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PR 2022-007712, SD-2024-00097

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MEMO



CITY OF ALBUQUERQUE

Albuquerque, New Mexico

Planning Department

Mayor Timothy M. Keller

INTER-OFFICE MEMORANDUM

December 13, 2024

TO: Dan Lewis, President, City Council
FROM: Alan Varela, Planning Director 
Alan Varela (Dec 13, 2024 12:28 MST)
SUBJECT: AC-24-28, (VA-2024-00296) PR-2022-007712 AKA PR-2019-002663,
SD-2024-00097

The Westside Coalition of Neighborhood Associations appeal the Development Hearing Officer decision to approve a Preliminary Plat, for all or a portion of LOT 1-A, BLOCK 2, VOLCANO CLIFFS UNIT 26 zoned MX-M located on PASEO DEL NORTE NW and KIMMICK DR NW containing approximately 8.2578 acre(s). (C-11)

REQUEST

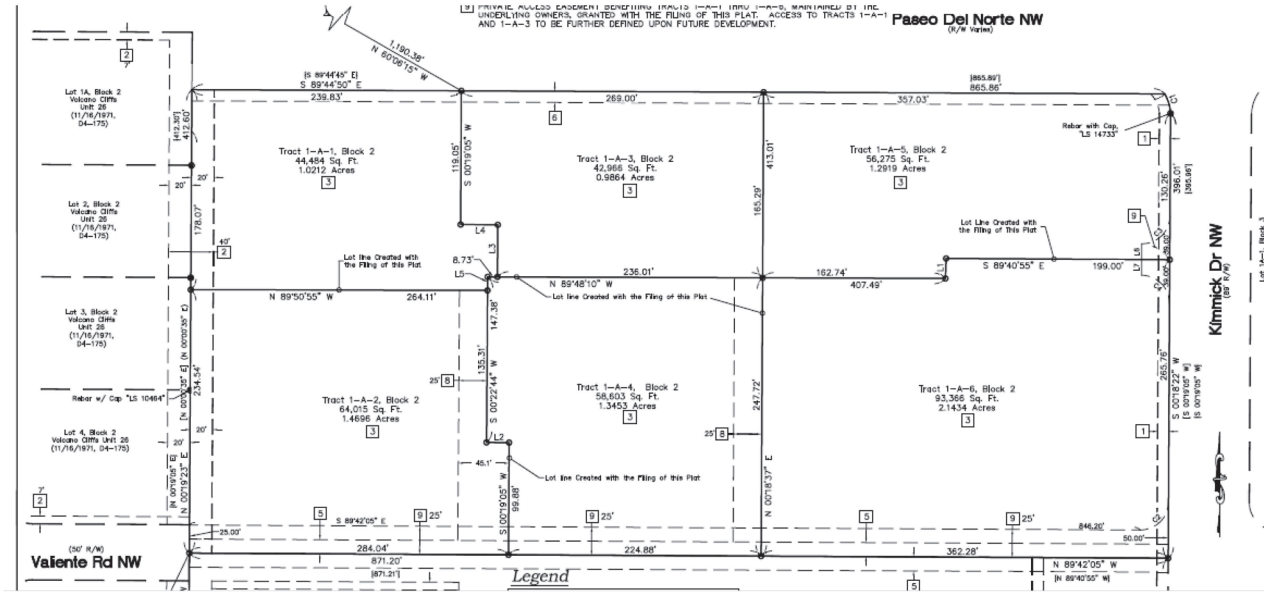
This is an appeal of the Development Hearing Officer (DHO) decision to approve a Preliminary Plat for 8.2578 acres on June 12th, 2024. The subject parcels are bounded by Paseo del Norte to the north, and Kimmick Drive NW to the east.

The Preliminary Plat would divide the subject property (Tract 1-A, Block 2, Volcano Cliffs Subdivision) into 6 parcels; Tract 1-A-1 consisting of 1.0212 acres; Tract 1-A-2 consisting of 1.4696 acres; Tract 1-A-3 consisting of 0.9864 acres; Tract 1-A-4 consisting of 1.3453 acres; Tract 1-A-5 consisting of 1.2919 acres; and Tract 1-A-6 consisting of 2.1434 acres. The application was deemed complete and subject to review under the IDO Effective Date of July 2023.

On July 1st, 2024, an initial appeal was submitted by the appellant which referenced PR-2022-007712, SD-2024-00019, an earlier Final Plat approved by the DHO on February 7th, 2024 that included the subject property for the Preliminary Plat for PR-2022-007712 AKA PR-2019-002663, SD-2024-00097. That appeal was determined by Planning staff to not be a timely appeal as it was referencing an earlier Final Plat approval whose opportunity to appeal had passed, and was not accepted and processed.

On October 22nd, 2024, the Second District Court approved a Stipulated Order of Remand, as agreed upon by the parties of the case, where the Order was to accept an ‘amended’ appeal. The case is remanded per D-202-CV-2024-06591. The appellant submitted their amended appeal on November 1st, 2024, which was deemed timely per the remand order as well as per the IDO, and was accepted and processed. The appellant claims to have standing as they appeared before the DHO and they claim to be specially and adversely affected by the decision.

Figure 1. Preliminary Plat for PR-2022-007712 AKA PR-2019-002663, SD-2024-00097



BACKGROUND

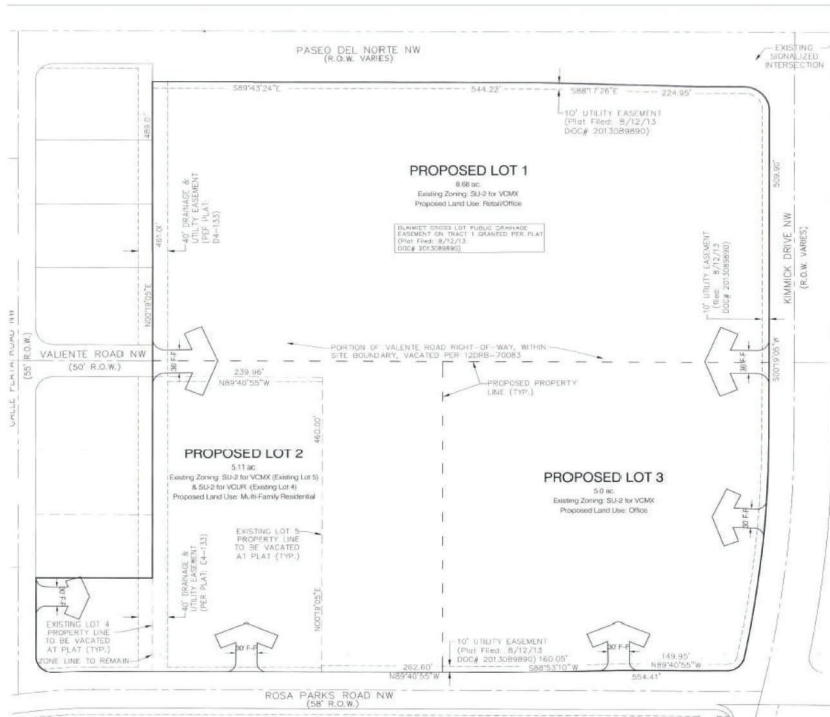
A. Prior Approvals (before November 14th, 2023)

Site Plan for Subdivision 2017. In September 2017, the Development Review Board (DRB) approved a site plan for subdivision for 18.79 acres plus an additional Lot 4 (less than 1 acre at the southwest corner of the subject parcel).

The Site Plan for Subdivision was approved by the DRB in September 2017 per 1009082 / 17DRB-70109 and was reviewed according to the Volcano Heights Sector Development Plan because the site plan application was made prior to enactment of the IDO.

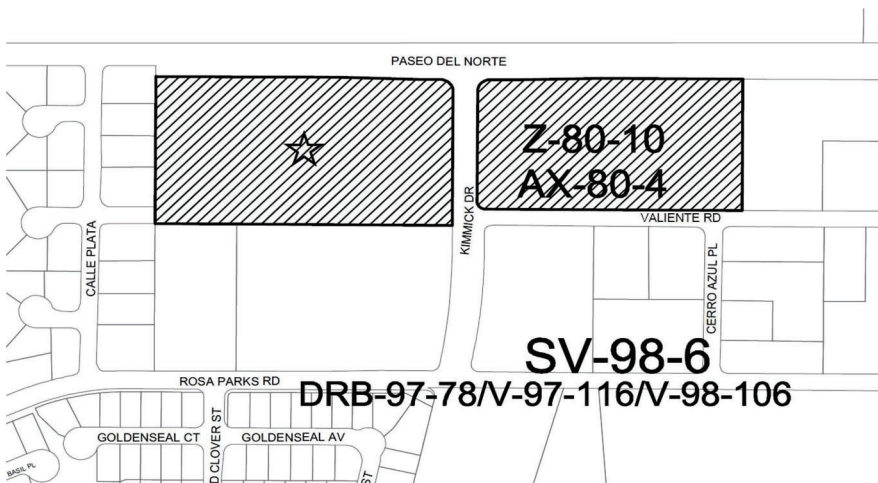
The DRB approved a Major Site Plan Amendment – DRB (PR-2022-007712, SI-2022-01875) on November 9th, 2022, eliminating/removing the Site Plan for Subdivision as the original approving body for the Site Plan for Subdivision per 6-4(Y)(3) of the July, 2022 IDO.

Figure 2. 2017 Area involved in Site Plan for Subdivision



Rezoning of 2019 (PR 2019-002263). The Environmental Planning Commission (EPC) approved a rezoning that included the subject property on October 10, 2019. The rezoning request included 16 acres directly south of Paseo del Norte. The two parcels were east and west of Kimmick. See the figure below identifying the land that was rezoned by the striping pattern. The parcel west of Kimmick of 8.7 acres is the only parcel from that rezoning that is included in this appeal (noted with a 'star' in the figure below).

Figure 3. 2019 Rezoning Exhibit PR-2019-02263



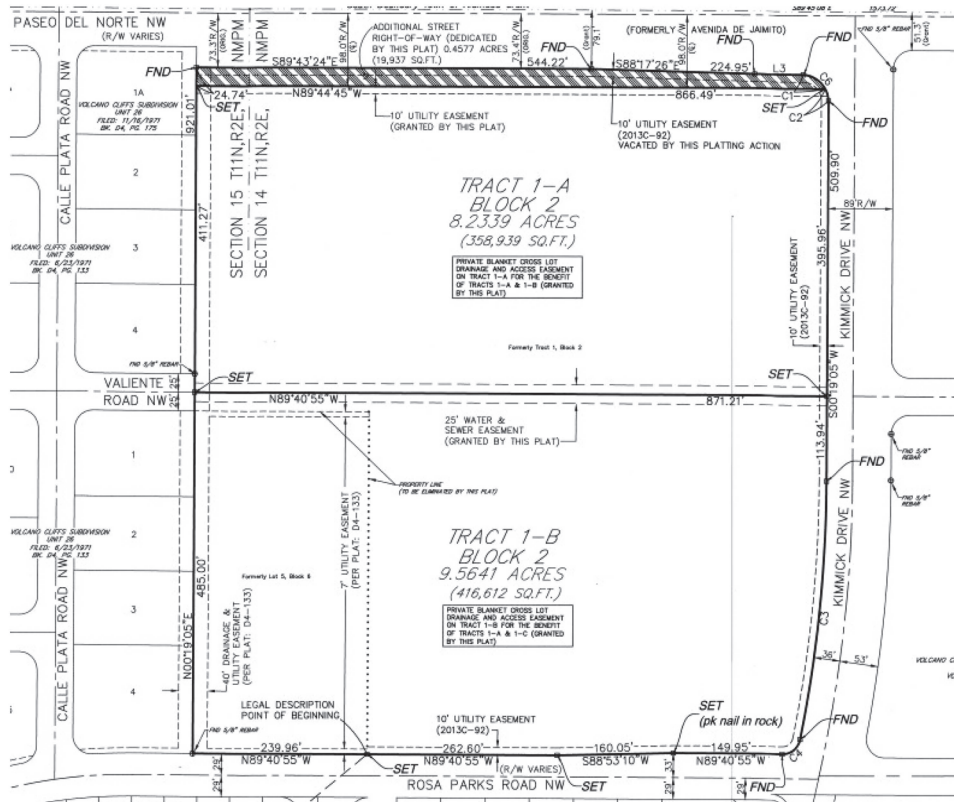
The EPC established the following condition of approval for the rezoning:

Condition 1. ‘The zone map amendment shall not become effective until Lot 1, Block 2 is replated and a lot line is created that corresponds to the proposed zone boundary, located at 436.01 feet south of the Paseo del Norte Blvd. NW right-of-way, and the plat is recorded.’ (EPC NOD Oct. 10, 2019)

The Preliminary Plat application of November 9, 2022. The DRB approved a Preliminary Plat (PR-2022-007712, SD-2022-00143) for 18.23 acres on November 9th, 2022 which included the subject property for the current Preliminary Plat subject to this appeal (PR-2022-007712 AKA PR-2019-002663, SD-2024-00097). The Preliminary Plat was reviewed and approved because it met the requirements of the IDO and DPM.

The figure below identifies the two tracts that were the subject of the Preliminary Plat.

Figure 4. Preliminary Plat for PR-2022-007712, SD-2022-00143



Vacations of Public Easements. The DRB approved three applications for vacations of private easements as part of the Preliminary Plat application for PR-2022-007712, SD-2022-00143 on November 9th, 2022. These vacation approvals were not appealed.

The Preliminary Plat for PR-2022-007712, SD-2022-00143 was the first step for the applicant to fulfill the EPC condition from the rezoning case. A Final Plat would be the second step needed to fulfill this EPC condition for the rezoning.

The Final Plat application of July 12, 2023. The DHO approved an application for a Final Plat at its hearing of July 12, 2023 per PR-2022-007712, SD-2023-00127. The application for a Final Plat was the completion step (per the November 9th, 2022 DRB-approved Preliminary Plat for PR-2022-007712, SD-2022-00143) to reconfigure two existing tracts into two different tracts what would create a north and south tract (the north tract being subject to the current appeal). The boundary of the tracts was according to the EPC conditionally approved rezoning: MX-M zone district for the northern parcel, Tract 1-A, Block 2 (8.23 acres) and the MX-L zone district for the southern parcel, Tract 1-B, Block 2 (9.56 acres).

B. Appeals on the Prior Approvals (through November 14th, 2023)

AC-23-1 Appeal. The appellant of the current appeal (AC-24-28) was an appellant on an earlier appeal (AC-23-1) on the subject property of the current appeal which included the November 9th, 2022 DRB-approved Preliminary Plat for PR-2022-007712, SD-2022-00143, and that was timely submitted. On February 17th, 2023, the Land Use Hearing Officer (LUHO) recommended the City Council deny Appellants' appeal in its entirety, and on March 7th, 2023, the City Council denied the appeal for AC-23-1. The appeal for AC-23-1 was then appealed to the Second Judicial District Court (see Second Judicial District Court Ruling and Order below).

AC-23-14 Appeal. The appellant of the current appeal was also an appellant on an earlier appeal (AC-23-14) on the subject property of the current appeal, which was an appeal of the Final Plat for PR-2022-007712, SD-2023-00127, and that was timely submitted. On October 18th, 2023, the LUHO recommended that the DHO approval of the Final Plat for PR-2022-007712, SD-2023-00127 be reversed and the Preliminary Plat for PR-2022-007712, SD-2022-00143 be revoked. This appeal was scheduled on the November 8th, 2023 City Council agenda, but on October 27th, 2023 (before the scheduled City Council meeting), the applicant for the Final Plat for PR-2022-007712, SD-2023-00127 withdrew their application. On November 8th, 2023, the City Council voted to accept the withdrawal of the Final Plat application.

Second Judicial District Court Ruling and Order. On November 14th, 2023, the 2nd Judicial District Court affirmed the City Council's March 7th, 2023 denial of the appeal for AC-23-1 which included the November 9th, 2022 DRB-approved Preliminary Plat for PR-2022-007712, SD-2022-00143.

C. Prior Approvals (after November 14th, 2023)

The Preliminary Plat/Vacation Extension applications of December 6, 2023. On November 29th, 2023, Planning staff deemed complete, accepted and processed applications for the extension of the Preliminary Plat and Easement Vacations approved by the DRB on November 9th, 2022 per PR-2022-007712, SD-2023-00218, SD-2023-00216. The DHO approved the noted extension applications at its hearing of December 6, 2023.

The Final Plat application of February 7, 2024. On January 29th, 2024, Planning staff deemed complete, accepted and processed the Final Plat application for PR-2022-007712, SD-2024-00019. The DHO approved an application for a Final Plat at its hearing of February 7, 2024.

This Final Plat was identical to the Final Plat that was approved by the DHO on July 12, 2023 per PR-2022-007712, SD-2023-00127 and later withdrawn by the applicant, and was the completion step for the November 9th, 2022 DRB-approved Preliminary Plat for PR-2022-007712, SD-2022-00143. The applicant then addressed the conditions of approval of the Final Plat; Development Facilitation Team (DFT) staff and the City Engineer then signed the Plat once the conditions of approval of the Final Plat were addressed; and on March 4th, 2024, the Plat was recorded and filed with Bernalillo County.

D. DHO Approval Under Appeal

On May 20th, 2024, Planning staff deemed complete, accepted and processed the Preliminary Plat application for PR-2022-007712 AKA PR-2019-002663, SD-2024-00097. The DHO approved an application for a Preliminary Plat at its hearing of June 12th, 2024. The Preliminary Plat divides the subject property (Tract 1-A, Block 2, Volcano Cliffs Subdivision) into 6 parcels; Tract 1-A-1 consisting of 1.0212 acres; Tract 1-A-2 consisting of 1.4696 acres; Tract 1-A-3 consisting of 0.9864 acres; Tract 1-A-4 consisting of 1.3453 acres; Tract 1-A-5 consisting of 1.2919 acres; and Tract 1-A-6 consisting of 2.1434 acres.

The subject property of the Preliminary Plat consists of the northern tract (Tract 1-A, Block 2, Volcano Cliffs Subdivision) that was created per the November 9th, 2022 DRB-approved Preliminary Plat for PR-2022-007712, SD-2022-00143 and the February 7th, 2024 DHO-approved Final Plat for PR-2022-007712, SD-2024-00019.

REASONS FOR THE APPEAL

1. **Appellant:** Notice of the Preliminary Plat was not sent to the Appellant. Appellant was advised verbally of the Preliminary Plat proceedings and appeared on short notice at the DHO hearing on June 12, 2024 to object.

Staff response: Notice was sent to the appellant (WSCONA c/o Elizabeth Haley) for the Preliminary Plat application, that is the subject of this appeal, on May 1, 2024 and as shown below. The complete email is in the applicant’s submittal packet included in the Record.

Regina Okoye

From: Regina Okoye
 Sent: Wednesday, May 1, 2024 4:27 PM
 To: gkrasson@gmail.com; elizabethhaley@gmail.com; kym.fieck@gmail.com; aboard111@gmail.com
 Cc: Angela Williamson
 Subject: Public Notice of a Proposed Project in the City of Albuquerque for Decisions Requiring a Meeting or Hearing Mailed/Emailed to a Neighborhood Association - Southwest Corner of Paseo del Norte NW & Kimmick Dr. NW
 Attachments: 01 - Emailed Mailed Notice Public/Meeting/Hearing -Printed_RL_DHO(DP) - Zone Atlas Map C-11-2.PDF; Proposed Plat.pdf(2) - CMGO-Office_public_notice_form-2019.pdf

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: 5/1/2024

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

Neighborhood Association (NA): Parade-Hispanic Association, Interstate Chapter of Neighborhood Associations
 Name of NA Representative*: Elizabeth Haley, Kym Fieck, Rene Horvath
 Email Address* or Mailing Address* of NA Representative*: elizabethhaley@gmail.com

Information Required by IDO Subsection 14-16-6-4(N)(1)(A)

1. Subject Property Address: 9999 PASEO DEL NORTE NW ALBUQUERQUE NM 87120
 Location Description: Southwest Corner of Paseo del Norte NW & Kimmick Dr NW
2. Property Owner: GROUP II U26 VC LLC C/O WRIGHT BILLY J
3. Agent/Applicant: (if applicable) Mokulus Architects & Land Use Planning, Inc. (Agent)
4. Application(s) Type* per IDO Table 6-1.1 (mark all that apply)
 - Conditional Use Approval
 - Permit: _____ (Ceasurt or Well/Pence - Major)
 - Site Plan
 - Subdivision: Major Preliminary Plat (Minor or Major)
 - Vacation _____ (Easement/Private Way or Public Right-of-Way)
 - Variance _____
 - Waiver _____
 - Other: _____

Summary of project/request*:
We are requesting a Major Subdivision of Land action to create six new tracts from one existing tract.
 This request is also to dedicate Right of Way to the City of Albuquerque for the purpose of Calera Rd NW

The Applicant did hold a facilitated meeting with various stakeholders and noted in the Preliminary Plat Notice of Decision. WSCONA was noted as a participant in the facilitated meeting. (See NOD excerpt below.)

9. A facilitated meeting was held on May 28, 2024 with participation of the following neighborhood associations: WSCONA, Paradise Hills Community Association, Petroglyph National Monument, and other individuals. The Community stated that they believe the March, 2024 property division was not properly done, due primarily to unresolved litigation regarding said property. Therefore, the Community argued that the subject Application is not ripe.

2. **Appellant:** The Appellant did not receive notice of the Extension of the Preliminary Plat or the Final Plat of earlier platting action. (12/6/2023 and 2/7/2024).

The June 12, 2024, DHO hearing was predicated upon the decisions from both the December 6 and February 7 DHO Hearings. As those findings were unknown to the interested parties, there was no opportunity to appeal them. This lack of opportunity to challenge the conclusions, a fundamental right in any legal process, further underscores the procedural irregularity of the DHO Hearings. We thus appeal the June 12 decision because the necessary predicate DHO Hearings were unlawful under NM Stat & 3-21-6 B. (2023). These procedural irregularities have compromised the fairness of the process, and the need for a fair and just process is paramount.

Staff Response: The December 6, 2023 DHO approval of the Extension of the Preliminary Plat is a settled matter and cannot be appealed with the current Preliminary Plat (north tract). No mailed/mailed notice to property owners within 100 feet and/or to Neighborhood Associations as identified by the Office of Neighborhood Association (ONC) respectively was required by the Applicant as explained below.

The February 7, 2024 DHO approval of the Final Plat is a settled matter and cannot be appealed as a part of this current appeal of a new Preliminary Plat (north tract).

The IDO clearly outlines that the **primary** review, including public notice and review, occur on a Major Plat at the Preliminary Plat stage. See IDO provision below:

IDO 6-6(L)(3) Review and Decision Criteria

An application for a Subdivision of Land – Major shall be approved if it meets all of the following criteria.

*6-6(L)(3)(a) A **Preliminary Plat** shall be approved if it 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.*

*6-6(L)(3)(b) A **Final Plat** shall be approved if it includes all changes, conditions, and requirements contained in the Preliminary Plat approval.*

The substance of a plat is determined in the **Preliminary Plat**, including all matters such as lot sizes and layouts, rights-of-way, easements, and infrastructure improvements. The Preliminary Plat must comply with all applicable provisions of the IDO, DPM, and other adopted City regulations. The public participation in the Preliminary Plat process has potential to effect changes to a plat.

During the one year maximum time to submit the **Final Plat**, the applicant's main responsibility is to: (1) create a financial guarantee for the infrastructure that is to be built and (2) record the Infrastructure Improvement Agreement (financial guarantee) with the County Clerk. There may also be some minor conditions of approval that must be met.

The review and decision criteria for a **Final Plat** is basic and does not cover new matters. The criteria is to include all changes, conditions, and requirements contained in the Preliminary Plat approval. No changes to the Preliminary Plat are allowed. Changes, in fact, would require an Amendment to the Preliminary Plat, and Major Amendments to a Preliminary Plat *do* require public notice. Note that grading of the property and installation of some infrastructure often occurs prior to the Final Plat approval. In the Final Plat review, the core matter is financially guaranteeing the infrastructure that is yet to be built. As the plat layout is set and the guaranteeing of infrastructure is an administrative matter, no public notice is given for a Final Plat other than including the Final Plat on the publicly-available DHO agenda. See the IDO provision below regarding the basic step of a 'Final Plat.'

IDO 6-6(L)(2)(d) Final Plat

1. *Within 1 year after DHO approval, or approval with conditions, of a Preliminary Plat, the applicant shall submit a Final Plat that includes all changes, conditions, and requirements contained in the Preliminary Plat approval.*

An applicant may submit an Extension of a Preliminary Plat request that is reviewed by the DHO if the applicant sees they will not be able to submit the Final Plat within the one-year deadline. The extension does not allow any changes to the Preliminary Plat and no notification requirement in Table 6-1-1 of the IDO is noted for an Extension of a Preliminary Plat. Therefore, there is no requirement for public notice from the IDO nor in administrative practice.

The agendas of the Development Hearing Officer are publicly available to all. A neighborhood member or neighborhood association is able to view the monthly agendas posted at least 48 hours prior to a hearing. That allows a neighborhood with special interest in a project to monitor the progress of a Preliminary Plat with its financial guaranty and Infrastructure Improvements Agreement working its way to Final Plat.

3. **Appellant:** It appears to Appellant that if Appellant's main argument prevails in the pending Court of Appeals case for AC-23-1, the plat and site plan proceedings for the 18-acre Final Plat subject site will have to start over again (if the applicant chooses to proceed), with a quasi-judicial hearing to begin the process and fair consideration of the MPOS adjacency issue, the VPO-2 issue, and other issues.

Appellant believes the LUHO Recommendation in AC-23-14 is the correct resolution but as the applicant withdrew its Final Plat application we do not know if the City Council would have accepted or rejected the LUHO Recommendation in AC-23-14.

Staff Response: The District Court affirmed the order of City Council in D-202-CV-2023-02627, and no stay of the District Court's order has been issued. Planning told the Applicant that they could proceed at their own risk to continue applications affecting the 18-acre parcels that were subject to AC-23-1 while that matter was subject to the possibility of additional appeals.

The DHO determined that the action on the Preliminary Plat which is the subject of this appeal could proceed and stated the following in the Notice of Decision for the Preliminary Plat for PR-2022-007712 AKA PR-2019-002663, SD-2024-00097:

Official Notice of Decision

Project # PR-2022-007712 AKA PR-2019-002663 Application# SD-2024-00097

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4. Given that the prior preliminary and final plats divided the northern (Tract 1-A) and the southern property (Tract 1-B)-- with Tract 1-A being the subject of this action and the southern property not being the subject of this action--and the final plat not having been appealed and standing on its own ground, and with the information in the record and submitted under oath that the court having found in litigation that the property is not adjacent to major public open space, and having no evidence in the record of any stay of further action, *the DHO finds that the property that is subject of this action, approximately 8.2578 acres that is not adjacent to Major Public Open Space, is therefore ripe for decision by the DHO, and does not require an EPC Site Plan.*

The Final Plat that was the subject of AC-23-14 was withdrawn and is no longer relevant to this Preliminary Plat (north tract).

4. **Appellant:** Recusal of DHO Campbell- Since the DHO Hearing of July 12, 2023, we have learned of conflicts of interest that DHO Campbell concealed from the Appellants. Mr. Campbell served as CEO of Mesa Del Sol LLC from December 1, 2020, until approximately October 3, 2023. He owed his employment, at least in part, to Rudy Guzman, a business partner of Steven Chavez in Mesa Del Sol. Rudy Guzman is also an owner and business partner with Billy Wright and Steve Metro in Group II U26 VC, LLC & Tract 5 U26, LLC, the property owners at the DHO hearings. This apparent conflict of interest, undisclosed to appellants and other parties with standing, undermines the impartiality of the DHO and calls for his immediate recusal.

Staff Response: The Preliminary Plat (north tract) that is the subject of this appeal was heard by DHO Robert Lucero. The applicant proceeded with a new Preliminary Plat (north tract) as no stay was directed by the Court. DHO Lucero specifically asked if any party objected to his serving as the Hearing Officer for the case. No party objected, inclusive of Michael Vorhees who later gives testimony in the hearing. (See DHO Hearing Transcript, June 12, 2024, p. 3).

Former DHO David Campbell and his action on the Final Plat for PR-2022-007712, SD-2023-00127 at the hearing of July 12, 2023 is not relevant to this Preliminary Plat (north tract). Furthermore, the decision by DHO Campbell is moot because the applicant withdrew that Final Plat application that the DHO reviewed.

5. **Appellant:** Recusal of Dan Lewis from participating in authorizing legislation - It has also come to light that Guzman has made significant contributions to Dan Lewis over the years. Guzman Construction Services is also a member of the Asphalt Pavement Association of New Mexico (APANM), and the APANM recently hired City Councilor Dan Lewis, District 6, as the Executive Director of APANM. District 6 contains the project site. Dan Lewis sponsored legislation in a related case remanded by the District Court back to the City of Albuquerque due to process issues and conflicts of interest, which the DHO used as the basis of the DHO decision.

Staff Response: The Preliminary Plat (north tract) has not been part of any legislative action by Councilor Dan Lewis to the best knowledge of staff. This appeal of the Preliminary Plat (north tract) will go to the City Council for final action and it will be up to the appellant to make any claim for recusal.

6. **Appellant:** The Preliminary Plat is invalid because the subject site of 18.23 acres is "adjacent" to the La Cuentista Major Public Open Space ("MPOS"), as the subject site and the La Cuentista MPOS are separated only by a street. Under IDO Section 5-4(C)(6), such an adjacent site must have an approved Site Plan—EPC before any platting action. The subject site does not have an approved Site Plan—EPC.

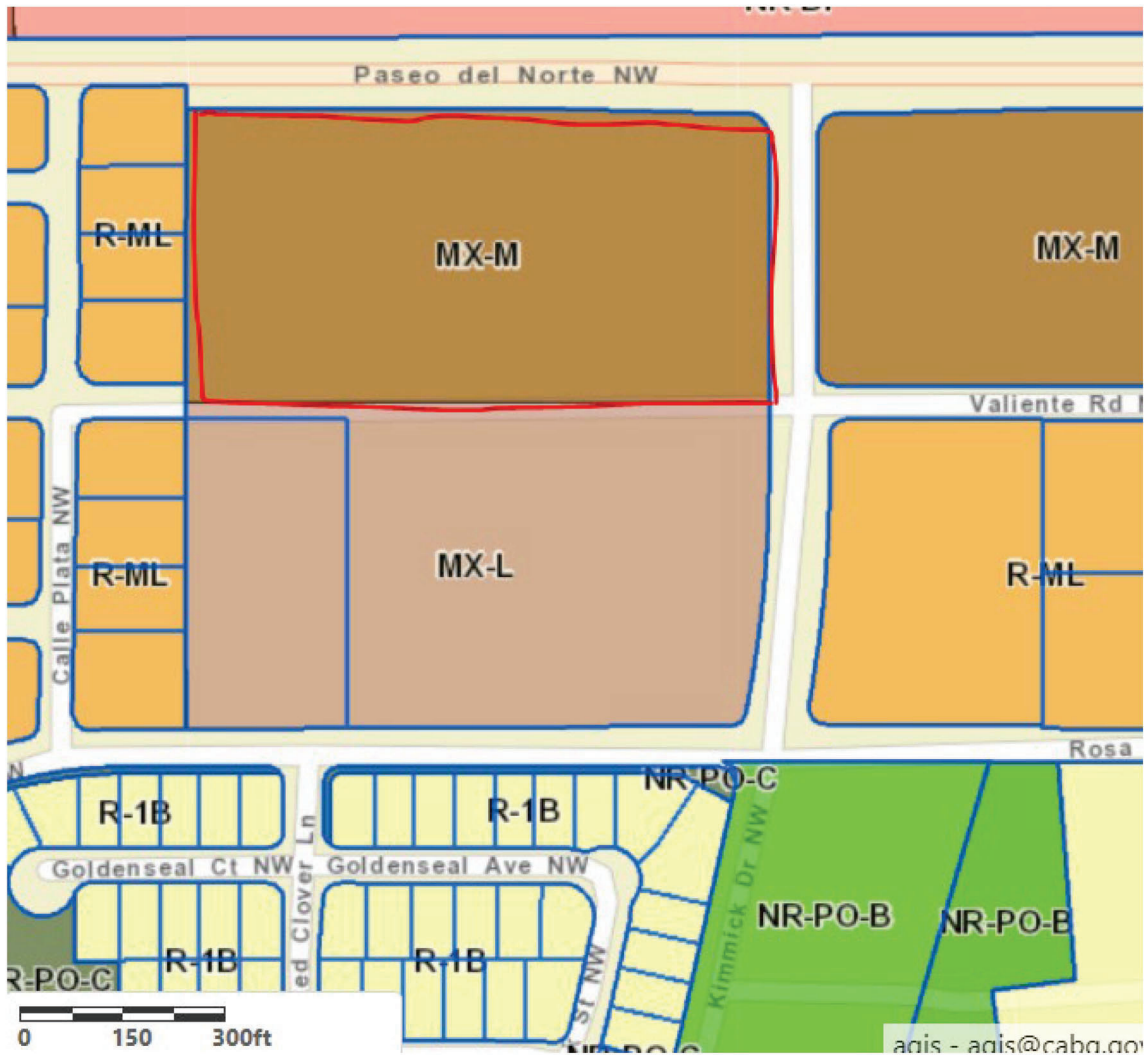
Staff Response: The Preliminary Plat (north tract) is 8.3 acres. It is the northern tract of the full 18.23 acres that was subdivided as of February 2024. The northern tract does not meet the **definition of adjacent** per the IDO effective date July 2023 which states:

Adjacent

Those properties that are abutting or separated only by a street, alley, trail, or utility easement, whether public or private. See also *Alley, Multi-use Trail, Private Way, Right-of-way, and Street*.

There is no Major Public Open Space (MPOS) separated from the northern tract by a street, alley, trail, or utility easement, whether public or private. Therefore, the plat was not subject to IDO Section 5-4(C)(6), which requires a site adjacent to MPOS to an approved Site Plan—EPC before any platting action.

Figure 1: AGIS map of 12/5/2024 showing the Preliminary Plat (north tract) outlined in red. NR-PO-B zoning (considered to be MPOS) is shown in green on a parcel at the southwest corner of Kimmick and Rosa Parks.



7. **Appellant:** The Development Hearing Officer ("DHO") did not make any finding about the adjacency of the subject site to the La Cuentista MPOS, despite that Appellants presented that issue to the DHO. Appellant Westside Coalition has standing under IDO Section 6-4(V)(2)(a)(3) to appeal the "declaratory ruling" type decision, apparently made by the Planning Department and accepted by the DHO, that the subject site is not adjacent to the La Cuentista Major Public Open Space ("MPOS"). This issue has not been decided by law because this issue and related issues are currently in the New Mexico Court of Appeals for each separate portion of an original parcel.

The LUHO determined the standing of the Westside Coalition and the subject site adjacency during these two cases by the LUHO for each portion of the original lot. Please see IDO July 2023, Part 14-16-7: Definitions, Acronyms, and Abbreviations 7-1: "Definitions (Project Site A lot or collection of lots shown on a Subdivision – Minor or Major or on a Site Plan.

This term refers to the largest geography specified in the earliest request for a decision on the first application related to a particular development. For example, if a large lot is subdivided and submitted for development in phases, any regulation referring to the project site would apply to the entirety of the land in the original lot included in the Subdivision application."

Staff response: The DHO specifically references the issue of 'adjacency' in a finding of his decision:

The DHO specifically states that the "property that is the subject of this action, approximately 8.2578 acres is not adjacent to Major Public Open Space, is therefore ripe for decision by the DHO, and does not require an EPC Site Plan." (See full finding below.)

Official Notice of Decision

Project # PR-2022-007712 AKA PR-2019-002663 Application# SD-2024-00097

Page 2 of 3

4. Given that the prior preliminary and final plats divided the northern (Tract 1-A) and the southern property (Tract 1-B)-- with Tract 1-A being the subject of this action and the southern property not being the subject of this action--and the final plat not having been appealed and standing on its own ground, and with the information in the record and submitted under oath that the court having found in litigation that the property is not adjacent to major public open space, and having no evidence in the record of any stay of further action, the DHO finds that the property that is subject of this action, approximately 8.2578 acres that is not adjacent to Major Public Open Space, is therefore ripe for decision by the DHO, and does not require an EPC Site Plan.

The DHO also relied on the District Court judge decision (No. D-202-CV-2023-02637) that there was substantial evidence in the Council's decision that the full 18.23 acre parcel, including north and south tracts, was not 'adjacent' to MPOS.

Appellants assert that the Council's finding on adjacency is not based on substantial evidence. The Council and Applicants argue that the finding is supported by maps contained in the record.

As an initial matter, Appellants failed to clearly raise this argument before the Council in the proceedings below. Issues not raised in administrative proceedings will generally not be considered for the first time on appeal to a district court. N.M. State Bd. of Psychologist Exam'rs v. Land, 2003-NMCA-034, ¶ 21, 133 N.M. 362; see also Wolfley v. Real Estate Comm'n, 1983-NMSC-064, ¶ 5, 100 N.M. 187. However, as explained below, Appellants' argument also fails based on the record of the proceeding.

Substantial evidence in the record supports the finding that the subject site and the major public open space are not "adjacent." Under the IDO, "adjacent" means "abutting or separated only by a street." IDO § 7-1. A map in the record shows that Kimmick Drive is to the east of the subject site and Rosa Parks Road is to the south of the subject site. [RP 39.] The nearby major public open space is to the southeast of the subject site and is described as "diagonally opposite" from the subject site. [RP 432-33, 700.] The map is substantial evidence supporting the finding that there is at least an intersection, i.e., more than one street, between the subject site and the major public open space. (No. D-202-CV-2023-0263, see pages 4 & 5)

8. **Appellant:** The DHO's decision, which assumes that the subject site is not adjacent to the La Cuentista MPOS, is based on a declaratory ruling-type decision made by the Planning Department. This original declaratory ruling-type decision required a quasi-judicial hearing, but the City of Albuquerque didn't assign the case to an impartial quasi-judicial hearing.

Staff Response: The DHO's decision on the subject site not being adjacent to the La Cuentista MPOS was based on the District judge ruling that the 18.23 acre parcel (north and south tracts) was not adjacent to MPOS. No declaratory ruling was issued by the Planning Department Zoning Enforcement Officer regarding the adjacency issue.

9. **Appellant:** The Final Plat is invalid if the Preliminary Plat approved by the DRB is invalid. The Preliminary Plat is invalid because the City's approval was not in a quasi-judicial hearing. IDO Table 6-1-1; IDO Section 6-4(M)(3).

Staff Response: The Final Plat referred to by the appellant appears to be the final plat that divided the northern and southern tracts of the original 18.23 acre parcel approved February 7, 2024. The Preliminary Plat for the 18.23 acre subdivision into two tracts was upheld by the District Court judge. Neither the District Court or the NM Court of Appeals issued a stay of matters related to development of the parcels. Therefore, the Final Plat for the 18.23 acres proceeded to completion. A new Preliminary Plat (north tract) and subject of this current appeal also proceeded. The development team was informed that they were proceeding at their own risk.

10. **Appellant:** The Preliminary Plat approval is under appeal in a SCRA 1-074 appeal of the City's denial of AC-23-1, Bernalillo County District Court No. D-202-CV-2023-02637, which is now in the New Mexico Appeals Court. The DHO should have deferred its hearing until the New Mexico Court of Appeals resolved the case.

Staff Response: The New Mexico Court of Appeals issued no stay of matters affecting the 18.23 acre parcels. The applicant was allowed to proceed with the Preliminary Plat (north tract) at their own risk. The DHO determined that no stay from the Court meant the application was 'ripe' for decision by the DHO. (See DHO finding above.)

11. **Appellant:** The Preliminary Plat and the Final Plat are invalid because they do not comply with the 2017 site plan for the property, which imposes "conditions specifically applied to the development of the property in a prior permit or approval affecting the property" (IDO Section 6-6(L)(3)).

Staff Response: The 2017 Site Plan for Subdivision was a matter that the applicant applied for as a Major Site Plan Amendment – DRB to eliminate/remove the 2017 Site Plan for Subdivision. It was part of the 3 applications that were appealed to District Court. The District Court judge upheld the decision of the City Council to remove the 2017 Site Plan from the property. The NM Court of Appeals did not issue a stay regarding development on the 18.23 acre parcels. Furthermore, a premise of the IDO is that an owner of a property has authority over the applications submitted for that property. Furthermore, the owner of a property may withdraw a site plan from a property using procedures outlined in the IDO. (See relevant IDO provisions below.)

6-4(D) WHO CAN SUBMIT AN APPLICATION

6-4(D)(1) Unless specified otherwise in this IDO, an application under this IDO related to a specific property or multiple properties may be submitted by:

6-4(D)(1)(a) The owner of that property or an agent of the property owner with the written consent of the property owner.

IDO July, 2022 IDO, which is: **6-4(Y)(3) Major Amendments**

All amendments to permits or approvals that do not qualify as minor amendments under Subsection (2) above may only be approved by the decision making body that issued the permit or approval being amended, following the same procedure (including the payment of a new application fee, new process of staff referral, and any required public notice or public meeting or hearing) used to issue the original permit or approval. Repeals are processed as major amendments for the purpose of this IDO.

12. **Appellant:** The DHO denied Appellants due process by not explicitly addressing and making decisions on Appellants' objections in writing and testimony, including objections that the DHO was biased and should recuse himself.

Staff response: This assertion appears to be a carryover from the appeal **AC 23-14, regarding the Final Plat**. The DHO hears public testimony but is not required to specifically address that testimony in writing and in findings of a decision. In the June 12, 2024 DHO hearing on the Preliminary Plat (north tract), no party objected to the DHO hearing the matter. No party testified that he was biased and should recuse himself. (See Hearing transcript in the Record.)

13. **Appellant:** The original DHO written decision was defective because the City of Albuquerque, DHO sent no copy to the Appellants who requested notice of the decision in writing. Such notice is required under NMSA 1978, Section 39-3-1.1, and IDO Section 6-4(M)(6).

Staff response: This assertion appears to be a carryover from the appeal **AC-23-14, regarding the Final Plat**. Staff's best recollection is that no request was made by the appellants to receive a copy of the Notice of Decision (NOD) for the Preliminary Plat (north tract), and no evidence of such a request was provided by the Appellant in their current appeal.

The customary practice for all interested parties is to obtain the NOD from the posting on the City's website, Planning Department, Development Hearing Officer. The link to the DHO website where NODs are posted is below:

[Development Hearing Officer Agendas & Archives — City of Albuquerque](#)

CONCLUSION

The Development Hearing Officer made a decision on an application for a Preliminary Plat that was properly before the DHO as no stay of applications had been issued by any body, including the New Mexico Courts. The applicant was allowed to proceed at their own risk pending any future decision on past applications by the NM Court of Appeals. The DHO acted properly in managing and considering public testimony, and there was no request in the hearing for his recusal. The DHO did not err in applying the requirements of the IDO, including public notice, the applicability of requirements related to 'adjacency' of MPOS, and all other requirements for a Preliminary Plat.

Appendix A. Timeline of Past Cases Related to SWC Kimmick & PdNorte

Case	Date of approval	Subject	Review Body	Acreage	Settled or appealed	Status
Prior to IDO	12/2017	Site Plan for Subdivision	EPC	18.79 plus < 1 acre	Settled	
PR 2019-002263	10/10/19	Rezoning of 16 acres south of PdN and either side of Kimmick	EPC	16 acres	Not Settled	Rezoning requires replat to be effective
PR 2022-7712	11/9/22	Removal of the 2017 Site Plan for Subdivision	DRB	18.79 plus < 1 acre	Appealed AC-23-1. Upheld by City Council and District Court 11/14/23	Waiting appeal review by NM Court of Appeals
PR 2022-7712 (SD-2022-00143)	11/9/22	Preliminary Plat and Easement Vacations. Divide property into northern Tract 1-A and southern Tract 1-B.	DRB	18.23 acres	Appealed (AC 23-1). Upheld by City Council and District Court 11/14/23	Waiting appeal review by NM Court of Appeals
PR-2022-007712 (SD-2023-00127)	7/12/23	Final Plat. Divide property into northern Tract 1-A and southern Tract 1-B.	DHO Campbell	18.23 acres	Appeal (AC 23-14) and heard by LUHO 2/17/23	Application withdrawn by applicant prior to City Council review
PR-2022-007712 (SD-2023-00218, SD-2023-00216)	12/6/23	Extension of Preliminary Plat and Easement Vacations. Divide property into northern Tract 1-A and southern Tract 1-B.	DHO	18.23 acres	Settled	
PR-2022-007712 (SD-2024-00019)	2/7/24	Final Plat. Divide property into northern Tract 1-A and southern Tract 1-B.	DHO	18.23 acres	Settled	Plat recorded.
PR-2022-007712 AKA PR-2019-002663, (SD-2024-00097)	6/12/24	Divide the northern Tract 1-A into 6 tracts	DHO Lucero	8.23 acres	Under this appeal AC-24-28	

DHO NOTIFICATION OF DECISION JUNE 12, 2024

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

Group II U26 VC, LLC
c/o Wright, Billy J
4112 Blue Ridge Pl. NE
Albuquerque, NM 87110

Project# PR-2022-007712,
AKA PR-2019-002663
Application#
SD-2024-00097 PRELIMINARY PLAT

LEGAL DESCRIPTION:

For all or a portion of:

Lot 1-A, Block 2, UNIT 26, VOLCANO CLIFFS
zoned **MX-M**, located on **PASEO DEL NORTE**
NW and Kimmick Dr. NW containing
approximately **8.2578** acre(s). **(C-11)**

On June 12, 2024, the Development Hearing Officer (DHO) held a public hearing concerning the above-referenced application and approved the request, with conditions of approval, based on the following Findings:

1. This is a request to subdivide Tract 1-A, Block 2, Volcano Cliffs Subdivision (8.2578 acres) into 6 parcels: Tract 1-A-1 consisting of 1.0212 acres; Tract 1-A-2 consisting of 1.4696 acres; Tract 1-A-3 consisting of 0.9864 acres; Tract 1-A-4 consisting of 1.3453 acres; Tract 1-A-5 consisting of 1.2919 acres; and Tract 1-A-6 consisting of 2.1434 acres.
2. A former Final Plat (PR-2022-007712 / SD-2024-00019) adjusted the boundaries of Tract 1, Block 2 and Lot 5, Block 6 of the Volcano Cliffs Subdivision, to create Tract 1-A, Block 2 at 8.2545 acres in size, and Tract 1-B, Block 2 at 9.5477 acres in size, and dedicated 0.4371-acres of additional right-of-way. The Plat was approved by the DHO on February 7, 2024.
3. The Preliminary Plat for the Final Plat mentioned above (PR-2022-007712 / SD-2022-000143) Tract 1, Block 2 and Lot 5, Block 6 of the Volcano Cliffs was approved by the Development Review Board (DRB) on November 9, 2022. The approval was appealed to the City Council, and the Council upheld the decision on March 6, 2023, which was the final approval date of the Preliminary Plat.

4. Given that the prior preliminary and final plats divided the northern (Tract 1-A) and the southern property (Tract 1-B)-- with Tract 1-A being the subject of this action and the southern property not being the subject of this action--and the final plat not having been appealed and standing on its own ground, and with the information in the record and submitted under oath that the court having found in litigation that the property is not adjacent to major public open space, and having no evidence in the record of any stay of further action, the *DHO finds that the property that is subject of this action, approximately 8.2578 acres that is not adjacent to Major Public Open Space, is therefore ripe for decision by the DHO, and does not require an EPC Site Plan.*
5. An Infrastructure List was approved by the DRB on November 9, 2022 per PR-2022-007712 / SD-2022-00143 with the Major Preliminary Plat, and an approved and recorded Financial Guaranty/Infrastructure Improvements Agreement was submitted with the Final Plat application submittal for PR-2022-007712 / SD-2024-00019. Therefore, the infrastructure needed to support this current subdivision is planned and financially guaranteed. The half street of Valiente Road will be built all along the southern border of the parcel as a private road to match Valiente Road identified on the southern Tract 1-B.
6. The subject property is zoned MX-M and is vacant. Future development must be consistent with the underlying zone district and IDO/DPM requirements. Future development is subject to the Northwest Mesa VPO-2 requirements.
7. Per 6-6(L)(3), the Preliminary Plat was found to comply with all the applicable provisions of the IDO, the DPM, and other adopted City regulations. No conditions were specifically applied to the development of the property in a prior permit or approval.
8. Per Table 6-1-1 of the IDO, public notice and pre-application meeting requirements for the application have been satisfied by the Applicant prior to this submittal.
9. A facilitated meeting was held on May 28, 2024 with participation of the following neighborhood associations: WSCONA, Paradise Hills Community Association, Petroglyph National Monument, and other individuals. The Community stated that they believe the March, 2024 property division was not properly done, due primarily to unresolved litigation regarding said property. Therefore, the Community argued that the subject Application is not ripe.
10. The DHO hearing included public comment from some members of the public and no official comment from a neighborhood association. Cross examination occurred.
11. The submittal of a Final Plat is required within one year of Preliminary Plat approval per Table 6-4-3 of the IDO.

Conditions of Approval

The Preliminary Plat is conditioned as follows:

- a. For the Water Authority: Confirm infrastructure list items are correct to serve the entire site and provide an additional private easement for proposed Tract 1-A-5, such that every lot has access to public water and public sanitary sewer infrastructure through coordination with the Water Authority.
- b. Project and application numbers must be added to the Plat prior to final sign-off.
- c. A copy of the AGIS DXF file approval must be submitted prior to final sign-off.
- d. The DHO approval date shall be recorded on the Plat per IDO 6-6(L)(2)(d)(7) of the IDO.

APPEAL: If you wish to appeal this decision, you must do so within 15 days of the DHO's decision or by **JULY 1st, 2024**. The date of the DHO'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,



Robert L. Lucero, Jr. (Jun 17, 2024 13:43 MDT)

Robert L. Lucero, Jr.

Development Hearing Officer

RL/jw/jr

Modulus Architects., 8220 San Pedro Dr. NE, Suite 520, Albuquerque, NM 87113

DHO NOTIFICATION OF DECISION FEBRUARY 7, 2024

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

Group II U26 VC, LLC &
Tract 5 U26, LLC
4112 Blue Ridge Pl. NE &
5700 University Blvd. SE, Suite 310
Albuquerque, NM 87110 & 87106

Project# PR-2022-007712
Application#
SD-2024-00019 FINAL PLAT

LEGAL DESCRIPTION:

For all or a portion of:

5 & 1 BLOCK 6 & 2 UNIT 26, VOLCANO CLIFFS
zoned **MX-L, MX-M**, located between **ROSA**
PARK RD and **PASEO DEL NORTE NW**
containing approximately **18.23** acre(s).
(C-11)

On February 7, 2024, the Development Hearing Officer (DHO) held a public hearing concerning the above-referenced application and approved the request, based on the following Findings:

1. This Final Plat adjusts the boundaries of Tract 1, Block 2 and Lot 5, Block 6 of the Volcano Cliffs Subdivision, creating Tract 1-A, Block 2 at 8.2545 acres in size, and Tract 1-B, Block 2 at 9.5477 acres in size, and dedicates 0.4371-acres of additional right-of-way as depicted on the Plat.
2. A Preliminary Plat for this project (PR-2022-007712 / SD-2022-00143) was approved by the Development Review Board (DRB) on November 9, 2022. The approval was appealed to the City Council, and the Council upheld the decision on March 6, 2023 which is the final approval date of the Preliminary Plat.
3. A 1-year extension of the Preliminary Plat approval was approved by the DHO on December 6, 2023 per PR-2022-007712 / SD-2023-00218.

4. An Infrastructure List was approved by the DRB on November 9, 2022 per PR-2022-007712 / SD-2022-00143 with the Major Preliminary Plat, and an approved and recorded Financial Guaranty/Infrastructure Improvements Agreement was submitted with the Final Plat application submittal.
5. The Final Plat is consistent with the approved Major Preliminary Plat (SD-2022-00143).
6. The review and decision criteria for a Final Plat were met per 6-6(L)(3)(b) of the IDO.
7. The Final Plat application was timely submitted on January 29, 2024 and was a complete application.
8. Signatures from the surveyor, property owner(s), the City Surveyor, the utility companies, and AMAFCA are provided on the Plat as required.
9. Per 6-6(K)(2)(I), after approval by the DHO, the Applicant shall record the Plat with the Bernalillo County Clerk within 3 months after the date of the final signature on the Plat, or the Plat shall be voided.

Conditions:

Final sign-off of the Plat by the DFT staff is conditioned as follows:

- a. Application number on the Plat must be corrected to SD-2024-00019.
- b. AGIS DXF file approval.
- c. DHO approval date must be added to the Plat.

Sincerely,

Ronald R. Bohannon, P.E.
Ronald R. Bohannon, P.E. (Feb 12, 2024 14:43 MST)
Ronald R. Bohannon, P.E.
Development Hearing Officer

RRB/jr

Consensus Planning, Inc., 302 Eighth Street, NW, Albuquerque, NM 87102

DHO NOTIFICATION OF DECISION DECEMBER 6, 2023

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

Group II U26 VC, LLC &
Tract 5 U26, LLC
2400 Louisiana Blvd., Building 3 &
5700 University Blvd. SE, Ste. 310
Albuquerque, NM 87110 & 87120

Project# PR-2022-007712

Application#

SD-2023-00218 – EXTENSION OF PRELIMINARY
PLAT

SD-2023-00216 – EXTENSION OF VACATIONS OF
EASEMENT

LEGAL DESCRIPTION:

For all or a portion of:

**LOTS 5 & 1, BLOCKS 6 & 2, UNIT 26,
VOLCANO CLIFFS zoned MX-L & MX-M,
located on PASEO DEL NORTE and ROSA
PARKS RD containing approximately 8.23 &
9.54 acre(s). (C-11)**

On December 6, 2023, the Development Hearing Officer (DHO) held a public hearing concerning the above-referenced applications and approved the requests, based on the following Findings:

SD-2023-00218 EXTENSION OF PRELIMINARY PLAT

1. This is a request to extend a Preliminary Plat that was approved by the Development Review Board (DRB) on November 9, 2022 per PR-2022-007712 / SD-2022-00143 to to adjust the boundaries of Tract 1, Block 2 and Lot 5, Block 6 of the Volcano Cliffs Subdivision, creating Tract 1-A, Block 2 at 8.2339 acres in size, and Tract 1-B, Block 2 at 9.5477 acres in size. The approval was appealed to the City Council, and the Council upheld the decision on March 6, 2023 which is the final approval date of the Preliminary Plat.
2. The replat fulfills a condition of approval from the EPC rezoning approval of the property to both MX-L and MX-M per PR-2019-002663 / RZ-2019-00043. Future development must be consistent with the underlying zone districts, IDO/DPM requirements, and any governing/controlling Site Plans.

3. Per Table 6-4-3 of the IDO, a Final Plat submittal must be received within 1-year after the approval of the Preliminary Plat by the DHO. Pursuant to 14-16-6-4(X)(4) of the IDO, the applicant has made this extension request in writing prior to the expiration of the previous approval. The DHO is the current approving body for Preliminary Plat extensions.
4. The Preliminary Plat extension application was timely submitted on November 7, 2023 and was a complete application.

14-16-6-4(X)(2) Expiration or Repeal of Approvals:

Unless specified otherwise in this IDO, the DPM, an IIA, a Development Agreement approved by the City, or the terms attached to a permit or approval, each permit or approval shall be valid for the period of time shown in Table 6-4-3 and shall be of no force or effect after that time has passed, unless any of the following applies.

From the criteria mentioned under 14-16-6-4(X)(2), the following criteria applied to this request:

6-4(X)(2)(a) The period of validity is extended pursuant to Subsection 14-16-6- 4(X)(4) (Extensions of Period of Validity) or another provision of this IDO or the DPM.

14-16-6-4(X)(4)(a) General Provisions:

1. For each permit or approval for which Table 6-4-3 shows an expiration period, except an impact fee assessment or a Site Plan, the original decision-making body may approve 1 extension of validity for good cause shown for a time not to exceed the original period of validity for that permit or approval, provided that both of the following requirements are met.

- a. ***The applicant has submitted a written request for the time extension before the expiration of the original permit or approval with the Planning Director.***
- b. ***The extension is considered and a decision is being made by the same decision-making body as the initial approval, except that no public hearing shall be required, if one would have been required under the IDO for the initial approval.***

14-16-6-4(X)(4)(c), Additional Provisions for Extensions of Preliminary Plats:

In addition to the general provisions in Subsection (a) above, additional extensions for Preliminary Plats may be granted by the DHO for good cause, but the Preliminary Plat may be required to come into compliance with any applicable standards adopted since the application was submitted.

All the above required criteria under 14-16-6-4(X)(2), 14-16-6-4-(X)(4)(a) and 14-16-6-4(X)(4)(c) of the IDO are being met by the Applicant.

The Applicant has provided a written request before the expiration of the approval. The Applicant noted in their request that the District Court's decision on an appeal of the City Council approval of the Preliminary Plat was still pending at the time of submittal of the extension application, and the extension application was submitted to ensure the approval of the Preliminary Plat remains in place. The Court ruled just prior to the DHO hearing; the Court supported the original decision of the City Council to grant the Preliminary Plat.

5. This action will extend the approval of the Preliminary Plat to December 22nd, 2024.

SD-2023-00216 EXTENSION OF VACATIONS OF EASEMENT

1. This is a request to extend three easement vacations that were approved per PR-2022-007712 / SD-2022-00158, 161 and 162 on November 9, 2022 by the DRB.
2. Pursuant to 14-16-6-4(X)(4) of the IDO, the Applicant has made this extension request in writing prior to the expiration of the previous approvals and the DHO is the current approving for extensions of vacations of easement.
3. The application to extend the easement vacations was timely submitted on November 7, 2023 and was a complete application.

14-16-6-4(X)(2) Expiration or Repeal of Approvals:

Unless specified otherwise in this IDO, the DPM, an IIA, a Development Agreement approved by the City, or the terms attached to a permit or approval, each permit or approval shall be valid for the period of time shown in Table 6-4-3 and shall be of no force or effect after that time has passed, unless any of the following applies.

From the criteria mentioned under 14-16-6-4(X)(2), the following criteria applied to this request:

6-4(X)(2)(a) The period of validity is extended pursuant to Subsection 14-16-6- 4(X)(4) (Extensions of Period of Validity) or another provision of this IDO or the DPM.

14-16-6-4(X)(4)(a) General Provisions:

1. ***For each permit or approval for which Table 6-4-3 shows an expiration period, except an impact fee assessment or a Site Plan, the original decision-making body may approve 1 extension of validity for good cause shown for a time not to exceed the original period of validity for that permit or approval, provided that both of the following requirements are met.***

- a. ***The applicant has submitted a written request for the time extension before the expiration of the original permit or approval with the Planning Director.***
- b. ***The extension is considered and a decision is being made by the same decision-making body as the initial approval, except that no public hearing shall be required, if one would have been required under the IDO for the initial approval.***

All the above required criteria under 14-16-6-4(X)(4)(a) and 14-16-6-4(X)(2) of the IDO are being met by the applicant; the Applicant has provided a written request before the expiration of the approvals. This is the first and final extension the Applicant is able to obtain for the easement vacations.

4. This action will extend the approval of the easement vacations to December 22nd, 2024.

APPEAL: If you wish to appeal this decision, you must do so within 15 days of the DHO's decision or by **DECEMBER 22ND, 2023**. The date of the DHO'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(V) 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,



David S. Campbell (Dec 11, 2023 11:36 MST)

David S. Campbell
Development Hearing Officer

DSC/jr

Consensus Planning, Inc., 302 8th Street NW, Albuquerque, NM 87120

APPEAL APPLICATIONS / REASONS FOR APPEALS



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

Administrative Decisions	Decisions Requiring a Public Meeting or Hearing	Policy Decisions
<input type="checkbox"/> Archaeological Certificate (Form P3)	<input type="checkbox"/> Site Plan – EPC including any Variances – EPC (Form P1)	<input type="checkbox"/> Adoption or Amendment of Comprehensive Plan or Facility Plan (Form Z)
<input type="checkbox"/> Historic Certificate of Appropriateness – Minor (Form L)	<input type="checkbox"/> Master Development Plan (Form P1)	<input type="checkbox"/> Adoption or Amendment of Historic Designation (Form L)
<input type="checkbox"/> Alternative Signage Plan (Form P3)	<input type="checkbox"/> Historic Certificate of Appropriateness – Major (Form L)	<input type="checkbox"/> Amendment of IDO Text (Form Z)
<input type="checkbox"/> Minor Amendment to Site Plan (Form P3)	<input type="checkbox"/> Demolition Outside of HPO (Form L)	<input type="checkbox"/> Annexation of Land (Form Z)
<input type="checkbox"/> WTF Approval (Form W1)	<input type="checkbox"/> Historic Design Standards and Guidelines (Form L)	<input type="checkbox"/> Amendment to Zoning Map – EPC (Form Z)
<input type="checkbox"/> Alternative Landscaping Plan (Form P3)	<input type="checkbox"/> Wireless Telecommunications Facility Waiver (Form W2)	<input type="checkbox"/> Amendment to Zoning Map – Council (Form Z)
		Appeals
		<input checked="" type="checkbox"/> Decision by EPC, DHO, LC, ZHE, or City Staff (Form A)

APPLICATION INFORMATION

Applicant: <u>Westside Coalition of Neighborhood Association</u>		Phone:
Address:		Email:
City:	State:	Zip:
Professional/Agent (if any): <u>Hessel E. Yntema III, Yntema Law Firm P.A.</u>		Phone: <u>505-843-9565</u>
Address: <u>215 Gold Ave SW Suite 201</u>		Email: <u>hesselyntema-law.com</u>
City: <u>Albuquerque</u>	State: <u>NM</u>	Zip: <u>87102</u>
Proprietary Interest in Site:	List all owners:	

BRIEF DESCRIPTION OF REQUEST

Amended Appeal of June 12, 2024 DHO Decision in PR-2022-007712, SD-2024-00097 AKA PR-2019-002663

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

Lot or Tract No.: <u>Lot 1-A</u>	Block: <u>2</u>	Unit: <u>26</u>
Subdivision/Addition: <u>Volcano Cliffs</u>	MRGCD Map No.:	UPC Code: <u>10110640401530102</u>
Zone Atlas Page(s): <u>C-11</u>	Existing Zoning: <u>MX-M</u>	Proposed Zoning: <u>MX-M</u>
# of Existing Lots: <u>1</u>	# of Proposed Lots: <u>6</u>	Total Area of Site (acres): <u>8.2</u>

LOCATION OF PROPERTY BY STREETS

Site Address/Street: Between: Pasco del Norte NW and: Kimmick, Rosa Parks

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

PR-2019-002663, AC-23-1, AC-23-14, SD-2024-00019, SD-2022-000143

Signature: Hessel E. Yntema III Date: 11-1-24

Printed Name: Hessel E. Yntema III Applicant or Agent

FOR OFFICIAL USE ONLY

Case Numbers	Action	Fees	Case Numbers	Action	Fees

Meeting/Hearing 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? 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-2022-007712

Application number of the case being appealed, if applicable: SD-2024-00097


Type of decision being appealed: DHS Preliminary Plat 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>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.</i>	
Signature: <u>Hessel E. Yntema</u>	Date: <u>11-1-24</u>
Printed Name: <u>Hessel E. Yntema</u>	<input type="checkbox"/> Applicant or <input checked="" type="checkbox"/> Agent
FOR OFFICIAL USE ONLY	
Case Numbers:	Project Number:
Staff Signature:	
Date:	

10/23/2024

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

Authorization Letter for Representation for
Amended Appeal of June 12, 2024, DHO Decision
In Project PR 2022-007712, aka PR-0219-002663,
SD-2024-00097, Preliminary Plat

Dear Planning Department:

This letter is to authorize Hessel E. Yntema III, Yntema Law Firm P.A., to represent the undersigned in the above-referenced amended appeal following the District Court's Stipulated Order of Remand, copy attached.

WESTSIDE COALITION OF NEIGHBORHOOD ASSOCIATIONS

By Elizabeth Kay Haley
Elizabeth Kay Haley, President
P.O. Box 62511
Albuquerque, NM 87193-6105

**SECOND JUDICIAL DISTRICT COURT
COUNTY OF BERNALILLO
STATE OF NEW MEXICO**

WESTSIDE COALITION OF NEIGHBORHOOD ASSOCIATIONS
Appellant/Petitioner/Plaintiff,

vs.

No: D-202-CV-2024-06591

CITY OF ALBUQUERQUE, a New Mexico municipal corporation,
Appellee/Respondent/Defendant,


And

GROUP II U26 VC, LLC, and TRACT 5 U26, LLC,
Interested Parties.

STIPULATED ORDER OF REMAND

This matter comes before the Court upon the submission of this Stipulated Order; and the Court being advised in the premises;

IT IS HEREBY ORDERED that this case is remanded to Appellee for Appellee's Planning Department to accept an amended appeal to the City Council by Appellant, to be submitted to the Planning Department within fifteen (15) days after the entry of this Order, with payment of the applicable appeal filing fee by Appellant.


The Honorable Denise Barela Shepherd
District Court Judge

SUBMITTED BY:

YNTEMA LAW FIRM P.A.
/s/ Hessel E. Yntema III
Hessel E. Yntema III
215 Gold Avenue SW, Suite 201
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(505) 843-9565
E-mail: hess@yntema-law.com
Attorney for Appellant/Petitioner/Plaintiff

STIPULATED TO:

CITY OF ALBUQUERQUE

By Approved by e-mail 09/06/2024 (HEY)

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RESNICK & LOUIS PC

By Approved by e-mail 09/16/2024 (HEY)

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Attorneys for: Group II U26 VC, LLC - Interested Party
Tract 5 U26, LLC – Interested Party

BASIS OF STANDING FOR AMENDED APPEAL

Appellant has standing under IDO Section 6-4(V)(2)(a)(3) to appeal the “declaratory ruling” type decision, apparently made by the Planning Department and accepted by the DHO, that the subject site is not adjacent to the La Cuentista Major Public Open Space (“MPOS”). Appellant has standing under IDO Section 6-4(V)(2)(a)(4) because Appellant has legal rights under the IDO to protect neighborhood interests in West Side land use decisions such as building heights, views, protection of West Side MPOS and quality of life issues, and also concerning land use decision process issues such as whether land use decisions will be decided in quasi-judicial proceedings. Appellant’s membership has persons who frequently use and enjoy the La Cuentista MPOS. The decision specially and adversely affects them and Appellant by reducing their enjoyment of the La Cuentista MPOS and by the anticipated loss of views in the neighborhood and near the Petroglyph National Monument, and the other factors set out in IDO Section 5-2(A). Appellant’s rights are specially and adversely affected by the incorrect ruling on the adjacency of the subject site to the La Cuentista MPOS. Ignoring the Open Space Division’s objections will result in lesser enjoyment and protection of the La Cuentista MPOS important to the West Side. Another issue which specially and adversely affects Appellant is whether IDO’s VPO-2 regulations apply to the subject site which could be lost by subdivision. Another issue is whether Appellant was entitled to notice for the various decisions at issue. The DHO decisions involve Appellant’s pending appeal of the various approvals for the subject site (AC-23-1) currently in briefing at the Court of Appeals in A-1-CA-2023-02637. Appellant also has standing under IDO Section 6-4(V)(2)(a)(5) because Appellant is a proximate Neighborhood Association under the IDO.

REASONS FOR THE APPEAL

Under IDO Section 6-4(V)(4), the criteria for review for this appeal shall be whether the Development Hearing Officer (“DHO”) made 1 of the following mistakes:

- (a) the DHO acted fraudulently, arbitrarily or capriciously.
- (b) the decision is not supported by substantial evidence.
- (c) the DHO erred in applying the requirements of the IDO (or a plan, policy or regulation referenced in the applicable review and decision-making criteria).

This amended appeal is against the DHO plat decision of June 12, 2024, approving a Preliminary Plat for the subject property (the “Preliminary Plat Decision”), and two underlying DHO plat decisions made on December 6, 2023 (the “Extension Decision”), and February 7, 2024 (the “Final Plat Decision”). It appears to Appellant that these proceedings are related to prior proceedings AC-23-1 and AC-23-14. AC-23-1 involved a Preliminary Plat for subdivision of the 18-acre subject site into two parcels, northern and southern, and a proposed Site Plan for the southern portion. The City Council’s approval of the developer’s application in AC-23-1 is before the Court of Appeals in A-1-CA-41831. The Extension Decision involved extending the time for a Final Plat for the entire 18-acre site. The Final Plat was to subdivide the 18-acre parcel into two parts, northern and southern. The Preliminary Plat was to further subdivide the northern parcel into six smaller parcels. The procedural history is complicated. The City Council Notification of Decision in AC-23-14 (accepting the applicant’s withdrawal of a “Final Plat” application in the face of an adverse LUHO Recommendation) is attached to this Reasons for Appeal.

The DHO made the following mistakes:

1. Upon information and belief, Appellant was entitled to notice for the applications for the Extension Decision, the Final Plat and the Preliminary Plat, but such notifications were not sent to Appellant. Appellant was advised verbally of the Preliminary Plat proceedings and appeared on short

notice at the DHO hearing on June 12, 2024, to object. Appellant did not appear in the Extension Decision hearing or the Final Plat hearing because Appellant was not aware of the hearings or that the applications had been filed.

2. It appears to Appellant that if Appellant's main argument prevails in the pending Court of Appeals case for AC-23-1, the plat and site plan proceedings for the 18-acre Final Plat subject site will have to start over again (if the applicant chooses to proceed), with a quasi-judicial hearing to begin the process and fair consideration of the MPOS adjacency issue, the VPO-2 issue, and other issues. Appellant believes the LUHO Recommendation in AC-23-14 is the correct resolution but as the applicant withdrew its Final Plat application we do not know if the City Council would have accepted or rejected the LUHO Recommendation in AC-23-14.

3. Appellant restates and incorporates herein its Reasons for the Appeal in its original filing for this appeal which the Planning Department rejected resulting in the appeal, Bernalillo County District Court No. D-202-CV-2024-06591, by Appellant and the Stipulated Order of Remand in that case (copy attached).

4. Appellant does not have the records for the three DHO proceedings and reserves the right to amend or supplement its Reasons for Appeal after reviewing the records for those proceedings (the Extension Decision, the Final Plat Decision, and the Preliminary Plat Decision). Appellant requests that the records for all three matters be included in the record for this appeal.

**Notice of Decision
City Council
City of Albuquerque
November 13, 2023**

AC-23-14 (VA-2023-00196) PR-2022-007712, SI-2023-00127 The Westside Coalition of Neighborhood Associations and Michael Voorhees appeal the Development Hearing Officer decision to approve a final plat, for all or a portion of Lot 5, Block 6 Volcano Cliffs Unit 26 & Lot 1, Block 2, Volcano Cliffs Unit 26 zoned MX-L & MX-M, located on Rosa Parks Rd. between Paseo Del Norte and Rosa Parks Rd. containing approximately 18.23 acre(s). (C-11)

Decision

On November 8, 2023, by a vote of **8 FOR 0 AGAINST** the City Council voted to accept the withdrawal by the Applicant.

Excused: Benton

IT IS THEREFORE ORDERED THAT THIS MATTER IS WITHDRAWN.

Attachments

1. Land Use Hearing Officer's Findings and Recommendation
2. Action Summary from the November 8, 2023 City Council Meeting

A person aggrieved by this decision may appeal the decision to the Second Judicial District Court by filing in the Court a notice of appeal within thirty (30) days from the date this decision is filed with the City Clerk.



Pat Davis, President
City Council

Date: 11/13/2023

Received by: Gabryella Williams Date: 11/13/2023
City Clerk's Office

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CITY OF ALBUQUERQUE
LAND USE APPEAL UNDER THE IDO
BEFORE AN INDEPENDENT
LAND USE HEARING OFFICER

7 **APPEAL NO. AC-23-14**

8
9 VA-2023-00196; PR 2022-007712 and SD-2023-00127

10
11 Michael Voorhees, and
12 The Westside Coalition of Neighborhood Associations,

13
14 Appellants,

15 and,

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17 Jubilee Development, LLC and Group II U26 VC, LLC,

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19 Appellees-Applicants.
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22 **PROPOSED DECISION**

23
24 INTRODUCTION
25 RELEVANT BACKGROUND
26 ISSUES PRESENTED
27 STANDARD OF REVIEW
28 DISCUSSION
29 PROPOSED FINDINGS
30
31

32 **I. INTRODUCTION**

33
34 Under sections 5-4(C)(6) and 5-2(J)(2) of the IDO, “prior to any platting action,” any
35 development on lots 5-acres or larger that is “*adjacent*” to Major Public Open Space (MPOS)
36 requires a Site Plan-EPC. The crux of this appeal turns on whether the Appellee-Applicants’
37 proposed development is “adjacent” to the La Cuentista MPOS.

38 The Appellee-Applicants, Jubilee Development, LLC and Group II U26 VC, LLC (the

39 Applicants) sought and were granted final plat approval of an 18.23-acre development in a
40 recent hearing before the Development Hearing Officer (DHO). It is undisputed that the
41 Applicants did not ever obtain EPC approval of a Site Plan-EPC for the development. In this
42 appeal, Appellants primarily allege that without a Site Plan-EPC, the final plat approval is
43 invalid. The Appellants also raise numerous other issues of alleged error in this appeal, all of
44 which are discussed below.

45 The Applicants and the city Planning Department staff, on the other hand, contend that
46 a Site Plan-EPC was unnecessary. They argue that because the space separating the application
47 site and the MPOS is a street intersection, the MPOS is insufficiently adjacent to satisfy the
48 definition of adjacent under the IDO. The Applicants and city staff further argue that under
49 their “strict” interpretation of the term “adjacent,” a Site Plan-EPC is only required if the
50 application site and the MPOS were separated by only “one” street rather than an intersection
51 which is comprised of two streets.

52 After reviewing the record, listening to arguments of the parties, witness testimony, and
53 cross-examination in an extended three-hour quasi-judicial appeal hearing, and after
54 considering the applicable IDO provisions, I respectfully conclude that city planning staff’s
55 “strict” interpretation and application of the term “adjacent” in the IDO is erroneous and the
56 Appellants’ appeal on this issue should be sustained. Until the Applicants obtain EPC approval
57 of a Site Plan-EPC, the platting application and approval are premature and should be denied.

58 Specifically, as detailed below, I find that city staffs’ and the Applicants’ narrow
59 interpretation is inconsistent with the definition of “adjacent” and with its legislative purpose
60 in the IDO, and it is inconsistent with the legislative intent of the City Council to protect major

61 public open space. On all other issues presented by Appellants in this appeal, I respectfully
62 find that those issues are either not ripe, are mooted by the proposed findings below, or that
63 they should be denied on their merits.

64

65 II. RELEVANT BACKGROUND

66 The relevant procedural background associated with the application site is multifaceted
67 and entangled with various layers of approvals over the course of several years. In this appeal,
68 the Appellants and the Applicants stipulated that the record should be supplemented to include
69 records of those approvals. The parties also supplemented the record with written arguments
70 and additional exhibits which by stipulation are also included in the record. Because of the
71 numerous additions to the record, I have re-Bates stamped the record.¹

72 In September 2017, the Development Review Board (DRB) approved the Applicants’
73 application for a site plan, encompassing the then entire 18.79-acre site which is the subject of
74 this appeal. [R. 313]. That site plan apparently encompassed three lots between Paseo Del
75 Norte N.W. and Rosa Parks Road, along Kimmick Drive [R. 313]. At the time, the original
76 site plan for the site was subject to the design regulations in the Volcano Cliffs Sector Plan
77 which was subsequently repealed and replaced by the IDO [R. 639].

78 The Applicants then sought a rezoning for 8.7 acres of the site from MX-L to MX-M
79 which at the time encompassed the lot 1 (Tract 1-A in the 2022 amended site plan described
80 below) [R. 004]. On October 10, 2019, the Environmental Planning Commission (EPC)

1. Throughout this recommendation, for clarity, when I reference the record, I will be referencing the re-Bates stamped record only.

81 approved the Applicants' rezoning application. [R. 223].²

82 Significant to this appeal, on June 16, 2022, the EPC had approved a rezoning of 35-
83 acres of land from R-1D to NR-PO-B which is considered under the IDO as MPOS land [R.
84 011, 104]. Under IDO, § 6-7(G)(1), the EPC is the final decision-maker in approving NR-PO-
85 B zone map amendments and the rezoning that created the MPOS was effective on June 16,
86 2022, when the EPC approved the application. The rezoning resulted in newly created MPOS
87 land directly caddy-corner to the application site at the south side of the intersection of
88 Kimmick Drive, and Rosa Parks Road N.W. [R. 011, 104].³

89 Then, on August 4, 2022, the Applicants applied to the DRB to amend the September
90 2017 site plan, submitted a proposed amended site plan, and also requested approval of a
91 preliminary plat for the site [R. 497]. The application included inaccurate area maps from the
92 Albuquerque Geographic Information System (AGIS), a network of advanced mapping layers
93 of land uses, including existing zoning statuses of the lands within the city's municipal
94 boundary. The AGIS maps did not show the newly zoned MPOS lands at the caddy-corner
95 intersection of Kimmick Drive and Rosa Parks Road [R. 032, 496, 500, 509]. However,
96 testimony in the appeal hearing (AC-23-14) shows that the DRB knew of the MPOS rezoning
97 [R. 927-928]. On October 26, 2022, the DRB held its first hearing on the application [R. 602-
98 625]. After deferring a decision, the DRB approved the application requests at its November

2. An EPC condition of the rezoning approval was that the Applicants' plat results in lot lines that coincide with the internal rezoning boundaries as required by IDO, 6-7(G)(2).

3. The evidence indicates that Consensus Planning was the agent for the city applicant in the rezoning that created the MPOS. Consensus Planning is also the agent for the Applicants, in the preliminary plat, amended site plan, and final plat applications in this matter.

99 9, 2022, hearing [R. 628-672].⁴ Although new MPOS lands were created at the south side of
100 Kimmick Dr. and Rosa Parks Rd. NW intersection of the application site, the DRB had already
101 concluded informally, outside of the public hearings, that the MPOS was not sufficiently
102 adjacent to the application site [R. 926-927]. In addition, the DRB and the Applicants did not
103 address, acknowledge, or otherwise publicly discuss the inaccuracies in the AGIS zone maps
104 submitted with the application. [R. 628-672].

105 On November 28, 2022, these Appellants and others filed a timely administrative
106 appeal of the DRB's November 9, 2022, decision. An administrative Land Use appeal hearing
107 was subsequently held and in a scheduled public hearing on March 6, 2023, the City Council
108 accepted the proposed findings, denying the appeal.⁵ The Appellants appealed the City
109 Council's decision to the Bernalillo County District Court on April 3, 2023.⁶ the District Court
110 appeal to this day remains undecided.

111 Next, the record shows that on June 22, 2023, the Applicants filed an application to the
112 Development Hearing Officer (DHO) for Major-Final Plat approval [R. 029]. Then, on July
113 12, 2023, the DHO held a public hearing on the application and subsequently approved the

4. The amendments also essentially replaced the design regulations that were adopted into the site plan from the Volcano Cliffs Sector Development Plan. In addition, because lands were also dedicated for additional right-of-way for Paseo Del Norte, the application site was reduced to 18.23 acres from 18.7 acres.

5. The city administrative appeal (AC-23-1) was about the amended site plan, not the preliminary plat. And issues about whether the La Cuentista MPOS was adjacent to the application site was not presented in that appeal.

6. *Westside Coalition of Neighborhood Associations and Michael Vorhees v. City of Albuquerque*, et al., No. D-202-CV-2023-02637.

114 final plat application in a written decision [R. 068-092 and 026-027 respectively]. This
115 administrative appeal under the IDO was subsequently timely filed [R. 017-025]. An extended
116 quasi-judicial administrative appeal hearing was held on October 4, 2023 [R. 808].

117

118 III. APPEAL ISSUES

119 In this appeal, Appellants presented nine (9) issues of error in the reviews and approvals
120 of the amended site plan, the preliminary plat, and the final plat.⁷ Appellants first contend that
121 when the DRB reviewed and then finally approved the amended site plan and the preliminary
122 plat, it lacked authority to conduct a quasi-judicial hearing and therefore the subsequent
123 approval by the DHO is also invalid [R. 022]. As detailed below, I find that the DRB review
124 process was flawed for other reasons. Appellants also contend that the final plat does not
125 conform to the original 2017 site plan and therefore, the plats are both invalid [R. 023].
126 Notably, the 2017 site plan was amended on November 9, 2022, with the DRB’s decision. The
127 final plat must conform to the amended site plan, not the 2017 site plan. Appellants next
128 contend that the Applicants presented “incorrect and misleading” evidence to the DRB
129 regarding the zoning of the MPOS land [R. 023]. The evidence in the record supports this
130 claim.

131 Regarding the DHO hearing, Appellants argue that the DHO erred because Appellants

7. Under the July 15, 2022, IDO in effect at the time, Appellants were unable to administratively appeal the preliminary plat. Although this appeal is from a decision of the DHO, because the IDO prevented Appellants from appealing the preliminary plat decision of the DRB, and because the preliminary plat and the final plat are substantially connected procedurally and factually (discussed below), the Appellants are raising the flaws in the preliminary plat approval now.

132 raised the above issues regarding the MPOS at the hearing and the DHO failed to address any
133 of them in the written decision [R. 023]. Appellants also claim that the DHO should have
134 recused himself from hearing the applicant’s final plat application because he allegedly has a
135 bias against Appellant Michael Voorhees and/or a conflict of interest [R. 023]. Appellants
136 further argue that the DHO decision is invalid because even though Mr. Voorhees requested a
137 copy of the DHO’s final decision, it was apparently not sent to him. [R. 024]. Next, Appellants
138 suggest that because the preliminary plat approvals were appealed to the District Court, the
139 final plat review and decision should have been stayed (deferred) by the DHO until the District
140 Court appeal is resolved [R. 023].

141 The last set of issues presented concern the MPOS land which is situated caddy-corner
142 from the application site at the southeast side of the intersection of Rosa Parks Road and
143 Kimmick Drive, NW. Appellants claim that the MPOS is “adjacent” to the application site and
144 therefore a Site Plan-EPC must first be submitted and approved by the EPC before the
145 preliminary and final plats could have been approved. Appellant also argue the DHO erred
146 when he did not make any official findings on whether the MPOS is adjacent to the final plat
147 application site. Finally, Appellants claim that city planning staff violated the IDO when they
148 informally made a “declaratory like” decision behind closed doors to decide that the MPOS is
149 not adjacent to the application site. They suggest that issue of adjacency and the decision-
150 making to conclude that the MPOS was not adjacent to the application site should have been
151 carried out in a public quasi-judicial setting or in the public hearings on the preliminary and
152 final plats [R. 022].

153 The Applicant-Appellees (Applicants) deny the Appellants’ claims of error, but they

154 also take the position that based on IDO, § 6-4(V)(2), Appellant Michael Voorhees does not
155 have standing to appeal the DHO’s decision. The Applicants stipulate that the Westside
156 Coalition of Neighborhood Associations (WSCNA) have standing to appeal, but they
157 challenge whether the WSCNA leadership have approved the appeal.

158

159 **IV. STANDARD OF REVIEW**

160 A review of an administrative appeal under the IDO is a whole record review to
161 determine whether the decision-maker’s decision was fraudulent, arbitrary, or capricious under
162 the IDO; or whether the decision is not supported by substantial evidence; or if in approving
163 the application, the decision-maker erred in the facts, or in applying any applicable IDO
164 provisions, policy, or regulation. IDO, § 6-4(V)(4). At the time the final plat application was
165 submitted and reviewed, the July 2022 IDO was in effect; therefore, it is appropriate that the
166 same IDO version also be applicable to adjudicate this administrative appeal.

167

168 **V. DISCUSSION**

169 The core issue in this appeal turns on the meaning of “adjacent” in the IDO and relates
170 to whether the DRB and the DHO could lawfully approve the plats under the IDO without the
171 Applicants first having obtained approval of a Site Plan-EPC. If the definition of “adjacent”
172 under the IDO brings into its fold the subject MPOS lands, then the platting approvals by the
173 DRB and the DHO are premature without a Site-Plan EPC. It is undisputed that the Applicants

174 have not applied for a Site Plan-EPC.⁸ After the threshold issue of standing is addressed, the
175 bigger issue regarding the adjacency question will be discussed in detail as it may be
176 dispositive of the appeal. However, discussions of the other issues will follow.

177 **A. Appellant Michael Voorhees has standing to appeal the DHO decision.**

178 In response to this appeal, the Applicants through counsel argue that Mr. Voorhees
179 lacks standing to appeal the DHO’s decision because he does not reside or own property within
180 330-feet of the application site [R. 208]. See IDO, § 6-4(V)(2)(a)5 and the associated Table
181 6-4-2 for standing, which essentially requires an appellant to have a property interest within
182 330-feet of an application site. Mr. Voorhees did not dispute that he resides over 2,000 feet
183 from the application site. It is clear that Mr. Voorhees lacks standing based on his proximity
184 to the application site.

185 The Applicants also contend that Mr. Voorhees lacks standing arising from a “legal
186 right” that is “specially and adversely affected by the decision” in this matter. IDO, § 6-
187 4(V)(2)(a)4. I respectfully disagree. Mr. Voorhees’ sworn testimony at the administrative
188 appeal hearing demonstrates that as a resident of the Petroglyphs Estates he personally utilizes
189 the nearby La Cuentista MPOS lands for recreation [R. 825-826]. Although, the enjoyment of
190 someone else’s private property is normally not a legal right Mr. Voorhees can claim for
191 standing, in this case the decision implicates public open space. The La Quentista MPOS is
192 “City-owned or managed property” and it is set aside “primarily for facilitating recreation” by
193 the public. See IDO, § 7-1, Definitions, MPOS and Extraordinary Facility.

8. Note that the EPC did approve a site plan for the site in 2017; however, that site plan was replaced with an amended site plan when the DRB approved the Applicants’ amended site plan and preliminary plat in November 2022.

194 Entwined in the objective of and purpose for creating major public open space is an
195 implied interest or right for Albuquerque residents to lawfully use it. Certainly, under the
196 United States Constitution, Mr. Voorhees has a constitutional First Amendment right to
197 *lawfully* exercise free speech on public open space land. Similarly, at least for purposes of
198 standing to have an interest in a decision that arguably impacts the La Cuentista MPOS, Mr.
199 Voorhees, as a member of the public, has a somewhat analogous legal right to recreate on
200 public lands that are specifically dedicated for that purpose. As § 6-4(V)(2)(a)4 demands, Mr.
201 Voorhees’ legal right to utilize the open space is arguably “specially and adversely affected”
202 by the platting decisions in this matter. That is, because of the close proximity of the
203 application site to the MPOS, it is conceivable and rational that the platting decisions do in
204 fact impact the Mr. Voorhees’ interest in that MPOS land—an interest to assure that the IDO
205 regulations pertaining to MPOS are met. In addition, under the related earlier appeal (AC-23-
206 1) which is now pending in the District Court, the Applicants and their same legal counsel
207 stipulated that Mr. Voorhees’ had standing in that matter which concerned the same application
208 site **[R. 231]**.

209 Accordingly, because the application site and the decision appealed has an obvious and
210 sufficient connection to the MPOS, I find that Mr. Voorhees’ legal right to make use of the
211 MPOS, is “*specially affected by the decision.*” Thus, Mr. Voorhees has standing under § 6-
212 4(V)(2)(a)4.

213 There is no dispute that the WSCNA appellants have standing. The testimony of
214 WSCNA President, Elizabeth K. Haley during the appeal hearing confirms that the WSCNA
215 Executive Board approved the filing of the administrative appeal.

216 **B. The DRB’s review of the preliminary plat was flawed.**

217 The record of the DRB’s review of the amended site plan and the preliminary plat
218 shows that the DRB and the Applicants did not *publicly* disclose or otherwise overtly
219 acknowledge in as late as November 9, 2022, that Consensus Planning submitted with their
220 application inaccurate zone maps of the area. The area zone maps that the Applicants did
221 submit with their application did not show the rezoned 35-acres of new NR-PO-B (MPOS)
222 zoned lands. Consensus Planning was the city’s agent for the MPOS rezoning and is the agent
223 in the platting and site plan application in this matter. Despite this fact, Consensus Planning
224 Principal, Jackie Fishman testified that until the DRB brought it up at the hearing on the
225 Applicants’ application, she was unaware of the June 2022 rezoning that created 35-acres of
226 new MPOS land near the application site [R. 885-887]. Ms. Fishman explained that she was
227 unaware because the rezoning was not personally handled by her but by another employee of
228 her firm, Consensus Planning [R. 884-885].

229 Associate Planning Director Jolene Wolfley testified in the administrative appeal
230 hearing that she knew there was a newly created MPOS caddy-corner to the application site
231 [R. 927-928].⁹ Since it was determined informally (prior to the hearings) that the MPOS was
232 not pertinent to the issue of whether it was adjacent to the application site, the matter was not
233 substantively discussed at the preliminary plat hearings [R. 929].

234 The Appellants take the position that Ms. Fishman should have known or did know of
235 the June 2022 rezoning and that the inaccurate submission is more than a mistake. Specifically,

9. Ms. Wolfley was the Chairperson of the DRB when the DRB was tasked with reviewing the amended site plan and preliminary plat application.

236 Appellants argue that Ms. Fishman had to have known that the area zoning maps she submitted
237 with the amended site plan and preliminary plat application were inaccurate since her firm
238 represented the city in the MPOS rezoning. Appellants further contend that the inaccurate
239 maps submitted with the application required the DRB to conclude that the application was
240 either “incomplete” or that the submission of inaccurate maps was cause for the DRB to deny
241 the application.

242 Irrespective of who knew what, it is a fact that the Applicants did submit inaccurate
243 area zoning maps to the DRB with its application [R. 032, 496, 500, 509]. The maps submitted
244 by the Applicants showed that the 35-acres of MPOS land was R-1D zoned land not NR-PO-
245 B (MPOS). In addition, the record supports that, as a result of discretionary decision-making
246 that occurred outside of a public hearing, the DRB considered that the inaccuracies in the
247 application were unimportant to their decision-making under the IDO.

248 These multiple flaws were not harmless error. Although the inaccurate maps came
249 from the AGIS network which apparently was not updated to reflect the June 2022 rezoning,
250 because city DRB staff knew of the rezoning, it must have also known that the maps submitted
251 with the application were inaccurate. The DRB had a duty under the IDO, § 1-7(C) to ensure
252 that “*based on conditions that exist...when the application was accepted*” the application was
253 in fact “*complete.*” Inaccuracies in an application are tantamount to an incomplete application.
254 Similarly, and perhaps more importantly, the DRB had a duty to the public to disclose the
255 inaccuracy in its public hearing.

256 I find that the Applicants, through their agent, Consensus Planning, with minimal due
257 diligence, should have known that their preliminary plat application maps were inaccurate. As

258 the agent for the MPOS rezoning, they were mailed notice of the rezoning decision a few
259 months before the DRB application was submitted [R. 807]. I also find that the DRB had a
260 duty to the public and to the Applicants to disclose in a public meeting what they knew about
261 the inaccuracy.¹⁰ Remaining silent about the whole matter is inconsistent with the fundamental
262 principles of justice and the procedural due process due to the public and necessary in
263 administrative hearings. See generally *State Ex Rel. Battershell v. City of Albuquerque*, 1989-
264 NMCA-045. Thus, the DRB erred. However, as I describe below, I also find that the
265 preliminary and final plats, were not properly before the DRB or the DHO in the first place.

266 **C. The Applicants’ and city planning staffs’ interpretation of the definition of**
267 **“adjacent” in the IDO is unreasoned, inconsistent, and erroneous.**

268
269 Turning now to the crux of this appeal, the determination that a parcel of land is
270 adjacent to MPOS under the IDO is consequential. If a site encompassing 5-acres or more is
271 adjacent to MPOS, a Site Plan-EPC is required “*prior* to any platting action.” Subsection 5-
272 4(C) is headed “Compliance with Zoning Requirements” and its subsection 5-4(C)(6) states in
273 full:

274 In the PD and NR-SU zone districts, and **for development in any zone**
275 **district on a site 5 acres or greater adjacent to Major Public Open**
276 **Space, an approved Site Plan – EPC is required prior to any platting**
277 **action.** In the PC zone district, an approved Framework Plan is required
278 prior to any platting action. Subsequent platting must conform to the
279 approved plans. (Emphasis added).
280

10. In the past, Planning Staff with the city have officially notified applicants of deficiencies in applications by sending an applicant a “deficiency Notice.” Deficiency notices are a formal request that the applicants correct deficiencies found in applications. These deficiency notices are included in the records of applications. At the very least, this normally routine process should have occurred in this matter to advise the Applicants that the area zone maps they submitted are inaccurate and to resubmit accurate information.

281 Thus, if this provision is applicable to the application site, the preliminary and final plats
282 should not have been approved without the Applicants first obtaining the EPC’s approval of a
283 Site Plan-EPC. There is no dispute that the application site is greater than 5 acres in size and
284 that it comprises of the subdividing of lots. Setting aside the adjacency issue for a moment,
285 the Applicants contend that the preliminary and final platting of the site is not “development”
286 for purposes of IDO, § 5-4(C)(6) above. The Applicants are clearly wrong.

287 IDO, § 5-4 contains the general provisions for “promoting the public health, safety, and
288 general welfare” through the regulation of subdivisions of land in the city. The definition of
289 “development” in the IDO expressly includes “*any activity that alters...lot lines on a*
290 *property.*” IDO, Definition of Development, §7-1. It cannot be disputed that the Applicants’
291 applications were in part to obtain approval to “alter lot lines” within the application site. Thus,
292 the Applicants’ platting applications meet the definition of both subdivision and development
293 under the IDO. And although arguably the altering of lot lines was partly to fulfill an October
294 9, 2019, EPC condition for the rezoning at the application site, it was the Applicants who
295 sought the rezoning amendment to rezone 8.7 acres of the site from MX-L to MX-M [R. 004].
296 Just because the submission of the preliminary plat was partly to satisfy an EPC condition, the
297 EPC condition cannot be seized as a basis to argue that the platting was compulsory and is
298 somehow not development under IDO, § 5-4(C)(6) as suggested in this appeal.

299 Moving now to whether the MPOS is adjacent to the application site, the definition of
300 the term “adjacent” in the IDO states in full:

301 **Adjacent**

302 Those properties that are abutting or separated only by a street, alley, trail,
303 or utility easement, whether public or private. See also Alley, Multi-use
304 Trail, Private Way, Right-of-way, and Street.

305 IDO, § 7-1, p. 541.

306 Under New Mexico law, if an ordinance makes sense as it is written, language which
307 is not there should not be read into it. *High Ridge Hinkle Joint Venture v. City of Albuquerque*,
308 1998-NMSC-050, ¶ 5. In interpreting language of an ordinance, another rule of construction
309 is that the entire ordinance is to be read as a whole and each part is to be construed in
310 connection with every other part so as to produce a harmonious whole. *Burroughs v. Board of*
311 *County Comm'rs*, 1975-NMSC-05, ¶ 14. Consequently, the “plain language” of the definition
312 of adjacent is the “primary indicator of legislative intent.” *High Ridge Hinkle Joint Venture v.*
313 *City of Albuquerque*, 1998-NMSC-050, ¶ 5. Applying these rules of statutory interpretation to
314 this matter, it is clear that the interpretation that the city staff relied upon to determine that the
315 application site is not adjacent to the MPOS is unreasonable.

316 Associate Planning Director Wolfley testified in the administrative appeal hearing that
317 city staff believe that the IDO should be interpreted “strictly” with regard to the definition of
318 “adjacent” [R. 924]. Meanwhile, in Planning Staff’s strict interpretation, lands caddy-corner,
319 separated only by an intersection of *two* streets is not considered adjacent to one another. City
320 staff and the Applicants essentially take the position that the phrase “*separated only by a*
321 *street*” in the definition of adjacent means that that MPOS and another parcel must be
322 separated only by “*one*” street to be considered adjacent to one another.

323 Associate Planning Director Wolfley further testified that parcels of land caddy-corner
324 to one another that are separated by only an intersection of two streets have only “one point in
325 space” of “tangency” in which they are geometrically adjacent to one another [R. 924].
326 Evidently, in city staff’s’ assessment, the physical space of adjacency in the street intersection

327 of Kimmick Dr. and Rosa Parks Rd. is insufficient or too small to meet the definition of
328 adjacent in the IDO. Implicit in this complicated interpretation is (1) a concession that, even if
329 it is a small amount of physical space, there is adjacency between the MPOS and the
330 application site, and (2) staff are reading into the IDO’s definition that a certain unidentified
331 measure of physical adjacency is necessary to satisfy the IDO’s definition of the term
332 “adjacent.”

333 Notwithstanding that the strict interpretation is unreasoned, I find that even under the
334 strict interpretation proffered by city staff and the Applicants in this appeal, the MPOS is
335 adjacent to the application site. On this basis alone, it should have been determined by the
336 DRB that the preliminary plat application was submitted prematurely because a Site Plan-EPC
337 had not been applied for, much less approved.

338 Associate Planning Director Wolfley also testified that a strict interpretation is
339 necessary because *“there’s quite a bit of implication for a property owner if they are*
340 *determined to be adjacent”* [R. 924]. I find this rationale irrelevant to interpreting IDO
341 definitions. Potential impact on property rights is not a basis for city planning staff to decide
342 whether provisions of the IDO should be ignored or not enforced. These are considerations
343 normally associated with the enactment of ordinances, not their enforcement. However, I do
344 find that protecting MPOS is a significant legislative intent and purpose for § 5-2(J)(2) and §
345 5-4(C)(6) of the IDO.

346 Furthermore, I find that not only is staffs’ “strict” interpretation erroneous with the
347 plain meaning of the IDO’s definition of adjacent, but I also find that city staff abused their
348 authority under the IDO when they determined under this strict interpretation that the measure

349 or quantum of physical adjacency required is too small to meet the IDO’s definition. Briefly
350 stated, it is obvious that the definition of adjacent in the IDO does not contemplate that there
351 be a certain measure of physical adjacent space for properties to be considered adjacent to each
352 other. It is an arbitrary and capricious interpretation because the definition of “adjacent” in
353 the IDO does not have or contemplate any minimal measurement thresholds. Staff’s
354 interpretation violates basic rules of statutory construction. See *Burroughs v. Board of County*
355 *Comm’rs*, 1975-NMSC-05, ¶ 14, and *High Ridge Hinkle Joint Venture v. City of Albuquerque*,
356 1998-NMSC-050, ¶ 5.

357 In addition, staff’s strict interpretation is problematic because it discounts or disregards
358 other terms in the definition which must be harmonized with any interpretation. For example,
359 in the definition, properties that are separated only by “utility easement” are also considered
360 to be adjacent. However, under the city staffs’ strict interpretation, if there is more than “one”
361 utility easement that separates the properties at issue, or if the properties are separated only by
362 two intersecting utility easements (both examples can be a regular occurrence), then the
363 properties cannot be considered to be adjacent. As shown in the next subsection, the meaning
364 of adjacent can easily be defined without resorting to adding words or reading subjective
365 measurement proportions into the definition.

366 **D. Under a plain reading of the IDO’s definition of the term “adjacent,” the**
367 **application site is adjacent to the La Cuentista MPOS.**
368

369 In the IDO’s definition of adjacent, the word “a” in the phrase “*separated only by a*
370 *street, alley, trail, or utility easement*” is grammatically used as an indefinite article. As an
371 indefinite article, it operates to signal that the labels “*a street, alley, trail, or utility easement*”
372 are descriptions of general groups of the nouns (street, alley, trail, and utility easement). The

373 labels are not referents of these nouns in the singular but *any* version of these nouns. In other
374 words, grammatically, the phrase “separated only by *a* street, alley, trail, or utility easement”
375 does not mean “separated by only one street, one alley, one trail, or one utility easement.”

376 Furthermore, how “a street, alley, trail, or utility easement” are classified in the IDO
377 cannot be lost in their meaning as they apply to the definition of adjacent in the IDO. These
378 labels are nomenclature that are all classified in the IDO as public or private “right-of-way” of
379 which is explicitly also unambiguously and distinctly referenced in the second sentence in the
380 definitional language of the term “adjacent.” This is integral to any interpretation of the term
381 adjacent and cannot be ignored. Of particular importance is the second sentence of the
382 definition of Adjacent. It states: “*See also Alley, Multi-use Trail, Private Way, Right-of-way,*
383 *and Street.*” Because these terms are expressly referenced in the definition, they are part of the
384 definition, and these terms must be reconciled with any interpretation of the term “adjacent”
385 in the IDO. The binding connection between the terms “Alley, Multi-use Trail, Private Way,
386 Right-of-way, and Street” is that they are all considered public or private rights-of-way under
387 IDO, § 7-1.

388 In the IDO, the definitions of “right-of-way” and “street” includes “public right-of-
389 way.” Public right-of-way is defined as:

390 “Land deeded, reserved or dedicated by plat, or otherwise acquired by any
391 unit of government for the purposes of movement of vehicles, bicycles,
392 pedestrian traffic, and/or for conveyance of public utility services and
393 drainage.”
394

395 How the term “street” is defined in the IDO is also crucial. Under the IDO, “street” means:

396 The portion of a public right-of-way or private way, from curb to curb (or
397 from edge of paving to edge of paving if there is no curb, or from edge of

398 visible travel way to edge of visible travel way, if there is no paving), that is
399 *primarily devoted to vehicular use.* (Emphasis added).

400
401 IDO, § 7-1, p. 600.

402 Turning back now to the definition of adjacent, the phrase “separated only by a street” in the
403 definition is consistent with the grammatical use of the term as an indefinite article and it is
404 consistent with the definition of “right-of-way.” Put another way, “street” is a general
405 description of public right-of-way “primarily devoted for vehicular use.” In simple terms, land
406 dedicated for vehicular use is considered street and vice versa. It is incontrovertible that street
407 intersections are “primarily devoted to vehicular use” and are public right-of-way.

408 Only from giving meaning to all terms in the definitional language of “adjacent” can
409 the correct meaning be properly interpreted, and the legislative intent identified. Thus,
410 properties separated only by the referenced types of private or public right-of-way (“street,
411 alley, trail, or utility easement”) are considered adjacent to one another and specifically, the
412 phrase “separated only by a street” refers to all parts of public right-of way; street encompasses
413 the land primarily devoted to vehicular use which inevitably includes street intersections unless
414 otherwise noted in the IDO.

415 Under this interpretation, words and unidentified measurement expanses of physical
416 space are not read into the definition. Moreover, this interpretation, as it relates to MPOS, is
417 consistent with the legislative intent in the IDO to protect MPOS. Simply stated, development
418 separated “only by” the public right-of-way encompassing “street, alley, trail, or utility
419 easement” must meet the additional IDO provisions (§ 5-2(J)(2)) designed to protect MPOS.

420 In applying the proper interpretation to the facts of this case, it is clear that what
421 separates the MPOS land and the application site on the south-east side of the site is only public

422 right-of-way—the intersection of Kimmick Dr. and Rosa Parks Rd. The MPOS and the
423 application site are in fact adjacent to one another and because of this simple fact, the
424 Applicants should not have and cannot obtain platting approval without first obtaining
425 approval of a Site Plan-EPC as required by IDO, § 5-4(C)(6).

426 **E. Prior to all platting of the application site, the Applicants must first apply for**
427 **a Site Plan-EPC.**

428
429 To expeditiously resolve this appeal, the amended site plan, and the preliminary plat
430 approval should be revoked and the final plat denied. After the June 2022 EPC rezoning,
431 MPOS land became adjacent to the Applicants’ site requiring a Site Plan-EPC under IDO, §
432 5-4(C)(6). The DRB and the subsequent DHO approvals were not only premature, but they
433 violated IDO procedure and are invalid without a Site Plan-EPC.

434 Associate Planning Director Wolfley testified in the appeal hearing that if city staff had
435 concluded that IDO, § 5-4(C)(6) was applicable, only a small “buffer in an arc” on the
436 application site near the street intersection would be required to protect the MPOS [R. 941].
437 Respectfully, whatever is required cannot be a justification for circumventing IDO processes.
438 Notwithstanding though, it is evident that the IDO requires more when development under §
439 5-4(C)(6) is adjacent to MPOS land. First, it is the EPC that will evaluate the site plan in a
440 quasi-judicial hearing open to the public. Second, under § 5-2(J)(2)(b), the Applicants must
441 design access, circulation, parking, and aesthetics, to minimize any impacts on the MPOS.
442 With the clear understanding that the application site is adjacent to MPOS, design protections
443 must be reviewed by the staff of the Open Space Division of the City Parks and Recreation
444 Department as well as city Planning staff. Protection of the MPOS will be publicly discussed
445 in terms of it being formally determined that it is adjacent to the application site. Moreover,

446 the EPC has authority under the IDO to set any other reasonable conditions necessary to
447 accomplish the intent of protecting MPOS.

448 Next, the Appellants are correct that the Applicants do not have a vested right to the
449 approved preliminary plat especially since it was based on inaccurate evidence and was
450 approved in violation of IDO procedure. And whether the Applicants relied on the AGIS or
451 not in their submission of the inaccurate maps, the Applicants' agents, with due diligence,
452 should have known of the MPOS since they were also the agents for the city in creating the
453 MPOS and were sent mailed notice of the EPC's approval [R. 807].

454 **F. Unless the District Court orders a stay on the administrative processes, the**
455 **administrative applications, their review, and administrative adjudication**
456 **under the IDO should continue.**

457
458 Appellants take the position in this appeal that the City should defer all decisions on
459 the application site until the District Court finally resolves the issues in the District Court
460 appeal. The Appellants concede that a City Council stay on the matter would be discretionary
461 and is not required [R. 122]. Unless the District Court issues an Order compelling the City to
462 stay the application process, there is no compelling reason to defer a decision on this matter or
463 to prevent the Applicants from following the correct application process.

464 **G. The record of the DHO hearing.**

465
466 Appellant Michael Voorhees believes that the DHO holds a grudge against him or has
467 "personal animus" for him [R. 124]. He also contends that the DHO has an actual conflict of
468 interest or that there is an appearance of a conflict of interest. I respectfully disagree that there
469 is any evidence of animosity, a conflict, or an appearance of a conflict of interest.

470 Specifically, Appellant contends as the basis for the conflict that “several years ago”
471 when the DHO (David Campbell) was the Planning Director for the City, Mr. Voorhees filed
472 an appeal and, in that appeal, he made “numerous allegations of misconduct” (presumably
473 against Mr. Campbell) [R. 068-071]. Appellant Voorhees also claims that he “met in person
474 on two previous occasions and had extensive conversations” again presumably with Mr.
475 Campbell [R. 071-072].

476 In the DHO hearing, Mr. David Campbell responded, advising Mr. Voorhees that he
477 could not recall either meeting with him and he could not recall the allegations Mr. Voorhees
478 made against him several years ago [R. 070-071]. The DHO then responded to Mr. Voorhees’
479 request that he recuse himself from hearing the application [R. 072]. The DHO said:

480 Okay. Thank you. Duly noted. I have -- I have no recollection of any of this
481 that you're talking about and don't have a -- I think what you're saying is
482 that this -- it doesn't relate to the case at issue here; is that correct?

483 ...

484 All right. Thank you for raising that. And you say you have one other -- the
485 DHO does not have a conflict on this, and there is no personal animus.

486 ...

487 And I want – again, there are no personal grudge or animus against you for
488 something that I have no recollection of.

489 [R. 070-071].
490

491 Establishing a conflict of interest or an appearance of a conflict of interest requires
492 more than what is in this record. Other than the allegation from Appellant, there is no evidence
493 whatsoever that the DHO holds any animosity for Mr. Voorhees, nor is there objective
494 evidence of a conflict. Furthermore, there is no evidence that the DHO prejudged the facts of
495 the Applicants’ application. For a detailed discussion on what evidence is necessary to
496 disqualify a tribunal See *Las Cruces Prof'l Fire Fighters v. City of Las Cruces*, 1997-NMCA-

497 031. The fact that Mr. Voorhees perceives that the allegations he made in a previous case
498 “years ago” create an appearance of a conflict, does not in and of itself make it so. The
499 allegations in that previous case have nothing to do with the facts in this matter. In fact, Mr.
500 Campbell was not even a hearing officer when Mr. Voorhees complained of Mr. Campbell. In
501 addition, there is no evidence of the truth of the allegations when Mr. Campbell was the
502 Planning Director, and if there were, that would likely be insufficient to disqualify him from
503 sitting in judgment on this matter. As stated above the evidentiary requirements under law are
504 more nuanced to disqualify the DHO.

505 Appellants next contend that the DHO staff failed to send Appellant Voorhees a copy
506 of the DHO’s final written decision and therefore the decision should be reversed as a
507 consequence. Appellants cite to the most recent iteration of the IDO effective July 27, 2023,
508 § 6-4(M)(6) which essentially requires decision making bodies to, among other things, send
509 “*each party to the matter and to any other person who has entered an appearance and*
510 *requested a copy of the decision.*” Notably, this language is not in the July 15, 2022, version
511 of the IDO, which is applicable in this appeal. Although, anyone requesting a copy of a
512 decision should be sent the decision, the error in this matter is harmless because Appellants,
513 including Mr. Voorhees, filed a timely appeal of the DHO’s decision.

514

515 VI. PROPOSED FINDINGS

516 Pursuant to IDO, § 6-4(V)(3)(d)5, I respectfully find that the below findings are warranted,
517 supported by substantial evidence, and I recommend that they be adopted.

518 1. This is an appeal of a July 12, 2023, decision approving a final plat based on a

519 preliminary plat and amended site plan by the DHO.

520 2. Appellant WSCNA has standing to pursue this appeal under § 6-4(V)(2)(a)5.

521 3. Appellant Michael Voorhees has standing to pursue this appeal under § 6-
522 4(V)(2)(a)4.

523 4. The DRB's November 9, 2022, decision approving the preliminary plat was not
524 appealable under § 6-4(U)(1) of IDO update, effective July 15, 2022.

525 5. The DHO's July 12, 2023, decision approving the final plat is appealable under the
526 July 15, 2022 IDO which was in effect when the final decision was made.

527 6. Pursuant to IDO, § 6-6(L)(3)(c), the final plat must conform to the preliminary plat.

528 7. Pursuant to IDO, § 6-6(L)(2)(g) the final plat and the preliminary plat are required
529 to meet all applicable regulations and conditions of approvals, including previous approvals.

530 8. Pursuant to IDO, § 5-2(J)(2) and § 5-4(C)(6), prior to all platting of any development
531 greater than 5-acres in size, a Site Plan-EPC is required when the proposed plat site is adjacent
532 to any MPOS.

533 9. It is undisputed that the Applicants did not apply for or ever obtain Site-Plan EPC
534 approval for development at the 18.23-acre application site.

535 10. On June 16, 2022, the EPC approved an application by the City to rezone 35 acres
536 of land to NR-PO-B (MPOS). This MPOS is known as the La Quentista MPOS, and it is
537 located between Kimmick Dr. NW and Ridgeway Dr. NW and on the south side of Rosa Parks
538 Rd. NW.

539 11. The agent for the City in the rezoning application was Consensus Planning who is
540 also the agent for the Applicants of the amended site plan, preliminary, and final plat

541 applications.

542 12. The La Quentista MPOS is situated caddy-corner to the Applicants' application site
543 at the southwest intersection of Kimmick Dr. NW and Rosa Parks Rd. NW.

544 13. The La Quentista MPOS is adjacent to the Applicants' application site because it is
545 separated from the Applicants' application site by only street public right-of-way.

546 14. The DRB erred in approving the amended site plan and preliminary plat in
547 November 2022.

548 15. In its approval of the amended site plan and the preliminary plat, the DRB failed to
549 acknowledge at its public hearing that the Applicants' application site is situated adjacent to
550 the La Quentista MPOS as that term is defined in the IDO.

551 16. In addition, at some point in time prior to the two hearings on the amended site plan
552 and preliminary plat (October 26, and November 9, 2022, hearings), the DRB unofficially
553 concluded (not in the DRB public hearings) that the La Quentista MPOS was not adjacent to
554 the application site and in doing so, they misinterpreted and misapplied the IDO.

555 17. The amended site plan and the preliminary plat do not account for the adjacent
556 MPOS, and the amended site plan and preliminary plat do not in any manner demonstrate that
557 the applicable IDO provisions of § 5-2(J)(2), are satisfied.

558 18. With the amended site plan and preliminary plat application, the Applicants
559 submitted to the DRB inaccurate zone maps of the area which did not show the rezoned 35-
560 acres as NR-PO-B zoned lands.

561 19. Because the DRB was aware of the EPC's previous rezoning, the DRB knew or
562 should have known that the Applicants' area zone-map submission was inaccurate.

563 20. The DRB disregarded or otherwise did not make any public disclosure in its public
564 hearings of the Applicants' inaccurate area zone map.

565 21. Without an approved Site Plan-EPC, as required by IDO, § 5-2(J)(2) and § 5-4(C)(6),
566 the DRB did not have authority to approve the Applicants' preliminary plat.

567 22. Because the DRB did not have authority to approve the preliminary plat, the
568 appropriate remedy is to revoke the preliminary plat.

569 23. Because there is no evidence in the amended site plan that the regulations for
570 protecting MPOS have been satisfied under IDO, § 5-2(J)(2) and § 5-4(C)(6), the amended site
571 plan should also be revoked.

572 24. Because the preliminary plat is factually and legally entwined with the final plat
573 under the IDO, the decision approving the final plat should be reversed.

574 25. Contrary to Appellant Voorhees' claim in this appeal, the record of the DHO hearing
575 on the final plat demonstrates that the DHO held no animosity for Mr. Voorhees.

576 26. Contrary to Appellants' claims, the DHO does not have a conflict of interest and
577 there is not sufficient evidence of an appearance of one in this matter.

578 27. Unless the District Court orders a stay on all administrative proceedings related to
579 the application site, which at this time there is no evidence of, this matter may run its course.

580 28. The amended site plan and the preliminary plat shall be revoked and the decision
581 approving the final plat shall be reversed.

582 Respectfully Submitted:

583

584  Steven M. Chavez, Esq.

585 Land Use Hearing Officer

586 October 18, 2023

587

588 Copies to:

589 City Council

590 Appellants

591 Appellees/ Party Opponents

592 Planning Staff

593

594 Notice to the Parties regarding City Council rules.

595

596 When the Council receives the Hearing Officer’s proposed disposition of an appeal, the
597 Council shall place the decision on the agenda of the next regular full Council meeting
598 provided that there is a period of at least 10 days between the receipt of the decision and the
599 Council meeting. The parties may submit comments to the Council through the Clerk of the
600 Council regarding the Hearing Officer’s decision and findings provided such comments are in
601 writing and received by the Clerk of the Council and the other parties of record four (4)
602 consecutive days prior to the Council “accept or reject” hearing. Parties submitting comments
603 in this manner must include a signed, written attestation that the comments being submitted
604 were delivered to all parties of record within this time frame, which attestation shall list the
605 individual(s) to whom delivery was made. Comments received by the Clerk of the Council that
606 are not in conformance with the requirements of this Section will not be distributed to
607 Councilors.



City of Albuquerque

City of Albuquerque
Government Center
One Civic Plaza
Albuquerque, NM 87102

Action Summary

City Council

Council President, Pat Davis, District 6
Council Vice-President, Renée Grout, District 9

Louie Sanchez, District 1; Isaac Benton, District 2
Klarissa J. Peña, District 3; Brook Bassan, District 4
Dan Lewis, District 5; Tammy Fiebelkorn, District 7
Trudy E. Jones, District 8

Wednesday, November 8, 2023

5:00 PM

Vincent E. Griego Chambers
One Civic Plaza NW
City of Albuquerque Government Center

TWENTY-FIFTH COUNCIL - FORTIETH MEETING

1. ROLL CALL

Present 9 - Brook Bassan, Isaac Benton, Pat Davis, Tammy Fiebelkorn, Renee Grout, Trudy Jones, Dan Lewis, Klarissa Peña, and Louie Sanchez

2. MOMENT OF SILENCE

Councilor Peña led the Pledge of Allegiance in English.
Councilor Bassan led the Pledge of Allegiance in Spanish.

3. PROCLAMATIONS & PRESENTATIONS

4. ADMINISTRATION QUESTION & ANSWER PERIOD

5. APPROVAL OF JOURNAL

October 16, 2023

6. COMMUNICATIONS AND INTRODUCTIONS

7. REPORTS OF COMMITTEES

Finance and Government Operations Committee - October 23, 2023

8. CONSENT AGENDA: {Items may be removed at the request of any Councilor}

- a. [EC-23-376](#) City of Albuquerque Vision Zero Year-in-Review/Action Plan Update

A motion was made by Vice-President Grout that this matter be Receipt Be Noted. The motion carried by the following vote:

For: 8 - Bassan, Davis, Fiebelkorn, Grout, Jones, Lewis, Peña, and Sanchez

Excused: 1 - Benton

- b. [EC-23-378](#) Approval of Outside Counsel for Workers Compensation Legal Services Agreement with YLAW, P.C.

A motion was made by Vice-President Grout that this matter be Approved. The motion carried by the following vote:

For: 8 - Bassan, Davis, Fiebelkorn, Grout, Jones, Lewis, Peña, and Sanchez

Excused: 1 - Benton

- c. [EC-23-379](#) Approval of the Farolito Senior Community Development Agreement with Greater Albuquerque Housing Partnership to Utilize HUD HOME Funds Towards the New Construction of a Senior Rental Housing Project

A motion was made by Vice-President Grout that this matter be Approved. The motion carried by the following vote:

For: 8 - Bassan, Davis, Fiebelkorn, Grout, Jones, Lewis, Peña, and Sanchez

Excused: 1 - Benton

- d. [EC-23-380](#) Authorization of Social Service Agreement with Youth Development Inc. to Provide Violence Intervention & Prevention Services to youth/young adults who are high risk of engaging in gun violence or violent crimes

A motion was made by Vice-President Grout that this matter be Approved. The motion carried by the following vote:

For: 8 - Bassan, Davis, Fiebelkorn, Grout, Jones, Lewis, Peña, and Sanchez

Excused: 1 - Benton

- e. [AC-23-14](#) (VA-2023-00196) PR-2022-007712, SI-2023-00127 The Westside Coalition of Neighborhood Associations and Michael Voorhees appeal the Development Hearing Officer decision to approve a final plat, for all or a portion of Lot 5, Block 6 Volcano Cliffs Unit 26 & Lot 1, Block 2, Volcano Cliffs Unit 26 zoned MX-L & MX-M, located on Rosa Parks Rd. between Paseo Del Norte and Rosa Parks Rd. containing approximately 18.23 acre(s). (C-11)

A motion was made by Vice-President Grout that this matter be Withdrawn by Applicant. The motion carried by the following vote:

For: 8 - Bassan, Davis, Fiebelkorn, Grout, Jones, Lewis, Peña, and Sanchez

Excused: 1 - Benton

9. ANNOUNCEMENTS

10. FINANCIAL INSTRUMENTS

11. GENERAL PUBLIC COMMENTS

12. APPEALS

13. APPROVALS: {Contracts, Agreements, and Appointments}

- a. [EC-23-377](#) Mayor's Recommendation of Award to Fresquez Concessions Inc. for "Food and Beverage Concessions Program at the Albuquerque International Sunport"

A motion was made by President Davis that this matter be Approved. The motion carried by the following vote:

For: 7 - Bassan, Fiebelkorn, Grout, Jones, Lewis, Peña, and Sanchez

Against: 1 - Davis

Excused: 1 - Benton

14. FINAL ACTIONS

- f. [O-23-88](#) Repealing Chapter 9, Article 5, Part 1 ROA 1994, The Joint Air Quality Control Board Ordinance; Abolishing The Current Albuquerque-Bernalillo County Air Quality Control Board; Adopting Chapter 9, Article 5, Part 1 ROA 1994, The Joint Air Quality Control Ordinance; Creating The Albuquerque-Bernalillo County Air Quality Control Board (Lewis)

A motion was made by President Davis that this matter be Tabled. The motion carried by the following vote:

For: 9 - Bassan, Benton, Davis, Fiebelkorn, Grout, Jones, Lewis, Peña, and Sanchez

15. OTHER BUSINESS: {Reports, Presentations, and Other Items}

- a. **Executive Session relating to the matter of LaDella Williams, et al. v City of Albuquerque, which is subject to attorney-client privilege pertaining to threatened or pending litigation as permitted by Section 10-15-1.H(7), NMSA 1978**

A motion was made by President Davis that they move into Executive Session. The motion carried by the following vote:

For: 9 - Bassan, Benton, Davis, Fiebelkorn, Grout, Jones, Lewis, Peña, and Sanchez

President Davis affirmed that matters discussed in executive session were limited to those specified in the motion for closure.

14. FINAL ACTIONS

- f. [O-23-88](#) Repealing Chapter 9, Article 5, Part 1 ROA 1994, The Joint Air Quality Control Board Ordinance; Abolishing The Current Albuquerque-Bernalillo County Air Quality Control Board; Adopting Chapter 9, Article 5, Part 1 ROA 1994, The Joint Air Quality Control Ordinance; Creating The Albuquerque-Bernalillo County Air Quality Control Board (Lewis)

A motion was made by President Davis that O-23-88 be removed from the table. The motion carried by the following vote:

For: 9 - Bassan, Benton, Davis, Fiebelkorn, Grout, Jones, Lewis, Peña, and Sanchez

A motion was made by President Davis that this matter be Amended. President Davis moved Amendment No. 1. President Davis withdrew Amendment No. 1.

A motion was made by Councilor Bassan that the rules be suspended for the purpose of extending the meeting to 12:00 a.m. The motion carried by the following vote:

For: 9 - Bassan, Benton, Davis, Fiebelkorn, Grout, Jones, Lewis, Peña, and Sanchez

- f. [O-23-88](#) Repealing Chapter 9, Article 5, Part 1 ROA 1994, The Joint Air Quality Control Board Ordinance; Abolishing The Current Albuquerque-Bernalillo County Air Quality Control Board; Adopting Chapter 9, Article 5, Part 1 ROA 1994, The Joint Air Quality Control Ordinance; Creating The Albuquerque-Bernalillo County Air Quality Control Board (Lewis)

A motion was made by Councilor Peña that this matter be Amended. Councilor Peña moved Amendment No. 2. The motion failed by the following vote:

For: 3 - Benton, Davis, and Peña

Against: 6 - Bassan, Fiebelkorn, Grout, Jones, Lewis, and Sanchez

A motion was made by Councilor Peña that this matter be Amended. Councilor Peña moved Amendment No. 3. The motion carried by the following vote:

For: 6 - Bassan, Davis, Grout, Lewis, Peña, and Sanchez

Against: 3 - Benton, Fiebelkorn, and Jones

A motion was made by Councilor Peña that this matter be Amended. Councilor Peña moved Amendment No. 4. The motion failed by the following vote:

For: 3 - Grout, Peña, and Sanchez

Against: 6 - Bassan, Benton, Davis, Fiebelkorn, Jones, and Lewis

A motion was made by Councilor Peña that this matter be Amended. Councilor Peña moved Amendment No. 5. The motion carried by the following vote:

For: 8 - Bassan, Benton, Davis, Fiebelkorn, Grout, Jones, Peña, and Sanchez

Against: 1 - Lewis

A motion was made by Councilor Lewis that this matter be Passed as Amended. The motion carried by the following vote:

For: 5 - Bassan, Grout, Jones, Lewis, and Sanchez

Against: 4 - Benton, Davis, Fiebelkorn, and Peña

g. [R-23-176](#)

Establishing A Moratorium For The Albuquerque-Bernalillo County Air Quality Control Board To Act Under Chapter 9, Article 5, Part 1 ROA 1994, The Joint Air Quality Control Board Ordinance Until February 1, 2024 (Lewis)

A motion was made by Councilor Peña that this matter be Amended. Councilor Peña moved Amendment No. 1. The motion carried by the following vote:

For: 9 - Bassan, Benton, Davis, Fiebelkorn, Grout, Jones, Lewis, Peña, and Sanchez

A motion was made by Councilor Lewis that this matter be Passed as Amended. The motion carried by the following vote:

For: 5 - Bassan, Grout, Jones, Lewis, and Sanchez

Against: 4 - Benton, Davis, Fiebelkorn, and Peña

a. [O-23-87](#)

Directing The Tax Revenue Generated By Legal Recreational Marijuana Sales To A Permanent Marijuana Equity And Community Reinvestment Fund For The Benefit, Health, Safety, Welfare, And Quality Of Life For Those Who Have Been Negatively Impacted By The Criminalization Of Marijuana (Peña)

A motion was made by Councilor Peña that this matter be Amended. Councilor Peña moved Amendment No. 1. The motion carried by the following vote:

For: 9 - Bassan, Benton, Davis, Fiebelkorn, Grout, Jones, Lewis, Peña, and Sanchez

A motion was made by Councilor Peña that this matter be Amended. Councilor Peña moved Amendment No. 2. The motion carried by the following vote:

For: 9 - Bassan, Benton, Davis, Fiebelkorn, Grout, Jones, Lewis, Peña, and Sanchez

A motion was made by Councilor Peña that this matter be Passed as Amended. The motion carried by the following vote:

For: 8 - Bassan, Benton, Davis, Fiebelkorn, Grout, Lewis, Peña, and Sanchez

Against: 1 - Jones

A motion was made by Councilor Lewis that the rules be suspended for the purpose of extending the meeting to 1:00 a.m. The motion carried by the following vote:

For: 8 - Bassan, Benton, Davis, Fiebelkorn, Grout, Lewis, Peña, and Sanchez

Against: 1 - Jones

b. [O-23-89](#)

Amending Sections §7-2-1-1 Through §7-2-1-3 Of The Transit System Ordinance, Creating A Zero-Fare Structure (Fiebelkorn, Davis, Peña)

A motion was made by Councilor Fiebelkorn that this matter be Passed. The motion carried by the following vote:

For: 6 - Bassan, Benton, Davis, Fiebelkorn, Jones, and Peña

Against: 3 - Grout, Lewis, and Sanchez

d. [R-23-178](#)

Suspending Administrative Appeals To Safe Outdoor Space Applications In Response To Court Injunction Restricting Removing Encampments From Public Land (Fiebelkorn)

A motion was made by Councilor Fiebelkorn that this matter be Amended. Councilor Fiebelkorn moved Amendment No. 1. The motion failed by the following vote:

For: 4 - Benton, Davis, Fiebelkorn, and Jones

Against: 5 - Bassan, Grout, Lewis, Peña, and Sanchez

A motion was made by Councilor Fiebelkorn that this matter be Passed. The motion failed by the following vote:

For: 4 - Benton, Davis, Fiebelkorn, and Jones

Against: 5 - Bassan, Grout, Lewis, Peña, and Sanchez

e. [RA-23-3](#)

Amending Article I, Sections 8(C) And 8(H); And Article III, Sections 4(A), 4(B), 24(12), And 24(13) Of The City Council Rules Of Procedure Relating To The Order Of Business And Public Comment On Quasi-Judicial Matters (Davis)

A motion was made by President Davis that this matter be Passed. The motion carried by the following vote:

For: 9 - Bassan, Benton, Davis, Fiebelkorn, Grout, Jones, Lewis, Peña, and Sanchez

c. [R-23-177](#)

Designating Fund '305 Misc.' As The 'Housing Forward Fund' And Requiring The Administration To Provide An Annual Report (Benton)

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: 9 - Bassan, Benton, Davis, Fiebelkorn, Grout, Jones, Lewis, Peña, and Sanchez

A motion was made by Councilor Benton that this matter be Passed as Amended. The motion carried by the following vote:

For: 9 - Bassan, Benton, Davis, Fiebelkorn, Grout, Jones, Lewis, Peña, and Sanchez

*h. [R-23-180](#)

Approving And Authorizing The Acceptance Of Grant Awards From The Federal Emergency Management Agency (FEMA) And Providing For An Appropriation To The Department Of Finance And Administration For Fiscal Years 2024, 2025 And 2026 (Fiebelkorn, by request)

A motion was made by Councilor Fiebelkorn that this matter be Passed. The motion carried by the following vote:

For: 8 - Bassan, Benton, Davis, Fiebelkorn, Grout, Lewis, Peña, and Sanchez

Excused: 1 - Jones

*i. [R-23-181](#)

Directing The City Of Albuquerque Transit Department And Rio Metro Regional Transit District To Conduct A Study For Considering Consolidation; Appropriating Funding For The Study (Benton)

A motion was made by Councilor Benton that this matter be Passed. The motion carried by the following vote:

For: 5 - Benton, Davis, Fiebelkorn, Grout, and Lewis

Against: 3 - Bassan, Peña, and Sanchez

Excused: 1 - Jones

*j. [R-23-182](#)

Establishing Legislative And Budget Priorities For The City Of Albuquerque For The Second Session Of The 56th New Mexico State Legislature (Fiebelkorn, Peña, Bassan)

A motion was made by Councilor Fiebelkorn that this matter be Passed. The motion carried by the following vote:

For: 8 - Bassan, Benton, Davis, Fiebelkorn, Grout, Lewis, Peña, and Sanchez

Excused: 1 - Jones

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

Group II U26 VC, LLC
c/o Wright, Billy J
4112 Blue Ridge Pl. NE
Albuquerque, NM 87110

Project# PR-2022-007712,
AKA PR-2019-002663
Application#
SD-2024-00097 PRELIMINARY PLAT

LEGAL DESCRIPTION:

For all or a portion of:

Lot 1-A, Block 2, UNIT 26, VOLCANO CLIFFS
zoned **MX-M**, located on **PASEO DEL NORTE**
NW and Kimmick Dr. NW containing
approximately **8.2578** acre(s). **(C-11)**

On June 12, 2024, the Development Hearing Officer (DHO) held a public hearing concerning the above-referenced application and approved the request, with conditions of approval, based on the following Findings:

1. This is a request to subdivide Tract 1-A, Block 2, Volcano Cliffs Subdivision (8.2578 acres) into 6 parcels: Tract 1-A-1 consisting of 1.0212 acres; Tract 1-A-2 consisting of 1.4696 acres; Tract 1-A-3 consisting of 0.9864 acres; Tract 1-A-4 consisting of 1.3453 acres; Tract 1-A-5 consisting of 1.2919 acres; and Tract 1-A-6 consisting of 2.1434 acres.
2. A former Final Plat (PR-2022-007712 / SD-2024-00019) adjusted the boundaries of Tract 1, Block 2 and Lot 5, Block 6 of the Volcano Cliffs Subdivision, to create Tract 1-A, Block 2 at 8.2545 acres in size, and Tract 1-B, Block 2 at 9.5477 acres in size, and dedicated 0.4371-acres of additional right-of-way. The Plat was approved by the DHO on February 7, 2024.
3. The Preliminary Plat for the Final Plat mentioned above (PR-2022-007712 / SD-2022-000143) Tract 1, Block 2 and Lot 5, Block 6 of the Volcano Cliffs was approved by the Development Review Board (DRB) on November 9, 2022. The approval was appealed to the City Council, and the Council upheld the decision on March 6, 2023, which was the final approval date of the Preliminary Plat.

4. Given that the prior preliminary and final plats divided the northern (Tract 1-A) and the southern property (Tract 1-B)-- with Tract 1-A being the subject of this action and the southern property not being the subject of this action--and the final plat not having been appealed and standing on its own ground, and with the information in the record and submitted under oath that the court having found in litigation that the property is not adjacent to major public open space, and having no evidence in the record of any stay of further action, the *DHO finds that the property that is subject of this action, approximately 8.2578 acres that is not adjacent to Major Public Open Space, is therefore ripe for decision by the DHO, and does not require an EPC Site Plan.*
5. An Infrastructure List was approved by the DRB on November 9, 2022 per PR-2022-007712 / SD-2022-00143 with the Major Preliminary Plat, and an approved and recorded Financial Guaranty/Infrastructure Improvements Agreement was submitted with the Final Plat application submittal for PR-2022-007712 / SD-2024-00019. Therefore, the infrastructure needed to support this current subdivision is planned and financially guaranteed. The half street of Valiente Road will be built all along the southern border of the parcel as a private road to match Valiente Road identified on the southern Tract 1-B.
6. The subject property is zoned MX-M and is vacant. Future development must be consistent with the underlying zone district and IDO/DPM requirements. Future development is subject to the Northwest Mesa VPO-2 requirements.
7. Per 6-6(L)(3), the Preliminary Plat was found to comply with all the applicable provisions of the IDO, the DPM, and other adopted City regulations. No conditions were specifically applied to the development of the property in a prior permit or approval.
8. Per Table 6-1-1 of the IDO, public notice and pre-application meeting requirements for the application have been satisfied by the Applicant prior to this submittal.
9. A facilitated meeting was held on May 28, 2024 with participation of the following neighborhood associations: WSCONA, Paradise Hills Community Association, Petroglyph National Monument, and other individuals. The Community stated that they believe the March, 2024 property division was not properly done, due primarily to unresolved litigation regarding said property. Therefore, the Community argued that the subject Application is not ripe.
10. The DHO hearing included public comment from some members of the public and no official comment from a neighborhood association. Cross examination occurred.
11. The submittal of a Final Plat is required within one year of Preliminary Plat approval per Table 6-4-3 of the IDO.

Conditions of Approval

The Preliminary Plat is conditioned as follows:

- a. For the Water Authority: Confirm infrastructure list items are correct to serve the entire site and provide an additional private easement for proposed Tract 1-A-5, such that every lot has access to public water and public sanitary sewer infrastructure through coordination with the Water Authority.
- b. Project and application numbers must be added to the Plat prior to final sign-off.
- c. A copy of the AGIS DXF file approval must be submitted prior to final sign-off.
- d. The DHO approval date shall be recorded on the Plat per IDO 6-6(L)(2)(d)(7) of the IDO.

APPEAL: If you wish to appeal this decision, you must do so within 15 days of the DHO's decision or by **JULY 1st, 2024**. The date of the DHO'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,

Robert L. Lucero, Jr.

Robert L. Lucero, Jr. (Jun 17, 2024 13:43 MDT)

Robert L. Lucero, Jr.

Development Hearing Officer

RL/jw/jr

Modulus Architects., 8220 San Pedro Dr. NE, Suite 520, Albuquerque, NM 87113







PR-2022-007712 AKA PR-2019-002663 June 12th, 2024 Notice of Decision

Final Audit Report

2024-06-17

Created:	2024-06-14
By:	Jay Rodenbeck (jrodenbeck@cabq.gov)
Status:	Signed
Transaction ID:	CBJCHBCAABAATU6rHqKmP2GnXhAesYFJMxLN6j6W5GWn

"PR-2022-007712 AKA PR-2019-002663 June 12th, 2024 Notice of Decision" History

-  Document created by Jay Rodenbeck (jrodenbeck@cabq.gov)
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-  Document emailed to robert@luceroLawpc.com for signature
2024-06-14 - 11:10:30 PM GMT
-  Email viewed by robert@luceroLawpc.com
2024-06-17 - 7:42:37 PM GMT
-  Signer robert@luceroLawpc.com entered name at signing as Robert L. Lucero, Jr.
2024-06-17 - 7:43:50 PM GMT
-  Document e-signed by Robert L. Lucero, Jr. (robert@luceroLawpc.com)
Signature Date: 2024-06-17 - 7:43:52 PM GMT - Time Source: server
-  Agreement completed.
2024-06-17 - 7:43:52 PM GMT

**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

Group II U26 VC, LLC &
Tract 5 U26, LLC
2400 Louisiana Blvd., Building 3 &
5700 University Blvd. SE, Ste. 310
Albuquerque, NM 87110 & 87120

Project# PR-2022-007712

Application#

**SD-2023-00218 – EXTENSION OF PRELIMINARY
PLAT**

**SD-2023-00216 – EXTENSION OF VACATIONS OF
EASEMENT**

LEGAL DESCRIPTION:

For all or a portion of:

**LOTS 5 & 1, BLOCKS 6 & 2, UNIT 26,
VOLCANO CLIFFS zoned MX-L & MX-M,
located on PASEO DEL NORTE and ROSA
PARKS RD containing approximately 8.23 &
9.54 acre(s). (C-11)**

On December 6, 2023, the Development Hearing Officer (DHO) held a public hearing concerning the above-referenced applications and approved the requests, based on the following Findings:

SD-2023-00218 EXTENSION OF PRELIMINARY PLAT

1. This is a request to extend a Preliminary Plat that was approved by the Development Review Board (DRB) on November 9, 2022 per PR-2022-007712 / SD-2022-00143 to to adjust the boundaries of Tract 1, Block 2 and Lot 5, Block 6 of the Volcano Cliffs Subdivision, creating Tract 1-A, Block 2 at 8.2339 acres in size, and Tract 1-B, Block 2 at 9.5477 acres in size. The approval was appealed to the City Council, and the Council upheld the decision on March 6, 2023 which is the final approval date of the Preliminary Plat.
2. The replat fulfills a condition of approval from the EPC rezoning approval of the property to both MX-L and MX-M per PR-2019-002663 / RZ-2019-00043. Future development must be consistent with the underlying zone districts, IDO/DPM requirements, and any governing/controlling Site Plans.

3. Per Table 6-4-3 of the IDO, a Final Plat submittal must be received within 1-year after the approval of the Preliminary Plat by the DHO. Pursuant to 14-16-6-4(X)(4) of the IDO, the applicant has made this extension request in writing prior to the expiration of the previous approval. The DHO is the current approving body for Preliminary Plat extensions.
4. The Preliminary Plat extension application was timely submitted on November 7, 2023 and was a complete application.

14-16-6-4(X)(2) Expiration or Repeal of Approvals:

Unless specified otherwise in this IDO, the DPM, an IIA, a Development Agreement approved by the City, or the terms attached to a permit or approval, each permit or approval shall be valid for the period of time shown in Table 6-4-3 and shall be of no force or effect after that time has passed, unless any of the following applies.

From the criteria mentioned under 14-16-6-4(X)(2), the following criteria applied to this request:

6-4(X)(2)(a) The period of validity is extended pursuant to Subsection 14-16-6- 4(X)(4) (Extensions of Period of Validity) or another provision of this IDO or the DPM.

14-16-6-4(X)(4)(a) General Provisions:

1. For each permit or approval for which Table 6-4-3 shows an expiration period, except an impact fee assessment or a Site Plan, the original decision-making body may approve 1 extension of validity for good cause shown for a time not to exceed the original period of validity for that permit or approval, provided that both of the following requirements are met.

- a. The applicant has submitted a written request for the time extension before the expiration of the original permit or approval with the Planning Director.***
- b. The extension is considered and a decision is being made by the same decision-making body as the initial approval, except that no public hearing shall be required, if one would have been required under the IDO for the initial approval.***

14-16-6-4(X)(4)(c), Additional Provisions for Extensions of Preliminary Plats:

In addition to the general provisions in Subsection (a) above, additional extensions for Preliminary Plats may be granted by the DHO for good cause, but the Preliminary Plat may be required to come into compliance with any applicable standards adopted since the application was submitted.

All the above required criteria under 14-16-6-4(X)(2), 14-16-6-4-(X)(4)(a) and 14-16-6-4(X)(4)(c) of the IDO are being met by the Applicant.

The Applicant has provided a written request before the expiration of the approval. The Applicant noted in their request that the District Court's decision on an appeal of the City Council approval of the Preliminary Plat was still pending at the time of submittal of the extension application, and the extension application was submitted to ensure the approval of the Preliminary Plat remains in place. The Court ruled just prior to the DHO hearing; the Court supported the original decision of the City Council to grant the Preliminary Plat.

5. This action will extend the approval of the Preliminary Plat to December 22nd, 2024.

SD-2023-00216 EXTENSION OF VACATIONS OF EASEMENT

1. This is a request to extend three easement vacations that were approved per PR-2022-007712 / SD-2022-00158, 161 and 162 on November 9, 2022 by the DRB.
2. Pursuant to 14-16-6-4(X)(4) of the IDO, the Applicant has made this extension request in writing prior to the expiration of the previous approvals and the DHO is the current approving for extensions of vacations of easement.
3. The application to extend the easement vacations was timely submitted on November 7, 2023 and was a complete application.

14-16-6-4(X)(2) Expiration or Repeal of Approvals:

Unless specified otherwise in this IDO, the DPM, an IIA, a Development Agreement approved by the City, or the terms attached to a permit or approval, each permit or approval shall be valid for the period of time shown in Table 6-4-3 and shall be of no force or effect after that time has passed, unless any of the following applies.

From the criteria mentioned under 14-16-6-4(X)(2), the following criteria applied to this request:

6-4(X)(2)(a) The period of validity is extended pursuant to Subsection 14-16-6- 4(X)(4) (Extensions of Period of Validity) or another provision of this IDO or the DPM.

14-16-6-4(X)(4)(a) General Provisions:

1. ***For each permit or approval for which Table 6-4-3 shows an expiration period, except an impact fee assessment or a Site Plan, the original decision-making body may approve 1 extension of validity for good cause shown for a time not to exceed the original period of validity for that permit or approval, provided that both of the following requirements are met.***

- a. The applicant has submitted a written request for the time extension before the expiration of the original permit or approval with the Planning Director.*
- b. The extension is considered and a decision is being made by the same decision-making body as the initial approval, except that no public hearing shall be required, if one would have been required under the IDO for the initial approval.*

All the above required criteria under 14-16-6-4(X)(4)(a) and 14-16-6-4(X)(2) of the IDO are being met by the applicant; the Applicant has provided a written request before the expiration of the approvals. This is the first and final extension the Applicant is able to obtain for the easement vacations.

4. This action will extend the approval of the easement vacations to December 22nd, 2024.

APPEAL: If you wish to appeal this decision, you must do so within 15 days of the DHO's decision or by **DECEMBER 22ND, 2023**. The date of the DHO'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(V) 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,

David S. Campbell

David S. Campbell (Dec 11, 2023 4:36 MST)

David S. Campbell

Development Hearing Officer

DSC/jr

Consensus Planning, Inc., 302 8th Street NW, Albuquerque, NM 87120





PR-2022-007712_December_6_2023 - Notice of Decision

Final Audit Report

2023-12-11

Created:	2023-12-11
By:	Jay Rodenbeck (jrodenbeck@cabq.gov)
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"PR-2022-007712_December_6_2023 - Notice of Decision" History

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-  Signer david@davidscampbell.com entered name at signing as David S. Campbell
2023-12-11 - 6:36:30 PM GMT- IP address: 64.106.32.240
-  Document e-signed by David S. Campbell (david@davidscampbell.com)
Signature Date: 2023-12-11 - 6:36:32 PM GMT - Time Source: server- IP address: 64.106.32.240
-  Agreement completed.
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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

Group II U26 VC, LLC &
Tract 5 U26, LLC
4112 Blue Ridge Pl. NE &
5700 University Blvd. SE, Suite 310
Albuquerque, NM 87110 & 87106

Project# PR-2022-007712
Application#
SD-2024-00019 FINAL PLAT

LEGAL DESCRIPTION:

For all or a portion of:

5 & 1 BLOCK 6 & 2 UNIT 26, VOLCANO CLIFFS
zoned **MX-L, MX-M**, located between **ROSA**
PARK RD and **PASEO DEL NORTE NW**
containing approximately **18.23** acre(s).
(C-11)

On February 7, 2024, the Development Hearing Officer (DHO) held a public hearing concerning the above-referenced application and approved the request, based on the following Findings:

1. This Final Plat adjusts the boundaries of Tract 1, Block 2 and Lot 5, Block 6 of the Volcano Cliffs Subdivision, creating Tract 1-A, Block 2 at 8.2545 acres in size, and Tract 1-B, Block 2 at 9.5477 acres in size, and dedicates 0.4371-acres of additional right-of-way as depicted on the Plat.
2. A Preliminary Plat for this project (PR-2022-007712 / SD-2022-00143) was approved by the Development Review Board (DRB) on November 9, 2022. The approval was appealed to the City Council, and the Council upheld the decision on March 6, 2023 which is the final approval date of the Preliminary Plat.
3. A 1-year extension of the Preliminary Plat approval was approved by the DHO on December 6, 2023 per PR-2022-007712 / SD-2023-00218.

4. An Infrastructure List was approved by the DRB on November 9, 2022 per PR-2022-007712 / SD-2022-00143 with the Major Preliminary Plat, and an approved and recorded Financial Guaranty/Infrastructure Improvements Agreement was submitted with the Final Plat application submittal.
5. The Final Plat is consistent with the approved Major Preliminary Plat (SD-2022-00143).
6. The review and decision criteria for a Final Plat were met per 6-6(L)(3)(b) of the IDO.
7. The Final Plat application was timely submitted on January 29, 2024 and was a complete application.
8. Signatures from the surveyor, property owner(s), the City Surveyor, the utility companies, and AMAFCA are provided on the Plat as required.
9. Per 6-6(K)(2)(l), after approval by the DHO, the Applicant shall record the Plat with the Bernalillo County Clerk within 3 months after the date of the final signature on the Plat, or the Plat shall be voided.

Conditions:

Final sign-off of the Plat by the DFT staff is conditioned as follows:

- a. Application number on the Plat must be corrected to SD-2024-00019.
- b. AGIS DXF file approval.
- c. DHO approval date must be added to the Plat.

Sincerely,

Ronald R. Bohannon, P.E.

Ronald R. Bohannon, P.E. (Feb 12, 2024 14:43 MST)

Ronald R. Bohannon, P.E.

Development Hearing Officer

RRB/jr

Consensus Planning, Inc., 302 Eighth Street, NW, Albuquerque, NM 87102







PR-2022-007712 February 7, 2024 Notice of Decision

Final Audit Report

2024-02-12

Created:	2024-02-12
By:	Jay Rodenbeck (jrodenbeck@cabq.gov)
Status:	Signed
Transaction ID:	CBJCHBCAABAAuqnn2TS5K5SQuSaGkGy6cgqHLi7ctOVj

"PR-2022-007712 February 7, 2024 Notice of Decision" History

-  Document created by Jay Rodenbeck (jrodenbeck@cabq.gov)
2024-02-12 - 9:25:34 PM GMT- IP address: 143.120.132.76
-  Document emailed to Ronald R. Bohannon (7868rrb@gmail.com) for signature
2024-02-12 - 9:25:38 PM GMT
-  Email viewed by Ronald R. Bohannon (7868rrb@gmail.com)
2024-02-12 - 9:42:54 PM GMT- IP address: 50.193.232.49
-  Signer Ronald R. Bohannon (7868rrb@gmail.com) entered name at signing as Ronald R. Bohannon,P.E.
2024-02-12 - 9:43:23 PM GMT- IP address: 50.193.232.49
-  Document e-signed by Ronald R. Bohannon,P.E. (7868rrb@gmail.com)
Signature Date: 2024-02-12 - 9:43:25 PM GMT - Time Source: server- IP address: 50.193.232.49
-  Agreement completed.
2024-02-12 - 9:43:25 PM GMT



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

Administrative Decisions	Decisions Requiring a Public Meeting or Hearing	Policy Decisions
<input type="checkbox"/> Archaeological Certificate (Form P3)	<input type="checkbox"/> Site Plan – EPC including any Variances – EPC (Form P1)	<input type="checkbox"/> Adoption or Amendment of Comprehensive Plan or Facility Plan (Form Z)
<input type="checkbox"/> Historic Certificate of Appropriateness – Minor (Form L)	<input type="checkbox"/> Master Development Plan (Form P1)	<input type="checkbox"/> Adoption or Amendment of Historic Designation (Form L)
<input type="checkbox"/> Alternative Signage Plan (Form P3)	<input type="checkbox"/> Historic Certificate of Appropriateness – Major (Form L)	<input type="checkbox"/> Amendment of IDO Text (Form Z)
<input type="checkbox"/> Minor Amendment to Site Plan (Form P3)	<input type="checkbox"/> Demolition Outside of HPO (Form L)	<input type="checkbox"/> Annexation of Land (Form Z)
<input type="checkbox"/> WTF Approval (Form W1)	<input type="checkbox"/> Historic Design Standards and Guidelines (Form L)	<input type="checkbox"/> Amendment to Zoning Map – EPC (Form Z)
<input type="checkbox"/> Alternative Landscaping Plan (Form P3)	<input type="checkbox"/> Wireless Telecommunications Facility Waiver (Form W2)	<input type="checkbox"/> Amendment to Zoning Map – Council (Form Z)
		Appeals
		<input checked="" type="checkbox"/> Decision by EPC, DHO, LC, ZHE, or City Staff (Form A)

APPLICATION INFORMATION

Applicant: WSCONA ,West Side Coalition Of Neighborhood Associations		Phone: 505-908-5378
Address: 6005 Chaparral Circle NW		Email: elizabethkayhaley@gmail.com
City: Albuquerque	State: New Mexico	Zip: 87114
Professional/Agent (if any):		Phone:
Address:		Email:
City:	State:	Zip:
Proprietary Interest in Site:	List <u>all</u> owners:	

BRIEF DESCRIPTION OF REQUEST

LUHO APPEAL of DHO Decision Project# PR-2022-007712 AKA-2019-002663 Application# SD-2024-00019 FINAL PLAT

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

Lot or Tract No.: Lot 1-A	Block: Block 2	Unit: UNIT 26
Subdivision/Addition: VOLCANO CLIFFS	MRGCD Map No.: Text	UPC Code: 101106404014530102 (total org.)
Zone Atlas Page(s): (C-11)	Existing Zoning: MX-M	Proposed Zoning: MX-M
# of Existing Lots: 1	# of Proposed Lots: 6	Total Area of Site (acres): 8.2578

LOCATION OF PROPERTY BY STREETS

Site Address/Street: Text	Between: PASEO DEL NORTE NW	and: Kimmick Dr. NW
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CASE HISTORY (List any current or prior project and case number(s) that may be relevant to your request.)

Pr-2022-07712, aka-2019-002663, SD# 20240097; APPEAL NO. AC-23-14 VA-2023-00196; PR 2022-007712 and SD-2023-00127

Signature: <i>Elizabeth Kay Haley</i>	Date: July 1, 2024
Printed Name: WSCONA by its President, Elizabeth Kay Haley	<input checked="" type="checkbox"/> Applicant or <input type="checkbox"/> Agent

FOR OFFICIAL USE ONLY

Case Numbers	Action	Fees	Case Numbers	Action	Fees

Meeting/Hearing 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? ___ 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-2022-007712

___ Application number of the case being appealed, if applicable: SD-2024-00019

___ Type of decision being appealed: Final Plat

___ 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: Elizabeth Kay Haley **Date:** July 1, 2024

Printed Name: WSCONA, Westside Coalition of Neighborhood Associations by its President Elizabeth Kay Haley Applicant or Agent

FOR OFFICIAL USE ONLY

Case Numbers: _____ Project Number: _____

Staff Signature: _____

Date: _____



BASIS OF STANDING

Appellant Westside Coalition has standing under IDO Section 6-4(V)(2)(a)(3) to appeal the “declaratory ruling” type decision, apparently made by the Planning Department and accepted by the DHO, that the subject site is not adjacent to the La Cuentista Major Public Open Space (“MPOS”). This issue is not decided law because this issue and related issues are currently in the New Mexico Court of Appeals for each separate portion of an original parcel. Standing of the Westside Coalition was determined during these two cases by the LUHO for each portion of the original lot. Please see IDO July 2023, Part 14-16-7: Definitions, Acronyms, and Abbreviations 7-1: Definitions (Project Site A lot or collection of lots shown on a Subdivision – Minor or Major or on a Site Plan. This term refers to the largest geography specified in the earliest request for decision on the first application related to a particular development. For example, if a large lot is subdivided and submitted for development in phases, any regulation referring to the project site would apply to the entirety of the land in the original lot included in the Subdivision application.)

Appellant Westside Coalition has standing under IDO Section 6-4(V)(2)(a)(4) because Westside Coalition has legal rights under the IDO to protect neighborhood interests in West Side land use decisions such as building heights, views, protection of West Side MPOS and quality of life issues, and also concerning land use decision process issues such as whether land use decisions will be decided in quasi-judicial proceedings. In this case, Westside Coalition’s rights are specially and adversely affected by the incorrect ruling on the adjacency of the subject site to the La Cuentista MPOS and ignoring the Open Space Division’s objections will result in lesser enjoyment and protection of the La Cuentista MPOS important to the West Side. The effects of

the subject Final Plat approval such as that the EPC will not consider site plan approval before subdivision as required by the IDO, and that Final Plat decisions do not include substantive review of the Preliminary Plat decisions such as whether the prior 2017 site plan approval should be considered in the decision, specially and adversely affect the Westside Coalition. The DHO decision also may complicate Westside Coalition's pending appeal of the various approvals for the subject site in D-202-CV-2023-02637, currently in the New Mexico Court of Appeals.

Appellant Westside Coalition has standing under IDO Section 6-4(V)(2)(a)(5) because Westside Coalition is a proximate Neighborhood Association under the IDO.

Appellant Voorhees, as a member of WSCONA and a member of the WSCONA Executive Committee, has standing under IDO Section 6-4(V)(2)(a)(3) to appeal the "declaratory ruling" type decision, apparently made by the Planning Department and accepted by the DHO, that the subject site is not adjacent to the La Cuentista MPOS, as part of the original project site.

Appellant Voorhees has standing under IDO Section 6-4(V)(2)(a)(4) as a nearby resident living at 6320 Camino Alto NW, approximately 0.5 miles from the subject site. The decision specially and adversely affects him by reducing his enjoyment of the La Cuentista MPOS and the anticipated loss of views in his neighborhood and near the Petroglyph Monument. Other special and adverse effect issues for Appellant West Side Coalition include whether subdivision of the subject site should go to the EPC for site plan approval before subdivision as required by the IDO, and whether Final Plat decisions include substantive review of the Preliminary Plat decisions such as whether the prior 2017 site plan approval should be considered in the decision. The DHO decision also may complicate Appellant West Side Coalition's pending New Mexico Appeal Court appeal of the decisions for the subject site in D-202-CV-2023-02637 and D-202-

CV-2023-03961 West Side Coalition Vs City of Albuquerque. The Appellant reserves the right to supplement the appeal after production of the record.

Reasons for the Appeal

Appellant: WSCONA; Michael Voorhees spoke at the June 2024 DHO Hearing on behalf of WSCONA.

Standing: Same as in the last LUHO appeal concerning this site. NM Stat § 3-21-6 (2023)

B. No zoning regulation, restriction, or boundary shall become effective, amended, supplemented, or repealed until after a public hearing at which all parties in interest and citizens shall have an opportunity to be heard

Current Appeal of DHO Decision:

On June 12, 2024, the Development Hearing Officer (DHO) held a public hearing concerning the above-referenced application and approved the request, with conditions of approval, based on the following Findings:

1. This is a request to subdivide Tract 1-A, Block 2, Volcano Cliffs Subdivision (8.2578 acres) into 6 parcels: Tract 1-A-1 consisting of 1.0212 acres; Tract 1-A-2 consisting of 1.4696 acres; Tract 1-A-3 consisting of 0.9864 acres; Tract 1-A-4 consisting of 1.3453 acres; Tract 1-A-5 consisting of 1.2919 acres; and Tract 1-A-6 consisting of 2.1434 acres.
2. A former Final Plat (PR-2022-007712 / SD-2024-00019) adjusted the boundaries of Tract 1, Block 2 and Lot 5, Block 6 of the Volcano Cliffs Subdivision, to create Tract 1-A, Block 2 at 8.2545 acres in size, and Tract 1-B, Block 2 at 9.5477 acres in size, and dedicated 0.4371-acres of additional right-of-way. The Plat was approved by the DHO on February 7, 2024.
3. The Preliminary Plat for the Final Plat mentioned above (PR-2022-007712 / SD-2022-000143) Tract 1, Block 2 and Lot 5, Block 6 of the Volcano Cliffs was approved by the Development Review Board (DRB) on November 9, 2022. The approval was appealed to the City Council, and the Council upheld the decision on March 6, 2023, which was the final approval date of the Preliminary Plat
4. Given that the prior preliminary and final plats divided the northern (Tract 1-A) and the southern property (Tract 1-B)-- with Tract 1-A being the subject of this action and the southern property not being the subject of this action--and the final plat not having been appealed and standing on its own ground, and with the information in the record and submitted under oath that the court having found in litigation that the property is not adjacent to major public open space, and having no evidence in the record of any stay of further action, the DHO finds that the property that is subject of this action, approximately 8.2578 acres that is not adjacent to Major Public Open Space, is therefore ripe for decision by the DHO, and does not require an EPC Site Plan.
5. An Infrastructure List was approved by the DRB on November 9, 2022 per PR-2022-007712 / SD-2022-00143 with the Major Preliminary Plat, and an approved and recorded Financial Guaranty/Infrastructure Improvements Agreement was submitted with the Final Plat application submittal for PR-2022-007712 / SD-2024-00019. Therefore, the infrastructure needed to support this current subdivision is planned and financially guaranteed. The half street of Valiente Road will be built all along the southern border of the parcel as a private road to match Valiente Road identified on the southern Tract 1-B.

6. The subject property is zoned MX-M and is vacant. Future development must be consistent with the underlying zone district and IDO/DPM requirements. Future development is subject to the Northwest Mesa VPO-2 requirements.
7. Per 6-6(L)(3), the Preliminary Plat was found to comply with all the applicable provisions of the IDO, the DPM, and other adopted City regulations. No conditions were specifically applied to the development of the property in a prior permit or approval. 8. Per Table 6-1-1 of the IDO, public notice and pre-application meeting requirements for the application have been satisfied by the Applicant prior to this submittal.

The Appellants request this appeal review of the DHO decision for the following reasons:

1. As parties in interest, as demonstrated previously by testimony before the DRB, ZHE, DHO, LUHO, District Court, and pending matters before the Court of Appeals regarding the very parcel(s) at issue,
2. Notice was necessary to WSCONA and Michael T. Voorhees. The Appellant, WSCONA (West Side Coalition of Neighborhood Associations), received no notice for the predicate DHO hearings on December 6, 2023, and February 7, 2024, or the Decisions made at those hearings. The DHO items are only listed by date, not with addresses, making it impossible for the parties of interest to know that the applicants in those hearings would attempt to circumvent the LUHO's previously recommended findings regarding the preliminary plat improperly approved by the now-defunct DRB. WSCONA was represented at the hearing on July 12, 2024, but was not allowed to respond to prior decisions without notification.
3. The June 12, 2024, DHO Hearing was predicated upon the decisions from both the December 6 and February 7 Hearings. As those findings were unknown to the interested parties, there was no opportunity to appeal them. This lack of opportunity to challenge the conclusions, a fundamental right in any legal process, further underscores the procedural irregularity of the DHO Hearings. We thus appeal the June 12 decision because the necessary predicate DHO Hearings were unlawful under NM Stat § 3-21-6 B. (2023). These procedural irregularities have compromised the fairness of the process, and the need for a fair and just process is paramount.
4. Recusal of DHO Campbell- Since the DHO Hearing of July 12, 2023, we have learned of conflicts of interest that DHO Campbell concealed from the Appellants. Mr. Campbell served as CEO of Mesa Del Sol LLC from December 1, 2020, until approximately October 3, 2023. He owed his employment, at least in part, to Rudy Guzman, a business partner of Steven Chavez in Mesa Del Sol. Rudy Guzman is also an owner and business partner with Billy Wright and Steve Metro in Group II U26 VC, LLC & Tract 5 U26, LLC, the property owners at the DHO hearings. This apparent conflict of interest, undisclosed to appellants and other parties with standing, undermines the impartiality of the DHO and calls for his immediate recusal.
5. Recusal of Dan Lewis from participating in authorizing legislation - It has also come to light that Guzman has made significant contributions to Dan Lewis over the years. Guzman Construction Services is also a member of the Asphalt Pavement Association of New Mexico (APANM), and the APANM recently hired City Councilor Dan Lewis, District 6, as the Executive Director of APANM. District 6 contains the project site. Dan

Lewis sponsored legislation in a related case remanded by the District Court back to the City of Albuquerque due to process issues and conflicts of interest, which the DHO used as the basis of the DHO decision.

6. The Preliminary Plat is invalid because the subject site of 18.23 access is "adjacent" to the La Cuentista Major Public Open Space ("MPOS"), as the subject site and the La Cuentista MPOS are separated only by a street. Under IDO Section 5-4(C)(6), such an adjacent site must have an approved Site Plan—EPC before any platting action. The subject site does not have an approved Site Plan—EPC.
7. The Development Hearing Officer ("DHO") did not make any finding about the adjacency of the subject site to the La Cuentista MPOS, despite that Appellants presented that issue to the DHO. Appellant Westside Coalition has standing under IDO Section 6-4(V)(2)(a)(3) to appeal the "declaratory ruling" type decision, apparently made by the Planning Department and accepted by the DHO, that the subject site is not adjacent to the La Cuentista Major Public Open Space ("MPOS"). This issue has not been decided by law because this issue and related issues are currently in the New Mexico Court of Appeals for each separate portion of an original parcel. The LUHO determined the standing of the Westside Coalition and the subject site adjacency during these two cases by the LUHO for each portion of the original lot. Please see IDO July 2023, Part 14-16-7: Definitions, Acronyms, and Abbreviations 7-1: "Definitions (Project Site A lot or collection of lots shown on a Subdivision – Minor or Major or on a Site Plan. This term refers to the largest geography specified in the earliest request for a decision on the first application related to a particular development. For example, if a large lot is subdivided and submitted for development in phases, any regulation referring to the project site would apply to the entirety of the land in the original lot included in the Subdivision application."
8. The DHO's decision, which assumes that the subject site is not adjacent to the La Cuentista MPOS, is based on a declaratory ruling-type decision made by the Planning Department. This original declaratory ruling-type decision required a quasi-judicial hearing, but the City of Albuquerque didn't assign the case to an impartial quasi-judicial hearing.
9. The Final Plat is invalid if the Preliminary Plat approved by the DRB is invalid. The Preliminary Plat is invalid because the City's approval was not in a quasi-judicial hearing. IDO Table 6-1-1; IDO Section 6-4(M)(3).
10. The Preliminary Plat approval is under appeal in a SCRA 1-074 appeal of the City's denial of AC-23-1, Bernalillo County District Court No. D-202-CV-2023-02637, which is now in the New Mexico Appeals Court. The DHO should have deferred its hearing until the New Mexico Court of Appeals resolved the case.
11. The Preliminary Plat and the Final Plat are invalid because they do not comply with the 2017 site plan for the property, which imposes "conditions specifically applied to the development of the property in a prior permit or approval affecting the property" (IDO Section 6-6(L)(3)).
12. The DHO denied Appellants due process by not explicitly addressing and making decisions on Appellants' objections in writing and testimony, including objections that the DHO was biased and should recuse himself.

13. The original DHO written decision was defective because the City of Albuquerque, DHO sent no copy to the Appellants who requested notice of the decision in writing. Such notice is required under NMSA 1978, Section 39-3-1.1, and IDO Section 6-4(M)(6).
14. The appellants do not have the record of the DHO proceedings and reserve the right to amend or supplement their Reasons for Appeal after reviewing the record.

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

Group II U26 VC, LLC
c/o Wright, Billy J
4112 Blue Ridge Pl. NE
Albuquerque, NM 87110

Project# PR-2022-007712,
AKA PR-2019-002663
Application#
SD-2024-00097 PRELIMINARY PLAT

LEGAL DESCRIPTION:

For all or a portion of:

Lot 1-A, Block 2, UNIT 26, VOLCANO CLIFFS
zoned **MX-M**, located on **PASEO DEL NORTE**
NW and Kimmick Dr. NW containing
approximately **8.2578** acre(s). **(C-11)**

On June 12, 2024, the Development Hearing Officer (DHO) held a public hearing concerning the above-referenced application and approved the request, with conditions of approval, based on the following Findings:

1. This is a request to subdivide Tract 1-A, Block 2, Volcano Cliffs Subdivision (8.2578 acres) into 6 parcels: Tract 1-A-1 consisting of 1.0212 acres; Tract 1-A-2 consisting of 1.4696 acres; Tract 1-A-3 consisting of 0.9864 acres; Tract 1-A-4 consisting of 1.3453 acres; Tract 1-A-5 consisting of 1.2919 acres; and Tract 1-A-6 consisting of 2.1434 acres.
2. A former Final Plat (PR-2022-007712 / SD-2024-00019) adjusted the boundaries of Tract 1, Block 2 and Lot 5, Block 6 of the Volcano Cliffs Subdivision, to create Tract 1-A, Block 2 at 8.2545 acres in size, and Tract 1-B, Block 2 at 9.5477 acres in size, and dedicated 0.4371-acres of additional right-of-way. The Plat was approved by the DHO on February 7, 2024.
3. The Preliminary Plat for the Final Plat mentioned above (PR-2022-007712 / SD-2022-000143) Tract 1, Block 2 and Lot 5, Block 6 of the Volcano Cliffs was approved by the Development Review Board (DRB) on November 9, 2022. The approval was appealed to the City Council, and the Council upheld the decision on March 6, 2023, which was the final approval date of the Preliminary Plat.

4. Given that the prior preliminary and final plats divided the northern (Tract 1-A) and the southern property (Tract 1-B)-- with Tract 1-A being the subject of this action and the southern property not being the subject of this action--and the final plat not having been appealed and standing on its own ground, and with the information in the record and submitted under oath that the court having found in litigation that the property is not adjacent to major public open space, and having no evidence in the record of any stay of further action, the *DHO finds that the property that is subject of this action, approximately 8.2578 acres that is not adjacent to Major Public Open Space, is therefore ripe for decision by the DHO, and does not require an EPC Site Plan.*
5. An Infrastructure List was approved by the DRB on November 9, 2022 per PR-2022-007712 / SD-2022-00143 with the Major Preliminary Plat, and an approved and recorded Financial Guaranty/Infrastructure Improvements Agreement was submitted with the Final Plat application submittal for PR-2022-007712 / SD-2024-00019. Therefore, the infrastructure needed to support this current subdivision is planned and financially guaranteed. The half street of Valiente Road will be built all along the southern border of the parcel as a private road to match Valiente Road identified on the southern Tract 1-B.
6. The subject property is zoned MX-M and is vacant. Future development must be consistent with the underlying zone district and IDO/DPM requirements. Future development is subject to the Northwest Mesa VPO-2 requirements.
7. Per 6-6(L)(3), the Preliminary Plat was found to comply with all the applicable provisions of the IDO, the DPM, and other adopted City regulations. No conditions were specifically applied to the development of the property in a prior permit or approval.
8. Per Table 6-1-1 of the IDO, public notice and pre-application meeting requirements for the application have been satisfied by the Applicant prior to this submittal.
9. A facilitated meeting was held on May 28, 2024 with participation of the following neighborhood associations: WSCONA, Paradise Hills Community Association, Petroglyph National Monument, and other individuals. The Community stated that they believe the March, 2024 property division was not properly done, due primarily to unresolved litigation regarding said property. Therefore, the Community argued that the subject Application is not ripe.
10. The DHO hearing included public comment from some members of the public and no official comment from a neighborhood association. Cross examination occurred.
11. The submittal of a Final Plat is required within one year of Preliminary Plat approval per Table 6-4-3 of the IDO.

Conditions of Approval

The Preliminary Plat is conditioned as follows:

- a. For the Water Authority: Confirm infrastructure list items are correct to serve the entire site and provide an additional private easement for proposed Tract 1-A-5, such that every lot has access to public water and public sanitary sewer infrastructure through coordination with the Water Authority.
- b. Project and application numbers must be added to the Plat prior to final sign-off.
- c. A copy of the AGIS DXF file approval must be submitted prior to final sign-off.
- d. The DHO approval date shall be recorded on the Plat per IDO 6-6(L)(2)(d)(7) of the IDO.

APPEAL: If you wish to appeal this decision, you must do so within 15 days of the DHO's decision or by **JULY 1st, 2024**. The date of the DHO'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,

Robert L. Lucero, Jr.

[Robert L. Lucero, Jr. \(Jun 17, 2024 13:43 MDT\)](#)

Robert L. Lucero, Jr.

Development Hearing Officer

RL/jw/jr

Modulus Architects., 8220 San Pedro Dr. NE, Suite 520, Albuquerque, NM 87113







PR-2022-007712 AKA PR-2019-002663 June 12th, 2024 Notice of Decision

Final Audit Report

2024-06-17

Created:	2024-06-14
By:	Jay Rodenbeck (jrodenbeck@cabq.gov)
Status:	Signed
Transaction ID:	CBJCHBCAABAATU6rHqKmp2GnXhAesYFJMxLN6j6W5GWn

"PR-2022-007712 AKA PR-2019-002663 June 12th, 2024 Notice of Decision" History

-  Document created by Jay Rodenbeck (jrodenbeck@cabq.gov)
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-  Document emailed to robert@luceroLawpc.com for signature
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-  Email viewed by robert@luceroLawpc.com
2024-06-17 - 7:42:37 PM GMT
-  Signer robert@luceroLawpc.com entered name at signing as Robert L. Lucero, Jr.
2024-06-17 - 7:43:50 PM GMT
-  Document e-signed by Robert L. Lucero, Jr. (robert@luceroLawpc.com)
Signature Date: 2024-06-17 - 7:43:52 PM GMT - Time Source: server
-  Agreement completed.
2024-06-17 - 7:43:52 PM GMT

4. An Infrastructure List was approved by the DRB on November 9, 2022 per PR-2022-007712 / SD-2022-00143 with the Major Preliminary Plat, and an approved and recorded Financial Guaranty/Infrastructure Improvements Agreement was submitted with the Final Plat application submittal.
5. The Final Plat is consistent with the approved Major Preliminary Plat (SD-2022-00143).
6. The review and decision criteria for a Final Plat were met per 6-6(L)(3)(b) of the IDO.
7. The Final Plat application was timely submitted on January 29, 2024 and was a complete application.
8. Signatures from the surveyor, property owner(s), the City Surveyor, the utility companies, and AMAFCA are provided on the Plat as required.
9. Per 6-6(K)(2)(I), after approval by the DHO, the Applicant shall record the Plat with the Bernalillo County Clerk within 3 months after the date of the final signature on the Plat, or the Plat shall be voided.

Conditions:

Final sign-off of the Plat by the DFT staff is conditioned as follows:

- a. Application number on the Plat must be corrected to SD-2024-00019.
- b. AGIS DXF file approval.
- c. DHO approval date must be added to the Plat.

Sincerely,

Ronald R. Bohannon, P.E.

Ronald R. Bohannon, P.E. (Feb 12, 2024 14:43 MST)

Ronald R. Bohannon, P.E.

Development Hearing Officer

RRB/jr

Consensus Planning, Inc., 302 Eighth Street, NW, Albuquerque, NM 87102

**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

Group II U26 VC, LLC &
Tract 5 U26, LLC
4112 Blue Ridge Pl. NE &
5700 University Blvd. SE, Suite 310
Albuquerque, NM 87110 & 87106

Project# PR-2022-007712
Application#
SD-2024-00019 FINAL PLAT

LEGAL DESCRIPTION:

For all or a portion of:

5 & 1 BLOCK 6 & 2 UNIT 26, VOLCANO CLIFFS
zoned **MX-L, MX-M**, located between **ROSA**
PARK RD and **PASEO DEL NORTE NW**
containing approximately **18.23** acre(s).
(C-11)

On February 7, 2024, the Development Hearing Officer (DHO) held a public hearing concerning the above-referenced application and approved the request, based on the following Findings:

1. This Final Plat adjusts the boundaries of Tract 1, Block 2 and Lot 5, Block 6 of the Volcano Cliffs Subdivision, creating Tract 1-A, Block 2 at 8.2545 acres in size, and Tract 1-B, Block 2 at 9.5477 acres in size, and dedicates 0.4371-acres of additional right-of-way as depicted on the Plat.
2. A Preliminary Plat for this project (PR-2022-007712 / SD-2022-00143) was approved by the Development Review Board (DRB) on November 9, 2022. The approval was appealed to the City Council, and the Council upheld the decision on March 6, 2023 which is the final approval date of the Preliminary Plat.
3. A 1-year extension of the Preliminary Plat approval was approved by the DHO on December 6, 2023 per PR-2022-007712 / SD-2023-00218.

4. An Infrastructure List was approved by the DRB on November 9, 2022 per PR-2022-007712 / SD-2022-00143 with the Major Preliminary Plat, and an approved and recorded Financial Guaranty/Infrastructure Improvements Agreement was submitted with the Final Plat application submittal.
5. The Final Plat is consistent with the approved Major Preliminary Plat (SD-2022-00143).
6. The review and decision criteria for a Final Plat were met per 6-6(L)(3)(b) of the IDO.
7. The Final Plat application was timely submitted on January 29, 2024 and was a complete application.
8. Signatures from the surveyor, property owner(s), the City Surveyor, the utility companies, and AMAFCA are provided on the Plat as required.
9. Per 6-6(K)(2)(I), after approval by the DHO, the Applicant shall record the Plat with the Bernalillo County Clerk within 3 months after the date of the final signature on the Plat, or the Plat shall be voided.

Conditions:

Final sign-off of the Plat by the DFT staff is conditioned as follows:

- a. Application number on the Plat must be corrected to SD-2024-00019.
- b. AGIS DXF file approval.
- c. DHO approval date must be added to the Plat.

Sincerely,

Ronald R. Bohannon, P.E.

Ronald R. Bohannon, P.E. (Feb 12, 2024 14:43 MST)

Ronald R. Bohannon, P.E.

Development Hearing Officer

RRB/jr

Consensus Planning, Inc., 302 Eighth Street, NW, Albuquerque, NM 87102







PR-2022-007712 February 7, 2024 Notice of Decision

Final Audit Report

2024-02-12

Created:	2024-02-12
By:	Jay Rodenbeck (jrodenbeck@cabq.gov)
Status:	Signed
Transaction ID:	CBJCHBCAABAAuqnn2TS5K5SQuSaGkGy6cgqHLi7ctOVj

"PR-2022-007712 February 7, 2024 Notice of Decision" History

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-  Document emailed to Ronald R. Bohannon (7868rrb@gmail.com) for signature
2024-02-12 - 9:25:38 PM GMT
-  Email viewed by Ronald R. Bohannon (7868rrb@gmail.com)
2024-02-12 - 9:42:54 PM GMT- IP address: 50.193.232.49
-  Signer Ronald R. Bohannon (7868rrb@gmail.com) entered name at signing as Ronald R. Bohannon,P.E.
2024-02-12 - 9:43:23 PM GMT- IP address: 50.193.232.49
-  Document e-signed by Ronald R. Bohannon,P.E. (7868rrb@gmail.com)
Signature Date: 2024-02-12 - 9:43:25 PM GMT - Time Source: server- IP address: 50.193.232.49
-  Agreement completed.
2024-02-12 - 9:43:25 PM GMT

**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

Group II U26 VC, LLC &
Tract 5 U26, LLC
2400 Louisiana Blvd., Building 3 &
5700 University Blvd. SE, Ste. 310
Albuquerque, NM 87110 & 87120

Project# PR-2022-007712

Application#

SD-2023-00218 – EXTENSION OF PRELIMINARY
PLAT

SD-2023-00216 – EXTENSION OF VACATIONS OF
EASEMENT

LEGAL DESCRIPTION:

For all or a portion of:

**LOTS 5 & 1, BLOCKS 6 & 2, UNIT 26,
VOLCANO CLIFFS zoned MX-L & MX-M,
located on PASEO DEL NORTE and ROSA
PARKS RD containing approximately 8.23 &
9.54 acre(s). (C-11)**

On December 6, 2023, the Development Hearing Officer (DHO) held a public hearing concerning the above-referenced applications and approved the requests, based on the following Findings:

SD-2023-00218 EXTENSION OF PRELIMINARY PLAT

1. This is a request to extend a Preliminary Plat that was approved by the Development Review Board (DRB) on November 9, 2022 per PR-2022-007712 / SD-2022-00143 to to adjust the boundaries of Tract 1, Block 2 and Lot 5, Block 6 of the Volcano Cliffs Subdivision, creating Tract 1-A, Block 2 at 8.2339 acres in size, and Tract 1-B, Block 2 at 9.5477 acres in size. The approval was appealed to the City Council, and the Council upheld the decision on March 6, 2023 which is the final approval date of the Preliminary Plat.
2. The replat fulfills a condition of approval from the EPC rezoning approval of the property to both MX-L and MX-M per PR-2019-002663 / RZ-2019-00043. Future development must be consistent with the underlying zone districts, IDO/DPM requirements, and any governing/controlling Site Plans.

3. Per Table 6-4-3 of the IDO, a Final Plat submittal must be received within 1-year after the approval of the Preliminary Plat by the DHO. Pursuant to 14-16-6-4(X)(4) of the IDO, the applicant has made this extension request in writing prior to the expiration of the previous approval. The DHO is the current approving body for Preliminary Plat extensions.
4. The Preliminary Plat extension application was timely submitted on November 7, 2023 and was a complete application.

14-16-6-4(X)(2) Expiration or Repeal of Approvals:

Unless specified otherwise in this IDO, the DPM, an IIA, a Development Agreement approved by the City, or the terms attached to a permit or approval, each permit or approval shall be valid for the period of time shown in Table 6-4-3 and shall be of no force or effect after that time has passed, unless any of the following applies.

From the criteria mentioned under 14-16-6-4(X)(2), the following criteria applied to this request:

6-4(X)(2)(a) The period of validity is extended pursuant to Subsection 14-16-6- 4(X)(4) (Extensions of Period of Validity) or another provision of this IDO or the DPM.

14-16-6-4(X)(4)(a) General Provisions:

1. For each permit or approval for which Table 6-4-3 shows an expiration period, except an impact fee assessment or a Site Plan, the original decision-making body may approve 1 extension of validity for good cause shown for a time not to exceed the original period of validity for that permit or approval, provided that both of the following requirements are met.

- a. ***The applicant has submitted a written request for the time extension before the expiration of the original permit or approval with the Planning Director.***
- b. ***The extension is considered and a decision is being made by the same decision-making body as the initial approval, except that no public hearing shall be required, if one would have been required under the IDO for the initial approval.***

14-16-6-4(X)(4)(c), Additional Provisions for Extensions of Preliminary Plats:

In addition to the general provisions in Subsection (a) above, additional extensions for Preliminary Plats may be granted by the DHO for good cause, but the Preliminary Plat may be required to come into compliance with any applicable standards adopted since the application was submitted.

All the above required criteria under 14-16-6-4(X)(2), 14-16-6-4-(X)(4)(a) and 14-16-6-4(X)(4)(c) of the IDO are being met by the Applicant.

The Applicant has provided a written request before the expiration of the approval. The Applicant noted in their request that the District Court's decision on an appeal of the City Council approval of the Preliminary Plat was still pending at the time of submittal of the extension application, and the extension application was submitted to ensure the approval of the Preliminary Plat remains in place. The Court ruled just prior to the DHO hearing; the Court supported the original decision of the City Council to grant the Preliminary Plat.

5. This action will extend the approval of the Preliminary Plat to December 22nd, 2024.

SD-2023-00216 EXTENSION OF VACATIONS OF EASEMENT

1. This is a request to extend three easement vacations that were approved per PR-2022-007712 / SD-2022-00158, 161 and 162 on November 9, 2022 by the DRB.
2. Pursuant to 14-16-6-4(X)(4) of the IDO, the Applicant has made this extension request in writing prior to the expiration of the previous approvals and the DHO is the current approving for extensions of vacations of easement.
3. The application to extend the easement vacations was timely submitted on November 7, 2023 and was a complete application.

14-16-6-4(X)(2) Expiration or Repeal of Approvals:

Unless specified otherwise in this IDO, the DPM, an IIA, a Development Agreement approved by the City, or the terms attached to a permit or approval, each permit or approval shall be valid for the period of time shown in Table 6-4-3 and shall be of no force or effect after that time has passed, unless any of the following applies.

From the criteria mentioned under 14-16-6-4(X)(2), the following criteria applied to this request:

6-4(X)(2)(a) The period of validity is extended pursuant to Subsection 14-16-6- 4(X)(4) (Extensions of Period of Validity) or another provision of this IDO or the DPM.

14-16-6-4(X)(4)(a) General Provisions:

1. ***For each permit or approval for which Table 6-4-3 shows an expiration period, except an impact fee assessment or a Site Plan, the original decision-making body may approve 1 extension of validity for good cause shown for a time not to exceed the original period of validity for that permit or approval, provided that both of the following requirements are met.***

- a. ***The applicant has submitted a written request for the time extension before the expiration of the original permit or approval with the Planning Director.***
- b. ***The extension is considered and a decision is being made by the same decision-making body as the initial approval, except that no public hearing shall be required, if one would have been required under the IDO for the initial approval.***

All the above required criteria under 14-16-6-4(X)(4)(a) and 14-16-6-4(X)(2) of the IDO are being met by the applicant; the Applicant has provided a written request before the expiration of the approvals. This is the first and final extension the Applicant is able to obtain for the easement vacations.

4. This action will extend the approval of the easement vacations to December 22nd, 2024.

APPEAL: If you wish to appeal this decision, you must do so within 15 days of the DHO's decision or by **DECEMBER 22ND, 2023**. The date of the DHO'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(V) 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,



[David S. Campbell \(Dec 11, 2023 11:36 MST\)](#)

David S. Campbell
Development Hearing Officer

DSC/jr

Consensus Planning, Inc., 302 8th Street NW, Albuquerque, NM 87120





PR-2022-007712_December_6_2023 - Notice of Decision

Final Audit Report

2023-12-11

Created:	2023-12-11
By:	Jay Rodenbeck (jrodenbeck@cabq.gov)
Status:	Signed
Transaction ID:	CBJCHBCAABAAIOGRXPhJ_HoAt94bZGPIHr-CVMhOTCAj

"PR-2022-007712_December_6_2023 - Notice of Decision" History

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2023-12-11 - 6:35:20 PM GMT- IP address: 64.106.32.240
-  Signer david@davidscampbell.com entered name at signing as David S. Campbell
2023-12-11 - 6:36:30 PM GMT- IP address: 64.106.32.240
-  Document e-signed by David S. Campbell (david@davidscampbell.com)
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BASIS OF STANDING

Appellant Westside Coalition has standing under IDO Section 6-4(V)(2)(a)(3) to appeal the “declaratory ruling” type decision, apparently made by the Planning Department and accepted by the DHO, that the subject site is not adjacent to the La Cuentista Major Public Open Space (“MPOS”). This issue is not decided law because this issue and related issues are currently in the New Mexico Court of Appeals for each separate portion of an original parcel. Standing of the Westside Coalition was determined during these two cases by the LUHO for each portion of the original lot. Please see IDO July 2023, Part 14-16-7: Definitions, Acronyms, and Abbreviations 7-1: Definitions (Project Site A lot or collection of lots shown on a Subdivision – Minor or Major or on a Site Plan. This term refers to the largest geography specified in the earliest request for decision on the first application related to a particular development. For example, if a large lot is subdivided and submitted for development in phases, any regulation referring to the project site would apply to the entirety of the land in the original lot included in the Subdivision application.)

Appellant Westside Coalition has standing under IDO Section 6-4(V)(2)(a)(4) because Westside Coalition has legal rights under the IDO to protect neighborhood interests in West Side land use decisions such as building heights, views, protection of West Side MPOS and quality of life issues, and also concerning land use decision process issues such as whether land use decisions will be decided in quasi-judicial proceedings. In this case, Westside Coalition’s rights are specially and adversely affected by the incorrect ruling on the adjacency of the subject site to the La Cuentista MPOS and ignoring the Open Space Division’s objections will result in lesser enjoyment and protection of the La Cuentista MPOS important to the West Side. The effects of

the subject Final Plat approval such as that the EPC will not consider site plan approval before subdivision as required by the IDO, and that Final Plat decisions do not include substantive review of the Preliminary Plat decisions such as whether the prior 2017 site plan approval should be considered in the decision, specially and adversely affect the Westside Coalition. The DHO decision also may complicate Westside Coalition's pending appeal of the various approvals for the subject site in D-202-CV-2023-02637, currently in the New Mexico Court of Appeals.

Appellant Westside Coalition has standing under IDO Section 6-4(V)(2)(a)(5) because Westside Coalition is a proximate Neighborhood Association under the IDO.

Appellant Voorhees, as a member of WSCONA and a member of the WSCONA Executive Committee, has standing under IDO Section 6-4(V)(2)(a)(3) to appeal the "declaratory ruling" type decision, apparently made by the Planning Department and accepted by the DHO, that the subject site is not adjacent to the La Cuentista MPOS, as part of the original project site.

Appellant Voorhees has standing under IDO Section 6-4(V)(2)(a)(4) as a nearby resident living at 6320 Camino Alto NW, approximately 0.5 miles from the subject site. The decision specially and adversely affects him by reducing his enjoyment of the La Cuentista MPOS and the anticipated loss of views in his neighborhood and near the Petroglyph Monument. Other special and adverse effect issues for Appellant West Side Coalition include whether subdivision of the subject site should go to the EPC for site plan approval before subdivision as required by the IDO, and whether Final Plat decisions include substantive review of the Preliminary Plat decisions such as whether the prior 2017 site plan approval should be considered in the decision. The DHO decision also may complicate Appellant West Side Coalition's pending New Mexico Appeal Court appeal of the decisions for the subject site in D-202-CV-2023-02637 and D-202-

CV-2023-03961 West Side Coalition Vs City of Albuquerque. The Appellant reserves the right to supplement the appeal after production of the record.

**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

Group II U26 VC, LLC &
Tract 5 U26, LLC
4112 Blue Ridge Pl. NE &
5700 University Blvd. SE, Suite 310
Albuquerque, NM 87110 & 87106

Project# PR-2022-007712
Application#
SD-2024-00019 FINAL PLAT

LEGAL DESCRIPTION:

For all or a portion of:

5 & 1 BLOCK 6 & 2 UNIT 26, VOLCANO CLIFFS
zoned **MX-L, MX-M**, located between **ROSA**
PARK RD and **PASEO DEL NORTE NW**
containing approximately **18.23** acre(s).
(C-11)

On February 7, 2024, the Development Hearing Officer (DHO) held a public hearing concerning the above-referenced application and approved the request, based on the following Findings:

1. This Final Plat adjusts the boundaries of Tract 1, Block 2 and Lot 5, Block 6 of the Volcano Cliffs Subdivision, creating Tract 1-A, Block 2 at 8.2545 acres in size, and Tract 1-B, Block 2 at 9.5477 acres in size, and dedicates 0.4371-acres of additional right-of-way as depicted on the Plat.
2. A Preliminary Plat for this project (PR-2022-007712 / SD-2022-00143) was approved by the Development Review Board (DRB) on November 9, 2022. The approval was appealed to the City Council, and the Council upheld the decision on March 6, 2023 which is the final approval date of the Preliminary Plat.
3. A 1-year extension of the Preliminary Plat approval was approved by the DHO on December 6, 2023 per PR-2022-007712 / SD-2023-00218.

Reasons for the Appeal

Appellant: WSCONA; Michael Voorhees spoke at the June 2024 DHO Hearing on behalf of WSCONA.

Standing: Same as in the last LUHO appeal concerning this site. NM Stat § 3-21-6 (2023)

B. No zoning regulation, restriction, or boundary shall become effective, amended, supplemented, or repealed until after a public hearing at which all parties in interest and citizens shall have an opportunity to be heard

Current Appeal of DHO Decision:

On June 12, 2024, the Development Hearing Officer (DHO) held a public hearing concerning the above-referenced application and approved the request, with conditions of approval, based on the following Findings:

1. This is a request to subdivide Tract 1-A, Block 2, Volcano Cliffs Subdivision (8.2578 acres) into 6 parcels: Tract 1-A-1 consisting of 1.0212 acres; Tract 1-A-2 consisting of 1.4696 acres; Tract 1-A-3 consisting of 0.9864 acres; Tract 1-A-4 consisting of 1.3453 acres; Tract 1-A-5 consisting of 1.2919 acres; and Tract 1-A-6 consisting of 2.1434 acres.
2. A former Final Plat (PR-2022-007712 / SD-2024-00019) adjusted the boundaries of Tract 1, Block 2 and Lot 5, Block 6 of the Volcano Cliffs Subdivision, to create Tract 1-A, Block 2 at 8.2545 acres in size, and Tract 1-B, Block 2 at 9.5477 acres in size, and dedicated 0.4371-acres of additional right-of-way. The Plat was approved by the DHO on February 7, 2024.
3. The Preliminary Plat for the Final Plat mentioned above (PR-2022-007712 / SD-2022-000143) Tract 1, Block 2 and Lot 5, Block 6 of the Volcano Cliffs was approved by the Development Review Board (DRB) on November 9, 2022. The approval was appealed to the City Council, and the Council upheld the decision on March 6, 2023, which was the final approval date of the Preliminary Plat
4. Given that the prior preliminary and final plats divided the northern (Tract 1-A) and the southern property (Tract 1-B)-- with Tract 1-A being the subject of this action and the southern property not being the subject of this action--and the final plat not having been appealed and standing on its own ground, and with the information in the record and submitted under oath that the court having found in litigation that the property is not adjacent to major public open space, and having no evidence in the record of any stay of further action, the DHO finds that the property that is subject of this action, approximately 8.2578 acres that is not adjacent to Major Public Open Space, is therefore ripe for decision by the DHO, and does not require an EPC Site Plan.
5. An Infrastructure List was approved by the DRB on November 9, 2022 per PR-2022-007712 / SD-2022-00143 with the Major Preliminary Plat, and an approved and recorded Financial Guaranty/Infrastructure Improvements Agreement was submitted with the Final Plat application submittal for PR-2022-007712 / SD-2024-00019. Therefore, the infrastructure needed to support this current subdivision is planned and financially guaranteed. The half street of Valiente Road will be built all along the southern border of the parcel as a private road to match Valiente Road identified on the southern Tract 1-B.

6. The subject property is zoned MX-M and is vacant. Future development must be consistent with the underlying zone district and IDO/DPM requirements. Future development is subject to the Northwest Mesa VPO-2 requirements.
7. Per 6-6(L)(3), the Preliminary Plat was found to comply with all the applicable provisions of the IDO, the DPM, and other adopted City regulations. No conditions were specifically applied to the development of the property in a prior permit or approval. 8. Per Table 6-1-1 of the IDO, public notice and pre-application meeting requirements for the application have been satisfied by the Applicant prior to this submittal.

The Appellants request this appeal review of the DHO decision for the following reasons:

1. As parties in interest, as demonstrated previously by testimony before the DRB, ZHE, DHO, LUHO, District Court, and pending matters before the Court of Appeals regarding the very parcel(s) at issue,
2. Notice was necessary to WSCONA and Michael T. Voorhees. The Appellant, WSCONA (West Side Coalition of Neighborhood Associations), received no notice for the predicate DHO hearings on December 6, 2023, and February 7, 2024, or the Decisions made at those hearings. The DHO items are only listed by date, not with addresses, making it impossible for the parties of interest to know that the applicants in those hearings would attempt to circumvent the LUHO's previously recommended findings regarding the preliminary plat improperly approved by the now-defunct DRB. WSCONA was represented at the hearing on July 12, 2024, but was not allowed to respond to prior decisions without notification.
3. The June 12, 2024, DHO Hearing was predicated upon the decisions from both the December 6 and February 7 Hearings. As those findings were unknown to the interested parties, there was no opportunity to appeal them. This lack of opportunity to challenge the conclusions, a fundamental right in any legal process, further underscores the procedural irregularity of the DHO Hearings. We thus appeal the June 12 decision because the necessary predicate DHO Hearings were unlawful under NM Stat § 3-21-6 B. (2023). These procedural irregularities have compromised the fairness of the process, and the need for a fair and just process is paramount.
4. Recusal of DHO Campbell- Since the DHO Hearing of July 12, 2023, we have learned of conflicts of interest that DHO Campbell concealed from the Appellants. Mr. Campbell served as CEO of Mesa Del Sol LLC from December 1, 2020, until approximately October 3, 2023. He owed his employment, at least in part, to Rudy Guzman, a business partner of Steven Chavez in Mesa Del Sol. Rudy Guzman is also an owner and business partner with Billy Wright and Steve Metro in Group II U26 VC, LLC & Tract 5 U26, LLC, the property owners at the DHO hearings. This apparent conflict of interest, undisclosed to appellants and other parties with standing, undermines the impartiality of the DHO and calls for his immediate recusal.
5. Recusal of Dan Lewis from participating in authorizing legislation - It has also come to light that Guzman has made significant contributions to Dan Lewis over the years. Guzman Construction Services is also a member of the Asphalt Pavement Association of New Mexico (APANM), and the APANM recently hired City Councilor Dan Lewis, District 6, as the Executive Director of APANM. District 6 contains the project site. Dan

Lewis sponsored legislation in a related case remanded by the District Court back to the City of Albuquerque due to process issues and conflicts of interest, which the DHO used as the basis of the DHO decision.

6. The Preliminary Plat is invalid because the subject site of 18.23 access is "adjacent" to the La Cuentista Major Public Open Space ("MPOS"), as the subject site and the La Cuentista MPOS are separated only by a street. Under IDO Section 5-4(C)(6), such an adjacent site must have an approved Site Plan—EPC before any platting action. The subject site does not have an approved Site Plan—EPC.
7. The Development Hearing Officer ("DHO") did not make any finding about the adjacency of the subject site to the La Cuentista MPOS, despite that Appellants presented that issue to the DHO. Appellant Westside Coalition has standing under IDO Section 6-4(V)(2)(a)(3) to appeal the "declaratory ruling" type decision, apparently made by the Planning Department and accepted by the DHO, that the subject site is not adjacent to the La Cuentista Major Public Open Space ("MPOS"). This issue has not been decided by law because this issue and related issues are currently in the New Mexico Court of Appeals for each separate portion of an original parcel. The LUHO determined the standing of the Westside Coalition and the subject site adjacency during these two cases by the LUHO for each portion of the original lot. Please see IDO July 2023, Part 14-16-7: Definitions, Acronyms, and Abbreviations 7-1: "Definitions (Project Site A lot or collection of lots shown on a Subdivision – Minor or Major or on a Site Plan. This term refers to the largest geography specified in the earliest request for a decision on the first application related to a particular development. For example, if a large lot is subdivided and submitted for development in phases, any regulation referring to the project site would apply to the entirety of the land in the original lot included in the Subdivision application."
8. The DHO's decision, which assumes that the subject site is not adjacent to the La Cuentista MPOS, is based on a declaratory ruling-type decision made by the Planning Department. This original declaratory ruling-type decision required a quasi-judicial hearing, but the City of Albuquerque didn't assign the case to an impartial quasi-judicial hearing.
9. The Final Plat is invalid if the Preliminary Plat approved by the DRB is invalid. The Preliminary Plat is invalid because the City's approval was not in a quasi-judicial hearing. IDO Table 6-1-1; IDO Section 6-4(M)(3).
10. The Preliminary Plat approval is under appeal in a SCRA 1-074 appeal of the City's denial of AC-23-1, Bernalillo County District Court No. D-202-CV-2023-02637, which is now in the New Mexico Appeals Court. The DHO should have deferred its hearing until the New Mexico Court of Appeals resolved the case.
11. The Preliminary Plat and the Final Plat are invalid because they do not comply with the 2017 site plan for the property, which imposes "conditions specifically applied to the development of the property in a prior permit or approval affecting the property" (IDO Section 6-6(L)(3)).
12. The DHO denied Appellants due process by not explicitly addressing and making decisions on Appellants' objections in writing and testimony, including objections that the DHO was biased and should recuse himself.

13. The original DHO written decision was defective because the City of Albuquerque, DHO sent no copy to the Appellants who requested notice of the decision in writing. Such notice is required under NMSA 1978, Section 39-3-1.1, and IDO Section 6-4(M)(6).
14. The appellants do not have the record of the DHO proceedings and reserve the right to amend or supplement their Reasons for Appeal after reviewing the record.

4. An Infrastructure List was approved by the DRB on November 9, 2022 per PR-2022-007712 / SD-2022-00143 with the Major Preliminary Plat, and an approved and recorded Financial Guaranty/Infrastructure Improvements Agreement was submitted with the Final Plat application submittal.
5. The Final Plat is consistent with the approved Major Preliminary Plat (SD-2022-00143).
6. The review and decision criteria for a Final Plat were met per 6-6(L)(3)(b) of the IDO.
7. The Final Plat application was timely submitted on January 29, 2024 and was a complete application.
8. Signatures from the surveyor, property owner(s), the City Surveyor, the utility companies, and AMAFCA are provided on the Plat as required.
9. Per 6-6(K)(2)(I), after approval by the DHO, the Applicant shall record the Plat with the Bernalillo County Clerk within 3 months after the date of the final signature on the Plat, or the Plat shall be voided.

Conditions:

Final sign-off of the Plat by the DFT staff is conditioned as follows:

- a. Application number on the Plat must be corrected to SD-2024-00019.
- b. AGIS DXF file approval.
- c. DHO approval date must be added to the Plat.

Sincerely,

Ronald R. Bohannon, P.E.
Ronald R. Bohannon, P.E. (Feb 12, 2024 14:43 MST)
Ronald R. Bohannon, P.E.
Development Hearing Officer

RRB/jr

Consensus Planning, Inc., 302 Eighth Street, NW, Albuquerque, NM 87102







PR-2022-007712 February 7, 2024 Notice of Decision

Final Audit Report

2024-02-12

Created:	2024-02-12
By:	Jay Rodenbeck (jrodenbeck@cabq.gov)
Status:	Signed
Transaction ID:	CBJCHBCAABAAuqnn2TS5K5SQuSaGkGy6cgqHLi7ctOVj

"PR-2022-007712 February 7, 2024 Notice of Decision" History

-  Document created by Jay Rodenbeck (jrodenbeck@cabq.gov)
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-  Document emailed to Ronald R. Bohannon (7868rrb@gmail.com) for signature
2024-02-12 - 9:25:38 PM GMT
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2024-02-12 - 9:42:54 PM GMT- IP address: 50.193.232.49
-  Signer Ronald R. Bohannon (7868rrb@gmail.com) entered name at signing as Ronald R. Bohannon,P.E.
2024-02-12 - 9:43:23 PM GMT- IP address: 50.193.232.49
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Signature Date: 2024-02-12 - 9:43:25 PM GMT - Time Source: server- IP address: 50.193.232.49
-  Agreement completed.
2024-02-12 - 9:43:25 PM GMT

**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

Group II U26 VC, LLC &
Tract 5 U26, LLC
2400 Louisiana Blvd., Building 3 &
5700 University Blvd. SE, Ste. 310
Albuquerque, NM 87110 & 87120

Project# PR-2022-007712

Application#

**SD-2023-00218 – EXTENSION OF PRELIMINARY
PLAT**

**SD-2023-00216 – EXTENSION OF VACATIONS OF
EASEMENT**

LEGAL DESCRIPTION:

For all or a portion of:

**LOTS 5 & 1, BLOCKS 6 & 2, UNIT 26,
VOLCANO CLIFFS zoned MX-L & MX-M,
located on PASEO DEL NORTE and ROSA
PARKS RD containing approximately 8.23 &
9.54 acre(s). (C-11)**

On December 6, 2023, the Development Hearing Officer (DHO) held a public hearing concerning the above-referenced applications and approved the requests, based on the following Findings:

SD-2023-00218 EXTENSION OF PRELIMINARY PLAT

1. This is a request to extend a Preliminary Plat that was approved by the Development Review Board (DRB) on November 9, 2022 per PR-2022-007712 / SD-2022-00143 to to adjust the boundaries of Tract 1, Block 2 and Lot 5, Block 6 of the Volcano Cliffs Subdivision, creating Tract 1-A, Block 2 at 8.2339 acres in size, and Tract 1-B, Block 2 at 9.5477 acres in size. The approval was appealed to the City Council, and the Council upheld the decision on March 6, 2023 which is the final approval date of the Preliminary Plat.
2. The replat fulfills a condition of approval from the EPC rezoning approval of the property to both MX-L and MX-M per PR-2019-002663 / RZ-2019-00043. Future development must be consistent with the underlying zone districts, IDO/DPM requirements, and any governing/controlling Site Plans.

3. Per Table 6-4-3 of the IDO, a Final Plat submittal must be received within 1-year after the approval of the Preliminary Plat by the DHO. Pursuant to 14-16-6-4(X)(4) of the IDO, the applicant has made this extension request in writing prior to the expiration of the previous approval. The DHO is the current approving body for Preliminary Plat extensions.
4. The Preliminary Plat extension application was timely submitted on November 7, 2023 and was a complete application.

14-16-6-4(X)(2) Expiration or Repeal of Approvals:

Unless specified otherwise in this IDO, the DPM, an IIA, a Development Agreement approved by the City, or the terms attached to a permit or approval, each permit or approval shall be valid for the period of time shown in Table 6-4-3 and shall be of no force or effect after that time has passed, unless any of the following applies.

From the criteria mentioned under 14-16-6-4(X)(2), the following criteria applied to this request:

6-4(X)(2)(a) The period of validity is extended pursuant to Subsection 14-16-6- 4(X)(4) (Extensions of Period of Validity) or another provision of this IDO or the DPM.

14-16-6-4(X)(4)(a) General Provisions:

1. For each permit or approval for which Table 6-4-3 shows an expiration period, except an impact fee assessment or a Site Plan, the original decision-making body may approve 1 extension of validity for good cause shown for a time not to exceed the original period of validity for that permit or approval, provided that both of the following requirements are met.

- a. ***The applicant has submitted a written request for the time extension before the expiration of the original permit or approval with the Planning Director.***
- b. ***The extension is considered and a decision is being made by the same decision-making body as the initial approval, except that no public hearing shall be required, if one would have been required under the IDO for the initial approval.***

14-16-6-4(X)(4)(c), Additional Provisions for Extensions of Preliminary Plats:

In addition to the general provisions in Subsection (a) above, additional extensions for Preliminary Plats may be granted by the DHO for good cause, but the Preliminary Plat may be required to come into compliance with any applicable standards adopted since the application was submitted.

All the above required criteria under 14-16-6-4(X)(2), 14-16-6-4-(X)(4)(a) and 14-16-6-4(X)(4)(c) of the IDO are being met by the Applicant.

The Applicant has provided a written request before the expiration of the approval. The Applicant noted in their request that the District Court's decision on an appeal of the City Council approval of the Preliminary Plat was still pending at the time of submittal of the extension application, and the extension application was submitted to ensure the approval of the Preliminary Plat remains in place. The Court ruled just prior to the DHO hearing; the Court supported the original decision of the City Council to grant the Preliminary Plat.

5. This action will extend the approval of the Preliminary Plat to December 22nd, 2024.

SD-2023-00216 EXTENSION OF VACATIONS OF EASEMENT

1. This is a request to extend three easement vacations that were approved per PR-2022-007712 / SD-2022-00158, 161 and 162 on November 9, 2022 by the DRB.
2. Pursuant to 14-16-6-4(X)(4) of the IDO, the Applicant has made this extension request in writing prior to the expiration of the previous approvals and the DHO is the current approving for extensions of vacations of easement.
3. The application to extend the easement vacations was timely submitted on November 7, 2023 and was a complete application.

14-16-6-4(X)(2) Expiration or Repeal of Approvals:

Unless specified otherwise in this IDO, the DPM, an IIA, a Development Agreement approved by the City, or the terms attached to a permit or approval, each permit or approval shall be valid for the period of time shown in Table 6-4-3 and shall be of no force or effect after that time has passed, unless any of the following applies.

From the criteria mentioned under 14-16-6-4(X)(2), the following criteria applied to this request:

6-4(X)(2)(a) The period of validity is extended pursuant to Subsection 14-16-6- 4(X)(4) (Extensions of Period of Validity) or another provision of this IDO or the DPM.

14-16-6-4(X)(4)(a) General Provisions:

1. ***For each permit or approval for which Table 6-4-3 shows an expiration period, except an impact fee assessment or a Site Plan, the original decision-making body may approve 1 extension of validity for good cause shown for a time not to exceed the original period of validity for that permit or approval, provided that both of the following requirements are met.***

- a. The applicant has submitted a written request for the time extension before the expiration of the original permit or approval with the Planning Director.*
- b. The extension is considered and a decision is being made by the same decision-making body as the initial approval, except that no public hearing shall be required, if one would have been required under the IDO for the initial approval.*

All the above required criteria under 14-16-6-4(X)(4)(a) and 14-16-6-4(X)(2) of the IDO are being met by the applicant; the Applicant has provided a written request before the expiration of the approvals. This is the first and final extension the Applicant is able to obtain for the easement vacations.

- 4. This action will extend the approval of the easement vacations to December 22nd, 2024.

APPEAL: If you wish to appeal this decision, you must do so within 15 days of the DHO’s decision or by **DECEMBER 22ND, 2023**. The date of the DHO’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(V) 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,

David S. Campbell

David S. Campbell (Dec 11, 2023 11:36 MST)

David S. Campbell
Development Hearing Officer

DSC/jr

Consensus Planning, Inc., 302 8th Street NW, Albuquerque, NM 87120







PR-2022-007712_December_6_2023 - Notice of Decision

Final Audit Report

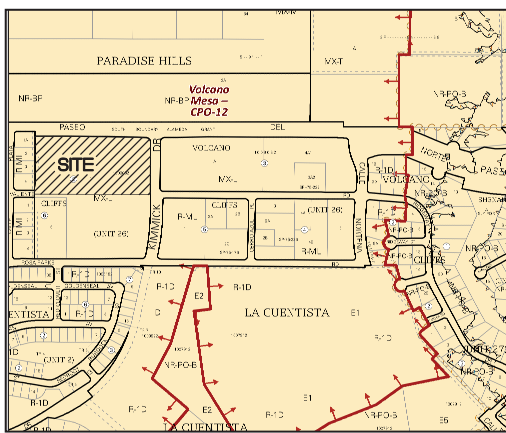
2023-12-11

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By:	Jay Rodenbeck (jrodenbeck@cabq.gov)
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"PR-2022-007712_December_6_2023 - Notice of Decision" History

-  Document created by Jay Rodenbeck (jrodenbeck@cabq.gov)
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2023-12-11 - 4:49:26 PM GMT
-  Email viewed by david@davidscampbell.com
2023-12-11 - 6:35:20 PM GMT- IP address: 64.106.32.240
-  Signer david@davidscampbell.com entered name at signing as David S. Campbell
2023-12-11 - 6:36:30 PM GMT- IP address: 64.106.32.240
-  Document e-signed by David S. Campbell (david@davidscampbell.com)
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-  Agreement completed.
2023-12-11 - 6:36:32 PM GMT

APPLICATION SUBMITTAL TO THE DHO



Vicinity Map - Zone Atlas C-11-Z

N.T.S.

Notes

1. FIELD SURVEY PERFORMED IN MARCH 2022 AND MARCH 2024.
2. ALL DISTANCES ARE GROUND DISTANCES: US SURVEY FOOT.
3. THE BASIS OF BEARINGS REFERENCES NEW MEXICO STATE PLANE COORDINATES (NAD 83-CENTRAL ZONE).
4. THIS PRELIMINARY / FINAL PLAT WAS APPROVED BY THE DEVELOPMENT HEARING OFFICER FOR THE CITY OF ALBUQUERQUE AT A PUBLIC HEARING HELD ON _____ 20____.

Documents

1. PLAT FOR TRACTS 1-A AND 1-B, BLOCK 2, VOLCANO CLIFFS, UNIT 26, FILED IN THE BERNALILLO COUNTY CLERK'S OFFICE ON MARCH 4, 2024, IN BOOK 2024C, PAGE 18.
2. SPECIAL WARRANTY DEED FOR SUBJECT PROPERTY, FILED IN THE BERNALILLO COUNTY CLERK'S OFFICE ON MARCH 19, 2013, AS DOCUMENT NO. 2013030244.
3. WARRANTY DEED FOR DEDICATED ADDITIONAL RIGHT-OF-WAY TO PASEO DEL NORTE, FILED IN THE BERNALILLO COUNTY CLERK'S OFFICE ON MARCH 7, 2024, AS DOCUMENT NO. 2024015270.

Indexing Information

Sections 14 & 15, Township 11 North, Range 2 East, N.M.P.M.
 Subdivision: Volcano Cliffs Subdivision, Unit 26
 Owner: Group II U26 VC LLC C/O Billy J. Wright
 UPC #: TBD

Purpose of Plat

1. SUBDIVIDE AS SHOWN HEREON.
2. GRANT EASEMENTS AS SHOWN HEREON.

Subdivision Data

GROSS ACREAGE: 8.2578 ACRES
 ZONE ATLAS PAGE NO.: C-11-Z
 NUMBER OF EXISTING LOTS: 1
 NUMBER OF LOTS CREATED: 6
 MILES OF FULL-WIDTH STREETS: 0.0000 MILES
 MILES OF HALF-WIDTH STREETS: 0.0000 MILES
 RIGHT-OF-WAY DEDICATION TO THE CITY OF ALBUQUERQUE: 0.0000 ACRES
 DATE OF SURVEY: MARCH 2024

Legal Description

TRACT ONE-A (1-A) IN BLOCK NUMBERED TWO (2), VOLCANO CLIFFS SUBDIVISION, UNIT 26, BEING A REPLAT OF TRACT 1, BLOCK 2 & LOT 5, BLOCK 6, OF VOLCANO CLIFFS SUBDIVISION, UNIT 26, WITHIN SECTIONS 14 & 15, T. 11 N., R. 2 E., N.M.P.M., CITY OF ALBUQUERQUE, BERNALILLO COUNTY, NEW MEXICO, AS THE SAME IS SHOWN AND DESIGNATED ON SAID PLAT FILED IN THE OFFICE OF THE COUNTY CLERK OF BERNALILLO COUNTY, NEW MEXICO ON MARCH 4, 2024 AS PLAT BOOK 2024C, PAGE 18.

Flood Notes

BASED UPON SCALING, THIS PROPERTY LIES WITHIN FLOOD ZONE "X" WHICH IS DEFINED AS AN AREA OF MINIMAL FLOOD HAZARD AS DETERMINED BY F.E.M.A. AND SHOWN ON THE FLOOD INSURANCE RATE MAP NO. 35001C0112G, DATED SEPTEMBER 26, 2008.

Solar Collection Note

NO PROPERTY WITHIN THE AREA OF REQUESTED FINAL ACTION SHALL AT ANY TIME BE SUBJECT TO A DEED RESTRICTION, COVENANT, OR BUILDING AGREEMENT PROHIBITING SOLAR COLLECTORS FROM BEING INSTALLED ON BUILDINGS OR ERRECTED ON THE LOTS OR PARCELS WITHIN THE AREA OF PROPOSED PLAT, THE FOREGOING REQUIREMENT SHALL BE A CONDITION TO APPROVAL OF THIS PLAT.

Treasurer's Certificate

THIS IS TO CERTIFY THAT THE TAXES ARE CURRENT AND

PAID ON UPC #: _____

PROPERTY OWNER OF RECORD _____

BERNALILLO COUNTY TREASURER'S OFFICE _____

Plat for
 Tracts 1-A-1 thru 1-A-6, Block 2,
 Volcano Cliffs Subdivision, Unit 26
 Being Comprised of
 Tract 1-A, Block 2, Volcano
 Cliffs Subdivision, Unit 26
 City of Albuquerque
 Bernalillo County, New Mexico
 May 2024

Project Number: PR-2022-007712

Application Number: _____

Plat Approvals: _____

PNM Electric Services _____

Qwest Corp. d/b/o CenturyLink QC _____

New Mexico Gas Company _____

Comcast _____

City Approvals: Loren W. Risenhoover P.S. 5/17/2024

City Surveyor _____

Traffic Engineering, Transportation Division _____

ABCWUA _____

Parks and Recreation Department _____

AMAFCA _____

Hydrology _____

Code Enforcement _____

Planning Department _____

City Engineer _____

Surveyor's Certificate

I, BRIAN J. MARTINEZ, A REGISTERED PROFESSIONAL LAND SURVEYOR UNDER THE LAWS OF THE STATE OF NEW MEXICO, DO HEREBY CERTIFY THAT THIS PLAT AND DESCRIPTION WERE PREPARED BY ME OR UNDER MY SUPERVISION, SHOWS ALL EASEMENTS AS SHOWN ON THE PLAT OF RECORD OR MADE KNOWN TO ME BY THE OWNERS AND/OR PROPRIETORS OF THE SUBDIVISION SHOWN HEREON, THE UTILITY COMPANIES OR OTHER INTERESTED PARTIES AND MEETS THE MINIMUM REQUIREMENTS FOR MONUMENTATION AND SURVEYS FOR THE CITY OF ALBUQUERQUE AND FURTHER MEETS THE MINIMUM STANDARDS FOR LAND SURVEYING IN THE STATE OF NEW MEXICO AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

Brian J. Martinez 5/17/24 Date
 BRIAN J. MARTINEZ
 N.M.R.P.S. No. 18374



CSI-CARTESIAN SURVEYS INC.

P.O. BOX 44414 RIO RANCHO, N.M. 87174
 Phone (505) 896-3050 Fax (505) 891-0244
 cartesianbrian@gmail.com

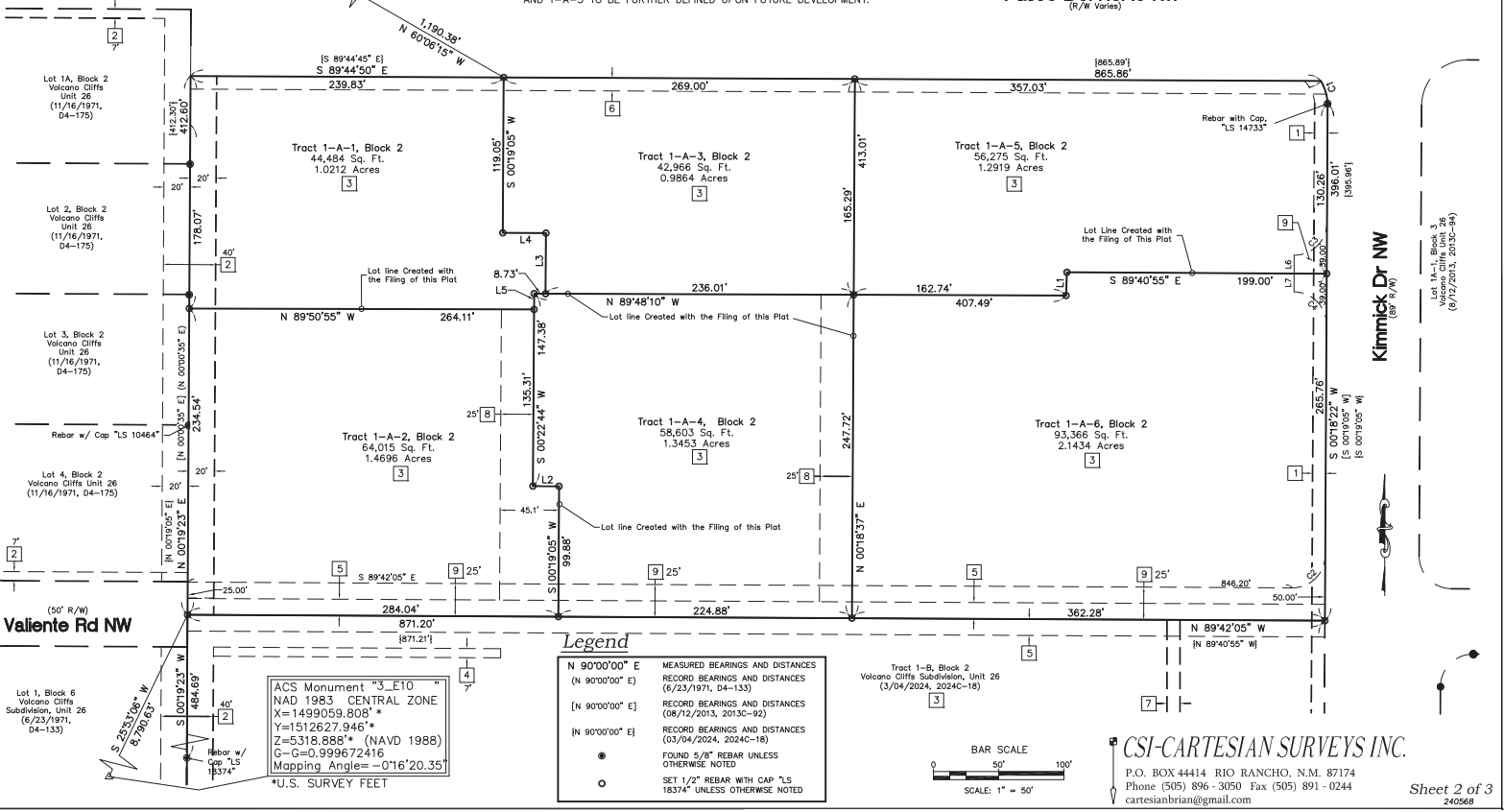
Plat for
**Tracts 1-A-1 thru 1-A-6, Block 2,
 Volcano Cliffs Subdivision, Unit 26**
 Being Comprised of
**Tract 1-A, Block 2, Volcano
 Cliffs Subdivision, Unit 26**
 City of Albuquerque
 Bernalillo County, New Mexico
 May 2024

Easement Notes

- 1 EXISTING 10' P.U.E. (8/12/2013, 2013C-92)
- 2 EXISTING DRAINAGE & UTILITY EASEMENT (6/23/1971, 04-133)
- 3 EXISTING PRIVATE BLANKET CROSS LOT PUBLIC DRAINAGE AND ACCESS EASEMENT, BENEFITING TRACTS 1-A AND 1-B (8/12/2013, 2013C-92), (3/04/2024, BK. 2024C, PG. 18)
- 4 EXISTING 7' DRAINAGE & UTILITY EASEMENT (6/23/1971, 04-133)
- 5 EXISTING PUBLIC 12.5' WATER AND PUBLIC SEWER EASEMENT (3/04/2024, BK. 2024C, PG. 18)
- 6 EXISTING 10' UTILITY EASEMENT (3/04/2024, BK. 2024C, PG. 18)
- 7 EXISTING PRIVATE DRAINAGE EASEMENT (3/04/2024, BK. 2024C, PG. 18)
- 8 PRIVATE WATERLINE AND SEWER EASEMENTS BENEFITING TRACTS 1-A-1 AND 1-A-3, GRANTED WITH THE FILING OF THIS PLAT
- 9 PRIVATE ACCESS EASEMENT BENEFITING TRACTS 1-A-1 THRU 1-A-6, MAINTAINED BY THE UNDERLYING OWNERS, GRANTED WITH THE FILING OF THIS PLAT. ACCESS TO TRACTS 1-A-1 AND 1-A-3 TO BE FURTHER DEFINED UPON FUTURE DEVELOPMENT.

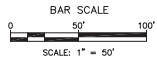
Paseo Del Norte NW
 (R/W Varies)

ACS Monument "8_C10"
 NAD 1983 CENTRAL ZONE
 X=1502106.697 *
 Y=1521538.71
 Z=5392.936' * (NAVD 1988)
 G-G=0.999667901
 Mapping Angle=-0'16"00.09"
 *U.S. SURVEY FEET



Legend

MEASURED BEARINGS AND DISTANCES	RECORD BEARINGS AND DISTANCES
(N 90°00'00" E)	(6/23/1971, 04-133)
(N 90°00'00" E)	(08/12/2013, 2013C-92)
(N 90°00'00" E)	(03/04/2024, 2024C-18)
●	FOUND 5/8" REBAR UNLESS OTHERWISE NOTED
○	SET 1/2" REBAR WITH CAP 'LS 18374' UNLESS OTHERWISE NOTED



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

ABCWUA Public Water and Sanitary Sewer Easements

ALBUQUERQUE BERNALILLO COUNTY WATER UTILITY AUTHORITY (ABCWUA) IS GRANTED EASEMENT(S) AND/OR USE OF PUBLIC RIGHT-OF-WAY IN THE DIMENSIONS NOTED ON THIS PLAT FOR THE CONSTRUCTION, INSTALLATION, MAINTENANCE, REPAIR, MODIFICATION, REPLACEMENT AND OPERATION OF PUBLIC WATER AND SANITARY SERVICE LINES, EQUIPMENT AND FACILITIES REASONABLY NECESSARY TO PROVIDE SERVICE TOGETHER WITH FREE ACCESS ON AND OVER THE EASEMENT AND/OR PUBLIC RIGHT-OF-WAY AND THE RIGHT TO REMOVE TREES, SHRUBS, UNDERGROWTH AND ANY OTHER OBSTACLES, MODIFICATIONS, OR STRUCTURES WHICH INTERFERE WITH THE OPERATION OF PUBLIC WATER AND/OR PUBLIC SANITARY SEWER INFRASTRUCTURE.

Plat for
Tracts 1-A-1 thru 1-A-6, Block 2,
Volcano Cliffs Subdivision, Unit 26
Being Comprised of
Tract 1-A, Block 2, Volcano
Cliffs Subdivision, Unit 26
City of Albuquerque
Bernalillo County, New Mexico
May 2024

Line Table		
Line #	Direction	Length (ft)
L1	N 01°58'45" E	17.82'
L2	S 89°37'16" E	20.06'
L3	N 00°22'44" E	46.44'
L4	N 89°40'55" W	33.06'
L5	S 00°22'44" W	12.07'
L6	N 00°18'22" E	14.00'
L7	N 00°18'22" E	14.00'

Curve Table					
Curve #	Length	Radius	Delta	Chord Length	Chord Direction
C1	18.24'	[18.25'] 36.78'	[36.78'] 28°25'17"	18.06'	S 16°29'49" E
C2	39.27'	25.00'	89°59'33"	35.35'	S 45°18'09" W
C3	39.27'	25.00'	90°00'00"	35.36'	N 45°18'22" E
C4	39.27'	25.00'	90°00'00"	35.36'	N 44°41'38" W

Public Utility Easements

PUBLIC UTILITY EASEMENTS shown on this plat are granted for the common and joint use of:

- A. **Public Service Company of New Mexico ("PNM")**, a New Mexico corporation, (PNM Electric) for installation, maintenance, and service of overhead and underground electrical lines, transformers, and other equipment and related facilities reasonably necessary to provide electrical services.
- B. **New Mexico Gas Company** for installation, maintenance, and service of natural gas lines, valves and other equipment and facilities reasonably necessary to provide natural gas services.
- C. **Qwest Corporation d/b/a CenturyLink QC** for the installation, maintenance, and service of such lines, cable, and other related equipment and facilities reasonably necessary to provide communication services.
- D. **Cable TV** for the installation, maintenance, and service of such lines, cable, and other related equipment and facilities reasonably necessary to provide Cable services.

Included, is the right to build, rebuild, construct, reconstruct, locate, relocate, change, remove, replace, modify, renew, operate and maintain facilities for purposes described above, together with free access to, from, and over said easements, with the right and privilege of going upon, over and across adjoining lands of Grantor for the purposes set forth herein and with the right to utilize the right of way and easement to extend services to customers of Grantee, including sufficient working area space for electric transformers, with the right and privilege to trim and remove trees, shrubs or bushes which interfere with the purposes set forth herein. No building, sign, pool (aboveground or subsurface), hot tub, concrete or wood pool decking, or other structure shall be erected or constructed on said easements, nor shall any well be drilled or operated thereon. Property owners shall be solely responsible for correcting any violations of National Electrical Safety Code by construction of pools, decking, or any structures adjacent to or near easements shown on this plat. Easements for electric transformer/switchgears, as installed, shall extend ten (10) feet in front of transformer/switchgear doors and five (5) feet on each side.

Disclaimer

In approving this plat, Public Service Company of New Mexico (PNM) and New Mexico Gas Company (NMGC) did not conduct a Title Search of the properties shown hereon. Consequently, PNM and NMGC do not waive or release any easement or easement rights which may have been granted by prior plat, replat or other document and which are not shown on this plat.

Free Consent and Dedication

THE SUBDIVISION SHOWN AND DESCRIBED HEREON IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF THE UNDERSIGNED OWNER(S) THEREOF. EXISTING AND/OR GRANTED PUBLIC UTILITY EASEMENTS (P.U.E.) AS SHOWN HEREON, UNLESS NOTED OTHERWISE, ARE FOR THE COMMON AND JOINT USE OF GAS, ELECTRICAL POWER AND COMMUNICATION SERVICES FOR BURIED AND/OR OVERHEAD DISTRIBUTION LINES, CONDUIT AND PIPES FOR UNDERGROUND UTILITIES. SAID UTILITY COMPANIES HAVE THE RIGHT OF INGRESS/EGRESS FOR CONSTRUCTION OF, MAINTENANCE OF AND REPLACEMENT OF SAID UTILITIES INCLUDING THE RIGHT TO TRIM INTERFERING TREES AND SHRUBS WITHIN SAID P.U.E.. SAID OWNERS CERTIFY THAT THIS SUBDIVISION IS THEIR FREE ACT AND DEED.

 May 13, 2024
STEVEN METRO, MANAGING PARTNER DATE
GROUP II U 26 VC, LLC, A NEW MEXICO LIMITED LIABILITY COMPANY

STATE OF NEW MEXICO }
COUNTY OF } SS

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON _____, 20____
BY: STEVEN METRO, MANAGING PARTNER, GROUP II U 26 VC, LLC, A NEW MEXICO LIMITED LIABILITY COMPANY

By _____
NOTARY PUBLIC
MY COMMISSION EXPIRES _____

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



MODULUS ARCHITECTS & LAND USE PLANNING, INC.

8220 San Pedro Drive NE, Suite 520

Albuquerque, NM 87113

Phone (505) 338-1499

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May 28, 2024

Tyson R. Hummell
Assistant City Attorney / ADR Coordinator
(505) 768-4660 (Office)

RE: Facilitated Meeting Request – Applicant Response to Questions for Major Preliminary Platting Action – Project# PR-2022-007712

Mr. Hummell and Members of the West Side Coalition of Neighborhood Associations:

Thank you for reaching out and expressing your concerns regarding the application for Preliminary Major Plat. We appreciate your active involvement and dedication to the community's development. This letter serves as our written response to questions received for the Facilitated Meeting being held on May 28, 2024 which was requested in response to our application for a Preliminary Plat for the subject site located at the SWC of Paseo Del Norte and Kimmick Drive (PR#2022-007712). The following outlines the questions we received from members of the Westside Coalition of Neighborhood Associations. We have provided a written record of the questions submitted to us as well as our responses to those questions.

Questions submitted by Mr. Jim Price

1. Is this an attempt to circumvent the existing ordinances and overlays applying to this land?

Applicant Response: *No, this is not an attempt to circumvent any ordinances or overlays.*

2. Did the purchasers practice due diligence when obtaining this or these properties to understand the existing ordinances and overlays for this property?

Applicant Response: *The purchaser is working thru due diligence items and has engaged Modulus Architects & Land Use Planning in this effort.*

3. Was there any misleading information given by any party when the property or properties were acquired as to the existing ordinances and overlays that applied to the property or properties?

Applicant Response: *Modulus is unaware of any misleading information provided for the subject property.*

4. Was there any assurance by anyone in the private or public sector that exceptions or variances to the ordinances and overlay protections would easily be obtained?

Applicant Response: *There have not been any discussions by anyone in the public or private sector regarding exceptions or variances.*

5. Would the property or properties have been acquired if the existing ordinances and overlays were to remain?

Applicant Response: *The subject property is being acquired with the understanding that all applicable standards, regulations and requirements of the City of Albuquerque must be met.*

6. Were the property or properties purchased with knowledge of the existing ordinances and overlay protections and with the intent to challenge the existing ordinances and overlay protections?

Applicant Response: *The subject site is being purchased with the understanding that the subsequent development(s) must follow the standards of the IDO as DPM in place at the time that a project is being proposed.*

Questions submitted by Mrs. Rene Horvath

1. Why is the parcel being broken into 6 separate tracts?

Applicant Response: *We are requesting a subdivision of the subject site for multiple reasons*

- **Lower Initial Investment:** *Smaller parcels can be developed incrementally, which reduces the upfront financial burden on our client. This allows the client to phase their investments according to market conditions and funding availability.*
- **Spreading Risk:** *By dividing the larger tract into several smaller ones, my client reduces financial exposure on any single project. If one parcel encounters development issues, it doesn't jeopardize the entire tract's value or the developer's financial stability.*
- **Flexibility in Development:** *Our client can adjust their development plans for individual parcels based on changing economic conditions, local market demands, or regulatory environments. This flexibility will be crucial in managing risks associated with a large-scale development such as this.*
- **Managing Construction Costs**
- **Phased Development:** *Smaller parcels allow for phased construction, which will align better with cash flow and reduce carrying costs. My client can prioritize certain parcels based on their profitability or readiness for development.*
- **Economies of Scale in Purchasing and Contracting:** *When developing smaller parcels, it's easier to manage construction resources and logistics. My client can negotiate better terms with contractors and suppliers for each phase or parcel, potentially lowering overall costs.*
- **Simplifying Infrastructure Development**
- **Cost-Effective Infrastructure Development:** *Developing infrastructure such as roads, utilities, and public services can be more manageable and less costly when done incrementally for smaller parcels.*

2. What sort of uses are being planned for those tracts?

Applicant Response: *The subject site, called the Glyphs at Volcano Mesa is still in the preliminary planning stage but we have a vision - Imagine the possibilities with our conceptual design for The Glyphs at Volcano Mesa, designed by Modulus Architects & Land Use Planning - A visionary project set to redefine the essence of community living.*

Step into a realm of retail innovation with our thoughtfully curated boutiques and specialty shops. While still in the conceptual phase, envision a shopping experience like no other, where every storefront tells a story and every purchase supports local artisans and entrepreneurs.

Picture yourself indulging in culinary delights from around the globe at our diverse array of restaurants and eateries. Though still in the design stage, anticipate a culinary journey filled with flavors, aromas, and experiences that tantalize the senses and inspire the palate.

Envision a boutique grocer where quality meets convenience, offering a carefully curated selection of fresh produce, artisanal goods, and everyday essentials. While still in the conceptual phase, our vision for this space is to create a shopping experience that delights the senses and fosters a deeper connection to the food we eat.

At the core of our conceptual design is a commitment to holistic well-being, with medical office concepts designed to support both physical and emotional health. While still in the planning stages, envision a wellness hub where personalized care meets cutting-edge technology, creating a space where every individual can thrive.

Concepts currently being discussed include a boutique grocer, local restaurants, breweries/tasting rooms with outdoor patios, small retail, medical offices, early childhood learning center. The subject site is zoned MX-M, all uses being explored are permissive and are compatible with the surrounding community.

3. What are the building heights being proposed? Will the heights meet the VPO-2 requirements?

Applicant Response: *There are no buildings being proposed at this time. When a project is identified, we will follow all applicable standards of the IDO and DPM.*

4. Is the applicant willing to work with the neighborhoods, and the Park Service to discuss appropriate uses and limit the building heights in order to develop a desirable site plan for all parties, which complements the volcanic landscape and its scenic views?

Applicant Response: *The Applicant has already been working with the community to determine uses in which the community would like to see, we have launched a website demonstrating our commitment to complete transparency – www.glyphsatvolcanomesa.com – We have updated the website with our progress including the posting of our request for a Subdivision actions and links to the hearing. We have posted multiple updates on the website and on social media and news outlets. To-date, we have been contacted by many residents of Albuquerque’s Westside in support of a mixed-use development project.*

Modulus is also working with the Westside Business Coalition members and will be hosting a Town Hall forum for all members of Albuquerque’s Westside to give voice to their thoughts on a desirable project.

5. Other: What is the latest status on the parcel just south of this site?

Applicant Response: *Modulus is not involved with the parcel on the south side as this is a completely separate project being designed and represented by another firm not associated with our project.*

Questions Submitted by Mr. Mike T. Vorhees

1. My principal concern is that such a hearing at this stage would be in violation of the IDO. Under 5-2(J)(2)(b) 9 & 10, 5-4(C)(6), and 6-6(I)(1)(a), the subject site, which is adjacent to the LaCuentista Major Public Open Space, must first obtain a Site Plan – EPC, which itself must conform to 5-2(A), 5-2(C)(1), 5-2(J)(2), 5-4(C)(1), 5-4(C)(4), and 6-6(L)(3)(a). It is thus premature for the DHO to hear any such application prior to the Site Plan – EPC.

Applicant Response: *The subject site, which was replatted and recorded with the Bernalillo County Clerks office on March 4, 2024 is not adjacent to Major Public Open Space –Further, the issue of “adjacency” has been litigated and determined by the State of New Mexico Second Judicial District Court No. D-202-CV-2023-02637 After thorough review and legal consultation, it has been definitively established through litigation that the specific standards you referenced do not govern our site. This conclusion was reached based on detailed legal analysis and confirmed by the relevant courts.*

See Figures 1-3 Below:

Figure 1- Plat recorded with the Bernalillo Clerks Office on March 4, 2024
 Figure 2- GIS Map of Major Public Open Space
 Figure 3 – Ruling from the Second Judicial District Court regarding “Adjacency”
Figure 1- Plat recorded with the Bernalillo Clerks Office on March 4, 2024

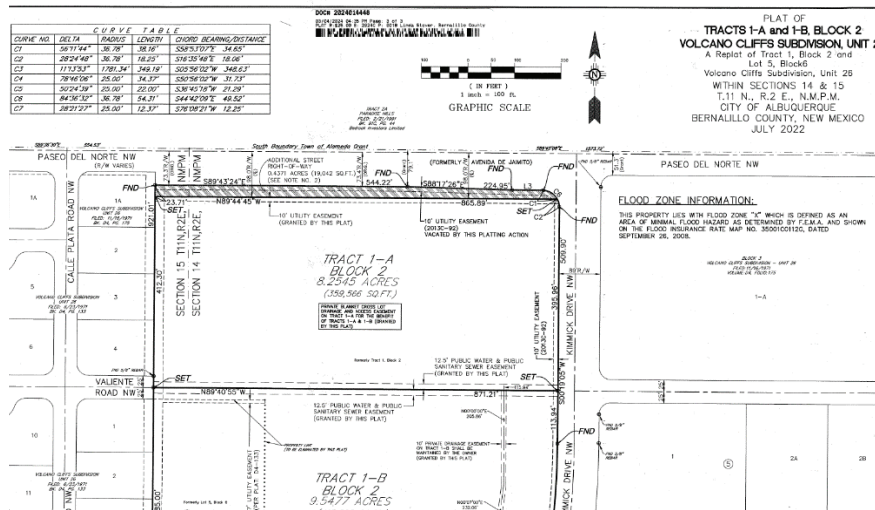


Figure 2 – GIS Map Boundary of La Cuentista Public Open Space

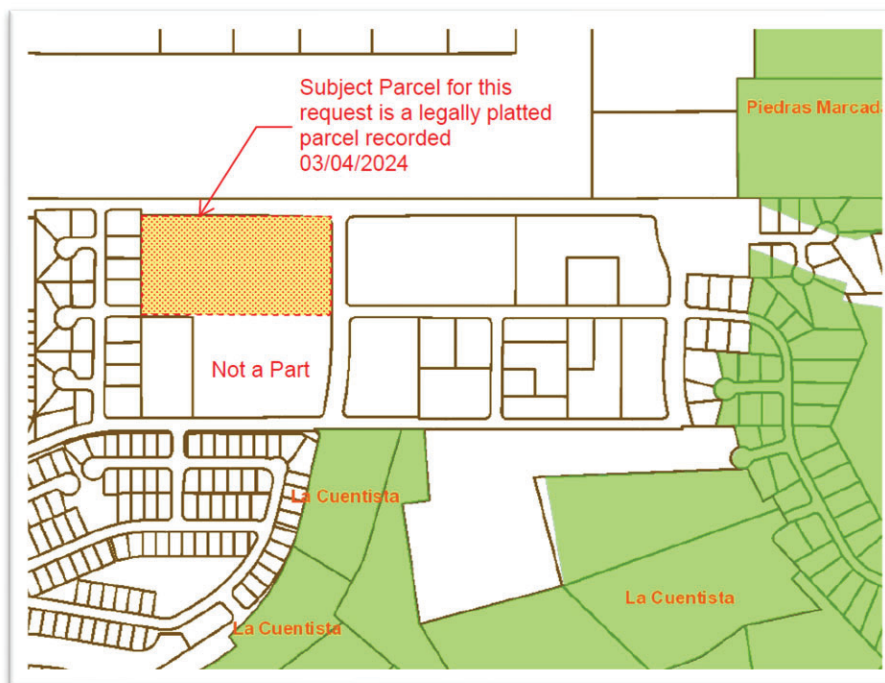


Figure 3 – Excerpt from the State of New Mexico Second Judicial Court

While those particular standards do not apply to our site, we want to reassure you of our commitment to maintaining high-quality development that aligns with the broader goals and vision of our community. Our project will adhere to all applicable city regulations and guidelines, ensuring safety, sustainability, and aesthetic harmony.

Substantial evidence in the record supports the finding that the subject site and the major public open space are not “adjacent.” Under the IDO, “adjacent” means “abutting or separated only by a street.” IDO § 7-1. A map in the record shows that Kimmick Drive is to the east of the subject site and Rosa Parks Road is to the south of the subject site. [RP 39.] The nearby major public open space is to the southeast of the subject site and is described as “diagonally opposite” from the subject site. [RP 432–33, 700.] The map is substantial evidence supporting the finding

It should be noted that the entire parcel in question is subject to the height restriction sub zone of the VPO-2 overlay zone, which limits buildings to 19 feet (with variance), and that all subdivided parcels created from the current parcel must comply with 5-4(C)(6) which states that “Subsequent platting must conform to the approved plans” and those plans, which must be approved prior to subdivision, must incorporate any and all restrictions applicable to the entire parcel.

If the purpose of the subdivision is to circumvent height restrictions or other standards applicable to the entire parcel, this would be both an inappropriate use of the subdivision process, the purpose of which is to ensure that development sites are consistent with the land use planning objectives of the adopted ABC Comp Plan (See 14-16-5-4(A)(1)).

It should be noted that the city’s GIS system, as of this email, does not accurately reflect the extent of the La Cuentista MPOS, the boundaries of which were enlarged almost two years ago.

2. My main questions are thus:

1.) What is the purpose of the subdivision?

Applicant Response: Please refer to the first question asked by Mrs. Rene Horvath with our response documented.

2.) Does the Applicant intend to first request a Site Plan—EPC in accordance with the IDO?

Applicant Response: No, as stated above, the subject site is not adjacent to Major Public Open Space and therefor does not require an EPC – Site Plan approval.

3.) Are all of the buildings that are planned for each of the anticipated subdivided parcels in compliance with the height restrictions of VPO-2, namely no more than 19 feet in height (with variance)?

Applicant Response: There are no buildings designed at this time and no structures are being proposed at this time.

As we progress with our project, we invite you to continue sharing your feedback and insights. We believe that collaboration and mutual understanding are key to successful community development.

We look forward to working together to ensure the best outcomes for our neighborhoods and the City of Albuquerque.

Sincerely,



Angela M. Piarowski, CEO/Partner
Modulus Architects & Land Use Planning, Inc.
8220 San Pedro NE, Suite 520 (Paseo Nuevo Building)
Albuquerque, New Mexico 87113
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Email: angela@modulusarchitects.com
New Mexico | Texas | Arizona | Colorado | Oklahoma | Utah | Illinois

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CITY OF ALBUQUERQUE
LAND USE FACILITATION PROGRAM
FACILITATED MEETING REPORT

Project #: PR-2019-002663
Type: Preliminary Platting Application Major
Property Address: SW Intersection of Paseo del Norte and Kimmick NW
Date Submitted: May 30, 2024
Submitted By: Tyson R. Hummell
Meeting Date/Time: May 28, 2024, 5:30 pm - 7:30 pm
Meeting Location: ZOOM
Facilitator: Tyson R. Hummell
Applicant: Group II U26 VC LLC, c/o Wright, Billy J.
Agent: Modulus Architects and Land Use Planning, Inc.
Community Stakeholders: WSCONA, PHCA

Background Summary:

This post-application Facilitated Meeting was to address a Preliminary Platting Application Major. The land is presently vacant. Applicant proposes to divide this parcel into 6 commercial lots. This matter is intended to be heard during the June 12, 2024 DHO Hearing. Please refer to the formal Application of record for more specific project information.

Meeting Information:

A Facilitated Land Use Meeting was held on May 28, 2024. All parties attended and participated in good-faith.

The Agent presented a detailed overview the proposed vision for the site. This included discussion of Agent's efforts to ensure compliance with the IDO and other applicable regulations. The Agent's presentation also demonstrated awareness and sensitivity regarding the Community's concerns, which were voiced in preliminary discussions. These included, but were not limited to, building height, targeted tenant businesses, local aesthetics, walkability and building orientation.

After Agent's initial presentation, we addressed specific Community concerns. In preparation for the Meeting, Community Stakeholders submitted several written questions and concerns. The Agent then provided written answers and responses, prior to the Meeting. Please refer to Exhibit A: Applicant Response to Questions, for a complete record of this discourse.

Our conversation was largely based on the foregoing correspondence. Some questions, answers and concerns were re-iterated, but no new issues were raised. The parties shared a general positive consensus with regard to this Application, substantively.

However, the Community does have a procedural objection/concern, which could not be resolved. In March of 2024, the subject parcel was established and recorded by Bernalillo County. This action bifurcated a larger property, of which it was formerly a part.

Community Stakeholders believe the March 2024 property division was not proper, due primarily to unresolved litigation regarding said property. Therefore, the Community argues that the subject Application is not ripe.

The Agent stated that they are simply following City instructions and guidelines, in compliance with the IDO. The Agent also offered to provide documentation to verify and confirm her compliance efforts.

This issue resulted in impasse and will need to be decided by a third party of competent jurisdiction. .

CITY OF ALBUQUERQUE
LAND USE FACILITATION PROGRAM
FACILITATED MEETING REPORT

Conclusion:

This Meeting was largely constructive and collegial. Only the aforementioned procedural objection concluded at mutual impasse. This matter is now ripe for a decision on the merits.

DHO Hearing Participation:

This Application intended to be heard by the DHO on the June 12, 2024 docket. All interested stakeholders are encouraged to participate. Interested stakeholders may also submit additional materials, comments and concerns for DHO consideration. The June 12, 2024 DHO Agenda and meeting link will be published at: <https://www.cabq.gov/planning/boards-commissions/development-hearing-officer/development-hearing-officer-agendas-archives>

Participants and Interested Parties:

Applicant Team: Modulus Architects and Land Use Planning, Inc.
Angela Piarowski
Regina Okoye

Community Attendees: WSCONA
PHCA
Petroglyph National Monument
Rene Horvath
Elizabeth Haley
Michael Voorhees
Jim Price
Evelyn J. Rivera
Nancy Hendricks
Baxter Sosebee
Marian Pendleton
“Jace”

City Representatives: Tyson R. Hummell, Facilitator

CITY OF ALBUQUERQUE

LAND USE FACILITATION PROGRAM

FACILITATED MEETING REPORT

<i>Doug Cooper</i>	<i>Los Volcanes NA</i>	<i>douglascooper@hotmail.com</i>
<i>Jerry Gallegos</i>	<i>SW Alliance of N'hoods</i>	<i>jgallegoswccd@gmail.com</i>
<i>Geraldine Ulibarri</i>	<i>SW Alliance of N'hoods</i>	<i>gerulibbarri1@gmail.com</i>
<i>Michael Quintana</i>	<i>West Mesa NA</i>	<i>westmesa63@gmail.com</i>
<i>Lorenzo Otero</i>	<i>West Mesa NA</i>	<i>housealbchrome@gmail.com</i>
Jay B. Rodenbeck	CABQ Planning	jrodenbeck@cabq.gov
Tyson Hummell	CABQ ADR	thummell@cabq.gov
Philip Crump	Facilitator	phcrumpsf@gmail.com

Facing Paseo del Norte

REQUEST

APPROVAL FOR a Subdivision of Land (Major) to create six new tracts from one existing tract.

The Development Hearing Officer (DHO) of the City of Albuquerque will hold a **public hearing in the Plaza Del Sol Hearing Room, Basement, Plaza Del Sol Building 600, 2nd St. NW** and remotely **VIA ZOOM** on June 12, 2024 @ 9:00 am and such additional dates as may duly be established. The Zoom Meeting invitation link and information can be obtained on the agenda for the DHO meeting featuring this case, which is located on the DHO webpage at:

<https://www.cabq.gov/planning/boards-commissions/>

All persons have a right to appear at or attend such hearing. For information on this case or instruction on filing written comments, you may call the **City Planning Department Development Review at 505-924-3946**.

Required to be posted from May 29, 2024 to July 1, 2024

By (applicant/agent) George H. Volo V.C. LLC (applicant) / Modulus Architects (agent) Phone 505-338-1497

REFER TO FILE # 28-2019-002663 / SD-2024-00097

It is illegal for an unauthorized person to remove or tamper with this sign (7-14-42) Revised Ordinances of Albuquerque NM 1994
Revision December 2022

Facing Kimmick



REQUEST

APPROVAL FOR Submission of Local Mayor to create six new
houses from new existing lots

The Development Hearing Officer (DHO) of the City of Albuquerque will hold a public hearing in the Plaza Del Sol Hearing Room, Basement, Plaza Del Sol Building 500, 2nd St. NW and remotely VIA ZOOM on June 12, 2024 @ 9:00 am and such additional dates as may duly be established. The Zoom Meeting invitation link and information can be obtained on the agenda for the DHO meeting featuring this case, which is located on the DHO webpage at <https://www.cabq.gov/planning/boards-commissions/>

All persons have a right to appear at or attend such hearing. For information on this case or instruction on filing written comments, you may call the City Planning Department Development Review at 505-924-3946.

Required to be posted from May 29, 2024 to July 1, 2024

By (applicant/agent) Jose L. Garcia LLC Phone 505-288-1414
REFER TO FILE # 22-019-002663/SD-2024-00947

It is illegal for an unlicensed person to receive or transmit with this sign (7-2-8-2) Revised Ordinance of Albuquerque NM 1996
Revised December 2012

Facing Kimmick

REQUEST

APPROVAL FOR A Subdivision of Land (Major) to create six new tracts from one existing tract.

The Development Hearing Officer (DHO) of the City of Albuquerque will hold a public hearing in the Plaza Del Sol Hearing Room, Basement, Plaza Del Sol Building 600, 2nd St. NW and remotely VIA ZOOM on June 12, 2024 @ 9:00 am and such additional dates as may duly be established. The Zoom Meeting invitation link and information can be obtained on the agenda for the DHO meeting featuring this case, which is located on the DHO webpage at:

<https://www.cabq.gov/planning/boards-commissions/>

All persons have a right to appear at or attend such hearing. For information on this case or instruction on filing written comments, you may call the City Planning Department Development Review at 505-924-3946.

Required to be posted from May 29, 2024 to July 1, 2024

By (applicant/agent) Group II D26 VC LLC (applicant) / Modulus Architects (agent) Phone 505-338-1499

REFER TO FILE # RR-2019-002663 / SD-2024-00097

It is illegal for an unauthorized person to remove or tamper with this sign (7-14-42) Revised Ordinances of Albuquerque NM 1994

Revision December 2022



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PLAT DOCUMENTATION COVER SHEET (PDF Files in this section)

1. DHO Application
2. Form S1
3. Form PLT
4. Zone Atlas Map
5. Preliminary Plat
 - a. Hydrology Letter of Approval
 - b. Grading & Drainage Plan
 - c. ABCWUA Serviceability Letter
 - d. ABCWUA Development Agreement
6. Sidewalk Exhibit
7. Site Sketch
8. Infrastructure List
 - a. Infrastructure Improvements Agreement
 - b. COA Financial Guarantee Amount
 - c. Letter of Credit



Please check the appropriate box(es) and refer to supplemental forms for submittal requirements. All fees must be paid at the time of application. Please note that these applications are not reviewed in a public meeting.

SUBDIVISIONS	MISCELLANEOUS APPLICATIONS
<input checked="" type="checkbox"/> Major – Preliminary Plat (Forms PLT & S1)	<input type="checkbox"/> Sidewalk Waiver (Form V2)
<input type="checkbox"/> Major – Bulk Land Plat (Forms PLT & S1)	<input type="checkbox"/> Waiver to IDO (Form V2)
<input type="checkbox"/> Extension of Preliminary Plat (Form S1)	<input type="checkbox"/> Waiver to DPM (Form V2)
<input type="checkbox"/> Minor Amendment - Preliminary Plat (Forms PLT & S2)	<input type="checkbox"/> Vacation of Public Right-of-way (Form V)
<input type="checkbox"/> Minor - Final Plat (Forms PLT & S2)	<input type="checkbox"/> Vacation of Public Easement(s) DHO (Form V)
<input type="checkbox"/> Minor – Preliminary/Final Plat (Forms PLT & S2)	<input type="checkbox"/> Vacation of Private Easement(s) (Form V)
	APPEAL
	<input type="checkbox"/> Decision of DHO (Form A)

BRIEF DESCRIPTION OF REQUEST

We are requesting a Major Subdivision of Land action to create six new tracts from one existing tract.

APPLICATION INFORMATION

Applicant/Owner: GROUP II U26 VC LLC C/O WRIGHT BILLY J		Phone:
Address: 4112 BLUE RIDGE PL NE		Email:
City: ALBUQUERQUE	State: NM	Zip: 87110
Professional/Agent (if any): MODULUS ARCHITECTS & LAND USE PLANNING, INC.		Phone: 505.338.1499 (Ext. 1000)
Address: 8220 SAN PEDRO DR. NE, SUITE 520		Email:
City: Albuquerque	State: NM	Zip: 87113
Proprietary Interest in Site: Agent	List <u>all</u> owners: GROUP II U26 VC LLC C/O WRIGHT BILLY J	

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

Lot or Tract No.: 1-A	Block: 2	Unit:
Subdivision/Addition: VOLCANO CLIFFS UNIT 26	MRGCD Map No.:	UPC Code:
Zone Atlas Page(s): C-11-Z	Existing Zoning: MX-M	Proposed Zoning
# of Existing Lots: 1	# of Proposed Lots: 6	Total Area of Site (Acres): 8.2578

LOCATION OF PROPERTY BY STREETS

Site Address/Street: 99999 PASEO DEL NORTE NW	Between: Paseo del Norte NW	and: Kimmick Dr NW
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CASE HISTORY (List any current or prior project and case number(s) that may be relevant to your request.)

PR-2019-002663

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: <i>Regina Okoye</i>	Date: 5/17/2024
Printed Name: Regina Okoye	<input type="checkbox"/> Applicant or <input checked="" type="checkbox"/> Agent

FORM S1: SUBDIVISION OF LAND – MAJOR

Please refer to the DHO public meeting schedule for meeting dates and deadlines. Your attendance is required.

- MAJOR SUBDIVISION PRELIMINARY PLAT APPROVAL**
- MAJOR AMENDMENT TO PRELIMINARY PLAT**
- BULK LAND SUBDIVISION**

A Single PDF file of the complete application including all documents being submitted must be emailed to PLNDRS@cabq.gov. Zipped files or those over 9 MB cannot be delivered via email, in which case the PDF must be provided to City Staff using other online resources such as Dropbox or FTP. The PDF shall be organized in the number order below. Divide the PDF with a title sheet for each of the three documentation sections in **bold** below.

PLAT DOCUMENTATION

- X 1) DHO Application form completed, signed, and dated
- X 2) Form S1 with all the submittal items checked/marked
- X 3) Form PLT with signatures from Hydrology, Transportation, and ABCWUA
- X 4) Zone Atlas map with the entire site clearly outlined and labeled
- X 5) Preliminary Plat including the Grading and Drainage Plan with the surveyor's, property owner's, and City Surveyor's signatures on the Plat. If submitting a Bulk Land Plat, the Plat must also include utility and AMAFCA signatures
- X 6) Sidewalk Exhibit and/or cross sections of proposed streets
- X 7) Site sketch with measurements showing structures, parking, building setbacks, adjacent rights-of-way and street improvements (to include sidewalk, curb & gutter with distance to property line noted) if there is any existing land use
- X 8) Infrastructure List, if required for building of public infrastructure
- X 9) Sensitive Lands Site Analysis for new site design in accordance with IDO Section 5-2(C)
(The Sensitive Lands Site Analysis form can be obtained online at):
https://documents.cabq.gov/planning/development-review-board/Sensitive_lands_analysis_form.pdf

SUPPORTIVE DOCUMENTATION

- X 10) Letter of authorization from the property owner if application is submitted by an agent
- X 11) Letter describing, explaining, and justifying the request per the criteria in IDO Section 14-16-6-6(L)(3)
- X 12) Sites 5 acres or greater: Archaeological Certificate in accordance with IDO Section 14-16-6-5(A)
(not required for Extension)

13) Proof of Sketch Plat per IDO Section 14-16-6-6(L)(2)(b)

14) Landfill disclosure statement per IDO Section 14-16-6-4(S)(5)(d)(2)(d) if site is within a designated landfill buffer zone

PUBLIC NOTICE DOCUMENTATION

15) Sign Posting Agreement

16) Required Content of Notice at Submittal per IDO Section 14-16-6-4(K)(1)

Office of Neighborhood Coordination notice inquiry response

Buffer map and list of property owners within 100 feet (excluding public rights-of-way) provided by the Planning Department

Completed notification form(s), proof of additional information provided in accordance with IDO Section 6-4(K)(1)(b)

Proof of emailed notice to affected Neighborhood Association representatives

Proof of first class mailing to affected Neighborhood Association representatives and property owners within 100 feet

17) Interpreter Needed for Hearing? _____ if yes, indicate language: _____

EXTENSION OF PRELIMINARY PLAT

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 to City Staff using other online resources such as Dropbox or FTP. *The PDF shall be organized in the number order below.*

_____ 1) DHO Application form completed, signed, and dated

_____ 2) Form S1 with all the submittal items checked/marked

_____ 3) Zone Atlas map with the entire site clearly outlined and labeled

_____ 4) Preliminary Plat

_____ 5) Copy of DRB approved infrastructure list

_____ 6) Letter of authorization from the property owner if application is submitted by an agent

_____ 7) Letter describing, explaining, and justifying the request per IDO Section 14-16-6-4(X)(4)

_____ 8) Interpreter Needed for Hearing? _____ if yes, indicate language: _____

Please refer to the DHO public meeting schedule for meeting dates and deadlines. Your attendance is required.

Legal/Request Descriptions & Location: 99999 PASEO DEL NORTE NW

SE corner Paseo Del Norte and Kimmick

Hydrology:

- Sensitive Lands Analysis (5-2(C)) Approved NA
- Grading and Drainage Plan Approved NA
- AMAFCA Approved NA
- Bernalillo County Approved NA
- NMDOT Approved NA
- MRGCD Approved NA


Hydrology Department

5/16/2024
Date

Transportation:


- Traffic Circulations Layout (TCL) Approved NA
- Traffic Impact Study (TIS) Approved NA
- Neighborhood Impact Analysis (NIA) Approved NA
- Bernalillo County Approved NA
- NMDOT Approved NA


Transportation Department

5/13/2024
Date

Albuquerque Bernalillo County Water Utility Authority (ABCWUA):

- Availability Statement: Approved NA
- Development Agreement: Approved NA
- ~~If None Explain:~~ Availability Letter 220512 w/ DA R-22-25 -


ABCWUA

05/13/24 Date

- Infrastructure Improvements Agreement (IIA*) Approved
- AGIS (DXF File**) Approved

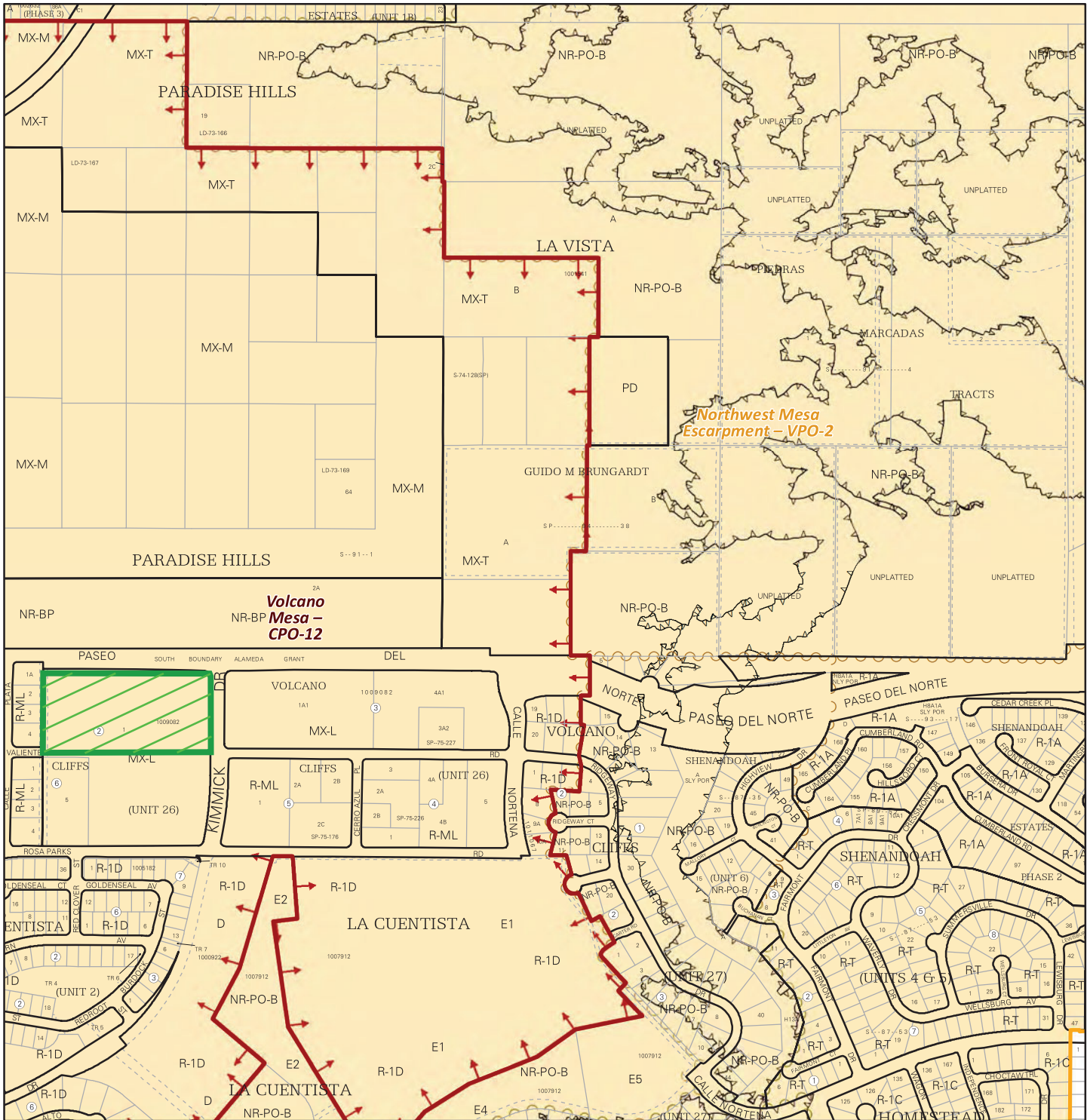
Signatures on Plat:

- Owner(s) Yes
- City Surveyor Yes
- AMAFCA*** Yes NA
- NM Gas*** Yes
- PNM *** Yes
- COMCAST*** Yes
- MRGCD*** Yes NA

* Prior to **Final Plat** submittals (include a copy of the recorded IIA)

** DXF file required for **Preliminary/Final Plat** and **Final Plat** approval submittals and not required for **Preliminary Plat** application

*** Signatures required for **Preliminary/Final Plat** and **Final Plat** applications and not required for **Preliminary Plat** application



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

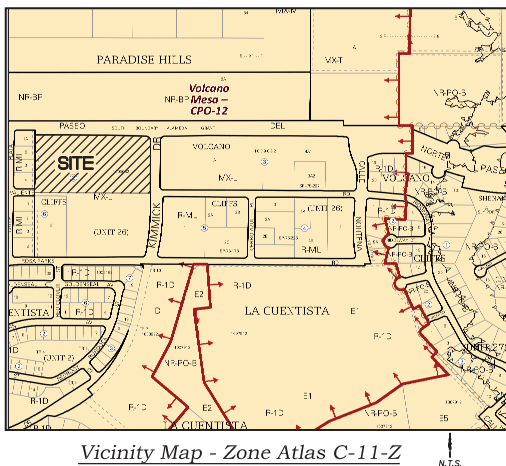
IDO Zoning information as of May 17, 2018
The Zone Districts and Overlay Zones are established by the Integrated Development Ordinance (IDO).

Zone Atlas Page:
C-11-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

0 250 500 1,000 Feet

145



Vicinity Map - Zone Atlas C-11-Z

Easement Notes

- 1 EXISTING 10' P.U.E. (8/12/2013, 2013C-92)
- 2 EXISTING DRAINAGE & UTILITY EASEMENT (6/23/1971, D4-133)
- 3 EXISTING PRIVATE BLANKET CROSS LOT PUBLIC DRAINAGE AND ACCESS EASEMENT, BENEFITING TRACTS 1-A AND 1-B (8/12/2013, 2013C-92), (3/04/2024, BK. 2024C, PG. 18)
- 4 EXISTING 7' DRAINAGE & UTILITY EASEMENT (6/23/1971, D4-133)
- 5 EXISTING 12.5' PUBLIC WATER AND PUBLIC SEWER EASEMENT (3/04/2024, BK. 2024C, PG. 18)
- 6 EXISTING 10' UTILITY EASEMENT (3/04/2024, BK. 2024C, PG. 18)
- 7 EXISTING PRIVATE DRAINAGE EASEMENT (3/04/2024, BK. 2024C, PG. 18)
- 8 PUBLIC WATERLINE EASEMENT GRANTED WITH THE FILING OF THIS PLAT
- 9 PRIVATE ACCESS EASEMENT BENEFITING TRACTS 1-A-1 THRU 1-A-5 AND TRACT 1-B, MAINTAINED BY THE UNDERLYING OWNERS, GRANTED WITH THE FILING OF THIS PLAT

Purpose of Plat

1. SUBDIVIDE AS SHOWN HEREON.
2. GRANT EASEMENTS AS SHOWN HEREON.

**Site Sketch for
Tracts 1-A-1 thru 1-A-6, Block 2,
Volcano Cliffs Subdivision, Unit 26
Being Comprised of
Tract 1-A, Block 2, Volcano
Cliffs Subdivision, Unit 26
City of Albuquerque
Bernalillo County, New Mexico
March 2024**

Legend

N 90°00'00" E	MEASURED BEARINGS AND DISTANCES
(N 90°00'00" E)	RECORD BEARINGS AND DISTANCES (6/23/1971, D4-133)
[N 90°00'00" E]	RECORD BEARINGS AND DISTANCES (08/12/2013, 2013C-92)
[N 90°00'00" E]	RECORD BEARINGS AND DISTANCES (03/04/2024, 2024C-18)
●	FOUND 5/8" REBAR UNLESS OTHERWISE NOTED
○	SET 1/2" REBAR WITH CAP "LS 18374" UNLESS OTHERWISE NOTED
☐	CONCRETE
⊙	LIGHT POLE
⊕	ELECTRIC METER
⊞	TRANSFORMER
⊞	ELECTRIC CABINET
⊞	PULL BOX
⊞	SIGNAL BOX
⊞	TRAFFIC MAST
⊞	WATER VALVE
⊞	WATER METER
⊞	FIRE HYDRANT
⊞	SANITARY SEWER MANHOLE
⊞	SAS CLEANOUT
⊞	STORM DRAIN MANHOLE
⊞	STORM DRAIN INLET
⊞	SIGN
⊞	UTILITY PEDESTAL
—	UNDERGROUND WATER UTILITY LINE
—	UNDERGROUND SANITARY SEWER LINE
—	UNDERGROUND ELECTRIC UTILITY LINE
—	UNDERGROUND STORM DRAIN UTILITY LINE
—	UNDERGROUND CABLE UTILITY LINE

Legal Description

TRACT ONE-A (1-A) IN BLOCK NUMBERED TWO (2), VOLCANO CLIFFS SUBDIVISION, UNIT 26, BEING A REPLAT OF TRACT 1, BLOCK 2 & LOT 5, BLOCK 6, OF VOLCANO CLIFFS SUBDIVISION, UNIT 26, WITHIN SECTIONS 14 & 15, T. 11 N., R. 2 E., N.M.P.M., CITY OF ALBUQUERQUE, BERNALILLO COUNTY, NEW MEXICO, AS THE SAME IS SHOWN AND DESIGNATED ON SAID PLAT FILED IN THE OFFICE OF THE COUNTY CLERK OF BERNALILLO COUNTY, NEW MEXICO ON MARCH 4, 2024 AS PLAT BOOK 2024C, PAGE 18.

Line Table		
Line #	Direction	Length (ft)
L1	N 01°58'45" E	17.82'
L2	S 89°37'16" E	20.06'
L3	N 00°22'44" E	46.44'
L4	N 89°40'55" W	33.06'
L5	S 00°22'44" W	12.07'

Curve Table					
Curve #	Length	Radius	Delta	Chord Length	Chord Direction
C1	18.24' [18.25']	36.78' [36.78']	28°25'17"	18.06'	S 16°29'49" E

Documents

1. PLAT FOR TRACTS 1-A AND 1-B, BLOCK 2, VOLCANO CLIFFS, UNIT 26, FILED IN THE BERNALILLO COUNTY CLERK'S OFFICE ON MARCH 4, 2024, IN BOOK 2024C, PAGE 18.
2. SPECIAL WARRANTY DEED FOR SUBJECT PROPERTY, FILED IN THE BERNALILLO COUNTY CLERK'S OFFICE ON MARCH 19, 2013, AS DOCUMENT NO. 2013030244.
3. WARRANTY DEED FOR DEDICATED ADDITIONAL RIGHT-OF-WAY TO PASEO DEL NORTE, FILED IN THE BERNALILLO COUNTY CLERK'S OFFICE ON MARCH 7, 2024, AS DOCUMENT NO. 2024015270.

Flood Notes

BASED UPON SCALING, THIS PROPERTY LIES WITHIN FLOOD ZONE "X" WHICH IS DEFINED AS AN AREA OF MINIMAL FLOOD HAZARD AS DETERMINED BY F.E.M.A. AND SHOWN ON THE FLOOD INSURANCE RATE MAP NO. 35001C0112G, DATED SEPTEMBER 26, 2008.

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

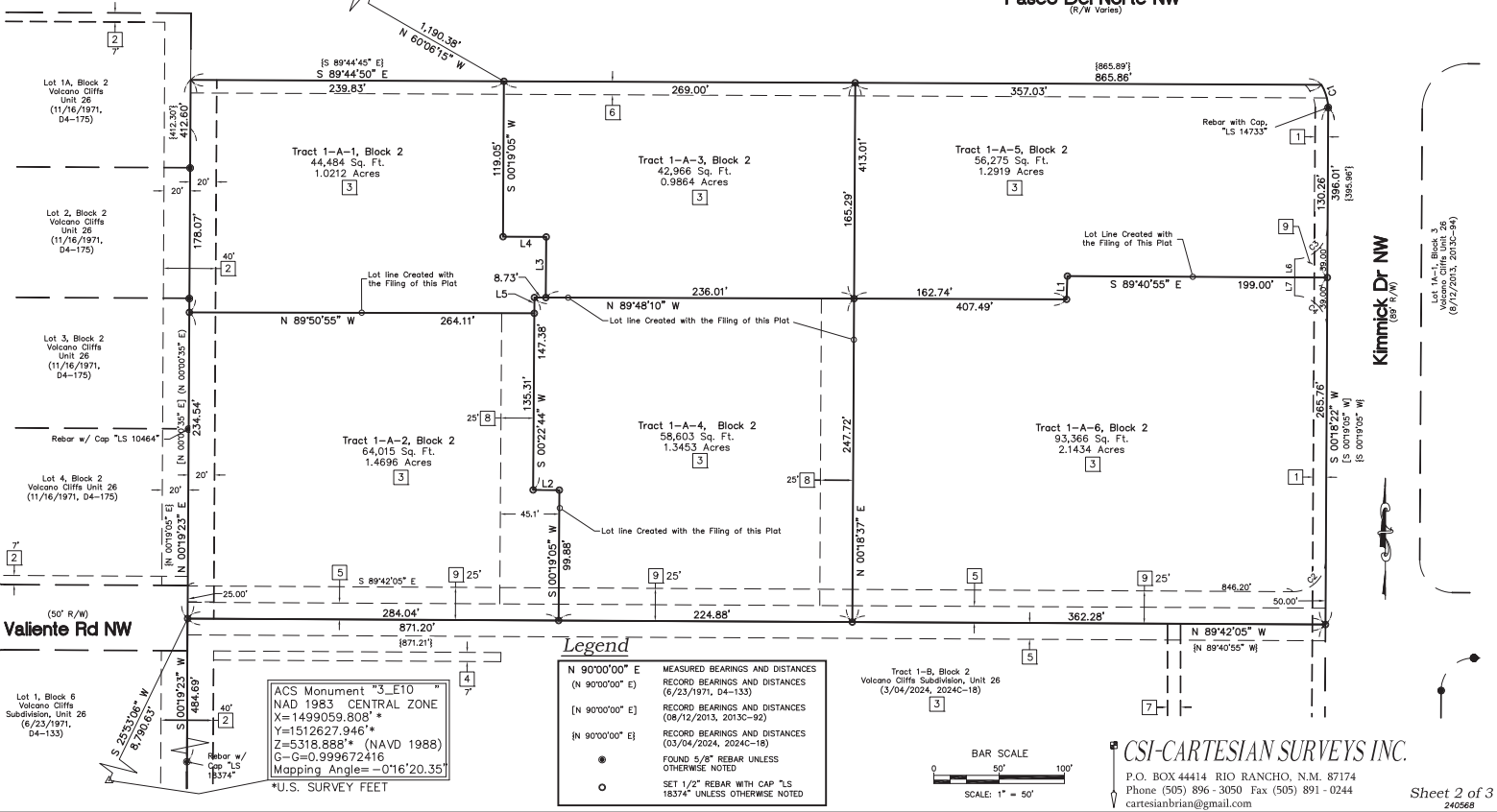
Plat for
 Tracts 1-A-1 thru 1-A-6, Block 2,
 Volcano Cliffs Subdivision, Unit 26
 Being Comprised of
 Tract 1-A, Block 2, Volcano
 Cliffs Subdivision, Unit 26
 City of Albuquerque
 Bernalillo County, New Mexico
 May 2024

Easement Notes

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- 8 PRIVATE WATERLINE AND SEWER EASEMENTS BENEFITING TRACTS 1-A-1 AND 1-A-3, GRANTED WITH THE FILING OF THIS PLAT
- 9 PRIVATE ACCESS EASEMENT BENEFITING TRACTS 1-A-1 THRU 1-A-5, MAINTAINED BY THE UNDERLYING OWNERS, GRANTED WITH THE FILING OF THIS PLAT

Paseo Del Norte NW
 (R/W Varies)

ACS Monument "8_C10"
 NAD 1983 CENTRAL ZONE
 X=1502106.697 *
 Y=1521538.71
 Z=5392.936' * (NAVD 1988)
 G-G=0.999667901
 Mapping Angle=-0'16"00.09"
 *U.S. SURVEY FEET



CITY OF ALBUQUERQUE

Planning Department
Alan Varela, Director



Mayor Timothy M. Keller

September 9, 2022

Jeremy Shell, P.E.
Respec
5971 Jefferson St. NE
Albuquerque, NM 8710

**RE: Paseo & Kimmick Development
Conceptual Grading & Drainage Plans
Engineer's Stamp Date: 07/2022
Hydrology File: C11D004A**

Dear Mr. Shell:

Based upon the information provided in your submittal received 08/08/2022, the Conceptual Grading & Drainage Plans are preliminary approved for action by the DRB for Site Plan for Building Permit and Platting action.

PRIOR TO BUILDING PERMIT:

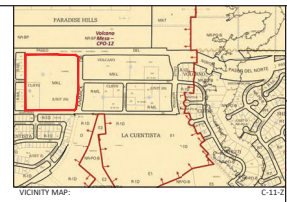
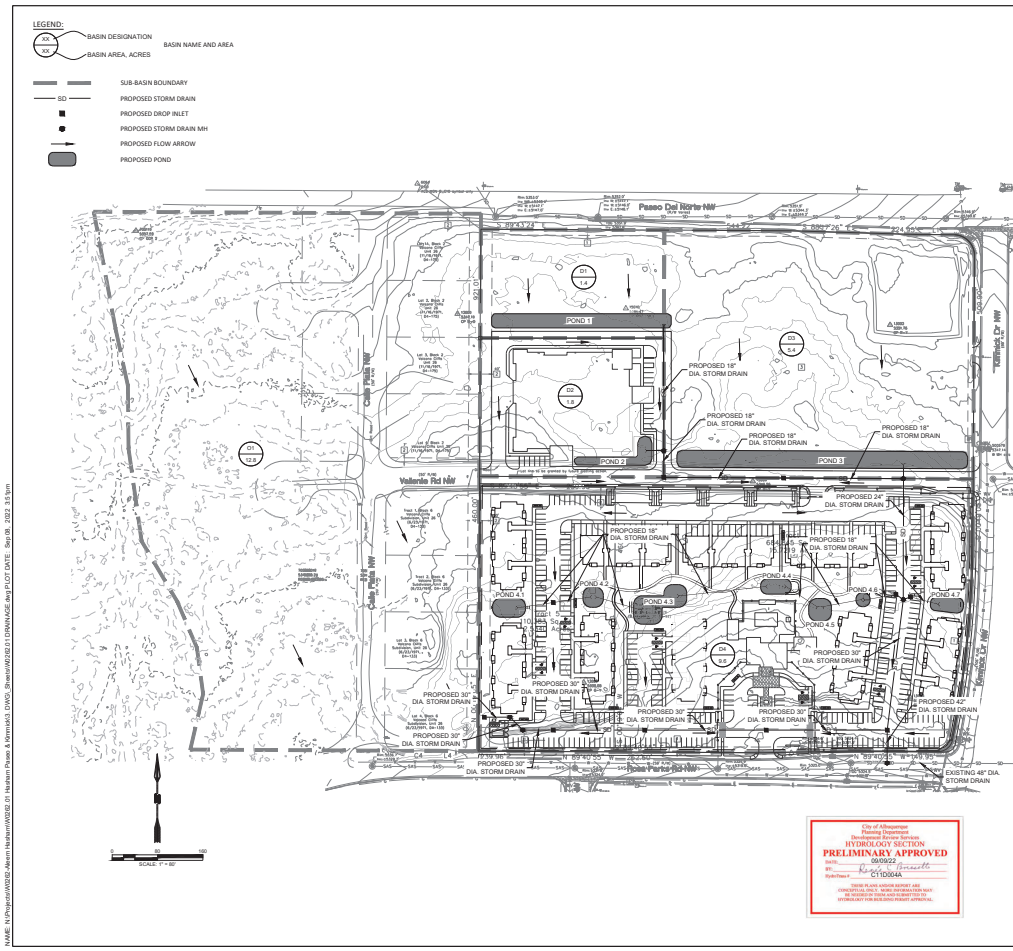
1. Provide more detailed design as needed in order to obtain Hydrology's approval.

As a reminder, if the project total area of disturbance (including the staging area and any work within the adjacent Right-of-Way) is 1 acre or more, then an Erosion and Sediment Control (ESC) Plan and Owner's certified Notice of Intent (NOI) is required to be submitted to the Stormwater Quality Engineer (Doug Hughes, PE, jhughes@cabq.gov, 924-3420) 14 days prior to any earth disturbance.

If you have any questions, please contact me at 924-3995 or rbrissette@cabq.gov.

Sincerely,

Renée C. Brissette, P.E. CFM
Senior Engineer, Hydrology
Planning Department



BACKGROUND:
TRACT 1, BLOCK 2 AND TRACT 6, VOLCANO CLIFFS SUBDIVISION, UNIT 26 CONTAINS APPROXIMATELY 16.2 ACRES IN THE CITY OF ALBUQUERQUE, BERNALILLO COUNTY, NEW MEXICO. THE PROPERTY IS BOUNDED BY PASEO DEL NORTE TO THE NORTH, KIMMICK DRIVE TO THE EAST, ROSA PARKS ROAD TO THE SOUTH, AND EXISTING LOTS TO THE WEST. SEE VICINITY MAP ABOVE. THE PROPOSED DEVELOPMENT IS MIXED USE CONTAINING APARTMENTS, SELF-STORAGE, AND COMMERCIAL. THE SDC DRAINAGE REPORT COMPLETED BY WILSON & COMPANY IN JANUARY 2015 RESTRICTS THE DRAINAGE FROM THE PROJECT TO THE HISTORIC RATE. WILSON & COMPANY SUBSEQUENTLY COMPLETED A CONCEPTUAL GRADING AND DRAINAGE PLAN THAT WAS APPROVED IN JULY 2017.

METHODOLOGY:
HYDROLOGY CALCULATIONS FOR THE SITE ARE PERFORMED IN ACCORDANCE WITH THE ALBUQUERQUE DEVELOPMENT PROCESS MANUAL (DPM) ARTICLE 6.2 USING THE RATIONAL METHOD TO CALCULATE PEAK FLOW RATES TO ENSURE ALL FLOW PATHS ARE SUFFICIENT TO CARRY FLOWS. THE REQUIRED WATER QUALITY VOLUME WAS CALCULATED BY MULTIPLYING THE WQV REQUIRED FOR THE FIRST FLOOR RUNOFF VALUE OF 0.42 FOR NEW DEVELOPMENT. ALL HYDROLOGIC AND HYDRAULIC CALCULATIONS CAN BE FOUND ON THIS SHEET.

EXISTING CONDITIONS:
THE SITE IS CURRENTLY UNDEVELOPED. THE EXISTING SITE TERRAIN GENERALLY SHEET DRAINS FROM NORTH TO SOUTH AT VARYING SLOPES BETWEEN 1% AND 2%. THERE IS NO DESIGNATED 100-YEAR FLOODPLAIN GROWN ON THE PROPERTIES. RUNOFF GENERATED BY THE SITE IS COLLECTED IN AN EXISTING PULL BOX MANHOLE NEAR THE SOUTHWEST CORNER OF THE SITE AND ENTERS THE EXISTING STORM DRAIN IN ROSA PARKS ROAD.

DEVELOPED CONDITIONS:
THE DRAINAGE INTENTION OF THE DEVELOPED CONDITIONS IS TO ADHERE TO THE AFORESAID DRAINAGE STUDIES COMPLETED BY WILSON & COMPANY AND REDUCE THE DESIGN FLOW RATES TO THE HISTORIC RATE. EACH LOT MAY DEVELOP INDEPENDENTLY OF THE OTHER LOTS. THE FINAL LOT DEVELOPMENT PLANS WILL ADDRESS THE DETAILS OF THE GRADING AND DRAINAGE WITHIN THE LIMITS OF THIS MASTER PLAN. THE SITE HAS BEEN SPLIT INTO 5 SUB-BASINS AND ARE DESCRIBED BELOW.

SUB-BASIN D1: CONTAINS 12.8 ACRES. THIS OFFSITE SUB-BASIN LOCATED WEST OF THE SUBJECT SITE ENTERS SUB-BASIN D4 IN THE EXISTING CONDITION AND WILL BE ACCOMPANIED BY SUB-BASIN D4. RUNOFF WILL BE COLLECTED BY A DROP INLET LOCATED AT THE SOUTHWEST CORNER OF SUB-BASIN D4. THESE OFFSITE FLOWS WILL BE ROUTED ALONG THE SOUTHERN PORTION OF SUB-BASIN D4 IN A PRIVATE STORM DRAIN UNTIL REACHING ITS ULTIMATE OUTFALL INTO THE EXISTING ROSA PARKS STORM DRAIN NEAR THE SOUTHWEST CORNER OF SUB-BASIN D4.

SUB-BASIN D2: CONTAINS 1.8 ACRES AND WILL BE A SELF-STORAGE DEVELOPMENT. RUNOFF WILL BE COLLECTED IN POND 2 AT THE SOUTHWEST CORNER OF THE SUB-BASIN. POND 2 IS INTENDED TO SERVE AS BOTH STORM WATER QUALITY VOLUME AS WELL AS FLOW REDUCTION TO THE HISTORICAL RATE. RUNOFF WILL THEN BE ROUTED INTO A PRIVATE STORM DRAIN THAT ULTIMATELY OUTFALLS TO THE ROSA PARKS EXISTING STORM DRAIN.

SUB-BASIN D3: CONTAINS 1.4 ACRES AND WILL BE DEVELOPED IN THE FUTURE AS A COMMERCIAL USE. UNTIL SUCH TIME THIS SUB-BASIN DEVELOPS, FLOWS GENERATED BY THE SUB-BASIN WILL BE COLLECTED IN POND 3 ALONG THE SOUTHERN PORTION OF THE SUB-BASIN. A PRIVATE STORM DRAIN WILL BE STUMBED INTO THE POND TO ROUTE FLOWS ULTIMATELY TO THE ROSA PARKS EXISTING STORM DRAIN.

SUB-BASIN D4: CONTAINS 8.6 ACRES AND WILL BE AN APARTMENT DEVELOPMENT. RUNOFF WILL BE COLLECTED IN A SERIES OF PONDS (1 THROUGH 4) ALONG THE CENTER OF THE SUB-BASIN IN THE WEST EAST DIRECTION. THESE PONDS ARE INTENDED TO SERVE AS BOTH STORM WATER QUALITY VOLUME FOR THE NORTH HALF OF THE APARTMENT SITE AS WELL AS FLOW REDUCTION TO THE HISTORICAL RATE. RUNOFF WILL THEN BE ROUTED INTO A PRIVATE STORM DRAIN THAT ULTIMATELY OUTFALLS TO THE ROSA PARKS EXISTING STORM DRAIN. THE PRIVATE STORM DRAIN ALONG THE SOUTHERN PORTION OF THE SUB-BASIN WILL SERVE TWO APARTMENTS, BUT ALSO THE OFFSITE FLOWS FROM SUB-BASIN D1. THE SECOND IS TO SERVE AS STORM WATER QUALITY VOLUME FOR THE SOUTHERN HALF OF THE APARTMENT SITE.

SUB-BASIN D5: CONTAINS 1.6 ACRES AND WILL BE DEVELOPED IN THE FUTURE AS A COMMERCIAL USE. UNTIL SUCH TIME THIS SUB-BASIN DEVELOPS, FLOWS GENERATED BY THE SUB-BASIN WILL BE COLLECTED IN POND 4 ALONG THE SOUTHERN PORTION OF THE SUB-BASIN. A PRIVATE STORM DRAIN WILL BE STUMBED INTO THE POND TO ROUTE FLOWS ULTIMATELY TO THE ROSA PARKS EXISTING STORM DRAIN.

THE MAIN TRUNK LINE IN THE PRIVATE STORM DRAIN EASEMENT ON THE PLAT WILL REQUIRE THE NECESSARY PRIVATE DRAINAGE DOCUMENTATION SHOWING THE MAINTENANCE RESPONSIBILITY.

City of Albuquerque
Planning Department
Development Services Bureau
PRELIMINARY APPROVED
DATE: 08/02/2018
BY: [Signature]
TITLE: [Signature]

REVISION	DATE	DESCRIPTION
1	08/02/2018	ISSUED FOR PERMIT
2	08/02/2018	ISSUED FOR PERMIT
3	08/02/2018	ISSUED FOR PERMIT
4	08/02/2018	ISSUED FOR PERMIT
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99	08/02/2018	ISSUED FOR PERMIT
100	08/02/2018	ISSUED FOR PERMIT

June 20, 2022

Chair

Klarissa J. Peña
City of Albuquerque
Councilor, District 3

Vice Chair

Debbie O'Malley
County of Bernalillo
Commissioner, District 1

Tammy Fiebelkorn
City of Albuquerque
Councilor, District 7

Trudy E. Jones
City of Albuquerque
Councilor, District 8

Timothy M. Keller
City of Albuquerque
Mayor

Charlene Pyskoty
County of Bernalillo
Commissioner, District 5

Steven Michael Quezada
County of Bernalillo
Commissioner, District 2

Ex-Officio Member
Gilbert Benavides
Village of Los Ranchos
Board Trustee

Executive Director
Mark S. Sanchez

Website
www.abcwua.org

Jeremy Shell
RESPEC
7770 Jefferson Street NE
Suite 200
Albuquerque, NM 87109

RE: Water and Sanitary Sewer Serviceability Letter #220512
Project Name: Paseo & Kimmick
Project Address: N/A
Legal Description: Tract 1, and Lot 3, Block 2, Volcano Cliffs, Unit 26
UPC: 101106404014530102 and 101106400611830101
Zone Atlas Map: C-11

Dear Mr. Shell:

Project Description: The subject site is located west of Kimmick Drive between Paseo del Norte and Rosa Parks Road within the City of Albuquerque. The proposed development consists of approximately 18.25 acres and the property is currently zoned MX-L for mixed-use, low intensity. The property lies within the Pressure Zone 3WR in the Volcano Trunk. The request for availability indicates plans for Mixed use commercial development including approximately ten acres of apartments (~250 units), two acres of self-storage (~100k SF), and the remaining six acres will be commercial pad sites.

Adopted Service Area - Development Agreement: Pursuant to the System Expansion Ordinance, this property is outside of the Water Authority service area and the Water Authority Board must approve a Development Agreement to serve this property and establish requirements as a condition of service. Contact Utility Development in regards to Development Agreements.

Existing Conditions: Water infrastructure in the area consists of the following:

- Eight-inch PVC distribution line (project #26-6933.91-15) along Kimmick Drive.
- 12-inch PVC distribution line or transmission line (project #26-7097.84-15) along Rosa Parks Road.

Sanitary sewer infrastructure in the area consists of the following:

- Eight-inch PVC sanitary sewer collector (projects # 26-7097.84-15 and 26-6933.91-15) along Rosa Parks Road.
- Eight-inch PVC sanitary sewer collector (project #26-6933.91-15) along Valiente Road to the east.
- 15-inch PVC sanitary sewer interceptor (project #26-7050.02-05) along Paseo del Norte, east of Calle Nortena.

Water Service: New metered water service to the property can be provided contingent upon a developer funded project to extend eight-inch lines to create a looped system along city right-of-way or along dedicated Water Authority easement. The proposed

plan to have public mains within parking of the apartment complex and the self-storage facilities shall be prohibited. If the proposed plan to keep the alignment of Valiente Road and to have a water main extending along its length then extensions along Paseo del Norte along the frontage of the site is not required given the roadway classification and the Pressure Zone boundary. Upon completion of the infrastructure construction, the development may receive service via routine connection to the proposed eight-inch distribution main along Valiente Road, interior to the site. The engineer is responsible for determining pressure losses and sizing of the service line(s) downstream of the public water line to serve the proposed development.

Service is also contingent upon compliance with the Fire Marshal's instantaneous fire flow requirements. Water service will not be sold without adequate fire protection. Water service will only be sold in conjunction with sanitary sewer service. Each legally platted property shall have individual, independent water services. No property shall share a water service with any other property.

Existing service lines and fire lines that will not be utilized are to be removed by shutting the valve near the distribution main. For fire lines, the line shall be capped near the public valve and valve access shall be grouted and collar removed.

Non-Potable Water Service: Currently, there is no non-potable infrastructure available to serve the subject property.

Sanitary Sewer Service: New sanitary sewer service to the property can be provided contingent upon a developer funded project to extend the eight-inch sanitary sewer line along Valiente Road from manhole C11-620. No property shall share a private sewer service with any other property. The engineer is responsible for sizing the service line(s) upstream of the public sanitary sewer line to serve the proposed development.

Additionally, there is a planned 15-inch sanitary sewer interceptor proposed along the Paseo del Norte / Avenida De Jaimito alignment. This interceptor shall be on the infrastructure list for this project for the entire property frontage along Paseo Del Norte / Avenida De Jaimito.

Fire Protection: From the Fire Marshal's requirements, the largest instantaneous fire flow requirements for the project is 3,375 gallons-per-minute for the proposed self-storage facility. Four fire hydrants are required. There are three existing hydrants available and nine new hydrants are proposed with this project. As modeled using InfoWater™ computer software, the fire flow can be met. Analysis was performed by simulating the required fire flow at the proposed fire line servicing the proposed self-storage facility along Valiente Road.

The fire one plan calls for a looped system through the parking of the proposed apartment building. Instead the public mains were modeled to go through Calle Plata to avoid onsite mains. Additionally, all proposed fire hydrants should be behind private fire lines, considered private and, painted safety orange.

Any changes to the proposed connection points shall be coordinated through Utility Development. All new required hydrants as well as their exact locations must be determined through the City of Albuquerque Fire Marshal's Office and verified through the Utility Development Office prior to sale of service.

The engineer is responsible for determining pressure losses and sizing of the fire line(s) downstream of the public water line to serve the proposed fire hydrants and/or fire suppression system.

Cross Connection Prevention: Per the Cross-Connection Ordinance, all new non-residential premises must have a reduced pressure principle backflow prevention assembly approved by the Water Authority installed at each domestic service connection at a location accessible to the Water Authority. No tees, branches or possible connection fittings or openings are allowed between the reduced principle backflow prevention assembly and the service connection unless protected by a backflow prevention assembly. These requirements also apply to all remodeled non-residential premises when the work area of the building undergoing repairs, alterations or rehabilitation, as defined in the International Existing Building Code, exceeds 50 percent of the aggregate area of the building regardless of the costs of repairs, alteration or rehabilitation.

All non-residential irrigation water systems connected to the public water system shall have a pressure vacuum breaker, spill-resistant pressure vacuum breaker or a reduced pressure principle backflow prevention assembly installed after the service connection. Such devices shall be approved by the Water Authority. No tees, branches or possible connection fittings or openings are allowed between the containment backflow prevention assembly and the service connection.

All non-residential customers connected via piping to an alternative water source or an auxiliary water supply and the public water system shall install a containment reduced pressure principle backflow prevention assembly approved by the Water Authority after the potable service connection.

All new services to private fire protection systems shall be equipped with a containment reduced pressure principal backflow prevention assembly approved by the Water Authority and Fire Marshal having jurisdiction installed after the service connection. No tees, branches or possible connection fittings or openings are allowed between the containment backflow prevention assembly and the service connection. A double check valve assembly approved by the Water Authority and Fire Marshal having jurisdiction may be installed instead of a reduced pressure backflow prevention assembly provided the private fire protection system meets or exceed ANSI/NSF Standard 60 61 throughout the entire private fire protection system, the fire sprinkler drain discharges into atmosphere, and there are no reservoirs, fire department connections nor connections from auxiliary water supplies.

The Water Authority requests that all backflow (containment) devices be located above ground just outside the easement or roadway right-of-way. Contact Cross Connection at (505) 289-3454 for more information.

Easements and Property: Exclusive public water and sanitary sewer easements are required for all public lines that are to be constructed outside of any dedicated rights-of-way. A minimum width easement of 20 feet is required for a single utility and 25 feet for water and sewer both within the same easement. Easements for standard sized water meters need to be five feet by five feet and include the length of the water service if located on private property. For larger meters that require a meter vault, a 35 feet by 35 feet easement is required. Actual easement widths may vary depending on the depth of the lines to be installed. Acceptable easements must be documented prior to

approval of service. A Warranty Deed shall be required when a property will be transferred to the Water Authority for the installation of Water Authority owned facilities such as pump stations, reservoirs, wells, lift stations, or any other facility.

Pro Rata: As described in this statement, the extension of public water and sanitary sewer lines may be eligible for partial reimbursement through the Pro Rata process as detailed in the Water Authority Water and Wastewater System Expansion Ordinance.

Pro Rata has been assessed for this property in the amount of \$8,192.72 for water infrastructure and \$10,683.07 for Sewer infrastructure for a total amount of \$18,875.79. The project(s) that assessed the subject property pro rata is under project #709784. These charges are assessed to the property due to its ability to benefit from and/or take service from the previously installed infrastructure. Payment will be required as a condition of approvals from the Water Authority.

Design and Construction: Design and construction of all required improvements will be at the developer/property owner's expense. Improvements must be coordinated through the City of Albuquerque via the Work Order process. Designs must be performed by a licensed, New Mexico registered, professional engineer. Construction must be performed by a licensed and bonded public utility contractor.

Utility Expansion Charge (UEC): In addition to installation and construction costs, any new metered water services will be subject to both water and sanitary sewer Utility Expansion Charges (UEC) payable at the time of service application. All charges and rates collected will be based on the ordinances and policies in effect at the time service is actually requested and authorized. Per the Rate Ordinance, each customer classification on the same premise requires a separate meter.

UECs associated with multi-family are determined by the criteria set forth in the Water Authority Rate Ordinance, which is amended from time to time. These specific UECs take into account the number of units within the multi-family development. If the multi-family development includes other amenities such as a clubhouse, fitness center or leasing office that will be metered separately, UECs for these amenities will not be charged as they are included in the multi-family UEC calculation. UECs associated with irrigation meters are not included in the multi-family calculation and shall be paid accordingly.

The Rate Ordinance does provide an opportunity for UEC discounts for low income housing developments. If the development qualifies for these discounts, the developer will be required to provide documentation as stated in the Rate Ordinance. Furthermore, if the development includes both low income and market rate apartments, the same requirements set forth in the Rate Ordinance shall be adhered to.

Water Resource Charge (WRC): All developments located outside of the Water Authority's Adopted Service Area will be assessed a Water Resource Charge (WRC) as provided in the Water Authority's Water and Sewer Rate Ordinance for the development of new water resources, rights and supplies necessary to serve the development. The WRC shall not be used for reimbursement except pursuant to a Water Authority Governing Board approved development agreement allowing reimbursement to offset the cost of regional master planned water, wastewater, and reuse supply projects necessary to the Water 2120 planning strategy.

Contact Customer Service at (505) 842-9287 (option 3) for more information regarding account fees.

Water Use: All new commercial developments shall be subject to the requirements for water usage and water conservation requirements as defined by the Water Authority, particularly the Water Waste Reduction Ordinance. Where available, outdoor water usage shall utilize reclaimed water.

Closure: This serviceability letter does not provide a commitment from the Water Authority to provide services to the development. It only provides details of infrastructure that is available and potential precursors for the proposed development.

For service to be provided, an approved development agreement must be supplemented by this serviceability letter. The serviceability letter will remain in effect for a period of one (1) year from the date of issue and applies only to the development identified herein. Its validity is, in part, contingent upon the continuing accuracy of the information supplied by the developer. Changes in the proposed development may require reevaluation of availability and should be brought to the attention of the Utility Development Section of the Water Authority as soon as possible.

Please feel free to contact Mr. Kristopher Cadena in our Utility Development Section at (505) 289-3301 or email at kcadena@abcwua.org if you have questions regarding the information presented herein or need additional information.

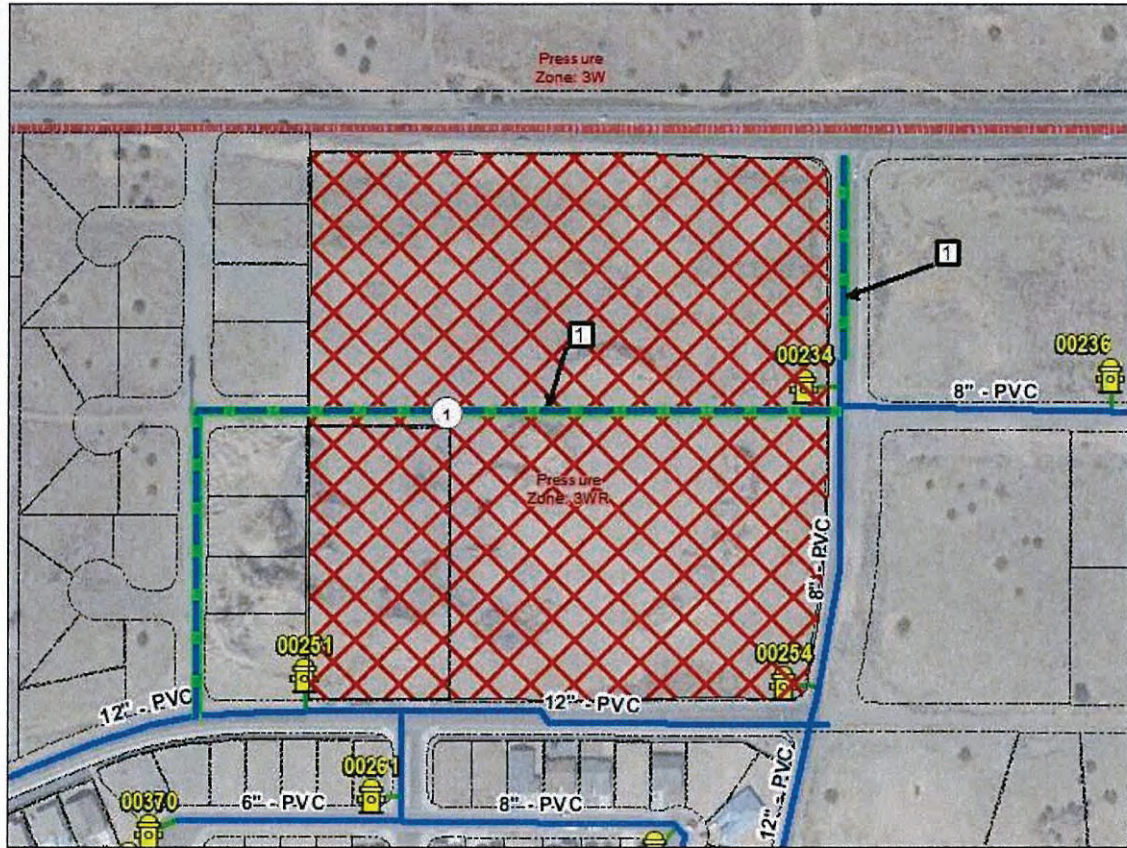
Sincerely,





Mark S. Sanchez
Executive Director

Enclosures: Infrastructure Maps
f/ Serviceability Letter #220512




220512 - Water



Legend

-  Project Location
-  Hydrant

Pipe SUBTYPE

-  Distribution Line
-  Hydrant Leg
-  Pressure Zone Boundary

 --- General Map Keyed Notes

1 --- Proposed Public Water Line Extension

 --- Fire Flow Analysis Points

1 --- Analysis Point



0 490 980 Feet



220512 - Sanitary Sewer





Legend



-  Project Location
-  Sewer Manhole

Sewer Pipe

SUBTYPE

 COLLECTOR

 --- General Map Keyed Notes

- 1 --- Proposed Public Sewer Gravity Line 
- 2 --- Proposed Public Sewer Interceptor Line 



DEVELOPMENT AGREEMENT
Paseo & Kimmick

Albuquerque Bernalillo County Water Utility Authority, a New Mexico political subdivision, (“Water Authority”) and Jubilee Developments, LLC, a New Mexico limited liability corporation, (“Developer”) (together, “Parties”), agree as follows:

1. Recitals

- A.** Jubilee Developments, LLC is the “Developer” and owner of certain real property located in Tract 1 Block 2 and Tract 5, Block 6 of Volcano Cliffs Subdivision, Unit 26 (collectively, the “Property”). The Property is shown on **Exhibit A** attached hereto and incorporated herein by reference. The Property is located outside of the Water Authority’s currently adopted Water Service Area.
- B.** The legal description for the property is: Tract 1, Block 2 and Tract 5, Block 6 of Volcano Cliffs Subdivision, Unit 26. The Property is more particularly described and shown on **Exhibit B** attached hereto and incorporated herein by reference.
- C.** The Property will develop as a mixed-use development in phases. Apartments (approximately 250 units) and self-storage are intended to be developed with the first phase. Retail will be developed in future phases.
- D.** The Property is located in Pressure Zone 3WR of the Volcano Trunk.
- E.** A Development Agreement was previously approved for Special Assessment District 228 (SAD 228), which did include this property which was identified as Area 228-C (R-13-20, authorizing an Agreement with SAD 228 for Water and Sewer Service); however, the previous development agreement did not establish all of the master plan infrastructure needed to serve this area or UEC reimbursement to the developer for that infrastructure. The Developer is a different party than the party associated with the aforementioned SAD 228 development agreement as that party was the City of Albuquerque.
- F.** The Parties desire to agree upon terms and conditions pursuant to which the Water Authority will provide water and sanitary sewer service to the Property. As a condition of such service, the Developer shall construct, or cause to be constructed, extensions of existing public water and sanitary sewer lines and other necessary infrastructure improvements (collectively, “Facility Improvements”) under all applicable plans, specifications, requirements, and standards of the Water Authority. The Serviceability Letter for the Property reflecting necessary Facility Improvements referred to in this Agreement is attached hereto as **Exhibit C** and incorporated herein by reference and made a term of this Agreement.

- G. The expansion of the existing water, sanitary sewer, water treatment systems and wastewater treatment systems to serve the Property will require, in addition to the Facility Improvements detailed in the Serviceability Letter, additional water storage capacity and future extension of a required 15 inch sanitary sewer interceptor along Paseo Del Norte/Avenida De Jaimito alignment. As such, the Property will be assessed a Facility Fee that reflects its proportional costs of the required additional system capacities and property frontages.
- H. The Facility Improvements referenced in this Agreement are not considered Master Plan improvements by the Water Authority. As such, reimbursement of construction costs associated with their construction will not be available through water and sewer UEC (defined below in Section 3.B) reimbursements.

2. Design and Construction of the Facility Improvements

- A. The Developer will cause definitive designs and plans of the Facility Improvements to be produced which will include estimates of all costs and expenses. The Developer will not take service from the Facility Improvements until the Water Authority has approved the Facility Improvements. The Developer will obtain all necessary permits, assurances, and approvals from the Water Authority and City, and the Developer will deliver a copy of such permits, assurances, and approvals to the Water Authority prior to the start of construction. Construction will be handled through the City work order process.
- B. The Developer will complete, or cause to be completed, construction of the Facility Improvements as approved by the City of Albuquerque Design Review Committee and the Water Authority, and in conformance with all applicable plans, specifications, and standards of the City and the Water Authority. The Water Authority shall provide service to the Property only after the Water Authority has accepted the Facility Improvements. The Water Authority shall accept, operate and maintain the Facility Improvements after the Developer conveys, at no expense to the Water Authority, all the Facility Improvements together with all real and personal property rights which the Water Authority deems reasonably necessary which shall be free and clear of all claims, encumbrances and liens for the construction, operation and maintenance. The provisions of this Agreement constitute covenants running with the referenced Property for the benefit of the Water Authority and its successors and assigns until terminated, and are binding on the Developer and their heirs, successors and assigns.
- C. The contractor's one (1) year warranty period shall commence upon final project acceptance by the City. The Developer shall be responsible for conducting an 11 month warranty inspection. Developer shall be responsible for correcting any deficiencies found during the inspection to the satisfaction of the Water Authority.

- D. The Developer will be responsible for close coordination of the project with the Water Authority during the design and construction phases, including review of design details, during the design process, and the approval of specifications and contract documents. The Water Authority will review and approve in a timely manner the design plans for construction and estimated cost, to ensure the designs meet Water Authority standards and follow the guidance provided in the City's Development Process Manual ("DPM") and/or applicable Water Authority Design Manuals.
- E. To the extent relevant and applicable and to the extent there is no conflict with the terms of this Agreement, the usual procedures and documentation, including the Procedure "B", as defined in the Development Process Manual (DPM) of the City and Section 14-16-5-4(G) of the City IDO, will be followed and used for the Facility Improvements.
- F. Upon completion of all Work Order projects, the Developer shall provide to the Water Authority a completed Asset Data Table of the assets installed/constructed or any other asset information required of the Water Authority.

3. Service

- A. The Developer shall comply with the Water Authority's Water and Sewer System Expansion Ordinance, as amended from time to time. Connection for water service shall require the concurrent connection of sanitary sewer service to the Water Authority's wastewater system.
- B. The Developer or its successor shall pay Utility Expansion Charges (UEC) and the Water Resource Charges (WRCs) at the rates that are imposed at the time of a service connection, as provided in the Water Authority's Water and Sewer Rate Ordinance, as amended from time to time.
- C. **Water Facility Fee** - The Developer shall pay a Facility Fee to the Water Authority in the amount of **\$65,512** for the development's proportional cost associated with the increase of reservoir storage capacity which consists of a new 2.5MG reservoir for Pressure Zone 4W of the Volcano Trunk. This reservoir will also provide service to Pressure Zone 3WR of the Volcano Trunk.
- D. **Sanitary Sewer Facility Fee** - The Developer shall pay a Facility Fee to the Water Authority in the amount of **\$302,974** for the development's proportional cost associated with the extension of the required 15 inch sanitary sewer interceptor along the Paseo Del Norte/Avenida De Jaimito alignment.
- E. Facility Fees are in lieu of a developer requirement to build the entire Master Plan Infrastructure. No utility services will be sold to the Property until the Facility Fees are paid in whole. As the expansion of system capacity is classified as Master Plan Facility Improvements, these Facility Fees are

reimbursable by the Water and Sanitary Sewer UEC's, respectively, collected as services are established within the Property. Water UECs will be used for reimbursement of the Water Facility Fee and Sanitary Sewer UECs will be used for reimbursement of the Sanitary Sewer Facility Fee. The UEC reimbursements will total no more than the respective Facility Fee amount. The Developer may not receive 100% reimbursement of the Facility Fees as the UECs generated from the development may be less than the Facility Fees. Reimbursement will be on a Calendar Year basis. The Reimbursement request must be initiated by the Developer or its successor.

- F. Pursuant to Water Authority Resolution No. R-05-13, the Developer agrees that it will incorporate water conservation guidelines that will seek to achieve water usage of no more than 180 gallons per household which is equivalent to seventy-five (75) gallons per capita per day.
4. **Financial Guarantee** - For any Master Plan Infrastructure required to be constructed by Developer herein, the Developer shall provide a financial guarantee in the form of a property lien that is acceptable to the Water Authority as assurance that the Master Plan Infrastructure will be completed and placed in service.
 5. **Termination.** If construction of the Facility Improvements by the Developer has not been completed and accepted by the Water Authority within seven years of the effective date of this Agreement, this Agreement shall automatically terminate, and the Water Authority and the Developer shall have no further rights, obligations, or liabilities with respect to this Agreement, unless otherwise agreed in writing.
 6. **Water for Construction.** During the construction of the Facility Improvements, the Developer agrees to utilize alternative methods as approved by the City of Albuquerque's Air Quality Division for dust abatement and control including compost from the Water Authority, if economically feasible. The Developers may purchase water for construction from the Water Authority from the nearest approved fire hydrant in accordance with the Water Authority's Water and Sewer Rate Ordinance. Water purchased from the Water Authority shall be used only for construction.
 7. **Indemnification.** Until final acceptance of the Facility Improvements by the Water Authority, the Developer shall be solely responsible for the condition and maintenance of the Facility Improvements and the premises upon which the Facility Improvements are constructed. The Developer agrees to indemnify and hold harmless the Water Authority and its officials, agents, and employees from and against all suits, actions or claims of any character brought because of any injury or damage arising out of the design or construction of the Facility Improvements, or by reason of any act or omission, or misconduct of the Developer, its agents, employees or the Engineer or Contractor or its agents or employees. The indemnity required hereunder shall not be limited by reason of the specification of any particular insurance coverage in this Agreement. Nothing herein is intended to impair any right or immunity under the laws of the State of New Mexico. The indemnification by the Developer herein does not extend to the negligent acts of the Water Authority.

4

Development Agreement
8-10-17

8. Representations and Warranties of Developer. The Developer represents and warrants that:

- A. Developer is a validly existing limited liability company under the laws of the State of New Mexico.
- B. Developer has all the requisite power and authority to enter into this Agreement and bind the Developer under the terms of the Agreement; and
- C. The undersigned officer of the Developer is fully authorized to execute this Agreement on behalf of the Developer.

9. Notices. Any notice to be given under this Agreement will be in writing and will be deemed to have been given when deposited with the United States Postal Service, postage prepaid and addressed as follows:

If to the Water Authority:

Mark S. Sanchez
Executive Director
Albuquerque Bernalillo County
Water Utility Authority
One Civic Plaza, Room 5012
Albuquerque, New Mexico 87102

If to Developer:

Jaymini Hasham
Managing Member
Jubilee Developments, LLC
4590 Paradise Blvd. NW
Albuquerque, NM 87114

10. Assignment. This Agreement will not be assigned without the prior written consent of the Water Authority and the Developer. If so assigned, this Agreement shall extend to and be binding upon the successors and assigns of the parties hereto.

11. Miscellaneous. This Agreement will be governed by and interpreted in accordance with the laws of the State of New Mexico. The headings used in this Agreement are for convenience only and shall be disregarded in interpreting the substantive provisions of the Agreement. This Agreement binds and benefits the Water Authority and their successors, assigns, and transferees and the Developer and their successors, assigns and transferees. Time is of the essence of each term of this Agreement. If any provision of this Agreement is determined by a court of competent jurisdiction to be void, invalid,

illegal, or unenforceable, that portion will be severed from this Agreement and the remaining parts will remain in full force as though the invalid, illegal, or unenforceable portion had never been a part of this Agreement.

12. Integration; Interpretation. This Agreement contains or expressly incorporates by reference the entire agreement of the parties with respect to the matters contemplated by this Agreement and supersedes all prior negotiations. This Agreement may only be modified in writing executed by both parties.

13. Approval. This Agreement is subject to the approval of the Board of Directors of the Water Authority and will not become effective until approved by the Water Authority.

14. Effective Date. The effective date of this Agreement is the date last entered below.

In Witness Whereof, the parties hereto have executed this Agreement on the dates entered below.

**Albuquerque Bernalillo County
Water Utility Authority**

**Developer
Jubilee Developments, LLC,
a New Mexico limited liability
corporation**

By: _____
Mark S. Sanchez
Executive Director

By: Jaymini Hasham
Jaymini Hasham
Managing Member

Date: _____

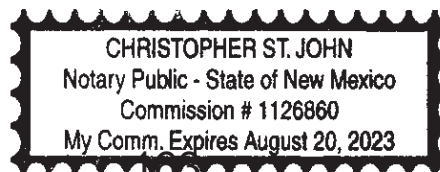
Date: 09/26/2022

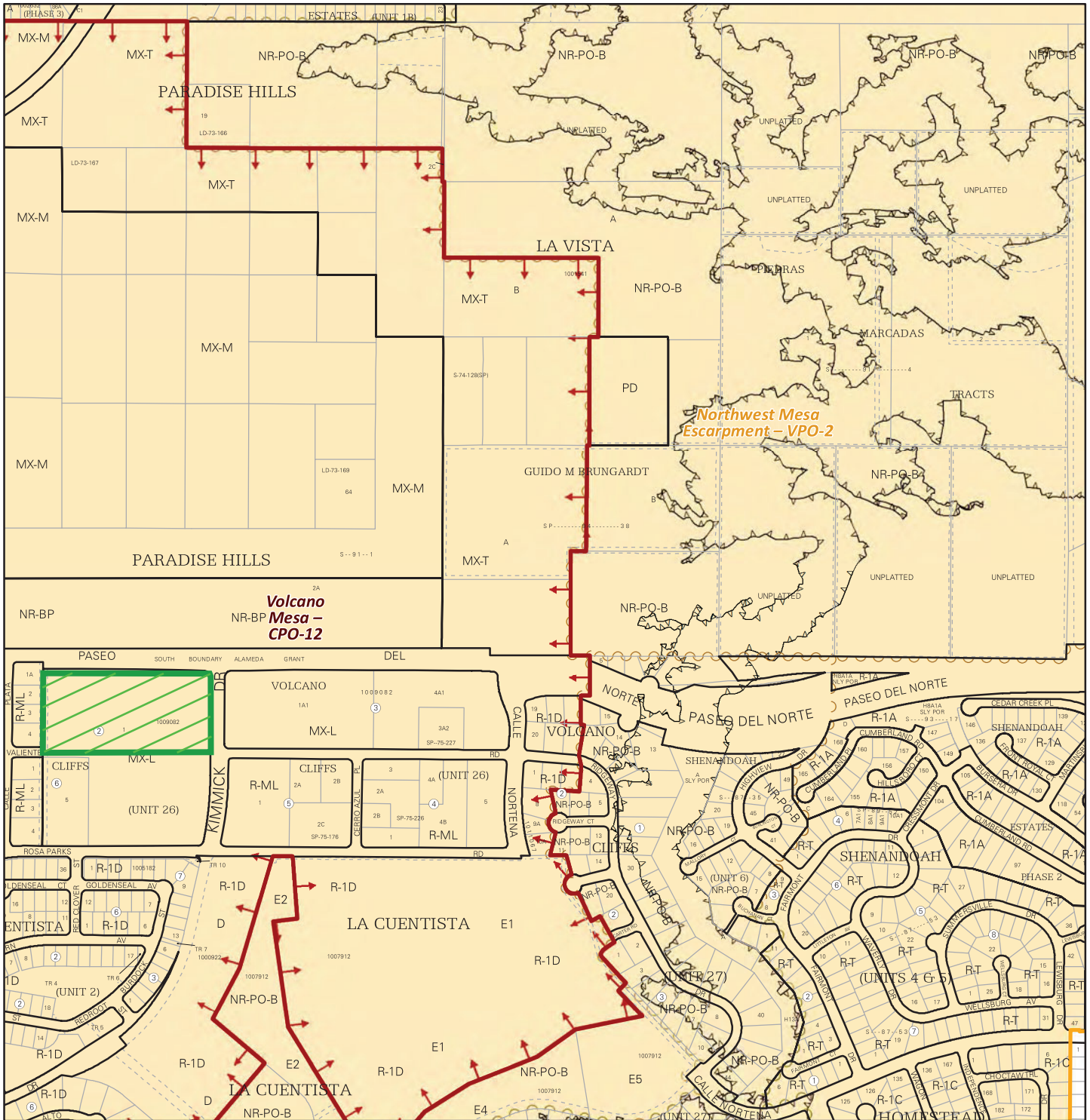
ACKNOWLEDGEMENTS

STATE OF New Mexico)
) ss.
COUNTY OF Bernalillo)

This instrument was acknowledged before me on this 26 day of September 2022, by Jaymini Hasham [name]
Managing Member, [title] of Jubilee Developments LLC,
[company name], a Limited Liability Corp. [type of entity], on behalf of said company.

Christopher St. John






Northwest Mesa Escarpment – VPO-2

Volcano Mesa – CPO-12

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

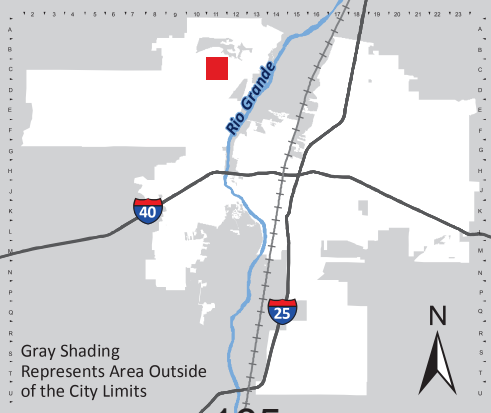
IDO Zone Atlas

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-11-Z



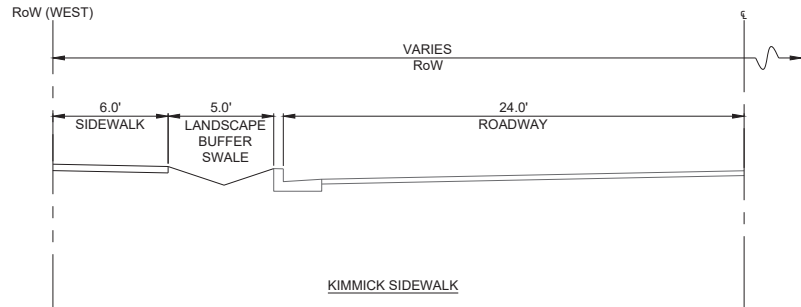
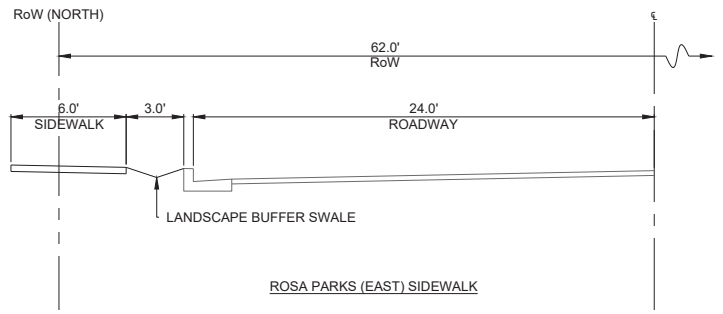
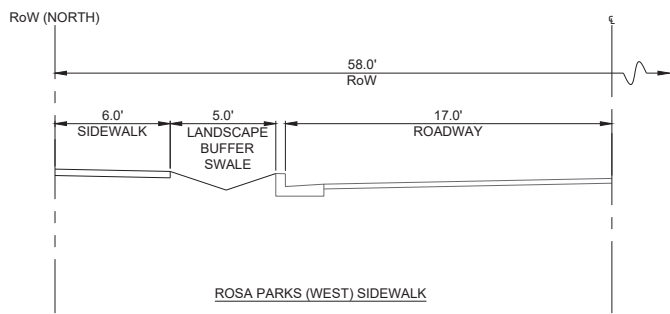
- Easement
- Petroglyph National Monument
- Areas Outside of City Limits
- Airport Protection Overlay (APO) Zone
- Character Protection Overlay (CPO) Zone
- Historic Protection Overlay (HPO) Zone
- View Protection Overlay (VPO) Zone

Gray Shading Represents Area Outside of the City Limits

N

0 250 500 1,000 Feet

NAME: N:\Projects\W0252-2\Drawn\Habitat\Passes & Kimmick\LD\W0252\Drawn\SWALK EXHIBIT.dwg PLOT DATE: Sep 30, 2022 11:57 am



PdN & KIMMICK
SIDEWALK EXHIBIT
SEPTEMBER 30, 2022



RESPEC
COMMUNITY DESIGN SOLUTIONS
7770 JEFFERSON STREET SUITE 200
ALBUQUERQUE, NEW MEXICO 87109
WWW.RESPEC.COM PHONE: (505) 253-9718

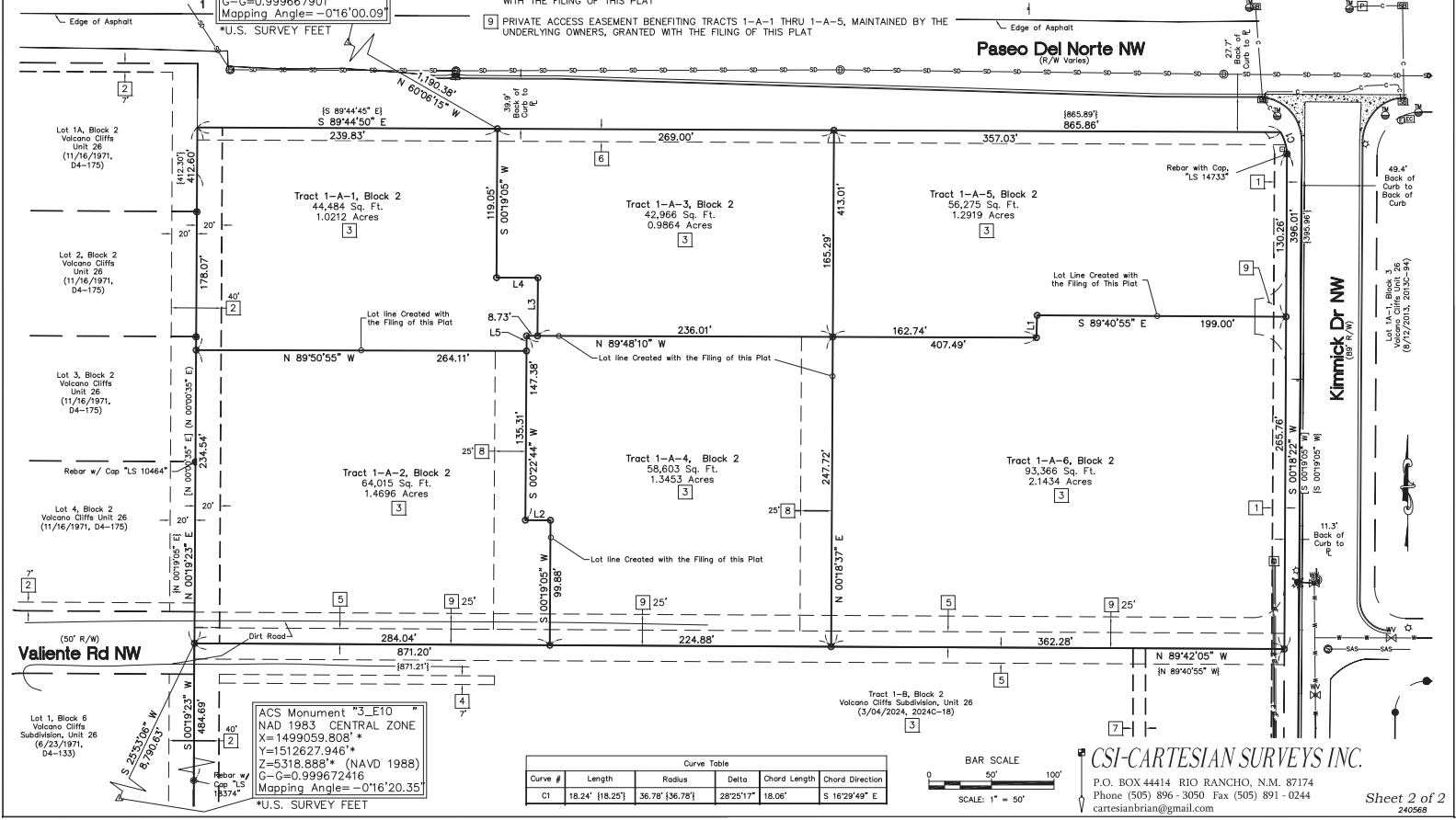
Line #	Direction	Length (ft)
L1	N 01°58'45" E	17.82'
L2	S 89°37'16" E	20.08'
L3	N 00°22'44" E	46.44'
L4	N 89°40'55" W	33.06'
L5	S 00°22'44" W	12.07'

Easement Notes

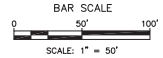
- 1 EXISTING 10' P.U.E. (8/12/2013, 2013C-92)
- 2 EXISTING DRAINAGE & UTILITY EASEMENT (6/23/1971, D4-133)
- 3 EXISTING PRIVATE BLANKET CROSS LOT PUBLIC DRAINAGE AND ACCESS EASEMENT, BENEFITING TRACTS 1-A AND 1-B (8/12/2013, 2013C-92), (3/04/2024, BK. 2024C, PG. 18)
- 4 EXISTING 7' DRAINAGE & UTILITY EASEMENT (6/23/1971, D4-133)
- 5 EXISTING PUBLIC 12.5' WATER AND PUBLIC SEWER EASEMENT (3/04/2024, BK. 2024C, PG. 18)
- 6 EXISTING 10' UTILITY EASEMENT (3/04/2024, BK. 2024C, PG. 18)
- 7 EXISTING PRIVATE DRAINAGE EASEMENT (3/04/2024, BK. 2024C, PG. 18)
- 8 PRIVATE WATERLINE AND SEWER EASEMENTS BENEFITING TRACTS 1-A-1 AND 1-A-3, GRANTED WITH THE FILING OF THIS PLAT
- 9 PRIVATE ACCESS EASEMENT BENEFITING TRACTS 1-A-1 THRU 1-A-5, MAINTAINED BY THE UNDERLYING OWNERS, GRANTED WITH THE FILING OF THIS PLAT

Site Sketch for
Tracts 1-A-1 thru 1-A-6, Block 2,
Volcano Cliffs Subdivision, Unit 26
Being Comprised of
Tract 1-A, Block 2, Volcano Cliffs Subdivision, Unit 26
City of Albuquerque
Bernalillo County, New Mexico
March 2024

ACS Monument "B_C10"
 NAD 1983 CENTRAL ZONE
 X=1502106.697 *
 Y=1521538.71 *
 Z=5392.936* (NAVD 1988)
 G-G=0.999667901
 Mapping Angle=-0°16'00.09"
 *U.S. SURVEY FEET



Curve #	Length	Radius	Delta	Chord Length	Chord Direction
C1	18.24' [18.25°]	36.78' [36.78°]	28°25'17"	18.06'	S 16°29'49" E



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

Existing IIA, IL, FG and Letter of Credit that is tied to the Subject Site
(PR-2022-007712/SD-2022-00143)

Current DRC
Project Number: _____

FIGURE 12

Date Submitted: November 4, 2022
Date Site Plan Approved: _____
Date Preliminary Plat Approved: _____
Date Preliminary Plat Expires: _____
DRB Project No.: PR-2022-007712
DRB Application No.: SD-2022-00143

INFRASTRUCTURE LIST

(Rev. 2-16-18)

EXHIBIT "A"

**TO SUBDIVISION IMPROVEMENTS AGREEMENT
DEVELOPMENT REVIEW BOARD (D.R.B.) REQUIRED INFRASTRUCTURE LIST**

**TRACTS 1-A & 1-B, BLOCK 2, VOLCANO CLIFFS SUBDIVISION, UNIT 26
PROPOSED NAME OF PLAT AND/OR SITE DEVELOPMENT PLAN**

**TRACT 2, BLOCK 2 & TRACT 5, BLOCK 6, VOLCANO CLIFFS SUBDIVISION, UNIT 26
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.

Financially Guaranteed DRC #	Constructed Under DRC #	Size	Type of Improvement	Location	From	To	Construction Certification		
							Private Inspector	P.E.	City Crst Engineer
			PAVING						
		6' WIDE	480 LF PCC SIDEWALK WITH LANDSCAPE BUFFER (NORTH SIDE ONLY)	ROSA PARKS RD	KIMMICK DR	WEST PROPERTY BOUNDARY	/	/	/
		26' WIDE	PRIVATE ENTRANCE WITH VALLEY GUTTER & ADA RAMPS	ROSA PARKS RD APPROXIMATELY 370' WEST OF KIMMICK DR			/	/	/
		6' WIDE	730 LF PCC SIDEWALK WITH LANDSCAPE BUFFER (WEST SIDE ONLY)	KIMMICK DR	ROSA PARKS RD	PASEO DEL NORTE	/	/	/
		34' WIDE	PRIVATE ENTRANCE WITH VALLEY GUTTER & ADA RAMPS	INTERSECTION OF KIMMICK DR AND VALIENTE RD			/	/	/
		26' WIDE	PRIVATE ENTRANCE WITH VALLEY GUTTER & ADA RAMPS	KIMMICK DR APPROXIMATELY 220' NORTH OF VALIENTE RD			/	/	/
		5' WIDE	RESTRIPE TO INCLUDE BIKE LANES	KIMMICK DR	VALIENTE RD	PASEO DEL NORTE	/	/	/
		10' WIDE *	770 LF ASPHALT TRAIL (SOUTH SIDE ONLY)	PASEO DEL NORTE	KIMMICK DR	WEST PROPERTY BOUNDARY	/	/	/
			WATER						
		8"	510 LF PVC WATER MAIN	CALLE PLATA	ROSA PARKS RD	VALIENTE RD	/	/	/
		8"	1,040 LF PVC WATER MAIN	VALIENTE RD & PUBLIC UTILITY EASEMENT	CALLE PLATA	KIMMICK DR	/	/	/

* PROCEDURE C AGREEMENT

The items listed below are on the CCIP and approved for Impact Fee credits. Signatures from the Impact Fee Administrator and the City User Department is required prior to DRB approval of this listing. The items listed below are subject to the standard SIA requirements.

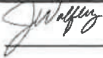





Financially Guaranteed DRC #	Constructed Under DRC #	Size	Type of Improvement	Location	From	To	Construction Certification			
							Private Inspector	P.E.	City Cnst Engineer	
<input type="text"/>	<input type="text"/>						/	/	/	
<input type="text"/>	<input type="text"/>						/	/	/	
Approval of Creditable Items:							Approval of Creditable Items:			
Impact Fee Administrator Signature							Date	City User Dept. Signature		Date

NOTES

If the site is located in a floodplain, then the financial guarantee will not be released until the LOMR is approved by FEMA.

Street lights per City requirements.

- 1 _____
- 2 _____
- 3 _____

AGENT / OWNER	DEVELOPMENT REVIEW BOARD MEMBER APPROVALS	
JEREMY SHELL NAME (print)	 DRB CHAIR - date	 PARKS & RECREATION - date
RESPEC FIRM	Ernest Armijo TRANSPORTATION DEVELOPMENT - date	AMAFCA - date
 SIGNATURE - date	 UTILITY DEVELOPMENT - date	 CODE ENFORCEMENT - date
10/31/2022	 CITY ENGINEER - date	_____ - date

DESIGN REVIEW COMMITTEE REVISIONS				
REVISION	DATE	DRC CHAIR	USER DEPARTMENT	AGENT / OWNER



INFRASTRUCTURE IMPROVEMENTS AGREEMENT
(Procedure B)

AGREEMENT TO CONSTRUCT
PUBLIC AND/OR PRIVATE INFRASTRUCTURE IMPROVEMENTS

Project Name: Paseo & Kimmick Development
Project Number: 705083

THIS AGREEMENT is made upon the date of the latest signature below, by and between the City of Albuquerque, New Mexico ("City"), whose address is P. O. Box 1293 (One Civic Plaza), Albuquerque, New Mexico 87103, and **Jubilee Developments** ("Developer"), a **New Mexico Limited Liability Company**, (state the type of business entity e.g. "New Mexico corporation," "general partnership," "individual," etc.), whose email address is **jayminih@yahoo.com**, whose address is **4590 Paradise Blvd. NW** (Street or PO Box) **Albuquerque, NM** (City, State), **87114** (Zip Code) and whose telephone number is **(505) 435-4335**, in Albuquerque, New Mexico, and is entered into as of the date of final execution of this Agreement.

1. **Recital**. The Developer is developing certain lands within the City of Albuquerque, Bernalillo County, New Mexico, known as [existing legal description:] **Tract 1, Block 2, Volcano Cliffs Subdivision, Unit 26** recorded on **August 12, 2013**, attached, pages **1** through **4**, as Document No. **2013089890** and **Lot 5, Block 6, Unit 26, Volcano Cliffs** recorded on **June 23, 1971**, attached, in **Book D4, Page 133** in the records of the Bernalillo County Clerk, State of New Mexico (the "Developer's Property"). The Developer certifies that the Developer's Property is owned by [state the name of the present real property owner exactly as shown on the real estate document conveying title for the Developer's Property to the present owner:] **Group II U26, LLC a New Mexico Limited Liability Company (Tract 1) and Tract 5 U26, LLC a New Mexico Limited Liability Company (Tract 5)** ("Owner").

The Developer has submitted and the City has approved a Preliminary Plat or Site Plan identified as **Tracts 1-A and 1-B, Block 2, Volcano Cliffs Subdivision, Unit 26** describing Developer's Property ("Developer's Property"). If this Agreement is for a "Phase" as identified on the Infrastructure List, then the Phase shall be added to the Preliminary Plat or Site Plan identified above.

As a result of the development of the Developer's Property, the Integrated Development Ordinance ("I.D.O.") requires the Developer, at no cost to the City, to install certain public and/or private improvements, which are reasonably related to the development of the Developer's Property, or to financially guarantee the construction of the public and/or private improvements as a prerequisite to approval of the Final Plat, Building Permit or the Site Plan.

2. **Improvements and Construction Deadline**. The Developer agrees to install and complete the public and/or private improvements described in **Exhibit A**, the required Infrastructure List ("Improvements"), to the satisfaction of the City, on or before the Construction Completion Deadline as shown in paragraph 6, at no cost to the City. All of the

improvements on Exhibit A are to be included in this Agreement, unless the Development Review Board (DRB) has approved phasing of the improvements, or the DRB has approved them as “Deferred” and they are shown in greater detail on the Developer's proposed and approved plans, which have been filed with the City Engineer.

Note: To compute the Construction Completion Deadline: If a final plat will be filed after Developer meets the requirements of this Agreement, the Construction Completion Deadline can be no later than two years after execution of this Agreement. (See DPM, Chapter 5.) If a final plat will not be filed pursuant to this Agreement, the Construction Completion Deadline can be no later than one year after approval of the preliminary plat by the City’s Development Review Board (“DRB”), unless the DRB grants an extension, not to exceed one additional year per extension, and the Developer processes an amendment to the Agreement. If this Agreement, with any amendments does not utilize the maximum time allowed for completion of construction, the Developer may obtain an extension of the Construction Completion Deadline if the Developer shows adequate reason for the extension.

3. Albuquerque Bernalillo County Water Utility Authority (“ABCWUA”) and Albuquerque Metropolitan Arroyo Flood Control Authority (“AMAFCA”). Pursuant to the Memorandum of Understanding between the City of Albuquerque and ABCWUA dated March 21, 2007, and the Memorandum of Understanding with AMAFCA dated February 6, 2013, the City is authorized to act on behalf of the ABCWUA and AMAFCA with respect to improvements that involve water and sewer infrastructure.

4. Work Order Requirements. The City agrees to issue a Work Order after:

A. The Developer causes to be submitted all documents, and meets all requirements listed in Development Process Manual (“DPM”), Chapter 2, Work Order Process.

B. The Developer complies with all applicable laws, ordinances and regulations, including, but not limited to the City Excavation Ordinance and Sidewalk Ordinance, and pays the following required engineering, staking, testing fees, and other related City fees and County Clerk recording fees:

Type of Fee	Amount
Engineering Fee	3.6%
Street Excavation and Barricading Ordinance and street restoration fees	As required per City-approved estimate (Figure 4)

Note: The Developer must pay the City all City fees which have been incurred during construction before the City will accept the public Improvements.

C. The Developer must procure a New Mexico licensed Contractor to construct the improvements per the specifications contained in the City-approved construction drawings. The Contractor shall provide proof of proper licensure to complete the improvements. If the Contractor that has been identified by the Developer does not possess all of the proper licenses for the improvements then proof of proper licensure of the subcontractors must be provided. The Developer's Contractor shall obtain a Performance & Warranty bond and a Labor & Materials bond utilizing the bond templates provided and approved by the City. The mandatory bonds obtained by the Contractor are independent of, and in addition to, the Financial Guaranty provided by the Developer. If the Developer or the City determines that the Contractor failed to faithfully construct or maintain the specified and warranted work, the Developer and the City shall each have standing to make claim on the applicable bonds.

5. Surveying, Inspection and Testing. The Improvements shall be inspected, surveyed and tested in accordance with all applicable laws, ordinances, and regulations, and according to the following terms:

A. Construction Surveying. Construction surveying for the construction of the Improvements shall be performed by New Mexico Registered Surveyor. The City may monitor the construction surveying and the Developer shall ensure that the construction surveying entity provides all construction surveying field notes, plats, reports and related data to the City which the City requires for review. Record drawings shall be provided by the entity performing the survey.

B. Construction Inspection Methods. Inspection of the construction of the Improvements shall be performed by a New Mexico Registered Professional Engineer with the ability to make in-person observations of the improvements. The City may monitor the inspection and the Developer shall ensure that the inspecting entity provides all inspection results, reports and related data as required for project close out, and a Certification of Substantial Compliance for the project to the City, which the City requires for review and approval. The City retains the right to perform its own general overall inspection of the construction project at any time prior to/and including final acceptance of the Improvements.

C. Field Testing. Field testing of the construction of the Improvements shall be performed by a certified testing laboratory under the supervision of a New Mexico Registered Professional Engineer, in accordance with the current City of Albuquerque Standard Specifications for Public Works Construction. The City may monitor the field testing and the Developer shall ensure that the field testing entity provides all field testing results, reports and related data to the City which the City requires for review.

D. Additional Testing. The City retains the right to request additional testing which the City Engineer deems is necessary or advisable, and the Developer shall pay the cost for the additional testing.

6. Financial Guaranty. If final plat approval is not requested prior to construction of the Developer's Property, a financial guaranty is not required. If final plat approval is requested, the Developer must provide the City with a financial guaranty in an amount of not less than 125% of

the estimated cost of constructing the Improvements, as approved by the City Engineer. The financial guaranty must be irrevocable and may be in the form of a letter of credit, escrow deposit, or loan reserve letter issued by a Federally Insured Financial Institution; a bond issued by a surety qualified to do business in New Mexico; or other pledge of liquid assets which meets all City requirements. The City must be able to call the financial guaranty at any time within the sixty (60) days immediately following the Construction Completion Deadline.

To meet the City's I.D.O. requirements, the Developer has acquired, or is able to acquire, the following Financial Guaranty:

Type of Financial Guaranty: **Letter of Credit**

Amount: **\$468,810.56**

Name of Financial Institution or Surety providing Guaranty: **Sandia Laboratory
Federal Credit Union**

Date City first able to call Guaranty (Construction Completion Deadline): **March 1, 2025**

If Guaranty is a Letter of Credit or Loan Reserve, then last day City able to call Guaranty is: **May 1, 2025**

Additional information: _____

7. Notice of Start of Construction. Before construction begins, the Developer shall arrange for a preconstruction conference and all required inspections.

8. Completion, Acceptance and Termination. When the City receives Developer's final acceptance package, the City shall review it for completeness and accuracy. (See DPM Chapter 2). If the package is acceptable, the City shall approve the package and issue a Certificate of Completion and Acceptance for the Public Improvements and a Certificate of Completion for the Private Improvements. Thereafter, the Developer's obligations to the City pursuant to this Agreement shall terminate, with the exception of the bond or other guarantee which the Developer has provided to assure the materials and workmanship, as required by the I.D.O. After the City approves the final acceptance package, the City will promptly release this Agreement and the Financial Guaranty.

9. Conveyance of Property Rights. When the Improvements are completed, if the City does not own the real property upon, or in which, the public Improvements are constructed, the Developer will convey to the City all real and personal property rights which the City deems reasonably necessary, and all public Improvements, free and clear of all claims, encumbrances and liens before the City will accept the public Improvements. Conveyance may be made by appropriate dedication on the final plat.

10. Reduction of Financial Guaranty Upon Partial Completion. The Developer shall be entitled to a reduction of the Financial Guaranty as a result of completing construction of part of the Improvements if the following conditions are met:

A. Loan Reserve Financial Guaranty. If a loan reserve letter was provided as the Financial Guaranty, the Developer must follow the procedures and meet the requirements

detailed in the DPM, Chapter 2.

B. Non-Loan Reserve Financial Guaranty. If a Financial Guaranty other than a loan reserve letter has been provided, the completed Improvements must be free-standing, functionally independent of any Improvements which have not yet been completed, and completed in substantial compliance with the approved construction plans, as determined by City on-site inspection in order to qualify for a Financial Guaranty reduction. If the Improvements which have been completed meet all City requirements, the City Engineer will estimate the cost of completing the remaining Improvements. Thereafter, the Developer must submit the following documents to the City for review and approval:

(1) A revised Financial Guaranty in an amount of not less than 125% of the cost of completing the remaining Improvements, as estimated by the City;

(2) A bond or other instrument acceptable to the City, which guarantees the completed Improvements against defective materials and workmanship for the period required by the I.D.O.

(3) Conveyance of real and personal property rights which meet the requirements of section 8 of this Agreement.

After the City receives and approves the required documents, the City shall issue a Partial Certificate of Completion and Acceptance for the completed public Improvements and a Certificate of Partial Completion for the completed private Improvements.

11. Indemnification. Until the Improvements are accepted by the City, the Developer shall be solely responsible for maintaining the premises upon which the Improvements are being constructed in a safe condition. The Developer agrees to indemnify and hold harmless the City and its officials, agents and employees and, if the Improvements include water and wastewater infrastructure, the ABCWUA, its employees, officers and agents, from any claims, actions, suits or other proceedings arising from or out of the acts or omissions of the Developer, its agents, representatives, contractors or subcontractors or arising from the failure of the Developer, its agents, representatives, contractors or subcontractors to perform any act or duty required of the Developer herein. The indemnification required hereunder shall not be limited as a result of the specifications of any applicable insurance coverage. Nothing herein is intended to impair any right or immunity under the laws of the State of New Mexico.

12. Assignment. This Agreement shall not be assigned without the prior written consent of the City and the Developer and the express written concurrence of any financial institution or surety which has undertaken to guarantee the completion of the Improvements. The City's approval will not be withheld unreasonably. If so assigned, this Agreement shall extend to and be binding upon the successors and assigns of the parties hereto.

13. Release. If the Developer's Property or any part thereof is sold, conveyed or assigned, the City will not release the Developer from its obligations under this Agreement and will continue to hold the Developer responsible for all Improvements until a successor in interest

to the Developer has entered into an Infrastructure Improvement Agreement with the City. Thereafter, if the Developer's successor in interest has provided a substitute financial guaranty acceptable to the City, the City will release this Agreement and any related Financial Guaranty.

14. Payment for Incomplete Improvements. If the Developer fails to satisfactorily complete construction of the Improvements by the Construction Completion Deadline, the City may construct or cause the Improvements to be constructed as shown on the final plat and in the approved plans and specifications. The Developer shall be jointly and severally liable to pay to, and indemnify the City for the total cost, including, but not limited to, engineering, legal, and contingent costs, together with any damages, either direct or consequential, which the City may sustain as a result of Developer's failure to perform as required by this Agreement. If the direct or indirect costs and damages to the City exceed the amount of the City's Claim of Lien or any Financial Guaranty, the Developer shall be liable to, and shall pay, the City for all such costs and damages. The surety or sureties shall be jointly and severally liable to pay to and indemnify the City for the total cost to the extent of their obligations pursuant to any Financial Guaranty.

15. Binding on Developer's Property. The provisions of this Agreement constitute covenants running with Developer's Property for the benefit of the City and its successors and assigns until terminated, and are binding on the Developer and the Owner and their heirs, successors and assigns.

16. Notice. For purposes of giving formal written notice, including notice of change of address, the Developer's and the City's addresses are as stated in the first paragraph of this Agreement. Notice may be given either in person or by certified U.S. mail, postage paid. Notice will be considered to have been received within six (6) days after the notice is mailed if there is no actual evidence of receipt.

17. Entire Agreement. This Agreement contains the entire agreement of the parties and supersedes any and all other agreements or understandings, oral or written, whether previous to the execution hereof or contemporaneous herewith.

18. Changes to Agreement. Changes to this Agreement are not binding unless made in writing, signed by both parties.

19. Construction and Severability. If any part of this Agreement is held to be invalid or unenforceable, the remainder of the Agreement will remain valid and enforceable if the remainder is reasonably capable of completion.

20. Captions. The captions to the sections or paragraphs of this Agreement are not part of this Agreement and will not affect the meaning or construction of any of its provisions.

21. Form Not Changed. Developer agrees that changes to this form are not binding unless initialed by the Developer and signed by the City Legal Department on this form.

22. Authority to Execute. If the Developer signing below is not the Owner of the Developer's Property, the Owner must execute the Power of Attorney below.

DEVELOPER: Jubilee Developments, LLC

By [Signature]: Jaymini Hasham

Name [Print]: Jaymini Hasham

Title: Managing Member

Dated: 03/06/2023

DEVELOPER'S NOTARY

STATE OF New Mexico)
) ss.
COUNTY OF Bernalillo)

This instrument was acknowledged before me on this 6th day of March, 2023, by
[name of person:] Jaymini Hasham, [title or capacity, for instance, "President" or "Owner":] Managing
Member of [Developer:] Jubilee Developments, LLC.



[Signature]
Notary Public

My Commission Expires: 8-9-26

POWER OF ATTORNEY

NOTE: Must be signed and notarized by the owner if the Developer is not the owner of the Developer's Property.

STATE OF New Mexico)
) ss.
COUNTY OF Bernalillo)

[State name of present real property owner exactly as shown on the real estate document conveying title for the Developer's Property to the present owner:] Group II U26 VC, LLC a New Mexico Limited Liability Company ("Owner"), of [address:] 2400 Louisiana NE Bldg 3, Room 115: Albuquerque, [State:] New Mexico [zip code:] 87110, hereby makes, constitutes and appoints [name of Developer:] Jubilee Developments LLC ("Developer") as my true and lawful attorney in fact, for me and in my name, place and stead, giving unto the Developer full power to do and perform all and every act that I may legally do through an attorney in fact, and every proper power necessary to meet the City of Albuquerque's ("City") Integrated Development Ordinance requirements regarding the real estate owned by me and described in Section 1 of the Infrastructure Improvements Agreement ("Agreement") above, including executing the Agreement and related documents required by the City, with full power of substitution and revocation, hereby ratifying and affirming what the Developer lawfully does or causes to be done by virtue of the power herein conferred upon the Developer.

This Power of Attorney can only be terminated: (1) by a sworn document signed and notarized by the Owner, which shall be promptly delivered to the City Engineer in order to provide notice to City of the termination of this Power of Attorney; or (2) upon release of the Agreement by the City.

NOTE: Alternate wording may be acceptable, but must be submitted to the City Legal Department for review and approval before the final contract package is submitted to the City for review. The City may require evidence of ownership and/or authority to execute the Power of Attorney, if the Owner is not the Developer. If Owner is a corporation, the Power of Attorney must be signed by the president or by someone specifically empowered by the Board of Directors, in which case the corporate Secretary's certification and a copy of the Board's resolution empowering execution must accompany this document.

OWNER

By [Signature:]: St J Metro

Name [Print]: Steven J. Metro

Title: Manager Group II U26 VC, LLC

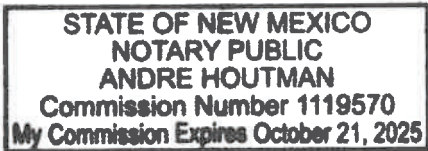
Dated: 3-30-23

The foregoing Power of Attorney was acknowledged before me on March 30th, 2023
by [name of person:] Steven J. Metro, [title or capacity, for instance
"President":] Manager of [Owner:]
Manager Group II U26 VC, LLC on behalf of the Owner.

(SEAL)

Andre Houtman
Notary Public

My Commission Expires: 10-21-2025



POWER OF ATTORNEY

NOTE: Must be signed and notarized by the owner if the Developer is not the owner of the Developer's Property.

STATE OF New Mexico)
) ss.
COUNTY OF Bernalillo)

[State name of present real property owner exactly as shown on the real estate document conveying title for the Developer's Property to the present owner:] Tract 5 U26, LLC a New Mexico Limited Liability Company ("Owner"), of [address:] 5700 University Blvd SE STE 310 :]
Albuquerque, [State:] New Mexico [zip code:] 87106, hereby makes, constitutes and appoints [name of Developer:] Jubilee Developments LLC ("Developer") as my true and lawful attorney in fact, for me and in my name, place and stead, giving unto the Developer full power to do and perform all and every act that I may legally do through an attorney in fact, and every proper power necessary to meet the City of Albuquerque's ("City") Integrated Development Ordinance requirements regarding the real estate owned by me and described in Section 1 of the Infrastructure Improvements Agreement ("Agreement") above, including executing the Agreement and related documents required by the City, with full power of substitution and revocation, hereby ratifying and affirming what the Developer lawfully does or causes to be done by virtue of the power herein conferred upon the Developer.

This Power of Attorney can only be terminated: (1) by a sworn document signed and notarized by the Owner, which shall be promptly delivered to the City Engineer in order to provide notice to City of the termination of this Power of Attorney; or (2) upon release of the Agreement by the City.

NOTE: Alternate wording may be acceptable, but must be submitted to the City Legal Department for review and approval before the final contract package is submitted to the City for review. The City may require evidence of ownership and/or authority to execute the Power of Attorney, if the Owner is not the Developer. If Owner is a corporation, the Power of Attorney must be signed by the president or by someone specifically empowered by the Board of Directors, in which case the corporate Secretary's certification and a copy of the Board's resolution empowering execution must accompany this document.

OWNER

By [Signature:]: St J Metro

Name [Print]: Steven J. Metro

Title: Manager Tract 5 U26, LLC

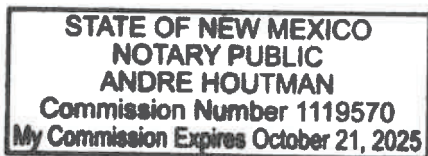
Dated: 3-30-23

The foregoing Power of Attorney was acknowledged before me on March 30th, 2023
by [name of person:] Steven J. Metro, [title or capacity, for instance
"President":] Manager of [Owner:]
Manager Tract 5 U26, LLC on behalf of the Owner.

(SEAL)

Andre Houtman
Notary Public

My Commission Expires: 10/21/2025



CITY OF ALBUQUERQUE



FINANCIAL GUARANTY AMOUNT

December 1, 2022

Type of Estimate: I.I.A. Procedure B with FG

Project Description:

Project ID #: 705083 Paseo & Kimmick

Requested By: Jeremy Shell

Approved Estimate Amount: \$ 291,371.83

Contingency Amount: 10.00% \$ 29,137.18

Subtotal: \$ 320,509.01

PO Box 1293 NMGRT: 7.750% \$ 24,839.45

Subtotal: \$ 345,348.46

Albuquerque Engineering Fee: 6.60% \$ 22,793.00

NM 87103 Testing Fee: 2.00% \$ 6,906.97

Subtotal: \$ 375,048.43

www.cabq.gov FINANCIAL GUARANTY RATE: 1.25

TOTAL FINANCIAL GUARANTY REQUIRED: \$ 468,810.56

APPROVAL:



DATE:



Notes: Plans not yet approved.



LETTER OF CREDIT

March 9, 2023

IRREVOCABLE LETTER OF CREDIT AND AGREEMENT NO. 0010630747-2501
AMOUNT: \$468,810.56

Chief Administrative Officer
City of Albuquerque
P. O. Box 1293
Albuquerque, NM 87103

Re: Letter of Credit for Jubilee Developments, LLC
City of Albuquerque Project No.: 705083
Project Name: Paseo & Kimmick Development

Dear Chief Administrative Officer:

This letter is to advise the City of Albuquerque (“City”) that, at the request of Jubilee Developments, LLC (“Developer”), Sandia Laboratory Federal Credit Union in Albuquerque, New Mexico, has established an Irrevocable Letter of Credit in the sum of Four Hundred Sixty Eight Thousand Eight Hundred Ten and 56/100 Dollars (\$468,810.56) (“Letter of Credit”) for the exclusive purpose of providing the financial guarantee, which the City requires Jubilee Developments, LLC to provide for the installation of the improvements, which must be constructed at Paseo & Kimmick, Project No. 705083 (“Project”). The amount of the Letter of Credit is 125% of the City's estimated cost of construction of improvements as required by the City’s Integrated Development Ordinance. The improvements are identified in the agreement between the City of Albuquerque and Developer in the records of the Clerk of Bernalillo County, New Mexico.

A draft or drafts for any amount up to, but not in excess of Four Hundred Sixty-Eight Thousand Eight Hundred Ten and 56/100 Dollars (\$468,810.56) is/are available by certified mail at the option of the City of Albuquerque or at sight at Sandia Laboratory Federal Credit Union 7412 Jefferson Street NE Albuquerque, New Mexico 87109 between March 9, 2023 and May 1, 2025.

When presented for negotiation, the draft(s) is/are to be accompanied by the City's notarized certification stating: “1) Jubilee Developments, LLC has failed to comply with the terms of the Agreement; 2) the undersigned is the Chief Administrative Officer of the City of Albuquerque and is authorized to sign this certification; and 3) the amount of the draft does not exceed 125% of the City's estimated cost of completing the improvements specified in the Agreement.”

We hereby agree with the drawer of draft(s) drawn under and in compliance with the terms of this credit that such draft(s) will be duly honored upon presentation to the drawee if negotiated between March 9, 2023 and May 1, 2025.



This Letter of Credit for the benefit of the City of Albuquerque shall be irrevocable until:

1. Sixty (60) days after the City accepts the completed improvements specified in the Agreement; or
2. City notification of Jubilee Developments, LLC's failure to comply with the terms of the Agreement, and payment by Certified Check from Sandia Laboratory Federal Credit Union to the City of Albuquerque of 125% of the City's estimated costs of completing the improvements specified in the Agreement; or
3. May 1, 2025; or
4. Written termination of this Letter of Credit by the City of Albuquerque, signed by its Chief Financial Officer.

This Letter of Credit will terminate at 5:00 o'clock p.m., New Mexico time, May 1, 2025.

This credit is subject to the Uniform Customs and Practice for Documentary Credits (2007 Revision), International Chamber of Commerce Publication No. 600.



Very truly yours,

A handwritten signature in blue ink, appearing to read 'Katja Fitz', written over a horizontal line.

Sandia Laboratory Federal Credit Union

By: Katja Fitz

Title: Commercial Loan Officer

Date: March 9, 2023

ACCEPTED:

CITY OF ALBUQUERQUE

By: _____
Chief Administrative Officer

Print Name: _____

Date: _____



Very truly yours,

Sandia Laboratory Federal Credit Union
By: Katja Fitz
Title: Commercial Loan Officer
Date: March 9, 2023

ACCEPTED:

CITY OF ALBUQUERQUE

DocuSigned by:
By:
Chief Administrative Officer

Print Name: Lawrence Rael

Date: 4/3/2023 | 3:55 PM MDT

Bernalillo County, NM
415 Silver Ave. SW, 2nd Floor
P.O. Box 542
Albuquerque, NM 87102

Receipt: 1429236

Product	Name	Extended
AGRE	Agreement	\$25.00
	# Pages	20
	Document #	2023022927
	# Of Entries	0
Total		\$25.00
Tender (Check)		\$25.00
Check#	11811	
Paid By	respec	
Phone #	5052682661	

Thank You!

4/17/23 1:46 PM msouchet



MODULUS ARCHITECTS & LAND USE PLANNING, INC.

8220 San Pedro Drive NE, Suite 520
Albuquerque, NM 87113
Phone (505) 338-1499
www.modulusarchitects.com

May 14, 2024

David Campbell
Development Hearing Officer
City of Albuquerque
600 2nd Street NW
Albuquerque, NM 87102

Subject: Sensitive Lands Analysis - Major Preliminary Platting Action – Project# PR-2022-007712 for property legally described as 1-A-1 thru 1-A-6, Block 2, Volcano Cliffs Subdivision, Unit 26 - (SWC of Paseo Del Norte NW and Kimmick Drive NW)

SENSITIVE LANDS ANALYSIS

This memo responds to the Sensitive Lands criteria in **IDO Section 14-16-5-2**. We have analyzed the Project site for the presence of sensitive lands and the constraints related to such lands. As outlined below, none of the features identified as sensitive lands by the IDO are present on the subject property for the proposed Preliminary Plat at Paseo del Norte and Kimmick Drive NW.

1. Arroyos: Utilizing the AMAFCA interactive facilities map, the closest arroyo/floodplain is identified as the North Branch Piedras Marcadas Channel. The North Fork of the Boca Negra Arroyo is the next closest arroyo and is located farther away from this site to the south. There is no identified arroyo on the subject property.

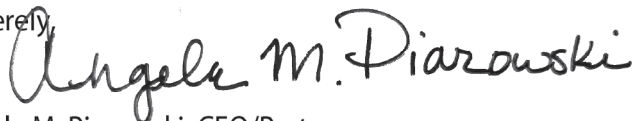
Figure 1: AMAFCA Facilities Map of Site and Vicinity.



Figure 1: AMAFCA Facilities Map of Site and Vicinity.

2. Floodplains and Special Flood Hazard Areas: According to the FEMA Floodplain layer on AGIS, the subject property is in an area with a FEMA Flood Zone Designation X, which is an area of minimal flood hazard. The nearest floodplain is associated with the Piedras Marcadas Canyon to the south. There are no special flood hazard areas on the subject property.
3. Irrigation Facilities (Acequias): The subject property is not located in the Valley and is not near or have any irrigation facilities.
4. Large Stands of Mature Trees: There are no trees on the subject property.
5. Rock Outcroppings: These outcroppings are defined in the IDO as being at least 6 feet high and over 500 square feet in size. Using the 2-foot contours available in the Advanced Map Viewer, it is apparent there are no rock outcroppings of this size on the subject property.
6. Significant Archaeological Sites: In 2012, an archaeological review of the site was conducted, and the site was given a Certificate of No Effect, which is attached to the application.
7. Steep Slopes and Escarpments: This property has minimal grade changes on the site. In reviewing the available topographic information, including the 2-foot contours available in the Advanced Map Viewer, the site does not include any slopes that meet the IDO definition of a steep slope or escarpment, which is a minimum slope of 9% or more. This site is significantly below that threshold.
8. Wetlands: Utilizing the U.S. Fish & Wildlife Service Wetlands Mapper, it was determined that no wetlands exist on this property. The mapper identifies the two arroyos previously discussed as riverine wetlands systems, but no other wetlands exist in the vicinity of the subject site or on the property.

Sincerely,



Angela M. Piarowski, CEO/Partner
Modulus Architects & Land Use Planning, Inc.
8220 San Pedro NE, Suite 520 (Paseo Nuevo Building)
Albuquerque, New Mexico 87113
Office: (505) 338.1499 ext. 1000
Cell + Text: (505) 999.8016
Email: angela@modulusarchitects.com
New Mexico | Texas | Arizona | Colorado | Oklahoma | Utah | Illinois



MODULUS ARCHITECTS & LAND USE PLANNING, INC.

8220 San Pedro Drive NE, Suite 520

Albuquerque, NM 87113

Phone (505) 338-1499

www.modulusarchitects.com

SUPPORTIVE DOCUMENTATION (PDF Files in this section)

10. Letter of Authorization
11. Justification Letter
12. Archaeological Certificate of No Effect
13. Proof of Sketch Plat Documentation

Steve Metro
Group II U 26 VC LLC
2400 Louisiana Blvd NE
Building 3, Room 115
Albuquerque NM 87110

City of Albuquerque
600 2nd Street NW
Albuquerque NM 87102

RE: LETTER OF AUTHORIZATION FOR PROPOSED SUBDIVISION PLAT

To whom it may concern

I, Steve Metro, Manager of Group II U26 VC LLC, a New Mexico limited liability company, the owner in fee-simple for the below property, do hereby give authorization to Modulus Architects to act as our agent in regards to the subdivision plat for existing lots - **Tract 1-A, Block 2 Volcano Cliffs Subdivision Unit 26** of the Volcano Cliffs Subdivision. The subject property is located at the SE intersection of Kimmick Drive with Paseo Del Norte Blvd NW, in the City of Albuquerque

The agent shall have the authority to act on our behalf for the subdivision platting action and obtaining documentation or certificates from the City of Albuquerque or Bernalillo County needed for the platting action.

Thank you



Steve Metro
Group II U 26 VC LLC

5-6-24

Date



MODULUS ARCHITECTS & LAND USE PLANNING, INC.

8220 San Pedro Drive NE, Suite 520

Albuquerque, NM 87113

Phone (505) 338-1499

www.modulusarchitects.com

May 14, 2024

David Campbell
Development Hearing Officer
City of Albuquerque
600 2nd Street NW
Albuquerque, NM 87102

Dear Mr. Campbell,

Subject: Justification for Major Preliminary Platting Action – Project# PR-2022-007712 for property legally described as 1-A-1 thru 1-A-6, Block 2, Volcano Cliffs Subdivision, Unit 26 - (SWC of Paseo Del Norte NW and Kimmick Drive NW)

The purpose of the letter is to transmit the request for a Preliminary Plat approval for the property legally described as *Tracts 1-A-1 thru 1-A-6, Block 2, Volcano Cliffs Subdivision, Unit 26*. This letter will demonstrate how the proposed platting action request meets the review and decision criteria outlined in 6-6(L)(3) of the City of Albuquerque's Integrated Development Ordinance (IDO).

A Sketch Plat was reviewed for this Preliminary Plat application on April 3, 2024 (PS-2024-00063) Sketch Plat (DFT). The intention of this Preliminary Plat is to subdivide one legal parcel (8.2545-acres) and reconfigure it into six individual legal parcels. This application includes the Preliminary Plat, the relevant submittal checklist requirements (Form S1- Major Plat and Form PLT – Plat Pre-Approvals_Signatures) as well as the relevant and valid preceding approval documents currently in place for this parcel.

The emailed notices of a public meeting were issued per the Office of Neighborhood Coordination (ONC) requirements on May 6, 2024 and the mailed public notices were issued to the required property owners on May 7, 2024 per the ONC requirements. A facilitated meeting was requested by WSCONA (West Side Coalition of Neighborhood Associations) on May 8, 2024. Modulus Architects has notified the Office of Neighborhood Coordination of this request, we received confirmation of this receipt of this request from the ONC on May 10, 2024. As of the date of this submittal, this facilitated is in progress of being scheduled.

Prior to this application for Preliminary Plat, a Final Plat which legally subdivided this 8.254-acre parcel from a larger legal parcel of 18.2557 acres was approved and recorded with Bernalillo County on March 4, 2024. The Final Plat, Project# PR-2022-007712, Application# SD-2023-00127 FINAL PLAT included the relevant approval documents which have been deemed valid and current for this submittal and are included with the application for Preliminary Plat, those documents include the following:

1. Recorded Final Plat – Doc# 2024014448
2. Infrastructure Improvement Agreement (Procedure B) Doc# 2023022927
3. Signed Infrastructure List (Figure 12)
4. Letter of Credit from SLFCU in the amount of \$468,810.56
5. Development Agreement DA-R-22-25 – Albuquerque Bernalillo County Water Utility Authority

6. Water Serviceability Letter #220512
7. Archeological Certificate of No Effect
8. Hydrology Approval Letter

REVIEW AND DECISION CRITERIA

6-6(L)(3) Review and Decision Criteria - An application for a Subdivision of Land – Major shall be approved if it meets all of the following criteria.

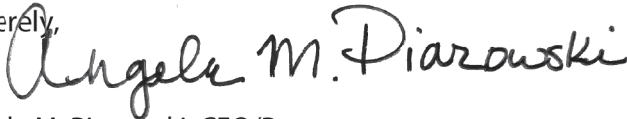
6-6(L)(3)(a) A Preliminary Plat shall be approved if it complies with all applicable provisions of this IDO, the DPM, other adopted City regulations, and any conditions specifically applied to development of the property in a prior permit or approval affecting the property.

Application Response: The proposed Major Preliminary Platting Action for Project# PR-2022-007712 (SWC of Paseo Del Norte NW and Kimmick Drive NM) meets all criteria outlined in 6-6(L)(3) of the IDO. It is consistent with the Comprehensive Plan and applicable City-adopted plans, complies with all IDO standards as well as the City of Albuquerque DPM. We respectfully request the approval of this platting action. All prior approvals that specifically apply to this property and remain current and valid have been submitted with this request for Preliminary Plat approval.

CONCLUSION

Based upon the information provided above and supporting documents, we respectfully request the DHO approval of the Preliminary Plat. Please do not hesitate to contact me if you have any questions or need additional information.

Sincerely,



Angela M. Piarowski, CEO/Partner
Modulus Architects & Land Use Planning, Inc.
8220 San Pedro NE, Suite 520 (Paseo Nuevo Building)
Albuquerque, New Mexico 87113
Office: (505) 338.1499 ext. 1000
Cell + Text: (505) 999.8016
Email: angela@modulusarchitects.com
New Mexico | Texas | Arizona | Colorado | Oklahoma | Utah | Illinois



City of Albuquerque
P.O. Box 1293 Albuquerque, NM 87103
Planning Department
Alan Varela, Interim Director

Tim Keller, Mayor
Sarita Nair, CAO

DATE: October 6, 2022

SUBJECT: Albuquerque Archaeological Ordinance - Compliance Documentation

Case Number(s): PR-2022-007712
Agent: Consensus Planning, Inc.
Applicant: Jubilee Developments
Legal Description: Tr. 1, Block. 2, Plat of Tr. 1, Block 2, Volcano Cliffs Subdivision Unit 26
Zoning: MX-L and MX-M
Acreage: 18.23
Zone Atlas Page(s): C-11-Z

CERTIFICATE OF NO EFFECT: [checked] Yes [] No
CERTIFICATE OF APPROVAL: [] Yes [checked] No

SUPPORTING DOCUMENTATION:

Historic Google earth images, NMCRIS records

SITE VISIT: N/A

RECOMMENDATIONS:

The property appears to have been disturbed by previous development between 2014 and 2016. NMCRIS records show three sites (LA 69708, 69709, and LA 103735) were present on the property (surveyed under NMCRIS 27483). Data recovery took place on at least one of these sites (NMCRIS 128677). All the sites have been removed by development. CERTIFICATE OF NO EFFECT ISSUED-under 6-5(A) (3)(a) criterion 1 "an archaeological investigation has been conducted..." and criterion 2 "The property has been disturbed through previous land use"

SUBMITTED BY:

SUBMITTED TO:

[Signature] 10-6-2022
Douglas H. M. Boggess, MA, RPA Date
Senior Principal Investigator
Acting City Archaeologist
Lone Mountain Archaeological Services, Inc.

Planning, Development Services

Proof of Sketch Plat

DEVELOPMENT FACILITATIVE TEAM (DFT)
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.

*Jeff Palmer-Code Enforcement Supervisor
Planning Department
jppalmer@cabq.gov*

DATE: 04/03/2024

AGENDA ITEM NO: 8

PROJECT NUMBER:

PR-2022-007712

PS-2024-00063 – SKETCH PLAT

ADDRESS/LOCATION: Tract 1 Block 2 Unit 26, Volcano Cliffs zoned **MX-M**, located at on **PASEO DEL NORTE** between **KIMMICK DR NW** and **CALLE PLATA NW** containing approximately **8.2526** acre(s). **(C-11)**

REQUEST: CREATE SIX NEW TRACTS FROM ONE EXISTING TRACT, DEDCATE ADDITIONAL ROW TO VALIENTE RD
NW

ZONED: MX-M **IDO:** 2022

COMMENTS:

1. Code Enforcement has no comments and no objections.



DEVELOPMENT FACILITATION TEAM

Parks and Recreation Department

PR-2022-007712

PS-2024-00063 – SKETCH PLAT

Tract 1 Block 2 Unit 26, Volcano Cliffs zoned MX-M, located at on PASEO DEL NORTE between KIMMICK DR NW and CALLE PLATA NW containing approximately 8.2526 acre(s). (C-11)

REQUEST: CREATE SIX NEW TRACTS FROM ONE EXISTING TRACT, DEDCATE ADDITIONAL ROW TO VALIENTE RD NW

IDO: 2022

Comments:

04-03-2024

Note: Future development of the site will need to consider adjacency to the paved multi-use trail to the north and east. If future development meets the applicability in IDO Subsection 14-16-5-6(B) then per 5-6(D), Street Frontage trees will be required along Paseo del Norte NW.

DEVELOPMENT FACILITATIVE TEAM (DFT) - **HYDROLOGY SECTION**

Renée Brissette, PE, Senior Engineer | 505-924-3995 rbrissette@cabq.gov

DRB Project Number: 2022-007712 Hearing Date: - -

Project: Tracts 1-A-1 to 1-A-6, Block 2
Volcano Cliffs Subdivision, Unit 26 Agenda Item No: _____

<input checked="" type="checkbox"/> Sketch Plat	<input type="checkbox"/> Site Plan for Bldg. Permit
---	---

ENGINEERING COMMENTS:

- Hydrology will need to approve a Conceptual Grading & Drainage Plan for platting.
- A Blanket Cross Lot Drainage Easement note specifying the beneficiary and maintenance agreement may be needed depending on the Conceptual Grading & Drainage Plan.
- Comment – Prior to submitting for Building Permit, a licensed New Mexico civil engineer will need to submit a Grading & Drainage Plan to Hydrology for review & approval if one of these conditions is met. (500 cy of grading, 1,000 sf of proposed building, or 10,000 sf of proposed paving).

APPROVED
 DENIED

DELEGATED TO: TRANS HYD WUA PRKS PLNG
Delegated For: _____
SIGNED: I.L. SPSP SPBP FINAL PLAT
DEFERRED TO _____

DEVELOPMENT FACILITATION TEAM

TRANSPORTATION DEVELOPMENT

DRB Project Number: 2022-007712
Paseo del Norte and Kimmick – Volcano Cliffs

AGENDA ITEM NO: 8

SUBJECT: Sketch

ENGINEERING COMMENTS:

1. Paseo del Norte is a Principal Arterial and requires 6' sidewalk with a 5' to 6' landscape buffer. It also has proposed bike lane and multi-use trail. If the trail runs on this side of the road it can take place in-lieu of the sidewalk. Kimmick is a proposed Minor Collector and requires 6' sidewalk with a 5' to 6' landscape buffer. It also has a proposed bike lane. Please provide cross sections of both roadways showing sidewalks, buffers and bike lanes to show if it will fit in current ROW. Dedication may be required.
2. Valiente does not show up as ROW in AGIS, but is listed as a local on either side. Please confirm if ROW exists and if dedication is required. Once ROW is in place half of the roadway fronting the property will need to be paved and curb, gutter, sidewalk and landscape buffer will need to be provided. Please provide a 25' radius at the corner of Valiente and Kimmick.
3. Prior to site plan an approved TCL will be required and a Traffic Scoping form will be needed to determine if a TIS is required.

. If new or revised information is submitted, additional comments may be provided by Transportation Development.

FROM: Ernest Armijo, P.E.
Transportation Development
505-924-3991 or earmijo@cabq.gov

DATE: April 3, 2024

ACTION:

APPROVED __; DENIED __; DEFERRED __; COMMENTS PROVIDED __; WITHDRAWN __

DELEGATED: _____ TO: (TRANS) (HYD) (WUA) (PRKS) (CE) (PLNG)



DEVELOPMENT HEARING OFFICER

Planning - Case Comments

HEARING DATE: 4/3/24 -- **AGENDA ITEM:** # 8

Project Number: PR-2022-007712

Application Number: PS-2024-00063

Project Name: Paseo del Norte between Kimmick and Calle Plata NW

Request:

Sketch Plat to create 6 new tracts from one existing tract, dedicate additional ROW to Valiente Rd NW

**These are preliminary Planning comments. Additional reviews and/or revised comments may be needed for any modifications and/or supplemental submittals.*

BACKGROUND

- The subject tract was created as part of a Final Plat approved in early 2024.
- The site is zoned MX-M per an EPC zone change made final with the completion of the final plat.
- The site is in an Area of Change and bordered on all sides by Area of Change.
- The property is within 1320 feet or ¼ mile of an Urban Center.
- Site is within the Northwest Mesa Escarpment VPO-2. The property is not in the restricted height subarea. Site is within CPO-13, but those overlay provisions apply to low density residential. Other references to CPO-13 in the IDO may apply.
- The site is vacant.

*Items in **Orange type** need to be addressed with your submittal. Items in **Green type** appear compliant.*

COMMENTS:

- This is a large parcel in a favorable location on Paseo del Norte with an existing traffic signal. It has excellent potential to provide services and employment on the westside of Albuquerque. This plat appears to weaken the economic development potential of the parcel by carving it up into 6 small lots. Please demonstrate how the proposed development on the 6 lots is not speculative and, instead, would provide for a development with cohesive architecture, landscaping, and traffic circulation.

**(See additional comments on next page(s))*

- Any prospective fast food restaurants with drive throughs are easily located in other areas with less economic development potential.

Per IDO 5.2 Site Design and Sensitive Lands

- No sensitive lands analysis is required because the property was previously graded as part of a rock crushing operation and was later cleaned up.

- **Per IDO 5.3 Access and Connectivity**

5.3.E.2 Connections to Adjacent Land

- 5.3.E.2.a Where land adjacent to a proposed subdivision has been platted with stub streets, or with a street ending at a street between the new subdivision and the adjacent land, the streets in the proposed subdivision shall be designed to align with those street to allow through circulations (unless physical constraints).

The applicant is providing for the continuation of Valiente drive from the west and on the south side of the proposed lots. This fulfills IDO requirements to provide for the continuation of stub streets.

- Reference **DPM 7.2.29 for Sidewalk/landscape buffer widths.**
Paseo del Norte is a Regional Principal Arterial. 6 ft. sidewalk; 6-8 ft. landscape strip
Kimmick is a minor collector. 6 ft. sidewalk; 5-6 ft. landscape strip

Bike lanes are proposed for PdNorte and Kimmick.

Please confirm if a current infrastructure list for the previous plat is providing the required sidewalks, landscape buffers, and bike lanes.

Per IDO 5.6 Landscaping, Buffering, and Screening

- Per IDO 5.6.C.13.b Stormwater management features: Required landscape and buffer areas shall be designed pursuant to the DPM and the City Standard Specification for Public Works Construction. See Standard Specification 1013.

[Drainage Ponds Slope Stabilization and Seeding Requirements.pdf \(cabq.gov\)](https://www.cabq.gov/infrastructure-list/notes/pond-stabilization-and-seeding-requirements)

Infrastructure List notes should state: "Pond stabilization to follow Section 1013." Or the applicant may submit a landscaping plan for approval that will provide an equivalent or better outcome to erosion control, stabilization, maintenance, and aesthetic quality than these guidelines.

- This request would require a Major Preliminary Plat because the subject lot has been recorded less than 3 years previously. See below:

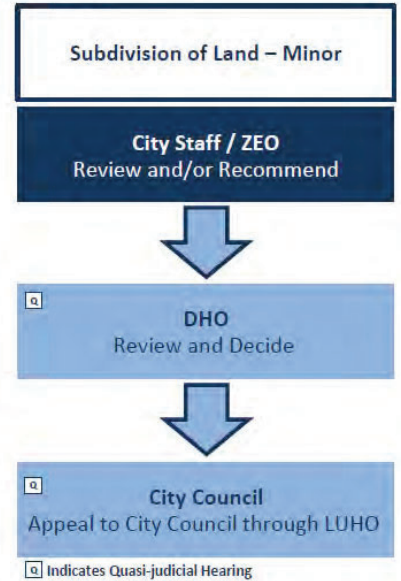
6-6(K) SUBDIVISION OF LAND – MINOR

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(K) or the DPM.

6-6(K)(1) Applicability

This Subsection 14-16-6-6(K) applies to the review of an application for any of the following:

- 6-6(K)(1)(a) Approval of a subdivision of land within the City that:
1. Creates 10 or fewer lots on any single lot that has been recorded as a single lot for at least 3 years previously.
 2. Does not require any new streets.
 3. Does not require major public infrastructure.
 4. Does not create any lots that do not front on a public or private street previously approved by the City.



- Signatures from Hydrology, ABCWUA, and Transportation engineers and staff must be obtained on Form PLT and submitted with the platting application. They will not sign Form PLT until/unless they receive any/all required associated application approvals as listed on Form PLT. Form PLT can be obtained at the following link:
<https://documents.cabq.gov/planning/development-hearing-officer/Form%20PLT.pdf>

Guidance for future development:

- **Northwest Mesa VPO-2** requirements apply to commercial development, as shown below.

3-6(E)(5) Colors

The exterior surfaces of structures, including but not limited to mechanical devices, roof vents, and screening materials, shall be colors with light reflective

value (LRV) ranging from 20 percent to 50 percent. This middle range of reflectance is intended to avoid very light and very dark colors.

3-6(E)(5)(a) Colors include the yellow ochers, browns, dull reds, and grey-greens existing on the Northwest Mesa and escarpment, exclusive of the basalt.

3-6(E)(5)(b) Trim materials on façades constituting less than 20 percent of the façade’s opaque surface may be any color.

3-6(E)(6) Reflectivity

Reflective or mirrored glass is prohibited.

3-6(E)(7) Roof-mounted Equipment

No exposed roof-mounted heating, ventilation, and air conditioning equipment shall be allowed. Any such equipment shall be fully screened from view from the nearest public streets and from the escarpment.

- Per IDO 5.3.E.3.a.3.c Shared driveways and drive aisles are established to **minimize the number of access points to streets.**

Paseo del Norte is an access controlled regional arterial.

- Per IDO 5.6.E **Edge buffer landscaping** is required abutting the west property line.

Development Type	Development Next to	Specific Standards	General Buffering	Buffering in DT-UC-MS-PT
Industrial	Non-industrial development	14-16-5-6(E)(4)	Landscaped buffer area ≥25 ft.	Wall, fence, or vegetative screen ≥6 ft.
Mixed-use or other non-residential	R-ML or R-MH	14-16-5-6(E)(3)	Landscaped buffer area ≥20 ft.	
Multi-family, mixed-use, or other non-residential	R-A, R-1, R-MC, or R-T	14-16-5-6(E)(2)	Landscaped buffer area ≥15 ft.	

[1] See Subsections 14-16-5-6(E)(2), 14-16-5-6(E)(3), and 14-16-5-6(E)(4) for complete edge buffer standards.

Per IDO 5.7 **Walls and Fences**

Per IDO 5.8 **Outdoor Lighting**

Per IDO 5.9 **Neighborhood Edges:** The Neighborhood edge requirement applies to the west property line. Be advised of this requirement shown below allows only 30 feet within 100 feet of the west property line.

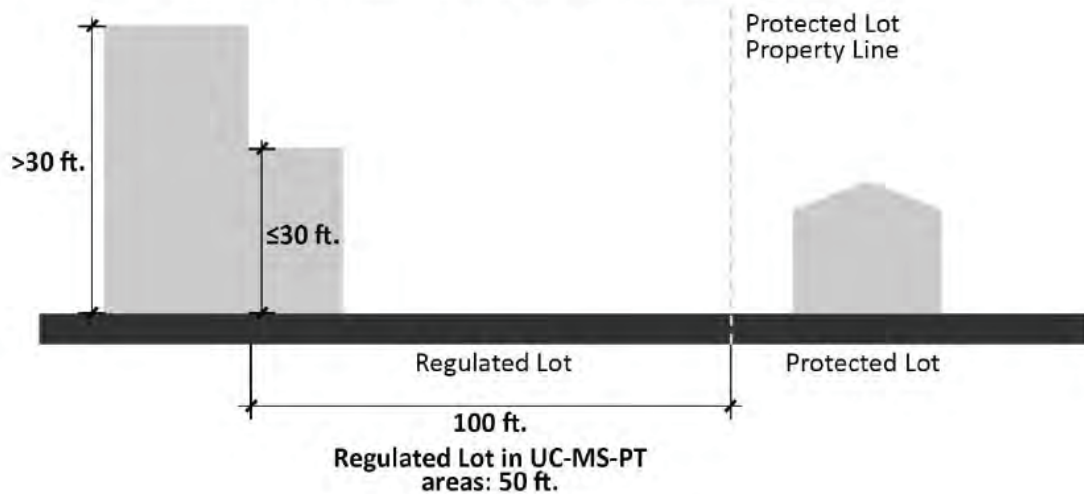
5-9(C) BUILDING HEIGHT STEPDOWN

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.)



Per IDO 5.11 **Building Design**

Per IDO 5.12 **Signs**

Per IDO 6.1.1 All **public notice requirements** of IDO Section 6, Table 6-1-1 will need to be completed prior to submitting the platting application, and included in the platting application packet.

IDO 7.0 **Definitions**

- All signatures from the surveyor, property owner(s), the City Surveyor, the utility companies, and AMAFCA are required on the Plat prior to the acceptance of the application file for the Plat and placement on a DHO agenda.
- The form below is the application for a Preliminary Plat - Major.

[Form S1.pdf \(cabq.gov\)](#)



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: Jolene Wolfley
Planning Department

DATE: 4/2/24



Development Facilitation Team (DFT) – Review Comments

Reviewer: David G. Gutierrez, P.E. | Phone: 505-289-3381 | dggutierrez@abcwua.org

DRB Project No: PR-2022-007712 Date: 4/03/2024 Agenda Item: #8 Zone Atlas Page: C-11

Legal Description: Tract 1 BLOCK 2, UNIT 26, VOLCANO CLIFFS.

Request: CREATE SIX NEW TRACTS FROM ONE EXISTING TRACT, DEDICATE ADDITIONAL ROW TO VALIENTE RD NW.

Location: PASEO DEL NORTE NW between KIMMICK DR NW AND CALLE PLATA NW

Comment: (Provide written response explaining how comments were addressed)

Application For: PS-2024-00063 – SKETCH PLAT (DFT)

1. Please confirm the status of the infrastructure required for the prior subdivision and existing Development Agreement (resolution R-22-25).
2. If this construction has not been completed, it may also be required to be included in an infrastructure list.
3. Request an availability/serviceability statement online at the following link: http://www.abcwua.org/Availability_Statements.aspx. Requests shall include fire marshal requirements. An executed statement must be obtained prior to approval.
 - a. If this proposal was coordinated with the prior request, please elaborate how each lot will acquire service and ensure that each lot has direct access to public water and public sanitary sewer infrastructure.
4. Please elaborate how this aligns with the existing Development Agreement. If this deviates from the approved designation as follows updates may be required:
 - a. First phase – 250 (approximate) apartments and a self storage.
 - b. Future phase (s) – retail.
 - c. Based on the proposed configuration, it seems that there may be a requirement to construct additional infrastructure to provide access to public water and public sanitary sewer infrastructure. If this is the case, the existing Development Agreement does not spell this infrastructure out and we may need to discuss further coordination or alternatives to serve the lots.

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 May 29, 2024 To July 1, 2024

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.

Regina Okaya
(Applicant or Agent)

5/17/2024
(Date)

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

PROJECT NUMBER: _____

Public Hearing Notices

From: [Office of Neighborhood Coordination](#)
 To: [Regina Okoye](#)
 Subject: 99999 PASEO DEL NORTE NW_Public Notice Inquiry Sheet Submission
 Date: Wednesday, May 1, 2024 12:24:01 PM
 Attachments: [image001.png](#)
[Zone Atlas Map.pdf](#)

PLEASE NOTE:

The neighborhood association contact information listed below is valid for 30 calendar days after today's date.

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	Association Email	First Name	Last Name	Email	Address Line 1	City	State	Zip	Mobile Phone	Phone
Paradise Hills Civic Association	phcassoc@gmail.com	Elizabeth	Haley	elizabethkayhaley@gmail.com	6005 Chaparral Circle NW	Albuquerque	NM	87114	5054074381	
Paradise Hills Civic Association	phcassoc@gmail.com	Kym	Fleck	kym.fleck@gmail.com	10216 La Paz Dr NW	Albuquerque	NM	87114		5052708886
Westside Coalition of Neighborhood Associations	wscona0@gmail.com	Rene	Horvath	aboard111@gmail.com	5515 Palomino Drive NW	Albuquerque	NM	87120	5059852391	5058982114
Westside Coalition of Neighborhood Associations	wscona0@gmail.com	Elizabeth	Haley	elizabethkayhaley@gmail.com	6005 Chaparral Circle NW	Albuquerque	NM	87114	5054074381	

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.

Please note the following:

- 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 your permit application: <https://www.cabq.gov/planning/urban-design-development/public-notice>.
- The Checklist form you need for notifying neighborhood associations can be found here: https://documents.cabq.gov/planning/online-forms/PublicNotice/CABQ-Official_public_notice_form-2019.pdf.
- The Administrative Decision form you need for notifying neighborhood associations can be found here: <https://documents.cabq.gov/planning/online-forms/PublicNotice/Emailed-Notice-Administrative-Print&Fill.pdf>
- 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>

Thank you,

Suzie



Suzie Flores

Senior Administrative Assistant

Office of Neighborhood Coordination (ONC) | City Council Department | City of Albuquerque

(505) 768-3334 Office

E-mail: suzannaflores@cabq.gov

Website: www.cabq.gov/neighborhoods

From: webmaster@cabq.gov <webmaster@cabq.gov>
 Sent: Wednesday, May 1, 2024 11:19 AM
 To: Office of Neighborhood Coordination <ROKOYE@MODULUSARCHITECTS.COM>
 Cc: Office of Neighborhood Coordination <onc@cabq.gov>
 Subject: Public Notice Inquiry Sheet Submission

[EXTERNAL] Forward to phishing@cabq.gov and delete if an email causes any concern.

Public Notice Inquiry For:

Development Hearing Officer

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

Contact Name

Regina Okoye

Telephone Number

5052677686

Email Address

ROKOYE@MODULUSARCHITECTS.COM

Company Name

Modulus Architects

Company Address

8220 San Pedro Dr. NE, Suite 520

City

Albuquerque

State

NM

ZIP

87113

Legal description of the subject site for this project:

UPC: 10110640414530102

Owner: GROUP II U26 VC LLC C/O WRIGHT BILLY J

Owner Address: 4112 BLUE RIDGE PL NE ALBUQUERQUE NM 87110-4167

Situs Address: PASEO DEL NORTE NW ALBUQUERQUE NM 87120

Legal Description: TR 1 BLK 2 PLAT OF TR 1 BLK 2 VOLCANO CLIFFS SUBD UNIT 26(A REPL OF A PORT OF BLK 2 & A PORT OF BLK 6 TOGETHER WITH A PORT OF VALIENTE ROAD & KIMMICK DR NW VOLCANO

CLIFFS SUBD

Acres: 15.7217

Tax Year: 2023

Physical address of subject site:

99999 PASEO DEL NORTE NW

Subject site cross streets:

Paseo del Norte NW & Kimmick Dr.NW

Other subject site identifiers:

This site is located on the following zone atlas page:

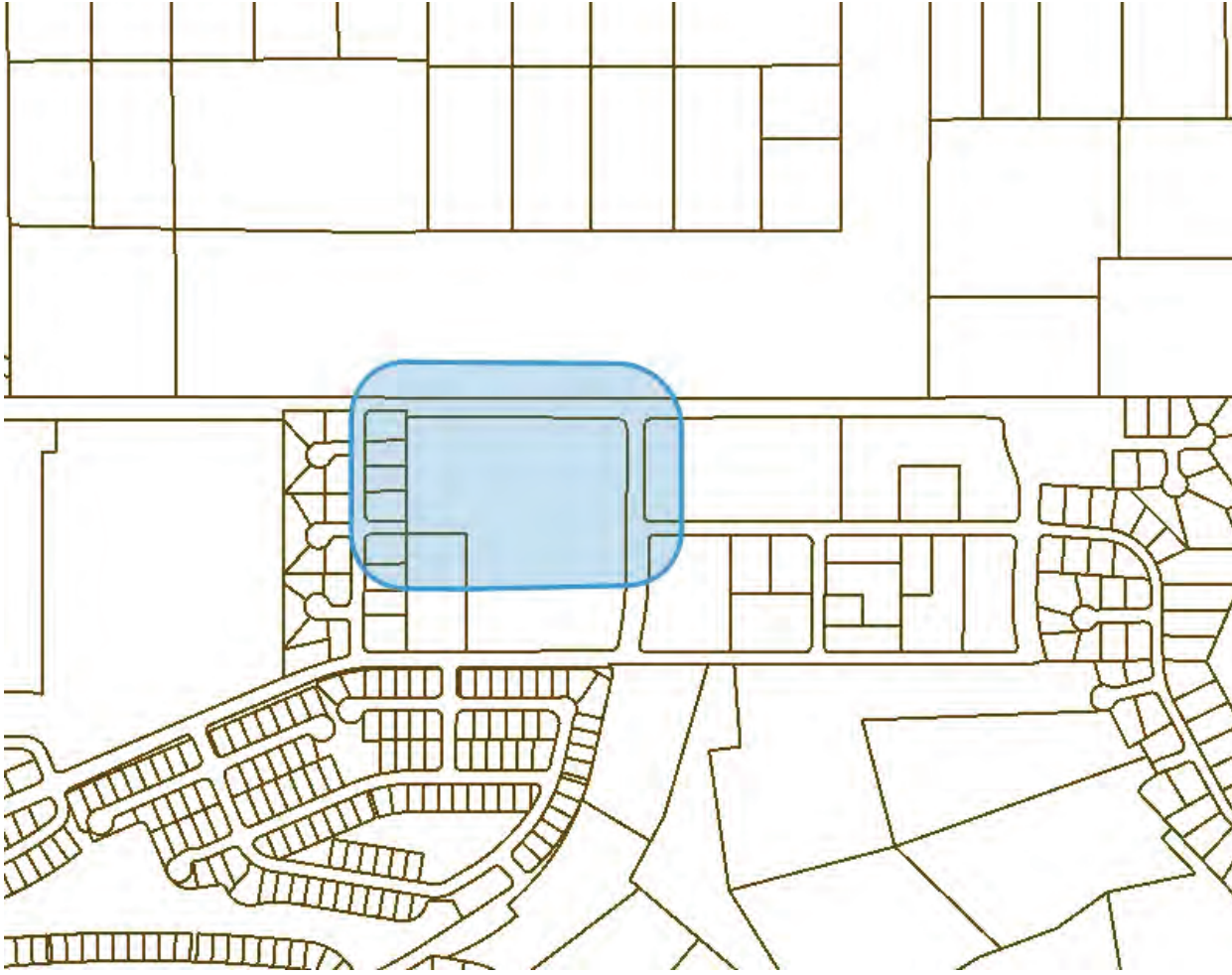
C-11-Z

Captcha

x



PASEO DEL NORTE NW



Legend

□ Bernalillo County Parcels

Notes

Buffer: 215
ROW: Paseo del Norte NW; 115 Ft.

1,165 0 583 1,165 Feet

WGS_1984_Web_Mercator_Auxiliary_Sphere
5/1/2024 © City of Albuquerque

1: 6,991

The City of Albuquerque ("City") provides the data on this website as a service to the public. The City makes no warranty, representation, or guaranty as to the content, accuracy, timeliness, or completeness of any of the data provided at this website. Please visit <http://www.cabq.gov/abq-data/abq-data-disclaimer-1> for more information.

214

THIS MAP IS NOT TO BE USED FOR NAVIGATION

AMADOR SAMMY & SYLVIA
14429 CRYSTAL LANTERN DR
HACIENDA HGTS CA 91745-2510

ARIZAGA GILBERT S & MARIA PETRA
3060 HWY 180 E
SILVER CITY NM 88061

BEDROCK PARTNERSHIP & N M GEN
PARTNERSHIP C/O GERALD GOLD
1509 HARVARD CT NE
ALBUQUERQUE NM 87106-3712

BETA INVESTMENTS LLC
PO BOX 65808
ALBUQUERQUE NM 87193-5808

FALCON MARIANO
10908 CRANDALL RD SW
ALBUQUERQUE NM 87121-2607

FALLS PROPERTY TRUST & APODACA
PATRIC V & APODACA DICK F & ISABELLE
PO BOX 14777
ALBUQUERQUE NM 87191-4777

GROUP II U26 VC LLC C/O WRIGHT BILLY
J
4112 BLUE RIDGE PL NE
ALBUQUERQUE NM 87110-4167

ROLLINS MICHAEL & LINA
10700 MARBLE STONE DR NW
ALBUQUERQUE NM 87114

SEGURA JOSEPH
6451 MILNE RD NW
ALBUQUERQUE NM 87120-1668

TRACT 5 U26 LLC
5700 UNIVERSITY BLVD SE SUITE 310
ALBUQUERQUE NM 87106-9601

VOLCANO CLIFFS INC
4112 BLUE RIDGE PL NE
ALBUQUERQUE NM 87111-4167

WORDEN JUDE A & MARIE T CO-TRUST
OF WORDEN TRUST
10910 SANTA MONICA DR NE
ALBUQUERQUE NM 87122

ZIA TRUST CUSTODIAN THANH VAN
NGUYEN R/O IRA
PO BOX 30928
ALBUQUERQUE NM 87190-0928

PARADISE HILLS CIVIC ASSOCIATION
Elizabeth Haley
6005 CHAPARRAL CIRCLE NW
ALBUQUERQUE NM 87114

WESTSIDE COALITION OF
NEIGHBORHOOD ASSOCIATIONS
Rene Horvath
5515 PALOMINO DRIVE NM
ALBUQUERQUE NM 87120

PARADISE HILLS CIVIC ASSOCIATION
Kym Fleck
10216 LA PAZ DR NW
ALBUQUERQUE NM 87114

WESTSIDE COALITION OF
NEIGHBORHOOD ASSOCIATIONS
Elizabeth Haley
6005 CHAPARRAL CIRCLE NW
ALBUQUERQUE NM 87114



MODULUS ARCHITECTS & LAND USE PLANNING, INC.

8220 San Pedro Drive NE, Suite 520

Albuquerque, NM 87113

Phone (505) 338-1499

www.modulusarchitects.com

PUBLIC NOTICE DOCUMENTATION (PDF Files in this section)

15. Sign Posting Agreement

16. Required Content of Notice

- a. ONC Notice Inquiry Response
- b. Buffer Map
- c. Completed Notificaton Forms
- d. Proof of Mailed Notices
- e. Proof of First Class Mailing

[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*: 5/6/2024

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)*: Paradise Hills Civic Association, Westside Coalition of Neighborhood Associations

Name of NA Representative*: Elizabeth Haley, Kym Fleck, Rene Horvath

Email Address* or Mailing Address* of NA Representative¹: kym.fleck@gmail.com , aboard111@gmail.com, elizabethkayhaley@gmail.com

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

1. Subject Property Address* 99999 PASEO DEL NORTE NW ALBUQUERQUE NM 87120
Location Description Southwest Corner of Paseo del Norte NW & Kimmick Dr NW
2. Property Owner* GROUP II U26 VC LLC C/O WRIGHT BILLY J
3. Agent/Applicant* *[if applicable]* Modulus Architects & Land Use Planning, Inc. (Agent)
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 Major Preliminary Plat (Minor or Major)
 - Vacation _____ (Easement/Private Way or Public Right-of-way)
 - Variance
 - Waiver
 - Other: _____

Summary of project/request²*:

We are requesting a Major Subdivision of Land action to create six new tracts from one existing tract.

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 Hearing Officer (DHO)
- Landmarks Commission (LC) Environmental Planning Commission (EPC)

Date/Time*: Anticipated: June 12, 2024 @9:00am

Location*³: VIA ZOOM

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:

Angela M. Piarowski with Modulus Architects & Land Use Planning 505.338.1499 (Ext. 1000)

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

1. Zone Atlas Page(s)*⁵ C-11-Z

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*:

Not applicable.

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

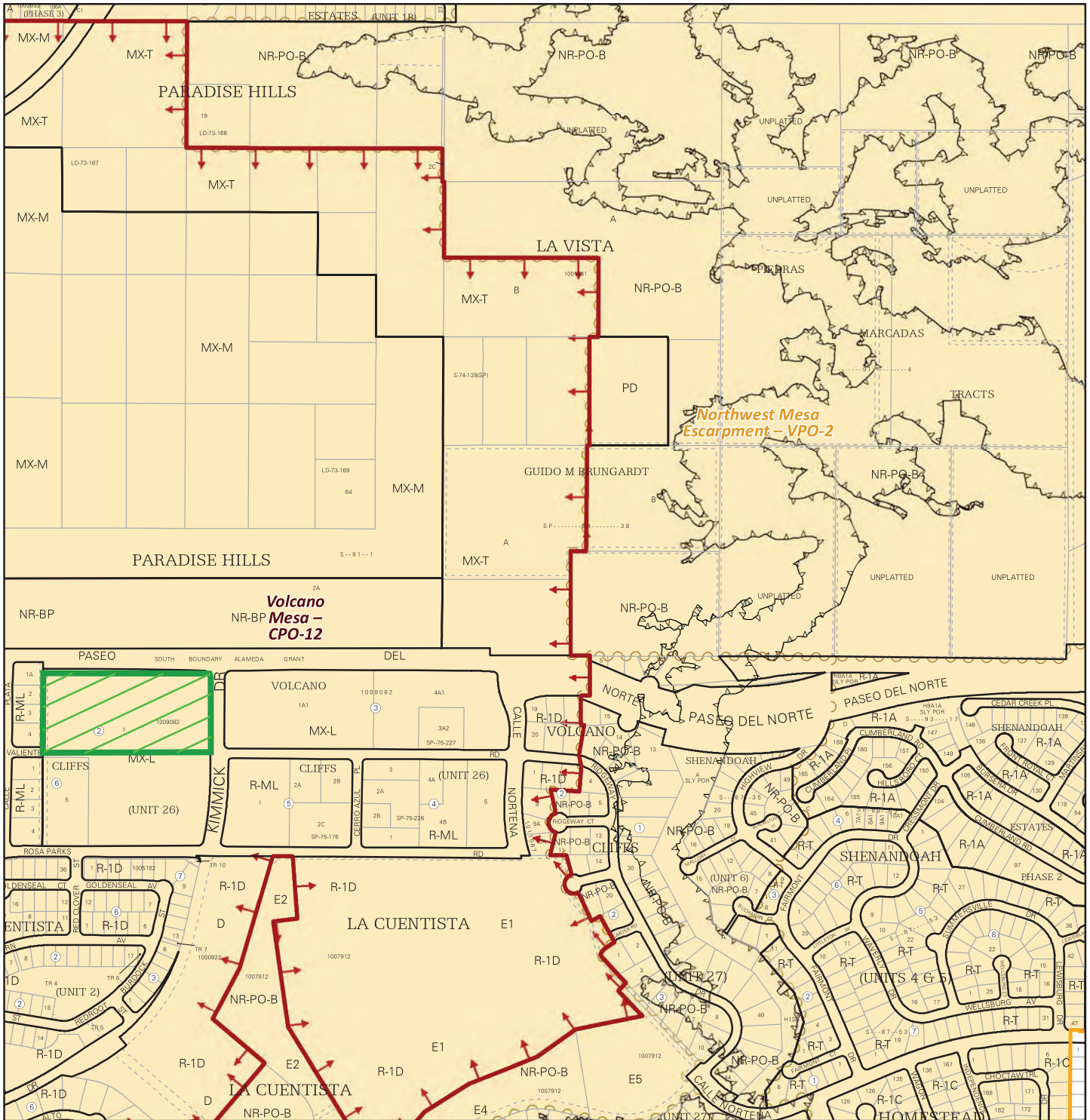
Summary of the Pre-submittal Neighborhood Meeting, if one occurred:

Not applicable for this request.

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/>



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

Albuquerque Geographic Information System

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-11-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

Feet
0 250 500 1,000

220



**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: MAJOR SUBDIVISION PRELIMINARY PLAT APPROVAL	
Decision-making Body: Development Hearing Officer (DHO)	
Pre-Application meeting required:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Neighborhood meeting required:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Mailed Notice required:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Electronic Mail required:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Is this a Site Plan Application:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Note: if yes, see second page
PART II – DETAILS OF REQUEST	
Address of property listed in application: 99999 PASEO DEL NORTE NW ALBUQUERQUE NM 87120	
Name of property owner: GROUP II U26 VC LLC C/O WRIGHT BILLY J	
Name of applicant: Modulus Architects & Land Use Planning, Inc. (Agent)/	
Date, time, and place of public meeting or hearing, if applicable:	
Anticipated Date: June 12, 2024 @9:00am VIA ZOOM	
Address, phone number, or website for additional information:	
Angela M. Piarowski with Modulus Architects & Land Use Planning 505.338.1499 (Ext. 1000)	
PART III - ATTACHMENTS REQUIRED WITH THIS NOTICE	
<input checked="" type="checkbox"/> Zone Atlas page indicating subject property.	
<input checked="" type="checkbox"/> Drawings, elevations, or other illustrations of this request.	
<input type="checkbox"/> Summary of pre-submittal neighborhood meeting, if applicable. N/A	
<input checked="" type="checkbox"/> 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.

Regina Choye (Applicant signature) 5/6/2024 (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.



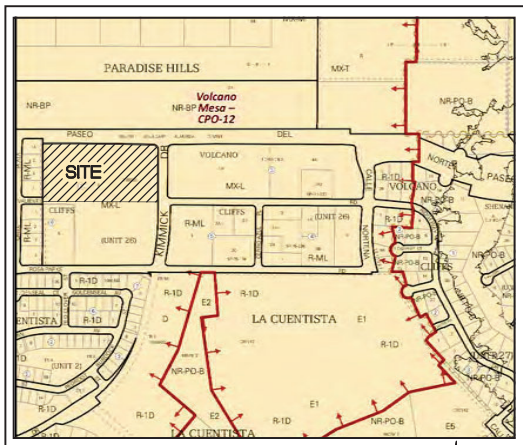
**OFFICIAL PUBLIC NOTIFICATION FORM
FOR MAILED OR ELECTRONIC MAIL NOTICE
CITY OF ALBUQUERQUE PLANNING DEPARTMENT**



PART IV – ATTACHMENTS REQUIRED FOR SITE PLAN APPLICATIONS ONLY

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

- 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.



Vicinity Map - Zone Atlas C-11-Z

Notes

1. FIELD SURVEY PERFORMED IN ?? AND MARCH 2024.
2. ALL DISTANCES ARE GROUND DISTANCES: US SURVEY FOOT.
3. THE BASIS OF BEARINGS REFERENCES NEW MEXICO STATE PLANE COORDINATES (NAD 83-CENTRAL ZONE).
4. LOT LINES TO BE ELIMINATED SHOWN HEREON AS
5. THIS PRELIMINARY / FINAL PLAT WAS APPROVED BY THE DEVELOPMENT HEARING OFFICER FOR THE CITY OF ALBUQUERQUE AT A PUBLIC HEARING HELD ON _____ 20____

Free Consent and Dedication

THE SUBDIVISION SHOWN AND DESCRIBED HEREON IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF THE UNDERSIGNED OWNER(S) THEREOF, EXISTING AND/OR GRANTED PUBLIC UTILITY EASEMENTS (P.U.E.) AS SHOWN HEREON, UNLESS NOTED OTHERWISE, ARE FOR THE COMMON AND JOINT USE OF GAS, ELECTRICAL POWER AND COMMUNICATION SERVICES FOR BURIED AND/OR OVERHEAD DISTRIBUTION LINES, CONDUIT AND PIPES FOR UNDERGROUND UTILITIES. SAID UTILITY COMPANIES HAVE THE RIGHT OF INGRESS/EGRESS FOR CONSTRUCTION OF, MAINTENANCE OF AND REPLACEMENT OF SAID UTILITIES INCLUDING THE RIGHT TO TRIM INTERFERING TREES AND SHRUBS WITHIN SAID P.U.E.. SAID OWNERS CERTIFY THAT THIS SUBDIVISION IS THEIR FREE ACT AND DEED.

BILLY J. WRIGHT, MANAGER _____ DATE _____
 GROUP II U 26 VC, LLC, A NEW MEXICO LIMITED LIABILITY COMPANY

STATE OF NEW MEXICO }
 COUNTY OF } SS

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON _____ 20____
 BY: BILLY J. WRIGHT, MANAGER, GROUP II U 26 VC, LLC, A NEW MEXICO LIMITED LIABILITY COMPANY

By: _____
 NOTARY PUBLIC

MY COMMISSION EXPIRES _____

Indexing Information

Section 14&15, Township 11 North, Range 2 East, N.M.P.M.
 Subdivision: Volcano Cliffs Subdivision, Unit 26
 Owner: Group II U26 VC LLC c/o Billy J. Wright
 UPC #: TBD

Purpose of Plat

1. SUBDIVIDE AS SHOWN HEREON.
2. DEDICATE ADDITIONAL RIGHT-OF-WAY TO THE CITY OF ALBUQUERQUE.

Subdivision Data

GROSS ACREAGE	8.2545 ACRES
ZONE ATLAS PAGE NO.	C-11-2
NUMBER OF EXISTING LOTS	1
NUMBER OF LOTS CREATED	6
MILES OF FULL-WIDTH STREETS	0.0000 MILES
MILES OF HALF-WIDTH STREETS	????? MILES
RIGHT-OF-WAY DEDICATION TO THE CITY OF ALBUQUERQUE	0.5 ACRES
DATE OF SURVEY	MARCH 2024

Legal Description

TRACT ONE-A (1-A) IN BLOCK NUMBERED TWO (2), VOLCANO CLIFFS SUBDIVISION, UNIT 26, BEING A REPLAT OF TRACT 1, BLOCK 2 & LOT 5, BLOCK 6, OF VOLCANO CLIFFS SUBDIVISION, UNIT 26, WITHIN SECTIONS 14 & 15, T. 11 N., R. 2 E., N.M.P.M., CITY OF ALBUQUERQUE, BERNALILLO COUNTY, NEW MEXICO, AS THE SAME IS SHOWN AND DESIGNATED ON SAID PLAT FILED IN THE OFFICE OF THE COUNTY CLERK OF BERNALILLO COUNTY, NEW MEXICO ON MARCH 4, 2024 AS PLAT BOOK 2024C, PAGE 18.

Documents

1. TITLE COMMITMENT PROVIDED BY OLD REPUBLIC NATIONAL TITLE, HAVING FILE NO. SP000135204 AND AN EFFECTIVE DATE OF JUNE 15, 2022.
2. PLAT FOR VOLCANO CLIFFS, UNIT 26, FILED IN THE BERNALILLO COUNTY CLERK'S OFFICE ON MARCH 4, 2024, IN BOOK 2024C, PAGE 18.
3. SPECIAL WARRANTY DEED FOR SUBJECT PROPERTY, FILED IN THE BERNALILLO COUNTY CLERK'S OFFICE ON MARCH 19, 2013, AS DOCUMENT NO. 2013030244.

Solar Collection Note

NO PROPERTY WITHIN THE AREA OF REQUESTED FINAL ACTION SHALL AT ANY TIME BE SUBJECT TO A DEED RESTRICTION, COVENANT, OR BUILDING AGREEMENT PROHIBITING SOLAR COLLECTORS FROM BEING INSTALLED ON BUILDINGS OR ERECTED ON THE LOTS OR PARCELS WITHIN THE AREA OF PROPOSED PLAT, THE FOREGOING REQUIREMENT SHALL BE A CONDITION TO APPROVAL OF THIS PLAT.

Treasurer's Certificate

THIS IS TO CERTIFY THAT THE TAXES ARE CURRENT AND

PAID ON UPC #: _____

 PROPERTY OWNER OF RECORD

 BERNALILLO COUNTY TREASURER'S OFFICE

Plat for
 Tracts 1-A-1 thru 1-A-6, Block 2,
 Volcano Cliffs Subdivision, Unit 26
 Being Comprised of
 Tract 1-A, Block 2, Volcano
 Cliffs Subdivision, Unit 26
 City of Albuquerque
 Bernalillo County, New Mexico
 March 2024

Project Number: PR-2022-007712
 Application Number: _____
 Plat Approvals: _____

PNM Electric Services

 Qwest Corp. d/b/a CenturyLink QC

 New Mexico Gas Company

Comcast

 City Approvals: _____

City Surveyor

 Traffic Engineering, Transportation Division

 ABCWUA

 Parks and Recreation Department

 AMAFCA

 Hydrology

 Code Enforcement

 Planning Department

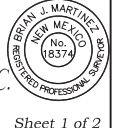
 City Engineer

Surveyor's Certificate

I, BRIAN J. MARTINEZ, A REGISTERED PROFESSIONAL LAND SURVEYOR UNDER THE LAWS OF THE STATE OF NEW MEXICO, DO HEREBY CERTIFY THAT THIS PLAT AND DESCRIPTION WERE PREPARED BY ME OR UNDER MY SUPERVISION, SHOWS ALL EASEMENTS AS SHOWN ON THE PLAT OF RECORD OR MADE KNOWN TO ME BY THE OWNERS AND/OR PROPRIETORS OF THE SUBDIVISION SHOWN HEREON, THE UTILITY COMPANIES OR OTHER INTERESTED PARTIES AND MEETS THE MINIMUM REQUIREMENTS FOR MONUMENTATION AND SURVEYS FOR THE CITY OF ALBUQUERQUE AND FURTHER MEETS THE MINIMUM STANDARDS FOR LAND SURVEYING IN THE STATE OF NEW MEXICO AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

BRIAN J. MARTINEZ _____ Date _____
 N.M.R.P.S. No. 18374

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



Plat for
**Tracts 1-A-1 thru 1-A-6, Block 2,
 Volcano Cliffs Subdivision, Unit 26**
Being Comprised of
**Tract 1-A, Block 2, Volcano
 Cliffs Subdivision, Unit 26**
 City of Albuquerque
 Bernalillo County, New Mexico
 March 2024

Easement Notes

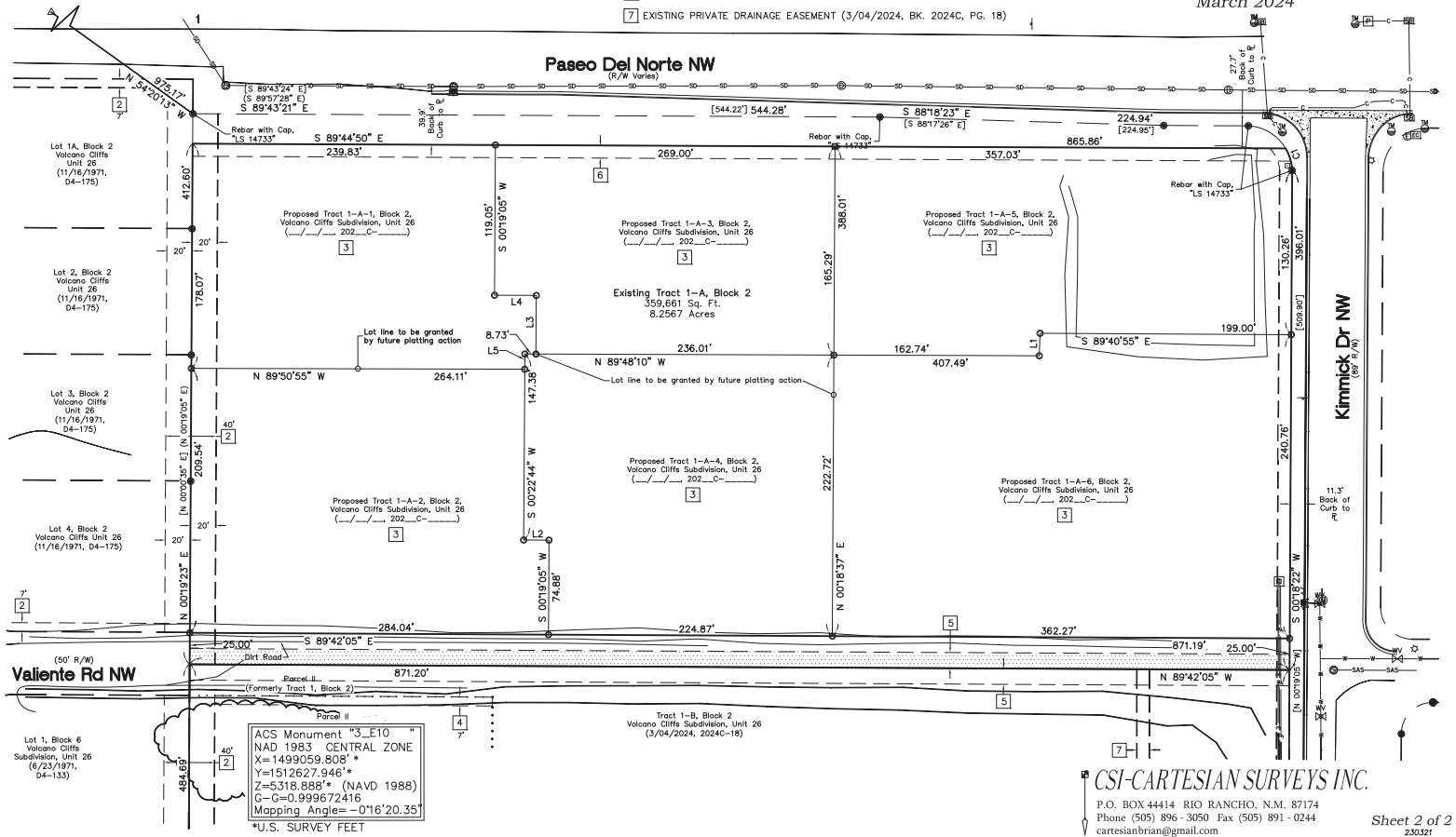
- 1 EXISTING 10' P.U.E. (8/12/2013, 2013C-92)
- 2 EXISTING DRAINAGE & UTILITY EASEMENT (6/23/1971, D4-133)
- 3 EXISTING PRIVATE BLANKET CROSS LOT PUBLIC DRAINAGE AND ACCESS EASEMENT, BENEFITING TRACTS 1-A AND 1-B (8/12/2013, 2013C-92), (3/04/2024, BK. 2024C, PG. 18)
- 4 EXISTING 7" DRAINAGE & UTILITY EASEMENT (6/23/1971, D4-133)
- 5 EXISTING 12.5" WATER AND SEWER EASEMENT (3/04/2024, BK. 2024C, PG. 18)
 PORTION VACATED WITH THE FILING OF THIS PLAT SHOWN HEREON AS
- 6 EXISTING 10' UTILITY EASEMENT (3/04/2024, BK. 2024C, PG. 18)
- 7 EXISTING PRIVATE DRAINAGE EASEMENT (3/04/2024, BK. 2024C, PG. 18)

Line #	Direction	Length (ft)
L1	N 01°58'45" E	17.82'
L2	S 89°37'16" E	20.06'
L3	N 00°22'44" E	46.44'
L4	N 89°40'55" W	33.06'
L5	S 00°22'44" W	12.07'

Curve #	Length	Radius	Delta	Chord Length	Chord Direction
C1	18.24'	36.78' [36.78']	28°25'17"	18.06'	N 16°29'49" W

ACS Monument "8_C10"
 NAD 1983 CENTRAL ZONE
 X=1502106.697 *
 Y=1521538.71 *
 Z=5392.936 * (NAVD 1988)
 G-G=0.999667901
 Mapping Angle=-0°16'00.09"

*U.S. SURVEY FEET



ACS Monument "3_E10"
 NAD 1983 CENTRAL ZONE
 X=1499059.808 *
 Y=1512627.946 *
 Z=5316.888 * (NAVD 1988)
 G-G=0.999672416
 Mapping Angle=-0°16'20.35"

*U.S. SURVEY FEET

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

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

- Zoning Hearing Examiner (ZHE) Development Hearing Officer (DHO)
 Landmarks Commission (LC) Environmental Planning Commission (EPC)

Date/Time*: Anticipated Date: June 12, 2024 @9:00am

Location*: VIA ZOOM

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**:

Angela M. Piarowski with Modulus Architects & Land Use Planning 505.338.1499 (Ext. 1000)

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

1. Zone Atlas Page(s)*: C-11-Z
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*:
Not applicable.

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:
Not applicable for this request.

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 Map²:

1. Area of Property [typically in acres] 8.2545 acres
 2. IDO Zone District Mixed-Use Medium Intensity Zone District (MX-M)
 3. Overlay Zone(s) [if applicable] Northwest Mesa Escarpment – VPO-2 & Volcano Mesa – CPO-13
 4. Center or Corridor Area [if applicable] Not Within a Center/Paseo del Norte Premium Transit & Paseo del Norte Commuter Corridor
- 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: Paradise Hills Civic Association [Other Neighborhood Associations, if any]
Westside Coalition of Neighborhood Associations

REGINA OKOYE, VICE PRESIDENT
 MODULUS ARCHITECTS & LAND USE PLANNING, INC.
 8220 SAN PEDRO DR. NE, SUITE 520
 ALBUQUERQUE, NM 87113
 Office 505.338.1499 (Ext. 1003)
 Mobile + Text 505.267.7686
 Email: rokoye@modulusarchitects.com

Website: www.modulusarchitects.com

Join us on Facebook: [Modulus Architects on Facebook](#)

New Mexico | Texas | Arizona | Colorado | Oklahoma



Proof of mailed notice to affected Neighborhood Association representatives and
Property Owners

[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*: 5/13/2024

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)*: Paradise Hills Civic Association, Westside Coalition of Neighborhood Associations

Name of NA Representative*: Elizabeth Haley, Kym Fleck, Rene Horvath

Email Address* or Mailing Address* of NA Representative¹: kym.fleck@gmail.com , aboard111@gmail.com, elizabethkayhaley@gmail.com

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

1. Subject Property Address* 99999 PASEO DEL NORTE NW ALBUQUERQUE NM 87120
Location Description Southwest Corner of Paseo del Norte NW & Kimmick Dr NW
2. Property Owner* GROUP II U26 VC LLC C/O WRIGHT BILLY J
3. Agent/Applicant* *[if applicable]* Modulus Architects & Land Use Planning, Inc. (Agent)
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 Major Preliminary Plat (Minor or Major)
 - Vacation _____ (Easement/Private Way or Public Right-of-way)
 - Variance
 - Waiver
 - Other: _____

Summary of project/request²*: _____

We are requesting a Major Subdivision of Land action to create six new tracts from one existing tract.

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1. Area of Property [typically in acres] 8.2545 acres
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 4. Center or Corridor Area [if applicable] Not within a Center/Paseo del Norte Premium Transit & Paseo del Norte Commuter Corridor _____
- 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: Paradise Hills Civic Association [Other Neighborhood Associations, if any]
Westside Coalition of Neighborhood Associations

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

[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*: 5/6/2024

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* 99999 PASEO DEL NORTE NW ALBUQUERQUE NM 87120
Location Description Southwest Corner of Paseo del Norte NW & Kimmick Dr NW
2. Property Owner* GROUP II U26 VC LLC C/O WRIGHT BILLY J
3. Agent/Applicant* [if applicable] Modulus Architects & Land Use Planning, Inc. (Agent)
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 Major Preliminary Plat (Minor or Major)
 - Vacation _____ (Easement/Private Way or Public Right-of-way)
 - Variance
 - Waiver
 - Other: _____

Summary of project/request¹*:

We are requesting a Major Subdivision of Land action to create six new tracts from one existing tract.

5. This application will be decided at a public meeting or hearing by*:
 - Zoning Hearing Examiner (ZHE)
 - Development Hearing Officer (DHO)
 - Landmarks Commission (LC)
 - Environmental Planning Commission (EPC)

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

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

Date/Time*: Anticipated: June 12, 2024 @9:00am

Location*²: VIA ZOOM

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:
Angela M. Piarowski with Modulus Architects & Land Use Planning 505.338.1499 (Ext. 1000)

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

- 1. Zone Atlas Page(s)*⁴ C-11-Z
- 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*:
Not applicable.

- 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:
Not applicable for this request.

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

- 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] 8.2545 acres
 2. IDO Zone District Mixed-Use Medium Intensity Zone District (MX-M)
 3. Overlay Zone(s) [if applicable] Northwest Mesa Escarpment – VPO-2 & Volcano Mesa – CPO-13
 4. Center or Corridor Area [if applicable] Not within a Center/Paseo del Norte Premium Transit & Paseo del Norte Commuter Corridor
- 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

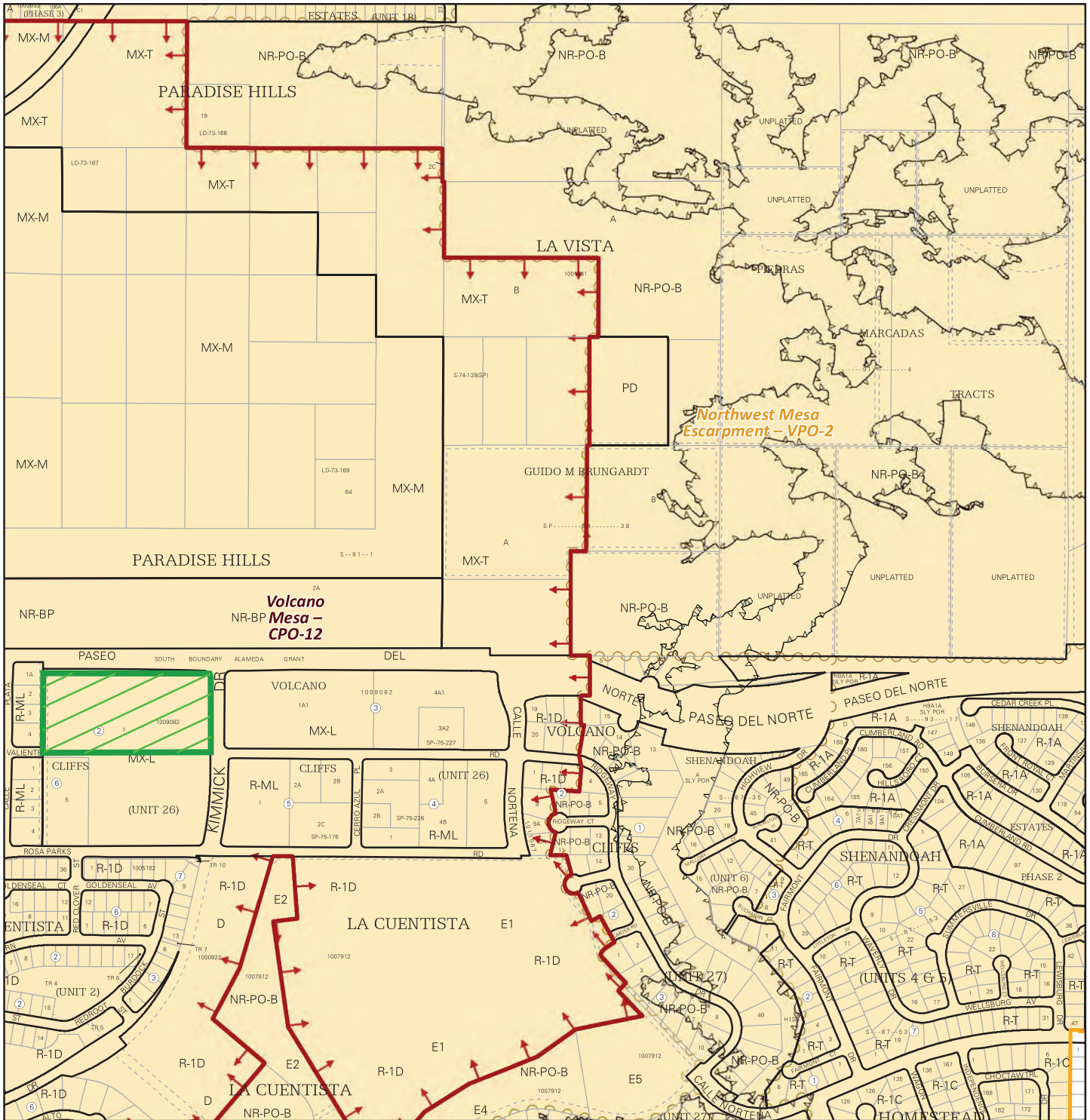
Integrated Development Ordinance (IDO):

<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-11-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

Gray Shading Represents Area Outside of the City Limits

N

0 250 500 1,000 Feet



**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: MAJOR SUBDIVISION PRELIMINARY PLAT APPROVAL		
Decision-making Body: Development Hearing Officer (DHO)		
Pre-Application meeting required:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Neighborhood meeting required:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Mailed Notice required:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Electronic Mail required:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Is this a Site Plan Application:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Note: if yes, see second page
PART II – DETAILS OF REQUEST		
Address of property listed in application: 99999 PASEO DEL NORTE NW ALBUQUERQUE NM 87120		
Name of property owner: GROUP II U26 VC LLC C/O WRIGHT BILLY J		
Name of applicant: Modulus Architects & Land Use Planning, Inc. (Agent)/		
Date, time, and place of public meeting or hearing, if applicable:		
Anticipated Date: June 12, 2024 @9:00am VIA ZOOM		
Address, phone number, or website for additional information:		
Angela M. Piarowski with Modulus Architects & Land Use Planning 505.338.1499 (Ext. 1000)		
PART III - ATTACHMENTS REQUIRED WITH THIS NOTICE		
<input checked="" type="checkbox"/> Zone Atlas page indicating subject property.		
<input checked="" type="checkbox"/> Drawings, elevations, or other illustrations of this request.		
<input type="checkbox"/> Summary of pre-submittal neighborhood meeting, if applicable. N/A		
<input checked="" type="checkbox"/> 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.

Regina Choye (Applicant signature) 5/13/2024 (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.



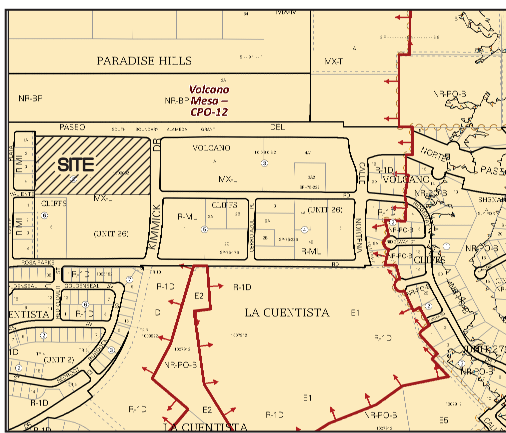
**OFFICIAL PUBLIC NOTIFICATION FORM
FOR MAILED OR ELECTRONIC MAIL NOTICE
CITY OF ALBUQUERQUE PLANNING DEPARTMENT**



PART IV – ATTACHMENTS REQUIRED FOR SITE PLAN APPLICATIONS ONLY

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

- 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.



Vicinity Map - Zone Atlas C-11-Z

Notes

1. FIELD SURVEY PERFORMED IN MARCH 2022 AND MARCH 2024.
2. ALL DISTANCES ARE GROUND DISTANCES: US SURVEY FOOT.
3. THE BASIS OF BEARINGS REFERENCES NEW MEXICO STATE PLANE COORDINATES (NAD 83-CENTRAL ZONE).
4. THIS PRELIMINARY / FINAL PLAT WAS APPROVED BY THE DEVELOPMENT HEARING OFFICER FOR THE CITY OF ALBUQUERQUE AT A PUBLIC HEARING HELD ON _____ 20____.

Documents

1. PLAT FOR TRACTS 1-A AND 1-B, BLOCK 2, VOLCANO CLIFFS, UNIT 26, FILED IN THE BERNALILLO COUNTY CLERK'S OFFICE ON MARCH 4, 2024, IN BOOK 2024C, PAGE 18.
2. SPECIAL WARRANTY DEED FOR SUBJECT PROPERTY, FILED IN THE BERNALILLO COUNTY CLERK'S OFFICE ON MARCH 19, 2013, AS DOCUMENT NO. 2013030244.
3. WARRANTY DEED FOR DEDICATED ADDITIONAL RIGHT-OF-WAY TO PASEO DEL NORTE, FILED IN THE BERNALILLO COUNTY CLERK'S OFFICE ON MARCH 7, 2024, AS DOCUMENT NO. 2024015270.

Indexing Information

Sections 14 & 15, Township 11 North, Range 2 East, N.M.P.M.
 Subdivision: Volcano Cliffs Subdivision, Unit 26
 Owner: Group II U26 VC LLC C/O Billy J. Wright
 UPC #: TBD

Purpose of Plat

1. SUBDIVIDE AS SHOWN HEREON.
2. GRANT EASEMENTS AS SHOWN HEREON.

Subdivision Data

GROSS ACREAGE: 8.2578 ACRES
 ZONE ATLAS PAGE NO.: C-11-Z
 NUMBER OF EXISTING LOTS: 1
 NUMBER OF LOTS CREATED: 6
 MILES OF FULL-WIDTH STREETS: 0.0000 MILES
 MILES OF HALF-WIDTH STREETS: 0.0000 MILES
 RIGHT-OF-WAY DEDICATION TO THE CITY OF ALBUQUERQUE: 0.0000 ACRES
 DATE OF SURVEY: MARCH 2024

Legal Description

TRACT ONE-A (1-A) IN BLOCK NUMBERED TWO (2), VOLCANO CLIFFS SUBDIVISION, UNIT 26, BEING A REPLAT OF TRACT 1, BLOCK 2 & LOT 5, BLOCK 6, OF VOLCANO CLIFFS SUBDIVISION, UNIT 26, WITHIN SECTIONS 14 & 15, T. 11 N., R. 2 E., N.M.P.M., CITY OF ALBUQUERQUE, BERNALILLO COUNTY, NEW MEXICO, AS THE SAME IS SHOWN AND DESIGNATED ON SAID PLAT FILED IN THE OFFICE OF THE COUNTY CLERK OF BERNALILLO COUNTY, NEW MEXICO ON MARCH 4, 2024 AS PLAT BOOK 2024C, PAGE 18.

Flood Notes

BASED UPON SCALING, THIS PROPERTY LIES WITHIN FLOOD ZONE "X" WHICH IS DEFINED AS AN AREA OF MINIMAL FLOOD HAZARD AS DETERMINED BY F.E.M.A. AND SHOWN ON THE FLOOD INSURANCE RATE MAP NO. 35001C0112G, DATED SEPTEMBER 26, 2008.

Solar Collection Note

NO PROPERTY WITHIN THE AREA OF REQUESTED FINAL ACTION SHALL AT ANY TIME BE SUBJECT TO A DEED RESTRICTION, COVENANT, OR BUILDING AGREEMENT PROHIBITING SOLAR COLLECTORS FROM BEING INSTALLED ON BUILDINGS OR ERECTED ON THE LOTS OR PARCELS WITHIN THE AREA OF PROPOSED PLAT, THE FOREGOING REQUIREMENT SHALL BE A CONDITION TO APPROVAL OF THIS PLAT.

Treasurer's Certificate

THIS IS TO CERTIFY THAT THE TAXES ARE CURRENT AND

PAID ON UPC #: _____

PROPERTY OWNER OF RECORD _____

BERNALILLO COUNTY TREASURER'S OFFICE _____

Plat for
 Tracts 1-A-1 thru 1-A-6, Block 2,
 Volcano Cliffs Subdivision, Unit 26
 Being Comprised of
 Tract 1-A, Block 2, Volcano
 Cliffs Subdivision, Unit 26
 City of Albuquerque
 Bernalillo County, New Mexico
 May 2024

Project Number: PR-2022-007712

Application Number: _____

Plat Approvals: _____

PNM Electric Services _____

Qwest Corp. d/b/o CenturyLink QC _____

New Mexico Gas Company _____

Comcast _____

City Approvals: _____

City Surveyor _____

Traffic Engineering, Transportation Division _____

ABCWUA _____

Parks and Recreation Department _____

AMAFCA _____

Hydrology _____

Code Enforcement _____

Planning Department _____

City Engineer _____

Surveyor's Certificate

I, BRIAN J. MARTINEZ, A REGISTERED PROFESSIONAL LAND SURVEYOR UNDER THE LAWS OF THE STATE OF NEW MEXICO, DO HEREBY CERTIFY THAT THIS PLAT AND DESCRIPTION WERE PREPARED BY ME OR UNDER MY SUPERVISION, SHOWS ALL EASEMENTS AS SHOWN ON THE PLAT OF RECORD OR MADE KNOWN TO ME BY THE OWNERS AND/OR PROPRIETORS OF THE SUBDIVISION SHOWN HEREON, THE UTILITY COMPANIES OR OTHER INTERESTED PARTIES AND MEETS THE MINIMUM REQUIREMENTS FOR MONUMENTATION AND SURVEYS FOR THE CITY OF ALBUQUERQUE AND FURTHER MEETS THE MINIMUM STANDARDS FOR LAND SURVEYING IN THE STATE OF NEW MEXICO AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

BRIAN J. MARTINEZ Date
 N.M.R.P.S. No. 18374

CSI-CARTESIAN SURVEYS INC.

P.O. BOX 44414 RIO RANCHO, N.M. 87174
 Phone (505) 896-3050 Fax (505) 891-0244
 cartesianbrian@gmail.com



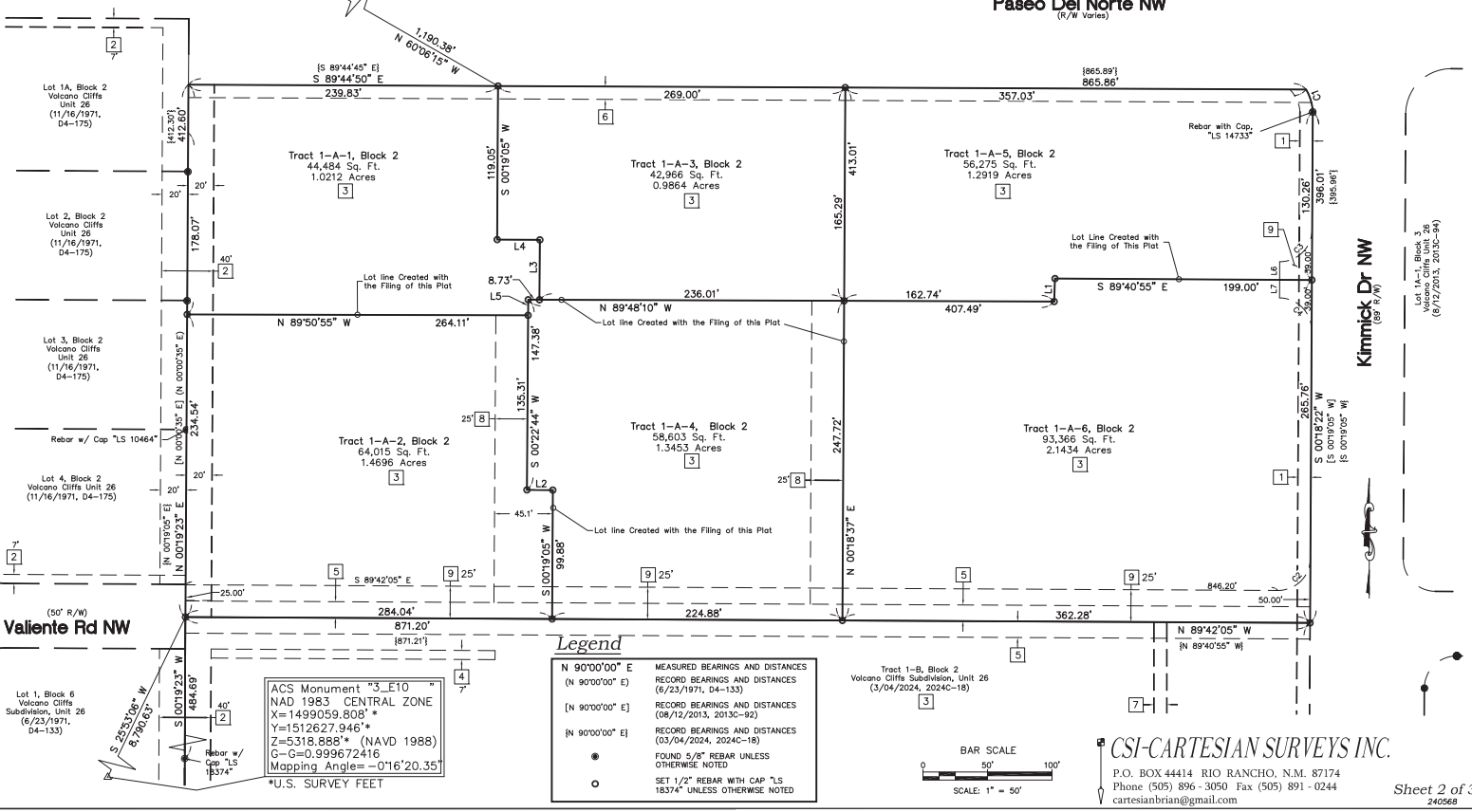
Plat for
Tracts 1-A-1 thru 1-A-6, Block 2,
Volcano Cliffs Subdivision, Unit 26
Being Comprised of
Tract 1-A, Block 2, Volcano Cliffs Subdivision, Unit 26
 City of Albuquerque
 Bernalillo County, New Mexico
 May 2024

Easement Notes

- 1 EXISTING 10' P.U.E. (8/12/2013, 2013C-92)
- 2 EXISTING DRAINAGE & UTILITY EASEMENT (6/23/1971, D4-133)
- 3 EXISTING PRIVATE BLANKET CROSS LOT PUBLIC DRAINAGE AND ACCESS EASEMENT, BENEFITING TRACTS 1-A AND 1-B (8/12/2013, 2013C-92), (3/04/2024, BK. 2024C, PG. 18)
- 4 EXISTING 7' DRAINAGE & UTILITY EASEMENT (6/23/1971, D4-133)
- 5 EXISTING PUBLIC 12.5' WATER AND PUBLIC SEWER EASEMENT (3/04/2024, BK. 2024C, PG. 18)
- 6 EXISTING 10' UTILITY EASEMENT (3/04/2024, BK. 2024C, PG. 18)
- 7 EXISTING PRIVATE DRAINAGE EASEMENT (3/04/2024, BK. 2024C, PG. 18)
- 8 PUBLIC WATERLINE EASEMENT GRANTED WITH THE FILING OF THIS PLAT
- 9 PRIVATE ACCESS EASEMENT BENEFITING TRACTS 1-A-1 THRU 1-A-5, MAINTAINED BY THE UNDERLYING OWNERS, GRANTED WITH THE FILING OF THIS PLAT

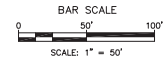
Paseo Del Norte NW
 (R/W Varies)

ACS Monument "8_C10"
 NAD 1983 CENTRAL ZONE
 X=1502106.697 *
 Y=1521538.71
 Z=5392.936' * (NAVD 1988)
 G-G=0.999667901
 Mapping Angle=-0'16"00.09"
 *U.S. SURVEY FEET



Legend

- N 90°00'00" E MEASURED BEARINGS AND DISTANCES (N 90°00'00" E) RECORD BEARINGS AND DISTANCES (6/23/1971, D4-133)
- [N 90°00'00" E] RECORD BEARINGS AND DISTANCES (08/12/2013, 2013C-92)
- {N 90°00'00" E} RECORD BEARINGS AND DISTANCES (03/04/2024, 2024C-18)
- FOUND 5/8" REBAR UNLESS OTHERWISE NOTED
- SET 1/2" REBAR WITH CAP "LS 18374" UNLESS OTHERWISE NOTED



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

Modulus Architects, Inc.
8220 San Pedro Dr. NE, Suite 520
Albuquerque, NM 87113



WESTSIDE COALITION OF
NEIGHBORHOOD ASSOCIATIONS
Elizabeth Haley
6005 CHAPARRAL CIRCLE NW
ALBUQUERQUE NM 87114

Modulus Architects, Inc.
8220 San Pedro Dr. NE, Suite 520
Albuquerque, NM 87113



WESTSIDE COALITION OF
NEIGHBORHOOD ASSOCIATIONS
Rene Horvath
5515 PALOMINO DRIVE NM
ALBUQUERQUE NM 87120

Modulus Architects, Inc.
8220 San Pedro Dr. NE, Suite 520
Albuquerque, NM 87113



PARADISE HILLS CIVIC ASSOCIATION
Kym Fleck
10216 LA PAZ DR NW
ALBUQUERQUE NM 87114

Modulus Architects, Inc.
8220 San Pedro Dr. NE, Suite 520
Albuquerque, NM 87113



PARADISE HILLS CIVIC ASSOCIATION
Elizabeth Haley
6005 CHAPARRAL CIRCLE NW
ALBUQUERQUE NM 87114

Modulus Architects, Inc.
8220 San Pedro Dr. NE, Suite 520
Albuquerque, NM 87113



ZIA TRUST CUSTODIAN THANH VAN
NGUYEN R/O IRA
PO BOX 30928
ALBUQUERQUE NM 87190-0928

Modulus Architects, Inc.
8220 San Pedro Dr. NE, Suite 520
Albuquerque, NM 87113



VOLCANO CLIFFS INC
4112 BLUE RIDGE PL NE
ALBUQUERQUE NM 87111-4167

Modulus Architects, Inc.
8220 San Pedro Dr. NE, Suite 520
Albuquerque, NM 87113



WORDEN JUDE A & MARIE T CO-TRUST
OF WORDEN TRUST
10910 SANTA MONICA DR NE
ALBUQUERQUE NM 87122

Modulus Architects, Inc.
8220 San Pedro Dr. NE, Suite 520
Albuquerque, NM 87113



GROUP II U26 VC LLC C/O WRIGHT BILLY
J
4112 BLUE RIDGE PL NE
ALBUQUERQUE NM 87110-4167

Modulus Architects, Inc.
8220 San Pedro Dr. NE, Suite 520
Albuquerque, NM 87113

SEGURA JOSEPH
6451 MILNE RD NW
ALBUQUERQUE NM 87120-1668

\$0.64
US POSTAGE
FIRST-CLASS
062S00023614
FROM 87113

Modulus Architects, Inc.
8220 San Pedro Dr. NE, Suite 520
Albuquerque, NM 87113

TRACT 5 U26 LLC
5700 UNIVERSITY BLVD SE SUITE 310
ALBUQUERQUE NM 87106-9601

\$0.64
US POSTAGE
FIRST-CLASS
062S00023614
FROM 87113

Modulus Architects, Inc.
8220 San Pedro Dr. NE, Suite 520
Albuquerque, NM 87113

FALLS PROPERTY TRUST & APODACA
PATRIC V & APODACA DICK F & ISABELLE
PO BOX 14777
ALBUQUERQUE NM 87191-4777

\$0.64
US POSTAGE
FIRST-CLASS
062S00023614
FROM 87113

Modulus Architects, Inc.
8220 San Pedro Dr. NE, Suite 520
Albuquerque, NM 87113

ROLLINS MICHAEL & LINA
10700 MARBLE STONE DR NW
ALBUQUERQUE NM 87114

\$0.64
US POSTAGE
FIRST-CLASS
062S00023614
FROM 87113

Modulus Architects, Inc.
8220 San Pedro Dr. NE, Suite 520
Albuquerque, NM 87113



BETA INVESTMENTS LLC
PO BOX 65808
ALBUQUERQUE NM 87193-5808

Modulus Architects, Inc.
8220 San Pedro Dr. NE, Suite 520
Albuquerque, NM 87113



FALCON MARIANO
10908 CRANDALL RD SW
ALBUQUERQUE NM 87121-2607

Modulus Architects, Inc.
8220 San Pedro Dr. NE, Suite 520
Albuquerque, NM 87113



BEDROCK PARTNERSHIP & N M GEN
PARTNERSHIP C/O GERALD GOLD
1509 HARVARD CT NE
ALBUQUERQUE NM 87106-3712

Modulus Architects, Inc.
8220 San Pedro Dr. NE, Suite 520
Albuquerque, NM 87113



AMADOR SAMMY & SYLVIA
14429 CRYSTAL LANTERN DR
HACIENDA HGTS CA 91745-2510

Modulus Architects, Inc.
8220 San Pedro Dr. NE, Suite 520
Albuquerque, NM 87113



ARIZAGA GILBERT S & MARIA PETRA
3060 HWY 180 E
SILVER CITY NM 88061

PREVIOUS APPLICATION TO THE DHO FOR FINAL PLAT



Please check the appropriate box(es) and refer to supplemental forms for submittal requirements. All fees must be paid at the time of application. Please note that these applications are not reviewed in a public meeting.

SUBDIVISIONS	MISCELLANEOUS APPLICATIONS
<input type="checkbox"/> Major – Preliminary Plat (Forms PLT & S1)	<input type="checkbox"/> Sidewalk Waiver (Form V2)
<input type="checkbox"/> Major – Bulk Land Plat (Forms PLT & S1)	<input type="checkbox"/> Waiver to IDO (Form V2)
<input type="checkbox"/> Extension of Preliminary Plat (Form S1)	<input type="checkbox"/> Waiver to DPM (Form V2)
<input type="checkbox"/> Minor Amendment - Preliminary Plat (Forms PLT & S2)	<input type="checkbox"/> Vacation of Public Right-of-way (Form V)
<input checked="" type="checkbox"/> Minor - Final Plat (Forms PLT & S2)	<input type="checkbox"/> Vacation of Public Easement(s) DHO (Form V)
<input type="checkbox"/> Minor – Preliminary/Final Plat (Forms PLT & S2)	<input type="checkbox"/> Vacation of Private Easement(s) (Form V)
	APPEAL
	<input type="checkbox"/> Decision of DHO (Form A)

BRIEF DESCRIPTION OF REQUEST

Final Plat to reconfigure 2 lots into 2 lots. Preliminary Plat and IIA were approved on November 9, 2022.

APPLICATION INFORMATION

Applicant/Owner: Group II U26 VC, LLC & Tract 5 U26, LLC.		Phone: (505) 280-4555
Address: 4112 Blue Ridge Pl. NE & 5700 University Blvd. SE, Suite 310		Email: Steven.Metro@wilsonco.com
City: Albuquerque	State: NM	Zip: 87110 & 87106
Professional/Agent (if any): Consensus Planning, Inc.		Phone: (505) 764-9801
Address: 302 Eighth Street, NW		Email: fishman@consensusplanning.com
City: Albuquerque	State: NM	Zip: 87102
Proprietary Interest in Site: Property owner	List <u>all</u> owners:	

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

Lot or Tract No.: 5 & 1	Block: 6 & 2	Unit: 26
Subdivision/Addition: Volcano Cliffs Unit 26	MRGCD Map No.:	UPC Code: 101106400611830101 101106404014530102
Zone Atlas Page(s): C-11	Existing Zoning: MX-L & MX-M	Proposed Zoning N/A
# of Existing Lots: 2	# of Proposed Lots: 2	Total Area of Site (Acres): 18.23

LOCATION OF PROPERTY BY STREETS

Site Address/Street: 99999 Rosa Parks Rd. & 9999 Paseo del Norte, NW Between: **Paseo del Norte** and: **Rosa Parks Road**

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

PR#1009082

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:	Date: January 25, 2024
Printed Name: Jacqueline Fishman, AICP, Principal	<input type="checkbox"/> Applicant or <input checked="" type="checkbox"/> Agent

FORM S2: SUBDIVISION OF LAND – MINOR ACTIONS

Please refer to the DHO public meeting schedule for meeting dates and deadlines. Your attendance is required.

 MAJOR SUBDIVISION FINAL PLAT APPROVAL

A Single PDF file of the complete application including all documents being submitted must be emailed to PLNDRS@cabq.gov. Zipped files or those over 9 MB cannot be delivered via email, in which case the PDF must be provided to City Staff using other online resources such as Dropbox or FTP. The PDF shall be organized in the number order below. Divide the PDF with a title sheet for each of the two documentation sections in **bold** below.

PLAT DOCUMENTATION

- 1) DHO Application form completed, signed, and dated
- 2) Form S2 with all the submittal items checked/marked
- 3) Form S with signatures from Hydrology, Transportation, and ABCWUA
- 4) Zone Atlas map with the entire site clearly outlined and labeled
- 5) Proposed Final Plat with the surveyor's, property owner's, City Surveyor's, utility, and AMAFCA signatures on the Plat.
- N/A 6) Design elevations & cross sections of perimeter walls
- 7) Recorded Infrastructure Improvements Agreement

SUPPORTIVE DOCUMENTATION

- 8) Letter of authorization from the property owner if application is submitted by an agent
- 9) Letter describing and explaining the request
- N/A 10) Landfill disclosure and EHD signature line on the Plat if property is within a landfill buffer
- No 11) Interpreter Needed for Hearing? if yes, indicate language:

PLAT DOCUMENTATION

Please refer to the DHO public meeting schedule for meeting dates and deadlines. Your attendance is required.

Legal/Request Descriptions & Location: Tract 1, Block 2 and Tract 5, Block 6, Volcano Cliffs Subdivison, Unit 26
Southwest corner of Paseo del Norte and Kimmick Drive

Hydrology:

- Sensitive Lands Analysis (5-2(C)) Approved NA
- Grading and Drainage Plan X Approved NA
- AMAFCA X Approved NA
- Bernalillo County Approved X NA
- NMDOT Approved X NA
- MRGCD Approved X NA

Renée C. Brissette
 Hydrology Department

01/24/24
 Date

Transportation:

- Traffic Circulations Layout (TCL) X Approved NA
- Traffic Impact Study (TIS) Approved X NA
- Neighborhood Impact Analysis (NIA) Approved X NA
- Bernalillo County Approved X NA
- NMDOT Approved X NA

Ernest Armijo
 Transportation Department

1/23/2024
 Date

Albuquerque Bernalillo County Water Utility Authority (ABCWUA):

- Availability Statement: X Approved NA
- Development Agreement: X Approved NA
- If None Explain: _____

RS
 ABCWUA

1/25/2024
 Date

- Infrastructure Improvements Agreement (IIA*) Approved
- AGIS (DXF File**) Approved

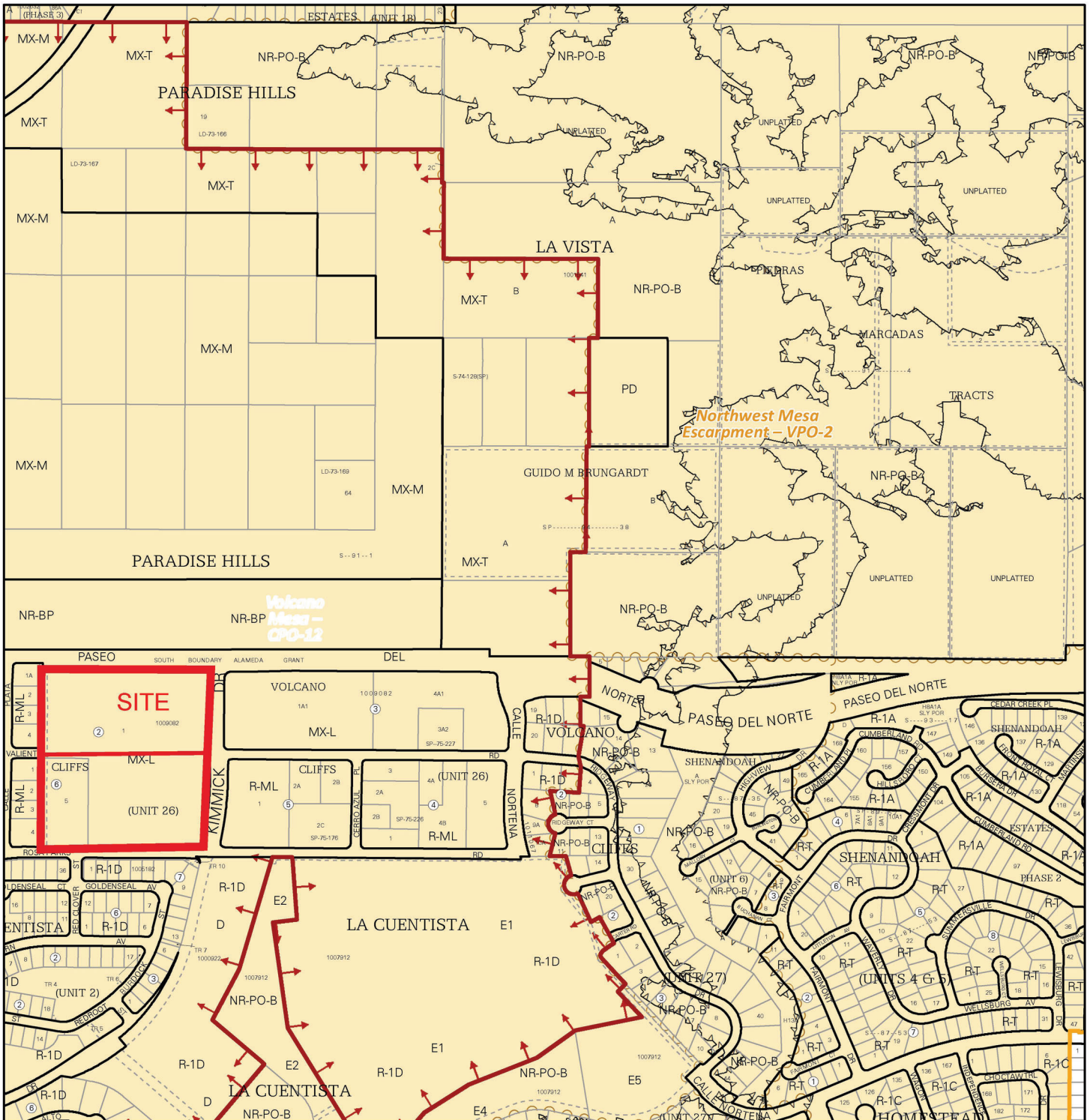
Signatures on Plat:

- Owner(s) X Yes
- City Surveyor X Yes
- AMAFCA*** X Yes NA
- NM Gas*** X Yes
- PNM *** X Yes
- COMCAST*** X Yes
- MRGCD*** Yes X NA

* Prior to **Final Plat** submittals (include a copy of the recorded IIA)

** DXF file required for **Preliminary/Final Plat** and **Final Plat** approval submittals and not required for **Preliminary Plat** application

*** Signatures required for **Preliminary/Final Plat** and **Final Plat** applications and not required for **Preliminary Plat** application



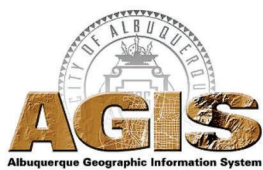
Northwest Mesa Escarpment - VPO-2

Volcano Mesa - CPO-12

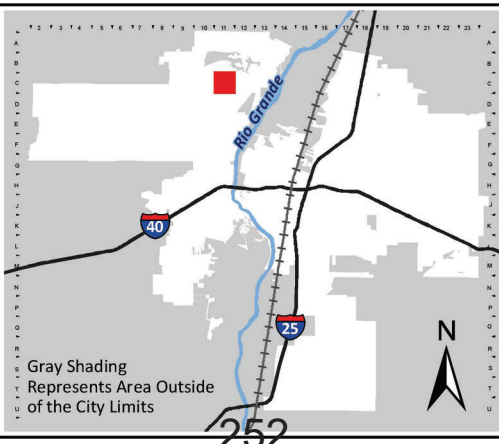
SITE

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



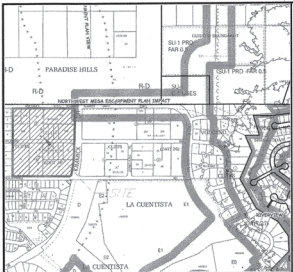
IDO Zoning information as of May 17, 2018
The Zone Districts and Overlay Zones are established by the Integrated Development Ordinance (IDO).



Zone Atlas Page:
C-11-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





VICINITY MAP
SCALE: N.T.S.
ZONE ATLAS INDEX NOS.
C-11-2

SUBDIVISION DATA:

TOTAL NO. OF LOTS EXISTING:	2
TOTAL NO. OF TRACTS CREATED:	2
GROSS SUBDIVISION ACREAGE:	18.2557 ACRES
TOTAL MILES OF STREETS CREATED:	0
ZONE ATLAS INDEX NO.:	C-11-2
DATE OF SURVEY:	APRIL 2010
CURRENT ZONING:	MX-M for Tract 1A MX-L for Tract 1B

DISCLOSURE STATEMENT:

THE PURPOSE OF THIS PLAT IS TO REPLAT TRACT 1, BLOCK 2 AND LOT 5, BLOCK 6 UNIT 26, VOLCANO CLIFFS SUBDIVISION INTO TWO TRACTS TO MATCH THE ZONE MAP AMENDMENT APPROVED BY THE ENVIRONMENTAL PLANNING COMMISSION.

THIS IS TO CERTIFY THAT TAXES ARE CURRENT AND PAID ON

UNIFORM PROPERTY CODE # : 1-011-064-040-145-30102
PROPERTY OWNER OF RECORD: GROUP II U26 UC, LLC, A NEW MEXICO LIMITED LIABILITY COMPANY
UNIFORM PROPERTY CODE # : 1-011-064-006-118-30101
PROPERTY OWNER OF RECORD: TRACT 5 U26, LLC, A NEW MEXICO LIMITED LIABILITY COMPANY

BERNALILLO COUNTY TREASURER'S OFFICE: _____ DATE: _____

INDEXING INFORMATION FOR COUNTY CLERK

OWNER(S): VARIOUS
SECTIONS: 14&15, T.11 N., R.2 E., N.M.P.M.
SUBDIVISION: VOLCANO CLIFFS SUBDIVISION, UNIT 26

Layout Name: DRB-1613
Drawing Name: 14111700_REPLAT_Tr 1A 1B.dwg
NETWORK ADDRESS: M:\TRN\14-100-117-00\2_Disciplines\Survey\Drawings\ Plot By: PAJ

LEGAL DESCRIPTION:

A CERTAIN TRACT OF LAND BEING DESCRIBED AS TRACT 1, BLOCK 2 AND LOT 5, BLOCK 6, UNIT 26 VOLCANO CLIFFS SUBDIVISION FILED WITH THE OFFICE OF THE COUNTY CLERK OF BERNALILLO COUNTY, NEW MEXICO ON SEPTEMBER 12, 2013 IN BOOK: 2013C, PAGE: 92 AS DOCUMENT # 2013089890 AND VOLUME 04, FOLIO 133 FILED JUNE 23, 1971; SAID TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT THE SOUTHWEST CORNER OF SAID TRACT 1 AND ALSO A POINT ON THE NORTHERLY RIGHT OF WAY LINE OF ROSA PARKS; WHENCE, THE A.C.S. (ALBUQUERQUE CONTROL STATION) 3-E10, A BRASS CAP IN PLACE, BEARS S.28°46'12"W, 8,467.09 FEET DISTANT; THENCE FROM SAID POINT OF BEGINNING, ALONG SAID NORTHERLY RIGHT OF WAY LINE,
S89°40'55"W, A DISTANCE OF 239.98 FEET; THENCE, LEAVING SAID NORTHERLY RIGHT OF WAY LINE,
N.00°19'05"E, 921.04 FEET TO THE NORTHWEST CORNER OF SAID TRACT DESCRIBED HEREIN, BEING A POINT ON THE SOUTHERLY RIGHT OF WAY LINE OF PASEO DEL NORTE; THENCE, ALONG SAID RIGHT OF WAY LINE,
S.89°43'24"E, A DISTANCE OF 544.22 FEET; THENCE,
S.88°17'26"E, A DISTANCE OF 224.95 FEET; THENCE,
S89°43'24"E, A DISTANCE OF 67.02 FEET TO A POINT OF CURVATURE; THENCE,
SOUTHEASTERLY, 54.31 FEET ALONG THE ARC OF SAID CURVE TO THE RIGHT HAVING A RADIUS OF 36.78 FEET AND A CENTRAL ANGLE OF 84°36'32" SUBTENDED BY A CHORD OF 49.52 FEET WHICH BEARS S.44°42'09"E, TO A POINT OF TANGENCY, BEING A POINT ON THE WESTERLY RIGHT OF WAY LINE OF KIMMICK DRIVE; THENCE ALONG SAID WESTERLY RIGHT OF WAY LINE,
S.00°19'05"W, A DISTANCE OF 509.90 FEET TO A POINT OF CURVATURE; THENCE,
SOUTHWESTERLY, 349.19 FEET ALONG THE ARC OF SAID CURVE TO THE RIGHT HAVING A RADIUS OF 1,781.34 FEET AND A CENTRAL ANGLE OF 11°13'53" SUBTENDED BY A CHORD OF 348.63 FEET WHICH BEARS S.05°56'02"W, TO A POINT OF COMPOUND CURVATURE; THENCE,
SOUTHWESTERLY, 34.37 FEET ALONG THE ARC OF SAID CURVE TO THE RIGHT HAVING A RADIUS OF 25.00 FEET AND A CENTRAL ANGLE OF 78°46'06" SUBTENDED BY A CHORD OF 31.73 FEET WHICH BEARS S.50°56'02"W, TO A POINT OF TANGENCY ON THE NORTHERLY RIGHT OF WAY LINE OF ROSA PARKS ROAD; THENCE WESTERLY ALONG SAID RIGHT OF WAY LINE,
N.89°40'55"W, A DISTANCE OF 149.95 FEET TO AN ANGLE POINT; THENCE,
S.85°53'10"W, A DISTANCE OF 160.05 FEET TO AN ANGLE POINT; THENCE,
N.89°40'55"W, A DISTANCE OF 262.60 FEET TO THE SOUTHWEST CORNER OF SAID TRACT HEREIN DESCRIBED, THE POINT OF BEGINNING;
SAID TRACT CONTAINING AN AREA OF 795,218 SQUARE FEET OR 18,2557 ACRES, MORE OR LESS.

NOTICE OF SUBDIVISION PLAT CONDITIONS:

A VARIANCE OR WAIVER FROM CERTAIN SUBDIVISION REQUIREMENTS HAS BEEN GRANTED BY THE CITY AND THE ALBUQUERQUE METROPOLITAN ARROYO FLOOD CONTROL AUTHORITY IN CONNECTION WITH THIS PLAT.

FUTURE SUBDIVISION OF LANDS WITHIN THIS PLAT, ZONING SITE DEVELOPMENT PLAN APPROVALS, AND DEVELOPMENT PERMITS MAY BE CONDITIONED UPON DEDICATION OF RIGHTS-OF-WAY AND EASEMENTS, AND/OR UPON INFRASTRUCTURE IMPROVEMENTS BY THE OWNER FOR WATER, SANITARY SEWER, STREETS, DRAINAGE, GRADING AND PARKS IN ACCORDANCE WITH CURRENT RESOLUTIONS, ORDINANCES AND POLICIES IN EFFECT AT THE TIME FOR ANY SPECIFIC PROPOSAL.

THE CITY (AND AMAFCA WITH REFERENCE TO DRAINAGE) MAY REQUIRE AND/OR PERMIT EASEMENTS TO BE ADDED, MODIFIED OR REMOVED WHEN FUTURE PLATS OR SITE DEVELOPMENT PLANS ARE APPROVED.

BY ITS APPROVAL THE CITY MAKES NO REPRESENTATION OR WARRANTIES AS TO AVAILABILITY OF UTILITIES, OR FINAL APPROVAL, OR ALL REQUIREMENTS INCLUDING (BUT NOT LIMITED TO) THE FOLLOWING ITEMS: WATER AND SANITARY SEWER AVAILABILITY; FUTURE STREET DEDICATIONS AND/OR IMPROVEMENTS; PARK AND OPEN SPACE REQUIREMENTS; DRAINAGE REQUIREMENT AND/OR IMPROVEMENTS; AND EXCAVATION, FILLING OR GRADING REQUIREMENTS. ANY PERSON INTENDING DEVELOPMENT OF LANDS WITHIN THIS SUBDIVISION IS CAUTIONED TO INVESTIGATE THE STATUS OF THESE ITEMS.

GENERAL NOTES:

- COUNCIL BILL R-11-306 CREATES SPECIAL ASSESSMENT DISTRICT 228 (SAD 228) AND STATES THAT THE ADDITION OF IMPROVEMENTS TO THE DISTRICT IS IN THE GENERAL INTEREST OF THE CITY. THE TRACTS, EASEMENTS, AND RIGHT-OF-WAY SHOWN ON THIS PLAT ARE WITHIN THE IMPROVEMENT LIMITS DEFINED BY COUNCIL BILL R-11-306 FOR SAD 228.
- FIELD SURVEY WAS PERFORMED IN APRIL 2010 AND AUGUST 2020.
- BEARINGS SHOWN ARE NEW MEXICO STATE PLANE GRID BEARINGS (CENTRAL ZONE NAD 83), BASED ON A LINE FROM CONTROL STATION 3_E10 TO CONTROL STATION 13-D10 BEARING = N.541°2'22"E.
- ALL DISTANCES ARE GROUND DISTANCES, BEARINGS AND DISTANCES SHOWN BASED ON PREVIOUS PLAT.
- CORNERS SHOWN AS _____ AND LABELED FND, ARE 5/8" REBAR WITH CAP STAMPED "C.S. CROSHAW PS 14733", UNLESS OTHERWISE INDICATED. POSITIONAL ACCURACY IS WITHIN TOLERANCE AS REFERENCED IN MINIMUM STANDARDS FOR SURVEYING IN NEW MEXICO, SECTION 12.8.2.16.B
- CORNERS SHOWN AS _____ AND LABELED SET, ARE 5/8" REBAR WITH CAP STAMPED "B.M. ARAGON PS 15268", UNLESS OTHERWISE INDICATED. POSITIONAL ACCURACY IS WITHIN TOLERANCE AS REFERENCED IN MINIMUM STANDARDS FOR SURVEYING IN NEW MEXICO, SECTION 12.8.2.16.B

SOLAR NOTE:

SUBDIVISION ORDINANCE SECTION 14-14-4-7, PROHIBITION ON PRIVATE RESTRICTIONS ON THE INSTALLATION OF SOLAR COLLECTORS ON PROPERTY WITHIN THE AREA FOR WHICH DRB APPROVAL IS SOUGHT, NO PROPERTY WITHIN THE AREA OF REQUESTED FINAL ACTION SHALL AT ANY TIME BE SUBJECT TO A DEED RESTRICTION, COVENANT, OR BINDING AGREEMENT PROHIBITING SOLAR COLLECTORS FROM BEING INSTALLED ON BUILDINGS OR ERECTED ON THE LOTS OR PARCELS WITHIN THE AREA OF PROPOSED PLAT. THE FOREGOING REQUIREMENT SHALL BE A CONDITION TO APPROVAL OF THIS PLAT OR SITE DEVELOPMENT PLAN FOR SUBDIVISION.

PLAT OF
**TRACTS 1-A and 1-B, BLOCK 2
VOLCANO CLIFFS SUBDIVISION, UNIT 26**

A Replat of Tract 1, Block 2 and Lot 5, Block 6
Volcano Cliffs Subdivision, Unit 26
WITHIN SECTIONS 14 & 15
T.11 N., R.2 E., N.M.P.M.
CITY OF ALBUQUERQUE
BERNALILLO COUNTY, NEW MEXICO
JULY 2022

PROJECT NUMBER: PR-2022-007712

APPLICATION NUMBER: SD-2023-00127

PLAT APPROVAL

UTILITY APPROVALS: PUBLIC UTILITY EASEMENTS SHOWN ON THIS PLAT ARE NOT EXCLUSIVE AND ARE GRANTED FOR THE COMMON AND JOINT USE OF THE UTILITIES DESIGNATED ON THIS PLAT, THEIR SUCCESSORS AND ASSIGNS, AND FOR THE USE OF ANY OTHER PUBLIC UTILITIES WHOSE USE OF SAID EASEMENT IS DEEDED TO BE IN THE PUBLIC INTEREST. DISCLAIMER: IN APPROVING THIS PLAT, PNM ELECTRIC SERVICES (PNM) AND NEW MEXICO GAS COMPANY (NMGC) AND CENTURY LINK DID NOT CONDUCT A TITLE SEARCH OF THE PROPERTIES SHOWN HEREON. CONSEQUENTLY, PNM, NMGC AND CENTURY LINK DO NOT WAIVE NOR RELEASE ANY EASEMENT OR EASEMENT RIGHTS WHICH MAY HAVE BEEN GRANTED BY PRIOR PLAT, REPLAT OR OTHER DOCUMENT, WHICH ARE NOT SHOWN ON THIS PLAT.

<i>Rift</i>	9/22/2022
PNM ELECTRIC SERVICES	DATE
<i>JA</i>	9/28/2022
NEW MEXICO GAS COMPANY	DATE
<i>Natalie Anderson</i>	10/7/2022
CENTURY LINK	DATE
<i>JA</i>	9/27/22
COMCAST	DATE

CITY APPROVALS:

<i>Loran Ruanhoover P.S.</i>	9/22/2023
CITY SURVEYOR	DATE
TRAFFIC ENGINEERING, TRANSPORTATION DIVISION	DATE
ABCWJA	DATE
PARKS AND RECREATION DEPARTMENT	DATE
<i>Luba</i>	11/7/2022
A.M.C.A.	DATE
CITY ENGINEER HYDROLOGY	DATE
CODE ENFORCEMENT	DATE
DRB CHAIRPERSON, PLANNING DEPARTMENT	DATE

SURVEYOR'S CERTIFICATION:

I, BENJAMIN M. ARAGON, A DULY REGISTERED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF NEW MEXICO, DO HEREBY CERTIFY THAT THIS PLAT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION, MEETS THE MINIMUM REQUIREMENTS FOR MONUMENTATION AND SURVEYS OF THE ALBUQUERQUE SUBDIVISION ORDINANCE, SHOWS ALL EASEMENTS MADE KNOWN TO ME BY THE OWNER(S), UTILITY COMPANIES, OR OTHER PARTIES EXPRESSING AN INTEREST, IS CORRECT AND TRUE TO THE BEST OF MY BELIEF AND KNOWLEDGE AND THAT THIS SURVEY AND PLAT MEET THE MINIMUM STANDARDS FOR SURVEYING IN NEW MEXICO AS ADOPTED BY THE NEW MEXICO BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND SURVEYORS EFFECTIVE MAY 1, 2007.

Benjamin M. Aragon

BENJAMIN M. ARAGON
N.M.P.L.S. #15268

9-27-22
DATE 11-01-22



WILSON & COMPANY
4401 MASTHEAD ST. NE SUITE 150
ALBUQUERQUE, NEW MEXICO 87109
PHONE: 505-348-4000
FAX: 505-348-4155

SHEET 1 OF 3

PLAT OF
TRACTS 1-A and 1-B, BLOCK 2
VOLCANO CLIFFS SUBDIVISION, UNIT 26
 A Replot of Tract 1, Block 2 and
 Lot 5, Block 6
 Volcano Cliffs Subdivision, Unit 26
 WITHIN SECTIONS 14 & 15
 T.11 N., R.2 E., N.M.P.M.
 CITY OF ALBUQUERQUE
 BERNALILLO COUNTY, NEW MEXICO
 JULY 2022

FREE CONSENT AND DEDICATION:

THE TRACTS SHOWN HEREON ARE REPLATTED WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF THE UNDERSIGNED OWNERS. ALL EXISTING ACCESS, UTILITY AND DRAINAGE EASEMENTS SHOWN HEREON INCLUDE THE RIGHT TO CONSTRUCT, OPERATE, INSPECT AND MAINTAIN FACILITIES THEREIN; ALL PUBLIC UTILITY EASEMENTS SHOWN HEREON FOR THE COMMON AND JOINT USE OF GAS, ELECTRICAL POWER AND COMMUNICATION SERVICES FOR OVERHEAD AND/OR BURIED DISTRIBUTION LINES, CONDUITS, AND PIPES FOR UNDERGROUND AND/OR OVERHEAD UTILITIES WHERE SHOWN OR INDICATED, AND INCLUDING THE RIGHT OF INGRESS AND EGRESS FOR CONSTRUCTION AND MAINTENANCE AND THE RIGHT TO TRIM INTERFERING TREES AND SHRUBS; SAID OWNERS DO HEREBY CONSENT TO ALL OF THE FOREGOING AND DO HEREBY CERTIFY THAT THIS SUBDIVISION IS THEIR FREE ACT AND DEED.

PROPERTY OWNER SIGNATURE(S):

TRACT 1, BLOCK 2, VOLCANO CLIFFS SUBDIVISION, UNIT 26:

Billy J. Wright 9-21-22
 DATE
 BILLY J. WRIGHT, MANAGER
 FOR: GROUP II U26 VC, LLC, A NEW MEXICO LIMITED LIABILITY COMPANY

STATE OF NEW MEXICO)
) ss.
 COUNTY OF BERNALILLO)

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THIS 21st DAY OF September, 2022, BY BILLY J. WRIGHT.

NOTARY PUBLIC: *Andree Hoetman*
 MY COMMISSION EXPIRES: October 21st, 2025

St. J. Metro 9-21-22
 DATE
 STEVEN J. METRO, MANAGER
 FOR: GROUP II U26 VC, LLC, A NEW MEXICO LIMITED LIABILITY COMPANY

STATE OF NEW MEXICO)
) ss.
 COUNTY OF BERNALILLO)

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THIS 21st DAY OF September, 2022, BY STEVEN J. METRO.

NOTARY PUBLIC: *Andree Hoetman*
 MY COMMISSION EXPIRES: October 21st, 2025

STATE OF NEW MEXICO
 NOTARY PUBLIC
 ANDREE HOETMAN
 Commission Number: 1119570
 My Commission Expires October 21, 2025

STATE OF NEW MEXICO
 NOTARY PUBLIC
 ANDREE HOETMAN
 Commission Number: 1119570
 My Commission Expires October 21, 2025

LOT 5, BLOCK 6, VOLCANO CLIFFS SUBDIVISION, UNIT 26:

Rudy Guzman 9/22/22
 DATE
 RUDY GUZMAN, MANAGER
 FOR: TRACT 5 U26, LLC, A NEW MEXICO LIMITED LIABILITY COMPANY

STATE OF NEW MEXICO)
) ss.
 COUNTY OF BERNALILLO)

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THIS 22nd DAY OF September, 2022, BY RUDY GUZMAN.

NOTARY PUBLIC: *Andree Hoetman*
 MY COMMISSION EXPIRES: October 21st, 2025

St. J. Metro 9-21-22
 DATE
 STEVEN J. METRO, MANAGER
 FOR: TRACT 5 U26, LLC, A NEW MEXICO LIMITED LIABILITY COMPANY

STATE OF NEW MEXICO)
) ss.
 COUNTY OF BERNALILLO)

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THIS 21st DAY OF September, 2022, BY STEVEN J. METRO.

NOTARY PUBLIC: *Andree Hoetman*
 MY COMMISSION EXPIRES: October 21st, 2025

STATE OF NEW MEXICO
 NOTARY PUBLIC
 ANDREE HOETMAN
 Commission Number: 1119570
 My Commission Expires October 21, 2025

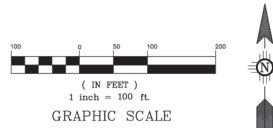
STATE OF NEW MEXICO
 NOTARY PUBLIC
 PATRICIA A. GUZMAN
 COMMISSION NUMBER 1084947
 EXPIRATION DATE 11-02-2025

WILSON & COMPANY
 4401 MASTHEAD ST. NE SUITE 150
 ALBUQUERQUE, NEW MEXICO 87109
 PHONE: 505-348-4000
 FAX: 505-348-4155

SHEET 2 OF 3

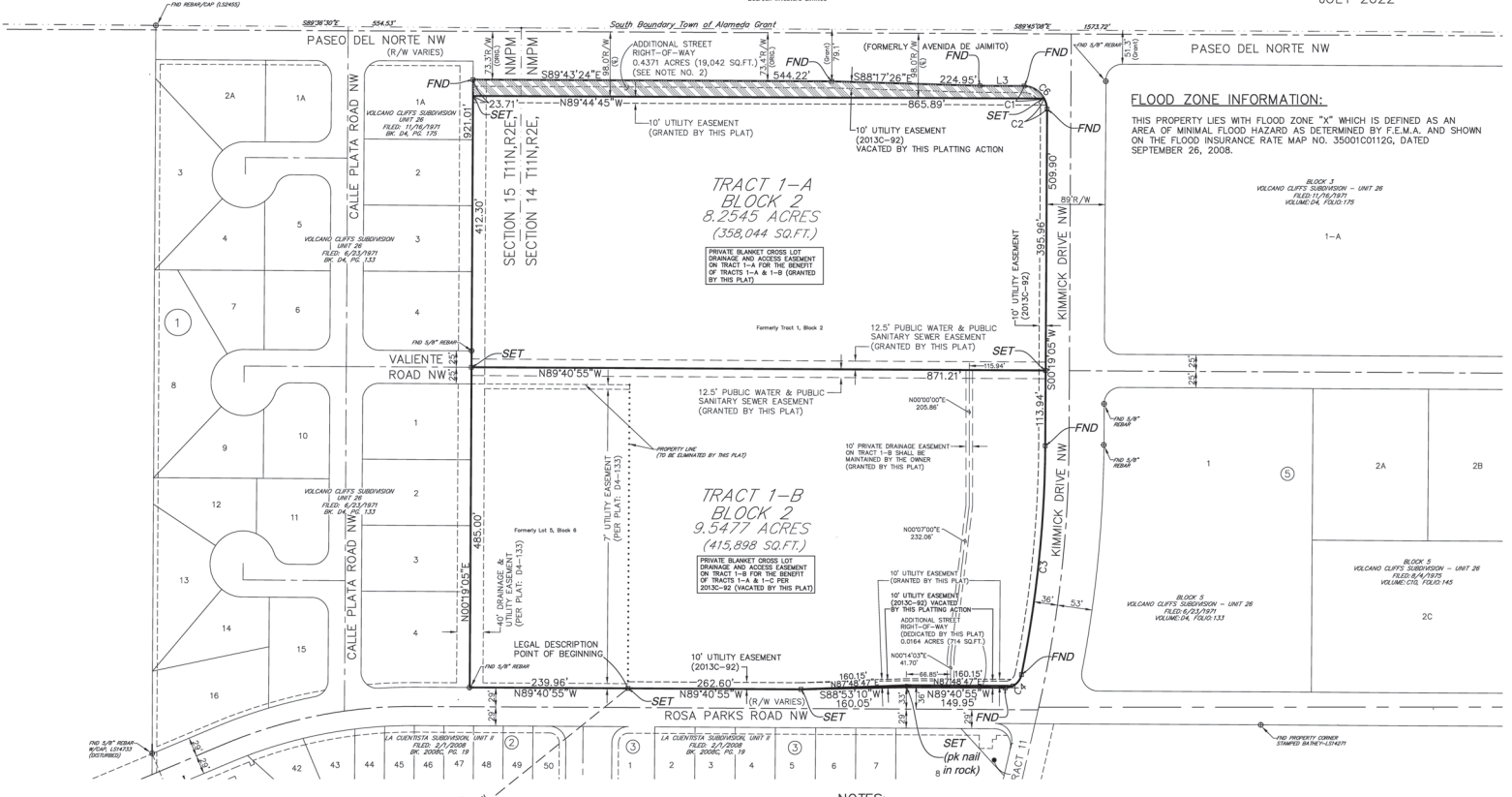
LINE NO.	BEARING	DISTANCE
L3	S89°43'24"E	67.02'

CURVE NO.	DELTA	RADIUS	LENGTH	CHORD BEARING/DISTANCE
C1	56°11'44"	36.78'	38.16'	S58°3'07"E 34.65'
C2	28°24'48"	36.78'	18.25'	S16°35'48"E 18.06'
C3	111°3'53"	1781.34'	349.19'	S05°56'02"W 348.63'
C4	78°46'06"	25.00'	34.37'	S05°56'02"W 31.73'
C5	50°24'39"	25.00'	22.00'	S36°45'18"W 21.29'
C6	84°36'32"	36.78'	54.31'	S44°42'09"E 49.52'
C7	28°21'27"	25.00'	12.37'	S76°08'21"W 12.25'



PLAT OF
TRACTS 1-A and 1-B, BLOCK 2
VOLCANO CLIFFS SUBDIVISION, UNIT 26
A Replat of Tract 1, Block 2 and
Lot 5, Block 6
Volcano Cliffs Subdivision, Unit 26
WITHIN SECTIONS 14 & 15
T.11 N., R.2 E., N.M.P.M.
CITY OF ALBUQUERQUE
BERNALILLO COUNTY, NEW MEXICO
JULY 2022

FLOOD ZONE INFORMATION:
THIS PROPERTY LIES WITH FLOOD ZONE "X" WHICH IS DEFINED AS AN AREA OF MINIMAL FLOOD HAZARD AS DETERMINED BY F.E.M.A. AND SHOWN ON THE FLOOD INSURANCE RATE MAP NO. 35001C0122, DATED SEPTEMBER 26, 2008.



ACS CONTROL STATION "ACS 3-E10" DATA:
3 1/4 BRASS DISC SET IN CONCRETE POST
(NAD 1983)
NEW MEXICO STATE PLANE GRID COORDINATES (CENTRAL ZONE)
X=1,499,059.808 Y=1,512,627.946 (US SURVEY FEET)
GROUND TO GRID FACTOR=0.999872416
DELTA ALPHA=(-)00°16'20.35"
(NAVD 1988)
ELEV=5318.888 (US SURVEY FEET)

ACS CONTROL STATION "ACS 13-D10" DATA:
3 1/4 BRASS DISC SET FLUSH IN LAVA ROCK
(NAD 1983)
NEW MEXICO STATE PLANE GRID COORDINATES (CENTRAL ZONE)
X=1,501,318.610 Y=1,514,256.686 (US SURVEY FEET)
GROUND TO GRID FACTOR=0.999872421
DELTA ALPHA=(-)00°16'04.84"

- NOTES:**
- 1) ABCWUA PUBLIC WATER & SANITARY SEWER EASEMENTS: ALBUQUERQUE BERNALILLO COUNTY WATER UTILITY AUTHORITY (ABCWUA) IS GRANTED EASEMENT(S) IN THE DIMENSIONS NOTED ON THIS PLAT FOR THE CONSTRUCTION, INSTALLATION, MAINTENANCE, REPAIR, MODIFICATION, REPLACEMENT AND OPERATION OF PUBLIC WATER AND SANITARY SERVICE LINES, EQUIPMENT AND FACILITIES REASONABLY NECESSARY TO PROVIDE SERVICE TOGETHER WITH FREE ACCESS ON AND OVER THE EASEMENT AND THE RIGHT TO REMOVE TREES, SHRUBS, UNDERGROWTH AND ANY OTHER OBSTACLES, MODIFICATIONS, OR STRUCTURES WHICH INTERFERE WITH USE OF THE EASEMENT.
 - 2) RIGHT OF WAY FOR PASEO DEL NORTE PURCHASE BY CITY OF ALBUQUERQUE WITH REAL PROPERTY AGREEMENT PARCEL 6-2, PCN A300262 DATED JANUARY 10, 2024.

WILSON & COMPANY
4401 MASTHEAD ST. NE SUITE 150
ALBUQUERQUE, NEW MEXICO 87109
PHONE: 505-348-4000
FAX: 505-348-4155

AGREEMENT TO CONSTRUCT
PUBLIC IMPROVEMENTS BY CITY CONTRACT

Project Name: Paseo & Kimmick Development *Bike Trail*
Project Number: 705083

THIS AGREEMENT is made upon the date of the latest signature below, by and between the City of Albuquerque, New Mexico ("City"), whose address is P. O. Box 1293 (One Civic Plaza), Albuquerque, New Mexico 87103, and **Jubilee Developments** ("Developer"), a **New Mexico Limited Liability Company**, [state the type of business entity e.g. "New Mexico corporation," "general partnership," "individual," etc.], whose email address is **jayminih@yahoo.com**, whose address is **4590 Paradise Blvd. NW** (City) **Albuquerque**, (State) **NM** (Zip Code) **87114** and whose telephone number is **(505) 435-4335**, in Albuquerque, New Mexico, and is entered into as of the date of final execution of this Agreement.

1. **Recital**. The Developer is developing certain lands within the City of Albuquerque, Bernalillo County, New Mexico, known as: [describe]: **Tract 1, Block 2, Volcano Cliffs Subdivision, Unit 26** recorded on **August 12, 2013**, attached, pages **1** through **4**, as Document No. **2013089890** and **Lot 5, Block 6, Unit 26, Volcano Cliffs** recorded on **June 23, 1971**, attached, in **Book D4, Page 133** in the records of the Bernalillo County Clerk, State of New Mexico ("Developer's Property"). The Developer's Property is owned by [state the name of the present real property owner exactly as shown on the real estate document conveying title in Developer's Property to the present owner] **Group II U26, LLC a New Mexico Limited Liability Company (Tract 1) and Tract 5 U26, LLC a New Mexico Limited Liability Company (Tract 5)** ("Owner").

The City and the property Developer have agreed that it would be beneficial to all parties and the general public to make certain improvements to the public roadways and that it is appropriate that the Developer contribute to the cost of the improvements.

The Developer of the property is seeking [describe: "preliminary/final plat", "site development plan", "building permit", etc.] **preliminary/final plat** approval. The City and the property Developer have agreed that it would be beneficial to all parties and the general public to make certain improvements to the public roadways and that it is appropriate that the Developer contribute to the cost of the improvements.

Developer's Property will benefit from the construction of certain improvements detailed below, which will be located on public right-of-way, and the City is willing to construct those improvements with the participation of the Developer.

THEREFORE, the City and the Developer agree:

2. Improvements. The City agrees to install and complete the following public improvements, identified as Project No. **705083** **Bike Trail along PdN** (“Improvements”).

3. Developer’s Estimated Cost. The Developer’s share has been determined to be **twenty four thousand nine hundred sixteen** dollars and **thirty five cents (\$24,916.35)** (“Developer’s Share”), as shown on the attached City-approved infrastructure list is attached as **Exhibit A**. The developer’s share includes City fees and contingencies and is the only amount Developer will be required to contribute for this project.

4. Payment. All payments will be made only in the following form: certified check, cashier’s check, electronic or other form of payment approved by the City.

5. Notice. For purposes of giving formal written notice, including notice of change of address, the Developer’s and the City’s addresses are as stated in the first paragraph of this Agreement. Notice may be given either in person or by certified U.S. mail, postage paid. Notice will be considered to have been received within six (6) days after the notice is mailed if there is no actual evidence of receipt.

6. Entire Agreement. This Agreement contains the entire agreement of the parties and supersedes any and all other agreements or understandings, oral or written, whether previous to the execution hereof or contemporaneous herewith.

7. Changes to Agreement. Changes to this Agreement are not binding unless made in writing and signed by both parties.

8. Construction and Severability. If any part of this Agreement is held to be invalid or unenforceable, the remainder of the Agreement will remain valid and enforceable if the remainder is reasonably capable of completion.

9. Captions. The captions to the sections or paragraphs of this Agreement are not part of this Agreement and will not affect the meaning or construction of any of its provisions.

10. Authority to Execute: If the Developer signing below is not the Owner of the Developer's Property, the City may require the Developer to provide the City with satisfactory proof of the Developer's authority to execute this Agreement.

DEVELOPER: Jubilee Developments, LLC

By [signature]: JM Hasham

Name [print]: Jaymini Hasham

Title: Managing Member

Dated: 03/06/2023

DEVELOPER'S NOTARY

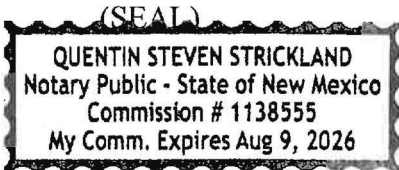
STATE OF New Mexico)

COUNTY OF Bernalillo) ss.

This instrument was acknowledged before me on this 6th day of March, 2023
by [name of person:] Jaymini Hasham, [title or capacity, for instance, "President" or "Owner":]
Managing Member of [Developer] Jubilee Developments, LLC

[Signature]
Notary Public

My Commission Expires: 8.9.26



POWER OF ATTORNEY

NOTE: Must be signed and notarized by the owner if the Developer is not the owner of the Developer's Property.

STATE OF New Mexico)
) ss.
COUNTY OF Bernalillo)

[State name of present real property owner exactly as shown on the real estate document conveying title for the Developer's Property to the present owner:] Group II U26 VC, LLC a New Mexico Limited Liability Company ("Owner"), of [address:] 2400 Louisiana NE Bldg 3, Room 115: Albuquerque, [State:] New Mexico [zip code:] 87110, hereby makes, constitutes and appoints [name of Developer:] Jubilee Developments LLC ("Developer") as my true and lawful attorney in fact, for me and in my name, place and stead, giving unto the Developer full power to do and perform all and every act that I may legally do through an attorney in fact, and every proper power necessary to meet the City of Albuquerque's ("City") Integrated Development Ordinance requirements regarding the real estate owned by me and described in Section 1 of the Infrastructure Improvements Agreement ("Agreement") above, including executing the Agreement and related documents required by the City, with full power of substitution and revocation, hereby ratifying and affirming what the Developer lawfully does or causes to be done by virtue of the power herein conferred upon the Developer.

This Power of Attorney can only be terminated: (1) by a sworn document signed and notarized by the Owner, which shall be promptly delivered to the City Engineer in order to provide notice to City of the termination of this Power of Attorney; or (2) upon release of the Agreement by the City.

NOTE: Alternate wording may be acceptable, but must be submitted to the City Legal Department for review and approval before the final contract package is submitted to the City for review. The City may require evidence of ownership and/or authority to execute the Power of Attorney, if the Owner is not the Developer. If Owner is a corporation, the Power of Attorney must be signed by the president or by someone specifically empowered by the Board of Directors, in which case the corporate Secretary's certification and a copy of the Board's resolution empowering execution must accompany this document.

OWNER

By [Signature:]: *Steven J. Metro*

Name [Print]: Steven J. Metro

Title: Manager Group II U26 VC, LLC

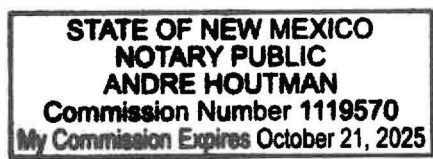
Dated: 3-30-23

The foregoing Power of Attorney was acknowledged before me on March 30th, 2023
by [name of person:] Steven J. Metro, [title or capacity, for instance
"President":] Manager of [Owner:]
Manager Group II U26 VC, LLC on behalf of the Owner.

(SEAL)

Andre Houtman
Notary Public

My Commission Expires: 10-21-2025



POWER OF ATTORNEY

NOTE: Must be signed and notarized by the owner if the Developer is not the owner of the Developer's Property.

STATE OF New Mexico)
) ss.
COUNTY OF Bernalillo)

[State name of present real property owner exactly as shown on the real estate document conveying title for the Developer's Property to the present owner:] Tract 5 U26, LLC a New Mexico Limited Liability Company ("Owner"), of [address:] 5700 University Blvd SE STE 310 :]
Albuquerque, [State:] New Mexico [zip code:] 87106, hereby makes, constitutes and appoints [name of Developer:] Jubilee Developments LLC ("Developer") as my true and lawful attorney in fact, for me and in my name, place and stead, giving unto the Developer full power to do and perform all and every act that I may legally do through an attorney in fact, and every proper power necessary to meet the City of Albuquerque's ("City") Integrated Development Ordinance requirements regarding the real estate owned by me and described in Section 1 of the Infrastructure Improvements Agreement ("Agreement") above, including executing the Agreement and related documents required by the City, with full power of substitution and revocation, hereby ratifying and affirming what the Developer lawfully does or causes to be done by virtue of the power herein conferred upon the Developer.

This Power of Attorney can only be terminated: (1) by a sworn document signed and notarized by the Owner, which shall be promptly delivered to the City Engineer in order to provide notice to City of the termination of this Power of Attorney; or (2) upon release of the Agreement by the City.

NOTE: Alternate wording may be acceptable, but must be submitted to the City Legal Department for review and approval before the final contract package is submitted to the City for review. The City may require evidence of ownership and/or authority to execute the Power of Attorney, if the Owner is not the Developer. If Owner is a corporation, the Power of Attorney must be signed by the president or by someone specifically empowered by the Board of Directors, in which case the corporate Secretary's certification and a copy of the Board's resolution empowering execution must accompany this document.

OWNER

By [Signature:]: *St J Metro*

Name [Print]: Steven J. Metro

Title: Manager Tract 5 U26, LLC

Dated: 3-30-23

The foregoing Power of Attorney was acknowledged before me on March 30th, 2023
by [name of person:] Steven J. Metro, [title or capacity, for instance
"President":] Manager of [Owner:]
Manager Tract 5 U26, LLC on behalf of the Owner.

(SEAL)

Andre Houtman
Notary Public

My Commission Expires: 10/21/2025





FINANCIAL GUARANTY AMOUNT

December 1, 2022

Type of Estimate: Procedure C Payment

Project Description:

Project ID #: 705083 Paseo & Kimmick -- Bike Trail along PdN

Requested By: Jeremy Shell

Approved Estimate Amount: \$ 21,293.02

Contingency Amount: 0.00% \$ -

Subtotal: \$ 21,293.02

PO Box 1293

NMGRT: 7.750% \$ 1,650.21

Subtotal: \$ 22,943.23

Albuquerque

Engineering Fee: 6.60% \$ 1,514.25

NM 87103

Testing Fee: 2.00% \$ 458.86

Subtotal: \$ 24,916.35

www.cabq.gov

FINANCIAL GUARANTY RATE: 1.00

TOTAL FINANCIAL GUARANTY REQUIRED: \$ 24,916.35

APPROVAL:

A handwritten signature in blue ink, appearing to read "Jeremy Shell", is written over a horizontal line.

DATE:

A handwritten date "Dec. 1, 2022" in blue ink is written over a horizontal line.

Notes: Procedure C Payment per Infrastructure List



CASHIER'S CHECK

No. 4961514169

0002-9000 383

DATE: March 8, 2023

PAY TWENTY FOUR THOUSAND NINE HUNDRED AND SIXTEEN DOLLARS AND 35 CENTS

TO THE ORDER OF

CITY OF ALBUQUERQUE

MEMO PROJECT 705083

\$ 24,916.35

[Handwritten Signature]

AUTHORIZED SIGNATURE

Location: 4961 Journal Center, NM
U.S. Bank National Association
Minneapolis, MN 55409

⑆4961514169⑆ ⑆092900383⑆ 150097047651⑆

Security Features Included. Details on Back.

City of Albuquerque

Reference Number: 2023089002-26
Date/Time: 03/30/2023 4:35:41 PM



Departmental Deposit
2023089002-26-1

Departmental Deposit 1@ \$24,916.35
GL #: |305|460100|PCDMD|24PASEOUNSER|72
72140|
Total: \$24,916.35

**Albuquerque Planning Department
Law and Construction Services Invoice**

1 ITEM TOTAL: \$24,916.35
TOTAL: \$24,916.35

Bike Trail CPN: 705083

DUPLICATE RECEIPT 3/30/2023 4:36:22 PM

Check \$24,916.35
Bank Account #: *****7651
Check Number: 4961514169
Bank Routing #: *****0383
Address:
Total Received: \$24,916.35

ACCOUNTING STRING	AMOUNT
D/24_PASEO_UNSER/7272140/460100	\$ 24,916.35
	\$ 24,916.35



ick _____ PHONE _____ 505-924-3996

Thank you for your payment.

Albuquerque Treasury location. **Bring two copies of this invoice to Treasury.**
Cristina Del Sol, 600 2nd St NW. Provide a copy of the receipt to DRC, Suite 400
Law and Construction employee:

Additional Services: Mobile Permits, License Agreements and Others not listed below:

Contact: miranda@cabq.gov and jroeder@cabq.gov



FINANCIAL GUARANTY AMOUNT

December 1, 2022

Type of Estimate: Procedure C Payment

Project Description:

Project ID #: 705083 Paseo & Kimmick -- Bike Trail along PdN

Requested By: Jeremy Shell

Approved Estimate Amount: \$ 21,293.02

Contingency Amount: 0.00% \$ -

Subtotal: \$ 21,293.02

PO Box 1293

NMGRT: 7.750% \$ 1,650.21

Subtotal: \$ 22,943.23

Albuquerque

Engineering Fee: 6.60% \$ 1,514.25

NM 87103

Testing Fee: 2.00% \$ 458.86

Subtotal: \$ 24,916.35

www.cabq.gov

FINANCIAL GUARANTY RATE: 1.00

TOTAL FINANCIAL GUARANTY REQUIRED: \$ 24,916.35

APPROVAL:

Handwritten signature of James R. Noack in blue ink, written over a horizontal line.

DATE:

Handwritten date "Dec. 1, 2022" in blue ink, written over a horizontal line.

Notes: Procedure C Payment per Infrastructure List

Project Name: Hasham Paseo & Kimmick
Project No: W0262
Sheet Title: Engineers Opinion of Probable Costs
Creation Date: December 1, 2022
Comments:



RESPEC

COMMUNITY DESIGN SOLUTIONS
 7770 JEFFERSON STREET SUITE 200
 ALBUQUERQUE, NEW MEXICO 87109
 WWW.RESPEC.COM PHONE: (505) 253-9718

ITEM	SPEC. NO.	DESCRIPTION	UNIT COST	PAY UNIT	EST. QNTY.	EXTENDED COST
------	-----------	-------------	-----------	----------	------------	---------------

INFRASTRUCTURE

PAVING

1	301.022	SUBGRADE PREP, 8"	\$3.62	SY	860	\$3,113.20
2	336.050	BIKE ASP CONC, TRAIL, 2"	\$19.07	SY	860	\$16,400.20
SUBTOTAL PAVING:						\$19,513.40

SUBTOTAL INFRASTRUCTURE: \$19,513.40

SOFT COSTS

3		Construction Staking	1.43	%	1	\$279.04
4		Traffic Control	3.43	%	1	\$669.31
5		Mobilization	4.26	%	1	\$831.27
SUBTOTAL SOFT COSTS:						\$1,779.62

TOTAL: \$21,293.02

Approved as basis for Procedure C Payment,
Dec. 1, 2022

Current DRC

Project Number: _____

FIGURE 12

Date Submitted: November 4, 2022

Date Site Plan Approved: _____

Date Preliminary Plat Approved: _____

Date Preliminary Plat Expires: _____

DRB Project No.: PR-2022-007712

DRB Application No.: SD-2022-001143

INFRASTRUCTURE LIST

(Rev. 2-16-18)

EXHIBIT "A"

**TO SUBDIVISION IMPROVEMENTS AGREEMENT
DEVELOPMENT REVIEW BOARD (D.R.B.) REQUIRED INFRASTRUCTURE LIST**

TRACTS 1-A & 1-B, BLOCK 2, VOLCANO CLIFFS SUBDIVISION, UNIT 26

PROPOSED NAME OF PLAT AND/OR SITE DEVELOPMENT PLAN

TRACT 2, BLOCK 2 & TRACT 5, BLOCK 6, VOLCANO CLIFFS SUBDIVISION, UNIT 26
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.

Financially Guaranteed DRC #	Constructed Under DRC #	Size	Type of Improvement	Location	From	To	Construction Certification	
							Inspector	City Cnst Engineer
		PAVING						
		6' WIDE	480 LF PCC SIDEWALK WITH LANDSCAPE BUFFER (NORTH SIDE ONLY)	ROSA PARKS RD	KIMMICK DR	WEST PROPERTY BOUNDARY	/	/
		26' WIDE	PRIVATE ENTRANCE WITH VALLEY GUTTER & ADA RAMPS	ROSA PARKS RD APPROXIMATELY 370' WEST OF KIMMICK DR			/	/
		6' WIDE	730 LF PCC SIDEWALK WITH LANDSCAPE BUFFER (WEST SIDE ONLY)	KIMMICK DR	ROSA PARKS RD	PASEO DEL NORTE	/	/
		34' WIDE	PRIVATE ENTRANCE WITH VALLEY GUTTER & ADA RAMPS	INTERSECTION OF KIMMICK DR AND VALIENTE RD			/	/
		26' WIDE	PRIVATE ENTRANCE WITH VALLEY GUTTER & ADA RAMPS	KIMMICK DR APPROXIMATELY 220' NORTH OF VALIENTE RD			/	/
		5' WIDE	RESTRIPE TO INCLUDE BIKE LANES	KIMMICK DR	VALIENTE RD	PASEO DEL NORTE	/	/
		10' WIDE *	770 LF ASPHALT TRAIL (SOUTH SIDE ONLY)	PASEO DEL NORTE	KIMMICK DR	WEST PROPERTY BOUNDARY	/	/
		WATER						
		8"	510 LF PVC WATER MAIN	CALLE PLATA	ROSA PARKS RD	VALIENTE RD	/	/
		8"	1,040 LF PVC WATER MAIN	VALIENTE RD & PUBLIC UTILITY EASEMENT	CALLE PLATA	KIMMICK DR	/	/

* PROCEDURE C AGREEMENT

The items listed below are on the CCIP and approved for Impact Fee credits. Signatures from the Impact Fee Administrator and the City User Department is required prior to DRB approval of this listing. The items listed below are subject to the standard SIA requirements.

Financially Guaranteed DRC #	Constructed Under DRC #	Size	Type of Improvement	Location	From	To	Construction Certification	
							Inspector	City Cnst Engineer
							/	/
							/	/

Approval of Creditable Items:	Approval of Creditable Items:
Impact Fee Administrator Signature	City User Dept. Signature
Date	Date

NOTES

If the site is located in a floodplain, then the financial guarantee will not be released until the LOMR is approved by FEMA. Street lights per City requirements.

1

2

3

AGENT / OWNER

JEREMY SHELL
NAME (print)

RESPEC
FIRM

10/31/2022

SIGNATURE - date

DEVELOPMENT REVIEW BOARD MEMBER APPROVALS

[Signature] Nov 9, 2022
DRB CHAIR - date

[Signature] Ernest Amijio Nov 9, 2022

TRANSPORTATION DEVELOPMENT - date

[Signature] Nov 9, 2022

UTILITY DEVELOPMENT - date

[Signature] Nov 9, 2022

CITY ENGINEER - date

[Signature] Nov 9, 2022
PARKS & RECREATION - date

AMAFCA - date

[Signature] Nov 9, 2022

CODE ENFORCEMENT - date

- date

DESIGN REVIEW COMMITTEE REVISIONS

REVISION	DATE	DRC CHAIR	USER DEPARTMENT	AGENT / OWNER

Current DRC
Project Number: _____

FIGURE 12

INFRASTRUCTURE LIST

(Rev. 2-16-18)

EXHIBIT "A"

**TO SUBDIVISION IMPROVEMENTS AGREEMENT
DEVELOPMENT REVIEW BOARD (D.R.B.) REQUIRED INFRASTRUCTURE LIST**

Date Submitted: July 25, 2023
Date Site Plan Approved: _____
Date Preliminary Plat Approved: _____
Date Preliminary Plat Expires: _____
DRB Project No.: PR-2022-007712
DRB Application No.: SD-2022-00143

TRACTS 1-A & 1-B, BLOCK 2, VOLCANO CLIFFS SUBDIVISION, UNIT 26
PROPOSED NAME OF PLAT AND/OR SITE DEVELOPMENT PLAN

TRACT 2, BLOCK 2 & TRACT 5, BLOCK 6, VOLCANO CLIFFS SUBDIVISION, UNIT 26
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.

Financially Guaranteed DRC #	Constructed Under DRC #	Size	Type of Improvement	Location	From	To	Construction Certification		
							Private Inspector	P.E.	City Cnst Engineer
		PAVING 10' WIDE *	770 LF ASPHALT TRAIL (SOUTH SIDE ONLY)	PASEO DEL NORTE	KIMMICK DR	WEST PROPERTY BOUNDARY	/	/	/
							/	/	/
							/	/	/
							/	/	/
							/	/	/
							/	/	/
							/	/	/
							/	/	/
							/	/	/

Financially Guaranteed DRC #	Constructed Under DRC #	Size	Type of Improvement	Location	From	To	Construction Certification		
							Private Inspector	P.E.	City Cnst Engineer
							/	/	/
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							/	/	/
							/	/	/

The items listed below are on the CCIP and approved for Impact Fee credits. Signatures from the Impact Fee Administrator and the City User Department is required prior to DRB approval of this listing. The items listed below are subject to the standard SIA requirements.

Financially Guaranteed DRC #	Constructed Under DRC #	Size	Type of Improvement	Location	From	To	Construction Certification			
							Private Inspector	P.E.	City Cnst Engineer	
<input type="text"/>	<input type="text"/>						/	/	/	
<input type="text"/>	<input type="text"/>						/	/	/	
Approval of Creditable Items:							Approval of Creditable Items:			
Impact Fee Administrator Signature							Date	City User Dept. Signature		Date

NOTES

If the site is located in a floodplain, then the financial guarantee will not be released until the LOMR is approved by FEMA.
Street lights per City requirements.

- 1 _____
- 2 _____
- 3 _____

AGENT / OWNER

DEVELOPMENT REVIEW BOARD MEMBER APPROVALS

SHELDON GREER
NAME (print)

RESPEC

 7/25/2023
SIGNATURE - date

DRB CHAIR - date

TRANSPORTATION DEVELOPMENT - date

UTILITY DEVELOPMENT - date

CITY ENGINEER - date

PARKS & RECREATION - date

AMAFCA - date

CODE ENFORCEMENT - date

- date

DESIGN REVIEW COMMITTEE REVISIONS

REVISION	DATE	DRC CHAIR	USER DEPARTMENT	AGENT /OWNER

SUPPORTIVE DOCUMENTATION

January 17, 2024

City of Albuquerque
Development Review Board
600 Second Street NW
Albuquerque, New Mexico 87102

RE: Paseo del Norte and Kimmick NW – Site Plan-DRB and Preliminary Plat Applications

To Whom it may Concern:

The purpose of this letter is to authorize Consensus Planning, Inc. and RESPEC to act as our agents for a Site Plan-DRB and Preliminary Plat request on the property located at the southwest corner of Paseo del Norte and Kimmick Drive NW.

The property is legally described as **00050006 Volcano Cliffs Subdivision, Unit 26*. Tract 5, U26 LLC. is the owner of the subject property.

Thank you for your consideration.

Sincerely,



Steve Metro
Managing Member
Tract 5 U26 VC, LLC.

January 17, 2024

City of Albuquerque
Development Review Board
600 Second Street NW
Albuquerque, New Mexico 87102

RE: Paseo del Norte and Kimmick NW – Site Plan-DRB and Preliminary Plat Applications

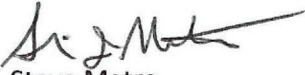
To Whom it may Concern:

The purpose of this letter is to authorize Consensus Planning, Inc. and RESPEC to act as our agents for a Site Plan-DRB and Preliminary Plat request on the property located at the southwest corner of Paseo del Norte and Kimmick Drive NW.

The property is legally described as *Tract 1, Block 2, Plat of Tract 1, Block 2 Volcano Cliffs Subdivision Unit 26*. Group II U26 VC, LLC. is the owner of the subject property.

Thank you for your consideration.

Sincerely,



Steve Metro
Managing Member
Group II U26 VC, LLC.



January 17, 2023
 David Campbell
 Development Hearing Officer
 City of Albuquerque
 600 2nd Street NW
 Albuquerque, NM 87102

Dear Mr. Campbell:

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

The purpose of this letter is to transmit the request for a Final Plat for the property legally described as *Tract 1, Block 2 and Tract 5, Block 6, Volcano Cliffs Subdivision, Unit 26*. The Preliminary Plat and Infrastructure Improvement Agreement (IIA) were approved on November 9, 2022, and the Financial Guarantee was completed on April 3, 2023. The Final Plat encompasses two existing lots and reconfigures them according to the two zoning districts (MX-M and MX-L) into two lots. The application includes the Final Plat and the IIA.

On November 9, 2022, in addition to the Preliminary Plat and IIA, the Development Review Board (DRB) approved three vacations of private easements (SD-2022-00158, SD-2022-00161, SD-2022-00162). In total, the Plat is 18.2557 acres. Tract 1-A, Block 2 is 8.2339 acres and zoned MX-M. Tract 1-B, Block 2 is 9.5641 acres and zoned MX-L. The Preliminary and Final Plats reflect a Condition of Approval from the Environmental Planning Commission (EPC) for the Zone Map Amendment in 2019 (PR-2019-002663, RZ-2020-00043) on this property.

REVIEW AND DECISION CRITERIA

6-4(U)(1) A decision on any application type other than Subdivision of Land – Major by any decision-making body shown in Table 6-1-1 is final unless appealed, in which case it is not final until the appeal has been decided by the last appeal body. For Subdivision of Land – Major, only a Preliminary Plat decision may be appealed; a Sketch Plat or a Final Plat is not subject to appeal.

6-6(L)(3)(b) A Final Plat shall be approved if it includes all changes, conditions, and requirements contained in the Preliminary Plat approval.

Applicant Response: The Preliminary Plat approval did not contain any changes, conditions, or requirements for the Final Plat. All items have been addressed for approval of the Final Plat.

CONCLUSION

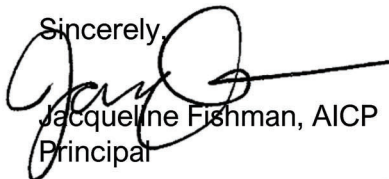
Based upon the information provided above and supporting documents, we respectfully request the DHO approval of the Final Plat and IIA. Please do not hesitate to contact me if you have any questions or need any additional information.

PRINCIPALS

James K. Strozier, FAICP
 Jacqueline Fishman, AICP

ASSOCIATES

Ken Romig, PLA, ASLA

Sincerely,

 Jacqueline Fishman, AICP
 Principal

RE: DXF file Review for Final Plat_Paseo del Norte and Kimmick Road

Muzzey, Devin P. <dmuzzey@cabq.gov>

Fri 7/14/2023 12:06 PM

To:Charlene Johnson <Johnson@consensusplanning.com>;Planning Plat Approval <platgisreview@cabq.gov>

Cc:Rodenbeck, Jay B. <jrodenbeck@cabq.gov>;Shadabi, Leila <lshadabi@cabq.gov>

Good Afternoon Charlene,

The DXF for PR-2022-007712 – Volcano Cliffs Unit 26, Tracts 1-A and 1-B, Block 2 – has been approved. This email will notify the DHO office.

Thank you,
Devin Muzzey



Devin Muzzey

gis specialist

e dmuzzey@cabq.gov

cabq.gov/planning

From: Charlene Johnson <Johnson@consensusplanning.com>

Sent: Friday, July 14, 2023 10:52 AM

To: Planning Plat Approval <platgisreview@cabq.gov>

Cc: Jackie Fishman <fishman@consensusplanning.com>

Subject: DXF file Review for Final Plat_Paseo del Norte and Kimmick Road

[EXTERNAL] Forward to phishing@cabq.gov and delete if an email causes any concern.

Good morning,

Attached is a DXF and the Final Plat for a property located at the southeast corner of Paseo del Norte and Kimmick Road. The plat was approved by the Development Hearing Officer on July 12, 2023.

Please let us know if you need anything further for AGIS approval.

Thank you,

Charlene Johnson, AICP

Planner III

Consensus Planning, Inc.

302 Eighth Street NW

Albuquerque, NM 87102

Phone: 505.764.9801

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

Jubilee Development, LLC
191 Alameda Boulevard NE
Albuquerque, NM 87114

Project# PR-2022-007712
Application#
SI-2022-01874 SITE PLAN
SI-2022-01875 SITE PLAN AMENDMENT
SD-2022-00143 PRELIMINARY PLAT

LEGAL DESCRIPTION:

For all or a portion of: **LOT 5 BLOCK 6 UNIT 26, VOLCANO CLIFFS** zoned **MX-L & MX-M**, located on **ROSA PARKS RD NW** between **PASEO DEL NORTE** and **ROSA PARKS RD** containing approximately **18.23** acre(s).
(C-11)

On November 9, 2022, the Development Review Board (DRB) held a public meeting concerning the above referenced applications and approved the requests, with delegation to Parks and Recreation and Planning, based on the following Findings:

SI-2022-01874 SITE PLAN

1. This is a request to construct a 238-unit multi-family residential development on the subject property, Tract B-1 consisting of 9.5477 acres and zoned MX-L (Tract B-1 is created by Preliminary Plat approval per PR-2022-007712 / SD-2022-00143). The development consists of multi-family residential buildings, a fitness building, a clubhouse, and a pool. The site plan is required to be reviewed by the Development Review Board (DRB) because per 6-5(G)(1)(e)(1)(b) more than 50 multi-family residential units are proposed to be constructed.

1. Pursuant to 6-6(l)(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(l)(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 dimensional standards, parking, landscaping, and building design meet the IDO requirements: the proposed buildings meet the 5-foot and 15-foot front and rear setback standards respectively, 180,622 square foot of open space is provided where 62,920 square feet of open space is required, and the proposed buildings at a maximum of 37' 8" in height do not exceed the 38-foot maximum permitted height, with the ends of the buildings stepping down to two stories from three stories; 412 total parking spaces are provided (including 10 electric vehicle parking spaces and 12 ADA spaces) where 357 parking spaces are required; 144,370 square feet of landscaping is proposed where 82,716 square feet is required; and the proposed buildings meet the building design requirements of 5-11(D) of the IDO, including providing weather protection through the use of porticos, roof variations, recess and projections, and other integral building forms, the ground floor street-facing façade containing at minimum of 20% of its surfaces in transparent windows and/or doors, windows being recessed at least 2" at upper levels, a change in color, texture, and material along the length of the facades, and windows on upper floors of all facades. The parcel is within 330 feet of Major Public Open Space and, therefore, is required to meet IDO 5-2(J)(1); the condition delegated to Parks and Recreation Department is to confirm requirements are met.

- b. 6-6(l)(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 was submitted in 2017 and reevaluated by City Transportation staff for the current proposed development, and are reflected in the improvements depicted on the Infrastructure List for the associated Preliminary Plat (PR-2022-007712 / SD-2022-00143).

- c. 6-6(l)(3)(c) *If the subject property is within an approved Master Development Plan, the Site Plan shall meet any relevant standards in the Master Development Plan in addition to any standards applicable in the zone district the subject property is in.*

The subject property is not located within an approved Master Development Plan, therefore this criterion does not apply.

2. The proposed use is allowed within the MX-L zone district.
3. The applicant provided the required notice as outlined in the IDO Table 6-1-1.

Conditions:

1. This Site Plan is valid 7 years from DRB approval (11/9/2022). An extension may be requested prior to the expiration date.
2. Final sign off is delegated to Parks and Recreation to reconsider the following IDO regulations: 5-2(J)(1) in relation to lots within 330 feet of Major Public Open Space, 5-2(J)(1)(A) for access and connectivity, to continue the trail and to add a pedestrian gate, 5-2(J)(1)(B) use native and/or naturalized vegetation to eliminate the Chinese Pistache tree, and 5-2(J)(1)(C) outdoor lighting, to add the height of the light pole to 20 feet or less.
3. Final sign off is delegated to Planning for the approved and recorded Final Plat.
4. The applicant will obtain final sign off from Parks and Recreation and Planning by March 8, 2023 or the case may be scheduled for the next DRB hearing and could be denied her the DRB Rules of Procedure.

SI-2022-01875 SITE PLAN AMENDMENT

1. The original project consists of a Site Plan for Subdivision for The Cliffs on Paseo, which was approved by the DRB on September 13, 2017 per 1009082 / 17DRB-70109 for three proposed lots consisting of retail and office uses on proposed Lot 1, multi-family residential use on proposed Lot 2, and office use on proposed Lot 3, as well as the listed requirements on the Site Plan for Subdivision. This is a request to eliminate/remove the Site Plan for Subdivision, as the DRB was the original approving body for the Site Plan for Subdivision.
2. The applicant provided the required notice as outlined in the IDO Table 6-1-1.

SD-2022-00143 PRELIMINARY PLAT

1. This Preliminary/Final Plat adjusts the boundaries of Tract 1, Block 2 and Lot 5, Block 6 of the Volcano Cliffs Subdivision, creating Tract 1-A, Block 2 at 8.2339 acres in size, and Tract 1-B, Block 2 at 9.5477 acres in size.
2. The property is zoned MX-M for Tract 1-A, and MX-L for Tract 1-B, future development must conform with the underlying zoning.
3. An Infrastructure List was approved with this Plat. A recorded Infrastructure Improvements Agreement (IIA) must be submitted prior to the acceptance and processing of the Final Plat.

4. The applicant provided the required notice as outlined in the IDO Table 6-1-1.

APPEAL: If you wish to appeal this decision, you must do so within 15 days of the DRB's decision or by **NOVEMBER 26, 2022**. 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). Files larger than 9MB can be sent to PLNDRS@CABQ.GOV using <https://wettransfer.com>. 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,



Jolene Wolfley
DRB Chair

JW/jr

Consensus Planning, Inc., 702 Eighth Street NW, Albuquerque, NM 87102

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

Group II U26 VC, LLC & Tract 5 U26, LLC
2400 Louisiana Blvd. NE Bldg. 3
Albuquerque, NM 87110

Project# PR-2022-007712

Application#

SD-2022-00158 VACATION OF PRIVATE
EASEMENT Utility Easement – Rosa Parks Rd.

SD-2022-00161 VACATION OF PRIVATE
EASEMENT Utility Easement – Paseo del Norte

SD-2022-00162 VACATION OF PRIVATE
EASEMENT Blanket Cross Lot Drainage and
Access Easement

LEGAL DESCRIPTION:

For all or a portion of: **LOTS 5 & 1, BLOCKS 6 & 2 UNIT 26, VOLCANO CLIFFS UNIT 26** zoned **MX-L & MX-M**, located on **ROSA PARKS RD & PASEO DEL NORTE NW** between **PASEO DE NORTE** and **ROS PARKS RD** containing approximately **18.23** acre(s). **(C-11)**

On November 9, 2022, the Development Review Board (DRB) held a public meeting concerning the above referenced applications and approved the requests based on the following Findings:

SD-2022-00158 VACATION OF PRIVATE EASEMENT Utility Easement – Rosa Parks Rd.

1. The applicant proposes to vacate a 10-foot utility easement along the north side of Rosa Parks Rd.
2. The applicant justified the vacation request for the easement pursuant to 14-16-6-6-(M)(3) of the IDO. The utility easement is being replaced by another 10-foot utility easement to the north of the new right-of-way per City Transportation's request for additional right-of-way to be dedicated along the north side of Rosa Parks Rd.

3. The vacation as depicted on the Vacation Exhibit in the Planning file must be platted within one year of DRB approval or it will be void (see Table 6-4-3 of the IDO).

SD-2022-00161 VACATION OF PRIVATE EASEMENT Utility Easement – Paseo del Norte

1. The applicant proposes to vacate a 10-foot utility easement along the south side of Paseo del Norte.
2. The applicant justified the vacation request for the easement pursuant to 14-16-6-6-(M)(3) of the IDO. City Transportation has requested additional right-of-way to be dedicated along the south side of Paseo del Norte, and the existing utility easement is located within the area to be dedicated.
3. The vacation as depicted on the Vacation Exhibit in the Planning file must be platted within one year of DRB approval or it will be void (see Table 6-4-3 of the IDO).

SD-2022-00162 VACATION OF PRIVATE EASEMENT Blanket Cross Lot Drainage and Access Easement

1. The applicant proposes to vacate a blanket cross lot drainage and access easement on Tract 1-B for the benefit of Tract 1-A and 1-C.
2. The applicant justified the vacation request for the easement pursuant to 14-16-6-6-(M)(3) of the IDO. This easement has been replaced by another private blanket cross lot drainage and access easement on Tract 1-A.
3. The vacation as depicted on the Vacation Exhibit in the Planning file must be platted within one year of DRB approval or it will be void (see Table 6-4-3 of the IDO).

APPEAL: If you wish to appeal this decision, you must do so within 15 days of the DRB’s decision or by **NOVEMBER 26, 2022**. 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). Files larger than 9MB can be sent to PLNDRS@CABQ.GOV using <https://wettransfer.com>. A Non-Refundable filing fee will be calculated and you will receive instructions about paying the fee online.

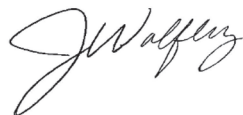
You will receive notification if any person files an appeal. If there is no appeal, you can receive Building Permits at any time after the appeal deadline quoted above, provided all conditions imposed at the time of approval have been met. Applicants submitting for building permit prior to the completion 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).

Official Notice of Decision

Project # PR-2022-007712 Applications# SD-2022-00158, SD-2022-00161, SD-2022-00162

Page 3 of 3

Sincerely,

A handwritten signature in black ink, appearing to read "J. Wolfley". The signature is fluid and cursive, with the first letter of each word being capitalized and prominent.

Jolene Wolfley
DRB Chair

JW/jr

Consensus Planning, Inc., 702 Eighth Street NW, Albuquerque, NM 87102

**PREVIOUS APPLICATION TO THE DHO FOR
EXTENSION OF PRELIMINARY PLAT/VPE'S**



Please check the appropriate box(es) and refer to supplemental forms for submittal requirements. All fees must be paid at the time of application. Please note that these applications are not reviewed in a public meeting.

SUBDIVISIONS	MISCELLANEOUS APPLICATIONS
<input type="checkbox"/> Major – Preliminary Plat / Major Amendment (Forms S & S1)	<input type="checkbox"/> Sidewalk Waiver (Form V2)
<input type="checkbox"/> Major – Bulk Land Plat (Forms S & S1)	<input type="checkbox"/> Waiver to IDO (Form V2)
<input checked="" type="checkbox"/> Extension of Preliminary Plat (Form S1)	<input type="checkbox"/> Waiver to DPM (Form V2)
<input type="checkbox"/> Minor Amendment - Preliminary Plat (Forms S & S2)	<input type="checkbox"/> Vacation of Public Right-of-way (Form V)
<input type="checkbox"/> Major - Final Plat (Forms S & S2)	<input type="checkbox"/> Vacation of Public Easement(s) DHO (Form V)
<input type="checkbox"/> Minor – Preliminary/Final Plat (Forms S & S2)	<input type="checkbox"/> Vacation of Private Easement(s) (Form V)
APPEAL	<input checked="" type="checkbox"/> Extension of Vacation (Form V)
<input type="checkbox"/> Decision of DHO (Form A)	

BRIEF DESCRIPTION OF REQUEST

Extension request for Preliminary Plat (PR-2022-007712/SD-2022-00143) approved November 9, 2022.

APPLICATION INFORMATION

Applicant/Owner: Group II U26 VC, LLC & Tract 5 U26, LLC.		Phone: 505 280-4555
Address: 2400 Louisiana Blvd., Bldg 3 & 5700 University Blvd. SE, Ste. 310		Email: Steven.Metro@wilsonco.com
City: Albuquerque	State: NM	Zip: 87110 & 87120
Professional/Agent (if any): Consensus Planning, Inc.		Phone: 505 764-9801
Address: 302 8th Street, NW		Email: fishman@consensusplanning.com
City: Albuquerque	State: NM	Zip: 87120
Proprietary Interest in Site: Owners	List <u>all</u> owners:	

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

Lot or Tract No.: 5 & 1	Block: 6 & 2	Unit: 26
Subdivision/Addition: Volcano Cliffs Unit 26	MRGCD Map No.:	UPC Code: 101106400611830101 & 101106404014530102
Zone Atlas Page(s): C-11	Existing Zoning: MX-L & MX-M	Proposed Zoning N/A
# of Existing Lots: 2	# of Proposed Lots: 2	Total Area of Site (Acres): 8.23 & 9.54

LOCATION OF PROPERTY BY STREETS

Site Address/Street: 99999 Rosa Parks Rd. & 9999 Paseo del Norte, NW Between: **Paseo del Norte** and: **Rosa Parks Road**

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

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:	Date: November 7, 2023
Printed Name: Jacqueline Fishman, AICP, Principal	<input type="checkbox"/> Applicant or <input checked="" type="checkbox"/> Agent

FORM S1: SUBDIVISION OF LAND – MAJOR

Please refer to the DHO public meeting schedule for meeting dates and deadlines. Your attendance is required.

MAJOR SUBDIVISION PRELIMINARY PLAT APPROVAL

MAJOR AMENDMENT TO PRELIMINARY PLAT

BULK LAND SUBDIVISION

A Single PDF file of the complete application including all documents being submitted must be emailed to PLNDRS@cabq.gov. Zipped files or those over 9 MB cannot be delivered via email, in which case the PDF must be provided to City Staff using other online resources such as Dropbox or FTP. *The PDF shall be organized in the number order below.* Divide the PDF with a title sheet for each of the three documentation sections in **bold** below.

PLAT DOCUMENTATION

- ___ 1) DHO Application form completed, signed, and dated
- ___ 2) Form S1 with all the submittal items checked/marked
- ___ 3) Form S with signatures from Hydrology, Transportation, and ABCWUA
- ___ 4) Zone Atlas map with the entire site clearly outlined and labeled
- ___ 5) Preliminary Plat including the Grading and Drainage Plan with the surveyor's, property owner's, and City Surveyor's signatures on the Plat. If submitting a Bulk Land Plat, the Plat must also include utility and AMAFCA signatures
- ___ 6) Sidewalk Exhibit and/or cross sections of proposed streets
- ___ 7) Site sketch with measurements showing structures, parking, building setbacks, adjacent rights-of-way and street improvements (to include sidewalk, curb & gutter with distance to property line noted) if there is any existing land use
- ___ 8) Infrastructure List, if required for building of public infrastructure
- ___ 9) Sensitive Lands Site Analysis for new site design in accordance with IDO Section 5-2(C)
(The Sensitive Lands Site Analysis form can be obtained online at):
[https://documents.cabq.gov/planning/development-review-board/Sensitive lands analysis form.pdf](https://documents.cabq.gov/planning/development-review-board/Sensitive%20lands%20analysis%20form.pdf)

SUPPORTIVE DOCUMENTATION

- ___ 10) Letter of authorization from the property owner if application is submitted by an agent
- ___ 11) Letter describing, explaining, and justifying the request per the criteria in IDO Section 14-16-6-6(L)(3)
- ___ 12) Sites 5 acres or greater: Archaeological Certificate in accordance with IDO Section 14-16-6-5(A)
(not required for Extension)

- 13) Proof of Sketch Plat per IDO Section 14-16-6-6(L)(2)(b)
- 14) Landfill disclosure statement per IDO Section 14-16-6-4(S)(5)(d)(2)(d) if site is within a designated landfill buffer zone

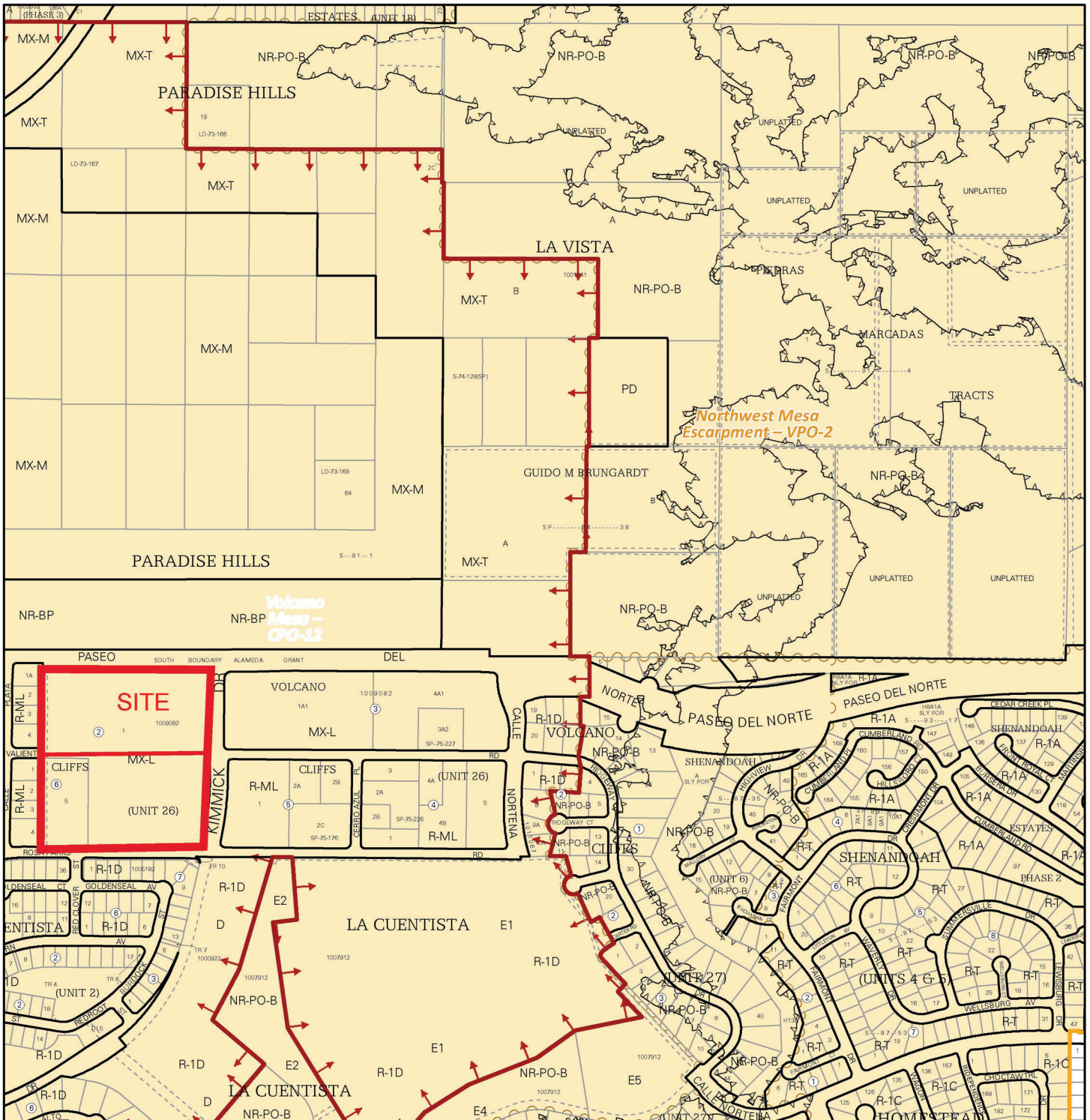
PUBLIC NOTICE DOCUMENTATION

- 15) Sign Posting Agreement
- 16) Required Content of Notice at Submittal per IDO Section 14-16-6-4(K)(1)
 - Office of Neighborhood Coordination notice inquiry response
 - Buffer map and list of property owners within 100 feet (excluding public rights-of-way) provided by the Planning Department
 - Completed notification form(s), proof of additional information provided in accordance with IDO Section 6-4(K)(1)(b)
 - Proof of emailed notice to affected Neighborhood Association representatives
 - Proof of first class mailing to affected Neighborhood Association representatives and property owners within 100 feet
- 17) Interpreter Needed for Hearing? if yes, indicate language:

EXTENSION OF PRELIMINARY PLAT

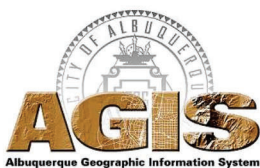
A Single PDF file of the complete application including all documents being submitted must be emailed to PLNDRS@cabq.gov prior to making a submittal. Zipped files or those over 9 MB cannot be delivered via email, in which case the PDF must be provided to City Staff using other online resources such as Dropbox or FTP. The PDF shall be organized in the number order below.

- 1) DHO Application form completed, signed, and dated
- 2) Form S1 with all the submittal items checked/marked
- 3) Zone Atlas map with the entire site clearly outlined and labeled
- 4) Preliminary Plat
- 5) Copy of DRB approved infrastructure list
- 6) Letter of authorization from the property owner if application is submitted by an agent
- 7) Letter describing, explaining, and justifying the request per IDO Section 14-16-6-4(X)(4)
- No 8) Interpreter Needed for Hearing? if yes, indicate language:

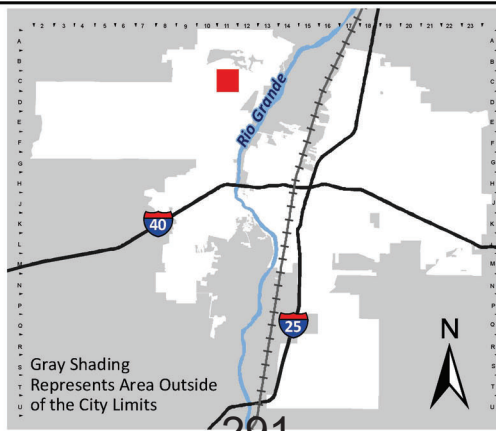


For more details about the Integrated Development Ordinance visit: <http://www.cabq.gov/planning/codes-policies-regulations/integrated-development-ordinance>

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-11-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



September 26, 2023

City of Albuquerque
Development Review Board
600 Second Street NW
Albuquerque, New Mexico 87102

RE: Paseo del Norte and Kimmick NW – Site Plan-DRB and Preliminary Plat Applications

To Whom it may Concern:

The purpose of this letter is to authorize Consensus Planning, Inc. and RESPEC to act as our agents for a Site Plan-DRB and Preliminary Plat request on the property located at the southwest corner of Paseo del Norte and Kimmick Drive NW.

The property is legally described as *Tract 1, Block 2, Plat of Tract 1, Block 2 Volcano Cliffs Subdivision Unit 26*. Group II U26 VC, LLC. is the owner of the subject property.

Thank you for your consideration.

Sincerely,



Steve Metro
Managing Member
Group II U26 VC LLC

September 26, 2023

City of Albuquerque
Development Review Board
600 Second Street NW
Albuquerque, New Mexico 87102

RE: Paseo del Norte and Kimmick NW – Site Plan-DRB and Preliminary Plat Applications

To Whom it may Concern:

The purpose of this letter is to authorize Consensus Planning, Inc. and RESPEC to act as our agents for a Site Plan-DRB and Preliminary Plat request on the property located at the southwest corner of Paseo del Norte and Kimmick Drive NW.

The property is legally described as **00050006 Volcano Cliffs Subdivision, Unit 26. Tract 5, U26 LLC.* is the owner of the subject property.

Thank you for your consideration.

Sincerely,



Steve Metro
Managing Member
Tract 5 U26 VC LLC

PLAT OF
TRACTS 1-A and 1-B, BLOCK 2
VOLCANO CLIFFS SUBDIVISION, UNIT 26
 A Replat of Tract 1, Block 2 and
 Lot 5, Block 6
 Volcano Cliffs Subdivision, Unit 26
 WITHIN SECTIONS 14 & 15
 T.11 N., R.2 E., N.M.P.M.
 CITY OF ALBUQUERQUE
 BERNALILLO COUNTY, NEW MEXICO
 JULY 2022

FREE CONSENT AND DEDICATION:

THE TRACTS SHOWN HEREON ARE REPLATTED WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF THE UNDERSIGNED OWNERS. ALL EXISTING ACCESS, UTILITY AND DRAINAGE EASEMENTS SHOWN HEREON INCLUDE THE RIGHT TO CONSTRUCT, OPERATE, INSPECT AND MAINTAIN FACILITIES THEREIN; ALL PUBLIC UTILITY EASEMENTS SHOWN HEREON FOR THE COMMON AND JOINT USE OF GAS, ELECTRICAL POWER AND COMMUNICATION SERVICES FOR OVERHEAD AND/OR BURIED DISTRIBUTION LINES, CONDUITS, AND PIPES FOR UNDERGROUND AND/OR OVERHEAD UTILITIES WHERE SHOWN OR INDICATED, AND INCLUDING THE RIGHT OF INGRESS AND EGRESS FOR CONSTRUCTION AND MAINTENANCE AND THE RIGHT TO TRIM INTERFERING TREES AND SHRUBS; SAID OWNERS DO HEREBY CONSENT TO ALL OF THE FOREGOING AND DO HEREBY CERTIFY THAT THIS SUBDIVISION IS THEIR FREE ACT AND DEED.

PROPERTY OWNER SIGNATURE(S):

TRACT 1, BLOCK 2, VOLCANO CLIFFS SUBDIVISION, UNIT 26:

Billy J. Wright 9-21-22
 BILLY J. WRIGHT, MANAGER DATE
 FOR: GROUP II U26 VC, LLC, A NEW MEXICO LIMITED LIABILITY COMPANY

STATE OF NEW MEXICO)
) ss.
 COUNTY OF BERNALILLO)

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THIS 21st DAY OF September, 2022, BY BILLY J. WRIGHT.

NOTARY PUBLIC: Andie Houtman
 MY COMMISSION EXPIRES: October 21st, 2025

St. J. Metro 9-21-22
 STEVEN J. METRO, MANAGER DATE
 FOR: GROUP II U26 VC, LLC, A NEW MEXICO LIMITED LIABILITY COMPANY

STATE OF NEW MEXICO)
) ss.
 COUNTY OF BERNALILLO)

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THIS 21st DAY OF September, 2022, BY STEVEN J. METRO.

NOTARY PUBLIC: Andie Houtman
 MY COMMISSION EXPIRES: October 21st, 2025

STATE OF NEW MEXICO
 NOTARY PUBLIC
 ANDIE HOUTMAN
 Commission Number: 1119570
 My Commission Expires October 21, 2025

STATE OF NEW MEXICO
 NOTARY PUBLIC
 ANDIE HOUTMAN
 Commission Number: 1119570
 My Commission Expires October 21, 2025

LOT 5, BLOCK 6, VOLCANO CLIFFS SUBDIVISION, UNIT 26:

Rudy Guzman 9/22/22
 RUDY GUZMAN, MANAGER DATE
 FOR: TRACT 5 U26, LLC, A NEW MEXICO LIMITED LIABILITY COMPANY

STATE OF NEW MEXICO)
) ss.
 COUNTY OF BERNALILLO)

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THIS 22nd DAY OF September, 2022, BY RUDY GUZMAN.

NOTARY PUBLIC: Andie Houtman
 MY COMMISSION EXPIRES: October 21st, 2025

St. J. Metro 9-21-22
 STEVEN J. METRO, MANAGER DATE
 FOR: TRACT 5 U26, LLC, A NEW MEXICO LIMITED LIABILITY COMPANY

STATE OF NEW MEXICO)
) ss.
 COUNTY OF BERNALILLO)

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THIS 21st DAY OF September, 2022, BY STEVEN J. METRO.

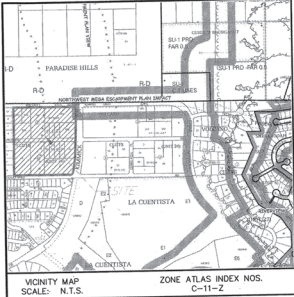
NOTARY PUBLIC: Andie Houtman
 MY COMMISSION EXPIRES: October 21st, 2025

STATE OF NEW MEXICO
 NOTARY PUBLIC
 PATRICIA A. GUZMAN
 COMMISSION NUMBER 1084947
 EXPIRATION DATE 11-02-2025

STATE OF NEW MEXICO
 NOTARY PUBLIC
 ANDIE HOUTMAN
 Commission Number: 1119570
 My Commission Expires October 21, 2025

WILSON & COMPANY
 4401 MASTHEAD ST. NE SUITE 150
 ALBUQUERQUE, NEW MEXICO 87109
 PHONE: 505-348-4000
 FAX: 505-348-4155

SHEET 2 OF 3



SUBDIVISION DATA:

TOTAL NO. OF LOTS EXISTING:	2
TOTAL NO. OF TRACTS CREATED:	2
GROSS SUBDIVISION ACREAGE:	18.2557 ACRES
TOTAL MILES OF STREETS CREATED:	0
ZONE ATLAS INDEX NO.:	C-11-Z
DATE OF SURVEY:	APRIL 2010
CURRENT ZONING:	MX-M for Tract 1A MX-L for Tract 1B

DISCLOSURE STATEMENT:
 THE PURPOSE OF THIS PLAT IS TO REPLAT TRACT 1, BLOCK 2 AND LOT 5, BLOCK 6 UNIT 26, VOLCANO CLIFFS SUBDIVISION INTO TWO TRACTS TO MATCH THE ZONE MAP AMENDMENT APPROVED BY THE ENVIRONMENTAL PLANNING COMMISSION.

THIS IS TO CERTIFY THAT TAXES ARE CURRENT AND PAID ON
 UNIFORM PROPERTY CODE # : 1-011-064-040-145-30102
 PROPERTY OWNER OF RECORD: GROUP II U26 VC, LLC, A NEW MEXICO LIMITED LIABILITY COMPANY
 UNIFORM PROPERTY CODE # : 1-011-064-006-118-30101
 PROPERTY OWNER OF RECORD: TRACT 5 U26, LLC, A NEW MEXICO LIMITED LIABILITY COMPANY

BERNALILLO COUNTY TREASURER'S OFFICE: _____ DATE: _____
INDEXING INFORMATION FOR COUNTY CLERK
 OWNER(S): VARIOUS
 SECTIONS 14&15, T.11 N., R.2 E., N.M.P.M.
 SUBDIVISION: VOLCANO CLIFFS SUBDIVISION, UNIT 26.

Layout Name: DRB-1of3
 Drawing Name: 14111700_REPLAT_TY 1A 1B.dwg
 NETWORK ADDRESS: M:\TRN\14-100-117-001\2_Disciplines\Survey\Drawings\ Plot By: PAJ

LEGAL DESCRIPTION:
 A CERTAIN TRACT OF LAND BEING DESCRIBED AS TRACT 1, BLOCK 2 AND LOT 5, BLOCK 6, UNIT 26 VOLCANO CLIFFS SUBDIVISION FILED WITH THE OFFICE OF THE COUNTY CLERK OF BERNALILLO COUNTY, NEW MEXICO ON SEPTEMBER 12, 2013 IN BOOK: 2013C, PAGE: 92 AS DOCUMENT # 2013089890 AND VOLUME D4, FOLIO 133 FILED JUNE 23, 1971; SAID TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
 BEGINNING AT THE SOUTHWEST CORNER OF SAID TRACT 1 AND ALSO A POINT ON THE NORTHERLY RIGHT OF WAY LINE OF ROSA PARKS; WHENCE, THE A.C.S. (ALBUQUERQUE CONTROL STATION) 3-E10, BEARING S.28°48'12"W., 8,467.09 FEET DISTANT; THENCE FROM SAID POINT OF BEGINNING, ALONG SAID NORTHERLY RIGHT OF WAY LINE,
 S89°40'55"W., A DISTANCE OF 239.96 FEET; THENCE, LEAVING SAID NORTHERLY RIGHT OF WAY LINE,
 N.00°19'05"E., 921.04 FEET TO THE NORTHWEST CORNER OF SAID TRACT DESCRIBED HEREIN, BEING A POINT ON THE SOUTHERLY RIGHT OF WAY LINE OF PASEO DEL NORTE; THENCE, ALONG SAID RIGHT OF WAY LINE,
 S.89°43'24"E., A DISTANCE OF 544.22 FEET; THENCE,
 S.88°17'26"E., A DISTANCE OF 224.95 FEET; THENCE,
 S89°43'24"E., A DISTANCE OF 67.02 FEET TO A POINT OF CURVATURE; THENCE,
 SOUTHEASTERLY, 54.31 FEET ALONG THE ARC OF SAID CURVE TO THE RIGHT HAVING A RADIUS OF 36.78 FEET AND A CENTRAL ANGLE OF 84°36'32" SUBTENDED BY A CHORD OF 49.52 FEET WHICH BEARS S.44°42'09"E. TO A POINT OF TANGENCY, BEING A POINT ON THE WESTERLY RIGHT OF WAY LINE OF KIMMICK DRIVE; THENCE ALONG SAID WESTERLY RIGHT OF WAY LINE,
 S.00°19'05"W., A DISTANCE OF 509.90 FEET TO A POINT OF CURVATURE; THENCE,
 SOUTHWESTERLY, 349.19 FEET ALONG THE ARC OF SAID CURVE TO THE RIGHT HAVING A RADIUS OF 1,781.34 FEET AND A CENTRAL ANGLE OF 111°33'3" SUBTENDED BY A CHORD OF 348.63 FEET WHICH BEARS S.05°56'02"W. TO A POINT OF COMPOUND CURVATURE; THENCE,
 SOUTHWESTERLY, 34.37 FEET ALONG THE ARC OF SAID CURVE TO THE RIGHT HAVING A RADIUS OF 25.00 FEET AND A CENTRAL ANGLE OF 78°46'06" SUBTENDED BY A CHORD OF 31.73 FEET WHICH BEARS S.50°56'02"W. TO A POINT OF TANGENCY ON THE NORTHERLY RIGHT OF WAY LINE OF ROSA PARKS ROAD; THENCE WESTERLY ALONG SAID RIGHT OF WAY LINE,
 N.89°40'55"W., A DISTANCE OF 149.95 FEET TO AN ANGLE POINT; THENCE,
 S.88°53'10"W., A DISTANCE OF 160.05 FEET TO AN ANGLE POINT; THENCE,
 N.89°40'55"W., A DISTANCE OF 262.60 FEET TO THE SOUTHWEST CORNER OF SAID TRACT HEREIN DESCRIBED, THE POINT OF BEGINNING;
 SAID TRACT CONTAINING AN AREA OF 795,218 SQUARE FEET OR 18,2557 ACRES, MORE OR LESS.

NOTICE OF SUBDIVISION PLAT CONDITIONS:
 A VARIANCE OR WAIVER FROM CERTAIN SUBDIVISION REQUIREMENTS HAS BEEN GRANTED BY THE CITY AND THE ALBUQUERQUE METROPOLITAN ARROYO FLOOD CONTROL AUTHORITY IN CONNECTION WITH THIS PLAT.
 FUTURE SUBDIVISION OF LANDS WITHIN THIS PLAT, ZONING SITE DEVELOPMENT PLAN APPROVALS, AND DEVELOPMENT PERMITS MAY BE CONDITIONED UPON DEDICATION OF RIGHTS-OF-WAY AND EASEMENTS, AND/OR UPON INFRASTRUCTURE IMPROVEMENTS BY THE OWNER FOR WATER, SANITARY SEWER, STREETS, DRAINAGE, GRADING AND PARKS IN ACCORDANCE WITH CURRENT RESOLUTIONS, ORDINANCES AND POLICIES IN EFFECT AT THE TIME FOR ANY SPECIFIC PROPOSAL.
 THE CITY (AND AMFCA WITH REFERENCE TO DRAINAGE) MAY REQUIRE AND/OR PERMIT EASEMENTS TO BE ADDED, MODIFIED OR REMOVED WHEN FUTURE PLATS OR SITE DEVELOPMENT PLANS ARE APPROVED.
 BY ITS APPROVAL THE CITY MAKES NO REPRESENTATION OR WARRANTIES AS TO AVAILABILITY OF UTILITIES, OR FINAL APPROVAL OR ALL REQUIREMENTS INCLUDING (BUT NOT LIMITED TO) THE FOLLOWING ITEMS: WATER AND SANITARY SEWER AVAILABILITY; FUTURE STREET DEDICATIONS AND/OR IMPROVEMENTS; PARK AND OPEN SPACE REQUIREMENTS; DRAINAGE REQUIREMENT AND/OR IMPROVEMENTS; AND EXCAVATION, FILLING OR GRADING REQUIREMENTS. ANY PERSON INTENDING DEVELOPMENT OF LANDS WITHIN THIS SUBDIVISION IS CAUTIONED TO INVESTIGATE THE STATUS OF THESE ITEMS.

GENERAL NOTES:
 1. COUNCIL BILL R-11-306 CREATES SPECIAL ASSESSMENT DISTRICT 228 (SAD 228) AND STATES THAT THE ADDITION OF IMPROVEMENTS TO THE DISTRICT IS IN THE GENERAL INTEREST OF THE CITY. THE TRACTS, EASEMENTS, AND RIGHT-OF-WAY SHOWN ON THIS PLAT ARE WITHIN THE IMPROVEMENT LIMITS DEFINED BY COUNCIL BILL R-11-306 FOR SAD 228.
 2. FIELD SURVEY WAS PERFORMED IN APRIL 2010 AND AUGUST 2020.
 3. BEARINGS SHOWN ARE NEW MEXICO STATE PLANE GRID BEARINGS (CENTRAL ZONE NAD 83) BASED ON A LINE FROM CONTROL STATION 3_E10 TO CONTROL STATION 13-D10 BEARING = N.54°12'22"E.
 4. ALL DISTANCES ARE GROUND DISTANCES. BEARINGS AND DISTANCES SHOWN BASED ON PREVIOUS PLAT.
 5. CORNERS SHOWN AS _____ AND LABELED FND, ARE 5/8" REBAR WITH CAP STAMPED "C.S. CROSHAW PS 14733", UNLESS OTHERWISE INDICATED. POSITIONAL ACCURACY IS WITHIN TOLERANCE AS REFERENCED IN MINIMUM STANDARDS FOR SURVEYING IN NEW MEXICO, SECTION 12.8.2.16.B
 6. CORNERS SHOWN AS _____ AND LABELED SET, ARE 5/8" REBAR WITH CAP STAMPED "B.M. ARAGON PS 15268", UNLESS OTHERWISE INDICATED. POSITIONAL ACCURACY IS WITHIN TOLERANCE AS REFERENCED IN MINIMUM STANDARDS FOR SURVEYING IN NEW MEXICO, SECTION 12.8.2.16.B

SOLAR NOTE:
 SUBDIVISION ORDINANCE SECTION 14-14-4-7, PROHIBITION ON PRIVATE RESTRICTIONS ON THE INSTALLATION OF SOLAR COLLECTORS ON PROPERTY WITHIN THE AREA FOR WHICH DRB APPROVAL IS SOUGHT. NO PROPERTY WITHIN THE AREA OF REQUESTED FINAL ACTION SHALL AT ANY TIME BE SUBJECT TO A DEED RESTRICTION, COVENANT, OR BINDING AGREEMENT PROHIBITING SOLAR COLLECTORS FROM BEING INSTALLED ON BUILDINGS OR ERECTED ON THE LOTS OR PARCELS WITHIN THE AREA OF PROPOSED PLAT. THE FOREGOING REQUIREMENT SHALL BE A CONDITION TO APPROVAL OF THIS PLAT OR SITE DEVELOPMENT PLAN FOR SUBDIVISION.

PLAT OF
TRACTS 1-A and 1-B, BLOCK 2
VOLCANO CLIFFS SUBDIVISION, UNIT 26
 A Replat of Tract 1, Block 2 and Lot 5, Block 6
 Volcano Cliffs Subdivision, Unit 26
 WITHIN SECTIONS 14 & 15
 T.11 N., R.2 E., N.M.P.M.
 CITY OF ALBUQUERQUE
 BERNALILLO COUNTY, NEW MEXICO
 JULY 2022

PROJECT NUMBER: _____
 APPLICATION NUMBER: _____
PLAT APPROVAL

UTILITY APPROVALS: PUBLIC UTILITY EASEMENTS SHOWN ON THIS PLAT ARE NOT EXCLUSIVE AND ARE GRANTED FOR THE COMMON AND JOINT USE OF THE UTILITIES DESIGNATED ON THIS PLAT. THEIR SUCCESSORS AND ASSIGNS, AND FOR THE USE OF ANY OTHER PUBLIC UTILITIES WHOSE USE OF SAID EASEMENT IS DEEDED TO BE IN THE PUBLIC INTEREST. DISCLAIMER: IN APPROVING THIS PLAT, PNM ELECTRIC SERVICES (PNM) AND NEW MEXICO GAS COMPANY (NMGC) AND CENTURY LINK DID NOT CONDUCT A TITLE SEARCH OF THE PROPERTIES SHOWN HEREON, CONSEQUENTLY, PNM, NMGC AND CENTURY LINK DO NOT WAIVE NOR RELEASE ANY EASEMENT OR EASEMENT RIGHTS WHICH MAY HAVE BEEN GRANTED BY PRIOR PLAT, REPLAT OR OTHER DOCUMENT, WHICH ARE NOT SHOWN ON THIS PLAT.

RJL 9/22/2022
 PNM ELECTRIC SERVICES DATE
 9/28/2022
 NEW MEXICO GAS COMPANY DATE
 10/17/2022
Natalie Anderson 9/27/22
 CENTURY LINK DATE
 COMCAST DATE

CITY APPROVALS:
Loren Risenhoover P.S. 9/22/2023
 CITY SURVEYOR DATE

TRAFFIC ENGINEERING, TRANSPORTATION DIVISION	DATE
ABCWA	DATE
PARKS AND RECREATION DEPARTMENT	DATE
A.M.A.F.C.A.	DATE
CITY ENGINEER HYDROLOGY	DATE
CODE ENFORCEMENT	DATE
DRB CHAIRPERSON, PLANNING DEPARTMENT	DATE

SURVEYOR'S CERTIFICATION:
 I, BENJAMIN M. ARAGON, A DULY REGISTERED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF NEW MEXICO, DO HEREBY CERTIFY THAT THIS PLAT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION, MEETS THE MINIMUM REQUIREMENTS FOR MONUMENTATION AND SURVEYS OF THE ALBUQUERQUE SUBDIVISION ORDINANCE, SHOWS ALL EASEMENTS MADE KNOWN TO ME BY THE OWNER(S), UTILITY COMPANIES, OR OTHER PARTIES EXPRESSING AN INTEREST, IS CORRECT AND TRUE TO THE BEST OF MY BELIEF AND KNOWLEDGE AND THAT THIS SURVEY AND PLAT MEET THE MINIMUM STANDARDS FOR SURVEYING IN NEW MEXICO AS ADOPTED BY THE NEW MEXICO BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND SURVEYORS EFFECTIVE MAY 1, 2007.

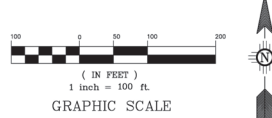
Benjamin M. Aragon
 BENJAMIN M. ARAGON
 N.M.P.L.S. #15268
 9-27-22
 DATE 11-01-22

WILSON & COMPANY
 4401 MASTHEAD ST. NE SUITE 150
 ALBUQUERQUE, NEW MEXICO 87109
 PHONE: 505-348-4000
 FAX: 505-348-4155

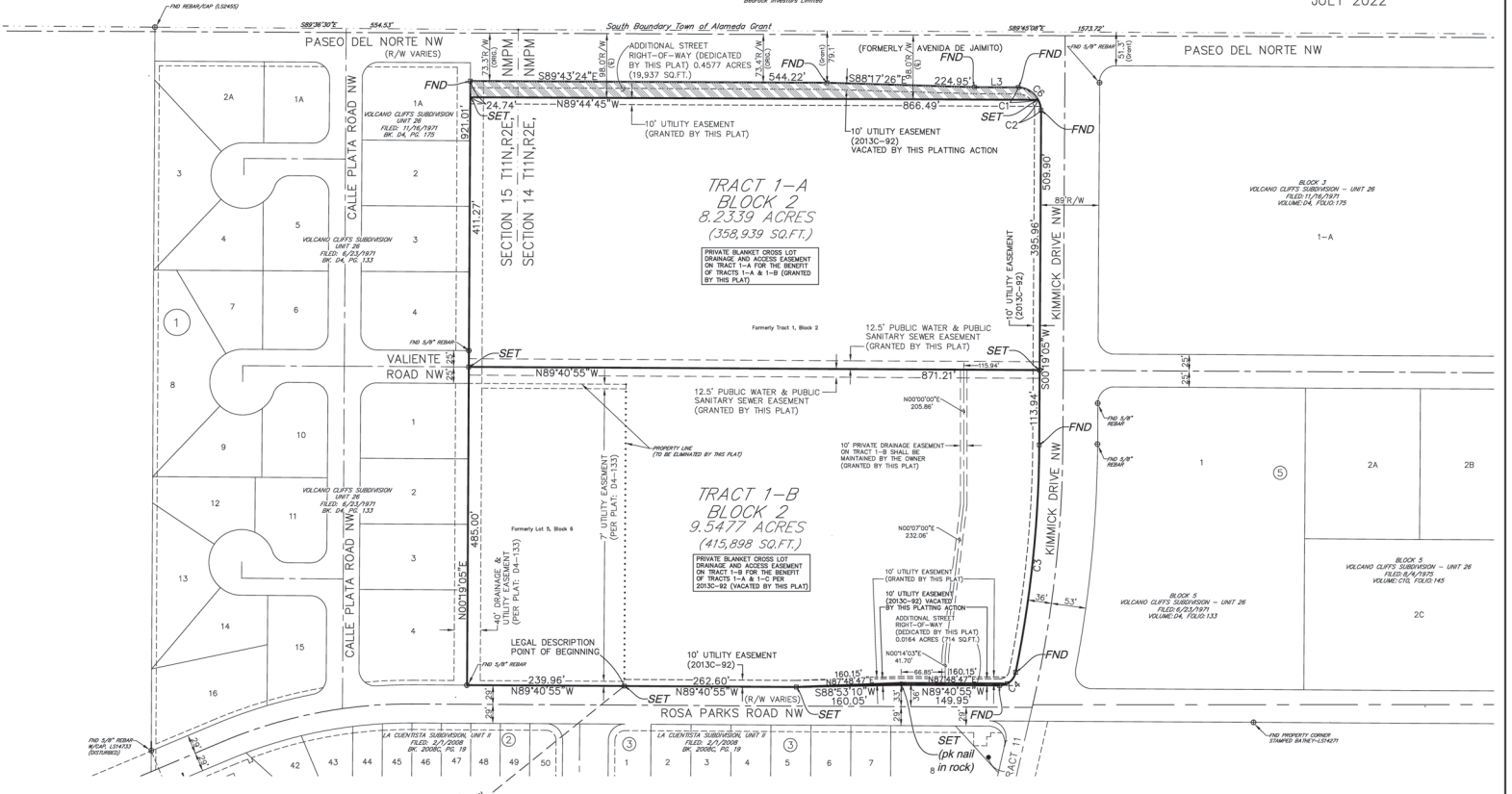
SHEET 1 OF 3

LINE NO.	BEARING	DISTANCE
L3	S89°43'24"E	67.02'

CURVE NO.	DELTA	RADIUS	LENGTH	CHORD BEARING/DISTANCE
C1	58°02'43"	36.78'	37.26'	S57°59'04"E 35.69'
C2	26°33'48"	36.78'	17.05'	S15°40'48"E 16.90'
C3	111°3'53"	1781.34'	349.19'	S05°56'02"W 348.63'
C4	78°46'06"	25.00'	34.37'	S05°56'02"W 31.73'
C5	50°24'39"	25.00'	22.00'	S36°45'18"W 21.29'
C6	84°36'32"	36.78'	54.31'	S44°42'09"E 49.52'
C7	28°21'27"	25.00'	12.37'	S76°08'21"W 12.25'



PLAT OF
TRACTS 1-A and 1-B, BLOCK 2
VOLCANO CLIFFS SUBDIVISION, UNIT 26
 A Replat of Tract 1, Block 2 and
 Lot 5, Block 6
 Volcano Cliffs Subdivision, Unit 26
 WITHIN SECTIONS 14 & 15
 T.11 N., R.2 E., N.M.P.M.
 CITY OF ALBUQUERQUE
 BERNALILLO COUNTY, NEW MEXICO
 JULY 2022



ACS CONTROL STATION "ACS 3-E10" DATA:
 3 1/4 BRASS DISC SET IN CONCRETE POST
 (NAD 1983)
 NEW MEXICO STATE PLANE GRID COORDINATES (CENTRAL ZONE)
 X=1,499,059.808 Y=1,512,627.946 (US SURVEY FEET)
 GROUND TO GRID FACTOR=0.999872416
 DELTA ALPHA=(-)00°16'20.35"
 (NAVD 1988)
 ELEV=5318.888 (US SURVEY FEET)

ACS CONTROL STATION "ACS 13-D10" DATA:
 3 1/4 BRASS DISC SET FLUSH IN LAVA ROCK
 (NAD 1983)
 NEW MEXICO STATE PLANE GRID COORDINATES (CENTRAL ZONE)
 X=1,501,318.610 Y=1,514,256.686 (US SURVEY FEET)
 GROUND TO GRID FACTOR=0.999872421
 DELTA ALPHA=(0)00°16'04.84"

FLOOD ZONE INFORMATION:
 THIS PROPERTY LIES WITH FLOOD ZONE "X" WHICH IS DEFINED AS AN AREA OF MINIMAL FLOOD HAZARD AS DETERMINED BY F.E.M.A. AND SHOWN ON THE FLOOD INSURANCE RATE MAP NO. 35001C0112G, DATED SEPTEMBER 26, 2008.

WILSON & COMPANY
 4401 MASTHEAD ST. NE SUITE 150
 ALBUQUERQUE, NEW MEXICO 87109
 PHONE: 505-348-4000
 FAX: 505-348-4155



November 5, 2023

Jolene Wolfley
Deputy Director
City of Albuquerque
600 Second Street NW
Albuquerque, New Mexico 87102

RE: Request for 1-year Extension of Preliminary Plat (SD-2022-00143) and
Vacation of Easements (SD-2022-00158, SD-2022-00161, SD-2022-00162)

Landscape Architecture
Urban Design
Planning Services

Dear Ms. Wolfley,

302 Eighth St. NW
Albuquerque, NM 87102

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

On behalf of Group II U26 VC, LLC and Jubilee Development, LLC, Consensus Planning (Agent) requests an extension of 1-year to the approvals for a Preliminary Plat to subdivide Tract 1, Block 2 and Lot 5, Block 6 of the Volcano Cliffs Subdivision, creating Tract 1-A, Block 2 at 8.2339 acres in size, and Tract 1-B, Block 2 at 9.5477 acres in size and the associated vacation of easements.

The Development Review Board (DRB) approved the Preliminary Plat along with three vacations, a Site Plan Amendment, and a Site Plan-DRB on November 9, 2022. These approvals were appealed by the West Side Coalition of Neighborhood Associations, were subsequently recommended for denial by the Land Use Hearing Officer (LUHO), and the City Council rejected the appeal and confirmed the approvals. The West Side Coalition then further appealed the decision to District Court and the Court's decision is still pending as of this date. As the relevant decision-making body, and to ensure the approvals of the Preliminary Plat and the associated Vacation of Easements remain in place at this time, the Applicants are requesting a 1-year extension to the Preliminary Plat and Vacation of Easements by the Development Hearing Officer (DHO).

Please do not hesitate to contact me for clarification or if you need additional information for this request. Thank you for your consideration.

Sincerely,

Jacqueline Fishman, AICP
Principal

cc: David Campbell, Development Hearing Officer
Group II U26 VC, LLC
Jubilee Development, LLC

PRINCIPALS

James K. Strozier, FAICP
Jacqueline Fishman, AICP

ASSOCIATES

Ken Romig, PLA, ASLA

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

Jubilee Development, LLC
191 Alameda Boulevard NE
Albuquerque, NM 87114

Project# PR-2022-007712
Application#
SI-2022-01874 SITE PLAN
SI-2022-01875 SITE PLAN AMENDMENT
SD-2022-00143 PRELIMINARY PLAT

LEGAL DESCRIPTION:

For all or a portion of: **LOT 5 BLOCK 6 UNIT 26, VOLCANO CLIFFS** zoned **MX-L & MX-M**, located on **ROSA PARKS RD NW** between **PASEO DEL NORTE** and **ROSA PARKS RD** containing approximately **18.23** acre(s).
(C-11)

On November 9, 2022, the Development Review Board (DRB) held a public meeting concerning the above referenced applications and approved the requests, with delegation to Parks and Recreation and Planning, based on the following Findings:

SI-2022-01874 SITE PLAN

1. This is a request to construct a 238-unit multi-family residential development on the subject property, Tract B-1 consisting of 9.5477 acres and zoned MX-L (Tract B-1 is created by Preliminary Plat approval per PR-2022-007712 / SD-2022-00143). The development consists of multi-family residential buildings, a fitness building, a clubhouse, and a pool. The site plan is required to be reviewed by the Development Review Board (DRB) because per 6-5(G)(1)(e)(1)(b) more than 50 multi-family residential units are proposed to be constructed.

1. Pursuant to 6-6(l)(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(l)(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 dimensional standards, parking, landscaping, and building design meet the IDO requirements: the proposed buildings meet the 5-foot and 15-foot front and rear setback standards respectively, 180,622 square foot of open space is provided where 62,920 square feet of open space is required, and the proposed buildings at a maximum of 37' 8" in height do not exceed the 38-foot maximum permitted height, with the ends of the buildings stepping down to two stories from three stories; 412 total parking spaces are provided (including 10 electric vehicle parking spaces and 12 ADA spaces) where 357 parking spaces are required; 144,370 square feet of landscaping is proposed where 82,716 square feet is required; and the proposed buildings meet the building design requirements of 5-11(D) of the IDO, including providing weather protection through the use of porticos, roof variations, recess and projections, and other integral building forms, the ground floor street-facing façade containing at minimum of 20% of its surfaces in transparent windows and/or doors, windows being recessed at least 2" at upper levels, a change in color, texture, and material along the length of the facades, and windows on upper floors of all facades. The parcel is within 330 feet of Major Public Open Space and, therefore, is required to meet IDO 5-2(J)(1); the condition delegated to Parks and Recreation Department is to confirm requirements are met.

- b. 6-6(l)(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 was submitted in 2017 and reevaluated by City Transportation staff for the current proposed development, and are reflected in the improvements depicted on the Infrastructure List for the associated Preliminary Plat (PR-2022-007712 / SD-2022-00143).

- c. 6-6(l)(3)(c) *If the subject property is within an approved Master Development Plan, the Site Plan shall meet any relevant standards in the Master Development Plan in addition to any standards applicable in the zone district the subject property is in.*

The subject property is not located within an approved Master Development Plan, therefore this criterion does not apply.

2. The proposed use is allowed within the MX-L zone district.
3. The applicant provided the required notice as outlined in the IDO Table 6-1-1.

Conditions:

1. This Site Plan is valid 7 years from DRB approval (11/9/2022). An extension may be requested prior to the expiration date.
2. Final sign off is delegated to Parks and Recreation to reconsider the following IDO regulations: 5-2(J)(1) in relation to lots within 330 feet of Major Public Open Space, 5-2(J)(1)(A) for access and connectivity, to continue the trail and to add a pedestrian gate, 5-2(J)(1)(B) use native and/or naturalized vegetation to eliminate the Chinese Pistache tree, and 5-2(J)(1)(C) outdoor lighting, to add the height of the light pole to 20 feet or less.
3. Final sign off is delegated to Planning for the approved and recorded Final Plat.
4. The applicant will obtain final sign off from Parks and Recreation and Planning by March 8, 2023 or the case may be scheduled for the next DRB hearing and could be denied her the DRB Rules of Procedure.

SI-2022-01875 SITE PLAN AMENDMENT

1. The original project consists of a Site Plan for Subdivision for The Cliffs on Paseo, which was approved by the DRB on September 13, 2017 per 1009082 / 17DRB-70109 for three proposed lots consisting of retail and office uses on proposed Lot 1, multi-family residential use on proposed Lot 2, and office use on proposed Lot 3, as well as the listed requirements on the Site Plan for Subdivision. This is a request to eliminate/remove the Site Plan for Subdivision, as the DRB was the original approving body for the Site Plan for Subdivision.
2. The applicant provided the required notice as outlined in the IDO Table 6-1-1.

SD-2022-00143 PRELIMINARY PLAT

1. This Preliminary/Final Plat adjusts the boundaries of Tract 1, Block 2 and Lot 5, Block 6 of the Volcano Cliffs Subdivision, creating Tract 1-A, Block 2 at 8.2339 acres in size, and Tract 1-B, Block 2 at 9.5477 acres in size.
2. The property is zoned MX-M for Tract 1-A, and MX-L for Tract 1-B, future development must conform with the underlying zoning.
3. An Infrastructure List was approved with this Plat. A recorded Infrastructure Improvements Agreement (IIA) must be submitted prior to the acceptance and processing of the Final Plat.

4. The applicant provided the required notice as outlined in the IDO Table 6-1-1.

APPEAL: If you wish to appeal this decision, you must do so within 15 days of the DRB's decision or by **NOVEMBER 26, 2022**. 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). Files larger than 9MB can be sent to PLNDRS@CABQ.GOV using <https://wettransfer.com>. 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,



Jolene Wolfley
DRB Chair

JW/jr

Consensus Planning, Inc., 702 Eighth 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. Please note that these applications are not reviewed in a public meeting.

SUBDIVISIONS	MISCELLANEOUS APPLICATIONS
<input type="checkbox"/> Major – Preliminary Plat / Major Amendment (Forms S & S1)	<input type="checkbox"/> Sidewalk Waiver (Form V2)
<input type="checkbox"/> Major – Bulk Land Plat (Forms S & S1)	<input type="checkbox"/> Waiver to IDO (Form V2)
<input checked="" type="checkbox"/> Extension of Preliminary Plat (Form S1)	<input type="checkbox"/> Waiver to DPM (Form V2)
<input type="checkbox"/> Minor Amendment - Preliminary Plat (Forms S & S2)	<input type="checkbox"/> Vacation of Public Right-of-way (Form V)
<input type="checkbox"/> Major - Final Plat (Forms S & S2)	<input type="checkbox"/> Vacation of Public Easement(s) DHO (Form V)
<input type="checkbox"/> Minor – Preliminary/Final Plat (Forms S & S2)	<input type="checkbox"/> Vacation of Private Easement(s) (Form V)
APPEAL	<input checked="" type="checkbox"/> Extension of Vacation (Form V)
<input type="checkbox"/> Decision of DHO (Form A)	

BRIEF DESCRIPTION OF REQUEST

Extension request for three Vacations of Private Easements (PR-2022-007712 / (SD-2022-00158, SD-2022000161, SD-2022-00162) approved November 9, 2022.

APPLICATION INFORMATION

Applicant/Owner: Group II U26 VC, LLC & Tract 5 U26, LLC.		Phone: 505 280-4555
Address: 2400 Louisiana Blvd., Bldg 3 & 5700 University Blvd. SE, Ste. 310		Email: Steven.Metro@wilsonco.com
City: Albuquerque	State: NM	Zip: 87110 & 87120
Professional/Agent (if any): Consensus Planning, Inc.		Phone: 505 764-9801
Address: 302 8th Street, NW		Email: fishman@consensusplanning.com
City: Albuquerque	State: NM	Zip: 87120
Proprietary Interest in Site: Owners	List <u>all</u> owners:	

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

Lot or Tract No.: 5 & 1	Block: 6 & 2	Unit: 26
Subdivision/Addition: Volcano Cliffs Unit 26	MRGCD Map No.:	UPC Code: 101106400611830101 & 101106404014530102
Zone Atlas Page(s): C-11	Existing Zoning: MX-L & MX-M	Proposed Zoning N/A
# of Existing Lots: 2	# of Proposed Lots: 2	Total Area of Site (Acres): 8.23 & 9.54

LOCATION OF PROPERTY BY STREETS

Site Address/Street: 9999 Rosa Parks Rd. & 9999 Paseo del Norte, NW Between: **Paseo del Norte** and: **Rosa Parks Road**

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

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:	Date: November 7, 2023
Printed Name: Jacqueline Fishman, AICP, Principal	<input type="checkbox"/> Applicant or <input checked="" type="checkbox"/> Agent

FORM V: VACATIONS OF EASEMENTS OR RIGHT-OF-WAY - DHO

Please refer to the DHO public meeting schedule for meeting dates and deadlines. Your attendance is required.

VACATION OF RIGHT-OF-WAY - DHO

VACATION OF RIGHT-OF-WAY - COUNCIL

A Single PDF file of the complete application including all documents being submitted must be emailed to PLNDRS@cabq.gov. Zipped files or those over 9 MB cannot be delivered via email, in which case the PDF must be provided to City Staff using other online resources such as Dropbox or FTP. The PDF shall be organized in the number order below. Divide the PDF with a title sheet for each of the three documentation sections in **bold** below.

VACATION DOCUMENTATION

- ___ 1) DHO Application form completed, signed, and dated
- ___ 2) Form V with all the submittal items checked/marked
- ___ 3) Zone Atlas map with the entire site clearly outlined and labeled
- ___ 4) Copy of the complete document which created the easement(s)
Not required for City owned public right-of-way
- ___ 5) Drawing showing the easement or right-of-way to be vacated
- ___ 6) If easements, list number to be vacated _____
- ___ 7) Square footage to be vacated (see IDO Section 14-16-6-6(M)) _____

SUPPORTIVE DOCUMENTATION

- ___ 8) Letter of authorization from the property owner if application is submitted by an agent
- ___ 9) Letter describing, explaining, and justifying the request per the criteria in IDO Section 14-16-6-6(M)
- ___ 10) Proof of Pre-Application Meeting with City staff per IDO Section 14-16-6-4(B)

PUBLIC NOTICE DOCUMENTATION

- ___ 11) Sign Posting Agreement
- ___ 12) Proof of a Pre-Submittal Neighborhood Meeting per IDO 14-16-6-4(C)
 - Office of Neighborhood Coordination neighborhood meeting inquiry response
 - Proof of email with read receipt OR Certified Letter offering meeting to applicable associations
 - Completed neighborhood meeting request form(s)
 - If a meeting was requested or held, copy of sign-in sheet and meeting notes

___ 13) Required Content of Notice at Submittal per IDO Section 14-16-6-4(K)(1) (not required for an extension)

- Office of Neighborhood Coordination notice inquiry response
- Completed notification form(s), proof of additional information provided in accordance with IDO Section 6-4(K)(1)(b)
- Proof of emailed notice to affected Neighborhood Association representatives
- Proof of first class mailing to affected Neighborhood Association representatives and property owners within 100 feet

___ 14) Interpreter Needed for Hearing? ___ if yes, indicate language: ___

VACATION OF PRIVATE EASEMENT

VACATION OF PUBLIC EASEMENT

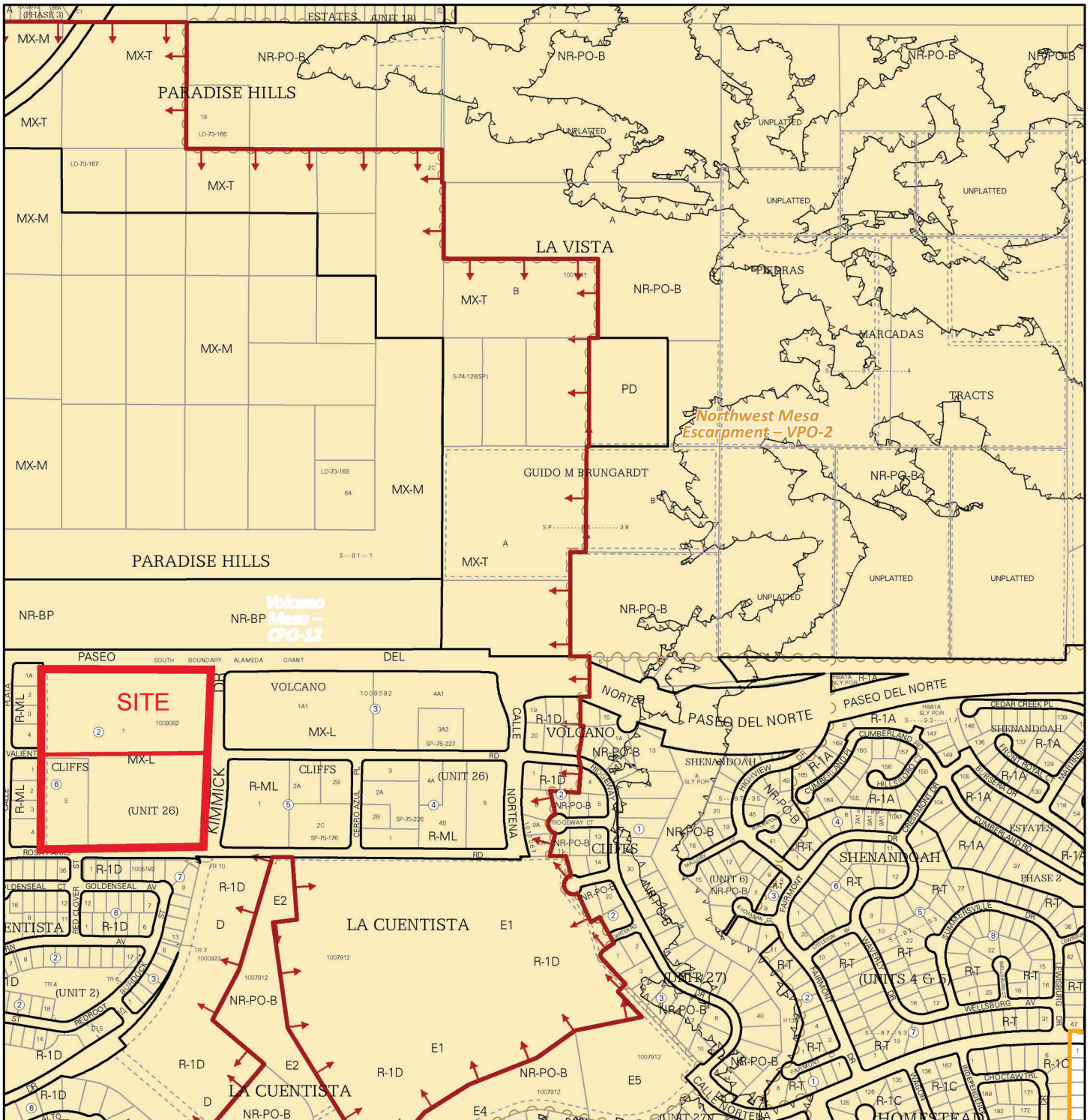
A Single PDF file of the complete application including all documents being submitted must be emailed to PLNDRS@cabq.gov prior to making a submittal. Zipped files or those over 9 MB cannot be delivered via email, in which case the PDF must be provided to City Staff using other online resources such as Dropbox or FTP. The PDF shall be organized in the number order below.

- ___ 1) DHO Application form completed, signed, and dated
- ___ 2) Form V with all the submittal items checked/marked
- ___ 3) Zone Atlas map with the entire site clearly outlined and labeled
- ___ 4) Copy of the complete document which created the easement(s)
- ___ 5) Drawing showing the easement or right-of-way to be vacated
- ___ 6) List number to be vacated _____
- ___ 7) Letter of authorization from the property owner if application is submitted by an agent
- ___ 8) Letter describing, explaining, and justifying the request per the criteria in IDO Section 14-16-6-6(M)
- ___ 9) Proof of Pre-Application Meeting with City staff per IDO Section 14-16-6-4(B)
- ___ 10) Interpreter Needed for Hearing? ___ if yes, indicate language: ___

**EXTENSION OF VACATION**

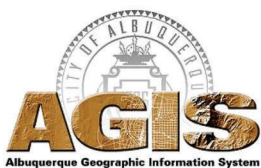
A Single PDF file of the complete application including all documents being submitted must be emailed to PLNDRS@cabq.gov prior to making a submittal. Zipped files or those over 9 MB cannot be delivered via email, in which case the PDF must be provided to City Staff using other online resources such as Dropbox or FTP. The PDF shall be organized in the number order below.

- 1) DHO Application form completed, signed, and dated
- 2) Form V with all the submittal items checked/marked
- 3) Zone Atlas map with the entire site clearly outlined and labeled
- 4) Drawing showing the vacated easement or right-of-way
- 5) Vacated square footage (see IDO Section 14-16-6-6(M) 8,664 sf (north) 5,726 sf (south))
- 6) Letter of authorization from the property owner if application is submitted by an agent
- 7) Letter describing, explaining, and justifying the request per IDO Section 14-16-6-4(X)(4)
- 8) Interpreter Needed for Hearing? if yes, indicate language:

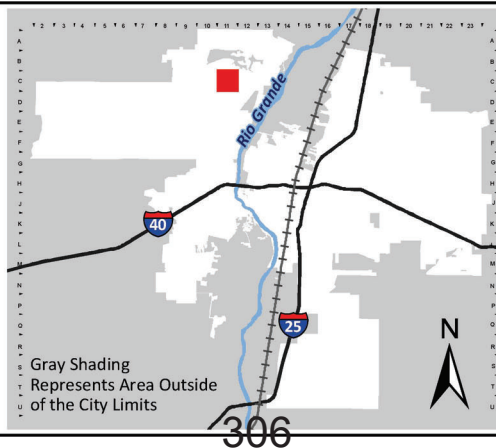


For more details about the Integrated Development Ordinance visit: <http://www.cabq.gov/planning/codes-policies-regulations/integrated-development-ordinance>

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-11-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

0 250 500 1,000 Feet

PLAT OF
TRACTS 1-A and 1-B, BLOCK 2
VOLCANO CLIFFS SUBDIVISION, UNIT 26
 A Replat of Tract 1, Block 2 and
 Lot 5, Block 6
 Volcano Cliffs Subdivision, Unit 26
 WITHIN SECTIONS 14 & 15
 T.11 N., R.2 E., N.M.P.M.
 CITY OF ALBUQUERQUE
 BERNALILLO COUNTY, NEW MEXICO
 JULY 2022

FREE CONSENT AND DEDICATION:

THE TRACTS SHOWN HEREON ARE REPLATTED WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF THE UNDERSIGNED OWNERS. ALL EXISTING ACCESS, UTILITY AND DRAINAGE EASEMENTS SHOWN HEREON INCLUDE THE RIGHT TO CONSTRUCT, OPERATE, INSPECT AND MAINTAIN FACILITIES THEREIN; ALL PUBLIC UTILITY EASEMENTS SHOWN HEREON FOR THE COMMON AND JOINT USE OF GAS, ELECTRICAL POWER AND COMMUNICATION SERVICES FOR OVERHEAD AND/OR BURIED DISTRIBUTION LINES, CONDUITS, AND PIPES FOR UNDERGROUND AND/OR OVERHEAD UTILITIES WHERE SHOWN OR INDICATED, AND INCLUDING THE RIGHT OF INGRESS AND EGRESS FOR CONSTRUCTION AND MAINTENANCE AND THE RIGHT TO TRIM INTERFERING TREES AND SHRUBS; SAID OWNERS DO HEREBY CONSENT TO ALL OF THE FOREGOING AND DO HEREBY CERTIFY THAT THIS SUBDIVISION IS THEIR FREE ACT AND DEED.

PROPERTY OWNER SIGNATURE(S):

TRACT 1, BLOCK 2, VOLCANO CLIFFS SUBDIVISION, UNIT 26:

Billy J. Wright 9-21-22
 BILLY J. WRIGHT, MANAGER DATE
 FOR: GROUP II U26 VC, LLC, A NEW MEXICO LIMITED LIABILITY COMPANY

STATE OF NEW MEXICO)
) ss.
 COUNTY OF BERNALILLO)

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THIS 21st DAY OF September, 2022, BY BILLY J. WRIGHT.

NOTARY PUBLIC: Andie Houtman
 MY COMMISSION EXPIRES: October 21st, 2025

Steven J. Metro 9-21-22
 STEVEN J. METRO, MANAGER DATE
 FOR: GROUP II U26 VC, LLC, A NEW MEXICO LIMITED LIABILITY COMPANY

STATE OF NEW MEXICO)
) ss.
 COUNTY OF BERNALILLO)

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THIS 21st DAY OF September, 2022, BY STEVEN J. METRO.

NOTARY PUBLIC: Andie Houtman
 MY COMMISSION EXPIRES: October 21st, 2025

STATE OF NEW MEXICO
 NOTARY PUBLIC
 ANDIE HOUTMAN
 Commission Number: 1119570
 My Commission Expires October 21, 2025

STATE OF NEW MEXICO
 NOTARY PUBLIC
 ANDIE HOUTMAN
 Commission Number: 1119570
 My Commission Expires October 21, 2025

LOT 5, BLOCK 6, VOLCANO CLIFFS SUBDIVISION, UNIT 26:

Rudy Guzman 9/22/22
 RUDY GUZMAN, MANAGER DATE
 FOR: TRACT 5 U26, LLC, A NEW MEXICO LIMITED LIABILITY COMPANY

STATE OF NEW MEXICO)
) ss.
 COUNTY OF BERNALILLO)

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THIS 22nd DAY OF September, 2022, BY RUDY GUZMAN.

NOTARY PUBLIC: Andie Houtman
 MY COMMISSION EXPIRES: October 21st, 2025

Steven J. Metro 9-21-22
 STEVEN J. METRO, MANAGER DATE
 FOR: TRACT 5 U26, LLC, A NEW MEXICO LIMITED LIABILITY COMPANY

STATE OF NEW MEXICO)
) ss.
 COUNTY OF BERNALILLO)

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THIS 21st DAY OF September, 2022, BY STEVEN J. METRO.

NOTARY PUBLIC: Andie Houtman
 MY COMMISSION EXPIRES: October 21st, 2025

STATE OF NEW MEXICO
 NOTARY PUBLIC
 PATRICIA A. GUZMAN
 COMMISSION NUMBER 1084947
 EXPIRATION DATE 11-02-2025

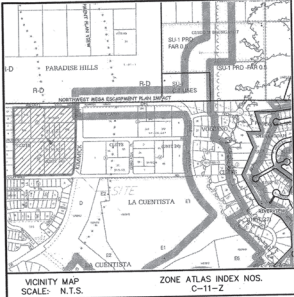
STATE OF NEW MEXICO
 NOTARY PUBLIC
 ANDIE HOUTMAN
 Commission Number: 1119570
 My Commission Expires October 21, 2025

WILSON & COMPANY
 4401 MASTHEAD ST. NE SUITE 150
 ALBUQUERQUE, NEW MEXICO 87109
 PHONE: 505-348-4000
 FAX: 505-348-4155

SHEET 2 OF 3

Layout Name: DRB-2of3
 Drawing Name: 1411700_REPLAT_Tr 1A 1B.dwg
 NETWORK ADDRESS: M:\TWN\14-100-117-00\2_Disciplines\Survey\Drawings\

Plot By: PAJ



SUBDIVISION DATA:

TOTAL NO. OF LOTS EXISTING:	2
TOTAL NO. OF TRACTS CREATED:	2
GROSS SUBDIVISION ACREAGE:	18.2557 ACRES
TOTAL MILES OF STREETS CREATED:	0
ZONE ATLAS INDEX NO.:	C-11-Z
DATE OF SURVEY:	APRIL 2010
CURRENT ZONING:	MX-M for Tract 1A MX-L for Tract 1B

DISCLOSURE STATEMENT:
 THE PURPOSE OF THIS PLAT IS TO REPLAT TRACT 1, BLOCK 2 AND LOT 5, BLOCK 6 UNIT 26, VOLCANO CLIFFS SUBDIVISION INTO TWO TRACTS TO MATCH THE ZONE MAP AMENDMENT APPROVED BY THE ENVIRONMENTAL PLANNING COMMISSION.

THIS IS TO CERTIFY THAT TAXES ARE CURRENT AND PAID ON
 UNIFORM PROPERTY CODE # : 1-011-064-040-145-30102
 PROPERTY OWNER OF RECORD: GROUP II U26 VC, LLC, A NEW MEXICO LIMITED LIABILITY COMPANY
 UNIFORM PROPERTY CODE # : 1-011-064-006-118-30101
 PROPERTY OWNER OF RECORD: TRACT 5 U26, LLC, A NEW MEXICO LIMITED LIABILITY COMPANY

BERNALILLO COUNTY TREASURER'S OFFICE: _____ DATE: _____
INDEXING INFORMATION FOR COUNTY CLERK
 OWNER(S): VARIOUS
 SECTIONS 14&15, T.11 N., R.2 E., N.M.P.M.
 SUBDIVISION: VOLCANO CLIFFS SUBDIVISION, UNIT 26.

Layout Name: DRB-1of3
 Drawing Name: 14111700_REPLAT_TY 1A 1B.dwg
 NETWORK ADDRESS: M:\TRN\14-100-117-001\2_Disciplines\Survey\Drawings\ Plot By: PAJ

LEGAL DESCRIPTION:
 A CERTAIN TRACT OF LAND BEING DESCRIBED AS TRACT 1, BLOCK 2 AND LOT 5, BLOCK 6, UNIT 26 VOLCANO CLIFFS SUBDIVISION FILED WITH THE OFFICE OF THE COUNTY CLERK OF BERNALILLO COUNTY, NEW MEXICO ON SEPTEMBER 12, 2013 IN BOOK: 2013C, PAGE: 92 AS DOCUMENT # 2013089890 AND VOLUME D4, FOLIO 133 FILED JUNE 23, 1971; SAID TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
 BEGINNING AT THE SOUTHWEST CORNER OF SAID TRACT 1 AND ALSO A POINT ON THE NORTHERLY RIGHT OF WAY LINE OF ROSA PARKS; WHENCE, THE A.C.S. (ALBUQUERQUE CONTROL STATION) 3-E10, RIGHT OF WAY LINE OF ROSA PARKS; WHENCE, THE A.C.S. (ALBUQUERQUE CONTROL STATION) 3-E10, BEARS S.44°42'09"E. TO A POINT OF TANGENCY, BEING A POINT ON THE WESTERLY RIGHT OF WAY LINE OF KIMMICK DRIVE; THENCE ALONG SAID WESTERLY RIGHT OF WAY LINE, S89°40'55"W, A DISTANCE OF 239.96 FEET; THENCE, LEAVING SAID NORTHERLY RIGHT OF WAY LINE, N.00°19'05"E., 921.04 FEET TO THE NORTHWEST CORNER OF SAID TRACT DESCRIBED HEREIN, BEING A POINT ON THE SOUTHERLY RIGHT OF WAY LINE OF PASEO DEL NORTE; THENCE, ALONG SAID RIGHT OF WAY LINE, S.89°43'24"E. A DISTANCE OF 544.22 FEET; THENCE, S.89°17'26"E. A DISTANCE OF 224.95 FEET; THENCE, S89°43'24"E. A DISTANCE OF 67.02 FEET TO A POINT OF CURVATURE; THENCE, SOUTHEASTERLY, 54.31 FEET ALONG THE ARC OF SAID CURVE TO THE RIGHT HAVING A RADIUS OF 36.78 FEET AND A CENTRAL ANGLE OF 84°36'32" SUBTENDED BY A CHORD OF 49.52 FEET WHICH BEARS S.44°42'09"E. TO A POINT OF TANGENCY, BEING A POINT ON THE WESTERLY RIGHT OF WAY LINE OF KIMMICK DRIVE; THENCE ALONG SAID WESTERLY RIGHT OF WAY LINE, S.00°19'05"W, A DISTANCE OF 509.90 FEET TO A POINT OF CURVATURE; THENCE, SOUTHWESTERLY, 349.19 FEET ALONG THE ARC OF SAID CURVE TO THE RIGHT HAVING A RADIUS OF 1,781.34 FEET AND A CENTRAL ANGLE OF 111°33'3" SUBTENDED BY A CHORD OF 348.63 FEET WHICH BEARS S.05°56'02"W. TO A POINT OF COMPOUND CURVATURE; THENCE, SOUTHWESTERLY, 34.37 FEET ALONG THE ARC OF SAID CURVE TO THE RIGHT HAVING A RADIUS OF 25.00 FEET AND A CENTRAL ANGLE OF 78°46'06" SUBTENDED BY A CHORD OF 31.73 FEET WHICH BEARS S.50°56'02"W. TO A POINT OF TANGENCY ON THE NORTHERLY RIGHT OF WAY LINE OF ROSA PARKS ROAD; THENCE WESTERLY ALONG SAID RIGHT OF WAY LINE, N.89°40'55"W, A DISTANCE OF 149.95 FEET TO AN ANGLE POINT; THENCE, S.88°53'10"W, A DISTANCE OF 160.05 FEET TO AN ANGLE POINT; THENCE, N.89°40'55"W, A DISTANCE OF 262.60 FEET TO THE SOUTHWEST CORNER OF SAID TRACT HEREIN DESCRIBED, THE POINT OF BEGINNING;
 SAID TRACT CONTAINING AN AREA OF 795,218 SQUARE FEET OR 18,2557 ACRES, MORE OR LESS.

NOTICE OF SUBDIVISION PLAT CONDITIONS:

A VARIANCE OR WAIVER FROM CERTAIN SUBDIVISION REQUIREMENTS HAS BEEN GRANTED BY THE CITY AND THE ALBUQUERQUE METROPOLITAN ARROYO FLOOD CONTROL AUTHORITY IN CONNECTION WITH THIS PLAT.
 FUTURE SUBDIVISION OF LANDS WITHIN THIS PLAT, ZONING SITE DEVELOPMENT PLAN APPROVALS, AND DEVELOPMENT PERMITS MAY BE CONDITIONED UPON DEDICATION OF RIGHTS-OF-WAY AND EASEMENTS, AND/OR UPON INFRASTRUCTURE IMPROVEMENTS BY THE OWNER FOR WATER, SANITARY SEWER, STREETS, DRAINAGE, GRADING AND PARKS IN ACCORDANCE WITH CURRENT RESOLUTIONS, ORDINANCES AND POLICIES IN EFFECT AT THE TIME FOR ANY SPECIFIC PROPOSAL.
 THE CITY (AND AMFCA WITH REFERENCE TO DRAINAGE) MAY REQUIRE AND/OR PERMIT EASEMENTS TO BE ADDED, MODIFIED OR REMOVED WHEN FUTURE PLATS OR SITE DEVELOPMENT PLANS ARE APPROVED.
 BY ITS APPROVAL THE CITY MAKES NO REPRESENTATION OR WARRANTIES AS TO AVAILABILITY OF UTILITIES, OR FINAL APPROVAL OR ALL REQUIREMENTS INCLUDING (BUT NOT LIMITED TO) THE FOLLOWING ITEMS: WATER AND SANITARY SEWER AVAILABILITY; FUTURE STREET DEDICATIONS AND/OR IMPROVEMENTS; PARK AND OPEN SPACE REQUIREMENTS; DRAINAGE REQUIREMENT AND/OR IMPROVEMENTS; AND EXCAVATION, FILLING OR GRADING REQUIREMENTS. ANY PERSON INTENDING DEVELOPMENT OF LANDS WITHIN THIS SUBDIVISION IS CAUTIONED TO INVESTIGATE THE STATUS OF THESE ITEMS.

- GENERAL NOTES:**
- COUNCIL BILL R-11-306 CREATES SPECIAL ASSESSMENT DISTRICT 228 (SAD 228) AND STATES THAT THE ADDITION OF IMPROVEMENTS TO THE DISTRICT IS IN THE GENERAL INTEREST OF THE CITY. THE TRACTS, EASEMENTS, AND RIGHT-OF-WAY SHOWN ON THIS PLAT ARE WITHIN THE IMPROVEMENT LIMITS DEFINED BY COUNCIL BILL R-11-306 FOR SAD 228.
 - FIELD SURVEY WAS PERFORMED IN APRIL 2010 AND AUGUST 2020.
 - BEARINGS SHOWN ARE NEW MEXICO STATE PLANE GRID BEARINGS (CENTRAL ZONE NAD 83) BASED ON A LINE FROM CONTROL STATION 3_E10 TO CONTROL STATION 13-D10 BEARING = N.54°12'22"E.
 - ALL DISTANCES ARE GROUND DISTANCES. BEARINGS AND DISTANCES SHOWN BASED ON PREVIOUS PLAT.
 - CORNERS SHOWN AS _____ AND LABELED FND, ARE 5/8" REBAR WITH CAP STAMPED "C.S. CROSHAW PS 14733", UNLESS OTHERWISE INDICATED. POSITIONAL ACCURACY IS WITHIN TOLERANCE AS REFERENCED IN MINIMUM STANDARDS FOR SURVEYING IN NEW MEXICO, SECTION 12.8.2.16.B
 - CORNERS SHOWN AS _____ AND LABELED SET, ARE 5/8" REBAR WITH CAP STAMPED "B.M. ARAGON PS 15268", UNLESS OTHERWISE INDICATED. POSITIONAL ACCURACY IS WITHIN TOLERANCE AS REFERENCED IN MINIMUM STANDARDS FOR SURVEYING IN NEW MEXICO, SECTION 12.8.2.16.B

SOLAR NOTE:
 SUBDIVISION ORDINANCE SECTION 14-14-4-7, PROHIBITION ON PRIVATE RESTRICTIONS ON THE INSTALLATION OF SOLAR COLLECTORS ON PROPERTY WITHIN THE AREA FOR WHICH DRB APPROVAL IS SOUGHT. NO PROPERTY WITHIN THE AREA OF REQUESTED FINAL ACTION SHALL AT ANY TIME BE SUBJECT TO A DEED RESTRICTION, COVENANT, OR BINDING AGREEMENT PROHIBITING SOLAR COLLECTORS FROM BEING INSTALLED ON BUILDINGS OR ERECTED ON THE LOTS OR PARCELS WITHIN THE AREA OF PROPOSED PLAT. THE FOREGOING REQUIREMENT SHALL BE A CONDITION TO APPROVAL OF THIS PLAT OR SITE DEVELOPMENT PLAN FOR SUBDIVISION.

PLAT OF
TRACTS 1-A and 1-B, BLOCK 2
VOLCANO CLIFFS SUBDIVISION, UNIT 26
 A Replat of Tract 1, Block 2 and Lot 5, Block 6
 Volcano Cliffs Subdivision, Unit 26
 WITHIN SECTIONS 14 & 15
 T.11 N., R.2 E., N.M.P.M.
 CITY OF ALBUQUERQUE
 BERNALILLO COUNTY, NEW MEXICO
 JULY 2022

PROJECT NUMBER: _____
 APPLICATION NUMBER: _____

PLAT APPROVAL

UTILITY APPROVALS: PUBLIC UTILITY EASEMENTS SHOWN ON THIS PLAT ARE NOT EXCLUSIVE AND ARE GRANTED FOR THE COMMON AND JOINT USE OF THE UTILITIES DESIGNATED ON THIS PLAT. THEIR SUCCESSORS AND ASSIGNS, AND FOR THE USE OF ANY OTHER PUBLIC UTILITIES WHOSE USE OF SAID EASEMENT IS DEEDED TO BE IN THE PUBLIC INTEREST. DISCLAIMER: IN APPROVING THIS PLAT, PNM ELECTRIC SERVICES (PNM) AND NEW MEXICO GAS COMPANY (NMGCO) AND CENTURY LINK DID NOT CONDUCT A TITLE SEARCH OF THE PROPERTIES SHOWN HEREON, CONSEQUENTLY, PNM, NMGCO AND CENTURY LINK DO NOT WAIVE NOR RELEASE ANY EASEMENT OR EASEMENT RIGHTS WHICH MAY HAVE BEEN GRANTED BY PRIOR PLAT, REPLAT OR OTHER DOCUMENT, WHICH ARE NOT SHOWN ON THIS PLAT.

Rid 9/22/2022
 PNM ELECTRIC SERVICES DATE
 9/28/2022
 NEW MEXICO GAS COMPANY DATE
 10/17/2022
Natalie Aragon 9/27/22
 CENTURY LINK DATE
 COMCAST DATE

CITY APPROVALS:

Loren Risenhoover P.S. 9/22/2023
 CITY SURVEYOR DATE
 TRAFFIC ENGINEERING, TRANSPORTATION DIVISION DATE
 ABCWA DATE
 PARKS AND RECREATION DEPARTMENT DATE
 A.M.A.F.C.A. DATE
 CITY ENGINEER HYDROLOGY DATE
 CODE ENFORCEMENT DATE
 DRB CHAIRPERSON, PLANNING DEPARTMENT DATE

SURVEYOR'S CERTIFICATION:
 I, BENJAMIN M. ARAGON, A DULY REGISTERED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF NEW MEXICO, DO HEREBY CERTIFY THAT THIS PLAT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION, MEETS THE MINIMUM REQUIREMENTS FOR MONUMENTATION AND SURVEYS OF THE ALBUQUERQUE SUBDIVISION ORDINANCE, SHOWS ALL EASEMENTS MADE KNOWN TO ME BY THE OWNER(S), UTILITY COMPANIES, OR OTHER PARTIES EXPRESSING AN INTEREST, IS CORRECT AND TRUE TO THE BEST OF MY BELIEF AND KNOWLEDGE AND THAT THIS SURVEY AND PLAT MEET THE MINIMUM STANDARDS FOR SURVEYING IN NEW MEXICO AS ADOPTED BY THE NEW MEXICO BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND SURVEYORS EFFECTIVE MAY 1, 2007.

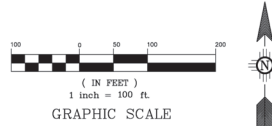
Ben Aragon
 BENJAMIN M. ARAGON
 N.M.P.L.S. #15268
 9-27-22
 DATE 11-01-22

WILSON & COMPANY
 4401 MASTHEAD ST. NE SUITE 150
 ALBUQUERQUE, NEW MEXICO 87109
 PHONE: 505-348-4000
 FAX: 505-348-4155

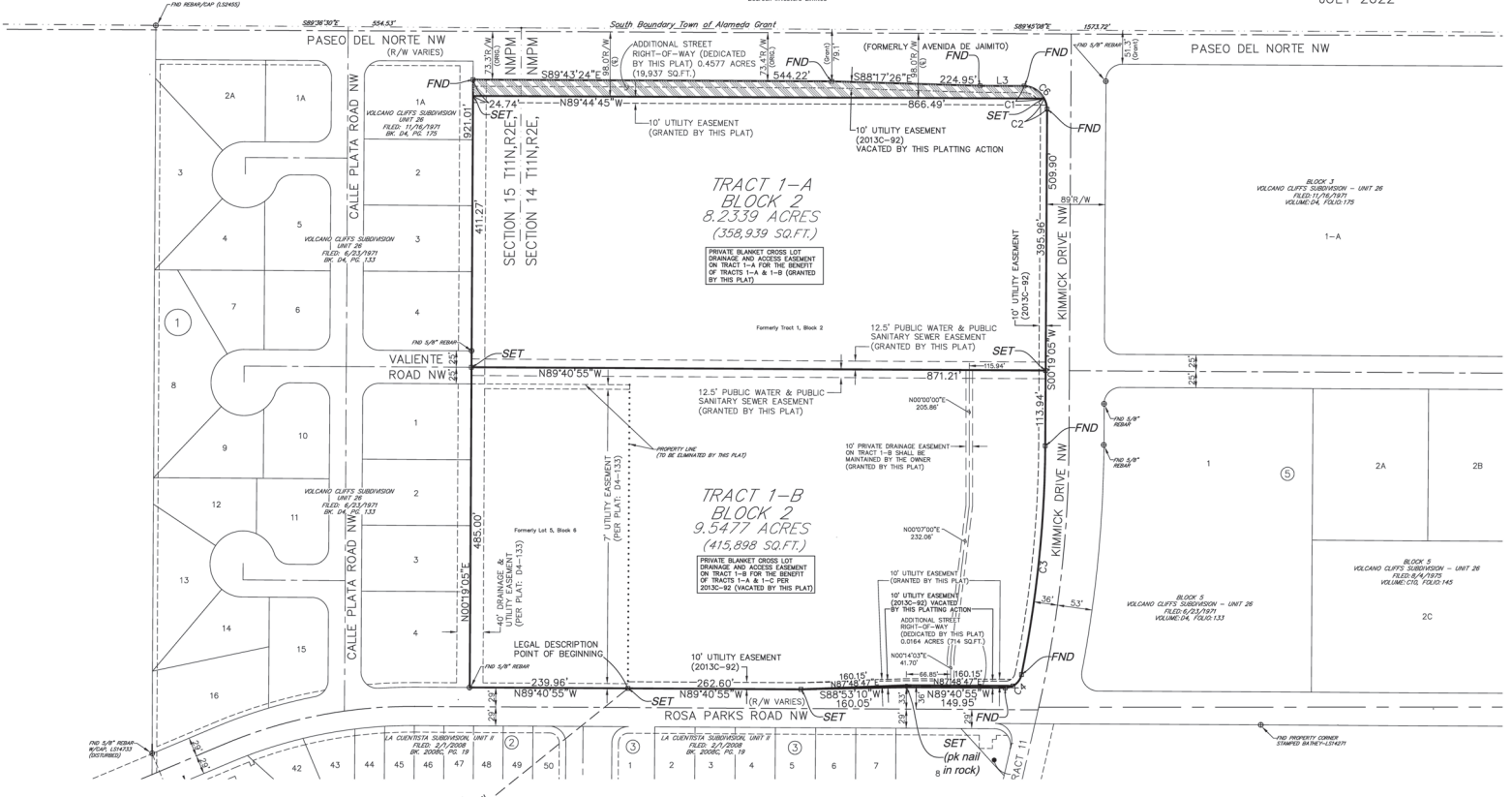


LINE NO.	BEARING	DISTANCE
L3	S89°43'24"E	67.02'

CURVE NO.	DELTA	RADIUS	LENGTH	CHORD BEARING/DISTANCE
C1	58°02'43"	36.78'	37.26'	S57°59'04"E 35.69'
C2	26°33'48"	36.78'	17.05'	S15°40'48"E 16.90'
C3	111°3'53"	1781.34'	349.19'	S05°56'02"W 348.63'
C4	78°46'06"	25.00'	34.37'	S05°56'02"W 31.73'
C5	50°24'39"	25.00'	22.00'	S36°45'18"W 21.29'
C6	84°36'32"	36.78'	54.31'	S44°42'09"E 49.52'
C7	28°21'27"	25.00'	12.37'	S76°08'21"W 12.25'



PLAT OF
TRACTS 1-A and 1-B, BLOCK 2
VOLCANO CLIFFS SUBDIVISION, UNIT 26
A Replat of Tract 1, Block 2 and
Lot 5, Block 6
Volcano Cliffs Subdivision, Unit 26
WITHIN SECTIONS 14 & 15
T.11 N., R.2 E., N.M.P.M.
CITY OF ALBUQUERQUE
BERNALILLO COUNTY, NEW MEXICO
JULY 2022



FLOOD ZONE INFORMATION:
THIS PROPERTY LIES WITH FLOOD ZONE "X" WHICH IS DEFINED AS AN AREA OF MINIMAL FLOOD HAZARD AS DETERMINED BY F.E.M.A. AND SHOWN ON THE FLOOD INSURANCE RATE MAP NO. 35001C0112G, DATED SEPTEMBER 26, 2008.

WILSON & COMPANY
4401 MASTHEAD ST. NE SUITE 150
ALBUQUERQUE, NEW MEXICO 87109
PHONE: 505-348-4000
FAX: 505-348-4155

ACS CONTROL STATION "ACS 3-E10" DATA:
3 1/4 BRASS DISC SET IN CONCRETE POST
(NAD 1983)
NEW MEXICO STATE PLANE GRID COORDINATES (CENTRAL ZONE)
X=1,499,059.808 Y=1,512,627.946 (US SURVEY FEET)
GROUND TO GRID FACTOR=0.999872416
DELTA ALPHA=(-)0°16'20.35"
(NAVD 1988)
ELEV=5318.888 (US SURVEY FEET)

ACS CONTROL STATION "ACS 13-D10" DATA:
3 1/4 BRASS DISC SET FLUSH IN LAVA ROCK
(NAD 1983)
NEW MEXICO STATE PLANE GRID COORDINATES (CENTRAL ZONE)
X=1,501,318.610 Y=1,514,256.686 (US SURVEY FEET)
GROUND TO GRID FACTOR=0.999872421
DELTA ALPHA=(0)°16'04.84"

Layout Name: DRB-3of3
Drawing Name: 1411700_REPLAT_Tr 1A 1B.dwg
NETWORK ADDRESS: M:\TRA\14-100-117-00\2_Disciplines\Survey\Drawings\

Plat By: PAJ

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

Jubilee Development, LLC
191 Alameda Boulevard NE
Albuquerque, NM 87114

Project# PR-2022-007712
Application#
SI-2022-01874 SITE PLAN
SI-2022-01875 SITE PLAN AMENDMENT
SD-2022-00143 PRELIMINARY PLAT

LEGAL DESCRIPTION:

For all or a portion of: **LOT 5 BLOCK 6 UNIT 26, VOLCANO CLIFFS** zoned **MX-L & MX-M**, located on **ROSA PARKS RD NW** between **PASEO DEL NORTE** and **ROSA PARKS RD** containing approximately **18.23** acre(s).
(C-11)

On November 9, 2022, the Development Review Board (DRB) held a public meeting concerning the above referenced applications and approved the requests, with delegation to Parks and Recreation and Planning, based on the following Findings:

SI-2022-01874 SITE PLAN

1. This is a request to construct a 238-unit multi-family residential development on the subject property, Tract B-1 consisting of 9.5477 acres and zoned MX-L (Tract B-1 is created by Preliminary Plat approval per PR-2022-007712 / SD-2022-00143). The development consists of multi-family residential buildings, a fitness building, a clubhouse, and a pool. The site plan is required to be reviewed by the Development Review Board (DRB) because per 6-5(G)(1)(e)(1)(b) more than 50 multi-family residential units are proposed to be constructed.

1. Pursuant to 6-6(l)(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(l)(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 dimensional standards, parking, landscaping, and building design meet the IDO requirements: the proposed buildings meet the 5-foot and 15-foot front and rear setback standards respectively, 180,622 square foot of open space is provided where 62,920 square feet of open space is required, and the proposed buildings at a maximum of 37' 8" in height do not exceed the 38-foot maximum permitted height, with the ends of the buildings stepping down to two stories from three stories; 412 total parking spaces are provided (including 10 electric vehicle parking spaces and 12 ADA spaces) where 357 parking spaces are required; 144,370 square feet of landscaping is proposed where 82,716 square feet is required; and the proposed buildings meet the building design requirements of 5-11(D) of the IDO, including providing weather protection through the use of porticos, roof variations, recess and projections, and other integral building forms, the ground floor street-facing façade containing at minimum of 20% of its surfaces in transparent windows and/or doors, windows being recessed at least 2" at upper levels, a change in color, texture, and material along the length of the facades, and windows on upper floors of all facades. The parcel is within 330 feet of Major Public Open Space and, therefore, is required to meet IDO 5-2(J)(1); the condition delegated to Parks and Recreation Department is to confirm requirements are met.

- b. 6-6(l)(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 was submitted in 2017 and reevaluated by City Transportation staff for the current proposed development, and are reflected in the improvements depicted on the Infrastructure List for the associated Preliminary Plat (PR-2022-007712 / SD-2022-00143).

- c. 6-6(l)(3)(c) *If the subject property is within an approved Master Development Plan, the Site Plan shall meet any relevant standards in the Master Development Plan in addition to any standards applicable in the zone district the subject property is in.*

The subject property is not located within an approved Master Development Plan, therefore this criterion does not apply.

2. The proposed use is allowed within the MX-L zone district.
3. The applicant provided the required notice as outlined in the IDO Table 6-1-1.

Conditions:

1. This Site Plan is valid 7 years from DRB approval (11/9/2022). An extension may be requested prior to the expiration date.
2. Final sign off is delegated to Parks and Recreation to reconsider the following IDO regulations: 5-2(J)(1) in relation to lots within 330 feet of Major Public Open Space, 5-2(J)(1)(A) for access and connectivity, to continue the trail and to add a pedestrian gate, 5-2(J)(1)(B) use native and/or naturalized vegetation to eliminate the Chinese Pistache tree, and 5-2(J)(1)(C) outdoor lighting, to add the height of the light pole to 20 feet or less.
3. Final sign off is delegated to Planning for the approved and recorded Final Plat.
4. The applicant will obtain final sign off from Parks and Recreation and Planning by March 8, 2023 or the case may be scheduled for the next DRB hearing and could be denied her the DRB Rules of Procedure.

SI-2022-01875 SITE PLAN AMENDMENT

1. The original project consists of a Site Plan for Subdivision for The Cliffs on Paseo, which was approved by the DRB on September 13, 2017 per 1009082 / 17DRB-70109 for three proposed lots consisting of retail and office uses on proposed Lot 1, multi-family residential use on proposed Lot 2, and office use on proposed Lot 3, as well as the listed requirements on the Site Plan for Subdivision. This is a request to eliminate/remove the Site Plan for Subdivision, as the DRB was the original approving body for the Site Plan for Subdivision.
2. The applicant provided the required notice as outlined in the IDO Table 6-1-1.

SD-2022-00143 PRELIMINARY PLAT

1. This Preliminary/Final Plat adjusts the boundaries of Tract 1, Block 2 and Lot 5, Block 6 of the Volcano Cliffs Subdivision, creating Tract 1-A, Block 2 at 8.2339 acres in size, and Tract 1-B, Block 2 at 9.5477 acres in size.
2. The property is zoned MX-M for Tract 1-A, and MX-L for Tract 1-B, future development must conform with the underlying zoning.
3. An Infrastructure List was approved with this Plat. A recorded Infrastructure Improvements Agreement (IIA) must be submitted prior to the acceptance and processing of the Final Plat.

4. The applicant provided the required notice as outlined in the IDO Table 6-1-1.

APPEAL: If you wish to appeal this decision, you must do so within 15 days of the DRB's decision or by **NOVEMBER 26, 2022**. 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). Files larger than 9MB can be sent to PLNDRS@CABQ.GOV using <https://wettransfer.com>. 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,



Jolene Wolfley
DRB Chair

JW/jr

Consensus Planning, Inc., 702 Eighth Street NW, Albuquerque, NM 87102

September 26, 2023

City of Albuquerque
Development Review Board
600 Second Street NW
Albuquerque, New Mexico 87102

RE: Paseo del Norte and Kimmick NW – Site Plan-DRB and Preliminary Plat Applications

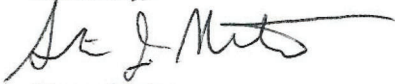
To Whom it may Concern:

The purpose of this letter is to authorize Consensus Planning, Inc. and RESPEC to act as our agents for a Site Plan-DRB and Preliminary Plat request on the property located at the southwest corner of Paseo del Norte and Kimmick Drive NW.

The property is legally described as *Tract 1, Block 2, Plat of Tract 1, Block 2 Volcano Cliffs Subdivision Unit 26*. Group II U26 VC, LLC. is the owner of the subject property.

Thank you for your consideration.

Sincerely,



Steve Metro
Managing Member
Group II U26 VC LLC

September 26, 2023

City of Albuquerque
Development Review Board
600 Second Street NW
Albuquerque, New Mexico 87102

RE: Paseo del Norte and Kimmick NW – Site Plan-DRB and Preliminary Plat Applications

To Whom it may Concern:

The purpose of this letter is to authorize Consensus Planning, Inc. and RESPEC to act as our agents for a Site Plan-DRB and Preliminary Plat request on the property located at the southwest corner of Paseo del Norte and Kimmick Drive NW.

The property is legally described as **00050006 Volcano Cliffs Subdivision, Unit 26*. Tract 5, U26 LLC. is the owner of the subject property.

Thank you for your consideration.

Sincerely,



Steve Metro
Managing Member
Tract 5 U26 VC LLC



November 5, 2023

Jolene Wolfley
Deputy Director
City of Albuquerque
600 Second Street NW
Albuquerque, New Mexico 87102

RE: Request for 1-year Extension of Preliminary Plat (SD-2022-00143) and
Vacation of Easements (SD-2022-00158, SD-2022-00161, SD-2022-00162)

Landscape Architecture
Urban Design
Planning Services

Dear Ms. Wolfley,

302 Eighth St. NW
Albuquerque, NM 87102

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

On behalf of Group II U26 VC, LLC and Jubilee Development, LLC, Consensus Planning (Agent) requests an extension of 1-year to the approvals for a Preliminary Plat to subdivide Tract 1, Block 2 and Lot 5, Block 6 of the Volcano Cliffs Subdivision, creating Tract 1-A, Block 2 at 8.2339 acres in size, and Tract 1-B, Block 2 at 9.5477 acres in size and the associated vacation of easements.

The Development Review Board (DRB) approved the Preliminary Plat along with three vacations, a Site Plan Amendment, and a Site Plan-DRB on November 9, 2022. These approvals were appealed by the West Side Coalition of Neighborhood Associations, were subsequently recommended for denial by the Land Use Hearing Officer (LUHO), and the City Council rejected the appeal and confirmed the approvals. The West Side Coalition then further appealed the decision to District Court and the Court's decision is still pending as of this date. As the relevant decision-making body, and to ensure the approvals of the Preliminary Plat and the associated Vacation of Easements remain in place at this time, the Applicants are requesting a 1-year extension to the Preliminary Plat and Vacation of Easements by the Development Hearing Officer (DHO).

Please do not hesitate to contact me for clarification or if you need additional information for this request. Thank you for your consideration.

Sincerely,

Jacqueline Fishman, AICP
Principal

cc: David Campbell, Development Hearing Officer
Group II U26 VC, LLC
Jubilee Development, LLC

PRINCIPALS

James K. Strozier, FAICP
Jacqueline Fishman, AICP

ASSOCIATES

Ken Romig, PLA, ASLA

Current DRC
Project Number: _____

FIGURE 12

Date Submitted: November 4, 2022

INFRASTRUCTURE LIST

(Rev. 2-16-18)

EXHIBIT "A"

**TO SUBDIVISION IMPROVEMENTS AGREEMENT
DEVELOPMENT REVIEW BOARD (D.R.B.) REQUIRED INFRASTRUCTURE LIST**

Date Site Plan Approved: _____
Date Preliminary Plat Approved: _____
Date Preliminary Plat Expires: _____
DRB Project No.: PR-2022-007712
DRB Application No.: SD-2022-00143

**TRACTS 1-A & 1-B, BLOCK 2, VOLCANO CLIFFS SUBDIVISION, UNIT 26
PROPOSED NAME OF PLAT AND/OR SITE DEVELOPMENT PLAN**

**TRACT 2, BLOCK 2 & TRACT 5, BLOCK 6, VOLCANO CLIFFS SUBDIVISION, UNIT 26
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.

Financially Guaranteed DRC #	Constructed Under DRC #	Size	Type of Improvement	Location	From	To	Construction Certification		
							Private Inspector	P.E.	City Cnst Engineer
		PAVING							
		6' WIDE	480 LF PCC SIDEWALK WITH LANDSCAPE BUFFER (NORTH SIDE ONLY)	ROSA PARKS RD	KIMMICK DR	WEST PROPERTY BOUNDARY	/	/	/
		26' WIDE	PRIVATE ENTRANCE WITH VALLEY GUTTER & ADA RAMPS	ROSA PARKS RD APPROXIMATELY 370' WEST OF KIMMICK DR			/	/	/
		6' WIDE	730 LF PCC SIDEWALK WITH LANDSCAPE BUFFER (WEST SIDE ONLY)	KIMMICK DR	ROSA PARKS RD	PASEO DEL NORTE	/	/	/
		34' WIDE	PRIVATE ENTRANCE WITH VALLEY GUTTER & ADA RAMPS	INTERSECTION OF KIMMICK DR AND VALIENTE RD			/	/	/
		26' WIDE	PRIVATE ENTRANCE WITH VALLEY GUTTER & ADA RAMPS	KIMMICK DR APPROXIMATELY 220' NORTH OF VALIENTE RD			/	/	/
		5' WIDE	RESTRIPE TO INCLUDE BIKE LANES	KIMMICK DR	VALIENTE RD	PASEO DEL NORTE	/	/	/
		10' WIDE *	770 LF ASPHALT TRAIL (SOUTH SIDE ONLY)	PASEO DEL NORTE	KIMMICK DR	WEST PROPERTY BOUNDARY	/	/	/
		WATER							
		8"	510 LF PVC WATER MAIN	CALLE PLATA	ROSA PARKS RD	VALIENTE RD	/	/	/
		8"	1,040 LF PVC WATER MAIN	VALIENTE RD & PUBLIC UTILITY EASEMENT	CALLE PLATA	KIMMICK DR	/	/	/

* PROCEDURE C AGREEMENT


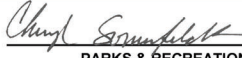


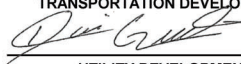


The items listed below are on the CCIP and approved for Impact Fee credits. Signatures from the Impact Fee Administrator and the City User Department is required prior to DRB approval of this listing. The items listed below are subject to the standard SIA requirements.

Financially Guaranteed DRC #	Constructed Under DRC #	Size	Type of Improvement	Location	From	To	Construction Certification				
							Private Inspector	P.E.	City Cnst Engineer		
<input type="text"/>	<input type="text"/>						/	/	/		
<input type="text"/>	<input type="text"/>						/	/	/		
Approval of Creditable Items:							Approval of Creditable Items:				
Impact Fee Administrator Signature							Date		City User Dept. Signature		Date

NOTES

If the site is located in a floodplain, then the financial guarantee will not be released until the LOMR is approved by FEMA.
Street lights per City requirements.

- 1 _____
- 2 _____
- 3 _____

AGENT / OWNER	DEVELOPMENT REVIEW BOARD MEMBER APPROVALS	
JEREMY SHELL NAME (print)	 Nov 9, 2022 DRB CHAIR - date	 Nov 9, 2022 PARKS & RECREATION - date
RESPEC FIRM	 Nov 9, 2022 TRANSPORTATION DEVELOPMENT - date	AMAFA - date
 10/31/2022 SIGNATURE - date	 Nov 9, 2022 UTILITY DEVELOPMENT - date	 Nov 9, 2022 CODE ENFORCEMENT - date
	 Nov 9, 2022 CITY ENGINEER - date	_____ - date

DESIGN REVIEW COMMITTEE REVISIONS

REVISION	DATE	DRC CHAIR	USER DEPARTMENT	AGENT / OWNER











PR-2022-007712_SD-2022-00143_Infrastructure_List_11-9-22

Final Audit Report


2022-11-09

Created:	2022-11-09
By:	Jay Rodenbeck (jrodenbeck@cabq.gov)
Status:	Signed
Transaction ID:	CBJCHBCAABAAIPf0MFlo2rYyQDBh9GuvImxplpeao1cK


"PR-2022-007712_SD-2022-00143_Infrastructure_List_11-9-22" History


-  Document created by Jay Rodenbeck (jrodenbeck@cabq.gov)
2022-11-09 - 7:53:56 PM GMT- IP address: 198.206.237.4
-  Document emailed to Ernest Armijo (earmijo@cabq.gov) for signature
2022-11-09 - 8:01:13 PM GMT
-  Email viewed by Ernest Armijo (earmijo@cabq.gov)
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-  Document e-signed by Ernest Armijo (earmijo@cabq.gov)
Signature Date: 2022-11-09 - 8:04:27 PM GMT - Time Source: server- IP address: 73.26.44.19
-  Document emailed to Tiequan Chen (tchen@cabq.gov) for signature
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Signature Date: 2022-11-09 - 8:24:18 PM GMT - Time Source: server- IP address: 143.120.132.88
-  Document emailed to dggutierrez@abcwua.org for signature
2022-11-09 - 8:24:20 PM GMT
-  Email viewed by dggutierrez@abcwua.org
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-  Signer dggutierrez@abcwua.org entered name at signing as David Gutierrez
2022-11-09 - 8:27:19 PM GMT- IP address: 142.202.67.2

 Document e-signed by David Gutierrez (dggutierrez@abcwua.org)
Signature Date: 2022-11-09 - 8:27:21 PM GMT - Time Source: server- IP address: 142.202.67.2

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2022-11-09 - 8:27:23 PM GMT

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 Document e-signed by Jeff Palmer (jppalmer@cabq.gov)
Signature Date: 2022-11-09 - 8:27:49 PM GMT - Time Source: server- IP address: 143.120.132.73


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2022-11-09 - 8:27:50 PM GMT

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 Document e-signed by Cheryl Somerfeldt (csomerfeldt@cabq.gov)
Signature Date: 2022-11-09 - 8:28:24 PM GMT - Time Source: server- IP address: 75.161.3.129

 Document emailed to jwolfley@cabq.gov for signature
2022-11-09 - 8:28:25 PM GMT

 Email viewed by jwolfley@cabq.gov
2022-11-09 - 8:28:38 PM GMT- IP address: 143.120.133.169

 Signer jwolfley@cabq.gov entered name at signing as Jolene Wolfley, CABQ Planning
2022-11-09 - 8:29:02 PM GMT- IP address: 143.120.133.169

 Document e-signed by Jolene Wolfley, CABQ Planning (jwolfley@cabq.gov)
Signature Date: 2022-11-09 - 8:29:04 PM GMT - Time Source: server- IP address: 143.120.133.169

 Agreement completed.
2022-11-09 - 8:29:04 PM GMT

DHO MEETING TRANSCRIPTS, JUNE 12, 2024



CITY OF ALBUQUERQUE

DEVELOPMENT HEARING OFFICER

MINUTES

June 12, 2024

Robert Lucero - Development Hearing Officer

PR-2022-007712

SD-2024-00097 – Preliminary Plat

MODULUS ARCHITECTS & LAND USE PLANNING, INC. agent for **GROUP II U26 VC LLC | WRIGHT BILLY J** requests the aforementioned action(s) for all or a portion of: **LOT 1-A, BLOCK 2, VOLCANO CLIFFS UNIT 26** zoned **MX-M** located on **PASEO DEL NORTE NW and KIMMICK DR NW** containing approximately **8.2578** acre(s). (C-11)

PROPERTY OWNERS: GROUP II U26 VC LLC C/O WRIGHT BILLY J

REQUEST: CREATE 6 NEW TRACTS FROM ONE EXISTING TRACT

STAFF

Jolene Wolfley, Associate Planning Director
Jay Rodenbeck, Development Services Planning Manager
Angela Gomez, Hearing Monitor
David Gutierrez, Water Authority Engineer
Ernest Armijo, Transportation Engineer
Whitney Phelan, Parks and Recreation representative
Tiequan Chen, Hydrology Engineer
Marcelo Ibarra, Planner

PERSONS SPEAKING ON BEHALF OF THE REQUEST:

Angela Piarowski – Modulus Architects, 8220 San Pedro Dr. Albuquerque, NM 87113

PERSONS PRESENT IN INTEREST:

Michael T Voorhees, 6320 Camino Alto NW, Albuquerque, NM 87120

John Edward, PO Box 26506 Albuquerque, New Mexico 87125

June 12, 2024

Mr. Robert Lucero, Development Hearing Officer: As we begin with agenda item one, I wanted to make an announcement before we have any substantive hearing, and that is that apart from my role today as DHO, I also on a contract basis, serve as the Zoning Hearing Examiner for the City of Albuquerque. In that capacity, I heard a prior zoning application that involved this property. I do not believe that my prior hearing as the ZHE on this matter prejudices me in any way, or creates any bias on my part. I feel that I can decide agenda item one on the merits and not have any influence by my prior involvement. Nevertheless, I wanted to disclose that to everyone here at the hearing and ask whether there is any objection to my hearing agenda item one today? Yes, Ms. Wolfley, I see you have your hand raised?

Ms. Jolene Wolfley, Associate Planning Director: Yes Mr. Hearing Officer. You mentioned that you had heard this case as a zoning matter. I just maybe wanted to clarify. I don't think that was to re-zone, but rather to evaluate a conditional use, is that correct?

DHO Lucero: That is my recollection. I don't have all of the documents in front of me, but yeah, the EPC as I understand it decides zoning changes, the ZHE conditional uses, variances and various other permits. Any objection to me hearing agenda item one?

Ms. Angela Piarowski, Modulus Architects: Mr. Lucero, this is Angela Piarowski, Modulus Architects. We don't have any kind of objection from the applicant standpoint.

DHO Lucero: Thank you very much.

Ms. Piarowski: Thank you.

Associate Director Wolfley: Could we swear Ms. Piarowski in, as she made her statement?

DHO Lucero: Yes, thank you. Ms. Piarowski, would you please state your full name and mailing address for the record?

Ms. Piarowski: Angela Piarowski, 8220 San Pedro Dr. Albuquerque, NM 87113.

DHO Lucero: Thank you and please raise your right hand. And do you swear or affirm to tell the truth?

Ms. Piarowski: I do, yes.

DHO Lucero: Thank you very much.

Ms. Piarowski: And just so you know, I'm not sure if this is just a procedural thing but I'm trying to start my video and it's saying that the host has disabled my video connection.

DHO Lucero: Oh OK.

Ms. Piarowski: Not sure you need my video, but just letting you know.

June 12, 2024

DHO Lucero: Well just in case you want to share screen or something, is there someone from Planning that could enable that?

Mr. Jay Rodenbeck, Planning Manager: Mr. Hearing Officer, I've given her co-host privileges. Angela we've had past security issues so when you're allowed, when you're up, I'll make you co-host. But unless you're the DHO or staff and you don't have a case, you'll be able to talk but you won't be given video privileges until your case is up.

Ms. Piarowski: Thank you, Jay.

DHO Lucero: Thank you both. Let's just make sure there isn't anyone else who'd like to comment on my disclosure regarding my prior hearing of the property that involves agenda item one as ZHE. Does anyone have any objection to my hearing agenda item one because of my prior involvement as ZHE? I'm scrolling through the participant list and I don't see anyone raising their hand or indicating they'd like to speak. Last call for any objections to me hearing agenda item one? Okay, it appears that there's no objection and with the applicant through its agent having stated that there's no objection, we'll go ahead and call agenda item one on the record. Agenda item one is PR-2022-007712 aka PR-2019-002663. It has application number SD-2024-00097, and its Modulus Architects and Land Use Planning, Inc. as agent for Group 2 U 26 VC LLC, Wright, Billy J, requests the aforementioned action, which is a Preliminary Plat. For all or a portion of Lot 1A, Block 2 Volcano Cliffs Unit 26 zoned MX-M located on Paseo del Norte Northwest and Kimmick Dr. NW containing approximately 8.2578 acres. I believe the agent has already been sworn in. And you're going have to forgive me. I feel like I'm mispronouncing your last name...?

Ms. Piarowski: Piarowski.

DHO Lucero: Piarowski. Thank you Ms. Piarowski, go ahead.

Ms. Piarowski: Thank you. Mr. Lucero. As you stated, this is a request for a Preliminary Platting action. A sketch plat was reviewed for this project on April 3rd, 2024. The intention of this preliminary plat is to subdivide one legal parcel that is 8.25 acres into 6 individual legal parcels. The application included the preliminary plat, all the checklist items as well as all of the preceding approval documents, and what I mean by that is in March of 2024, this parcel was subdivided from a larger parcel that was 18 acres, which is why we are hearing this as a major Preliminary Plat, even though there is no infrastructure associated with this application, but because the plat has been recorded for three years or less, it is then the requirement that would be a major Preliminary Platting action. So a pretty straightforward request in in our opinion. We submitted all of the prior recorded final plat, the infrastructure development agreement, the signed infrastructure list, the letter of credit, there's a development agreement already in place for this parcel, water serviceability letter and the hydrology approval letter have all been submitted as part of our application. So with that, I would stand for any questions and I apologize, Jay, I forgot to ask you if you want to pull up the plat. Let's see here, so that we can reference it. But with that I would stand for any questions from Mr. Lucero and the DFT team.

June 12, 2024

DHO Lucero: Thank you Ms. Piarowski. Very good. Okay. You know, before we go to the DFT team, let's see if there's any members of the public who wish to speak on this matter. Again, this is agenda item one and it's a request for a preliminary plat for property located on Paseo del Norte and Kimmick Drive. If you are a member of the public and would like to comment on that matter, please raise your hand. I'm scrolling through the participant list and let's see I do see, is it Mike Voorhees, are you there sir?

Mr. Michael T. Voorhees: I am here.

DHO Lucero: Please state your full name and mailing address for the record.

Mr. Voorhees: Sure. Michael T Voorhees. I live at 6320 Camino Alto NW, Albuquerque, NM 87120.

DHO Lucero: Thank you sir, please raise your right hand and do you affirm or swear to tell the truth?

Mr. Voorhees: I do.

DHO Lucero: Go ahead.

Mr. Voorhees: So today I'm speaking on behalf of the West Side Coalition of Neighborhood Associations. The other members are doing preliminary work on a lot of other issues that are coming up simultaneously. So the concerns I have are the same ones I raised prior to our facilitated meeting that was hosted by Tyson-Hummel. And while we're very pleased with the direction that Modulus Architects is going on planning for the northern portion of this overall parcel, we have significant problems with the actual process that's going on, on subdivision. The entire parcel, both the northern and the southern half were supposed to receive a Site Plan EPC under the IDO, specifically under 5-2(J)(2)(B). That was never done and instead the DRB approved a site plan that was appealed. And in fact, there are two different appeals in process, in litigation regarding two different aspects that impact the site in question. One was the impropriety of the DRB rather than the EPC handling this, based on its adjacency to the major public open space. If you look on the City's GIS maps, you won't see it properly listed even though this was accomplished... hey, they've got it updated there! That's good! It wasn't there the last time I checked, which was just a couple of weeks ago. It's catty-corner to the overall pre-subdivided parcel. The fact that the northern portion of this was recorded separately with Bernalillo County as a defacto end run around the subdivision, we don't believe was proper. And so the entire North and South were supposed to receive a site plan EPC that was never done. And as I mentioned, that's being litigated and it's currently before the Court of Appeals. The second lawsuit that's going on is regarding the view protection overlay modification that had been sponsored by Dan Lewis. Which Judge Frankini in District Court ruled had been improper, and it was remanded back to the City Council with a bar against a counselor Lewis participating in the remand proceedings. That is possibly being appealed. The City initially filed a late request for rehearing, that was also misstated and then they've asked for a writ of certiorari in that case. So it's discretionary. But in any case, at this point it stands that the VPO2 overlay zone, which does

June 12, 2024

cross into the northern portion would restrict the entire parcel to 19 feet or less with the variance. And so at this point to proceed with further subdivisions, which there are both legitimate and questionable reasons for this. The legitimate reasons would be to make it a little more flexible as the developers are bringing in clients, but not all at the same time and allows for some flexibility. But the less legitimate reason for subdividing it into smaller parcels is avoid scrutiny of the EPC or any other review bodies because it makes the parcel so small that it's just an administrative, you know, checklist that's used and so compliance with the Comprehensive Plan and the other development of, of sensitive lands becomes avoided. And so that doesn't seem to be in the public interest in this case. So you know, our point is because this is being litigated and it directly impacts what would go there. I mean our interpretation would be a proper site plan EPC, would make sure that all of the height restrictions and other sensitive lands, development aspects were in place on all parcels sub, you know, prior to subdivision and those restrictions, according to the IDO would continue to exist even after subdivision, which is what we'd prefer to see happen. That's where this stands. I don't know if you have the written letter that went into the pre-facilitated meeting with Tyson-Hummel, but I outlined all of the specific regulations in the IDO, that we find this in violation of, if you don't have that, I can read them now, just for the record, that's: 5-2(A), 5-2(C)(1), 5-2(J)(2), 5-2(J)(2)(B), as well as 4(A)(1), 5-4(C)(1), 5-4(C)(4), 5-4(C)(6), as well as 6-6(I)(1), 6-6(L)(1). So it's a significant number of things that that were not being complied with in this process and based upon that we don't think it would be appropriate to move forward with a DHO approval of subdivision at this point. You know it, the process lays out very specifically why the site plan EPC needs to occur, and what the whole process of subdivision is, and this subverts that process. Thanks.

DHO Lucero: Thank you, sir. Okay, bear with me just one second. Ms. Piarowski did you want to respond to that, or wait till the end of the public comment and then I know we have at least one other person wishing to provide public comment.

Ms. Piarowski: Mr. Lucero I can wait until all the public comment has been made, if that's okay with you.

DHO Lucero: Yeah, that's fine. Thank you. I do see also that Mike Lopez had a question, although he's having audio difficulties. Miss Wolfley, are you there?

Associate Director Wolfley: Yes, if you want to read from the chat what his question is or if you want me to do it, but that's what I was going to point out, is that he cannot speak in the hearing, but he's been writing his questions in the chat.

DHO Lucero: Okay, thank you. I'll go ahead and read those for the record. This is Mike Lopez writing in the chat. He says "I don't have audio but would like to ask a simple question regarding the height of all the development, including the apartments. I know several neighbors in the area are concerned about blocking the view of the Sandias." Also he says, he has a question, "Will Valiente street run all the way to Calle Plata, or will the road be walled off?" He also states "The apartment development also seems to be close to a nice, quiet, uninterrupted neighborhood. Several concerns regarding this issue." That was the end of his comments in the chat. Let's see, is there anyone else from the public who has any comment or question regarding

agenda item one? And I'm scrolling through the participant list. I don't see anyone else indicating that they'd like to speak. Last call for public comment on agenda item one... okay, Ms.

Piarowski, are you there?

Ms. Piarowski: Yes, I'm here. Thank you.

DHO Lucero: Would you like to respond to the public comment?

Ms. Piarowski: Yes, Jay, if it's okay with you, can I show or I can share my screen? As part of my application, I submitted the original plat that separated the parcel from the south, that Mr. Voorhees was referencing and I want to make sure I state that we have really enjoyed working with Mr. Voorhees and with the WSCONA. We've worked, we've had several meetings and discussions about this. So I appreciate his input and I appreciate how involved he is and we do appreciate that. I do disagree with his thoughts on the impropriety recording of the plat. Modulus was not involved in this platting action, nor are we involved in the apartment project that is on the southern portion. Jay, if I may share my screen really quickly. I have two exhibits to share.

Mr. Rodenbeck: You are a co-host so you can share.

Ms. Piarowski: Okay. Alright, so, are you guys able to see this?

DHO Lucero: It's loading up. There we go, I can see it.

Ms. Piarowski: Okay. So this is a plat that previously encumbered all 18 acres. This was one legal parcel. However, this parcel was subdivided and this this plat was signed and recorded at the Clerk Office on March the 4th of 2024. Therefore separating this parcel from this parcel. The apartment complex that everyone continues to talk about, that Modulus is not related to, that project is not related to this request. That is a separate architect and a separate agent in that encumbers this southern portion, which is now its own parcel. Now that this tract has been separated, I'm gonna go to this exhibit which shows...

DHO Lucero: Ms. Piarowski, do you mind going back to the other one and if you could just sort of maximize it on your screen just because it's kind of hard to see.

Ms. Piarowski: Yes, absolutely.

DHO Lucero: Okay, there we go and if you could zoom in a little, yeah, thank you so much.

Ms. Piarowski: Not sure if what if you specifically wanted to see is the date, but you can see here on March 4th, 2024, it was recorded. There is the recording stamp from the Clerk's Office. It does have all the required signatures from City staff as well. Let me get to the cover sheet. My apologies, hold on... City staff as well as the City Surveyor, Planning Chair, so it has been fully signed and recorded, which is where Modulus came into the picture. We weren't part of this application, we just got this signed plat as part of our due diligence. We cannot speak to the history of how this got recorded other than it is recorded and it is recorded with the Clerk's

Office. So we are moving forward with this eight acre parcel. So let me then go to this exhibit. Are you able to see this Okay?

DHO Lucero: Yes.

Ms. Piarowski: Okay. So Mr. Voorhees, I know that this is in litigation in terms of whether this is adjacent to public open space, and I'm not going to speak to the legalities of that as I'm not an attorney. I know it is being litigated with the Court of Appeals, however, now that this has been re-platted, the question of whether this is adjacent or not is irrelevant to my parcel, because my parcel is no longer even in question about the legal definition of being adjacent. Now that we're legally re-platted, it's clear that it's not adjacent or even within any close proximity, so therefore we are not obligated to have an EPC Site Plan, which is why we went straight to the Preliminary Platting action request. The other thing that I want to state, I know Mr. Voorhees knows this and many, many people in this hearing today do know this, but we aren't, we are, we do not have a site plan as part of our planning action. We are not that far along yet. We do have a vision for this parcel, which is a beautiful commercial development that we have called the Glyphs of Volcano Mesa. We've created a website that it's public. We've maintained transparency with all of the notes and all of the renderings of what we are preliminarily planning, but at this time there is no Site Plan as they are still negotiating tenant leases and kind of how this project would come together. So the question about building heights and Site Plan is premature at this time because we don't have any of that information yet completed. So the reason that we are subdividing is very simple, in that it's a two-pronged mechanism that we need. One is for funding; the

the parcels need to be re-platted so that each project can be funded independently and that it does give us some flexibility in how and we constructed this project. So that is why we're requesting this platting action. So I just want to put those out there in response to Mr. Voorhees' concerns about what we're doing, and how we got to where we are today.

DHO Lucero: Thank you.

Ms. Piarowski: Thank you.

DHO Lucero: Did you also want to address Mr. Lopez question about Valiente Street?

Ms. Piarowski: Yes, Mr. Lucero. Valiente Street, we are going to keep this road private. It was previously public that was vacated as public right-of-way. We are continuing on with that. As far as the design, we don't, again we aren't that far along in our design yet. We are just starting it out. So we have yet to design or you know, what the configuration or whether this will be fully opened... we just don't know that yet. We're not that far yet.

DHO Lucero: Thank you.

Ms. Piarowski: Thank you.

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DHO Lucero: Okay, at this time, let's go ahead and go to the DFT staff members for their comments, beginning with the Water Authority, Mr. Gutierrez.

Mr. David Gutierrez, ABCWUA Engineer: Hey, this is David Gutierrez, with The Water Authority. First of all the what I'm looking at is easement note 8. There are two different call-outs for it. One says a public water line easement and one say a private water and sewer line easement. If you look at sheet one, it's a public water line easement. Sheet 2 is a private water and sewer easement and that needs to be corrected. I don't know what your intention for that is exactly, but I would assume it's a private water and sewer easement to get to those tracts. And along Kimmick, and I'm not sure if tract 1A3 is planning to get water and sewer from Kimmick Drive. I don't have a utility plan or a proposed utility plan, or anything to determine what the plan is there, but the infrastructure list did not call out, I don't know if it called out, I don't remember the water and sewer on Kimmick, so I'll need to see what the work order shows and we'll need to make sure that there's access. The availability statement shows...thank you for pulling that up, shows something different than what the infrastructure list has, so please coordinate with us so we can get these things corrected. If there's infrastructure that is missing on the infrastructure list or work order plans set, then we'll need to just need to coordinate an infrastructure list for this to make sure tract 1A3 will have access to water and sewer as well. Just some discrepancies on my end regarding records didn't make sense that I need to reconcile. Maybe I need to dig through our records more, but I looked a little bit and I couldn't come up with a good explanation of why that was so. What else? So before this plat is signed, I'll need to make sure the infrastructure is constructed. Based on the development agreement, infrastructure does need to be built and may need to be tied to this. We can touch base on that and I'm thinking that if the infrastructure is not built, it should be tied to this infrastructure plat as well. So we'll need to generate an infrastructure list if that is not completed prior to. I'll need it to move forward here prior to signature, or the infrastructure needs to be built prior to signature. That's all I have right now. We can coordinate on an infrastructure list if you would like outside of this just so we can get those details worked out. If you have questions just let me know.

Ms. Piarowski: Thank you, David. I do have a few questions if I may. Mr. Lucero would it be appropriate to ask questions?

DHO Lucero: Yes, thank you.

Ms. Piarowski: Thank you, David for your comments. Just to clarify, easement note 8 is a private line that was updated with the updated sheet one. I'm not sure how the old one made it in there, but that was updated. So that was just an error on our part. In terms of the infrastructure list, so I just want to clarify your statement and your note here, that the infrastructure needs to be constructed. There is already a signed and recorded infrastructure agreement with a financial guarantee, a very substantial financial guarantee in place that protects all of this infrastructure. I wasn't aware that the infrastructure could be required to be constructed if there is a legally binding financial agreement in place to construct this infrastructure. And then I just wanted to, we can coordinate this offline, but I wanted to make sure that I noted, and get your input that the plat that was just recorded in March of this year, accounted for all the infrastructure for this entire 8 acre parcel. And so there shouldn't be any additional infrastructure because it was just

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recorded in March. And as I stated, there is this financial guarantee and an infrastructure improvements agreement recorded with the City Attorney's office already on file, which we submitted as part of the record. So could you just explain a little bit your note about having it to be constructed when there's a financial guarantee in place?

Mr. Gutierrez: This is David with Water Authority. I can respond if that's okay Mr. Hearing Officer?

DHO Lucero: Yes please, sir.

Mr. Gutierrez: So I, I don't know if you're in the same developer, a different developer, but these are, these will be sellable lots and we don't want one of these lots to be stuck building something if they need to be done, you know, before the previous developer and extensions happen, so I always try to look out for this guy regardless of what the other plat does or you know, different developers do. Each application needs to stand alone from my perspective, and I would kind of lean on the City Engineer to kind of weigh in on this. But my perspective is that I look at each application as a standalone thing and I make the comments appropriate. So I do realize that there's a financial guarantee for it. I don't know how we would tie... can it be tied to this? I don't know. That would be a question for the City Engineer if that same guarantee could be tied to this because they're maybe the same developer. If you're a different developer, I always request that it's another infrastructure list, and maybe it doesn't have to be guaranteed. So those are things that the City Engineer needs to answer, or someone if someone else is more educated on that stuff than me. I don't know all the ins and outs of it, but I like to look at stand-alone things and if it's infrastructure required for this subdivision, I want an infrastructure list for this subdivision to make sense, to serve it right and I need to make sure that this subdivision is also served. Does that answer your question?

Ms. Piarowski: No, not really, but I understand the conversation we need to have. And just to clarify for everybody that the infrastructure list is held by the seller of both properties. So it is held in one ownership group at this time. I'll get with you David offline and perhaps we need to meet with Shahab because like I said, there is already the infrastructure agreement, there's already a development agreement with the Water Utility Authority for serviceability on this northern parcel that's already recorded. So re-doing all of that work that's just now been recorded in March seems to be a little bit redundant, but I could schedule a meeting with us and with Shahab to kind of talk through the City's perspective about how they would like to move forward with that.

Mr. Gutierrez: Thank you.

Ms. Piarowski: Thank you.

DHO Lucero: Thank you both. Anything further Mr. Gutierrez?

Mr. Gutierrez: No, that's it for me right now. Thank you.

DHO Lucero: Thank you, sir. And next we'll call on Code Enforcement. Is that Mr. Ibarra?

Mr. Marcelo Ibarra, Planner: Yes, good morning Mr. Hearing Officer. I'll be reading off the Code Enforcement comments this morning. In this particular case, Code Enforcement has no comments, and no objections.

DHO Lucero: Thank you, sir. Next is Parks and Recreation, Ms. Phelan?

Ms. Whitney Phelan, Parks and Recreation representative: Good morning, thank you Mr. Hearing Officer, this is Whitney Phelan with Parks and Recreation. My comments, I don't have any objections to the requested action, but just a note that there is going to be paved multi-use trail along the south side of Paseo del Norte and this infrastructure list already has a Procedure C filed for that, and it's a City project. I have spoken with the project manager for that and the City Forester and just to be clear, the existing City project plans along Paseo del Norte will have a landscape buffer, but Paseo is intended to be taken over by the NMDOT once that projects complete, and so they're not planning on putting any landscaping between the roadway and the multi-use trail. And so we are requesting that landscaping be provided between the trail or a sidewalk and the property. And for future development plans, it will need to include a street tree landscaping plan. And there are some items in the IDO related to additional frontage landscaping, depending on the size of building footprints and where the façade faces a trail. There's also going to be trail on the east side of Kimmick in the future, and so there are other standards when a building is adjacent to or visible from the City trail, and so just keep an eye on those as the site design begins. And that's it.

DHO Lucero: Next is Hydrology, Mr. Chen.

Mr. Tiequan Chen, Hydrology Engineer: Tiequan Chen Hydrology. Sorry Angela, I didn't communicate with my senior engineer well enough. So the comment was invalid on the written comment provided to you. So the new comment will be the original approved conceptual grading drainage plan with the engineer stamp month of September 2022 is still valid. A detailed grading drainage plan will be required prior to Site Plan approval. That's all from Hydrology.

Ms. Piarowski: Thank you, Tiequan.

DHO Lucero: Thank you Mr. Chen. Next up is Transportation Mr. Armijo.

Mr. Ernest Armijo, Transportation Engineer: Ernest Armijo, Transportation. Sidewalks and trail listed on the infrastructure list have been previously approved and they are acceptable. We have no objections. For future development an approved TCL will be required prior to Site Plan or building permit. Also, a traffic scoping form will need to be filled out and submitted to Curtis Cherne to determine if a TIS will be required.

DHO Lucero: Thank you, Sir.

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Ms. Piarowski: Thank you, Ernest. And Planning. Whose giving the Planning comments today?

Associate Director Wolfley: This is Jolene Wolfley. I'll be doing the Planning comments. I have several things to talk about, so hopefully I won't forget anything, but I'm gonna go ahead and screen share my comments so that it's easier for everyone to follow what I'm talking about. First off, I wanted to point out that the DHO approved the final plat on February 7th, 2024 that divided the northern tract from the southern tract. That approval was not appealed and therefore it went forward and was recorded with the County Clerk so that platting action is considered final. Now, because they're platting that same property within, I have it down here somewhere in the notes, but I think it's within three years, it requires them to have applied as a Major Preliminary Plat because they're creating lots for something that was already changed within the last three years, so they followed all of those requirements.

DHO Lucero: Ms. Wolfley, if I could just ask a quick question about that, because as I understand some of the comments from the public that you know, this plat, this property that's the subject of this plat, which is this northern 8 acres, you know, could be adjacent to major public open space, thereby requiring an EPC Site Plan given what you just said about the validity of this prior plat that divided the northern and southern, is there any way that the property that is the subject of this plat could be adjacent to public open space or otherwise require any EPC Site Plan?

Associate Director Wolfley: Thank you for bringing that up. I'm going to turn first to Mr. Montoya, who's legal counsel to you, Mr. Hearing Officer, and see what his thoughts are about that. I know that the District Court judge upheld the City Council decision that involved the previous platting action and a Site Plan for the multi-family and the amending of this Site Plan for a larger area that removed that Site Plan and I don't follow the cases after that, so Mr. Montoya do you want to give any information about how today's platting action would or would not be affected by anything that's being litigated now?

Mr. Matthew Montoya, City of Albuquerque Legal Counsel to DHO Lucero: This is Matthew Montoya. I would need to research that matter and get back to the hearing officer.

DHO Lucero: Thank you Mr. Montoya. Let's just get you sworn in even though your comments aren't substantive. Please raise your right hand. Do you swear or affirm to tell the truth?

Mr. Montoya: I swear.

DHO Lucero: Thank you.

Associate Director Wolfley: Mr. Lucero?

DHO Lucero: Yes?

Associate Director Wolfley: What I would comment is that when the applicant team, which was Consensus Planning and completed their Final Plat, the City allowed them to proceed at their own risk and so they went ahead and did that work, completed the Final Plat. It wasn't appealed. And so I think in this case, the same stands that from the City's perspective, the District Court, you know, upheld certain previous actions of the City Council. This Final Plat that created the northern and southern tracts that was done in February of 2024 could proceed and therefore the applicant team did proceed. That action was not appealed and it became a recorded plat. I do not know if there's any possibility that something happening at the Court of Appeals could undo any of that, but I think the applicant is proceeding at their own risk, and the City feels comfortable that the northern tract is re-platted. They're now taking just that northern tract, and they're asking for a subdivision into six new parcels. So we feel comfortable proceeding and with the applicant understanding that there could be some slight risk.

DHO Lucero: Thank you.

Ms. Piarowski: Mr. Lucero, could I comment at this point? Is that appropriate?

DHO Lucero: Sure. If you'll just state that you are Ms. Piarowski.

Mr. Piarowski: Yes, Ms. Piarowski with Modulus Architects. I can provide this if you need it for the record. But to clarify the discussion, on November 14th of 2023, the 2nd Judicial District Court issued a ruling basically stating, and I can provide this for the record and I will read, "substantial evidence in the record supports the findings that the subject site and the Major Public Space are not adjacent," and so therefore that's for the southern parcel, therefore we feel comfortable moving forward and I do understand that this is being further litigated. It's my understanding the Court of Appeals has not accepted this case yet. So it is still in limbo somewhere, but as far as today's ruling, the 2nd Judicial Court has ruled that the parcel site is not adjacent and I can submit this legal finding from the courts if you would like that for the record.

DHO Lucero: Thank you. Okay, just to make sure I understand what you said, Ms. Piarowski is that it's the southern parcel that would most likely, if at all, be adjacent to public open space. The northern would not, is that right? Am I understanding that right?

Ms. Piarowski: Mr. Lucero, this is Angela Piarowski again. Yes, again, at the time that this was litigated, this was one large tract, so it would have applied to the entire 18 acres. However, since the northern 8 acres has been re-platted, the question of adjacency that is still being litigated no longer applies to the parcel that we are asking for the plat on. It would apply only to the southern portion, is my understanding.

DHO Lucero: Has the court issued any stay of further development applications or this hearing or any sort of stay that would prohibit action by the City on any development application?

Ms. Piarowski: Mr. Lucero, I am not aware of any stays that have been issued by the courts at all.

DHO Lucero: Does staff have any notice of any stay from a court order?

Associate Director Wolfley: Mr. Lucero, this is Jolene Wolfley we do not. I would like Mr. Montoya to speak on that.

DHO Lucero: Thank you. Mr. Montoya, are you there sir?

Mr. Montoya: Yes, I am. Once again, this is Matthew Montoya, I am the Council for the DHO, I am not for testimony in a hearing.

DHO Lucero: Thank you sir. Okay, let's go ahead and continue on with Ms. Wolfley's comments. I'd interrupted her so I'll let her conclude her comments on behalf of Planning.

Associate Director Wolfley: Okay. Thank you. I do also want to make clear that the site is on MX-M for an EPC zone change that was made final with the completion of that final plat in February of 2024. This particular project is, or application is to divide the northern tract into six parcels. So while we give advice about various ideal requirements, we're not looking at a Site Plan, we're not looking at any particular use. During the Sketch Plat process, we did speak with the applicant about a concern that these parcels be developed as a holistic Site Plan. They can come together under one Site Plan or a couple of Site Plans, but we specifically did not want a lot of just stand-alone uses here, and the applicant team is not obligated, but their application and what they've communicated with us is they're planning to do the Site Plan as shown on their website, The Glyphs and we are supportive of that pursuit to do this as a kind of a joint project on these six parcels, but the six parcels allowing the financing mechanisms that Miss Piarowski mentioned. I wanted to bring up Valiente Road, and I think we had kind of settled this between me and the traffic engineer, but there's something Miss Piarowski said that made me a little bit concerned. Let me see if I can bring up a graphic. Okay, let's see. So I kind of want to get this clarified. This portion of Valiente to the west is public and that connects to Calle Plata, which is what I think Mr. Lopez was asking about. The applicant is proposing that the next middle section of Valiente be private. And then it would proceed to the east as the public road. So when the plat that we were talking about from February 7th was created, it did establish a private easement on the southern track on their northern boundary for that road and then it was my understanding that the applicant would be creating the mirror easement for the private road on the northern tract along that southern boundary of the northern track. And I think Mr. Armijo communicated to me that, that was acceptable, but I gathered from the testimony from Ms. Piarowski that, that may not be a settled matter, so I want to discuss that before we proceed.

DHO Lucero: Okay. Ms. Piarowski, did you want to comment?

Ms. Piarowski: Yes, thank you, Mr. Lucero. Thank you, Miss Wolfley.

Associate Director Wolfley: Maybe Jacob, if you if you can bring up the plat so we can see exactly what the plat looks like.

Ms. Piarowski: Ms. Wolfley, I actually have the approved Site Plan from the prior platting action that was approved by the DRB. That shows what you're referring to, which is the northern tract of the northern portion of the southern tract, which was dedicated as a private road. and we are doing the same with the southern portion of our tract and I know that sounds a little bit confusing, I can bring that up if you like but this intention here this this configuration that I'm looking at here, let me share my screen here hold on...

Associate Director Wolfley: I don't want to look at a Site Plan from the DRB. Well, unless it's the...

Ms. Piarowski: Okay. It shows the roadway you're asking about.

Associate Director Wolfley: Yes, that Site Plan we can look at, okay.

Ms. Piarowski: My apologies, right, I don't want to confuse... this is not part of it, but we're continuing on with what was prior... prior approved in terms of the configuration of this private drive. Let me share my screen here...let me know when you can see my screen here.

DHO Lucero: Yeah, Okay, I see it. If you could maximize that window, that'd be great. Thank you.

Ms. Piarowski: Yes, sir. So this is that road, Valiente. This this is the prior approved, in which the roadway was going to stay private. This development as part of that Site Plan was dedicating their portion as a private roadway easement. And then we are going to do the same, which is why we also showed our portion of the roadway, which is this half here as also a private drive, so nothing has changed about the intention of the roadway. So maybe we need to do a better job of articulating that on our plat, or with some noting, but the intent is to keep it exactly the way that it was, prior approved in terms of the configuration.

Associate Director Wolfley: Jacob if you would bring back the plat. And just confirm with Mr. Armijo, that this is okay, that the plat doesn't need any more notes or anything to confirm the private drive will be in that location on the southern boundary of this proposed, of this tract.

Mr. Armijo: No, I when we had discussed earlier this week on this, when you asked the questions, I looked at this again and no, the the language that they have here on the plat is, clear to me that it provides for that private drive that would be #9 I believe, private access easement.

Associate Director Wolfley: Okay. Thank you. I'm going to go ahead and continue with my comments. And I think some of these things were addressed by the agent. So I think all of the sidewalks and landscape strips for Paseo del Norte and Kimmick are on that infrastructure list. Is that correct Ms. Piarowski?

Ms. Piarowski: Yes, Ms. Wolfley, all of that is on the infrastructure list.

Associate Director Wolfley: Okay. Are you seeing my Planning comments on the screen?

Associate Director Wolfley: Okay. So we need the project and application numbers on the plat, we'll need the AGIS DXF file, and we'll need the date of the DHO approval on the plat. I think everything else we've found to be in compliance and we included several notes which will show that the new development will need to follow the VPO2 overlay for the northwest mesa, which includes guidance on colors and reflectivity and roof mounted equipment. That's a portion that would apply to commercial. We want to note that, you know, to look at the drainage pond stabilization requirements. And that edge buffer landscaping would be required on the West property line, because you are abutting residential. And so just take a look at those notes. This step down would also apply to any future development, but we don't have a, that would come in with your Site Plan. So I can put those items in the chat that we still need, but I think I've been able to resolve in this hearing the outstanding questions that I have, Mr. Hearing Officer.

DHO Lucero: Thank you. Okay. Now it's time for cross examination. Are there any members of the public who have spoken who would like to ask questions of those who have given sworn testimony. This time is for questions only, like a cross examination. It's not time for members of the public to give additional testimony. So this is a time for questions only, for those who have already spoken. Please do not ask repetitive questions, one question per subject matter please. And I see Mr. Voorhees, who spoke earlier. Are you there, sir?

Mr. Voorhees: Yes. First question is for Ms. Wolfley. Ms. Wolfley, are you aware of the AC2314 appeal and the LUHO proposed decision which roundly denounced the attempt to put forth a final plat on the property in question? And that the recommendation was for this denial through the City Council, but the applicant withdrew the plat at that point? So that no action was taken on this 27 page definitive rebuke of the treatment of adjacency and the attempt to subdivide this property without having an EPC Site Plan done first?

Associate Director Wolfley: Mr. Hearing Officer, Mr. Voorhees, I am aware that the LUHO determined in an appeal that affected, I think it was the Preliminary Plat and the Site Plan and the Site Plan Amendment for this case, that he, the LUHO thought, who is a recommender to the City Council, that he determined the site was adjacent.

Mr. Voorhees: I'm referring to the appeal of the Final Plat that was here heard by DHO Campbell in, I believe that was in July of last summer, not the original LUHO recommendation. The subsequent recommendation reversed his own findings and found that the adjacency was not at all appropriate, and that the DHO and indeed the DRB acted...

DHO Lucero: Mr. Voorhees, you need to phrase this in terms of a question please.

Mr. Voorhees: The question is, are you aware of the LUHO's subsequent recommendation to City Council, that this was not appropriate, and that a Site Plan EPC was necessary?

Associate Director Wolfley: I apologize, Mr. Voorhees, that this has been a pretty complicated set of parcels and applications and appeals. I do not have the clarity that you do with every action. What is clear to me is that the District Court ruled that the site was not adjacent, and that subsequently a Final Plat was filed and that the northern tract was separated from the

southern tract and that, that particular plat was not appealed and was recorded. And this current application is based on that action to subdivide the northern tract.

Mr. Voorhees: Follow up question if I may?

DHO Lucero: Yes sir.

Mr. Voorhees: Can you explain to me why, as an interested party, and in fact a participant in multiple lawsuits regarding the property in question, why no notice was provided to me or to WSCONA for this submission of a Final Plat action in February of this year. Especially, after the admonition against that by the LUHO and the last action on this property previously?

Associate Director Wolfley: Mr. Hearing Officer and Mr. Voorhees, we did not research prior public notice from a previous case in our review of this case today, and we did review the public notice that was given for this application for platting action. If you could bring that up on the screen, Jacob. It should be toward the end of the file or Jay if you need to help with that. So what we're dealing with today with is a particular application, and we can look at the public notice for the application before us. Jay, if you could help out a little bit here, I'd appreciate it. So I think, that and Miss Piarowski, if you can comment, just show who the Office of Neighborhood Coordination indicated that you should notify for your plat?

DHO Lucero: Are you there Ms. Piarowski?

Ms. Piarowski: Yes, I'm here. I'm pulling up my files. I can respond to the portion of the question, well your comment that refers to our plat, we did make all of the necessary, not only did we make all the necessary notifications, but we've been working very closely with many members of the West Side residents as well as WSCONA and several members of WSCONA voluntarily, outside of the notice requirements, so we have gone over and above our required responsibility to notice the neighbors. So I feel confident that our actions have not only met, but exceeded the City requirements for public notice.

DHO Lucero: Thank you. Mr. Voorhees any last questions? We probably need to...

Mr. Voorhees: Yes, this is again for Jolene Wolfley. Miss Wolfley, I assume that you're aware of the IDO Section 6-6(I)(1), which states "Any development on a site 5 acres or greater adjacent to major public open space." Where it says "in which case a Site Plan approval is required prior to any platting action." Was a Site Plan EPC conducted on the total land, the north and south of it, prior to subdividing it into the two current plats, the Final Plat apparently that, that occurred in February without notice to interested parties?

Associate Director Wolfley: Mr. Hearing Officer, Mr. Voorhees, that's a fairly complicated question. What I'm going to answer is what I can clearly understand is that the application before the DHO today, we did not determine to be adjacent to major public open space and therefore it did not require, per the IDO 6-6(1), a Site Plan EPC prior to platting.

DHO Lucero: Thank you. Mr. Voorhees, if you could, just one more question please.

Mr. Voorhees: Yeah, so my question to you is if it's required under the IDO to have a Site Plan EPC prior to subdivision, and you're saying that this lot was subdivided prior to this hearing and that this is to further subdivide it beyond that. But, yet you're either refusing to answer or perhaps acknowledging that no Site Plan EPC has ever been conducted on the previously adjoining lots. My question is how do you justify, violating that section of the IDO today, because the only way this can be subdivided is if it applies with all applicable provisions of this IDO, and I don't see how ignoring a prior improper action allows you to move forward and compound that mistake.

Associate Director Wolfley: Mr. Hearing Officer, Mr. Voorhees, once again, that's a complicated question. I do not agree with some of the premises that were laid out in your statements and I think that, what I'm trying to previously say is that the Final Plat that created the northern and southern tracts was done subsequent to a District Court judge saying that neither of that entire parcel before was subdivided, that was not adjacent to major public open space. And under that decision, the agent for the owner continued forward and pursued a Final Plat in February of 2024 that did subdivide the northern and southern tracts. And that plat is recorded and that is the legal lot that stands in the background of this application, which is just for the northern tract, which is clearly not adjacent to major public open space.

DHO Lucero: Thank you, Mr. Voorhees. Thank you for your questions.

Mr. Voorhees: Thank you.

DHO Lucero: We also had a prior public comment or Mr. Lopez, I believe that he may have had a question as well. I'm looking through the chat. Bear with me. I think he has a question regarding page 10 of 107 on the application which shows the proposed retaining wall that runs all the way down from Paseo to Rosa Parks, and asked whether this presumes that Valiente would be walled off from Calle Plata. Ms. Piarowski, did you want to address that or anyone from DFT?

Ms. Piarowski: Mr. Lucero, I can do my best to try to address that. If Mr. Rodenbeck, are you able to pull up what he's, what they're saying is page ten of our 107 page application? I'm looking for it as well.

Mr. Rodenbeck: Jacob is sharing his screen. Jacob, go to play page 10. I think he's on page 10.

Ms. Piarowski: Okay. I'm going to have to study this a little bit further and I see this was done as part of a prior approval. And so I need to study this, and if it would be okay, I can provide an answer to that at a later date. But I'm going to need to review this work that was done almost a year ago here by our civil engineer who is not on, I do not think he's on at this time.

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DHO Lucero: Thank you. Would it be fair to say that, you know, subdivision walls are, you know, any sort of walls, development walls are sort of preliminary in nature, not final proposals at this time?

Ms. Piarowski: That would be fair to say, but I, I will say that if there is a wall shown or intended, it would be for retention of the part of the grading scope of this project. But I will need to refer to that. But you are correct that it would be very preliminary as the hydrology comment was that a final grading and drainage plan would have to be submitted and approved, and that would be part of that. So we are not at that time of this submittal just yet.

DHO Lucero: Thank you, Miss Wolfley. I see you have your hand raised.

Associate Director Wolfley: Thank you. Mr. Hearing Officer, this is Miss Wolfley. I think if I'm interpreting Mr. Lopez's question, he's wanting to know if any wall like that would wall off Calle Plata from Valiente. Within our review, so the IDO does want all these streets to be connected, for Valiente to connect from Calle Plata all the way through Kimmick and beyond to the east. Ms. Piarowski, you are not intending to wall off Valiente at your west property line is that correct? I don't think we would allow that anyway.

Ms. Piarowski: Yes, that is correct Ms. Wolfley. We are not intending to wall off Valiente Road.

Associate Director Wolfley: Thank you.

Ms. Piarowski: Thank you.

DHO Lucero: Okay. Thank you everybody for your comments and questions and responses. At this time I would ask Miss Wolfley if she'd like to summarize any outstanding items regarding this matter, indicate whether a deferral or other action is likely appropriate. Ms. Wolfley?

Associate Director Wolfley: One thing that might be appropriate, I got a direct message from Mr. John Edward, who'd been raising his hand. He said that he could not get on the call earlier due to connectivity. He would like to comment as a bordering neighbor. I would recommend you listen to his brief comment.

DHO Lucero: Thank you, let's do that. Mr. Edward, are you there?

Mr. John Edward: Yes, can you hear me okay?

DHO Lucero: Yes sir. Would you please state your full name and mailing address for the record?

Mr. Edward: John Edward, PO Box 26506 Albuquerque, New Mexico 87125.

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DHO Lucero: Thank you, sir. Please raise your right hand. Do you swear or affirm to tell the truth?

Mr. Edward: Yes, sir, I do.

DHO Lucero: Thank you, sir. Go ahead.

Mr. Edward: We are the neighbor on the other side of Paseo del Norte. And I did want to comment. I apologize and I do appreciate you guys letting me speak. Zoom doesn't work too good on a single bar. And so one of the things that I want to make sure about this area, and I think it was clarified on the private road relative to Valiente. And I would think that this would apply for utilities as well. I don't want developments in areas to be an island unto themselves. Because I think that that creates a lot of added expense and problems and isolation. After all, we're a community and while I can see the benefit of gated things, I prefer the fact that we can interact freely if we're going to have walkable neighborhoods. I'd like to stress the emphasis on quality of architecture and I do want to emphasize the elements and quality of the landscaping. Every place everybody travels to, they generally go to places that look great. And so I would like our place to be a place where people travel to because it looks great, and we're a neighbor and we like it that way. I do support their development to the extent that they are taking a financial risk and making our city grow. And if they can build an attractive looking project, I'm all for it. And those utilities and roadways connect and interconnect with the overall greater community at large. The questions I just want to verify and just make sure in the future is that when it gets into private, that it's not a creating an isolation, and creating a more needlessly expensive landscape for people to live in or to grow and develop in. Those are the ends of my comments.

DHO Lucero: Thank you, sir. Ms. Piarowski, would you like to respond to the public comment you just heard?

Ms. Piarowski: Mr. Lucero, this is Angela Piarowski with Modulus Architects. No, I would just like to say thank you for your comment and for taking the time to, to get on this hearing and make those comments. I would encourage you to go to, we have established a website called theglyphs@volcanomesa.com in which the vision for this project is identified along with the uses that we intend, and renderings as to what we intend this development to represent. So I would encourage you or anybody from the public that would like to keep track of this project and see what we are intending. Very high quality architecture with great landscaping. Yes, there you go. Keep this current and as we make progress, so we do intend to provide the Westside residents and the community with a really high quality project.

DHO Lucero: Thank you. Ms. Wolfley, did you want to...?

Associate Director Wolfley: Thank you, Mr. Hearing Officer I wanted to circle back with Water Authority and see if we can address their concern. Mr. Gutierrez, the previous plat that finished in, correct me if I'm wrong, Jay, but it's the February 7, 2024 plat that has the infrastructure list and the financial guarantee or is it the Preliminary Plat prior to that?

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Mr. Rodenbeck: This is Jay Rodenbeck. So the infrastructure list was approved with the Preliminary Plat, and the IIA based on that infrastructure list was submitted with the Final Plat that was approved by the DHO on February 7th, 2024.

Associate Director Wolfley: Okay, so Mr. Gutierrez all the infrastructure from that infrastructure list is guaranteed. Would you like to see that infrastructure list?

Mr. Gutierrez: I took a look at it. This is David with the Water Authority. I did take a look at it. There was some stuff that didn't align with the development agreement. I think there was some changes maybe that were discussed, but I just wanted to confirm that sewer is along Kimmick. Maybe I missed it but I think I wanted to confirm that lot, I think it was lot 185, I think I said 183 earlier, but the northeast corner, I need to ensure that, that has access to sewer as well. Which does not show on the utility plan. On our development agreement, we wanted sewer to extend along there, which is, you know that's not on the infrastructure list. With that said, I just need to I need to confirm how that lot is going to get serviced. Right now there's an easement for the lot just west of that, and the lot one, I think the northwest corner. I don't have the lot numbers memorized but that lot currently as shown doesn't have access to water and sewer, just water. So I need to make sure that they all have access. I just needed to maybe meet with everyone after, just to confirm the infrastructure list, and to confirm that that sewer line they have has access to sewer. If those can be clarified, I'm good with this going forward, I have no objections, I just need to ensure that that line is built per our development agreement.

Associate Director Wolfley: Okay, I think Miss Piarowski should respond to that first, Mr. Hearing Officer, this is Jolene Wolfley.

DHO Lucero: Thank you. Ms. Piarowski, would you like to respond, please?

Ms. Piarowski: Yes, Ms. Piarowski with Modulus Architects. So I'm looking at the approved and signed infrastructure list that does, is tied to the financial guarantee and it shows an 8 inch sewer line that is 900 linear feet of sewer from Kimmick all the way to the West property boundary that is on the utility infrastructure list. And so I believe it is fully covered. However, if we need to show a note for a private, if you look down here for a private line to that parcel that you are questioning, we can do that. But in terms of sewer being provided, it is provided to our eight acres as a whole. So I guess I'm not sure where the question is coming from because it is being provided and then we would take that public line and then make it private line through our parcel to all of our different parcels being created.

Mr. Gutierrez: This is David with the Water Authority if I can respond?

DHO Lucero: Yes sir.

Mr. Gutierrez: Very effective response. So, the northeast corner as proposed right now does not have access to sewer and that was my concern. And then if we could work out the details of the infrastructure list if, it's tied to this plat as well. I don't need another financial guarantee, I just want to have that. I need to make sure that that lot has access to sewer. If you want to

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provide a private easement, that's fine. Please, please do that revise it and it should be fine with that. We can touch base on that. I'm okay with this going forward, if we could get that clarified and the infrastructure list. Does that make sense?

Ms. Pierowski: Mr. Gutierrez, yes, it makes sense to me, absolutely. Thank you.

DHO Lucero: Thank you, Mr. Gutierrez, Ms. Piarowski. Ms. Wolfley, would you like to continue?

Associate Director Wolfley: Yes. So Mr. Hearing Officer, I think if Mr. Gutierrez could write a either a finding or a condition. We do approve the infrastructure list. The DHO doesn't actually approve the infrastructure list, the City Engineer does, but we do like to discuss the infrastructure list and try to get it mostly set as part of the subdivision. I think if Mr. Gutierrez puts in a condition of approval, then that'll make sure that happens before the infrastructure list is signed. And then one other thing I've heard from a DFT member was Miss Phelan. I wasn't sure if she was asking for a street landscaping plan as part of this subdivision approval, and if she was, she could put that as a condition of approval for the subdivision.

DHO Lucero: Thank you, Miss. Ms. Phelan are you there?

Ms. Phelan: I'm here. I don't think we need it unless Ernest... I'm not I'm not clear on the right of way that's need for Paseo for the street and trail, so I don't know if there's a landscape buffer available on the north side of the property or what it looks like. Sometimes we wanted like a detail like showing how much room there is to be able to install that or if they're planning a sidewalk on the front of the property or just connection to the trail. I know these are all going to develop a little differently. But I don't know if we need it here, it would just be something that could come later with the Site Plan.

Associate Director Wolfley: Okay, so it sounds like maybe that can wait until the Site Planning stage and then I will put the Planning conditions of approval in the chat.

DHO Lucero: Okay, thank you. Anything further Ms. Wolfley?

Associate Director Wolfley: Nothing further. Thank you.

DHO Lucero: Thank you.

Ms. Piarowski: Mr. Lucero, may I ask the question to clarify before you guys close?

DHO Lucero: Yes, go ahead.

Ms. Piarowski: Okay, this is Angela with Modulus Architects. I just want to clarify, Mr. Gutierrez, that when you say you want an infrastructure list, you're not suggesting a new infrastructure list? Or I mean, wouldn't we just be able to take the existing infrastructure list and just submit it as part of this application because creating a new infrastructure list creates an

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immensely tremendous amount of additional cost and work for work that has already been through the City process for over a year and agreed to by all parties, and in fact all the development agreements are in place and recorded. So I don't want to rehash what's already been agreed upon and then have to have the subsequent drawings and all that for this. Are you saying that just if we were to submit what's already been recorded, what's already been financially guaranteed, that that would be sufficient as long as we added the note about the private easement that would service that one parcel to the north east corner?

Mr. Gutierrez: This is David with the Water Authority. If I can respond?

DHO Lucero: Yes sir.

Mr. Gutierrez: I would like confirmation from the City Engineer of how he would like to handle that. But I'm okay as long as we can tie it and that it's also guaranteed with this plat, if that makes. Because this is a stand-alone plat from the other plat that was approved and sometimes there is different developers that might have sold this lot off, so that's good that this is one developer, the same developer as you stated. So I think we can work out the details and maybe we don't need another infrastructure list, but typically when they are stand-alone, I do request another infrastructure list and it might be copy paste and just tied to the financial guarantee that's in place already, but I defer to the City Engineer to make that call. But I just want to make sure that this part is also covered.

DHO Lucero: Miss Wolfley.

Associate Director Wolfley: Mr. Hearing Officer, I see the condition that Mr. Gutierrez put in the chat and I think that gives plenty of leeway to work this out. I understand what Ms. Piarowski is concerned about. I also understand what Mr. Gutierrez is concerned about and I think his condition allows for that to be worked out reasonably.

DHO Lucero: Thank you. Okay, anything further Ms. Piarowski or Ms. Wolfley?

Ms. Piarowski: Mr. Lucero, not for me. I want to thank everyone for their time today.

DHO Lucero: Thank you. Okay. I would like a finding in the record that the, and I'll make this this finding now formally. Because of the prior plat that divided the northern and southern properties into the northern property that is the subject of this action, and the southern property that is not the subject to this action. Having not been appealed and standing on its own ground, and with the information in the record, submitted under oath that you know, the Court having found in litigation that the property was not adjacent to major public infrastructure and having no evidence in the record of any stay of further action I would find that the property that is subject of this action, northern approximately 8.2578 acres is not adjacent to public infrastructure and therefore is right for decision by the DHO does not require a EPC Site Plan. With that finding I hereby approve agenda item one, PR-2019-007712, aka PR- 2019-002663 which is SD-2024-00097, because the application meets all the requirements of the IDO, DPM and other adopted City regulations. With the following conditions. Bear with me...first condition: the project and

June 12, 2024

application numbers must be added to the plat before final sign off. Condition 2: Copy of the AGIS approved DXF file must be submitted prior to the final sign off of the plat. Condition 3: Per section 6-6(L)(2)(D)(7) of the IDO, the date of the DHO approval must be recorded on the plat. Condition 4: Confirm that the infrastructure list items are correct to serve the entire site and provide an additional private easement for proposed lot 1A5 such that every lot in the subject plat has access to public water and public sanitary sewer infrastructure through coordination with the Water Authority. Were there any other proposed conditions by from staff? I believe I hit all of them.

Associate Director Wolfley: This is Jolene Wolfley, yes you did, Mr. Hearing Officer.

DHO Lucero: Okay. Thank you very much and I would also like to thank everybody for their participation and thoughtful comments and professionalism, All the public comments and questions, as well as the applicant and the staff. Thank you very much. And that concludes agenda item one.

DFT/AGENCY COMMENTS, JUNE 12, 2024

DEVELOPMENT HEARING OFFICER

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.

*Jeff Palmer-Code Enforcement Supervisor
Planning Department
jppalmer@cabq.gov*

DATE: 06/12/2024

AGENDA ITEM NO: 1

DHO PROJECT NUMBER:

PR-2019-002663

SD-2024-00097

PRELIMINARY PLAT SKETCH PLAT 8-12-20 (DRB)

IDO -2022

PROJECT NAME:

MODULUS ARCHITECTS & LAND USE PLANNING, INC. agent for GROUP II U26 VC LLC | WRIGHT BILLY J requests the aforementioned action(s) for all or a portion of: LOT 1- A, BLOCK 2, VOLCANO CLIFFS UNIT 26 zoned MX-M located on PASEO DEL NORTE NW and KIMMICK DR NW containing approximately 8.2578 acre(s). (C-11)

PROPERTY OWNER: GROUP II U26 VC LLC C/O WRIGHT BILLY J

REQUEST: CREATE 6 NEW TRACTS FROM ONE EXISTING TRACT

COMMENTS:

1. Code Enforcement has no comments and no objections.

Comments from 4/3/24 Sketch Plat:

1. Code Enforcement has no comments and no objections.



Development Facilitation Team (DFT) – Review Comments

Reviewer: David G. Gutierrez, P.E. | Phone: 505-289-3381 | dggutierrez@abcwua.org

Project No: PR-2019-002663 Date: 6/12/2024 Agenda Item: #1 Zone Atlas Page: C-11

Legal Description: Lot 1-A, Block 2, Volcano Cliffs Unit 26

Request: Create 6 new Tracts from one existing Tract

Location: PASEO DEL NORTE NW and KIMMICK DR NW

Application For: SD-2024-00097 – Preliminary Plat (Sketch Plat 8-12-2020 – DRB)

1. Easement note 8 is listed as a public waterline easement on the first page and a private water and private sewer easement on the second page. Please clarify.
2. Please add the following note to the cover of the plat.
 - a. “Existing public water and/or sanitary sewer infrastructure may not be constructed or sized to adequately serve potential future development. Improvement or upsizing of existing public infrastructure may be required as a condition of future development approval.”
3. Please note that the plat cannot be signed until the infrastructure is accepted
 - a. All infrastructure noted in the Development Agreement and Serviceability Letter must be constructed prior to signature of the plat.
 - i. There is a sanitary sewer line that shows to be required along Kimick to Paseo Del Norte to cover the frontage. Proposed Tract 1-A-5 will need this so that it can access public water and public sanitary sewer infrastructure.
 1. Please coordinate with Utility Development to determine if an infrastructure list may be required or if the conditions need to be revised.

Comment: (Provide written response explaining how comments were addressed)

DEVELOPMENT HEARING OFFICER

TRANSPORTATION DEVELOPMENT

DRB Project Number: 2020-002663
Kimmick and Paseo del Norte

AGENDA ITEM NO: 1

SUBJECT: Preliminary Plat

ENGINEERING COMMENTS:

1. Sidewalks and trail listed in the infrastructure list are acceptable. No objection.
2. For future development an approved TCL will be required prior to site plan or building permit. Also, a Traffic Scoping form will need to be filled out and submitted to Curtis Cherne (ccherne@cabq.gov) to determine if a TIS will be required.

Disclaimer: The comments provided are based upon the information received from the applicant. If new or revised information is submitted, additional comments may be provided by Transportation Development.

FROM: Ernest Armijo, P.E.
Transportation Development
505-924-3991 or earmijo@cabq.gov

DATE: June 12, 2024

ACTION:

APPROVED __; DENIED __; DEFERRED __; COMMENTS PROVIDED __; WITHDRAWN __

DELEGATED: _____ TO: (TRANS) (HYD) (WUA) (PRKS) (CE) (PLNG)

DEVELOPMENT HEARING OFFICER - HYDROLOGY SECTION
 Renée Brissette, PE, Senior Engineer | 505-924-3995 rbrissette@cabq.gov

DRB Project Number: 2019-002663 Hearing Date: 06-12-2024
 Project: Tracts 1-A-1 to 1-A-6, Block 2
Volcano Cliffs Subdivision, Unit 26 Agenda Item No: 1

<input type="checkbox"/> Minor Preliminary / Final Plat	<input checked="" type="checkbox"/> Preliminary Plat	<input type="checkbox"/> Final Plat
<input type="checkbox"/> Temp Sidewalk Deferral	<input type="checkbox"/> Sidewalk Waiver/Variance	<input type="checkbox"/> Bulk Land Plat
<input type="checkbox"/> DPM Variance	<input type="checkbox"/> Vacation of Public Easement	<input type="checkbox"/> Vacation of Public Right of Way

ENGINEERING COMMENTS:

- Hydrology will need to approve a Conceptual Grading & Drainage Plan for platting.
- A Blanket Cross Lot Drainage Easement note specifying the beneficiary and maintenance agreement may be needed depending on the Conceptual Grading & Drainage Plan.
- Comment – Prior to submitting for Building Permit, a licensed New Mexico civil engineer will need to submit a Grading & Drainage Plan to Hydrology for review & approval if one of these conditions is met. (500 cy of grading, 1,000 sf of proposed building, or 10,000 sf of proposed paving).

APPROVED
 DENIED

DELEGATED TO: TRANS HYD WUA PRKS PLNG
 Delegated For: _____
 SIGNED: I.L. SPSP SPBP FINAL PLAT
 DEFERRED TO _____

Emailed June 7, 2024
DHO Comments for Meeting on 6/12/2024

To: Angela Gomez, Development Review Services Hearing Monitor
City of Albuquerque

From: Jared Romero, P.E., CFM, Development Review Engineer
AMAFCA

RE: DHO COMMENTS for PR-2019-002663

LOT 1-A, BLOCK 2, VOLCANO CLIFFS UNIT 26

ZAP: C-11

SD-2024-00097 –
PRELIMINARY PLAT

- No adverse comments to the preliminary plat.



Mid-Region Metropolitan Planning Organization

Mid-Region Council of Governments
809 Copper Avenue NW
Albuquerque, New Mexico 87102
(505) 247-1750-tel. (505) 247-1753-fax
www.mrcog-nm.gov

TO: Angela J. Gomez

FR: Peach Anderson-Tauzer, Outreach & Engagement Planner

RE: MRMPO Comments for the Development Hearing Officer Applications Scheduled for June 12, 2024.

June 7, 2024

The following staff comments relate to transportation systems planning within the Albuquerque Metropolitan Planning Area (AMPA). Principal guidance comes from the *2040 Metropolitan Transportation Plan (MTP)* and the maps therein; *Transportation Improvement Program (TIP) for FFY 2016-2021*; the *Intelligent Transportation Systems (ITS) Regional Architecture*; and the *Roadway Access Policies* of the Transportation Coordinating Committee (TCC) of the Metropolitan Transportation Board (MTB).

PR-2019-002663

MRMPO has no adverse comments. For informational purposes:

- Paseo Del Norte is functionally classified as a Principal Arterial.
- A proposed buffered bike lane is identified on Paseo Del Norte to the north of the project site in the Long Range Bikeway System (LRBS).
- A proposed bike lane and paved trail are identified on Kimmick Rd in the LRBS.
- Paseo Del Norte is identified as a Rapid Ride Transit Route in the Long Range Transit Network (LRTN) with headways of 10-15 minutes.
- Paseo Del Norte is in Intelligent Transportation System (ITS) Corridor. Please consult the reviewing agency's Traffic Engineering and/or ITS department with any questions regarding ITS infrastructure.

PR-2020-004171

MRMPO has no adverse comments.

PR-2024-010457

MRMPO has no adverse comments.

PR-2024-010462

MRMPO has no adverse comments.

PR-2024-010464

MRMPO has no adverse comments.

If you have any questions, please do not hesitate to contact me by e-mail at panderson-tauzer@mrcog-nm.gov.



**PNM Comments
Development Hearing Officer
Public Hearing: 12 June 2024**

**PR-2019-002663 / SD-2024-00097 (Paso del Norte NW)
Preliminary Plat**

1. It is the applicant's obligation to determine if existing utility easements or rights-of-way are located on or adjacent to the property and to abide by any conditions or terms of those easements.
2. Any existing and/or new PNM easements and facilities need to be reflected on the resulting Plat.
3. There are existing PNM easements or facilities along Paseo del Norte, Kimmick Drive, and Valiente Road.
4. Any existing easements may have to be revisited and new easements will need to be created as determined by PNM.
5. Structures, especially those made of metal, should not be within or near PNM facilities and easements without close coordination with and clearance by PNM.
6. The applicant should contact the PNM New Service Delivery Department to coordinate new or expanded electric service regarding this project as soon as possible. Please submit a service application at <https://pnmnsd.powerclerk.com/MvcAccount/Login> for PNM to review.
7. If existing electric lines or facilities need to be moved, then that is at the applicant's expense. Please contact PNM as soon as possible at <https://pnmnsd.powerclerk.com/MvcAccount/Login> for PNM to review.



DEVELOPMENT HEARING OFFICER

Planning - Case Comments

HEARING DATE: 6/12/24 -- **AGENDA ITEM:** # 1

Project Number: PR-2019-002663 AKA PR-2022-007712

Application Number: SD-2024-00097

Project Name: Paseo del Norte between Kimmick and Calle Plata NW

Request:

Preliminary Plat to create 6 new tracts from one existing tract, dedicate additional ROW to Valiente Rd NW

**These are preliminary Planning comments. Additional reviews and/or revised comments may be needed for any modifications and/or supplemental submittals.*

BACKGROUND

- The subject tract was created as part of a Final Plat approved by the Development Hearing Officer (DHO) on February 7th, 2024 per PR-2022-007712 / SD-2024-00019.
- The site is zoned MX-M per an EPC zone change made final with the completion of the Final Plat.
- The site is in an Area of Change and bordered on all sides by Area of Change.
- The property is within 1320 feet or ¼ mile of an Urban Center.
- The site is located within the Northwest Mesa Escarpment VPO-2. The property is not in the restricted height sub-area. The site is within CPO-13, but those overlay provisions apply to low-density residential. Other references to CPO-13 in the IDO may apply.
- The site is vacant and was previously graded and was used in a rock crushing operation.
- A sketch plat for this plat was completed 4.3.24.

*Items in **Orange type** need to be addressed with your submittal. Items in **Green type** appear compliant.*

1. ITEMS NEEDING TO BE COMPLETED OR CORRECTED

**(See additional comments on next page(s))*

Per IDO 5.3 Access and Connectivity

5.3.E.2 Connections to Adjacent Land

5.3.E.2.a Where land adjacent to a proposed subdivision has been platted with stub streets, or with a street ending at a street between the new subdivision and the adjacent land, the streets in the proposed subdivision shall be designed to align with those street to allow through circulations (unless physical constraints).

- The applicant is providing for the continuation of Valiente Road from the west and on the south side of the proposed lots. This fulfills IDO requirements to provide for the continuation of stub streets.

Is the proposal for this plat to dedicate ROW for the north half of Valiente? The previous plat and site plan for the southern tract shows the southern half of Valiente as a private drive. Please reconcile this difference. Also, reconcile a private street leading into a public street west of the subject parcel.

- Reference **DPM 7.2.29 for Sidewalk/landscape buffer widths.** **Paseo del Norte** is a Regional Principal Arterial. 6 ft. sidewalk; 6-8 ft. landscape strip **Kimmick** is a minor collector. 6 ft. sidewalk; 5-6 ft. landscape strip

Bike lanes are proposed for PdNorte and Kimmick.

Please confirm if a current infrastructure list for the previous plat is providing the required sidewalks, landscape buffers, and bike lanes.

- The Project and Application numbers must be added to the plat before final sign-off.
- A copy of the AGIS-approved DXF file must be submitted prior to the final sign-off of the Plat.
- Per 6-6(L)(2)(d)(7) of the IDO, the date of the DHO approval shall be recorded on the Plat.

2. STANDARD COMMENTS AND ITEMS IN COMPLIANCE

Per IDO 6.1.1

- All **public notice requirements** of IDO Section 6, Table 6-1-1 were completed. WSCONA requested a facilitated meeting and one was held in May 2024. The meeting notes were added to the application. No consensus regarding the application was reached between the applicant team and neighbors.

- This request required the applicant to file a Major Preliminary Plat because the subject lot was recorded *less than 3 years prior*.
See below:

Part 14-16-6: Administration and Enforcement
6-6: Decisions Requiring a Public Hearing

6-6(K): Subdivision of Land – Minor
6-6(K)(1): Applicability

6-6(K) SUBDIVISION OF LAND – MINOR

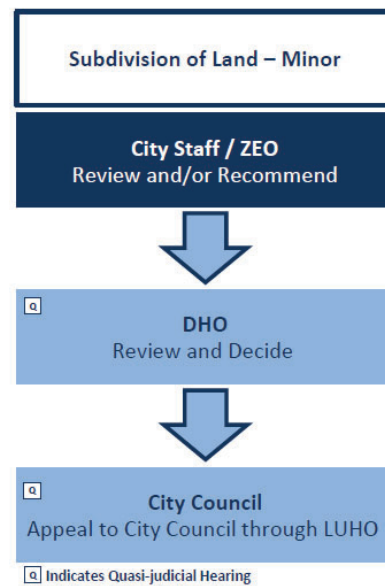
All applicable provisions of Section 14-16-6-4 (General Procedures) apply unless specifically modified by the provisions of this Subsection 14-16-6-6(K) or the DPM.

6-6(K)(1) Applicability

This Subsection 14-16-6-6(K) applies to the review of an application for any of the following:

6-6(K)(1)(a) Approval of a subdivision of land within the City that:

1. Creates 10 or fewer lots on any single lot that has been recorded as a single lot for at least 3 years previously.
2. Does not require any new streets.
3. Does not require major public infrastructure.
4. Does not create any lots that do not front on a public or private street previously approved by the City.



- After DHO approval and final sign off, a recorded copy of the Plat must be sent to Jay Rodenbeck at jrodenbeck@cabq.gov and Angela Gomez at agomez@cabq.gov.
- Per 6-6(K)(2)(I) of the IDO, the applicant shall record the Plat with the Bernalillo County Clerk within 3 months after the date of the final signature on the Plat, or the subdivision shall be voided.

3. FUTURE DEVELOPMENT GUIDANCE

- Northwest Mesa VPO-2 requirements apply to commercial development, as shown below.

3-6(E)(5)

Colors

The exterior surfaces of structures, including but not limited to mechanical devices, roof vents, and screening materials, shall be colors with light reflective value (LRV) ranging from 20 percent to 50 percent. This middle range of reflectance is intended to avoid very light and very dark colors.

3-6(E)(5)(a) Colors include the yellow ochers, browns, dull reds, and grey-greens existing on the Northwest Mesa and escarpment, exclusive of the basalt.

3-6(E)(5)(b) Trim materials on façades constituting less than 20 percent of the façade's opaque surface may be any color.

3-6(E)(6)

Reflectivity

Reflective or mirrored glass is prohibited.

3-6(E)(7)

Roof-mounted Equipment

No exposed roof-mounted heating, ventilation, and air conditioning equipment shall be allowed. Any such equipment shall be fully screened from view from the nearest public streets and from the escarpment.

- **Per IDO 5.3.E.3.a.3.c** Shared driveways and drive aisles are established to **minimize the number of access points to streets.**

Paseo del Norte is an access controlled regional arterial.

Per IDO 5.6 Landscaping, Buffering, and Screening

- Per IDO 5.6.C.13.b Stormwater management features: Required landscape and buffer areas shall be designed pursuant to the DPM and the City Standard Specification for Public Works Construction. See Standard Specification 1013.
[Drainage Ponds Slope Stabilization and Seeding Requirements.pdf \(cabq.gov\)](#)
Infrastructure List notes should state: "Pond stabilization to follow Section 1013." Or the applicant may submit a landscaping plan for approval that will provide an equivalent or better outcome to erosion control, stabilization, maintenance, and aesthetic quality than these guidelines.
- Per IDO 5.6.E **Edge buffer landscaping** is required abutting the west property line.

Table 5-6-4: Edge Buffer – Development Type Summary^[1]				
Development Type	Development Next to	Specific Standards	General Buffering	Buffering in DT-UC-MS-PT
Industrial	Non-industrial development	14-16-5-6(E)(4)	Landscaped buffer area ≥25 ft.	Wall, fence, or vegetative screen ≥6 ft.
Mixed-use or other non-residential	R-ML or R-MH	14-16-5-6(E)(3)	Landscaped buffer area ≥20 ft.	
Multi-family, mixed-use, or other non-residential	R-A, R-1, R-MC, or R-T	14-16-5-6(E)(2)	Landscaped buffer area ≥15 ft.	

[1] See Subsections 14-16-5-6(E)(2), 14-16-5-6(E)(3), and 14-16-5-6(E)(4) for complete edge buffer standards.

Per IDO 5.7 **Walls and Fences**

Per IDO 5.8 **Outdoor Lighting**

Per IDO 5.9 **Neighborhood Edges:** The Neighborhood edge requirement applies to the west property line. Be advised of this requirement shown below allows only 30 feet within 100 feet of the west property line.

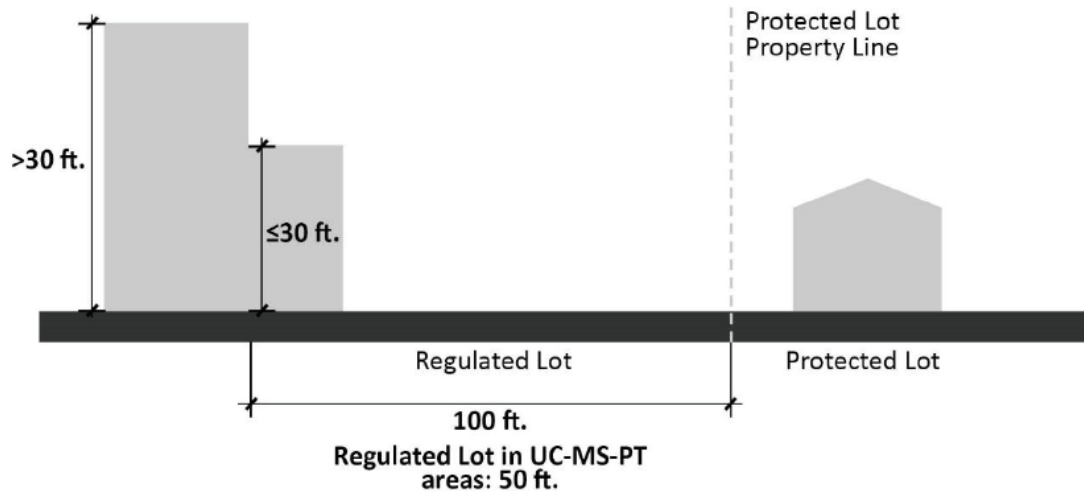
5-9(C) BUILDING HEIGHT STEPDOWN

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.)



IDO 5.11 **Building Design**

IDO 5.12 **Signs**

IDO 7.0 **Definitions**



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: Jolene Wolfley/Jay Rodenbeck
Planning Department

DATE: 6/11/24



DEVELOPMENT HEARING OFFICER (DHO)

Parks and Recreation Department

<https://www.cabq.gov/parksandrecreation>

PR-2019-002663 AKA PR-2022-007712

SD-2024-00097 – PRELIMINARY PLAT

SKETCH PLAT 4-3-24 (DFT)

IDO -2022

MODULUS ARCHITECTS & LAND USE PLANNING, INC. agent for GROUP II U26 VC LLC | WRIGHT BILLY J requests the aforementioned action(s) for all or a portion of: LOT 1-A, BLOCK 2, VOLCANO CLIFFS UNIT 26 zoned MX-M located on PASEO DEL NORTE NW and KIMMICK DR NW containing approximately 8.2578 acre(s). (C-11)

PROPERTY OWNERS: GROUP II U26 VC LLC C/O WRIGHT BILLY J

REQUEST: CREATE 6 NEW TRACTS FROM ONE EXISTING TRACT

Comments:

06-12-2024

Parks and Recreation has no objections to the requested action.

Notes: The proposed development of the subject site will require the following items to be submitted with site development plans.

IDO 5-3(d)(3)(b) Network of Pedestrian Walkways

3. On-site pedestrian walkways shall connect to all of the following:

b. Any abutting City park or trail, Major Public Open Space, or other Civic or Institutional uses, as long as such access is coordinated with and approved by the Parks and Recreation Department or the property owner of the civic or institutional use.

There is planned multi-use paved trail along the south side of Paseo del Norte.

IDO 5-6(D) Street Frontage Landscaping will be required for the proposed development. Please submit a street tree landscaping plan with other landscaping requirements that complies with the requirements in Part 6-6-2 of ROA 1994 (Street Trees). Paseo del Norte improvements will not include landscaping and we will ask that street trees and required landscaping be provided between the trail and the property line or sidewalk. Please coordinate with Parks and Recreation and City Forestry if there are questions.

Comments provided by Whitney Phelan, Senior Planner, CABQ Parks & Recreation Department. Please contact via wphelan@cabq.gov or 505-768-5378 with questions or concerns.



DEVELOPMENT HEARING OFFICER (DHO)

Parks and Recreation Department

<https://www.cabq.gov/parksandrecreation>

IDO 5-6(D)(2) Additional Frontage Landscaping may also apply if a building footprint of more than 50,000 sqft has façade facing any City trail.

04-03-2024 – Sketch Plat

Note: Future development of the site will need to consider adjacency to the paved multi-use trail to the north and east. If future development meets the applicability in IDO Subsection 14-16-5-6(B) then per 5-6(D), Street Frontage trees will be required along Paseo del Norte NW.

Comments provided by Whitney Phelan, Senior Planner, CABQ Parks & Recreation Department. Please contact via wphelan@cabq.gov or 505-768-5378 with questions or concerns.

DFT/AGENCY COMMENTS, FEBRUARY 7, 2024



DEVELOPMENT HEARING OFFICER (DHO)

Parks and Recreation Department

<https://www.cabq.gov/parksandrecreation>

PR-2022-007063

SD-2024-00023 – VACATION OF PUBLIC EASEMENT

SD-2024-00022 – PRELIMINARY/FINAL PLAT

SKETCH PLAT 6-21-23 (DFT)

IDO - 2022

CONSENSUS PLANNING, INC. agent for BEDROCK ABQ INVESTORS, LLC requests the aforementioned action(s) for all or a portion of: LOTS 4 & 5, THE TRAILS UNIT 3A zoned R-ML, located on WOODMONT AVE NW between PASEO DEL NORTE and WOODMONT AVE containing approximately 37.077 acre(s). (C-08, C-09)

PROPERTY OWNERS: BEDROCK ABQ INVESTORS LLC

REQUEST: LOT LINE ADJUSTMENT TO THE EXISTING 2 TRACTS INTO 2 NEW TRACTS. VACATION – EXISTING, TEMPORARY DRAINAGE EASEMENT

Comments:

02-07-2024

No comments or objections to the requested action.

Comments provided by Whitney Phelan, Senior Planner, CABQ Parks & Recreation Department. Please contact via wphelan@cabq.gov or 505-768-5378 with questions or concerns.



Development Facilitation Team (DFT) – Review Comments

Reviewer: David G. Gutierrez, P.E. | Phone: 505-289-3381 | dggutierrez@abcwua.org

DRB Project No: PR-2022-007712 Date: 2/07/2024 Agenda Item: #2 Zone Atlas Page: C-11

Legal Description: 5 & 1 BLOCK 6 & 2, UNIT 26, VOLCANO CLIFFS.

Location: ROSA PARK RD between PASEO DEL NORTE NW.

Comment: (Provide written response explaining how comments were addressed)

Application For: SD-2024-00019 – FINAL PLAT (DHO)

1. No objection
 - a. Previous comments have been addressed.

DEVELOPMENT HEARING OFFICER

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.

*Jeff Palmer-Code Enforcement Supervisor
Planning Department
jppalmer@cabq.gov*

DATE: 02/07/2024

AGENDA ITEM NO: 2

DHO PROJECT NUMBER:

PR-2022-0007712

SD-2024-00019 – FINAL PLAT

IDO - 2021

PROJECT NAME:

CONSENSUS PLANNING, INC. agent for **GROUP II U26 VC, LLC & TRACT 5 US6, LLC** requests the aforementioned action(s) for all or a portion of: **5 & 1 BLOCK 6 & 2 UNIT 26, VOLCANO CLIFFS** zoned **MX-L, MX-M**, located between **ROSA PARK RD and PASEO DEL NORTE NW** containing approximately **18.23** acre(s). (**C-11**)

PROPERTY OWNERS: GROUP II U26 VC LLC C/O WRIGHT BILLY J ROOM 115 & TRACT 5 U26 LLC

REQUEST: FINAL PLAT TO RECONFIGURE 2 LOTS INTO 2 LOTS

COMMENTS:

1. Code Enforcement has no comments and no objections.

DEVELOPMENT HEARING OFFICER

TRANSPORTATION DEVELOPMENT

DRB Project Number: 2022-007712
Rosa Parks – Volcano Cliffs Unit 26

AGENDA ITEM NO: 2

SUBJECT: Final Plat

ENGINEERING COMMENTS:

Plat Comments:

1. No objection.

. If new or revised information is submitted, additional comments may be provided by Transportation Development.

FROM: Ernest Armijo, P.E.
Transportation Development
505-924-3991 or earmijo@cabq.gov

DATE: February 7, 2024

ACTION:

APPROVED __; DENIED __; DEFERRED __; COMMENTS PROVIDED __; WITHDRAWN __

DELEGATED: _____ TO: (TRANS) (HYD) (WUA) (PRKS) (CE) (PLNG)

DEVELOPMENT HEARING OFFICER - HYDROLOGY SECTION
 Renée Brissette, PE, Senior Engineer | 505-924-3995 rbrissette@cabq.gov

DRB Project Number: 2022-007712 Hearing Date: 02-07-2024
 Project: Tracts 1-A & 1-B. Block 2 Volcano Cliffs Subdivision, Unit 26 Agenda Item No: 2

<input type="checkbox"/> Minor Preliminary / Final Plat	<input type="checkbox"/> Preliminary Plat	<input checked="" type="checkbox"/> Final Plat
<input type="checkbox"/> Temp Sidewalk Deferral	<input type="checkbox"/> Sidewalk Waiver/Variance	<input type="checkbox"/> Bulk Land Plat
<input type="checkbox"/> DPM Variance	<input type="checkbox"/> Vacation of Public Easement	<input type="checkbox"/> Vacation of Public Right of Way

ENGINEERING COMMENTS:

- Hydrology has an approved Conceptual Grading & Drainage Plan (C11D004A) with engineer’s stamp 07/2022.
- Hydrology has no objection to the platting action.
- Comment – **Both Tracts.** Prior to submitting for Building Permit, a licensed New Mexico civil engineer will need to submit a Grading & Drainage Plan to Hydrology for review & approval if one of these conditions is met. (500 cy of grading, 1,000 sf of proposed building, or 10,000 sf of proposed paving).

APPROVED
 DENIED

DELEGATED TO: TRANS HYD WUA PRKS PLNG
 Delegated For: _____
 SIGNED: I.L. SPSP SPBP FINAL PLAT
 DEFERRED TO _____



DEVELOPMENT HEARING OFFICER

Planning - Case Comments

HEARING DATE: 2/7/24 -- **AGENDA ITEM:** #2

Project Number: PR-2022-007712

Application Number: SD-2024-00019

Project Name: Tracts 1-A and 1-B, Block 2, Volcano Cliffs Subdivision

Request:

Final Plat

**These are preliminary Planning comments. Additional reviews and/or revised comments may be needed for any modifications and/or supplemental submittals.*

BACKGROUND

- The Applicant is requesting a Final Plat approval by the DHO; the Preliminary Plat was approved by the Development Review Board (DRB) on November 9, 2022 and approved by the City Council on March 6, 2023 (accepting the Land Use Hearing Officer's recommendation and findings to uphold the November 9, 2022 DRB decision of approval) per PR-2022-007712 / SD-2022-00143 to adjust the boundaries of Tract 1, Block 2 and Lot 5, Block 6 of the Volcano Cliffs Subdivision, creating Tract 1-A, Block 2 at 8.2339 acres in size, and Tract 1-B, Block 2 at 9.5477 acres in size.
- On December 6, 2023, the DHO approved an extension of the Preliminary Plat per PR-2022-007712 / SD-2023-00218.

COMMENTS:

1. Items Needing to be Completed or Corrected

- The size of Tract 1-A on the Final Plat, 8.2545 acres, differs from the size of Tract 1-A on the Preliminary Plat and Preliminary Plat Extension, which was 8.2339 acres. Please confirm and explain the difference in size of Tract 1-A between the Final Plat and Preliminary Plat/Preliminary Plat Extension.

**(See additional comments on next page)*

- The size of the right-of-way dedicated by the Plat along Paseo del Norte, 0.4371 acres, defers from the right-of-way dedicated by the Plat along Paseo del Norte on the Preliminary Plat and Preliminary Plat Extension, which was 0.4577 acres. Please confirm and explain the difference in size of the right-of-way dedicated by the Plat along Paseo del Norte between the Final Plat and Preliminary Plat/Preliminary Plat Extension.
- The review criteria for a final plat is below. Based on responses to the 2 preceding comments, these criteria may be fulfilled.
 - 6-6(L)(3)(b) A Final Plat shall be approved if it includes all changes, conditions, and requirements contained in the Preliminary Plat approval.
- The application number on the Plat must be corrected to SD-2024-00019.
- The DXF file must be approved by AGIS, and the approval email from AGIS must be submitted prior to final sign-off from Planning should the Plat be approved by the Development Hearing Officer.
- Per 6-6(L)(2)(d)(7) of the IDO, the date of the DHO approval shall be recorded on the Plat. Therefore, prior to final sign-off of the Plat, the date of the DHO approval must be added to the Plat.
- After DHO approval and final sign off, a recorded copy of the plat must be sent to Angela Gomez at agomez@cabq.gov and to Jay Rodenbeck at jrodenbeck@cabq.gov.
- Per 6-6(K)(2)(I) of the IDO, the applicant shall record the Plat with the Bernalillo County Clerk within 3 months after the date of the final signature on the Plat, or the subdivision shall be voided.

2. Items in Compliance

- The Applicant had obtained the required utility/AMAFCA, City Surveyor, Surveyor, and Property Owner(s) signatures on the Plat.
- An approved and recorded Financial Guaranty/Infrastructure Improvements Agreement was submitted with the Final Plat application submittal.



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: 2/7/24

DFT/AGENCY COMMENTS, DECEMBER 6, 2023



DEVELOPMENT HEARING OFFICER (DHO)

Parks and Recreation Department

<https://www.cabq.gov/parksandrecreation>

PR-2022-007712

SD-2023-00218 – EXTENSION OF PRELIMINARY PLAT

SD-2023-00216 – EXTENSION OF (3) VACATIONS OF PRIVATE EASEMENT
IDO - 2021

CONSENSUS PLANNING INC. agent for GROUP II U26 VC, LLC & TRACT 5 U26, LLC requests the aforementioned action(s) for all or a portion of: LOTS 5 & 1, BLOCKS 6 & 2, UNIT 26, VOLCANO CLIFFS zoned MX-L & MX-M, located on PASEO DEL NORTE and ROSA PARKS RD containing approximately 8.23 & 9.54 acre(s). (C-11)

PROPERTY OWNERS: GROUP II U26 VC LLC C/O WRIGHT BILLY J ROOM
115 & TRACT 5 U26 LLC

REQUEST: EXTENSION REQUEST FOR PRELIMINARY PLAT (PR-2022-007712/SD-2022-00143) APPROVED BY THE DRB ON NOVEMBER 9TH, 2022, EXTENSION OF 3 PRIVATE EASEMENT VACATIONS (PR-2022-007712/SD-2022-00158, 161, 162) APPROVED BY THE DRB ON NOVEMBER 9TH, 2022

Comments:

12-06-2023

No objections to the requested actions.

Note: Current IIA – Infrastructure List indicates 10' wide asphalt trail along the south side of Paseo del Norte between Kimmick Dr and the West Property Boundary. The City of Albuquerque will be building the trail along this portion of Paseo del Norte. We may require that this item be moved to a Procedure C.

Comments provided by Whitney Phelan, Senior Planner, CABQ Parks & Recreation Department. Please contact via wphelan@cabq.gov or 505-768-5378 with questions or concerns.

DEVELOPMENT FACILITATIVE TEAM (DFT)
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.

*Jeff Palmer-Code Enforcement Supervisor
Planning Department
jppalmer@cabq.gov*

DATE: 12/6/2023

AGENDA ITEM NO: 7

PROJECT NUMBER:

PR-2022-007712

**SD-2023-00218 – EXTENSION OF
PRELIMINARY PLAT**

**SD-2023-00216 – EXTENSION OF (3)
VACATIONS OF PRIVATE EASEMENT
IDO – 2021**

PROJECT NAME:

CONSENSUS PLANNING INC. agent for GROUP II U26 VC, LLC & TRACT 5 U26, LLC requests the aforementioned action(s) for all or a portion of: LOTS 5 & 1, BLOCKS 6 & 2, UNIT 26, VOLCANO CLIFFS zoned MX-L & MX-M, located on PASEO DEL NORTE and ROSA PARKS RD containing approximately 8.23 & 9.54 acre(s). (C-11)

PROPERTY OWNERS: GROUP II U26 VC LLC C/O WRIGHT BILLY J ROOM 115 & TRACT 5 U26 LLC

REQUEST: EXTENSION REQUEST FOR PRELIMINARY PLAT (PR-2022-007712/SD-2022-00143) APPROVED BY THE DRB ON NOVEMBER 9TH, 2022, EXTENSION OF 3 PRIVATE EASEMENT VACATIONS(**PR-2022-007712/SD-2022-00158,161,162**) APPROVED BY THE DRB ON NOVEMBER 9TH, 2022

COMMENTS:

1. Code Enforcement has no objections to the proposed actions.



Development Facilitation Team (DFT) – Review Comments

Reviewer: David G. Gutierrez, P.E. | Phone: 505-289-3381 | dggutierrez@abcwua.org

DRB Project No: PR-2022-007712 Date: 12/06/2023 Agenda Item: #7 Zone Atlas Page: C-11

Legal Description: 5 & 1 BLOCK 6 & 2, UNIT 26, VOLCANO CLIFFS UNIT 26.

Location: ROSA PARKS RD between PASEO DEL NORTE and ROSA PARKS RD.

Comment: (Provide written response explaining how comments were addressed)

Application For: SD-2023-00218-EXTENSION OF PRELIMINARY PLAT (DHO)

1. No objection to extension of preliminary plat
2. Still need to add the following note on the final plat when easements are being granted for public water and/or public sanitary sewer infrastructure. (Shall be on the cover)

ABCWUA Public Water & Sanitary Sewer Easements

Albuquerque Bernalillo County Water Utility Authority (ABCWUA) is granted easement(s) in the dimensions noted on this plat for the construction, installation, maintenance, repair, modification, replacement and operation of public water and sanitary service lines, equipment and facilities reasonably necessary to provide service together with free access on and over the easement and the right to remove trees, shrubs, undergrowth and any other obstacles, modifications, or structures which interfere with use of the easement.

Application For: SD-2023-00216-EXTENSION OF (3) VACATIONS OF PRIVATE EASEMENT (DHO)

1. No objection to extension of the 3 vacation of private easement.

DEVELOPMENT HEARING OFFICER

TRANSPORTATION DEVELOPMENT

DRB Project Number: 2022-007712
Rosa Parks – Volcano Cliffs Unit 26

AGENDA ITEM NO: 7

SUBJECT: Extension of Preliminary Plat and Vacations of Easements

ENGINEERING COMMENTS:

Plat Comments:

1. No objection.

. If new or revised information is submitted, additional comments may be provided by Transportation Development.

FROM: Ernest Armijo, P.E.
Transportation Development
505-924-3991 or earmijo@cabq.gov

DATE: December 6, 2023

ACTION:

APPROVED __; DENIED __; DEFERRED __; COMMENTS PROVIDED __; WITHDRAWN __

DELEGATED: _____ TO: (TRANS) (HYD) (WUA) (PRKS) (CE) (PLNG)



DEVELOPMENT HEARING OFFICER

Planning - Case Comments

HEARING DATE: 12/6/23 -- **AGENDA ITEM:** # 7

Project Number: PR-2022-007712

Application Number: SD-2023-00218 & SD-2023-00216

Project Name: Paseo and Kimmick

Request:

Extension of Preliminary Plat (SD-2023-00218) & Extension of Three Vacations of Easement (SD-2023-00216)

**These are preliminary Planning comments. Additional reviews and/or revised comments may be needed for any modifications and/or supplemental submittals.*

BACKGROUND

- The Applicant is requesting to extend a Preliminary Plat approved by the Development Review Board (DRB) on November 9, 2022 and approved by the City Council on March 6, 2023 (accepting the Land Use Hearing Officer's recommendation and findings to uphold the November 9, 2022 DRB decision of approval) per PR-2022-007712 / SD-2022-00143 to adjust the boundaries of Tract 1, Block 2 and Lot 5, Block 6 of the Volcano Cliffs Subdivision, creating Tract 1-A, Block 2 at 8.2339 acres in size, and Tract 1-B, Block 2 at 9.5477 acres in size.
- The Applicant is also requesting to extend Vacations of Easement that were approved by the DRB on November 9, 2022 per PR-2022-007712 / SD-2022-00158, 161, and 162.

COMMENTS:

1. Items Needing to be Completed or Corrected

- There are no items which need to be completed or corrected.

**(See additional comments on next page(s))*

2. Items in Compliance

- The Preliminary Plat and Vacations of Easement Extension applications which were submitted on November 7, 2023 are complete applications.
- Per Table 6-4-3 of the IDO, a Final Plat submittal must be received within 1-year after the approval of the Preliminary Plat and the Vacations of Easement by the DHO. The Applicant has submitted their request for the extensions timely (before the original approval of the Preliminary Plat and Vacations of Easement expire).
- Per 6-4(X)(2) Expiration or Repeal of Approvals:

Unless specified otherwise in this IDO, the DPM, an IIA, a Development Agreement approved by the City, or the terms attached to a permit or approval, each permit or approval shall be valid for the period of time shown in Table 6-4-3 and shall be of no force or effect after that time has passed, unless any of the following applies.

6-4(X)(2)(a) The period of validity is extended pursuant to Subsection 14-16-6- 4(X)(4) (Extensions of Period of Validity) or another provision of this IDO or the DPM.

Per 14-16-6- 4(X)(4):

6-4(X)(4)(a) General Provisions

1. For each permit or approval for which Table 6-4-3 shows an expiration period, except an impact fee assessment or a Site Plan, the original decision-making body may approve 1 extension of validity for good cause shown for a time not to exceed the original period of validity for that permit or approval, provided that both of the following requirements are met.

- a. The applicant has submitted a written request for the time extension before the expiration of the original permit or approval with the Planning Director.*
- b. The extension is considered and a decision is being made by the same decision-making body as the initial approval, except that no public hearing shall be required, if one would have been required under the IDO for the initial approval.*

- Since all required criteria are being met by the applicant, Planning has no objection to extending the Period of Validity for this Preliminary Plat and the Vacations of Easement. Should the DHO approve these extensions, this Preliminary Plat and Vacations of Easement will be valid until December 22, 2024.
- Please note that per Table 6-4-3 of the IDO and 6-4(X)(4)(a) of the IDO, **for the Vacation of Easements, this is the first and final extension the Applicant is able to obtain.**

- Per 6-4(X)(4)(c) of the IDO, additional extensions for Preliminary Plats may be granted by the DHO for good cause, but the Preliminary Plat may be required to come into compliance with any applicable standards adopted since the application was submitted.



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: 12/5/23

EMAILS / CORRESPONDENCE

From: [Hess Yntema](#)
To: [Planning Development Review Services](#)
Cc: [Coon, Andrew S.](#); [Jack Campbell](#)
Subject: Amended Appeal of DHO decision of June 12, 2024 (PR-2022-007712 AKA PR 2019-002663, SD-2024-00097)
Date: Friday, November 1, 2024 8:59:51 AM
Attachments: [WSCONA Amended Appeal of June 12, 2024 DHO Preliminary Plat Approval 11012024.pdf](#)

[EXTERNAL] Forward to phishing@cabq.gov and delete if an email causes any concern.

Dear PLNDRS,

This e-mail is to submit an amended appeal by WSCONA for the DHO decision referenced above following the Stipulated Order of Remand in D-202-CV-2024-06591.

Please confirm receipt of this e-mail, let me know if the attached papers are in order for the amended appeal, and send the information to pay the appeal fee.

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: [Rodenbeck, Jay B.](#)
To: [Rodenbeck, Jay B.](#)
Subject: FW: Certificate of Satisfactory Arrangements for Appeal of July 18, 2024 Decision
Date: Monday, December 16, 2024 10:26:02 AM
Attachments: [CABQ Notice of Decision 2024_07_19.pdf](#)

From: Hess Yntema <Hess@yntema-law.com>
Sent: Wednesday, August 14, 2024 11:48 AM
To: Planning Department <planningdepartment@cabq.gov>; Keefe, Lauren <lkeefe@cabq.gov>;
Planning Development Review Services <PLNDRS@cabq.gov>
Cc: Morrow, Kevin A. <kmorrow@cabq.gov>
Subject: Certificate of Satisfactory Arrangements for Appeal of July 18, 2024 Decision

[EXTERNAL] Forward to phishing@cabq.gov and delete if an email causes any concern.

Dear Mr. Varela, Ms. Keefe, and PLNDRS,
I represent Westside Coalition of Neighborhood Associations for an appeal to District Court of the Planning Department's decision of July 18, 2024, copy attached. This e-mail is to request approval for a Certificate of Satisfactory Arrangements for the appeal which is required under SCRA 1-074. Please let me know if I may state that the Planning Department agrees that satisfactory arrangements have been made to prepare the record for this case.
Please let me know if I should write to someone else about this this request.
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).

CITY OF ALBUQUERQUE

PLANNING DEPARTMENT ADMINISTRATION

600 2nd Street NW, 3rd Floor

Albuquerque, NM 87102

Tel: (505) 924-3339



July 18, 2024

Elizabeth Haley

Westside Coalition of Neighborhood Associations

6005 Chaparral Circle

Albuquerque, NM 87114

Ms. Haley:

Thank you for submitting a request to appeal of the Development Hearing Officer's decision to approve a Final Plat for PR-2022-007712, application #SD-2024-00019 for property located at Paseo del Norte and Kimmick NW. According to the Official Notice of Decision (NOD), the official approval date of the Final Plat was February 7, 2024.

PROJECT BACKGROUND

- The subject site is located at the SWC or Paseo del Norte and is zoned MX-M.
- The applicant for application #SD-2024-00019 requested a final plat to divide Tract 1, Block 2 and Lot 5, Block 6 of the Volcano Cliffs Subdivision, creating Tract 1-A, Block 2 and Tract 1-B, Block 2.
- A public hearing on the final plat was held on February 7, 2024.
- The DHO approved the request with three conditions, and the applicant has met those conditions.
- The date of decision on the official Notice of Decision was February 7, 2024. The opportunity to appeal that decision has passed.
- The WSCONA appeal was filed on July 2, 2024 and is not timely.

IDO Subsection 14-16-6-4(V)(3)(a)1. requires than an appeal must be filed with the Planning Director within 15 calendar days, excluding holidays listed in Part 3-1-12 of ROA 1994 (Legal Holidays), after the decision. To be accepted, the appeal submission must be complete. Information regarding the process and procedure to file an appeal of a decision is posted on the Planning Department's website (<https://www.cabq.gov/planning/boards-commissions/albuquerque-city-council-appeals/basic-appeal-process-overview>). Information on how to appeal is also available at the front desk in our Development Review Services Section in the Plaza del Sol Building located at 600 Second Street NW.

You filed an appeal on July 1, 2024 at 3:14 pm. Form A, the official appeal form, was used to indicate that you were appealing Project Number 2022-00712 and Application Number SD-2024-00019. The type of decision of your appeal is listed as 'Final Plat'. You filed a correction to your appeal on July 1, 2024 at 4:53 pm. Form A remained the same indicating the appeal was for Project Number 2022-007712 and Application # SD-2024-00019. The type of decision of your appeal is listed as "Final Plat".

CITY OF ALBUQUERQUE

PLANNING DEPARTMENT ADMINISTRATION

600 2nd Street NW, 3rd Floor
Albuquerque, NM 87102
Tel: (505) 924-3339



Pursuant to IDO Subsection 14-16-6-4(V)(3)(a)1.b. **The Planning Director shall not accept appeals filed after the 15-day deadline in Subsection a. above has passed.** [Emphasis added] While I understand and appreciate your concerns for your neighborhood, your appeal of the approved Final Plat for the property located at the SWC of Paseo del Norte and Kimmick, is not timely filed and cannot not be accepted.

Respectfully,

Alan Varela (Jul 19, 2024 11:44 MDT)

Alan Varela
Director
Albuquerque Planning Department

From: [Elizabeth Haley](#)
To: [Planning Development Review Services](#); [Chavez, Christina M.](#); [Rene Horvath](#); [Jim Price](#); [Mike Voorhees](#)
Subject: Appeal Request to LUHO of DHO Decision Final Plat and Appeal Packet
Date: Monday, July 1, 2024 3:15:33 PM
Attachments: [Request for LUHO Appeal of DHO, Project# PR-2022-007712 Application# SD-2024-00019 FINAL PLAT.pdf](#)

[EXTERNAL] Forward to phishing@cabq.gov and delete if an email causes any concern.

RE: Request for LUHO Appeal of DHO, Project# PR-2022-007712 Application# SD-2024-00019 FINAL PLAT

Please confirm you received the Appeal Packet. Please confirm the method of payment and invoice.

Thank you;
Elizabeth Kay Haley, President of WSCONA
505 908 5376
elizabethkayhaley@gmail.com

From: [Jackie Fishman](#)
To: [Montoya, Michelle M.](#); [Salas, Alfredo E.](#); [Padilla, Isaac](#); [Ronquillo, Julia G.](#); [Moya, Julian N](#); [Aranda, James M.](#); [Morrow, Kevin A.](#); [Sanchez, Nicole A.](#); [Wolfley, Jolene](#); [Schultz, Shanna M.](#); [Morris, Petra](#); [Ortega, Crystal L.](#); [Rodenbeck, Jay B.](#); [Hinojos, Mandi M.](#); [Renz-Whitmore, Mikaela J.](#); [Patten-Quintana, Lorena](#); [Vos, Michael J.](#); ["Steven.Metro@wilsonco.com"](#); ["mike@cyonic.com"](#); ["elizabethkayhaley@gmail.com"](#); ["Hess Yntema"](#); [jcampbell@rlattorneys.com](#); [Aleem Hasham \(aleemhasham@gmail.com\)](#)
Subject: Re: AC-23-14: Notice of Hearing
Date: Friday, October 27, 2023 5:27:13 PM
Attachments: [image002.png](#)
[image003.png](#)
[image004.jpg](#)
[L-Final Plat Withdrawal Project# PR-2022-007712; SD-2023-00127.pdf](#)

[EXTERNAL] Forward to phishing@cabq.gov and delete if an email causes any concern.

Michelle et al -

Please see attached letter and confirm receipt of this email.

Thanks,

Jacqueline Fishman, AICP
Principal
Consensus Planning, Inc.
302 Eighth Street NW
Albuquerque, NM 87102
P: 505.764.9801

From: Montoya, Michelle M. <mmmontoya@cabq.gov>
Sent: Tuesday, October 24, 2023 8:40 AM
To: 'Steven Chavez' <steven@stevenchavezlawfirm.com>; Salas, Alfredo E. <ASalas@cabq.gov>; Padilla, Isaac <iepadilla@cabq.gov>; Ronquillo, Julia G. <julia@cabq.gov>; Moya, Julian N <julianmoya@cabq.gov>; Aranda, James M. <jmaranda@cabq.gov>; Morrow, Kevin A. <kmorrow@cabq.gov>; Sanchez, Nicole A. <nasanchez@cabq.gov>; Wolfley, Jolene <jwolfley@cabq.gov>; Schultz, Shanna M. <smschultz@cabq.gov>; Morris, Petra <pmorris@cabq.gov>; Ortega, Crystal L. <COrtega@cabq.gov>; Rodenbeck, Jay B. <jrodenbeck@cabq.gov>; Hinojos, Mandi M. <mhinojos@cabq.gov>; Renz-Whitmore, Mikaela J. <mrrenz-whitmore@cabq.gov>; Patten-Quintana, Lorena <lpatten-quintana@cabq.gov>; Vos, Michael J. <mvos@cabq.gov>; 'Steven.Metro@wilsonco.com' <'Steven.Metro@wilsonco.com'>; 'Johnson@consensusplanning.com' <'Johnson@consensusplanning.com'>; Jim Strozier <cp@consensusplanning.com>; 'mike@cyonic.com' <mike@cyonic.com>; 'elizabethkayhaley@gmail.com' <elizabethkayhaley@gmail.com>; 'Hess Yntema' <Hess@yntema-law.com>; Jackie Fishman <fishman@consensusplanning.com>; jcampbell@rlattorneys.com <jcampbell@rlattorneys.com>
Subject: RE: AC-23-14: Notice of Hearing

Attached is the Notice of Hearing for appeal AC-23-14.

Please confirm receipt of this email.

Thank you,

Michelle Montoya

Deputy Clerk of the Council

Council Services Department

1 Civic Plaza NW, 9th Floor, Suite 9087

Albuquerque, NM 87102

Office: (505) 768-3173

Email: mmmontoya@cabq.gov

Website: www.cabq.gov/council



From: Steven Chavez <steven@stevenchavezlawfirm.com>

Sent: Wednesday, October 18, 2023 8:29 AM

To: Salas, Alfredo E. <ASalas@cabq.gov>; Montoya, Michelle M. <mmmontoya@cabq.gov>; Padilla, Isaac <iepadilla@cabq.gov>; Ronquillo, Julia G. <julia@cabq.gov>; Moya, Julian N <julianmoya@cabq.gov>; Aranda, James M. <jmaranda@cabq.gov>; Morrow, Kevin A. <kmorrow@cabq.gov>; Sanchez, Nicole A. <nasanchez@cabq.gov>; Wolfley, Jolene <jwolfley@cabq.gov>; Schultz, Shanna M. <smschultz@cabq.gov>; Morris, Petra <pmorris@cabq.gov>; Ortega, Crystal L. <COrtega@cabq.gov>; Rodenbeck, Jay B. <jrodenbeck@cabq.gov>; Hinojos, Mandi M. <mhinojos@cabq.gov>; Renz-Whitmore, Mikaela J. <mrrenz-whitmore@cabq.gov>; Patten-Quintana, Lorena <lpatten-quintana@cabq.gov>; Vos, Michael J. <mvos@cabq.gov>; 'Steven.Metro@wilsonco.com' <'Steven.Metro@wilsonco.com'>; 'Johnson@consensusplanning.com' <'Johnson@consensusplanning.com'>; 'cp@consensusplanning.com' <'cp@consensusplanning.com'>; 'mike@cyonic.com' <'mike@cyonic.com'>; 'elizabethkayhaley@gmail.com' <'elizabethkayhaley@gmail.com'>; 'Hess Yntema' <Hess@yntema-law.com>; 'Jackie Fishman' <fishman@consensusplanning.com>; jcampbell@rlattorneys.com

Subject: AC-23-14: LUHO Recommendation to City Council. 10-18-2023

[EXTERNAL] Forward to phishing@cabq.gov and delete if an email causes any concern.

Dear Parties:

Please do not respond to this email. Attached in a pdf file is my proposed recommendation to the Council. The re-Bates stamped record is well over 900 pages. Below is the Drop Box link for the file encompassing the full LUHO appeal record. I will only keep the link open for 15 days, so please download it within that timeframe.

<https://www.dropbox.com/scl/fo/j9dvvlpuganpt7rkj4a0i/h?rlkey=t553u5se0hedju6yipeap2jez&dl=0>

If you have questions, please refer them to the City Council Staff. Thank you.

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) 916-0336
Cell: (505) 263-2407
Web: www.steven@stevenchavezlawfirm.com

From: Salas, Alfredo E. <ASalas@cabq.gov>

Date: Thursday, September 14, 2023 at 12:54 PM

To: Steven Chavez <steven@stevenchavezlawfirm.com>, Montoya, Michelle M. <mmmontoya@cabq.gov>, Padilla, Isaac <iepadilla@cabq.gov>, Ronquillo, Julia G. <julia@cabq.gov>, Moya, Julian N <julianmoya@cabq.gov>, Aranda, James M. <jmaranda@cabq.gov>, Morrow, Kevin A. <kmorrow@cabq.gov>, Sanchez, Nicole A. <nasanchez@cabq.gov>, Wolfley, Jolene <jwolfley@cabq.gov>, Schultz, Shanna M. <smschultz@cabq.gov>, Morris, Petra <pmorris@cabq.gov>, Ortega, Crystal L. <E04493@cabq.gov>, Rodenbeck, Jay B. <jrodenbeck@cabq.gov>, Hinojos, Mandi M. <E02695@cabq.gov>, Renz-Whitmore, Mikaela J. <mrenz-whitmore@cabq.gov>, Patten-Quintana, Lorena <lpatten-quintana@cabq.gov>, Vos, Michael J. <mvos@cabq.gov>, 'Steven.Metro@wilsonco.com' <'Steven.Metro@wilsonco.com'>, 'Johnson@consensusplanning.com' <'Johnson@consensusplanning.com'>, 'cp@consensusplanning.com' <cp@consensusplanning.com>, 'mike@cyonic.com' <mike@cyonic.com>, 'elizabethkayhaley@gmail.com' <elizabethkayhaley@gmail.com>, 'Hess Yntema' <Hess@yntema-law.com>, 'Jackie Fishman' <fishman@consensusplanning.com>

Subject: RE: Notice of Hearing with the Land Use Hearing Officer (LUHO)- AC-23-14, (VA-2023-00196) PR-2022-007712, SI-2023-00127:

AC-23-14, (VA-2023-00196) PR-2022-007712, SI-2023-00127

The Westside Coalition of Neighborhood Associations and Michael Voorhees appeal the Development Hearing Officer decision to approve a final plat, for all or a portion of Lot 5, Block 6 Volcano Cliffs Unit 26 & Lot 1, Block 2, Volcano Cliffs Unit 26 zoned MX-L & MX-M, located on Rosa Parks Rd between Paseo Del Norte and Rosa Parks Rd containing approximately 18.23 acre(s). (C-11)

Hello Parties,

The City of Albuquerque Land Use Hearing Officer will hear the above appealed case on **Wednesday, October 4, 2023**. The hearing begins at 9:00 am in the Council Committee Room, 9th Floor, room #9081, Albuquerque Government Center, One Civic Plaza NW, Albuquerque, NM 87102 ***Submittal of new information or questions regarding the hearing with the City Council should be directed to Council Services, c/o Mandi Hinojos, mhinojos@cabq.gov One Civic Plaza, 9th Floor, Albuquerque NM 87102, (505) 768-3100.***

A record of the above may be examined at <https://www.cabq.gov/planning/urban-design-development/current-planning-section>

Thank you,



ERNESTO ALFREDO SALAS

Sr. Administrative Assistant

o 505.924-3370

e asalas@cabq.gov

cabq.gov/planning

ADDITIONAL INFORMATION

RECORDED PLAT: PR-2022-007712, SD-2024-00019

PLAT OF
TRACTS 1-A and 1-B, BLOCK 2
VOLCANO CLIFFS SUBDIVISION, UNIT 26
A Replat of Tract 1, Block 2 and
Lot 5, Block 6
Volcano Cliffs Subdivision, Unit 26
WITHIN SECTIONS 14 & 15
T.11 N., R.2 E., N.M.P.M.
CITY OF ALBUQUERQUE
BERNALILLO COUNTY, NEW MEXICO
JULY 2022

FREE CONSENT AND DEDICATION:

THE TRACTS SHOWN HEREON ARE REPLATED WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF THE UNDERSIGNED OWNERS. ALL EXISTING ACCESS, UTILITY AND DRAINAGE EASEMENTS SHOWN HEREON INCLUDE THE RIGHT TO CONSTRUCT, OPERATE, INSPECT AND MAINTAIN FACILITIES THEREIN; ALL PUBLIC UTILITY EASEMENTS SHOWN HEREON FOR THE COMMON AND JOINT USE OF GAS, ELECTRICAL POWER AND COMMUNICATION SERVICES FOR OVERHEAD AND/OR BURIED DISTRIBUTION LINES, CONDUITS, AND PIPES FOR UNDERGROUND AND/OR OVERHEAD UTILITIES WHERE SHOWN OR INDICATED, AND INCLUDING THE RIGHT OF INGRESS AND EGRESS FOR CONSTRUCTION AND MAINTENANCE AND THE RIGHT TO TRIM INTERFERING TREES AND SHRUBS; SAID OWNERS DO HEREBY CONSENT TO ALL OF THE FOREGOING AND DO HEREBY CERTIFY THAT THIS SUBDIVISION IS THEIR FREE ACT AND DEED.

PROPERTY OWNER SIGNATURE(S):

TRACT 1, BLOCK 2, VOLCANO CLIFFS SUBDIVISION, UNIT 26:

Billy J. Wright 9-21-22
DATE

BILLY J. WRIGHT, MANAGER
FOR: GROUP II U26 VC, LLC, A NEW MEXICO LIMITED LIABILITY COMPANY
STATE OF NEW MEXICO)
COUNTY OF BERNALILLO) ss.

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THIS 21st DAY OF September, 2022, BY BILLY J. WRIGHT.

NOTARY PUBLIC: Andree Rootman
MY COMMISSION EXPIRES: October 21st, 2025

St. J. Metro 9-20-22
DATE

STEVEN J. METRO, MANAGER
FOR: GROUP II U26 VC, LLC, A NEW MEXICO LIMITED LIABILITY COMPANY
STATE OF NEW MEXICO)
COUNTY OF BERNALILLO) ss.

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THIS 21st DAY OF September, 2022, BY STEVEN J. METRO.

NOTARY PUBLIC: Andree Rootman
MY COMMISSION EXPIRES: October 21st, 2025

LOT 5, BLOCK 6, VOLCANO CLIFFS SUBDIVISION, UNIT 26:

Rudy Guzman 9/22/22
DATE

RUDY GUZMAN, MANAGER
FOR: TRACT 5 U26, LLC, A NEW MEXICO LIMITED LIABILITY COMPANY
STATE OF NEW MEXICO)
COUNTY OF BERNALILLO) ss.

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THIS 22nd DAY OF September, 2022, BY RUDY GUZMAN.

NOTARY PUBLIC: Andree Rootman
MY COMMISSION EXPIRES: 11/21/25

St. J. Metro 9-20-22
DATE

STEVEN J. METRO, MANAGER
FOR: TRACT 5 U26, LLC, A NEW MEXICO LIMITED LIABILITY COMPANY
STATE OF NEW MEXICO)
COUNTY OF BERNALILLO) ss.

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THIS 21st DAY OF September, 2022, BY STEVEN J. METRO.

NOTARY PUBLIC: Andree Rootman
MY COMMISSION EXPIRES: October 21st, 2025

STATE OF NEW MEXICO
NOTARY PUBLIC
PATRICIA A. GUZMAN
COMMISSION NUMBER 1084947
EXPIRATION DATE 11-02-2026

STATE OF NEW MEXICO
NOTARY PUBLIC
ANDREE ROOTMAN
Commission Number: 1119570
Commission Expires October 21, 2025

STATE OF NEW MEXICO
NOTARY PUBLIC
ANDREE ROOTMAN
Commission Number: 1119570
Commission Expires October 21, 2025

STATE OF NEW MEXICO
NOTARY PUBLIC
ANDREE ROOTMAN
Commission Number: 1119570
Commission Expires October 21, 2025

WILSON & COMPANY
4401 MASTHEAD ST. NE SUITE 150
ALBUQUERQUE, NEW MEXICO 87109
PHONE: 505-348-4000
FAX: 505-348-4155

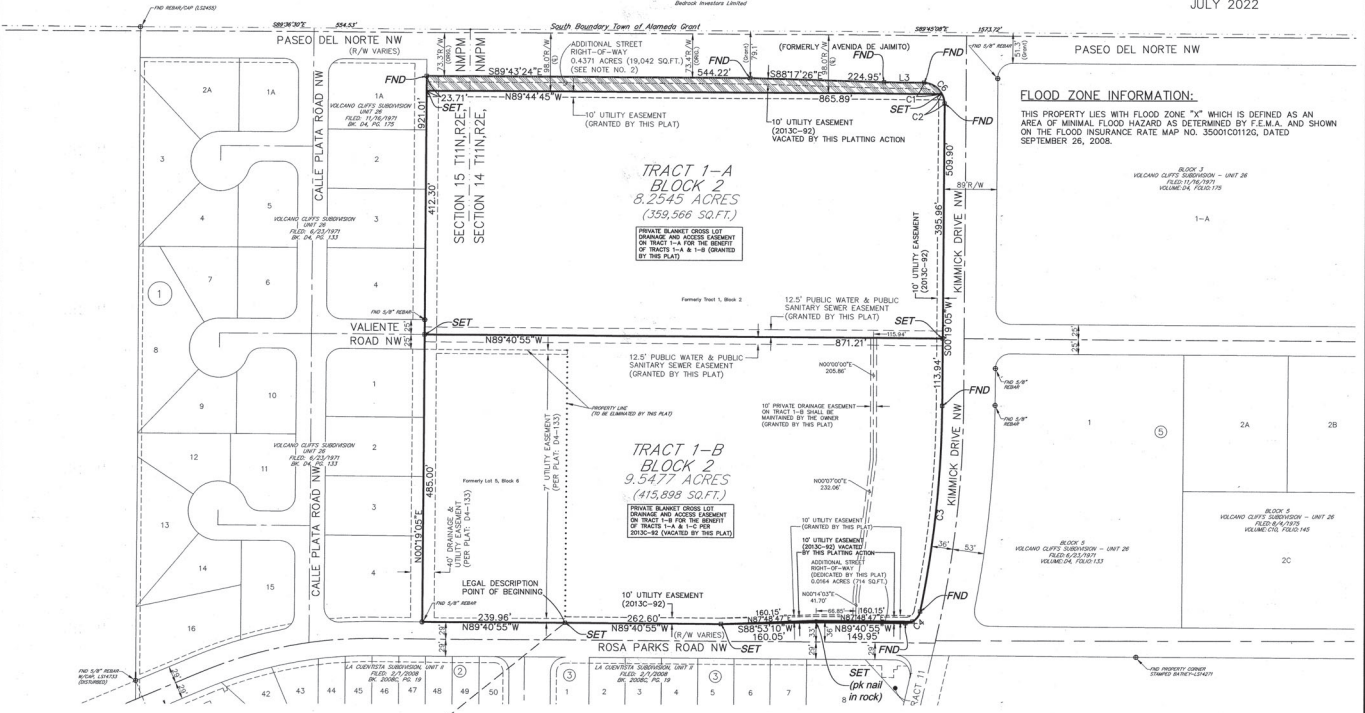
LINE NO.	BEARING	DISTANCE
L3	S89°43'24"E	67.02'

CURVE NO.	DELTA	RADIUS	LENGTH	CHORD BEARING/DISTANCE
C1	56°11'44"	336.78'	38.16'	S58°53'02"E 34.65'
C2	28°24'48"	36.78'	18.25'	S78°33'40"E 18.02'
C3	117°3'3"	1781.34'	349.19'	S05°56'02"W 348.63'
C4	78°46'06"	25.00'	34.37'	S50°56'02"W 31.73'
C5	50°24'59"	25.00'	22.00'	S38°45'18"W 21.29'
C6	94°36'32"	38.78'	54.37'	S44°42'09"E 49.52'
C7	28°21'27"	25.00'	12.37'	S76°08'21"W 12.25'

DOC# 2024014448
 DRAWN UNDER THE REGULATION OF THE BOARD OF SURVEYORS, BERNALILLO COUNTY
 TRACT 24
 ALBUQUERQUE, NEW MEXICO
 PUBLIC UTILITY DISTRICT NO. 1
 BERNALILLO COUNTY, NEW MEXICO

GRAPHIC SCALE
 1 inch = 100 ft

PLAT OF
TRACTS 1-A and 1-B, BLOCK 2
VOLCANO CLIFFS SUBDIVISION, UNIT 26
 A Replat of Tract 1, Block 2 and
 Lot 5, Block 6
 Volcano Cliffs Subdivision, Unit 26
 WITHIN SECTIONS 14 & 15
 T.11 N., R.2 E., N.M.P.M.
 CITY OF ALBUQUERQUE
 BERNALILLO COUNTY, NEW MEXICO
 JULY 2022



FLOOD ZONE INFORMATION:
 THIS PROPERTY LIES WITH FLOOD ZONE "X" WHICH IS DEFINED AS AN AREA OF ANNUAL FLOOD HAZARD AS DETERMINED BY F.E.M.A. AND SHOWN ON THE FLOOD INSURANCE RATE MAP NO. 35001C0126, DATED SEPTEMBER 26, 2008.

ACS CONTROL STATION "ACS 3-101" DATA:
 3 1/4 BRASS DISC SET IN CONCRETE POST
 (NAD 1983)
 NEW MEXICO STATE PLANE GRID COORDINATES (CENTRAL ZONE)
 X=1,499,059.808 Y=1,212,827.946 (US SURVEY FEET)
 GROUND TO GRID FACTOR=0.999672416
 DELTA ALPHA=(-.00716720.35)
 ELEV=5318.888 (US SURVEY FEET)

ACS CONTROL STATION "ACS 13-010" DATA:
 3 1/4 BRASS DISC SET FLUSH IN LAVA ROCK
 (NAD 1983)
 NEW MEXICO STATE PLANE GRID COORDINATES (CENTRAL ZONE)
 X=1,501,318.610 Y=1,514,256.896 (US SURVEY FEET)
 GROUND TO GRID FACTOR=0.999672421
 DELTA ALPHA=(-.00716704.84)

NOTES:
 1) ALBUQUERQUE PUBLIC WATER & SANITARY SEWER EASEMENTS; ALBUQUERQUE BERNALILLO COUNTY WATER UTILITY AUTHORITY (ABQWA) IS GRANTED EASEMENTS IN THE DIMENSIONS NOTED ON THIS PLAT FOR THE CONSTRUCTION, INSTALLATION, MAINTENANCE, REPAIR, MODIFICATION, REPLACEMENT AND OPERATION OF PUBLIC WATER AND SANITARY SERVICE LINES, EQUIPMENT AND FACILITIES REASONABLY NECESSARY TO PROVIDE SERVICE TOGETHER WITH FREE ACCESS ON AND OVER THE EASEMENT AND THE RIGHT TO REMOVE TREES, SHRUBS, UNDERGROWTH AND ANY OTHER OBSTACLES, MODIFICATIONS, OR STRUCTURES WHICH INTERFERE WITH USE OF THE EASEMENT.
 2) RIGHT OF WAY FOR PASEO DEL NORTE PURCHASE BY CITY OF ALBUQUERQUE WITH REAL PROPERTY AGREEMENT PARCEL 6-2, PCN A300262 DATED JANUARY 10, 2024.

WILSON & COMPANY
 4401 MASTHEAD ST. NE SUITE 150
 ALBUQUERQUE, NEW MEXICO 87109
 PHONE: 505-348-4000
 FAX: 505-348-4155

STIPULATED ORDER OF REMAND

**SECOND JUDICIAL DISTRICT COURT
COUNTY OF BERNALILLO
STATE OF NEW MEXICO**

WESTSIDE COALITION OF NEIGHBORHOOD ASSOCIATIONS
Appellant/Petitioner/Plaintiff,

vs.

No: D-202-CV-2024-06591

CITY OF ALBUQUERQUE, a New Mexico municipal corporation,
Appellee/Respondent/Defendant,


And

GROUP II U26 VC, LLC, and TRACT 5 U26, LLC,
Interested Parties.

STIPULATED ORDER OF REMAND

This matter comes before the Court upon the submission of this Stipulated Order; and the Court being advised in the premises;

IT IS HEREBY ORDERED that this case is remanded to Appellee for Appellee's Planning Department to accept an amended appeal to the City Council by Appellant, to be submitted to the Planning Department within fifteen (15) days after the entry of this Order, with payment of the applicable appeal filing fee by Appellant.


The Honorable Denise Barela Shepherd
District Court Judge

SUBMITTED BY:

YNTEMA LAW FIRM P.A.
/s/ Hessel E. Yntema III
Hessel E. Yntema III
215 Gold Avenue SW, Suite 201
Albuquerque, NM 87102

(505) 843-9565
E-mail: hess@yntema-law.com
Attorney for Appellant/Petitioner/Plaintiff

STIPULATED TO:

CITY OF ALBUQUERQUE

By Approved by e-mail 09/06/2024 (HEY)

Andrew S. Coon
Interim Managing City Attorney
PO Box 2248
Albuquerque, NM 87103
(505) 768-4519
E-mail: acoon@cabq.gov
Attorney for Appellee/Respondent/Defendant

RESNICK & LOUIS PC

By Approved by e-mail 09/16/2024 (HEY)

John S. Campbell
5600 Eubank Blvd., NE, Suite 220
Albuquerque, NM 87111-1518
(505) 652-1339
E-mail: jcampbell@rlattorneys.com
Attorneys for: Group II U26 VC, LLC - Interested Party
Tract 5 U26, LLC – Interested Party

FINAL MEMORANDUM OPINION AND ORDER (AC-23-1)

**STATE OF NEW MEXICO
COUNTY OF BERNALILLO
SECOND JUDICIAL DISTRICT**

**WESTSIDE COALITION OF NEIGHBORHOOD ASSOCIATIONS
and MICHAEL T. VOORHEES,**

Appellants,

v.

No. D-202-CV-2023-02637

CITY OF ALBUQUERQUE, a New Mexico municipal corporation,

Appellee,

and

**CONSENSUS PLANNING, INC., agent(s) for JUBILEE DEVELOPMENT, LLC,
and GROUP II U26 VC, LLC,**

Interested Parties.

FINAL MEMORANDUM OPINION AND ORDER

THIS MATTER is an appeal under NMSA 1978, Section 3-21-9 (1999) and Rule 1-074 NMRA, of an order of the Albuquerque City Council (“Council”). Consensus Planning, Inc., on behalf of Jubilee Development, LLC, and Group II U26 VC, LLC (collectively, “Applicants”), submitted an application to the Council’s Development Review Board (“DRB”) concerning a property in northwest Albuquerque. The Applicants requested and DRB approved the following: (1) a site plan amendment; (2) a preliminary plat; and (3) a new site plan. Westside Coalition of Neighborhood Associations and Michael T. Voorhees (collectively, “Appellants”) appealed DRB’s decision to the Council’s Land Use Hearing Officer (“LUHO”). The LUHO held a hearing on the matter and thereafter submitted a written report to the Council recommending that Council uphold DRB’s decision. The Council’s Order accepted the recommendation and findings of the LUHO and approved the Applicants’ application. The Appellants challenge the Council’s Order.

The Court **AFFIRMS** the Council’s Order.

I. BACKGROUND

This appeal concerns an application submitted on September 30, 2022 to DRB by the Applicants. The ordinance applicable to the application is the July 2022 version of the City of Albuquerque’s Integrated Development Ordinance or IDO. ALBUQUERQUE, N.M., CODE OF ORDINANCES, ch. 14, art. 16 (“IDO”) (July 2022). The IDO describes DRB as “a board made up of staff members from City Departments and Agencies relevant to reviewing private development to ensure that technical standards . . . have been met.” IDO § 6-2(D).

Generally, the application relates to a proposed multi-family development in northwest Albuquerque. The subject site is located on the northwest corner of the intersection of Kimmick Drive, NW, and Rosa Parks Road, NW. **[RP 39.]** The subject site is zoned MX-L. **[RP 60, 101].** Per the IDO, MX-L means a mixed-use, low intensity zone district. IDO § 2-4(B). The MX-L zone permits “low-density multi-family” development. *Id.* §§ 2-4(B), 4-2-1.

The Applicants made several different requests of DRB pursuant to the IDO. First, Applicants sought a “Major Amendment to Site Plan — DRB,” *i.e.*, a request to remove an old site plan from 2017 that was in place prior to the enactment of the IDO. **[RP 57, 94.]** Applicants also sought a “Site Plan — DRB,” *i.e.*, a new site plan for the proposed development. **[RP 60, 94.]** Finally, Applicants made an associated request for a preliminary plat. **[RP 105.]**

DRB held two public meetings with respect to the application. DRB held the first public meeting on October 26, 2022. DRB held another public meeting on November 9, 2022. At the end of the second meeting, DRB voted to approve the application with delegations to the Parks and Recreation Department and the Planning Department to address some matters raised during the meeting. **[RP 72–73, 411–413.]**

After the November public meeting, DRB issued its written notification of decision. **[RP 71–74.]** Appellants filed a timely appeal of DRB’s decision to the Council through the LUHO.

[RP 76.] The LUHO held a quasi-judicial hearing on Appellant’s appeal on February 6, 2023. [RP 602, 624.] The LUHO recommended that DRB’s decision be upheld and submitted a written report with findings and conclusions to the Council on February 17, 2023. [RP 695.]

The Council considered the LUHO’s recommendation and voted unanimously to approve the recommendation on March 6, 2023. As a result, the Council denied the Appellant’s appeal and upheld the decision of DRB. The Council therefore approved the site plan amendment, the preliminary plat, and the new site plan. [RP 1–2.]

Appellants appealed the Council’s Order to this Court pursuant to Section 3-21-9 and Rule 1-074. Appellants seek reversal of the Council’s Order or reversal and remand to hold a quasi-judicial hearing on the Applicants’ application.

II. LEGAL STANDARDS

The Court reviews final decisions of the applicable zoning authority. *See* § 3-21-9 (“A person aggrieved by a decision of the zoning authority or any officer, department, board or bureau of the zoning authority may appeal the decision pursuant to the provisions of Section 39-3-1.1 NMSA 1978”). The Court may “set aside, reverse or remand the final decision” if it determines that: (1) the agency acted fraudulently, arbitrarily or capriciously; (2) the final decision was not supported by substantial evidence; or (3) the agency did not act in accordance with law. NMSA 1978, § 39-3-1.1(D) (1999). Substantial evidence is such evidence that a reasonable mind might accept as adequate to support a conclusion. *Gonzales v. N.M. Bd. of Chiropractic Exam’rs*, 1998-NMSC-021, ¶ 9, 125 N.M. 418.

The Court must review the whole record to ascertain whether the administrative agency has acted without proper consideration or disregard of the facts and circumstances. *Vill. of Angel Fire v. Wheeler*, 2003-NMCA-041, ¶ 11, 133 N.M. 421. The Court reviews the evidence in the

light most favorable to the agency decision. *Paule v. Santa Fe Cnty. Bd. of Cnty. Comm'rs*, 2005-NMSC-021, ¶ 32, 138 N.M. 82.

III. DISCUSSION

A. **The Council's finding that the subject site is not "adjacent" to a major public open space is supported by substantial evidence.**

Appellants argue that the Council found that the subject site was not "adjacent" to a major public open space. Under the IDO, development on a site "adjacent" to a major public open space must meet a number of specific conditions. *See* IDO § 5-2(J)(2). Further, development on lots greater than five acres and adjacent to a major public open space must be reviewed by the Council's Environmental Planning Commission. *Id.* § 5-2(J)(2)(b). Appellants assert that the Council's finding on adjacency is not based on substantial evidence. The Council and Applicants argue that the finding is supported by maps contained in the record.

As an initial matter, Appellants failed to clearly raise this argument before the Council in the proceedings below. Issues not raised in administrative proceedings will generally not be considered for the first time on appeal to a district court. *N.M. State Bd. of Psychologist Exam'rs v. Land*, 2003-NMCA-034, ¶ 21, 133 N.M. 362; *see also Wolfley v. Real Estate Comm'n*, 1983-NMSC-064, ¶ 5, 100 N.M. 187. However, as explained below, Appellants' argument also fails based on the record of the proceeding.

Substantial evidence in the record supports the finding that the subject site and the major public open space are not "adjacent." Under the IDO, "adjacent" means "abutting or separated only by a street." IDO § 7-1. A map in the record shows that Kimmick Drive is to the east of the subject site and Rosa Parks Road is to the south of the subject site. [RP 39.] The nearby major public open space is to the southeast of the subject site and is described as "diagonally opposite" from the subject site. [RP 432–33, 700.] The map is substantial evidence supporting the finding

that there is at least an intersection, *i.e.*, more than one street, between the subject site and the major public open space.

B. The Council’s finding that the subject site is not within the height restriction subarea is supported by substantial evidence.

The IDO identifies a “View Protection Overlay Zone” for the “Northwest Mesa Escarpment” also known as “VPO-2.” IDO § 3-6(E). Certain building height standards apply to the height restriction subarea identified by a map in the IDO. *Id.* §§ 3-6(E)(1)–(3). Appellants argue that the Council’s finding that the subject site is not within a height restriction subarea is not supported by substantial evidence. The Council and Applicants argue that the Council’s finding is supported by the record.

As with the issues concerning adjacency of the site to a major public open space, Appellants did not raise the height restriction issues in the proceedings below. Nevertheless, substantial evidence in the record supports the finding that the subject site was not in the VPO-2 height restriction subarea. A map in the record shows the subject site highlighted in blue. **[RP 39.]** Another map in the record shows that the height restriction subarea touches the intersection of Paseo Del Norte and Kimmick Drive (north northeast of the subject site). **[RP 39 (showing the subject site); RP 478 (showing a vicinity map for the old site plan including the height restriction subarea).]** The IDO itself also contains a map showing the extent of the height restriction subarea. IDO § 3-6(E)(1). This information is substantial evidence supporting the Council’s finding that the subject site is not within the height restriction subarea.

C. The Council’s conclusion that the application met the requirements of the IDO is not fraudulent, arbitrary or capricious.

Appellants provide a lengthy list of information and regulations that the Council allegedly failed to consider in reaching its final decision. Appellants further allege that specific actions of

the Council are arbitrary and capricious. The Council and the Applicants argue that the Council did not act fraudulently, arbitrarily, or capriciously.

Upon whole record review, the Court discerns no arbitrary and capricious conduct. The criteria for approving a “Site Plan — DRB” generally concern: (1) whether the site plan complies with all applicable provisions of the IDO; (2) whether the city’s existing infrastructure is sufficient; and (3) whether the subject property meets the relevant standards in the Master Development Plan (as applicable). *See* IDO, §§ 6-6(I)(3)(a)–(c). Amendments to pre-IDO site plans generally require following the current IDO procedures. *See id.* § 6-4(Z)(1)(b). Preliminary plat approvals generally must follow the requirements of the IDO, the Development Process Manual, and other city regulations. *See id.* § 6-6(L)(3)(b).

The Court finds no error in the Council’s conclusion that the Applicants’ application met the requirements of the IDO. The record reflects that the Council, through DRB, thoroughly considered the myriad of requirements in the IDO. **[RP 331-37 (Applicants’ response to DRB Comments).]** DRB found that the application, as supplemented, met all the requirements of the IDO. DRB issued a written decision explaining its findings and conclusions. **[RP 71–74.]** Appellants did not challenge DRB’s findings before the LUHO. **[RP 5.]** Appellants also did not challenge most of DRB’s findings in their appeal to this Court. The Council’s approval of the application flows from DRB’s findings that the application met the requirements of the IDO.

Appellants argue that the Council failed to consider the major public open space regulations. The record contradicts this claim. DRB discussed the major public open space regulations at the November 9, 2022 public meeting. This discussion addressed the major public open space adjacency regulations (IDO § 5-2(J)(2)) and the proximity regulations (IDO § 5-2(J)(1)). **[RP 382, 384–391.]** DRB again discussed the application of the major public open space proximity regulations to the site plan in its official decision. **[RP 72–73.]** Appellants had an

opportunity to discuss and comment on the adjacency issue before the LUHO, but Appellants did not raise the issue in any detail.

Appellants also argue that the Council failed to consider the VPO-2 height restriction subarea regulations. However, the record contradicts this claim. DRB addressed this matter in public meetings. In the October 26, 2022 meeting, DRB listened to public comment regarding the height of the proposed development. [RP 349.] DRB specifically considered and discussed the applicability of the VPO-2 height restrictions. [RP 356–57.] DRB discussed the height restriction regulations again at the November 9, 2022 meeting. [RP 405–407.]

The record reflects that the Council carefully considered matters relating to the application in public meetings before DRB and a quasi-judicial hearing before the LUHO. Appellants were allowed several opportunities to provide comment and argument. The Council, through DRB and the LUHO, discussed the points raised and, as appropriate, addressed the issues in written decisions. Appellants’ arguments present no basis to conclude that the Council arbitrarily and capriciously or failed to consider relevant information in its final decision.

Appellants also argue that certain parts of the decision process were arbitrary and capricious. However, the Court’s review is limited to the final decision of the zoning authority. *See* § 39-3-1.1(D). Appellants’ arguments regarding the adequacy of pre-application meetings, the initial (non-final) approval of the Applicant’s application, and DRB’s decision not to further defer proceedings do not speak to the subject of the Court’s review in this appeal, *i.e.*, the final agency decision.

D. The Council’s final decision is in accordance with law.

1. The Council did not consider additional testimony prior to reaching the final decision.

Appellants contend that the Council, in its March 6, 2023 meeting, violated its rules of procedure by accepting and considering new testimony from Councilor Dan Lewis before reaching

its final decision. The Council and the Applicants respond that Councilor Lewis' comments were not testimony and had nothing to do with the merits of the appeal.

The Council did not act contrary to law. The Council held a meeting on March 6, 2023 in which it considered whether to accept or reject the recommendation of the LUHO. [RP 1–2, 729.] During the meeting, Councilor Dan Lewis responded to allegations of bias and impropriety and commented that the allegations were untrue. [RP 734.] The record reflects that the Council did not further discuss Councilor Lewis' comments. [RP 734–36.] There is no indication that the Council deviated from the stated purpose of the meeting, which was to vote on whether to accept or reject the LUHO's written recommendation. [RP 732–36.] The Council then voted unanimously to accept the LUHO's recommendation and findings. [RP 736.] The Court discerns no way in which the Council acted contrary to law in this matter.

2. The Council acted in accordance with law in rejecting the allegations of bias and impropriety against Councilor Lewis.

Appellants allege that Councilor Lewis engaged in improper ex-parte communications and exhibited bias requiring recusal from the vote on the Applicant's application. Specifically, Appellants allege that Councilor Lewis sponsored an amendment to the IDO to ease the VPO-2 building height restrictions and was involved in ex-parte communications with Consensus Planning, Inc., representative of the landowners in this case, regarding the height restriction proposal. Appellants also argue that Councilor Lewis' comments responding to certain accusations of bias and impropriety evinced animus toward appellant Michael Voorhees ("Mr. Voorhees"). The Council and the Applicants argue that the allegations were not properly before the Council. Additionally, the Council and the Applicants argue that Councilor Lewis' actions were not improper and did not create the appearance of impropriety.

Councilor Lewis' statements and actions do not merit recusal. First, Councilor Lewis' comments do not evince disqualifying personal animus against Mr. Voorhees. Councilor Lewis

made statements that the allegations of impropriety against him were untrue; he did not mention Mr. Voorhees. **[RP 734.]** Asserting that allegations are untrue does not evince a strong personal animus and such comments are not disqualifying. *Cf. Las Cruces Pro. Fire Fighters v. City of Las Cruces*, 1997-NMCA-031, ¶ 24, 123 N.M. 239 (indicating personal bias may be disqualifying when it is strong enough).

Second, the general allegations regarding Councilor Lewis' views on the IDO's height restriction regulations do not merit recusal. It is not disqualifying for members of a tribunal to hold policy views that are pertinent to a case before the tribunal. *See id.* ¶ 29; *see also U.S. West Commc'ns v. N.M. State Corp. Comm'n*, 1999-NMSC-016, ¶¶ 39–41, 127 N.M. 254 (indicating general statements or actions regarding a case's subject matter may not be disqualifying). The Appellants did not identify any specific disqualifying conduct of Councilor Lewis concerning this case. *Cf. Reid v. N.M. Bd. of Exam'rs of Optometry*, 1979-NMSC-005, ¶¶ 4, 9, 92 N.M. 414 (indicating specific statements pre-judging a case can be disqualifying).

Lastly, the Court sees no merit in Appellant's allegations with respect to Councilor Lewis' alleged ex-parte communications. Appellants do not identify any evidence of ex-parte communications related to the proceedings in this case.

3. The Council held a quasi-judicial hearing in accordance with law.

Appellants argue that the Council's decision was not in accordance with law because DRB failed to hold a quasi-judicial hearing on the application. Appellants allege that DRB was not a neutral decision maker and do not identify any other deficiencies in the Council's process. **[Appellant's Statement of Appellate Issues, filed June 2, 2023, 24–25.]** The Council and the Applicants respond that DRB was not required to hold a quasi-judicial hearing.

A quasi-judicial hearing requires an opportunity to be heard, an opportunity to present and rebut evidence, and an impartial tribunal. *See Benavidez v. Bernalillo Cnty. Bd. of Comm'rs*, 2021-

NMCA-029, ¶ 32. An impartial tribunal must have no pre-hearing or ex parte contacts concerning the question at issue and it must make an adequate record with appropriate findings. *Id.*

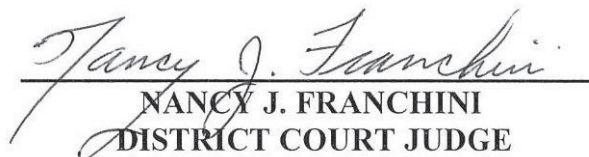
The Council, through the LUHO, held a quasi-judicial hearing on the application. It is undisputed that the LUHO held a hearing on DRB's decision to approve the application. During the hearing, the parties had the opportunity to present their respective cases. The LUHO heard sworn testimony, allowed for the parties to present new evidence, and allowed cross examination of witnesses. [RP 606, 624.] Appellants do not assert that the LUHO is biased, engaged in improper ex-parte communications, or otherwise acted improperly. After the hearing, the LUHO submitted a written recommendation with findings of fact and conclusions of law to the Council. Council therefore held a quasi-judicial hearing on the application.

The Court concludes that the Council's final decision is in accordance with law. Appellants' argument presents no basis to conclude otherwise. Appellants do not explain how the quasi-judicial hearing held by the Council through the LUHO is inadequate. Nor do Appellants explain why in this case that DRB must hold a quasi-judicial hearing rather than the LUHO.

IV. CONCLUSION

The Court affirms the Council's Order.

IT IS SO ORDERED.


NANCY J. FRANCHINI
DISTRICT COURT JUDGE

This is to certify that a true and correct copy of the foregoing document was mailed and/or otherwise delivered to the following on November 14, 2023.

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Counsel for Appellee City of Albuquerque

D-202-CV-2023-02637

AC-23-14 NOTICE OF DECISION

**Notice of Decision
City Council
City of Albuquerque
November 13, 2023**

AC-23-14 (VA-2023-00196) PR-2022-007712, SI-2023-00127 The Westside Coalition of Neighborhood Associations and Michael Voorhees appeal the Development Hearing Officer decision to approve a final plat, for all or a portion of Lot 5, Block 6 Volcano Cliffs Unit 26 & Lot 1, Block 2, Volcano Cliffs Unit 26 zoned MX-L & MX-M, located on Rosa Parks Rd. between Paseo Del Norte and Rosa Parks Rd. containing approximately 18.23 acre(s). (C-11)

Decision

On November 8, 2023, by a vote of **8 FOR 0 AGAINST** the City Council voted to accept the withdrawal by the Applicant.

Excused: Benton

IT IS THEREFORE ORDERED THAT THIS MATTER IS WITHDRAWN.

Attachments

1. Land Use Hearing Officer's Findings and Recommendation
2. Action Summary from the November 8, 2023 City Council Meeting

A person aggrieved by this decision may appeal the decision to the Second Judicial District Court by filing in the Court a notice of appeal within thirty (30) days from the date this decision is filed with the City Clerk.



Pat Davis, President
City Council

Date: 11/13/2023

Received by: Gabryella Williams Date: 11/13/2023
City Clerk's Office

AC-23-1 NOTICE OF DECISION

**Notice of Decision
City Council
City of Albuquerque
March 7, 2023**

AC-23-1 Michael T. Voorhees; Martin Kowemy, Jr. Governor, Pueblo of Laguna; Rene Horvath, Westside Coalition of Neighborhood Associations; and Baxter L. Sosebee appeal the Development Review Board decision to approve a Site Plan Amendment (to remove a Site Plan), a Preliminary Plat, and a new Site Plan, for all or a portion of Tract 1, Block 2 And Lots 4 & 5, Block 6, Unit 26, Volcano Cliffs Zoned MX-L & MX-M, Located On Rosa Parks Rd NW Between Paseo Del Norte And Rosa Parks Rd Containing Approximately 18.79 Acre(s). (M-10)

Decision

On March 6, 2023, by a vote of 9 FOR 0 AGAINST the City Council voted to accept the Land Use Hearing Officer Recommendation and Findings.

IT IS THEREFORE ORDERED THAT THIS APPEAL IS DENIED, THE DECISION OF THE DEVELOPMENT REVIEW BOARD IS UPHeld, AND THE SITE PLAN AMENDMENT, PRELIMINARY PLAT, AND NEW SITE PLAN ARE APPROVED.

Attachments

1. Land Use Hearing Officer's Recommendation
2. Action Summary from the March 6, 2023 City Council Meeting

A person aggrieved by this decision may appeal the decision to the Second Judicial District Court by filing in the Court a notice of appeal within thirty (30) days from the date this decision is filed with the City Clerk.



Pat Davis, President
City Council

Date: 3/7/2023

Received by: 
City Clerk's Office

Date: 3/17/2023

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NOTICE OF APPEAL

November 14, 2024

TO WHOM IT MAY CONCERN:

The Planning Department received an amended appeal on November 1, 2024. You will receive a Notice of Hearing as to when the appeal will be heard by the **Land Use Hearing Officer**. If you have any questions regarding the appeal, please contact Nichole Maher, Planning Sr. Administrative Assistant, (505) 924-3845 or nmaher@cabq.gov.

Please refer to the enclosed excerpt from the Land Use Hearing Officer Rules of Procedure and Qualifications for any questions you may have about this procedure.

Any questions you might have regarding Land Use Hearing Officer policy or procedures that are not answered in the enclosed rules can be answered by Michelle Montoya, Clerk to the City Council, (505) 768-3100 or mmmontoya@cabq.gov.

CITY COUNCIL APPEAL NUMBER: AC-24-28

PLANNING DEPARTMENT CASE FILE NUMBER:

**PR-2022-007712 AKA PR-2019-002663, SD-2024-00097 (Preliminary Plat – DHO),
VA-2024-00296 (Appeal)**

APPLICANT: Westside Coalition of Neighborhood Associations

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DHO File