

**CITY OF ALBUQUERQUE**  
PLANNING DEPARTMENT  
URBAN DESIGN & DEVELOPMENT DIVISION  
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## ZONING HEARING EXAMINER NOTICE OF DECISION

**Special Exception Number:** CU-2026-00015

**Project Number:** PR-2019-002284

**Hearing Date:** 06-16-2026

**Closing of Public Record:** 06-16-2026

**Date of Decision:** 07-01-2026

**Case Description:** Prop Thirteen Albuquerque LLC (Owner) & Sergio Lozoya (Applicant) request a Conditional Use for an Amphitheater for Lot B1A1, Renaissance Center 3, Located At 1500 Desert Surf Cir NE, zoned NR-C (F-16) IDO Section 14-16- 4-3(D)(33)

On June 16, 2026, Sergio Lozoya (“Agent”) as agent for Prop Thirteen Albuquerque LLC (“Owner”) was scheduled to appear before the Zoning Hearing Examiner (“ZHE”) requesting a Conditional Use Approval to allow an Amphitheater (“Application”) upon the real property located at 1500 Desert Surf Cir NE (“Subject Property”). Below are the ZHE’s findings of fact and decision.

### FINDINGS

1. Applicant is requesting a Conditional Use Approval for an Amphitheater [use], pursuant to City of Albuquerque Code of Ordinances Integrated Development Ordinance (“IDO”) § 14-16-6-6(A).
2. Applicant has authority to pursue this Application, pursuant to IDO § 14-16-6-4(D).
3. Applicant has duly authorized Agent to act on Applicant’s behalf regarding the Application.
4. The Planning Director’s delegee has determined that the Application is complete as of May 6, 2026, pursuant to IDO § 14-16-6-4(G).
5. The analyses and studies listed in IDO § 14-16-6-4(H) are not required.
6. The Application was referred to commenting agencies pursuant to IDO § 14-16-6-4(I).
7. The content of the public notice of the Application satisfies IDO § 14-16-6-4(J)(1).

8. Applicant has sent an electronic mail notice to the email addresses on file with the Office of Neighborhood Coordination for Neighborhood Associations within 660 feet as required by IDO § 14-16-6-4(J)(2).
9. Applicant has sent mailed notice to all property owners within 100 feet of the subject property as required by IDO § 14-16-6-4(J)(3).
10. Applicant has posted sign notice(s) as required by IDO § 14-16-6-4(J)(4).
11. The Subject Property is located in NR-C zone district, which requires a Conditional Use Approval pursuant to IDO Table 4-2-1 for this use.
12. Therefore, an Amphitheater on the Subject Property requires a Conditional Use Approval pursuant to IDO § 14-16-6-6(A).
13. IDO § 14-16-6-6(A)(3) (Review and Decision Criteria) 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 § 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.”*
14. There are no use-specific standards applicable to Amphitheater, therefore this use is governed by the standards of IDO § 14-16-4-3(D)(33) (*Other Outdoor Entertainment*), none of which appear to directly apply to the Application.
15. Applicant bears the burden of providing a sound justification for the requested decision, based on substantial evidence, pursuant to IDO § 14-16-6-4(E)(3).
16. Applicant bears the burden of showing compliance with required standards through analysis, illustrations, or other exhibits as necessary, pursuant to IDO § 14-16-6-4(E)(4).
17. Agent appeared at the June 16, 2026 ZHE hearing and gave evidence in support of the Application.
18. 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 Application supports several Goals and Policies of the ABC Comp. Plan, including without

limitation Goal 5.1 (Centers & Corridors), Policy 5.1.1 (Desired Growth), Policy 5.1.5 (Employment Centers), Goal 5.3 (Efficient Development Patterns), Policy 5.3.1 (Infill Development), Policy 7.3.3 (Placemaking), and Policy 8.2.6 (Creative Economy). The proposed outdoor amphitheater would further applicable ABC Comprehensive Plan goals and policies by supporting infill development within the Renaissance Employment Center and along the Montano Major Transit Corridor. The request would activate a vacant site with an entertainment use that complements nearby businesses, strengthens the area's emerging entertainment identity, and promotes efficient use of existing infrastructure. It would also support placemaking and the creative economy by providing a venue for performances, cultural events, and increased visitor activity.

19. 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 § 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. The IDO does not contain any Use-Specific Standards for the use of outdoor Amphitheater. The respective Site Plan for the subject site complies with all applicable IDO and DPM development standards and requirements and does not contain any required Variances or Waivers for development approval.
20. 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. The subject site is located within the Renaissance Employment Center, surrounded by non-residential uses. Any adverse impacts caused by the proposed use will not impact any residential neighborhoods or uses. The respective Site Plan includes ample parking facilities that are adequately accessible from the Montano Major Transit Corridor, mitigating traffic or parking concerns.
21. 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 Site Plan includes parking facilities that exceed the minimum parking requirements for the site, indirectly accessible from two (2) access points: Montano Rd and Alexander Blvd. The subject site contains an elevation dip from Montano Rd to the southern end of the site. The Site Plan places the amphitheater under the elevation dip, containing all noise and lighting disturbances to the lower elevation. The economic and community benefits of an amphitheater outweigh the possible noise, lighting, or material impacts generated by this use, due to the mitigation of potential disturbances as described above.
22. 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. The subject site is not within 300 ft of any residential zone district or residential use. The nearest residential use is across I-25 to the east, ~930ft from the subject property line. The site lies next to the I-25/Montano Rd intersection. The traffic and activity generated by this use would be concentrated on these corridors already designed to carry heavy and

off-hour traffic, mitigating the possibility of local roads bearing the potential traffic burden of the proposed use.

23. 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. The site plan for the proposed use includes parking facilities directly accessible from Desert Surf Cir, a local road. Desert Surf Cir currently contains pedestrian facilities that will be improved upon the construction of the site per the Site Plan. Furthermore, the nearest transit line runs on Montano Rd. The site will not be accessed through Montano directly, thus, the construction of the site will not interfere with transit and pedestrian infrastructure on Montano.
24. The City Traffic Engineer submitted a comment stating no objection to the Application.

**DECISION:**

APPROVAL of a Conditional Use for an Outdoor Amphitheater.

**APPEAL:**

If you wish to appeal this decision, you must do so by July 16, 2026. Pursuant to IDO § 14-16-6-4(U), you must demonstrate that you have legal standing to file an appeal.

**PERIOD OF VALIDITY:**

Approval of a Conditional Use is valid for two (2) years from date of approval.

**OTHER REQUIREMENTS:**

THIS NOTICE OF DECISION DOES NOT CONSTITUTE APPROVAL OF PLANS FOR A BUILDING PERMIT.

Successful applicants are reminded that other regulations of the City must be complied with, even after approval of a special exception. If your Application is approved, submit this Notice of Decision when you apply for any related site plan, building permit, or occupation tax number.



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Zoning Hearing Examiner

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Zoning Enforcement