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Mayor Timothy M. Keller

CITY OF ALBUQUERQUE

Albuquerque, New Mexico

Planning Department

INTER-OFFICE MEMORANDUM

January 21, 2022

TO: Isaac Benton, President, City Council

FROM: Alan Varela, Interim Planning Director

AO

SUBJECT: **SUBJECT: AC-22-1, PR-2019-002496, SI-2019-00180, VA-2021-00456: Hessel E. Yntema III Law Firm P.A., agent for Karen Baehr, and others as set out in the appeal application, appeals the decision of the Development Review Board (DRB) to approve a site plan for all or a portion of LOTS 1 - 4 BLOCK 4 TRACT 3 UNIT 3 NORTH ALBUQUERQUE ACRES, zoned MX-L, located at the SEC of BARSTOW ST NE AND ALAMEDA BLVD NE, containing approximately 3.38 acre(s). (C-19 & 20)**

OVERVIEW

An application for a Site Plan-DRB for a 93-unit multi-family residential development on approximately 3.4 acres at the SEC of Barstow and Alameda was approved by the DRB on September 11, 2019. The proposal was processed through the DRB because, per Subsections 14-16-6-5(0) and 14-16-6-6(0) of the IDO, any multi-family development of more than 50 units requires a site plan to be reviewed and decided by the DRB. This action is the subject of the appeal.

An appeal of the site plan was filed on September 24, 2019 by Hess E. Ynetma III on behalf of approximately 53 people (singles, groups, and couples) as listed in Mr. Ynetma's appeal, as well as the Vineyard Estates Neighborhood Association (VENA), Nor Este Neighborhood Association (NENA), District 4 Coalition of Neighborhood Associations, the North Albuquerque Acres Community Association, and the Knapp Heights Neighborhood Association (KHNA). The appeal was filed in a timely manner prior to the deadline of September 26, 2019. The LUHO decision of November 15, 2019 remanded the request back to the DRB to address procedural issues.

On January 8, 2020, DRB heard this request again, and it was approved again. The second approval was appealed to the LUHO. On April 25, 2020, the LUHO recommended the appeal be denied. On May 18, 2020, City Council accepted the LUHO's recommendations and findings with exceptions. The project was then appealed to the District Court, which remanded the request to the DRB (D-202-CV-2020-03644) with instructions to hold a quasi-judicial hearing and provide an analysis of the following per

Baehr v. City of Albuquerque:

- a. Identify how DRB is not constrained by R-2019-035.
- b. Identify the date the application was deemed complete under IDO Subsection 14-16-1-10(B).
- c. Explain whether neighborhood edges apply.
- d. Analyze Duran's legislative rezoning and Appellants' arguments on the intersection of IDO Section 1-10(B), the neighborhood edges provision and the Official Zoning Map.

On December 3, 2021, the DRB held a quasi-judicial hearing on the matter pursuant to the remand instructions and approved the request. An appeal of the December 3, 2021 DRB decision was filed in a timely manner on December 16, 2021 by Hess E. Ynetma III on behalf of approximately 73 people (singles, groups, and couples) as listed in Mr. Ynetma's appeal.

APPEAL AND RESPONSE

The appellant cites the following (in bold text) as reasons for the appeal followed by Staff's response (in regular text) to the appellant's arguments. A full list of the appellant's arguments is contained in Hess Ynetma III's appeal application dated December 16, 2021, which is included in the packet.

1. The DRB acted fraudulently, arbitrarily, or capriciously.

Staff Response: The DRB followed the remand instructions to hold a quasi-judicial hearing and decided the case using the standards and review/decision criteria in the IDO 2018.

2. The decision of the DRB is not supported by substantial evidence.

Staff Response: The application and case record provided sufficient information to base the DRB decision on the regulations and review/decision criteria in the IDO 2018.

3. The DRB erred in applying the requirements of this IDO (or plan, policy or regulation referenced in the review and DRB criteria for the type of decision being appealed).

Staff Response: Planning Department staff accepted, processed, and placed the Site Plan application on a DRB agenda on June 18, 2019 via the City's POSSE case tracking database; therefore, the application was deemed complete on June 18, 2019, and the 2018 IDO (effective as of May 17, 2018) applies per IDO Subsection 14-16-1-10(B).

2018 IDO Subsection 14-16-1-10(B) states that applications accepted as complete are to be reviewed and decided based on the standards and criteria in effect when the application was accepted as complete.

As noted above, the DRB based its decision on the standards and review/decision criteria in the IDO 2018, which was in effect when the application was accepted as complete.

The 2018 IDO was amended through the adoption of R-19-150 (Enactment # R-2019-35), which was effective as of May 24, 2019, but that resolution mostly pertained to waivers and variances, which were not requested in this case.

4. **Appellants restate and incorporate into their Reasons for Appeal all arguments presented in prior submissions relating to this application (PR-2019-00246). Appellants reserve the right to supplement or amend their Reasons for Appeal following review of the DRB record to be submitted by the Planning Department for this appeal.**

Staff Response: Noted.

5. **The DRB denied Appellants due process because the record before the DRB was inadequate, confusing and not available in a meaningful way to Appellants or the public. It is not clear what record was considered by the DRB. Some Appellants were denied due process in that the developer submitted apparently new design sheets at the December 3, 2021 meeting which only then showed that their access from east bound Alameda would be cut off by a median.**

Staff Response: Within 24-hours of the acceptance of the application submittal of the remanded Site Plan application by Planning Department staff, the public has had continuous access to the application via an online website: <http://data.cabq.gov/government/planning/DRB/PR-2019-002496>. Furthermore, the online website has provided the public with continuous access to DRB comments for the December 3, 2021 hearing for the Site Plan application since they were made available by DRB members and Planning Department staff, as well as emails and exhibits from staff, the applicant, and the public pertaining to the Site Plan application.

Applicants and agents have the right and the opportunity to submit and present new or revised materials or documents for DRB review during a DRB meeting provided that those materials/documents are shared with the participants of a DRB meeting.

At the December 3, 2021 hearing, agents of the Site Plan application shared exhibits, including a PowerPoint presentation of the proposed development, an owner-signed Infrastructure List, and sheets depicting paving improvements on Alameda Boulevard NE and Barstow Street NE, via the “screen sharing” function of Zoom. By “screen sharing” these exhibits via Zoom, these exhibits became part of the public record.

Additionally, after the December 3, 2021 hearing but before the submittal of the appeal from the Appellants, the agents for the Site Plan application emailed these exhibits to Mr. Yntema, the agent for the Appellants, and staff posted the exhibits online in a publicly-available location.

6. **The DRB erred in applying the 2018 version of the Integrated Development Ordinance (“IDO”), rather than the latest 2020 version. Duly enacted legislation such as the IDO applies to pending development applications under New Mexico law.**

Staff Response: As noted above, Subsection 14-16-1-10(B) in the 2018 IDO states that applications accepted as complete are to be reviewed and decided based on the standards and criteria in effect when the application was accepted as complete; therefore, the DRB used the standards and review/decision criteria in the IDO 2018, which was in effect when the application was accepted as complete on June 18, 2019.

The City of Albuquerque is a home rule municipality. Under the State of New Mexico Constitution, municipalities that adopt a charter may exercise the legislative powers and perform all functions not expressly denied by general law or charter. N.M. Const. art. 10, § 6, subd. D. As the ultimate planning and zoning authority, the City may adopt regulations regarding the standards and criteria in effect when an application is accepted as complete.

7. **The DRB lacked authority to conduct a quasi-judicial hearing on the subject site plan. Both the 2018 IDO and the 2020 IDO preclude the DRB from conducting quasi-judicial hearings. R-2019-035 also precludes the DRB from conducting a quasi-judicial hearing.**

Staff Response: Pursuant to IDO Subsection 14-16-6-6(G) and Table 6-1-1, DRB has the authority to review and decide the subject site plan. The DRB followed the instructions of the remand to use a quasi-judicial hearing to decide this case, and it believes the application of R-19-150 (Enactment No. R-2019-035) would run contrary to that intent.

8. **The DRB for the meeting was not properly appointed. The Planning Department shuffled employees in and out of the DRB Chair position (for this matter there have been five separate DRB chairs).**

Staff Response: Pursuant to 2018 IDO Subsection 14-16-6-2(D)(1)(a) and the DRB Rules of Procedure, the City Planning Department Director is the DRB Chair, and pursuant to 2018 IDO Subsection 14-16-6-2(B)(1)(b) and the DRB Rules of Procedure, the Planning Director may delegate authority as necessary to any staff member. In a December 2, 2021 memorandum, Interim Director Alan Varela delegated Planning staff member Jay Rodenbeck to be the DRB Chair for the December 3, 2021 DRB hearing. See attached Affidavit by Alan Varela, Interim Planning Director. Jay Rodenbeck presided over the December 3, 2021 DRB hearing as the properly appointed for the position of DRB Chair.

9. **The DRB did not conduct a proper quasi-judicial hearing. The DRB communicated ex-parte with the developer about DRB comments and approvals, and apparently had ex-parte briefings and meetings with other City employees about the application contrary to 2018 IDO Section 6-4-M-3-c and 2020 IDO Section 6-4-N-3-c. It appears that some of the critical decisions (such as that the 2018 version of the IDO applies and that the application was deemed complete on June 18, 2019) were made outside the DRB meeting based on matters that were not in the record. The DRB evidenced its approval decision by the DRB Chair's off-record e-mail dated December 2, 2021 to the developer which was revealed only under testimony at the December 3, 2021 meeting. The DRB operated in a "rolling quorum" basis by having each member express separate comments and approvals off-record to the developer. The DRB was controlled by and was an alter ego of the Planning Department for this application. The DRB ignored its Zoom "chat" function and declined to address chat comments and questions. DRB members provided evidentiary testimony at the meeting and upon information and belief were not sworn. Interested persons were not allowed access to the meeting by being held in the "Waiting Room" Zoom function.**

Staff Response: DRB conducted a quasi-judicial hearing. DRB members did not have ex-parte communications with the developer nor the public. On Thursday, December 2 at 5:49 PM, the

DRB Chair, Jay Rodenbeck, mailed the DRB members and the agents for the application (James Strozier and Michael Vos) the DRB comments for the December 3, 2021 hearing for the Site Plan application. This practice of sending the applicants/agents and DRB members the DRB and outside agency comments prior to a DRB meeting is a regularly assigned task for Mr. Rodenbeck as a Senior Planner with the Planning Department, and there was no additional communication between Mr. Rodenbeck and the applicant and agents for the Site Plan application prior to the December 3, 2021 hearing regarding the Site Plan application. Furthermore, staff does not consider the December 2 communication between Mr. Rodenbeck and the agents for the Site Plan application as “ex-parte” communication. The DRB comments sent by Mr. Rodenbeck to the agents for the Site Plan application were made part of the record when they were verbally given by the DRB members at the December 3, 2021 hearing and were also provided on the public website. No other DRB members stated that they had ex-parte communications with the applicant or agents of the application at the December 3, 2021 hearing.

At the December 3, 2021 hearing, the DRB chair verbally confirmed on the record that the 2018 IDO applies, and that the application was deemed complete on June 18, 2019. The DRB does not approve an application unless and until they confirm that all IDO and DPM requirements are met for the application and vote unanimously to approve the application at a DRB meeting, which DRM members did for the Site Plan application at the December 3, 2021 DRB hearing. The DRB members did not express comments and approvals separately to the application and/or agents, as the DRB members each verbally expressed their comments together on the record, as well as verbally voted for approval on the record at the December 3, 2021 hearing to approve the Site Plan application.

During the December 3, 2021 hearing, the DRB Chair verbally informed participants that if any members of the public that would like to speak on a particular item, they should raise their virtual hand in Zoom or press *9 if they were joining by phone. To the knowledge of staff, all participants in the December 3, 2021 hearing who raised their virtual hands in Zoom or pressed *9 were allowed to speak and/or ask their question(s) regarding the Site Plan application. These commenters were sworn in prior to their testimony. DRB does not respond to questions or comments shared via chat, because they are not considered sworn testimony, as the commenter is not sworn in.

Applicants, agents, and members of the public are sworn in by the DRB Chair. Staff members attending DRB meetings, including City planners and the City Engineer, are sworn in by the DRB Chair prior to speaking on record at DRB meetings. DRB members are not sworn in prior to speaking on the record at DRB meetings.

To the knowledge of staff, no participants were held in the “Waiting Room” in Zoom. The moderators of the DRB hearing, who were the DRB Chair, the Code Enforcement DRB representative Robert Webb, and the DRB Hearing Monitor Angela Gomez, were all given “hosting” or “co-hosting” privileges during the December 3, 2021 DRB hearing. The DRB Chair, Mr. Webb, and Ms. Gomez all had additional duties at the hearing, so staff will acknowledge that there could have been a delay in admitting a participant in the “Waiting Room” into the DRB hearing. But staff can confirm that no participants were intentionally held in the “Waiting Room.” The notice and agenda of the DRB hearing included both a zoom link and several phone numbers to call and listen to the hearing, so the public had both options available to attend and listen to

the hearing.

10. The DRB did not vote on its findings. It is not clear how the findings came to appear in the DRB's written decision.

Staff Response: Pursuant to 2018 IDO 14-16-6-4(N)(5)(b), decision-making bodies such as the DRB provide a written decision with findings based on the relevant review and decision criteria that is made part of the record. The Notice of Decision for the Site Plan application, which includes ten (10) findings, was posted online on the City's DRB webpage on December 8 and on that same date was distributed to the agents for the Site Plan application, the agent for the Appellant, and members of the public who had sent us correspondence for the Site Plan application for whom we had an email address. This satisfied the requirement of 2018 IDO Subsection 14-16-6-4(N)(5)(b).

11. The Planning Director never determined that the application was complete. There is no substantial evidence in the record that the application was determined by the Planning Director to be complete on June 18, 2019.

Staff Response: 2018 IDO Subsection 14-16-1-10(B) specifies that an application is accepted as complete by the City Planning Department, not the Planning Director specifically. As noted above, staff accepted, processed, and placed the Site Plan application in the queue for the next DRB agenda on June 18, 2019. Staff only puts applications on an agenda once all the application requirements are met; therefore, the application was deemed complete on June 18, 2019.

12. Appellant did not include item 12.

13. The determination of completeness of an application requires a quasi-judicial hearing under state law and 2018 IDO Section 6-4-M-3 or 2020 IDO Section 6-4-N-3 because that determination changes rights and entitlements for specific properties by locking in the applicable zoning.

Staff Response: Pursuant to 2018 IDO Subsection 14-16-1-10(B), determining whether an application is complete is an administrative function and does not require a quasi-judicial review. As noted above, the City Planning Department determines whether an application is complete and can be scheduled for a public hearing or meeting before the decision-making body. The applicable decision-making body decides the application based on regulations and review/decision criteria in place at the time the application is accepted as complete. See 2018 IDO Section 14-16-6-2 and Table 6-1-1.

14. The determination of completeness for locking in the applicable zoning allegedly on June 18, 2019 was void under state law, NMSA 1978, Section 3-21-6(C), because that determination of completeness was made without notice and a public hearing.

Staff Response: This State Statute regarding zone changes is not applicable to this site plan application because the City of Albuquerque is a home rule municipality. Under the State of New Mexico Constitution, municipalities that adopt a charter may exercise the legislative powers and perform all functions not expressly denied by general law or charter. N.M. Const. art. 10, § 6,

subd. D. As the ultimate planning and zoning authority, the City lawfully adopted its zoning regulations, including delegating the authority to the Planning Department to determine completeness. See 2018 IDO Subsection 14-16-1-10(B).

- 15. The DRB erred in not applying the “Neighborhood Edges” provisions (Section 5-9 in both the 2018 IDO and the 2020 IDO). “Neighborhood Edges” applies because the Planning Director did not determine that the application was complete and that determination had to be a quasi-judicial decision, and legislative enactments such as the Batch 1 and Batch 2 rezonings apply to pending development applications under state law. Further, the applicable IDO provisions and the history of the IDO with its legislative rezonings indicate that the City Council intended that the legislative zonings would apply to pending applications.**

Staff Response: As noted above, pursuant to 2018 IDO Subsection 14-16-1-10(B), the Planning Director is not required to determine that an application is complete; rather, the City Planning Department makes the determination.

The Batch 1 zoning conversions for the properties south of the subject property became effective on September 8, 2019 (Bill No. O-19-65; Enactment No. O-2019-021). The Batch 2 zoning conversions for the properties south of the subject property became effective December 18, 2019 (Bill No. O-19-79; Enactment No. O-2019-034). The site plan application was deemed complete prior to the effective dates of both Batch 1 and Batch 2 zoning conversions. (See Appeal response #11.) As of June 19, 2019, when the application was accepted as complete and prior to the zoning conversions, the properties south of the subject property were zoned MX-T. Pursuant to 2018 IDO Subsection 14-16-5-9(B)(1), MX-T properties are not protected lots; therefore, the neighborhood edges do not apply.

- 16. The Planning Department did not present its “Review and Recommendation” as required by the IDO Table 6-1-1. The DRB Chair presented after public comments what he considered were the Planning Department comments, apparently from off-record materials.**

Staff Response: 2018 IDO Subsection 14-16-6-6(G)(2)(a) specifies that Planning Department staff “review the application and forward a recommendation to the DRB.” DRB is made up of staff and operates by consensus. An application is not approved until all DRB members confirm that requirements have been met. Until requirements are met, DRB members may defer or deny the application. The chair, Code Enforcement representative, Hydrology/City Engineer representative, and Transportation Development representative are all Planning Department staff and prepare comments to discuss at the meeting that specify recommendations about what the application needs in order to meet the requirements. The DRB Chair presented Planning Department comments on the record at the December 3, 2021 hearing.

- 17. The DRB violated the Open Meetings Act (“OMA”) in its December 3, 2021 meeting because the DRB did not make its decision in an open meeting or hold an open meeting as defined by the OMA. The DRB effectively decided its approval by December 2, 2021 in a closed meeting as evidenced by the DRB Chair’s off-record e-mail to the developer on December 2, 2021. Decisions relating to the application purportedly by the DRB were in fact made outside the**

meeting and the DRB had material ex-parte contacts with representatives of the applicant and various City department employees. The OMA does not authorize the fully remote (Zoom) meeting conducted by the DRB.

Staff Response: As noted in appeal response #9, staff did not have ex-parte contacts with the applicant or agents of the application or decide the case prior to the December 3, 2021 public hearing. As noted in appeal response #16, DRB members provide comments based on their individual review of the site plan application to discuss at the meeting in order to address any requirements that the application has not met.

The DRB discussed the application, including the recommendations in comments from DRB members, and voted to approve the Site Plan application at the December 3, 2021 public hearing. This hearing followed the rules and procedures of the DRB and was on the record.

The DRB did not violate OMA by meeting via Zoom. On March 17, 2020, Attorney General Hector Balderas issued guidance to public entities regarding OMA and Inspection of Public Records Act ("IPRA") compliance during COVID-19 State of Emergency. The Office of the Attorney General ("OAG") advised public entities to postpone any non-essential public meeting during the public health emergency. OAG guidance does not prohibit regular meetings through a conference call or other similar remote meeting format. In fact, the OAG recommended videoconferencing as "the best alternative method of holding meetings." Based on this guidance, DRB substantially complies with OMA when holding a Zoom meeting.

- 18. The IDO and the City's development review process result in systemic illegal favoritism to developers. Under the DRB's interpretation, acceptance of a development application by City staff triggers special protections for a developer's project by freezing development requirements. The DRB is a mainly closed City staff/developer forum in which DRB members, developers and other City employees communicate privately to approve developer applications without meaningful consideration of neighbor or public comments.**

Staff Response: As noted above, Subsection 14-16-1-10(B) in the 2018 IDO states that applications accepted as complete are to be reviewed and decided based on the standards and criteria in effect when the application was accepted as complete; therefore, the DRB used the standards and review/decision criteria in the IDO 2018, which was in effect when the application was accepted as complete.

As noted above, the DRB followed remand instructions to conduct a quasi-judicial hearing to decide this case. Neighbors and members of the public were provided the opportunity to send in written comments and give verbal comments at the hearing, as well as opportunities for cross-examination.

The review/decision criteria in Subsection 14-16- 6-6(G)(3) in the IDO 2018 include, in summary, that the site plan complies with IDO regulations, that infrastructure and public improvements have been addressed, and that significant adverse impacts have been mitigated to the maximum extent practicable, which the IDO defined as follows in Section 14-16-7-1 Definitions:

“No feasible or prudent alternative exists, as determined by the relevant decision-making body, after the applicant has taken all possible steps to comply with the standards or regulations and to minimize potential harmful or adverse impacts. Constraints to compliance that are self-imposed, such as through a particular platting proposal when other options are feasible, shall not be considered sufficient justification. Economic considerations may be taken into account but shall not be the overriding factor.”

The DRB reviewed the site plan for compliance with the IDO, for needed infrastructure, and for mitigation of adverse impacts, as summarized in Finding 6 in the Notice of Decision from December 3, 2021. The applicant revised the site plan to provide screening through the planting of landscaping to shield the proposed development from adjacent residential development to the west and to the north across Barstow Street and Alameda Boulevard, respectively, and from abutting residential development to the south.

- 19. The DRB did not follow the District Court’s remand instructions. The District Court did not rule that R-2019-035 was void, but rather that the application of R-2019-035 resulted in “substantial confusion” and was a “problem”. The DRB lacks authority to ignore or override R-2019-035 which is apparently a valid City Council enactment and an adopted City regulation as to the 2018 IDO and which has not been revoked by the City Council. The provisions of R-2019-035 were effectively codified into the 2020 IDO. Application of R-2019-035 by the DRB is not “discretionary” as stated by the DRB in its Finding 3. Under these circumstances, the District Court’s Remand Order should have been considered by the City Council before consideration of the application by the DRB: the Remand Order was directed to the City (not the DRB) and the Remand Order identifies a systemic problem with the City’s development review process.**

Staff Response: Pursuant to 2018 IDO Subsection 14-16-6-6(G)(1), DRB has the authority to review the subject site plan application. R-19-150 (Enactment No. R-2019-035) did not change the applicability section of the Site Plan – DRB decision, so DRB continues to have the authority to review site plan applications. District Court’s Remand Order and instructions required a quasi-judicial hearing. DRB complied with the District Court’s Order and instructions, and it believes the application of R-2019-035 would run contrary to that intent.

- 20. More than 20% of adjacent landowners have protested the proposed change in zoning regulations in writing and state law requires a City Council majority to approve the application under such circumstances. A map of Appellants’ properties around the subject site is attached.**

Staff Response: This State Statute regarding zone changes is not applicable to this site plan application due to the fact that the City of Albuquerque is a home rule municipality. Under the State of New Mexico Constitution, municipalities that adopt a charter may exercise the legislative powers and perform all functions not expressly denied by general law or charter. N.M. Const. art. 10, § 6, subd. D. As the ultimate planning and zoning authority, the City lawfully adopted its zoning regulations, including the appeal process in 2018 IDO Subsection 14-16-6-4(U).

21. The DRB apparently did not consider submissions by Appellants and others about significant adverse impacts and did not require mitigation of significant adverse impacts to the maximum extent practicable.

As summarized in Finding 6 in the Notice of Decision from December 3, 2021, the applicant revised the site plan to provide screening through the planting of landscaping to shield the proposed development from adjacent residential development to the west and to the north across Barstow Street and Alameda Boulevard, respectively, and from abutting residential development to the south.

CONCLUSION

The DRB decision is supported by evidence, and the DRB correctly applied the rules and treated this case as it would have any other.

**CITY OF ALBUQUERQUE
LAND USE HEARING OFFICER**

IN THE MATTER OF:

AC-22-1, PR-2019-002496, SI-2019-00180, VA-2021-00456: Hessel E. Yntema III Law Firm P.A., agent for Pannipa Kiatbaramee and all persons listed in the appeal packet (attached to appeal application), appeals the decision of the Development Review Board (DRB) to approve a site plan for all or a portion of LOTS 1 - 4 BLOCK 4 TRACT 3 UNIT 3 NORTH ALBUQUERQUE ACRES, zoned MX-L, located at the SEC of BARSTOW ST NE AND ALAMEDA BLVD NE, containing approximately 3.38 acre(s). (C-19 & 20)

AFFIDAVIT OF ALAN VARELA, INTERIM PLANNING DIRECTOR

COMES NOW Alan Varela, Interim Planning Director, City of Albuquerque Planning

Department and having been duly sworn, states:

1. I am the Interim Planning Director for the City of Albuquerque Planning Department.
2. In accordance with DRB Rules of Procedure, DRB members and alternates are appointed by the Planning Director, in writing, with concurrence by the Chief Administrative Officer.
3. The only record of the DRB alternate member appointments is protected under Attorney/Client Privilege. The City is unwilling to break Attorney/Client Privilege to disclose the appointment of DRB alternate members for the remand hearing of the Alameda Luxury Apartments site plan application.
4. For this reason, I am providing this Affidavit to affirm that in an Attorney/Client Privilege Memorandum, I appointed DRB alternate members who had not previously heard, reviewed, or had any discussions with either party regarding the merits of the application. On October 12, 2021, I approved the following DRB alternate members for the Alameda Luxury Apartments site plan remand hearing, with concurrence by Sarita Nair, Chief Administrative Officer, City of Albuquerque:

- Planning Department and DRB Chair: Mikaela Renz-Whitmore, Planning Manager
- Hydrology: Curtis Cherne, Principal Engineer, Planning Department
- Transportation: Matt Grush, Senior Engineer, Planning Department
- Parks and Recreation: Laurie Firor, Planning and Design Division Manager

Current members who may participate in the review of this application:

- ABCWUA: Blaine Carter
- ZEO / Code Enforcement: Charles Maestas, Zone Plan Examiner

5. On December 2, 2021, due to staff changes, I amended the appointment of DRB alternate members, with concurrence by Sarita Nair, Chief Administrative Officer, City of Albuquerque:

- Planning Director and DRB Chair: Jay Rodenbeck, Senior Planner (*revised*)
- ZEO / Code Enforcement: Robert Webb, Planner (*revised*)
- Hydrology: Curtis Cherne, Principal Engineer, Planning Department
- Transportation: Matt Grush, Senior Engineer, Planning Department
- Parks and Recreation: Laurie Firor, Planning and Design Division Manager

Current member who may participate in the review of this application:

- ABCWUA: Blaine Carter

6. The City properly appointed impartial DRB members for the remand hearing of the Alameda Luxury Apartments, pursuant to the DRB Rules of Procedure.


 Alan Varela
 Interim Planning Director
 City of Albuquerque

SUSCRIBED AND SWORN this 21st day of January, 2022, by Alan Varela, Interim Planning Director, City of Albuquerque.



OFFICIAL SEAL
 LUCINDA MONTOYA
 NOTARY PUBLIC - STATE OF NEW MEXICO
 My Commission Expires: 6/28/2022


 NOTARY PUBLIC

PLANNING DEPARTMENT
DEVELOPMENT SERVICES DIVISION
600 2nd Street NW, Ground Floor, 87102
P.O. Box 1293, Albuquerque, NM 87103
Office (505) 924-3946

OFFICIAL NOTIFICATION OF DECISION

Bella Tesoro
12809 Donnette Ct. NE
Albuquerque, NM 87112

Project# PR-2019-002496
Application#
SI-2019-00180 SITE PLAN – DRB

LEGAL DESCRIPTION:

For all or a portion of: **LOTS 1--4 BLOCK 4 TRACT 3 UNIT 3 NORTH ALBUQUERQUE ACRES**, zoned **MX-L**, located at the **SEC of BARSTOW ST NE AND ALAMEDA BLVD NE**, containing approximately 3.38 acre(s). (C-19 & 20)

On December 3, 2021, the Development Review Board (DRB) held a public meeting concerning the above referenced application and approved the request, with delegation to ABCWUA and Planning, based on the following Findings:

1. This request was originally approved by the DRB on September 11, 2019. The project was appealed to the City Council through the Land Use Hearing Office (LUHO). The LUHO decision of November 15, 2019 remanded the request back to the DRB to address procedural issues. On January 8, 2020, DRB heard this request again and it was approved again. The second approval was appealed to the LUHO. On April 25, 2020, the LUHO recommended the appeal is denied. On May 18, 2020, City Council accepted the LUHO's recommendations and findings with exceptions. The project was then appealed to the District Court, which remanded the request to the DRB to hold a quasi-judicial hearing and provide an analysis of the following per *Baehr v. City of Albuquerque*:
 - a. Identify how DRB is not constrained by R-2019-035.
 - b. Identify the date the application was deemed complete under IDO Section 1-10(B).

- c. Explain whether neighborhood edges apply.
 - d. Analyze Duran's legislative rezoning and Appellants' argument on the intersection of IDO Section 1-10(B), the neighborhood edge provisions, and the Official Zoning Map.
2. Under IDO 1-10(B), an application that is accepted as complete by the City Planning Department, shall be reviewed and a decision made based on the standards and criteria in effect when the application was accepted as complete. The site plan application was accepted, processed, and placed on a DRB agenda by staff on June 18, 2019, therefore the application is deemed complete on June 18, 2019 and the 2018 IDO (effective date May 17, 2018) applies. DRB reviewed the application based on the standards and criteria in the 2018 IDO.
3. DRB exercised its discretion and applied the standards in effect at the time the application was originally deemed complete pursuant to IDO Section 1-10(B), with the exception of R-2019-035. The DRB is complying with the District Court's decision and instructions and it believes the application of R-2019-035 would run contrary to that intent. Therefore, DRB held a quasi-judicial hearing with impartial DRB members who had not previously reviewed or decided on the site plan application. Alternate DRB members were approved by the Planning Director, with concurrence by the Chief Administrative Officer.
4. The Batch 1 rezonings for the properties south of the subject property became effective September 8, 2019 (Bill No. O-19-65; Enactment No. O-2019-021). The Batch 2 rezonings for the properties south of the subject property became effective December 18, 2019 (Bill No. O-19-79; Enactment No. O-2019-034). The site plan application was deemed complete (see Finding #2) prior to the effective dates of both Batch 1 and Batch 2 rezonings. The zoning of the properties south of the subject property were zoned MX-T prior to their Batch rezonings, and per 5-9(B)(1) of the 2018 IDO were not protected lots. Therefore the neighborhood edges do not apply.
5. Pursuant to IDO 14-16-1-10(B), the the zoning designation identified on the Official Zoning Map, and the IDO standards and regulations in effect at the time the application was deemed complete apply. The record shows that the application was deemed complete on June 18, 2019. The review and decision made by the DRB are based on the regulations, standards and decision-making contained in the 2018 IDO, which was the effective IDO version when the application was accepted and deemed complete.
6. This is a request to construct 93 multi-family residential dwellings in two 34,017 square foot buildings and a 19,537 square foot building on the subject property. Additionally, this request is to construct a 7,049 square foot community building on the subject property. The site will be developed in three phases as shown on sheets DRB 1.0 and DRB 1.1. The site plan is required to be reviewed by the Development Review Board (DRB) because per 6-5(G)(1)(c)1. of the 2018 IDO more than 50 new multi-family residential dwelling units are being proposed.

1. Pursuant to 6-6(G)(3) Review and Decision Criteria An application for a Site Plan – DRB shall be approved if it meets all of the following criteria:

- a. 6-6(G)(3)(a) *The Site Plan complies with all applicable provisions of this IDO, the DPM, other adopted City regulations, and any conditions specifically applied to development of the property in a prior permit or approval affecting the property.*

The structure heights, parking, and landscaping meet the IDO and site plan requirements: the building height of 35 feet complies with the maximum allowed 35-foot building height; 150 parking spaces are provided where 139 parking spaces are required; and 33,510 square feet of landscaping is proposed where 15,024 square feet is required. Usable open space is proposed to be 77,117 square feet, featuring a pool area, patios, and dog park; 21,450 square feet of usable open space is required.

- b. 6-6(G)(3)(b) *The City's existing infrastructure and public improvements, including but not limited to its street, trail, drainage, and sidewalk systems, have adequate capacity to serve the proposed development, and any burdens on those systems have been mitigated to the extent practicable.*

The site has access to a full range of urban services including utilities, roads and emergency services. A traffic impact study is not required for this project because it does not meet the threshold for such a study as stated by Transportation.

- c. 6-6(G)(3)(c) *The Site Plan mitigates any significant adverse impacts on the surrounding area to the maximum extent practicable.*

The applicant will provide screening through the planting of landscaping to shield the proposed development from adjacent residential development to the west and to the north across Barstow Street and Alameda Boulevard respectively, and from abutting residential development to the south.

7. This site requires an Infrastructure List. This was previously approved by the DRB at the meeting of September 11, 2019, was approved again by the DRB at the meeting of January 8, 2020, and was approved again by the DRB at the meeting of December 3, 2021.
8. Staff received letters of opposition to the project and there were members of the public who spoke at the hearing in opposition to the request. Major concerns included the height of the proposed buildings, the density of the proposed development, increased traffic, lack of privacy for the residential development to the south, safety, and the lack of neighborhood edge protections for the residences abutting along the southern boundary of the subject property.

9. The applicant provided the required notice as outlined in the IDO Table 6-1-1. Notices were mailed and emailed to the two contacts of each neighborhood association (both 2019 and current, as updated by the Office of Neighborhood Coordination), notices were mailed to the property owners within 100 feet of the subject property, and a sign was posted on the subject property 15 days prior to the remand hearing. The applicant provided documentation in their remand submittal which included proof of the mailings, copies of the sent emails with timestamps, the text and other content of each notice including a copy of the Site Plan and building elevations, and a list of names and addresses and email addresses for each notice.
10. The proposed use is allowed within the MX-L zone.

Conditions:

1. This Site Plan is valid 5 years from DRB approval (12/3/2021). An extension may be requested prior to the expiration date.
2. Final sign off is delegated to ABCWUA for the payment of the pro-rata balance.
3. Final sign off is delegated to Planning for the Solid Waste signature, the project and application numbers to be added to the Site Plan, for landscape sheets to be signed and sealed by a licensed Landscape Architect, for the recorded Infrastructure Improvements Agreement, for clarification of size/re-designing of the monument sign, and clarification of signage and the wall as discussed.
4. The applicant will obtain final sign off from ABCWUA and Planning by March 2, 2022 or the case may be scheduled for the next DRB hearing and could be denied her the DRB Rules of Procedure.

APPEAL: If you wish to appeal this decision, you must do so within 15 days of the DRB's decision or by **DECEMBER 20, 2021**. The date of the DRB's decision is not included in the 15-day period for filing an appeal, and if the 15th day falls on a Saturday, Sunday or Holiday, the next working day is considered as the deadline for filing the appeal.

For more information regarding the appeal process, please refer to Section 14-16-6-4(U) of the Integrated Development Ordinance (IDO). Appeals should be submitted via email to PLNDRS@CABQ.GOV (if files are less than 9MB in size). For files larger than 9 MB in size, please send an email to PLNDRS@CABQ.GOV and request that staff send you a link via Smartfile to upload the files to. A Non-Refundable filing fee will be calculated and you will receive instructions about paying the fee online.

You will receive notification if any person files an appeal. If there is no appeal, you can receive Building Permits at any time after the appeal deadline quoted above, provided all conditions imposed at the time of approval have been met. Applicants submitting for building permit prior to the completion of the appeal period do so at their own risk. Successful applicants are reminded that there may be other City regulations of the IDO that must be complied with, even after approval of the referenced application(s).

Sincerely,

A handwritten signature in black ink that reads "Jay Rodenbeck". The script is cursive and fluid, with the first letters of each word being capitalized and prominent.

Jay Rodenbeck
DRB Chair

JR

Consensus Planning 302 8th Street NW Albuquerque, NM 87102



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

SUBDIVISIONS	<input type="checkbox"/> Final Sign off of EPC Site Plan(s) (Form P2A)	<input type="checkbox"/> Extension of IIA: Temp. Def. of S/W (Form V2)
<input type="checkbox"/> Major - Preliminary Plat (Form S1)	<input type="checkbox"/> Amendment to Site Plan (Form P2)	<input type="checkbox"/> Vacation of Public Right-of-way (Form V)
<input type="checkbox"/> Major - Bulk Land Plat (Form S1)	MISCELLANEOUS APPLICATIONS	<input type="checkbox"/> Vacation of Public Easement(s) DRB (Form V)
<input type="checkbox"/> Extension of Preliminary Plat (Form S1)	<input type="checkbox"/> Extension of Infrastructure List or IIA (Form S1)	<input type="checkbox"/> Vacation of Private Easement(s) (Form V)
<input type="checkbox"/> Minor Amendment - Preliminary Plat (Form S2)	<input type="checkbox"/> Minor Amendment to Infrastructure List (Form S2)	PRE-APPLICATIONS
<input type="checkbox"/> Minor - Final Plat (Form S2)	<input type="checkbox"/> Temporary Deferral of S/W (Form V2)	<input type="checkbox"/> Sketch Plat Review and Comment (Form S2)
<input type="checkbox"/> Minor - Preliminary/Final Plat (Form S2)	<input type="checkbox"/> Sidewalk Waiver (Form V2)	
SITE PLANS	<input type="checkbox"/> Waiver to IDO (Form V2)	APPEAL
<input type="checkbox"/> DRB Site Plan (Form P2)	<input type="checkbox"/> Waiver to DPM (Form V2)	<input checked="" type="checkbox"/> Decision of DRB (Form A)

BRIEF DESCRIPTION OF REQUEST

Appeal of DRB decision of December 3, 2021 in PR-2019-002496

APPLICATION INFORMATION

Applicant: Karen Baehr and other Appellants on attached	Phone:	
Address: c/o Yntema Law Firm P.A. List of appellants	Email:	
City:	State:	Zip:
Professional/Agent (if any): Hessel E. Yntema III, Yntema Law Firm P.A.	Phone: 505-843-9565	
Address: 215 Gold Ave. SW, Suite 201	Email: hessoyntema-law.com	
City: Albuquerque	State: NM	Zip: 87102
Proprietary Interest in Site: Abutting Owners & others	List all owners:	

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

Lot or Tract No.: Lots 1-4	Block: 4	Unit: 3
Subdivision/Addition: Unit 3, North Arby Acres	MRGCD Map No.:	UPC Code:
Zone Atlas Page(s): C-19 & 20	Existing Zoning: Mx-L	Proposed Zoning: Mx-L
# of Existing Lots: 4	# of Proposed Lots: 1	Total Area of Site (Acres): 3.38

LOCATION OF PROPERTY BY STREETS

Site Address/Street: SEC Baston/Alameda	Between:	and:
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CASE HISTORY (List any current or prior project and case number(s) that may be relevant to your request.)

SI-2019-00180, SD-2019-00161, Bern. Ct. Dist. Ct. D-202-cv-2020-03644

I certify that the information I have included here and sent in the required notice was complete, true, and accurate to the extent of my knowledge.

Signature: Hessel E. Yntema III	Date: 12-16-21
Printed Name: Hessel E. Yntema III	<input type="checkbox"/> Applicant or <input checked="" type="checkbox"/> Agent

FOR OFFICIAL USE ONLY

Case Numbers	Action	Fees	Case Numbers	Action	Fees

Meeting Date:	Fee Total:	
Staff Signature:	Date:	Project #

FORM A: Appeals

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

- ☐ 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? No if yes, indicate language: _____

___ A Single PDF file of the complete application including all documents being submitted must be emailed to 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. PDF *shall be organized* with the Development Review Application and this Form A at the front followed by the remaining documents *in the order provided on this form*.

___ Project number of the case being appealed, if applicable: PR-2019-002496

___ Application number of the case being appealed, if applicable: SI-2019-00180

___ Type of decision being appealed: site plan approval

___ Letter of authorization from the appellant if appeal is submitted by an agent

___ Appellant's basis of standing in accordance with IDO Section 14-16-6-4(V)(2)

___ 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(V)(4)

___ Copy of the Official Notice of Decision regarding the matter being appealed

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: Hussel E. Yntema III

Date: 12-16-21

Printed Name: Hussel E. Yntema III

☐ Applicant or ☒ Agent

FOR OFFICIAL USE ONLY

Case Numbers:

Project Number:

Staff Signature:

Date:



LIST OF APPELLANTS

Randolph and Shannon Baca
8501 Alameda Blvd. NE
Albuquerque, NM 87122

Pannipa Kiatbarammee and Paveen Apiratikil
8705 Aspen Leaf Dr. NE
Albuquerque, NM 87122

Hui Shen
8700 Aspen Leaf Dr. NE
Albuquerque, NM 87122

Frank Steves
8701 Aspen Leaf Dr. NE
Albuquerque, NM 87122

Robert and Lina Adachi Chang
8704 Aspen Leaf Dr. NE
Albuquerque, NM 87122

Bhaveshkumar and Deepa Kapadia
8708 Aspen Leaf Dr. NE
Albuquerque, NM 87122

David L. and Anne M. Downing
8801 Henriette Wyeth Dr NE
Albuquerque, NM 87122

Clyde and Dorothy Jo Sanchez
8808 Henriette Wyeth Dr NE
Albuquerque, NM 87122

Larry and Lyndah Martell
8809 Henriette Wyeth Dr NE
Albuquerque, NM 87122

Lisa Hayes
8816 Henriette Wyeth Dr NE
Albuquerque, NM 87122

John Adams Ingram and Anna Gurule
8901 Henriette Wyeth Dr NE
Albuquerque, NM 87122

Michael and Nancy O'Dell
8805 Pico La Cueva NE
Albuquerque, NM 87122

Philip and Amber Le
8815 Pico La Cueva NE
Albuquerque, NM 87122

Joe O'Neill and Karen Baehr
8805 Pico La Cueva NE
Albuquerque, NM 87122

Curtis G. Lee
8809 Pico La Cueva NE
Albuquerque, NM 87122

Jerry and Sandy Robbins
8815 Henriette Wyeth Dr NE
Albuquerque, NM 87122

David and Donna Sauter
8819 Pico La Cueva NE
Albuquerque, NM 87122

Carl and Nancy Henry
8823 Pico La Cueva NE
Albuquerque, NM 87122

Richard Montoya
8831 Pico La Cueva NE
Albuquerque, NM 87122

Kristen Kim
8801 Rich Ct. NE
Albuquerque, NM 87122

Peter and Sara Dickens
8309 Tierra Linda Pl NE
Albuquerque, NM 87122

Brian C. and Kristi Thomson
8728 Tierra Montana Pl. NE
Albuquerque, NM 87122

Joey Lobo
8733 Tierra Montana Pl. NE
Albuquerque, NM 87122

Dennis and Cheri Starner
8736 Tierra Montana Pl. NE
Albuquerque, NM 87122

Paul and Jennifer Wever
8409 Tierra Morena Pl NE
Albuquerque, NM 87122

Thomas Anderson
8415 Tierra Morena Pl NE
Albuquerque, NM 87122

Juanita Duran
8419 Tierra Morena Pl NE
Albuquerque, NM 87122

John and Loretta Skidmore
8420 Tierra Morena Pl NE
Albuquerque, NM 87122

Jeff and Olivia Bland
8423 Tierra Morena Pl
Albuquerque, NM 87122

Paul and Marialuz Scarpa
8427 Tierra Morena Pl NE
Albuquerque, NM 87122

Gary Gregos
8501 Tierra Morena Pl NE
Albuquerque, NM 87122

Nancy Jones
8504 Tierra Morena Pl NE
Albuquerque, NM 87122

Steve Wray
8505 Tierra Morena Pl NE
Albuquerque, NM 87122

Mary Jo Barrera-Martinez
8508 Tierra Morena Pl NE
Albuquerque, NM 87122

Alex Liao and Xiaoya Wu
8509 Tierra Morena Pl NE
Albuquerque, NM 87122

Juanita Duran
8512 Tierra Morena Pl NE
Albuquerque, NM 87122

Joseph and Mary L. Valdez
8515 Tierra Morena Pl NE
Albuquerque, NM 87122

Robert and Jaimie Martin
8519 Tierra Morena Pl NE
Albuquerque, NM 87122

Lucy Baca
8616 Ashton Pl NE
Albuquerque, NM 87122

Susan Andrews and James T. Wilkie
8840 Estrada Ct NE
Albuquerque, NM 87122

Yvonne Teske
8305 Tierra Serena Pl NE
Albuquerque, NM 87122

Susan Kitsch
8708 Vineyard Ridge Rd NE
Albuquerque, NM 87122

Eryn Patchett
8212 William Moyers Ave NE
Albuquerque, NM 87122

Hope Episcopal Church
8700 Alameda Blvd. NE
Albuquerque, NM 87122
Attention: William Fanning

Vineyard Estates Neighborhood Association
8405 Vintage Drive NE
Albuquerque, NM 87122
Attention: Elizabeth Meek, President

District 4 Coalition of Neighborhood Associations
4109 Chama St. NE
Albuquerque, NM 97109
Attention: Daniel Regan

Knapp Heights Neighborhood Association
4109 Chama St. NE
Albuquerque, NM 87109
Attention: Daniel Regan

North Albuquerque Acres Community Association
11003 Anaheim Ave. NE
Albuquerque, NM 87122
Attention: David Neale

December 7, 2021

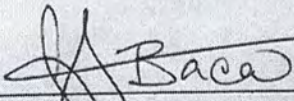
City of Albuquerque Planning Department
600 Second Street NW
Albuquerque, NM 87102

Representation for
2019-00180
December 3, 2021

Authorization Letter for
Appeal of PR-2019-002496, SI-
DRB Site Plan Approval on
(Alameda Luxury Apartments)

Dear Planning Department:

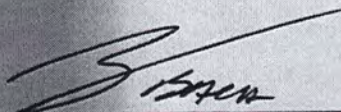
This letter is to present my protest and appeal of the DRB's decision referenced above to approve the "Alameda Luxury Apartments" site plan on December 3, 2021, and to authorize Hessel E. Yntema III, Yntema Law Firm P.A. to represent me in the appeal of that decision.


(Signature)

Shannon Baca
(Printed Name)

Address:

8501 Alameda Blvd NE
87122


(Signature)

Randolph Baca MD
Print

8501 Alameda Blvd NE 87122

December 12, 2021

City of Albuquerque Planning Department
600 Second Street NW
Albuquerque, NM 87102

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Pannipa Kiatbaramee (Dec 13, 2021 07:47 GMT+7)

(Signature)

Pannipa Kiatbaramee
8705 Aspen Leaf Dr NE
Albuquerque, NM 87122

December 12, 2021

City of Albuquerque Planning Department
600 Second Street NW
Albuquerque, NM 87102

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Paveen Apiratikul [Dec 13, 2021 07:59 GMT+7]

(Signature)

Paveen Apiratikul
8705 Aspen Leaf Dr NE
Albuquerque, NM 87122

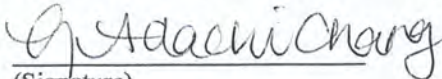
12/8/2021

City of Albuquerque Planning Department
600 Second Street NW
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(Signature)

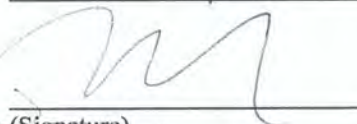
Lina Adachi Chang
(Printed Name)

Address:
8704 Aspen Leaf Dr NE


(Signature)

Hui Shen
(Printed Name)

Address:
8700 Aspen Leaf Dr NE


(Signature)

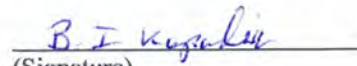
Robert Chang
(Printed Name)

Address:
8704 Aspen Leaf Dr NE
Albuquerque NM 87122


(Signature)

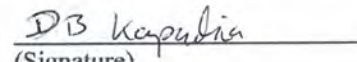
Frank J. Steves
(Printed Name)

Address:
8701 Aspen Leaf Dr


(Signature)

BHAVESHKUMAR KAPADIA
(Printed Name)

Address:
8708 ASPEN LEAF DR NE
ABQ, NM 87122


(Signature)

Deepa Kapadia
(Printed Name)

Address:
8708 Aspen Leaf Dr NE
Albuquerque, NM 87122

12/7/2021

City of Albuquerque Planning Department
600 Second Street NW
Albuquerque, NM 87102

Authorization Letter for Representation for
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DRB Site Plan Approval on December 3, 2021
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Anne M. Downing
(Signature)

Anne M. Downing
(Printed Name)

Address:

8801 Henriette Wyeth Dr. NE
Albuquerque, NM 87122

[Signature]
(Signature)

David L. Downing
(Printed Name)

Address:

8801 Henriette Wyeth Dr. NE
Albuquerque, NM 87122

December 14, 2021

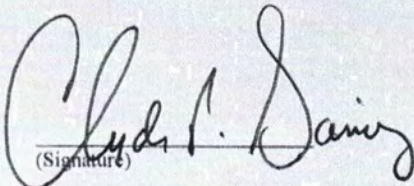
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Representation for
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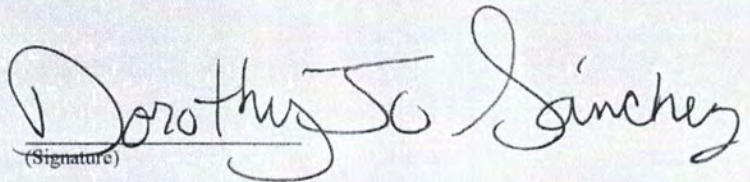
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(Signature)

CLYDE P. SANCHEZ
(Printed Name)

Address:
8808 Henriette Wyeth
Albuquerque, NM
87122


(Signature)

DOROTHY JO SANCHEZ
(Printed Name)

Address:
8808 HENRIETTE WYETH DR NE
ABQ NM 87122

(Signature)

(Printed Name)

Address:

(Signature)

(Printed Name)

Address:

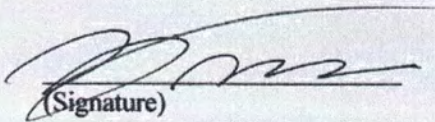
December 14, 2021

City of Albuquerque Planning Department
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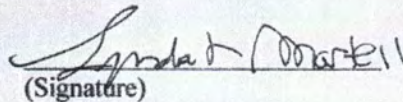
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(Signature)

Harry Martell
(Printed Name)

Address:

8809 Henriette Wyeth Dr
ABQ. NM 8722


(Signature)

Lyndah Martell
(Printed Name)

Address:

8809 Henriette Wyeth Dr
ABQ NM 87122

(Signature)

(Printed Name)

Address:

(Signature)

(Printed Name)

Address:

December 7, 2021

City of Albuquerque Planning Department
600 Second Street NW
Albuquerque, NM 87102

Representation for

2019-00180

December 3, 2021

Authorization Letter for

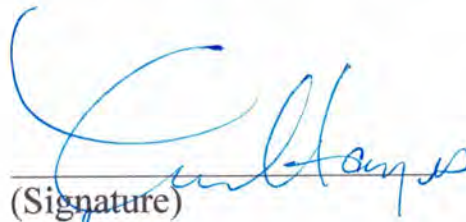
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(Signature)

Lisa Hayes
(Printed Name)

Address:

8816 Henriette Lynch Drive
ABQ, NM 87122

December 7, 2021

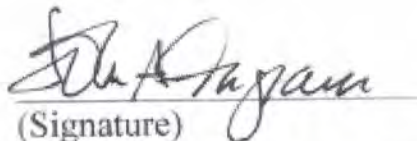
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600 Second Street NW
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Representation for
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DRB Site Plan Approval on
(Alameda Luxury Apartments)

Dear Planning Department:

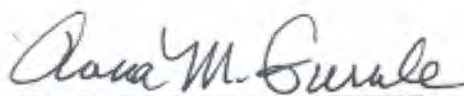
This letter is to present my protest and appeal of the DRB's decision referenced above to approve the "Alameda Luxury Apartments" site plan on December 3, 2021, and to authorize Hessel E. Yntema III, Yntema Law Firm P.A. to represent me in the appeal of that decision.


(Signature)

John Adams Ingram
(Printed Name)

Address:

8901 Henrietta Wyeth Dr. NE
ABQ, NM 87122


(Signature)

December 12, 2021

City of Albuquerque Planning Department
600 Second Street NW
Albuquerque, NM 87102

Authorization Letter for Representation for
Appeal of PR-2019-002496, SI-2019-00180
DRB Site Plan Approval on December 3, 2021
(Alameda Luxury Apartments)

Dear Planning Department:

This letter is to present my protest and appeal of the DRB's decision referenced above to approve the "Alameda Luxury Apartments" site plan on December 3, 2021, and to authorize Hessel E. Yntema III, Yntema Law Firm P.A. to represent me in the appeal of that decision.

Michael A. Odell
(Signature)

MICHAEL A. ODELL
(Printed Name)

Address:

8801 PICO LA CUEVA ROAD NE
ALBUQUERQUE NM 87122

Nancy O'Dell
(Signature)

Nancy O'Dell
(Printed Name)

Address:

8801 Pico la Cueva Rd NE
Albuquerque, NM 87122

December 7, 2021

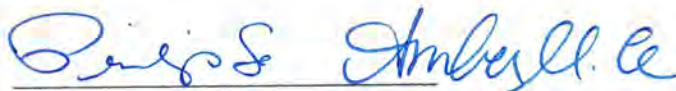
City of Albuquerque Planning Department
600 Second Street NW
Albuquerque, NM 87102

Representation for
2019-00180
December 3, 2021

Authorization Letter for
Appeal of PR-2019-002496, SI-
DRB Site Plan Approval on
(Alameda Luxury Apartments)

Dear Planning Department:

This letter is to present my protest and appeal of the DRB's decision referenced above to approve the "Alameda Luxury Apartments" site plan on December 3, 2021, and to authorize Hessel E. Yntema III, Yntema Law Firm P.A. to represent me in the appeal of that decision.



(Signature)

Philip & Amber Le

(Printed Name)

Address:

8815 Pico La Cueva Rd NE
Albuquerque, NM 87122

December 11, 2021

City of Albuquerque Planning Department
600 Second Street NW
Albuquerque, NM 87102

Authorization Letter for Representation for
Appeal of PR-2019-002496, SI-2019-00180
DRB Site Plan Approval on December 3, 2021
(Alameda Luxury Apartments)

Dear Planning Department:

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Karen Baehr
(Signature)

Karen Baehr
(Printed Name)

Address:
8805 Pico La Cueva NE
Albuquerque, NM 87122

Joe O'Neill
(Signature)

Joe O'Neill
(Printed Name)

Address:
8805 Pico La Cueva NE
Albq, NM 87122

Curtis G. Lee
(Signature)

Curtis G. Lee
(Printed Name)

Address:
8809 Pico La Cueva Rd NE
Albuquerque, NM 87122

Jerry Robbins
(Signature)

Jerry Robbins
(Printed Name)

Address:
8815 Henriette Wyeth Dr. NE
ABQ 87122

Sandy Robbins
(Signature)

Sandy Robbins
(Printed Name)

Address:
8815 Henriette Wyeth Dr NE
Albq, NM 87122

(Signature)

(Printed Name)

Address:

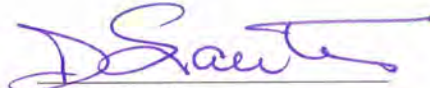
December 7, 2021

City of Albuquerque Planning Department
600 Second Street NW
Albuquerque, NM 87102

Authorization Letter for Representation for
Appeal of PR-2019-002496, SI-2019-00180
DRB Site Plan Approval on December 3, 2021
(Alameda Luxury Apartments)

Dear Planning Department:


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(Signature)

Donna Sauter
(Printed Name)

Address:

8819 Pico La Cueva Rd
Albuquerque NM 87122 NE


(Signature)

David Sauter
(Printed Name)

Address:

8819 Pico La Cueva Rd NE
Albuquerque, NM 87122

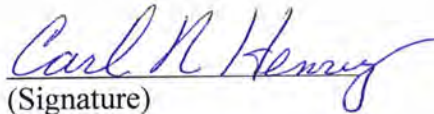
December 12, 2021

City of Albuquerque Planning Department
600 Second Street NW
Albuquerque, NM 87102

Authorization Letter for Representation for
Appeal of PR-2019-002496, SI-2019-00180
DRB Site Plan Approval on December 3, 2021
(Alameda Luxury Apartments)

Dear Planning Department:

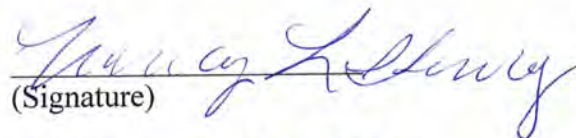
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(Signature)

CARL N HENRY
(Printed Name)

Address:

8823 Pico La Cueva Rd NE
Albuquerque, NM 87122


(Signature)

NANCY L HENRY
(Printed Name)

Address:

8823 Pico La Cueva Rd NE
Albuquerque, NM 87122

December 12, 2021

City of Albuquerque Planning Department
600 Second Street NW
Albuquerque, NM 87102

Authorization Letter for Representation for
Appeal of PR-2019-002496, SI-2019-00180
DRB Site Plan Approval on December 3, 2021
(Alameda Luxury Apartments)

Dear Planning Department:

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(Signature)

Richard Montoya

(Printed Name)

Address:

8831 Pico La Cueva Rd, NE

Albuquerque, NM 87122


December 14, 2021

City of Albuquerque Planning Department
600 Second Street NW
Albuquerque, NM 87102

Authorization Letter for Representation for
Appeal of PR-2019-002496, SI-2019-00180
DRB Site Plan Approval on December 3, 2021
(Alameda Luxury Apartments)

Dear Planning Department:

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Kristen Kim (Dec 14, 2021 21:18 MST)

(Signature)

Kristen Kim
8801 Rich Ct NE
Albuquerque, NM 87122

December 10, 2021

City of Albuquerque Planning Department
600 Second Street NW
Albuquerque, NM 87102

Authorization Letter for Representation for
Appeal of PR-2019-002496, SI-2019-00180
DRB Site Plan Approval on December 3, 2021
(Alameda Luxury Apartments)

Dear Planning Department:

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(Signature)

Peter Dickens
(Printed Name)

Address:

8309 Tierra Linda Pl. NE
Albuquerque, NM 87122


(Signature)

Sara Dickens
(Printed Name)

Address:

8309 Tierra Linda Pl NE
Albuquerque, NM 87122

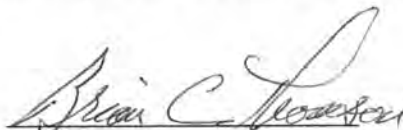
December 9, 2021

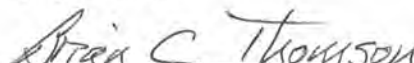
City of Albuquerque Planning Department
600 Second Street NW
Albuquerque, NM 87102

Authorization Letter for Representation for
Appeal of PR-2019-002496, SI-2019-00180
DRB Site Plan Approval on December 3, 2021
(Alameda Luxury Apartments)

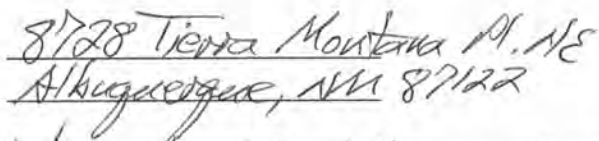
Dear Planning Department:



This letter is to present my protest and appeal of the DRB's decision referenced above to approve the "Alameda Luxury Apartments" site plan on December 3, 2021, and to authorize Hessel E. Yntema III, Yntema Law Firm P.A. to represent me in the appeal of that decision.


(Signature)

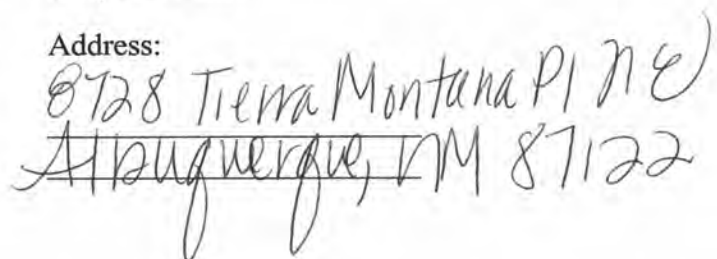

(Printed Name)

Address:




(Signature)

(Printed Name)

Address:




December 9, 2021

City of Albuquerque Planning Department
600 Second Street NW
Albuquerque, NM 87102

Authorization Letter for Representation for
Appeal of PR-2019-002496, SI-2019-00180
DRB Site Plan Approval on December 3, 2021
(Alameda Luxury Apartments)

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(Signature)

HESS E. YNTEMA
(Printed Name)

Address:

8732 TIERRA NORTANA RD
ALBUQUERQUE, NM 87122

(Signature)

(Printed Name)

Address:

December 9, 2021

City of Albuquerque Planning Department
600 Second Street NW
Albuquerque, NM 87102

Authorization Letter for Representation for
Appeal of PR-2019-002496, SI-2019-00180
DRB Site Plan Approval on December 3, 2021
(Alameda Luxury Apartments)

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(Signature)

DENNIS L. STARNES
(Printed Name)

Address:

8736 TIERRA MONTANA NE
ALBUQUERQUE, NM 87122


(Signature)

Cheri A. Starnes
(Printed Name)

Address:

8736 TierraMontana NE
Albuquerque, NM 87122

December 7, 2021

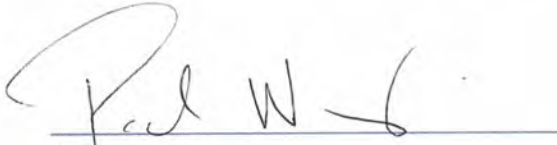
City of Albuquerque Planning Department
600 Second Street NW
Albuquerque, NM 87102

Representation for
2019-00180
December 3, 2021

Authorization Letter for
Appeal of PR-2019-002496, SI-
DRB Site Plan Approval on
(Alameda Luxury Apartments)

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(Signature)

Paul Weyer
(Printed Name)

Address:
045

December 7, 2021

City of Albuquerque Planning Department
600 Second Street NW
Albuquerque, NM 87102

Representation for

2019-00180

December 3, 2021

Authorization Letter for

Appeal of PR-2019-002496, SI-

DRB Site Plan Approval on

(Alameda Luxury Apartments)

Dear Planning Department:

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Jennifer Wever
(Signature)

Jennifer Wever
(Printed Name)

Address:

046

December 12, 2021

City of Albuquerque Planning Department
600 Second Street NW
Albuquerque, NM 87102

Authorization Letter for Representation for
Appeal of PR-2019-002496, SI-2019-00180
DRB Site Plan Approval on December 3, 2021
(Alameda Luxury Apartments)

Dear Planning Department:

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(Signature)

Thomas Anderson

(Printed Name)

Address:

8415 Tierra Morana Pl NE
Albuquerque, NM 87122

December 7, 2021

City of Albuquerque Planning Department
600 Second Street NW
Albuquerque, NM 87102

Authorization Letter for Representation for
Appeal of PR-2019-002496, SI-2019-00180
DRB Site Plan Approval on December 3, 2021
(Alameda Luxury Apartments)

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Juanito C. Durán
(Signature)

Juanit C. Durán
(Printed Name)

Address:

8512 Tierra Morona P/NE
Albuq, NM 87122

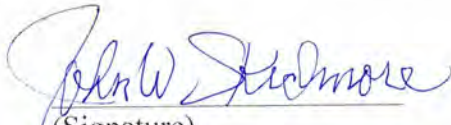
December 11, 2021

City of Albuquerque Planning Department
600 Second Street NW
Albuquerque, NM 87102

Authorization Letter for Representation for
Appeal of PR-2019-002496, SI-2019-00180
DRB Site Plan Approval on December 3, 2021
(Alameda Luxury Apartments)

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(Signature)

JOHN W SKIDMORE
(Printed Name)

Address:

8420 TIERRA MORENA PL NE.
ALBUQ, NM 87122


(Signature)

LORETTA SKIDMORE
(Printed Name)

Address:

8420 Tierra Morena Pl. NE
Albuquerque, NM 87122

December 12, 2021

City of Albuquerque Planning Department
600 Second Street NW
Albuquerque, NM 87102

Authorization Letter for Representation for
Appeal of PR-2019-002496, SI-2019-00180
DRB Site Plan Approval on December 3, 2021
(Alameda Luxury Apartments)

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Jeff Bland
(Signature)

Jeff Bland
(Printed Name)

Address:

8423 Tierra Morena Pl NE
Albuquerque, NM 87122

Olivia Bland
(Signature)

Olivia Bland
(Printed Name)

Address:

8423 Tierra Morena Pl NE
Albuquerque, NM 87122

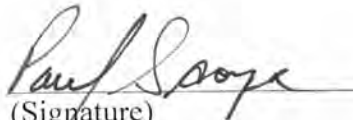
December 7, 2021

City of Albuquerque Planning Department
600 Second Street NW
Albuquerque, NM 87102

Authorization Letter for Representation for
Appeal of PR-2019-002496, SI-2019-00180
DRB Site Plan Approval on December 3, 2021
(Alameda Luxury Apartments)

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(Signature)

PAUL SCARPA
(Printed Name)

Address:

8427 TIERRA MORENA P2 NE
ALBUQUERQUE NM 87122


(Signature)

MARIA SCARPA
(Printed Name)

Address:

8427 TIERRA MORENA P2 NE
ALBUQUERQUE, NM
87122


December 13, 2021

City of Albuquerque Planning Department
600 Second Street NW
Albuquerque, NM 87102

Authorization Letter for Representation for
Appeal of PR-2019-002496, SI-2019-00180
DRB Site Plan Approval on December 3, 2021
(Alameda Luxury Apartments)

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Gary Gregos (Dec 14, 2021 08:06 GMT)
(Signature)

Gary Gregos
8501 Tierra Morena Pl. NE
Albuquerque, NM 87122

December 7, 2021

City of Albuquerque Planning Department
600 Second Street NW
Albuquerque, NM 87102

Authorization Letter for Representation for
Appeal of PR-2019-002496, SI-2019-00180
DRB Site Plan Approval on December 3, 2021
(Alameda Luxury Apartments)

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Nancy Jones
(Signature)

Nancy Jones
(Printed Name)

Address:

8504 Tierra Marana Pl. N.E.
Albuquerque, NM 87122

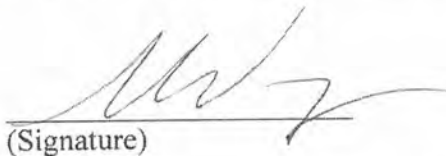
December 7, 2021

City of Albuquerque Planning Department
600 Second Street NW
Albuquerque, NM 87102

Authorization Letter for Representation for
Appeal of PR-2019-002496, SI-2019-00180
DRB Site Plan Approval on December 3, 2021
(Alameda Luxury Apartments)

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This letter is to present my protest and appeal of the DRB's decision referenced above to approve the "Alameda Luxury Apartments" site plan on December 3, 2021, and to authorize Hessel E. Yntema III, Yntema Law Firm P.A. to represent me in the appeal of that decision.


(Signature)

Stephen M. Wray
(Printed Name)

Address:

8505 Tierra Morena Pl. NE
Albuquerque, NM 87122

December 7, 2021

City of Albuquerque Planning Department
600 Second Street NW
Albuquerque, NM 87102

Authorization Letter for Representation for
Appeal of PR-2019-002496, SI-2019-00180
DRB Site Plan Approval on December 3, 2021
(Alameda Luxury Apartments)

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(Signature)

MARY L. BARRERA-MARTINEZ
(Printed Name)

Address: 12/12/2021

8508 Tierra Morena PL NE
Albuquerque, NM 87122

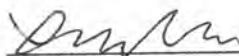
December 10, 2021

City of Albuquerque Planning Department
600 Second Street NW
Albuquerque, NM 87102

Authorization Letter for Representation for
Appeal of PR-2019-002496, SI-2019-00180
DRB Site Plan Approval on December 3, 2021
(Alameda Luxury Apartments)

Dear Planning Department:

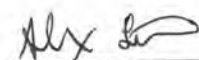
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(Signature)

Xiaoya Wu
(Printed Name)

Address:

8509 Tierra Morena Pl, NE
Albuquerque, NM, 87122


(Signature)

Alex Liao
(Printed Name)

Address:

8509 Tierra Morena Pl, NE
Albuquerque, NM 87122

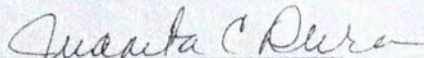
December 14, 2021

City of Albuquerque Planning Department
600 Second Street NW
Albuquerque, NM 87102

Authorization Letter for Representation for
Appeal of PR-2019-002496, SI-2019-00180
DRB Site Plan Approval on December 3, 2021
(Alameda Luxury Apartments)

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(Signature)

Juanita C Durán
(Printed Name)

Address:

8419 Tierra Morena Pl NE
Albuq, NM 87122

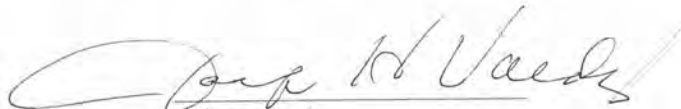
December 11, 2021

City of Albuquerque Planning Department
600 Second Street NW
Albuquerque, NM 87102

Authorization Letter for Representation for
Appeal of PR-2019-002496, SI-2019-00180
DRB Site Plan Approval on December 3, 2021
(Alameda Luxury Apartments)

Dear Planning Department:

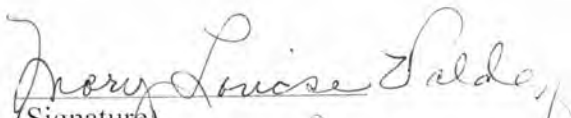
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(Signature)

Joseph H Valdez
(Printed Name)

Address:

8515 Terra Morena PL NE
Albuquerque, NM 87122


(Signature)

Mary L. Valdez
(Printed Name)

Address:

8515 Tierra Morena Pl. NE
Alb., N.M., 87122


December 7, 2021

City of Albuquerque Planning Department
600 Second Street NW
Albuquerque, NM 87102

Authorization Letter for Representation for
Appeal of PR-2019-002496, SI-2019-00180
DRB Site Plan Approval on December 3, 2021
(Alameda Luxury Apartments)

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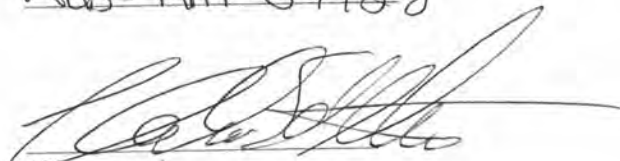


(Signature)

Jaimie Martin
(Printed Name)

Address:

8519 Tierra Morena Pl NE
Alb - NM 87122



(Signature)

Robert Martin
(Printed Name)

Address:

8519 Tierra Morena Pl NE
Alb. NM 87122

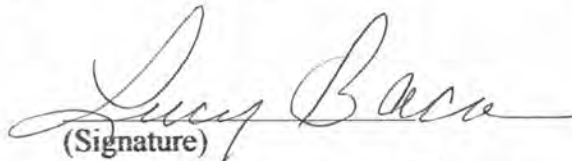
12/11/2021

City of Albuquerque Planning Department
600 Second Street NW
Albuquerque, NM 87102

Authorization Letter for Representation for
Appeal of PR-2019-002496, SI-2019-00180
DRB Site Plan Approval on December 3, 2021
(Alameda Luxury Apartments)

Dear Planning Department:

This letter is to present my protest and appeal of the DRB's decision referenced above to approve the "Alameda Luxury Apartments" site plan on December 3, 2021, and to authorize Hessel E. Yntema III, Yntema Law Firm P.A. to represent me in the appeal of that decision.


(Signature)

LUCY BACA
(Printed Name)

Address:

8616 Ashton PL NE
87122

December 10, 2021

City of Albuquerque Planning Department
600 Second Street NW
Albuquerque, NM 87102

Authorization Letter for Representation for
Appeal of PR-2019-002496, SI-2019-00180
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(Signature)

Susan Andrews
(Printed Name)

Address:

8840 Estrada Ct NE
Albuquerque, NM 87122

December 10, 2021

City of Albuquerque Planning Department
600 Second Street NW
Albuquerque, NM 87102

Authorization Letter for Representation for
Appeal of PR-2019-002496, SI-2019-00180
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James T. Wilkie
(Signature)

James T. Wilkie
(Printed Name)

Address:

8840 Estrada Ct NE
Albuq., NM 87122

December 10, 2021

City of Albuquerque Planning Department
600 Second Street NW
Albuquerque, NM 87102

Authorization Letter for Representation for
Appeal of PR-2019-002496, SI-2019-00180
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Yvonne Teske
(Signature)

Yvonne Teske
(Printed Name)

Address:

8305 Tierra Serena Pl. NE
Albuquerque, NM
87122

December 10, 2021

City of Albuquerque Planning Department
600 Second Street NW
Albuquerque, NM 87102

Authorization Letter for Representation for
Appeal of PR-2019-002496, SI-2019-00180
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Susan E Kitsch
(Signature)

Susan E Kitsch
(Printed Name)

Address:

8708 Vineyard Ridge Rd NE
Albuquerque, NM 87122

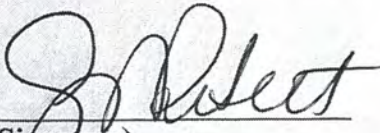
December 10, 2021

City of Albuquerque Planning Department
600 Second Street NW
Albuquerque, NM 87102

Authorization Letter for Representation for
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(Signature)

Eryn Patchett
(Printed Name)

Address:

8212 William Mowers Ave. NE
Albuquerque, NM 87122

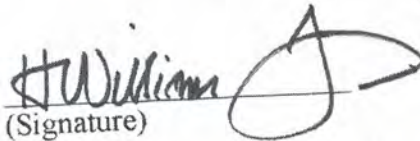
December 9, 2021

City of Albuquerque Planning Department
600 Second Street NW
Albuquerque, NM 87102

Authorization Letter for Representation for
Appeal of PR-2019-002496, SI-2019-00180
DRB Site Plan Approval on December 3, 2021
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(Signature)

H. William Fanaing for
(Printed Name)

Address: Hope in the Desert
Episcopal Church

8700 Alameda Blvd NE
~~Albuquerque~~ NM 87122

December 12, 2021

City of Albuquerque Planning Department
600 Second Street NW
Albuquerque, NM 87102

Authorization Letter for Representation for
Appeal of PR-2019-002496, SI-2019-00180
DRB Site Plan Approval on December 3, 2021
(Alameda Luxury Apartments)

Dear Planning Department:

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(Signature)

ELIZABETH S. MEEK
(Printed Name)

PRESIDENT
(Role)

VINEYARD ESTATES
(Organization) NEIGHBORHOOD ASSOCIATION

Address:

8405 VINTAGE DRIVE NE
ALBUQUERQUE NM 87122

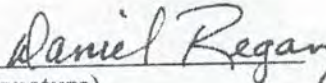
December 7, 2021

City of Albuquerque Planning Department
600 Second Street NW
Albuquerque, NM 87102

Authorization Letter for Representation for
Appeal of PR-2019-002496, SI-2019-00180
DRB Site Plan Approval on December 3, 2021
(Alameda Luxury Apartments)

Dear Planning Department:

This letter is to present the protest and appeal of the DRB's decision referenced above to approve the "Alameda Luxury Apartments" site plan on December 3, 2021, and to authorize Hessel E. Yntema III, Yntema Law Firm P.A. to represent the organizations noted below (see signature block) in the appeal of that decision.


(Signature) 12/7/21

Daniel Regan
(Printed Name)

As President of Knapp Heights Neighborhood Association
And
As Chair of Zoning / Development Committee of
District 4 Coalition of NAs

Address:
4109 Chama St. NE
Albuquerque, NM 87109

December 7, 2021

City of Albuquerque Planning Department
600 Second Street NW
Albuquerque, NM 87102

Representation for

2019-00180

December 3, 2021

Authorization Letter for


Appeal of PR-2019-002496, SI-

DRB Site Plan Approval on

(Alameda Luxury Apartments)

Dear Planning Department:

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(Signature)

DAVID NEALE
(Printed Name)

PRESIDENT
(Role)

North Albuquerque Acres Community Association
(Organization)

Address:

11003 ANAHEIM NE
ABQ NM 87122
069

**APPELLANTS' BASIS OF STANDING
FOR APPEAL OF DRB SITE PLAN APPROVAL DECISION
OF DECEMBER 3, 2021**

Some of the Appellants are within the applicable IDO proximity requirements. Some of the Appellants were appellants in the prior proceedings which led to the remand hearing order from the District Court, or otherwise appeared in the prior proceedings. Appellants are adversely affected by the subject decision, because the decision will harm their quality of life including excessive density of use, public safety, privacy, noise, drainage, traffic and transportation issues, and the process for the decision was arbitrary, unfair, violated due process, violated the City's Integrated Development Ordinance and other City policies and requirements, and violated the Open Meetings Act. The names and addresses of the Appellants are attached.

**REASONS FOR APPEAL OF
DRB DECISION OF DECEMBER 3, 2021**

1. The DRB acted fraudulently, arbitrarily, or capriciously, as set out below.
2. The decision of the DRB is not supported by substantial evidence, as set out below.
3. The DRB erred in applying the requirements of this IDO (or plan, policy or regulation referenced in the review and DRB criteria for the type of decision being appealed), as set out below.
4. Appellants restate and incorporate into their Reasons for Appeal all arguments presented in prior submissions relating to this application (PR-2019-00246). Appellants reserve the right to supplement or amend their Reasons for Appeal following review of the DRB record to be submitted by the Planning Department for this appeal.
5. The DRB denied Appellants due process because the record before the DRB was inadequate, confusing and not available in a meaningful way to Appellants or the public. It is not clear what record was considered by the DRB. Some Appellants were denied due process in that the developer submitted apparently new design sheets at the December 3, 2021 meeting which only then showed that their access from east bound Alameda would be cut off by a median.
6. The DRB erred in applying the 2018 version of the Integrated Development Ordinance (“IDO”), rather than the latest 2020 version. Duly enacted legislation such as the IDO applies to pending development applications under New Mexico law.
7. The DRB lacked authority to conduct a quasi-judicial hearing on the subject site plan. Both the 2018 IDO and the 2020 IDO preclude the DRB from conducting quasi-judicial hearings. R-2019-035 also precludes the DRB from conducting a quasi-judicial hearing.

8. The DRB for the meeting was not properly appointed. The Planning Department shuffled employees in and out of the DRB Chair position (for this matter there have been five separate DRB chairs).

9. The DRB did not conduct a proper quasi-judicial hearing. The DRB communicated ex parte with the developer about DRB comments and approvals, and apparently had ex parte briefings and meetings with other City employees about the application contrary to 2018 IDO Section 6-4-M-3-c and 2020 IDO Section 6-4-N-3-c. It appears that some of the critical decisions (such as that the 2018 version of the IDO applies and that the application was deemed complete on June 18, 2021) were made outside the DRB meeting based on matters that were not in the record. The DRB evidenced its approval decision by the DRB Chair's off-record e-mail dated December 2, 2021 to the developer which was revealed only under testimony at the December 3, 2021 meeting. The DRB operated in a "rolling quorum" basis by having each member express separate comments and approvals off-record to the developer. The DRB was controlled by and was an alter ego of the Planning Department for this application. The DRB ignored its Zoom "chat" function and declined to address chat comments and questions. DRB members provided evidentiary testimony at the meeting and upon information and belief were not sworn. Interested persons were not allowed access to the meeting by being held in the "Waiting Room" Zoom function.

10. The DRB did not vote on its findings. It is not clear how the findings came to appear in the DRB's written decision.

11. The Planning Director never determined that the application was complete. There is no substantial evidence in the record that the application was determined by the Planning Director to be complete on June 18, 2019.

13. The determination of completeness of an application requires a quasi-judicial hearing under state law and 2018 IDO Section 6-4-M-3 or 2020 IDO Section 6-4-N-3 because that determination changes rights and entitlements for specific properties by locking in the applicable zoning.
14. The determination of completeness for locking in the applicable zoning allegedly on June 18, 2019 was void under state law, NMSA 1978, Section 3-21-6(C), because that determination of completeness was made without notice and a public hearing.
15. The DRB erred in not applying the “Neighborhood Edges” provisions (Section 5-9 in both the 2018 IDO and the 2020 IDO). “Neighborhood Edges” applies because the Planning Director did not determine that the application was complete and that determination had to be a quasi-judicial decision, and legislative enactments such as the Batch 1 and Batch 2 rezonings apply to pending development applications under state law. Further, the applicable IDO provisions and the history of the IDO with its legislative rezonings indicate that the City Council intended that the legislative zonings would apply to pending applications.
16. The Planning Department did not present its “Review and Recommendation” as required by the IDO Table 6-1-1. The DRB Chair presented after public comments what he considered were the Planning Department comments, apparently from off-record materials.
17. The DRB violated the Open Meetings Act (“OMA”) in its December 3, 2021 meeting because the DRB did not make its decision in an open meeting or hold an open meeting as defined by the OMA. The DRB effectively decided its approval by December 2, 2021 in a closed meeting as evidenced by the DRB Chair’s off-record e-mail to the developer on December 2, 2021. Decisions relating to the application purportedly by the DRB were in fact made outside the meeting and the DRB had material ex parte contacts with representatives of the applicant and

various City department employees. The OMA does not authorize the fully remote (Zoom) meeting conducted by the DRB.

18. The IDO and the City's development review process result in systemic illegal favoritism to developers. Under the DRB's interpretation, acceptance of a development application by City staff triggers special protections for a developer's project by freezing development requirements. The DRB is a mainly closed City staff/developer forum in which DRB members, developers and other City employees communicate privately to approve developer applications without meaningful consideration of neighbor or public comments.

19. The DRB did not follow the District Court's remand instructions. The District Court did not rule that R-2019-035 was void, but rather that the application of R-2019-035 resulted in "substantial confusion" and was a "problem". The DRB lacks authority to ignore or override R-2019-035 which is apparently a valid City Council enactment and an adopted City regulation as to the 2018 IDO and which has not been revoked by the City Council. The provisions of R-2019-035 were effectively codified into the 2020 IDO. Application of R-2019-035 by the DRB is not "discretionary" as stated by the DRB in its Finding 3. Under these circumstances, the District Court's Remand Order should have been considered by the City Council before consideration of the application by the DRB: the Remand Order was directed to the City (not the DRB) and the Remand Order identifies a systemic problem with the City's development review process.

20. More than 20% of adjacent landowners have protested the proposed change in zoning regulations in writing and state law requires a City Council majority to approve the application under such circumstances. A map of Appellants' properties around the subject site is attached.

21. The DRB apparently did not consider submissions by Appellants and others about significant adverse impacts and did not require mitigation of significant adverse impacts to the maximum extent practicable.

The DRB decision should be reversed, remanded and stayed pending the City Council's amendment of the IDO to provide a quasi-judicial hearing process for non-EPC site plan approvals and for determinations of completeness of development applications. Further, the DRB decision should be reversed and remanded to apply the 2020 IDO, apply the "Neighborhood Edges" provisions, and require mitigation of significant adverse impacts in an OMA compliant, quasi-judicial hearing.

Map of Appellants

$$V = \text{Appellant}$$


PLANNING DEPARTMENT
DEVELOPMENT SERVICES DIVISION
600 2nd Street NW, Ground Floor, 87102
P.O. Box 1293, Albuquerque, NM 87103
Office (505) 924-3946

OFFICIAL NOTIFICATION OF DECISION

Bella Tesoro
12809 Donnette Ct. NE
Albuquerque, NM 87112

Project# PR-2019-002496
Application#
SI-2019-00180 SITE PLAN – DRB

LEGAL DESCRIPTION:

For all or a portion of: **LOTS 1--4 BLOCK 4 TRACT 3 UNIT 3 NORTH ALBUQUERQUE ACRES**, zoned **MX-L**, located at the **SEC of BARSTOW ST NE AND ALAMEDA BLVD NE**, containing approximately 3.38 acre(s). (C-19 & 20)

On December 3, 2021, the Development Review Board (DRB) held a public meeting concerning the above referenced application and approved the request, with delegation to ABCWUA and Planning, based on the following Findings:

1. This request was originally approved by the DRB on September 11, 2019. The project was appealed to the City Council through the Land Use Hearing Office (LUHO). The LUHO decision of November 15, 2019 remanded the request back to the DRB to address procedural issues. On January 8, 2020, DRB heard this request again and it was approved again. The second approval was appealed to the LUHO. On April 25, 2020, the LUHO recommended the appeal is denied. On May 18, 2020, City Council accepted the LUHO's recommendations and findings with exceptions. The project was then appealed to the District Court, which remanded the request to the DRB to hold a quasi-judicial hearing and provide an analysis of the following per *Baehr v. City of Albuquerque*:
 - a. Identify how DRB is not constrained by R-2019-035.
 - b. Identify the date the application was deemed complete under IDO Section 1-10(B).

- c. Explain whether neighborhood edges apply.
 - d. Analyze Duran's legislative rezoning and Appellants' argument on the intersection of IDO Section 1-10(B), the neighborhood edge provisions, and the Official Zoning Map.
2. Under IDO 1-10(B), an application that is accepted as complete by the City Planning Department, shall be reviewed and a decision made based on the standards and criteria in effect when the application was accepted as complete. The site plan application was accepted, processed, and placed on a DRB agenda by staff on June 18, 2019, therefore the application is deemed complete on June 18, 2019 and the 2018 IDO (effective date May 17, 2018) applies. DRB reviewed the application based on the standards and criteria in the 2018 IDO.
3. DRB exercised its discretion and applied the standards in effect at the time the application was originally deemed complete pursuant to IDO Section 1-10(B), with the exception of R-2019-035. The DRB is complying with the District Court's decision and instructions and it believes the application of R-2019-035 would run contrary to that intent. Therefore, DRB held a quasi-judicial hearing with impartial DRB members who had not previously reviewed or decided on the site plan application. Alternate DRB members were approved by the Planning Director, with concurrence by the Chief Administrative Officer.
4. The Batch 1 rezonings for the properties south of the subject property became effective September 8, 2019 (Bill No. O-19-65; Enactment No. O-2019-021). The Batch 2 rezonings for the properties south of the subject property became effective December 18, 2019 (Bill No. O-19-79; Enactment No. O-2019-034). The site plan application was deemed complete (see Finding #2) prior to the effective dates of both Batch 1 and Batch 2 rezonings. The zoning of the properties south of the subject property were zoned MX-T prior to their Batch rezonings, and per 5-9(B)(1) of the 2018 IDO were not protected lots. Therefore the neighborhood edges do not apply.
5. Pursuant to IDO 14-16-1-10(B), the the zoning designation identified on the Official Zoning Map, and the IDO standards and regulations in effect at the time the application was deemed complete apply. The record shows that the application was deemed complete on June 18, 2019. The review and decision made by the DRB are based on the regulations, standards and decision-making contained in the 2018 IDO, which was the effective IDO version when the application was accepted and deemed complete.
6. This is a request to construct 93 multi-family residential dwellings in two 34,017 square foot buildings and a 19,537 square foot building on the subject property. Additionally, this request is to construct a 7,049 square foot community building on the subject property. The site will be developed in three phases as shown on sheets DRB 1.0 and DRB 1.1. The site plan is required to be reviewed by the Development Review Board (DRB) because per 6-5(G)(1)(c)1. of the 2018 IDO more than 50 new multi-family residential dwelling units are being proposed.

1. Pursuant to 6-6(G)(3) Review and Decision Criteria An application for a Site Plan – DRB shall be approved if it meets all of the following criteria:

- a. 6-6(G)(3)(a) *The Site Plan complies with all applicable provisions of this IDO, the DPM, other adopted City regulations, and any conditions specifically applied to development of the property in a prior permit or approval affecting the property.*

The structure heights, parking, and landscaping meet the IDO and site plan requirements: the building height of 35 feet complies with the maximum allowed 35-foot building height; 150 parking spaces are provided where 139 parking spaces are required; and 33,510 square feet of landscaping is proposed where 15,024 square feet is required. Usable open space is proposed to be 77,117 square feet, featuring a pool area, patios, and dog park; 21,450 square feet of usable open space is required.

- b. 6-6(G)(3)(b) *The City's existing infrastructure and public improvements, including but not limited to its street, trail, drainage, and sidewalk systems, have adequate capacity to serve the proposed development, and any burdens on those systems have been mitigated to the extent practicable.*

The site has access to a full range of urban services including utilities, roads and emergency services. A traffic impact study is not required for this project because it does not meet the threshold for such a study as stated by Transportation.

- c. 6-6(G)(3)(c) *The Site Plan mitigates any significant adverse impacts on the surrounding area to the maximum extent practicable.*

The applicant will provide screening through the planting of landscaping to shield the proposed development from adjacent residential development to the west and to the north across Barstow Street and Alameda Boulevard respectively, and from abutting residential development to the south.

7. This site requires an Infrastructure List. This was previously approved by the DRB at the meeting of September 11, 2019, was approved again by the DRB at the meeting of January 8, 2020, and was approved again by the DRB at the meeting of December 3, 2021.
8. Staff received letters of opposition to the project and there were members of the public who spoke at the hearing in opposition to the request. Major concerns included the height of the proposed buildings, the density of the proposed development, increased traffic, lack of privacy for the residential development to the south, safety, and the lack of neighborhood edge protections for the residences abutting along the southern boundary of the subject property.

9. The applicant provided the required notice as outlined in the IDO Table 6-1-1. Notices were mailed and emailed to the two contacts of each neighborhood association (both 2019 and current, as updated by the Office of Neighborhood Coordination), notices were mailed to the property owners within 100 feet of the subject property, and a sign was posted on the subject property 15 days prior to the remand hearing. The applicant provided documentation in their remand submittal which included proof of the mailings, copies of the sent emails with timestamps, the text and other content of each notice including a copy of the Site Plan and building elevations, and a list of names and addresses and email addresses for each notice.
10. The proposed use is allowed within the MX-L zone.

Conditions:

1. This Site Plan is valid 5 years from DRB approval (12/3/2021). An extension may be requested prior to the expiration date.
2. Final sign off is delegated to ABCWUA for the payment of the pro-rata balance.
3. Final sign off is delegated to Planning for the Solid Waste signature, the project and application numbers to be added to the Site Plan, for landscape sheets to be signed and sealed by a licensed Landscape Architect, for the recorded Infrastructure Improvements Agreement, for clarification of size/re-designing of the monument sign, and clarification of signage and the wall as discussed.
4. The applicant will obtain final sign off from ABCWUA and Planning by March 2, 2022 or the case may be scheduled for the next DRB hearing and could be denied her the DRB Rules of Procedure.

APPEAL: If you wish to appeal this decision, you must do so within 15 days of the DRB's decision or by **DECEMBER 20, 2021**. The date of the DRB's decision is not included in the 15-day period for filing an appeal, and if the 15th day falls on a Saturday, Sunday or Holiday, the next working day is considered as the deadline for filing the appeal.

For more information regarding the appeal process, please refer to Section 14-16-6-4(U) of the Integrated Development Ordinance (IDO). Appeals should be submitted via email to PLNDRS@CABQ.GOV (if files are less than 9MB in size). For files larger than 9 MB in size, please send an email to PLNDRS@CABQ.GOV and request that staff send you a link via Smartfile to upload the files to. A Non-Refundable filing fee will be calculated and you will receive instructions about paying the fee online.

You will receive notification if any person files an appeal. If there is no appeal, you can receive Building Permits at any time after the appeal deadline quoted above, provided all conditions imposed at the time of approval have been met. Applicants submitting for building permit prior to the completion of the appeal period do so at their own risk. Successful applicants are reminded that there may be other City regulations of the IDO that must be complied with, even after approval of the referenced application(s).

Sincerely,

A handwritten signature in black ink that reads "Jay Rodenbeck". The script is cursive and fluid, with the first letters of each word being capitalized and prominent.

Jay Rodenbeck
DRB Chair

JR

Consensus Planning 302 8th Street NW Albuquerque, NM 87102



DEVELOPMENT REVIEW BOARD
SUPPLEMENTAL SUBMITTAL

(Deadline is Friday at noon unless noted on DRB calendar – late submittals will not be accepted unless approved by the DRB)

PROJECT NO. PR-2019-002496

Application No. SI-2019-00180

TO:

☒ Planning Department/Chair

☒ Hydrology

☒ Transportation Development

☒ ABCWUA

☒ Code Enforcement

☒ Parks & Rec

*(Please attach this sheet with each collated set for each board member)

NOTE: ELECTRONIC VERSION (ie disk, thumbdrive) is Required. Submittal will not be accepted without.

DRB SCHEDULED HEARING DATE: December 3, 2021 HEARING DATE OF DEFERRAL: _____

SUBMITTAL

DESCRIPTION: Documentation of public notice provided for DRB remand hearing, as well as a clean copy of the proposed

site plan and infrastructure list for the project.

CONTACT NAME: Jim Strozier, FAICP & Michael Vos, AICP

TELEPHONE: (505) 764-9801 EMAIL: cp@consensusplanning.com & vos@consensusplanning.com



Memorandum

To: City of Albuquerque Development Review Board

From: Consensus Planning, Inc.

Date: November 14, 2021

Re: DRB Remand Hearing (PR-2019-002496)

Per the discussion between the parties on Friday, October 22nd, we have provided public notice of the December 3, 2021 DRB remand hearing for this project, as required by the 2018 Integrated Development Ordinance, Table 6-1-1 and as further defined in Section 6-4(K). The notice included the following, and documentation of each is attached to this memo:

- Mailed notice to the two contacts of each Neighborhood Association (both 2019 and current, as updated by the Office of Neighborhood Coordination) whose boundaries include or are adjacent to the proposed project [6-4(K)(2)(a)].
- Mailed notice to the owners of property located within 100 feet of the property listed in the application [6-4(K)(2)(b)].
- Posted sign, will be posted in accordance with the attached sign posting agreement [6-4(K)(3)] on November 18, 2021 – 15 days prior to the remand hearing.
- Electronic notice emailed to each of the Neighborhood Association representatives (both 2019 and current, as updated by the Office of Neighborhood Coordination) whose Association includes or is adjacent to the property in the application [6-4(K)(4)].

It is understood that the City will provide the published notice in the Albuquerque Journal for at least 15 consecutive days before the hearing [6-5(K)(1)], as well as posting of the meeting agenda on the City's website [6-4(K)(5)].

The attached documentation includes proof of the mailings, copy of the sent email with timestamp, the text and other content of each notice including copy of the site plan and building elevations, and a list of names and addresses and email addresses for each notice.

In addition to the documentation of the notice, a clean copy of the site plan and infrastructure list are also attached for ease of review.

From: Michael Vos
To: Michael Vos
Subject: FW: 8400 and 8450 Alameda Boulevard NE Public Notice Inquiry
Date: Tuesday, November 9, 2021 12:07:20 PM
Attachments: image001.png
 image002.png
 image003.png
 image004.png
 image005.png
 C-20 Alameda Barstow.pdf

From: Carmona, Dalaina L. <dlcarmona@cabq.gov>
Sent: Monday, November 1, 2021 11:50 AM
To: Jim Strozier <cp@consensusplanning.com>
Subject: 8400 and 8450 Alameda Boulevard NE Public Notice Inquiry

Dear Applicant:

Please find the neighborhood contact information listed below. Please make certain to read the information further down in this e-mail as it will help answer other questions you may have.

Association Name	First Name	Last Name	Email	Address Line 1	City	State	Zip	Mobile Phone	Phone
Vineyard Estates NA	Elizabeth	Meek	djesmeek@comcast.net	8301 Mendocino Drive NE	Albuquerque	NM	87122		5055080806
Vineyard Estates NA	David	Zarecki	zarecki@aol.com	8405 Vintage Drive NE	Albuquerque	NM	87122		5058048806
District 4 Coalition of Neighborhood Associations	Daniel	Regan	dlreganabq@gmail.com	4109 Chama Street NE	Albuquerque	NM	87109	5052802549	
District 4 Coalition of Neighborhood Associations	Mildred	Griffiee	mgriffiee@noreste.org	PO Box 90986	Albuquerque	NM	87199	5052800082	
Nor Este NA	Gina	Pioquinto	rpmartinez003@gmail.com	9015 Moonstone Drive NE	Albuquerque	NM	87113	5052385495	5058560926
Nor Este NA	Uri	Bassan	uri.bassan@noreste.org	9000 Modesto Avenue NE	Albuquerque	NM	87122	5054179990	

PLEASE NOTE: The ONC does not have any jurisdiction over any other aspect of your application beyond this neighborhood contact information. We can't answer questions about sign postings, pre-construction meetings, permit status, site plans, buffers, or project plans, so we encourage you to contact the Planning Department at: 505-924-3857 Option #1, e-mail: devhelp@cabq.gov, or visit: <https://www.cabq.gov/planning/online-planning-permitting-applications> with those types of questions.

You will need to e-mail each of the listed contacts and let them know that you are applying for an approval from the Planning Department for your project. Please use this online link to find the required forms you will need to submit: <https://www.cabq.gov/planning/urban-design-development/public-notice>. Once you have e-mailed the listed contacts in each neighborhood, you will need to attach a copy of those e-mails AND a copy of this e-mail from the ONC to your application and submit it to the Planning Department for approval.

If your application requires you to offer a neighborhood meeting, you can click on this link to find required forms to use in your e-mail to the neighborhood association(s): <http://www.cabq.gov/planning/urban-design-development/neighborhood-meeting-requirement-in-the-integrated-development-ordinance>

If your application requires a pre-application or pre-construction meeting, please plan on utilizing virtual platforms to the greatest extent possible and adhere to all current Public Health Orders and recommendations. The health and safety of the community is paramount.

If you have questions about what type of notification is required for your particular project or meetings that might be required, please click on the link below to see a table of different types of projects and what notification is required for each:

<https://ido.abc-zone.com/integrated-development-ordinance-ido?document=1&outline-name=6-1%20Procedures%20Summary%20Table>

Thanks,



Dalaina L. Carmona

Senior Administrative Assistant
 Office of Neighborhood Coordination
 Council Services Department
 1 Civic Plaza NW, Suite 9087, 9th Floor
 Albuquerque, NM 87102
 505-768-3334
dlcarmona@cabq.gov or ONC@cabq.gov
 Website: www.cabq.gov/neighborhoods



Confidentiality Notice: This e-mail, including all attachments is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited unless specifically provided under the New Mexico Inspection of Public Records Act. If you are not the intended recipient, please contact the sender and destroy all copies of this message.

From: webmaster=cabq.gov@mailgun.org [<mailto:webmaster=cabq.gov@mailgun.org>] **On Behalf Of** webmaster@cabq.gov
Sent: Monday, November 01, 2021 8:32 AM
To: Office of Neighborhood Coordination <cp@consensusplanning.com>
Cc: Office of Neighborhood Coordination <onc@cabq.gov>
Subject: Public Notice Inquiry Sheet Submission

Public Notice Inquiry For:

Development Review Board

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

Contact Name

Jim Strozier

Telephone Number

5057649801

Email Address

cp@consensusplanning.com

Company Name

Consensus Planning, Inc.

Company Address

302 8th Street NW, Arroyo Vista west of Tierra Pintada

City

Albuquerque

State

NM

ZIP

87102

Legal description of the subject site for this project:

Lots 1 - 4, Block 4, Tract 3, Unit 3 North Albuquerque Acres

Physical address of subject site:

8400 and 8450 Alameda Boulevard NE

Subject site cross streets:

Alameda and Barstow

Other subject site identifiers:

This site is located on the following zone atlas page:

C-20

From: [Quevedo, Vicente M.](#)
To: [Omega Delgado](#)
Subject: Public Notice Inquiry, Alameda Boulevard NE and Barstow Street NE_DRB
Date: Wednesday, June 5, 2019 4:12:18 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[Page_C-20-Z-PDF](#)
[Public Notice Inquiry Alameda Boulevard NE and Barstow Street NE_DRB.xlsx](#)

Omega,

See list of associations below and attached regarding your DRB submittal. 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	Phone
Vineyard Estates NA	David	Zarecki	zarecki@aol.com	8405 Vintage Drive NE	Albuquerque	NM	87122	5058048806	
Vineyard Estates NA	Elizabeth	Meek	djesmeek@comcast.net	8301 Mendocino Drive NE	Albuquerque	NM	87122		5055080806
District 4 Coalition of Neighborhood Associations	Daniel	Regan	dreganabq@gmail.com	4109 Chama Street NE	Albuquerque	NM	87109	5052802549	
District 4 Coalition of Neighborhood Associations	Michael	Pridham	michael@drpridham.com	6413 Northland Avenue NE	Albuquerque	NM	87109	5053212719	5058721900
Nor Este NA	Timothy	Krier	tim_krier@noreste.org	8900 Olivine Street NE	Albuquerque	NM	87113	5053858337	
Nor Este NA	Jim	Griffiee	jgriffiee@noreste.org	PO Box 94115	Albuquerque	NM	87199	5054501448	5052968129

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>

Respectfully,

Vicente M. Quevedo, MCRP
Neighborhood Liaison
Office of Neighborhood Coordination
City of Albuquerque – City Council
(505) 768-3332

Website: 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: Wednesday, June 05, 2019 8:03 AM
To: Office of Neighborhood Coordination <delgado@consensusplanning.com>
Cc: Office of Neighborhood Coordination <onc@cabq.gov>
Subject: Public Notice Inquiry Sheet Submission

Public Notice Inquiry For:

Development Review Board

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

Contact Name

Omega Delgado

Telephone Number

(505) 764-9801

Email Address

delgado@consensusplanning.com

Company Name

Consensus Planning Inc.

Company Address

302 8th St. NW

City

Albuquerque

State

NM

ZIP

87102

Legal description of the subject site for this project:

Lot 1,2,3,4 BLK 4 TR3 UNIT 3 North Albuquerque Acres

Physical address of subject site:

Subject site cross streets:

Alameda Boulevard NE and Barstow Street NE

Other subject site identifiers:

vacant lots to the west of the New Mexico International School

This site is located on the following zone atlas page:

http://data.cabq.gov/business/addressatlas/APage_C-20-Z.pdf

=====

This message has been analyzed by Deep Discovery Email Inspector.



Landscape Architecture
Urban Design
Planning Services

302 Eighth St. NW
Albuquerque, NM 87102

(505) 764-9801
Fax 842-5495
cp@consensusplanning.com
www.consensusplanning.com

November 12, 2021

Attn: Timothy Krier
Nor Este Neighborhood Association
8900 Olivine Street NE
Albuquerque, NM 87113

Attn: Jim Griffie
Nor Este Neighborhood Association
PO Box 94115
Albuquerque NM 87199

RE: Remand Meeting for Alameda/Barstow Site Plan – DRB

Dear Neighborhood Representatives;

In accordance with the procedures of the City of Albuquerque 2018 Integrated Development Ordinance (IDO) Subsection 14-16-6-4(K)(2) Mailed Public Notice, we are notifying you at least 15 days in advance of a public meeting that will be held with the City of Albuquerque Development Review Board concerning the Alameda/Barstow Site Plan DRB Application on behalf of Philip Lindborg. The meeting will be held on December 3, 2021, at 9:00 a.m. via Zoom. To participate, please use the following Zoom information:

Join Zoom Meeting: <https://cabq.zoom.us/j/85499151537>

Meeting ID: 854 9915 1537

By phone +1 253 215 8782 or

Find your local number: <https://cabq.zoom.us/j/85499151537>

This DRB meeting is following the opinion and order for remand issued by the 2nd Judicial District Court dated June 2, 2021.

The Site Plan drawings and copies of the facilitated meeting notes for this project may be downloaded here: <https://www.dropbox.com/t/6Ehy6hbQRhTV7Koz>

Please do not hesitate to contact me if you have any questions or desire any additional information. I can be reached at cp@consensusplanning.com or phone at (505)764-9801.

Sincerely,

PRINCIPALS

James K. Strozier, FAICP
Christopher J. Green, PLA,
ASLA, LEED AP
Jacqueline Fishman, AICP

James K. Strozier, FAICP
Principal

**OFFICIAL PUBLIC NOTIFICATION FORM
FOR MAILED OR ELECTRONIC MAIL NOTICE
CITY OF ALBUQUERQUE PLANNING DEPARTMENT**



PART I - PROCESS

Use [Table 6-1-1](#) in the Integrated Development Ordinance (IDO) to answer the following:

Application Type: Site Plan - DRB

Decision-making Body: Development Review Board (DRB)

Pre-Application meeting required: ☒ Yes ☐ No

Neighborhood meeting required: ☒ Yes ☐ No

Mailed Notice required: ☒ Yes ☐ No

Electronic Mail required: ☒ Yes ☐ No

Is this a Site Plan Application: ☒ Yes ☐ No **Note: if yes, see second page**

PART II – DETAILS OF REQUEST

Address of property listed in application: 8400, 8450, and 8474 Alameda Blvd NE

Name of property owner: Philip Lindborg and Matonti Giuseppe & Anna Trustees Matonti Family Trust

Name of applicant: Philip Lindborg & Bella Tesoro, LLC (Agent: Consensus Planning, Inc.)

Date, time, and place of public meeting or hearing, if applicable:

December 3, 2021 at 9:00 AM via Zoom. See next page for Zoom information.

Address, phone number, or website for additional information: <https://www.dropbox.com/t/6Ehy6hbQRhTV7Koz>

Please contact Michael Vos or Jim Strozier with Consensus Planning for more information at vos@consensusplanning.com or cp@consensusplanning.com or by calling (505) 764-9801.

PART III - ATTACHMENTS REQUIRED WITH THIS NOTICE

☒ Zone Atlas page indicating subject property.

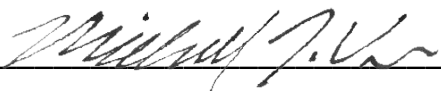
☒ Drawings, elevations, or other illustrations of this request.

☒ Summary of pre-submittal neighborhood meeting, if applicable.

☒ Summary of request, including explanations of deviations, variances, or waivers.

IMPORTANT: PUBLIC NOTICE MUST BE MADE IN A TIMELY MANNER PURSUANT TO [SUBSECTION 14-16-6-4\(K\)](#) OF THE INTEGRATED DEVELOPMENT ORDINANCE (IDO). PROOF OF NOTICE WITH ALL REQUIRED ATTACHMENTS MUST BE PRESENTED UPON APPLICATION.

I certify that the information I have included here and sent in the required notice was complete, true, and accurate to the extent of my knowledge.

 (Applicant signature) November 12, 2021 (Date)

Note: Providing incomplete information may require re-sending public notice. Providing false or misleading information is a violation of the IDO pursuant to IDO Subsection 14-16-6-9(B)(3) and may lead to a denial of your application.

**OFFICIAL PUBLIC NOTIFICATION FORM
FOR MAILED OR ELECTRONIC MAIL NOTICE
CITY OF ALBUQUERQUE PLANNING DEPARTMENT**



PART IV – ATTACHMENTS REQUIRED FOR SITE PLAN APPLICATIONS ONLY

Provide a site plan that shows, at a minimum, the following:

- ☒ a. Location of proposed buildings and landscape areas.
- ☒ b. Access and circulation for vehicles and pedestrians.
- ☒ c. Maximum height of any proposed structures, with building elevations.
- ☒ d. For residential development: Maximum number of proposed dwelling units.
- ☐ e. For non-residential development:
 - ☐ Total gross floor area of proposed project.
 - ☐ Gross floor area for each proposed use.

December 3, 2021 DRB Zoom Meeting Information:

Join Zoom Meeting: <https://cabq.zoom.us/j/85499151537>

Meeting ID: 854 9915 1537

By phone +1 253 215 8782 or

Find your local number: <https://cabq.zoom.us/j/85499151537>

Copies of the plan set and facilitated meeting notes can be downloaded here:
<https://www.dropbox.com/t/6Ehy6hbQRhTV7Koz>

[Note: Items with an asterisk (*) are required.]

**Public Notice of a Proposed Project in the City of Albuquerque
for Decisions Requiring a Meeting or Hearing
Mailed/Emailed to a Neighborhood Association**

Date of Notice*: November 12, 2021

This notice of an application for a proposed project is provided as required by Integrated Development Ordinance (IDO) [Subsection 14-16-6-4\(K\) Public Notice](#) to:

Neighborhood Association (NA)*: See attached

Name of NA Representative*: See attached

Email Address* or Mailing Address* of NA Representative¹: See attached

Information Required by [IDO Subsection 14-16-6-4\(K\)\(1\)\(a\)](#)

1. Subject Property Address* 8400, 8450, and 8474 Alameda Blvd NE
Location Description Southeast corner of Alameda and Barstow
2. Property Owner* Philip Lindborg and Matonti Giuseppe & Anna Trustees Matonti Family Trust
3. Agent/Applicant* [if applicable] Consensus Planning, Inc. / Philip Lindborg & Bella Tesoro, LLC
4. Application(s) Type* per IDO [Table 6-1-1](#) [mark all that apply]

- ☐ Conditional Use Approval
- ☐ Permit _____ (Carport or Wall/Fence – Major)
- ☒ Site Plan
- ☐ Subdivision _____ (Minor or Major)
- ☐ Vacation _____ (Easement/Private Way or Public Right-of-way)
- ☐ Variance
- ☐ Waiver
- ☐ Other: _____

Summary of project/request²*:

Site Plan approval for a 93-unit multi-family residential development within three
buildings a maximum of 3-stories in height.

¹ Pursuant to [IDO Subsection 14-16-6-4\(K\)\(5\)\(a\)](#), email is sufficient if on file with the Office of Neighborhood Coordination. If no email address is on file for a particular NA representative, notice must be mailed to the mailing address on file for that representative.

² Attach additional information, as needed to explain the project/request.

[Note: Items with an asterisk (*) are required.]

5. This application will be decided at a public meeting or hearing by*:

☐ Zoning Hearing Examiner (ZHE) ☒ Development Review Board (DRB)
☐ Landmarks Commission (LC) ☐ Environmental Planning Commission (EPC)

Date/Time*: December 3, 2021 at 9:00 AM

Location*³: Join Zoom Meeting: <https://cabq.zoom.us/j/85499151537> Meeting ID: 854 9915 1537

By phone +1 253 215 8782 or Find your local number: <https://cabq.zoom.us/j/85499151537>

Agenda/meeting materials: <http://www.cabq.gov/planning/boards-commissions>

To contact staff, email devhelp@cabq.gov or call the Planning Department at 505-924-3860.

6. Where more information about the project can be found*⁴: <https://www.dropbox.com/t/6Ehy6hbQRhTV7Koz>

Please contact Michael Vos or Jim Strozier with Consensus Planning for more information at vos@consensusplanning.com or cp@consensusplanning.com or by calling (505) 764-9801.

Information Required for Mail/Email Notice by [IDO Subsection 6-4\(K\)\(1\)\(b\)](#):

1. Zone Atlas Page(s)*⁵ C-20
2. Architectural drawings, elevations of the proposed building(s) or other illustrations of the proposed application, as relevant*: Attached to notice or provided via website noted above
3. The following exceptions to IDO standards have been requested for this project*:

☐ Deviation(s) ☐ Variance(s) ☐ Waiver(s)

Explanation*:

No deviations, variances, or waivers are being sought at this time.

4. A Pre-submittal Neighborhood Meeting was required by [Table 6-1-1](#): ☒ Yes ☐ No

Summary of the Pre-submittal Neighborhood Meeting, if one occurred:

Copies of the May 2019 and July 2019 Facilitated Meeting reports and proposed site plan set can be downloaded here: <https://www.dropbox.com/t/6Ehy6hbQRhTV7Koz>

³ Physical address or Zoom link

⁴ Address (mailing or email), phone number, or website to be provided by the applicant

⁵ Available online here: <http://data.cabq.gov/business/zoneatlas/>

[Note: Items with an asterisk (*) are required.]

5. **For Site Plan Applications only***, attach site plan showing, at a minimum:

- ☒ a. Location of proposed buildings and landscape areas.*
- ☒ b. Access and circulation for vehicles and pedestrians.*
- ☒ c. Maximum height of any proposed structures, with building elevations.*
- ☒ d. **For residential development***: Maximum number of proposed dwelling units.
- ☐ e. **For non-residential development***:
 - ☐ Total gross floor area of proposed project.
 - ☐ Gross floor area for each proposed use.

Additional Information [Optional]:

From the IDO Zoning Map⁶:

1. Area of Property [typically in acres] 4.0414 acres (2.9023 after right-of-way dedication)
 2. IDO Zone District MX-L (Mixed-use Low Intensity)
 3. Overlay Zone(s) [if applicable] N/A (La Cueva small mapped area signage regulations)
 4. Center or Corridor Area [if applicable] N/A
- Current Land Use(s) [vacant, if none] Vacant
-

NOTE: Pursuant to [IDO Subsection 14-16-6-4\(L\)](#), property owners within 330 feet and Neighborhood Associations within 660 feet may request a post-submittal facilitated meeting. If requested at least 15 calendar days before the public meeting/hearing date noted above, the facilitated meeting will be required. To request a facilitated meeting regarding this project, contact the Planning Department at devhelp@cabq.gov or 505-924-3955.

Useful Links

Integrated Development Ordinance (IDO):

<https://ido.abc-zone.com/>

IDO Interactive Map

<https://tinyurl.com/IDOzoningmap>

Cc: See attached [Other Neighborhood Associations, if any]

⁶ Available here: <https://tinyurl.com/idozoningmap>

From: Michael Vos
To: Michael Vos
Subject: FW: 8400 and 8450 Alameda Boulevard NE Public Notice Inquiry
Date: Tuesday, November 9, 2021 12:07:20 PM
Attachments: image001.png
 image002.png
 image003.png
 image004.png
 image005.png
 C-20 Alameda Barstow.pdf

From: Carmona, Dalaina L. <dlcarmona@cabq.gov>
Sent: Monday, November 1, 2021 11:50 AM
To: Jim Strozier <cp@consensusplanning.com>
Subject: 8400 and 8450 Alameda Boulevard NE Public Notice Inquiry

Dear Applicant:

Please find the neighborhood contact information listed below. Please make certain to read the information further down in this e-mail as it will help answer other questions you may have.

Association Name	First Name	Last Name	Email	Address Line 1	City	State	Zip	Mobile Phone	Phone
Vineyard Estates NA	Elizabeth	Meek	djesmeek@comcast.net	8301 Mendocino Drive NE	Albuquerque	NM	87122		5055080806
Vineyard Estates NA	David	Zarecki	zarecki@aol.com	8405 Vintage Drive NE	Albuquerque	NM	87122		5058048806
District 4 Coalition of Neighborhood Associations	Daniel	Regan	dlreganabq@gmail.com	4109 Chama Street NE	Albuquerque	NM	87109	5052802549	
District 4 Coalition of Neighborhood Associations	Mildred	Griffie	mgriffie@noreste.org	PO Box 90986	Albuquerque	NM	87199	5052800082	
Nor Este NA	Gina	Pioquinto	rpmartinez003@gmail.com	9015 Moonstone Drive NE	Albuquerque	NM	87113	5052385495	5058560926
Nor Este NA	Uri	Bassan	uri.bassan@noreste.org	9000 Modesto Avenue NE	Albuquerque	NM	87122	5054179990	

PLEASE NOTE: The ONC does not have any jurisdiction over any other aspect of your application beyond this neighborhood contact information. We can't answer questions about sign postings, pre-construction meetings, permit status, site plans, buffers, or project plans, so we encourage you to contact the Planning Department at: 505-924-3857 Option #1, e-mail: devhelp@cabq.gov, or visit: <https://www.cabq.gov/planning/online-planning-permitting-applications> with those types of questions.

You will need to e-mail each of the listed contacts and let them know that you are applying for an approval from the Planning Department for your project. Please use this online link to find the required forms you will need to submit: <https://www.cabq.gov/planning/urban-design-development/public-notice>. Once you have e-mailed the listed contacts in each neighborhood, you will need to attach a copy of those e-mails AND a copy of this e-mail from the ONC to your application and submit it to the Planning Department for approval.

If your application requires you to offer a neighborhood meeting, you can click on this link to find required forms to use in your e-mail to the neighborhood association(s): <http://www.cabq.gov/planning/urban-design-development/neighborhood-meeting-requirement-in-the-integrated-development-ordinance>

If your application requires a pre-application or pre-construction meeting, please plan on utilizing virtual platforms to the greatest extent possible and adhere to all current Public Health Orders and recommendations. The health and safety of the community is paramount.

If you have questions about what type of notification is required for your particular project or meetings that might be required, please click on the link below to see a table of different types of projects and what notification is required for each:

<https://ido.abc-zone.com/integrated-development-ordinance-ido?document=1&outline-name=6-1%20Procedures%20Summary%20Table>

Thanks,



Dalaina L. Carmona

Senior Administrative Assistant
 Office of Neighborhood Coordination
 Council Services Department
 1 Civic Plaza NW, Suite 9087, 9th Floor
 Albuquerque, NM 87102
 505-768-3334
dlcarmona@cabq.gov or ONC@cabq.gov
 Website: www.cabq.gov/neighborhoods



From: [Quevedo, Vicente M.](#)
To: [Omega Delgado](#)
Subject: Public Notice Inquiry, Alameda Boulevard NE and Barstow Street NE_DRB
Date: Wednesday, June 5, 2019 4:12:18 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[Page_C-20-Z-PDF](#)
[Public Notice Inquiry Alameda Boulevard NE and Barstow Street NE_DRB.xlsx](#)

Omega,

See list of associations below and attached regarding your DRB submittal. 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	Phone
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Vineyard Estates NA	Elizabeth	Meek	djesmeek@comcast.net	8301 Mendocino Drive NE	Albuquerque	NM	87122		5055080806
District 4 Coalition of Neighborhood Associations	Daniel	Regan	dreganabq@gmail.com	4109 Chama Street NE	Albuquerque	NM	87109	5052802549	
District 4 Coalition of Neighborhood Associations	Michael	Pridham	michael@drpridham.com	6413 Northland Avenue NE	Albuquerque	NM	87109	5053212719	5058721900
Nor Este NA	Timothy	Krier	tim_krier@noreste.org	8900 Olivine Street NE	Albuquerque	NM	87113	5053858337	
Nor Este NA	Jim	Griffiee	jgriffiee@noreste.org	PO Box 94115	Albuquerque	NM	87199	5054501448	5052968129

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>

Respectfully,

Vicente M. Quevedo, MCRP
Neighborhood Liaison
Office of Neighborhood Coordination
City of Albuquerque – City Council
(505) 768-3332

Website: 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: Wednesday, June 05, 2019 8:03 AM
To: Office of Neighborhood Coordination <delgado@consensusplanning.com>
Cc: Office of Neighborhood Coordination <onc@cabq.gov>
Subject: Public Notice Inquiry Sheet Submission

Public Notice Inquiry For:

Development Review Board

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

Contact Name

Omega Delgado

Telephone Number

(505) 764-9801

Email Address

delgado@consensusplanning.com

Company Name

Consensus Planning Inc.

Company Address

302 8th St. NW

City

Albuquerque

State

NM

ZIP

87102

Legal description of the subject site for this project:

Lot 1,2,3,4 BLK 4 TR3 UNIT 3 North Albuquerque Acres

Physical address of subject site:

Subject site cross streets:

Alameda Boulevard NE and Barstow Street NE

Other subject site identifiers:

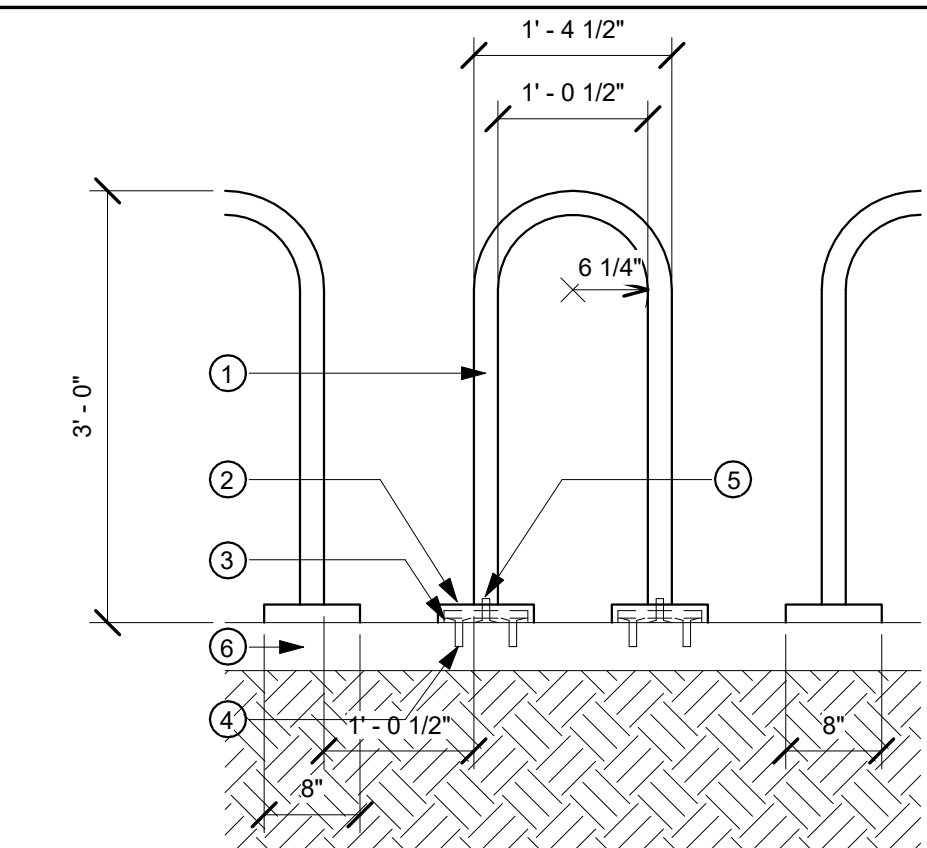
vacant lots to the west of the New Mexico International School

This site is located on the following zone atlas page:

http://data.cabq.gov/business/addressatlas/APage_C-20-Z.pdf

=====

This message has been analyzed by Deep Discovery Email Inspector.



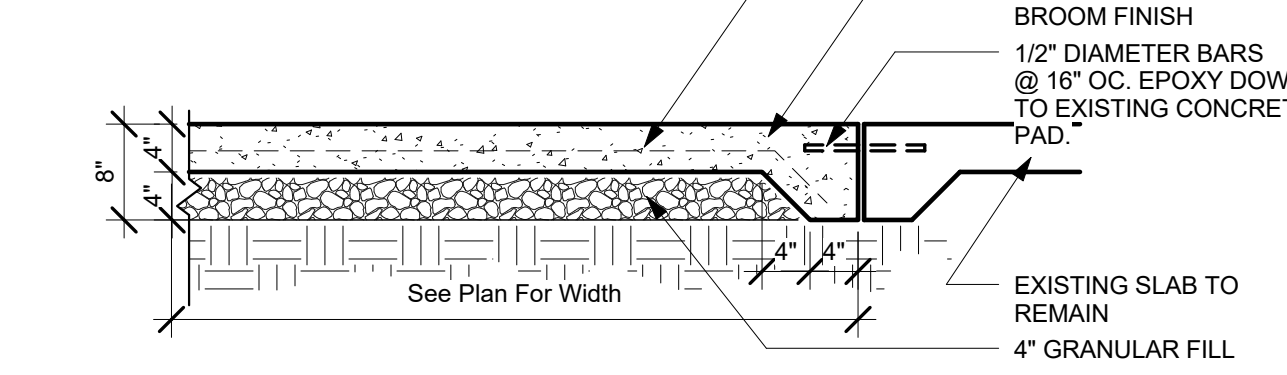
7 Bike Rack Detail
3/4" = 1'-0"

GENERAL NOTES:

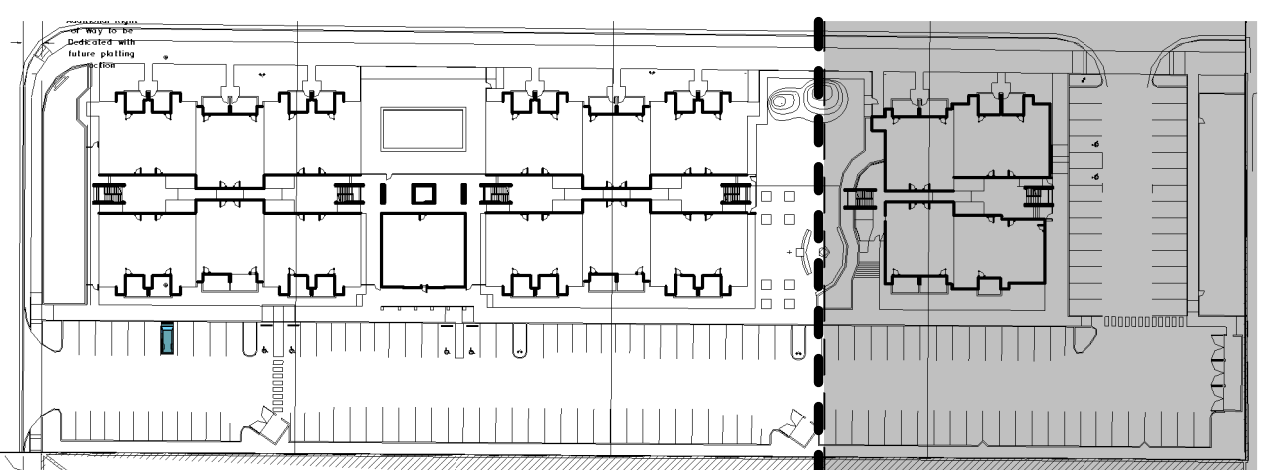
- ALL IMPROVEMENTS LOCATED IN THE RIGHT OF WAY MUST BE INCLUDED ON A PUBLIC WORK ORDER.
- RIGHT OF WAY SHALL BE DEDICATED ON A PLAT PRIOR TO SITE APPROVAL.
- ALL INFRASTRUCTURE WORK TO BE COMPLETED IN THE CITY'S RIGHT OF WAY SHALL BE COMPLETED BY PUBLIC WORK ORDER. ALL INFRASTRUCTURE TO BE COMPLETED ON THE SITE SHALL BE COMPLETED BY BUILDING PERMIT.

GENERAL NOTES:

- CROSS SLOPE NOT TO EXCEED 1:48
- SIDEWALK SLOPE NOT TO EXCEED 1:20



8 Sidewalk Detail
3/4" = 1'-0"



3 Site Plan Key
1" = 100'-0"

SIGN: TYPE R-7-8
SIGN FIELD IS WHITE
SIGN LETTERING AND
BORDER ARE GREEN

INTERNATIONAL SIGN
OF ACCESSIBILITY WHITE
ON A BLUE
BACKGROUND

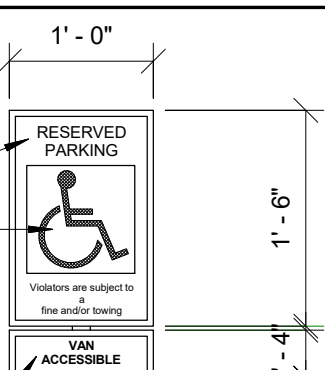
"VAN ACCESSIBLE" SIGN
TO
BE ADDED ONLY AT
DESIGNATED VAN
ACCESSIBLE PARKING
SPACES

2 3/8" DIAMETER
GALVANIZED
POLE.

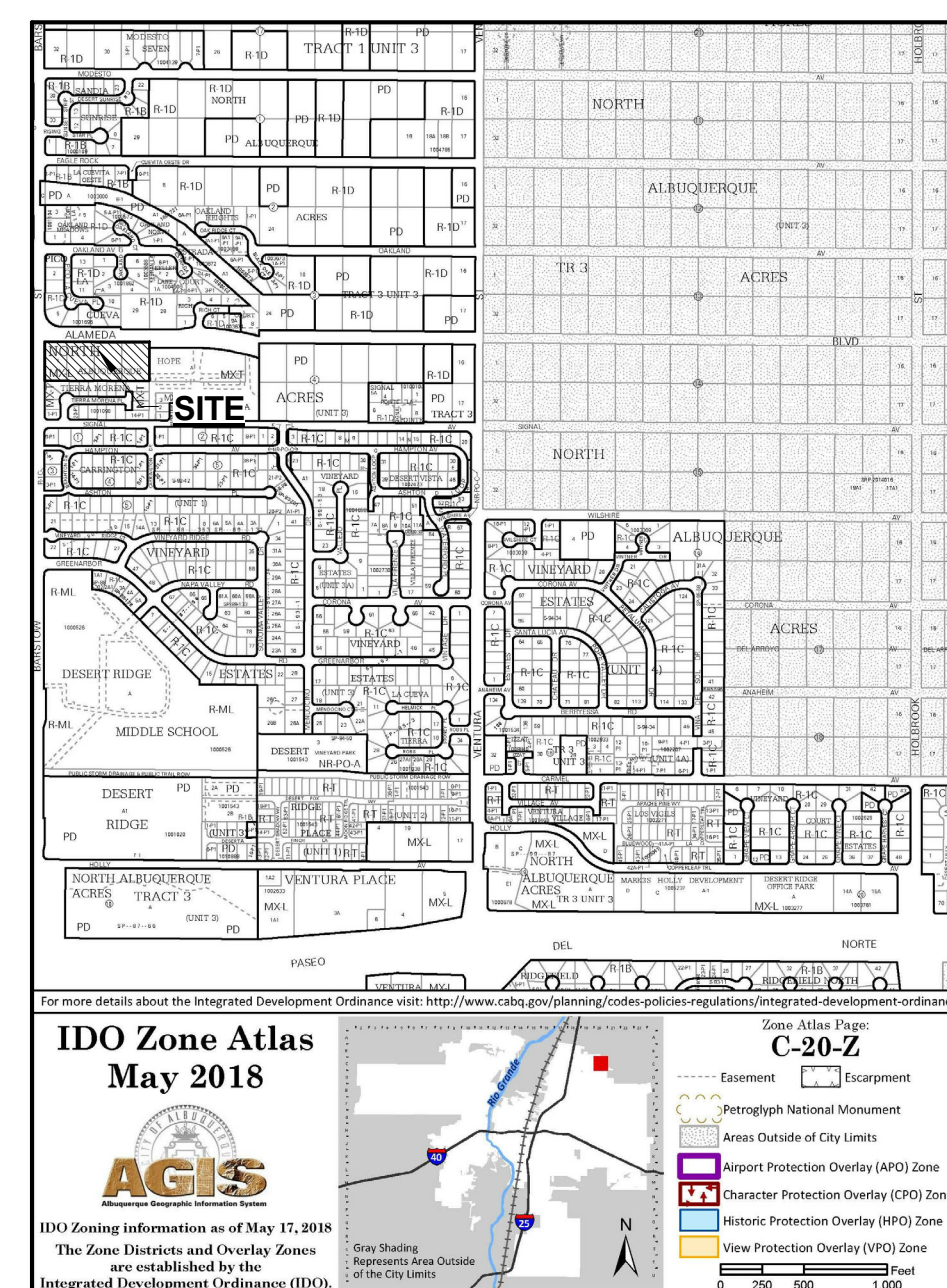
FINISH GRADE
SIDEWALK

NOTE: SIGN AND MOUNTING
HEIGHT TO BE IN ACCORDANCE
WITH THE AMERICANS WITH
DISABILITIES ACT

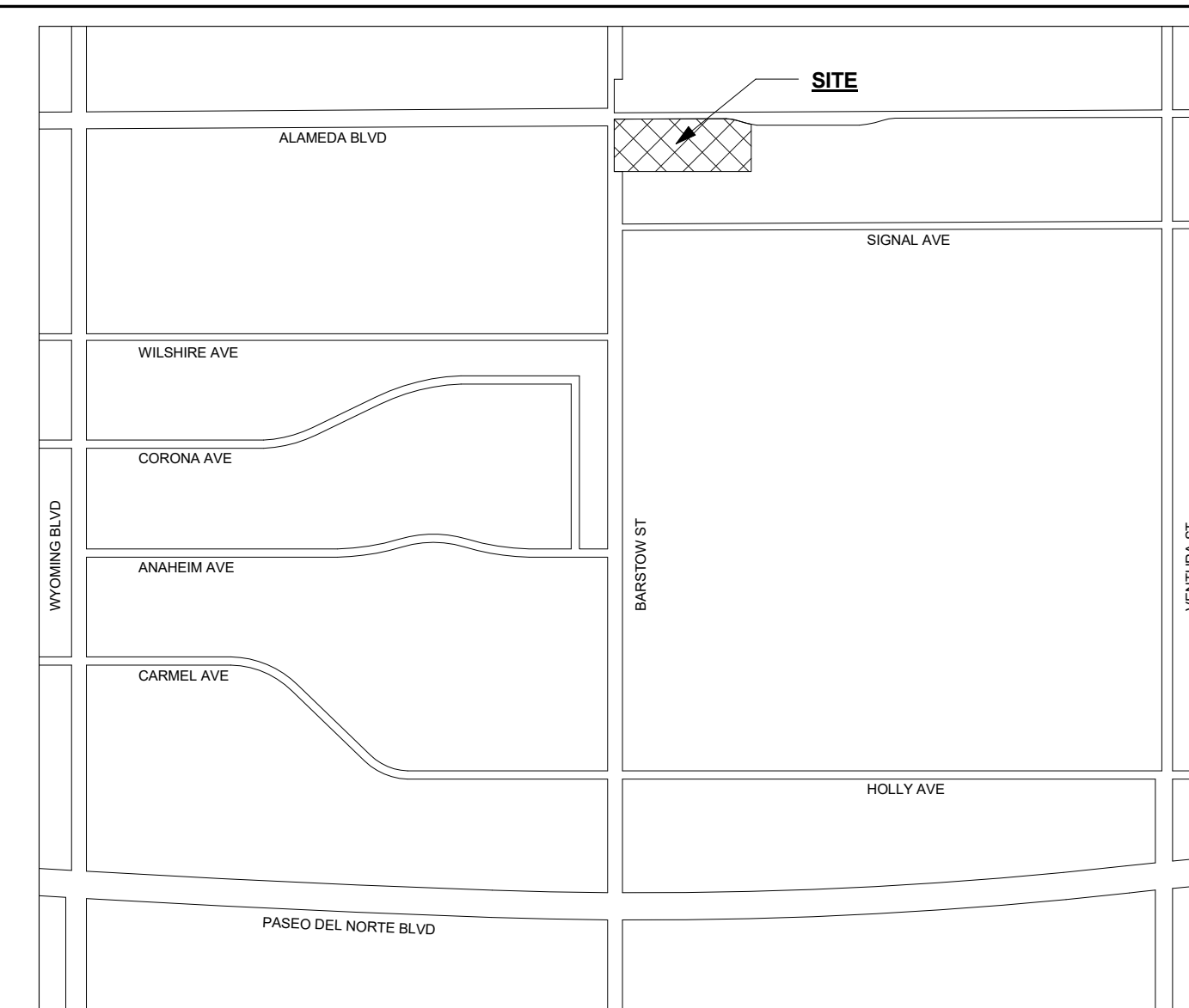
6 Handicap Parking Sign
3/4" = 1'-0"



BOTTOM OF LOWEST SIGN TO BE MOUNTED
NOT LESS THAN 80" ABOVE PARKING SURFACE



4 Zone Atlas
1/4" = 1'-0"



2 Vicinity Map
1" = 800'-0"

SITE PLAN LEGEND:

- COMMUNITY BUILDING
- SWIMMING POOL
- ELEVATOR
- PUTTING GREEN
- LAWN
- FIRE PIT
- BARBEQUE GRILLS / PICNIC TABLES
- OUTDOOR GATHERING AREA
- TENANT WORK AREA / MAINTENANCE
- SHOP
- DOG PARK
- COVERED PARKING
- GARBAGE ENCLOSURE W/ GATES
- DRAINAGE POND
- ASPHALT DRIVEWAY
- UNIT PATIOS
- ADA PARKING - SEE DETAILS
- ADA CURB RAMP - SEE DETAILS
- BUILDING IDENTIFIER SIGN
- (4) BICYCLE RACK ARCHES (8 SPACE)
- EXISTING STOP SIGN TO REMAIN
- SIGHT TRIANGLE
- MONUMENT SIGN - SEE DETAILS
- POST INDICATOR VALVE
- FIRE HYDRANT
- DOG WASH ROOM
- BICYCLE STORAGE GARAGE (10 SPACES MIN.)
- DETECTABLE WARNING STRIP
- ACCESSIBLE ROUTE FROM ADA PARKING TO BUILDING CORRIDOR
- 5'-0" SECURITY VIEW FENCING (<50% OPAQUE) METAL PICKET - COLOR: BLACK - SEE DETAILS
- YARD WALLS: 3'-0" CMU - COLOR: GRAY - SEE ELEVATIONS
- SECURITY FENCING 6'-0" PAINTED CHAIN LINK FENCE - COLOR BLACK - SEE ELEVATIONS
- TRASH ENCLOSURES W/ GATES
- POLE MOUNTED SITE LIGHTING LED W/ CUTOFF - LIGHTING TO BE COMPLIANT W/ ADO NIGHT SKY ORDINANCE
- NEW STOP AND PEDESTRIAN CROSSING SIGNAGE - SEE DETAILS
- NEW MEDIAN - SEE CIVIL SHEETS
- PRIMARY ENTRANCE
- NEW 6" CAST IN PLACE CONCRETE SIDEWALK
- 12' WIDE TRAIL
- EXISTING BARSTOW SIDEWALK 6'-0" WIDTH TO CONTINUE ACROSS TO SITE
- PRECAST CONCRETE WHEEL STOP

LEGEND:

- PROPERTY LINE
- ADA ROUTE
- COVERED PARKING
- BUILDING PERIMETER
- METAL PICKET FENCE

PARKING CALCULATIONS:

PER CITY OF ALBUQUERQUE IDO 14-16-S-5, 1.5 PARKING IS REQUIRED FOR EVERY UNIT

PARKING SPACES REQUIRED

ON STREET PARKING
COMPACT PARKING SPACES PROVIDED

ADA PARKING REQUIRED 1 / ADA UNIT
ADA PARKING SPACES REQUIRED

ADA PARKING SPACES PROVIDED

VAN ACCESSIBLE PARKING SPACES PROVIDED

COVERED PARKING SPACES PROVIDED

MOTORCYCLE PARKING SPACES REQUIRED
MOTORCYCLE PARKING PROVIDED

BICYCLE PARKING SPACES REQUIRED
10% OF OFF STREET PARKING
BICYCLE PARKING SPACES PROVIDED
BICYCLE LOCKER STORAGE PROVIDED
TOTAL # OF AUTOMOBILE PARKING SPACES PROVIDED

USEABLE OPEN SPACE CALCULATIONS:

USEABLE OPEN SPACE REQUIREMENTS:
1 BR - 200 SF - 36 UNITS - 7,200 SF
2 BR - 250 SF - 57 UNITS - 14,250 SF

USEABLE OPEN SPACE PROVIDED:

CONCRETE SIDEWALKS
PATIOS / POOL / POOL DECK / DOG PARK
LANDSCAPE AREA
USEABLE OPEN SPACE ABOVE GRADE

PROJECT NO.

APPLICATION NO.

IS AN APPROVED INFRASTRUCTURE LIST REQUIRED?
YES 1 YES 1 NO 1 IF YES, THEN A SET OF APPROVED
DRG PLANS WITH A WORK ORDER IS REQUIRED FOR ANY
CONSTRUCTION WITHIN PUBLIC RIGHT OF WAY OR FOR
CONSTRUCTION OF PUBLIC IMPROVEMENTS.

DRB SITE DEVELOPMENT PLAN APPROVAL:

TRAFFIC ENGINEERING
TRANSPORTATION DIVISION

ABCWUA

PARKS & RECREATION DEPT.

CITY ENGINEER / HYDROLOGY

ENVIRONMENTAL HEALTH (CONDITIONAL)

SOLID WASTE MANAGEMENT

DRB CHAIRPERSON, PLANNING DEPT.

CODE ENFORCEMENT

SITE DATA:

LOT SF/ACRE: 126,426 SF
2.9023 ACRES

ZONING: MX-L

INTENDED USE: DWELLING / MULTI FAMILY
(93 UNITS)

MAXIMUM HEIGHT: 35 FEET

- LAWN
- SITE TRIANGLE
- ADJACENT BUILDINGS
- ACCESS ISLE
- NEW CMU YARD WALLS

93 UNITS x 1.5

139 SPACES

0 SPACES

30 SPACES

5 SPACES

6 SPACES

4 SSPACES

86 SPACES

4 SPACES

5 SPACES

15 SPACES

24 SPACES

10 SPACES MINIMUM

150 SPACES

21,450 SF REQUIRED

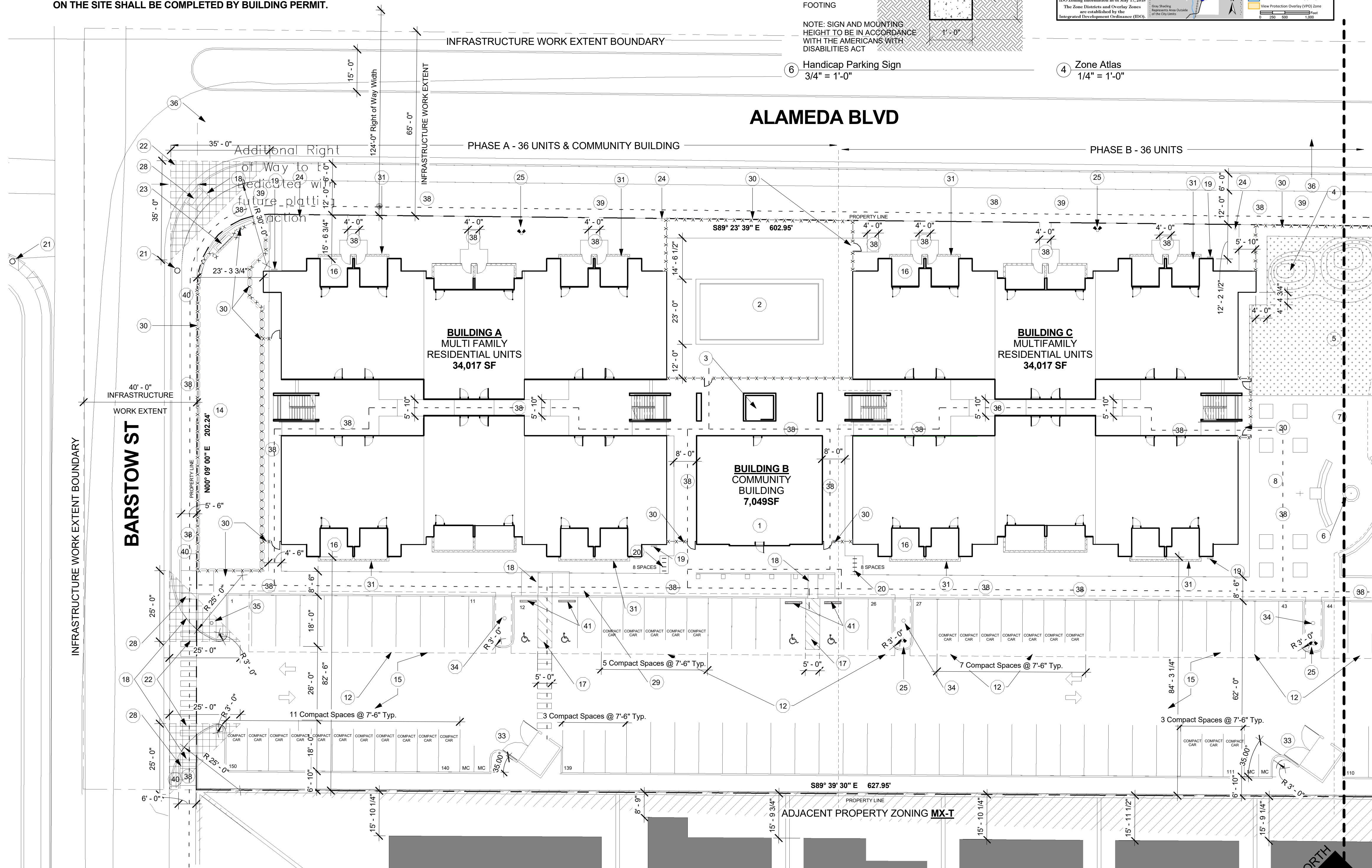
19,860 SF

12,654 SF

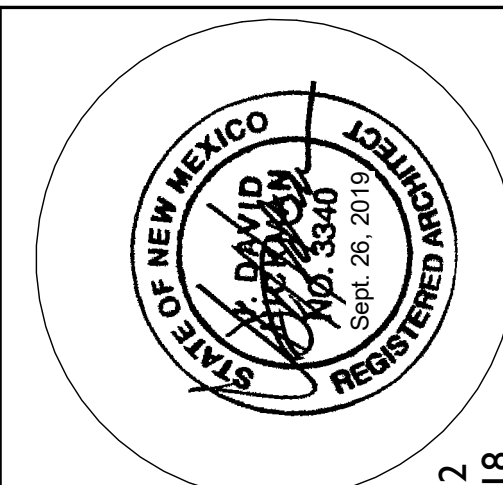
31,176 SF

13,427 SF

77,117 SF PROVIDED



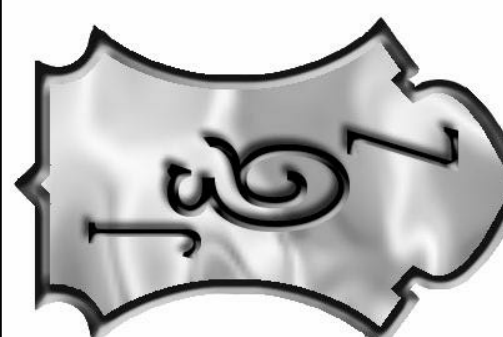
1 Site Plan - West
1" = 20'-0"



JEEBS & ZUZU, LLC.

ARCHITECTS & CONTRACTORS
MAKING HOUSE CALLS

SUITE C
11030 MENAUL NE
ALBUQUERQUE, NM 871132
P: 505-797-1318



job no:

drawn: EAM

checked: J&Z

date: Nov. 27, 2019

ALAMEDA LUXURY APARTMENTS

8400 ALAMEDA BLVD, NE
ALBUQUERQUE, NM 87112

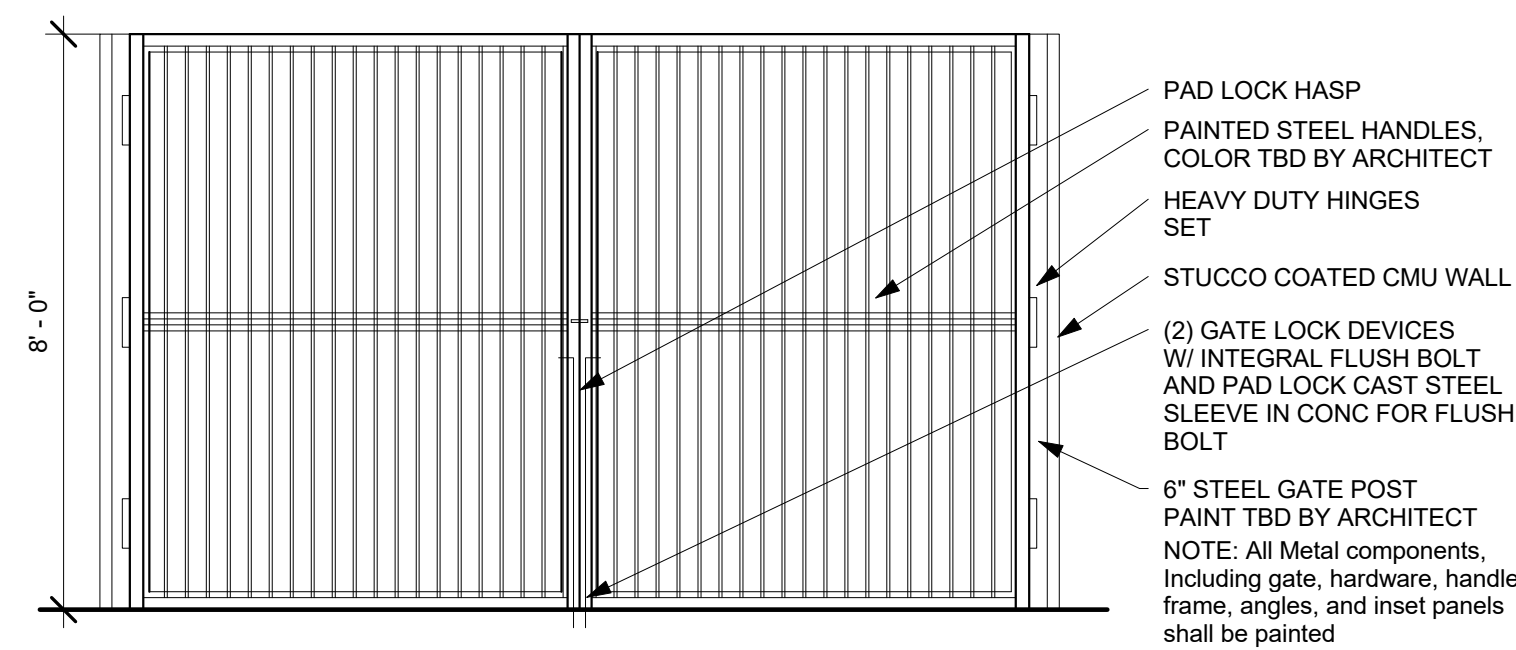
SITE PLAN

sheet no:

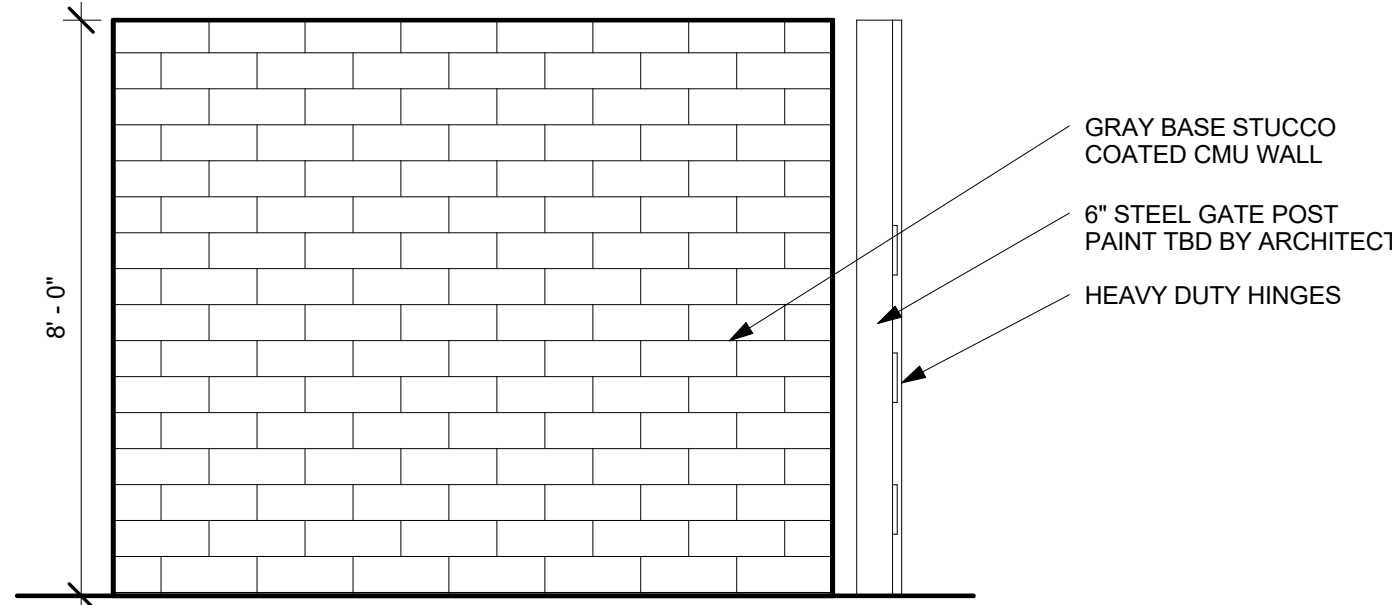
DRB.I.O

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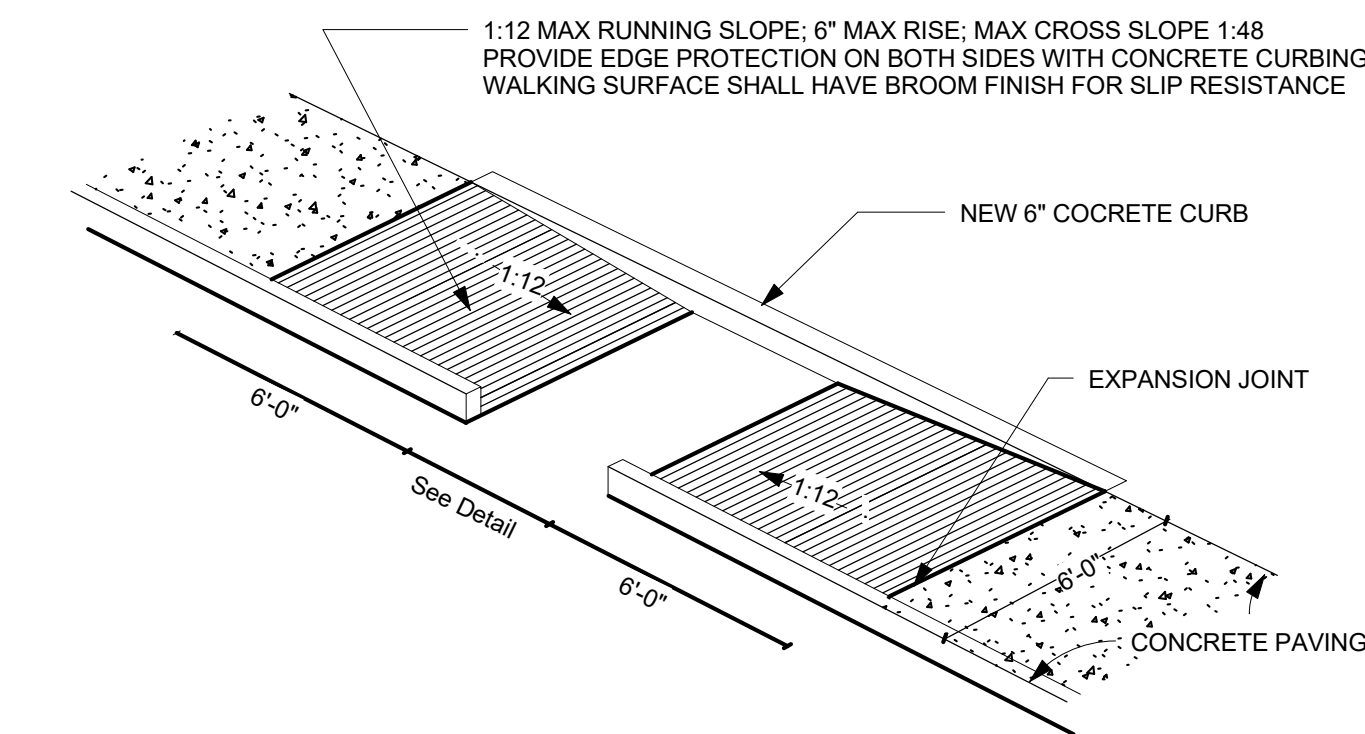
"EASY AS PIE"



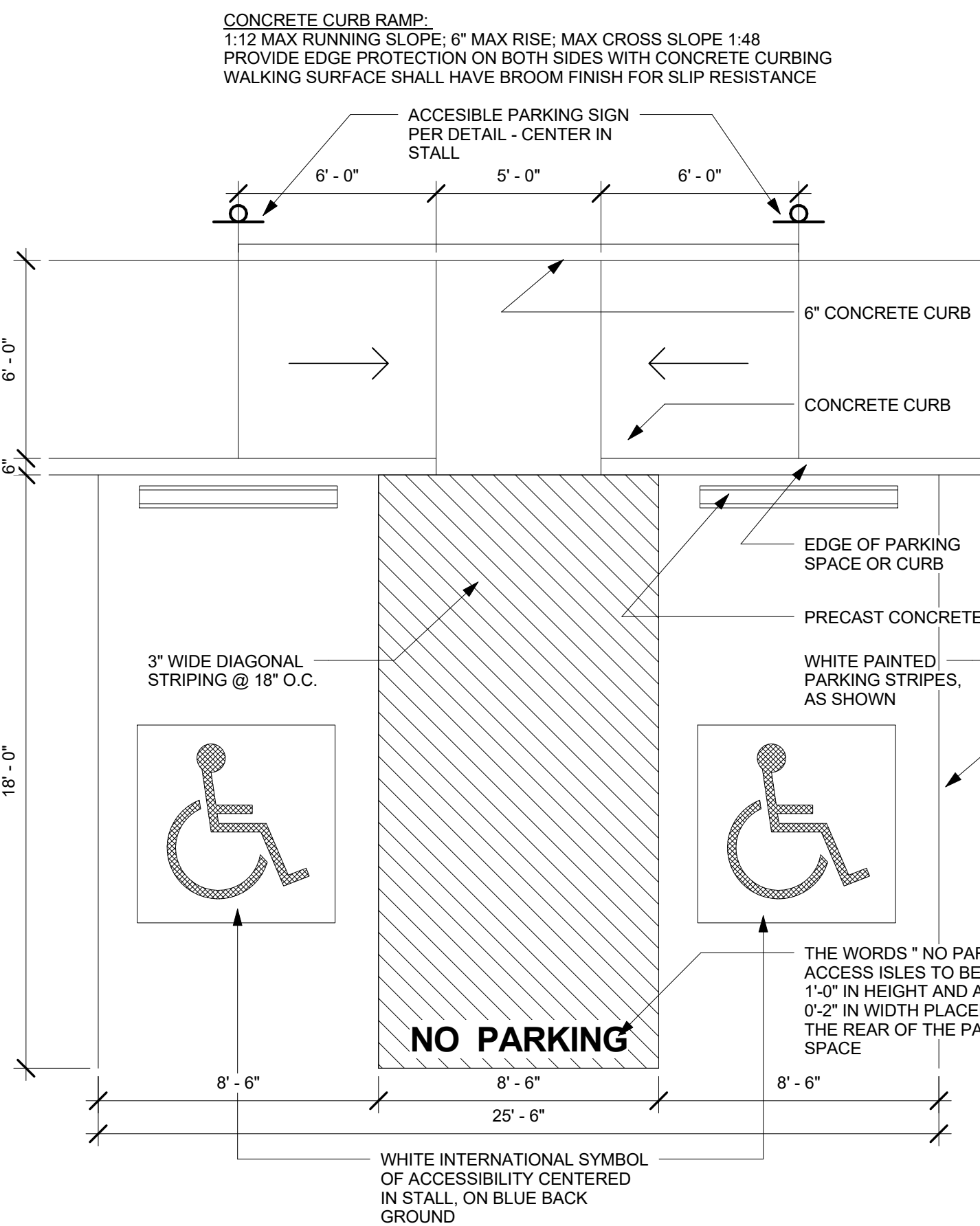
5 Trash Enclosure Gate Elevation
3/8" = 1'-0"



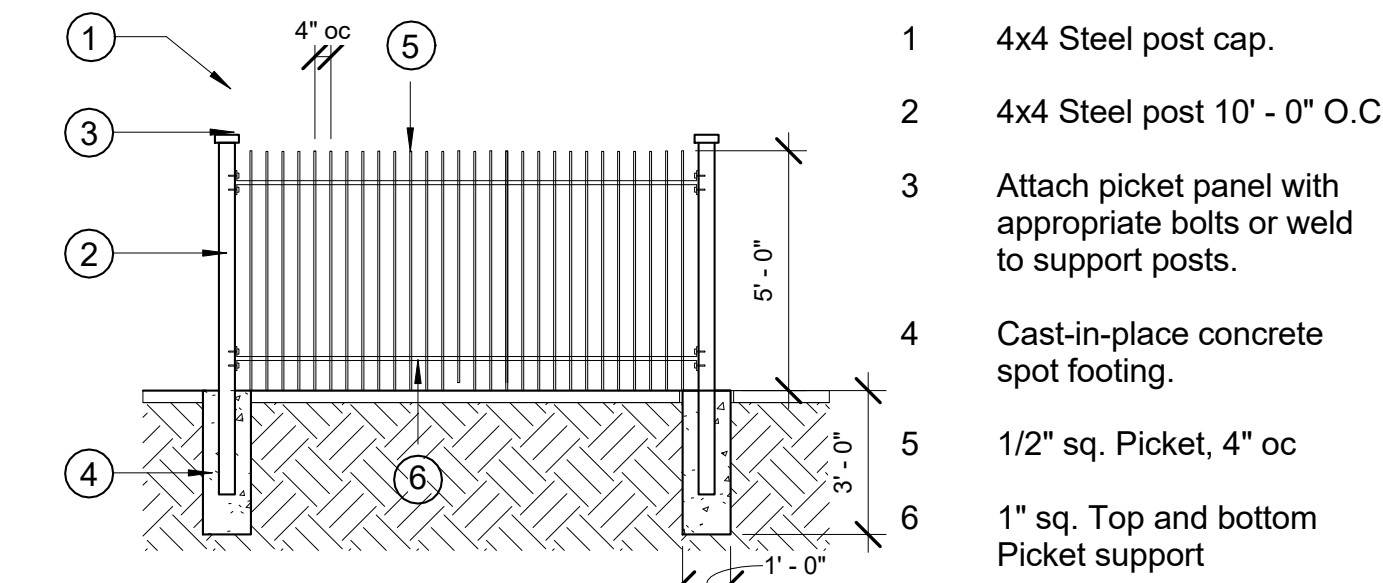
10 Trash Enclosure Side CMU Elevation
3/8" = 1'-0"



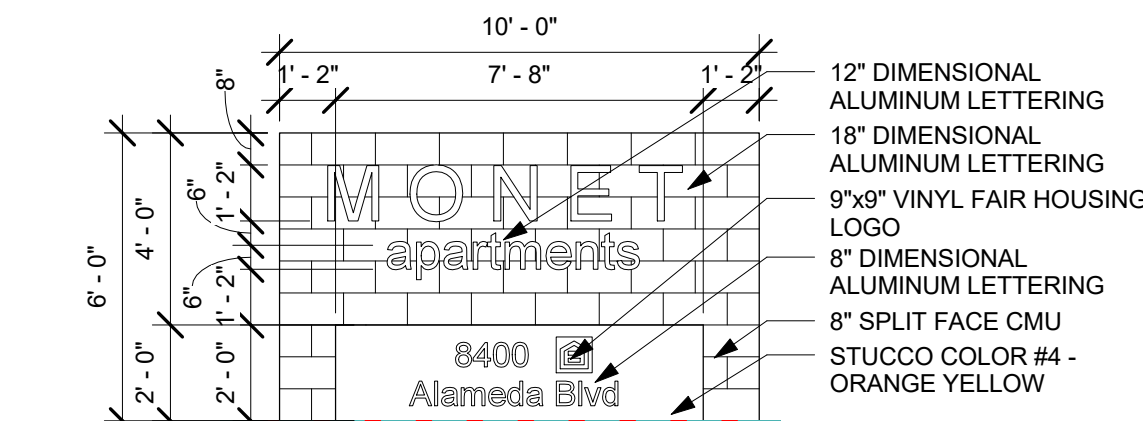
6 Curb Ramp Detail
1/4" = 1'-0"



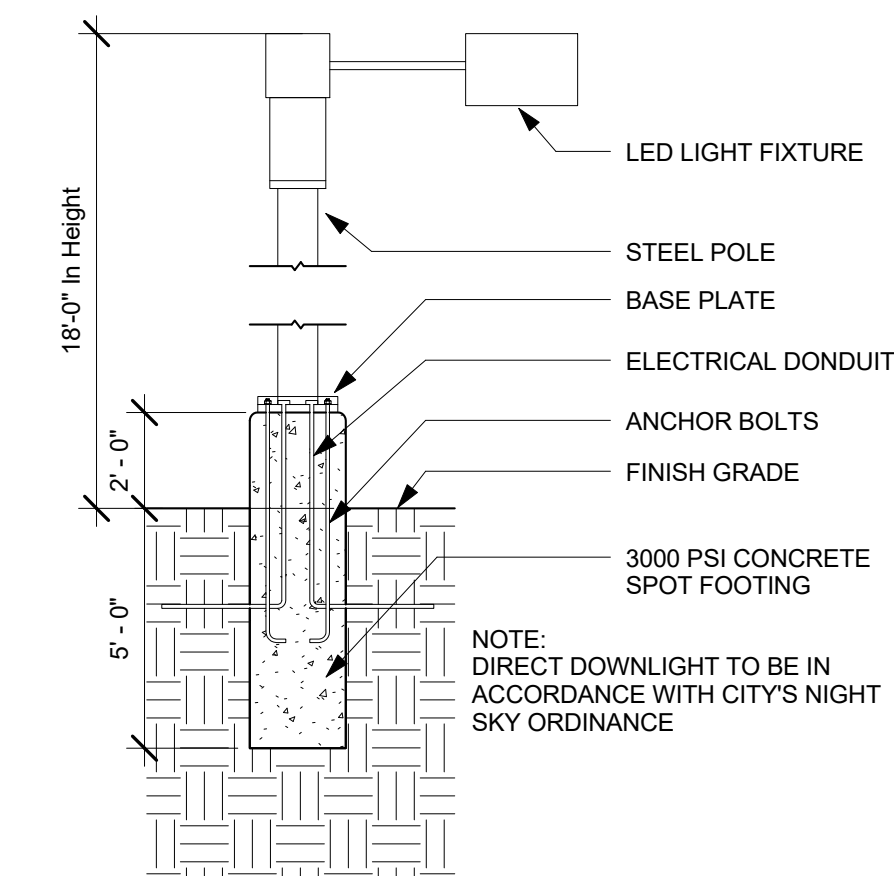
3 ADA Parking
1/4" = 1'-0"



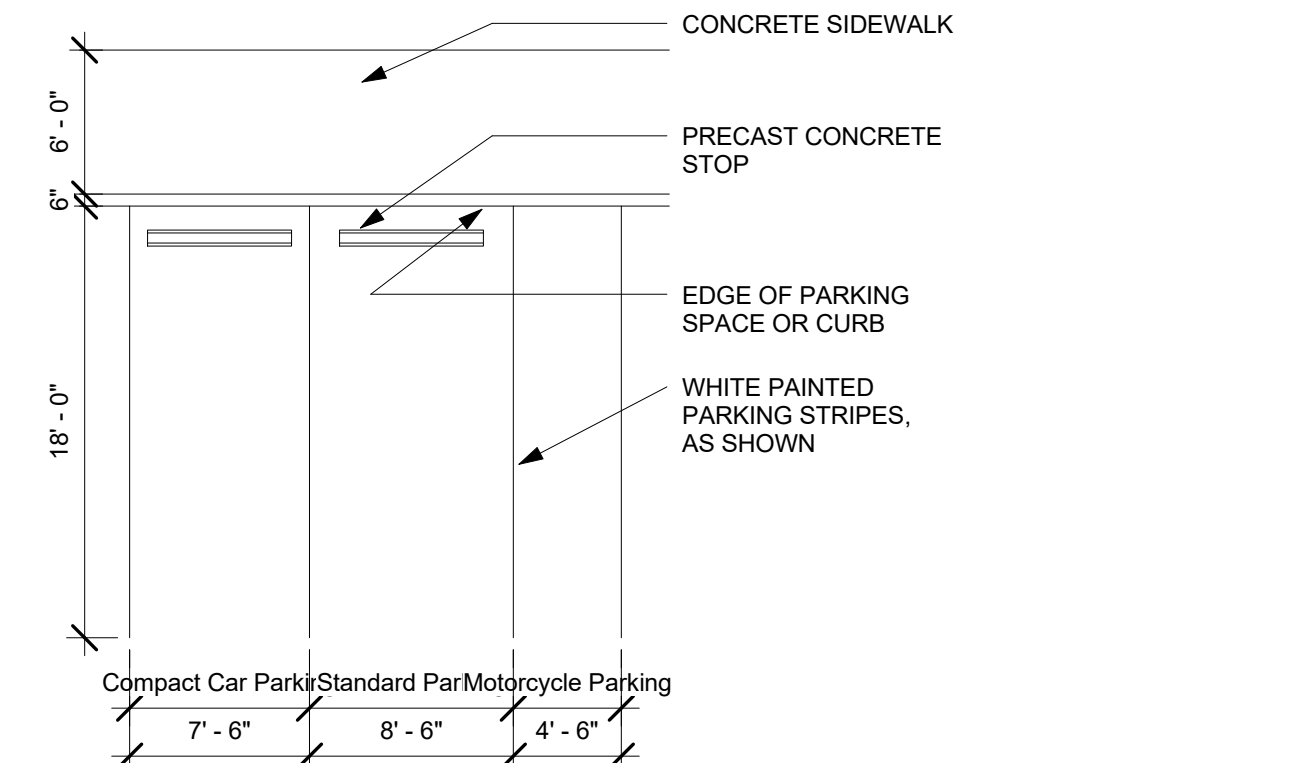
15 Picket Wrought Iron Fence Detail
1/4" = 1'-0"



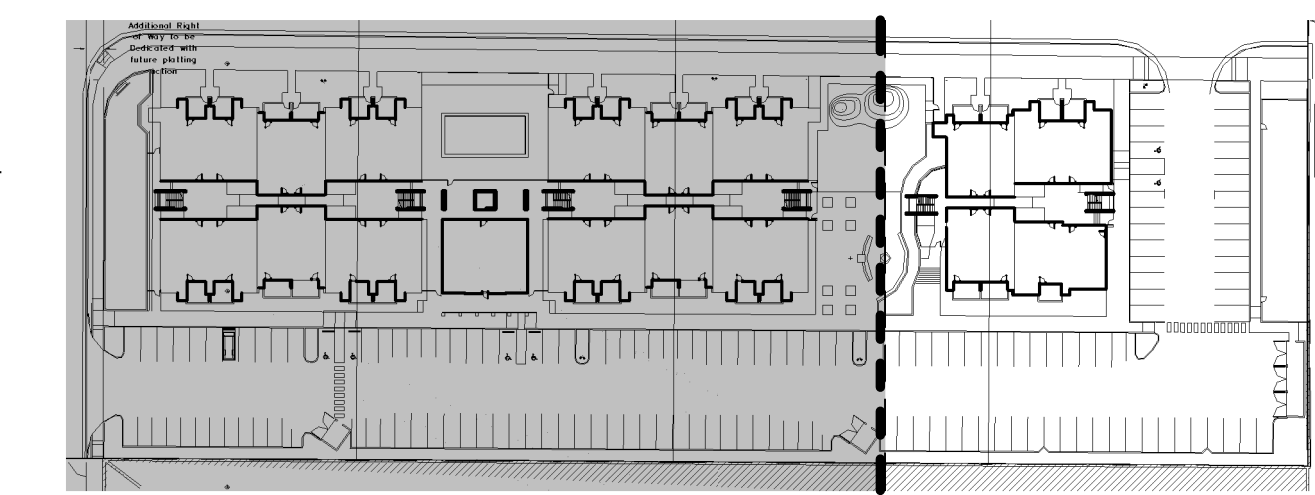
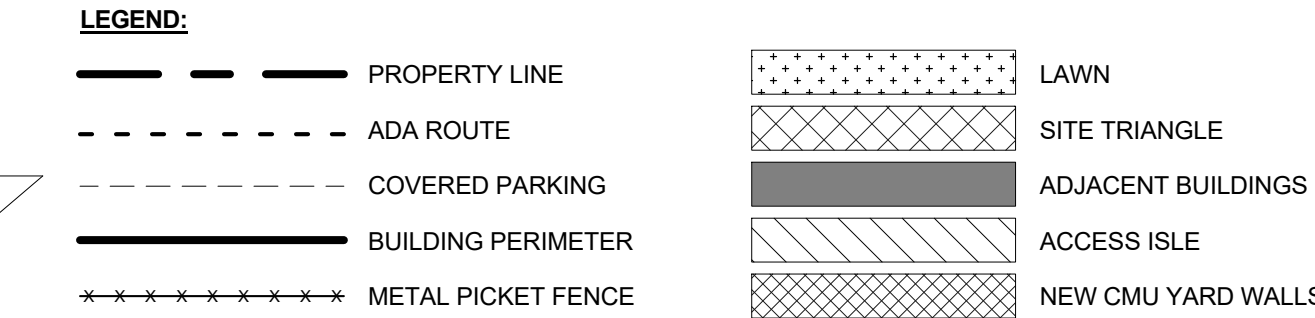
14 Monument Sign Elevation
1/4" = 1'-0"



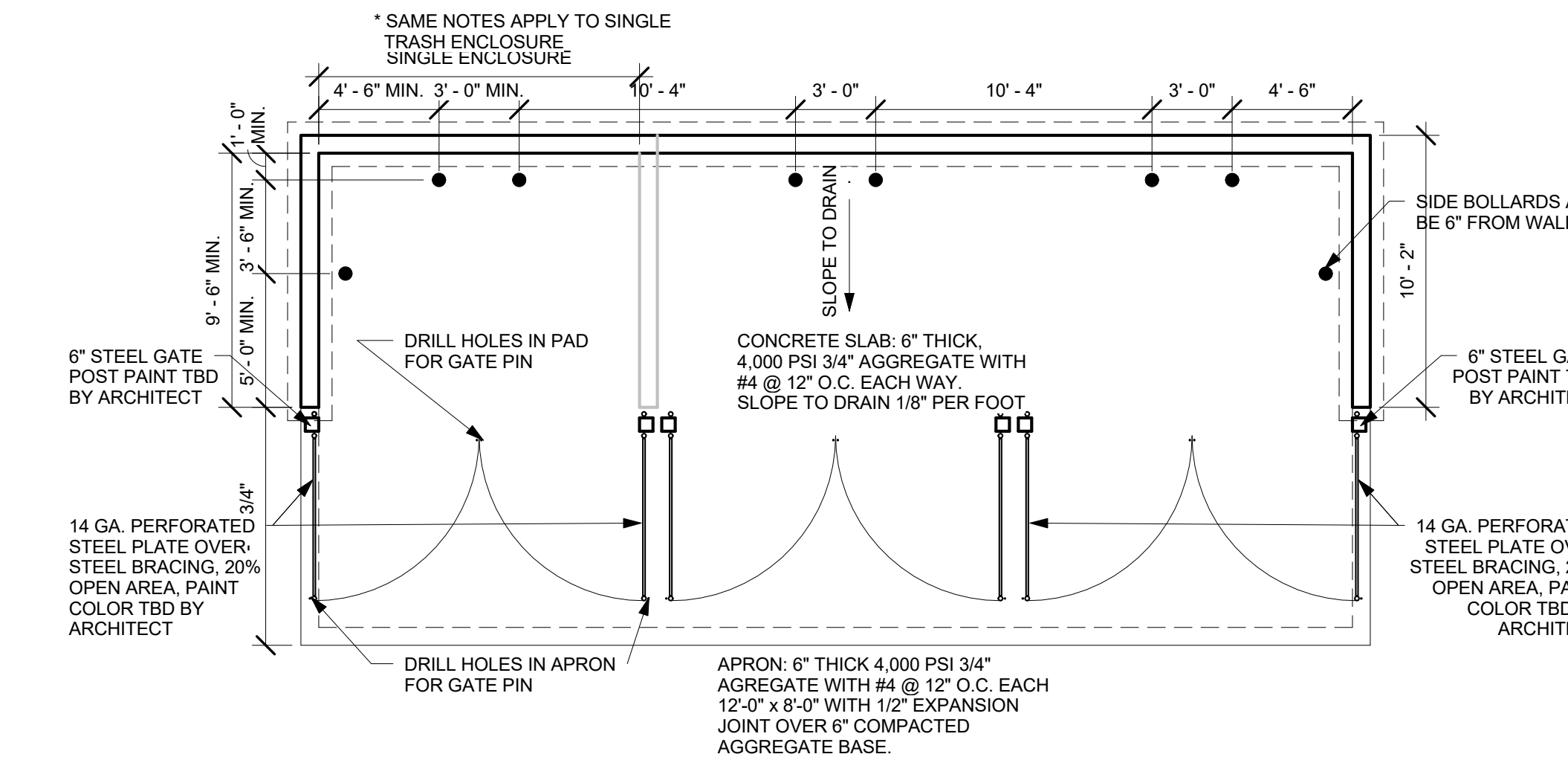
13 Site Lighting Detail
1/4" = 1'-0"



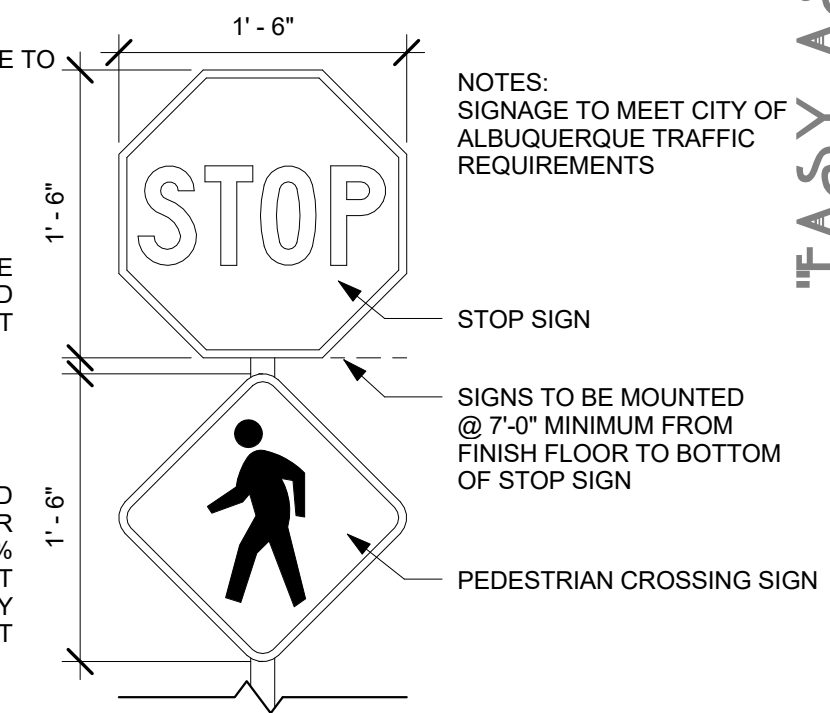
4 Parking Stalls Details
1/8" = 1'-0"



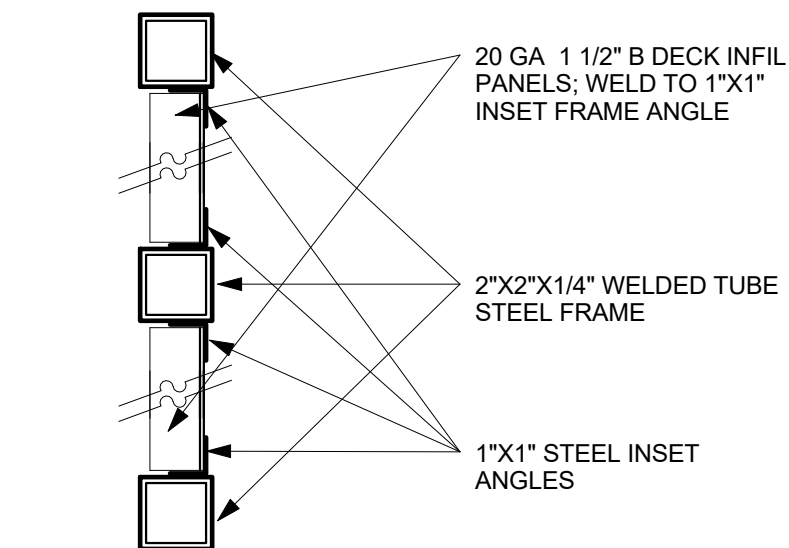
2 Site Plan Key.
1" = 100'-0"



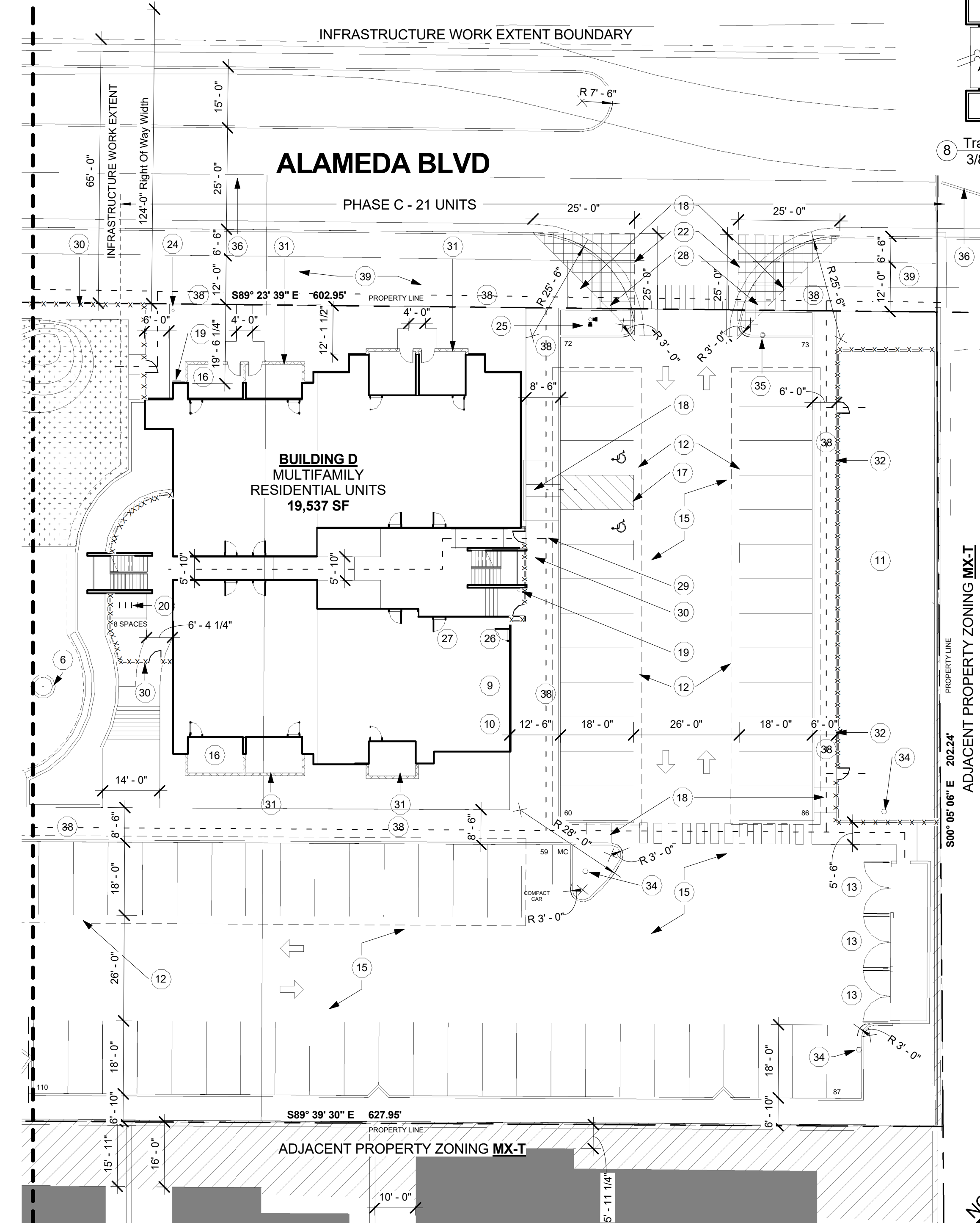
9 Triple Trash Enclosure Detail
3/16" = 1'-0"



11 Stop / Pedestrian Sign Detail
1" = 1'-0"



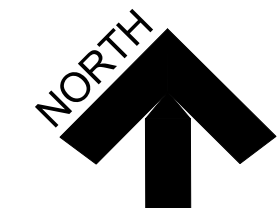
8 Trash Enclosure Frame Section
3/8" = 1'-0"



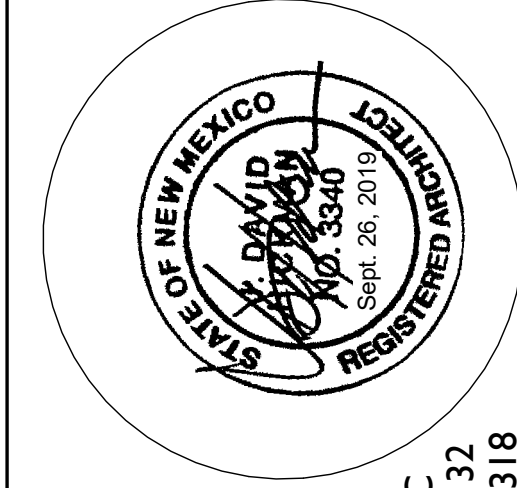
1 Site Plan - East
1" = 20'-0"

- SITE PLAN LEGEND:**
1. COMMUNITY BUILDING
 2. SWIMMING POOL
 3. ELEVATOR
 4. PUTTING GREEN
 5. LAWN
 6. FIRE PIT
 7. BARBEQUE GRILLS / PICNIC TABLES
 8. OUTDOOR GATHERING AREA
 9. TENANT WORK AREA / MAINTENANCE SHOP
 10. DOG PARK
 11. COVERED PARKING
 12. GARBAGE ENCLOSURE W/ GATES
 13. DRAINAGE POND
 14. ASPHALT DRIVEWAY
 15. UNIT PATIOS
 16. ADA PARKING - SEE DETAILS
 17. ADA CURB RAMP - SEE DETAILS
 18. BUILDING IDENTIFIER SIGN
 19. (4) BICYCLE RACK ARCHES (8 SPACE)
 20. EXISTING STOP SIGN TO REMAIN
 21. SIGHT TRIANGLE
 22. MONUMENT SIGN - SEE DETAILS
 23. POST INDICATOR VALVE
 24. FIRE HYDRANT
 25. DOG WASH ROOM
 26. BICYCLE STORAGE GARAGE (10 SPACES MIN.)
 27. DETECTABLE WARNING STRIP
 28. ACCESSIBLE ROUTE FROM ADA
 29. PARKING TO BUILDING CORRIDOR
 30. 5'-0" SECURITY VIEW FENCING (<50% OPAQUE), METAL PICKET - COLOR: BLACK - SEE DETAIL 15DRB1.1
 31. YARD WALLS 3'-0" CMU - COLOR: GRAY - SEE ELEVATIONS
 32. SECURITY FENCING 6'-0" PAINTED CHAIN LINK FENCE - COLOR BLACK - SEE ELEVATIONS
 33. TRASH ENCLOSURES W/ GATES
 34. POLE MOUNTED SITE LIGHTING LED W/ CUTOFF - LIGHTING TO BE COMPLIANT W/ ADO NIGHT SKY ORDINANCE
 35. NEW STOP AND PEDESTRIAN CROSSING SIGNAGE - SEE DETAILS
 36. NEW MEDIAN - SEE CIVIL SHEETS
 37. PRIMARY ENTRANCE
 38. NEW 6" CAST IN PLACE CONCRETE SIDEWALK
 39. 12" WIDE TRAIL
 40. EXISTING BARSTOW SIDEWALK 6'-0" WIDTH TO CONTINUE ACROSS TO SITE
 41. PRECAST CONCRETE WHEEL STOP

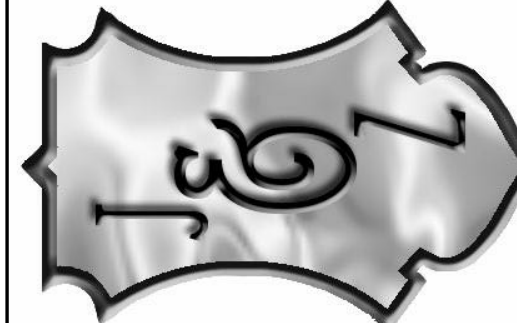
SITE GENERAL NOTES:
EXTEND EXISTING BIKE LANE ALONG BARSTOW ST TO ALAMEDA BLVD.



WWW.JEEBSANDZUZU.CO.M



JEEBS & ZUZU, LLC.
ARCHITECTS & CONTRACTORS
MAKING HOUSE CALLS
11030 MENAUL NE SUITE C
ALBUQUERQUE, NM 871132
P: 505-797-1318



job no:
drawn: EAM
checked: J&Z
date: Nov. 27, 2019

ALAMEDA LUXURY APARTMENTS
8400 ALAMEDA BLVD. NE
ALBUQUERQUE, NM 87112
sheet no: DRBJ

PLANT LEGEND:

SYMBOL	BOTANICAL NAME COMMON NAME	QUANTITY	WATER USE	INSTALLED SIZE	MATURE H / W	SYMBOL	BOTANICAL NAME COMMON NAME	QUANTITY	WATER USE	INSTALLED SIZE	MATURE H / W
5 GAL						TREES					
	ROSA BANKSAE YELLOW LADY BANK'S ROSE	6	MEDIUM	5 GAL	4'x4'		PINUS NIGRA AUSTRIAN PINE	6	MEDIUM	8'-10'	35'x25'
	CALAMAGROSTIS ARUNDINACEA 'KARL FOESTER' KARL FOERSTER FEATHER REED GRASS	39	MEDIUM	5 GAL	30"x2'		GLEDITSIA TRIACANTHOS 'SHADEMASTER' SHADEMASTER HONEY LOCUST	11	MEDIUM	2" CAL	x'
	MISCANTHUS SINENSIS 'MORNING LIGHT' MORNING LIGHT MAIDEN GRASS	18	MEDIUM	5 GAL	5'x5'		VITEX AGNUS-CASTUS CHASTE TREE	17	MEDIUM	15 GAL	20'X20'
	MUHLENBERGIA CAPILLARIS 'REGAL MIST' REGAL MIST MUHLY GRASS	21	MEDIUM	5 GAL	3'x3'		PISTACIA ATLANTICA X INTEGERRIMA RED PUSH PISTACHE	25	MEDIUM	2" CAL	40'X40'
	HELICOTRICHON SEMPERVIRENS BLUE AVENA GRASS	12	MEDIUM	5 GAL	2'x2'		FORESTIERA NEOMEXICANA NM OLIVE MULTI TRUNK	3	MEDIUM	15 GALLON	15'x15'
	RHUS AROMATICA 'GRO LOW' GROW LOW SUMAC	38	LOW	5 GAL	3'x8'		LAGERSTROEMIA HYBRIDS 'DYNAMITE' CRAPE MYRTLE 'DYNAMITE' MULTI TRUNK	13	HIGH	15 GALLON	15'X15'
	SALVIA GREGGII 'FURMAN'S RED' CHERRY SAGE	9	LOW	5 GAL	2'x3'						
	CARYOPTERIS X CLANDONENSIS BLUE MIST SPIREA	6	LOW	5 GAL	3'x3'						
	SYRINGA BLOOMERANG LILAC	9	MEDIUM	5 GAL	4'x5'						
	COTONEASTER GLAUCOPHYLLUS GRAYLEAF COTONEASTER	9	LOW	5 GAL	2'x9'						
	COTONEASTER DAMMERI 'CORAL BEAUTY' BEARBERRY COTONEASTER	31	MEDIUM	5 GAL	6'x10'						
	BUXUS MICROPHYLLA JAPONICA 'WINTER GEM' WINTER GEM BOXWOOD	20	MEDIUM	5 GAL	4'X4'						
	RAPHIOLEPSIS INDICA 'BLUEBERRY MUFFIN' BLUEBERRY MUFFIN INDIAN HAWTHORN	45	MEDIUM	5 GAL	3'x4'						
	BERBEN'S THUNBERGII 'ORANGE ROCKET' ORAGE ROCKET BARBERRY	15	MEDIUM	5 GAL	2'X3'						
	HIBISCUS SYRIACUS 'APHRODITE' ROSE OF SHARON	14	MEDIUM	5 GAL	10'X10'						
	BERBERIS THUNBERGII 'CHERRY BOMB' CHERRY BOMB BARBERRY	29	MEDIUM	5 GAL	2'X2'						

LEGEND:

	A. LAWN
	B. CONCRETE SIDEWALK
	C. ASPHALT
	D. GRAVEL / GROUND COVER
	E. PONDING AREA

LANDSCAPE DATA:

GROSS LOT	127,198.38 SF
AREA LESS BUILDING(S)	27,036.64 SF
NET LOT AREA	100,161.74 SF
REQUIRED LANDSCAPE 15% OF NET LOT AREA	15,024.26 SF
LANDSCAPE AREAS:	
1. LAWN	6,939 SF
2. CONCRETE SIDEWALK	6,020 SF
3. ASPHALT	2,500 SF
4. GRAVEL / GROUND COVER	554 SF
5. PONDING AREA	5,685 SF
6. LAWN	4,724 SF
7. CONCRETE SIDEWALK	4,020 SF
8. ASPHALT	3,068 SF
TOTAL LANDSCAPE PROVIDED	33,510 SF > 15,024 SF
IMPERVIOUS AREAS:	
PUBLIC / PRIVATE CONCRETE SURFACES	27,933 SF
ASPHALT / PARKING	44,035 SF
PARKING LANDSCAPING	6,605 SF
REQUIRED (15%)	8,731 SF
PARKING LANDSCAPING PROVIDED	8,731 SF
PERVIOUS AREAS:	
LAWN	2,847 SF
GROUND COVER (GRAVEL / LANDSCAPE)	25,095 SF
DOG PARK	3,067 SF
PONDING AREA	2,500 SF
10% OF LANDSCAPE AREA IS ALLOWED TO BE HIGH WATER USE TURF - AREA MAX ALLOWED	3,351 SF
HIGH WATER USE TURF PROVIDED	1,632 SF < 3,251 SF
REQUIRED STREET TREES PROVIDED AT 30' O.C. SPACING:	23
REQUIRED PARKING LOT TREES AT 1 PER 10 SPACES (150 SPACES / 10):	15
PROVIDED PARKING LOT TREES:	15
1 TREE REQUIRED PER GROUND AND 2ND FLOOR UNITS	
GROUND FLOOR UNITS:31	62
2ND FLOOR UNITS: 31	
TREES PROVIDED:	75
OPEN SPACE REQUIREMENT FOR MULTI-FAMILY RESIDENTIAL	21,450 SF
OPEN SPACE PROVIDED	77,117SF

LANDSCAPE NOTES:

MAINTENANCE OF LANDSCAPE BY PROPERTY OWNER.

PLANTINGS TO BE WATERED BY AUTOMATIC DRIP IRRIGATION SYSTEM WITH REDUCED PRESSURE BACKFLOW PREVENTER.

WATER MANAGEMENT IS THE SOLE RESPONSIBILITY OF THE PROPERTY OWNER. THIS PLAN IS TO COMPLY WITH C.O.A. AND IDO PLANTING RESTRICTIONS APPROACH. IT IS THE INTENT OF THIS PLAN TO PROVIDE MINIMUM 75% LIVE GROUNDCOVER OF LANDSCAPE AREAS PER IDO.

LANDSCAPE AREAS TO BE MULCHED WITH GRAVEL AT 3" DEPTH OVER FILTER FABRIC. APPROVAL OF THE LANDSCAPE PLAN DOES NOT CONSTITUTE OR IMPLY COMPLIANCE WITH, OR EXEMPTION FROM, THE IDO

THE OWNER SHALL BE RESPONSIBLE FOR AND SHALL PROPERLY MAINTAIN ALL TO BE CONSTRUCTED LANDSCAPE AREAS INCLUDING LANDSCAPING PROPOSED TO BE CONSTRUCTED WITHIN THE RIGHT OF WAY BETWEEN THE SIDEWALK AND THE CURB.

ALL STREET TREES PLANTED SHALL BE SELECTED FROM THE CITY OF ALBUQUERQUE PLANT PALETTE AND SIZING LIST.

MULCH IS REQUIRED AT PLANTING BEDS AND UNDER TREE CANOPIES WITH THE RESTRICTIONS OF CRUSHER FINES TO 50% OF ANY OUTDOOR SPACE.

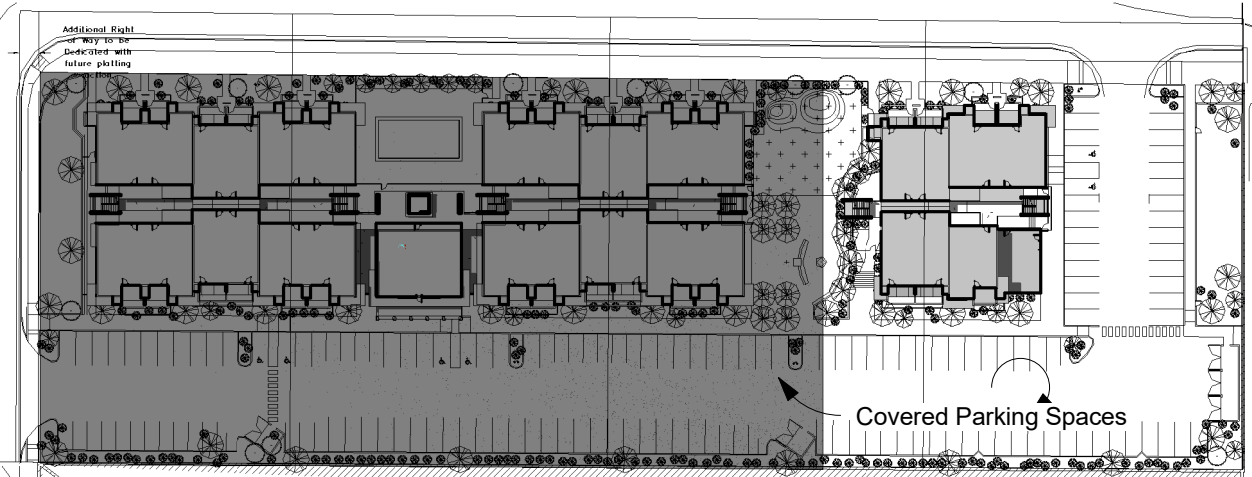
STREET TREES SHALL BE SPACED EVERY 25 FT. ON CENTER UNLESS SPECIFIED OTHERWISE IN PART 6-6-2 OF ROA 1994 (STREET TREES)

TREES SHALL NOT BE LOCATED WITHIN 10 FEET OF FIRE LINES OR FIRE HYDRANT LINES.

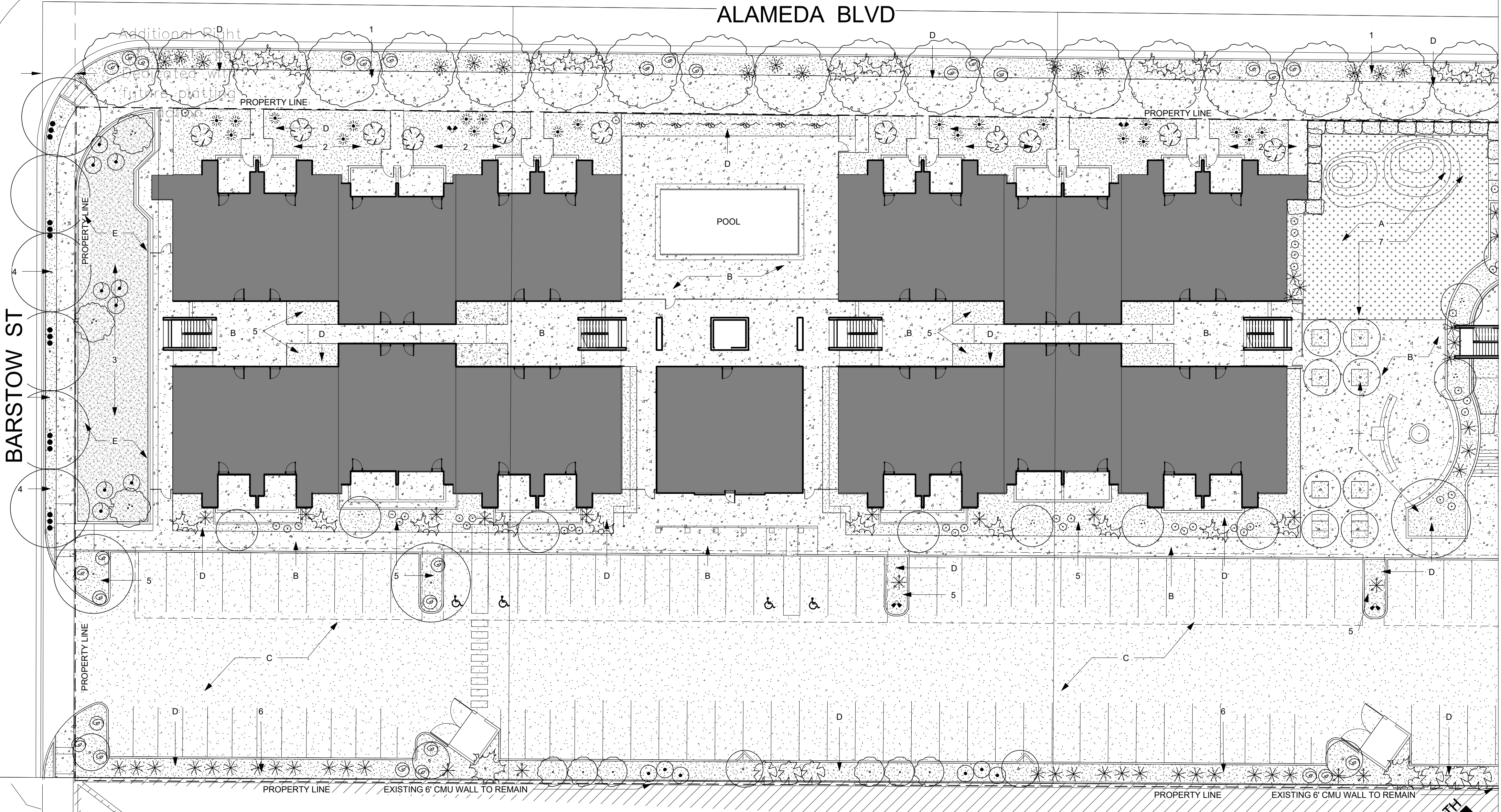
ALL PLANTING OF VEGITATED MATERIAL ORINSTALLATION OF ANY LANDSCAPING, BUFFERING, OR SCREENING MATERIAL IN THE PUBLIC RIGHT OF WAY SHALL REQUIRE THE PRIOR APPROVAL OF THE CITY AND MAY REQUIRE AN AGREEMENT WITH THE CITY SPECIFYING MAINTENANCE, REPAIRS, OR LIABILITY RESPONSABILITIES.

ANY TREES THAT OVEHANG A PUBLIC SIDEWALK OR MAJOR PUBLIC OPEN SPACE SHALL BE TRIMMED TO MAINTAIN AN 8 FOOT CLEARANCE OVER THE SIDEWALK. ANY TREES THAT OVERHANG A PUBLIC STREET SHALL BE TRIMMED TO MAINTAIN A 9 FOOT CLEARANCE OVER THE STREET SURFACE.

WHERE LANDSCAPING IS INSTALLED IN THE PUBLIC RIGHT OF WAY, THE APPLICANT SHALL INSTALL AN ADEQUATE IRRIGATION SYSTEM THAT MEETS THE MINIMUM TECHNICAL REQUIREMENTS OF THE ROA 1994 AND THE DPM, WITH A SEPARATE METER FOR THE LANDSCAPE AREA IN THE PUBLIC RIGHT OF WAY, OR A SEPARATE VALVE(S) AT THE PROPERTY LINE ALLOWING ISOLATION OF THE IRRIGATION TO THE LANDSCAPE WITHIN THE PUBLIC RIGHT OF WAY. DRIP IRRIGATION SYSTEM AND ARTIFICIAL TURF SHALL NOT BE ALLOWED WITHIN THE PUBLIC RIGHT OF WAY.

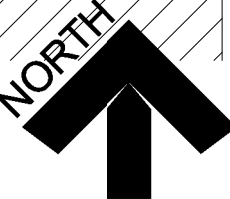


3 Site Plan Key
1" = 100'-0"



1 Landscape Plan - West End
1" = 20'-0"

0 8' 16' 24'



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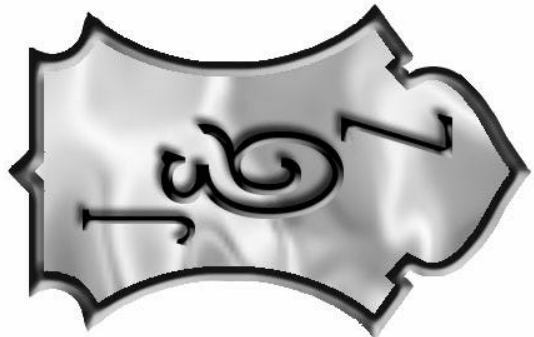
LANDSCAPE PLAN

ALAMEDA LUXURY APARTMENTS

sheet no:

DRB2.0

8400 ALAMEDA BLVD, NE
ALBUQUERQUE, NM 87112

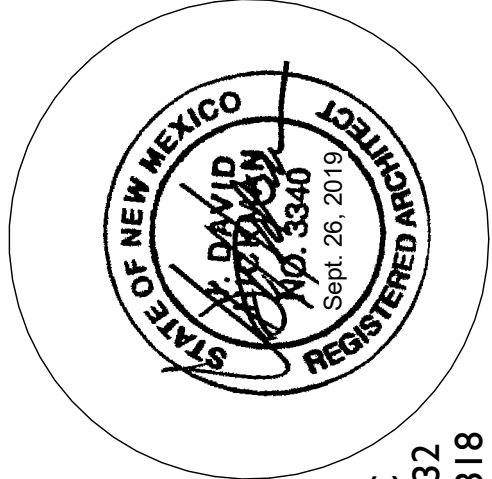


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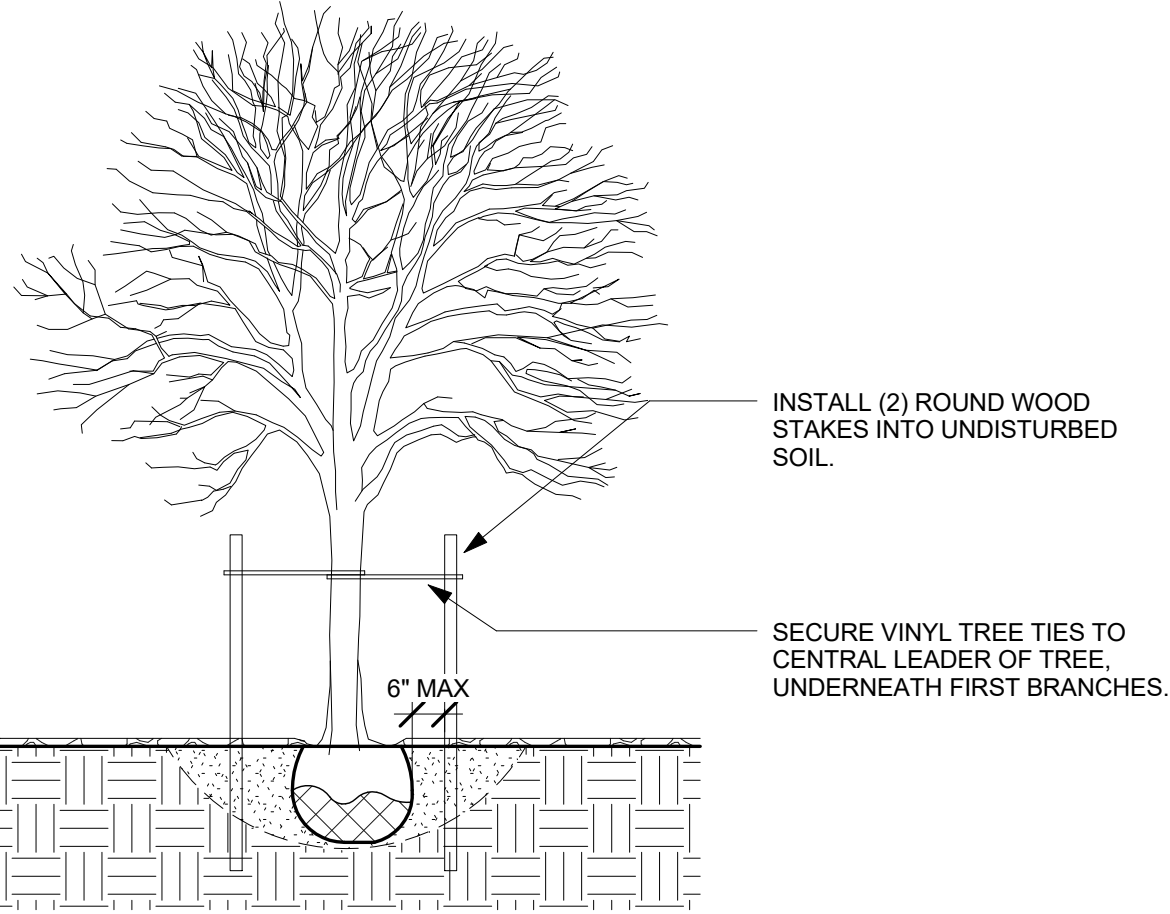
"EASY AS PIE"

PLANT LEGEND:

SYMBOL	BOTANICAL NAME COMMON NAME	QUANTITY	WATER USE	INSTALLED SIZE	MATURE H / W	SYMBOL	BOTANICAL NAME COMMON NAME	QUANTITY	WATER USE	INSTALLED SIZE	MATURE H / W
5 GAL						TREES					
	ROSA BANKSIAE YELLOW LADY BANK'S ROSE	6	MEDIUM	5 GAL	4'x4'		PINUS NIGRA AUSTRIAN PINE	6	MEDIUM	8'-10'	35'x25'
	CALAMAGROSTIS ARUNDINACEA 'KARL FOESTER' KARL FOESTER FEATHER REED GRASS	39	MEDIUM	5 GAL	30"x2'		GLEDITSIA TRIACANTHOS 'SHADEMASTER' SHADEMASTER HONEY LOCUST	16	MEDIUM	2" CAL	x'
	MISCANTHUS SINENSIS 'MORNING LIGHT' MORNING LIGHT MAIDEN GRASS	18	MEDIUM	5 GAL	5'x5'		VITEX AGNUS-CASTUS CHASTE TREE	10	MEDIUM	15 GAL	20'x20'
	MUHLENBERGIA CAPILLARIS 'REGAL MIST' REGAL MIST MUHLY GRASS	21	MEDIUM	5 GAL	3'x3'		PISTACIA ATLANTICA X INTEGERRIMA RED PUSH PISTACHE	19	MEDIUM	2" CAL	40'x40'
	HELICOTRICHON SEMPERVIRENS BLUE AVENA GRASS	12	LOW	5 GAL	2'x2'		FORESTIERA NEOMEXICANA NM OLIVE MULTI TRUNK	3	MEDIUM	15 GALLON	15'x15'
	RHUS AROMATICA 'GRO LOW' GROW LOW SUMAC	38	LOW	5 GAL	3'x8'		LAGERSTROEMIA HYBRIDS 'DYNAMITE' GRAPE MYRTLE 'DYNAMITE' MULTI TRUNK	13	HIGH	15 GALLON	15'x15'
	SALVIA GREGGII 'FURMAN'S RED' CHERRY SAGE	9	LOW	5 GAL	2'x3'						
	CARYOPTERIS X CLANDONENSIS BLUE MIST SPIREA	6	LOW	5 GAL	3'x3'						
	SYRINGA BLOOMERANG LILAC	9	MEDIUM	5 GAL	4'x5'						
	COTONEASTER GLAUCOPHYLLUS GRAYLEAF COTONEASTER	9	LOW	5 GAL	2'x9'						
	COTONEASTER DAMMERI 'CORAL BEAUTY' BEARBERRY COTONEASTER	31	MEDIUM	5 GAL	6'x10'						
	BUXUS MICROPHYLLA JAPONICA 'WINTER GEM' WINTER GEM BOXWOOD	20	MEDIUM	5 GAL	4'x4'						
	RAPHIOLEPIS INDICA 'BLUEBERRY MUFFIN' BLUEBERRY MUFFIN INDIAN HAWTHORN	45	MEDIUM	5 GAL	3'x4'						
	BERBEN'S THUNBERGII 'ORANGE ROCKET' ORAGE ROCKET BARBERRY	15	MEDIUM	5 GAL	2'x3'						
	HIBISCUS SYRIACUS 'APHRODITE' ROSE OF SHARON	14	MEDIUM	5 GAL	10'x10'						
	BERBERIS THUNBERGII 'CHERRY BOMB' CHERRY BOMB BARBERRY	29	MEDIUM	5 GAL	2'x2'						

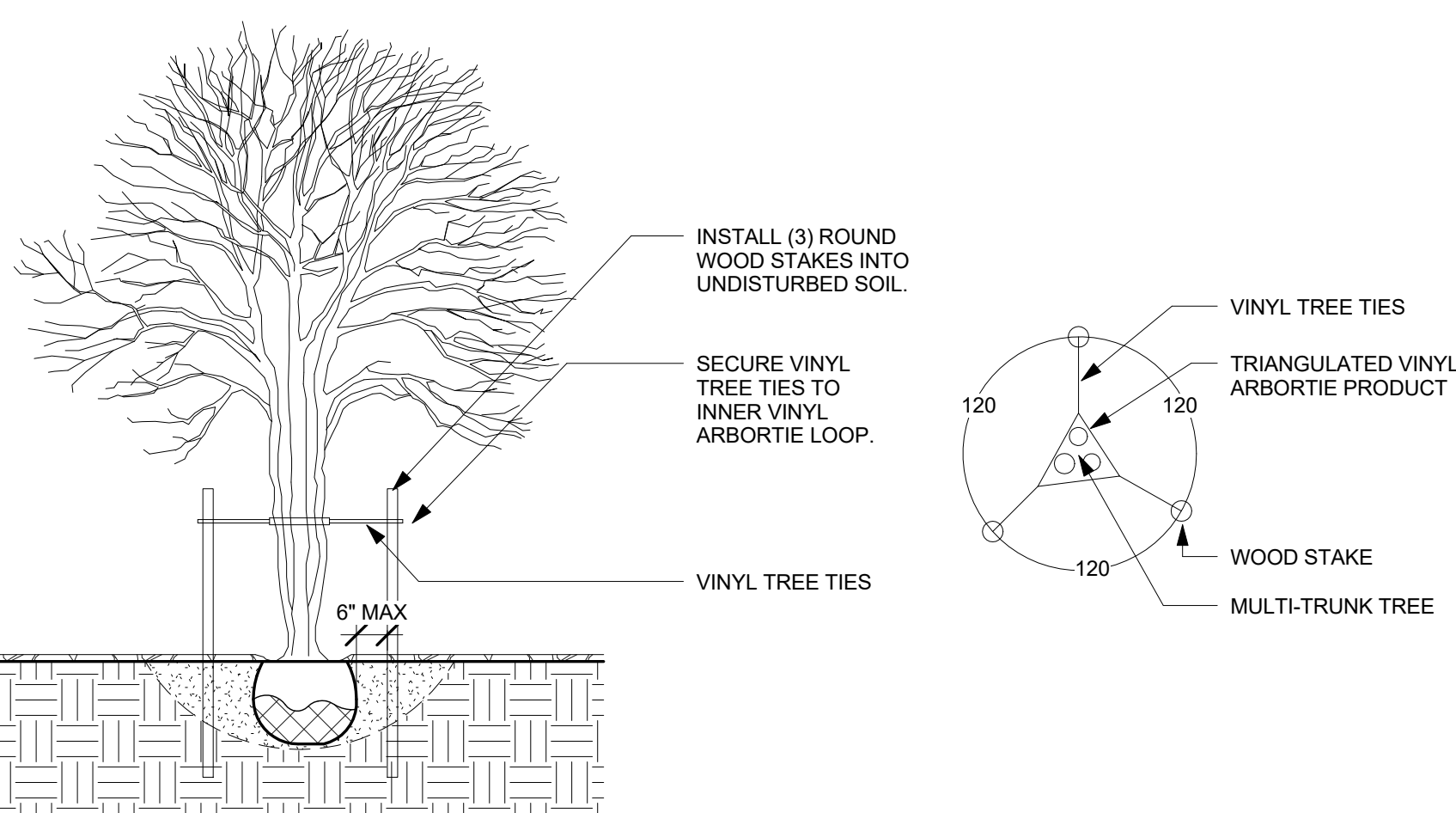
6 Landscape Detail - Landscape Bed
1/8" = 1'-0"

- NOTES:
- VINYL TREE TIES TO BE CINCH-TIE 32" OR APPROVED EQUAL, AVAILABLE FROM V.I.T. PRODUCTS 800 - 729 - 1314
 - STAKING TO BE REMOVED AT THE END OF WARRANTY PERIOD.



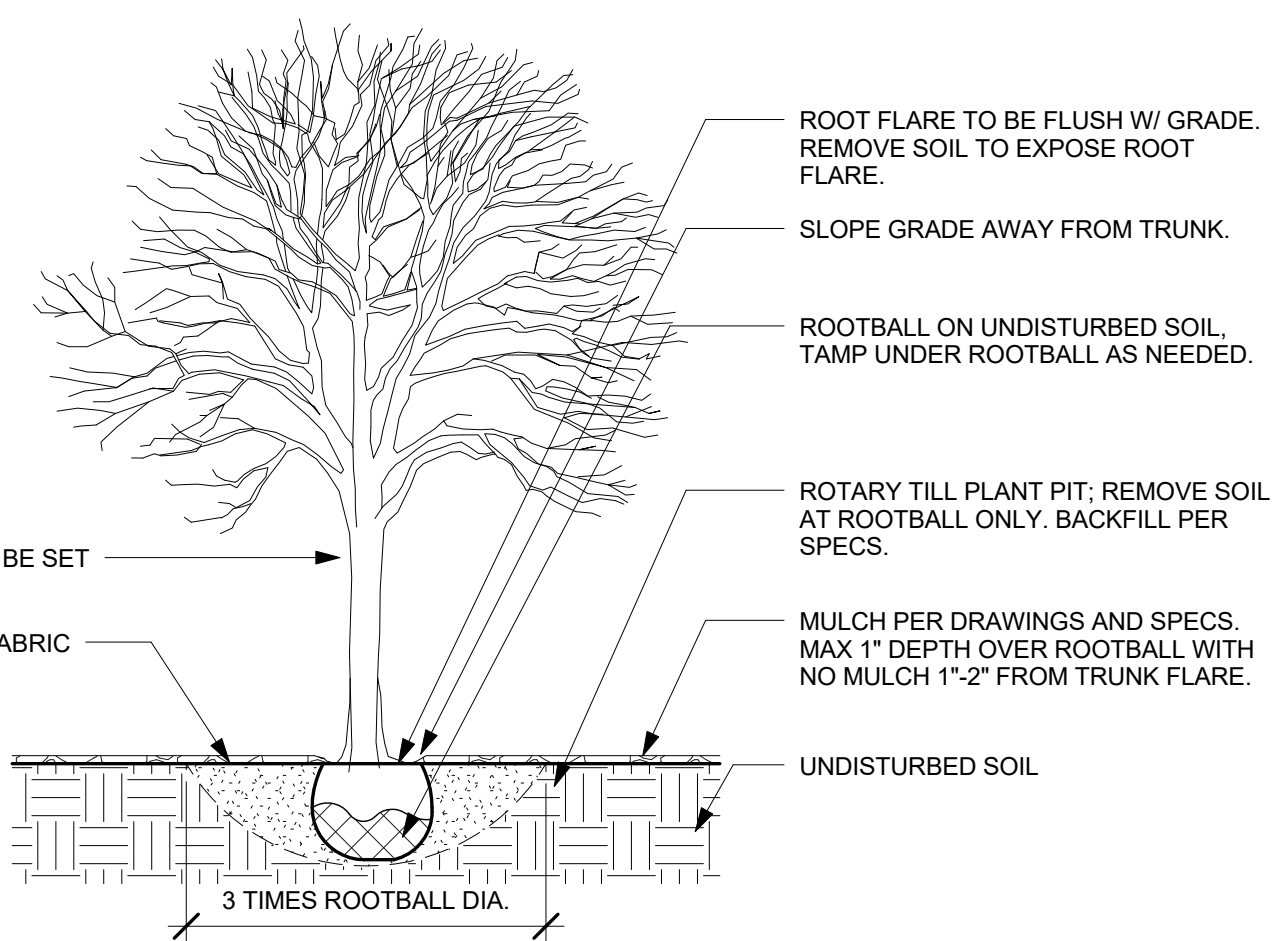
8 Landscape Detail - Tree Staking
1/8" = 1'-0"

- NOTES:
- VINYL TREE TIES TO BE CINCH-TIE 32" OR APPROVED EQUAL, AVAILABLE FROM V.I.T. PRODUCTS 800 - 729 - 1314
 - STAKING TO BE REMOVED AT THE END OF WARRANTY PERIOD.



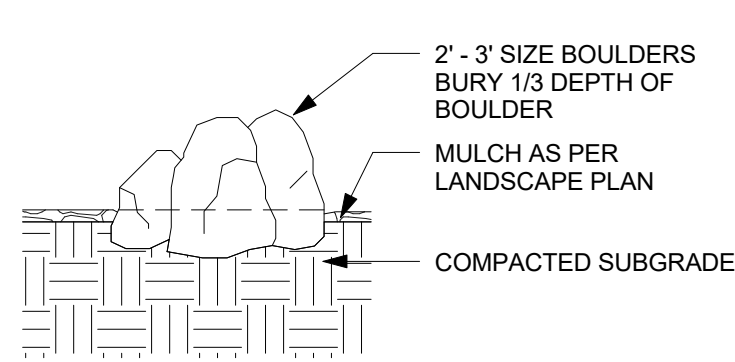
9 Landscape Detail - Multi-Trunk Staking
1/8" = 1'-0"

- NOTES:
- PRIOR TO BACKFILLING, ALL MATERIAL SUCH AS CONTAINERS, WIRE, BURLAP, AND ROPE SHALL BE REMOVED AS COMPLETELY AS POSSIBLE, WHILE STILL PROTECTING THE INTEGRITY OF THE ROOTBALL. BOTTOM OF TREE PITS TO BE COMPACTED TO PREVENT SETTLING.
 -



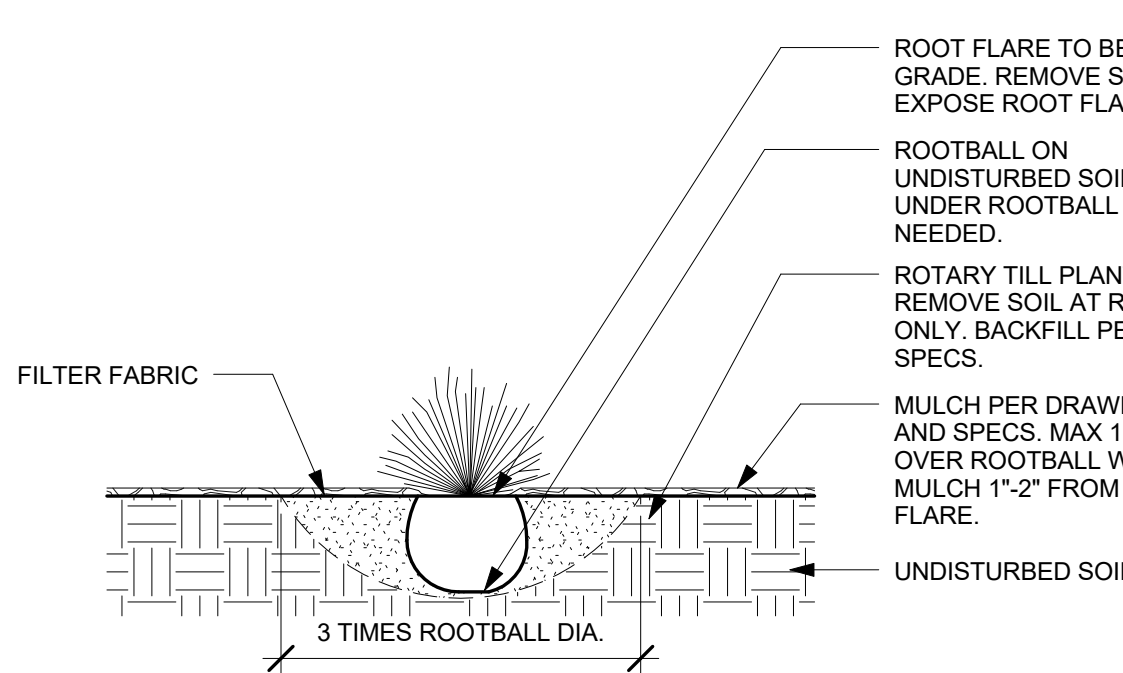
7 Landscape Detail - Tree
1/8" = 1'-0"

- NOTE:
- BOULDER CHOICES TO BE APPROVED BY LANDSCAPE ARCHITECT. LOCATIONS SHALL BE VARIFIED BY LANDSCAPE ARCHITECT PRIOR TO PLACEMENT.

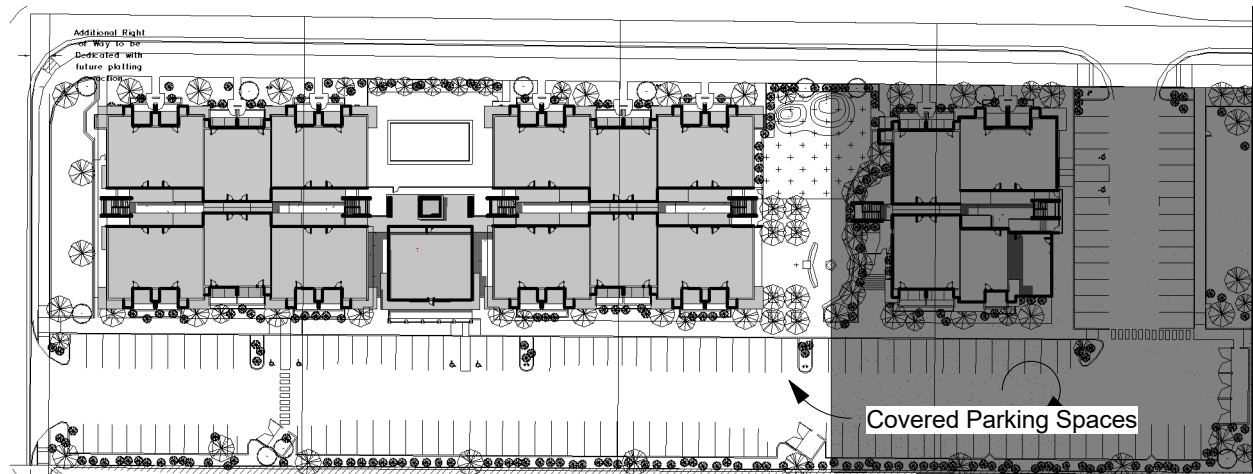


10 Landscape Detail - Boulder Installation
1/4" = 1'-0"

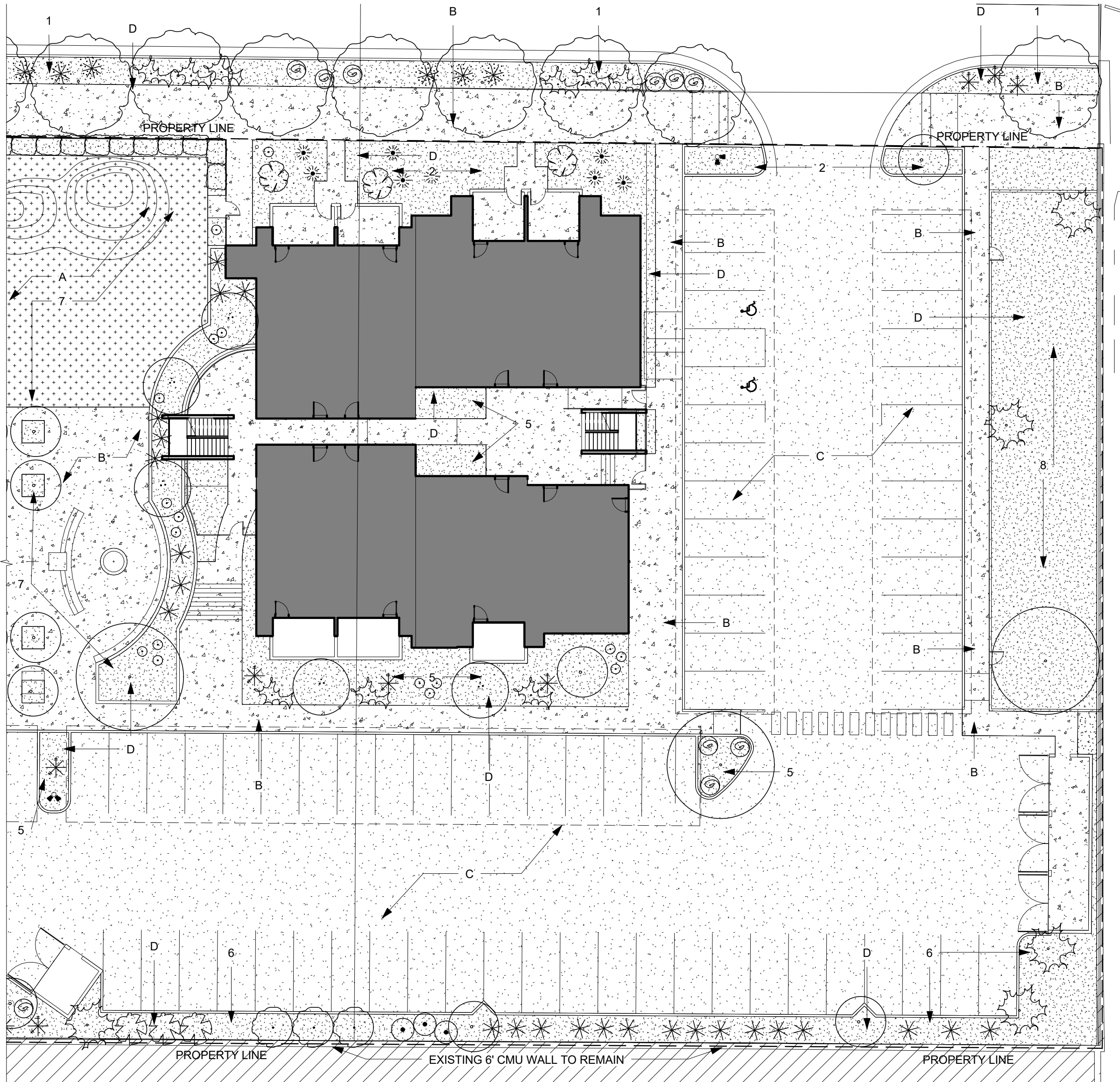
- NOTES:
- PRIOR TO BACKFILLING, ALL MATERIAL SUCH AS CONTAINERS, WIRE, BURLAP, AND ROPE SHALL BE REMOVED AS COMPLETELY AS POSSIBLE, WHILE STILL PROTECTING THE INTEGRITY OF THE ROOTBALL. BOTTOM OF TREE PITS TO BE COMPACTED TO PREVENT SETTLING.
 -



5 Landscape Detail - Shrub
1/8" = 1'-0"



3 Site Plan Key Copy 1
1" = 100'-0"



1 Landscape Plan - East End
1" = 20'-0"

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LANDSCAPE PLAN

ALAMEDA LUXURY APARTMENTS

sheet no:

DRB2J

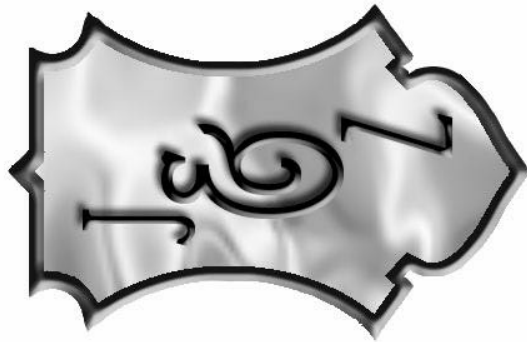
8400 ALAMEDA BLVD. NE
ALBUQUERQUE, NM 87112

job no:

drawn: 00

checked: J&Z

date: Nov. 27, 2019

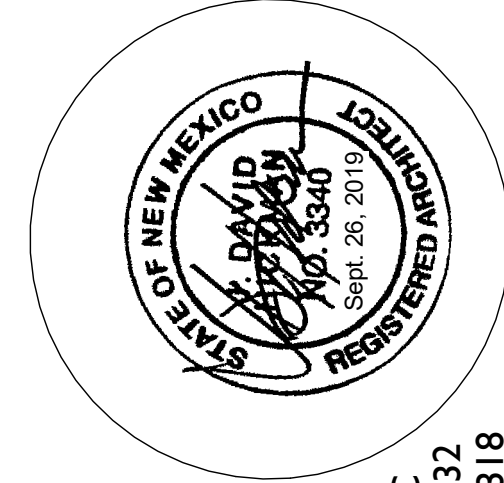


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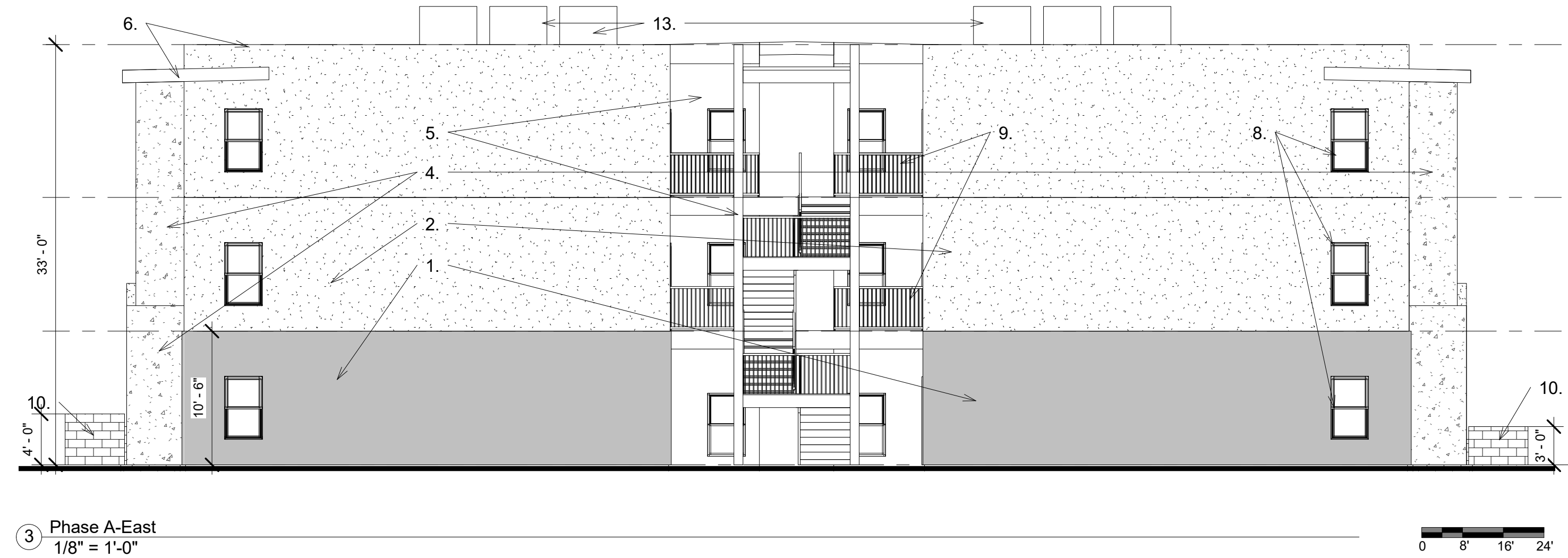
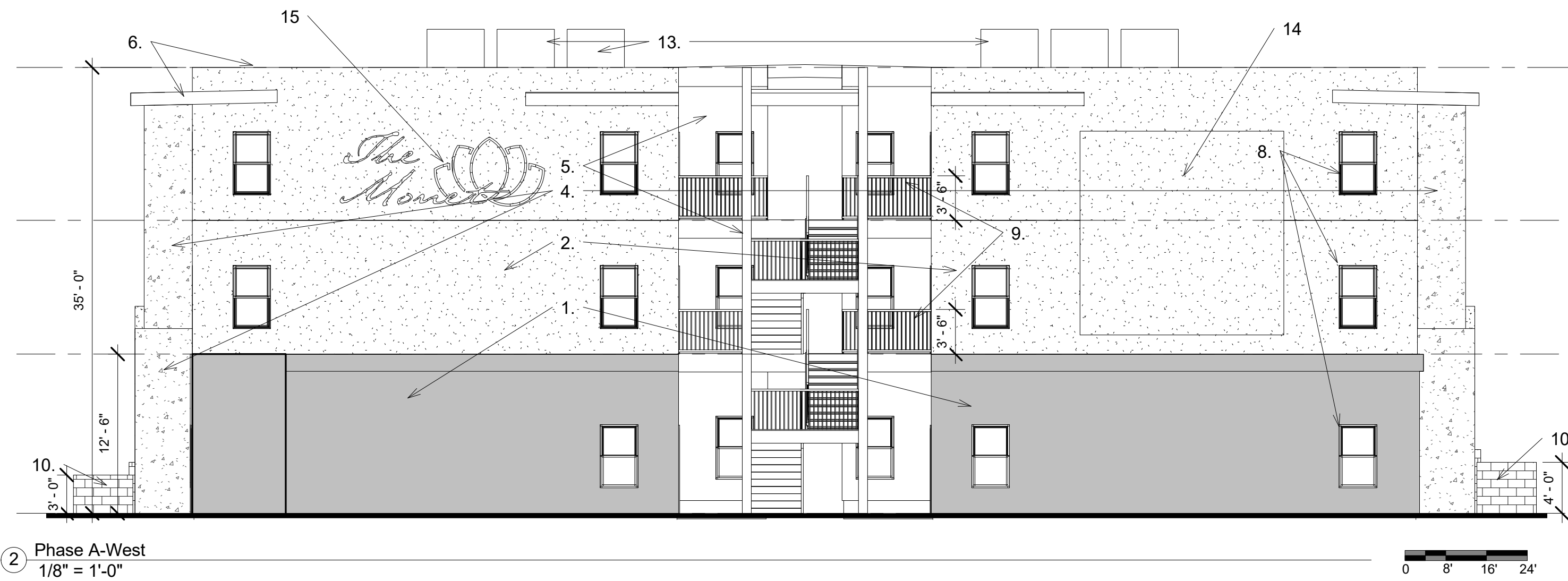
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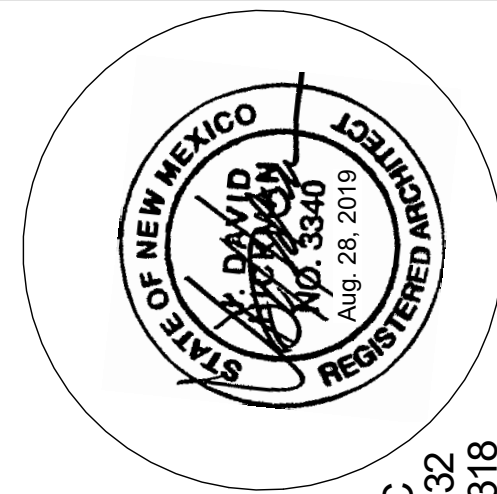
Keyed Notes:

1. Stucco Color #1: Medium Grey (Wall to be 2" thicker than wall above)
2. Stucco Color #2: Tan
3. Stucco Color #3: Red Orange
4. Stucco Color #4: Orange Yellow
5. Stucco Color #5: Off White
6. White single ply membrane roof
7. Pitched metal roof ("galvalume" finish to match gutters and downspouts)
8. White vinyl windows
9. Painted metal railings
10. Exposed CMU yard wall
11. Painted metal gate to match railings
12. Building sign with units range
13. Roof mounted heat pump condenser units shall be pushed to middle of building so as not to be seen from street
14. Art - Mural, privately owned
15. Property Sign to be on a separate permit to be submitted in accordance with IDO requirements.

GENERAL NOTES:

1. ANY BUILDING MOUNTED SIGNAGE IS TO BE ACHIEVED THROUGH A SEPERATE BUILDING PERMIT IN ACCORDANCE WITH THE UNDERLYING MX-L ZONING

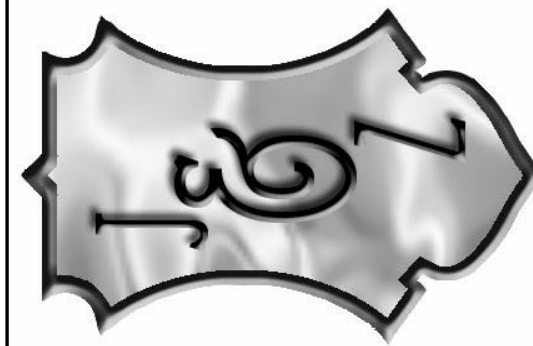
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drawn: JDH

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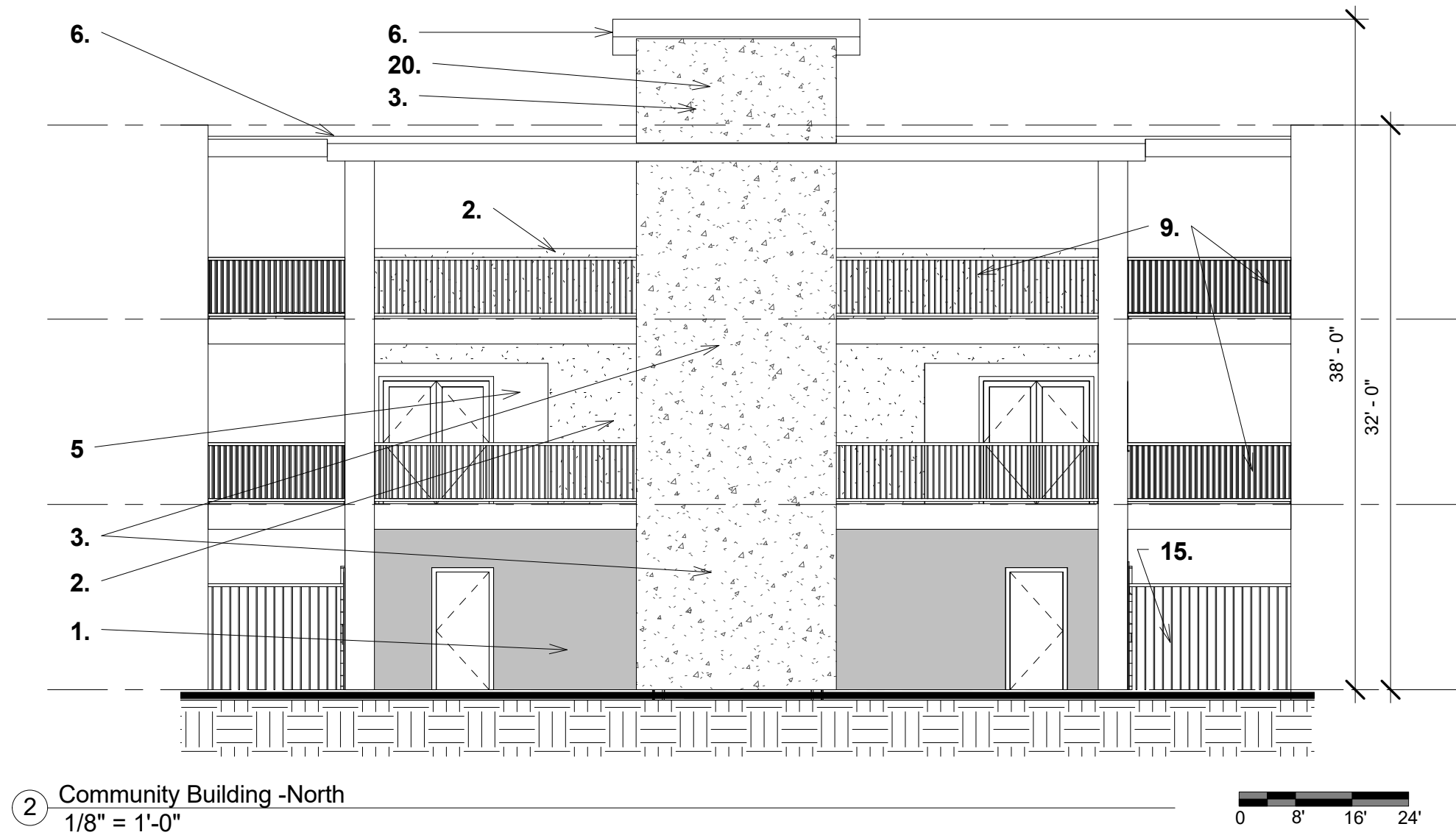
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ALAMEDA LUXURY APARTMENTS

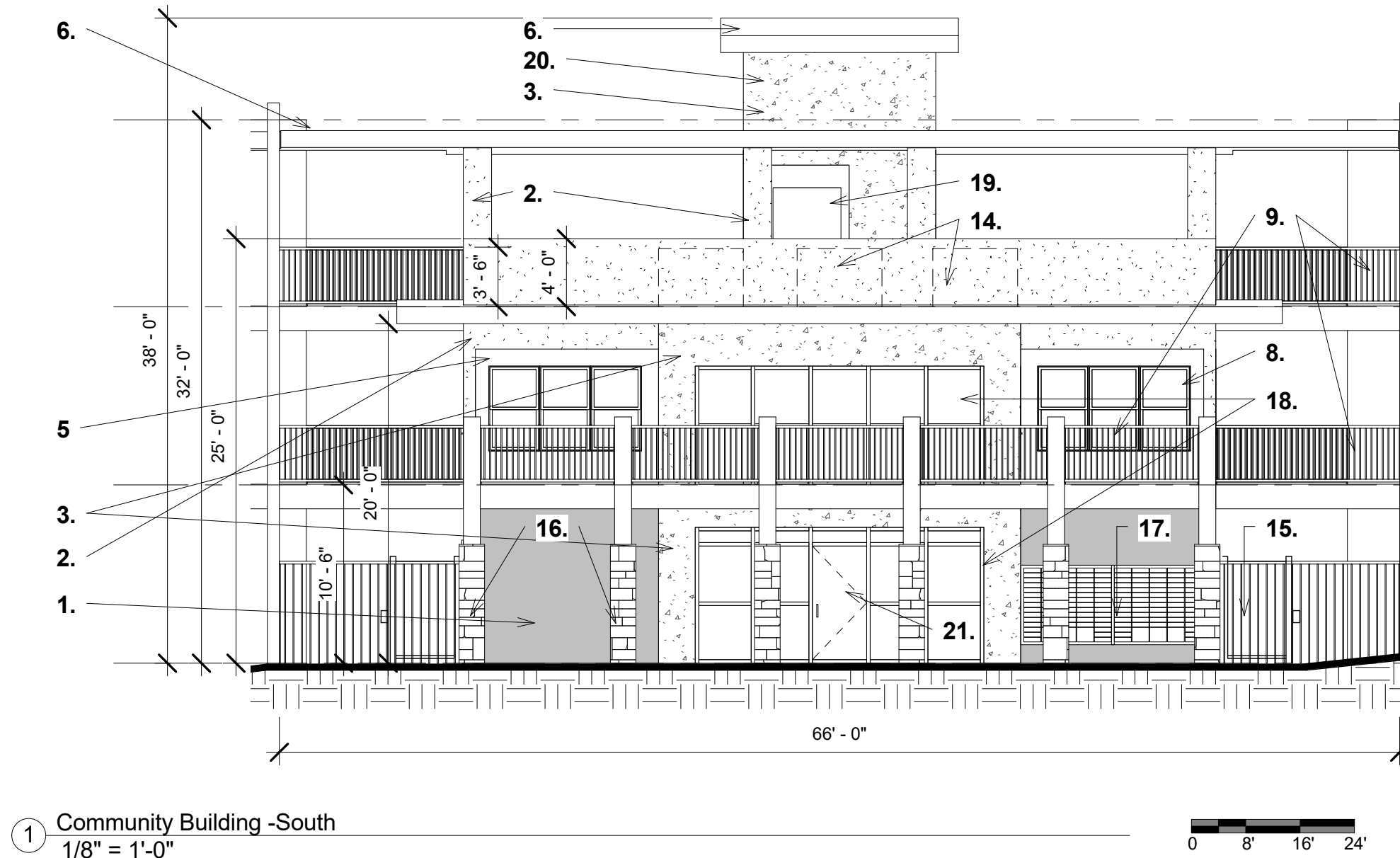
8400 ALAMEDA BLVD., NE
ALBUQUERQUE, NM 87112

sheet no:

4



② Community Building -North
1/8" = 1'-0"



① Community Building -South
1/8" = 1'-0"

Keyed Notes:

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11. Painted metal gate to match railings
12. Building sign with units range
13. Roof mounted heat pump condenser units shall be pushed to middle of building so as not to be seen from street
14. Roof mounted mechanical units to be located behind screen wall
15. Painted metal security fencing and gate
16. Accent stone wrap at columns
17. Mail boxes
18. Aluminum storefront: White
19. Elevator door
20. Elevator shaft/ mechanical space
21. Information Signage on door

GENERAL NOTES:

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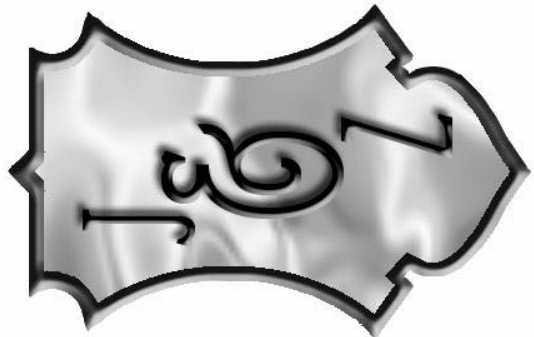
COMMUNITY BUILDING ELEVATIONS

ALAMEDA LUXURY APARTMENTS

8400 ALAMEDA BLVD., NE
ALBUQUERQUE, NM 87112

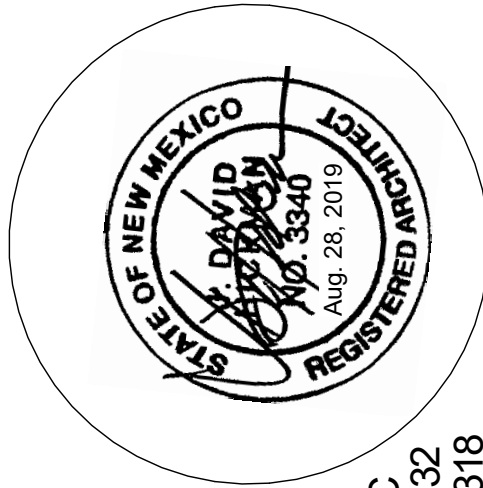
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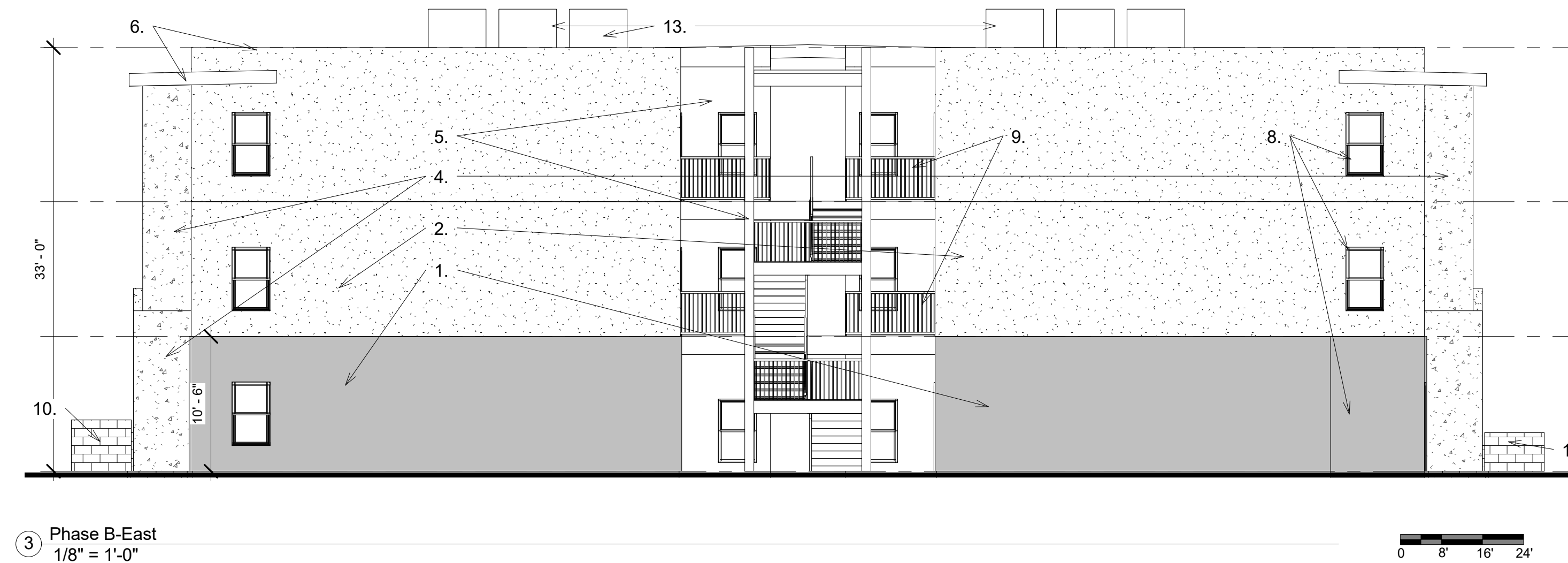
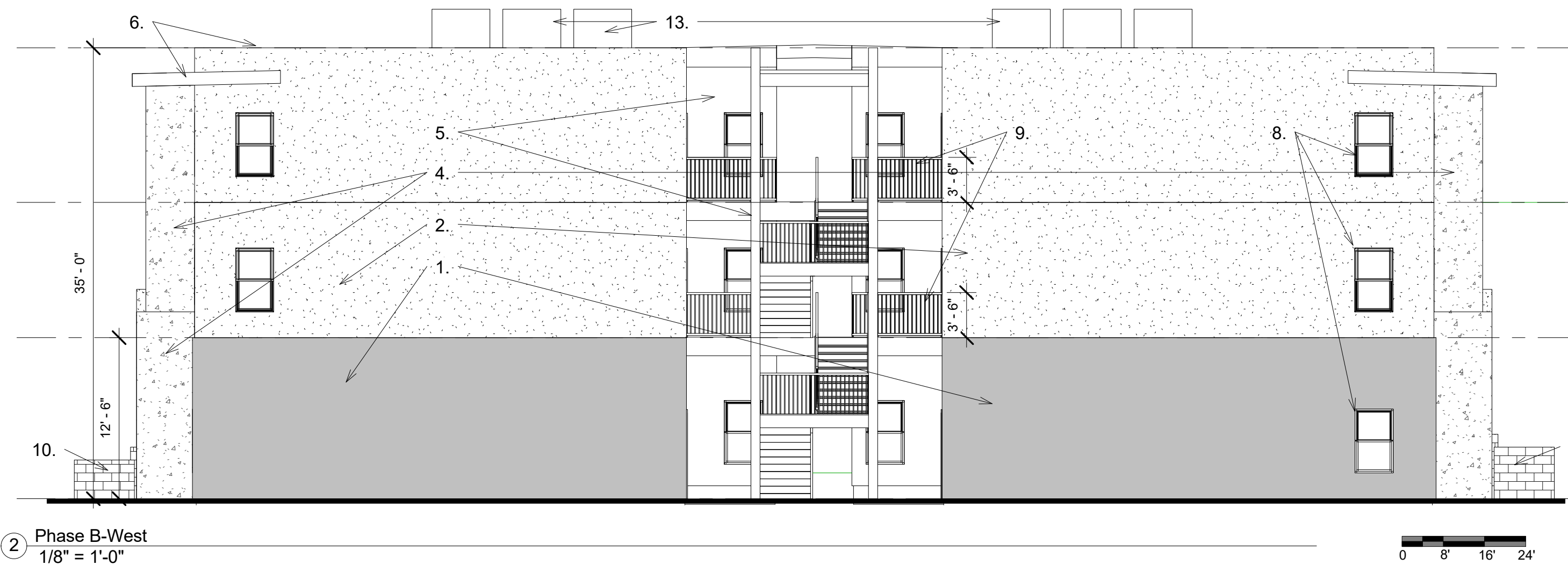
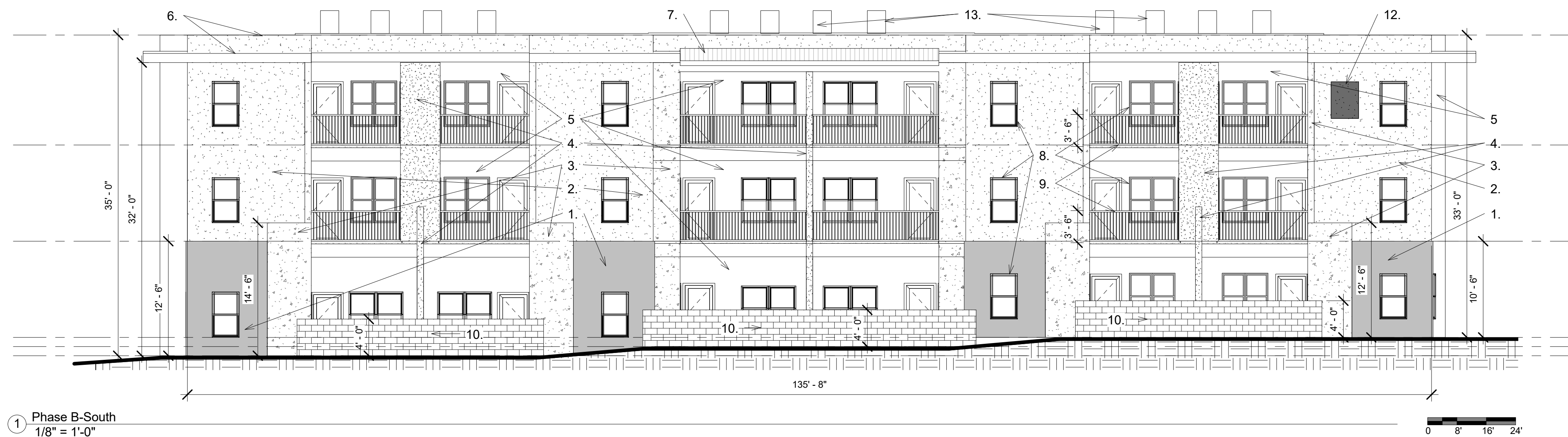


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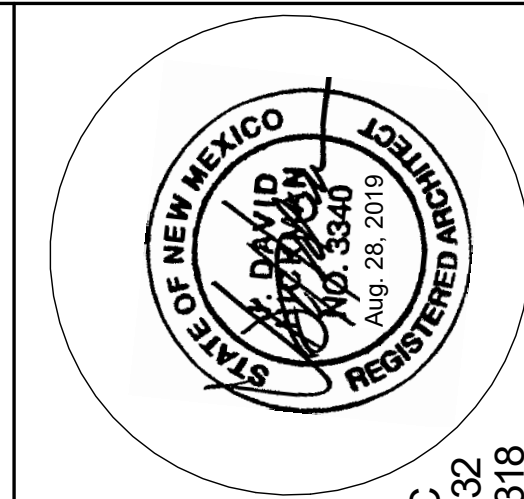
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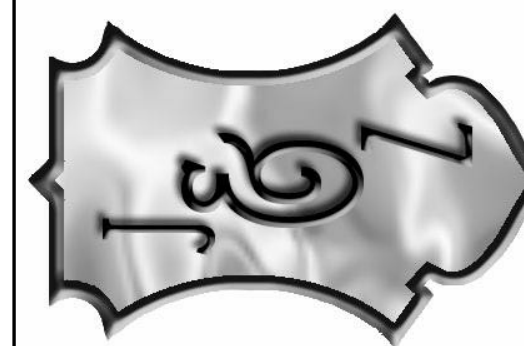
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job no:

drawn: JDH

checked: J&Z

date: 8/28/19

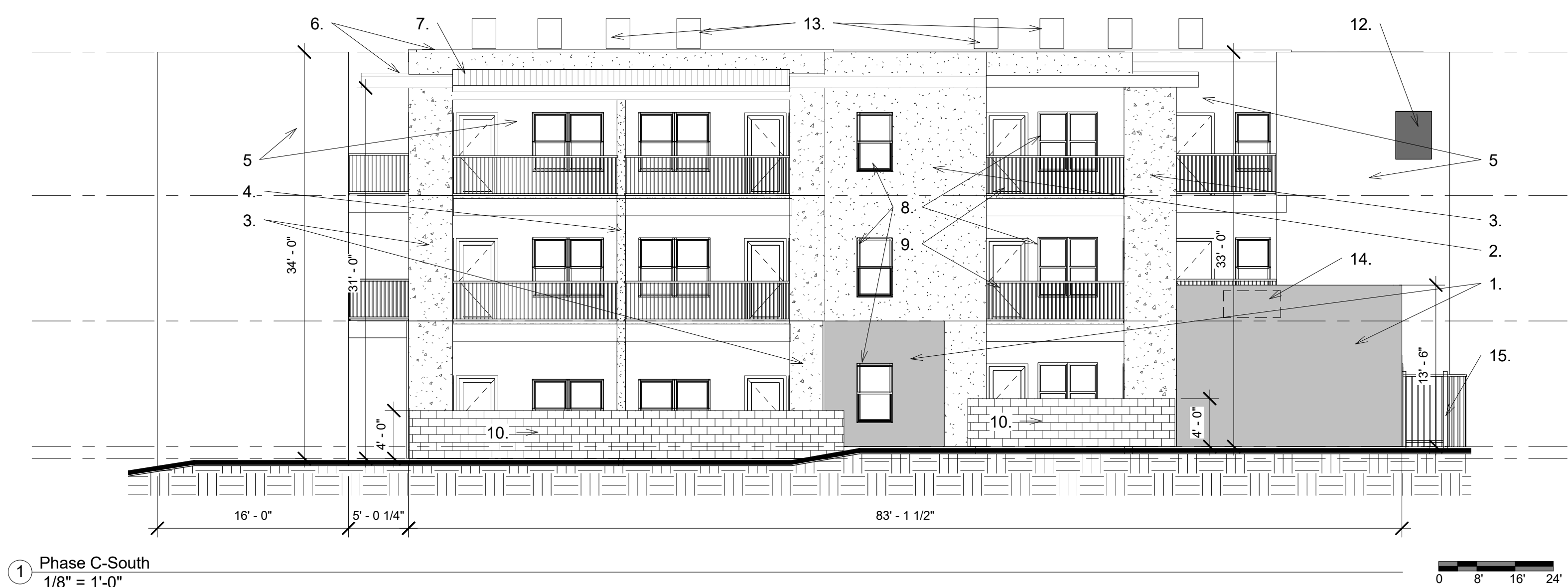
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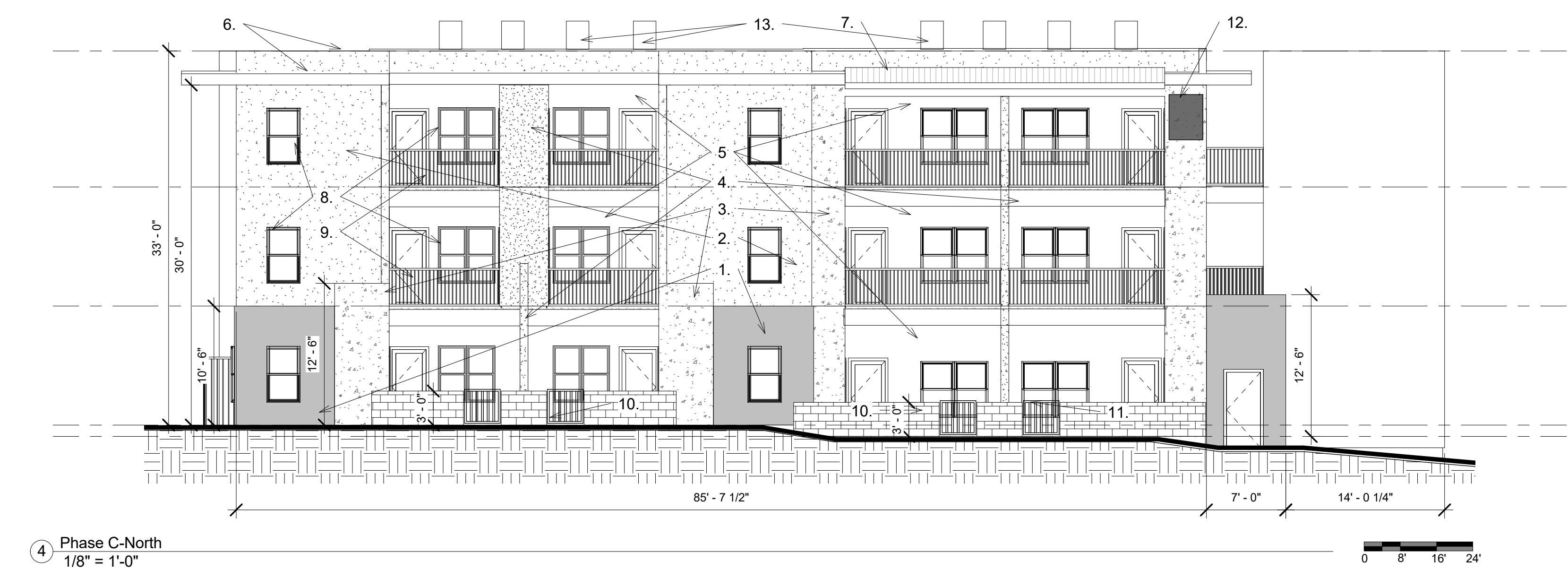
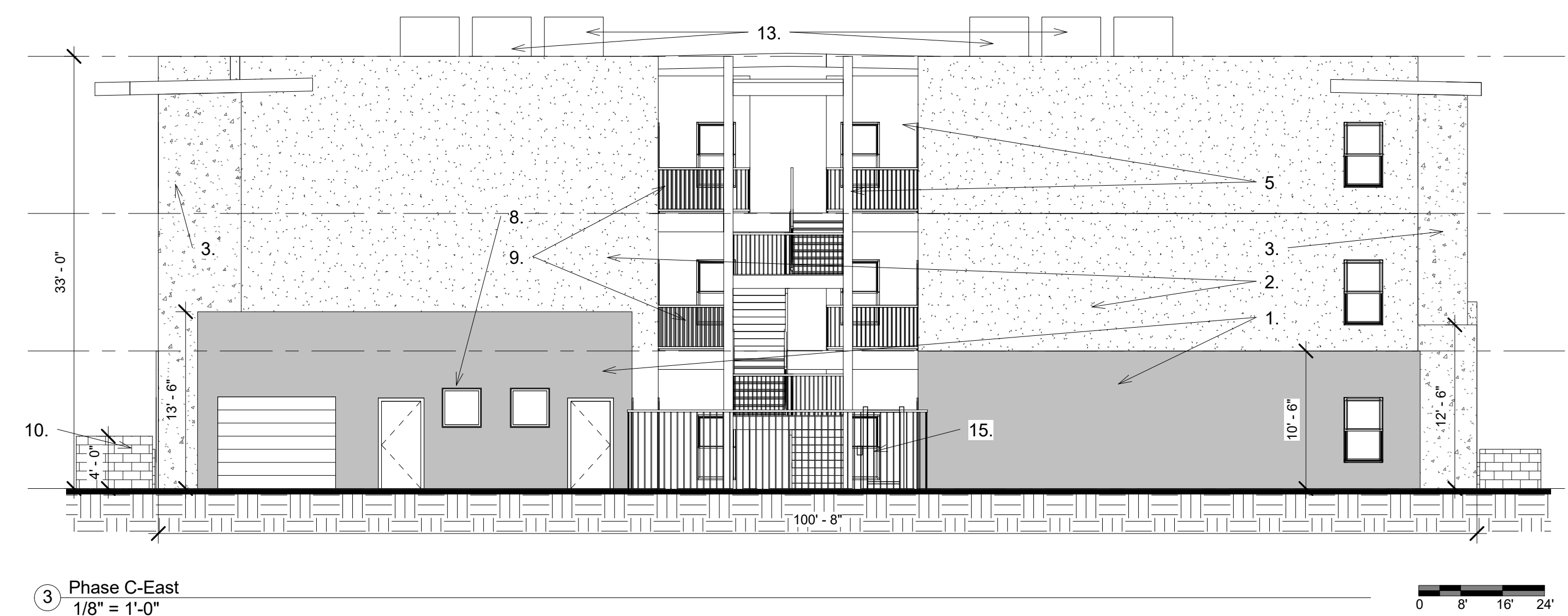
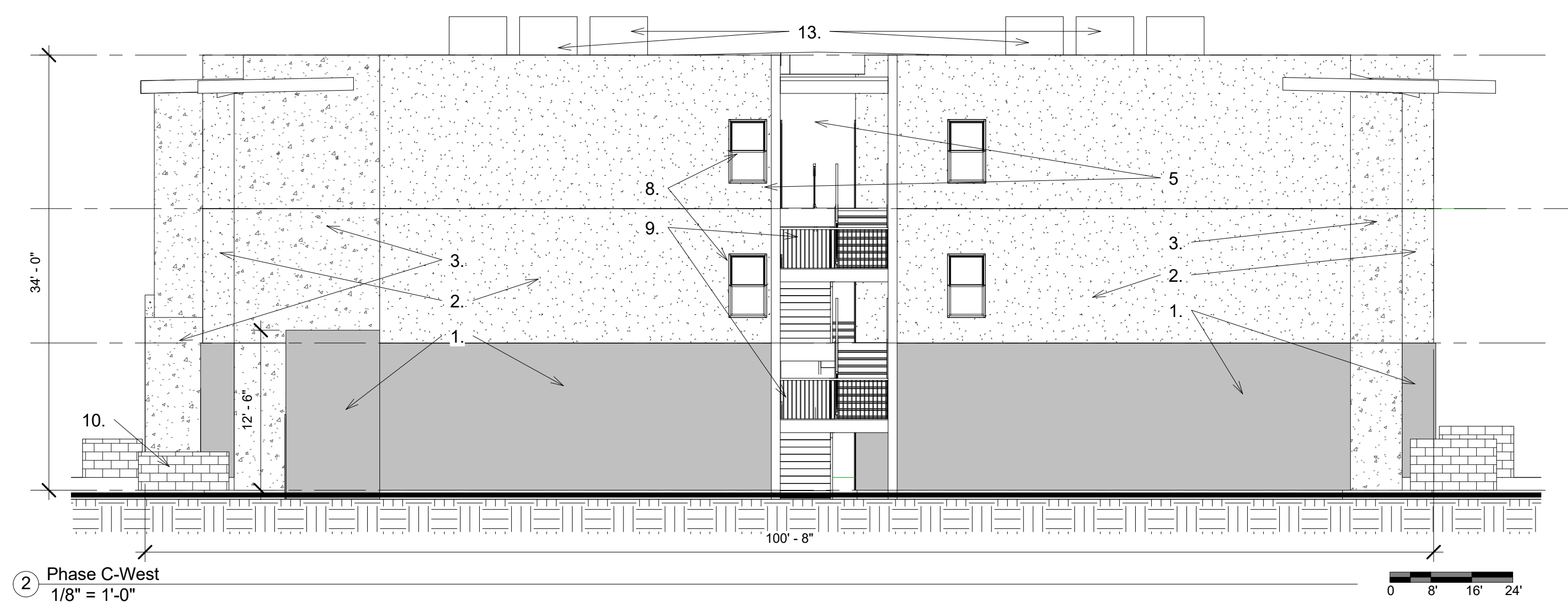
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ALBUQUERQUE, NM 87112

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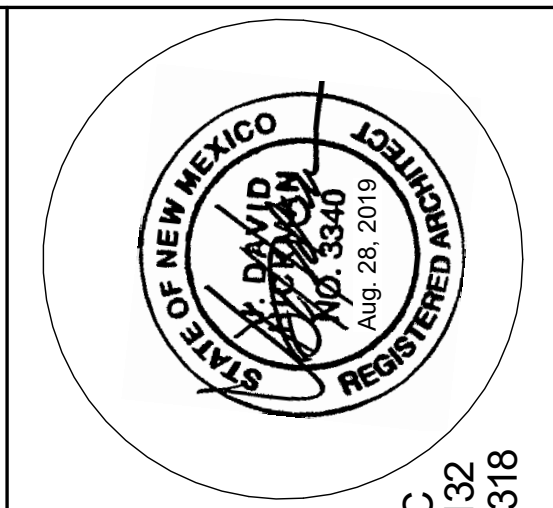
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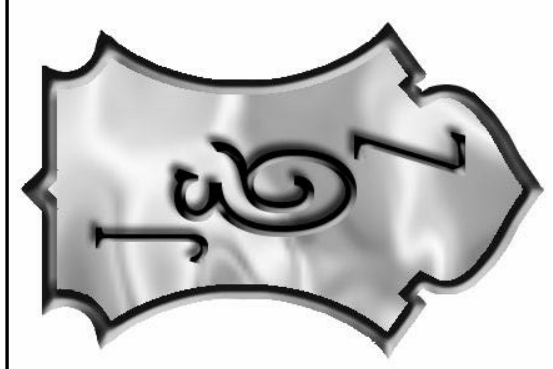
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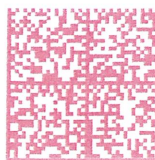
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PHASE C ELEVATIONS
ALAMEDA LUXURY APARTMENTS
 8400 ALAMEDA BLVD. NE
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Daniel Regan
District 4 Coalition
4109 Chama Street NE
Albuquerque, NM 87109

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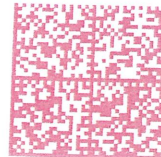
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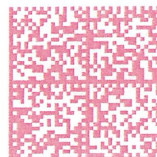


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Timothy Krier
Nor Este Neighborhood Association
8900 Olivine Street NE
Albuquerque, NM 87113



2021 Property Owner Buffer Map



Legend

- Bernalillo County Parcels
- Primary Streets
 - Freeway
 - Principal Arterial
 - Minor Arterial
 - Local Streets
- BN and SF Railroad
- Other Streets
- Municipal Limits
 - Corrales
 - Edgewood
 - Los Ranchos
 - Rio Rancho
 - Tijeras
 - UNINCORPORATED
- World Street Map

Notes

Prepared by Consensus Planning
11/12/21

301 0 150 301 Feet

WGS_1984_Web_Mercator_Auxiliary_Sphere
11/12/2021 © City of Albuquerque

1: 1,803

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107

THIS MAP IS NOT TO BE USED FOR NAVIGATION

UPC	Owner	Owner Address	Owner Address 2	SITUS Address	SITUSADD2	Legal Description	Acres
101906451934310204	ALVARADO JOSE M & EDNA M	8732 TIERRA MONTANA PL NE	ALBUQUERQUE NM 87113	8732 TIERRA MONTANA PL NE	ALBUQUERQUE NM 87122	LOT 16 TIERRA LA CUEVA UNIT 1 SUBD PLAT OF TIERRA LA CUEVA - UNIT 1 CONT 0.1488	0.1488
102006402532121303	APODACA LISA A	8428 TIERRA MORENA PL NE	ALBUQUERQUE NM 87122-2974	8428 TIERRA MORENA PL NE	ALBUQUERQUE 87122	LT 18-P1 CORRECTION PLAT OF TIERRA MORENA SUBDIVISIONCONT .1188 AC +/-	0.1188
102006405838620304	BACA RANDOLPH P & SHANNON S	8501 ALAMEDA BLVD NE	ALBUQUERQUE NM 87122-3704	8501 ALAMEDA BLVD NE	ALBUQUERQUE NM 87122 3704	LT 29 BLK 3 TRACT 3 UNIT 3 NORTH ALBUQUERQUE ACRES(EXCL S'LY PORT OUT TO R/W)	0.7657
102006404132121306	BARRERA-MARTINEZ MARY J	9420 BEAR MOUNTAIN TRL NE	ALBUQUERQUE NM 87113	8508 TIERRA MORENA PL NE	ALBUQUERQUE 87122	LT 15-P1 CORRECTION PLAT OF TIERRA MORENA SUBDIVISIONCONT .1291 AC +/-	0.1291
102006402035213105	BLAND JEFFREY J & OLIVIA	8423 TIERRA MORENA PL NE	ALBUQUERQUE NM 87122-2977	8423 TIERRA MORENA PL NE	ALBUQUERQUE 87122	LT 6-P1 CORRECTION PLAT OF TIERRA MORENA SUBDIVISIONCONT .1188 AC +/-	0.1188
102006400539220334	CHIU JOE Y & CHERRY Y	8827 PICO LA CUEVA PL NE	ALBUQUERQUE NM 87122-1315	8827 PICO LA CUEVA PL NE	ALBUQUERQUE NM 87122	LT 4 REPLAT OF LOTS 1, 2 & 30 THRU 32 BLOCK 3 NORTHALBUQUERQUE ACRES TRACT 3	0.2526
	CHIU JOE Y & CHERRY Y	PO BOX 35412	ALBUQUERQUE NM 87176-5412				
102006400633621317	ANDERSON THOMAS MICHAEL & REBECCA ANN	8415 TIERRA MORENA PL NE	ALBUQUERQUE NM 87122-2977	8415 TIERRA MORENA PL NE	ALBUQUERQUE 87122	LT 4-P1 CORRECTION PLAT OF TIERRA MORENA SUBDIVISIONCONT .1690 AC +/-	0.169
	COOK LYNDEE A	8415 TIERRA MORENA PL NE	ALBUQUERQUE NM 87122				
101906451436010207	DICKENS SARA & PETER	8309 TIERRA LINDA PL NE	ALBUQUERQUE NM 87122-2655	8309 TIERRA LINDA NE	ALBUQUERQUE NM 87122	LOT 13 TIERRA LA CUEVA UNIT 1 SUBD PLAT OF TIERRA LA CUEVA - UNIT 1 CONT 0.1420	0.142
102006401433521316	DURAN JUANITA C	8419 TIERRA MORENA PL NE	ALBUQUERQUE NM 87122	8419 TIERRA MORENA PL NE	ALBUQUERQUE 87122	LT 5-P1 CORRECTION PLAT OF TIERRA MORENA SUBDIVISIONCONT .1215 AC +/-	0.1216
1020064031133521313	GREGOS GARY	8501 TIERRA MORENA PL NE	ALBUQUERQUE NM 87122-2958	8501 TIERRA MORENA PL NE	ALBUQUERQUE 87122	LT 8-P1 CORRECTION PLAT OF TIERRA MORENA SUBDIVISIONCONT .1188 AC +/-	0.1188
101906451933010202	HAWES CHRISTOPHER A & ANGELA J	8724 TIERRA MONTANA PL NE	ALBUQUERQUE NM 87122	8724 TIERRA MONTANA PL NE	ALBUQUERQUE NM 87122	LOT 18 TIERRA LA CUEVA UNIT 1 SUBD PLAT OF TIERRA LA CUEVA - UNIT 1 CONT 0.1492	0.1492
101906451838010858	HAYES JOHN J JR & LISA A	8816 HENRIETTE WYETH DR NE	ALBUQUERQUE NM 87122	8816 HENRIETTE WYETH DR NE	ALBUQUERQUE NM 87122	LT 2-P1 PLAT OF COURTYARDS AT ALAMEDA COMPRISED OF LOT17 & 18 BLOCK 13 NOR	0.1314
102006400738320335	HENRY CARL NOEL & NANCY LOU TRUSTEES HENRY RVLT	8823 PICO LA CUEVA RD NE	ALBUQUERQUE NM 87122-1315	8823 PICO LA CUEVA PL NE	ALBUQUERQUE NM 87122	LT 5 REPLAT OF LOTS 1, 2 & 30 THRU 32 BLOCK 3 NORTHALBUQUERQUE ACRES TRACT 3	0.2703
102006403632121305	JONES LEWIS E & NANCY L	8504 TIERRA MORENA PL NE	ALBUQUERQUE NM 87122	8504 TIERRA MORENA PL NE	ALBUQUERQUE 87122	LT 16-P1 CORRECTION PLAT OF TIERRA MORENA SUBDIVISIONCONT .1188 AC +/-	0.1188
102006406632320236	KIATBARAMEE PANNIPA & APIRATIKIL PAVEEN	8705 ASPEN LEAF DR NE	ALBUQUERQUE NM 87122-4225	8705 ASPEN LEAF DR NE	ALBUQUERQUE NM 87122	LT 2 PLAT OF LTS 1 THRU 6 HOPE PLAZA (BEING A REPL OFTR B-1-B HOPE PLAZA) CONT	0.0982
102006402838220337	LE PHILIP & AMBER M	8815 PICO LA CUEVA RD NE	ALBUQUERQUE NM 87122	8815 PICO LA CUEVA PL NE	ALBUQUERQUE NM 87122	LT 7 REPLAT OF LOTS 1, 2 & 30 THRU 32 BLOCK 3 NORTHALBUQUERQUE ACRES TRACT 3	0.2195
102006403638120338	LEE CURTIS G	8809 PICO LA CUEVA PL NE	ALBUQUERQUE NM 87122-1315	8809 PICO LA CUEVA PL NE	ALBUQUERQUE NM 87122	LT 8 REPLAT OF LOTS 1, 2 & 30 THRU 32 BLOCK 3 NORTHALBUQUERQUE ACRES TRACT 3	0.2017
102006405432421308	LI YIBING & ALLISON CLAIRE	8516 TIERRA MORENA PL NE	ALBUQUERQUE NM 87122-2946	8516 TIERRA MORENA PL NE	ALBUQUERQUE 87122	LT 13-P1 CORRECTION PLAT OF TIERRA MORENA SUBDIVISIONCONT .1285 AC +/-	0.1286
	CASWELL LARRY D JR & ERIN E	8516 TIERRA MORENA PL NE	ALBUQUERQUE NM 87122-2946				
102006402535620231	LINDBORG PHILIP L	12809 DONETTE CT NE	ALBUQUERQUE NM 87112-4708	8450 ALAMEDA BLVD NE	ALBUQUERQUE NM 87122	* 002 004NORTH ALBUQ ACRES UN3 TR3	0.8864
102006405433021309	MARTIN ROBERT B & JAIMIE S	8519 TIERRA MORENA PL NE	ALBUQUERQUE NM 87112	8519 TIERRA MORENA PL NE	ALBUQUERQUE 87122	LT 12-P1 CORRECTION PLAT OF TIERRA MORENA SUBDIVISIONCONT .1285 AC +/-	0.1286
102006405835620234	MATONTI GIUSEPPE & ANNA TRUSTEES MATONTI FAMILY TRUST	2628 WISCONSIN ST NE	ALBUQUERQUE NM 87110-3756	N/A	ALBUQUERQUE NM 87122	LT 4 BLK 4 TR 3 UNIT 3 NORTH ALBUQUERQUE ACRES CONT 0.8863 AC M/L OR 38,610 SC	0.8864
102006400132521319	MEYER MARK A & LOIS	8405 TIERRA MORENA PL NE	ALBUQUERQUE NM 87122	8405 TIERRA MORENA PL NE	ALBUQUERQUE 87122	LT 2-P1 CORRECTION PLAT OF TIERRA MORENA SUBDIVISIONCONT .1291 AC +/-	0.1292
102006408734920901AE	MOBY PARTNERSHIP	5600 WYOMING BLVD NE SUITE 180	ALBUQUERQUE NM 87109-3149	8650 ALAMEDA BLVD NE 300W	ALBUQUERQUE NM 87122	UNIT 300W OF HOPE PLAZA CONDOMINIUMS TOGETHER WITH AN EQUALUNDIVIDED IN	0
102006408734920901	MOBY PARTNERSHIP	PO BOX 332	FARWELL TX 79325	8650 ALAMEDA BLVD NE	ALBUQUERQUE 87122	TR A PLAT OF TRS A, B & C HOPE PLAZA (AKA HOPE PLAZA CONDOMINIUMS) CONT 2.59;	2.5923
102006404233521311	NGUYEN TRAM THI & TRAN BO	8509 TIERRA MORENA PL NE	ALBUQUERQUE NM 87122	8509 TIERRA MORENA PL NE	ALBUQUERQUE 87122	LT 10-P1 CORRECTION PLAT OF TIERRA MORENA SUBDIVISIONCONT .1291 AC +/-	0.1291
102006404239120340	ODELL MICHAEL & NANCY RVLT	8801 PICO LA CUEVA RD NE	ALBUQUERQUE NM 87122-1358	8801 PICO LA CUEVA PL NE	ALBUQUERQUE NM 87122	LT 10 REPLAT OF LOTS 1, 2 & 30 THRU 32 BLOCK 3 NORTHALBUQUERQUE ACRES TRACT	0.2054
102006404438120339	ONEILL JOSEPH W & BAEHR KAREN L	8805 PICO LA CUEVA RD NE	ALBUQUERQUE NM 87122	8805 PICO LA CUEVA PL NE	ALBUQUERQUE NM 87122	LT 9 REPLAT OF LOTS 1, 2 & 30 THRU 32 BLOCK 3 NORTHALBUQUERQUE ACRES TRACT 3	0.2631
102006406832920237	PATEL PANKAJ & NAYANA	8709 ASPEN LEAF DR NE	ALBUQUERQUE NM 87122-4225	8709 ASPEN LEAF DR NE	ALBUQUERQUE NM 87122	LT 3 PLAT OF LTS 1 THRU 6 HOPE PLAZA (BEING A REPL OFTR B-1-B HOPE PLAZA) CONT	0.1467
102006407338620305	ROBINSON ALEXIS M	8509 ALAMEDA BLVD NE	ALBUQUERQUE NM 87122-3704	8509 ALAMEDA BLVD NE	ALBUQUERQUE NM 87122	* 028 003NORTH ALBUQ ACRES UN3 TR3	0.8864
101906451837510857	SANCHEZ CLYDE & DOROTHY	8808 HENRIETTE WYETH DR NE	ALBUQUERQUE NM 87122-2777	8808 HENRIETTE WYETH DR NE	ALBUQUERQUE NM 87122	LT 3-P1 PLAT OF COURTYARDS AT ALAMEDA COMPRISED OF LOT17 & 18 BLOCK 13 NOR	0.1257
102006401538120336	SAUTER DONNA P & DAVID H	8819 PICO LA CUEVA RD NE	ALBUQUERQUE NM 87122-1315	8819 PICO LA CUEVA PL NE	ALBUQUERQUE NM 87122	LT 6 REPLAT OF LOTS 1, 2 & 30 THRU 32 BLOCK 3 NORTHALBUQUERQUE ACRES TRACT 3	0.2069
102006402533521314	SCARPA PAUL J & MARIA L	8427 TIERRA MORENA PL NE	ALBUQUERQUE NM 87122	8427 TIERRA MORENA PL NE	ALBUQUERQUE 87122	LT 7-P1 CORRECTION PLAT OF TIERRA MORENA SUBDIVISIONCONT .1188 AC +/-	0.1188
101906451837010856	SHACKLEY MICHAEL S & KATHLEEN L BUTLER	8304 SAN DIEGO AVE NE	ALBUQUERQUE NM 87122-3869	8800 HENRIETTA WYETH DR NE	ALBUQUERQUE NM 87122	LT 4-P1 PLAT OF COURTYARDS AT ALAMEDA COMPRISED OF LOT17 & 18 BLOCK 13 NOR	0.1506
	SHACKLEY MICHAEL S & KATHLEEN L BUTLER	8100 WYOMING BLVD NE M4-158	ALBUQUERQUE NM 87113-1963				
102006401432021301	SKIDMORE JOHN W & LORETTA D TRUSTEES SKIDMORE FAMILY RVLT	8420 TIERRA MORENA PL NE	ALBUQUERQUE NM 87122-2974	8420 TIERRA MORENA PL NE	ALBUQUERQUE 87122	LT 20-P1 CORRECTION PLAT OF TIERRA MORENA SUBDIVISIONCONT .1310 AC +/-	0.131
102006401932121302	SOLFEST PAMELA & ERIC	8424 TIERRA MORENA PL NE	ALBUQUERQUE NM 87122	8424 TIERRA MORENA PL NE	ALBUQUERQUE 87122	LT 19-P1 CORRECTION PLAT OF TIERRA MORENA SUBDIVISIONCONT .1188 AC +/-	0.1188
101906452035010205	STARNER DENNIS L & CHERI A	8736 TIERRA MONTANA NE	ALBUQUERQUE NM 87122	8736 TIERRA MONTANA NE	ALBUQUERQUE NM 87122	LOT 15 TIERRA LA CUEVA UNIT 1 SUBD PLAT OF TIERRA LA CUEVA - UNIT 1 CONT 0.1437	0.1437
101906451933710203	THOMSON BRIAN C & KRISTI K	8728 TIERRA MONTANA PL NE	ALBUQUERQUE NM 87122	8728 TIERRA MONTANA PL NE	ALBUQUERQUE NM 87122	LOT 17 TIERRA LA CUEVA UNIT 1 SUBD PLAT OF TIERRA LA CUEVA - UNIT 1 CONT 0.1492	0.1492
102006409332820226	TRUSTEES PROTESTANT EPISCOPAL CHURCH	6400 COORS BLVD NW	ALBUQUERQUE NM 87120-2712	8700 ALAMEDA BLVD NE	ALBUQUERQUE NM 87122	TR B-1-A1 PLAT OF LOTS 7 AND 8 AND TRACT B-1-A1 HOPE PLAZA(BEING A REPLAT OF TF	2.7982
102006405233621310	VALDEZ JOSEPH HERMAN & MARY LOUISE	8515 TIERRA MORENA PL NE	ALBUQUERQUE NM 87122	8515 TIERRA MORENA PL NE	ALBUQUERQUE 87122	LT 11-P1 CORRECTION PLAT OF TIERRA MORENA SUBDIVISIONCONT .1964 AC +/-	0.1964
102006400133213118	WEVER PAUL & JENNIFER	8409 TIERRA MORENA PL NE	ALBUQUERQUE NM 87122-2977	8409 TIERRA MORENA PL NE	ALBUQUERQUE 87122	LT 3-P1 CORRECTION PLAT OF TIERRA MORENA SUBDIVISIONCONT .1703 AC +/-	0.1704
	STUART MIKE A & VERONICA M	8409 TIERRA MORENA PL NE	ALBUQUERQUE NM 87122				
102006403633521312	WRAY STEPHEN M	8505 TIERRA MORENA PL NE	ALBUQUERQUE NM 87122-2958	8505 TIERRA MORENA PL NE	ALBUQUERQUE 87122	LT 9-P1 CORRECTION PLAT OF TIERRA MORENA SUBDIVISIONCONT .1188 AC +/-	0.1188
102006403032121304	ZHANG LUZHENG & HUA WANG	8500 TIERRA MORENA PL NE	ALBUQUERQUE NM 87122	8500 TIERRA MORENA PL NE	ALBUQUERQUE 87122	LT 17-P1 CORRECTION PLAT OF TIERRA MORENA SUBDIVISIONCONT .1188 AC +/-	0.1188
101906452035810206	LE QUAN & TIEN	8740 TIERRA MONTANA PL NE	ALBUQUERQUE NM 87122-2850	8740 TIERRA MONTANA NE	ALBUQUERQUE NM 87122	LOT 14 TIERRA LA CUEVA UNIT 1 SUBD PLAT OF TIERRA LA CUEVA - UNIT 1 CONT 0.1553	0.1553
	MOORES CASSANDRA M & RICHARD C	9123 MACALLAN RD NE	ALBUQUERQUE NM 87109				
101906451932410000	PRANDO TONY F & JESUSITA TRUSTEE PRANDO FAMILY RVLT	PO BOX 30308	ALBUQUERQUE NM 87190				
	Hope-in-the-Desert Episcopal Church	8700 Alameda Blvd. NE	Albuquerque, NM 87122				

Prior 2019 owner and/or owner address. Remand notice sent to current owner when owner address is the same and to both owners/addresses when address is different.

ALVARADO JOSE M & EDNA M 8732 TIERRA MONTANA PL NE ALBUQUERQUE NM 87113	APODACA LISA A 8428 TIERRA MORENA PL NE ALBUQUERQUE NM 87122-2974	BACA RANDOLPH P & SHANNON S 8501 ALAMEDA BLVD NE ALBUQUERQUE NM 87122-3704
BARRERA-MARTINEZ MARY J 9420 BEAR MOUNTAIN TRL NE ALBUQUERQUE NM 87113	BLAND JEFFREY J & OLIVIA 8423 TIERRA MORENA PL NE ALBUQUERQUE NM 87122-2977	CHIU JOE Y & CHERRY Y 8827 PICO LA CUEVA PL NE ALBUQUERQUE NM 87122-1315
CHIU JOE Y & CHERRY Y PO BOX 35412 ALBUQUERQUE NM 87176-5412	ANDERSON THOMAS MICHAEL & REBECCA ANN 8415 TIERRA MORENA PL NE ALBUQUERQUE NM 87122-2977	DICKENS SARA & PETER 8309 TIERRA LINDA PL NE ALBUQUERQUE NM 87122-2655
DURAN JUANITA C 8419 TIERRA MORENA PL NE ALBUQUERQUE NM 87122	GREGOS GARY 8501 TIERRA MORENA PL NE ALBUQUERQUE NM 87122-2958	HAWES CHRISTOPHER A & ANGELA J 8724 TIERRA MONTANA PL NE ALBUQUERQUE NM 87122
HAYES JOHN J JR & LISA A 8816 HENRIETTE WYETH DR NE ALBUQUERQUE NM 87122	HENRY CARL NOEL & NANCY LOU TRUSTEES HENRY RVLT 8823 PICO LA CUEVA RD NE ALBUQUERQUE NM 87122-1315	JONES LEWIS E & NANCY L 8504 TIERRA MORENA PL NE ALBUQUERQUE NM 87122
KIATBARAMEE PANNIPA & APIRATIKIL PAVEEN 8705 ASPEN LEAF DR NE ALBUQUERQUE NM 87122-4225	LE PHILIP & AMBER M 8815 PICO LA CUEVA RD NE ALBUQUERQUE NM 87122	LEE CURTIS G 8809 PICO LA CUEVA PL NE ALBUQUERQUE NM 87122-1315
LI YIBING & ALLISON CLAIRE 8516 TIERRA MORENA PL NE ALBUQUERQUE NM 87122-2946	LINDBORG PHILIP L 12809 DONETTE CT NE ALBUQUERQUE NM 87112-4708	MARTIN ROBERT B & JAIMIE S 8519 TIERRA MORENA PL NE ALBUQUERQUE NM 87112
MATONTI GIUSEPPE & ANNA TRUSTEES MATONTI FAMILY TRUST 2628 WISCONSIN ST NE ALBUQUERQUE NM 87110-3756	MEYER MARK A & LOIS 8405 TIERRA MORENA PL NE ALBUQUERQUE NM 87122	MOBY PARTNERSHIP 5600 WYOMING BLVD NE SUITE 180 ALBUQUERQUE NM 87109-3149
MOBY PARTNERSHIP PO BOX 332 FARWELL TX 79325	NGUYEN TRAM THI & TRAN BO 8509 TIERRA MORENA PL NE ALBUQUERQUE NM 87122	ODELL MICHAEL & NANCY RVT 8801 PICO LA CUEVA RD NE ALBUQUERQUE NM 87122-1358
ONEILL JOSEPH W & BAEHR KAREN L 8805 PICO LA CUEVA RD NE ALBUQUERQUE NM 87122	PATEL PANKAJ & NAYANA 8709 ASPEN LEAF DR NE ALBUQUERQUE NM 87122-4225	ROBINSON ALEXIS M 8509 ALAMEDA BLVD NE ALBUQUERQUE NM 87122-3704

SANCHEZ CLYDE & DOROTHY
8808 HENRIETTE WYETH DR NE
ALBUQUERQUE NM 87122-2777

SAUTER DONNA P & DAVID H
8819 PICO LA CUEVA RD NE
ALBUQUERQUE NM 87122-1315

SCARPA PAUL J & MARIA L
8427 TIERRA MORENA PL NE
ALBUQUERQUE NM 87122

SHACKLEY MICHAEL S & KATHLEEN L
BUTLER
8304 SAN DIEGO AVE NE
ALBUQUERQUE NM 87122-3869

SHACKLEY MICHAEL S & KATHLEEN L
BUTLER
8100 WYOMING BLVD NE M4-158
ALBUQUERQUE NM 87113-1963

SKIDMORE JOHN W & LORETTA D
TRUSTEES SKIDMORE FAMILY RVT
8420 TIERRA MORENA PL NE
ALBUQUERQUE NM 87122-2974

SOLFEST PAMELA & ERIC
8424 TIERRA MORENA PL NE
ALBUQUERQUE NM 87122

STARNER DENNIS L & CHERI A
8736 TIERRA MONTANA NE
ALBUQUERQUE NM 87122

THOMSON BRIAN C & KRISTI K
8728 TIERRA MONTANA PL NE
ALBUQUERQUE NM 87122

TRUSTEES PROTESTANT EPISCOPAL
CHURCH
6400 COORS BLVD NW
ALBUQUERQUE NM 87120-2712

VALDEZ JOSEPH HERMAN & MARY
LOUISE
8515 TIERRA MORENA PL NE
ALBUQUERQUE NM 87122

WEVER PAUL & JENNIFER
8409 TIERRA MORENA PL NE
ALBUQUERQUE NM 87122-2977

WRAY STEPHEN M
8505 TIERRA MORENA PL NE
ALBUQUERQUE NM 87122-2958

ZHANG LUZHENG & HUA WANG
8500 TIERRA MORENA PL NE
ALBUQUERQUE NM 87122

LE QUAN & TIEN
8740 TIERRA MONTANA PL NE
ALBUQUERQUE NM 87122-2850

MOORES CASSANDRA M & RICHARD C
9123 MACALLAN RD NE
ALBUQUERQUE NM 87109

PRANDO TONY F & JESUSITA TRUSTEE
PRANDO FAMILY RVT
PO BOX 30308
ALBUQUERQUE NM 87190

Hope-in-the-Desert Episcopal Church
8700 Alameda Blvd. NE
Albuquerque, NM 87122

David Zarecki
Vineyard Estates Neighborhood
Association
8405 Vintage Drive NE
Albuquerque, NM 87122

Elizabeth Meek
Vineyard Estates Neighborhood
Association
8301 Mendocino Drive NE
Albuquerque, NM 87122

Daniel Regan
District 4 Coalition
4109 Chama Street NE
Albuquerque, NM 87109

Michael Pridham
District 4 Coalition
6413 Northland Avenue NE
Albuquerque, NM 87109

Mildred Griffiee
District 4 Coalition
PO Box 90986
Albuquerque, NM 87199

Timothy Krier
Nor Este Neighborhood Association
8900 Olivine Street NE
Albuquerque, NM 87113

Jim Griffiee
Nor Este Neighborhood Association
PO Box 94115
Albuquerque NM 87199

Gina Pioquinto
Nor Este Neighborhood Association
9015 Moonstone Drive NE
Albuquerque, NM 87113

Uri Bassan
Nor Este Neighborhood Association
9000 Modesto Avenue NE
Albuquerque NM 87122



November 12, 2021

RE: Remand Meeting for Alameda/Barstow Site Plan – DRB

Landscape Architecture
Urban Design
Planning Services

Dear Neighbor,

302 Eighth St. NW
Albuquerque, NM 87102

(505) 764-9801
Fax 842-5495
cp@consensusplanning.com
www.consensusplanning.com

In accordance with the procedures of the City of Albuquerque 2018 Integrated Development Ordinance (IDO) Subsection 14-16-6-4(K)(2) Mailed Public Notice, we are notifying you at least 15 days in advance of a public meeting that will be held with the City of Albuquerque Development Review Board concerning the Alameda/Barstow Site Plan DRB Application on behalf of Philip Lindborg. The meeting will be held on December 3, 2021, at 9:00 a.m. via Zoom. To participate, please use the following Zoom information:

Join Zoom Meeting: <https://cabq.zoom.us/j/85499151537>

Meeting ID: 854 9915 1537

By phone +1 253 215 8782 or

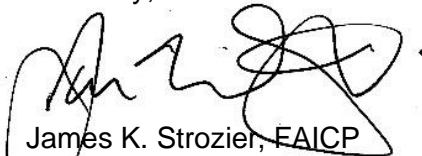
Find your local number: <https://cabq.zoom.us/j/85499151537>

This DRB meeting is following the opinion and order for remand issued by the 2nd Judicial District Court dated June 2, 2021.

The Site Plan drawings and copies of the facilitated meeting notes for this project may be downloaded here: <https://www.dropbox.com/t/6Ehy6hbQRhTV7Koz>

Please do not hesitate to contact me if you have any questions or desire any additional information. I can be reached at cp@consensusplanning.com or phone at (505)764-9801.

Sincerely,



James K. Strozier, FAICP
Principal

PRINCIPALS

James K. Strozier, AICP
Christopher J. Green, PLA,
ASLA, LEED AP
Jacqueline Fishman, AICP

**OFFICIAL PUBLIC NOTIFICATION FORM
FOR MAILED OR ELECTRONIC MAIL NOTICE
CITY OF ALBUQUERQUE PLANNING DEPARTMENT**



PART I - PROCESS

Use [Table 6-1-1](#) in the Integrated Development Ordinance (IDO) to answer the following:

Application Type: Site Plan - DRB

Decision-making Body: Development Review Board (DRB)

Pre-Application meeting required: ☒ Yes ☐ No

Neighborhood meeting required: ☒ Yes ☐ No

Mailed Notice required: ☒ Yes ☐ No

Electronic Mail required: ☒ Yes ☐ No

Is this a Site Plan Application: ☒ Yes ☐ No **Note: if yes, see second page**

PART II – DETAILS OF REQUEST

Address of property listed in application: 8400, 8450, and 8474 Alameda Blvd NE

Name of property owner: Philip Lindborg and Matonti Giuseppe & Anna Trustees Matonti Family Trust

Name of applicant: Philip Lindborg & Bella Tesoro, LLC (Agent: Consensus Planning, Inc.)

Date, time, and place of public meeting or hearing, if applicable:

December 3, 2021 at 9:00 AM via Zoom. See next page for Zoom information.

Address, phone number, or website for additional information: <https://www.dropbox.com/t/6Ehy6hbQRhTV7Koz>

Please contact Michael Vos or Jim Strozier with Consensus Planning for more information at vos@consensusplanning.com or cp@consensusplanning.com or by calling (505) 764-9801.

PART III - ATTACHMENTS REQUIRED WITH THIS NOTICE

☒ Zone Atlas page indicating subject property.

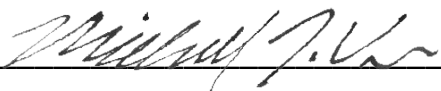
☒ Drawings, elevations, or other illustrations of this request.

☒ Summary of pre-submittal neighborhood meeting, if applicable.

☒ Summary of request, including explanations of deviations, variances, or waivers.

IMPORTANT: PUBLIC NOTICE MUST BE MADE IN A TIMELY MANNER PURSUANT TO [SUBSECTION 14-16-6-4\(K\)](#) OF THE INTEGRATED DEVELOPMENT ORDINANCE (IDO). PROOF OF NOTICE WITH ALL REQUIRED ATTACHMENTS MUST BE PRESENTED UPON APPLICATION.

I certify that the information I have included here and sent in the required notice was complete, true, and accurate to the extent of my knowledge.

 (Applicant signature) November 12, 2021 (Date)

Note: Providing incomplete information may require re-sending public notice. Providing false or misleading information is a violation of the IDO pursuant to IDO Subsection 14-16-6-9(B)(3) and may lead to a denial of your application.

**OFFICIAL PUBLIC NOTIFICATION FORM
FOR MAILED OR ELECTRONIC MAIL NOTICE
CITY OF ALBUQUERQUE PLANNING DEPARTMENT**



PART IV – ATTACHMENTS REQUIRED FOR SITE PLAN APPLICATIONS ONLY

Provide a site plan that shows, at a minimum, the following:

- ☒ a. Location of proposed buildings and landscape areas.
- ☒ b. Access and circulation for vehicles and pedestrians.
- ☒ c. Maximum height of any proposed structures, with building elevations.
- ☒ d. For residential development: Maximum number of proposed dwelling units.
- ☐ e. For non-residential development:
 - ☐ Total gross floor area of proposed project.
 - ☐ Gross floor area for each proposed use.

December 3, 2021 DRB Zoom Meeting Information:

Join Zoom Meeting: <https://cabq.zoom.us/j/85499151537>

Meeting ID: 854 9915 1537

By phone +1 253 215 8782 or

Find your local number: <https://cabq.zoom.us/j/85499151537>

Copies of the plan set and facilitated meeting notes can be downloaded here:
<https://www.dropbox.com/t/6Ehy6hbQRhTV7Koz>

[Note: Items with an asterisk (*) are required.]

**Public Notice of a Proposed Project in the City of Albuquerque
for Decisions Requiring a Meeting or Hearing
Mailed to a Property Owner**

Date of Notice*: November 12, 2021

This notice of an application for a proposed project is provided as required by Integrated Development Ordinance (IDO) [Subsection 14-16-6-4\(K\) Public Notice](#) to:

Property Owner within 100 feet*: _____

Mailing Address*: _____

Project Information Required by [IDO Subsection 14-16-6-4\(K\)\(1\)\(a\)](#)

1. Subject Property Address* 8400, 8450, and 8474 Alameda Blvd NE
Location Description Southeast corner of Alameda and Barstow
2. Property Owner* Philip Lindborg and Matonti Giuseppe & Anna Trustees Matonti Family Trust
3. Agent/Applicant* [if applicable] Consensus Planning, Inc. / Philip Lindborg & Bella Tesoro, LLC
4. Application(s) Type* per IDO [Table 6-1-1](#) [mark all that apply]
 - ☐ Conditional Use Approval
 - ☐ Permit _____ (Carport or Wall/Fence – Major)
 - ☒ Site Plan
 - ☐ Subdivision _____ (Minor or Major)
 - ☐ Vacation _____ (Easement/Private Way or Public Right-of-way)
 - ☐ Variance
 - ☐ Waiver
 - ☐ Other: _____

Summary of project/request¹*:

Site Plan approval for a 93-unit multi-family residential development within three buildings a maximum of 3-stories in height.

5. This application will be decided at a public meeting or hearing by*:
- | | |
|--|--|
| <input type="checkbox"/> Zoning Hearing Examiner (ZHE) | <input checked="" type="checkbox"/> Development Review Board (DRB) |
| <input type="checkbox"/> Landmarks Commission (LC) | <input type="checkbox"/> Environmental Planning Commission (EPC) |

¹ Attach additional information, as needed to explain the project/request.

[Note: Items with an asterisk (*) are required.]

Date/Time*: December 3, 2021 at 9:00 AM

Location*²: Join Zoom Meeting: <https://cabq.zoom.us/j/85499151537> Meeting ID: 854 9915 1537

By phone +1 253 215 8782 or Find your local number: <https://cabq.zoom.us/j/85499151537>
Agenda/meeting materials: <http://www.cabq.gov/planning/boards-commissions>

To contact staff, email devhelp@cabq.gov or call the Planning Department at 505-924-3860.

6. Where more information about the project can be found*³: <https://www.dropbox.com/t/6Ehy6hbQRhTV7Koz>
Please contact Michael Vos or Jim Strozier with Consensus Planning for more information at vos@consensusplanning.com or cp@consensusplanning.com or by calling (505) 764-9801.

Project Information Required for Mail/Email Notice by [IDO Subsection 6-4\(K\)\(1\)\(b\)](#):

1. Zone Atlas Page(s)*⁴ C-20
2. Architectural drawings, elevations of the proposed building(s) or other illustrations of the proposed application, as relevant*: Attached to notice or provided via website noted above
3. The following exceptions to IDO standards have been requested for this project*:

☐ Deviation(s) ☐ Variance(s) ☐ Waiver(s)

Explanation*:

No deviations, variances, or waivers are being sought at this time.

4. A Pre-submittal Neighborhood Meeting was required by [Table 6-1-1](#): ☒ Yes ☐ No

Summary of the Pre-submittal Neighborhood Meeting, if one occurred:

Copies of the May 2019 and July 2019 Facilitated Meeting reports and proposed

site plan set can be downloaded here: <https://www.dropbox.com/t/6Ehy6hbQRhTV7Koz>

5. **For Site Plan Applications only***, attach site plan showing, at a minimum:

- ☒ a. Location of proposed buildings and landscape areas.*
- ☒ b. Access and circulation for vehicles and pedestrians.*
- ☒ c. Maximum height of any proposed structures, with building elevations.*

² Physical address or Zoom link

³ Address (mailing or email), phone number, or website to be provided by the applicant

⁴ Available online here: <http://data.cabq.gov/business/zoneatlas/>

[Note: Items with an asterisk (*) are required.]

- ☒ d. **For residential development***: Maximum number of proposed dwelling units.
- ☐ e. **For non-residential development***:
 - ☐ Total gross floor area of proposed project.
 - ☐ Gross floor area for each proposed use.

Additional Information:

From the IDO Zoning Map⁵:

1. Area of Property [typically in acres] 4.0414 acres (2.9023 after right-of-way dedication)
 2. IDO Zone District MX-L (Mixed-use Low Intensity)
 3. Overlay Zone(s) [if applicable] N/A (La Cueva small mapped area signage regulations)
 4. Center or Corridor Area [if applicable] N/A
- Current Land Use(s) [vacant, if none] Vacant
-

NOTE: Pursuant to [IDO Subsection 14-16-6-4\(L\)](#), property owners within 330 feet and Neighborhood Associations within 660 feet may request a post-submittal facilitated meeting. If requested at least 15 calendar days before the public meeting/hearing date noted above, the facilitated meeting will be required. To request a facilitated meeting regarding this project, contact the Planning Department at devhelp@cabq.gov or 505-924-3955.

Useful Links

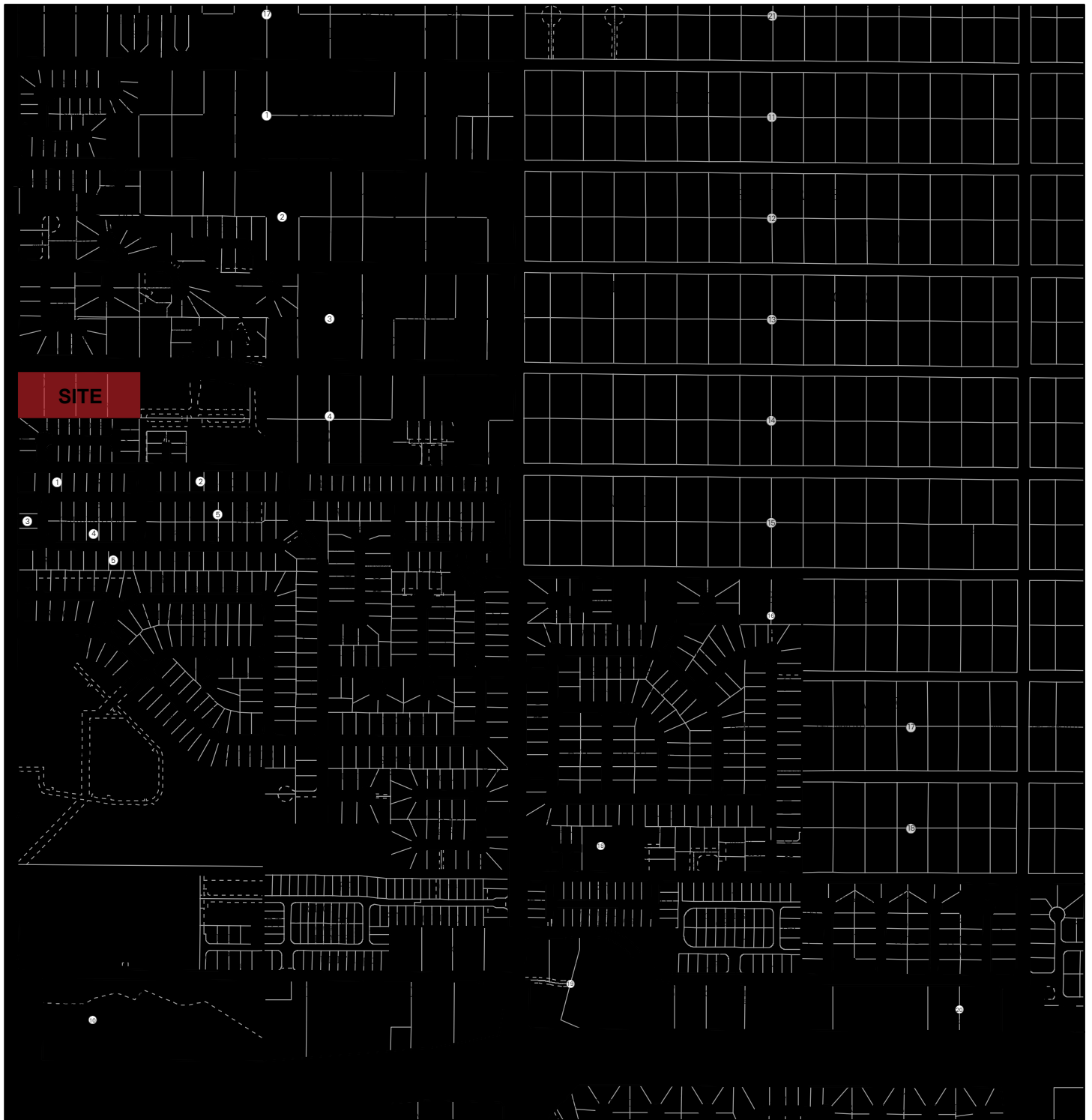
Integrated Development Ordinance (IDO):

<https://ido.abc-zone.com/>

IDO Interactive Map

<https://tinyurl.com/IDOzoningmap>

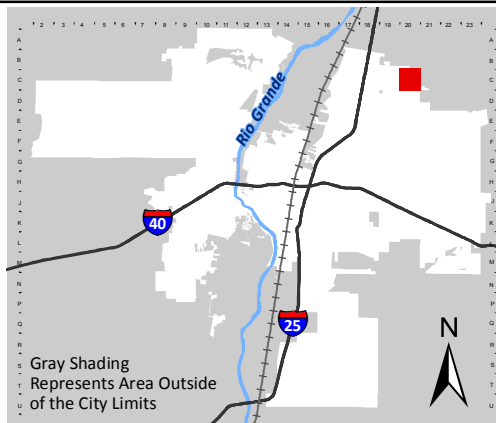
⁵ Available here: <https://tinurl.com/idozoningmap>



For more details about the Integrated Development Ordinance visit: <http://www.cabq.gov/planning/codes-policies-regulations/integrated-development-ordinance>

IDO Zone Atlas May 2018

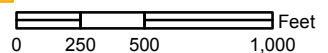
IDO Zoning information as of May 17, 2018
The Zone Districts and Overlay Zones
are established by the
Integrated Development Ordinance (IDO).

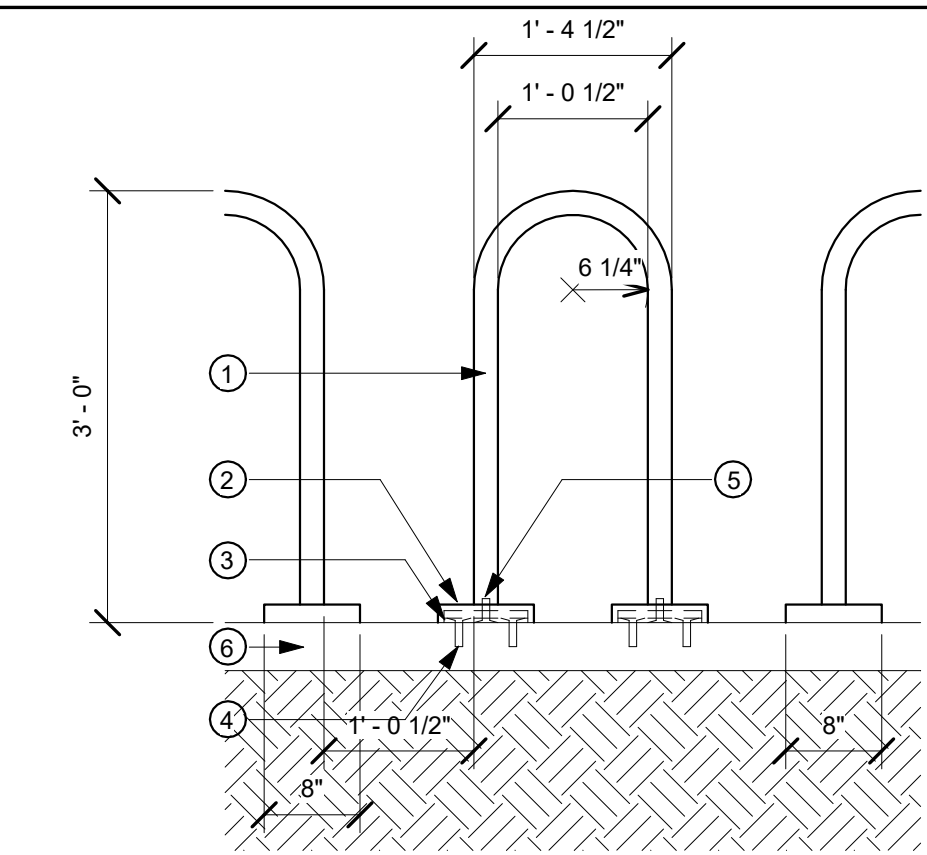


Zone Atlas Page:

C-20-Z

- Easement
- Escarpment
- Petroglyph National Monument
- Areas Outside of City Limits
- Airport Protection Overlay (APO) Zone
- Character Protection Overlay (CPO) Zone
- Historic Protection Overlay (HPO) Zone
- View Protection Overlay (VPO) Zone





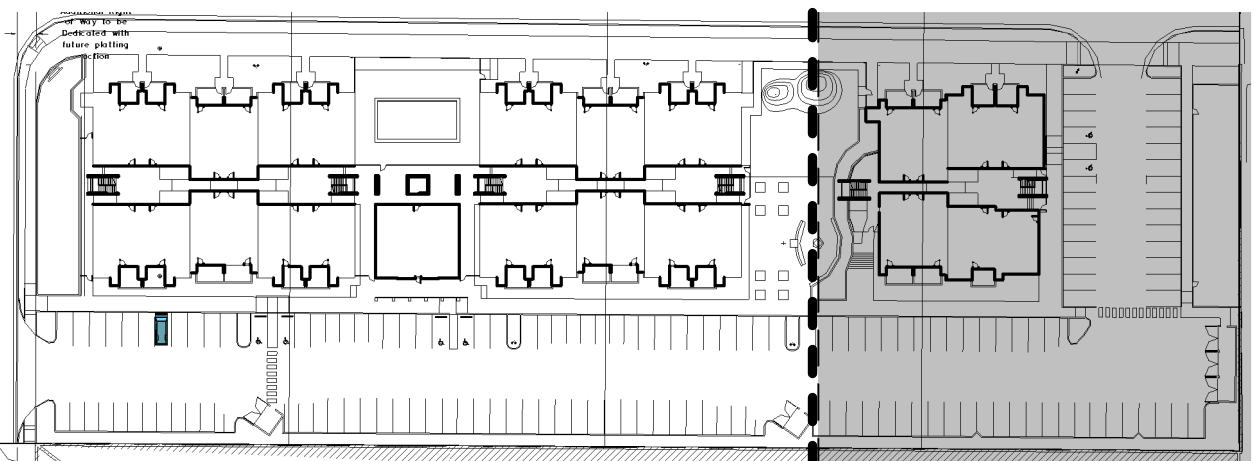
7 Bike Rack Detail
3/4" = 1'-0"

GENERAL NOTES:

- CROSS SLOPE NOT TO EXCEED 1:48
- SIDEWALK SLOPE NOT TO EXCEED 1:20

- 2" Diameter pipe bike rack.
- Anchor plate cover. 3/8" Thick surface mount plate.
- 5/8" Surface screw
- 5/8" Cap Screw
- Finished site flooring. See plan for finish.

8 Sidewalk Detail
3/4" = 1'-0"



3 Site Plan Key
1" = 100'-0"

6X6 10X10 WWM TIED TO NEW #4 DOWELS.
NEW 4" CONCRETE SIDE WALK WITH TURN DOWN AT EDGES - 3000 PSI AIR ENTRAINED CONCRETE. BROOM FINISH
1/2" DIAMETER BARS @ 16" O.C. EPOXY DOWELED TO EXISTING CONCRETE PAD.
EXISTING SLAB TO REMAIN
4" GRANULAR FILL

SIGN: TYPE R-7-8
SIGN FIELD IS WHITE
SIGN LETTERING AND BORDER ARE GREEN

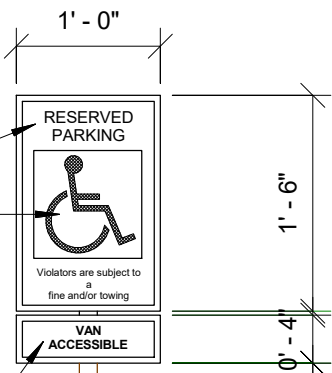
INTERNATIONAL SIGN OF ACCESSIBILITY WHITE ON A BLUE BACKGROUND
"VAN ACCESSIBLE" SIGN TO BE ADDED ONLY AT DESIGNATED VAN ACCESSIBLE PARKING SPACES

2 3/8" DIAMETER GALVANIZED POLE.

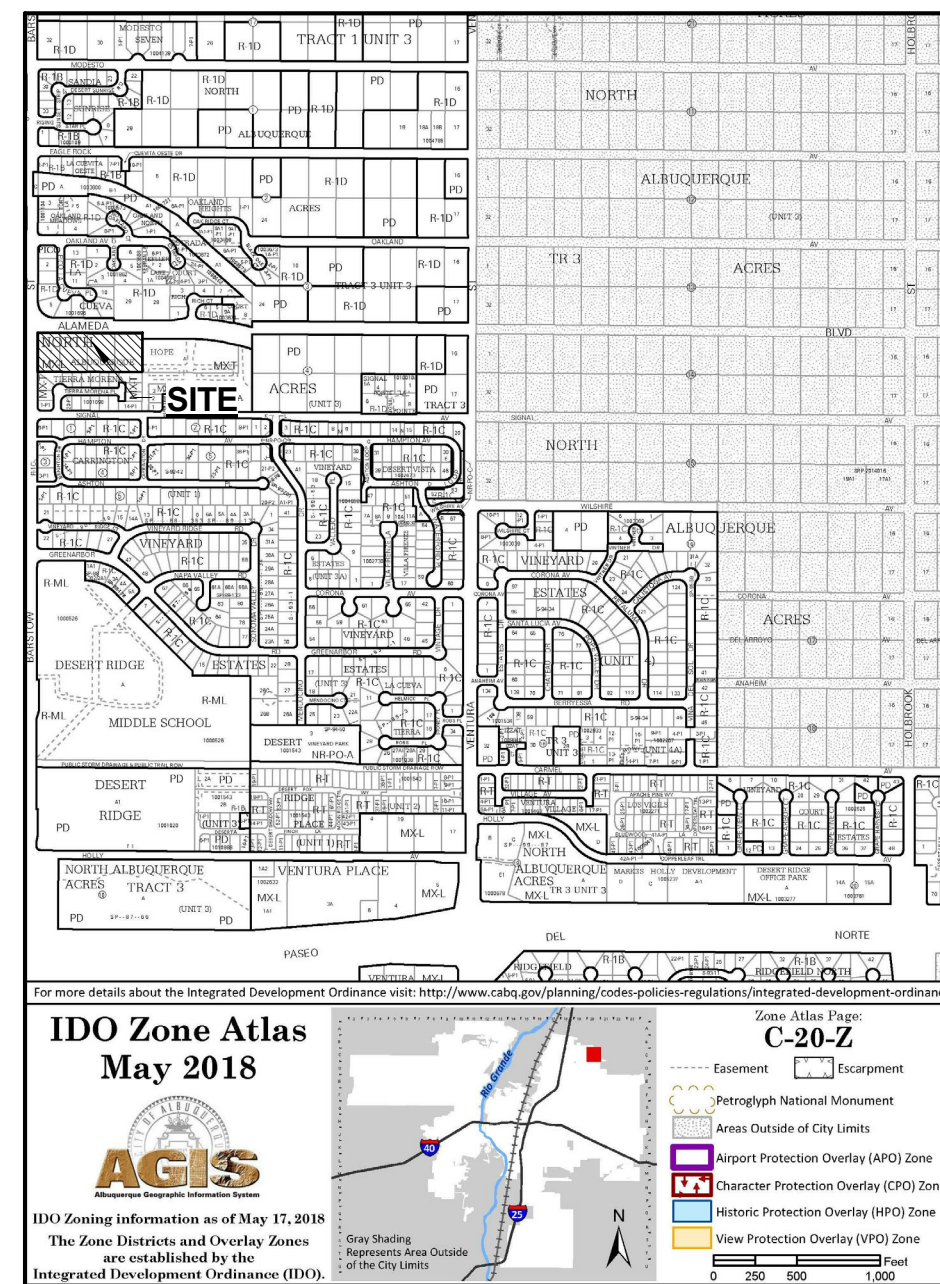
FINISH GRADE SIDEWALK

NOTE: SIGN AND MOUNTING HEIGHT TO BE IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT

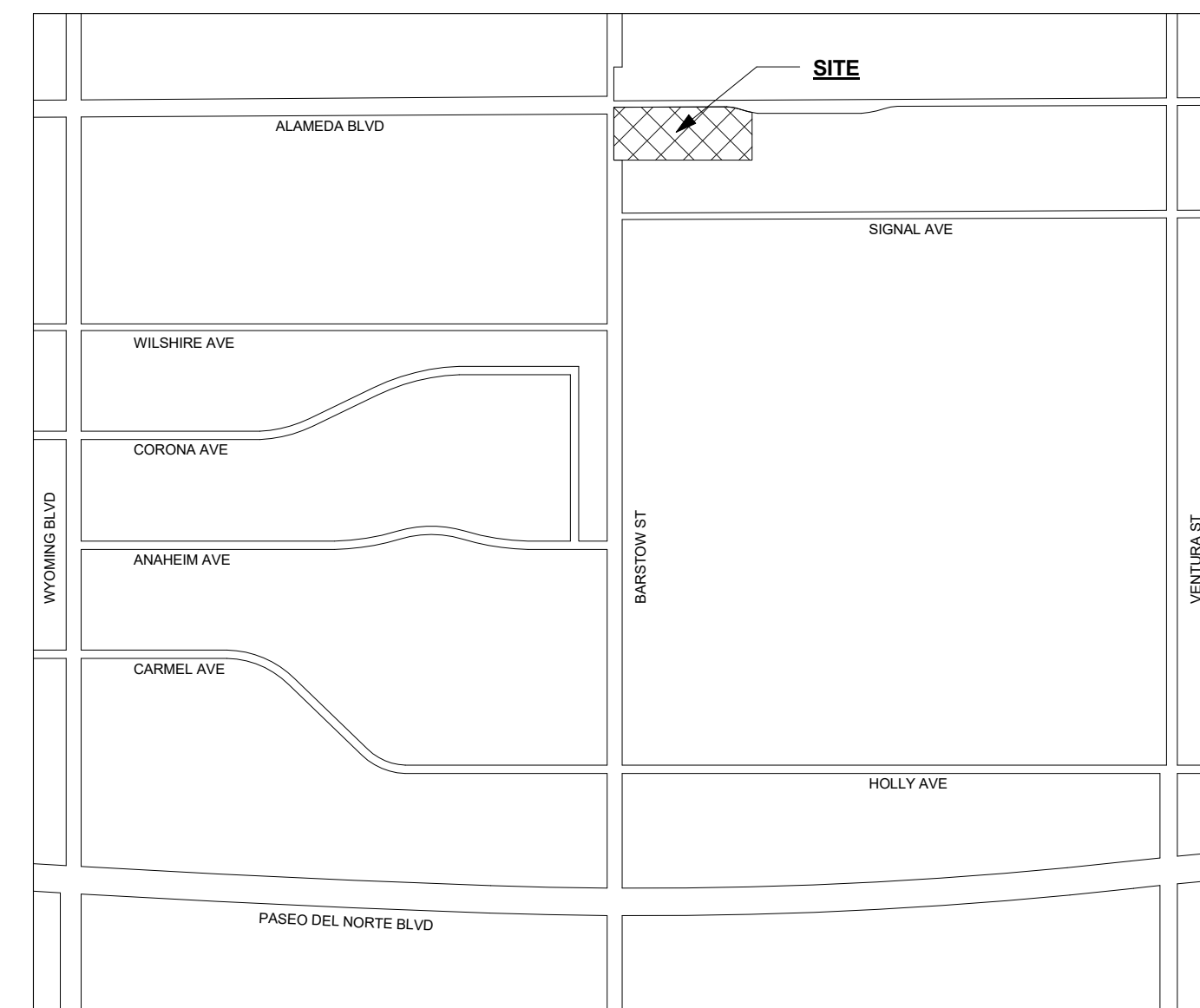
6 Handicap Parking Sign
3/4" = 1'-0"



BOTTOM OF LOWEST SIGN TO BE MOUNTED NOT LESS THAN 80" ABOVE PARKING SURFACE



4 Zone Atlas
1/4" = 1'-0"



2 Vicinity Map
1" = 800'-0"

SITE PLAN LEGEND:

- COMMUNITY BUILDING
- SWIMMING POOL
- ELEVATOR
- PUTTING GREEN
- LAWN
- FIRE PIT
- BARBEQUE GRILLS / PICNIC TABLES
- OUTDOOR GATHERING AREA
- TENANT WORK AREA / MAINTENANCE
- SHOP
- DOG PARK
- COVERED PARKING
- GARBAGE ENCLOSURE W/ GATES
- DRAINAGE POND
- ASPHALT DRIVEWAY
- UNIT PATIOS
- ADA PARKING - SEE DETAILS
- ADA CURB RAMP - SEE DETAILS
- BUILDING IDENTIFIER SIGN
- (4) BICYCLE RACK ARCHES (8 SPACE)
- EXISTING STOP SIGN TO REMAIN
- SIGHT TRIANGLE
- MONUMENT SIGN - SEE DETAILS
- POST INDICATOR VALVE
- FIRE HYDRANT
- DOG WASH ROOM
- BICYCLE STORAGE GARAGE (10 SPACES MIN.)
- DETECTABLE WARNING STRIP
- ACCESSIBLE ROUTE FROM ADA PARKING TO BUILDING CORRIDOR
- 5'-0" SECURITY VIEW FENCING (<50% OPAQUE) METAL PICKET - COLOR: BLACK - SEE DETAILS
- YARD WALLS: 3'-0" CMU - COLOR: GRAY - SEE ELEVATIONS
- SECURITY FENCING 6'-0" PAINTED CHAIN LINK FENCE - COLOR BLACK - SEE ELEVATIONS
- TRASH ENCLOSURES W/ GATES
- POLE MOUNTED SITE LIGHTING LED W/ CUTOFF - LIGHTING TO BE COMPLIANT W/ ADO NIGHT SKY ORDINANCE
- NEW STOP AND PEDESTRIAN CROSSING SIGNAGE - SEE DETAILS
- NEW MEDIAN - SEE CIVIL SHEETS
- PRIMARY ENTRANCE
- NEW 6" CAST IN PLACE CONCRETE SIDEWALK
- 12' WIDE TRAIL
- EXISTING BARSTOW SIDEWALK 6'-0" WIDTH TO CONTINUE ACROSS TO SITE
- PRECAST CONCRETE WHEEL STOP

LEGEND:

- PROPERTY LINE
- ADA ROUTE
- COVERED PARKING
- BUILDING PERIMETER
- METAL PICKET FENCE

PARKING CALCULATIONS:

PER CITY OF ALBUQUERQUE IDO 14-16-S-5, 1.5 PARKING IS REQUIRED FOR EVERY UNIT

PARKING SPACES REQUIRED

ON STREET PARKING
COMPACT PARKING SPACES PROVIDED

ADA PARKING REQUIRED 1 / ADA UNIT
ADA PARKING SPACES REQUIRED

ADA PARKING SPACES PROVIDED

VAN ACCESSIBLE PARKING SPACES PROVIDED

COVERED PARKING SPACES PROVIDED

MOTORCYCLE PARKING SPACES REQUIRED
MOTORCYCLE PARKING PROVIDED

BICYCLE PARKING SPACES REQUIRED
10% OF OFF STREET PARKING
BICYCLE PARKING SPACES PROVIDED
BICYCLE LOCKER STORAGE PROVIDED
TOTAL # OF AUTOMOBILE PARKING SPACES PROVIDED

USEABLE OPEN SPACE CALCULATIONS:

USEABLE OPEN SPACE REQUIREMENTS:
1 BR - 200 SF - 36 UNITS - 7,200 SF
2 BR - 250 SF - 57 UNITS - 14,250 SF

USEABLE OPEN SPACE PROVIDED:

CONCRETE SIDEWALKS
PATIOS / POOL / POOL DECK / DOG PARK
LANDSCAPE AREA
USEABLE OPEN SPACE ABOVE GRADE

PROJECT NO.

APPLICATION NO.

IS AN APPROVED INFRASTRUCTURE LIST REQUIRED?
YES 1 YES 1 NO 1 IF YES, THEN A SET OF APPROVED DRG PLANS WITH A WORK ORDER IS REQUIRED FOR ANY CONSTRUCTION WITHIN PUBLIC RIGHT OF WAY OR FOR CONSTRUCTION OF PUBLIC IMPROVEMENTS.

DRB SITE DEVELOPMENT PLAN APPROVAL:

TRAFFIC ENGINEERING / TRANSPORTATION DIVISION

ABCWUA

PARKS & RECREATION DEPT.

CITY ENGINEER / HYDROLOGY

ENVIRONMENTAL HEALTH (CONDITIONAL)

SOLID WASTE MANAGEMENT

DRB CHAIRPERSON, PLANNING DEPT.

CODE ENFORCEMENT

SITE DATA:

LOT SF/ACRE: 126,426 SF 2.9023 ACRES

ZONING: MX-L

INTENDED USE: DWELLING / MULTI FAMILY (93 UNITS)

MAXIMUM HEIGHT: 35 FEET

- LAWN
- SITE TRIANGLE
- ADJACENT BUILDINGS
- ACCESS ISLE
- NEW CMU YARD WALLS

93 UNITS x 1.5

139 SPACES

0 SPACES

30 SPACES

5 SPACES

6 SPACES

4 SSPACES

86 SPACES

4 SPACES

5 SPACES

15 SPACES

24 SPACES

10 SPACES MINIMUM

150 SPACES

21,450 SF REQUIRED

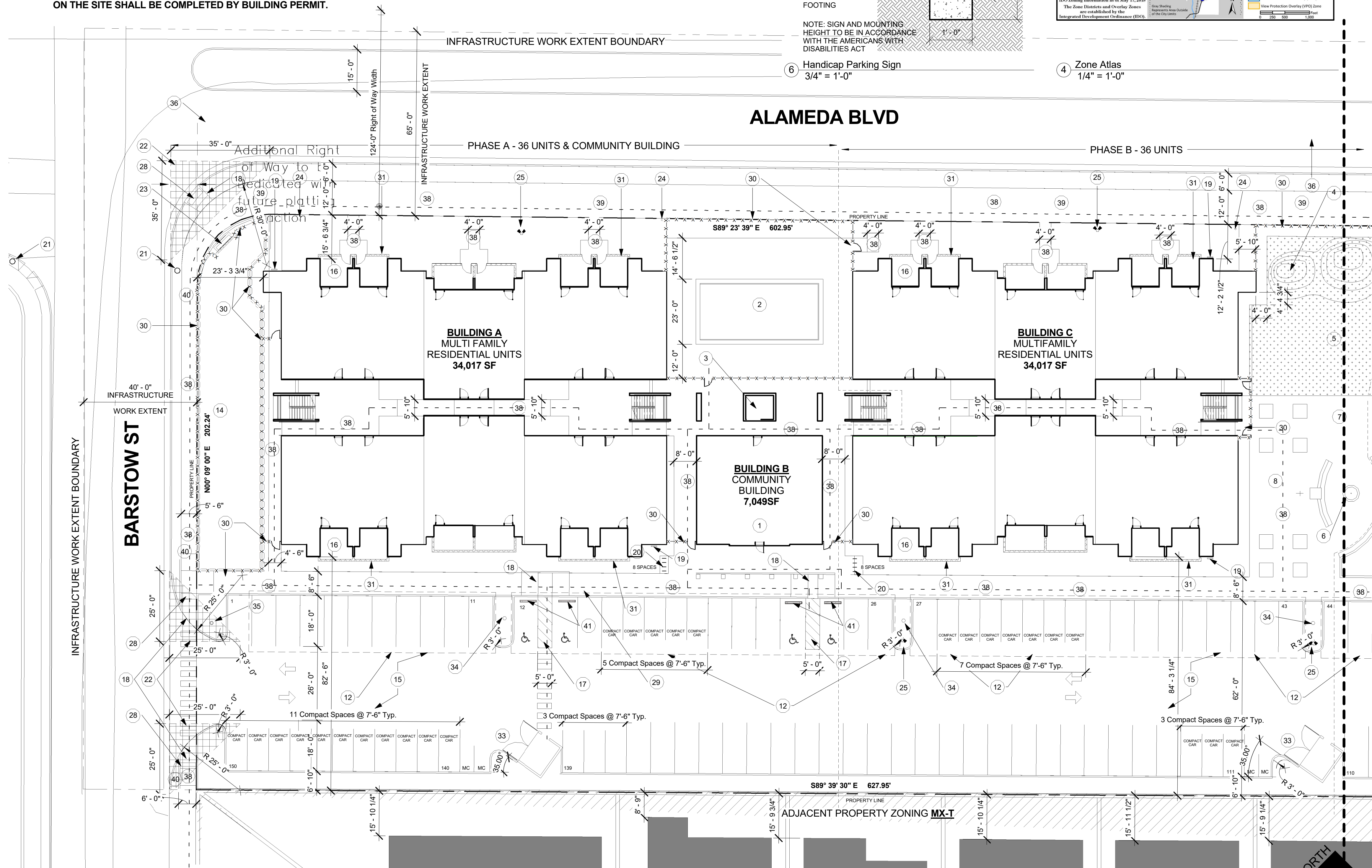
19,860 SF

12,654 SF

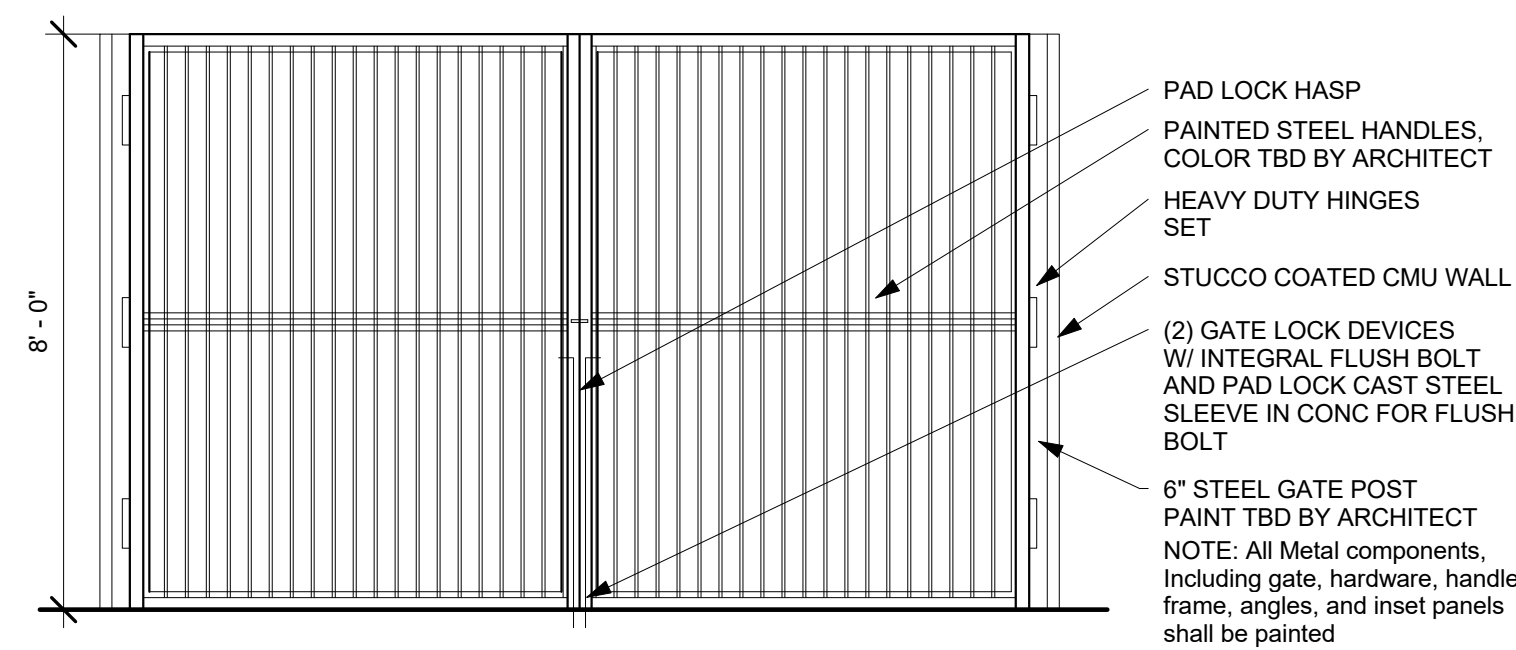
31,176 SF

13,427 SF

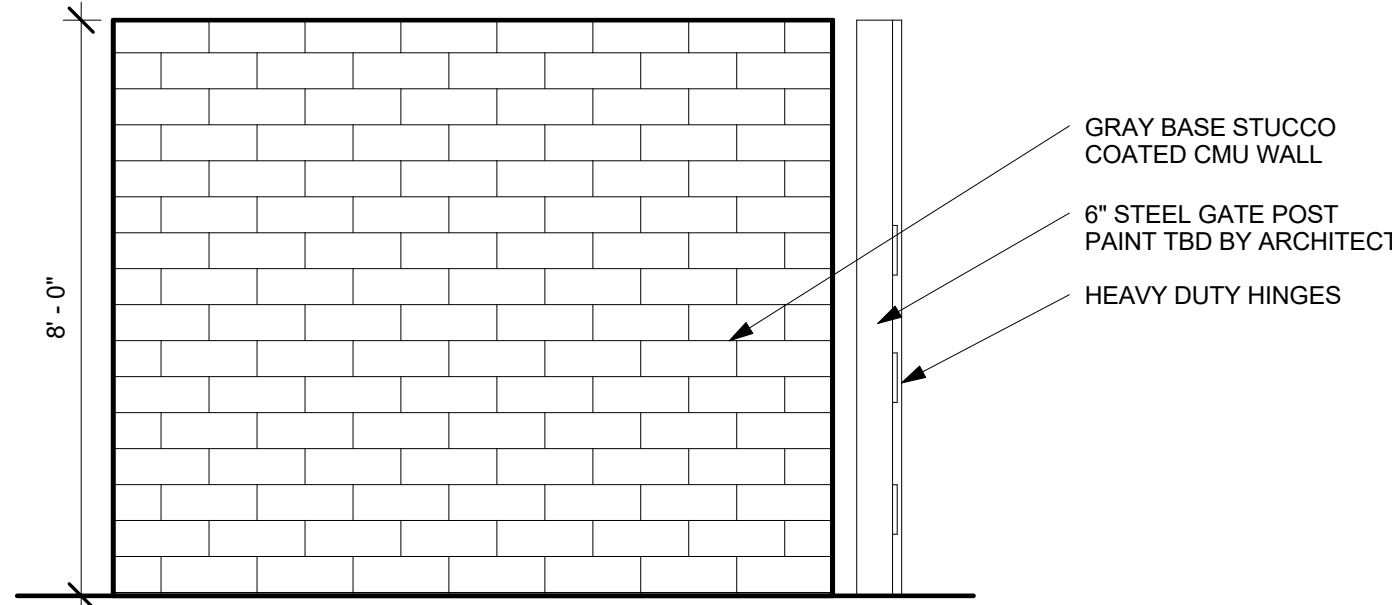
77,117 SF PROVIDED



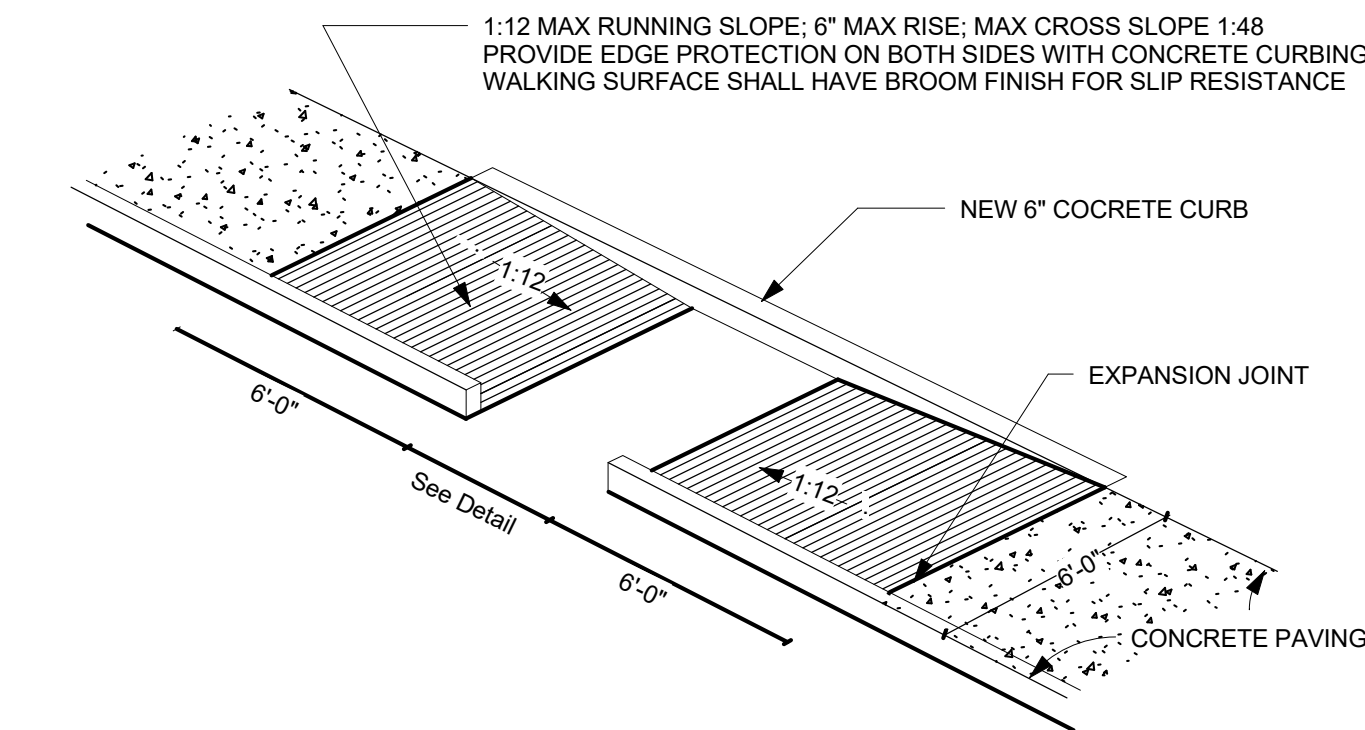
1 Site Plan - West
1" = 20'-0"



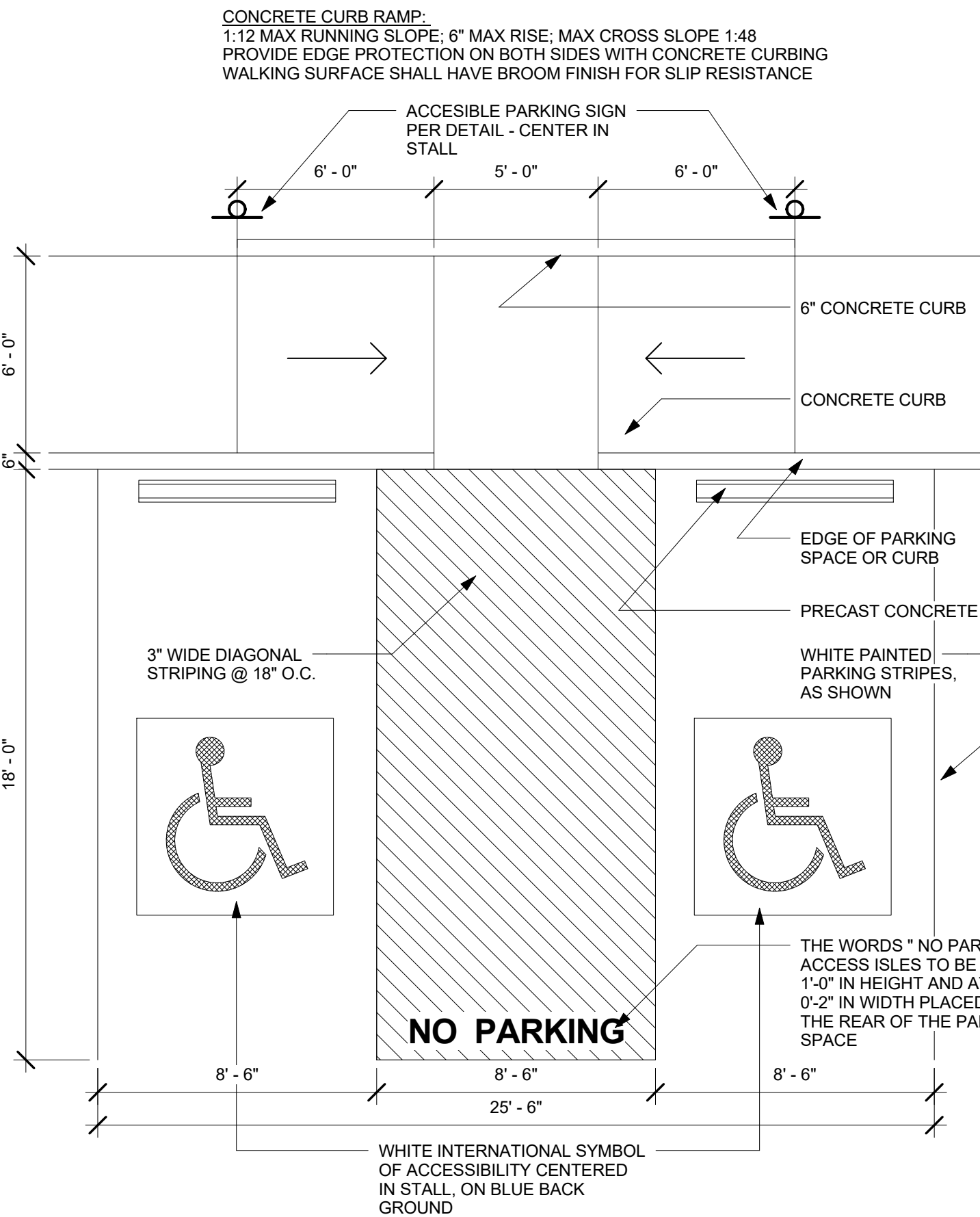
5 Trash Enclosure Gate Elevation
3/8" = 1'-0"



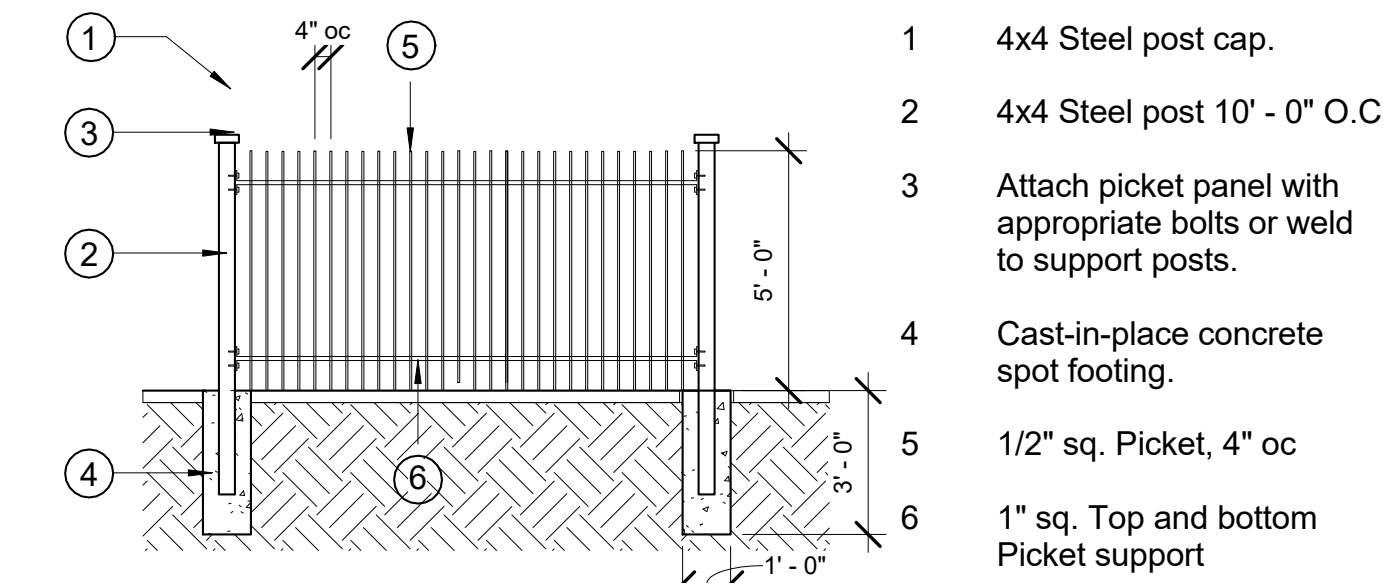
10 Trash Enclosure Side CMU Elevation
3/8" = 1'-0"



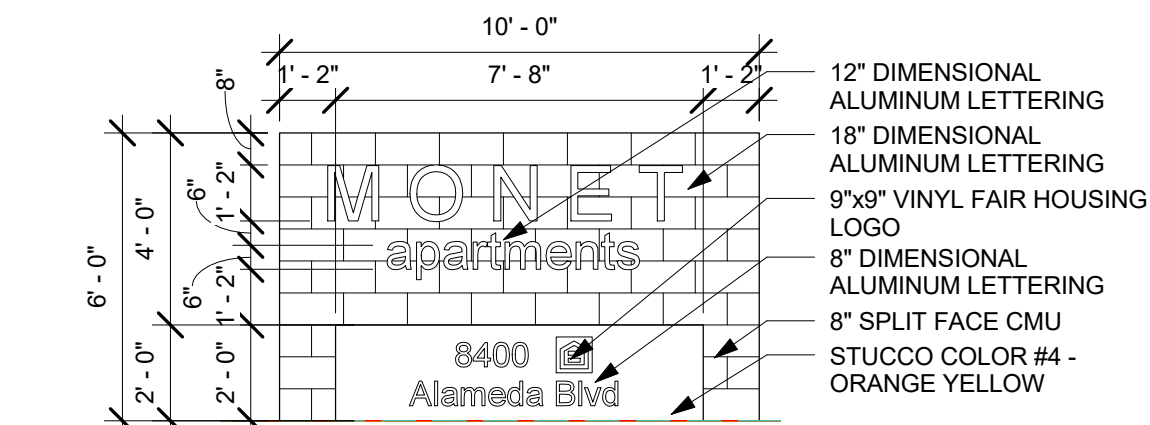
6 Curb Ramp Detail
1/4" = 1'-0"



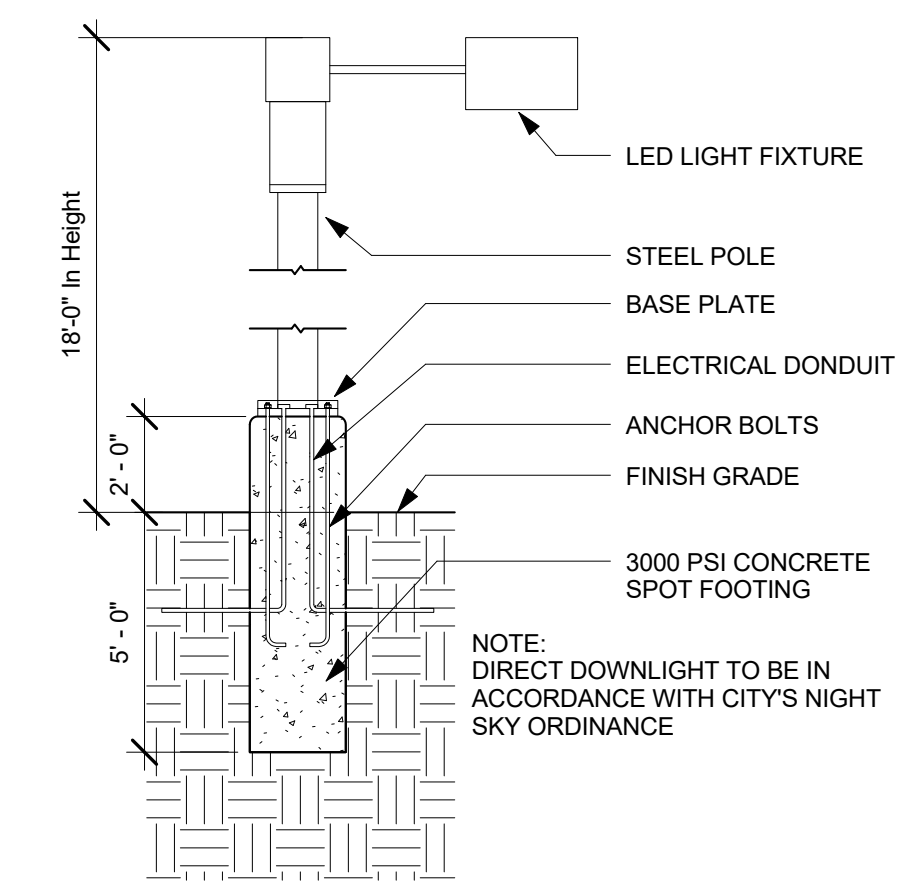
3 ADA Parking
1/4" = 1'-0"



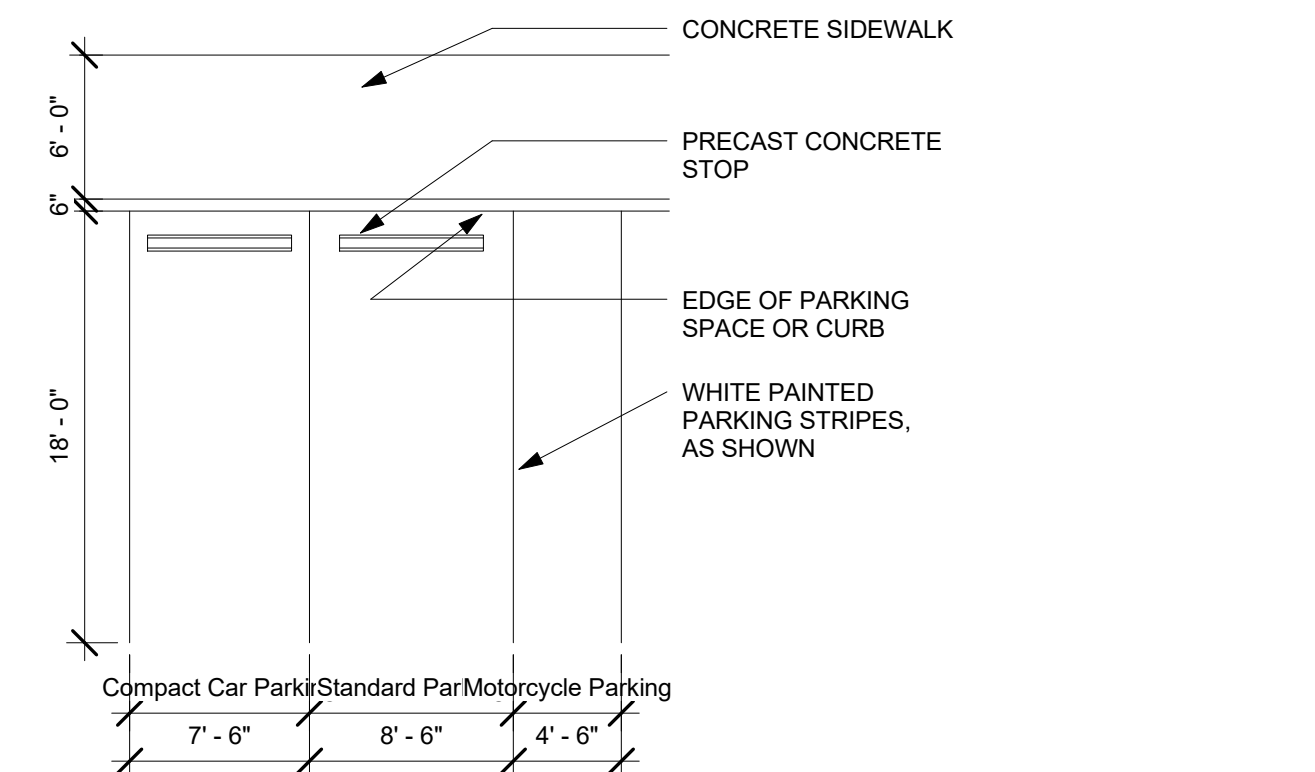
15 Picket Wrought Iron Fence Detail
1/4" = 1'-0"



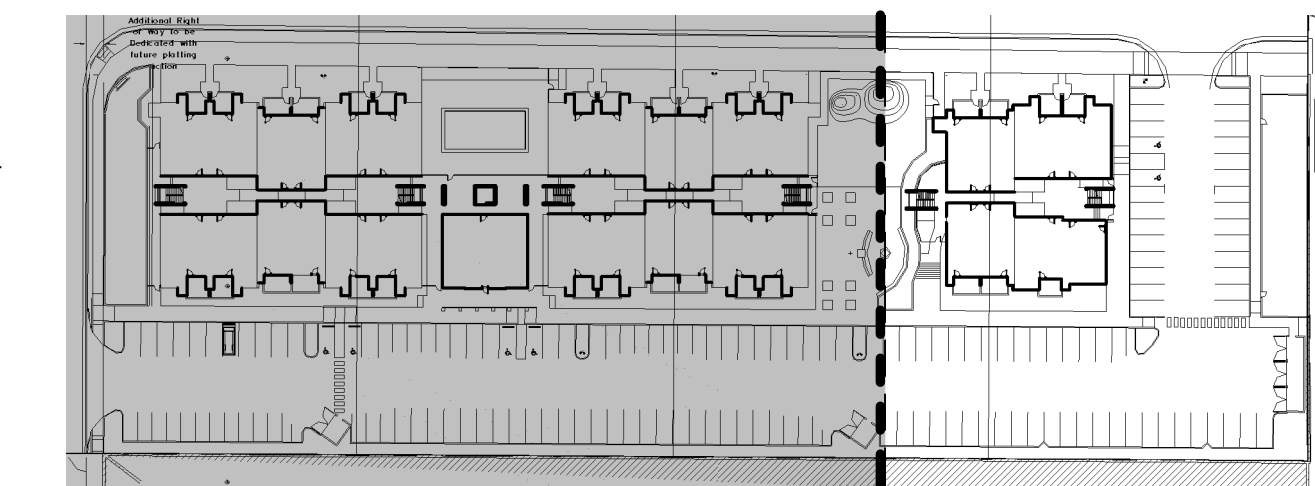
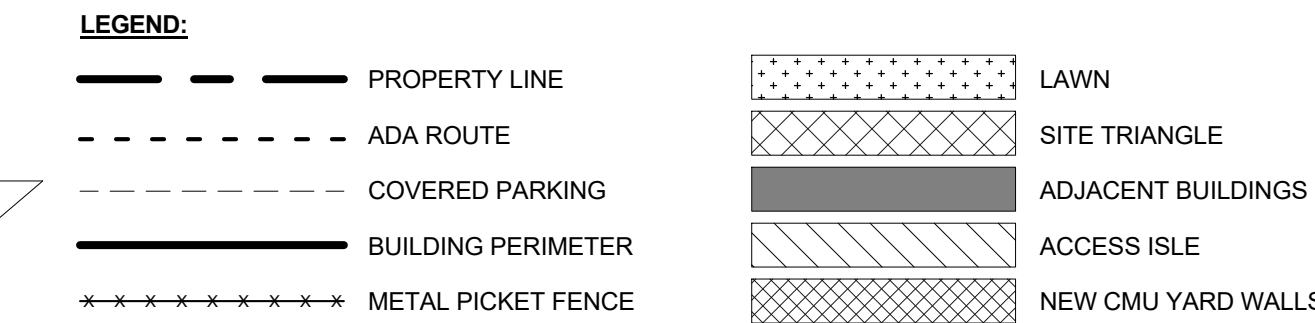
14 Monument Sign Elevation
1/4" = 1'-0"



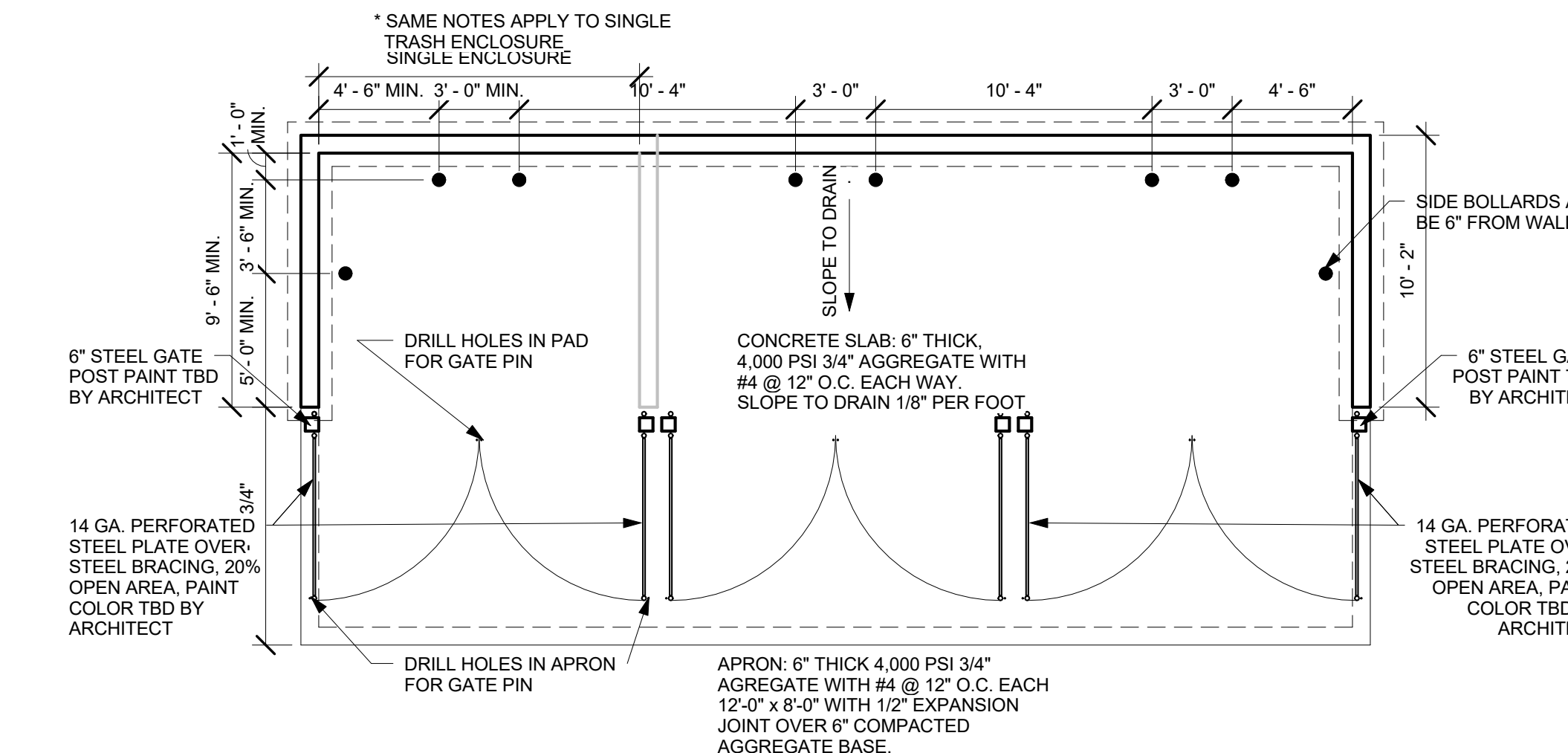
13 Site Lighting Detail
1/4" = 1'-0"



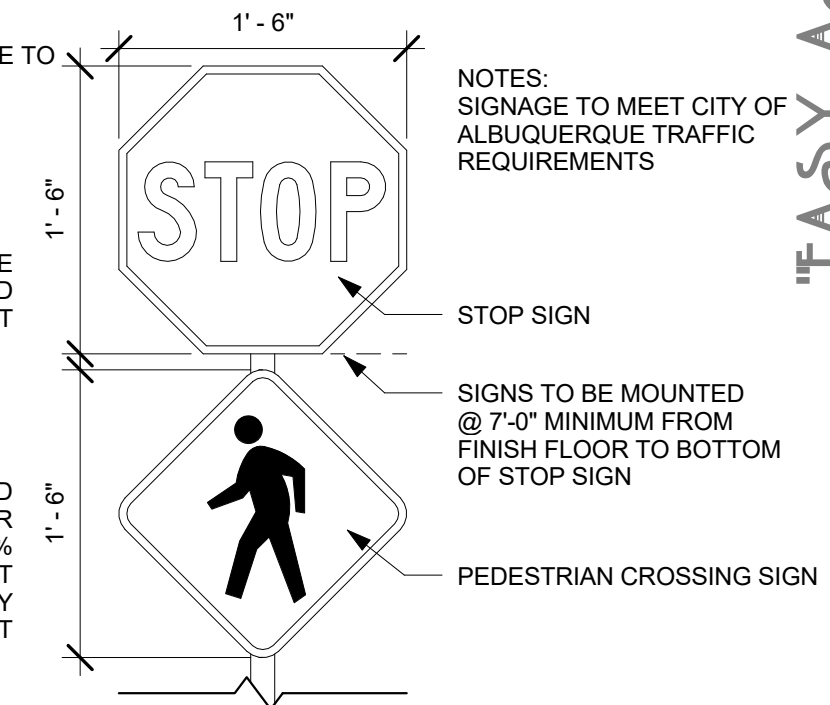
4 Parking Stalls Details
1/8" = 1'-0"



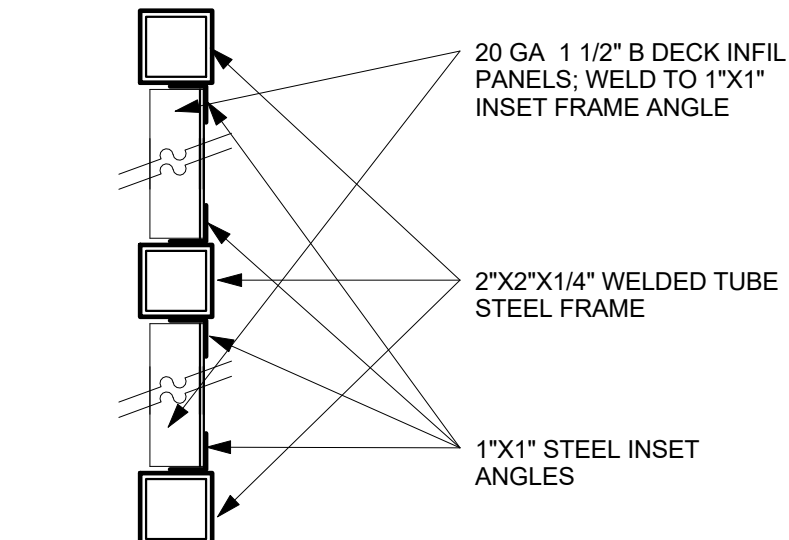
2 Site Plan Key.
1" = 100'-0"



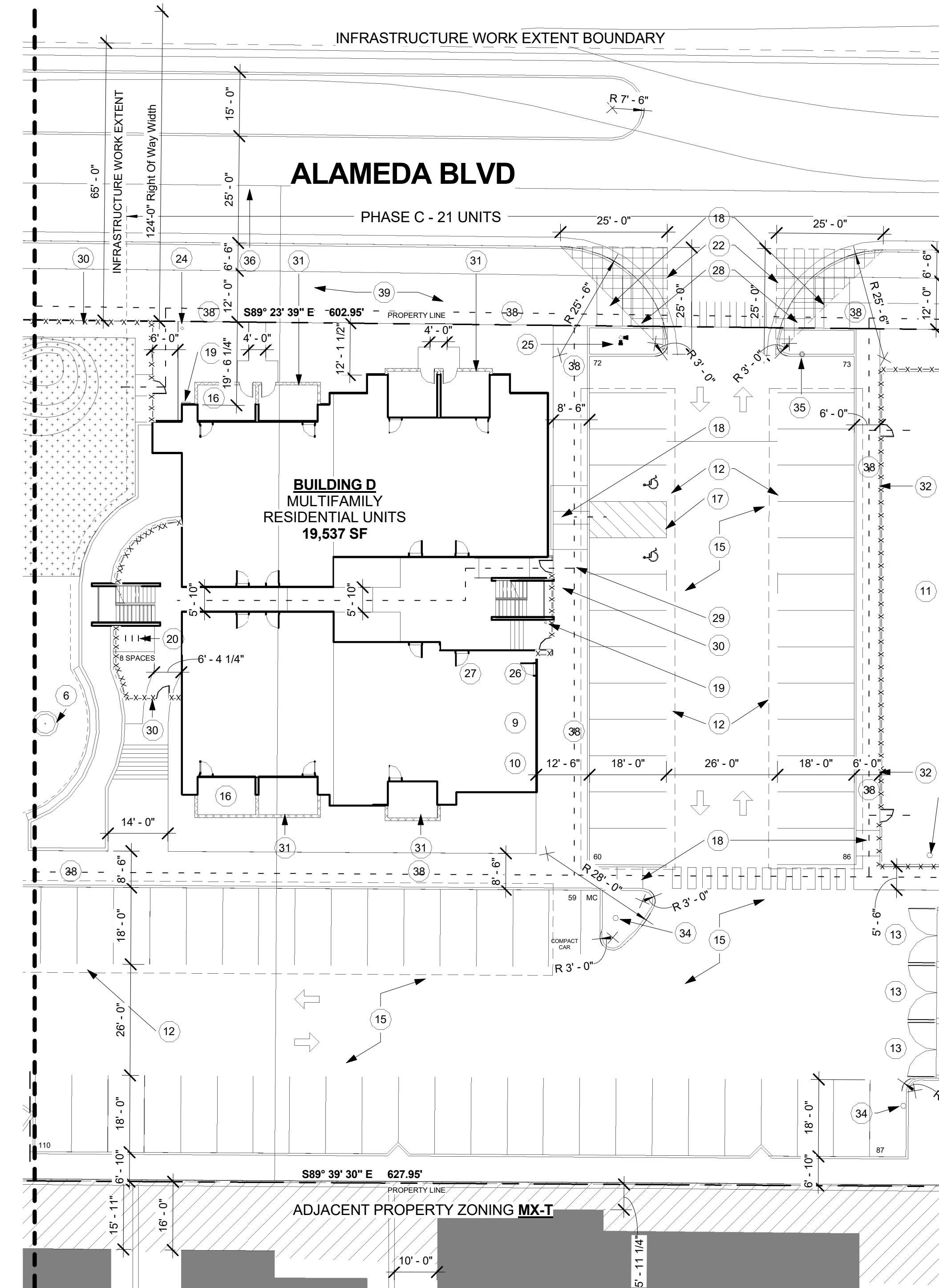
9 Triple Trash Enclosure Detail
3/16" = 1'-0"



11 Stop / Pedestrian Sign Detail
1" = 1'-0"



8 Trash Enclosure Frame Section
3/8" = 1'-0"

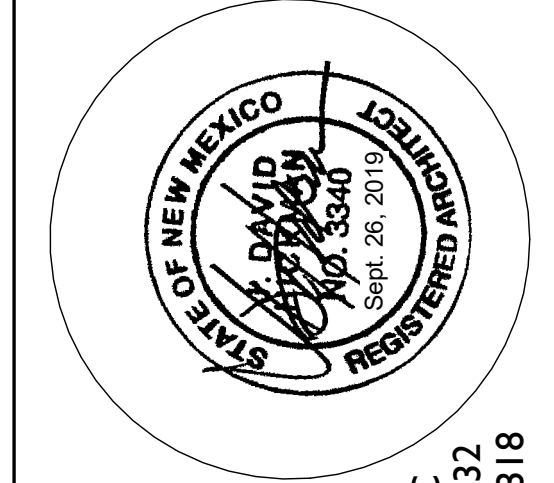


1 Site Plan - East
1" = 20'-0"

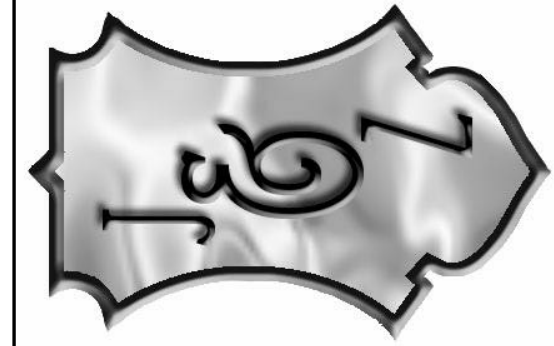
- SITE PLAN LEGEND:**
1. COMMUNITY BUILDING
 2. SWIMMING POOL
 3. ELEVATOR
 4. PUTTING GREEN
 5. LAWN
 6. FIRE PIT
 7. BARBEQUE GRILLS / PICNIC TABLES
 8. OUTDOOR GATHERING AREA
 9. TENANT WORK AREA / MAINTENANCE SHOP
 10. DOG PARK
 11. COVERED PARKING
 12. GARBAGE ENCLOSURE W/ GATES
 13. DRAINAGE POND
 14. ASPHALT DRIVEWAY
 15. UNIT PATIOS
 16. ADA PARKING - SEE DETAILS
 17. ADA CURB RAMP - SEE DETAILS
 18. BUILDING IDENTIFIER SIGN
 19. (4) BICYCLE RACK ARCHES (8 SPACE)
 20. EXISTING STOP SIGN TO REMAIN
 21. SIGHT TRIANGLE
 22. MONUMENT SIGN - SEE DETAILS
 23. POST INDICATOR VALVE
 24. FIRE HYDRANT
 25. DOG WASH ROOM
 26. BICYCLE STORAGE GARAGE (10 SPACES MIN.)
 27. DETECTABLE WARNING STRIP
 28. ACCESSIBLE ROUTE FROM ADA
 29. PARKING TO BUILDING CORRIDOR
 30. 5'-0" SECURITY VIEW FENCING (<50% OPAQUE). METAL PICKET - COLOR: BLACK
 31. SEE DETAIL 15DRB1.1
 32. YARD WALLS 3'-0" CMU - COLOR: GRAY - SEE ELEVATIONS
 33. SECURITY FENCING 6'-0" PAINTED CHAIN LINK FENCE - COLOR BLACK - SEE ELEVATIONS
 34. TRASH ENCLOSURES W/ GATES
 35. POLE MOUNTED SITE LIGHTING LED W/ CUTOFF - LIGHTING TO BE COMPLIANT W/ ADO NIGHT SKY ORDINANCE
 36. NEW STOP AND PEDESTRIAN CROSSING SIGNAGE - SEE DETAILS
 37. NEW MEDIAN - SEE CIVIL SHEETS
 38. PRIMARY ENTRANCE
 39. NEW 6" CAST IN PLACE CONCRETE SIDEWALK
 40. 12" WIDE TRAIL
 41. EXISTING BARSTOW SIDEWALK 6'-0" WIDTH TO CONTINUE ACROSS TO SITE

SITE GENERAL NOTES:
EXTEND EXISTING BIKE LANE ALONG BARSTOW ST TO ALAMEDA BLVD.

WWW.JEEBSANDZUZU.COM



JEEBS & ZUZU, LLC.



ARCHITECTS & CONTRACTORS
MAKING HOUSE CALLS

ALAMEDA LUXURY APARTMENTS

8400 ALAMEDA BLVD., NE
ALBUQUERQUE, NM 87112

job no:
drawn: EAM
checked: J&Z
date: Nov. 27, 2019

sheet no:
DRBJ

PLANT LEGEND:

SYMBOL	BOTANICAL NAME COMMON NAME	QUANTITY	WATER USE	INSTALLED SIZE	MATURE H / W	SYMBOL	BOTANICAL NAME COMMON NAME	QUANTITY	WATER USE	INSTALLED SIZE	MATURE H / W
5 GAL						TREES					
	ROSA BANKSAE YELLOW LADY BANK'S ROSE	6	MEDIUM	5 GAL	4'x4'		PINUS NIGRA AUSTRIAN PINE	6	MEDIUM	8'-10'	35'x25'
	CALAMAGROSTIS ARUNDINACEA 'KARL FOESTER' KARL FOERSTER FEATHER REED GRASS	39	MEDIUM	5 GAL	30"x2'						
	MISCANTHUS SINENSIS 'MORNING LIGHT' MORNING LIGHT MAIDEN GRASS	18	MEDIUM	5 GAL	5'x5'						
	MUHLENBERGIA CAPILLARIS 'REGAL MIST' REGAL MIST MUHLY GRASS	21	MEDIUM	5 GAL	3'x3'		GLEDITSIA TRIACANTHOS 'SHADEMASTER' SHADEMASTER HONEY LOCUST	11	MEDIUM	2" CAL	x'
	HELICOTRICHON SEMPERVIRENS BLUE AVENA GRASS	12	MEDIUM	5 GAL	2'x2'						
	RHUS AROMATICA 'GRO LOW' GROW LOW SUMAC	38	LOW	5 GAL	3'x8'		VITEX AGNUS-CASTUS CHASTE TREE	17	MEDIUM	15 GAL	20'X20'
	SALVIA GREGGII 'FURMAN'S RED' CHERRY SAGE	9	LOW	5 GAL	2'x3'						
	CARYOPTERIS X CLANDONENSIS BLUE MIST SPIREA	6	LOW	5 GAL	3'x3'						
	SYRINGA BLOOMERANG LILAC	9	MEDIUM	5 GAL	4'x5'		PISTACIA ATLANTICA X INTEGERRIMA RED PUSH PISTACHE	25	MEDIUM	2" CAL	40'X40'
	COTONEASTER GLAUCOPHYLLUS GRAYLEAF COTONEASTER	9	LOW	5 GAL	2'x9'						
	COTONEASTER DAMMERI 'CORAL BEAUTY' BEARBERRY COTONEASTER	31	MEDIUM	5 GAL	6'x10'						
	BUXUS MICROPHYLLA JAPONICA 'WINTER GEM' WINTER GEM BOXWOOD	20	MEDIUM	5 GAL	4'X4'		FORESTIERA NEOMEXICANA NM OLIVE MULTI TRUNK	3	MEDIUM	15 GALLON	15'x15'
	RAPHIOLEPSIS INDICA 'BLUEBERRY MUFFIN' BLUEBERRY MUFFIN INDIAN HAWTHORN	45	MEDIUM	5 GAL	3'x4'						
	BERBEN'S THUNBERGII 'ORANGE ROCKET' ORAGE ROCKET BARBERRY	15	MEDIUM	5 GAL	2'X3'						
	HIBISCUS SYRIACUS 'APHRODITE' ROSE OF SHARON	14	MEDIUM	5 GAL	10'X10'		LAGERSTROEMIA HYBRIDS 'DYNAMITE' CRAPE MYRTLE 'DYNAMITE' MULTI TRUNK	13	HIGH	15 GALLON	15'X15'
	BERBERIS THUNBERGII 'CHERRY BOMB' CHERRY BOMB BARBERRY	29	MEDIUM	5 GAL	2'X2'						

LEGEND:

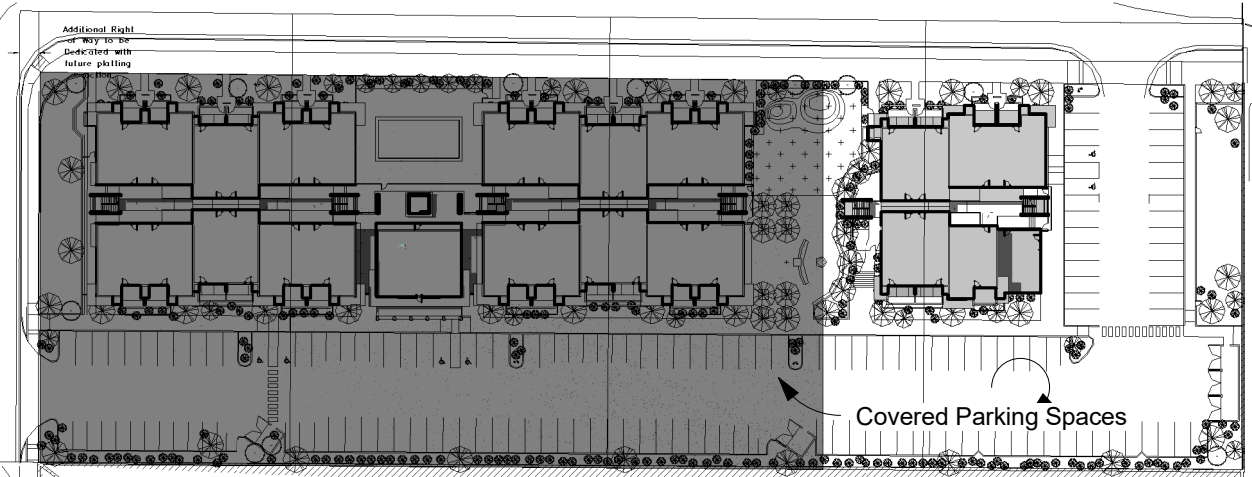
	A. LAWN
	B. CONCRETE SIDEWALK
	C. ASPHALT
	D. GRAVEL / GROUND COVER
	E. PONDING AREA

LANDSCAPE DATA:

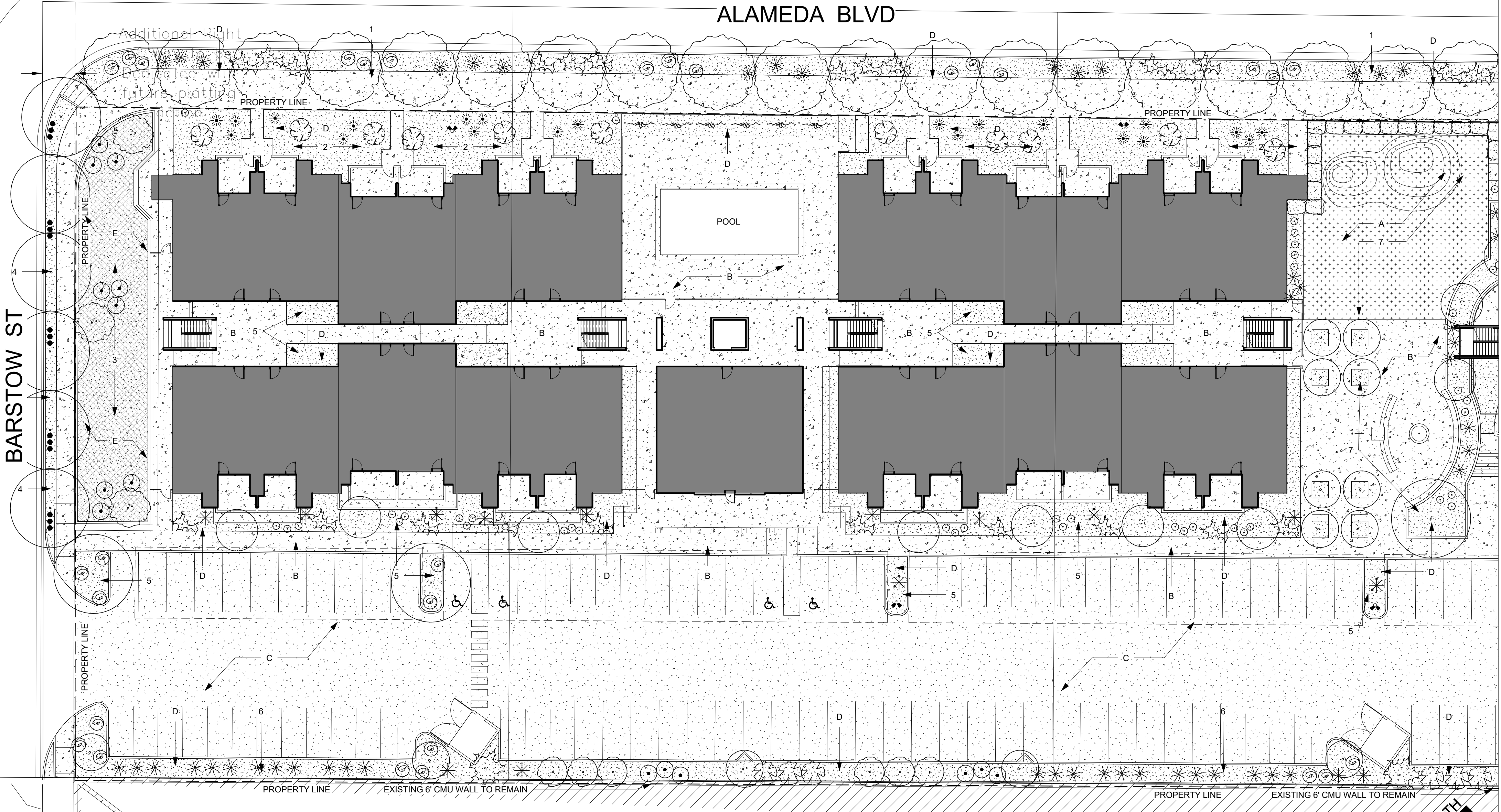
GROSS LOT	127,198.38 SF
AREA LESS BUILDING(S)	27,036.64 SF
NET LOT AREA	100,161.74 SF
REQUIRED LANDSCAPE 15% OF NET LOT AREA	15,024.26 SF
LANDSCAPE AREAS:	
1. LAWN	6,939 SF
2. CONCRETE SIDEWALK	6,020 SF
3. ASPHALT	2,500 SF
4. GRAVEL / GROUND COVER	554 SF
5. PONDING AREA	5,685 SF
6. LAWN	4,724 SF
7. CONCRETE SIDEWALK	4,020 SF
8. ASPHALT	3,068 SF
TOTAL LANDSCAPE PROVIDED	33,510 SF > 15,024 SF
IMPERVIOUS AREAS:	
PUBLIC / PRIVATE CONCRETE SURFACES	27,933 SF
ASPHALT / PARKING	44,035 SF
PARKING LANDSCAPING	6,605 SF
REQUIRED (15%)	8,731 SF
PARKING LANDSCAPING PROVIDED	8,731 SF
PERVIOUS AREAS:	
LAWN	2,847 SF
GROUND COVER (GRAVEL / LANDSCAPE)	25,095 SF
DOG PARK	3,067 SF
PONDING AREA	2,500 SF
10% OF LANDSCAPE AREA IS ALLOWED TO BE HIGH WATER USE TURF - AREA MAX ALLOWED	3,351 SF
HIGH WATER USE TURF PROVIDED	1,632 SF < 3,251 SF
REQUIRED STREET TREES PROVIDED AT 30' O.C. SPACING:	23
REQUIRED PARKING LOT TREES AT 1 PER 10 SPACES (150 SPACES / 10):	15
PROVIDED PARKING LOT TREES:	15
1 TREE REQUIRED PER GROUND AND 2ND FLOOR UNITS	
GROUND FLOOR UNITS:31	62
2ND FLOOR UNITS: 31	
TREES PROVIDED:	75
OPEN SPACE REQUIREMENT FOR MULTI-FAMILY RESIDENTIAL	21,450 SF
OPEN SPACE PROVIDED	77,117SF

LANDSCAPE NOTES:

- MAINTENANCE OF LANDSCAPE BY PROPERTY OWNER.
- PLANTINGS TO BE WATERED BY AUTOMATIC DRIP IRRIGATION SYSTEM WITH REDUCED PRESSURE BACKFLOW PREVENTER.
- WATER MANAGEMENT IS THE SOLE RESPONSIBILITY OF THE PROPERTY OWNER. THIS PLAN IS TO COMPLY WITH C.O.A. AND IDO PLANTING RESTRICTIONS APPROACH. IT IS THE INTENT OF THIS PLAN TO PROVIDE MINIMUM 75% LIVE GROUNDCOVER OF LANDSCAPE AREAS PER IDO.
- LANDSCAPE AREAS TO BE MULCHED WITH GRAVEL AT 3" DEPTH OVER FILTER FABRIC. APPROVAL OF THE LANDSCAPE PLAN DOES NOT CONSTITUTE OR IMPLY COMPLIANCE WITH, OR EXEMPTION FROM, THE IDO
- THE OWNER SHALL BE RESPONSIBLE FOR AND SHALL PROPERLY MAINTAIN ALL TO BE CONSTRUCTED LANDSCAPE AREAS INCLUDING LANDSCAPING PROPOSED TO BE CONSTRUCTED WITHIN THE RIGHT OF WAY BETWEEN THE SIDEWALK AND THE CURB.
- ALL STREET TREES PLANTED SHALL BE SELECTED FROM THE CITY OF ALBUQUERQUE PLANT PALETTE AND SIZING LIST.
- MULCH IS REQUIRED AT PLANTING BEDS AND UNDER TREE CANOPIES WITH THE RESTRICTIONS OF CRUSHER FINES TO 50% OF ANY OUTDOOR SPACE.
- STREET TREES SHALL BE SPACED EVERY 25 FT. ON CENTER UNLESS SPECIFIED OTHERWISE IN PART 6-6-2 OF ROA 1994 (STREET TREES)
- TREES SHALL NOT BE LOCATED WITHIN 10 FEET OF FIRE LINES OR FIRE HYDRANT LINES.
- ALL PLANTING OF VEGITATED MATERIAL ORINSTALLATION OF ANY LANDSCAPING, BUFFERING, OR SCREENING MATERIAL IN THE PUBLIC RIGHT OF WAY SHALL REQUIRE THE PRIOR APPROVAL OF THE CITY AND MAY REQUIRE AN AGREEMENT WITH THE CITY SPECIFYING MAINTENANCE, REPAIRS, OR LIABILITY RESPONSABILITIES.
- ANY TREES THAT OVEHANG A PUBLIC SIDEWALK OR MAJOR PUBLIC OPEN SPACE SHALL BE TRIMMED TO MAINTAIN AN 8 FOOT CLEARANCE OVER THE SIDEWALK. ANY TREES THAT OVERHANG A PUBLIC STREET SHALL BE TRIMMED TO MAINTAIN A 9 FOOT CLEARANCE OVER THE STREET SURFACE.
- WHERE LANDSCAPING IS INSTALLED IN THE PUBLIC RIGHT OF WAY, THE APPLICANT SHALL INSTALL AN ADEQUATE IRRIGATION SYSTEM THAT MEETS THE MINIMUM TECHNICAL REQUIREMENTS OF THE ROA 1994 AND THE DPM, WITH A SEPARATE METER FOR THE LANDSCAPE AREA IN THE PUBLIC RIGHT OF WAY, OR A SEPARATE VALVE(S) AT THE PROPERTY LINE ALLOWING ISOLATION OF THE IRRIGATION TO THE LANDSCAPE WITHIN THE PUBLIC RIGHT OF WAY. DRIP IRRIGATION SYSTEM AND ARTIFICIAL TURF SHALL NOT BE ALLOWED WITHIN THE PUBLIC RIGHT OF WAY.

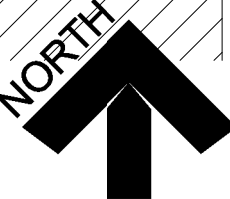


3 Site Plan Key
1" = 100'-0"



1 Landscape Plan - West End
1" = 20'-0"

0 8' 16' 24'



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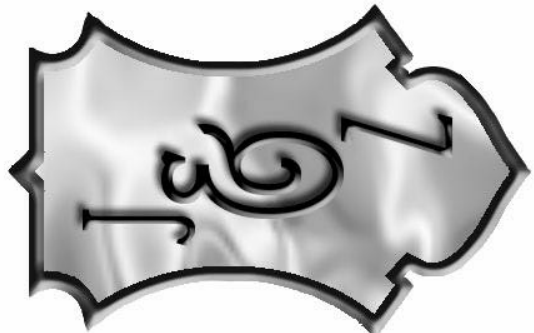
LANDSCAPE PLAN

ALAMEDA LUXURY APARTMENTS

sheet no:

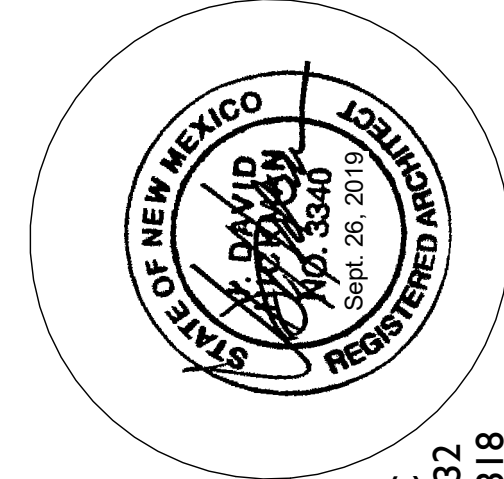
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8400 ALAMEDA BLVD, NE
ALBUQUERQUE, NM 87112



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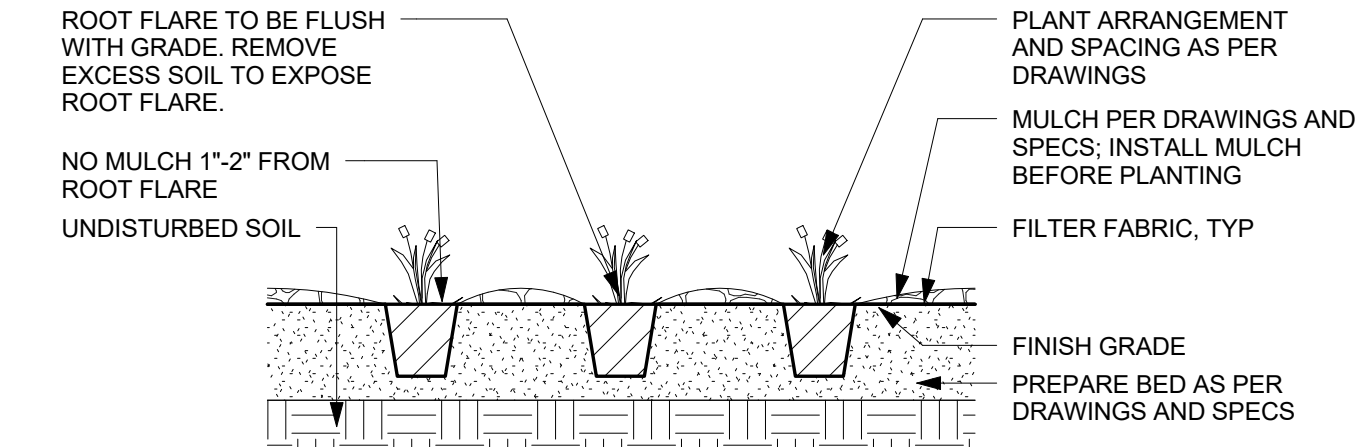
11030 MENAUL NE SUITE C
ALBUQUERQUE, NM 871132
P: 505-797-1318



"EASY AS PIE"

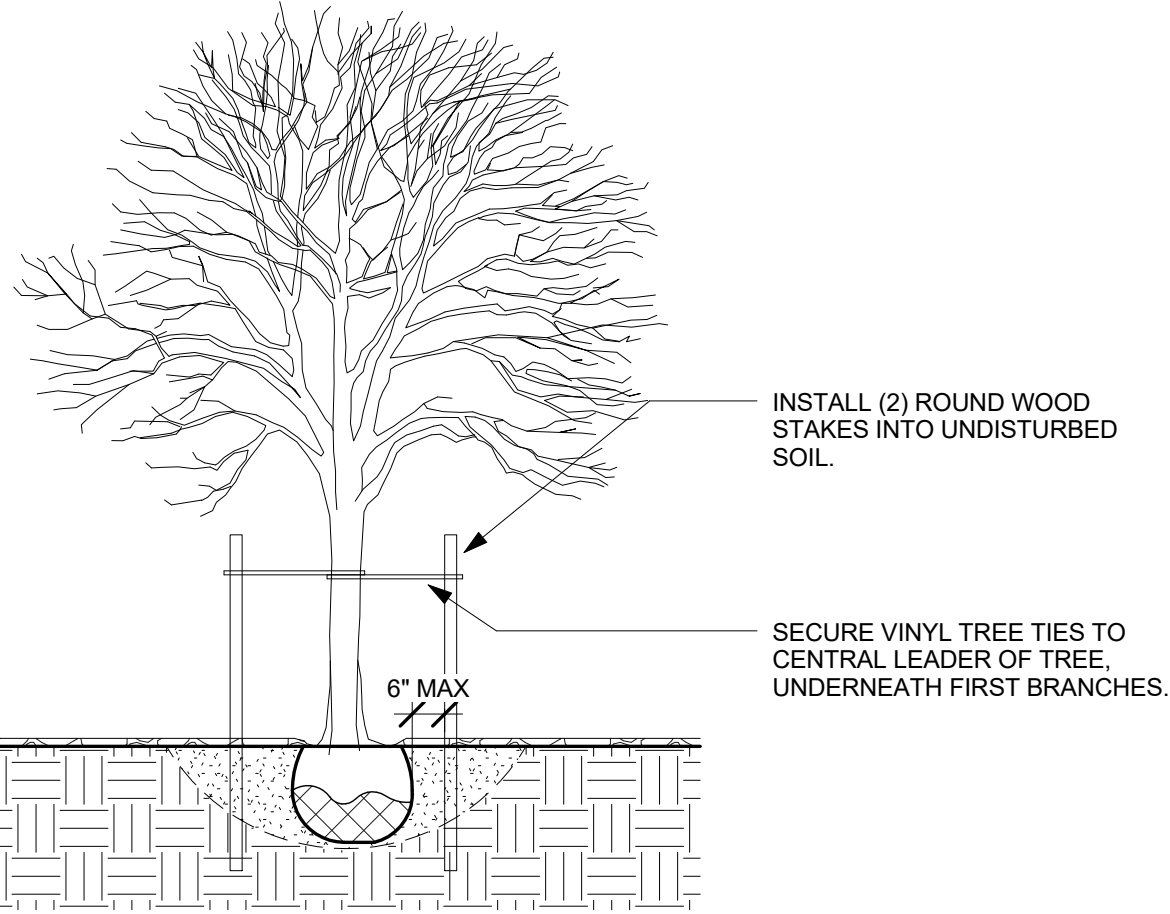
PLANT LEGEND:

SYMBOL	BOTANICAL NAME COMMON NAME	QUANTITY	WATER USE	INSTALLED SIZE	MATURE H / W	SYMBOL	BOTANICAL NAME COMMON NAME	QUANTITY	WATER USE	INSTALLED SIZE	MATURE H / W
5 GAL						TREES					
	ROSA BANKSIAE YELLOW LADY BANK'S ROSE	6	MEDIUM	5 GAL	4'x4'		PINUS NIGRA AUSTRIAN PINE	6	MEDIUM	8'-10'	35'x25'
	CALAMAGROSTIS ARUNDINACEA 'KARL FOESTER' KARL FOESTER FEATHER REED GRASS	39	MEDIUM	5 GAL	30"x2'		GLEDITSIA TRIACANTHOS 'SHADEMASTER' SHADEMASTER HONEY LOCUST	16	MEDIUM	2" CAL	x'
	MISCANTHUS SINENSIS 'MORNING LIGHT' MORNING LIGHT MAIDEN GRASS	18	MEDIUM	5 GAL	5'x5'		VITEC AGNUS-CASTUS CHASTE TREE	10	MEDIUM	15 GAL	20'x20'
	MUHLENBERGIA CAPILLARIS 'REGAL MIST' REGAL MIST MUHLY GRASS	21	MEDIUM	5 GAL	3'x3'		PISTACIA ATLANTICA X INTEGERRIMA RED PUSH PISTACHE	19	MEDIUM	2" CAL	40'x40'
	HELICOTRICHON SEMPERVIRENS BLUE AVENA GRASS	12	LOW	5 GAL	2'x2'		FORESTIERA NEOMEXICANA NM OLIVE MULTI TRUNK	3	MEDIUM	15 GALLON	15'x15'
	RHUS AROMATICA 'GRO LOW' GROW LOW SUMAC	38	LOW	5 GAL	3'x8'		LAGERSTROEMIA HYBRIDS 'DYNAMITE' GRAPE MYRTLE 'DYNAMITE' MULTI TRUNK	13	HIGH	15 GALLON	15'x15'
	SALVIA GREGGII 'FURMAN'S RED' CHERRY SAGE	9	LOW	5 GAL	2'x3'						
	CARYOPTERIS X CLANDONENSIS BLUE MIST SPIREA	6	LOW	5 GAL	3'x3'						
	SYRINGA BLOOMERANG LILAC	9	MEDIUM	5 GAL	4'x5'						
	COTONEASTER GLAUCOPHYLLUS GRAYLEAF COTONEASTER	9	LOW	5 GAL	2'x9'						
	COTONEASTER DAMMERI 'CORAL BEAUTY' BEARBERRY COTONEASTER	31	MEDIUM	5 GAL	6'x10'						
	BUXUS MICROPHYLLA JAPONICA 'WINTER GEM' WINTER GEM BOXWOOD	20	MEDIUM	5 GAL	4'x4'						
	RAPHIOLEPIS INDICA 'BLUEBERRY MUFFIN' BLUEBERRY MUFFIN INDIAN HAWTHORN	45	MEDIUM	5 GAL	3'x4'						
	BERBEN'S THUNBERGII 'ORANGE ROCKET' ORAGE ROCKET BARBERRY	15	MEDIUM	5 GAL	2'x3'						
	HIBISCUS SYRIACUS 'APHRODITE' ROSE OF SHARON	14	MEDIUM	5 GAL	10'x10'						
	BERBERIS THUNBERGII 'CHERRY BOMB' CHERRY BOMB BARBERRY	29	MEDIUM	5 GAL	2'x2'						



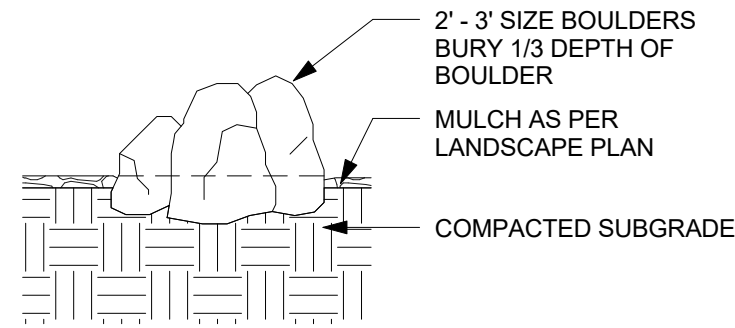
6 Landscape Detail - Landscape Bed
1/8" = 1'-0"

- NOTES:
- VINYL TREE TIES TO BE CINCH-TIE 32" OR APPROVED EQUAL, AVAILABLE FROM V.I.T. PRODUCTS 800 - 729 - 1314
 - STAKING TO BE REMOVED AT THE END OF WARRANTY PERIOD.



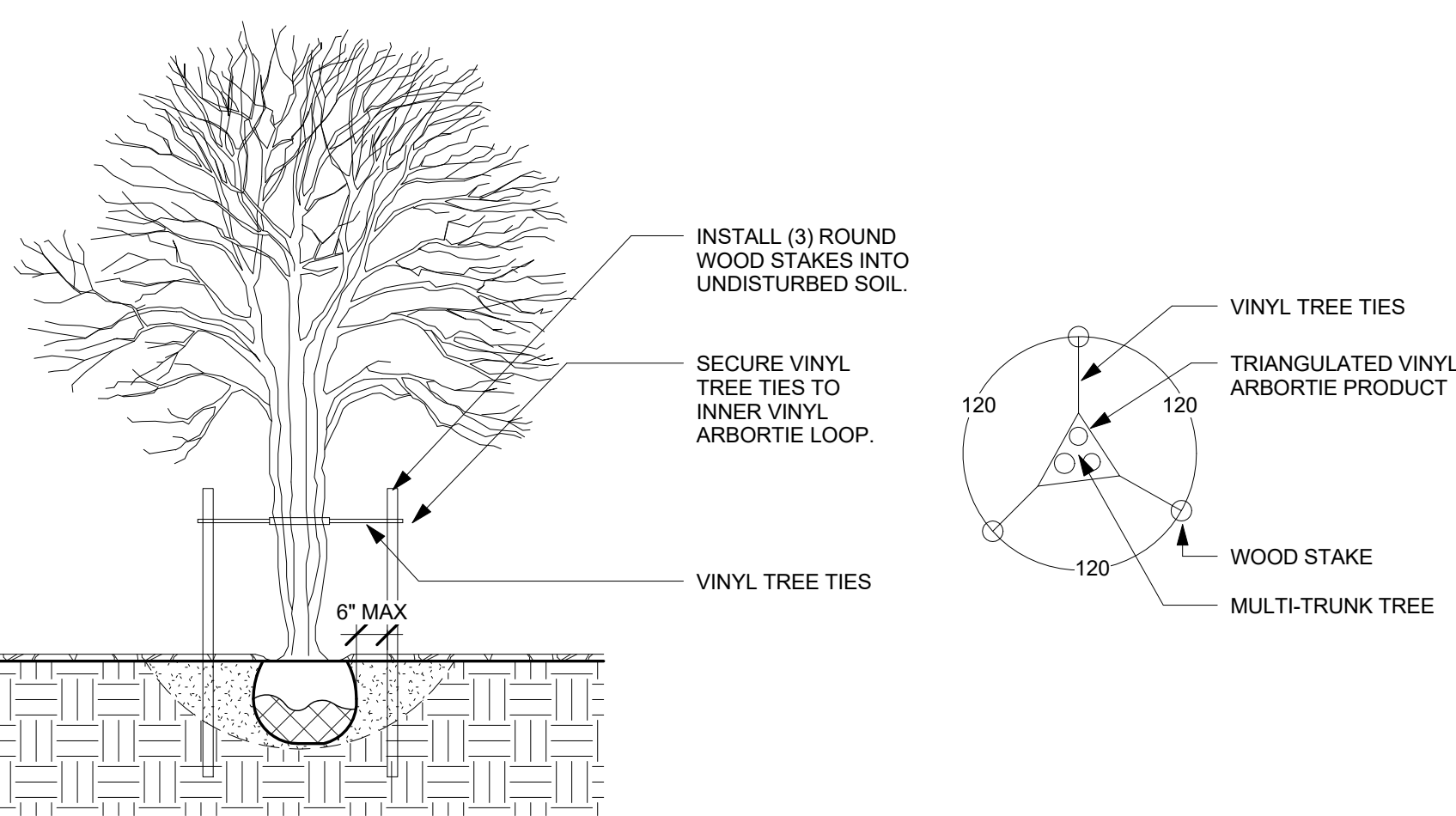
8 Landscape Detail - Tree Staking
1/8" = 1'-0"

- NOTE:
- BOULDER CHOICES TO BE APPROVED BY LANDSCAPE ARCHITECT. LOCATIONS SHALL BE VARIFIED BY LANDSCAPE ARCHITECT PRIOR TO PLACEMENT.



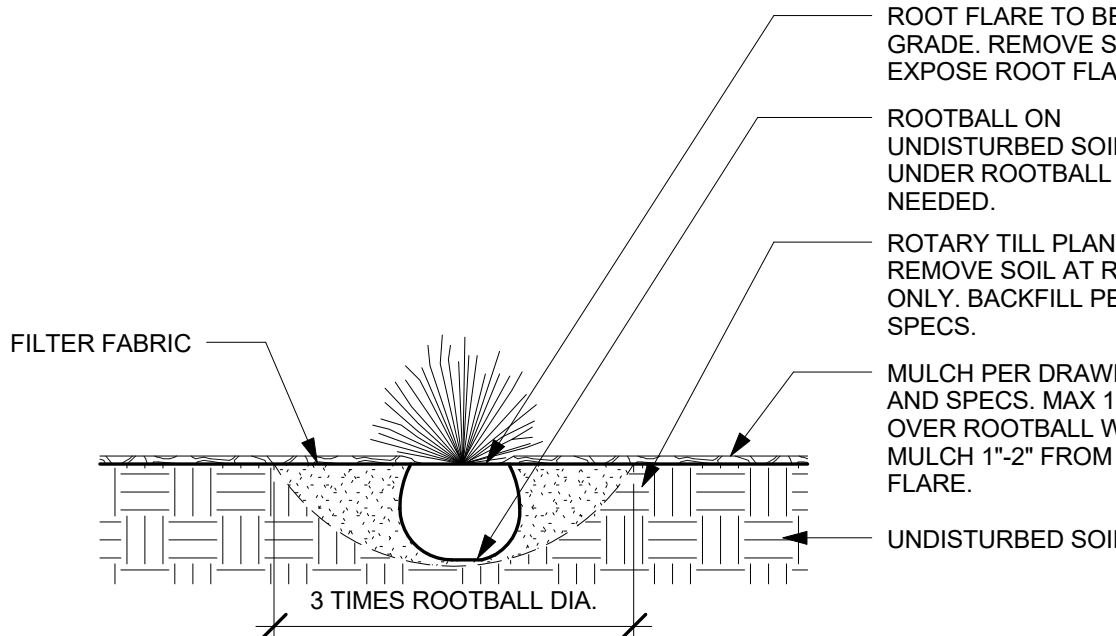
10 Landscape Detail - Boulder Installation
1/4" = 1'-0"

- NOTES:
- VINYL TREE TIES TO BE CINCH-TIE 32" OR APPROVED EQUAL, AVAILABLE FROM V.I.T. PRODUCTS 800 - 729 - 1314
 - STAKING TO BE REMOVED AT THE END OF WARRANTY PERIOD.



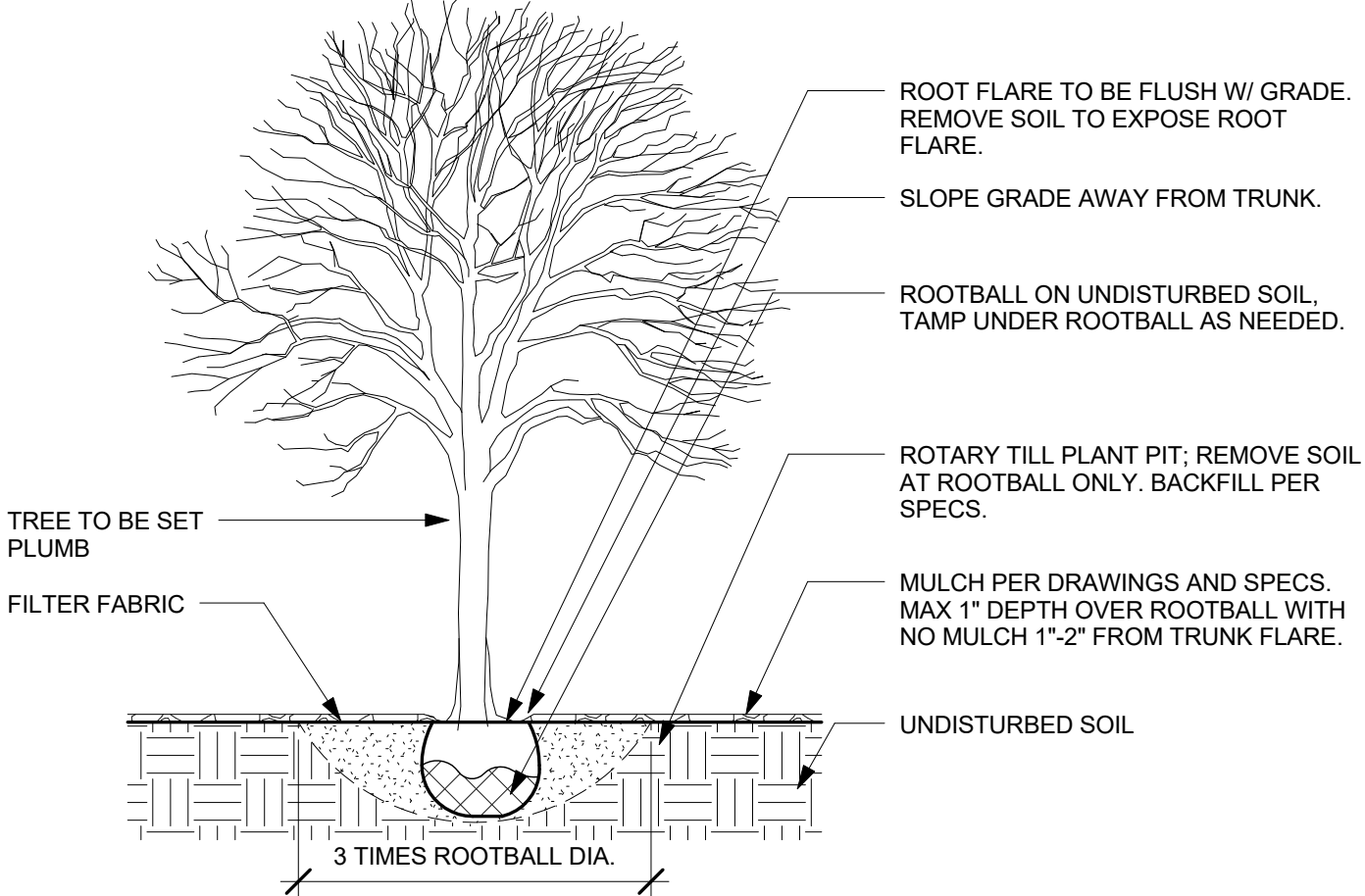
9 Landscape Detail - Multi-Trunk Staking
1/8" = 1'-0"

- NOTES:
- PRIOR TO BACKFILLING, ALL MATERIAL SUCH AS CONTAINERS, WIRE, BURLAP, AND ROPE SHALL BE REMOVED AS COMPLETELY AS POSSIBLE, WHILE STILL PROTECTING THE INTEGRITY OF THE ROOTBALL.
 - BOTTOM OF TREE PITS TO BE COMPACTED TO PREVENT SETTLING.

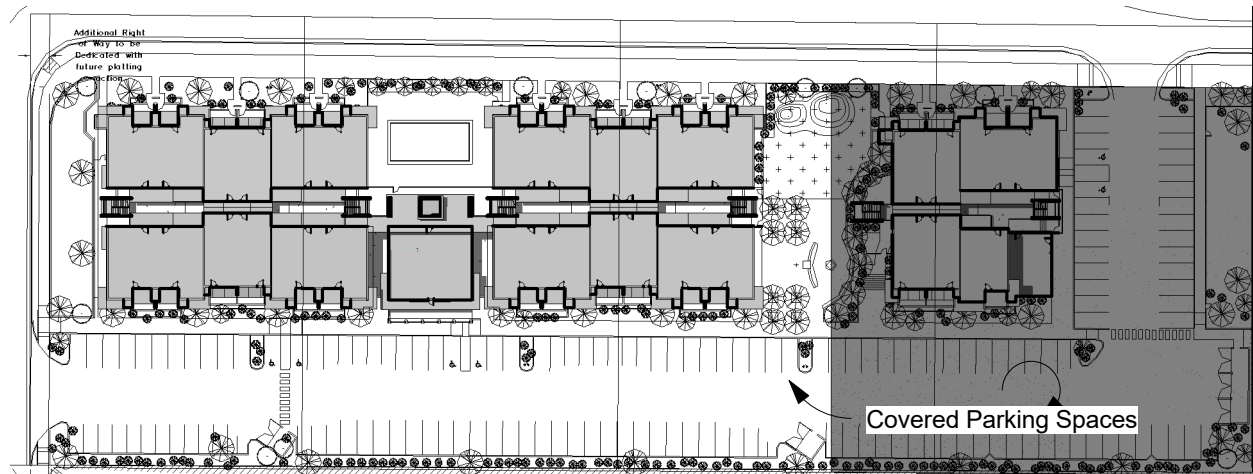


5 Landscape Detail - Shrub
1/8" = 1'-0"

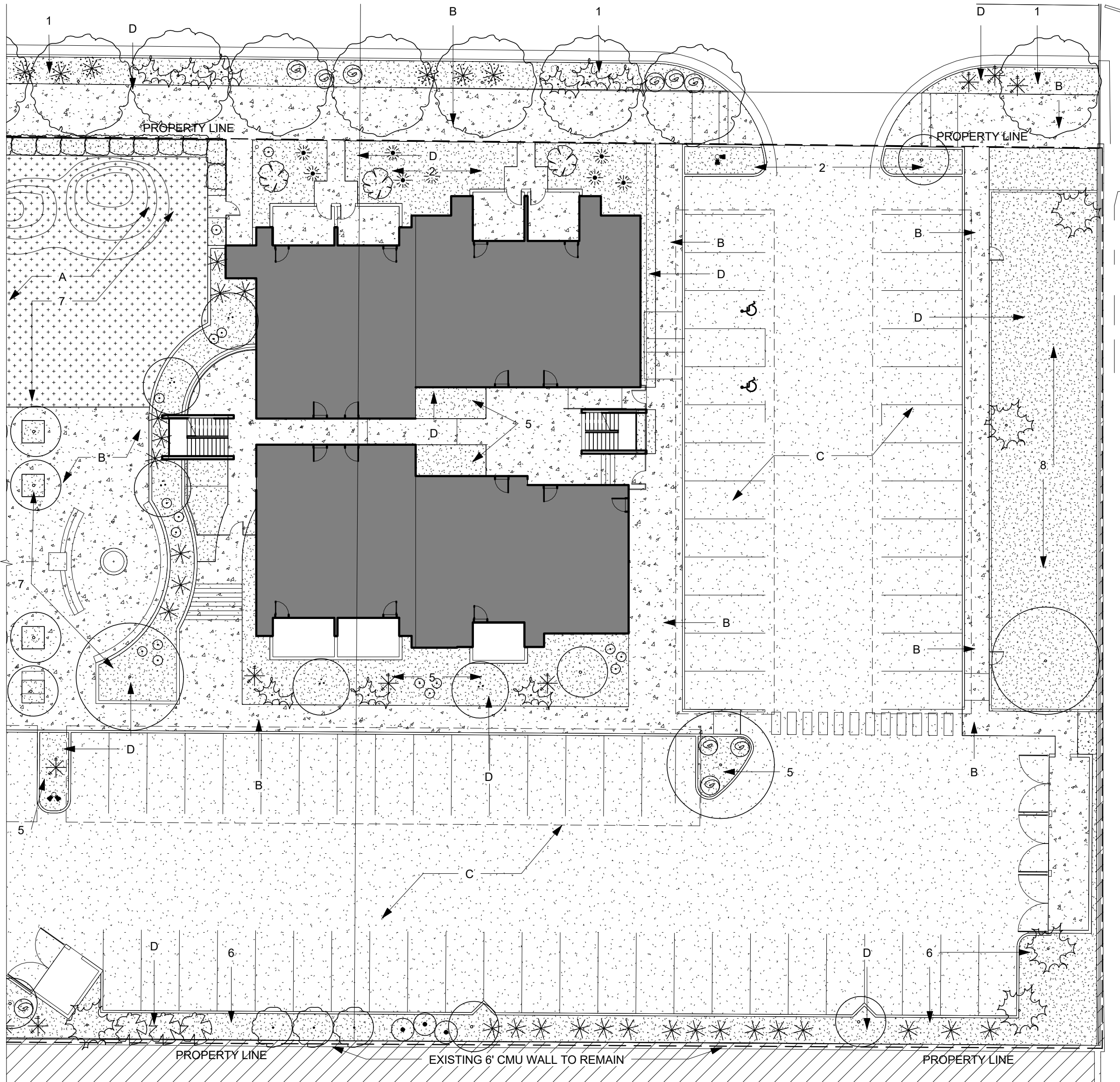
- NOTES:
- PRIOR TO BACKFILLING, ALL MATERIAL SUCH AS CONTAINERS, WIRE, BURLAP, AND ROPE SHALL BE REMOVED AS COMPLETELY AS POSSIBLE, WHILE STILL PROTECTING THE INTEGRITY OF THE ROOTBALL.
 - BOTTOM OF TREE PITS TO BE COMPACTED TO PREVENT SETTLING.



7 Landscape Detail - Tree
1/8" = 1'-0"



3 Site Plan Key Copy 1
1" = 100'-0"



1 Landscape Plan - East End
1" = 20'-0"

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LANDSCAPE PLAN

ALAMEDA LUXURY APARTMENTS

sheet no:

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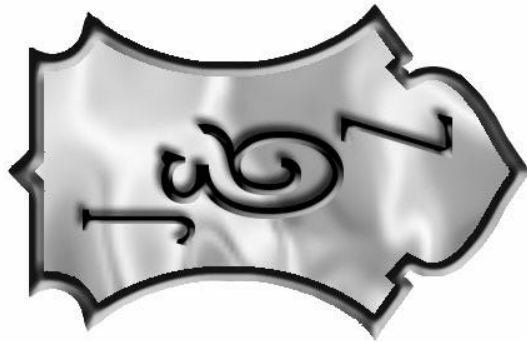
8400 ALAMEDA BLVD. NE
ALBUQUERQUE, NM 87112

job no:

drawn: 00

checked: J&Z

date: Nov. 27, 2019

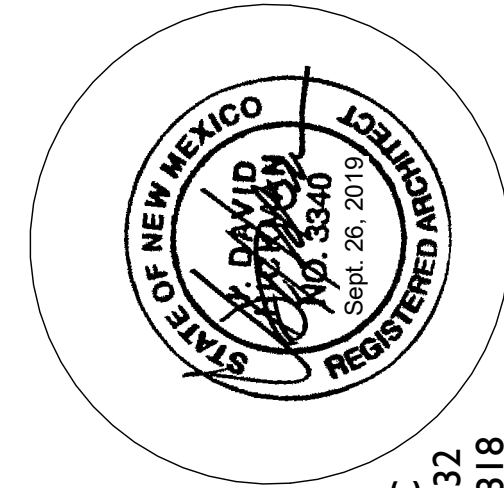


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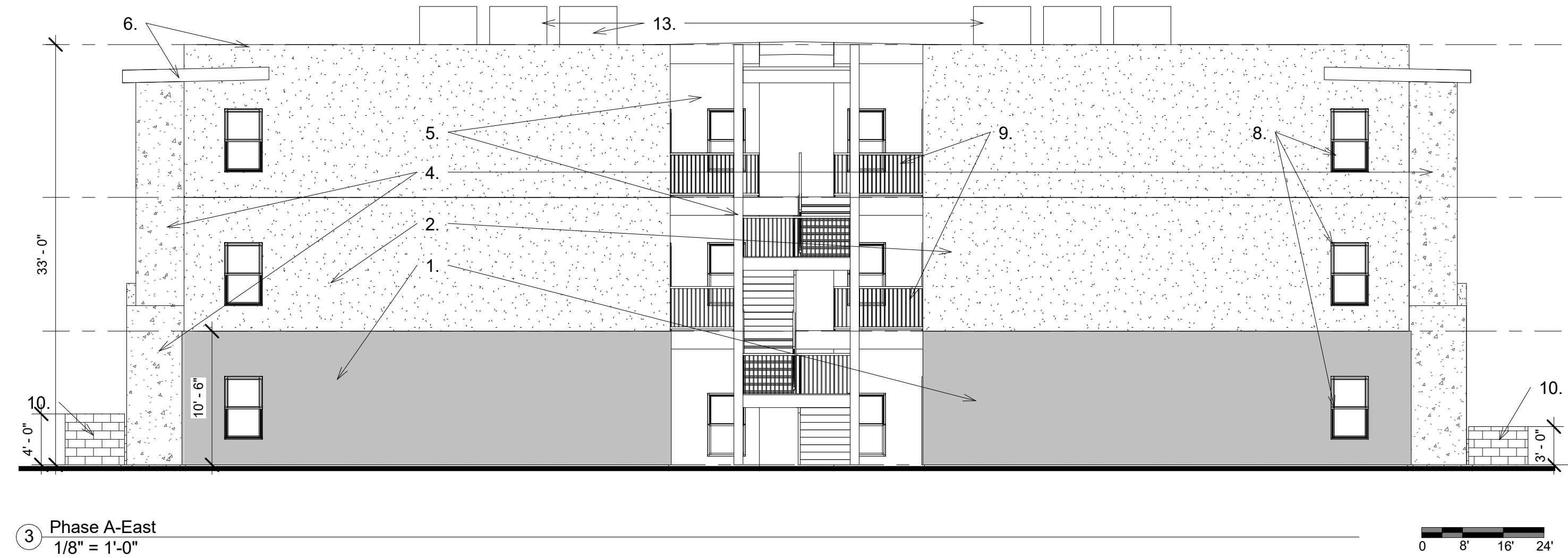
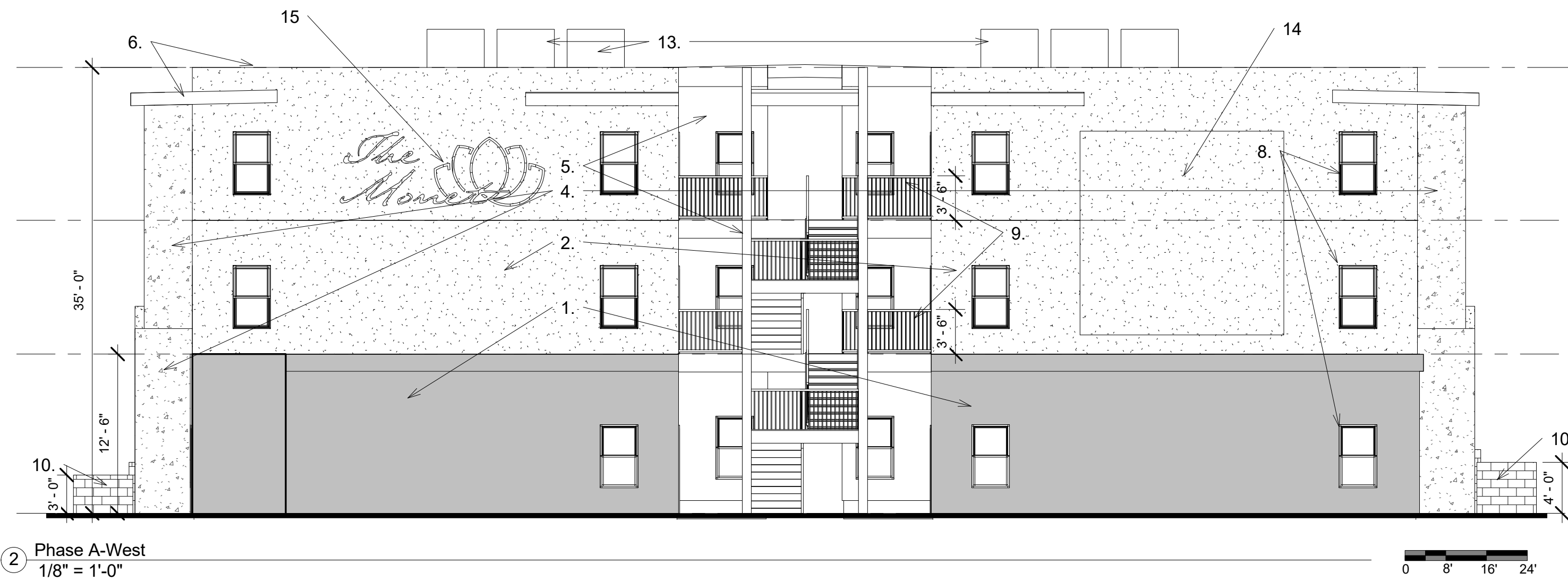
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P: 505-797-1318



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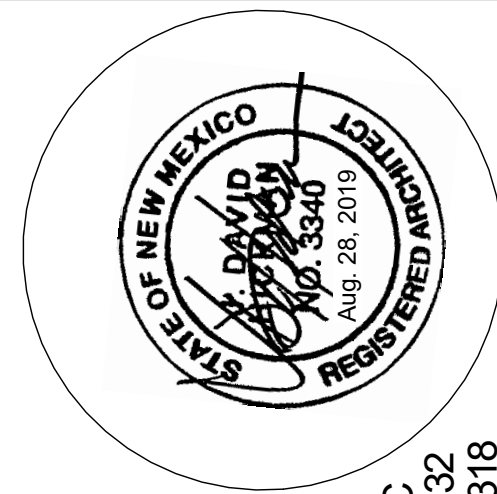
Keyed Notes:

1. Stucco Color #1: Medium Grey (Wall to be 2" thicker than wall above)
2. Stucco Color #2: Tan
3. Stucco Color #3: Red Orange
4. Stucco Color #4: Orange Yellow
5. Stucco Color #5: Off White
6. White single ply membrane roof
7. Pitched metal roof ("galvalume" finish to match gutters and downspouts)
8. White vinyl windows
9. Painted metal railings
10. Exposed CMU yard wall
11. Painted metal gate to match railings
12. Building sign with units range
13. Roof mounted heat pump condenser units shall be pushed to middle of building so as not to be seen from street
14. Art - Mural, privately owned
15. Property Sign to be on a separate permit to be submitted in accordance with IDO requirements.

GENERAL NOTES:

1. ANY BUILDING MOUNTED SIGNAGE IS TO BE ACHIEVED THROUGH A SEPERATE BUILDING PERMIT IN ACCORDANCE WITH THE UNDERLYING MX-L ZONING

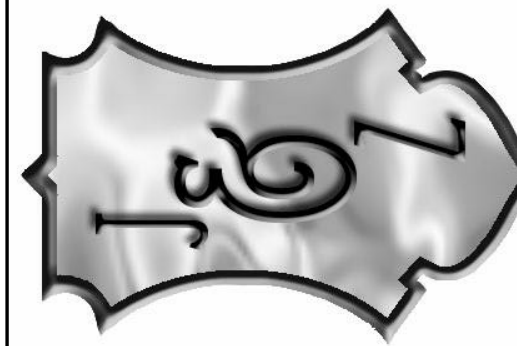
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11030 MENAUL NE SUITE C
ALBUQUERQUE, NM 871132
P: 505-797-1318



job no:

drawn: JDH

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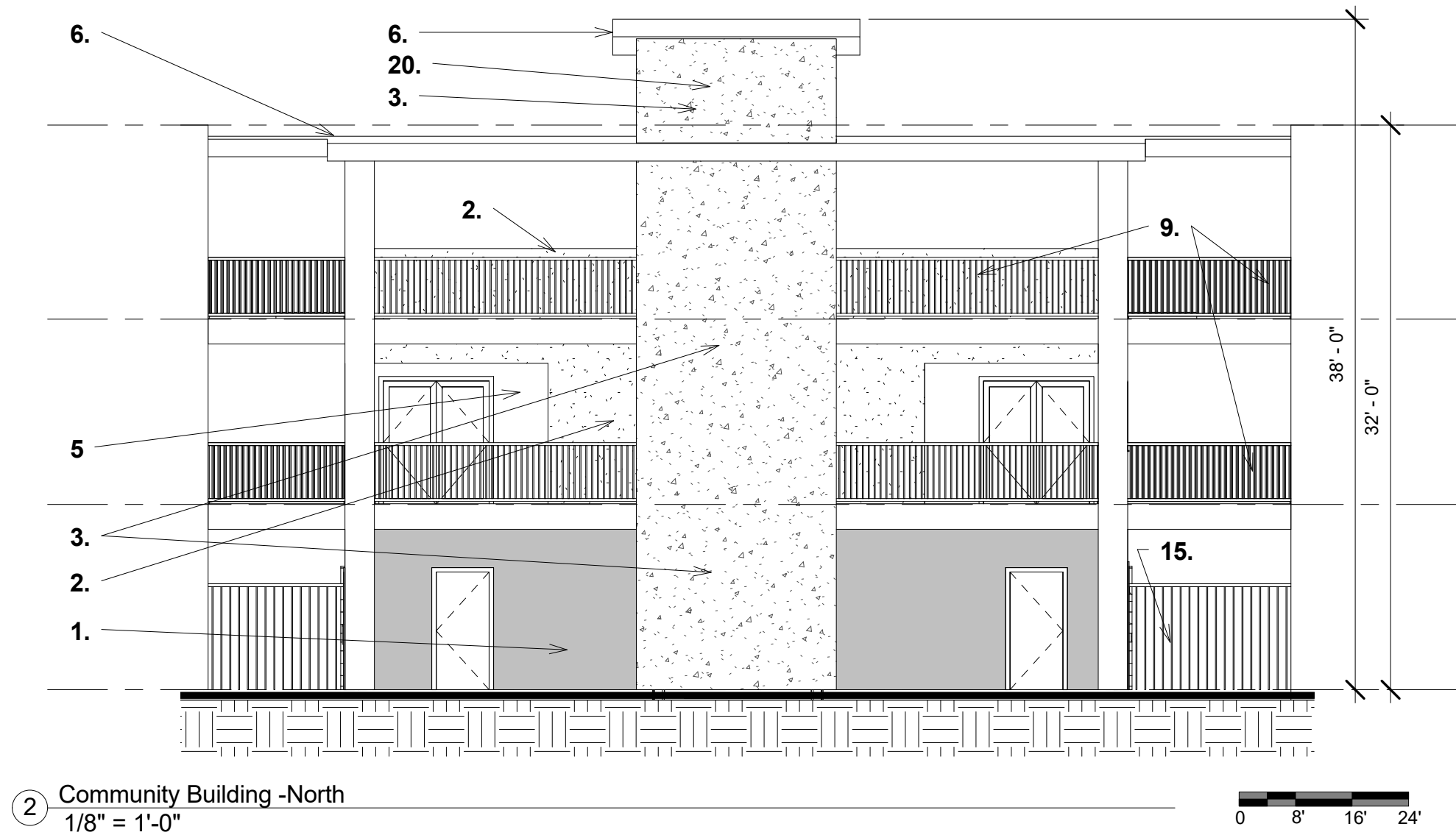
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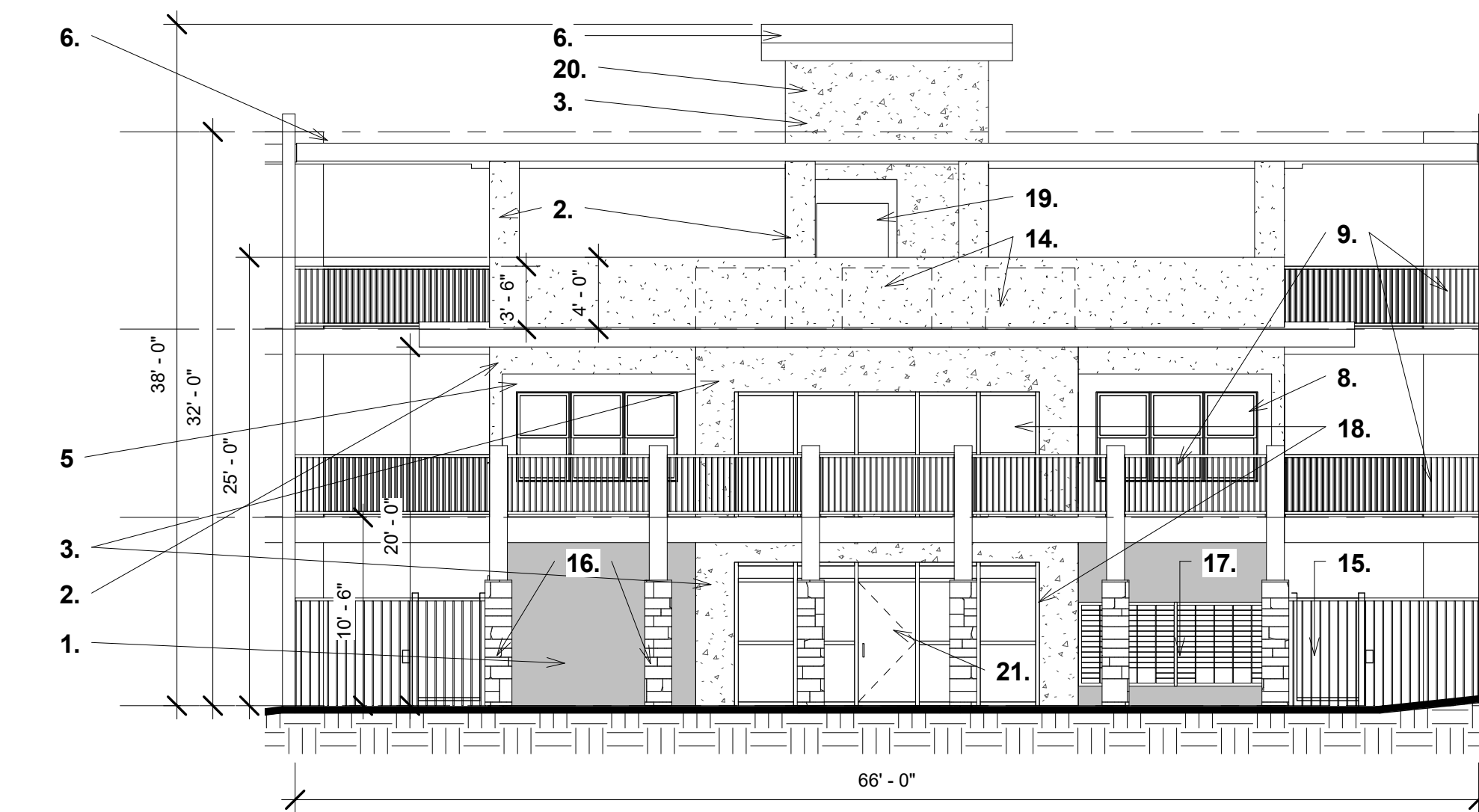
8400 ALAMEDA BLVD., NE
ALBUQUERQUE, NM 87112

sheet no:

4



② Community Building -North
1/8" = 1'-0"



① Community Building -South
1/8" = 1'-0"

Keyed Notes:

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6. White single ply membrane roof
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8. White vinyl windows
9. Painted metal railings
10. Exposed CMU yard wall
11. Painted metal gate to match railings
12. Building sign with units range
13. Roof mounted heat pump condenser units shall be pushed to middle of building so as not to be seen from street
14. Roof mounted mechanical units to be located behind screen wall
15. Painted metal security fencing and gate
16. Accent stone wrap at columns
17. Mail boxes
18. Aluminum storefront: White
19. Elevator door
20. Elevator shaft/ mechanical space
21. Information Signage on door

GENERAL NOTES:

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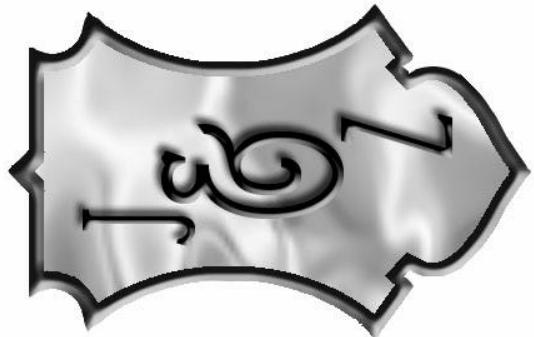
COMMUNITY BUILDING ELEVATIONS

ALAMEDA LUXURY APARTMENTS

8400 ALAMEDA BLVD., NE
ALBUQUERQUE, NM 87112

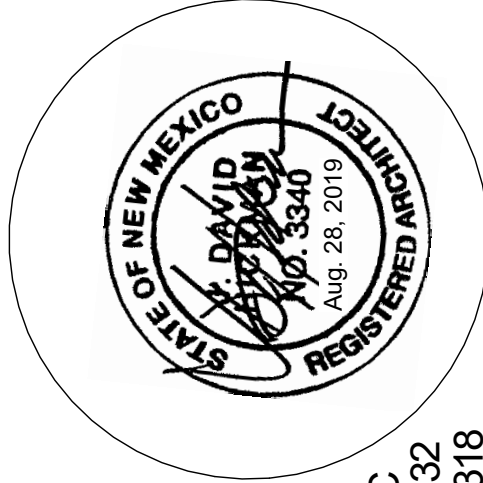
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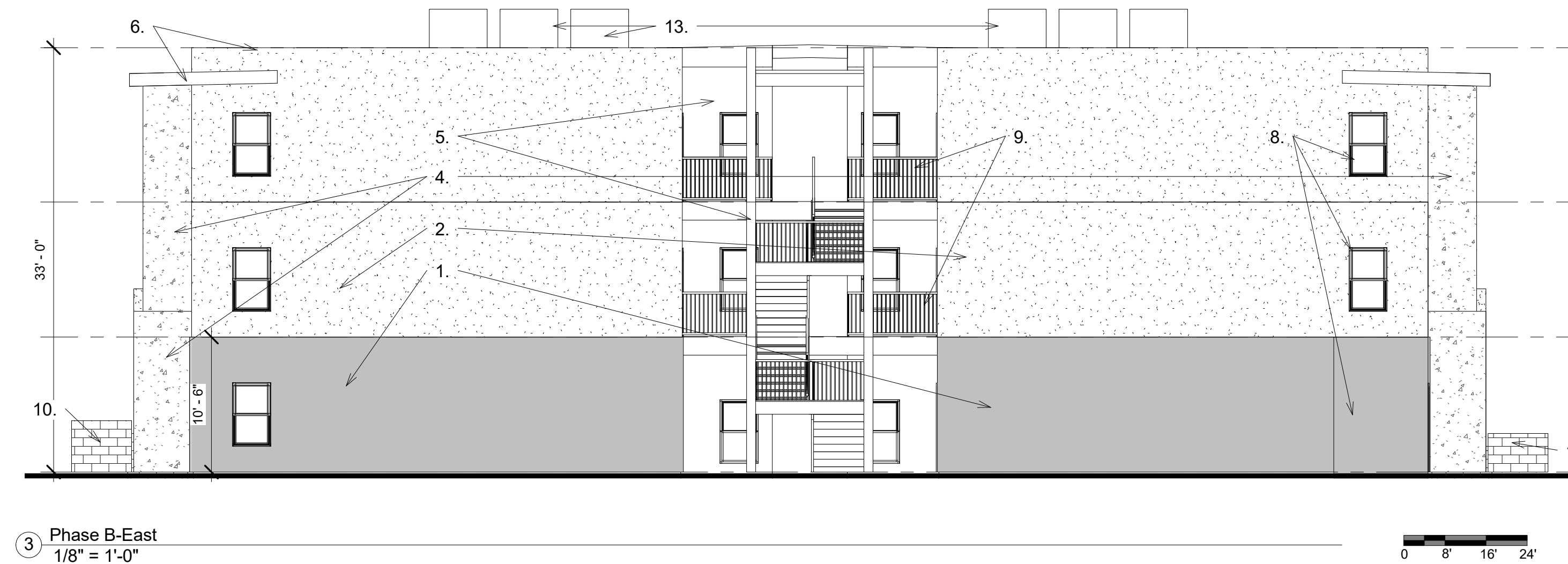
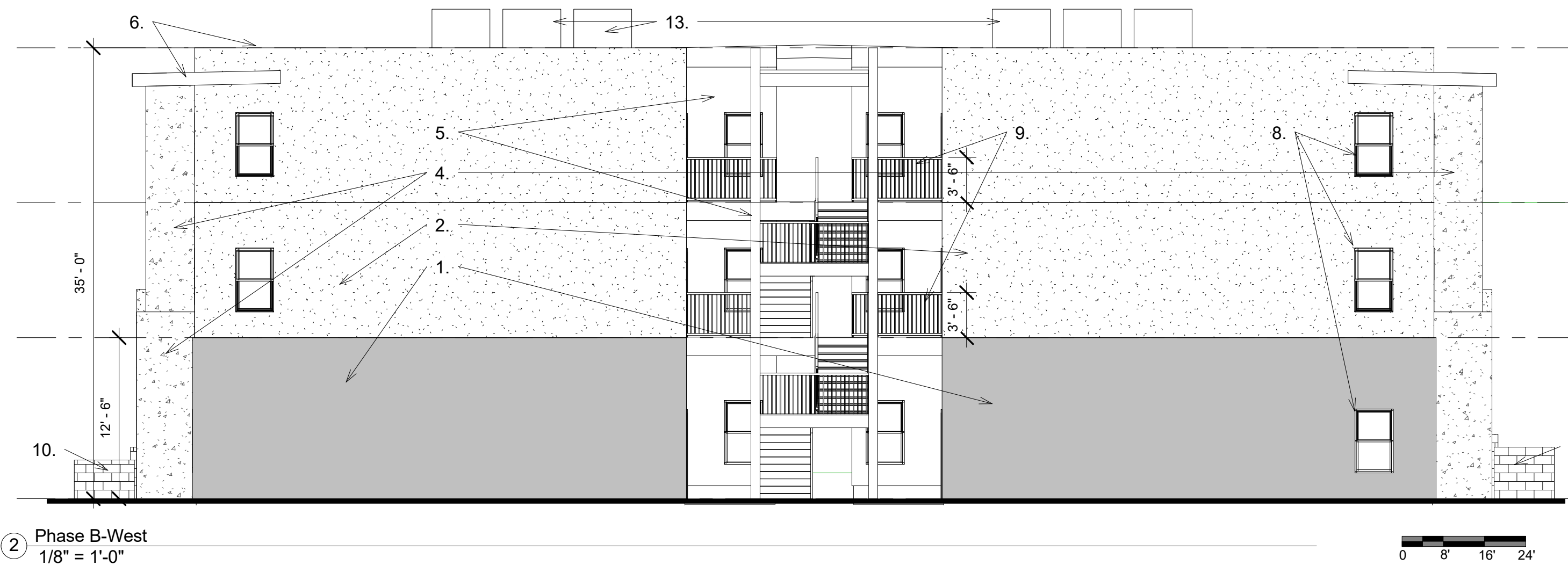
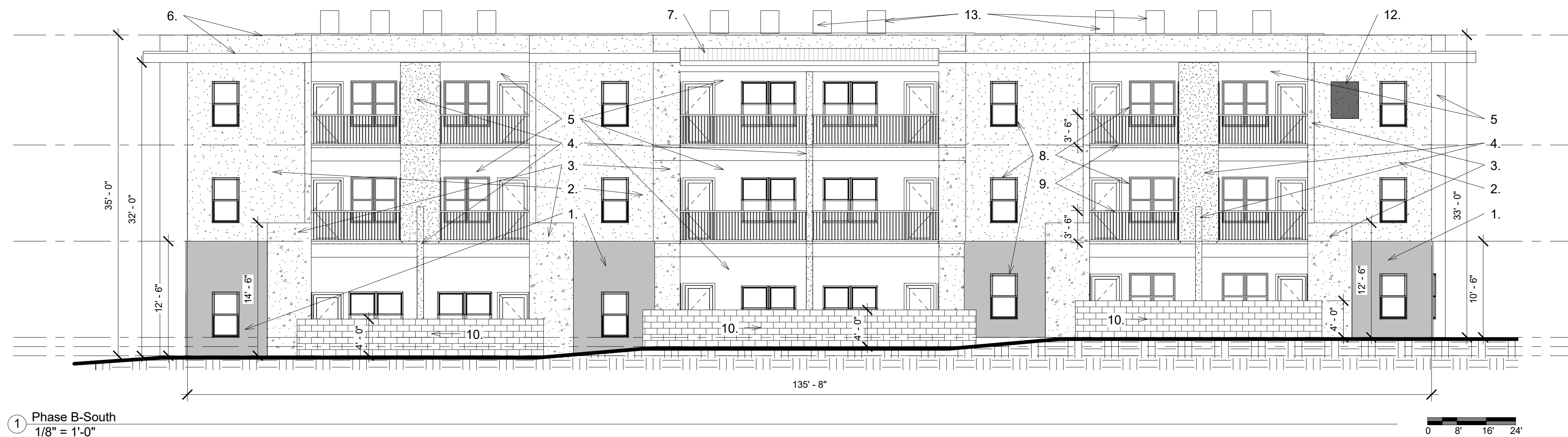


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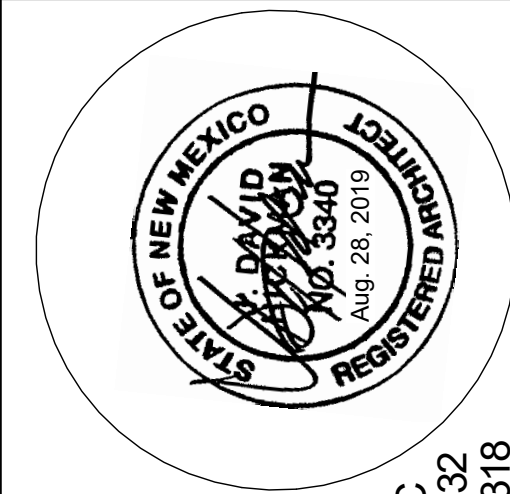
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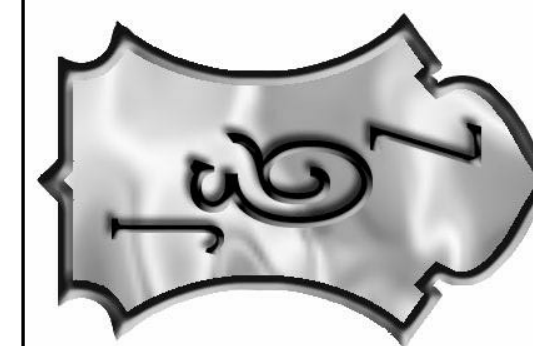
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ALBUQUERQUE, NM 871132
P: 505-797-1318



job no:

drawn: JDH

checked: J&Z

date: 8/28/19

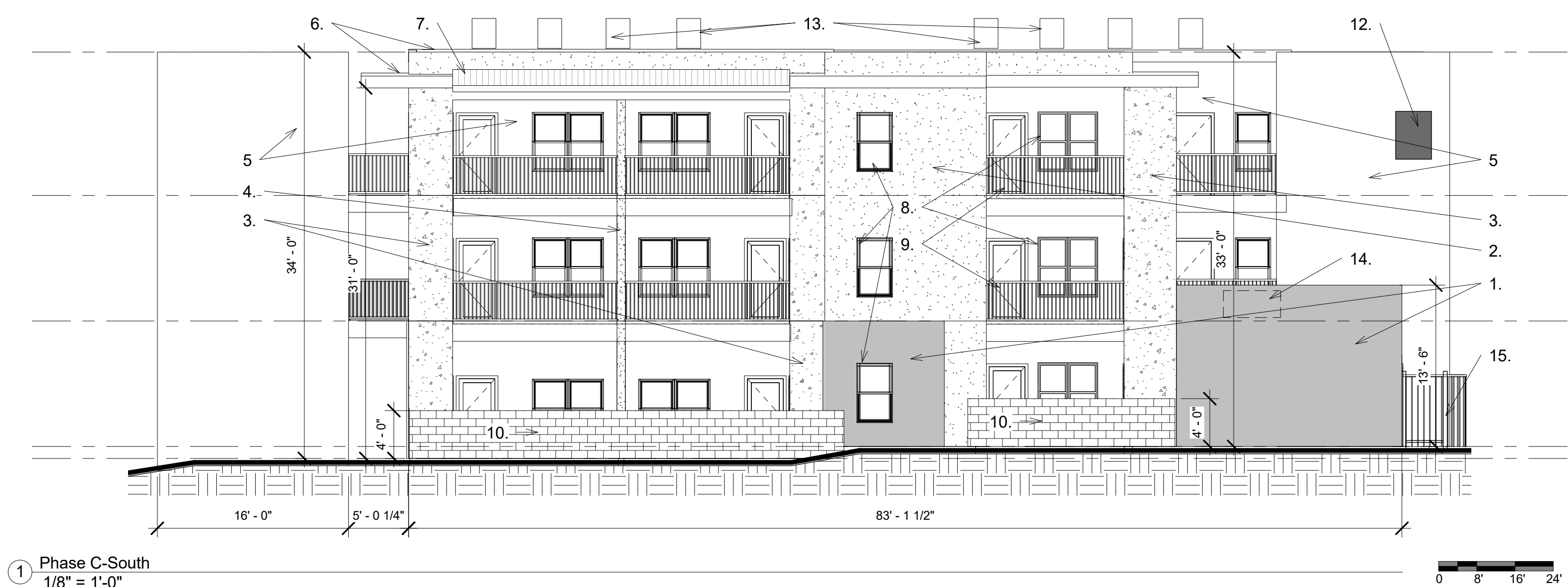
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ALAMEDA LUXURY APARTMENTS

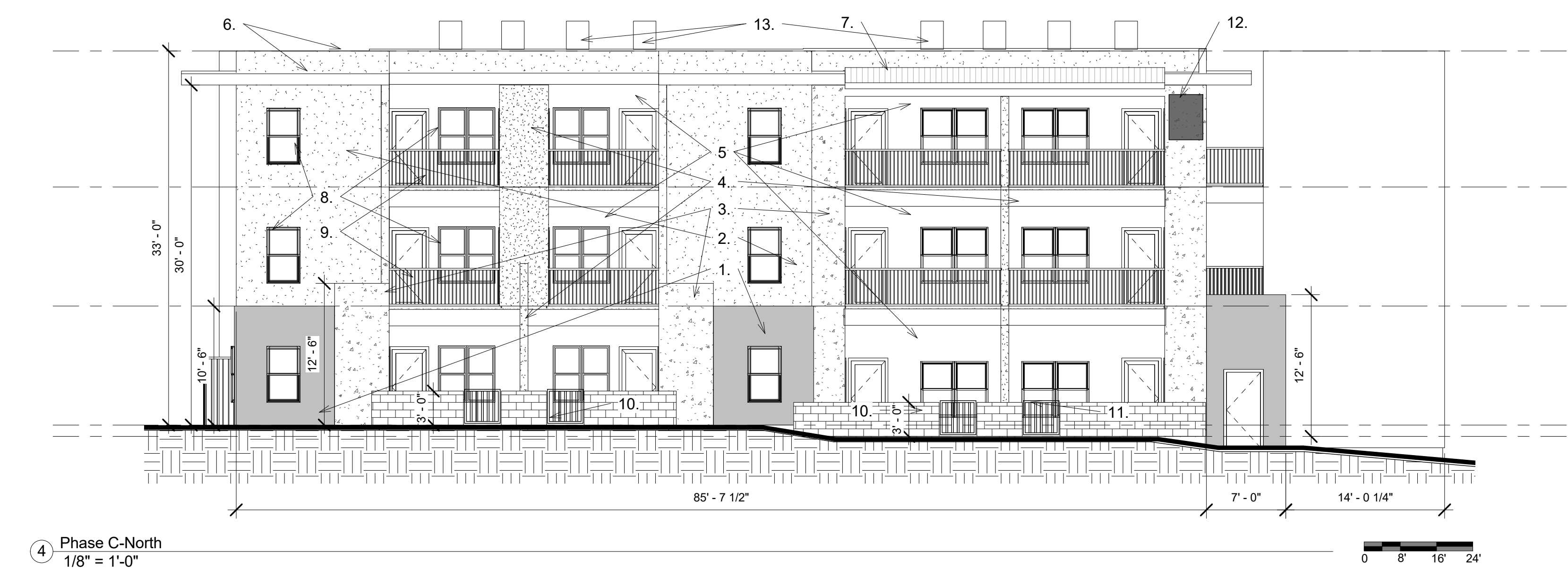
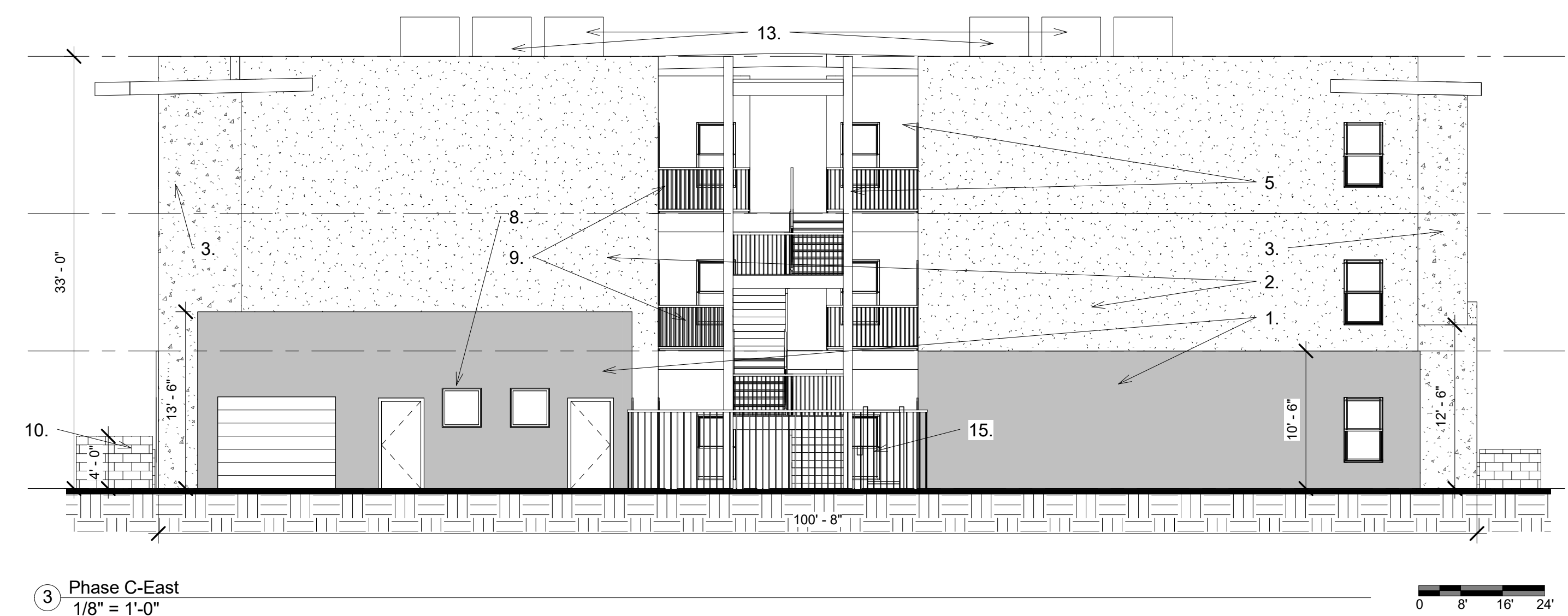
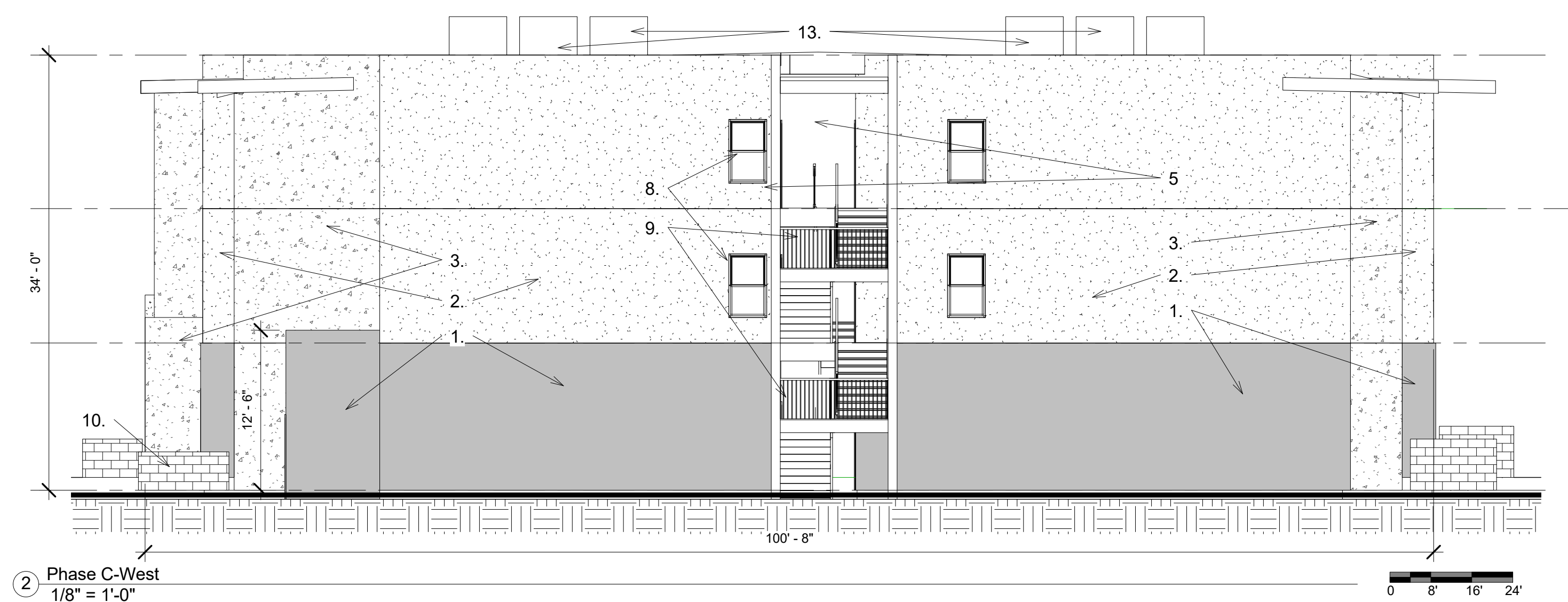
8400 ALAMEDA BLVD. NE
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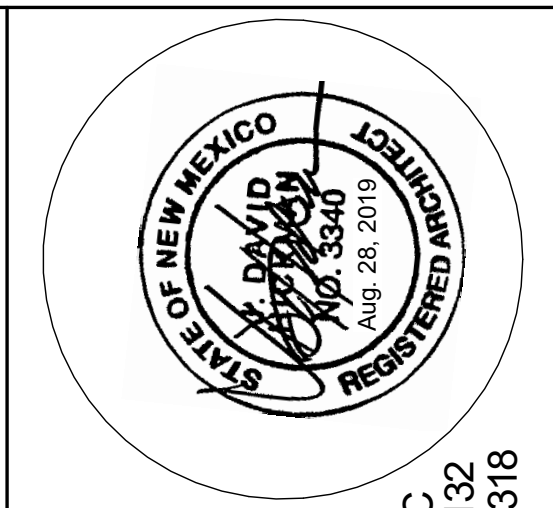


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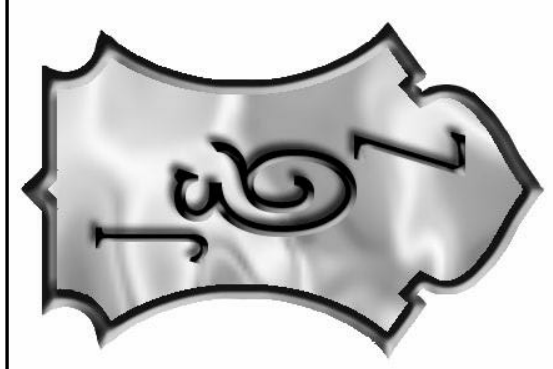


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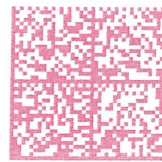
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PHASE C ELEVATIONS
ALAMEDA LUXURY APARTMENTS
8400 ALAMEDA BLVD. NE
ALBUQUERQUE, NM 87112

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ALBUQUERQUE NM 87113

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APODACA LISA A
8428 TIERRA MORENA PL NE
ALBUQUERQUE NM 87122-2974

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W
87102

BARRERA-MARTINEZ MARY J
9420 BEAR MOUNTAIN TRL NE
ALBUQUERQUE NM 87113

FIRST-CLASS



BLAND JEFFREY J & OLIVIA
8423 TIERRA MORENA PL NE
ALBUQUERQUE NM 87122-2977

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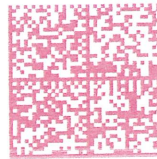


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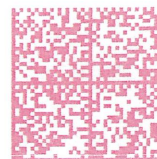


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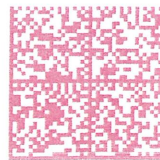
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GREGOS GARY
8501 TIERRA MORENA PL NE
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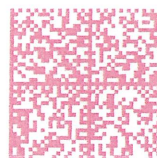
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HAYES JOHN J JR & LISA A
8816 HENRIETTE WYETH DR NE
ALBUQUERQUE NM 87122

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87102

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TRUSTEES HENRY RVL
8823 PICO LA CUEVA RD NE
ALBUQUERQUE NM 87122-1315

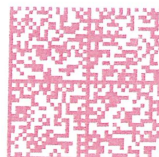
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JONES LEWIS E & NANCY L
8504 TIERRA MORENA PL NE
ALBUQUERQUE NM 87122

FIRST-CLASS

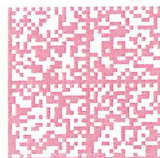


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BACA RANDOLPH P & SHANNON S
8501 ALAMEDA BLVD NE
ALBUQUERQUE NM 87122-3704

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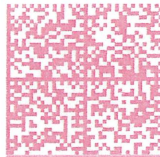


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KIATBARAMEE PANNIPA & APIRATIKIL
PAVEEN
8705 ASPEN LEAF DR NE
ALBUQUERQUE NM 87122-4225

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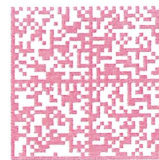
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LEE CURTIS G
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ALBUQUERQUE NM 87122-1315

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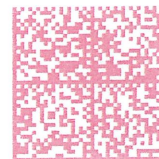


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SCARPA PAUL J & MARIA L
8427 TIERRA MORENA PL NE
ALBUQUERQUE NM 87122

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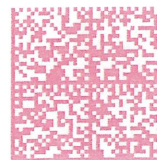


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LI YIBING & ALLISON CLAIRE
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ALBUQUERQUE NM 87122-2946

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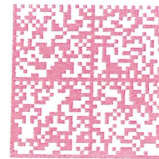
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LINDBORG PHILIP L
12809 DONETTE CT NE
ALBUQUERQUE NM 87112-4708

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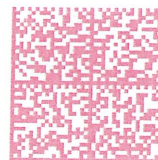


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MARTIN ROBERT B & JAIMIE S
8519 TIERRA MORENA PL NE
ALBUQUERQUE NM 87112

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MOBY PARTNERSHIP
5600 WYOMING BLVD NE SUITE 180
ALBUQUERQUE NM 87109-3149

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MEYER MARK A & LOIS
8405 TIERRA MORENA PL NE
ALBUQUERQUE NM 87122

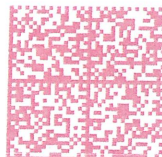
FIRST-CLASS



MATONTI GIUSEPPE & ANNA TRUSTEES
MATONTI FAMILY TRUST
2628 WISCONSIN ST NE
ALBUQUERQUE NM 87110-3756

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et NW
NM 87102

FIRST-CLASS



PATEL PANKAJ & NAYANA
8709 ASPEN LEAF DR NE
ALBUQUERQUE NM 87122-4225

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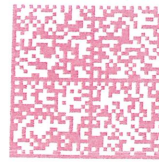
FIRST-CLASS



SAUTER DONNA P & DAVID H
8819 PICO LA CUEVA RD NE
ALBUQUERQUE NM 87122-1315

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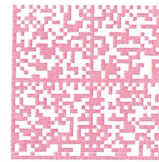


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MOBY PARTNERSHIP
PO BOX 332
FARWELL TX 79325

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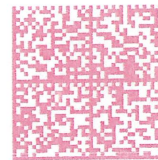


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NGUYEN TRAM THI & TRAN BO
8509 TIERRA MORENA PL NE
ALBUQUERQUE NM 87122

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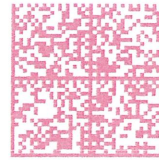


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ODELL MICHAEL & NANCY RVT
8801 PICO LA CUEVA RD NE
ALBUQUERQUE NM 87122-1358

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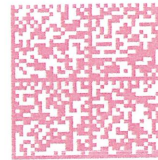


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ONEILL JOSEPH W & BAEHR KAREN L
8805 PICO LA CUEVA RD NE
ALBUQUERQUE NM 87122

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ROBINSON ALEXIS M
8509 ALAMEDA BLVD NE
ALBUQUERQUE NM 87122-3704

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SANCHEZ CLYDE & DOROTHY
8808 HENRIETTE WYETH DR NE
ALBUQUERQUE NM 87122-2777

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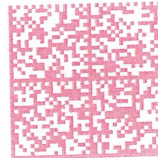


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PRANDO TONY F & JESUSITA TRUSTEE
PRANDO FAMILY RVT
PO BOX 30308
ALBUQUERQUE NM 87190

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MOORES CASSANDRA M & RICHARD C
9123 MACALLAN RD NE
ALBUQUERQUE NM 87109

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Hope-in-the-Desert Episcopal Church
8700 Alameda Blvd. NE
Albuquerque, NM 87122

M 87102

SHACKLEY MICHAEL S & KATHLEEN L
BUTLER
8304 SAN DIEGO AVE NE
ALBUQUERQUE NM 87122-3869

FIRST-CLASS

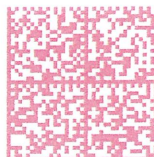


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SHACKLEY MICHAEL S & KATHLEEN L
BUTLER
8100 WYOMING BLVD NE M4-158
ALBUQUERQUE NM 87113-1963

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SKIDMORE JOHN W & LORETTA D
TRUSTEES SKIDMORE FAMILY RVT
8420 TIERRA MORENA PL NE
ALBUQUERQUE NM 87122-2974

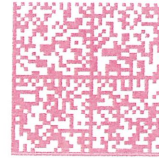
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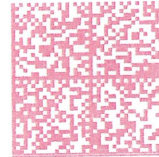


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VALDEZ JOSEPH HERMAN & MARY
LOUISE
8515 TIERRA MORENA PL NE
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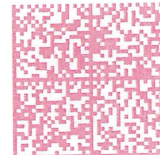


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SOLFEST PAMELA & ERIC
8424 TIERRA MORENA PL NE
ALBUQUERQUE NM 87122

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WRAY STEPHEN M
8505 TIERRA MORENA PL NE
ALBUQUERQUE NM 87122-2958

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THOMSON BRIAN C & KRISTI K
8728 TIERRA MONTANA PL NE
ALBUQUERQUE NM 87122

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MAILED FROM ZIP CODE 87102

STARNER DENNIS L & CHERI A
8736 TIERRA MONTANA NE
ALBUQUERQUE NM 87122

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MAILED FROM ZIP CODE 87102

TRUSTEES PROTESTANT EPISCOPAL
CHURCH
6400 COORS BLVD NW
ALBUQUERQUE NM 87120-2712

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WEVER PAUL & JENNIFER
8409 TIERRA MORENA PL NE
ALBUQUERQUE NM 87122-2977

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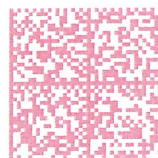


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ZHANG LUZHENG & HUA WANG
8500 TIERRA MORENA PL NE
ALBUQUERQUE NM 87122

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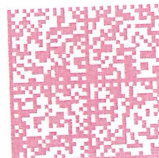


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LE QUAN & TIEN
8740 TIERRA MONTANA PL NE
ALBUQUERQUE NM 87122-2850

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SIGN POSTING AGREEMENT

REQUIREMENTS

POSTING SIGNS ANNOUNCING PUBLIC HEARINGS

All persons making application to the City under the requirements and procedures established by the Integrated Development Ordinance are responsible for the posting and maintaining of one or more signs on the property which is subject to the application, as shown in Table 6-1-1. Vacations of public rights-of-way (if the way has been in use) also require signs. Waterproof signs are provided at the time of application for a \$10 fee per sign. If the application is mailed, you must still stop at the Development Services Front Counter to pick up the sign(s).

The applicant is responsible for ensuring that the signs remain posted throughout the 15-day period prior to any public meeting or hearing. Failure to maintain the signs during this entire period may be cause for deferral or denial of the application. Replacement signs for those lost or damaged are available from the Development Services Front Counter.

1. LOCATION

- A. The sign shall be conspicuously located. It shall be located within twenty feet of the public sidewalk (or edge of public street). Staff may indicate a specific location.
- B. The face of the sign shall be parallel to the street, and the bottom of the sign shall be at least two feet from the ground.
- C. No barrier shall prevent a person from coming within five feet of the sign to read it.

2. NUMBER

- A. One sign shall be posted on each paved street frontage. Signs may be required on unpaved street frontages.
- B. If the land does not abut a public street, then, in addition to a sign placed on the property, a sign shall be placed on and at the edge of the public right-of-way of the nearest paved City street. Such a sign must direct readers toward the subject property by an arrow and an indication of distance.

3. PHYSICAL POSTING

- A. A heavy stake with two crossbars or a full plywood backing works best to keep the sign in place, especially during high winds.
- B. Large headed nails or staples are best for attaching signs to a post or backing; the sign tears out less easily.

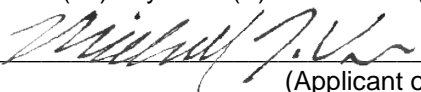
4. TIME

Signs must be posted from 11/18/21 To 12/3/21

5. REMOVAL

- A. The sign is not to be removed before the initial hearing on the request.
- B. The sign should be removed within five (5) days after the initial hearing.

I have read this sheet and discussed it with the Development Services Front Counter Staff. I understand (A) my obligation to keep the sign(s) posted for (15) days and (B) where the sign(s) are to be located. I am being given a copy of this sheet.


(Applicant or Agent)

11/12/21
(Date)

I issued 2 signs for this application, _____,
(Date) (Staff Member)

PROJECT NUMBER: PR-2019-002496

From: [Michael Vos](#)
To: ["djesmeek@comcast.net"; "zarecki@aol.com"; Dan Regan; mgriffie@noreste.org; "Regina Pioquinto"; Uri Bassan; michael@drpridham.com; "tim_krier@noreste.org"; Jim](#)
Cc: [Jim Strozier](#)
Subject: Emailed Notice for Alameda and Barstow Project DRB Meeting
Date: Friday, November 12, 2021 7:40:00 PM
Attachments: [Alameda and Barstow Notice Information Packet.pdf](#)

Dear Neighbors,

In accordance with the procedures of the City of Albuquerque 2018 Integrated Development Ordinance (IDO) Subsection 14-16-6-4(K) Public Notice, we are notifying you at least 15 days in advance of a public meeting that will be held with the City of Albuquerque Development Review Board concerning the Alameda and Barstow Site Plan DRB Application on behalf of Philip Lindborg. The meeting will be held on December 3, 2021, at 9:00 a.m. via Zoom. To participate, please use the following Zoom information:

Join Zoom Meeting: <https://cabq.zoom.us/j/85499151537>

Meeting ID: 854 9915 1537

By phone +1 253 215 8782 or

Find your local number: <https://cabq.zoom.us/u/kXRilHhhy>

This DRB meeting is following the opinion and order for remand issued by the 2nd Judicial District Court dated June 2, 2021.

The Site Plan drawings and copies of the facilitated meeting notes for this project may be downloaded here: <https://www.dropbox.com/t/6Ehy6hbQRhTV7Koz>

Please do not hesitate to contact us if you have any questions or desire any additional information. We can be reached at cp@consensusplanning.com or vos@consensusplanning.com, or phone at (505)764-9801.

Sincerely,

Michael Vos, AICP

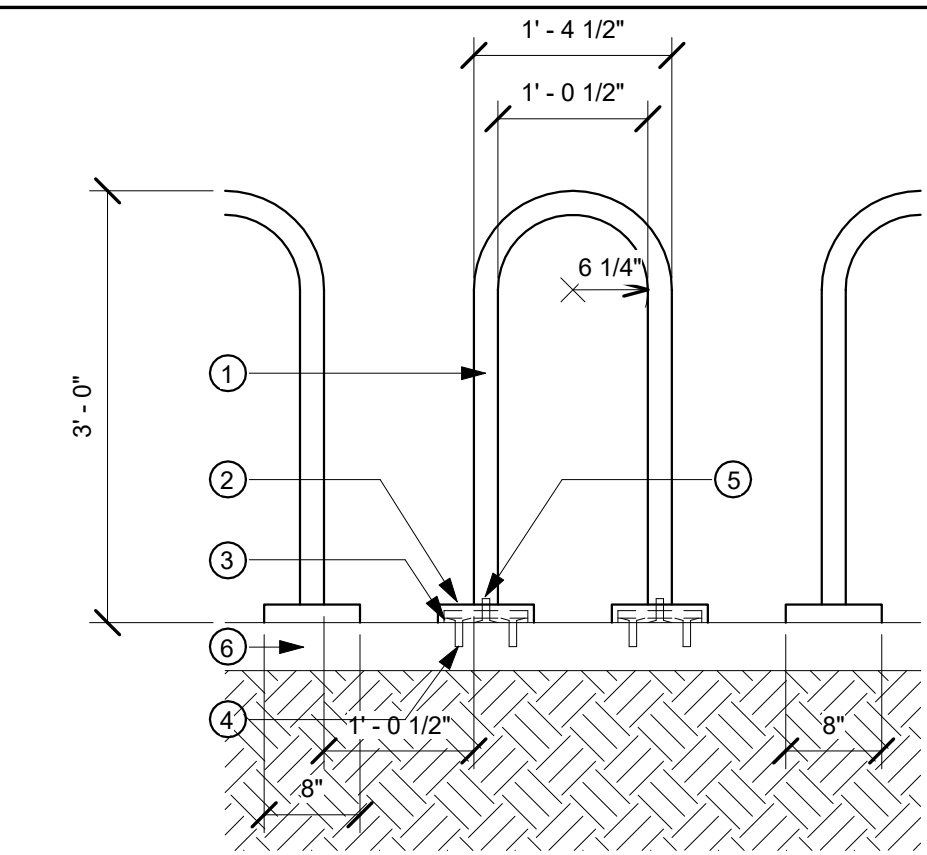
CONSENSUS PLANNING, INC.

302 Eighth Street NW

Albuquerque, NM 87102

phone (505) 764-9801

vos@consensusplanning.com



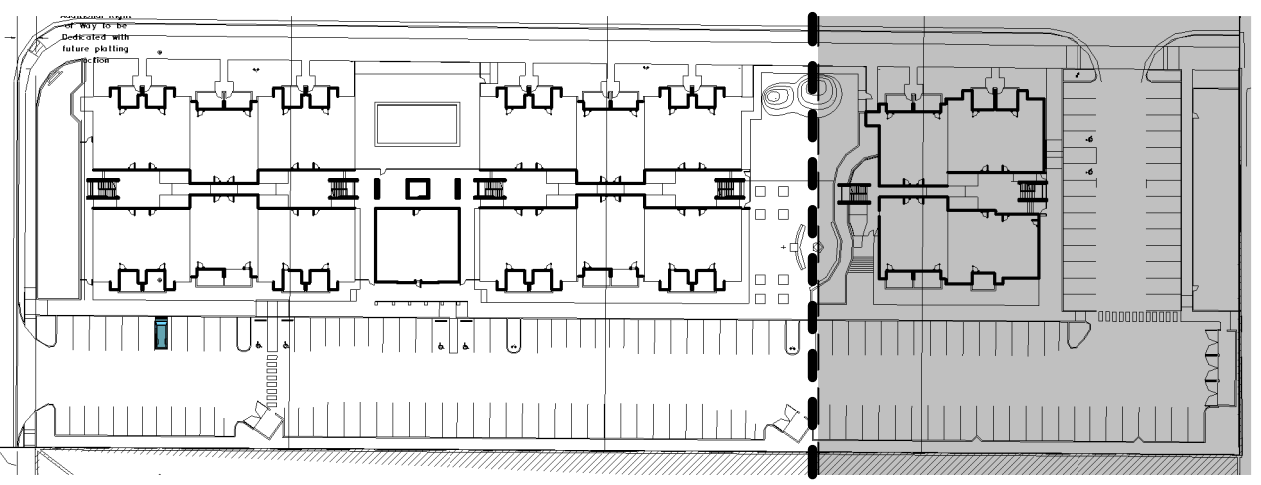
7 Bike Rack Detail
3/4" = 1'-0"

GENERAL NOTES:

- CROSS SLOPE NOT TO EXCEED 1:48
- SIDEWALK SLOPE NOT TO EXCEED 1:20

- 2" Diameter pipe bike rack.
- Anchor plate cover. 3/8" Thick surface mount plate.
- 5/8" Surface screw
- 5/8" Cap Screw
- Finished site flooring. See plan for finish.

8 Sidewalk Detail
3/4" = 1'-0"



3 Site Plan Key
1" = 100'-0"

INFRASTRUCTURE WORK EXTENT BOUNDARY

PHASE A - 36 UNITS & COMMUNITY BUILDING

PHASE B - 36 UNITS

BUILDING A
MULTI FAMILY
RESIDENTIAL UNITS
34,017 SF

BUILDING C
MULTI FAMILY
RESIDENTIAL UNITS
34,017 SF

BUILDING B
COMMUNITY
BUILDING
7,049 SF

1 Site Plan - West
1" = 20'-0"

SIGN: TYPE R-7-8
SIGN FIELD IS WHITE
SIGN LETTERING AND
BORDER ARE GREEN

INTERNATIONAL SIGN
OF ACCESSIBILITY WHITE
ON A BLUE
BACKGROUND

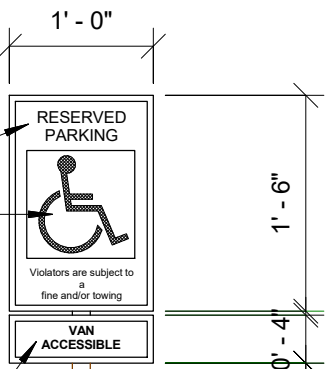
"VAN ACCESSIBLE" SIGN
TO
BE ADDED ONLY AT
DESIGNATED VAN
ACCESSIBLE PARKING
SPACES

2 3/8" DIAMETER
GALVANIZED
POLE.

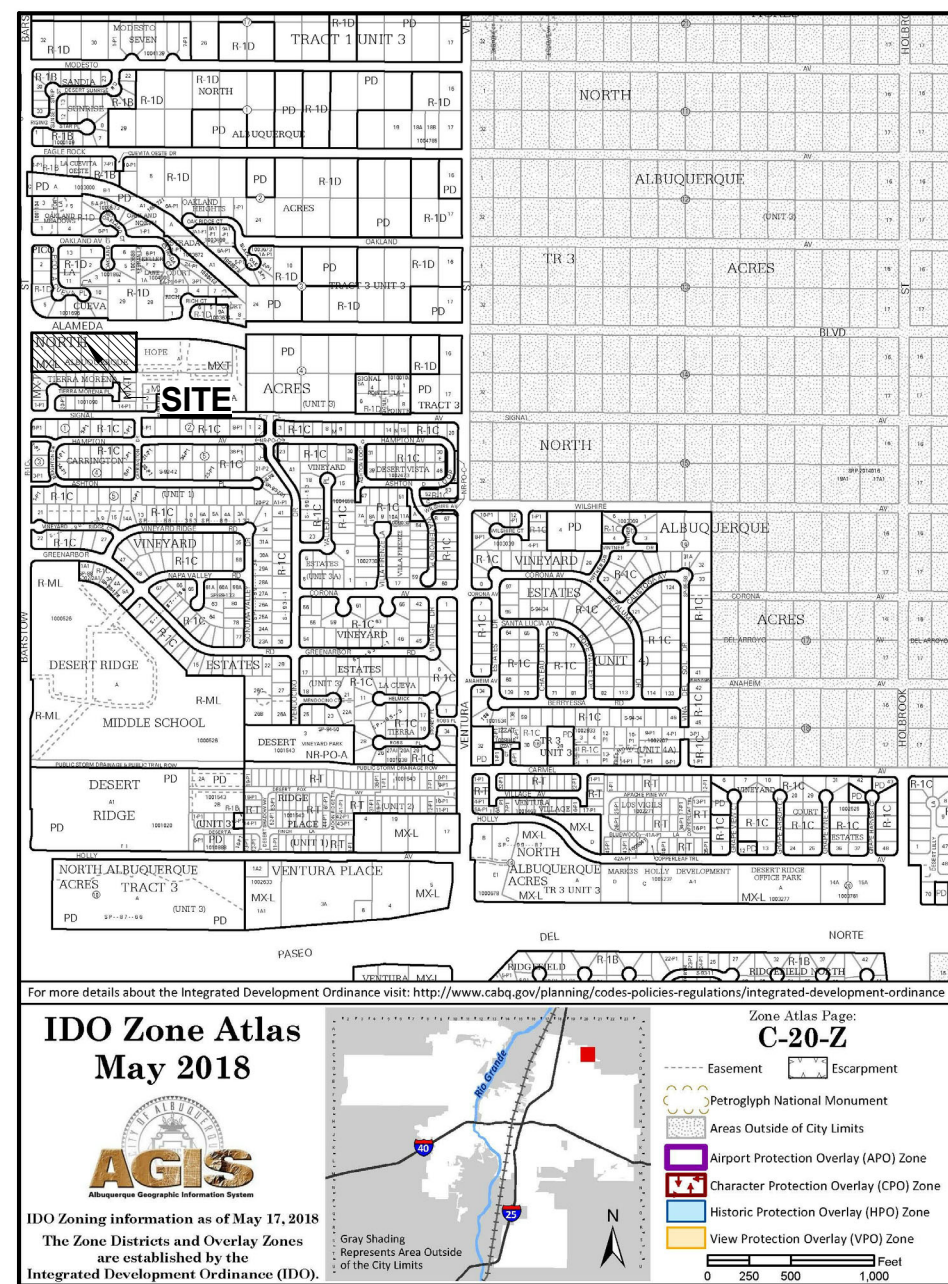
FINISH GRADE
SIDEWALK

NOTE: SIGN AND MOUNTING
HEIGHT TO BE IN ACCORDANCE
WITH THE AMERICANS WITH
DISABILITIES ACT

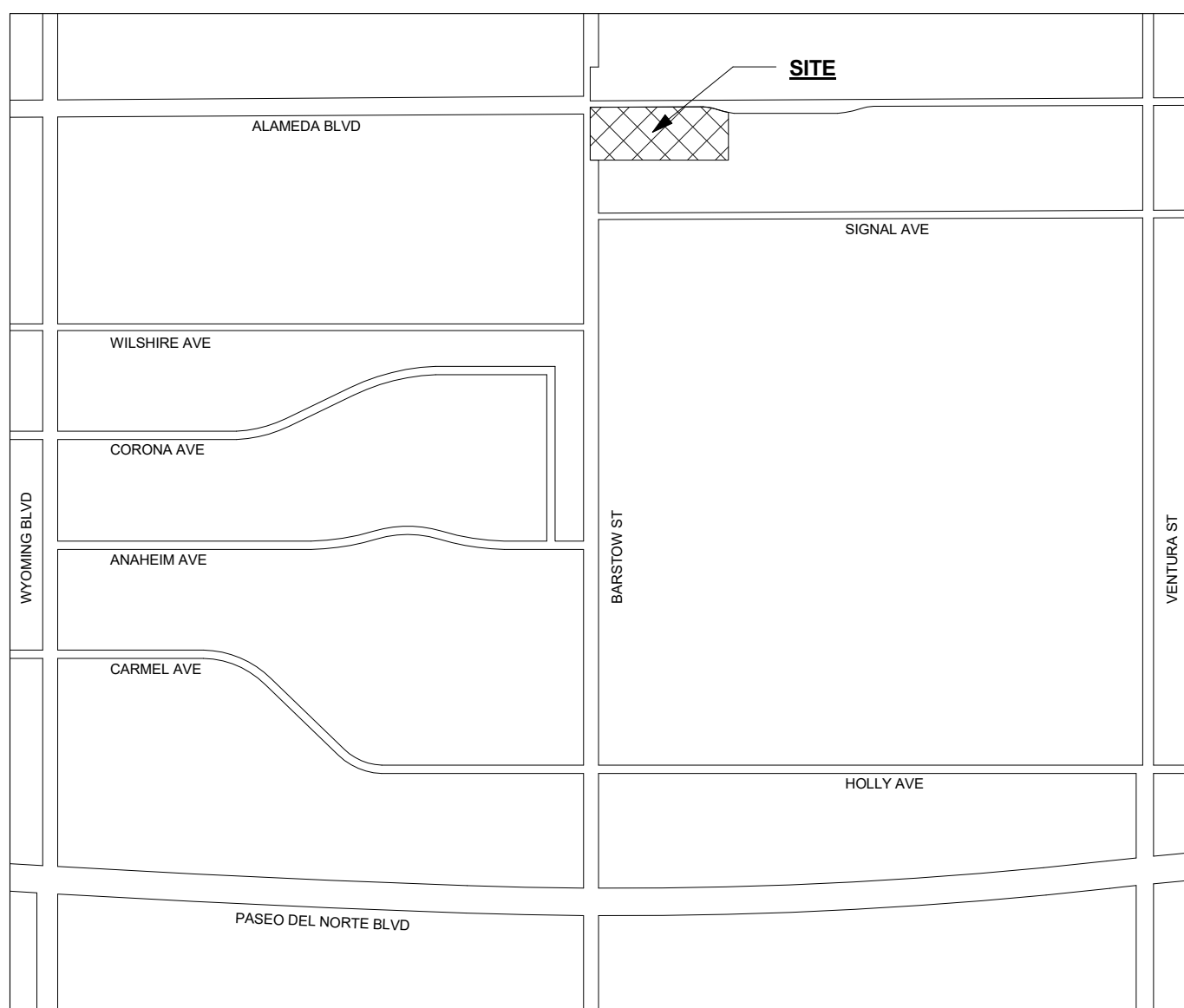
6 Handicap Parking Sign
3/4" = 1'-0"



BOTTOM OF LOWEST SIGN TO BE MOUNTED
NOT LESS THAN 80" ABOVE PARKING SURFACE



4 Zone Atlas
1/4" = 1'-0"



2 Vicinity Map
1" = 800'-0"

SITE PLAN LEGEND:

- COMMUNITY BUILDING
- SWIMMING POOL
- ELEVATOR
- PUTTING GREEN
- LAWN
- FIRE PIT
- BARBEQUE GRILLS / PICNIC TABLES
- OUTDOOR GATHERING AREA
- TENANT WORK AREA / MAINTENANCE
- SHOP
- DOG PARK
- COVERED PARKING
- GARBAGE ENCLOSURE W/ GATES
- DRAINAGE POND
- ASPHALT DRIVEWAY
- UNIT PATIOS
- ADA PARKING - SEE DETAILS
- ADA CURB RAMP - SEE DETAILS
- BUILDING IDENTIFIER SIGN
- (4) BICYCLE RACK ARCHES (8 SPACE)
- EXISTING STOP SIGN TO REMAIN
- SIGHT TRIANGLE
- MONUMENT SIGN - SEE DETAILS
- POST INDICATOR VALVE
- FIRE HYDRANT
- DOG WASH ROOM
- BICYCLE STORAGE GARAGE (10 SPACES MIN.)
- DETECTABLE WARNING STRIP
- ACCESSIBLE ROUTE FROM ADA PARKING TO BUILDING CORRIDOR
- 5'-0" SECURITY VIEW FENCING (<50% OPAQUE), METAL PICKET - COLOR: BLACK - SEE DETAILS
- YARD WALLS: 3'-0" CMU - COLOR: GRAY - SEE ELEVATIONS
- SECURITY FENCING 6'-0" PAINTED CHAIN LINK FENCE - COLOR BLACK - SEE ELEVATIONS
- TRASH ENCLOSURES W/ GATES
- POLE MOUNTED SITE LIGHTING LED W/ CUTOFF - LIGHTING TO BE COMPLIANT W/ ADO NIGHT SKY ORDNANCE
- NEW STOP AND PEDESTRIAN CROSSING SIGNAGE - SEE DETAILS
- NEW MEDIAN - SEE CIVIL SHEETS
- PRIMARY ENTRANCE
- NEW 6" CAST IN PLACE CONCRETE SIDEWALK
- 12' WIDE TRAIL
- EXISTING BARSTOW SIDEWALK 6'-0" WIDTH TO CONTINUE ACROSS TO SITE
- PRECAST CONCRETE WHEEL STOP

LEGEND:

- PROPERTY LINE
- ADA ROUTE
- COVERED PARKING
- BUILDING PERIMETER
- METAL PICKET FENCE

PARKING CALCULATIONS:

PER CITY OF ALBUQUERQUE IDO 14-16-5-5, 1.5 PARKING IS REQUIRED FOR EVERY UNIT

PARKING SPACES REQUIRED

ON STREET PARKING
COMPACT PARKING SPACES PROVIDED

ADA PARKING REQUIRED 1 / ADA UNIT
ADA PARKING SPACES REQUIRED

ADA PARKING SPACES PROVIDED

VAN ACCESSIBLE PARKING SPACES PROVIDED

COVERED PARKING SPACES PROVIDED

MOTORCYCLE PARKING SPACES REQUIRED
MOTORCYCLE PARKING PROVIDED

BICYCLE PARKING SPACES REQUIRED
10% OF OFF STREET PARKING
BICYCLE PARKING SPACES PROVIDED
BICYCLE LOCKER STORAGE PROVIDED
TOTAL # OF AUTOMOBILE PARKING SPACES PROVIDED

USEABLE OPEN SPACE CALCULATIONS:

USEABLE OPEN SPACE REQUIREMENTS:
1 BR - 200 SF - 36 UNITS - 7,200 SF
2 BR - 250 SF - 57 UNITS - 14,250 SF

USEABLE OPEN SPACE PROVIDED:

CONCRETE SIDEWALKS

PATIOS / POOL / POOL DECK / DOG PARK

LANDSCAPE AREA

USEABLE OPEN SPACE ABOVE GRADE

PROJECT NO.

APPLICATION NO.

IS AN APPROVED INFRASTRUCTURE LIST REQUIRED?
YES 1 YES 1 NO 1 IF YES, THEN A SET OF APPROVED
DRG PLANS WITH A WORK ORDER IS REQUIRED FOR ANY
CONSTRUCTION WITHIN PUBLIC RIGHT OF WAY OR FOR
CONSTRUCTION OF PUBLIC IMPROVEMENTS.

DRB SITE DEVELOPMENT PLAN APPROVAL:

TRAFFIC ENGINEERING TRANSPORTATION DIVISION	DATE
ABCWUA	DATE
PARKS & RECREATION DEPT.	DATE
CITY ENGINEER / HYDROLOGY	DATE
ENVIRONMENTAL HEALTH (CONDITIONAL)	DATE
SOLID WASTE MANAGEMENT	DATE
DRB CHAIRPERSON, PLANNING DEPT.	DATE
CODE ENFORCEMENT	DATE

SITE DATA:

LOT SF/ACRE:	126,426 SF 2.9023 ACRES
ZONING:	MX-L
INTENDED USE:	DWELLING / MULTI FAMILY (93 UNITS)
MAXIMUM HEIGHT:	35 FEET

LAWN
SITE TRIANGLE
ADJACENT BUILDINGS
ACCESS ISLE
NEW CMU YARD WALLS

93 UNITS x 1.5

139 SPACES

0 SPACES

30 SPACES

5 SPACES

6 SPACES

4 SSPACES

86 SPACES

4 SPACES

5 SPACES

15 SPACES

24 SPACES

10 SPACES MINIMUM

150 SPACES

21,450 SF REQUIRED

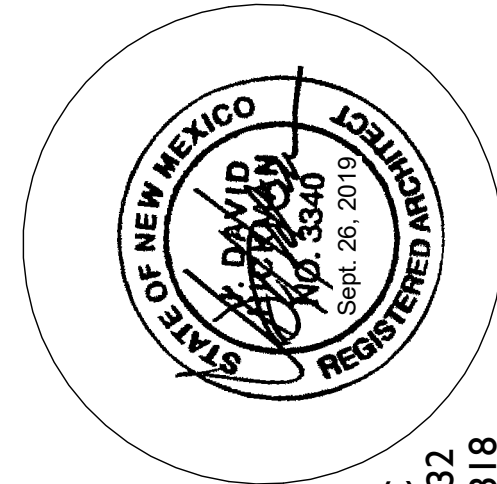
19,860 SF

12,654 SF

31,176 SF

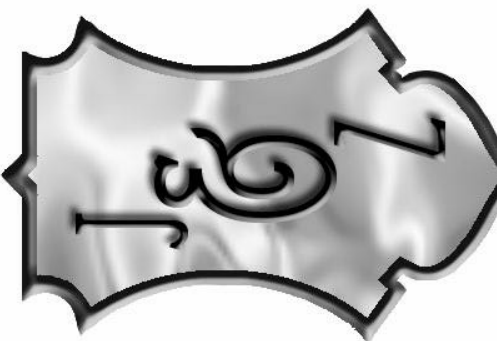
13,427 SF

77,117 SF PROVIDED



JEEBS & ZUZU, LLC.

ARCHITECTS & CONTRACTORS
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job no:

drawn: EAM

checked: J&Z

date: Nov. 27, 2019

ALAMEDA LUXURY APARTMENTS

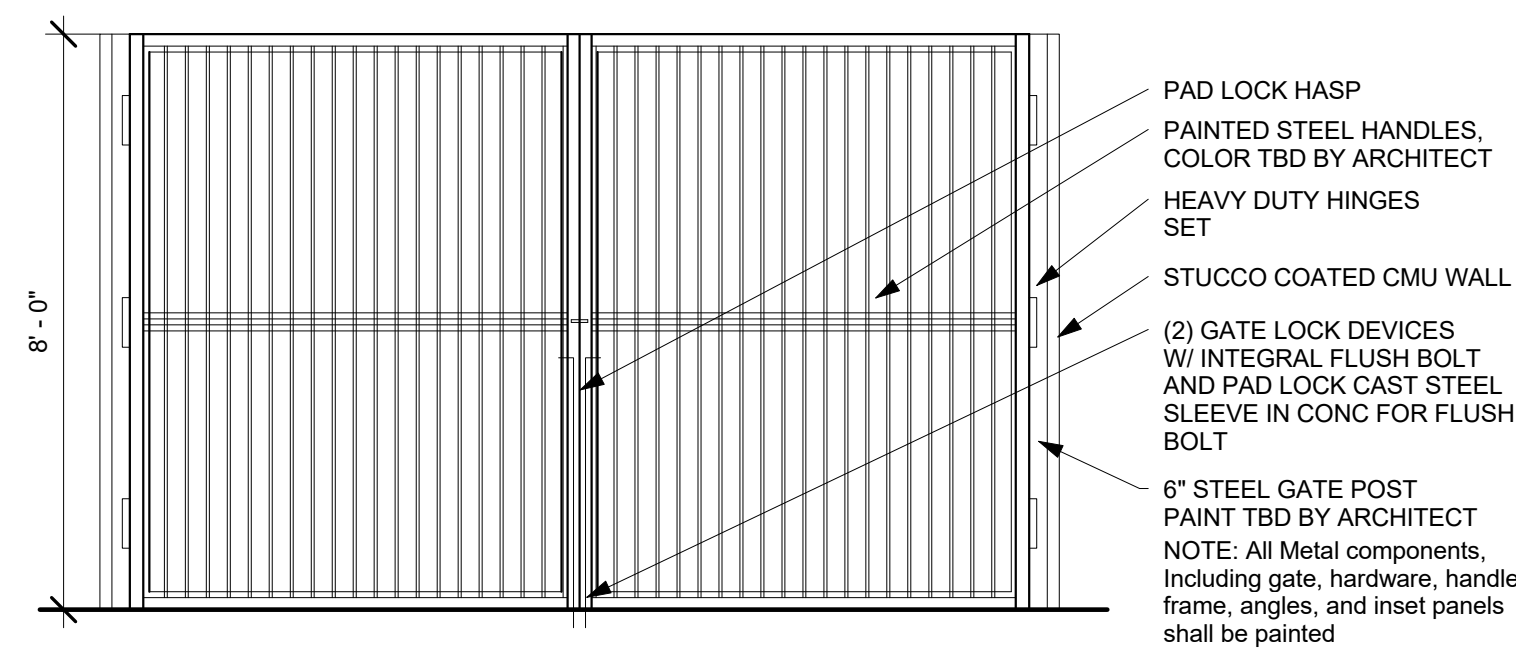
sheet no:

DRB.I.O

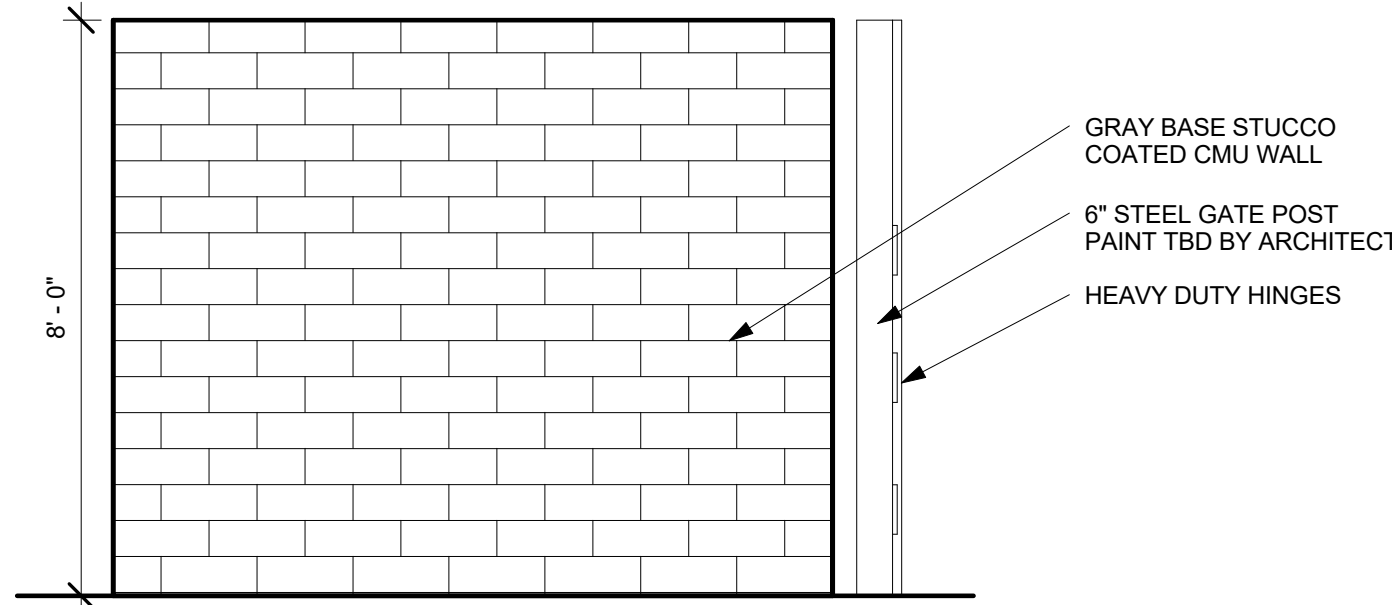
8400 ALAMEDA BLVD., NE
ALBUQUERQUE, NM 87112

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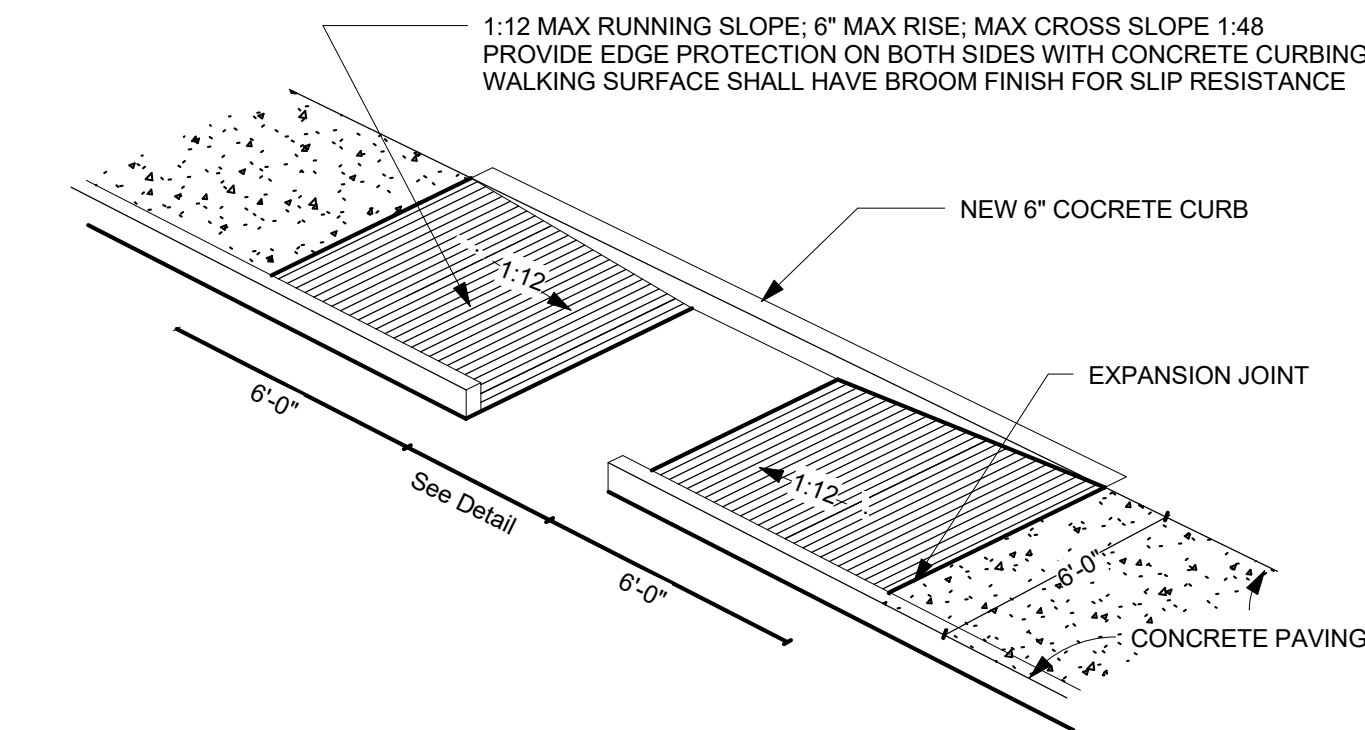
SITE PLAN



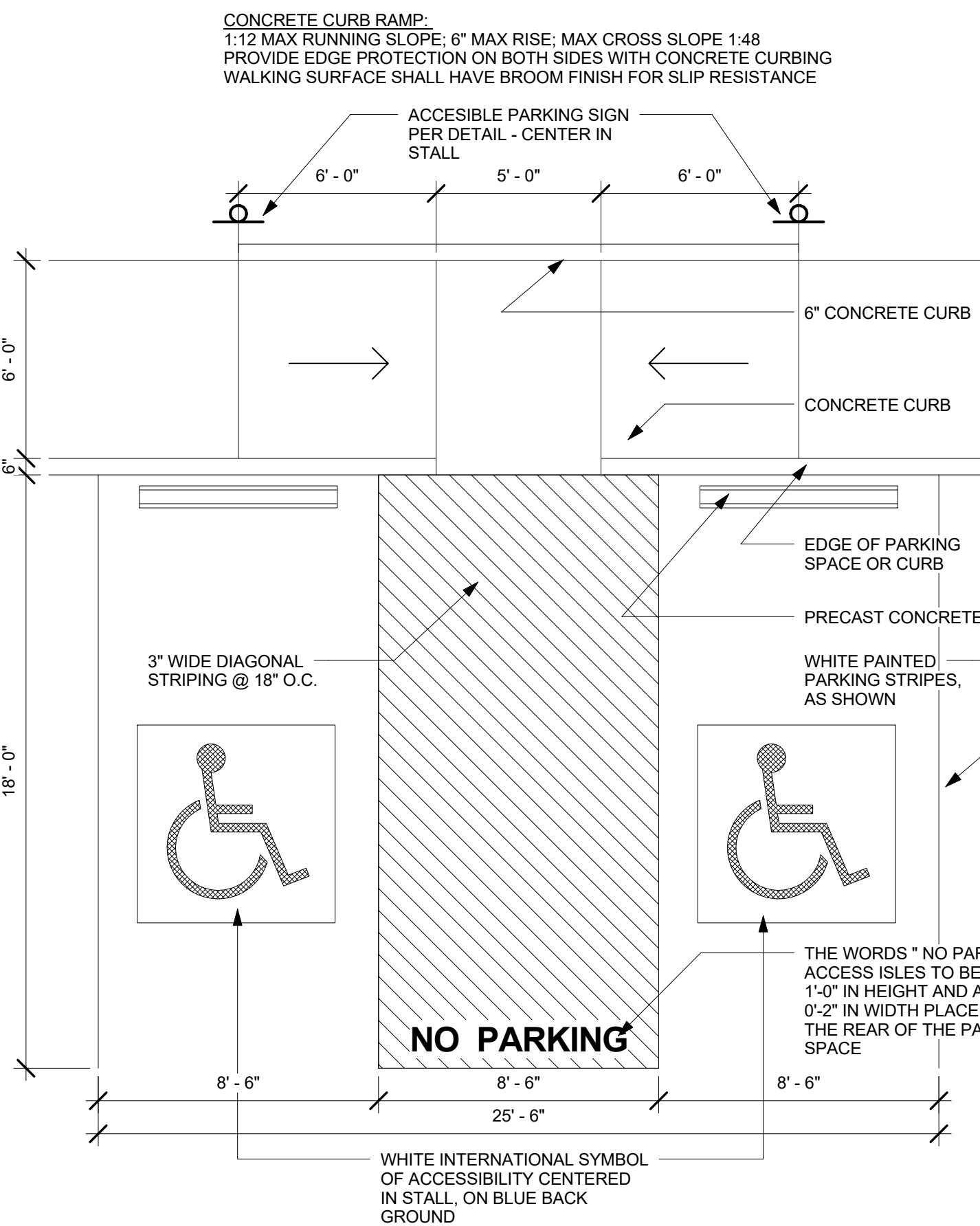
9 Trash Enclosure Gate Elevation
3/8" = 1'-0"



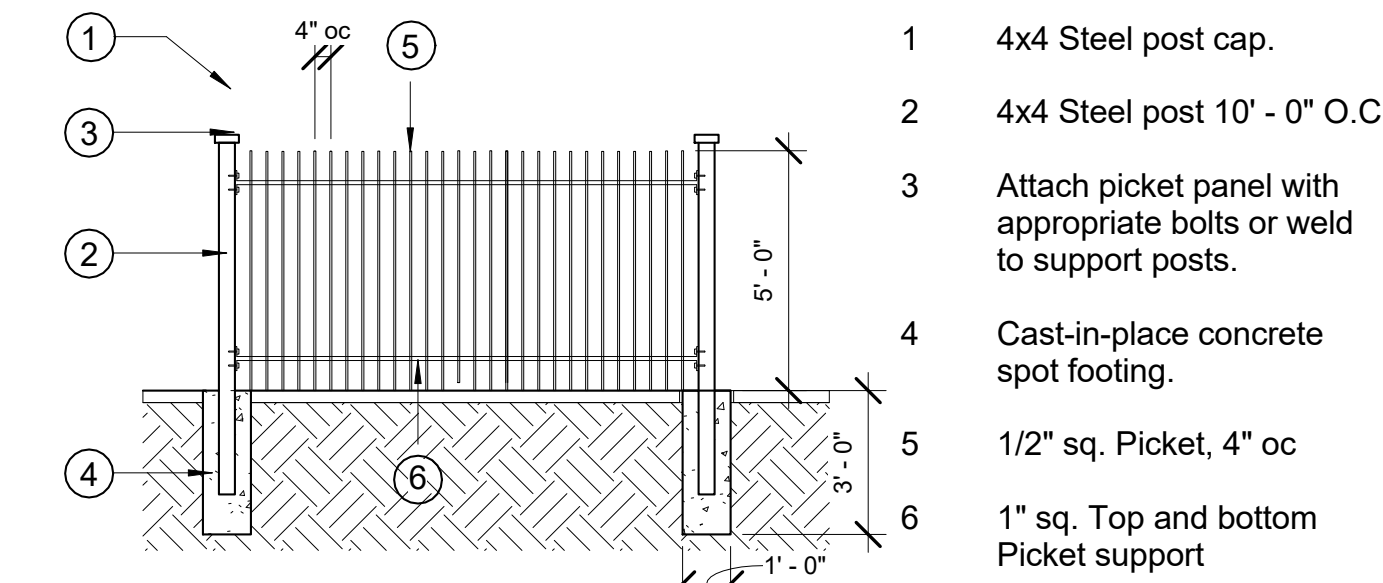
10 Trash Enclosure Side CMU Elevation
3/8" = 1'-0"



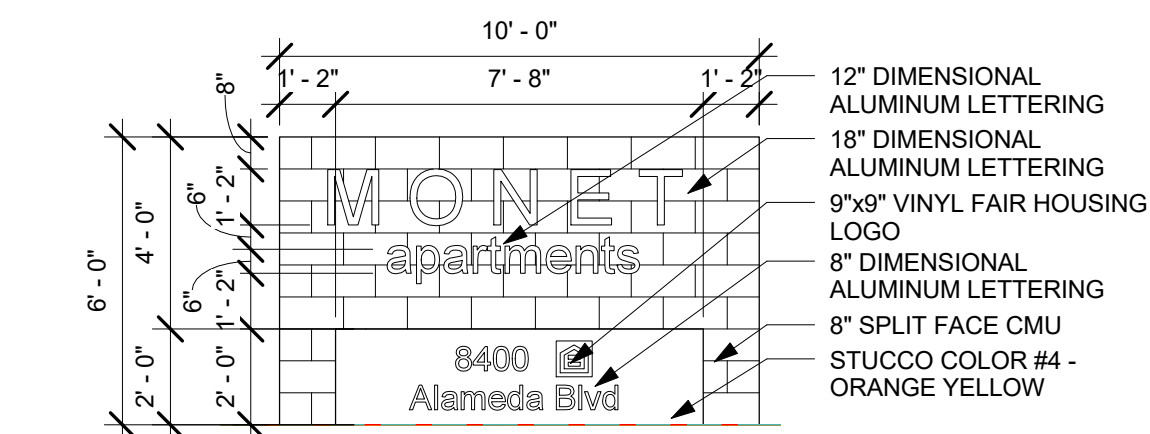
6 Curb Ramp Detail
1/4" = 1'-0"



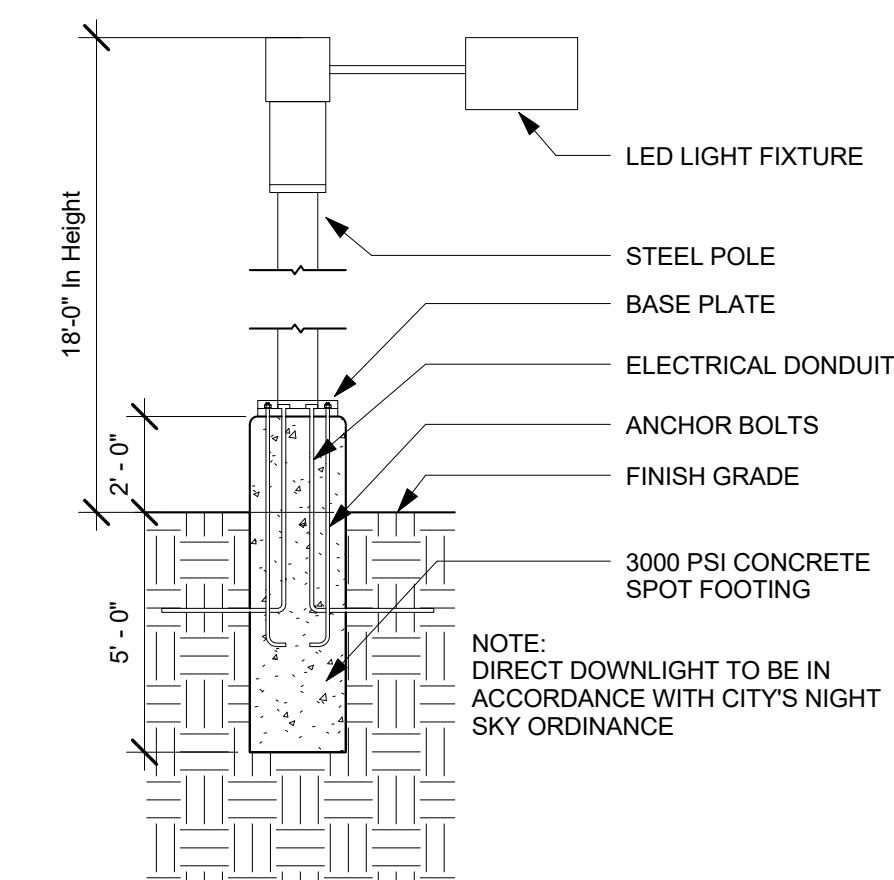
3 ADA Parking
1/4" = 1'-0"



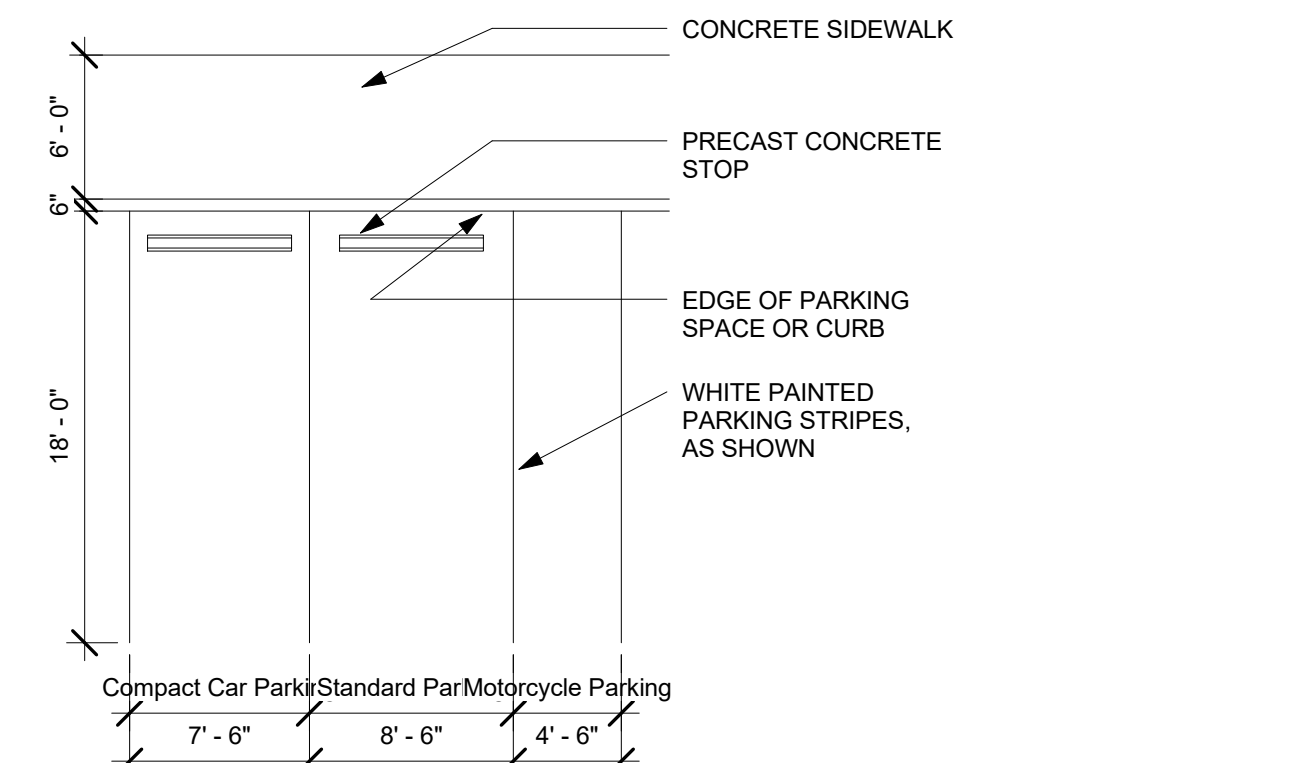
15 Picket Wrought Iron Fence Detail
1/4" = 1'-0"



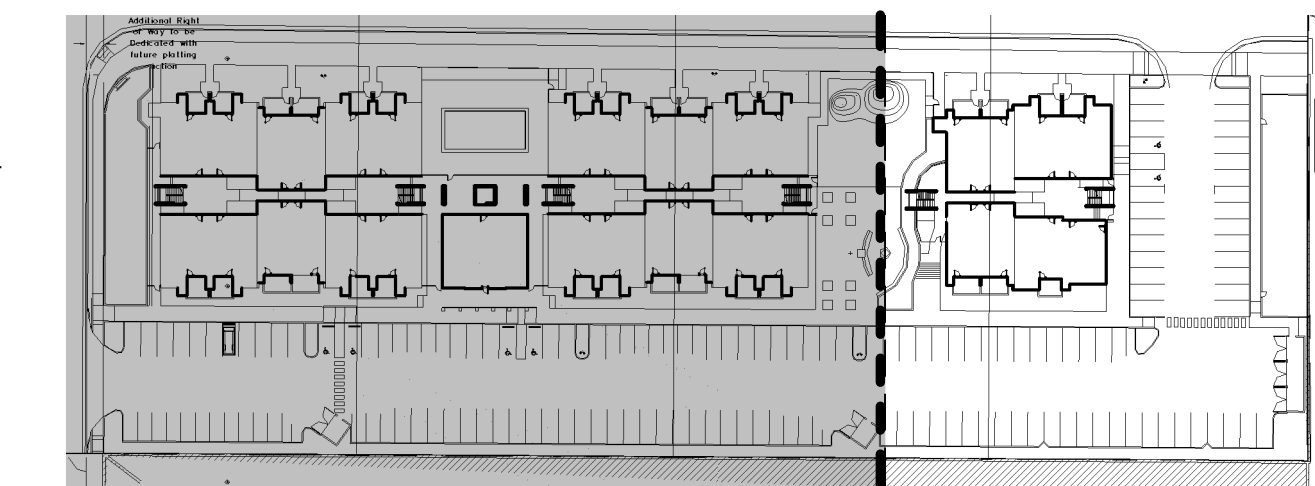
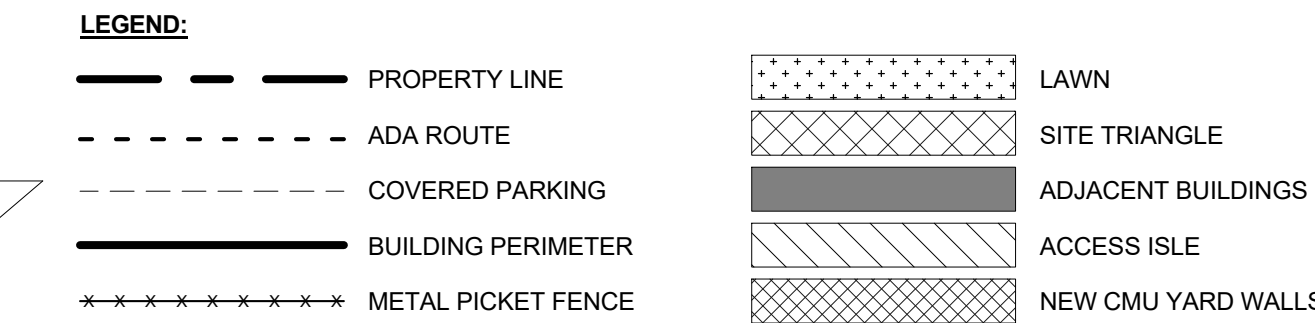
14 Monument Sign Elevation
1/4" = 1'-0"



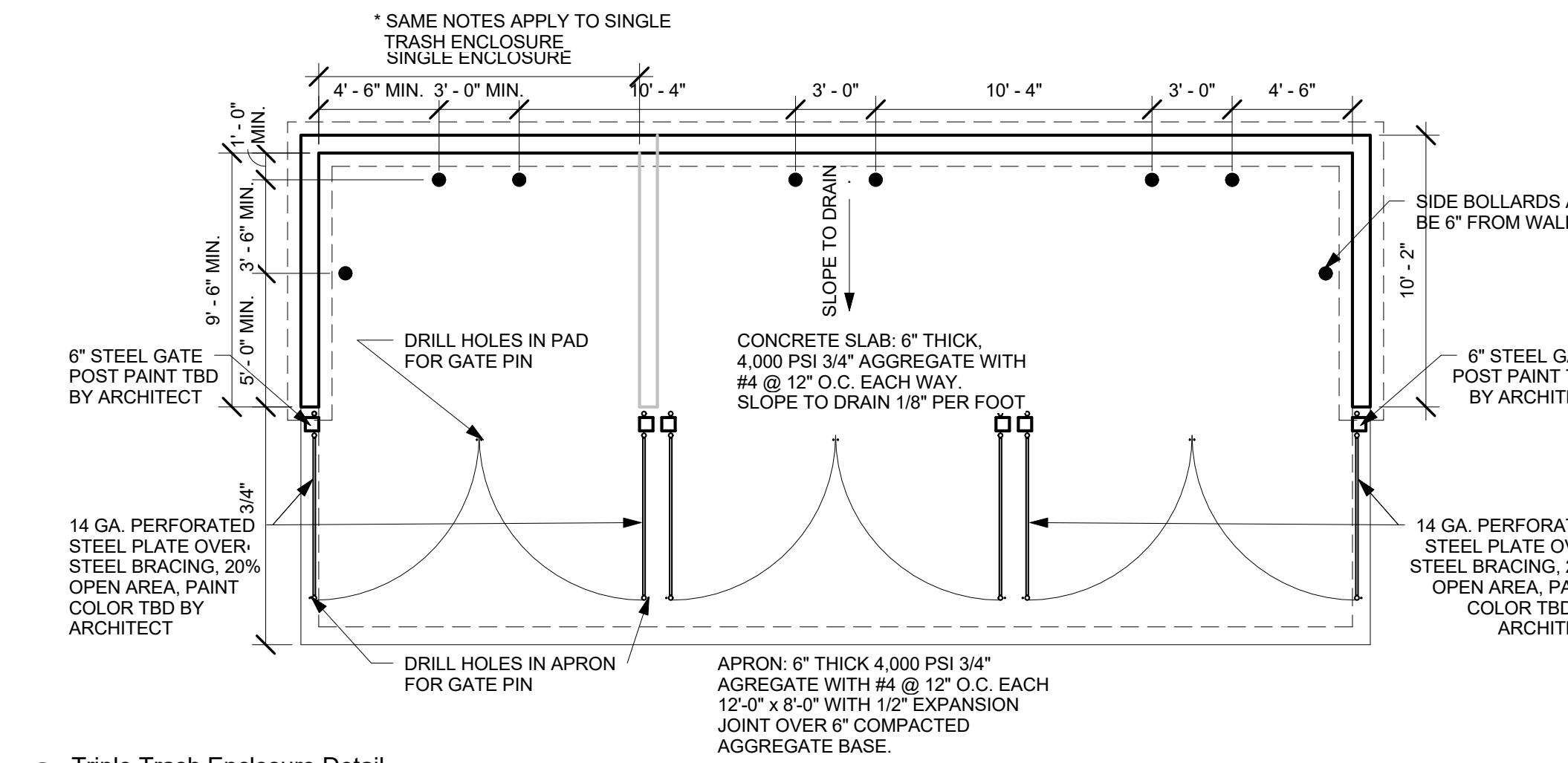
13 Site Lighting Detail
1/4" = 1'-0"



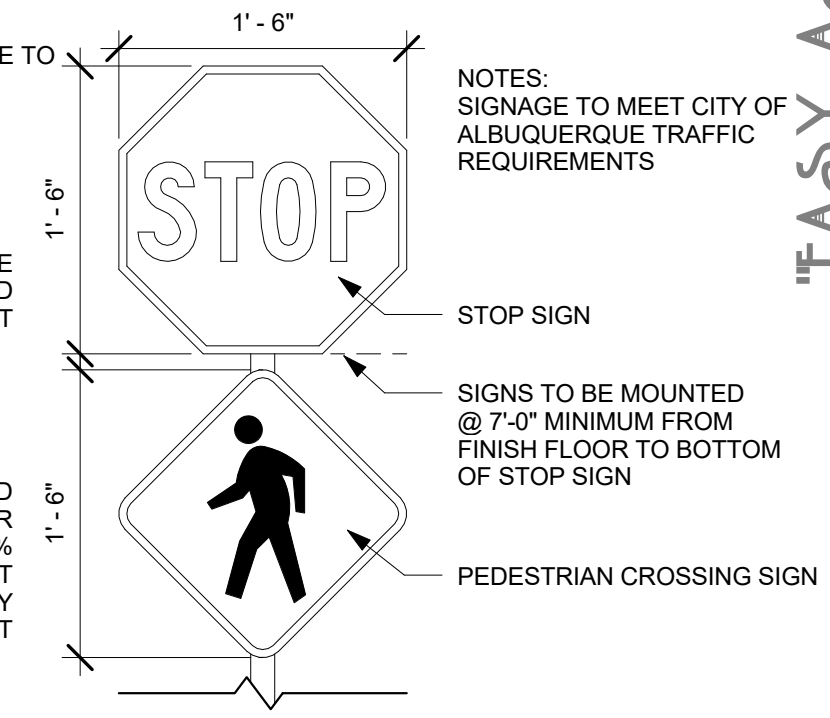
4 Parking Stalls Details
1/8" = 1'-0"



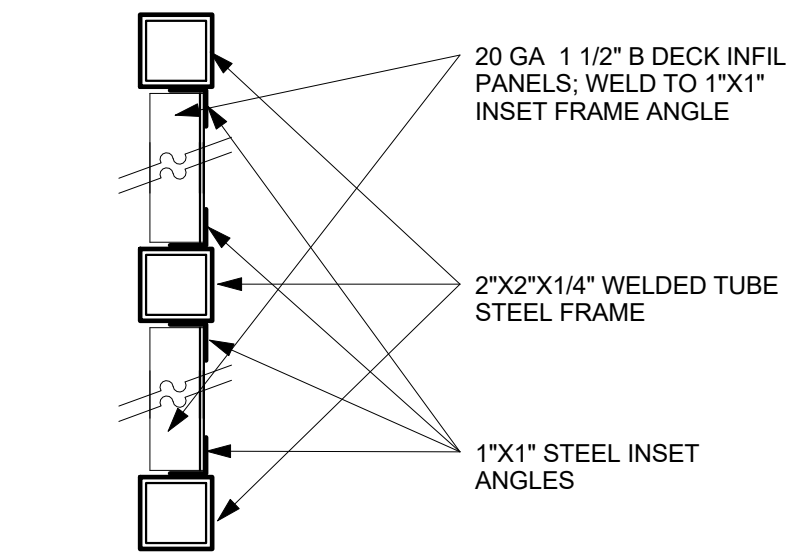
2 Site Plan Key.
1" = 100'-0"



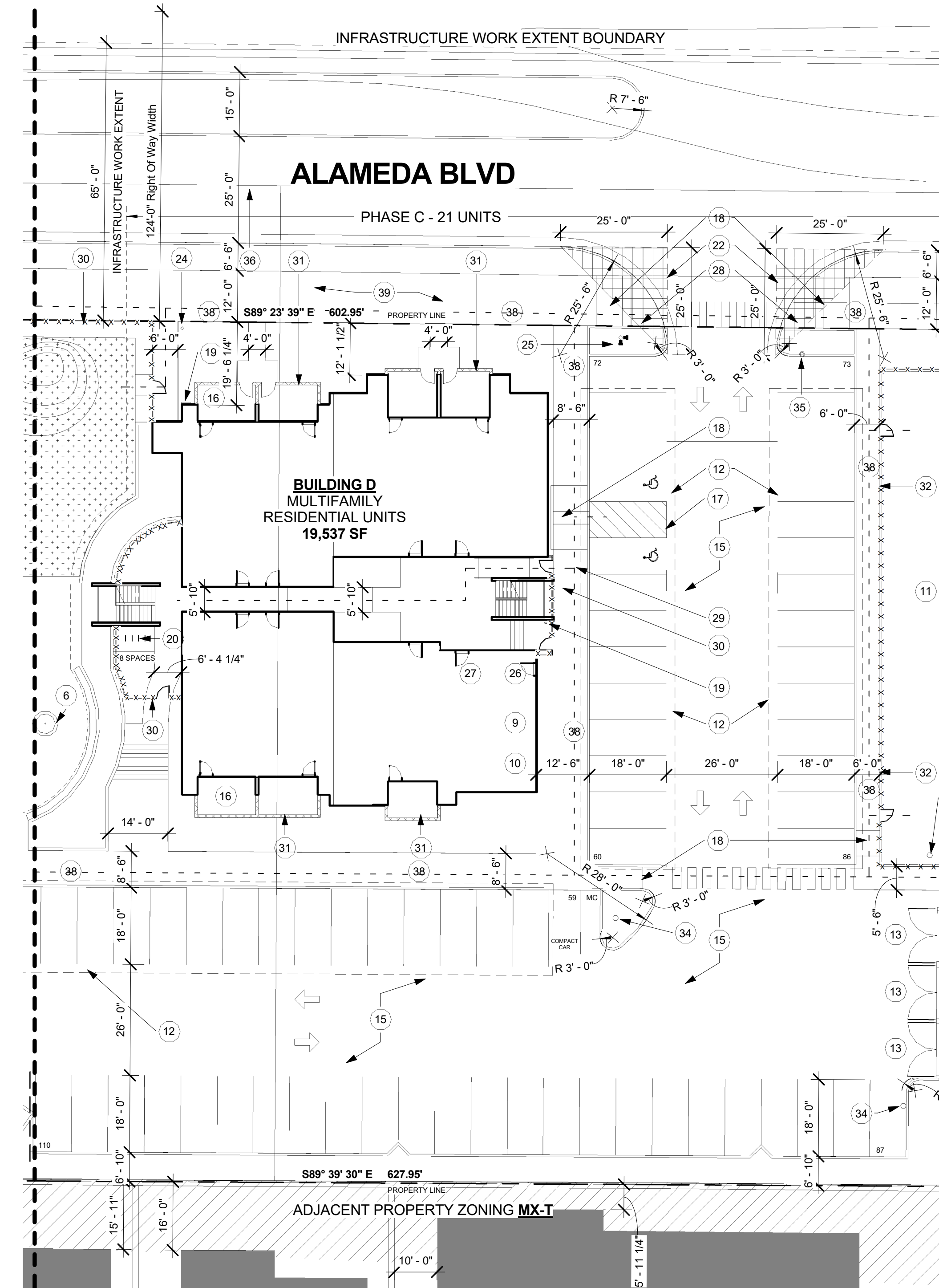
9 Triple Trash Enclosure Detail
3/16" = 1'-0"



11 Stop / Pedestrian Sign Detail
1" = 1'-0"



8 Trash Enclosure Frame Section
3/8" = 1'-0"



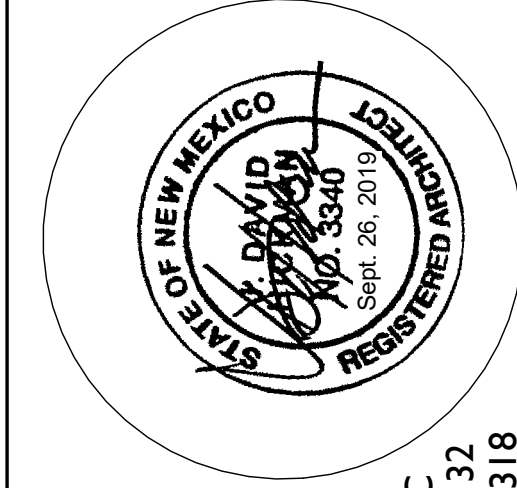
1 Site Plan - East
1" = 20'-0"

SITE PLAN LEGEND:

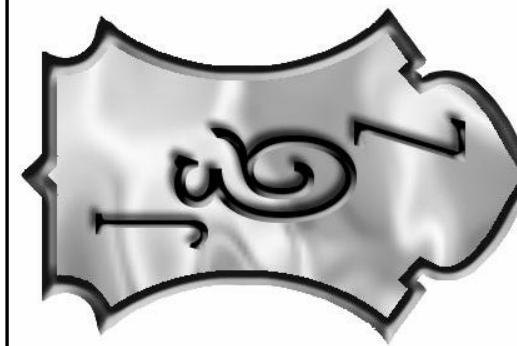
1. COMMUNITY BUILDING
2. SWIMMING POOL
3. ELEVATOR
4. PUTTING GREEN
5. LAWN
6. FIRE PIT
7. BARBEQUE GRILLS / PICNIC TABLES
8. OUTDOOR GATHERING AREA
9. TENANT WORK AREA / MAINTENANCE SHOP
10. DOG PARK
11. COVERED PARKING
12. GARBAGE ENCLOSURE W/ GATES
13. DRAINAGE POND
14. ASPHALT DRIVEWAY
15. UNIT PATIOS
16. ADA PARKING - SEE DETAILS
17. ADA CURB RAMP - SEE DETAILS
18. BUILDING IDENTIFIER SIGN
19. (4) BICYCLE RACK ARCHES (8 SPACE)
20. EXISTING STOP SIGN TO REMAIN
21. SIGHT TRIANGLE
22. MONUMENT SIGN - SEE DETAILS
23. POST INDICATOR VALVE
24. FIRE HYDRANT
25. DOG WASH ROOM
26. BICYCLE STORAGE GARAGE (10 SPACES MIN.)
27. DETECTABLE WARNING STRIP
28. ACCESSIBLE ROUTE FROM ADA
29. PARKING TO BUILDING CORRIDOR
30. 5'-0" SECURITY VIEW FENCING (<50% OPAQUE), METAL PICKET - COLOR: BLACK
31. SEE DETAIL 15DRB1.1
32. YARD WALLS 3'-0" CMU - COLOR: GRAY - SEE ELEVATIONS
33. SECURITY FENCING 6'-0" PAINTED CHAIN LINK FENCE - COLOR BLACK - SEE ELEVATIONS
34. TRASH ENCLOSURES W/ GATES
35. POLE MOUNTED SITE LIGHTING LED W/ CUTOFF - LIGHTING TO BE COMPLIANT W/ ADO NIGHT SKY ORDINANCE
36. NEW STOP AND PEDESTRIAN CROSSING SIGNAGE - SEE DETAILS
37. NEW MEDIAN - SEE CIVIL SHEETS
38. PRIMARY ENTRANCE
39. NEW 6" CAST IN PLACE CONCRETE SIDEWALK
40. 12' WIDE TRAIL
41. EXISTING BARSTOW SIDEWALK 6'-0" WIDTH TO CONTINUE ACROSS TO SITE

SITE GENERAL NOTES:

1. EXTEND EXISTING BIKE LANE ALONG BARSTOW ST TO ALAMEDA BLVD.



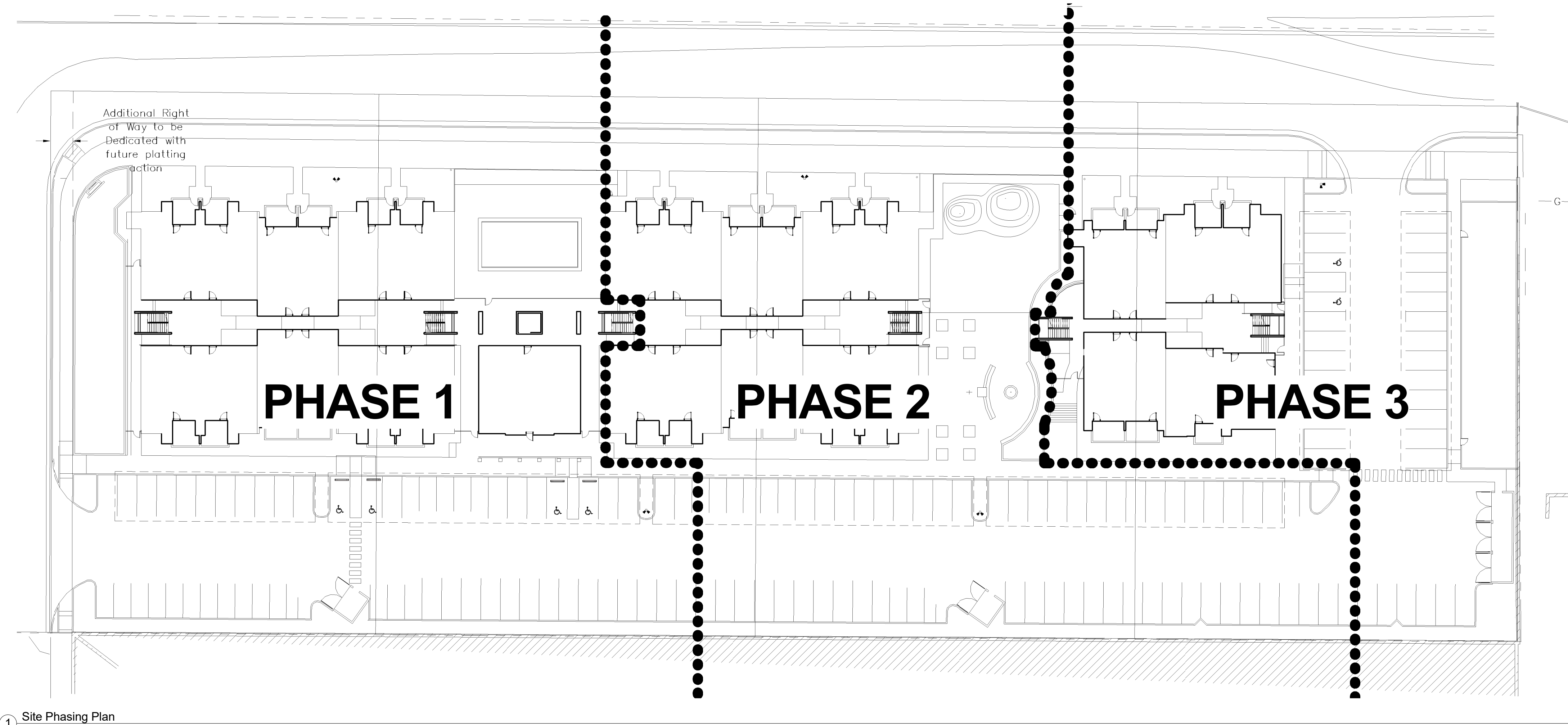
JEEBS & ZUZU, LLC.



job no:
drawn: EAM
checked: J&Z
date: Nov. 27, 2019

ALAMEDA LUXURY APARTMENTS

8400 ALAMEDA BLVD. NE
ALBUQUERQUE, NM 87112
sheet no: DRBJ



1 Site Phasing Plan
1" = 30'-0"

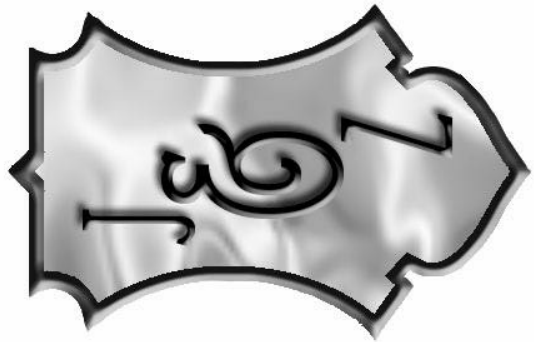
PARKING REQUIREMENTS PER PHASE:			
PHASE I:	36 UNITS @ 1.5 SPACES/UNIT =	54 SPACES REQUIRED	55 SPACES PROVIDED
PHASE II:	36 UNITS @ 1.5 SPACES/UNIT =	54 SPACES REQUIRED	59 SPACES PROVIDED
PHASE III:	21 UNITS @ 1.5 SPACES/UNIT =	32 SPACES REQUIRED	36 SPACES PROVIDED

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ALAMEDA LUXURY APARTMENTS

8400 ALAMEDA BLVD. NE
ALBUQUERQUE, NM 87112

sheet no:
DRBL2

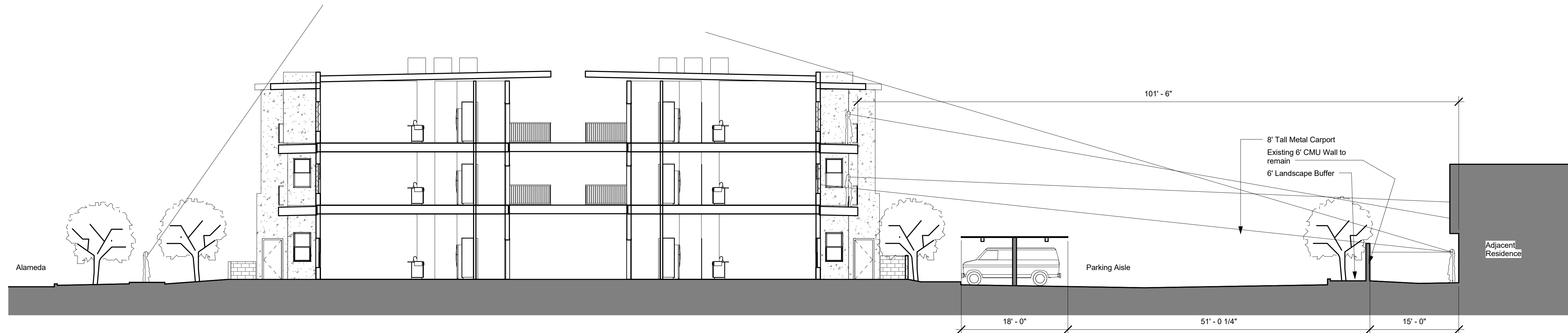


JEEBS & ZUZU, LLC.
ARCHITECTS & CONTRACTORS
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11030 MENAUL NE SUITE C
ALBUQUERQUE, NM 871132
P: 505-797-1318



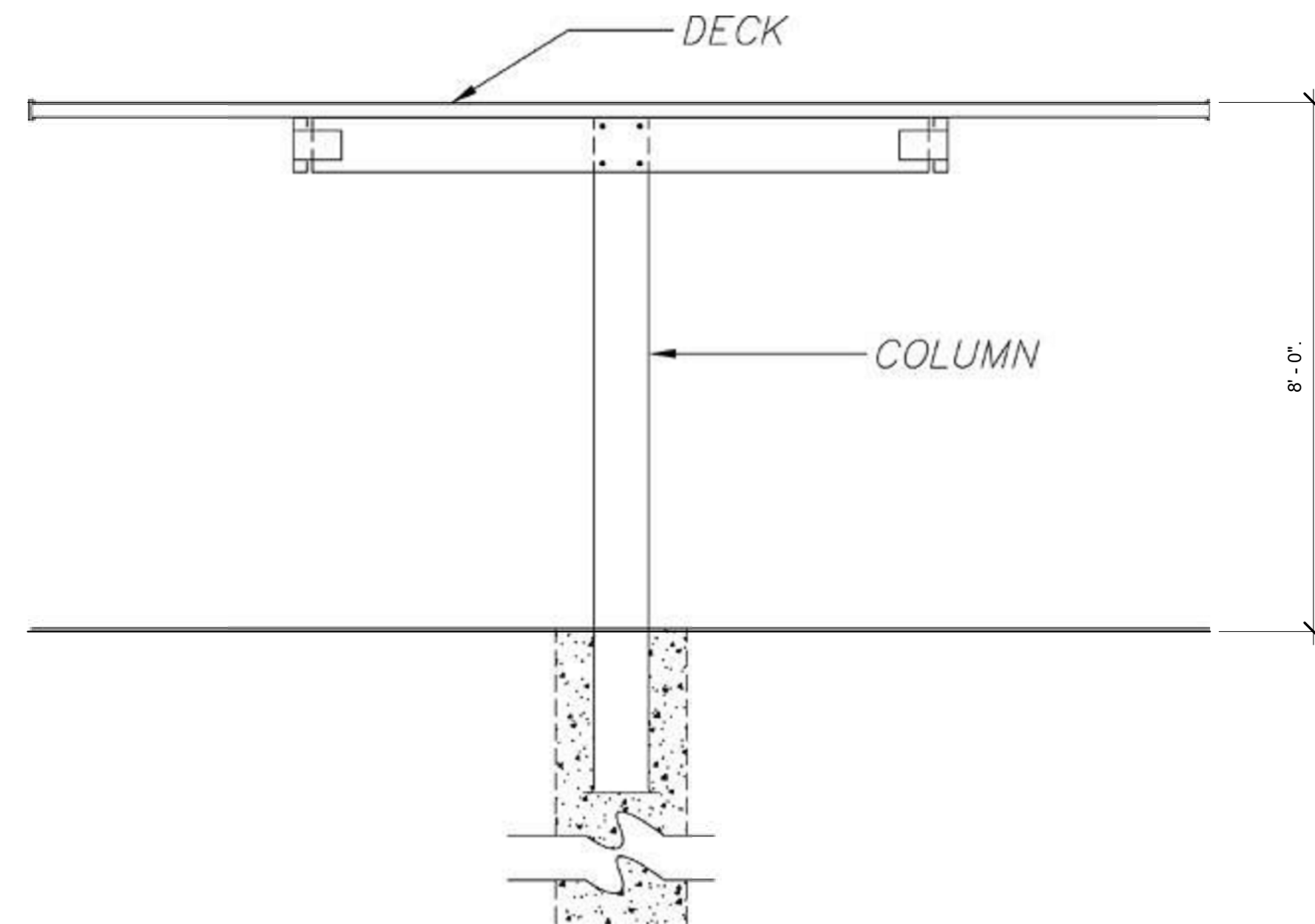
"EASY AS PIE"



1 Site Cross Section
1" = 10'-0"



2 Aerial View Looking North



Metal Covered Parking Detail

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SITE SECTION, DETAIL AND BIRD'S EYE VIEW

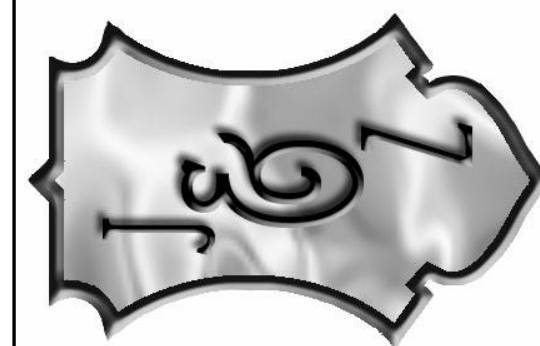
ALAMEDA LUXURY APARTMENTS

8400 ALAMEDA BLVD., NE
ALBUQUERQUE, NM 87112

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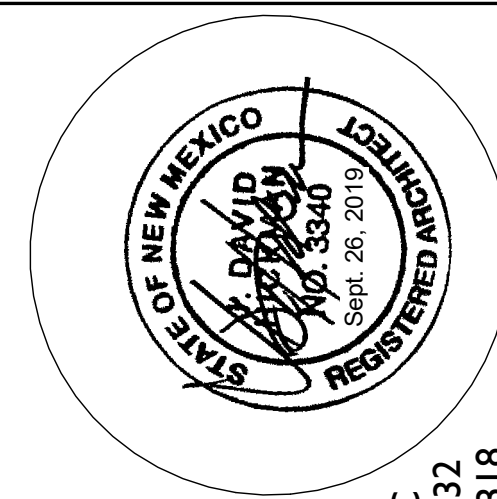
DRB13

"EASY AS PIE"



JEEBS & ZUZU, LLC.
ARCHITECTS & CONTRACTORS
MAKING HOUSE CALLS

SUITE C
11030 MENAUL NE
ALBUQUERQUE, NM 871132
P: 505-797-1318



PLANT LEGEND:

SYMBOL	BOTANICAL NAME COMMON NAME	QUANTITY	WATER USE	INSTALLED SIZE	MATURE H / W	SYMBOL	BOTANICAL NAME COMMON NAME	QUANTITY	WATER USE	INSTALLED SIZE	MATURE H / W
5 GAL						TREES					
	ROSA BANKSAE YELLOW LADY BANK'S ROSE	6	MEDIUM	5 GAL	4'x4'		PINUS NIGRA AUSTRIAN PINE	6	MEDIUM	8'-10'	35'x25'
	CALAMAGROSTIS ARUNDINACEA 'KARL FOESTER' KARL FOERSTER FEATHER REED GRASS	39	MEDIUM	5 GAL	30"x2'		GLEDITSIA TRIACANTHOS 'SHADEMASTER' SHADEMASTER HONEY LOCUST	11	MEDIUM	2" CAL	x'
	MISCANTHUS SINENSIS 'MORNING LIGHT' MORNING LIGHT MAIDEN GRASS	18	MEDIUM	5 GAL	5'x5'		VITEX AGNUS-CASTUS CHASTE TREE	17	MEDIUM	15 GAL	20'X20'
	MUHLENBERGIA CAPILLARIS 'REGAL MIST' REGAL MIST MUHLY GRASS	21	MEDIUM	5 GAL	3'x3'		PISTACIA ATLANTICA X INTEGERRIMA RED PUSH PISTACHE	25	MEDIUM	2" CAL	40'X40'
	HELICOTRICHON SEMPERVIRENS BLUE AVENA GRASS	12	MEDIUM	5 GAL	2'x2'		FORESTIERA NEOMEXICANA NM OLIVE MULTI TRUNK	3	MEDIUM	15 GALLON	15'x15'
	RHUS AROMATICA 'GRO LOW' GROW LOW SUMAC	38	LOW	5 GAL	3'x8'		LAGERSTROEMIA HYBRIDS 'DYNAMITE' CRAPE MYRTLE 'DYNAMITE' MULTI TRUNK	13	HIGH	15 GALLON	15'X15'
	SALVIA GREGGII 'FURMAN'S RED' CHERRY SAGE	9	LOW	5 GAL	2'x3'						
	CARYOPTERIS X CLANDONENSIS BLUE MIST SPIREA	6	LOW	5 GAL	3'x3'						
	SYRINGA BLOOMERANG LILAC	9	MEDIUM	5 GAL	4'x5'						
	COTONEASTER GLAUCOPHYLLUS GRAYLEAF COTONEASTER	9	LOW	5 GAL	2'x9'						
	COTONEASTER DAMMERI 'CORAL BEAUTY' BEARBERRY COTONEASTER	31	MEDIUM	5 GAL	6'x10'						
	BUXUS MICROPHYLLA JAPONICA 'WINTER GEM' WINTER GEM BOXWOOD	20	MEDIUM	5 GAL	4'X4'						
	RAPHIOLEPSIS INDICA 'BLUEBERRY MUFFIN' BLUEBERRY MUFFIN INDIAN HAWTHORN	45	MEDIUM	5 GAL	3'x4'						
	BERBEN'S THUNBERGII 'ORANGE ROCKET' ORAGE ROCKET BARBERRY	15	MEDIUM	5 GAL	2'X3'						
	HIBISCUS SYRIACUS 'APHRODITE' ROSE OF SHARON	14	MEDIUM	5 GAL	10'X10'						
	BERBERIS THUNBERGII 'CHERRY BOMB' CHERRY BOMB BARBERRY	29	MEDIUM	5 GAL	2'X2'						

LEGEND:

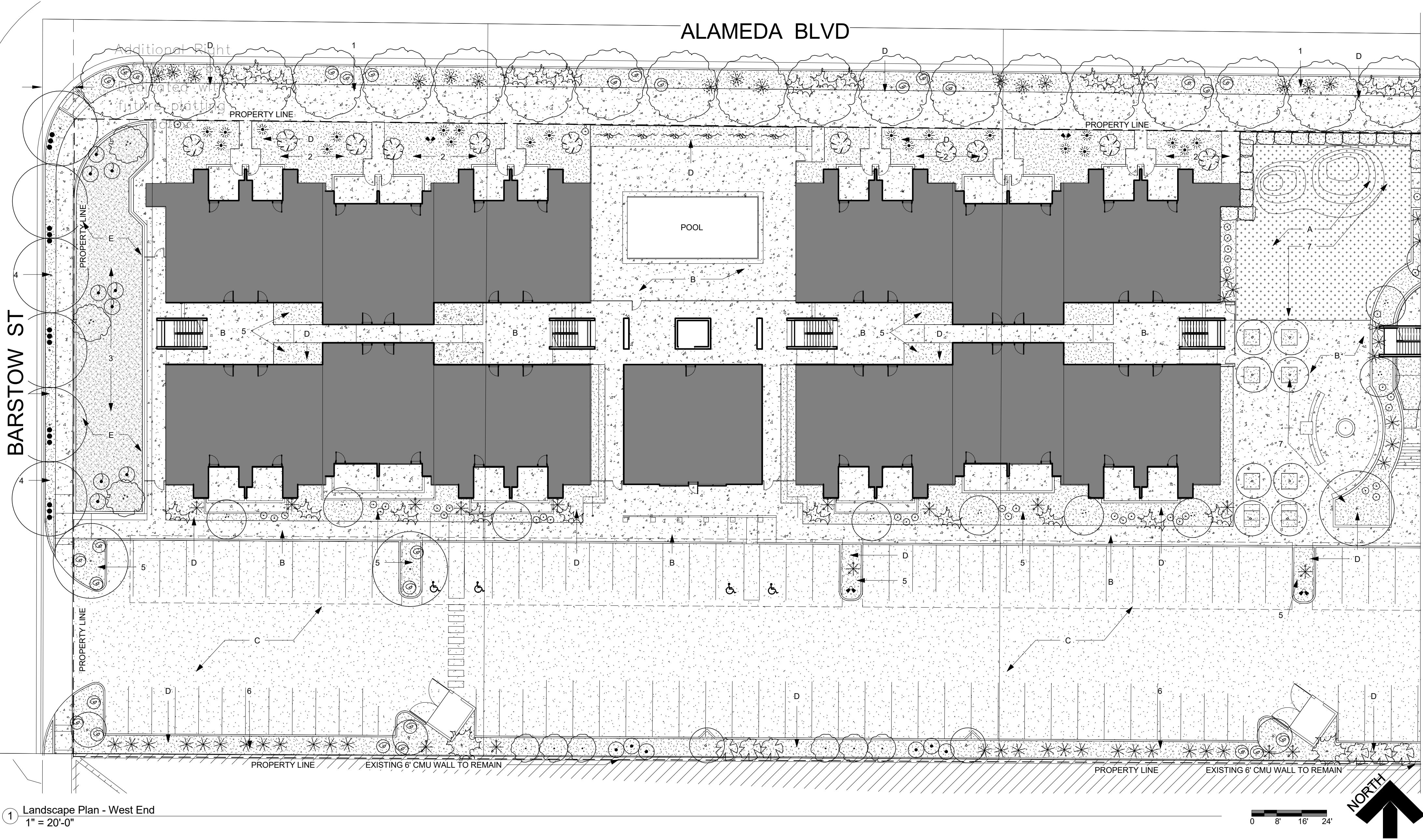
A. LAWN

B. CONCRETE SIDEWALK

C. ASPHALT

D. GRAVEL / GROUND COVER

E. PONDING AREA



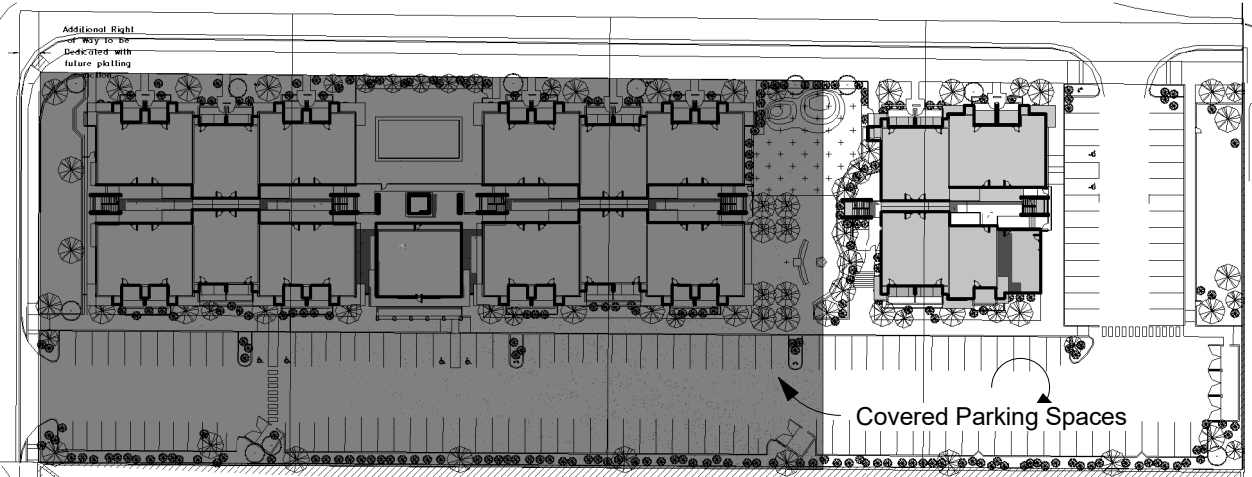
1 Landscape Plan - West End
1" = 20'-0"

LANDSCAPE DATA:

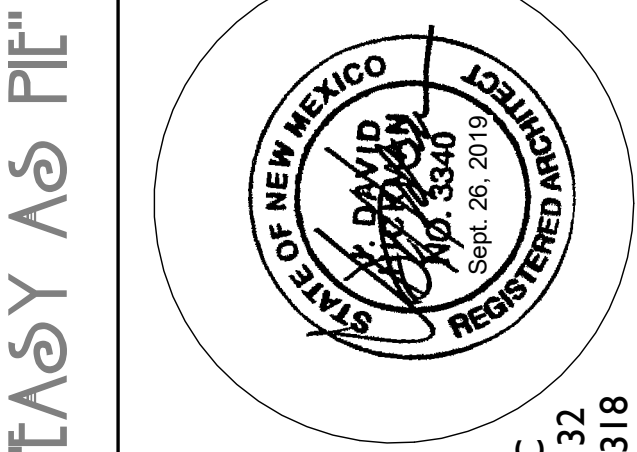
GROSS LOT	127,198.38 SF
AREA LESS BUILDING(S)	27,036.64 SF
NET LOT AREA	100,161.74 SF
REQUIRED LANDSCAPE 15% OF NET LOT AREA	15,024.26 SF
LANDSCAPE AREAS:	
1. LAWN	6,939 SF
2. CONCRETE SIDEWALK	6,020 SF
3. ASPHALT	2,500 SF
4. GRAVEL / GROUND COVER	554 SF
5. PONDING AREA	5,685 SF
6. LAWN	4,724 SF
7. CONCRETE SIDEWALK	4,020 SF
8. ASPHALT	3,068 SF
TOTAL LANDSCAPE PROVIDED	33,510 SF > 15,024 SF
IMPERVIOUS AREAS:	
PUBLIC / PRIVATE CONCRETE SURFACES	27,933 SF
ASPHALT / PARKING	44,035 SF
PARKING LANDSCAPING	6,605 SF
REQUIRED (15%)	8,731 SF
PARKING LANDSCAPING PROVIDED	
PERVIOUS AREAS:	
LAWN	2,847 SF
GROUND COVER (GRAVEL / LANDSCAPE)	25,095 SF
DOG PARK	3,067 SF
PONDING AREA	2,500 SF
10% OF LANDSCAPE AREA IS ALLOWED TO BE HIGH WATER USE TURF - AREA MAX ALLOWED	3,351 SF
HIGH WATER USE TURF PROVIDED	1,632 SF < 3,251 SF
REQUIRED STREET TREES PROVIDED AT 30' O.C. SPACING:	23
REQUIRED PARKING LOT TREES AT 1 PER 10 SPACES (150 SPACES / 10):	15
PROVIDED PARKING LOT TREES:	15
1 TREE REQUIRED PER GROUND AND 2ND FLOOR UNITS	
GROUND FLOOR UNITS:31	62
2ND FLOOR UNITS: 31	
TREES PROVIDED:	75
OPEN SPACE REQUIREMENT FOR MULTI-FAMILY RESIDENTIAL	21,450 SF
OPEN SPACE PROVIDED	77,117SF

LANDSCAPE NOTES:

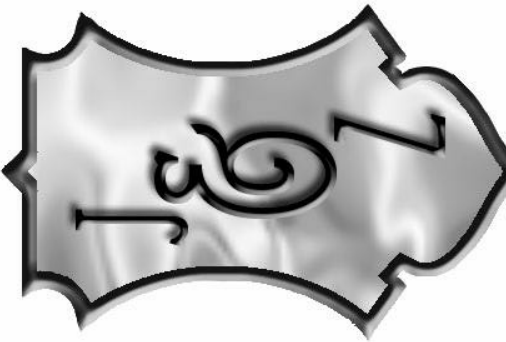
- MAINTENANCE OF LANDSCAPE BY PROPERTY OWNER.
- PLANTINGS TO BE WATERED BY AUTOMATIC DRIP IRRIGATION SYSTEM WITH REDUCED PRESSURE BACKFLOW PREVENTER.
- WATER MANAGEMENT IS THE SOLE RESPONSIBILITY OF THE PROPERTY OWNER. THIS PLAN IS TO COMPLY WITH C.O.A. AND IDO PLANTING RESTRICTIONS APPROACH. IT IS THE INTENT OF THIS PLAN TO PROVIDE MINIMUM 75% LIVE GROUNDCOVER OF LANDSCAPE AREAS PER IDO.
- LANDSCAPE AREAS TO BE MULCHED WITH GRAVEL AT 3" DEPTH OVER FILTER FABRIC. APPROVAL OF THE LANDSCAPE PLAN DOES NOT CONSTITUTE OR IMPLY COMPLIANCE WITH, OR EXEMPTION FROM, THE IDO
- THE OWNER SHALL BE RESPONSIBLE FOR AND SHALL PROPERLY MAINTAIN ALL TO BE CONSTRUCTED LANDSCAPE AREAS INCLUDING LANDSCAPING PROPOSED TO BE CONSTRUCTED WITHIN THE RIGHT OF WAY BETWEEN THE SIDEWALK AND THE CURB.
- ALL STREET TREES PLANTED SHALL BE SELECTED FROM THE CITY OF ALBUQUERQUE PLANT PALETTE AND SIZING LIST.
- MULCH IS REQUIRED AT PLANTING BEDS AND UNDER TREE CANOPIES WITH THE RESTRICTIONS OF CRUSHER FINES TO 50% OF ANY OUTDOOR SPACE.
- STREET TREES SHALL BE SPACED EVERY 25 FT. ON CENTER UNLESS SPECIFIED OTHERWISE IN PART 6-6-2 OF ROA 1994 (STREET TREES)
- TREES SHALL NOT BE LOCATED WITHIN 10 FEET OF FIRE LINES OR FIRE HYDRANT LINES.
- ALL PLANTING OF VEGITATED MATERIAL ORINSTALLATION OF ANY LANDSCAPING, BUFFERING, OR SCREENING MATERIAL IN THE PUBLIC RIGHT OF WAY SHALL REQUIRE THE PRIOR APPROVAL OF THE CITY AND MAY REQUIRE AN AGREEMENT WITH THE CITY SPECIFYING MAINTENANCE, REPAIRS, OR LIABILITY RESPONSABILITIES.
- ANY TREES THAT OVEHANG A PUBLIC SIDEWALK OR MAJOR PUBLIC OPEN SPACE SHALL BE TRIMMED TO MAINTAIN AN 8 FOOT CLEARANCE OVER THE SIDEWALK. ANY TREES THAT OVERHANG A PUBLIC STREET SHALL BE TRIMMED TO MAINTAIN A 9 FOOT CLEARANCE OVER THE STREET SURFACE.
- WHERE LANDSCAPING IS INSTALLED IN THE PUBLIC RIGHT OF WAY, THE APPLICANT SHALL INSTALL AN ADEQUATE IRRIGATION SYSTEM THAT MEETS THE MINIMUM TECHNICAL REQUIREMENTS OF THE ROA 1994 AND THE DPM, WITH A SEPARATE METER FOR THE LANDSCAPE AREA IN THE PUBLIC RIGHT OF WAY, OR A SEPARATE VALVE(S) AT THE PROPERTY LINE ALLOWING ISOLATION OF THE IRRIGATION TO THE LANDSCAPE WITHIN THE PUBLIC RIGHT OF WAY. DRIP IRRIGATION SYSTEM AND ARTIFICIAL TURF SHALL NOT BE ALLOWED WITHIN THE PUBLIC RIGHT OF WAY.



3 Site Plan Key
1" = 100'-0"



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ALBUQUERQUE, NM 871132
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job no:
drawn: 00
checked: J&Z
date: Nov. 27, 2019

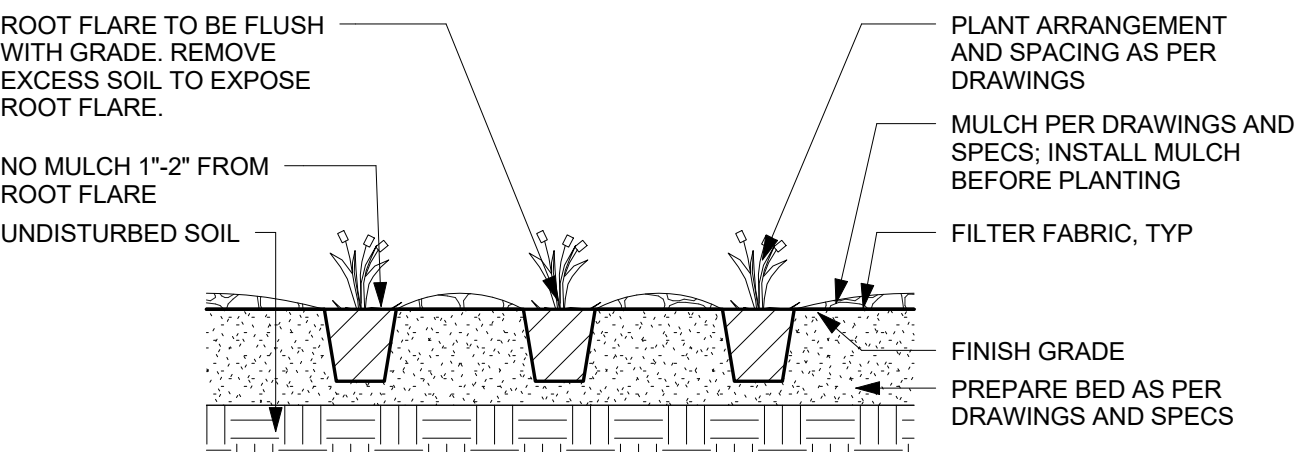
ALAMEDA LUXURY APARTMENTS

8400 ALAMEDA BLVD, NE
ALBUQUERQUE, NM 87112

sheet no:
DRB2.0

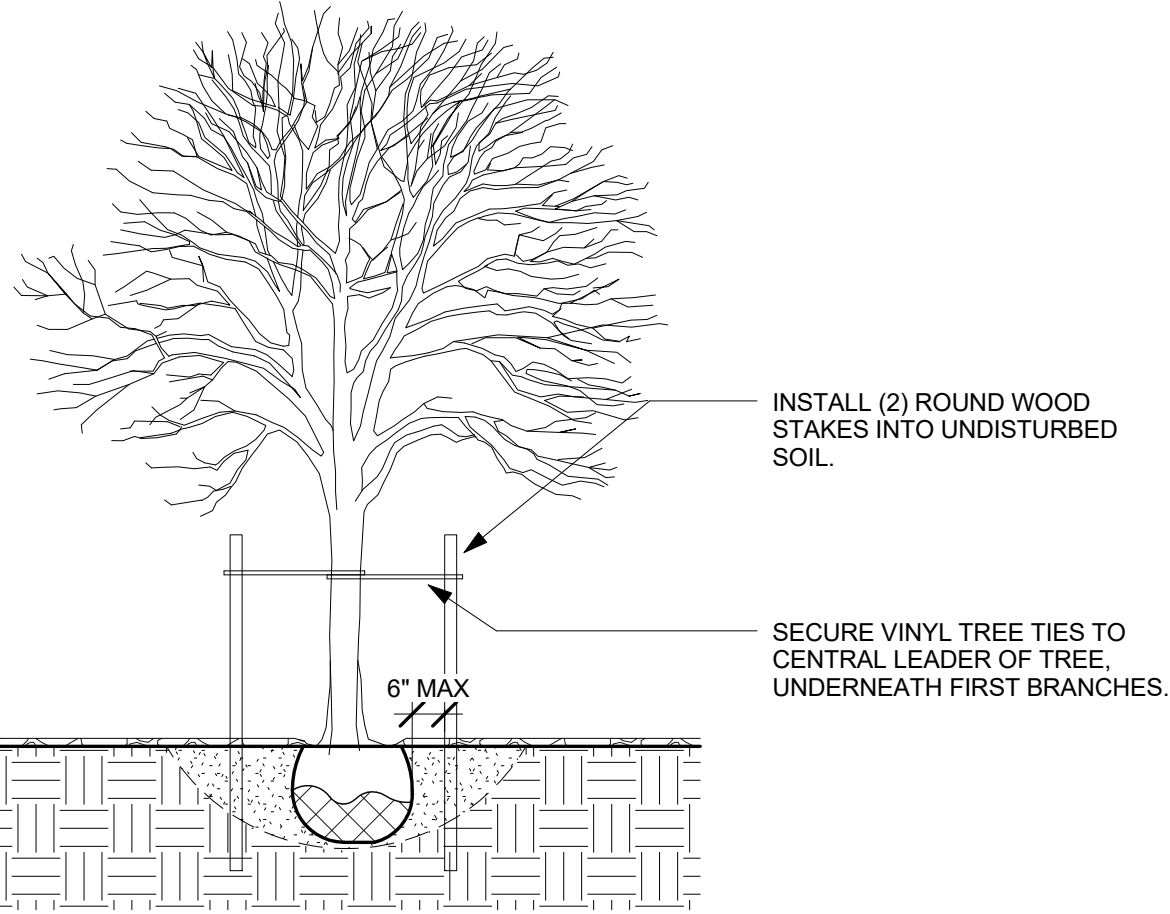
WWW.JEEBSANDZUZU.CO.M

LANDSCAPE PLAN



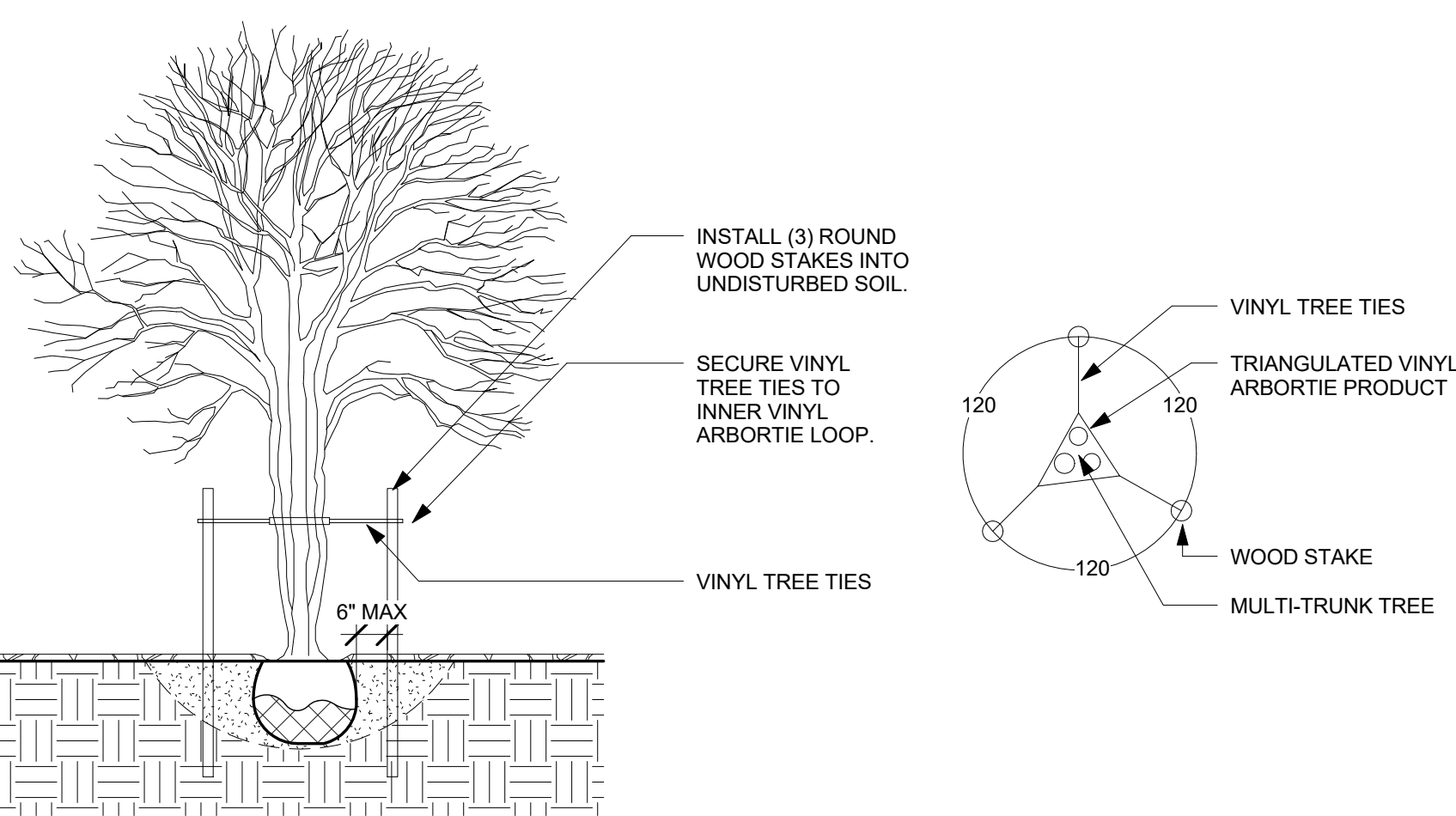
6 Landscape Detail - Landscape Bed
1/8" = 1'-0"

- NOTES:
- VINYL TREE TIES TO BE CINCH-TIE 32" OR APPROVED EQUAL, AVAILABLE FROM V.I.T. PRODUCTS 800 - 729 - 1314
 - STAKING TO BE REMOVED AT THE END OF WARRANTY PERIOD.



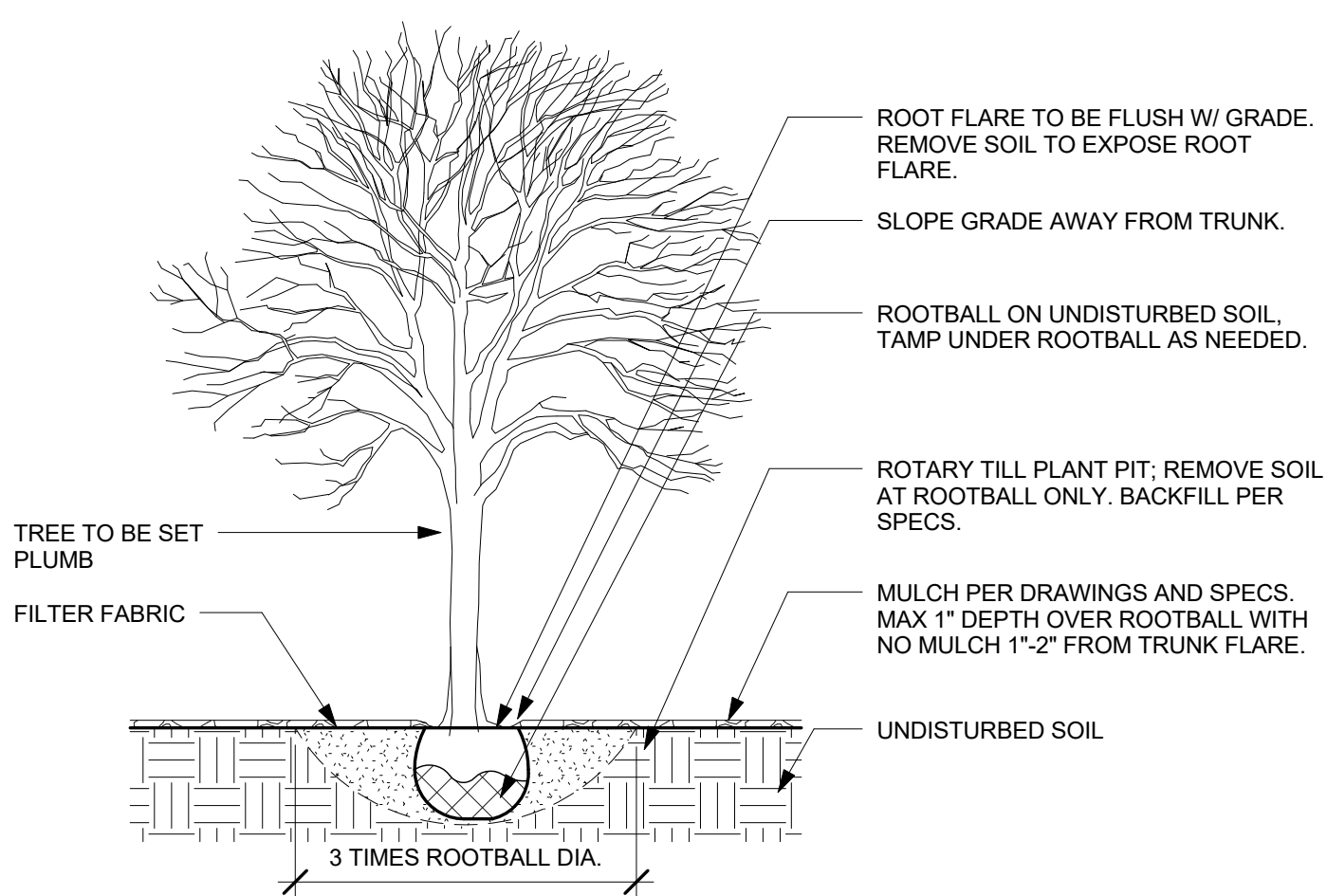
8 Landscape Detail - Tree Staking
1/8" = 1'-0"

- NOTES:
- VINYL TREE TIES TO BE CINCH-TIE 32" OR APPROVED EQUAL, AVAILABLE FROM V.I.T. PRODUCTS 800 - 729 - 1314
 - STAKING TO BE REMOVED AT THE END OF WARRANTY PERIOD.



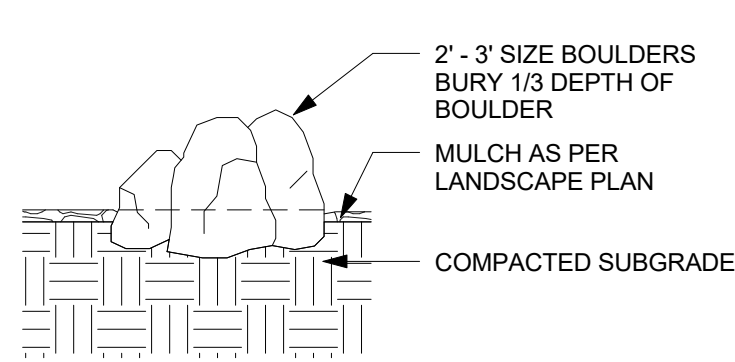
9 Landscape Detail - Multi-Trunk Staking
1/8" = 1'-0"

- NOTES:
- PRIOR TO BACKFILLING, ALL MATERIAL SUCH AS CONTAINERS, WIRE, BURLAP, AND ROPE SHALL BE REMOVED AS COMPLETELY AS POSSIBLE, WHILE STILL PROTECTING THE INTEGRITY OF THE ROOTBALL. BOTTOM OF TREE PITS TO BE COMPACTED TO PREVENT SETTLING.
 -



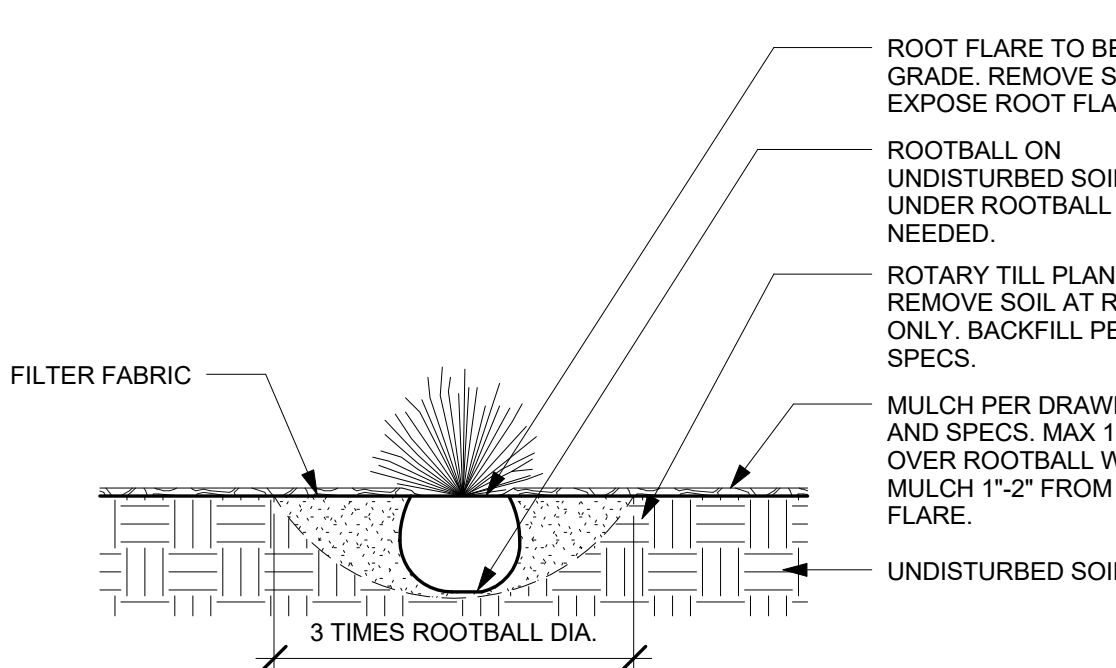
7 Landscape Detail - Tree
1/8" = 1'-0"

NOTE:
BOULDER CHOICES TO BE APPROVED BY LANDSCAPE ARCHITECT. LOCATIONS SHALL BE VARIFIED BY LANDSCAPE ARCHITECT PRIOR TO PLACEMENT.

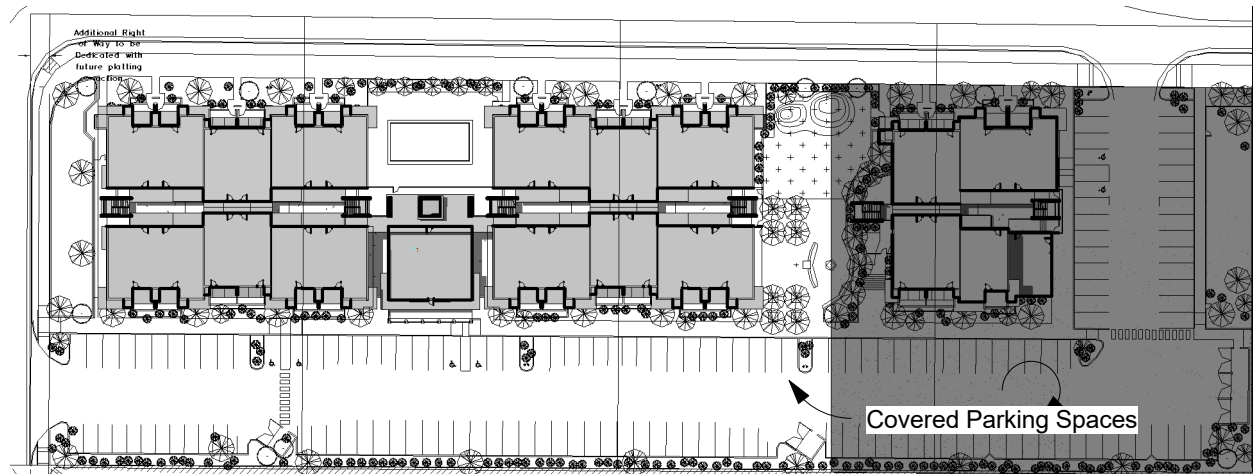


10 Landscape Detail - Boulder Installation
1/4" = 1'-0"

- NOTES:
- PRIOR TO BACKFILLING, ALL MATERIAL SUCH AS CONTAINERS, WIRE, BURLAP, AND ROPE SHALL BE REMOVED AS COMPLETELY AS POSSIBLE, WHILE STILL PROTECTING THE INTEGRITY OF THE ROOTBALL. BOTTOM OF TREE PITS TO BE COMPACTED TO PREVENT SETTLING.
 -



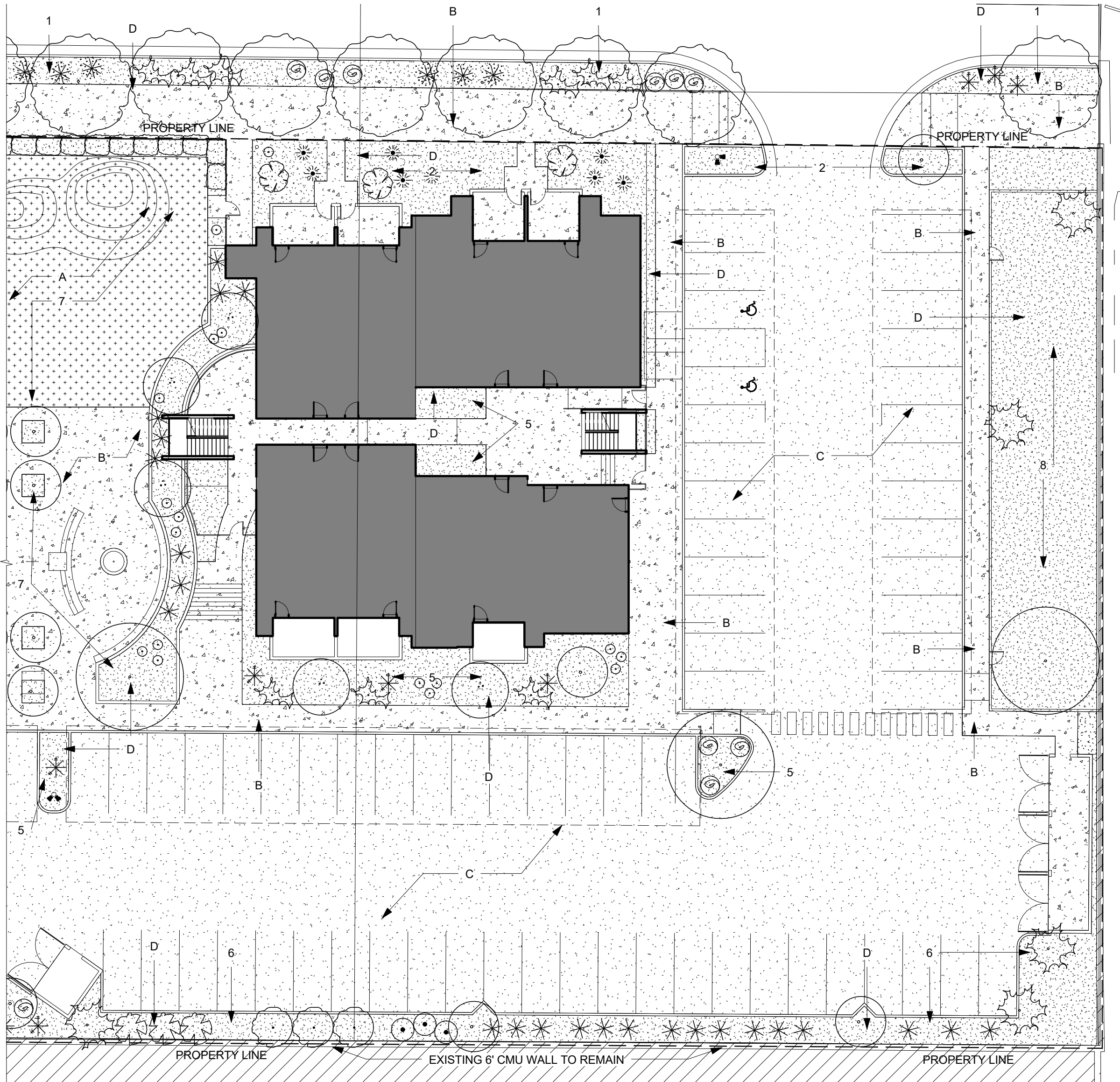
5 Landscape Detail - Shrub
1/8" = 1'-0"



3 Site Plan Key Copy 1
1" = 100'-0"

PLANT LEGEND:

SYMBOL	BOTANICAL NAME COMMON NAME	QUANTITY	WATER USE	INSTALLED SIZE	MATURE H / W	SYMBOL	BOTANICAL NAME COMMON NAME	QUANTITY	WATER USE	INSTALLED SIZE	MATURE H / W
5 GAL						TREES					
	ROSA BANKSIAE YELLOW LADY BANK'S ROSE	6	MEDIUM	5 GAL	4'x4'		PINUS NIGRA AUSTRIAN PINE	6	MEDIUM	8'-10'	35'x25'
	CALAMAGROSTIS ARUNDINACEA 'KARL FOESTER' KARL FOESTER FEATHER REED GRASS	39	MEDIUM	5 GAL	30"x2'		GLEDITSIA TRIACANTHOS 'SHADEMASTER' SHADEMASTER HONEY LOCUST	16	MEDIUM	2" CAL	x'
	MISCANTHUS SINENSIS 'MORNING LIGHT' MORNING LIGHT MAIDEN GRASS	18	MEDIUM	5 GAL	5'x5'		VITEC AGNUS-CASTUS CHASTE TREE	10	MEDIUM	15 GAL	20'x20'
	MUHLENBERGIA CAPILLARIS 'REGAL MIST' REGAL MIST MUHLY GRASS	21	MEDIUM	5 GAL	3'x3'		PISTACIA ATLANTICA X INTEGERRIMA RED PUSH PISTACHE	19	MEDIUM	2" CAL	40'x40'
	HELICOTRICHON SEMPERVIRENS BLUE AVENA GRASS	12	LOW	5 GAL	2'x2'		FORESTIERA NEOMEXICANA NM OLIVE MULTI TRUNK	3	MEDIUM	15 GALLON	15'x15'
	RHUS AROMATICA 'GRO LOW' GROW LOW SUMAC	38	LOW	5 GAL	3'x8'		LAGERSTROEMIA HYBRIDS 'DYNAMITE' GRAPE MYRTLE 'DYNAMITE' MULTI TRUNK	13	HIGH	15 GALLON	15'x15'
	SALVIA GREGGII 'FURMAN'S RED' CHERRY SAGE	9	LOW	5 GAL	2'x3'						
	CARYOPTERIS X CLANDONENSIS BLUE MIST SPIREA	6	LOW	5 GAL	3'x3'						
	SYRINGA BLOOMERANG LILAC	9	MEDIUM	5 GAL	4'x5'						
	COTONEASTER GLAUCOPHYLLUS GRAYLEAF COTONEASTER	9	LOW	5 GAL	2'x9'						
	COTONEASTER DAMMERI 'CORAL BEAUTY' BEARBERRY COTONEASTER	31	MEDIUM	5 GAL	6'x10'						
	BUXUS MICROPHYLLA JAPONICA 'WINTER GEM' WINTER GEM BOXWOOD	20	MEDIUM	5 GAL	4'x4'						
	RAPHIOLEPIS INDICA 'BLUEBERRY MUFFIN' BLUEBERRY MUFFIN INDIAN HAWTHORN	45	MEDIUM	5 GAL	3'x4'						
	BERBEN'S THUNBERGII 'ORANGE ROCKET' ORAGE ROCKET BARBERRY	15	MEDIUM	5 GAL	2'x3'						
	HIBISCUS SYRIACUS 'APHRODITE' ROSE OF SHARON	14	MEDIUM	5 GAL	10'x10'						
	BERBERIS THUNBERGII 'CHERRY BOMB' CHERRY BOMB BARBERRY	29	MEDIUM	5 GAL	2'x2'						



1 Landscape Plan - East End
1" = 20'-0"

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LANDSCAPE PLAN

ALAMEDA LUXURY APARTMENTS

sheet no:

DRB2J

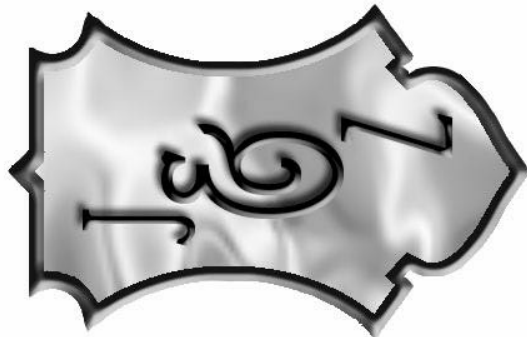
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ALBUQUERQUE, NM 87112

job no:

drawn: 00

checked: J&Z

date: Nov. 27, 2019



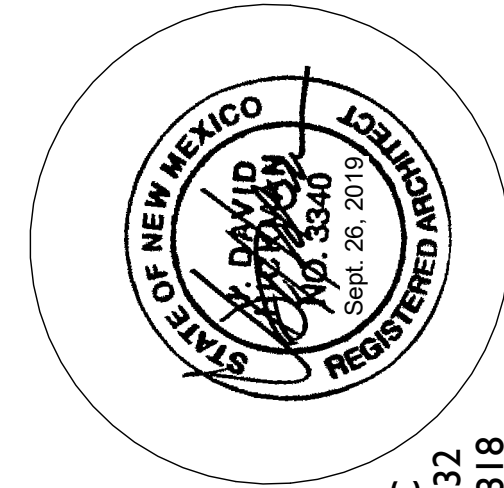
JEEBS & ZUZU, LLC.

ARCHITECTS & CONTRACTORS

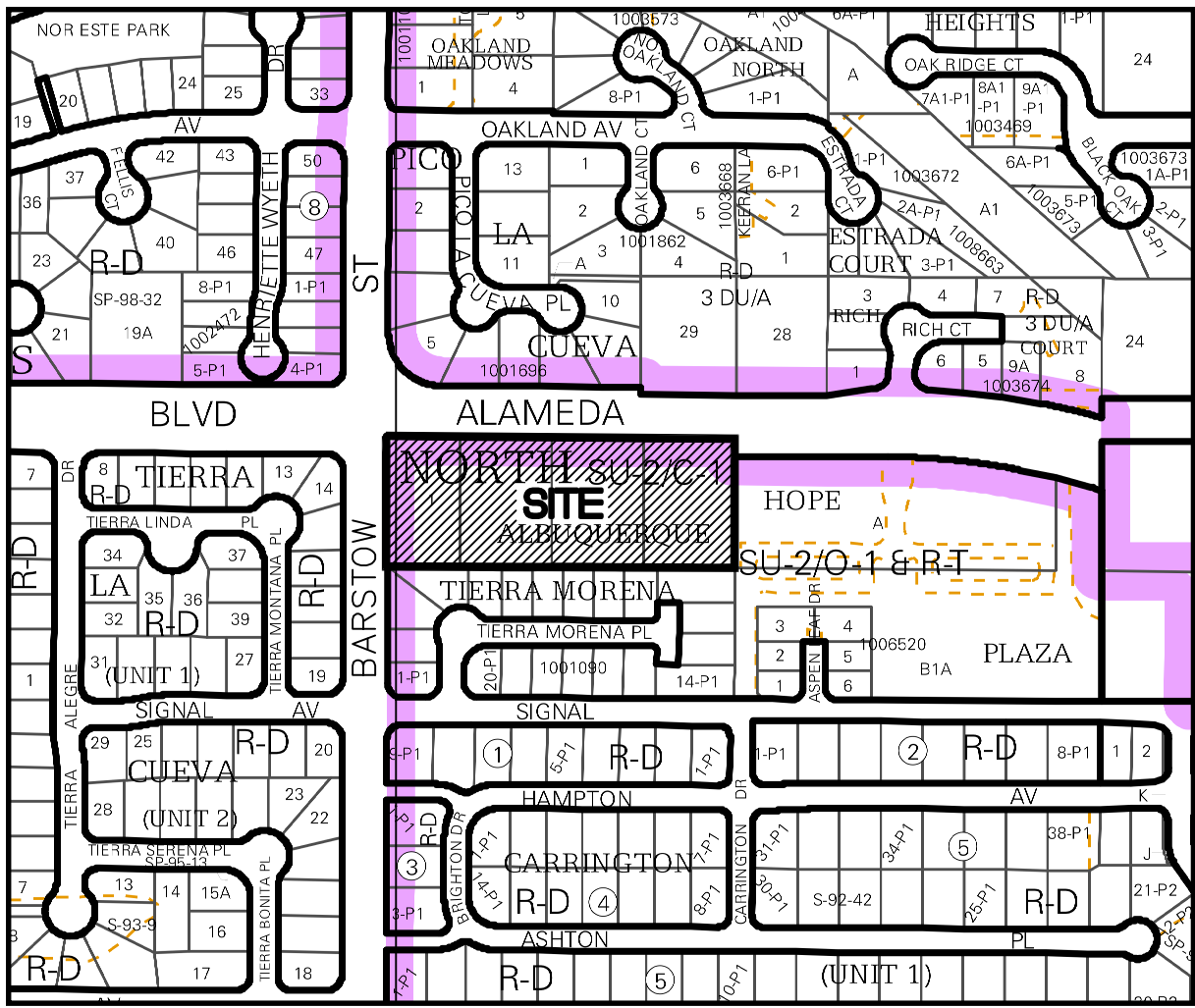
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11030 MENAUL NE SUITE C
ALBUQUERQUE, NM 871132

P: 505-797-1318



"EASY AS PIE"



Vicinity Map
Zone Atlas C-19-Z & C-20-Z

Indexing Information

Sections 17 & 18, Township 11 North, Range 4 East, N.M.P.M. as Projected into the Elena Gallegos Grant Subdivision: North Albuquerque Acres, Tract 3, Unit 3
Owner: Anthony E. & Patricia Giraudo (Lots 1 and 2)
Matonti Family Trust (Lots 3 and 4)
UPC #: 102006401035620232 (Lot 1)
102006402535620231 (Lot 2)
102006404035620230 (Lot 3)
102006405835620234 (Lot 4)

Legal Description

LOTS NUMBERED ONE (1), TWO (2), THREE (3), AND FOUR (4), IN BLOCK NUMBERED FOUR (4) OF TRACT 3, UNIT 3, NORTH ALBUQUERQUE ACRES, ALBUQUERQUE, BERNALILLO COUNTY, NEW MEXICO, AS THE SAME IS SHOWN AND DESIGNATED ON THE PLAT OF SAID SUBDIVISION, FILED IN THE OFFICE OF THE COUNTY CLERK OF BERNALILLO COUNTY, NEW MEXICO ON SEPTEMBER 10, 1931, IN PLAT BOOK D, PAGE 121.

Sketch Plat for
Lot 1-A, Block 4
North Albuquerque Acres
Tract 3, Unit 3
Being Comprised of
Lots 1-4, Block 4
North Albuquerque Acres
Tract 3, Unit 3
City of Albuquerque
Bernalillo County, New Mexico
June 2019

Notes

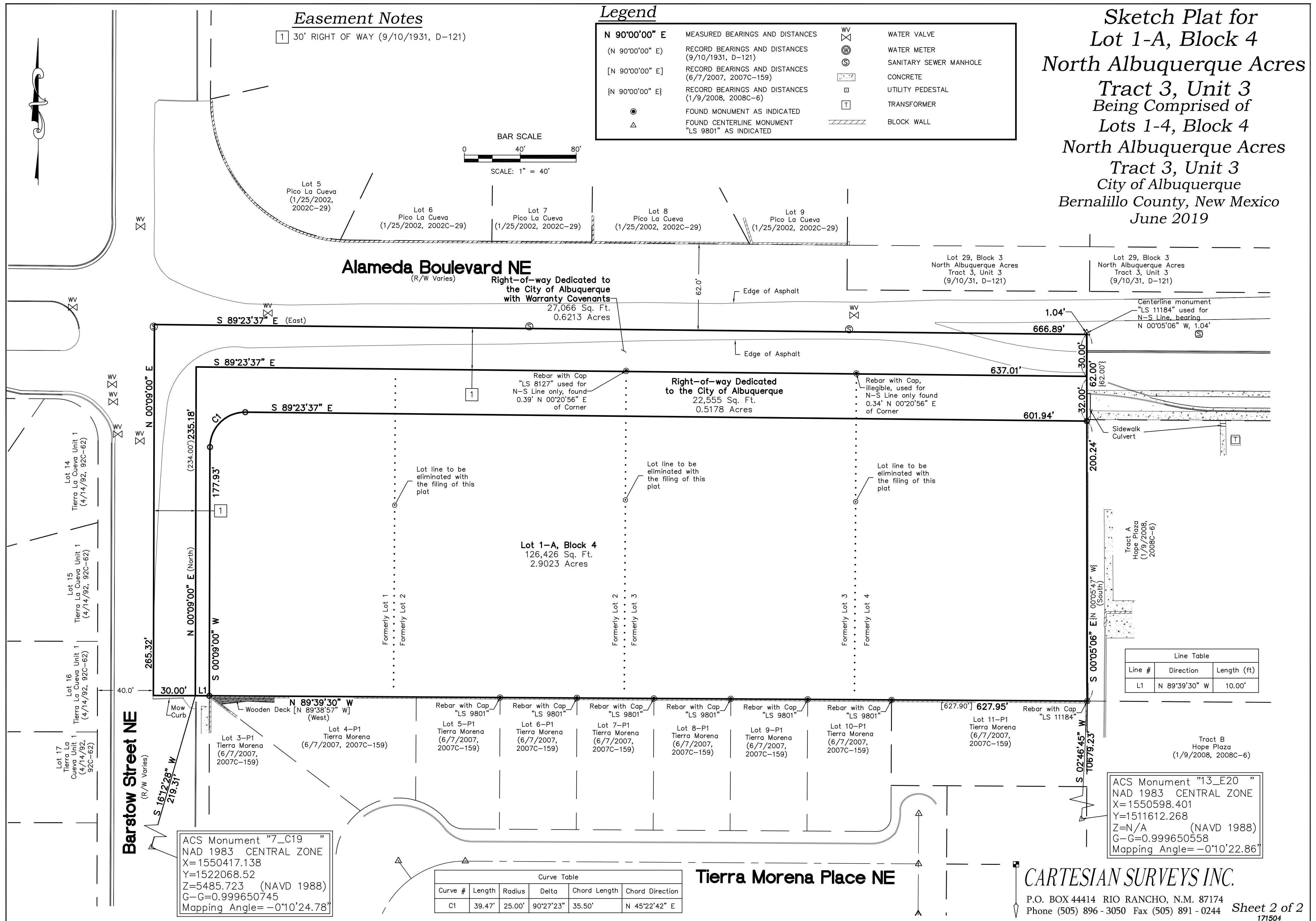
1. FIELD SURVEY PERFORMED IN AUGUST 2017.
2. ALL DISTANCES ARE GROUND DISTANCES: U.S. SURVEY FOOT.
3. THE BASIS OF BEARINGS REFERENCES MODIFIED NM STATE PLANE COORDINATES (NAD 83-GROUND) USING A GROUND TO GRID FACTOR OF 0.999653293.
4. NO BUILDINGS EXISTING ON THE SURVEYED PROPERTY.

Documents

1. TITLE COMMITMENT FOR LOTS 1 AND 2, BLOCK 4, NORTH ALBUQUERQUE ACRES, TRACT 3, UNIT 3, PROVIDED BY STEWART TITLE, HAVING FILE NO. 01147-39219, AND AN EFFECTIVE DATE OF JUNE 22, 2017.
2. TITLE COMMITMENT FOR LOTS 3 AND 4, BLOCK 4, NORTH ALBUQUERQUE ACRES, TRACT 3, UNIT 3, PROVIDED BY STEWART TITLE HAVING FILE NO. 01147-40211, AND AN EFFECTIVE DATE OF AUGUST 2, 2017.
3. PLAT OF RECORD FILED IN THE BERNALILLO COUNTY CLERK'S OFFICE ON SEPTEMBER 10, 1931, IN BOOK D, PAGE 121.
4. WARRANTY DEED FOR LOTS 1 AND 2, BLOCK 4, NORTH ALBUQUERQUE ACRES, TRACT 3, UNIT 3, FILED IN THE BERNALILLO COUNTY CLERK'S OFFICE ON MARCH 31, 1988, IN BOOK D329-A, PAGE 550, DOC. NO. 8827944.
5. WARRANTY DEED FOR LOT 4, BLOCK 4, NORTH ALBUQUERQUE ACRES, TRACT 3, UNIT 3, FILED IN THE BERNALILLO COUNTY CLERK'S OFFICE ON APRIL 27, 1994, IN BOOK 94-13, PAGE 6346, DOC. NO. 94054981.
6. WARRANTY DEED FOR LOT 3, BLOCK 4, NORTH ALBUQUERQUE ACRES, TRACT 3, UNIT 3, FILED IN THE BERNALILLO COUNTY CLERK'S OFFICE ON APRIL 25, 1994, IN BOOK 94-13, PAGE 3066, DOC. NO. 94053557.

THE PURPOSE OF THIS PLAT IS SUBDIVIDE
THE EXISTING FOUR LOTS INTO ONE NEW
LOT, DEDICATE RIGHT-OF-WAY, AND
RECEIVE COMMENTS.

CARTESIAN SURVEYS INC.
P.O. BOX 44414 RIO RANCHO, N.M. 87174
Phone (505) 896 - 3050 Fax (505) 891 - 0244

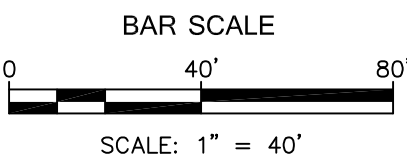


Easement Notes

1 30' RIGHT OF WAY (9/10/1931, D-121)

Legend

N 90°00'00" E	MEASURED BEARINGS AND DISTANCES	WV	WATER VALVE
(N 90°00'00" E)	RECORD BEARINGS AND DISTANCES (9/10/1931, D-121)	⊗	WATER METER
[N 90°00'00" E]	RECORD BEARINGS AND DISTANCES (6/7/2007, 2007C-159)	⊙	SANITARY SEWER MANHOLE
{N 90°00'00" E}	RECORD BEARINGS AND DISTANCES (1/9/2008, 2008C-6)	□	CONCRETE
●	FOUND MONUMENT AS INDICATED	□	UTILITY PEDESTAL
△	FOUND CENTERLINE MONUMENT "LS 9801" AS INDICATED	T	TRANSFORMER
		▨	BLOCK WALL

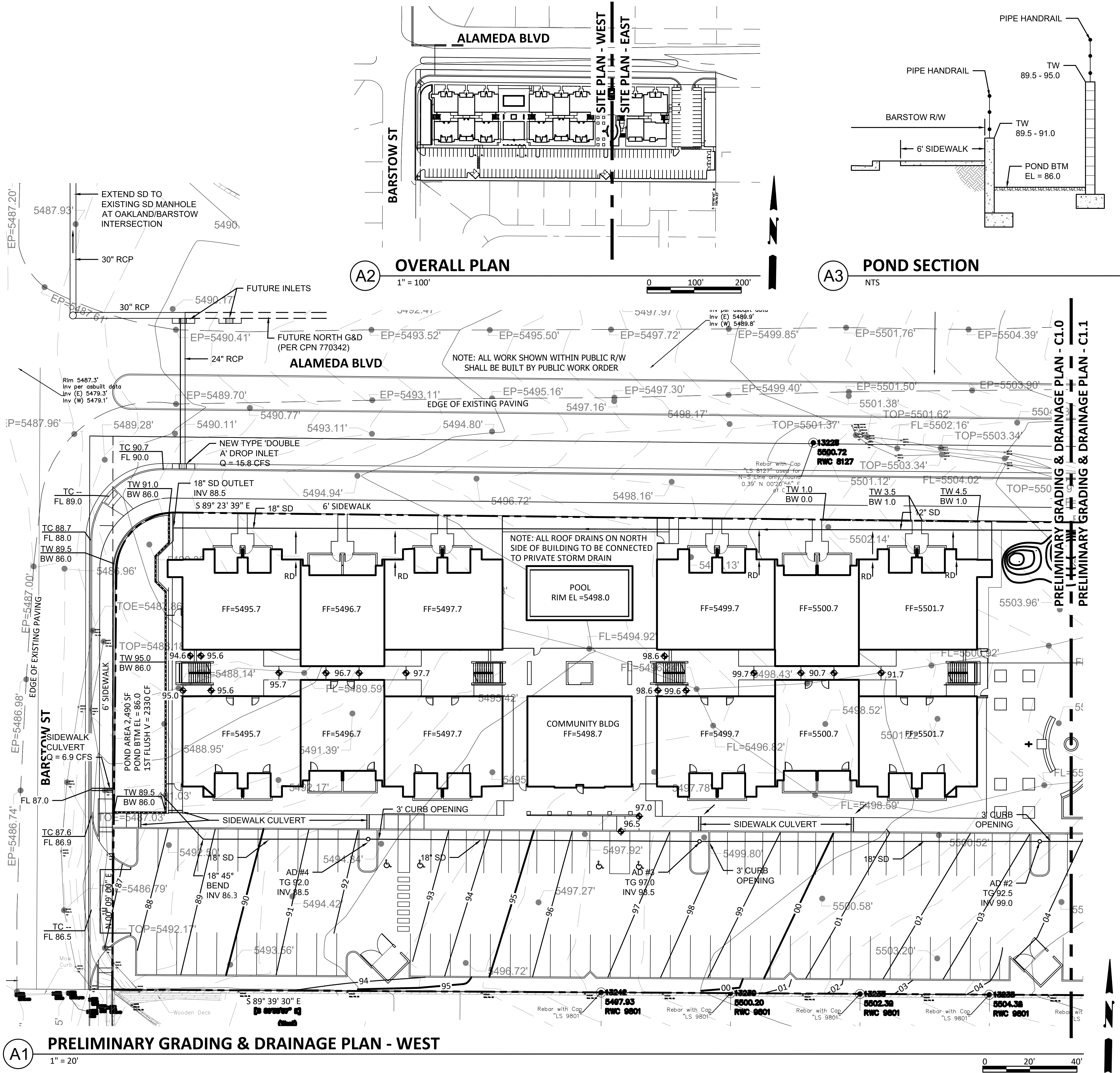


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Lot 1-A, Block 4
North Albuquerque Acres
Tract 3, Unit 3
Being Comprised of
Lots 1-4, Block 4
North Albuquerque Acres
Tract 3, Unit 3
City of Albuquerque
Bernalillo County, New Mexico
June 2019

Line Table		
Line #	Direction	Length (ft)
L1	N 89°39'30" W	10.00'

Curve Table					
Curve #	Length	Radius	Delta	Chord Length	Chord Direction
C1	39.47'	25.00'	90°27'23"	35.50'	N 45°22'42" E

CARTESIAN SURVEYS INC.
P.O. BOX 44414 RIO RANCHO, N.M. 87174
Phone (505) 896 - 3050 Fax (505) 891 - 0244



VICINITY MAP C-20

LEGEND

---	EXISTING CONSTRUCTION
---	NEW CONTOUR
FF=5495.7	FINISH FLOOR ELEV
65.5	NEW SPOT ELEVATION
---	NEW CONSTRUCTION
RD	ROOF DRAIN
TC	TOP OF CURB
FL	FLOWLINE
TW	TOP OF WALL
BW	BOTTOM OF WALL

DRAINAGE ANALYSIS

ADDRESS: 8650 Alameda Blvd NE, Albuquerque, NM

LEGAL DESCRIPTION: Lots 1-4, Block 4, North ABQ Acres, Tract 3, Unit 3

SITE AREA: 126,302 SF (2.90 acres)

BENCHMARK: City of Albuquerque Station '7-C19' being a brass cap.
ELEV= 5485.723 (NAVD 1988)

SURVEYOR: Cartesian Surveying Inc. dated August, 2017

PRECIPITATION ZONE: 3

FLOOD HAZARD: From FEMA Map 35001C0141G (9/26/2008), this site is identified as being within Zone 'X' which is determined to be outside the 0.2% annual chance floodplain.

OFFSITE FLOW: The site does not accept any offsite flow as it is bound by commercial development to the east, residential development to the south, and public streets along the west and north sides.

EXISTING CONDITIONS: The site is currently undeveloped with some vegetation. The site slopes down to the west at 3.5-4.0% and discharges to Barstow Street NE. This site is part of the North Albuquerque Acres Master Drainage Plan (NAAAMP) with an allowable discharge rate of 2.38 cfs/acre.

PROPOSED IMPROVEMENTS: The proposed improvements include 3 new 3-story apartment buildings, a community building with swimming pool, associated paved access and parking, and landscaping.

DRAINAGE APPROACH: The site drainage pattern will follow historic conditions and include the onsite retention of the first flush volume.

Existing land treatment: 100% A
Q= (1.87)(2.90)= 5.4 CFS
Proposed land treatment: 7% B, 28% C and 65% D
Q= [(0.07)(2.60)+(0.28)(3.45)+(0.65)(5.02)](2.90)= 12.1 CFS
Allowable Q=(2.38)(2.90)= 6.9 CFS
First flush V= (82,096)(0.34/12)= 2,326 CF

A hydrograph based on 12 min. time of concentration, 13.1 min. time to peak, and duration of peak flow of 15x0.65 = 9.75 minutes gives required volume of 20,730 CF. Based on allowable Q=6.9 CFS, V= 14,925 CF gives difference of 5,805 CF. Pond volume provided (3.5 deep) onsite is 8,715 CF (OK > 8,131). This flow will discharge to Barstow at Q= 6.9 CFS by restricting through sidewalk culvert. The 1st flush volume of 2,326 CF will be retained in the pond bottom.

NOT FOR CONSTRUCTION

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PRELIMINARY GRADING & DRAINAGE PLAN - WEST

ALAMEDA LUXURY APARTMENTS

8400 ALAMEDA BLVD NE
ALBUQUERQUE, NM 87122

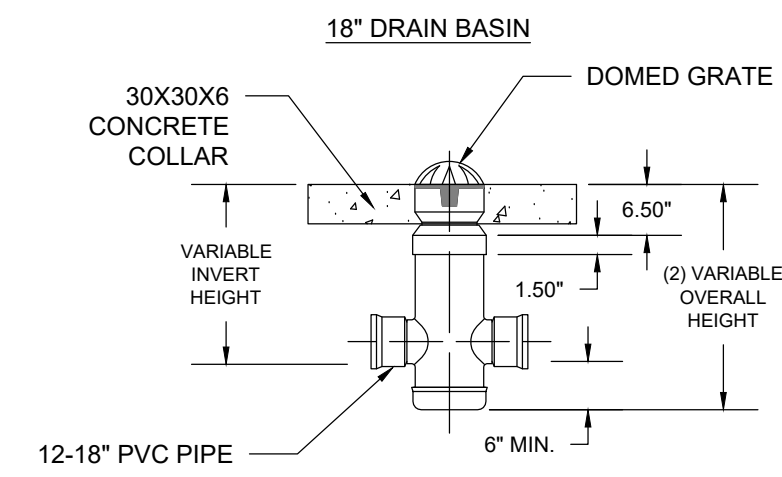
Sheet C-10

SCOTT M. MOORE
NEW MEXICO
10519
REGISTERED PROFESSIONAL ENGINEER






11030 MENAUL NE SUITE C
ALBUQUERQUE, NM 87112
P. 505-797-1318

"WE'RE YOUR BUILDING WIZ KIDZ SO YOU CAN"

JEEBS & ZUZU, LLC.
ARCHITECTS & CONTRACTORS
MAKING HOUSE CALLS



AREA DRAIN DETAIL

	EXISTING CONSTRUCTION
	NEW CONTOUR
FF=5495.7	FINISH FLOOR ELEV
 65.5	NEW SPOT ELEVATION
	NEW CONSTRUCTION
 RD	ROOF DRAIN
TC	TOP OF CURB
FL	FLOWLINE
TW	TOP OF WALL
BW	BOTTOM OF WALL



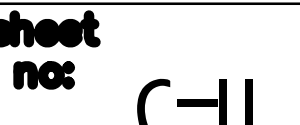
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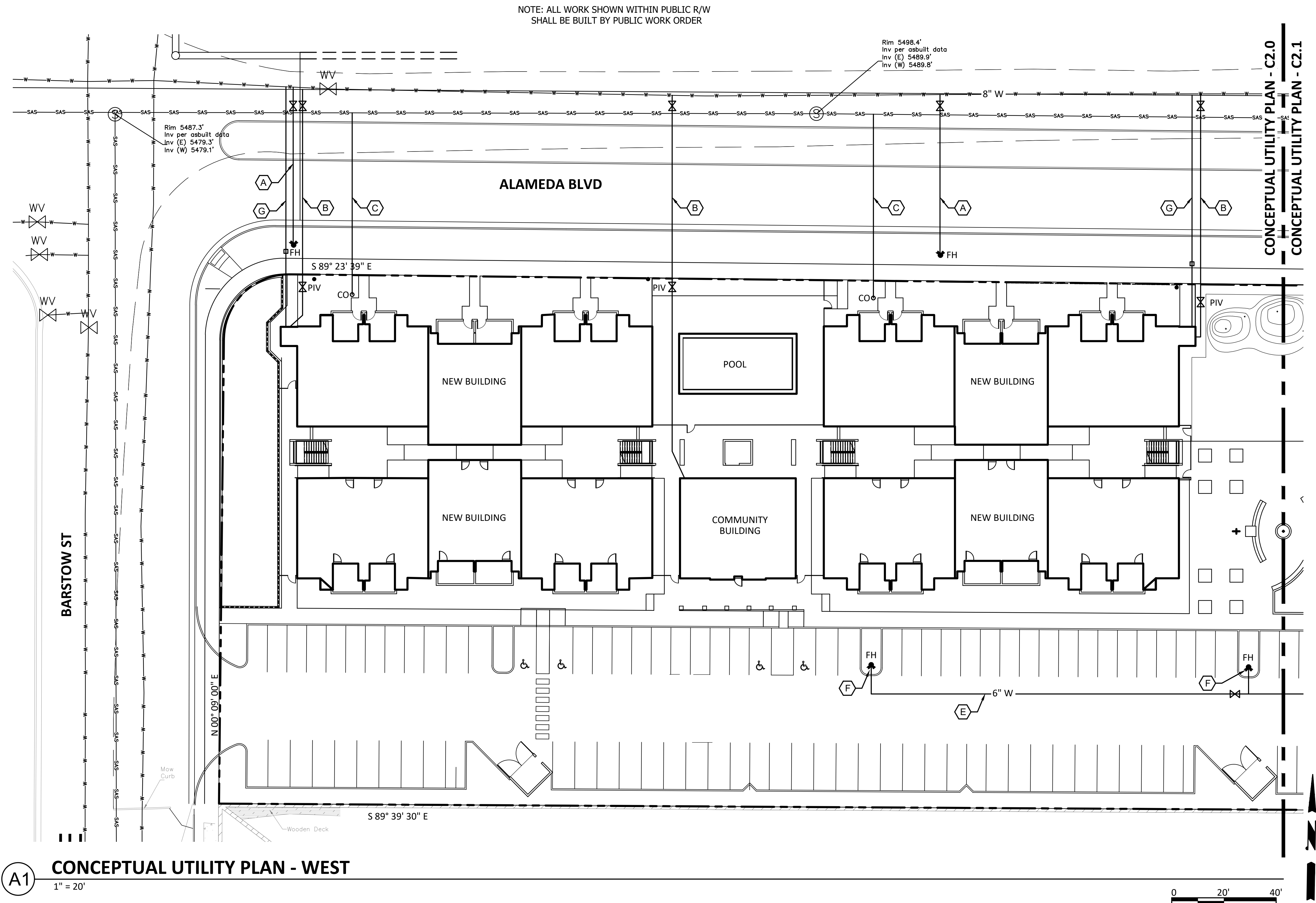


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checked:	SMM
date:	05-29-19

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ALAMEDA LUXURY APARTMENTS

8100 ALAMILDA BLVD NE
ALBUQUERQUE, NM 87122

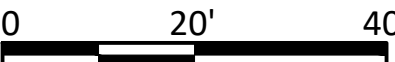


- LEGEND**
- OVERHEAD ELECTRICAL
 - GAS LINE
 - CLEAN OUT
 - EXISTING WATER LINE
 - EXISTING GAS LINE
 - EXISTING SEWER LINE
 - ELECTRIC LINE
 - NEW WATER LINE
 - NEW SEWER LINE
 - NEW GAS LINE
 - FIRE HYDRANT

- KEYED NOTES**
- A. INSTALL NEW PUBLIC FIRE HYDRANT BY PUBLIC WORK ORDER AND COA STD DWG 2340.
 - B. INSTALL NEW 6" PRIVATE BUILDING FIRE LINE FROM EXISTING MAIN TO R/W LINE BY WORK ORDER.
 - C. INSTALL NEW SEWER SERVICE LINE FROM EXISTING MAIN TO BUILDING BY WORK ORDER AND COA STD DWG 2125.
 - D. INSTALL NEW 8" PRIVATE FIRE LINE FROM EXISTING MAIN TO R/W LINE BY WORK ORDER.
 - E. CONSTRUCT PRIVATE FIRE LINE AS SHOWN TO SUPPLY PRIVATE FIRE HYDRANTS.
 - F. INSTALL NEW PRIVATE FIRE HYDRANT.
 - G. NEW DOMESTIC WATER SERVICE BY PUBLIC WORK ORDER AND COA STD DWG 2363.

A1 CONCEPTUAL UTILITY PLAN - WEST

1" = 20'



NOT FOR CONSTRUCTION

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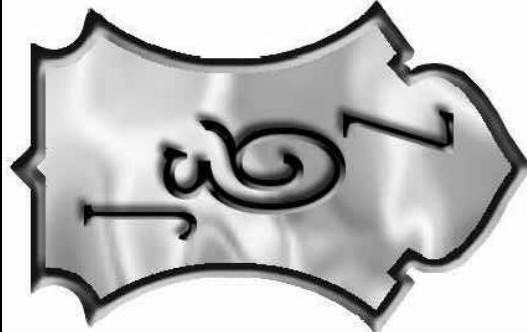
CONCEPTUAL UTILITY PLAN - WEST

ALAMEDA LUXURY APARTMENTS



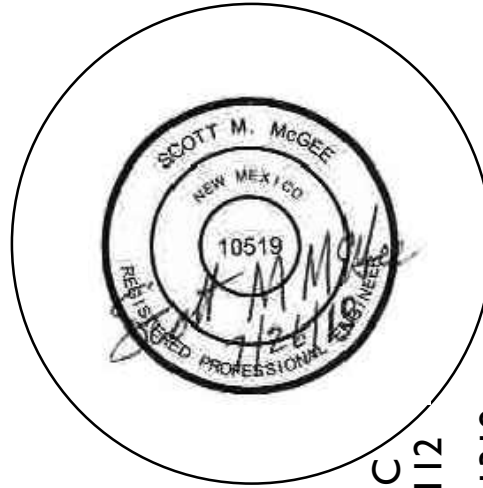
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8400 ALAMEDA BLVD NE
ALBUQUERQUE, NM 87122



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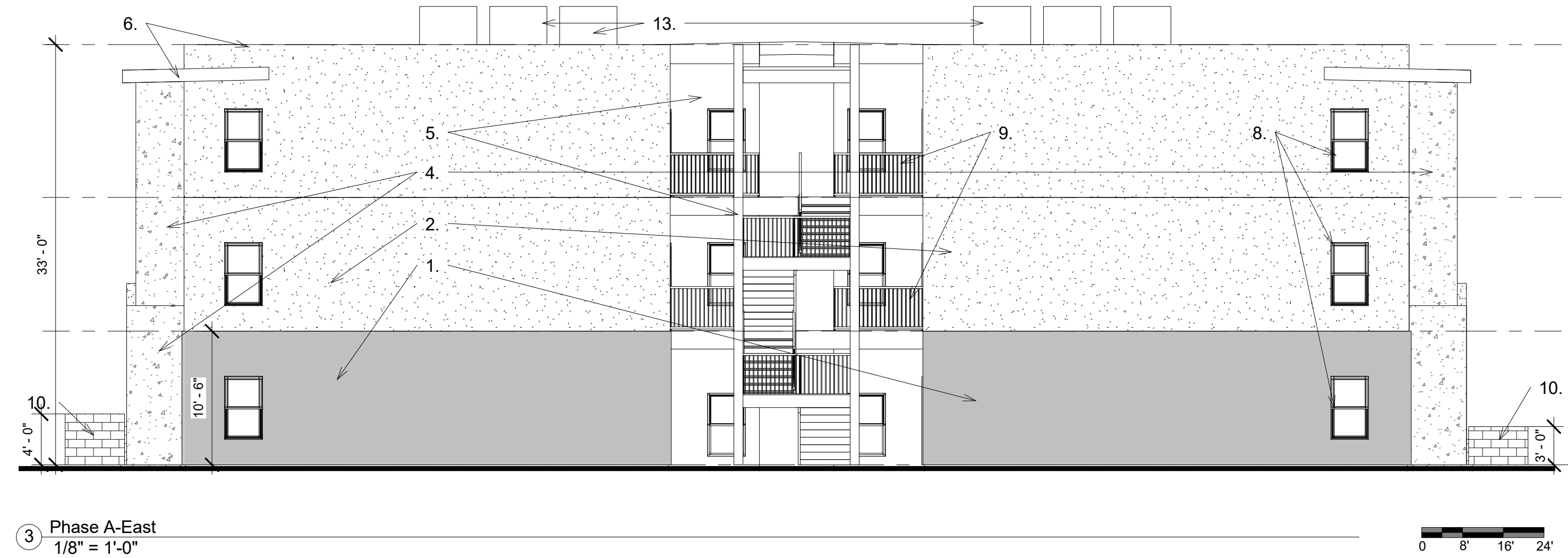
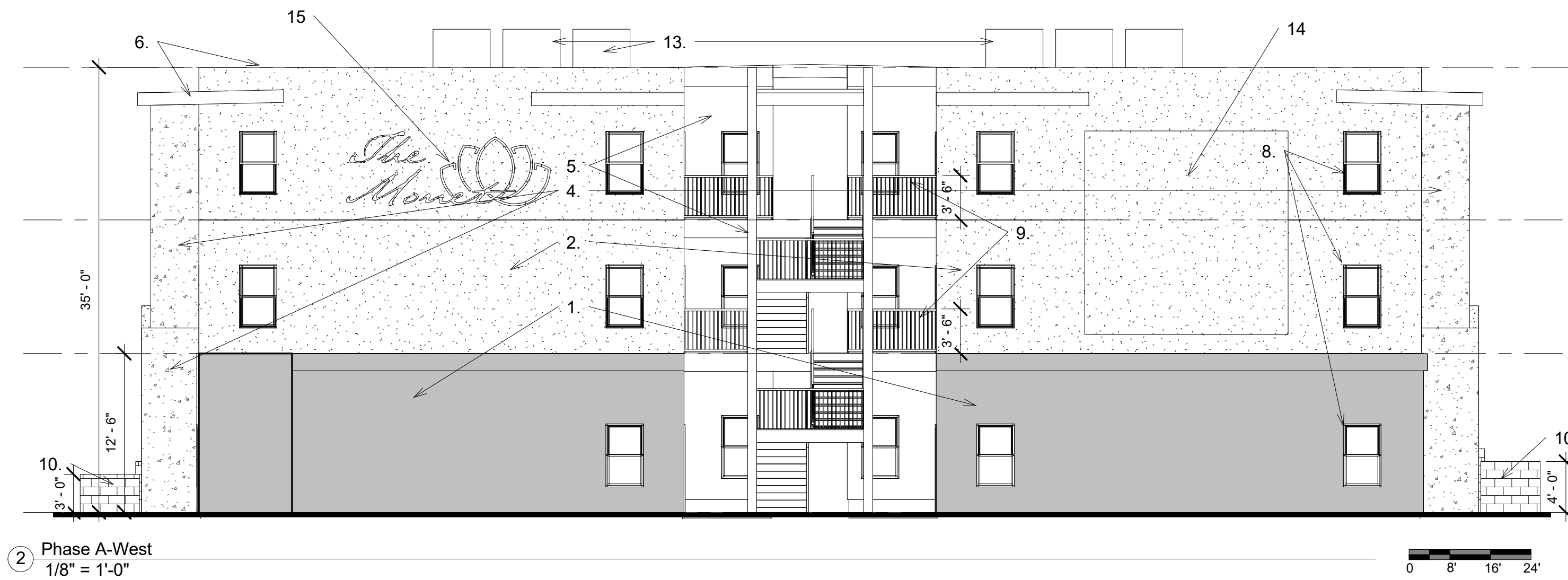


Keyed Notes:

1. Stucco Color #1: Medium Grey (Wall to be 2" thicker than wall above)
2. Stucco Color #2: Tan
3. Stucco Color #3: Red Orange
4. Stucco Color #4: Orange Yellow
5. Stucco Color #5: Off White
6. White single ply membrane roof
7. Pitched metal roof ("galvalume" finish to match gutters and downspouts)
8. White vinyl windows
9. Painted metal railings
10. Exposed CMU yard wall
11. Painted metal gate to match railings
12. Building sign with units range
13. Roof mounted heat pump condenser units shall be pushed to middle of building so as not to be seen from street
14. Art - Mural, privately owned
15. Property Sign to be on a separate permit to be submitted in accordance with IDO requirements.

GENERAL NOTES:

1. ANY BUILDING MOUNTED SIGNAGE IS TO BE ACHIEVED THROUGH A SEPERATE BUILDING PERMIT IN ACCORDANCE WITH THE UNDERLYING MX-L ZONING



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PHASE A ELEVATIONS

ALAMEDA LUXURY APARTMENTS

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ALBUQUERQUE, NM 87112

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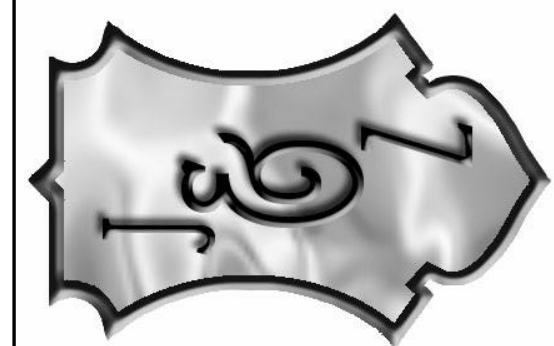
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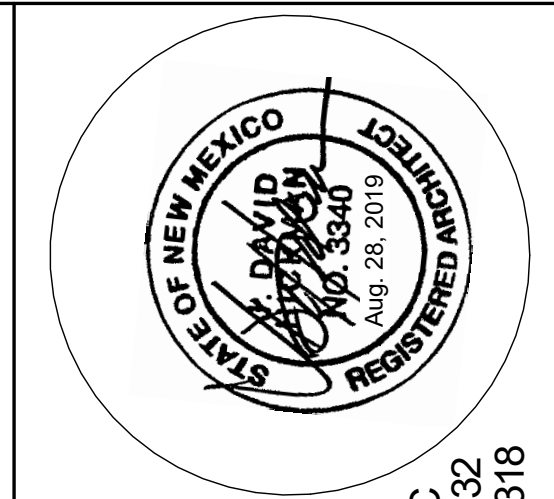
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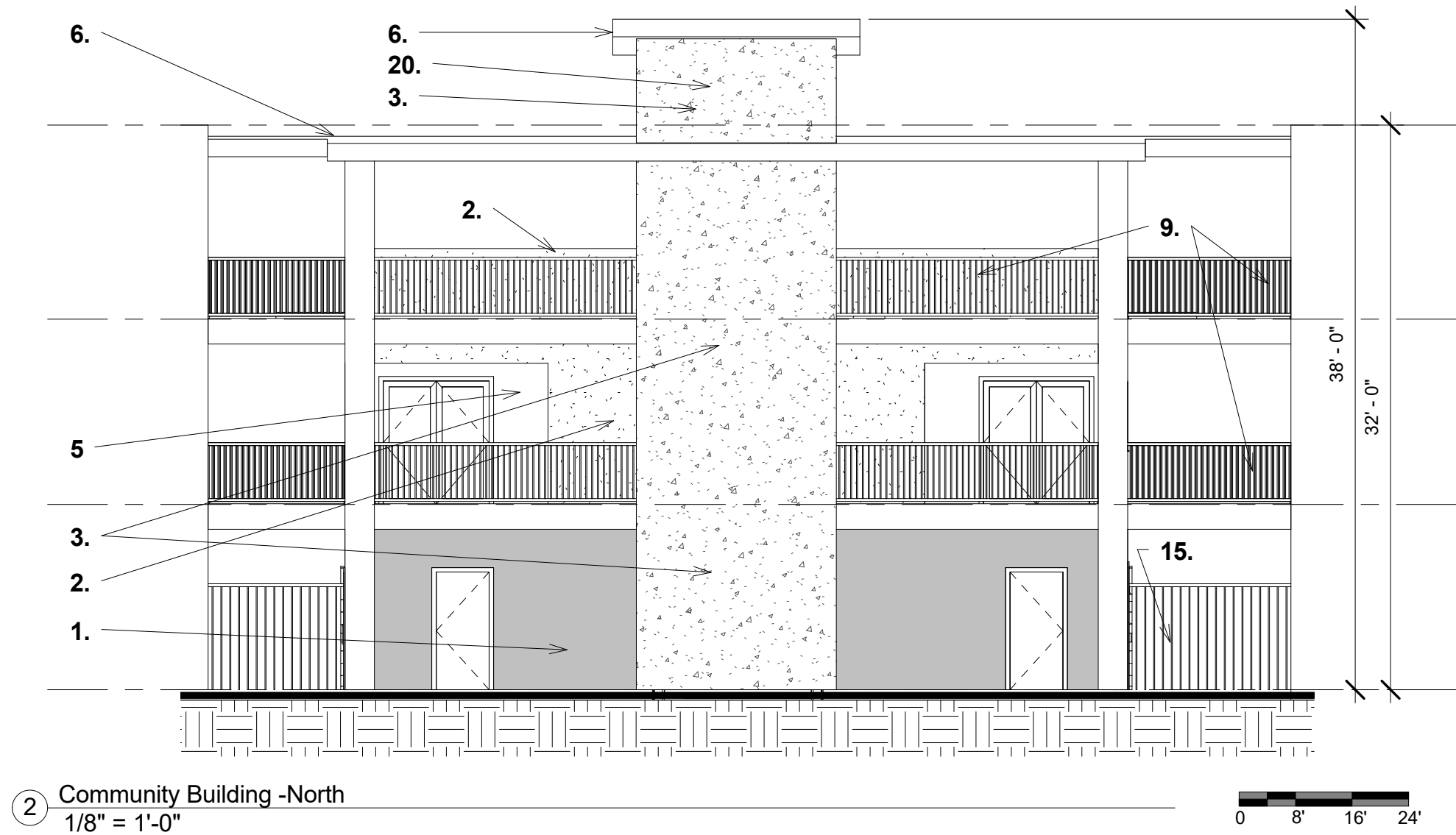
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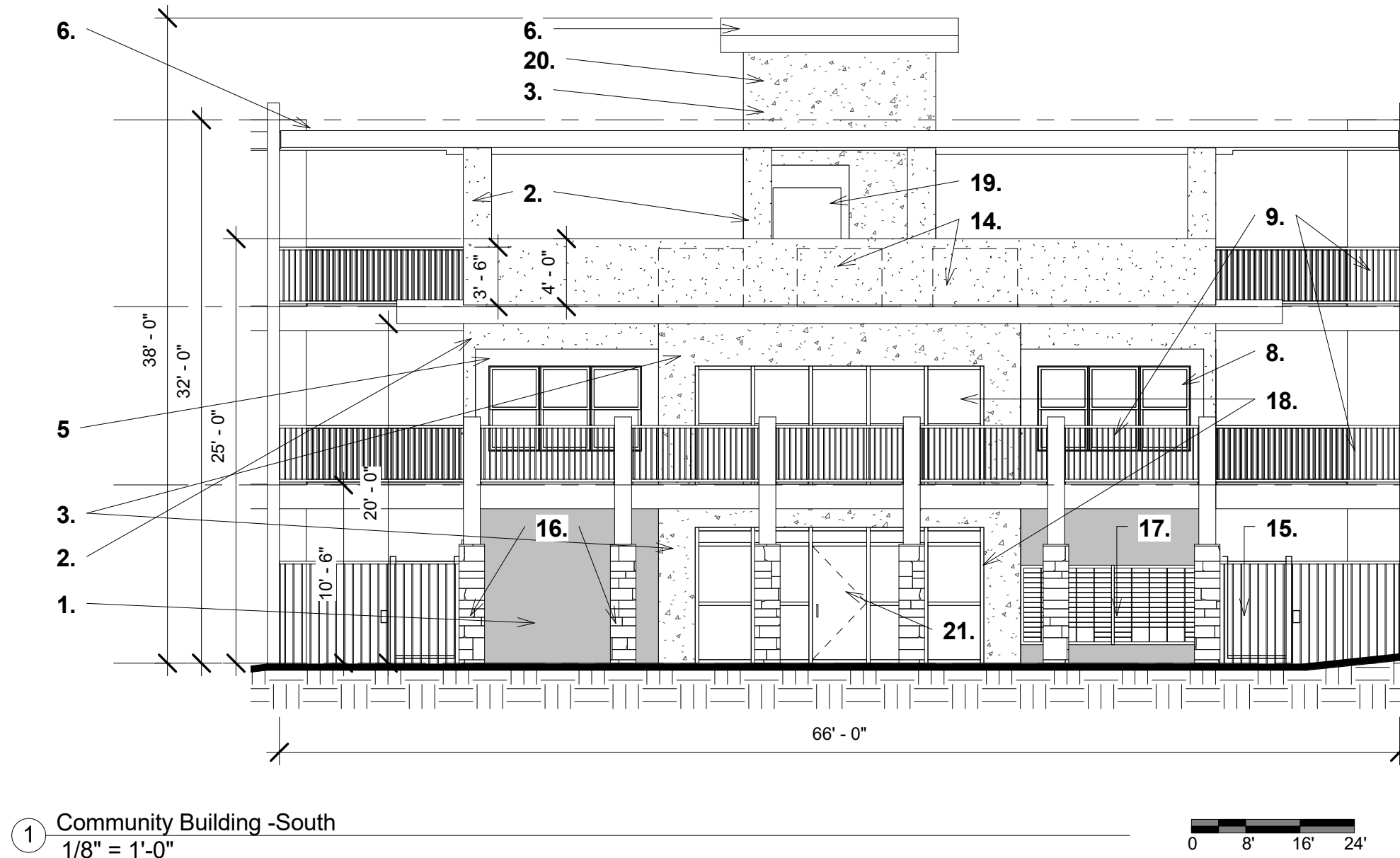
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P: 505-797-1318





② Community Building -North
1/8" = 1'-0"



① Community Building -South
1/8" = 1'-0"

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11. Painted metal gate to match railings
12. Building sign with units range
13. Roof mounted heat pump condenser units shall be pushed to middle of building so as not to be seen from street
14. Roof mounted mechanical units to be located behind screen wall
15. Painted metal security fencing and gate
16. Accent stone wrap at columns
17. Mail boxes
18. Aluminum storefront: White
19. Elevator door
20. Elevator shaft/ mechanical space
21. Information Signage on door

GENERAL NOTES:

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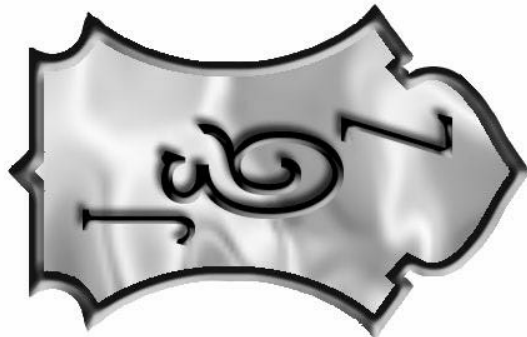
COMMUNITY BUILDING ELEVATIONS

ALAMEDA LUXURY APARTMENTS

8400 ALAMEDA BLVD., NE
ALBUQUERQUE, NM 87112

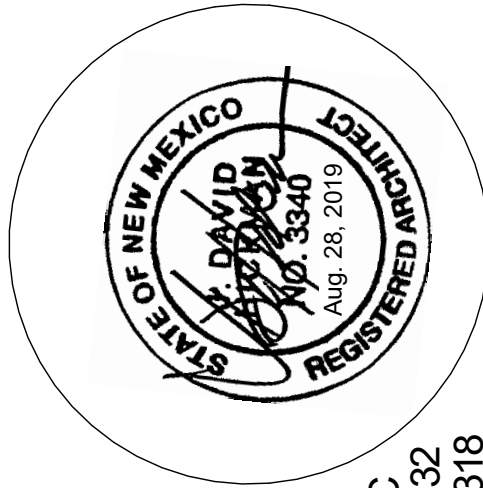
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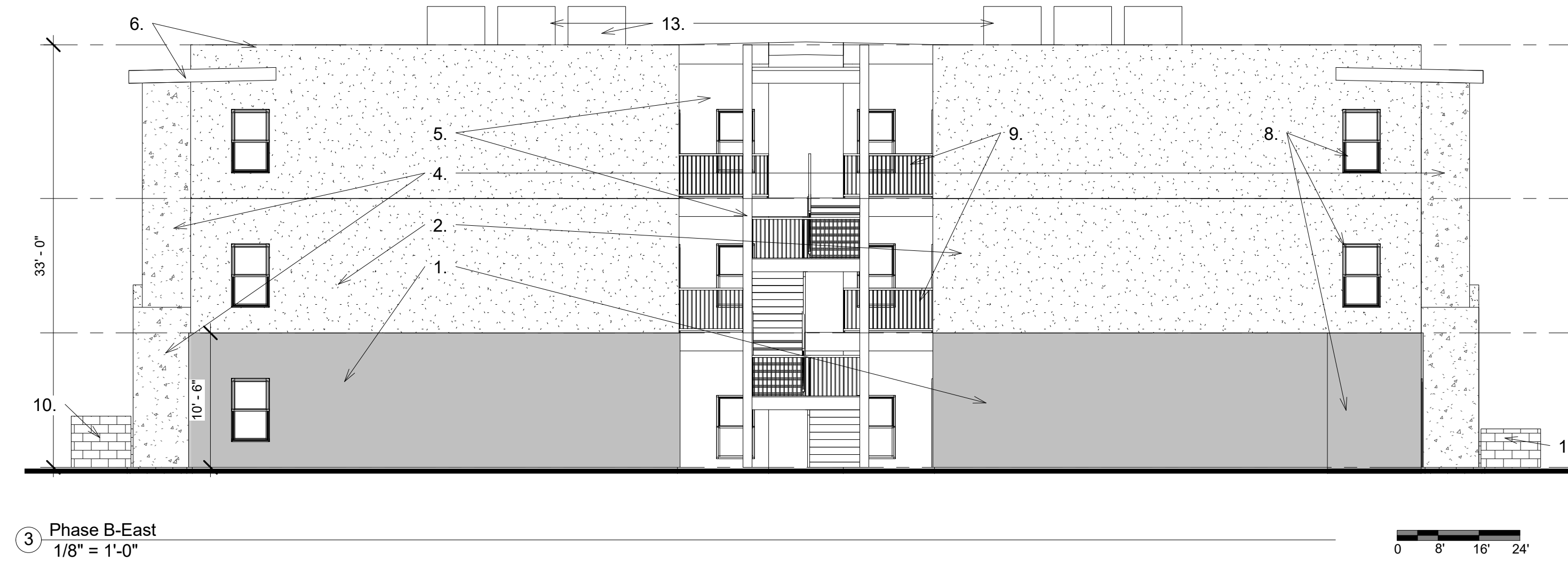
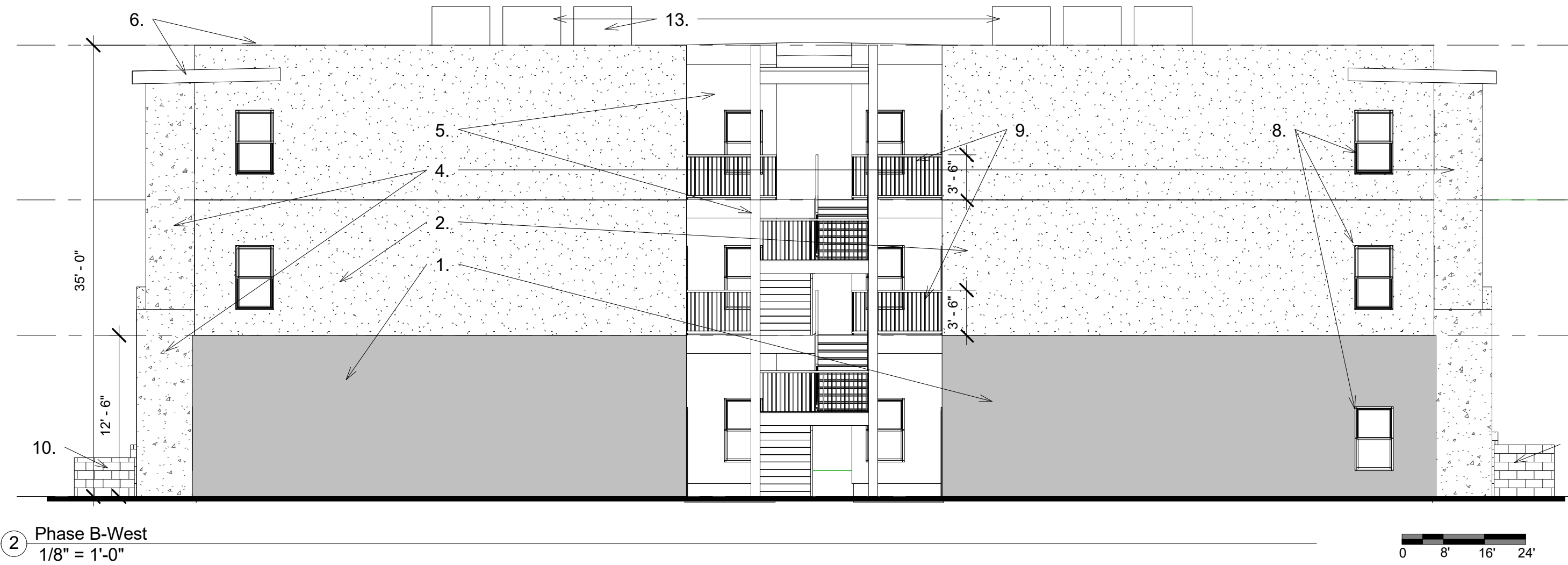
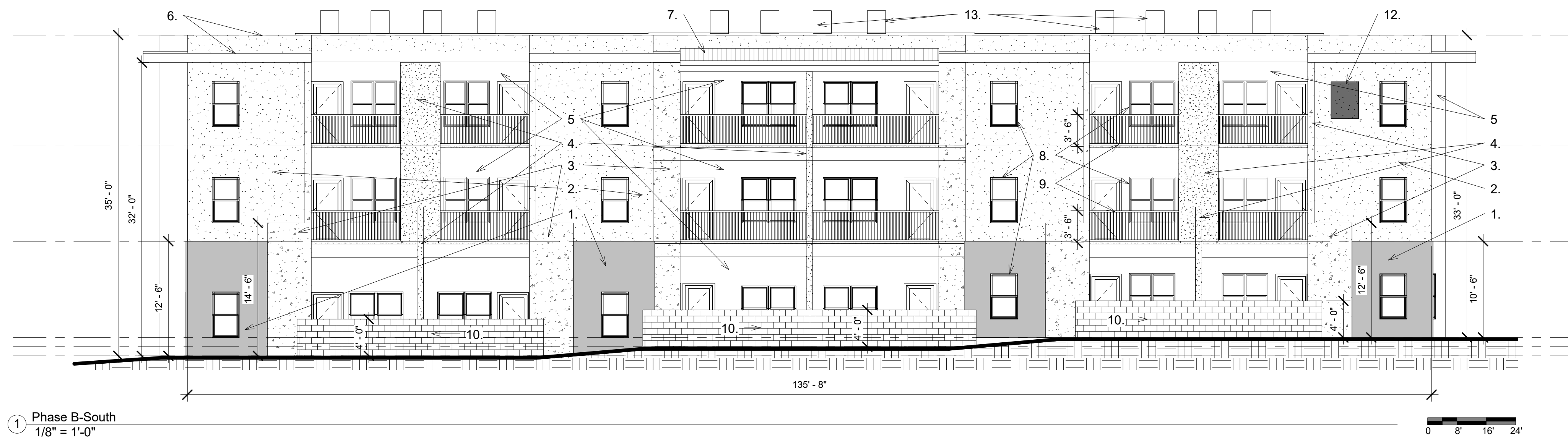


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P: 505-797-1318



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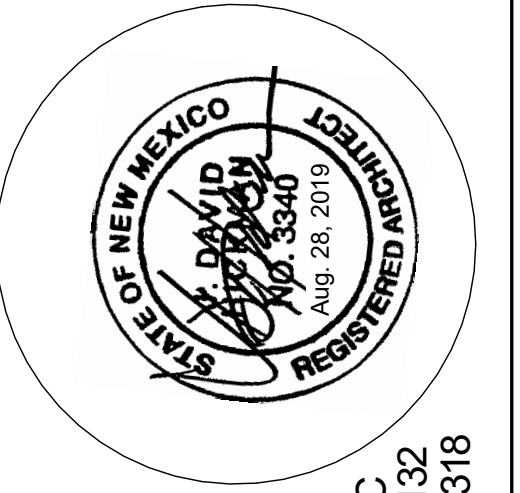


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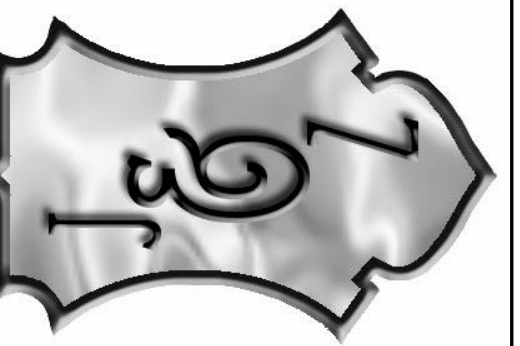
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job no:

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date:

8/28/19

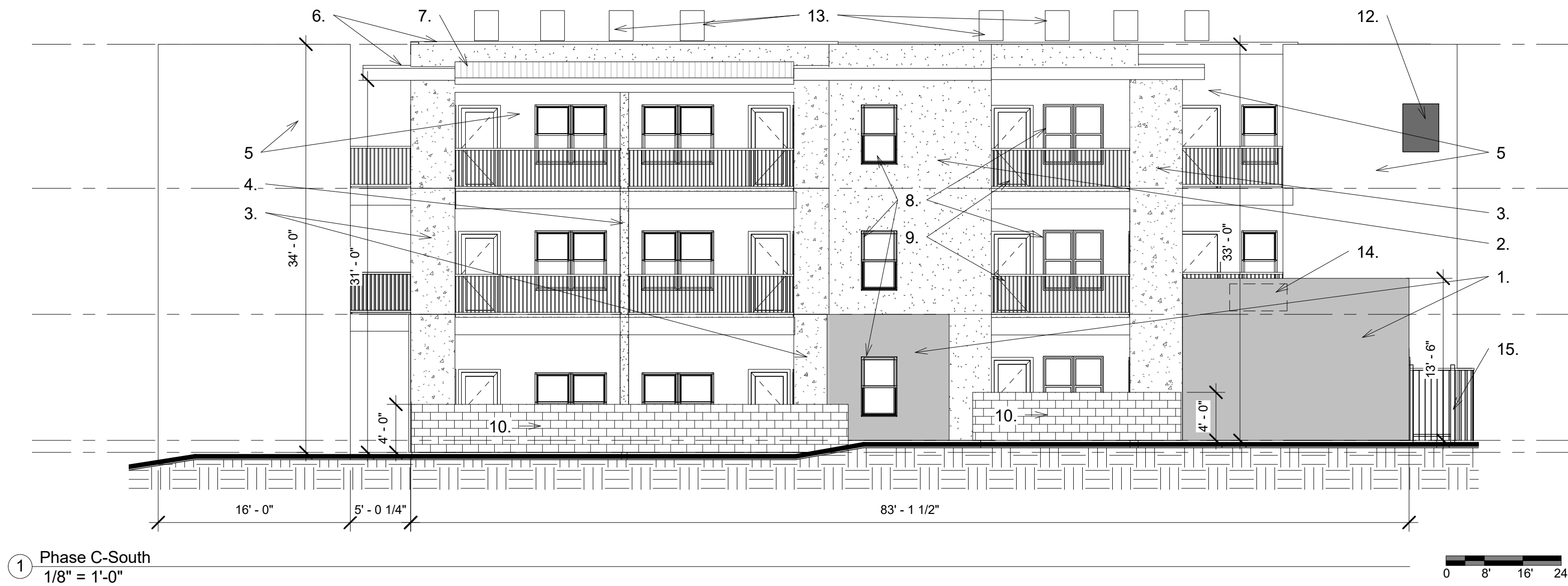
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ALAMEDA LUXURY APARTMENTS

8400 ALAMEDA BLVD. NE
ALBUQUERQUE, NM 87112

sheet no:

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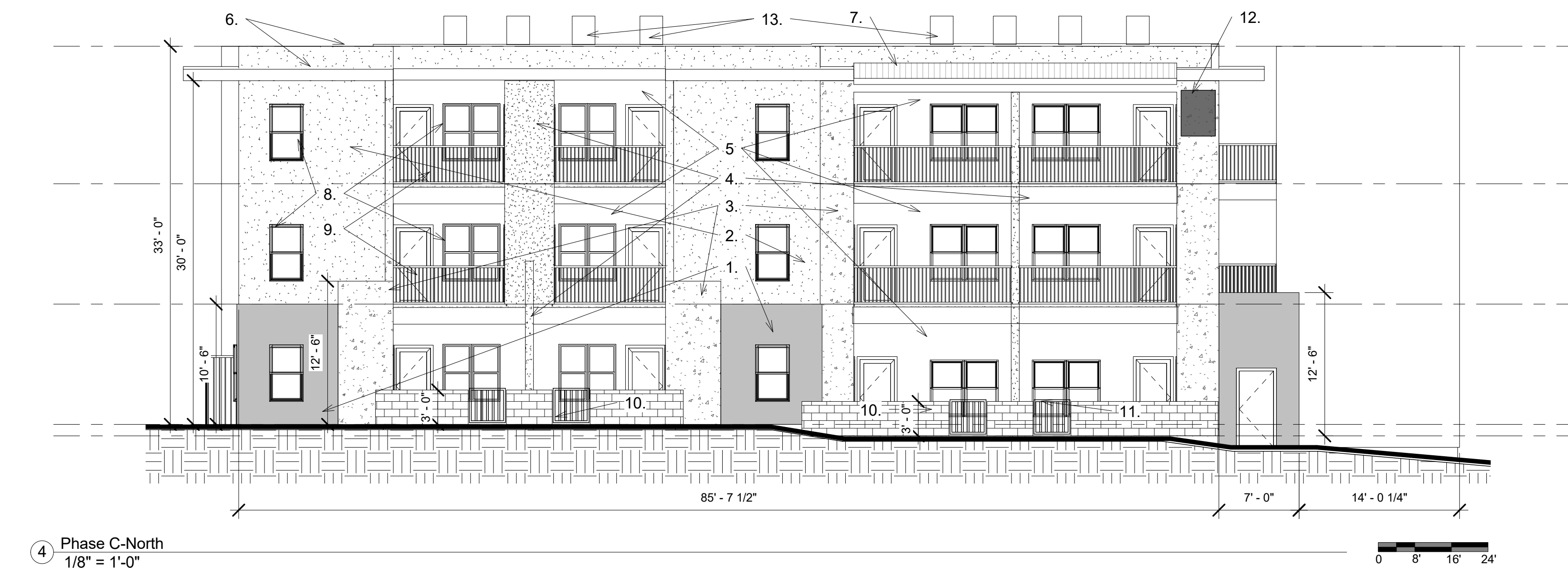
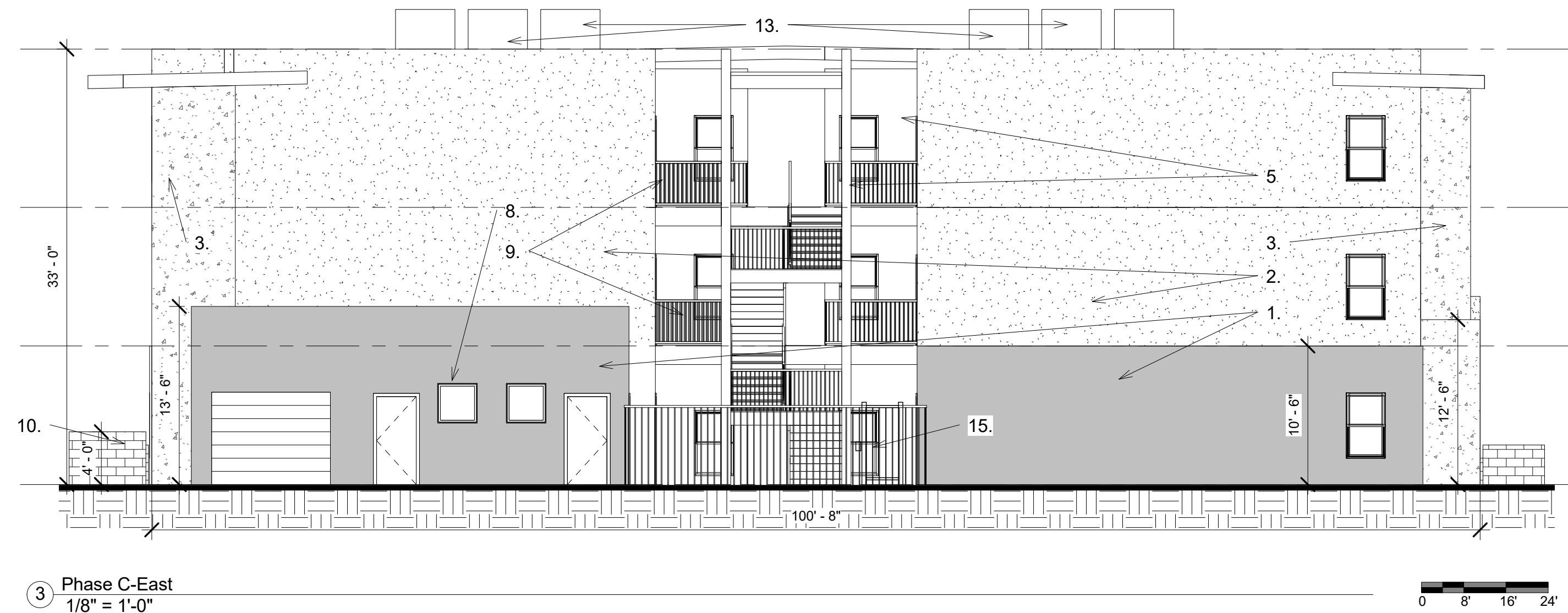
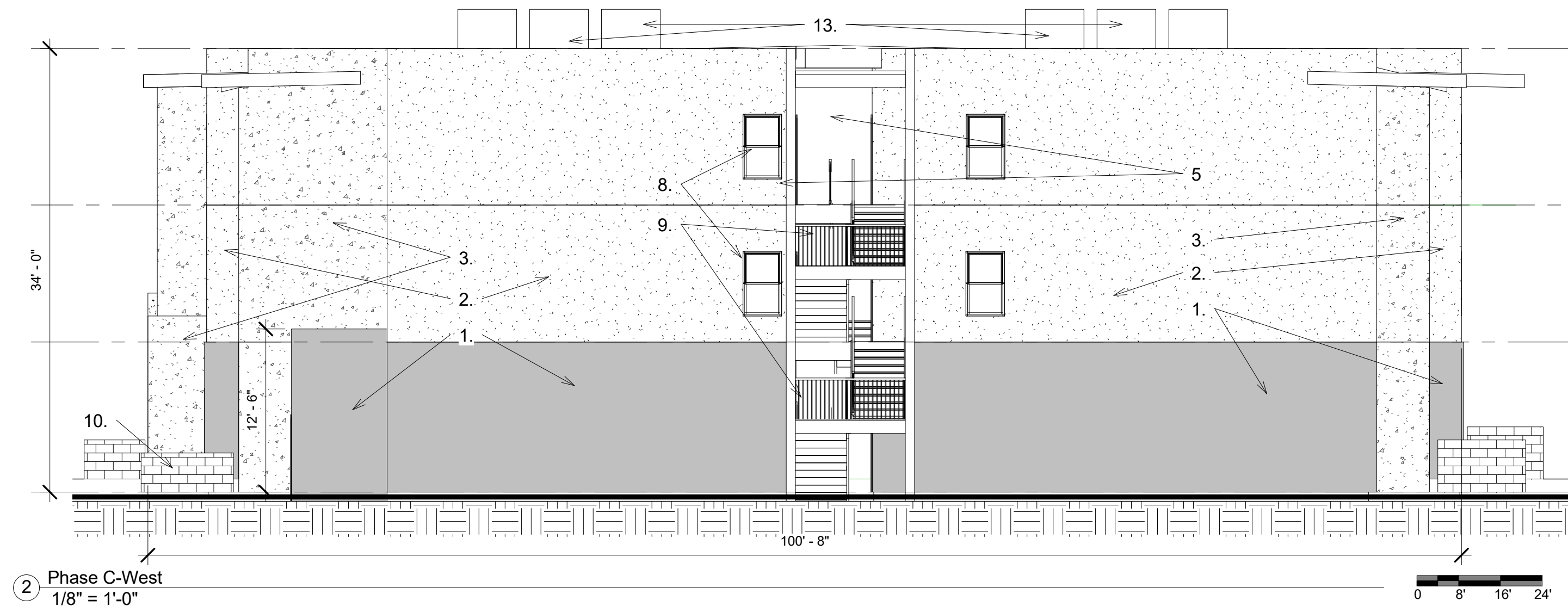


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12. Building sign with units range
13. Roof mounted heat pump condenser units shall be pushed to middle of building so as not to be seen from street
14. Roof mounted mechanical units to be located behind screen wall
15. Painted metal security fencing and gate

GENERAL NOTES:

1. ANY BUILDING MOUNTED SIGNAGE IS TO BE ACHIEVED THROUGH A SEPERATE BUILDING PERMIT IN ACCORDANCE WITH THE UNDERLYING MX-L ZONING



WWW.JEEBSANDZUZU.CO.M

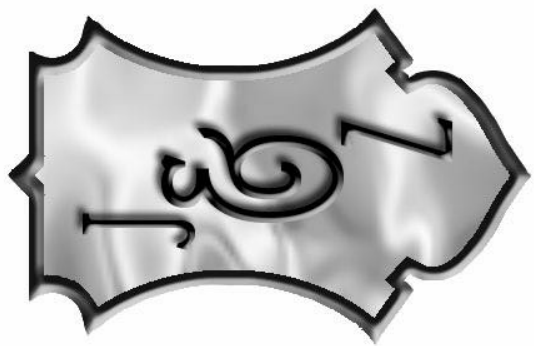
PHASE C ELEVATIONS

ALAMEDA LUXURY APARTMENTS

8400 ALAMEDA BLVD., NE
ALBUQUERQUE, NM 87112

sheet no:

7

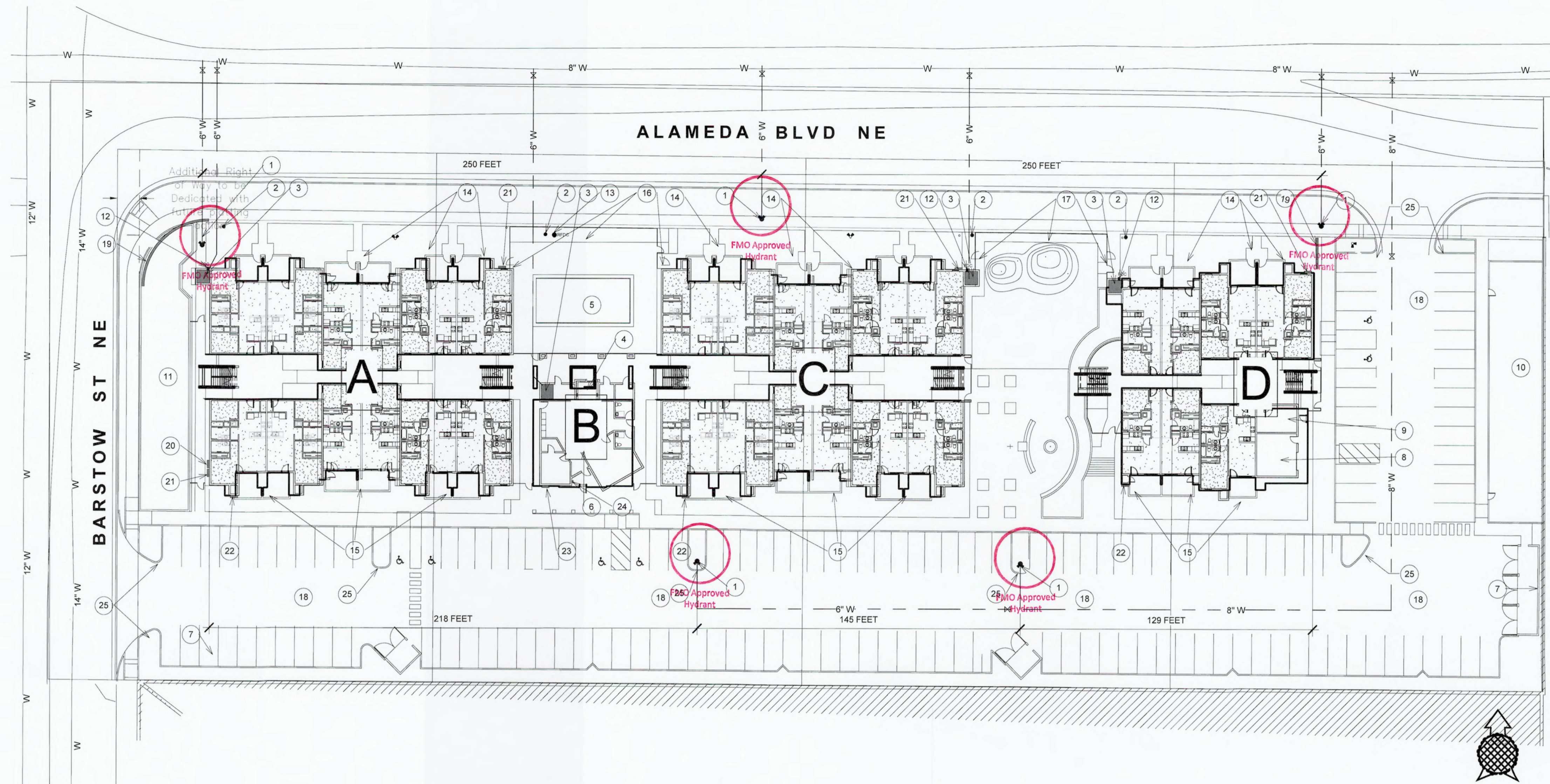


JEEBS & ZUZU, LLC.
ARCHITECTS & CONTRACTORS
MAKING HOUSE CALLS

SUITE C
11030 MENAUL NE
ALBUQUERQUE, NM 871132
P: 505-797-1318



"EASY AS PIE"



1 Fire 1
1" = 30'-0"

KEYED NOTES:

1. FIRE HYDRANT
2. POST INDICATOR VALVE
3. FIRE RISER ROOM
4. ELEVATOR
5. SWIMMING POOL
6. COMMUNITY BUILDING / LEASING OFFICE (PATIO ABOVE)
7. GARBAGE ENCLOSURE
8. MAINTENANCE ROOM
9. TENANT BICYCLE REPAIR SHOP
10. DOG RUN
11. DRAINAGE PONDING AREA
12. FIRE DEPARTMENT CONNECTION - (FDC)
13. REMOTE FIRE DEPARTMENT CONNECTION (RFDC)
14. 48" CMU PATIO WALL AND GATE
15. 48" CMU PATIO WALL (NO GATE)
16. 6" IRON POOL FENCE AND GATE
17. 6" IRON PLAYGROUND FENCE AND GATE
18. ACCESS ROAD - DRIVE AISLE: 25' ASPHALT PAVEMENT OVER 4" COMPACTED ROADWAY BASECOURSE. DRIVE SHALL BE DESIGNED AND CONSTRUCTED CAPABLE OF SUPPORTING THE IMPOSED LOAD OF FIRE APPRATUS WEIGHING AT LEAST 75,000 POUNDS. - DRIVE SHALL NOT EXCEED 10% GRADE
19. PROPERTY MONUMENT SIGN WITH STREET ADDRESS NUMBER
20. BUILDING ADDRESS SIGN
21. BUILDING LETTER SIGN
22. BUILDING LETTER SIGN WITH GROUPED UNIT NUMBERS
23. COMMUNITY BUILDING SIGN
24. KNOX BOCK FOR ENTRY TO COMMUNITY BUILDING - FIRE ALARM PANEL
25. "NO PARKING" FIRE LANE

NOTE:
ASPHALT PAVING SECTIONS SHALL BE CONSTRUCTED IN ACCORDANCE WITH RECOMMENDATIONS PROVIDED BY SOILS ENGINEER -

SEE SECTION "6.8 PAVEMENTS" FROM THE COMPLETED
"GEOTECHNICAL EVALUATIONS REPORT"
BY WESTERN TECHNOLOGIES, INC
DATED AUGUST 8, 2017.

FIRE FLOWS:

FIRE FLOW REQUIREMENTS AS PER APPENDIX B
2015 INTERNATIONAL FIRE CODE

TABLE B105.1(2) VALUES

BUILDING A:	FA= 34,017	FF = 3,250 GPM	DURATION = 3 HOURS
BUILDING B:	FA= 7,049	FF = 1,500 GPM	DURATION = 2 HOURS
BUILDING C:	FA= 34,017	FF = 3,250 GPM	DURATION = 3 HOURS
BUILDING D:	FA= 19,537	FF = 2,500 GPM	DURATION = 2 HOURS

TABLE B105.2 - (reduced flow requirements for buildings with automatic sprinkler systems)
use section 903.1.1.2

Fire Flow = 25% of the value in Table B105.1(2)

Duration = Table B105.1(2) at reduced flow rate

BUILDING A:	FF = 3,250 GPM x .5 = 1,625 GPM	DURATION = 3 HOURS
BUILDING B:	FF = 1,500 GPM x .5 = 750 GPM	DURATION = 2 HOURS
BUILDING C:	FF = 3,250 GPM x .5 = 1,625 GPM	DURATION = 3 HOURS
BUILDING D:	FF = 2,500 GPM x .5 = 1,250 GPM	DURATION = 2 HOURS

FIRE HYDRANT LOCATIONS AND DISTRIBUTION:

HYDRANT LOCATIONS AND DISTRIBUTION REQUIREMENTS AS PER APPENDIX C
2015 INTERNATIONAL FIRE CODE

VALUES FROM CALCULATED VALUE APPENDIX B

	FIRE FLOW	MINIMUM HYDRANTS	AVG SPACING	MAX DISTANCE
BUILDING A:	FF = 1,625 GPM	1	500 FEET	250 FEET
BUILDING B:	FF = 750 GPM	1	500 FEET	250 FEET
BUILDING C:	FF = 1,625 GPM	1	500 FEET	250 FEET
BUILDING D:	FF = 1,250 GPM	1	500 FEET	250 FEET

PROJECT INFORMATION:

OCCUPANCY TYPE: R2 93 UNITS
CONSTRUCTION TYPE: TYPE 5A
AUTOMATIC SPRINKLER SYSTEM: NFPA 13.R

BUILDING HEIGHT: 35 FEET MAX
NUMBER OF FLOORS: 3 FLOORS

BUILDING FIRE AREAS:
BUILDING A: 34,017 SF (gross combined all floors)
BUILDING B: 7,049 SF (gross combined all floors)
BUILDING C: 34,017 SF (gross combined all floors)
BUILDINGS D: 19,537 SF (gross combined all floors)

LOT AREA: 148,981 SF

PARKING SPACES PROVIDED:
6 HANDICAP SPACES
138 STANDARD SPACES
5 MOTORCYCLE SPACE



JEEBS & ZUZU, LLC.
ARCHITECTS & CONTRACTORS
MAKING HOUSE CALLS
SUITE C
11030 MEVALU NE
ALBUQUERQUE, NM 871132
P: 505-797-1318



job no:

drawn: EAM

checked: JDH

date: 08-6-19

ALAMEDA LUXURY APARTMENTS

8400 ALAMEDA BLVD., NE
ALBUQUERQUE, NM 87112

sheet no:

FIRE 1

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"EASY AS PIE"

INFRASTRUCTURE LIST

Current DRC
Project Number: _____

FIGURE 12

Date Submitted: 11/19/2019
Date Site Plan Approved: _____
Date Preliminary Plat Approved: _____
Date Preliminary Plat Expires: _____
DRB Project No.: 2019-002496
DRB Application No.: 2019-00044

INFRASTRUCTURE LIST

EXHIBIT "A"

TO SUBDIVISION IMPROVEMENTS AGREEMENT

DEVELOPMENT REVIEW BOARD (D.R.B.) REQUIRED INFRASTRUCTURE LIST

Alameda Luxury Apartments
PROPOSED NAME OF PLAT AND/OR SITE DEVELOPMENT PLAN

Lots 1-4, Block 4, North ABQ Acres, Tract 3, Unit 3
EXISTING LEGAL DESCRIPTION PRIOR TO PLATTING ACTION

Following is a summary of PUBLIC/PRIVATE Infrastructure required to be constructed or financially guaranteed for the above development. This Listing is not necessarily a complete listing. During the SIA process and/or in the review of the construction drawings, if the DRC Chair determines that appurtenant items and/or unforeseen items have not been included in the infrastructure listing, the DRC Chair may include those items in the listing and related financial guarantee. Likewise, if the DRC Chair determines that appurtenant or non-essential items can be deleted from the listing, those items may be deleted as well as the related portions of the financial guarantees. All such revisions require approval by the DRC Chair, the User Department and agent/owner. If such approvals are obtained, these revisions to the listing will be incorporated administratively. In addition, any unforeseen items which arise during construction which are necessary to complete the project and which normally are the Subdivider's responsibility will be required as a condition of project acceptance and close out by the City.

SIA Sequence #	COA DRC Project #	Size	Type of Improvement	Location	From	To	Private Inspector	City Inspector	City Cnst Engineer
		STD	curb and gutter	Barstow Street NE	South property line	Alameda Blvd NE	/	/	/
		6'	sidewalk	Barstow Street NE	South property line	Alameda Blvd NE	/	/	/
		28'	asphalt paving: 6' bike lane + 11' RT lane	Barstow Street NE	South property line	Alameda Blvd NE	/	/	/
		1	26'-wide Site Entry	Barstow Street NE	NA	NA	/	/	/
		STD	curb and gutter	Alameda Blvd NE	Barstow Street NE	east property line	/	/	/
		Median	curb and gutter	Alameda Blvd NE	Barstow Street NE	east property line	/	/	/
		12'	asphalt trail	Alameda Blvd NE	Barstow Street NE	east property line	/	/	/
		24'	asphalt paving for 2 eastbound lanes	Alameda Blvd NE	Barstow Street NE	east property line	/	/	/
		3	standard public fire hydrant	Alameda Blvd NE	Barstow Street NE	east property line	/	/	/
		1	26'-wide Site Entry	Alameda Blvd	NA	NA	/	/	/

SIA Sequence #	COA DRC Project #	Size	Type of Improvement	Location	From	To	Private Inspector	City Inspector	City Cnst Engineer
<div></div>	<div></div>	30"	Storm Drain	Barstow Street NE	Alameda Blvd	Oakland NE	/	/	/
<div></div>	<div></div>	24"	Storm Drain	Alameda Blvd	South curb	North curb	/	/	/
		STD	Types 'A' & 'C' inlets	Alameda Blvd	South curb	NA			

NOTES

- 1

Street Lights per City Requirements

Building fire supply lines, domestic water, and sewer services will be extended from existing mains located in Alameda Blvd
- 2

Paving improvements to include lane striping, signage, and traffic control transitions on Alameda (2 lanes to 1 lane) and south of south property line on Barstow.
- 3

Engineer's Certification for Grading & Drainage plan is required for release of Financial Guarantee.

AGENT / OWNER

NAME (print)

FIRM

SIGNATURE - date

MAXIMUM TIME ALLOWED TO CONSTRUCT
THE IMPROVEMENTS WITHOUT A DRB
EXTENSION:

DEVELOPMENT REVIEW BOARD MEMBER APPROVALS

DRB CHAIR - date

TRANSPORTATION DEVELOPMENT - date

ABCWUA - date

CITY ENGINEER - date

PARKS & GENERAL SERVICES - date

AMAFCA - date

- date

- date

DESIGN REVIEW COMMITTEE REVISIONS

REVISION	DATE	DRC CHAIR	USER DEPARTMENT	AGENT /OWNER

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CITY OF ALBUQUERQUE

DESIGN REVIEW BOARD

M I N U T E S

December 3, 2021

Agenda Item 1
Project Number PR-2019-002496
SI-2019- 00180 DRB SITE PLAN

BOARD MEMBERS:

Jay Rodenbeck, Chair
Matt Grush, Transportation
Blaine Carter, Water Authority
Curtis Cherne, Hydrology
Robert Webb, Code Enforcement
Laurie Firor, Parks and Rec

STAFF:

Nicole Sanchez, EPC Attorney
Angela Gomez, Hearing Monitor

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CHAIR RODENBECK: The development review board, for today's meeting. We will begin the December 3rd meeting of the development review board now. This is a remote or online meeting, where all participants will be on a video or audio conference. We are conducting this meeting remotely so that everyone can participate safely while we are under a public health emergency.

Please keep your audio on mute and your video off when you are not involved in the case being heard. Please note that we are recording the audio of the meeting, and since it is audio only, it will be important that you give your name each time before you begin your remarks.

We will use the chat capability of Zoom to let you know -- well, normally we will use the chat capability of Zoom to let you know which agenda item we are on. Today, we have just have one item on the agenda. So, you know, we -- we do want you to know, however, that all chat conversations are part of the record and subject to the Inspection of Public Records Act. Please keep your chat comments relevant to the meeting.

I would like now for the DRB members to introduce themselves. Water authority.

MR. CARTER: Good morning, this is Blaine Carter for the water authority.

CHAIR RODENBECK: Code enforcement, could you please introduce yourself, please.

MR. WEBB: Good morning. Robert Webb, code enforcement.

CHAIR RODENBECK: Parks and recreation.

MS. FIROR: Good morning. Laurie Firor, parks and recreation.

CHAIR RODENBECK: Hydrology.

MR. CHERNE: Yes, good afternoon. This is Curtis Cherne with hydrology. And also (inaudible).

CHAIR RODENBECK: Transportation.

MR. GRUSH: Good morning. This is Matt Grush. I'm with planning transportation

MR. RODENBECK: And I'm Jay Rodenbeck, and I will be representing planning and be the chair.

Our first order of business is to suspend the rules of the DRB to accommodate a virtual or remote meeting of the development review board through Zoom, and to allow DRB members to provide electronic signatures for some approved plats and plans after the meeting rather than during the meeting.

Is there a motion to suspend the rules for this purpose?

MR. CARTER: Blaine Carter, water authority. So moved.

CHAIR RODENBECK: I need a second.

MR. WEBB: Robert Webb, code enforcement. Second.

CHAIR RODENBECK: Thank you. And normally -- I'll just read out the note that we have in our normal proceedings note. I'm going

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to try to keep this meeting as -- as -- oh, yes. Sorry. So we got -- we need for every member to vote for the suspension of the rules of the DRB. Sorry.

MR. CARTER: Blaine Carter, water authority. I approve the motion.

MR. WEBB: Robert Webb, code enforcement. I approve.

CHAIR RODENBECK: And the DRB members.

MS. FIROR: Laurie Firor, parks and rec. I approve.

MR. GRUSH: Matt Grush, Transportation. Approve.

MR. CHERNE: Curtis Cherne, city engineer. Approve.

CHAIR RODENBECK: All right. Thank you. So back --

MS. GOMEZ: Mr. Rodenbeck.

CHAIR RODENBECK: Yes.

MS. GOMEZ: Please vote on the motion.

CHAIR RODENBECK: Oh, and I vote yes. Sorry.

So those DRB members who approve your site plan, plat and (inaudible) today will electronically sign those documents following the meeting, and electronic signatures will not happen during the meeting in order to expedite the agenda.

I will actually be routing documents, and if we have documents to be approved and signed, I will route them after the meeting.

Ms. Angela Gomez is our hearing monitor. And we don't have any changes in the agenda, Ms. Gomez, so you don't need to alert us of anything from that. And we have the agenda set for today.

We will ask any members of the public that would like to speak on a particular item to let us know when that agenda item is called. When we get to the case time for public comment, if you're on Zoom, please use the raise your hand feature. If you're on video, you can literally raise your hand. If you're on audio, press star 9.

And what I'm going to do right now, because we have a large audience, is me and Angela are going to try to get down and note who all wants to speak at today's meeting. So if you could please raise your hand, virtual -- your virtual hand, we'll get that noted.

Angela.

MS. GOMEZ: Yes, I'm getting these down, Mr. Rodenbeck.

CHAIR RODENBECK: All right. And we will -- I'm going to write these down and then we're going to both name off these names so that we've got --

MR. REGAN: Jay.

CHAIR RODENBECK: Yes.

MR. REGAN: Dan Regan here. If anybody does not know how to get your hand raised, go to the bottom, click on reactions and you'll

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find the hand raised there. Thank you. Put your cursor at the bottom and you'll see reactions.

CHAIR RODENBECK: All right. So --

MS. GOMEZ: At this point, Jay, I have William Fanning, Paul weaver and Dave Hickman and Mr. Yntema.

CHAIR RODENBECK: And then I have Mr. Strozier, is with the applicant team.

All right. Thank you very much.

And I just note -- now I'll note that if there are any technical issues, I will end the meeting and DRB will resume at 1:00 p.m. -- if there are any technical issues, I will end the meeting and DRB will resume at 1:00 p.m., using the same Zoom link and phone number.

As we -- as we begin, I will read a statement regarding the purpose of the development review board.

The DRB was created in 1982 to offer efficient considerations of technical standards, and the DRB streamlines the application process by bringing together key department staff responsible for the specialized review of projects in a form where staff and applicant meet to discuss projects and the public can ask questions, ensure input for those decisions.

In 2017, the IDO was adopted and increased the scope of site plans being reviewed by the DRB and, thus, increased due process requirements. The DRB staff members apply the standards and requirements in the Integrated Development Ordinance and development process manual.

And we will now begin with Item Number 1, that is PR-2019-002496, application number SI-2019-00180.

And now we need each member of the application team -- of the applicant team -- of the applicant team to introduce themselves, their firm and address, and get sworn in.

MR. STROZIER: Thank you, Mr. Chair. Jim Strozier with Consensus Planning, 302 8th Street, Northwest, 87102.

And I swear to tell the truth.

CHAIR RODENBECK: Thank you.

MR. STROZIER: And I'll turn it over to Mr. Vos from our office, and then we'll move through our application team.

MR. VOS: Yes, good morning. Michael Vos, senior planner with Consensus Planning, 302 8th Street, Northwest, Albuquerque, 87102.

And I swear to tell the truth.

CHAIR RODENBECK: Thank you.

MR. HICKMAN: This is Dave Hickman, from Jeebs and Zuzu. We're the architectural firm. And the address is 11030 Menaul, Northeast.

And I swear to tell the truth.

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CHAIR RODENBECK: Thank you.

MR. MCGEE: This is Scott McGee, civil engineer for the project. My address is 790 Tramway Lane, Northeast.

And I swear to tell the truth.

CHAIR RODENBECK: Thank you.

And does that conclude the applicant's team?

MR. STROZIER: Peter, do you want to introduce yourself?

I believe that Peter Lindborg is also on the call. There he is.

MR. LINDBORG: Yes, here I am.

Peter Lindborg. Address is 550 North Brand Boulevard, Suite 1830, Glendale, California, 91203.

I don't plan on testifying, but if I do, I swear to tell the truth.

CHAIR RODENBECK: Thank you.

Okay. Robert, can you bring up the -- the map? However, I can do it if you can't do that.

And we'll have the applicant team now present the project.

MR. STROZIER: Okay. Thank you, Mr. Chair. Once again, Jim Strozier with Consensus Planning.

I'll lead off with the presentation. And I do have a presentation that I would like to go through. And -- and if you all, Mr. Chairman and DRB Members, will bear with me, I -- I think it's appropriate to go through in detail this project and -- and how it relates to the IDO standards.

And with that, let's see, it looks like I need to get permission to share my screen.

CHAIR RODENBECK: I can give that to you, Jim. One second.

MR. STROZIER: No problem.

CHAIR RODENBECK: All right. You should have cohost capabilities.

MR. STROZIER: I think maybe we just need Robert to -- oh, never mind. I got it. I think I can -- all right. There we go.

UNIDENTIFIED MALE: Hey, Bill. I'm trying to do a Zoom meeting right now. I can't get the speaker to work. I've tried everything. I need your help ASAP. Please call if you are able. Thank you.

CHAIR RODENBECK: Whoever that is, please could you mute your mic, please. Thank you.

MR. STROZIER: All right. Thank you. Can everyone see my screen?

MS. GOMEZ: Yes.

CHAIR RODENBECK: Yes.

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MR. STROZIER: Excellent. Once again, this is Jim Strozier with Consensus Planning.

All right. Quick project overview, this is a request for 94,620-square-foot apartment complex, including two 34,000-square-foot residential buildings and a 19,537-square-foot residential building and a 7,049-square-foot community building, with open spaces, a dog park, pool and picnic area.

The site is located at the southeast corner of Alameda Boulevard and Barstow Street, Northeast, and it's zoned MX-L, which is mixed use, low intensity.

The project contains a maximum of 93 dwelling units. The maximum building height is 35 feet, which includes three stories. And the project is proposed to be constructed in three phases.

Just a quick review of the preapplication steps that were completed as part of this project.

In September of 2018, we prepared a Fire One plan for review and approval by the fire marshal's office. The approved plan was submitted as part of the application. The water and sewer availability statement by the water authority was issued in November of 2018. We sent notifications to the neighborhood associations and coalitions, per the IDO requirements.

In April of 2019, also, the neighborhood associations requested a meeting, and that meeting was scheduled through the city's ADR program. The facilitated meeting was held on 21st of May 2019.

The grading and drainage plan was submitted to hydrology, and along with -- and the signed BRWS form was included in the application, and that was in June of 2019, the 10th.

And then, on the 17th of June, we attended the required preapplication meeting with city staff to discuss the proposed development and applicable submittal requirements. And the notes from that PRT meeting are included in the application.

The applicant provided notice, as outlined in the IDO, Table 6-1-1. The applicant notified property owners within 100 feet, and the affected neighborhood associations and coalitions. And then -- and that was done via mail and electronic e-mail. Evidence of the mailing and e-mails were supplied as part of the application and as part of the documentation for this remand hearing.

Signs were posted on each street frontage, as required. And a second facilitated meeting was requested and held on July 8th of 2019, also consistent with the IDO.

Consensus Planning is authorized agent for the property owner and submitted the application in accordance with the IDO Section 6-4(E)(1)(a).

The application for this project was submitted to the City of Albuquerque and accepted for review on June 17th, 2019, per the IDO Section 14-16-6-4(F), application materials, and Section 14-16-6-4(H), application completeness.

The application included all applicable forms and related information required by the city for a site plan BRB, as listed on form P-2, found on the city's website, in sufficient detail and readability to evaluate the application for compliance with

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the IDO.

IDO Section 6-4(H)(3) requires that the city notify the applicant of incompleteness within five business days after receiving the application. No notification in the required time frame justifies the determination of completeness by June 24th, 2019.

The application was scheduled for a DRB meeting on July 17th, 2019, and under IDO Section 6-4(H)(4), scheduling of a hearing before a review body, implies a determination of completion -- completeness.

The city notified the applicant on June 27th, eight business days after the application, that a second letter of authorization from the Matoni Family Trust was required to proceed with further review. This letter was submitted to the DRB on July 11th of 2019, which is the latest date that it could be considered for application completeness.

All right. So the standards and criteria that were in effect and -- and what this application was reviewed based on -- so once again, July 11th, 2019, would be the -- 2019, would be the latest date that it could be considered for application completeness. And per the IDO Section 1-10(B), any application that has been accepted by the city planning department as complete prior to the effective date of this IDO or any amendment to this IDO shall be reviewed and a decision made based on the standards and criteria in effect when the application was accepted as complete.

In IDO Section 1-6(A), the standards and regulations in this IDO applicable to specific zone districts or overlay zones apply to the areas of the city shown with those zone districts or overlay zones on the official zoning map.

To the right on this -- on this slide, you can see the zoning as it was in effect on -- and mapped on July of 2019.

This request is being reviewed under the May 17th, 2018, effective version of the IDO, including but not limited to the zone districts identified on the official zoning map.

The subject property is zoned MX-L. Once again, this -- the zone atlas page was part of the application that was submitted. The abutting property to the south at that time was zoned MX-T, allowing both commercial and residential uses at the time the application was deemed complete. And so the subsequent rezoning of the Durans' property to R-1B in September of 2019 has no impact on this application.

Multi-family residential is a permissive use in the MX-L zone. I won't spend a lot of time on this. Some of the use-specific standards are -- and I'll go through these as quickly as I can, but I think it's important to document as part of this presentation, one tree is required for first and second floor dwelling units. From the landscape plan, there was a requirement of 62 trees; based on that, there's 75 provided.

There -- there are additional requirements that would affect properties west of the Rio Grande, which this property is not -- is not, so that does not apply.

Dimensional standards are found in the Table 5-1-2 in the IDO in the useful open space requirements. This project actually provides more than three times the minimum requirement. This is information provided on the site plan, and there's 21,450 square feet required and over 77,000 square feet provided.

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The dimensional standards, another critical part of evaluating the project based on the IDO with setbacks front, interior side, street side and rear setbacks are all provided on the table here. So 5 feet for the front is required. There's 12 feet, one and a half inches provided. The interior east side yard is required to be zero feet, plus or minus 100 feet. The street side, the west side of the project, is required to have a 5-foot setback. There's a 23-foot -- over 23-foot of setback on that side. The rear si required to have a 15-foot setback, and it is approximately 48 feet to the carports. And then even further to the actual buildings, themselves.

Dimensional standards in the MX-L zone allow 35 feet of height, and the proposed project varies between 33 and 35 feet, based on the grading at each facade, and this is included as part of the application materials.

The clubhouse building does include an elevator housing and mechanical space that is 38 feet tall, but that is exempt from the height limits for primary buildings per IDO Table 5-1-4. And that is also shown on -- on the slide. Elevator housing, mechanical equipment and related screening is exempt from height limits for primary buildings.

There are no sensitive lands related to this property. We can see on the map provided that the -- the floodplain is to the north and east of the site. The site is less than five acres, so no archaeological certificate was required per Section 5-2(D)(1). The site does not abut the La Cueva channel, which is identified as a major arroyo, to 5-2(E) does not apply.

Access and connectivity, project will comply with the Americans with Disabilities Act, 5-3(C)(1).

The applicant is dedicating right-of-way and provided for expanded roadways to include sidewalks, bicycle lanes and multi-use trail, consistent with the city's complete streets policies, 5-3(C)(2).

Driveways will comply with DPM standards, 5-3(C)(3).

Perimeter sidewalks are provided and are on the infrastructure list. 5-3(D)(2) does not apply because residential development is proposed.

Pedestrian connections are being made to both Alameda and Barstow street frontages as required in 5-3(D)(3).

A trail is being dedicated and built along Alameda and placed on the infrastructure list, 5-3(D)(4).

And 5-3(E) does not apply because this is not a new subdivision request.

Regarding parking and loading, another critical component of -- of the site plan, per Table 5-5-1, 1.5 spaces are required for each dwelling unit. That would require 139 spaces. Once again, that calculation is rounded down per IDO Section 5-5(C)(1)(c), and 150 parking spaces are required. So 11 above what is required.

There is a comment, and we can discuss this when we get to Mr. Grush's comments about the accessible parking spaces. The site plan that -- that is before you indicates that five accessible parking spaces are required, and six are being provided. I know that's an item that we will -- we will want to

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discuss in more detail.

Per Section 5-5(B)(1), as a residential use, the project is excepted from providing motorcycle spaces, however, the site plan and the applicant is voluntarily providing five motorcycle spaces. Four would be required if the project was not exempted.

Per Table 5-5-5, bicycle parking is required 10 percent of the required off-street parking spaces, 15 spaces, 24 bike rack spaces, plus a minimum of ten indoor bicycle storage spaces are provided on the -- with this project.

Landscaping and buffering, minimum of 15 percent of the net area shall be landscaped, more than two times that amount. So the requirement is a little over 15,000 square feet, and the site plan provides over 33,500 square feet of landscape area. High water turf is limited to 10 percent of the required landscape area, and we are about half of that with this -- with this site plan.

Thirty-two street trees are provided along both street frontages, as required. The edge buffer landscaping, the abutting property to the south was zoned MX-T at the time the application was deemed complete. The edge buffer requirements for multi-family residential development apply to subject sites that abut exclusively low density residential properties, and those are R-A, R-1, R-MC or R-T. And the subsequent rezoning of the Durans' property to R-1B in September of 2019 did not impact this application, since that was done after the application was deemed complete. So based on that, the edge buffering requirement does not apply.

Subject site and abutting lots are all designed -- designated areas of consistency by the ABC Comprehensive Plan, so IDO Section 5-6(E)(5) does not apply.

Per Section 5-6(F)(2), 15 percent of the parking area shall be landscaped with one tree per ten parking spaces. The landscape plan provides that information, and 15 trees are required and 15 parking lot trees are provided.

Rooftop mechanical equipment is required to be screened when viewed from 5 feet above ground level at each property line. And there was an analysis done. The cross section provided demonstrating compliance with that requirement, as well.

The solid waste enclosure locations are located in compliance with the IDO to not be visible from the adjacent streets, city parks and trails, or from the adjacent properties to the maximum extent practicable. The site plan has been reviewed and approved by solid waste department.

I know, Mr. Rodenbeck, that the one that we submitted was a clean version of the site plan, and we apologize. We should have provided the solid waste approved copy, as well. But that's up on the screen.

Walls and fences and outdoor lighting. Wall heights are intended to comply with Section 5-7. Yard walls at each ground floor unit facing Alameda Boulevard are compliant with the 3-foot maximum height for front yard walls. I know we will talk a little later about comments regarding the fences that have been -- especially, I believe in particular, the fence proposed in front of the pool area along Alameda.

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Proposed lighting will comply with Section 5-8. 20-foot tall light poles are allowed in mixed-use zone districts per Table 5-8-1. And 18-foot tall lights are proposed. And there's a detail provided on sheet DRB 1.1.

Neighborhood edges, there's a lot of text on this slide, but in -- with the neighborhood edges is a provision in the IDO that addresses protected lots. And protected lots are defined as those lots in the R-A, R-1, R-MC or R-T zone district. Since the abutting property to the south was zoned MX-T at the time the application was deemed complete, there are no protected lots adjacent or abutting this property.

The lots north of Alameda were zoned R-1D, and the lots west of Barstow were zoned R-1B at the time of the -- that the application was deemed complete and are considered protected lots. The subject site is considered a regulated lot as being adjacent to these protected lots. The proposed Alameda Boulevard right-of-way is 124 feet wide, so the proposed buildings are located far enough south of the R-1D lots to comply with the building height step-down requirement in IDO Section 5-9(C)(1). The proposed Barstow street right-of-way is 80 feet wide. When combined with the 23 -- over 23-foot building setback from the west property line, the proposed Building A is located far enough east to comply with the building height setback requirement, as well. Once again, that's a total of 103 -- little over 103 feet separation from the R-1B lots across the street to the west.

Building design, this site is zoned MX-L, so Section 5-11(E) is the applicable building-design section. The applicant has created a clear distinction between the ground levels and additional levels, with differing wall color and three-dimensional base treatment. Windows on the upper floors, pedestrian entrances and canopies over windows are provided along each facade facing a public street. Any facades longer than 100 feet include three-dimensional base treatment, changes in color or privately owned art and mural project proposed at the west end of Building A at Barstow.

Signs. The building elevation show conceptual wall-mounted property sign, Keynote 15, to be separately permitted. All signage to be in accordance with the underlying MX-L zoning. Wall signs are limited to 10 percent of each facade area, inclusive of door and window openings. And a free-standing sign is located at the corner of Alameda and Barstow. Two total free-standing signs are allowed on zoning in length-of-street frontages. MX-L generally allows up to 100 square feet of signage, and up to 18 feet tall.

However, this site is located in the La Cueva small map area. As noted in the comments, the wall signs are prohibited on facades facing abutting residential zone districts. That would be to the south. None are proposed. Free-standing signs must be monument-style signs, and they're limited to 50 square feet and up to 8 feet tall, which supersedes the general MX-L standards. Once again, there's a comment about this.

This sign is -- appears to be slightly larger, at 60 square feet, than what is allowed and will need to be -- the design will need to be clarified to show compliance with the small area regulations.

The traffic-impact study was not required because trip generation does not meet the requisite thresholds. And I believe that is also provided in Mr. Grush's comments today. No deviations to any development standards are being requested with this

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application. An infrastructure list is included with this application and provides for infrastructure improvements, and extensions along the frontages of the subject site, consistent with IDO Section 6-4(Q), and the site will be developed in three phases, as shown on sheet DRB 1.2. The site plan DRB will be valid for five years or until 75 percent of the required drainage infrastructure or first phase of development is complete, unless extended in accordance with 6-4(W). Any future amendments shall follow IDO Section 6-4(X) or provisions for that, if necessary.

Site plan DRB applicability and procedure. The request includes a maximum of 93 dwelling units, major public infrastructure, which exceeds the applicability requirements for approval of the site plan administrative. So that's why this is being considered a site plan DRB per IDO Section 6-6(G)(1). This site plan is proposed for four legal lots of record, which are being consolidated by separate action to create a single tract for this development. And the site is not zoned NR-SU, PD, or located adjacent to major public open space that would otherwise require this site plan to go to the EPC.

So once again, just clarifying, that's why this is being considered site plan DRB, in accordance with the IDO.

Planning staff has reviewed the application and provided a recommendation and comments to the DRB. Applicant has responded to all the staff comments that we've received throughout this project, and we'll continue to do that based on comments received today.

The DRB is conducting a public hearing today to make a decision on the application pursuant to all applicable provisions of the IDO. No conditional uses, deviations or variances are necessary for approval of this application. And that is related to 6-6(G)(2), (C), (D) and (E) in the IDO.

The DRB review and decision criteria are identified in the IDO and that is -- and there are three of them. 6-6(G)(3)(a), the site plan complies with all applicable provisions of this IDO, the DPM, and other adopted city regulations and any conditions specifically applied to development of the property in a prior permit for approval affecting the property. And specifically the height, parking, open space, landscaping and facade meet or exceed the IDO requirements, and then there are not any prior permits or approvals affecting this property.

Criteria B, the city's existing infrastructure and public improvements including not limited to its street, trail, drainage and sidewalk systems have adequate capacity to serve the proposed development, and any burdens on those systems have been mitigated to the extent practicable.

This site has access to a full range of urban services, including utilities, roads, emergency services. The ABCWUA issued an availability statement for the site. Traffic-impact study was not required, but the applicant has committed to street improvements for Alameda and Barstow.

Grading and drainage plan for the entire site has been approved by city hydrology. Further, the infrastructure list associated with this development includes improvements that help mitigate the burdens on these systems to the extent practicable.

The site plan mitigates any significant -- this is Criteria C. The site plan mitigates any significant adverse impacts on the surrounding area to the maximum extent practicable. The proposed

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buildings are set back approximately 90 feet from the residential development to the south. The minimum required setback is 15 feet, in accordance with 14-16-2-4(B)(1).

The site has landscaping around the perimeter, on-site landscaping, usable open space exceeding the minimum requirements. The required landscape is also double what is -- what is required and three times for the usable open space.

And I believe that concludes my presentation.

I would like to -- I believe that both Mr. Hickman and Mr. McGee are sworn in as part of this, but I would like them to, if -- if it's okay, Mr. Chair, have them introduce themselves and provide as licensed -- as the licensed architect for the project and licensed civil engineer for the project, just introduce themselves and reiterate what their role and responsibilities were relative to the site plan and the drawings that are being considered today.

CHAIR RODENBECK: This is the chair. That will be fine. I just want to make sure everyone was sworn in that will be speaking.

MR. STROZIER: Yes, I believe that they were.

CHAIR RODENBECK: Okay. Whoever wants to go first can go first.

MR. HICKMAN: I'll go first. My name is Dave Hickman. I'm the architect on this project.

We started this project in, gosh, 19 -- feels like 1919. Could have been 2017, 2018, 2019. It was very iterate. We've met with the neighborhood associations numerous times, met with the DRB numerous times. And we received lots of comments and questions and worked very diligently to try and address those comments.

The project -- I know there was some comments from this review, and we'll be happy to go through those as we go through the project.

But generally, I think that the project has done a good job not only at addressing the IDO, but really addressing what the underlying concerns of the neighborhoods are. And I know that they probably won't feel that way, but by moving the buildings closer to Alameda, that provides a much greater buffer to the neighborhood -- to the properties to the south.

You know, we've addressed the street on the Alameda side, which is good public planning, and adjusted so that we have really as much buffer around the -- the buildings as we can provide. But I think we've worked hard to try and address the comments and concerns that have been raised.

MR. STROZIER: Thank you, Dave.

Scott.

MR. MCGEE: Yeah.

Mr. Chair, this is Scott McGee, the civil engineer for the project. I prepared the conceptual grading and drainage plan, which has been approved by hydrology and approved the utility plan. I've also prepared the infrastructure list, citing all the infrastructure items required for the development and have worked hard, like Dave said, on this project for the past couple years.

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CHAIR RODENBECK: Thank you.

MR. STROZIER: And that concludes our presentation, Mr. Chair. Thank you very much.

CHAIR RODENBECK: All right. Thank you.

Now members of the public may -- well, we've already got a list of public members who have indicated they wish to speak. And I'm going to first go through those public members -- members of the public who have already indicated they wish to speak.

Anyone out there who changed their mind about speaking or joined the meeting after we did a roll call of members wanting to speak, I -- everyone will get a chance to speak.

I'll start with Mr. Yntema first. And I'll need to swear you in, sir.

MR. YNTEMA: Yes.

CHAIR RODENBECK: All right. Thank you.

(Witness sworn.)

CHAIR RODENBECK: You may speak.

MR. YNTEMA: Mr. Chair Rodenbeck, my name is Hessel Yntema, the Third. My address the 215 Gold Avenue, Southwest, Suite 201, Albuquerque, 87102. I'm lawyer for the opponents listed in the letter dated November 18th, 2021. Also I've submitted 34 exhibits.

I request that the DRB confirm that my letter and the 34 exhibits are included in the record for this meeting.

Some of the opponents have submitted their own letters and materials, which we request be included in the record. The opponents also request that they be allowed to cross-examine witnesses in this meeting. Please send us a copy of any DRB decision in this matter.

We'd ask that Mr. Strozier's presentation and slides also be part of the record. And it certainly would have been helpful to have those beforehand.

Briefly, to highlight some of the opponents' issues, and I'm going to go through seven points, first the DRB is not a proper quasi-judicial forum for this remand hearing because the city council has not enacted a quasi-judicial process for this type of DRB approval.

The IDO, whether using the 2018 version or the 2020 version, the city's Administrative Instruction 8.2 setting up the DRB and the DRB's own bylaws, indicate at that time DRB is not authorized or intended to be a quasi-judicial decision-making body.

The DRB has not historically acted as a quasi-judicial decision-making body, as the DRB does much of its business outside the hearing, without a proper record, with numerous ex parte communications, and is effectively controlled by the planning department.

It does not appear that the DRB, as of today's meeting, has been properly constituted under the DRB rules.

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The site plan approval for -- in this -- site plan decision in this matter requires an impartial quasi-judicial forum. The meeting today is premature and should be vacated until an appropriate quasi-judicial process is established under the IDO.

2, deferral is appropriate because the record on the city's website record is not comprehensibly ordered. The links on the public meeting notice, as best counsel can determine, that's me, do not lead to the record. The record should be ordered chronologically and numbered so interested parties can locate documents in the record, should be indexed. The record should be easily available for review by the public before the hearing.

It appears that some of the submissions from neighbors opposing the project as planned are not in the record. There does not appear to be a planning staff report -- planning department staff report and recommendation for the remand hearing.

3, the latest 2020 version of the IDO should apply for this decision process, not the 2018 version of the IDO, because the IDO is a legislative enactment which applies to all pending development applications. The first instance quasi-judicial body for this matter should make the determination as to which version of the IDO applies. If the DRB determines that the 2018 version of the IDO applies, then the DRB should also address whether Resolution 2019-035 applies for the application.

Number 4, the planning director for has never determined that the Alameda Luxury Apartments application was complete. The applicant argues that the application should be quote, deemed, unquote, complete on July 24th or July 11th or various different dates. However, the IDO, both versions, require a determination of completeness, not a, quote, deeming, unquote, of completeness.

The determination of completeness is important because the IDO, at least under the application's -- applicant's interpretation, purports to change and establish rights and entitlements on the subject property and adjacent properties upon that date.

If the IDO changes and establishes property rights and entitlements on a particular property by a determination of completeness of an application, that determination of completeness is effectively a quasi-judicial decision in which the neighboring property owners and the public are entitled to prior notice, a quasi-judicial hearing and the right to appeal.

5, the neighborhood edges down and other requirements of the IDO apply to this project and they require those -- those provisions require a reworking of the site plan. The neighborhood edges provisions apply because there are several Tierra Morena lots abutting the lot that are currently zoned R-1B. And their legislative rezonings were contemplated by the IDO and are effective against all city properties as legislation.

Ms. Duran's property at 8419 Tierra Morena, Northeast, was rezoned to R-1B at of September 8, 2019. A major problem with the applicant's interpretation that its right and entitlements were fixed as of July 11th, 2019, or whatever other date the applicant is going to put forth today, is that under that interpretation, the city council gives up its authority to make legislative decisions which are effective across the board to pending applications.

In summary, the neighborhood edges provisions apply because there has not been a quasi-judicial determination of completeness of the application, and also because legislative enactments, such as

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the legislative rezonings of Tierra Morena lots apply to a pending development application under New Mexico law.

6, the subject project for 93 apartments should be rejected because it's way too intense for the neighborhood. Even the developer concedes the project is quote, moderate density, unquote, in its submission of the site plan. A moderate density project should not be authorized in the MX-L zone because MX-L ostentatiously is for, quote, low intensity, unquote, development.

The site plan also violates the area of consistency provisions because its size, facing and colors are inconsistent with the area's zoning and existing development.

7, regardless of other issues, the subject property has significant adverse effects on the neighborhood with regard to density, privacy, odors, noise, traffic, lighting, use, color and quality of life. And those and other problems, those impacts, should be mitigated to the maximum extent practicable or possible, pursuant to the IDO. A traffic study would be helpful and appropriate.

In conclusion, the DRB should decline to act on this application until the city council establishes by legislation a quasi-judicial process to determine the completeness of an application if that determination of completeness is to change and establish the subject property's rights and entitlements.

And the city council also should establish a quasi-judicial process for review and approval of this type of site plan.

If the DRB chooses to act on the application, the DRB should apply the neighborhood edges provision and use its discretion to protect the neighborhood to the maximum extent possible.

Thank you.

CHAIR RODENBECK: Thank you, Mr. Yntema.

So in response to these comments, Ms. Nicole Sanchez is our DRB counsel.

Ms. Sanchez, are you out there? There you are. Do you want to respond to Mr. Yntema -- any of Mr. Yntema's comments at this time.

MS. SANCHEZ: This is Nicole Sanchez.

No. We're not here to discuss legal issues today. DRB is reviewing a site plan under the remand order from district court. So DRB is following those court instructions.

CHAIR RODENBECK: Thank you. Mr. Strozier, would you like to respond to any -- to the comments from Mr. Yntema?

MR. STROZIER: Thank you, Mr. Chairman. Jim Strozier with Consensus Planning.

I think that I -- we addressed most of the comments and concerns in our presentation. And we will provide a copy of our presentation for the record and am happy to send that directly to Mr. Yntema, as well.

I will say that as part of the remand instructions and the city's creation of this alternate DRB, there have been no conversations

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among the applicant team and the DRB members regarding this application in compliance with that -- with that order, as well. So I did want to address that.

If there are any specific questions that you would like our team to address, we would be happy to. But I think we have addressed all of the other concerns that were identified and directed towards us as part of our presentation. Thank you.

CHAIR RODENBECK: Thank you.

So, Angela, are you out there?

MS. GOMEZ: Yes.

CHAIR RODENBECK: Who is our next speaker?

MS. GOMEZ: The next speaker I have is Mr. William Fanning.

CHAIR RODENBECK: Mr. Fanning, this is Jay Rodenbeck.

MR. FANNING: Yes. Can you hear me?

CHAIR RODENBECK: Yeah. So I need to swear you in.

MR. FANNING: Absolutely.

(Witness sworn.)

CHAIR RODENBECK: Thank you. You may speak.

MR. FANNING: All right. Thank you very much. By way of introduction, I'm Bill Fanning. I'm a senior warden at Hope in the Desert Episcopal Church. The church is located at 8700 Alameda Boulevard, Northeast. And, as such, its immediately east of and adjoining the subject property for the apartments.

We submitted a letter to the DRB dated November 19. Is that in your packet? I want to confirm that you have received that letter in your packets. I submitted it to Ms. Gomez and also the letter was addressed to Mikaela Renz-Whitmore, chair of DRB.

Anybody want to respond, please?

CHAIR RODENBECK: Angela, do we have that on record?

MS. GOMEZ: We have several e-mails provided by folks, and so it would take me a bit of time to see if I can find that. But I'm happy to try and look and see if I can -- if I can find that for you.

CHAIR RODENBECK: While Ms. Gomez is looking for that -- this is Jay Rodenbeck, the DRB chair.

While Ms. Gomez is looking for that, could you please give your address, Mr. Fanning?

MR. FANNING: Yes. My home address, 4202 Avenida la Resolana, Northeast, Albuquerque, 87110.

CHAIR RODENBECK: Thank you.

MR. FANNING: Okay. Just for the record, the letter that I'm referring to is dated November 19, and it's submitted to the DRB on Hope in the Desert Episcopal Church letterhead, in case she's looking for it.

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So anyway, let me -- let me proceed.

The headlines from this letter are the following:

1, the church's position is we are not opposed to an apartment project on this site at all. And, in fact, we welcome such a development. We are opposed to it as submitted, however, given its high density and the subsequent impact on the surrounding neighborhood.

2, the city ignored the vineyard sector plan for this area, which should have been drafted by the planning department, approved by the EPC and adopted by city council in 1987. That, in spite of the fact that virtually all of the Vineyard has already been developed or was developed by 2018, when the IDO replaced the prior zone code.

3 -- there's the letter. Thank you very much. You found it.

3, we believe that the city erred in assigning the MX-L zone category to this site under the new IDO as it allows a considerably denser project than would have been permitted under the prior zoning of SU-2, C-1. And as you know, that SU-2 is a zone category attached to a sector plan. This new zone category is therefore an up-zone of this site.

And 4, the density of the new zone, MX-L, or mixed use low intensity zone district is not defined. The description of MX-L under the purpose in the IDO lists the following. It's referred to as low density, multi-family residential dwellings. I emphasize the word "low." That is listed as a primary land use. It is not logical, in our estimation to classify density as low as opposed to medium or high, and then find that these terms have no meaning under the zone code.

For broader context, I want you to consider the following. The Albuquerque Comprehensive Plan lists various policies that guide development, including the impact for different uses on one another.

Number 1, and there are three of these, so I'm going to itemize, neighborhoods are to be enhanced, protected, and preserved as key to long term health and vitality.

2, neighborhoods should be protected by ensuring an appropriate scale and location of development, mix of uses and character of building design.

3, the area surrounding Barstow and Alameda is defined as an area of consistency. Policies in such areas should be protected -- and this is straight out of the comprehensive plan. Policies in such areas should protect and enhance the character of single-family neighborhoods. Development should reinforce the scale, intensity and setbacks of the immediate surrounding context. And areas with predominantly single-family residential uses, which this area certainly is, should support zone changes that help align the appropriate zone with the existing land uses.

So our position is that a compromised solution with lower density and fewer parking spaces would be reasonable. The developer has proposed smaller apartments at higher density; whereas, larger apartments at a lower density and corresponding higher rents should result in the same return on investment.

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Parking required would be lowered in that scenario and thus reduce the impact on the area. The site could have more open spaces, as well.

So that feels like a win/win to us.

Here are the facts surrounding this matter. And you've already heard a lot of this from Mr. Strozier, so I'll be repeating some of the information that he provided.

The current proposal is for 93 apartments in three-story buildings and, per code, 150 parking spaces, or one and a half spaces per unit. The net area of this site is 2.9 acres. The density is thus, 32 units per acre. Asphalt, paving and sidewalks will cover about 50,000 square feet of the 126,000 square feet of site area, which represents almost 40 percent of that site area.

Just an additional comment about that and about parking in general. We're concerned that 150 spaces may not be enough. And we could have overflow parking ending up in our parking lot. The reason being, this site is not a -- a walking location. People aren't going to walk from their apartment to a grocery store or to their job. They're going to get in their car and leave and come back at the end of the day. And if they want to go to a grocery store, they're going to jump in their car to do that. So that will create a lot of trip generation.

But the important thing about this is that I think one and a half parking spaces per unit really understates what the impact will be. We could see as many as 180 cars in there, and where are they going to go? And how do I get that kind of -- why do I make that assumption? Because, if you think about it, even smaller apartments will likely have two people in them, maybe three. And that probably represents two to three cars each, not one and a half cars per unit. So we think that that ratio substantially understates what the parking impact is likely to be.

And then another -- another fact, and I'm going to move on. The prevailing density in the surrounding residential area is between three and five dwelling units per acre. The proposal before us is, thus, about nine times greater than the adjacent development. There are three schools within walking distance of this site: a high school, a middle school and an elementary. The elementary school, in fact, is immediately next door in the Hope Plaza development. And the middle school is two blocks away, Desert Ridge Middle School, to the south. Together, these three schools have about 2900 students.

The Vineyard Sector Plan governed development of this neighborhood for 31 years prior to rezoning; that is to say, the creation of the IDO back in 2018. The Vineyard contains about a thousand single-family homes. This plan area is almost entirely built out at this point.

So what are the differences between the old SU-2, C-1 zone and the new MX-L? The primary difference is that the height limit was increased from 26 feet to 35 feet, thus, permitting three-story development.

Apartments -- and this is equally important, apartments in the Vineyard plan were considered a conditional use not a permissive use. As such -- well, the Vineyard required that a site development plan approval be gotten from the environmental planning commission.

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We think a very important review of the process that should have been followed.

Parking was formerly regulated by off-street parking regulations. Low density in the former zone code generally meant 20 DU per acre; whereas, definition for density has been eliminated entirely in the IDO.

So in our opinion, the new MX-L zone is an up-zone from the prior SU-2 C-1.

So in conclusion, I want to just reiterate a couple of things that I've already noted to you.

But first, in creating the Vineyard Sector Plan, the city made a promise to protect the plan area through zoning that enumerated a mix of compatible uses. Was this promise not made to its residents in perpetuity?

Secondly, why is it fair, or why is it reasonable or even legal for the city to change its own rules following development of virtually all of this planned area?

So to repeat what the comp plan says, development should reinforce scale, intensity and setbacks of the immediately surrounding context. And areas with predominantly single-family residential uses support zone changes that help to align the appropriate zone with existing land uses.

For these reasons, we do not believe that this apartment complex meets this criteria. Thank you.

CHAIR RODENBECK: Thank you very much, Mr. Fanning.

Ms. Gomez, who is the next speaker we have listed?

MS. GOMEZ: Next speaker I have is Mr. Paul Weaver.

CHAIR RODENBECK: Mr. Paul Weaver, would you please introduce yourself.

MR. WEAVER: Yes. My name is Paul Weaver. I'm a resident at 8409 Tierra Morena Place, Northeast, Albuquerque, 87122.

(Witness sworn.)

CHAIR RODENBECK: Thank you.

MR. WEAVER: Thank you.

I did also submit a letter on 23 November. If you guys can pull that up, that will be fantastic. In the meantime, I'll just go ahead and start.

CHAIR RODENBECK: You can go ahead -- this is Jim, the DRB chair, you can go ahead and start.

MR. WEAVER: One question I do have is, are you guys able to answer any questions we might have, or are you just listening to the comments?

CHAIR RODENBECK: This is the DRB chair. At this time, we're going to take comments.

Ms. Sanchez, do you want us, at this time, to answer each -- each commenter individually or how do you -- how do you want to answer

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these questions?

MS. SANCHEZ: Mr. Chair, either the applicant and/or if there's technical questions for DRB staff, those questions can certainly be answered after each speaker.

CHAIR RODENBECK: Okay. Thank you.

MR. WEAVER: Thank you.

CHAIR RODENBECK: Go ahead, sir.

MR. WEAVER: Okay. So -- yes, thank you.

So I broke out my concerns into several -- several points. The first point being that, you know, the batch 1 and 2, 3 processes were -- were intended to simplify the zone change to R-1B, which several of the houses in the community did. I brought my property in June of 2019, so I was not offered that. I asked the city about the Batch 3, but they told me something to the effect that I wasn't eligible for that. So -- and now the process to do that is rather onerous and long. It can be done, but definitely different.

And so my only question in there is that, you know, those -- those Batch 1, 2 and 3 rezones were public record. They -- the application for those were complete when the IDO changed over. And the intent was to, you know, maintain the protections provided in the sector plan.

So if the intent was to maintain those protections, why wouldn't those Batch 1, 2 and 3 rezone complete applications be respected and expected to be followed and, thus, apply the neighborhood edges? That's the main point of that paragraph.

So my second point was that the height of the proposed apartment is an anomaly in the neighborhood. All other houses and buildings in this area are two stories. And this is a great example of why, you know, maintaining the protections in the sector plan and being consistent when we apply new zoning, new zones to, you know, an old zone and translate those, that, you know, those -- those be looked at carefully and be done with some consideration and maybe there be some sort of protection in specific neighborhoods to maintain the continuity of the neighborhood, which is the intent specified in the Albuquerque Comp Plan. So that is -- and I just outline that here.

Also, one of those provisions that I would have applied is those neighborhood edges. You can see in the -- I have amendments down below where we talk about, you know, the setback from 100 feet for the 30-foot building height. So the neighborhood edges make sure that within the -- the transition from the residential property, the mixed-used property, that within 100 feet, there's nothing over 30 feet, not a building over 30 feet.

The drawings provided by the applicants show that 100 foot starting from the building themselves versus the property line. So if you go to -- down below, right. Thank you. Next page down there (inaudible), just go down a little bit more. I just provided the drawing because pictures are a little bit better than words. There's that -- that picture right there shows the IDO which shows it clearly from the property, 100 feet from the property line. And then there's the picture from architect provided, and shows the 100 feet from the building.

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The -- this is a discrepancy that's in there. But that's the importance of those neighborhood edges and respecting the previous -- and translating -- and translating (inaudible) intent of (inaudible).

My third point was that the Vineyard Sector Plan previously provided what was called park dedication. The original idea for those four lots was a 4400-square-foot neighborhood commercial facility. So the park dedication was based on the living units within the neighborhood. Adding 93 dwelling units, you know, the -- the calculations would have come out to somewhere around 7900 square foot of additional park dedication space.

And that's another protection that the sector plan provided. And that gets vaporized when, you know, we turn to this IDO. So now there's 7900 square foot that should have been additional park dedication if this was ever planned for residential units that just aren't going to be there in the neighborhood. And that puts additional impact on the, you know, shared space in the community and how we all use those spaces.

And I understand there's a pool and a lot of parking lots and sidewalks, but that's not -- that's not the intent of the park dedication. And I believe that open space is different from park dedication. That's why I pointed that out.

Finally, with so much at stake, I really don't understand how -- there's not really an opportunity for neighbors to discuss -- and I understand you -- you had your meeting and you took things into account. And, you know, but that -- that three-story that the IDO went to, you know, building within the envelope and stick however much you can in there, the building is three stories, everything else around here the two stories, it really doesn't make sense.

But -- and I don't know if there's a way for the city to mediate a discussion and say, you know, "With" -- "with little -- "with little neighborhood support, can we have a little bit more leverage to follow the intent of what the IDO was supposed to be, the ABC Comp Plan and put common sense to this, instead of being so being so technical and just saying, 'Well, you know, this doesn't apply because, you know, the people who are designing it and paying for it don't think it applies, so we're not going to do that.'" That just doesn't really feel fair.

Those are my comments and concerns, and I would really appreciate you addressing any of those, if you can. Thank you.

CHAIR RODENBECK: This is Jay Rodenbeck, DRB chair. Thank you very much, Mr. Weaver.

Mr. Strozier and the applicant's team, do you wish to respond to any of these comments that have been spoken?

MR. STROZIER: So just a couple of items. This is Jim Strozier with Consensus Planning.

You know, I -- I think that the property owner and the applicant has the ability to rely on the zoning as it was established with the IDO. I don't -- I don't think this is an appropriate forum to, in effect, relitigate the establishment of the IDO and the establishment of the MX-L zoning for this particular property. That was done by the city as part of that process, and -- and the sector plan, and maybe I'm -- I'm sort of combining Mr. Fanning's comments, as well, in this response, since we didn't do that after his -- after his comments.

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The small area that is -- provisions that are included in the IDO were what the city felt were the relevant provisions from the Vineyard Sector Plan to carry forward, and those were carried forward in the IDO and those are applicable to the review of this -- of this project.

On the parks comment, I would note that this project, it will be subject to park impact fees as part of the city's standard process, and those will be provided by the developer of this project at the time of building permit.

Thank you.

CHAIR RODENBECK: Thank you, Mr. Strozier.

This is Jay Rodenbeck, the DRB chair.

Ms. Sanchez, would you like for me to go over staff's determination regarding the status of the properties that were rezoned through Batches 1 and 2 to the south of the subject site area? Can you please confirm that?

MS. SANCHEZ: Mr. Chair, you can -- I don't know if that's part of planning's comments. So you can reserve that for when DRB members make their comments. Or if you want to generally address batch zoning, that's up to you.

CHAIR RODENBECK: Okay. Thank you.

This is Jay Rodenbeck. I will generally address staff's response regarding those properties to the south.

It's staff's determination that those properties to the south would not have been protected lots for 5-9(B)(1) of the 2018 IDO at the time. The site plan was processed by our office for during the date of the first scheduled DRB hearing for the site plan application.

So that's my general response regarding the status of those properties to the south of the site area that were rezoned through Batches 1 and 2 in 2019.

All right. So, Ms. Gomez, who else is on the list?

MS. GOMEZ: The last person I have on the list, Mr. Chair, is Mr. Dan Regan.

CHAIR RODENBECK: Thank you.

Mr. Regan, are you out there? Hello, this is Jay Rodenbeck. Mr. Regan, are you out there?

MR. REGAN: Yeah, I am out here, and I --

CHAIR RODENBECK: All right. Thank you.

MR. REGAN: -- think I'm muted. I have a number of comments that I wish to make. I --

CHAIR RODENBECK: Before -- before you do -- sorry. This is Jay Rodenbeck. Before you do, sir, could you please give me your name and your address, and I'll swear you in.

MR. REGAN: I'm Daniel Regan. I'm at 4109 Chama Street, Northeast, Albuquerque, New Mexico, 87109. I am also the authorized individual for District 4 Coalition to speak on zoning

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matters as the chair of the District 4 Coalitions committee on zoning and development.

(Witness sworn.)

CHAIR RODENBECK: Thank you, sir. Please go ahead.

MR. REGAN: I have a number of comments that I wish to make, but I would like to begin with a number of questions.

The first question is based on my perception that the IDO, all along, from the very start, has allowed a 10 percent height adjustment as kind of an automatic, if you request it, it's given, on all development projects. It's kind of a "gimme" so that we can do certain things.

My first question is to DRB. Is anybody on DRB currently in this hearing aware of whether or not that perception of mine is still in effect?

CHAIR RODENBECK: This is Jay Rodenbeck.

Could you please restate your question, Mr. Regan.

MR. REGAN: The question is that the perception is that the IDO, from the very, very start, and this happened back in 2018, within a month after it became effective, a development requested a 10 percent increase in the height of the building as an adjustment that was an administrative check the box, approved because it was requested.

Is that still in effect? And if you don't know, that's fine I'm just asking if that reality is still in operation, because it's been there from June of 2018.

CHAIR RODENBECK: This is Jay Rodenbeck, the DRB chair.

Mr. Regan, are you asking if the applicant increased the height of the building 10 percent? Is that what your question is?

MR. REGAN: If the -- in June of 2018 --

CHAIR RODENBECK: Mm-hmm.

MR. REGAN: -- the thing in effect was, you could ask for a 10 percent increase in height of a building --

CHAIR RODENBECK: Mm-hmm.

MR. REGAN: -- and it would be granted administratively without much consideration at all.

CHAIR RODENBECK: This is Jay Rodenbeck, DRB chair.

Mr. Strozier, do you have any -- any response to that question yourself and your team?

MR. STROZIER: Yes. Thank you, Mr. Chairman. Jim Strozier again with Consensus Planning.

I believe Mr. Regan is speaking to the -- to the deviations that are permitted within the IDO. And just for the record, we have not requested any height deviation with this -- with this project. The height limit is set at 35 feet, and the height of our buildings range between 33 and 30 -- three-story buildings range between 33 and 35 feet in height. But I believe that is

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the provision that Mr. Regan is referencing, and we have not -- we have not requested any deviation.

CHAIR RODENBECK: A height increase?

MR. STROZIER: Yes.

CHAIR RODENBECK: Thank you very much for confirming that, Mr. Strozier.

Mr. Regan --

MR. REGAN: My second --

CHAIR RODENBECK: -- I think you had your answer to your question.

MR. REGAN: -- question is to for Mr. Strozier.

Are you willing to go on the record, Mr. Strozier, today that this project will not come back and request that adjustment of 10 percent?

MR. STROZIER: Mr. Chairman, this is Jim Strozier.

Once again, I can answer that in the -- by stating that there are no plans at this time to request any changes to the building facade or design moving forward. We plan to build the project as designed.

It's hard to predict and I cannot state that there won't be anything that comes up in the future as the design progresses to a higher level of detail through the building permit process. But it is not our intent nor are any changes anticipated at this time.

CHAIR RODENBECK: This is Jay Rodenbeck, the DRB chair.

MR. REGAN: Thank you.

CHAIR RODENBECK: Thank you for confirming that, Mr. Strozier.

MR. REGAN: I would like to have it noted in this meeting today that deviance height adjustment of 10 percent increase is still an option. And if it is utilized by the developer, these buildings will be 38 and a half feet tall. And nothing can stop that from happening, as best I know, because the DRB can't make a rule on that, I don't believe.

I have a number of comments.

Back on November 18th, 2019, in a response to one of my questions to Mikaela Renz-Whitmore, part of her -- and let me back up a second.

I also submitted on November the 22nd three or four different e-mails with attachments. I'm assuming those are all there. I don't need to see them on the screen.

Angela, don't worry about that.

Part of one of them was an e-mail stream. And Mikaela, on November 18th, 2019, said the following back to me. And this is a bit repetitive: Before the IDO, the zoning on the property -- this property that we're talking about -- was SU-2 for O-1 and R-T. The first phase of zoning conversions converted that zoning

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to MX-T, the conversion for O-1, citywide, in order to match permissive uses allowed in an old zone to a new zone. Single-family uses are allowed in MX-T so the zoning is not incorrect. Although I understand you would have preferred the conversion to have been a downzone to match the single-family use of the property, the follow-up phase is intended to allow the property owner to request that downzone to match the existing use.

My issue and difficulty with this is that although it could have been zoned to more appropriately accommodate single-family residential area, which it's surrounded by on three sides, the city provided -- no, Mr. Rodenbeck mentioned that the city decided that this is the zone that it should be, but the city, in the entirety of the IDO process provides absolutely no mechanism from the very start for anybody of neighborhood statuses to challenge or request a review of that zoning. So it was take it like it or lump it. You can't come back and ask us to reconsider that rezoning.

I will go back now at this point and -- Mr. Fanning mentioned a number of things in the comprehensive plan that speak to the protections that should be available for neighborhoods. One of the things I sent to the DRB for this hearing is an excerpt from the EPC's notice of decision dated July 11th, 2019. The nod went to the city council and it was requesting that the city council, based on the justifications of EPC, grant over 2,000 voluntary conversions for residential homes.

I will mention in connection with this that as soon as the IDO got approved and went into effect, the city mailed out 20,000 postcards saying to property owners: We may have not rezoned you properly. You have the ability to do voluntary conversion.

The note sent by the EPC on July 11th, 2019, to the city council contained in three different pages a total of 13 references to this comprehensive plan. I will quote several of them.

Enhance, protect, preserve neighborhoods and traditional communities as key to our long term health and vitality.

Development needs to be contextually compatible, which will help to enhance, protect and preserve distinct communities, neighborhoods and established traditional communities.

Encourage quality development that is consistent with the distinct character of communities.

Encourage infill development that adds complementary uses and is compatible in form and scale to immediately surrounding develop.

Maintain the characteristic of distinct communities.

That's -- those are all nice words, nice aspirational hopes, could be even considered directives. The problem is that no one in the entirety of the city council, the EPC, the DRB, the entire planning department, not even the director of the planning department, has had the insight or the wisdom or the ability or the courage to say to this particular developer in this particular development that although they have an MX-T zone -- MX-L, that that does in and of itself give them the right or the ability to build whatever the heck they want to build there.

If they want to build -- if what they want to build goes directly counter to every directive and justification used by the EPC in explaining where voluntary conversions were appropriate, why

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would they be allowed to do that?

The city does not allow a mechanism for that to be challenged. And the city planning department and all of its components are basically turning their back on the comprehensive plan and saying, "Let the markets decide."

That, to me, is atrocious. It has driven people away from the city and the state. It is going to damage this community if this is allowed.

Thank you.

CHAIR RODENBECK: This is Jay Rodenbeck, DRB chair. Thank you very much, Mr. Regan.

This is Jay Rodenbeck.

Mr. Strozier, do you have any response to Mr. Regan?

MR. STROZIER: Thank you, Mr. Chair. And once again, Jim Strozier with Consensus Planning.

There's a couple comments. I'll start with the last comment that Mr. Regan made. And I appreciate the spirit of those comments, but I would just say -- and I can't speak for the team at the city that developed the updated comprehensive plan and the IDO. We were not a part of that. But we did participate and watch it through its inception and ultimate adoption.

That the city planning department, in concert with their consultants, prepared the comprehensive plan and the IDO and did so with the intent -- you can argue about whether or not they met their intent. But they -- they developed the IDO with the intent to be the zoning regulations that implement the goals and policies and provisions of the comprehensive plan.

And they were done so in concert with each other in order to have that happen. You can -- we can argue about whether or not you think they achieved that. But that was the intent of the city's process relevant to that.

And I would also just add another comment that -- to your statement about changes to the height. If -- I think the implication was made that any changes to the site plan relative to height would be considered a *fait accompli* by city staff. And I can tell you that that is incorrect.

The IDO lays out provisions for amendments to an approved site plan. And those are considered by the city staff and -- and they're not -- they're not just you apply and they get approved. There is a process associated with that. There are criteria associated with that. And it is not just a decision that is made without consideration of the impacts.

And in my experience for projects like this that have had a lot of controversy and neighborhood input, that those are considered very thoroughly by the city staff as part of that amendment process.

So -- so there's not an easy way to just make changes after an approved site plan is complete. There are provisions to do that. And I would say that those are laid out in the IDO and any amendments would have to follow those. And they are considered carefully.

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CHAIR RODENBECK: This is Jay Rodenbeck.

Thank you very much, Mr. Strozier.

Do we have any other speakers or any other people out there who wish to speak

MR. REGAN: Mr. Rodenbeck, Dan Regan here.

CHAIR RODENBECK: Yes, sir.

MR. REGAN: Am I able to ask Mr. Strozier a question?

CHAIR RODENBECK: Yes

MR. REGAN: Okay. Thank you.

Mr. Strozier, in the four years since the IDO went into effect, has Consensus Planning ever requested the height adjustment of 10 percent and that request been rejected?

MR. STROZIER: I believe -- once again, this is Jim Strozier, with Consensus Planning. I believe that we have. And I -- and I believe that those -- it has been used in a pretty limited fashion for the projects. And I can speak to the ones that I've been involved with. That it has been used very limited and it has been approved based on detailed justification that we have provided in the city as a part of those -- those requests

MR. REGAN: Okay. Thank you.

MR. YNTEMA: Mr. Rodenbeck.

CHAIR RODENBECK: This is Jay Rodenbeck.

Yes. Yes, sir, Mr. Yntema.

MR. YNTEMA: Yes, Mr. Rodenbeck, I've been clicking on my hand here. I don't know if it's even registering. It comes off and on. Am I registering there?

CHAIR RODENBECK: Yeah, I see it right now. Yes, sir.

MR. YNTEMA: Okay. You know, I'm -- I've got a question or two, if I might.

Is the planning department, did it -- is it offering any review or recommendation on this matter?

CHAIR RODENBECK: Mr. Yntema, this is Jay Rodenbeck. Are you referring to the site plan application that we're presently hearing?

MR. YNTEMA: Yes.

CHAIR RODENBECK: We will make a -- we will read our comments and we will vote at the end of the hearing.

MR. YNTEMA: I'm referring to the staff's recommendation and review. The IDO in Section 6-1-1 clearly provides that staff will make a review and recommendation.

CHAIR RODENBECK: Yes. This is Jay Rodenbeck.

That is true, sir. What we will do, after the DRB goes through their comments and the public has a chance to ask questions of

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those who have given sworn testimony, we will then have a vote on -- on this publication. And at that time, we will either approve, deny or defer the site plan application at that time.

MR. YNTEMA: Mr. Rodenbeck, not to argue too much, but the IDO specifically provides that the planning department, planning staff will make a review and recommendation. And as I stated earlier, I think that should be written and in the record so that possible opponents have the right to consider what's going on. Particularly in the remand, when the Court has told to city to look at some things (inaudible) --

CHAIR RODENBECK: This is Jay -- this is Jay Rodenbeck.

I just wants to jump in, Mr. Yntema.

We will talk -- we will issue our comments shortly -- well, after public comments conclude, we will issue our comments, and then at the end of the -- after the -- you know, the speaking, then we will go through a roll call and then we will vote to approve, deny or defer the application. And that approval, if approved, could include conditions of approval and findings.

This is Jay Rodenbeck. Ms. Sanchez, do you want to enter into this conversation?

MS. SANCHEZ: No. This is Nicole Sanchez.

I think it would probably be appropriate if public comment is complete to go through the DRB comments.

CHAIR RODENBECK: This is -- Mr. Yntema, do you have anything else?

MR. YNTEMA: Yes. I've got another question.

Is planning staff not going to provide any witness today to support for discuss the planning analysis?

CHAIR RODENBECK: I -- this is Jay Rodenbeck.

I will be providing planning analysis as the DRB chair.

MR. YNTEMA: May I cross-examine you, then?

CHAIR RODENBECK: Whenever I provide my comments, which will be after public comment.

MR. YNTEMA: So I'll have the opportunity to cross-examine you following the decision? Is that what you're saying?

CHAIR RODENBECK: Ms. Sanchez, you can jump in here.

But yes, I believe you can ask any question pertaining to DRB comments after the DRB comments are read out in -- in the -- in the -- comments will be in the record and -- and be verbally, you know, discussed at the hearing shortly.

Does that answer your question, Mr. Yntema?

MR. YNTEMA: Yes, but I'd like to wait to see what the procedure actually turns out to be and whether we'll get a cross-examination right involving the planning department representative.

CHAIR RODENBECK: Thank you, Mr. Yntema.

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Is there anyone else in the public who wishes to speak?

MR. REGAN: This is Dan Regan. I have my hand raised.

CHAIR RODENBECK: Mr. Regan -- this is Jay Rodenbeck.

So I just want to note, you will have a chance to ask any questions of those who have given sworn testimony after --

MR. REGAN: My question --

CHAIR RODENBECK: -- after the DRB comments are read by the DRB members.

MR. REGAN: My question is, if you have prepared statements that will constitute the planning department's report on this question, why wasn't that provided prior to this meeting so it could be reviewed by constituent parties?

CHAIR RODENBECK: This is Jay Rodenbeck.

Like I said, we will verbally discuss planning and DRB shortly. We have -- we will be happy after this hearing to e-mail you and anyone else who requests our comments. We have no issues with that.

Typical process with this is we'll the applicant's team our comments the night before. Okay? And -- and then we verbally read those comments to anyone in the hearing. And, of course, it's a part of the record, as this is recorded.

MR. REGAN: So you're dealing with -- this is Dan Regan.

You're dealing with a court ordered remand for a hearing, and there are -- there is an applicant side of parties and there is an appellant side of parties, and your comments on the planning report from the city to the applicant the night before the meeting but not to the appellants.

CHAIR RODENBECK: This is Jay Rodenbeck.

I will jump in here, Mr. Regan. If I ever get a request in time for any member of the public, anybody, who wants DRB comments once they're prepared to be distributed, I will happily do so.

I am actually the staff member who normally does that. So I have no issues whatsoever, Mr. Regan, distributing -- there's no -- there's no prohibition for staff to distribute comments. We do, unfortunately -- you know, we don't have a lot of prep time to get comments out. We don't usually get them out until the evening before the DRB meeting, with the exception of new major cases which come our way. But -- we get them out -- basically, that's a -- we get them out as soon as we can.

MR. REGAN: Okay.

CHAIR RODENBECK: And anytime -- anytime anyone wants comments, I am actually the person who distributes them. I have no issues distributing to them, to you, to anybody. I do -- there's no issues whatsoever. It's just our process is to send them out to the applicant team and to DRB members and to DRB staff the night before.

MR. REGAN: I appreciate your comments, Mr. Rodenbeck. Dan Regan again.

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I find it a bit daunting to be a member of a tax-paying public and not to live inside development issues on a daily basis, to not be a professional in city planning, to not be on any boards that are responsible for the planning and to not understand and be told, "Gee, if you want them" -- "if you want the reports, we'll get them to you, but you have to ask."

In court -- court required remand hearing, the parties are pretty clearly identified. I don't understand why your -- your report, that you sent to the applicant, didn't also go to Mr. Yntema or to any of the parties in the appellant group.

That's just my comment. Thank you.

CHAIR RODENBECK: This is Jay Rodenbeck.

Your concerns are duly noted. Thank you very much, Mr. Regan.

Does anyone else wish to speak? Nobody volunteering here to speak, so -- this is Jay Rodenbeck, DRB chair.

Mr. Strozier, do you have any final responses to comments from the public?

MR. STROZIER: I don't believe so. This is Jim Strozier with Consensus Planning. Look forward to answering any questions after the DRB comments.

CHAIR RODENBECK: All right. Thank you, Mr. Strozier. This is Jay Rodenbeck.

All right. We are now ready for DRB member comments. So DRB members, normally every two hours or so, we have a recess to allow people to get away from their desks for about 10 to 15 minutes. It is now 10:45. We can go through DRB comments and then have a recess, or we can -- well w at 10:45. Let me ask if you guys want to recess or just continue to go through?

MR. CHERNE: This is Curtis Cherne. I'd like to just go through.

CHAIR RODENBECK: All right. Anybody else?

MR. GRUSH: I think we should continue. This is Matt Grush.

CHAIR RODENBECK: Thank you, Mr. Grush. Anybody else?

MS. FIROR: This is Laurie Firor. I agree, we should continue.

CHAIR RODENBECK: Thank you. I'm going to go ahead and continue then. It sounds like that's almost unanimous.

So water authority, Mr. Carter. You're up for comments.

MR. CARTER: Thank you, Mr. Chair. This is Blaine Carter for the water authority.

Our comments on the case are as follows: We've had two availability statements for this project over the years. Those are 180916 and 200615. Those two statements set the criteria for service.

Basically, we have public water and public sewer mains fronting the property available for routine connection. The project utility plan calls for several routine connections for both water and sewer, as well as three public fire hydrants. The public fire hydrants are included on the infrastructure list for this

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project that was submitted for the DRB approval. So we have no objections to that infrastructure list.

Regarding easements, it appears that all the public water infrastructure is in the right-of-way and would not require an easement. There do not appear to be any other public water or public sewer easements required for this project, so we're good to go on easements.

There is pro rata charges for the previous installation of infrastructure by others. Those are in the amounts of \$2,268.28 for water, \$3,785.42 for sewer, for a total of \$6,023.70. That fee is paid to the water authority at our customer service department, with the setting up of a new account for a property. That payment is required prior to the water authority signing on any DRB approval including the site plan.

We typically would accept a DRB delegation for that approval, but we cannot physically sign any site plan until that payment is made to customer service.

With that said, that is the extent of our comments. I'd be happy to answer any questions if there are any. Thank you.

CHAIR RODENBECK: Thank you, Mr. Carter. This is Jay Rodenbeck. Now we're up to code enforcement. Mr. Webb.

MR. WEBB: Yes, sir, Robert Webb, code enforcement.

Just have some development notes and then a couple of questions.

So the site plan and development must comply with all applicable provision of the 2018 IDO and DPM, including but not limited to the following: IDO Section 1-10(B) complete applications submitted and accepted as complete in June 2019, scheduled for DRB in July 2019;

Zone conversion effective September of 2019;

IDO Section 4-2, allowable uses, and 4-3, use-specific standards for those uses;

IDO Section 4-3(B)(7), multi-family use-specific standards;

IDO Section 5-1, dimensional standards;

IDO Section 5-2, site design and sensitive lands;

IDO Section 5-3, access and connectivity;

IDO Section 5-4, subdivision of land;

IDO Section 5-5, parking and loading;

IDO Section 5-6, landscaping, buffering and screening, including minimum standards, overlapping requirements, street frontage, parking lot and edges, and screening roof equipment. The site plan does show a 6-foot landscaping buffer on the south property line, as well;

IDO Section 5-7, walls and fences;

IDO Section 5-8, outdoor lighting;

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IDO Section 5-11, building design for general standards and multi-family standards;

IDO Section 5-12, signs;

and La Cueva area 5-12(F);

and IDO Section 5-13, operation and maintenance.

And the -- one of the clarifications I had is, would the project be phased. And Mr. Strozier already addressed that, that it was a phased project.

The other question I had is the monument sign appears to be 60 feet in size and the limit is 50 feet. From the elevation, I couldn't quite tell if there was a -- kind of a separate base or if it was all on one facade on one plane, or if there is a separate kind of base that everything sits on. And that -- if there is, that would not be considered part of the signage area.

CHAIR RODENBECK: This is Jay Rodenbeck.

Thank you very much, Mr. Webb. Now it's parks and recreation.

MS. FIROR: This is Laurie Firor, of parks and recreation department.

I have reviewed the documents associated with this case and have no comments. From what's presented, there appears to be no negative impact to the parks and recreation program.

CHAIR RODENBECK: This is Rodenbeck. Thank you very much.

Hydrology.

MR. WEBB: Mr. Chair.

CHAIR RODENBECK: Oh, sorry.

MR. WEBB: Mr. Chair, I'm sorry. This is Robert with code enforcement.

CHAIR RODENBECK: Yes, sir

MR. WEBB: I had -- I had one other -- an item that I had a question on that Mr. Strozier already had mentioned.

CHAIR RODENBECK: I'm sorry.

MR. WEBB: That's okay, that's okay.

One was wall signage. I don't believe there is any wall signage, but the applicant team is aware of what those guidelines are. And the -- clarification on the proposed walls, fences and security gate. He's aware of the guidelines. Any height variations may require variance approval or -- or additional approvals. But that would be my comment.

CHAIR RODENBECK: This is Jay Rodenbeck. Just to go back to, Mr. Webb, did you have any questions that Mr. Strozier and his team needs to answer?

MR. WEBB: Just the items for the monument sign, if it's all, you know, one plane or one facade where it would need to be reduced to 50 square feet or if a section of the sign along the bottom is an actual base and not part of the signage.

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CHAIR RODENBECK: Mr. Strozier, this is Jay Rodenbeck.

MR. STROZIER: Yes, thank you, Mr. Chair. Jim Strozier with Consensus Planning.

I -- based on after we received your comments the last evening, Mr. Webb, we did look at that and it does appear that either that sign needs to be slightly redesigned so that it has a base that would not be considered as part of the calculation, or reduced in size slightly.

The current sign base, as we were able to calculate it based on the drawings, is at 60 feet. And as you noted in your comments, the small area restrictions limit that to 50 square feet.

So we do think that it would be appropriate if this body were to approve this site plan that, that a condition be included that that -- that that be redesigned to bring it into compliance.

And then similar to the fence, there's a -- and I believe that later versions of the IDO have corrected this, but at -- with the 2018 IDO, there's a conflict between the fence height within the front setback of the buildings and the pool fence height requirements. I believe that that fence just needs to be relocated back to the front plane of the build, unless we proceed with some sort of variance on that -- on that fence height.

MR. WEBB: Yes, sir. And then wall signage, was there any wall signage proposed, or not at all?

MR. STROZIER: There is a wall sign shown on elevations.

MR. WEBB: Okay.

MR. STROZIER: And that is -- and -- and I believe that's dealt with with notes on that, on the elevation sheet. But -- but it's well within the limitations imposed by the zoning. And I believe there's only one building-mounted sign proposed for the project.

MR. WEBB: Okay. Yes. And you're aware of the section in 5-12(F), as well.

That would conclude my comments. Thank you.

MR. STROZIER: Thank you.

CHAIR RODENBECK: Thank you, Mr. Strozier and Mr. Webb.

Mr. Webb, do you have any other questions at all for the applicant's team?

MR. WEBB: No, sir.

Just let us know if you have any questions.

CHAIR RODENBECK: All right. Thank you, sir.

All right. So now we're down to hydrology, Mr. Cherne.

MR. CHERNE: Yes. Hello, this is Curtis Cherne. I have comments from hydrology (inaudible) city engineer's representative.

As part of the review, I reviewed the North Albuquerque Acres Drainage Master Plan as is referenced on preliminary grading and drainage plan.

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I also reviewed the drainage plan for Hope Plaza since this is a preliminary or conceptual drainage plan, any shortcomings and details would get picked up during the review of the project with building permit approval.

I did not see any details of the pond routing to be able to verify the flow rate out of the pond and to verify the required pond volume. The drainage plan states a proposed discharge rate from the site of 6.9 cfs, or cubic feet per seconds, which is reduced from 12.1 cubic feet per second, due to the on-site pond.

The drainage plan uses a time of concentration and a time to peak that, in effect, reduces the required pond volume. I do not think this is applicable, since all the drainage ends up in the pond and does not start to drain out until the pond is 1 foot full.

Not using time of concentration and time to peak, I calculated 21,000 -- excuse me -- 21,599 cubic feet rather than the 20,730 cubic feet stated in the drainage plan. Of course, this is only a difference of 5 percent.

Pond depth is reported as 3.5 feet deep. The bottom of the wall is at 86, and the top of the wall is at 89.5. With the invert of the sidewalk, culverts at 87.0. The calculations do not appear to take free-borne into account, which is usually 1 foot in depth. This effectively reduces the pond volume, and its depth is only 2.5 feet rather than 3.5 feet, as stated.

Provide sidewalk culvert calculations. And the consultant should consider a fence around the pond because it's deeper than 18 inches.

In conclusion, the hydrology comments for a preliminary grading and drainage plan is acceptable for site plan approval, but the consultant should address comments A, B, C and D above when submitting for building permit approval.

As an additional comment, street alignment. As you can see on the screen right now, there's been a misalignment of the street for a long time, if you look at the eastbound Alameda.

I looked through a lot of these exhibits and I could not tell that the street will align -- will align truly on Alameda or will align eastbound from the curb -- west of Barstow to east of Barstow.

Is there an exhibit -- this is for the applicant. Is there an exhibit I missed that showed that the through lane will just basically align straight through and not have a wag in it? And that would be to Mr. McGee or --

CHAIR RODENBECK: Yeah, yeah. This is Jay Rodenbeck.

Mr. Strozier or Mr. McGee, would you care to answer Mr. Cherne's question.

MR. STROZIER: Yes. I'll -- this is Jim Strozier with Consensus Planning.

I'll turn it over to Mr. McGee.

And just on the exhibit, we did have an exhibit that we prepared earlier in the previous reviews that showed that through lane continuing across there. We have been trying to find it this

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morning, and I don't know if -- if we have. If we have, that's great. I believe that this exhibit that is up on the screen right now is hard to see exactly what -- what is carried forward from the -- from the west, and that's what that exhibit did. We've been trying to locate that and maybe one of my team members has found that.

In the interim, if they haven't, we -- it's -- I believe that it is in the record somewhere, but it's a very large record.

MR. CHERNE: I looked. I spent a lot of time, I saw lots of exhibits that showed, like, the lanes in front of the project. But I never saw anything that showed it, you know, starting, you know, a hundred feet or couple hundred feet west of Barstow to show that would align.

So if -- if -- if there is -- so I'd like to see an exhibit, and you may need to submit one.

MR. STROZIER: It sounds like, Mr. Vos in my office, he just sent me a text, and he -- if we could let him share his screen, I believe he has an exhibit that he found that may -- that may be what you're looking for, Mr. Cherne.

MR. CHERNE: Oh, great.

CHAIR RODENBECK: This is Jay Rodenbeck. I'll give Mr. Vos cohosting screen privileges. Just one second here.

All right. Mr. Vos you should have cohost privileges. You should be able to screen-share

MR. VOS: Looks like. Thank you.

All right. So if you can see my screen, I'm not sure if this is an exhibit that Mr. Cherne has seen before, but these are our civil exhibits that should be in the record already. But we can certainly resubmit them. It maybe doesn't go as far west, but it shows the current through lane and right-turn lane on eastbound Alameda and where the proposed new median and the eastbound lanes will be constructed, and then --

MR. CHERNE: Chair -- sorry, did I cut you off? I didn't mean to cut you off.

MR. VOS: It's all good. And this second exhibit is more specific to Barstow but is zoomed in on the intersection and may provide a little bit more clarity on that alignment.

MR. CHERNE: Yeah, it does appear, although I don't remember seeing this one, it does appear that the medians -- I don't know. It's a little -- you know, that the medians align -- the curbs -- so that's eastbound and right turn. The medians align and therefore the through lanes should then align. But it's -- it definitely way better. It looks fine. I just don't think I remember seeing this one when I was looking through things

MR. VOS: So this is Michael Vos. Thanks for that, those comments. I'll turn it back over to Jim and Scott McGee if they have comments on this exhibit.

MR. STROZIER: I was just going to add, Mr. Chairman and Mr. Cherne -- this is Jim Strozier with Consensus Planning again -- that we can certainly provide copies of these exhibits and -- and still -- we'll still see if we can track down that other exhibit that we all -- we all that a memory of. And we can

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provide that to the DRB, as well. So we can definitely provide you with copies of these exhibits to -- to add to the record.

MR. CHERNE: Thank you.

CHAIR RODENBECK: Thank you, Mr. Strozier.

MR. STROZIER: And I don't know if Mr. McGee has any other -- any other comments, but I certainly don't want to leave him out, if he does.

CHAIR RODENBECK: Mr. McGee.

MR. MCGEE: Yeah.

CHAIR RODENBECK: Do you have any --

MR. MCGEE: Hi, Mr. Chairman. This is Scott McGee.

CHAIR RODENBECK: Yes.

MR. MCGEE: Yeah, I don't have any additional comments. I'm sorry. I lost connection temporarily, but I'm back on now.

CHAIR RODENBECK: All right. Thank you.

MR. CHERNE: So, Scott, the intent is for that -- that through lane to align?

MR. MCGEE: Yeah. This is Scott McGee.

Curtis, you are correct. The median or inside lane aligns through the intersection of Barstow.

MR. CHERNE: Thank you, Mr. McGee. Oh, this is Curtis Cherne. Thank you.

CHAIR RODENBECK: Thank you very much, guys.

Transportation.

MR. GRUSH: Yeah. Good afternoon. This is Matt Grush, City of Albuquerque Planning, Transportation.

I had reviewed all the information available and I had one comment and it was on the -- the number of handicapped ADA parking spaces. The plan shows six, and I believe due to the number of spaces required for the development, it should be eight spaces. And this is referring to the NMDOT accessible parking checklist.

When the parking spaces are between 101 and 300, the total number of ADA spaces required are eight. This can be modified simply by assigning two of the existing spaces as ADA parking spaces.

Other than that, I have no other comments.

CHAIR RODENBECK: This is Jay Rodenbeck. Thank you very much, sir.

MR. GRUSH: You're welcome.

CHAIR RODENBECK: And did you have any questions for applicant's team?

MR. GRUSH: No, I have no questions.

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CHAIR RODENBECK: Thank you.

All right. Now it's planning's turn. This is Jay Rodenbeck. I'll read off planning comments now.

We need the solid waste signature to be obtained prior to final sign-off from planning. The applicant's team showed, you know, a site plan sheet with that signature.

We'll need the project and the application numbers added to the site plan prior to final sign-off from planning.

It looked like -- and I'll screen-share again here. It looked like we had, for the landscape plan sheet, an architect sign it. But not a landscape architect, I believe. And so we need to have a licensed landscape architect sign that landscape plan sheet and sheets. I believe it's two sheets. There are two sheets. So the landscape planning sheets need to be signed by a landscape architect.

And then could you please clarify how the building design requirements of 5-11(E) of the IDO are being met?

MR. STROZIER: Mr. Chairman, this is Jim Strozier.

I think that sounds -- those questions sound like they are most appropriately handled by Mr. Hickman, the project architect. So I will turn it over to him. And I'm happy to jump in after his comments, if necessary.

CHAIR RODENBECK: Thank you, sir.

MR. HICKMAN: This is Dave Hickman, architect. I appreciate the opportunity to respond to comments.

Before we get into this one, I wanted to jump back on the traffic just really quickly, so we can address that.

CHAIR RODENBECK: Sure.

MR. HICKMAN: The traffic comment is correct. According to Section 2, Table 11-06.1, when we have over 101 spaces to 300 spaces, eight would be required. So that is correct.

That's amended in the next section, Section 3, which talks specifically about R, group R-2 and apartment occupancies, in which case the number of spaces is related directly to the number of Type A units, which, in this case would be the five plus one for the community building, which is why we have six that are provided.

So we believe that we are meeting the requirements of the DOT section and the New Mexico's accessibility checklist provided by the governor's commission on disability.

So with that, I'll jump over to the Section 11(E).

CHAIR RODENBECK: Mm-hmm.

MR. HICKMAN: Jim Strozier and Consensus Planning, they did a really good job, I thought, in their presentation when they talked about the -- the facade design. Facade design is one of the those aspects of this 5-11(E). And he did a good job describing those, the variations in that presentation.

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So what I'll do is just really quickly, because he's addressed it already once is to go through them.

CHAIR RODENBECK: Thank you.

MR. HICKMAN: 5-11(E)(2)(a) in general talks about facade designs being human scale, which I believe that we've done.

Number 2 talks about a public street, and including at least two of the following features. The two that we have is windows on upper floors. Portals, arcades, canopies, trellises, awnings that are over windows, elements that provide shade and protection for the windows. So we have both coverage on all -- well, it's coverage on those major windows on all three floors either by the roof or the -- the balcony that sits above it.

On Number 3, each street facade facing -- each street facing facade longer than 100 feet shall incorporate at least one of the following measures. There are one, two, three, four, five, six, seven -- six of those that are listed and are our wall facades, incorporate all of those, with one exception, which is a projecting hip gable, hip feature, or change in parapet height for every hundred feet. That's Number E.

We do have wall plane projections that move in and out. We have changing colors and textures in materials. We have an offset, reveal, pilaster and projecting elements that are not less than 2 feet. That's our -- our roof cornice, is what we're describing it as. And then three-dimensional cornice or base treatments, as Jim had explained in his presentation, and then art on the Barstow edge.

Accessory buildings, we don't have any accessory buildings. That was Number 4.

We talked 5-11(E)(2)(b), urban transit centers and activity centers. That does not apply to us in this case.

And we jump down to outdoor seating, gathering areas. One of the unfortunate things, I feel like in the DRB presentations is that we're talking about really the exterior of the buildings. And so interior of the buildings aren't displayed or very well understood.

So what I'm going to do -- and you've got the perfect picture to describe this as we go through. But the outdoor seatings and gathering areas, this is 5-11(E)(3), the general requirement, each primary building containing more 30,000 square feet of floor area shall provide at least one outdoor seating and gathering area for 30,000 -- for every 30,000 square feet of building gross floor area.

Number 1, each required seating gathering area shall be at least 400 square feet.

Number 2, at least 25 percent of the required seating shall be shaded.

Number 3, the seating and gathering area shall be provided with pedestrian-scale lighting and street furniture and seating areas and trash receptacles.

And 4, the required seating and gathering area shall be linked to the public -- to the primary entrance of the building and to -- public sidewalk or internal driveway are located adjacent to maximize use of public and private open space.

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So within these buildings, there's an internal circulation courtyards. The internal circular -- circulation courtyards, obviously, are tried to the circulation center path. And those center courtyards are partially shaded all the way up and through the building, both from the roof overhead and from the walkways, the communal walkways, that exist on the floor above. So internal to the buildings, those features exist.

And then, if looking at the picture that you have on the screen right now, there's a lower building. It's the community building that sits in between the two larger buildings on either side.

The second floor of that community building is a sun deck or seating space that circumvents -- or circulates entire -- the entire dimension of that -- of that community building. So the -- there's then public spaces that are then facing out to the parking lot, public spaces that are facing out to the pool area.

And then when we move to the 3rd floor of the building, where the elevator, lobby, in a sense, the exterior elevator, there's more covered seating spaces that are sitting up on that area, as well.

One of the comments that we had, one of the concerns that we had relative from the neighbors was that the public -- the higher level public spaces are -- in this case, they're private spaces for the residents, not public to all neighborhood or anyone who comes in, because they're all controlled gated, but those would provide some level of privacy encroachment on the adjacent neighborhoods.

The only areas on the 3rd floor that look down into or would look into any other neighborhood areas are either the balconies on the buildings themselves, which are very, very private areas, or that 3rd floor public area of circulation and seating space that is looking down onto the pool area. The rest -- and that's a very narrow view corridor, because it sits in between buildings. The rest of the circulation is internal and it does not then look out into the neighbors and into the neighbors' yards.

So in that way, the building does try and address not only the IDO requirements for parking -- or for seating and -- shaded seating and gathering areas, but also takes into effect the concerns from the neighbors, adjacent neighbors for privacy.

Moving on to 5-11(e)(3)(b), urban centers and main street and premium transit areas, again, those are not applicable.

And 5-11(E)(3)(c), large retail facilities and large developments, again, that's more retail and would not apply to us.

So we believe that we do meet the requirements of 5-11(E), both in facade and in gathering space.

CHAIR RODENBECK: This is Jay Rodenbeck. Thank you very much for that explanation and that clarification.

So regarding my final comments, I just note that this site plan was reviewed according to the 2018 effective draft of the IDO, and I note that an infrastructure list is included with this site plan, and a recorded IIA must be must be submitted prior to final sign-off from planning.

And I have a couple questions about this. One is to our DRB counsel, Ms. Sanchez.

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Ms. Sanchez, it looks like we've had two separate infrastructure lists signed and approved with this site plan in the past. Do you have any comments regarding the process of what should be done about the -- you know, the -- we'll need to have DRB sig- -- I presume we're going to have -- need to have DRB signatures for the site plan yet again. And then I'll have another question about the recorded IIA for the applicant's team, but first I want the infrastructure list question answered if possible.

You know, do they need to go through -- does the DRB need to sign the infrastructure list again?

MS. SANCHEZ: This is Nicole Sanchez, I defer to the city engineer on that question. Is Mr. Biazar available.

MR. BIAZAR: Mr. Rodenbeck, this is Shahab Biazar.

MS. SANCHEZ: Excuse me. Excuse me. I don't believe we swore in Mr. Biazar.

CHAIR RODENBECK: Yeah, we need to swear in Mr. Biazar.

(Witness sworn.)

MR. BIAZAR: So I just had a quick question for Ms. Sanchez. This was remanded based on the site plan issues, right, not for the infrastructure list?

MS. SANCHEZ: Mr. Biazar, yes, that's correct.

MR. BIAZAR: I mean, it's -- I would leave it up to the board. But you know, the board could reach -- you know, vote on the infrastructure list, if they choose to, but I don't believe we need to, because it -- but -- since it's tied to the site plan, I would just recommend that we re-approve the infrastructure list.

CHAIR RODENBECK: This is the DRB chair, Jay Rodenbeck.

Mr. Biazar, so, sorry, could you clarify again, do we need to have the infrastructure list go through DRB signatures again?

MR. BIAZAR: This is Shahab Biazar, I would recommend that the DRB re-vote on the infrastructure list, as well, with the site plan.

CHAIR RODENBECK: And -- and sign it?

MR. BIAZAR: And sign it, yes.

CHAIR RODENBECK: Okay. And now I have two questions for the applicant's team.

Well, I tell you what, I just got one question, because we're going to have to sign the infrastructure list you have.

I will note, if approved, that the infrastructure list copy that we have has not been signed and dated. We will need a copy of that before we can sign it. So -- but my next question is regarding the infrastructure improvement agreement.

What was the status of that previously? Could the applicant's team please confirm the status of the previous IIA requirements for the site plan?

MR. STROZIER: Mr. Chair, this is Jim Strozier with Consensus

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Planning.

So I don't -- I believe that once the project got into the appeal process, the -- there were no efforts with an IIA, and I -- and so I believe that that still would be a requirement based on the newly approved infrastructure list, to move forward with that.

CHAIR RODENBECK: This is Jay Rodenbeck.

Thank you very much for confirming that, Mr. Strozier.

So that concludes DRB comments. And now I'm going to ask again, DRB team, what we want to do regarding a recess. Because we're about to go through questions from the public. And I'm just saying that this could be a little bit time consuming. And I'm just letting you know that you now have an opportunity. We can have a recess now, 10 to 15 minutes, and then come back. Or we can just keep on going through the proceedings and go directly to public questions.

DRB, any response?

MR. WEBB: Yes, Robert Webb, code enforcement. I think we need to recess.

CHAIR RODENBECK: Thank you, sir.

Do you have a recess time that you want us to come back to? How about 11:30?

MR. WEBB: Yeah, make a motion to return at 11:30.

CHAIR RODENBECK: Do we have a second?

MS. FIROR: This is Laurie Firor from parks and rec, I second that motion to return at 11:30.

CHAIR RODENBECK: All DRB members, aye?

ALL MEMBERS: Aye.

CHAIR RODENBECK: All right. Thank you. So we're going to have a recess until 11:30 a.m., and upon return from that recess, we're going to go over questions from the public. And I'll just note, and I'll ask this after the recess, but this will be for questions, like cross-examination, and it is not a time -- it will not be a time to give additional testimony about the case. This will be questions, purely questions.

So anyway, please mute your mikes, stop your video, and we'll be back at 11:30 a.m. Thank you.

(Recess held.)

CHAIR RODENBECK: This is for the public that have spoken, I'll note that have spoken, that would like to ask questions of those who have given sworn testimony. And we're also including DRB member comments here.

I'll emphasize again, this time is only for questions, like cross-examination, and it's not a time to give additional testimony about the case, itself. This is just time for questions.

So, members of the public, please raise your hands, your virtual hands, and we'll see who wants to go first here.

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All right. Mr. Yntema.

MR. YNTEMA: Okay. Thank you.

My first question -- I have a few questions for Mr. Strozier, and then for the board members.

Mr. Strozier, you testified that there have been no ex parte contacts with the -- with the board members or with staff, but then it came out apparently that there had been some e-mail communications about the staff comments.

Can you tell us what e-mail communications about staff comments you had?

MR. STROZIER: Thank you, Mr. Chair and Mr. Yntema.

The only e-mail comments that we -- we received an e-mail last evening, end of the day, from Mr. Rodenbeck transmitting the DRB comments, and I replied. Thank you.

CHAIR RODENBECK: This is Jay Rodenbeck.

I just want to jump in for the record and show this is the e-mail, the comments e-mail, that went out to the applicant's team last night.

Did I share my screen? Sorry. I didn't, did I? Sorry about that. Let me do this again.

This is the e-mail that went out to the applicant's team with the comments.

MR. YNTEMA: Okay. Would that go into the record?

CHAIR RODENBECK: Ms. -- this is Jay Rodenbeck.

Ms. Sanchez, what should be done about this procedure?

MS. SANCHEZ: This is Nicole Sanchez.

Yes, they can actually be made part of the record. And all those comments were just provided verbally.

MR. YNTEMA: Excuse me?

MS. SANCHEZ: This is Nicole Sanchez.

All of those comments can certainly be made part of the written record. All of those comments were also just made verbally by the DRB members.

MR. YNTEMA: Oh, the attachments conform to what the DRB said? Is that...

MS. SANCHEZ: Yes, that's correct.

MR. YNTEMA: Okay. Then Mr. Rodenbeck, to the -- to the board, and let me start with you, has the board, each of the board members, reviewed and considered any of the remand issues identified by the district court?

CHAIR RODENBECK: Mr. Yntema, I'm sorry, can you explain that again?

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MR. YNTEMA: Have the -- has the board, have each of the board members, reviewed and considered any of the remand issues identified by the district court?

CHAIR RODENBECK: Ms. Sanchez, this is Jay Rodenbeck. How do you want us to respond?

MS. SANCHEZ: Mr. Rodenbeck, I -- that's not an appropriate question for me to answer.

CHAIR RODENBECK: Okay. Well, I -- this is Jay Rodenbeck.

I'll just very briefly explain that we were provided background on the -- the analysis of the remand recommendations. Does that answer your question, Mr. Yntema?

MR. YNTEMA: Of course it is somewhat of an answer. But excuse me, I've got some other questions.

When you say "background," were there written documents, or was there a special briefing of DRB members by the planning department?

CHAIR RODENBECK: This is Jay Rodenbeck, DRB chair.

Ms. Sanchez, can I answer that question?

MS. SANCHEZ: Can you repeat the question, please.

MR. YNTEMA: Yes. Mr. Rodenbeck referred to "background," and my question was as to whether there was a written background provided or was there a briefing or what -- to ask if he could explain what "background" means in that context.

MS. SANCHEZ: This is Nicole Sanchez.

DRB did receive the remand instructions. Any other background is under attorney-client privilege.

MR. YNTEMA: Okay.

Mr. Rodenbeck, let me ask, Mr. Rodenbeck --

CHAIR RODENBECK: Mr. --

MR. YNTEMA: -- I'm -- when is the date of -- when is the date that the planning director determined the application to be complete under the planning department and I guess the DRB's analysis?

CHAIR RODENBECK: This is Jay Rodenbeck.

Ms. Sanchez, how would -- the date of completion could be considered the date it was submitted and accepted.

Ms. Sanchez, do you want me to just -- to answer this question?

MS. SANCHEZ: Yes, absolutely.

CHAIR RODENBECK: Okay. Reviewing our database system, it looks like, according to my analysis, like we accepted it on June the 18th of 2019, originally, when it originally came into our office.

And when we processed it, it's my determination that could have been when it was considered accepted.

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MR. YNTEMA: Mr. Rodenbeck, were you involved in the -- in the -- in the processing of the application?

CHAIR RODENBECK: This is Jay Rodenbeck. I did not work for the city at that time.

MR. YNTEMA: Okay. Mr. Rodenbeck, let me just express opposition or objection to the procedure here. It strikes me it's not a quasi-judicial hearing.

I'd like to ask, have any of the board members reviewed the comments from the -- the written materials provided by the opponents to the project, for example, my letter dated November 18th, and the numerous letters by citizens opposing the project?

MR. WEBB: This is Robert Webb, code enforcement.

Anything that was added to the record for us to review was viewed as part of the analysis.

MR. YNTEMA: Okay.

MR. WEBB: So all -- all of the documents that were available to review was put on -- you know, put on this agenda or taken into consideration

MR. YNTEMA: Mr. Webb, one of the problems I had with the record was it wasn't paginated and I -- it's just on the Internet, and some sections of it are in some places and others are in other places.

Is there a single, paginated record that you have available to you?

MR. WEBB: I'm not -- not sure what you mean as far as that goes. We have kind of a -- our normal research process that -- that we have. But I'm -- you know, I'm not sure how to -- how to explain that, exactly. But when documents are made available for any meeting or any agenda, that's the normal review process that we go through.

MR. YNTEMA: But you don't have a record of submissions in the case dated -- ordered chronologically?

MR. WEBB: I don't have a list. I just have, you know, all the documents that were submitted for record for us to review.

MR. YNTEMA: Okay.

Mr. Rodenbeck, one of the questions in this case and was raised by the district judge, or addressed -- asked -- be addressed by -- commented on by the district judge, was the application or the applicability of R-2019-035, the city council resolution concerning the authority of the DRB.

Has the DRB determined whether R-2019-035 is still in effect?

CHAIR RODENBECK: This is Jay Rodenbeck.

Ms. Sanchez?

MS. SANCHEZ: This is Nicole Sanchez.

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The R-19-035 is no longer in effect, and the DRB at this time is following court instructions to review the site development plan.

MR. YNTEMA: Mr. Rodenbeck, does the 2018 IDO or the current 2020 IDO apply to this decision?

CHAIR RODENBECK: This is Jay Rodenbeck. The 2018 IDO applies to the review. We applied the -- let me rephrase that.

We applied the 2018 IDO to the review of the remand submittal.

MR. YNTEMA: I'm sorry. I didn't catch -- it cut out. I'm sorry. Your voice cut out.

CHAIR RODENBECK: This is Jay Rodenbeck.

We applied the 28 -- 2018 IDO to the review of the remand submittal for the site plan application.

MR. YNTEMA: Okay. And to your knowledge, is the DRB authorized to conduct quasi-judicial hearings?

CHAIR RODENBECK: This is Jay Rodenbeck.

Ms. Sanchez

MS. SANCHEZ: This is Nicole Sanchez.

The DRB is following the Court instructions to review this remand site development plan application.

MR. YNTEMA: And, Mr. Rodenbeck, have the DRB rules been amended since 2013, which I understand is the last date that they were set out?

CHAIR RODENBECK: This is Jay Rodenbeck.

I am not aware of any changes, but I'm going to decline to answer because I'm not knowledgeable of that information.

MR. YNTEMA: Is this your first time as a DRB chair?

CHAIR RODENBECK: This is Jay Rodenbeck.

Yes, it is.

MR. YNTEMA: Can you describe the process, how you became the DRB chair for this hearing -- or meeting?

CHAIR RODENBECK: This is Jay Rodenbeck.

It was made -- the decision was made by senior planning staff to make me the DRB chair for this meeting.

MR. YNTEMA: And who were the senior planning staff who made that decision?

CHAIR RODENBECK: This is Jay Rodenbeck --

MS. SANCHEZ: Mr. Rode- -- Chair Rodenbeck --

CHAIR RODENBECK: Yeah.

MS. SANCHEZ: -- if I may --

CHAIR RODENBECK: Yeah.

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MS. SANCHEZ: -- answer that question.

CHAIR RODENBECK: Yeah.

MS. SANCHEZ: Mr. Yntema, first I'd just like to mention I believe this is outside the scope of the application itself.

But just to address your question, all of the DRB alternate members representing today were selected because they had not previously reviewed or made a decision on the previous site plan. These members were approved by the planning director, with concurrence by the CAO.

MR. YNTEMA: Let me ask, what happened to Ms. Renz-Whitmore, who was -- who was designated as the DRB chair?

MS. SANCHEZ: Mr. Yntema, that's not relevant at this time. And I would request that if you continue cross-examination, that it stays relevant to the site development plan application.

MR. YNTEMA: Okay. Mr. Rodenbeck was there any notice sent -- did the city send out any notice when the application was determined to be complete for fixing the rights and obligations of the subject properties?

CHAIR RODENBECK: This is Jay Rodenbeck.

Are you referring to the remand notice?

MR. YNTEMA: No. I'm referring to when the application was filed. If I understand the city's analysis, the filing of the application and the acceptance of the application is a determination that the application is complete.

And I'm asking whether there was ever a notice to neighbors that there had been a determination that the application was complete.

CHAIR RODENBECK: This is Jay Rodenbeck.

We do not send out a notice deeming that the application is complete. The application is deemed complete when it is processed by staff and put on a DRB agenda.

MR. YNTEMA: Okay. Just a few more questions, Mr. Rodenbeck. Thank you.

What is the density per acre that's allowed, maximum, under the MX low intensity zone?

CHAIR RODENBECK: This is Jay Rodenbeck.

One second here. Let me go to the IDO requirements for MX-L.

MR. WEBB: This is Robert Webb, code enforcement.

CHAIR RODENBECK: This -- I was just --

MR. WEBB: Go ahead. Go ahead.

CHAIR RODENBECK: No, you go ahead. Go ahead, Mr. Webb.

MR. WEBB: Part of the analysis is that proposed density or proposed amount of units must meet the requirements such as parking, open space, landscaping and those types of things. So that's part of the analysis that it goes into, can they meet all

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the requirements with the proposed density that they have. So that is part of the analysis.

MR. YNTEMA: Mr. Rodenbeck, my question goes to a number. And maybe I'll restate the question.

Is there any numerical limit on the density for low intensity development in this zone?

CHAIR RODENBECK: Based upon my analysis of the 2018 IDO, I do not believe there is a set density limit. It's -- you know, there's not, for example, 20 dwellings per acre or a number like that. It limited more by, as Mr. Webb alluded to, I believe, you know, setbacks, lot size, et cetera.

MR. WEBB: This is Robert Webb, code enforcement.

Some of the numbers that you're maybe mentioning, referencing the previous zoning code.

MR. YNTEMA: Okay. Mr. Rodenbeck, I don't have any other questions. Thank you for your courtesy.

CHAIR RODENBECK: Thank you, Mr. Yntema.

This is Jay Rodenbeck. Do we have any other -- any other people out there who have previously made comments or have questions for DRB staff and the applicant's team?

Thank you. Mr. Weaver, you are free to speak, ask a question.

MR. WEAVER: Yeah. I just have a real quick question. So when were the Batch 1, 2 and 3 applications complete?

CHAIR RODENBECK: This is Jay Rodenbeck. One second.

Batch 1 properties were effective September 8th, 2019, and Batch 2 properties were effective December 18th, 2019.

MR. WEAVER: Okay. That's when they were approved. But when was their application complete?

CHAIR RODENBECK: I don't have that information.

MR. WEAVER: Thank you.

CHAIR RODENBECK: Any other questions, Mr. Weaver? No?

All right. Anybody -- any other members of the public want to ask any questions

MS. STARNER: Yeah, Mr. Dennis Starnier.

CHAIR RODENBECK: Mr. Starnier. Mr. -- oh, Ms. Starnier.

MR STARNER: Yeah, this is Dennis Starnier.

CHAIR RODENBECK: Mr. Starnier, wait, wait, real quick. I just -- I'm -- I don't recollect you speaking before, but you probably did.

Did you -- can confirm if you spoke before and you were sworn in?

MR. STARNER: I wasn't sworn in. I put a comment -- I asked a question on the chat. I didn't know if --

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CHAIR RODENBECK: Okay. Okay. Ms. -- I don't know if you can speak. I'm sorry, but based upon our rules and procedures, I'm not sure if you can ask questions if you did not originally comment and you weren't sworn in. And we definitely have to swear you in.

Ms. -- Ms. Sanchez, what do you think on this?

MS. SANCHEZ: This is Nicole Sanchez.

It's at the chair's discretion, but typically, this is an opportunity to have follow-up questions for people that have already spoken.

MR. STARNER: So the -- the chat questions won't be addressed? I thought the public could use that as -- the questions on there. It's just a -- I didn't -- I thought that they would be answered. And I could swear in.

CHAIR RODENBECK: One second, Mr. Starnier.

So, Mrs. -- this is Jay Rodenbeck.

Ms. Sanchez, you're saying that the DRB does have the ability to swear in a member of the public who didn't originally speak to ask questions?

MS. SANCHEZ: That would be at your discretion, if you want to go ahead and allow it.

CHAIR RODENBECK: Okay.

All right, Mr. Starnier, provided this is a question about testimony -- or sorry -- that this is a question to those who have given sworn testimony or from DRB comments, you can ask a question. And let me get you sworn in here. Give me your name and your address

MR. STARNER: My name is Dennis Starnier. I live at 8736 Tierra Montana, Northeast

(Witness sworn.)

CHAIR RODENBECK: All right. Thank you. What's your question, please?

MR. STARNER: So my question in the chat was, I believe in the briefing, and maybe it's been -- someone else spoke on it, but it was about the not needing a traffic-impact study for this project. And I was wondering, you know, why -- why that is.

With the one entrance and exit, with 150 cars coming in and out of there, I don't understand why we wouldn't do a traffic-impact study for this area. When schools are open in the morning and schools let out in the evening, there's traffic from Alameda all the way down to Paseo, with people getting in and out of there. And I can't understand how an additional 150 cars going in and out of one entrance will not add to that and we wouldn't want to know what the impact would be to this area for the traffic.

CHAIR RODENBECK: This is Jay Rodenbeck.

Mr. Grush, do you wish to respond to this question?

MR. GRUSH: This is Matt Grush, transportation engineer.

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The size of the development does not meet the requirement for a traffic study. There's a limited number of -- if you look at peak-hour traffic, in this case, there's -- you said there's two -- you said there was one driveway; there's actually, I believe, two driveways. And the peak-hour traffic shows -- let me look at my reference material here.

In the morning, there's 32 trips that's entering and exiting. In the afternoon, there's 41 trips in the peak hour that are entering and exiting. There's not 150 vehicles leaving at one time. There could be possibly 32 trips at both driveways during the peak hour that's entering and exiting.

Did that answer your question?

MR. STARNER: I guess it kind of does, but I just don't understand why an impact study would not be a part of this to -- I live directly behind where this development is going to be.

And, like I said, in the mornings and when school is let out in the high peak times, there is backed up traffic between Alameda, all the way down to Paseo, and you have Signal, and I can't remember the traffic that comes out of La Cueva, I can't remember that street, but there's an entrance and exit to this facility, or this proposal, that is within probably 60 feet or so of the Alameda and Barstow intersection, and then just to the south, you have the signal intersection, a four-way intersection. And there -- like I said, the traffic is backed up, as it is, and adding this much more in there, I would assume that we wouldn't want to -- we'd want to do our due diligence and ensure that that's not going to create an issue.

Because I can foresee, there's going to be traffic lights put in there to control the congestion at Barstow and Alameda. I can see it coming, and maybe even a signal on Barstow. There is a very small space in between there.

And when you add that much more traffic in there, I'm just asking this board that, should we not do our due diligence and do a traffic-impact study before we make any decisions?

CHAIR RODENBECK: This is Jay Rodenbeck.

Thank you very much, Mr. Starnier. Do you have any other questions that pertain to comments?

MR. STARNER: Well, I thought the comments was that we -- a traffic-impact study was not required. And that's my question, is why not.

CHAIR RODENBECK: And this is Jay Rodenbeck. Mr. Grush answered that question.

MR. STARNER: Okay. Just want to be on record. Thank you.

CHAIR RODENBECK: Thank you very much, sir.

Any other questions for DRB staff or the applicant's team?

MR. REGAN: This is Dan Regan, I put my hand up multiple times and it went away multiple times.

CHAIR RODENBECK: Thank you, Mr. Regan. Please go ahead.

MR. REGAN: This question is for you, Mr. Rodenbeck.

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Was there ever a written determination provided by city planning as to when the applications -- or why the application for voluntary conversion were considered accepted for purposes of processing, which means the application was fully complete, but not considered complete until their approval date?

CHAIR RODENBECK: This is Jay Rodenbeck.

Mr. Regan, are you asking about the batch rezoning?

MR. REGAN: Yes, I am.

CHAIR RODENBECK: Okay. And my answer is, I am not aware of how that process took place. That was not a part of the DRB. That was, you know, a separate action -- set of actions, so I don't have an answer to that question.

MR. REGAN: So you're not aware of any written determination as to why they were not accepted as complete when the city said you're in the process, you had filed, we have noted your file?

CHAIR RODENBECK: This is Jay Rodenbeck.

Ms. Sanchez, do you have a response?

MS. SANCHEZ: This is Nicole Sanchez.

No. I believe Chair Rodenbeck's answer suffice.

MR. REGAN: I find it nonresponsive, but I appreciate the effort. Thank you.

CHAIR RODENBECK: You're welcome, sir. Any other questions, sir? This is Jay Rodenbeck. Any other questions, Mr. Regan? No.

Any other members of the public who have spoken would like ask any questions out there?

Mr. Weaver, I see your hand up.

MR. WEAVER: Yes, sir, you do.

CHAIR RODENBECK: All right. Go ahead, sir.

MR. WEAVER: All right. Thank you.

CHAIR RODENBECK: Yeah.

MR. WEAVER: Yeah, just a follow-up. I just went to your website really quickly, so -- in response to my previous question for -- the applications for the batch processes were -- were open between May of 2018 to May of 2019. The Batch 1s were finalized submitted in November of 2018. Batch 2 were final submitted -- submitted in May of 2019. And the batch 3s were final submitted in August of 2019. So that's per your website.

CHAIR RODENBECK: Thank you for (inaudible), Mr. Weaver.

Do you have any questions?

MR. WEAVER: That was -- that was just to identify the application complete dates of those batches, batch processes that I asked about.

CHAIR RODENBECK: Okay. Thank you for -- thank you for that comment.

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Does anybody else have any questions about sworn testimony or DRB comments?

Angela, do you -- Ms. Gomez, do you see any hands raised out there? I'm not seeing any.

MS. GOMEZ: I'm not seeing anything else, Mr. Chair.

CHAIR RODENBECK: Okay. Thank you, Ms. Gomez.

So that leads us to the next step, which is the DRB taking action on the case to defer, approve or deny the application.

So before we go through to ask each board members to approve, deny or defer the application, we need -- I need to read off something here that -- I just need to note that: The DRB finds and identifies the following. The DRB is complying with the district court's decision and instructions in that it believes the application of R-2019-35 would run contrary to that intent. The application was deemed complete.

And, Ms. Sanchez, you can jump in here. Based on my analysis of our processing system, it was deemed complete on June 18th, 2019, therefore, the 2018 IDO applies.

The zone conversion became effective on September 8th, 2019, and I'll note that was for Batch 1. Batch 2 was from December 2019. And, therefore, the neighborhood edges do not apply.

And under IDO 1-10(B), the zone code and the zoning identified on the official zoning map at the time the application was deemed complete applies.

So now I will ask each board member to vote to approve or deny the application and the associated infrastructure list and if you are accepting delegation, please summarize that delegation and the time needed.

Water authority.

MR. CARTER: Thank you, Mr. Chair.

Blaine Carter for the water authority.

I vote for approval with delegation for payment of the pro rata. And we could go however long they need on that, just in 12 weeks.

Thank you.

CHAIR RODENBECK: Thank you.

One second here. All right. Code enforcement.

MR. WEBB: Robert Webb, code enforcement.

I approve. And with delegation from the discussion on the size of the sign, clarification of signage, and clarification of walls. And that the submission for building permit will match the site plan to DRB.

CHAIR RODENBECK: Thank you, sir.

Parks and recreation.

MS. FIROR: This is Laurie Firor of parks and recreation.

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I vote to approve. I agree with the delegations identified so far. And parks and rec identifies no further delegations.

CHAIR RODENBECK: Thank you.

Hydrology.

MR. CHERNE: Yes, I approve the site plan, but I cannot sign it until there is a recorded IIA. And, again, I can sign the infrastructure list.

CHAIR RODENBECK: I just want to jump in here, Mr. Cherne.

You had some comments pertaining to grading and drainage. I thought you had some conditions that you wanted to see met based on your comments.

MR. CHERNE: Yeah, they can all be addressed at building permit.

CHAIR RODENBECK: Okay. So you don't need them to be addressed prior to final sign-off of the site plan?

MR. CHERNE: Correct.

CHAIR RODENBECK: Okay. So regarding the infrastructure list, we don't have a signed and dated infrastructure list to sign at the DRB meeting today. But when we get one in, just be aware, and all DRB members, there are no conditions of approval for the infrastructure list. It's for the site plan.

And so the way the recorded IIA works is, we -- if there is a record IIA requirement, which there is here, the DRB -- and that's typically planning. Planning cannot sign off on the recorded IIA -- sorry -- planning cannot sign off on the site plan until we get a recorded IIA from the applicant. That's how that usually works.

MR. CHERNE: Oh, so you can do that, Jay? So planning -- does that not --

CHAIR RODENBECK: Yeah, planning --

MR. CHERNE: -- (inaudible)?

CHAIR RODENBECK: Yes. Yes.

MR. CHERNE: Well, if planning -- I can -- I can sign that approved site plan, then.

CHAIR RODENBECK: So no conditions. Thank you.

MR. CHERNE: Yeah.

CHAIR RODENBECK: Transportation.

MR. GRUSH: This is Matt Grush with DRB transportation.

We will approve the application. My earlier comment on ADA parking can be rectified during the traffic circulation layout review. So transportation has nothing additional to add. When the infrastructure list comes through and if it looks like the previous one, we are prepared to sign it.

CHAIR RODENBECK: And while we're bringing up the infrastructure list, before we go any further, I want to go through the remanded infrastructure list with everybody on the DRB and make sure that

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what we are seeing is complete.

And if anybody has any questions -- and you guys should have reviewed this of course. But if you have any questions, this is the infrastructure list that we received as part of the remand submittal.

Oh, and I'm not even sharing the screen, of course.

Here is the infrastructure list that I'm sharing with everybody, that we received as part of the remand submittal. And so long as everybody's good with that, then --

MR. CHERNE: Wait a minute there for a second, would you?

CHAIR RODENBECK: Sure.

MS. GOMEZ: Mr. Chair, I believe Mr. Strozier has his hand up.

CHAIR RODENBECK: Mr. Strozier. This is Jay Rodenbeck.

Mr. Strozier, you can go ahead.

MR. STROZIER: Okay. Yeah, I just -- I just had a question, because I believe that Mr. Webb had indicated that he needed to take delegation, and the water authority also needed delegation for the pro rata.

And I was wondering if Mr. Webb would allow planning to check for his approval and -- and -- and -- because I believe --

CHAIR RODENBECK: Yeah. So --

MR. STROZIER: -- (inaudible) --

CHAIR RODENBECK: -- yes --

MR. STROZIER: -- only --

CHAIR RODENBECK: -- yes, Mr. --

MR. STROZIER: -- allowed two --

CHAIR RODENBECK: Strozier --

MR. STROZIER: -- (inaudible).

CHAIR RODENBECK: Yes, Mr. Strozier makes a great point. Thank you so much for making that point.

So I think we need -- Ms. Sanchez, you can jump in here. But I believe we can only have two delegating DRB members for checking conditions of approval. So, Ms. -- so code enforcement, their comments can be checked and reviewed based on behalf of planning.

And do I need to go through another -- another vote from code enforcement, or should we start this process all over again, Ms. Sanchez?

MS. SANCHEZ: This is Nicole Sanchez.

Just confirm with code enforcement that that's acceptable.

CHAIR RODENBECK: Mr. Webb.

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MR. WEBB: Robert Webb, code enforcement.

Yes, that is acceptable.

CHAIR RODENBECK: Okay. Thank you.

So code enforcement, their conditions of approval will be reviewed on behalf of -- will be reviewed by planning. Thank you. So --

MR. CHERNE: Mr. Chair, this is Curtis Cherne.

I was wondering if we should update the date of the infrastructure list. It says 11/19/2019. I'm sure this was sent later than that.

CHAIR RODENBECK: Ms. Sanchez, this is Jay Rodenbeck. What do you think?

MS. SANCHEZ: This is Nicole Sanchez.

I don't have a comment on that. I don't know anything about the submittal date.

CHAIR RODENBECK: This is Jay Rodenbeck.

The date will ultimately be verified by the signature or, you know -- by the signature at your provided by the applicant's team on the infrastructure list. When we receive that signed and dated infrastructure list, I believe that's the date that will -- you know, that we're most concerned by.

MR. CHERNE: Yeah, that's -- you're right. That's what we look for. Right.

CHAIR RODENBECK: All right. Thank you.

All right. And so go back to -- going back to transportation, Mr. Chairman Grush, do you have any conditions of approval?

MR. GRUSH: There's no conditions of approval for transportation.

CHAIR RODENBECK: All right. Thank you.

And that leaves planning, and before I go over my vote here, Ms. Sanchez, do we need to verbalize any findings for the notice of decision?

MS. SANCHEZ: Chair Rodenbeck, it's my understanding you reviewed your findings.

CHAIR RODENBECK: So the findings that I reviewed before the votes are what -- are the comprehensive findings for our notice of decision? Will you please confirm that?

MS. SANCHEZ: This is Nicole Sanchez.

Yes. And also, I believe DRB typically finds conformance of the site plan with the IDO and DPM requirements.

CHAIR RODENBECK: Yes. Yes, that -- this is Jay Rodenbeck.

That is a normal finding in the notice of decision.

Okay. So this is Jay Rodenbeck. The conditions of approval from

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planning are we need a solid waste signature to be obtained, final -- prior to final sign-off from planning.

We need the project and the application numbers to be added to the site plan prior to final sign-off and planning.

We need to landscape plan sheets to be sealed and signed by a licensed landscape architect prior to distribution of the site plan for DRB signatures.

And we'll need a recorded IIA to be submitted prior to final sign-off from planning.

And so there is a consensus vote to approve Item PR-2019-002496, and Application Number SI-2019-00180, and the associated infrastructure list. And because -- dated -- and I will announce -- dated 11/19/2019. And because the application meets all the applicable requirement of the IDO and DPM, with delegation to planning and the water authority for 12 weeks to address issues just stated.

Thank you very much.

And that concludes the hearing. We don't have -- Ms. Gomez, we don't have any other matters, right?

MS. GOMEZ: No, Mr. Chair. We have no other matters.

CHAIR RODENBECK: Okay. And we have no action sheet minutes to approve. And we're not going to have a signing session for approved cases. So I believe we can adjourn the meeting now at this time. Do I have a motion to adjourn the meeting?

MR. CHERNE: This is Curtis Cherne. I move to adjourn the meeting.

CHAIR RODENBECK: Thank you. Do I have a second?

MS. FIROR: This is Laurie Firor of parks and rec. I second that motion to adjourn the meeting.

CHAIR RODENBECK: Thank you. And all other DRB members, aye.

ALL MEMBERS: Aye.

CHAIR RODENBECK: All right. Thank you very much. That concludes and adjourns our DRB meeting today. Thank you.

(Conclusion of proceedings.)

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RE: CITY OF ALBUQUERQUE DRB MEETING MINUTES OF
DECEMBER 3, 2021, AGENDA ITEM 1

TRANSCRIPTIONIST'S AFFIRMATION

I HEREBY STATE AND AFFIRM that the foregoing is a correct transcript of an audio recording provided to me and that the transcription contains only the material audible to me from the recording was transcribed by me to the best of my ability.

IT IS ALSO STATED AND AFFIRMED that I am neither employed by nor related to any of the parties involved in this matter other than being compensated to transcribe said recording and that I have no personal interest in the final disposition of this matter.

IT IS ALSO STATED AND AFFIRMED that my electronic signature hereto does not constitute a certification of this transcript but simply an acknowledgement that I am the person who transcribed said recording.

DATED this 25th day January 2022.

/S/

Kelli A. Gallegos-----

**Development Review Board (DRB)
Review Comments
Utility Development Section
Reviewer: Blaine Carter, P.E.
Phone: 505.415.9188**

DRB Project No: PR-2019-002496	Date: 12/03/2021	Item No: #1
Zone Atlas Page: C-20	Legal Description: LOT 1--4 BLOCK 4 TRACT 3 UNIT 3 NORTH ALBUQUERQUE ACRES Location: SEC of BARSTOW ST NE AND ALAMEDA BLVD NE	
Request For: SI-2019-00180 - SITE PLAN		

ABCWUA Comment:

Please provide written description of how the following comments were addressed with the next submittal.

1. Availability Statements #180916 and #200615 have both been issued related to this project. The statements set the criteria for service. Routine service connections are available for both water and sewer service. No offsite main extensions are required. Three public hydrants are required per the latest statement.
2. This project is within the adopted service area.
3. Pro Rata:
 - a. Pro rata is owed for this property in the following amounts:
 - i. Water = \$2,268.28
 - ii. Sewer = \$3,755.42
 - iii. Total = 6,023.7
 - b. Payment of pro rata is a requirement prior to approval. This item may be delegated in accordance with DRB procedures.

4. Utility Plan:
 - a. No objections.
5. Infrastructure List:
 - a. No objections. The required 3 public hydrants are listed.
6. Easements:
 - a. The proposed public water infrastructure, including hydrants and meters, are within the public right-of-way and do not require any additional easements.
 - b. No other easements appear to be necessary based upon the utility plans.

Alameda Barstow Apartments

11/15/2021 mpg

Planning Transportation

8400 ALAMEDA BLVD NE

DRB/PR-2019-002496

LOTS 1-4 BLOCK 4 NORTH ALBUQUERQUE ACRES TRACT 3 UNIT 3, zoned MX-L, located at 8400 ALAMEDA BLVD NE, east of BARSTOW BLVD NE, containing approximately 2.9023 acre(s). (C-20)

Multi Family Mid-Rise ITE Land Use Code #221, 93 Du's – 10th edition

AM peak 32 trips

PM peak 41 trips

No Traffic Impact Study (TIS) required due to peak hour trips combined entering and exiting not exceeding 200 total trips per hour.

Zoned MX-L

Alameda Blvd. classified as a Major Collector

Barstow St. classified as a Major Collector

Off-site improvements, public infrastructure

Barstow St. improvements: (South property line to Alameda Blvd.)

- Standard curb and gutter
- 6' wide sidewalk (no buffer so that sidewalk aligns with existing sidewalk to the south)
- 11' driving lane northbound
- 6' bike lane northbound
- NB right turn lane 11' wide
 - (total of 28' wide asphalt pavement)
- All pavement markings, striping and signs
- One 26' wide driveway

Alameda Blvd. improvements (Barstow St. to east property line)

- Standard curb and gutter
- Median curb and gutter
- Paved asphalt multi-use trail 12 feet wide on southside of Alameda, this side appears to be better suited for a multi-use trail
- 2-driving lane (24' wide asphalt pavement)
- One 26' wide driveway
- All pavement markings, striping and signs

Site plan review

Parking space requirement minimum met – required 139 space

Motor cycle parking correct (4 minimum)

Bicycle parking correct (14 minimum)

Compact parking correct (34 maximum)

ADA requirement 8 spaces total with 2 Van accessible (site plane has 6 ADA spaces calculated as 1 per ADA unit 5 units with 4 Van spaces) 2 **additional ADA spaces needed.**

Driveway width and curb return sizes OK

Driveway spacing appropriate

DEVELOPMENT REVIEW BOARD

Code Enforcement Comments

Disclaimer: Comments provided are based upon information received from applicant/agent. If new or revised information is submitted, additional comments may be provided by Planning staff.

Robert Webb – Planner, CE
Planning Department
rwebb@cabq.gov

DATE: 12/3/2021

AGENDA ITEM NO: 1

DRB PROJECT NUMBER:

PR-2019-002496

SI-2019-00180 – Site Plan

PRT 2019

PROJECT NAME:

CONSENSUS PLANNING, INC. agent(s) for BELLA TESORO LLC request(s) the aforementioned action(s) for all or a portion of LOT 1--4 BLOCK 4 TRACT 3 UNIT 3 NORTH ALBUQUERQUE ACRES, zoned MX-L, located at the SEC of BARSTOW ST NE AND ALAMEDA BLVD NE, containing approximately 3.38 acre(s). (C-20)

PROPERTY OWNERS:

MATONI GIUSEPPE & ANNA TRUSTEES MANTONI FAMILY TRUST, LINDBORG PT

Request:

SITE PLAN FOR MULTI-FAMILY RESIDENTIAL DEVELOPMENT

COMMENTS:

- The Site Plan and development must comply with all applicable provisions of the 2018 IDO and DPM.
Including, but not limited to the following:
- IDO section 1-10-B Complete Applications. Submitted & accepted as complete in June 2019, scheduled for DRB in July 2019, zone conversion effective September 2019.
- IDO section 4-2 Allowable Uses and 4-3 Use Specific Standards.
- IDO section 4-3-B-7 Multi-Family Use Specific Standards.
- IDO section 5-1 Dimensional Standards.
- IDO section 5-2 Site Design and Sensitive Lands.

DEVELOPMENT REVIEW BOARD

Code Enforcement Comments

Disclaimer: Comments provided are based upon information received from applicant/agent. If new or revised information is submitted, additional comments may be provided by Planning staff.

Robert Webb – Planner, CE
Planning Department
rwebb@cabq.gov

DATE: 12/3/2021

- IDO section 5-3 Access and Connectivity.
 - IDO section 5-4 Subdivision of Land.
 - IDO section 5-5 Parking and Loading.
 - IDO section 5-6 Landscaping, Buffering, and Screening. Including minimum standards, overlapping requirements, street frontage, parking lot & edges, and screening roof equipment.
Site Plan shows 6ft landscape buffer is included on the south property line.
 - IDO section 5-7 Walls and Fences.
 - IDO section 5-8 Outdoor Lighting.
 - IDO section 5-11 Building Design, 5-11-D & E.
 - IDO section 5-12 Signs, 5-12-F.
 - IDO section 5-13 Operation and Maintenance.
-
1. Clarify if project will be phased. Site Plan Checklist page referenced no or N/A. Site Plan referenced phases.
 2. Monument appears to be 60 SqFt, however maximum allowed is 50 SqFT in La Cueva mapped area.
 3. Will there be wall signage?
 4. Clarify proposed walls, fences, security gates. Height may require variances.

1. Hydrology

As part of the review, I reviewed the North Albuquerque Acres Drainage Master Plan. It is referenced on the Preliminary Grading and Drainage Plan. I also reviewed the drainage plan for Hope Plaza.

Since this is a "Preliminary" or "Conceptual" drainage plan any shortcomings and details would get picked up during the review of the project for Building Permit approval. I did not see any details of the pond routing to be able to verify the flow rate out of the pond and to verify the required pond volume.

The drainage plan states a proposed discharge from the site of 6.9 cfs, which is reduced from 12.1 cfs due to the onsite pond.

- a. The drainage plan uses a time of concentration and time to peak that in effect reduces the required pond volume. I do not think this is applicable since all the drainage ends up in the pond and does not start to drain out until the pond is 1 foot full. Not using time of concentration and time to peak, I calculated 21,599 cu ft rather than the 20,730 cu. ft. stated in the drainage plan. Of course, this is only 5% difference.
- b. Pond depth is reported as 3.5 feet deep. Bottom of wall at 86.0 and top of wall at 89.5, with the invert of the sidewalk culverts at 87.0. The calculations do not appear to take "Freeboard" into account which is usually 1 foot. This effectively reduces the pond volume as its depth is only 2.5 feet rather than 3.5 feet as stated.
- c. Provide sidewalk culvert calculations.
- d. The Consultant should consider a fence around the pond it is deeper than 18".

Conclusions:

1. For a Preliminary Grading and Drainage Plan it is acceptable, but the Consultant should address comments (a), (b), (c) and (d) above when submitting for Building Permit.
- A. Street alignment: It is difficult to tell if the proposed lanes east of Barstow will align with the through lane west of Barstow for the east-bound movement. Please add an exhibit.

DRB Alternate Laurie Firor - Comments on PR-2019-002496

As representative for CPA Parks & Recreation Department, I have reviewed documents associated with this case & have no comments. From what's presented, there appears to be no negative impact to the PRD program.



DEVELOPMENT REVIEW BOARD

Planning Dept. - Major Case Comments

HEARING DATE/AGENDA ITEM

Project Number: PR-2019-002496

Application Number:

SD-2019-00180 – SITE PLAN

Project Name: Alameda Luxury Apartments

Request:

Site Plan

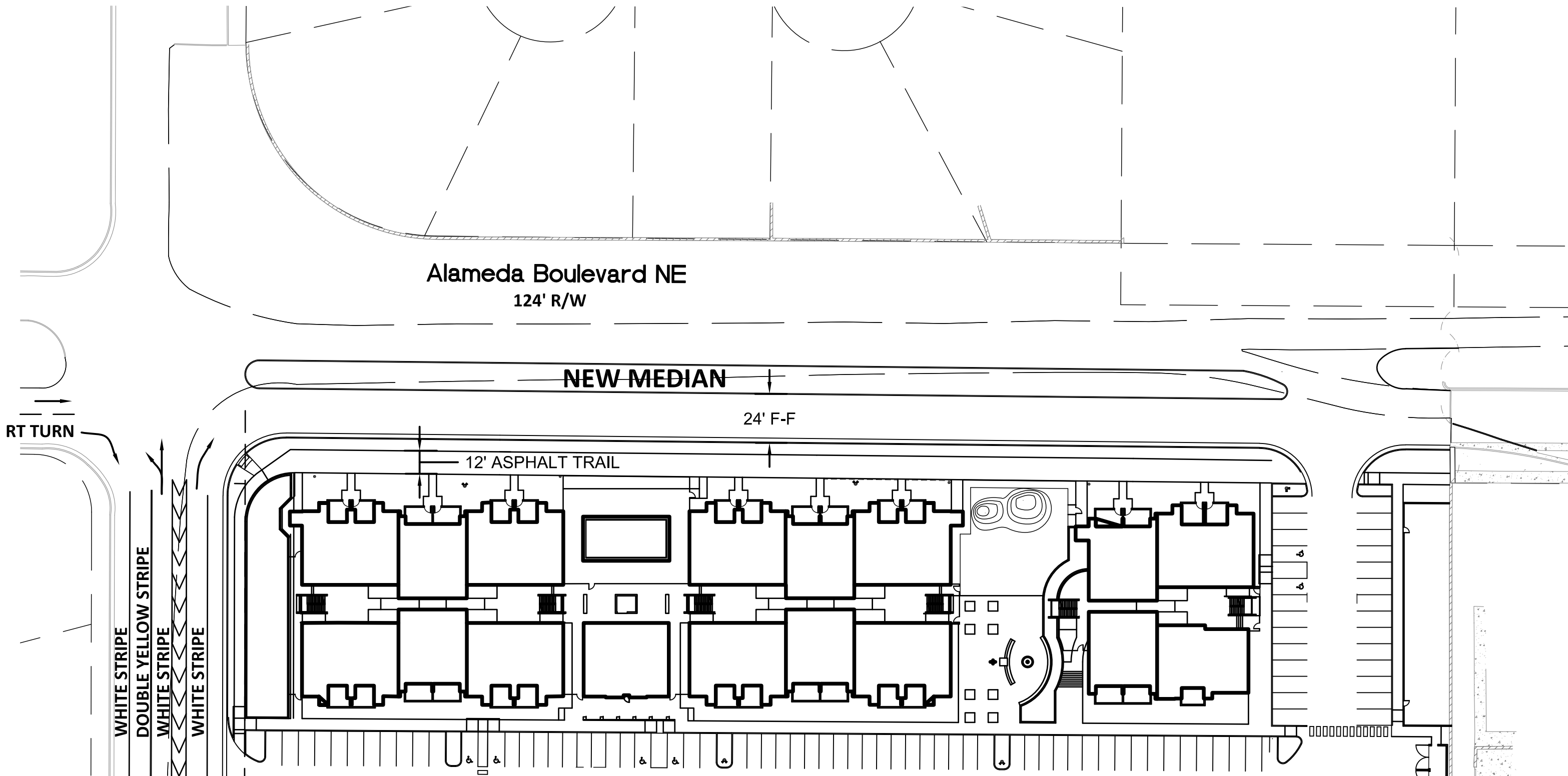
COMMENTS:

- Solid Waste signature must be obtained prior to final sign-off from Planning.
- The project and application numbers must be added to the Site Plan prior to final sign-off from Planning.
- Landscape Plan sheet(s) must be signed/sealed by a licensed Landscape Architect.
- Clarify how the Building Design Requirements of 5-11(E) of the IDO are being met.
- This Site Plan was reviewed according to the 2018 Effective Draft of the IDO.
- An Infrastructure List is included with this Site Plan. A recorded IIA must be submitted prior to final sign-off from Planning.

Disclaimer: The comments provided are based upon the information received from the applicant/agent. If new or revised information is submitted, additional comments may be provided by Planning.

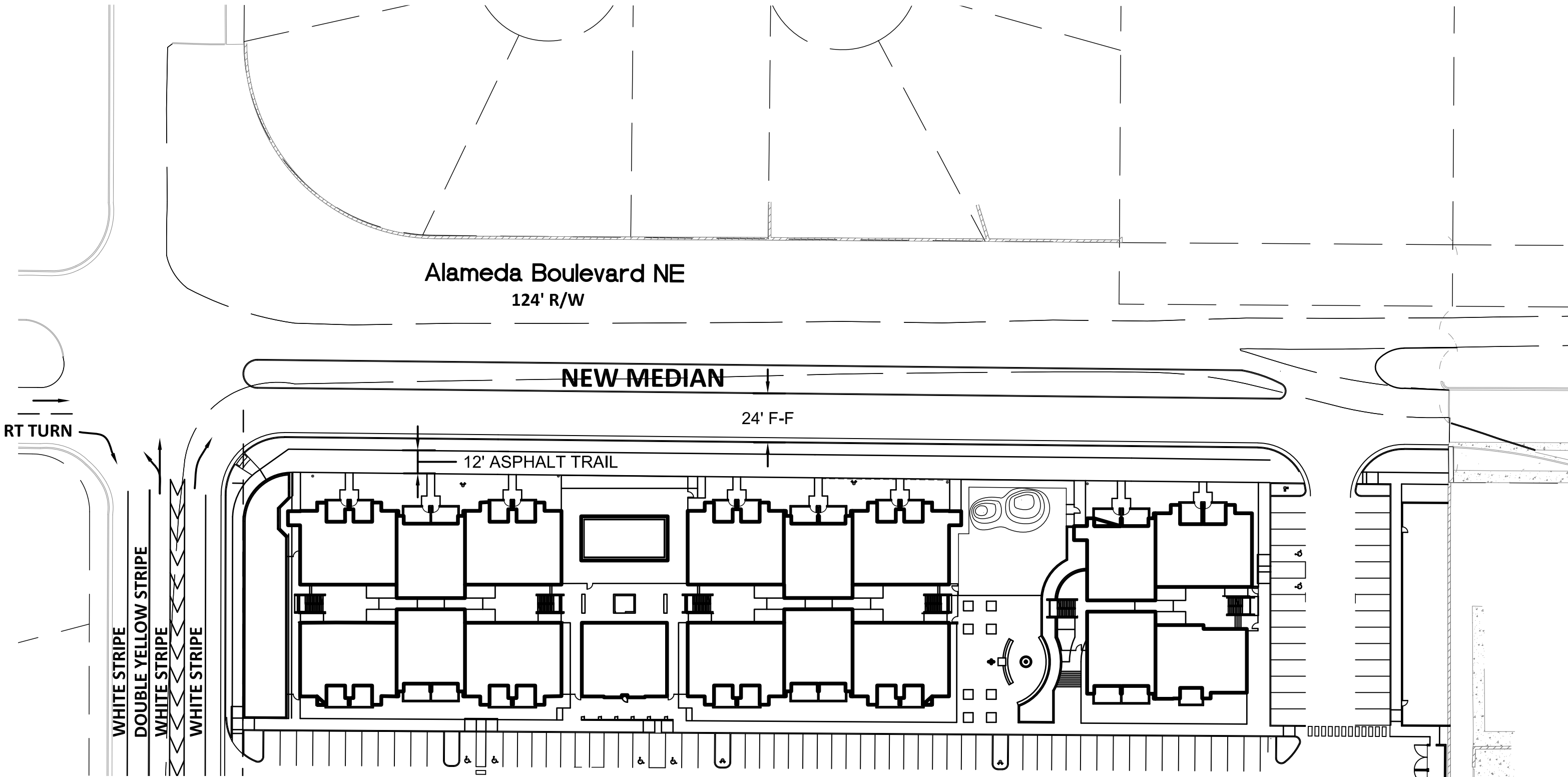
FROM: Jay Rodenbeck
Planning Department

DATE: 12-2-21



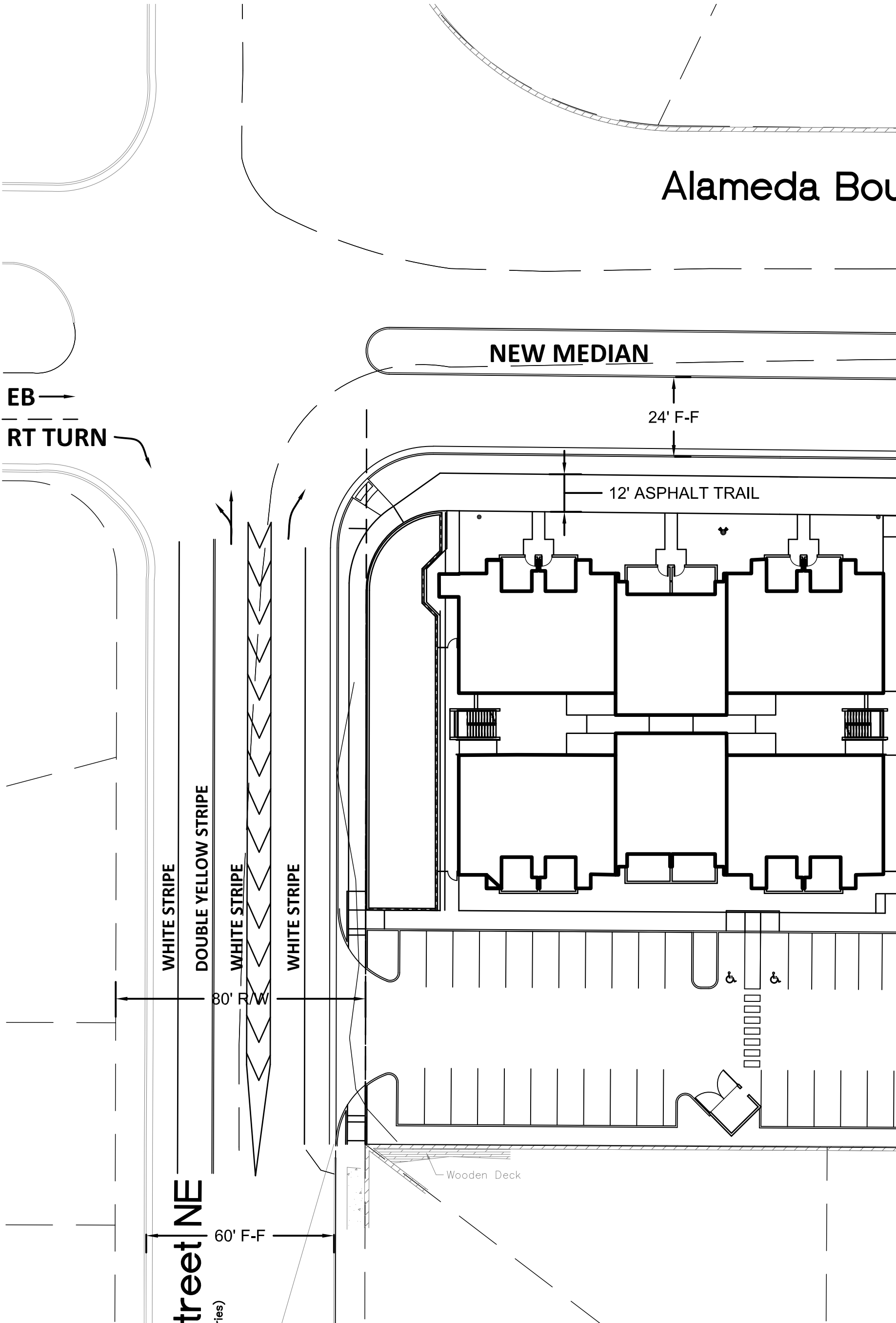
ALAMEDA PAVING IMPROVEMENTS

1" = 50'



ALAMEDA PAVING IMPROVEMENTS

1" = 50'



Alameda Boul

NEW MEDIAN

24' F-F

12' ASPHALT TRAIL

WHITE STRIPE

DOUBLE YELLOW STRIPE

WHITE STRIPE

WHITE STRIPE

80' R/W

treet NE

(ies)

60' F-F

Wooden Deck

BARSTOW PAVING IMPROVEMENTS

1" = 30'

Alameda Luxury Apartments

8400 ALAMEDA BLVD NE

PR-2019-002496

SI-2019-00180

Project Overview

This is a request for a 94,620 square foot apartment complex including two 34,017 square foot residential buildings, a 19,537 square foot residential building, and a 7,049 square foot community building with open spaces, a dog park, pool, and picnic area.

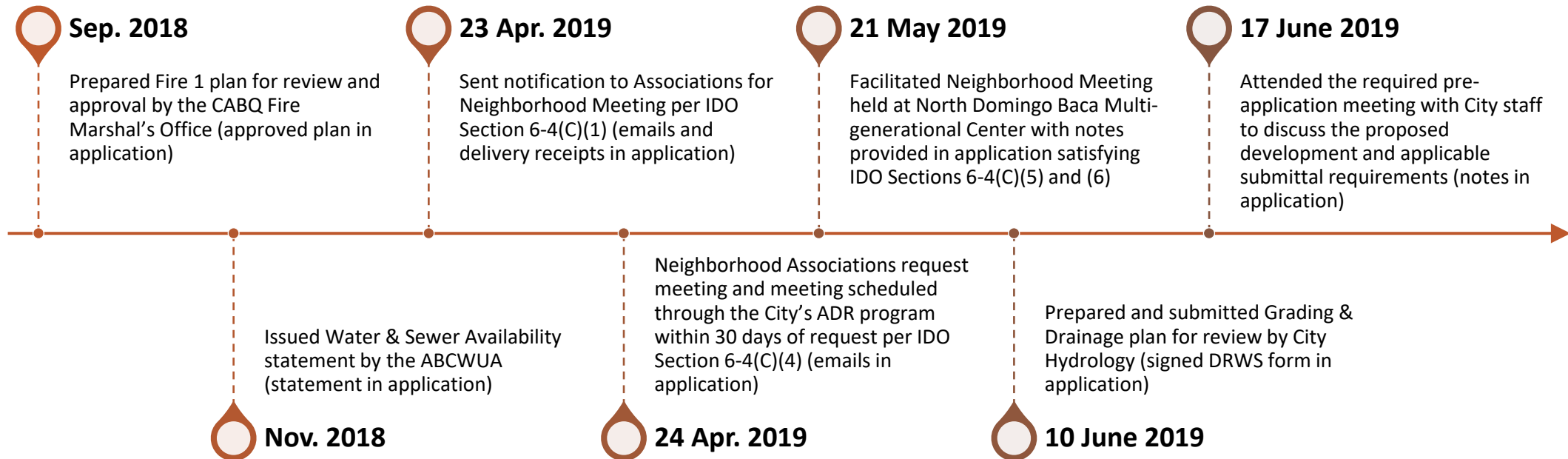
The site is located at the southeast corner of Alameda Boulevard and Barstow Street NE, zoned MX-L.

The project contains a maximum of 93 dwelling units.

The maximum building height is 35 feet (3-stories).

Project is proposed to be constructed in three phases.

Pre-Application Steps



Notice and 2nd Facilitated Meeting



The applicant provided notice as outlined in the IDO Table 6-1-1. The applicant notified property owners within 100 feet and affected neighborhood associations for the initial DRB meeting and for this DRB remand meeting consistent with IDO Sections 6-4(K)(2) Mailed and 6-4(K)(4) Electronic Mail notice

Evidence of mailing and emails were supplied in the initial application and as part of the documentation for this remand hearing

Signs were posted on each street frontage, as required by IDO Section 6-4(K)(3)

A second facilitated meeting was requested and held on July 8, 2019 consistent with IDO Section 6-4(D)

Who Can File the Application

Consensus Planning is the authorized agent of the property owners and submitted the application in accordance with IDO Section 6-4(E)(1)(a)

Giuseppe Matonti, Trustee of Matonti Family Trust
2628 Wisconsin St NE
Albuquerque, NM 87110
505-296-0248

To Whom It May Concern:

I hereby authorize Mr. Jim Strozier of Consensus Planning and Mr. David Hickman of Jeebs & Zuzu to act as our agents on the Monet, Alameda Luxury Apartments project to be located at 8400 Alameda Blvd. NE.

Mr. Strozier shall act on our behalf throughout the planning and DRB process and Mr. Hickman shall act as the architect for the project.

If you have any questions or concerns, please contact me directly.



Philip Lindborg
Owner
The Monet
12809 Donette Ct NE
Albuquerque, NM 87112
phillindborg@comcast.net
(505) 450-4388

July 11, 2019

Ms. Kym Dicome, Chair
Development Review Board
City of Albuquerque Planning Department
600 North 2nd Street NW
Albuquerque, NM 87102
kdicome@cabq.gov

Ms. Dicome:

The purpose of this letter is to authorize Consensus Planning, Inc. for the 2019 year to act as our agents for all relevant entitlement requests related to our property located east of Barstow and south of Alameda Boulevard NE. This includes the Site Plan – DRB and Plat requests required for the development of the property.

The property is legally described as Lots 3 and 4, Block 4, Tract 3, Unit 3 North Albuquerque Acres.

Sincerely,



Giuseppe Matonti, Trustee
Matonti Family Trust

Complete Application

The application for this project was submitted to the City of Albuquerque and accepted for review on June 17, 2019.

Per IDO Sections 14-16-6-4(F) Application Materials and 14-16-6-4(H) Application Completeness, the application included all applicable forms and related information required by the City for a Site Plan – DRB as listed on Form P2, found on the City website, in sufficient detail and readability to evaluate the application for compliance with the IDO.

IDO Section 6-4(H)(3) requires the City to notify the applicant of incompleteness within 5 business days after receiving the application. No notification in the required timeframe justifies a determination of completeness by June 24, 2019.

The application was scheduled for a DRB meeting on July 17, 2019. Under IDO Section 6-4(H)(4), scheduling of a hearing before a review body implies a determination of completeness.

The City notified the Applicant on June 27, 2019 (8 business days after application) that a second letter of authorization from the Matonti Family Trust was required to proceed with further review. This letter was submitted to the DRB on July 11, 2019, which is the latest date that would be considered for application completeness.

Standards and Criteria in Effect

The latest date for determination of completeness is July 11, 2019.

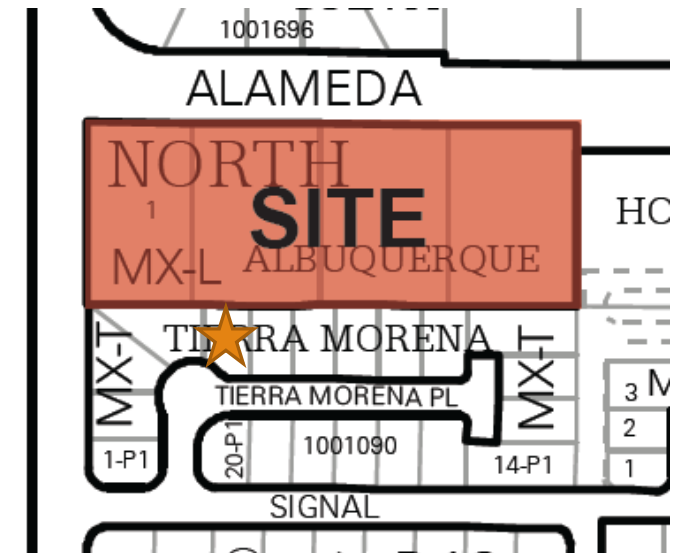
Per IDO Section 1-10(B), *“Any application that has been accepted by the City Planning Department as complete prior to the effective date of this IDO, or any amendment to this IDO, shall be reviewed and a decision made based on the standards and criteria in effect when the application was accepted as complete.”*

Per IDO Section 1-6(A), *“The standards and regulations in this IDO applicable to specific zone districts or Overlay zones apply to the areas of the city shown with those zone districts or Overlay zones on the Official Zoning Map.”*

This request is being reviewed under the May 17, 2018 effective version of the IDO, including but not limited to the zone districts identified on the official zoning map established in IDO Part 14-16-2.

The subject property is zoned MX-L (Zone Atlas page part of application)

The abutting property to the south was zoned MX-T (allowing both commercial and residential uses) at the time the application was deemed complete and so the subsequent re-zoning of Opponent Duran’s property to R-1B in September of 2019 has no impact on this application.



Zoning in July 2019

Multi-family Residential is a Permissive Use

“Dwelling, multi-family” is a “P” permissive use in the MX-L zone in IDO Table 4-2-1

Subject to Use-specific standards (USS) in Section 4-3(B)(7)

- 1 Tree required per first and second floor dwelling unit
- From the landscape plan calculations:

1 TREE REQUIRED PER GROUND AND 2ND FLOOR UNITS	
GROUND FLOOR UNITS: 31	62
2ND FLOOR UNITS: 31	
TREES PROVIDED:	75
- USS 4-3(B)(7)(b), (c), and (d) do not apply because the site is not located west of the Rio Grande, within the North I-25 CPO-9, or in an Urban Center

Dimensional Standards

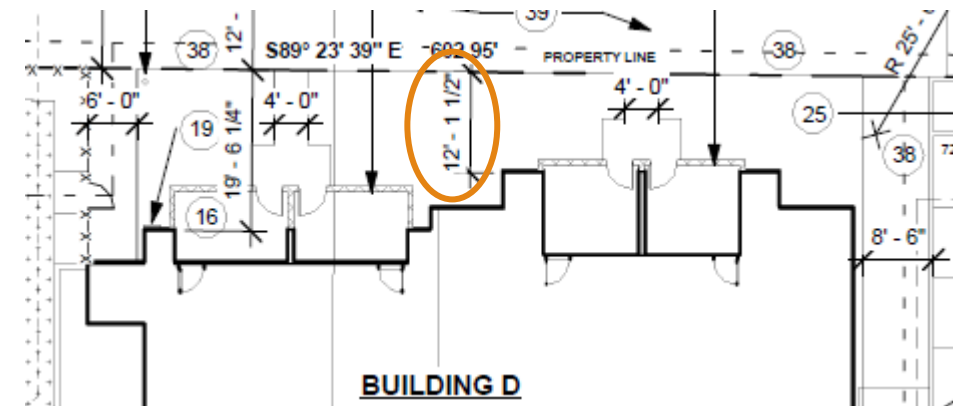
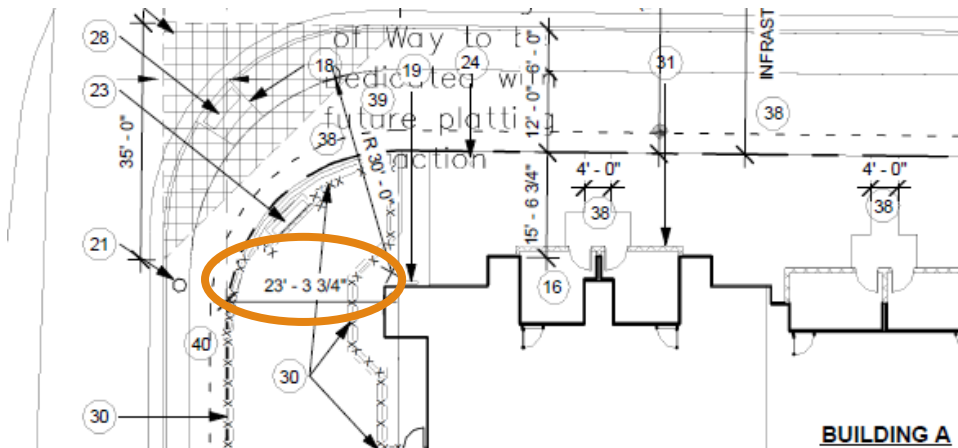
MX-L Dimensional Standards found in Table 5-1-2

Useable Open Space provided more than 3x the minimum requirement (from Site Plan):

<u>USEABLE OPEN SPACE CALCULATIONS:</u>	
USEABLE OPEN SPACE REQUIREMENTS:	
1 BR - 200 SF - 36 UNITS - 7,200 SF	
2 BR - 250 SF - 57 UNITS - 14,250 SF	<u>21,450 SF REQUIRED</u>
USEABLE OPEN SPACE PROVIDED:	
CONCRETE SIDEWALKS	19, 860 SF
PATIOS / POOL / POOL DECK / DOG PARK	12, 654 SF
LANDSCAPE AREA	31,176 SF
USEABLE OPEN SPACE ABOVE GRADE	13,427 SF
	77,117 SF PROVIDED

Dimensional Standards (Setbacks)

Setbacks	Required	Provided
Front	5 feet	12'-1 1/2" (see Building D below)
Interior (east) Side	0 feet	±100'
Street (west) Side	5 feet	23'-3 3/4" (see Building A below)
Rear	15 feet	±48' (to carports)



Dimensional Standards (Height)

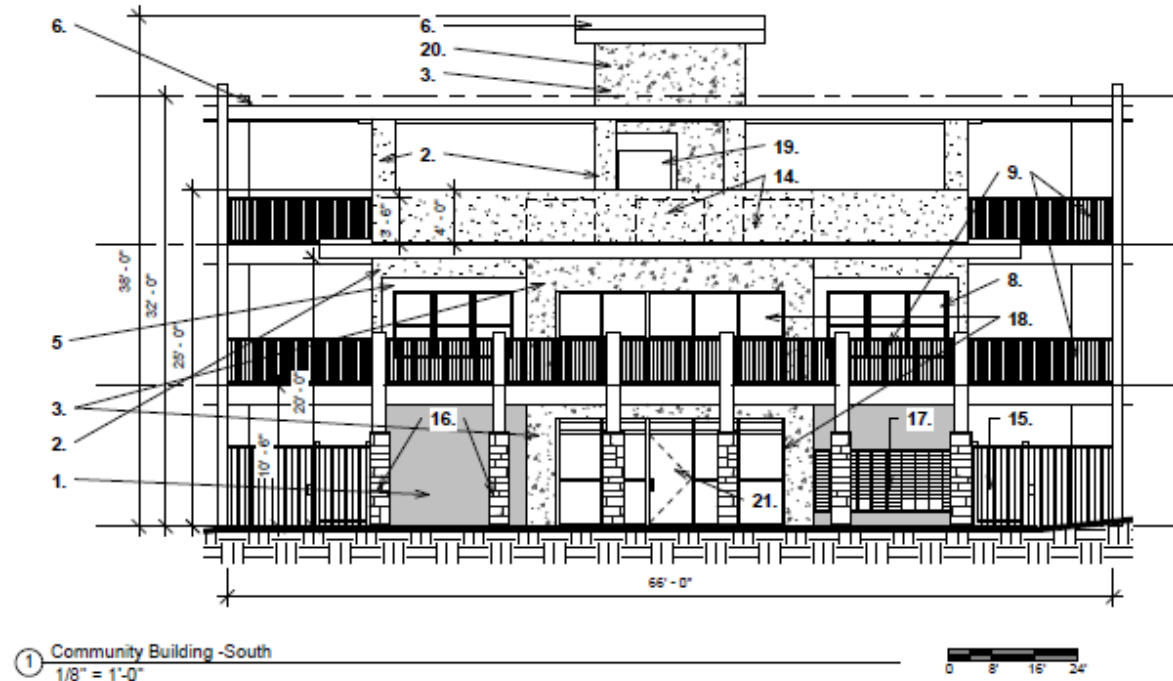
Allowed: 35 feet

Proposed: Varies between 33 and 35 feet based on grading at each facade



Dimensional Standards (Height)

Clubhouse includes elevator housing and mechanical space (Keyed Note 20) that is 38 feet tall but exempt from the height limits for primary buildings per IDO Table 5-1-4



Keyed Notes:

1. Stucco Color #1: Medium Grey (Wall to be 2" thicker than wall above)
2. Stucco Color #2: Tan
3. Stucco Color #3: Red Orange
4. Stucco Color #4: Orange Yellow
5. Stucco Color #5: Off White
6. White single ply membrane roof
7. Pitched metal roof ("galvalume" finish to match gutters and downspouts)
8. White vinyl windows
9. Painted metal railings
10. Exposed CMU yard wall
11. Painted metal gate to match railings
12. Building sign with units range
13. Roof mounted heat pump condenser units shall be pushed to middle of building so as not to be seen from street
14. Roof mounted mechanical units to be located behind screen wall
15. Painted metal security fencing and gate
16. Accent stone wrap at columns
17. Mail boxes
18. Aluminum storefront: White
19. Elevator door
20. Elevator shaft/ mechanical space
21. Information Signage on door

GENERAL NOTES:

1. ANY BUILDING MOUNTED SIGNAGE IS TO BE ACHIEVED THROUGH A SEPERATE BUILDING PERMIT IN ACCORDANCE WITH THE UNDERLYING MX-L ZONING

Table 5-1-4: Allowed Exceptions and Encroachments

Structure or Feature	Conditions or Limits
Wall or fence	As specified in Section 14-16-5-7 (Walls and Fences).
Exceptions to Building Height Limits	
Belfry, church spire or tower, flag pole, flue, monument, ornamental tower or spire, chimney, conveyor, cooling tower, cupola or dome, <u>elevator housing, mechanical equipment and related screening (not including any parapet), observation tower, penthouse, smoke enclosure, smoke stack, stage tower or scenery loft, tank, and water tower</u>	Exempt from height limits for primary buildings.

Site Design and Sensitive Lands

No Sensitive Lands, as listed in IDO Section 5-2(C) are present on the subject site.

- The La Cueva Channel and related Floodplain is north and east of the site
- The site is less than 5 acres, so no Archaeological Certificate is required per Section 5-2(D)(1)
- The site does not abut the La Cueva Channel (a Major Arroyo), so Section 5-2(E) does not apply



Access and Connectivity

The project will comply with the Americans with Disabilities Act [5-3(C)(1)]

The Applicant is dedicating right-of-way and providing for expanded roadways to include sidewalks, bicycle lanes, and multi-use trail consistent with the City's Complete Streets policies [5-3(C)(2)]

Driveways will comply with DPM standards [5-3(C)(3)]

Perimeter sidewalks are provided and are on the infrastructure list [5-3(D)(1)]

5-3(D)(2) does not apply because Residential Development is proposed

Pedestrian connections are being made to both Alameda and Barstow street frontages [5-3(D)(3)]

A trail is being dedicated and built along Alameda and placed on the infrastructure list [5-3(D)(4)]

5-3(E) does not apply because this is not a new subdivision request

Parking and Loading

Per Table 5-5-1, 1.5 parking spaces are required per each dwelling unit

$93 \times 1.5 = 139$ spaces required (calculation rounded down per IDO Section 5-5(C)(1)(c))

150 parking spaces are provided

5 Accessible Parking spaces required, and 6 are being provided

Per Section 5-5(D)(1), as a residential use, the project is excepted from providing motorcycle spaces. However, the Applicant is voluntarily providing 5 motorcycle spaces (4 required if project not exempted)

Per Table 5-5-5, bicycle parking is required at 10% of the required off-street parking (15 spaces)

24 bicycle rack spaces + a minimum of 10 indoor bicycle storage spaces are provided

Landscaping, Buffering, & Screening

Per Section 5-6(C)(2), a minimum 15% of the net lot area shall be landscaped:

LANDSCAPE DATA:

GROSS LOT	127,198.38 SF
AREA LESS BUILDING(S)	27,036.64 SF
NET LOT AREA	100,161.74 SF
REQUIRED LANDSCAPE 15% OF NET LOT AREA	15,024.26 SF
LANDSCAPE AREAS:	
1.	6,939 SF
2.	6,020 SF
3.	2,500 SF
4.	554 SF
5.	5,685 SF
6.	4,724 SF
7.	4,020 SF
8.	3,068 SF
TOTAL LANDSCAPE PROVIDED	<u>33,510 SF</u> > <u>15,024 SF</u>

More than 2x provided than what is required.

High water use turf is limited to 10% of the required landscape area:

10% OF LANDSCAPE AREA IS ALLOWED TO BE HIGH WATER USE TURF - AREA MAX ALLOWED	3,351 SF
HIGH WATER USE TURF PROVIDED	1,632 SF < 3,251 SF

Half of the high water-use turf than allowed

Landscaping, Buffering, & Screening

32 Street trees are provided along both street frontages, as required:

STREET TREES SHALL BE SPACED EVERY 25 FT. ON CENTER UNLESS SPECIFIED OTHERWISE IN PART 6-6-2 OF ROA 1994 (STREET TREES)

TREES SHALL NOT BE LOCATED WITHIN 10 FEET OF FIRE LINES OR FIRE HYDRANT LINES.

REQUIRED STREET TREES
PROVIDED AT 30' O.C. SPACING:

23

~200 linear feet on Barstow and ~600 linear feet on Alameda ($800/25 = 32$)

5-6(E) Edge Buffer Landscaping

The abutting property to the south was zoned MX-T at the time the application was deemed complete. The Edge Buffer requirements for multi-family residential development apply to subject sites that abut exclusively low density residentially zoned property (R-A, R-1, R-MC, or R-T) and the subsequent re-zoning of Opponent Duran's property to R-1B in September 2019 has no impact on this application. Therefore, the Edge Buffering requirements do not apply in this case.

Landscaping, Buffering, & Screening

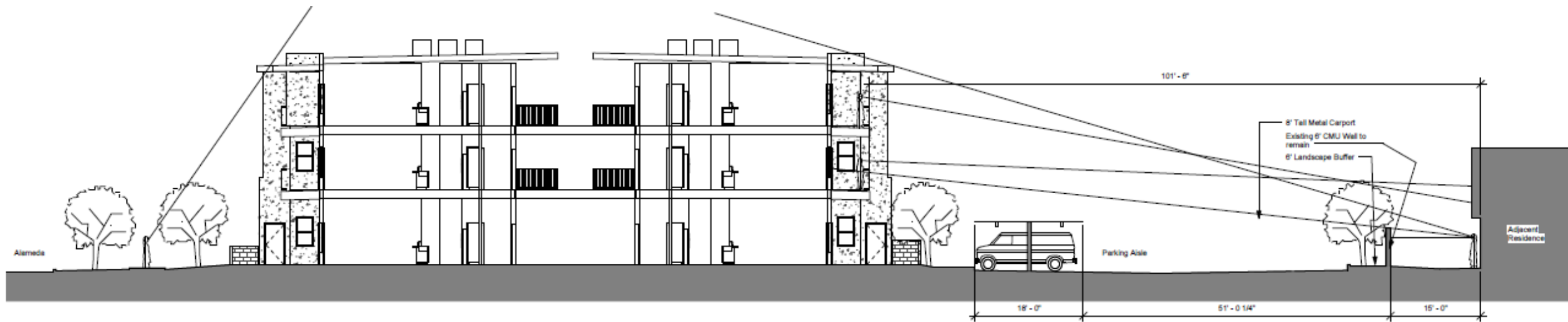
The subject site and abutting lots are all designated Areas of Consistency by the ABC Comp Plan, so IDO Section 5-6(E)(5) does not apply

Per Section 5-6(F)(2), 15% of the parking lot area shall be landscaped with one (1) tree per 10 parking spaces:

IMPERVIOUS AREAS:	
PUBLIC / PRIVATE CONCRETE SURFACES	27,933 SF
ASPHALT / PARKING	44,035 SF
PARKING LANDSCAPING REQUIRED (15%)	6,605 SF
PARKING LANDSCAPING PROVIDED	8,731 SF
REQUIRED PARKING LOT TREES	
AT 1 PER 10 SPACES (150 SPACES / 10):	15
PROVIDED PARKING LOT TREES:	15

Landscaping, Buffering, & Screening

Roof-mounted mechanical equipment is sufficiently screened from all sides when viewed from 5 feet above ground level at each property line per IDO Section 5-6(G)(1)



① Site Cross Section
1" = 10'-0"

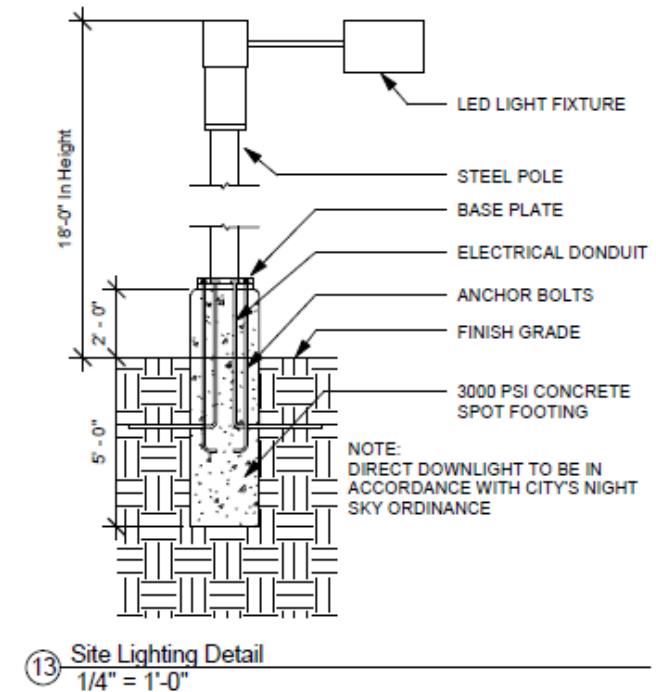
Solid Waste enclosure locations are located in compliance with IDO Section 5-6(G)(3) to not be visible from the adjacent street, City parks or trails, or from the adjacent properties to the maximum extent practicable. The Site Plan has been reviewed and approved by the Solid Waste Department.



Walls and Fences and Outdoor Lighting

Wall heights are intended to comply with Section 5-7. Yard walls at each ground floor unit facing Alameda Boulevard are compliant with the 3-foot maximum height for front yard walls in Table 5-7-1.

Proposed lighting will comply with Section 5-8. 20-foot-tall light poles are allowed in Mixed-use zone districts per Table 5-8-1 and 18-foot-tall lights are proposed (Detail 13 on Sheet DRB1.1)



Neighborhood Edges

Protected Lots are those lots in the R-A, R-1, R-MC, or R-T zone districts containing low-density residential development. The abutting property to the south was zoned MX-T at the time the application was deemed complete. Therefore, the abutting lots are not considered “Protected Lots,” and the subsequent re-zoning of Opponent Duran’s property to R-1B in September of 2019 has no impact on this application. The Neighborhood Edge requirements do not apply along the southern boundary of the project in this case.

The lots north of Alameda were zoned R-1D and the lots west of Barstow were zoned R-1B at the time the application was deemed complete and are considered “Protected Lots.” The subject site is considered a “Regulated Lot” as being adjacent to these Protected Lots.

The proposed Alameda Boulevard right-of-way is 124 feet wide, so the proposed buildings are located far enough south to comply with the Building Height Stepdown requirement in IDO Section 5-9(C)(1)

The proposed Barstow Street right-of-way is 80 feet wide. When combined with the 23’-3 ¾” building setback from the west property line, the proposed Building A is located far enough east to comply with the Building Height Stepdown requirement (total 103’-3 ¾” separation from the R-1B)

Building Design

The site is zoned MX-L, so Section 5-11(E) is the applicable building design section.

1. Applicant has created a clear distinction between the ground levels and additional levels with differing wall color and a three-dimensional base treatment
2. Windows on upper floors, pedestrian entrances, and canopies over windows are provided along each façade facing a public street
3. Facades longer than 100 feet include a three-dimensional base treatment, changes in color, or privately owned art (mural proposed on west end of Building A at Barstow)



Signs

Building elevations show conceptual wall-mounted property sign (Keyed Note 15) to be separately permitted. All signage to be in accordance with the underlying MX-L zoning.

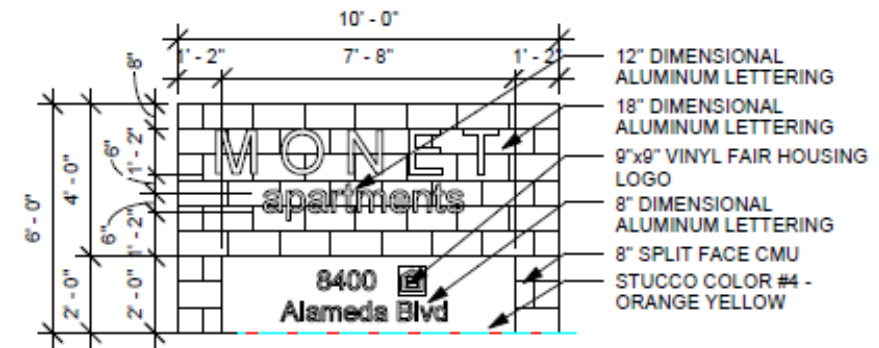
Wall signs are limited to 10% of each façade area, inclusive of door and window openings.

A freestanding monument sign is located at the corner of Alameda and Barstow.

- 2 total freestanding signs are allowed based on zoning and length of street frontages.
- MX-L generally allows up to 100 square feet in size and up to 18 feet tall.

Site is located in the La Cueva small mapped area.

- Wall signs are prohibited on facades facing abutting Residential zone districts (none proposed).
- Freestanding signs must be monument signs with a maximum of 50 square feet and up to 8 feet tall, which supersedes the general MX-L standard above.



⑭ Monument Sign Elevation
1/4" = 1'-0"

General Procedures

A Traffic Impact Study was not required because the trip generation does not meet the requisite thresholds [6-4(J)]

No Deviations to any development standards are being requested [6-4(O)]

An infrastructure list is included in the application and provides for infrastructure improvements and extensions along the frontages of the subject site consistent with IDO Section 6-4(Q) Required Improvements and Financial Assurance.

The site will be developed in three phases as shown on sheet DRB 1.2. The Site Plan – DRB will be valid for 5 years or until 75% of the required drainage infrastructure and/or the first phase of development is complete, unless extended [6-4(W)]

Any future amendments shall follow IDO Section 6-4(X)

Site Plan – DRB Applicability and Procedure

The request includes a maximum of 93 dwelling units and includes major public infrastructure, which exceeds the applicability criteria for approval as a Site Plan – Administrative in Section 6-5(G)(1)(b) and (c)

Per IDO Section 6-6(G)(1), this Site Plan is proposed for 4 legal lots of record, which are being consolidated by separate action to create a single tract for this development

- The site is not zoned NR-SU, PD, or located adjacent to Major Public Open Space that would otherwise require approval as a Site Plan – EPC

Per IDO Section 6-6(G)(2)(a), Planning staff has reviewed the application and provided a recommendation and comments to the DRB. The Applicant has responded to DRB staff comments and updated the Site Plan to ensure compliance with those comments.

The DRB is conducting a public meeting (today) to make a decision on the application pursuant to all applicable provisions of the IDO.

No Conditional Uses, Deviations, or Variances are necessary for approval of the application [6-6(G)(2)(c), (d), and (e)]

Site Plan – DRB Review and Decision Criteria

6-6(G)(3)(a) The Site Plan complies with all applicable provisions of this IDO, the DPM, other adopted City regulations, and any conditions specifically applied to development of the property in a prior permit or approval affecting the property.

- *Specifically, the height, parking, open space, landscaping, and façade meet or exceed the IDO requirements. There are not any prior permits or approvals affecting the property.*

6-6(G)(3)(b) The City's existing infrastructure and public improvements, including but not limited to its street, trail, drainage, and sidewalk systems, have adequate capacity to serve the proposed development, and any burdens on those systems have been mitigated to the extent practicable.

- *The site has access to a full range of urban services including utilities, roads, and emergency services. The ABCWUA issued an availability statement for the site. A Traffic Impact Study was not required, but the applicant has committed to street improvements for Alameda and Barstow. A grading and drainage plan for the entire site has been approved by Hydrology. Further, the infrastructure list associated with this development includes improvements that help mitigate the burdens on these systems to the extent practicable.*

6-6(G)(3)(c) The Site Plan mitigates any significant adverse impacts on the surrounding area to the maximum extent practicable. *The proposed buildings are set back approximately 90 feet from the residential development to the south; the minimum required setback is 15 feet, see 14-16-2-4(B)(1).*

- *The site has landscaping around the perimeter, on-site landscaping, and usable open space exceeding the minimum requirements. The required landscaping is 15,024 square feet, see 14-16-5-6(C)(20(a)), and 30,510 square feet are provided. The required useable open space is 21,450 square feet; 77,117 square feet are provided.*

External

Here the additional exhibits that were shared on the screen today, as well as the owner-signed infrastructure list for the record.

Thanks,

Michael Vos, AICP

CONSENSUS PLANNING, INC.

302 Eighth Street NW

Albuquerque, NM 87102

phone (505) 764-9801

vos@consensusplanning.com

From: Gomez, Angela J. <agomez@cabq.gov>

Sent: Friday, December 3, 2021 3:09 PM

To: Jim Strozier <cp@consensusplanning.com>; Hessel E. Yntema III <hess@yntema-law.com>

Cc: Sanchez, Nicole A. <nasanchez@cabq.gov>; Rodenbeck, Jay B. <jrodenbeck@cabq.gov>; Peter Lindborg <plindborg@lmllp.com>; Michael Vos <Vos@consensusplanning.com>; Dave Hickman (<dave@jeebsandzuzu.com>) <dave@jeebsandzuzu.com>; Scott McGee <scottmmcgee@gmail.com>

Subject: RE: DRB PowerPoint Presentation - 12-3-2021

Mr. Strozier,

I have added this to the record.

Best,

Angela ~



ANGELA GOMEZ

DRB hearing monitor

development review services

o 505.924.3946

e agomez@cabq.gov

cabq.gov/planning

From: Jim Strozier <cp@consensusplanning.com>

Sent: Friday, December 3, 2021 2:58 PM

To: Hessel E. Yntema III <hess@yntema-law.com>

Cc: Sanchez, Nicole A. <nasanchez@cabq.gov>; Rodenbeck, Jay B. <jrodenbeck@cabq.gov>; Peter Lindborg <plindborg@lmllp.com>; Michael Vos <Vos@consensusplanning.com>; Dave Hickman

(dave@JeebsandZuzu.com) <dave@jeebsandzuzu.com>; Scott McGee <scottmcgee@gmail.com>;
Gomez, Angela J. <agomez@cabq.gov>

Subject: DRB PowerPoint Presentation - 12-3-2021

External

See attached. Please confirm receipt.

[Jim Strozier, FAICP](#)

Consensus Planning, Inc.

302 8th Street NW

(505) 764-9801

To: Jim Strozier <cp@consensusplanning.com>; Hessel E. Yntema III <hess@yntema-law.com>
Cc: Sanchez, Nicole A. <nasanchez@cabq.gov>; Rodenbeck, Jay B. <jrodenbeck@cabq.gov>; Peter Lindborg <plindborg@lmllp.com>; Michael Vos <Vos@consensusplanning.com>; Dave Hickman (dave@JeebsandZuzu.com) <dave@jeebsandzuzu.com>; Scott McGee <scottmmcgee@gmail.com>
Subject: RE: DRB PowerPoint Presentation - 12-3-2021

Mr. Strozier,

I have added this to the record.

Best,
Angela ~



ANGELA GOMEZ
DRB hearing monitor
development review services
o 505.924.3946
e agomez@cabq.gov
cabq.gov/planning

From: Jim Strozier <cp@consensusplanning.com>
Sent: Friday, December 3, 2021 2:58 PM
To: Hessel E. Yntema III <hess@yntema-law.com>
Cc: Sanchez, Nicole A. <nasanchez@cabq.gov>; Rodenbeck, Jay B. <jrodenbeck@cabq.gov>; Peter Lindborg <plindborg@lmllp.com>; Michael Vos <Vos@consensusplanning.com>; Dave Hickman (dave@JeebsandZuzu.com) <dave@jeebsandzuzu.com>; Scott McGee <scottmmcgee@gmail.com>; Gomez, Angela J. <agomez@cabq.gov>
Subject: DRB PowerPoint Presentation - 12-3-2021

External

See attached. Please confirm receipt.

Jim Strozier, FAICP
Consensus Planning, Inc.
302 8th Street NW
(505) 764-9801

My responses are in green below.

As the District 4 Coalition Zoning / Development Committee Chair, I plan to attend this meeting (still yet even by ZOOM) and am seeking some information as soon as you are clear about that information – to wit:

- Given the day on which this meeting is being held, is the sole purpose & content of this meeting the Remand Hearing?

Yes.

- Will there be the ability to indicate (or sign up for) the intention to provide spoken comments at this Hearing?

Yes.

- Will there be the ability to engage in spoken exchanges with DRB members and Applicant team members beyond the public comments segment?

Yes, there is an opportunity for anyone to ask questions after DRB comments. These questions may be directed to anyone who provided testimony (applicant, DRB members, staff, public). These questions (cross-examination) should be relevant to testimony given. It is not an opportunity to provide general comments.

- Will there be the ability to question DRB members & Applicant team members about statements made during the hearing?

Yes, see answer above.

- If yes is the answer to the last two questions, will that be accomplished by the “Hand Raised” functionality of the ZOOM app?

Yes.

Best,



MIKAELA RENZ-WHITMORE

(she/hers)

o 505.924.3932

e mrenz@cabq.gov

From: Dan Regan <dlreganabq@gmail.com>
Sent: Monday, November 8, 2021 2:08 PM
To: Renz-Whitmore, Mikaela J. <mrenz-whitmore@cabq.gov>
Cc: dlreganabq@gmail.com
Subject: DRB REMAND HEARING - Friday, December 3, 2021

External

Mikaela, I have received some basic information about the December 3, 2021, DRB Remand Hearing noted below:

**DRB for PR-2019-002496 (Alameda/Barstow) c/o Mikaela Renz-Whitmore,
DRB Chair. mrenz@cabq.gov.**

As the District 4 Coalition Zoning / Development Committee Chair, I plan to attend this meeting (still yet even by ZOOM) and am seeking some information as soon as you are clear about that information – to wit:

- Given the day on which this meeting is being held, is the sole purpose & content of this meeting the Remand Hearing?
- Will there be the ability to indicate (or sign up for) the intention to provide spoken comments at this Hearing?
- Will there be the ability to engage in spoken exchanges with DRB members and Applicant team members beyond the public comments segment?
- Will there be the ability to question DRB members & Applicant team members about statements made during the hearing?
- If yes is the answer to the last two questions, will that be accomplished by the “Hand Raised” functionality of the ZOOM app?

Thanks for your assistance with all of the above.

Dan Regan
D4C, Zoning / Development Committee, Chair

INFRASTRUCTURE LIST

Current DRC
Project Number: _____

FIGURE 12

Date Submitted: 11/19/2019
Date Site Plan Approved: _____
Date Preliminary Plat Approved: _____
Date Preliminary Plat Expires: _____
DRB Project No.: 2019-002496
DRB Application No.: 2019-00044

INFRASTRUCTURE LIST

EXHIBIT "A" TO SUBDIVISION IMPROVEMENTS AGREEMENT DEVELOPMENT REVIEW BOARD (D.R.B.) REQUIRED INFRASTRUCTURE LIST

Alameda Luxury Apartments
PROPOSED NAME OF PLAT AND/OR SITE DEVELOPMENT PLAN

Lots 1-4, Block 4, North ABQ Acres, Tract 3, Unit 3
EXISTING LEGAL DESCRIPTION PRIOR TO PLATTING ACTION

Following is a summary of PUBLIC/PRIVATE Infrastructure required to be constructed or financially guaranteed for the above development. This Listing is not necessarily a complete listing. During the SIA process and/or in the review of the construction drawings, if the DRC Chair determines that appurtenant items and/or unforeseen items have not been included in the Infrastructure listing, the DRC Chair may include those items in the listing and related financial guarantee. Likewise, if the DRC Chair determines that appurtenant or non-essential items can be deleted from the listing, those items may be deleted as well as the related portions of the financial guarantees. All such revisions require approval by the DRC Chair, the User Department and agent/owner. If such approvals are obtained, these revisions to the listing will be incorporated administratively. In addition, any unforeseen items which arise during construction which are necessary to complete the project and which normally are the Subdivider's responsibility will be required as a condition of project acceptance and close out by the City.

SIA Sequence #	COA DRC Project #	Size	Type of Improvement	Location	From	To	Private Inspector	City Inspector	City Cnst Engineer
		STD	curb and gutter	Barstow Street NE	South property line	Alameda Blvd NE	/	/	/
		6'	sidewalk	Barstow Street NE	South property line	Alameda Blvd NE	/	/	/
		28'	asphalt paving: 6' bike lane + 11' RT lane	Barstow Street NE	South property line	Alameda Blvd NE	/	/	/
		1	26'-wide Site Entry	Barstow Street NE	NA	NA	/	/	/
		STD	curb and gutter	Alameda Blvd NE	Barstow Street NE	east property line	/	/	/
		Median	curb and gutter	Alameda Blvd NE	Barstow Street NE	east property line	/	/	/
		12'	asphalt trail	Alameda Blvd NE	Barstow Street NE	east property line	/	/	/
		24'	asphalt paving for 2 eastbound lanes	Alameda Blvd NE	Barstow Street NE	east property line	/	/	/
		3	standard public fire hydrant	Alameda Blvd NE	Barstow Street NE	east property line	/	/	/
		1	26'-wide Site Entry	Alameda Blvd	NA	NA	/	/	/

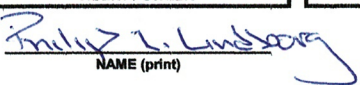
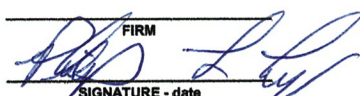
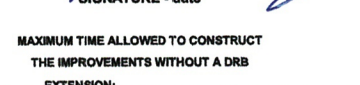
PAGE 1 OF 2

revised 07/01/01

SIA Sequence #	COA DRC Project #	Size	Type of Improvement	Location	From	To	Private Inspector	City Inspector	City Cnst Engineer
		30"	Storm Drain	Barstow Street NE	Alameda Blvd	Oakland NE	/	/	/
		24"	Storm Drain	Alameda Blvd	South curb	North curb	/	/	/
		STD	Types 'A' & 'C' Inlets	Alameda Blvd	South curb	NA			

NOTES

- Street Lights per City Requirements
Building fire supply lines, domestic water, and sewer services will be extended from existing mains located in Alameda Blvd
- Paving improvements to include lane striping, signage, and traffic control transitions on Alameda (2 lanes to 1 lane) and south of south property line on Barstow.
- Engineer's Certification for Grading & Drainage plan is required for release of Financial Guarantee.

AGENT / OWNER	DEVELOPMENT REVIEW BOARD MEMBER APPROVALS		
 NAME (print)	DRB CHAIR - date	PARKS & GENERAL SERVICES - date	
 FIRM	TRANSPORTATION DEVELOPMENT - date	AMAFCA - date	
 SIGNATURE - date	ABCWUA - date	- date	
MAXIMUM TIME ALLOWED TO CONSTRUCT THE IMPROVEMENTS WITHOUT A DRB EXTENSION:	CITY ENGINEER - date	- date	

DESIGN REVIEW COMMITTEE REVISIONS				
REVISION	DATE	DRC CHAIR	USER DEPARTMENT	AGENT / OWNER

PAGE 2 OF 2

revised 07/01/01

Memorandum

To: City of Albuquerque Development Review Board

From: James K. Strozier, FAICP, Principal, Consensus Planning, Inc.

Date: November 19, 2021

Re: Project # PR-2019-002496, Application # SI-2019-00180 Site Plan – DRB

The purpose of this memo is to submit proposed Findings of Fact and Conclusions of Law for consideration by the Development Review Board for the above referenced project.

Proposed Findings of Fact and Conclusions of Law:

1. This is a request for a 75,083 square foot apartment complex including two 34,017 square foot residential buildings and a 7,049 square foot community building with a maximum height of 35 feet. The site contains open spaces, a dog park, pool, and picnic area.
2. The request includes a maximum of 93 dwelling units.
3. The site will be developed in three phases as shown on sheet DRB 1.2.
4. The Applicant attended the required pre-application meeting with City staff to discuss the proposed development and applicable submittal requirements on June 17, 2019.
5. A pre-application Neighborhood Meeting notification was provided to the affected Neighborhood Associations: Nor Este NA, Vineyard Estates NA, and the District 4 Coalition on April 23, 2019. A facilitated meeting was requested and held on May 21, 2019.
6. The applicant provided notice as outlined in the IDO Table 6-1-1. The applicant notified property owners within 100 feet and affected neighborhood associations for the initial DRB meeting and for this DRB remand meeting.
7. Two signs were posted on the property (one on each street frontage) for at least 15 days before the public meeting of this request, as required in IDO Section 6-4(K)(3).
8. A second facilitated meeting was requested and held on July 8, 2019.
9. The application for this project was submitted to the City of Albuquerque and accepted for review on June 17, 2019.
10. Per IDO Sections 14-16-6-4(F) Application Materials and 14-16-6-4(H) Application Completeness, the application included all applicable forms and related information required by the City for a Site Plan – DRB as listed on Form P2, found on the City website, in sufficient detail and readability to evaluate the application for compliance with the IDO.
11. The site is less than 5 acres in size, so an Archaeological Certificate is not required.
12. The City notified the Applicant on June 27, 2019 that a second letter of authorization from the Matonti Family Trust was required to proceed with further review. This letter was submitted to the DRB on July 11, 2019, at which point the application was deemed complete.

13. Consistent with IDO Section 14-16-1-10(B) Complete Applications, this request is being reviewed under the May 17, 2018 effective version of the IDO, including but not limited to the zone districts identified on the official zoning map established in IDO Part 14-16-2.
14. The subject site is zoned MX-L.
15. The proposed use is allowed within the MX-L zone. The IDO does not address density but does control density by restricting height and requiring parking, useable open space, and landscaping. The MX-L zone allows for maximum building height of 35 feet.
16. The buildings comply with the maximum height allowance of 35 feet. The 38-foot elevator housing and mechanical equipment are exempt from the maximum height limit for primary buildings per IDO Table 5-1-4 Allowed Exceptions and Encroachments.
17. There are no sensitive lands affecting the subject site per IDO Section 5-2.
18. The Applicant responded to DRB staff comments and updated the Site Plan to ensure compliance with those comments.
19. The Site Plan meets all setback requirements of the MX-L zone.
20. 1.5 parking spaces are required per dwelling unit for a total of 139 spaces. 150 off-street parking spaces are provided.
21. Site lighting is compliant with IDO Section 14-16-5-8. Fixtures are 18 feet tall, which is less than the 20-foot allowance for mixed-use zone districts.
22. The abutting property to the south was zoned MX-T (allowing both commercial and residential uses) at the time the application was deemed complete. The Neighborhood Edge requirements of the IDO apply to subject sites that abut exclusively residentially zoned property and the subsequent re-zoning of Opponent Duran's property to R-1B in September 2019 has no impact on this application. Therefore, the Neighborhood Edge requirements do not apply in this case.
23. A Traffic Impact Study was not required for this project because it does not meet the threshold for such study as stated by the Traffic Engineer.
24. An infrastructure list is included in the application and provides for infrastructure improvements and extensions along the frontages of the subject site consistent with IDO Section 6-4(Q) Required Improvements and Financial Assurance.
25. Pursuant to 6-6(G)(3) Review and Decision Criteria. An application for a Site Plan – DRB shall be approved if it meets all of the following criteria:
 - a. 6-6(G)(3)(a) The Site Plan complies with all applicable provisions of this IDO, the DPM, other adopted City regulations, and any conditions specifically applied to development of the property in a prior permit or approval affecting the property. *Specifically, the height, parking, open space, landscaping, and façade meet or exceed the IDO requirements. There are not any prior permits or approvals affecting the property.*
 - b. 6-6(G)(3)(b) The City's existing infrastructure and public improvements, including but not limited to its street, trail, drainage, and sidewalk systems, have adequate capacity to serve the proposed development, and any burdens on those systems have been mitigated to the extent practicable. *The site has access to a full range of urban services including utilities, roads, and emergency services. The ABCWUA issued an availability statement for the site. A Traffic Impact Study was not required, but*

the applicant has committed to street improvements for Alameda and Barstow. A grading and drainage plan for the entire site has been approved by Hydrology. Further, the infrastructure list associated with this development includes improvements that help mitigate the burdens on these systems to the extent practicable.

- c. 6-6(G)(3)(c) The Site Plan mitigates any significant adverse impacts on the surrounding area to the maximum extent practicable. *The proposed buildings are set back approximately 90 feet from the residential development to the south; the minimum required setback is 15 feet, see 14-16-2-4(B)(1). The site has landscaping around the perimeter, on-site landscaping, and usable open space exceeding the minimum requirements. The required landscaping is 15,024 square feet, see 14-16-5-6(C)(20(a), and 30,510 square feet are provided. The required useable open space is 21,450 square feet; 77,117 square feet are provided.*
26. At the hearing of this application on December 3, 2021, all witnesses were sworn, cross-examination of all witnesses was permitted, and the application was approved by an affirmative vote of each member of the DRB. No member of the DRB has had any ex parte communications with the applicant or its representatives concerning the subject matter of this application.

External

Angela,

Please see attached for our proposed Findings of Fact and Conclusions of Law for DRB consideration. Please add this to the record for today's deadline.

Best regards,

Michael Vos, AICP

CONSENSUS PLANNING, INC.

302 Eighth Street NW

Albuquerque, NM 87102

phone (505) 764-9801

vos@consensusplanning.com

From: Gomez, Angela J. <agomez@cabq.gov>

Sent: Thursday, November 18, 2021 2:25 PM

To: Hessel E. Yntema III <hess@yntema-law.com>; Michael Vos <Vos@consensusplanning.com>; Planning Development Review Services <PLNDRS@cabq.gov>; Renz-Whitmore, Mikaela J. <mrenz-whitmore@cabq.gov>; Grush, Matthew P. <mgrush@cabq.gov>; Carter, Blaine M. <bcarter@abcwua.org>; Cherne, Curtis <CCherne@cabq.gov>; Firor, Laurie <lfiror@cabq.gov>; Webb, Robert L. <rwebb@cabq.gov>

Cc: Jim Strozier <cp@consensusplanning.com>; Sanchez, Nicole A. <nasanchez@cabq.gov>; Peter Lindborg <plindborg@lmllp.com>; Philip Lindborg <phillindborg@comcast.net>

Subject: RE: Letter and Exhibits re: DRB Remand for PR-2019-002496 (Alameda and Barstow)

Good afternoon Mr. Yntema,

This has been added to the record.

Best,

Angela ~



ANGELA GOMEZ

DRB hearing monitor

development review services

o 505.924.3946

e agomez@cabq.gov

cabq.gov/planning

From: Hessel E. Yntema III <hess@yntema-law.com>
Sent: Thursday, November 18, 2021 1:53 PM
To: Gomez, Angela J. <agomez@cabq.gov>; Michael Vos <Vos@consensusplanning.com>; Planning Development Review Services <PLNDRS@cabq.gov>; Renz-Whitmore, Mikaela J. <mrenz-whitmore@cabq.gov>; Grush, Matthew P. <mgrush@cabq.gov>; Carter, Blaine M. <bcarter@abcwua.org>; Cherne, Curtis <CCherne@cabq.gov>; Firor, Laurie <lfiror@cabq.gov>; Webb, Robert L. <rwebb@cabq.gov>
Cc: Jim Strozier <cp@consensusplanning.com>; Sanchez, Nicole A. <nasanchez@cabq.gov>; Peter Lindborg <plindborg@lmlp.com>; Philip Lindborg <phillindborg@comcast.net>
Subject: Letter and Exhibits re: DRB Remand for PR-2019-002496 (Alameda and Barstow)

External

Ms. Gomez,
Attached is a letter on behalf of various opponents of the proposed site plan for the referenced project. I will send the exhibits referenced in the letter in a separate e-mail. Please place these papers in the record for the December 3, 2021 DRB meeting and advise by e-mail response if the papers have been placed in the record.
Thanks,
Hess

Hessel E. Yntema III
Yntema Law Firm P.A.
215 Gold SW
Suite 201
Albuquerque, New Mexico 87102
phone 505-843-9565
fax 505-242-2879
e-mail hess@yntema-law.com

This communication is confidential and is intended only for the use of the individual or entity named above. If you have received this communication in error, please immediately destroy it and notify the sender by reply e-mail or by telephone (505) 843-9565 (call collect).

On 11/15/2021 9:53 AM, Gomez, Angela J. wrote:
Good morning,

The information for the above referenced case has been added to the record.

Best,
Angela ~



ANGELA GOMEZ
DRB hearing monitor
development review services
o 505.924.3946
e agomez@cabq.gov
cabq.gov/planning

From: Michael Vos <Vos@consensusplanning.com>
Sent: Monday, November 15, 2021 9:46 AM
To: Planning Development Review Services <PLNDRS@cabq.gov>; Renz-Whitmore, Mikaela J. <mrenz-whitmore@cabq.gov>; Grush, Matthew P. <mgrush@cabq.gov>; Carter, Blaine M. <bcarter@abcwua.org>; Cherne, Curtis <CCherne@cabq.gov>; Firor, Laurie <lfiror@cabq.gov>; Webb, Robert L. <rwebb@cabq.gov>
Cc: Jim Strozier <cp@consensusplanning.com>; Sanchez, Nicole A. <nasanchez@cabq.gov>; Peter Lindborg <plindborg@lmlp.com>; hess@yntema-law.com; Philip Lindborg <phillindborg@comcast.net>; Gomez, Angela J. <agomez@cabq.gov>
Subject: DRB Remand Documentation for PR-2019-002496 (Alameda and Barstow)

External

Good morning,
Please find a supplemental submittal for the December 3, 2021 DRB remand hearing that includes documentation of public notice here: <https://www.dropbox.com/t/qcCdGUgPsP3r9b0a>

Please let me know if there are any questions or concerns.

Thanks,
Michael Vos, AICP
CONSENSUS PLANNING, INC.
302 Eighth Street NW
Albuquerque, NM 87102
phone (505) 764-9801
vos@consensusplanning.com

From: Yvonne Teske <yteske-cpa@comcast.net>
Sent: Friday, November 12, 2021 8:53 AM
To: Renz-Whitmore, Mikaela J. <mrenz-whitmore@cabq.gov>; Gomez, Angela J. <agomez@cabq.gov>
Cc: hess@yntema-law.com
Subject: DRB for PR-2019-002496 (Alameda/Barstow)

External

Hello,

Please see my letter attached to this email, thank you.

Yvonne E. Teske, CPA, Retired
Phone: (505)822-9162
Cell: (505)228-6598
Fax: (505)822-0786
Email: Yteske-CPA@comcast.net

November 11, 2021

VIA E-MAIL

mrenz@cabq.gov,
agomez@cabq.gov

Mikaela Renz-Whitmore, Chair
Development Review Board
City of Albuquerque

RE: Project: #PR-2019-002496
Alameda Luxury Apartments Complex
DRB Remand Hearing on December 3, 2021

Dear Chair Renz-Whitmore and DRB Members:

I live at 8305 Tierra Serena Place NE and am writing this email to express my objections to the planned apartments near Alameda and Barstow. Our house is very near this intersection and when we bought it in 1996 we understood the neighborhood was zoned for residential only. From what I understand, there were some decisions made behind closed doors to change the zoning. The real estate developers are out to make a profit and have no regard for the residential homes existing nearby. So we have to depend on the Albuquerque city government to protect us. I am concerned about increased traffic in the area, transient apartment tenants, overcrowding of nearby schools, increased crime rate and the overall negative effect on our neighborhood's ambiance, which could in turn, affect the value of our home. I don't think zoning should ever be changed without contacting all the neighborhood associations in the affected area, and for this reason alone, the approval of the site plan should be null and void.

Thank you for your time.

cc: hess@yntema-law.com

External

November 27, 2021

Development Review Board

Planning Department, City of Albuquerque

RE: Project PR-2019-002496 (Barstow and Alameda NE)

Dear Mikaela Renz-Whitmore, DRB Chair and all DRB Hearing Officers:

I strongly OBJECT to the Alameda/Barstow Site Plan, PR-2019-002496, on the following grounds.

- I am the property owner of 8509 Tierra Morena PI NE. This proposed Alameda Luxury Apartment will be directly connected to my property along its south lot line. 6-4(K)(3)(c) of IDO requires the applicant to *mail a notice to property owners within 100 feet of the subject property*. I never received any mailed public notice and question if the applicant made any good-faith effort. 6-4(K)(7) of IDO requires the applicant to *submit evidence that timely notice has been made, including the dates on which notice was provided, a copy of the text of the notice provided, and a list of those addresses*. **I officially request the applicant to submit such evidence for my address and all addresses within 100 feet of the subject property.**
- The applicant takes advantage of one obvious flaw from the current IDO - the current IDO never clarifies the definition of Low Intensity Zone. Although 2-4(B)(1) of the IDO states: *the purpose of the MX-L zone district is to provide for neighborhood-scale convenience shopping needs, primarily at intersections of collector streets. Primary land uses include non-destination retail and commercial uses, as well as townhouses, low-density multi-family, and civic and institutional uses to serve the surrounding area, with taller, multi-story buildings encouraged in Centers and Corridors*. It fails to answer – in the case of multi-family land uses, **what dwelling unit/acre is considered low-density? What dwelling unit/acre is the cut-off for low-density, medium-density, and high-density?** The current IDO merely uses a minimum requirement for site standards, setback standards, and building height while avoiding answering the above questions. Although a minimum requirement for site standards, setback standards, and building height might be appropriate to regulate some land use, it is not enough to regulate multi-family developments.
 - **With 93 units cramped on a 2.9 acres lot, the density of this development is 32 dwelling units/acre.** The Tierra Morena neighborhood, abutting the subject property on its south lot line, has a density of 6 dwelling units/acre. The section of Nor Este neighborhood directly west of the subject property has a density of 5 dwelling units/acre. The neighborhood directly north of the subject property has a density of 3 dwelling units/acre. Dwelling units/acre is such an important measurement that is widely used to determine housing density, yet the IDO did not specify dwelling units/acre as part of the land use requirement.
 - One of the older Albuquerque city zoning codes, R-2, describes low-density apartment may not exceed 20 dwelling units/acre and medium-density apartments may not exceed 30 dwelling units/acre. Many cities and counties in the U.S. refer to a 10 or less DU/AC as low density while Albuquerque's current IDO allows 32 DU/AC apartment complexes to be built on a LOW-INTENSITY zone. **Why is the current IDO so afraid of listing DU/AC**

requirements for a LOW-INTENSITY zone? Is the current IDO systematically favoring high-density multi-family dwellings?

- This site plan is in violation of Neighborhood Edges, 14-16-5-9, required by the IDO. 8419, 8423, 8427, 8501, and 8505 Tierra Morena PI are protected lots against this regulated lot. I identify at least two Neighborhood Edges violations:
 - Per 14-16-5-9(C) of the IDO, *on Regulated Lots, any portion of a primary or accessory building within 100 feet of the nearest Protected Lot property line shall step down to a maximum height of 30 feet. The site plan has a building height of 35 feet within 100 feet of the nearest Protected Lot property line.*
 - Per 14-16-5-6(E)(2) of the IDO, *a landscaped edge buffer area at least 15 feet wide shall be provided on the subject property along the property line between the two properties. This site plan only provides 6 feet landscaped edge buffer along the property line between the Protected Lots.*
 - Neighborhood Edges MUST apply to this site plan for the following reasons:
 - In August 2017, the developer had a pre-application meeting with Planning Department. Under Vineyard Estates Sector Plan height limits are 26" and multi-family dwellings are a conditional use. Application would require Environmental Planning Commission (EPC) review. Lots are intended to be Neighborhood Commercial under the VSP and have a SU-2/C-1 zoning code. This site plan would not be approved under Vineyard Estates Sector Plan.
 - In November 2017, City Council adopted Integrated Development Ordinance for the City of Albuquerque to be effective May 2018.
 - IDO allows voluntary rezoning. In May 2018, owners of 12 properties on Tierra Morena, the street to the south of the empty lots at Alameda and Barstow, participate in the City's Voluntary Zoning Conversion process for a voluntary downzone to R-1. **Although there is a lag between application day and effective day, the property owners did what was allowed under all circumstances. Under Zoning Conversions - Batch 1, the staff notes stated: *This property is eligible for a zoning conversion as a voluntary downzone. R-1B is an appropriate zone conversion for this property.* Under Zoning Conversions - Batch 2, the staff notes stated: *This property is eligible for a zoning conversion as a voluntary downzone (Criterion #2). R-1B is an appropriate zone conversion because this subdivision consists of all detached single-family dwellings and the lot sizes are consistent with the R-1B development pattern.***
 - Not to go too deep into why the Tierra Morena PI was not assigned as an R-1B zoning at the beginning of IDO. All properties in the Tierra Morena PI neighborhood are certainly low-density residential single-family dwellings. Many properties were wrongfully zoned as MX-T and forced the property owners to go through the pain and suffering of voluntary rezoning and this proposed site plan.
 - In June 2018, the applicant submitted the application to DRB.
 - To sum up, **although IDO allows multi-family development on MX-L zone, it also allows voluntary rezoning and specifies Neighborhood Edges. It is extremely unfair to the property owners in the neighborhood if only the**

developers are allowed to claim protection under IDO while the abutting R-1 lots cannot be protected from the Neighborhood Edge clause.

- This site plan and development post harm to the existing neighborhoods.
 - The existing neighborhoods were previously governed by the Vineyard Estates Sector Plan which limits building height to 26ft tall.
 - All houses that were built followed the Vineyard Estates Sector Plan is now a joke compared to this Luxury Apartment.
 - **The applicant can now advertise this high-rise, high-density apartment complex is in an established low-density area, taking existing neighborhoods' advantage to make money while harming the neighborhoods in the area with its out-of-syne housing density, traffic burden, light and noise pollution, and many safety concerns.**

- This site plan and development post harm to the city of Albuquerque.
 - While the applicant's architect argued the project would bring new residents who want to live here and help grow the community. This project does the opposite. This Luxury Apartment does not bring people into the community, it only temporarily allows the people who can afford more than \$1,600 rent for a 1-bedroom unit for the sole purpose of making money for the apartment owner. Renters rarely feel they belong to a neighborhood because they had no ownership and renters are vulnerable to apartment management, constant increases in rent, and unfavorable lease terms.
 - This site plan proposes 36 of 1-bedroom units, 57 of 2-bedroom units, and ZERO 3-bedroom units. Renters would have a foreseeable quick turnaround because 1–2-bedroom units are not suitable for long-term family planning as family size grows.
 - This lot is located in one of the best school districts in Albuquerque. Families with school-age children realistically need 2-3 bedroom units at the minimum for housing. **This site plan proposes 36, 39%, of the units being 1-bedroom that would never be suitable for families with any school-age children.** Many surveys and reports in 2019 ranked New Mexico 50th in the education domain. New Mexico, as well as Albuquerque, is seriously suffering many long-term consequences due to scarce high-quality K-12 public education. **If single-family homes with a DU/AC exactly as the Tierra Morena neighborhood, 20 families and their children would have access to Dennis Chavez Elementary School, Desert Ridge Middle School, and La Cueva High school. If townhouses, duplexes, or condominiums were built on this lot, 40-50 families and their children could have access to the above schools.**
 - Albuquerque already has fixed and very limited lands because of Sandia Mountain and surrounding tribal lands. **The more apartments that are built, the less land is available for single-family, townhouse, condominium, and duplex development.** Renters want to buy affordable homes and build equity. They need homes, not apartments, to grow wealth and raise their kids. Having less land for homes would only drive up home prices and enlarge the already evident wealth gap in Albuquerque. Albuquerque and the current IDO should not be the machine used by over-developer to squeeze every little resource out of the city and its people.
 - Albuquerque already has huge trouble attracting families from out-of-state or retaining talents from the state due to its horrendous crime rate. While ordinary people have no

ability to solve the high crime rate issue, at least people could find a few areas in the city that are considered safer compared to the rest of the city. With the current IDO allowing high-density multi-family dwellings to be built on a classic low-density single-family residential neighborhood, the once safer area to raise a family is no longer safe.

Allowing such developments would only force the neighbors to leave Albuquerque and make Albuquerque even less attractive to any newcomers.

- As the property owner abutting the subject property on its south lot line, I am extremely concerned about my family's day-to-day quality of life affected by this development.
 - The light and noise pollution from this 3-story, 38 feet, including elevator shaft, apartments will be permanent regardless of minor mitigations. Building D shown on the site plan is only 90 feet from my property and the south side parking space is only 6 feet from my property. My property becomes extremely vulnerable to any loud music, car noises, and light pollution from the parking lot and the 38 feet buildings.
 - My family feels unsafe knowing 7 parking spots are abutting our backyard retaining wall. These 7 parking spots are only 6 feet from my retaining wall and my property line. **My family would live in constant fear that a car would run over my retaining wall, damaging my property and any people and pets in my own backyard.**
 - Due to severe concern over safety and potential damage to my retaining wall, which is considered my property within my property line, because of cars, plantations, and watering system damage, **my family request the applicant to build another retaining wall on the subject property along my property line to hold back soil, water, and any erosion.**
 - My family is extremely concerned about the loss of privacy in our own property due to the development. Unaided eyes can see 2-3 miles while the closest building is only 90 feet from my property line. People living on the 2nd or 3rd floor of the buildings can easily look into my house. My second-floor Master Bedroom and Bathroom would have no privacy unless the curtain remains close 24/7. My private backyard would be vulnerable to any spying. **I have valid concerns that lack of privacy could lead to break-ins to my house, as people can observe my family's daily routine and plan crimes accordingly.**

I strongly OBJECT to the Alameda/Barstow Site Plan, PR-2019-002496, for all the reasons mentioned above.

Respectfully submitted,

Xiaoya Wu
8509 Tierra Morena Pl NE, Albuquerque, NM 87122

November 27, 2021

Development Review Board
Planning Department, City of Albuquerque

RE: Project PR-2019-002496 (Barstow and Alameda NE)

Dear Mikaela Renz-Whitmore, DRB Chair and all DRB Hearing Officers:

I strongly OBJECT to the Alameda/Barstow Site Plan, PR-2019-002496, on the following grounds.

- I am the property owner of 8509 Tierra Morena Pl NE. This proposed Alameda Luxury Apartment will be directly connected to my property along its south lot line. 6-4(K)(3)(c) of IDO requires the applicant to *mail a notice to property owners within 100 feet of the subject property*. I never received any mailed public notice and question if the applicant made any good-faith effort. 6-4(K)(7) of IDO requires the applicant to *submit evidence that timely notice has been made, including the dates on which notice was provided, a copy of the text of the notice provided, and a list of those addresses*. **I officially request the applicant to submit such evidence for my address and all addresses within 100 feet of the subject property.**
- The applicant takes advantage of one obvious flaw from the current IDO - the current IDO never clarifies the definition of Low Intensity Zone. Although 2-4(B)(1) of the IDO states: *the purpose of the MX-L zone district is to provide for neighborhood-scale convenience shopping needs, primarily at intersections of collector streets. Primary land uses include non-destination retail and commercial uses, as well as townhouses, **low-density multi-family**, and civic and institutional uses to serve the surrounding area, with taller, multi-story buildings encouraged in Centers and Corridors*. It fails to answer – in the case of multi-family land uses, **what dwelling unit/acre is considered low-density? What dwelling unit/acre is the cut-off for low-density, medium-density, and high-density?** The current IDO merely uses a minimum requirement for site standards, setback standards, and building height while avoiding answering the above questions. Although a minimum requirement for site standards, setback standards, and building height might be appropriate to regulate some land use, it is not enough to regulate multi-family developments.
 - **With 93 units cramped on a 2.9 acres lot, the density of this development is 32 dwelling units/acre.** The Tierra Morena neighborhood, abutting the subject property on its south lot line, has a density of 6 dwelling units/acre. The section of Nor Este neighborhood directly west of the subject property has a density of 5 dwelling units/acre. The neighborhood directly north of the subject property has a density of 3 dwelling units/acre. Dwelling units/acre is such an important measurement that is widely used to determine housing density, yet the IDO did not specify dwelling units/acre as part of the land use requirement.
 - One of the older Albuquerque city zoning codes, R-2, describes low-density apartment may not exceed 20 dwelling units/acre and medium-density apartments may not exceed 30 dwelling units/acre. Many cities and counties in the U.S. refer to a 10 or less DU/AC as low density while Albuquerque's current IDO allows 32 DU/AC apartment complexes to be built on a LOW-INTENSITY zone. **Why is the current IDO so afraid of listing DU/AC requirements for a LOW-INTENSITY zone? Is the current IDO systematically favoring high-density multi-family dwellings?**

- This site plan is in violation of Neighborhood Edges, 14-16-5-9, required by the IDO. 8419, 8423, 8427, 8501, and 8505 Tierra Morena PI are protected lots against this regulated lot. I identify at least two Neighborhood Edges violations:
 - Per 14-16-5-9(C) of the IDO, *on Regulated Lots, any portion of a primary or accessory building within 100 feet of the nearest Protected Lot property line shall step down to a maximum height of 30 feet. The site plan has a building height of 35 feet within 100 feet of the nearest Protected Lot property line.*
 - Per 14-16-5-6(E)(2) of the IDO, *a landscaped edge buffer area at least 15 feet wide shall be provided on the subject property along the property line between the two properties. This site plan only provides 6 feet landscaped edge buffer along the property line between the Protected Lots.*
 - Neighborhood Edges MUST apply to this site plan for the following reasons:
 - In August 2017, the developer had a pre-application meeting with Planning Department. Under Vineyard Estates Sector Plan height limits are 26' and multi-family dwellings are a conditional use. Application would require Environmental Planning Commission (EPC) review. Lots are intended to be Neighborhood Commercial under the VSP and have a SU-2/C-1 zoning code. This site plan would not be approved under Vineyard Estates Sector Plan.
 - In November 2017, City Council adopted Integrated Development Ordinance for the City of Albuquerque to be effective May 2018.
 - IDO allows voluntary rezoning. In May 2018, owners of 12 properties on Tierra Morena, the street to the south of the empty lots at Alameda and Barstow, participate in the City's Voluntary Zoning Conversion process for a voluntary downzone to R-1. **Although there is a lag between application day and effective day, the property owners did what was allowed under all circumstances. Under Zoning Conversions - Batch 1, the staff notes stated: *This property is eligible for a zoning conversion as a voluntary downzone. R-1B is an appropriate zone conversion for this property.* Under Zoning Conversions - Batch 2, the staff notes stated: *This property is eligible for a zoning conversion as a voluntary downzone (Criterion #2). R-1B is an appropriate zone conversion because this subdivision consists of all detached single-family dwellings and the lot sizes are consistent with the R-1B development pattern.***
 - Not to go too deep into why the Tierra Morena PI was not assigned as an R-1B zoning at the beginning of IDO. All properties in the Tierra Morena PI neighborhood are certainly low-density residential single-family dwellings. Many properties were wrongfully zoned as MX-T and forced the property owners to go through the pain and suffering of voluntary rezoning and this proposed site plan.
 - In June 2018, the applicant submitted the application to DRB.
 - To sum up, **although IDO allows multi-family development on MX-L zone, it also allows voluntary rezoning and specifies Neighborhood Edges. It is extremely unfair to the property owners in the neighborhood if only the developers are allowed to claim protection under IDO while the abutting R-1 lots cannot be protected from the Neighborhood Edge clause.**
- This site plan and development post harm to the existing neighborhoods.
 - The existing neighborhoods were previously governed by the Vineyard Estates Sector Plan which limits building height to 26ft tall.
 - All houses that were built followed the Vineyard Estates Sector Plan is now a joke compared to this Luxury Apartment.
 - **The applicant can now advertise this high-rise, high-density apartment complex is in an established low-density area, taking existing neighborhoods' advantage to make money while harming the neighborhoods in the area with its out-of-syne housing density, traffic burden, light and noise pollution, and many safety concerns.**

- This site plan and development post harm to the city of Albuquerque.
 - While the applicant's architect argued the project would bring new residents who want to live here and help grow the community. This project does the opposite. This Luxury Apartment does not bring people into the community, it only temporarily allows the people who can afford more than \$1,600 rent for a 1-bedroom unit for the sole purpose of making money for the apartment owner. Renters rarely feel they belong to a neighborhood because they had no ownership and renters are vulnerable to apartment management, constant increases in rent, and unfavorable lease terms.
 - This site plan proposes 36 of 1-bedroom units, 57 of 2-bedroom units, and ZERO 3-bedroom units. Renters would have a foreseeable quick turnaround because 1–2-bedroom units are not suitable for long-term family planning as family size grows.
 - This lot is located in one of the best school districts in Albuquerque. Families with school-age children realistically need 2-3 bedroom units at the minimum for housing. **This site plan proposes 36, 39%, of the units being 1-bedroom that would never be suitable for families with any school-age children.** Many surveys and reports in 2019 ranked New Mexico 50th in the education domain. New Mexico, as well as Albuquerque, is seriously suffering many long-term consequences due to scarce high-quality K-12 public education. **If single-family homes with a DU/AC exactly as the Tierra Morena neighborhood, 20 families and their children would have access to Dennis Chavez Elementary School, Desert Ridge Middle School, and La Cueva High school. If townhouses, duplexes, or condominiums were built on this lot, 40-50 families and their children could have access to the above schools.**
 - Albuquerque already has fixed and very limited lands because of Sandia Mountain and surrounding tribal lands. **The more apartments that are built, the less land is available for single-family, townhouse, condominium, and duplex development.** Renters want to buy affordable homes and build equity. They need homes, not apartments, to grow wealth and raise their kids. Having less land for homes would only drive up home prices and enlarge the already evident wealth gap in Albuquerque. Albuquerque and the current IDO should not be the machine used by over-developer to squeeze every little resource out of the city and its people.
 - Albuquerque already has huge trouble attracting families from out-of-state or retaining talents from the state due to its horrendous crime rate. While ordinary people have no ability to solve the high crime rate issue, at least people could find a few areas in the city that are considered safer compared to the rest of the city. With the current IDO allowing high-density multi-family dwellings to be built on a classic low-density single-family residential neighborhood, the once safer area to raise a family is no longer safe. **Allowing such developments would only force the neighbors to leave Albuquerque and make Albuquerque even less attractive to any newcomers.**
- As the property owner abutting the subject property on its south lot line, I am extremely concerned about my family's day-to-day quality of life affected by this development.
 - The light and noise pollution from this 3-story, 38 feet, including elevator shaft, apartments will be permanent regardless of minor mitigations. Building D shown on the site plan is only 90 feet from my property and the south side parking space is only 6 feet from my property. My property becomes extremely vulnerable to any loud music, car noises, and light pollution from the parking lot and the 38 feet buildings.
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I strongly OBJECT to the Alameda/Barstow Site Plan, PR-2019-002496, for all the reasons mentioned above.

Respectfully submitted,

A handwritten signature in cursive script that reads "Xiaoya Wu".

Xiaoya Wu

8509 Tierra Morena Pl NE, Albuquerque, NM 87122

From: wmfan@swcp.com <wmfan@swcp.com>
Sent: Wednesday, December 1, 2021 10:10 AM
To: Gomez, Angela J. <agomez@cabq.gov>; 'KAREN BAEHR' <KLBAEHR@msn.com>
Subject: DRB PR-2019-002496 - Alameda-Barstow

External

Ms. Gomez:

Can you please confirm that the letter from Hope in the Desert Episcopal Church has been received by you and is therefore in the record for the above-referenced case before the DRB at their 12-3-21 hearing? That letter has been sent to you by the church twice since it appeared to us that you had either not received or recorded our letter the first time. Thanks for your assistance.

William Fanning for Hope in the Desert Episcopal Church

Salas, Alfredo E.

Subject: FW: VENA -DRB Input for PR#2019-002496-12/03/21
Attachments: VENA Statement-Letter-Final for DRB Remand Hearing-12.03.2021.docx

From: Elizabeth meek <djesmeek@comcast.net>
Sent: Tuesday, November 30, 2021 10:25 PM
To: Renz-Whitmore, Mikaela J. <mrenz-whitmore@cabq.gov>; Gomez, Angela J. <agomez@cabq.gov>
Cc: hess@yntema-law.com
Subject: VENA -DRB Input for PR#2019-002496-12/03/21

External

To Whom it May Concern,
Please find the letter from Vineyard Estates Neighborhood Association to be added to the DRB hearing packet for the remand hearing of PR#2019-002496 on 12/03/2021.
Thank you for your consideration.
Sincerely,
Elizabeth S. Meek
President, Vineyard Estates NA



November 30, 2021

Attn: Mikaela Renz-Whitmore, DRB Chair

Re: Project #PR-2019-002496, Barstow and Alameda NE-Monet Apartment Project
DRB Remand Hearing 12/03/2021

Dear Chairwoman Renz-Whitmore and DRB members,

**2020-21
VENA Executive
Board**

Elizabeth Meek
President
djesmeek@comcast.net

Donna Daniello
Secretary
donnadaniello@yahoo.com

David Zarecki
Treasurer
zarecki@aol.com

The Vineyard Estates Neighborhood Association hopes that you will consider the neighborhood rights and issues as outlined in this letter and presented by Yntema Law Firm P.A. Please consider the view point of VENA, our affected neighbors and their rights as properties owners. **The Vineyard Estates Neighborhood Association continues to oppose the placement of a 93-unit, 3-story apartment complex on this property location due to its high resident density per acre, lack of alignment with our surrounding residential neighborhoods, poorly thought out design relative to surrounding neighborhood demographics and lack of recognition of our “Neighborhood Edges” provision.** All of these factors do not align with the “neighborhood edge” or the original definitions of the Vineyard Sector plan and La Cueva Sector Plan. The original zoning of the southeast Alameda-Barstow as SU-2/C-1 under the Vineyard Sector Plan stated “*SU-2/C1 (neighborhood commercial) zoning is proposed at the southeast corner of Alameda and Barstow to provide neighborhood retail services that provide the day-to-day needs of nearby neighborhoods*” (Vineyard Sector Plan, p. 4.7). The spirit of the neighborhood plan was to create infill of valuable businesses and/or retail and “*ensure compatibility of higher density land uses within the lot configurations and ownership pattern of these areas*” (La Cueva Sector Plan, p. 26) to support our neighborhood.

While we welcome building and new construction within our Vineyard Estates neighborhood and surrounding areas, the plan for 93, 1-2 bedroom apartments with a stated target of single, young professionals, over ten miles from the downtown corridor is quite different than the family-centered and surrounding single family homes located steps away from top-rated public schools. Broadstone Heights apartment complex (Barstow St. NE & Holly NE), Arterra apartments (Wyoming NE & Holly NE), and Markana apartments (Alameda & San Pedro) all already offer a saturation of apartments to our local neighborhood. While the IDO does not define the volume relative to “high density” or “low density”, it can be clear that 30 dwelling units per acre of the proposed development is higher than the current area’s apartment du/acre density and more consistent with the downtown Albuquerque urban high-rise density, and not our single-family residential du/acre densities. The volume of 93 apartments on such a small plot of land (3.38 acres and less when the street and curb are developed along Barstow and Alameda) leaves little room for this complex to be “high-end” for either the tenants or neighborhood.

Further problems that go against the spirit of our original Sector Plans and the “neighborhood edge” provision for our surrounding single family neighborhoods include:



- 1) Encroachment of south properties (Tierra Morena) by the asphalt parking and unwelcome landscaping.
- 2) Traffic concerns at the corner of Alameda and Barstow as related to the nearby young pedestrian traffic who uses this intersection as their path to the nearby schools (0.2 miles) as well as young driver and parent traffic who pass through multiple times daily to access the very nearby schools.
- 3) Design style of an urban nature, not the single family southwest style present in the surrounding homes and neighborhoods.

**2020-21
VENA Executive
Board**

Elizabeth Meek
President
djesmeek@comcast.net

Donna Daniello
Secretary
donnadaniello@yahoo.com

David Zarecki
Treasurer
zarecki@aol.com

The IDO offered little to no guidance to neighborhoods as to how they reconciled properties that were pushed into “equatable” zoning. While VENA understands that this proposed complex is now an allowable use of these lots under the IDO, it certainly negates all the work that was put into creating our Vineyard Sector plan and La Cueva Sector plan as this was NOT an allowable use under those as specifically defined. Homeowners in the Tierra Morena subdivision purchased homes under the Sector Plans and deserve to have a voice about what is built in their backyard. It is VENA’s hope that the original purpose of the land use as defined under our sector plans will be recognized and this apartment complex will not be allowed as currently designed. Please consider the Neighborhood Edges provision to help protect our neighborhood and the surrounding “edge” homeowners.

Sincerely,

Elizabeth S. Meek
President, Vineyard Estates Neighborhood Association

From: Totten Elliott <tottenelliott@comcast.net>
Sent: Sunday, November 14, 2021 10:57 AM
To: Renz-Whitmore, Mikaela J. <mrenz-whitmore@cabq.gov>; Gomez, Angela J. <agomez@cabq.gov>
Cc: hess@yntema-law.com
Subject: DRB for PR-2019-002496 (Alameda/Barstow) c/o Mikaela Renz-Whitmore, DRB

External

Dear Ms. Renz-Whitmore

Attached are my comments and concerns regarding the Alameda/Barstow Apartments.

Respectfully,
Stanice Elliott

February 1, 2022

VIA E-MAIL

mrenz@cabq.gov,
agomez@cabq.gov

Mikaela Renz-Whitmore, Chair
Development Review Board
City of Albuquerque

RE: Project: #PR-2019-002496
Alameda Luxury Apartments Complex
DRB Remand Hearing on December 3, 2021

Dear Chair Renz-Whitmore and DRB Members:

The IDO is supposed to protect the little guy who is only a single-family homeowner against corporate developers however it is doing just the opposite. Who is supposed to protect the citizens of Albuquerque if the City of Albuquerque isn't doing it? We all know that after many years apartments become rundown because renters don't keep up the property up like a homeowner. When the apartments on Montgomery were constructed 40+ years ago they were luxury apartments. If you have been in there lately you will see how rundown they are. Developers will make promises prior to building, about how these are luxury apartments being built. In 40 years they won't be luxury apartments. Some of the Vineyard and La Cueva homes are 30+ years old and the neighborhood is well maintained area because it is not a transient neighborhood.

Having 3-story apartment buildings right next door will lower the existing single-family residential property values that share their property line therefore lowering property values in the surrounding neighborhood. Who would ever want to buy a house with peeping-tom views into their backyard from an apartment complex next door? I don't know whose bright idea it was to think it's okay to back up a 3-story apartment complex to an existing residential neighborhood. The previous drawings I saw did not to adhere to the neighborhood edges on all sides.

A development like this will bring increased traffic and crime. The Markana apartment complex at Alameda and San Pedro has already created a traffic nightmare at this intersection to access the freeway and I know this because I've had to drive thru there every morning to get to work. Another massive complex in addition all the other development going on in this area will only add to an already congested area. Once a high-density apartment complex is built there is no going backwards. I haven't talked to one neighbor that thinks this development will enhance our neighborhood in any way. The developers don't have to live there so they could care less what happens to us after they've made their money and left town.

There has already been a slight uptick of transient people walking thru my neighborhood because of the recent new development in the area. This development will create a more transient neighborhood and with the increased population bringing along with it, panhandlers. Currently the bus only comes up Wyoming to Alameda so the panhandlers get off the bus at Wyoming and Paseo Del Norte for panhandling. They've yet to discover, in mass, the arroyos and vacant land in the area for their encampments. We do not want to see this area have multiple newly discovered areas for panhandlers.

Those of us homeowners bought here because we like it to be a safe neighbor for our children. My son used to walk to Desert Ridge. Increased traffic in that area will make it dangerous for children walking across Barstow to get to school. He walked home from La Cueva and I never felt worried for his safety walking home alone. We want our neighborhood to remain safe while our children are walking to and from school. If development like this continues to increase it will only be a matter of time until our existing life style changes for the worse.

This is nothing more than a money-making business transaction for this developer. They do not care about our neighborhood and what it will leave behind in its wake. This is not progress. It will ruin our neighborhood forever.

Thank you for your time and for not considering this kind of development.

This builder can make all the promises they want to get this project off the ground but when the project is complete and sold to someone else those promises are obsolete. When construction is complete, they'll be gone and we'll be the ones left to deal with a transient and high traffic neighborhood.

Sincerely,
Stanice Elliott

cc: hess@yntema-law.com

Salas, Alfredo E.

From: Thomas M Anderson <TMAnderson@salud.unm.edu>
Sent: Friday, December 3, 2021 8:46 AM
To: Renz-Whitmore, Mikaela J.
Cc: hess@yntema-law.com; Gomez, Angela J.
Subject: Proposed Alameda Luxury Apartments

External

Mikaela Renz-Whitmore, Chair
Development Review Board
City of Albuquerque

RE: Project: #PR-2019-002496, Alameda Luxury Apartments Complex
DRB Remand Hearing on December 3, 2021

Dear Chair Renz-Whitmore and DRB Members:

I am Tom Anderson, resident at 8415 Tierra Morena Pl NE, the lot immediately adjacent to the proposed Monet Apartments. Regarding the Monet Apartments proposed for Alameda and Barstow, I have several concerns outlined below.

1. Safety - Proposed apartments are less than half a mile from both La Cueva High School and Desdrt Ridge Middle School, and less than a mile from North Star Elementary School. Many children walk, bike, and scoot past the site of proposed construction every morning. I fear the high increase in traffic will put safety of these children at risk.
2. Precedent. To the best of my knowledge, there is no other 3 story apartment complex in this area of the city that is IMMEDIATELY adjacent a single-family residence. Where apartments are immediately adjacent to single family homes, they are 2 stories. Any 3-4 story apartment buildings in our area are adjacent to businesses, such as storage units or gas stations.
3. Privacy. Third story apartments immediately adjacent to my home and my immediate neighbors' homes will have direct line of sight into our backyards and our second story windows. I recognize that any construction on the Alameda/Barstow lot would compromise privacy to some extent, but the prospect of dozens of apartments having direct line of sight to my walled backyard feels invasive, particularly in a neighborhood such as ours where there is no precedent for this as far as I can tell (see above).
4. Feasibility. It is not clear to me that the City or the builders of the proposed apartments have assessed whether there is even a need or sufficient demand for the proposed apartments.

I sincerely hope that you and others with power of decision making in this matter will demonstrate a willingness to hear us as existing residents of this area and earnestly take our thoughts under consideration. I have no faith that the builders of this proposed complex will take any regard for us, our privacy, or our safety and so I look to you to advocate for us. Please do not just cave to the requests of a builder looking to make money with no regard to current citizens of the area.

Sincerely,

Thomas Anderson
8415 Tierra Morena Pl NE
Albuquerque, NM 87122

Salas, Alfredo E.

From: Susan Kitsch <sekitsch@live.com>
Sent: Friday, November 19, 2021 8:02 PM
To: Renz-Whitmore, Mikaela J.; Gomez, Angela J.
Cc: Susan Kitsch; hess@yntema-law.com
Subject: KITSCH – DRB input for PR #2019-002496 – 11/19/21.

External

I want to record my objection to the proposed over development with a high density apartment complex on the corner of Alameda and Barstow. I have lived in the Vineyard Estates neighborhood for 30 years and have witnessed remarkable and negative impacts to this area, caused by the implementation of the 2017 IDO by a vote of city council with no input from residents. This overreach has given all power and decision-making to land developers and people who do not have to live with the results. It has been a significant slide from the promises that were made when so many residents were building their family's futures. This was intended as a residential area yet now has become another over-populated district with the expected problems of congestion, overcrowded schools and lack of supporting services.

My primary objections:

1. There are currently 3 high-density apartment complexes within a 1 - 2 mile radius of the proposed site. This is most assuredly over-development of this area.
2. Residents need to have equal protection and equal say as to how this area is developed. This process worked very well for decades until 2017 when we were summarily dismissed and our concerns unaddressed.
3. High-density apartments are not helping families build wealth. Developers claim these are 'luxury', yet looking at the size and lack of parking, it appears the only thing 'luxury' is the cost of rent.
4. Residents do not object to development, but we do object to over-development.
5. Families need to have the opportunity to purchase homes to raise their families. It is one of the most successful ways of building family wealth. We should be encouraging families to build wealth instead of profits to the big developers. It is very frustrating to see Albuquerque help developers build barriers to family wealth.
6. Companies looking to locate to Albuquerque look at a variety of factors including the availability of housing for their employees. They do not want apartments; they want homes and places where families can grow.
7. Resources such as water are becoming critically short. We should be looking for ways to conserve our limited resources instead of building more high-density apartments. We need to be planning for the future and limiting development based on available resources or face dire consequences.

In conclusion, I support home building and the inclusion in the planning with those affected by these decisions. The only impact on developers is the bottom line with no regard for the neighborhood. How many of them have a 4-story apartment complex in their backyards? Please listen to the people who live here and reinstate shared power with land developers. Thank you
Susan Kitsch

Salas, Alfredo E.

From: sandrewsnm@aol.com
Sent: Monday, November 29, 2021 12:14 PM
To: Renz-Whitmore, Mikaela J.; Gomez, Angela J.
Cc: hess@yntema-law.com
Subject: Site Plan DRB PR-2019-002496 and SI-2019-00180 Alameda and Barstow

External

Dear Ms. Renz-Whitmore and Ms. Gomez,

I live in the Noreste neighborhood, having done so since 1993. Currently we live on Estrada Ct. NE. This is our home for the past 15 years. I strongly object to the Monet apartment complex proposed for the southeast corner of Barstow and Alameda (hereafter referred to as "the corner").

When we moved to our home on Estrada Ct. NE, the corner was zoned as a "rest" area for the neighborhood. A space to maintain a suburban, uncongested, open, quiet, and safe feeling in Noreste. The areas to the north, south, and west of the corner are filled with long-term single family homes. Immediately to the east is a preparatory school. People live here because of the quality of life with safe, quiet, family neighborhoods with low resident turnover, and the proximity to Desert Ridge Middle School and La Cueva High School.

The proposed apartments will look into the homes and yards of the homes on the southern border. This is a direct negative impact on the families in those long-standing homes. Alameda NE is a two-lane road at the northern border of the corner. If this complex is allowed, traffic problems will impact all in the area, both established residents and newcomers. With the greatly increased traffic will cause increased air quality problems and noise. The infrastructure of this area was not designed to accommodate an apartment complex on the corner. Generally a higher population density carries the probability of higher crime. Why, in a city known nation-wide for its inability to control crime or fully fill the ranks of its police department, do you want to spread crime to this corner?

There are no advantages to having an apartment complex on the corner. Please do not allow the construction of an apartment complex with its negative impact on the neighborhood and the community surrounding Barstow NE and Alameda NE.

Sincerely,

Susan Andrews
8840 Estrada Ct. NE
Albuquerque, NM 87122

From: swray6@comcast.net <swray6@comcast.net>
Sent: Tuesday, November 9, 2021 12:23 PM
To: Renz-Whitmore, Mikaela J. <mrenz-whitmore@cabq.gov>; Gomez, Angela J. <agomez@cabq.gov>
Cc: Hessel E. Yntema III <hess@yntema-law.com>
Subject: Project: #PR-2019-002496 DRB Remand Hearing on December 3, 2021

External

DRB,

See attached comments and place in the record.

Stephen Wray

November 9, 2021

VIA E-MAIL

mrenz@cabq.gov,
agomez@cabq.gov

Mikaela Renz-Whitmore, Chair
Development Review Board
City of Albuquerque

RE: Project: #PR-2019-002496
Alameda Luxury Apartments Complex
DRB Remand Hearing on December 3, 2021

Dear Chair Renz-Whitmore and DRB Members:

I have several objections to the proposed development. I attended two community meetings between the developer and the neighborhood early in this process. I made comments about the properties to the South be rezoned to R-1 by the city. The inappropriate placement of garbage dumpsters on the southside of the property adjacent to existing property owners. The light pollution that parking structures of 10 to 12 feet in height with lighting will cause. The developer has provided drawings that show the wall separating the project and the houses to the South as being 6 feet tall. The drawing is used by the developer to show line of sight from the apartments to houses to the South. The board should know that the wall is not 6 feet tall. Measured at my home the wall is 5 feet 9 inches. I believe this is important for three reasons. The placement of garbage dumpster this close to my property is inappropriate due to inconvenience it will impose upon me due to the smell, noise and rodent problems it will create. At one of the community meetings, I brought this up and the response from the developer was "not all of them". The proposal includes parking structure of 10 to 12 feet with lighting. This will let light pollution onto my property. The size and density of the project does not fit with the adjacent property zoning nor the existing character of the neighborhood. The city was aware of the zoning changes that occurred to the Tierra Morena Pl. properties before community meeting

between the developer and neighborhood occurred. What needs to be done before this development can be approved is a complete redesign with the size severely scaled down.

Sincerely,

Stephen Wray

From: Renz-Whitmore, Mikaela J.
Sent: Wednesday, November 10, 2021 8:32 AM
To: Gomez, Angela J. <agomez@cabq.gov>
Cc: Sanchez, Nicole A. <nasanchez@cabq.gov>
Subject: FW: DRB for PR-2019-002496 (Alameda/Barstow)

Please add to the record and distribute to the DRB members for this case.

Thanks,



MIKAELA RENZ-WHITMORE

(she/hers)

o 505.924.3932

e mrenz@cabq.gov

From: Totten Elliott
Sent: Tuesday, November 9, 2021 7:17 PM
To: Renz-Whitmore, Mikaela J.
Subject: DRB for PR-2019-002496 (Alameda/Barstow)

External

Dear Ms. Renz-Whitmore

The IDO is supposed to protect the little guy who is only a single family homeowner against corporate developers however it is doing just the opposite. Who is supposed to protect the citizens of Albuquerque if the City of Albuquerque isn't doing it? We all know that after many years apartments become rundown because renters don't keep up the property up like a homeowner. When the apartments on Montgomery were constructed 40+ years ago they were luxury apartments. If you have been in there lately you will see how rundown they are. Developers will make promises prior to building, about how these are luxury apartments being built. In 40 years they won't be luxury apartments. Some of the Vineyard and La Cueva homes are 30+ years old and the neighborhood is well maintained area because it is not a transient neighborhood.

Having 3-story apartment buildings right next door will lower the existing single-family residential property values that share their property line therefore lowering property values in the surrounding

neighborhood. Who would ever want to buy a house with peeping-tom views into their backyard from an apartment complex next door? I don't know whose bright idea it was to think it's okay to back up a 3-story apartment complex to an existing residential neighborhood. The previous drawings I saw did not to adhere to the neighborhood edges on all sides.

A development like this will bring increased traffic and crime. The Markana apartment complex at Alameda and San Pedro has already created a traffic nightmare at this intersection to access the freeway and I know this because I've had to drive thru there every morning to get to work. Another massive complex in addition all the other development going on in this area will only add to an already congested area. Once a high-density apartment complex is built there is no going backwards. I haven't talked to one neighbor that thinks this development will enhance our neighborhood in any way. The developers don't have to live there so they could care less what happens to us after they've made their money and left town.

There has already been a slight uptick of transient people walking thru my neighborhood because of the recent new development in the area. This development will create a more transient neighborhood and with the increased population bringing along with it, panhandlers. Currently the bus only comes up Wyoming to Alameda so the panhandlers get off the bus at Wyoming and Paseo Del Norte for panhandling. They've yet to discover, in mass, the arroyos and vacant land in the area for their encampments. We do not want to see this area have multiple newly discovered areas for panhandlers.

Those of us homeowners bought here because we like it to be a safe neighbor for our children. My son used to walk to Desert Ridge. Increased traffic in that area will make it dangerous for children walking across Barstow to get to school. He walked home from La Cueva and I never felt worried for his safety walking home alone. We want our neighborhood to remain safe while our children are walking to and from school. If development like this continues to increase it will only be a matter of time until our existing life style changes for the worse.

This is nothing more than a money-making business transaction for this developer. They do not care about our neighborhood and what it will leave behind in its wake. This is not progress. It will ruin our neighborhood forever.

Thank you for your time and for not considering this kind of development.

This builder can make all the promises they want to get this project off the ground but when the project is complete and sold to someone else those promises are obsolete. When construction is complete they'll be gone and we'll be the ones left to deal with a transient and high traffic neighborhood.

Sincerely,

Stanice Elliott

From: Rachael <rschena56@aol.com>

Sent: Wednesday, November 24, 2021 6:13 PM

To: Renz-Whitmore, Mikaela J. <mrenz-whitmore@cabq.gov>; Gomez, Angela J. <agomez@cabq.gov>

Cc: hess@yntema-law.com

Subject: DRB input for PR #2019-002496. MY OBJECTIONS:

External

I have lived in North Albuquerque Acres for 13 years and as a neighbor of the Nor 'Este Estates neighborhood, I strongly oppose to the construction of the proposed Monet apartment complex on Alameda and Barstow. Another apartment complex is adding to the over-development of the area.

Quality of life is severely threatened by the continued development in quiet neighborhood areas. A high-density apartment complex at this location is completely inappropriate and adds to the proliferation of high-rise, high-density complexes built in this area. Residents decide to live here because of the safety and security it provides for families, particularly with public schools nearby. Environmental problems inevitably come with these complexes including air quality issues with the increase in vehicles, polluted run-off onto streets, erosion, and noise, not to mention blocking the mountain views that make living in Albuquerque so special. High density and higher traffic congestion can also make for a much more dangerous neighborhood and the probability of increased crime.

The 2017 Integrated Development Ordinance (IDO) allows neighborhoods to be overwhelmed with an unlimited, unfair and unreasonable number of high-density, high-rise apartment complexes and should be thrown out. Do not allow this project to go through as it would be detrimental to the neighborhood and the surrounding community.

Respectfully,
Rachael Schena
9124 Wilshire Court, NE
Albuquerque, NM 87122

Salas, Alfredo E.

From: pj.scarpa@comcast.net
Sent: Sunday, November 21, 2021 12:26 PM
To: Renz-Whitmore, Mikaela J.; Gomez, Angela J.
Cc: Hessel E. Yntema III
Subject: Project: #PR-2019-002496

External

November 21, 2021

Mikaela Renz-Whitmore, Chair
Development Review Board
City of Albuquerque

RE: Project: #PR-2019-002496
Alameda Luxury Apartments Complex
DRB Remand Hearing on December 3, 2021

Dear Chair Renz-Whitmore and DRB Members:

As Tierra Morena Place home owners, we would like to focus on how this site plan does not complement or respects the area:

The Site Plan zoning is MX-L. Ninety three apartments in 2.9 acres is, by any common sense definition is not low density. We are aware that the IDO does not define density. Only the City Council can rectify this injurious, non definition that allows high density in any MX zoning.

The IDO defying logic converted Tierra Morena Place single family homes development into MX-T zoning. Up-zone conversion of Batch 1 and 2 already approved by City Council, converted Tierra Morena Place homes to R-1B zoning . This zoning change should be considered before approval of this Site Plan "as is" is granted.

Three story buildings with park spaces six feet from the Tierra Morena Place north wall, without a high or strong enough barrier, is a concern. It is a matter of WHEN not IF, a driver's miscalculation will hit our wall separating our homes from the planned site.

The "modern/contemporary" look of the Site Plan three story buildings is contrary to the Southwestern appearance our residential homes, non-compliant to area one and two story residential homes. Proposed colors disregard established earth hues, clashing with area homes.

Site plan is not gated, compromising the security of the area.

The City of Albuquerque does not need to sacrifice our neighborhood home values and appearance. Would like to propose alternatives/modifications to the Site Plan to avoid injury to the residential home owners heavily invested in preserving our neighborhood, as demonstrated by wide spread opposition to the Site Plan "as is".

Two stories instead of three will diminish high density, address traffic increases less than half a mile from La Cueva High School and Desert Ridge Middle School and Altura with a combined student body close to three thousand students. Many students walk/bike to school, increasing traffic at peak times will create a safety issue for the children. A gated complex will increase safety to the adjacent homes by limiting access. Please consider these alternatives in order to preserve our neighborhood.

Homes in the area were purchased knowing that Neighborhood Edges were in place and had been for many years, protecting the area from high density developments such as Alameda/Barstow Apartments. This Site Plan "as is" does not respect the Neighborhood Edges.

We wish to reiterate our strong objections to the Alameda/Barstow 93 apartment, 3 stories high development that if approved, will be towering over our homes, residents could look into our homes, seriously compromising privacy.

We respectfully request that approval of the Alameda/Barstow Site Plan "as is" be denied. A denial will respect the strong opposition/objections of neighbors that will be injured if the Site Plan is approved "as is"

I

Respectfully,

Paul Scarpa

Marialuz Scarpa

Pj.scarpa@comcast.net

8427 Tierra Morena Pl NE

Albuquerque, NM 87122

Salas, Alfredo E.

From: Paul Wever <all_wever@yahoo.com>
Sent: Friday, November 26, 2021 1:09 PM
To: Renz-Whitmore, Mikaela J.; Gomez, Angela J.
Cc: hess@yntema-law.com
Subject: Letter from Resident for 3 Dec DRB meeting
Attachments: (Wever) MFR to DRB for (2021 11 23).pdf

External

DRB Members,

Attached is a .pdf copy of my letter for the 3 Dec DRB meeting.
in case the .pdf is not usable for you, please reply, and I'll send the letter in any preferred format.

Thank you,

Paul and Jennifer Wever.

VIA E-MAIL

mrenz@cabq.gov,

agomez@cabq.gov

Mikaela Renz-Whitmore, Chair

Development Review Board

City of Albuquerque

23 November, 2021

RE: Project: #PR-2019-002496

Alameda Luxury Apartments Complex

DRB Remand Hearing on December 3, 2021

-

Dear Chair Renz-Whitmore and DRB Members:

I am Paul Wever, resident at 8409 Tierra Morena PI NE.

In regards to the Monet Apartments proposed for Alameda and Barstow, I have some deep concerns.

First, the Batch 1,2, &3 processes allowed for residents to change their zone designation to R-1B, but when I bought my house in June of 2019, I was either not eligible/offered to join the batch 3 process. Others who have purchased since the batch processes have to go through a rather onerous process to re-zone, which was rather simply allowed previously. I feel new owners should be offered to re-zone, which has a big impact. Even though many residences along the property line of the proposed apartments are now R-1B zoned, that is not reflected in the proposed plans (the architect's plan still shows the neighborhood adjacent to the project as MX-T vs. R-1B). R-1B zoning ensures the continuity of neighborhood character, and is important to acknowledge. Verbiage in the IDO protects the space between residential and multifamily units with the neighborhood edges provision, and the neighborhood would appreciate it if the city follows the requirements of the IDO (such as 15' standoffs, 30' building heights within 100' of the property line, etc.).

Second, the height of the proposed apartments is higher than was previously allowed for the lot between the former city codes, and zone designation. No other building in the Vineyard neighborhood area exceeds 2 stories, and now that the IDO was unilaterally passed the proposed apartments will be an anomaly in the neighborhood, unfairly so. The same set of neighborhood edges ensures building heights are not too different. However, the building limit of 30' within 100' of the property line is ignored in the proposed design, while 38' allows for a three story building, which will be the only one in the neighborhood, because previous codes limited that height.

Third, the Vineyard Sector Plan which previously applied to the properties for the proposed apartments indicated that the plots in question were planned for a 4400 sq. ft. neighborhood commercial facility. Park dedication within the vineyard estates was calculated based on the number of dwelling units. With 93 additional dwelling units, using the same calculations, 7905 sq. ft. of additional park dedication is required in the Vineyard neighborhood. So the question is – where in the Vineyard neighborhood is the 7905 sq. ft. of park dedicated space? While the IDO wiped away the sector plans, it would be appropriate if the rules everyone else had to follow while developing the area applied to all projects.

Finally, with so much at stake, I don't understand how this project can go forward as it is without any support from the neighborhood it's in. Is there a way for the city help mediate a discussion to ensure the design meets the original protections that were always envisioned for the neighborhood, to include from sector plans and previous code? There are various violations of the IDO, but no neighbors support the current 3-story design. Instead of providing variances at every requirement in defiance of neighborhood objections and the IDO, can the city help to maintain the neighborhood standard or mediate a discussion that results in a 2 story design, additional park dedication space, and an appropriate 15 ft. buffer between the properties?

Additional supporting information is found below.

Thank you for your time.

Paul and Jennifer Wever

Residents: 8409 Tierra Morena Pl NE.

Albuquerque, NM, 88712

cc: hess@yntema-law.com

Issue 1 – Zoning:



Adjacent property is not MX-T, but R1-B per Zoning department Batch 1&2 applications submitted prior to this application, and matter of public record.

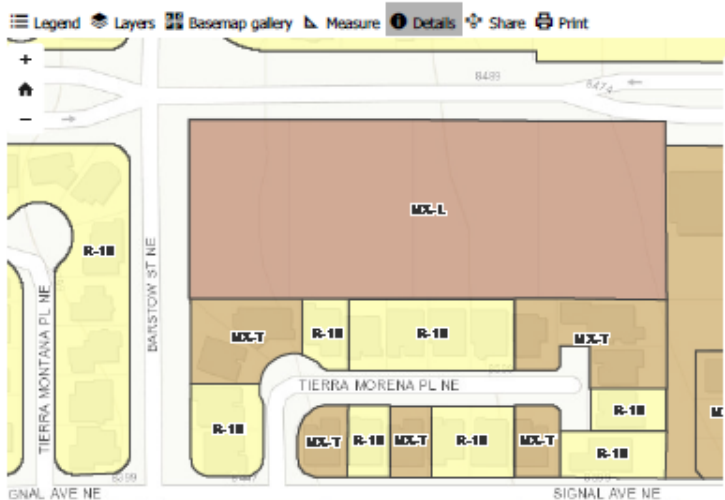
However, according to the current zone map 5 properties along that line are R-1B and the neighborhood edges provision is unaccounted for in the proposed design.:

Zoning

Zone Districts in the City of Albuquerque

View on phone or tablet ([/about/offsite.html](#)) (<https://cabq.maps.arcgis.com/apps/View/index.html?appid=63e5b1c415ee408f8d490a1088d7cb11>)

IDO Zone Look-up Map



Issue 2: Violation of Building Height Stepdown. (IDO 14-16-5-9(c), pg 329) and Parking lot separation IDO 14-16-5-9(D)(1)(b)2. (pg 330) & Neighborhood Edge Buffer Provision (IDO 14-16-5-9(D)(1)(b)2.

per IDO 14-16-5-9(c), pg 329:

The building is within 100' of the property line of R-1B Properties.

The building height within 100' of those property lines shall step down to 30'

The image from the IDO clearly shows the property line as the point of reference – not the R-1B building, but the property line. I am sure the planners and architects who have built in this city before are aware of the property line being the delineation, and but regardless have designed in violation of that requirement.

Additionally, all other properties built in the area followed the previous zoning regulations which limited building heights to 26' - however the IDO now allows for heights of 30'-35' (Depending on distance and up to 38' according to the current (2021) version of the IDO) – which highlight that MX-L is a poor fit of a zone for that property. Because the properties adjacent to the Alameda/Barstow corner are single family residential units, R-1B are appropriate for those sites as acknowledged in the Batch 1,2,& 3 process. As the MX-T is intended to transition from residential to commercial, there shouldn't be an MX-L next to R-1B properties. The single family homes should be re-zoned to R-1B, ensuring the 4 acres adjacent to them rezoned as MX-T.

The application for the properties to be zoned to R-1B were submitted prior to the platting application for this apartment project, and were public record, so if the date of applications being submitted are the start point for setting using rules, then that should apply evenly. If we are using the current IDO, then we need to use the current zones. Either way, the designers had ample time and opportunity to identify those properties are residential, and they need to adjust their design appropriately.

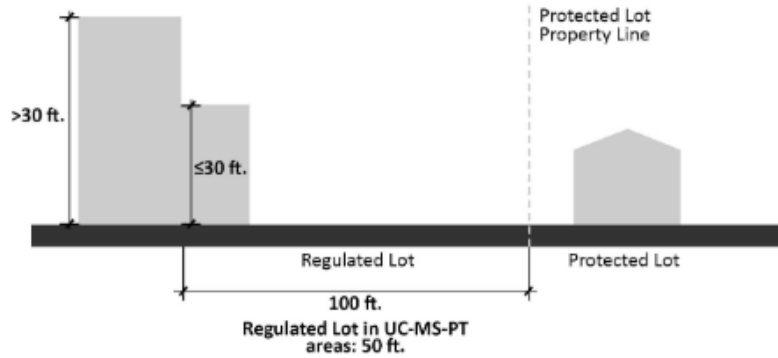
5-9(C) BUILDING HEIGHT STEPDOWN

5-9(C)(1) General Requirement

On Regulated Lots, any portion of a primary or accessory building within 100 feet of the nearest Protected Lot property line shall step down to a maximum height of 30 feet. (See figure below.)

5-9(C)(2) Urban Centers and Main Street and Premium Transit Areas

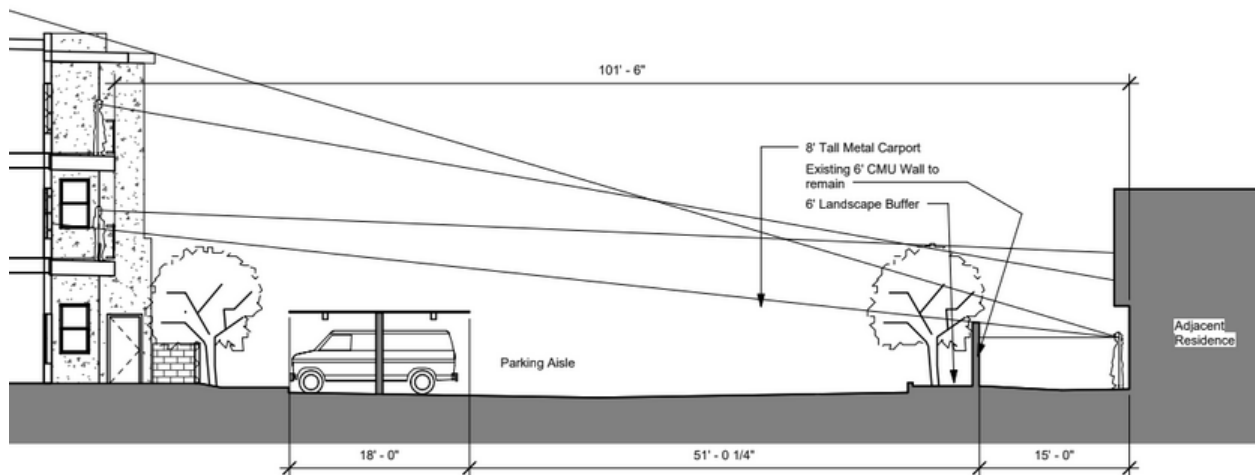
On Regulated Lots in UC-MS-PT areas, any portion of a primary or accessory building within 50 feet in any direction of any lot line of a Protected Lot shall step down to a maximum height of 30 feet. (See figure below.)

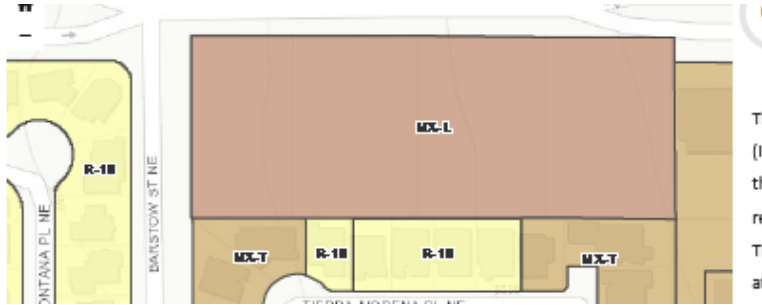


5-9(D) PARKING, DRIVE-THROUGH OR DRIVE-UP FACILITIES, AND LOADING

5-9(D)(1) Parking and Drive-through or Drive-up Facilities

5-9(D)(1)(a) Where parking or vehicle circulation areas on a Regulated Lot abut a Protected Lot, a minimum 6 foot high opaque wall or fence shall be required to visually screen the parking or circulation area.





Parking Lot standoff / Neighborhood Edge Buffer:

Per IDO 14-16-5-9(D)(1)(b)2. (pg 330) Parking areas shall be separated from any abutting Protected Lot by a minimum of 15 feet (as you can see from the image, the 15' is measured from the property line), and edge buffer requirements in Subsection 14-16-5-6(E) apply. (See figure below.)

Monet apartments designed 6' landscape separation is well below the minimum required per the IDO.

Further, per IDO 14-16-5-6-E(2) (Pg 297) requires 1 tree every 15 feet for the buffer between the two properties. The design has incorporated more trees along residentially zoned properties. Since all the properties along the south border are single family residential units, it would be appropriate to apply the rule in 14-16-5-6-E(2) across the entire buffer zone.

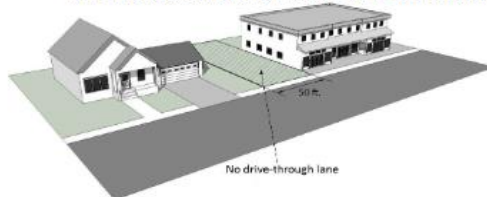
Part 14-16-5: Development Standards 5-9: Neighborhood Edges

5-9(D): Parking, Drive-through Or Drive-up Facilities, and Loading
5-9(D)(2): Truck Loading Areas

Chain link fence with slats shall not constitute acceptable screening.

5-9(D)(1)(b) For Regulated Lots 10,000 square feet or larger, the following requirements apply.

1. Drive-through lanes shall be separated from any abutting Protected Lot by a minimum of 50 feet. (See figure below.) For drive-throughs, requirements in Subsection 14-16-5-5(I) apply.

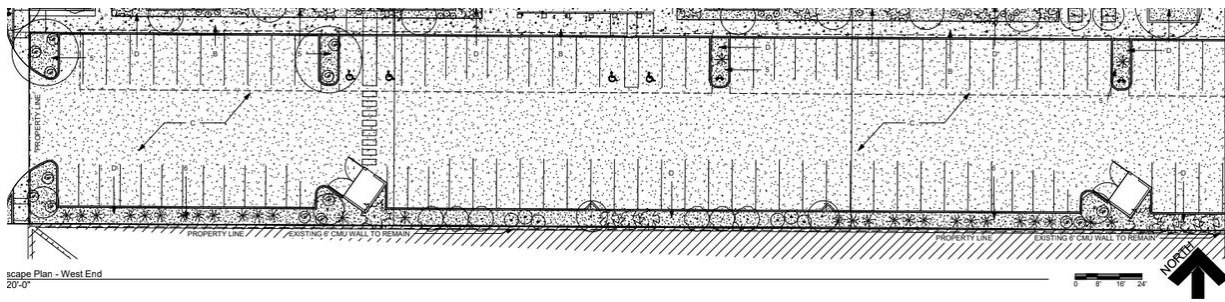
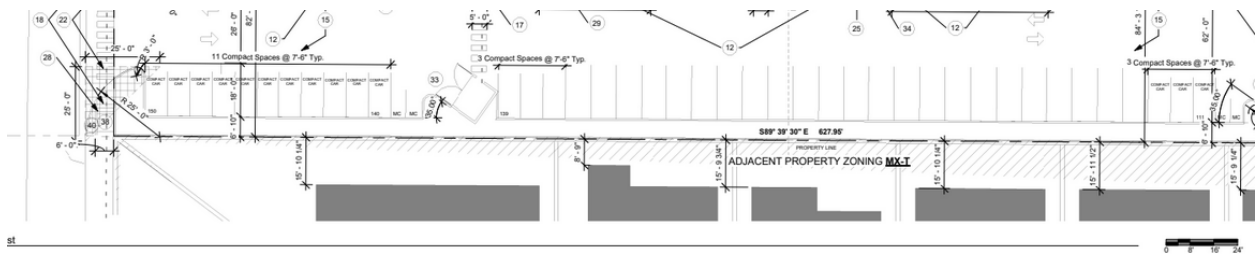


2. Parking areas shall be separated from any abutting Protected Lot by a minimum of 15 feet, and edge buffer requirements in Subsection 14-16-5-6(E) apply. (See figure below.)





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Landscape Plan - West End
20'-0"

5-6(E)(2) Development Next to Low-density Residential Zone Districts

Where multi-family, mixed-use, or non-residential development other than industrial development occurs on a lot abutting or across an alley from a lot containing low-density residential development in an R-A, R-1, R-MC, or R-T zone district, a buffer shall be provided along the lot line, as specified for the relevant area below.

5-6(E)(2)(a) General

A landscaped edge buffer area at least 15 feet wide shall be provided on the subject property along the property line between the two properties.

1. If a wall at least 3 feet in height is provided or exists along the property line between the 2 properties, 1 tree at least 8 feet high at the time of planting shall be provided every for 15 feet along the wall, with spacing designed to minimize sound and light impacts of the proposed development on the adjacent property.
2. If no wall is provided or exists, 1 tree at least 6 feet tall at the time of planting and at least 25 feet tall at maturity and 3 shrubs shall be provided for every 25 feet along the lot line, with spacing designed to minimize sound, light, and noise impacts.

5-6(E)(2)(b) Downtown, Urban Centers, and Main Street and Premium Transit Areas

1. A landscaped edge buffer area at least 6 feet wide shall be provided. For buildings over 30 feet in height, the edge buffer area shall be at least 10 feet wide.

Issue 3: Development protections per previous The Vineyard Sector Plan:

Original intent for Alameda/Barstow corner was neighborhood commercial, and 4400 sq ft seen below:

Office and commercial will abut Alameda Boulevard and Barstow Street. These uses will buffer the lower residential densities from the harmful effects of street noise produced by arterial and collectors and is consistent with Policies Plan Element 2.1 of the Comprehensive Plan.

Neighborhood Commercial

Neighborhood Commercial is incidental to and will satisfy the day-to-day need of the mixed use residential, office, and institution, and is subject to pertinent guidelines provided in the Sector Development Plan. Compatible mixing of land uses is the primary benefit of a Planned Development. Neighborhood Commercial, as allowed in Section 21, C-1 Neighborhood Commercial of the Zoning Code, uses are proposed with a maximum net leasable floor area of 44,000 square feet for the Vineyard Sector Plan area. A floor area ratio of 0.25 was used to determine that 4 acres would be zoned Commercial. Orientation of commercial at Barstow and Alameda is shown on the Land Use Map. Alternate direct access will be provided to the south other than by Barstow Street; this secondary access shall not be through a service area, but shall directly access the parking area to a public street. The commercial areas must be replatted as single tracts and each have a single site development plan prior to development. A landscape buffer is proposed between the rear of the commercial buildings and the adjacent office and institution zone and residential zone. A Site Development Plan and Landscaping Plan approved by the EPC shall be required. Off-street parking shall be as provided in Section 40.A of the Zoning Code.

The following section identifies that a park dedication requirement was calculated for single family and multi-family dwellings. Since the property was originally planned as commercial, changing its use changes the contribution to park dedication. Since the use was re-designated from neighborhood commercial to multi-family, the additional park dedication space needs to be added to and incorporated into the park dedication space within Vineyard Estates requirement. At 93 multi-family units, this would

be 85sq ft/unit x 93 units = 7905 sq ft of additional park dedication.

PARKS AND OPEN SPACE

The Park Dedication and Development Ordinance sets dedication requirements of 170 square feet per detached house and 85 square feet per multi-family unit. A park dedication of 2.7 acres is required for the Vineyard Sector Development Plan residential land use. The requirement was based upon 496 single family units and 392 apartment units.

The Residential and Related Uses, R-D, zone in developing areas requires substantial open space. Each dwelling unit requires 2400 square feet of open space. The requirement may be met on the dwelling's lot. A portion of the open space shall be satisfied adjacent to the dwelling unit, and the balance of the area dedicated in an area either within the sector plan or other suitable open space area. Such detached open space need not be accessible to the residents of the related dwellings, but it must be important to the whole community as well as the residents of the related dwellings. A Developer may elect to satisfy the open space dedication requirement by paying the City cash-in-lieu of land. The City

shall make every reasonable effort to use the cash-in-lieu of land to acquire and preserve the amount of detached open space in the general vicinity of the dwelling which requires the open space.

Multi-family units are projected to require 7.1 acres of detached open space. An agreement with the appropriate City Department will be required to determine suitability of open space land along the North Domingo Baca Arroyo or along the La Cueva Arroyo Open Space Link.

Salas, Alfredo E.

From: Michael O'Dell <mnodell@comcast.net>
Sent: Wednesday, November 24, 2021 2:21 PM
To: Gomez, Angela J.
Subject: ODell Objection to DRB.PDF
Attachments: ODell Objection to DRB.PDF; ATT00001.txt

External

Did you receive my letter of objection?
Michael O'Dell

November 18, 2021

VIA E-MAIL

mrenz@cabq.gov

agomez@cabq.gov

Mikaela Renz-Whitmore, Chair
Developmental Review Board
City of Albuquerque

RE: Project #PR-2019-002496
Alameda Luxury Apartments Complex
DRB Remand Hearing on December 3, 2021

Dear Chair Renz-Whitmore and DRB Members:

My wife and I are homeowners in the development on the northeast corner of Barstow and Alameda for the past three years. We watch the constant foot, jogging and biking traffic along the east side of Barstow. Children walking to Desert Ridge Middle school and La Cueva High School number in the hundreds. Parents park several blocks up and down Barstow on the east side and across Alameda waiting to pick-up children in the afternoon. While the foot and bicycle traffic peaks just before and after school, there are always walkers, joggers and bicyclists crossing back and forth, many over the diversion footbridge before daylight and well into the night; because it's the only access across the diversion channel between Wyoming and Ventura.

The proposed Alameda Apartment Complex development has two entry/exit driveway, one leading directly from the parking area directly onto Barstow. This poses an extremely restricted line of sight for the driver and pedestrian. It is essentially a residential driveway with no setback and the fence shown in the plans further restricts view to either side. There's a reason there are no individual driveways allowed on Barstow and it should be obvious why this should not be approved. Other apartments in the area such as Broadstone Heights, Arterra Apartments, or Olympus Apartments either have entry/exit lane or setbacks from the road to safely enter and exit.

After school, parents are going to park right next to the driveway impacting the situation even more. Due to the lack of adequate parking in the apartment complex there will residents and visitors parking along the east side of Barstow between Signal and Alameda. No other apartment complex in our area has this amount of pedestrian traffic. We are convinced this project poses a clear and present danger to our community.

Respectively,



Michael A. O'Dell



Nancy K. O'Dell

cc:hess@yntema-law.com

Salas, Alfredo E.

From: Peggy Valencia <membership@naaca.info>
Sent: Monday, November 22, 2021 1:35 PM
To: Renz-Whitmore, Mikaela J.; Gomez, Angela J.
Cc: hess@yntema-law.com
Subject: PR#2019-002496 Letter from NAACA Board of Directors
Attachments: NAACA letter Alameda Barstow.pdf

External

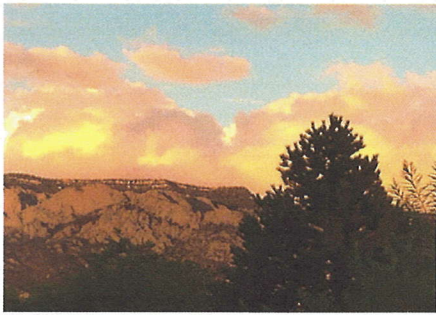
Dear Madam/Sir,
Please find attached letter from the NAACA Board of Directors.
Thank you,

Peggy Valencia

NAACA, Secretary



11003 Anaheim Ave NE
Albuquerque, NM 87122
naaca.info



North Albuquerque Acres Community Association

RE: PR#2019-002496

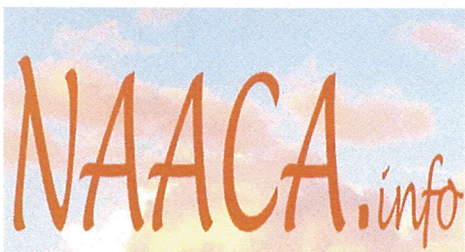
As neighbors of the Noreste Neighborhood Association (NENA), the North Albuquerque Acres Community Association (NAACA) Board of Directors strongly object to the construction of the Monet Apartment complex, 8400, 8450, and 8474 Alameda Blvd. NE, Albuquerque, NM 87122 as inappropriate in a single-family neighborhood. Additionally, as decided in the original permit process for this project, and according to the City, the hydrological and traffic issues were judged to be not a problem. Traffic at the corner of Barstow Road and Alameda Boulevard, particularly during school hours affecting La Cueva High School (on Alameda), Desert Ridge Middle School (on Barstow) is extremely heavy and with students walking and riding bicycles to school it can be very dangerous. A requested traffic study was denied by the City. With the addition of nearly 100 units at the Monet Apartment complex, this could add up to 200 more vehicles, many on the street at the same time. Parenthetically, the project does not allow for parking for this number of vehicles on the property, and parking on Alameda and Barstow is illegal. This would force the Monet residents to park in the neighborhoods adjacent to the complex. Additionally, the City denied that an environmental review was necessary under the Integrated Development Ordinance (IDO). Placing this number of units on such a small area will create a number of environmental issues in addition to those enumerated above, including air quality issues with such a high number of vehicles in a small area, polluted run-off into streets, erosion, and much increased noise.

Primarily a high density apartment complex at this location, despite the IDO classifying it as "low density" is completely inappropriate for this area of northeast Albuquerque where the long-term single-family home residents decided to live in this area *because* of the lower density and the safety and security that provides for families, particularly with public schools nearby. Apartment dwellers, by definition, are short term occupants and rarely interested in the community in which they live. High density and much higher traffic congestion can make for a much more dangerous neighborhood, as well as the probability of increased crime simply by the higher population in a small area.

Finally, as neighbors in North Albuquerque Acres we find the project objectionable for the reasons stated above, and the dangerous precedent for those of us desiring a safe and peaceful community, something the City Council should consider to be of great importance.

Sincerely,

M. Steven Shackley
Vice-President



11003 Anaheim NE
Albuquerque, NM 87122
President@naaca.info
www.naaca.info

External

Attached is my letter expressing opposition in the Alameda/Barstow apartment project.

Thank You,

Lucy baca

November 22, 2021

mrenz@cabq.gov

agomez@cabq.gov

Mikaela Renz-Whitmore, Chair
Development Review Board
City of Albuquerque

Re: Project: #PR-2019-002496
Alameda Luxury Apartment Complex
DRB Remand Hearing on December 3, 2021

Dear Chair Renz-Whitmore and DRB Members:

The purpose of my letter is to express my opposition to the above-mentioned apartment complex.

I have lived in my home for approximately twenty-six years. I am extremely concerned with the safety of our neighborhood residents, as a result of this proposed apartment complex. I am particularly concerned for the safety of the Desert Ridge Middle School children walking and riding their bikes on Barstow trying to cross Signal and Alameda. I have seen children dodging cars as they cross these streets.

I do not feel that adequate consideration has been given to the safety of pedestrians, children and cyclists in the planning of this apartment complex. The additional cars entering and existing the complex will exacerbate the existing traffic congestion at the Alameda/Barstow intersection.

In addition, due to the increased traffic in this area, alternative routes will be used by motorists to get to their destination to avoid traffic congestion. This complicates the existing traffic issues on overly congested and unsafe 2-lane narrow neighborhood streets.

Pedestrian safety is critical, especially childhood safety. This apartment complex contains too many apartments for this corner. Pedestrians and cyclists need to be safe in this neighborhood. Safety is critical! Instead of a large apartment complex on this corner, a smaller housing development that is more conducive to the traffic capacity of existing streets would be a better option. This would ensure a safer environment for residents in our neighborhood.

I urge that this luxury apartment complex request be rejected.

Thank you for your consideration.

A handwritten signature in black ink, appearing to read 'Lucy Baca', with a stylized, cursive script.

Sincerely,
Lucy Baca
8616 Ashton Place NE
Albuquerque, NM 87122

Cc: hess@yntema-law.com

From: Lisa Hayes <weeziesdream@gmail.com>
Sent: Friday, November 19, 2021 6:37 AM
To: Renz-Whitmore, Mikaela J. <mrenz-whitmore@cabq.gov>; Gomez, Angela J. <agomez@cabq.gov>
Cc: hess@yntema-law.com
Subject: BAEHR – DRB input for PR #2019-002496 – 11/19/21.-HAYES

External

Mikaela Renz-Whitmore, Chair
Development Review Board
City of Albuquerque

RE: Project: #PR-2019-002496
Alameda Luxury Apartments Complex
DRB Remand Hearing on December 3, 2021

Dear Chair Renz-Whitmore and DRB Members:

I want to express my strong opposition to this new apartment complex at the corner of Alameda and Barstow. I have lived at my current address, 8816 Henriette Wyeth Dr., for nearly 8 years. When I purchased this home, I never would've dreamed that small little piece of property at the corner of Alameda and Barstow, would/could be turned into three-story apartments buildings.

We purchased this home because it was close to the schools that my daughter would attend, however we were always hesitant to allow her to walk to school because of the amount of traffic at the intersection of Alameda and Barstow. Adding that many more residents to such a small amount of space is going to create even more traffic at that intersection, which is directly behind our home.

There will most definitely be an increase in the amount of noise and a reduction in the quality of life that we currently have, and that will negatively impact our property values.

I cannot even imagine being the existing homes that are directly to the south that would have a three story apartment in their backyards. This is apurely selfish request

from someone who wants to make money, but is not thinking about the quality of the neighborhood that we all enjoy and live in.

I would hope that you will please take the concerns and strong objections from residents like myself into consideration, as we have opposed this project from day one.

Sincerely,

Lisa Hayes

VIA E-MAIL

mrenz@cabq.gov

agomez@cabq.gov

cc: hess@yntema-law.com

Mikaela Renz-Whitmore, Chair
Development Review Board
City of Albuquerque

RE: Project: #PR-2019-002496
Alameda Luxury Apartments Complex
DRB Remand Hearing on December 3, 2021

Dear Chair Renz-Whitmore and DRB Members:

We, the homeowners at Aspen Leaf Drive NE, are writing to protest the construction of the 93 unit housing development at the corner of Barstow and Alameda. We live on the street kitty-corner to the proposed development. We have children who walk, ride the bus, or are driven to school in this area because of 3 highly-rated schools (La Cueva High School, Desert Ridge Middle School and Altura Preparatory Elementary School). Other residents need to get to work from this area. There is already too much traffic here. How are we to accommodate another 93 residents with cars? (From the proposed plan, it looks like there are actually 150 "automobile parking spaces" so that is potentially 150!) We are very concerned about the congestion and safety of all who live in this neighborhood, especially the children who walk and bike to school. In addition, there have been close calls with impatient drivers, who do not wait their turn and a problem with drivers who are going too fast. This will surely become worse with such a large housing development in the area. This is also a nice, quiet neighborhood of single family homes, not a place for a massive housing complex. While we have nothing against new neighbors, we do have a problem with the proposal for a 93 unit housing development.

Thank you for your consideration.

Signatures for Aspen Leaf Dr NE Group Letter to DRB
RE: Project PR-2019-002496 (Barstow and Alameda NE) - Monet Apartment Project
December 3, 2021 Remand Hearing

B.L. Kagan
Signature

8708 ASPEN LEAF DR NE
Address ABQ, NM 87122

BHAVESHKUMAR KAPADIA
Printed Name

[Signature]
Signature

8701 Aspen Leaf Dr NE
Address

Frank Stokes
Printed Name

Hui Shen
8700 Aspen Leaf Dr NE
Signature

8700 Aspen Leaf Dr NE
Address

Hui Shen
Printed Name

Adachi Chang
Signature

8704 Aspen Leaf Dr NE
Address

Lina Adachi Chang
Printed Name

[Signature]
Signature

8709 ASPEN LEAF DR
Address NE

PANKAJ PATEL
Printed Name

Submitted, with authorization,
on behalf of:
NOT AVAILABLE
Signature

8705 Aspen Leaf Dr. NE
Address

Paveen Apiratikul
Printed Name

From: Lina Adachi <lsadachi@gmail.com>
Sent: Thursday, December 2, 2021 3:08 PM
To: Renz-Whitmore, Mikaela J. <mrenz-whitmore@cabq.gov>; Gomez, Angela J. <agomez@cabq.gov>
Cc: hess@yntema-law.com; KAREN BAEHR <KLBAEHR@msn.com>; Lina Adachi <lsadachi@gmail.com>
Subject: Aspen Leaf Dr NE - DRB input for PR# 2019-002496

External

Attached pls find our letter for PR# 2019-002496. Thank you.

November 26, 2021

Development Review Board

Planning Department, City of Albuquerque

RE: Project PR-2019-002496 (Barstow and Alameda NE)

To Albuquerque Development Review Board Hearing Officer,

This letter is a formal objection regarding the proposed construction for a 93-unit 3-story multi-family residential development at the southeast corner of Alameda and Barstow. I currently live in 8509 Tierra Morena Pl. NE, directly south of the proposed site location. **The purpose of this letter is to formally state that I am opposed to the construction of PR #2019-002496.** My reasonings are detailed below.

First, as literally stated in the site construction plans, the proposed apartments are advertised as luxury apartments. **There already exist a number of luxury apartment complexes within the surrounding area.** As of the date of this letter, the average price for a 2 bedroom 2 bath 1000 sq ft apartment, which is what I would consider suitable for a family, is at least \$1,600 per month. The most expensive one, Olympus Alameda apartments, can go up to \$3,600 per month. Such a price is over double my monthly mortgage. As the proposed development is advertised as a luxury apartment, I suspect it would offer rental prices within the same high price range as the surrounding apartments. **I believe that adding additional high-priced luxury apartments to this area would further exacerbate the already noticeable gentrification of not only this area but the city in general. With the obvious homeless and housing issue in Albuquerque along with the eviction challenges and rapidly increasing home prices faced by many due to the COVID-19 pandemic, adding an additional luxury apartment is harmful to this community and the City of Albuquerque.**

Continuing on the previous point, **I believe a better use of the proposed location would be building affordable houses such as starter homes, condominiums, and townhouses which can offer the benefit of affordable homeownership.** This area is already one of the most expensive zip codes in Albuquerque and benefits from having some of the best schools, parks, and community resources in the city. Offering more affordable housing would allow more people of different walks of life to access and benefit from

these resources. I believe this would benefit both the community and the city by creating a more welcoming and equal neighborhood, especially in such divisive times.

Finally, as a homeowner directly south of the proposed location, I find the building plan to be too out of sync in appearance compared to the surrounding homes and buildings. The proposed apartments have 5 stucco colors on the exterior while the surrounding homes and businesses have only 1 to 2 neutrally colored façades. **This apartment would not match the community image.** Additionally, the proposed 35ft height, along with the 38ft elevator shaft, of the apartment would make it the tallest structure in the area. **I believe any construction should be limited to the same height as the surrounding area to preserve the established neighborhood appearance.** This is especially in the case of an apartment or business building as such constructions already impose a lack of community connection with surrounding homes.

Sincerely,

A handwritten signature in black ink that reads "Alex Liao". The script is cursive and fluid, with the first letters of "Alex" and "Liao" being capitalized and prominent.

Alex Liao

8509 Tierra Morena Pl. NE

Albuquerque, NM 87122

From: Alex Liao <ahliao24@gmail.com>
Sent: Friday, November 26, 2021 5:33 PM
To: Renz-Whitmore, Mikaela J. <mrenz-whitmore@cabq.gov>; Gomez, Angela J. <agomez@cabq.gov>
Cc: hess@yntema-law.com
Subject: DRB for PR-2019-002496 (Alameda/Barstow) c/o Mikaela Renz-Whitmore, DRB Chair

External

November 26, 2021

Development Review Board

Planning Department, City of Albuquerque

RE: Project PR-2019-002496 (Barstow and Alameda NE)

To Albuquerque Development Review Board Hearing Officer,

This letter is a formal objection regarding the proposed construction for a 93-unit 3-story multi-family residential development at the southeast corner of Alameda and Barstow. I currently live in 8509 Tierra Morena Pl. NE, directly south of the proposed site location. **The purpose of this letter is to formally state that I am opposed to the construction of PR #2019-002496.** My reasonings are detailed below.

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many due to the COVID-19 pandemic, adding an additional luxury apartment is harmful to this community and the City of Albuquerque.

Continuing on the previous point, **I believe a better use of the proposed location would be building affordable houses such as starter homes, condominiums, and townhouses which can offer the benefit of affordable homeownership.** This area is already one of the most expensive zip codes in Albuquerque and benefits from having some of the best schools, parks, and community resources in the city. Offering more affordable housing would allow more people of different walks of life to access and benefit from these resources. I believe this would benefit both the community and the city by creating a more welcoming and equal neighborhood, especially in such divisive times.

Finally, as a homeowner directly south of the proposed location, I find the building plan to be too out of sync in appearance compared to the surrounding homes and buildings. The proposed apartments have 5 stucco colors on the exterior while the surrounding homes and businesses have only 1 to 2 neutrally colored façades. **This apartment would not match the community image.** Additionally, the proposed 35ft height, along with the 38ft elevator shaft, of the apartment would make it the tallest structure in the area. **I believe any construction should be limited to the same height as the surrounding area to preserve the established neighborhood appearance.** This is especially in the case of an apartment or business building as such constructions already impose a lack of community connection with surrounding homes.

Sincerely,

Alex Liao

8509 Tierra Morena Pl. NE

Albuquerque, NM 87122

May 8, 2020

BY ELECTRONIC MAIL

Patrick Davis, President
Albuquerque City Council
Once Civic Plaza
9th Floor
Albuquerque, NM 87102

Appeal AC-20-02

Dear President Davis and Councilors:

I request that you consider my comments below and the attachments which accompany the PDF of this letter into your consideration of "Appeal AC-20-02".

The first attachment is my sworn testimony shared with the DRB at their 1/8/20 Hearing regarding this particular development project.

The second attachment (an email from 9/23/19) addresses a structural defect in the IDO which seriously diminishes the ability of the owners of 75-80% of the property in the City of Albuquerque (the residents) to have influence and impact on development projects in their midst that causes negative impacts on their long established neighborhoods and diminishes their property values. This structural defect is at the core of the issues I address in my sworn testimony at the DRB on 1/8/20. The email has been seen by all current Council members other than Councilor Sena and, possibly, Councilor Bassan. Its content has been discussed with Councilor Bassan.

This IDO defect removed from NAs/HOAs/Coalitions a level playing field by removing "substantive issues" from EPC consideration and leaving those "substantive issues" in a legal & metaphysical dead space – which no one in City Planning, City Administration or City Council has been willing to address and hasn't been addressed in the Technical Edits or Amendments in the current ABC-Z revision process. With the IDO as approved by the City Council, the goal of streamlining development processes seems to simply steamroll over residential concerns, avenues of recourse and residential VOICE in the growth of the city.

I make note here of an anomaly that I find confounding: I am not aware of any written record of how anyone or who in the Planning Dept. arrived at the finding that the date of a "Completed" status of a developer's Application established the conditions going forward for the rights (or lack thereof) of adjacent & impacted neighbors (be they commercial or residential). If anyone on the Council can

produce such a written record, I would appreciate them sharing it with me. The issues bound up in the first two attachments accompanying this letter seem to be connected to a murky process that led to a 'set in stone' conclusion – again on the side of the developer and harmful to long- established residential owners. A little light on this subject would be illuminating for all.

Respectfully,

Dan Regan
District 4 Coalition
Zoning / Development Committee, Chair

cc: Hessel E. Yntema III
Jim Strozier, Consensus Planning
Peter Lindborg
Maggie Gould
Nicole A. Sanchez
Angela Gomez
Jolene Wolfley
Melendrez, Chris P.
Michael Pridham, D4C President

Please add this comment to the record for this case.

Thanks,

MIKAELA RENZ-WHITMORE
(she/hers)
o 505.924.3932
e mrenz@cabq.gov

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

From: John Ingram <ingram1ja@gmail.com>
Sent: Tuesday, November 23, 2021 2:43 PM
To: Renz-Whitmore, Mikaela J. <mrenz-whitmore@cabq.gov>
Cc: hess@yntema-law.com; ingram1ja@gmail.com
Subject: INGRAM - DRB input for PR #2019-002496

External

MY OBJECTIONS:

Dear Mikaela Renz-Whitmore, Special Design Review Board (DRB) Chairperson for this hearing:

Mr. Phil Lindborg is proposing to build a 36 ft. high, 91-apartment complex on 3.5 acres at the SE corner of Alameda & Barstow NE.

If approved by the Special DRB at this hearing, Mr. Lindborg could build his high-rise, high-density apartment complex less than 400 yards from my home's front door in NorEste Estates.

If approved by the Special DRB at this hearing, Mr. Lindborg's apartment complex could be the fourth (4th) such apartment complex in my NorEste Estates neighborhood.

1 - There exists a high-density, 3-story apartment complex at Barstow & Carmel NE, called Stonebridge.

This Stonebridge apartment complex is less than 800 yards south of Mr. Lindborg's proposed Barstow and Alameda NE site.

2 - Less than one (1) mile southwest from Mr. Lindborg's proposed site at Barstow and Alameda NE, there exists a second (2nd) high-density, high-rise apartment complex on the corner of Wyoming & Carmel NE.

3 - Less than one (1) and one-half (1/2) miles west of Mr. Lindborg's proposed site at Barstow and Alameda NE there exists a third (3rd) high-density, 4-story apartment complex on Alameda and San Pedro NE. It's called Markana.

My NorEste Estates neighborhood is overwhelmed with high-density, high-rise apartment complexes NOW.

For this Special DRB Hearing to approve Mr. Lindborg's proposal to build a fourth (4th) such apartment complex in the NorEste Estates neighborhood would not be right, regardless of what the Integrated Development Ordinance (IDO) dictates.

If the 2017 Integrated Development Ordinance (IDO) allows the NorEste Estates neighborhood to be overwhelmed with an unlimited, unfair and unreasonable number of high-density, high-rise apartment complexes, then IDO is fundamentally flawed.

As such, Mr. Lindborg's proposal must be disapproved at this Special DRB Hearing.

If IDO gives Mr. Lindborg more property rights as a developer of an unlimited number of high-density, high-rise apartment complexes in NorEste Estates than I have as a homeowner, then IDO may be deeply flawed.

Potentially, IDO could be in violation of the Equal Protection Clause of the Constitution of the United States.

As such, Mr. Lindborg's proposal must be disapproved at this Special DRB Hearing.

Most respectfully,

John Adams Ingram
8901 Henriette Wyeth Dr NE
ABQ NM 87122
1-505-217-8020

Salas, Alfredo E.

From: Gomez, Angela J.
Sent: Tuesday, December 7, 2021 8:40 AM
To: Gomez, Angela J.
Subject: FW: December 3 DRB Comments for PR-2019-002496 (JR)
Attachments: 211203 - PR-2019-002496.docx; Alameda Barstow Apartments transportation independent review commens 11 15 2021 mpg.docx; DRB Alternate Curtis Cherne Comments on PR.docx; DRB Alternate Laurie Firor - comments 11-19-2021.docx; PR-2019-002496_PLN_12-3-21.docx; CE-DRB comments.docx

From: Rodenbeck, Jay B.
Sent: Monday, December 6, 2021 5:18 PM
To: hess@yntema-law.com
Cc: Sanchez, Nicole A. <nasanchez@cabq.gov>; Gomez, Angela J. <agomez@cabq.gov>
Subject: FW: December 3 DRB Comments for PR-2019-002496

Good evening Mr. Yntema,

For your records, I am forwarding you the email containing the DRB comments I sent to the DRB members and City staff as well as to the agents for the Site Plan application for PR-2019-002496 the evening prior to the December 3 DRB meeting (for the Site Plan application).



Jay Rodenbeck

Senior Planner

o 505.924.3994

e jrodenbeck@cabq.gov

cabq.gov/planning

From: Rodenbeck, Jay B.
Sent: Thursday, December 2, 2021 5:49 PM
To: 'Jim Strozier' <cp@consensusplanning.com>; 'Michael Vos' <Vos@consensusplanning.com>
Cc: Aranda, James M. <jmaranda@cabq.gov>; Sanchez, Nicole A. <nasanchez@cabq.gov>; Webb, Robert L. <rwebb@cabq.gov>; Grush, Matthew P. <mgrush@cabq.gov>; Firor, Laurie <lfiror@cabq.gov>; 'Carter, Blaine M.' <bcarter@abcwua.org>; Cherne, Curtis <CCherne@cabq.gov>
Subject: December 3 DRB Comments for PR-2019-002496

Attached are the December 3 DRB comments for PR-2019-002496. The December 3 DRB meeting will be taking place remotely via Zoom at 9:00 am. Instructions for joining the DRB meeting are as follows:

Join Zoom Meeting: <https://cabq.zoom.us/j/85499151537>

Meeting ID: 854 9915 1537

By phone +1 253 215 8782 or Find your local number: <https://cabq.zoom.us/u/kXRilHhhy>

Supplemental Submittal Disclaimer:

If possible, please consolidate/combine the individual supplemental submittal items into a minimum number of documents/files (for example, into a single PDF file). The supplemental submittal deadline is noon on the Friday prior to the DRB meeting. DRB members will not have adequate time to review a supplemental submittal that comes in late. If there are very minor changes, the DRB Chair may allow an applicant to present them verbally and graphically to DRB members during the DRB meeting.



Jay Rodenbeck

Senior Planner

o 505.924.3994

e jrodenbeck@cabq.gov

cabq.gov/planning

Salas, Alfredo E.

From: Gomez, Angela J.
Sent: Monday, November 29, 2021 12:21 PM
To: Gomez, Angela J.
Subject: FW: Site Plan DRB PR-2019-002496 and SI-2019-00180 (2) Alameda and Barstow,

From: sandrewsnm@aol.com <sandrewsnm@aol.com>
Sent: Monday, November 29, 2021 12:19 PM
To: Renz-Whitmore, Mikaela J. <mrenz-whitmore@cabq.gov>; Gomez, Angela J. <agomez@cabq.gov>
Cc: hess@yntema-law.com
Subject: Site Plan DRB PR-2019-002496 and SI-2019-00180 Alameda and Barstow,

External

Dear Ms. Renz-Whitmore and Ms. Gomez,

I live in the Noreste neighborhood, having done so since 1993. Currently we live on Estrada Ct. NE. This is our home for the past 15 years. I strongly object to the Monet apartment complex proposed for the southeast corner of Barstow and Alameda (hereafter referred to as "the corner").

When we moved to our home on Estrada Ct. NE, the corner was zoned as a "rest" area for the neighborhood. A space to maintain a suburban, uncongested, open, quiet, and safe feeling in Noreste. The areas to the north, south, and west of the corner are filled with long-term single family homes. Immediately to the east is a preparatory school. People live here because of the quality of life with safe, quiet, family neighborhoods with low resident turnover, and the proximity to Desert Ridge Middle School and La Cueva High School.

The proposed apartments will look into the homes and yards of the homes on the southern border. This is a direct negative impact on the families in those long-standing homes. Alameda NE is a two-lane road at the northern border of the corner. If this complex is allowed, traffic problems will impact all in the area, both established residents and newcomers. With the greatly increased traffic will cause increased air quality problems and noise. The infrastructure of this area was not designed to accommodate an apartment complex on the corner. Generally a higher population density carries the probability of higher crime. Why, in a city known nation-wide for its inability to control crime or fully fill the ranks of its police department, do you want to spread crime to this corner?

There are no advantages to having an apartment complex on the corner. Please do not allow the construction of an apartment complex with its negative impact on the neighborhood and the community surrounding Barstow NE and Alameda NE.

Sincerely,

James T. Wilkie
8840 Estrada Ct. NE
Albuquerque, NM 87122

Salas, Alfredo E.

From: John Ingram <ingram1ja@gmail.com>
Sent: Tuesday, November 23, 2021 2:53 PM
To: Gomez, Angela J.
Cc: ingram1ja@gmail.com; hess@yntema-law.com; Renz-Whitmore, Mikaela J.
Subject: INGRAM - DRB input for PR #2019-002496

External

MY OBJECTIONS

Dear Angela Gomez, Special Design Review Board (DRB) Hearing Manager for this hearing:

Mr. Phil Lindborg is proposing to build a 36 ft. high, 91-apartment complex on 3.5 acres at the SE corner of Alameda & Barstow NE.

If approved by the Special DRB at this hearing, Mr. Lindborg could build his high-rise, high-density apartment complex less than 400 yards from my home's front door in NorEste Estates.

If approved by the Special DRB at this hearing, Mr. Lindborg's apartment complex could be the fourth (4th) such apartment complex in my NorEste Estates neighborhood.

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As such, Mr. Lindborg's proposal must be disapproved at this Special DRB Hearing.

If IDO gives Mr. Lindborg more property rights as a developer of an unlimited number of high-density, high-rise apartment complexes in NorEste Estates than I have as a homeowner, then IDO may be deeply flawed.

Potentially, IDO could be in violation of the Equal Protection Clause of the Constitution of the United States.

As such, Mr. Lindborg's proposal must be disapproved at this Special DRB Hearing.

Most respectfully,

John Adams Ingram
8901 Henriette Wyeth Dr NE
ABQ NM 87122
1-505-217-8020

Salas, Alfredo E.

From: Carl Henry <cnhenry@comcast.net>
Sent: Wednesday, November 24, 2021 2:17 PM
To: Renz-Whitmore, Mikaela J.; Gomez, Angela J.
Cc: hess@yntema-law.com
Subject: HENRY - DRB input for PR #2019-002496

External

Date: November 23, 2021

Mikaela Renz-Whitmore, Chair
Development Review Board
City of Albuquerque

RE:
Project #PR-2019-002496
Alameda Luxury Apartments Complex
DRB Remand Hearing on December 3, 2021

Dear Chair Renz-Whitmore and DRB Members:

My wife and I live near the proposed site for the 93-unit, 3-story apartment complex located at the intersection of Alameda and Barstow. We are sharing our concerns with you and expressing our objection to the project.

We moved into our home in 2005 in this nice neighborhood. We chose to live here because of the quiet nature of the neighborhood and the one-story homes on our street, Pico La Cueva NE. We believe that this project would have a negative effect on resale value. Our house is situated on the corner of Alameda and Barstow. We believe the neighborhood would be negatively impacted by this project because of the higher density, 3-story buildings, and the added traffic. There would be a loss of privacy with apartments looking into our house, as well as the parking and traffic issues.

Please do not allow this inappropriate 3-story development to ruin the privacy and property values of our homes and quiet, residential character of this neighborhood.

Thank you for your consideration of these concerns.

Sincerely,

Carl N. Henry and Nancy L. Henry

8823 Pico La Cueva Rd NE

Albuquerque, NM 87122-1315

cc: Yntema Law Firm, P.A.

Salas, Alfredo E.

From: Chris Hendrix <chris80333@gmail.com>
Sent: Monday, November 22, 2021 1:37 PM
To: Renz-Whitmore, Mikaela J.; Gomez, Angela J.
Cc: hess@yntema-law.com
Subject: Hendrix – DRB input for PR #2019-002496 – 11/22/2021

External

Dear Ms. Renz-Whitmore & Ms. Gomez,

I have lived in North Albuquerque Acres for over 3 years and as a neighbor of the Noreste neighborhood, I strongly object to the construction of the proposed Monet apartment complex on Alameda and Barstow.

This Location is classified as low density by the IDO. A high density apartment complex at this location, is completely inappropriate and would set a dangerous precedent in this area of northeast Albuquerque where long-term single-family home residents decided to live because of the lower density and the safety and security that it provides for families, particularly with public schools nearby.

Along with traffic issues, placing this number of units on such a small area will create a number of environmental problems including air quality issues with such a high number of vehicles in a small area, polluted run-off into streets, erosion, and increased noise. High density and much higher traffic congestion can make for a much more dangerous neighborhood, and the probability of increased crime.

Do not allow this project to go through as it would be very detrimental to the neighborhood and the surrounding community.

Respectfully Yours,

Hendrix Family
8360 Elena Dr NE
Albuquerque, NM 87122

Salas, Alfredo E.

From: Victor <stenlonus@gmail.com>
Sent: Monday, November 22, 2021 1:05 PM
To: Gomez, Angela J.; Renz-Whitmore, Mikaela J.
Subject: Gutierrez DRB input for PR #2019-002496

External

Hi Mikaela & Angela,

I am 100% FOR building the apartments at Alameda & Barstow. That area needs road improvements that would come along with the apartments. I live very close to that intersection and the increased traffic would not be noticeable. Please approve this project.

Victor Gutierrez
8215 William Moyers Ave NE
Albuquerque, NM 87122

Sent from [Mail](#) for Windows

Salas, Alfredo E.

From: The Grudas <thegrudas@yahoo.com>
Sent: Monday, November 22, 2021 5:55 AM
To: Renz-Whitmore, Mikaela J.; Gomez, Angela J.
Cc: hess@yntema-law.com
Subject: Gruda- DRB input for PR #2019-002496

External

Dear Ms. Renz-Whitmore & Ms. Gomez,

I have lived near Ventura and Paseo for over 17 years and as a neighbor in the Vineyard 4 neighborhood. I strongly object to the construction of the proposed Monet apartment complex on Alameda and Barstow. This Location is classified as low density by the IDO. A high density apartment complex at this location violates this classification and would set a dangerous precedent in this area of northeast Albuquerque if reclassified. Along with traffic issues, placing this number of units on such a small area could cause many other issues. High density and much higher traffic congestion can make for a much more dangerous neighborhood, and the probability of increased crime. Please do not allow this project to go through.

Respectfully,

Jeffrey Gruda

9104 Corona AVE NE

Albuquerque, NM 87122

From: Denny & Cheri Starner <bearsden@comcast.net>

Sent: Thursday, November 18, 2021 11:40 AM

To: Gomez, Angela J. <agomez@cabq.gov>

Cc: hess@yntema-law.com

Subject: DRB for PR-2019-002496 (Alameda/Barstow) c/o Mikaela Renz-Whitmore, DRB Chair

External

Dear DRB Hearing Manager,

We received a notice in the mail 11/17/21, notifying us of a DRB (Zoom) meeting to be held December 3, 2021 at 0900. We live directly behind (to the west ~60 feet) of the proposed building site for a 3-story Alameda Luxury Apartments. However, none of the site maps provided in this notification show any of the single family homes that are west of the proposed building site and I hope the DRB understands that there are in fact several homes to the west affected by this proposal!

My wife and I are writing to voice our objection to the re-zoning and the building of this 3-story complex in our back yard. We have lived here for 24 years, purchasing this home in 1997. As an active duty military family of five, our budget at the time was limited, but we were willing to pay extra for the million-dollar mountain view from our back balcony. (see current mountain view picture attached) We also accepted the periodic traffic noise on Barstow directly behind us because of the spectacular view.

The construction of single family homes on said vacant land could partially block our mountain view, but the construction of this proposed 3-story complex would definitely obstruct the breath taking view of the mountains from our home. Additionally, the proposed 91 vehicle parking lot entrance/exit for this proposed facility would be directly behind our house ~70 feet away from our east facing windows, substantially increasing the traffic noise. The Barstow/Alameda 4-way stop intersection is just over 100 feet from the proposed complex parking entrance/exit and just south of this ~200 feet is the Signal/Barstow intersection. The addition of a 90 plus vehicle parking area for these apartments would cause extremely complex traffic flow issues in such a small area not to mention exponentially increasing the daily traffic noise levels in this single family home community. I would also predict that traffic lights at one or both of these intersections would eventually be required for traffic flow management adding the installation of additional view blocking structures. We all paid good money for our property and did so considering the periodic traffic noise at the time and the superb mountain views. The construction of this 3 story complex would reduce property values on all sides, due to the elimination of mountain views and the substantial increase in traffic congestion and noise. Furthermore, this north/east area is not expandable. We have a reservation to the north, mountains to the east, the city to the south and a major highway to the west. Additionally, building an apartment complex versus single family homes would undoubtedly generate a larger number of children, contributing to the already overcrowded schools in this area with nowhere to expand these schools.

Why should the middle class, tax paying citizens have to give up their "Quality of life" especially where they live to support overdevelopment in an area where the developers will not themselves live? I'm sure there are other potential building sites in the metro area that would allow for multifamily structure development without devastating an already well-established community. Who will reimburse the current homeowners affected by this proposal for reduced home values due to the elimination of mountain views and increased traffic congestion and noise?

We are vehemently opposed to this site plan or the re-zoning of this land, for the construction of this Luxury Apartment Complex and/or anything other than single family dwellings as it should be!

(Copy of this letter and Mountain View Photo Attached)

Dennis & Cheri Starner
8736 Tierra Montana Pl. NE
Albuquerque, NM 87122

Subject: Opposed to Alameda/Barstow Apartment Site Plan (DRB for PR-2019-002496)

Dear DRB Chair,

We received a notice in the mail 11/17/21, notifying us of a DRB (Zoom) meeting to be held December 3, 2021 at 0900. We live directly behind (to the west ~60 feet) of the proposed building site for a 3-story Alameda Luxury Apartments. However, none of the site maps provided in this notification show any of the single family homes that are west of the proposed building site and I hope the DRB understands that there are in fact several homes to the west affected by this proposal!

My wife and I are writing to voice our objection to the re-zoning and the building of this 3-story complex in our back yard. We have lived here for 24 years, purchasing this home in 1997. As an active duty military family of five, our budget at the time was limited, but we were willing to pay extra for the million-dollar mountain view from our back balcony. (see current mountain view picture attached) We also accepted the periodic traffic noise on Barstow directly behind us because of the spectacular view.

The construction of single family homes on said vacant land could partially block our mountain view, but the construction of this proposed 3-story complex would definitely obstruct the breath taking view of the mountains from our home. Additionally, the proposed 91 vehicle parking lot entrance/exit for this proposed facility would be directly behind our house ~70 feet away from our east facing windows, substantially increasing the traffic noise. The Barstow/Alameda 4-way stop intersection is just over 100 feet from the proposed complex parking entrance/exit and just south of this ~200 feet is the Signal/Barstow intersection. The addition of a 90 plus vehicle parking area for these apartments would cause extremely complex traffic flow issues in such a small area not to mention exponentially increasing the daily traffic noise levels in this single family home community. I would also predict that traffic lights at one or both of these intersections would eventually be required for traffic flow management adding the installation of additional view blocking structures. We all paid good money for our property and did so considering the periodic traffic noise at the time and the superb mountain views. The construction of this 3 story complex would reduce property values on all sides, due to the elimination of mountain views and the substantial increase in traffic congestion and noise. Furthermore, this north/east area is not expandable. We have a reservation to the north, mountains to the east, the city to the south and a major highway to the west. Additionally, building an apartment complex versus single family homes would undoubtedly generate a larger number of children, contributing to the already overcrowded schools in this area with nowhere to expand these schools.

Why should the middle class, tax paying citizens have to give up their "Quality of life" especially where they live to support overdevelopment in an area where the developers will not themselves live? I'm sure there are other potential building sites in the metro area that would allow for multifamily structure development without devastating an already well-established community. Who will reimburse the current homeowners affected by this proposal for reduced home values due to the elimination of mountain views and increased traffic congestion and noise?

We are vehemently opposed to this site plan or the re-zoning of this land, for the construction of this Luxury Apartment Complex and/or anything other than single family dwellings as it should be!

(Copy of this letter and Mountain View Photo Attached)

Dennis & Cheri Starner
8736 Tierra Montana Pl. NE
Albuquerque, NM 87122

Salas, Alfredo E.

From: David Downing <drdavrome@gmail.com>
Sent: Friday, November 19, 2021 9:45 PM
To: Renz-Whitmore, Mikaela J.; Gomez, Angela J.
Cc: hess@yntema-law.com
Subject: Project: #PR-2019-002496 (Downing DRB input 11/19/21)

External

November 19, 2021

VIA E-MAIL

mrenz@cabq.gov

agomez@cabq.gov

Mikaela Renz-Whitmore, Chair

Development Review Board

City of Albuquerque

RE: Project: #PR-2019-002496

Alameda Luxury Apartments Complex

DRB Remand Hearing on December 3, 2021

Dear Chair Renz-Whitmore and DRB Members:

The purpose of this letter is to express our strong objection to the proposed apartment development at the southeast corner of Alameda and Barstow. We are concerned residents of Nor Este Neighborhood. The proposed property is less than 300 feet and within easy sight of our single-family home. Since early 2018, we have worked together with other neighbors concerned with the

possibility that this interloping structure would be detrimental to our community.

There is no way we can accept the term "low-density housing" for a complex of 93 apartments in a lot that is only 3.38 acres. This is totally out of keeping with the single-family housing and few small businesses in the area. At one of the very first facilitated neighborhood meetings with the developer, neighbors (knowing that some kind of development of that lot was likely inevitable) overwhelmingly raised their hands in agreement when asked if this 3-story development would be acceptable to them if scaled down to only a 2-story complex. Obviously, the developer never relented on this issue. If he had done so, the smaller complex would possibly be built and occupied by this time.

In addition to the 93 apartments intended for this small lot, there is the very real possibility of at least 93 X 2 vehicles needing parking spaces and contributing to the already heavy area road congestion. This is not a part of town where residents can easily run errands or shop by foot; apartment dwellers will be using their cars/trucks. Traffic problems and safety for pedestrians and cyclists are of tremendous concern. With runners, cyclists, and families making their way to the nearby arroyo park, as well as students walking/cycling to and from adjacent Desert Ridge Middle School and La Cueva High School, the increase in vehicles from the apartment complex will greatly multiply current road overuse, resulting in an increase of accidents.

Citizens in this part of Albuquerque, including ourselves, chose to live here partly due to the fact that individual homes were the long-established norm for the neighborhood and area. City entities have failed to even consider how a project such as this would affect the quality of life for the current community. We consider the city's overwhelming partiality to developers over long-time citizens, as in this and other city cases, to be a betrayal. *We urge you to keep this neighborhood a place of truly low-density housing and small businesses.*

Sincerely,

David L. Downing

Anne M. Downing

David L. and Anne M. Downing

8801 Henriette Wyeth Dr NE

Albuquerque, NM 87122

drdavrome@gmail.com

cc: hess@yntema-law.com

Salas, Alfredo E.

From: Dan Regan <dlreganabq@gmail.com>
Sent: Tuesday, November 9, 2021 2:19 PM
To: Renz-Whitmore, Mikaela J.
Cc: Gomez, Angela J.
Subject: RE: DRB REMAND HEARING - Friday, December 3, 2021

External

Mikaela,

Thank you for your quick responses.....they are helpful to me/us!!!!

Dan R.

From: Renz-Whitmore, Mikaela J. [mailto:mrenz-whitmore@cabq.gov]
Sent: Tuesday, November 9, 2021 2:06 PM
To: Dan & Liz Regan <dlreganabq@gmail.com>
Cc: Gomez, Angela J. <agomez@cabq.gov>
Subject: RE: DRB REMAND HEARING - Friday, December 3, 2021

My responses are in green below.

As the District 4 Coalition Zoning / Development Committee Chair, I plan to attend this meeting (still yet even by ZOOM) and am seeking some information as soon as you are clear about that information – to wit:

- Given the day on which this meeting is being held, is the sole purpose & content of this meeting the Remand Hearing?

Yes.

- Will there be the ability to indicate (or sign up for) the intention to provide spoken comments at this Hearing?

Yes.

- Will there be the ability to engage in spoken exchanges with DRB members and Applicant team members beyond the public comments segment?

Yes, there is an opportunity for anyone to ask questions after DRB comments. These questions may be directed to anyone who provided testimony (applicant, DRB members, staff, public). These questions (cross-examination) should be relevant to testimony given. It is not an opportunity to provide general comments.

- Will there be the ability to question DRB members & Applicant team members about statements made during the hearing?

Yes, see answer above.

- If yes is the answer to the last two questions, will that be accomplished by the “Hand Raised” functionality of the ZOOM app?

Yes.

Best,



MIKAELA RENZ-WHITMORE

(she/hers)

o 505.924.3932

e mrenz@cabq.gov

From: Dan Regan <dlreganabq@gmail.com>

Sent: Monday, November 8, 2021 2:08 PM

To: Renz-Whitmore, Mikaela J. <mrenz-whitmore@cabq.gov>

Cc: dlreganabq@gmail.com

Subject: DRB REMAND HEARING - Friday, December 3, 2021

External

Mikaela, I have received some basic information about the December 3, 2021, DRB Remand Hearing noted below:

DRB for PR-2019-002496 (Alameda/Barstow) c/o Mikaela Renz-Whitmore, DRB Chair. mrenz@cabq.gov.

As the District 4 Coalition Zoning / Development Committee Chair, I plan to attend this meeting (still yet even by ZOOM) and am seeking some information as soon as you are clear about that information – to wit:

- Given the day on which this meeting is being held, is the sole purpose & content of this meeting the Remand Hearing?
- Will there be the ability to indicate (or sign up for) the intention to provide spoken comments at this Hearing?
- Will there be the ability to engage in spoken exchanges with DRB members and Applicant team members beyond the public comments segment?
- Will there be the ability to question DRB members & Applicant team members about statements made during the hearing?
- If yes is the answer to the last two questions, will that be accomplished by the “Hand Raised” functionality of the ZOOM app?

Thanks for your assistance with all of the above.

Dan Regan
D4C, Zoning / Development Committee, Chair

Sworn testimony given by Dan Regan (as D4C Zoning/Development Committee Chair) to the DRB at its 1/8/20 meeting regarding the Barstow / Alameda property.

The Comp. Plan set out some definitive aspirational goals
Preserve / Protect / Enhance the following things:
Unique Environment / Landscapes of our City
Multi-Cultural population and expressions AND
Residential Communities

Voluntary Conversion NOD from EPC to City Council – 7/15/19 –
pages 2-4

13 references in 3 pages about VALUE of Residential protection
“Within these 3 pages there are 13 different & specific references to the value of maintaining “the characteristics of distinct communities through zoning and design standards that are consistent with long-established residential development patterns.” Words like “enhance, protect, preserve neighborhoods”... “compatible in form & scale to immediately surrounding development”... “consistent with long-established residential development patterns” are used to justify these zone conversions to R-1, residential zoning. “ These are part of the justifications for some 2100+ voluntary conversions into R-1 zones.

The IDO (the implementation mechanism for the Comp. Plan) was supposed to make sure this PRESERVING, PROTECTING & ENHANCING actually HAPPENED.

& now we come to this instance of IMPLEMENTATION

Where one piece of property at the corner of Alameda/Barstow
Is allowed to potentially wreck
A long & well established set of Residential Communities

How did this happen???

Sector Plans (VENA – 31 years – & LaCueva – which both referenced this property as small commercial / townhouses to meet neighborhood needs) were tossed out and an algorithmic automated process rezoned the whole city.

In that rezoning, this property was upzoned so that it did not have to
RESPECT PRESERVE PROTECT or ENHANCE
the consistency of the single family residential communities that
surround it on 3 sides.

One can legitimately wonder if any “THUMB” from inside or outside
the Planning Dept. encouraged or caused the zoning scale to come
up with the UPZONING!

In that algorithmic automated process some 20,000 property owners
were notified that their IDO zoning might not be correct
And a process of Voluntary Conversion was established to fix
these problems.....ONE at a time.....

BUT no process existed in all of the IDO to address an UPZONING
that wrecks the residential communities that the Comp. Plan says
needs to be SAVED / PROTECTED / ENHANCED.....

And while the individual residents in this area applied for & got into a
line that took more than a year to get served.....

The owner of this property only had to file their application & get it
declared COMPLETE to have control over the whole mess.

So we have a 93 unit apartment complex in 3 stories

Put forth as Luxury units

With 8 ft ceilings and less than 700 sq ft for a one bedroom
and less than 900 sq ft two bedroom units.....

THAT is a warped definition of LUXURY!

The prospectus for this building says rents will start at \$1600 a
month.....\$400 above larger apartments just down the road.
The prospectus was not for the Zoning Dept. or the DRB.....it was for

the bankers who will finance this project. But it is this area that will get stuck with tiny apartments that are NOT LUXURY ones.

So who are we kidding?

This developer may be able to jump thru every hoop
And check every box
That your individual Dept. has on its checklist.....

BUT NOTHING ABOUT THIS PROPOSED PROJECT COMES
CLOSE TO MEETING ANY OF THE ASPIRATIONAL GOALS OF
THE COMP. PLAN.

THE SAD PART OF ALL OF THIS IS THAT THE ENTIRE IDO
PROVIDED ABSOLUTELY NO MECHANISM FOR ANY OF THE
ABOVE ISSUES TO BE DEALT WITH --- and the DRB has no power
to even consider this large of a picture.....so the city's residents
are without a path to redress this, & other like situations, which will
harm their most expensive investment of their lives, their homes.

AND THAT'S A MASSIVE FAILING ON THE PART OF THE CITY OF
ALBUQUERQUE.

AND IF THESE APARTMENTS ARE TRULY LUXURY
APARTMENTS, THEN LAST NIGHT MY BODY GREW A FULL
HEAD OF HAIR. (At which point a beret was removed from Mr.
Regan's head to reveal a mostly bald head.)

Angela,

Please add this to the record for this case.

Best,



MIKAELA RENZ-WHITMORE

(she/hers)

o 505.924.3932

e mrenz@cabq.gov

From: Dan Regan <dlreganabq@gmail.com>

Sent: Monday, November 22, 2021 11:41 AM

To: Renz-Whitmore, Mikaela J. <mrenz-whitmore@cabq.gov>

Cc: 'Dan & Liz Regan' <dlreganabq@gmail.com>; 'Jim Griffie' <jgriffie@noreste.org>; 'Mark Reynolds' <reynolds@unm.edu>; lxbaka@gmail.com

Subject: DRB Remand Hearing -- Dec. 3, 2021 -- D4C Input on Structural Defect in IDO

Importance: High

External

Mikaela,

I am requesting that you share this email with the other members of the DRB as composed to hear the Remand of what was once AC-19-6 Project PR-2019-002496.

You were copied on part of the string below, but none of the other DRB members who will participate in the Remand Hearing have received the string from me as the D4C representative.

Thanks for your assistance with this request.

Dan Regan
District 4 Coalition
Zoning / Development Committee, Chair

From: Dan & Liz Regan [<mailto:dlreganabq@gmail.com>]

Sent: Sunday, December 29, 2019 5:41 PM

To: jwolfley@cabq.gov

Cc: 'Williams, Brennon' <bnwilliams@cabq.gov>; Dan Regan <dlreganabq@gmail.com>; michael@drpridham.com

Subject: For DRB Hearing on AC-19-6 Project PR-2019-002496 A Structural Defect in the IDO.....if one wants a balanced & fair set of zoning regs

Importance: High

Jolene, I am sending this string of emails to you because this AC-19-6, etc., matter & appeal is directly tied to the fact that nowhere in the IDO is there any process to address a Zone Conversion on the part of the City that was an inappropriate up zone conversion. There seems to be the assumption that such an error couldn't have occurred, ergo, there was no need for such a process to exist. I ask that this email be made part of the record for this Remand Hearing.

I will also note that more than a few members of the Planning Dept. were copied on the email below and I have not memory of any of them contacting me with any actual engagement over the issues put forth by my email below. This is yet one more instance of the City Planning Dept. not following its very own policies and regulations, e.g., IDO 14-6-6-3(F)(2)(a). I also, for about the 4th time, received no communication from any of the City Councilors or the City Administration.

One could arrive at the conclusion that one was communicating with a "city wide Black Hole of Miasma".....which this taxpayer doesn't consider to be a healthy situation.

Thanks for your assistance with my request above.

Dan Regan
Knapp Height Neighborhood Association, President
District 4 Coalition, Zoning / Development Committee, Chair

From: Dan & Liz Regan [<mailto:dlreganabq@gmail.com>]

Sent: Monday, September 23, 2019 9:06 AM

To: 'City of Albuquerque Planning Department' <abcto@cabq.gov>; tkeller@cabq.gov; 'Sarita' <snair@cabq.gov>; bnwilliams@cabq.gov; Cynthia Borrego <cynthiaborrego@cabq.gov>; Diane Gibson <dgibson@cabq.gov>; Don Harris <dharris@cabq.gov>; Isaac Benton <ibenton@cabq.gov>; Ken Sanchez <kensanchez@cabq.gov>; Klarissa J. Pena <kpena@cabq.gov>; Pat Davis <patdavis@cabq.gov>; Trudy Jones <trudyjones@cabq.gov>; Winter, Brad D. <BWinter@cabq.gov>

Cc: 'Kathryn Carrie' <kcbarkhurst@cabq.gov>; 'Mikaela J.' <mrenz-whitmore@cabq.gov>; michael@drpridham.com; jgriffie@noreste.org; peggyd333@yahoo.com; 'Dan Regan' <dlreganabq@gmail.com>; 'Joe Valles' <joevalles@aol.com>; 'Rene Horvath' <aboard10@juno.com>; 'Dr. Susan Chaudoir' <edu.chaudoir@gmail.com>; davidh.d7@comcast.net; 'Mike Minturn' <mikeminturn@gmail.com>; ametzgar@cabq.gov; Emillio, Dawn Marie <dawnmarie@cabq.gov>; 'Dawn Marie' <dawnmarie@cabq.gov>; Dan Regan <dlreganabq@gmail.com>

Subject: A Structural Defect in the IDO.....if one wants a balanced & fair set of zoning regs

Importance: High

All,

I apologize for being so slow on the uptake and putting this forward at this point of the Tech. Edits & Amendments revision for this year.

As the email string below attests, the zone conversion process was neither simple nor fully successful (when you have some number smaller than 20,000 properties that could be rezoned for one or more of 5 reasons, it's tuf to crow too loudly about the accomplishment).

In Mikaela's first response below, she shared with me a link (<https://tinyurl.com/zc-eligible>) which takes one to "all properties we suspected would be eligible for voluntary downzone" – I find it to be a most interesting and instructive view of the 'situ' at this juncture. And, Carrie's responses only point to the levels of complexities that are involved in getting the zones correct(ed). It's enough to make me tired.

SO – **on the one hand**, the Planning Dept. and the City Council cause a new Zoning Ordinance to be created that has led to Batches 1, 2 & 3 of Voluntary Conversion applications to handle at least 2000+ residential properties that didn't quite make it into the "R" category in the new system. And, the Planning Dept. has to still deal with all the properties, residential or other, that didn't get in on the Voluntary Conversion process. One could conclude, safely I think, that the City has had to accept the fact that the IDO that was declared "READY TO GO" has some serious issues and errors in their zoning schemes which need fixing.....the initial efforts took 15 to 20 months to gather the low hanging fruit of several thousands. As one of the Prophets in the Old Testament said: If this is what happens in the green wood, imagine what will happen in the dry.

AND – **on the other hand**, when Neighborhood Associations and District Coalitions came up against zoning designations that did not seem to fit or be the correct conversion, there was NO AVENUE to bring this mis-conversion possibility before any City body for serious review or consideration. Within less than a month of the IDO being in effect, Project 2018-001280 (1011396) was noted by NENA and the District 4 Coalition as being up-zoned in an improper, and harmful to the neighborhood, manner. There was NO WAY to get this issue before the EPC so the DRB and the LUHO simply dispensed with the question as not an appropriate one for them to consider. A similar possible mis-conversion has been noticed in another situation which will remain unidentified for fear of causing some folks to have to recuse themselves in the matter.....but I can tell you that one of the more experienced and well respected architects in the city is of the opinion that the up-zoning that happened in this situation was/is improper.

Put another way: While the Phase II conversions gave property owners a process (however an all too protracted one) to correct the Phase I zoning conversion errors of THEIR property, no process was put in place for property owners and community leaders to bring Phase I conversion errors of AN OTHER'S property that would have negative impacts (or sub optimal positive impacts) to the attention of a review body with the authority to effect the corrections. It seems, also, that a significant number of the phase I conversion errors were introduced by incorrectly or incompletely incorporating the conditions placed upon properties by the sector development plans which were

discarded en masse and without consultation with individual sector participants who had built them with care over as much as 25 years.

THAT IS THE STRUCTURAL DEFECT THAT I AM POINTING TO WITH THIS COMMUNICATION!

The City had to put in place lengthy, costly and aggravating (to all parties, I suspect) processes to FIX their zone conversion rules & systems that did not get it right on the first go-round.....and these are in the thousands!!!

But, if the residents of the City who participate in City recognized Neighborhood Associations, Home Owner's Associations, District Coalitions and other recognized groups make note of a single situation where the new zoning of a given property is questionable..... they are met with the equivalent of "Sorry, but there's not anything that the City can, or wants to, do with your situation regardless of how sound your reasoning or insights are or might be. The city has no path to address a single mistake you may have found in our zoning conversions."

That's a structural problem at the very heart of the IDO that makes the IDO a seriously flawed instrument which is balanced in favor of the developers in the city and is one more way in which the VOICE OF THE COMMUNITY is and has been diminished in the process of creating, executing and maintaining the new Zoning Ordinance. This taxpayer thinks this NEEDS to be addressed NOW!!!!

A tremendous amount of thanks to all of you who are working to make our city better for all of us!

Dan Regan
Knapp Height Neighborhood Association, President
District 4 Coalition, Zoning / Development Committee, Chair

From: Dan & Liz Regan [<mailto:dlreganabq@gmail.com>]

Sent: Wednesday, September 18, 2019 11:13 AM

To: 'Barkhurst, Kathryn Carrie' <kcbarkhurst@cabq.gov>; 'Renz-Whitmore, Mikaela J.' <mrenz-whitmore@cabq.gov>

Subject: RE: A point of data, s'il vous plait

Carrie,

Thanks (I think...) for your information and the links which will surely supply more reading time for me. I appreciate the help.

Dan R.

From: Barkhurst, Kathryn Carrie [<mailto:kcbarkhurst@cabq.gov>]
Sent: Wednesday, September 18, 2019 10:28 AM
To: Dan & Liz Regan <dlreganabq@gmail.com>; Renz-Whitmore, Mikaela J. <mrenz-whitmore@cabq.gov>
Subject: RE: A point of data, s'il vous plait

Hi Dan,

Also to clarify, while AGIS is working up the numbers, all the properties in red possibly qualify based on a nonconforming use (Criterion #1) based on the land use and zoning data we have for each property. The properties in blue and brown would qualify based on a voluntary downzone (Criterion #2) if the owner wanted a lower zone than they previously had.

I'd also like to point out that the Phase 1 zone conversion was not based on land uses. There were rules that converted one zone to the most closely matched zone in the new system. Here is a link to the conversion rules, which explain the methodology:

- Base Zone Conversion Rules: <https://abc-zone.com/document/base-zone-conversion-rules>
- Sector Plan Zone Conversion Rules: <https://abc-zone.com/node/225>
- Special Use Zone Conversion Rules: <https://abc-zone.com/node/696>

Best,
Carrie

From: Dan & Liz Regan [dlreganabq@gmail.com]
Sent: Wednesday, September 18, 2019 9:44 AM
To: Renz-Whitmore, Mikaela J.
Cc: Barkhurst, Kathryn Carrie
Subject: RE: A point of data, s'il vous plait

Mikaela,

Thanks for your quick reply, the link, the info provided and the handoff to the AGIS folks.

ALL muchly appreciated!!!! I will await AGIS' reply. Dan R.

From: Renz-Whitmore, Mikaela J. [<mailto:mrenz-whitmore@cabq.gov>]
Sent: Wednesday, September 18, 2019 8:20 AM
To: Dan & Liz Regan <dlreganabq@gmail.com>
Cc: Barkhurst, Kathryn Carrie <kcbarkhurst@cabq.gov>
Subject: RE: A point of data, s'il vous plait

I'm not sure we'll be able to get to a number, since we still don't know precisely what land uses were incorrect citywide.

I've asked AGIS to analyze this map to get you a number of all properties we suspected would be eligible for voluntary downzone: <https://tinyurl.com/zc-eligible>

The map was automated to show all 5 categories that could make a property eligible. Some of what got picked up in this analysis probably wouldn't have survived closer scrutiny by staff, but we used the map to get the biggest possible universe of properties to do a mailing of about 20,000 postcards to property owners about the free zoning conversion opportunity. So it's some number smaller than that!

I'll let you know what AGIS finds.

Thanks,



MIKAELA RENZ-WHITMORE

o 505.924.3932

e mrenz@cabq.gov

From: Dan & Liz Regan <dlreganabq@gmail.com>

Sent: Tuesday, September 17, 2019 7:55 PM

To: Renz-Whitmore, Mikaela J. <mrenz-whitmore@cabq.gov>

Subject: A point of data, s'il vous plait

I am looking for the total number of properties in the City that were/are eligible for Voluntary Zone Conversion due to the IDO mischaracterizing the actual use of that property at the time that the IDO became effective.

I remember a projection of approx.. 1500 residences in the foothills (High Desert, et al). But I also think that I remember a number in the mid-2000s when other areas were added in.

Can you help me out with this?

GRACIAS.

Dan R.

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

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

Salas, Alfredo E.

From: cmiller2283 <cmiller2283@gmail.com>
Sent: Monday, November 22, 2021 11:53 AM
To: Renz-Whitmore, Mikaela J.; Gomez, Angela J.
Cc: hess@yntema-law.com
Subject: Proposed construction on Alameda and Barstow

External

Dear Ms. Renz-Whitmore & Ms. Gomez,

My husband and I live in Heritage East, close to the proposed Monet apartment complex on Alameda and Barstow. I strongly object to the construction of this project.

This location is classified as low density by the IDO. A high density apartment complex at this location is completely inappropriate. It would set a dangerous precedent in this area of northeast Albuquerque where long-term single-family home residents decided to live because of the lower density and the safety and security that it provides for families, particularly with public schools nearby.

Along with traffic issues in an already high volume/high accident area, placing this number of units on such a small area will create a number of environmental problems including air quality issues with such a high number of vehicles in a small area, polluted run-off into streets, erosion, and increased noise. High density and higher traffic congestion can make for a much more dangerous neighborhood, and the probability of increased crime.

Do not allow this project to go through as it would be very detrimental to the neighborhood and the surrounding community.

Respectfully Yours,

Cynthia C. Miller
9632 Bolack Drive NE
Albuquerque, NM 87109

Sent from [Mail](#) for Windows

Salas, Alfredo E.

From: Hope In The Desert Office <office@hopepiscopal.org>
Sent: Tuesday, November 30, 2021 9:48 AM
To: Gomez, Angela J.
Subject: PR-2019-002496
Attachments: Project #PR-2019-002496.doc

External

Please add this letter to the record for PR-2019-112496 for the 12/3/21 hearing.

Thank you.

Cyndi McMillen, Parish Administrator

Hope+in+the+Desert Episcopal Church

Hope Plaza

8700 Alameda Boulevard NE

Albuquerque, NM 87122

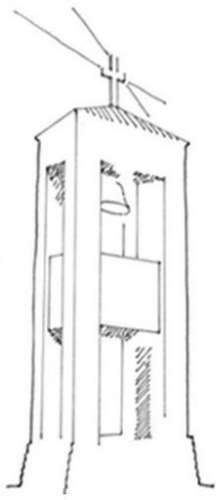
(505) 830-0572 (Phone)

(505) 821-3116 (Fax)

Email: office@hopepiscopal.org

Website: [https://ddec1-0-en-](https://ddec1-0-en-ctp.trendmicro.com:443/wis/clicktime/v1/query?url=www.hopepiscopal.org&umid=67f55ba4-5db0-4c50-9857-ffb17f27da19&auth=307405480ca3e49a8b1deb4e49ca5cd244e7e096-8d3f3028f2404465a112cacaf94ec316039632bb)

[ctp.trendmicro.com:443/wis/clicktime/v1/query?url=www.hopepiscopal.org&umid=67f55ba4-5db0-4c50-9857-ffb17f27da19&auth=307405480ca3e49a8b1deb4e49ca5cd244e7e096-8d3f3028f2404465a112cacaf94ec316039632bb](https://ddec1-0-en-ctp.trendmicro.com:443/wis/clicktime/v1/query?url=www.hopepiscopal.org&umid=67f55ba4-5db0-4c50-9857-ffb17f27da19&auth=307405480ca3e49a8b1deb4e49ca5cd244e7e096-8d3f3028f2404465a112cacaf94ec316039632bb)



Hope+in+the+Desert Episcopal Church
Hope Plaza
8700 Alameda Boulevard NE
Albuquerque, NM 87122-3789

(505) 830-0572 Phone
(505) 821-3116 Fax
office@hopeepiscopal.org = Email
www.hopeepiscopal.org = Website

November 19, 2021

Mikaela Renz-Whitmore, Chair
Development Review Board
City of Albuquerque
One Civic Plaza, 9th Floor
Albuquerque, New Mexico 87102

VIA E-MAIL:
mrenz@cabq.gov
agomez@cabq.gov

Reference: Project #PR-2019-002496
Alameda Luxury Apartments Complex
DRB Remand Hearing on December 3, 2021

Dear Chair Renz-Whitmore and DRB Members:

I am writing you in my capacity as Senior Warden of the Vestry of Hope-in-the-Desert Episcopal Church. Our vestry is the governing body of our church. Hope is located at 8700 Alameda Blvd. NE in Hope Plaza. The proposed apartment project at Alameda and Barstow NE noted above abuts Hope's property to the west.

It is the church's position that an apartment project on this site would be reasonable given a height and density consistent with prior zoning (SU-2/C-1) in the Vineyard Estates Sector Plan. We feel that apartment units on this site should be compatible with this neighborhood in terms of building scale and unit size. Fewer but larger units with a reduced need for parking would be more appropriate on this site given the demographics of Vineyard Estates. As proposed, about 150 parking spaces will be required. We contend that the development now under consideration is too dense at about 33 DU/acre vs. the prevailing residential density of 3 to 5 DU/acre throughout this Plan area. It will have significant negative impacts on adjoining properties and the neighborhood. Further, we do not believe that the new MX-L zoning category for this property is an accurate reflection of the former SU-2/C-1 zone within the Vineyard Plan as it allows much greater density than prior zoning along with other impacts. (Consider the greatly increased traffic within walking distance of a high school, a middle school, and a charter primary school). The new MX-L zone represents an up-zoning of this property. We believe that this zoning designation was made in error when included in the new IDO.

Upon changing this property to a MX-L zone, the new IDO largely ignored existing zone code requirements in general and more specifically requirements of The Vineyard Sector Plan in effect from

Love, Hope and Healing

1987 to 2018, a period of 31 years. All of the immediate area surrounding this site has been developed following the Vineyard Plan. Vineyard contains around 1,000 single-family homes. With the exception of some few remaining large, low density, single-family residential lots further to the east along Alameda, this site is the only underdeveloped property in the vicinity. It has long been understood by all area property owners that this property would be developed under the requirements of the former SU-2/C-1 zone defined as Neighborhood Commercial. On page 37 of the Vineyard Plan SU-2/C-1 is the following description:

"SU-2/C-1 (neighborhood commercial) zoning is proposed at the southeast corner of Alameda and Barstow to provide neighborhood retail services that provide the day-to-day needs of nearby neighborhoods. Permissive and conditional uses of the C-1 zone as provided by the City Zoning Code are allowed in areas mapped SU-2/C-1 on the zoning map with the following exceptions:

1. The sale of alcoholic drink for consumption off-premises is a permissive use provided that it is an ancillary use within a grocery store.
2. The Design Regulations of the La Cueva Sector Development Plan (Section 5.4.6, page 30) shall apply to all properties zoned SU-2/C-1 in the Vineyard Plan.
3. Sites are subject to Site Development Plan approval by the EPC."

As noted in this description, Conditional Uses of the C-1 zone are allowed. Multi-family residential is listed as a conditional use so an apartment project on this property was allowed under specific conditions. These conditions include a maximum height of 26' and setbacks same as the O-1 zone. Parking was governed by Off-Street Parking regulations outlined in Section 14-16-3-1 of the Zone Code. Site Development Plan approval was required by the EPC.

The new MX-L zone is very similar to the former SU-2/C-1 zone. The description of this zone, on page 25 of the IDO, reads:

"Mixed Use – Low Density Zone District (MX-L)

2-4(B)(1) Purpose

The purpose of the MX-L zone district is to provide for neighborhood-scale convenience shopping needs, primarily at the corners of collector intersections. Primary land uses include non-destination retail and commercial uses, as well as townhouses, low-density multi-family residential dwellings, and civic and institutional uses to serve the surrounding area, with taller, multi-story buildings encouraged in Centers and Corridors."

These descriptions of zones are quite similar; the new MX-L zone and the former SU-2/C-1 zone seem to be aligned as to intent. Given the great similarities between the old and new descriptions of these zones, the neighborhood could not anticipate that somehow a higher density, three story, apartment project would be allowed. In particular, the new zone specifies that multi-family residential shall be low density. The problem with this description is that IDO does not provide the meaning of "low density" as opposed to medium or high density. In that regard, I posed a direct question to then DRB Chairwoman Dicome by e-mail on August 1, 2019 as to the meaning of "low density multi-family residential". Her reply was "The IDO does not address density. Must meet all the other requirements like height, buffering, parking, etc." I agree with Ms. Dicome as I cannot find a description of this term either. Nonetheless the authors of the IDO must have intended to place a limit on density. It is not logical to define density as "low" as opposed

to "medium" or "high" and then conclude that the term has no meaning.

For that reason, I have researched the former zone code for answers. Under the R-G Residential Garden Apartment Zone, a permissive use in the zone is described as "low density apartments". Section F of this zone defines density. It states "for apartments other than townhouses, density of a lot may not exceed 20 dwelling units per acre." Therefore, low density was defined as no more than 20 DU/acre. This definition appeared in various iterations of the zone code for decades. Thus we conclude that the limit on low-density apartment development for this property has always been 20 DU/acre.

To further this conclusion, the former R-2 zone allowed "medium density apartments" with a density limit of 30 DU/acre. The distinction between low density at 20/DU/acre and medium density at 30 DU/acre is clear.

As to height limits, the former C-1 zone placed a limit of 26' height on structures. As well, the former R-LT, R-T, and R-G zones all specified a limit of 26', effectively a maximum of two stories. It is only under the R-2 zone, allowing medium density apartments, that a greater height was permitted and then under specific conditions.

To summarize, the MX-L zone as defined in the IDO when compared to the Vineyard Sector Plan was an up-zoning of this property for the following reasons:

1. Height limit raised from 26' to 35', thus allowing 3 story vs. 2 story buildings
2. Apartment use changed from Conditional to Permissive
3. Review and approval of Conditional Use by EPC eliminated
4. Reduced buffering requirements
5. Definition of density eliminated

With respect to the former requirement for approval of a Site Development Plan for this property by the EPC, a number of neighbors in the Vineyard area provided testimony before the DRB at two hearings on August 14, 2019 and again on appeal on January 8, 2020. From the outset, it was clear to us at these hearings that DRB members had no intention of responding to our testimony. It was further apparent that the DRB was not empowered to even consider our testimony, a fact that begged the question as to why such a hearing was scheduled before the DRB in the first place. We expected that the DRB would conduct itself similar to the EPC in taking testimony, allowing cross-examination, and making findings and conditions based upon evidence presented at the hearing. We held belief in the City's planning approval process based upon our collective past experiences grounded in the fairness of the City's review and approval process before the EPC. As it was, DRB members listened to us respectfully but made no effort to consider or even acknowledge any aspect of our testimony. Needless, to say, these hearings were a great disappointment. It became apparent that we had no choice but to take our arguments to the LUHO, to City Council, and finally to District Court.

It is important to consider the issue at hand from the perspective of the drafting of the Vineyard Sector Plan by the City Planning Dept. in 1987, some 34 years ago. At the time, Albuquerque Planning Dept. staff, employing the latest planning theories, developed a vision of a largely residential neighborhood centered on a few localized businesses within walking distance. Language in the Plan specifically addresses this site. It stated "C-1 zoning is proposed at the southeast corner of Alameda and Barstow to provide neighborhood retail services that provide the day-to-day needs of nearby neighborhoods.". Thus,

a local grocery store would eliminate the need to use a car to buy that proverbial loaf of bread. Further, such a focal point would create a sense of community. So, what changed to negate this admirable vision? The answer is the arrival of the big box store. That loaf of bread is cheaper there, irrespective of the time and cost driving to it a few miles away (Does anyone ever walk to Costco?). The vision of the self-reliant neighborhood was lost. As a secondary use, should a local retail center not be built, the C-1 zone allowed townhouses or low-density multi-family residential dwellings as a Conditional Use. This is a reasonable alternative as such uses would closely match the density and impact of the primary intent.

Taking a broader view, the Albuquerque Comprehensive Plan listed various policies that guide development and in particular, the impact of different uses on one another. Neighborhoods are to be "enhanced, protected and preserved as key to long-term health and vitality." Neighborhoods should be protected by "ensuring an appropriate scale and location of development, mix of uses, and character of building design." The immediate area surrounding Barstow and Alameda is defined as an Area of Consistency. Policies in such areas should "protect and enhance the character of single-family neighborhoods. Development should reinforce the scale, intensity, and setbacks of the immediately surrounding context. In areas with predominantly single-family residential uses, support zone changes that help align the appropriate zone with existing land uses."

It is clear that these general goals for development have not been met by the proposed apartment complex. More specifically, the MX-L zone was the wrong category in the new IDO for re-zoning this property and in fact was a de-facto up-zoning. We request that the DRB protect this long-established residential neighborhood by rejecting the Site Plan as submitted in favor of a lower density apartment development consistent with former zoning requirements.

Very truly yours,

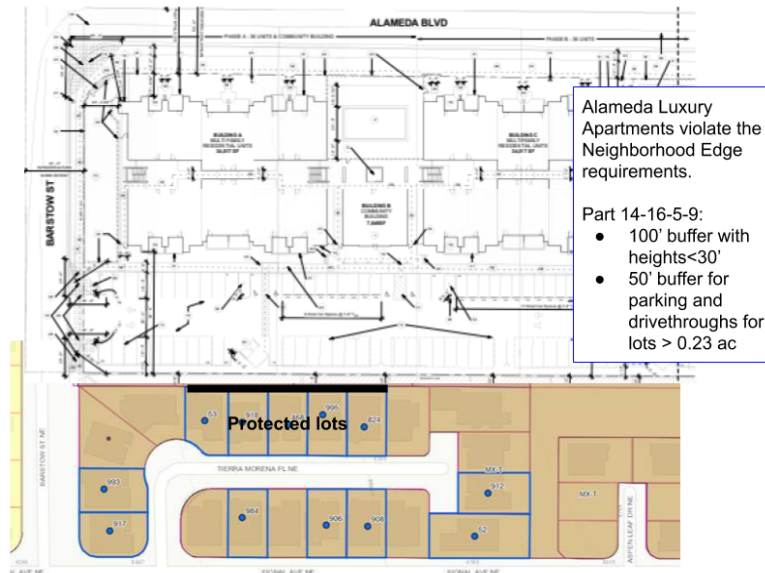
H. William Fanning, Senior Warden
Hope-in-the-Desert Episcopal Church

copy: hess@yntema-law.com

Dear Mikaela Renz-Whitmore, DRB Chair & Angela Gomez, DRB Hearing Manager,
I hope all is going well for you and your families. I run into Eric at 1 Million Cups often. But to the matter at hand:

As a longtime homeowner in District 4, I appreciated the city's care for its residents in the permitting and zoning process. When I first built my house I had to abide by the setbacks from a flood zone and request a variance to house a second kitchen, as my parents would be moving in with us. A civil engineer, I understand the reasons behind the rules and seek to uphold the ethics of good government. In the case of the Alameda/Barstow development, though, I am very disappointed in our city.

Disappointed, because it appears the greed of the few outweigh the trust and rights of your citizens. If it were a matter of color or style, I could certainly see it as a difference of opinion. However, in this case, it is a much deeper issue. When one safety net is replaced with another, you expect it to be strong and cover the same area for the sake of its users...in this case your city residents. However it appears to have just vanished in this case.



I am referring to the density/height/ and setback criteria. Pre-IDO, the code called for restrictions in density via the number of units per acre. Now, the IDO claims neighborhood density protection by using height restrictions and setbacks which, in this case, is the Neighborhood Edge requirements. As seen in the diagram to your left. There is no 50' buffer. And thus the design is not in compliance. That safety net is BEING IGNORED! And the reasoning behind it is so full of holes, I could use it as a spaghetti strainer. In any case, I object to the approval of this development with the current design. If you want your citizens to follow the rules...be the model yourselves.

Stay safe and healthy,
Athena Christodoulou, 8751 Modesto Ave NE, Albuquerque, NM 87122
U.S. Navy Engineer (Ret. CDR)

From: MARK CHRISTENSON <MN_CHRISTENSON@msn.com>
Sent: Saturday, December 4, 2021 8:51 AM
To: Renz-Whitmore, Mikaela J. <mrenz-whitmore@cabq.gov>; Gomez, Angela J. <agomez@cabq.gov>
Cc: hess@yntema-law.com
Subject: Christenson– DRB input for PR #2019-002496 – (12/4/2021)

External

Hi. My name is Mark N Christenson
9212 Berryessa RD NE
Albq, NM 87122
I am a resident of Vinyards IV since 1999.

Please hear our concerns about having apartment's in our neighborhood. We don't want them!!!!
Especially ones that are 3 stories. Also I am concerned about the apartment complex on Holly&Ventura
that is doing the same thing. WE DON'T WANT THEM!!! This is a single family neighborhood.

The proposed over-development that represents a significant departure from the Vineyard and La Cueva
Sector Plans that long guided development in the area.

Sent from [Mail](#) for Windows

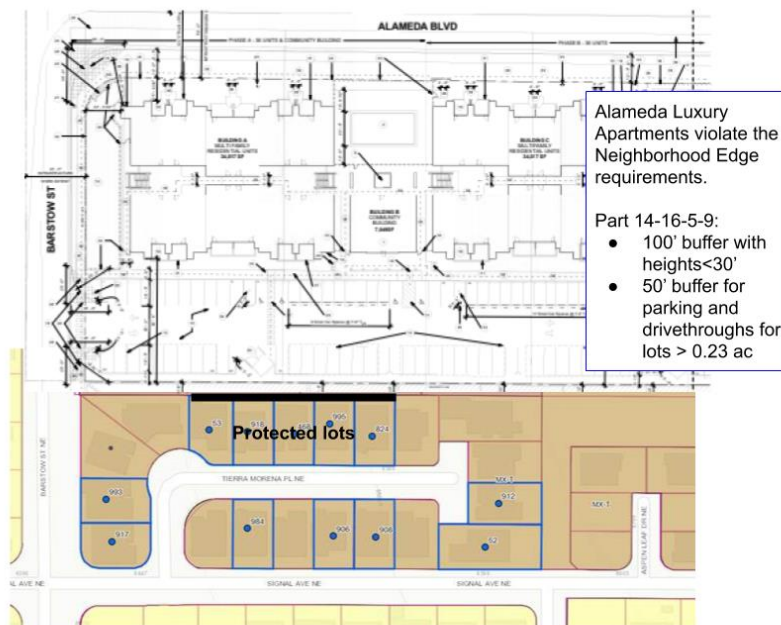
External

Dear Mikaela Renz-Whitmore, DRB Chair & Angela Gomez, DRB Hearing Manager,

I hope all is going well for you and your families. I run into Eric at 1 Million Cups often. But to the matter at hand:

As a longtime homeowner in District 4, I appreciated the city's care for its residents in the permitting and zoning process. When I first built my house I had to abide by the setbacks from a flood zone and request a variance to house a second kitchen, as my parents would be moving in with us. A civil engineer, I understand the reasons behind the rules and seek to uphold the ethics of good government. In the case of the Alameda/Barstow development, though, I am very disappointed in our city.

Disappointed, because it appears the greed of the few outweigh the trust and rights of your citizens. If it were a matter of color or style, I could certainly see it as a difference of opinion. However, in this case, it is a much deeper issue. When one safety net is replaced with another, you expect it to be strong and cover the same area for the sake of its users...in this case your city residents. However, it appears to have just vanished in this case. I am referring to the density/height/ and setback criteria. Pre-IDO, the code



called for restrictions in density via the number of units per acre. Now, the IDO claims neighborhood density protection by using height restrictions and setbacks which, in this case, is the Neighborhood Edge requirements. As seen in the diagram above. There is no 50' buffer. And thus the design is not in compliance. That safety net is BEING IGNORED! And the reasoning behind it is so full of holes, I could use it as a spaghetti strainer. In any case, I object to the approval of this development with the current design. If you want your citizens to follow the rules...be the model yourselves.

--

Stay Safe and Healthy,
Athena Christodoulou
Albuquerque, NM
505-507-1955

[Athena 2020 Solar Tour NM - YouTube](#)

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

From: Jeff Bland <jb2261@yahoo.com>

Sent: Wednesday, November 24, 2021 9:44 AM

To: Renz-Whitmore, Mikaela J. <mrenz-whitmore@cabq.gov>; Gomez, Angela J. <agomez@cabq.gov>

Cc: hess@yntema-law.com

Subject: Bland - Input for DRB 2019-002496

External

Ms. Renz-Whitmore and Ms. Gomez,

Attached is input for the subject DRB hearing. Please confirm receipt and its incorporation into the record for the hearing. Thank you for taking it into consideration.

November 23, 2021

DRB for PR-2019-002496 (Alameda/Barstow)

c/o Mikaela Renz-Whitmore, DRB Chair

We object to the Alameda/Barstow Apartment Project. The project is not consistent with the quality and character of the neighborhood, does not address neighborhood concerns, and the application has failed to demonstrate how it complies with the Integrated Development Ordinance (IDO).

The IDO was designed with specific purposes. Each project shall be required to meet the purpose of the IDO. Section 14-16-1-3(E) states the Purpose includes, "Protect the quality and character of residential neighborhoods." It is clear from Consensus Planning's own site map that a mega three-story complex is not consistent with the quality and character of the residential neighborhood. (Note all references to the IDO 2019 unless noted otherwise, but the same requires exist in the IDO 2018).

The project has failed and its representatives are uninterested in addressing numerous neighborhood concerns. Surrounding resident have voiced numerous concerns, which include but are not limited to, the following:

- **Trash Dumpsters** – The site drawing show dumpsters immediately adjacent to the Tierra Morena Place properties. The smell, bugs, and rodents would make the back yards of these residences unusable and expose it residences to hazards. During a neighborhood meeting the project representatives stated they would be moved to only the East and West ends, and trash service would be provided to the residences. The site drawings do not reflect this and therefore are incomplete.
- **Safety and Security** – The project does not include security gates for the parking lot. This allows access to residence's cars and provide easy ingress and egress to the surrounding properties since. This will promote vehicle and property crimes. New Mexico has the third highest vehicle and property crimes per capita (See Appendix 1 below). IDO Section 14-16-5-5(G)(1) requires design principles for crime prevention be incorporated into the design. The current design fails to adequately incorporate crime prevent measures.
- **Noise and Light Pollution** – The site will result in vehicle driving and parking immediately next to the surrounding properties. The parking spots point directly at the properties immediately to the South. The project does not integrate higher walls. This will result in making the properties to the south uninhabitable because of the noise and light. Additionally, the project has failed to address this concern by providing adequate Screening and Buffering as required by IDO Section 14-16-5-6(e).
- **Design Inconsistent with Neighborhood** – As noted, above the design is not consistent with the character and quality of the neighborhood. The project has not addressed this concern. Additionally, during neighborhood presentations the project representatives did not provide site rendering and drawing, which did not allow sufficient feedback to be provided during neighborhood input. IDO 14-16-6-4(C)(6) requires: "At the pre-submittal neighborhood meeting, the applicant shall provide information about the proposed project, including but not limited to the scope of uses, approximate square footages for different uses, general site

layout, design guidelines, architectural style, conceptual elevations, and conceptual landscaping plans.” Additionally, IDO Section IDO 14-16-6-4(C)(8) requires:

...the applicant shall provide, as part of the project application, proof that a meeting was offered; proof that the meeting occurred, including a sign-in sheet of attendance; meeting location, date, and time; summary of discussion, including concerns raised, areas of agreement and disagreement, and next steps identified, if any; and identification of any design accommodations that may have been made as a result of the meeting. If the concerns raised at the meeting have not been accommodated, the applicant must identify the site or project constraints that limit the ability to address those concerns.”

The applicant failed to do this. Designs had to be independently obtained this information.

The site plans provide fail to demonstrate how it complies with several IDO requirements. In addition to the failure to meet the requirement cited above, some additional non-compliances include but are not limited to:

- The described canopy size does not demonstrate 50% of the trees provide a 25 ft canopy. As required by Section 14-16-4-3(B)(7)(a) “In addition to meeting all applicable standards in Section 14-16-5-6 (Landscaping, Buffering, and Screening), this use shall provide the following landscaping somewhere on the lot...2. At least 50 percent of the trees required by Subsection 1 above shall be deciduous canopy-style shade trees or coniferous trees capable of attaining a mature canopy diameter of at least 25 feet.” Additionally, the plan is incomplete as the shade master canopy is not included.
- Plan fails to include all structures. Per IDO Part 14-16-7 the planned Car Ports meet the definition of a Parking Structure, but the plan does not include drawing or designs. Therefore, the application is incomplete.
- Plan include to include crime prevention designs for parking structure as required by IDO Section 14-16-5-5(G)(1). Therefore, the application is incomplete.
- Trees abutting Tierra Morena lots does not align with the street frontage (i.e. there is a lot less). IDO 2018 Section requires 14-16-5-6(D)(1)(b) Trees shall be planted to align with street frontage landscaping on abutting lots to the maximum extent practicable. Therefore, the application is incomplete.
- Plan does not demonstrate how it complies with landscaping requirements throughout IDO Section 14-16-5-6(C). Therefore, the application is incomplete.
- Landscaping does not provide 75% of the trees that provide 25 feet of canopy. This is required by IDO Section 14-16-5-6(F)(2)(c)(3), which states, “At least 75 percent of the required parking area trees shall be deciduous canopy-type shade trees, capable of achieving a mature canopy diameter of at least 25 feet.” Therefore, the application is incomplete.
- Based on the plan provided in the notice, end of parking aisles do not appear to be 8 feet wide in all directions. This is required when more than 100 spots exist. This does not comply with IDO Section 14-16-5-6(F)(2)(d). Therefore, the application is incomplete.
- The rooflines fail to incorporate adequate elevation changes. IDO Section 14-16-5-11(d) requires a minimum change in elevation where the roof line exceeds 100 feet. Per note 13 on

Sheet 6 of the design, the roof mounted heat pumps will be recessed and not visible from the street. As a result, the roof like does not incorporate the require elevation changes. Therefore, the application is incomplete.

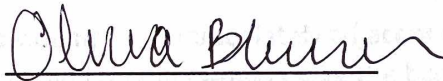
- In the developer's mail correspondence, it failed to clearly locate the site, which resulted in inability to adequately respond to the application. The identified site points to the Tierra Morena street, which is inaccurate. See Appendix 2 for the site provide in the developer's 2019 letter. IDO Section 14-16-6-4(K)(1)(b) require the mailed correspondence to indicate the subject property. Therefore, the requirement of submitting the application is incomplete.

Based on these errors and omissions the Board is compelled to reject the application as incomplete. IDO Section 6-4(G) states, "All incomplete applications shall be rejected."

Overall, as described above, the project application is not suitable for construction and should be rejected.



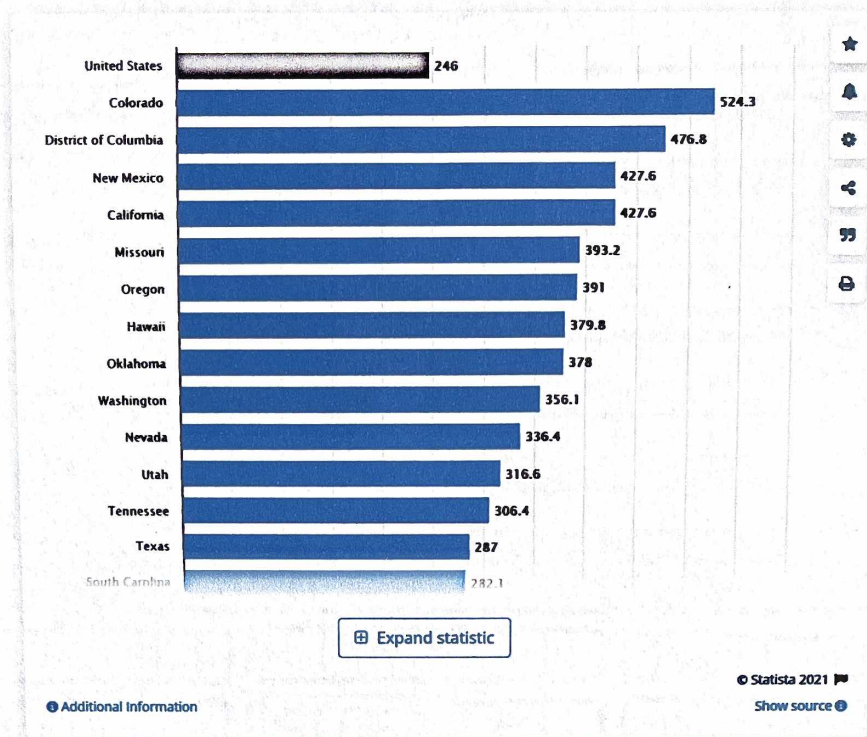
Jeffrey Bland
Tierra Morena Property Owner



Olivia Bland
Tierra Morena Property Owner

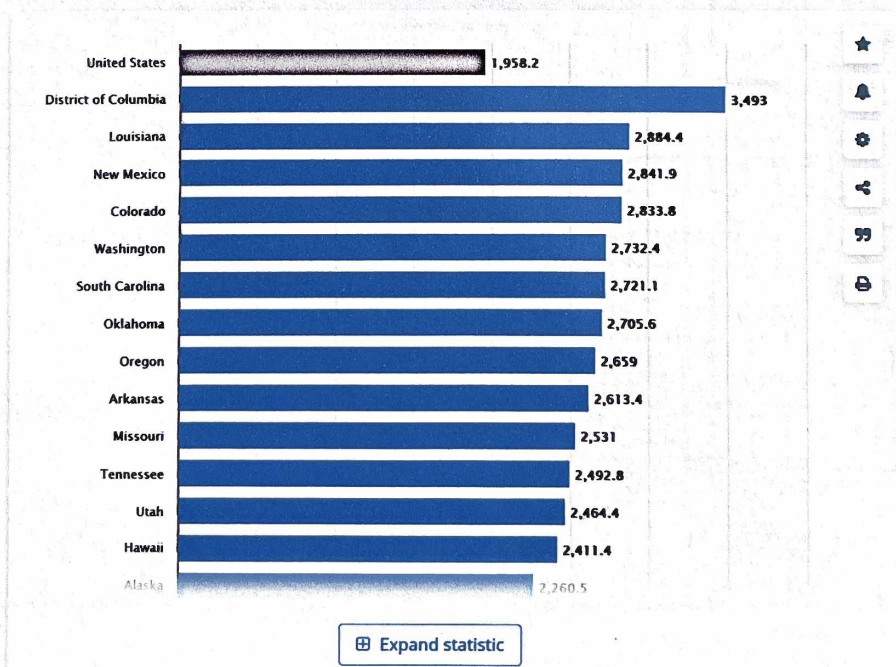
Appendix 1 – Vehicle Theft

Motor vehicle theft rate in the United States in 2020, by state (per 100,000 inhabitants)

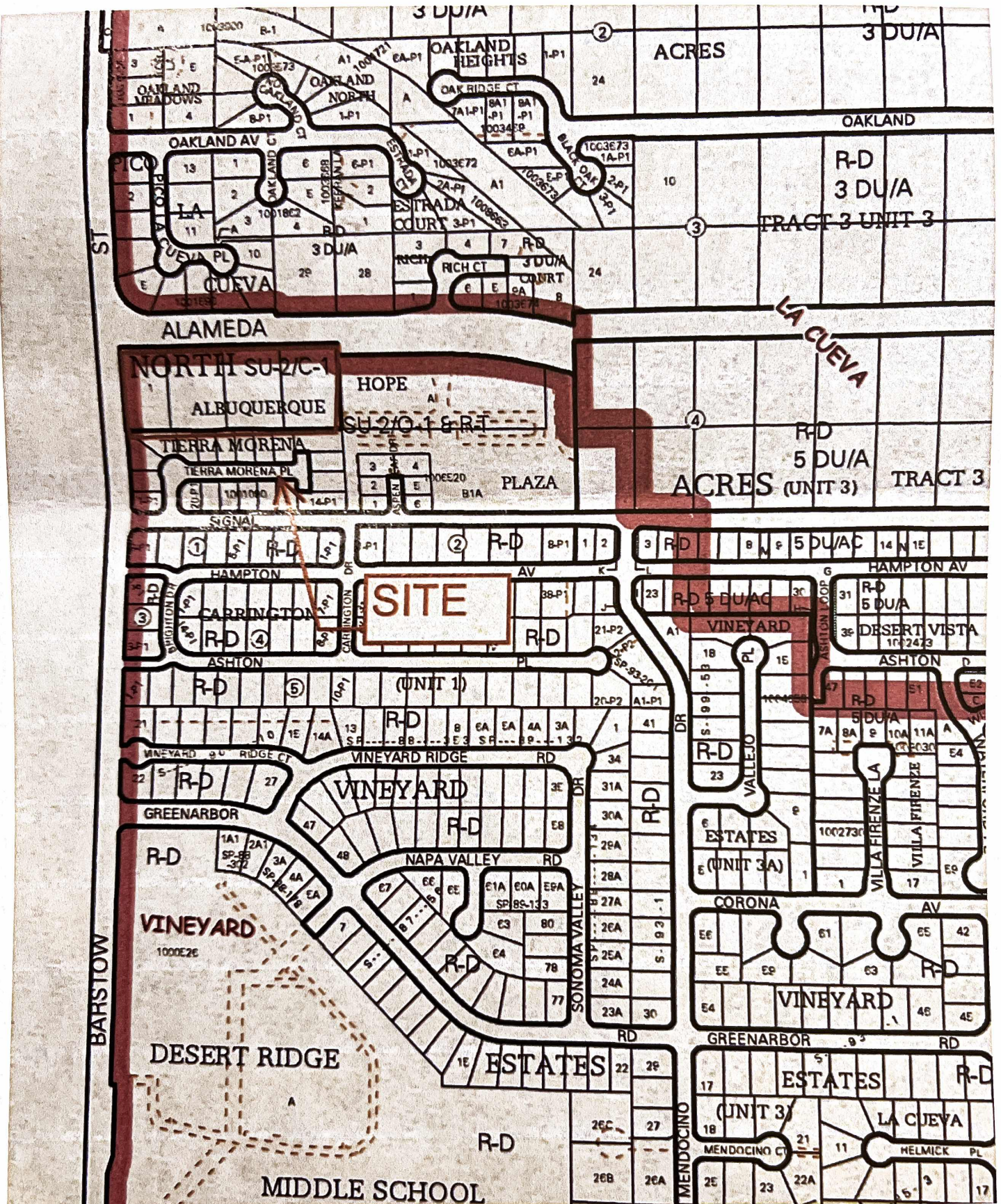


Source: <https://www.statista.com/statistics/232588/motor-vehicle-theft-rate-in-the-us-by-state/>

Property crime rate in the United States in 2020, by state (per 100,000 inhabitants)



Source: <https://www.statista.com/statistics/232575/property-crime-rate-in-the-us-by-state/>



Salas, Alfredo E.

From: bt o <btolivares@gmail.com>
Sent: Sunday, November 21, 2021 9:41 PM
To: Renz-Whitmore, Mikaela J.; Gomez, Angela J.
Cc: hess@yntema-law.com
Subject: OLIVARES - DRB input for PR #2019-002496

External

Dear Ms. Renz-Whitmore & Ms. Gomez,

I have lived in North Albuquerque Acres for over 30 years and as a neighbor of the Noreste neighborhood, I strongly object to the construction of the proposed Monet apartment complex on Alameda and Barstow.

This Location is classified as low density by the IDO. A high density apartment complex at this location, is completely inappropriate and would set a dangerous precedent in this area of northeast Albuquerque where long-term single-family home residents decided to live *because* of the lower density and the safety and security that it provides for families, particularly with public schools nearby.

Along with traffic issues, placing this number of units on such a small area will create a number of environmental problems including air quality issues with such a high number of vehicles in a small area, polluted run-off into streets, erosion, and increased noise. High density and much higher traffic congestion can make for a much more dangerous neighborhood, and the probability of increased crime.

Do not allow this project to go through as it would be very detrimental to the neighborhood and the surrounding community.

Respectfully Yours,

Bernadette Torres-Olivares
7208 Lowell Dr NE
Albuquerque, NM 87122

Salas, Alfredo E.

From: Anna Gurule <gurule.anna2@gmail.com>
Sent: Wednesday, December 1, 2021 7:31 AM
To: Gomez, Angela J.; Renz-Whitmore, Mikaela J.
Cc: hess@yntema-law.com
Subject: Gurule-DRB input for PR #2019-002496

External

Dear Mikaela Renz-Whitmore, Special Design Review Board (DRB)
Chairperson for this hearing:

I am writing to OBJECT to the building of a proposed 36 ft. high, 91 apartment complex at the SE corner of Alameda and Barstow NE.

My home is one block away from this proposed high density apartment complex and if approved, my quiet neighborhood would be subject to increased noise, increased pollution, increased traffic, and potentially, increased crime.

I moved here because it was a quiet neighborhood. Because there were more single family homes than apartment complexes. There are already several apartment complexes in the neighborhood and I certainly believe we do not need another.

This property would be better used for a dog park or a family park with trees being planted instead of concrete and cement from one more apartment building.

Most respectfully,

Dr. Anna M Gurule , Doctor of Oriental Medicine
8901 Henriette Wyeth NE
ABQ, NM. 87122
--

Anna M. Gurule

Salas, Alfredo E.

From: Renz-Whitmore, Mikaela J.
Sent: Thursday, November 18, 2021 11:39 AM
To: Gomez, Angela J.
Cc: Sanchez, Nicole A.
Subject: FW: DRB for PR-2019-002496 (Alameda/Barstow) c/o Mikaela Renz-Whitmore, DRB Chair
Attachments: LetterToDRB11_18_21.docx; CurrentMountainView.jpg

Please add to case file as public comment.

Thanks,



MIKAELA RENZ-WHITMORE

(she/hers)

o 505.924.3932

e mrenz@cabq.gov

From: Denny & Cheri Starner <bearsden@comcast.net>
Sent: Thursday, November 18, 2021 11:36 AM
To: Renz-Whitmore, Mikaela J. <mrenz-whitmore@cabq.gov>
Subject: DRB for PR-2019-002496 (Alameda/Barstow) c/o Mikaela Renz-Whitmore, DRB Chair

External

Dear DRB Chair,

We received a notice in the mail 11/17/21, notifying us of a DRB (Zoom) meeting to be held December 3, 2021 at 0900. We live directly behind (to the west ~60 feet) of the proposed building site for a 3-story Alameda Luxury Apartments. However, none of the site maps provided in this notification show any of the single family homes that are west of the proposed building site and I hope the DRB understands that there are in fact several homes to the west affected by this proposal!

My wife and I are writing to voice our objection to the re-zoning and the building of this 3-story complex in our back yard. We have lived here for 24 years, purchasing this home in 1997. As an active duty military family of five, our budget at the time was limited, but we were willing to pay extra for the million-dollar mountain view from our back balcony. (see current mountain view picture attached) We also accepted the periodic traffic noise on Barstow directly behind us because of the spectacular view.

The construction of single family homes on said vacant land could partially block our mountain view, but the construction of this proposed 3-story complex would definitely obstruct the breath taking view of the mountains from our home. Additionally, the proposed 91 vehicle parking lot entrance/exit for this proposed facility would be directly behind our house ~70 feet away from our east facing windows, substantially increasing the traffic noise. The Barstow/Alameda 4-way stop intersection is just over 100 feet from the proposed complex parking entrance/exit and just south of this ~200 feet is the Signal/Barstow intersection. The addition of a 90 plus vehicle parking area for these apartments would cause extremely complex traffic flow issues in such a small area not to mention exponentially increasing the daily traffic noise levels in this single family home community. I would also predict that traffic lights at one or both of these intersections would eventually be required for traffic flow management adding the installation of additional view blocking structures. We all paid good money for our property and did so considering the periodic traffic noise at the time and the superb mountain views. The construction of this 3 story complex would reduce property values on all sides, due to the elimination of mountain views and the substantial increase in traffic congestion and noise. Furthermore, this north/east area is not expandable. We have a reservation to the north, mountains to the east, the city to the south and a major highway to the west. Additionally, building an apartment complex versus single family homes would undoubtedly generate a larger number of children, contributing to the already overcrowded schools in this area with nowhere to expand these schools.

Why should the middle class, tax paying citizens have to give up their "Quality of life" especially where they live to support overdevelopment in an area where the developers will not themselves live? I'm sure there are other potential building sites in the metro area that would allow for multifamily structure development without devastating an already well-established community. Who will reimburse the current homeowners affected by this proposal for reduced home values due to the elimination of mountain views and increased traffic congestion and noise?

We are vehemently opposed to this site plan or the re-zoning of this land, for the construction of this Luxury Apartment Complex and/or anything other than single family dwellings as it should be!

(Copy of this letter and Mountain View Photo Attached)

Dennis & Cheri Starner
8736 Tierra Montana Pl. NE
Albuquerque, NM 87122

Salas, Alfredo E.

From: Gomez, Angela J.
Sent: Tuesday, December 7, 2021 8:40 AM
To: Gomez, Angela J.
Subject: FW: December 3 DRB Comments for PR-2019-002496 (JR)
Attachments: 211203 - PR-2019-002496.docx; Alameda Barstow Apartments transportation independent review commens 11 15 2021 mpg.docx; DRB Alternate Curtis Cherne Comments on PR.docx; DRB Alternate Laurie Firor - comments 11-19-2021.docx; PR-2019-002496_PLN_12-3-21.docx; CE-DRB comments.docx

From: Rodenbeck, Jay B.
Sent: Monday, December 6, 2021 5:18 PM
To: hess@yntema-law.com
Cc: Sanchez, Nicole A. <nasanchez@cabq.gov>; Gomez, Angela J. <agomez@cabq.gov>
Subject: FW: December 3 DRB Comments for PR-2019-002496

Good evening Mr. Yntema,

For your records, I am forwarding you the email containing the DRB comments I sent to the DRB members and City staff as well as to the agents for the Site Plan application for PR-2019-002496 the evening prior to the December 3 DRB meeting (for the Site Plan application).



Jay Rodenbeck

Senior Planner

o 505.924.3994

e jrodenbeck@cabq.gov

cabq.gov/planning

From: Rodenbeck, Jay B.
Sent: Thursday, December 2, 2021 5:49 PM
To: 'Jim Strozier' <cp@consensusplanning.com>; 'Michael Vos' <Vos@consensusplanning.com>
Cc: Aranda, James M. <jmaranda@cabq.gov>; Sanchez, Nicole A. <nasanchez@cabq.gov>; Webb, Robert L. <rwebb@cabq.gov>; Grush, Matthew P. <mgrush@cabq.gov>; Firor, Laurie <lfiror@cabq.gov>; 'Carter, Blaine M.' <bcarter@abcwua.org>; Cherne, Curtis <CCherne@cabq.gov>
Subject: December 3 DRB Comments for PR-2019-002496

Attached are the December 3 DRB comments for PR-2019-002496. The December 3 DRB meeting will be taking place remotely via Zoom at 9:00 am. Instructions for joining the DRB meeting are as follows:

Join Zoom Meeting: <https://cabq.zoom.us/j/85499151537>

Meeting ID: 854 9915 1537

By phone +1 253 215 8782 or Find your local number: <https://cabq.zoom.us/u/kXRilHhhy>

Supplemental Submittal Disclaimer:

If possible, please consolidate/combine the individual supplemental submittal items into a minimum number of documents/files (for example, into a single PDF file). The supplemental submittal deadline is noon on the Friday prior to the DRB meeting. DRB members will not have adequate time to review a supplemental submittal that comes in late. If there are very minor changes, the DRB Chair may allow an applicant to present them verbally and graphically to DRB members during the DRB meeting.



Jay Rodenbeck

Senior Planner

o 505.924.3994

e jrodenbeck@cabq.gov

cabq.gov/planning

Salas, Alfredo E.

From: Rodenbeck, Jay B.
Sent: Friday, December 3, 2021 11:35 AM
To: Gomez, Angela J.
Subject: FW: December 3 DRB Comments for PR-2019-002496
Attachments: 211203 - PR-2019-002496.docx; Alameda Barstow Apartments transportation independent review commens 11 15 2021 mpg.docx; DRB Alternate Curtis Cherne Comments on PR.docx; DRB Alternate Laurie Firor - comments 11-19-2021.docx; PR-2019-002496_PLN_12-3-21.docx; CE-DRB comments.docx

From: Rodenbeck, Jay B.
Sent: Thursday, December 2, 2021 5:49 PM
To: 'Jim Strozier' <cp@consensusplanning.com>; 'Michael Vos' <Vos@consensusplanning.com>
Cc: Aranda, James M. <jmaranda@cabq.gov>; Sanchez, Nicole A. <nasanchez@cabq.gov>; Webb, Robert L. <rwebb@cabq.gov>; Grush, Matthew P. <mgrush@cabq.gov>; Firor, Laurie <lfiror@cabq.gov>; 'Carter, Blaine M.' <bcarter@abcwua.org>; Cherne, Curtis <CCherne@cabq.gov>
Subject: December 3 DRB Comments for PR-2019-002496

Attached are the December 3 DRB comments for PR-2019-002496. The December 3 DRB meeting will be taking place remotely via Zoom at 9:00 am. Instructions for joining the DRB meeting are as follows:

Join Zoom Meeting: <https://cabq.zoom.us/j/85499151537>
Meeting ID: 854 9915 1537
By phone +1 253 215 8782 or Find your local number: <https://cabq.zoom.us/j/kXRilHhhy>

Supplemental Submittal Disclaimer:

If possible, please consolidate/combine the individual supplemental submittal items into a minimum number of documents/files (for example, into a single PDF file). The supplemental submittal deadline is noon on the Friday prior to the DRB meeting. DRB members will not have adequate time to review a supplemental submittal that comes in late. If there are very minor changes, the DRB Chair may allow an applicant to present them verbally and graphically to DRB members during the DRB meeting.



Jay Rodenbeck

Senior Planner

o 505.924.3994

e jrodenbeck@cabq.gov

cabq.gov/planning

Salas, Alfredo E.

From: Gomez, Angela J.
Sent: Wednesday, November 10, 2021 1:35 PM
To: Webb, Robert L.; Carter, Blaine M. (bcarter@abcwua.org); Cherne, Curtis; Grush, Matthew P.; Firor, Laurie
Cc: Renz-Whitmore, Mikaela J.
Subject: FW: DRB for PR-2019-002496 (Alameda/Barstow)

Hello all,

I am passing along this information for case: PR-2019-002496 for your review. Please see the email below for details.

Best,

Angela ~



ANGELA GOMEZ
DRB hearing monitor
development review services
o 505.924.3946
e agomez@cabq.gov
cabq.gov/planning

From: Renz-Whitmore, Mikaela J.
Sent: Wednesday, November 10, 2021 8:32 AM
To: Gomez, Angela J. <agomez@cabq.gov>
Cc: Sanchez, Nicole A. <nasanchez@cabq.gov>
Subject: FW: DRB for PR-2019-002496 (Alameda/Barstow)

Please add to the record and distribute to the DRB members for this case.

Thanks,



MIKAELA RENZ-WHITMORE

(she/hers)

o 505.924.3932

e mrenz@cabq.gov

From: Totten Elliott <tottenelliott@comcast.net>

Sent: Tuesday, November 9, 2021 7:17 PM

To: Renz-Whitmore, Mikaela J. <mrenz-whitmore@cabq.gov>

Subject: DRB for PR-2019-002496 (Alameda/Barstow)

External

Dear Ms. Renz-Whitmore

The IDO is supposed to protect the little guy who is only a single family homeowner against corporate developers however it is doing just the opposite. Who is supposed to protect the citizens of Albuquerque if the City of Albuquerque isn't doing it? We all know that after many years apartments become rundown because renters don't keep up the property up like a homeowner. When the apartments on Montgomery were constructed 40+ years ago they were luxury apartments. If you have been in there lately you will see how rundown they are. Developers will make promises prior to building, about how these are luxury apartments being built. In 40 years they won't be luxury apartments. Some of the Vineyard and La Cueva homes are 30+ years old and the neighborhood is well maintained area because it is not a transient neighborhood.

Having 3-story apartment buildings right next door will lower the existing single-family residential property values that share their property line therefore lowering property values in the surrounding neighborhood. Who would ever want to buy a house with peeping-tom views into their backyard from an apartment complex next door? I don't know whose bright idea it was to think it's okay to back up a 3-story apartment complex to an existing residential neighborhood. The previous drawings I saw did not to adhere to the neighborhood edges on all sides.

A development like this will bring increased traffic and crime. The Markana apartment complex at Alameda and San Pedro has already created a traffic nightmare at this intersection to access the freeway and I know this because I've had to drive thru there every morning to get to work. Another massive complex in addition all the other development going on in this area will only add to an already congested area. Once a high-density apartment complex is built there is no going backwards. I haven't talked to one neighbor that thinks this development will enhance our neighborhood in any way. The developers don't have to live there so they could care less what happens to us after they've made their money and left town.

There has already been a slight uptick of transient people walking thru my neighborhood because of the recent new development in the area. This development will create a more transient neighborhood and with the increased population bringing along with it, panhandlers. Currently the bus only comes up Wyoming to Alameda so the panhandlers get off the bus at Wyoming and Paseo Del Norte for panhandling. They've yet to discover, in mass, the arroyos and vacant land in the area for their encampments. We do not want to see this area have multiple newly discovered areas for panhandlers.

Those of us homeowners bought here because we like it to be a safe neighbor for our children. My son used to walk to Desert Ridge. Increased traffic in that area will make it dangerous for children walking across Barstow to get to school. He walked home from La Cueva and I never felt worried for his safety walking home alone. We want our neighborhood to remain safe while our children are walking to and from school. If development like this continues to increase it will only be a matter of time until our existing life style changes for the worse.

This is nothing more than a money-making business transaction for this developer. They do not care about our neighborhood and what it will leave behind in its wake. This is not progress. It will ruin our neighborhood forever.

Thank you for your time and for not considering this kind of development.

This builder can make all the promises they want to get this project off the ground but when the project is complete and sold to someone else those promises are obsolete. When construction is complete they'll be gone and we'll be the ones left to deal with a transient and high traffic neighborhood.

Sincerely,

Stanice Elliott

January 31, 2022

HESSEL E. YNTEMA, III

By Electronic Mail and Certified Mail, Return Receipt Requested

jrodenbeck@cabq.gov
Jay Rodenbeck
Chair, Development Review Board
City of Albuquerque
600 Second St. NW, 3rd Floor
Albuquerque, NM87102

By Electronic Mail

Alan Varela, Interim Director
planningdepartment@cabq.gov

By Electronic Mail and Certified Mail, Return Receipt Requested

ibenton@cabq.gov
Isaac Benton
President, City Council
City of Albuquerque
One Civic Plaza NW, 9th Floor
Albuquerque, NM 87102

Notice of Claimed Violations of the New
Mexico Civil Rights Act by the DRB in
Project PR-2019- 002946, at the December 3,
2021 Remand Hearing
(Alameda Luxury Apartments)

Dear Chair Rodenbeck, Planning Department and City Council:

Yntema Law Firm P.A. represents the individuals listed as Claimants at the end of this letter (collectively "Claimants") in connection with this letter. This letter is to provide notice under Section 41-4A-13(A), NMSA 1978 (2021), on behalf of Claimants, of a claim under the New Mexico Civil Rights Act ("NMCRA") against the Development Review Board ("DRB") and the City of Albuquerque City Council for actions at the December 3, 2021 DRB meeting referenced above.

At the December 3, 2021 DRB meeting, it became apparent that the DRB decision process for the Alameda Luxury Apartments site plan was controlled by the City Planning Department and that the meeting did not satisfy the requirements of a quasi-judicial hearing. DRB members had ex parte contacts with the developer's representatives and various City employees concerning the substance of the subject of the meeting, and made decisions applicable to the site plan application outside the December 3 meeting. The DRB did not

215 Gold Ave. SW
Suite 201
Albuquerque, NM 87102
Phone (505) 843-9565
Fax (505) 242-2879
firm@yntema-law.com
hess@yntema-law.com

YNTEMA
LAW FIRM P.A.
ATTORNEY AT LAW

Jay Rodenbeck, DRB Chair
Alan Varela, Planning Department Director
Isaac Benton, City Council President
City of Albuquerque
January 31, 2022

fairly consider the Claimants' arguments about the subject site plan. Under these circumstances the DRB acting under color of law subjected or caused to be subjected the Claimants to deprivation of property rights without due process contrary to the New Mexico Constitution, Article II, Section 18 and the NMCRA.

Very truly yours,

YNTEMA LAW FIRM P.A.

By Hessel E. Yntema
Hessel E. Yntema III

cc: Nicole Sanchez (DRB Attorney)
Consensus Planning, Inc. (Jim Strozier)

Claimants:

Stephen M. Wray
Randolph and Shannon Baca
Joe O'Neill and Karen Baehr
Dennis and Cheri Starner
Nancy Jones
Thomas M. Anderson
Juanita Duran
Paul and Marialuz Scarpa
Carl and Nancy Henry
Alex Liao and Xiaoya Wu
Paul and Jennifer Wever
Dennis and Donna Sauter
Anne and David Downing
Jeff and Oliva Bland
Philip and Amber Le

Salas, Alfredo E.

From: Gomez, Angela J.
Sent: Thursday, December 2, 2021 11:59 AM
To: Gomez, Angela J.
Subject: FW: Letter and Exhibits re: DRB Remand for PR-2019-002496 (Alameda and Barstow) (5)
Attachments: DRB Agenda 12012021.pdf

For the record

From: Hessel E. Yntema III <hess@yntema-law.com>
Sent: Thursday, December 2, 2021 9:09 AM
To: Gomez, Angela J. <agomez@cabq.gov>; Michael Vos <Vos@consensusplanning.com>; Planning Development Review Services <PLNDRS@cabq.gov>; Renz-Whitmore, Mikaela J. <mrenz-whitmore@cabq.gov>; Grush, Matthew P. <mgrush@cabq.gov>; Carter, Blaine M. <bcarter@abcwua.org>; Cherne, Curtis <CCherne@cabq.gov>; Firor, Laurie <lfiror@cabq.gov>; Webb, Robert L. <rwebb@cabq.gov>
Cc: Jim Strozier <cp@consensusplanning.com>; Sanchez, Nicole A. <nasanchez@cabq.gov>; Peter Lindborg <plindborg@lmllp.com>; Philip Lindborg <phillindborg@comcast.net>
Subject: Re: Letter and Exhibits re: DRB Remand for PR-2019-002496 (Alameda and Barstow)

External

Ms. Gomez,
Please add an additional exhibit, page 1 of the DRB agenda for December 1, 2021 (copy attached), to the record on behalf of the Opponents I represent
Thanks,
Hess

Hessel E. Yntema III
Yntema Law Firm P.A.
215 Gold SW
Suite 201
Albuquerque, New Mexico 87102
phone 505-843-9565
fax 505-242-2879
e-mail hess@yntema-law.com

This communication is confidential and is intended only for the use of the individual or entity named above. If you have received this communication in error, please immediately destroy it and notify the sender by reply e-mail or by telephone (505) 843-9565 (call collect).

On 11/19/2021 1:47 PM, Gomez, Angela J. wrote:

Mr. Yntema,

This has been added to the record.

Best,
Angela ~



ANGELA GOMEZ
DRB hearing monitor
development review services
o 505.924.3946
e agomez@cabq.gov
cabq.gov/planning

From: Hessel E. Yntema III [<hess@yntema-law.com>](mailto:hess@yntema-law.com)
Sent: Friday, November 19, 2021 1:44 PM
To: Gomez, Angela J. [<agomez@cabq.gov>](mailto:agomez@cabq.gov); Michael Vos [<Vos@consensusplanning.com>](mailto:Vos@consensusplanning.com); Planning Development Review Services [<PLNDRS@cabq.gov>](mailto:PLNDRS@cabq.gov); Renz-Whitmore, Mikaela J. [<mrenz-whitmore@cabq.gov>](mailto:mrenz-whitmore@cabq.gov); Grush, Matthew P. [<mgrush@cabq.gov>](mailto:mgrush@cabq.gov); Carter, Blaine M. [<bcarter@abcwua.org>](mailto:bcarter@abcwua.org); Cherne, Curtis [<CCherne@cabq.gov>](mailto:CCherne@cabq.gov); Firor, Laurie [<lfiror@cabq.gov>](mailto:lfiror@cabq.gov); Webb, Robert L. [<rwebb@cabq.gov>](mailto:rwebb@cabq.gov)
Cc: Jim Strozier [<cp@consensusplanning.com>](mailto:cp@consensusplanning.com); Sanchez, Nicole A. [<nasanchez@cabq.gov>](mailto:nasanchez@cabq.gov); Peter Lindborg [<plindborg@lmllp.com>](mailto:plindborg@lmllp.com); Philip Lindborg [<phillindborg@comcast.net>](mailto:phillindborg@comcast.net)
Subject: Re: Letter and Exhibits re: DRB Remand for PR-2019-002496 (Alameda and Barstow)

External

Ms. Gomez,
Please add an additional exhibit, Administrative Instruction 8-2 (2016) (copy attached), to the record on behalf of the Opponents I represent.
Thanks,
Hess

Hessel E. Yntema III
Yntema Law Firm P.A.
215 Gold SW
Suite 201
Albuquerque, New Mexico 87102
phone 505-843-9565

fax 505-242-2879

e-mail hess@yntema-law.com

This communication is confidential and is intended only for the use of the individual or entity named above. If you have received this communication in error, please immediately destroy it and notify the sender by reply e-mail or by telephone (505) 843-9565 (call collect).

On 11/19/2021 12:54 PM, Gomez, Angela J. wrote:

Good afternoon,

This information has been added to the record.

Best,
Angela ~



ANGELA GOMEZ

DRB hearing monitor
development review services

o 505.924.3946

e agomez@cabq.gov

cabq.gov/planning

From: Michael Vos <Vos@consensusplanning.com>

Sent: Friday, November 19, 2021 12:32 PM

To: Gomez, Angela J. <agomez@cabq.gov>; Hessel E. Yntema III <hess@yntema-law.com>; Planning Development Review Services <PLNDRS@cabq.gov>; Renz-Whitmore, Mikaela J. <mrenz-whitmore@cabq.gov>; Grush, Matthew P. <mgrush@cabq.gov>; Carter, Blaine M. <bcarter@abcwua.org>; Cherne, Curtis <CCherne@cabq.gov>; Firor, Laurie <lfiror@cabq.gov>; Webb, Robert L. <rwebb@cabq.gov>

Cc: Jim Strozier <cp@consensusplanning.com>; Sanchez, Nicole A. <nasanchez@cabq.gov>; Peter Lindborg <plindborg@lmllp.com>; Philip Lindborg <phillindborg@comcast.net>

Subject: RE: Letter and Exhibits re: DRB Remand for PR-2019-002496 (Alameda and Barstow)

External

Angela,

Please see attached for our proposed Findings of Fact and Conclusions of Law for DRB consideration. Please add this to the record for today's deadline.

Best regards,

Michael Vos, AICP

CONSENSUS PLANNING, INC.

302 Eighth Street NW

Albuquerque, NM 87102

phone (505) 764-9801

vos@consensusplanning.com

From: Gomez, Angela J. <agomez@cabq.gov>

Sent: Thursday, November 18, 2021 2:25 PM

To: Hessel E. Yntema III <hess@yntema-law.com>; Michael Vos <Vos@consensusplanning.com>; Planning Development Review Services <PLNDRS@cabq.gov>; Renz-Whitmore, Mikaela J. <mrenz-whitmore@cabq.gov>; Grush, Matthew P. <mgrush@cabq.gov>; Carter, Blaine M. <bcarter@abcwua.org>; Cherne, Curtis <CCherne@cabq.gov>; Firor, Laurie <lfiror@cabq.gov>; Webb, Robert L. <rwebb@cabq.gov>

Cc: Jim Strozier <cp@consensusplanning.com>; Sanchez, Nicole A. <nasanchez@cabq.gov>; Peter Lindborg <plindborg@lmlp.com>; Philip Lindborg <phillindborg@comcast.net>

Subject: RE: Letter and Exhibits re: DRB Remand for PR-2019-002496 (Alameda and Barstow)

Good afternoon Mr. Yntema,

This has been added to the record.

Best,

Angela ~



ANGELA GOMEZ

DRB hearing monitor

development review services

o 505.924.3946

e agomez@cabq.gov

cabq.gov/planning

From: Hessel E. Yntema III <hess@yntema-law.com>

Sent: Thursday, November 18, 2021 1:53 PM

To: Gomez, Angela J. <agomez@cabq.gov>; Michael Vos

<Vos@consensusplanning.com>; Planning Development Review Services
<PLNDRS@cabq.gov>; Renz-Whitmore, Mikaela J. <mrenz-whitmore@cabq.gov>; Grush,
Matthew P. <mgrush@cabq.gov>; Carter, Blaine M. <bcarter@abcwua.org>; Cherne,
Curtis <CCherne@cabq.gov>; Firor, Laurie <lfiror@cabq.gov>; Webb, Robert L.
<rwebb@cabq.gov>
Cc: Jim Strozier <cp@consensusplanning.com>; Sanchez, Nicole A.
<nasanchez@cabq.gov>; Peter Lindborg <plindborg@lmllp.com>; Philip Lindborg
<phillindborg@comcast.net>
Subject: Letter and Exhibits re: DRB Remand for PR-2019-002496 (Alameda and
Barstow)

External

Ms. Gomez,

Attached is a letter on behalf of various opponents of the proposed site plan for the referenced project. I will send the exhibits referenced in the letter in a separate e-mail. Please place these papers in the record for the December 3, 2021 DRB meeting and advise by e-mail response if the papers have been placed in the record.

Thanks,
Hess

Hessel E. Yntema III
Yntema Law Firm P.A.
215 Gold SW
Suite 201
Albuquerque, New Mexico 87102
phone 505-843-9565
fax 505-242-2879
e-mail hess@yntema-law.com

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On 11/15/2021 9:53 AM, Gomez, Angela J. wrote:

Good morning,

The information for the above referenced case has been added to the record.

Best,

Angela ~



ANGELA GOMEZ

DRB hearing monitor
development review services
o 505.924.3946
e agomez@cabq.gov
cabq.gov/planning

From: Michael Vos <Vos@consensusplanning.com>
Sent: Monday, November 15, 2021 9:46 AM
To: Planning Development Review Services <PLNDRS@cabq.gov>; Renz-Whitmore, Mikaela J. <mrenz-whitmore@cabq.gov>; Grush, Matthew P. <mgrush@cabq.gov>; Carter, Blaine M. <bcarter@abcwua.org>; Cherne, Curtis <CCherne@cabq.gov>; Firor, Laurie <lfiror@cabq.gov>; Webb, Robert L. <rwebb@cabq.gov>
Cc: Jim Strozier <cp@consensusplanning.com>; Sanchez, Nicole A. <nasanchez@cabq.gov>; Peter Lindborg <plindborg@lmllp.com>; hess@yntema-law.com; Philip Lindborg <phillindborg@comcast.net>; Gomez, Angela J. <agomez@cabq.gov>
Subject: DRB Remand Documentation for PR-2019-002496 (Alameda and Barstow)

External

Good morning,
Please find a supplemental submittal for the December 3, 2021 DRB remand hearing that includes documentation of public notice here:
<https://www.dropbox.com/t/qcCdGUgPsP3r9b0a>

Please let me know if there are any questions or concerns.

Thanks,
Michael Vos, AICP
CONSENSUS PLANNING, INC.
302 Eighth Street NW
Albuquerque, NM 87102
phone (505) 764-9801
vos@consensusplanning.com

YNTEMA LAW FIRM P.A.

ATTORNEY AT LAW

December 10, 2021

HESSEL E. YNTEMA, III

By Electronic Mail
jrodenbeck@cabq.gov

Jay Rodenbeck
Chair, Development Review Board
City of Albuquerque
600 Second St. NW, 3rd Floor
Albuquerque, NM87102

Notice of Claimed Violations of the Open
Meetings Act by the DRB in Project PR-2019-
002946, December 3, 2021 Remand Hearing
(Alameda Luxury Apartments)

Dear Chair Rodenbeck and DRB Members:

Yntema Law Firm P.A. represents the individuals listed on the List of Claimants attached to this letter (collectively "Claimants") in connection with this letter. This letter is to provide notice under Section 10-15-3(B), NMSA 1978, on behalf of Claimants, of claimed violations of the Open Meetings Act ("OMA") by the Development Review Board ("DRB") at its December 3, 2021 meeting.

Under the City's Integrated Development Ordinance, the City Council has delegated decision-making authority to the DRB for certain discretionary site plan decisions. The OMA applies to the DRB as a "Review and Decision-making Body" for the site plan approval meeting of December 3, 2021 as the DRB formulated public policy, discussed public business, and took action within its delegated authority at the meeting.

At the December 3, 2021 meeting, it became apparent that DRB members had ex parte contacts with the developer's representatives and various City employees concerning the substance of the subject of the meeting, and formulated public policy, discussed public business, and took action within the DRB's delegated authority outside the December 3 meeting, in violation of the OMA. It appears that the DRB conducted its business in a "rolling quorum" manner, contrary to the OMA. It also appears that the DRB did not make its own decisions on some issues, but rather followed directions from the Planning Department.

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YNTEMA
LAW FIRM P.A.
ATTORNEY AT LAW

Jay Rodenbeck, DRB Chair
City of Albuquerque
December 10, 2021

Further, the DRB held its hearing on December 3, 2021 meeting remotely by "Zoom". The OMA does not authorize such a "remote" open meeting. In addition the meeting was not open because persons interested in participating were left out in the Zoom "waiting room".

Your prompt response to these claimed violations of the OMA is requested.

Very truly yours,

YNTEMA LAW FIRM P.A.

By Hessel E. Yntema III
Hessel E. Yntema III

cc: Nicole Sanchez (DRB Attorney)
Consensus Planning, Inc. (Jim Strozier)

List of OMA Claimants

Dan Regan
Nancy Jones
Stephen Wray
Marialuz and Paul Scarpa
David and Donna Sauter
Anne and David Downing
Karen Baehr and Joe O'Neill
Susan Kitsch
William Fanning
John Ingram
Carol Ambabo
James and Rosie Maroone
Randolph and Shannon Baca
Lucy Baca
Carl and Nancy Henry
David Neale
Meifen Zhao
Lina Adachi Chang
Anna Gurule
Lina Adachi Chang
Lisa Hayes
Totten Elliott
Yvonne Teske
Alex Liao and Xiaoya Wu
Bhaveshkumar Kapadia
Dennis and Cheri Starner
Juanita Duran
Hui Shen
Paul and Jennifer Wever
Lynne Baehr
Thomas Anderson
Susan Andrews

Salas, Alfredo E.

From: Hessel E. Yntema III <hess@yntema-law.com>
Sent: Monday, December 13, 2021 8:43 AM
To: Rodenbeck, Jay B.; Gomez, Angela J.
Cc: cp@consensusplanning.com
Subject: OMA Notice Letter for PR-2019-002496
Attachments: OMA Notice Letter 12132021.pdf

External

Dear Mr. Rodenbeck and Ms. Gomez,
Attached is a notice letter under the Open Meetings Act relating to the December 3, 2021 DRB meeting. Please place this in the record for the case.

Thank you,

Hessel E. Yntema III
Yntema Law Firm P.A.
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fax 505-242-2879
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On 12/8/2021 4:58 PM, Rodenbeck, Jay B. wrote:

Attached is the Notice of Decision for PR-2019-002496, approved at the December 3, 2021 DRB meeting.



Jay Rodenbeck

Senior Planner

o 505.924.3994

e jrodenbeck@cabq.gov

[//cabq.gov/planning](http://cabq.gov/planning)

November 18, 2021

VIA E-MAIL – agomez@cabq.gov

HESSEL E. YNTEMA, III

Mikaela Renz-Whitmore, Chair
Development Review Board
City of Albuquerque

Project: #PR-2019-002496
Alameda Luxury Apartments Complex
DRB Remand Meeting on December 3, 2021

Dear Chair Renz-Whitmore and DRB Members:

This firm represents the opponents of the referenced project listed at the end of this letter (the “Opponents”) for the remand meeting following the decision of the District Court in Bernalillo County District Court No. D-202-CV-2020-03644 to reverse and remand the applicant’s site plan approval to the City for further proceedings. The Opponents hope that the applicant will revise its project to better fit with the neighborhood. This letter is intended to provide evidence and argument for the remand meeting scheduled for December 3, 2021, at the Development Review Board (“DRB”). Please place this letter and attachments in the record for the DRB remand meeting.

1. Background

The District Court’s decision entered June 2, 2021 ruled that the City’s decision was not in accordance with law, and remanded the site plan approval decision to the City for reconsideration in a quasi-judicial hearing process. The District Court’s main ruling (Order p. 2) was:

The Court reverses the City’s determination in its appellate capacity, concluding that the decision was not in accordance with the law requiring a quasi-judicial hearing, and remands the matter for further proceeding consistent with this Opinion. As a result, the Court does not consider Appellants’ other appellate issues or the issues presented pursuant to the Declaratory Judgment Act.

The District Court stated concerning R-2019-035 (p. 5):

The City’s application of R-2019-035 plainly resulted in substantial confusion for the present matter which necessitates reversal and remand.

The District Court further ruled (p. 11):

On remand, the City is directed to explicitly set out the date upon which the Developers’ application was deemed complete,

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as this fact was subject to some confusion, with further explanation as to the finding by the DRB following the July 17, 2019, meeting that there were comments made by the DRB which needed to be addressed prior to any action on the application, as well as outstanding issues, including grading and drainage plans, infrastructure list, and other comments that necessitated deferring action from the August 14, 2019, DRB meeting, requiring further supplementation of their application.

The District Court also ruled (p. 15):

The City, on remand, is directed to allow the DRB to analyze and explain Duran’s legislative rezoning, a comparably simple matter which nonetheless took nearly a year to complete, Appellants’ arguments concerning the intersection between § 1-10(B), other ordinances and the Official Zoning Map, and provide a detail written decision.

As to DRB quasi-judicial hearings, the District Court stated (p. 17):

The problem was created by the City’s enactment of R-2019-035, which purported to amend or revise procedures under the IDO, and provided that “DRB is a staff board for technical reviews and does not make discretionary decisions or hold quasi-judicial hearings.”

The Opponents request that the entire record of the prior proceedings in PR-2019-002496 and related proceedings be included in this case for reference. The Opponents submit additional materials (Exhibits 1-32) with this letter and request that these exhibits be entered into evidence at the DRB remand meeting. The exhibits include demonstrative exhibits, e-mail strings obtained through the Inspection of Public Records Act (“IPRA”), e-mail strings related to the remand meeting, City enactments, materials from the City’s website, and records of some of the Opponents.

The Opponents request that the DRB members who have had material ex parte contacts with the applicant, the applicant’s representatives, or Planning Department employees concerning this PR-2019-002496 proceeding, R-2019-035, or any related cases, recuse themselves from the meeting. Ms. Renz-Whitmore should recuse herself from involvement as a quasi-judicial decision-maker in this matter, because of her active involvement in the City’s enactment of R-2019-035 in response to the decision of the City’s Land Use Hearing

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Officer (“LUHO”) in AC-18-20 (Exhibits 2-5) concerning excluding the DRB from quasi-judicial decisions. Ms. Renz-Whitmore apparently also was involved in the pre-application neighborhood meetings for PR-2019-002496. Her participation in the decision-making body in this matter is not appropriate.

The Opponents request that cross-examination be allowed of all witnesses at the meeting, and that representatives of the Planning Department be on hand as witnesses for cross-examination on relevant matters.

The Opponents should be allowed reasonable time to respond to any further submissions by the applicant or the Planning Department following the submission of this letter.

The Opponents object to an online DRB meeting. The DRB meeting should be conducted in accordance with the New Mexico Open Meetings Act.

2. A December 3, 2021 DRB meeting is premature

Important preliminary matters need to be resolved before a DRB decision meeting should be scheduled, including concerning the authority of the DRB to hold a quasi-judicial hearing and how “completeness” of an application is to be determined (discussed below). As noted above the District Court Order directed the City to explicitly set out the date on which the application was deemed complete. That date and the written analysis of how that date was determined should be in the record and available to the Opponents at least a few weeks before the meeting. The District Court also directed the DRB to analyze and explain the legislative rezoning of Juanita Duran’s property. The City has the best access to information on that process, and the City’s analysis should be written and made available to the Opponents some weeks before any meeting to approve the site plan. The District Court also stated that R-2019-035 was “the problem”: City staff should explain in writing if the provisions of R-2019-035 were in effect when the application was filed, and if those provisions are in effect today, and further if the City Council has repealed R-2019-035.

This matter also should be deferred until an adequate record is available to the Opponents and the public. The records should include all communications to and from the Planning Department and other City departments concerning the application and the decision process. The record should be ordered chronologically and be numbered consecutively to allow for meaningful review on appeal. The District Court Remand Order should be part of the record.

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It appears that City Staff, not the DRB, is running the decision process. It appears that substitute DRB members are being specially appointed for the December 3 decision meeting. City staff has set the date for the DRB meeting apparently without any DRB involvement. City staff, not the DRB, also has determined that the initial record for the matter will consist of only the initial application and the District Court's Order, or of unnumbered papers (Exhibit 1). As further discussed below, the past IDO was and the current IDO is intended to prohibit and prohibit the DRB from holding a quasi-judicial hearing on a site plan. Under these circumstances, the process being imposed in response to the District Court Order is contrary to the District Court Order and sets up a sham proceeding.

3. The latest version of the Integrated Development Ordinance should apply

The subject remand meeting is to be under the City's Integrated Development Ordinance ("IDO"). The Opponents have been informed by the City Attorney that the IDO effective in 2018 ("2018 IDO") applies to the meeting (Exhibit 1). However, from the perspective of the Opponents, under New Mexico law, discussed further below, legislation enacted by a governing body or law established while a development application is pending applies to that development application. For example, the District Court Order in this matter applies to the application and the DRB proceedings. Upon information and belief, the version of the IDO applicable as of the date of this letter is the version "amended as of November 2020" ("2020 IDO"), and thus the 2020 IDO should apply for the remand.

4. The DRB lacks authority to hold a quasi-judicial hearing

Under either the 2018 IDO (whether or not modified by R-2019-150) or the 2020 IDO, the DRB is not authorized or prepared to conduct quasi-judicial hearings. IDO Table 6-1-1 in both versions of the IDO indicates that DRB site plan decisions are conducted as "public meetings" rather than as "public hearings". Under 2020 IDO Section 6-4(M), public meetings explicitly are not quasi-judicial. 2018 IDO Section 6-4(L) does not have the explicit language re public meetings not being quasi-judicial hearings, but whether any public discussion is allowed is discretionary, which is contrary to quasi-judicial standards allowing testimony and cross examination. In both IDOs the DRB is limited to "technical" review. The apparently current DRB Rules of Procedure (Exhibit 32), from 2013, do not provide for a quasi-judicial hearing format, for example the current DRB rules do not allow for cross-examination, and the DRB Rules provide for decision by consent rather than by vote. Upon

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information and belief, the DRB has never conducted a quasi-judicial hearing, which is understandable as the City Council apparently has never authorized the DRB to conduct a quasi-judicial hearing. Even if the DRB somehow had authority to conduct a quasi-judicial hearing for a site plan application in 2019, that authority was withdrawn under the 2020 IDO which included restrictions on DRB quasi-judicial hearings imposed by R-2019-035 (earlier known as Resolution 19-150) (discussed in the District Court's Order). The City's current website for the "Legislative History" for the IDO (Exhibit 13) states that "Effective May 24, 2019, interim procedures related to the Development Review Board were adopted by the City Council via Resolution 19-150, which amended IDO text in Part 5 Development Standards and Part 6 Administration and Enforcement. These changes were incorporated into the 2019 IDO Effective Draft" (which 2019 IDO Effective Draft is the version which became effective November 2, 2020). The 2020 IDO Annual Update (page ii) identifies R-2019-035 as an "Adoption and Amendments" item (Exhibit 14).

In enacting the IDO, the City withdrew substantial site plan decision authority from the Environmental Planning Commission ("EPC") and placed that site plan decision authority with the DRB, but denied that such DRB site plans decisions were to be decided quasi-judicially. The City Council has never enacted a quasi-judicial hearing process for non-EPC site plan decisions. The City Council has not considered or acted upon the District Court Order that a quasi-judicial hearing is required for this matter.

The City's views of the DRB process are incompatible with quasi-judicial proceedings. As stated by the Planning Director in his Memo dated October 19, 2019 (Exhibit 11):

... The DRB was created to offer efficient considerations of technical standards, a one-stop shop for property owners and developers alike, which would have otherwise required an applicant to meet individually with the City staff experts from divisions and departments across the city. The DRB streamlines the application process by bringing together key department staff responsible for the specialized/expert review of projects as the[y] relate to the IDO in a forum where the staff and applicant meet to discuss projects and the public can ask questions and share input for those decisions. The DRB is not a policy making board and performs no administrative adjudicatory functions regarding individual legal rights, duties or privileges. As such, the DRB staff communicates with the public and the applicants....

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Again, the DRB is a technical review board of the City staff and does not hold quasi-judicial hearings. By definition of the DRB and its purpose, the DRB staff members are required to communicate with the public and applicants. The DRB is a consensus board and requires each designated staff member, an expert in a specific area, to have no objections to an application. For each application, each member is asked whether they object. If there are no objections, meaning the application follows the requirements of the IDO, the application is approved with a consensus vote. The remaining alleged Open Meeting Act violations (“going in and out of public meetings and effectively into smaller group closed meetings”) are fabrications of Appellant.

5. The DRB is not an impartial decision-maker for this matter

The Opponents object to the DRB, as presently constituted and operated, deciding this matter, because the DRB is not an impartial decision-maker for this matter. The configuration of this matter at this point appears to be that the DRB is to conduct a quasi-judicial hearing for approval of the applicant’s site plan. Due process requires that the parties will have an impartial decision-maker. Procedural due process requires a fair and impartial hearing before a trier of fact who is “disinterested and free from any form of bias or predisposition regarding the outcome of the case”. New Mexico Bd. of Veterinary Medicine v. Riegger, 2007-NMSC-044, ¶27, 142 N.M. 248. Parties are entitled to an impartial tribunal, i.e. having had no pre-hearing or ex parte contacts concerning the question at issue. Albuquerque Commons Partnership v. City Council of the City of Albuquerque, 2008-NMSC-025, ¶34, 144 N.M. 99. In this case, substantive decisions to approve the site plan apparently have already been made outside of a public hearing by the Planning Department and then imposed on the DRB, for example that the 2018 IDO applies, that the prior case record shall not be part of the remand hearing record, what process the DRB will follow, and even setting an accelerated date for the remand hearing.

The DRB is controlled by the Planning Department. The DRB is chaired by the City Planning Department Director or its assignee and the Zoning Enforcement Officer (“ZEO”) also is a member, under both the 2018 IDO Section 6-2(D)(1) and the 2020 IDO Section 6-2(D)(1). Given the history of this case, it is not reasonable to have Planning Department employees control the decision process.

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The City has always organized and operated the DRB outside of quasi-judicial standards. In AC-18-20 (Exhibit 2), the LUHO ruled on March 28, 2019 that for certain variances the DRB would have to conduct quasi-judicial proceedings. City staff responded quickly against the LUHO decision, proposing a City Council resolution to make clear that, notwithstanding the LUHO decision, the DRB was not to conduct quasi-judicial proceedings (Exhibits 3-6). The then Planning Director, David Campbell, wrote on April 8, 2019, in response to a meeting about the proposed resolution:

The DRB is a technical board who should not be acting on discretionary items. I am not sure how we get there except to remove the process through DRB and move to ZHE or EPC. The DRB members can supply comments to the ZHE or EPC as commenting agency(s) vs. being the decision making body. Also as a sidebar, I would suggest removing Public Hearing items from the DRB and make all actions Public Meeting items.

City staff and the City Council responded by enacting R-2019-035 on May 20, 2019 (Exhibit 8) on an expedited “holdover” basis without discussion or even explanation of what they were doing (Transcript is Exhibit 7). After R-2019-035 was enacted, City staff sought the opinion of the LUHO about the effect of R-2019-035 (Exhibits 9, 10). The LUHO stated (Exhibit 10): “the changes are superficial, changing labels only.” Nonetheless, the City Council apparently has proceeded with the 2020 IDO continuing to applying R-2019-035 standards to DRB site plan decisions.

The DRB’s methods of operation and structure are incompatible with the requirements for quasi-judicial proceedings. The DRB essentially conducts its business in a “rolling quorum” method. See NM Attorney General’s Open Meetings Act Compliance Guide (2015), pp. 7-8. The DRB’s methods allow an applicant to obtain separate, private persuasion of or approvals from the DRB members outside of the public hearing. The quorum is acting outside of an open public meeting even as the members are separated physically.

In this matter, there is confusion about the record, whether the record should be numbered, and whether “normal” DRB procedures should apply (Exhibit 1). It appears that R-2019-035 still is in effect and has not been repealed or revised.

The 2018 IDO and the 2020 IDO are fatally flawed for DRB site plan approvals, because state law and even the various IDO versions require a quasi-judicial hearing for a site plan approval, but neither IDO provides a quasi-

November 18, 2021

judicial hearing process for such site plan applications. The City Council should review the District Court Remand Order and revise the IDO to create a quasi-judicial hearing process for site plan approvals.

6. The Planning Director has not determined that the Application at issue is complete

In this matter the applicant submitted its application on June 17, 2019. Both 2018 IDO Section 6-4 (H) and 2020 IDO Section 6.4 (G) require that an application must be “complete” to be considered. The Planning Director “shall determine whether the application is complete”. Incomplete applications are not to be set for a hearing. However, possibly due to the ex parte, rolling quorum manner in which the Planning Department and the DRB conduct development application reviews, the Planning Director never determined that the application was “complete”. Despite that “no development application shall be reviewed for compliance or scheduled for a public meeting or hearing by any decision-making body until it is determined to be complete” the application apparently was set for a hearing on July 17, 2019 concurrently with the filing of the application. Similarly the pending December 3, 2021 meeting date for this remand hearing has been set without clarity as to if and when the application was determined to be complete. The current DRB Rules allow for consideration of an incomplete application, and it would appear that the Planning Department and the DRB operate with that approach. City Planner Maggie Gould’s testimony at the August 14, 2019 DRB meeting (Exhibit 29) indicates that the Planning Department follows “kind of a two-step process” in determining if an application is complete.

The determination of completeness is not a merely clerical matter because, according to the City’s interpretations of the IDO, that determination of completeness vests the applicant with rights as to how the IDO will apply. The determination of completeness, under the IDO as interpreted by the City, constitutes a discretionary decision which changes property rights or entitlements for a particular property, and thus itself requires a quasi-judicial hearing under 2018 IDO Section 6-4(M)(3) and 2020 IDO Section 6-4(N)(3). The City Council should amend the IDO to provide for a quasi-judicial process to determine “completeness” of an application.

Exhibit 15, an e-mail string (last date June 27, 2019) involving the then DRB Chair and the applicant’s representative, indicates that the application was not complete as of June 27, 2019 because an owner’s letter of authorization was lacking.

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At its July 17, 2019 meeting about the application, the DRB ruled that additional submissions were required from the applicant (Exhibit 28). At its August 14, 2019 meeting about the application, the DRB ruled again that additional submissions were required from the applicant (Exhibit 30). The application was a work in progress even at the end of the DRB meeting of September 11, 2019: the DRB required “updating” and delegated review and approval for various matters (Exhibit 31). The actual drawings for which the applicant seeks approval at this point are dated November 27, 2019.

7. The IDO “Neighborhood Edges” Provisions Apply to the Applicant’s Site Plan

The lots of various Opponents on Tierra Morena NE adjacent to the subject property are zoned “R-1B”. Under the 2018 IDO’s and 2020 IDO’s “Neighborhood Edges” provisions (Section 5-9) these lots are entitled to certain “step-down” and other protections which are not provided in the applicant’s site plan.

On August 5, 2019, the City Council approved “Batch 1” of the IDO legislative rezonings which included the property (home) of one of the Opponents, Juanita Duran, at 8419 Tierra Morena NE (Exhibits 19, 20). Ms. Duran’s property abuts the subject development site and the rezoning imposes the “Neighborhood Edges” protections on the site plan. According to the Planning Department in one interpretation, that rezoning became final on September 8, 2019. The position of the Opponents is that the legislative rezoning approved August 5, 2019 applies to the development application filed June 17, 2019 because that application was pending when the legislative rezoning was enacted and under New Mexico law development applications are subject to changes in law during the approval process. An applicant does not obtain “vested rights” in the law applicable to a development application until the development is approved and the applicant invests some level of resources into the development.

In the prior administrative proceedings, the City did not consider important underlying facts and circumstances about the Neighborhood Edges provisions. The City relied upon and interpreted 2018 IDO Section 1-10(B), within the “Transitions from Previous Legislation” Section, which states:

Any application that has been accepted by the City Planning Department as complete prior to the effective date of this IDO, or any amendment to this IDO, shall be reviewed and a decision

November 18, 2021

made based on the standards and criteria in effect when the application was accepted as complete.

The City ultimately interpreted this provision to mean that the IDO or the neighboring zoning were frozen, for the applicant's application, as of the date the Planning Department considered that the applicant's application was "complete". This interpretation is problematic because the provision, located in the "Transitions from Previous Legislation" Section and addressing initially applications submitted before the effective date of the IDO, does not appear to be intended to have such far reaching consequences (that legislative rezoning, legislative amendments to the IDO or other City regulations do not apply to an application which has been for a hearing). "Completeness" of an application is considered at 2018 IDO Section 6-4(H) and contemplates a determination by the Planning Director that an application is "complete", which does not appear to have happened in this case. If the Planning Director's determination of "completeness" of an application is a date which triggers a freeze on all IDO amendments or other City enactments as to that application, that date is important and should be identified, in the record.

The legislative rezoning at issue were changes to the "Official Zoning Map", which is a separate instrument from the 2018 IDO. 2018 IDO Section 1-6, Official Zoning Map, states:

1-6(A) The standards and regulations in this IDO applicable to specific zone districts or Overlay zones apply to the areas of the City shown with those zone districts or Overlay zones on the Official Zoning Map.

2018 IDO Section 1-6(B) indicates that the City Council intended the Official Zoning Map to be separate from the IDO, and separately amendable:

The Official Zoning Map is the latest version of the zoning map as approved or amended by City Council and maintained in electronic form by the City Planning Department.

The most restrictive provisions of the IDO should apply to the applicant's proposal, if there is any conflict between IDO provisions and City regulations or state law. 2018 IDO Section 1-8(B) states:

1-8(B) If any regulation in this IDO conflicts with other applicable laws or regulations of the City, or conflicts with applicable state or federal law, the more restrictive provision

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shall prevail, unless the provisions of state or federal law, as interpreted by the courts, prevent that result.

The “Neighborhood Edges” provisions apply to this site plan for several reasons: the Tierra Morena voluntary zoning conversions were not “amendments” to the IDO; the IDO process contemplated the zoning conversions on Tierra Morena NE as an integral component of the IDO process; and granting the applicant a “vested right” for development upon filing an application conflicts with settled state law as to “vested rights” and quasi-judicial decision requirements.

Review of the various enactments for the “voluntary zoning conversions” (undertaken by various Tierra Morena Appellants), indicates that the “voluntary conversions” were not “amendments” to the IDO, and that the “zone conversion process” was contemplated and initiated even before the effective date of the IDO. Exhibits 12 through 25 set out some of the applicable enactments and related papers.

Enactment O-2017-025 (Exhibit 12) shows that the IDO and the IDO Zoning Conversion Map were enacted together. Page 21 of O-2017-025 provides that “the Planning Department intends to submit and sponsor a series of zone changes”. The City’s website discussed the post-IDO Voluntary Zone Conversion Process (Exhibit 16). Enactment R-2017-01 (Exhibit 17) shows that the voluntary conversion process was started before the IDO became effective.

Section 3(D) of Enactment R-2018-19 (Exhibit 18) page 6, states:

D. Final Decision Making Authority. The Phase II zoning conversion called for by this resolution is part of the comprehensive, City-wide rezoning associated with the IDO, and becomes effective only upon a final legislative action by the City Council. Property owners that are not eligible for the process outlined by this resolution, or that are otherwise unsatisfied with the zoning on their respective properties notwithstanding the results of this phase II process, may seek an individual zone map amendment through the relevant IDO zone map amendment process outlined in Section 14-16-7.

O-2019-021 (Exhibit 19) and the related Action Summary (Exhibit 20) show that “Batch 1” of the “Phase 2 Zoning Conversion Effort” was not a text or other amendment to the IDO, but was an “updating” of the Official Zoning

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Map. As stated on page 3 of Exhibit 19, “the Official Zoning Map is used to apply land use regulations in the IDO to development throughout the City and in decision-making for zoning map amendments and long-range planning”; the conversion “will help preserve neighborhood stability and land predictability”. Exhibit 21 and Exhibit 22 show that “Batch 2” similarly also was not a text amendment to the IDO but was an “updating” of the Official Zoning Map. Exhibit 23 shows that the Planning Department was following up on the zoning conversion requested by Appellant Marialuz Scarpa (8427 Tierra Morena) as of May 14, 2018. Appellants’ Exhibit 24 shows Juanita Duran’s (8419 Tierra Morena) zoning conversion request of October 26, 2018, confirmed by the Planning Department on November 5, 2018. Exhibit 25 shows the zoning conversion request of Opponent Stephen Wray (8505 Tierra Morena) on April 9, 2019.

In sum, the various enactments and related papers demonstrate that the zoning conversions for Tierra Morena NE to “R-1B” zoning were not IDO “amendments”, were contemplated before the IDO became effective and were part of the IDO process, and were in process well before the applicant submitted its application on June 17, 2019.

The applicant claims that its rights to develop under the property’s MX-L zoning vested as of the date the Planning Department considered that the application was “deemed complete”. This interpretation is contrary to “vested rights” analysis under applicable New Mexico case law. As set out in Brazos Land, Inc. Board of County Commissioners of Rio Arriba County, 1993-NMCA-013, 115 N.M. 168, a developer achieves vested rights in a project not upon submission of a complete application, but only when the project has been finally approved and the developer has relied substantially on that approval. The concept of “complete application” as applied by the applicant in this case limits the City from exercising its legislative authority to amend zoning, the IDO, or other City enactments as to pending development applications.

The applicant’s representative was aware of the timing and status of the “voluntary conversions”, for example stating at the May 21, 2019 Facilitated Meeting:

Q: What is the latest word from the City on the free zone conversion program?

(1) The Agent stated that he understands that the City is processing the voluntary zoning conversions in batches. Batch 1 hasn’t yet made it to City Council. When this project application is submitted, it’s the conditions in effect at that time of

VIA E-MAIL – agomez@cabq.gov
Mikaela Renz-Whitmore, Acting Chair
Development Review Board
City of Albuquerque

November 18, 2021

application that apply. The second batch is taking longer than people expected and may be in a few batches.

8. Significant Adverse Impacts

The Opponents and other concerned persons have identified a number of significant adverse impacts of the project as currently proposed. The Project Meeting Report from the May 21, 2019 meeting under the City's Land Use Facilitation Program summarized the concerns expressed at that meeting as follows:

Meeting participants raised concerns about many topics, including parking, light pollution, population density, traffic congestion, proximity to the school, safety, and impacts on existing property values. A number of neighbors expressed the concern that the number of units would result in unacceptable resident density in the context of the overall area and asked that the developer consider lowering the buildings to two stories, which would help address their parking and traffic concerns and ameliorate the impacts of light pollution, loss of privacy, and loss of mountain views. A summary of all concerns is included in the meeting specifics.

The density of the project and the impact on traffic and safety are priority concerns for the Opponents. Three schools, La Cueva High School, Desert Ridge Middle School, and Altura Preparatory Charter School, are each within a quarter mile of the proposed 93-unit site. Approximately 2,900 students travel to and from school each day in the area. Per 2018 IDO Section 6-4(J) "the location of the project, the amount of traffic generated from the development, and the existing conditions in the project area" are important for the extent of a traffic study. A traffic study for the project should be undertaken under these circumstances.

The garish colors proposed for the project also are an issue for the Opponents. The project should be designed to fit in with the generally subdued earth colors of homes and other buildings in the area.

The DRB should consider the concerns expressed in the various public meetings for the site plan application and mitigate the adverse impacts.

The IDO indicates that building height, parking, spacing, screening and buffering may have a significant adverse effect on neighboring residential

November 18, 2021

properties, by establishing the protections for “Neighborhood Edges” in Section 5-9. Section 5-6(E)(2) also indicates that buffering is appropriate for development next to low density residential zone districts. Features of the site plan at issue generate significant adverse effects for adjacent residential neighbors, for which the DRB should require mitigation.

The subject moderate density, garishly colored apartment project does not fit with their neighborhood and violates the “Area of Consistency” concepts of the Comprehensive Plan and consequently the IDO.

9. The Opponents Do Not Waive Other Issues Presented

The Opponents restate and do not waive any of the other arguments presented in this proceeding up to the District Court Order.

10. Proposed Findings and Conclusions of Law

The Opponents request the following findings and conclusions by the DRB:

1. The developer’s application at issue was filed June 17, 2019.
2. The application was not “complete” when filed on June 17, 2021.
3. R-2019-035 applied to the application in this matter when filed on June 17, 2019.
4. Opponent Duran’s property at Tierra Morena NE abutting the property was legislatively rezoned to “R-1B” effective no later than September 8, 2019.
5. The City Council has not repealed R-2019-035.
6. The substance of R-2019-035 was enacted into the 2020 IDO.
7. The 2020 IDO applies for this remand hearing.

November 18, 2021

8. The DRB lacks authority under the 2018 IDO and the 2020 IDO to hold a quasi-judicial hearing on site plan approval or the completeness of the initial application.

9. The DRB as presently constituted and operated is not compatible with quasi-judicial decision-making.

10. The application at issue has not been determined to be complete by the Planning Director.

11. The DRB is not able to determine when the applicant's application became "complete".

12. Opponent Juanita Duran's property was legislatively rezoned effective September 8, 2019 and became a "Protected Lot" under the Neighborhood Edges provisions. Several other Opponents also have had their properties rezoned such that those lots also are "Protected Lots" for the application at issue.

13. The IDO's "Neighborhood Edges" provisions apply to this Site Plan.

14. The Site Plan does not comply with the Neighborhood Edges provisions.

15. The Site Plan does not mitigate significant adverse impacts on the surrounding area to the maximum extent practicable.

16. The color of the project should match the earth tone colors of the area's neighborhood homes and other buildings.

17. Approval of this site plan is denied pending revisions of the site plan to satisfy the IDO's Neighborhood Edges provisions and mitigate adverse effects on the surrounding area to the maximum extent possible.

18. The DRB is not authorized to approve the site plan because the DRB is not a quasi-judicial decision body under the IDOs and because the Planning Director has not determined that the application is "complete" in a quasi-judicial process.

19. The application should be resubmitted under the provisions of the 2020 IDO.

VIA E-MAIL – agomez@cabq.gov
Mikaela Renz-Whitmore, Acting Chair
Development Review Board
City of Albuquerque

November 18, 2021

The Opponents reserve the right to supplement or amend these proposed findings and conclusions pending review of the evidence and testimony provided at the DRB meeting.

11. Conclusion

The Opponents request that the subject “moderate density” apartment project (in an ostentatiously “low density” zone) be redesigned to conform to their neighborhood’s low density residential character and the intent and standards of the 2020 IDO and adjacent zoning. The Site Plan should be revised to comply with the Neighborhood Edges provisions of the 2020 IDO. The adverse effects of the proposed project should be mitigated to the maximum extent possible. The color scheme of the project should conform to the earth tones of the buildings in the area.

The 2018 IDO and the 2020 IDO created unworkable arrangements for (i) DRB site plan approvals and (ii) determinations by the Planning Director of “completeness” of applications: those decisions require a quasi-judicial process under state law and even the IDOs, but the IDOs and R-2019-035 route those decisions into an ad hoc, ex parte, rolling quorum decision path under the control of Planning Department. The City Council should establish appropriate quasi-judicial processes for those decisions.

Several of the Opponents intend to present comments and objections to the proposed site plan at the scheduled December 3, 2021 DRB remand meeting.

Very truly yours,

YNTEMA LAW FIRM PA

By Hessel E. Yntema
Hessel E. Yntema III

cc (by e-mail): Consensus Planning, Inc.
Peter Lindborg, Esq.
Nicole Sanchez, Esq.

Enclosures: Exhibits 1-32

VIA E-MAIL – agomez@cabq.gov
Mikaela Renz-Whitmore, Acting Chair
Development Review Board
City of Albuquerque

November 18, 2021

LIST OF OPPONENTS

Joe O'Neill and Karen Baehr
8805 Pico La Cueva NE
Albuquerque, NM 87122-1315

Randolph and Shannon Baca
8501 Alameda Blvd. NE
Albuquerque, NM 87122

David L. and Anne M. Downing
8801 Henriette Wyeth Dr. NE
Albuquerque, NM 87122

Philip and Amber Le
8815 Pico La Cueva NE
Albuquerque, NM 87122

Paul and Jennifer Wever
8409 Tierra Morena Pl. NE
Albuquerque, NM 87122

Stephen M. Wray
8505 Tierra Morena NE
Albuquerque, NM 87122

Juanita Duran
8419 Tierra Morena Pl. NE
and
8512 Tierra Morena Pl. NE
Albuquerque, NM 87122

Nancy Jones
8504 Tierra Morena Pl. SE
Albuquerque, NM 87122

Maria and Paul Scarpa
8427 Tierra Morena Pl. NE
Albuquerque, NM 87122

YNTEMA
LAW FIRM P.A.
ATTORNEY AT LAW

VIA E-MAIL – agomez@cabq.gov
Mikaela Renz-Whitmore, Acting Chair
Development Review Board
City of Albuquerque

November 18, 2021

Vineyard Estates Neighborhood Association
8405 Vintage Drive NE
Albuquerque, NM 87122
Attention: Elizabeth Meek, President

North Albuquerque Acres Community Association
1103 Anaheim Ave., NE
Albuquerque, NM 87122
Attention: David Neale, President

District 4 Coalition of Neighborhood Associations
4109 Chama St. NE
Albuquerque, NM 97109
Attention: Daniel Regan

Knapp Heights Neighborhood Association
4109 Chama St. NE
Albuquerque, NM 87109
Attention: Daniel Regan

Salas, Alfredo E.

From: Hessel E. Yntema III <hess@yntema-law.com>
Sent: Thursday, November 18, 2021 1:53 PM
To: Gomez, Angela J.; Michael Vos; Planning Development Review Services; Renz-Whitmore, Mikaela J.; Grush, Matthew P.; Carter, Blaine M.; Cherne, Curtis; Firor, Laurie; Webb, Robert L.
Cc: Jim Strozier; Sanchez, Nicole A.; Peter Lindborg; Philip Lindborg
Subject: Letter and Exhibits re: DRB Remand for PR-2019-002496 (Alameda and Barstow)
Attachments: Letter to DRB 11182021.pdf

External

Ms. Gomez,

Attached is a letter on behalf of various opponents of the proposed site plan for the referenced project. I will send the exhibits referenced in the letter in a separate e-mail. Please place these papers in the record for the December 3, 2021 DRB meeting and advise by e-mail response if the papers have been placed in the record.

Thanks,
Hess

Hessel E. Yntema III
Yntema Law Firm P.A.
215 Gold SW
Suite 201
Albuquerque, New Mexico 87102
phone 505-843-9565
fax 505-242-2879
e-mail hess@yntema-law.com

This communication is confidential and is intended only for the use of the individual or entity named above. If you have received this communication in error, please immediately destroy it and notify the sender by reply e-mail or by telephone (505) 843-9565 (call collect).

On 11/15/2021 9:53 AM, Gomez, Angela J. wrote:

Good morning,

The information for the above referenced case has been added to the record.

Best,
Angela ~



ANGELA GOMEZ

DRB hearing monitor
development review services

o 505.924.3946

e agomez@cabq.gov

cabq.gov/planning

From: Michael Vos <Vos@consensusplanning.com>

Sent: Monday, November 15, 2021 9:46 AM

To: Planning Development Review Services <PLNDRS@cabq.gov>; Renz-Whitmore, Mikaela J. <mrenz-whitmore@cabq.gov>; Grush, Matthew P. <mgrush@cabq.gov>; Carter, Blaine M. <bcarter@abcwua.org>; Cherne, Curtis <CCherne@cabq.gov>; Firor, Laurie <lfiror@cabq.gov>; Webb, Robert L. <rwebb@cabq.gov>

Cc: Jim Strozier <cp@consensusplanning.com>; Sanchez, Nicole A. <nasanchez@cabq.gov>; Peter Lindborg <plindborg@lmllp.com>; hess@yntema-law.com; Philip Lindborg <phillindborg@comcast.net>; Gomez, Angela J. <agomez@cabq.gov>

Subject: DRB Remand Documentation for PR-2019-002496 (Alameda and Barstow)

External

Good morning,

Please find a supplemental submittal for the December 3, 2021 DRB remand hearing that includes documentation of public notice here: <https://www.dropbox.com/t/qcCdGUgPsP3r9b0a>

Please let me know if there are any questions or concerns.

Thanks,

Michael Vos, AICP

CONSENSUS PLANNING, INC.

302 Eighth Street NW
Albuquerque, NM 87102
phone (505) 764-9801
vos@consensusplanning.com



City of Albuquerque

MAYOR / CAO OFFICE

Richard J. Berry, Mayor

ADMINISTRATIVE INSTRUCTION NO: 8-2 (2016)

TITLE: Establishment of the Development Review Board

PRIMARY DEPARTMENT: Planning Department

INTENT

The Development Review Board (DRB) is hereby established to provide a forum for key City departments directly responsible for specialized aspects of the physical development of this community to review and make decisions on proposals scheduled for their hearings. The DRB is intended to meet three general goals:

1. Implement a more effective and less time-consuming review and approval process for both the City and the applicants.
2. Implement a mechanism for discussion where all key agencies and the applicants receive the same information and interface as a group, thereby establishing the same base for analysis of the proposal and its relevant impact on each agency's specialization area.
3. Facilitate better coordination, planning and judgment which will lead to better quality development in the City of Albuquerque.

DEVELOPMENT REVIEW BOARD ESTABLISHED

Section 1.

A. Establishment: There is hereby established a Development Review Board of the City of Albuquerque, hereinafter called the "DRB."

B. Organization: The DRB shall be composed of six (6) members, who are employees of the City of Albuquerque and Albuquerque Bernalillo County Water Utility Authority (ABCWUA) representing, the following:

- a. Planning Director or designee
- b. Director of Parks and Recreation or designee
- c. (ABCWUA) Water Resources Engineer, or designee
- d. Traffic Engineer, or designee
- e. City Engineer, or designee
- f. Zoning Enforcement Officer, or designee

C. Member Qualifications:

a. General:

1. A board member or alternate must be authorized to sign plats.
2. Each of the members and any designated alternates shall have qualifications which are commensurate with the qualifications to be established below.

b. Specific: Specific qualifications and responsibilities for each member shall be delineated within the Rules and Procedures recommended by the DRB and approved by the Chief Administrative Officer.

c. Conflict: If any item is to be considered in which any of the members voting on the item has a personal financial interest, he/she must disclose such interest and ensure that his/her alternate sits in review of that item.

D. Appointment:

- a. The appropriate department director shall appoint a member and an alternate.
- b. All appointments of members and alternates shall be made by written memo to the Planning Director, with the concurrence of the Chief Administrative Officer.
- c. Every member and alternate, unless removed, shall serve until a replacement has been assigned.
- d. In the case of the emergency absence of designated member(s), the appropriate department director can sit for, or can designate a temporary alternate for, the missing representative(s).

E. Member Removal:

- a. Any member (not alternate) of the DRB who has missed more than 50 percent of the meetings held during a three-month period shall be automatically removed from the DRB unless the appropriate department director assures the DRB that the member will attend in the future.
- b. Any member may be removed by written notice of the City Planner with the concurrence of the Chief Administrative Officer. A copy of the notice will be sent to the appropriate department director.

Section 2. DUTIES, RESPONSIBILITIES AND POWERS:

The DRB is hereby granted the responsibility for the exercise of administrative approval authority, advisory and review authority, potential duly delegated responsibilities, and powers of delegation as set forth in this section.

The DRB shall exercise administrative approval authority for:

- A. Subdivisions (where no rezoning action or annexation is required);
- B. Site development, for administrative approval and as delegated by the Environmental Planning Commission (EPC);
- C. Minor amendments to approved development plans;
- D. Sidewalk variances; and
- E. Sign-off for compliance with written conditions set by the EPC on development plans.

The DRB shall have the right to exercise advisory/review responsibilities for:

- A. Subdivisions for which rezoning and/or annexation is required;
- B. Sector development and area plans;
- C. Plans for transportation corridors shown on the Long Range Transportation System Guides or in an alignment study;

- D. Future street alignment recommendations;
- E. Facilities master plan review for flood control;
- F. Functional review of site development plans to be approved by other bodies; and
- G. Preliminary subdivision and/or sector plan service agreements as appropriate.

1. The DRB is hereby authorized to act, subject to approval by the Mayor, in other matters which may be duly delegated by the responsible entity(ies).

2. The DRB may delegate responsibilities assigned to it:

A. To Committees: The chairperson, with concurrence of a majority vote of the DRB, may create committees and assign responsibilities and authority in writing from time to time as it may deem necessary or desirable. DRB committees may be formed from DRB members and/or other City staff. Committees shall handle specific project areas, special problems and shall carry out the assigned duties, responsibilities and powers of the DRB. The DRB shall select the members, and the committee will select its chairperson.

a. Committees established by the DRB shall proceed by these rules of procedure.

b. When related staff development review committees are established by other bodies, such as the design team established by the Sidewalk Ordinance, the DRB shall make recommendations as appropriate for implementation.

B. To Staff Agencies: The DRB will establish criteria and standards to allow staff to exercise administrative approval on specific types of requests. The criteria and standards must be appended to the rules of conduct of the DRB prior to delegation of authority. A consensus is required to establish or amend the criteria or standards.

Section 3. ORGANIZATIONS AND MEETINGS

1. Chairman: The City Planner or his designated representative shall be the chairman of the DRB.

2. Decisions

A. By Consensus:

A consensus of all five members is necessary to advise and to exercise administrative approval on items before the DRB. Failure to achieve a consensus shall be deemed a denial for purposes of appeal unless a deferral is agreed to in writing by the applicant.

B. By Vote:

Voting occurs on rules, procedures, and similar items. A simple majority of votes cast shall carry all motions.

3. Meetings and Hearings:

A. Open Meetings. All DRB meetings are open to the public.

B. Meetings shall be held on a regularly scheduled basis.

C. Special meetings. Special meetings may be called by the chairperson with at least twenty-four hours public notice posted in the lobby of City Hall. Such meetings shall be open to the public.

D. Notice. Notice of time and place of DRB hearings shall be in accordance with the ordinances, rules and regulations governing the items under discussion.

E. Quorum. A DRB quorum consists of all five members or their alternates. A quorum is necessary to conduct business.

F. Records. The DRB shall maintain records of all matters which it considers. Such records shall be kept available for public inspection during regular working hours.

APPEALS:

1. A denial based on irreconcilable conflict between members will be resolved by the Environmental Planning Commission.
2. Any individual or agency may appeal a DRB decision. Appeals follow the process appropriate to the type of request.

REFERENCES: *none*



Robert J. Perry
Chief Administrative Officer

9/11/17

Effective Date

Salas, Alfredo E.

From: Hessel E. Yntema III <hess@yntema-law.com>
Sent: Friday, November 19, 2021 1:44 PM
To: Gomez, Angela J.; Michael Vos; Planning Development Review Services; Renz-Whitmore, Mikaela J.; Grush, Matthew P.; Carter, Blaine M.; Cherne, Curtis; Firor, Laurie; Webb, Robert L.
Cc: Jim Strozier; Sanchez, Nicole A.; Peter Lindborg; Philip Lindborg
Subject: Re: Letter and Exhibits re: DRB Remand for PR-2019-002496 (Alameda and Barstow)
Attachments: AI 8-2 Establishment of the Development Review Board.pdf

External

Ms. Gomez,
Please add an additional exhibit, Administrative Instruction 8-2 (2016) (copy attached), to the record on behalf of the Opponents I represent.
Thanks,
Hess

Hessel E. Yntema III
Yntema Law Firm P.A.
215 Gold SW
Suite 201
Albuquerque, New Mexico 87102
phone 505-843-9565
fax 505-242-2879
e-mail hess@yntema-law.com

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On 11/19/2021 12:54 PM, Gomez, Angela J. wrote:

Good afternoon,

This information has been added to the record.

Best,
Angela ~



ANGELA GOMEZ

DRB hearing monitor
development review services

o 505.924.3946

e agomez@cabq.gov

cabq.gov/planning

From: Michael Vos <Vos@consensusplanning.com>

Sent: Friday, November 19, 2021 12:32 PM

To: Gomez, Angela J. <agomez@cabq.gov>; Hessel E. Yntema III <hess@yntema-law.com>; Planning Development Review Services <PLNDRS@cabq.gov>; Renz-Whitmore, Mikaela J. <mrenz-whitmore@cabq.gov>; Grush, Matthew P. <mgrush@cabq.gov>; Carter, Blaine M. <bcarter@abcwua.org>; Cherne, Curtis <CCherne@cabq.gov>; Firor, Laurie <lfiror@cabq.gov>; Webb, Robert L. <rwebb@cabq.gov>

Cc: Jim Strozier <cp@consensusplanning.com>; Sanchez, Nicole A. <nasanchez@cabq.gov>; Peter Lindborg <plindborg@lmllp.com>; Philip Lindborg <phillindborg@comcast.net>

Subject: RE: Letter and Exhibits re: DRB Remand for PR-2019-002496 (Alameda and Barstow)

External

Angela,

Please see attached for our proposed Findings of Fact and Conclusions of Law for DRB consideration. Please add this to the record for today's deadline.

Best regards,

Michael Vos, AICP

CONSENSUS PLANNING, INC.

302 Eighth Street NW
Albuquerque, NM 87102

phone (505) 764-9801

vos@consensusplanning.com

From: Gomez, Angela J. <agomez@cabq.gov>

Sent: Thursday, November 18, 2021 2:25 PM

To: Hessel E. Yntema III <hess@yntema-law.com>; Michael Vos <Vos@consensusplanning.com>; Planning Development Review Services <PLNDRS@cabq.gov>; Renz-Whitmore, Mikaela J. <mrenz-whitmore@cabq.gov>; Grush, Matthew P. <mgrush@cabq.gov>; Carter, Blaine M. <bcarter@abcwua.org>; Cherne, Curtis <CCherne@cabq.gov>; Firor, Laurie <lfiror@cabq.gov>; Webb, Robert L. <rwebb@cabq.gov>

Cc: Jim Strozier <cp@consensusplanning.com>; Sanchez, Nicole A. <nasanchez@cabq.gov>; Peter Lindborg <plindborg@lmllp.com>; Philip Lindborg <phillindborg@comcast.net>

Subject: RE: Letter and Exhibits re: DRB Remand for PR-2019-002496 (Alameda and Barstow)

Good afternoon Mr. Yntema,

This has been added to the record.

Best,
Angela ~



ANGELA GOMEZ
DRB hearing monitor
development review services
o 505.924.3946
e agomez@cabq.gov
cabq.gov/planning

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Sent: Thursday, November 18, 2021 1:53 PM
To: Gomez, Angela J. <agomez@cabq.gov>; Michael Vos <Vos@consensusplanning.com>; Planning Development Review Services <PLNDRS@cabq.gov>; Renz-Whitmore, Mikaela J. <mrenz-whitmore@cabq.gov>; Grush, Matthew P. <mgrush@cabq.gov>; Carter, Blaine M. <bcarter@abcwua.org>; Cherne, Curtis <CCherne@cabq.gov>; Firor, Laurie <lfiror@cabq.gov>; Webb, Robert L. <rwebb@cabq.gov>
Cc: Jim Strozier <cp@consensusplanning.com>; Sanchez, Nicole A. <nasanchez@cabq.gov>; Peter Lindborg <plindborg@lmlp.com>; Philip Lindborg <phillindborg@comcast.net>
Subject: Letter and Exhibits re: DRB Remand for PR-2019-002496 (Alameda and Barstow)

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Thanks,
Hess

Hessel E. Yntema III
Yntema Law Firm P.A.
215 Gold SW
Suite 201
Albuquerque, New Mexico 87102

phone 505-843-9565
fax 505-242-2879
e-mail hess@yntema-law.com

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On 11/15/2021 9:53 AM, Gomez, Angela J. wrote:

Good morning,

The information for the above referenced case has been added to the record.

Best,
Angela ~



ANGELA GOMEZ
DRB hearing monitor
development review services
o 505.924.3946
e agomez@cabq.gov
cabq.gov/planning

From: Michael Vos <Vos@consensusplanning.com>
Sent: Monday, November 15, 2021 9:46 AM
To: Planning Development Review Services <PLNDRS@cabq.gov>; Renz-Whitmore, Mikaela J. <mrenz-whitmore@cabq.gov>; Grush, Matthew P. <mgrush@cabq.gov>; Carter, Blaine M. <bcarter@abcwua.org>; Cherne, Curtis <CCherne@cabq.gov>; Firor, Laurie <lfiror@cabq.gov>; Webb, Robert L. <rwebb@cabq.gov>
Cc: Jim Strozier <cp@consensusplanning.com>; Sanchez, Nicole A. <nasanchez@cabq.gov>; Peter Lindborg <plindborg@lmllp.com>; hess@yntema-law.com; Philip Lindborg <phillindborg@comcast.net>; Gomez, Angela J. <agomez@cabq.gov>
Subject: DRB Remand Documentation for PR-2019-002496 (Alameda and Barstow)

External

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<https://www.dropbox.com/t/qcCdGUgPsP3r9b0a>

Please let me know if there are any questions or concerns.

Thanks,

Michael Vos, AICP

CONSENSUS PLANNING, INC.

302 Eighth Street NW

Albuquerque, NM 87102

phone (505) 764-9801

vos@consensusplanning.com

Subject: Site Plan comments for Alameda Luxury Apartments PR-2019-002496
From: "dave@jeebsandzuzu.com" <dave@jeebsandzuzu.com>
Date: 7/15/2019, 8:24 AM
To: "Gould, Maggie S." <MGould@cabq.gov>, "Dicome, Kym" <kdicome@cabq.gov>
CC: Jim Strozier <cp@consensusplanning.com>, 'Michael Vos' <Vos@consensusplanning.com>, 'Omega Delgado' <delgado@consensusplanning.com>, 'Philip Lindborg' <phillindborg@comcast.net>, 'zsnyder' <zsnyder@snyder-const.com>

Good Morning Maggie,

Thank you for your review and comments regrading our DRB application. I have provided a letter of response and clarification which I trust addressed the concerns noted. If you see anything that I missed or which I may have not fully understood, please let me know.

Thank You.
Dave Hickman

J. David Hickman
Jeebs & Zuzu, LLC
Office (505) 797-1318
Cell (505) 239-4264

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

— Attachments: —	
image001.jpg	0 bytes
LT MG - Monet Planning comments.pdf	2.1 MB





July 15, 2019

Maggie Gould
Planning Department
City of Albuquerque
Plaza del Sol, 600 2nd St
Albuquerque, NM 87102

RE: DRB Site Plan Comments
Project Number: PR-2019-002496
Application Number: SI-2019-00181
Project Name: Alameda Luxury Apartments

Dear Ms. Gould,

We appreciate your review of our recent application to the DRB for site plan approval. Thank you for your comments. I will endeavor to respond to each of them below. My clarifications are provided in red.

Site Plan

1. Only 3 motorcycle spaces are shown on the plan, 5 are shown in the parking calculations please clarify. The site plan does include 5 spaces. Three are shown on the west section and two additional spaces are provided on the east section. It should also be noted that in our own review of the parking layout, we noticed that the site plan exceeded the allowable percentage of compact car spaces. We have corrected this mistake. This required only small changes and one of these changes was the location of the motorcycle spaces. I have provided a noted and highlighted site plan which shows the locations of the compact spaces, the new locations of the motorcycle spaces and the accessible spaces.
2. Clarify matchline - it would be easier to review site plan on one sheet. We agree that the matchline is unfortunate, but the application and checklist requirements for both the scale of the drawings and the size of the sheets are very specific. Given the dimensions of the site, we were unable to meet each of these requirements without splitting the site onto two separate sheets.
3. Keyed note 32 does not appear to be on the plan- please clarify this fencing. The keynotes on both the west and east sheets are the same. This was to create less confusion. Note 32 is found on the east sheet and describes the fencing around the dog park area.
4. Relocate dumpster away from residential use on the south of the site. The dumpster locations were provided by solid waste in our review meeting with their staff. They plan to enter the site from Barstow, circle through and then leave onto Alameda. The dumpsters at the far east align with the dumpsters on the adjacent property to the east. The dumpsters along the south are to be recycle only. This was recommended by the Solid Waste staff and should help mitigate smells.

11030 Menaul, NE Suite C

Albuquerque, NM 87112

(505) 797-1318 Office



5. Property will require a replat prior to site plan approval. Yes, we understand. A replat of the property was submitted previously by Cartesian Surveying. The Project # is PR-2019-002496 and the application # is PS-2019-00044.
6. Clarify bicycle parking on the east of the development- rack should be provided. A bicycle parking pad and rack shall be provided adjacent to the western staircase of the eastern building. This has been noted by keynote #20. Additionally, indoor bike storage is also planned to be provided within this building.
7. 5-3(D)(3)(b) Network of Walkways. Paragraph 3 refers to the zoning designation of the property, which in this case is mixed use, so the requirements of this section would be applicable to this project. Subparagraph b is specific to all mixed use and non-residential projects. This project is strictly residential in nature (multifamily), so the 8 foot requirement would not apply. The base requirement then is a 4 foot sidewalk with an additional 2 foot requirement for the overhang of the parking spaces. A 6 foot sidewalk has been provided which connects each of the primary entrances to the public way.
8. 1. On-site pedestrian walkways that meet the minimum width required by the DPM shall be provided between the pedestrian entrances of each primary building on the site. On the updated parking plan I have highlighted the primary entrances of the buildings. The circulation throughout the buildings are on the interior, with the primary entrances being off the parking lot and adjacent to the community building for greater access control and security.
9. 2. On-site pedestrian walkways shall connect to all of the following: a. A sidewalk meeting the standards of the DPM along at least one lot frontage that extends to the boundary of the subject parcel. The six foot sidewalk extends to both Barstow and to Alameda.
10. 5-11-(D)(1)- entrances are not clear. See above.
11. 5-11(E)(2)(a)- it is not clear that the building meets this requirement- please explain. On both the Alameda and Barstow building facades, the buildings have been designed to include windows on the upper floors and an overhanging roof element which will shade the façade. We believe that these two elements satisfy the requirements of 5-11(D)(2)(a), which we think is the section being referenced in this comment. It should also be noted that one of the comments from the facilitated neighborhood meetings was a request to add further interest to the Barstow building elevation. We made some modifications to add further interest. I have attached an updated elevation of that façade.

Walls

1. 5-7(D)(1) shows allowed wall height. Confirm height and location of walls and fences (see note 3 above). We had incorrectly depicted the low yard walls along Alameda to be 4 feet tall. These have been revised to be 3 feet tall.



Landscape

1. Plan must reference the IDO , not previous code. The landscape plan sheets will be updated to reference the IDO instead of the City water ordinance.
2. Label streets. Will be corrected.
3. Street trees spacing- clarify canopy width 5-6(D)(1). A general note will be added to the Landscape Plan which restricts the selection of street trees to the City's Official Albuquerque Plant Palette and Sizing List. We believe that this is what is being requested from this comment. Please advise if this was not the intent.
4. Confirm that all parking spaces are within 100 feet of a tree 5-6 (F)(2)(c). All parking spaces are located not more than 100 feet from a shade tree in accordance with this section.
5. 5-6 (F)(1)(i) requires parking lot screening- for parking areas within 30 feet of the property line- a wall may not be possible , but evergreen landscaping also meets the. The southern edge of the property is bounded by an existing 6 foot CMU wall which will remain in its current configuration and height. We believe that the wall will satisfy any requirements for protection against headlights as is required by this section.
6. 4-3(B)(7)(a) requires 1 tree per ground floor unit and 1 tree per second floor unit- please clarify this on the landscaping plan. The property includes 31 ground floor units and 31 second floor units. 67 trees are provided which meets the requirement noted above. This schedule and computation have been added to the landscape plan.
7. Shade trees along required pedestrian walkways are required pursuant to Subsection 14-16-5-6(C)(4)(h) (Required Plant Materials and Site Amenities). The pedestrian route which extends throughout the property and connects to both Alameda and Barstow is planted with shade trees. A general note will be added to the Landscape Plan which restricts the selection of street trees to the City's Official Albuquerque Plant Palette and Sizing List. We believe that this is what is being requested from this comment. Please advise if this was not the intent.
8. Confirm compliance with section 5-6(C)(5)-
 - clarify mulch and gravel placement A general note referencing the requirements of mulch at planting beds and under tree canopies with the restrictions of crusher fines to 50 percent of any outdoor space will be added to the landscape plan.
 - it is not clear if wheel stops are provided All planting beds are protected from vehicle encroachment with a concrete curb. The curbs are typically 6 inches in height, but along the south edge of the property, they extend to 24 inches as described on the grading and drainage plans.



I hope that I have addressed your concerns and comments as you had intended. Please let me know if I have misinterpreted something, or if you feel that we have not sufficiently addressed your concern.

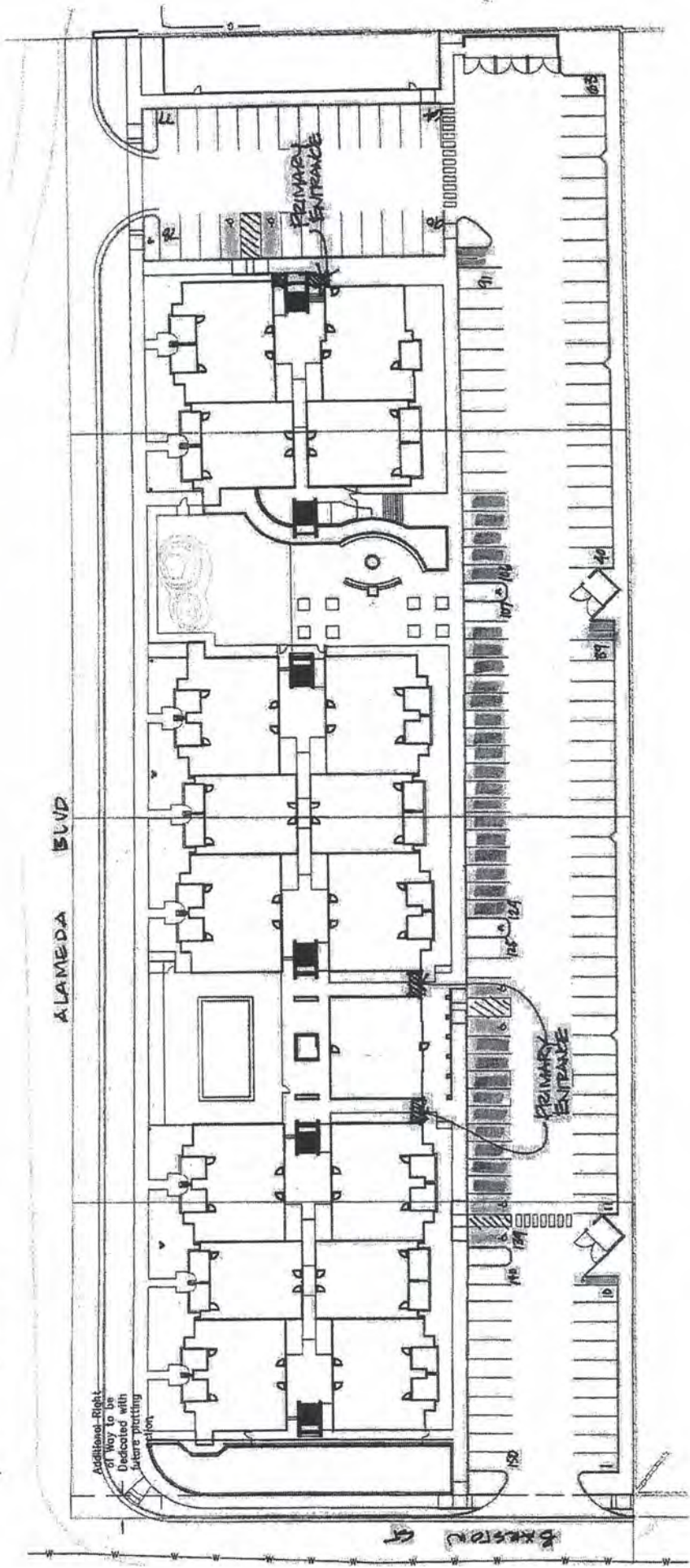
Again, we very much appreciate your time and efforts on our behalf.

Sincerely,


J. David Hickman,
Architect

Parking
 150 spaces total
 6 accessible spaces
 2 van accessible spaces
 15 motorcycle spaces
 31 compact spaces

Color Legend
 [shaded box] = Accessible Space
 [hatched box] = Compact Car Space
 [diagonal lines] = Motorcycle Space





JFB & ZUZU, LLC.
ARCHITECTS & CONTRACTORS
1100 PENNA. NE
ALBUQUERQUE, NM 87132
P: 505-792-1318
SUITE C



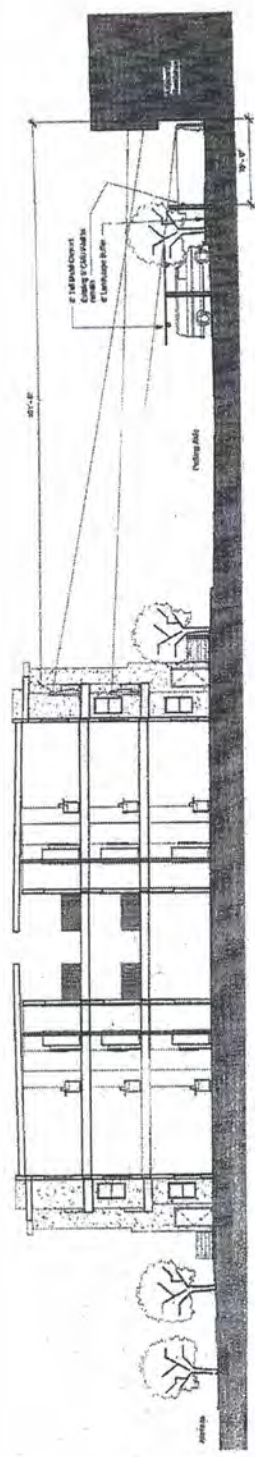
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ALAMEDA LUXURY APARTMENTS
8400 ALAMEDA BLVD. NE
ALBUQUERQUE, NM 87112

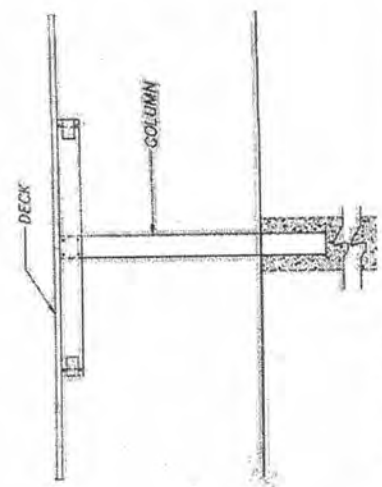
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WWW.JFB&ZUZU.COM

TA0Y A3 PL



1) Side Elevation
1" = 10'-0"



Detail Covered Parking Detail



2) Aerial View Looking North



JEBBS & ZUZU, LLC
ARCHITECTS & CONTRACTORS
MARKING HOUSE CALLS
11000 MERRILL AVE
ALBUQUERQUE, NM 87112
SUITE C
P. 505.797.1318



Job No: JZ
Drawing: JZ
Client: JZ
Date: 6/4/10

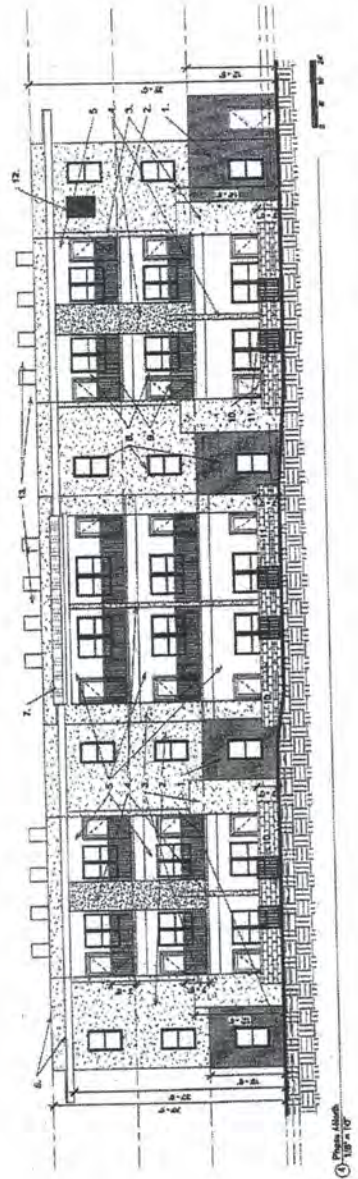
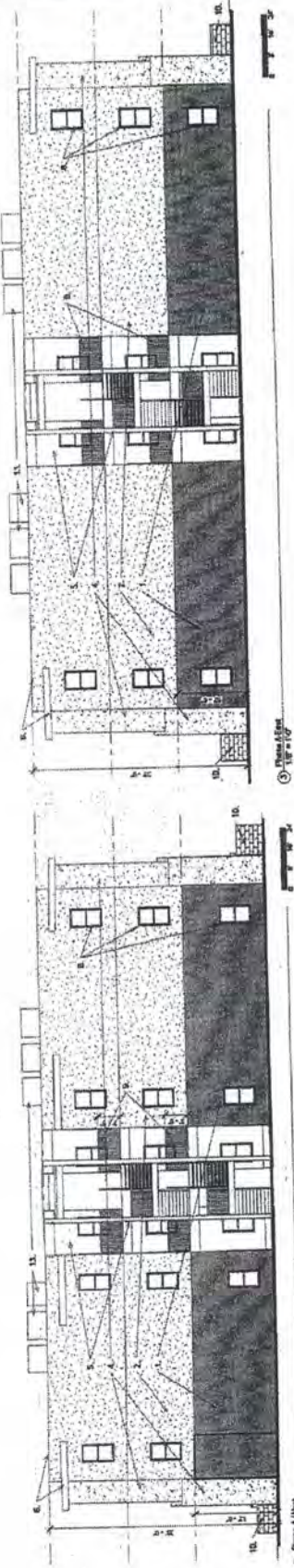
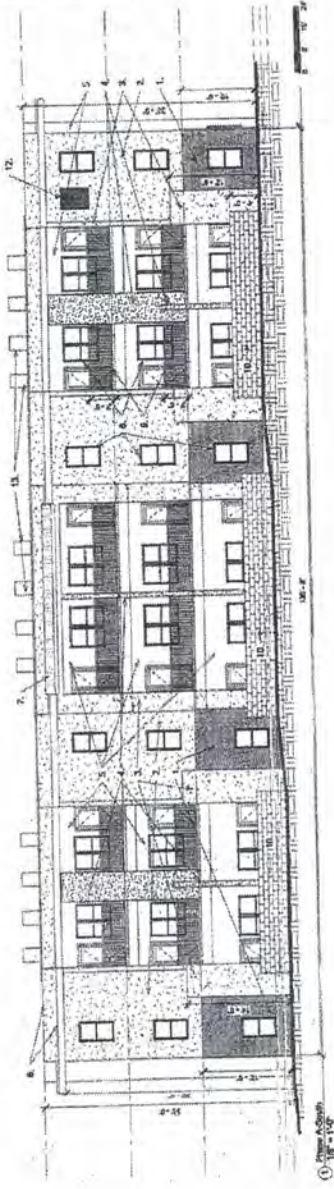
ALAMEDA LUXURY APARTMENTS
3700 ALAMEDA BLVD, NE
ALBUQUERQUE, NM 87112

TABLE A-5 FILL

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Keyed Notes:

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MS. MICHEL: Oh, to the south, yes so that is part of the transition that I was talking about, the transition of striping so there won't be any parking available in those areas. They'll have to use the school facilities for parking for drop-off.

MR. STROZIER: Okay, I just, that came up and I want to make sure that was clear.

MS. MICHEL: There was, I mean, let's see...at least four people mentioned traffic. I do understand that there is a good amount of traffic in this area. As far as my concern, my comments are concerned we need at least a couple weeks for you to defer and then come back, so I would suggest providing a trip generation exhibit showing what the trips this project develops. Just to show that you are taking that into consideration.

CHAIR DICOME: Okay thank you. Water Authority your comments.

MR. KRIS CADENA, WATER AUTHORITY ENGINEER: Hello good morning. We've received an availability statement #180916 that provides the conditions for service. We provided comments for the utility plan, like to clarify the property line, and just make sure that that's shown on the utility plan. Also keep landscaping away from the fire lines, 10 feet away or in regards to trees and the hydrants do not match the Fire One Plan, so if you can just provide a revised utility plan that shows that. And there is pro-rata assessed for the property, that should be paid prior to approval. Thank you.

CHAIR DICOME: Okay thank you. Hydrology, your comments?

MR. RENEE BRISETTE, HYDROLOGY ENGINEER: Hydrology still needs an approved grading and drainage plan. We sent you a comment letter back on the 15th of last month.

MR. STROZIER: Right.

MS. BRISETTE: Drainage items will be required on the infrastructure list and that will be based on the grading and drainage plan and the drainage report.

MR. STROZIER: Got it.

CHAIR DICOME: Alright, thank you. Parks had no comments. You received a copy of our comments, I won't go through every detail but for the site plan, we talk about motorcycle spaces, clarify the match line, key note 32 doesn't appear on the plan, just clarify that this is fencing, I believe that's what it was. Relocate dumpster away from residential use on the south side. You'll have to coordinate that with Solid Waste. Clarify bicycle parking, On site pedestrian walkway needs to meet the minimum width requirement per the DPM, on site shall connect to the following: a sidewalk median the standard, the DPM along at least one lot frontage that extends to the boundary of the subject parcel. There's one section that the entrances, it's 14-16-5-11(D)(1) where the entrances aren't clear, I

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believe that pedestrian entrances need to be clarified per that section. Also (E)(2)(A), you did submit a supplemental email, but again pertaining to the building, the ground floor is supposed to be different than the upper floors through architectural features and we got a narrative but I think the language or the coordination on that needs to continue. Again section 14-16-5-7(D)(1) shall allow wall height, confirm height and location of walls and fences. And then there's some minor comments about the landscaping. The street trees need to be clarified, as well as the parking spaces. Of course, the requirement of 14-15-5-6(F)(2)(C) is that no parking space will be more than a hundred feet from a tree, which is why you put the trees along that south boundary, I think there's five. And there seems to be concern about the width of that landscaping but because of the trees, I think Mr. Griffie brought up that point in his narrative that he submitted but those are in an area that is larger than or wider than the minimum 5 1/2 feet, I just wanted that on the record, from your site plan, so there's a little more space there. And maybe needs to be conversation about the type of trees because there seems to be concern about roots under the south wall because that is an existing wall on the south boundary of your property.

MR. STROZIER: Correct.

CHAIR DICOME: Okay we can continue the conversation...

MR. STROZIER: Yeah, and we did receive comments about the trees that were specified along that south boundary and we are taking a look at....

CHAIR DICOME: Okay, because we'll have time because obviously this case is going to be deferred. I did find out that the trail, there's a multi-use trail that shows up on that plan but has not been constructed on either side of the road, the opposite side didn't develop it that way but I think we need to continue that conversation. I mean, if it's a trail to nowhere, but if there's already a sidewalk? We can work with DMD.

MS. MICHEL: Yeah, I'm sorry I forgot to mention there were significant comments from DMD and one of those was a trail. Further west on Alameda, it is decided that the trail would be on the north side of the street and there would be six foot sidewalk on the south side but we'll have to discuss, we'll have to look at what's to the west of Barstow itself and see if a connection can be made. So we'll have to look and make sure that's correct.

MR. STROZIER: Okay. It appears that there's sidewalk on both, in both directions on the side of Alameda but we're, we'll continue that conversation and make sure we're doing what is needed.

CHAIR DICOME: Okay, did you have any other questions of the Board? So we are looking at minimum of 4 weeks. Does that sound reasonable to you all or do you need more time?

MR. STROZIER: Not more....

CHAIR WOLFLEY: That's not in writing. Was that your question?

MR. YNTEMA: Yes.

CHAIR WOLFLEY: No that is not in writing.

MR. YNTEMA: Okay. And those decisions were decided internally in the Planning Department?

CHAIR WOLFLEY: Correct.

MR. YNTEMA: Okay. Was there ever a determination Ms. Gould that this application was complete by the Planning Director?

MS. GOULD: So the way the application process works is front counter staff and often with, if there is a planner available or the Planning Manager goes over the application, there's an application check list and we accept the application as an application and schedule it if the applicant has provided everything that they are supposed to provide on the checklist. So, once that occurs then the second step is the more in depth analysis so we look over the site plan because we can tell that the applicant has submitted what they are supposed to submit but we can't tell if it actually meets the requirements until we do that analysis which is then when we send the applicant their project memo that says, these are our concerns or these are our questions, or please address the following things. And so it's kind of a two step process that we take an application that is a complete application but then it requires the analysis to determine what the next steps are.

MR. YNTEMA: And I'm trying to understand and ask about that in connection with the LUHO's determination that the zoning, the adjacent zoning is set or frozen for consideration of this application, when the application is deemed complete. So it sounds like there are multiple dates involved.

MS. GOULD: I wouldn't say that there are multiple dates. The application packet meets all of the requirements and then there is the analysis. So by the time, I guess I'm not entirely sure how to answer that final question because you have a complete application package but then that analysis is required. And so we take in the application. If the application has everything the application is supposed to have, we schedule it for the hearing date.

MR. YNTEMA: Okay. Thank you. Can you tell us about the status of the DPM?

MS. GOULD: So it's my understanding that there is an updated DPM that is waiting for final consideration but I cannot tell you anything beyond that. And I'm not actually sure who the right person to ask that question to is but we can definitely find that out.



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that, I think that either Dave or Scott have any additional comments we can certainly provide those.

MR. DAVE HICKMAN: I'll talk just a little bit about the alignment. I have an exhibit that shows the overlay of the property on the aerial topo, so what is proposed is an exact alignment of the property lines and the sidewalks and lanes that would continue through on Barstow and Alameda, so there isn't a misalignment issue. I know there's some confusion about the west side of the intersection on Barstow which has that...

CHAIR DICOME: Excuse me, can you just do me a favor and hand them this copy so they can look at it?

MR. HICKMAN: Sure.

UNIDENTIFIED SPEAKER: Some people might want to look at that so if we could have several?

CHAIR DICOME: I don't know if we have enough, so if you'll pass it around.

MR. HICKMAN: I know there is a right turn lane on Barstow that has been added to that width and I think, I believe that, that could be a cause of some of the alignment questions that are occurring in that intersection. I do have a larger blow up to demonstrate that right turn lane and how that would adjust. The previous as was mentioned by Mr. Griffie, the previous take on the property is a 62 foot into the right-of-way so it will align with the properties to the east. I want to talk a little bit about refuse I know we've gotten comments back.

CHAIR DICOME: Yes, what we can do is we'll do is we'll go through board's comments, and we can address those questions, but just as far as any other issues to address the public comments? Okay. Before we go through the boards comments I just want to put a couple things on the record that were stated. These are in response to the comments. Again the zoning on this site does exist, and that is what this board reviews, because that is what exists. The Vineyard Sector Development Plan is no longer in place so we can't review this property under those requirements or those standards. And again the height is per the zoning in the IDO. And there were a lot of policies that were cited or the fact that there are policies, just keep in mind that this is a technical board and a lot of those policies then turn into regulations. That is what they are supposed to do in the IDO and we review these cases under those regulations. So I just want to make that clear. And I was also going to state that APS did submit comments and there is ample space in the 3 facilities they have in the area. Also there was concern about traffic pouring onto other streets, again those are public streets and we can't really control that - again, they are public streets. So I just want to make those points of clarification and with that we are going to go ahead and go through the Board's comments. Water Authority, your comments?

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MR. KRIS CADENA, P.E. WATER AUTHORITY: Hello, good morning. We've issued an Availability Statement #180916 which provides the uses for service. The Utility Plan that showed proposed fire lines so just make sure there's trees not existing over the areas where the water lines (unintelligible). And there is pro-rata owed and we have not (unintelligible) the comment sheet that would be required prior to.

CHAIR DICOME: Thank you, Code Enforcement, your comments.

MR. JACOBO MARTINEZ, CODE ENFORCEMENT: Thank you, Code Enforcement has sent comments concerning the compact parking and I'm going to read directly from the IDO from 5.5 F1 A(2) "if the total required parking exceeds 20 spaces, 25% of the total required parking may be designed as compact parking spaces" I just want to make sure that you guys are within that 25% as pursuant to the IDO. Also the proposed buildings do cross existing lot lines, a replat will have to be completed before we would accept this as, to move forward.

CHAIR DICOME: Thank you. Hydrology your comments.

MR. SHAHAB BIAZAR, CITY ENGINEER/HYDROLOGY: We have an approved grading and drainage plan with engineer stamp date 7/26/19. The approved grading and drainage plan needs to be included with the DRB set and there are several comments regarding the infrastructure list and I don't know if you have received those but the 24 inch storm drain pipe noted on the plans should be a 30 inch on Barstow from Alameda to Oakland and they also need to include a 24 inch that crosses at Alameda to the other side for future inlet. And also you need to kind of separate all the items. They are all jammed in together, you have to separate your storm drain, your sanitary sewer, your water line, so separate those out to make it more clear.

CHAIR DICOME: Alright, thank you. Transportation?

MS. JEANNE WOLFENBARGER, P.E. TRANSPORTATION: Right-of-way shall be indicated on the plat prior to site plan approval. Also some minor comments I have to define the width the site entry off of Alameda on the infrastructure list. Please label the 6 foot sidewalk, 6 foot bike lane along Barstow Road. I think you have that shown on your infrastructure list, all the facilities that you need, you just need to be clearly labeled on the plan. All the lanes and all the cross section as well so we can see how everything fits together. I didn't see anything with regard to traffic control transitions. I just want to make sure it fits well with the area to the north, south, east and west ties into DMD's future roadway improvements and that we just have a safe roadway to travel on as it transitions from a wider section into a narrow section. Thank you for providing the trip generations, it does show that it's below the thresholds by the City needed for a

traffic study, but I do believe that your widened section will help with pedestrians, bicyclists and traffic along your frontage, also the Solid Waste of approval.

CHAIR DICOME: Yeah which I think we need to talk about because that has been an issue. Okay thank you. Parks had no objection, no comment and as far as our comments that were submitted initially and given to you on the 17th. You've addressed the majority of those, but again the property has to be replatted prior to the site plan approval. I think you are aware of that. Clarify bicycle parking, on site pedestrian walk ways that need to meet the minimum width required for the DPM, I think you can address that. It is not clear that the building meets this requirement which I believe is the façades, Maggie is that correct?

MS. MAGGIE GOULD, STAFF PLANNER: Yes that is correct. (unintelligible)

CHAIR DICOME: Why don't you come on up and pull up a seat. Then are some comments which I'll let Maggie through about the walls. Also carport detail, which you submitted yesterday or the day before and then, do all the phases have adequate parking and then see section 5-6C9 for planting in the public right-of-way.

MS. GOULD: Just clarify the discrepancy between the Barstow façade on the color renderings of the resubmittal with what's on the plan set and so the improvements to those facades, so they have a little something more going on as we've discussed. And then just the wall height on, is still shown at 6 feet it looked like...

MR. SCOTT MCGEE: So it needs to be 3?

MS. GOULD: Yeah. And so, none of it is earth shattering. And then making sure that since the project is phased each phase has the appropriate number of parking spaces and I'll defer to code on that one. And there are specific requirements for planting in the public right-of-way so that in the event that the City does have to take that planting over, it can happen with the City systems.

MR. HICKMAN: I'll address a couple things. The first one I'll talk about is Solid Waste and I do have sign-off from Solid Waste. There's been a discussion about the location of the dumpsters. That's a really a function of two things. First is the phasing plan, we have to provide Solid Waste for each phase to be able to stand on its' own. And we also have to provide accessible parking and accessible parking spaces need to be as close to the front entrances, the main primary entrances of the building which creates a conflict and so when we were working with the solid waste department, that actually dictated the location of the two southern dumpsters in relation the meet the ADA and then also to be able to provide the needed support for those first two phases. I'll talk a little bit about the site, the elevations. We do have those and that was a printing error and we

apologize for that, so we'll forward those as quickly as possible. We have any adjustment that we can make very quickly as well on the accessible parking spaces we have or van accessible parking spaces which is double what we would need that gives us an 8 foot wide access lane that we can bring to 3 feet. That additional 3 feet would go into those compact car lanes and that would get us to the minimum, or the maximum 28. Those adjustments can be made fairly quickly.

CHAIR DICOME: Alright. Well there's quite a few comments and again this board will not act on this site plan until you have a plat. And when is that projected? We've seen it as an exhibit but not an official submittal. The reason I'm asking is because it will dictate the length of deferral.

MR. HICKMAN: So what we're talking about, and we met with Will Plotner is the surveyor who has filed that. Will was unable to meet the deadline as of yesterday which was the submission date for the next hearing so he will be re-submitting the plat to match comments and that would be on the 27th and the hearing would be the September 11th hearing if I remember those dates correctly.

CHAIR DICOME: So that would be four weeks. Also I wanted to mention I think DMD had some comments and I believe they want a condition set. That's what it looked like and we can review those because we are not going to take action on this today, but my understanding is they had comments that they wanted as conditions so you need to address or at least look at those.

MR. STROZIER: We can make sure, I think that those are all covered with the discussion about the trail and those improvements on the roadways but we will definitely make sure...

CHAIR DICOME: And whatever you come up with will be reflected on the infrastructure list?

MR. STROZIER: Yes.

CHAIR DICOME: Okay.

MR. BIAZAR: So when you submitted your grading and drainage plans, was the phasing shown on the plans?

MR. MCGEE: It was not.

MR. BIAZAR: Okay, so prior to building permit we will need a phasing (unintelligible) for grading and drainage.

MR. MCGEE: And the roads and sediment control plans for (unintelligible).

MR. BIAZAR: Yes because once you get to certification and the C.O process...

MR. MCGEE: Yeah.

CHAIR DICOME: Okay thank you. Is everybody comfortable for deferral for the 11th of September to address these issues? Okay, we are going to defer action on item #8 to the hearing of September 11th and thank everybody for coming down and speaking. Thank you.

MR. BIAZAR: Yes, just cross that out and add that.

CHAIR GOULD: Transportation?

MS. JEANE WOLFENBARGER, TRANSPORTATION: I'd like to start off by addressing some of the neighborhood concerns. I did want to explain a few things about Traffic Impact Study requirements. The City is aware of the amount of traffic caused by schools in that area, there are quite a few schools in that area. We are aware of that and we definitely understand your concerns and why you are here today and why you counted the exiting traffic however, per City policy, Traffic Impact Study requirements are based on the projected trips generated from a development so in other words, what will the development add to existing traffic and will that result in additional traffic improvements based on that. So it's standard practice for traffic studies to go by the trip generation manual, by ITE tenth addition. It's been in practice for a long time. So the numbers that Mr. Scott McGee generated, which were under 50 trips were based on that trip generation manual for apartments. It is based on historical data and it is updated periodically as the edition changes. I just wanted to explain some of that, how we determine the requirements and we do need to go by City policy in the DPM as to whether or not we require a traffic impact study. I would like to point out that there are some improvements as part of this development a couple of two new east bound lanes along the frontage of the property. The road's being widened. There will also be two foot two six foot bike lanes on Barstow. A twelve foot bike trail along Alameda, this is along the frontage and a 6 foot sidewalk along Barstow. Both Alameda and Barstow are being widened to match with the exiting developments in the area, both to the west, east, and south and Scott and I have been emailing back and forth to get the right design so that those transitions will work. I just did want to point out that we are making some improvements that you might be concerned, even though we're not requiring a TIS in this particular instance so with that, I have no other comments. The plat dedication matches what we were looking for as well as the infrastructure list requirements.

CHAIR GOULD: Planning's comments had to do with updating the plan and addressing the, we didn't originally have a carport detail. When we were provided that carport detail we realized that the carport was a structure that's within the required 15 foot rear setback so the carport will either have to be removed or redesigned to meet those standards. You will need to address the plat first and then we will need to address the site plan and in looking at the plat my understanding is you have outstanding items that you would like addressed but are they items where you could take delegation?

MR. CADENA: Absolutely, it's payment of pro-rata.

CHAIR GOULD: Okay.

MR. CADENA: That hasn't been paid yet right Michael?



MR. VOS: I don't believe it's been paid yet. We can...

MR. CADENA: I can take delegation and we'll just sign it once we get that payment.

CHAIR GOULD: Okay.

MR. MARTINEZ: What did you want to do with the carport again?

MR. VOS: Either have a condition that it be relocated, removed, redesigned or potentially a variance could be, if we went through that process, but otherwise... A condition that it cannot be within, it must comply with the rules for that carport essentially. And if there's any manner...

CHAIR GOULD: Yes, I think that it is okay that we act on the plat because the plat is required prior to the site plan. We can, if people are as we are a consensus board, if people are more comfortable holding off on actually addressing a site plan that shows the things we need it to show. The other question on the site plan is the question the neighbor brought up about wall placement and making sure that we're clear that that back wall is solidly on the subject site. We can get you a copy of that exhibit.

MR. HICKMAN: That's actually a condition of the surveying that will be the, the survey will document that. We've looked at the wall but in looking at the wall on the outside doesn't necessarily describe where the property line is, and so my anticipation is that there may be some (unintelligible) as it crosses all of those very different lots. That would be condition we'd certainly be (unintelligible) to when we get into the surveying of the project and (unintelligible) the construction of it. (Unintelligible) would happen at that time.

MR. BIAZAR: And you should have the wall restrictions already, because you already (unintelligible) the survey didn't you?

MR. HICKMAN: So we did have a survey. The survey shows where the boundary lines are and somewhat relative to where the wall is. My understanding is that there's been some repairs to the walls made since the survey was...

CHAIR GOULD: Okay. So what I'm hearing from the board is it sounds like we can take action on the plat, but we are not ready to take action on the site plan...

MR. VOS: I guess I push back on the site plan comments seem extremely minor that the location whether it's within like a foot of that wall, it's an existing wall. It's going to remain and then...

MR. MARTINEZ: ...a structure in a 15 foot setback...

MR. VOS: And if you want to condition that that structure has to be removed, if that is it, a conditions that the carports will not be in that setback, I think we would like to see delegation for that and somebody can with-hold their signature and we will amend the drawing to show the carport's not in that setback.

CHAIR GOULD: Okay, so you are willing to take delegation for...okay. For item number eleven, do we have a consensus to approve item number eleven, PR-2019-002496 SD-2019-00161, preliminary and final plat with delegation to water authority for pro-rata to be paid? Okay, so as there are no objections from the board and the proposal meets all of the applicable requirements we will approve item number eleven with delegation to Water Authority. For item number one, PR-2019-002496 SI-2019-00181, do we have a consensus to approve this item with delegation to Code Enforcement to address the carport issue? Okay, and you're fine with the infrastructure list? Okay.

MR. BIAZAR: If you can make the changes as I ask for....

CHAIR GOULD: And Transportation, the infrastructure list is also acceptable to you?

MS. WOLFENBARGER: Yes, let me make sure.

CHAIR GOULD: We will tie the infrastructure list to the site plan then.

MR. BIAZAR: If you'll go ahead and add the project number.

CHAIR GOULD: Okay, just so we are clear, there is a consensus to approve item number one with delegation to Code Enforcement to check and as there is no objection from the board and with the conditions the site plan meets the applicable requirements we have a consensus to approve number one. Okay, thank you all.

CITY OF
ALBUQUERQUE, NEW MEXICO

RULES OF PROCEDURE
for the
DEVELOPMENT REVIEW BOARD

Adopted March, 1982
Revised July 2003

RECOMMENDED:

Sheran Matson 7/9/03
Development Review Board Date
By: Sheran Matson, Chairperson

Victor Chavez 7/9/03
Victor Chavez, Planning Director Date

APPROVED:

Jay Czar 7/15/03
Jay Czar, Chief Administrative Officer Date



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DEVELOPMENT REVIEW BOARD RULES OF PROCEDURE

BACKGROUND

The Development Review Board (DRB) was established in March, 1982, by Administrative Instruction No. 11, later re-issued on September 1, 1992 as Administrative Instruction 8-2. The DRB provides a forum for key City departments directly responsible for specialized aspects of the physical development of this community to review and make decisions on subdivision proposals scheduled for their hearing.

The DRB is charged with administering the City Subdivision Ordinance and will exercise administrative approval authority on the types of proposals outlined in "Development Review Board Responsibilities" in this document. In addition, the Board will exercise advisory/review authority on the types of proposals also outlined in "Development Review Board Responsibilities".

The DRB is intended to meet three general goals:

- Implement a more effective review and approval process for the City and the applicant.
- Implement a mechanism for discussions where all key agencies and the applicant receive the same information and interface as a group, thereby establishing the same base for analysis of the proposal and its relevant impact on each agency's specialization area.
- Facilitate better coordination, planning and judgment leading to quality development in the City of Albuquerque.

These rules and regulations are in accordance with the applicable provisions of the Revised Ordinances of Albuquerque, New Mexico, RO-1994. Three certified copies of the DRB rules shall be filed with the City Clerk to be kept as permanent public record. Copies of these rules are available to the public at the Planning Department for a nominal fee.

ORGANIZATION

Composition - The DRB shall be composed of five (5) members, who are employees of the City of Albuquerque representing the following:

- Director of the Planning Department
- Director of the Parks and Recreation Department
- Water & Sewer Utilities Engineer
- Traffic Engineer
- City Engineer

Qualifications & Responsibilities of Members

General

- A board member must be appointed by his/her department director.
- A board member must be authorized to sign plats.
- Each of the members shall have an alternate whose qualifications are commensurate with the specific qualifications described here.
- If an agenda item is under consideration in which any of the DRB members voting on the item have a personal financial interest, his/her alternate must sit in review of that item.
- Members charged with engineering responsibilities must be licensed, professional engineers.

Specific responsibilities of each DRB member pertaining to DRB matters are:

The Planning Director representative provides:

- Expertise in the provisions of the City Subdivision Ordinance, City Comprehensive Zoning Code, and other applicable policies and regulations.
- Knowledge of and compliance with planning efforts including the Comprehensive Plan, Planned Growth Strategy, area plans and sector plans.
- Land use and design expertise.

The Parks and Recreation Director representative provides:

- Knowledge of park dedication and development fee requirements and methods by which the requirements are met.
- Expertise regarding suitability of parks, trails, recreations facilities and open space.
- Expertise regarding planned and programmed park and open space areas and their relationship to proposed development.
- Expertise regarding overall design of the proposed development.
- Knowledge of open space needs and requirements.

The Water/Sewer Utilities Engineer provides:

- Expertise on the availability and design of planned and programmed water and sanitary sewer facilities serving proposed development.
- Expertise regarding conformance with City water and sewer design and construction specifications including fire protection service.
- General engineering expertise including consideration of items such as utility easements
- Special assessment district information related to the provision of water and sewer facilities.

The Traffic Engineer provides:

- Intersection and street capacity information and design engineering expertise.
- On-site and off-site design and access expertise.
- Planning expertise in all applicable forms of transportation including Long Range Roadway System and Long Range Bikeway System Plan, etc.
- Expertise regarding access requirements for fire and refuse equipment.
- Coordination of drainage treatment with City Engineer.
- General engineering expertise including consideration of items such as adequate easements.
- Special assessment district information related to the provision of transportation facilities.

The City Engineer representative provides:

- Storm drainage engineering expertise (must qualify as AMAFCA's designee)
- General engineering expertise including consideration of items such as drainage easements.
- Master Drainage Plan information
- Special Assessment District information
- Coordination of drainage treatment with Traffic Engineer.
- Administration of subdivision improvements agreements.

Appointment of Members

- Each designated department director will appoint a member and an alternate.
- All appointments of members and alternates shall be made in writing to the Planning Department Director with the concurrence of the Chief Administrative Officer.
- The member and alternate shall receive a copy of the appointment and a copy of these rules.
- Each member and alternate, unless removed, shall serve until a replacement is appointed.

Removal of Members

- Any member (not alternate) who has missed more than fifty percent of the meetings, held during a three (3) month period, shall be automatically removed unless the appropriate Department Director assures that member's attendance in the future. In addition, violation of any of the provisions of these rules or unprofessional conduct may be cause for removal.
- Any member may be removed by written notice to the Planning Department Director with the concurrence of the Chief Administrative Officer and sent to the appropriate department director.

Chairperson

The Planning Director or designee shall chair the DRB. In the absence of the DRB Chairperson, another DRB member designated by the Chairperson or the Planning Department Director shall chair the DRB.

The Chairperson:

- Presides at all meetings and hearings of the DRB.
- Preserves order, decides all points of order and procedure, subject to appeal by membership.
- Takes evidence when appropriate. Signs transmittals to the Environmental Planning Commission (EPC), Mayor/CAO. Communications to City Council are forwarded to the Planning Director for transmittal under his/her signature.
- Represents the DRB before the EPC, City Council and other appellant bodies. The chairperson may appoint any member to appear in his/her behalf.
- Oversees the scheduling of matters which come before DRB. Matters scheduled for public hearing shall follow requirements for legal advertisement and notice. Matters not requiring legal advertisement and notice may be set for the next regular meeting of the DRB.
- Ensures that the Planning Department provides the necessary staff support for reports, meeting recordation, filing, preparation of decision documents and other appropriate tasks.
- Ensures that a file is maintained in the Planning Department listing persons from all agencies who are authorized to sign plats. Ensures that the list is sent to the County Treasurer and County Clerk's Offices & updated lists are sent whenever there is a change.
- Notifies and requests additional department, agency, or other representatives are present at meetings, when necessary, for a comprehensive review and approval process.

Administrative Assistant

- The Planning Director shall provide an administrative Assistant for the DRB.
- The administrative assistant shall also act as the DRB corresponding secretary.
- The administrative assistant shall attend meetings of the DRB.
- The administrative assistant shall prepare and distribute copies of the DRB agenda and other materials as directed by the Chairperson.
- The administrative assistant shall record and maintain summary minutes of all matters considered by the Board. These summary minutes shall normally consist of persons speaking on the matter, findings and actions of the Board. The Board may, on occasion, request a detailed transcript of a particular matter. The records shall be kept available for public inspection in the Planning Department during regular working hours.
- The administrative assistant shall arrange for the meeting place and prepare and provide notices of hearings as prescribed by the Revised Ordinances of Albuquerque.

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- The administrative assistant shall prepare the DRB Official Notices of Decision and Action Sheets. Findings on which the decisions are based shall be included.

Legal Counsel

- The City Attorney or a designated representative shall be the legal counsel for the DRB.
- The designated DRB legal counsel shall attend DRB meetings and other meetings as requested by the DRB Chairperson or other DRB members.

Committees

The Chairperson, with concurrence of a majority vote of the DRB, may create committees and assign responsibilities and authority in writing, as deemed necessary or desirable. DRB members and/or other City Staff may serve on these committees.

Committees shall handle specific project areas, special problems and carry out the duties as specifically assigned by DRB at the time of committee creation. The DRB shall select the members and the committee will select its chairperson.

Committees established by the DRB shall proceed by these rules of procedure.

DELEGATION/INTERNAL ROUTING

The DRB will establish criteria and standards to allow staff to exercise administrative approval on specific types of requests. The criteria and standards must be appended to these rules prior to delegation of authority. A consensus is required to establish or amend the criteria or standards. Public notification will occur via DRB agenda attachments and availability at the Development Services Front Counter as well as publication on Planning's website.

To delegate a non-discretionary item off the agenda to DRB members at the meeting, three (3) DRB members must sign the plat or site development plan at the DRB meeting. The specific reasons for delegation must be stated at the meeting where delegation occurs. Approval by delegation shall occur only when those specific reasons are satisfied. If three signatures cannot be obtained at the meeting, the item is deferred to a future meeting. In the event the delegated item is not submitted to the DRB within the time set by the DRB, the DRB may disapprove the action at the next scheduled hearing.

To internally route a minor subdivision plat or delegate a minor plat off the agenda, all DRB members must agree to approve the plat prior to hearing it at a DRB meeting. In this case, minor subdivision plats are lot splits with no zoning, planning, access, grading or water and sewer issues. In those instances where issues such as major infrastructure are involved, the plat will not be delegated but will remain on the DRB agenda. In the case of internal routing, the application will have to be scheduled for a DRB meeting.

The DRB has delegated approval authority for technical corrections to recorded final plats in circumstances where the corrections have no material effect on the substantive content of the plat. The DRB Chairperson and the City Surveyor shall jointly have authority to approve technical corrections to recorded final plats. The DRB Chairperson and City Surveyor will consult other DRB members as appropriate prior to approving the correction plat.

DEVELOPMENT REVIEW BOARD RESPONSIBILITIES

Exercise Administrative Approval Authority

- Subdivision (where no rezoning action or annexation is required)
- Site development plans for administrative approval and/or as delegated by the EPC
- Minor amendments to approved site development plans
- Sidewalk variances
- Sign-off for compliance with written conditions set by the EPC on site development plans.
- Extensions of subdivision improvements agreements.
- Sector plans and area plans

Advisory Review Responsibilities

- Subdivision for which rezoning and/or annexation is required.
- Sector development and area plans
- Plans for transportation corridors shown on the Long Range Roadway System or in an alignment study.
- Future street alignment recommendations.
- Facilities Master Plan Review for Flood Control.
- Functional review of site development plans to be approved by other bodies.
- Preliminary subdivision and/or development agreements as appropriate.

Other matters as determined necessary or appropriate by the Mayor.

MEETINGS

- Open Meetings. All DRB meetings are open to the public.
- Meetings shall be held on a regularly scheduled basis.
- Special meetings. Special meetings may be called by the Chairperson with at least twenty-four hours public notice posted in lobby of Plaza del Sol. Such meetings shall be open to the public.
- The Chairperson shall preside at all meetings of the DRB. In the event of the absence or disability of the Chairperson, the DRB member designated by the Chairperson or the Planning Director shall preside as Chairperson.

- Place of Meetings. Generally all meetings shall be in the Plaza del Sol Hearing Room, Garden Level, 600 Second Street, NW. However, depending upon items to be discussed they may be held at various public places throughout the community where deemed desirable or necessary to promote citizen participation or to fulfill the requirements of City ordinances.
- Notice. Notice of the time and place of DRB hearings shall be in accordance with the Subdivision Ordinance, rules and regulations governing the items under discussion.
- Quorum. A DRB quorum consists of five members or their alternates. A quorum is necessary to conduct business. In the case of the emergency absence of designated member(s), the appropriate department director can sit for, or designate, a temporary alternate for the missing representative(s).
- Meeting Agenda: For regularly scheduled meetings, the administrative assistant shall prepare an agenda at least five (5) days prior to each DRB meeting based on applications received, listing the matters of business generally in the following order:
 1. Call to order - - recording of members present and absent
 2. Changes to Agenda - - any and all changes to the printed agenda, shall normally be announced at the beginning of each meeting.
 3. New or old business not part of submittals to be heard
 4. Public Hearing Matters. Major Actions.
 5. Signatures on items previously considered by the DRB, EPC, or others. Minor Actions.
 6. Sketch plat or plan review of subdivisions--conceptual review prior to formal submittal.
 7. Approval of minutes.
 8. Adjournment.
- All revised application submittals must be received by the DRB Administrative Assistant by noon on the Monday before the scheduled Wednesday meeting date. Materials received after this deadline will be reviewed only in extraordinary circumstances as determined by the Chairperson. If materials are faxed, the burden is on the applicant to notify the Administrative Assistant that a fax is being sent. If a DRB member has pre-approved a submittal and/or agreed before the meeting, the materials can be submitted at the meeting.
- As used within these rules, the term "meeting" also refers to a "hearing", a type of meeting at which public comments are taken and decisions are made by DRB.

DECISIONS

A consensus of the five members is necessary to advise and exercise administrative approval on items before the DRB. Failure to achieve a consensus is deemed a denial for purposes of appeal unless a deferral is agreed to in writing by the applicant or verbally requested at the DRB meeting.

Where approval requires the signatures of DRB members on a plan or plat, at least three (3) DRB members or their alternates present at the meeting must sign at the meeting for the agenda item to be conditionally approved and delegated off the agenda. The remaining two DRB members will sign once the stated conditions are met. If three DRB members cannot sign at the meeting, the item will be deferred at the agent's request, either indefinitely or to a specific date agreed to by DRB and the applicant. The conditions for final sign off must appear in the DRB minutes.

Voting occurs on rules, procedures, and similar items. A simple majority of votes cast shall carry all motions.

PARTICIPATION AT MEETINGS

The DRB intends to conduct its business in an orderly manner. Orderly procedure requires that each person shall proceed without interruption from any other person except as deemed necessary by the Chairperson. All arguments and questions shall be addressed to the DRB. Persons addressing the DRB must state their name and interest, and must sign in with the administrative assistant for record-keeping purposes. If they are appearing for an advertised agenda item, they shall be sworn in as well.

Matters of public hearing before the DRB shall be presented in the following manner:

1. Applicant's presentation of the request.
2. Comments by other concerned parties.
3. Applicant's response
4. Comments by other agencies and DRB members.
5. Chairman's summary of issues when needed, and close of public participation
6. Comments by DRB members, staff
7. Decision of the DRB with conditions as necessary

Members of the DRB may ask questions at any time.

A copy of all material presented to the DRB shall be given to the DRB administrative assistant for the record.

The DRB may defer the agenda item to a specific date, time, and place by majority vote with the written consent of the applicant or, if the applicant is present, with verbal consent entered as part of the record. If the deferral is due to: an incomplete submittal, insufficient time allowed for hydrology review or additional materials submitted after Monday at noon of the hearing week, a deferral fee will be charged.

If an applicant is not present when his/her project is announced by the DRB Chairperson, the application will be deferred to the end of the public hearing items if it is a publicly advertised case or to the end of the agenda for non-advertised cases. If the applicant still does not appear before the above deadlines, the project will be indefinitely deferred. Projects indefinitely deferred require re-application and repayment of all application fees

APPEALS

Individuals who own a property interest within 300 feet of the subject site excluding any public right of way which would not be altered by the action and organized neighborhood associations recognized by the City whose boundary is within 600 feet of the subject site (excluding public right of way) may file appeals of DRB decisions under the Subdivision Ordinance to the EPC.

TRANSMITTAL TO MAYOR, EPC AND CITY COUNCIL

Matters requiring transmittal to the EPC, Mayor/CAO and City Council from the DRB shall be transmitted by the DRB Chairperson to the Planning Director and include a copy of the minutes of the matter and a record of recommendation(s)/actions taken. The Planning Director will then transmit the information.

SUSPENSION OF RULES

No rule of the DRB shall be suspended except by a consensus vote of the membership of the DRB present. A motion to suspend the rules shall be decided without debate.

AMENDMENT OF RULES

These rules and the mandating policies or rules of conduct for a committee of the DRB may be amended by the majority of a quorum of DRB at a public meeting, provided written notice of the proposed changes and their time of consideration is given to all DRB members at least five (5) days in advance.

TYPICAL PROCESSING TIMES

From date of acceptance of application as complete, these non-publicly advertised (minor) cases will be considered at a DRB meeting usually within one week unless DRB is not meeting the following week. In that instance, the case will be heard within two weeks:

- Sketch plat review
- Final plats
- Amendments to site development plans originally DRB approved
- Amendments to site development plans delegated to DRB by EPC
- Sidewalk variances/deferrals
- Minor subdivisions
- EPC approved site development plans requiring DRB final sign off
- Site development plans delegated to DRB without public hearing
- Preliminary plat approval extensions

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From date of acceptance of application as complete, the following public hearing items will be considered at a Board meeting within four (4) weeks. These items shall be sent to appropriate agencies for review and comment and a legal notice will be prepared and published at least fifteen (15) days prior to the hearing dates:

Site development plans delegated to DRB with a public notification requirement

Major subdivision preliminary plats

Sector development plans

Vacations

Subdivision Improvement Agreement extensions

The Planning Director shall adopt standard requirements for submission of applications which detail the required information and/or materials. Incomplete submissions are grounds for deferral. Inaccurate, false or misleading information is grounds for denial.



City of Albuquerque

Office of the City Clerk

Timothy M. Keller, Mayor

Katy Duhigg, City Clerk

Interoffice Memorandum

December 5, 2019

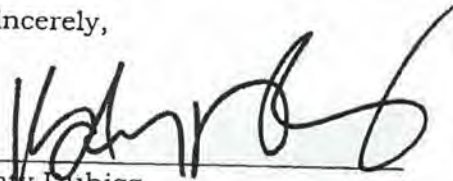
To: CITY COUNCIL

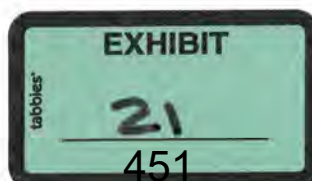
From: Camille Cordova, City Clerk Executive Assistant

Subject: BILL NO. O-19-79; ENACTMENT NO. O-2019-034

I hereby certify that on December 5, 2019, the Office of the City Clerk received Bill No. O-19-79 as signed by the president of the City Council, Klarissa J. Peña. Enactment No. O-2019-034 was passed at the November 18, 2019 City Council meeting. Mayor Keller did not sign the approved Ordinance within the 10 days allowed for his signature and did not exercise his veto power. Pursuant to the Albuquerque City Charter Article XI, Section 3, this Ordinance is in full effect without Mayor's approval or signature. This memorandum shall be placed in the permanent file for Bill No. O-19-79.

Sincerely,


Katy Duhigg
City Clerk



CITY of ALBUQUERQUE

TWENTY THIRD COUNCIL

COUNCIL BILL NO. O-19-79 ENACTMENT NO. O-2019-034

SPONSORED BY: Isaac Benton and Trudy E. Jones, by request

1 **ORDINANCE**

2 **ADOPTING ZONING CONVERSION RULES FOR PROPERTIES IN BATCH 2 OF**
3 **THE PHASE 2 ZONING CONVERSION EFFORT AS DIRECTED BY CITY**
4 **COUNCIL RESOLUTION 18-29 AND UPDATING THE OFFICIAL ZONING MAP.**

5 **WHEREAS, the City Council, the governing body of the City of**
6 **Albuquerque, has the authority to adopt and amend plans for the physical**
7 **development of areas within the planning and platting jurisdiction of the City**
8 **authorized by statute, Section 3-19-3, NMSA 1978, and by its home rule**
9 **powers; and**

10 **WHEREAS, the City's zoning powers are established by the City Charter, in**
11 **which Article I, Incorporation and Powers, allows the City to adopt new**
12 **regulatory structures and processes to implement the Albuquerque/Bernalillo**
13 **County Comprehensive Plan ("Comp Plan") and help guide future legislation;**
14 **Article IX, Environmental Protection, empowers the City to adopt regulations**
15 **and procedures to provide for orderly and coordinated development patterns**
16 **and encourage conservation and efficient use of water and other natural**
17 **resources; and Article XVII, Planning, establishes the City Council as the**
18 **City's ultimate planning and zoning authority; and**

19 **WHEREAS, the City Council adopted an updated Comp Plan on March 20,**
20 **2017 via R-16-108 (Enactment No. R-2017-026), including goals and policies to**
21 **maintain healthy, vibrant, and distinct communities through zoning and**
22 **design standards that are consistent with long-established residential**
23 **patterns; and**

24 **WHEREAS, the Comp Plan establishes a complementary pair of**
25 **Development Areas – Areas of Change, where growth is encouraged and**
26 **higher-density and higher-intensity uses are the most appropriate, and Areas**

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1 of Consistency, where the existing pattern of uses, density, and intensity is to
2 be maintained and reinforced over time; and

3 WHEREAS, the Integrated Development Ordinance (IDO) was drafted as
4 part of a citywide effort to update and replace the City's 40-year-old, 1970s-era
5 Comprehensive Zoning Code, and as the primary regulatory tool to implement
6 the Comp Plan for land within the municipal boundaries of the City of
7 Albuquerque; and

8 WHEREAS, the IDO's stated purpose is to implement the Comp Plan;
9 ensure that all development in the City is consistent with the intent of other
10 plans and policies adopted by City Council; ensure provision of adequate
11 public facilities and services for new development; protect quality and
12 character of residential neighborhoods; promote economic development and
13 fiscal sustainability of the City; provide efficient administration of City land
14 use and development regulations; protect health, safety, and general welfare
15 of the public; provide for orderly and coordinated development patterns;
16 encourage conservation and efficient use of water and other natural
17 resources; implement a connected system of parks, trails, and open spaces to
18 promote improved outdoor activity and public health; provide reasonable
19 protection from possible nuisances and hazards and to otherwise protect and
20 improve public health; and encourage efficient and connected transportation
21 and circulation systems for motor vehicles, bicycles, and pedestrians; and

22 WHEREAS, the IDO was drafted to be consistent with and implement Comp
23 Plan goals and policies; and

24 WHEREAS, the IDO helps to implement Comp Plan goals and policies by
25 providing a set of zone districts (§14-16-2) that range from low intensity to
26 high intensity and designating the appropriate mix of land uses in each zone
27 district; and

28 WHEREAS, with the adoption of the IDO, the City Council adopted zoning
29 conversion rules for approximately 750 categories of Special Use zones that
30 were site-specific (i.e. SU-1 zones), approximately 450 Special Use zones
31 established by the adoption of Sector Development Plans (i.e. SU-2 and SU-3
32 zones), and approximately 20 base zones from the Comprehensive Zoning
33 Code to convert pre-existing zone districts to base zone districts established

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1 by the IDO in the Official Zoning Map (§14-16-1-6) that matched as closely as
2 possible the permissive uses in each zone; and

3 WHEREAS, the intent of the IDO was to update the City's land use and
4 zoning framework to protect the character of existing development and to
5 regulate future development without eliminating or limiting the ability of
6 lawful, existing land uses to continue after the IDO's adoption; and

7 WHEREAS, the City understands that predictability of zoning and
8 compatibility of land use and zoning are essential in order to maintain and
9 strengthen economic value and viability for property owners and businesses,
10 and to ensure appropriate and adequate protections for neighboring
11 properties; and

12 WHEREAS, the Official Zoning Map is used to apply land use regulations in
13 the IDO to development throughout the city and in decision-making for zoning
14 map amendments and long-range planning; and

15 WHEREAS, an accurate and transparent Official Zoning Map is critical to
16 the City's role in providing for the health, welfare, and safety of the public; and

17 WHEREAS, updating the Official Zoning Map to better match zoning with
18 existing land uses is consistent with the objectives of the IDO and the Comp
19 Plan and benefits the City and property owners by eliminating
20 nonconformities where appropriate and improving the accuracy of information
21 and regulatory requirements for individual parcels; and

22 WHEREAS, many uses developed legally on properties either before City
23 zoning was established in 1959, before City zoning actions in subsequent
24 years that disallowed particular uses in particular zones, or before the IDO
25 established different allowable uses in the new zone districts, making such
26 existing uses legally nonconforming; and

27 WHEREAS, many properties in the City have developed with a low-density
28 residential use (e.g. townhouse, duplex, or single-family detached house) in
29 zones that otherwise would have allowed more dense and more intense uses,
30 and converting these properties to a zone district that allows less dense and
31 less intense uses with the permission of the property owner will help preserve
32 neighborhood stability and land use predictability – thus advancing two
33 leading objectives of the City's in the area of land use regulation; and

1 WHEREAS, there are many properties with two or more zone districts
2 covering a single lot (whether based on plat or deed) for a variety of historical
3 reasons, which has resulted in a floating zone line that cannot accurately be
4 associated with any actual recorded boundary for purposes of implementing
5 the respective zoning requirements of the multiple zones; and

6 WHEREAS, there are many undeveloped properties that had former Special
7 Use (SU) or R-D zoning, which often required further review and decision
8 processes to define allowable uses, that converted in Phase 1 to zones that
9 may not accurately allow uses matching those that were previously
10 anticipated and that are otherwise consistent with surrounding land use and
11 zoning patterns; and

12 WHEREAS, pursuant to the Phase 1 conversion rules, many properties
13 were converted to PD (which properties may or may not have an approved Site
14 Plan) or NR-BP (which properties may or may not have an approved Master
15 Development Plan) even though they do not all meet the size thresholds for
16 those zone districts established by the IDO, and although this may not impact
17 the ultimately usability of those properties, it does present a nonconformity
18 that can otherwise be cured; and

19 WHEREAS, City Council Resolution 18-29 directed the Planning
20 Department to create a Phase 2 zoning conversion process to evaluate,
21 analyze, process, and recommend citywide zoning conversions consistent
22 with the Comprehensive Plan and the IDO implementation goals, wherein
23 property owners would voluntarily convert the zoning on their properties to
24 address one or more of 5 following issues that were known at the time of the
25 IDO adoption but not resolved by the initial zoning conversion that became
26 effective as of May 17, 2018: 1) Nonconforming use(s), 2) Voluntary downzone,
27 3) Floating zone line(s), 4) Prior Special Use (SU) or R-D zoning, and 5) Size
28 thresholds for PD and NR-BP; and

29 WHEREAS, City Council Resolution 18-29 directed the Planning
30 Department to evaluate each property whose owner submitted a request and
31 agreement form to determine whether it reasonably falls within at least one of
32 the 5 identified criteria and decline to process those that do not; and

1 WHEREAS, for properties to be eligible through the nonconforming use
2 criterion, Planning Department staff determined that the existing use had to
3 have been legally allowed when the use began or that the use began before
4 the City established regulations on that use; and

5 WHEREAS, for properties to be eligible through the voluntary downzone
6 criterion, Planning Department staff determined that the property was zoned
7 R-T, R-ML, R-MH, MX-T, MX-L or MX-M and had an existing low-density
8 residential use (e.g. single-family detached house, duplex, or townhouse), and
9 that there was a less intense or less dense zone district that still allowed the
10 existing use and was compatible with surrounding land use and zoning
11 patterns or that the property had a City park or Major Public Open Space in a
12 zone that was not NR-PO; and

13 WHEREAS, for properties to be eligible through the floating zone line
14 category, Planning Department staff determined that the property had to have
15 2 zone districts on one parcel – either a platted parcel (as mapped by AGIS) or
16 deeded parcel (as mapped by the Bernalillo County Assessor); and

17 WHEREAS, for properties to be eligible through the prior Special Use (SU)
18 or R-D zoning criterion, Planning Department staff determined that the
19 property had to be undeveloped (i.e. contained no structure up to the time the
20 Phase 2, Batch 2 properties were submitted to the Environmental Planning
21 Commission (EPC) for review and recommendation) and had previously been
22 zoned SU-1, SU-2, SU-3, or R-D; and

23 WHEREAS, for properties to be eligible through the size threshold criterion
24 for PD or NR-BP, Planning Department staff determined that a property zoned
25 PD had to be less than 2 acres in size or greater than 20 acres in size or that a
26 property zoned NR-BP had to be less than 20 acres in size and not part of an
27 approved Master Development Plan; and

28 WHEREAS, properties zoned NR-BP that are less than 20 acres in size and
29 part of an approved Master Development Plan are governed by the Master
30 Development Plan, and changing the zoning on those properties would make
31 it less transparent to the fact that they would still be governed by the Master
32 Development Plan unless the Master Development Plan were amended to
33 remove those properties from the Master Development Plan boundary; and

1 WHEREAS, for those properties whose owners requested conversion to a
2 zone district that did not match the land use and zoning pattern of the
3 surrounding area or that was not compatible, Planning staff recommended a
4 zoning conversion that was more compatible with the surrounding land use
5 and zoning pattern and that still resolved the relevant issues in the criteria of
6 R-18-29; and

7 WHEREAS, there are many properties with lot lines that differ spatially
8 between platted lots (approved by the City, recorded by the Bernalillo County
9 Clerk, and mapped by AGIS) and deeded lots (recorded and mapped by the
10 Bernalillo County Assessor); and

11 WHEREAS, Phase 2 zoning conversions will be completed only on lots
12 mapped in the AGIS layer "City Parcel"; and

13 WHEREAS, in some cases additional survey information may be needed to
14 confirm a zone boundary that corresponds spatially with the piece of land on
15 which the property owner desires the zoning conversion; and

16 WHEREAS, the Planning Department conducted public outreach efforts
17 that included advertisements in print media, online media, and radio; inserts
18 mailed with the Property Tax Bill to all property owners in Albuquerque; an
19 insert mailed with the water bill to all developed properties; direct mailings to
20 property owners of over 30,000 properties that likely qualify for this process;
21 tabling at community events to distribute information; attendance and
22 presentations at Neighborhood Association meetings; and one-on-one office
23 hour appointments; and

24 WHEREAS, owners of 1,226 eligible properties signed a Property Owner
25 Request and Agreement Form to opt in to the Phase 2 zoning conversion
26 process by the May 17, 2019 deadline and were subsequently submitted as the
27 second batch of properties for review and recommendation by the EPC; and

28 WHEREAS, five (5) parcels (lots 3A, 4A, 5A, 6A, 7A Blk 6 Paris Addn) have
29 been removed from the proposed zoning conversion boundary for a premises
30 that included 7 parcels (Form ID 697) at the request of the property owner
31 since the EPC, so that only Lot 8A Blk 6 Paris Addn and Lot 33&34 Springer
32 Addn will remain in the process for conversion to MX-H under the
33 nonconforming use category; and

1 WHEREAS, one property owner provided additional information for Form ID
2 417 supporting a zoning conversion from MX-H to R-MC, rather than the MX-T
3 that staff initially recommended and EPC reviewed and recommended; and
4 WHEREAS, one property owner opted out of the Phase 2 zoning
5 conversion process for Form ID 1130; and
6 WHEREAS, the City of Albuquerque, as property owner, opted out of the
7 Phase 2 zoning conversion process for Form ID 1405 and Form ID 1473; and
8 WHEREAS, Form ID # 1089 and Form ID # 1343 were removed from the
9 Batch 2 properties for which City Council will consider adopting zoning
10 conversion rules. These properties were deemed ineligible for the Zone
11 Conversion Process as they are not a non-conforming use and do not meet
12 any of the other criteria; and
13 WHEREAS, Form ID # 455 and Form ID # 1131 were removed from the
14 Batch 2 properties for which City Council will consider adopting zoning
15 conversion rules. The applications for these properties were not complete at
16 the time of the City Council decision; and
17 WHEREAS, Form ID # 1094 was initially declined by the Planning
18 Department as not being eligible for the Non-conforming Use criteria and
19 therefore was not heard by the EPC, however the property owner has since
20 provided additional information that confirms that this use is non-conforming
21 and this was added to the Batch 2 properties for which the City Council will
22 consider adopting zoning conversion rules; and
23 WHEREAS, form ID # 1421 and 1422 were initially requested by the City to
24 be converted from NR-PO-A to NR-SU to rectify a non-conforming use. Upon
25 further review, there is not a non-conforming use on the property and therefor
26 the conversion is not necessary; and
27 WHEREAS, Form ID # 1435 was removed from the Batch 2 properties for
28 which City Council will consider adopting zoning conversion rules because
29 this property was granted a zone map amendment by the EPC, and Form ID#
30 544 was removed from the Batch 2 properties for which City Council will
31 consider adopting zoning conversion rules at the request of the property
32 owner; and

1 WHEREAS, Planning staff confirmed the eligibility of these Batch 2
2 properties and recommended appropriate zoning conversions to address the 5
3 issues in R-18-29, meet the goals of IDO implementation, and further the goals
4 and policies in the Comp Plan; and
5 WHEREAS, Planning staff either confirmed the zoning conversion
6 requested by the property owner as appropriate or recommended a more
7 appropriate zoning conversion given the existing lawful use of the property
8 and the surrounding land use and zoning patterns; and
9 WHEREAS, the voluntary process established by R-18-29 necessarily
10 results in a phased conversion of various parcels on a citywide basis; and
11 WHEREAS, the City amended the Comp Plan in 2001 via R-01-343
12 (Enactment No. 171-2001) to identify Community Planning Areas and provide
13 goals and policies to protect and enhance distinct community identity in each
14 area; and
15 WHEREAS, the Comp Plan describes a Community Planning Area
16 assessment process to provide opportunities for community engagement and
17 analysis of each of the City's 12 Community Planning Areas every 5 years,
18 culminating in an update to the goals and policies in the Comp Plan, as
19 recommended by the assessments; and
20 WHEREAS, the IDO establishes a Community Planning Area assessment
21 process as the City's new process for long-range planning with communities,
22 intended to provide opportunities on a 5-year cycle to analyze and recommend
23 zoning and regulatory changes in specific geographic areas to better
24 implement the Comp Plan; and
25 WHEREAS, concerns about the resulting changes to zoning patterns from
26 Phase 2 zoning conversions can be addressed through Community Planning
27 Area assessments, which may result in recommendations to City Council for
28 future zoning actions for certain neighborhoods, districts, or corridors, as
29 appropriate; and
30 WHEREAS, on July 11, 2019, the EPC, in its advisory role on land use and
31 planning matters, recommended approval of this request (Project 2018-
32 001843, Case RZ-2019-00035).

1 BE IT ORDAINED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF
2 ALBUQUERQUE:

3 Section 1. ZONING CONVERSION RULES. The City Council hereby adopts
4 zoning conversion rules for the properties in Batch 2 of the Phase 2 zoning
5 conversion process as listed in Exhibit X.

6 Section 2. OFFICIAL ZONING MAP. The City Planning Department shall
7 update the Official Zoning Map to reflect the adopted zoning conversion rules
8 for the Batch 2 properties in Exhibit X.

9 Section 3. SEVERABILITY. If any section, paragraph, sentence, clause,
10 word or phrase of this Ordinance is for any reason held to be invalid or
11 unenforceable by any court of competent jurisdiction, such decision shall not
12 affect the validity of the remaining provisions of this Ordinance. The Council
13 hereby declares that it would have passed this Ordinance and each section,
14 paragraph, sentence, clause, word or phrase thereof irrespective of any
15 provision being declared unconstitutional or otherwise invalid.

16 Section 4. EFFECTIVE DATE. This Ordinance shall take effect five days
17 after publication by title and general summary.

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1 PASSED AND ADOPTED THIS 18th DAY OF November, 2019
2 BY A VOTE OF: 8 FOR 0 AGAINST.
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4 Excused: Gibson
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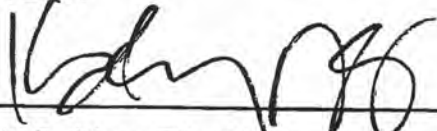
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9 _____
10 Klarissa J. Peña, President
11 City Council
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14 APPROVED THIS _____ DAY OF _____, 2019
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17 Bill No. O-19-79
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20 _____
21 Timothy M. Keller, Mayor
22 City of Albuquerque
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26 ATTEST:
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30 _____
31 Katy Duhigg, City Clerk
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RULES FOR ZONING CONVERSION - BATCH 2 PROPERTIES
Organized by FORM ID

Form ID	Property Address	UPC	Legal Description	Owner Name	Development Area	Pre-IDO Zone	IDO Zone	Requested Zone	Recommended Zone	Criteria					Staff Notes
										1	2	3	4	5	
468	8427 Tierra Morena Pl NE	102006402533521314	LT 7-P1 CORRECTION PLAT OF TIERRA MORENA SUBDIVISION CONT .1188 AC +/-	SCARPA PAUL J & MARIA L	CONSISTENCY	SU-2 / O-1 & R-T	MX-T	R-1	R-1B	No	Yes	No	No	No	This property is eligible for a zoning conversion as a voluntary downzone (Criterion #2). R-1B is an appropriate zone conversion because this subdivision consists of all detached single-family dwellings and the lot sizes are consistent with the R-1B development pattern.
469	5117 Purcell Dr NE	102106134730511917	* 17.7 OSO GRANDE SUBE UNIT #2 CONT 0.096 AC	MARQUEZ DIANNA H	CONSISTENCY	SU-1 / PRD	R-T	R-1A	R-1A	No	Yes	No	No	No	This property is eligible for a zoning conversion as a voluntary downzone. Because the majority of properties in this neighborhood match the R-1A lot size, and many of the houses are built on the lot line, which is only allowed in the R-1A "favor" of R-1, R-1A is an appropriate zone conversion.
470	13024 Sandia Point Rd NE	102306222035420740	LT 33 PLAT OF SUNSET RIDGE AT HIGH DESERT CONT 0.1754 AC	MELANCON DOLORES & NICHOLS	CONSISTENCY	SU-2 / HD/R-T	R-T	R-1A	R-1A	No	Yes	No	No	No	This property is eligible for a zoning conversion as a voluntary downzone (Criterion 2). R-1A is an appropriate zoning conversion because this subdivision consists of a mix of detached single-family and duplex dwellings with a mix of lot sizes that reflected in the R-1A "favor" of R-1.
471	Tracts 401, Land of Artisco Grant Unit 7	101005652511340513	TR 401 UNIT 3 ATRISCO GRANT EXC NW1/4 POR TO R/WCONT 9.9804 AC	HENRY SCOTT TRUSTEE HENRY RVT	CHANGE	R-D / R-1	PD	MX-T	MX-T	No	No	No	Yes	No	This property is undeveloped and was formerly zoned R-D, so Criterion 4 applies. MX-T is a transitional zone that allows a mix of relatively low density and intensive uses that would be appropriate in this area, so that is an appropriate zoning conversion for this property.
472	5311 Cortaderia Pl NE	102306106446120619	LOT 27P-1 CORRECTED PLAT OF TIERRA DEL OSO SUBD AT HIGHT DESERT CONT 0.2692 AC M/L OR 11.727 SF M/L	CRAVEN JEAN	CONSISTENCY	SU-2 / HD/R-T	R-T	R-1A	R-1C	No	Yes	No	No	No	This property is eligible for a zoning conversion as a voluntary downzone (Criterion #2). R-1C is an appropriate zone conversion because this subdivision consists of all detached single-family dwellings and the lot sizes are consistent with the R-1C development pattern.
473	13105 Sunrise Trail Pl	102306223346420627	LOT 18-B PLAT OF LOTS 18-A & 18-B CHACO RIDGE AT HIGH DESERT CONT .2171 AC	AGUILAR FERNANDO & KATHRYN R	CONSISTENCY	SU-2 / HD/R-T	R-T	R-1A	R-1A	No	Yes	No	No	No	This property is eligible for a zoning conversion as a voluntary downzone (Criterion 2). R-1A is an appropriate zoning conversion because this subdivision consists of a mix of detached single-family and duplex dwellings with a mix of lot sizes that reflected in the R-1A "favor" of R-1.
474	10417 Camino del Oso NE	102106134126540461	* 73.4 OF UNIT 6 OSO GRANDE SUBDIVISION CONT .1459 AC MORE OR LESS	MEYER MICHAEL JOSEPH & DENISE DIETRICH MEYER TRUSTEES MEYER FAMILY TRUST	CONSISTENCY	SU-1 / PRD	R-T	R-1A	R-1A	No	Yes	No	No	No	This property is eligible for a zoning conversion as a voluntary downzone. Because the majority of properties in this neighborhood match the R-1A lot size, and many of the houses are built on the lot line, which is only allowed in the R-1A "favor" of R-1, R-1A is an appropriate zone conversion.

RULES FOR ZONING CONVERSION - BATCH 2 PROPERTIES
Organized by FORM ID

Form ID	Property Address	UPC	Legal Description	Owner Name	Development Area	Pre-IDO Zone	IDO Zone	Requested Zone	Recom-mended Zone	Criteria					Staff Notes
										1	2	3	4	5	
823	11028 Cochiti Rd SE	102105626943210322	010E CENTRAL BUS ADD LTS 5 6 X 7	BOOHER RAYMOND R	CONSISTENCY	SU-2 / C-3	MX-H	R-MC	R-MC	Yes	No	No	No	No	This property contains a mobile home park that was established legally but is not allowed in the MX-H zone, so it is nonconforming. RM-C is the only zone in the IDO that allows mobile home parks, so that is an appropriate zoning conversion.
824	8505 Tierra Morena Pl NE	102006403633521312	LT 9-P1 CORRECTION PLAT OF TIERRA MORENA SUBDIVISIONCONT .1188 AC +/-	WRAY STEPHEN M	CONSISTENCY	SU-2 / O-1 & R-T	MX-T	R-1B	R-1B	No	Yes	No	No	No	This property is eligible for a zoning conversion as a voluntary downzone (Criterion #2). R-1B is an appropriate zone conversion because this subdivision consists of all detached single-family dwellings and the lot sizes are consistent with the R-1B development pattern.
825	5919 Silver Leaf Trail NE	102306202913830391	LT 68 BLK A PLAT OF THE TRILLIUM AT HIGH DESERT UNIT THREECONT 12.107 SF	WEST MICHAEL & KATERN TRUSTEES WEST REV FAMILY TRUST	CONSISTENCY	SU-2 / HD/R-T	R-T	R-1A	R-1B	No	Yes	No	No	No	This property is eligible for a zoning conversion as a voluntary downzone (Criterion #2). R-1B is an appropriate zone conversion because this subdivision consists of all detached single-family dwellings and the lot sizes are consistent with the R-1B development pattern.
826	7592 Keystone Dr NE	101906332326043209	LOT 1 KEYSTONE PARK ADDITION REPLAT OF LOTS 1-4 & 29-32 TRACT A UNIT A NORTH ALBUQUERQUE ACRES CONT 4548 SQ FT M/L	REEVES ROBIN L	CONSISTENCY	SU-1 / PRD	R-T	R-1A	R-1A	No	Yes	No	No	No	This property is eligible for a zoning conversion as a voluntary downzone. Because the majority of properties in this neighborhood match the R-1A lot size, and many of the houses are built on the lot line, which is only allowed in the R-1A flavor of R-1, R-1A is an appropriate zone conversion.
827	5013 Edwards Dr NE	102106142330510836	* 8 12 OSO GRANDE SUBN UNIT 8 CONT 5,850 SQ FT	STRAIGHT CHRISTINA & STANLEY	CONSISTENCY	SU-1 / PRD	R-T	R-1A	R-1A	No	Yes	No	No	No	This property is eligible for a zoning conversion as a voluntary downzone. Because the majority of properties in this neighborhood match the R-1A lot size, and many of the houses are built on the lot line, which is only allowed in the R-1A 'flavor' of R-1, R-1A is an appropriate zone conversion.
828	12604 Desert Marigold Lane NE	102306205720530335	LT 31 BLK A PLAT OF THE TRILLIUM AT HIGH DESERT UNIT 1 CONT0.1210 AC M/L OR 5,271 SF M/L	VELASQUEZ BILL	CONSISTENCY	SU-2 / HD/R-T	R-T	R-1B	R-1B	No	Yes	No	No	No	This property is eligible for a zoning conversion as a voluntary downzone (Criterion #2). R-1B is an appropriate zone conversion because this subdivision consists of all detached single-family dwellings and the lot sizes are consistent with the R-1B development pattern.
829	8604 New Hampton Rd NE	102006109540120127	LT 18 BLK 1 CORRECTED PLAT OF LAMPLIGHTER ESTATES CONT 0.1645 AC M/L OR 7,166 SQ FT M/L	STAMM DAVID K & EDITH M TRUSTEES STAMM R/LT	CONSISTENCY	R-2	R-M/L	R-1B	R-1B	No	Yes	No	No	No	This property is eligible for a zoning conversion as a voluntary downzone. Because the majority of properties in this neighborhood match the R-1B lot size, R-1B is an appropriate zone conversion.
830	5609 Fulton Ct NE	102006107744820135	LT 26 BLK 1 CORRECTED PLAT OF LAMPLIGHTER ESTATES CONT 0.2690 AC M/L OR 11,718 SQ FT M/L	NAGY PETER	CONSISTENCY	R-2	R-M/L	R-1B	R-1B	No	Yes	No	No	No	This property is eligible for a zoning conversion as a voluntary downzone. Because the majority of properties in this neighborhood match the R-1B lot size, R-1B is an appropriate zone conversion.

RULES FOR ZONING CONVERSION - BATCH 2 PROPERTIES
Organized by FORM ID

Form ID	Property Address	UPC	Legal Description	Owner Name	Development Area	Pre-IDO Zone	IDO Zone	Requested Zone	Recom-mended Zone	Criteria					Staff Notes
										1	2	3	4	5	
901 A	1006 19th St NW	1013059321077318278 1	(IMPROVEMENT ONLY) LT 10-B PLAT OF LOTS 10-A THRU 10-E & LOTS 11-A THRU 11-F ARBOLEA DE VIDA (BEING A REPLAT OF LOTS 10 & 11 ARBOLEA DE VIDA)	SEGURA LAURIE A	CONSISTENCY	S-DR	R-ML	R-T	R-T	No	Yes	No	No	No	This property is eligible for a zoning conversion as a voluntary downzone. Because this area contains a mix of single-family detached, duplex, and townhouse uses, R-T is an appropriate zoning conversion. This property is part of the Sawmill Community Land Trust, so this conversion includes both the land parcel owned by the trust and the building owned by the property owner.
901 B	1006 19th St NW	1013059321077318278 1	(LAND ONLY) LT 10-B PLAT OF LOTS 10-A THRU 10-E & LOTS 11-A THRU 11-F ARBOLEA DE VIDA (BEING A REPLAT OF LOTS 10 & 11 ARBOLEA DE VIDA) CONT .0999 AC	SAWMILL COMMUNITY LAND GRANT	CONSISTENCY	S-DR	R-ML	R-T	R-T	No	Yes	No	No	No	This property is eligible for a zoning conversion as a voluntary downzone. Because this area contains a mix of single-family detached, duplex, and townhouse uses, R-T is an appropriate zoning conversion. This property is part of the Sawmill Community Land Trust, so this conversion includes both the land parcel owned by the trust and the building owned by the property owner.
902	828 Truman St NE	101705850618342414	* 008 009 PUEBLO ALTO	TAYLOR PETER & LAMOTHE MARY KATE	CONSISTENCY	R-3	R-MH	R-T	R-T	Yes	No	No	No	No	The single-family dwelling on this property is nonconforming in the R-MH zone district (Criterion #1 applied). R-T is an appropriate zoning conversion because it provides a transition from the surrounding R-MH and MX-1 and the R-1 neighborhood to the west.
903	6000 Wildflower Trail NE	102306207514031065	LT 8-A BLK C PLAT OF LITS 5-A THRU 14-A BLOCK CTHE TRILLIUM AT HIGH B DESERT UNIT THREECONT 0.1658 AC	WHITTMAN ELLEN	CONSISTENCY	SU-2 / HD/R-T	R-T	R-1A	R-1B	No	Yes	No	No	No	This property is eligible for a zoning conversion as a voluntary downzone (Criterion #2). R-1B is an appropriate zone conversion because this subdivision consists of all detached single-family dwellings and the lot sizes are consistent with the R-1B development pattern.
904	100 La Plata Rd NW	101506125540320288	*20 FOREST ACRES ADDITION	STEVENS CECILIA	CONSISTENCY	R-2	R-ML	R-1	R-1B	No	Yes	No	No	No	This property qualifies for a voluntary downzone (Criterion #2). R-1B is an appropriate zoning conversion for this single-family home because of the lot size pattern of nearby properties.
905	13508 Embudoito View Ct NE	102306144428510148	LT 39 UNIT 2 PLAT OF UNIT 2 - WILDERNESS SUBDIVISION AND UNIT 3 - WILDERNESS SUBDIVISION AT HIGH DESERT A REPLAT OF TRACT 13-B HIGH DESERT CONT .1837 AC	DUBOIS GEORGE A TRUSTEE LUTZ RVT	CONSISTENCY	SU-2 / HD/R-R	PD	R-1A	R-1C	No	No	No	No	Yes	The lots in this subdivision are zoned PD and less than 2 acres, so Criterion 5 applies. R-1C is an appropriate zone conversion because this subdivision consists of all detached single-family dwellings and the lot sizes are consistent with the R-1C development pattern.
906	8500 Tierra Moreno Pl NE	102006403032121304	LT 17-P1 CORRECTION PLAT OF TIERRA MORENA SUBDIVISIONCONT .1188 AC +/-	ZHANG LUZHENG & HUA WANG	CONSISTENCY	SU-2 / O-1 & R-T	MX-T	R-1B	R-1B	No	Yes	No	No	No	This property is eligible for a zoning conversion as a voluntary downzone (Criterion #2). R-1B is an appropriate zone conversion because this subdivision consists of all detached single-family dwellings and the lot sizes are consistent with the R-1B development pattern.

RULES FOR ZONING CONVERSION - BATCH 2 PROPERTIES
Organized by FORM ID

Form ID	Property Address	UPC	Legal Description	Owner Name	Development Area	Pre-IDO Zone	IDO Zone	Requested Zone	Recom-mended Zone	Criteria					Staff Notes
										1	2	3	4	5	
907	12616 Desert Marigold Ln NE	102306207120830332	LT 34 BLK A PLAT OF THE TRILLIUM AT HIGH DESERT UNIT 1 CONT 0.1205 AC M/L OR 5,250 SF M/L	SCHIFANI WILLIAM G	CONSISTENCY	SU-2 / HD/R-T	R-T	R-1	R-1B	No	Yes	No	No	No	This property is eligible for a zoning conversion as a voluntary downzone (Criterion #2). R-1B is an appropriate zone conversion because this subdivision consists of all detached single-family dwellings and the lot sizes are consistent with the R-1B development pattern.
908	8504 Tierra Morena Pl NE	102006403632121305	LT 16-P1 CORRECTION PLAT OF TIERRA MORENA SUBDIVISIONCONT .1188 AC +/-	JONES LEWIS E & NANCY L	CONSISTENCY	SU-2 / O-1 & R-T	MX-T	R-1B	R-1B	No	Yes	No	No	No	This property is eligible for a zoning conversion as a voluntary downzone (Criterion #2). R-1B is an appropriate zone conversion because this subdivision consists of all detached single-family dwellings and the lot sizes are consistent with the R-1B development pattern.
909	9200 Camino Viejo NW	101306412241621438	LT 1-P1 BLK 3 PLAT OF VISTA MONTECITO SUBD CONT 0.1508 AC M/L OR 6,569 SQ FT M/L	MITCHELL BRENDA NOWLIN TRUSTEE MITCHELL TRUST	CONSISTENCY	SU-1 / C-2 & R-2 USES	MX-M	R-T	R-T	Yes	Yes	No	No	No	The single-family dwellings in this neighborhood are nonconforming in the MX-M zone district. R-T is an appropriate zoning conversion given the mix of single family detached dwellings, duplexes, and townhomes in this subdivision.
910	9208 Camino Viejo NW	101306412742321440	LT 3-P1 BLK 3 PLAT OF VISTA MONTECITO SUBD CONT 0.1326 AC M/L OR 5,776 SQ FT M/L	HUFF DEANNA M TRUSTEE HUFF LVT	CONSISTENCY	SU-1 / C-2 & R-2 USES	MX-M	R-1	R-1A	Yes	Yes	No	No	No	The duplex on this property is nonconforming in the MX-M zone district (Criterion #1 applies). R-1A is an appropriate zoning conversion because duplexes are allowed in R-1A as long as each unit is on a separate lot, which is the case for this duplex.
911	13205 Jo Ln NE	102306229843021124	LOT 90A P1 PLAT OF LOTS 83A THRU 90A CHACO RIDGE AT HIGHDESSERT A REPLAT OF LOTS 83 THRU 90 CHACO RIDGE AT HIGHDESSERT CONT .1467 AC	ADAMS ROBERT M & JENNY M TRUSTEES ADAMS FAMILY RVT	CONSISTENCY	SU-2 / HD/R-T	R-T	R-1A	R-1A	No	Yes	No	No	No	This property is eligible for a zoning conversion as a voluntary downzone (Criterion #2). R-1A is an appropriate zone conversion because this subdivision consists of all detached single-family dwellings and the lot sizes are consistent with the R-1A development pattern.
912	8516 Tierra Morena Pl NE	102006405432421308	LT 13-P1 CORRECTION PLAT OF TIERRA MORENA SUBDIVISIONCONT .1285 AC +/-	CASWELL LARRY D JR & ERIN E	CONSISTENCY	SU-2 / O-1 & R-T	MX-T	R-1B	R-1B	No	Yes	No	No	No	This property is eligible for a zoning conversion as a voluntary downzone (Criterion #2). R-1B is an appropriate zone conversion because this subdivision consists of all detached single-family dwellings and the lot sizes are consistent with the R-1B development pattern.
913	10617 Casador del Oso NE	102106141132710201	*22 6 OSO GRANDE SUB'N UNIT 3 CONT 4,400 SQ FT	VETTER LARRY G	CONSISTENCY	SU-1 / PRD	R-T	R-1A	R-1A	No	Yes	No	No	No	This property is eligible for a zoning conversion as a voluntary downzone. Because the majority of properties in this neighborhood match the R-1A lot size, and many of the houses are built on the lot line, which is only allowed in the R-1A "flavor" of R-1, R-1A is an appropriate zone conversion.

RULES FOR ZONING CONVERSION - BATCH 2 PROPERTIES
Organized by FORM ID

Form ID	Property Address	UPC	Legal Description	Owner Name	Development Area	Pre-IDO Zone	IDO Zone	Requested Zone	Recommended Zone	Criteria					Staff Notes
										1	2	3	4	5	
914	6000 Silver Leaf Trail NE	102306204914030971	LT 7 BLK E PLAT OF THE TRILLIUM AT HIGH DESERT UNIT THREECONT 7,615 SF	BRAINARD JOHN P & HERTHA A	CONSISTENCY	SU-2 / HD/R-T	R-T	R-1A	R-1B	No	Yes	No	No	No	This property is eligible for a zoning conversion as a voluntary downzone (Criterion #2). R-1B is an appropriate zone conversion because this subdivision consists of all detached single-family dwellings and the lot sizes are consistent with the R-1B development pattern.
915	10305 Oso Grande Rd NE	102106125133011308	* 7.1 OSO GRANDE SUBD UNIT #1 CONT 0.116 AC	GARSOW JAMES	CONSISTENCY	SU-1 / PRD	R-T	R-1A	R-1A	No	Yes	No	No	No	This property is eligible for a zoning conversion as a voluntary downzone. Because the majority of properties in this neighborhood match the R-1A lot size, and many of the houses are built on the lot line, which is only allowed in the R-1A 'flavor' of R-1, R-1A is an appropriate zone conversion.
916	6031 Silver Leaf Trail NE	10230620321730302	LT 62 BLK A PLAT OF THE TRILLIUM AT HIGH DESERT UNIT 1 CONT 0.1946 AC M/L OR 8,479 SF M/L	DREBING GEORGE & DREBING CARMEN TRUSTEES DREBING LVT	CONSISTENCY	SU-2 / HD/R-T	R-T	R-1	R-1B	No	Yes	No	No	No	This property is eligible for a zoning conversion as a voluntary downzone (Criterion #2). R-1B is an appropriate zone conversion because this subdivision consists of all detached single-family dwellings and the lot sizes are consistent with the R-1B development pattern.
917	8401 Tierra Morena Pl NE	102006400132021320	LT 1-P1 CORRECTION PLAT OF TIERRA MORENA SUBDIVISIONCONT .1282 AC +/-	TRAN TYRONE C & OLIVACH ANN N	CONSISTENCY	SU-2 / O-1 & R-T	MX-T	R-1B	R-1B	No	Yes	No	No	No	This property is eligible for a zoning conversion as a voluntary downzone (Criterion #2). R-1B is an appropriate zone conversion because this subdivision consists of all detached single-family dwellings and the lot sizes are consistent with the R-1B development pattern.
918	8423 Tierra Morena Pl NE	102006402033521315	LT 6-P1 CORRECTION PLAT OF TIERRA MORENA SUBDIVISIONCONT .1188 AC +/-	BLAND JEFFREY J & OLIVIA	CONSISTENCY	SU-2 / O-1 & R-T	MX-T	R-1B	R-1B	No	Yes	No	No	No	This property is eligible for a zoning conversion as a voluntary downzone (Criterion #2). R-1B is an appropriate zone conversion because this subdivision consists of all detached single-family dwellings and the lot sizes are consistent with the R-1B development pattern.
919	10428 Casador del Oso NE	102106134828540434	*23.4 OSO GRANDE SUBD UNIT 4 CONT 0.101 AC	NEUMANN BONNIE M	CONSISTENCY	SU-1 / PRD	R-T	R-1A	R-1A	No	Yes	No	No	No	This property is eligible for a zoning conversion as a voluntary downzone. Because the majority of properties in this neighborhood match the R-1A lot size, and many of the houses are built on the lot line, which is only allowed in the R-1A 'flavor' of R-1, R-1A is an appropriate zone conversion.
920	6315 Greyleaf Trl NE	102306226533710214	LOT 38 P-1 PLAT OF THE ENCLAVE AT HIGH DESERT A REPLATOF TRACT 8C HIGH DESERT CONT .1084 AC	TISCHLER HOWARD M & DEBORAH ANN TRUSTEES TISCHLER RVT	CONSISTENCY	SU-2 / HD/C-1	MX-L	R-1A	R-1A	Yes	Yes	No	No	No	The single-family dwelling on this property is legally nonconforming in the MX-L zone, so it is eligible for a zoning conversion. R-1A is an appropriate zoning conversion given the size of the lots in this neighborhood and because of the mix of single-family detached and duplexes, which are allowed in R-1A as long as they are on separate lots.

RULES FOR ZONING CONVERSION - BATCH 2 PROPERTIES
Organized by FORM ID

Form ID	Property Address	UPC	Legal Description	Owner Name	Development Area	Pre-IDO Zone	IDO Zone	Requested Zone	Recommended Zone	Criteria					Staff Notes
										1	2	3	4	5	
989	4623 Miramar Dr NW	101306407944321455	LT 3A-P1 BLK 6 PLAT OF LOT 1A-P1, BLOCK 1 LOT 3A-P1 BLOCK 6& TRACTS A-1-A & C-1-A VISTA MONTECITO SUBDIVISIONCONT .1855 AC	DEVALT DAVID E JR & YVONNE M	CONSISTENCY	SU-1 / C-2 & R-2 USES	MX-M	R-1	R-1B	Yes	Yes	No	No	No	The single-family dwellings in this neighborhood are nonconforming in the MX-M zone district. R-1B is an appropriate zoning conversion because it allows single-family dwellings and is consistent with the lot sizes in this subdivision.
990	5219 Noreen Dr NE	102106137135512037	LT 101A BLK 4 PLAT OF LITS 97A-104A BLK 4 LITS 1A-7A BLK 5 LITS1A-10A BLK 6 OSO GRANDE SUBD UNIT 3 CONT 4,514.46 SQ FT M/L	JONES KRISTY D	CONSISTENCY	SU-1 / PRD	R-T	R-1	R-1A	No	Yes	No	No	No	This property is eligible for a zoning conversion as a voluntary downzone. Because the majority of properties in this neighborhood match the R-1A lot size, and many of the houses are built on the lot line, which is only allowed in the R-1A "flavor" of R-1, R-1A is an appropriate zone conversion.
991	9200 Miramar Ln NW	101306413740621431	LT 2-P1 BLK 2 PLAT OF VISTA MONTECITO SUBD CONT 0.1681 AC M/L OR 7,322 SQ FT M/L	JOHNSON TAMMY J	CONSISTENCY	SU-1 / C-2 & R-2 USES	MX-M	R-1	R-T	No	Yes	No	No	No	This property qualifies for the zoning conversion process as a voluntary downzone (Criterion 2). This is a neighborhood of mixed low-density residential housing types - single-family detached, duplexes, and townhouses. R-T is an appropriate zoning conversion because it is a downzone to better reflect the uses and allows the townhouse use.
992	345 Granite NE	101405851920944212	LOT 1 PLAT OF LOTS 1, 2 & 3 EDITH/GRANITE ADDITIONCONT .1089 AC	PRICE DIANA M	CONSISTENCY	SU-2 / NRC	MX-L	R-1B	R-1A	Yes	Yes	No	No	No	This property contains one single-family dwelling that is nonconforming in the MX-L zone district. The parcel is less than 5,000 square feet, so R-1A is an appropriate zoning conversion.
993	8405 Tierra Morena Pl NE	102006400132521319	LT 2-P1 CORRECTION PLAT OF TIERRA MORENA SUBDIVISIONCONT .1291 AC +/-	MEYER MARK A & LOIS	CONSISTENCY	SU-2 / O-1 & R-T	MX-T	R-1B	R-1B	No	Yes	No	No	No	This property is eligible for a zoning conversion as a voluntary downzone (Criterion #2). R-1B is an appropriate zone conversion because this subdivision consists of all detached single-family dwellings and the lot sizes are consistent with the R-1B development pattern.
994	4930 Casa del Oso NE	102106128422340407	*50.4 OSO GRANDE SUBD UNIT 5 CONT 0.169 AC	WOYAK DAWN C & GENE	CONSISTENCY	SU-1 / PRD	R-T	R-1A	R-1A	No	Yes	No	No	No	This property is eligible for a zoning conversion as a voluntary downzone. Because the majority of properties in this neighborhood match the R-1A lot size, and many of the houses are built on the lot line, which is only allowed in the R-1A "flavor" of R-1, R-1A is an appropriate zone conversion.
995	8501 Tierra Morena Pl NE	102006403133521313	LT 8-P1 CORRECTION PLAT OF TIERRA MORENA SUBDIVISIONCONT .1188 AC +/-	GREGOS GARY	CONSISTENCY	SU-2 / O-1 & R-T	MX-T	R-1B	R-1B	No	Yes	No	No	No	This property is eligible for a zoning conversion as a voluntary downzone (Criterion #2). R-1B is an appropriate zone conversion because this subdivision consists of all detached single-family dwellings and the lot sizes are consistent with the R-1B development pattern.

14. FINAL ACTIONS

a. O-19-79

Adopting Zoning Conversion Rules For Properties In Batch 2 Of The Phase 2 Zoning Conversion Effort As Directed By City Council Resolution 18-29 And Updating The Official Zoning Map (Benton and Jones, by request)

A motion was made by Councilor Benton that this matter be Amended. Councilor Benton moved Amendment No. 1. The motion carried by the following vote:

For: 8 - Peña, Borrego, Sanchez, Benton, Winter, Davis, Jones, and Harris

Excused: 1 - Gibson

A motion was made by Councilor Benton that this matter be Amended. Councilor Benton moved Amendment No. 2. The motion carried by the following vote:

For: 8 - Peña, Borrego, Sanchez, Benton, Winter, Davis, Jones, and Harris

Excused: 1 - Gibson

A motion was made by Councilor Benton that this matter be Amended. Councilor Benton moved Amendment No. 3. The motion carried by the following vote:

For: 8 - Peña, Borrego, Sanchez, Benton, Winter, Davis, Jones, and Harris

Excused: 1 - Gibson

A motion was made by Councilor Benton that this matter be Amended. Councilor Benton moved Amendment No. 4. The motion carried by the following vote:

For: 8 - Peña, Borrego, Sanchez, Benton, Winter, Davis, Jones, and Harris

Excused: 1 - Gibson

A motion was made by Councilor Jones that this matter be Passed as Amended. The motion carried by the following vote:

For: 8 - Peña, Borrego, Sanchez, Benton, Winter, Davis, Jones, and Harris

Excused: 1 - Gibson

b. O-19-86

Amending Chapter 13 Of The Revised Ordinances Of Albuquerque To Add A New Section Requiring Persons Owning Or Managing A Place Of Public Accommodations To Activate Closed Captioning On Television Receivers (Borrego, Peña)

A motion was made by Vice-President Borrego that this matter be Passed. The motion carried by the following vote:

For: 7 - Peña, Borrego, Sanchez, Benton, Winter, Davis, and Jones

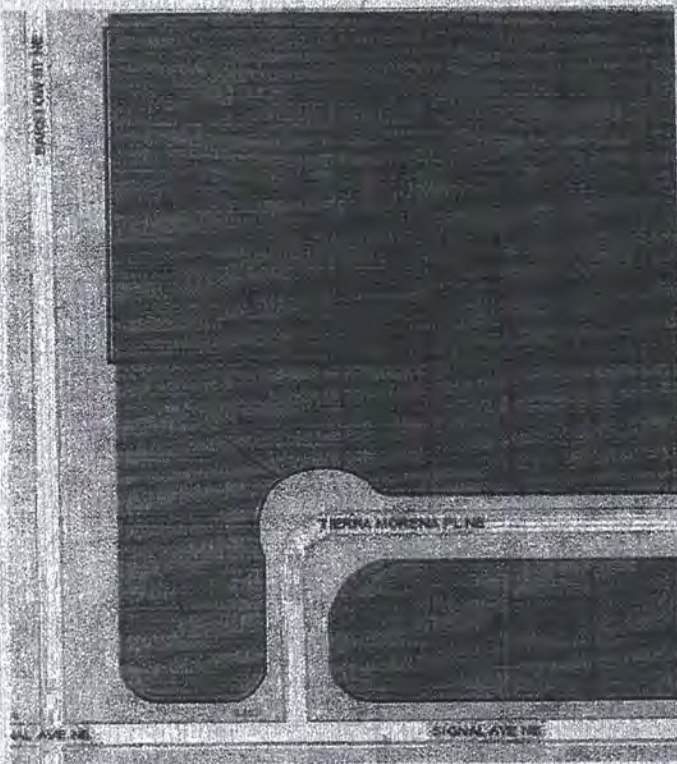
Excused: 2 - Gibson, and Harris



From: Barkhurst, Kathryn Carrie <kcbarkhurst@cabq.gov>
Sent: Monday, May 14, 2018 11:13 AM
To: pj.scarpa@comcast.net
Subject: IDO Zoning

Hello Marialuz,

Thanks for checking your property and contacting us. The property you mention has been converted from SU-1 for O-1 and R-T to MX-T. The IDO proposes to convert permissive uses of existing zones to the closest matching IDO zone.



We have noted this property to be considered during the follow up zone change process. We will be in touch after the IDO becomes effective to provide more information about this process. For more information, see the project website: <https://abc-zone.com/post-ido-voluntary-zone-conversion-process>

Thanks for your understanding,

Carrie

Carrie Barkhurst, MCRP
Urban Design & Development/Long Range
City of Albuquerque Planning Department
Direct line 505-924-3879
kcbarkhurst@cabq.gov





Tim Keller, Mayor



November 5, 2018

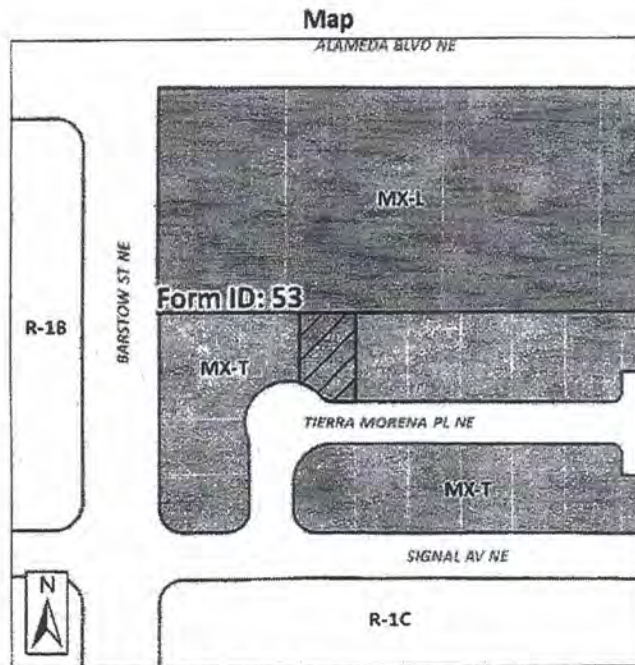
Dear property owner,

The Planning Department has received the Request and Agreement Form for a voluntary zoning conversion for the property indicated in the table below. This process was authorized by City Council through Resolution 18-29 directing the Planning Department to create a process for property owners to opt in to a one-year, voluntary zone conversion process at no cost to the property owner.

The table below provides an overview of the requested conversion and Planning staff recommendations. See map on the next page to confirm the area recommended for conversion (the subject property).

Zoning Conversion Request	
Form ID (for your reference)	53
Applicant Name	Juanita Duran
Subject Property Address	8419 Tierra Morena Pl NE
Zip Code	87122
Owner Name*	DURAN JUANITA C
Owner Address*	8419 TIERRA MORENA PL NE ALBUQUERQUE NM 87122
Legal Description*	LT 5-P1 CORRECTION PLAT OF TIERRA MORENA SUBDIVISIONCONT .1215 AC +/-
UPC Code*	102006401433521316
Current Zoning**	MX-T
Requested Zoning	R-1B
* From 2018 Bernalillo County Assessor records	
** From the City of Albuquerque Official Zoning Map	
Staff Recommendation	
Recommended Zone District	R-1B
Criteria 1 – Nonconforming Use	No
Criteria 2 – Voluntary Downzone	Yes
Criteria 3 – Floating Zone Line	No
Criteria 4 – Prior Special Use Zoning	No
Criteria 5 – Size Thresholds	No
Notes	This property is eligible for a zoning conversion as a voluntary downzone. R-1B is an appropriate zone conversion for this property.





The subject property is indicated with hatching.

The recommended zoning conversion described above will be included in the follow-up zoning conversion process. It will be submitted as a group with other properties that also qualify for this process. The application is anticipated to be submitted by November 29, for an EPC Hearing on January 10, 2019. You are not required to attend the hearing, but you are welcome to send in written comments and/or attend the hearing to observe or give verbal comments. EPC Hearings start at 8:30 am and are held in the Basement Hearing Room in the Plaza del Sol building, 600 2nd St. NW. More information about the agenda will be sent out in our email newsletter, or you can find it on the City webpage: <http://www.cabq.gov/planning/boards-commissions/environmental-planning-commission/epc-agendas-reports-minutes>.

If you included an email address in your request, it has been added to our email list. You will receive periodic project update email newsletters at that address. Those updates will also be posted on the ABC-Z project webpage. If you would like to add or change your email address in our records, please contact us using any of the methods described below.

If you would like to talk to Planning Staff about the recommended conversion, if you have any concerns about the information in this letter or the map, or if you would like to opt out of this process, please email abcto@cabq.gov, visit the project website www.abc-zone.com, or phone the Planning Department at (505) 924-3860 and ask to speak to someone on the ABC-Z Planning Team.

Sincerely,

Long Range Planning Staff, City of Albuquerque

Email: abcto@cabq.gov

Phone: 505-924-3860

Web: www.abc-zone.com

CC:

DURAN JUANITA C, 8419 TIERRA MORENA PL NE ALBUQUERQUE NM 87122

Juanita Duran, 8512 Tierra Morena PI NE Albuquerque, 87122

Juanita Duran, jcduran1@comcast.net



53

REC'D
10/26/18

Phase II IDO Zoning Conversion – June 2018 through May 2019
Request and Agreement Form

City Council adopted Resolution 18-29 directing the Planning Department to provide a process for property owners to opt in to a follow-up, voluntary process for a legislative zoning conversion if their property meets any of the following criteria:

1. **Nonconforming Use:** The existing use on the property was allowed when the use began but is not allowed in the IDO zone district, and a zoning conversion could remedy the nonconformity by converting to an appropriate zone that allows the use.
2. **Voluntary Downzone:** The property is in an Area of Consistency, and the zoning conversion would result in a voluntary downzone to a less intense zone (e.g. R-T to R-1) that allows the existing use and is compatible with the site and the area.
3. **Floating Zone Line:** The property has two or more zones on one lot, and the zoning conversion would result in selecting the most appropriate single zone to match platted lot lines.
4. **Prior Special Use Zoning:** The property was formerly zoned R-D or a Special Use zone (SU-1, SU-2, or SU-3) and is currently vacant, and the zoning conversion would result in a more appropriate IDO zone district for the site.
5. **Size Thresholds:** The property is zoned NR-BP but is less than 20 acres or the property is zoned PD but is less than 2 acres or greater than 20 acres (i.e. the property is nonconforming as to lot size), and the zoning conversion would result in a more appropriate IDO zone district that is compatible with the site and the area and meets size thresholds, if applicable.

Request

Owner's First Name: Juanita Owner's Last Name: Duran
Owner's Mailing Address (if different from the property below):
Street Address: 8512 Tierra Morena PI NE City: Albuquerque Zip Code: 87122
Owner's Phone: (404) 269-1753 Owner's Email: jcduran1@comcast.net

(If there are multiple owners of the property, please attach a list of all owners and their mailing and email addresses and provide signatures from each owner on separate copies of page 2 of this form.)

Agent (if any): _____

Agent's Phone: _____ Agent's Email: _____

Street Address for Property to Be Converted: 8419 Tierra Morena PI NE, Albuquerque NM
Zip Code: 87122

Legal Description / UPC Code (if known): _____

Current Zone: MX-T Requested Zone: R-1B

Zoning Conversion Criteria (list ALL the criteria numbers above that apply): R-1B Voluntary Downzone

Existing Land Use(s): Single Family Home



Phase II IDO Zoning Conversion – June 2018 through May 2019
Request and Agreement Form

Agreement

By signing below, you are acknowledging ALL of the following:

1. You are a legal owner of the property and have the authority to opt in to this zoning conversion process.
2. You are voluntarily opting in to the follow-up zoning conversion process specified in Resolution 18-29, and you accept the terms and procedures for this process. You understand that the City will submit your property as part of a package of requested zoning conversions if it meets the criteria in that resolution.
3. You understand that changing the zoning designation for your property will impact the allowable uses on the property.
4. You understand that this zoning conversion may impact the value of the property and that the City is not responsible for any change in value related to this zoning conversion.
5. You understand that the City will analyze the existing use(s), lot size, previous and current zoning, and surrounding zoning to evaluate the requested zoning conversion and that the City may recommend a conversion to a different zone that is more appropriate based on these factors.
6. You will receive mailed notice from the City confirming the requested zoning conversion or the recommendation for a different conversion, the criteria for zoning conversion, existing land use on the property, and the likely submittal date into the City's review and decision process. You will need to confirm receipt of the letter and your participation in the zoning conversion process within 10 business days by email or mail.
7. You understand that the requested zoning conversions will be reviewed by the Environmental Planning Commission and then the City Council's Land Use, Planning, and Zoning Committee, which will each make a recommendation to the City Council, and that the City Council will make the final decision.
8. You understand that each of these review and decision steps will include a public hearing, at which you and others can make comments, although your attendance is not required.
9. You understand that the City cannot guarantee the outcome of the review and decision process for this legislative zoning conversion.
10. You are aware that you have the right to seek counsel or hire an agent to use throughout the review and decision process.
11. You are aware that you can withdraw the property from this legislative zoning conversion process at any time before the City Council takes a final action.
12. You are aware that you can submit a Zoning Map Amendment for the property at any time through a separate, quasi-judicial process required by the Integrated Development Ordinance; including but not limited to, a full analysis of how the request meets the review and decision criteria in Subsection 6-7(F)(3) or 6-7(G)(3), as applicable.

Date: 10/26/2018

Property Owner Name (Please Print): Juanita C Duran

Property Owner Signature: Juanita C Duran

Digitally signed by Juanita C Duran
Date: 2018.10.26 11:34:58 -08'00'



**Phase II IDO Zoning Conversion – June 2018 through May 2019
Request and Agreement Form**

City Council adopted Resolution 18-29 directing the Planning Department to provide a process for property owners to opt in to a follow-up, voluntary process for a legislative zoning conversion if their property meets any of the following criteria:

1. **Nonconforming Use:** The existing use on the property was allowed when the use began but is not allowed in the IDO zone district, and a zoning conversion could remedy the nonconformity by converting to an appropriate zone that allows the use.
2. **Voluntary Downzone:** The property is in an Area of Consistency, and the zoning conversion would result in a voluntary downzone to a less intense zone (e.g. R-T to R-1) that allows the existing use and is compatible with the site and the area.
3. **Floating Zone Line:** The property has two or more zones on one lot, and the zoning conversion would result in selecting the most appropriate single zone to match platted lot lines.
4. **Prior Special Use Zoning:** The property was formerly zoned R-D or a Special Use zone (SU-1, SU-2, or SU-3) and is currently vacant, and the zoning conversion would result in a more appropriate IDO zone district for the site.
5. **Size Thresholds:** The property is zoned NR-BP but is less than 20 acres or the property is zoned PD but is less than 2 acres or greater than 20 acres (i.e. the property is nonconforming as to lot size), and the zoning conversion would result in a more appropriate IDO zone district that is compatible with the site and the area and meets size thresholds, if applicable.

Request

Owner's First Name: Stephen Owner's Last Name: Wray

Owner's Mailing Address (if different from the property below):

Street Address: _____ City: _____ Zip Code: _____

Owner's Phone: _____ Owner's Email: _____

(If there are multiple owners of the property, please attach a list of all owners and their mailing and email addresses and provide signatures from each owner on separate copies of page 2 of this form.)

Agent (if any): _____

Agent's Phone: _____ Agent's Email: _____

Street Address for Property to Be Converted: 8505 Tierra Morena Pl. NE

Zip Code: 87122

Legal Description / UPC Code (if known): _____

Current Zone: MX-T Requested Zone: R-1B

Zoning Conversion Criteria (list ALL the criteria numbers above that apply): 2

Existing Land Use(s): Residential, Single Family Detached





Phase II IDO Zoning Conversion – June 2018 through May 2019
Request and Agreement Form

Agreement

By signing below, you are acknowledging ALL of the following:

1. You are a legal owner of the property and have the authority to opt in to this zoning conversion process.
2. You are voluntarily opting in to the follow-up zoning conversion process specified in Resolution 18-29, and you accept the terms and procedures for this process. You understand that the City will submit your property as part of a package of requested zoning conversions if it meets the criteria in that resolution.
3. You understand that changing the zoning designation for your property will impact the allowable uses on the property.
4. You understand that this zoning conversion may impact the value of the property and that the City is not responsible for any change in value related to this zoning conversion.
5. You understand that the City will analyze the existing use(s), lot size, previous and current zoning, and surrounding zoning to evaluate the requested zoning conversion and that the City may recommend a conversion to a different zone that is more appropriate based on these factors.
6. You will receive mailed notice from the City confirming the requested zoning conversion or the recommendation for a different conversion, the criteria for zoning conversion, existing land use on the property, and the likely submittal date into the City's review and decision process. You will need to confirm receipt of the letter and your participation in the zoning conversion process within 10 business days by email or mail.
7. You understand that the requested zoning conversions will be reviewed by the Environmental Planning Commission and then the City Council's Land Use, Planning, and Zoning Committee, which will each make a recommendation to the City Council, and that the City Council will make the final decision.
8. You understand that each of these review and decision steps will include a public hearing, at which you and others can make comments, although your attendance is not required.
9. You understand that the City cannot guarantee the outcome of the review and decision process for this legislative zoning conversion.
10. You are aware that you have the right to seek counsel or hire an agent to use throughout the review and decision process.
11. You are aware that you can withdraw the property from this legislative zoning conversion process at any time before the City Council takes a final action.
12. You are aware that you can submit a Zoning Map Amendment for the property at any time through a separate, quasi-judicial process required by the Integrated Development Ordinance, including but not limited to, a full analysis of how the request meets the review and decision criteria in Subsection 6-7(F)(3) or 6-7(G)(3), as applicable.

Date: 4/9/2019

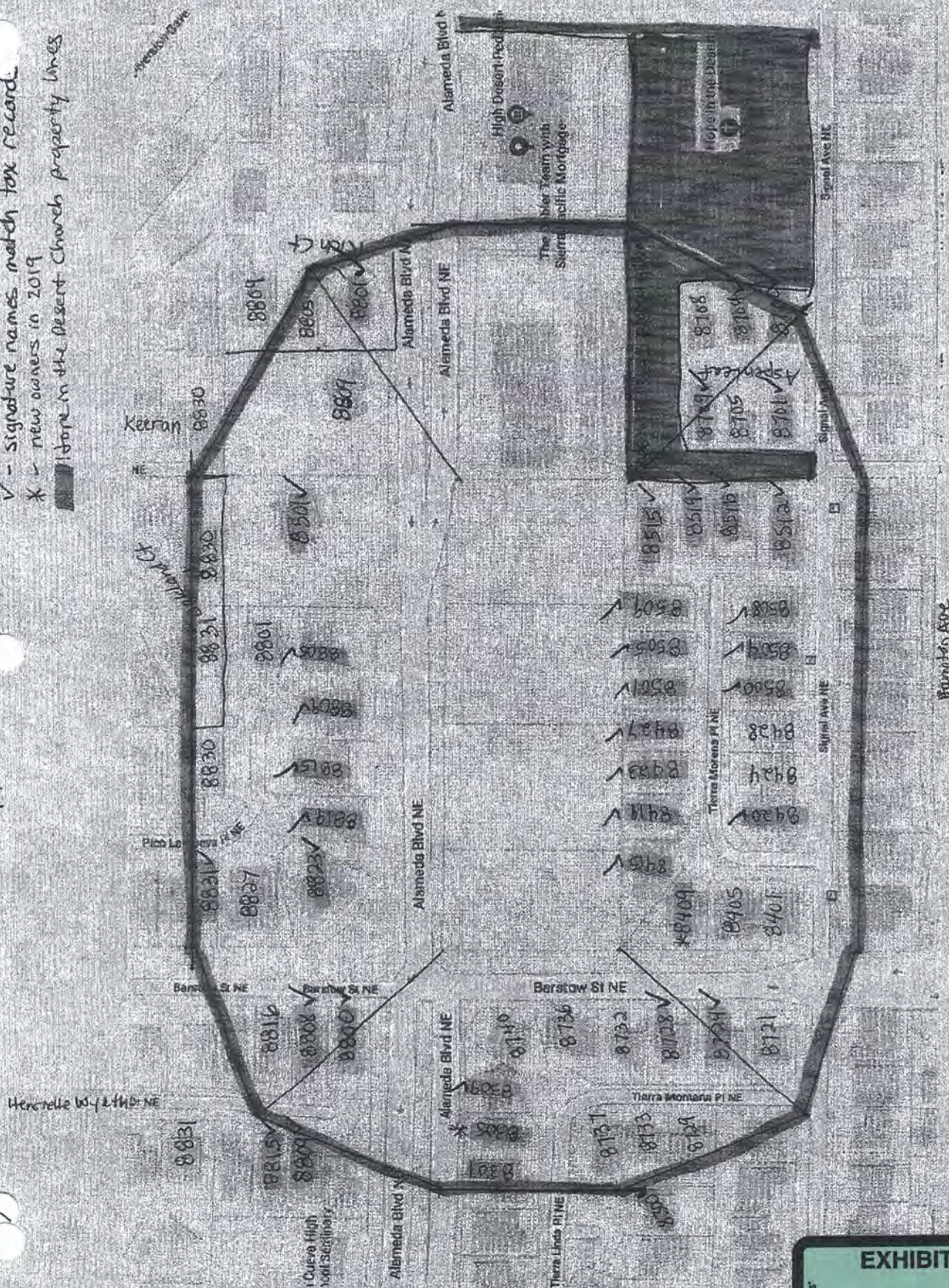
Property Owner Name (Please Print): Stephen Wray

Property Owner Signature: Stephen Wray

Digitally signed by Stephen Wray
DN: cn=Stephen Wray, o, ou, email=swray6@comcast.net, c=US
Date: 2019.04.09 17:10:14 -05'00'

330 ft. per inch

Have Appellant produce



Alameda/Barstow Map of Appellants

26

Salas, Alfredo E.

From: Hessel E. Yntema III <hess@yntema-law.com>
Sent: Friday, November 19, 2021 9:22 AM
To: Gomez, Angela J.; Michael Vos; Planning Development Review Services; Renz-Whitmore, Mikaela J.; Grush, Matthew P.; Carter, Blaine M.; Cherne, Curtis; Firor, Laurie; Webb, Robert L.
Cc: Jim Strozier; Sanchez, Nicole A.; Peter Lindborg; Philip Lindborg
Subject: Re: Letter and Exhibits re: DRB Remand for PR-2019-002496 (Alameda and Barstow)
Attachments: 5 Ex 21-26 reduced.pdf; 6 Ex 27-32 reduced.pdf

External

Ms. Gomez,
Here is the second e-mail with exhibits
Hess

Hessel E. Yntema III
Yntema Law Firm P.A.
215 Gold SW
Suite 201
Albuquerque, New Mexico 87102
phone 505-843-9565
fax 505-242-2879
e-mail hess@yntema-law.com

This communication is confidential and is intended only for the use of the individual or entity named above. If you have received this communication in error, please immediately destroy it and notify the sender by reply e-mail or by telephone (505) 843-9565 (call collect).

On 11/19/2021 9:19 AM, Hessel E. Yntema III wrote:

Ms. Gomez,
My second e-mail yesterday with the exhibits did not get through to all the above recipients due to size, so I am re-sending the exhibits in two e-mails. Please let me know if you receive both e-mails with all 32 exhibits for the record.
Thanks,
Hess

Hessel E. Yntema III
Yntema Law Firm P.A.

215 Gold SW
Suite 201
Albuquerque, New Mexico 87102
phone 505-843-9565
fax 505-242-2879
e-mail hess@yntema-law.com

This communication is confidential and is intended only for the use of the individual or entity named above. If you have received this communication in error, please immediately destroy it and notify the sender by reply e-mail or by telephone (505) 843-9565 (call collect).

On 11/18/2021 2:25 PM, Gomez, Angela J. wrote:

Good afternoon Mr. Yntema,

This has been added to the record.

Best,
Angela ~



ANGELA GOMEZ
DRB hearing monitor
development review services
o 505.924.3946
e agomez@cabq.gov
cabq.gov/planning

From: Hessel E. Yntema III [<hess@yntema-law.com>](mailto:hess@yntema-law.com)
Sent: Thursday, November 18, 2021 1:53 PM
To: Gomez, Angela J. [<agomez@cabq.gov>](mailto:agomez@cabq.gov); Michael Vos [<Vos@consensusplanning.com>](mailto:Vos@consensusplanning.com); Planning Development Review Services [<PLNDRS@cabq.gov>](mailto:PLNDRS@cabq.gov); Renz-Whitmore, Mikaela J. [<mrenz-whitmore@cabq.gov>](mailto:mrenz-whitmore@cabq.gov); Grush, Matthew P. [<mgrush@cabq.gov>](mailto:mgrush@cabq.gov); Carter, Blaine M. [<bcarter@abcwua.org>](mailto:bcarter@abcwua.org); Cherne, Curtis [<CCherne@cabq.gov>](mailto:CCherne@cabq.gov); Firor, Laurie [<lfiror@cabq.gov>](mailto:lfiror@cabq.gov); Webb, Robert L. [<rwebb@cabq.gov>](mailto:rwebb@cabq.gov)
Cc: Jim Strozier [<cp@consensusplanning.com>](mailto:cp@consensusplanning.com); Sanchez, Nicole A. [<nasanchez@cabq.gov>](mailto:nasanchez@cabq.gov); Peter Lindborg [<plindborg@lmlp.com>](mailto:plindborg@lmlp.com); Philip Lindborg [<phillindborg@comcast.net>](mailto:phillindborg@comcast.net)

Subject: Letter and Exhibits re: DRB Remand for PR-2019-002496 (Alameda and Barstow)

External

Ms. Gomez,

Attached is a letter on behalf of various opponents of the proposed site plan for the referenced project. I will send the exhibits referenced in the letter in a separate e-mail. Please place these papers in the record for the December 3, 2021 DRB meeting and advise by e-mail response if the papers have been placed in the record.

Thanks,
Hess

Hessel E. Yntema III
Yntema Law Firm P.A.
215 Gold SW
Suite 201
Albuquerque, New Mexico 87102
phone 505-843-9565
fax 505-242-2879
e-mail hess@yntema-law.com

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On 11/15/2021 9:53 AM, Gomez, Angela J. wrote:

Good morning,

The information for the above referenced case has been added to the record.

Best,
Angela ~



ANGELA GOMEZ

DRB hearing monitor
development review services

o 505.924.3946

e agomez@cabq.gov

cabq.gov/planning

From: Michael Vos <Vos@consensusplanning.com>

Sent: Monday, November 15, 2021 9:46 AM

To: Planning Development Review Services <PLNDRS@cabq.gov>; Renz-Whitmore, Mikaela J. <mrenz-whitmore@cabq.gov>; Grush, Matthew P. <mgrush@cabq.gov>; Carter, Blaine M. <bcarter@abcwua.org>; Cherne, Curtis <CCCherne@cabq.gov>; Firor, Laurie <lfiror@cabq.gov>; Webb, Robert L. <rwebb@cabq.gov>

Cc: Jim Strozier <cp@consensusplanning.com>; Sanchez, Nicole A. <nasanchez@cabq.gov>; Peter Lindborg <plindborg@lmllp.com>; hess@yntema-law.com; Philip Lindborg <phillindborg@comcast.net>; Gomez, Angela J. <agomez@cabq.gov>

Subject: DRB Remand Documentation for PR-2019-002496 (Alameda and Barstow)

External

Good morning,

Please find a supplemental submittal for the December 3, 2021 DRB remand hearing that includes documentation of public notice here:
<https://www.dropbox.com/t/qcCdGUgPsP3r9b0a>

Please let me know if there are any questions or concerns.

Thanks,

Michael Vos, AICP

CONSENSUS PLANNING, INC.

302 Eighth Street NW

Albuquerque, NM 87102

phone (505) 764-9801

vos@consensusplanning.com

2020 Annual Update

The City Council approved the 2020 annual update on June 17, 2021, and the changes went into effect on **August 1, 2021**.

IDO Legislative History

- Effective July 30, 2021, the 2020 Annual Update to the IDO was adopted by City Council on June 17, 2021 via Ordinance 21-60.
 - 2020 IDO Effective Draft (PDF)
 - 2020 IDO Annual Update Archive Draft
- (Interactive Document)
 - (Colored text indicates changes from 2019, and footnotes explain the source of the change)
 - (Add your comments to identify improvements!)
- 2020 IDO Annual Update Archive Draft [PDF]
- Read about the review/decision process on the ABC-Z project webpage
 - • •
 - Review trainings for the public and staff. [Pending]
- Two interim resolutions were adopted by Council on March 15, 2021 and were in effect until the 2020 IDO Annual Update became effective in July 2021.
 - R-21-140
- (Enactment# R-2021-017) staying the enforcement of Subsection 14-16-6-4(L)(2), which allowed administrative decisions to be delayed up to 15 days for a facilitated meeting to be requested. (IDO amended accordingly via Amendment A14 at LUPZ.)
- R-21-139
 - • (Enactment# R-2021-016) declaring a moratorium on walls and fences Subsections 14-16-5-7(D)(3)(F) and 14-16-5-7(D)(3)(G). (IDO amended accordingly via Amendment A16 at LUPZ.)
- Effective November 2, 2020, the 2019 Annual Update to the IDO was adopted by City Council on September 16, 2020 via Ordinance 20-10.
 - 2019 IDO Effective Draft (PDF)
 - 2019 IDO Annual Update Archive Draft



- (Interactive Document)
- [2019 IDO Annual Update Archive Draft](#)

- • (PDF)

- Effective November 2, 2020, a text amendment adding a new Character Protection Overlay (CPO) zone for North 4th was adopted by City Council on September 16, 2020 via [O-20-9](#)
- . The changes have been incorporated into the [2019 IDO Effective Draft](#).
- Effective January 31, 2020, [amended regulations for Old Town Historic Protection Overlay zone](#) were adopted by the City Council via [Ordinance 19-52](#)
- related to signage and tap room or tasting room use. These changes were incorporated into the [2019 IDO Effective Draft](#).
- Effective September 3, 2019, [interim regulations related to North 4th Street](#)
- were adopted by the City Council and remained in effect until the [2019 IDO Effective Draft](#) went into effect on November 2, 2020.
- Effective May 24, 2019, [interim procedures related to the Development Review Board](#) were adopted by the City Council via [Resolution 19-150](#)
- , which amended IDO text in Part 5 Development Standards and Part 6 Administration and Enforcement. These changes were incorporated into the [2019 IDO Effective Draft](#).
- Effective May 17, 2018, the Integrated Development Ordinance (IDO) was first adopted in 2017 and amended twice before it took effect.

- [2018 IDO Effective Draft](#) (PDF)
- Amendment: May 2018 via [Ordinance 18-15](#)

- (Enactment#O-2018-010)
- Amendment: March 2018 via [Ordinance 18-11](#)
- (Enactment #O-2018-009)
- Adoption: November 2017 via [Ordinance 17-49](#)

- - (Enactment# O-2017-025)

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- [Download Forms & Applications](#)
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Planning Department



INTEGRATED DEVELOPMENT ORDINANCE

City of Albuquerque Code of Ordinances
Chapter 14 – Zoning, Planning, and Building
Article 16

2020 IDO ANNUAL UPDATE – EFFECTIVE DRAFT

OFFICE OF THE MAYOR/CAO

Timothy M. Keller, Mayor
Sarita Nair, Chief Administrative Officer
Lawrence Rael, Chief Operating Officer

CITY COUNCIL

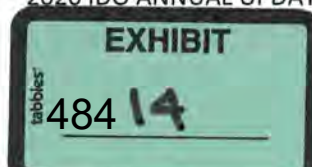
(24th Council)

Lan Sena, District 1	Pat Davis, District 6
Isaac Benton, District 2	Diane Gibson, District 7
Klarissa Peña, District 3	Trudy Jones, District 8
Brook Bassan, District 4	Don Harris, District 9
Cynthia Borrego, District 5	Stephanie Yara, Director of Council Services

PLANNING DEPARTMENT

Brennon Williams, Director
Jolene Wolfley, Associate Director
James Aranda, Deputy Director & Zoning Enforcement Officer
Bobby Griego, Deputy Director

Planning Department, Plaza del Sol Building, 600 Second Street NW 87102
Main Reception Desk (3rd Floor) **Telephone:** 505-924-3860 **Fax:** 505-924-3339
Zoning (5th floor) **Telephone:** 505-924-3850 **Fax:** 505-924-3847
TTY users may call either phone number listed above via 771
WEBSITE: www.cabq.gov/planning



ACKNOWLEDGMENTS

The Integrated Development Ordinance (IDO) was written in 2015-2018 with a project team that included Long Range staff and several interns from the City Planning Department's Urban Design & Development Division, staff from City Council Services' Planning Section, and consultants with Clarion Associates, Fregonese Associates, Dekker/Perich/Sabatini, Karpoff & Associates, and Bohannon Huston.

Planning Staff worked on the 2019 and 2020 Annual Updates, with help from Council Services, Neighborhood Associations, residents, design professionals, members of the development community, and staff from many City and County Departments and other Agencies.

The project team thanks everyone involved for their engagement and tireless efforts to improve the IDO and ensure the best development outcomes and protections for neighborhoods throughout the city.

ADOPTION AND AMENDMENTS

Adoption Date	Council Bill No.	Enactment No.	Description
11/13/2017	O-17-49	O-2017-025	Adoption of the IDO and repeal of the Zoning Code
4/2/2018	O-18-11	O-2018-009	Amendment of "6-month" changes to the IDO prior to the effective date
5/7/2018	O-18-15	O-2018-010	Amendment of dimensional standards in low-density residential zones
8/5/2019	R-19-162	R-2019-061	Interim regulations related to North 4th Street <i>[Replaced by O-20-09]</i>
5/20/2019	R-19-150	R-2019-035	Interim regulations related to the Development Review Board procedures
9/4/2019	O-19-52	O-2019-023	Interim regulations related to Old Town – HPO-5
9/16/2020	O-20-10	O-2020-037	Adoption of the 2019 Annual Update to the IDO
9/16/2020	O-20-09	O-2020-036	Establishment of a Character Protection Overlay Zone for the North 4 th Corridor
6/21/2021	O-21-60	O-2021-018	Adoption of the 2020 Annual Update to the IDO

Subject: RE: PR-2019-002496

From: Jim Strozier <cp@consensusplanning.com>

Date: 6/27/2019, 4:41 PM

to: "Dicome, Kym" <kdicome@cabq.gov>

I believe he has the other two lots under contract. I will confirm and make sure that we have the owner's authorization.

Jim Strozier, FAICP
Consensus Planning, Inc.
302 8th Street NW
(505) 764-9801

From: Dicome, Kym <kdicome@cabq.gov>

Sent: Thursday, June 27, 2019 4:39 PM

To: Jim Strozier <cp@consensusplanning.com>

Subject: RE: PR-2019-002496

So he purchase the other two lots? Okay. Just as long as the file is complete.



KYM E DICOME

development review board chair

o 505.924.3880

e kdicome@cabq.gov

cabq.gov/planning

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From: Jim Strozier <cp@consensusplanning.com>

Sent: Thursday, June 27, 2019 4:30 PM

To: Dicome, Kym <kdicome@cabq.gov>

Cc: Michael Vos <Vos@consensusplanning.com>



Subject: RE: PR-2019-002496

Kym,

Thanks for letting us know, we are reaching out to Mr. Lindborg to get the additional letter.

Jim Strozier, FAICP
Consensus Planning, Inc.
302 8th Street NW
(505) 764-9801

From: Dicome, Kym <kdicome@cabq.gov>
Sent: Thursday, June 27, 2019 3:20 PM
To: Jim Strozier <cp@consensusplanning.com>
Subject: PR-2019-002496
Importance: High

Jim;

Quick question. I am preparing the legal ad for the above referenced case and while I was looking for info in the file I noticed that we have a letter of authorization from one property owner, Mr. Lindborg but not the other. AGIS shows Lots 3 and 4 to be owned by as owned by Anna and Giuseppe Matoni and trustees. Did Mr. Lindborg buy the other two tracts? What am I missing? Please let me know when you can.



KYM E DICOME
development review board chair
o 505.924.3880
e kdicome@cabq.gov
cabq.gov/planning

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Post-IDO Voluntary Zone Conversion Process

The City received over 1,500 forms from property owners opting into the [voluntary zoning conversion process](#). Thanks to many neighborhood associations who helped go door-to-door.

City Council has adopted zoning conversions for all three batches.

- [Batch 1](#): Effective on September 8, 2019. ~140 properties
- [Batch 2](#): Effective on December 18, 2019. ~1350 properties
- [Batch 3](#): Effective on February 17, 2020. ~ 265 properties

Purpose

In May 2018, City Council adopted [Resolution 18-29](#) directing the Planning Department to create a process for property owners to request a zoning conversion (at no cost to the property owner) to address at least 1 of 5 criteria to address the issues discussed above for one year from the IDO's effective date of May 17, 2018.

From May 2018 to May 2019, the City accepted forms from property owners with [eligible properties](#), described in more detail [below](#).

City Review/Decision Process

The City submitted three batches of recommendations for zoning conversion rules for [eligible properties](#) for which property owners submitted a complete form by the May 17 deadline. Each property was given a Form ID number that tracks with the property owner form, numbered in the order they were received and processed by staff.

- [Batch 1](#): Submitted in November 2018 / Effective September 2019
- [Batch 2](#): Submitted in May 2019 / Approved November 2019 / Effective December 2019
- [Batch 3](#): Submitted in August 2019 / Effective February 2020



These Phase 2 Zoning Conversions can be seen on [this interactive map](#).

The [Official Zoning Map](#) has been updated for most of these zoning conversions. There were several properties that had to be surveyed to get more precise information for the zoning conversion. Those are still being updated on the map.

Background

When the City adopted a new [Integrated Development Ordinance](#) (IDO) and [zoning map](#) after 40 years under the old system of Zoning Code + Sector Development Plans, we converted over 1200 individual zones to a set of about 20, matching permissive uses in the old zones to the closest set of uses in one of the new IDO zones.

- As a 300-year old city that largely developed before zoning was ever created, Albuquerque has many properties with existing land uses that don't match zoning. The initial zoning conversion didn't address this land use-zoning mismatch.
- There are also many cases where single-family homes were built in zones that also allowed apartments, and those homeowners would rather have a zone that only allows single-family homes. The initial zoning conversion did not address this desire for a downzone.
- On other properties, for a variety of historical reasons, there are 2 zone lines. The initial zoning conversion did not fix these floating zone lines.
- Many of the City's old zones controlled uses and development standards for each property as a unique site plan. Many undeveloped properties never had such a plan to establish their uses, so the initial zoning conversion used the title of the zone to match to the closest set of uses in the new set of IDO zones, which may not reflect the intentions of the property owner for future development.
- As a 40-year overhaul of our Zoning Code, the Integrated Development Ordinance made many changes to uses and zoning standards. The initial zoning conversion did not address conflicts between existing uses and new standards.

Eligible Properties

City Council [Resolution 18-29](#) directed the Planning Department to create a [process](#) for property owners to request a zoning conversion (at no cost to the property owner) for one of the following reasons:

1. **Nonconforming Use:** address existing uses made nonconforming by the IDO or mismatches of land use and zoning that pre-existed the IDO.
 - [FAQ: How do I find out whether I have a nonconforming use?](#)
 - *Example 1: You have a single-family detached house on a property zoned MX-L, MX-M, MX-H, NR-C, NR-LM, or NR-GM.*
 - *Example 2: You are operating an industrial use that was allowed in C-3 that is not allowed under the IDO conversion to MX-H.*
2. **Voluntary Downzone:** downzone properties with low-density residential development (e.g. houses, duplexes, or townhomes) in an Areas of Consistency by property owner request (e.g. R-T to R-1).
 - *Example: You have R-T zoning but would like to have R-1 because you have a single-family house on your lot, and you're surrounded by other lots with single-family homes.*
3. **Floating Zone Line:** request adjustments to fix floating zone lines that do not match lot lines.

- FAQ: [How do I find out whether I have a floating zone line?](#)
- Example: you have two zones on a lot because your platting doesn't match the zoning boundaries.

4. Prior Special Use or R-D Zoning: request a more appropriate zone for undeveloped properties formerly zoned with a Special Use zone (e.g. SU-1, SU-2, or SU-3) or R-D.

- Example 1: You have an undeveloped property that was zoned R-D but is now PD that was platted for a single-family home, and you want to convert to R-1.
- Example 2: You have an undeveloped property that was zoned SU-1 for C-1 + self-storage that was converted to MX-L, and you would like to request that it convert to MX-M, which allows self-storage permissively.

5. Size Thresholds: request a more appropriate zone for properties with PD or NR-BP zoning that do not comply with the minimum and maximum lot sizes set by those zone districts.

- Example: You have PD zoning but your property is <2 acres or ≥ 20 acres.
- Example: You have NR-BP zoning but your property is <20 acres and is not part of an existing Master Development Plan.

In December 2018 and March 2019, staff identified eligible properties on [this online map](#) and sent mailed notice to the property owners on file with the Bernalillo County Assessor.

Zoning Map Amendments

Please note that all property owners also have the option of requesting a zone change through the normal "zoning map amendment" process. There is a fee, and the request will be processed as a "quasi-judicial" procedure. From submittal deadline to the first hearing is 6 weeks. The zoning map amendment will need to be reviewed by the Environmental Planning Commission in all cases and by the City Council for properties over 10 acres in size.

Frequently Asked Questions

- [Does changing zoning affect my property taxes?](#)
- [What was the process to get a follow-up zone conversion?](#)
- [How do I get a zone change?](#)

Resources

- [Integrated Development Ordinance](#)
- [IDO Zoning Map](#)
- [Map of Properties Likely to Be Eligible for the Follow-up Voluntary Zoning Conversion Process](#)
- [Phase 1 Zoning Conversion Map](#)
- [Phase 2 Zoning Conversion Map](#)



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IDO Annual Update 2021 - EPC Submittal

Planning staff has submitted proposed changes for the 2021 IDO Annual Update.

Review and comment on proposed changes Learn more about the 2021 IDO Annual Update Attend an open house to...

[Read](#)

Project Updates

[IDO Annual Update 2021 - EPC Submittal](#)

[IDO Annual Update 2021 - Public Review Meetings](#)

[2020 IDO Annual Update](#)

[Community Planning Area Assessment Order](#)

[October 2019 Events](#)

[More](#)

Upcoming Events

[IDO Annual Update 2021 - Pre-EPC Public Open House](#)
November 12, 2021 - 12:00pm to 1:30pm

[IDO Annual Update 2021 - Pre-EPC Public Open House](#)
November 19, 2021 - 12:00pm to 1:30pm

[More](#)

Recent Documents

[IDO Annual Update 2020 - Public Study Session](#)

[IDO Annual Update 2019 - ZHE Training](#)

[IDO Annual Update 2019 - EPC Study Session](#)

[More](#)

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100 2nd Street NW, 3rd floor

Albuquerque, NM 87102

Para hablar con alguien en español sobre este proyecto, llame al 505-924-3935 por Catalina Lehner.

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CITY of ALBUQUERQUE

TWENTY SECOND COUNCIL

COUNCIL BILL NO. C/S R-17-240

ENACTMENT NO. R-2017-101

SPONSORED BY: Trudy E. Jones and Isaac Benton

1 RESOLUTION

2 ESTABLISHING A PROCESS FOR IDO-RELATED ZONE MAP AMENDMENTS
3 THAT ARE TO BE PROCESSED BY THE CITY PLANNING DEPARTMENT
4 COMMENCING ON THE EFFECTIVE DATE OF THE IDO, AND CONCLUDING
5 WITHIN ONE YEAR THEREFROM.

6 WHEREAS, the City Council, the governing body of the City of
7 Albuquerque, has the authority to adopt and amend plans for the physical
8 development of areas within the planning and platting jurisdiction of the City
9 authorized by statute, Section 3-19-3, NMSA 1978, and by its home rule
10 powers; and

11 WHEREAS, the City's zoning powers are established by the City Charter, in
12 which Article I, Incorporation and Powers, allows the City to adopt new
13 regulatory structures and processes to implement the Albuquerque-Bernalillo
14 County Comprehensive Plan ("Comp Plan") and help guide future legislation;
15 Article IX, Environmental Protection, empowers the City to adopt regulations
16 and procedures to provide for orderly and coordinated development patterns
17 and encourage conservation and efficient use of water and other natural
18 resources; and Article XVII, Planning, establishes the City Council as the
19 City's ultimate planning and zoning authority; and

20 WHEREAS, the City amended the Comp Plan in 2001 via R-01-343
21 (Enactment No. 171-2001) to identify Community Planning Areas and provide
22 goals and policies to protect and enhance distinct community identity in each
23 area; and

24 WHEREAS, the City Council adopted an updated Comp Plan on March 20,
25 2017 via R-16-108 (Enactment No. R-2017-026), including an updated
26 community vision based on a Centers and Corridors approach to growth,
27 including an updated Centers and Corridors map with boundaries for Centers



1 and distances from the centerline for Corridors; priority designations for
2 transportation modes on each Corridor; and

3 WHEREAS, the Comp Plan establishes a hierarchy of Centers and
4 Corridors from the most to the least walkable, mixed-use, and dense, with
5 Downtown, Urban Centers, Premium Transit Corridors, and Main Street
6 Corridors all intended to be highly walkable, with a mix of residential and non-
7 residential land uses, and with higher-density and higher-intensity uses; and

8 WHEREAS, the Comp Plan includes goals and policies to protect
9 community health and maintain safe and healthy environments where people
10 can thrive; and

11 WHEREAS, the Comp Plan establishes a complementary set of
12 Development Areas – Areas of Change, where growth is encouraged and
13 higher-density and intensity uses are the most appropriate – and Areas of
14 Consistency, where the existing pattern of uses, density, and intensity is to be
15 maintained and reinforced over time; and

16 WHEREAS, the Integrated Development Ordinance (IDO) was drafted as
17 part of a citywide effort to update and replace the City's 40-year-old, 1970's-era
18 Comprehensive Zoning Code, and as the primary regulatory tool to implement
19 the Comp Plan for land within the municipal boundaries of the City of
20 Albuquerque; and

21 WHEREAS, the IDO's stated purpose is to implement the Comp Plan;
22 ensure that all development in the City is consistent with the intent of other
23 plans and policies adopted by City Council; ensure provision of adequate
24 public facilities and services for new development; protect quality and
25 character of residential neighborhoods; promote economic development and
26 fiscal sustainability of the City; provide efficient administration of City land
27 use and development regulations; protect health, safety, and general welfare
28 of the public; provide for orderly and coordinated development patterns;
29 encourage conservation and efficient use of water and other natural
30 resources; implement a connected system of parks, trails, and open spaces to
31 promote improved outdoor activity and public health; provide reasonable
32 protection from possible nuisances and hazards and to otherwise protect and

1 improve public health; and encourage efficient and connected transportation
2 and circulation systems for motor vehicles, bicycles, and pedestrians; and

3 WHEREAS, the IDO was drafted to be consistent with and implement Comp
4 Plan goals and policies; and

5 WHEREAS, the IDO helps to implement these goals and policies by
6 providing a set of zones (§14-16-2) that range from low intensity to high
7 intensity and designating the appropriate mix of land uses in each zone; and

8 WHEREAS, the City Council adopted an Official Zoning Map (§14-16-1-6)
9 that converted pre-existing zone districts from the City Comprehensive Zoning
10 Code to base zone districts in the IDO according to a set of zoning conversion
11 rules for base zones and Special Use zones (SU-1, SU-2, and SU-3) that
12 matched as closely as possible the permissive uses in each zone; and

13 WHEREAS, this conversion from approximately 1,200 zones to a set of 19
14 zones necessarily involved changes to individual uses allowed in many zones;
15 and

16 WHEREAS, as a result of the conversions some uses that were allowed in
17 the prior zone designations were changed to correspond with the Use Table in
18 the IDO (§14-16-4-2) that indicates land uses as permissive, conditional,
19 accessory, conditional accessory, conditional vacant, or temporary in each
20 zone district of the IDO; and

21 WHEREAS, the Community Planning Area assessment process is intended
22 to provide opportunities on a 5-year cycle to analyze and recommend zone
23 map amendments in specific geographic areas to better implement the Comp
24 Plan, particularly encouraging walkable, higher-density and higher-intensity
25 development in Centers and Corridors; and

26 WHEREAS, the intent of the IDO was to update the City's land use and
27 zoning framework for future development without eliminating or limiting the
28 ability of lawful, existing land uses to continue after the IDO's adoption; and

29 WHEREAS, the City understands that predictability of zoning and
30 compatibility of land use and zoning are essential in order to maintain and
31 strengthen economic value and viability for property owners and businesses,
32 and to ensure appropriate and adequate protections for neighboring
33 properties; and

1 WHEREAS, the Planning Department has committed to submitting a series
2 of zone map amendments as part of a phase II of the City's zoning conversion
3 process, where such amendments fall within the criteria outlined by this
4 resolution and are accompanied by written participation requests from
5 property owners; and

6 WHEREAS, the IDO incorporates and updates criteria for zone map
7 amendments (i.e. zone changes) previously set forth by R-270-1980, and
8 differentiates between criteria for Areas of Change and Areas of Consistency
9 to help implement the Comp Plan; and

10 WHEREAS, the IDO requires applicants requesting amendments of the
11 zoning map on properties wholly or partially within Areas of Consistency to
12 demonstrate that the new zone would clearly reinforce or strengthen the
13 established character of the surrounding Area of Consistency and would not
14 permit development that is significantly different from that character.

15 BE IT RESOLVED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF
16 ALBUQUERQUE:

17 The City Planning Department shall administer a zone map amendment
18 process beginning on the effective date of the IDO pursuant to the following:

19 Section 1. Outreach. The City Planning Department shall do outreach and
20 advertising citywide to alert property owners of the opportunity to participate
21 in the zone map amendment process pursuant to this resolution. Outreach
22 efforts shall include coordination with Neighborhood Associations and other
23 relevant organizations to share information about the potential opportunities
24 and implications of zone changes.

25 Section 2. Eligible Properties. The City Planning Department shall evaluate,
26 analyze, process and recommend zone map amendments per the review and
27 decision criteria for amendments to the Official Zoning Map in the Integrated
28 Development Ordinance (IDO) for individual properties that fall within at least
29 one of the following categories:

30 A. Nonconforming Use. The zone map amendment request could
31 remedy a nonconforming use that became nonconforming as a result of the
32 IDO zone conversion process;

1 **B. Voluntary Downzone.** The zone map amendment request is to
2 change to a less intense or less dense IDO zone district in an Area of
3 Consistency that is compatible in scale and intensity with the existing land
4 use at the site and surrounding development patterns;

5 **C. Floating Zone Line.** The zone map amendment request could remedy
6 a boundary that does not correspond to a lot line in either the Bernalillo
7 County Assessor's data or Albuquerque Geographic Information Systems
8 (AGIS) data (i.e. a "floating zone line");

9 **D. Prior Special Use Zoning.** The zone map amendment request is for
10 undeveloped property previously regulated by special use zoning (SU-1 or SU-
11 2), and an IDO zone designation other than what was assigned through the
12 conversion process would be more appropriate for the site; or

13 **E. Size Thresholds.** The zone map amendment request is for property
14 converted to PD or NR-BP zone districts that does not meet size thresholds
15 set by the IDO for those zone districts.

16 **Section 3. Process.**

17 **A. Request Form.** The Planning Department shall create a participation
18 request form that must be completed by the owner or agent representing any
19 premises that may be eligible to participate in this zone map amendment
20 process;

21 **B. Acceptance.** Such a participation request forms must be submitted to
22 and accepted as complete by the Planning Department within one year of the
23 IDO becoming effective, but will not be accepted prior to the IDO effective
24 date. For purposes of this section, a participation request will be deemed
25 complete upon submittal of a signed and fully completed participation request
26 form together with any supplemental material required by the Planning
27 Department. Any professional services costs associated with the preparation
28 of materials required for this submittal shall be borne by the individual
29 property owners;

30 **C. Determination of Eligibility.** The Planning Department shall evaluate
31 each participation request to determine whether it reasonably falls within the
32 criteria established by Section 2 of this Resolution. In the event that it does
33 not, the Planning Department shall decline to process the associated zone

1 map amendment. However, nothing shall prevent an owner so situated from
2 appealing this administrative determination by the Planning Department
3 through the appeal process established by the IDO, or from otherwise
4 pursuing a zone map amendment request for the subject premise through the
5 regular zone map amendment process established by the IDO;

6 **D. Final Decision Making Authority per IDO.** Pursuant to the IDO § 14-16-5-
7 5.3.E, the EPC's decision on zone map amendments for all individual premises
8 of less than 10 acres within Areas of Consistency, and less than 20 acres in
9 Areas of Change shall be final unless appealed. For premises in excess of
10 these acreage thresholds in the respective Areas of Change or Consistency,
11 zone map amendments are final only upon approval of the City Council.

12 **Section 4. Stay of Enforcement Pending Zone Change Requests.** The
13 Planning Department shall not enforce the provisions related to
14 nonconforming uses in Subsection 14-16-6-8(C) of the IDO for premises that
15 are eligible for and participating in the zone map amendment process
16 established by this resolution unless and until the final action on the relevant
17 zone map amendment fails to cure the nonconformity.

18 **Section 5. Use of Consultants.** The City shall engage consultants as
19 necessary to complete this project.

20 **Section 6. Cooperation with Departments.** All relevant City Departments
21 and Divisions, including but not limited to the Legal Department, Municipal
22 Development Department, Parks and Recreation Department, Cultural Services
23 Department, Senior Affairs Department, and the Office of Neighborhood
24 Coordination, shall work with the Planning Department as necessary to
25 coordinate and implement this project.

1 PASSED AND ADOPTED THIS 13th DAY OF November, 2017
2 BY A VOTE OF: 6 FOR 3 AGAINST.

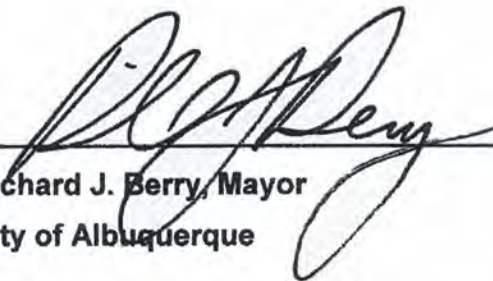
3
4 For: Benton, Davis, Gibson, Harris, Jones, Lewis

5 Against: Peña, Sanchez, Winter
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10 
11 Isaac Benton, President
12 City Council

13
14 APPROVED THIS 16 DAY OF November, 2017
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16

17 Bill No. C/S R-17-240

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20 
21 Richard J. Berry, Mayor
22 City of Albuquerque
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24

25 ATTEST:

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27 
28 Natalie Y. Howard, City Clerk
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City of Albuquerque

Office of the City Clerk

Timothy M. Keller, Mayor

Trina Gurule, Acting City Clerk

Interoffice Memorandum

May 9, 2018

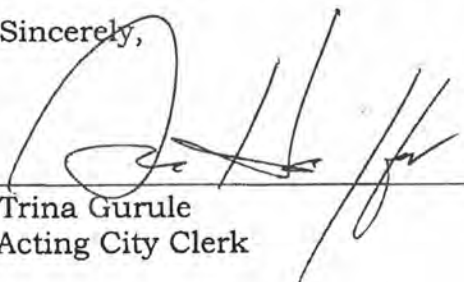
To: CITY COUNCIL

From: TRINA GURULE, ACTING CITY CLERK

Subject: BILL NO. R-18-29 ENACTMENT NO. R-2018-019

I hereby certify that on May 9, 2018, the Office of the City Clerk received Bill R-18-29 as signed by the president of the City Council, Ken Sanchez. Enactment No. R-2018-019 was passed at the May 7, 2018 City Council meeting. Mayor Keller did not sign the approved Resolution within the 10 days allowed for his signature and did not exercise his veto power. Pursuant to the Albuquerque City Charter Article XI, Section 3, this Resolution is in full effect without Mayor's approval or signature. This memorandum shall be placed in the permanent file for Bill No. R-18-29.

Sincerely,



Trina Gurule
Acting City Clerk



CITY of ALBUQUERQUE

TWENTY THIRD COUNCIL

COUNCIL BILL NO. F/S R-18-29 ENACTMENT NO. R-2018-019

SPONSORED BY: Trudy E. Jones and Isaac Benton

1 RESOLUTION

2 REPEALING AND REPLACING C/S R-17-240; ESTABLISHING A PROCESS FOR
3 IDO-RELATED ZONING CONVERSIONS THAT ARE TO BE PROCESSED BY
4 THE CITY PLANNING DEPARTMENT COMMENCING ON THE EFFECTIVE DATE
5 OF THE IDO, AND CONCLUDING WITHIN ONE YEAR THEREFROM.

6 WHEREAS, the City Council, the governing body of the City of
7 Albuquerque, has the authority to adopt and amend plans for the physical
8 development of areas within the planning and platting jurisdiction of the City
9 authorized by statute, Section 3-19-3, NMSA 1978, and by its home rule
10 powers; and

11 WHEREAS, the City's zoning powers are established by the City Charter, in
12 which Article I, Incorporation and Powers, allows the City to adopt new
13 regulatory structures and processes to implement the Albuquerque-Bernalillo
14 County Comprehensive Plan ("Comp Plan") and help guide future legislation;
15 Article IX, Environmental Protection, empowers the City to adopt regulations
16 and procedures to provide for orderly and coordinated development patterns
17 and encourage conservation and efficient use of water and other natural
18 resources; and Article XVII, Planning, establishes the City Council as the
19 City's ultimate planning and zoning authority; and

20 WHEREAS, the City amended the Comp Plan in 2001 via R-01-343
21 (Enactment No. 171-2001) to identify Community Planning Areas and provide
22 goals and policies to protect and enhance distinct community identity in each
23 area; and

24 WHEREAS, the City Council adopted an updated Comp Plan on March 20,
25 2017 via R-16-108 (Enactment No. R-2017-026), including an updated
26 community vision based on a Centers and Corridors approach to growth,
27 including an updated Centers and Corridors map with boundaries for Centers

1 and distances from the centerline for Corridors; priority designations for
2 transportation modes on each Corridor; and

3 WHEREAS, the Comp Plan establishes a hierarchy of Centers and
4 Corridors from the most to the least walkable, mixed-use, and dense, with
5 Downtown, Urban Centers, Premium Transit Corridors, and Main Street
6 Corridors all intended to be highly walkable, with a mix of residential and non-
7 residential land uses, and with higher-density and higher-intensity uses; and

8 WHEREAS, the Comp Plan includes goals and policies to protect
9 community health and maintain safe and healthy environments where people
10 can thrive; and

11 WHEREAS, the Comp Plan establishes a complementary set of
12 Development Areas – Areas of Change, where growth is encouraged and
13 higher-density and intensity uses are the most appropriate – and Areas of
14 Consistency, where the existing pattern of uses, density, and intensity is to be
15 maintained and reinforced over time; and

16 WHEREAS, the Integrated Development Ordinance (IDO) was drafted as
17 part of a citywide effort to update and replace the City's 40-year-old, 1970's-era
18 Comprehensive Zoning Code, and as the primary regulatory tool to implement
19 the Comp Plan for land within the municipal boundaries of the City of
20 Albuquerque; and

21 WHEREAS, the IDO's stated purpose is to implement the Comp Plan;
22 ensure that all development in the City is consistent with the intent of other
23 plans and policies adopted by City Council; ensure provision of adequate
24 public facilities and services for new development; protect quality and
25 character of residential neighborhoods; promote economic development and
26 fiscal sustainability of the City; provide efficient administration of City land
27 use and development regulations; protect health, safety, and general welfare
28 of the public; provide for orderly and coordinated development patterns;
29 encourage conservation and efficient use of water and other natural
30 resources; implement a connected system of parks, trails, and open spaces to
31 promote improved outdoor activity and public health; provide reasonable
32 protection from possible nuisances and hazards and to otherwise protect and

1 improve public health; and encourage efficient and connected transportation
2 and circulation systems for motor vehicles, bicycles, and pedestrians; and

3 WHEREAS, the IDO was drafted to be consistent with and implement Comp
4 Plan goals and policies; and

5 WHEREAS, the IDO helps to implement these goals and policies by
6 providing a set of zones (§14-16-2) that range from low intensity to high
7 intensity and designating the appropriate mix of land uses in each zone; and

8 WHEREAS, the City Council adopted an Official Zoning Map (§14-16-1-6)
9 that converted pre-existing zone districts from the City Comprehensive Zoning
10 Code to base zone districts in the IDO according to a set of zoning conversion
11 rules for base zones and Special Use zones (SU-1, SU-2, and SU-3) that
12 matched as closely as possible the permissive uses in each zone; and

13 WHEREAS, this conversion from approximately 1,200 zones to a set of 19
14 zones necessarily involved changes to individual allowable uses in many
15 zones; and

16 WHEREAS, as a result of the conversions some uses that were allowed in
17 the prior zone designations were changed to correspond with the Use Table in
18 the IDO (§14-16-4-2) that indicates land uses as permissive, conditional,
19 accessory, conditional accessory, conditional vacant, or temporary in each
20 zone district of the IDO; and

21 WHEREAS, the Community Planning Area assessment process is intended
22 to provide opportunities on a 5-year cycle to analyze and recommend zone
23 map amendments in specific geographic areas to better implement the Comp
24 Plan, particularly encouraging walkable, higher-density and higher-intensity
25 development in Centers and Corridors; and

26 WHEREAS, the intent of the IDO was to update the City's land use and
27 zoning framework for future development without eliminating or limiting the
28 ability of lawful, existing land uses to continue after the IDO's adoption; and

29 WHEREAS, the City understands that predictability of zoning and
30 compatibility of land use and zoning are essential in order to maintain and
31 strengthen economic value and viability for property owners and businesses,
32 and to ensure appropriate and adequate protections for neighboring
33 properties; and

1 WHEREAS, the Planning Department has committed to a phase II of the
2 City's comprehensive zoning conversion process, where such amendments
3 fall within the criteria outlined by this resolution, are accompanied by written
4 participation requests and agreement from property owners, and satisfy
5 conversion rules consistent with the Comprehensive Plan and the IDO
6 implementation goals; and

7 WHEREAS, C/S R-17-240 was adopted by the City Council on November 13,
8 2017 and established the process for zoning conversions related to the phase
9 II IDO conversion; and

10 WHEREAS, C/S R-17-240 erroneously designated the EPC as the final
11 decision maker on zoning conversions under the phase II process where the
12 City Council is required to be the final decision maker in this process, and
13 thus needs to be repealed and replaced to make this correction and related
14 changes.

15 BE IT RESOLVED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF
16 ALBUQUERQUE:

17 SECTION I. C/S R-17-240 is hereby repealed in its entirety, and replaced
18 with this resolution.

19 SECTION II. The City Planning Department shall administer a zoning
20 conversion process beginning on the effective date of the IDO pursuant to the
21 following:

22 Section 1. Outreach. The City Planning Department shall do outreach and
23 advertising citywide to alert property owners of the opportunity to participate
24 in the zone map amendment process pursuant to this resolution. Outreach
25 efforts shall include coordination with Neighborhood Associations and other
26 relevant organizations to share information about the potential opportunities
27 and implications of zone changes.

28 Section 2. Eligible Properties. The City Planning Department shall evaluate,
29 analyze, process and recommend a phase II zoning conversion per zoning
30 conversion rules consistent with the Comprehensive Plan and the IDO
31 implementation goals, city-wide, for properties that fall within at least one of
32 the following categories:

1 **A. Nonconforming Use.** The zoning conversion could remedy a
2 nonconforming use of the property;

3 **B. Voluntary Downzone.** The zoning conversion would result in a less
4 intense or less dense IDO zone district in an Area of Consistency that is
5 compatible in scale and intensity with the existing land use at the site and
6 surrounding development patterns;

7 **C. Floating Zone Line.** The zoning conversion could remedy a boundary
8 that does not correspond to a lot line in either the Bernalillo County
9 Assessor's data or Albuquerque Geographic Information Systems (AGIS) City
10 parcel data (i.e. a "floating zone line");

11 **D. Prior Special Use Zoning.** The zoning conversion is for undeveloped
12 property previously regulated by the Residential and Related Uses Zone,
13 Developing Area (R-D), or by special use zoning (SU-1, SU-2 or SU-3), and an
14 IDO zone designation other than what was assigned through the Phase 1
15 conversion process would be more appropriate for the site; or

16 **E. Size Thresholds.** The zoning conversion is for property converted to
17 PD or NR-BP zone districts that does not meet size thresholds set by the IDO
18 for those zone districts.

19 **Section 3. Process.**

20 **A. Request Form; Participation Agreement.** The Planning Department shall
21 create a participation request and agreement form that must be completed by
22 the owner(s) or agent representing the owners of any premises that may be
23 eligible for inclusion in this phase II zoning conversion process;

24 **B. Acceptance.** Such form must be submitted to and accepted as complete
25 by the Planning Department within one year of the IDO becoming effective, but
26 will not be accepted prior to the IDO effective date. For purposes of this
27 section, participation forms will be deemed complete upon submittal of a
28 signed and fully completed participation request and agreement form together
29 with any supplemental material required by the Planning Department. Any
30 professional services costs associated with the preparation of materials
31 required for this submittal shall be borne by the individual property owners;

32 **C. Determination of Eligibility.** The Planning Department shall evaluate
33 each participation request to determine whether it reasonably falls within the

1 criteria established by Section 2 of this Resolution. In the event that it does
2 not, the Planning Department shall decline to process the associated zoning
3 conversion. However, nothing shall prevent an owner so situated from
4 appealing this administrative determination by the Planning Department
5 through the appeal process established by the IDO, or from otherwise
6 pursuing a zone map amendment request for the subject premise through the
7 regular zone map amendment process established by the IDO;

8 **D. Final Decision Making Authority.** The Phase II zoning conversion called
9 for by this resolution is part of the comprehensive, City-wide rezoning
10 associated with the IDO, and becomes effective only upon a final legislative
11 action by the City Council. Property owners that are not eligible for the
12 process outlined by this resolution, or that are otherwise unsatisfied with the
13 zoning on their respective properties notwithstanding the results of this phase
14 II process, may seek an individual zone map amendment through the relevant
15 IDO zone map amendment process outlined in Section 14-16-6-7.

16 **Section 4. Stay of Enforcement Pending Completion.** The Planning
17 Department shall not enforce the provisions related to nonconforming uses in
18 Subsection 14-16-6-8 of the IDO for premises that are eligible for and
19 participating in the zoning conversion process established by this resolution
20 unless and until the final action on the relevant zoning conversion fails to cure
21 the nonconformity.

22 **Section 5. Use of Consultants.** The City shall engage consultants as
23 necessary to complete this project.

24 **Section 6. Cooperation with Departments.** All relevant City Departments
25 and Divisions, including but not limited to the Legal Department, Municipal
26 Development Department, Parks and Recreation Department, Cultural Services
27 Department, Senior Affairs Department, and the Office of Neighborhood
28 Coordination, shall work with the Planning Department as necessary to
29 coordinate and implement this project.

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33 X:\CITY COUNCIL\SHARE\CL-Staff\Legislative Staff\Legislation\23 Council\R-29fsfinal.docx

1 PASSED AND ADOPTED THIS 7th DAY OF May, 2018
2 BY A VOTE OF: 8 FOR 0 AGAINST.

3
4 Excused: Harris

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8 Ken Sanchez, President
9 City Council

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13 APPROVED THIS _____ DAY OF _____, 2018

14
15 Bill No. F/S R-18-29

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20 _____
21 Timothy M. Keller, Mayor
22 City of Albuquerque

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24
25 ATTEST:

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27 

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29 Trina Gurule, Acting City Clerk



City of Albuquerque

Office of the City Clerk

Timothy M. Keller, Mayor

Katy Duhigg, City Clerk

Interoffice Memorandum

September 3, 2019

To: CITY COUNCIL

From: Camille Cordova, City Clerk Executive Assistant

Subject: BILL NO. O-19-65; ENACTMENT NO. O-2019-021

I hereby certify that on August 30, 2019, the Office of the City Clerk received Bill No. O-19-65 as signed by the president of the City Council, Klarissa J. Peña. Enactment No. O-2019-021 was passed at the August 5, 2019 City Council meeting. Mayor Keller did not sign the approved Ordinance within the 10 days allowed for his signature and did not exercise his veto power. Pursuant to the Albuquerque City Charter Article XI, Section 3, this Ordinance is in full effect without Mayor's approval or signature. This memorandum shall be placed in the permanent file for Bill No. O-19-65.

Sincerely,



Katy Duhigg
City Clerk

CITY of ALBUQUERQUE

TWENTY THIRD COUNCIL

COUNCIL BILL NO. O-19-65 ENACTMENT NO. O-2019-021

SPONSORED BY: Trudy E. Jones and Isaac Benton, by request

1 **ORDINANCE**

2 **ADOPTING ZONING CONVERSION RULES FOR PROPERTIES IN BATCH 1 OF**
3 **THE PHASE 2 ZONING CONVERSION EFFORT AS DIRECTED BY CITY**
4 **COUNCIL RESOLUTION 18-29 AND UPDATING THE OFFICIAL ZONING MAP.**

5 **WHEREAS, the City Council, the governing body of the City of**
6 **Albuquerque, has the authority to adopt and amend plans for the physical**
7 **development of areas within the planning and platting jurisdiction of the City**
8 **authorized by statute, Section 3-19-3, NMSA 1978, and by its home rule**
9 **powers; and**

10 **WHEREAS, the City's zoning powers are established by the City charter, in**
11 **which Article I, Incorporation and Powers, allows the City to adopt new**
12 **regulatory structures and processes to implement the Albuquerque/Bernalillo**
13 **County Comprehensive Plan ("Comp Plan") and help guide future legislation;**
14 **Article IX, Environmental Protection, empowers the City to adopt regulations**
15 **and procedures to provide for orderly and coordinated development patterns**
16 **and encourage conservation and efficient use of water and other natural**
17 **resources; and Article XVII, Planning, establishes the City Council as the**
18 **City's ultimate planning and zoning authority; and**

19 **WHEREAS, the City Council adopted an updated Comp Plan on March 20,**
20 **2017 via R-16-108 (Enactment No. R-2017-026), including goals and policies to**
21 **maintain healthy, vibrant, and distinct communities through zoning and**
22 **design standards that are consistent with long-established residential**
23 **patterns; and**

24 **WHEREAS, the Comp Plan establishes a complementary pair of**
25 **Development Areas – Areas of Change, where growth is encouraged and**
26 **higher-density and higher-intensity uses are the most appropriate, and Areas**

1 of Consistency, where the existing pattern of uses, density, and intensity is to
2 be maintained and reinforced over time; and

3 WHEREAS, the Integrated Development Ordinance (IDO) was drafted as
4 part of a citywide effort to update and replace the City's 40-year-old, 1970s-era
5 Comprehensive Zoning Code, and as the primary regulatory tool to implement
6 the Comp Plan for land within the municipal boundaries of the City of
7 Albuquerque; and

8 WHEREAS, the IDO's stated purpose is to implement the Comp Plan;
9 ensure that all development in the City is consistent with the intent of other
10 plans and policies adopted by City Council; ensure provision of adequate
11 public facilities and services for new development; protect quality and
12 character of residential neighborhoods; promote economic development and
13 fiscal sustainability of the City; provide efficient administration of City land
14 use and development regulations; protect health, safety, and general welfare
15 of the public; provide for orderly and coordinated development patterns;
16 encourage conservation and efficient use of water and other natural
17 resources; implement a connected system of parks, trails, and open spaces to
18 promote improved outdoor activity and public health; provide reasonable
19 protection from possible nuisances and hazards and to otherwise protect and
20 improve public health; and encourage efficient and connected transportation
21 and circulation systems for motor vehicles, bicycles, and pedestrians; and

22 WHEREAS, the IDO was drafted to be consistent with and implement Comp
23 Plan goals and policies; and

24 WHEREAS, the IDO helps to implement Comp Plan goals and policies by
25 providing a set of zone districts (§14-16-2) that range from low intensity to
26 high intensity and designating the appropriate mix of land uses in each zone
27 district; and

28 WHEREAS, with the adoption of the IDO, the City Council adopted zoning
29 conversion rules for approximately 750 categories of Special Use zones that
30 were site-specific (i.e. SU-1 zones), approximately 450 Special Use zones
31 established by the adoption of Sector Development Plans (i.e. SU-2 and SU-3
32 zones), and approximately 20 base zones from the Comprehensive Zoning
33 Code to convert pre-existing zone districts to base zone districts established

1 by the IDO in the Official Zoning Map (§14-16-1-6) that matched as closely as
2 possible the permissive uses in each zone; and

3 WHEREAS, the intent of the IDO was to update the City's land use and
4 zoning framework to protect the character of existing development and to
5 regulate future development without eliminating or limiting the ability of
6 lawful, existing land uses to continue after the IDO's adoption; and

7 WHEREAS, the City understands that predictability of zoning and
8 compatibility of land use and zoning are essential in order to maintain and
9 strengthen economic value and viability for property owners and businesses,
10 and to ensure appropriate and adequate protections for neighboring
11 properties; and

12 WHEREAS, the Official Zoning Map is used to apply land use regulations in
13 the IDO to development throughout the city and in decision-making for zoning
14 map amendments and long-range planning; and

15 WHEREAS, an accurate and transparent Official Zoning Map is critical to
16 the City's role in providing for the health, welfare, and safety of the public; and

17 WHEREAS, updating the Official Zoning Map to better match zoning with
18 existing land uses is consistent with the objectives of the IDO and the Comp
19 Plan and benefits the City and property owners by eliminating
20 nonconformities where appropriate and improving the accuracy of information
21 and regulatory requirements for individual parcels; and

22 WHEREAS, many uses developed legally on properties either before City
23 zoning was established in 1959, before City zoning actions in subsequent
24 years that disallowed particular uses in particular zones, or before the IDO
25 established different allowable uses in the new zone districts, making such
26 existing uses legally nonconforming; and

27 WHEREAS, many properties in the City have developed with a low-density
28 residential use (e.g. townhouse, duplex, or single-family detached house) in
29 zones that otherwise would have allowed more dense and more intense uses,
30 and converting these properties to a zone district that allows less dense and
31 less intense uses with the permission of the property owner will help preserve
32 neighborhood stability and land use predictability – thus advancing two
33 leading objectives of the City's in the area of land use regulation; and

1 WHEREAS, there are many properties with two or more zone districts
2 covering a single lot (whether based on plat or deed) for a variety of historical
3 reasons, which has resulted in a floating zone line that cannot accurately be
4 associated with any actual physical boundary for purposes of implementing
5 the respective zoning requirements of the multiple zones; and

6 WHEREAS, there are many undeveloped properties with former Special
7 Use or R-D zoning, which often required further review and decision
8 processes to define allowable uses, that converted in Phase 1 to zones that
9 may not accurately allow uses matching those that were previously
10 anticipated and that are otherwise consistent with surrounding land use and
11 zoning patterns; and

12 WHEREAS, pursuant to the Phase 1 conversion rules, many properties
13 were converted to PD (which properties may or may not have an approved Site
14 Plan) or NR-BP (which properties may or may not have an approved Master
15 Development Plan) even though they do not all meet the size thresholds for
16 those zone districts established by the IDO, and although this may not impact
17 the ultimately usability of those properties, it does present a nonconformity
18 that can otherwise be cured; and

19 WHEREAS, City Council Resolution 18-29 directed the Planning
20 Department to create a Phase 2 zoning conversion process to evaluate,
21 analyze, process, and recommend citywide zoning conversions consistent
22 with the Comprehensive Plan and the IDO implementation goals, wherein
23 property owners would voluntarily convert the zoning on their properties to
24 address one or more of 5 following issues that were known at the time of the
25 IDO adoption but not resolved by the initial zoning conversion that became
26 effective as of May 17, 2018: 1) Nonconforming use(s), 2) Voluntary downzone,
27 3) Floating zone line(s), 4) Prior Special Use or R-D zoning, and 5) Size
28 thresholds for PD and NR-BP; and

29 WHEREAS, City Council Resolution 18-29 directed the Planning
30 Department to evaluate each property whose owner submitted a request and
31 agreement form to determine whether it reasonably falls within at least one of
32 the 5 identified criteria and decline to process those that do not; and

1 WHEREAS, for properties to be eligible through the nonconforming use
2 criterion, Planning Department staff determined that the existing use had to
3 have been legally allowed when the use began or that the use began before
4 the City established regulations on that use; and

5 WHEREAS, for properties to be eligible through the voluntary downzone
6 criterion, Planning Department staff determined that the property had to have
7 been zoned R-T, R-ML, R-MH, or MX-T and included an existing low-density
8 residential use (e.g. single-family detached house, duplex, or townhouse) and
9 that the property owner requested a less intense or less dense zone district
10 that still allowed the existing use; and

11 WHEREAS, for properties to be eligible through the floating zone line
12 category, Planning Department staff determined that the property had to have
13 2 zone districts on one parcel – either a platted parcel (as mapped by AGIS) or
14 deeded parcel (as mapped by the Bernalillo County Assessor) – and that the
15 zoning conversion would be completed along lot lines documented in the
16 AGIS layer called “City Parcel”; and

17 WHEREAS, for properties to be eligible through the prior Special Use or R-
18 D zoning criterion, Planning Department staff determined that the property had
19 to be undeveloped (i.e. contained no structure up to the time the Phase 2,
20 Batch 1 properties were submitted to the Environmental Planning Commission
21 for review and recommendation) and had previously been zoned SU-1, SU-2,
22 SU-3, or R-D; and

23 WHEREAS, for properties to be eligible through the size threshold criterion
24 for PD or NR-BP, Planning Department staff determined that a property zoned
25 PD had to be less than 2 acres in size or greater than 20 acres in size or that a
26 property zoned NR-BP had to be less than 20 acres in size and not part of an
27 approved Master Development Plan; and

28 WHEREAS, properties zoned NR-BP that are less than 20 acres in size and
29 part of an approved Master Development Plan are governed by the Master
30 Development Plan, and changing the zoning on those properties would make
31 it less transparent to the fact that they would still be governed by the Master
32 Development Plan unless the Master Development Plan were amended to
33 remove those properties from the Master Development Plan boundary; and

1 WHEREAS, for those properties whose owners requested conversion to a
2 zone district that did not match the land use and zoning pattern of the
3 surrounding area or that was not compatible, Planning staff recommended a
4 zoning conversion that was more compatible with the surrounding land use
5 and zoning pattern and that still resolved the relevant issues in the R-18-29
6 criteria; and

7 WHEREAS, there are many properties with lot lines that differ spatially
8 between platted lots (approved by the City, recorded by the Bernalillo County
9 Clerk, and mapped by AGIS) and deeded lots (recorded and mapped by the
10 Bernalillo County Assessor); and

11 WHEREAS, Phase 2 zoning conversions will be completed only on lots
12 mapped in the AGIS layer "City Parcel"; and

13 WHEREAS, in some cases a platting action may be needed to create a
14 platted parcel to be mapped in the AGIS layer "City Parcel" that corresponds
15 spatially with the piece of land on which the property owner desires the zoning
16 conversion; and

17 WHEREAS, the Planning Department conducted public outreach efforts
18 that included advertisements in print media, online media, and radio; inserts
19 mailed with the Property Tax Bill to all property owners in Albuquerque;
20 tabling at community events; attendance at Neighborhood Association
21 meetings; and office hour appointments; and

22 WHEREAS, owners of 122 eligible properties signed a Property Owner
23 Request and Agreement Form to opt in to the Phase 2 zoning conversion
24 process by the submittal date of the first batch of properties for review and
25 recommendation by the Environmental Planning Commission; and

26 WHEREAS, owners of 4 eligible properties (all of which were in Areas of
27 Consistency, with Form ID number 14 under Criterion 1 Nonconforming Use
28 and Form ID numbers 128-130 under Criterion 5 PD < 2 acres) opted out of the
29 Phase 2 zoning conversion process since the Environmental Planning
30 Commission review and recommendation and have been removed from the
31 Batch 1 properties for which City Council will consider adopting zoning
32 conversion rules; and

1 WHEREAS, Form ID #4 was removed from the Batch 1 properties for which
2 City Council will consider adopting zoning conversion rules. This property
3 was deemed ineligible for the Zone Conversion Process as it is not a non-
4 conforming use and does not meet any of the other criteria; and

5 WHEREAS, Planning staff confirmed the eligibility of these Batch 1
6 properties and recommended appropriate zoning conversions to address the 5
7 issues in R-18-29, meet the goals of IDO implementation, and further the goals
8 and policies in the Comp Plan; and

9 WHEREAS, Planning staff either confirmed the zoning conversion
10 requested by the property owner as appropriate or recommended a more
11 appropriate zoning conversion given the existing lawful use of the property
12 and the surrounding land use and zoning patterns; and

13 WHEREAS, the voluntary process established by R-18-29 necessarily
14 results in a phased conversion of various parcels on a citywide basis; and

15 WHEREAS, the City amended the Comp Plan in 2001 via R-01-343
16 (Enactment No. 171-2001) to identify Community Planning Areas and provide
17 goals and policies to protect and enhance distinct community identity in each
18 area; and

19 WHEREAS, the Comp Plan describes a Community Planning Area
20 assessment process to provide opportunities for community engagement and
21 analysis of each of the City's 12 Community Planning Areas every 5 years,
22 culminating in an update to the goals and policies in the Comp Plan, as
23 recommended by the assessments; and

24 WHEREAS, the IDO establishes a Community Planning Area assessment
25 process as the City's new process for long-range planning with communities,
26 intended to provide opportunities on a 5-year cycle to analyze and recommend
27 zoning and regulatory changes in specific geographic areas to better
28 implement the Comp Plan; and

29 WHEREAS, concerns about the resulting changes to zoning patterns from
30 Phase 2 zoning conversions can be addressed through Community Planning
31 Area assessments, which may result in recommendations to City Council for
32 future zoning actions for certain neighborhoods, districts, or corridors, as
33 appropriate; and

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[Bracketed/Strikethrough Material] - Deletion

1 WHEREAS, on January 10, 2019, the Environmental Planning Commission
2 (EPC), in its advisory role on land use and planning matters, recommended
3 approval of this request (Project 2018-001843, Case RZ-2018-00057).

4 BE IT ORDAINED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF
5 ALBUQUERQUE:

6 Section 1. ZONING CONVERSION RULES. The City Council hereby adopts
7 zoning conversion rules for the properties in Batch 1 of the Phase 2 zoning
8 conversion process as listed in Exhibit X.

9 Section 2. OFFICIAL ZONING MAP. The City Planning Department shall
10 update the Official Zoning Map to reflect the adopted zoning conversion rules
11 for the Batch 1 properties in Exhibit X.

12 Section 3. SEVERABILITY. If any section, paragraph, sentence, clause,
13 word or phrase of this Ordinance is for any reason held to be invalid or
14 unenforceable by any court of competent jurisdiction, such decision shall not
15 affect the validity of the remaining provisions of this Ordinance. The Council
16 hereby declares that it would have passed this Ordinance and each section,
17 paragraph, sentence, clause, word or phrase thereof irrespective of any
18 provision being declared unconstitutional or otherwise invalid.

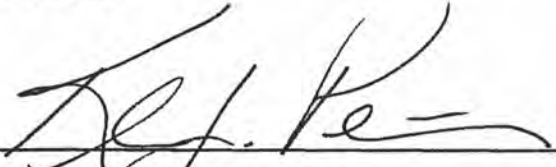
19 Section 4. EFFECTIVE DATE. This Ordinance shall take effect five days
20 after publication by title and general summary.

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X:\CITY COUNCIL\SHARE\CL-Staff_Legislative Staff\Legislation\23 Council\O-65final.docx

1 PASSED AND ADOPTED THIS 5th DAY OF August, 2019
2 BY A VOTE OF: 8 FOR 1 AGAINST.

3
4 Against: Peña

5
6
7 
8 Klarissa J. Peña, President
9 City Council

10
11
12
13 APPROVED THIS _____ DAY OF _____, 2019

14
15
16
17 Bill No. O-19-65

18
19
20
21
22 _____
23 Timothy M. Keller, Mayor
24 City of Albuquerque

25
26 ATTEST:

27 
28 _____
29 Katy Duhigg, City Clerk

For: 9 - Peña, Borrego, Sanchez, Benton, Winter, Davis, Gibson, Jones, and Harris

A motion was made by Councilor Sanchez that the rules be suspended for the purpose of extending the City Council meeting until 12:00 a.m. The motion carried by the following vote:

For: 8 - Peña, Borrego, Sanchez, Benton, Winter, Davis, Gibson, and Jones

Against: 1 - Harris

n. O-19-64

Amending Certain Portions Of Chapter 6, Part 5, Article 6 Of The City's Code Of Ordinances Known As The "Complete Streets Ordinance" To Incorporate Higher Standards Related To The Implementation Of Complete Streets Within The City (Benton)

A motion was made by Councilor Benton that this matter be Passed as Amended. The motion carried by the following vote:

For: 9 - Peña, Borrego, Sanchez, Benton, Winter, Davis, Gibson, Jones, and Harris

o. O-19-65

Adopting Zoning Conversion Rules For Properties In Batch 1 Of The Phase 2 Zoning Conversion Effort As Directed By City Council Resolution 18-29 And Updating The Official Zoning Map (Jones and Benton, by request)

A motion was made by Councilor Jones that this matter be Amended. Councilor Jones moved Amendment No. 1. The motion carried by the following vote:

For: 9 - Peña, Borrego, Sanchez, Benton, Winter, Davis, Gibson, Jones, and Harris

A motion was made by Councilor Jones that this matter be Amended. Councilor Jones moved Amendment No. 2. The motion carried by the following vote:

For: 9 - Peña, Borrego, Sanchez, Benton, Winter, Davis, Gibson, Jones, and Harris

A motion was made by Councilor Sanchez that the rules be suspended for the purpose of extending the City Council meeting until 12:20 a.m. The motion carried by the following vote:

For: 8 - Peña, Borrego, Sanchez, Benton, Winter, Davis, Gibson, and Jones

Against: 1 - Harris

o. O-19-65

Adopting Zoning Conversion Rules For Properties In Batch 1 Of The Phase 2 Zoning Conversion Effort As Directed By City Council Resolution 18-29 And Updating The Official Zoning Map (Jones and Benton, by request)



Salas, Alfredo E.

From: Hessel E. Yntema III <hess@yntema-law.com>
Sent: Friday, November 19, 2021 9:25 AM
To: Gomez, Angela J.; Michael Vos; Planning Development Review Services; Renz-Whitmore, Mikaela J.; Grush, Matthew P.; Carter, Blaine M.; Cherne, Curtis; Firor, Laurie; Webb, Robert L.
Cc: Jim Strozier; Sanchez, Nicole A.; Peter Lindborg; Philip Lindborg
Subject: Re: Letter and Exhibits re: DRB Remand for PR-2019-002496 (Alameda and Barstow)
Attachments: 4 Ex 13-20 reduced.pdf; 5 Ex 21-26 reduced.pdf; 6 Ex 27-32 reduced.pdf

External

Ms. Gomez,
Second e-mail with exhibits
Thanks,
Hess

Hessel E. Yntema III
Yntema Law Firm P.A.
215 Gold SW
Suite 201
Albuquerque, New Mexico 87102
phone 505-843-9565
fax 505-242-2879
e-mail hess@yntema-law.com

This communication is confidential and is intended only for the use of the individual or entity named above. If you have received this communication in error, please immediately destroy it and notify the sender by reply e-mail or by telephone (505) 843-9565 (call collect).

On 11/19/2021 9:23 AM, Hessel E. Yntema III wrote:

Ms. Gomez,
My second e-mail yesterday with the exhibits did not get through to all the above recipients due to size, so I am re-sending the exhibits in two e-mails. Please let me know if you receive both e-mails with all 32 exhibits for the record.
Thanks,
Hess

Hessel E. Yntema III
Yntema Law Firm P.A.
215 Gold SW
Suite 201
Albuquerque, New Mexico 87102
phone 505-843-9565
fax 505-242-2879
e-mail hess@yntema-law.com

This communication is confidential and is intended only for the use of the individual or entity named above. If you have received this communication in error, please immediately destroy it and notify the sender by reply e-mail or by telephone (505) 843-9565 (call collect).

From: Melendrez, Chris P.
Sent: Wednesday, July 03, 2019 8:44 PM
To: Steven Chavez
Subject: Re: DRB resolution

Thanks, I agree. I'll revisit with our planning staff.

Sent from my Verizon 4G LTE Droid

On 3 Jul 2019 5:28 pm, Steven Chavez wrote:

Chris, thanks for speaking with me this morning on this. I took another look at the Ex. A attached to the resolution. I don't think it accomplishes what you want it to accomplish. The changes are superficial, changing labels only. Under the resolution's Ex A, the DRB will still be investigating facts, weighing evidence, drawing conclusions to determine if applications meet discretionary standards. The nature of these acts remains quasi-judicial.

For example, in Ex A, page 2, page 351 of the IDO is referenced in the first column. The changes appear to be just to the labels of the tasks. The DRB will still decide "access and connectivity" under the standards of 6(4)(O)(2). The nature of these standards requires that the DRB exercise much discretion because the standards are not 100% objective. Even the explanation for the changes states that the DRB will still decide access and connectivity under these standards.

As you look through all the changes, they are merely renaming the labels. Renaming "hearing" to "meeting" and "variance" to "waiver" will have no effect on the legal analysis of whether the nature of the DRB's tasks are quasi-judicial or not. Finally, few of the discretionary tasks are actually shifted from the DRB to the EPC or HE.

Also, the label of a "meetings" verses a "hearing" is not a significant distinction for deciding if it is quasi-judicial. I also note that the IDO's language creating a distinction at 6(4)(L) has little meaning for purposes of determining whether either is quasi-judicial. Either one can be quasi-judicial depending on the nature of the tasks performed.

In my humble opinion, it is the standards that need to be looked at for changes not the labels. I think it will take much more than these changes to take the tasks represented in Table 6-1-1 out of being quasi-judicial tasks. Just my \$.02. Please let me know if I'm misunderstanding the changes.

I did not respond to the analyst who asked for comment. I will if you think it appropriate. Let me know. Enjoy the holiday!

Steven M. Chavez, Esq.

Chavez Law Firm, P.C., A Professional Corporation

10 Peralta Farms Court, Peralta, New Mexico 87042

Tele: (505) 565-3650

Fax: (505) 916-0366

Cell: (505) 263-2407

Web: www.steven@stevenchavezlawfirm.com

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This message has been analyzed by Deep Discovery Email Inspector.



2. The site plan exceeds the appropriate density under the MX-L zoning.

The zoning category MX-L does not have density requirements. Pursuant to the Allowable Use Table 4-2-1 of the IDO, multi family dwelling development is a permitted use in the MX-L zoning category. The multi family dwelling development shall comply with the building design standards pursuant to Section 14-16-5-11 and the use specific standards pursuant to Section 14-16-4-3(B)(7) of the IDO. The zoning category MX-L shall comply with the use and design standards pursuant to Section 14-16-2-4(B)(2) of the IDO. None of these standards have a requirement for density.

3. The DRB erred in not applying the IDO "Neighborhood Edges" provisions.

Following further research after the filing of the appeal, it appears that the Batch 1 voluntary zone change request made by the owner of Lot 5-P1, Tierra Morena Subdivision to the south of the subject project was in effect prior to the DRB's approval of the site plan. Specifically, the requested zone change for Lot 5-P1, Tierra Morena Subdivision from MX-T Mixed-use – Transition to R-1 Residential – Single-family became effective on September 8, 2019. The DRB did not approve the site plan for the 93-unit apartment project until three (3) days later on September 11, 2019. Consequently, the "Neighborhood Edges" provisions intended to protect residentially zoned lots containing low density residential development as outlined in Section 14-16-5-9 should have been considered.

4. The DRB record for this matter should include all coorespondences, notes and other public records related to the subject application.

The DRB is a technical review board of City staff. An Official Notification of Decision is produced and recordings of the meetings are available upon request. The application either does or does not meet the criteria of the IDO. The Official Notification of Decision was supplied to Appellant. Should an appeal be made, the appeal should address the perceived errors in the application of the IDO to the subject property.

5. The DRB acted arbitrarily and capriciously and denied Appellants due process in not considering Appellants' evidence and arguments.

As required by the IDO, public meetings were held for each review of the subject application. Public comments were invited at each meeting and participants had the opportunity to ask questions and give opinions concerning the application. No request for "cross-examination" was made during the meetings and public comment periods. Again, the DRB is a staff board for technical reviews, as defined in the IDO, and does not hold quasi-judicial hearings. The DRB was created to offer efficient considerations of technical standards, a one-stop shop for property owners and developers alike, which would have otherwise required an applicant to meet individually with the City staff experts from divisions and departments across the city. The DRB streamlines the application process by bringing together key department staff responsible for the specialized/expert review of projects as the relate to the IDO in a forum where the staff and applicant meet to discuss projects and the public can ask questions and share input for those decisions. The DRB is not a policy making board and performs no administrative adjudicatory functions regarding individual legal rights, duties or privileges. As such, the DRB staff



communicate with the public and the applicants.

6. The decision was made in violation of the New Mexico Open Meetings Act (the "OMA")

Again, the DRB is a technical review board of City staff and does not hold quasi-judicial hearings. By definition of the DRB and its purpose, the DRB staff members are required to communicate with the public and applicants. The DRB is a consensus board and requires each designated staff member, an expert in a specific area, to have no objections to an application. For each application, each member is asked whether they object. If there are no objections, meaning the application follows the requirements of the IDO, the application is approved with a consensus vote. The remaining alleged Open Meeting Act violations, ("going in and out of public meetings and effectively into smaller group closed meetings") are fabrications of Appellant.

7. The DRB should require a traffic study.

For the number of apartments proposed for this development, it does not meet the current City of Albuquerque threshold to require a Traffic Impact Study. As per the Development Process Manual, the warranting criteria shows that "Site generated traffic of 100 or more additional(new) peak direction, inbound or outbound vehicle trips to or from the site in the morning or evening peak period of the adjacent roadways or the development's peak hour." Because of neighborhood concerns, we had requested a Trip Generation computation for our records although one is not typically requested for the number of apartments proposed.

The projected total number of AM Peak hour vehicular trips is 34, and the total number of PM Peak hour vehicular trips is 41 for the new development which is based upon 93 apartments for "Multifamily Housing (Mid-Rise)" from the "Trip Generation Manual", 10th Edition for apartment buildings by the Institute of Transportation Engineers. The computed numbers are well under the required threshold of vehicular trips of 100 vehicles entering or exiting. The numbers are low enough such that the development's impact to capacity of adjacent roadway facilities is minimal.

The Trip Generation Manual is what is used as the basis for determining volume of traffic that a new facility will generate. It is based on historical data for certain types of land uses.

The Development Process Manual says that "Site specific circumstances may mandate more or less study requirements." It is noted that there is much school traffic in this area which causes congestion at school peak times. However, the development itself is not contributing enough vehicle trips to require a Traffic Impact Study.

Although a Traffic Impact Study (T.I.S.) is not required in such a case as this, the roadway is being widened along the frontage of the property for vehicular travel. The City of Albuquerque is requiring the developer to align the road with the Alameda Boulevard across Barstow by including an additional eastbound lane and to be aligned with the future City project to the intersection to include an additional northerly lane. In addition to these requirements, the City is requiring added pedestrian and bicycle facilities along the frontage of the property. These requirements were part of Site Plan approval and Platting approval.

CITY of ALBUQUERQUE

TWENTY SECOND COUNCIL

COUNCIL BILL NO. C/S O-17-49

ENACTMENT NO. 0.2017.025

SPONSORED BY: Trudy E. Jones and Isaac Benton

ORDINANCE

ADOPTING THE INTEGRATED DEVELOPMENT ORDINANCE (IDO) AND IDO ZONING CONVERSION MAP AND REPEALING THE COMPREHENSIVE CITY ZONING CODE (§14-16 ET SEQ.) AND EXISTING ZONING MAP; REPEALING THE LANDMARKS AND URBAN CONSERVATION ORDINANCE (§14-12 ET SEQ.), THE SUBDIVISION ORDINANCE (§14-14 ET SEQ.), AND THE AIRPORT ZONING ORDINANCE (§14-15 ET SEQ.), WHOSE REGULATORY PURPOSES AND CONTENT HAVE BEEN INCORPORATED INTO THE IDO; REPLACING REFERENCES TO THE REPEALED ORDINANCES IN VARIOUS LOCATIONS OF REVISED ORDINANCES OF ALBUQUERQUE, NEW MEXICO, 1994 (ROA 1994) WITH REFERENCES TO THE IDO IN ORDER TO MAINTAIN INTERNAL CONSISTENCY IN ROA 1994 INCLUDING PART §5-1-4, PART §6-9-1(A), PART §7-5-2, PART §7-5-3, SECTION §8-2-2-15(D), SECTION §9-2-1-4, SECTION §9-2-3-3(E), SECTION §9-6-3-4(A), PART §9-9-2, SECTION §9-10-1-7(B)(3)(c), SECTION §9-10-1-9(E)(1), PART §10-9-8, SECTION §11-1-1-11(C)(2), PART §13-1-9(A), PART §13-2-6(C), SECTION §13-5-1-13(D), PART §13-15-2(B), PART §14-4-4(F), PART §14-6-1, PART §14-6-2(A)(5), PART §14-8-2-3(B), PART §14-11-7(C)(3), AND PART §14-17-5(A); AND AMENDING VARIOUS ORDINANCES TO COMPILE RELEVANT SECTIONS OF THE CODE OF ORDINANCES AND TO MAINTAIN INTERNAL CONSISTENCY WITH THE IDO INCLUDING PART §4-10-3(D), SECTION §6-1-1-12(D), SECTION §6-1-1-99(C), PART §6-5-5 ET SEQ., ARTICLE §6-6 ET SEQ., PART §6-7-2(B), SECTION §8-5-1-42(H), SECTION §9-2-1-4, PART §9-9-2, SECTION §9-10-1-7(B)(3)(e), PART §11-2-3, SECTION §12-2-28, SECTION §14-5-2-10(B), SECTION §14-8-2-3(A), SECTION §14-8-2-4(D), SECTION §14-8-2-5 ET SEQ., SECTION §14-8-2-6 ET SEQ., SECTION §14-8-2-7(A), SECTION §14-8-2-7(B),

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1 PART §14-8-7, PART §14-9-3, PART §14-11-3(A), SECTION §14-13-1-4(E),
2 SECTION §14-13-2-2, SECTION §14-13-2-3, SECTION §14-13-2-4(B), SECTION
3 §14-13-2-5, SECTION §14-13-2-6, SECTION §14-13-3, PART §14-17-5 ET
4 SEQ., AND PART §14-19-15.

5 WHEREAS, the City Council, the Governing Body of the City of
6 Albuquerque, has the authority to adopt and amend plans for the physical
7 development of areas within the planning and platting jurisdiction of the
8 City authorized by statute, Section 3-19-3, NMSA 1978, and by its home rule
9 powers; and

10 WHEREAS, the City's zoning powers are established by the City charter,
11 in which: Article I, Incorporation and Powers, allows the City to adopt new
12 regulatory structures and processes to implement the Albuquerque-
13 Bernalillo County Comprehensive Plan ("Comp Plan") and help guide future
14 legislation; Article IX, Environmental Protection, empowers the City to adopt
15 regulations and procedures to provide for orderly and coordinated
16 development patterns and encourage conservation and efficient use of
17 water and other natural resources; and Article XVII, Planning, establishes
18 the City Council as the City's ultimate planning and zoning authority; and

19 WHEREAS, the City adopted a Planning Ordinance (§14-13-2) that
20 established a ranked system of plans, with the jointly adopted Comp Plan as
21 the Rank 1 plan that provides a vision, goals, and policies for the
22 Albuquerque metropolitan area, including the entire area within the city's
23 municipal boundaries, Rank 2 plans that provide more detailed policies for a
24 particular type of facility or a sub-area of the city in order to implement the
25 Comp Plan, and Rank 3 plans that provide an even greater level of detail
26 about an even smaller sub-area; and

27 WHEREAS, the City amended the Comp Plan in 2001 via R-01-344
28 (Enactment No. 172-2001) to include a Centers and Corridors vision for
29 future growth and development as recommended by the City's Planned
30 Growth Strategy (§14-13-1) in order to maintain a sustainable urban
31 footprint and service boundary for infrastructure; and

32 WHEREAS, the City amended the Comp Plan in 2001 via R-01-343
33 (Enactment No. 171-2001) to identify Community Planning Areas and

1 provide goals and policies to protect and enhance distinct community
2 identity in each area; and

3 WHEREAS, the City's Comprehensive Zoning Code ("Zoning Code"),
4 which is the primary implementation tool for the Comp Plan, has been
5 amended piecemeal hundreds of times but has not been comprehensively
6 updated since 1975; and

7 WHEREAS, the Zoning Code has not been comprehensively updated to
8 implement the Comp Plan's Centers and Corridors approach to growth and
9 development or community identity goals and policies for Community
10 Planning Areas; and

11 WHEREAS, zoning codes typically have a lifespan of 20 years before a
12 comprehensive update is needed; and

13 WHEREAS, the Zoning Code does not include integrated tools to
14 address the unique needs of sub-areas or establish regulations to protect
15 the character of built environments in particular sub-areas; and

16 WHEREAS, lower-ranked plans are intended to implement the Rank 1
17 Comp Plan and supplement the Zoning Code by providing a greater level of
18 detailed planning policy and/or land use and zoning regulations for sub-
19 areas of the city; and

20 WHEREAS, the City has adopted six Rank 2 Facility Plans – for Arroyos
21 (adopted 1986), for the Bosque (adopted 1993), for Major Public Open Space
22 (adopted 1999), for the Electric System: Transmission & Generation (last
23 amended in 2012), for Route 66 (adopted 2014), and for Bikeways & Trails
24 (last amended in 2015) – to provide policy guidance and implementation
25 actions for implementing departments; and

26 WHEREAS, Rank 2 Area Plans and Rank 3 Sector Development Plans
27 have been created and adopted over the last 40 years for approximately half
28 the area of the city; and

29 WHEREAS, the City has adopted five Rank 2 Area Plans – the Sandia
30 Foothills Area Plan in 1983 (never amended), the Southwest Area Plan in
31 1988, (last amended in 2002), the East Mountain Area Plan in 1992 (never
32 amended), the North Valley Area Plan in 1993 (never amended), and the
33 West Side Strategic Plan in 1997 (last amended in 2014) – that provide

1 policy guidance about sub-areas to help implement the Comp Plan, yet
2 three have not been amended since 2001, when the Comp Plan was
3 amended to adopt a Centers and Corridors vision for future growth and
4 development; and

5 WHEREAS, the Southwest Area Plan and East Mountain Area Plan were
6 jointly adopted with Bernalillo County, as the plan areas include land that is
7 predominantly within the unincorporated County area; and

8 WHEREAS, the City has adopted over 50 Sector Development Plans –
9 some of which include policies and some of which include tailored zoning,
10 regulations, and approval processes for properties within the plan
11 boundary; and

12 WHEREAS, approximately 51% of the adopted Rank 3 Sector
13 Development Plans were adopted or amended after 2001, when the Comp
14 Plan was amended to adopt a Centers and Corridors vision for future
15 growth and development; and

16 WHEREAS, the City intended to update each Sector Development Plan
17 every 10 years, but some have never been amended, some have been
18 amended multiple times, and over half are now more than 10 years old; and

19 WHEREAS, the Code of Resolutions indicates that the City has adopted
20 plans that the Planning Department cannot find, which may have been
21 repealed or replaced in whole or in part, and there may be other adopted
22 ranked plans that the Planning Department is no longer aware of and have
23 not been listed on the Planning Department's publication list; and

24 WHEREAS, approximately half the properties in the city have not had the
25 benefit of long-range planning for specific sub-areas with trend analysis by
26 staff or engagement by area stakeholders, which is an inequitable and
27 untenable existing condition; and

28 WHEREAS, City staff and the budget have been restructured and
29 allocated over the years in such a way as to no longer be adequate to
30 maintain and update over 50 standalone Sector Development Plans, three
31 Area Plans, and three Arroyo Corridor Plans, much less the additional plans
32 that would be needed to provide an equal level of policy guidance and

1 tailored regulations for the half of the city not currently covered by Rank 2
2 Area Plans or Rank 3 Sector Development Plans; and

3 WHEREAS, the mix of policy and regulations in Rank 3 Plans has
4 sometimes created confusion as to whether language is narrative, policy,
5 and/or regulatory; and

6 WHEREAS, the adopted Rank 3 Sector Development Plans have created
7 over 235 unique SU-2 zones outside of the Zoning Code, many of which
8 establish zone abbreviations unique to each plan; and

9 WHEREAS, there are enumerable SU-1 zones adopted for individual
10 properties throughout the city totaling over 28,500 acres (almost 25% of the
11 city's total acreage); and

12 WHEREAS, the Zoning Code has 24 base zone districts, not including
13 SU-1, SU-2, and SU-3 zones or overlay zones; and

14 WHEREAS, the City has struggled to administer and enforce all of these
15 unique zones consistently over time; and

16 WHEREAS, the separation of land use and zoning regulation from the
17 Zoning Code into multiple standalone plans has sometimes resulted in
18 conflicting language and/or regulations being lost or overlooked by staff
19 and decision-makers in the review/approval and enforcement processes,
20 which are the primary responsibility of the Planning Department and the
21 City Council as the ultimate land use and zoning authority; and

22 WHEREAS, some Rank 3 Sector Development Plans establish separate
23 decision-making processes and/or criteria, which introduces an uneven
24 playing field for development and inconsistent protections for
25 neighborhoods and natural/cultural resources from area to area; and

26 WHEREAS, the City Council directed the City in April 2014 via R-14-46
27 (Enactment No. R-2014-022) to update the Comp Plan *and the land*
28 *development regulations intended to implement it*; and

29 WHEREAS, the City Planning Department and Council Services initiated
30 a project in February 2015 called "ABC-Z" to update the Albuquerque-
31 Bernalillo County Comprehensive Plan and develop an Integrated
32 Development Ordinance ("IDO") to help implement it in the city; and

1 WHEREAS, the public engagement process for ABC-Z offered a range of
2 opportunities for input, discussion, and consensus-building with over 130
3 workshops and public meetings, including daytime focus groups organized
4 by topic, evening meetings with a more traditional presentation and
5 question and answer session, "Comp Plan 101" and "Zoning 101" meetings,
6 and periodic "Ask an Expert" zoning clinics; and

7 WHEREAS, the project team spoke at over 100 meetings and local
8 conferences by invitation of various stakeholders; and

9 WHEREAS, the project team staffed booths and passed out promotional
10 material at community events and farmers markets to reach more people
11 and a broader cross-section of the community and met with individuals and
12 small groups during weekly office hours; and

13 WHEREAS, articles about the ABC-Z project appeared monthly in the
14 City's Neighborhood News, ads specifically for the proposed IDO were
15 placed in print and social media, as well as on local radio stations, and the
16 project team maintained a project webpage and a social media page on
17 Facebook for the ABC-Z project; and

18 WHEREAS, the Planning Department has expended additional funds
19 from its general operating budget, and the City Council also provided
20 supplementary funds as part of a budget amendment in November 2015 (R-
21 15-266, Floor Amendment 2, Enactment No. R-2015-113) that were
22 subsequently used for additional paid advertising in print, radio, and social
23 media, including Spanish-language media outlets, to reach a broader and
24 more diverse audience; and

25 WHEREAS, the City Council adopted an updated Albuquerque-Bernalillo
26 County Comprehensive Plan ("ABC Comp Plan") on March 20, 2017 via R-
27 16-108 (Enactment No. R-2017-026), including an updated community vision
28 that is still based on a Centers and Corridors approach to growth; and

29 WHEREAS, the 2017 ABC Comp Plan adopted an updated Centers and
30 Corridors map that establishes boundaries for the Centers; designates
31 priority for transportation modes on certain Corridors; and identifies
32 Downtown, Urban Centers, Activity Centers, Premium Transit Corridors,
33 Major Transit Corridors, and Main Street Corridors as the Centers and

1 Corridors that are intended to be walkable, with a mix of residential and
2 non-residential land uses, and with higher-density and higher-intensity
3 uses; and

4 WHEREAS, the 2017 ABC Comp Plan established a hierarchy of Centers
5 and Corridors from the most to the least walkable, mixed-use, and dense,
6 with Downtown, Urban Centers, Premium Transit Corridors, and Main Street
7 Corridors all intended to be highly walkable, mixed-use, and dense; and

8 WHEREAS, the IDO, as a regulatory document that applies citywide, is
9 the primary mechanism to implement the 2017 ABC Comp Plan for land
10 within the municipal boundaries of the City of Albuquerque; and

11 WHEREAS, the IDO has been drafted to be consistent with and
12 implement Comp Plan goals and policies; and

13 WHEREAS, the IDO's stated purpose is to implement the 2017 ABC
14 Comp Plan; ensure that all development in the City is consistent with the
15 spirit and intent of other plans and policies adopted by City Council; ensure
16 provision of adequate public facilities and services for new development;
17 protect quality and character of residential neighborhoods; promote
18 economic development and fiscal sustainability of the City; provide efficient
19 administration of City land use and development regulations; protect health,
20 safety, and general welfare of the public; provide for orderly and
21 coordinated development patterns; encourage conservation and efficient
22 use of water and other natural resources; implement a connected system of
23 parks, trails, and open spaces to promote improved outdoor activity and
24 public health; provide reasonable protection from possible nuisances and
25 hazards and to otherwise protect and improve public health; and encourage
26 efficient and connected transportation and circulation systems for motor
27 vehicles, bicycles, and pedestrians; and

28 WHEREAS, the 2017 ABC Comp Plan updated the Centers and Corridors
29 map with a new Downtown Center designation as the most urban, walkable,
30 dense, intense, and mixed-use Center in Albuquerque, with the same
31 boundary as the adopted Rank 3 Downtown 2025 Sector Development Plan;
32 and

1 WHEREAS, the IDO helps to implement the Downtown Center by carrying
2 over and updating zoning regulations and design standards from the
3 adopted Rank 3 Downtown 2025 Sector Development Plan as a mixed-use,
4 form-based zone district (MX-FB-DT); and

5 WHEREAS, the 2017 ABC Comp Plan updated the Centers and Corridors
6 map with a new Center designation of Urban Centers – intended to be highly
7 walkable, with mixed-use development and high-density, high-intensity uses
8 – for Volcano Heights and Uptown, with the same boundaries as identified
9 in the 2013 Comp Plan, which followed boundaries established by SU-2
10 zoning in the adopted Rank 3 Volcano Heights and Uptown Sector
11 Development Plans; and

12 WHEREAS, the IDO helps implement these Urban Centers by allowing
13 additional building height and reducing parking requirements in these
14 Centers; and

15 WHEREAS, the 2017 ABC Comp Plan updated the Centers and Corridors
16 map with a new Corridor designation of Premium Transit Corridors in order
17 to prioritize transit service in the public right-of-way and encourage higher-
18 density and mixed-use transit-oriented development that can support and
19 be supported by transit service; and

20 WHEREAS, the IDO helps implement Premium Transit Corridors for
21 which funding has been secured and transit station locations have been
22 identified by allowing additional building height and reducing parking
23 requirements within 660 feet (one-eighth of a mile, a distance of two typical
24 city blocks, considered a 5-minute walk) of Premium Transit stations; and

25 WHEREAS, the 2017 ABC Comp Plan updated the Centers and Corridors
26 map with a new Corridor designation of Main Streets, intended to be
27 pedestrian-oriented and encourage mixed-use and high-density residential
28 development along them; and

29 WHEREAS, the IDO helps implement Main Street Corridors by allowing
30 additional building height and reducing parking requirements on parcels
31 within 660 feet (one-eighth of a mile, a distance of two typical city blocks,
32 considered a 5-minute walk) of the centerline of Main Street Corridors; and

1 WHEREAS, the 2017 ABC Comp Plan updated the Centers and Corridors
2 map with a new Center designation of Activity Centers, intended to serve
3 surrounding neighborhoods, be more walkable and allow higher-density
4 and higher-intensity uses than non-Center areas; and

5 WHEREAS, the IDO helps implement Activity Centers by requiring
6 enhanced building façade design and site design for drive-throughs that
7 results in more pedestrian-oriented layouts within the boundary of these
8 Centers; and

9 WHEREAS, the IDO helps implement the Centers and Corridors vision by
10 converting existing mixed-use and non-residential zoning in Centers and
11 Corridors intended to be walkable, mixed-use, and dense to IDO zone
12 districts with the closest matching set of permissive uses, as described in
13 more detail below; and

14 WHEREAS, the IDO helps implement the Centers and Corridors vision by
15 providing different dimensional standards for density, height, and setbacks,
16 lower parking standards, additional building design and site layout
17 standards, and reduced buffering and landscaping requirements that will
18 allow more urban development forms as relevant for walkable, mixed-use,
19 dense Centers and Corridors (excluding Old Town, Employment Centers,
20 and Commuter Corridors); and

21 WHEREAS, the 2017 ABC Comp Plan included an updated map of City
22 Development Areas Map that replaced the 1975 Development Areas with one
23 of two new Development Area designations: Areas of Change, including all
24 Centers but Old Town and all Corridors but Commuter Corridors, or Areas
25 of Consistency, including single-family neighborhoods, parks, Major Public
26 Open Space, golf courses, airport runway zones, and many arroyos,
27 acequias; and

28 WHEREAS, the 2017 ABC Comp Plan includes policies to encourage
29 growth and development in Areas of Change and policies to protect the
30 character and built environment in Areas of Consistency from new
31 development or redevelopment; and

32 WHEREAS, the IDO helps implement the Comp Plan by providing
33 Neighborhood Edge regulations (§14-16-5-9) that require a transition and

1 buffering between Areas of Change and Residential zones, as well as other
2 design requirements for development in Areas of Change to minimize
3 negative impacts on Areas of Consistency; and

4 WHEREAS, the IDO helps implement the Comp Plan by including
5 regulations (§14-16-5-2) to avoid sensitive lands such as flood plains, steep
6 slopes, unstable soils, wetlands, escarpments, rock outcroppings, large
7 stands of mature trees, archaeological sites; and

8 WHEREAS, the IDO helps implement the Comp Plan by including specific
9 regulations (§14-16-5-2(C)) to ensure that development near sensitive lands,
10 including archaeological sites (§14-16-5-2(D)), arroyos (§14-16-5-2(E)), and
11 acequias (§14-16-5-2(F)), is context-sensitive; and

12 WHEREAS, the IDO helps implement the Comp Plan by incorporating
13 and updating regulations from adopted Rank 3 Arroyo Corridor Plans as
14 general regulations for private property abutting any arroyo identified in the
15 Rank 2 Facility Plan for Arroyos in order to ensure context-sensitive
16 development next to these natural resources, which function as drainage
17 facilities as well as providing open space and, in some cases, recreational
18 opportunities through multi-use trails or parks; and

19 WHEREAS, the IDO helps implement the Comp Plan by including
20 specific use restrictions and design standards (§14-16-5-2(H)) to ensure that
21 development adjacent to or within 330 feet (one-sixteenth of a mile, a
22 distance of one typical city block) of Major Public Open Space is context-
23 sensitive; and

24 WHEREAS, the 2017 ABC Comp Plan includes goals and policies to
25 protect historic assets and cultural resources, and the IDO implements
26 these goals and policies by incorporating Historic Protection Overlay zones
27 (§14-16-3-3) with design standards to ensure compatible new development
28 and redevelopment in historic districts and View Protection Overlay zones
29 (§14-16-3-4), and regulations for development next to sensitive lands (§14-
30 16-5-2); and

31 WHEREAS, the 2017 ABC Comp Plan includes goals and policies to
32 protect community health and maintain safe and healthy environments
33 where people can thrive; and

1 WHEREAS, the IDO helps to implement these goals and policies by
2 providing a set of zones (§14-16-2) that range from low intensity to high
3 intensity and designating the appropriate mix of land uses in each zone;
4 and

5 WHEREAS, the IDO helps implement these goals and policies by
6 providing use-specific standards (§14-16-4-3) that require a distance
7 separation for certain nuisance uses – such as alcohol sales and heavy
8 manufacturing – from residential areas, schools, and churches to mitigate
9 the potential negative impact on quality of life; and

10 WHEREAS, the IDO helps implement these goals and policies by
11 providing use-specific standards (§14-16-4-3) that require distance
12 separations between uses that pose potential negative impacts on nearby
13 properties – such as pawn shops, bail bonds, small loan businesses, and
14 liquor retail – to prevent clustering of such uses; and

15 WHEREAS, the 2017 ABC Comp Plan recommends a transition from
16 long-range planning with communities on an as-needed basis to create
17 standalone Rank 2 and 3 plans to a 5-year cycle of planning with each of 12
18 Community Planning Areas in order to provide opportunities for all areas of
19 the city to benefit from area-specific long-range planning, including regular
20 and ongoing opportunities for stakeholder engagement and analysis by
21 staff of trends, performance measures, and progress toward implementation
22 actions in the Comp Plan; and

23 WHEREAS, the IDO implements the new proactive approach to long-
24 range planning by committing the City to a proactive, equitable system of
25 assessments (§14-16-6-3(D)) done every five years with residents and
26 stakeholders in each of 12 Community Planning Areas established by the
27 ABC Comp Plan; and

28 WHEREAS, the IDO furthers the purpose and intent of the Planning
29 Ordinance (§14-13-2) and the Planned Growth Strategy (§14-13-2-3) by
30 establishing a regulatory framework that ensures that development is
31 consistent with the intent of other plans, policies, and ordinances adopted
32 by the City Council; that updated development standards help ensure
33 provision of adequate light, air, solar access, open spaces, and water; that

1 clarified and streamlined development processes will help ensure the
2 harmonious, orderly, and coordinated development of land in the City, and
3 help create efficiency in governmental operations; that land use is
4 coordinated with transportation corridors to help promote the convenient
5 circulation of people, goods, and vehicles while minimizing traffic hazards;
6 that subdivision standards and review/approval processes serve as a
7 framework to help Staff and the public ensure the safety and suitability of
8 land for development; and

9 WHEREAS, the IDO (§14-16-6-3) describes a Planning System (§14-16-6-
10 3) that incorporates the ranked system of plans described in the Planning
11 Ordinance (§14-13-2): the Rank 1 plan with which the lower-ranking plans
12 must be consistent and that the lower-ranking plans are intended to help
13 implement, Rank 2 plans for facilities that exist throughout the City in
14 various areas and need to be coordinated and managed with a consistent
15 approach (i.e. Facility Plans), and Rank 3 plans for specific areas that
16 benefit from more detailed guidance related to the area's unique needs and
17 opportunities (e.g. Metropolitan Redevelopment Plans, Master Plans, and
18 Resource Management Plans); and

19 WHEREAS, the Planning Ordinance (§14-13-2) is being amended to
20 clarify that Ranked plans will hereby include narrative and policies but not
21 regulations; and

22 WHEREAS, adopted Rank 2 Facility Plans will remain in effect, to be
23 amended pursuant to the IDO (§14-16-6-3(B)) or as specified in the adopted
24 plan; and

25 WHEREAS, the 2017 ABC Comp Plan included and updated policies from
26 adopted Rank 2 Area Plans and Rank 3 Sector Development Plans; and

27 WHEREAS, the 2017 ABC Comp Plan included Sector Development
28 Plans adopted as of March 2017 in the Appendix so that they can be used as
29 informational, reference documents for relevant sub-areas, especially in
30 creating and/or amending Community Planning Area assessments in the
31 future; and

1 WHEREAS, the IDO is intended to contain all the zoning and land use
2 laws of the City, superseding any and all other zoning and land use laws
3 whether written or based on prior practice; and

4 WHEREAS, the IDO is intended to integrate and adopt regulations
5 pertaining to land use and development on private land within the City's
6 municipal boundaries into one document in order to eliminate duplication,
7 inconsistencies, and conflicts and to strengthen consistency, coordination,
8 efficiency, effectiveness, and enforcement of these regulations; and

9 WHEREAS, the IDO does not apply to properties within other
10 jurisdictions, such as the State of New Mexico, Federal lands, and lands in
11 unincorporated Bernalillo County or other municipalities; and

12 WHEREAS, the IDO includes the flexibility to tailor uses, overlay zones,
13 development standards, and review/approval processes for specific sub-
14 areas to protect character, enhance neighborhood vitality, and respect
15 historic and natural resources; and

16 WHEREAS, regulations from the adopted Rank 3 Sector Development
17 Plans and Rank 3 Arroyo Corridor Plans have been coordinated, updated,
18 and included in the IDO either as citywide regulations or as regulations
19 applying to a mapped area consistent with the applicable area identified in
20 the relevant adopted Sector Development Plan; and

21 WHEREAS, the IDO carries over as Character Protection Overlay zones
22 (§14-16-3-2) distinct sets of building and site design standards intended to
23 reinforce the existing character of sub-areas of the city from adopted Rank 3
24 Sector Development Plans, including Coors Corridor Plan (last amended in
25 2013), Downtown Neighborhood Area (adopted 2012), Huning Highland (last
26 amended in 2005), Los Duranes (adopted 2012), Nob Hill Highland (last
27 amended in 2014), Rio Grande Boulevard Corridor (adopted 1989),
28 Sawmill/Wells Park (last amended in 2002), Volcano Cliffs (last amended in
29 2014), Volcano Heights (last amended in 2014), and Volcano Trails (last
30 amended in 2014); and

31 WHEREAS, within the Nob Hill Character Protection Overlay zone, the
32 IDO tailors the dimensional standards associated with Premium Transit
33 stations and Main Street Corridors, as well as the building height bonus

1 associated with Workforce Housing, to recognize the lower building heights
2 that contribute to the distinctive character of "Lower Nob Hill" between
3 Girard Blvd. and Aliso Dr., consistent with the intent of the adopted Rank 3
4 Nob Hill Highland Sector Development Plan; and

5 WHEREAS, the IDO carries over as Historic Protection Overlay zones
6 (§14-16-3-3) historic design standards from the Historic Zone (H-1) and
7 adopted historic overlay zones, including East Downtown (adopted 2005),
8 Eighth/Forrester (last amended in 1998), Fourth Ward (adopted 2002),
9 Huning Highland (adopted 2010), and Silver Hill (last amended in 2010); and

10 WHEREAS, the IDO carries over and updates view preservation
11 regulations from the Rank 3 Coors Corridor Plan (last amended in 2013) and
12 Rank 3 Northwest Mesa Escarpment Plan (last amended in 2016) as View
13 Protection Overlay zones (§14-16-3-4) to protect views from public rights-of-
14 way to cultural landscapes designated by the 2017 ABC Comp Plan; and

15 WHEREAS, the IDO includes and updates the content of the existing
16 Airport Zoning Ordinance (§14-15-1 et seq.) and the Airport Design Overlay
17 Zone regulations (§14-16-2-28(E)) in a manner that is clearer and easier to
18 apply and enforce than the existing article of ROA 1994, which is separate
19 from other zoning regulations; and

20 WHEREAS, the IDO includes and updates standards and review/approval
21 procedures for development from the existing Landmarks and Urban
22 Conservation Ordinance (§14-12-1 et seq.) in order to protect structures and
23 areas of historical, cultural, architectural, engineering, archeological, or
24 geographic significance; and

25 WHEREAS, the IDO includes and updates portions of the Development
26 Process Manual (DPM) that pertain to the engineering technical standards
27 for development on private land and these updates have been coordinated
28 with technical subcommittees that are updating relevant portions of the
29 DPM as part of a parallel effort in order to remove conflicts between zoning
30 regulations and technical standards related to street and parking design,
31 drainage, flood control, and sewer service; to ensure an orderly and
32 harmonious process and outcome for coordinating land use, transportation,
33 and infrastructure on private property and within the public right-of-way;

1 and to improve the viability of multiple transportation methods throughout
2 the city; and

3 WHEREAS, the IDO references, and as appropriate, defers to the Humane
4 and Ethical Animal Rules and Treatment (HEART) Ordinance (Article 9-2-1 et
5 seq., Enactment O-2006-029), which was adopted to regulate animal-keeping
6 within city municipal boundaries; and

7 WHEREAS, companion legislation (R-17-213) will revise Resolutions that
8 are incorporated or that need to be amended for consistency with the IDO;
9 and

10 WHEREAS, the IDO incorporates the purpose and updates the content of
11 the existing Zoning Code (§14-16 et seq.); and

12 WHEREAS, the IDO includes three categories of uses – Residential,
13 Mixed-use, and Non-residential – with zones in each category that range
14 from the least to the most intense that are appropriate to a mid-size,
15 Southwestern, 21st century city; and

16 WHEREAS, the existing Official Zoning Map is included by reference in
17 the Zoning Code (§14-16-4-9); and

18 WHEREAS, the IDO adopts an Official Zoning Map (§14-16-1-6) with
19 zones converted from existing zone districts pursuant to the zoning
20 conversion rules described below; and

21 WHEREAS, properties with zoning from the Zoning Code have been
22 converted on the zoning conversion map to the IDO zone district with the
23 closest matching set of permissive uses on a conversion map that has been
24 available to the public for review and comment since April 2016; and

25 WHEREAS, properties with SU-2 or SU-3 zoning from adopted Rank 3
26 Sector Development Plans have been converted on the zoning conversion
27 map to the IDO zone district with the closest matching set of permissive
28 uses; and

29 WHEREAS, properties with Residential and Related Uses – Developing
30 Area (RD) zoning, Planned Residential Development (PRD) zoning, or
31 Planned Development Area (PDA) zoning have been converted on the
32 zoning conversion map to the Planned Development (PD) zone district in the

1 IDO, which is site-plan controlled and allows uses as specified on the
2 approved site plan; and

3 WHEREAS, properties with SU-1 zoning in an adopted Rank 3 Sector
4 Development Plan that describes the zones by referring to the existing
5 Zoning Code (other than SU-1 for PRD or SU-1 for PDA, whose conversion
6 is described above) have been converted in the conversion zoning map to
7 the IDO zone with the closest matching set of permissive uses; and

8 WHEREAS, properties with SU-1 zoning whose zone descriptions refer to
9 zones from the existing Zoning Code have been converted on the zoning
10 conversion map to the IDO zone with the closest matching set of permissive
11 uses; and

12 WHEREAS, properties with SU-1 zoning with zoning descriptions that
13 refer to permitted uses but do not refer to zones from the existing Zoning
14 Code have been converted on the conversion zoning map to the IDO zone
15 district that is site plan controlled – Planned Development (PD); and

16 WHEREAS, the zoning conversion rules for properties with C-2 zoning,
17 or SU-1, SU-2, or SU-3 zones that reference C-2 zones as the highest uses
18 allowed permissively, were different for the east and west sides of the Rio
19 Grande in order to address the imbalance of jobs and housing on the West
20 Side, so that C-2 properties on the East Side were converted to MX-M to
21 encourage an ongoing mix of residential and commercial uses, while
22 properties on the West Side were converted to Non-Residential Commercial
23 (NR-C) to ensure the addition of retail and services that are currently
24 lacking; and

25 WHEREAS, the zoning conversion rules for properties with C-3 zoning,
26 or SU-1 and SU-2 zones that reference C-3 zones as the highest uses
27 allowed permissively, were different inside and outside of Centers to help
28 implement the ABC Comp Plan and result in more mixed-use, walkable
29 development within Centers, so that C-3 properties outside of Centers were
30 converted to Non-Residential Commercial (NR-C), while properties east of
31 the river within Urban Centers or Activity Centers or within 660 feet of
32 Premium Transit station areas or 660 feet of the centerline of a Main Street

1 Corridors were converted to MX-H, west of the river only properties within
2 660 feet of Premium Transit station areas were converted to MX-H; and

3 WHEREAS, the City and Bernalillo County jointly adopted the Planned
4 Communities Criteria (Code of Resolutions §1-1-10) that establish a
5 procedure for planning large areas that are intended to function self-
6 sufficiently within their jurisdictions, with development and services that
7 have no net cost to the local jurisdiction and that implement the Comp Plan;
8 and

9 WHEREAS, the City has approved two Planned Communities – Mesa del
10 Sol and Westland – with Level A “Master Plans,” which will be called
11 Framework Plans in the IDO, and Level B “Master Plans,” which will be
12 called Site Plans or Master Development Plans, based on the zoning
13 designation; and

14 WHEREAS, properties within a Planned Community have been converted
15 to the IDO’s Planned Community (PC) zone, which will still be regulated
16 pursuant to the relevant approved “Master Plan” as an approved Site Plan –
17 EPC, with uses regulated pursuant to the matching IDO conversion zone for
18 any named zone out of the existing Zoning Code; and

19 WHEREAS, the IDO includes a Use Table (§14-16-4-2) that clearly
20 indicates land uses that are permitted, conditional, accessory, conditional
21 accessory, conditional vacant, or temporary in each zone district; and

22 WHEREAS, the IDO includes use-specific standards (§14-16-4-3) to
23 establish use regulations, further design requirements, allowances, area-
24 specific regulations, and/or processes to avoid or mitigate off-site impacts
25 and ensure high-quality development, including those carried over from
26 adopted Rank 3 Sector Development Plans and generalized to apply
27 citywide or mapped to continue to apply to a small area; and

28 WHEREAS, the IDO includes general development standards (§14-16-5)
29 related to site design and sensitive lands; access and connectivity; parking
30 and loading; landscaping, buffering, and screening; walls; outdoor lighting;
31 neighborhood edges; solar access; building design; signs; and operation
32 and maintenance; and

1 WHEREAS, the IDO includes and updates standards for the subdivision
2 of land (§14-16-5-4) and associated administrative and enforcement
3 procedures (§14-16-6) in the existing Subdivision Ordinance (§14-14-1 et
4 seq.) in order to ensure that land suitable for development is served by the
5 necessary public services and infrastructure, including a multi-modal
6 transportation network, and platted accordingly; and

7 WHEREAS, the IDO establishes review and approval processes (§14-16-
8 6) appropriate for each type of land development application in order to
9 clearly establish notice requirements, decision-making bodies, and criteria
10 for decision-making bodies; and

11 WHEREAS, the IDO establishes thresholds and criteria for administrative
12 review and decision by staff (§14-16-6-5) for minor projects based on
13 objective standards for high-quality, context-sensitive development
14 established by the IDO; and

15 WHEREAS, the IDO establishes thresholds, criteria, and the appropriate
16 decision-making body for major projects (§14-16-6-6) that require a public
17 meeting and/or hearing and whose approval should be based on
18 consideration of objective standards for high-quality, context-sensitive land
19 use and development established by the IDO; and

20 WHEREAS, the IDO requires review and decision by the Environmental
21 Planning Commission for a zone change (§14-16-6-7(E)) and site plan
22 approval (§14-16-6-6(F)) based on consideration of policy as well as
23 objective standards for high-quality, context-sensitive development
24 established by the IDO in Planned Development (PD), Non-residential
25 Sensitive Use (NR-SU) zone districts, and new Master Development Plans in
26 Non-residential Business Park (NR-BP) zone districts; and

27 WHEREAS, the IDO incorporates and updates criteria for amendments of
28 the zoning map (i.e. zone changes) adopted by R-270-1980 and differentiates
29 between criteria for Areas of Change and Areas of Consistency to help
30 implement the 2017 ABC Comp Plan; and

31 WHEREAS, the IDO requires applicants requesting amendments of the
32 zoning map on properties wholly or partially within Areas of Consistency to
33 demonstrate that the new zone would clearly reinforce or strengthen the

1 established character of the surrounding Area of Consistency and would
2 not permit development that is significantly different from that character;
3 and

4 WHEREAS, the IDO requires review and decision by the Environmental
5 Planning Commission (§14-16-6-7(E)) based on consideration of policy as
6 well as objective standards for high-quality, context-sensitive development
7 established by the IDO for amendments to the zoning map up to 10 acres in
8 Areas of Consistency and up to 20 acres in Areas of Change, above which
9 Council has authority; and

10 WHEREAS, the IDO requires review and recommendation by the
11 Environmental Planning Commission and review and final decision by the
12 City Council for amendment of a Rank 1 Plan (§14-16-6-7(A)), adoption or
13 amendment of a Rank 2 Facility Plan (§14-16-6-7(B)), text amendments to the
14 IDO (§14-16-6-7(D)), or annexations (§14-16-6-7(G)) based on consideration
15 of policy as well as objective standards for high-quality, context-sensitive
16 development established by the IDO for zone changes of 10 acres or more
17 in Areas of Consistency and 20 acres or more in Areas of Change; and

18 WHEREAS, the IDO establishes procedures and criteria for alterations
19 and demolition within and outside Historic Protection Overlay zones and for
20 amending existing and designating new Historic Protection Overlay zones
21 and landmarks (§14-16-6-7(C)); and

22 WHEREAS, the IDO requires appeals of all decisions to be reviewed and
23 recommended by the Land Use Hearing Officer and reviewed and decided
24 by the City Council as the City's ultimate land use and zoning authority; and

25 WHEREAS, the IDO establishes criteria and thresholds appropriate for
26 staff review and decision of minor deviations from zoning dimensional
27 standards (§14-16-6-4(X)(2)); and

28 WHEREAS, the IDO establishes procedures and criteria for the Zoning
29 Hearing Examiner to decide on requests for conditional uses (§14-16-6-6(A))
30 or for variances from dimensional zoning standards (§14-16-6-6(L)); and

31 WHEREAS, the IDO establishes procedures for the Development Review
32 Board (§14-16-6-6(J)) to grant variances to sidewalks, public right-of-way

1 standards, and subdivision standards, based on criteria established in the
2 Development Process Manual; and

3 WHEREAS, the IDO establishes procedures and criteria for the
4 Environmental Planning Commission to grant exceptions to zoning
5 dimensional standards that provide civic benefits or that benefit the natural
6 environment (§14-16-6-6(K)); and

7 WHEREAS, the IDO establishes notice and meeting requirements (§14-
8 16-6-4) that provide public awareness of development projects and input
9 opportunities appropriate to the scale of the development project – minor
10 projects that are administratively decided requiring notice but no meetings
11 or hearings, major projects that require notice and either a meeting or
12 hearing, and projects requiring discretionary decision-making based on
13 consideration of policy in addition to IDO regulations that are heard and
14 decided at public hearings; and

15 WHEREAS, approved site plans and permits shall remain valid (as
16 described in §14-16-6-4(W)) unless they expire (as described in §14-16-6-
17 4(W)(2)) or are amended (as described in §14-16-6-4(W)(3)); and

18 WHEREAS, the IDO establishes the period of validity for development
19 approvals that are subject to expiration; and

20 WHEREAS, the expiration of approvals granted prior to the effective date
21 of the IDO shall be calculated from the effective date of the IDO; and

22 WHEREAS, any compliance periods specified in the Zoning Code that
23 are carried over or replaced with new time periods for compliance in the IDO
24 are to be calculated from the effective date of the IDO; and

25 WHEREAS, all existing development that conforms to the Zoning Code
26 on the date the IDO becomes effective but that does not comply with the
27 IDO shall be considered nonconforming and allowed to continue, subject to
28 limits on expansion and thresholds after which the property must be
29 brought into compliance with the IDO as specified in §14-16-6-8; and

30 WHEREAS, the IDO establishes adequate provisions for the continuation
31 and expansion of nonconforming uses, structures, lots, signs, and site
32 features (§14-16-6-8), as well as appropriate thresholds or timeframes for
33 when nonconformities must come into compliance with the IDO; and

1 WHEREAS, the IDO establishes appropriate standards and procedures
2 for enforcing violations and assessing penalties (§14-16-6-9); and

3 WHEREAS, any violation of the City zoning, subdivision, or land
4 development regulations in effect prior to the effective date of this IDO will
5 continue to be a violation under this IDO and subject to enforcement
6 actions, unless the development or other activity that was a violation of the
7 previous regulations is consistent with the requirements and regulations of
8 this IDO; and

9 WHEREAS, the City and private property owners will need time to
10 transition from processes related to the existing zoning code to the new
11 IDO, and the IDO is therefore intended to become effective six months from
12 its adoption date; and

13 WHEREAS, the Planning Department intends to submit and sponsor a
14 series of zone change requests for review/approval within a year of the IDO
15 effective date to address mismatches of land use and zoning that pre-
16 existed the IDO adoption, to address properties with uses that become
17 nonconforming upon the IDO becoming effective, and to consider requests
18 from property owners desiring to downzone their existing zoning to a less
19 intense, less dense zone district in Areas of Consistency; and

20 WHEREAS, the Planning Department intends to initiate the Community
21 Planning Areas assessments within two years after the effective date of the
22 IDO to assess current and anticipated trends and conditions, to understand
23 planning issues and develop solutions to address them, and to track
24 progress on performance measures identified in the ABC Comp Plan over
25 time; and

26 WHEREAS, the IDO requires the City to create an update process and
27 annual schedule for updates to the IDO; and

28 WHEREAS, the Office of Neighborhood Coordination sent e-mail
29 notification to neighborhood representatives on December 29, 2016, as
30 required, as part of the Environmental Planning Commission (EPC)
31 application process, and Planning Staff sent a re-notification reminder and
32 Notice of Decision for each hearing to neighborhood representatives on
33 March 21, April 11, April 25, and May 5, 2017; and

1 WHEREAS, the proposed IDO was announced in the *Albuquerque*
2 *Journal*, the *Neighborhood News* and on the Planning Department's
3 webpage in January 2017; and

4 WHEREAS, staff prepared summary handouts for each adopted Sector
5 Development Plan to explain how Sector Development Plan policies were
6 incorporated into the 2017 ABC Comp Plan, how regulations from Sector
7 Development Plan regulations were incorporated into the Integrated
8 Development Ordinance as either a best practice approach to land-use
9 regulation and zoning that was extended citywide or as a regulation that
10 was mapped to apply to the same area as specified in the Sector
11 Development Plan, either as a zone district (§14-16-2-3), a Character
12 Protection Overlay zone (§14-16-3-2), a Historic Protection Overlay zone
13 (§14-16-3-3), a View Protection Overlay zone (§14-16-3-4), a use-specific
14 standard (§14-16-4-3), a development standard (§14-16-5), or an
15 administrative procedure (§14-16-6); and

16 WHEREAS, the public and staff from City departments and outside
17 agencies had opportunities to make written and verbal comments prior to
18 and during the EPC's review of the IDO, and the IDO was revised to reflect
19 Conditions of Approval recommended by the EPC; and

20 WHEREAS, the EPC voted on May 15, 2017 after five hearings to
21 recommend approval of the IDO with a vote of 6-1 (with one Commissioner
22 absent and one Commissioner's position vacant); and

23 WHEREAS, the public and staff had opportunities to make written and
24 verbal comments prior to and during the Land Use, Planning, and Zoning
25 Committee's review of the IDO, and the IDO was revised to reflect changes
26 recommended by the LUPZ Committee; and

27 WHEREAS, the public and staff had an opportunity to make written and
28 verbal comments prior to and during the full Council's review of the IDO,
29 and the Council adopted Floor Amendments to change the IDO in response.

30 BE IT ORDAINED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY
31 OF ALBUQUERQUE:

1 Section 1. The City hereby repeals the existing Zoning Code (§14-16-1 et
2 seq.) and adopts the Integrated Development Ordinance, attached to O-17-
3 49 and made a part hereof, as the new §14-16-1 et seq.

4 Section 2. The City hereby repeals the existing zoning map and replaces
5 it with the Integrated Development Ordinance zoning conversion map.

6 Section 3. The City hereby repeals the existing Articles of the City Code
7 of Ordinances: Landmarks and Urban Conservation Ordinance (§14-12-1 et
8 seq.), the Subdivision Ordinance (§14-14-1 et seq.), and the Airport Zoning
9 Ordinance (§14-15-1 et seq.), which are incorporated and updated in the
10 Integrated Development Ordinance.

11 Section 4. Upon its adoption this IDO is the City's sole document
12 regulating land use within the municipal boundaries. In the event of any
13 conflicts, the terms, requirements and obligations established by this IDO
14 shall prevail over any other ordinance not specifically repealed herein or
15 otherwise remaining after its adoption.

16 Section 5. The City hereby amends existing ordinances to ensure
17 consistency with Integrated Development Ordinance by replacing the words
18 "Zoning Code," "Comprehensive City Zoning Code," or "city's
19 Comprehensive Zoning Code" with the words "Integrated Development
20 Ordinance" in the following Parts and Sections of the City Code of
21 Ordinances:

- 22 • Part 5-1-4, Other Provisions Effect.
- 23 • Part 6-9-1(A), General Policies.
- 24 • Part 7-5-2, Findings.
- 25 • Part 7-5-3, Display and Sale of Motor Vehicles.
- 26 • Section 8-2-2-15(D), Clear Sight Triangle.
- 27 • Section 9-2-1-4, Definitions, Commercial Property.
- 28 • Section 9-2-3-3(E), Permit Holders: General Duties and Requirements.
- 29 • Section 9-6-3-4(A), Operational Requirements.
- 30 • Section 9-9-2, Definitions, Residential, Office/Commercial,
- 31 Industrial/Manufacturing.
- 32 • Section 9-10-1-7(B)(3)(c), Storage of Solid Waste for Commercial and
- 33 Multi-Family Dwelling Collection.

- 1 • Section 9-10-1-9(E)(1), Dumping, Accumulating, and Scattering of
- 2 Refuse.
- 3 • Part 10-9-8, Delegation of Authority.
- 4 • Section 11-1-1-11(C)(2), Penalties for Public Nuisance Violations.
- 5 • Part 13-1-9(A), Zoning Notification.
- 6 • Part 13-2-6(C), Special Dispenser's Permits.
- 7 • Section 13-5-1-13(D), Exercise of Rights under a Franchise – Minimum
- 8 Conditions on Use of Property; Construction.
- 9 • Part 13-15-2(B), Purpose and Intent.
- 10 • Part 14-4-4(F), Size and Types of Numbers.
- 11 • Part 14-6-1, Prohibited in Residential Zones.
- 12 • Part 14-6-2(A)(5), Regulated in Nonresidential Zones.
- 13 • Section 14-8-2-3(B), Definitions.
- 14 • Section 14-11-7(C)(3), Permits for Solar Rights.
- 15 • Part 14-17-5(A), Establishment of a Family Housing Development.

16 Section 6. City Code of Ordinances Part 4-10-3(D), General Policies, is
17 amended as follows: “(D) Public improvements financed by a TIDD should
18 be in conformance with applicable long-range city policies for development,
19 including, but not limited to, the Albuquerque/Bernalillo County
20 Comprehensive Plan, the Integrated Development Ordinance, the Ordinance
21 adopting elements of a Planned Growth Strategy; the current city enactment
22 relating to the Capital Implementation Program; the Impact Fee Component
23 Capital Improvement Program; other ordinances applicable to the affected
24 land including annexation ordinances and any related annexation
25 agreements, if any; and all supplements and subsequent enactments
26 relating to these measures.”

27 Section 7. City Code of Ordinances Section 6-1-1-12(D), Variances and
28 Appeals, is amended as follows: “Variances to §§ 6-1-1-8 through 6-1-1-10
29 requirements. A variance to the regulations in §§ 6-1-1-8 through 6-1-1-10
30 may be issued by the Mayor, through the Development Review Board,
31 provided that the general intent of this article has been met and compliance
32 with this article is proven to cause practical difficulties and unnecessary
33 hardship. The variance procedure for this article will comply with the

1 variance procedure in the Integrated Development Ordinance as currently
2 adopted or subsequently amended. (This procedure is described in § 14-16-
3 5-5.2.K). Appeals of decisions of the Development Review Board are to the
4 City Council. Appeal procedures will comply with those in the Integrated
5 Development Ordinance, §14-16-6-4(U)."

6 Section 8. City Code of Ordinances Section 6-1-1-99(C), Penalty, is
7 amended as follows: "Any responsible party who violates any provision of
8 §§ 6-1-1-8 through 6-1-1-10 shall be deemed guilty of a misdemeanor, and
9 upon conviction thereof, shall be punished by a fine not to exceed \$500
10 and/or imprisonment for a period not to exceed 90 days. Application of
11 fines for violations of the regulations in §§ 6-1-1-8 through 6-1-1-10 will
12 comply with the Integrated Development Ordinance as currently adopted or
13 subsequently amended. (See §14-16-6)."

14 Section 9. City Code of Ordinances Section 6-5-5-3, Pedestrian Sidewalk,
15 Drive Pad, and Curb and Gutter Required, is amended as follows: "All
16 properties within the city shall have sidewalk, drive pad, curb ramps, curb
17 and gutter in accordance with the standards set forth by § 6-5-5-1 et seq.,
18 unless a variance from these standards is allowed through the procedures
19 established by § 6-5-5-1 et seq. or unless such sidewalks, curb ramps, drive
20 pads, curbs and gutters were constructed under standards previously in
21 force. Such previously constructed improvements shall be considered non-
22 conforming and as such may be repaired and maintained but if and when
23 replacement becomes necessary shall be replaced according to the current
24 standards or variance procedures of § 6-5-5-1 et seq. Compliance with the
25 provisions of § 6-5-5-1 et seq. shall be the responsibility of the property
26 owner. The cost of installing sidewalk shall be borne by the abutting
27 property. On property in residential zones where only houses and
28 townhouses are allowed, and where the lot abuts public streets at both its
29 front and the rear lot lines, the property does not bear the cost of
30 constructing missing sidewalk abutting the rear lot line where the property
31 does not have the legal right to vehicular access from that street; this
32 exception applies only to lots platted before June 29, 1983 (the effective
33 date of the city's Subdivision Ordinance, set forth in §14-16-5-4)."

1 Section 10. City Code of Ordinances Section 6-5-5-4, Definitions, is
2 amended as follows: "DRB. The Development Review Board, an
3 administrative board consisting of six representatives of city departments
4 and other agencies, including the Planning Director as Chairperson, Zoning
5 Enforcement Officer, City Engineer (who may also function as the AMAFCA
6 designee), Traffic Engineer, Parks and Recreation Director, and
7 Albuquerque-Bernalillo County Water Utility Authority Water Resources
8 Engineer." ... "LANDSCAPE/BUFFER AREA. The part of the public right-of-
9 way that is not occupied or planned to be occupied by street, curb, gutter,
10 or sidewalk; that may be used for street furniture, street trees and
11 vegetation, and utilities; and that is typically located between the back of
12 curb and adjacent property line."

13 Section 11. City Code of Ordinances Section 6-5-5-12, Setback Use, is
14 amended as follows: "LANDSCAPE/BUFFER AREA USE. The
15 landscape/buffer area may be used for the following public purposes so
16 long as such uses are not in conflict with the provisions of §§ 6-5-5-1 et seq.
17 or any other applicable provision of this code or any other ordinance of the
18 city."

19 Section 12. City Code of Ordinances Section 6-5-5-14(B)(1)(d), Design
20 and Construction Standards and Procedures, is amended as follows: "2.
21 Land zoned for a residential density greater than allowed in the R-T
22 (Residential Townhouse) zone district."

23 Section 13. City Code of Ordinances Section 6-5-5-14(E), Design and
24 Construction Standards and Procedures, is amended as follows:
25 "Transverse Slope. The transverse slope of the sidewalk and
26 landscape/buffer area shall be no greater than a ratio of 1:50 or 2%, sloping
27 toward the street."

28 Section 14. City Code of Ordinances Section 6-5-5-15, Development
29 Review Board, is amended as follows: "The DRB as established by §14-16-
30 2(D) Development Review Board, will have responsibilities that may include,
31 but not be limited to, the following:"

1 Section 15. City Code of Ordinances Sections §6-5-5-16, Variances, and
2 §6-5-5-17, Appeals, are deleted and the subsequent sections are
3 renumbered to reflect the deletion.

4 Section 16. City Code of Ordinances Section § 6-5-5-18, Sidewalks, Drive
5 Pad, and Curb Ramp Repair and Maintenance; Permitting Commercial
6 Advertising on Transit Shelters, is amended as follows: "(A)(4) The lot was
7 platted before June 29, 1983, the effective date of the city's Subdivision
8 Ordinance, set forth in §14-16-5-4." and sub-sections (D) and (F) are
9 amended to replace the words "sidewalk setback" with "landscape/buffer."

10 Section 17. City Code of Ordinances Section 6-6-1-2, Definitions, is
11 amended as follows: "LANDSCAPE/BUFFER AREA. The part of the public
12 right-of-way that is not occupied or planned to be occupied by street, curb,
13 gutter, or sidewalk; that may be used for street furniture, street trees and
14 vegetation, and utilities; and that is typically located between the back of
15 curb and adjacent property line."

16 Section 18. City Code of Ordinances Section §6-6-2-2, Intent, is amended
17 as follows: "Sections 6-6-2-1 et seq. are intended to secure the following
18 objectives, in accordance with Policy 5.1.9, Policy 7.1.3, Policy 7.2.1, Policy
19 7.6.2, and other policies of the Albuquerque/Bernalillo County
20 Comprehensive Plan."

21 Section 19. City Code of Ordinances Section §6-6-2-3, Definitions, is
22 amended as follows: "DEVELOPMENT REVIEW BOARD. An administrative
23 board, consisting of six city departments and other agencies. Membership
24 consists of the Planning Director as Chairperson, Zoning Enforcement
25 Officer, City Engineer (who may also function as the AMAFCA designee),
26 Traffic Engineer, Parks and Recreation Director, and Albuquerque-Bernalillo
27 County Water Utility Authority Water Resources Engineer "...

28 "LANDSCAPE/BUFFER AREA. The part of the public right-of-way that is not
29 occupied or planned to be occupied by street, curb, gutter, or sidewalk; that
30 may be used for street furniture, street trees and vegetation, and utilities;
31 and that is typically located between the back of curb and adjacent property
32 line."...

1 Section 20. City Code of Ordinances Section §6-6-2-4(A), Required Street
2 Trees, is amended as follows: “(1) All applicants for building permits for
3 construction of a new building or building addition of 200 square feet or
4 more shall submit a street tree plan for those parts of the lot abutting a
5 major street, a major local street, or another street where street trees are
6 required. (2) Any person who constructs a new building addition of 200
7 square feet or more or who paves a parking lot or required off-street parking
8 area for apartments and/or non-residential development on a lot abutting a
9 major street, a major local street, or another street where street trees are
10 required shall plant street trees according to a street tree plan approved by
11 the Mayor. Such planting shall occur no later than 60 calendar days after the
12 completion of construction and shall occur before final inspection as
13 required in the Building Code. (3) Street trees shown on an approved street
14 tree plan and required to meet the requirements of §14-16-5-6 shall be
15 maintained alive and healthy. Maintenance and trimming of street trees and
16 replacement of dead trees are the responsibility of the owner of the lot
17 abutting or on which the tree is located. (4) The City shall maintain a list of
18 trees, as part of the Official Albuquerque Plant Palette and Sizing List,
19 generally suitable for use as street trees in Albuquerque. This list shall
20 include a description of the physical characteristics and cultural
21 requirements of each species. (5) City staff, in coordination with appropriate
22 private sector input, shall develop and make available information regarding
23 the required soil volume for trees of a given mature size, and the Planning
24 Director shall make this information available in the Development Process
25 Manual. This soil volume consists of un-compacted and irrigated soil. The
26 root space may be long and linear, to match a landscape/buffer area size,
27 and/or the space may be created through mechanical de-compaction, or the
28 use of either structural soils under pavements, or soil vault systems under
29 pavements.”

30 Section 21. City Code of Ordinances Section §6-6-2-5, Street Tree
31 Policies, is amended as follows: “(A)(1) Adequate room and spacing for
32 Street Trees shall be accommodated/provided pursuant to the details and
33 specifications developed by the City in the Development Process Manual. ...

1 (B) Street trees shall be placed between the curb and the public sidewalk
2 and in the landscape/buffer area, unless traffic safety requires different
3 locations of trees, as specified in division (2) of this division (B). ... (B)(1)(b)
4 Where less than three feet of space exists, street trees shall not be planted
5 into the landscape/buffer area. ... (C)(6)(a) Plantings of ten (10) or fewer
6 trees may all be of the same genus; (b) Plantings of more than ten trees
7 must use at least two different genera, with roughly equal numbers of each;
8 ... (C)(7) One of every three street trees planted may be an accent tree per
9 the Official Albuquerque Plant Palette and Sizing List, provided the
10 guidelines in §14-16-5-6(D) are met.”

11 Section 22. City Code of Ordinances Section §6-6-2-7, More Detailed
12 Regulations, is amended as follows: “Regulations detailing the provisions
13 of §§ 6-6-2-1 et seq. should be enacted in coordination with and through the
14 Departments with installation and maintenance responsibilities, and be
15 amended by the Environmental Planning Commission for regulations in the
16 Integrated Development Ordinance and by the DPM Executive Committee
17 for technical standards in the Development Process Manual at an advertised
18 public hearing.”

19 Section 23. City Code of Ordinances Section §6-6-2-9, Appeals, is
20 amended as follows: “Appeals from the decision of the Mayor on requests
21 for waivers or variances may be taken to the City Council, through the Land
22 Use Hearing Officer, by filing written notice with the Planning Division
23 within 15 days after the request for variance has been decided.”

24 Section 24. City Code of Ordinances Part 6-7-2(B), Definitions, is
25 amended as follows: “Words not defined herein, but which are defined in
26 §14-16-7-1 of the Integrated Development Ordinance, are to be construed as
27 defined therein.”

28 Section 25. City Code of Ordinances Section 8-5-1-42(H), Mobile Food
29 Units on Public Streets, is amended as follows: “This section establishes
30 traffic code regulations pertaining to Mobile Food Units. Other aspects of
31 Mobile Food Units are regulated in other parts of the Municipal Code. Please
32 refer to Integrated Development Ordinance §14-16 and Health, Safety &
33 Sanitation Code §9-6-5.”

1 Section 26. City Code of Ordinances Part 9-2-1-4, Definitions, is amended
2 as follows: "RESIDENTIAL ZONE. "Zone District, Residential" as defined in
3 the Integrated Development Ordinance."

4 Section 27. City Code of Ordinances Part 9-9-2, Definitions, is amended
5 as follows: "DOWNTOWN ARTS AND ENTERTAINMENT FOCUS AREA. The
6 area designated as the Downtown Arts and Entertainment Focus Area in the
7 Integrated Development Ordinance."

8 Section 28. City Code of Ordinances Section 9-10-1-7(B)(3)(e), Storage of
9 Solid Waste for Commercial and Multi-Family Dwelling Collection, is
10 amended as follows: "Commercial collection sites shall be paved with a
11 concrete apron meeting City of Albuquerque Solid Waste specifications for
12 the designated container. However, commercial collection sites approved
13 prior to October 1, 1985, which sites were paved in a way that met the off-
14 street parking requirements of the Zoning Code (§ 14-16-3-1(E)(1)) in effect
15 at the time of the issuance of building permit are exempt from the concrete-
16 paving requirement if the owner of the property agrees in writing to maintain
17 the paving and hold the city harmless for any damage to the pavement
18 resulting from solid waste collection."

19 Section 29. City Code of Ordinances Part 11-2-3, Definitions, is amended
20 as follows: "ADULT ENTERTAINMENT ESTABLISHMENT. An establishment
21 that meets the definition provided by §14-16-7-1 of the Integrated
22 Development Ordinance."

23 Section 30. City Code of Ordinances Part 12-2-28, Safety in Public
24 Places, is amended as follows: "ARTS AND ENTERTAINMENT DISTRICT.
25 The Arts and Entertainment District is roughly bordered by Copper Avenue
26 on the north, 8th Street on the west, the alley between Gold and Silver
27 Avenues to the south, and First Street to the East." ... "NOB HILL DISTRICT.
28 For purposes of this section, the Nob Hill District is the area within the
29 following streets: beginning at the intersection of Girard and Silver, then to
30 Monte Vista to Campus to Copper to Washington to Silver to Carlisle to
31 Silver to Girard."

32 Section 31. City Code of Ordinances Section 14-5-2-10(B), Multiple Use of
33 Rights-of-way and Easements, is amended as follows: "Certain drainage

1 rights-of-way may be credited toward requirements for detached open
2 space in the Integrated Development Ordinance, except for any area which
3 is exclusively used for the drainage control, flood control, stormwater
4 control, or erosion control function."

5 Section 32. City Code of Ordinances Section 14-8-2-3(A), Definitions, is
6 amended as follows: "REGISTERED NEIGHBORHOOD OR HOMEOWNER
7 ASSOCIATION. A neighborhood association other than the Recognized
8 neighborhood association for an area, homeowners association, or other
9 association that has notified the City Office of Neighborhood Coordination
10 of two persons' addresses where it wishes notice to be sent pursuant to §
11 14-8-2-1 et seq."

12 Section 33. City Code of Ordinances Section 14-8-2-4(D), Criteria for
13 Recognition of Neighborhood Associations, is amended as follows: "The
14 appropriate district City Councilor and the City Office of Neighborhood
15 Coordination shall be furnished with names, addresses, email addresses,
16 and available phone numbers of current neighborhood association officers
17 and/or board members."

18 Section 34. City Code of Ordinances Section 14-8-2-5, Responsibilities of
19 Recognized and Non-Recognized Neighborhood or Homeowner
20 Associations, is amended as follows: The word "non-recognized" is
21 replaced with "registered" throughout this section, including the title; the
22 word "Councillor" is replaced with "Councilor."

23 Section 35. City Code of Ordinances Section 14-8-2-6, Responsibilities of
24 the City, is amended as follows: "(A) The Mayor shall make reasonable
25 attempts to provide electronic or mailed notice of City-initiated amendments
26 of Rank 1, Rank 2, or Rank 3 plans or new Rank 2 or Rank 3 plans to
27 recognized and registered neighborhood or homeowner associations
28 located partially or completely within or adjacent to the relevant plan area.
29 Notice is required at the initiation of the planning effort and at the
30 application for approval; proof of both notices shall be required when the
31 application is filed. The Mayor shall make reasonable attempts to provide
32 notice to such associations concerning all subsequent public hearings of
33 city boards, commissions, and task forces concerning such plan proposals,

1 except hearings which have been deferred or continued to a specific time
2 announced at the prior hearing. (B) The Mayor shall make reasonable
3 attempts to give directly affected recognized and registered neighborhood
4 or homeowner associations prior mailed or electronic notice of pending
5 major city development and redevelopment projects and changes in
6 services by the city that will have a direct, significant impact on
7 neighborhoods adjacent to, for example, projects that would change the
8 size or type of city parks, building of new city facilities, relocation or
9 reconstruction of privately owned utilities that require a permit, or rerouting
10 of bus service. The Mayor shall provide prior electronic or mailed notice to
11 recognized and registered neighborhood or homeowner associations within
12 one mile of street construction, closure, and/or major repair. (C) The Mayor
13 shall require documentation of prior notice to recognized and registered
14 neighborhood or homeowner associations for development projects located
15 within or adjacent to the association boundary at the time of filing
16 applications, as specified in §14-16-6-1, Table 6-1-1. The Mayor shall send
17 electronic or mailed notices of the hearing to recognized and registered
18 associations for applications specified in §14-16-6-1, Table 6-1-1, as
19 specified in the relevant sub-section. (D) For the purpose of divisions (A),
20 (B), and (C) of this section, email or mailed notice to two contact addresses
21 of recognized or registered association representatives on file with the
22 Office of Neighborhood Coordination shall constitute reasonable attempt to
23 notify. (E) The city shall send an initial response electronically or by mail
24 within seven days of receipt of any correspondence received from any
25 recognized and registered association that requests an answer, definition,
26 or status of any city project within their boundaries.” ... “(F)(8) Along with
27 the district Councilor, serve when appropriate as a liaison between a
28 recognized neighborhood association and city agencies;” ... “(F)(12) Upon
29 request, assist the district Councilor and/or neighborhood associations in
30 the formation of alliances of neighborhood associations; and” ...

31 Section 36. City Code of Ordinances Section 14-8-2-7, Responsibilities of
32 Applicants and Developers, is amended as follows: “(A) Notification of land
33 use and development applications, shall be provided as required by §14-16-

1 6-1 of the Integrated Development Ordinance, which specifies requirements
2 for mailed or electronic notice, posted signs, web postings, and/or
3 published notice. (B) Notification of applications for issuance or transfer of
4 liquor licenses shall provide notice of their proposal to any recognized and
5 registered neighborhood or homeowner association that includes or is
6 adjacent to the subject property. Certified letters, return receipt requested,
7 mailed to the two designated association representatives on file at the City
8 Office of Neighborhood Coordination constitutes a reasonable attempt to
9 notify an association. Failure by an applicant to show proof of either
10 notification in person or a reasonable attempt to give written notification of
11 its proposal to such designated association representatives shall be
12 grounds for a neighborhood association to request deferral of a hearing.
13 The application for such hearing shall include a signed statement that such
14 notification has been sent.”

15 Section 37. City Code of Ordinances Section 14-8-2-7(B), Responsibilities
16 of Applicants and Developers, is deleted in whole and replaced with the
17 following: “(C) Pre-Application meetings with City staff for land
18 development applications shall be held as outlined in §14-16-6-1 of the
19 Integrated Development Ordinance. The purpose and requirements for a
20 Pre-Application Meeting are provided in §14-16-6-4(B). (D) Neighborhood
21 meetings for land development applications shall be held as outlined in §14-
22 16-6-1 of the Integrated Development Ordinance. The purpose and
23 requirements for a Neighborhood Meeting are provided in §14-16-6-4(C).
24 These meetings may be recommended for Facilitation, as provided in §14-
25 16-6-4(D).”

26 Section 38. City Code of Ordinances Part 14-8-7, Board of Appeals for
27 Zoning Special Exceptions, is deleted in whole.

28 Section 39. City Code of Ordinances Part 14-9-3, Definitions, is amended
29 as follows: “WORKFORCE HOUSING. Dwelling units serving residents and
30 their families whose annualized income is at or below 80% of the Area
31 Median Income for Albuquerque (AMI) as adjusted for household size and
32 determined by the U.S. Department of Housing and Urban Development, and
33 whose monthly housing payment does not exceed 30% of the imputed

1 income limit applicable to such unit or 35% under special conditions to be
2 defined in the Workforce Housing Plan. "Dwelling unit" is used in this article
3 as defined in the Integrated Development Ordinance (see §14-16-7-1)."

4 Section 40. City Code of Ordinances Part 14-11-3(A), Intent, is amended
5 as follows: "This article is intended to help achieve Article IX of the Charter
6 of the City of Albuquerque. It is also a means of conforming solar rights to
7 local plans and laws: the Albuquerque/Bernalillo County Comprehensive
8 Plan and the Integrated Development Ordinance of this code of ordinances.
9 It is intended to create orderly, harmonious, and economically sound
10 development in order to promote the health, safety, convenience, and
11 general welfare of the citizens of the city."

12 Section 41. City Code of Ordinances Section 14-13-1-4(E), Impact Fees;
13 Other Development Related Charges, is amended in title and as follows:
14 "Waivers to impact fees are as is provided in §14-19-15 Exemptions."

15 Section 42. City Code of Ordinances Section 14-13-2-2, Rank Importance
16 of City Plans, is amended as follows: "Adopted City plans to coordinate
17 land use, development, facilities, and resources are of varying rank
18 importance. Lower-ranking plans should be consistent with higher-ranking
19 plans, and when this is indisputably not the case, the conflicting provision
20 of the lower-ranking plan is null and void. Plans should identify how they
21 relate to relevant, higher-ranking plans. Ranked plans shall only contain
22 policy and may not be regulatory. The highest ranks of City plans are as
23 follows in this section and in § 14-13-2-4" ... "(B)(2)" ... "(C)(1) Metropolitan
24 Redevelopment Plans provide guidance to the Metropolitan Redevelopment
25 Agency on redevelopment efforts, catalytic projects, and public/private
26 partnerships, subject to amendment per the Metropolitan Redevelopment
27 Agency Ordinance (§14-8-4-3(B)), for an area with common characteristics,
28 typically one square mile but occasionally considerably smaller. (2) Master
29 Plans provide guidance to the implementing department for the
30 development of a City facility or joint facilities, such as a community center,
31 library, and/or park. Master Plans typically include land uses, site layout,
32 and design standards. (3) Resource Management Plans provide guidance to
33 the Parks and Recreation Department's Open Space Division about how

1 best to manage and protect natural, historic, or cultural resources on City-
2 owned or City-managed Major Public Open Space (MPOS). Resource
3 Management Plans can also guide the overall planning, visitor uses,
4 budgeting, and decision-making for specific MPOS properties.”

5 Section 43. City Code of Ordinances Section 14-13-2-3, Planned Growth
6 Strategy, is amended as follows: “(B)(4) *Planned Communities in the City of*
7 *Albuquerque*. (B)(5) The current annexation review and decision criteria in
8 the Integrated Development Ordinance (Section 14-16-6-7(G)), in part,
9 indicate conditions under which an annexation request may be denied by
10 the City. (B)(6) The City shall request that the Albuquerque/Bernalillo
11 County Water Utility Authority (ABCWUA) continue to establish and update
12 new conservation goals below 135 gallons per person per day beyond 2024.
13 The City shall continue to be involved in the ABCWUA’s implementation of
14 the Water Resources Management Strategy including the updating of
15 building codes, zoning regulations, and technical standards for rainwater
16 harvesting.”

17 Section 44. City Code of Ordinances Section 14-13-2-4(B),
18 Redevelopment Plans, is amended as follows: “Metropolitan
19 Redevelopment Plans are Rank 3 plans that provide guidance to the
20 Metropolitan Redevelopment Agency on redevelopment efforts, catalytic
21 projects, and public/private partnerships, subject to amendment per the
22 Metropolitan Redevelopment Agency Ordinance (§14-8-4-3(B)), for an area
23 with common characteristics, typically one square mile or more but
24 occasionally considerably smaller.”

25 Section 45. City Code of Ordinances Section 14-13-2-5, Procedure for
26 Plan Adoption or Amendment; Fee, is deleted in whole.

27 Section 46. City Code of Ordinances Section 14-13-2-6, Annually Revised
28 Planning Program, is deleted in whole.

29 Section 47. The City Council hereby amends Part 14-13-3, et seq.,
30 Environmental Planning Commission, is deleted in whole. Sections 14-13-3-
31 5 Beautification Committee, 14-13-3-6 City of Albuquerque’s Greater
32 Albuquerque Bicycling Advisory Committee, 14-13-3-7 Open Space
33 Advisory Board, and 14-13-3-8 City of Albuquerque’s Greater Albuquerque

1 Recreational Trails Committee are moved to become new Part 2-6-14, Part 2-
2 6-15, Part 2-6-16, and Part 2-6-17, respectively.

3 Section 48. City Code of Ordinances Part 14-17-5, Establishment of a
4 Family Housing Development, is amended as follows: "(C) Financial
5 Guarantee. In exchange for the density bonus, as specified in the Integrated
6 Development Ordinance Section 14-16-5-1, the developer and/or builder
7 shall provide a financial guarantee in favor of the city that is equal to the
8 appraised value of the increased density. The financial guarantee shall
9 become due and payable to the city, if the developer and/or builder fails to
10 sell a family affordable ownership unit to a qualified home buyer. The value
11 of the increased density shall be determined by a qualified appraiser who
12 shall perform an appraisal of the property. The city shall release the
13 financial guarantee as the developer and/or builder provides documentation
14 to the city that the family affordable ownership units have been sold to
15 qualified home buyers." ... "(D)(1) That the proportionate amount of the
16 value of the density bonus and the fee rebate, provided for in the Integrated
17 Development Ordinance Section 14-16-5-1 and subparagraph E(2) of this
18 section, for the family housing development that is attributable to each
19 family affordable ownership unit shall be passed on by the developer and/or
20 builder to each qualified home buyer in the form of a deferred loan of a
21 portion of the purchase price of the family affordable ownership unit;" ...
22 "(E)(1) Density Bonus. Any Family Housing Development (FHD) located in
23 the R-1, RA or R-T zones is eligible for a density bonus. In these zones, the
24 FHD may be developed at a density that is at most 20% higher than normally
25 allowed under the Integrated Development Ordinance. All of the controlling
26 setback and open space requirements must be met for the zone in which the
27 FHD is located. (See the Integrated Development Ordinance, Section 14-16-
28 2-3(A), Section 14-16-2-3(B), Section 14-16-2-3(D), and Section 14-16-5-1(C))"

29 Section 49. City Code of Ordinances Part 14-19-15(A)(6), Exemptions, is
30 amended as follows: "Full or partial waivers of impact fees shall be
31 provided for projects within metropolitan redevelopment areas that meet the
32 criteria set forth in the Development Process Manual. Notwithstanding the
33 provisions of the Development Process Manual, such waivers shall be

1 provided for both non-residential and residential development within the
2 metropolitan redevelopment area that conforms to the metropolitan
3 redevelopment area plan and any others applicable within the metropolitan
4 redevelopment area."

5 Section 50. SEVERABILITY CLAUSE. If any section, paragraph, sentence,
6 clause, word or phrase of this ordinance is for any reason held to be invalid
7 or unenforceable by any court of competent jurisdiction, such decision shall
8 not affect the validity of the remaining provisions of this ordinance. The
9 Council hereby declares that it would have passed this ordinance and each
10 section, paragraph, sentence, clause, word or phrase thereof irrespective of
11 any provisions being declared unconstitutional or otherwise invalid.

12 Section 51. COMPILATION. Sections 1 through 48 of this ordinance shall
13 amend, be incorporated in and made part of the Revised Ordinances of
14 Albuquerque, New Mexico, 1994.

15 Section 52. EFFECTIVE DATE AND PUBLICATION; INTERIM
16 AMENDMENTS. This legislation shall take effect six months after
17 publication by title and general summary. Any amendments to the IDO
18 proposed prior to the effective date shall be introduced through the normal
19 City Council process for direct review by Council or Committee of the
20 Council without any requirement for initial referral to the Environmental
21 Planning Commission or any other review board or body.
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1 PASSED AND ADOPTED THIS 13th DAY OF November, 2017
2 BY A VOTE OF: 6 FOR 3 AGAINST.

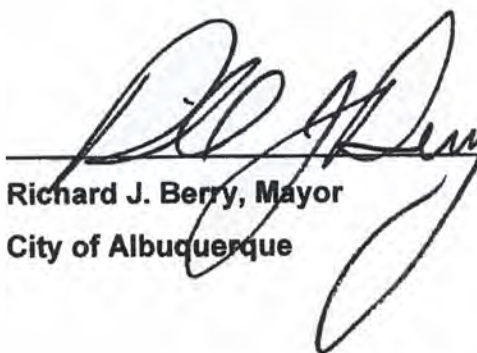
3
4 For: Benton, Davis, Gibson, Harris, Jones, Lewis

5 Against: Peña, Sanchez, Winter
6
7

8
9
10 
11 Isaac Benton, President
12 City Council

13
14 APPROVED THIS 16 DAY OF NOVEMBER, 2017
15
16
17

18 Bill No. C/S O-17-49
19

20
21 
22 Richard J. Berry, Mayor
23 City of Albuquerque
24
25
26

27 ATTEST:

28
29 
30 Natalie Y. Howard, City Clerk
31
32
33

Salas, Alfredo E.

From: Hessel E. Yntema III <hess@yntema-law.com>
Sent: Friday, November 19, 2021 9:24 AM
To: Gomez, Angela J.; Michael Vos; Planning Development Review Services; Renz-Whitmore, Mikaela J.; Grush, Matthew P.; Carter, Blaine M.; Cherne, Curtis; Firor, Laurie; Webb, Robert L.
Cc: Jim Strozier; Sanchez, Nicole A.; Peter Lindborg; Philip Lindborg
Subject: Re: Letter and Exhibits re: DRB Remand for PR-2019-002496 (Alameda and Barstow)
Attachments: 1 Index and 1-2 reduced.pdf; 2 Ex 3-9 reduced.pdf; 3 Ex 10-12 reduced.pdf

External

Ms. Gomez,

My second e-mail yesterday with the exhibits did not get through to all the above recipients due to size, so I am re-sending the exhibits in two e-mails. Please let me know if you receive both e-mails with all 32 exhibits for the record.

Thanks,

Hess

Hessel E. Yntema III
Yntema Law Firm P.A.
215 Gold SW
Suite 201
Albuquerque, New Mexico 87102
phone 505-843-9565
fax 505-242-2879
e-mail hess@yntema-law.com

This communication is confidential and is intended only for the use of the individual or entity named above. If you have received this communication in error, please immediately destroy it and notify the sender by reply e-mail or by telephone (505) 843-9565 (call collect).

From: Dicome, Kym
Sent: Wednesday, May 01, 2019 4:38 PM
To: Morris, Petra; Renz-Whitmore, Mikaela J.; Campbell, David S.; Brito, Russell D.; Melendrez, Chris P.; Schultz, Shanna M.; Morrow, Kevin A.; Ahghar, Kathleen T.
Cc: Biazar, Shahab
Subject: RE: DRB Decisions Requiring Public Meeting

Absolutely as a matter of fact, it would be great to move the three sections of technical standards (originally from the Subdivision Ordinance) to the DPM but that may be more than we should do at this time.

Kym

From: Morris, Petra
Sent: Wednesday, May 01, 2019 4:33 PM
To: Dicome, Kym; Renz-Whitmore, Mikaela J.; Campbell, David S.; Brito, Russell D.; Melendrez, Chris P.; Schultz, Shanna M.; Morrow, Kevin A.; Ahghar, Kathleen T.
Cc: Biazar, Shahab
Subject: RE: DRB Decisions Requiring Public Meeting

Could the sidewalk widths move the DPM, so that everything on the sidewalks is in the DPM and there is no overlap?
Kind regards,

Petra Morris, AICP
Council Planning Manager
Albuquerque City Council
505.768.3161
pmorris@cabq.gov

From: Dicome, Kym
Sent: Wednesday, May 01, 2019 4:31 PM
To: Renz-Whitmore, Mikaela J.; Morris, Petra; Campbell, David S.; Brito, Russell D.; Melendrez, Chris P.; Schultz, Shanna M.; Morrow, Kevin A.; Ahghar, Kathleen T.
Cc: Biazar, Shahab
Subject: RE: DRB Decisions Requiring Public Meeting

Widths are listed in the IDQ but s/w waiver is in the DPM which is different.

In my opinion, the IDO should leave the DPM separate. Do not mix/overlap the two.

Kym

From: Renz-Whitmore, Mikaela J.
Sent: Wednesday, May 01, 2019 4:28 PM



To: Dicome, Kym; Morris, Petra; Campbell, David S.; Brito, Russell D.; Melendrez, Chris P.; Schultz, Shanna M.; Morrow, Kevin A.; Ahghar, Kathleen T.

Cc: Biazar, Shahab

Subject: RE: DRB Decisions Requiring Public Meeting

Kym – I'm not sure what to do about the sidewalk-variance language in the IDO per your comment below. The IDO also sets sidewalk widths. Would we want there to be 2 different processes related to sidewalk standards?

In general, I'm still unclear about how and whether the IDO needs to set how variances/exceptions to DPM standards are processed.

Thanks,

<< OLE Object: Picture (Device Independent Bitmap) >>

MIKAELA RENZ-WHITMORE

long range manager

urban design & development division

o 505.924.3932

m 505.924.3860

e mrenz@cabq.gov

cabq.gov/planning

From: Dicome, Kym <kdicome@cabq.gov>

Sent: Wednesday, May 1, 2019 4:21 PM

To: Morris, Petra <pmorris@cabq.gov>; Renz-Whitmore, Mikaela J. <mrenz-whitmore@cabq.gov>; Campbell, David S. <dscampbell@cabq.gov>; Brito, Russell D. <RBrito@cabq.gov>; Melendrez, Chris P. <cmelendrez@cabq.gov>; Schultz, Shanna M. <smschultz@cabq.gov>; Morrow, Kevin A. <kmorrow@cabq.gov>; Ahghar, Kathleen T. <kahghar@cabq.gov>

Cc: Biazar, Shahab <sbiazar@cabq.gov>

Subject: RE: DRB Decisions Requiring Public Meeting

Petra;

Minor comments below in red.

Thanks,

Kym

From: Morris, Petra

Sent: Wednesday, May 01, 2019 3:01 PM

To: Renz-Whitmore, Mikaela J.; Campbell, David S.; Brito, Russell D.; Melendrez, Chris P.; Schultz, Shanna M.; Morrow, Kevin A.; Ahghar, Kathleen T.; Dicome, Kym

Cc: Biazar, Shahab

Subject: RE: DRB Decisions Requiring Public Meeting

Hello,

I had a look through and my thoughts are:

- Variance for Sidewalks – should this be renamed Waiver? What was the process pre IDO, did they go to DRB and what were the criteria before? *These are variances to the DPM, not the IDO.*
- Variance for Front Yard Parking – this should still be called a variance but should move back to ZHE and should reference the ZHE Variance criteria, per the adopting Council amendment (see attached) *I agree*
- << File: Exhibit 5 FYP.pdf >>
- Variance for Carport, this should also move back to the ZHE (plus the reference in Procedure 1-1(A)(2)(a)1. on historic areas) but should be renamed a Carport Permit *I agree*
- In the ZHE section, I think the airport variance is fine as the criteria are in addition to the regular variance criteria, but the Walls and Fences Variance should be renamed Permit- Major as the regular variance criteria are not relevant to this, it has its own set of criteria.

I think this helps to address the concern about variances that don't actually follow the variance criteria. This way all items termed "variance" include the variance criteria, plus any additional extra criteria, and items that don't refer to the variance criteria at all are given a more accurate title.

I know we had previously tried to have access related matters handled by the DRB but I think it makes more sense for Front Yard Parking and Carport to be at the ZHE as these are about the consideration given to an individual's property that is already developed.

In terms of the EPC variances, for the variance for Coors VPO and the NW Mesa VPO, shouldn't they also need to meet the other variance criteria in 6-6(M)(3)(a) in order to be called a Variance? As it reads currently, they only need to meet the specific criteria for those VPOs and not the general Variance criteria.

I know we are currently focused on DRB and their process, but I am concerned that once we discuss this aspect of variances, all variances will come under scrutiny.

Kind regards,

Petra Morris, AICP
Council Planning Manager
Albuquerque City Council
505.768.3161
pmorris@cabq.gov

From: Renz-Whitmore, Mikaela J.
Sent: Wednesday, May 01, 2019 1:04 PM
To: Campbell, David S.; Brito, Russell D.; Melendrez, Chris P.; Morris, Petra; Schultz, Shanna M.; Morrow, Kevin A.; Ahghar, Kathleen T.; Dicome, Kym
Cc: Biazar, Shahab
Subject: DRB Decisions Requiring Public Meeting
Importance: High

Attached please find an itemized list of edits to make to the IDO to make all DRB decisions happen at Public Meetings, not Public Hearings. There are some decisions left to make. Please see the CABQ Notes column.

<< File: CityLegal-DRBvariances-2019-05-01.xlsx >>

I also mocked up the revised edits to DRB – Variance that would turn this decision into DRB – Waiver. We talked this morning about moving it all into the deviations section, but that is highly unworkable. I think this works nicely to parallel how WTF deviations beyond the thresholds in Table 6-4-2 work. And it saves lots of reorganizing. It also makes 3 distinct

categories – deviations, waivers, and variances. Please carefully review the criteria for DRB – Waiver and see the questions I've asked about them.

<< File: Exhibit-Waiver-DRB-2019-05-01.docx >>

This has to get to Council by Friday morning, so please get me any edits by **tomorrow at noon** at the latest. If we need to discuss anything, please try to call or come by today or Thursday. I've got public meetings all day Friday.

Best,

<< OLE Object: Picture (Device Independent Bitmap) >>

MIKAELA RENZ-WHITMORE

long range manager

urban design & development division

o 505.924.3932

m 505.924.3860

e mrenz@cabq.gov

cabq.gov/planning

-----Original Appointment-----

From: Montoya, Lucinda **On Behalf Of** Campbell, David S.

Sent: Wednesday, May 1, 2019 7:44 AM

To: Campbell, David S.; Brito, Russell D.; Renz-Whitmore, Mikaela J.; Melendrez, Chris P.; Morris, Petra; Schultz, Shanna M.; Morrow, Kevin A.; Ahghar, Kathleen T.; Dicome, Kym

Cc: mjrenz@gmail.com

Subject: IDO Variances

When: Wednesday, May 1, 2019 8:00 AM-9:00 AM (UTC-07:00) Mountain Time (US & Canada).

Where: Planning Department Large Conference Room

From: Morris, Petra
Sent: Monday, May 06, 2019 9:53 AM
To: Renz-Whitmore, Mikaela J.
Subject: RE: Resolution for Introduction on Monday

Ha! No problem!

From: Renz-Whitmore, Mikaela J.
Sent: Monday, May 06, 2019 8:18 AM
To: Morris, Petra
Cc: Schultz, Shanna M.; Campbell, David S.; Morrow, Kevin A.; Brito, Russell D.; Biazar, Shahab; Dicome, Kym; Melendrez, Chris P.; Ahghar, Kathleen T.
Subject: RE: Resolution for Introduction on Monday

Duh. They are there. Sorry for the fire drill!

ONE
ALBUQUE planning
RQUE

MIKAELA RENZ-WHITMORE
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urban design & development division
o 505.924.3932
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e mrenz@cabq.gov
cabq.gov/planning

From: Morris, Petra
Sent: Saturday, May 4, 2019 8:51 AM
To: Renz-Whitmore, Mikaela J.
Cc: Schultz, Shanna M. ; Campbell, David S. ; Morrow, Kevin A. ; Brito, Russell D. ; Biazar, Shahab ; Dicome, Kym ; Melendrez, Chris P. ; Ahghar, Kathleen T.
Subject: Re: Resolution for Introduction on Monday

I think they are still in their, on the last page? Did the PDF miss off the last page?

Sent from my iPhone

On May 3, 2019, at 5:15 PM, Renz-Whitmore, Mikaela J. <mrenz-whitmore@cabq.gov> wrote:

I think some of the additional criteria that got struck are important, particularly this one:

1-1(A)(1)(a) The Waiver approved is the minimum necessary to avoid extraordinary hardship or practical difficulties.



You need something that talks about minimum waiver as a backstop. I thought the others were also important.

- 1-1(A)(1)(b)** The Waiver will not be materially contrary to the public safety, health, or welfare.
- 1-1(A)(1)(c)** The Waiver does not cause significant material adverse impacts on surrounding properties.
- 1-1(A)(1)(d)** The Waiver will not hinder future planning, public right-of-way acquisition, or the financing or building of public infrastructure improvements.
- 1-1(A)(1)(e)** The Waiver will not conflict significantly with the goals and provisions of any city, county, or AMAFCA adopted plan or policy, this IDO, or any other City code or ordinance.
- 1-1(A)(1)(f)** The Waiver will not allow, encourage, or make possible undesired development in the 100-year Floodplain.
- 1-1(A)(1)(g)** The Waiver will not materially undermine the intent and purpose of this IDO or the applicable zone district.
- 1-1(A)(1)(h)** The Waiver does not allow a lot or type of development that does not meet the applicable size, area, and development standards applicable in the zone district where the lot is located, unless a Deviation to such standards is within the thresholds established by Subsection 14-16-6-4(O) (Deviations) and is granted by the DRB as part of this approval.
- 1-1(A)(1)(i)** The Waiver approved is the minimum necessary to avoid extraordinary hardship or practical difficulties.

Thanks for getting this out with such a quick turnaround!

Best,

MIKAELA RENZ-WHITMORE
long range manager
urban design & development division
o 505.924.3932
m 505.924.3860
e mrenz@cabq.gov
cabq.gov/planning

From: Schultz, Shanna M. <smschultz@cabq.gov>

Sent: Friday, May 3, 2019 1:02 PM

To: Campbell, David S. <dscampbell@cabq.gov>; Morrow, Kevin A. <kmorrow@cabq.gov>; Renz-Whitmore, Mikaela J. <mrenz-whitmore@cabq.gov>; Brito, Russell D. <RBrito@cabq.gov>; Biazar, Shahab <sbiazar@cabq.gov>; Dicome, Kym <kdicome@cabq.gov>; Melendrez, Chris P. <cmelendrez@cabq.gov>; Morris, Petra <pmorris@cabq.gov>; Ahghar, Kathleen T. <kahghar@cabq.gov>

Subject: Resolution for Introduction on Monday

Importance: High

Good afternoon,

Attached is a packet including: 1) A resolution for introduction, 2) Exhibit A, as referenced by the resolution, 3) Exhibit A-1, as referenced in Exhibit A.

The Council Clerk requires legislation for introduction to be on her desk by 3:00 p.m. If you have any edits, questions, or recommendations, **please have those to us by 2:00 p.m.** to allow us time to review and incorporate.

We will be requesting that this resolution be on the agenda for "holdover" on Monday, meaning that it would be up for final consideration at the Full Council meeting on May 20th.

Thank you,
Shanna

Shanna Schultz, MPA, MCRP

Policy Analyst - Planning
Albuquerque City Council
505.768.3185
smschultz@cabq.gov

From: Morris, Petra
Sent: Tuesday, May 21, 2019 4:31 PM
To: Dicome, Kym; Schultz, Shanna M.; Melendrez, Chris P.; Renz-Whitmore, Mikaela J.
Subject: RE: R-19-150

No problem at all! We appreciate everyone at Planning explaining the issues and Mikaela's through understanding of what needed changing and where.

Kind regards,

Petra Morris, AICP
Council Planning Manager
Albuquerque City Council
505.768.3161
pmorris@cabq.gov

From: Dicome, Kym
Sent: Tuesday, May 21, 2019 4:28 PM
To: Morris, Petra; Schultz, Shanna M.; Melendrez, Chris P.
Subject: R-19-150

Thanks for all your help on drafting this and getting it done sooo quickly.



KYM E DICOME
development review board chair
o 505.924.3880
e kdicome@cabq.gov
cabq.gov/planning

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From: Morris, Petra
Sent: Wednesday, May 22, 2019 4:09 PM
To: Renz-Whitmore, Mikaela J.
Cc: Schultz, Shanna M.
Subject: RE: R-19-150

Yes, I think one or the other or both of us can make most of the meetings next week. The only one that may be hard is the Friday lunch meeting as it is a Council Friday. We will chat with Chris in anticipation about what the process would be for any potential changes.

Kind regards,

Petra Morris, AICP
Council Planning Manager
Albuquerque City Council
505.768.3161
pmorris@cabq.gov

From: Renz-Whitmore, Mikaela J.
Sent: Wednesday, May 22, 2019 3:59 PM
To: Morris, Petra
Cc: Schultz, Shanna M.
Subject: RE: R-19-150

That sounds good. Will you all be there at meetings next week? Could be raucous and would be good for you to hear the comments, as I suspect we'll get lots of requests for changes!

Thanks,



MIKAELA RENZ-WHITMORE
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urban design & development division
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m 505.924.3860
e mrenz@cabq.gov
cabq.gov/planning

From: Morris, Petra
Sent: Wednesday, May 22, 2019 3:45 PM
To: Renz-Whitmore, Mikaela J.

Cc: Schultz, Shanna M.
Subject: RE: R-19-150

ello,

Yes, good point, especially as next week is procedures. I think as it is already formatted as a Resolution, and adopted, we should just have it as an attachment to the application materials. The resolution directs it to be incorporated into the IDO. I think if we had it as an amendment it would make people think it wasn't yet in effect (which the others aren't, though some have an associated Administrative instruction).

Kind regards,

Petra Morris, AICP

Council Planning Manager
Albuquerque City Council
505.768.3161
pmorris@cabq.gov

From: Renz-Whitmore, Mikaela J.
Sent: Wednesday, May 22, 2019 3:27 PM
To: Morris, Petra
Cc: Schultz, Shanna M.
Subject: RE: R-19-150

Now that this is passed, I think we need to show all of this next week at the public meetings. How do we want to do that?

This would all be a new Amendment for the annual update, right?



MIKAELA RENZ-WHITMORE

long range manager
urban design & development division
o 505.924.3932
m 505.924.3860
e mrenz@cabq.gov
cabq.gov/planning

From: Morris, Petra <pmorris@cabq.gov>
Sent: Tuesday, May 21, 2019 4:31 PM
To: Dicome, Kym <kdicome@cabq.gov>; Schultz, Shanna M. <smschultz@cabq.gov>; Melendrez, Chris P. <cmelendrez@cabq.gov>; Renz-Whitmore, Mikaela J. <mrenz-whitmore@cabq.gov>
Subject: RE: R-19-150

No problem at all! We appreciate everyone at Planning explaining the issues and Mikaela's through understanding of what needed changing and where.

Kind regards,

Petra Morris, AICP

Council Planning Manager

Albuquerque City Council

505.768.3161

pmorris@cabq.gov

From: Dicome, Kym

Sent: Tuesday, May 21, 2019 4:28 PM

To: Morris, Petra; Schultz, Shanna M.; Melendrez, Chris P.

Subject: R-19-150

Thanks for all your help on drafting this and getting it done sooo quickly.



KYM E DICOME

development review board chair

o 505.924.3880

e kdicome@cabq.gov

cabq.gov/planning

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From: Campbell, David S.
Sent: Monday, April 08, 2019 4:42 PM
To: Morris, Petra; Montoya, Lucinda
Cc: Melendrez, Chris P.
Subject: RE: DRB Variances

Petra: glad to get together with you; Lucinda will help schedule this. BTW, here is our position on the DRB amendment:

I suggest strongly removing all variances-DRB since that moves the DRB into the quasi-judicial realm which we are not. The DRB is a technical board who should not be acting on discretionary items. I am not sure how we get there except to remove the process through DRB and move to ZHE or EPC. The DRB members can supply comments to the ZHE or EPC as commenting agency(s) vs. being the decision making body. Also as a sidebar, I would suggest removing Public Hearing items from the DRB and make all actions Public Meeting items.

Thanks!

David



DAVID S. CAMPBELL
planning director
o 505.924.3352
m 505.238.3852
e dscampbell@cabq.gov
cabq.gov/planning

From: Morris, Petra
Sent: Monday, April 08, 2019 4:23 PM
To: Montoya, Lucinda ; Campbell, David S.
Subject: FW: DRB Variances

Hello,
I sent this meeting about setting up a meeting with David and a few others and forgot to include you!
Sorry!
Kind regards,

Petra Morris, AICP
Council Planning Manager



Albuquerque City Council
505.768.3161
morris@caba.gov

From: Morris, Petra
Sent: Monday, April 08, 2019 1:43 PM
To: Schultz, Shanna M.; Melendrez, Chris P.; Campbell, David S.; Morrow, Kevin A.
Subject: DRB Variances

Hello,
Can you send me your availability for a 30 minute meeting on DRB Variances? It can be via phone or in person, or a combination, whatever is easiest. I want to make sure that we are all on the same page on the next steps associated with this.
Kind regards,

Petra Morris, AICP
Council Planning Manager
Albuquerque City Council
505.768.3161
pmorris@caba.gov

STATE OF NEW MEXICO
COUNTY OF BERNALILLO

RECORDED MEETING OF ALBUQUERQUE CITY COUNCIL
[Transcript of Requested Portion of Meeting]
[Re: R-19-150]

May 20, 2019
5:00 p.m.
1 Civic Plaza, Northwest
Albuquerque, New Mexico 87102

This CITY COUNCIL MEETING was:

TAKEN BY: CITY OF ALBUQUERQUE

TRANSCRIBED BY: RENEE M. SNYDER
Kendra Tellez Court Reporting, Inc.
302 Silver Avenue, Southeast
Albuquerque, New Mexico 87102



(Requested portion of meeting.)

PRESIDENT PENA: Next item is 14,
Final Actions. Councilor Jones.

COUNCILOR JONES: Thank you, Madam
President. This is R-150, adopting interim
procedures for the development review board until
the first annual update to the integrated
development ordinance has been completed. I move a
do-pass.

UNIDENTIFIED MALE: Second.

PRESIDENT PENA: There's a motion and
second for a do-pass for R-150.

UNIDENTIFIED FEMALE: Councilor
Jones.

PRESIDENT PENA: Any questions?

COUNCILOR JONES: If there are any
questions, Mr. Melendrez has every answer we could
ever want. If not, I'm . . .

PRESIDENT PENA: Seeing none, and we
don't have anyone signed up to speak, there's a
motion and a second for R-150. All those in favor,
say, "Yes."

COUNCILORS: Yes.

PRESIDENT PENA: Those opposed --

COUNCILOR SANCHEZ: Yes.

PRESIDENT PENA: -- opposed, "No."

Motion passes.

(End of requested portion of meeting.)

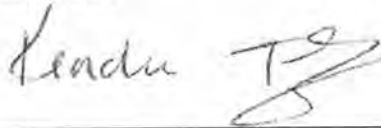
1 STATE OF NEW MEXICO

2 COUNTY OF BERNALILLO

3 C E R T I F I C A T E

4 I, Kendra D. Tellez, New Mexico #205 CSR,
5 RMR, CRR, within and for the State of New Mexico, DO
6 HEREBY CERTIFY that the foregoing audio
7 transcription was prepared from provided audio, that
8 the audio was reduced to typewritten transcript by
9 Kendra Tellez Court Reporting, Inc., and that the
10 testimony contained herein is a true and correct
11 transcript of the recorded proceedings, to the best
12 of my knowledge and hearing ability. The audio was
13 of good quality recording.

14 I FURTHER CERTIFY that I am neither
15 employed by nor related to any of the parties or
16 attorneys recorded in this matter, and that I have
17 no interest in this matter.

18 
19 _____

20 Kendra D. Tellez, CCR #205
21 License Expires: 12/31/20
22
23
24
25

CITY OF ALBUQUERQUE
CITY COUNCIL

INTEROFFICE MEMORANDUM

TO: Timothy M. Keller, Mayor

FROM: Stephanie M. Yara, Director of Council Services *SMY 5/23/19*

SUBJECT: Transmittal of Legislation

Transmitted herewith is Bill No. R-19-150 Adopting Interim Procedures For The Development Review Board Until The First Annual Update To The Integrated Development Ordinance Has Been Completed (Jones), which was passed at the Council meeting of May 20, 2019 by a vote of 9 FOR AND 0 AGAINST.

In accordance with the provisions of the City Charter, your action is respectfully requested.

SMY:mh
Attachment



CITY of ALBUQUERQUE

TWENTY THIRD COUNCIL

COUNCIL BILL NO. R-19-150 ENACTMENT NO. R-2019-035

SPONSORED BY: Trudy E. Jones

1 RESOLUTION

2 ADOPTING INTERIM PROCEDURES FOR THE DEVELOPMENT REVIEW
3 BOARD UNTIL THE FIRST ANNUAL UPDATE TO THE INTEGRATED
4 DEVELOPMENT ORDINANCE HAS BEEN COMPLETED.

5 WHEREAS, the Development Review Board (DRB) is comprised of City
6 Staff with expertise in Planning, Engineering, Transportation, Zoning, Parks
7 and Recreation, and Water Utilities; and

8 WHEREAS, the DRB was created to offer efficient considerations of
9 technical standards, which would have otherwise required an applicant to
10 meet individually with the experts listed above; and

11 WHEREAS, the DRB's role is to consider if applications meet technical
12 standards set forth by adopted City documents; and

13 WHEREAS, the Integrated Development Ordinance (IDO) sets forth the DRB
14 as a discretionary board responsible for making some discretionary
15 approvals; and

16 WHEREAS, it is not practical for technical City Staff members to operate in
17 such a manner that prohibits them from communicating with members of the
18 public outside of a public hearing; and

19 WHEREAS, the interim procedures set forth in this resolution, which shall
20 be adopted into the IDO during the document's first annual update, clarify the
21 roles and responsibilities of the DRB.

22 BE IT RESOLVED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF
23 ALBUQUERQUE:

24 Section 1. The interim guidelines for various processes and definitions in
25 the Integrated Development Ordinance as outlined in Exhibit A to this
26 resolution are hereby effective.

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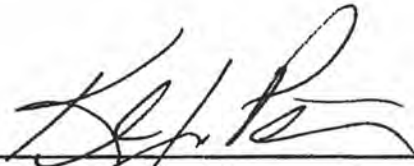
1 Section 2. The Planning Department shall formally incorporate the changes
2 in Exhibit A as a part of the 2019 Integrated Development Ordinance annual
3 update process.
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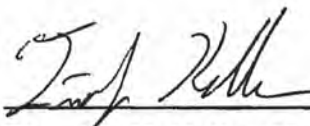
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1 PASSED AND ADOPTED THIS 20th DAY OF May, 2019
2 BY A VOTE OF: 9 FOR 0 AGAINST.

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8 
9 Klarissa J. Peña, President
10 City Council

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13 APPROVED THIS 24 DAY OF May, 2019
14
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16

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18 Bill No. R-19-150
19

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21 
22
23 Timothy M. Keller, Mayor
24 City of Albuquerque
25
26

27 ATTEST:

28 
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30 Katy Duhigg, City Clerk
31
32
33

Exhibit A to R-19-150

Page	Section	Proposed Change	Explanation
219	5-4(F)(2)(a)	Replace "Variance" with "Waiver" and update cross reference to specific procedure.	Editorial change to track with proposed change to DRB - Variance.
221	5-4(I)(2)	Replace "Variance" with "Waiver" and update cross reference to specific procedure.	Editorial change to track with proposed change to DRB - Variance.
242	5-5(F)(2)(a) 2.b	Replace "Variance" with "Permit" and update the cross reference to the specific procedure accordingly.	All exceptions to standards in Section 5-5 are currently reviewed/decided by DRB as a Variance - DRB. This is proposed to change to be Waivers reviewed/decided by DRB at a public meeting. Carports have had additional review at public hearings prior to the IDO. This would return that review/decision to be closer to the pre-IDO process. See related item for changes to Table 6-1-1 and Subsection 6-6(L).
327	Table 6-1-1	Change requirement to hold public hearings to public meetings for the following DRB decisions: Subdivision of Land - Major, Preliminary Plat; Vacation of Easement or Right-of-way - DRB; and DRB - Variance. Update any references to public hearings related to DRB throughout the IDO accordingly.	DRB is a staff board for technical reviews and does not make discretionary decisions or hold quasi-judicial hearings. This change would return DRB processes closer to pre-IDO processes.
328	Table 6-1-1	Change the title of "Variance - DRB" to "Waiver - DRB" and realphabetize. Renumber related Specific Procedure accordingly. Replace all other references to Variance - DRB throughout the IDO accordingly. Rename "Wireless Telecommunications Facility Waiver" to "Waiver - Wireless Telecommunications Facility" for consistency. Replace all references to this procedure throughout the IDO accordingly.	DRB is a staff board for technical reviews and does not make discretionary decisions or hold quasi-judicial hearings. Exceptions to Sections 5-3 (Access and Connectivity), 5-4 (Subdivision of Land), and 5-5 (Parking and Loading) would be decided by DRB as a waiver, not as a variance, which is limited to exceptional lots per State statute. See related item for edits to Subsection 6-6(N). See related items for exceptions: Front yard parking and carports.
347	6-4(M)(1)	Remove DRB from list of decision-makers that have public hearings.	DRB is a staff board for technical reviews and does not make discretionary decisions or hold quasi-judicial hearings. See related item for proposed changes to Table 6-1-1.
349	6-4(M)(5)(e)	Remove reference to DRB in this list of decision-making bodies that hold public hearings.	DRB is a staff board for technical reviews and does not make discretionary decisions or hold quasi-judicial hearings. See related item for proposed changes to Table 6-1-1.

Exhibit A to R-19-150

age	Section	Proposed Change	Explanation
350	6-4(O)(1)	<p>Replace text as follows:</p> <p>"For all other IDO standards, requests for exceptions beyond these thresholds will be reviewed and decided as Variances pursuant to the following:</p> <p>6-4(O)(1)(b) Subsection 14-16-6-6(M) (Variance – EPC) for exceptions to all other IDO standards associated with a Site Plan – EPC or requiring a Variance - EPC.</p> <p>6-4(O)(1)(c) Subsection 14-16-6-6(N) (Variance – ZHE) for exceptions to all other IDO standards associated with a Site Plan – Administrative or Site Plan – DRB."</p>	Editorial change to track with proposed change to DRB - Variance.
351	6-4(O)(1) [new]	<p>Add a new subsection as follows:</p> <p>"For standards in the following subsections, requests for deviations beyond these thresholds or to standards not included in Table 6-4-2 will be reviewed and decided as Waivers pursuant to the following:</p> <p>6-4(O)(1)(a) Subsection 14-16-6-6(new) (Waiver – DRB) for deviations from standards in Section 14-16-5-3 (Access and Connectivity), Section 14-16-5-4 (Subdivision of Land), Section 14-16-5-5 (Parking and Loading) except for the following standards:</p> <ol style="list-style-type: none"> 1. Standards in Subsection 5-5(F)(2)(a)2, which require a Permit - Carport in Front or Side Setbacks pursuant to Subsection 6-6[new]. 2. Standards related to front yard parking in Subsection 5-5(F)(2)(a), Subsection 5-5(F)(1)(a)6, and Table 5-5-6 , which require a Variance - ZHE pursuant to Subsection 14-16-6-6(N). <p>6-4(O)(1)(b) Subsection 14-16-6-6(O) (Wireless Telecommunications Facility Waiver) for deviations from standards applicable to the erection or installation of a Wireless Telecommunications Facility (WTF) under this IDO."</p>	Adjusts the language for the proposed change that exceptions to Sections 5-3 (Access and Connectivity), 5-4 (Subdivision of Land), and 5-5 (Parking and Loading) would be decided by DRB as a waiver, similar to the way deviations to WTF standards are reviewed and decided by EPC instead of ZHE. Explains that carports in front/side setbacks need a Permit decided by ZHE. Adds reference to WTF Waivers. See related items for changes to carports and front yard parking.
356	Table 6-4-3	Change Variance - DRB to Waiver - DRB and realphabetize accordingly.	Editorial change to track with proposed change to DRB - Variance.
362	Table 6-4-4	Replace "Variance" with "Waiver" and realphabetize accordingly.	Editorial change based on edits to DRB - Variance.

Exhibit A to R-19-150

age	Section	Proposed Change	Explanation
365	6-4(X)(1)a	<p>Revise as follows and renumber subsequent subsections accordingly:</p> <p>"...If the applicant is requesting an amendment that would require a <u>Waiver or Variance</u> from any of these standards, a separate <u>request must be submitted</u> Variance must be requested per the relevant procedure, as follows:</p> <p>1. Section 14-16-6-6(new) (Variance <u>Waiver</u> – DRB) for exceptions to any standards in Section 14-16-5-4 (Subdivision of Land), Section 14-16-5-3 (Access and Connectivity), Section 14-16-5-5 (Parking and Loading) <u>except the following:</u></p> <p><u>a. Standards in Subsection 5-5(F)(2)(a)2, which require a Permit - Carport in Front or Side Setback pursuant to Subsection 6-6(new).</u></p> <p><u>b. Standards related to front yard parking in Subsection 5-5(F)(2)(a), Subsection 5-5(F)(1)(a)6, and Table 5-5-6 , which require a Variance - ZHE pursuant to Subsection 14-16-6-6(N).</u></p> <p>2. Section 14-16-6-6(O) (<u>Waiver - Wireless Telecommunications Facility (WTF) for deviations from standards applicable to the erection or installation of a</u> under this IDO.</p>	Editorial change to track with proposed change to DRB - Variance.
380	6-5(G)(2)(e)	Replace "Variance" with "Waiver" and update cross reference to specific procedure and remove reference to the DPM.	
396	6-6(G)(2)(e)	<p>Replace text as follows:</p> <p>"The DRB may grant a Waiver pursuant to Subsection 6-6(new) as part of this approval."</p> <p>And remove reference to the DPM.</p>	Editorial change to track with proposed changes to DRB - Variance.
399	6-6(I)(2)(b)	Delete this section in its entirety as it relates to the DPM.	Editorial change to track with proposed changes to DRB - Variance.
401	6-6(J)(2)(a)2	Replace "Variance" with "Waiver" and update cross reference to specific procedure and remove reference to the DPM.	Editorial change to track with proposed changes to DRB - Variance.
402	6-6(J)(2)(c)2	Replace "Variance" with "Waiver" and update cross reference to specific procedure and remove reference to the DPM.	Editorial change to track with proposed changes to DRB - Variance.

Exhibit A to R-19-150

Page	Section	Proposed Change	Explanation
404	6-6(J)(3)(a)	Revise as follows: "An application for a Preliminary Plat shall be approved if it meets all of the following criteria: 1. Is consistent with the ABC Comp Plan, as amended. 2. Complies with all applicable provisions of this IDO, the DPM, other adopted City regulations, and any conditions specifically applied to development of the property in a prior permit or approval affecting the property."	DRB is a staff board for technical reviews and cannot hold quasi-judicial hearings. Given the definition of public hearings, the DRB does not make decisions based on policy, since it is not a discretionary decision-making body. See related item for edits to Subsection 6-6(N) and Table 6-1-1.
405	6-6(K)(2)(c)	Replace "public hearing" with "public meeting."	Editorial change to track with proposed changes to Table 6-1-1.
406	6-6(L)	Change the name of Variance - DRB to Waiver - DRB throughout this subsection and the IDO and move and renumber this subsection accordingly. Replace "variance" with "deviation" or "waiver" as appropriate throughout this subsection. Replace "hearing" with "meeting" throughout this subsection. Delete subsection 6-6(L)(3)(a)(1), which is a hardship or exceptionality criterion only applicable to variances. Delete subsection 6-6(L)(3)(b) Sidewalk Variance, as this procedure is covered by the DPM. Move subsection 6-6(L)(3)(c) Front Yard Parking to subsection 6-6(N) so that ZHE reviews/decides. See Exhibit A-1 for mock-up of these changes.	DRB is a staff board for technical reviews and does not make discretionary decisions or hold quasi-judicial hearings. Deviations from standards in Sections 5-3 (Access and Connectivity), 5-4 (Subdivision of Land), and 5-5 (Parking and Loading) would be decided by DRB as a waiver, not as a variance, which is limited to exceptional lots (i.e. hardship criteria) per State statute. See related item for edits to Table 6-1-1 and Subsection 6-6(N). See related item for edits to Subsection 6-6(L)(3)(d).
406	6-6(L)(3)(d)	Move subsection 6-6(L)(2)(a)1 to the ZHE with the following sections Move subsection 6-6(L)(3)(d) Variance for a Carport in a Required Front or Side Setback to be a new decision in Table 6-1-1 with its own specific procedure so that ZHE reviews/decides. Change the name to "Permit - Carport in a Required Front or Side Setback." Notice = Mailed, Sign, Email, Web Replace reference to this procedure throughout the IDO accordingly.	All exceptions to standards in Section 5-5 are currently reviewed/decided by DRB as a Variance - DRB. This is proposed to change to be Waivers reviewed/decided by DRB at a public meeting. Carports have had additional review at public hearings prior to the IDO. This would return that review/decision to be closer to the pre-IDO process. See related change for Subsection 5-5(F)(2)(a)2.b.
411	6-6(M)(3)(a)	Revise so that VPO variances in Subsections b and c also have to meet general variance criteria.	State statutes define hardship/exceptionality criterion for variances. These VPO variances therefore need to meet that criterion in addition to specific criteria for each VPO.

Exhibit A to R-19-150

Page	Section	Proposed Change	Explanation
412	6-6(N)(1)(a) 1	Delete this subsection and renumber subsequent subsection accordingly.	Editorial change to reflect edits proposed for DRB - Variance.
414	6-6(N)(3)(c)	Move this subsection to be a new decision in Table 6-1-1, still decided by ZHE. Revise name to "Permit - Wall or Fence - Major." Notice = Mailed, Sign, Email, Web Change name of "Wall or Fence Permit - Minor" to "Permit - Wall or Fence - Minor" for consistency. Replace references to these procedures throughout the IDO accordingly.	State statutes define hardship/exceptionality criterion for variances. Because these criteria are different, this must be a different type of decision, still decided by the ZHE following the same notice as is required for Expansions of a Nonconforming Use or Structure.
457	7-1	Deviation Replace text as follows: "An exception to <u>IDO</u> standards that can be granted by the relevant decision-making body within thresholds established by Table 6-4-2 or based on criteria for a waiver for standards related to wireless telecommunications facilities or standards in Section 14-16-5-3 (Access and Connectivity), 14-16-5-4 (Subdivision of Land), or 14-16-5-5 (Parking and Loading) pursuant to Subsection 6-6(new) (Waiver - DRB). See also Waiver."	Broadens the definition to include deviations that are reviewed and decided as waivers (standards related to Wireless Telecommunication Facilities, Access & Connectivity, Subdivisions, and Parking).
499	7-1	Variance Revise as follows: "Exceptions to dimensional standards or variations from the strict, literal application of standards in this IDO or the DPM . Variances from zoning standards are reviewed and decided by the ZHE or EPC, while Variances from technical standards in Section 14-16-5-3 (Access and Connectivity), Section 14-16-5-4 (Subdivision of Land), Section 14-16-5-5 (Parking and Loading), or any standard in the DPM or related to projects in public rights-of-way are decided by the DRB. The allowable use of premises may never be changed via a Variance."	Editorial change based on edits to DRB - Variance.
500	7-1	Waiver Add a new definition as follows: "A deviation beyond the thresholds established in Table 6-4-2 or from standards not included in Table 6-4-2. See also Deviation."	Waiver is a term used in the IDO for deviations from WTF standards beyond those allowed as an administrative deviation. The IDO does not define the term. This would add a definition that covers both Waiver - WTF as well as Waiver - DRB.

Exhibit A-1 to R-19-150

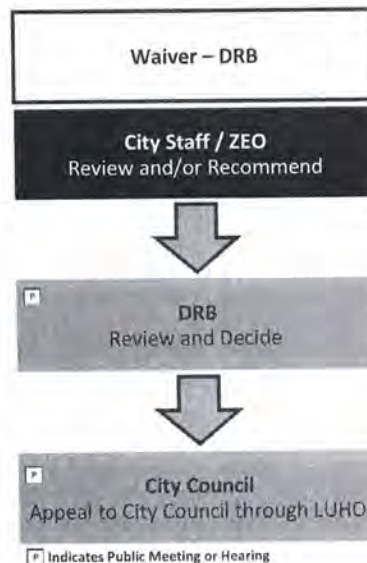
6-6(L) WAIVER – DRB

All applicable provisions of Section 14-16-6-4 (General Procedures) apply unless specifically modified by the provisions of this Subsection 14-16-6-6(L).

6-6(L)(1) Applicability

This Subsection 14-16-6-6(L) applies to application for a deviation from standards in Sections 14-16-5-3 (Access and Connectivity), 14-16-5-4 (Subdivision of Land), or 14-16-5-5 (Parking and Loading) beyond the thresholds established by Table 6-4-2 in Subsection 14-16-6-4(O), except the following:

- 6-6(L)(1)(a) Standards in Subsection 5-5(F)(2)(a)2, which require a Permit - Carport in Front or Side Setbacks pursuant to Subsection 6-6[new].
- 6-6(L)(1)(b) Standards related to front yard parking in Subsection 5-5(F)(2)(a), Subsection 5-5(F)(1)(a)6, and Table 5-5-6, which require a Variance - ZHE pursuant to Subsection 14-16-6-6(N).



6-6(L)(2) Procedure

6-6(L)(2)(a) General

1. The City Planning Department staff shall review the application and forward a recommendation to the DRB pursuant to all applicable provisions of Section 14-16-6-4 (General Procedures).
2. The DRB shall conduct a public meeting and make a decision on the application pursuant to all applicable provisions of Section 14-16-6-4 (General Procedures).
3. A Waiver – DRB may not be granted until after any necessary Conditional Use Approvals are obtained pursuant to Subsection 14-16-6-6(A).
4. A notice of any Variances, Waivers, or Deviations granted associated with a subdivision shall be placed on the final plat and on a separately recorded document, and any Variances, Waivers, or Deviations granted associated with a Site Plan shall be noted on the approved Site Plan.

6-6(L)(2)(b) Bulk Land Subdivision

Where a Waiver is requested based on a bulk land subdivision, all of the following procedures shall be followed in addition to the procedures in Subsection (a) above:

Exhibit A-1 to R-19-150

1. The use of the land for development and/or building purposes shall require review during the Subdivision or Site Plan approval process. Approval of a Waiver for a bulk land transfer does not indicate that land within that transfer complies with applicable Subdivision or Site Plan standards.
2. The plat shall reflect the applicant's agreement that building permits shall not be issued for any area where the Waivers apply before further subdivision and that recording of a final subdivision plat for the subject area has been completed.

6-6(L)(3) Review and Decision Criteria

An application for a Waiver – DRB shall be approved if it complies with the following criteria:

6-6(L)(3)(a) Any of the following applies:

1. There are pre-existing obstructions that cannot be easily or economically relocated or should not be altered, such as grades, fills, water courses, natural topographic features, man-made obstructions, or utility lines.
2. The area or site has been recognized as having historical, archeological, and/or architectural significance by the City, state, or federal government, and a Waiver is needed and appropriate to maintain such historical, archeological, and/or architectural significance.
3. The established neighborhood character or landscaping on the site would be damaged to a degree that outweighs the public interest in the City's normal technical standards in that location.
4. Varying from the normal requirements and standards will encourage flexibility, economy, effective use of open space, or ingenuity in design of a subdivision, in accordance with accepted principles of site planning.

Exhibit A-1 to R-19-150

- 6-6(L)(3)(b)** The Waiver will not be materially contrary to the public safety, health, or welfare.
- 6-6(L)(3)(c)** The Waiver does not cause significant material adverse impacts on surrounding properties.
- 6-6(L)(3)(d)** The Waiver will not hinder future planning, public right-of-way acquisition, or the financing or building of public infrastructure improvements.
- 6-6(L)(3)(e)** The Waiver will not conflict significantly with provisions of any city, county, or AMAFCA adopted plan, this IDO, or any other City code or ordinance.
- 6-6(L)(3)(f)** The Waiver will not allow, encourage, or make possible undesired development in the 100-year Floodplain.
- 6-6(L)(3)(g)** The Waiver will not materially undermine the intent and purpose of this IDO or the applicable zone district.
- 6-6(L)(3)(h)** The Waiver does not allow a lot or type of development that does not meet the applicable size, area, and development standards applicable in the zone district where the lot is located, unless a Deviation to such standards is within the thresholds established by Subsection 14-16-6-4(O) (Deviations) and is granted by the DRB as part of this approval.
- 6-6(L)(3)(i)** The Waiver approved is the minimum necessary to provide redress without being inconsistent with the provisions of this Section.

om: Schultz, Shanna M.
Sent: Monday, July 01, 2019 3:05 PM
To: 'steven@stevenchavezlawfirm.com'
Cc: Morris, Petra; Melendrez, Chris P.
Subject: R-19-150: Setting Interim Procedures for the Development Review Board
Attachments: R-150.pdf

Good afternoon Mr. Chavez,

I've attached to this message the resolution that we spoke about this morning that Councilor Trudy Jones recently sponsored related to the duties of the Development Review Board (DRB). These procedures in this resolution are interim, with the final duties of the DRB to be finalized during the IDO Annual Update process. The IDO Annual Update is just about to enter the adoption process (to be heard by the EPC, then the Council's LUPZ committee, then the full City Council), so we suspect the document won't officially be updated until later this winter, if not early next year.

Please take a read through these interim procedures – we would welcome any feedback on what is proposed here. If you have questions or comments on these procedures, we would be happy to schedule a meeting to sit down and discuss it. Given the complexity of the topic, a meeting or phone call may be preferable to e-mail correspondence if you have specific questions. I'm copying my colleagues at the Council offices who have also worked on this bill.

Thank you,
Shanna

Shanna Schultz, MPA, MCRP
Policy Analyst - Planning
Albuquerque City Council
505.768.3185
smschultz@cabq.gov



EXHIBITS FOR OPPONENTS' LETTER TO DRB FOR DECEMBER 3, 2019 MEETING

1. E-mail strings with Maggie Gould and Nicole Sanchez
2. LUHO Decision in AC-18-20, March 28, 2019
3. E-mail string involving Mikaela Renz-Whitmore ending May 1, 2019
4. E-mail string involving Mikaela Renz-Whitmore ending May 6, 2019
5. E-mail string involving Mikaela Renz-Whitmore ending May 21, 2019
6. E-mail from David Campbell, April 8, 2019
7. Transcript of City Council Meeting re R-19-150, May 20, 2019
8. R-2019-035 (was R- 19-150), enacted May 20, 2019
9. E-Mail from Shanna Schultz, dated July 1, 2019
10. E-Mail from Melendrez to Chavez, dated July 3, 2019
11. Planning Memo, dated October 11, 2019 (pp. 3, 4)
12. Enactment O-2017-025, Adopting the IDO, November 16, 2017
13. IDO Legislative History
14. 2020 IDO Annual Update (pages i, ii)
15. E-mails with Kym Dicome, dated June 27, 2019
16. Voluntary Zone Conversion Process
17. R-2017-01, enacted November 16, 2017
18. Enactment R-2018-19, May 9, 2018
19. O-2019-21 (Bill O-19-65)
20. Action Summary for O-19-65, August 5, 2019
21. Enactment O-2019-034 (Bill O-19-17)
22. Action Summary for O-19-79, November 18, 2019

23. Scarpa e-mail, dated May 14, 2019
24. Duran Zoning Conversion Receipt, dated November 5, 2018
25. Wray Zoning Conversion receipt, dated April 19, 2019
26. Map of Opponents
27. Letter to Maggie Gould, dated July 15, 2019
28. DRB Comments from July 17, 2019 meeting
29. Maggie Gould Testimony from August 14, 2019 DRB meeting
30. DRB Comments from August 14, 2019 meeting
31. DRB comments from September 11, 2019 meeting
32. DRB Rules of Procedure (2013)

Subject: RE: FW: Request for SDP application for Alameda and Barstow

From: "Gould, Maggie S." <MGould@cabq.gov>

Date: 11/15/2021, 11:29 AM

o: "Hessel E. Yntema III" <hess@yntema-law.com>, "Sanchez, Nicole A." <nasanchez@cabq.gov>

Hello,

My understanding of the remand order is that we are holding a new, regular DRB meeting. So, the procedures that we normal observe during DRB will be in place.

We would refer to the application page or the page of the site plan.

Resubmittals from the applicant will be due on the 30th. The DRB does not have a comment deadline in the way the EPC does, but submitting earlier gives the board enough time to review the comments.

Let me know if this answers the question.



MAGGIE GOULD

planning manager

land development coordination

o 505-924-3880

c 505-553-0682

e mgould@cabq.gov

cabq.gov/planning

From: Hessel E. Yntema III <hess@yntema-law.com>

Sent: Monday, November 15, 2021 8:42 AM

To: Gould, Maggie S. <MGould@cabq.gov>; Sanchez, Nicole A. <nasanchez@cabq.gov>

Subject: Re: FW: Request for SDP application for Alameda and Barstow

External

Ms. Gould and Ms. Sanchez,

Thank you

Will these papers be page numbered as a record for ease of reference?

Also is there a deadline for written submissions (including for my submission on behalf of the Appellants in the district court appeal) for consideration by the DRB?

Thanks,

Hess

Hessel E. Yntema III

Yntema Law Firm P.A.

215 Gold SW

Suite 201

Albuquerque, New Mexico 87102

phone 505-843-9565

fax 505-242-2879

e-mail hess@yntema-law.com

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On 11/12/2021 3:05 PM, Gould, Maggie S. wrote:

Here is the link:

<http://data.cabq.gov/government/planning/DRB/PR-2019-002496/>





MAGGIE GOULD
planning manager
land development coordination
o 505-924-3880
c 505-553-0682
e mgould@cabq.gov
cabq.gov/planning

Nicole,
Could you send me a copy of the site development plan application which will be the first part of the record?
Thanks,
Hess

Hessel E. Yntema III
Yntema Law Firm P.A.
215 Gold SW
Suite 201
Albuquerque, New Mexico 87102
phone 505-843-9565
fax 505-242-2879
e-mail hess@yntema-law.com



Nicole A. Sanchez
Assistant City Attorney
Esteban A. Aguilar Jr., City Attorney
One Civic Plaza NW | PO Box 2248 | Albuquerque, New Mexico 87103
Telephone: 505-768-4513 | Fax: 505-768-4525 | nasanchez@cabq.gov

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Subject: RE: Meeting regarding Alameda and Barstow Apartments Remand Hearing

From: "Sanchez, Nicole A." <nasanchez@cabq.gov>

Date: 11/2/2021, 3:03 PM

To: "Hessel E. Yntema III" <hess@yntema-law.com>, Jim Strozier <cp@consensusplanning.com>
Cc: Michael Vos <Vos@consensusplanning.com>, Peter Lindborg <plindborg@lmllp.com>

Hi Hess,

In response to your questions:

1. The record for the remand is the site development plan application and the Remand Order from the Court.
2. Part of my delay in responding has been in part because I am waiting to hear back from DRB staff regarding when the DRB comments will be available. Typically, the comments are available shortly before the meeting.
3. Please address your letter to DRB or DRB Chair, Mikaela Renz-Whitmore.
4. Yes, the 2018 IDO applies.
5. Attached are a copy of the DRB Rules of Procedure.

Thank you,
Nicole

Nicole Sanchez
Assistant City Attorney

From: Hessel E. Yntema III <hess@yntema-law.com>

Sent: Monday, November 1, 2021 8:35 AM

To: Sanchez, Nicole A. <nasanchez@cabq.gov>; Jim Strozier <cp@consensusplanning.com>

Cc: Michael Vos <Vos@consensusplanning.com>; Peter Lindborg <plindborg@lmllp.com>

Subject: Re: Meeting regarding Alameda and Barstow Apartments Remand Hearing

Nicole,
An additional request, could you send me a copy of the DRB Rules of Procedure, I am not able to locate those on the City website
Thanks,
Hess

Hessel E. Yntema III
Yntema Law Firm P.A.
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Suite 201
Albuquerque, New Mexico 87102
phone 505-843-9565
fax 505-242-2879
e-mail hess@yntema-law.com

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On 10/25/2021 2:26 PM, Sanchez, Nicole A. wrote:

Hi Hess,

I will follow up on your questions and be in touch soon.

Thank you,

Nicole Sanchez
Assistant City Attorney

From: Hessel E. Yntema III <hess@yntema-law.com>

Sent: Monday, October 25, 2021 11:38 AM

To: Sanchez, Nicole A. <nasanchez@cabq.gov>; Jim Strozier <cp@consensusplanning.com>

Cc: Michael Vos <Vos@consensusplanning.com>; Peter Lindborg <plindborg@lmllp.com>

Subject: Re: Meeting regarding Alameda and Barstow Apartments Remand Hearing

Nicole,

Some questions about the remand hearing process:

1. What is the record for the remand hearing at this point? It would be helpful to have a paginated record for reference for testimony and argument.
2. Will there be agency comments and a staff report available for review a reasonable period before the November 19 deadline to submit findings and conclusions?
3. To whom at the City should interested party comment letters be directed?
4. Has the DRB determined that the 2018 IDO (without subsequent amendments) applies for the remand hearing?

Thanks,
Hess

Hessel E. Yntema III
Yntema Law Firm P.A.
215 Gold SW
Suite 201
Albuquerque, New Mexico 87102
phone 505-843-9565
fax 505-242-2879
e-mail hess@yntema-law.com

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On 10/25/2021 9:44 AM, Sanchez, Nicole A. wrote:

Good morning,

The zoom link and call information for the December 3, 2021 remand hearing is below. Please include this information in the hearing notices.

<https://cabq.zoom.us/j/85499151537>

Meeting ID: 854 9915 1537

By phone +1 253 215 8782 or Find your local number: <https://cabq.zoom.us/j/kXRilHhhy>

Thank you,

Nicole Sanchez
Assistant City Attorney

From: Sanchez, Nicole A.

Sent: Friday, October 22, 2021 2:40 PM

To: 'Jim Strozier' <cp@consensusplanning.com>; 'Hessel E. Yntema III' <hess@yntema-law.com>

Cc: 'Michael Vos' <Vos@consensusplanning.com>; Peter Lindborg <plindborg@lmlp.com>

Subject: RE: Meeting regarding Alameda and Barstow Apartments Remand Hearing

Mr. Strozier and Mr. Yntema,

I am following up on our meeting this morning regarding the DRB remand for the Alameda and Barstow apartments site development plan.

1. Hearing Date. The DRB remand hearing on this application will be heard on Friday, December 3, 2021 at 9:00 a.m. I will forward the zoom link within the next couple of business days.
2. Notice. The City will not require the pre-application meetings identified in 2018 IDO, Table 6-1-1. Please provide public notice of the hearing, as required in 2018 IDO, Table 6-1-1 and further defined in Section 6-4(K). The City will provide published notice in the Albuquerque Journal for at least 15 consecutive days before the hearing.
3. Findings and Conclusions. The City invites both parties to provide proposed findings and conclusions of law on the application no later than November 19, 2021.
4. Ex Parte communications with DRB members are prohibited. If you have questions regarding the merits of the application, please contact me and copy the other party. The DRB alternate members who will hear this case are:
 1. Mikaela Renz-Whitmore, Planning Manager
 2. Curtis Cherne, Principal Engineer
 3. Matt Grush, Senior Engineer
 4. Laurie Firor, Planning and Design Division Manager, Parks and Recreation
 5. Blaine Carter, ABCWUA
 6. Code Enforcement member TBD

Please let me know if you have any additional questions.

Thank you,

Nicole Sanchez
Assistant City Attorney

From: Sanchez, Nicole A.
Sent: Wednesday, October 13, 2021 11:23 AM
To: 'Jim Strozier' <cp@consensusplanning.com>; Hessel E. Yntema III <hess@yntema-law.com>; Peter Lindborg <plindborg@lmlp.com>
Cc: Michael Vos <Vos@consensusplanning.com>
Subject: RE: Meeting regarding Alameda and Barstow Apartments Remand Hearing

Great, thank you both for responding. I will send a calendar invite for Friday, Oct. 22 at 10:00 am with a zoom link soon.

Thank you,
Nicole

From: Jim Strozier <cp@consensusplanning.com>
Sent: Wednesday, October 13, 2021 9:20 AM
To: Hessel E. Yntema III <hess@yntema-law.com>; Sanchez, Nicole A. <nasanchez@cabq.gov>; Peter Lindborg <plindborg@lmlp.com>
Cc: Michael Vos <Vos@consensusplanning.com>
Subject: RE: Meeting regarding Alameda and Barstow Apartments Remand Hearing

Nicole,

I can only meet on Friday morning next week, but am available Wednesday and Thursday afternoon as well. I am out of the office on Monday and Wednesday morning is DRB and Thursday is EPC.

Jim Strozier, FAICP
Consensus Planning, Inc.
302 8th Street NW
(505) 764-9801

From: Hessel E. Yntema III <hess@yntema-law.com>
Sent: Wednesday, October 13, 2021 8:02 AM
To: Sanchez, Nicole A. <nasanchez@cabq.gov>; Jim Strozier <cp@consensusplanning.com>; Peter Lindborg <plindborg@lmlp.com>
Subject: Re: Meeting regarding Alameda and Barstow Apartments Remand Hearing

Nicole,
Best for me would be in the morning, any day next week except Tuesday is OK at this point
Thanks,
Hess

Hessel E. Yntema III
Yntema Law Firm P.A.
215 Gold SW
Suite 201
Albuquerque, New Mexico 87102
phone 505-843-9565
fax 505-242-2879
e-mail hess@yntema-law.com

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On 10/12/2021 1:24 PM, Sanchez, Nicole A. wrote:

Hello,

I hope this email finds you well. The City of Albuquerque has reviewed the District Court's remand Order in *Baehr v. City of Albuquerque* and is prepared to hear the site development plan application for the proposed Alameda and Barstow apartments. I would like to set up a virtual meeting for us to discuss the DRB process and timeline. Would you please send me a few times that would work best for you? If possible, I hope we can find a time in the next week or so.

Jim, at our meeting, would you be able to give us a timeline of when the applicant would be prepared to return to DRB?

Many thanks,

Nicole

**Nicole A. Sanchez***Assistant City Attorney***Esteban A. Aguilar Jr., City Attorney**

One Civic Plaza NW | PO Box 2248 | Albuquerque, New Mexico 87103

Telephone: 505-768-4513 | Fax: 505-768-4525 | nasanchez@cabq.gov

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Attachments:

DRBRulesProcedures2013.pdf

188 KB

**BEFORE THE CITY OF ALBUQUERQUE
LAND USE HEARING OFFICER**

APPEAL NO. AC-18-20

Project #PR-2018-001402-VA-2018-00173

**DEVIN DULLEA, SCOT MOYE,
BARBARA TEGTMEIER,
LYNLEY L. MOYE,
SUSAN CHAUDOIR,
KATHY ADAMS,
JONATHAN ABDALLA, and
BECKY DAVIS, Appellants,**

and,

**GAMMA DEVELOPMENT, LLC, and
CONSENSUS PLANNING, Party Opponents.**

I. BACKGROUND & HISTORY

This is an appeal from a decision of the Development Review Board (DRB) granting a variance to the subdivision access and connectivity requirements of the IDO. After reviewing the record, including New Mexico case law and City Rules of the DRB, hearing arguments from the parties' attorneys, and testimony at an extended Land Use appeal hearing, I find that this matter must be remanded to the DRB to rehear the application anew. As described in more detail below, I also find that the decision of the DRB lacks the support of substantial evidence in the record; and I find that the DRB failed to allow for the opportunity for cross examination during its public hearing.



10 This matter generally concerns a site plan for a 74-lot subdivision on 23-acres of land
11 located east of Namaste Road, N.W. and South of La Bienvenida Place, N.W. [R. 20].
12 Specifically, the appeal concerns the DRB's handling of an application for at least one
13 variance to the subdivision street access and connectivity requirements of the IDO.

14 The relevant history gathered from the record and from the appeal hearing is as follows.
15 Sequentially, it appears that planners with Consensus Planning and Gamma Development,
16 LLC (Party Opponents) met with City Planning Staff in a pre-application review team
17 meeting (PRT) to discuss the proposed site plan and street layout within the site plan. In
18 testimony at the Land Use Appeal hearing, Consensus Planning Principal, James Strozier
19 testified that he had submitted a site plan to the Environmental Planning Commission (EPC)
20 apparently for site plan approval, variances, and street layout. I note that the record of this
21 appeal lacks the PRT meeting notes that usually accompany City planning records in appeals.
22 During the EPC application process, but after the PRT meeting, City Planning Staff then
23 informed Mr. Strozier that the DRB, not the EPC, decides connectivity (street) variance(s).
24 Apparently, Mr. Strozier was advised by City Planning Staff for the EPC to apply to the DRB
25 for two variances: one, for block length and the other, for cul de sac stub-street requirements
26 of the IDO. Evidently, sometime later in the DRB application process, Mr. Strozier learned
27 from City Planning Staff that the two variances were not needed—only one was required and
28 only for connectivity of the proposed internal subdivision streets to adjacent existing
29 subdivision streets.

30 Under this back drop, the record shows that the Party Opponents met with area
31 neighbors and seven affected neighborhood association representatives and members on

32 August 20, 2018 in a City-sponsored facilitated meeting where the variances were discussed
33 [R. 45].¹ Then on October 20, 2018, Consensus Planning agents applied to the DRB for the
34 variances that they believed were necessary for the proposed layout of the streets within the
35 proposed subdivision [R. 30]. The record indicates that Consensus Planning revised their
36 variance request with the DRB two times, apparently to conform to changing advice that they
37 had received regarding the connectivity requirements under the IDO [R. 72-79].

38 Then, on December 5, 2018, the DRB held a public hearing on the revised variance
39 request and approved it [R. 80]. The single variance request decided by the DRB concerned
40 the requirement of IDO §14-16-6-5-3(E)(2)(a). The record reflects that after the hearing on
41 December 7, 2018, the DRB issued its official notification of decision memorializing the
42 approval of the requested variance [R. 20]. This timely appeal followed on December 20,
43 2018 [R. 8].

44 Appellants are a group of City residents, including some who reside within 100 feet of
45 the proposed subdivision. Appellants and the Party Opponents are represented by counsel.
46 In this appeal, Appellants raise several issues in support of their appeal. In short, they allege
47 that the record lacks substantial evidence, and they claim that the DRB conducted its hearing
48 in violation of the New Mexico Open Meetings Act and in violation of the IDO. Appellants
49 also claim that variance provisions of § 14-16-6-6(L)(3)(a) conflict with what is minimally
50 required for a zoning variance under established New Mexico law.

51

1. The seven affected neighborhood association are Andalucia Home Owners Association, La Luz Landowners Association, Oxbow Village Home Owners Association, Rancho Sereno Neighborhood Association, SR Marmon Neighborhood Association, Taylor Ranch Neighborhood Association, and West Side Coalition of Neighborhood Associations.

II. Standard of Review

A review of an appeal is a whole record review to determine whether the DRB acted fraudulently, arbitrarily, or capriciously; or whether the DRB's decision is not supported by substantial evidence; or if the DRB erred in applying the requirements of the IDO, a plan, policy, or regulation [IDO, § 14-16-6-4(U)(4)]. At the appeal level of review, the decision and record must be supported by substantial evidence to be upheld. The Land Use Hearing Officer (LUHO) may recommend to the City Council that an appeal be affirmed in whole or in part or reversed in whole or in part. The LUHO has authority to remand an appeal and set out the matters to be reconsidered [IDO, § 14-16-6-4(U)(3)(d)].

III. Discussion

A. Zoning Variance Thresholds

Before discussing the substantive issues as they apply to the facts of this appeal, Appellants' challenge to the DRB variance requirements of the IDO must be addressed. First, Appellants correctly contend that zoning variances under NMSA, 1978 § 3-21-8(C)(1) sets out the minimum criteria for approving variances under municipal and county zoning ordinances. Under New Mexico law and under § 3-21-8(C)(1), zoning variances must meet minimum thresholds including "unnecessary hardship," which is a term that has special meaning as it applies to zoning variances under § 3-21-8(C)(1). In short, the tests for unnecessary hardship revolves around two sets of factual questions: 1) Is the land at issue "distinguishable from other property that is subject to the same zoning restrictions;" and 2) because of the distinctions, will the owner "be deprived of a reasonable return on his or her

property under any use permitted by the existing zoning classification” without the variance sought [*Downtown Neighborhoods Ass'n v. City of Albuquerque*, 1989-NMCA-091, at ¶ 22]. The Court in *Downtown Neighborhoods Ass'n* was careful to allow flexibility to local decision-making bodies to decide what qualifies as a hardship. The key take-away from the *Downtown Neighborhoods Ass'n* case is that for the Court, unnecessary hardship in § 3-21-8(C)(1) must flow from the distinguishing conditions of the land as compared to other land in the area. Thus, it must be shown that the hardship is caused by special conditions attributable to the land that are not similarly shared by surrounding landowners. The applicant must then show that without the variance those special conditions impact the owner’s use of the land in a manner that can be considered a deprivation of a reasonable return under any allowed use of the land. What qualifies as a hardship is a factual question. To satisfy the *Downtown Neighborhoods Ass'n* and therefore § 3-21-8(C)(1), a zoning variance ordinance must have benchmarks to flesh out whether the condition(s) of the property for which the variance is sought for, is truly exceptional or distinguishable in some marked way and whether the condition affects the property more harshly than other properties under the ordinance, creating a particular hardship and depriving the owner of a reasonable return. This is the fundamental issue that must be resolved for granting a zoning variance that satisfies State law. As long as these tests are embedded in a zoning variance ordinance, the ordinance satisfies State law.

B. The Connectivity Variance is Not a Zoning Variance

I find that the DRB variance tests at issue in this appeal are not of the kind of variances

that are triggered under § 3-21-8(C)(1) and therefore the strict paradigms of a zoning variance discussed in *Downtown Neighborhoods Ass'n.* are inapplicable to the kind of variance at issue in this appeal. In short, the variance at issue in this appeal flows from the authority granted to the City by the State to regulate subdivisions and planning, not zoning. There is a clear distinction of these authorities and concepts that is recognized under New Mexico law. [See generally *City of Carlsbad v. Caviness*, 1959-NMSC-089].

The precise variance at issue in this matter has nothing to do with the uses, buildings, structures, building envelopes, and densities of uses in a zone. The variance at issue in this appeal is literally one regarding technical subdivision requirements of access and connectivity of streets between subdivisions, and it must not be conflated as a zoning variance.

A closer look at the IDO, reveals that the IDO cannot be classified as only a zoning code. To do so would be a mistake because it regulates more than what is regarded traditionally as zoning matters. Moreover, the IDO must be interpreted with the assumption that in enacting the IDO, the City Council sought to comply with State law provisions “on the same subject[s]” [IDO § 14-16-1-2].

The recent enactment of the IDO marked the conclusion of a note-worthy, lengthy, and comprehensive overhaul of how City officials handle land use and development. It is indisputable that the IDO is much more than a zoning tool. Because the IDO integrates development standards, zoning, subdivision regulations, and long-range planning elements from the previous sector development plans, it is considered by its authors to be a modernization of both zoning and planning in the City [See IDO, NOTES TO USERS and the

118 GENERAL PROVISIONS of § 14-16-1]. Thus, the IDO is not limited to purely zoning
119 regulations. It is a tool box with tools for zoning, tools for subdivision review, and even tools
120 to achieve planning objectives and strategies of the numerous sector development plans it
121 replaced.

122 The variance at issue in this appeal is a case in point to the propositions that the IDO
123 has various land use functions aside from zoning. In the IDO, the DRB is responsible for a
124 wide-array of matters, including “reviewing private development to ensure [that] technical
125 standards have been met pertaining to land use, zoning, infrastructure, and transportation”
126 [IDO, § 14-16-6-2(D)]. In this case its role was to decide on an application for a variance
127 specifically to a subdivision rule in a part of the IDO that concerns subdivision street access
128 in and through new subdivision development [See IDO, Part § 14-16-5-3, Access and
129 Connectivity]. The clearly demarcated purposes of Part 14-16-5-3 of the IDO is:

130 to improve connectivity in existing and future development areas by:

- 131
- | | | |
|-----|-----------|--|
| 132 | 5-3(A)(1) | Encouraging transportation connections consistent with |
| 133 | | long-range system maps. |
| 134 | 5-3(A)(2) | Providing adequate street connectivity. |
| 135 | 5-3(A)(3) | Supporting a multi-modal transportation network. |
| 136 | 5-3(A)(4) | Ensuring convenient and efficient access to current and |
| 137 | | future neighborhoods. |
| 138 | 5-3(A)(5) | Mitigating the traffic impacts of new development. |
| 139 | 5-3(A)(6) | Reducing vehicle miles traveled. |
| 140 | 5-3(A)(7) | Increasing the effectiveness of local service delivery and |
| 141 | | reducing emergency response times.” |
| 142 | | |

143 The regulation from which the applicant sought a variance is § 14-16-5-3(E)(2),
144 Connections to Adjacent Land which states in full:

145 Where adjacent land has been subdivided with stub streets ending adjacent
146 to a new subdivision, or with a local street ending at a street dividing the
147 new subdivision, the new subdivision streets shall be designed to align the

148 streets in the adjacent subdivision to allow through circulation between the
149 2 adjacent subdivisions.
150

151 This section and Part 14-16-5-3 of the IDO are distinctly not zoning provisions. They are
152 subdivision provisions having to do with street access and connectivity only. Thus, there can
153 be no question that the variance at issue in this appeal is not a zoning variance. Section § 3-
154 21-8(C)(1) regulates only zoning variances and falls within the ambit of the zoning enabling
155 statute. It is therefore inapplicable in this appeal.
156

157 ***C. The DRB Record Lacks Meaningful and Substantial Evidence***

158 Appellants also claim that the DRB decision approving the variance lacks factual
159 support in the record. I agree. The record lacks substantial evidence to support the findings
160 and conclusions in the decision. The DRB made conclusory findings of special circumstances
161 and extraordinary hardship in its decision [R. 21]. Yet, there is little factual support in the
162 record to support the conclusions. The DRB took almost no testimony from the applicant's
163 agents at the public hearing [R. 81-82; 87]. The only evidence in the record to support the
164 decision is the site plan and a short narrative from Consensus Planning regarding the
165 necessity for the variance [R. 62-67].

166 Moreover, although the DRB official decision includes what ostensibly are City "Staff
167 comments," the DRB did not take substantive testimony or comments from City Staff
168 Planners at the public hearing. The source of the "Staff comments" in the decision are not in
169 the record and are unknown. As discussed below, because the DRB seemingly relied on
170 "Staff comments" that evidently are not in the record, it appears to have violated IDO, § 14-

16-6-4(M)(3)(c)(2) which prohibits *ex parte* communications. I also note that under the IDO, DRB variance applications must be reviewed by City Planning Staff and Staff must also “forward a recommendation to the DRB” [IDO, 14-16-6-6(L)(2)(a)(2)]. If a recommendation or report was created and forwarded to the DRB in this matter, it is not in the record.

D. The DRB’s Function under the IDO

Appellants also allege several infractions of due process during the DRB hearing in this matter. They allege that cross examination was prevented, that the DRB held closed discussions (in violation of the Open Meetings Act (OMA)), and that the DRB Chair had *ex parte* communications with the applicants’ agent regarding how the DRB would judge the application. The Applicants’ attorney contends that the DRB is not subject to the OMA, nor is it required to allow cross examination, and that *ex parte* communications regarding the application are permissible because DRB members serve dual roles in City Government as Staff and as quasi-judicial decision makers.

Before addressing the substance of the allegations and defenses, a brief discussion regarding the role of the DRB and its legal place in City government is in order. Under the IDO, the DRB is a City board:

made up of staff members from City departments and agencies relevant to reviewing private development to ensure technical standards have been met pertaining to land use, zoning, infrastructure, and transportation [IDO, § 14-16-6-2(D)].

Members include the Planning Director (or designee) who serves as the Chair, the City Engineer, the Zoning Enforcement Officer, a representative from the Parks and Recreation Department and a representative from the Albuquerque Bernalillo County Water Utility

196 Authority (ABCWUA) [IDO, § 14-16-6-2(D)(1)]. The DRB was originally charged with
197 administering the City Subdivision Ordinance [DRB Rules of Proc., 1982, rev. 2003]. Under
198 the IDO, the DRB's charge has changed slightly, but its primary responsibility still involves
199 deciding on the details of site plans, vacating streets, and reviewing applications for a special
200 class of variances like the one at issue in this appeal [See IDO, Table 6-1-1].

201 It is an inescapable conclusion that the DRB as a public body is not only subject to the
202 OMA, but it is also most-clearly a "decision-making body" under the IDO [IDO, § 14-16-6-
203 2(D)]. It performs discretionary decision-making functions regarding individual property
204 rights, and therefore, under the IDO it is a quasi-judicial administrative body. The IDO states:

205 decisions that would result in changes to property rights or
206 entitlements on a particular property or affecting a small area, or are
207 otherwise not considered legislative decisions involving policy or
208 regulatory changes that would apply citywide or to a large area, the
209 decision-making body shall conduct a quasi-judicial hearing to make
210 a discretionary decision [IDO, 14-16-6-4(M)(3)].
211

212 The DRB's public hearing review of the connectivity variance in this appeal fits
213 squarely into this nomenclature for quasi-judicial hearings. The variance at issue concerns a
214 site plan affecting a particular property (three adjoining tracts of land), of which concerns an
215 attempt to change property rights regarding the internal streets under a regulatory scheme in
216 the IDO (street connectivity requirements). These are discretionary functions of the DRB
217 that necessarily include the public's participation. And despite the argument of the
218 Applicants' counsel that the public's role in these processes is merely to observe, the DRB
219 acting in its quasi-judicial role, among other requirements must allow for cross examination

220 and comment.² This is what is minimally contemplated in § 14-16-6-4(M)(3)(b) of the IDO
221 for quasi-judicial hearings which states in relevant part:

222 A party to the hearing *shall be afforded an opportunity* to present
223 evidence and argument and *to question witnesses* on all relevant
224 issues, but the decision-making body may impose reasonable
225 limitations on the number of witnesses heard, and on the nature and
226 length of their testimony and questioning. (Emphasis added.)
227

228 Thus, the opportunity that must be afforded is cross examination, and it cannot be left to
229 fortuity. The burden to request it cannot be placed on the public's shoulders to request it as
230 suggested by the Applicants' attorney. As a matter of procedural fairness, § 14-16-6-
231 4(M)(3)(b) requires the Chair to take affirmative action to assign or designate time for cross
232 examination in whatever form is appropriate or noticed.³ Thus, the Chair must reasonably
233 alert the public of the opportunity and meaningfully contribute time for it.

234 In this appeal, the record supports a finding that the Chair took steps to allow for cross
235 examination, but the opportunity was circumvented when the public was told that the DRB
236 "rules allow for comments." I find that because the statement was made by the DRB's
237 assigned attorney, the statement carried the authority of more than a suggestion that cross
238 examination is not allowed [R. 83]. Even in a light that favors the Applicants' position that
239 the DRB's attorney did not expressly prevent cross examination, there was nevertheless no
240 opportunity given to the public for cross examination. And although the 2003 revised DRB
241 rules do not contemplate cross examination, the IDO clearly requires it for quasi-judicial

2. There are no allegations that the DRB prevented the public from voicing their concerns through comments.

3. For example, the EPC allows for cross examination by written questions submitted to the Chair. If questions are directed to a specific witness who testified, the Chair reads the question publicly and directs the witness to respond. If the question is not directed to a witness, the Chair asks Planning Staff to respond.

bodies.

Regarding the Appellants' OMA claims, Appellants claim that the DRB closed its hearing assertedly without following the processes prescribed by the OMA. The Applicants dispute this, but also take the indefensible position that the DRB's public meetings are not subject to the OMA, NMSA 1978, § 10-15-1(B).

The OMA is the "sunshine law" in New Mexico that was enacted to open meetings of governmental bodies to allow maximum transparency of government decision making. The core requirements of the OMA prohibit public body members from conferring privately during meetings except in the manners prescribed in the Act. A close reading of the OMA brings bodies that perform administrative adjudicatory functions like the DRB into its fold [§ 10-15-1(B)]. Generally, meetings may only be closed when the matter to be considered falls within one of several exceptions in the OMA.

After examining the role and functions of the DRB, I first find that it is an inescapable conclusion that the DRB is subject to the OMA. The OMA is plainly applicable to the DRB in all its public hearing functions under the IDO. After examining the record in detail, I also find that the evidence demonstrates that the DRB violated the OMA but only in not voting to close the meeting—a technical and harmless transgression in this circumstance. I note first that the purpose of the closure was to purportedly examine the IDO as it applied in a manner suggested by a witness who testified at the hearing. The evidence supports this claim. The DRB Chair did close its meeting purportedly to allow the Chair to "look at" a section of the IDO presumably to address the witnesses concern [R. 84-85 and 88]. I find nothing improper about this. Appellants suggest that because the DRB voted on the application soon

264 after it reconvened from its closure, the DRB must have closed it for an improper purpose.
265 Without introducing conjecture, I cannot make that leap with Appellants. Notably however,
266 after reconvening the hearing, the Chair apologized for the “lengthy pause” and noted that
267 “[b]ased on some of the comments that were made we needed to discuss those issues
268 separately” [R. 88]. However, without more, I have to assume that the closed discussion
269 revolved around the publicly asserted purpose for closing the hearing in the first place, which
270 again was not improper.

271 Appellants also suggest that the process in which the DRB closed the hearing also
272 violates the OMA because it did not vote on the closure or identify with any specificity the
273 exact purpose it closed the hearing. I agree only that the lack of a vote is a technical violation,
274 but it is a harmless violation in this circumstance because there are no indications from the
275 record that other members of the DRB did not agree with the Chair’s decision to take the
276 “break” in the meeting. The purpose of the closure, as indicated above, was made public. On
277 remand, however, the DRB should take greater care to decide as a body to go to a closed
278 session.

279
280 ***E. The Post Decision Discussion Alleged by Appellants was not an Ex Parte***
281 ***Communication***

282 Finally, Appellants allege that the DRB chair engaged in an inappropriate *ex parte*
283 communication with the Applicants’ agent. As proof of the alleged communication,
284 Appellants submitted an affidavit from one of the Appellants who testified through the
285 affidavit that she heard the Chair reassure the Applicants’ agent, James Strozier, that “you
286 don’t have to worry” and “you’ve got a good guy on this case” [Chaudoir Aff., ¶ 3]. However,
287

in the affidavit, Ms. Chaudoir also affirms that the alleged assurances were made “after the hearing was adjourned” [Chaudoir Aff., ¶ 2]. The obvious question it raises is why would the Chair give such assurances when the DRB had already decided the application and approved the variance? [R. 89]. At the LUHO hearing, James Strozier testified under oath that he and the DRB Chair did converse after the hearing, but only to discuss technical details of the connectivity language in the IDO and how that language affected the approved variance. In the absence of more evidence either way, I cannot find that the communication was inappropriate under the circumstances because at the time of the discussion, the variance was already approved, and the hearing had ended.

Because the DRB Chair and all members on the DRB are City Staff, they have a unique status of being required to help applicants in the application process as Staff and use their expertise and discretion to decide on the merits of applications in quasi-judicial public hearings. While these dual roles can place DRB members in precarious positions, I find that any discussion that took place after the hearing and after the variance was decided was not an *ex parte* communication. An *ex parte* communication is one that occurs “prior to a making a decision” [See IDO, § 14-16-6-4(M)(3)(c)].

IV. REMAND

As stated above, a remand of this matter back to the DRB to rehear the matter anew (*de novo*), is necessary. In a remand, if the DRB is to consider comments of Planning Staff, those comments must be in the record through testimony or by written report. The DRB must give the opportunity to cross-examine testimony in the hearing process, while being mindful it is

310 subject to the OMA. Moreover, it should also be mindful that while using its authority to
311 make decisions under the IDO, it should be cognizant about the unique dual role individual
312 members serve in and members should strive to avoid circumstances that would cast a
313 shadow on those dual roles.

314 After writing this decision/recommendation, a notice of withdraw of the variance
315 application was put into the record on March 28, 2019. After reviewing the withdraw notice,
316 I find that it has no effect on the appeal because it is the final decision of the DRB that was
317 appealed not the application. Moreover, there is no indication Appellant stipulated or
318 withdrew their appeal. It is for the DRB and ultimately the City Council to determine if the
319 appeal is moot.

320



Steven M. Chavez, Esq.
Land Use Hearing Officer

March 28, 2019

Copies to:

Appellants,
Party Opponents,
City Staff

Salas, Alfredo E.

From: Hessel E. Yntema III <hess@yntema-law.com>
Sent: Friday, November 19, 2021 8:48 AM
To: Gomez, Angela J.
Subject: Re: Letter and Exhibits re: DRB Remand for PR-2019-002496 (Alameda and Barstow)
Attachments: Index and 1-2.pdf

External

Angela,
My second e-mail yesterday with the exhibits did not get through to all recipients. Please let me know if you receive this e-mail.
Thanks,
Hess

Hessel E. Yntema III
Yntema Law Firm P.A.
215 Gold SW
Suite 201
Albuquerque, New Mexico 87102
phone 505-843-9565
fax 505-242-2879
e-mail hess@yntema-law.com

This communication is confidential and is intended only for the use of the individual or entity named above. If you have received this communication in error, please immediately destroy it and notify the sender by reply e-mail or by telephone (505) 843-9565 (call collect).

On 11/18/2021 2:25 PM, Gomez, Angela J. wrote:

Good afternoon Mr. Yntema,

This has been added to the record.

Best,
Angela ~



ANGELA GOMEZ

DRB hearing monitor
development review services

o 505.924.3946

e agomez@cabq.gov

cabq.gov/planning

From: Hessel E. Yntema III <hess@yntema-law.com>

Sent: Thursday, November 18, 2021 1:53 PM

To: Gomez, Angela J. <agomez@cabq.gov>; Michael Vos <Vos@consensusplanning.com>; Planning Development Review Services <PLNDRS@cabq.gov>; Renz-Whitmore, Mikaela J. <mrenz-whitmore@cabq.gov>; Grush, Matthew P. <mgrush@cabq.gov>; Carter, Blaine M. <bcarter@abcwua.org>; Cherne, Curtis <CCherne@cabq.gov>; Firor, Laurie <lfiror@cabq.gov>; Webb, Robert L. <rwebb@cabq.gov>

Cc: Jim Strozier <cp@consensusplanning.com>; Sanchez, Nicole A. <nasanchez@cabq.gov>; Peter Lindborg <plindborg@lmllp.com>; Philip Lindborg <phillindborg@comcast.net>

Subject: Letter and Exhibits re: DRB Remand for PR-2019-002496 (Alameda and Barstow)

External

Ms. Gomez,

Attached is a letter on behalf of various opponents of the proposed site plan for the referenced project. I will send the exhibits referenced in the letter in a separate e-mail. Please place these papers in the record for the December 3, 2021 DRB meeting and advise by e-mail response if the papers have been placed in the record.

Thanks,

Hess

Hessel E. Yntema III
Yntema Law Firm P.A.
215 Gold SW
Suite 201
Albuquerque, New Mexico 87102
phone 505-843-9565
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This communication is confidential and is intended only for the use of the individual or entity named above. If you have received this communication in error, please immediately destroy it and notify the

sender by reply e-mail or by telephone (505) 843-9565 (call collect).

On 11/15/2021 9:53 AM, Gomez, Angela J. wrote:

Good morning,

The information for the above referenced case has been added to the record.

Best,
Angela ~



ANGELA GOMEZ
DRB hearing monitor
development review services
o 505.924.3946
e agomez@cabq.gov
cabq.gov/planning

From: Michael Vos <Vos@consensusplanning.com>
Sent: Monday, November 15, 2021 9:46 AM
To: Planning Development Review Services <PLNDRS@cabq.gov>; Renz-Whitmore, Mikaela J. <mrenz-whitmore@cabq.gov>; Grush, Matthew P. <mgrush@cabq.gov>; Carter, Blaine M. <bcarter@abcwua.org>; Cherne, Curtis <CCherne@cabq.gov>; Firor, Laurie <lfiror@cabq.gov>; Webb, Robert L. <rwebb@cabq.gov>
Cc: Jim Strozier <cp@consensusplanning.com>; Sanchez, Nicole A. <nasanchez@cabq.gov>; Peter Lindborg <plindborg@lmllp.com>; hess@yntema-law.com; Philip Lindborg <phillindborg@comcast.net>; Gomez, Angela J. <agomez@cabq.gov>
Subject: DRB Remand Documentation for PR-2019-002496 (Alameda and Barstow)

External

Good morning,
Please find a supplemental submittal for the December 3, 2021 DRB remand hearing that includes documentation of public notice here:
<https://www.dropbox.com/t/qcCdGUgPsP3r9b0a>

Please let me know if there are any questions or concerns.

Thanks,
Michael Vos, AICP
CONSENSUS PLANNING, INC.
302 Eighth Street NW
Albuquerque, NM 87102
phone (505) 764-9801
vos@consensusplanning.com

STATE OF NEW MEXICO
COUNTY OF BERNALILLO
SECOND JUDICIAL DISTRICT

KAREN BAEHR, JOE O'NEILL, SHANNON BACA,
RANDOLPH BACA, JENNIFER WEVER, PAUL
WEVER, JUANITA DURAN, MARIA LUZ SCARPA,
PAUL SCARPA, NANCY JONES, STEPHEN M. WRAY,
AMBER LE, PHILLIP LE, DONNA SAUTER, DAVID
SAUTER, KATHLEEN L. BUTLER, MICHAEL S.
SHACKLEY, ANNE M. DOWNING, DAVID L. DOWLING,
VINEYARD ESTATES NEIGHBORHOOD ASSOCIATION,
NORTH ALBUQUERQUE ACRES COMMUNITY
ASSOCIATION, DISTRICT 4 COALITION OF
NEIGHBORHOOD ASSOCIATIONS, KNAPP HEIGHTS
NEIGHBORHOOD ASSOCIATION,

Plaintiffs-Appellants,

v.

CITY OF ALBUQUERQUE, a New Mexico municipal
corporation,

Defendant-Appellee,

and

CONSENSUS PLANNING, INC., agent(s) for PHILIP
LINDBORG and BELLA TESORO, LLC, and GUISEPPE
MATONTI and ANNA MATONTI, TRUSTEES, MATONTI
FAMILY TRUST,

Interested Parties.

D-202-CV-2020-03644

OPINION and ORDER

This matter concerns Defendant-Appellee City of Albuquerque's (the City) approval of Interested Parties Consensus Planning, Inc., Philip Lindborg and Bella Tesoro, LLC's (the Developers) application to develop a ninety-three-dwelling-unit apartment complex and the City's

denial of surrounding neighborhood associations and abutting or nearby individual property owners Plaintiffs-Appellants' appeal of that decision. Appellants appealed to this Court in its appellate capacity under NMSA 1978, § 39-3-1.1(D) (1999) and Rule 1-074(R) NMRA. Additionally, Appellants invoked this Court's original jurisdiction pursuant to the Declaratory Judgment Act.

The Court reverses the City's determination in its appellate capacity, concluding that the decision was not in accordance with the law requiring a quasi-judicial hearing, and remands the matter for further proceedings consistent with this Opinion. As a result, the Court does not consider Appellants' other appellate issues or the issues presented pursuant to the Declaratory Judgement Act.

Facts and Background

In 2018, the City's Integrated Development Ordinance (IDO) became effective. Appellants explain that, prior to the IDO, the Developers' subject property was zoned SU-2/C-1, and would have required a conditional use permit application through the Environmental Planning Commission (EPC) for the type of application at issue. They further note that, under the IDO, the subject property was zoned MX-L, while the abutting lots were zoned MX-T. The City apparently established a "legislative rezoning process" through the IDO by which owners of certain lots, including Appellants owning homes on Tierra Morena NE abutting the subject site, could apply for R-1B zoning in order to receive protections of the IDO "Neighborhood Edges" provisions. Appellant Juanita Duran, along with other Appellants, applied for legislative rezoning of their lots. Duran submitted her application for rezoning to R-1B on October 26, 2018.

The underlying facts and proceedings relevant to the appeal do not appear to be in dispute. In April 2019, the Developers notified the affected neighborhood associations of their intent to

submit a site plan for review by the City's Development Review Board (DRB) for a proposed ninety-three-dwelling-unit, multiple-family project at the corner of Alameda Boulevard and Barstow Street, NE, in Albuquerque. **[RP at 3, 5-6]** The City facilitated a meeting with the Developers, neighborhood residents, and association representatives on May 21, 2019. **[RP at 6]**

On June 17, 2019, the Developers and the Planning Staff held a meeting for a required pre-application discussion to review the process and application requirements. **[RP at 6]** On that date, the Developers submitted their application to the Planning Department for a subdivision plat and for site plan review. **[RP at 6]** While there is disagreement as to whether the application was deemed complete in June or July, 2019, the Land use Hearing Officer (LUHO) stated that the application was accepted and scheduled for the next DRB public meeting, July 17, 2019. **[RP at 6]**

At the July 17, 2019, DRB meeting, multiple speakers commented on the application. **[RP at 7]** The DRB Chair deferred a decision and notified the attendees that the application would be heard at the DRB's August 14, 2019, meeting. **[RP at 7]**

Appellants' attorney notified the DRB on August 7, 2019, that the City Council approved the Phase 2, Batch 1 conversion zone changes, including a zone change for Duran' lot on Tierra Morena Place, to R-1B zoning. **[RP at 7]** Appellants' attorney argued that this zone change required application of the IDO's Neighborhood Edges provision, as this lot qualifies as a "protected lot" abutting the Developers' property. **[RP at 7]**

The DRB considered the Developers' application at its August 14, 2019, meeting. **[RP at 7]** The DRB allowed unsworn testimony from the Developers' agents and did not allow for cross-examination. **[RP at 7]** The DRB noted deficiencies in the site plan and again deferred a decision, informing attendees that the matter would be taken up at its September 11, 2019, public meeting,

in order to give the Developers additional time to address issues raised. **[RP at 7]**

The DRB approved the application at the September 11, 2019, meeting. **[RP at 8]** It found that “[t]he abutting property to the south is zoned MX-T,” determining that the Neighborhood Edge requirements therefore did not apply. **[RP at 686]**

The Planning Director issued an Inter-Office Memorandum October 11, 2019. **[RP at 679]** He recounted that the July 17 and August 14 DRB meetings deferred action on the application because outstanding issues needed to be addressed prior to any action. **[RP at 680]** The Planning Director stated that, following a supplemental submittal by the Developers, the DRB agreed by consensus that the updated site plan met all applicable requirements. **[RP at 680]** He addressed Appellants’ argument regarding the Neighborhood Edges provision:

Following further research after the filing of the appeal, it appears that the Batch 1 voluntary zone change request made by the owner of Lot 5-P1, Tierra Morena Subdivision from MX-T Mixed-use-Transition to R-1 Residential-Single-family became effective on September 8, 2019. The DRB did not approve the site plan for the 93-unit apartment project until three (3) days later on September 11, 2019. Consequently, the “Neighborhood Edges” provision intended to protect residentially zoned lots containing low density residential development as outlined in Section 14-16-5-9 should have been considered.

[RP at 681]

Relevant to DRB proceedings, the IDO provides that the City’s decision-making bodies “shall conduct a quasi-judicial hearing” for “decisions that would result in changes to property rights or entitlements on a particular property or affecting a small area, or are otherwise not considered legislative decisions involving policy or regulatory changes that would apply citywide or to a large area.” Ordinance § 14-16-6-4(M)(3). The City currently appears to concede that its DRB is a “Review and Decision-making Body” under the IDO for matters including the subject application, which would require the exercise of discretionary authority and a quasi-judicial hearing for site plan approval applications.

However, in May 2019, prior to submission of the Developers' application, the City adopted Enactment No. R-2019-035, a Resolution "Adopting Interim Procedures for the [DRB] until the First Annual Update to the [IDO] has been completed." Complaint, Ex. A. R-2019-035, purporting to amend or revise procedures under the IDO, provided that the "DRB is a staff board for technical reviews and does not make discretionary decisions or hold quasi-judicial hearings." Complaint, Ex. A. The City's application of R-2019-035 plainly resulted in substantial confusion for the present matter which necessitates reversal and remand.

Appellants timely appealed to City Council; City Council referred the matter to the LUHO. **[RP at 8]** The LUHO held a hearing on AC-19-16 October 31, 2019. **[RP at 1056]** Appellants' attorney argued that the matter required a quasi-judicial hearing because the DRB must determine whether the site plan is in compliance with the IDO, including infrastructure capacity, mitigation of burden, and consideration of significant adverse impacts and the surrounding area, discretionary decisions concerning a particular piece of property. **[RP at 1064]** Concerning whether a quasi-judicial hearing before the DRB was required, the LUHO expressed that he "believ[ed his] hands are pretty much tied" regarding R-2019-035. **[RP at 1063]** As to Appellants' argument that MX-L is titled "low density" under the IDO and thus should be low density, the LUHO stated: "In a remand, it would be [that the] DRB can't use substantive discretion under [R-2019-035] or else it becomes quasi-judicial. That's what the purpose of [R-2019-035] is, to make sure the DRB doesn't act in something more than its ministerial capacity," as a result, he could not "recommend that the DRB act discretionary with density because that would violate [R-2019-035]." **[RP at 1068-69]** Similarly, with regard to Appellants' argument that the Open Meetings Act (OMA) also applied to the DRB, the LUHO stated that he understood "that was the reason why [R-2019-035] was created, to allow the technical department heads to meet with the applicants" outside of public

meetings. **[RP at 1085]** Jolene Wolfley, the Planning Department representative, opined that the position of the Planning Department was that the Neighborhood Edges provision should have been considered by the DRB, but the LUHO responded that, “under [R-2019-035], in a remand[,] the DRB can’t consider it. They have to apply it.” **[RP at 1088]** Wolfley explained

The DRB is not a policy-making board and performs no administrative adjudicatory functions regarding individual legal rights, duties and privileges. And thus, the DRB members do communicate with the public and applicants, and their meetings as you’ve referred to in [R-2019-035] are not considered quasi-judicial hearings. And by definition of the DRB and its purpose, the DRB staff members are required to communicate with the public and applicants. And the public also is welcome to contact DRB members and discuss things outside of a meeting.

[RP at 1089]

The LUHO determined that a remand was necessary because the vested rights approach applies equally to both sides, expressing that “[c]ertainly it may give more weight to what we call the protected lots under the IDO.” **[RP at 1098-99]** He indicated that he believed, although he recognized that his view might change, “that the standards and criteria language in [Section 1-10]” does not include “the external zoning,” instead applying “to what’s in the IDO, because that entire section speaks to the regulations in effect.” **[RP at 1099-1100]**

By a November 15, 2019, written remand order, the LUHO directed that the DRB rehear the application in order to swear in witnesses, allow cross-examination, and disclose ex parte communications. **[RP at 8]** The LUHO “narrowed down the issues by making recommendations on the legal issues,” but stated that, after reviewing the remand record in the second appeal, AC-20-2, he believed he should not have done so until after the DRB reheard the application on remand; although “complicat[ing] an already complicated appeal,” he found it “ultimately harmless.” **[RP at 8, & n.6 (emphasis omitted)]**

The DRB held a remand hearing January 8, 2020, again approving the application. **[RP at**

8] Appellants appealed a second time, and the matter was referred to the LUHO a second time. [RP at 8] Although a hearing was scheduled for March 24, 2020, New Mexico issued a public emergency declaration due to the pandemic. [RP at 8] Rejecting Appellants’ objections, a remote hearing was held April 16, 2020. [RP at 8]

The LUHO explained that Appellants’ appeal implicated R-2019-035, and that, as he previously found in the earlier appeal, AC-19-16, ex parte contacts were “a legislatively intended consequence” “and are expressly permissible” as a result of R-2019-035. [RP at 10] With regard to the January 8, 2020, DRB hearing, the LUHO found that the DRB substantially complied with the remand instructions, eliciting the ex parte communications. [RP at 10] The LUHO further rejected Appellants’ OMA arguments, determining that the ex parte contacts were not in violation. [RP at 10] The LUHO also rejected Appellants’ arguments concerning the DRB acting as a decision-making board and necessarily exercising discretion, which requires a quasi-judicial hearing, based on R-2019-035. [RP at 11] He explained that the City Council “clearly circumscribed considerable DRB discretion,” and “redefined the DRB’s function as a staff board for technical review rather than a quasi-judicial board that conducts hearings.” [RP at 11] “Prior to the enactment of R-2019-035, it was an inescapable conclusion that the DRB engaged in obvious substantive discretionary decision-making functions and was acting in a quasi-judicial nature. Moreover, previously, the DRB was included under the IDO as a quasi-judicial decision-making board.” [RP at 12] The LUHO stated that the question of “whether R-2019-035 is lawful and whether the DRB can operate outside of the quasi-judicial context and requirements under New Mexico case law” are “beyond [his] authority.” [RP at 12]

The LUHO rejected Appellants’ arguments as to the density of the project, the need for a traffic impact study, and other issues. [RP at 15-20, 26] He further rejected their argument that

the Neighborhood Edges provision applied, agreeing with the Developers that § 1-10(B) gave the Developers “somewhat of a protected status that acts to preempt the imposition of the Neighborhood Edges provisions,” because they have the right to have their application reviewed according to the standards and criteria in effect at the time their application was deemed complete, including the status of zoning districts in the IDO Zone Map as of that date. **[RP at 20]** The LUHO recounted that the Tierra Morena Place lots at issue carried MX-T zoning and were not zoned R-1B until August 5, 2019, after the Developers’ application was accepted and deemed complete. **[RP at 21]** The LUHO addressed Appellants’ argument that the Developers did not acquire a common law vested right until the DRB approved their application, concluding that the doctrine was inapplicable and that Section 1-10(B) was somewhat similar to legislative vesting. **[RP at 22-24]**

On May 18, 2020, the City Council held a meeting through Zoom video conference, broadcast on YouTube and GOVTV Comcast Channel 16, disallowing any presentation by the parties. **[RP at 1114]** Council Staff advised the City Council that “[t]here may be a need here to . . . cut out some of the language in the [LUHO] recommendation relating to a resolution that the Council previously approved.” **[RP at 1114]** The operative language of the LUHO proposed to be rejected was read, **[RP at 1117-19]** and Council Staff stated that issues as to R-2019-35 was unnecessary “to dispose of this appeal” because “[t]he only determination that needs to be made is whether or not due process . . . was afforded to the parties--which the LUHO determined that it was--and whether or not the site plan otherwise meets the requirements of the IDO.” **[RP at 1119-20]** The City Council voted, six for and two against, with one recused, to approve the site plan. **[RP at 1140]**

Discussion

The Court's standard of review is set out in Rule 1-074(R) NMRA. The Court considers whether the City acted fraudulently, arbitrarily, or capriciously; whether, based upon the whole record on appeal, the decision of the City is not supported by substantial evidence; whether the action of the City was outside the scope of authority of the agency; or whether the action of the City was otherwise not in accordance with law. *Cf. id.*

As discussed at length below, this matter was not in accordance with the law and must be remanded for a quasi-judicial hearing. Because the parties must proceed anew, the Court sets out the Neighborhood Edges issue to assure that the City fully considers, analyzes and explains the interaction of the IDO, the zoning of Appellants' property, and the applicable facts.

The IDO

The version of the IDO for the operative time period became effective May 17, 2018. § 14-16-1-5. "In enacting this IDO, the City intends to comply with the provisions of existing state law on the same subject, and the provisions of this IDO should be interpreted to achieve that goal." § 14-16-1-2. Among the stated purposes of the Ordinance is to "[e]nsure that all development in the City is consistent with the spirit and intent of any other plans and policies adopted by City Council," "[p]rotect the quality and character of residential neighborhoods," [p]romote the economic development and fiscal sustainability of the City," and to "[p]rovide for orderly and coordinated development patterns." § 14-16-1-3(B), (D), (E), & (H).

"This IDO applies to all private land in the City, and the owners and occupants of all land in the City are required to comply with the regulations of this IDO applicable to the zone district in which the property is located, except as noted in Subsection 14-16-1-4." § 14-16-1-4(A). "All development after the effective date of this IDO is subject to IDO standards." § 14-16-1-4(A)(1). "Development that existed prior to the IDO is subject to timeframes established for compliance

with IDO standards” § 14-16-1-4(A)(2). § 14-16-1-4(A)(3), “Approvals Granted prior to the IDO,” references Section 14-16-1-10 (Transitions from Previous Regulations).” (Bold omitted).

“If two or more of the regulations in this IDO conflict with each other, the more restrictive provision shall prevail, unless specified otherwise” § 14-16-1-8(A). “If any regulation in this IDO conflicts with other applicable laws or regulations of the City, or conflicts with applicable state or federal law, the more restrictive provision shall prevail, unless the provisions of state or federal law, as interpreted by the courts, prevent that result.” § 14-16-1-8(B).

Subsection 1-10 is entitled, “TRANSITIONS FROM PREVIOUS REGULATIONS.” Within this Subsection addressing transitions from previous regulations, § 14-16-1-10(B) provides for complete applications: “Any application that has been accepted by the City Planning Department as complete prior to the effective date of this IDO, or any amendment to this IDO, shall be reviewed and a decision made based on the standards and criteria in effect when the application was accepted as complete.”

At issue in the present matter is whether § 14-16-1-10(B) applies to the Developers’ application, filed June 17, 2019. Because the Developers’ application was not submitted prior to the effective date of the 2018 IDO, the 2018 IDO, prior to any amendment to that IDO, would appear to apply.

§ 14-16-6-4(H)(1) defines a complete application. “A complete application is one that contains all information and application materials required by this IDO, the DPM, and any administrative checklist for that type of development, in sufficient detail and readability to evaluate the application for compliance with applicable review standards in this IDO.” Subsection 6-4(H)(1). “On determining that the application is complete, the Planning Director shall accept the application for review in accordance with the procedures and standards of this IDO.” § 14-16-6-

4(H)(5).

On remand, the City is directed to explicitly set out the date upon which the Developers' application was deemed complete, as this fact was subject to some confusion, with further explanation as to the finding by the DRB following the July 17, 2019, meeting that there were comments made by the DRB which needed to be addressed prior to any action on the application, as well as outstanding issues, including grading and drainage plans, infrastructure list, and other comments that necessitated deferring action from the August 14, 2019, DRB meeting, requiring further supplementation of their application.

As noted above, the Developers' subject site was zoned SU-2/C-1 (Special Neighborhood/Neighborhood Commercial) prior to the IDO. Under the IDO, the Developers' subject site was rezoned MX-L, "Mixed-use-Low intensity," Table 2-2-1. "The purpose of the MX-L zone district is to provide for neighborhood-scale convenience shopping needs, primarily at the corners of collector intersections. Primary land uses include non-destination retail and commercial uses, as well as townhouses, [including] low-density multi-family residential dwellings." § 14-16-2-4(B)(1). Among other applicable IDO Sections to MX-L zoning, Table 2-4-4, are those providing for landscaping, buffering, and screening as well as the Neighborhood Edges provision, Section 14-16-5-9.

"The regulations in . . . Section 14-16-5-1 are established to regulate the size, scale, and location of development throughout the city and to ensure that residential development, particularly low-density residential development, reinforces the scale and character of residential areas in those portions of the city designated as Areas of Consistency in the Albuquerque/Bernalillo County Comprehensive Plan (ABC Comp Plan), as amended." § 14-16-5-1(A). "The standards of . . . Section 14-16-5-1 apply in any zone districts except MX-FB . . ."

§ 14-16-5-1(B). “Section 14-16-5-9 (Neighborhood Edges) may contain maximum height, maximum or minimum setback, or other dimensional standards that differ from those in this Section 14-16-5-1. In case of a conflict between the dimensional standards, Neighborhood Edges standards shall prevail.” § 14-16-5-1(B)(3).

Subsection 5-9 contains the Neighborhood Edges provision. “This section is intended to preserve the residential neighborhood character of established low-density homes in any Residential zone district on lots adjacent to any Mixed-use or Non-residential zone district.” § 14-16-5-9(A). The Neighborhood Edges provision applies to “**Protected Lots**” “in any R-A, R-1, R-MC, or R-T zone district that contains low-density residential development.” § 14-16-5-9(B)(1). “**Regulated Lots**” “include all those in any . . . Mixed-use . . . zone district that are adjacent to a Protected Lot.” § 14-16-5-9(B)(2).

The residential lots with homes on Tierra Morena NE to the south, abutting the Developers’ site, were zoned SU-1/O-1 and R-T prior to the IDO. Under IDO § 14-16-2-3(B), “[t]he purpose of the R-1 [Residential-Single-Family] zone district is to provide for neighborhoods of single-family homes on individual lots with a variety of lot sizes and dimensions. When applied in developed areas, an additional purpose is to require that redevelopment reinforce the established character of the existing neighborhood.”

Appellants recount that, with the 2017 enactment of the IDO, the City council established a legislative rezoning process by which owners of certain lots, including Appellants who own homes on Tierra Morena NE abutting the subject site, could apply for R-1B zoning. Appellant Duran submitted her application for legislative rezoning October 26, 2018, well before the Developers submitted their site plan application June 17, 2019. The City Council approved Duran’s rezoning on August 5, 2019. The Planning Department determined that Duran’s rezoning

became final September 8, 2019.

However, Appellants observe that the DRB, in its September 11, 2019, decision, determined that Duran’s property was zoned MX-T as of September 11, 2019, a factual mistake, but applied the proper analysis to be the date of hearing, not the date of application, in order to determine if the Neighborhood Edges provision applied. They further note that the Planning Department, upon review of the AC-19-16 appeal, similarly determined that the “date of hearing” measurement was appropriate. Appellants contend that there was no written analysis of the Neighborhood Edges provision, and that the LUHO foreclosed such analysis through the October 31, 2019, remand decision by ruling without briefing by the parties or the Planning Department that the provision did not apply.

The concern of the interplay between the legislative rezoning of Appellants’ property and the Developers’ application is further reflected by City Council discussion. *Cf. Mandel v. City of Santa Fe*, 1995-NMCA-052, ¶ 7, 119 N.M. 685, 894 P.2d 1041 (“An application for approval is not a pending case, and [the developer] did not have a vested right in having the old ordinance applied to him,” observing that “chaos would occur if it would be ‘unfair’ to apply land-use regulations to people who had merely submitted their first application for approval,” as, “[u]pon hearing of the possible enactment of new regulations, people would rush to city hall to file applications and preserve their right to proceed under an old law,” “thwart[ing] an orderly governmental process.”).

During the May 2020 City Council meeting, one of the City Council members recounted the relevant timeline:

the IDO was passed, and then this proposed development--or [the] developer submitted their application to the Planning Department or to the City, but as part of the IDO passing it was clear that there would be an opportunity for conversions and a timeline--a relatively short timeline--in order for those conversions to be introduced and potentially passed. . . .

This was introduced sort of in between those two times[.]

[RP at 1129] The council member stated that, “it seems to me that perhaps . . . the developers recognized that the rules might be different and might prohibit this. . . process down the road and they perhaps took advantage of being sure that they had filed during that . . . time.” **[RP at 1129-30]** Although the council member opined that the Developers “had the right to do that,” the rules must be followed, and expressed concern regarding the procedural process, especially with neighborhood members “fighting a professional process,” stating that it was “not certain that this project would have been approved had it waited a month or two later, and so this seems like a unique opportunity, taking advantage of the rules as they were that day, anticipating that maybe that would change, but that said, we have to judge this sort of by the rules in place when they made the application.” **[RP at 1130]** Although the council member accepted the LUHO recommendations, the council member was “concerned that--quite frankly, that--just the way the process moved forward and the time it took to get . . . those conversions approved through the . . . administrative process may have facilitated this, which is sort of unfortunate because I don’t think this project would be approved under the rules that are in place today.” **[RP at 1131-32]**

The Court agrees with Appellants that Resolution 2019-035 effectively precluded meaningful consideration of the factual and legal issues relating to the Neighborhood Edges provision by the DRB, the first-instance decision-making body.

Regardless of the justification, the decision-making body should provide “a clear statement of what, specifically, [it] believes, after hearing and considering all the evidence, to be the relevant and important facts upon which its decision is based,” and a full explanation of why those facts lead to the decision it makes. This is critical for facilitating meaningful judicial review of the action “for the purpose of requiring the [zoning authority] to demonstrate that it has applied the criteria prescribed by . . . its own regulations and has not acted arbitrarily or on an ad hoc basis.”

Albuquerque Commons P’ship v. City Council of City of Albuquerque, 2008-NMSC-025, ¶ 35,

144 N.M. 99, 184 P.3d 411 (quoted authorities omitted) (alteration and omission in original). The City, on remand, is directed to allow the DRB to analyze and explain Duran’s legislative rezoning, a comparably simple matter which nonetheless took nearly a year to complete, Appellants’ arguments concerning the intersection between § 1-10(B), other ordinances and the Official Zoning Map, and provide a detailed written decision.

Quasi-Judicial Hearings

Among the many issues raised by Appellants is whether the City acted in accordance with law in not requiring the DRB to hold a quasi-judicial hearing on the Developers’ site plan application. As the proceedings described above demonstrate, Appellants did not receive the requisite quasi-judicial hearing below.

The IDO distinguishes between public meetings, less formal and not requiring questions, statements, or discussion on the application, § 14-16-6-4(L), and public hearings, expressly conducted by the DRB, LUHO, and City Council, among other bodies, § 14-16-4(M)(1). Subsection 6-4(M)(3) requires quasi-judicial hearings “[f]or decisions that would result in changes to property rights or entitlements on a particular property or affecting a small area, or are otherwise not considered legislative decisions involving policy or regulatory changes that would apply citywide or to a large area,” “to make a *discretionary* decision.” (Emphasis added).

Such quasi-judicial hearings require parties to be afforded an opportunity to present evidence and argument and to question witnesses, under oath, on all relevant issues. § 14-16-6-4(M)(3)(b)(1) & (3). Ex parte communications are disallowed: “Prior to making a decision at a quasi-judicial public hearing and until the expiration of any applicable appeal period, the decision making body shall not” “[c]ommunicate, directly or indirectly, with any party or party representative in connection with the merits of any issue involved,” or “[u]se nor rely upon any

communication, reports, staff memoranda, or other materials prepared in connection with the particular case unless made a part of the record.” § 14-16-6-4(M)(3)(c)(1) & (2). “The City Council or LUHO shall affirm the decision on appeal, reverse the lower decision-making body, or remand the application for additional review by an entity” § 14-16-6-4(M)(4)(b). “For all applications, the decision-making body . . . shall review the applicant’s justification for the request and only approve the request if it finds that the justification is sound based on substantial evidence.” § 14-16-6-4(N)(1).

The IDO’s requirement for a quasi-judicial hearing for the present matter is consistent with state law.

[Q]uasi-judicial action . . . generally involves a determination of the rights, duties, or obligations of specific individuals on the basis of the application of currently existing legal standards or policy considerations of past or present facts developed at a hearing conducted for the purpose of resolving the particular interest in question.

Albuquerque Commons, 2008-NMSC-025, ¶ 32 (quoted authority omitted); *accord, e.g., Lewis v. City of Santa Fe*, 2005-NMCA-032, ¶ 18 137 N.M. 152, 108 P.3d 558 (concluding that “site-specific development determinations are properly classified as quasi-judicial in nature”). “Characterization of a zoning action as quasi-judicial carries with it important procedural consequences.” *Albuquerque Commons*, 2008-NMSC-025, ¶ 33. Thus, when the City initiated a proceeding concerning the subject site plan application, the City “must afford enhanced procedural protections” because it “must act like a judicial body bound by ‘ethical standards comparable to those that govern a court in performing the same function.’” *Id.* (quoted authority omitted). “[I]n addition to the right to individual notice, interested parties” “are entitled to an opportunity to be heard, to an opportunity to present and rebut evidence, to a tribunal which is impartial in the matter--i.e., having had no pre-hearing or ex parte contacts concerning the question at issue--and to a record made and adequate findings executed.” *Id.* ¶ 34 (quoted authority omitted).

The City argues that it adequately complied with the requirement for a quasi-judicial hearing. It observes that, following the first meeting before the DRB appealed to the LUHO, the LUHO instructed that, on remand, the DRB must swear in witnesses, take evidence, allow cross-examination, and disclose ex parte communications. The City recounts that the LUHO, after appeal from the second DRB hearing, determined that the DRB had followed the remand instructions and that all procedural infractions were sufficiently addressed.

The Court disagrees. The problem was created by the City's enactment of R-2019-035, which purported to amend or revise procedures under the IDO, and provided that "DRB is a staff board for technical reviews and does not make discretionary decisions or hold quasi-judicial hearings."

As the proceedings described above plainly illustrate, both the DRB and the LUHO were constrained by R-2019-035. The DRB made clear in the second proceeding that it was holding a meeting, not a quasi-judicial hearing, and could not act in a discretionary manner. As Appellants argue, they were denied a "tribunal which is impartial in the matter--i.e., having had no pre-hearing or ex parte contacts concerning the question at issue." *Albuquerque Commons*, 2008-NMSC-025, ¶ 34 (quoted authority omitted); *accord* § 14-16-6-4(M)(3)(c)(1) & (2) (providing that "the decision making body shall not" "[c]ommunicate, directly or indirectly, with any party or party representative in connection with the merits of any issue involved," or "[u]se nor rely upon any communication, reports, staff memoranda, or other materials prepared in connection with the particular case unless made a part of the record.").

The DRB relied on communications with the Planning Department as well as the Developers' representatives, and stated that it would not submit written disclosure of communications beyond DRB case comments. Appellants observe that emails demonstrating that

DRB members interacted substantively with the Developers and others are in the record only because they obtained copies through IPRA requests and submitted them to support their arguments. They note that DRB members are effectively controlled by the Planning Department, as such individuals were switched in and out of these bodies during the proceedings. Appellants were denied a ““neutral and detached”” decision-making body ““in the first instance,”” a requirement “even more relevant at the quasi-judicial level, where other trial-like rules of administrative proceedings are relaxed.” *Los Chavez Cmty. Ass’n v. Valencia County*, 2012-NMCA-044, ¶ 23, 277 P.3d 475 (quoted authority omitted).

Appellants point out that, as illustrative of a lack of discretion, the DRB simply accepted direction from the Developers on matters of colors and delegation of approval, recalling that the Developers stated that they wanted to appeal to a market more akin to the new developments further west on Alameda than the area surrounding the subject property. As they argue, the DRB must determine whether “[t]he Site Plan mitigates any significant adverse impacts on the surrounding area to the maximum extent practicable,” § 14-16-6-6(G)(3)(c), requiring discretionary decision-making. Essentially, the DRB’s non-discretionary determination was arbitrary and capricious. *Cf. Wilcox v. N.M. Bd. of Acupuncture & Oriental Medicine*, 2012-NMCA-106, ¶ 7, 288 P.3d 902 (defining arbitrary and capricious acts, among other things, as those made without considerations of the facts and circumstances).

The fact that the City Council merely excised the portions of the LUHO’s decision regarding R-2019-035, without explanation or analysis, does not cure the issue. “The issue is one of procedural fairness” *Albuquerque Commons*, 2008-NMSC-025, ¶ 34.


Because the Court concludes that the matter must be remanded for further proceedings, the Court does not reach Appellant’s remaining appellate issues. Further, the Court concludes that

Appellant's claims under the Court's original jurisdiction are, as a result of this Opinion, moot, as to Count I (Complaint for Declaratory Judgment concerning DRB Meetings), Count II (Complaint for Violations of the Open Meetings Act) or would be advisory, as to Count III (Complaint for Declaratory Judgment concerning IDO Section 1-10(B)).

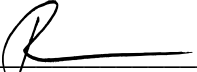
Conclusion

The determination of the City is **REVERSED** and the matter is **REMANDED** for further proceedings.

IT IS SO ORDERED.


NANCY J. FRANCHINI
DISTRICT COURT JUDGE

A copy of the foregoing was e-filed on this
2nd day of _June_ 2021.



D-202-CV-2020-03644



PUBLIC MEETING

DEVELOPMENT REVIEW BOARD CITY OF ALBUQUERQUE

Notice is hereby given that the Development Review Board, City of Albuquerque, will hold a public **ONLINE ZOOM MEETING**, because of the public health emergency, Friday, **December 3, 2021** beginning at **9:00 a.m.** for the purpose of considering the following items:

Join Zoom Meeting:

<https://cabq.zoom.us/j/85499151537> Meeting ID: 854 9915 1537

By phone +1 253 215 8782 or Find your local number: <https://cabq.zoom.us/j/85499151537>

Project #PR-2019-002496 SI-2019-00180 - SITE PLAN

CONSENSUS PLANNING, INC. agent(s) for **BELLA TESORO LLC** request(s) the aforementioned action(s) for all or a portion of **LOT 1--4 BLOCK 4 TRACT 3 UNIT 3 NORTH ALBUQUERQUE ACRES**, zoned **MX-L**, located at **the SEC of BARSTOW ST NE AND ALAMEDA BLVD NE**, containing approximately 3.38 acre(s). (C-20)

PROPERTY OWNERS: MATONI GIUSEPPE & ANNA TRUSTEES MANTONI FAMILY TRUST, LINDBORG PHILIP L

REQUEST: MULTI-FAMILY RESIDENTIAL DEVELOPMENT

IN THE MATTER OF THE AFOREMENTIONED APPLICATION, BEING IN COMPLIANCE WITH ALL APPLICABLE REQUIREMENTS OF THE DPM AND THE IDO, WITH THE SIGNING OF THE INFRASTRUCTURE LIST, THE DRB HAS APPROVED THE SITE PLAN. FINAL SIGN-OFF IS DELEGATED TO THE WATER AUTHORITY FOR THE PAYMENT OF THE PRO-RATA BALANCE, AND TO PLANNING FOR SOLID WASTE SIGNATURE, THE PROJECT AND APPLICATION NUMBERS TO BE ADDED TO THE SITE PLAN, FOR LANDSCAPE SHEETS TO BE SIGNED AND SEALED BY A LICENSED LANDSCAPE PROFESSIONAL, FOR THE RECORDED INFRASTRUCTURE IMPROVEMENTS AGREEMENT AND FOR CLARIFICATION OF SIZE/RE-DESIGNING OF THE MONUMENT SIGN, CLARIFICATION OF SIGNAGE AND CLARIFICATION OF WALL AS DISCUSSED.

Details of the application(s) may be examined online at <http://data.cabq.gov/government/planning/DRB/>.

Scroll down to find the project number listed here, or:

Details of the application(s) may be examined online at: <https://www.cabq.gov/planning/boards-commissions/development-review-board/development-review-board-agenda-archives> 48 hours prior to the meeting.

INDIVIDUALS WITH DISABILITIES who need special assistance to participate at this meeting should contact Angela Gomez, Planning Department, at 924-3946 (VOICE) or teletypewriter (TTY) 924-3361 – TTY users may also access the Voice number via the New Mexico Relay Network by calling toll-free 1-800-659-8331

