



Environmental Planning Commission

Staff Report

Agenda Number: 6
Project #: PR-2024-010186
Case #: RZ-2024-00022
Hearing Date: May 16, 2024

Applicant	Eric Carson and Kristin Shiptet
Request	Zoning Map Amendment (zone change)
Legal Description	for all or a portion of 43 West 10ft sf Lot 7 and Lot 8 New Mexico Town Company's Original Towns
Location	located at 820 Kent Ave NW between 8th St NW and 9th St NW
Size	Approximately .2 -acres
Existing Zoning	RM-L
Proposed Zoning	MX-T

Staff Recommendation

APPROVAL of RZ-2024-00022, based on the Findings beginning on Page 24.

Staff Planner
William Steele

Summary of Analysis

The request is for a zoning map amendment for an approximately 0.2-acre site from RM-L to MX-T to facilitate both an Art Gallery and Small Retail Use.

The subject site is in an Area of Change and within 660' of the Central Avenue Major Transit Corridor and Central Avenue Main Street Corridor. The subject site is located within the Fourth Ward Historic Protection Overlay (HPO)-4 and Downtown Neighborhood Area Character Protection Overlay (CPO)-3. It also resides within the Central Albuquerque Community Planning Area and Downtown Center as designated by the Comprehensive Plan.

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

The affected neighborhood organization is the Downtown Neighborhood Association, which was notified as required. Property owners within 100 feet of the subject site were also notified as required. As of this writing, Staff has received letters of opposition and support of the Zoning Map Amendment (ZMA).

Staff recommends approval.

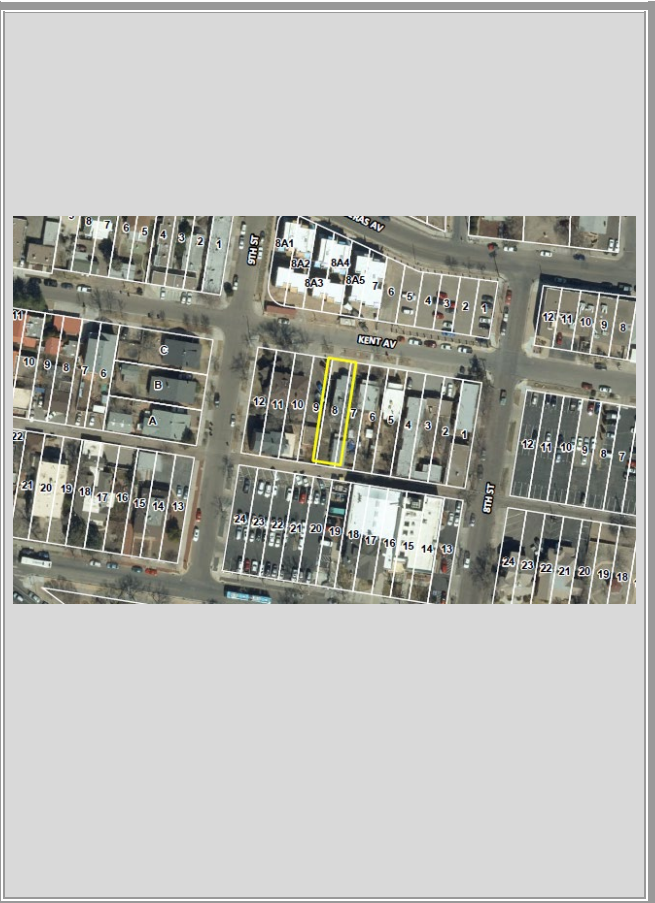


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LAND USE MAP

Note: Gray shading
Indicates County.

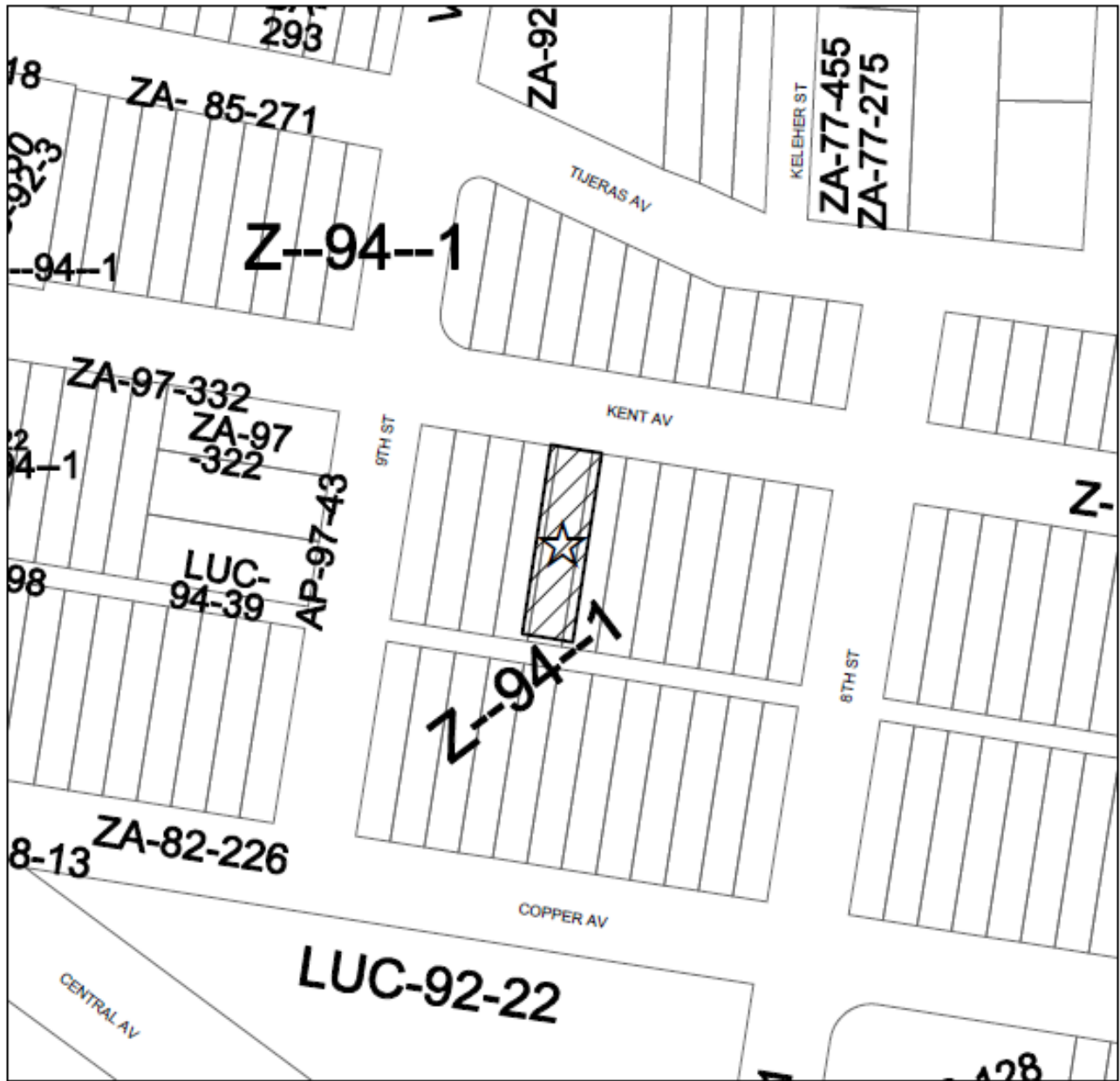
Key to Land Use Abbreviations	APRT Airport
LDRES Low-density Residential	TRANS Transportation
MULT Multi-family	AGRI Agriculture
COMM Commercial Retail	PARK Parks and Open Space
CMSV Commercial Services	DRNG Drainage
OFC Office	VAC Vacant
IND Industrial	UTIL Utilities
INSMED Institutional / Medical	CMTY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



1 inch = 100 feet

Hearing Date:
5/16/2024
Project Number:
PR-2024-010186
Case Numbers:
RZ-2024-00022

Zone Atlas Page:
K-13



HISTORY MAP

Note: Gray shading
Indicates County.

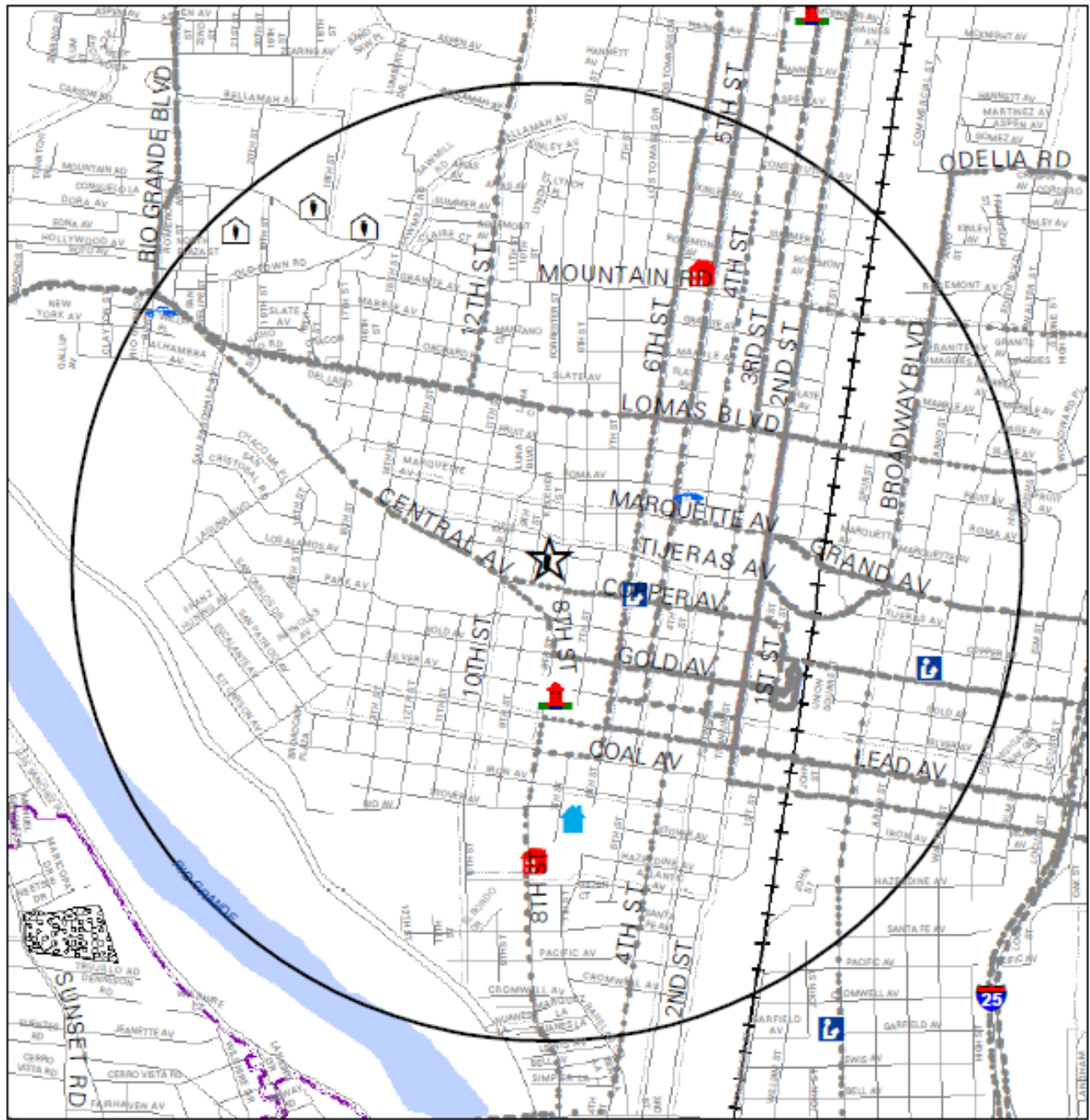


1 inch = 100 feet

Hearing Date:
5/16/2024

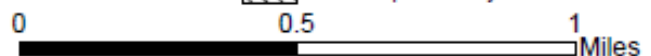
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RZ-2024-00022

Zone Atlas Page:
K-13



Public Facilities Map with One-Mile Buffer

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



I. INTRODUCTION

Surrounding zoning, plan designations, and land uses:

	Zoning	Comprehensive Plan Area	Land Use
Site	RM-L	Area of Change	Low-density Residential
North	MX-T	Area of Change	Low-density Residential (Townhomes)
South	MX-T	Area of Change	Office
East	RM-L	Area of Change	Low-density Residential
West	MX-T	Area of Change	Office

Request

The request is for a zoning map amendment (zone change) for an approximately 0.2-acre site legally described as all or a portion of 43 West 10ft sf Lot 7 and Lot 8 New Mexico Town Company's Original Towns, located at located at 820 Kent Ave NW, between 8th St NW and 9th St NW (the “subject site”).

The applicant is requesting a zone change from R-ML (Residential - Multi-Family Low Density) to MX-T (Mixed - Use - Transition) to facilitate both Art Gallery and Small Retail Use. The subject site is currently operating with an Art Gallery use and the applicant holds a home occupation business license that allows a small number of individuals in the gallery at a time.

The applicant would like to expand their business operations to allow more capacity in the space since there is not a business permit that will allow more customers in their current zoning district; therefore, a Small Retail Use is required to be designated. Small Retail Use is not currently permissive under the R-ML zone district and a zone change to MX-T will allow for greater occupancy of customers and increase capacity.

The request will align the subject site’s zoning with the zoning designation of the abutting and adjacent properties to the north, south and west.

EPC Role

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

Context

The subject site is the location of a single family residential home and a detached garage facing an alley behind the house. The garage was renovated and repurposed into an art gallery to house local artist and vendors art work.

The subject site is located in an area surrounded by a variety of land uses including low-density residential and office uses. The parcels directly north and across the street from the subject site zoned MX-T and developed with townhomes and an enclosed parking lot. The properties directly east are single family homes and townhomes zoned R-ML. West of the subject site is a business office and single family home zoned MX-T. South of the subject site across the alley and art gallery are government offices and a large parking lot zoned MX-T.

History

The subject site was developed with a residential use in 1926. The subject site became part of the city with the March 15, 1891 ordinance Original Townsite. The house has a detached garage that was renovated.

The subject site's zoning was unchanged from SU-2 Special Neighborhood to MX-T Mixed-Use Transition with the adoption of the IDO in 2018.

Since the subject site is located in the Fourth Ward HPO-4, the Planning Department Landmarks Commission approved a Certificate of Appropriateness for alteration of the garage on December, 22, 2023. The alterations included a new garage door and a painted wall sign on the garage wall spanning an area of 90"x26". (PR-2023-009642, SI-2023-01906, see attached)

There is no additional case history known for the subject site.

Transportation System

The Long-Range Roadway System (LRRS) map, produced by the Mid-Region Metropolitan Region Planning Organization (MRMPO), identifies the functional classifications of roadways. Central Avenue is classified as an Existing Community Principal Arterial. Kent Ave NW, 8th St NW and 9th St NW are local streets.

Comprehensive Plan Designations

The subject site is in an Area of Change and surrounded by parcels within Areas of Change as designated by the Comprehensive Plan. It is within the Downtown Center, the Central Albuquerque Community Planning Area (CPA) and the Fourth Ward Historic Protection Overlay (HPO)-4.

This location is included in the Central Albuquerque (CPA). The Central Albuquerque CPA is characterized by its concentration of urban development Downtown Street level retail/commercial activity, downtown building fronts at sidewalk along Central Avenue and public transit connections between downtown and Old Town. The Albuquerque Botanical Gardens, Zoo, the South Broadway Cultural Center, and other ABQ Centers are places that are distinctive to the area. The proximity of

residential and non-residential uses with mature trees and grass predominant in landscaping are characteristics of the area as well.

The subject site is within 660-feet of the Central Avenue Major Transit Corridor and Central Avenue Main St Corridor as designated by the Comprehensive Plan. Major Transit Corridors are to be served by high frequency and local transit (e.g., Rapid Ride, local, and commuter buses). These Corridors prioritize transit above other modes to ensure a convenient and efficient transit system. Main Street Corridors Main Streets are lively, highly walkable neighborhood streets lined with local serving businesses.

The subject site is within the Fourth Ward Historic Protection Overlay (HPO)-4. The purpose of the Historic Preservation Overlay (HPO) zone is to preserve, protect, enhance, perpetuate, and promote the use of structures and areas of historical, cultural, architectural, engineering, archeological, or geographic significance located in the city; to strengthen the city's economic base by stimulating the tourist industry; to enhance the identity of the city by protecting the city's heritage and prohibiting the unnecessary destruction or defacement of its cultural assets; and to conserve existing urban developments as viable economic and social entities.

According to the ABC Comprehensive Plan the subject site is within the Downtown Center. Albuquerque's Downtown serves as a regional hub for concentrated job and commercial activity supported by high-density housing. Downtown includes a wide variety of land uses, including private and government offices, multi-family housing, retail, restaurants, and entertainment uses. Downtown is intended to have the highest intensity of employment and commercial uses in the region and to offer the highest-quality environment for pedestrians. This mixed-use district should include multiple transportation options, the tallest buildings in the region, the highest densities, the smallest blocks, and alleys for delivery of goods.

Trails/Bikeways

Currently there is an existing bike lane on Central Avenue that travels both east and west. A proposed bike boulevard is designated for 8th St NW.

Transit

There is a bus stop for ABQ Ride Route 66-Central Ave near the intersection of Copper Ave NW and 8th St NW that runs west. The bus stop for ABQ Ride Route 66-Central Ave going east is located near the intersection of Central Avenue and 10th St SW. ABQ Ride Route 66 runs on weekdays and weekends from Wenonah and Tramway (east) stop to the Central and Unser Transit Center (west) stop.

Public Facilities/Community Services

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

II. ANALYSIS of APPLICABLE ORDINANCES, PLANS, AND POLICIES

Integrated Development Ordinance (IDO)

Definitions

Area of Change: An area designated as an area of Change in the Albuquerque/Bernalillo County Comprehensive Plan (ABC Comp Plan), as amended where growth and development are encouraged, primarily in Centers other than Old Town, Corridors other than Commuter Corridors, Master Development Plan areas, planned communities, and Metropolitan Redevelopment Areas.

Center: An area designated as a Center in the ABC Comp Plan, as amended, excluding Old Town. For the purposes of this IDO if any portion of a lot is within a Center, Center regulations apply to the entire lot

Corridor: A street and adjoining land designation in the ABC Comp Plan, as amended, as one of 5 Corridor types designated based on travel modes and development intensity, excluding Commuter Corridors.

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

Overlay Zone: Regulations that prevail over other IDO regulations to ensure protection for designated areas. Overlay zones include Airport Protection Overlay (APO), Character Protection Overlay (CPO), Historic Protection Overlay (HPO), and View Protection Overlay (VPO). Character Protection and View Protection Overlay zones adopted after May 18, 2018 shall be no less than 10 acres, shall include no fewer than 50 lots, and shall include properties owned by no fewer than 25 property owners. There is no minimum size for Airport Protections Overlay or Historic Protection Overlay zones. See also Small Area.

Residential – Multi-Family Low Density Zone District (R-ML): The purpose of the R-ML zone district is to provide for a variety of low- to medium-density housing options. The primary land uses are townhouses and small-scale multi-family development, as well as civic and institutional uses to serve the surrounding residential area

Zone District: One of the zone districts established by the IDO and the boundaries of such zone districts shown on the Official Zoning Map. Zoning regulations include the Use Regulations, Development Standards, and Administration and Enforcement provisions of the IDO.

Zoning

The subject site is zoned R-ML [Residential – Multi-Family Low Density Zone District, IDO 14-16-2-3(E)], which was assigned upon adoption of the IDO as a conversion from the former SU-2 (Residential) zoning. The purpose of the R-ML zone district is to provide for a variety of low- to medium-density housing options. The primary land uses are townhouses and small-scale multi-family development, as well as civic and institutional uses to serve the surrounding residential area. Specific permissive uses are listed in IDO Table 4-2-1.

The request is to change the subject site's zoning to MX-T (Mixed-Use-Transition Zone District, IDO 14-16-2-4(A)). The purpose of the MX-T zone district is to provide a transition between residential neighborhoods and more intense commercial areas. Primary land uses include a range of low-density residential, small-scale multi-family, office, institutional, and pedestrian-oriented commercial uses. Specific permissive uses are listed in IDO Table 4-2-1.

Generally, the MX-T zone district allows for a wider variety of more intense land uses permissively, in comparison to the R-ML zone district. For a discussion of specific uses that would become permissive if the request is approved, please refer to the discussion of zone change criterion 14-16-6-7(G)(3)(d) in this report.

Albuquerque / Bernalillo County Comprehensive Plan

The subject site is located in an area that the 2017 Albuquerque/Bernalillo County Comprehensive Plan has designated an Area of Change. Areas of Change allow for a mix of uses and development of higher density and intensity in areas where growth is desired and can be supported by multi-modal transportation. The intent is to make Areas of Change the focus of new urban-scale development that benefit job creation and expanded housing options. By focusing growth in Areas of Change, additional residents, services, and jobs can be accommodated in locations ready for new development.

Applicable Goals and policies are listed below. Staff analysis follows in bold italics.

In this case, the Goals and policies below were included by the applicant in the justification letter. Staff found most applicable, and added a policy denoted with an * in the analysis.

Applicable Goals and Policies

Chapter 4: Character

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

The request would be cohesive with adjacent properties zoned MX-T to the north, south and west. It would protect and enhance the distinct identity of the Downtown Center and Fourth Ward Historic District, which features a diverse mix of low-density and small scale land uses. The request furthers Goal 4.1 Character.

Policy 4.1.3 Placemaking: Protect and enhance special places in the built environment that contribute to distinct identity and sense of place.

The request would enhance and protect a special place in an historic district by promoting the use of a refurbished garage that is being utilized as an art gallery. This request would contribute to the preservation of a structure in the existing community and protect its sense of place in a built environment. The request furthers Policy 4.1.3 Placemaking

Policy 4.1.4 Neighborhoods: Enhance, protect, and preserve neighborhoods and traditional communities as key to our long-term health and vitality.

The request could protect, enhance, and preserve a special place and community because it would allow a low-density mix of land uses on the subject site, which is directly adjacent to low-density residential, small-scale multi-family, office and pedestrian-oriented commercial uses in a transitional neighborhood that is characterized by similar development. Any future development of uses allowed permissively in the MX-T zone district would be consistent with surrounding properties and could thus enhance the distinct identity of the Downtown neighborhood, which is a traditional community due to its historic designation. The request furthers Policy 4.1.4 Neighborhoods.

Chapter 5: Land Use

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 low-density land uses on the subject site, which is located in the Downtown Center and within 660' of the Central Avenue Major Transit and Main Street Corridors. Although the request is based on the need to allow for greater occupancy of customers and increase capacity in an existing building in a residential zone district, any development made possible by the request could result in growth on the subject site, which is connected to the aforementioned Corridors. The request generally furthers Goal 5.1 Centers and Corridors.

*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. The restoration of the blighted garage on the subject site and the request to expand its capacity as an art gallery and small retail business could encourage, enable, and direct growth to this Area of Change. The request furthers Goal 5.6 City Development Areas.

Goal 8.2 Entrepreneurship: Foster a culture of creativity and entrepreneurship and to encourage private businesses to grow.

The request would allow the existing art gallery to expand its capacity by continuing to foster a culture of creativity and entrepreneurship. The art gallery would promote other entrepreneurs in the neighborhood and arts and cultural sector to increase the opportunity for vendors and artist businesses to grow. The request furthers Goal 8.2 Entrepreneurship.

Policy 8.2.2 Diverse Talent: Promote a more inclusive ecosystem for developing entrepreneurs.

The request would enable the existing art gallery to reach potential artist and vendors in the Downtown neighborhood. This would continue to support neighborhood-based capacity by

promoting building a more inclusive ecosystem for developing potential entrepreneurs, specifically in the art profession. The request furthers Policy 8.2.2 Diverse Talent.

Policy 8.2.5 Creative Economy: Promote the creative economy.

The request would allow the existing art gallery to further promote the creative economy by allowing it to further engage and participate in the local arts, cultural programs and events such as the Albuquerque Art Walk. The request furthers Policy 8.2.5 Creative Economy.

Goal 11.2 Historic Assets: Preserve and enhance significant historic districts and buildings to reflect our past as we move into the future and to strengthen our sense of identity.

The request would allow the existing repurposed detached garage to preserve and enhance the Fourth Ward historic district as art Gallery. The applicant received a Certificate of Appropriateness from the Landmarks Commission for a new garage door and a new wall-painted sign in the rear yard. The sign was requested to display the name of the art gallery and the existing garage door was broken and in inferior condition and needed to be replaced. The applicant has adhered to the Historic Overlay Protection ordinances and development guidelines thereby preserving the past and enhancing the historic district while strengthening its sense of identity as it moves into the future. The request furthers Goal 11.2 Historic Assets.

Policy 11.2.1 Arts Promotion: Coordinate and promote the arts and the cultural sector as key assets in a vital economy; major contributors to quality of life and healthy communities; and the heart of high-quality, special places that contribute to the identity of distinct communities.

The request would allow the existing art gallery to continue to promote the arts and the cultural sector as key assets in a vital economy by providing a space with more capacity for more artist and vendors to display and sell their work. The existing art gallery is in itself a dedicated special place for local artist to promote their work which promotes art as a major factor in quality of life, healthy communities and contributes to the identity of the historic district in which it resides. The request furthers Policy 11.2.1 Arts Promotion.

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

Requirements

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

The applicant must demonstrate that the existing zoning is inappropriate because of one of three findings: 1) there was an error when the existing zone district was applied to the property; or 2) there has been a significant change in neighborhood or community conditions affecting the site; or 3) a

different zone district is more advantageous to the community as articulated by the Comprehensive Plan or other, applicable City plans.

Justification & Analysis

The zoning map amendment justification letter analyzed here, received on April 30, 2024, is a response to Staff's request for a revised justification (see attachment). The subject site is currently zoned R-ML (Residential - Multi-Family Low Density) requested zoning is MX-T (Mixed - Use - Transition).

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

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

Applicant: This amendment aligns with the ABC Comprehensive Plan in many ways, especially Plan Chapters 4, 5, 8, & 11. See our responses to specific goals on pages 5-7 of this document. It also furthers the goals of the Downtown 2025 Metropolitan Redevelopment Plan as shown on pages 7 & 8.

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

Applicable citations: Goal 4.1 and Policies 4.1.3, and 4.1.4; Goal 5.1, Goal 5.6, Goal 8.2 and Policies 8.2.2 and 8.2.5; Goal 11.2 and Policy 11.2.1.

The applicant's policy-based response adequately demonstrates that the request furthers a preponderance of applicable Goals and policies and does not present any significant conflicts with the Comprehensive Plan. Therefore, the request is consistent with the City's health, safety, morals and general welfare. The response to Criterion A is sufficient.

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

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

Applicant: The subject property is not within an Area of Consistency.

Staff: 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. If the subject property is located wholly in an Area of Change (as shown in the ABC Comp Plan, as amended) and the applicant has demonstrated that the existing zoning is inappropriate because it meets at least one of the following criteria:

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

Applicant: The subject property is located wholly within an Area of Change.

6-7(G)(3)(c) 3 A different zone district is more advantageous to the community as articulated by the ABC Comp Plan, as amended (including implementation of patterns of land use, development density and intensity, and connectivity), and other applicable adopted City plan(s).

MX-T zoning of 820 Kent Ave NW is more advantageous to the community than its current R-ML zoning. This ZMA furthers the ABC Comprehensive Plan, especially Chapters 4, 5, 8, & 11, for reasons summarized here. In depth responses to specific goals can be found on pages 5-7 of this document.

Comprehensive Plan Chapter 4: Community Identity (see page 5 for responses to specific goals) Old Walls Gallery has proven itself as a small business that embodies the identity of the Downtown area. As stated above we have used the history of our property to create an artist-centric gallery that accentuates the historic nature of the Downtown area and activates an underused alleyway. Last year our existing art gallery had 6 exhibitions that showcased local artists and provided a space for local residents, artists, vendors, and visitors to meet. We did all this all while maintaining the residential/ neighborhood feel of our property's unique location near the border of the Downtown Area of Change and the Downtown 2025 Metropolitan Redevelopment Area.

Comprehensive Plan Chapter 5: Land Use (see pages 6 for responses to specific goals)

We have taken an underutilized property that was previously a law office, that is located within the Downtown Center Area of Change and the Downtown 2025 Metropolitan Redevelopment Area, that is within 660 ft of the Central Transit Corridor, that is on the edge of the proposed Downtown Arts and Entertainment District, and have turned it into a thriving low cost artist-centric live/work existing art gallery. This is a great example of adaptive reuse, historically sensitive redevelopment, & boundary sensitive solutions to the vibrant Downtown area. We've created a venue that contributes to the development of Downtown as a single mixed use property within a vibrant walkable area of Downtown with activities available 18 hours of the day.

Comprehensive Plan Chapter 8: Economic Development (see page 6 for responses to specific goals)

With no outside funding we founded and continue to run Old Walls Gallery as a low cost artist-centric art space. Our overhead is paid for by our mortgage payments so we can offer the space to artists & community groups at low or no cost. We are also able to take only a 20% commission on art sold instead of the 50-60% industry standard. This model in itself is entrepreneurial. It gives local artists, vendors and other entrepreneurs a place to show artwork, sell wares, and try event ideas at very low cost. We believe Old Walls Gallery could serve as a unique catalytic model for small business development Downtown. We need the city to show its support for neighborhood based entrepreneurs by approving this ZMA. Without approval our gallery would have to change fundamentally, seek new development in a different area, or close its doors entirely.

Comprehensive Plan Chapter 11: Heritage Conservation (see page 6-7 for responses to specific goals)

As stated above we've used the historic nature of our property to create a gallery that highlights the history of the Downtown area. We believe one reason Albuquerque's incredible art culture has not had the impact of other similar cities is that there are not enough local galleries where local talent can exhibit and develop. Old Walls Gallery is one such gallery. We also open our space to overflow vendors from the Downtown Growers Market, thus extending Downtown's goals of a walkable arts district. We need the city to show its support for arts districts by approving this ZMA. If approved we will continue and expand the ways we offer our space as a resource. We will offer gallery space to community & civic groups, local artists, UNM BFA & MFA thesis exhibitions and others.

Staff: The subject site is located wholly in an Area of Change. The applicant's policy-based analysis and response to Criterion C demonstrates that the request furthers a preponderance of applicable Comprehensive Plan Goals and policies including but not limited to, Character, Land Use, Placemaking, Historic Assets, Art Promotion, City Development Areas and therefore would be more advantageous to the community than the current zoning. The response to Criterion C is sufficient.

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

Applicant: The Use-specific Standards will mitigate any harmful impacts of the requested MX-T zone as they do for the many neighboring properties of the same MX-T zone. The only feasible harmful permissive use for the requested zoning is Cannabis Retail which requires Conditional Use Approval if located within 600 feet of another cannabis retail establishment and is prohibited within 300 feet of a school or daycare facility. This use also allows for no outside storage or for products nor for paraphernalia to be displayed within 5 feet of a window or door. Our gallery is a 600 sq ft building with windows and doors on every wall, it has no room for storage and only a small area of the building is not within 5 feet of a window or door. Therefore, Cannabis Retail is not reasonably feasible without major construction on the property, which would require its own permitting process and additional approvals from the City of Albuquerque. The small size of the building also makes other permissive uses like hotels, etc. unfeasible. See the table below for use comparison.

P=Permissive Primary C= Conditional Primary T=Temporary A=Permissive Accessory CV=Contional if structure vacant for 5+ years CA= Conditional Accessory CT=Conditional Accessory		
Land Use	R-ML	MX-T
Dwelling, Live-Work	C	P
Dormitory		C
Group Home, small	C	P
Adult or Child daycare Facility	C	P
High School	C	P
Museum	CV	P
Sports Field		CV
University or College		CV
Vocational School		P
Veterinarian Hospital		C
Other Pet Services		C
Auditorium or Theatre		A
Bar		C
Health Club or Gym	A	P
Mobile Food Truck Court		C
Restaurant		C
Tap room or Tasting Room		C
Other Indoor Entertainment		C
Bed and Breakfast	A	P
Hotel or Motel		P
Paid Parking Lot	A	C
Parking Structure	A	CA
Bank		P
Club or Event Facility		C
Medical or Dental Clinic		P
Office		P
Personal and Business Services, small		P
Reserach or Testing Facility		P
Other Outdoor Entertainment	CA	A
Bakery Goods or Confectionary Shop		C
Cannabis Retail		C
General Retail, small		P
Liquor Retail		C
Nicotine Retail		CA
Park-and-Ride-Lot		C
Transit Facility		C
Artisan Manufacturing		C
Cannabis Cultivation		C
Cannabis-Derived Products Manufacturing		C
Wind Energy Generation		A
Freestanding Tower		P
Recycling Drop Off Bin Facility		A
Mobile Vending Cart		A
Outdoor Dining Area		CA
Other use accessory to non-residential primary use		A
Open Air Market		T
Park-and-Ride Facility, temporary		T
Safe Outdoor Space		CT
Seasonal Outdoor Sales		T
Temporary uses not listed		T

Staff: The requested zoning includes permissive uses that could be harmful to adjacent property, the neighborhood, or the community. The harmful uses would be mitigated through the IDO's Use-Specific standards. In the MX-T zone district, Cannabis retail (IDO 14-16-4-3(D)(35)) is prohibited, unless associated with an establishment licensed by the State as a cannabis microbusiness, in which case this use shall not exceed 10,000 square feet of gross floor area. In this case, the establishment would have to comply with all New Mexico State law requirements, including but not limited to any required spacing from other uses or facilities. If located within 600 feet of any other cannabis retail establishment, this use shall require a Conditional Use Approval pursuant to Subsection 14-16-6-6(A), unless associated with an establishment licensed by the State as a cannabis microbusiness. This use is prohibited within 300 feet of any school or child day care facility. Cannabis cultivation and derived products are conditional primary uses which require an approved conditional use permit per Table 4-2-1. Liquor retail Tap Room or Tasting Room are conditional Primary uses and Nicotine retail is a conditional accessory use. No other uses would be considered harmful. The response to Criterion D is sufficient.

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

Applicant: 1. Have adequate capacity to serve the development made possible by the change of zone.

The Our property is within the Downtown 2025 Metropolitan Redevelopment Area, Downtown Area of Change, and within 660 feet of the Central Transit Corridor. We have also secured 13 adjacent parking spots: 11 through a verbal agreement with the MRCOG building on our alley and 2 through a written agreement with the Fine Law Firm (included in our application materials). See Image 3 on the first page of this document for the parking layout. The city traffic engineer has decided that a traffic impact study is not required for this ZMA (see traffic scoping form included with this application). The City's existing electric, water, and other utility infrastructure has adequate capacity to serve this change of zone. (see Images 4-7).

Staff: The subject site is developed with a single-family home and a renovated detached garage repurposed as an art gallery which is adequately served by existing infrastructure (requirement 1). The response to Criterion E is sufficient.

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

Applicant: This justification is not completely based on the property's location on a major street because Kent Ave NW is not a major street. Rather, the justification for the proposed zone change is based on the advantages it will bring to the community by expanding the walkability, intensity, connectivity, and Downtown identity desired by residents of the community.

Staff: The applicant is not completely basing the justification for the request upon the subject site's location on a major street. Kent Ave NW is a local street. Rather, the applicant has adequately demonstrated that the request furthers a preponderance of applicable Comprehensive Plan Goals and policies and does not conflict with them. The response to Criterion F is sufficient.

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

Applicant: The zone change request is not based completely or predominantly on the cost of land or other economic considerations but rather on the benefit offered by mixed-use adaptive redevelopments in the Downtown area within walking distance to the Central Transit Corridor, inside the Downtown Center, and near multiple other arts venues.

Staff: The applicant's justification is not completely or predominantly based upon economic considerations although it would add more capacity to the existing Art Gallery business. Rather, the applicant justification is based on a preponderance of applicable Comprehensive Plan Goals and policies and does not conflict with them. The response to Criterion G is sufficient.

- H. The zoning map amendment does not apply a zone district different from surrounding zone districts to one small area or one premises (i.e., create a "spot zone") or to a strip of land along a street (i.e., create a "strip zone") unless the change will clearly facilitate implementation of the ABC Comp Plan, as amended, and at least one of the following applies:
1. The area of the zone change is different from surrounding land because it can function as a transition between adjacent zone districts.
 2. The site is not suitable for the uses allowed in any adjacent zone district due to topography, traffic, or special adverse land uses nearby.
 3. The nature of structures already on the premises makes it unsuitable for the uses allowed in any adjacent zone district.

Applicant: Our property is within an Area of Change, the Downtown 2025 Metropolitan Redevelopment Area, and is surrounded on 3 sides by whole blocks of MX-T zoning. This request for a zone map amendment does not create a spot zone, but will in fact support and further the goal of developing Downtown into a single mixed use area. This ZMA helps homogenize Downtown as a mixed use area by expanding the mixed-use nature of this area of Downtown (see images 4-7). See also our responses to ABC Comp Plan goal 5.1 below.

Staff: A zone change from RM-L to MX-T is not a "spot zone" because the properties abutting

and adjacent to the subject site's north, south and west are zoned MX-T. The response to Criterion H is sufficient.

III. AGENCY & NEIGHBORHOOD CONCERNS

Reviewing Agencies

City departments and other agencies reviewed this application. Standard comments were received. Agency comments begin on p. 30.

Neighborhood/Public

The affected neighborhood organization is the Downtown Neighborhood Association which was notified as required. Property owners within 100 feet of the subject site were also notified as required (see attachments).

A pre-application facilitated meeting was requested by the Downtown Neighborhood Association and held on January 16, 2020 in addition their board meetings. The NA supports the zone map amendment to MX-T. (See facilitated meeting attachments)

As of this writing, Staff has received two letters of opposition regarding the proposed zone map amendment from neighbors of 820 Kent Ave because of prior property damage and perceived code enforcement violations, noise/loud music, trash, blocking the alley, traffic and parking concerns. Staff received 16 letters of support for the proposed map amendment from various individuals such as local artist, art teachers and patrons, some who have showcased their art work at the gallery. Residents of downtown who support the art gallery stated the value it brings to the artistic community in the area. (See letters attachment)

IV. CONCLUSION

The request is for a zoning map amendment (zone change) for an approximately 0.2-acre site legally described as all or a portion of 43 West 10ft sf Lot 7 and Lot 8 New Mexico Town Company's Original Towns, located at located at 820 Kent Ave NW, between 8th St NW and 9th St NW (the "subject site").

The subject site in an Area of Change and is within 660' of the Central Avenue Main Street Corridor and Central Avenue Major Transit Corridor as designated by the Comprehensive Plan and is not within a designated Center. The subject site is located within the Forth Ward Historic Protection Overlay (HPO)-4.

The applicant wishes to change the subject site's zoning to MX-T (Mixed-Use – Transition Zone District) which is identical to the properties abutting and adjacent to the subject site's north, south and west are zoned MX-T.

The applicant holds a home occupation business license with allows a small number of individuals in the gallery at a time. There is not a business permit that will allow more customers in their current zoning district; therefore, a zone change to MX-T will allow for greater occupancy of customers and increase capacity.

Although staff notes the intended purpose of the zone change, an analysis of all uses that would become permissive has been conducted.

The applicant has adequately justified the request based upon the proposed zoning being more advantageous to the community than the current zoning and furthers a preponderance of applicable Goals and Policies.

The affected neighborhood organization which is the Downtown Neighborhood Association, which was notified as required. A pre-application facilitated meeting was requested by the Downtown Neighborhood Association and held on January 16, 2020. Property owners within 100 feet of the subject site were also notified as required.

As of this writing, Staff has received two letters of opposition regarding the proposed zone map amendment from neighbors of 820 Kent Ave because of prior property damage and alleged code enforcement violations, noise/loud music, trash, blocking the alley, traffic and parking concerns. (See letters attachment)

Staff has received 16 letters of support for the proposed map amendment from various individuals such as the Downtown Neighborhood Association, local artist, art teachers and patrons, some who have showcased their art work at the gallery. Residents of downtown who support the art gallery stated the value it brings to the artistic community in the area. (See letters attachment)

Staff recommends approval.

FINDINGS - RZ-2024-00022, May 16, 2024- Zoning Map Amendment (Zone Change)

1. The request is for a zoning map amendment (zone change) for an approximately 0.2-acre site legally described as all or a portion of 43 West 10th St Lot 7 and Lot 8 New Mexico Town Company's Original Towns, located at located at 820 Kent Ave NW, between 8th St NW and 9th St NW (the “subject site”).
2. The applicant is requesting a zone change for the subject site from R-ML (Residential - Multi-Family Low Density) to MX-T (Mixed - Use - Transition) to facilitate both Art Gallery and Small Retail Use. The request will align the subject site’s zoning with the zoning designation of the abutting and adjacent properties to the north, south and west. The subject site is currently operating with an Art Gallery use and the applicant holds a home occupation business license that allows a small number of individuals in the gallery at a time.
3. The applicant would like to expand their business operations to allow more capacity in the space since there is not a business permit that will allow more customers in their current zoning district; therefore, a Small Retail Use is required to be designated. Small Retail Use is not currently permissive under the R-ML zone district and a zone change to MX-T will allow for greater occupancy of customers and increase capacity.
4. Although staff notes the intended purpose of the zone change, an analysis of all uses that would become permissive has been conducted.
5. The subject site is in an Area of Change as designated by the Comprehensive Plan. It is within the Central Albuquerque Community Planning Area (CPA) and Fourth Ward Historic Protection Overlay (HPO)-4. The subject site is within 660-feet of the Central Avenue Major Transit Corridor and Central Avenue Main St Corridor as designated by the Comprehensive Plan.
6. The City of Albuquerque Integrated Development Ordinance (IDO) and the Albuquerque/Bernalillo County Comprehensive Plan are incorporated herein by reference and made part of the record for all purposes.
7. The request furthers the following Goal and Policies from Comprehensive Plan Chapter 4-Community Identity:
 - A. Goal 4.1 Character: Enhance, protect, and preserve distinct communities.
The request would be cohesive with adjacent properties zoned MX-T to the north, south and west. It would protect and enhance the distinct identity of the Downtown Center and Fourth Ward Historic District, which features a diverse mix of low-density and small scale land uses.
 - B. Policy 4.1.3 Placemaking: Protect and enhance special places in the built environment that contribute to distinct identity and sense of place.
The request would enhance and protect a special place in an historic district by promoting the use of a refurbished garage that is being utilized as an art gallery. This request would

contribute to the preservation of a structure in the existing community and protect its sense of place in a built environment.

- C. Policy 4.1.4 Neighborhoods: Enhance, protect, and preserve neighborhoods and traditional communities as key to our long-term health and vitality.

The request could protect, enhance, and preserve a special place and community because it would allow a low-density mix of land uses on the subject site, which is directly adjacent to low-density residential, small-scale multi-family, office and pedestrian-oriented commercial uses in a transitional neighborhood that is characterized by similar development. Any future development of uses allowed permissively in the MX-T zone district would be consistent with surrounding properties and could thus enhance the distinct identity of the Downtown neighborhood, which is a traditional community due to its historic designation.

8. The request furthers the following, applicable Goal and Policy regarding communities and efficient development patterns from Comprehensive Plan Chapter 5: Land Use:

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 low-density land uses on the subject site, which is located in the Downtown Center and within 660' of the Central Avenue Major Transit and Main Street Corridors. Although the request is based on the need to allow for greater occupancy of customers and increase capacity in an existing building in a residential zone district, any development made possible by the request could result in growth on the subject site, which is connected to the aforementioned Corridors.

9. The request furthers the following, additional Policy regarding City Development Areas from Comprehensive Plan Chapter 5: Land Use:

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. The restoration of the blighted garage on the subject site and the request to expand its capacity as an art gallery and small retail business could encourage, enable, and direct growth to this Area of Change.

10. The request furthers the following, additional Goal and Policies regarding Economic Development from Comprehensive Plan Chapter 8: Economic Development:

- A. Goal 8.2 Entrepreneurship: Foster a culture of creativity and entrepreneurship and to encourage private businesses to grow.

The request would allow the existing art gallery to expand its capacity by continuing to foster a culture of creativity and entrepreneurship. The art gallery would promote other entrepreneurs in the neighborhood and arts and cultural sector to increase the opportunity for vendors and artist businesses to grow.

- B. Policy 8.2.2 Diverse Talent: Promote a more inclusive ecosystem for developing entrepreneurs.

The request would enable the existing art gallery to reach potential artist and vendors in the Downtown neighborhood. This would continue to support neighborhood-based capacity by promoting building a more inclusive ecosystem for developing potential entrepreneurs, specifically in the art profession.

- C. Policy 8.2.5 Creative Economy: Promote the creative economy.

The request would allow the existing art gallery to further promote the creative economy by allowing it to further engage and participate in the local arts, cultural programs and events such as the Albuquerque Art Walk.

11. The request furthers the following, additional Goal and Policy regarding Historic Assets and Arts promotion from Comprehensive Plan Chapter 11: Heritage Conservation:

- A. Goal 11.2 Historic Assets: The request would allow the existing repurposed detached garage to preserve and enhance the Fourth Ward historic district as art Gallery. The applicant received a Certificate of Appropriateness from the Landmarks Commission for a new garage door and a new wall-painted sign in the rear yard. The sign was requested to display the name of the art gallery and the existing garage door was broken and in inferior condition and needed to be replaced. The applicant has adhered to the Historic Overlay Protection ordinances and development guidelines thereby preserving the past and enhancing the historic district while strengthening its sense of identity as it moves into the future.

- B. Policy 11.2.1 Arts Promotion: The request would allow the existing art gallery to continue to promote the arts and the cultural sector as key assets in a vital economy by providing a space with more capacity for more artist and vendors to display and sell their work. The existing art gallery is in itself a dedicated special place for local artist to promote their work which promotes art as a major factor in quality of life, healthy communities and contributes to the identity of the historic district in which it resides.

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.

Applicable citations: Goal 4.1 and Policies 4.1.3, and 4.1.4; Goal 5.1, Goal 5.6, Goal 8.2 and Policies 8.2.2 and 8.2.5; Goal 11.2 and Policy 11.2.1.

The applicant's policy-based response adequately demonstrates that the request furthers a preponderance of applicable Goals and policies and does not present any significant conflicts with the Comprehensive Plan. Therefore, the request is consistent with the City's health, safety, morals and general welfare.

- B. Criterion B: The subject site is located wholly in an Area of Change, so this criterion does not apply.
- C. Criterion C: The subject site is located wholly in an Area of Change. The applicant's policy-based analysis and response to Criterion C demonstrates that the request furthers a preponderance of applicable Comprehensive Plan Goals and policies including but not limited to, Character, Land Use, Placemaking, Historic Assets, Art Promotion, City Development Areas and therefore would be more advantageous to the community than the current zoning.
- D. Criterion D: The requested zoning includes permissive uses that could be harmful to adjacent property, the neighborhood, or the community. The harmful uses would be mitigated through the IDO's Use-Specific standards. In the MX-T zone district, Cannabis retail (IDO 14-16-4-3(D)(35)) is prohibited, unless associated with an establishment licensed by the State as a cannabis microbusiness, in which case this use shall not exceed 10,000 square feet of gross floor area. In this case, the establishment would have to comply with all New Mexico State law requirements, including but not limited to any required spacing from other uses or facilities. If located within 600 feet of any other cannabis retail establishment, this use shall require a Conditional Use Approval pursuant to Subsection 14-16-6-6(A), unless associated with an establishment licensed by the State as a cannabis microbusiness. This use is prohibited within 300 feet of any school or child day care facility. Cannabis cultivation and derived products are conditional primary uses which require an approved conditional use permit per Table 4-2-1. Liquor retail Tap Room or Tasting Room are conditional Primary uses and Nicotine retail is a conditional accessory use. No other uses would be considered harmful. The response to Criterion D is sufficient.
- E. Criterion E: The subject site is developed with a single-family home and a renovated detached garage repurposed as an art gallery which is adequately served by existing infrastructure (requirement 1).
- F. Criterion F: The applicant is not completely basing the justification for the request upon the subject site's location on a major street. Kent Ave NW is a local street. Rather, the applicant has adequately demonstrated that the request furthers a preponderance of applicable Comprehensive Plan Goals and policies and does not conflict with them.
- G. Criterion G: The applicant's justification is not completely or predominantly based upon economic considerations although it would add more capacity to the existing Art Gallery business. Rather, the applicant justification is based on a preponderance of applicable Comprehensive Plan Goals and policies and does not conflict with them.
- H. Criterion H: A zone change from RM-L to MX-T is not a "spot zone" because the properties abutting and adjacent to the subject site's north, south and west are zoned MX-T.
13. The applicant's policy-based response adequately demonstrates that the request clearly does not facilitate a "spot zone" and furthers a preponderance of applicable Goals and policies regarding

community identity, land use, centers and corridors and efficient development patterns, placemaking, economic development and heritage conservation; and does not present any significant conflicts with the Comprehensive Plan. Therefore, the request is consistent with the City's health, safety, morals, and general welfare.

14. The affected neighborhood organization is the Downtown Neighborhood Association which was notified as required. Property owners within 100 feet of the subject site were also notified as required.
15. A pre-application facilitated meeting was requested by the Downtown Neighborhood Association and held on January 16, 2020 in addition their board meetings. The Neighborhood Association supports the zone map amendment to MX-T.
16. As of this writing, Staff has received two letters of opposition regarding the proposed zone map amendment from neighbors of 820 Kent Ave because of prior property damage and alleged code enforcement violations, noise/loud music, trash, blocking the alley, traffic and parking concerns. (See letters attachment)
17. Staff has received 16 letters of support for the proposed map amendment from various individuals such as the Downtown Neighborhood Association, local artist, art teachers and patrons, some who have showcased their art work at the gallery. Residents of downtown who support the art gallery stated the value it brings to the artistic community in the area. (See letters attachment)
18. The Code Enforcement Division received an email reporting a possible "zoning complaint," not a nuisance. After conducting an investigation and at least three (3) site visits, no violations were observed.

RECOMMENDATION - RZ-2024-00022, May 16, 2024

APPROVAL of Project #: 2024-010186, Case #: 2024-00022, a zone change from RM-L to MX-T, for all or a portion of 43 West 10ft sf Lot 7 and Lot 8 New Mexico Town Company's Original Towns, located at located at 820 Kent Ave NW, between 8th St NW and 9th St NW (the "subject site"), an approximately 0.2-acre site, based on the preceding Findings.

William Steele

**William Steele
Planner**

Notice of Decision cc list:

Eric Carson and Kristin Shiplet, ericcarson@protonmail.com

Downtown Neighborhood Association, Glen Salas, treasurer@abqdna.com

Downtown Neighborhood Association, Danny Senn, chair@abqdna.com

Legal, dking@cabq.gov

EPC file

CITY OF ALBUQUERQUE AGENCY COMMENTS

PLANNING DEPARTMENT

Historic Preservation

The property, 820 Kent is located within the Fourth Ward Historic District which is also an HPO (Historic Protection Overlay). In 2023, the applicant sought and received a Certificate of Appropriateness for improvements to the garage as a gallery. This request for a zone map amendment is a necessary step for the establishment of the gallery the applicant is working towards. The change in zoning from R-ML to MX-T would allow for the use of the garage as a gallery.

Historic Preservation has determined that the gallery would not be detrimental to the historic character of the neighborhood and is in support of this request.

See attached Certificate of Appropriateness from earlier application. (See attachments)

Hydrology

No comment received as of 05-06-24

Metropolitan Redevelopment

No comment received as of 05-06-24

Long Range Planning

The proposed zone map amendment from RM-L to MX-T on the 0.2-acre property located at 820 Kenta Ave NW for the purpose of allowing an art gallery to be run as a small business on the property is in line with existing Comprehensive Plan Policies related to Community Identity. The adjacent properties to the North, South, and West of the property are also zoned MX-T. The property to the east is currently zoned RM-L. The site is within the Downtown Center and the Downtown Metropolitan Redevelopment Area, which support and encourage more dense zoning in the area, such as MX-T. The regulation related to the Fourth Ward HPO and Downtown Neighborhood Area CPO are not in conflict with the proposed zoning

Transportation Development Review Services

No comment received as of 05-06-24

Zoning / Code Enforcement

No comment received as of 05-06-24

PUBLIC WORKS DEPARTMENT

No comment received as of 05-06-24

MUNICIPAL DEVELOPMENT DEPARTMENT (DMD) TRANSPORTATION

No comment received as of 05-06-24

POLICE DEPARTMENT/PLANNING

No comment received as of 05-06-24

SOLID WASTE MANAGEMENT DEPARTMENT

No comment at this time.

TRANSIT DEPARTMENT

No comment received as of 05-06-24

PARKS AND RECREATION

No comment received as of 05-06-24

ABC WATER UTILITY AUTHORITY (ABCWUA)

No comment received as of 05-06-24

ALBUQUERQUE PUBLIC SCHOOLS

APS Comment: Property is located under one-quarter of a mile from Washington Middle School. Existing residential development at this location impacts the following schools: Lew Wallace Elementary School, Washington Middle School, and Albuquerque High School.

School Capacity

School	2023-2024 (40th Day) Enrollment	Facility Capacity	Space Available
Lew Wallace Elementary School	153	190	37
Washington Middle School	269	650	381
Albuquerque High School	1,718	1,950	232

To address overcrowding at schools, APS will explore various alternatives. A combination or all of the following options may be utilized to relieve overcrowded schools.

- Provide new capacity (long-term solution)
 - Construct new schools or additions
 - Add portables
 - Use of non-classroom spaces for temporary classrooms
 - Lease facilities
 - Use other public facilities
- Improve facility efficiency (short-term solution)
 - Schedule Changes
 - Double sessions
 - Multi-track year-round
 - Other
 - Float teachers (flex schedule)
- Shift students to Schools with Capacity (short-term solution)
 - Boundary Adjustments / Busing
 - Grade reconfiguration
- Combination of above strategies

All planned additions to existing educational facilities are contingent upon taxpayer approval.

ALBUQUERQUE METROPOLITAN ARROYO FLOOD CONTROL (AMAFCA)

1. No objections to major amendment to site plan.
2. For information purposes only:
 - a) The site has existing water and sewer services.

COUNTY OF BERNALILLO

No comment received as of 05-06-24

MID-REGION COUNCIL OF GOVERNMENTS (MRCOG)

No comment received as of 05-06-24

MID-REGION METROPOLITAN PLANNING ORGANIZATION(MRMPO)

No comment received as of 05-06-24

PUBLIC SERVICE COMPANY OF NEW MEXICO (PNM)

There are PNM facilities and/or easements south of the site along the alley.

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

Any existing easements may have to be revisited and/or new easements may need to be created for any electric facilities as determined by PNM.

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

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

Perimeter and interior landscape design should abide by any easement restrictions and not impact PNM facilities.

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

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

NEW MEXICO DEPARTMENT OF TRANSPORTATION (NMDOT)

No comment received as of 05-06-24

MIDDLE RIO GRANDE CONSERVANCY DISTRICT

No comment received as of 05-06-24

PETROGLYPH NATIONAL MONUMENT

No comment received as of 05-06-24

AVIATION DEPARTMENT

No comment received as of 05-06-24

KIRTLAND AIR FORCE BASE

No comment received as of 05-06-24

PHOTOGRAPHS
EXISTING CONDITIONS



Viewing the front of the house at the subject site on Kent Avenue NW. A sign posting can be seen in this view.



Viewing the art gallery from the alleyway. A sign posting can be seen in this view. The detached garage has been renovated and repurposed into an art gallery.



Viewing the subject site from across the alley while standing in Mid-Region Council of Governments (MRCOG) parking spaces.



Looking east down the alley with the subject site in view.

ZONING

Please refer to IDO Section 14-16-2-3(E) for the R-ML Zone District

Please refer to IDO Section 14-16-2-4(A) for the MX-T Zone District

HISTORY



City of Albuquerque
Planning Department
Landmarks Commission
P.O. Box 1293
Albuquerque, New Mexico 87103



Landmarks Commission

Date: December 22, 2023

CERTIFICATE OF APPROPRIATENESS

Project # PR-2023-009642 # SI-2023-01906

Kristin Shiplet and Eric Carson request approval for alteration at 820 Kent Ave NW, described as Lot 6, Block 43, in the Fourth Ward Historic Protection Overlay Zone, HPO-4 (J-13)

On December 22, 2023, the Landmarks Commission STAFF **APPROVED** Project #PR-2023-009642/SI-2023-01906, based on the following findings:

FINDINGS:

1. This application is a request for a Certificate of Appropriateness for alteration at 820 Kent Ave NW, described as Lot 6, Block 43, in the Fourth Ward Historic Protection Overlay Zone, HPO-4 (J-13)
2. This house is a single-story Small Cottage with shingle gable roof. The house was built before 1931. There is a one-story adobe garage at the rear of the Property.

The application is for:

3. Insulation of a new garage door. The existing garage door was broken. The new door will be a wooden door with brown paint. The door trim is in good condition. The door trim will be painted blue.
4. There will be a painted wall sign on the garage wall. The sign consists of small text spanning an area of 90" X 26". The sign color will be blue. The garage will be used for home business.
5. IDO Subsection 14-16-6-5(B)(1)(a) states that a Certificate of Appropriateness is required for all development and modification of structures in any HPO zone and all development or modification of a city landmark.

6. IDO Subsection 14-16-6-5(B)(3) Review and Decision Criteria states that a Certificate of Appropriateness-Minor shall be approved if it complies with all of the following criteria:

6-5(B)(3)(a): The change is consistent with the designation ordinance and specific development guidelines for the landmark or HPO zone.

The changes do not conflict with the designation ordinance. The proposal conforms to the development guidelines.

6-5(B)(3)(b): The architectural character, historical value, or archaeological value of the structure or site itself or of any HPO zone in which it is located will not be significantly impaired or diminished.

The architectural character, historical value, and archaeological value of the site or structure will not be impaired or diminished by the alteration of the garage door and the addition of a new wall-painted sign.

6-5(B)(3) (c) The change qualifies as “certified rehabilitation” pursuant to the Tax Reform Act of 1976, if applicable.

Not applicable

6-6(B)(3)(d) The structure or site's distinguished original qualities or character will not be altered, where “original” means both those included at the time of initial construction and those developed over the history of the structure.

The request is for a new door and a new wall-painted sign in the rear yard; therefore, the site's distinguished original qualities will be improved and not altered.

6-6(B)(3)(e) Deteriorated architectural features shall be repaired rather than replaced, if possible. If replacement is necessary, the new material shall match the original as closely as possible in material and design.

The existing garage door was broken and in inferior condition. For this reason, the new door will be installed. The new garage door will meet the requirements of the Fourth Ward Protection Overlay Zone.

7. The applicant has adequately justified the request pursuant to IDO Subsection 14-16-6-5(B)(3) Review and Decision Criteria for a Certificate of Appropriateness – Minor.

CONDITIONS:

Applicant is responsible for acquiring any and all additional City of Albuquerque department review and/or permits required for the implementation of this project. This approval does not effect the need for any licenses or variances to conduct business on the site.

Nasima Hadi

Nasima Hadi
Principal Historic Preservation Planner
Urban Design and Development Division

APPLICANT INFORMATION



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 checked="" type="checkbox"/> Amendment to Zoning Map – EPC (Form Z)
	<input type="checkbox"/> Wireless Telecommunications Facility Waiver (Form W2)	<input type="checkbox"/> Amendment to Zoning Map – Council (Form Z)
		Appeals
		<input type="checkbox"/> Decision by EPC, LC, ZHE, or City Staff (Form A)

APPLICATION INFORMATION

Applicant: Eric Carson & Kristin Shiptet		Phone: 206-948-8238
Address: 820 Kent Ave NW		Email: ericcarson@protonmail.com
City: Albuquerque	State: NM	Zip: 87102
Professional/Agent (if any):		Phone:
Address:		Email:
City:	State:	Zip:
Proprietary Interest in Site:		List <u>all</u> owners:

BRIEF DESCRIPTION OF REQUEST

We are requesting a Zoning Map Amendment to our property from R-ML to MX-T so we can continue to run our local art gallery business.

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

Lot or Tract No.: 8	Block: 13	Unit:
Subdivision/Addition: Original Townsite of ABQ	MRGCD Map No.:	UPC Code: 101405701551724412
Zone Atlas Page(s): K-13-Z	Existing Zoning: R-ML	Proposed Zoning: MX-T
# of Existing Lots: 1	# of Proposed Lots: 1	Total Area of Site (acres): .1286

LOCATION OF PROPERTY BY STREETS

Site Address/Street: 820 Kent Ave NW	Between: 8th St NW	and: 9th St NW
---	---------------------------	-----------------------

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

Signature:	Date: 3/27/2024
Printed Name: Eric Carson	<input type="checkbox"/> Applicant or <input type="checkbox"/> Agent

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Case Numbers	Action	Fees	Case Numbers	Action	Fees

Meeting/Hearing Date:	Fee Total:
Staff Signature:	Date:
	Project #

Form Z: Policy Decisions

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

A single PDF file of the complete application including all plans and documents being submitted must be emailed to PLNDRS@cabq.gov prior to making a submittal. Zipped files or those over 9 MB cannot be delivered via email, in which case the PDF must be provided on a CD.

INFORMATION REQUIRED FOR ALL POLICY DECISIONS (Except where noted)

- Interpreter Needed for Hearing? **NO** if yes, indicate language: _____
- Proof of Pre-Application Meeting with City staff per IDO Section 14-16-6-4(B)
- Letter of authorization from the property owner if application is submitted by an agent
- Traffic Impact Study (TIS) form (not required for Amendment to IDO Text)
- Zone Atlas map with the entire site/plan amendment area clearly outlined and labeled (not required for Amendment to IDO Text) NOTE: For Annexation of Land, the Zone Atlas must show that the site is contiguous to City limits.

ADOPTION OR AMENDMENT OF COMPREHENSIVE PLAN

ADOPTION OR AMENDMENT OF FACILITY PLAN

- Plan, or part of plan, to be amended with changes noted and marked
- Letter describing, explaining, and justifying the request per the criteria in IDO Sections 14-16-6-7(A)(3) or 14-16-6-7(B)(3), as applicable
- Required notices with content per IDO Section 14-16-6-4(K)(6)
 - Office of Neighborhood Coordination notice inquiry response, notifying letter, and proof of first class mailing
 - Proof of emailed notice to affected Neighborhood Association representatives
 - Buffer map and list of property owners within 100 feet (excluding public rights-of-way), notifying letter, and proof of first class mailing

AMENDMENT TO IDO TEXT

- Section(s) of the Integrated Development Ordinance to be amended with changes noted and marked
- Justification letter describing, explaining, and justifying the request per the criteria in IDO Section 14-16-6-7(D)(3)
- Required notices with content per IDO Section 14-16-6-4(K)(6)
 - Office of Neighborhood Coordination notice inquiry response, notifying letter, and proof of first class mailing
 - Buffer map and list of property owners within 100 feet (excluding public rights-of-way), notifying letter, and proof of first class mailing

ZONING MAP AMENDMENT – EPC

ZONING MAP AMENDMENT – COUNCIL

- Proof of Neighborhood Meeting per IDO Section 14-16-6-4(C)
- Letter describing, explaining, and justifying the request per the criteria in IDO Section 14-16-6-7(F)(3) or Section 14-16-6-7(G)(3), as applicable
- Required notices with content per IDO Section 14-16-6-4(K)(6)
 - Office of Neighborhood Coordination notice inquiry response, notifying letter, and proof of first class mailing
 - Proof of emailed notice to affected Neighborhood Association representatives
 - Buffer map and list of property owners within 100 feet (excluding public rights-of-way), notifying letter, and proof of first class mailing
- Sign Posting Agreement

ANNEXATION OF LAND


- Application for Zoning Map Amendment *Establishment of zoning must be applied for simultaneously with Annexation of Land.*
- Petition for Annexation Form and necessary attachments
- Letter describing, explaining, and justifying the request per the criteria in IDO Section 14-16-6-7(E)(3)
- Board of County Commissioners (BCC) Notice of Decision

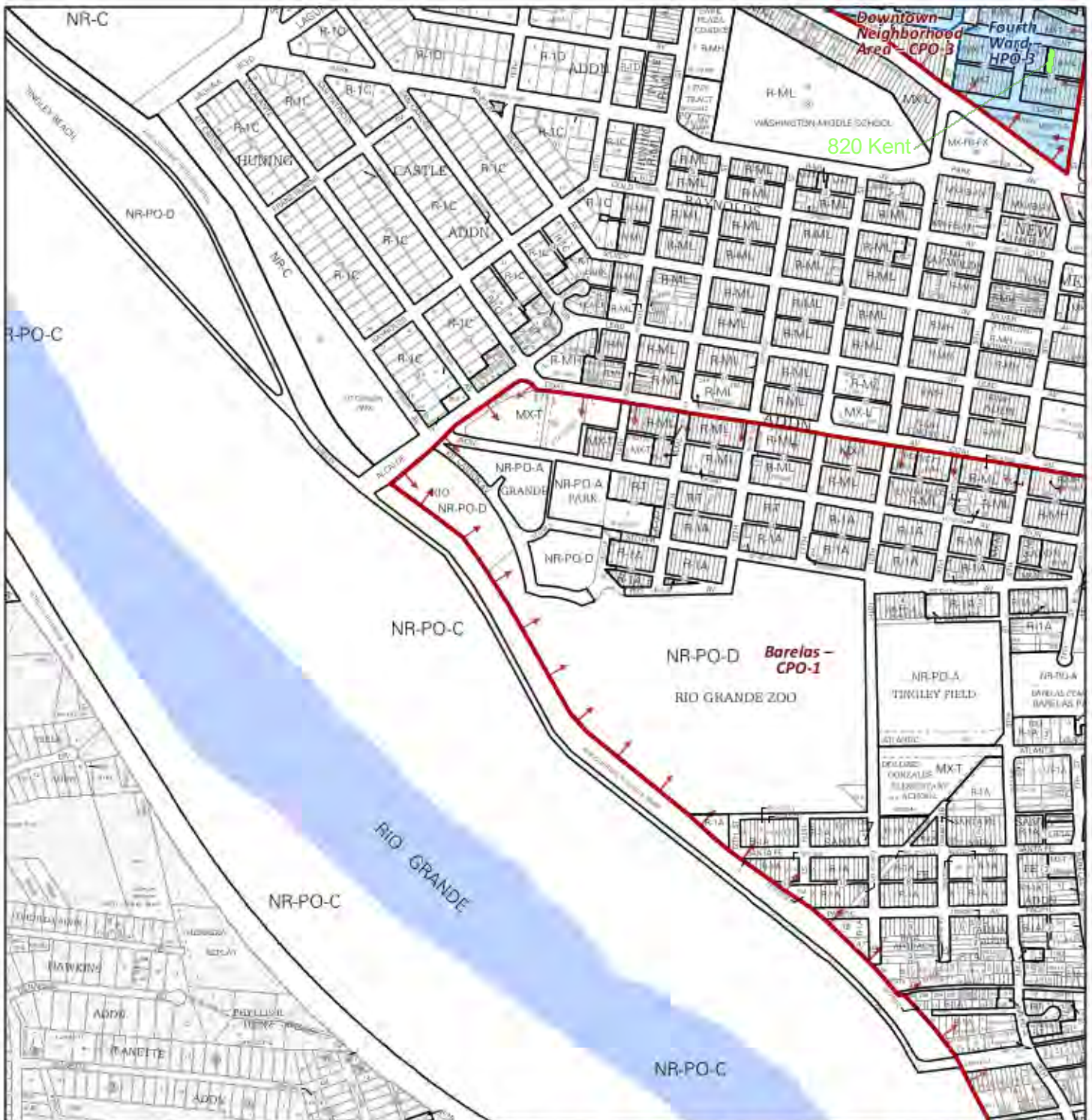
I, the applicant or agent, acknowledge that if any required information is not submitted with this application, the application will not be scheduled for a public meeting or hearing, if required, or otherwise processed until it is complete.

Signature: Eric Carson Date: **3/27/2024**

Printed Name: **Eric Carson** Applicant or Agent

FOR OFFICIAL USE ONLY

Project Number:	Case Numbers	
	-	
	-	
	-	
Staff Signature:		
Date:		



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

IDO Zone Atlas

May 2018



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



Gray Shading Represents Area Outside of the City Limits

Zone Atlas Page:
K-13-Z

Feet
0 250 500 1,000

Shared Parking Agreement

The Fine Law Firm, located at 220 9th Street NW in Albuquerque, agrees to allow Old Walls Gallery, located in the alleyway behind 820 Kent Ave NW, occasional use of 2 parking spaces in the parking lot at the Fine Law Firm.

Old Walls Gallery's operational hours are every first Friday of the month from 5:00-8:00 pm and every Saturday beginning the second Saturday of April through the second Saturday of November from 10 am - 12 pm.

The parking spots will be utilized **only during the gallery's hours of operation**, which are noted above, and for other infrequent events outside of these hours; which will never conflict with the Fine Law Firm's operational business hours. Old Walls Gallery will contribute to the security, cleanliness, and maintenance of the shared parking spots as needed.


This agreement will stand for no less than 2 years from December 20, 2023.



Eric Carson, Old Walls Gallery



Joe Fine, Fine Law Firm



Kristin Shipler, Old Walls Gallery



City of Albuquerque

Planning Department
Development Review Services Division

Traffic Scoping Form (REV 12/2020)

Project Title: _____ **Building Permit #:** _____ **Hydrology File #:** _____
Zone Atlas Page: K-13-Z **DRB#:** _____ **EPC#:** _____ **Work Order#:** _____
Legal Description: 43 WEST 10FT OF LOT 7 AND LOT 8 NEW MEXICO TOWN COMPANY'S ORIGINAL TOWNS
City Address: 820 Kent Ave NW Albuquerque, NM 87102

Applicant: Eric Carson & Kristin Shiplet **Contact:** _____
Address: 820 Kent Ave NW Albuquerque, NM 87102
Phone#: 206-948-8238 **Fax#:** _____ **E-mail:** ericcarson@protonmail.com

Development Information

Build out/Implementation Year: 2023 **Current/Proposed Zoning:** R-ML to MX-T

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

Proposed Use (mark all that apply): Residential: () Office: () Retail: () Mixed-Use: (X)

Describe development and Uses:

We run a local art gallery out of a garage on our R-ML property. We are requesting a ZMA to change the home business into a commercial art gallery/small retail business. We are not modifying the property in any way.

Days and Hours of Operation (if known): First Friday of each month 5-8pm & Saturdays 10am-Noon April-November with the Downtown Growers Market

Note: We have a verbal agreement to use 11 parking spaces at MRCOG (809 Copper) and a written agreement to use 2 spaces at the Fine Law Firm (220 9th St) during open hours.

Facility

Building Size (sq. ft.): 700 sqft

Number of Residential Units: None

Number of Commercial Units: None

Traffic Considerations

Expected Number of Daily Visitors/Patrons (if known):* Most days 0. First Fridays 10-50 visitors. Saturdays under 10

Expected Number of Employees (if known):* 0

Expected Number of Delivery Trucks/Buses per Day (if known):* 0

Trip Generations during PM/AM Peak Hour (if known):* 0

Driveway(s) Located on: Street Name 820 Kent Ave NW

Adjacent Roadway(s) Posted Speed: Street Name 8th St NW Posted Speed 35

Street Name 9th St NW Posted Speed 25

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

Roadway Information (adjacent to site)

Comprehensive Plan Corridor Designation/Functional Classification: on local street, 1 block from Central Ave.
(arterial, collector, local, main street)

Comprehensive Plan Center Designation: Downtown Center
(urban center, employment center, activity center)

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

Adjacent Roadway(s) Traffic Volume: _____ Volume-to-Capacity Ratio: _____
(if applicable)

Adjacent Transit Service(s): ART, other bus lines Nearest Transit Stop(s): Art: Copper & 6th

Is site within 660 feet of Premium Transit?: Yes Bus: Central & 10th

Current/Proposed Bicycle Infrastructure: _____
(bike lanes, trails)

Current/Proposed Sidewalk Infrastructure: _____

Relevant Web-sites for Filling out Roadway Information:

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

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

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

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

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

TIS Determination

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

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

Thresholds Met? Yes [] No

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

Notes:

M. P. ... P.E.

2/8/2024

TRAFFIC ENGINEER

DATE



Submittal

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

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

Site Plan/Traffic Scoping Checklist

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

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

Justification Letter

Dear City of Albuquerque & Environmental Planning Commission,

Over the last two years my wife, Kristin Shiplot, and I, Eric Carson, purchased 820 Kent Ave NW as our primary residence and renovated an old garage on the back of the property, turning it into Old Walls Gallery. Having the gallery on our property makes it low cost and allows us to open the space to a diverse range of artists including those who cannot afford to exhibit at commercial galleries. In 6 exhibitions last year we exhibited the work of over 50 local artists, some as young as 10 and as old as 83. Our First Friday openings are places where artists, vendors, and the public connect. Our most recent show was an immersive art experience by Zuyva Sevilla, one of Southwest Contemporary's "ones to watch."

Please accept this justification letter for a Zone Map Amendment. Our property's current zoning is R-ML, which restricts Old Walls Gallery to a home business. We opened our gallery in good faith believing that our residential zoning and home occupation business license allowed us to operate the art space we imagined. We have since been notified that we need this ZMA to increase our capacity, open the space to more artists & vendors, officially join the ABQ Artwalk, and further engage with the vibrant downtown art scene. We are therefore applying for a change to MX-T so we can run our gallery as an Art Gallery/Small Retail business. As justified below, this ZMA meets the Integrated Development Ordinance Criteria, is in line with the ABC Comprehensive Plan, and furthers the goals of the Downtown 2025 Metropolitan Redevelopment Area.



Image 1: Old Walls Gallery (exterior)



Image 2: First Friday Art Walk at Old Walls Gallery (interior)



Image 3: 820 Kent Ave NW - Google Maps: residence, gallery, & shared parking spaces.
(parking secured by a verbal agreement with MRCOG & a written agreement with the Fine Law Firm)

Area Maps

Pulled from Albuquerque IDO Interactive Map



Image 4: Property and surrounding zoning.



Image 5: Property within an Area of Change

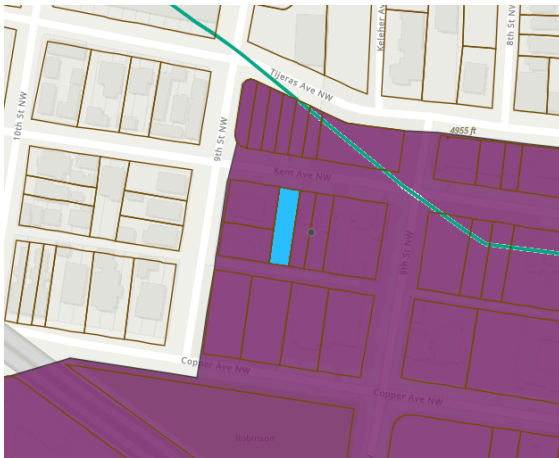


Image 6: Property within the Downtown Center and within 660 ft of the Central Transit Corridor.

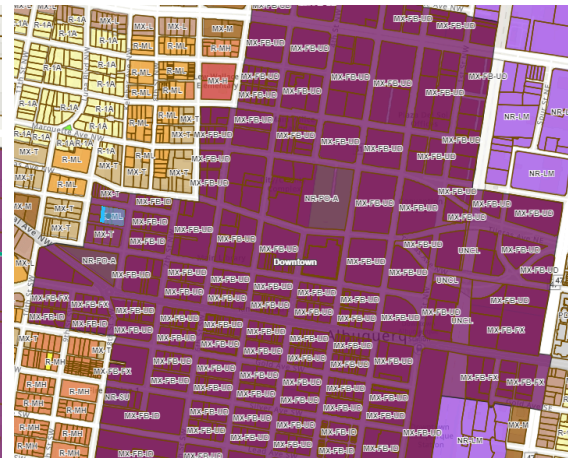


Image 7: Property in the only residential zone inside the Downtown Center.

Integrated Development Ordinance Review and Design Criteria

Our Zone Map Amendment meets the Review and Design Criteria 14-16- 6-7(G)(3)(a-h).
Sections of the IDO cited below are followed by our responses in **bold**.

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

Response: This amendment aligns with the ABC Comprehensive Plan in many ways, especially Plan Chapters 4, 5, 8, & 11. See our responses to specific goals and policies on pages 5-7 of this document. It also furthers the goals of the Downtown 2025 Metropolitan Redevelopment Plan as shown on pages 7 & 8.

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

Response: The subject property is not within an Area of Consistency.

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

Response: The subject property is located wholly within an Area of Change.

6-7(G)(3)(c)3 A different zone district is more advantageous to the community as articulated by the ABC Comp Plan, as amended (including implementation of patterns of land use, development density and intensity, and connectivity), and other applicable adopted City plan(s).

Response: MX-T zoning of 820 Kent Ave NW is more advantageous to the community than its current R-ML zoning. This ZMA furthers the ABC Comprehensive Plan, especially Chapters 4, 5, 8, & 11, for reasons summarized here. In depth responses to specific goals can be found on pages 5-7 of this document.

Comprehensive Plan Chapter 4: Community Identity (see page 5 for responses to specific goals)

Old Walls Gallery has proven itself as a small business that embodies the identity of the Downtown area. As stated above we have used the history of our property to create an artist-centric gallery that accentuates the historic nature of the Downtown area and activates an underused alleyway. Last year our existing art gallery had 6 exhibitions that showcased local artists and provided a space for local residents, artists, vendors, and visitors to meet. We did all this all while maintaining the residential/ neighborhood feel of our property's unique location near the border of the Downtown Area of Change and the Downtown 2025 Metropolitan Redevelopment Area.

Comprehensive Plan Chapter 5: Land Use (see pages 6 for responses to specific goals)

We have taken an underutilized property that was previously a law office, that is located within the Downtown Center Area of Change and the Downtown 2025 Metropolitan Redevelopment Area, that is within 660 ft of the Central Transit Corridor, that is on the edge of the proposed Downtown Arts and Entertainment District, and have turned it into a thriving low cost artist-centric live/work existing art gallery. This is a great example of adaptive reuse, historically sensitive redevelopment, & boundary sensitive solutions to the vibrant Downtown area. We've created a venue that contributes to the development of Downtown as a single mixed use property within a vibrant walkable area of Downtown with activities available 18 hours of the day.

Comprehensive Plan Chapter 8: Economic Development (see page 6 for responses to specific goals)

With no outside funding we founded and continue to run Old Walls Gallery as a low cost artist-centric art space. Our overhead is paid for by our mortgage payments so we can offer the space to artists & community groups at low or no cost. We are also able to take only a 20% commission on art sold instead of the 50-60% industry standard. This model in itself is entrepreneurial. It gives local artists, vendors and other entrepreneurs a place to show artwork, sell wares, and try event ideas at very low cost. We believe Old Walls Gallery could serve as a unique catalytic model for small business development Downtown. We need the City to show its support for neighborhood based entrepreneurs by approving this ZMA. Without approval our gallery would have to change fundamentally, seek new development in a different area, or close its doors entirely.

Comprehensive Plan Chapter 11: Heritage Conservation (see page 6-7 for responses to specific goals)

As stated above we've used the historic nature of our property to create a gallery that highlights the history of the Downtown area. We believe one reason Albuquerque's incredible art culture has not had the impact of other similar cities is that there are not enough local galleries where local talent can exhibit and develop. Old Walls Gallery is one such gallery. We also open our space to overflow vendors from the Downtown Growers Market, thus extending Downtown's goals of a walkable arts district. We need the city to show its support for arts districts by approving this ZMA. If approved we will continue and expand the ways we offer our space as a resource. We will offer gallery space to community & civic groups, local artists, UNM BFA & MFA thesis exhibitions and others.



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

Response: The Use-specific Standards will mitigate any harmful impacts of the requested MX-T zone as they do for the many neighboring properties of the same MX-T zone. The only feasible harmful permissive use for the requested zoning is Cannabis Retail which requires Conditional Use Approval if located within 600 feet of another cannabis retail establishment and is prohibited within 300 feet of a school or daycare facility. This use also allows for no outside storage or for products nor for paraphernalia to be displayed within 5 feet of a window or door. Our gallery is a 600 sqft building with windows and doors on every wall, it has no room for storage and only a small area of the building is not within 5 feet of a window or door. Therefore Cannabis Retail is not reasonably feasible without major construction on the property, which would require its own permitting process and additional approvals from the City of Albuquerque. The small size of the building also makes other permissive uses like hotels, etc. unfeasible. See the table below for use comparison.

Land Use	R-ML	MX-T
Dwelling, Live-Work	C	P
Dormitory		C
Group Home, small	C	P
Adult or Child daycare Facility	C	P
High School	C	P
Museum	CV	P
Sports Field		CV
University or College		CV
Vocational School		P
Veterinarian Hospital		C
Other Pet Services		C
Auditorium or Theatre		A
Bar		C
Health Club or Gym	A	P
Mobile Food Truck Court		C
Restaurant		C
Tap room or Tasting Room		C
Other Indoor Entertainment		C
Bed and Breakfast	A	P
Hotel or Motel		P
Paid Parking Lot	A	C
Parking Structure	A	CA
Bank		P
Club or Event Facility		C
Medical or Dental Clinic		P
Office		P
Personal and Business Services, small		P
Research or Testing Facility		P
Other Outdoor Entertainment	CA	A
Bakery Goods or Confectionary Shop		C
Cannabis Retail		C
General Retail, small		P
Liquor Retail		C
Nicotine Retail		CA
Park-and-Ride-Lot		C
Transit Facility		C
Artisan Manufacturing		C
Cannabis Cultivation		C
Cannabis-Derived Products Manufacturing		C
Wind Energy Generation		A
Freestanding Tower		P
Recycling Drop Off Bin Facility		A
Mobile Vending Cart		A
Outdoor Dining Area		CA
Other use accessory to non-residential primary use		A
Open Air Market		T
Park-and-Ride Facility, temporary		T
Safe Outdoor Space		CT
Seasonal Outdoor Sales		T
Temporary uses not listed		T

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

1. Have adequate capacity to serve the development made possible by the change of zone.

Response: Our property is within the Downtown 2025 Metropolitan Redevelopment Area, Downtown Area of Change, and within 660 feet of the Central Transit Corridor. We have also secured 13 adjacent parking spots: 11 through a verbal agreement with the MRCOG building on our alley and 2 through a written agreement with the Fine Law Firm (included in our application materials). See Image 3 on the first page of this document for the parking layout. The City traffic engineer has decided that a traffic impact study is not required for this ZMA (see traffic scoping form included with this application). The City's existing electric, water, and other utility infrastructure has adequate capacity to serve this change of zone. (see Images 4-7)

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

Response: : This justification is not completely based on the property's location on a major street because Kent Ave NW is not a major street. Rather, the justification for the proposed zone change is based on the advantages it will bring to the community by expanding the walkability, intensity, connectivity, and Downtown identity desired by residents of the community.

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

Response: The zone change request is not based completely or predominantly on the cost of land or other economic considerations but rather on the benefit offered by mixed-use adaptive redevelopments in the Downtown area within walking distance to the Central Transit Corridor, inside the Downtown Center, and near multiple other arts venues.

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

Response: Our property is within an Area of Change, the Downtown 2025 Metropolitan Redevelopment Area, and is surrounded on 3 sides by whole blocks of MX-T zoning. This request for a zone map amendment does not create a spot zone, but will in fact support and further the goal of developing Downtown into a single mixed use area. This ZMA helps homogenize Downtown as a mixed use area by expanding the mixed-use nature of this area of Downtown (see images 4-7). See also our responses to ABC Comp Plan goal 5.1 below.

Albuquerque and Bernalillo County Comprehensive Plan

Our ZMA uniquely furthers the ABC Comprehensive Plan, especially Chapters 4, 5, 8, & 11.
Goals and Policies are cited below followed by our responses in **bold**.

GOAL 4.1 Character: Enhance, protect, and preserve distinct communities

Response: This ZMA would enhance the distinctive mixed-use, vibrant, art-centered Downtown community because it would allow an existing local art gallery to continue operations and thrive. This ZMA would protect the buildings and residents of the Downtown community by elevating a dilapidated garage and underused alley into a thriving community art space and pedestrian thoroughfare. This ZMA would preserve the historic distinction of the Downtown area by highlighting one special structure within the Historic Overlay Zone as an example of adaptive reuse, and show that old historic buildings are an asset rather than a problem to be fixed.

POLICY 4.1.3 Placemaking: Protect and enhance special places in the built environment to contribute to distinct identity and sense of place.

Response: Old Walls Gallery is a small local business that we run out of our renovated 20th century garage. It is a special place that enhances the distinct identity and sense of place that makes Downtown Albuquerque unique. Inside our gallery local artists, vendors, & neighborhood residents meet and sell art. Our property's use as a business protects and enhances the structures within it by emphasizing the historic nature of their "Old Walls." This ZMA will ensure that our business can run well into the future protecting our property from resale, alteration, or demolition.

POLICY 4.1.4 Neighborhoods: Enhance, protect and preserve neighborhoods and traditional communities as key to our long-term health and vitality.

Response: Downtown is a unique arts neighborhood. Old Walls Gallery helps protect and preserve that neighborhood by giving artists a place to exhibit in their own community and providing a venue where residents can meet and mingle. Local exhibitions, partnerships, school tours, workshops, & art commissions have resulted from introductions that occurred



inside our gallery. The business's presence on the alley also protects the community by increasing foot traffic and visibility in the alley, thus eliminating possibilities of dumping or other illegal behavior. Our low cost live/work gallery model could be used to create other similar special places that contribute to neighborhood identity, provide creative revitalization solutions to underused alleys and existing structures, and solidify the Downtown sense of place. If this ZMA is approved we can also make our gallery available to nonprofits, neighborhood associations, businesses, and others for a wide variety of events.

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

Response: This ZMA would strengthen the Downtown Center by shrinking the only residential spot zone within it, and move toward making Downtown a single 18 hour mixed-use project. This ZMA takes advantage of the property's proximity to the Central Transit Corridor allowing the gallery to attract visitors to Downtown via the Corridor's multi-modal network. If approved, the ZMA would show that all properties inside the Downtown center truly can be active parts of a strong sustainable development pattern that strengthens the Center's community.

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

Response: This ZMA would further shape the Downtown Center into a mixed use highest-density zone and shrink a residual spot residential zone in the Downtown Center / Metropolitan Redevelopment Area (see Images 4 & 7). We've created an art venue without the need for new construction, within the Downtown Center, within 660 ft. of the Central Transit Corridor, and in a compact model that allows for a live/work space. Approving the ZMA will show City encouragement for innovative adaptive placemaking. Our unique model also makes a nice transition at the urban edge for visitors to enter the lively Downtown while not disturbing surrounding residential neighborhoods with new development. If our ZMA is approved, our low cost live-work art gallery model could be part of a trend in unique adaptive reuse of historic structures to further capture regional growth in the Downtown center and shape a sustainable redevelopment pattern.

GOAL 8.2 Entrepreneurship: Foster a culture of creativity and entrepreneurship and to encourage private businesses to grow.

Response: Old Walls Gallery is a private entrepreneurial business that fosters local emerging artists and other creative entrepreneurs. We need the City to encourage our business's growth by approving this ZMA. With approval we can grow our business by continuing to tap into the budding culture of creativity that makes Downtown what it is. Without City approval and encouragement our business cannot grow and might have to close entirely.

POLICY 8.2.1 Local Business: Emphasize local business development.

Response: Old Walls Gallery is a local business that promotes local artists and vendors. With no outside funding we have created a community art space that puts money in local artist's pockets and creates a place where connections are made. Our low cost live/work model allows us to foster relationships with nonprofits, artists, neighborhood members, and others who would be priced out of relationships with galleries that have large overhead costs. Approving this ZMA would emphasize our local business model as a unique economic development strategy.

POLICY 8.2.2 Diverse Talent: Promote a more inclusive ecosystem for developing entrepreneurs.

Response: Old Walls Gallery is essentially an experiment in neighborhood based capacity building by and for art entrepreneurs. Our first no-commission exhibition was composed solely of artists who live within one mile of the gallery. From that show onward we built on those relationships. Our low cost model allows us to charge only 20% commission (down from the 50-60% industry standard) on artworks sold in our gallery. Low commission means artists can price their artworks lower and thus sell more of them. Local residents who can't afford commercial gallery prices can buy art at our gallery and support their friends, neighbors, and fellow entrepreneurs. In these ways and more, we are able to offer the gallery at low or no cost to underrepresented artists & entrepreneurs so they could present ideas, host events, and experiment. Approving this ZMA would help us promote a more inclusive neighborhood-based ecosystem developing entrepreneurs.

POLICY 8.2.5 Creative Economy: Promote the creative economy.

Response: For the reasons stated above, this ZMA is an opportunity for the City of Albuquerque to promote an artist-centric art gallery. We need it approved so we can continue to provide this crucial base for the creative economy.



GOAL 11.2 Historic Assets: Preserve and enhance significant historic districts and buildings to reflect our past as we move into the future and to strengthen our sense of identity.

Response: This ZMA would preserve and enhance an underused building within a Historic Overlay Zone by allowing our business to continue and thrive, and thus elevating the upkeep and stature of the building itself. We have already restored our building and used its historic significance as the theme for our business, as shown in our gallery name "Old Walls Gallery." As noted above, this ZMA would further Albuquerque's desire to move into the future of a unique art-centered downtown that uses its historic roots as a key part of its current and future identity. Our business attempts to do that, and we need City support in the form of ZMA approval so we can move into the future and help strengthen the Downtown and greater ABQ sense of identity.

POLICY 11.2.2 Historic Registration: Promote the preservation of historic buildings and districts determined to be of significant local, State, and/or National historical interest.

Response: Old Walls Gallery is an example of adaptive reuse inside a Historic Overlay Zone. As stated above, we've renovated an dilapidated garage, accentuated its historic character, and used that building to create a place where local artists meet, exhibit & sell art work, and plan future events. But Old Walls Gallery only makes sense in a building with old walls. If this ZMA is not approved we will have to fundamentally change our model, seek newer development outside Downtown, or close our doors entirely. If it is approved we can continue our adaptive-reuse live-work art space as a model to preserve and enhance the historic nature of buildings in the downtown area. For us old walls and old structures are not a problem to be replaced, but a resource that can be used to bring people together, sell art, and stimulate local business in a way that can only happen in Downtown ABQ.

GOAL 11.5 Cultural Traditions and the Arts: Emphasize and support cultural traditions and arts as vital components of the community's identities and well-being.

Response: This ZMA would emphasize and support the arts because it would allow an existing local art gallery to continue and thrive. We hope we've shown that our gallery contributes to the community's identities and sense of well-being and we are excited to see where this unique art business can go. We need City support in the form of ZMA approval.

POLICY 11.5.1 Arts Promotion: Coordinate and promote the arts and the cultural sector as key assets in a vital economy; major contributors to quality of life and healthy communities; and the heart of high-quality, special places that contribute to the identity of distinct communities.

Response: Maybe one reason Albuquerque's arts sector had less economic impact than similar regions is that the galleries that cultivate early career artists cannot sustain themselves in the Downtown area. Since last year Old Walls Gallery has been approached by at least 10 artists looking for a place to exhibit new, experimental, and Master of Fine Art thesis artwork. These artists are looking for places to exhibit exciting new work but don't have the funding to approach traditional commercial galleries. Downtown ABQ needs more affordable art galleries, like ours, because they are the high-quality special places that contribute to the distinct Downtown community identity. If our ZMA is approved we will continue to raise the profile of local emerging ABQ art, thus creating a place where our communities' vast art assets can develop and enter the mainstream.

Old Walls Gallery is adjacent to Robinson Park and we will be open Saturdays with the Downtown Growers Market. We've heard from the market's organizers that they have to turn away many vendors each Saturday due to lack of space. If our ZMA is approved it will allow us to open our space to artists and vendors each Saturday. We can open our gallery and patio to accommodate up to 10 vendors at low or no cost. Therefore approving this ZMA would promote the Downtown Grower's Market as another contributor to the quality of life and health of the Downtown community.

Downtown 2025 Metropolitan Redevelopment Plan

Our ZMA furthers the goals of the Downtown 2025 Metropolitan Redevelopment Plan. Strategies from the Plan are cited below followed by our responses in **bold**.



Image 8: Property within Downtown Redevelopment Area

Strategy: Create Downtown as an exciting “urban retail destination”

2. Providing a variety of retail goods and services in Downtown to serve a broad range of residents, employees and visitors.

Action: Recruit basic and specialty goods & services into Downtown, including art-based retail, restaurants, & “high fashion” retail.”

Response: Old Walls Gallery is unique and thus contributes to the variety of goods available Downtown. Our gallery provides art-based retail at all price points. Because of our low cost live/work model we can make art available for purchase to those visitors and residents who are usually priced out by galleries with large overhead costs and they can sell their goods at affordable prices. We don't need to be recruited. We already live in, work in, and love Downtown. We just need City support in the form of ZMA approval.

Strategy: Maintain Downtown as New Mexico's largest employment center and the Region's Center of Economic Activity.

2. Encouraging small businesses to locate and stay Downtown.

Response: We chose to move into the Downtown area and open Old Walls Gallery because of the area's unique art culture and potential. Our business furthers this strategy in a unique way. We require no private or public funding or loans because of our low cost live/work model. The only encouragement we need is for the City to approve our ZMA. As stated above, if this ZMA is approved our gallery can stay Downtown. If not we will have to change our model or close entirely.

Conclusion

Old Walls Gallery is a unique live/work business model. Since we live on the property, our overhead business costs are paid for. This means the gallery does not have to sustain itself financially. We can offer the space to artists & community members at little or no cost, take only 20% commission, exhibit under-represented artists, and have truly experimental exhibitions and programs that allow for the artists and creatives using the space to keep the money they make. We need this ZMA to continue our unique gallery model. Without it we will have to pursue new development, move the gallery to a less historic commercial space, or close our doors entirely.

Many of our exhibiting artists are our close neighbors and we're committed to making this change without disrupting the neighborhood we've grown to love. The gallery is only open first Fridays from 5-8pm and Saturdays with the Downtown Growers Market from 10am-noon. We never have late night events and our rare live music is confined to First Fridays when the rest of Downtown is at its most vibrant and intense. We are very cognizant of the impact noise could have on our neighbors; and thus, we are committed to working with the Albuquerque Environmental Health Department and securing proper permits and following City policies, to ensure the neighborhood remains comfortable for everyone.

This ZMA would allow us to see where our unique model goes, and maybe serve as an example of adaptive reuse for the City's long term goals. We're excited to do our small part to help elevate the vibrant ABQ art scene, help revitalize our downtown neighborhood, and make our property a thriving space for us and its future owners. Thank you for your time and consideration.

Sincerely,
Eric Carson & Kristin Shiplet

STAFF INFORMATION

April 24, 2024

TO: Eric Carson and Kristin Shiplet

820 Kent Ave NW

FROM: William Steele, Planner

City of Albuquerque Planning Department

TEL: (505) 924-3349

RE: PR-2024-010186, RZ-00022 820 Kent Ave NW Zone Map Amendment

I've completed a first review of the proposed one ap ~~major~~ amendment. I would like to discuss the request and have suggested revisions. I am available to answer questions about the process and requirements. Please provide the following:

⇒ A revised project letter (one electronic copy)

by 5 PM on April 29, 2024.

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

1) Introduction:

- A. Though I've done my best for this review, additional items may arise as the case progresses. If so, I will inform you immediately.
- B. This is what I have for the legal description:
 - a. Eric Carson and Kristin Shiplet, requests a Zone Map Amendment, for all or a portion of 43 West 10ft sf Lot 7 and Lot 8 New Mexico Town Company's Original Towns, located at 820 Kent Ave NW between 8th St NW and 9th St NW, approximately 0.2 acres. (J-13-Z) (K-13-Z)
- C. It is our understanding that this is a request is for a Zoning Map Amendment – EPC to change the zoning from R-ML to MX-T at 820 Kent Ave NW to facilitate both Art Gallery and Small Retail Use.
 - a. This request is for a zone change and sound justification must be provided. After our review, the justification letter needs to be revised and additional goals and polices need to be added to criterion IDO 6-7(G)(3)(a). Comp. Plan Action Items are not Goals and Policies.

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

The justification letter needs to be condensed to the Comprehensive Plan Goals and Policies that are most relevant to a zone change. For example, the sections focused on Policies pertaining to transportation should be removed.

- b. Please note the justification letter must be revised to meet the review and decision criteria if staff is to recommend approval for the zoning map amendment.
- c. Please replace the word “element(s)” to the word “chapter” in the letter. The Comp Plan has chapters not elements.

2) Process:

- A. Information regarding the EPC process, including the calendar and current Staff reports, can be found at: <http://www.cabq.gov/planning/boards-commissions/environmental-planning-commission>
- B. Timelines and EPC calendar: the EPC public hearing for May is on the 16th. Final staff reports will be available about one week prior, on May 9th.
- C. I will email you a copy of the agency comments once they are received and will forward any late ones to you.

3) Notification & Neighborhood Issues:

Notification requirements for a Site Plan-EPC, Major Amendment are explained in Section 14-16-6-4(K), Public Notice (IDO, p. 409). The required notification consists of: i) an offer of neighborhood meeting, ii) an emailed letter to neighborhood representatives indicated by the ONC, iii) a mailed letter (first-class) to property owners within 100 feet of the subject site, and iv) yellow sign posting.

- A. It appears that the applicant has provided notice of the application to all adjacent property owners via certified mail and email as required by the IDO. Have you received any comments or requests?
- B. According to the Office of Neighborhood Coordination the Downtown Neighborhood Association is the NA that represents the area the property (subject site).
 - a. Can you tell me about the meeting held with the NA?
- C. Please let me know if you receive any additional comments. If you do, these will be included in our staff report.

- D. The sign posting period is 15 days prior and after the EPC hearing date from Wednesday May 1, 2024 to Friday May 31, 2024.
- a. Please resubmit the signed sign posting agreement with the sign posting dates filled in on the form.

4) Project Letter:

The project letter is off to a good start, though I have some questions and revisions to the responses to review and decision criteria.

Justification Criteria, goals & policies:

The task in a justification is to choose applicable Goals and policies from the Comprehensive Plan and demonstrate how the request furthers (makes a reality) each applicable Goal and policy. Furthering is shown by providing explanations using “because” statements and tailoring the response to match the wording of the Goal or Policy.

Please be as detailed as possible in your responses: Responding to the zone change criteria is more of a legal exercise than anything else. It is critical to “hit the nail on the head” both conceptually and in terms of form. This can be done by:

1. answering the questions in the customary way (see examples).
2. using conclusory statements such as “because _____”.
3. re-phrasing the requirement itself in the response, and
4. choosing an option when needed to respond to a requirement

Please make sure the goals and policies used in your justification letter are centered around this request (a Zoning Map Amendment). Zoning Map Amendment deals with land use and all permissive land uses permitted in that particular zone.

Refer to the link provided below for examples of Zone Map Amendments staff reports and justification letters: <https://www.cabq.gov/planning/boards-commissions/environmental-planning-commission/epc-agendas-reports-minutes>

- A. 6-7(G)(3)(A) Please replace the “Element” Policies and Actions with Chapter “Goals and Policies” since criterion A “must further a preponderance of applicable Goals and Policies in the ABC Comp Plan.” Action plans are not taken in consideration in this criterion.
- B. 6-7(G)(3)(C) Please state that the parcel (subject site) is wholly in an Area of Change. Please change the words “elements” to “chapter.” Please state when mentioning the art gallery that it is an “existing art gallery.”
- C. 6-7(G)(3)(D) Please include a table comparing the current zoning permissible uses to the requested zoning permissive uses that would be harmful to the adjacent property/neighborhood. Please see the IDO 4-2 Allowable Uses (Table 4-2-1: Allowable Uses. See the link below. Car wash isn’t a permissible use in the requested MX-T zone district.

https://documents.cabq.gov/planning/IDO/2022_IDO_AnnualUpdate/IDO-2022AnnualUpdate-EFFECTIVE-2023-07-27.pdf

- D. 6-7(G)(3)(E) Please expand on what existing utilities such as electricity and water that are present on the subject site that wouldn't have to be improved. Are there infrastructure improvements that a necessary or is there adequate capacity?

ABC Comp Plan Goals and Policies.

- A. There are 11 policies listed and no Goals. Please add Goals from the ABC Comp Plan. For examples some of the Goals in the chapters of the policies referenced could possibly be utilized. Some of the Policies should be removed since they are not related to a zoning map amendment.
- B. Please replace the phrase "Policies and Actions" with "Policies and Goals."
- C. Please remove Action Items. Please consider using applicable information from the Action Items in the response to the Policies.
- D. Policy 4.1.3 Placemaking: Protect and enhance special places in the built environment that contribute to distinct identity and sense of place. Please provide a response.
- a. Use information from the first two Action Items to respond to this Policy.
- E. Policy 5.1.1 Desired Growth: Capture regional growth in Centers and Corridors to help shape the built environment into a sustainable development pattern.
- a. Please revise response. Please consider using applicable information from the Action Items in the response to the Policies. Use information from the second and third Action Items to respond to this Policy.
- F. Policy 5.1.3 Downtown: Strengthen Downtown's identity as a regional hub for the highest-intensity development, with concentrated job and commercial activity supported by the highest density housing.
- a. This policy is not applicable since there isn't high-intense development near the subject site.
- G. Policy 5.6.4 Appropriate Transitions: Provide transitions in Areas of Change for development abutting Areas of Consistency through adequate setbacks, buffering, and limits on building height and massing.
- a. Not Applicable
- H. Policy 6.2.3 Pedestrian & Bicycle Connectivity: Provide direct pedestrian and bicycle access to and circulation within Centers, commercial properties, community facilities, and residential neighborhoods.

- a. Not applicable

I. Please provide revisions to the following:

- a. Policy 4.1.4 Neighborhoods: Enhance, protect, and preserve neighborhoods and traditional communities as key to our long-term health and vitality.
- b. Policy 8.2.1 Local Business: Emphasize local business development.
- c. Policy 8.2.2 Diverse Talent: Promote a more inclusive ecosystem for developing entrepreneurs.
- d. Policy 8.2.5 Creative Economy: Promote the creative economy.
- e. Policy 11.2.2 Historic Registration: Promote the preservation of historic buildings and districts determined to be of significant local, State, and/or National historical interest
- f. Policy 11.5.1 Arts Promotion: Coordinate and promote the arts and the cultural sector as key assets in a vital economy; major contributors to quality of life and healthy communities; and the heart of high-quality, special places that contribute to the identity of distinct communities.
- g. Policy 11.5.2 Cultural Facilities: Provide and maintain high-quality public, cultural, and arts facilities to best serve the public.

Downtown 2025 Metropolitan Redevelopment Plan (MRA)

Responses in this section must explain how the requested zone change applies to the MRA.

The majority of the responses to the strategies in this section don't apply to a zoning map amendment. A response based on the MRA isn't required but since the subject site is in an MRA responses based on the zone change are accepted.

From: [Metzgar, Angelo D.](#)
To: [Steele, William J.](#)
Subject: RE: 820 Kent Ave - Code Violations
Date: Tuesday, May 7, 2024 12:55:20 PM

The only complaint I found was an email on November 1, 2023, to codeenforcement@cabq.gov reporting a possible “zoning complaint” not a nuisance. After conducting an investigation and at least three (3) site visits, no violations were observed.

Our records indicate there is not and hasn’t been any code enforcement violations for zoning or nuisance. Please let me know if you have any questions. Thank you

Sincerely,



ANGELO D. METZGAR
code compliance manager
o 505.924.3301
e ametzgar@cabq.gov
cabq.gov/planning

From: Steele, William J. <wsteele@cabq.gov>
Sent: Tuesday, May 7, 2024 12:21 PM
To: Metzgar, Angelo D. <ametzgar@cabq.gov>
Subject: 820 Kent Ave - Code Violations

Hello Angelo,

It was great chatting with you.

As mentioned, I am working on my staff report to submit to EPC for a Zone Map Amendment for 820 Kent Avenue NW. I have to get the final draft of the report to James by the end of the day for his review.

I wanted to know if there were any code violations for 820 Kent Avenue NW within the last two or three years. The owners are Eric Carson and Kristin Shiplet.

Their next door neighbors at 216 9TH ST NW, just sent me a letter in opposition to the zone map amendment and said that they “filed the nuisance complaint with the City in November 2023 that led the City to shut down the non-permitted “Old Walls Gallery” in the first place.”

I want to verify that there is a nuisance or some type of code enforcement violation on record with the City.

I appreciate your help. Thanks!

William



William Steele

Planner

Current Planning | UD&D

o 505.924.3349

e wsteele@cabq.gov

cabq.gov/planning

NOTIFICATION

R820 KENT AVE NW_Public Notice Inquiry Sheet Submission

From (senders in message print header) Sylvan, Christopher <csylvan@cabq.gov>
 To ericcarson@protonmail.com
 CC Office of Neighborhood Coordination <onc@cabq.gov>
 Date Monday, December 18th, 2023 at 3:26 PM

PLEASE NOTE:

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

Dear Applicant:

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

Association Name	First Name	Last Name	Email	Address Line 1	City	State	Zip	Mobile Phone
Downtown Neighborhoods Association	Glen	Salas	treasurer@abqdna.com	901 Roma Avenue NW	Albuquerque	NM	87102	3013679830
Downtown Neighborhoods Association	Danny	Senn	chair@abqdna.com	506 12th Street NW	Albuquerque	NM	87102	5058507700

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

Please note the following:

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

If your application requires you to offer a neighborhood meeting, you can click on this link to find required forms to use in your e-mail to the neighborhood association(s):

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

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

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

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

Thank you.

Chris Sylvan

Neighborhood Liaison

Office of Neighborhood Coordination

Albuquerque City Council

(505) 768-3105 Office

(505) 218-0579 Cell

csylvan@cabq.gov

cabq.gov/council



From: webmaster@cabq.gov <webmaster@cabq.gov>
Sent: Monday, December 18, 2023 12:46 PM
To: Office of Neighborhood Coordination <ericcarson@protonmail.com>
Cc: Office of Neighborhood Coordination <onc@cabq.gov>
Subject: Public Notice Inquiry Sheet Submission

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

Public Notice Inquiry For:

Environmental Planning Commission

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

Zone Map Ammendment

Contact Name

Eric Carson

Telephone Number

2069488238

Email Address

ericcarson@protonmail.com

Company Name

Company Address

820 KENT AVE NW

City

ALBUQUERQUE

State

NM

ZIP

87102

Legal description of the subject site for this project:

Physical address of subject site:

820 KENT AVE NW

Subject site cross streets:

8th St NW & Kent Ave NW

Other subject site identifiers:

This site is located on the following zone atlas page:

J-13-Z

Captcha

x

16.67 KB 3 embedded images

image001.png 13.02 KB
image002.png 1.14 KB
image003.png 2.51 KB

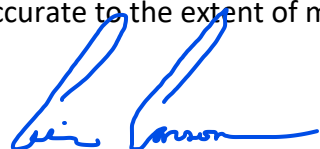


**OFFICIAL PUBLIC NOTIFICATION FORM
FOR MAILED OR ELECTRONIC MAIL NOTICE
CITY OF ALBUQUERQUE PLANNING DEPARTMENT**



PART I - PROCESS	
Use Table 6-1-1 in the Integrated Development Ordinance (IDO) to answer the following:	
Application Type:	Zoning Map Amendment
Decision-making Body:	EPC
Pre-Application meeting required:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Neighborhood meeting required:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Offer of meeting required.
Mailed Notice required:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Electronic Mail required:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Is this a Site Plan Application:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Note: if yes, see second page
PART II – DETAILS OF REQUEST	
Address of property listed in application:	820 Kent Ave NW
Name of property owner:	Eric Carson & Kristin Shiplet
Name of applicant:	Eric Carson & Kristin Shiplet
Date, time, and place of public meeting or hearing, if applicable:	March 21, 2024 8:40am 600 2nd Street NW ABQ, NM 87102
Address, phone number, or website for additional information:	505 508-5710
PART III - ATTACHMENTS REQUIRED WITH THIS NOTICE	
<input checked="" type="checkbox"/> Zone Atlas page indicating subject property.	
<input type="checkbox"/> Drawings, elevations, or other illustrations of this request.	
<input type="checkbox"/> Summary of pre-submittal neighborhood meeting, if applicable.	
<input checked="" type="checkbox"/> Summary of request, including explanations of deviations, variances, or waivers.	
IMPORTANT: PUBLIC NOTICE MUST BE MADE IN A TIMELY MANNER PURSUANT TO SUBSECTION 14-16-6-4(K) OF THE INTEGRATED DEVELOPMENT ORDINANCE (IDO). PROOF OF NOTICE WITH ALL REQUIRED ATTACHMENTS MUST BE PRESENTED UPON APPLICATION.	

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

 _____ (Applicant signature) 12/22/2023 _____ (Date)

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



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



PART IV – ATTACHMENTS REQUIRED FOR SITE PLAN APPLICATIONS ONLY

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

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

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

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

Date of Request*: 12/22/23

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

Neighborhood Association (NA)*: Downtown Neighborhoods Association

Name of NA Representative*: Danny Senn & Glen Salas

Email Address* or Mailing Address* of NA Representative¹: chair@abqdna.com , treasurer@abqdna.com

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

Email address to respond yes or no: ericcarson@protonmail.com

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

Meeting Date / Time / Location:

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

1. Subject Property Address* 820 Kent Ave NW
Location Description _____
2. Property Owner* Eric Carson & Kristin Shiplet
3. Agent/Applicant* [if applicable] _____
4. Application(s) Type* per IDO [Table 6-1-1](#) [mark all that apply]
 - Conditional Use Approval
 - Permit _____ (Carport or Wall/Fence – Major)
 - Site Plan
 - Subdivision _____ (Minor or Major)

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

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

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

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

Summary of project/request^{3*}:

We are applying for our property to be rezoned to Mixed Use (MX-T) so that we can continue to run our neighborhood art gallery and expand the kinds of exhibitions and events we can host.

5. This type of application will be decided by^{*}: City Staff
- OR at a public meeting or hearing by:
- Zoning Hearing Examiner (ZHE) Development Review Board (DRB)
 - Landmarks Commission (LC) Environmental Planning Commission (EPC)
 - City Council
6. Where more information about the project can be found^{*4}:
Call 505 508 5710

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

1. Zone Atlas Page(s)^{*5} K-13 , J-13-Z
2. Architectural drawings, elevations of the proposed building(s) or other illustrations of the proposed application, as relevant^{*}: Attached to notice or provided via website noted above
3. The following exceptions to IDO standards will be requested for this project^{*}:
 - Deviation(s) Variance(s) Waiver(s)

Explanation:

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

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

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

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

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

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

Additional Information:

1. From the IDO Zoning Map⁶:
- a. Area of Property [typically in acres] _____
 - b. IDO Zone District _____
 - c. Overlay Zone(s) [if applicable] _____
 - d. Center or Corridor Area [if applicable] _____
2. Current Land Use(s) [vacant, if none] _____
- _____

Useful Links

Integrated Development Ordinance (IDO):

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

IDO Interactive Map

<https://tinyurl.com/IDOzoningmap>

Cc: _____ [Other Neighborhood Associations, if any]

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

Neighborhood Association meeting offer

From ericcarson@protonmail.com <ericcarson@protonmail.com>

To chair@abqdna.com, treasurer@abqdna.com

Date Friday, December 22nd, 2023 at 2:41 PM

Dear Mr. Senn & Mr. Salas,

My partner, Kristin, and I opened Old Walls Gallery at 820 Kent Ave NW in June. Since then we have had six exhibitions showcasing neighborhood & ABQ artists. We're humbled to be welcomed so warmly to the downtown neighborhood.

We are contacting you to inform you of our application to rezone our property, 820 Kent Ave NW, to Mixed Use (MX-T). This will allow us to expand the exhibitions and events we offer at Old Walls Gallery. It will allow our gallery to better participate in and serve the downtown and ABQ art community by officially joining the ABQ Artwalk, selling more local art, and giving artists of all backgrounds and career levels the opportunity to exhibit.

As you may know, the gallery is an old schoolhouse/garage that we renovated on our property. We will not be changing the building or property in any way. And are in fact preserving its look and feel. See the attached forms for more information.

If you have any concerns with our application please feel free to email me at ericcarson@protonmail.com, or call me at 206-948-8238.

In accordance with city policies, we are also offering a Neighborhood Association meeting in case there are other concerns. Please let us know at your earliest convenience whether or not you would like to hold a meeting. If so we will work with the city to get one scheduled.

We have truly enjoyed settling into downtown ABQ and look forward to being a part of this community for years to come.

Thank you for your time,
Eric Carson

1.48 MB 5 files attached

NeighborhoodMeetingRequest form FILLED OUT-1.pdf

198.46 KB

NA Summary of Request.pdf

34.71 KB

CABQ-Official_public_notice_form-2019 FILLED OUT (1).pdf
294.44 KB

Copy of _J-13-Z OT-FW 820 Kent.pdf
420.22 KB

IDOZoneAtlasPage_K-13-Z (1).pdf
563.62 KB



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



PART I - PROCESS
Use Table 6-1-1 in the Integrated Development Ordinance (IDO) to answer the following:
Application Type: Zoning Map Amendment
Decision-making Body: EPC
Pre-Application meeting required: [] Yes [X] No
Neighborhood meeting required: [X] Yes [] No Offer of meeting required.
Mailed Notice required: [X] Yes [] No
Electronic Mail required: [X] Yes [] No
Is this a Site Plan Application: [] Yes [X] No Note: if yes, see second page
PART II - DETAILS OF REQUEST
Address of property listed in application: 820 Kent Ave NW
Name of property owner: Eric Carson & Kristin Shiplet
Name of applicant: Eric Carson & Kristin Shiplet
Date, time, and place of public meeting or hearing, if applicable: May 16th, 2024 8:40am
600 2nd Street NW ABQ, NM 87102
Address, phone number, or website for additional information:
505 508-5710
PART III - ATTACHMENTS REQUIRED WITH THIS NOTICE
[X] Zone Atlas page indicating subject property.
[] Drawings, elevations, or other illustrations of this request.
[X] Summary of pre-submittal neighborhood meeting, if applicable.
[X] Summary of request, including explanations of deviations, variances, or waivers.
IMPORTANT: PUBLIC NOTICE MUST BE MADE IN A TIMELY MANNER PURSUANT TO
SUBSECTION 14-16-6-4(K) OF THE INTEGRATED DEVELOPMENT ORDINANCE (IDO).
PROOF OF NOTICE WITH ALL REQUIRED ATTACHMENTS MUST BE PRESENTED UPON
APPLICATION.

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

[Signature] (Applicant signature) 3/27/2024 (Date)

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



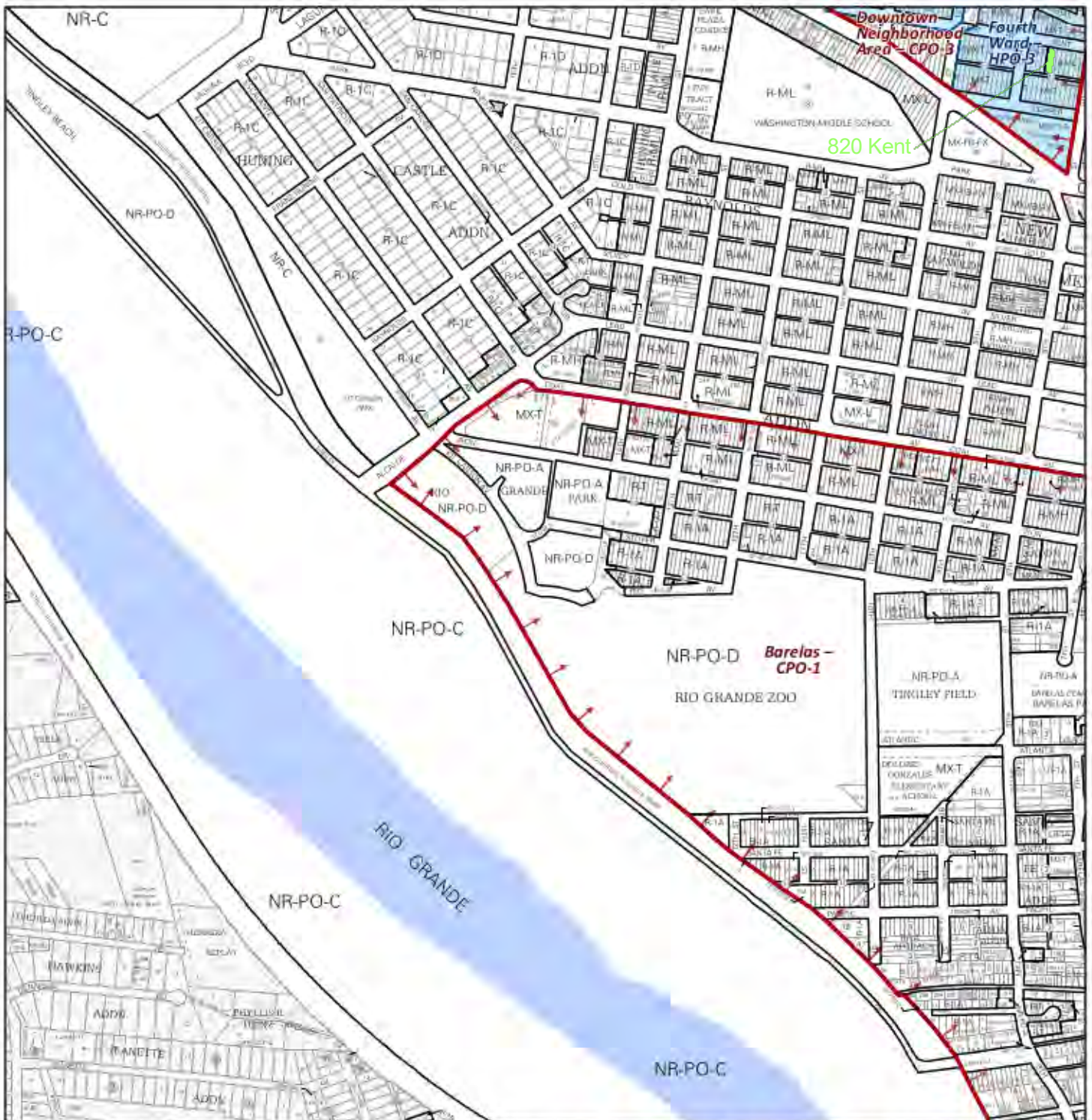
**OFFICIAL PUBLIC NOTIFICATION FORM
FOR MAILED OR ELECTRONIC MAIL NOTICE
CITY OF ALBUQUERQUE PLANNING DEPARTMENT**



PART IV – ATTACHMENTS REQUIRED FOR SITE PLAN APPLICATIONS ONLY

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

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



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

IDO Zone Atlas

May 2018



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



Gray Shading Represents Area Outside of the City Limits

Zone Atlas Page:
K-13-Z

Feet
0 250 500 1,000

03/27/2024

Dear Neighbors,

We are still moving forward with the ZMA described below, but have moved the meeting to the following month and noted the new date below. Thank you to those of you who have expressed your support! We are lucky to have such great neighbors.

We are the owners of 820 Kent Ave NW Albuquerque, NM 87102. We moved into our house March 2022 and have really enjoyed getting to know most of you, and truly love our shared neighborhood among downtown Albuquerque. We are asking the city for a Zoning Map Amendment to change our property from Low Density Residential to Mixed Use zoning. As many of you know, we run Old Walls Gallery out of the old garage on our property which showcases local ABQ art during the first Friday artwalk. This zone change will allow us to continue to serve the ABQ art community.

It is our full intention to maintain neighborly respect with events ending by 8pm and only hosting exhibition openings once a month for ABQ first Friday artwalk. We also plan to be open Saturdays in tandem with the Grower's Market at Robinson Park with minimal operational hours of 10am - 12pm. We are currently closed until the Grower's Market starts up again, but hope you will come visit us at one of our future openings or stop by on a Saturday!

An official public notification form, page from the zone atlas map, and a summary of the pre-submittal meeting are included here.

A public hearing on this request will be held May 16th at 600 2nd St NW Albuquerque, NM 87102 at 8:40am.

For more information call 505-508-5710.

Thank you,
Eric Carson & Kristin Shiplet

ZMA Hearing location clarification

From ericcarson@protonmail.com <ericcarson@protonmail.com>

To chair@abqdna.com, treasurer@abqdna.com

Date Tuesday, April 30th, 2024 at 9:59 AM

Hello Mr. Senn and Mr. Salas,

The city has asked us to clarify the location of the EPC public hearing for our ZMA at 820 Kent Ave NW. It will be held virtually on Zoom, not in person at 600 2nd street as indicated in previous correspondence. The date and time are unchanged: May 16th at 8:40am.

The hearing can be joined using the link below.

- To join online with video: [Zoom Link](https://cabq.zoom.us/j/2269592859#success) (<https://cabq.zoom.us/j/2269592859#success>)
- To call in: 301-715-8592
 - Meeting ID: 226 959 2859

Nothing else about our application has changed.

Thank you,

Eric Carson

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

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

Date of Notice*: 3/27/24

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

Property Owner within 100 feet*: (to be sent to all 14 property owners in the buffer map

Mailing Address*: provided by the city)

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

1. Subject Property Address* 820 Kent Ave NW

Location Description _____

2. Property Owner* Eric Carson & Kristin Shiplet

3. Agent/Applicant* [if applicable] N/A

4. Application(s) Type* per IDO [Table 6-1-1](#) [mark all that apply]

Zoning Map Amendment

Other: _____

Summary of project/request^{1*}:

We are applying for our property to be rezoned to mixed use (MX-T) so we can continue

to run our neighborhood art gallery.

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

Environmental Planning Commission (EPC)

City Council

This application will be first reviewed and recommended by:

Environmental Planning Commission (EPC)

Landmarks Commission (LC)

Not applicable (Zoning Map Amendment – EPC only)

Date/Time*: May 16 2024 at 8:40am

Location*²: 600 2nd Street NW Albuquerque, NM 87102

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

² Physical address or Zoom link

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

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

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

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

[505-508-5710](tel:505-508-5710)

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

1. Zone Atlas Page(s)*⁴ [K-13-Z](#)
2. Architectural drawings, elevations of the proposed building(s) or other illustrations of the proposed application, as relevant*: [Attached to notice or provided via website noted above](#)
3. The following exceptions to IDO standards have been requested for this project*:

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

Explanation*:

[None](#)

4. A Pre-submittal Neighborhood Meeting was required by [Table 6-1-1](#): Yes No

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

[This was a productive, positive meeting. Applicant's proposal was generally well received. All questions and concerns were answered and discussed. There were no signs of impasse or conflict between Applicant and Community Stakeholders. No matters were negotiated or settled. No deliverables were assigned.](#)

[See document included in this mailing for a full meeting summary.](#)

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

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

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

Additional Information:

From the IDO Zoning Map⁵:

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

NOTE: For Zoning Map Amendment – EPC only, pursuant to [IDO Subsection 14-16-6-4\(L\)](#), property owners within 330 feet and Neighborhood Associations within 660 feet may request a post-submittal facilitated meeting. If requested at least 15 calendar days before the public hearing date noted above, the facilitated meeting will be required. To request a facilitated meeting regarding this project, contact the Planning Department at devhelp@cabq.gov or 505-924-3955.

Useful Links

Integrated Development Ordinance (IDO):

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

IDO Interactive Map

<https://tinyurl.com/IDOzoningmap>

⁵ Available here: <https://tinurl.com/idozoningmap>

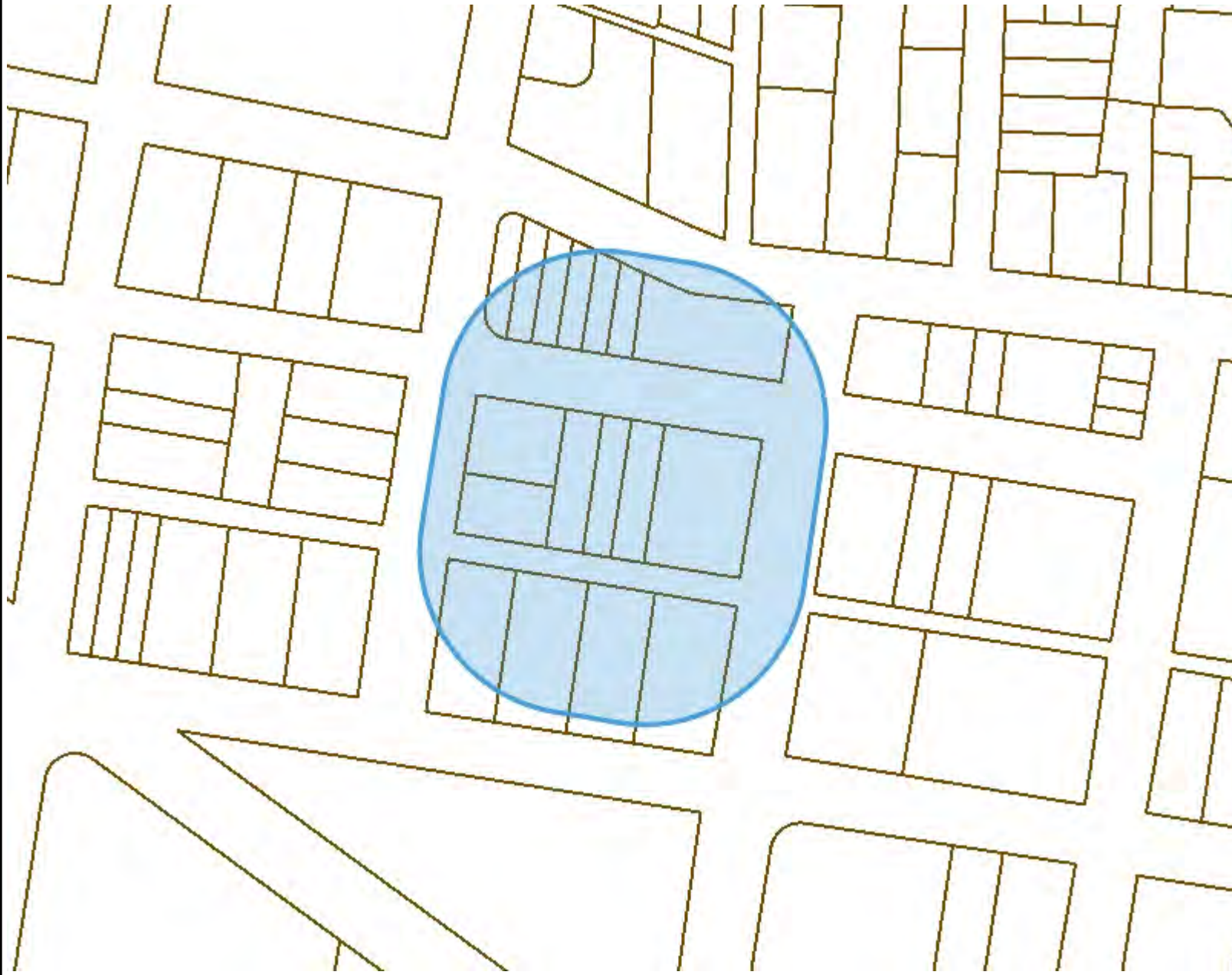


820 Kent Ave NW



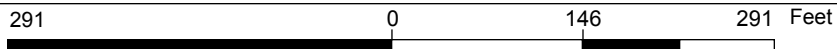
Legend

□ Bernalillo County Parcels



Notes

Buffer: 160 Ft.
ROW: Kent Ave NW; 60 Ft.



WGS_1984_Web_Mercator_Auxiliary_Sphere
2/8/2024 © City of Albuquerque

1: 1,748

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

THIS MAP IS NOT TO BE USED FOR NAVIGATION

FINE JOSEPH M & ANTOINETTE R
220 9TH ST NW
ALBUQUERQUE NM 87102

~~COUNTY OF BERNALILLO
1 CIVIC PLAZA NW
ALBUQUERQUE NM 87102-2109~~

LIAGHAT MARILYN J
818 KENT AVE NW
ALBUQUERQUE NM 87102

BACON ROBERT J & BACON CARRIE
SHANNON
516 SOLANO DR NE
ALBUQUERQUE NM 87108-1048

~~BERNALILLO COUNTY
1 CIVIC PLAZA NW
ALBUQUERQUE NM 87102-2109~~

~~CARSON ERIC & SHIPLET KRISTIN
820 KENT AVE NW
ALBUQUERQUE NM 87102-3032~~

FOX NATHAN ARI
216 9TH ST NW
ALBUQUERQUE NM 87102

COUNTY OF BERNALILLO
1 CIVIC PLAZA NW
ALBUQUERQUE NM 87102-2109

RICHARDS CLEON FENTON JR
816 KENT AVE NW
ALBUQUERQUE NM 87102-3032

BERNALILLO COUNTY
1 CIVIC PLAZA NW
ALBUQUERQUE NM 87102-2109

WOLBER ANDREW J & ELIZABETH F
832 TIJERAS AVE NW
ALBUQUERQUE NM 87102-3172

BURMEISTER KATHLEEN
2700 CORTE MIRABEL RD NW
ALBUQUERQUE NM 87104-1827

DEBLASSIE JOSEPH D II & DEBLASSIE
JOSEPH D & CYNTHIA M
840 TIJERAS AVE NW
ALBUQUERQUE NM 87102-3142

SAYERS DAVID & SAYERS JAMES R &
PAULA H
844 TIJERAS AVE NW
ALBUQUERQUE NM 87102-0000

RISLEY MASON JAMES
527 S TRENTON AVE
PITTSBURGH PA 15221-3241

302 8TH STREET LLC
8830 HORIZON BLVD NE
ALBUQUERQUE NM 87113-1689

RIVERA ROBERT L & VICENTITA
TRUSTEES RIVERA LVT
PO BOX 1223
ABIQUIU NM 87510-1223

04/29/2024

Dear Neighbors,

We wanted to clarify that the public hearing for our property's ZMA request will be virtual, rather than in-person at 600 2nd St NW Albuquerque, NM as previously stated in our earlier letters to you.

The public hearing will be held on May 16th at 8:40 am and can be joined by video via a Zoom Link accessed via this [Zoom Link](https://cabq.zoom.us/j/2269592859#success) (<https://cabq.zoom.us/j/2269592859#success>). You may call in by dialing 301-715-8592 and providing this Meeting ID: 226 959 2859.

Thank you,
Eric Carson & Kristin Shiplet
820 Kent Ave NW

SIGN POSTING AGREEMENT

REQUIREMENTS

POSTING SIGNS ANNOUNCING PUBLIC HEARINGS

All persons making application to the City under the requirements and procedures established by the City Zoning Code or Subdivision Ordinance are responsible for the posting and maintaining of one or more signs on the property which the application describes. Vacations of public rights-of-way (if the way has been in use) also require signs. Waterproof signs are provided at the time of application. If the application is mailed, you must still stop at the Development Services Front Counter to pick up the sign.

The applicant is responsible for ensuring that the signs remain posted throughout the 15-day period prior to public hearing. Failure to maintain the signs during this entire period may be cause for deferral or denial of the application. Replacement signs for those lost or damaged are available from the Development Services Front Counter at a charge of \$3.75 each.

1. LOCATION

- A. The sign shall be conspicuously located. It shall be located within twenty feet of the public sidewalk (or edge of public street). Staff may indicate a specific location.
- B. The face of the sign shall be parallel to the street, and the bottom of the sign shall be at least two feet from the ground.
- C. No barrier shall prevent a person from coming within five feet of the sign to read it.

2. NUMBER

- A. One sign shall be posted on each paved street frontage. Signs may be required on unpaved street frontages.
- B. If the land does not abut a public street, then, in addition to a sign placed on the property, a sign shall be placed on and at the edge of the public right-of-way of the nearest paved City street. Such a sign must direct readers toward the subject property by an arrow and an indication of distance.

3. PHYSICAL POSTING

- A. A heavy stake with two crossbars or a full plywood backing works best to keep the sign in place, especially during high winds.
- B. Large headed nails or staples are best for attaching signs to a post or backing; the sign tears out less easily.

4. TIME

Signs must be posted from May 1 2024 To May 31 2024

5. REMOVAL

- A. The sign is not to be removed before the initial hearing on the request.
- B. The sign should be removed within five (5) days after the initial hearing.

I have read this sheet and discussed it with the Development Services Front Counter Staff. I understand (A) my obligation to keep the sign(s) posted for (15) days and (B) where the sign(s) are to be located. I am being given a copy of this sheet.

Eric Carson
(Applicant or Agent)

3/27/2024
(Date)

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

PROJECT NUMBER: _____

REQUEST

ZONE MAP AMENDMENT - EPC
FROM R-ML TO MX-T

The City of Albuquerque Environmental Planning Commission will hold a public hearing via Zoom - (https://cabq.zoom.us/j/2269592859#success), on May 16, 2024 at 8:30 AM. All Persons have a right to appear at such a hearing. For information on this case or other instructions on filing written comments, call the Planning Department at (505) 924-3860 or contact the applicant.

Required to be posted from May 1, 2024 to May 30, 2024
by Eric Carson + Kristin Shiplet 505-508-5710
applicant/agent phone

REFER TO FILE# RZ-2024-00022

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

REQUEST

ZONE MAP AMENDMENT - EPC
FROM R-ML TO MX-T

The City of Albuquerque Environmental Planning Commission will hold a public hearing via Zoom - (https://cabq.zoom.us/j/2269592859#success), on May 16, 2024 at 8:30 AM. All Persons have a right to appear at such a hearing. For information on this case or other instructions on filing written comments, call the Planning Department at (505) 924-3860 or contact the applicant.

Required to be posted from May 1, 2024 to May 30, 2024
by Eric Carson + Kristin Shiple 505-508-5710
applicant/agent phone

REFER TO FILE# RZ-2024-00022

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

FACILITATED MEETING REPORT

Pre-Application Meeting Report CABQ ADR Office

Project #: tbd

Property Description: 820 Kent Ave NW, 87102

Date Submitted: January 16, 2024

Submitted By: Tyson Hummell

Meeting Date/Time: January 8, 2024 6:00-7:00 pm

Meeting Location: Lew Wallace Elementary School

Facilitator: Tyson Hummell

Applicants / Agent: Eric Carson

Community Stakeholders: Downtown Neighborhood Association

Background/Meeting Summary:

This pre-application meeting was requested by Community Stakeholders (Downtown Neighborhood Association) and Applicant (Eric Carson). Meeting purpose was to introduce a proposed change in Zoning designation (MX-T) for the subject property. If adopted, this would allow Applicant to expand the scope and scale of their Art Gallery business. Please see Application File for specific details.

Applicant presented a comprehensive overview; specifically including:

1. How new Zoning designation would benefit their existing business model.
2. Potential benefits and impacts to the Community.
3. Applicant's adherence to IDO, HPO, Comprehensive Plan and overall character of the Community.
4. Proposed actions to mitigate or eliminate any negative impacts regarding parking, noise and Community aesthetics.

Community Stakeholders had questions regarding:

1. Hours of operation.
2. Event hosting capacity.
3. Event hosting noise impacts.
4. Parking.

Outcome:

This was a productive, positive meeting. Applicant's proposal was generally well received. All questions and concerns were answered and discussed. There were no signs of impasse or conflict between Applicant and Community Stakeholders. No matters were negotiated or settled. No deliverables were assigned.

Minutes of January 8, 2024 meeting on Mon, Jan 08 2024

Summary of Matters Arising

Decisions

Item Decision

1. Corine moved and all 4 members approved
2. Silvia moved to approve report seconded by Corine and all approved.
4. \$15 in advance and \$20 at the door or May 1st deadline - \$50 gift certificate to Duran's for thank you gift to homeowners
6. Annual meeting March 21 6 PM. all in favor and approved

Tasks

Item	Task	Assigned to	Due date
4.	write or get article to The journal for the Home Tour	Glen Salas	Fri, Jan 12 2024
6.	does Glen have the contact for Fusion for annual mtg March 21?	Glen Salas	Fri, Jan 12 2024
9.	create new Facebook account for DNA	Corine Leger	Fri, Jan 12 2024

Downtown Neighborhoods Association



January 8, 2024 meeting

DNA'S first meeting of the year

New Meeting place, see address above. Room #104

When Mon, Jan 08 2024 at 5:30 PM

Location: Lew Wallace Elementary School, 513 6th St NW, Albuquerque, NM 87102, USA

Chairperson Danny Senn

Minute taker Trudi Wieduwilt

Present Karen Foss , Corine Leger , Trudi Wieduwilt (Secretary)

Minutes

1. Review and approve November meeting minutes

Danny, Trudi, Corine, and Karen in attendance so we have a quorum

Silvia Hogan 15th Marble - New board member!!

Decision

Corine moved and all 4 members approved

2. Review and approve Treasurers Report

Decision

Silvia moved to approve report seconded by Corine and all approved.

8. **New Board Members Needed**

Silvia Holguin volunteered to be a new board member!

9. **Facebook and Instagram Update**

There is a snafu with this. currently cannot get them linked to create an Instagram account

Tasks

- ✓ create new Facebook account for DNA
Assignee: Corine Leger
Due date: Fri, Jan 12 2024

10. **Update on Book Sales**

Albuquerque Art Museum said they might be interested in selling them. Karen will update us when she talks to the main person in charge of merchandising.

11. **Tidy HQ System**

Glen will follow up with this. We are wondering why we have problems this year when didn't seem like their were problems last year.

*End of minutes.
Summary of matters arising are tabled on the following page.*

[Karen Foss- karenfoss4@gmail.com](mailto:karenfoss4@gmail.com)

[Corine Leger- leger.corine@gmail.com](mailto:leger.corine@gmail.com)

[Trudi Wieduwilt- vonweiduwilt@icloud.com](mailto:vonweiduwilt@icloud.com)

[Sylvia Hogan- sylvia4quality@gmail.com](mailto:sylvia4quality@gmail.com)

[Melanie Lewis- melanie.lewis@aps.edu](mailto:melanie.lewis@aps.edu)

3. **Eric/Old Walls Gallery update**

Looking for approval from city to rezone as mixed use transitional from home. Fine Law firm and many buildings around are already mixed use transitional. Not changing anything on the property. The garage was an old school house. He and his wife Kristen have been running it as a home business with minimal hours. 10 to noon Saturdays during Growers Market and artwork until 8, low volume up to 5 decibels (6 if approved)

hello@oldwallsgallery.com

4. **Update Home Tour Tasks**

Trudi will send out letters to get the information for the brochures.

Thank you for home owners opening their homes - \$50 gift certificate to Duran's

Decision

\$15 in advance and \$20 at the door or May 1st deadline - \$50 gift certificate to Duran's for thank you gift to homeowners

Tasks

- write or get article to The journal for the Home Tour
Assignee: Glen Salas
Due date: Fri, Jan 12 2024

5. **Choose dates for DNA 2024 board meeting**

first Monday of each month. Danny will book the room for each month this year except for July and December. It is \$30 per meeting for insurance.

6. **Choose dates and location for annual board meeting**

March 21, 2024 6 PM

Fusion?

Who do we want to have? Peter from DAN

Decision

Annual meeting March 21 6 PM. all in favor and approved

Tasks

- does Glen have the contact for Fusion for annual mtg March 21?
Assignee: Glen Salas
Due date: Fri, Jan 12 2024

7. **DNA Button Update**

We have Buttons!! great!

LETTERS OF OPPOSITION

May 5, 2024

Re: File # RZ-2024-00022

820 Kent Ave NW

Albuquerque, NM 87102

Property Owners Eric Carson and Kristin Shiplet

ZONING MAP AMMENDMENT (Hearing May 16, 2024 8:40am via zoom)

Dear Zoning Board of the City of Albuquerque,

Introduction

I want to thank you for the opportunity to express my concerns and dissent to the proposed Zoning Map Amendment. I own the J.E. Saint House, which is on the National and State Registries as a protected Historic property. My property is adjacent to the above property requesting MX-T status.

Both as a private resident and a former member of the Downtown Neighborhood Association Board, I have worked to improve the safety, use, and quality of life in our neighborhood for the twenty one years I have owned my house. Needless to say, restoring and preserving our Historic property is a main focus of our lives and thanks to our efforts, the neighborhood is now a lovely, safer place to live.

When Mayor Chavez was in office, with the assistance of Senator Jerry Ortiz Y Pino and Representative Rick Mierra, my partner and I researched the history of Robinson Park and procured funding from Governor Richardson for the re-design. My partner and I personally drew up the plans the City used to renovate the City's oldest park. This is one example of our passion to ensure this neighborhood is a good as it can be for everyone.

Reasons to deny the application

I filed the nuisance complaint with the City in November 2023 that led the City to shut down the non-permitted "Old Walls Gallery" in the first place. My house has a second floor balcony from which we observed much of the behavior recorded below. I have a copy of our text conversations to validate the dates I discuss.

As I will demonstrate, there is no reason to say yes to this amendment and numerous logical reasons to say no. In fact, since the applicants now appear capable submitting a complete application for a zoning amendment, it begs the question –Why did they chose to run a non-permitted "business" for 18 or so months? In my previous experience on the DNA Board, the City of Albuquerque Zoning Board frowns upon residents doing whatever they want with their property (additions, running a business etc.) and only applying for the permitted right to do said project once they have been caught.

THIS IS NOT A PRECEDENT YOU WANT TO SET.

Initial Impression of Proposed Gallery and Owners

On May 15, 2022 we invited the applicants to our house, to be good neighbors, and they told us they planned to run an art gallery out of their garage – as I recall, they said it would be open only during the Farmer’s Market seasonally on Saturday mornings. At that time we were supportive. We thought it would be a good addition to the neighborhood.

It NEVER occurred to me that the property was not zoned for this purpose, that they knew it was not zoned and thus could not get a business license. In the ensuing 18 months of running their “art gallery,” open to the public, these individuals repeatedly demonstrated a consistent *inability or unwillingness* to follow the City ordinances by getting a business license; thus by definition they appear to have violated the State (NMGR) and Federal laws (IRS) established for operation of a business. The legal aspects of not paying taxes (if that is the case) are not for us to address but appears to be a pattern of irresponsible behavior.

On August 16, 2022, to show my support initially, I forwarded Mr. Carson email information about the Albuquerque Urban Art Fund. Like anyone first hearing about the idea of a local art gallery, and not knowing the behavior of the applicants, I thought the gallery would be fine. Mr. Carson never responded to my email but said in person that he wanted to do it all himself so he wasn’t interested in help from the City. Now we know why he appeared evasive about getting the City involved.

Observations of the “art gallery” in operation

For the approximately 18 months that “Old Walls Gallery” was in operation we observed the following behavior:

1. The applicants placed stickers with their gallery name over the MRCOG PARKING ONLY signs (apparently at that time without permission from MRCOG).
2. They put stalls in the alleyway in front of their garage fully blocking the alleyway to emergency vehicles.
3. The music for their outdoor concerts was so loud **it repeatedly rattled the windows of our house** and could be heard even when I was indoors, with the doors and windows shut and wearing head phones! Imagine how much worse it was for the elderly neighbors on the east side of 820 Kent Ave?
4. Their friends/customers tossed cigarette butts and trash over the fence into our yard.
5. With the exception of the first gallery opening, 90% of the concert goers appeared to be their personal friends as the same faces showed up for their personal parties.
6. They started to have these loud concerts twice a month, even though they stated it would only be once a month:

I wrote on 9/8/2023 6:56:29 PM: *“Hi guys! We didn't expect another backyard concert this weekend. Please consider turning it down. The music is fine but too loud if I can hear it inside with the doors and windows shut. Thank you.”* Ms. Shiplet texted: *“We know it's more than*

once a month. We got thrown off by First Friday being moved a week... music will be done by 8 pm, and I'll ask him to turn it down." It was not notably quieter that night.

7. On occasion I saw people walk up the alleyway during Farmer's Market, ostensibly to visit the gallery. I never once saw anyone leave with art in hand – if sales were made it was not apparent. In other words, the neighborhood had a chance to benefit from this alleged service and few seem to have done so – not for lack of marketing – rather for lack of apparent interest.

8. At each outdoor concert we saw and smelled copious amounts of alcohol and marijuana being distributed to their "customers." Even if they were zoned for business is that legal?

Message received from 2069488238 8/4/2023 5:32:02 PM "We're having another opening tonight and the band will play till 830. Hope it's not too loud. If you want to come brave the what we've got some Cloudwalker to smoke."

In fact, having observed them in operation, it appears their main goal is to have OUTDOOR CONCERT VENUE – essentially a party house for their friends. The neighborhood had sufficient time to show their support for the gallery. And did the presence of this "art gallery" improve the lives of anyone? I argue the opposite is true. Left to their own devices the owners simply created a nuisance due to their repeated noise, parking and trash violations.

Conclusions to draw from our observations

The point of sharing these observations is simple: Mr. Carson and Ms. Shiplet have repeatedly said one thing and done another: "just open during the market" "just once a month" etc. etc. How can the City grant an exception that will permanently change the nature of our Protected and Historic overlay to individuals who do not appear to have the *ability and/or willingness* to do what they say – and to do what is required of them by the City unless they are caught and compelled to comply?

If an individual knows better and chooses to do the wrong thing, how can that person be trusted to do the right thing? In a healthy City, residents follow the rules, respect their neighbors and take responsibility for their actions. The applicants for this Zoning Amendment appear to have demonstrated they do not care for the City's rules and are apparently not interested in anyone's needs but their own.

Further evidence of applicant's behavior indicating a lack responsibility sufficient to own a business

Please bear with me as the remainder of this letter outlines the interpersonal situation that evolved between my partner and I and the owners of 820 Kent Ave. It is relevant as it underscores my points that the applicants are either intentionally deceitful or can't be relied upon to do what they say. Furthermore it shows they seem to have no respect for the rights, needs and feelings of other people.

During the week of April 16, 2023 the applicants overwatered their trumpet vine on the east side of our 115 year old brick Carriage House. The water flooded into the living space of this

building. My partner and I were extremely kind about this violation: we gave them a watering stick (which they do not appear to be using) and we ultimately agreed not to use dry lock at that time to repair the wall because Ms. Shiplet begged us not to. At that time she promised they would either use drip lines, line the garden with plastic, use planters or move the flower garden to protect our wall.

As of May 5, 2024 I have photographic evidence that they are still overwatering the garden to the extreme that the west edge of the small garden is so eroded from water pressure that the soil and water simply flow out of the garden toward our foundation. In other words, nothing was done as promised to protect our foundation.

During the weeks leading to October 14, 2023 - after a summer of their noise, traffic, trash and ongoing disrespect for the neighborhood, I began to suspect they did not have the right to run a business.

NOTE: the ABQ 311 app shows other neighbors reported the owners of 820 Kent Ave for their nearly nightly use of fireworks after 10pm in the dry, hot summer of 2023. The Fire Department was informed.

Confirmation the “gallery” was not a permitted business

One week, prior to 10/14/23, Mr. Eric Carson’s father, Paul, came to NM from Washington State, I believe, to apparently supervise the pouring of a concrete parking pad/floor for their outdoor concert venue. I saw no evidence of a permit for the concrete pad. I did see that they had nailed the form for the concrete pad to my wooden fence, without my permission and with no expansion joint which will eventually doom the fence. Their workers also poured the excess concrete on a cactus I had planted on the south side of my property, killing the cactus.

I spoke to the applicants’ father, Paul, and if I recall, he told me *“You are such good neighbors, most people would not put up with what they are trying to do here.”* I told him how bad the noise violations were and then I suspected...everyone in this family seems to know they are trying to get away with violating the City’s ordinances. Why else would his father say that?

On October 14, 2023 I entered the “Old Walls Gallery” to look for a Certificate of Occupancy. I did not see one. Instead I saw that a very disturbing and disrespectful image that had been painted on the side of my Carriage House. It appeared to be an image of Jesus made out of rocks, falling backward into the Carriage House. I had previously told them, regarding their query if they could paint on the Carriage House, *“I don’t know, maybe you can paint flowers or something we agree upon.”*

Apparently these applicants **hear what they want and do what they want**, as they insisted I gave them the right to paint on the Carriage House, that the City supported this right when they called the City and furthermore that the image was in honor of Ms. Shiplet’s deceased mother. REALLY? This was the final straw. How many boundary violations does one need to put with? I did NOT give them permission to graffiti on my wall. They didn’t ask me for permission, apparently they just did what they felt like doing to my Historic property. But apparently they didn’t feel good enough to show it to me like they did many other pictures in their yard.

At that point I contacted the City to find out if they could tell me who owned the wall as Downtown walls can be property boundaries. I was promptly told to contact Estevan Sanchez who is a Business Registration Specialist for the City. He told me that no business named “Old Walls Gallery” was registered and that the property was not, and maybe could not be zoned for business.

In the following weeks the City did their job and shut down the “Old Walls Gallery.”

I believe it was November 3, 2023 when the applicants proceeded with a planned gallery event that may have been only open to friends by that time (it had been advertised to the public) because I overheard Mr. Eric Carson tell a friend who inquired why couldn't park in MRCOG parking any longer, *“Yeah, we have to play by the rules now thanks to those F*ckers!”* as he tossed his head over the fence to where my partner and I were sitting in our back yard.

Numerous times since then Mr. Carson has glared menacingly over the fence at me. He has leaned over the fence to our yard in an aggressive manner. It seems that he goes out of his way to “mad dog” me while I have merely waved at them, or ignore them as I do now. Considering we once heard him say he would “stomp” any cat in his yard and eventually appears to have done something when he was in his yard with his dog to cause the stray cat that had been sleeping in the yard to *scream* and flee, because cats don't make that sound when merely surprised – I hope my cats, my partner and I are safe by lodging this dissent that is part of the public record.

Further indication of behavior not warranting a permanent Zoning amendment

When a person does the wrong thing, gets caught then blames the person who catches him, instead of taking responsibility for his *inability or unwillingness* to follow the laws, we don't reward this person by giving them what they want in the end. Had they wanted a business license, they would have put in the work initially to have one. They would not even clean up their dog poop piling up next to the fence and garden without telling us *to tell them* when to clean it up?! How is that *“neighborly respect?”* Remember, we were on good terms at that point.

In order to resolve the ownership of the Carriage House wall I hired a Boundary Survey. It shows I own the wall and .3 ft in front of the wall. On March 1, 2024 the survey was completed. Mr. Eric Carson stood on his side of the fence and listened to the results. He immediately put a fence on his property to east of the Carriage House, preventing me from getting easy access to the damaged wall even though they promised us we could have access on November 3, 2023 when they told us via text: *“... we would like to work with you, again, to ensure that the wall is intact and functional for your needs, while maintaining a paint color and/or mural that fits in with our yard's aesthetic. Thank you for respecting this and working with us as neighbors. We ask that any further entry by you or your contractors onto our property be agreed to in advance and in writing.”*

I had explained to Eric calmly at the outset of his fence construction that: we had the right to repair the 2 inch cracks in our wall caused by their trumpet vine embedding itself in the wall;

that we wanted to stucco and paint the wall to match the rest of the Carriage House and that we wanted to put in a French drain in to prevent their overwatering from further damaging our property. He refused to speak to me. At the conclusion of him building the fence, the same day, I stood on the Carriage House (the only way to see the whole wall of the CH from my property) and told them it was “silly” to build this fence considering that if further damage occurs to my property based on their behavior, they may be legally responsible for it – all I wanted was to repair the wall and lay a French drain on my .3 ft of land east of the Carriage House wall. It strikes me that putting up a fence that prevents us from the full repair of the wall is some form of petty revenge. Who thinks that is responsible behavior? See attached photo of damage to my Carriage House wall.

Conclusion

Why would the City of Albuquerque reward these applicants who appear to have repeatedly demonstrated an attitude of disregard for the law, disrespect for peace and quiet, and disrespect for the properties of others; and are currently preventing me from satisfactorily repairing and persevering my Historic building while they pour water on its foundation? What have they done to warrant a Zoning amendment?

I would hazard a guess that if the “Community Stakeholders: Downtown Neighborhood Association” who allegedly met on January 8, 2023, knew the full extent of this issue and the longstanding behavior of the applicants, there would likely be much less alleged support for this Zoning Amendment. After all, if the amendment passes and these applicants move, will the DNA still support the hair salon, predatory loan office, or whatever other business decides to move in? I doubt it. If this exception is granted there is no telling what these applicants or others will do with the space. It is a game of dominos with the resulting downfall of our primarily residential neighborhood becoming commercial properties. Is that what the City wants for our neighborhood?

Possible consequences of granting this amendment

My final concern is simple: IF the Zoning Board ignores this documented history and our legitimate concerns and grants the permanent Zoning amendment to 820 Kent Ave NW: WHO WILL BE RESPONSIBLE FOR ENSURING THE OWNERS OF “OLD WALLS GALLERY” WILL **NOW** FOLLOW THE LAW and ORDINANCES? It would be naïve to think the applicants will monitor themselves now, after refusing to be in compliance for nearly two years. Based on their treatment of the neighborhood thus far, there is no logic in that hope.

In order to answer this question I called 311 and was told that because Zoning enforcement is not available after hours and weekends – the very hours they want to run their Outdoor Concert Venue/Gallery - I am advised to call the police for every suspected violation or illegal activity. I was further advised by another party that the City now asks residents to use cameras to film the activities of their neighbors if a complaint has been filed against the neighbor. IF the Zoning Board grants this exception, the City does not want the liability of placing an undue burden on its residents to keep our neighbors in compliance with City laws and ordinances. THAT IS ANOTHER PRECEDENT YOU DON'T WANT TO SET.

As I pointed out, if the applicants don't think the rules apply to them how will City ensure the peace and safety of our family, let alone the neighborhood?

Say NO

You have a simple decision to make. We have given you sufficient cause to say NO. Do the right thing and shut this application down immediately. There appears to be a pattern of behavior that indicates that the owners of 820 Kent Ave NW don't follow the regulations required to run a business. Further examples are the often enough malfunctioning sump pump in their basement that leaks noxious sewer gases into the neighborhood. Furthermore, it appears that black mold or some other fungus is growing on their roof as they are missing over 30 shingles on one side and with every strong gust of wind more seem to fly away. These last points may appear unnecessary to outline but they remind us all that it *is hard work to be responsible for a house, let alone a business in which you are tasked with the responsibility of protecting strangers who use your business.* If you block the alleyway, rattle the neighbor's windows with noise, give out drugs and alcohol apparently to whoever visits your shop *and* you let your own house reek of sewer gases, how responsible are you?

Mr. Carson and Ms. Shiplet have not sufficiently proven they have the ability to be responsible. In fact the initial letter they sent us mailed February 5, 2024 said, "A public hearing on this request will be held March 21st at **200** 2nd St. NW..." Was this typo in the address for the hearing intentional deceit or just further proof that they do not appear to be *capable or responsible* enough to run a business? If that hearing had occurred I would have gone to the wrong place, if I didn't know better, as I have attended a number of Zoning board meetings in the past.

Finally consider what they wrote in their letter with their application dated 3/27/2024, "*It is our full intention to maintain neighborly respect with events ending by 8pm and only hosting exhibition openings once a month for ABQ first Friday artwalk.*"

What does this statement mean? As I have demonstrated, it appears that what the applicants say and what they do are apparently not the same thing. I would argue based on my observations and experience that "full intention" doesn't mean anything from these applicants. Apparently they do whatever they want, however they please, regardless of who it negatively affects. Who could logically guarantee they can be trusted at this point?

Please don't put our neighborhood at further risk by granting this Zoning amendment. Thank you for your time and interest in my concerns,

Nathan Fox

Nathan Fox

Owner of J.E. Saint House

216 9th St. NW 87102



May 5, 2024

Re: #RZ-2024-00022

820 Kent Ave NW

Albuquerque, NM 87102

Property Owners Eric Carson and Kristin Shiplet

ZONING MAP AMMENDMENT (Hearing May 16, 2024 8:40am via Zoom)

Letter to City Planning

Dear Zoning Board of Albuquerque;

Changing the zoning status of 820 Kent will irreversibly and negatively change the character of this section of the Historical Overlay.

1. Existing Issues

In early 2002 when we moved in to our property (216 9th NW) 820 Kent NW was occupied by a couple that used the property 100% for single family use, a couple of years later they sold the property to attorney Kevin Martinez who left it vacant and it quickly fell into disrepair; attracting pests of both the human and animal variety, thus we were glad to see that a young couple (Carson and Shiplet) had purchased the property and were inhabiting the residence. They mentioned that Carson, an artist, planned on utilizing the property's outbuilding as a studio, later they stated that they were planning on having open studio during the hours of the nearby Robinson Park Farmer's Market (Saturdays 8 am to 1 pm April through October) and seemed genuinely concerned about inconveniencing us; for our part we were encouraging as other neighbors often hosted yard sales and the like at during this time with minimal annoyance, as the city provides free parking, garbage collection, and public toilets as part of the Farmer's Market.

Within weeks, on one Friday night starting at 5:30 pm they had blocked the alley behind our respective properties and commandeered the county's parking spaces for the Mid Regional Council of Government (MRCoG) for their own use. Blocking the alleyway is a particular risk as this is the only avenue of entry/egress that emergency vehicles have for access to our property's South Face). Additionally, at nightfall a fully amplified rock band set up just inches from my bedroom/bathroom wall and played until after 10 pm so loudly I was unable to inhabit the space even while wearing noise canceling headphones. To be fair, subsequent "concerts" were *less* loud, and only lasted until 8:30 pm. After a couple of months the frequency of the Friday night concerts increased to twice per month.

But the event that brings Carson and Shiplet to the Planning and Zoning department, was Carson painting without permission on the wall of our outbuilding that we thought formed the eastern border between our two properties, and as such Carson claimed he had a right to do so. After consulting with the city, it was revealed that Carson had no right to paint on our property but also had not gone through any official channels to operate their business (Old Walls Gallery) in fact their residence is not zoned for business; Carson and Shiplet were likely misled about zoning status when purchasing the property, however, that does not explain why presumably no attempt was made to obtain a business license, a certificate of occupation, or CRN number, insurance, etc. Please be aware changing the zoning status of 820 Kent NW does not guarantee compliance in any other aspect by the petitioners, in fact, past behavior indicates the contrary.

2. Predictable Responses

Changing a single zoning designation in a Transitional Neighborhood such as ours will likely set off a chain of requests for changes, for example; selling a 100% residential home next door to a mixed use house that becomes a concert venue/performance space multiple evenings per month is difficult and will undoubtedly lower the property's value. However, selling the same dwelling as rental house or a law office or other business that operates during traditional business hours is more feasible and less likely to lower the sale value, therefore it is reasonable expect nearby residences seeking to change their zoning designations and it will increase the likelihood that residences such as ours at 216 9th NW and which have a mixed use designation will be purchased by individuals that seek to use them as places of work not, primary residences, an action which runs counter to the stated goal of the city, which is to maintain the residential nature of the neighborhood with Robinson Park and Copper street serving as a buffer to the Central Avenue Business District. Additionally, there will be the obvious small accommodation and variance requests that will accrue, and to be frank, if this request passes we will be asking to erect an 8 foot wall between our property and theirs to help block sound as well as preventing their clientele from dropping the odd plastic cup, cigarette butt, or napkin as has happened with the old 6 foot fence.

3. Alternative Locations

To maintain the distinctive character of our historical neighborhood and to occupy spaces in Downtown Albuquerque zoned for their anticipated activities as a Gallery/Performance Space, Carson and Shiplet could consider:

1. Off Center Art Studio 808 Park Ave SW which is located less than 1000 feet from 820 Kent NW, and offers free to low cost space rental.
2. Chante Cultural Gallery 804 Park Ave SW which is located less than 1000 feet from 820 Kent NW, who states that "our core values are to provide a space for the community and to promote Chicana, Indigenous, New Mexico culture and Community Artists..."

Thank you for this opportunity to state my opinion regarding the issue at hand.

Sincerely,

Ivan Alley

LETTERS OF SUPPORT

Dear City of Albuquerque,

I have been a resident of the downtown neighborhood in Albuquerque for more than a decade. I've had the opportunity to raise my daughter here, build community, and see this neighborhood change for quite some time. When our neighbors, Eric and Kristin moved in, renovated their garage into a gallery, and began hosting art exhibitions and openings, it became a place for the entire neighborhood to come together once a month to enjoy our neighborhood and community. With the closure of this space over the past few months, that sense of neighborly comradery and community has dissipated. I am in full support of this rezoning change, and ask that the City of Albuquerque also support and approve this change, so that these neighborhood gatherings can once again take place.

As an artist, and a co-owner of Remarque Print Shop, I understand the work and commitment it takes to run a gallery and a space that is centered around artists. Additionally, as a Fine Arts high school teacher at Atrisco Heritage Academy High School in Albuquerque, I know what an important resource an art space is to the community. Prior to Old Walls Gallery being closed, I hosted a podcast recorded session at the gallery, in which community members were given 15 minutes to speak about something they were passionate about. I invited another teacher from Artisco Heritage, who gave a fun lecture on his love of the video game, "Dance, Dance, Revolution". This event was incredibly fun, while also bringing together students, teachers, and other community folks to enjoy an afternoon of community and joy!

With the City's approval of this rezoning application, our neighborhood and community will continue to host fun events such as this and many others. Approving this application will further show Albuquerque's commitment to growing the arts community, which makes up a large population of our City's residents. Please consider approving this ZMA request.

Thank you,



2/2/2024

Jessica Krichels

May 6, 2024

Nancy JonesFrancis
301 Central Ave. NE Apt 303
Albuquerque, NM 89102

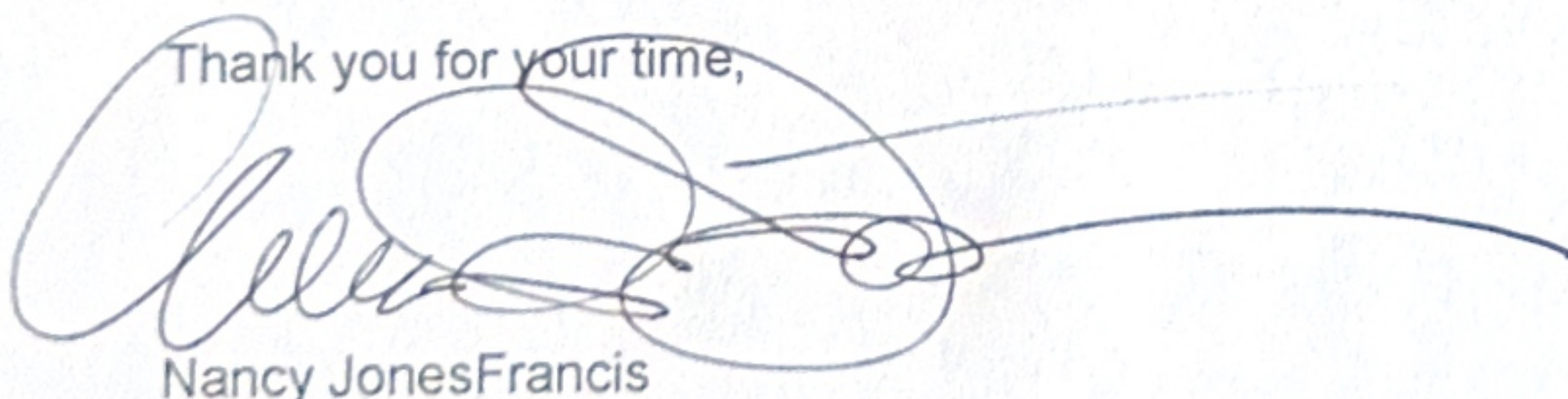
Dear Members of the Environmental Planning Commission for the City of Albuquerque:

As a practicing local artist, I've had the privilege of showcasing my work at Old Walls Gallery. What sets this gallery apart is its unique model of low entry fees and commission from pieces sold, a rarity among other galleries in Albuquerque. This model not only provides more opportunities for artists to exhibit their work but also encourages them to take creative risks, fostering a culture of innovation and diversity in our arts community.

Learning about the gallery's recent closure saddened me. I had been looking forward to submitting new work in their upcoming shows. However, by approving this rezoning map amendment, we can ensure that this invaluable arts community asset reopens its doors, continuing to showcase art that is typically not found in other galleries.

I urge you to consider approving Old Walls Gallery's rezoning map amendment as a crucial step in continuing to show the City's unwavering support for the arts. This decision could be the difference between the gallery's revival and its permanent closure, a loss our local arts community would deeply feel.

Thank you for your time,

A handwritten signature in blue ink, appearing to read 'Nancy JonesFrancis', with a long horizontal flourish extending to the right.

Nancy JonesFrancis

From: [Nicole Candelaria](#)
To: [Planning EPC](#); [Steele, William J.](#)
Subject: Letter of Support for ZMA at 820 Kent Ave, Old Walls Gallery
Date: Friday, May 3, 2024 1:59:44 PM

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

Dear City of Albuquerque,

I write this request asking you to please approve the rezoning map amendment for Old Walls Gallery. I've had the opportunity to be an exhibiting artist, as well as bringing my class of highschool students from Siembra Leadership High School to see the gallery and learn how they too could show their work at Old Walls.

I first heard about Old Walls after seeing a flier posted at Hot Yoga Downtown for their show "Flower Fractals". This exhibition was exciting, as it had members of the New Mexico Flower Collective creating bouquets of local flowers, as well as a showing of Jonathan Wolfe's monthly fractal which he displayed in tandem with the Natural History Museum. I also had the opportunity to show my photography of my own home-grown flowers!

When I brought my students from Siembra Leadership to Old Walls, they had so many questions about how to show their work at the gallery and other galleries across Albuquerque. This field trip particularly was important to my students, as at the end of the year when they announced some of their highlights from the school year, many of them mentioned their time at Old Walls and the encouragement they received from Kristin to continue pursuing their artistic endeavours. Old Walls is also a perfect location for future partnership with Siembra Leadership, as it is within walking distance and in the same neighborhood as the high school.

Your approval of this rezoning will allow further growth among our community both in the arts and among neighborly goodwill. Please approve this rezoning.

Thank you for your consideration and time.

Nicole Candelaria



Letter of Support for ZMA at 820 Kent Ave, Old Walls ...

--

Nicole Candelaria, Board Secretary
NM Horse Rescue at Walkin N Circles Ranch

(505) 286-0779 Ranch Office

wncr.org

[Facebook](#)

Dear City of Albuquerque,

I am a resident of Albuquerque, and artist, musician, and small business owner. Throughout my career, it is often difficult to find other business owners, and specifically art spaces, which are open to collaboration without strings attached. This is one of the many reasons that Old Walls Gallery should be approved for the rezoning application.

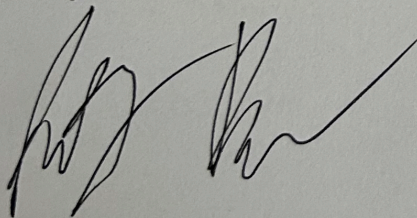
Prior to it being closed, Old Walls operated the first Friday of each month from 5-8 pm and then every Saturday during the Grower's Market season from 10 am - 12 pm. This was excellent for my business, as the gallery allowed us to keep our custom built furniture in their space free of charge. I handled all of my own individual sales, but Old Walls was happy to display and champion my work. This was especially helpful because I do not have a storefront or other business in Albuquerque where my furniture is displayed. During the time I had a few pieces in Old Walls, I made a few sales and was able to get more exposure as a result.

Additionally, I am a musician, and Old Walls gave me and my band a place to play and at no-cost to us. Their model is to ensure artists of all mediums have the opportunity for exposure, while also keeping their space community and neighborhood focused.

The rezoning of this space will allow further community growth and a place for artist, small businesses owners and vendors to sell their goods, and continue to elevate downtown Albuquerque. Please approve this rezoning application so the positive work of Old Walls Gallery can continue.

Thank you for your time.

Anthony Badell

A handwritten signature in black ink, appearing to read 'Anthony Badell', with a long, sweeping horizontal line extending to the right.

April 29, 2024

Dear City of Albuquerque, Commissioners, and Environmental Protection Committee,

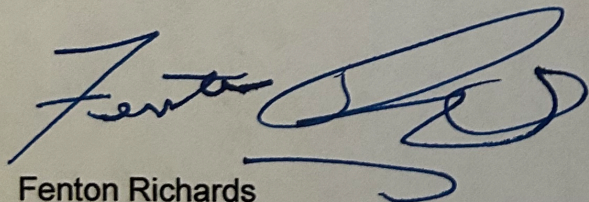
I have lived two doors down from the house at 820 Kent Ave NW for more than two decades. During that time, I have seen our neighborhood change quite a bit. Since Kristin and Eric have turned the garage at the end of their property into an art gallery, I have seen our neighborhood transform once again, and for the better.

Their gallery has brought many of our neighbors within the downtown area together by establishing this welcoming community space, who may not have otherwise interacted. I am a photographer, who learned some of my skills during my time at UNM. I have had the opportunity to show some of my work in the gallery, and in fact sold a piece at the "Neighbors" show, which I made all of the profits from. Additionally, I had a photo in another show which was of a sunflower blooming in the alleyway, at the gallery's entrance, at least twenty years before they transformed this space.

Witnessing the changes and positivity the gallery has brought to our neighborhood is the reason this zoning request should go through and why I am in support of this application as a direct neighbor of this property.

Please approve this rezoning application, which will allow Old Walls Gallery to host more neighborhood events, elevate the downtown area, and continue positively contributing to our community.

Thank you for your time,

A handwritten signature in blue ink, appearing to read "Fenton Richards", with a stylized flourish extending from the end of the name.

Fenton Richards

Dear City of Albuquerque,

I am writing in support of the rezoning application for 820 Kent Ave NW in the downtown neighborhood of Albuquerque, in which I am also a resident. As a New Mexico native and local artist, I have had the opportunity to show my work throughout our great state; however, I believe that Old Walls Gallery's unique model of putting the artist first, is rare among the art gallery world. Additionally, the gallery's commitment to fostering a healthy neighborhood and community is important in the revitalization of the downtown area and arts network of Albuquerque.

My work has been shown at Old Walls Gallery for their annual exhibition called, "Neighbors". This show invites all neighbors within downtown to show their work free of charge and without a sales commission, meaning all the profits sold go directly back to the artist. Prior to the gallery being closed, I also had plans to have a solo exhibition showing my work in tandem with the highly popular 37th annual Flamenco Festival of Albuquerque. One of the goals of this show was to highlight the Flamenco Festival and the artists among this incredible artform, while showcasing the importance of Flamenco to the City of Albuquerque. That said, it is our hope that this rezoning application will be approved, and that this exhibition can take place next year.

After showing and attending this first exhibition at Old Walls Gallery, my family and I made it a point to walk from our house to the gallery on our route to First Friday Art Walk. Having this space as an addition to this fun and exciting arts centered resource, and within our own neighborhood, has brought so much joy and goodwill to the area. Approving this zone map amendment application will only bring more of that to downtown Albuquerque, which is critical to the revitalization and growth of this important area of our city.

Your approval of this rezoning application will show the City's commitment to improving our neighborhoods and providing resources to the arts. Please consider approving this request so that more exhibitions and community events which center artists can happen.

Thank you,

Isabel Hees



4/30/24

Dear City of Albuquerque Environmental Planning Committee,

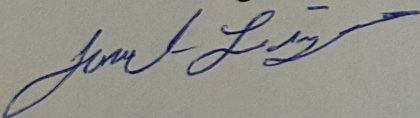
I have lived next door to 820 Kent Ave NW, at 818 Kent Ave NW, for more than two decades and have seen our neighborhood change throughout the years. Eric and Kristin bought their house and moved in Spring 2022 and quickly began renovating their garage into an art gallery. The changes they have made to the garage and the gallery they now have, has positively impacted our neighborhood in many ways.

The gallery has become a place for the neighbors to come and see local artists, as well as meet one another in a setting they may not have otherwise met. Additionally, the alleyway, in which the gallery has its entrance, can at times have unwanted activity in it; however, since the gallery has been opened there has been less of that and it appears to be used more regularly by the surrounding neighbors as another sidewalk and passthrough between 8th and 9th streets.

Kristin and Eric are also considerate neighbors, ensuring their gallery hours are only 5-8 pm one Friday a month and then Saturdays from 10 am - 12 pm. Any music or noise is shut off by 8 pm for openings, the alley is cleared out, and the neighborhood is back to its usual noise of the downtown hustle and bustle.

Please approve this rezoning application so that the neighborhood can once again have an exciting and welcoming space for local New Mexico artists.

Thank you,
Jamal Liaghat



Dear Environmental Planning Commission of the City of Albuquerque,

We live in the downtown Albuquerque neighborhood and only a few blocks away from Old Walls Gallery. Throughout the time it was open, we loved knowing that every first Friday we had a place we could go to see all our neighbors and have a fun time building community and supporting local art. Approving Old Walls' rezoning map amendment will allow this space to exist once again.

Having lived in the far Northeast Heights for 14 years, we were ready for a change. Being in close proximity to the fun happenings of the downtown neighborhood was what really drew us to living here. We are empty-nesters, in our 50's, and we absolutely love our new neighborhood that offers pop-up live music in the courtyards of apartment buildings, community gatherings at Mary Fox Park, and of course, Old Walls Gallery: the perfect example of what drew us to the downtown Albuquerque neighborhood! It makes up the thread of enjoyable and community driving events. We've met so many of our neighbors at Old Walls, which makes us feel safe and gives us a sense of belonging.

We ask that you consider approving this rezoning map amendment, allowing Old Walls to once again be a favorite neighborhood spot.

Please contact us with any questions you may have about our support for Old Walls Gallery!

Thank you,



Mike Mulliniks

MiMullin68@gmail.com

505-908-1006



Jen Mulliniks

JenMulliniks@gmail.com

505-321-8501

Jess Merritt
1223 Fruit Ave NW
Albuquerque, NM 87102

Dear City of Albuquerque Rezoning Committee,

I am a resident of the downtown neighborhood, a local artist, and a supporter of community art spaces, like Old Walls Gallery, and I am submitting this letter in support of the rezoning map amendment at 820 Kent Ave.

Being supported as an artist by a gallery can be challenging, but I was fortunate to have the opportunity to show my work at Old Walls Gallery numerous times, including a solo-exhibition of my pinhole photography in the summer of 2023. This exhibition was unique in that I was able to work with the gallery owners, Eric Carson and Kristin Shiplet, to turn the gallery into its own interactive pinhole camera. My exhibition took place on one of the hottest days of the summer, yet in spite of that, we still had a good turnout – which is a testament to how unique of a space and how important Old Walls Gallery is to the neighborhood. It not only provided me with a source of income, but also fostered a community of artists and art supporters all while helping to revitalize our downtown neighborhood.

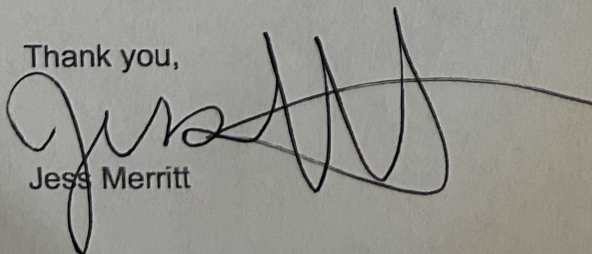
I understand that Old Walls was unaware of their incorrect zoning and was forced to close because of it. This unfortunately impacted my career as an artist as I had plans to have a second solo-show at the gallery, in which I would use the high rafters of the to hang large hand-cut, painted, and made mobiles of the downtown Albuquerque skyline and New Mexico horizon. With the gallery currently inoperational, this exhibition, which was to take place in the spring of 2024, was placed on hold indefinitely.

Approving the rezoning of this property will allow for Old Walls Gallery to continue providing an authentic, artist-centered, space to show work and have experimental shows at little costs to artists such as myself. Their model of low submission fees and commission, allow artists to show their work and utilize the entire space as they envision, which is an unfamiliar process among other commercial galleries. Additionally, the approval of this space will continue to grow the arts network of downtown Albuquerque, while also revitalizing this exceptional neighborhood.

I am hopeful that this rezoning request will be approved by the City and that I can look forward to more arts community events at Old Walls Gallery in the later half of 2024.

Thank you,

Jess Merritt



To The Members of the City of Albuquerque & Environmental Planning Commission,

Boozhoo! (*Ojibwe greeting*)

I am writing this letter of support on behalf of the current property owners, Eric Carson and Kristin Shplet, located at 820 Kent Ave NW who are requesting a change in their current zoning designation of R-ML to a new MX-T classification. Eric and Kristin purchased this property in 2022 as their primary residence after considering many other residential options because downtown Albuquerque has strived to attract the very type of residents that Eric and Kristin want to become. Specifically, this property was selected because not only did it allow them to call downtown Albuquerque their home, but because it provided them with a unique opportunity to also become contributing members to the vibrant downtown community-based arts scene. A movement that the City of Albuquerque has encouraged and invested in financially to attract the very residents that Carson and Shplet are actively attempting to become.

The property located at 820 Kent Ave NW facilitates the perfect case study example of what Community and Regional Planning academics seek to educate others about. A property that currently exists as a single-family home, but is located in an urban area actively seeking to attract younger homeowners to an area where traditional single family homes can evolve into mixed use offerings. 820 Kent Ave NW has not only a single-family home but also includes a detached garage, a garage with existing community based historical connections to the neighborhood as many older community residents whom Eric and Kristin have connected with, spoke to the very same garage space once functioning as a schoolhouse for the neighborhood in decades past. Today, Eric and Kristin are seeking to revive this very same part of their property into a new community-based art gallery called Old Walls Gallery.

As both a fellow homeowner who also resides in the Downtown Historic Overlay area, and an academic of urban planning from the University of New Mexico, I can say that Eric and Kristin are exemplary community members who are directly contributing to the downtown area's motto of Live, Work and Play. Before engaging in this formal process to reclassify their zoning, Eric and Kristin wanted to be good members of the community and check for understanding that this type of community engagement would be well received. They introduced themselves to their neighbors and gained verbal agreements about their future plans for the new community space on their property and at the time were well received. Over the last year as they formalized what Old Walls Gallery would become, they have actively participated in downtown's First Fridays downtown art walk, have held 6 exhibitions showcasing the work of over 50 local artists from a diversity of ages. Their most recent show was an immersive art experience by a local New Mexico artist Zuyva Sevilla, and was named by Southwest Contemporary's as "ones to watch." Only after their offerings of how this new mixed use space would function and how it was so well received by the immediate downtown community did Eric and Kristin move forward in this formal process. This not only shows that they care about the downtown neighborhood, but also wanted to connect with the residents of downtown as opposed to creating a new art gallery space without the support of the community as so many other establishments do.

As both an academic of urban planning and a resident of the Downtown Historic Overlay area, I enthusiastically recommend this request for rezoning put forth by Eric and Kristin at 820 Kent Ave NW to become rezoned as MX-T. Their current zoning designation, R-ML, restricts their community-oriented plans for Old Walls Gallery to become a much-needed community asset, one that not only allows for engagement with the immediate community, but also for the larger mixed use development goals set forth by the city of Albuquerque as a downtown destination for our citizens to Live, Work and Play.

More specifically, this request to change their current zoning to MX-T would allow them to run a formal Art Gallery/Small Retail business. As you know, downtown is already a vibrant area for artists and is a destination for events such as the monthly ABQ Artwalk and is home to a handful of art galleries. This would allow us to increase our capacity, open the space for more artists & vendors, officially join the ABQ Artwalk, and further engage with the vibrant downtown art scene.

Without hesitation, I can impart that Eric and Kristin's community-based plans for Old Walls Gallery will offer a positive case study advocating for the Mixed-Use rezoning of other urban areas that will be remembered years from now as a case study of benediction. Thank you for taking the time to review their rezoning map amendment.



Jordan O. James, ABD/PhD



Dear City of Albuquerque and Environmental Planning Commission,

Please accept this letter of support for the rezoning map amendment at 820 Kent Ave NW. I am a resident of the downtown Albuquerque neighborhood, living only a block away from Old Walls Gallery, and since its closure the artistic community and friendly neighborhood gatherings in tandem with First Friday Art Walk are greatly missed by many.

I have lived in this neighborhood for five years and have appreciated seeing the growth among the downtown core. When our neighbors, Eric and Kristin, purchased their home and turned their garage into an art gallery, I knew this would only add further improvements to our neighborhood, and it has! While Old Walls has minimal operational hours, the monthly First Friday openings was the first stop on our Art Walk route. They continuously feature local artists and provide opportunities for artists who are often underrepresented among other local galleries, setting an example for other art spaces in our City.

As a previous high school art teacher, and the new owner of Tortuga Gallery in the East Downtown neighborhood, I know first hand the importance of having more community art spaces in our City. Old Walls is rare, too, in that it uses an existing structure in our unique neighborhood as a gallery space, rather than building a new structure or needing to be located in another area of Albuquerque.

Without the approval of this rezoning application, the downtown neighborhood will lose another positive contribution to the revitalization of this important area of our City. Please approve this rezoning map amendment, as so many of us in the downtown neighborhood are in favor of.

Thank you for your time,

A handwritten signature in black ink, appearing to read 'Topher House', written in a cursive style.

Topher House (505) 453-4391

Dear City of Albuquerque,

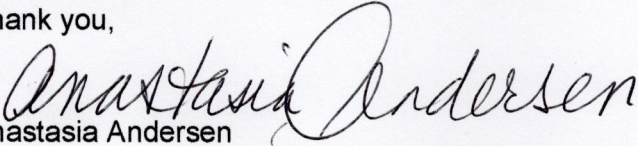
I am writing to request your approval of the rezoning application for Old Walls Gallery at 820 Kent Ave in downtown Albuquerque.

I am a local artist, and had the opportunity to participate in the show, "Art Interrupted: Artists returning to the flow". This show was open to artists 65 and over, and its goal was to elevate artists who had careers outside of the arts, and whose artwork therefore was often overlooked. This show was such a joyful event, with more than 20 artists showcasing their pieces and receiving recognition of work they were proud of.

After being a part of this show, I made plans with Kristin and Eric to curate a show of women artists for International Women's Month in March of 2024. It was our intention to invite local women artists to show their work and to celebrate the amazing women of Albuquerque. However, with the closure of the gallery, this show was temporarily put on hold, and it is my hope that with this rezoning approval, we can have this exhibition in March 2025.

Old Walls Gallery has built a reputation of putting the artist first and showcasing work that has not always had a place to be shown. The approval of this application will allow for more shows and exhibitions like this to happen. Please consider the approval of this rezoning application.

Thank you,


Anastasia Andersen

April 30, 2024

May 6, 2024

Dear Environmental Protection Committee and City of Albuquerque,

I am writing in support of the rezoning application for Old Walls Gallery at 820 Kent Ave NW. As an arts educator, community activist, and artist, I know that Old Wall's model of centering artists and building community is unique among galleries.

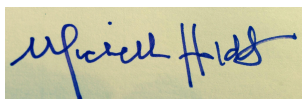
As a small business owner and creative artist/educator, having Old Walls Gallery as a resource for showcasing some of my artistic goods, as well as a venue for my art-making workshop at low-cost is important for me.

I've also had the opportunity to show and sell my work and hand-made books at the gallery, and without Old Walls taking a commission or submission fee. This model allows artists to show their work in a space that is centered around the artist instead of the gallery, which is a more typical model used among other commercial galleries.

Finally, as a resident of a neighboring area to downtown Albuquerque, having this space within walking distance to my home and the surrounding communities, adds to the City's goal of reactivating the downtown corridor. This local arts space also contributes to the growing arts district among Downtown, Old Town, Wells Park, and the Sawmill District. Approving this rezoning application will only further arts opportunities among our city.

Thank you for your attention to this important application. I strongly encourage the approval of this rezoning request and ask the City of Albuquerque to consider the positive impact Old Walls Gallery has made and can continue to make once rezoned to mixed-use.

Thank you,

A handwritten signature in blue ink on a light green background. The signature reads "Michelle Holdt" in a cursive script.

Michelle Holdt - www.creativecompassionate.com

From: [john jones](#)
To: [Old Walls Gallery](#); wsteel@cabq.gov
Cc: [Planning EPC](#)
Subject: Old Walls Gallery - Zoning
Date: Monday, May 6, 2024 6:11:19 PM

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

May 6, 2024

Dear City of Albuquerque,

We are an art enthusiastic couple!

My wife, Yolanda and I, are supporters and champion various art resources, networks, and community projects in Albuquerque and surrounding communities. Albuquerque has many opportunities for artists, but many are juried and do not provide the direct opportunity that Old Walls Gallery (OWG) has provided for **all artists** to show their work.

Yolanda and I believe in OWG and the wide range of benefits it will bring to the community. Art galleries like OWG can revitalize communities and encourage social communications, interaction, cooperation, and tolerance across the diverse population of the Albuquerque area. Having art spaces like OWG, and specifically in the downtown area, is critical to continuing to grow the arts community and wealth of artistic talent in the city.

Yolanda had the opportunity of having her work in two shows at OWG in 2023. The first one was for artists aged sixty and older who had to put their artist careers on pause while following careers, raising children, and supporting a home. She also had work in the October exhibition, 1000 Balloons, which was a tribute to the great Albuquerque International Balloon Fiesta. At both shows, Yolanda sold her work, which gave her more exposure in the art community. I would like to mention that Yolanda and I give a portion of all her art sales back to the community to charities and directly to the homeless community.

We understand that given OWG's current zoning, they are unable to operate in which they once were, and it is our hope that their rezoning application will be approved to prevent another art gallery in the downtown area from being closed permanently. Eric Carson and Kristin Shiplet are very community centered, always promoting artists and art even outside of their gallery, in the interest of elevating the arts of Albuquerque. To close this space would be a detriment in many ways. Please approve their rezoning application. Thank you,

John Jones and Yolanda Howren Jones
(505) 506-1699

To: City of Albuquerque and Environmental Planning Commission

RE: ZMA at 820 Kent Ave, Old Walls Gallery

Old Wall Gallery is an asset to the Downtown Neighborhood and City of Albuquerque. The art shows that they host and the corresponding gatherings are major community events, bringing together neighbors, artists and supporters from Albuquerque.

With the community in mind, the gallery hosted a "Neighbors" show, where all art made by residents of downtown was accepted and shown. I met people at the opening and continue the connection to now. Gatherings of this type build strong communities.

A subsequent show was "Artists Returning to the Flow". Artist of a certain age got to see their works on a gallery wall, often for the first time. A dream come true for many, extremely uplifting for all the participants. Another show was "1000 Balloons" perfectly aligning with the Fiesta, bringing a piece of that excitement to our Downtown Neighborhood.

I am one of the many artists who participated in Old Wall shows (as well as other venues in NM), and live and work at 1309 Fruit Ave. In my experience, community is a core value of Old Walls and its owners Eric Carson and Kristin Shiplet. Theirs is a welcomed addition to Downtown and to greater Albuquerque.

Please approve the zone map amendment allowing Old Walls to continue operating. Our neighborhood has missed this wonderful gathering place since its closure for rezoning.

Thank you,

Nancy Magnusson
magnussonnc@gmail.com
860-309-8267

City of Albuquerque,

I'm writing to support the Zone Map Amendment at 820 Kent Ave NW. My recent exhibition, *Exchanges*, at Old Walls Gallery, which was run out of the property, was an experimental immersive experience on a scale I had never been able to attempt. Old Walls Gallery invited me to create and exhibit *Exchanges* at no cost to me and even helped with some of the show costs. Their gallery model allows for this kind of free expression and experimentation in a way that other art venues often cannot.

I understand that without this approval Old Walls Gallery will not be able to continue its operations. This is troubling to me because I had hoped to be the first of many local artists to take advantage of the limitless exhibition opportunities the gallery offers artists. We need spaces like this to develop our art practices in ways that are not tied to revenue and sales.

I also want to note that I made several art contacts at my own exhibition opening and at other events at Old Walls. One such contact resulted in another exhibition of my work at Outpost. So in addition to giving artists opportunities to experiment, this gallery also creates a place where the local art community gathers.

Please show your support for local arts by approving this amendment.

Thank you for your time,

A handwritten signature in black ink, appearing to read 'Zuyva Sevilla', written in a cursive style.

Zuyva Sevilla