



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

Emigdio and Anna Bustillos requests a conditional use to allow outdoor vehicle storage for Lot 12, Block 2, South Braodway Acres N M Credit Corp, located at 2945 Broadway Blvd SE, zoned NR-C [Section 14-16-4-2]

Special Exception No:..... **VA-2021-00002**  
Project No: ..... **Project#2021-004910**  
Hearing Date: ..... 02-16-21  
Closing of Public Record: ..... 02-16-21  
Date of Decision: ..... 03-02-21

On the 16th day of February, 2021, property owners Emigdio and Anna Bustillos (“Applicant”) appeared before the Zoning Hearing Examiner (“ZHE”) requesting a conditional use to allow outdoor vehicle storage (“Application”) upon the real property located at 2945 Broadway Blvd SE (“Subject Property”). Below are the ZHE’s finding of fact and decision:

FINDINGS:

1. Applicant is requesting a conditional use to allow outdoor vehicle storage.
2. The City of Albuquerque Code of Ordinances Section 14-16-6-6(A)(3) (Review and Decision Criteria– Conditional Use) reads: *“An application for a Conditional Use Approval shall be approved if it meets all of the following criteria:*
  - (a) It is consistent with the ABC Comp. Plan, as amended;*
  - (b) It complies with all applicable provisions of the IDO, including, but not limited to any Use-specific Standards applicable to the use in Section 14-16-4-3; the DPM; other adopted City regulations; and any conditions specifically applied to development of the property in any prior permit or approval affecting the property;*
  - (c) It will not create significant adverse impacts on adjacent properties, the surrounding neighborhood, or the larger community;*
  - (d) It will not create material adverse impacts on other land in the surrounding area, through increases in traffic congestion, parking congestion noise, or vibration without sufficient mitigation or civic or environmental benefits that outweigh the expected impacts;*
  - (e) It will not increase non-residential activity within 300 feet of a lot in any residential zone district between the hours of 8:00 pm and 6:00 am;*
  - (f) It will not negatively impact pedestrian or transit connectivity without appropriate mitigation*
3. The Applicant bears the burden of ensuring there is evidence in the record supporting a finding that the above criteria are met under Section 14-16-6-4(N)(1).
4. Applicant provided evidence that the proper "Notice of Hearing" signage was posted for the required time period as required by Section 14-16-6-4(K)(3).
5. Applicant provided evidence that all property owners and neighborhood association entitled to notice were notified of the Application.

6. Applicant has met its burden of providing evidence that establishes that the requested Conditional Use approval is consistent with the ABC Comp. Plan, as amended. Specifically, Applicant submitted evidence that the NR-C zoning of the Subject Property, as well as the facts that the proposed use is a longstanding use and is consistent with other commercial uses in the area along Broadway Boulevard SE, demonstrate that the use would be consistent with the ABC Comp Plan. Further, the subject property is located in an Area of Change.
7. Applicant has met its burden of providing evidence that establishes that the requested Conditional Use approval complies with all applicable provisions of the IDO, including, but not limited to any Use-specific Standards applicable to the use in Section 14-16-4-3; the DPM; other adopted City regulations; and any conditions specifically applied to development of the property in any prior permit or approval affecting the property. Specifically, Applicant testified and confirmed in written submittals that the requested Conditional Use approval would comport with all applicable requirements. No prior permits or approvals apply.
8. Applicant has met its burden of providing evidence that establishes that the requested Conditional Use approval will not create significant adverse impacts on adjacent properties, the surrounding neighborhood, or the larger community. Specifically, Applicant testified and confirmed in written submittals that the requested Conditional Use approval would not create any adverse impact.
9. An owner of an adjacent residential property questioned the proposed use and complained of broken down vehicles and junk on the Subject Property. Applicant testified that any broken down vehicles and junk has been and will be removed.
10. Applicant has met its burden of providing evidence that establishes that the requested Conditional Use approval will not create material adverse impacts on other land in the surrounding area, through increases in traffic congestion, parking congestion noise, or vibration without sufficient mitigation or civic or environmental benefits that outweigh the expected impacts. Specifically, Applicant testified and confirmed in written submittals that the requested Conditional Use approval would not create any adverse impact, because it is merely a continuation of the commercial uses that have existed on the property for years and will not cause any increases in traffic congestion, parking congestion noise, or vibration.
11. Applicant has met its burden of providing evidence that establishes that the requested Conditional Use approval will not increase non-residential activity within 300 feet of a lot in any residential zone district between the hours of 8:00 pm and 6:00 am. Specifically, Applicant testified that non-residential activity would not increase in any prohibited manner.
12. Applicant has met its burden of providing evidence that establishes that the requested Conditional Use approval will not negatively impact pedestrian or transit connectivity without appropriate mitigation. Specifically, Applicant testified that no negative impact on pedestrian or transit connectivity would result, because the proposed activity is located entirely on the Subject Property and causes no impacts on transit or pedestrians.
13. The City Traffic Engineering Division stated no objection.
14. The criteria within IDO Section 14-16-6-6(A)(3) are satisfied.
15. IDO Section 14-16-4-3(D)(20) requires the following Use-Specific Standards for Outdoor Vehicle Storage:

*4-3(D)(20) All outdoor areas where vehicles are stored must be screened from any adjacent Residential zone district or lot containing a Residential use in any Mixed-use zone district as required by Section 14-16-5-6 (Landscaping, Buffering, and Screening).*

16. Applicant testified that the Use-Specific Standards are and would continue to be followed.

DECISION:

APPROVAL of a conditional use to allow outdoor vehicle storage.

APPEAL:

If you wish to appeal this decision, you must do so by March 17, 2021 pursuant to Section 14-16-6-4(U), of the Integrated Development Ordinance, you must demonstrate that you have legal standing to file an appeal as defined.

Successful applicants are reminded that other regulations of the City must be complied with, even after approval of a special exception is secured. This decision does not constitute approval of plans for a building permit. If your application is approved, bring this decision with you when you apply for any related building permit or occupation tax number. Approval of a conditional use or a variance application is void after one year from date of approval if the rights and privileges are granted, thereby have not been executed, or utilized.



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Zoning Hearing Examiner

cc:

ZHE File  
Zoning Enforcement  
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