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

Eric Speegle requests a Conditional Use to allow cannabis consumption on premise for Lot A1, Block 38, MONTE VISTA ADDN, located at 3636 Monte Vista Blvd, zoned MX-L [Section 14-16-4-3(D)(35)(i)]	Special Exception No: .... **VA-2024-00202** Project No: ..... **PR-2024-010624** Hearing Date: ..... 08-20-24 Closing of Public Record: 08-20-24 Date of Decision: 09-04-24

On the 20th day of August, 2024, property owner Eric Speegle ("Applicant") appeared before the Zoning Hearing Examiner ("ZHE") requesting a conditional use to allow a Conditional Use to allow cannabis consumption on premise ("Application") upon the real property located at 3636 Monte Vista Blvd. NE ("Subject Property"). Below are the ZHE's finding of fact and decision:

FINDINGS:

1. Applicant is requesting a conditional use to allow a Conditional Use to allow cannabis consumption on premises.
2. The ZHE finds that the Applicant has authority to pursue this Application.
3. Applicant has duly authorized Agent to act on Applicant's behalf regarding the Application.
4. All property owners within 100 feet and affected neighborhood association(s) were notified.
5. 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)(4).
6. The Subject Property is zoned MX-L. Therefore, allowing on-site cannabis consumption on Subject Property requires a Conditional Use Approval pursuant to IDO Subsection 14-16-6-6(A).
7. The City of Albuquerque Code of Ordinances Integrated Development Ordinance ("IDO") 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 this 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 of a lot in any Residential zone district between the hours of 10:00 pm and 6:00 am;

(f) It will not negatively impact pedestrian or transit connectivity without appropriate mitigation."

8. 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).
9. 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).
10. Agent appeared and gave evidence in support of the Application.
11. Applicant has met the burden of providing evidence that established that the requested Conditional Use Approval is consistent with the ABC Comp. Plan, as amended. Applicant submitted evidence supporting that the requested Conditional Use approval furthers the goals and policies of the ABC Comp. Plan by helping to ensure appropriate scale and location of development and character of design, and providing employment and a mix of services for the area.
12. Applicant has met the 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. Applicant submitted evidence that, if granted this approval, development and operation of the Subject Property would take place in accordance with IDO requirements. It appears that no prior approvals would affect the Application.
13. Applicant has met the 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. Applicant participated in a facilitated meeting with neighborhood representatives and community members, regarding which Applicant reiterated in testimony a commitment to allow only consumption of edible (not smoking or vaping) cannabis products, and only such cannabis-derived edible products that are not deemed by State regulation to be of an intoxicating level.
14. Applicant has met the 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 Subject Property has sufficient parking and access, and therefore no negative impacts to congestion of traffic of parking would result. No noise or vibration would result.

15. Applicant has met the burden of providing evidence that establishes that the requested Conditional Use approval 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. Applicant confirmed in written submittals that non-residential activity would not increase in any prohibited manner.
16. Applicant has met their burden of providing evidence that establishes that the requested Conditional Use approval will not negatively impact pedestrian or transit connectivity without appropriate mitigation. Applicant submitted evidence that there will be no modification to the lot, sidewalks, traffic access, roadways, or any other areas that would negatively impact pedestrian or traffic connectivity.
17. The City Traffic Engineer submitted a report stating no objection to the Application.

DECISION:

APPROVAL WITH CONDITIONS of a conditional use to allow on-site cannabis consumption.

CONDITIONS:

Only consumption of edible (not smoking or vaping) cannabis products is allowed, and only such cannabis-derived edible products that are not deemed by State regulation to be of an intoxicating level.

APPEAL:

If you wish to appeal this decision, you must do so by September 19, 2024 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.

Robert Lucero, Esq.
Zoning Hearing Examiner

cc: ZHE File
Zoning Enforcement
Eric Speegle, espeegle@verdesfoundation.org

Drake Lavelle, fdrakelavellefamily@gmail.com
Rachael McLaughlin, 6005 Coronado NE, 87109