



# APPLICATION FOR SPECIAL EXCEPTION CITY OF ALBUQUERQUE, PLANNING DEPARTMENT

Office of the Zoning Hearing Examiner  
600 2<sup>nd</sup> Street NW, Suite 300, 87102  
505.924.3918

### A. APPLICANT INFORMATION--PLEASE PRINT

TELEPHONE (INCLUDE AREA CODE)

OWNER NAME (FIRST, LAST) Daskalos Nob Hill LLC New Mexico CO (H) \_\_\_\_\_  
MAILING ADDRESS 5351 Menaul Blvd. NE (W) 505-883-0414  
CITY Albuquerque (C) \_\_\_\_\_  
STATE NM ZIP CODE 87110

AGENT NAME (FIRST, LAST-IF ANY) Jim Strozler (H) \_\_\_\_\_  
MAILING ADDRESS 302 Eighth St. NW (W) 505-764-9801  
CITY Albuquerque (C) \_\_\_\_\_  
STATE NM ZIP CODE 87102

### LEGAL DESCRIPTION OF PROPOSED SPECIAL EXCEPTION--PLEASE PRINT

TRACT(S) 6 LOT(S) 1A MRGCD MAP NO. \_\_\_\_\_  
BLOCK \_\_\_\_\_  
SUBDIVISION/ADDITION Monte Vista Addition  
STREET ADDRESS OF SPECIAL EXEMPTION 108 Wesley Dr NE ZIP CODE 87106  
UNIFORM PROPERTY CODE 1016057441429510526

### B. CRITERIA FOR DECISION-

I have been given the Criteria for Decision requirements.  
Initial Here [Signature]

### C. EXPLANATION OF REQUEST-

On additional sheet(s) of paper, please state why you want this Special Exception, based on the Criteria for Decision Requirements.

### D. DRAWINGS OF REQUEST-

ATTACH THREE (3) COPIES. Please follow instructions on the back of this form and attach the appropriate drawings.

### E. TRAFFIC ENGINEERING REVIEW-

REQUIRED FOR ALL WALLS AND FENCES IN THE FRONT AND STREET SIDE YARD SETBACKS.  
Call the Traffic Analysis Supervisor at 505.857.8680 for Site Plan Review. Delay of your case will result if you do not obtain comments from the Traffic Analysis Supervisor.

### F. ACKNOWLEDGEMENT-

I hereby acknowledge that, to the best of my knowledge, this application is correct and complete and that I have received one or more signs that I have agreed to post and maintain as provided and where instructed. I understand that failure to properly post sign(s) is grounds for deferral of my case

SIGNATURE [Signature] DATE 2/15/08  
ZONING ENFORCEMENT OFFICE INTERNAL USE ONLY  
PROJECT #: 1007484 APPLICATION #: 08 ZHE 80364

### APPLICATION FOR: (CHECK AS APPROPRIATE)

- Conditional Use
  - Expansion of a NonConforming Use
  - NonConforming Use / Status Established Building
- ? Variance: (CHECK AS APPROPRIATE)  
 Distance ? Setback  
 Height ? Parking  
 Size ? Other

SECTION NO. 14-16-2-26(B) REFERENCE SECTION NO. 14-16-2-27.(A)

LEGAL AD Requesting a conditional use to allow a trash structure existing to

SECTOR DEVELOPMENT AREA: NOB HILL FLIGHTLAND

ZONED: R-R ZONE ATLAS PAGE: 16 NO. OF SIGNS ISSUED: \_\_\_\_\_

POST SIGN(S) / STREET ADDRESS OF PROPOSED SPECIAL EXCEPTION 108 Wesley Dr NE

APPLICATION RECEIVED BY Z.E.O. (PRINT FULL NAME) Michael Ancys DATE 09-15-08 FEE: \$ 145

APPLICANT RECEIVED BY Z.E.O. (PRINT FULL NAME) \_\_\_\_\_ DATE \_\_\_\_\_

DATE OF PUBLIC HEARING \_\_\_\_\_ (APN) 441018 / 4971000 \$ 35.00 (SEA) 441006 / 4917000 \$ 100.00 (CMP) 441032 / 3424000 \$ 10.00

SUPPLEMENTAL SHEET FOR SPECIAL EXCEPTION APPLICATION

PROJECT #: 1007484

APPLICATION #: 08ZHE 80368

APPLICATION FOR: (CHECK AS APPROPRIATE)

- (ZHE01) Conditional Use
- (ZHE02) Expansion of a NonConforming Use
- (ZHE03) NonConforming Use / Status Established Building

(ZHE04) Variance:

- Distance  Setback
- Height  Parking
- Size  Other

SECTION NO. 14-16-2-26(B)

REFERENCE NO: 14-16-2-27(A)

(LEGAL AD) ACTION DESCRIPTION Requesting a conditional use to allow a parking garage.

PROJECT #: \_\_\_\_\_

APPLICATION #: ZHE

APPLICATION FOR: (CHECK AS APPROPRIATE)

- (ZHE01) Conditional Use
- (ZHE02) Expansion of a NonConforming Use
- (ZHE03) NonConforming Use / Status Established Building

(ZHE04) Variance:

- Distance  Setback
- Height  Parking
- Size  Other

SECTION NO. \_\_\_\_\_

REFERENCE NO: \_\_\_\_\_

(LEGAL AD) ACTION DESCRIPTION \_\_\_\_\_

PROJECT #: \_\_\_\_\_

APPLICATION #: ZHE

APPLICATION FOR: (CHECK AS APPROPRIATE)

- (ZHE01) Conditional Use
- (ZHE02) Expansion of a NonConforming Use
- (ZHE03) NonConforming Use / Status Established Building

(ZHE04) Variance:

- Distance  Setback
- Height  Parking
- Size  Other

SECTION NO. \_\_\_\_\_

REFERENCE NO: \_\_\_\_\_

(LEGAL AD) ACTION DESCRIPTION \_\_\_\_\_

PROJECT #: \_\_\_\_\_

APPLICATION #: ZHE

APPLICATION FOR: (CHECK AS APPROPRIATE)

- (ZHE01) Conditional Use
- (ZHE02) Expansion of a NonConforming Use
- (ZHE03) NonConforming Use / Status Established Building

(ZHE04) Variance:

- Distance  Setback
- Height  Parking
- Size  Other

SECTION NO. \_\_\_\_\_

REFERENCE NO: \_\_\_\_\_

(LEGAL AD) ACTION DESCRIPTION \_\_\_\_\_

PROJECT #: \_\_\_\_\_

APPLICATION #: ZHE

APPLICATION FOR: (CHECK AS APPROPRIATE)

- (ZHE01) Conditional Use
- (ZHE02) Expansion of a NonConforming Use
- (ZHE03) NonConforming Use / Status Established Building

(ZHE04) Variance:

- Distance  Setback
- Height  Parking
- Size  Other

SECTION NO. \_\_\_\_\_

REFERENCE NO: \_\_\_\_\_

(LEGAL AD) ACTION DESCRIPTION \_\_\_\_\_

Daskalos Nob Hill, LLC.

5319 Menaul Blvd. NE  
Albuquerque, NM 87110

Phone: (505) 883-4131

Fax: (505) 883-4134

E-mail: [mortiz@daskalosdi.com](mailto:mortiz@daskalosdi.com)

September 15, 2008

Mr. Roberto Albertorio, Esq.  
Zoning Hearing Examiner  
City of Albuquerque  
Planning Department  
600 2nd St. NW  
Albuquerque, NM 87103

RE: 3339 Central Avenue NE

Dear Mr. Albertorio:

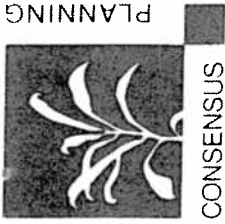
The purpose of this letter is to authorize Consensus Planning, Inc. to act as our agent on this request for two conditional uses for Lot 1A and Lot 16A, block 6, of the Monte Vista Addition. The property is located north of Central Avenue, in between Wellesley Drive NE and Tulane Drive NE.

Thank you for your consideration.

Sincerely,



Jason Daskalos  
Daskalos Nob Hill, LLC



September 15, 2008

Mr. Roberto Albertorio, Esq.  
Zoning Hearing Examiner  
City of Albuquerque, Planning Department  
600 2<sup>nd</sup> Street NW  
Albuquerque, NM 87102

Landscape Architecture  
Urban Design  
Planning Services

Re: Project # 1004765, 3339 Central Avenue NE

302 Eighth St. NW  
Albuquerque, NM 87102

(505) 764-9801  
Fax 842-5495  
cp@consensusplanning.com  
www.consensusplanning.com

Dear Mr. Albertorio:

The following requests are on behalf of our client, Daskalos Nob Hill LLC, for the property located at 3339 Central Avenue NE, lots 1-A and 16A on block 6. On August 21, 2008, Judge Theresa Baca ruled that "The City's decision addressing the trash structure and parking garages is not in accordance with the law. Section 14-16-2-26 and Section 14-16-3-1 do not authorize structures on lots zoned for permissive use off-street parking, and the City did not approve the structures as a conditional use under Section 14-16-2-26(B) or as a variance. The City's decision on this issue is reversed" (Please see the attached Memorandum Opinion and Order regarding case no. CV-2007-06467 p. 9-15). These structures, located within P-R zoned lots, can only be allowed if conditional use approval is granted.

With this application for special exception, two separate Conditional Use requests are being made: one for the trash structure and one for the parking garages. A Conditional Use shall be approved if and only if, in the circumstances of the particular case and under conditions imposed, the use proposed:

- 1) Will not be injurious to the adjacent property, the neighborhood, or the community;
- 2) Will not be significantly damaged by surrounding structures or activities.

PRINCIPALS

Karen R. Marcotte, AICP  
James K. Srozier, AICP  
Christopher J. Green, ASLA

The structures in question serve a mixed use (commercial and residential) building consisting of retail space and twenty-six condominiums along one block of Central Avenue, which is currently

ASSOCIATES

Jacqueline Fishman, AICP



under construction. The P-R lots (1-A and 16A) are adjacent to the north side of the building, across from a public alley. For a lot zoned P-R, "all regulations of the P zone apply" Albuquerque Code of Ordinances, § 14-16-2-27(A) (1978). The P-Parking Zone Section 14-16-2-26(B) authorizes an additional structure as a conditional use. It states, "An additional structure which is reasonable and necessary for the function of the parking lot or for the convenience of patrons, such as attendant shelter, telephone booth, or rest rooms." Both structures meet this requirement because they are convenient to the patrons.

#### **CONDITIONAL USE #1 – TRASH STRUCTURE**

The first Conditional Use request is for the trash structure. The trash structure is located on the southwestern corner of lot 1-A, near Wellesley Drive and the public alley. The trash compactor is enclosed within a 500 square-foot area with 7-foot, 4-inch high CMU block walls and steel gates, and is equipped with drain and electrical systems. The location of the trash compactor was approved by the City's Solid Waste Management Department and meets all of the necessary standards. Its location is desirable because it can be easily serviced by the department. The trash compactor is provided for the adjacent building, and the residents of this building are the patrons of these lots.

The trash compactor will neither be injurious to the adjacent property, neighborhood, or the community, nor be significantly damaged by surrounding structures or activities. The compactor will be screened from adjacent neighbors, with access from the public alley in an area that is convenient for both the patrons and the City Solid Waste Department. The sealed trash compactor takes up less space than a conventional dumpster, is less likely to overflow, decreases the waste stream to the City's landfill, and is overall better for the environment. In addition to the trash compactor, this area will also include a City recycling bin.

#### **CONDITIONAL USE #2 – PARKING GARAGES**

The second Conditional Use request is for the parking garages. The City approved Daskalos Nob Hill, LLC's request to build two private parking garage buildings on Lots 1-A and 16A. In reference to Section 14-16-2-26(B) of the P Parking Zone ordinance, a parking garage is "an additional structure which is reasonable and necessary for the function



of the parking lot or for the convenience of patrons." The patrons of this parking lot include the residents of the building. Parking garages are desirable because they add security and protection from the elements.

The parking garages will neither be injurious to the adjacent property, neighborhood, or the community, nor be significantly damaged by surrounding structures or activities. These single-story structures use complimentary building materials and colors as the adjacent building whose residents they serve. The uses of the building and parking garages complement one another. There is a 10-foot landscape buffer between from the neighboring house and vacant lot on the north side of the garages, and the scale of the neighboring houses and the parking garages are both one-story. Access is from the public alley south of the garages. The parking garages act as a buffer in between the less intense residential uses to the north and the more intense mixed-use commercial and residential building in which they serve.

Based upon the above, we feel that we have addressed the issues necessary for the approval two Conditional Uses: one for the trash structure and one for the parking garages. If you have any questions or require additional information, please do not hesitate to contact me at 764-9801. Thank you for your consideration in this matter.

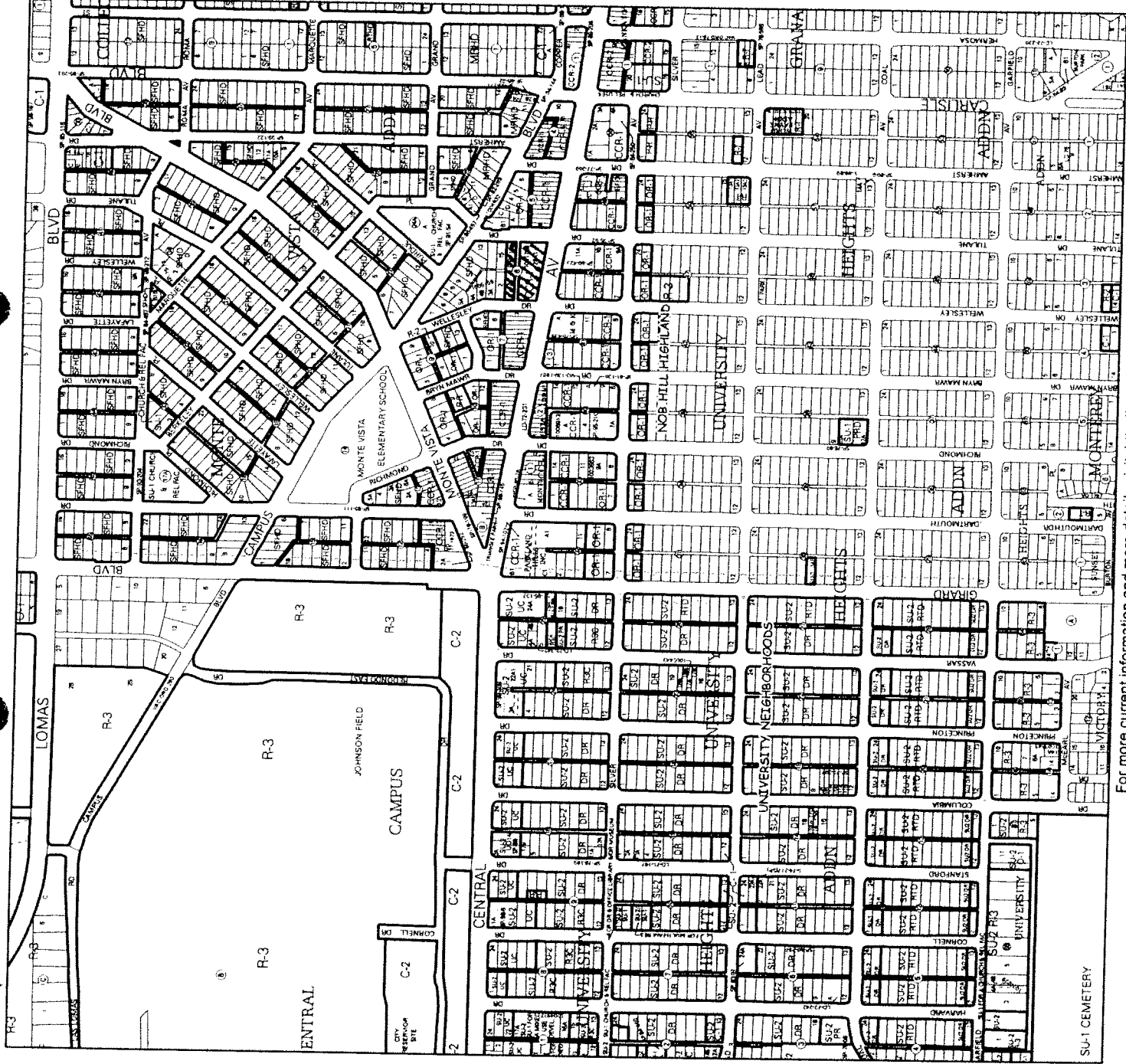
Sincerely,

James K. Strozier, AICP  
Principal

Attachments: Site Plan Exhibit  
Memorandum Opinion and Order (No. CV-2007-06467)  
Zone Atlas Page

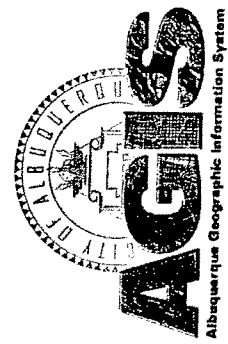
c: Daskalos Nob Hill, LLC  
Chris Gunning/Curtis Proctor, Dekker, Perich, Sabatini  
Catherine Davis, Hunt & Davis, PC

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For more current information and more details visit: <http://www.cabq.gov/gis>

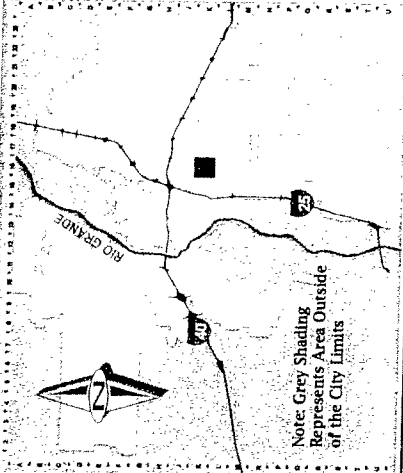
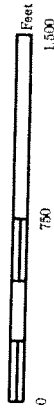
Zone Atlas Page:  
**K-16-Z**



Map amended through: 6/13/2008

Selected Symbols

- SECTOR PLANS**
- Design Overlay Zones
  - City Historic Zones
  - H-1 Buffer Zone
  - Escarpment
  - 2 Mile Airport Zone
  - Airport Noise Contours
  - Wall Overlay Zone
  - Petroglyph Mon.



AUG 21 2006

*Guarita M. Sison*  
CLERK DISTRICT COURT

STATE OF NEW MEXICO  
COUNTY OF BERNALILLO  
SECOND JUDICIAL DISTRICT

KENNETH M. ROBNEY,  
Appellant Pro Se,

v.

No. CV-2007-06467  
Consolidated with CV 2008-00312  
and CV 2006-10497

CITY COUNCIL OF THE CITY OF  
ALBUQUERQUE,

Appellee,

JASON DASKALOS,

Interested Party.

MEMORANDUM OPINION AND ORDER

(1) Appellant Kenneth M. Robney appeals the decisions of Appellee City Council of the City of Albuquerque approving building plan amendments concerning the property at 3339 Central Avenue NE, a project developed by Interested Party Jason Daskalos. The Court affirms in part and reverses in part. The City's decision addressing the trash structure, parking garages, and the calculation of off-street parking is not in accordance with the law and is thus reversed. The City is affirmed regarding Robey's remaining issues.

**I. Facts and Background**

(2) The parties do not dispute the underlying facts and procedural history. Robey resides at 121 Tulane Drive, NE, north of the property at issue. Daskalos submitted plans for the project, a mixed use multi-story commercial and residential building consisting of retail space and twenty-six apartments along one block of Central Avenue, as well as two single-story buildings on adjacent property north of Central, in December of 2005. The property is located on a sloping grade which descends north to a residential neighborhood.

(3) The City Planning Department issued a building permit in June 2006. Robey appealed this action to the City Council; following two hearings before the Land Use Hearing Officer (LUHO), the City Council accepted the LUHO's recommendation. The first permit was voided.

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1 (4) Daskalos requested an on-street parking credit in July 2006.<sup>1</sup> The City sent property owners  
2 within 250 feet a notice regarding this request. Ten residents, including Robey, wrote the traffic  
3 engineer and objected to Daskalos's request. The traffic engineer approved the request for the on-  
4 street parking credit of sixteen spaces, and Robey appealed. The LUHO conducted a hearing on  
5 November 7, 2006, and recommended that Robey's appeal be denied. The City Council accepted  
6 this recommendation and denied the appeal. Robey then appealed to this Court in Case Number CV  
7 2006-10497. The Court stayed this appeal pending the appeals in the consolidated cases.

8 (5) Robey raises six issues in CV 2006-10497: (1) whether the traffic engineer's decision was  
9 in accordance with law requiring notice and a hearing for zoning regulation amendments; (2)  
10 whether the City's process of granting an on-street parking credit is in accordance with the appeal  
11 process required by state law; (3) whether the decision was essentially a variance; (4) whether the  
12 decision was arbitrary and capricious because the zoning ordinances lack adequate standards for  
13 evaluation; (5) whether the decision was arbitrary and capricious because the credit was not  
14 approved in conjunction with a site plan approval for off-street parking; and (6) whether the decision  
15 was arbitrary and capricious because the traffic engineer did not make a clear record supporting his  
16 decision.

17 (6) In January 2007, the City Planning Department issued a second building permit for the same  
18 project, which Robey again appealed. Following hearings before the LUHO and the City Council,  
19 the Council issued a decision on June 26, 2007, denying most of Robey's appeal. Robey's appeal  
20 of these matters is case number CV 2007-06467. However, the Council remanded an issue regarding  
21 a landscape buffer requirement to the Planning Director; further proceedings regarding this issue are  
22 addressed in the consolidated appeal, discussed below.

23 (7) In CV 2007-06467, Robey raises six issues: (1) whether the City's decision to permit a trash  
24 facility on a lot zoned P-R (Reserved Parking) was in accordance with the Zoning Code; (2) whether  
25 its decision to permit buildings designated as "private garages" on two P-R lots was in accordance

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<sup>1</sup>The traffic engineer had initially approved Daskalos's application for an on-street parking credit without the required notice and opportunity for public comment, discovered by Robey and admitted by the City as an inadvertent error.

1 with the Zoning Code; (3) whether the decision to approve Daskalos's parking requirement analysis  
2 was in accordance with the Zoning Code or City Council Bill R-06-80; (4) whether the decision to  
3 approve Daskalos's average facade height analysis was in accordance with the Zoning Code; (5)  
4 whether granting Daskalos an on-street parking credit without additional traffic engineer analysis  
5 was arbitrary and capricious, not in accordance with the law, or not supported by substantial  
6 evidence; and (6) whether the City's decision to grant the building permit for the project was  
7 arbitrary and capricious based on a lack of an adequate record.

8 {8} In September 2007, the City approved a revised project plan concerning the remanded  
9 landscape buffer zone issue, and Robey filed his third appeal. Following a hearing and the City  
10 Council's rejection of his position, Robey also appealed the matter to this Court in the consolidated  
11 case number CV 2008-00312.

12 {9} Robey raises several issues in case number 2008-00312: (1) whether the City properly  
13 approved the building plan amendments prior to review and approval of the traffic engineer where  
14 the engineer approved and testified after the City's approval; (2) whether the City properly approved  
15 the plan amendments that reduced the size and changed the location of the buildings on Lots 1-A and  
16 16-A consistent with the Zoning Code and the Development Process Manual; and (3) whether the  
17 decision to grant a building permit for the revised project was lawful or whether it should be  
18 remanded for development of a more detailed record.

## 19 II. Discussion

### 20 A. Standard of Review

21 {10} "The district court may reverse an administrative decision only if it determines that the  
22 administrative entity . . . acted fraudulently, arbitrarily, or capriciously; if the decision was not  
23 supported by substantial evidence in the whole record; or if the City did not act in accordance with  
24 the law." Gallup Westside Dev. LLC, v. City of Gallup, 2004-NMCA-010, ¶ 10, 135 N.M. 30, 84  
25 P.3d 78 This Court may not substitute its judgment for that of the City, and it "must view the  
26 evidence in the light most favorable to the City while also considering contravening evidence." Id.

27 ¶ 11. "The party seeking to overturn the City's decision must establish that there is no substantial  
28 evidence in the record to support the decision." Id. "Substantial evidence supporting an

1 administrative agency action is relevant evidence that a reasonable mind might accept as adequate  
2 to support a conclusion.” Id.

3 (11) However, the Court reviews the zoning “ordinances de novo, using the same rules of  
4 construction that apply to statutes.” Cadena v. Bernalillo County Bd. of County Comm’ns, 2006-  
5 NMCA-036, ¶ 7, 139 N.M. 300, 131 P.3d 687. “We look to the plain language as the primary  
6 indicator of legislative intent, giving words their ordinary meaning. We do not read language into  
7 the ordinances unless they do not make sense.” Id. (citation omitted). “We . . . attempt to harmonize  
8 the language of each ordinance and facilitate their respective underlying purposes.” Id. (relying on  
9 Pub. Serv. Co v. N.M. Pub. Util. Comm’n, 1999-NMSC-040, 128 N.M. 309, 992 P.2d 860).

10 (12) “‘Interpretation of a statute is an issue of law, not a question of fact. We review questions  
11 of law de novo.’” Pub. Serv. Co., 1999-NMSC-040, ¶ 14 (quoted authority omitted). “Because  
12 statutory construction is ‘outside the realm of the [administrative body’s] expertise,’ we afford little,  
13 if any, deference to the [administrative body] on this matter.” Id. (quoted authority omitted)

14 **B. CV 2006-10497 Issues**

15 **1. Zoning Amendment**

16 (13) The applicable version regarding the on-street parking credit<sup>2</sup> provides in part:

17 1. Where parking spaces are provided on a public street and abut the property, one  
18 half of the parking may be counted toward the off-street parking requirement of a  
19 building or use on such property provided the on-street parking spaces are approved  
20 by the Traffic Engineer, in conjunction with a site plan approval for off-street  
21 parking.

22 5. Notification Requirement. The Planning Department, by regular mail, shall notify  
23 all residents within 250 feet of the property for which on-street parking credit is  
24 sought. Such residents may submit written comments to the Planning Director  
25 regarding the request for on-street parking credit within 15 days from the date the  
26  
27

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<sup>2</sup> In their briefing to this Court, none of the parties noted that some of the relevant zoning ordinances have been amended. The Court requested all parties to submit the ordinances in effect for this case to assure that the appropriate law was discussed in this appeal. Although at least one of the ordinances the parties submitted, Section 14-16-3-1, was different, and some parties did not include complete ordinances, the subsections relevant to the issues discussed in this appeal appear to be in agreement by the parties. This problem has caused the Court some difficulty and resulted in an inefficient use of time on this appeal and illustrates the necessity of the clear and correct citation to the applicable law by the parties.

1 notice was mailed. Comments received by the Planning Director that meet the  
2 requirements of this section shall be considered by the Traffic Engineer prior to the  
3 final determination of whether to grant credit for on-street parking.  
4

5 Section 14-16-3-1(E)(6)(d).

6 (14) Robey notes that, by statute, notice and a hearing are required before the amendment of a  
7 zoning regulation. See NMSA 1978, § 3-21-6(B) (1981) (“No zoning regulation . . . shall become  
8 effective, amended, supplemented or repealed until after a public hearing at which all parties in  
9 interest and citizens shall have an opportunity to be heard.”). Without argument, explanation, or  
10 authority, he contends that Section 14-16-3-1(E)(6)(d) provides for an amendment to applicable  
11 parking requirements without a hearing, and no hearing was held for the on-street parking credit at  
12 issue.

13 (15) The Court rejects this argument. As argued by the City and Dakalos, the City’s grant of an  
14 on-street parking credit is specifically authorized by Section 14-16-3-1(E)(6)(d) and is not an  
15 amendment to the zoning code.

## 16 2. Appeal Process

17 (16) Robey notes that an appeal process from a zoning decision is required by state law. See  
18 NMSA 1978, § 3-21-8(A) (2008) (“The zoning authority shall provide by resolution the procedure  
19 to be followed in considering appeals allowed by this section”). Robey argues that the on-street  
20 parking credit process does not satisfy the requirements for an appeal process. He recounts that he  
21 became aware of the traffic engineer’s decision because it became apparent through other  
22 proceedings, including the fact that no notice was initially provided as required by the ordinance.  
23 Robey asserts that the traffic engineer did not provide him or other neighbors notice of the decision  
24 granting the credit, and that his right to appeal is impacted if he is not given notice of the decision.

25 (17) Daskalos notes that Robey went to the City and obtained a copy of the traffic engineer’s  
26 decision and that he has been able to appeal that decision. The Court agrees that Robey’s right to  
27 appeal this matter was not impacted because he conscientiously requested a copy of the traffic  
28 engineer’s decision and appealed the issue. However, this does not address Robey’s argument that  
29 he had a right to receive notice of the decision.

30 (18) The City argues that Robey was obligated to make a reasonable inquiry as to the decision

1 after he submitted comments, and that he “should not be heard to complain of lack of notice,”  
2 Response, at 7, relying on Vander Vossen v. City of Espanola, 2001-NMCA-016, ¶ 23, 130 N.M.  
3 287, 24 P.3d 319 (“[W]here circumstances are such that a reasonably prudent person should make  
4 inquiries, that person is charged with knowledge of the facts reasonable inquiry would have  
5 revealed.”) (quoted authority omitted) (alteration in original). This argument is misplaced. As  
6 discussed above, Robey did make an inquiry into the decision. The question is whether the City was  
7 obligated to give Robey notice of the decision.

8 (19) While Robey discovered the decision through his own inquiry and has appealed that decision,  
9 so his right to appeal was not impaired, the Court is troubled by the City’s actions on this issue. The  
10 City failed to follow its own ordinance initially by failing to give proper notice and an opportunity  
11 to comment. It corrected this error only after Robey discovered it and noted it in an appeal of other  
12 matters. Even after the traffic engineer properly gave the required notice and allowed comment, he  
13 apparently decided that the ordinance did not require him to notify those that had commented of his  
14 decision. LUHO hearing, at 44. While the ordinance does not explicitly require notification of the  
15 decision, the Court agrees with Robey that notification impacts the right to appeal. The City and  
16 Daskalos do not appear to dispute that Robey has a right to appeal the traffic engineer’s decision.  
17 As the neighbors had a right to notice, the opportunity to comment, and the right to appeal the  
18 decision, they must also have a right to receive the decision or notice that a decision has been made,  
19 a conclusion made plain by the City’s own appeal section, which provides that a decision must be  
20 appealed within fifteen days of “the announced decision.” Section 14-16-4-4(B)(1); cf. Vander  
21 Vossen, 2001-NMCA-016, ¶ 23 (concluding that, if the appellants “never received notice of the  
22 hearing in any form, and only learned of the hearing after the fact, the time for an appeal would begin  
23 to run when [they] were first made aware of the hearing or the Board’s decision”). Although Robey  
24 is not entitled to relief on this point, the Court agrees with him that the City is required to give the  
25 decision or notice that the traffic engineer has made a decision to those neighbors that have properly  
26 commented on the on-street parking requirement.

### 27 3. Variance

28 (20) Robey argues that the traffic engineer’s decision to grant an on-street parking credit was not

1 in accordance with the ordinance and was essentially a variance. He contends that the applicable  
2 procedures for a variance were not followed. He notes that the ordinance for off-street parking sets  
3 out the requirements for parking, and that approval of less parking through the on-street parking  
4 credit requires a variance because the credit is a variation from the strict and literal application of  
5 the ordinance.

6 (21) The Court rejects this argument. Section 14-16-3-1(E)(6)(d) of the off-street parking  
7 ordinance expressly allows for an on-street parking credit. The ordinance provides that “[i]t is  
8 unlawful to reduce the amount of existing parking below the minimum required by this section  
9 except as provided in Paragraph (D)(6) below.” Section 14-16-3-1(E)(1) (emphasis added). Thus,  
10 a variance is not required.

11 **4. Standards for Evaluating an Application**

12 (22) Robey argues that the traffic engineer’s decision was arbitrary and capricious because he  
13 lacked adequate standards for deciding whether to grant a credit and for the number of spaces  
14 allowed. He notes that the traffic engineer admitted that, during peak periods, the existing traffic  
15 problems in the area of the project are “probably” going to be exacerbated. LUHO hearing, at 45.  
16 He further notes that the traffic engineer stated that there was no ordinance or statute that sets out  
17 the standards. Id. at 48. Robey notes that the traffic engineer stated that he made the decision based  
18 on technical reasons, and he contends that, if neighbors are allowed to comment, then there should  
19 be clearly stated standards so the comments may be directed toward the relevant issues.

20 (23) At the hearing on this appeal, Robey argued that a recent decision from the New Mexico  
21 Supreme Court, Albuquerque Commons P’ship v. City Council, 2008-NMSC-025, ¶ 32, 144 N.M.  
22 99, 184 P 3d 411, supported his position. He asserted that the decision of the traffic engineer was  
23 quasi-judicial, “involv[ing] a determination of the rights, duties, or obligations of specific individuals  
24 on the basis of the application of currently existing legal standards or policy considerations of past  
25 or present facts developed at a hearing conducted for the purpose of resolving the particular interest  
26 in question.” Id. (quoted authority omitted). Robey contended that a quasi-judicial proceeding  
27 would require notice, an opportunity to be heard, a hearing to rebut evidence to an impartial tribunal,  
28 and a record with adequate findings to facilitate a meaningful judicial review of the action,

1 demonstrating that the proper criteria was applied and the decision was not arbitrary. See id. ¶ 35.

2 (24) While the Court agrees with Robey that this decision was more of a quasi-judicial  
3 determination than a legislative action, as the Court explained in Albuquerque Commons, the issue  
4 is not whether the action may be labeled legislative or quasi-judicial; “the real question here is  
5 whether the City’s” process “was fair overall.” Id. ¶ 31. Albuquerque Commons involved a zoning  
6 authority rezoning a piece of property to a more restrictive use, in which case “the zoning authority  
7 must afford enhanced procedural protections to landowners whose properties are the subject of the  
8 zone change.” Id. ¶ 33. The Court concludes that the process afforded here, notice, an opportunity  
9 to comment, a right to have the comments considered, and a right to appeal, is a fair process overall  
10 for the more limited determination of an on-street parking credit.

11 (25) Regarding the standards applied by the decision-maker, the traffic engineer approved the on-  
12 street parking based on his findings that the streets currently had on-street parking, that no further  
13 safety issues were expected to arise, and that additional on-street parking would be added with the  
14 project RP at 112. The City argues that the traffic engineer based his decision on the site plan,  
15 Development Process Manual criteria for spaces abutting the property, safety issues, and the  
16 neighbors’ comments. Daskalos argues that the ordinance sets out standards, including the  
17 requirement that parking spaces be provided on a public street that abuts the property, that up to one  
18 half of the parking may be counted toward the off-street parking requirement if the on-street parking  
19 spaces are approved, that the credit cannot apply to residential developments of ten dwelling units  
20 per acre or less, and that the credit cannot be applied toward buildings constructed before 1965 until  
21 all off-street parking requirements are first met. The Court agrees that Robey has not demonstrated  
22 that the traffic engineer’s decision was arbitrary or capricious.

### 23 5. Site Plan Approval

24 (26) Robey argues that the decision was arbitrary and capricious because the on-street credit was  
25 not approved in conjunction with a site plan approval for off-street parking, as required by the  
26 ordinance. Section 14-16-3-1(E)(6)(d)(1) provides:

27 Where parking spaces are provided on a public street and about the property, one half  
28 of the parking may be counted toward the off-street parking requirement of a building  
29 or use on such property provided the on-street parking spaces are approved by the

1 Traffic Engineer, in conjunction with a site plan approval for off-street parking.  
2 Robey argues that there was no site plan approval for off-street parking for the project at the time  
3 the on-street parking credit was approved.

4 (27) Daskalos recounts that the first building permit was issued for the project in June 2006, and  
5 the on-street parking credit was approved in September 2006. The permit was voided in October  
6 2006, but a second building permit was issued in February 2007. The Court rejects Robey's  
7 argument; he has not shown that the on-street parking credit was approved in the absence of a site  
8 plan.

#### 9 **6. Adequacy of the Record**

10 (28) Finally, with regard to CV 2006-10497, Robey argues that the traffic engineer's decision was  
11 arbitrary and capricious because the traffic engineer did not make a clear record of his decision.  
12 Robey notes that the engineer did not produce any chart or sketch showing the actual count of the  
13 parking spaces for which he granted the credit.

14 (29) Daskalos notes that the ordinance does not require charts or sketches to show the actual count  
15 of parking spaces. Daskalos also notes, and Robey admits, that the traffic engineer counted the  
16 spaces again at the LUHO hearing for the benefit of the LUHO LUHO hearing, at 49-50. While  
17 the Court agrees with the hearing officer and Robey that a "full analysis" would be helpful, there is  
18 an adequate record regarding the parking spaces. Id.

#### 19 **C. CV 2007-06467 Issues**

#### 20 **1. Trash Compactor Facility**

21 (30) Robey argues that the Zoning Code does not permit locating the trash dumpster/compactor  
22 facility on Lot 1-A, a P-R zoned lot, without a variance or conditional use permit. Robey argues that  
23 the trash compactor, which he describes as a 500-square-foot unit with seven-foot, four-inch high  
24 cement block walls and steel gates, as well as drain and electrical systems, meets the definition of  
25 a "structure." "Anything constructed or erected above ground level which requires location on the  
26 ground or attached to something having a location on the ground but not including a tent, vehicle,  
27 vegetation, or public utility pole or line." Albuquerque Code of Ordinances, § 14-16-1-5(B) (1974,  
28 as amended through 2008). He contends that the permissive use for the lot is parking, and the



1 collection, compacting, and storage of trash is not a permitted use and the trash facility is not a  
2 permitted structure. He asserts that, while an additional structure is allowed as a conditional use, the  
3 City itself determined that the dumpster is not the type of use contemplated for a conditional use.

4 (31) The LUHO found, without discussion, that the dumpster is not a structure and is not  
5 contemplated by the conditional use requirement of Albuquerque Code of Ordinances, § 14-16-2-  
6 26(B) (1974). RP at 91. The City Council adopted the findings and conclusions of the LUHO.

7 (32) The Court concludes that there is no support for the City's finding that the dumpster is not  
8 a structure under Section 14-16-1-5(B). The dumpster is not described simply as a trash container.  
9 A 500-square-foot area with seven-foot concrete block walls and gates with drainage and electrical  
10 systems falls squarely within the definition of "[a]nything constructed or erected above ground level  
11 which requires location on the ground or attached to something having a location on the ground,"  
12 that is not "a tent, vehicle, vegetation, or public utility pole or line." Id.

13 (33) The next question is whether the ordinances allow such a structure in the P Parking Zone as  
14 a permissive use. For a lot zoned P-R, "[a]ll regulations of the P zone apply." Albuquerque Code  
15 of Ordinances, § 14-16-2-27(A) (1978).

16 [The P] zone provides sites suitable for parking of automotive vehicles.

17 (A) Permissive Uses.

18 (1) Off-street parking

19 (2) Parking lot, as regulated in the O-1 zone, except the solid walls or fences  
20 shall be as approved by the Planning Commission; the Planning Commission may  
21 also require landscaping.

22 (3) One sign for identification per street frontage, as provided in  
23 [Albuquerque Code of Ordinances ] § 14-16-3-5 of this Zoning Code, and further  
24 provided:

25 (a) Size, Height. The sign area does not exceed 20 square feet nor the  
26 sign height exceed 15 feet.

27 (b) Illumination. The sign may be illuminated, but only by a non-  
28 oscillating concealed light source.

29 (B) Conditional Use. An additional structure which is reasonable and necessary for  
30 the function of the parking lot or for the convenience of patrons, such as attendant  
31 shelter, telephone booth, or rest rooms.

32 (C) Lot Size. No requirements.

33 Section 14-16-2-26.

34 (34) The City and Daskalos contend that the lots are for "off-street parking" and not as a "parking  
35 lot." They then argue that a dumpster is not an additional structure that would require a conditional  
36 use permit under Subsection (B). Daskalos and the City contend that Robey mistakenly argues that  
37

1 the property was to be used as a parking lot regulated in the O-1 zone. Contrary to the City's and  
2 Daskalos's assumption, Robey does not appear to argue that the lots are to be used as a "parking lot"  
3 rather than for "off-street parking;" instead, he argues that the trash structure is not a permissive use  
4 under the ordinance. The City and Daskalos appear to make this assumption based on their  
5 interpretation of Section 14-16-2-26. They appear to read the conditional use provision of  
6 Subsection (B) as applying only to parking lots under Subsection (A)(2) and not to off-street parking  
7 under Subsection (A)(1). Based on the organization and plain language of the ordinance, the Court  
8 agrees with Robey that a structure such as the trash facility at issue is not a permissive use under  
9 Section 14-16-2-26(A).

10 (35) Section 14-16-2-16(A) authorizes, as permissive uses in the P Parking Zone, off-street  
11 parking, an O-1-regulated parking lot, or the posting of identification signs. None of the permissive  
12 uses listed under Subsection (A) authorize a structure on a P Parking Zone lot. As the City and  
13 Daskalos note, off-street parking is an authorized permissive use under Subsection (A)(1). However,  
14 nothing in Subsection (A)(1) itself authorizes a structure; Subsection (A)(1) simply allows off-street  
15 parking. "Off-street parking" is defined as: "An area used for required temporary parking regulated  
16 by [Albuquerque Code of Ordinances,] § 14-16-3-1 [ (2007)]" Section 14-16-1-5(B). This  
17 definition does not expressly authorize structures on an area used for off-street parking. Section 14-  
18 16-3-1, Off-Street Parking Regulations, likewise omits any reference to structures on areas used for  
19 off-street parking. This omission is noteworthy given the detail afforded to off-street parking in this  
20 ordinance, which addresses the parking spaces required for thirty-one different uses, parking for  
21 bicycles and motorcycles, landscaping and screening, and the procedure and requirements for  
22 applicants.

23 (36) Returning to the P Parking Zone ordinance, Section 14-16-2-26(B) authorizes an additional  
24 structure as a conditional use. As noted above, the City and Daskalos appear to apply Subsection  
25 (B) only to Subsection (A)(2), a parking lot as regulated in the O-1 zone. However, Subsection (B)  
26 is not a subpart listed specifically under Subsection (A)(2). Section 14-16-2-26 is organized into  
27 three sections: permissive uses in Subsection (A), conditional uses in Subsection (B), and lot size  
28 in Subsection (C), so Subsection (B) would apply to either off-street parking in Subsection (A)(1)

1 or a parking lot in Subsection (A)(2). Both clauses of Subsection (B) also are not limited to parking  
2 lots: "An additional structure which is reasonable and necessary for the function of the parking lot  
3 or for the convenience of patrons, such as attendant shelter, telephone booth, or rest rooms." While  
4 one clause addresses an additional structure "reasonable and necessary for the function of the parking  
5 lot," the second addresses an additional structure "for the convenience of patrons, such as attendant  
6 shelter, telephone booth, or rest rooms." Id. Thus, Subsection (B) provides for an additional  
7 structure on a P Parking Zone lot, whether it is used permissively as off-street parking or a parking  
8 lot, as is reasonable and necessary for the function of the parking lot or for the convenience of  
9 patrons. Application of this subsection appears to be the only authority for a structure on an off-  
10 street parking area regulated by these ordinances, as discussed below.

11 {37} Even if the Court accepted the City and Daskalos's interpretation of Subsection (B) and  
12 concluded that it applied only to Subsection (A)(2) parking lots, not off-street parking, the problem  
13 remains that the off-street parking ordinances, as discussed above, do not otherwise authorize a  
14 structure on an off-street parking area. In other words, if Subsection (B) does not provide the  
15 authority for an additional structure, then the City and Daskalos have failed to direct the Court to any  
16 provision that would allow such an additional structure.

17 {38} The trash facility is a structure not authorized as a permissive use under Section 14-16-2-  
18 26(A) or Section 14-16-3-1. The City also did not authorize the structure as a variance or a  
19 conditional use. Because the City's decision is not in accordance with the law, it is reversed on this  
20 issue.

## 21 2. Private Garages

22 {39} The City approved Daskalos's request to build private garages on Lot 1-A and Lot 16A.  
23 Robey argues that these buildings are not permitted structures under the Zoning Code and require  
24 a variance or conditional use permits. He notes that Daskalos claims that the buildings, which  
25 contain twenty-five partitioned areas with separate entrances, are allowed as off-street parking, a  
26 permitted use of the lots. Robey asserts that the Code's definition of off-street parking does not  
27 contemplate structures or buildings, while the definition of a parking lot does contemplate such  
28 structures. Robey contends that any structure on a P-R lot other than a parking lot structure requires

1 a zoning variance or conditional use.

2 (40) The City argues that evidence in the record establishes that the parking garages satisfy the  
3 off-street parking requirement and are an allowed use within the P-R zone. However, whether the  
4 ordinances authorize parking garages without approval as a conditional use or a variance is a mixed  
5 question of fact and law, not merely a factual determination.

6 (41) Similar to the issue above, both the City and Daskalos argue that Robey mistakenly assumes  
7 that the lots are "parking lots" regulated in the O-1 zone. However, Robey does not make this  
8 argument and recognizes that the lots were approved as "off-street parking."

9 (42) Daskalos argues that the ordinances authorize buildings or structures for off-street parking.  
10 Without citation to a section of the ordinance, Daskalos states that the definition of "off-street  
11 parking" is: "'An area or structure used for temporary parking regulated by § 14-16-3-1.'" Daskalos  
12 Response, at 5 (emphasis added). However, as set out above, "off-street parking" is defined by  
13 Section 14-16-1-5(B) as: "An area used for required temporary parking regulated by § 14-16-3-1."  
14 At the hearing on this matter, Daskalos conceded that the quotation including the term "structure"  
15 was in error. Robey notes that the definition does not contemplate buildings or structures, and  
16 compares this omission to the definition of a parking lot, which does include such language. A  
17 "parking lot," which both the City and Daskalos argue the lots at issue are not, is defined as: "An area  
18 or structure used for temporary parking of automobiles and pickup-size trucks, providing four or  
19 more parking spaces, not within the public right-of-way, none of which are required off-street  
20 parking." Section 14-16-1-5(B) (emphasis added).

21 (43) Next, Daskalos asserts, without explanation, that the first paragraph of Section 14-16-3-1,  
22 Off-street Parking Regulations, "discusses that buildings and structures are allowed for off-street  
23 parking as long as they meet certain requirements." Daskalos Response, at 5. The first paragraph  
24 of Section 14-16-3-1 provides:

25 An applicant for a building permit for construction of a new building or building  
26 addition of 200 square feet or more shall provide parking in accordance with the  
27 general requirements of this section. In addition, new buildings and building  
28 additions over 2500 square feet constructed after November 1, 2002[,] shall also be  
29 required to comply with all parking design requirements set forth in this section. In  
30 zones where off-street parking is required, off-street parking shall be provided for all  
31 uses and buildings, except buildings constructed before October 22, 1965[,] need

1 supply such parking only to the extent on-premise ground space is available.

2  
3 The first paragraph, and, as discussed above, the remaining subsections, do not discuss structures  
4 or buildings for off-street parking; rather, they discuss the amount of off-street parking required for  
5 specific buildings and uses.

6 (44) At the hearing, Daskalos raised new arguments. Daskalos asserted that subsections of  
7 Section 14-16-3-1 discuss parking structures. While Subsection (A)(4) & (5) discuss parking space  
8 requirements for a "[c]lub in a separate structure" and a "[c]lub not in a separate structure," the Court  
9 cannot conclude from this language that the ordinance authorizes parking garages on off-street  
10 parking lots. Daskalos also emphasized at the hearing that none of the ordinances regarding off-  
11 street parking explicitly disallowed a structure on an off-street parking area. The Court rejects this  
12 argument. The fact that the off-street parking ordinances do not have express, exhaustive lists of all  
13 prohibited uses and structures, such as trash facilities, parking garages, cell phone towers or  
14 commercial buildings, does not indicate that any of these structures is authorized. Section 14-16-2-  
15 26(A), as discussed above, authorizes only vehicle parking and the posting of a sign, and Section 14-  
16 16-1-5(B) defines off-street parking as an area used for required temporary parking. Finally,  
17 Daskalos contended that conditional uses and variances applied only as exceptions to prohibited  
18 uses. The Court does not find such language in the ordinance. A variance is "[a] variation from the  
19 strict, literal application of [the zoning ordinances]," while a conditional use is "[o]ne of those uses  
20 enumerated as conditional uses in a given zone" requiring individual approval. Section 14-16-1-  
21 5(B). Thus, if the parking garages or trash facility are "additional structures" authorized under  
22 Section 14-16-2-26(B), then Daskalos would have to obtain individual approval for them as a  
23 conditional use. If this subsection does not apply to the structures at issue, as the parties appear to  
24 contend, then Daskalos would be required to obtain a variance, as, under a strict, literal application  
25 of the off-street parking ordinances, structures are not authorized.

26 (45) Neither Daskalos nor the City draw the Court's attention to language that authorizes parking  
27 structures or garages on off-street parking lots, and the Court does not find such language in either  
28 Section 14-16-3-1 or Section 14-16-1-5. The only provision which appears to allow such a structure  
29 is, as discussed above, the conditional use subsection of the P Parking Zone ordinance, Section 14-

1 16-2-26(B). A parking garage would appear to be “[a]n additional structure which is reasonable and  
2 necessary for the function of the parking lot or for the convenience of patrons. . . .” Id. Because the  
3 off-street parking ordinances do not authorize private garages on P-R zoned lots, and because the  
4 City did not approve a parking garage as a variance or a conditional use, the City’s decision is not  
5 in accordance with the law and is reversed on this issue.

6 **3. Parking Requirement Analysis**

7 **(a) Room Designation for Off-Street Parking**

8 (46) Robey contends that the off-street residential parking requirement is in error. First, noting  
9 that the number of off-street residential parking spaces is based on the number of baths, he argues  
10 that Daskalos’s change in the plans from a third bath in nineteen of the apartments to a utility room  
11 was an end-run around the parking requirements. He also points out that notation on the Plan Sheet  
12 originally indicated that the builder would provide rough-in for all plumbing fixtures, cap the  
13 plumbing for future installation and maintain accessible door and clear floor areas for future  
14 adaptability. Robey argues that, although the note was rewritten to remove these references, the  
15 change in the plans was a mere contrivance to reduce the required parking.

16 (47) Both the City and Daskalos argue that any future change of the utility room to a bathroom  
17 would require proper compliance with City procedure and that it would be illegal for one to convert  
18 them otherwise. They contend that the evidence presented below was that the rooms are utility  
19 rooms, not bathrooms.

20 (48) Although the plumbing and clearances will apparently remain the same, Daskalos presented  
21 evidence that the rooms would no longer be completed bathrooms but would instead be “utility  
22 rooms.” The Court agrees with the City and Daskalos that there was substantial evidence in the  
23 record to support the City’s decision, and the decision was not arbitrary or capricious. See Gallup  
24 Westside, 2004-NMCA-010, ¶ 11 (“We may, if we were fact-finders in this case, come to a different  
25 conclusion than the City; but we may only evaluate whether the record supports the result reached,  
26 not whether a different result could have been reached.”).

27 **(b) Retail Square Footage for Off-Street Parking**

28 (49) The Zoning Code requires, relevant to this appeal, one parking space for every 200 square

1 feet for the first 15,000 square feet of net leasable area and one space per 250 square feet for the next  
2 45,000 square feet of net leasable area. Section 14-16-3-1(A)(27). The project's original retail space  
3 was measured at 29,444 net leasable square feet, which would have required 133 parking spaces.  
4 Daskalos revised the plan to show 22,550 square feet, requiring 106 parking spaces, with 4,003 net  
5 leasable square feet as storage areas. He notes that this leaves a remaining 2,862 unaccounted for.  
6 (50) Robey also notes that Daskalos's architect conceded that the plans were revised in order to  
7 reduce the parking requirement because Daskalos was unable to obtain a conditional use parking  
8 requirement reduction. Robey describes that the revisions took place in two stages. First, the 4,003  
9 square foot area was walled off on the plans and labeled "storage accessory to residential," and  
10 second, this area was changed to "storage accessory to residential" in order to avoid the requirement  
11 of commercially leasable space that must have parking. Robey argues that no material changes were  
12 made to the plans in terms of actual construction, so the twenty-six private residences exclusively  
13 comprise the upper two levels of the building while the residential storage space is on the retail level  
14 without indication of how the space will be divided among the residential owners. Robey asserts that  
15 this is simply an on-paper conversion of valuable retail space as a contrivance to reduce the required  
16 parking. He contends that the City abused its discretion by approving it.

17 (51) Daskalos responds that there was substantial evidence that the space would be for residential  
18 storage and that the owner would have to request a building permit in order to convert the space to  
19 retail. The City asserts that Daskalos did nothing unusual or illegal in changing the plans in response  
20 to the City's comments. It contends that Robey's concerns about future conversions is irrelevant to  
21 the matters before this Court, and that Daskalos would need to apply for any future change in use.

22 (52) The Court agrees. Substantial evidence supports the City's finding that the space located at  
23 the retail level was designated as residential storage and should thus be excluded from the parking  
24 calculation.

#### 25 (c) Parking Space Calculations

26 (53) Next, Robey argues that the City erred by merging the residential and retail parking for the  
27 purpose of calculations. He asserts that, even if the number of spaces required after removing the  
28 baths and changing some retail space to residential is counted, the parking analysis is still incorrect,

1 with a deficiency of four retail spaces.

2 (54) Under this assumption, Robey calculates that the residential parking requirement must have  
3 forty-seven spaces, taking a transit reduction into account. He points out that the plan designates  
4 fifty-three off-street spaces, fifty in private garages and three reserved spaces in the main building's  
5 parking level, satisfying the parking requirement with a surplus of six spaces. Robey calculates that  
6 the revised retail parking requires ninety-five spaces, but, even including the on-street parking credit  
7 of sixteen spaces which Robey disputes in the first appeal, discussed above, there remains a four-  
8 space deficiency, with only ninety-one spaces provided. Robey asserts that the analysis improperly  
9 merged the retail numbers with the residential numbers, incorrectly implying that the surplus  
10 residential parking could be used to meet the retail requirement, which is not possible because the  
11 private garages are unavailable to retail users.

12 (55) Without any discussion of the ordinance's requirements, the City simply argues that the City  
13 staff, the LUHO, and the City Council found to the contrary of Robey's arguments, noting that the  
14 LUHO stated "I have reviewed the parking calculations thoroughly and find that they are not in  
15 error." RP at 90. Daskalos contends that the parking calculations, "taken as a whole for the mixed-  
16 use building," establish two surplus spaces because two of the spaces marked as residential were not  
17 required. Daskalos' Response, at 6 (relying on 04/12/07 LUHO hearing, at 23, argument by  
18 Daskalos' attorney, that "the building as a whole only requires 142 spaces, so we have two surplus  
19 spaces for the building")

20 (56) Assuming, as Robey does for this issue, that the revisions to the number of baths and storage  
21 result in a requirement of forty-seven residential spaces and ninety-five retail spaces, the total  
22 number of spaces required is 142. Daskalos and the City do not appear to contest these numbers.  
23 Instead, Daskalos notes that two of the spaces marked residential were not required, so these spaces  
24 presumably should be calculated as retail spaces. However, the two-space difference would still not  
25 meet Robey's argued requirement. In other words, under Robey's position, even crediting the retail  
26 requirement with two surplus residential spaces, the retail requirement is still two spaces short. The  
27 difference in the calculations of the parties appears to be whether the total number meets the  
28 requirement "as a whole," or whether, as Robey argues, Daskalos must meet the required number



1 of residential spaces as well as the required number of retail spaces, not simply the total. Daskalos  
2 argues that Robey is attempting to separate the parking requirements by use. The Court concludes  
3 that the ordinance requires that the parking requirements be met separately and that the ordinance  
4 does not provide, under these circumstances, for taking the parking calculation as a whole, which  
5 would effectively rely on the theoretical shared use of spaces

6 (57) “In the event of mixed uses, the total number of required off-street parking spaces is the sum  
7 of the requirements of the various uses computed separately. The total number of required off-street  
8 parking spaces may be reduced according to Paragraph (D)(6) [transit reductions] below.” Section  
9 14-16-3-1(E)(4). The plain language of Section 14-16-3-1(E)(4) thus expressly requires that, in a  
10 mixed-use project such as the one at issue here, the various uses be “computed separately” in order  
11 to calculate the total number of required spaces. Section 14-16-3-1(A)(24) sets out the required off-  
12 street parking for residences and Section 14-16-3-1(A)(27) provides for the required off-street  
13 parking for retail and service uses. Under Section 14-16-3-1(E)(4), the project’s residential and retail  
14 uses are computed separately, then the sum of the totals are the total number required for the project.  
15 Nothing in the language of the ordinance allows the property owner to credit the spaces of one use  
16 for another use; in other words, nothing in Section 14-16-3-1(E)(4) provides for Daskalos to count  
17 residential off-street parking toward his requirement under Section 14-16-3-1(A)(27), “computed  
18 separately” under subsection (E)(4), for his required retail off-street parking.

19 (58) At the hearing, Daskalos raised a new argument, asserting that Section 14-16-3-1(E)(4)  
20 supported the position that only the sum total of retail and residential spaces is required. The Court  
21 rejects this argument. The Court must give effect to all language in the ordinance, and this reading  
22 ignores the directive that the spaces be computed separately. Nothing in this ordinance allows  
23 residential spaces to be credited for a lack of the retail spaces, the number of each of which were  
24 computed separately. More importantly, this argument is contrary to the purpose of the ordinance,  
25 as discussed below, which is to provide adequate residential and retail parking.

26 (59) Further supporting this interpretation of Subsection (E)(4), Section 14-16-3-1(E)(6)(b) sets  
27 out the requirements for mixed-use shared parking reductions: “In situations where uses create[]  
28 staggered peak periods of parking demand, shared parking calculations can be made to reduce the

1 total amount of required parking.” Daskalos’s required residential parking cannot be considered  
2 shared parking in order to reduce the amount of required retail parking: “All non-residential uses  
3 may share parking areas. In no case shall shared parking include the parking required for residential  
4 uses.” Section 14-16-3-1(E)(6)(b).

5 (60) Subsections (A)(24) and (A)(27) require specific numbers of off-street parking for residential  
6 and retail uses. Section 14-16-3-1(E)(4) explicitly requires that, for mixed-use projects, the various  
7 uses be computed separately then added together for a total number of required off-street parking.  
8 Nothing in Subsection (E)(4) indicates the intent to allow a credit for one use through a surplus to  
9 be applied to another use, or that only the total number of the various uses added together is required  
10 Although Subsection (E)(6)(b) specifically allows for shared parking in mixed-use developments,  
11 residential parking cannot be shared. As Robey argues, retail users could not access the residential  
12 spaces in practice, and shared use with residential spaces is specifically disallowed by ordinance.  
13 The City’s and Daskalos’s interpretation of the ordinances would give a reduction in the amount of  
14 required retail off-street parking that is not authorized by Section 14-16-3-1(E)(4), and is in fact  
15 contrary to the plain language of the ordinance, which requires that the various uses be computed  
16 separately. The purpose of the ordinance is to assure that there is adequate parking for the building,  
17 which will contain both retail shops and residences. This purpose is not served by crediting surplus  
18 residential spaces, inaccessible to retail users, to the retail parking requirement. The City’s  
19 determination is not in accordance with the law and is thus reversed on this issue

20 **(d) Compact Space Retail Parking**

21 (61) Robey argues that the City erroneously approved a greater proportion of compact retail  
22 parking spaces than the amount allowed by ordinance. He contends that the project’s percentage of  
23 off-street retail spaces that are shorter than standard is forty percent, thirty out of seventy-five spaces,  
24 which is greater than the maximum of twenty-five percent allowed.

25 (62) The City does not appear to address this issue. Daskalos argues that the number of compact  
26 spaces is in accordance with the law. He contends that the project could have thirty-six compact  
27 spaces, but has only thirty-one, five less than allowed. Daskalos relies on the evidence presented  
28 below to the LUHO. Daskalos’s architect, Chris Gunning, testified that “we look at the project as

1 a whole," while Robey was looking only at the spaces within the basement parking level. 04/12/07  
2 LUHO hearing, at 27. He stated that, although there are only seventy-eight spaces in the parking  
3 structure, there were 144 spaces total, including the sixteen on-street spaces, and that twenty-five  
4 percent of 144 is thirty-six. Id.

5 (63) The parties are in agreement that the ordinance in effect at the time the project was approved  
6 defined a "parking space" as:

7 A suitable space for vehicular storage, at least 8.5 feet in width and 20 feet in length,  
8 with access and circulation satisfactory to the Traffic Engineer; however, if a  
9 premises contains more than 20 parking spaces, one-fourth (25%) of them may be at  
10 least 8.5 feet in width and 17 feet in length.  
11  
12

13 Section 14-16-1-5(B). The Court agrees with Daskalos that the "project as a whole" should be  
14 included when determining the number of allowable compact spaces, although he does not discuss  
15 the relevant ordinances or their application to the facts at issue. The definition of a "parking space"  
16 allows twenty-five percent of the spaces of a "premises" containing more than twenty spaces to be  
17 compact. "Premises" is defined as: "Any lot or combination of contiguous lots held in single  
18 ownership, together with the development thereon; there may be multiple occupancy." Id.  
19 "Contiguous" is defined as "[a]butting or separated by nothing more than an alley." Id. The  
20 definitions do not contain a different provision for mixed use projects that contain residential units,  
21 and Robey does not rely on any other provisions of the ordinance. Thus, the "premises" in the  
22 present matter consists of both the parking garage and the residential garages, located on contiguous  
23 lots, and the calculations are in accordance with the law. The City is affirmed on this issue.

24 **4. Facade Height**

25 (64) Robey argues that the average facade height of the north facade of the main building exceeds  
26 the forty-two foot maximum allowable average facade height. Robey sets out the requirements in  
27 Council Bill R 06-80(2)(A): "The maximum number of stories is three stories and the parapet height  
28 cannot exceed 42 feet at the average facade height . . . ." A "facade" is defined as: "Any separate  
29 external face of a building, including parapet walls and omitted wall lines. Where separate faces are  
30 oriented in the same direction, or in directions within 45 [degrees] of one another, they are to be  
considered as part of a single facade." Section 14-16-1-5(B).

1 (65) Daskalos presented testimony regarding the factual calculation of the average facade height  
2 below. The Zoning Code allows a maximum “average facade height” but apparently does not define  
3 or set out a specific calculation. The City is authorized to accept an average facade height, so it  
4 could accept Daskalos’s calculations on this point. This Court cannot ignore language contained in  
5 the particular law, so the term “average” must be given effect. The City’s decision is in accordance  
6 with the law and supported by substantial evidence in the record.

7 **5. On-Street Parking Credit**

8 (66) Robey argues that the City erred by failing to require public notice and comment prior to  
9 granting the on-street parking credit to Daskalos. He recounts that the City advised him, in January  
10 2007, that it “will not be requiring an additional traffic engineer analysis for on-street parking  
11 credit.” Robey notes that Daskalos’s revised plans included a reduction of one parking space on  
12 Central Avenue on the southwest corner, the addition of one space at the southeast corner, and the  
13 addition of two compact spaces on Wellesley Drive. Robey argues that the traffic engineer should  
14 have followed designated procedures for granting on-street parking credit to the extent that the  
15 permit is for a new project with different on-street parking or made a record of the changes and  
16 revised the count of the on-street parking spaces, evaluating whether the compact spaces met  
17 minimum standards, as Robey contends that one space is fifteen feet in length, two feet shorter than  
18 the minimum compact space size. Robey asserts that the grant of the on-street parking credit without  
19 adequate analysis was arbitrary and capricious.

20 (67) The City’s grant of the on-street parking credit is the subject of the appeal, CV 2006 10497,  
21 discussed above. Both Daskalos and the City note that the only issue before the Court on this subject  
22 in this appeal is whether the City’s decision to forgo an additional traffic engineering analysis for  
23 the second building permit was proper. Both the City and Daskalos note that the traffic engineer  
24 found that the plans under the second building permit were substantially similar to the plans under  
25 the first building permit so a new analysis was unnecessary.

26 (68) Robey does not direct the Court’s attention to any ordinance that would require public notice  
27 and an opportunity to comment for a second permit with so few changes from the first permit, which  
28 did follow the proper procedure. The Court concludes that the grant of on-street parking credit was

1 not arbitrary and capricious.

2 **6. Lack of a Record by the Planning Department**

3 (69) Finally, Robey argues that the City's decision was arbitrary and capricious because the  
4 Planning Department did not make a clear record of its decision. Robey observes that almost the  
5 entire written record of the issuance of the building permit in this case consists of the project's plan  
6 sheets along with the approval signature sheets with notes and comments. He contends that, unless  
7 a particular detail was corrected or disapproved, there is no written record indicating the evaluation  
8 for compliance with the ordinances. Robey notes that both a member of the City Council and the  
9 LUHO commented on the lack of a written record for review. Robey contends that, with a proper  
10 written analysis of the issues involved, the extensive appeals and hearings may have been avoided.  
11 He relies on a case to support the proposition that, when an administrative record is inadequate,  
12 remand back to the agency for preparation of a sufficient record for review is appropriate. Martinez  
13 v. N.M. Taxation & Revenue Dep't, 117 N.M. 588, 589, 874 P.2d 796, 797 (Ct. App. 1994).

14 (70) Robey does not direct the Court to any requirement in the ordinances for a written record by  
15 the Planning Department of its decision. While the Court agrees that there is little in the record to  
16 explain the decisions of the Planning Department, and this was compounded on appeal by the City's  
17 and Daskalos's scant briefs which often simply asked the Court to defer to the zoning authority and  
18 frequently failed to include citation to the relevant ordinances, the record of the Planning  
19 Department's decisions to approve the project was adequate for review and not arbitrary and  
20 capricious. However, Robey's practical point is well-taken; if the City had clearly addressed his  
21 complaints below, with citation to relevant ordinances and regulations, perhaps some of the appellate  
22 process could have been avoided, to the benefit of all parties.

23 **D. CV 2008-00312 Issues**

24 (71) Robey's last consolidated appeal concerns the City's decision to approve building plan  
25 amendments prior to review and approval by the traffic engineer. His first three issues concern  
26 whether the City properly approved the building plan amendments prior to review and approval by  
27 the traffic engineer where the engineer approved and testified after the City's approval. His fourth  
28 issue concerns the changes made to the residential parking garage buildings on the lots, and the fifth

1 issue, as in the appeal discussed above, questions whether an adequate record was made.

2 **Approval by the Planning Department Without Prior Review by the Traffic Engineer**

3 (72) Robey notes that the Albuquerque Developmental Process Manual Volume II, Cha. 23, §  
4 2(G)(6) (DMP) provides that “[t]he required landscaping plan must be reviewed by the Traffic  
5 Engineer to insure that traffic safety needs are met.” Robey argues that the Planning Director lacks  
6 the authority to approve the landscaping plan or changes involving the turning spaces, ingress and  
7 egress to the garages, and the trash enclosure, prior to the approval of the Traffic Engineer.

8 (73) The City responds that, because the Traffic Engineer testified that he would have approved  
9 the amendments to the building permit had he reviewed them prior the September 27, 2007, approval  
10 by the Planning Director, any remand would be an unnecessary delay. The City notes that the  
11 Engineer has properly reviewed the amendments and approved it. Daskalos notes that Robey had  
12 the opportunity to cross-examine the Traffic Engineer at the hearing before the LUHO.

13 (74) Robey contends that the City’s decision that the Traffic Engineer’s retroactive approval was  
14 harmless error was contrary to law. Robey notes that the Planning Department lacks jurisdiction to  
15 modify a prior decision once an appeal is filed. He argues that the Planning Department’s  
16 acceptance of the retroactive approval is an “attempted amendment to its prior decision to approve  
17 the plans.” CV 2008-00312 Statement of Appellate Issues, at 5.

18 (75) The Court disagrees that the actions below were an attempted amendment. The plans were  
19 not amended by the late approval by the Traffic Engineer or acceptance of the retroactive approval.  
20 Although Robey is correct in his argument that the Planning Director does not have the authority to  
21 approve the plan amendments without the Traffic Engineer’s prior approval, the error was corrected  
22 by the Traffic Engineer’s later review and Robey’s opportunity to cross-examine the Traffic Engineer  
23 on this issue at the hearing below. The Traffic Engineer testified that there was no measurable  
24 impact on the traffic conditions from the changes to the plans. 11/28/07 LUHO hearing, at 50. He  
25 also testified that his initial opinion in approving the original plan would not have changed had he  
26 reviewed the plans at the appropriate time. *Id.* at 55. The purpose of the law, to assure that the  
27 landscaping plan meets traffic safety needs, was served by the Traffic Engineer’s late approval, and  
28 a remand would not further this purpose.

1                   **Whether the Amended Plans are Consistent with the Zoning Code**

2           (76)   Robey argues that the alteration to the alley access for the twenty-five private garages and  
3 trash enclosure violates the ordinances. He notes that, in order to provide the required landscape  
4 buffer along the project's north boundary, the revised plans shortened the north-south dimension of  
5 the two garage buildings and relocated them south, closer to the alley. The interior depth of the  
6 garages was reduced, and the set-back from the alley was reduced by almost half. Robey argues that  
7 these changes affect local traffic. He contends that the distance from the alley to the garage  
8 entrances is too short.

9           (77)   Robey relies on the following ordinance: "An accessory structure . . . has no required setback  
10 from a lot line, except that an accessory structure used as a garage for off-street parking with access  
11 to an alley shall be set back a minimum of five feet from the alley." Albuquerque Code of  
12 Ordinances, § 14-16-3-3(B)(2)(c) (2005). An "accessory building" is defined as: "A building  
13 detached from and smaller than the main building on the same lot; the use of an accessory building  
14 shall be appropriate, subordinate, and customarily incidental to the main use of the lot." Section 14-  
15 16-1-5(B). The residential parking garages do not meet the definition of an accessory building  
16 because they are not buildings detached from a main building on the same lot; the main building is  
17 on an adjacent lot, but not the same lot. Thus, Section 14-16-3-3(B)(2)(c) does not apply.

18           (78)   The drivepads in front of the private garages are about two feet, six inches in length. Arguing  
19 that this amount is insufficient, Robey relies on DPM Cha. 23, § 6(B)(1)(b), which provides that  
20 "[d]rivepads are to be constructed to the street R/W [right-of-way] line per City standard drawings  
21 except that a minimum of 6 feet drivepad depth [length] shall be used."

22           (79)   Daskalos argues that the regulations concerning the P-R zone do not require drive pads, and  
23 that drive pads apply to non-residential development and not to residential uses, relying on the City  
24 staff member's identical statement. RP, at 4. The City relies on the testimony by the Traffic  
25 Engineer that the drivepads were adequate in his opinion because the grade of the alley and the drive  
26 pads were almost the same, and minimum drive pad length is necessary only when there is a steep  
27 grade. 11/28/07 LUHO hearing, at 61. The Court concludes that the regulation relied upon by  
28 Robey does not apply to the present matter, which involves drive pads to residential garages. Section

1 6(B)(1)(b) is contained under a heading titled "Curb Cuts Other Than Residential," and addresses  
2 non-residential developments' points of access to streets.

3 (80) Robey argues that the private garages, due to their two-foot, six-inch driveways, do not have  
4 sufficient visibility for drivers to exit safely into the alley. He relies on DPM Cha. 23, § 6(B)(12)  
5 for its provision that "[d]riveways need to have sufficient visibility for the motorist utilizing the  
6 entrance or exit to perform his [or her] maneuver safely." As the City and Daskalos argue, there is  
7 substantial evidence in the record, in the form of the Traffic Engineer's testimony, that there is  
8 adequate visibility. 11/28/07 LUHO Hearing, at 59-60. Further, as noted above, Subsection (B)  
9 applies to non-residential developments.

10 (81) Next, Robey argues that there is no space for queuing in front of the private garages for  
11 motorists to stop when opening or closing their garage doors. He relies on DPM Cha. 23, § 7(B)(2),  
12 which provides that "[a]dequate turning radii and queuing areas need to be maintained" in order to  
13 prevent interference with other vehicles where a parking area meets the access point to an adjacent  
14 street. The City and Daskalos argue that this regulation does not apply to the present matter but only  
15 to situations involving arterial and collector roads, not to the alley at issue here. The Court agrees  
16 that Section 7(B)(2) does not apply to the residential parking garages at issue here. Section 7 applies  
17 to parking areas with multiple individual stalls, see Section 7(A), and internal aisles, see Section  
18 7(B)(3) & (4), contemplating traffic that includes passenger vehicles or large trucks and fire vehicles.  
19 Id.

20 (82) Robey argues that garbage trucks accessing the trash enclosure on Lot 1-A will interfere with  
21 the traffic in the alley and on Wellesley Drive. He relies on DMP Chap. 23, § 7(F)(D)(1)(e)(8)(b)  
22 & (c), which provide that "[n]o backing into or from public street [is] allowed," and that "[s]ervice  
23 vehicle and/or refuse vehicle maneuvering must be contained on-site." Testimony before the LUHO  
24 indicated that the refuse vehicles would not leave the public right-of-way in this project but would  
25 simply stop in the alley, collect the trash, then proceed forward, and that the regulation relied on by  
26 Robey addresses a situation in which a driver leaves the right-of-way, must maneuver around the  
27 site, and then leave again. 11/28/07 LUHO hearing, at 39. The Court agrees that the regulation does  
28 not control the situation at issue in this case, and notes that the regulation states that it is intended



1 only as a guide and may not apply to all circumstances. See § 7(F) (Note).

2 (83) In order to accommodate the required landscape buffer, the private garages were shortened.  
3 Robey argues that they no longer have sufficient clearance depth to provide the required fifty off-  
4 street parking spaces required by the plan. The version of Section 14-16-1-5's definition of a parking  
5 space in effect at the relevant time provided:

6 A suitable space for vehicular storage, at least 8'5" in width and 20' in length, with  
7 access and circulation satisfactory to the Traffic Engineer, however, if a premises  
8 contains more than 20 parking spaces, one-fourth of them may be at least 8' in width  
9 and 15' length. Parking spaces inside a garage for a house or townhouse shall be a  
10 minimum of 8.5 feet in width and 17 feet in length.  
11

12 Robey notes that the new spaces in the private garages are thirty-five feet, four inches, and argues  
13 that the minimum depth for two vehicle parking spaces is forty feet. The Court disagrees. The  
14 ordinance allows spaces inside a garage to be seventeen feet in length, so only thirty-four feet, not  
15 forty feet, are required

#### 16 Sufficiency of the Record

17 (84) As he argued in CV 2007-06467, Robey contends that the City's decision was arbitrary and  
18 capricious because the Planning Department did not make a clear record of its findings. As  
19 discussed above, the Court concludes the record is sufficiently clear for purposes of appeal.

#### 20 III. Conclusion

21 (85) The City's decision regarding the trash dumpster and the parking garages is not in accordance  
22 with the law. Section 14-16-2-26 and Section 14-16-3-1 do not authorize structures on lots zoned  
23 for permissive use off-street parking, and the City did not approve the structures as a conditional use  
24 under Section 14-16-2-26(B) or as a variance. The City's decision on this issue is reversed.

25 (86) The City's decision regarding the calculation of off-street parking is also not in accordance  
26 with the law. Section 14-16-3-1(E)(4) requires that, for mixed-use projects, the various uses be  
27 computed separately, and then added together for a total number of required off-street parking.  
28 Nothing in Subsection (E)(4) indicates the intent to allow a credit for one use through a surplus to  
29 be applied to another use, or that only the total number of the various uses added together is required,  
30 as Daskalos attempts to argue here. A parking reduction through a mixed-use project with residential  
31 parking is not authorized and would result in insufficient parking for the retail customers. The City's

1 decision on this issue is reversed as well.  
2 (87) Robey's remaining arguments are rejected. The City's decision with regard to these other  
3 issues is affirmed.

4 (88) The decision of the City is **AFFIRMED IN PART AND REVERSED IN PART**. The  
5 Court **REMANDS** this matter for further proceedings consistent with this Opinion.  
6 (89) **IT IS SO ORDERED.**

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**THERESA BACA**

THERESA BACA  
DISTRICT COURT JUDGE

This is to certify that a true and correct copy of  
the foregoing document was mailed/delivered/  
or otherwise provided to Kenneth M. Robey, J  
Matt Meyers, and Catherine Davis this 21  
day of August, 2008.

LORENZO LOBRES

**§ 14-16-2-26 P PARKING ZONE.**

This zone provides sites suitable for parking of automotive vehicles.

**(A) Permissive Uses.**

- (1) Off-street parking.
  - (2) Parking lot, as regulated in the O-1 zone, except the solid walls or fences shall be as approved by the Planning Commission; the Planning Commission may also require landscaping.
  - (3) One sign for identification per street frontage, as provided in § 14-16-3-5 of this Zoning Code.
    - (a) Size, Height. The sign area does not exceed 20 square feet nor the sign height exceed 15 feet.
    - (b) Illumination. The sign may be illuminated, but only by a non-oscillating concealed light source.
- (B) Conditional Use.** An additional structure which is reasonable and necessary for the function of the parking lot or for the convenience of patrons, such as attendant shelter, telephone booth, or rest rooms.
- (C) Lot Size.** No requirements.  
(74 Code, § 7-14-34) (Ord. 80-1975)

**§ 14-16-2-27 P-R RESERVE PARKING ZONE.**

This zone designates lots reserved for off-street parking required by § 14-16-3-1 of this Zoning Code with regard to a use on another lot.

(A) All regulations of the P zone apply.

~~(B)~~ Hereafter the PR zone satisfies the required off-street requirements of one or more other lots only when such lots are specified in the resolution or motion adopting or amending the PR designation.

(\*74 Code, § 7-14-35) (Ord. 80-1975; Am. Ord. 38-1978)

**ZONE GRID**

No Features found.

**OWNERSHIP**

Rec	COASDE.BERNCO.ParcelDec_2007.UPC	COASDE.BERNCO.ParcelDec_2007.OWNER	COASDE.BERNCO.ParcelDec_2007.OWNADD
1	101605741429510526	DASKALOS NOB HILL LLC NEW MEXICO CO	5319 MENAUL BLVD NE

**ZONING**

Rec	ZONING	DESCRIPTION
1	P-R	

**ZONE GRID**

Rec	ZONE ATLAS GRID
1	K16

**PARCELS**

Rec	NUMBER	NAME	DESIGNATION	QUADRANT	LOT	BLOCK	SUBDIVISION	PIN
1	108	WELLESLEY DR	NE	1A	6	MONTE VISTA ADDN	ABO144446	

**ZONE GRID**

No Features found.

**ZONE GRID**

No Features found.

**NEIGHBORHOODS**

Rec	COASDE.AGIS.NEIGHBORHOODASSOCIATIONS.ASSOCIATIONNAME	COASDE.AGIS.NEIGHBORHOODASSOCIATIONS.ASSOCIATIONTYPE
1	NOB HILL	R

**SECTOR PLANS**

Rec	SECTOR PLAN NAME
1	NOB HILL HIGHLAND

**COUNCIL**

Rec	COUNCILOR NAME	COUNCIL DISTRICT
1	GARDUNO	6

**ZIPCODES**

Rec	ZIPCODE
1	87106

**ZONE GRID**

No Features found.