



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

OFFICIAL NOTIFICATION OF DECISION

February 8, 2018

Steven & Kara Grant
201, 207, 209 High St. NE
Albuquerque, NM 87102

Project# 1005206
17EPC-40054 Sector Development Plan Map Amendment
(zone change)
17EPC-40067 Site Development Plan for Building Permit

LEGAL DESCRIPTION:

Lot 8 and the additional south seven feet and eight inches of Lot 7, Lot 9, and Lot 10, Block 24, Huning's Highlands Addition, zoned SU-2/MR, to SU-2/SU-1 for Bed and Breakfast to Include Special Events, located on High St. NE, between Central Ave. NE and Dr. Martin Luther King, Jr. Ave. NE, containing approximately 0.6 acre. (K-14) Staff Planner: Catalina Lehner

PO Box 1293

On February 8, 2018 the Environmental Planning Commission (EPC) voted to APPROVE Project 1005206/17EPC-40054, a Sector Development Plan Map Amendment (Zone Change) and 17EPC-40067, an as-built Site Development Plan for Building Permit, based on the following Findings and subject to the following Conditions of approval:

NM 87103

FINDINGS- 17EPC-40054, Sector Development Plan Map Amendment (Zone Change):

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1. The subject request is for a site development plan for building permit for Lot 8 and the additional south seven feet and eight inches of Lot 7, Lot 9, and Lot 10, Block 24, Huning's Highlands Addition, an approximately 0.6 acre site located at the northwest corner of Copper Ave. and High St. NE, between Central Ave. NE and Dr. Martin Luther King, Jr. Ave. NE (the "subject site").
2. The subject request is accompanied by a request for an as-built site development plan for building permit (17EPC-40067).
3. The Comprehensive Plan designates Lot 9 and Lot 10 of the subject site as an Area of Consistency. Lot 8 is designated an Area of Change. The subject site is within the boundaries of the Huning Highland Sector Development Plan (HHSDP) and is in the Huning Highland Historic District designated by the City.
4. The Albuquerque/Bernalillo County Comprehensive Plan, the Huning Highlands Sector Development Plan (HHSDP) and the City of Albuquerque Zoning Code are incorporated herein by reference and made part of the record for all purposes.

OFFICIAL NOTICE OF DECISION

Project #1005206

February 8, 2018

Page 2 of 10

5. The proposal furthers the following, applicable Land Use policies of the Comprehensive Plan:
- A. **Policy 5.2.1-Land Uses:** Create healthy, sustainable, and distinct communities with a mix of uses that are conveniently accessible from surrounding neighborhoods.
The proposal would contribute to the distinct, historical community by providing a use that adds to the mix of uses in the neighborhood, which would be conveniently accessible from surrounding neighborhoods.
 - B. **Policy 5.6.3-Areas of Consistency:** Protect and enhance the character of existing single-family neighborhoods, areas outside of Centers and Corridors, parks, and Major Public Open Space.
Part of the subject site (Lot 8) is in an Area of Consistency and part is in an Area of Change (Lots 9 and 10). The proposal would contribute to protecting and enhancing the character of the existing, historic, mostly single-family neighborhood that is outside of a designed Center and Corridor because it would preserve the historic buildings and use them in a way that would promote their historic value without disrupting neighboring uses.
6. The proposal furthers the following Economic Development policies of the Comprehensive Plan:
- A. **Goal 8.2-Entrepreneurship:** Foster a culture of creativity and entrepreneurship and encourage private businesses to grow.
 - B. **Policy 8.2.1 -Local Business:** Emphasize local business development.
The proposal would encourage a private business to grow and would emphasize further development of a locally-owned business.
 - C. **Policy 8.1.4 -Leverage Assets:** Enhance and market the region's unique characteristics internally and to outside businesses and individuals in order to compete with other regions.
The proposal would allow small outdoor events, which would be marketed based on the historic characteristics of the neighborhood, and would leverage the uniqueness of the neighborhood and proximity to Route 66 on a regional level.
7. The proposal furthers the following Comprehensive Plan Goal and policy regarding Heritage Conservation:
- A. **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 proposal would help preserve historic buildings, which are in a designated City historic district, because it would promote the use and character of the historic buildings and thereby reinforce the identity of the neighborhood.

OFFICIAL NOTICE OF DECISION

Project #1005206

February 8, 2018

Page 3 of 10

- B. 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.

Specifically, the proposal would promote preservation and use of historic buildings in a significant and designated historic district, the Huning Highland Historic District, and help to promote them as an important part of the community.

8. The proposal furthers the Goal of the HHSDP and the following, applicable objectives:

- A. Goal: The continued development of Huning Highlands into a viable residential and commercial area, building on its unique historic character and location.

The proposal would facilitate the continued development and promotion of Huning Highlands as a viable residential and commercial area. The applicants reside on the subject site and operate the B&B use, which builds on the neighborhood's unique historic character and location.

- B. Objective 1: to protect and enhance the unique residential character of the area.
The proposal would help protect and enhance the unique residential character of the area by preserving the buildings and continuing to support their re-use.

- C. Objective 7: to encourage and support local employment and local business development.
The proposal would encourage and support continued development of a local business.

9. The applicant has adequately justified the sector development plan map amendment (zone change) request pursuant to Resolution 270-1980:

- A. Section A: The proposed zoning has been demonstrated to further applicable Goals and policies in the Comprehensive Plan and the Huning Highland Sector Development Plan (HHSDP). Therefore, the proposed sector development plan amendment is consistent with the health, safety, morals, and general welfare of the City.

- B. Section B: The proposed zoning is limited in scope and, because an SU-1 zone is requested, it is tied to an "as-built" site development plan for the subject site. The uses allowed by the proposed zoning would be unlikely to adversely affect stability of land use and zoning and, as the applicant demonstrated, are justified pursuant to R270-1980.

- C. Section C: Since the request is for an SU-1 zone, the "clearly facilitates" test (see Section I) applies and overrides the less rigorous "no significant conflict" test. The applicant has provided a policy-based discussion to demonstrate that the proposed zone change clearly facilitates realization of the Comprehensive Plan and the HHSDP.

- D. Section D: The applicant has adequately demonstrated that a different use category would be more advantageous to the community (D)(3), and that the existing zoning is inappropriate. The proposed, different zone category is more advantageous to the community, based on the policy-based discussion in Section C, because the request clearly facilitates applicable Goals and policies.

OFFICIAL NOTICE OF DECISION

Project #1005206

February 8, 2018

Page 4 of 10

- E. Section E: The proposed SU-2/SU-1 zoning is narrow in scope and would allow only the specified bed and breakfast use as shown on the associated, as-built site development plan. The use, with outdoor events, would not harm the community, the neighborhood, or adjacent property. Other uses that could be considered harmful in the subject site's setting would not be allowed.
- F. Section F: The proposed zone change requires no capital expenditures by the City.
- G. Section G: Economic considerations pertaining to the applicant are a factor in the zone change request, but they are not the determining factor.
- H. Section H: Location on a collector or major street is not used as justification for this request.
- I. Section I: The requested SU-1 zoning is a justifiable spot zone because the applicant has demonstrated, in the policy-based response to Section C, that the request will clearly facilitate realization of the Comprehensive Plan and the HHSDP.
- J. Section 1J: The request is for a single lot and not a strip of land, and therefore would not result in a "strip zone".
10. The applicant has adequately justified the sector development plan map amendment (zone change) pursuant to R270-1980. The response to Section C provides a policy-based explanation of how the proposal clearly facilitates realization of applicable Goals and policies in the Comprehensive Plan and the Huning Highland Sector Development Plan (HHSDP)(Sections C and I), and supports the reasoning that a different zoning category would be more advantageous to the community (Section D). The remaining sections (A, B, E, F, G, H, and J) are sufficiently addressed.
11. The affected neighborhood organizations are the Broadway Central Corridors Partnership, Inc. and the Huning Highland Historic District Association (HHHDA), which the applicant notified as required. The applicant also notified property owners within 100 feet of the subject site, as required. A letter of support from the HHHDA was submitted, along with other letters of support. A neighbor who lives near the subject site is opposed due to concern about noise, but did not provide a letter.
12. A facilitated meeting was held on January 29, 2018 between the applicants and the concerned neighbor. The neighbor is concerned specifically about amplified sound coming from the subject site, especially when weddings are held there, and would like to limit the number of weddings hosted. As of publication of the Staff report, the facilitated meeting report was not completed.
13. The applicant shall comply with all relevant ordinance requirements, including but not limited to, the Noise Ordinance (Chapter 9, Article 9, ROA 1994).
14. Under the requested zoning of SU-2/SU-1 for Bed and Breakfast to Include Special Events, relevant requirements of the HHSDP will continue to apply. Pursuant to 14-16-2-11(A)(6), the

OFFICIAL NOTICE OF DECISION

Project #1005206

February 8, 2018

Page 5 of 10

Special Use Zone, the zoning is interdependent with the as-built site development plan.

CONDITION- 17EPC-40054, Sector Development Plan Map Amendment (Zone Change):

1. Final approval of the accompanying site development plan for building permit (17EPC-40067) is required. The EPC delegates its approval authority to the Planning Department through the administrative approval (AA) process. The applicant is required to apply for an AA rather than the Development Review Board (DRB).

FINDINGS- 17EPC-40067, Site Development Plan for Building Permit (as-built):

1. The subject request is for a site development plan for building permit for Lot 8 and the additional south seven feet and eight inches of Lot 7, Lot 9, and Lot 10, Block 24, Huning's Highlands Addition, an approximately 0.6 acre site located at the northwest corner of Copper Ave. and High St. NE, between Central Ave. NE and Dr. Martin Luther King, Jr. Ave. NE (the "subject site").
2. The subject request is accompanied by a sector development plan map amendment (zone change) request (17EPC-40054). The sector development plan map amendment request is justified pursuant to R270-1980.
3. The Comprehensive Plan designates Lot 9 and Lot 10 of the subject site as an Area of Consistency. Lot 8 is designated an Area of Change. The subject site is within the boundaries of the Huning Highland Sector Development Plan (HHSDP) and is in the Huning Highland Historic District designated by the City.
4. The Albuquerque/Bernalillo County Comprehensive Plan, the Huning Highlands Sector Development Plan (HHSDP) and the City of Albuquerque Zoning Code are incorporated herein by reference and made part of the record for all purposes.
5. The proposal furthers the following, applicable Land Use policies of the Comprehensive Plan:
 - A. Policy 5.2.1-Land Uses: Create healthy, sustainable, and distinct communities with a mix of uses that are conveniently accessible from surrounding neighborhoods.

The proposal would contribute to the distinct, historical community by providing a use that adds to the mix of uses in the neighborhood, which would be conveniently accessible from surrounding neighborhoods.
 - B. Policy 5.6.3-Areas of Consistency: Protect and enhance the character of existing single-family neighborhoods, areas outside of Centers and Corridors, parks, and Major Public Open Space.

Part of the subject site (Lot 8) is in an Area of Consistency and part is in an Area of Change (Lots 9 and 10). The proposal would contribute to protecting and enhancing the character of the existing, historic, mostly single-family neighborhood that is outside of a designed Center and Corridor because it would preserve the historic buildings and use them in a way that would promote their historic value without disrupting neighboring uses.

OFFICIAL NOTICE OF DECISION

Project #1005206

February 8, 2018

Page 6 of 10

6. The proposal furthers the following Economic Development policies of the Comprehensive Plan:
 - A. Goal 8.2-Entrepreneurship: Foster a culture of creativity and entrepreneurship and encourage private businesses to grow.
 - B. Policy 8.2.1 -Local Business: Emphasize local business development.

The proposal would encourage a private business to grow and would emphasize further development of a locally-owned business.
 - C. Policy 8.1.4 -Leverage Assets: Enhance and market the region's unique characteristics internally and to outside businesses and individuals in order to compete with other regions.

The proposal would allow small outdoor events, which would be marketed based on the historic characteristics of the neighborhood, and would leverage the uniqueness of the neighborhood and proximity to Route 66 on a regional level.
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 - A. 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 proposal would help preserve historic buildings, which are in a designated City historic district, because it would promote the use and character of the historic buildings and thereby reinforce the identity of the neighborhood.
 - B. 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.

Specifically, the proposal would promote preservation and use of historic buildings in a significant and designated historic district, the Huning Highland Historic District, and help to promote them as an important part of the community.
8. The proposal furthers the Goal of the HHSDP and the following, applicable objectives:
 - A. Goal: The continued development of Huning Highlands into a viable residential and commercial area, building on its unique historic character and location.

The proposal would facilitate the continued development and promotion of Huning Highlands as a viable residential and commercial area. The applicants reside on the subject site and operate the B&B use, which builds on the neighborhood's unique historic character and location.
 - B. Objective 1: to protect and enhance the unique residential character of the area.

The proposal would help protect and enhance the unique residential character of the area by preserving the buildings and continuing to support their re-use.
 - C. Objective 7: to encourage and support local employment and local business development.

The proposal would encourage and support continued development of a local business.

OFFICIAL NOTICE OF DECISION

Project #1005206

February 8, 2018

Page 7 of 10

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10. A facilitated meeting was held on January 29, 2018 between the applicants and the concerned neighbor. The neighbor is concerned specifically about amplified sound coming from the subject site, especially when weddings are held there, and would like to limit the number of weddings hosted. As of publication of the Staff report, the facilitated meeting report was not completed.
11. The applicant shall comply with all relevant ordinance requirements, including but not limited to, the Noise Ordinance (Chapter 9, Article 9, ROA 1994).
12. Under the requested zoning of SU-2/SU-1 for Bed and Breakfast to Include Special Events, relevant requirements of the HHS DP will continue to apply. Pursuant to 14-16-2-11(A)(6), the Special Use Zone, the zoning is interdependent with the as-built site development plan.

CONDITIONS-17EPC-40067, Site Development Plan for Building Permit (as-built):

1. The EPC delegates final sign-off authority of this site development plan Staff through the administrative approval (AA) process. The applicant is required to apply for an AA instead of the Development Review Board (DRB) process. Staff is responsible for ensuring that all EPC Conditions have been satisfied and that other applicable City requirements have been met.

A letter shall accompany the submittal, specifying all modifications that have been made to the site plan since the EPC hearing, including how the site plan has been modified to meet each of the EPC conditions. Unauthorized changes to this site plan, including before or after final sign-off, may result in forfeiture of approvals.
2. Prior to final approval, the applicant shall meet with the Staff planner to ensure that conditions of approval are met. Evidence of this meeting shall be provided at the time of application.
3. Main Sheet- Notes:
 - A. A note shall be added to indicate that the use shall comply with all applicable City ordinances including, but not limited to, the Noise Ordinance (Chapter 9, Article 9 ROA 1994).
 - B. The site description (listed as site data) shall match the legal description.
 - C. The note shall mention location in the Huning Highland Historic District.
 - D. Add a note regarding refuse collection.
4. Main Sheet- Other:
 - A. Specify what the "1 story brick" building is.

OFFICIAL NOTICE OF DECISION

Project #1005206

February 8, 2018

Page 8 of 10

- B. Indicate any easements.
 - C. Existing and proposed zoning shall be listed.
 - D. The backyard area where special events are held shall be indicated.
5. **Parking:**
- A. Parking notes shall be clarified and reflect that the parking is pursuant to the HHSDP.
 - B. Provide parking (12 spaces) shall be listed.
 - C. A note shall be added to indicate that parking for events is provided through a private agreement with First Presbyterian Church or a successor.
6. **Landscaping- General:**
- A. Indicate the approximate square footage of landscaping beds.
 - B. Provide approximate landscaping calculations.
 - C. Add a note that landscape maintenance is the responsibility of the property owner.
7. **Landscaping- Plant Palette:**
- A. The evergreens shall be identified as a juniper species and a hedge plant (or more specific).
 - B. Rosemary shall be added to the plant palette.
 - C. Spanish Broom shall be removed and replaced with Lavender species.
 - D. Roses and a planting bed shall be added to the turf grass area on Lot 8.
8. **Walls/Fences**
- A. A detail for the picket fence and the cedar fence shall be provided.
 - B. Specify the height of the existing picket fence.
9. **Elevations:**
- A. Provide a schedule of colors and materials for each elevation sheet.
 - B. Add a note that no renovation or construction work is part of this site development plan.
10. **Clarification:**
- A. Label the site plan as "As-Built Site Development Plan for Building Permit".
 - B. The lots shall be labeled (Lot 8, Lot 9, Lot 10).
 - C. Switch out the standard signature block with a space for an AA stamp.
 - D. Remove the part of the first General Note regarding no change of use.

OFFICIAL NOTICE OF DECISION

Project #1005206

February 8, 2018

Page 9 of 10

APPEAL: If you wish to appeal this decision, you must do so within 15 days of the EPC's decision or by **FEBRUARY 23, 2018**. The date of the EPC's decision is not included in the 15-day period for filing an appeal, and if the 15th day falls on a Saturday, Sunday or Holiday, the next working day is considered as the deadline for filing the appeal.

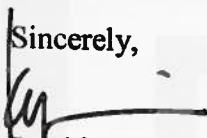
For more information regarding the appeal process, please refer to Section 14-16-4-4 of the Zoning Code. A Non-Refundable filing fee will be calculated at the Land Development Coordination Counter and is required at the time the appeal is filed. It is not possible to appeal EPC Recommendations to City Council; rather, a formal protest of the EPC's Recommendation can be filed within the 15 day period following the EPC's recommendation.

You will receive notification if any person files an appeal. If there is no appeal, you can receive Building Permits at any time after the appeal deadline quoted above, provided all conditions imposed at the time of approval have been met. Successful applicants are reminded that other regulations of the City Zoning Code must be complied with, even after approval of the referenced application(s).

ZONE MAP AMENDMENTS: Pursuant to Zoning Code Section 14-16-4-1(C)(16), a change to the zone map does not become official until the Certification of Zoning (CZ) is sent to the applicant and any other person who requests it. Such certification shall be signed by the Planning Director after appeal possibilities have been concluded and after all requirements prerequisite to this certification are met. If such requirements are not met within six months after the date of final City approval, the approval is void. The Planning Director may extend this time limit up to an additional six months.

SITE DEVELOPMENT PLANS: Pursuant to Zoning Code Section 14-16-3-11(C)(1), if less than one-half of the approved square footage of a site development plan has been built or less than one-half of the site has been developed, the plan for the undeveloped areas shall terminate automatically seven years after adoption or major amendment of the plan: within six months prior to the seven-year deadline, the property owners shall request in writing through the Planning Director that the Planning Commission extend the plan's life an additional five years. Additional design details will be required as a project proceeds through the Development Review Board and through the plan check of Building Permit submittals for construction. Planning staff may consider minor, reasonable changes that are consistent with an approved Site Development Plan so long as they can be shown to be in conformance with the original, approved intent.

Sincerely,


For David S. Campbell
Planning Director

DSC/CLL

cc: Steven & Kara Grant, 207-209 High St. NE. ABQ, NM 87102
Broadway Central Corridors Partnership, Inc. Jim Maddox, 515 Central Ave. NE, ABQ, NM 87102
Broadway Central Corridors Partnership, Inc. Rob Dixon, P.O. Box 302, ABQ, NM 87102

OFFICIAL NOTICE OF DECISION

Project #1005206

February 8, 2018

Page 10 of 10

Huning Highland Hist. Dist. Assoc., Bonnie Anderson, 522 Edith SE, ABQ, NM 87102

Huning Highland Hist. Dist. Assoc., Ann Carson, 416 Walter SE, ABQ, NM 87102

Noel Schaefer, Roybal-Mack & Cordova, 1121 4th St. NW, Ste. 10, ABQ, NM 87102

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Sam Kochansky, 423 Walter St. SE, ABQ, NM 87102

