



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

Crossroads @ 4th and Central, LLC c/o Peterson Prop (Agent, Matthew Griego and Martin Valdez) requests a conditional use to allow cannabis-derived products manufacturing within 300 ft of a school for Lot 19 and 20, located at Original Townsite of ABQ, located at 313 Central AVE NW, zoned MX-FB-UD [Section 14-16-4-3(E)(3)(d)]

Special Exception No: ..... **VA-2023-00210**  
Project No: ..... **Project#2023-009042**  
Hearing Date: ..... 10-17-23  
Closing of Public Record: ..... 10-17-23  
Date of Decision: ..... 11-01-23

On the 17th day of October, 2023, Matthew Griego and Martin Valdez, agent for property owner Crossroads @ 4th and Central, LLC c/o Peterson Prop (“Applicant”) appeared before the Zoning Hearing Examiner (“ZHE”) requesting a conditional use to allow cannabis-derived products manufacturing within 300 ft of a school (“Application”) upon the real property located at 313 Central AVE NW (“Subject Property”). Below are the ZHE’s finding of fact and decision:

FINDINGS:

1. Applicant is requesting a conditional use to allow cannabis-derived products manufacturing within 300 ft of a school.
2. The Applicant has authority to pursue this Application.
3. The subject property is currently zoned MX- FB-UD.
4. 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, or there is a condition of approval that any Variances or Waivers needed to comply with any of these provisions must be approved or the Conditional Use Approval will be invalidated pursuant to Subsection (2)(c)2 above;*
  - (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) *On a project site with existing uses, it will not increase non- residential activity within 300 feet in any direction of a lot in any Residential zone district between the hours of 10:00 P.M. and 6:00 A.M.;*
  - (f) *It will not negatively impact pedestrian or transit connectivity without appropriate mitigation.*
- 5. Applicant bears the burden of providing a sound justification for the requested decision, based on substantial evidence, pursuant to IDO Section 14-16-6-4(E)(3).
- 6. Applicant bears the burden of showing compliance with required standards through analysis, illustrations, or other exhibits as necessary, pursuant to IDO Section 14-16-6-4(E)(4).
- 7. Applicant appeared and gave evidence in support of the application.
- 8. All property owners within 100 feet and affected neighborhood association(s) were notified as required by the IDO.
- 9. The ZHE finds that the proper “Notice of Hearing” signage was posted for the required time period as required by Section 14-16-6-4(K)(3).
- 10. 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.
  - a. Agent testified and confirmed in submitted written evidence that the community and surrounding neighborhoods would benefit from the approval of the requested Conditional Use as it would help create new jobs within a new market sector and aid towards the growth and expansion of local small businesses and entrepreneurship within the community and neighborhood. This aligns with the goals and policies of the ABC Comp. Plan, as one of its goals is to “foster a culture of creativity and entrepreneurship and encourage private businesses to grow.” ABC Comp. Plan Goal 8.2.
  - b. Applicant also states that the proposed project is consistent with the ABC Comprehensive Plan as the subject site is located within a Major Transit Corridor with a strong transportation network.
  - c. The proposed site is located in a mixed-use neighborhood where development of a mix of residential and other uses are encouraged. The proposal would provide additional job opportunities to the neighborhood, but would not have any retail component that may create the risk of people using cannabis in public or other purported negative affects regarding which opponents expressed concerns targeted at cannabis retail.
  - d. A community member pointed out that the Subject Property is located within the University Metropolitan Redevelopment Area Plan area, which promotes offering of food items, but is silent as to cannabis businesses. Applicant states that the proposed cannabis business would provide its customers a variety of edible goods, which would appear consistent with the cited redevelopment plan.
- 11. 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. Agent testified and confirmed in written submittals that the requested Conditional Use approval would comport with all applicable requirements. No prior permits or approvals apply. The requested use would be permissive in the MX-FB-UD zone, were it not for the property being located

within 300 feet (297 feet) away from a school (See IDO Table 2.4.10, Table 4.2.1, Section 4-3(E)(3)(d)).

12. IDO Section 14-16-4-3(E)(3) requires Use-Specific Standards for Cannabis-Derived Products Manufacturing. Applicant has met its burden of providing evidence that establishes that these use-specific criteria are satisfied.
13. 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.
  - a. Agent testified and confirmed in written submittals that the requested Conditional Use approval would not create any adverse impact and would in fact enhance the area as the downtown area will benefit from the additional jobs generated by the proposed cannabis retail establishment.
  - b. Several neighbors submitted opposition to the Application, citing odors, the potential for people smoking cannabis in public, and other negative impacts. However, Applicant differentiated the proposed business from the existing businesses, because of the extensive odor control plan to be implemented. Also, Applicant distinguished the proposed use from retail uses, because this manufacturing use would be wholesale only, not retail.
14. 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. Applicant provided evidence that the requested Conditional Use approval would not create any adverse impact and would not increase traffic congestion, parking, congestion, noise, or vibration. The Subject Property is located in a transit intense area and the applicable zone code has no on-site parking requirements. The City Traffic Engineer submitted a report stating no objection to the Application.
15. The proposed use will not increase non-residential activity within 300 feet of a lot in any residential zone between the hours of 10:00PM and 6:00AM as required by Section 14-16-6-6(A)(3)(e). Applicant states that the proposed project will not have hours of operation between 10:00 PM and 6:00 AM.
16. 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, Agent confirmed in written submittals that no negative impact on pedestrian or transit connectivity would result.

#### DECISION:

APPROVAL of a conditional use to allow cannabis-derived products manufacturing within 300 ft of a school.

#### APPEAL:

If you wish to appeal this decision, you must do so by November 16, 2023 pursuant to Section 14-16-6-4(V), 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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cc:

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