

CITY OF ALBUQUERQUE
LAND USE FACILITATION PROGRAM PROJECT MEETING REPORT
4012 Central SE ZHE Conditional Use

Project: Duke City Herbs VA-2022-00155 PR-2019-002179

Property Description/Address: 4012 Central SE

Date Submitted: 19 July 2022

Submitted By: Philip Crump

Meeting Date/Time: 18 July 2022 5:00-6:30pm

Meeting Location: Via Google Meet

Facilitator: Philip Crump

Applicant: Jana Quintana/Duke City Herbs (“DCH”)

Agent: N/A

Neighborhood Associations/Interested Parties: District 6 Coalition of NAs, Nob Hill NA, Highland Business and NA Inc

Background Summary:

The applicant seeks a Conditional Use approval from the Zoning Hearing Examiner (“ZHE”) to allow retail sales of cannabis products in her existing herb shop. A cannabis dispensary is located next door to the applicant’s shop—less than the 600 foot buffer distance called for in the IDO. The applicant argued that she will be adding recreational cannabis products to her already extensive offerings of herbal products; that is, she is not opening a new cannabis-only dispensary. She said that the addition of cannabis products would more fully serve the needs of her established clientele and also offer some relief for those waiting in line to enter the adjacent dispensary and obtain cannabis products. By increasing her product line, she anticipates adding more employment—and potentially an additional shop—to the area, while purchasing products from newly-established local producers.

There was some discussion of notification for the ZHE hearing, scheduled for the day after the facilitated meeting. The applicant said she had followed all of the City’s instructions for notification, including sending emails to the list provided and posting the yellow notification sign. Neighborhood representatives reported that they had not received the emails and that the sign was not posted until after the mandated posting date for a July hearing—the day after the facilitated meeting. As a consequence, they proposed requesting a deferral of the hearing until the August hearing date.

The NA representatives invited the applicant to appear at a regular monthly NA meeting to present her application and agreed to distribute her invitation to an open house for neighbors, if she chooses to offer one.

Outcomes:

One neighborhood representative said she saw no problem with the herb shop adding cannabis to the array of products. While the applicant wished to get the application approved quickly, the Nob Hill NA representatives said they would ask for a deferral, to give their board a chance to hear from their constituents and vote on a letter to the ZHE expressing support, opposition or conditional support.

Meeting Specifics:

1. Overview of the business and the ZHE application

- a. Duke City Herbs has been in business for over seven years.
 - i. The shop offers over 200 herb formulations for their customers.
 1. Cannabis would be added to their product line.
 2. Adding cannabis would help existing customers as well as any new customers learn about the herbs and what may help them.
 - a. The herb formulations help with any sort of ailment besides what cannabis can do.
 3. Offering recreational cannabis would also provide another option for customers who wait in long lines at the adjacent dispensary.
 4. A DCH staff member said their clientele are people who are very interested in holistic herbs and their healing and medicinal properties; being able to add another product could help the already existing client base.

CITY OF ALBUQUERQUE
LAND USE FACILITATION PROGRAM PROJECT MEETING REPORT
4012 Central SE ZHE Conditional Use

- b. The business has received a State license to retail cannabis products as well as a courier service license to deliver such products.
 - 1. The IDO states that cannabis dispensaries must be no closer than 600 feet from one another, unless a Conditional Use is granted by the ZHE.
 - 2. Pending approval of Conditional Use, a City license has not been issued to Duke City Herbs, with an existing cannabis dispensary (R Greenleaf) next door.
 - a. Although the applicant submitted her application as soon as possible after the 1 January 2022 opening for applications, the dispensary next door was already in business as a medical cannabis supplier and was able to expand to recreational cannabis sooner.
 - i. The applicant is approved for medical dispensing but does not believe that will be likely, at least initially.
 - b. The State cannabis retail license was approved in February or March.
 - c. With granting of the Conditional Use and subsequent City licensure, the shop can expand, creating more jobs for the area.
 - i. The shop will be able to purchase products from newly-established vendors who are starting to build their businesses.
 - 1. If the use is not granted, the shop may have to move to another location.
- 2. City map and procedures**
- a. A neighborhood representative said she was confused by the inaccuracy of the City’s map of cannabis dispensaries.
 - i. She said that she looked on the cannabis retail location approvals map and saw the application as being denied and then nothing for blocks in either direction.
 - 1. While the zoning is okay, the map shows the only approved cannabis shop is Enchanted Botanicals [3417 Central SE].
 - ii. Googling “cannabis locations in Albuquerque” shows cannabis stores at 4010, 4012 and 4014 Central, putting three of them adjacent.
 - iii. It shows DCH as a cannabis retail and delivery store already.
 - 1. She said that for an herb shop to not be able to sell cannabis is kind of ridiculous to her.
 - 2. She thought that in the first couple years of all this cannabis retail, the market will sort it all out.
 - a. DCH will stay in business because they have been in business a long time and has a good customer base.
 - 3. People’s concerns were that Albuquerque should not have stretches of town that were like the first block of Trinidad, when it first became legal in Colorado several years ago.
 - 4. Another NA representative said that the concentration in Nob Hill does concern him a little bit mostly because it is untried.
 - a. This is new for everyone.
 - i. He is interested to hear what the NA membership and community say about this at the next monthly meeting.
- 3. Neighborhood Association actions**
- a. While the applicant said that she had followed all the City’s directives regarding notification by email and signage, the NA representatives said they knew about the application only by seeing the ZHE legal notice in the *Journal*.
 - i. They said that of the four people who should have received email notice, none reported having gotten such emails.
 - 1. Also, they said that the yellow sign did not go up on July 1st.
 - a. After seeing the legal notice, they emailed the ZHE Administrative Assistant asking about signage.

CITY OF ALBUQUERQUE
LAND USE FACILITATION PROGRAM PROJECT MEETING REPORT
4012 Central SE ZHE Conditional Use

- i. The applicant was notified on the 5th or 6th to pick up the signs.
 - ii. She said again that she followed every City deadline.
 2. Therefore, they are asking for a deferral at the ZHE hearing because they didn't get the successful notification about the request timely and an offer of a meeting and the yellow sign wasn't posted on July 1 as required.
 - a. The applicant said she had been deferred a couple of times already and feel like her business should be grandfathered in just like any other business.
 - i. Duke City Herbs was existing before those rules were set and should have the opportunity to be able to add these products.
 - b. They said this is a facilitated meeting for information.
 - c. The community relies on the association to invite them to a board meeting where they can hear the application and they can all say their piece.
 - i. If the deferral is granted, the applicant is invited to attend and make a presentation at the regular monthly Nob Hill association meeting on August 10th.
 1. After hearing from the applicant and interested neighbors, the board will develop a position which will be conveyed to the ZHE.
 - a. While Neighborhood Associations have no formal authority, associations are recognized by the City is having standing on zoning cases within their boundaries.
 - b. That is why associations get direct notification; the zoning code has specific requirements for informing neighborhood associations about zoning cases.
 - i. They pay attention to what is in the *Journal* because sometimes the planning department for whatever reason, does not notify them, or someone does not notify them about something
 1. It is really a backup step.
 - d. A Nob Hill NA representative said that if businesses requesting exceptions are on Central, the NA tends not to oppose them and if they are off Central then they tend to oppose them.
 - i. They are trying to protect the residential parts of the neighborhood from the more commercial parts.
 1. The neighborhood already has a number of existing, establishments that serve alcohol mostly restaurants; the NA tends to approve those, but think a lot more carefully about full liquor licenses.
 - ii. They are not looking at this application in isolation.
 1. It is probably the first of many; it is about more than just this particular request.
 - e. An association representative said that the applicant might want to offer neighbors a tour of the facility before August 10th, that people might go might learn a lot there.
 - i. If the applicant chooses to provide such a tour, the association can help with distribution of an invitation to the listserve of several hundred members.
 - f. Another point is that the association (and the ZHE) sometimes attach conditions for approval.
 - i. The applicant might consider some possible conditions for approval that could help with community support for the application.

Next steps:

If the ZHE hearing deferral is granted, the applicant is invited to make a presentation at the next regularly scheduled Nob Hill Neighborhood Association monthly meeting--6:30 PM August 10th in the Monte Vista Christian Church.

Hearing timetable:

CITY OF ALBUQUERQUE
LAND USE FACILITATION PROGRAM PROJECT MEETING REPORT
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A ZHE hearing was held on Tuesday 18 July 2022. Neighborhood associations requested a deferral to the August hearing date. The Notice of Decision—approval, denial or deferral--will be issued 15 days from the 18th.

Names & Affiliations of Attendees and Interested Parties:

* Jana Quintero	Duke City Herbs
* Melissa Larkin	Duke City Herbs
* Mariah Garcia	Duke City Herbs
* Tino Zamora	Business Associate of DCH
* Gary Eyster	Nob Hill NA--Pres
* Greg Weirs	Nob Hill NA
Jeff Hoehn	Nob Hill NA
* Patty Willson	District 6 Coalition of NAs
Mandy Warr	District 6 Coalition of NAs
Omar Durant	Highland Business and NA Inc
Melissa Pacheco	Highland Business and NA Inc
Suzie Sanchez-Flores	ZHE Administrative Assistant
Tyson Hummell	CABQ ADR Coordinator
Lorena Patten-Quintana	ZHE Planner
* Attendee	