
CITY OF ALBUQUERQUE
CITY COUNCIL

INTEROFFICE MEMORANDUM

TO: LUPZ Committee
FROM: Bruce Thompson, Policy Analyst *B.T.*
SUBJECT: Concerns Raised by Stephanie Landry on September 14, 2011
DATE: November 30, 2011

At the September 14, 2011 LUPZ Committee meeting and in a written submission that same day a number of concerns were raised by Stephanie Landry on behalf of her clients who own property within the proposed Downtown Neighborhood Association Sector Development Plan ("DNASDP") and on behalf of herself. She claims standing as a person who frequents businesses within the plan area. At the request of the LUPZ Committee this memorandum analyzes the issues she has raised.

I. Was the Notice Required for the DNASDP the Notice Required for the Rezoning of an Area of Over One Block or the Notice Required for the Rezoning of Individual Lots of One Block or Less?

A State statute, 3-21-6(B), provides in part that a change in zoning for an area of one block or less requires notice to be mailed by certified mail

"Whenever a change in zoning is proposed for an area of one block or less, notice of the public hearing shall be mailed by certified mail, return receipt requested, to the owners, as shown by the records of the county treasurer, of lots of land within the area proposed to be changed by a zoning regulation and within one hundred feet, excluding public right-of-way, of the area proposed to be changed by zoning regulation."

The same statute goes on to provide that for an area larger than a single block, notice shall be provided by regular mail:

"Whenever a change in zoning is proposed for an area of more than one block, notice of the public hearing shall be mailed by first class mail to the owners, as shown by the records of the county treasurer, of lots or [of] land within the area proposed to be changed by a zoning regulation and within one hundred feet, excluding public right-of-way, of the area proposed to be changed by zoning regulation. If the notice by first class mail to the owner is returned undelivered, the zoning authority shall attempt to discover the owner's most recent address and shall remit the notice by certified mail, return receipt requested, to that address."

The City ordinance governing notice is less stringent and does not require mailed notice for amendments greater than one block. The City follows the State requirements and not the City ordinance in giving notice.

The assertion made is that because the impact on all of the property within the proposed DNASDP was considered that the zone amendment is not for an area greater than one block: "[T]he City has assessed each property individually in its determination to rezone, requiring individualized certified notice regarding such rezones."

There do not appear to be any New Mexico cases that resolve this issue. The New Mexico Court of Appeals has determined that the larger the area being rezoned the less need there is for individualized notice. *Miles v. Board of County Commissioners*, 1998 -NMCA- 118, 125 N.M. 608, 125 N.M. 608 (1998)(state statute and principles of constitutional due process only require notice by newspaper publication when adopting a city-wide comprehensive zoning ordinance.)

The issue therefore is the intent of the State statute. On its face it would appear that with respect to the DNASDP the rezoning is "proposed for an area of more than one block" and the mailed notice is adequate. The argument that there is a requirement for notice by certified mail is based on an assertion that each lot within the sector plan constitutes a separate rezoning. Carried to its illogical extreme this argument leads to a result that would preclude any ability to comply. Each lot owner would require individualized certified mail notice of the proposed amendment of that individual lot. Each property within 100 feet of that lot would require separate notice of the proposed rezoning of that individual lot. Every property within the sector plan would receive dozens of certified letters disclosing the proposed rezoning of each nearby lot.

The fact that the individuals who prepared the proposed DNASDP considered the impact of the Plan on the properties within the Plan appears to be an appropriate and thorough preparation rather than the creation of hundreds of individualized zone changes. If planners cannot consider the impact of a rezoning on the properties subject to a rezone then their actions would appear to necessarily be arbitrary. Planners would be required to turn a blind eye to the impacts of a rezoning.

An additional issue involves when notice is required. The State statute, 3-21-6(B), provides that: "No zoning regulation, restriction or boundary shall become effective, amended, supplemented or repealed until after a public hearing at which all parties in interest and citizens shall have an opportunity to be heard." It appears that the notice given was adequate to allow all property owners now objecting to the notice to participate in the LUPZ hearing.

II. Was the Information Contained in the Notice Provided in this Case Adequate?

Section 3-21-6(B) provides that notice is required in order to zone or rezone. How that notice is to be distributed is discussed above in Section I. Even if the notice is properly distributed there is still an issue as to whether the notice

itself is adequate. The state statute does not provide for what the notice is to contain.

There is caselaw in New Mexico that discusses the content of notice. The notice provided must "fairly apprise[] the average citizen reading it with the general purpose of what [is] contemplated." *Nesbit v. City of Albuquerque*, 91 N.M. 455, 459, 575 P.2d 1340, 1344 (1977). The court went on to state that the notice does not meet this standard if it is "insufficient, ambiguous, misleading or unintelligible to the average citizen." But it has also been held that the notice is adequate if it puts a reasonable person on notice that they should make further inquiry. "[W]here circumstances are such that a reasonably prudent person should make inquiries, that person is charged with knowledge of the facts reasonable inquiry would have revealed." *Bogan v. Sandoval County Planning & Zoning Comm'n*, 119 N.M. 334, 341, 890 P.2d 395, 402 (Ct.App.1994); See, *Bennett v. City of Las Cruces*, 126 N.M. 619, 973 P. 2d 871 (1998).

A copy of the notice for the LUPZ committee meeting, which was sent to property owners within the plan area, is attached. It shows existing zoning, proposed zoning and states that it involves "changing existing zoning." It provides directions to the City's website regarding the sector plan as well as contact information both by e-mail and telephone if there are questions. It further states when and where the matter will be considered by the LUPZ committee. The City also provided mailed notice of the EPC meeting (copy attached) and published notice (copy attached).

The specific concern with respect to the adequacy of the notice is not explained. Given the notice requirements set out by New Mexico courts there is no clear violation. This opinion is subject to change if more information is provided.

III. Is There a Rational Basis for the Rezoning that Is Proposed?

The argument advanced is that it is not rational to have a sector plan that limits density by precluding townhouses while at the same time providing for a second home to be allowed on single family residential property. The specific assertion is that:

[T]he rezonings are irrational because the City is trying to downzone multi-family properties on the grounds that is trying to maintain the single-family character of the sector, but the City at the same time is proposing to increase the density of the originally single-family residential properties by allowing a second unit of the property...

The "secondary dwelling unit" proposed to be allowed in single family residential zones is defined as proposed to be amended to include: "Living quarters within an accessory building containing kitchen facilities and does not exceed 650 square feet."

The proposal to allow a small guest house or mother-in-law quarters potentially serves a very different purpose from multi-family properties. The provision of small on site housing with a second kitchen provides for needed living space rather than just for increasing the number of residences. In 2007 the

New Mexico legislature noted this difference and amended § 3-21-1 NMSA 1978 to provide:

F. Zoning authorities, including zoning authorities of home rule municipalities, shall accommodate multigenerational housing by creating a mechanism to allow up to two kitchens within a single-family zoning district, such as conditional use permits.

There is arguably a rational basis for the inclusion of secondary dwelling units within the sector plan.

Where rational basis is the legal standard the person claiming that there is no rational basis has the burden of proving a lack of a rational basis. There is a presumption that the action is rational. The action may be based on "rational speculation unsupported by evidence or empirical data." *TriHealth, Inc. v. Bd. Of Comm'rs, Hamilton Cnty.*, 430 F.3d 783, 790 (6th Cir. 2005).

IV. Does *Ex-Parte* Contact Between the Planning Staff and the EPC Members Constitute a Denial of Due Process? Was Information and Testimony Provided to the EPC at the Pre-Hearing Meeting in Violation of Due Process?

Issues surrounding the EPC's engaging in ex-parte communications break down into two parts. Was the EPC precluded from engaging in *ex-parte* contacts? Were the contacts that the EPC engaged in impermissible *ex-parte* contacts? Because the opinion reached in this memorandum is that the EPC was not precluded from engaging in *ex-parte* contacts only the first issue will be discussed here. With respect to the adoption of the DNASDP the role of the EPC is to make recommendations to the City Council regarding the proposed plan:

§ 14-13-2-5 PROCEDURE FOR PLAN ADOPTION OR AMENDMENT; FEE.

(C) Evaluation and Scheduling.

(2) If the Council has not delegated adoption of the class of plan involved, the city staff and the Environmental Planning Commission should both evaluate and convey their recommendations on proposed plan elements to the City Council.

Case law with respect to prohibited ex-parte communications with administrative bodies concerns communications with decision makers. *County of Galveston v. Texas Dept. of Health*, 724 S.W.2d 115 (Ct. of App. 1987)(the prohibition on ex-parte communication is to prevent facts "coming before the decisionmaker without becoming part of the record in the contested case."); *Marder v. University of Wisconsin*, 276 Wis. 2d 186, 687 N.W. 2d 832 (Ct. of App. 2004)(The prohibition is on "[t]he introduction of new and material information by means of ex parte communications to the deciding official...")

There does not appear to be a body of caselaw with respect to ex-parte communications with a body that is acting in an advisory or recommending role. Apparently, claims are not made that those acting in an advisory capacity are precluded from receiving ex parte communications. In the *Matter of the*

Application of SDDS, 472 N.W. 2d 502 (1991) the allegation was that there was an impermissible *ex-parte* communication with the South Dakota Department of Water and Natural Resources ("Department"). The Department acted as a recommending body to the Board of Minerals and Environment ("Board") with respect to the approval of a permit for a solid waste facility. In relevant part the court held that "[t]he correspondence and other contacts between [the applicant] and Department do not constitute *ex-parte* communications because Department is not the decisionmaker."

Similarly the 1981 Model State Administrative Procedure Act at § 4-213(a) provides that *ex-parte* communications are precluded with "a presiding officer serving in an adjudicative proceeding..."

The EPC is not the decisionmaker in the present case. *Ex-parte* communications with the EPC when acting as a recommending body do not violate due process.

To avoid confusion, there are situations where individuals or bodies that make recommendations must act in a quasi-judicial fashion. In cases where a hearing officer or a board conducts a hearing and makes findings of fact and a recommendation upon which the decision maker may rely in reaching a final decision, that hearing must be conducted in a quasi-judicial fashion if the decision maker is held to a quasi-judicial standard. The Land Use Hearing Officer [LUHO] conducts a hearing on an appeal and recommends findings and conclusions which the City Council may adopt without further hearing. LUHO hearings must be quasi-judicial. The LUHO is acting in an adjudicatory capacity. The EPC is advisory.

Additionally, the EPC is not making findings with respect to compliance with requirements for adoption of a sector plan. The EPC does not make recommendation regarding compliance with R-270-1980. The EPC is to "evaluate and convey their recommendations on proposed plan elements."

Pursuant to the City ordinance both city staff and the Environmental Planning Commission have the same obligation to evaluate and convey their recommendations to the City Council. If it is correct that the EPC is precluded from receiving *ex-parte* communications because of its role in making a recommendation, city staff would also be precluded from receiving *ex-parte* communications. Given the role of planning staff such a limitation would prevent it from performing its duties.

It should be noted that EPC has adopted a procedure that provides that it will not engage in *ex-parte* communications. If the EPC in fact violates its own procedures that should not invalidate the Council's adoption of a sector plan. It's not clear what the legal impact would be of a recommending body not following its own procedures. It is not a due process violation as has been alleged. A violation of state created procedures does not by itself constitute a denial of due process. The violation must be of a federally required procedure. *Weller v. Dep't of Social Services for Baltimore*, 901 F.2d 387 (4th Cir. 1990).

A concern has been raised about the EPC going into closed session in order to meet with staff for advice on a legal issue. Based on the foregoing, this memorandum concludes that such a meeting is not an improper *ex-parte*

communication. This memorandum takes no position on whether the closed session was consistent with the New Mexico Open Meetings Act.

V. Did the Administration's Submission of the Proposed DNASDP Constitute a Violation of the City Charter?

In 2009 the City Charter was amended to clarify the role of the City Council and Mayor with respect to planning and zoning:

ARTICLE XVII. [PLANNING]

Section 1.

The Council is the city's ultimate planning and zoning authority, including the adoption and interpretation of the Comprehensive Plan and the Capital Improvement Plan. The Council is also the city's ultimate authority with respect to interpretation of adopted plans, ordinances, and individual cases.

Section 2.

The Mayor or his designee shall formulate and submit to the Council the Capital Improvement Plans and shall oversee the implementation, enforcement, and administration of land use plans.

At § 14-16-4-3(A)(3) ROA 1994 the City Council by ordinance has provided that the "city" may be an applicant for a new or amended sector plan:

(A) Application for New or Amended Sector Development Plans...

(3) Applications may be made only by a representative of the city or by a person with direct financial, contractual, or proprietary interest in the affected property....

This is consistent with the authority to propose zoning amendments at § 14-16-4-1(A)(3):

(3) Applications for amendment of the official zone map may be made only by the Mayor or his designated representative, or by a person with direct financial, contractual, or proprietary interest in the affected property....

There is no assertion that the City Council is without authority to provide for the process by which zoning is adopted or amended. Such authority is also consistent with the relevant state statute:

A. The zoning authority [City Council] within its jurisdiction shall provide by ordinance for the manner in which zoning regulations, restrictions and the boundaries of districts are:

- (1) determined, established and enforced; and
- (2) amended, supplemented or repealed.

The argument that has been advanced is that the executive branch of government, with respect to planning, is limited to "the implementation, enforcement, and administration of land use plans." The fact that the City Council is delegated as the "city's ultimate planning and zoning authority" does not state

that the executive branch is precluded from any involvement in land use matters. The fact that the charter provides that the Mayor "shall oversee the implementation, enforcement, and administration of land use plans" does not state that the Mayor or the executive branch shall have no other involvement with planning issues.

Article V, Section 4 (k) of the City Charter provides that the Mayor shall "[p]erform other duties not inconsistent with or as provided in this Charter..." Without a provision in the Charter precluding the Mayor or the executive branch of government from having any additional involvement with the planning process the submission of a proposed sector plan for ultimate consideration and adoption by the City Council does not appear to be a Charter violation.

VI. Does City Council Staff's Involvement in Reviewing the Proposed Plan, EPC's Recommendations Regarding the Proposed Plan and Protests to the Proposed Plan and then Making Recommendations to the City Council Regarding Those Matters Constitute a Denial of Due Process?

This is a difficult question to answer. The major problem is that the objection to the role of City Council staff is unclear. The City Council employs a Policy Analyst who is assigned to deal with planning issues. With respect to the DNASDP this policy analyst has reviewed the plan and has made recommendations with respect to possible amendments.

The stated objection is that the recommended amendments are "tantamount to a judge's law clerk revising a plaintiff's complaint." The analogy is difficult to follow. The staff person is not making an amendment. The staff person is making recommendations to the City Council based on the existing record. The proper analogy would appear to be a judge's law clerk making recommendations to a judge to aid a judge's decision. It's not clear what's wrong with such a practice.

It's generally recognized that there is no prohibition with a decision maker having ex-parte communications with staff so long as new evidence is not being introduced. *County of Galveston v. Texas Dept. of Health*, 724 S.W.2d 115 (Ct. of App. 1987).

What's interesting is that the council staff is making the recommendations publicly where those recommendations can be publicly reviewed and challenged. It's not clear why something that can be done ex-parte is improper when done publicly.

The law clerk analogy seems even less applicable given that the LUPZ Committee allowed the Policy Analyst to be cross examined as to her recommendations. No judge would allow her law clerk to be cross examined.

The issue can be reconsidered if there is a better explanation of the concern.

VII. Does the Plan Contain Impermissible Strip Zoning or Spot Zoning?

R 270-1980 prohibits both spot zoning and strip zoning except in specific situations. Spot zoning and strip zoning are therefore not prohibited but they are limited. The assertion is that the DNASDP contains both spot zoning and strip

zoning. There is no explanation as to the where such zoning occurs or any explanation as to why the exceptions for spot and strip zoning do not apply in those locations where it is believed spot or strip zoning has occurred. It is impossible to determine if this claim of impermissible spot or strip zoning has any basis given the lack of any explanation.

Interestingly, both spot and strip zoning involve having a limited area zoned differently from the surrounding area. With respect to at least one of Ms. Landry's clients it appears what she wants is to have a single piece of property zoned differently than the surrounding area.

The explanations for spot and strip zoning as found in R 270-1980 follow:

Spot Zoning

A zone change request which would give a zone different from surrounding zoning to one small area, especially when only one premise is involved, is generally called a "spot zone." Such a change of zone may be approved only when:

(1) The change will clearly facilitate realization of the Comprehensive Plan and any applicable adopted sector development plan or area development plan; or

(2) The area of the proposed zone change is different from surrounding land because it could function as a transition between adjacent zones; because the site is not suitable for the uses allowed in any adjacent zone due to topography, traffic, or special adverse land uses nearby; or because the nature of structures already on the premises makes the site unsuitable for the uses allowed in any adjacent zone.

Strip Zoning

A zone change request which would give a zone different from surrounding zoning to a strip of land along a street is generally called "strip zoning." Strip commercial zoning will be approved only where:

(1) The change will clearly facilitate realization of the Comprehensive Plan and any adopted sector development plan or area development plan; and

(2) The area of the proposed zone change is different from surrounding land because it could function as a transition between adjacent zones or because the site is not suitable for the uses allowed in any adjacent zone due to traffic or special adverse land uses nearby.

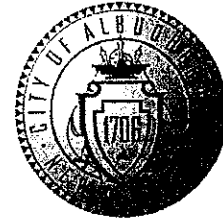
VIII. Does the City Attorney's Representation of Both the EPC and Planning Department Constitute a Denial of Due Process?

This Memorandum takes no position on this issue. The City Attorney has researched the issue. The City Attorney is the appropriate source for an opinion on this issue.

IX. Is Councilor O'Malley Disqualified from Participating or Voting on the DNASDP or Plan amendments?

This memorandum takes no position on this issue. The facts necessary to form an opinion on this issue are undeveloped. Any determination as to the disqualification of a Councilor should not be made by staff even if the facts are developed.

CITY OF ALBUQUERQUE



November 9, 2010

Dear Downtown Neighborhood Area property owners;

City Councilor Debbie O'Malley and the Planning Department are pleased to announce that the updated Downtown Neighborhood Area Sector Plan (DNA SDP) has been submitted to the Environmental Planning Commission (EPC) for review and recommendation to the City Council. Your participation in the review process is desired and encouraged.

In October 2009, at the direction of City Councilor Debbie O'Malley and Planning Director Deborah Stover, the Planning Department, City Council staff, and Consensus Planning (the planning consultant) began work on the update to the DNA SDP. The planning team worked closely with a steering committee and with the community as a whole to prepare the draft DNA SDP which is an update to the original 1976 plan. The draft plan contains goals, policies and zoning regulations related to land use, historic preservation, and transportation. Another key aspect of the draft plan is the proposed change to the plan's boundary to include Robinson Park.

Your property(s) is either within the DNA SDP or it is within 200 feet of a property in the DNA SDP area.

Environmental Planning Commission Hearing

The draft DNA SDP will be scheduled for a EPC Hearing on **December 2, 2010 at 3.30pm**. The hearing will be held in the Planning Department Hearing Room, **Plaza Del Sol, 600 2nd Street NW, Basement Level**. Call Nolean Smith, EPC Board Secretary at 924-3662 to confirm the hearing date and time.

PO Box 1293

Plan Drafts for Review

Albuquerque

Copies of the draft Plan will be available at the City of Albuquerque Planning Department, 600 2nd Street NW, 3rd Floor from **November 1, 2010** onwards. Electronic versions of the plan are already available on the City Council website: <http://www.cabq.gov/council/current-projects-and-studies/downtown-neighborhood-area-sector-plan-update>

Please call Petra Morris at 924-3897 if you need help accessing a copy of the plan.

NM 87103

Opportunities for Review and Comment

www.cabq.gov

The EPC generally holds two public hearings before sending its recommendations to City Council. You may present comments verbally at the hearings and /or send written comments to myself or Nolean Smith for inclusion in the file. Once the City Council receives the EPC recommendations from the City administration, a request for adoption will be introduced at a City Council hearing and then scheduled for study at the City Council Land Use Planning and Zoning Committee.

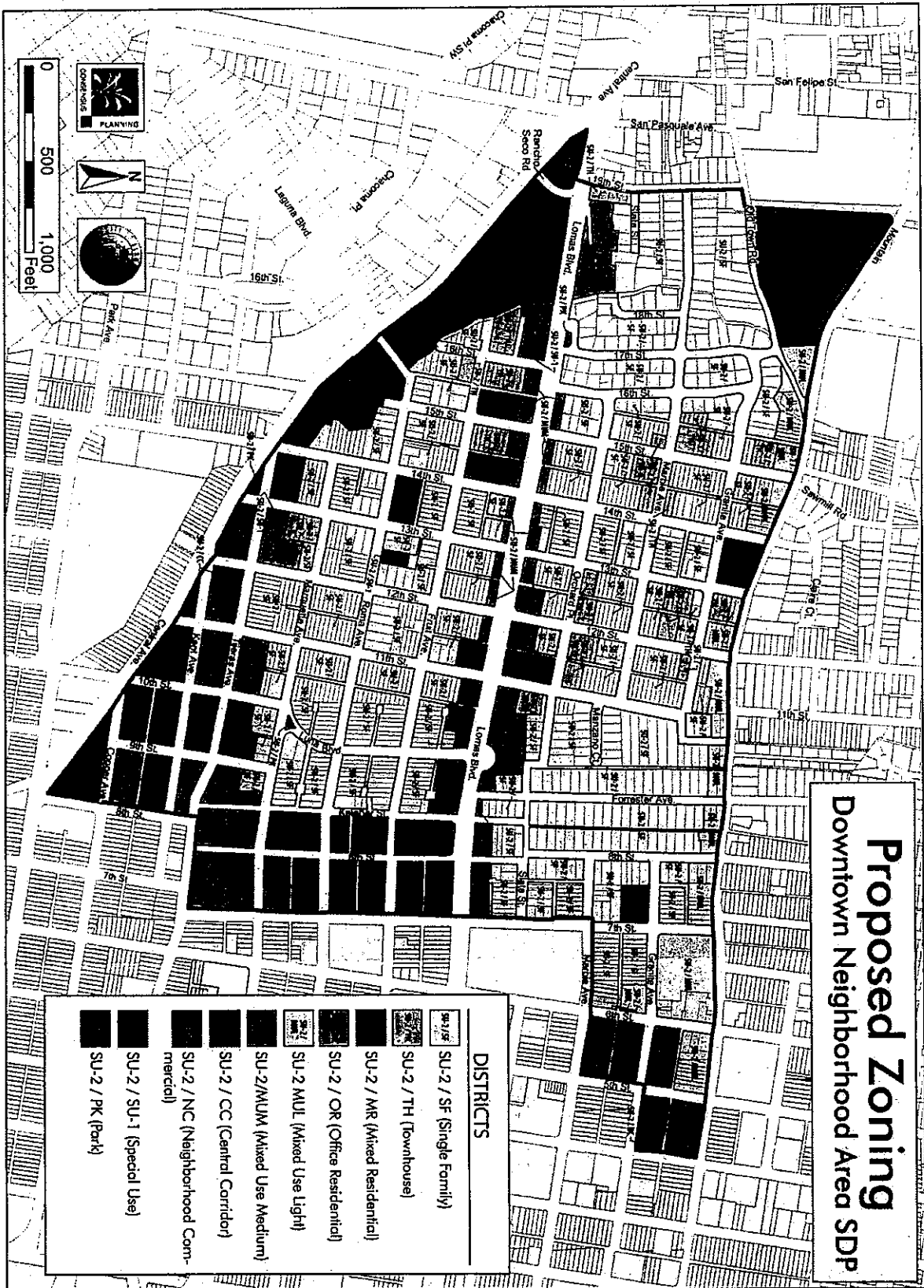
You will have several opportunities to submit written comments. To ensure a Planning Department response to your written comments in the EPC staff report please submit comments to me by **Wednesday, November 17, 2010**. **Mail:** Petra Morris, Planner, City of Albuquerque Planning Department, 600 2nd Street NW, Albuquerque, NM 87102; **Fax:** 924 3339, Attention: Petra Morris; or **Email:** pmorris@cabq.gov.

If you miss the deadline for having your comments included in the staff report, you can ensure that your comments are included in the packet of materials to the EPC, by hand delivering, faxing or emailing them to the EPC Board Secretary no later than **3.30pm, Tuesday, November 30, 2010**. **Hand deliver:** Nolean Smith, EPC Board Secretary, 600 2nd Street NW, 3rd Floor. **Fax:** 924-3339 Attention: Nolean Smith. **Email:** noleansmith@cabq.gov

Sincerely,

Petra Morris, Planner

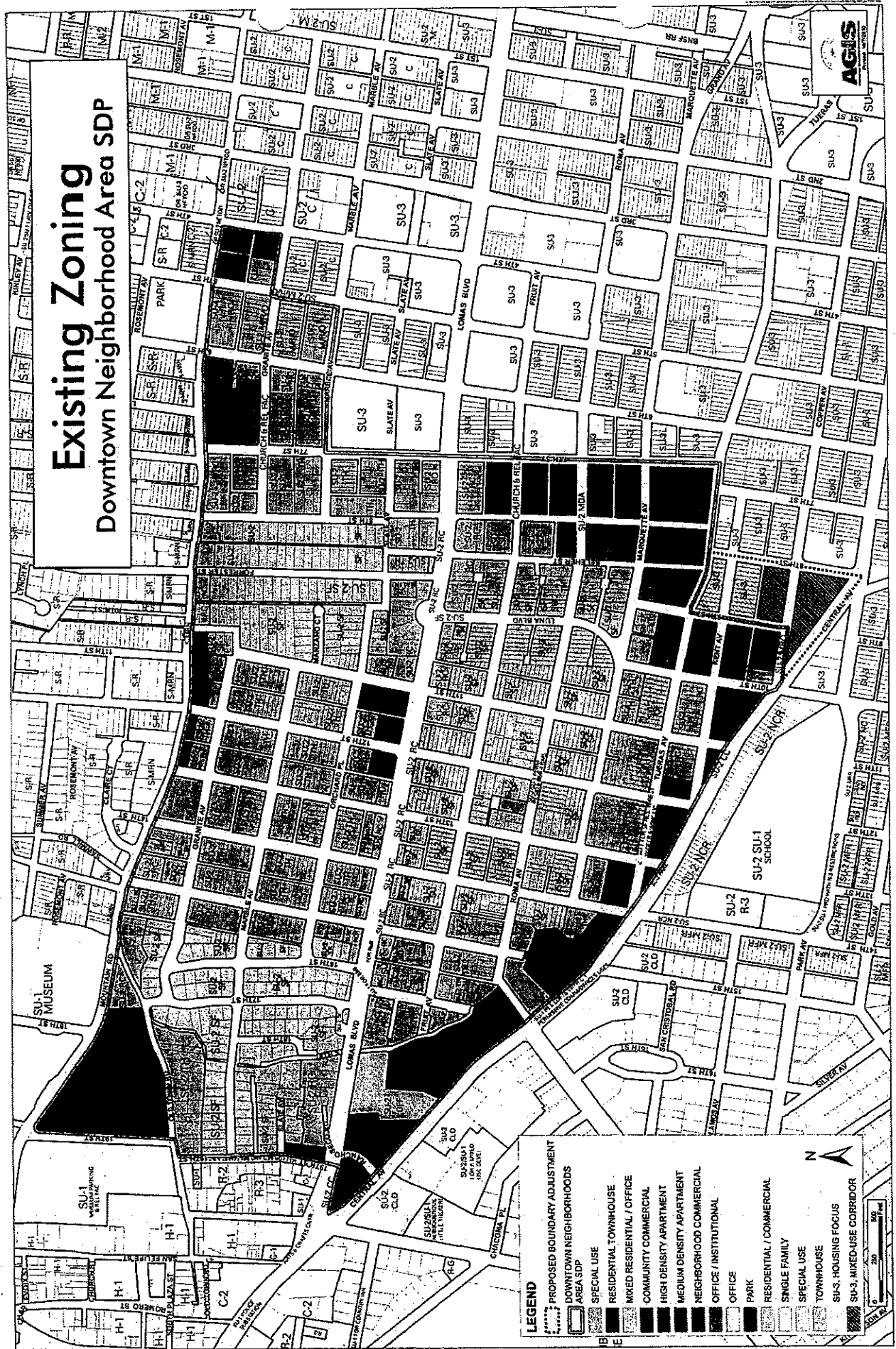
Proposed Zoning Downtown Neighborhood Area SDP

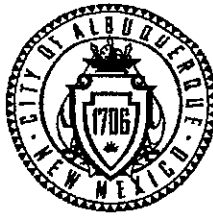


- DISTRICTS**
- SU-2 / SF (Single Family)
 - SU-2 / TH (Townhouse)
 - SU-2 / MR (Mixed Residential)
 - SU-2 / OR (Office Residential)
 - SU-2 MUL (Mixed Use Light)
 - SU-2/MUM (Mixed Use Medium)
 - SU-2 / CC (Central Corridor)
 - SU-2 / NC (Neighborhood Commercial)
 - SU-2 / SU-1 (Special Use)
 - SU-2 / PK (Park)

Existing Zoning

Downtown Neighborhood Area SDP



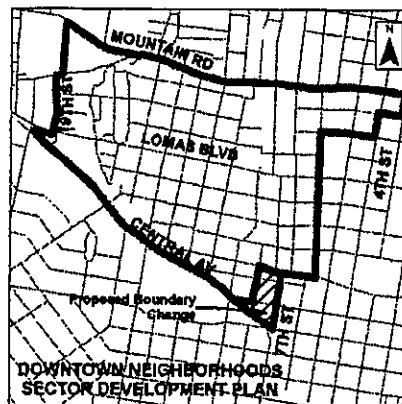


NOTICE OF PUBLIC HEARING

Notice is hereby given that the City of Albuquerque Environmental Planning Commission (EPC) will hold a **Public Hearing on Thursday, December 2, 2010 at 3:30 p.m.**, in the Plaza del Sol Hearing Room, Lower Level, Plaza del Sol building, 600 2nd St. NW, Albuquerque, NM to consider the items described below.

Project# 1008570
10EPC-40063 SEC DEV PLAN PHSE 2,
DOWNTOWN NEIGHBORHOOD AREA

CITY OF ALBUQUERQUE PLANNING DEPARTMENT requests the above actions for the Downtown Neighborhood Area, boundaries are Mountain Road to the north, Central Avenue to the south, 19th Street to the west and 4th, 5th, 7th and 8th Streets to the east. Currently zoned SU2 SU1, SU2 RT, SU2 MR/O, SU2 CC, SU2 HDA, SU2 MDA, SU2 NC, SU2 O, SU2 Office, SU2 Park, SU2 R/C, SU2 SF, SU2 TH, SU3 Housing Focus, SU3 Mixed-Use Corridor and proposed to be zoned SU2 SU1, SU2 SF, SU2 TH, SU2 MR, SU2 OR, SU2 MUL, SU2 MUM, SU2 CC, SU2 NC, SU2 Park, containing approximately 280 acres. Petra Morris, Staff Planner (Zone Atlas Maps: J-13, J-14, K-13, & K-14)



Details of these applications may be examined at the Current Planning Division of the Planning Department, 3rd Level, Plaza Del Sol Building, 600 Second Street NW, between 8:00 a.m. and 5:00 p.m., Monday through Friday, or you may call 924-3860. **INDIVIDUALS WITH DISABILITIES** who need special assistance to participate at the public hearing should call 924-3860.

Doug Peterson, Chair
Environmental Planning Commission

TO BE PUBLISHED IN THE ALBUQUERQUE JOURNAL November 17, 2010.

APPROVED
Carmen Marrone, Manager
Planning Department

Carruthers, Madeline

From: Legals [legals@abqpubco.com]
Sent: Tuesday, November 09, 2010 3:16 PM
To: Carruthers, Madeline
Subject: Re: Legal Ad Dec 2 EPC Hearing to be published Nov. 17

Madeline,

Attached is a proof of your ad. The cost is 212.34.

Let me know if you have any questions.

Thank you,

~Jenny

***The Journal will be closed for Thanksgiving Day, Thursday, November 25th, 2010. Legal deadlines for the holiday are as follows:

Edition.....Copy Due

Monday November 22.....Friday 11/19, 9am
Tuesday November 23..... Friday 11/19, 9am
Wednesday November 24..... Friday 11/19, 9am
Thursday November 25... .. Monday 11/22, 9am
Friday November 26... .. Tuesday 11/23, 9am
Saturday November 27..... Wednesday 11/24, 9am
Sunday November 28..... Wednesday 11/24, 9am
Monday November 29..... Friday 11/26, 9am
Tuesday November 30..... Friday 11/26, 9am

~Jenny Gomez
Albuquerque Journal
Legal Department
(505) 823-3379
(505) 823-3377
legals@abqpubco.com

----- Original Message -----

From: Carruthers, Madeline
To: legals@abqpubco.com
Sent: Friday, November 05, 2010 8:37 AM
Subject: Legal Ad Dec 2 EPC Hearing to be published Nov. 17

Greetings, <<Legal Ad 12-2-10.doc>>

I am the new Admin. Assist. For EPC. I will be the one sending these to you.
My email address is mtafoya@cabq.gov

11/10/2010

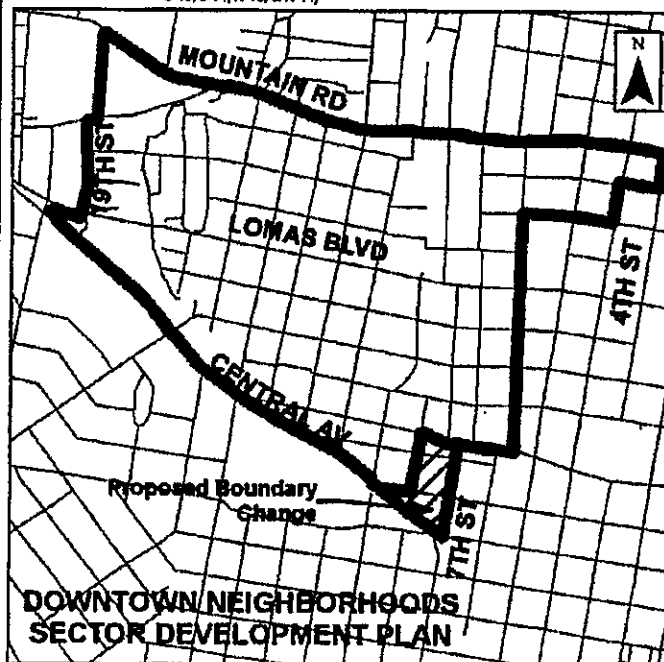


NOTICE OF PUBLIC HEARING

Notice is hereby given that the City of Albuquerque Environmental Planning Commission (EPC) will hold a Public Hearing on Thursday, December 2, 2010 at 5:30 p.m., in the Plaza del Sol Hearing Room, Lower Level, Plaza del Sol Building, 600 2nd St. NW, Albuquerque, NM to consider the items described below.

Project# 1008570
10EPC-40063 SEC
DEV PLAN PHSE
2, DOWNTOWN
NEIGHBORHOOD
AREA

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Doug Peterson, Chair, Environmental Planning Commission

TO BE PUBLISHED IN THE ALBUQUERQUE JOURNAL November 17, 2010.

APPROVED
Carmen Marrone, Manager, Planning Department

Journal: November 17, 2010

Ortega, Crystal

R-11-225

From: Ortega, Crystal
Sent: Friday, July 15, 2011 9:47 AM
To: 'Jenny Gomez'
Cc: Thompson, Bruce T.; Sanchez-Pare, Kelly; Brito, Russell D.; Morris, Petra A.
Subject: Legal Ad for Tuesday, July 26 Edition
Attachments: DNA journal notice.doc

Hello Journal Legal Advertising Department,

Attached is a Legal Ad for the **Tuesday, July 26, 2011 edition.**

As noted on the ad, the map must be a minimum 9 square inches (3x3).

Charge the ad to account number C80569.

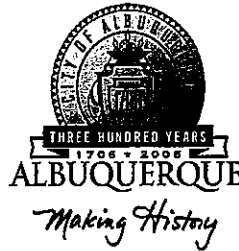
Please let me know if you have any questions.

Thank you,
Crystal Ortega
Clerk of the Council
Office of the City Council
505.768.3107

7/15/2011

TO BE PUBLISHED IN THE ALBUQUERQUE JOURNAL ON
TUESDAY, JULY 26, 2011

(Note: the map MUST be at least 9 square inches (3x3) when it appears in the newspaper)



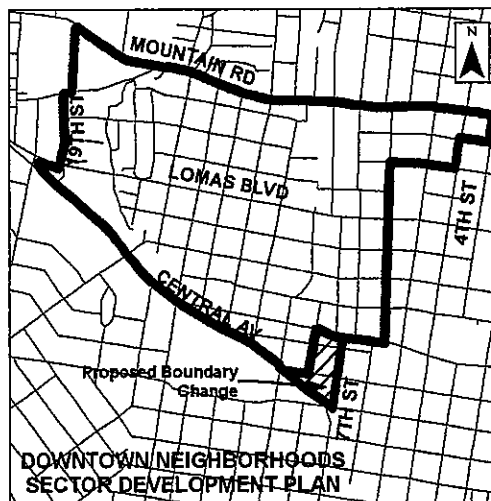
NOTICE OF PUBLIC HEARING
CITY COUNCIL OF THE CITY OF ALBUQUERQUE

TO ALL CITIZENS AND PARTIES OF INTEREST:

Notice is hereby given that the Land Use, Planning, and Zoning Committee of the City Council will hold a public hearing on **WEDNESDAY, AUGUST 10, 2011 at 5:00 p.m.** in the Council Committee Room, 9th Floor, Suite 9081, Albuquerque/Bernalillo County Government Center, One Civic Plaza NW, to consider adoption of the **Downtown Neighborhood Area Sector Development Plan**. There will be an opportunity for public comment during this meeting.

R-11-225 (EPC Project# 1008570, 10EPC-40063) Adopting the Downtown Neighborhood Area Sector Development Plan; Changing Existing Zoning. This legislation is sponsored by City Councilor Debbie O'Malley.

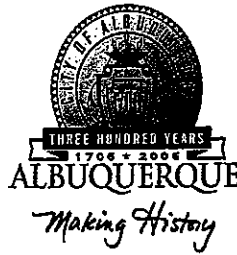
The City of Albuquerque Planning Department requests Adoption of the Downtown Neighborhood Area Sector Development Plan, boundaries are Mountain Road to the north, Central Avenue to the south, 19th Street to the west and 4th, 5th, 7th and 8th Streets to the east. Currently zoned SU2 SU1, SU2 RT, SU2 MR/O, SU2 CC, SU2 HDA, SU2 MDA, SU2 NC, SU2 O, SU2 Office, SU2 Park, SU2 R/C, SU2 SF, SU2 TH, SU3 Housing Focus, SU3 Mixed-Use Corridor and proposed to be zoned SU2 SU1, SU2 SF, SU2 TH, SU2 MR, SU2 OR, SU2 MUL, SU2 MUM, SU2 CC, SU2 NC, SU2 Park, containing approximately 280 acres. (Zone Atlas Maps: J-13, J-14, K-13, & K-14)



Details of the Plan may be examined at the City Council Office, 9th Floor, Albuquerque/ Bernalillo County Government Center, One Civic Plaza NW, Monday thru Friday, between 8:00 a.m. and 5:00 p.m. More information regarding the Plan is also available on the City Council website at <http://www.cabq.gov/council/current-projects-and-studies/downtown-neighborhood-area-sector-plan-update>. If you have any questions regarding the plan, please contact Petra Morris at 505-924-3897 or via email at pmorris@cabq.gov

Please send comments to Crystal Ortega, Council Services, P.O. Box 1293, Albuquerque, NM 87103 or via email at cortega@cabq.gov

NOTICE TO PERSONS WITH DISABILITIES: If you have a disability and require special assistance to participate in this meeting, please contact the Council office at least one day before the meeting at 505-768-3100. TTY users please call New Mexico Relay Network toll free at 1-800-659-8331.



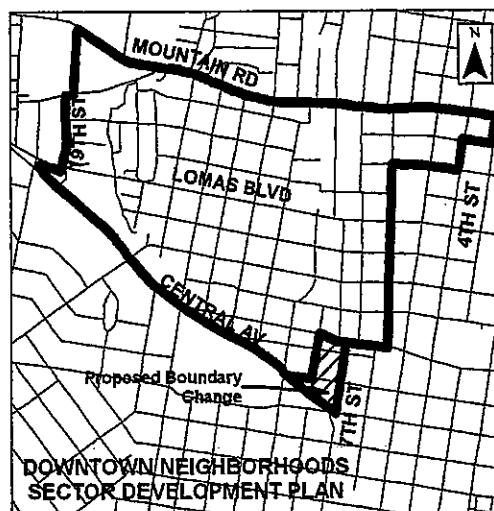
NOTICE OF PUBLIC HEARING
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The accompanying map showing the proposed zoning reflects the Downtown Neighborhood Sector Development Plan, as submitted to the EPC in the draft dated 10-28-2010. It does not reflect the changes to the proposed zoning map found in the Recommended Conditions of Approval Notice of Decision dated April 7, 2011. The map showing the proposed changes per the Recommended Conditions may be found in the Red/Blue Line Version of the plan, dated 6-9-2011, available on line at:

<http://www.cabq.gov/council/current-projects-and-studies/downtown-neighborhood-area-sector-plan-update>

It is also available in hard copy from the Planning Department, 3rd Floor, Plaza Del Sol Building.

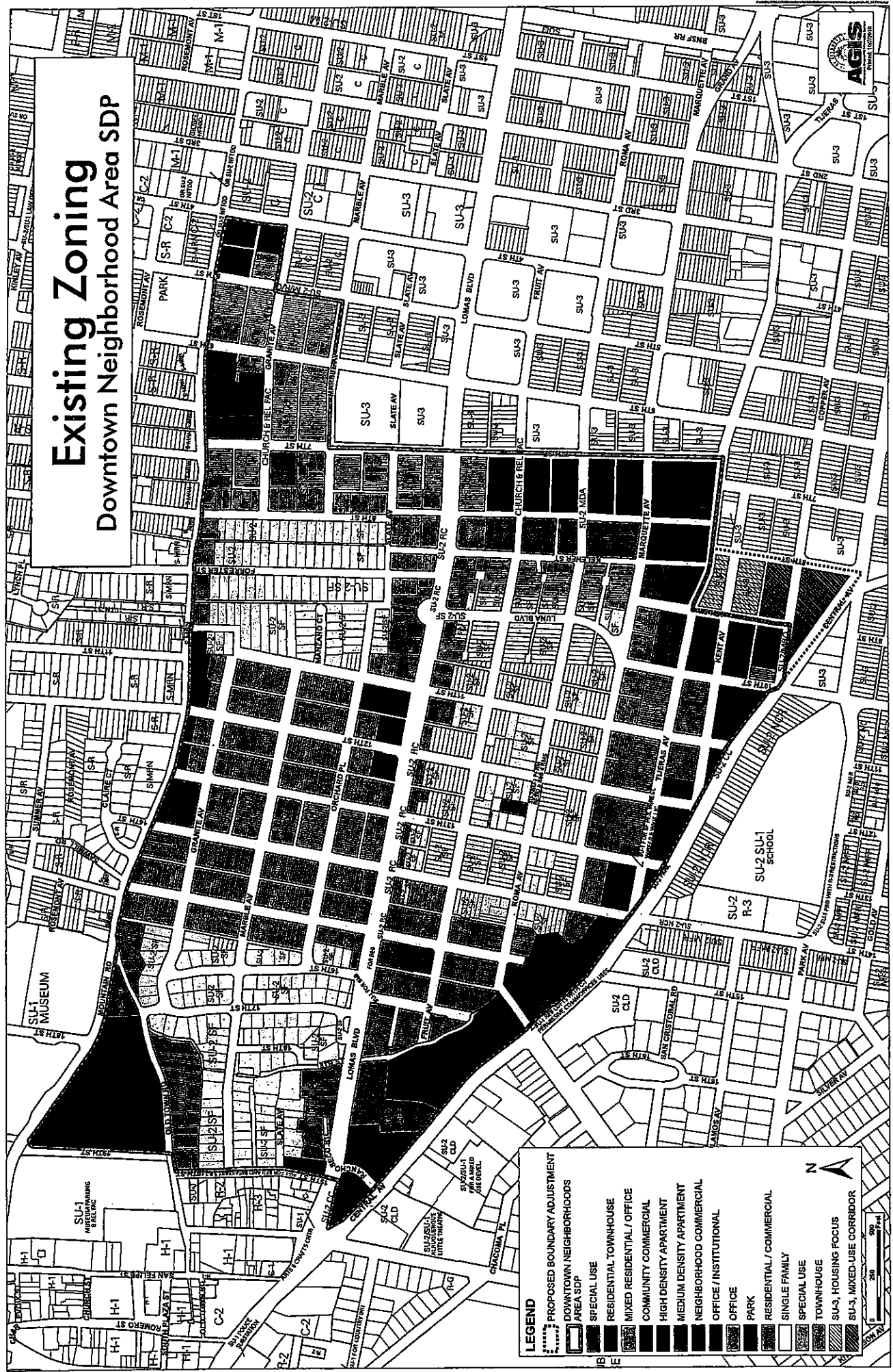
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Existing Zoning

Downtown Neighborhood Area SDP



LEGEND

- PROPOSED BOUNDARY ADJUSTMENT
- DOWNTOWN NEIGHBORHOODS AREA SDP
- SPECIAL USE
- RESIDENTIAL TOWNHOUSE
- MIXED RESIDENTIAL / OFFICE
- COMMUNITY COMMERCIAL
- HIGH DENSITY APARTMENT
- MEDIUM DENSITY APARTMENT
- NEIGHBORHOOD COMMERCIAL
- OFFICE / INSTITUTIONAL
- OFFICE
- PARK
- RESIDENTIAL / COMMERCIAL
- SINGLE FAMILY
- SPECIAL USE
- TOWNHOUSE
- SU-3, HOUSING FOCUS
- SU-3, MIXED-USE CORRIDOR

0 50 100 200 300 400 500 600 700 800 900 1000

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Proposed Zoning

Downtown Neighborhood Area SDP

