



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

Anna Chavez requests a Conditional Use for a Family Home Day Care for Lot 31, Block 7, Replat of Lot 2 & Lots 28 thru 32 Block 7, Lots 12 & 13 in Block 6, Amended & Corrected Unit No.1 Panorama Estates Subdivision located at 2020 Elaine Pl. NE, zoned R-1C [IDO Sections 14-16-4-3(F)(8), Table 4-2-1; 14-6-6(A)(3)]	Special Exception No:.....	CU-2025-00047
	Hearing Date:	PR-2025-020164
	Closing of Public Record:	01-20-2026
	Date of Decision:.....	01-20-2026
		02-04-2026

On January 20, 2026, Anna Chavez (“**Applicant**”) was scheduled to appear before the Zoning Hearing Examiner (the “**ZHE**”) requesting a Conditional Use Approval to allow for a Family Home Day Care (“**Application**”) upon the real property located at 2020 Elaine Pl. NE (the “**Subject Property**”). Below are the ZHE’s findings of fact and decision:

FINDINGS:

1. This is a conditional use request to allow a Family Home Day Care on Lot 31 Block 7 Replat of Lot 2 & Lots 28 thru 32 Block 7, Lots 12 & 13 in Block 6, Amended & Corrected Unit No. 1 Panorama Estates Subdivision, located at 2020 Elaine Pl. NE, between Prospect Ave. NE and Apache Pl. NE.
2. Applicant has authority to pursue this Application, pursuant to 14-16-6-4(D).
3. The applicant of this request is the owner of the property.
4. Applicant is not required to offer a meeting to Indian Nations, Tribes, and Pueblos, pursuant to IDO Section 14-16-6-4(B).
5. The Planning Director’s delegee has determined that the Application is complete, pursuant to IDO Section 14-16-6-4(G).
6. The Application was forwarded to commenting agencies pursuant to IDO Section 14-16-6-4(I).
7. The content of the notice of the Application satisfies IDO Section 14-16-6-4(J)(1).
8. Applicant has not provided evidence that shows an electronic mail notice was sent to the email addresses on file with the Office of Neighborhood Coordination for each pertinent Neighborhood Association as required by IDO Section 14-16-6-4(J)(2).
9. Applicant has sent mail notice to all property owners within 100 feet of the subject property as required by IDO Section 14-16-6-4(J)(3).
10. Applicant has posted sign notice(s) as required by IDO Section 14-16-6-4(J)(4).
11. Upon the effective date of the Integrated Development Ordinance, the subject site is zoned R-1C (Residential – Single-Family Zone District).

12. Pursuant to IDO Table 4-2-1: Allowable Uses, a Family Home Day Care on the subject site requires a Conditional Use Approval pursuant to IDO Subsection 14-16-6-6(A).
13. 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) *This request is consistent with the Comprehensive Plan as shown to be consistent with the following applicable Goals and Policies from Chapter 8 Economic Development.*
 - (b) *The applicant complies fully with all relevant provisions of the applicable IDO section under which the application is submitted. The applicant has provided photos that show compliance with 4-3(F)(8)(c), the outdoor play area is enclosed by an opaque wall and gate that is at least 6 feet in height.*
 - (c) *Staff analysis has determined that the applicant’s compliance with all IDO use-specific standards, New Mexico State and City of Albuquerque regulations, in combination with the self-imposed limits on the number of children present at one time and proposed hours of operation, will adequately mitigate any potential adverse impacts on the surrounding community, and will not create additional negative impacts on adjacent properties.*
 - (d) *While the applicant has not provided information that show how this request will not create material adverse impacts by increases in traffic congestion, parking congestion, and noise. Staff analysis has determined that this request will not create significant negative impacts on the surrounding area by limiting the number of children to six and maintaining hours of operation to Monday through Friday, 7am to 5pm. An opaque wall and gate enclose the play area and all other noise generating activities will be indoors. The benefits of brining additional child care to the community outweigh any potential impact.*
 - (e) *This request will not increase non-residential activity between the hours of 10:00pm and 6:00am. The propose child care facility will operate Monday through Friday, 7am to 5pm.*
 - (f) *This operation shall not adversely affect pedestrian or transit connectivity in this area.*
14. 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).
15. 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). Applicant appeared at the January 20, 2026 ZHE hearing on the Application and gave evidence in support of the Application.
16. Applicant appeared at the ZHE hearing on the Application and gave evidence in support of the Application.
17. 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. The proposed use provides in-demand services and employment opportunities in the community, consistent with the Comp. Plan.
18. 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 provided substantial evidence that the proposed use would be operated in compliance with all such requirements.

19. 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. No such impacts appear in the record without sufficient mitigation.
20. 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. The proposed use generates minimal traffic and the parents will drop-off and pick-up children at different times, further minimizing any potential impact. Applicant will advise parents to abide by all traffic and parking requirements.
21. 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 provided substantial evidence that the proposed use will not increase non-residential activity during prohibited hours.
22. 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 provided substantial evidence that no such resulting impacts will occur.
23. IDO Section 14-16-4-3(F)(8) requires the following Use-Specific Standards for a Family Home Day Care:
 - a) The operator of this use must obtain and maintain in effect at all times any City or State permit or license required for the operation of this use*
 - (b) Only members of the residing household may provide care.*
 - (c) Any outdoor play area shall be enclosed by an opaque wall, fence, or vegetative screen at least 6 feet in height.*
 - (d) Only a sign meeting the requirements for a home occupation is allowed.*Applicant has demonstrated compliance with these use-specific standards
24. The City Traffic Engineer submitted a report stating no objection to the Application.

DECISION:

APPROVAL of a Conditional Use to allow for a Family Home Day Care.

APPEAL:

If you wish to appeal this decision, you must do so by February 19, 2026 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 Notice of Decision does not constitute approval of plans for a building permit. If your Application is approved, bring this Notice of Decision with you when you apply for any related building permit or occupation tax number. Approval of a Conditional Use is void after two (2) years from date of approval if the rights and privileges granted thereby have not been executed or utilized. Approval of a Variance is void after one (1) year from date of approval if the rights and privileges granted thereby have not been executed or utilized.



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