

BERNALILLO COUNTY

Planning and Development Services

415 Silver Ave. SW, 2nd Floor

Albuquerque, NM 87102

(505) 314-0350

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Planning

APPEAL TO COUNTY COMMISSION

Application Date: _____

Appeal Number: _____

Hearing Date: _____

APPELLANT <i>Mr. Pat Hauser</i>		PHONE <i>505-898-8435</i>
MAILING ADDRESS <i>134 Maria Circle N.W.</i>	CITY <i>Albuquerque</i>	ZIP <i>87114</i>

AGENT FOR APPELLANT (if applicable) <i>N/A</i>		PHONE <i>N/A</i>
MAILING ADDRESS <i>N/A</i>	CITY <i>N/A</i>	ZIP <i>N/A</i>

PROPERTY OWNER/APPLICANT FOR REQUEST <i>Albuquerque Islamic Center</i>		PHONE <i>505-299-2579</i>
MAILING ADDRESS <i>8900 Menaul Blvd N.E.</i>	CITY <i>Albuquerque</i>	ZIP <i>87112</i>

SITE ADDRESS <i>9600 2nd Street N.W.</i>	Case # <i>ZBA 2026-0001</i> <i>ZA 2026-0024</i>
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DIRECTIONS/LOCATION <i>Current Entrance 194 feet north of 2nd Street & Alameda Blvd.</i>

LEGAL DESCRIPTION <i>MAP 24 T ROBB</i>

ZONE MAP PAGE # <i>MRBCD MAP 23</i>	CURRENT ZONE(S) <i>A-1</i>	PROPERTY SIZE IN ACREAGE <i>3.87 Acres</i>
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UPC # <i>101606428751910308</i>	PROPOSED ZONE(S) <i>Conditional use</i>	SUBDIVISION NAME <i>N/A</i>
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EXISTING USE <i>A-1 Single-Family Agricultural use</i>

PROPOSED USE <i>Regional Church with multiple incidental uses</i>
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SCOPE OF APPEAL, INCLUDING CASE NUMBER <i>Board of Adjustments denial of ZBA 2026-001 ZA 2026-0024 Appeal of the conditional use Request for a Regional Church with multiple incidental uses at 2nd Street and Alameda Blvd.</i>

DETAILED INFORMATION (JUSTIFICATION MUST BE PROVIDED PER ZONING CODE REQUIREMENTS, ADDITIONAL INFORMATION MAY BE ATTACHED)

See Attached Documents for Detail

I hereby acknowledge that I have read this entire application and affirm that all of the provided information is correct. I agree to comply with the requirements of Bernalillo County and the State of New Mexico as outlined in all applicable laws, ordinances and regulations.

Pat Hauser
Printed Name

Pat Hauser
Signature

7/20/2024
Date

BERNALILLO COUNTY BOARD OF COUNTY COMMISSIONERS, sitting as the Board of Adjustment

In re Appeal of PAT HAUSER, Appellant,

v. Bernalillo County Planning & Development Services Department, Appellee
Appeal Docket No. ZBA2026-0001 • Underlying Case No. BA2026-0001 / ZA2026-0024
Appeal of a Conditional Use Permit Approval — 9600 2nd St. NW, Albuquerque, NM

APPEAL SUBMISSION PACKET

ZBA2026-0001 • Submitted July 2026

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Exhibit 26	20% Protest Petition (Rule 7 / Section 25) — 25 neighboring-owner signatures
Certification	Certification of 20% Protest Petition (NMSA § 3-21-6(C)) — sworn, notarized cover sheet to Exhibit 26



Electronic access: All documents and exhibits are also available online at the public access portal — bccappeal-9600-2nd-street.github.io/zba2026-0001-appeal-exhibits/

(scan the QR code, or open the URL — no login required). Record materials are cited by “Packet Pg.” number.

ZBA2026-0001 / BA2026-001 / ZA2026-0024

Bernalillo County BCC Appeal Application for 9600 2nd Street NW, 87114

BERNALILLO COUNTY — APPEAL TO COUNTY COMMISSION

Planning and Development Services | 415 Silver Ave. SW, 2nd Floor, Albuquerque, NM
87102 | (505) 314-0350

Application Date: SEE COUNTY STAMP DATE OF SUBMISSION

Appeal Number: ZBA2026-0001 / BA2026-001 / ZA2026-0024

Hearing Date: _____ (to be assigned by BCC Clerk; appeal deadline noon July 22, 2026)

APPELLANT

Name: Pat Hauser, on behalf of the Maria-Diers Neighborhood Association and Appeal Coalition of all petition signers within 500 feet of the property.

Phone: 505-228-7106

Mailing Address: 134 Maria Circle NW

City / Zip: Albuquerque, NM 87114

PROPERTY OWNER / APPLICANT FOR REQUEST

Name: Albuquerque Islamic Center (Original request by Prestige Custom Design, LLC, agent for Albuquerque Islamic Center)

Phone: [TO BE CONFIRMED]

Mailing Address: 8900 Menaul Blvd NE

City / Zip: Albuquerque, NM 87112

Site Address: 9600 2nd Street NW, Bernalillo County, NM 87114

Case #: ZBA2026-0001 / ZA2026-0024

Directions/Location: Located on the west side of 2nd Street NW at its intersection with Alameda Boulevard NW, within the Alameda–2nd Street corridor of the Rural North Valley area, Bernalillo County (Zone Atlas Page C-16).

Legal Description: Tract 208B, MRGCD Map 23

Zone Map Page: C-16 & B-16

Current Zone(s): A-1 (Rural Agricultural)

Property Size in Acreage: Approximately 3.90 acres

UPC #: [TO BE CONFIRMED not stated in Notice of Decision; pulled from County Assessor record for Tract 208B, MRGCD Map 23]

Proposed Zone(s): No zone change; Conditional Use Permit for a church and incidental facilities within existing A-1 zoning

Subdivision Name: MRGCD Map 23

Existing Use: Vacant/undeveloped A-1 zoned land

Proposed Use: Church and incidental facilities: a mosque (worship hall), parking area with landscaping and fencing, limited by Notice of Decision Condition 3 to a maximum 60,000-square-foot floor area and 43,000-square-foot building footprint; Condition 1 expressly states a school is not allowed on the subject site.

SCOPE OF APPEAL, INCLUDING CASE NUMBER

Case No. ZBA2026-0001 / BA2026-001 / ZA2026-0024. This appeal challenges the Bernalillo County Planning Commission's July 1, 2026, decision (issued by the Planning Commission sitting as the Board of Adjustment) (Notice of Decision dated July 7, 2026) denying Appellant's appeal and thereby upholding the Zoning Administrator's approval of a conditional use permit to allow a high-volume church and incidental facilities (ZA2026-0024) on Tract 208B, MRGCD Map 23, located at 9600 2nd Street NW, zoned A-1, containing 3.87 acres.

This is a neutral, evidence-based land-use appeal grounded exclusively in traffic engineering standards, procedural due process violations, legal error, and the absence of substantial evidence required under Section 24 of the Bernalillo County Zoning Ordinance.

It does not challenge, and has never challenged, the Applicant's right to build a house of worship or the religious character of the proposed use. Appellant seeks reversal or remand because the decision was approved without a project-specific Traffic Impact Analysis or any appropriate traffic study, without a Public Works Section 8.4 traffic scoping report, without current corridor-level data, and without the substantial evidence Section 24 requires supporting Findings 1, 3, 4, 5, 6, 9, 11, and 13 of the Notice of Decision.

The Notice of Decision itself confirms that a Traffic Impact Study is deferred to the building-permit phase (Finding 11, Condition 9) rather than resolved at the conditional-use stage, which Appellant contends is legal error under Section 24 and *High Ridge Hinkle Joint Venture v. City of Albuquerque*, 1998-NMSC-050, 126 N.M. 413, 970 P.2d 599 (1998).

Appellant further raises procedural due process violations arising from unruléd continuance motions, a day-before site-plan revision presented without advance notice, and finalization of the traffic/neighborhood-compatibility finding after the vote was already called.

Appellant also raises an independent ground under Section 25 of the Zoning Ordinance: a written protest petition has been certified representing more than 20 percent of the land within 100 feet of the subject property (excluding right-of-way), triggering the extraordinary-majority vote requirement for any Board of County Commissioners action on this conditional use.

DETAILED INFORMATION (Please refer to the Appeal Brief Attached for details and Justification per Zoning Code Requirements and all Relief Sought based on evidence.)

- 1. Absence of Traffic Impact Analysis (Section 24 Burden of Proof):** Finding 11 and Condition 9 of the Notice of Decision confirm that a Traffic Impact Study will be required only at the building permit phase, not before the conditional-use decision.

County traffic engineer Julia Luna testified that the ITE Trip Generation Manual is the gold standard for analysis of a project this size, that nothing was on record regarding project-specific traffic data, and that the Alameda–2nd Street corridor already has a documented regional congestion problem.

The only traffic study in the file the 2020 Murphy Express Traffic Study (Packet Pg. 1407-1426) for a site across the street found that a 12-pump gas station generating 168 PM peak-hour trips (86 entering + 82 exiting, reduced to 117 primary trips after a 30% pass-by adjustment) produced Level of Service F on the westbound Alameda through-movement at the Alameda / 4th Street signalized intersection (Packet Pg. 1417) and at the Murphy Express Driveway “A” left-turn movement (Packet Pg. 1409), and required both site driveways to be restricted to right-in/right-out-only access (Driveway A on Alameda Blvd. per NMDOT; Driveway B on 2nd Street per Bernalillo County Public Works (Packet Pg. 1410).

Appellant's own conservative trip exhibit (Exhibit 14), based solely on the Applicant's stated attendance and the existing Menaul Street mosque's weekly schedule, estimates approximately 2,164 weekly vehicle trips and 560 trips on a single Friday more than 3 times the Murphy Express PM peak-hour subtotal of 168 trips that produced Level of Service F on this corridor understating likely totals because it excludes population transfer, regional draw, and ITE square-footage-based generation.

- 2. Internally Inconsistent Parking and Attendance Figures:** The Applicant's own submissions are irreconcilable one estimates 350–400 attendees generating 150–200 vehicles for Friday service, while a later submission calculates parking demand based on only 250 attendees, a 40–60 percent discrepancy never resolved on the record before Finding 4 and Condition 7 (parking) were adopted.

3. Procedural Due Process Violations: Appellant's timely 60-day and 120-day continuance motions were never ruled upon before, during, or after the July 1, 2026, hearing. A revised site plan removing the school and daycare was submitted the afternoon before the hearing, was not meaningfully available to the public, and was presented only after 3.5 hours of testimony on the original plan, denying Appellant a meaningful opportunity to respond. Condition 1 of the Notice of Decision now expressly states a school is not allowed on the subject site, confirming the change post-hearing.

4. Finding 5 Was Not Finalized Before the Vote: The key traffic-safety and neighborhood-compatibility finding (Finding 5 of the record; addressed in the Notice of Decision at Finding 5 regarding area mix of uses and building proportionality) was still being edited on screen when the Chair called for a motion and vote, meaning no final finding existed at the time of Board action.

5. Findings 3, 4, 5, 6, 9, and 13 Lack Substantial Evidentiary Support: Finding 4 acknowledges the site 'may require traffic improvements through conditions of approval' without establishing what those improvements are or whether they are adequate an admission of unresolved uncertainty rather than substantial evidence of adequacy. Finding 9 and 10 recite public opposition testimony regarding traffic burden and incompatibility without resolving those concerns on the record. Finding 13 concludes conditions are necessary to protect public health, safety, and welfare, yet Condition 14 defers the grading and drainage plan to the building-permit stage, and no hydrology or noise-mitigation plan was in the record at the time of the vote despite calculated stormwater runoff exceeding 100,000 gallons from a single 1-inch rain event.

6. Violation of Public Works Technical Standards Section 8.4: No Public Works Traffic Report (PWTR) scoping report was ever activated for this project, contrary to the mandatory technical standard requiring such scoping at the outset of review for high-intensity assembly developments, notwithstanding Finding 11's acknowledgment that a Traffic Impact Study will eventually be required.

7. Misapplication of RLUIPA: County Director Hamm's caution during deliberations that requiring a TIA at the conditional-use stage could expose the County to RLUIPA liability was legally incorrect; neutral traffic

and safety standards apply equally to religious and secular uses, and their enforcement here would not have violated RLUIPA.

8. Unquantified Population Transfer: The Applicant testified that existing mosques would likely close and transfer congregants to this site, and that the site was chosen to attract new west-of-river congregants, without providing any figures, projections, or analysis of the resulting traffic multiplier effect, despite Finding 8 noting the Applicant's own justification testimony on the record.

9. Independent Third-Party Concerns: The Albuquerque International Balloon Fiesta, Inc. submitted a June 25, 2026, comment letter raising unaddressed traffic, safety, and operational-compatibility concerns tied to 2nd Street NW's role as a primary access route for Balloon Fiesta Park, which the Board and staff never addressed in the Findings.

10. Corridor-Sensitivity History Under the 1993 North Valley Area Plan: The adopted Area Plan directs the County to limit access to and retain residential zoning along Second Street and Alameda Boulevard precisely due to documented traffic and corridor-capacity concerns, confirming that heightened, case-specific scrutiny including a current TIA was required here and was not provided, notwithstanding Finding 14's acknowledgment that the site is within the Rural Area of the Comprehensive Plan.

11. Section 25 Extraordinary Majority Vote Requirement: A written protest petition has been certified representing at least 20 percent of the land within 100 feet of the subject property (excluding right-of-way), which under Section 25 of the Zoning Ordinance requires the Board of County Commissioners to approve this conditional use, if at all, only by an extraordinary majority vote (four votes if five commissioners are present, three votes if four are present, or three votes if three are present) rather than a simple majority.

Summary of Trip Generation Analysis (Exhibit 14): Appellant through the Appeal Coalition prepared a Trip Generation Analysis applying the ITE Trip Generation Manual (11th Ed.) to the Applicant's own attendance figures and the existing Menaul Street mosque's published weekly prayer schedule (Packet Pg. 1360-1362).

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Bernalillo County BCC Appeal Application for 9600 2nd Street NW, 87114

Under the revised plan (school and daycare verbally removed at the July 1, 2026 hearing), the analysis projects approximately **2,164 vehicle trips per week, including 560 vehicle trips on a single Friday** more than 3 times the 168 PM peak-hour subtotal (86 entering + 82 exiting, reduced to 117 primary trips after a 30% pass-by adjustment) that the only corridor study in the record, the 2020 Murphy Express Traffic Study (Packet Pg. 1407-1426), found produced Level of Service F on this same corridor.

Using the standard ITE attendance-to-trip conversion (2.5 occupants per vehicle), the 117 primary-trip figure corresponds to a maximum comparable worship attendance of approximately 146 persons well below the Applicant's stated 350–400 Friday worshippers.

Daily Trips Calculated on conservative data in the record and not including all incidental uses (per Exhibit 14) line:

Monday: 217 daily trips

Tuesday: 213 daily trips

Wednesday: 193 daily trips

Thursday: 217 daily trips

Friday: 560 daily trips

Saturday: 374 daily trips

Sunday: 390 daily trips

Weekly Total 2,164 vehicle trips

These are the daily totals from the Trip Generation Analysis (Exhibit 14), where Friday's 560 trips are more than 3× the Murphy Express 168 PM peak-hour subtotal that produced Level of Service F on this corridor.

These figures are conservative minimums, excluding recreational and special-gathering uses (gymnasium, indoor pool, coffee shop, six-day-per-week evening programs), population transfer from closing mosques, regional west-of-river draw, and any ITE square-footage-based generation.

The full day-by-day ITE arithmetic, weekly trip tables, and source data are set forth in Exhibit 14 in the brief packet; please reference that exhibit for complete details.

ZBA2026-0001 / BA2026-001 / ZA2026-0024
Bernalillo County BCC Appeal Application for 9600 2nd Street NW, 87114

Relief Requested: Appellant respectfully requests that the Board of County Commissioners reverse or remand the Planning Commission's July 1, 2026, decision (issued sitting as the Board of Adjustment) (Notice of Decision dated July 7, 2026).

- require a project-specific, engineer-prepared Traffic Impact Analysis and corridor-level analysis before any future approval rather than deferring it to the building-permit phase per Condition 9.
- rule on the outstanding continuance motions and finding their non-adjudication a due process violation.
- correct the misapplication of RLUIPA.
- confirm that Condition 1's exclusion of a school is enforced against the actual architectural drawings of record.
- confirm whether the Section 25 twenty-percent protest threshold has been met and apply the extraordinary-majority voting standard accordingly.
- and consider a temporary moratorium on new high-volume conditional uses along the Alameda–2nd Street corridor and Regional Area pending a corridor-level Transportation Impact Analysis.

Full argument, exhibits, and legal authority are set forth in Appellant's accompanying Appeal Brief (ZBA2026-0001/ZA2026-0024), incorporated herein by reference.

I hereby acknowledge that I have read this entire application and affirm that all the information provided is correct. I agree to comply with the requirements of Bernalillo County and the State of New Mexico as outlined in all applicable laws, ordinances, and regulations.

Pat Hauser

Printed Name: Pat Hauser

Pat Hauser

Signature

Date

7/20/2026

BERNALILLO COUNTY BOARD OF COUNTY COMMISSIONERS, sitting as the Board of Adjustment

In re Appeal of PAT HAUSER, Appellant,

v. Bernalillo County Planning & Development Services Department, Appellee

Appeal Docket No. ZBA2026-0001 • Underlying Case No. BA2026-0001 / ZA2026-0024

Appeal of a Conditional Use Permit Approval — 9600 2nd St. NW, Albuquerque, NM

EXHIBITS 1-26

APPEAL SUBMISSION PACKET

ZBA2026-0001 • Submitted July 2026

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(scan the QR code or open the URL — no login required).

Exhibit materials are cited by the County “Agenda Packet Pg.” number where the county has moved all public records on this case.



Prepared by Appellant and Appeal Coalition — Pat Hauser, Appellant • 134 Maria Circle NW, Albuquerque, NM 87114 • (505) 228-7106 • hdhauser@comcast.net