

As a member of Generation Elevate New Mexico, please find my letter of support for the Noris Albuquerque Rehabilitation Facility. Thank you for considering this request!

Thank you,

Sal

--

Salvator Perdomo
(505) 261-1176



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

May 10, 2024

RE: SUPPORT FOR THE NOBIS ALBUQUERQUE REHABILITATION HOSPITAL

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Thank you,

Sal Perdomo

Sal Perdomo

www.letselevatenm.org

600 Second Street | Albuquerque Rehabilitation

Micah Gray <micah@sunvista.com>

Mon 5/13/2024 4:15 PM

To: Planning EPC <PlanningEPC@cabq.gov>

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

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

May 10, 2024

RE: SUPPORT FOR THE NOBIS ALBUQUERQUE REHABILITATION HOSPITAL

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Thank you,

<GENM Member>

www.letselevatenm.org

Micah Gray, MBA

Advisor

Micah@sunvista.com

NAI SunVista

2424 Louisiana Blvd. NE, Suite 100

Albuquerque, NM 87110 USA

www.sunvista.com

Main +1 505 878 0001

Direct + 505 338 9878 ext 125

Cell + 575 562 9006

Fax +1 505 878 0002

Broker's Transaction Coordinator:

Madelyn Smith

madelyn@sunvista.com

NAI SunVista




Fwd: 1100 Woodward NE, 3-acre parcel - Project #: PR-2024-009765 Case #: SI-2024-00468 Hearing Date: May 16, 2024

SBMTNA <sbmartineztown@gmail.com>

Tue 5/14/2024 8:41 AM

To: Jones, Megan D. <mdjones@cabq.gov>; Quevedo, Vicente M. <vquevedo@cabq.gov>

Cc: Hess Yntema <hess@yntema-law.com>

 5 attachments (2 MB)

SBMTNA Appeal Docs 02282024.pdf; AC-24-11 NOA.pdf; Excerpt from the Council Rules of Procedure.pdf; LetterfromSBMTNAtoEPC05032024.docx; epcexhibits.docx;

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

----- Forwarded message -----

From: **SBMTNA** <sbmartineztown@gmail.com>

Date: Mon, May 13, 2024 at 3:02 PM

Subject: 1100 Woodward NE, 3-acre parcel - Project #: PR-2024-009765 Case #: SI-2024-00468

Hearing Date: May 16, 2024

To: <abcto@cabq.gov>, <mvoz@cabq.gov>

Cc: illgen <theresa.illgen@zoho.com>, Jesse Lopez Member <jeslopez@msn.com>, gilbert speakman <gilsman1@outlook.com>, Rosalie Martinez <rosalimartinez06@gmail.com>, <dznaranjo30@gmail.com>, <meliszayden10@gmail.com>, <BB6THSTGALLERY@yahoo.com>, <salamdezia@gmail.com>, Ian Colburn <colburn.ian@gmail.com>, Hess Yntema <hess@yntema-law.com>, <NaranjoLopez2010@gmail.com>

Dear Jonathan R. Hollinger,

Santa Barbara Martineztown Neighborhood Association (SBMTNA) submits the attached letter for the scheduled May 16, 2024, EPC hearing to request denial or deferral of the requested site plan amendment application.

Thank you for your thorough review of the attached documents. The EPC Appeal has the EPC Exhibits for your review.

Sincerely,

Loretta Naranjo Lopez

Albuquerque, NM 87102

Cell Phone: (505) 270-7716

Email: NaranjoLopez2010@gmail.com

Good afternoon,

The link for the revised AC-24-11 Appeal packet has been attached below.

<https://sftp.cabq.gov/link/4PXn4F5K5aY/>

Good morning,

We received an appeal for EPC, PR-2024-009765. Attached is the appeal application, Notice of Appeal, and City Council Rules of Procedure.

May 13, 2024

Jonathan R. Hollinger, Chair
Environmental Planning Commission
600 Second Street
Albuquerque, NM 87102

RE: ***1100 Woodward NE, 3-acre parcel - Project #: PR-2024-009765 Case #: SI-2024-00468***
Hearing Date: May 16, 2024

Dear Jonathan R. Hollinger,

Santa Barbara Martineztown Neighborhood Association (SBMTNA) submits this letter for the scheduled May 16, 2024, EPC hearing to request denial or deferral of the requested site plan amendment application at this time based on the following:

1. The site plan amendment application appears to be premature with the appeal of the zone change pending in AC-24-11. Quasi-judicial fairness and efficiency would be best served by not proceeding with the site plan amendment until a final decision on the zone map amendment. NMSA 1978 Section 3-21-6(B) appears to prohibit proceeding with the site plan while an appeal of the zone map amendment is pending.
2. SBMTNA has not yet received a copy of the application and other submissions which SBMTNA is entitled to review before the public hearing.
3. It would appear that the site plan amendment application was set for hearing before it was approved as complete.
4. The EPC should maintain, but does not maintain, a website docket of what has been filed for this case, for reference by the public and to maintain a paginated record of the submissions.
5. The record should include all records relating to communications between the Planning Department and the applicant concerning the site plan amendment application.
6. SBMTNA should be able to review the staff report well before the EPC hearing to provide its comments on the site plan amendment. This is a complicated submission which involves various provisions of the IDO.
7. There has been inadequate time between the availability of the staff report (date) and the May 16, 2024, EPC hearing.
8. The site plan amendment does not appear to satisfy the requirements of the IDO for pre-IDO site plan amendments, i.e. IDO Sections 1-10(A) and 6-4(Z).

9. SBMTNA requests a clear readable copy of the site plan being amended (apparently DRB-94-183) to prepare its objections if any.
10. The proposed site plan appears to violate the provisions of the applicable CPO-7 overlay.
11. The proposed site plan amendment appears to be an end-run around the IDO zone amendment, conditional use, and possibly subdivision requirements.
12. Under IDO Section 6-4(Z), the EPC may lack authority to amend a DRB-approved site plan.
13. SBMTNA requests admission of the two “records” submitted in SBMTNA’s appeal AC-24-11 of the zone map amendment. SBMTNA incorporates all its objects to the project set out in AC-24-11. Copies of the two AC-24-11 records are attached.
14. It is not clear if the applicant is proceeding with the appealed MX-H zoning or the 2018 IDO zoning of MX-M.
15. The EPC should require a traffic study for this application.

Please place this letter with enclosures in the record for the EPC hearing. SBMTNA requests the opportunity to cross-examine witnesses for the applicant and the Planning Department.

Sincerely,

Loretta Naranjo Lopez, President
Ronald Vallegos, Vice President
Theresa Illgen, Secretary
Jesse Lopez, Treasurer
Rosalie Martinez
Olivia Ayon
Gilbert Speakman
Melissa Naranjo
David Naranjo
Frank Garcia

**FW: SBMTNA Exhibits for 1100 Woodward NE, 3-acre parcel - Project #: PR-2024-009765
Case #: SI-2024-00468 Hearing Date: May 16, 2024**

Vos, Michael J. <mvos@cabq.gov>

Tue 5/14/2024 8:29 AM

To:Quevedo, Vicente M. <vquevedo@cabq.gov>;Jones, Megan D. <mdjones@cabq.gov>

 4 attachments (8 MB)

Martinez HIA.pdf; EPCPETITION1.pdf; PETITIONZMAMXMTOMXHEXHIBIT9.2.pdf; FS R-75Enacted.pdf;

FYI – other exhibits from Santa Barbara Martineztown.

-Michael

From: SBMTNA <sbmartineztown@gmail.com>

Sent: Tuesday, May 14, 2024 8:25 AM

To: City of Albuquerque Planning Department <abcto@cabq.gov>; Vos, Michael J. <mvos@cabq.gov>

Cc: Hess Yntema <hess@yntema-law.com>

Subject: SBMTNA Exhibits for 1100 Woodward NE, 3-acre parcel - Project #: PR-2024-009765 Case #: SI-2024-00468 Hearing Date: May 16, 2024

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

Dear Jonathan Hollinger, Chair EPC,

SBMTNA has confirmed that the site is within approximately 104 feet of a residential zone so the subject site plan request requires a conditional use.

This request requires much more stringent review due to environmental and traffic impacts that exist as well as the continuation of the perpetuation of racial inequities.

See below exhibits which are already part of the appeal packet, but here are the links for the EPC's review.

SBMTNA continues to require denial or deferral until the appeal is heard.

Sincerely,

Loretta Naranjo Lopez, President

SBMTNA

1. Exhibit 1 – Impacts of High-Density Developments on Traffic and Health Report (HIA Report) - See attached

2. Exhibit 2 - Housing and Neighborhood Economic Development Fund (See RealEstate page 16 which shows this is detrimental to the neighborhood)- <https://www.cabq.gov/health-housing-homelessness/documents/2022-hnedf-plan-final.pdf>

3. Exhibit 3 – Martineztown Santa Barbara Sector Development Plan Draft – August 2010
- <https://documents.cabq.gov/planning/UDD/CompPlan2017/SectorPlans/Martineztown-SantaBarbaraSDP-REPEALED.pdf>

4. Exhibit 4 – R-20-75 - See attached

5. Exhibit 5 – Technical Memorandum – Martineztown Santa Barbara Traffic Study - See Appeal Packet

6. Exhibit 6 – AC-20-9 – Conditional Use for Construction Yard
- <https://documents.cabq.gov/planning/UDD/CurrentPlanning/LUHO/AC-20-9%20Appeal%20Packet.pdf>

7. Exhibit 7 – Martineztown Santa Barbara Traffic Study - See Appeal Packet

8. Exhibit 8 – Albuquerque New Mexico Heat Watch Report 11/11/21
- https://www.cabq.gov/sustainability/documents/heat-watch-albuquerque_report_111921.pdf

9. Exhibit 9 - Petition Signatures -

SBMTNA

EXHIBITS

FOR

Project #: PR-2024-009765 Case #: SI-2024-00468 Hearing Date: May 16, 2024

1. Exhibit 1 – Impacts of High-Density Developments on Traffic and Health Report (HIA Report)
2. Exhibit 2 - Housing and Neighborhood Economic Development Fund
3. Exhibit 3 – Martineztown Santa Barbara Sector Development Plan Draft – August 2010
4. Exhibit 4 – R-20-75
5. Exhibit 5 – Technical Memorandum – Martineztown Santa Barbara Traffic Study
6. Exhibit 6 – AC-20-9 – Conditional Use for Construction Yard
7. Exhibit 7 – Martineztown Santa Barbara Traffic Study
8. Exhibit 8 – Albuquerque New Mexico Heat Watch Report 11/11/21
9. Exhibit 9 - Petition Signatures

IMPACTS OF HIGH DENSITY DEVELOPMENTS ON TRAFFIC AND HEALTH

Written and Researched by the
Bernalillo County Place Matters Team
June 2013

*This Report is in
Response to a
Request for
Assistance by
Martineztown Work
Group*

Introduction

Land-use plans play a significant role in the look, feel and vitality of a neighborhood and can strongly influence neighborhood conditions such as clean air, access to safe places to play and work, and the availability of quality schools and employment. Researchers are discovering that the availability of neighborhood conditions such as these profoundly influence residents' overall health, particularly among childrenⁱ. Conversely, residents living in neighborhoods characterized by poor quality schools, few job opportunities, and a polluted environment have poor overall health and a shorter life expectancy. In fact, in Bernalillo County there is a dramatic difference in life expectancy depending on where one lives – with residents residing in higher income, predominantly non-Hispanic white, and amenity rich neighborhoods living up to 22 years longerⁱⁱ.

Planners can create land-use plans that encourage healthy neighborhoods for all by considering how the plan will positively, or negatively, impact the health and welfare of the residents who live there. A tool called Health Impact Assessment, or HIA, enables planners to consider the health impacts of a proposed plan prior to decision making by gathering health related data.

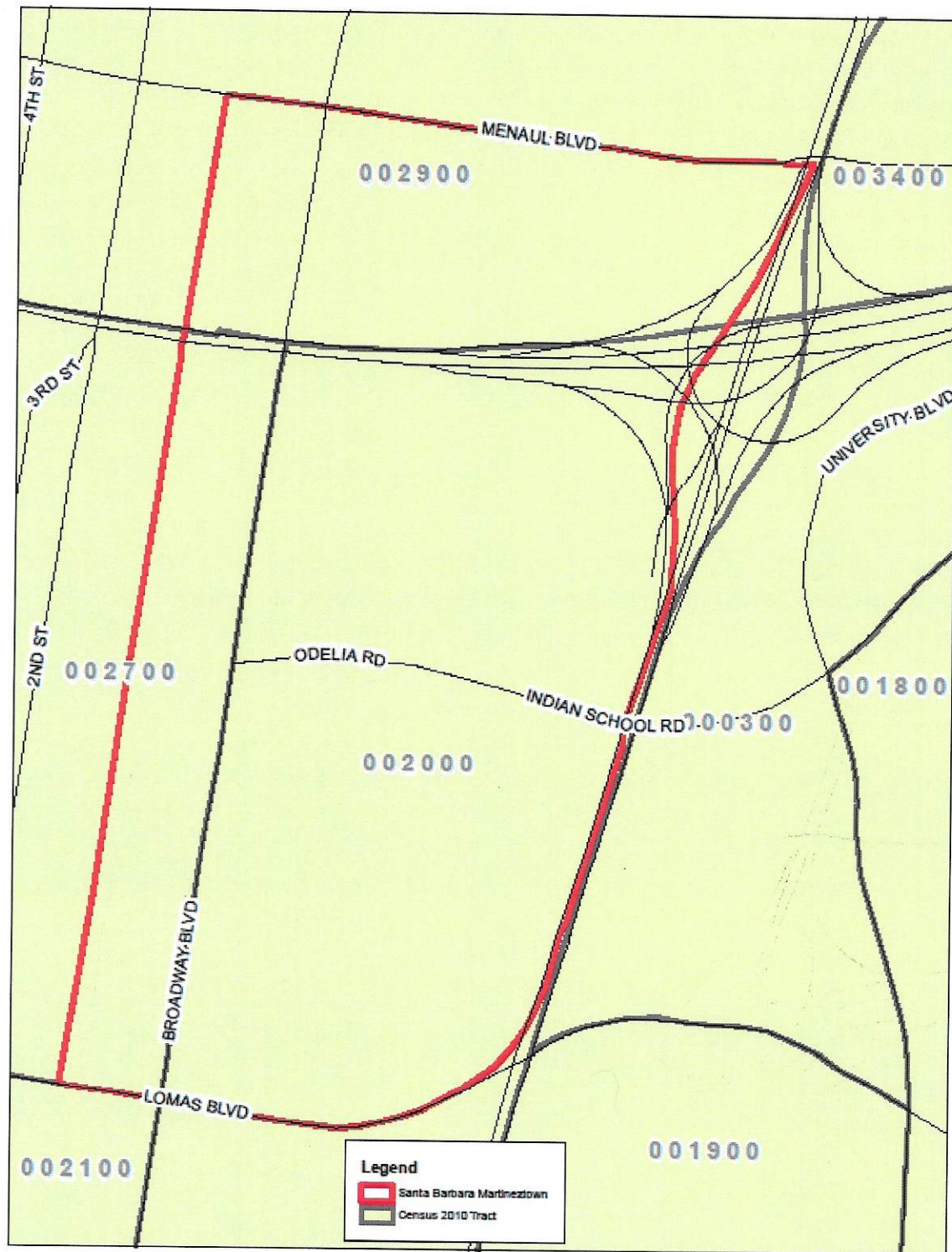
Because of the Bernalillo County Place Matters Team's (Team) experience with HIAs, representatives of the Martineztown Work Group (MWG) asked the Team to conduct a HIA on the proposed 2012 Santa Barbara Martineztown (SBMZ) Sector Development Plan (Plan). Specifically, neighborhood residents were concerned that the Plan's implementation would result in higher density developments, which in turn, would increase vehicle volumes within their neighborhood and negatively impact: 1) road safety resulting in increased crash related fatalities/injuries; 2) air quality resulting in increased respiratory illness, cancer, and cardiovascular disease, and; 3) noise levels resulting in increased learning disabilities among children. Unfortunately, given time constraints, the Team could not conduct a full blown HIA and instead offered to develop a report for the City Councilors of the City of Albuquerque consisting of data on current neighborhood conditions as they relate to vehicle volumes and health and a summary of research on the impact of increased vehicle volumes on health.

The Santa Barbara-Martineztown Community

The two census tracts underlying SB-MZ are tracts 20 and 29 (map 1) with a total 2010 population of 6,321, comprised of 57.6% (census tract 20) and 58.5% (census tract 29) Hispanics. Comparatively, Bernalillo County is comprised of 48.1 percent Hispanics. Twenty-five percent (tract 20) and 14.9% (tract 29) of SB-MZ residents live below the Federal Poverty Level (\$23,550 annually for a family of four), compared to 16.6% of Bernalillo County residents.

SB-MZ geographically sits at the cross-roads of two major Interstates, I-25 and I-40, and is bordered by two major roadways, Lomas Blvd. and Menaul Blvd. to the north and south, respectively, with the BN&SF railroad nearby, to the west.

Map 1. 2010 census tract boundaries underlying Santa Barbara-Martineztown



Source: 2010 U.S. Census Bureau

Vehicle Volume

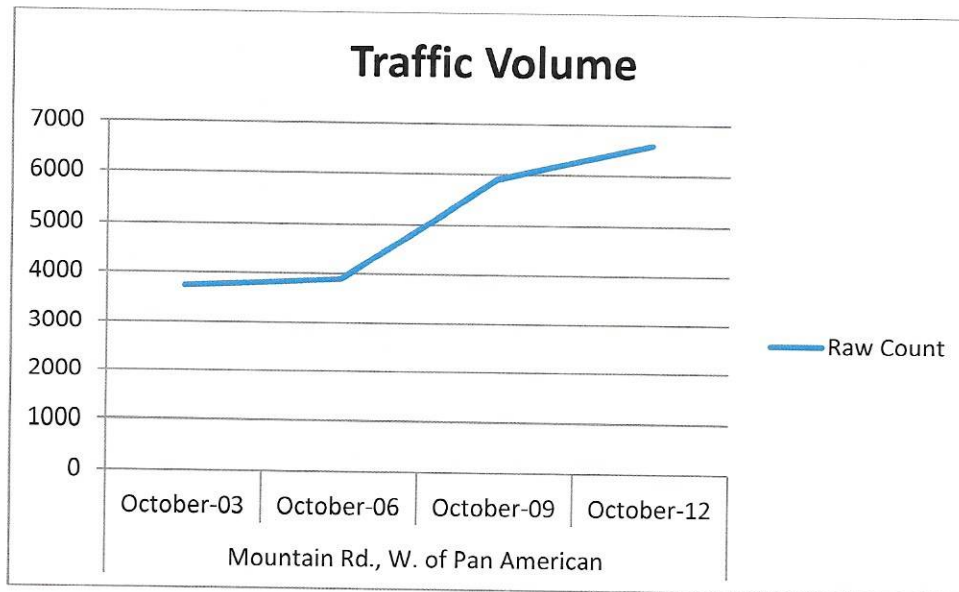
The Association between Vehicle Volume and Health

Public health and transportation safety research demonstrates that vehicle volumes are an independent environmental predictor of pedestrian injuries^{iii iv}. The magnitude of the effect from vehicle volume on injuries is significant. For example, in a study of nine intersections in Boston's Chinatown, researchers calculated an increase in 3 to 5 injuries per year for each increase in 1,000 vehicles^v. High traffic also contributes to increased respiratory and cardiovascular disease from increased air pollution and to increased stress levels among adults and learning disabilities among children due to traffic-related noise.

Current Vehicle Volumes in SB-MZ

Attachment 1 illustrates the time trend of vehicle volumes (in years) in the study area by raw vehicle counts and locations^{vi}. Vehicle counts for Mountain Rd., West of Pan American, have significantly increased, undoubtedly due to the construction of the large Embassy Suites hotel and Tri Core Laboratory (figure 1). Vehicle counts in the area of the I-25 and I-40 interchange have also continued to increase with a 2011 average weekly vehicle count on I-40 west of I-25 of 136,200, and east of I-25 of 180,000. Additionally, the 2011 average weekly vehicle count on I-25 north of I-40 was 193,300, and south of I-40, 166,100. Elsewhere, vehicle counts have remained stable or declined.

Figure 1. Time trend of traffic volume by raw count of vehicles and year, Mountain Rd.



Figures 2 - 4 show the types of vehicles (the majority of which are automobiles) traveling on the following road links within the boundaries of SB-MZ: 2nd Street, South of I-40 South Frontage Rd.; Indian School, East of Broadway; and Broadway, South of Menaul^{vii}.

Figure 2. Number of vehicles by vehicle type – Broadway – November 2006

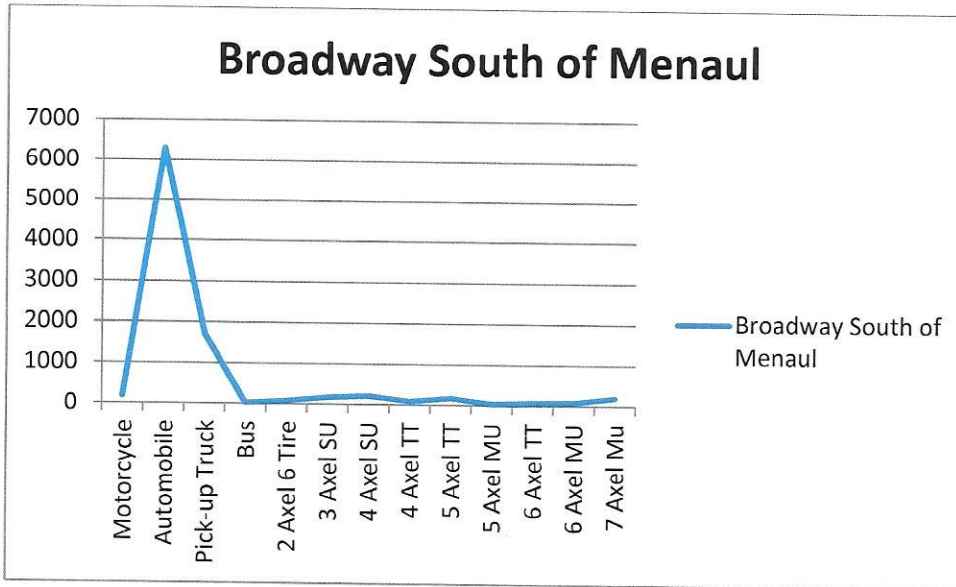


Figure 3. Number of vehicles by vehicle type – 2nd Street – October 2002

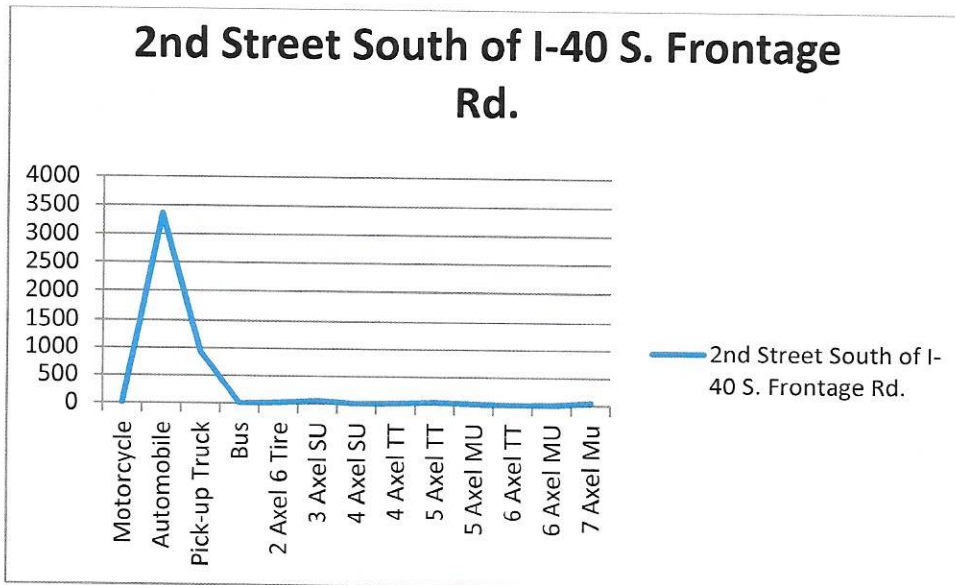
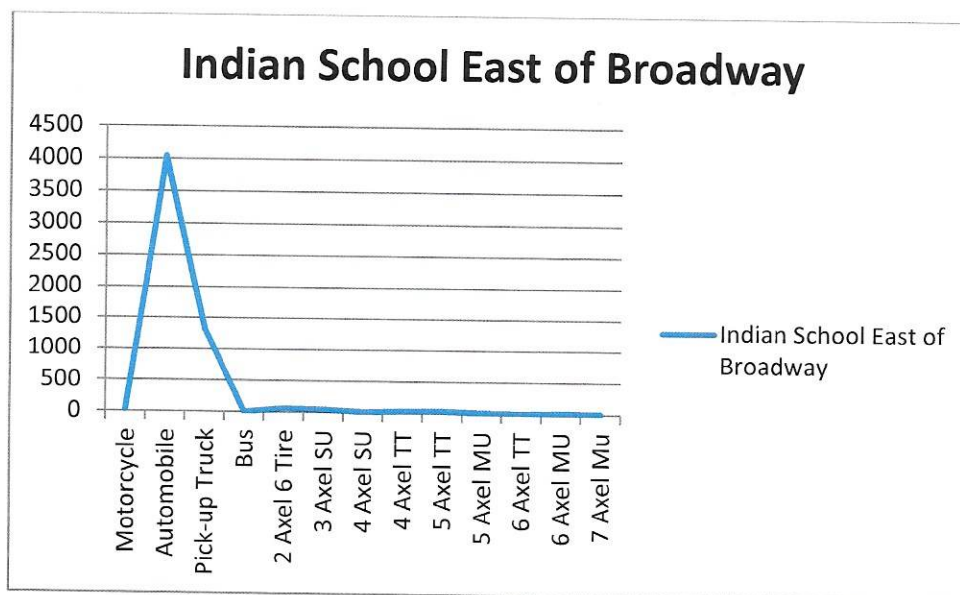


Figure 4. Number of vehicles by vehicle type – Indian School – October 2007



Roadway Safety

The Association between Roadway Safety and Crash Related Injuries and Fatalities

Road safety is a particularly relevant topic in New Mexico; the 2009 pedestrian fatality rate was 1.94 deaths per 100,000 people, compared to the national pedestrian fatality rate of 1.33^{viii}. In addition to the tragic loss of human life, the Centers for Disease Control and Prevention estimate that crash related deaths cost New Mexico \$435 million per year^{ix}.

Older adults suffer disproportionately from both risk and impact of pedestrian-vehicle crashes. Older adults walk slower and have slower reaction times that put them at greater risk. In the event of a crash, older adults are also more likely to have serious injuries or die due to their frail physical conditions^x.

Research also shows that pedestrian crashes occur more frequently in low-income communities. Using data from four California communities, researchers found that pedestrian injuries were greater in areas characterized by higher unemployment, lower median household incomes, and younger populations^{xi}. Similarly, a King County, Washington study found that pedestrian injuries and fatalities were greater in communities having lower median home values, regardless of the level of pedestrian activity or population density^{xii}.

Traffic speed is the primary determinant of crash severity^{xiii}. An overwhelming proportion of traffic related injuries/fatalities occur along roadways that have been engineered for cars, with little consideration given to people who walk, are wheelchair bound, who bicycle, or who push strollers. High operating speeds give drivers less time to react to unforeseen hazards. A study in

the UK showed that a pedestrian struck by a vehicle traveling 40 mph has an 85% chance of being killed. This fatality rate drops to 45% at 30 mph, and to 5% at 20 mph or less^{xiv}.

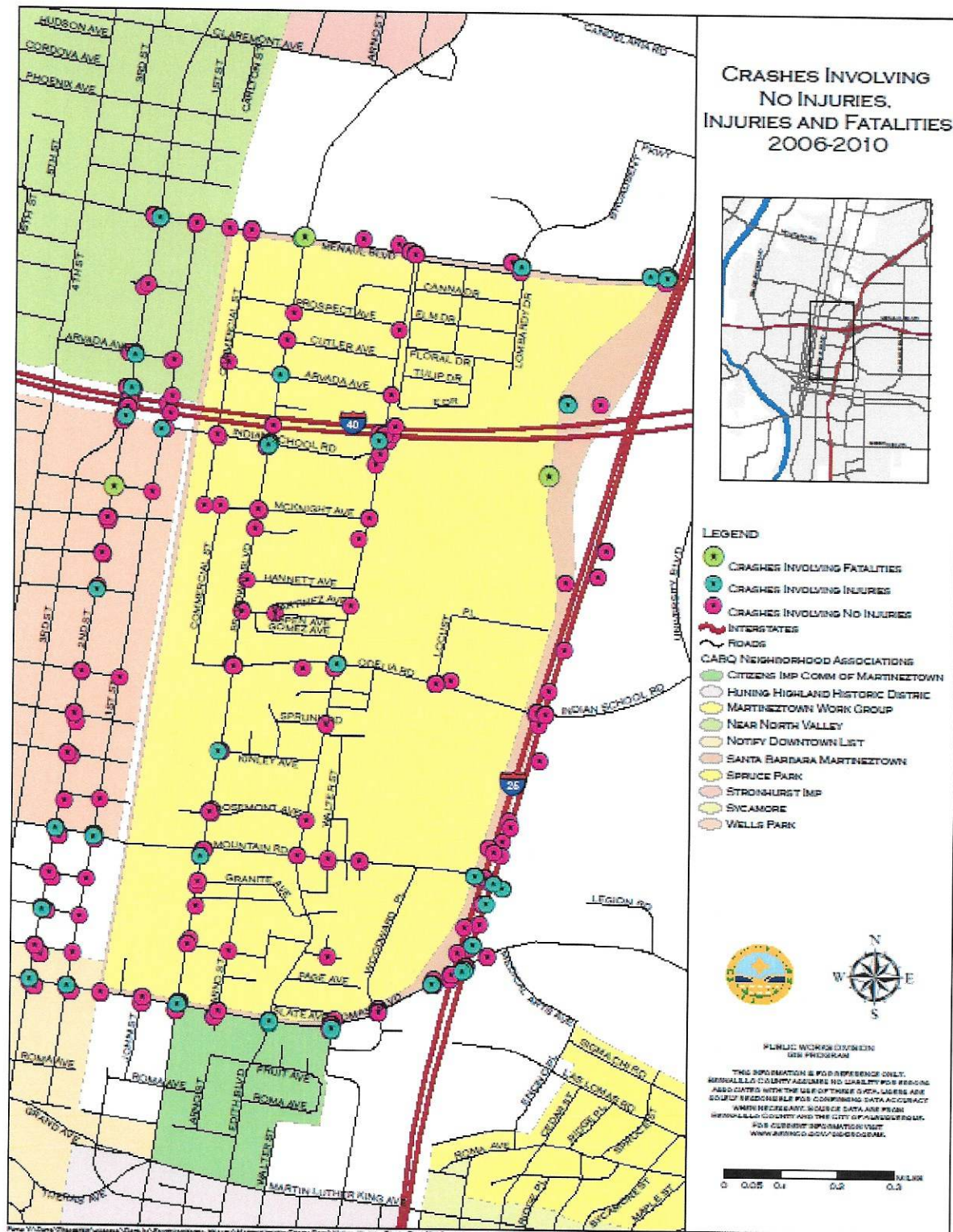
Lower speeds achieved through traffic calming measures can profoundly impact safety. A detailed analysis of 33 studies found that area wide traffic calming programs reduced injury accidents by 15%, with a smaller reduction of 10% on main roads^{xv}.

Current Crash Related Injuries and Fatalities in SB-MZ

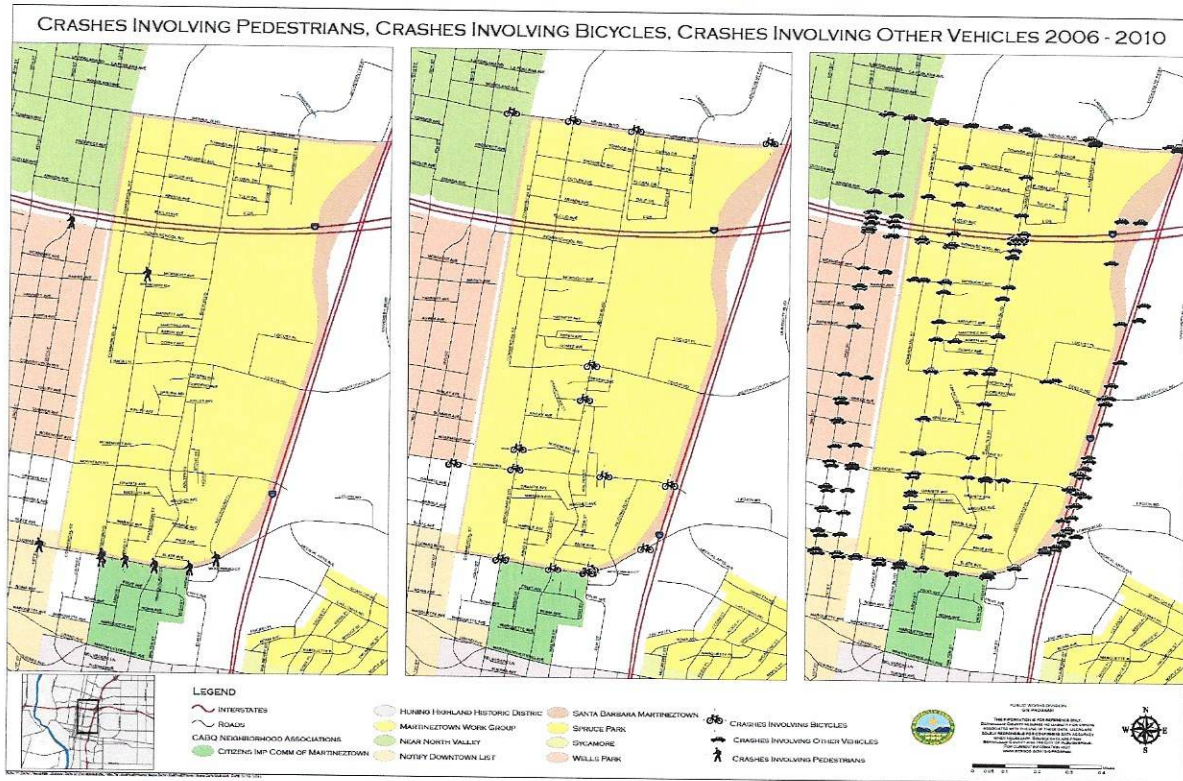
Map 2 shows the occurrence of crash related injuries and fatalities within the SB-MZ neighborhood boundaries for the time period of 2006 – 2010. Map 3 provides additional information on whether the crash involved a pedestrian, bicycle, or another vehicle.

The Mountain Rd.-3rd St. and Mountain Rd.-Broadway intersections ranked 6th and 15th among the top 20 intersections in Bernalillo County having the highest fatal and injury crash rates for 2005-2009. Further, the Mountain Rd.-4th St. intersection ranked 8th among the top 10 intersections having crash rates involving pedestrians^{xvi}, while the Mountain Rd.-3rd St. intersection ranked 2nd among the top 10 intersections having crash rates involving bicyclists.

Map 2: Location of crashes occurring within the boundaries of Santa Barbara-Martineztown



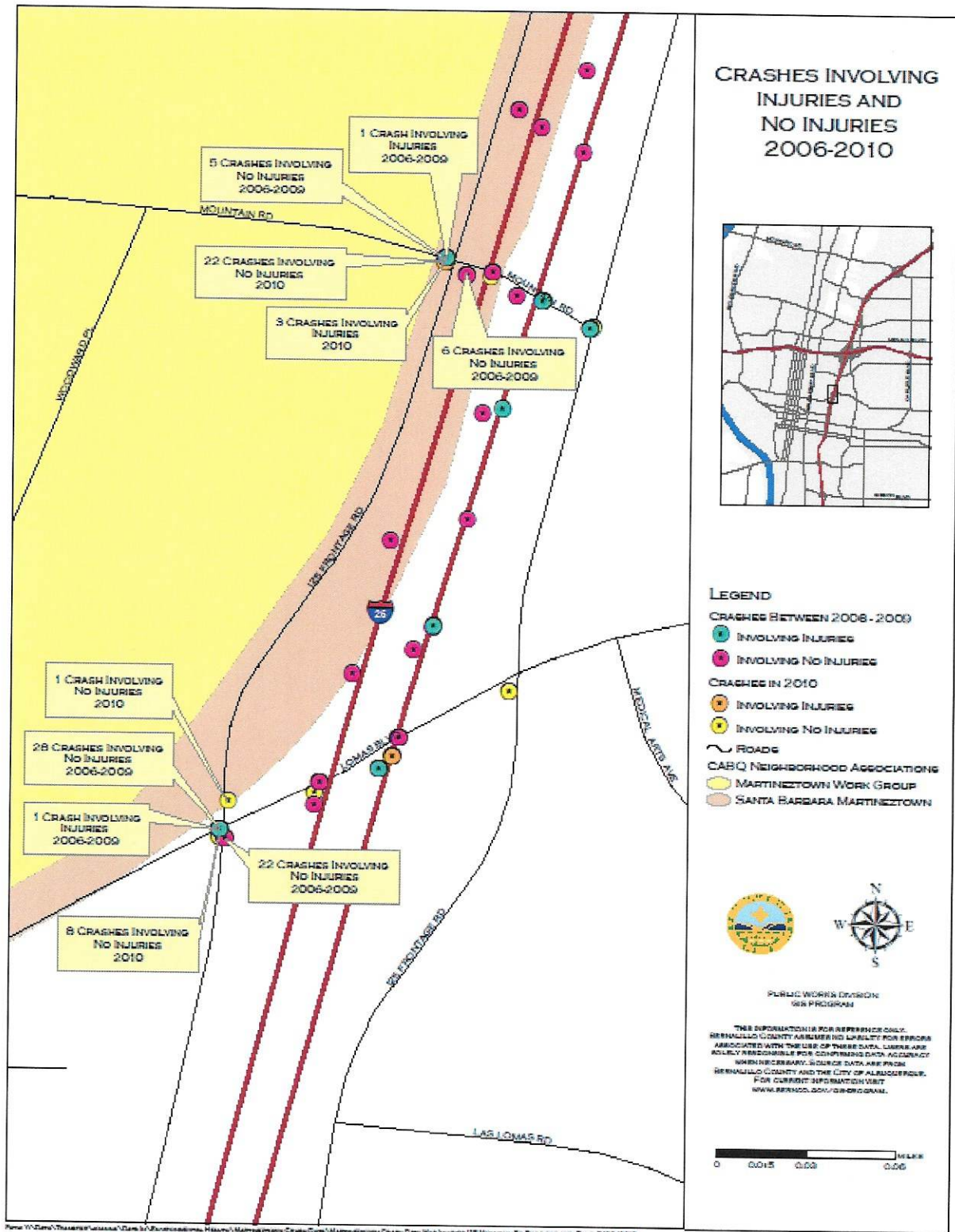
Map 3. Crashes involving pedestrians, bicyclists and other vehicles



Source: Mid-Region Council of Governments, data provided via email request, May 2013

Map 4 shows the occurrence of crashes resulting in injuries and no injuries for 2006-2009 and for 2010 for the west frontage road (north of Mountain Rd. to Lomas Blvd.), an area of concern to the residents living in SB-MZ, and for I-25.

Map 4. Crashes involving injuries and no injuries for residents' area of concern



Research shows that negative health outcomes, including injuries and fatalities from crashes, are linked to living in close proximity to busy roadways and railroads. Children and the elderly are particularly vulnerable to these negative health consequences.

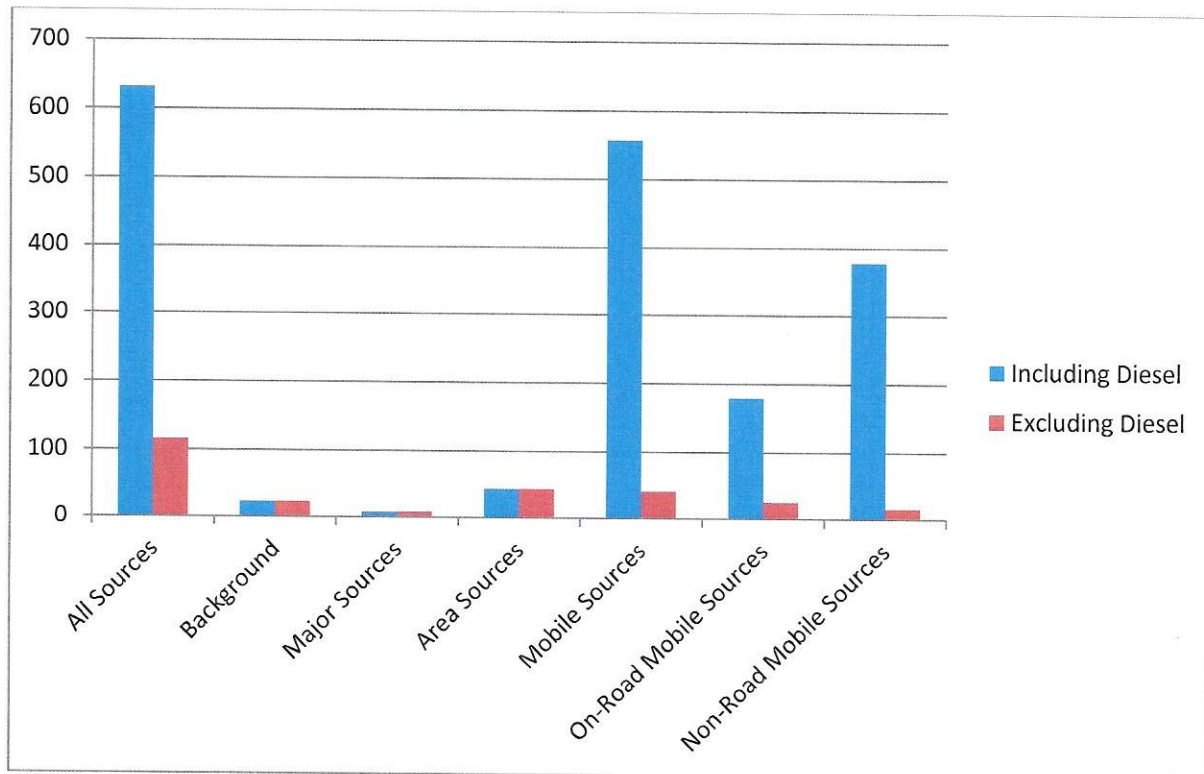
Air Quality

The Association between Traffic Related Air Pollution and Respiratory Illness, Cancer and Cardiovascular Disease

Exposures to sources of traffic pollution can impact the health of a community. Adverse health outcomes associated with vehicle and train related air pollution, include respiratory diseases, such as asthma and chronic obstructive pulmonary disease, cancer and cardiovascular disease^{xvii}
xviii xix xx

Diesel emissions coming from trains and large trucks are one of the most toxic sources of emissions. In addition to carbon monoxide and nitrogen oxides, diesel exhaust is composed of fine particles that contain more than 40 cancer-causing substances, such as benzene, arsenic and formaldehyde^{xxi}. Diesel exhaust is emitted at ground level, where one can breathe it, making it more harmful. Illness and deaths related to diesel exhaust is high. Approximately 21,000 people die prematurely each year from exposure to particulate matter from diesel engines. Every year, over 400,000 asthma attacks and 27,000 heart attacks are attributed to fine particles from diesel vehicles^{xxii}. These illnesses lead to increased emergency room visits, hospitalizations and lost school and work days. Figure 5 shows the contribution of diesel emissions to cancer risks in the metropolitan areas of the U.S. Diesel emitted from off-road vehicles and on-road vehicles, such as large trucks, contribute to a vast majority of the cancer risks.

Figure 5. Distribution of estimated cancer risks in US metropolitan areas, per million



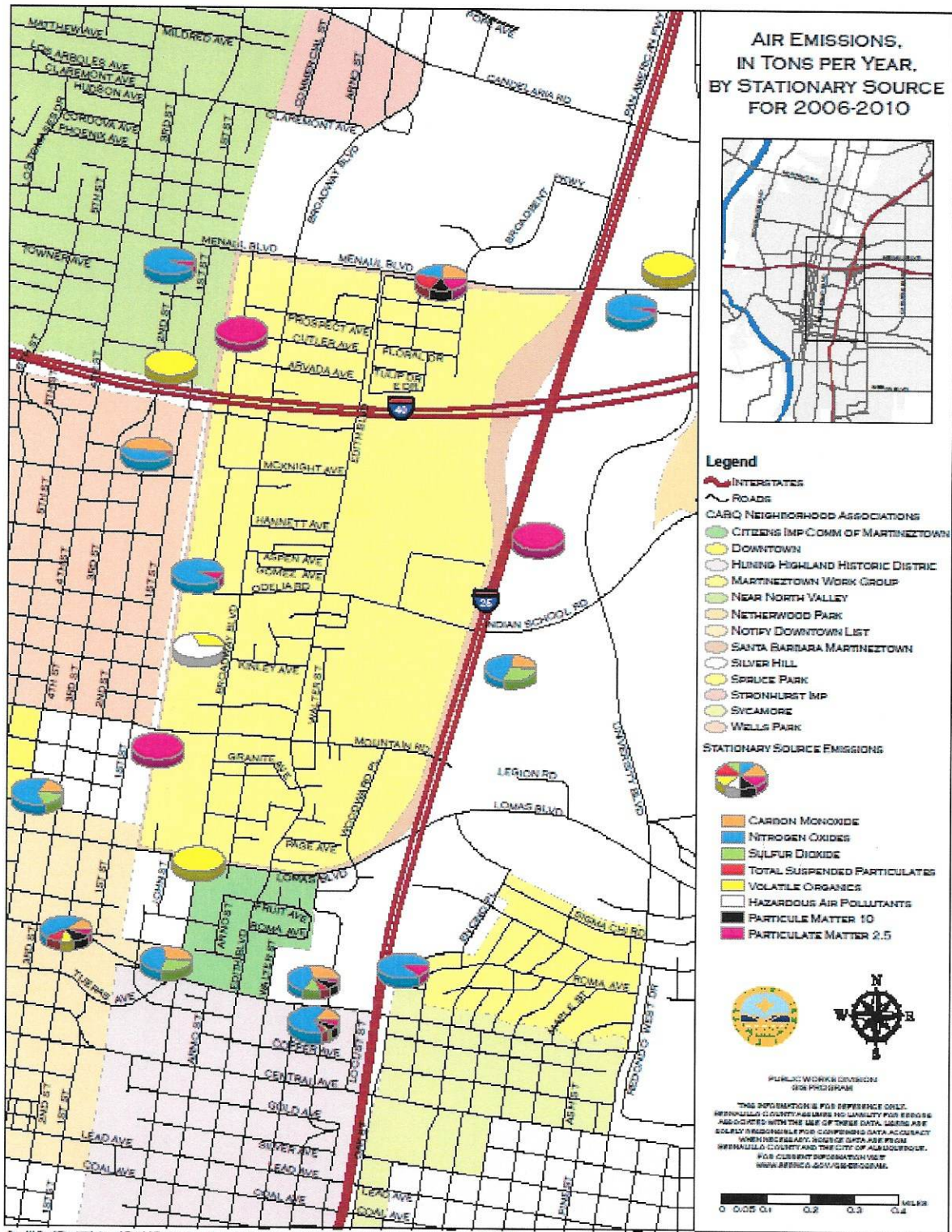
Source: Morello-Frosch R, Jesdle B. (2006) Separate and unequal: residential segregation and estimated cancer risks associated with ambient air toxics in US metropolitan areas.

Current Air Quality Conditions in SB-MZ

Because there is no air quality monitoring station near or in the SB-MZ neighborhood, data on ambient air quality for the six Environmental Protection Agency criteria air pollutants (lead, carbon monoxide, sulfur dioxide, particulate matter, nitrogen oxides, and ozone) are unavailable. Therefore, it is difficult to estimate the contribution of emissions coming from vehicles travelling on the roadways intersecting or bordering SB-MZ, namely I-25, I-40, Lomas, and Menaul. Further, it is also difficult to estimate the diesel emissions from trains travelling on rail, located on the western border of the neighborhood.

In spite of these limitations, data do exist for facilities that have permits to emit air pollution in the neighborhood. Map 5 shows the locations of these facilities, by the specific pollutants emitted, in tons per year.

Map 5. Locations of facilities emitting air pollutants by tons per year



Source: Stationary Source Data File, City of Albuquerque, 2006-2010.

Current Health Status for Diseases that are Associated with Poor Air Quality: Heart Disease, Chronic Respiratory Disease, and All Cancers in SB-MZ

Table 1 shows the age adjusted death rates for heart disease, chronic lower respiratory disease, and cancers for the time period of 2005 to 2009 for the Department of Health’s small area 8, which most closely approximates the boundaries of the SB-MZ neighborhood. When compared with Bernalillo County, the death rates for heart disease and all cancers are higher in SB-MZ, 190.2 deaths per 100,000 people and 197.6 deaths per 100,000 people, respectively. Conversely, the death rates for chronic lower respiratory disease are higher in Bernalillo County at 45.6 deaths per 100,000 people.

Table 1. Age-adjusted death rates for heart disease, chronic lower respiratory disease, and all cancers combined, 2005-2009, small area 8-Bernalillo County, Lomas Broadway and Bernalillo County

Age-Adjusted Death Rate for Heart Disease, 2005-2009*			
	Number of Deaths	Number in the Population	Deaths Per 100,000 Population
Small Area 8-Bernalillo County, Lomas Broadway	199	103,289	190.2
Bernalillo County	5,134	3,156,640	162

*Circulatory, Heart Disease (ICD10: I00-I09, I11, I13, I20-I51)

Age-Adjusted Death Rate for Chronic Lower Respiratory Disease, 2005-2009*			
	Number of Deaths	Number in the Population	Deaths Per 100,000 Population
Small Area 8-Bernalillo County, Lomas Broadway	43	103,289	41.6
Bernalillo County	1,413	3,156,640	45.6

*Respiratory, Chronic Lower Respiratory Disease (ICD10: J40-J47)

Age-Adjusted Death Rate for All Cancers Combined, 2005-2009			
	Number of Deaths	Number in the Population	Deaths Per 100,000 Population
Small Area 8-Bernalillo County, Lomas Broadway	206	103,289	197.6
Bernalillo County	4,936	3,156,640	155.5

*Neoplasm, Malignant (ICD10: C00-C97)

Source: New Mexico Indicator-Based Information System (NMIBIS)

Noise Levels

The Association between Traffic Related Noise Levels and Learning Disabilities among Children

Traffic noise has been linked to many adverse health outcomes, including general quality of life, induced hearing loss, increases in blood pressure and cardiovascular diseases, and psychosocial disorders such as noise induced sleep disturbances^{xxiii}. There is a dose response relationship for all of these. As persistent noise levels increase, adverse health outcomes also increase^{xxiv}.

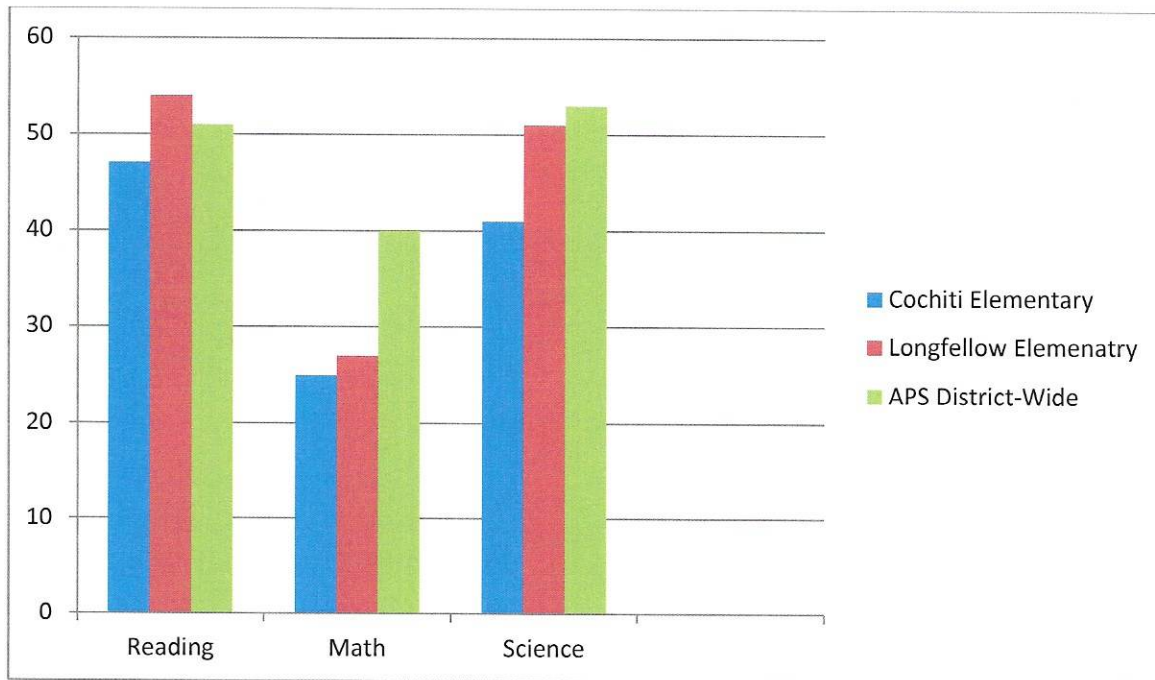
These adverse health outcomes are particularly pronounced in children who have less well-developed immune, cardiovascular and neurological systems. Therefore, children have an additional risk from excessive ambient noise exposure^{xxv}. Evans et al. examined children exposed to moderate road traffic noise (outside daytime level $L_m > 60\text{dB(A)}$). Their night time urine contained increased concentrations of free cortisol and cortisol metabolites when compared to those of children living in quieter areas (outside daytime level $< 50\text{dB(A)}$)^{xxvi}. Studies have also found that children exposed to intense ambient noise from traffic and aircraft at school may have lower reading and math scores than children who attend quieter schools.

4th Grade Reading, Math and Science Scores among Children Attending Schools in SB-MZ

Residents of SB-MZ suffer from traffic related noise because of their close proximity to two large interstates, I-25 and I-40 and the BN&SF railroad. High noise levels can impact children's stress levels and reading and math scores.

There are two elementary schools located in the SB-MZ neighborhood, Longfellow and Cochiti. According to New Mexico Standards Base Assessment for the 2007-2008 school year; 47%, 25%, and 41% of 4th graders attending Cochiti Elementary were at or above proficiency levels for reading, math and science, respectively. Reading, math, and science proficiency scores for 4th grade students attending Longfellow Elementary School were 54%, 27%, and 51%, respectively. Albuquerque Public School district-wide scores for 4th grade students at or above proficiency levels for reading, math and science were 51%, 40%, and 53%, respectively (figure 6).

Figure 6: Percent 4th grade students at or above proficiency level for the 2007-2008 school year

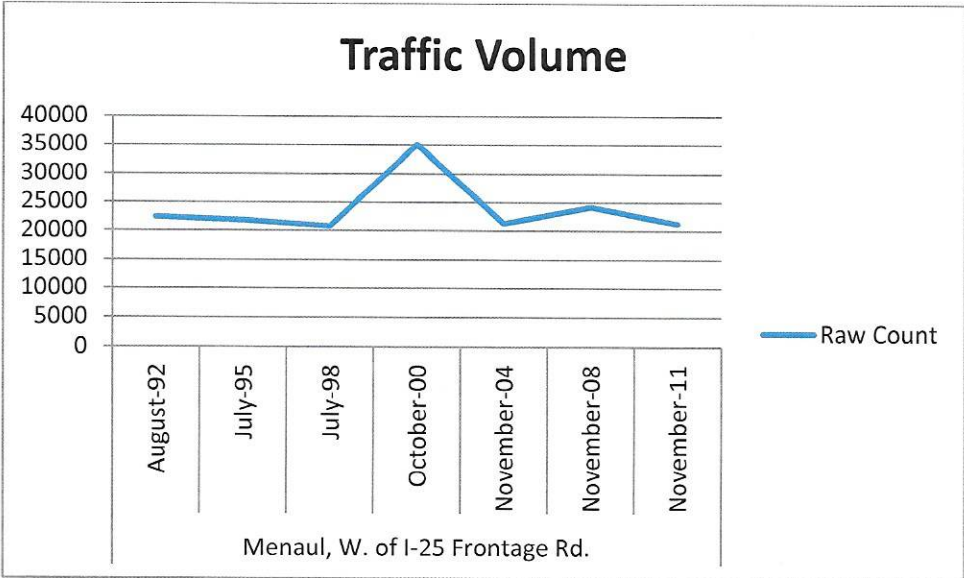
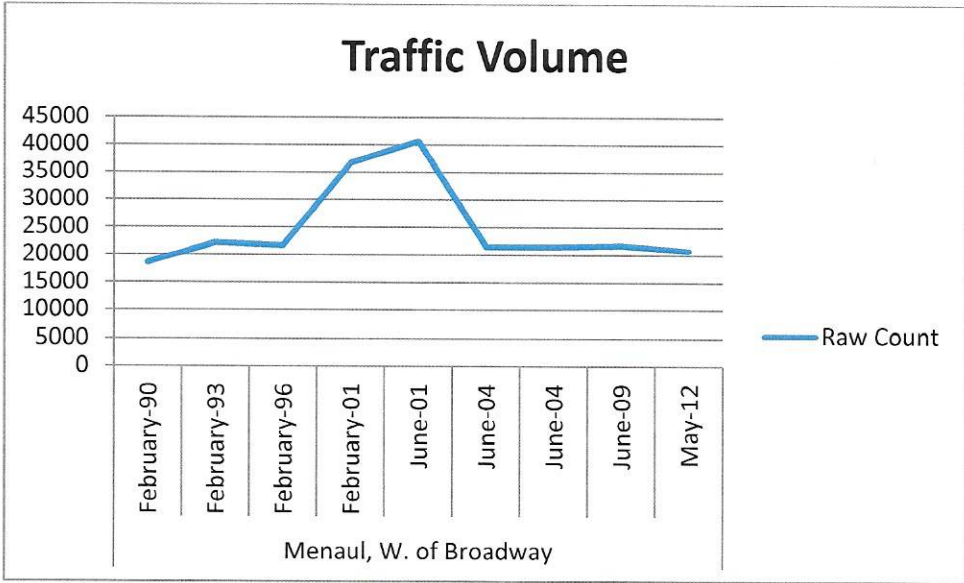


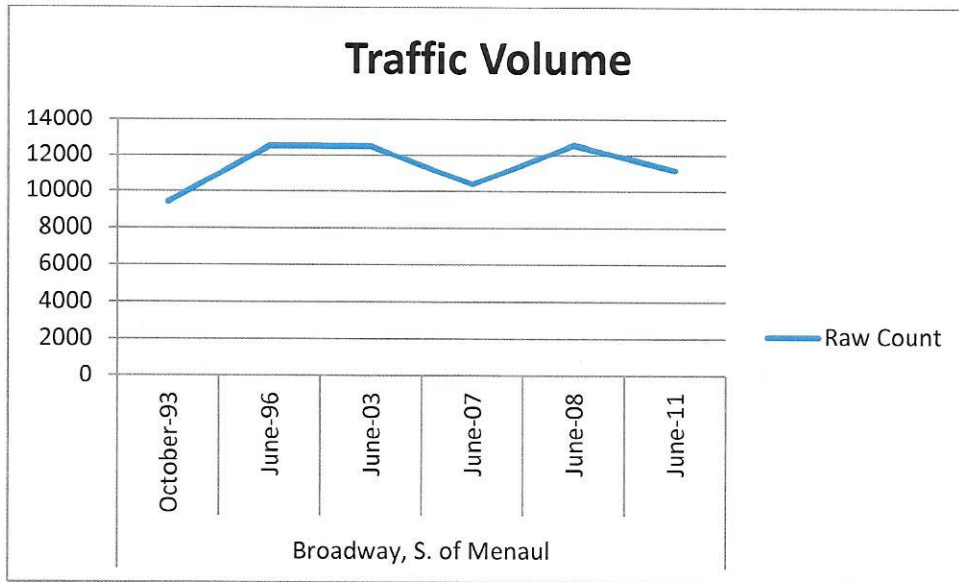
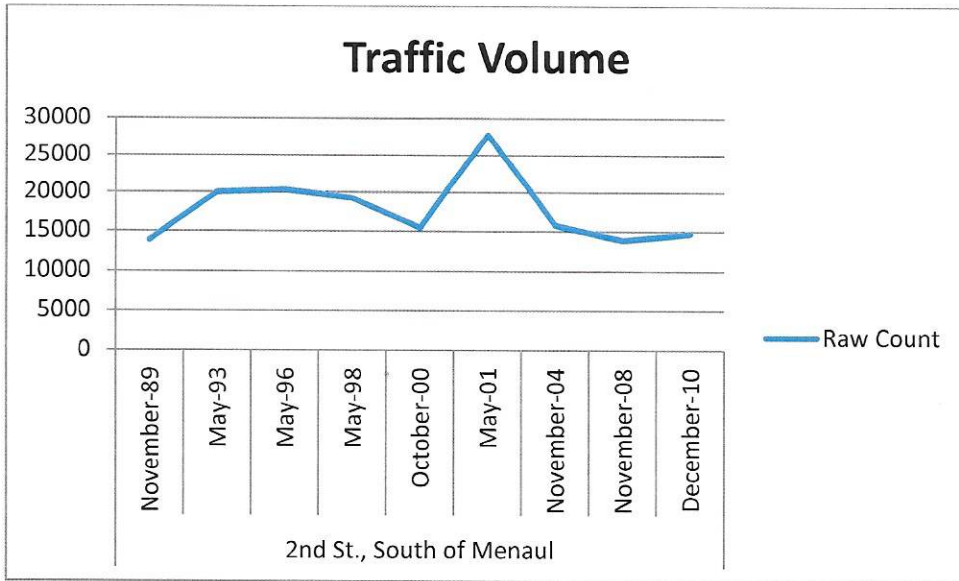
Source: Albuquerque Public Schools, New Mexico Standards Base Assessment

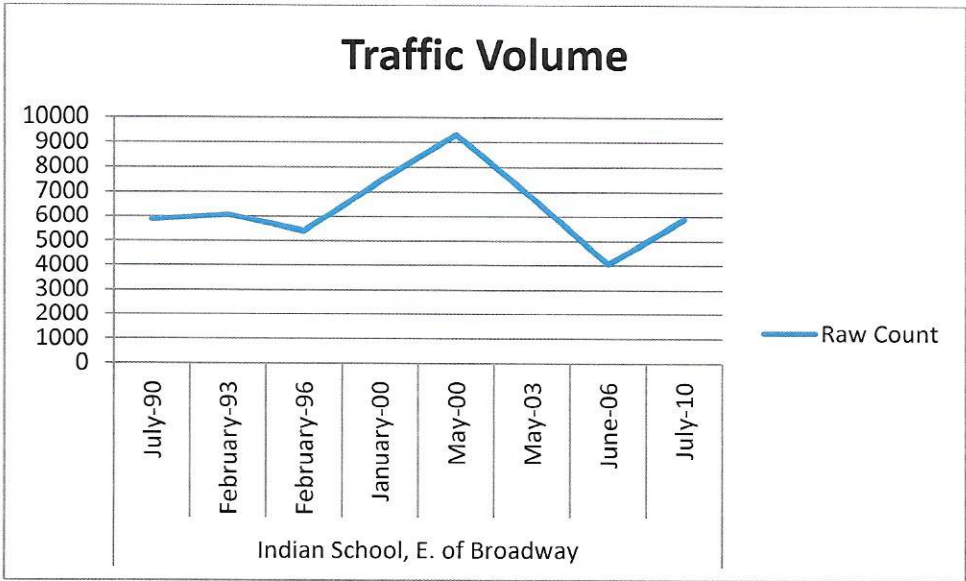
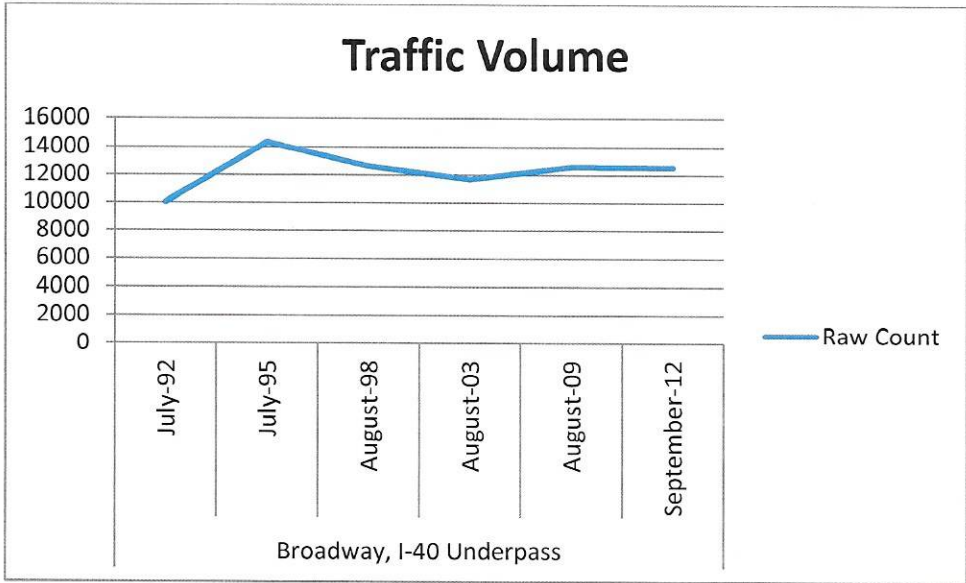
Conclusion

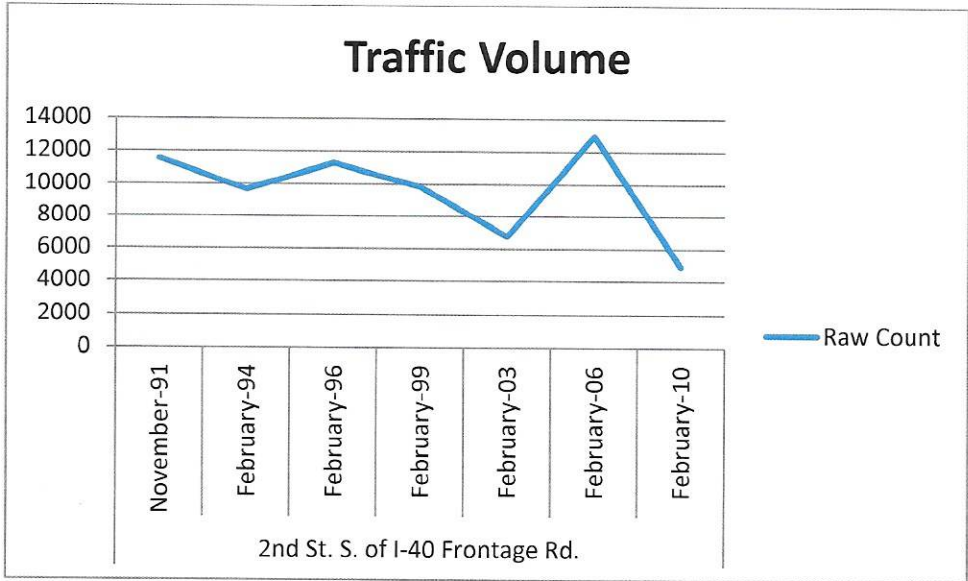
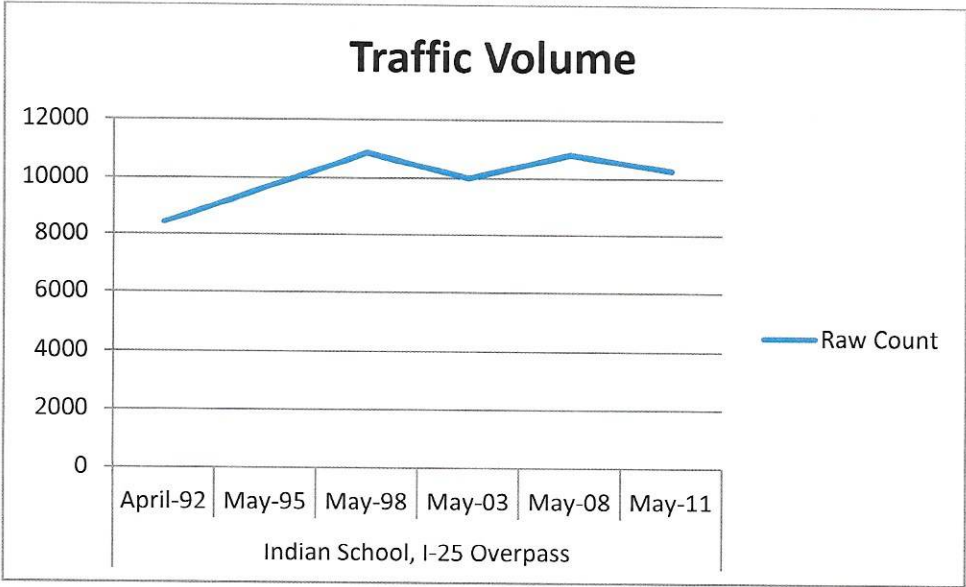
Given the data provided above we urge you to consider the ways that increased traffic, a potential result of 2012 Plan implementation, may negatively impact the health of residents living in the SB-MZ neighborhood.

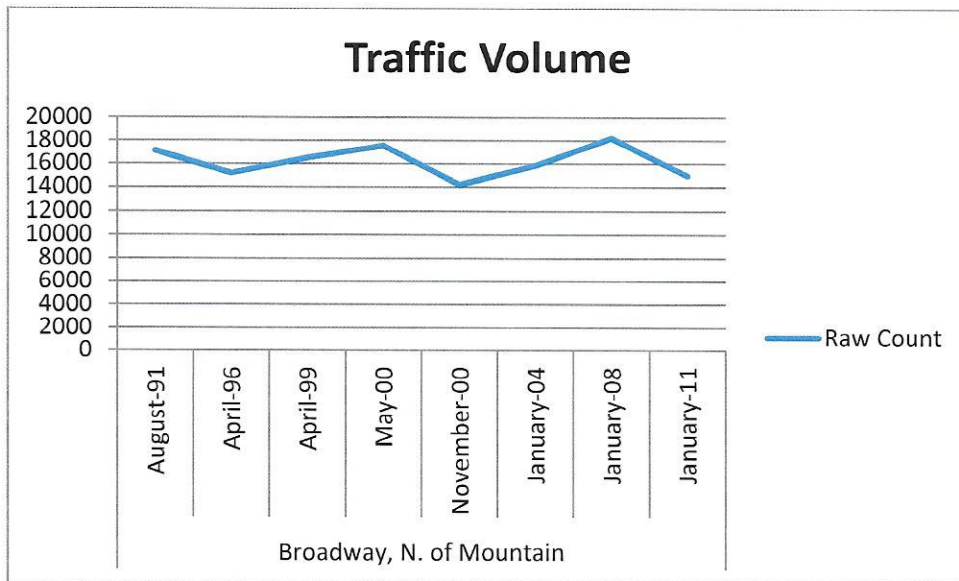
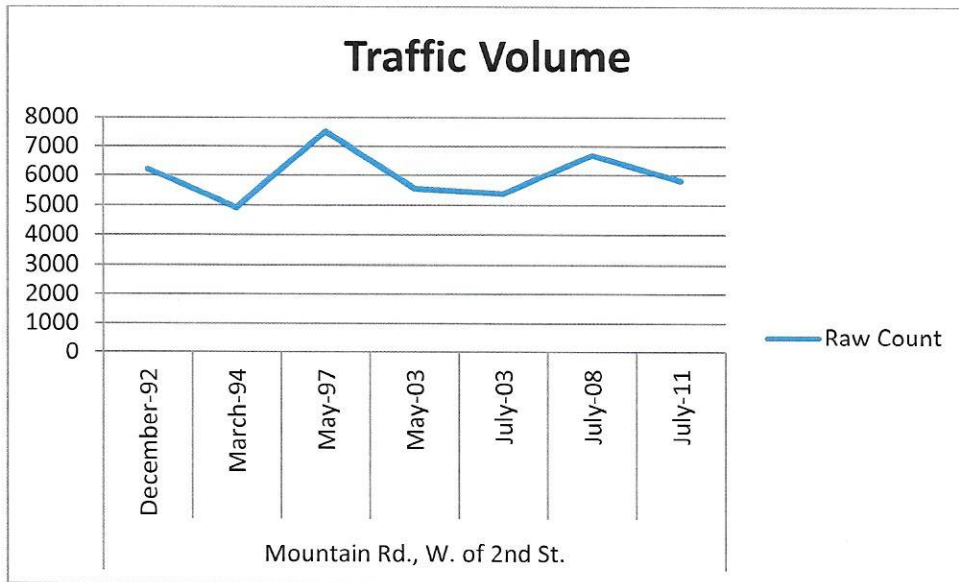
Attachment 1: Traffic Volumes by Number of Vehicles, Date and Location

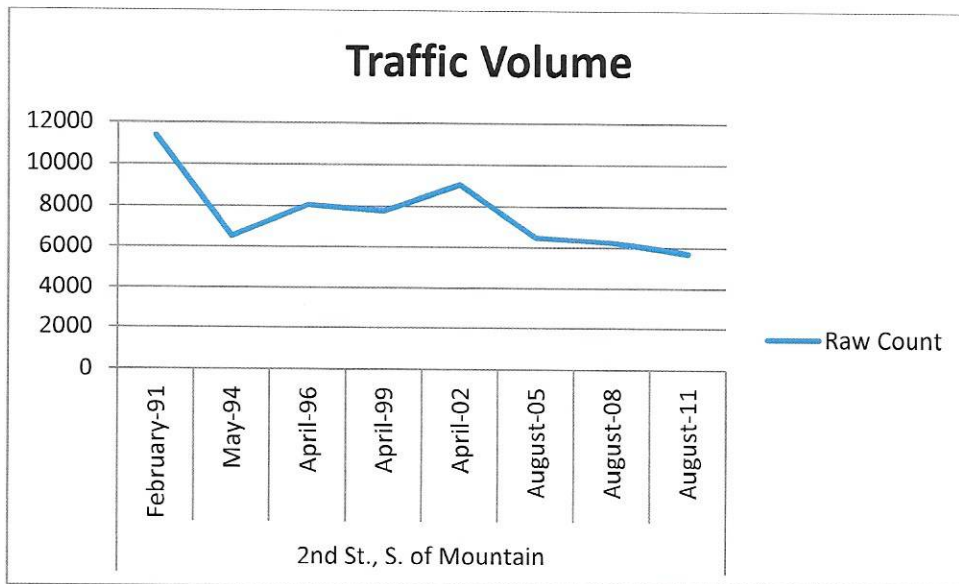
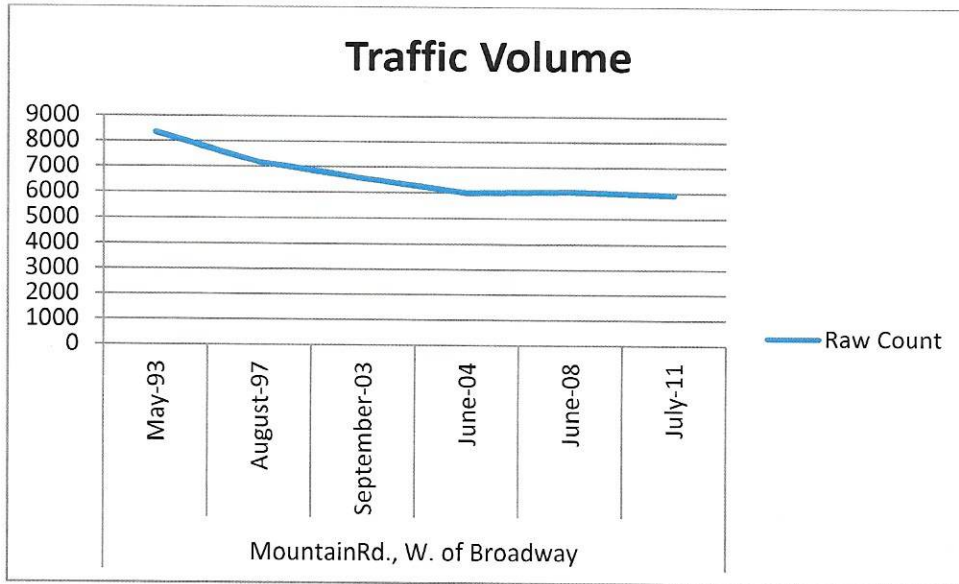


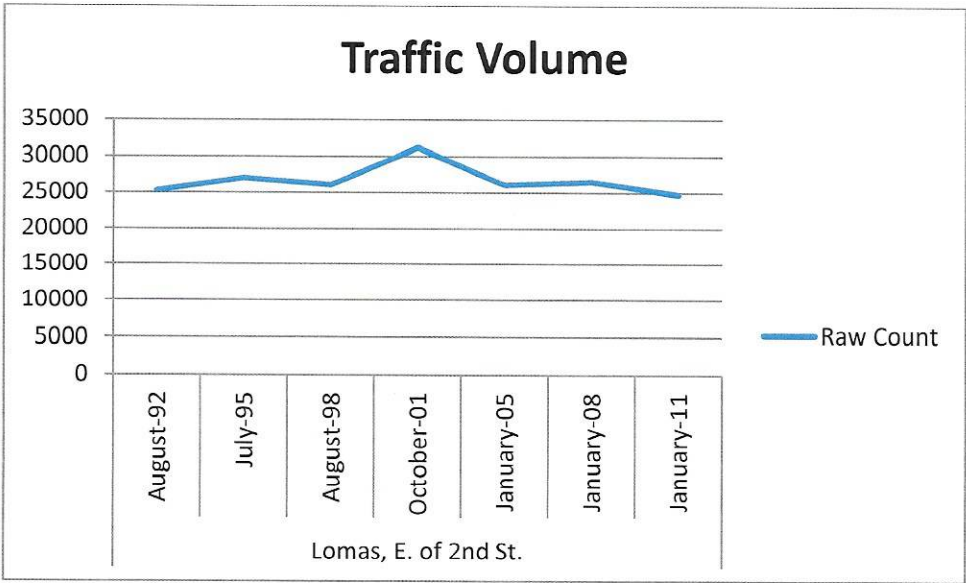
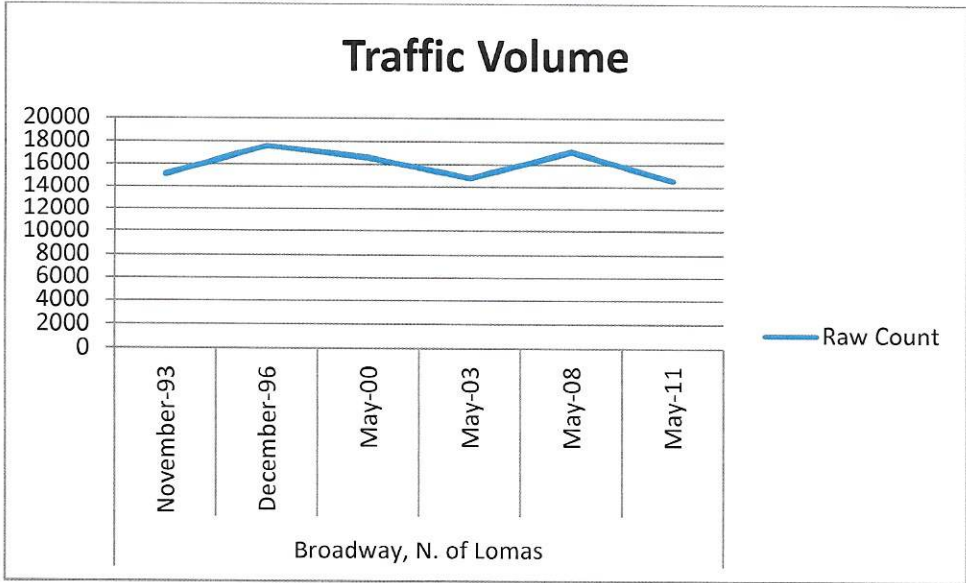




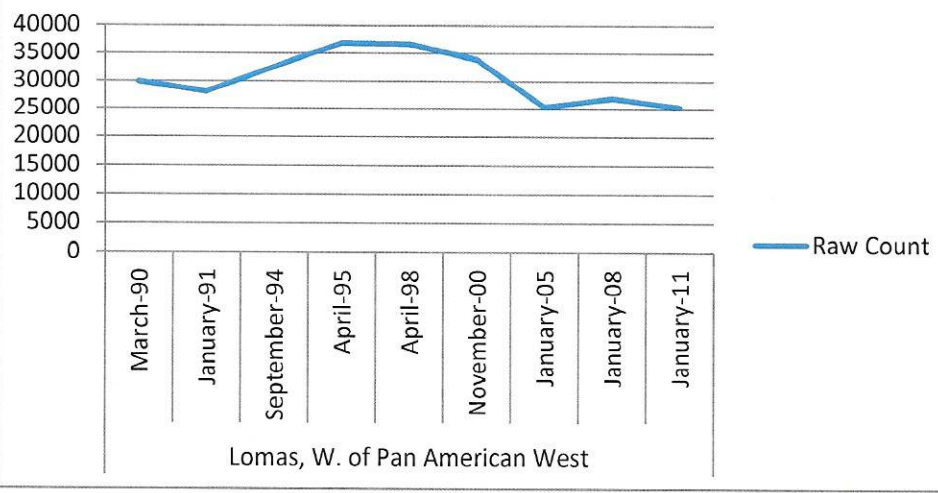








Traffic Volume



Endnotes

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- ⁱⁱⁱ Roberts I, Marshall R, Lee-Joe T. The urban traffic environment and the risk of child pedestrian injury: a case-cross over approach. *Epidemiology* 1995; 6:169-71.
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- ^{vii} Email correspondence by E. Webster, Mid-Region Council of Governments, May 2013.
- ^{viii} Mid-Region Council of Governments, "Safety Doesn't Happen by Accident" 2011.
- ^{ix} Mid-Region Council of Governments, "Safety Doesn't Happen by Accident" 2011.
- ^x Koespell T, McCloskey L, Wolf M, Moudon AV, Buchner D, Kraus J, Patterson M. Crosswalk markings and the risk of pedestrian motor vehicle collisions in older pedestrians. *JAMA*. 2002; 288: 2136-43.
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- ^{xvi} Mid-Region Council of Governments, "Safety Doesn't Happen by Accident" 2011.
- ^{xvii} Brauer M, Hoek G, Van Vilet P, et al. Air pollution from traffic and the development of respiratory infections and asthmatic and allergic symptoms in children. *Am J Resp Crit Care* 2002; 166:1092-1098.
- ^{xviii} Brunekreef B, et al. Air pollution from trucks and lung function in children living near motorways. *Epidemiology* 1997; 8:298-303.
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- ^{xx} Morello-Frosch R, Jesdale B. Separate and unequal: residential segregation and estimated cancer risks associated with ambient air toxic in US metropolitan areas. *Env Health Perspectives* 2006; 114:386-393.
- ^{xxi} Clean Air Task Force. Diesel and health in America: the lingering threat. 2005.
- ^{xxii} Clean Air Task Force. Diesel and health in America: the lingering threat. 2005.
- ^{xxiii} Ising H, Ising M. Chronic cortisol increases in the first half of the night caused by road traffic noise. *Noise and Health* 2002; 16:13-21.
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- ^{xxv} Dratva J, Zemp E, Felber-Dietrich D, Bridevaux P, Rochat T, Schindler C, Gerbase M. Impact of road traffic noise annoyance on health related quality of life: results from a population-based study. *Qual* 2010; *Life Res* 19:37-46.
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CITY of ALBUQUERQUE

TWENTY FOURTH COUNCIL

COUNCIL BILL NO. F/S R-20-75 ENACTMENT NO. R-2020-094

SPONSORED BY: Borrego, Peña, Sena

1 RESOLUTION
2 STRENGTHENING AND RE-AFFIRMING THE CITY OF ALBUQUERQUE'S
3 COMMITMENT TO ADDRESSING RACIAL AND SOCIAL INEQUITY.

4 WHEREAS, Article VIII of the City Charter states that, "The Council shall
5 preserve, protect and promote human rights and human dignity...and shall
6 prohibit discrimination on the basis of race, color, religion, sex, national origin
7 or ancestry, age or physical handicap"; and

8 WHEREAS, the Albuquerque City Council affirmed its commitment to non-
9 discrimination and equal opportunity through passage of Ordinance 106-1973
10 establishing the Human Rights Board, Ordinance 2-6-5-1, et. al. seq.,
11 establishing the Americans with Disabilities Act Advisory Council, Ordinance
12 5-6 ROA 1994 establishing the Minority Business Enterprise act, Commission
13 on American Indian and Alaska Native Affairs, Ordinance 2-6-6-1, et. al. seq.,
14 and R-18-7 strengthening the City's status as an immigrant friendly city; and

15 WHEREAS, the City of Albuquerque Cultural Services Department in June
16 of 2020 established the Race, History and Healing Project, steered by a
17 community engagement team to support meaningful and difficult
18 conversations about Albuquerque's shared cultural resources with an open
19 invitation to all community voices and a steadfast commitment to collective
20 solution building; and

21 WHEREAS, The City of Albuquerque is committed to working toward better
22 addressing racial disparities, and to achieving equity across all populations
23 and indicators; and

24 WHEREAS, The City of Albuquerque is committed to working toward better
25 addressing racial disparities and equity concerns in all programs, services,
26 commissions, boards, budgets, and CIP services; and

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1 **WHEREAS, The City of Albuquerque defines inequities as disparities in**
2 **health, mental health, economic indicators, housing, education, or social**
3 **factors that are systemic and, therefore, considered unjust or unfair; and**
4 **WHEREAS, the City acknowledges that structural and institutional racism,**
5 **have led to racially disparate outcomes in many aspects of quality of life; and**
6 **WHEREAS, for the purposes of this legislation the following definitions are**
7 **adopted:**
8 **“Equity” recognizes that advantages and barriers exist and that not**
9 **everyone starts from the same place. Equity means eliminating disparities in**
10 **policy, practice and allocation of resources so that race, gender, religion,**
11 **sexual orientation, income and zip code do not predict one’s success while**
12 **also improving positive outcomes for all.**
13 **“Diversity” means the presence of different races, genders, ethnicities,**
14 **religions, abilities, nationalities, and sexual orientations in decision making.**
15 **Diversity exists within groups among people of color and in relationships with**
16 **others, particularly people of color.**
17 **“Inclusion” means diverse people with different identities feel welcomed**
18 **and valued; and**
19 **WHEREAS, race and social equity require partnership in the planning**
20 **process resulting in shared decision-making and more equitable outcomes**
21 **that strengthen the entire city; and**
22 **WHEREAS, because the City benefits from the diversity of its population,**
23 **the city desires to incorporate the expertise of those most negatively impacted**
24 **by inequity in the identification and implementation of policies, programs, and**
25 **budget processes and decisions; and**
26 **WHEREAS, 59% of the residents of Albuquerque are people of color and**
27 **our city is becoming more diverse, with growth driven by communities of**
28 **color; and**
29 **WHEREAS, working poverty is on the rise in Albuquerque, with too many**
30 **fulltime workers of all backgrounds not earning enough to make ends meet;**
31 **and**

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1 WHEREAS, 18% of male and 26% of female Native American adults aged
2 25-64 working full time in Albuquerque still live below 200% of the Federal
3 Poverty Level; and

4 WHEREAS, 25% male and 18% of female Asian or Pacific Islander adults
5 aged 25-64 working full time in Albuquerque still live below 200% of the
6 Federal Poverty Level; and

7 WHEREAS, 18% male and 15% of female Latino adults aged 25-64 working
8 full time in Albuquerque still live below 200% of the Federal Poverty Level; and

9 WHEREAS, 16% male and 18% of female Black adults aged 25-64 working
10 full time in Albuquerque still live below 200% of the Federal Poverty Level; and

11 WHEREAS, 8% male and 6% female White adults aged 25-64 working full
12 time in Albuquerque still live below 200% of the Federal Poverty Level; and

13 WHEREAS, the basic premise of equity holds that cities can attain stronger
14 and more resilient economic growth for everyone by working toward racial
15 and social equity; and

16 WHEREAS, According to the Equity Profile of Albuquerque conducted by
17 PolicyLink, people of color pay too much for housing in Albuquerque, whether
18 they rent or own, with Asian and Pacific Islander populations having the
19 highest rate of homeowner housing burden, and more than half of Black and
20 Latino renter-occupied households paying more than 30% of their incomes in
21 rent; and

22 WHEREAS, For the first time in 2018, the City of Albuquerque began
23 collecting demographic data on the ownership of companies with whom it
24 does business; and

25 WHEREAS, The Minority Business Enterprise Ordinance calls for the City
26 of Albuquerque to actively solicit information from such firms regarding
27 unnecessary problems, requirements, or barriers involved in doing business
28 with the city that might be ameliorated, such as the inability to obtain bonding,
29 financing, or technical assistance; and

30 WHEREAS, The Minority Business Enterprise Ordinance supports the City
31 of Albuquerque to encourage prime contractors providing goods and services
32 to the city with regard to subcontractors involved in such work to assure a fair
33 share of business for minority and women business enterprises; and

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1 **WHEREAS, the City of Albuquerque has begun to collect and analyze the**
2 **demographic information of applicants for city jobs, new hires and incumbent**
3 **employees that will be used to help guide decision making; and**

4 **WHEREAS, All persons authorized to work in the United States, regardless**
5 **of nationality or citizenship, are entitled to fair and equitable access to**
6 **municipal jobs, and benefits; and**

7 **WHEREAS, the strategies necessary to address racial and social equity**
8 **transcend any one department and require intention and action at the policy,**
9 **process, program and service delivery levels of municipal government; and**

10 **WHEREAS, the establishment of racial equity goals and action plans by**
11 **each department serves to catalyze the actions necessary to achieve those**
12 **goals and objectives; and**

13 **WHEREAS, applying a racial equity analysis may assist departments in**
14 **examining the distribution of benefits and burdens of municipal decision-**
15 **making processes; and**

16 **WHEREAS, the establishment of the Office of Equity and Inclusion as a**
17 **Director level Department demonstrates the City of Albuquerque’s**
18 **commitment to advance racial and social equity; and**

19 **WHEREAS, the Office of Equity and Inclusion’s role is to inspire and equip**
20 **city government by providing education, training, data, analysis, tools and**
21 **other support necessary to achieve equity goals; and**

22 **WHEREAS, The Office of Equity and Inclusion has been established to**
23 **provide technical assistance, training and tools to all City of Albuquerque**
24 **departments and divisions to ensure inclusive outreach and equitable**
25 **opportunities for all people.**

26 **BE IT RESOLVED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF**
27 **ALBUQUERQUE:**

28 **Section 1. The City of Albuquerque Office of Equity and Inclusion shall**
29 **recommend to the Mayor indicators related to equity and inclusion to be**
30 **included in the City's five-year goals, guided by the following principles:**

31 **Committing to Equity, Embedding Equity:** **Performing an equity analysis**
32 **prior to executing decisions;**

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1 **Ensuring Equity in Resource Allocation:** Equitably distributing resources
2 and services to vulnerable groups;

3 **Striving for Equity and Inclusion in Public Messaging:** Conducting targeted
4 outreach, in languages accessible to non-English speakers and other
5 marginalized groups;

6 **Being Transparent and Using Data in Decision-making:** Capturing and
7 analyzing data and using it to help guide decision making that would aim to
8 reduce disparity;

9 **Involving persons and communities of color and social diversity in the**
10 **decision-making processes:** Using equity analysis as put forth by the City of
11 Albuquerque to endeavor to meaningfully involve persons and communities of
12 color, those experiencing poverty, and people living with disabilities and of
13 social diversity in the decision-making process while abiding by process
14 transparency and responding in a way that is accountable to all communities.

15 Section 2. The City of Albuquerque shall use Racial Equity Toolkits and
16 other best practices and technical assistance to understand the distribution of
17 benefits and burdens of policy, process, program and budget decisions
18 wherever practicable.

19 Section 3. The City of Albuquerque Office of Equity and Inclusion shall
20 conduct targeted, mandatory trainings for City of Albuquerque administrators
21 including the Mayor's Office, City Councilors, Department Heads and other
22 staff as appropriate, to include, but not be limited to, curriculum developed by
23 the Office of Equity and Inclusion, Racial Equity Tool Kits and other best
24 practices, subject to budget, and time constraints and staffing availability, and
25 endeavor to provide trainings to other non-mandatory staff as budget, time,
26 and staffing allow.

27 Section 4. The City shall support the start-up and growth of businesses
28 owned by people of color and women through inclusive contracting and
29 creating equitable business support systems, intentionally seek to remove
30 barriers for entry and build capacity within the small business community.

31 Section 5. The City shall prepare youth and workers of color for
32 tomorrow's jobs by growing local talent through education and workforce
33 strategies that equip youth and workers with the skills and encourage but not

1 fund postsecondary education or credentials needed for careers in growing
2 industries.

3 Section 6. The City shall ensure equal access to affordable and quality
4 housing by following goals, policies, and actions included in the City of
5 Albuquerque & Bernalillo County (ABC) Comprehensive Plan that are intended
6 to help expand housing type options, ensure affordable housing in rural,
7 suburban, and urban locations, and address housing and related services for
8 vulnerable populations and those experiencing homelessness.

9 Section 7. The City, shall begin to complete a data collection plan and
10 shall consult with the City Attorney or their designee prior to finalizing such
11 plan. The plan shall include a process to begin collecting and reviewing
12 demographic and geographic data in the delivery of programs and services
13 and in community engagement processes. The Office of Equity and Inclusion
14 shall regularly review and provide recommendations on indicators of
15 important community conditions related to equity and inclusion, for the City's
16 five-year goals. The Mayor's Office and City Council shall receive annual
17 reports from the Office of Equity and Inclusion outlining the results of
18 demographic and geographic data to inform future decision-making regarding
19 policies and practices. The Office of Equity and Inclusion may propose to the
20 Mayor ways to arrange for statistically sound analysis to identify trends in the
21 data that encompass both historic and future impacts. During the pendency of
22 *United States v. City of Albuquerque*, 14-cv-1025, no City department, other
23 than as identified in a court order, shall collect data from Albuquerque Police
24 Department or make recommendations to the Albuquerque Police Department
25 based on a data analysis. Each Department shall identify an equity liaison who
26 shall report directly to the head of the Department and who will be responsible
27 for managing and reporting on that Department's equity assessment program.

28 Section 8. With the assistance of the Office of Equity and Inclusion, each
29 Department shall conduct a racial equity assessment and develop a racial
30 equity action plan of that Department's practices, policies, expenditures, and
31 distribution of resources which will be included in the budget process.

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1 **Section 9. During the City’s annual budget review process each agency**
2 **shall include in its report to City Council an equity note for internal review;**
3 **and City Council may ask questions as needed.**

4 **Section 10. The Mayor’s Office and City Council will endeavor to work with**
5 **the Office of Equity and Inclusion to review the City’s Public Boards,**
6 **Commissions, and Committees Ordinance and explore opportunities for**
7 **furthering the City’s commitment to racial and social equity and inclusion on**
8 **local advisory boards.**

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1 PASSED AND ADOPTED THIS 9th DAY OF September, 2020
2 BY A VOTE OF: 9 FOR 0 AGAINST.


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Patrick Davis, President
City Council

APPROVED THIS 26 DAY OF September, 2020

Bill No. F/S R-20-75



Timothy M. Keller, Mayor
City of Albuquerque

ATTEST:


Ethan Watson, City Clerk

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Excerpt from the Council Rules of Procedure

Article III, Section 24. Land Use Hearing Officer Rules of Procedure and Qualifications

Pursuant to Section 14-16-4-4 ROA 1994 (the Appeal section of the Zoning Code), the Council is to adopt rules of procedure and regulations setting forth the qualifications for the Land Use Hearing Officer. The following rules are adopted for appeals of land use decisions:

1. Notice for any appeal hearing by the Land Use Hearing Officer (“Hearing Officer”) shall be given at the City Council meeting at which the appeal is introduced or at least two weeks prior to the hearing held by the Hearing Officer.

2. The sequence and the time allowed for appeal hearings shall be as follows:

- 25 minutes for appellant;
- 30 minutes for party opponent(s) of the appeal;
- 10 minutes for city staff, unless that staff spoke as opponents;
- 5 minutes for appellant rebuttal.

3. The Hearing Officer may combine separate appeals of the same action, in which case each appeal will receive an equal share of the appellants’ time. The Hearing Officer shall indicate in advance the division of opponent time if more than one private party is shown by the record to be in opposition.

4. The Hearing Officer shall follow the above maximum times unless, based on the complexity of the issues, the Hearing Officer gives notice of differing times to all parties. In all cases, the maximum time available to proponents and opponents shall be equal, in accordance with the pattern above.

5. The parties shall decide on the speakers to use the time assigned to the appellant and the opponents of the appeal.

6. Evidence:

(A) The Hearing Officer shall make his or her decision and findings on the record of the decision appealed supplemented by any evidence allowed to be presented and matters officially noticed.

(B) If the Hearing Officer determines that certain additional evidence proposed is necessary and appropriate for the proper disposition of the matter he or she may take that evidence.

(C) New evidence which could have been put in the record during the previous hearing(s) is not favored for introduction at a Hearing Officer hearing. New evidence which clarifies evidence already in the record may be allowed. New evidence which is offered to contradict evidence in the record may be allowed; if such evidence appears convincing and is on an important point, it can justify the recommendation of a remand. If new evidence is allowed, it shall be restricted to a type and subject deemed admissible by the Hearing Officer.

(D) When a hearing will be expedited and the interest of the parties will not be prejudiced substantially, the Hearing Officer may accept specific items of evidence in written form; the fact that the author of written evidence is not present for cross examination does not disallow its admission unless the Hearing Officer rules that such absence makes the particular evidence inappropriate.

(E) Witnesses shall be sworn: "Do you swear (or affirm) that you will tell the truth, the whole truth, and nothing but the truth?" Attorneys may testify on their attorney's oath.

(F) Cross-examination of witnesses is allowed concerning the evidence and opinions they have presented in testimony to the Hearing Officer in order to disclose facts truly and fully. Cross-examination questions may be asked only by parties to the appeal. Any such questions shall be asked immediately following the witnesses' testimony. Questions may be asked by an adverse party or the party's attorney or representative of record. Improper questions will be disallowed by the Hearing Officer and the Hearing Officer may impose reasonable time limits on cross-examination. The Hearing Officer may restate questions to the witness and may require that questions be addressed to the Hearing Officer. The Hearing Officer will rule irrelevant questions and unnecessarily long answers out of order.

7. With regard to any appeal that has been filed with and is pending before the City Council and referred to the Hearing Officer:

(A) Communication with Parties. No City Councilor shall communicate outside a hearing with a party or representative of a party about an appeal, and no party or representative of a party shall communicate outside a hearing with a Councilor about an appeal. Any facts or documents not in the record before the City Council when an appeal is filed are subject to the rules regarding new evidence that are set forth herein.

(B) Communication with Persons other than Parties. No Councilor shall knowingly communicate with a member of the public or an organization about the subject of the appeal, and persons or organizations not parties to the appeal shall not communicate with any Councilor about the subject of the appeal and/or attempt to influence the outcome of the appeal. Information and correspondence that is not in the record at the time the appeal is filed is not evidence and should not be considered in making a decision regarding the outcome of the appeal unless accepted as new evidence.

(C) Communication Between Hearing Officer and Councilor. No Councilor shall knowingly communicate with the Hearing Officer about the subject of a pending appeal, and the Hearing Officer shall not communicate with any Councilor about the subject of a pending appeal other than by written findings and recommended decision as set forth herein.

(D) Communication with Parties by Hearing Officer. The Hearing Officer shall not communicate outside a hearing with a party or representative of a party about an appeal, and no party or representative of a party shall communicate outside a hearing with the Hearing Officer about an appeal. Any facts or documents not in the record before the Hearing Officer when an appeal is filed are subject to the rules regarding new evidence that are set forth herein.

(E) Communication with Persons other than Parties. The Hearing Officer shall not knowingly communicate with a member of the public or an organization about the subject of the appeal, and persons or organizations not parties to an appeal shall not communicate with the Hearing Officer about the subject of an appeal and/or attempt to influence the outcome of an appeal. Information and correspondence that is not in the record at the time an appeal is filed is not evidence and should not be considered in making a decision regarding the outcome of an appeal unless accepted as new evidence.

(F) Any correspondence regarding the subject of an appeal that is an ex parte communication and is inadvertently received by the Hearing Officer shall be kept separately from the record on the appeal. The Hearing Officer shall advise the parties to the appeal of the receipt of the ex parte written communication which shall be available for review by the parties.

(G) Notwithstanding the above, staff of the Council Services and other City departments (other than employees of a City department which is the appellant or appellee, or employees who have a personal or pecuniary interest in the outcome of the appeal) may, upon the request of the Hearing Officer, communicate with the Hearing Officer at any time and by any means.

8. The Hearing Officer shall recuse himself or herself from any proceedings in which he or she has a direct or indirect financial conflict of interest or otherwise cannot accord a fair and impartial hearing. In the event that the Hearing Officer has a conflict of interest regarding a particular appeal or a party to that appeal, the Hearing Officer shall immediately notify the Council of the conflict and the appeal shall be scheduled to be heard by the full Council.

9. The Hearing Officer shall enter his or her findings and recommended decision ("decision") within 5 days after the close of the hearing and shall forward the decision and findings to the parties and the Council within 5 days of entering the decision.

10. The Hearing Officer shall base his or her decision on a preponderance of the evidence. He or she may reweigh the evidence in the record.

11. The Hearing Officer may decide to recommend that the Council grant, in whole or in part, an appeal, deny, in whole or in part, an appeal, or remand an appeal for reconsideration if the remand is necessary to clarify or supplement the record or if remand would more expeditiously dispose of the matter.

12. When the Council receives the Hearing Officer's findings and decision, the Council shall place the decision on the agenda of the next regular full Council meeting provided that there is a period of at least 10 days between the receipt of the decision and the Council meeting. The parties may submit comments to the Council regarding the Hearing Officer's decision and findings provided such comments are in writing and received by the Council and the other parties of record four days prior to the Council meeting.

13. The Council shall vote whether to accept or reject the Hearing Officer's decision and findings. A motion to reject or accept the Hearing Officer's decision and findings must be approved by a majority of the membership of the Council.

14. The Council may accept the decision and amend the findings of the Hearing Officer if such an amendment is consistent with the decision of the Hearing Officer.

15. If the Hearing Officer's decision is rejected, the appeal shall be scheduled to be heard by the full Council no earlier than the next regular meeting of the full Council.

16. If the Hearing Officer rules are in conflict with the Zoning Code, the Zoning Code shall prevail. If the Hearing Officer rules are silent regarding an area that is addressed by the Zoning Code, the Zoning Code shall apply.

Qualifications of the Land Use Hearing Officer

1. Prior experience with administrative hearing procedures, land use law and/or City planning and zoning procedures.
2. A record that demonstrates a high level of integrity.
3. Excellent analytical, communication and drafting skills.

The Martineztown Santa Barbara Neighborhood residents oppose the proposed PR-24-009765, RZ-2024-00001, Zone Map Amendment from MX- M to MX-H for 1100 Woodward Place NE. The proposal is a spot zone and is not in character of the neighborhood. The application does not satisfy the IDO and legal requirements for changing the subject property's existing zoning. It also does not satisfy the day to day needs of the residents. This proposed zone map amendment from MX-M to MX-H is detrimental to the health, safety and welfare of the neighborhood. The neighborhood residents are already dealing with the health impact from the vehicle emissions at dangerously high levels from the interstate, and the heavy commercial uses surrounding the neighborhood, including over 2000 students and staff at Albuquerque High School and CEC School. This use will only increase the vehicles emissions with the City of Albuquerque recognizing is at unsafe levels.

Name Address Phone Number

Name	Address	Phone Number
Dabrica Duran	1300 Watter NE	X
MARIE RATTER	1300 Watter	
Nora Diaz	1300 Watter NE	
Mary Duran	920 Anno NE	
Micaela Mantano	724 Corbero Rd NE	
Valeria ^{Josefa} Meyer	919 Anno NE	
Jadres Ayon	507 Rosemont NE 87102	
Benjamin W. Walker	2428 Woodhill Dr. NE	
Julio Chanman	1130 Watter St NE	505 507 2844
DAVID Astorga	1024 Edith NE	505 803 2615
Amendo Escobedo	1024 Edith NE	505 492 1998
ESTHER ESCOBEDO	1024 1/4 Edith NE	505 243 1950
JESSE LOPEZ	1127 Watter St. NE	
Patrick Arguelles	807 Mountain Rd NE	505-252-0225
Angel M. Vigil	2714 Santa Clara SE	(505) 440-1514
Alvaro Prieto	706 Mt. Rd. W. E	505-243-2634
Jim Singh	1615 Page Ave	(505) 720-2130
JOSE APOLONIO	503 MARTINEZ	505-252-4779
Rachael Adams	City Hall - Alameda	888
JL Swanson	2324 Broadway NE	-

Planning Department
Alan Varela, Planning Director

Development Review Division

600 2nd Street NW – 3rd Floor
Albuquerque, NM 87102

NOTICE OF APPEAL

March 4, 2024

TO WHOM IT MAY CONCERN:

The Planning Department received an appeal on March 1, 2024. You will receive a Notice of Hearing as to when the appeal will be heard by the **Land Use Hearing Officer**. If you have any questions regarding the appeal please contact Ernesto Alfredo Salas, Sr. Planning Administrative Assistant at (505) 924-3370.

Please refer to the enclosed excerpt from the City Council Rules of Procedure for Land Use Hearing Officer Rules of Procedure and Qualifications for any questions you may have regarding the Land Use Hearing Officer rules of procedure.

Any questions you might have regarding Land Use Hearing Officer policy or procedures that are not answered in the enclosed rules can be answered by Michelle Montoya, Clerk to the Council, (505) 768-3100.

CITY COUNCIL APPEAL NUMBER: AC-24-11
PLANNING DEPARTMENT CASE FILE NUMBER:
PR-2024-009765, RZ-2024-00001, VA-2024-00055

APPLICANT: Loretta Naranjo Lopez, President
SBMTNA
1420 Edith NE, #9
Albuquerque, NM 87102

AGENT: Hessel E. Yntema III
Yntema Law Firm P.A.
215 Gold SW
Suite 201
Albuquerque, New Mexico 87102

cc: Michelle Montoya, City Council, City county bldg. 9th floor
Kevin Morrow/Legal Department, City Hall, 4th Floor-
Tierra West, LLC, slozoya@tierrawestllc.com
Cross Development, meagan@crossdevelopment.net
Hessel E. Yntema III, hess@yntema-law.com
Santa Barbara Martineztown NA, Loretta Naranjo Lopez, lnjalopez@msn.com
Santa Barbara Martineztown NA, Theresa Illgen, theresa.illgen@aps.edu
North Valley Coalition, Peggy Norton, peggynorton@yahoo.com
North Valley Coalition, James Salazar, jasalazarm@gmail.com
Legal, dking@cabq.gov
EPC File



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

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

APPLICATION INFORMATION		
Applicant: <i>Santa Barbara Martinez town Neighborhood Association</i>	Phone:	
Address: <i>410 Yntema Law Firm P.A.</i>	Email:	
City: _____ State: _____	Zip:	
Professional/Agent (if any): <i>Hessel E. Yntema III, Yntema Law Firm P.A.</i>	Phone: <i>505-843-9565</i>	
Address: <i>215 Gold Ave. SW, Suite 201</i>	Email: <i>hess@yntema-law.com</i>	
City: <i>Albuquerque</i> State: <i>NM</i>	Zip: <i>87102</i>	
Proprietary Interest in Site:	List all owners:	

BRIEF DESCRIPTION OF REQUEST
<i>Appeal of EPC Decision of February 15, 2024 to change zoning from Mx-m to Mx-H for 1100 Woodward Place NE, RZ-2024-00001</i>

SITE INFORMATION (Accuracy of the existing legal description is crucial! Attach a separate sheet if necessary.)		
Lot or Tract No.: <i>Tract A Plat of Gateway S-b</i>	Block:	Unit:
Subdivision/Addition: <i>Gateway S-b division</i>	MRGCD Map No.:	UPC Code: <i>101505413522132101</i>
Zone Atlas Page(s): <i>3-15-2</i>	Existing Zoning: <i>Mx-m</i>	Proposed Zoning: <i>Mx-H</i>
# of Existing Lots: <i>1</i>	# of Proposed Lots: <i>1</i>	Total Area of Site (acres): <i>2.7845 ac</i>

LOCATION OF PROPERTY BY STREETS
Site Address/Street: <i>1100 Woodward Pl NE</i> Between: <i>Mountain Rd</i> and: <i>Lomas Blvd</i>

CASE HISTORY (List any current or prior project and case number(s) that may be relevant to your request.)
<i>PR-2024-009765, RZ-2024-00001</i>

Signature: <i>Hessel E. Yntema III</i>	Date: <i>2-28-2024</i>
Printed Name: <i>Hessel E. Yntema III</i>	<input type="checkbox"/> Applicant or <input checked="" type="checkbox"/> Agent

FOR OFFICIAL USE ONLY					
Case Numbers	Action	Fees	Case Numbers	Action	Fees
Meeting/Hearing Date:			Fee Total:		
Staff Signature:		Date:		Project #	

FORM A: Appeals

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

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

___ Interpreter Needed for Hearing? ___ if yes, indicate language: _____

A Single PDF file of the complete application including all documents being submitted must be emailed to PLNDRS@cabq.gov prior to making a submittal. Zipped files or those over 9 MB cannot be delivered via email, in which case the PDF must be provided on a CD. PDF *shall be organized* with the Development Review Application and this Form A at the front followed by the remaining documents *in the order provided on this form*.

Project number of the case being appealed, if applicable: #PR-2024-009765

Application number of the case being appealed, if applicable: PR-2024-00001


Type of decision being appealed: Zone Map Amendment

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

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

Reason for the appeal identifying the section of the IDO, other City regulation, or condition attached to a decision that has not been interpreted or applied correctly, and further addressing the criteria in IDO Section 14-16-6-4(V)(4)

Copy of the Official Notice of Decision regarding the matter being appealed

<i>I, the applicant or agent, acknowledge that if any required information is not submitted with this application, the application will not be scheduled for a public meeting or hearing, if required, or otherwise processed until it is complete.</i>	
Signature: <u>Nesael E. Yntema III</u>	Date: <u>2-28-24</u>
Printed Name: <u>Nesael E. Yntema III</u>	<input type="checkbox"/> Applicant or <input checked="" type="checkbox"/> Agent
FOR OFFICIAL USE ONLY	
Case Numbers:	Project Number:
Staff Signature:	
Date:	

February 20, 2024

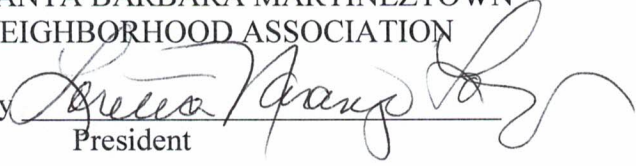
City of Albuquerque Planning Department
600 Second Street NW
Albuquerque, NM 87102

Authorization Letter for Representation for
Appeal of EPC Decision of February 15, 2024,
approving a Zone Map Amendment for 1100
Woodward Place NE in Project #: PR-2024-
009765, Case #: RZ-2024-00001

Dear Planning Department:

This letter is to authorize Hessel E. Yntema III, Yntema Law Firm P.A., to represent Santa Barbara Martineztown Neighborhood Association in the above referenced appeal.

SANTA BARBARA MARTINEZTOWN
NEIGHBORHOOD ASSOCIATION

By 
President


Printed Name

Address:

1420 Edith NE
ABQ NM 87102

BASIS OF STANDING

Appellant Santa Barbara Martineztown Neighborhood Association (“SBMTNA”) has standing under IDO Section 6-4(V)(2)(a)(4) because SBMTNA has legal rights under the IDO to protect neighborhood interests in neighborhood land use decisions such as for quality of life including stability of zoning, avoiding potential inappropriate adverse uses, excessive traffic, and building size, and also concerning land use decision process issues such as whether IDO requirements for zone changes should be applied by the Environmental Planning Commission (“EPC”). The proposed upzone for the subject property will specially and adversely affect SBMTNA and its members due to destabilizing the area’s zoning and allowing potential inappropriate adverse uses including possible excess traffic and building size. SBMTNA is entitled to rely on the existing zoning and the procedures for changing existing zoning.

Appellant SBMTNA has standing under IDO Section 6-4(V)(2)(a)(5) because SBMTNA is a proximate Neighborhood Association under the IDO.

REASONS FOR THE APPEAL

Under IDO Section 6-4(V)(4), the criteria for review for this appeal shall be whether the Environmental Planning Commission (“EPC”) made 1 of the following mistakes:

- (a) the EPC acted fraudulently, arbitrarily, or capriciously.
- (b) the decision is not supported by substantial evidence.
- (c) the EPC erred in applying the requirements of the IDO (or a plan, policy or regulation referenced in the applicable review and decision-making criteria).

In this case the EPC approved a zone change for the subject property at 1100 Woodward NE from MX-M to MX-H in anticipation of hospital use.

IDO Section 2-4(C)(1) states the purpose of the MX-M zone to be:

2-4(C)(1) Purpose

The purpose of the MX-M zone district is to provide for a wide array of moderate-intensity retail, commercial, institutional and moderate-density residential uses, with taller, multi-story buildings encouraged in Centers and Corridors. Allowable uses are shown in Table 4-2-1.

Under IDO Section 4-3(C)(4), a hospital in the MX-M zone is limited to no more than 20 overnight beds, and a conditional use approval is required if the hospital is located within 330 ft. of any residential zone. The subject site appears to be within 330 ft. of a residential zone.

IDO Section 2-4(D)(1) states the purpose of the MX-H zone to be:

2-4(D)(1) Purpose

The purpose of the MX-H zone district is to provide for large-scale destination retail and high-intensity commercial, residential, light industrial, and institutional uses, as well as high-density residential uses, particularly along Transit Corridors and in Urban Centers. The MX-H zone is intended to allow higher-density infill development in appropriate locations. Allowable uses are shown in Table 4-2-1.

It appears that the MX-M hospital restrictions of IDO Section 4-3(C)(4) set out above would not apply in the MX-H zone.

The subject property is within the CPO-7 Character Protection Overlay Zone for Martineztown/Santa Barbara, under IDO Section 3-4(H).

The EPC made the following mistakes in approving the zone change under the applicable Review and Decision Criteria in IDO Section 6-7(G)(3):

1. Findings 7, 8, 9, 10, 11, 12.A, 12.C, 12.F and 12.H are in error: the zone change is not consistent with the health, safety and general welfare of the City and does not further or clearly facilitate implementation of applicable Comprehensive Plan (“Comp Plan”) Goals and Policies because the zone change constitutes an upzone of an area that recently was zoned MX-M including hospital use restrictions in 2018 with the IDO, and there have not been changes in the area or community sufficient to justify the higher intensity zoning, and there is no showing that the zone change addresses a public need and the need for change is best addressed by the requested zone change for the particular property in comparison with other available properties. The zone change constitutes a reinterpretation of the 2018 Comp Plan provisions to benefit a particular development proposal and effectively “breaks open” the Comp Plan and the IDO for continual ongoing reinterpretations to rezone to support greater intensity and politically favored proposals. Appellant seeks stability of zoning.

2. Finding 12.C is in error in part. The applicant did not demonstrate that the existing MX-M zoning is inappropriate under IDO Section 6-7(G)(3)(c)(3) due to the proposed MX-H zone being more advantageous to the community as articulated in the Comp Plan. The alleged policy-based analysis of the applicant, City staff, and the EPC is not applicable because the same Comp Plan policies were in effect in 2018 when the MX-M zoning including hospital restrictions was applied. The EPC improperly reinterpreted the 2018 policies which the City Council interpreted to justify MX-M zoning including hospital use restrictions for the property in 2018. The approach of picking and choosing among general Comp Plan policies to justify a zone change lacks adequate standards and is contrary to the requirements of New Mexico law set out in the Albuquerque Commons and Fairway

Village (unreported) cases for zone changes based on being more advantageous to the community: there must be a public need for the change of the kind in question, and the need for change will be best served by changing the classification of the particular piece of property in question as compared with other available property. Further, as apparently found by the EPC, the applicant did not demonstrate that the existing MX-M zoning is inappropriate under IDO Section 6-7(G)(3)(c)(1) because of a typographical or clerical error when the existing MX-M zoning was applied to the subject property; and the applicant did not demonstrate that the existing MX-M zoning is inappropriate under IDO Section 6-7(G)(3)(c)(2) due to a significant change in neighborhood or community conditions. There have not been any significant changes in neighborhood or community conditions justifying the zone change since the existing MX-M zoning was applied with the IDO in 2018.

3. Concerning Finding 12.D and IDO Section 6-7(G)(3)(d), the applicant, City staff and the EPC did not investigate adequately all the permissive uses in MX-H that would be harmful to the neighborhood and did not adequately establish that the use-specific standards in IDO Section 4-3 associated with all potential uses under the MX-H zone will adequately mitigate harmful impacts. The zone change appears to be designed to avoid the hospital size limit and the conditional use approval requirement of IDO Section 4-3(C)(4) imposed on the property in 2018. Hospital use has recognized potential harmful impacts: otherwise, the IDO Section 4-3(C)(4) provisions are nonsensical. However, there do not appear to be any hospital use standards applicable in the MX-H zone. The net effect of the zone change as to hospital use is to release the MX-M overnight bed limit and prevent a public hearing for mitigation of harmful impacts due to hospital use on the subject site. It appears that with the zone change to the higher intensity MX-H there may be similar prevention of the ability to mitigate harmful impacts for other permissive uses such as veterinary hospital under IDO Section 4-3(D)(5) and grocery store under Section 4-3(D)(38).

4. Concerning Finding 12.E and IDO Section 6-7(G)(3)(e), the applicant, City staff and the EPC did not take into adequate account the infrastructure inadequacies of the area in connection with all potential MX-H uses such as a hospital with more than 20 overnight beds and no conditional use mitigation. For example, a 68 ft. high hospital building (apparently allowed under MX-H) likely would add considerable traffic to a residential area which is already overstressed with traffic and pollution. Finding 17 indicates that the EPC was aware of neighborhood concerns about existing and increased traffic; yet the zone change decision appears to foreclose any meaningful opportunity for neighborhood concerns to be acted upon.

5. Finding 12.G is erroneous because the applicant's justification is in fact predominately based upon economic considerations: the applicant wants to develop a more intense (more profitable) hospital use on the site without the MX-M hospital use restrictions. The applicant can develop a (smaller) hospital under the 2018 IDO MX-M zoning.

6. Finding 12.H is erroneous because the zone change is an improper "spot zone" under IDO Section 6-7(G)(3)(h). The zone change is a straight upzone to facilitate later approval of not yet fully defined hospital development of more than 20 overnight beds without the conditional use approval requirement of IDO Section 4-3(C)(4). The zone change does not rule out different or increased intensity uses under the MX-H zone and cannot require mitigation for potential harm to the neighborhood. As noted above, the zone change does not "clearly facilitate implementation" of the Comp Plan upon which the 2018 IDO zoning of MX-M including hospital restrictions for the subject property was based. The zone change to MX-H will not function as a transition between adjacent zone districts because higher intensity MX-H use on the subject site will worsen transition to the adjacent MX-M zone district.

7. The zone change does not adhere to the standards associated with CPO-7. IDO Section 3-4(H) for CPO-7 does not contemplate intense MX-H zoning in the overlay zone area and does not

establish any relevant regulations for such high intensity zoning. CPO-7 appears to apply a maximum height of 26 ft., while MX-H zoning appears to allow a building height of up to 68 ft.

In sum, the EPC acted arbitrarily or capriciously in approving the zone change when the IDO requirements for the zone change were not met; the EPC's decision is not supported by substantial evidence; and the EPC erred in applying the requirements of the IDO.

Appellant does not have the full record of the EPC proceedings currently and reserves the right to amend or supplement its Reasons for Appeal after review of the record. Appellant requests the opportunity to cross-examine witnesses for the applicant and the Planning Department.

PLANNING DEPARTMENT
URBAN DESIGN & DEVELOPMENT DIVISION
600 2nd Street NW, 3rd Floor, Albuquerque, NM 87102
P.O. Box 1293, Albuquerque, NM 87103
Office (505) 924-3860 Fax (505) 924-3339



OFFICIAL NOTIFICATION OF DECISION

February 15, 2024

City of Albuquerque,
City Council
1 Civic Plaza NW
Albuquerque, NM 87102

Project # PR-2024-009765
RZ-2024-00001– Zoning Map Amendment
(Zone Change)

LEGAL DESCRIPTION:

Tierra West, LLC, Inc., agent for Cross Development, requests a zoning map amendment from MX-M to MX-H, for all or a portion of Tract A, Plat of Gateway Subdivision, located at 1100 Woodward Pl NE, between Mountain Rd, and Lomas Blvd, approximately 3.0 acres. (J-15-Z)
Staff Planner: Seth Tinkle

On February 15, 2024, the Environmental Planning Commission (EPC) voted to APPROVE Project # PR-2024-009765, RZ-2024-00001– Zoning Map Amendment (Zone Change), based on the following Findings:

1. The request is for a zoning map amendment (zone change) for an approximately 3-acre site legally described as all or a portion of Tract A Plat of Gateway Subdivision, located at 1100 Woodward Pl NE, between Mountain Rd, and Lomas Blvd (the “subject site”).
2. The subject site is zoned MX-M (Mixed-use - Medium Intensity) and is currently vacant. The applicant is requesting a zone change to MX-H (Mixed use – High Intensity) which would result in a spot zone.
3. The applicant proposes to change the zoning to facilitate the proposed future development of a hospital use on the subject site. There is not a site plan associated with this request, therefore staff’s analysis is based solely on the zone change to MX-H.
4. The subject site is in an area that the Comprehensive Plan designates an Area of Change. It is not within a designated Center. It is located along the I-25 Frontage and Mountain Rd. Major Transit Corridors and within 660’ of the Lomas Blvd. Major Transit Corridor.
5. The subject site is located within the Santa Barbara Martineztown Character Protection Overlay Zone (CPO-7), and thus must adhere to the standards associated with this Overlay Zone.
6. 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.

7. The request clearly facilitates the following applicable Goal and Policies from Comprehensive Plan Chapter 5 - Land Use:

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

The request would allow a broader range of higher-intensity land uses on the subject site, which is located along the I-25 Frontage and Mountain Rd. Major Transit Corridors and within 660' of the Lomas Blvd. Major Transit Corridor. Any development made possible by the request could result in growth on the subject site, which is currently vacant, and located along and within the aforementioned Corridors.

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

The request would allow a broader range of higher-intensity land uses on the subject site, which is located along the I-25 Frontage and Mountain Rd. Major Transit Corridors and within 660' of the Lomas Blvd. Major Transit Corridor. Any development made possible by the request could result in growth on the subject site, which is located within these aforementioned Corridors. Locating growth within Centers and Corridors promotes sustainable development patterns, according to the ABC Comp Plan.

C. Policy 5.1.2 Development Areas: Direct more intense growth to Centers and Corridors and use Development Areas to establish and maintain appropriate density and scale of development within areas.

The request would allow a broader range of higher-intensity land uses on the subject site, which is located along the I-25 Frontage and Mountain Rd. Major Transit Corridors and within 660' of the Lomas Blvd. The subject site is also located in an Area of Change, where growth is both expected and desired, according to the ABC Comp Plan. Any development made possible by the request could result in growth on the subject site, which is vacant and located within the aforementioned Corridors and Area of Change.

8. The request clearly facilitates the following applicable Goal and Policies from Comprehensive Plan Chapter 5 - Land Use:

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

The request could foster a community where residents can live, work, learn, shop, and play together because the MX-H zone district allows a broader mix of higher-intensity land uses in comparison to the MX-M Zone District. The subject site is currently vacant and surrounded by a mix of commercial, educational, and office land uses that generally range from mid-to-high intensity. Any development made possible by the request could add to this diversity of land uses, since the subject site is currently vacant.

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 could create a healthy, sustainable, and distinct community with a mix of uses that are conveniently accessible from surrounding neighborhoods. It would allow for a broader mix of higher-intensity land uses on the subject site, which is located in a distinct mixed-use area and community (Santa Barbara Martineztown), and in close proximity to numerous other communities. Any development made possible by the request could add to the already-existing mix of uses near and surrounding the subject site, which is currently vacant and located along and within several Major Transit Corridors, and in an Area of Change, where the ABC Comp Plan encourages development to accommodate growth sustainably over time.

- C. Policy 5.2.1 e): Create healthy, sustainable communities with a mix of uses that are conveniently accessible from surrounding neighborhoods.

The request could create a healthy, sustainable community with a mix of uses that are conveniently accessible from surrounding neighborhoods because the MX-H zone district would allow a broader mix of higher-intensity land uses on the subject site, which is conveniently accessible from surrounding neighborhoods. Any development made possible by the request could add to the already-existing mix of uses near and surrounding the subject site, which is currently vacant and located along and within several Major Transit Corridors, and in an Area of Change, where the ABC Comp Plan encourages development to accommodate growth sustainably over time.

- D. Policy 5.2.1 h): Encourage infill development that adds complementary uses and is compatible in form and scale to the immediately surrounding development.

The request could encourage infill development that adds complementary uses and is compatible in form and scale to the immediately surrounding area because the subject site is currently vacant and the uses and standards allowed in the MX-H zone district are generally similar to the surrounding properties zoned MX-M, with a few exceptions. Due to the standards established by the CPO-7 Overlay Zone, including site standards, setback standards, and building height standards, any future development that adheres to CPO-7 standards would be compatible in form and scale to the immediately surrounding development, where CPO-7 standards also apply.

- E. Policy 5.2.1 n): Encourage more productive use of vacant lots and under-utilized lots, including surface parking.

The request could encourage more productive use of vacant lots and under-utilized lots because the subject site is currently vacant and being used (informally) as surface parking. Any development made possible by the request could encourage more productive use than the currently vacant lot.

9. The request clearly facilitates the following applicable Goal and Policies from Comprehensive Plan Chapter 5 - Land Use:

- A. 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.

Any development made possible by the request could promote efficient development patterns and use of land because subject site is already served by existing infrastructure and public facilities. Future development on the subject site featuring uses allowed in the MX-H Zone District could support the public good in the form of economic development, job creation, and an expansion to the tax base.

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

The subject site is a vacant infill site located in an area already served by existing infrastructure and public facilities. Any future growth and development on the subject site would occur in an area that has adequate existing infrastructure and access to a range of public facilities.

10. The request clearly facilitates the following applicable Goal and Policies in Comprehensive Plan 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 wholly in an Area of Change, where growth is both expected and desired. Any future development on the subject site, which is currently vacant, could encourage, enable, and direct growth to this Area of Change. Due to the standards established by the CPO-7 Overlay Zone, including site standards, setback standards, and building height standards, any future development adhering to CPO-7 standards would be compatible in form and scale to the immediately surrounding development, where CPO-7 standards also apply. Future development could also reinforce the character and intensity of the surrounding area given the general compatibility between the MX-H and surrounding MX-M zone districts, as well as the existing buffer between the subject site and the lower-density and lower-intensity development located west of the site.

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

The request could facilitate more intense development of the subject site because the MX-H zone district allows higher-intensity mixed-use development in comparison to the MX-M zone district. The subject site is located along the I-25 Frontage and Mountain Rd. Major Transit Corridors, within 660' of the Lomas Blvd., and within an Area of Change, where growth and more intense development is encouraged.

- C. Policy 5.6.2 d): Encourage higher-density housing and mixed-use development as appropriate land uses that support transit and commercial and retail uses.

The request could encourage higher-density mixed-use development because the MX-H zone district allows higher-density and higher-intensity mixed-use development in comparison to the MX-M zone. The subject site is served by Bus Route 5 and is abutted by a transit stop on the site's northern boundary. It is also located along the I-25 Frontage and Mountain Rd. Major Transit Corridors and within 660' of the Lomas Blvd. The subject site is in close proximity to a wide range of land uses, including both commercial and retail uses.

11. The request clearly facilitates Policy 8.1.1 Diverse Places in Comprehensive Plan Chapter 8-Economic Development: Foster a range of interesting places and contexts with different development intensities, densities, uses, and building scales to encourage economic development opportunities.

The request could foster a range of interesting places and contexts with different development intensities, densities, uses, and building scales opportunities because the MX-H zone district allows higher-intensity land use than the MX-M zone district, in an area that is already characterized by having a broad range of developmental intensities, densities, existing land uses, and building scales. Any future development of the subject site, which is currently vacant, could encourage economic development through the creation of construction jobs and a more productive use of land.

12. 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 does not significantly conflict with them. Because this is a spot zone, the applicant must further "clearly facilitate" implementation of the ABC Comp Plan (see Criterion H). The applicant's policy-based responses adequately demonstrate that the request clearly facilitates a preponderance of applicable Goals and policies in 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. Criterion B: The subject site is located wholly in an Area of Change, so this criterion does not apply. The response to Criterion B is sufficient.
- C. Criterion C: The subject site is located wholly in an Area of Change. The applicant argues that the existing zoning is inappropriate because it meets Criteria 2 and 3 (listed above).

The applicant states that a significant change in the conditions affecting the site justifies request because the proposed MX-H zoning is consistent with the prior zoning of C-3, as shown in IDO Table 2-2-1 Summary Table of Zone Districts. While Table 2-2-1 does show that the IDO Zone District equivalent to C-3 zone district is either the MX-H or NR-C zone district, the applicant does not demonstrate how this resulted in a significant change in the conditions of the subject site, which has remained vacant and undeveloped over time, thus remaining in the same general condition.

The applicant also states that the request meets Criteria 3 above. The applicant's policy-based analysis does demonstrate that the request would clearly facilitate a preponderance of applicable Comprehensive Plan Goals and policies and therefore would be more advantageous to the

community than the current zoning. Because Criterion C states that the applicant must demonstrate that the existing zoning is inappropriate because it meets at least one of the criteria above, and Criteria 3 is met, the response to Criterion C is sufficient.

- D. Criterion D: The applicant analyzes all new permissive, conditional, and accessory uses in the MX-H Zone District and then demonstrates how Use-specific Standards in Section 16-16-4-3 of the IDO associated with particular uses would adequately mitigate potentially harmful impacts. The applicant adequately demonstrates that the two new permissive uses in the MX-H zone, Adult Retail and Self-storage, would be mitigated by the Use-specific Standards in Section 16-16-4-3 of the IDO that are associated with these new permissive uses. In this instance, Adult Retail would be prohibited entirely due to the subject site's proximity to the school(s) to the north, while Self-storage would be controlled by Use-specific standards that reduce on-site traffic and mitigate potentially unseemly aesthetic qualities. Staff finds that the IDO's Use-specific Standards would mitigate potentially harmful impacts associated with newly permissive uses. Staff also notes that prohibitions within CPO-7 would further protect the existing community from harmful impacts associated with newly permissive, conditional, and/or accessory uses on the subject site.
- E. Criterion E: The subject site is currently served by infrastructure, which will have adequate capacity once the applicant fulfills its obligations under the IDO, the DPM, and/or an Infrastructure Improvements Agreement. Any future development on the subject site, which is currently vacant, would be required to adhere to all obligations and standards under the IDO, DPM, and/or an Infrastructure Improvements Agreement. Therefore, the response to Criterion E is sufficient.
- F. Criterion F: The applicant is not completely basing the justification for the request upon the subject site's location on a Major Collector roadway. Rather, the applicant has adequately demonstrated that the request clearly facilitates a preponderance of applicable Comprehensive Plan Goals and policies. The response to Criterion F is sufficient.
- G. Criterion G: The applicant's justification is not completely or predominantly based upon economic considerations. Rather, the applicant has adequately demonstrated that the request clearly facilitates a preponderance of applicable Comprehensive Plan Goals and policies. The response to Criterion G is sufficient.
- H. Criterion H: The request would result in a spot zone because it would apply a zone different from surrounding zone districts. The applicant acknowledges that the request would create a spot zone in their response to Criterion H, but explains that it would be justified because the subject site will function as a transition between adjacent zone districts and would clearly facilitate implementation of the Comprehensive Plan as shown in the response to Criterion A.

The applicant has demonstrated that subject site could function as a transition between the MX-H zone districts to the east, the properties zoned MX-M to the south and west, and the properties zoned MX-L, MX-T and R-T north and further west of the subject site due to the varying levels of developmental intensity associated with each zone district. Staff notes that the subject site is located within the CPO-7 Overlay Zone and the standards associated with this Overlay Zone could foster this transition, because the site standards, setback standards, and building height standards associated with this Overlay Zone would apply to any future development on the

subject site. Because the MX-H zones to the east would allow greater density and intensity than on the subject site due to CPO-7 standards, and the MX-M zone districts to the south and west would allow lower-density and lower-intensity uses, the requested MX-H zone district could serve as a transition between the more intense mixed-use zones to the east and the less intense mixed-use zones to the west.

As required, the applicant has shown that the request will clearly facilitate implementation of the ABC Comp Plan and is applicable to sub-criteria number one. The response to Criterion H is sufficient.

13. The applicant provided notice of the application to all eligible Neighborhood Association representatives and adjacent property owners (within 100 feet) via certified mail and email as required. The applicant notified the Santa Barbara Martineztown Neighborhood Association and the North Valley Coalition of their request.
14. The Santa Barbara Martineztown Neighborhood Association accepted a Pre-Submittal Neighborhood Meeting within 15 calendar days of notification (on November 21, 2023) and proposed a meeting date of January 18th. The applicant originally agreed to a meeting sometime in January (date not specified), but requested a sooner date on November 29, 2024, citing “undue delay.” The CABQ Office of Alternative Dispute Resolution then offered a Zoom meeting format, with flexible availability, beginning as early as December 4, 2023. However, the Neighborhood association was “adamant that the meeting be held on January 18th,” according to facilitated meeting notes provided by the CABQ Office of Alternative Dispute Resolution and a timeline provided by the applicant. Based on this information, it appears that the Neighborhood Association effectively declined to meet within the 30-calendar day window specified in 6-4(B)(4) of the IDO. If the Santa Barbara Martineztown NA had accepted ADR’s offered Zoom meeting within those 30 days, the Neighborhood Association would have met with the applicant during this timeframe. However, as stated in subsection 6-4(B)(9), the requirement for a pre-submittal neighbor meeting was waived, and instead, a facilitated meeting was held on January 18th. Staff has also been informed by the applicant that a follow-up non-facilitated meeting was held on January 30th.
15. Staff is aware of opposition to this request by the Santa Barbara Martineztown Neighborhood Association. In the facilitated meeting notes provided by the CABQ Office of Alternative Dispute Resolution, objections to the request were based on the communities feeling that the MX-H designation is not equivalent to the former Sector Plan C-3 designation, the potential of increased traffic, and the Applicant’s submission prior to the date of the meeting. These notes state that “community stakeholders made several additional objections, which were not related to the subject application. Those objections were omitted, here.”
16. The Santa Barbara Martineztown Neighborhood Association has submitted a comment on the case requesting it be deferred so that the Neighborhood Association can have more time to discuss and organize around the request. These comments also state that the Santa Barbara Martineztown Neighborhood Associations objects to statements made in the facilitated meeting notes, the nature of the request as a spot zone, and the uses permitted in the MX-H zone district.
17. During public input at the February 15, 2024 EPC Hearing, community members expressed strong concern over increased traffic resulting from potential development on the subject site. Community

members also emphasized, based on existing traffic studies, the need for improved transportation infrastructure near the subject site.

APPEAL: If you wish to appeal this decision, you must do so within 15 days of the EPC's decision or by **March 1, 2024**. The date of the EPC's decision is not included in the 15-day period for filing an appeal, and if the 15th day falls on a Saturday, Sunday or Holiday, the next working day is considered as the deadline for filing the appeal.

For more information regarding the appeal process, please refer to Section 14-16-6-4(V) of the Integrated Development Ordinance (IDO), Administration and Enforcement. 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 an EPC Recommendation to the City Council since this is not a final decision.

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 IDO must be complied with, even after approval of the referenced application(s).

Sincerely,



for Alan M. Varela,
Planning Director

AV/ST/MJ

cc: Tierra West, LLC, slozoya@tierrawestllc.com
Cross Development, meagan@crossdevelopment.net
Santa Barbara Martineztown NA, Loretta Naranjo Lopez, lnjalopez@msn.com
Santa Barbara Martineztown NA, Theresa Illgen, theresa.illgen@aps.edu
North Valley Coalition, Peggy Norton, peggynorton@yahoo.com
North Valley Coalition, James Salazar, jasalazarm@gmail.com
Legal, dking@cabq.gov
EPC File