

DEVELOPMENT PROCESS EXECUTIVE COMMITTEE

Richard Dineen, Co-Chair
Planning Department Director

John Castillo, Co-Chair
Municipal Development Department Director

Richard Dourte
City Engineer

Kevin Curran
City Legal Department

Bob Wharton
Southwest Realty

Bill Allen
NAIOP

James Topmiller
Bohannon Huston, Inc.

Russell Brito
Development Services Manager

Dale Dekker
Dekker, Perich & Sabatini

DEVELOPMENT PROCESS TECHNICAL REVIEW SUBCOMMITTEE

Richard Dourte, Chair
Planning Department

Kristal Metro
Planning Department

Suzanne Busch
Finance & Admin.Services Dept.

Bo Johnson
Curb Inc

Lynn Mazur
AMAFCA

Jeff Mortenson
High Mesa Consultants

David Stoliker
SSCAFCA

Howard Stone
Bohannon-Huston

Pat Stovall
Smith Engineering

Chuck Thompson
County Public Works Department

Scott M. McGee
Isaacson & Arfman

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INTRODUCTION

Albuquerque has grown tremendously over the past thirty years. During that time, City boundaries have expanded, particularly to the west, southwest and far northeast heights.

Land development within the municipal boundaries of Albuquerque is regulated by the City. City departments most involved in land development are Planning, Municipal Development and Environmental Health. These departments are committed to protecting the health, safety and welfare of the public through land use regulations. Such regulations are intended to preserve neighborhoods, conserve water, move traffic quickly and smoothly and ensure a high level of quality in every development.

The land development process is often as simple as presenting construction drawings to Code Administration to obtain the necessary building permits. Examples of building permits include permits for excavating, building structure foundations, installing plumbing, electrical and mechanical elements. Most development projects are simple. There are some situations, however, calling for greater involvement on the part of the City.

This summary will lead you through the most common City procedures used in land development. It is intended to provide guidance in processing development plans.

Our goal is to make your experience as easy and pleasant as possible. By working together, we can promote quality projects which benefit our community.

LAND DEVELOPMENT: PLANNING AND ZONING

Zoning, dividing a city into districts or zones with a set of rules for each one, is part of the land use planning process. Land use planning creates comprehensive policies linking development to the social and economic well-being of the community. Zoning provides the specific rules & regulations necessary to carry out planning policies.

The most important policy tool for land development in our city is the Albuquerque/Bernalillo County Comprehensive Plan. Any regulations affecting development are based on policies in this document. The City Subdivision Ordinance, Comprehensive Zoning Code and Uniform Building Code are three documents containing development regulations and requirements. The City Development Process Manual outlines most of the processes necessary to develop land.

The International Building Codes are available online at many of the City libraries. Call 505-768-5141 to see if the library nearest you has the codes. The Comprehensive Plan, Subdivision Ordinance and Zoning Code are available online at www.amlegal.com/albuquerque_nm.

Following is a summary of the City Departments and Divisions plus the various Boards and Commissions involved in land development.

ONE STOP SHOP

Development & Building Services

Plaza del Sol, Ground Floor

600 Second Street, NW

505-924-3895 or 3861

- Receives applications for annexations.
- Receives applications for zone changes.
- Receives applications for subdivisions and/ or plats.
Receives applications for site development plans.
- Receives applications for vacations of public or private rights of way or easements.
- Receives applications for sector development plan amendments.
- Processes requests for water and sewer availability.
- Processes requests for new water and sewer services and water & sewer tapping permits.
- Issues fire hydrant meters for construction.
- Issues right of way agreements for roads.
- Reviews traffic operations.
- Reviews applications for zone changes and site development plans to determine need for Traffic Impact Analysis.

Design/Construction Services

Plaza del Sol, 4 1h Floor, Suite 400

600 Second Street, NW

505-924-3975

- Responsible for design review, inspection & acceptance of public infrastructure within City rights of way & easements.
- Processes Subdivision Improvement Agreements (SIA) for public infrastructure
- Calculates & tracks required financial guarantees
- Processes project related easements, agreements & covenants
- Issues work orders for public infrastructure construction
- Issues public infrastructure encroachment agreements
- Issues license agreements & revocable permits for public right of way
- Processes & coordinates advertisement for bids for public projects
- Issues private development construction work orders for public infrastructure & performs oversight inspections.

Building & Safety/Zoning Enforcement
Plaza Del Sol, Garden & Ground Floors
600 Second Street, NW
Building & Safety 505-924-3304
Zoning 505-924-3849

- Makes field inspections for building (505-924-3326), plumbing & mechanical (505-924-3309) and electrical (505-924-3311) construction.
- Issues permits.
- Issues statements of zoning and declaratory rulings.
- Enforces the Comprehensive City Zoning Code, Weed and Anti-Litter Ordinance and related land use ordinances.
- Reviews plan submittals for permits for new construction, additions and remodels for residential and non-residential properties.
- Reviews plan submittals for permits for signs, walls and fences.
- Reviews applications for special exceptions: variance, conditional use and expansion of non-conforming use.
- Reviews applications for community residential programs and emergency shelters.
- Inspects properties & issues certificates of zoning for owners and lenders.
- Issues certificates of zoning for liquor licenses.
- Reviews business registration applications for City Treasury.
- Inspects properties for code compliance for certificates of occupancy.
- Inspects properties for violations.
- Consults with property owners, architects, developers and builders to assure code compliance.

BOARDS, COMMISSIONS & HEARING OFFICERS RELATED TO LAND DEVELOPMENT

CITY COUNCIL 505-768-3100

- Conducts public hearings to review and make decisions on appeals of zone changes, site development plans and subdivision matters.
- Approves annexations and related zoning, sector development plans and changes to the text of the Comprehensive Zoning Code and Subdivision Ordinance.

ENVIRONMENTAL PLANNING COMMISSION (EPC) Administrative Assistant 505-924-3886

- Conducts public hearings to review and make decisions on requests for zone changes and site development plan approvals.
- Makes recommendations to City Council on requests for annexation and related zoning, sector plan amendments and changes to the Comprehensive Zoning Code and the Subdivision Ordinance.

DEVELOPMENT REVIEW BOARD (DRB) Administrative Assistant 505-924-3946

- Conducts public hearings and makes decisions on requests for approval of subdivisions, vacations, site development plans delegated by EPC or sector development plans and subdivision design variances and sector development plan reviews.
- Provides final sign off on site development plans approved by the Environmental Planning Commission as well as sector plans and sector plan amendments approved by City Council.

LANDMARKS & URBAN CONSERVATION COMMISSION (LUCC) Administrative Assistant 505-924-3883

- Conducts public hearings on the City's historic preservation program, reviews National Register of Historic Places nominations, reviews proposals for building alterations, new construction and demolition in historic zones and on City Landmark sites.
- Makes City Council recommendations regarding applications for historic overlay zones, urban conservation overlay zones and City Landmark designations.

LAND USE HEARING OFFICER
City Council 768-3100

Hears appeals of Environmental Planning Commission, Landmarks & Urban Conservation Commission and Development Review Board decisions. The City Council makes the final decision based on the hearing officer's recommendation.

ZONING BOARD OF APPEALS
Board Assistant 505-924-3662

Reviews and makes decisions on appeals concerning variances, conditional uses and expansion of non-conforming uses.

ZONING HEARING EXAMINER
Administrative Assistant 505-924-3918

Conducts public hearings and makes decisions on requests for variances, conditional uses and expansion of non-conforming uses.

INTERNATIONAL CONSTRUCTION CODES BOARD OF APPEALS
Building Official 505-924-3305

Hears appeals of orders, decisions, or determinations made by the Chief Building Official relative to the application and interpretation of the technical codes.

HOW TO ANNEX PROPERTY & ESTABLISH ZONING

If you are interested in annexing property, call 505-924-3860 to schedule a pre-application discussion with Planning staff in the Development Services Division.

Criteria for annexing property into the City is contained in Council Resolution 54-1990:

- Property must be adjacent to an existing City boundary.
- Property must be accessible from City streets.
- The City must get enough benefit from the annexation to exceed the cost of providing City services.
- An annexation plat to establish the boundaries may be necessary.
- City zoning must be established at the same time as the annexation.
- Annexation agreement to provide for special considerations when necessary.

Albuquerque cannot annex County property without the prior permission of the Bernalillo County Board of County Commissioners (BCC). The County annexation application is available at the Development Services Center Front Counter, Ground Level, Plaza del Sol, 600 Second St, and NW or online at cabq.gov/planning.

Once the BCC approves annexation into the City, another application is required for an annexation request as well as for a zone map amendment, the process for establishing City zoning on the property. The application is also available at the Development Services Center or online at cabq.gov/planning.

Annexation & accompanying zone change requests are heard by the Environmental Planning Commission (EPC). The EPC forwards its recommendation to the City Council. Annexation and zone changes are approved by the City Council.

It's important to discuss initial annexation plans with City Planning staff. Their goal is to make the process as easy as possible.

HOW TO REQUEST A ZONE CHANGE (ZONE MAP AMENDMENT)

Each lot located within the municipal boundaries of Albuquerque is zoned. Each zone allows specific land uses. For example, the R-1, Single Family Residential Zone, allows one detached house per lot. In contrast, the C-2, Community Commercial Zone, allows a choice of commercial uses such as a clinic, retail sales and restaurants with full service liquor. The purpose of zoning is to group compatible land uses together and provide transitions between less compatible uses.

A change in zoning exchanges one zoning classification for another on one or more parcels of land. The Environmental Planning Commission (EPC) is the approval body for the majority of zone change requests.

The deadline for receiving zone change requests is noon on the first Thursday of each month. The EPC hearing occurs on the third Thursday of the following month.

Planning staff encourages you to discuss your proposed zone change with them before you submit the application. You may either meet with an individual planner or schedule an appointment for the weekly Pre-application Meetings with staff representing Planning, Transportation Development and Water /Sewer Utility Development. This meeting is especially helpful if your project is rather complex. Please call 505-924-3860 to speak with a planner or to schedule a meeting.

THE PROCESS

- The application for a zone change is available at the Development Services Center, Front Counter of the One Stop Shop, Ground Floor, and Plaza del Sol. It is also available on the City's website at cabq.gov/planning.
- Your application must include a written statement justifying the change in zone. For the policies concerning zone changes, see Resolution 270-1980, Policies for Zone Map Amendments in the City Comprehensive Zoning Code.
- While at the One Stop Shop, check with Transportation Development staff to see if a Traffic Impact Analysis is required.
- Next, go to the Office of Neighborhood Coordination, Basement Level, and Plaza del Sol for assistance in mailing written notification to neighborhood associations in your project area.

- When you have completed these steps, return to the Development Services Center and apply for the zone change. There is a fee for the review & approval. Post the large yellow public notification signs as instructed by Front Counter staff.
- Additional materials and information is needed if the zone change requires a site development plan or and amendment to a sector development plan. This is one of the reasons why a pre-application meeting with planning staff is a good idea.
- Your application and staff analysis of your request is presented at the Environmental Planning Commission (EPQ public hearing on the date assigned to your project. You will have a chance to present your project on that date.
- The EPC will decide at the hearing whether to approve or deny your request. If your request is denied, you may appeal this decision to the City Council through the Land Use Hearing Officer.
- The Development Services Center also accepts appeal applications. You have 15 calendar days from the date of the EPC decision to file an appeal. Any property owner or neighborhood association affected by the proposed action is also allowed to appeal. There is a fee for this appeal application.

HOW TO REQUEST APPROVAL OF A SITE DEVELOPMENT PLAN

Certain zones require Environmental Planning Commission (EPC) approval of a site development plan. A site development plan provides details on how you propose to develop your property. The Definitions Section of the City Comprehensive Zoning Code provides a description of what details are required in a site development plan.

Examples of zoning requiring a site development plan include zones with an SC (shopping center) designation and SU (Special Use) zoning and some IP (Industrial Park) zoning.

You are encouraged to make an appointment with planning staff for a pre-application discussion to find out whether a site plan is required. If so, staff will explain what is required in your application. Call 505-924-3860 to set up the appointment.

There are also some sector development plans requiring site development plans for specific zoning. Some of these site plans are delegated to the Development Review Board for approval. The staff at your pre-application discussion can tell you if a site development plan is required.

If you are proposing development on property for which there is an existing site development plan and your proposal differs from that shown on the site plan, you must amend the existing plan. Ask the Planning staff at your pre-application meeting.

THE PROCESS

- Pick up an application at the Development Services Center, One Stop Shop, Ground Floor, Plaza del Sol, 600 2nd Street, NW. It is also available online at the City's website at cabq.gov/planning.
- A completed application and copies of the required materials should be submitted at the Front Counter of the One Stop Shop. You may need the services of an architect, planner or engineer to develop your plan. There is a fee to submit your application.
- A completed form indicating whether a Traffic Impact Analysis is required as part of your site plan submittal. While at the One Stop Shop, check with Transportation Development staff to see if a Traffic Impact Analysis is required.

- Go to the Office of Neighborhood Coordination, Basement Level, and Plaza del Sol for the mailing list for written notification to neighborhood associations in your project area. This proof of notification is also required as part of your application submittal.
- Your site development plan application and staff analysis of the submittal is presented at the Environmental Planning Commission public hearing. You will have an opportunity to speak at this hearing as will anyone opposed to your project. The EPC will decide to approve or deny your request.
- If your site development plan is approved by EPC, you then submit it to the Development Review Board (DRB) for final signoff. Final signoff refers to signatures placed on the site plan by DRB members who verify that any conditions imposed by EPC are shown on the site plan submittal to DRB. Final sign off also indicates that a drainage and grading plan/report was approved by the City.
- For details on submitting your site development plan to DRB for final sign off, please call 505-924-3895.

You have 15 calendar days from the date of the EPC decision to file an appeal to City Council if your application is denied by EPC. Anyone owning property affected by your action also has the right to appeal. The Front Counter at the One Stop Shop, Development Services Center, accepts appeal applications. There is a fee for this application. You are notified of the date your appeal is scheduled.

**HOW TO DETERMINE
WHETHER YOUR PROJECT
NEEDS
A TRAFFIC IMPACT STUDY**

Large developments may have a major impact on the flow of traffic in an area. As a result, the City sometimes requires the developer to implement certain physical improvements to lessen the impact of the development. For example, the City may require additional turn lanes at an intersection adjacent to the proposed development or installation of a traffic signal for safety reasons.

To determine whether a traffic impact study is necessary for your project submittal, contact the Transportation Development staff at 505-924-3994 or visit the Development Services Front Counter, Ground Level, Plaza del Solo, 600 2 d Street, NW.

This determination is needed prior to applying for a zone change or site development approval. It's important to contact a City Traffic Engineer early in your planning process to avoid unnecessary delays in getting your project approved.

If a traffic study is needed, you should hire a private consultant to complete the work. City staff will work with the consultant to determine exactly what information is needed to determine the degree of impact on your project could have on traffic and how to lessen that impact.

**HOW TO REQUEST
A WATER AND SEWER AVAILABILITY
STATEMENT**

If you wish to find out whether water and sewer service is available for your project, write a letter requesting a Water and Sewer Availability Statement. In your letter state the location of the property, number of acres, the type of development planned and its density (for example, three dwelling units per acre).

Bring or send your letter to Albuquerque Bernalillo County Water Utility Authority (ABCWUA), One Stop Shop, 600 2 d Street, NW, Albuquerque, New Mexico 87102. You may also fax it to ABCWUA at 505924-3864. Be sure to include your name, address and a phone number.

The Availability Statement will state whether water and sewer service is available and, if so, indicate the size of the lines. If water & sewer service are not available or if existing lines are inadequate, the statement will tell you what is required to upgrade or extend existing lines to your property.

HOW TO REQUEST APPROVAL OF A MAJOR SUBDIVISION

A major subdivision creates more than ten lots and/or requires significant infrastructure. Platting action is required. The Development Review Board (DRB) is the approval body for platting action within the municipal boundaries of Albuquerque.

THE PROCESS

Sketch Plat

- Submit an application and six copies of a sketch plat showing how you plan to subdivide the property.
- At the end of each public meeting, DRB members meet with property owners and/or their agents to discuss the feasibility of the proposed subdivision. They also provide information on what additional details are needed for approval. There is no fee for this discussion.
- Applications are available at the Development Services Center, Ground Level, Plaza del Sol, 600 Second St, NW. or online at cabq.gov/planning.

Preliminary Plat

- After you meet with DRB to discuss your sketch plat and you make any necessary changes or additions, you're ready to submit your preliminary plat application.
- Creating the plat will require the services of a surveyor and a professional engineer hired.
- Major subdivision applications require public notification. Proof of notification is required as part of your original application submittal.
- Prior to submitting your application, go to the Office of Neighborhood Coordination, Basement Level, Plaza del Sol, 600 Second St, NW and ask if there are any recognized neighborhood associations in the area where you plan to subdivide property. If so, you will receive a list of contact persons and instructions on mailing written notification to these associations.
- Applications for preliminary plat approval are available online at cabq.gov/planning or at the Development Services Center, Front Counter, Ground Level, Plaza del Sol.
- Submit the application and required checklist items to the Development Services Center Front Counter.

- The DRB includes Transportation Development, Parks, ABCWUA, City Engineer (hydrology) and Planning representatives. They will review your plat at a DRB public hearing where anyone interested in your platting action has a chance to speak. You are required to be present at this hearing.
- Design/Construction Services, Plaza del Sol, 4 1h Floor, 600 Second NW, Suite 400 processes financial guarantees when public infrastructure is required. Please call 505-924-3975 for information.

FINAL PLAT

- After your preliminary plat is approved by DRB and all preliminary plat requirements are met submit another application for final plat approval. This application does not require a public hearing as comments were heard at the preliminary plat hearing. Applications are again available online or at the Development Services Front Counter. You will be scheduled for a DRB meeting within approximately one week after you submit a written application.
- Once your plat is signed by the DRB members, the plat is ready for recording. The Planning Department files plats. Filing fees are required.

Decisions of the DRB are appealable. See "How to Appeal a Decision".

HOW TO REQUEST APPROVAL OF A MINOR SUBDIVISION

Dividing a tract of land into ten or fewer parcels without significant infrastructure creates a minor subdivision. The Development Review Board (DRB) must approve minor subdivisions before they are filed with the County Clerk.

THE PROCESS

Sketch Plat

- Submit an application and six copies of a sketch plat showing how you plan to subdivide the property. Include dimensions of each lot.
- Applications are available at the Development Services Center, One Stop Shop Front Counter, Ground Level, Plaza del Sol, 600 Second St, NW. or online at cabq.gov/planning.
- At the end of each public meeting, DRB members meet with property owners and/or their agents to discuss the feasibility of the proposed subdivision. They also provide information on what additional details are needed for approval. There is no fee for this discussion.

Preliminary & Final Plat

- After you have met with the DRB and received their comments on your sketch plat, you will require the services of a professional surveyor to create the preliminary and final plat.
- The City Surveyor's signature is required on the preliminary and final plats at the time of application. The Development Services Center has a checklist of items required as part of the application. Applications are available at this location or online at cabq.gov/planning.
- You or your agent must attend the DRB meeting and bring the original mylar of the final plat for DRB signatures.
- Once the plat is approved, the DRB staff records the plat at the County Clerk's Office. Filing fees are required.

Decisions of the DRB are appealable. See "How to Appeal a Decision".

HOW TO REQUEST VACATION OF AN EASEMENT OR RIGHT OF WAY

Because vacations require subsequent platting actions, it is common practice to submit a vacation request and a platting request at the same time. This is particularly true for minor platting actions.

THE PROCESS

- The first step is to speak with Planning staff about the feasibility of vacating the easement or public right of way. Call 924-3858 or visit the Development Services Center Front Counter at Plaza del Sol, Ground Floor, 600 Second Street, NW.
- If the easement is for the benefit of PNM, Qwest, Comcast, AMAFCA or MRGCD, you should contact these agencies for guidance on whether or not they will give permission to vacate the easement in question. You will need their signature on the final plat when the time comes.
- Planning staff can assist you with the feasibility of vacations not involving these outside agencies. Please call 505-924-3989 for City water and/or sewer right-of way or easements, 505-924-3991 for roadway access easements or vacations, or 505-924-3986 for drainage easements or right-of-way.
- If it appears the vacation is feasible after these discussions, submit a vacation application to the Development Services Center, Plaza del Sol. The applications are available here or online at cabq.gov/planning.
- If you are requesting vacation of a public easement or public right of way, you will be given large yellow signs to post at the site. This sign serves as general public notice of your request.
- If you are requesting vacation of public right of way or public easements, you must also notify any recognized neighborhood associations in the area prior to submitting your application. The Office of Neighborhood Coordination, Basement Level, Plaza del Sol, 600 2nd St, NW will provide you with the notification instructions.

- Once you have received the DRB decision on your vacation request, assuming it was favorable, you should replat the area in question within one year of the vacation approval date. If the new plat is not approved and recorded within one year of the vacation approval date, the vacation approval expires per the City Subdivision Ordinance.
- To approve a vacation request, The DRB must follow these Subdivision Ordinance conditions:
 - The public welfare is not served by retaining the easement or right of way;
 - The development made possible by the vacation results in a net benefit to the public welfare that is greater than any detriment caused by the vacation;
 - There is no convincing evidence that any substantial property right is abridged against the will of the owner of that right.

The City Real Property office handles the sale of City owned property. This includes public right of way. Call 505-768-2771 for details.

Decisions of the DRB are appealable. See "How to Appeal a Decision".

**HOW TO REQUEST
A
SIDEWALK WAIVER, DEFERRAL
OR DESIGN VARIANCE**

To install a sidewalk which varies in design from Subdivision Ordinance standards or to delay construction of sidewalks until your building construction is finished or to not construct a sidewalk at all, an application for DRB approval is required. These sidewalk exception requests are heard at a DRB public meeting.

THE PROCESS

- Submit an application form available at the Development Services Center, Front Counter, Ground Level, Plaza del Sol, 600 2nd St. NW, or online at cabq.gov/planning. Call 505-924-3861 or 3895 for information. The application checklist tells you what else is needed.
- You must appear at the DRB hearing. You will explain your request and answer any questions DRB members have. A decision on your request is made at the hearing.

Decisions of the DRB are appealable. See "How to Appeal a Decision".

**HOW TO REQUEST
A
SPECIAL EXCEPTION VARIANCE, CONDITIONAL USE
OR
EXPANSION OF A NON-CONFORMING USE**

A special exception variance is a deviation from the literal meaning of a rule in the City Comprehensive Zoning Code. For example, you may want to build an addition to your home. The zoning on your property requires a twenty foot setback in your back yard from the back wall of your home to your property line. If you build the addition, you will have only an 18 foot setback. Because your lot is long and narrow, the only place to build the addition is at the rear of your home. So, you decide to apply for a special exception variance to that setback requirement.

The criteria for granting a variance are:

The parcel is exceptional compared with other land in the neighborhood subject to the same regulations by reason of the physical characteristics of the land which existed at the time of zoning or were created by natural forces or governmental action without compensation, or

The parcel is exceptional as compared with other land in the vicinity subject to the same regulations by reason of the condition or use of the parcel or other land in the vicinity which existed at the time of the adoption of the regulations, or

The parcel is irregular, unusually narrow or shallow in shape, and the conditions existed at the time of the adoption of the regulation or were created by natural forces or governmental action for which no compensation was paid.

As a result of the exceptional aspect of the property, the regulations produce unnecessary hardship. The decision on whether to grant a particular variance depends upon a comparison of the special circumstances shown by the applicant and the public interest.

The Criteria for granting a conditional use, or a land use not “permissive” within the existing zoning of the property, are that the proposed use:

- Will not be injurious to adjacent property, the neighborhood or community
- Will not be significantly damaged by surrounding structures or properties.

The criteria for granting the expansion of a nonconforming use are:

- It will not interfere with the enjoyment of other land in the area.
- It will not be damaged by surrounding structures or uses.
- It is consistent with the intent of the Zoning Code and public interest.
- If it is not approved, the owner will experience hardship & a denial of reasonable use of the property.
- It will not exceed 25% of the floor or ground area on the site at the time it became nonconforming.

The nonconforming use will stop at the time specified by the Zoning Code.

THE PROCESS

These requests are heard by the City Zoning Hearing Examiner (ZHE) at a public hearing.

You fill out an application form which is available at the Building Services Center, Plaza del Sol, 600 Second Street, NW or online at cabq.gov/planning. There is a fee.

The ZHE and staff review your application, a date for you to appear at the public hearing is set and you are notified.

At the hearing, be prepared to answer any questions the ZHE may ask. The decision is made within 15 days of the hearing. A written notification of the decision is sent to you.

If your request is denied, you may appeal the ZHE decision to the Zoning Board of Appeals. An appeal application is available at the Development Services Center, One Stop Shop Front Counter. There is an appeal fee.

If you have questions on any part of this process, please call the ZHE office at 505-924-3917.

**HOW TO REQUEST
A
VERIFICATION OF ZONING OR DECLARATORY RULING**

VERIFICATION OF ZONING

Requests for verification of the zoning of a property and the allowable uses are requested from the Zoning Enforcement Division, Plaza del Sol, 7 th Floor, 600 Second Street, NW. The address of the property is required as well as the legal description for a complete and accurate review. The proposed use of the property is also needed.

Zoning Enforcement can also issue Certifications of Zoning Code Compliance. The property is inspected, records researched, and notice of compliance or required corrections issued. An application form is available at the Zoning Enforcement Division office or you may request mailing or faxing of the application. It is also available online at cabq.gov/planning. Be sure to include the address and legal description of the property as well as a description of the current use of the property. There is a fee. Call 505-924--3826 if you have questions.

A Certificate of Zoning for a liquor license application is required by the State Alcohol & Gaming Division and the City's Hearing Officer. The proposed type of service and/or sales must comply with the allowed uses of the zone. The application for this certification is handled at the Building Services Center Front Counter, Plaza del Sol, 600 Second Street, NW, Ground Floor. There is a fee. Call 505-924-3330 if you have questions.

DECLARATORY RULING

A declaratory ruling is a clarification of how the Zoning Code applies to a proposed development or activity. The ruling is made by the Zoning Enforcement Officer in answer to questions that are not clearly answered by the Zoning Code. An example of a ruling made previously is whether a theater is a retail activity. A theater is actually a service activity.

Prior to making a request for a declaratory ruling, you are urged to speak with staff. Often these discussions answer questions quickly. Call 505-924-3837. If your issue is not resolved in discussions with staff, submit a written request to the Zoning Enforcement Office for a declaratory ruling. Describe the proposed use or development and include the zoning issues under question.

**HOW TO REQUEST REVIEW
BY
THE LANDMARKS & URBAN CONSERVATION
COMMISSION (LUCC)**

The LUCC reviews:

- Building alterations, new construction or demolition within historic zones or affecting City landmarks.
- Advises City Council on applications for new historic zones, urban conservation overlay zones and City Landmark designations
- Nominations to the National Register of Historic Places
- All matters concerning the Historic Preservation Program.

THE PROCESS

- Meet with LUCC staff planner to discuss your proposal. Staff will assist in determining the type of application to complete and what materials to include with your application. They will give you an application and checklist.
- Administrative approval is possible for projects that do not require a building permit or simple projects such as porch enclosures, re-roofing, re-stuccoing, small building/site improvements, or new fences/walls.
- Most administrative actions are completed within 10 days after receipt of the request. City staff will issue the decision via a Certificate of Appropriateness with findings and conditions as necessary.
- Submit the completed application at the Development Services Center, One Stop Shop, Ground Level, Plaza del Sol, 600 Second St, NW. At this time you are also required to provide proof of notification to affected neighborhood associations. The Office of Neighborhood Services, Garden Level, Plaza del Sol, provides the names and addresses of affected association contacts.
- Your request is heard and a decision is made by LUCC at a public hearing if a public hearing is necessary, A Notification of Decision is issued within 2 days of the hearing.
- After the 15 calendar day appeal period expires, a Certificate of Appropriateness is issued, assuming the request is approved and no appeals are filed.
- Permits are issued after the 15 day appeal period if no appeals are filed or after the appeal is heard, assuming a favorable decision is reached.

For work that is already in progress without following this procedure, Zoning issues a stop work order notice until such time as the matter is heard by LUCC.

HOW TO REQUEST BUILDING, WALL/FENCE OR SIGN PERMITS

All new construction requires a building permit and may also require other permits for electrical wiring, plumbing, mechanical and so forth.

Here are the three basic steps to get a building permit:

- **PRE-DESIGN INFORMATION OR MEETING.** To determine the requirements for your project and schedule meetings if needed, contact the appropriate City staff depending on your project's needs. For Building Code information, call 505- 924-3963. For Mechanical, Electrical and Plumbing Codes information, call 505- 924-3957. For Solid Waste information, call 505- 924-3631. For Fire Marshall information, call 505924-3611. For Zoning questions, call 505-924-3330. For Hydrology and Traffic issues, call 505-924-3982.
- **PLAN CHECK.** Submit an application, available at the Building Permit Desk, Building Services Center, Ground Level at Plaza del Sol, 600 2 nd Street, NW. As part of your application submittal, you pay the plan review fees and submit two sets of plans and specifications. These plans and specifications may require the seal and signature of a registered architect and/or registered professional engineer. Be sure to ask about this when you speak with City staff.
- **BUILDING PERMIT.** Once your plans are approved, submit both sets to the Building Permit Desk, pay the building permit fees, verify your business registration permit and show your New Mexico gross receipts tax number. With certain exceptions, building permits are only issued to contractors licensed in the state of New Mexico.
- **WALL OR FENCE PERMIT.** Required for all walls and fences, either new or existing additions/changes. Fences and walls six feet high or less require a zoning permit and an approved wall design if visible from a street, park, open space or trail. Call 505-924-3330 for information. Walls over six feet in height must have a design certified by a registered architect or engineer and a wall design if visible from a street, park, open space or trail.
- **SIGN PERMIT.** For any freestanding or building-mounted sign, a discussion with Zoning staff is advisable. Call 505-924-3330. Information on the placement, lighting, street frontage, the premises, attachment of a sign to an existing sign and the measurements of the proposed sign should be submitted to the Zoning Desk at Plaza del Sol. A permit fee is required. An inspection of the new sign is required before final approval is given.

HOW TO APPEAL A DECISION

Development and building related decisions made by City staff, appointed boards and elected officials are appealable.

The Uniform Construction Codes Board of Appeals hears appeals of decisions made by the Chief Building Official. A written request for a hearing is submitted to the Chief Building Official, Building Safety Division, Basement Level, Plaza del Sol, 600 Second Street, NW.

Decisions made by the City Engineer concerning the City Drainage Ordinance are appealed to the Technical Standards Committee. The written appeal is delivered to the City Engineer within thirty days of the decision date. The appeal is heard within thirty days of the appeal filing date. These appeals are submitted to the City Engineer, Development Services Center, Front Counter, One Stop Shop, Plaza del Sol, 600 Second Street, NW.

Decisions made by Municipal Department staff are appealable to the Director of Municipal Development. A written appeal must be submitted within 15 days of the decision date. A decision is given within thirty days.

Appeals of decisions by the Environmental Planning Commission and the Development Review Board are heard by the Land Use Hearing officer who makes a recommendation to City Council. City Council makes the final decision.

Appeals of Zoning Hearing Examiner decisions are heard by the Zoning Board of Appeals. This Board of Appeals (BOA) is different than the one hearing decisions of the Chief Building Officer.

Appeal applications are available at the Development & Building Services Front Counter, Ground Floor, Plaza del Sol, 600 Second Street, NW.

HOW TO WORK WITH NEIGHBORHOODS

Applicants for annexations, zone changes, site plan approvals or amendments, sector development plan approvals or amendments, major subdivision actions, and some vacation requests by the EPC or DRB are required under Council Bill 0-92 to notify by all affected, recognized neighborhood associations by certified mail.

Important Note: Prior to submitting the application to the Planning Department, call (505) 924-3914 or fax to (505) 924-3913 your request for neighborhood association contact names, addresses and phone numbers. You must provide a copy of the zone atlas map showing where property is located, the property's legal description and your name, company name, address, phone numbers.

We recommend that your notification letter include the following information:

- The street address of the subject property
- The legal description of the property, including lot or tract number (if any), block, number and name of the subdivision
- A physical description of the location, referenced to the streets and existing land uses
- A complete description of the action requested of the EPC or DRB. Be sure the description includes the action which triggered the notification requirement.
- The name, address and phone number of the applicant or agent who will help the neighborhood association with answers to questions and concerns.

Generally speaking, the earlier neighborhoods are informed, the smoother the approval process goes.