



**Agenda Number: 7**  
**Case No.: VA-2020-00115**  
**Project 2020-003678**  
**July 8, 2020**

Landmarks & Urban  
 Conservation Commission

*Staff Report*

<b>Agent</b>	Joran Viers	<b>Staff Recommendation</b>
<b>Applicant</b>	City of Albuquerque	
<b>Request</b>	Certificate of Appropriateness for Alterations	<b>APPROVAL of Case VA-2020-00115, Project 2020-003678, a request for a Certificate of Appropriateness for alterations based on the Findings beginning on page 9 and subject to the Conditions of Approval on page 10.</b>
<b>Legal Description</b>	Bataan Memorial Park Block A McDuffie Place Second Unit	
<b>Address/Location</b>	3401 Lomas Blvd. NE	
<b>Size</b>	4.56 acres	
<b>Zoning</b>	NR-PO-A	
<b>Historic Location</b>	City Landmark – Bataan Memorial Park	<b>Leslie Naji, Senior Planner Staff Planner</b>

**Summary of Analysis**

*This application is a request for the removal and replacement of seven Elm trees in Bataan Memorial Park, a City Landmark dedicated to those New Mexico servicemen who endured the Bataan Death March during WWII. The architectural history and character of the neighborhood do not come into play with this application, although the park is surrounded on 2 ½ sides by single-story, flat and pitched roofed, single-family houses. A Walgreens Drug Store is across the street nearer to Lomas Blvd and the park itself fronts Lomas.*

*The work requested involves removing 5 trees and replanting 14 – five to replace the five being removed, and nine more to replace trees that have been removed in years/decades past. The Bataan Memorial Park Management Plan, which the city commissioned in 2009, requires that trees be replaced in the same spot they were removed from, or very nearly so. The Plan also requires the use of similar trees, so the removal of Siberian elms, will be replaced them with a selection of the heartier Princeton American elm.*

**PRIMARY REFERENCES:**

*Integrated Development Ordinance; Design Guidelines for City Landmark – Bataan Memorial Park*

# City of Albuquerque



## Legend

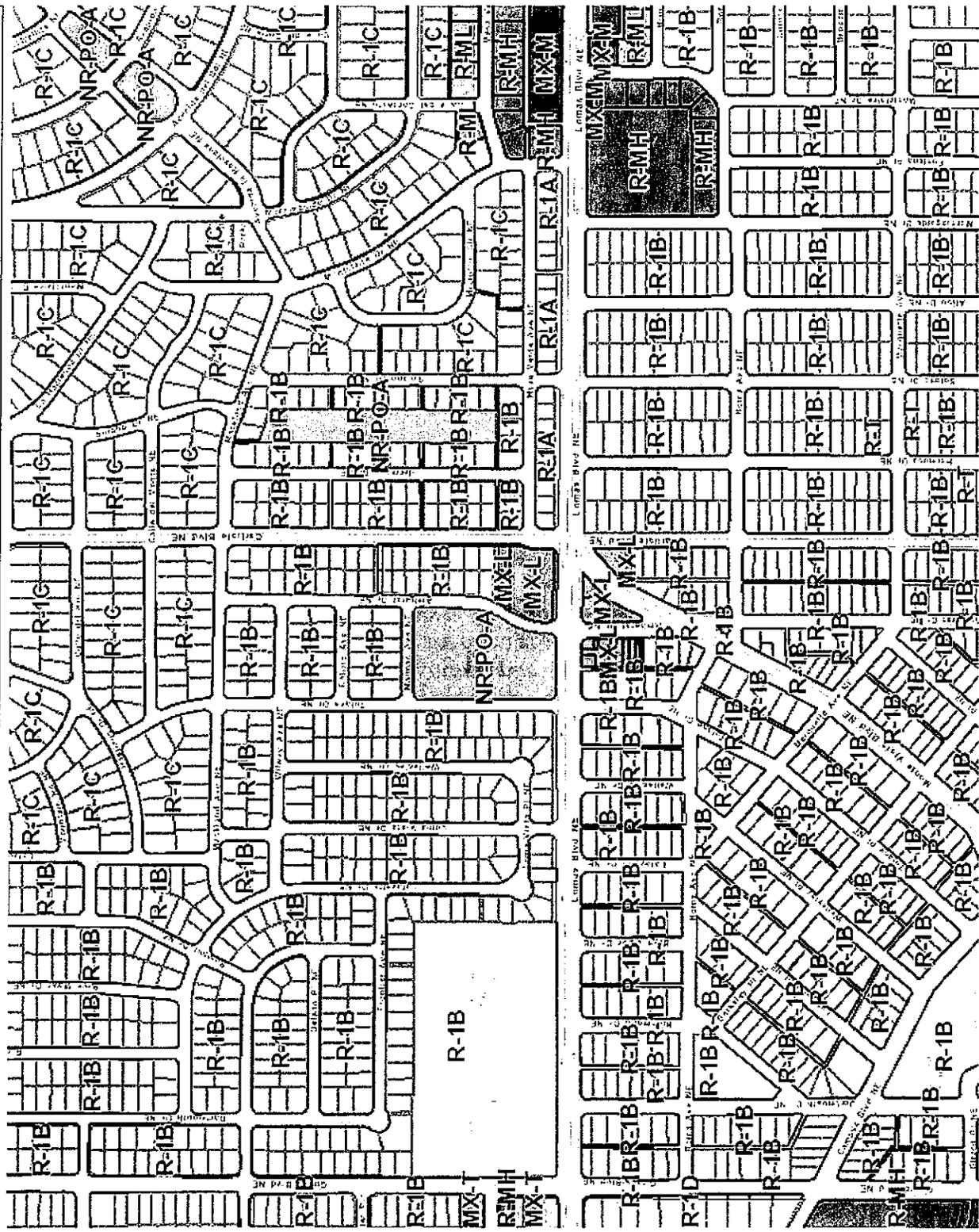
### IDO Zoning

- R-A
- R-1A
- R-1B
- R-1C
- R-1D
- R-1T
- R-1MC
- R-1ML
- R-1MH
- MX-T
- MX-L
- MX-M
- MX-H
- MX-FB-ID
- MX-FB-FX
- MX-FB-UD
- NR-C
- NR-BP
- NR-LM
- NR-GM
- NR-SU
- NR-PO-A
- NR-PO-B
- NR-PO-C
- NR-PO-D
- PD
- PC
- UNCL

Bernalillo County Parcels

Municipal Limits

## Notes



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THIS MAP IS NOT TO BE USED FOR NAVIGATION

1,202 Feet

601

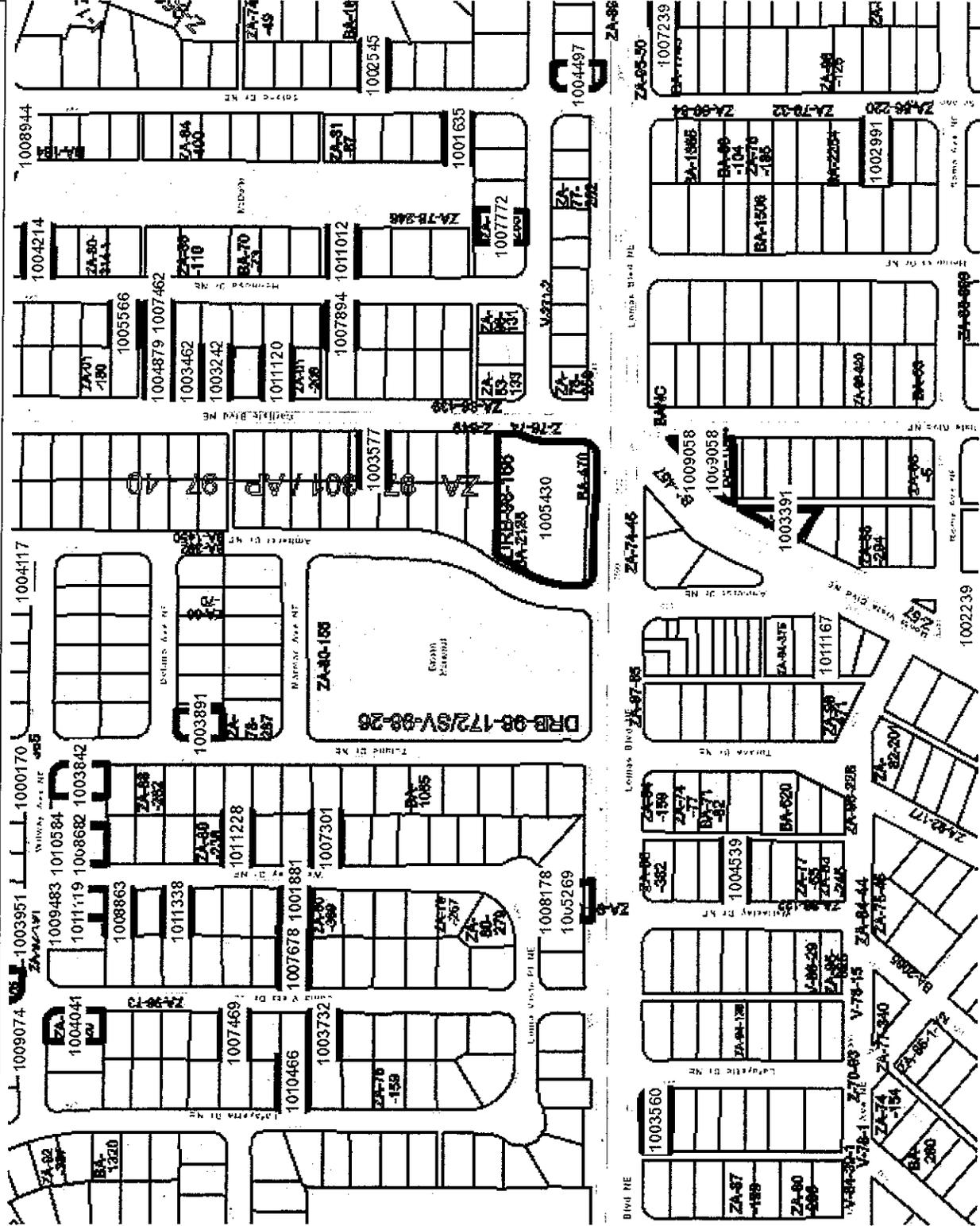
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# City of Albuquerque

## Legend

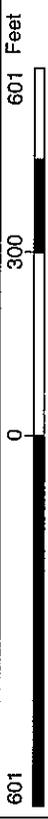
- Case Tracking
- POSSE Case Tracking
- SU-1 Zones
- Bernalillo County Parcels
- Municipal Limits
- Corrales
- Edgewood
- Los Ranchos
- Rio Rancho
- Tijeras
- UNINCORPORATED
- World Street Map

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1 : 3,606

WGS\_1984\_Web\_Mercator\_Auxiliary\_Sphere  
7/3/2020  
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# City of Albuquerque

## Legend

- Land Use**
- 01 | Low-density Residential
  - 02 | Multi-family
  - 03 | Commercial Retail
  - 04 | Commercial Services
  - 05 | Office
  - 06 | Industrial
  - 07 | Institutional / Medical
  - 08 | Educational
  - 09 | Airport
  - 10 | Transportation
  - 11 | Agriculture
  - 13 | Parks and Open Space
  - 14 | Drainage
  - 15 | Vacant
  - 16 | Utilities
  - 17 | Community
  - 18 | KAFB
  - 20 | Prison
- Bernalillo County Parcels**
- Municipal Limits**
- Corrales
  - Edgewood
  - Los Ranchos
  - Rio Rancho
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## Notes

1,202 601 1,202 Feet

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STAFF REPORT

***Development Review Division Report:***

***SUMMARY OF REQUEST***

<b><i>Requests</i></b>	<b><i>Certificate of Appropriateness for Alterations</i></b>
<b><i>Historic Location</i></b>	<b><i>Bataan Memorial Park</i></b>

***AREA HISTORY AND CHARACTER***

Bataan Memorial Park is a City Landmark dedicated to those New Mexico servicemen who endured the Bataan Death March during WWII. The architectural history and character of the neighborhood do not come into play with this application, although the park is surrounded on 2 ½ sides by single-story, flat and pitched roofed, single-family houses. A Walgreens Drug Store is across the street nearer to Lomas Blvd and the park itself fronts Lomas.

***II. INTRODUCTION***

***Proposal***

The work requested involves removing 5 trees and replanting 14 – five to replace the five being removed, and nine more to replace trees that have been removed in years/decades past. The Bataan Memorial Park Management Plan, which the city commissioned in 2009, requires that trees be replaced in the same spot they were removed from, or very nearly so. The Plan also requires the use of similar trees, so the removal of Siberian elms, will be replaced them with a selection of the heartier Princeton American elm.

Of the five trees to be remove, two are on Marmac Avenue and have significant dieback. The other three are in the SW corner of the park; of those, two have significant lightning strike damage leading to concerns about wood strength and decay potential (these two overhangs the stone columns of the Monument with the names on them and the wooden shade structure) and the third has had major limb failure in the past (a strong indicator of potential for future failure).

***History & Context***

In 1941, 1,800 men from the 200th and 515th Coast Artillery Regiment, mostly men from New Mexico, deployed to the Philippines to partake in war simulations. Within 3 months the Japanese had bombed Pearl Harbor and invaded the Philippines. After four months of fierce fighting, the Japanese broke through Allied lines. This led to the eventual fall of Bataan peninsula and the death march to

confinement camps. Of the 1,816 men 200th & 515th Coast Artillery men identified, 829 died in battle, while prisoners, or immediately after liberation. There were 987 survivors.

Filed as a park site on April 18, 1942 with the City of Albuquerque, Bataan Memorial Park received its name on March 2, 1943 when the Albuquerque City Commission passed the official resolution naming it Bataan Memorial Park. The Resolution reads as follows:

RESOLUTION

WHEREAS, The people of Albuquerque and the State of New Mexico will be forever mindful of the heroic deeds performed and the super-human sacrifices endured by the men of the 200<sup>th</sup> Coast Artillery Ant-Aircraft Regiment on Luzon, Philippine Islands, that freedom and liberty of mankind shall be preserved; and

WHEREAS, The people of Albuquerque desire, in a spirit of humility, to pay homage to its soldiers, both living and dead, who served so nobly, that their deeds and many sacrifices shall forever be etched in the memories of the people of the community which they left for so valiant service to their country;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF ALBUQUERQUE, NEW MEXICO,

THAT in memory of the heroic deeds and super-human sacrifices of the boys of the community, who served in the 200<sup>th</sup> Coast Artillery Anti-Aircraft Regiment, that the public park situated north of Las Lomas Road in the McDuffie Place Addition to the City of Albuquerque, New Mexico, be and it hereby is named "BATAAN MEMORIAL PARK", and is hereby forever dedicated in that name to that purpose.

The following day, the *Albuquerque Tribune* reported: "The city is planting 200 trees, termed by Mayor Tingley, 'as a living monument to the men' around the outer edges of the five-acre tract."

The Bataan-Corregidor Memorial Foundation was formed by surviving Bataan and Corregidor Veterans in order to preserve the historical integrity of Bataan Memorial Park for future generations. Family members and neighbors helped to establish and maintain the importance of this place by erecting a stone memorial in the park in 1960.

The surviving Albuquerque Bataan and Corregidor veteran's desire to preserve the historical integrity of Bataan Memorial Park was rewarded in September 1999, when the Park was placed on the New Mexico Register of Cultural Properties (HPD #1783).

The veteran's wish to see the names of the men of the 200<sup>th</sup> Coast Artillery who served on Bataan and Corregidor memorialized at the park was realized with the dedication of the Bataan Memorial

on April 7, 2002. The new memorial's walkways, with their granite pillars bearing the names and story of the men of the 200<sup>th</sup> and 515<sup>th</sup> Coast Artillery units, are arranged such that one may get a sense of marching alongside a man, toward the original stone memorial. Behind the flower garden,

a ramada has been erected which provides shade for the benches on which visitors can sit and look across a series of stepping stones which delineate the island nation of the Philippines.

In honor of Veteran's Day in 2012, the City of Albuquerque dedicated the Bataan Memorial Park as a city landmark.

It is not surprising that some area residents are very protective of the park. They see it as a trust in honor of those who suffered the 62-mile Bataan Death March. Their concern is that trees will come down and not be replaced, as has happened in the past.

## ***APPLICABLE PLANS, ORDINANCES, DESIGN GUIDELINES & POLICIES***

### ***III. ANALYSIS***

Policies are written in regular text and staff analysis and comment in bold italic print.

## **Albuquerque-Bernalillo County Comprehensive Plan of 2017**

### **GOAL 11.2 HISTORIC ASSETS**

Preserve and enhance significant historic districts and buildings to reflect our past as we move into the future and to strengthen our sense of identity.

**POLICY 11.2.2 Historic Registration:** Promote the preservation of historic buildings and districts determined to be of significant local, State, and/or National historical interest. [ABC]

- a) Preserve and maintain historically significant buildings and spaces.
- b) Recognize historic buildings and districts as vital elements of the community.
- c) Encourage the adaptive reuse of historic structures as a strategy to preserve character and encourage reinvestment.

***Bataan Memorial Park has been acknowledged as a significant space and cultural spot of Albuquerque. This application is designed to protect and preserve the park for future generations..***

**POLICY 11.2.3 Distinct Built Environments:** Preserve and enhance the social, cultural, and historical features that contribute to the identities of distinct communities, neighborhoods, and districts. [ABC]

*Bataan Memorial Park needs to be preserved and enhanced now and, in the future, so that the men for whom it is dedicated will be remembered by all. The nature of tree preservation; however, sometimes requires removal and replacement.*

## **Integrated Development Ordinance (IDO)**

Bataan Memorial Park is located in the Summit Park Neighborhood. The Integrated Development Ordinance Part 14-16-6-6 establishes procedures and review criteria for a Certificate of Appropriateness – Major in Historic Protection Overlay Zones (HPO) and for City Landmarks. This case was previously granted a Certificate of Appropriateness-Minor. This case is to hear an appeal of that decision.

### **6-6(D)(3) Review and Decision Criteria**

An application for a Historic Certificate of Appropriateness – Major shall be approved if it complies with all of the following criteria:

6-6(D)(3)(a) The change is consistent with Section 14-16-3-5 (Historic Protection Overlay Zones), the ordinance designating the specific HPO zone where the property is located, and any specific development guidelines for the landmark or the specific HPO zone where the property is located.

*It is realized that with a Memorial Park that trees will not live forever. It is the responsibility of the City Forester to review the condition of trees in the City's park and plan for their health and ultimate replacement. The request to remove damaged trees and replace them with new trees is consistent with keeping the historical nature of the park growing for generations to come.*

6-6(D)(3)(b) The architectural character, historical value, or archaeological value of the structure or site itself or of any HPO zone in which it is located will not be significantly impaired or diminished.

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*The effect of tree maintenance and replacement will always have an immediate impact on the character of a historic park. Removal of a 60' diseased tree and replacing it with a 2"-3" caliper, young tree will definitely mark a change. That young tree will grow, however, and a staggering of tree replacements will have less of an impact than waiting for them all to die out at roughly the same time. Had those trees that were previously removed been replaced at that time, there would already be intermediate growth and the loss of the trees currently under discussion would not be as noticeable. Over time, with the growth of replacement trees the character of the park will return and be healthier for future generations.*

6-6(D)(3)(c) The change qualifies as a "certified rehabilitation" pursuant to the Tax Reform Act of 1976, if applicable.

*Not applicable*

6-6(D)(3)(d) The structure or site's distinguished original qualities or character will not be altered. For the purposes of Section 14-16-3-5 (Historic Protection Overlay Zones) and this Subsection 14-16-6-6(D), "original" shall mean as it was at the time of initial construction or as it has developed over the course of the history of the structure.

*At the point of the Park's initial dedication there were no trees. When they were first planted they were small. The trees represent life and the new life will also grow and die.*

6-6(D)(3)(e) Deteriorated architectural features shall be repaired rather than replaced, if possible. If replacement is necessary, the new material shall match the original as closely as possible in material and design.

*Not applicable.*

6-6(D)(3)(f) Additions to existing structures and new construction may be of contemporary design if such design is compatible with its landmark status (if any) or the HPO zone.

*Not applicable*

**Bataan Memorial Park City Landmark Guidelines**

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ADOPTED BY THE ALBUQUERQUE LANDMARKS AND URBAN CONSERVATION COMMISSION

December 12, 2012

Trees

1. All existing Siberian Elm trees shall be conserved and reasonable managed.
2. The removal of Elm trees shall only be undertaken for reasons of unreasonable risk to public health and safety or when the appearance of a tree is so significantly degraded or disfigured as to constitute a significant negative aesthetic impact. When, in the opinion of the City Forester or the City's Parks Forester, a tree constitutes an unreasonable risk to public health and safety or a significant aesthetic impact it shall be removed in a timely manner.

*The request for tree removal has been made by the City Forester because they are seen to constitute an unreasonable public health and safety risk.*

3. Whenever an Elm tree is removed from the park, it shall be replaced at approximately the location of the original tree with a specimen of a tree of the following species: Frontier Elm, Lacebark Elm, Accolade Elm or other as yet unreleased cultivars that show promise to replicate the scale and vase like shape of the Siberian Elm tree and that show promise of thriving in the hot, arid conditions typical for Albuquerque.

*It is the intention of the City forester to replace all trees with a similar, although heartier, species of elm in the same general location of the trees to be removed as well as those that were previously removed.*

All replacement Elm trees along the park's perimeter shall be of the same species and cultivar.

Replacement trees shall preferably be 3" caliper and a minimum of 2" caliper in size. Replacement shall take place within a minimum of 12 months from the loss or removal of the existing tree. New tree locations may be adjusted as required for coordination with utilities or for other factors having a bearing on the health and successful reestablishment of the newly planted trees.

*Trees are meant to be replaced at the earliest planting season with trees of a minimum of 2" caliper.*

4. The Department (Parks and Recreation) shall maintain all non-Elm trees within the park in accordance with the standards of the Department. Whenever a non-Elm tree is removed (i.e. due to public health and safety issues, due to death of the tree or due to a determination of a significant visual impact) the tree may be replaced at approximately the location of the existing tree within 12 months with one of the following species at the discretion of the City Forester of the Parks Forester: Hackberry, Oak species (Texas Red, Shumard, or other tall deciduous type Oak), Cypress, or other evergreen tree consistently with Parks Department planning standards (i.e. pruned so as to allow for effective visibility around the lower part of the trunk for effective visual surveillance by community police.)

*Not Applicable*

5. Open areas serving Bataan memorial events or youth soccer activities shall be respected in the final positioning of all new trees. No trees shall be planted that reduce the dimensions of the presently available open space, especially open space which serve soccer practice activity.

*Not Applicable*

6. Trees installed along the perimeter shall be installed so that trees have a setback from the curbs of Tulane, Amherst and Marmac matching the setback of the current tree planting.

*New trees will be planted with approximately the same setback from roadways as other trees.*

### ***V. Neighborhood/Public Concerns***

The application was legally advertised in the newspaper. A sign was posted on the property with notice of the application and hearing date. The applicant notified the required Neighborhood Associations of Summit Park, Nob Hill and McDuffie Twin Park of the request as well as property owners within 100 feet minus right of way. Some neighbors have been quite adamant that no trees should be removed, hence the appeal. One neighbor has sent a letter in favor of the action.

### ***Conclusions***

This request for a Certificate of Appropriateness for alteration has been reviewed against the *Development Guidelines for Bataan Memorial Park* and the criteria for approval of a Certificate of Appropriateness contained in the *Integrated Development Ordinance*. The replacement of trees is inevitable. The previous staff decision was made with the belief that the city forester is more knowledgeable as to the health of the trees and any safety risks they might pose. As such, it was seen

that the role of the Landmarks Commission was to see that replacements are installed in a timely manner and that they meet the requirements of size, species and location.

***FINDINGS for APPROVAL of a request for a Certificate of Appropriateness for alterations - Case VA-2020-00115 / Project # 2020-003678 (July 8, 2020)***

1. This application is a request for a Certificate of Appropriateness for the property described as Bataan Memorial Park, Block A, McDuffie Place Second Unit, located at 3401 Lomas Boulevard NE and zone NR-PO-A.
2. The subject property is approximately 4.56 acres and contains the Bataan War Memorial. It is listed on the New Mexico State Register of Cultural Properties and is a City of Albuquerque Landmark.
3. The proposal is for the removal of five diseased or damaged trees and the replacement of 14 trees with trees that comply with guidelines for Bataan Memorial Park.
4. The proposed project is consistent with the landmark designation ordinance. The proposed work complies with the relevant development guidelines for the historic landmarks and ABC Comp Plan goals and policies as described in the staff report.
5. Section 14-16-3-5(D) of the Integrated Development Ordinance states that on a City landmark, the appearance of any structure, including but not limited to interior and exterior elements, landscaping, and signs, shall not be altered; new structures shall not be constructed; and existing structures shall not be demolished until a Certificate of Appropriateness is approved pursuant to Subsection 14-16-6-5(D) (Historic Certificate of Appropriateness – Minor) or Subsection 14-16-6-6(D) (Historic Certificate of Appropriateness – Major).
6. Section 14-16-6-6(D) of the Integrated Development Ordinance specifies that an application for a Certificate of Appropriateness shall be approved if it complies with several specified criteria. The IDO Section 14-16-6-6(D)(3)(a) states that a Certificate of Appropriateness shall be approved if *“The change is consistent with the designation ordinance and specific development guidelines for the landmark or the specific HPO zone where the property is located”*

The installation of retractable security shutters will not damage any of the defining architectural details of the KiMo. It is consistent with the designating ordinance as it is meant to protect the historic feature of the building.

7. The IDO Section 14-16-6-6(D)(3)(b) states that a Certificate of Appropriateness shall be approved if *“The architectural character, historical value, or archaeological value of the structure or site itself or of any historic zone or urban conservation overlay zone in which it is located will not be significantly impaired or diminished”*.
8. The removal of trees, if necessary due to the health of the trees and or any safety risks they may cause, is considered an expected and necessary, albeit temporary, impact on the nature of the park.
9. The IDO Section 14-16-6-6(D)(3)(d) states that a Certificate of Appropriateness shall be approved if *“The structure or site’s distinguished original qualities or character will not be altered. Original shall mean at the time of initial construction or developed over the course of history of the structure.”*

The proposal will cause no harm to the original, distinguishing qualities of the site and will allow for it to flourish in the future.

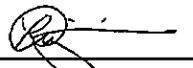
***RECOMMENDATION - Case No. VA-2020-00115/ Project # 2020-003678***

**APPROVAL** of an application for a Certificate of Appropriateness for alterations for the property described as Bataan Memorial Park, Block A, McDuffie Place Second Unit, located at 3401 Lomas Boulevard NE and zone NR-PO-A, and based on the above 9 findings and subject to the following conditions.

**Conditions of Approval Recommended for Case No. VA-2020-00115/ Project # 2020-003678**

1. Parks and Recreation Department will replace all trees with Princeton Elms having a minimum caliper of 2”.
2. All trees will be adequately watered and cared for to insure successful growth.
3. Any tree failing to thrive will again be replaced in the next planting period.

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**Leslie Naji, Senior Planner,  
Urban Design and Development Division**

## ATTACHMENTS

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Facts About the Siberian Elm Tree

By: Frank Whittemore

21 September, 2017

The Siberian elm is an introduced deciduous tree, originating from northern Asia, and was introduced to the United States in the mid-1800s. Originally planted as windbreaks, and as shade trees, Siberian elm has since escaped cultivation and spread and is now considered an invasive species in many areas of the country.

#### Description

Siberian elm's leaves are oval-shaped and pointed at the tip with serrated edges and alternate along the branches. Each leaf is up to two inches long and medium green in color and turns yellow in fall. The flowers of the tree bloom in early spring and are inconspicuous. The seeds are round, flat, winged and are spread by the wind. The bark is light gray with moderate, irregular furrows.

#### Growth Habits

This tree grows rapidly, often adding more than two feet of growth per year and does well from hardiness zones 4 through 9 within the United States. The tree is especially cold and drought tolerant and will often grow where other tree species won't. Siberian elm seeds abundantly and tends to be invasive forming dense thickets in underdeveloped areas, such as pastures, prairie and roadsides that may displace native species.

#### Form

Siberian elm is a medium-sized tree and can reach 60 feet in height and can spread to 50 feet across. It has an open, rounded crown with long, spreading, horizontal branches. Branches tend to droop as

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the tree matures. The wood is rather brittle and storm damage is common. Large limbs can sometimes break at the crotch, due to poor collar development.

#### Culture

The plant prefers full sun, but will tolerate partial shade. Siberian elm is tough and will tolerate a range of adverse conditions including drought conditions, poor soil quality, and challenging weather conditions. Propagation can be by either seed, cuttings or layering.

#### Uses

While the Siberian elm can be grown as an ornamental and for windbreaks and lumber, planting it is now discouraged by conservation and governmental organizations including the U.S. Forestry Service and the Plant Conservation Alliance, due to its invasive behavior. The wood it produces



Please check the appropriate box and refer to supplemental forms for submittal requirements. All fees must be paid at the time of application.

<b>Administrative Decisions</b>	<input type="checkbox"/> Historic Certificate of Appropriateness – Major (Form L)	<input type="checkbox"/> Wireless Telecommunications Facility Waiver (Form W2)
<input type="checkbox"/> Archaeological Certificate (Form P3)	<input type="checkbox"/> Historic Design Standards and Guidelines (Form L)	<b>Policy Decisions</b>
<input checked="" type="checkbox"/> Historic Certificate of Appropriateness – Minor (Form L)	<input type="checkbox"/> Master Development Plan (Form P1)	<input type="checkbox"/> Adoption or Amendment of Comprehensive Plan or Facility Plan (Form Z)
<input type="checkbox"/> Alternative Signage Plan (Form P3)	<input type="checkbox"/> Site Plan – EPC including any Variances – EPC (Form P1)	<input type="checkbox"/> Adoption or Amendment of Historic Designation (Form L)
<input type="checkbox"/> WTF Approval (Form W1)	<input type="checkbox"/> Site Plan – DRB (Form P2)	<input type="checkbox"/> Amendment of IDO Text (Form Z)
<input type="checkbox"/> Minor Amendment to Site Plan (Form P3)	<input type="checkbox"/> Subdivision of Land – Minor (Form S2)	<input type="checkbox"/> Annexation of Land (Form Z)
<b>Decisions Requiring a Public Meeting or Hearing</b>	<input type="checkbox"/> Subdivision of Land – Major (Form S1)	<input type="checkbox"/> Amendment to Zoning Map – EPC (Form Z)
<input type="checkbox"/> Conditional Use Approval (Form ZHE)	<input type="checkbox"/> Vacation of Easement or Right-of-way (Form V)	<input type="checkbox"/> Amendment to Zoning Map – Council (Form Z)
<input type="checkbox"/> Demolition Outside of HPO (Form L)	<input type="checkbox"/> Variance – DRB (Form V)	<b>Appeals</b>
<input type="checkbox"/> Expansion of Nonconforming Use or Structure (Form ZHE)	<input type="checkbox"/> Variance – ZHE (Form ZHE)	<input type="checkbox"/> Decision by EPC, LC, DRB, ZHE, or City Staff (Form A)

**APPLICATION INFORMATION**

Applicant: Marilyn A Licht Phone: 254-9257, 730-0458

Address: 712 Amberst Dr NE Email: ari25adnc@centurylink.net

City: Albuquerque State: NM Zip: 87106-1221

Professional/Agent (if any): \_\_\_\_\_ Phone: \_\_\_\_\_

Address: \_\_\_\_\_ Email: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Proprietary Interest in Site: \_\_\_\_\_ List all owners: \_\_\_\_\_

**BRIEF DESCRIPTION OF REQUEST**

appeal of LCC decision to remove 5 trees from Bataan Park

**SITE INFORMATION (Accuracy of the existing legal description is crucial! Attach a separate sheet if necessary.)**

Lot or Tract No.: Bataan Park Block: \_\_\_\_\_ Unit: \_\_\_\_\_

Subdivision/Addition: \_\_\_\_\_ MRGCD Map No.: \_\_\_\_\_ UPC Code: \_\_\_\_\_

Zone Atlas Page(s): \_\_\_\_\_ Existing Zoning: \_\_\_\_\_ Proposed Zoning: \_\_\_\_\_

# of Existing Lots: \_\_\_\_\_ # of Proposed Lots: \_\_\_\_\_ Total Area of Site (acres): \_\_\_\_\_

**LOCATION OF PROPERTY BY STREETS**

Site Address/Street: \_\_\_\_\_ Between: \_\_\_\_\_ and: \_\_\_\_\_

**CASE HISTORY (List any current or prior project and case number(s) that may be relevant to your request.)**

Signature: Marilyn A Licht Date: 5/15/2020

Printed Name: Marilyn A Licht  Applicant or  Agent

**FOR OFFICIAL USE ONLY**

Case Numbers	Action	Fees
<u>VA-2020-00115</u>		

Meeting/Hearing Date: \_\_\_\_\_ Fee Total: \_\_\_\_\_

Staff Signature: \_\_\_\_\_ Date: \_\_\_\_\_ Project # PR-2020-003678

**FORM A: Appeals**

**Complete applications for appeals will only be accepted within 15 consecutive days, excluding holidays, after the decision being appealed was made.**

A single PDF file of the complete application including all plans and documents being submitted must be emailed to [PLNDRS@caba.gov](mailto:PLNDRS@caba.gov) prior to making a submittal. Zipped files or those over 9 MB cannot be delivered via email, in which case the PDF must be provided on a CD.

- APPEAL OF A DECISION OF CITY PLANNING STAFF (HISTORIC PRESERVATION PLANNER) ON A HISTORIC CERTIFICATE OF APPROPRIATENESS – MINOR TO THE LANDMARKS COMMISSION (LC)**
- APPEAL OF A DECISION OF CITY PLANNING STAFF ON AN IMPACT FEE ASSESSMENT TO THE ENVIRONMENTAL PLANNING COMMISSION (EPC)**
- APPEAL TO CITY COUNCIL THROUGH THE LAND USE HEARING OFFICER (LUHO)**
  - Interpreter Needed for Hearing?  if yes, indicate language: \_\_\_\_\_
  - Project number of the case being appealed, if applicable: \_\_\_\_\_
  - Application number of the case being appealed, if applicable: \_\_\_\_\_
  - Type of decision being appealed: \_\_\_\_\_
  - Reason for the appeal identifying the section of the IDO, other City regulation, or condition attached to a decision that has not been interpreted or applied correctly, and further addressing the criteria in IDO Section 14-16-6-4(U)(4)
  - Appellant's basis of standing in accordance with IDO Section 14-16-6-4(U)(2)
  - Letter of authorization from the appellant if appeal is submitted by an agent
  - Copy of the Official Notice of Decision regarding the matter being appealed

I live within 100 feet of Bataan Memorial Park. I would like to request an appeal of the decision to remove 5 trees (SI-2020-00190) my objection to the current plan is that grinding the removed trees' stumps, to 3 inches below ground level, is not adequate preparation for the replacement trees to succeed. Elms of this type have an underground "base" of intertwined roots that flares out beneath the trunk to support their height. These stumps must be removed with a back-hoe (see photograph scan attached, circled area indicates underground "base") The current plan does not include using a back-hoe. I have concern that the replacements will fail. Also, the NM Veterans Dept (with State) was not told of the plan, nor the Bataan Veterans Group. Marilyn A Licht 712 Amherst Dr NE

I, the applicant or agent, acknowledge that if any required information is not submitted with this application, the application will not be scheduled for a public meeting or hearing, if required, or otherwise processed until it is complete.	
Signature: <i>Marilyn A Licht</i>	Date: <i>5/15/2020</i>
Printed Name: <i>Marilyn A Licht</i>	<input type="checkbox"/> Applicant of <input type="checkbox"/> Agent
<b>FOR OFFICIAL USE ONLY</b>	
Project Number: <i>PR-2020-003678</i>	Case Numbers <i>VA-2020-00115</i>
Staff Signature:	
Date:	

**Naji, Leslie**

---

**From:** MARILYN LICHT Owner <ari25adne@centurylink.net>  
**Sent:** Friday, May 15, 2020 10:39 AM  
**To:** Planning Development Review Services  
**Cc:** Naji, Leslie  
**Subject:** Request for Appeal of LUCC decision on tree removal at Bataan Park

I live within 100 feet of Bataan Memorial Park. I would like to request an appeal of the decision to remove 5 Siberian Elm trees, and replace them with Princeton Elms. My objection to the current plan is that grinding the stumps (of the 5 removed trees) to 3 inches below ground level is not adequate preparation for the replacement trees to succeed. I have personal experience with removal of a 60-year-old elm stump from my property, approximately 10 years ago. I have also witnessed the aftermath of 2 elms being blown over in a storm in Hyder Park in 2017. These trees have an UNDERGROUND "BASE" of intertwined roots that flares out beneath the trunks to support their height. I believe that this needs to be removed with a back-hoe in order the replacement trees to succeed. City Parks is not planning to do this, Photograph sent under separate cover will show that this base does not rot over time as the City Forrester told me in a phone conversation on 5/7/2020. This is the basis for my appeal. In addition, the Summit Park N.A. has this concern (May email newsletter). I was a member of that Board for 7 years, til Oct 2017. Thank you for your consideration.

Marilyn A Licht (resident adjacent to Bataan Park for 29 years so far)  
712 Amherst Dr NE, Albq, NM 87106-1221

=====  
This message has been analyzed by Deep Discovery Email Inspector.

**Naji, Leslie**

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**From:** MARILYN LICHT Owner <ari25adne@centurylink.net>  
**Sent:** Friday, May 15, 2020 10:22 AM  
**To:** Planning Development Review Services  
**Cc:** Naji, Leslie  
**Subject:** appeal to LUCC of decision on Bataan Park tree removal

I request from the LUCC an appeal of the decision to remove 5 Siberian Elm trees from Bataan Memorial Park. I live within 100 ft of the park, My objection to the current plan is that grinding the stumps (after trunk cutting) to 3 inches below ground level is not adequate preparation for replacement trees to succeed. I will follow this email with my arguments and photographic evidence for support of these arguments, under separate cover. Thank you for your consideration,  
Marilyn A Licht  
712 Amherst Dr NE, Abq 87106-1221

=====  
This message has been analyzed by Deep Discovery Email Inspector.

underground →

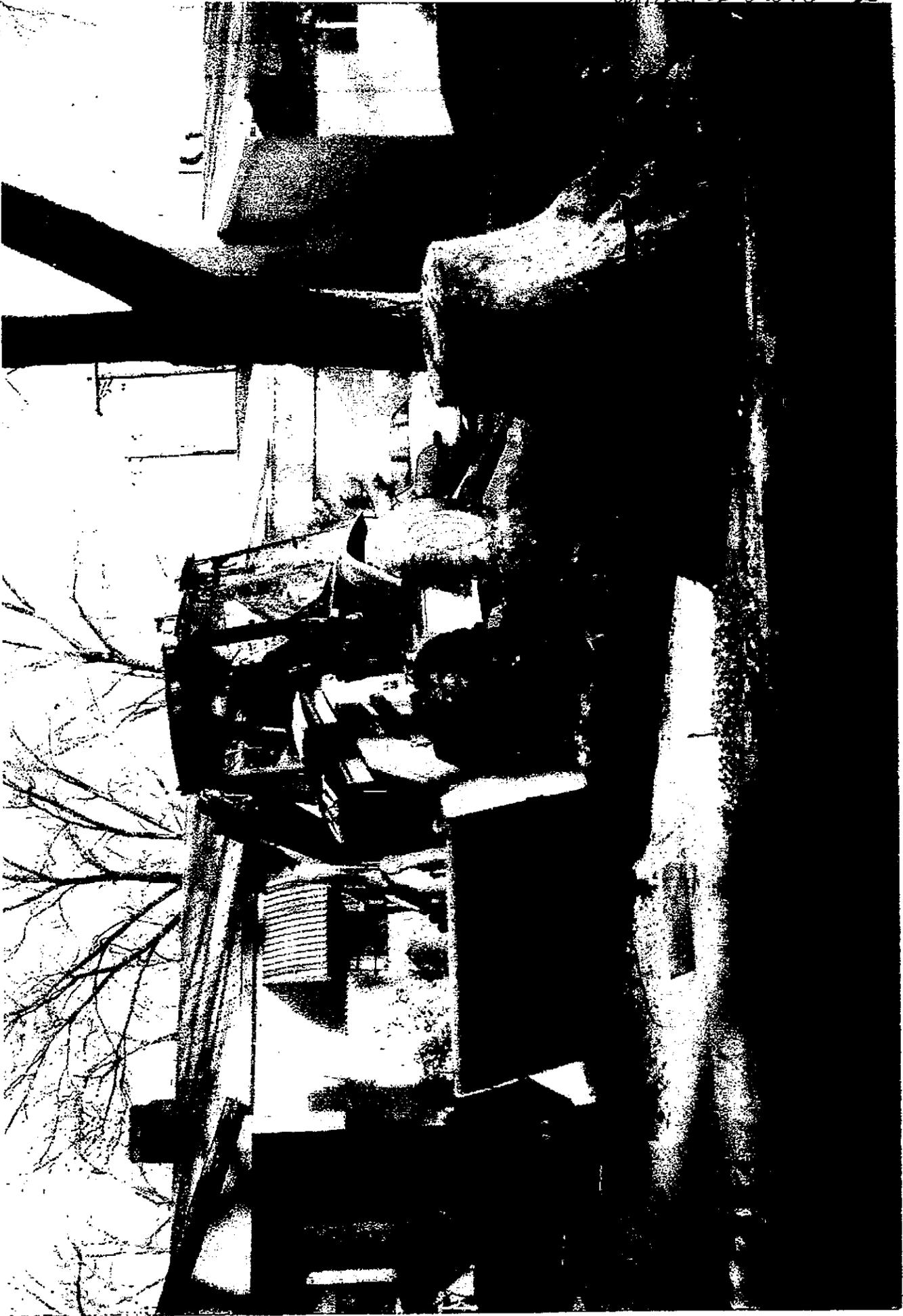


photo evidence from Marilyn & Licat, 712 Amherst NE appeal 5/15/2020  
(objecting to 5 trees removal in Bataan Memorial Park)

## APPLICATION



*Please check the appropriate box and refer to supplemental forms for submittal requirements. All fees must be paid at the time of application.*

<b>Administrative Decisions</b>	<input type="checkbox"/> Historic Certificate of Appropriateness – Major (Form L)	<input type="checkbox"/> Wireless Telecommunications Facility Waiver (Form W2)
<input checked="" type="checkbox"/> Archaeological Certificate (Form P3)	<input type="checkbox"/> Historic Design Standards and Guidelines (Form L)	<b>Policy Decisions</b>
<input type="checkbox"/> Historic Certificate of Appropriateness – Minor (Form L)	<input type="checkbox"/> Master Development Plan (Form P1)	<input type="checkbox"/> Adoption or Amendment of Comprehensive Plan or Facility Plan (Form Z)
<input type="checkbox"/> Alternative Signage Plan (Form P3)	<input type="checkbox"/> Site Plan – EPC including any Variances – EPC (Form P1)	<input type="checkbox"/> Adoption or Amendment of Historic Designation (Form L)
<input type="checkbox"/> WTF Approval (Form W1)	<input type="checkbox"/> Site Plan – DRB (Form P2)	<input type="checkbox"/> Amendment of IDO Text (Form Z)
<input checked="" type="checkbox"/> Minor Amendment to Site Plan (Form P3)	<input type="checkbox"/> Subdivision of Land – Minor (Form S2)	<input type="checkbox"/> Annexation of Land (Form Z)
<b>Decisions Requiring a Public Meeting or Hearing</b>	<input type="checkbox"/> Subdivision of Land – Major (Form S1)	<input type="checkbox"/> Amendment to Zoning Map – EPC (Form Z)
<input type="checkbox"/> Conditional Use Approval (Form ZHE)	<input type="checkbox"/> Vacation of Easement or Right-of-way (Form V)	<input type="checkbox"/> Amendment to Zoning Map – Council (Form Z)
<input type="checkbox"/> Demolition Outside of HPO (Form L)	<input type="checkbox"/> Variance – DRB (Form V)	<b>Appeals</b>
<input type="checkbox"/> Expansion of Nonconforming Use or Structure (Form ZHE)	<input type="checkbox"/> Variance – ZHE (Form ZHE)	<input type="checkbox"/> Decision by EPC, LC, DRB, ZHE, or City Staff (Form A)
<b>APPLICATION INFORMATION</b>		
Applicant: <u>Joran Viers, City Forester, COA P&amp;R</u>		Phone: <u>505 768-5196</u>
Address: <u>P.O. Box 21037</u>		Email: <u>j.viers@cabq.gov</u>
City: <u>Albuquerque</u>	State: <u>NM</u>	Zip: <u>87108</u>
Professional/Agent (if any):		Phone:
Address:		Email:
City:	State:	Zip:
Proprietary Interest in Site:		List <u>all</u> owners:
<b>BRIEF DESCRIPTION OF REQUEST</b>		
<u>Removal of 5 older elm trees deemed in poor condition / potentially hazardous. We will replant within 12 months at approximately same spot. Exact elm cultivar to be used to be discussed.</u>		
<b>SITE INFORMATION (Accuracy of the existing legal description is crucial! Attach a separate sheet if necessary.)</b>		
Lot or Tract No.: <u>Bataan Park</u>	Block: <u>A</u>	Unit:
Subdivision/Addition: <u>McDuffie Place Second Unit</u>	MRGCD Map No.:	UPC Code: <u>101605847433640520</u>
Zone Atlas Page(s): <u>J16</u>	Existing Zoning: <u>NR-PO-A</u>	Proposed Zoning:
# of Existing Lots:	# of Proposed Lots:	Total Area of Site (acres): <u>4.57</u>
<b>LOCATION OF PROPERTY BY STREETS</b>		
Site Address/Street: <u>3401 Lomas Blvd. NE</u>	Between: <u>Amhurst</u>	and: <u>Tulane</u>
<b>CASE HISTORY (List any current or prior project and case number(s) that may be relevant to your request.)</b>		
Signature: <u>[Signature]</u>		Date: <u>4/14/2020</u>
Printed Name: <u>Joran Viers</u>		<input checked="" type="checkbox"/> Applicant or <input type="checkbox"/> Agent
<b>FOR OFFICIAL USE ONLY</b>		
Case Numbers	Action	Fees
<u>SI-2020-00190</u>		
-		
-		
Meeting/Hearing Date:	Fee Total:	
Staff Signature:	Date: <u>4.28.2020</u>	Project # <u>2020-003678</u>

**Form L: Historic Preservation and Landmarks Commission (LC)**

**Please refer to the LC hearing schedule for public hearing dates and deadlines. Your attendance is required.**

**A single PDF file of the complete application including all plans and documents being submitted must be emailed to [PLNDRS@cabq.gov](mailto:PLNDRS@cabq.gov) prior to making a submittal. Zipped files or those over 9 MB cannot be delivered via email, in which case the PDF must be provided on a CD.**

Type of Request		Historic Zone or Designation	
<input checked="" type="checkbox"/> Alteration	<input type="checkbox"/> Sign (see note below)	<input type="checkbox"/> East Downtown – HPO-1	<input type="checkbox"/> Downtown Area
<input type="checkbox"/> Demolition	<input type="checkbox"/> City Landmark Designation	<input type="checkbox"/> Eighth & Forrester – HPO-2	<input type="checkbox"/> Downtown Neighborhood Area – CPO-3
<input type="checkbox"/> New Construction	<input type="checkbox"/> City Overlay Designation	<input type="checkbox"/> Fourth Ward – HPO-3	<input type="checkbox"/> East Downtown – CPO-4
<b>Number and Classification of Structures on Property</b>		<input type="checkbox"/> Huning Highland – HPO-4	<input type="checkbox"/> Nob Hill/Highland – CPO-8
Contributing Structures:		<input type="checkbox"/> Old Town – HPO-5	<input type="checkbox"/> City Landmark
Noncontributing Structures:		<input type="checkbox"/> Silver Hill – HPO-6	
Unclassified Structures:		Residential Property? <input type="checkbox"/> Yes <input type="checkbox"/> No	

**\*PLEASE NOTE: Approval of signs in the overlay zones may also require a sign permit from Zoning in addition to LC approval.**

**HISTORIC CERTIFICATE OF APPROPRIATENESS – MINOR Administrative Decision**

- All materials indicated on the project drawing checklist and required by the Historic Preservation Planner
- Letter detailing the scope of the proposal and justifying the request per the criteria in IDO Section 14-16-6-5(D)(3)
- Zone Atlas map with the entire site clearly outlined and labeled
- Letter of authorization from the property owner if application is submitted by an agent
- Required notices with content per IDO Section 14-16-6-4(K)(6)
- Office of Neighborhood Coordination notice inquiry response and proof of emailed notice to affected Neighborhood Association representatives
- Sign Posting Agreement

**INFORMATION REQUIRED FOR ALL LANDMARKS COMMISSION PUBLIC HEARING APPLICATIONS**

- Interpreter Needed for Hearing?  if yes, indicate language: \_\_\_\_\_
- Proof of Pre-Application Meeting with City staff per IDO Section 14-16-6-4(B)
- Zone Atlas map with the entire site clearly outlined and labeled
- Letter of authorization from the property owner if application is submitted by an agent
- Required notices with content per IDO Section 14-16-6-4(K)(6)
- Office of Neighborhood Coordination notice inquiry response, notifying letter, and proof of first class mailing
- Proof of emailed notice to affected Neighborhood Association representatives
- Buffer map and list of property owners within 100 feet (excluding public rights-of-way), notifying letter, and proof of first class mailing
- Sign Posting Agreement

**DEMOLITION OUTSIDE OF HPO May Require Public Hearing**

- Proof of Neighborhood Meeting per IDO Section 14-16-6-4(C)
- Letter describing, explaining, and justifying the request per the criteria in IDO Section 14-16-6-6(B)(3)

**HISTORIC CERTIFICATE OF APPROPRIATENESS – MAJOR Requires Public Hearing**

- All materials indicated on the project drawing checklist (8 packets for residential projects or 9 for non-residential or mixed-use)
- Letter detailing the scope of the proposal and justifying the request per the criteria in IDO Section 14-16-6-(D)(3)

**HISTORIC DESIGN STANDARDS AND GUIDELINES Requires Public Hearing**

- Proposed Design Standards and Guidelines
- Letter describing, explaining, and justifying the request per the criteria in IDO Section 14-16-6-6(E)(3)

**ADOPTION OR AMENDMENT OF HISTORIC DESIGNATION Requires Public Hearing**

- Proof of Neighborhood Meeting per IDO Section 14-16-6-4(C)
- Letter describing, explaining, and justifying the request per the criteria in IDO Section 14-16-6-7(C)(3)

**I, the applicant or agent, acknowledge that if any required information is not submitted with this application, the application will not be scheduled for a public meeting or hearing, if required, or otherwise processed until it is complete.**

Signature:	Date:
Printed Name:	<input type="checkbox"/> Applicant or <input type="checkbox"/> Agent

**FOR OFFICIAL USE ONLY**

Project Number:	Case Numbers
	-
	-
	-
Staff Signature:	
Date:	





Please check the appropriate box and refer to supplemental forms for submittal requirements. All fees must be paid at the time of application.

<b>Administrative Decisions</b>	<input type="checkbox"/> Historic Certificate of Appropriateness – Major (Form L)	<input type="checkbox"/> Wireless Telecommunications Facility Waiver (Form W2)
<input checked="" type="checkbox"/> Archaeological Certificate (Form P3)	<input type="checkbox"/> Historic Design Standards and Guidelines (Form L)	<b>Policy Decisions</b>
<input type="checkbox"/> Historic Certificate of Appropriateness – Minor (Form L)	<input type="checkbox"/> Master Development Plan (Form P1)	<input type="checkbox"/> Adoption or Amendment of Comprehensive Plan or Facility Plan (Form Z)
<input type="checkbox"/> Alternative Signage Plan (Form P3)	<input type="checkbox"/> Site Plan – EPC including any Variances – EPC (Form P1)	<input type="checkbox"/> Adoption or Amendment of Historic Designation (Form L)
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<input type="checkbox"/> Expansion of Nonconforming Use or Structure (Form ZHE)	<input type="checkbox"/> Variance – ZHE (Form ZHE)	<input type="checkbox"/> Decision by EPC, LC, DRB, ZHE, or City Staff (Form A)
<b>APPLICATION INFORMATION</b>		
Applicant: <u>Joran Viers, City Forester, COA P&amp;R</u>		Phone: <u>505 768 5196</u>
Address: <u>P.O. Box 21037</u>		Email: <u>javiers@cabq.gov</u>
City: <u>Albuquerque</u>	State: <u>NM</u>	Zip: <u>87108</u>
Professional/Agent (if any):		Phone:
Address:		Email:
City:	State:	Zip:
Proprietary Interest in Site:	List all owners:	
<b>BRIEF DESCRIPTION OF REQUEST</b>		
<u>Removal of 5 older elm trees deemed in poor condition / potentially hazardous. We will replant within 12 months at approximately same spot. Exact elm to be used is in discussion.</u>		
<b>SITE INFORMATION</b> (Accuracy of the existing legal description is crucial! Attach a separate sheet if necessary.)		
Lot or Tract No.: <u>Bataan Park</u>	Block: <u>A</u>	Unit:
Subdivision/Addition: <u>McDuffie Place Second Unit</u>	MRGCD Map No.:	UPC Code: <u>101605847433640520</u>
Zone Atlas Page(s): <u>J16</u>	Existing Zoning: <u>NR-PO-A</u>	Proposed Zoning:
# of Existing Lots:	# of Proposed Lots:	Total Area of Site (acres): <u>4.57</u>
<b>LOCATION OF PROPERTY BY STREETS</b>		
Site Address/Street: <u>3401 Lomas Blvd. NE</u>	Between: <u>Amhurst</u>	and: <u>Tulane</u>
<b>CASE HISTORY</b> (List any current or prior project and case number(s) that may be relevant to your request.)		
Signature:	Date: <u>4/14/2020</u>	
Printed Name: <u>Joran Viers</u>	<input checked="" type="checkbox"/> Applicant or <input type="checkbox"/> Agent	
<b>FOR OFFICIAL USE ONLY</b>		
Case Numbers	Action	Fees
-		
-		
-		
Meeting/Hearing Date:	Fee Total:	
Staff Signature:	Date:	Project #

## APPLICATION



4/23/2020

Leslie Naji  
Senior Planner  
Landmarks Commission  
Planning Department  
City of Albuquerque

Dear Ms. Naji:

This letter serves to detail the scope of the proposed tree work at Bataan Memorial Park, with justification as per IDO Section 14-16-6-5(D)(3).

While the elm trees at this park do create much of the character and ambiance of the park, they do have finite lifespans and as they age they must be maintained to the best of our ability, and removed and replaced when risk overtakes maintenance ability.

We are proposing the removal of five (5) trees this spring, the pruning of all remaining elms, and the replacement planting of 14 trees this coming planting season, November 2020 - April 2021; see Image 1: Site Map for location and numbering scheme for all trees referenced herein. All planting will be in the same locations as the trees being replaced, and for this planting we will use the 'Princeton' variety of American elm (Attachment A: 'Princeton' Elm Description). New trees will be in the 2"-3" diameter range, standard for park tree plantings. We would remove the current trees this fall, and grind the stumps down below ground level. Initially this leaves a mound of wood chips slightly higher than surrounding grade. When we replant in the cool season, we will remove the wood chips in the process of prepping the spots for the new trees. This leaves the holes filled during the interim, reducing potential risk.

The trees proposed for removal are declining, some more than others. Two along Marmac street are definitely hazardous and should be removed soon (see Image 2: Tree 83 and Image 3: Tree 90). The other three, at the southwest corner of the park, are not as far into decline, but two overhang the historic shade structure and granite pillars, and those two have long lightning strike wounds that have opened up the core of the stems and major branches to strength-sapping fungal decay (Image 4: Tree 59; Image 5: Tree 60). Large limb failure from these

trees could easily break either or both of those features (Image 6: Overhanging Limbs). The third tree in this group has been heavily pruned in past years and has little structure left (Image 7: Tree 57). This area also used to have another tree that was removed prior to 2009 and never replaced. Our proposal would have us replant all four of those spots following removal of the three. This allows us to replant a small mass at once, taking advantage of the sunlight now reaching the ground. Without making these “canopy holes”, new trees won’t get enough light to grow well. The new grove will come in together and this will help keep the design concepts valid through the change.

In addition to replanting the trees we propose to remove, and the one missing from the southwest corner, we plan to replant eight more along the street-side perimeter, in spots where trees have been taken down and not replanted. I’ve talked with our irrigators for the site and they feel we can get sufficient water to these trees. This is an area of concern, as the sprinkler irrigation that waters the bulk of the park no longer extends to the perimeter zone, a band about 20 feet wide from back of curb. We will monitor the initial perimeter re-plantings to see if the system is sufficient or if changes will be needed to re-establish the perimeter trees.

Regarding the IDO Review and Decision Criteria, my comments are in red:

#### 6-5(D)(3) Review and Decision Criteria

An application for a Historic Certificate of Appropriateness – Minor shall be approved if it complies with all of the following criteria:

6-5(D)(3)(a) The change is consistent with the designation ordinance and specific development guidelines for the landmark or HPO zone. The change involves removing aging features that cannot be repaired and replacing them with new units of very similar type.

6-5(D)(3)(b) The architectural character, historical value, or archaeological value of the structure or site itself or of any HPO zone in which it is located will not be significantly impaired or diminished.  
This work will change the architectural character by increasing the age and size diversity of the elm canopy. The only way around that is complete removal and replanting, an unthinkable approach. The historical value will change as these are new trees, not the originals, but that is a function of biology. The new trees will replicate the form and position of the older ones. There should be no appreciable change to the archeological value of the site. Arguably these

changes enhance all the park's values by reducing risk to park patrons and by looking forward to how we maintain the canopy into the future.

- 6-5(D)(3)(c) The change qualifies as a "certified rehabilitation" pursuant to the Tax Reform Act of 1976, if applicable.  
Not applicable.
- 6-5(D)(3)(d) The structure or site's distinguished original qualities or character will not be altered, where "original" means both those included at the time of initial construction and those developed over the history of the structure.  
There will be alteration to the size uniformity of the tree canopy, which is one of the distinguishing characters of the park. However, by doing these removal/replacements now, we begin to spread out the impact of eventually having to replace all of the elms as they age out. We cannot replant full grown trees, so there really is no other option.
- 6-5(D)(3)(e) Deteriorated architectural features shall be repaired rather than replaced, to the maximum extent practicable. If replacement is necessary, the new material shall match the original as closely as possible in like material and design.  
Not applicable.

Thank you very much,



**JORAN VIERS**  
city forester  
park management division  
p.o. box 21037  
albquerque, nm 87154  
o: 505-768-5196  
m: 505-377-3073  
[jviers@cabq.gov](mailto:jviers@cabq.gov)



RM 7080 BM  
Tree Risk Assessment Qualified

Image 1: Site Map

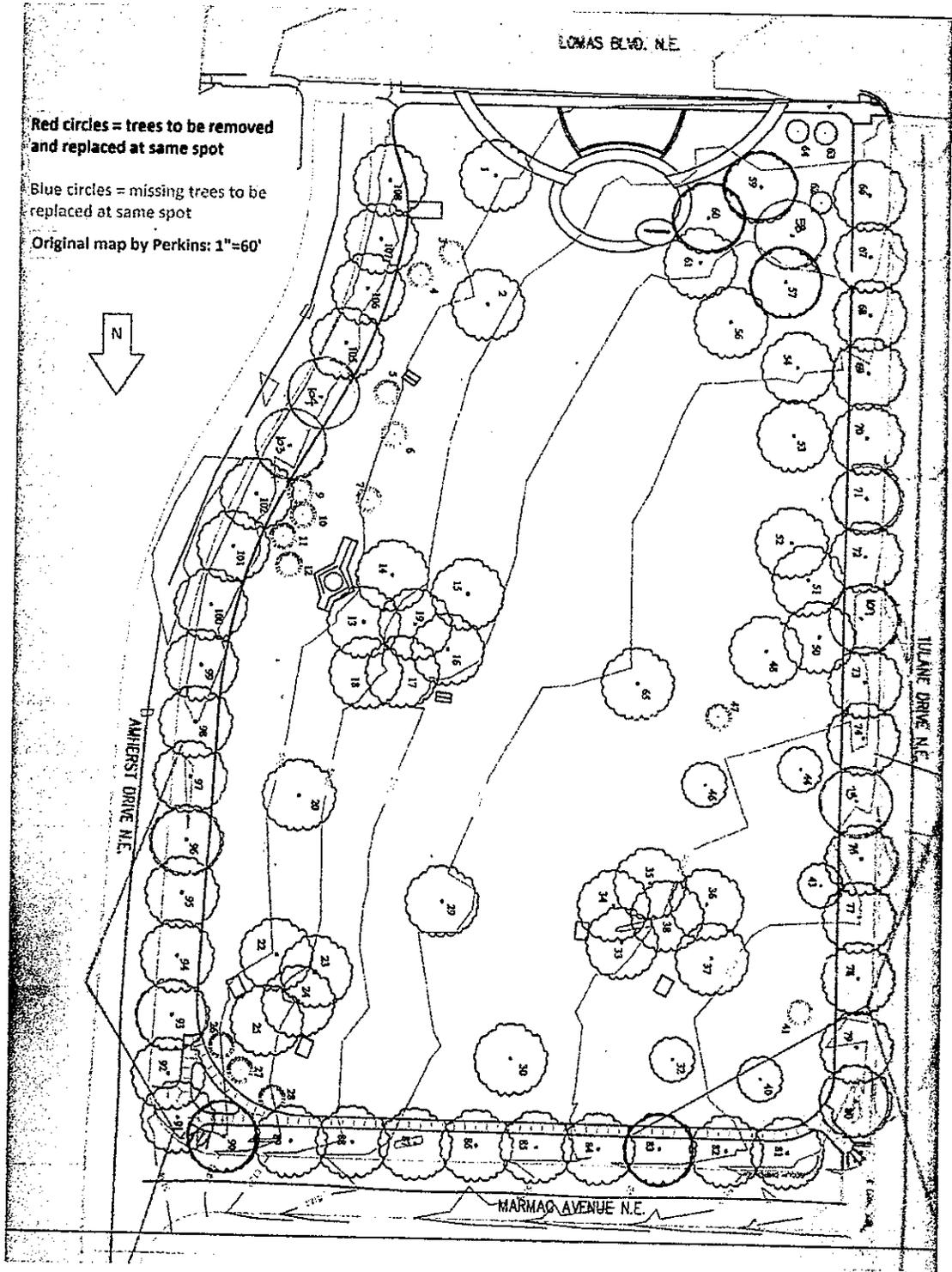


Image 2: Tree 83



Image 3: Tree 90

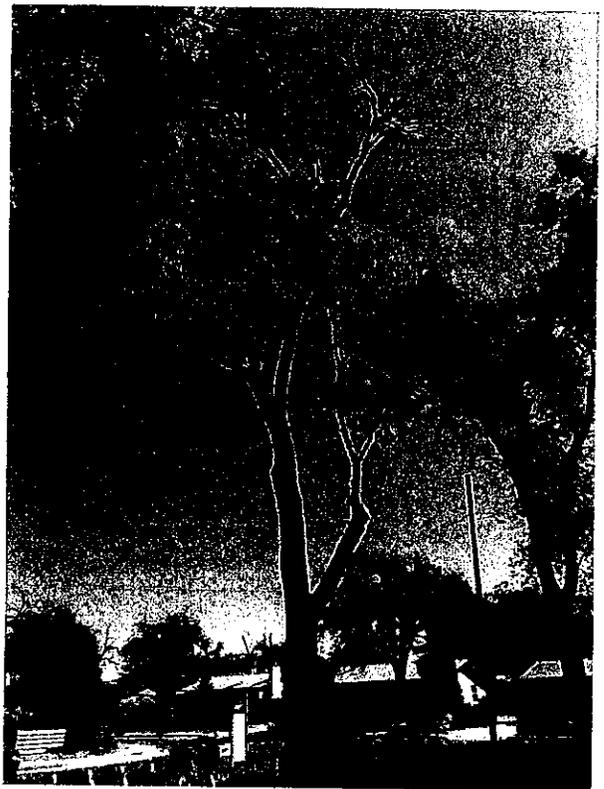


Image 4: Tree 59

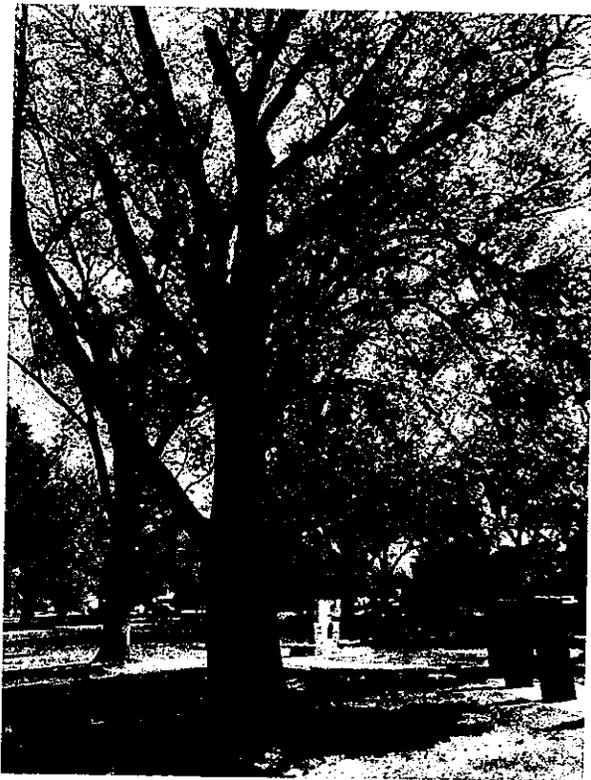


Image 5: Tree 60

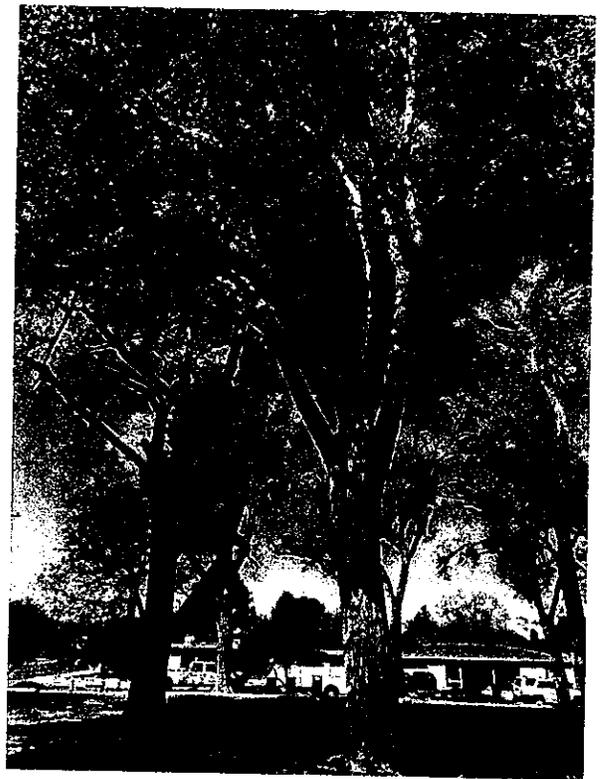
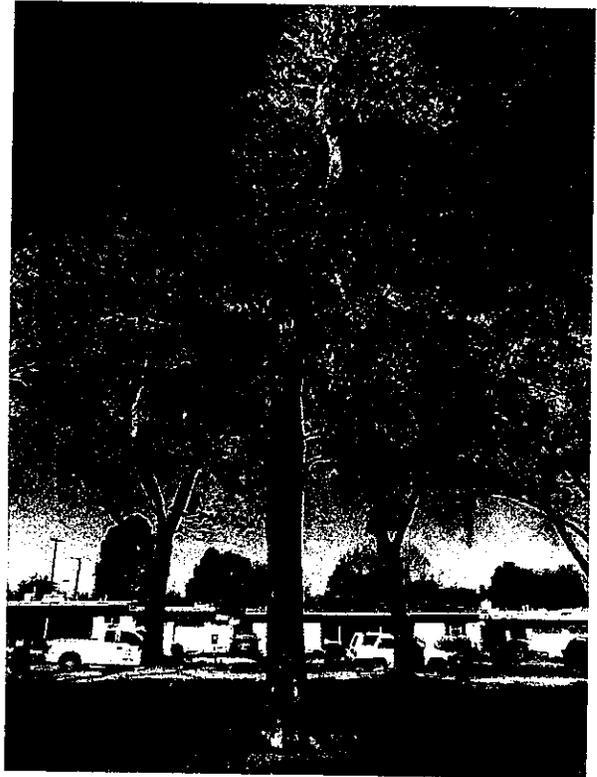


Image 6: Overhanging Limbs



Image 7: Tree 57



Attachment A: Princeton Elm Description



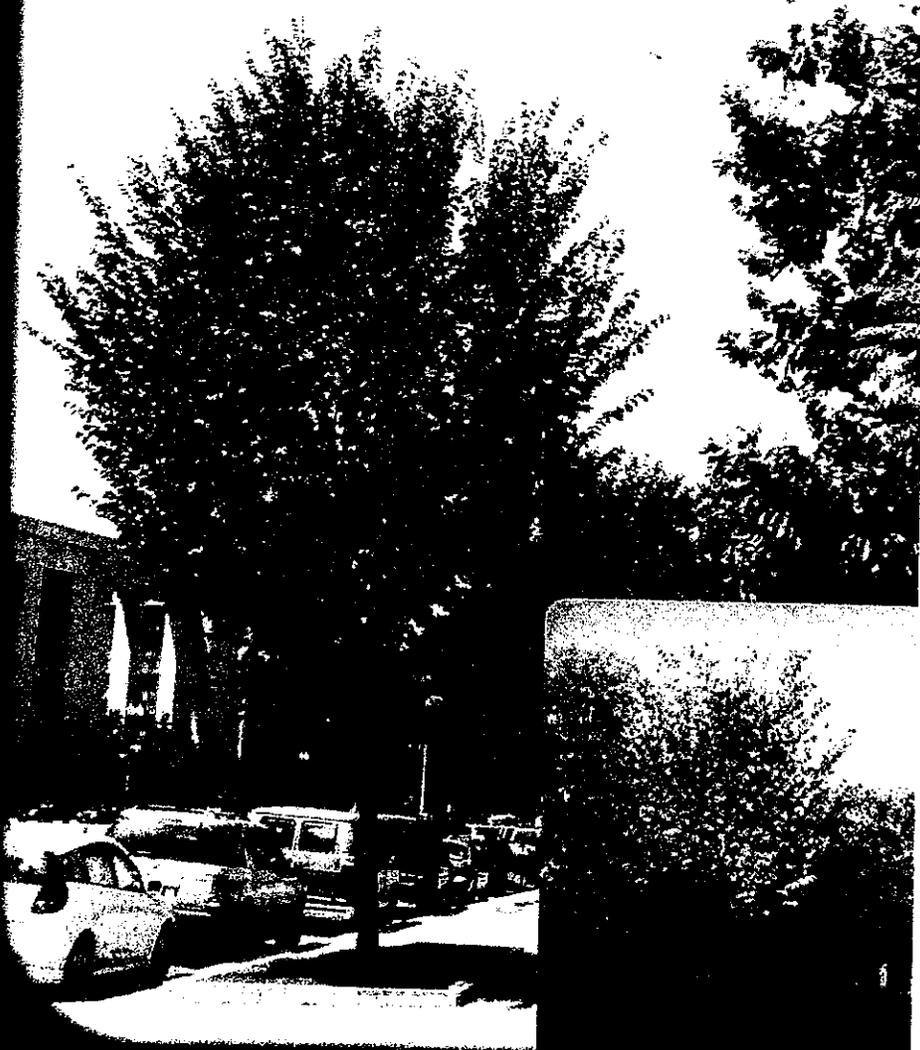
Zone: 4  
Height: 65'  
Spread: 50'  
Shape: Upright  
vase  
Foliage: Dark  
green  
Fall Color: Yellow

**DISEASE  
TOLERANCE:**  
Dutch elm  
disease

Originally selected  
in 1922 by William  
Flomer for its dense  
symmetrical upright  
form and dark  
green foliage, it  
has since proven to  
be one of the best  
American Elms for  
resisting Dutch Elm  
Disease.

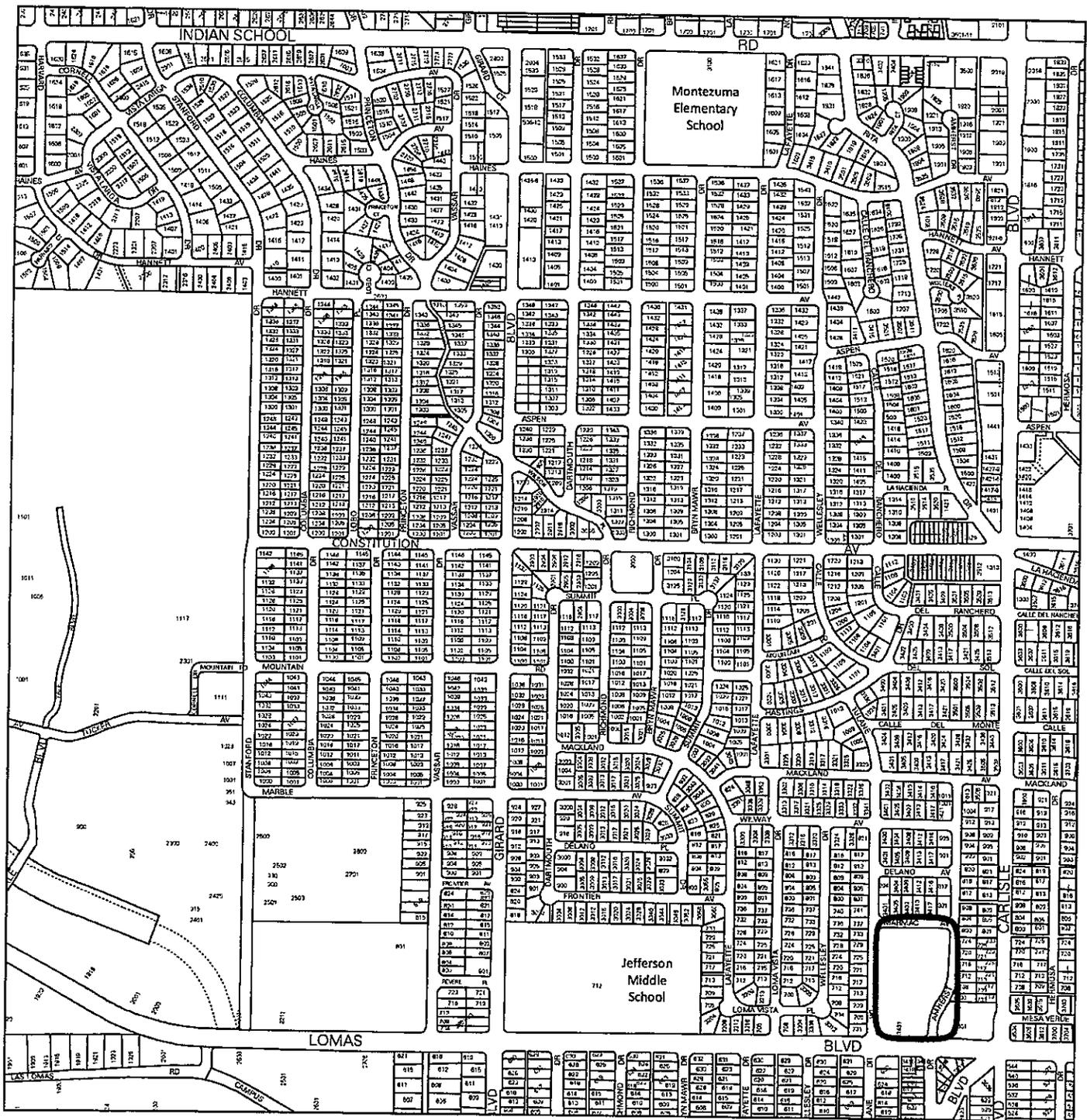
# Princeton Elm

*Ulmus americana* 'Princeton'



J. FRANK  
**SCHMIDT**  
& SON CO.

P.O. Box 189 • Boring OR 97009  
503-663-4128 • Fax 503-663-2121  
Toll-Free 1-800-825-8202  
[www.jfschmidt.com](http://www.jfschmidt.com)



For more current information and details visit: [www.cabq.gov/gis](http://www.cabq.gov/gis)

Address Map Page:

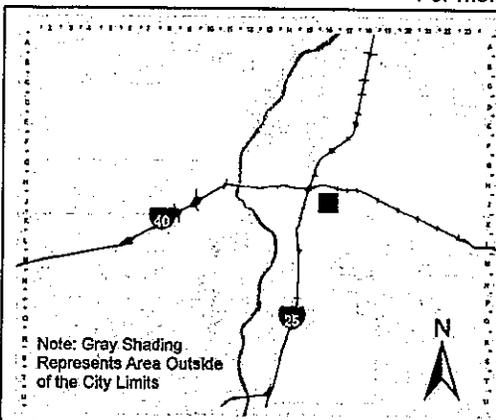
3401 Lomas Blvd NE  
Bataan Park

**J-16-Z**

Map Amended through:  
3/17/2017

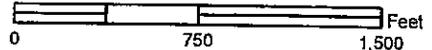


Albuquerque Geographic Information System



Note: Gray Shading  
Represents Area Outside  
of the City Limits

These addresses are for informational  
purposes only and are not intended  
for address verification.



Content for Notice:

- Address: Bataan Memorial Park, 748 Tulane Dr. NE, Albuquerque, NM 87106
  - Property Owner: City of Albuquerque, Parks and Recreation Department
  - Name of Applicant: Joran Viers, City Forester
  - Approval Requested: Historic Certificate of Appropriateness – Minor, for tree removal and replanting in the park.
  - No public hearing required.
  - For information contact: Joran Viers, 505-768-5196; [javiers@cabq.gov](mailto:javiers@cabq.gov)
-

## Naji, Leslie

---

**From:** Carmona, Dalaina L.  
**Sent:** Friday, May 22, 2020 12:35 PM  
**To:** Naji, Leslie  
**Subject:** 3401 Lomas Blvd. NE Public Notice Inquiry  
**Attachments:** J-16-Z Bataan.pdf

Dear Applicant,

See list of associations below regarding your Public Notice Inquiry. In addition, we have included web links below that will provide you with additional details about the new Integrated Development Ordinance (IDO) requirements. The web links also include notification templates that you may utilize when contacting each association. Thank you.

Association Name	First Name	Last Name	Email	Address Line 1	City	State	Zip	Mobile Phone
Nob Hill NA	Gary	Eyster	meyster1@me.com	316 Amherst Drive NE	Albuquerque	NM	87106	505991138
Nob Hill NA	Shani	Madden	shanikm@me.com	203 Richmond Drive SE	Albuquerque	NM	87106	505235272
Summit Park NA	Jan	Schuetz	jschuetz@unm.edu	3501 Calle Del Ranchero Drive NE	Albuquerque	NM	87106	
Summit Park NA	Elisha	Allen	summitparkna@gmail.com	817 Amherst Drive NE	Albuquerque	NM	87106	
Summit Park NA	Joe	Brooks	joebrooks@homesinabq.com	1418 Wellesley Drive NE	Albuquerque	NM	87106	
District 6 Coalition of Neighborhood Associations	Dominic	Peralta	4district6@gmail.com	3800 Lead Avenue SE	Albuquerque	NM	87108	
District 6 Coalition of Neighborhood Associations	Paul	Sanchez	paulsanchez7771@gmail.com	400 Cardenas Drive NE	Albuquerque	NM	87108	505977959

**IDO – Public Notice Requirements & Template:** <https://www.cabq.gov/planning/urban-design-development/public-notice>

**IDO – Neighborhood Meeting Requirements & Template:** <https://www.cabq.gov/planning/urban-design-development/neighborhood-meeting-requirement-in-the-integrated-development-ordinance>

**IDO - Administration & Enforcement section:** <http://documents.cabq.gov/planning/IDO/IDO-Effective-2018-05-17-Part6.pdf>

Thanks,



*Dalaina L. Carmona*

Senior Administrative Assistant  
Office of Neighborhood Coordination  
Council Services Department  
1 Civic Plaza NW, Suite 9087, 9<sup>th</sup> Floor  
Albuquerque, NM 87102  
505-768-3334

[dlcarmona@cabq.gov](mailto:dlcarmona@cabq.gov) or [ONC@cabq.gov](mailto:ONC@cabq.gov)

Website: [www.cabq.gov/neighborhoods](http://www.cabq.gov/neighborhoods)



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**From:** webmaster=cabq.gov@mailgun.org [mailto:webmaster=cabq.gov@mailgun.org] **On Behalf Of** ISD WebMaster  
**Sent:** Friday, May 22, 2020 9:12 AM  
**To:** Naji, Leslie <[lnaji@cabq.gov](mailto:lnaji@cabq.gov)>  
**Cc:** Office of Neighborhood Coordination <[onc@cabq.gov](mailto:onc@cabq.gov)>  
**Subject:** Public Notice Inquiry Sheet Submission

Public Notice Inquiry For:

Landmarks Commission

If you selected "Other" in the question above, please describe what you are seeking a Public Notice Inquiry for below:

Contact Name

Leslie Naji

Telephone Number

924-3927

Email Address

[lnaji@cabq.gov](mailto:lnaji@cabq.gov)

Company Name

City of Albuquerque

Company Address

Parks & Recreation

City

Albuquerque

State

NM

ZIP

87102

Legal description of the subject site for this project:

BATAAN PARK BLK A MCDUFFIE PLACE SECOND UNIT (EXCEPT PORT OUT TO LOMAS  
R/W)

Physical address of subject site:

3401 Lomas Blvd. NE

Subject site cross streets:

Lomas and Tulane

Other subject site identifiers:

This site is located on the following zone atlas page:

J 16

=====

This message has been analyzed by Deep Discovery Email Inspector.





4/16/2020

Neighborhood Association Representatives  
McDuffie Twin Parks, Nob Hill and Summit Park NA

Dear Representative,

I am writing to present you with information on our proposed tree removal/replacement plan for Bataan Park for this year. We are proposing to have a contractor come in and remove 5 trees this spring, to be followed up with planting 14 new trees this coming fall/early winter. The contractor will also be pruning out dead branches and obviously weak living branches throughout the park.

As you may know, management of this park is informed by its status as a City Landmark, a NM State Registered Cultural Property, and the Bataan Memorial Park Management Plan written by William Perkins in 2009. Following all of those guidelines, we will be replanting new elm trees in approximately the same locations from which they are to be removed (or from which they have been missing for some time). Our plan is to use the American elm variety 'Princeton' for all of these plantings. Going forward, some future replacement plantings inside the park might use other varieties or species of elm, but we will keep the same type for all perimeter plantings, as per the mentioned guidelines.

The 5 trees to be removed are represented on the attached map by red circles. The 2 on Marmac are in really poor condition, and overhang the street where people frequently park (see also attached images of Tree 83 and Tree 90). The other 3 are at the southwest corner of the park. While they are not yet as far gone as 83 and 90, two of them (Tree 59 and Tree 60) have large lightning strike wounds that have breached the protective layer of bark for many tens of feet along main trunk and side branches. Lightning damage is hard to assess, but the exposed wood left by these strikes is prime territory for wood-decaying fungi to get into the heartwood. As the fungus grows up and down the stems, those become increasingly weaker and prone to failure. Both of these trees have large branches overhanging the granite columns of names there at that corner. Failure of a large branch could easily break columns below, and we really, really want to avoid that. The third of those trees, Tree 57, has been pruned back a lot due to past limb failure and is not in good condition. Removing these three trees opens up that area to replant four new trees, without those getting stunted from lack of light due to overhead branches. To successfully replant small groves like this, we need to ensure the young trees get sufficient light. This process allows us to begin regrowing the elm canopy that makes this park so appealing, while reducing potential risk from aging, failing trees.

The map also shows 9 blue circles. These represent areas where trees have already been removed, some even before the Management Plan was written in 2009. We have some level of irrigation to the perimeter, and we will tweak that as needed to get sufficient water to the new trees that we plant along that perimeter.

I realize this seems like a lot of work as this park, and it is. However, the biological reality of trees is that they do have finite lifespans, and when they grow in public parks, the risk factor they represent as they age and begin failing goes up. By taking this approach now, we can begin the long process of getting a new tree canopy growing while simultaneously reducing overall risk. This will result in a more diverse age/size range for the trees, which begins to get us away from the dire possibility of losing many trees in a short time frame, and provides a safer environment for park users to enjoy.

Thank you very much,

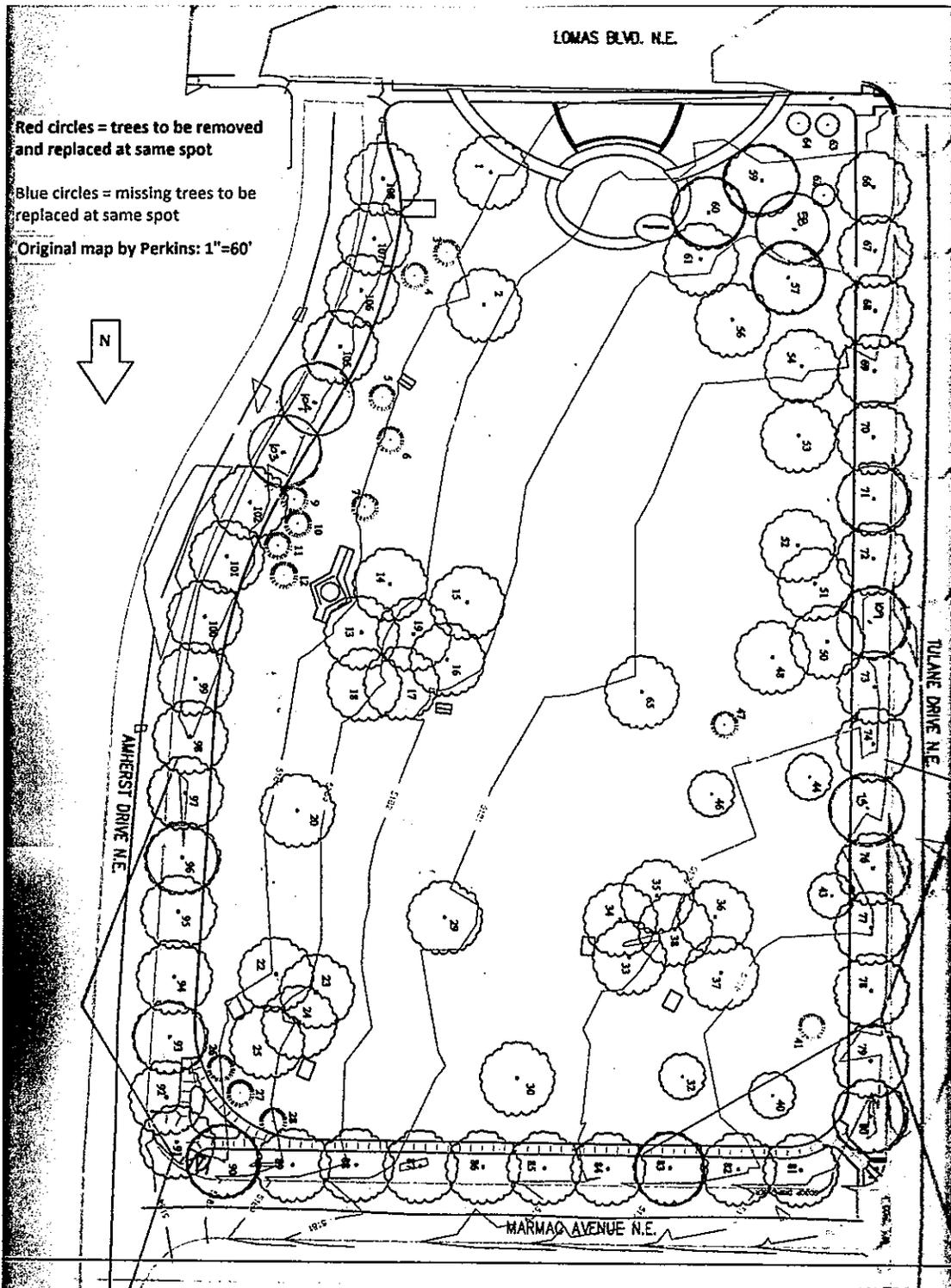


**JORAN VIERS**  
city forester  
park management division  
p.o. box 21037  
albquerque, nm 87154  
o: 505-768-5196  
m: 505-377-3073  
[javiers@cabq.gov](mailto:javiers@cabq.gov)



RM 7080 BM  
Tree Risk Assessment Qualified

Map showing location of proposed removals and replacements.



Tree 90:



Tree 83:



Tree 60:



Tree 59:



Tree 57:



Trees 59 & 60 overhanging granite columns and shade structure:





# 3401 Lomas Blvd NE

## Legend

Bernalillo County Parcels

IDO Zoning

- R-A
- R-1A
- R-1B
- R-1C
- R-1D
- R-1E
- R-1F
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KERR DAVID THOMAS JR  
3408 DELANO DR NE  
ALBUQUERQUE NM 87106

SHAW ROBERT A & LILLIAN M  
1335 PASEO DEL PUEBLO SUR SUITE  
255  
TAOS NM 87571-5972

RENAS GALS LLC  
1331 PARK AVE SW UNIT 701  
ALBUQUERQUE NM 87102-5807

RODRIGUEZ RACHEL N  
708 AMHERST DR NE  
ALBUQUERQUE NM 87106-1221

PEDRICK GAYLE  
631 TULANE DR NE  
ALBUQUERQUE NM 87106-1346

BASHAM NICHOLAS A  
3416 DELANO AVE NE  
ALBUQUERQUE NM 87106-1239

BARTLETT JUDY & MONTGOMERY  
MARY ELIZABETH  
801 AMHERST DR NE  
ALBUQUERQUE NM 87106-1222

ALLEN HENRY E  
817 AMHERST DR NE  
ALBUQUERQUE NM 87106-1222

WITZ STEPHAN W  
3413 MARMAC AVE NE  
ALBUQUERQUE NM 87106

STASIEWICZ CLAIRE ELLEN  
805 CARLISLE BLVD NE  
ALBUQUERQUE NM 87106-1532

LIEURANCE DONOVAN & ANITA  
709 TULANE DR NE  
ALBUQUERQUE NM 87106-1931

RAWLEY JAMES & JAMES RAWLEY  
TRUSTEE MARIT RAWLEY  
SUPPLEMENTAL NEEDS TRUST  
919 GOLD AVE SW  
ALBUQUERQUE NM 87102-3082

TREESON DAVID MICHAEL & SARAH  
FRANCIS TRUSTEE TREESON RVT  
3401 MARMAC AVE NE  
ALBUQUERQUE NM 87106-1226

PYSZKO-OTERO TARA  
709 CARLISLE BLVD NE  
ALBUQUERQUE NM 87106-1207

MCREYNOLDS KENT LEE  
1300 NAKOMIS DR NE UNIT B  
ALBUQUERQUE NM 87112-6096

ABEITA MONICA A  
295 LA PLATA RD NW  
ALBUQUERQUE NM 87107

MORGAN-TRACY KRISTIN E & MARK M  
728 WELLESLEY DR NE  
ALBUQUERQUE NM 87106-1935

BEENHOUWER KYLE  
3404 DELANO AVE NE  
ALBUQUERQUE NM 87106-1239

HQ OLD NB LLC C/O LAWRENCE  
KADISH REAL ESTATE  
135 JERICHO TURNPIKE  
OLD WESTBURY NY 11568-1508

VALLIANT MARGERIE  
1621 PARK AVE SW  
ALBUQUERQUE NM 87104

DEROSE-BAMMAN JANE E  
PO BOX 8007  
ROSWELL NM 88202-8007

SALAZAR CHARLES M & PAMELA  
THOMAS- SALAZAR  
3908 ANDERSON AVE SE  
ALBUQUERQUE NM 87108-4307

MASON CASEY A & SCHILLER JAKOB M  
732 WELLESLEY DR NE  
ALBUQUERQUE NM 87106-1935

PETERSON GARY R  
3329 PURDUE PL NE  
ALBUQUERQUE NM 87106-1328

CLEMENT PAUL H & PAMELA BAKLEY  
3409 MARMAC AVE NE  
ALBUQUERQUE NM 87106-1226

SALAZAR EMILY DR  
721 TULANE DR NE  
ALBUQUERQUE NM 87106-1931

ROYBAL JESSICA Y & MUMBA  
BOANERGES THIERRY  
701 TULANE DR NE  
ALBUQUERQUE NM 87106-1931

CITY OF ALBUQUERQUE  
PO BOX 1293  
ALBUQUERQUE NM 87103-2248

WISENTEINER CARI LOUISE  
720 AMHERST DR NE  
ALBUQUERQUE NM 87106

MCGEE SHAWN MARIE  
724 DAKOTA ST SE  
ALBUQUERQUE NM 87108-3824



MOORE JASON R  
733 TULANE DR NE  
ALBUQUERQUE NM 87106-1931

PAROZ JO ANN M  
712 WELLESLEY DR NE  
ALBUQUERQUE NM 87106-1935

HORAN ELIZABETH  
736 WELLESLEY DR NE  
ALBUQUERQUE NM 87106

MONTGOMERY MAUREEN K TRUSTEE  
MONTGOMERY LVT  
2008 LENTO WAY NW  
ALBUQUERQUE NM 87104

TRUJILLO MARGARET L  
PO BOX 1721  
CAPITAN NM 88316

NIDA MATTHEW & NIDA JESICA R  
3412 DELANO AVE NE  
ALBUQUERQUE NM 87106-1239

KAILEY JEFF & KAILEY BIXX L & KAILEY  
LAUREEN & ETAL  
9611 N SUNDANCE DR  
SPOKANE WA 99208-9349

BEAVERS MELINDA R  
717 CARLISLE BLVD NE  
ALBUQUERQUE NM 87106

MEISTER WILLIAM M JR & GRAY JAMES  
R  
6421 GLEN OAK NE  
ALBUQUERQUE NM 87111-6506

KERCHEVAL HOWARD  
629 TULANE NE  
ALBUQUERQUE NM 87106

GARRISON JACOB A & MARKS  
STEPHANIE L  
741 TULANE DR NE  
ALBUQUERQUE NM 87106

WRIGHT RAYMOND E & SHARON D  
804 TULANE DR NE  
ALBUQUERQUE NM 87106-1933

OTERO ABEL & TARA  
629 AMHERST DR NE  
ALBUQUERQUE NM 87106-1333

BRADEN MAY J  
740 WELLESLEY DR NE  
ALBUQUERQUE NM 87106-1935

URBAN ALFREDO & MARY F  
801 TULANE DR NE  
ALBUQUERQUE NM 87106-1932

HQ OLD NB LLC C/O LAWRENCE  
KADISH REAL ESTATE  
135 JERICHO TURNPIKE  
OLD WESTBURY NY 11568-1508

SHETTIGAR SUBHASINI  
3405 MARMAC AVE NE  
ALBUQUERQUE NM 87106-1226

UMBER ROGER L & WANDA LEMONS  
PO BOX 81391  
ALBUQUERQUE NM 87106-1334

KELLY W GREGORY & HILDEN LISA A  
720 WELLESLEY DR NE  
ALBUQUERQUE NM 87106-1935

RENAS GALS LLC  
1331 PARK AVE SW UNIT 701  
ALBUQUERQUE NM 87102-5807

BOYD JAMES WALKER  
805 TULANE DR NE  
ALBUQUERQUE NM 87106-1932

ARAGON LAURIE  
8603 LA SALA GRANDE NE  
ALBUQUERQUE NM 87111-4562

LHUPCHUG DAWA N & BHUTI T  
TRUSTEES LHUPCHUG RVT  
11400 EAGLE ROCK AVE NE  
ALBUQUERQUE NM 87122

LICHT MARILYN A  
712 AMHERST DR NE  
ALBUQUERQUE NM 87106

SHIELDS VANESSA E  
724 AMHERST DR NE  
ALBUQUERQUE NM 87106-1221

PINK MOUNTAIN PROPERTIES LLC  
4208 ROYENE AVE NE  
ALBUQUERQUE NM 87110-5726

CURRY JOHN F & OCONNOR BRIONNA  
H  
808 AMHERST DR NE  
ALBUQUERQUE NM 87108-1223

LESSEN MARK & MARJORIE E TRUSTEE  
LESSEN RVT  
725 TULANE DR NE  
ALBUQUERQUE NM 87106-1931

LANGAN IVY B & VINCENT  
4619 LARCHMONT DR NE  
ALBUQUERQUE NM 87111-3044

RENAS GALS LLC  
1331 PARK AVE SW UNIT 701  
ALBUQUERQUE NM 87102-5807



GOODMAN DOUGLAS J & SCHOENFELD  
LORI W  
3812 CALLE DEL MONTE NE  
ALBUQUERQUE NM 87110-6108

GIERMAKOWSKI JACEK & RIOS  
GIERMAKOWSKI VALERIA  
801 CARLISLE BLVD NE  
ALBUQUERQUE NM 87106

ELIZONDO JUAN M & MA TERESITA DE  
JM DE ELIZONDO  
1420 WESTWAY AVE  
MCALLEN TX 78501-4278

RATNER ARLENE R  
4031 MONTICELLO ST  
RICHMOND VA 23227-3931

STAHL KENNETH M  
660 W BONITA APT 17A  
CLAREMONT CA 91711-4587

HQ OLD NB LLC C/O LAWRENCE  
KADISH REAL ESTATE  
135 JERICO TURNPIKE  
OLD WESTBURY NY 11568-1508



ZOOM NOTIFICATION

## APPENDIX

I am writing to inform you of an upcoming hearing at the City of Albuquerque Landmarks Commission. During this hearing, a proposal to do some tree removal and replacement in Bataan Park will be discussed and either approved or not. This hearing is scheduled for:

**When: Wednesday, July 8, 2020 3:05 PM-7:05 PM (UTC-07:00) Mountain Time (US & Canada).**

**Where: <https://cabq.zoom.us/j/94926632852>**

**Landmarks Commission**

**Join Zoom Meeting**

**<https://cabq.zoom.us/j/94926632852>**

**Meeting ID: 949 2663 2852**

**One tap mobile**

**+13462487799,,94926632852# US (Houston)**

**+16699006833,,94926632852# US (San Jose)**

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**+1 346 248 7799 US (Houston)**

**+1 669 900 6833 US (San Jose)**

**+1 253 215 8782 US (Tacoma)**

**+1 312 626 6799 US (Chicago)**

**+1 646 558 8656 US (New York)**

**+1 301 715 8592 US (Germantown)**

**Meeting ID: 949 2663 2852**

**Find your local number: <https://cabq.zoom.us/j/94926632852>**

In short, the work involves removing 5 trees and replanting 14 – five to replace the five being removed, and nine more to replace trees that have been removed in years/decades past. The Bataan Memorial Park Management Plan, which the city commissioned in 2009, requires that trees be replaced in the same spot they were removed from, or very nearly so. The Plan also requires the use of similar trees, so were we would remove Siberian elm, we would replace them with a selection of American elm. The attached map indicates which trees are to be removed/replaced, and where the additional replacements are to go.

An objection to this proposed work has been raised, so the Landmarks Commission will have to weigh in and make a final determination.

Thank you very much.

**JORAN VIERS**

city forester

o 505.768.5196

m 505.377.3073

**[cabq.gov/parksandrecreation](http://cabq.gov/parksandrecreation)**



NEIGHBORHOOD COMMENT



## **Naji, Leslie**

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**From:** Georgianna Pena-Kues <geogeek88@yahoo.com>  
**Sent:** Thursday, April 9, 2020 9:17 AM  
**To:** Viers, Joran A.  
**Cc:** Naji, Leslie; cardguardnow-contact@yahoo.com; Somerfeldt, Cheryl  
**Subject:** Re: Bataan Memorial Park  
**Attachments:** PDF1463-01.pdf

Hello,

I was the Summit Park Neighborhood Association President when the last major renovation of Bataan Memorial Park took place. I am in the process of retrieving my copies of documents related to the previous major renovation of the Park in 1996-1997. Hopefully this effort will shed light on the current issue regarding tree replacement at Bataan Memorial Park.

Prior to start of work in 1996, plans for the renovation were not adequately provided to Summit Park Neighborhood Association which contains the Park. It was not until work was well underway that three large, mature and healthy trees - two cedars and a blue spruce - were cut down and removed that calls from the public started coming in to the Mayor's office and the renovation project was shut down.

The trees that were removed were originally planted as part of the original (circa 1960) Bataan Memorial. Although one or two Bataan Veterans had been asked about the tree removal, the larger and distinct group of Bataan Veterans had not been contacted.

After the project was shut down, a copy of the plans was finally made available to Summit Park Neighborhood Association (SPNA). When the plans were reviewed, it was noted that the "irrigation replacement" that we were told was going to occur, was not an entirely accurate description of work.

The old, main irrigation lines terminated approximately 8 feet from the curb, to support watering of perimeter trees and the grass cover that, prior to renovation, went to the curb.

The proposed "replacement" irrigation lines terminated approximately 25 feet from the curb. When asked how replacement trees around the perimeter of the Park would be watered, we were told they would not be watered and could not be replaced. This was the first time we were told the plan for the Park was the eventual total elimination of perimeter trees.

After this revelation, the SPNA partnered with the Bataan Veterans and the newly-formed Bataan-Corregidor Memorial Foundation to make sure the Park was preserved into the future. as was originally intended, as a "living memorial" to the men of the 200th and 515th Coast Artillery Units of the New Mexico National Guard who fought invading Japanese forces in the Philippines, were forced on a Death March, and suffered in concentration camps, transport in Hell Ships, and forced labor camps for the remainder of World War II.

The project was at a standstill for months. Finally I was able to meet with Mr Tim Kline, then City Councilor for the City Council District that includes the Park. Mr. Kline listened to my concerns and went to work to find a remedy.

The upshot of that meeting was that the Parks Department installed a third, low-flow irrigation line, using tunneling in areas near the perimeter trees, that allowed the installation of pipes that could deliver water to the perimeter of the Park to water greenery around the edge of the Park to make up for the lack of grass, and to provide water to needed replacement trees in the future.

This third line was installed at great expense and difficulty.

I have found the Park plan, dated February 1997, showing the third line that was installed. It is attached below.

This agreement regarding a perimeter watering system was basically a way for the City to make up for the removal of trees associated with the older Bataan Memorial, and for other oversights that I won't go into here. The City also allowed the Park to be placed on the New Mexico State list of Cultural Properties and, I believe, was made a City Landmark.

I am hoping the City will not go back on its commitment to the Bataan Veterans, now mostly gone from us, that was agreed to in 1997.

Many people went to a great deal of trouble to put safeguards in place so that when the Bataan Veterans were no longer with us, the Park would still be a wonderful monument to them. I'm hoping all the hard work, expense, and effort will not be wasted.

I must also point out that today marks the 78th anniversary of the Fall of Bataan. I find it particularly important now to reaffirm the commitment to these men that their living memorial will be protected and preserved as a monument to their outstanding bravery, courage, dedication and commitment to the freedoms we so easily enjoy today.

Sincerely,  
Georgianna E. Peña-Kues  
Remember Bataan

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This message has been analyzed by Deep Discovery Email Inspector.

On Apr 7, 2020, at 11:38 AM, Viers, Joran A. <[javiers@cabq.gov](mailto:javiers@cabq.gov)> wrote:

Hi Leslie,

That clears things up a bit. At this point, I do not have a long-term plan for the park, this is just routine hazard tree removal. I am working on finding out if the perimeter irrigation is actually sufficient to get a new tree off to a good start and keep it alive until its roots can reach the irrigated turf area. As you may have noticed, the trees in the now-dry perimeter are in worse shape, overall, than those in the interior, and it is largely due to chronic lack of sufficient water. This may put a wrinkle in the timeline of replacing perimeter trees at the approximate site they were removed from, if additional work is needed. That remains to be seen, however.

We will submit a CoA-Minor for the tree work I'm proposing for this spring. I totally agree we need to communicate to the neighbors and NA (I've already reached out to the Summit Park NA...). I've asked P&R colleagues who deal with this sort of process to assist me, as it is not a process I'm versed in at all.

Thanks,





## Naji, Leslie

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**From:** Joan Weissman <joan@joanweissman.com>  
**Sent:** Tuesday, April 21, 2020 3:05 PM  
**To:** Naji, Leslie; Viers, Joran A.  
**Subject:** Bataan Park

I received the plan for tree removal and replacement at Bataan Park. It sounds like an excellent idea, and I support it fully.

Joan Weissman (Nob hill Morningside Park resident).

[joan@joanweissman.com](mailto:joan@joanweissman.com)  
[www.joanweissman.com](http://www.joanweissman.com)  
505.379.4851

=====  
This message has been analyzed by Deep Discovery Email Inspector.



**Naji, Leslie**

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**From:** Rachel N. Rodriguez <rachelnrodriguez@yahoo.com>  
**Sent:** Friday, May 1, 2020 10:31 AM  
**To:** Naji, Leslie  
**Subject:** Bataan Park concern & inquiry

Good morning, Ms. Naji.

I write to inquire about the process for requesting an appeal/hearing regarding the plan to remove (and replace) five trees in Bataan Park per the notice erected recently across from my home on Amherst Drive.

Myself and other neighbors would like more information and an opportunity to weigh in on the plan.

Thank you kindly,

Rachel Rodriguez

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This message has been analyzed by Deep Discovery Email Inspector.



On May 6, 2020, at 3:58 PM, Dolan, Diane R. <[ddolan@cabq.gov](mailto:ddolan@cabq.gov)> wrote:

Hello Georgianna,

It's good to hear from you, and thank you for your concern about Bataan Memorial Park. By way of cc on this email, we are requesting a response from Mr. Viers and Ms. Naji to clarify the plan for the park.

Sincerely,

Diane

Diane Dolan  
Policy Analyst - City Councilor Isaac Benton, District 2  
Albuquerque City Council  
P.O. Box 1293  
Albuquerque, NM 87103  
(505) 768-3186  
[ddolan@cabq.gov](mailto:ddolan@cabq.gov)

[www.cabq.gov/council/councilors/district-2](http://www.cabq.gov/council/councilors/district-2)

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**From:** Georgianna Pena-Kues <[geogeek88@yahoo.com](mailto:geogeek88@yahoo.com)>  
**Sent:** Monday, May 4, 2020 8:20 AM  
**To:** Benton, Isaac  
**Subject:** Tree removal at Bataan Memorial Park

Signs are up at the Park indicating the Parks Department has received approval to remove 5 trees at the Park.

My conversation with Mr. Viers, City Forrester in early February indicated the trees targeted for removal were large perimeter

elms. Mr. Viers indicated at that time that no replacement trees would be placed in the perimeter of the Park.

I contacted Ms. Naji with the City Historic Preservation office. She stated replacement trees would have to go into the Park perimeter.

I am extremely concerned this tree removal is not being done as part of a comprehensive plan of tree removal and replacement. In the past, several perimeter trees were removed and never replaced - as required by the Bataan Memorial Park Management Plan (BMPMP), yet Mr. Viers is using provisions of the BMPMP to allow him to remove trees without public input and over-site, other than a response to tree removal.

Signs are now up at the Park. The deadline for response is confusing. The sign states responses must be received within 15 days of the decision by the Landmark and Urban Conservation Committee (SI-2020-00190) which occurred on April 23rd (response needed by May 8th). The sign also states the deadline for responses is May 15th. Ms. Naji did say the deadline is May 15th because the sign was not posted promptly, which I hope is the case.

This email is to alert you about the planned tree removal.

A plan needs to be in place to ensure the Park maintains its historic character. Bataan Memorial Park is more than just a neighborhood park, it is on the list of State cultural Properties and is formally recognized as a Living Memorial to our Bataan Veterans. I was involved with the effort to preserve and protect the Park in their memory. We need to be especially vigilante, especially now with all the major distractions going on, that the preservation of the Park is not forgotten.

Sincerely,

Georgiana E. Peña-Kues

## Naji, Leslie

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**From:** Georgianna Pena-Kues <geogeek88@yahoo.com>  
**Sent:** Friday, May 8, 2020 1:10 AM  
**To:** Viers, Joran A.; Dolan, Diane R.  
**Cc:** Benton, Isaac; Naji, Leslie  
**Subject:** Re: Tree removal at Bataan Memorial Park

Sir:  
Thank you for sending me the plan for tree replacement for Bataan Memorial Park (BMP). I am continuing to review the information you provided.

Changes from our original discussion about tree replacement are most welcome. Also glad to see that trees removed previously will now be replaced.

I understand that a replacement tree, "Princeton", has been selected. I assume this is a variety of American Elm? I understand this tree type can reach great heights in other climates/locations. Do you have an estimate of potential final tree height at the Park? Are there other specimens of this tree in City Parks? Just wondering if a tree is available for viewing.

Given current budget projections due to the current pandemic, I'm concerned that tree replacement may be stalled due to budget constraints. Do you see this as a problem?

Thank you again for sending me the plan.

Sincerely,  
Georgianna E. Peña-Kues

Sent from Yahoo Mail for iPad

On Thursday, May 7, 2020, 10:01 PM, Viers, Joran A. <javiers@cabq.gov> wrote:

You are most welcome, Diane.

Peace,  
Joran Viers  
City Forester  
Park Management Division  
SENT FROM MY CELL PHONE

On May 7, 2020, at 12:15 PM, Dolan, Diane R. <ddolan@cabq.gov> wrote:

Thank you for the information Joran!

Diane Dolan  
Policy Analyst - City Councilor Isaac Benton, District 2

Albuquerque City Council  
P.O. Box 1293  
Albuquerque, NM 87103  
(505) 768-3186  
[ddolan@cabq.gov](mailto:ddolan@cabq.gov)

[www.cabq.gov/council/councilors/district-2](http://www.cabq.gov/council/councilors/district-2)

**From:** Viers, Joran A. <[javiers@cabq.gov](mailto:javiers@cabq.gov)>  
**Sent:** Thursday, May 7, 2020 8:09 AM  
**To:** Dolan, Diane R. <[ddolan@cabq.gov](mailto:ddolan@cabq.gov)>  
**Cc:** geogeek88@yahoo.com; Benton, Isaac <[ibenton@cabq.gov](mailto:ibenton@cabq.gov)>; Naji, Leslie <[lnaji@cabq.gov](mailto:lnaji@cabq.gov)>  
**Subject:** Re: Tree removal at Bataan Memorial Park

Good morning Georgianna,

The plan actually does include replacing perimeter trees as well as the interior ones that will be removed. A total of 5 trees are to be removed and a total of 14 will be planted this coming winter during our regular planting season. I met with the area irrigator who assured me we can get irrigation to the perimeter trees that we will be planting.

All new trees planted will be 'Princeton' elm and will be planted as close to the original spot as possible, as per the original planting plan.

My apologies for not reaching back out to you with the updated information. This information was sent to officers of 3 surrounding Neighborhood Associations, as per Landmark Commission requirements.

<image001.jpg>

Joran Viers

City Forester

Park Management Division

SENT FROM MY CELL PHONE

## Naji, Leslie

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**From:** Georgianna Pena-Kues <geogeek88@yahoo.com>  
**Sent:** Friday, May 15, 2020 2:31 PM  
**To:** Naji, Leslie  
**Cc:** Viers, Joran A.; Dolan, Diane R.; McWilliams, Karla, DCA; Elisha Allen  
**Subject:** Response to SI-2020-00190 - Tree Removal/Replacement Bataan Memorial Park

The Albuquerque City Forrester has determined that 5 mature Siberian Elms in Bataan Memorial Park (Park) must be removed for safety reasons.

It is always difficult to see large, mature trees removed anywhere, but these trees have added significance. These trees are part of a Living Memorial to Veterans of the Bataan conflict during War War II, are a City Landmark, and are on the list of Cultural Properties of the State of New Mexico.

If these trees must come down due to safety issues as asserted by the City Forrester, they must be replaced with trees of a similar species with similar habits. The City Forrester has determined that each tree planned for removal, and trees removed before the current planned tree-removal action, will be replaced with American Elms of the "Princeton" variety in the same location as trees that were removed, or are currently planned for removal.

The Bataan Memorial Park Management Plan (BMPMP), cited by the City Forrester as his authority to remove the five trees in question, requires that tree replacement shall occur within 12 months of tree removal. This has not happened in the past which is a violation of Action Item 1.B of the BMPMP (page 16).

Since tree replacement was part of the proposed tree-removal/replacement project approved by the Landmarks and Urban Conservation Commission Staff (Commission) (SI-2020-00190), and as required by the BMPMP (Policy 1.5, page 15), "[Tree] Replacement shall take place within a minimum of 12 months from the loss or removal of the existing tree." The city Forrester has determined that all replacement trees will be planted during the coming winter tree-planting season (winter 2020-2021).

There is confusion regarding the approval of this project. On April 7th I was cc'd on an email from Mr. Viers, City Forrester, to Ms. Leslie Naji, Senior Planner, City Planning Department. In the email, Mr. Viers states "I will put the project on hold while we wade through the process." The next information I had was being informed of signs in the Park indicating the work was approved by the Commission.

According to the signs posted in the Park, approval by the Commission was on April 23rd, 2020 (project number SI-2020-00190). The City web site showing meeting times and agendas for the Commission shows a meeting was not held in April. It is unclear, therefore, how this action was approved on April 23rd by the Commission if it did not meet in the month of April.

Mr. Viers indicated the BMPMP allows him to remove up to 5 trees. Mr. Viers stated "There was a Management Plan written for the park that allows us, Parks and Recreation, to remove up to five trees per year without invoking a review process..." (email from Mr. Viers to Leslie Naji and cc'd to me, April 7, 2020).

The BMPMP (Policy 5.6, page 21) describes minor changes as "...the removal of dead or dying trees, the *installation* of up to 5 *replacement* trees at any given time (consistently with other policies of this Plan), pruning of the trees, repairs or damages to the irrigation system..." (emphasis added). In my recent review of the BMPMP, there is no mention of the *removal* of 5 trees being considered a minor change to the Park in the BMPMP.

Minor changes regarding tree removal in the Park involve single trees removed for safety or other reasons stated in Policy 5.6. Minor changes do not include the removal of 5 trees at a time, much less the removal of "up to five trees per year" as stated by Mr. Viers in the referenced email sent on April 7th to Ms. Naji.

Since the removal of 5 mature elms is not considered a minor change in the BMPMP, I do not understand how this action was approved by Commission staff, as I assume it was, since the Commission did not meet the month the action was approved.

Since the removal of five trees is not a minor change, it is a significant change and must be reviewed and approved by the State Historic Preservation Office (SHPO) (BMPMP, Policy 5.2, page 21). Policy 5.2 goes on to state "Nothing within this Management Plan is intended to diminish or alter the role and responsibilities of the SHPO relative to the protection of this historic resource."

I request an explanation as to how this action was approved, since it is not considered a minor change in the Plan, without a meeting of the Commission and or review by the State Historic Preservation Office (SHPO) of New Mexico. Since I was not involved in the approval process for this proposed action, I had no opportunity to bring up these points before now.

I considered filing a formal appeal of this approval, but that places me and my household in a very difficult position. Filing an appeal could create legal exposure for me and my household. I fear that if I file a formal appeal and during the appeal process a branch comes out of one of the trees slated for removal and causes injury, I feel I could be put at risk of legal action.

Finally, I remain extremely concerned the City will not follow through on replacing trees if they are removed. I have been told several times in the past, by different City Park officials, that large perimeter trees will be taken out and, either not replaced, or replaced with trees on the interior of Parks to facilitate watering.

If this action proceeds, I sincerely hope the City will finally follow through with the requirements, regarding replacement trees, as well as shrubbery and maintenance of perimeter watering systems, specified in the Bataan Memorial Park Management Plan and begin the process of fully restoring Bataan Memorial Park.

Sincerely,  
Georgianna E. Pena-Kues

Sent from Yahoo Mail for iPad

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This message has been analyzed by Deep Discovery Email Inspector.