TABLE OF CONTENTS
AC-19-18
PR-2019-002811
SI-2019-00158 VA-2019-00288
VA-2019-00416

PAGE(S)

CITY OF ALBUQUERQUE

Albuquerque, New Mexico

Planning Department

Mayor Timothy M. Keller

INTER-OFFICE MEMORANDUM **December 4, 2019**

TO: **Klarissa Peña, President, City Council**

FROM: **Brennon Williams, Planning Director**

Subject: AC-19-18, Project PR-2019-002811 SI-2019-00158 VA-2019-00288 VA-2019-00416: Richard Chavez, appeals the decision of the Development Review Board (DRB) to Deny a Variance for all or a portion of LOTS 7-10 BLOCK 44 Perea addition, zoned R-1A, located at the NEC of 15th STREET NW and GRANITE AVE. NW, containing approximately 0.32 acre(s). (J-13)

OVERVIEW

An application for a Preliminary and Final Plat and Variance IDO was filed by the applicant on August 30, 2019. The application was accepted and scheduled for the meeting of September 11, 2019. The applicant received board comments and the case was deferred three times before the final meeting on October 30, 2019. The DRB denied the request for a sidewalk waiver at that meeting because of the location of the site in a highly pedestrian urban area and because the lack of sidewalk creates a gap in the sidewalk system making it more difficult to have good pedestrian connectivity.

The applicant appealed this decision on November 12, 2019. The appeal was filed in a timely manner.

HISTORY

The applicant met with staff prior to the submittal to discuss the requirements for the submittal. The applicant was told that he could request a sidewalk waiver, but it was unlikely to be granted because of the location of the property in the center of the City. Staff does not have an exact date for this meeting, but it was in the summer prior to the submittal of the application.

An application for a Preliminary and Final Plat and Sidewalk Waiver IDO was filed by the applicant on August 30, 2019. The application was accepted and scheduled for the meeting of September 11, 2019.

The applicant received comments regarding missing notes on the plat, lack of surveyor's signature and existing sidewalks from Planning Staff. Comments from Code Enforcement stated that a sidewalk should be provided. Comments from Transportation stated that the sidewalk waiver should not be granted and noted that the existing fencing is in the right of way. The case was deferred to the meeting

of September 25, 2019 to allow the applicant to address board comments. The applicant requested a deferral to the October 2, 2019 meeting to allow more time to address Board comments. The case was heard at the October 23, 2019 meeting and again deferred after extensive discussion, to address comments from Transportation regarding the sidewalk waiver, a clear site exhibit, and fencing in the right -of-way. At the October 30, 2019 meeting the DRB heard additional testimony from the applicant and the Transportation DRB member. The DRB denied the request for the waiver based on the IDO requirement for a 4-foot sidewalk in residential areas and the fact that there are existing sidewalks in the area that could eventually connect to the required sidewalk. The requirements would increase pedestrian and ADA access in the area.

APPEAL

The appellant cites the following as reasons for the appeal followed by Staff's response to the appellant's arguments. The full list of the appellant's arguments is contained in the appellant's application dated November 12, 2019 (included in the record).

1. **The DRB's decision was arbitrary and ignored the existing sidewalk gaps in the area and the character of sidewalks in the area.**

   The DRB denied the waiver of the IDO requirement 14-16-5-3(D)(1) for a perimeter sidewalk because the request did not meet all of the criteria in 6-6(L)(3), specifically, 6-6(L)(3)(b).[1] The request would maintain a gap in the sidewalk system because there are existing sidewalks to the east and south of the site, and, therefore, be contrary to furthering public safety and welfare. The area has a high degree of pedestrian activity and the sidewalk would contribute to a safe pedestrian environment.

   The DRB expressed that they would accept a request for a waiver of the width of the sidewalk from the 4-foot wide requirement in order to match existing sidewalks in the area. Mr. Chavez was told he could submit a formal request for the width to the waiver along with information on proposed sidewalk width and distance from existing curb to the property line to demonstrate sufficient right-of-way. (Chapter 12, Current DPM) The applicant did not request a waiver to the width of the sidewalk.

   The applicant's request was treated in the same manner as similar requests. The DRB has required sidewalks for similar platting actions. The IDO requires a perimeter sidewalk for residential property (14-16-5-3(D)(1). Because the applicant is making a change to the property, the requirements of the IDO apply. While the applicant's property may not connect to a sidewalk now, as the area redevelops, more sidewalk can be installed creating a full network of sidewalks. The area has existing sidewalks in a mixed pattern. There are other areas of the city where there are no sidewalks at all. The sidewalk waivers granted by the DRB have been in areas where there are no existing sidewalks.

2. **There is no incentive for any neighboring property to install sidewalks**
   If any of the neighboring properties redevelop, the same requirements would apply to their properties that were applied to the applicant's property. The City requires compliance with existing rules for new development.

[1] The IDO provisions on sidewalk waivers were modified slightly as R-2019-035, See Exhibit A-1, 6-6(L)(2)(a).

3. **Fencing in the right-of-way requires a revocable permit. The existing curb and gutter was built in 1966 and the fencing is "grandfathered" in.**
   As stated above, the applicant is making a change to the site and, therefore, the requirements of the IDO and current City requirements are applicable to the site. The revocable permit is required for any encroachment into the right-of-way. The other option would be to remove the fence altogether.

4. **The City should update the sidewalks using City funds or create a special assessment district as was done along Mountain Road and Lomas.**
   The City creates a Capital Improvement Program to allocate funding for improvements. This is outside the purview of the DRB.

CONCLUSION

The Appellant does not show that the Criteria for an Appeal in Section 14-16-6-4(U)(4) of the IDO has been met. The Appellant has not offered evidence that contradicts the findings/action of the DRB. The DRB did not act fraudulently, arbitrarily, or capriciously; the decision was adequately supported with substantial evidence in the form of Findings listed in the Official Notice of Decision; and the DRB did act within its authority in applying applicable requirements.

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

An application for a Waiver – DRB shall be approved if it complies with the following criteria:

6-6(L)(3)(a) *Any of the following applies:*

1. *There are pre-existing obstructions that cannot be easily or economically relocated or should not be altered, such as grades, fills, water courses, natural topographic features, man-made obstructions, or utility lines.*
2. *The area or site has been recognized as having historical, archeological, and/or architectural significance by the City, state, or federal government, and a Waiver is needed and appropriate to maintain such historical, archeological, and/or architectural significance.*
3. *The established neighborhood character or landscaping on the site would be damaged to a degree that outweighs the public interest in the City's normal technical standards in that location.*
4. *Varying from the normal requirements and standards will encourage flexibility, economy, effective use of open space, or ingenuity in design of a subdivision, in accordance with accepted principles of site planning.*

6-6(L)(3)(b) *The Waiver will not be materially contrary to the public safety, health, or welfare.*

6-6(L)(3)(c) *The Waiver does not cause significant material adverse impacts on surrounding properties.*

6-6(L)(3)(d) *The Waiver will not hinder future planning, public right-of-way acquisition, or the financing or building of public infrastructure improvements.*

6-6(L)(3)(e) *The Waiver will not conflict significantly with the provisions of any city, county, or AMAFCA adopted plan or policy, this IDO, or any other City code or ordinance.*

6-6(L)(3)(f) *The Waiver will not allow, encourage, or make possible undesired development in the 100-year Floodplain*

6-6(L)(3)(g) *The Waiver will not materially undermine the intent and purpose of this IDO or the applicable zone district.*

6-6(L)(3)(h) *The Waiver does not allow a lot or type of development that does not meet the applicable size, area, and development standards applicable in the zone district where the lot is located, unless a Deviation to such standards is within the thresholds established by Subsection 14-16-6-4(O) and is granted by the DRB as part of this approval.*

6-6(L)(3)(i) *The Waiver approved is the minimum necessary to provide redress without being inconsistent with the provisions of this Section.*

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

Richard Chavez
906 15th Street NW
ABQ NM 87104

Project# PR-2019-002811
Application#
SI-2019-00158 PRELIMINARY /FINAL PLAT
VA-2019-00288 SIDEWALK WAIVER
LEGAL DESCRIPTION:
All or a portion of LOTS 7-10 BLOCK 44 PEREA ADDITION, zoned R-1A, located at NEC of 15th ST NW and GRANITE AVE NW, containing approximately 0.32 acre(s). J-13

On October 30, 2019, the Development Review Board (DRB) held a public meeting concerning the above referenced application and deferred the Preliminary and Final Plat and denied the waiver request based on the following Findings:

SI-2019-00158 PRELIMINARY /FINAL PLAT

1. This preliminary/final plat is attached to the waiver request and was deferred to the meeting of November 20, 2019.

VA-2019-00288 SIDEWALK WAIVER

1. The applicant requested a waiver to the required frontage sidewalk.
2. The DRB denied the waiver of the IDO requirement 14-16-5-3(D)(1) for a perimeter sidewalk because the request did not meet all of the criteria in 6-6(L)(3), specifically, 6-6(L)(3)(b), the request will create a gap in the sidewalk system because there are existing sidewalks to the east and south of the site. Additionally, the area has a high degree of pedestrian activity and the sidewalk will contribute to a safe pedestrian environment.
3. The applicant did not request a waiver to the width of the sidewalk.
4. The applicant followed the required notice procedure in 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 14, 2019. 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). A Non-Refundable filing fee will be calculated at the Land Development Coordination Counter and is required at the time the appeal is filed.

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/mg

City of Albuquerque

DEVELOPMENT REVIEW BOARD APPLICATION

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

SUBDIVISIONS	☐ Final Sign off of EPC Site Plan(s) *(Form P2)*	
☐ Major – Preliminary Plat *(Form P1)*	☐ Amendment to Site Plan (Form P2)	☐ Vacation of Public Right-of-way *(Form V)*
☑ Minor – Preliminary/Final Plat *(Form S2)*	**MISCELLANEOUS APPLICATIONS**	☐ Vacation of Public Easement(s) DRB *(Form V)*
☐ Major - Final Plat *(Form S1)*	☐ Extension of Infrastructure List or IIA *(Form S1)*	☐ Vacation of Private Easement(s) *(Form V)*
☐ Amendment to Preliminary Plat *(Form S2)*	☐ Minor Amendment to Infrastructure List (*Form S2*)	**PRE-APPLICATIONS**
☐ Extension of Preliminary Plat *(FormS1)*	☐ Temporary Deferral of S/W *(Form V2)*	☐ Sketch Plat Review and Comment *(Form S2)*
	☐ Sidewalk Waiver *(Form V2)*	
SITE PLANS	☐ Waiver to IDO *(Form V2)*	**APPEAL**
☐ DRB Site Plan *(Form P2)*	☐ Waiver to DPM *(Form V2)*	☐ Decision of DRB *(Form A)*

BRIEF DESCRIPTION OF REQUEST APPEAL of DRB DENIAL For Side WALK VARIANCE Request.

APPLICATION INFORMATION

Applicant: RICHARD G. CHAVEZ		Phone: 934-5979 (505)
Address: 906 15TH CT. NW		Email: rcseagle2sky@gmail.com
City: ALBUQUERQUE	State: N.M	Zip: 87104
Professional/Agent (if any):		Phone:
Address:		Email:
City:	State:	Zip:
Proprietary Interest in Site:	List all owners:	

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

Lot or Tract No.: Lots 7-10	Block: 44 PERLEA Addition	Unit:
Subdivision/Addition:	MRGCD Map No.: 33	UPC Code:
Zone Atlas Page(s): J-13	Existing Zoning: R-1A	Proposed Zoning
# of Existing Lots: 9	# of Proposed Lots: 2	Total Area of Site (Acres): 0.32

LOCATION OF PROPERTY BY STREETS CORNER of 15TH & GRANITE

Site Address/Street: SAME AS ABOVE	Between:	and:

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

Signature: Richard G. Chavez		**Date:** 11/12/19
Printed Name: RICHARD G. CHAVEZ		☒ Applicant or ☐ Agent

FOR OFFICIAL USE ONLY

Case Numbers	Action	Fees	Case Numbers	Action	Fees
VA-2019-00416	Appeal	$265			

Meeting Date:		Fee Total: $265
Staff Signature:	Date: 11-12-19	Project # PR-2019-002811

FORM A: Appeals

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

A single PDF file of the complete application including all plans and documents being submitted must be emailed to PLNDRS@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.

- ☐ 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: ~~PR-2019-002811~~

✓ Project number of the case being appealed, if applicable: PR-2019-002811

✓ Application number of the case being appealed, if applicable: SI-2019-00158 – VA-2019-00288

✓ Type of decision being appealed: DRB Sidewalk Variance Denial

✓ Reason for the appeal identifying the section of the IDO, other City regulation, or condition attached to a decision that has not been interpreted or applied correctly, and further addressing the criteria in IDO Section 14-16-6-4(U)(4)

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

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

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

I, 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: Richard G. Chavez	**Date:** 11-12-19
Printed Name: Richard G. Chavez	☐ Applicant or ☐ Agent
FOR OFFICIAL USE ONLY	
Project Number: PR-2019-002811 / Case Numbers: VA-2019-00416	
Staff Signature:	
Date: 11-12-19	

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

Richard Chavez
906 15th Street NW
ABQ NM 87104

Project# PR-2019-002811
Application#
SI-2019-00158 PRELIMINARY /FINAL PLAT
VA-2019-00288 SIDEWALK WAIVER
LEGAL DESCRIPTION:
All or a portion of LOTS 7-10 BLOCK 44 PEREA ADDITION, zoned R-1A, located at NEC of 15th ST NW and GRANITE AVE NW, containing approximately 0.32 acre(s). J-13

On October 30, 2019, the Development Review Board (DRB) held a public meeting concerning the above referenced application and deferred the Preliminary and Final Plat and denied the waiver request based on the following Findings:

SI-2019-00158 PRELIMINARY /FINAL PLAT

1. This preliminary/final plat is attached to the waiver request and was deferred to the meeting of November 20, 2019.

VA-2019-00288 SIDEWALK WAIVER

1. The applicant requested a waiver to the required frontage sidewalk.
2. The DRB denied the waiver of the IDO requirement 14-16-5-3(D)(1) for a perimeter sidewalk because the request did not meet all of the criteria in 6-6(L)(3), specifically, 6-6(L)(3)(b), the request will create a gap in the sidewalk system because there are existing sidewalks to the east and south of the site. Additionally, the area has a high degree of pedestrian activity and the sidewalk will contribute to a safe pedestrian environment.
3. The applicant did not request a waiver to the width of the sidewalk.
4. The applicant followed the required notice procedure in 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 14, 2019. 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). A Non-Refundable filing fee will be calculated at the Land Development Coordination Counter and is required at the time the appeal is filed.

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/mg

REQUEST FOR APPEAL

FOR SIDEWALK VARIANCE, PROJECT # 2019-002811

906 15TH St NW

Response to SI-2019-00288 #2

Appeal based on 6-4(U) (4) (a) -&- 6-6(L) (3)(b)

I am requesting an appeal to the decision of the DRB to deny my request for a Sidewalk Variance based on 6-4(U) (4) (a) and 6-6(L)(3)(b). In my opinion, the DRB was Arbitrary in ignoring the fact that a 15 ft. sidewalk gap already exist between the neighbors to the east of my property, which constitutes an already existing Gap. The gap would make it impossible for a person in a wheel chair to traverse that distance between the neighbors existing sidewalk and the proposed sidewalk. See attached picture. (Attachment A. Picture) A person using a walker would find it extremely difficult to traverse that distance, if not outright dangerous. The Gap I am talking about is an alley, with a drop off the sidewalk on one edge and slight asphalt incline on to a combination of dirt and asphalt. I specifically asked the DRB for a definition of the Term Gap and none was given. From a technical and physical perspective, a Gap already exist and is inaccessible for disabled or handicap individuals requiring a walker or wheel chair.

The initial contention of the Traffic recommendation was that there was plenty of sidewalk in the area and there was no need for a Sidewalk Waiver. After showing, Google Earth pictures of surrounding areas with no sidewalk. Refer to attachments B-1 –B-7. Many of the various sidewalk areas are within one to two blocks of my and have no sidewalks, staff had to drop that contention. This is but one example of an arbitrary decision that one department of the DRB came to that had to change due to existing evidence to the contrary.

The DRB contends that my request will create a GAP in the sidewalk system and that there is sidewalk to the east and south of my property. With regard to the south of me, that is correct, but that arbitrarily ignores and discounts the fact there is no sidewalk to the north on my block from Granite to Mountain Rd. There is no sidewalk and at the end of 15th on the east side of the street which I live on. In addition, there is no sidewalk to the west of me. At the end of 15th and Mountain Rd. there is a Driveway pad for a commercial property, but no sidewalk. Refer to attachment C. The city can force me to install sidewalk On 15th, but to what end? All you've done is continued a piece meal approach, that places a significant financial burden on me and the remaining property owners have no incentive to voluntarily install sidewalk and no reason to see become ensnared in the DRB process.

DRBs contention that "Additionally, the area has high degree of pedestrian activity and the sidewalk will contribute to a safe pedestrian environment" assumes that the current situation is dangerous for pedestrians. That is a very arbitrary statement, what entity has designated my street a danger to pedestrian, how many fatal pedestrian accidents have occurred, or, and how many accidents with pedestrians have been reported? The answer to these questions is no designation of a Traffic hazard for pedestrians and no accidents identified involving pedestrian traffic.

The other issue is having a fence in the city right away and my appeal is based on meeting the requirement of Subsection 1 (a) of 6-6(L) (3)(b) and section a of 6-6(L)(3)(b). The fencing within the right away that the city is referring to was Grandfathered into place back to 1961. This is when Storm Sewers were installed along 15th Street. My folks property at the time, along with all the property owners on the east side of the street between Mountain Rd and Marble were required to pay off their portion of curb and gutter. Refer to attachments D-1 –D-3 pictures. The reason the properties fence line were Grandfathered in, was due to the financial commitment that property owners along the east side of the street between Marble and Mountain had to commit to pay off for installation of curb and gutter. At no time am I aware that when the city decided to update their sidewalk and setback requirement that encroached on existing property lines did the city reimburse any of the property owners for the property that was lost due to the new setback requirements. In fact, there would be no continuation of sidewalk beyond my property. There no plans by neighbors to voluntarily install sidewalk or request a sub-divide that would allow city staff to ensnare property owner to comply with city requirements.

The reason I call this an arbitrary decision is that my neighbor have no incentive for them to install sidewalk on their own. The other problem this decision creates for me is that it makes street traffic more accessible to my front door, which creates easier access for my home to be burglarized, or provide easy access to porch pirates. I understand the cities need to install sidewalk throughout the city, but the current standards for a sidewalk and set back were designed for new areas or exiting areas with plenty of land to accommodate these standards. The problem with these standards is that areas like Barrelas, Martinez Town, San Jose and the Old Town areas, these standards in themselves are arbitrary and make no exception or accommodation for those areas. The problem that this creates for city staff is Common sense will not be applied because staff will use the regulations as their hammer for enforcing these types of regulations and codes. What this creates are arbitrary decision that staff has to use to justify their position. DRB staff did recommend that I could maintain an existing sidewalk on 15th St. with a variance to accommodate a 3 ft sidewalk, through a Revocable Permit Process, but I would be assessed an initial Assessment Fee and then be taxed on an annual basis based on square footage of the area to be enclosed. All I am asking for is to maintain the Status Que of the block and not impose an island of sidewalk that does not tie into another sidewalk on the block.

If the city were serious about installing sidewalk throughout the area, two actions that the city could take would be much more logical and fair to property owners. 1. Seek Capital Infrastructure funding from a GO Bond election specifically to address sidewalk, since the city does this for streets and other infrastructure, 2. Create a Special Assessment District in which everyone pays an established amount for installation of sidewalk in the areas that need it. You may ask why someone would pay for sidewalk to be installed that they don't need, but they will at some point in time, utilize that sidewalk in their general area. This would be more of a fair process for all property owners rather than an arbitrary process of requesting a Sidewalk Waiver to snare a property owner, drag them through the process and then, make them pay for it.

I understand that the financial burden and implications of installing sidewalk are of no concern to the city staff and DRB, but I currently pay $6,500.00 in property taxes, which constitutes one third of my mortgage payment. The cost to install new sidewalk will run in the area of $16K, based on a quote. That means with interest of 15% over ten years at $153.00 a month, my property taxes will be over half of my mortgage payment. In conclusion, in my opinion this decision was an arbitrary decision in order to accommodate the city's need for sidewalks and staffs zeal to meet policy requirements with no

consideration of the reality to the existing conditions on my block. The only existing sidewalk on my block is a commercial property at the very end of the west side of the block off Mountain Rd.

A question I keep asking that no one has answered for me is why am I being required to pay for sidewalk installation, when every commercial and residential property owner along Mountain Rd from Broadway to 20th street, received sidewalk, in some cases new sidewalk, curb and gutter and lamppost? I live one block from where this project was done. This was also done along Lomas from Broadway to 20th street, not once but twice in a 20-year period. If the city can afford to fund these projects, why is it ok to ignore other residential areas?

ATTACHMENT A.

Untitled Map

Existing Gap in accessible sidewalk between neighbor and my property. Alley Entry Between Neighbor on east side and my property. S

Legend

906 15th St NW

DEVELOPMENT REVIEW BOARD

TRANSPORTATION DEVELOPMENT

DRB Project Number: 2019-002811
Project Name: 15th Street and Granite Avenue

AGENDA ITEM NO: 12

SUBJECT: Waiver, Preliminary/Final Plat

ENGINEERING COMMENTS:

1. Sidewalk waiver is not granted along frontage of property. Much of the area already has sidewalk, and a 4-foot sidewalk is needed along the residential streets. Provide a sidewalk exhibit showing dimensions from curb to property line, dimension of sidewalk and setback from the curb. Added infrastructure will be required prior to final plat.

2. On an exhibit, show sight distance triangles at each of the driveway entrances. Add the following note as well: "Landscaping, fencing and signing will not interfere with clear sight requirements. Therefore, signs, walls, trees, and shrubbery between 3 and 8 feet tall (as measured from the gutter pan) will not be acceptable in the clear sight triangle."

3. It appears from the plat that there is fencing within the right-of-way that will need to be removed.

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: Jeanne Wolfenbarger, P.E.
Transportation Development
505-924-3991 or jwolfenbarger@cabq.gov

DATE: September 11, 2019

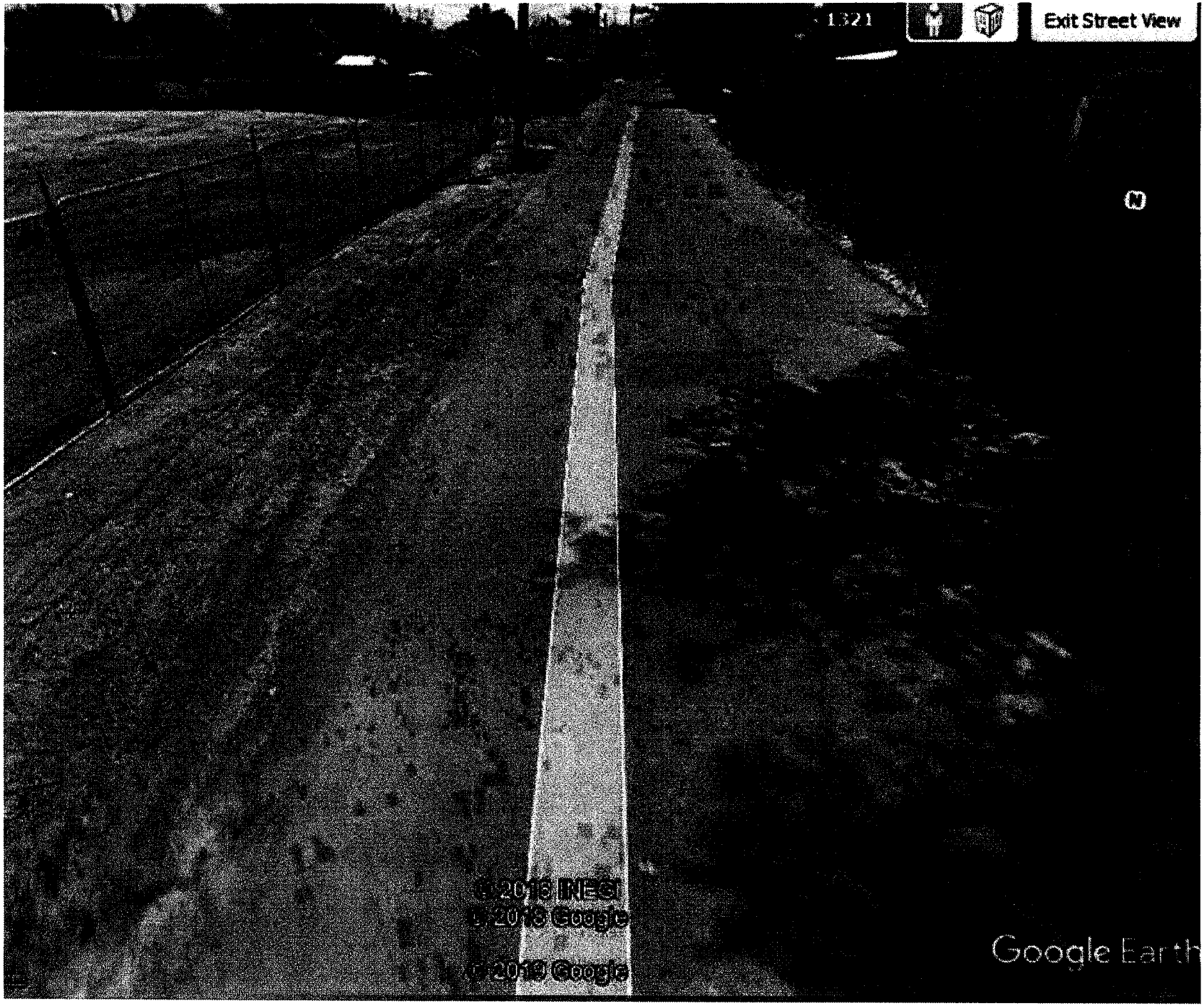
ACTION:

APPROVED __; DENIED __; DEFERRED __; COMMENTS PROVIDED __; WITHDRAWN __

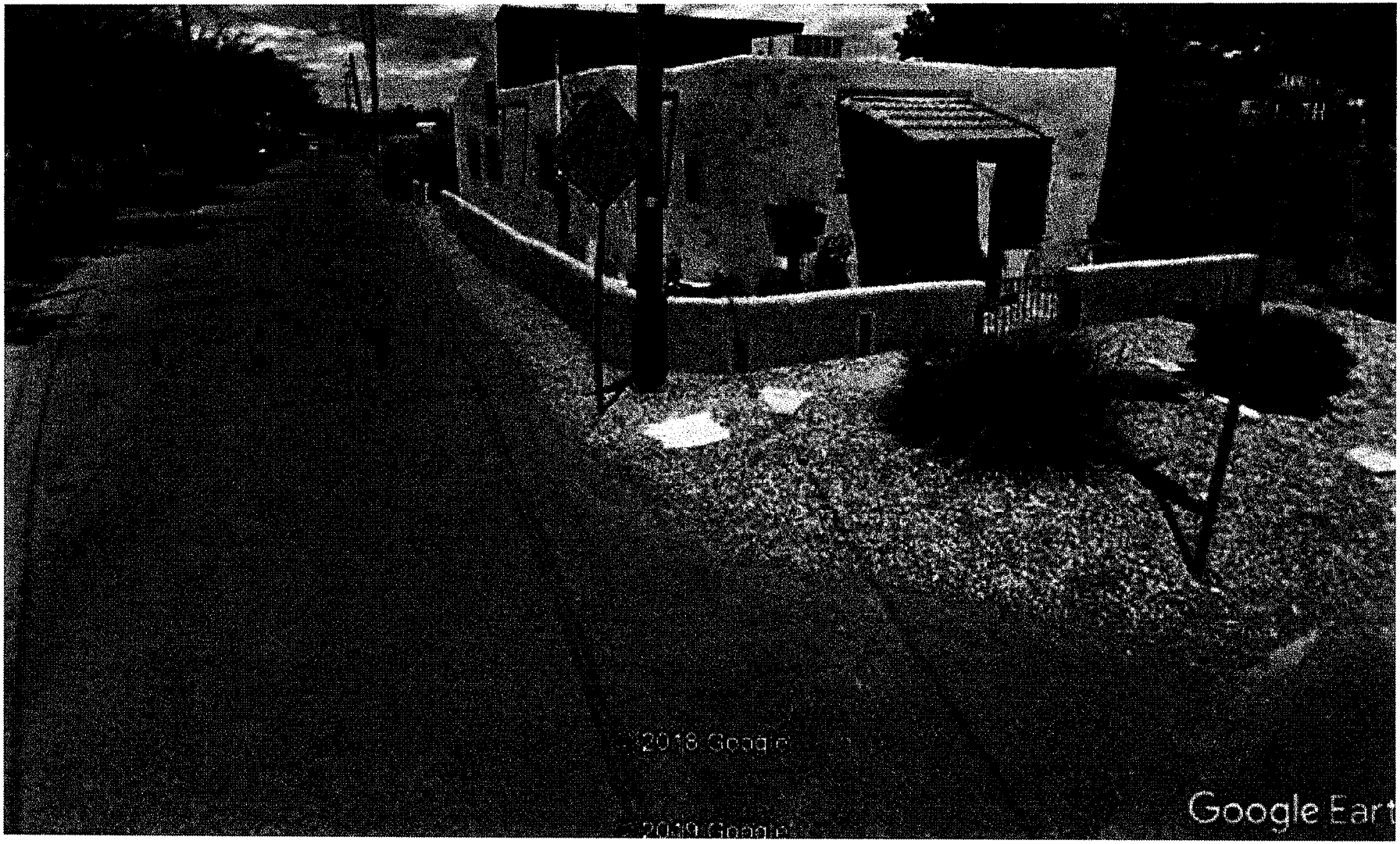
DELEGATED: _____ TO: (TRANS) (HYD) (WUA) (PRKS) (CE) (PLNG)

B-7 @ 15th split w/ Sumner / block north of Mountain Rd.

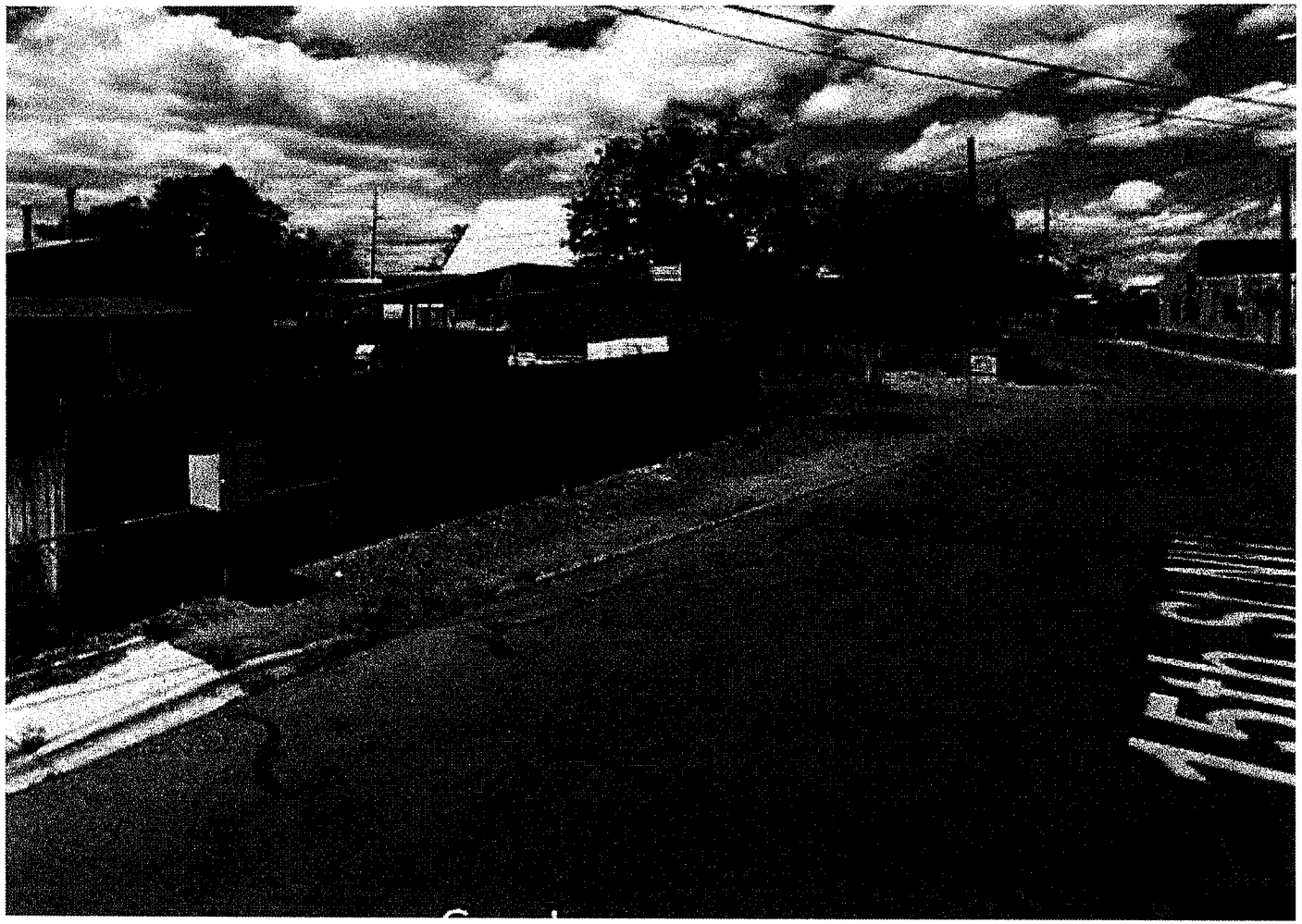
D6 7 DEGREES NORTH OF 15th, 1 block EAST of Missouri

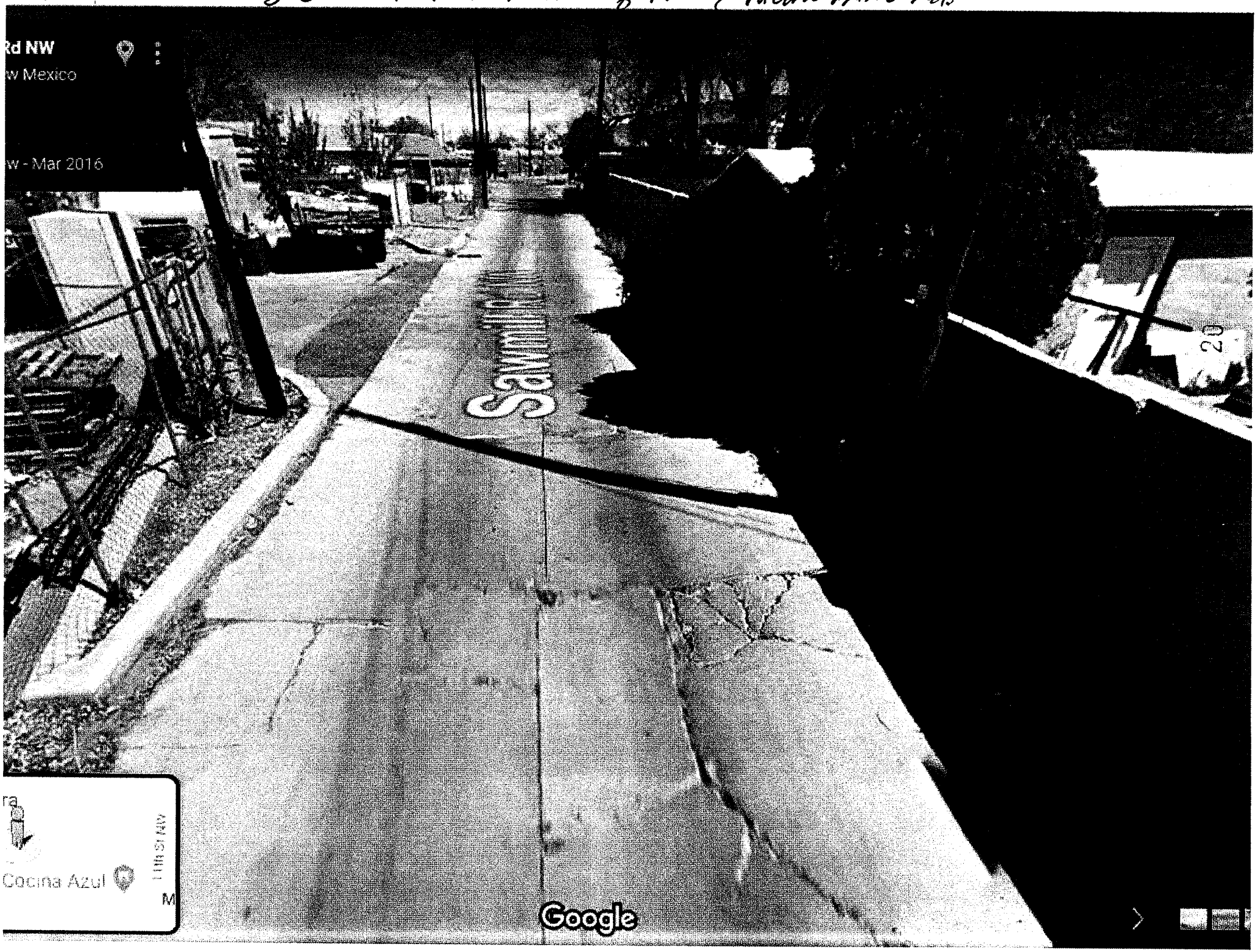


13-5 END of 2nd Block on 15th & Summer

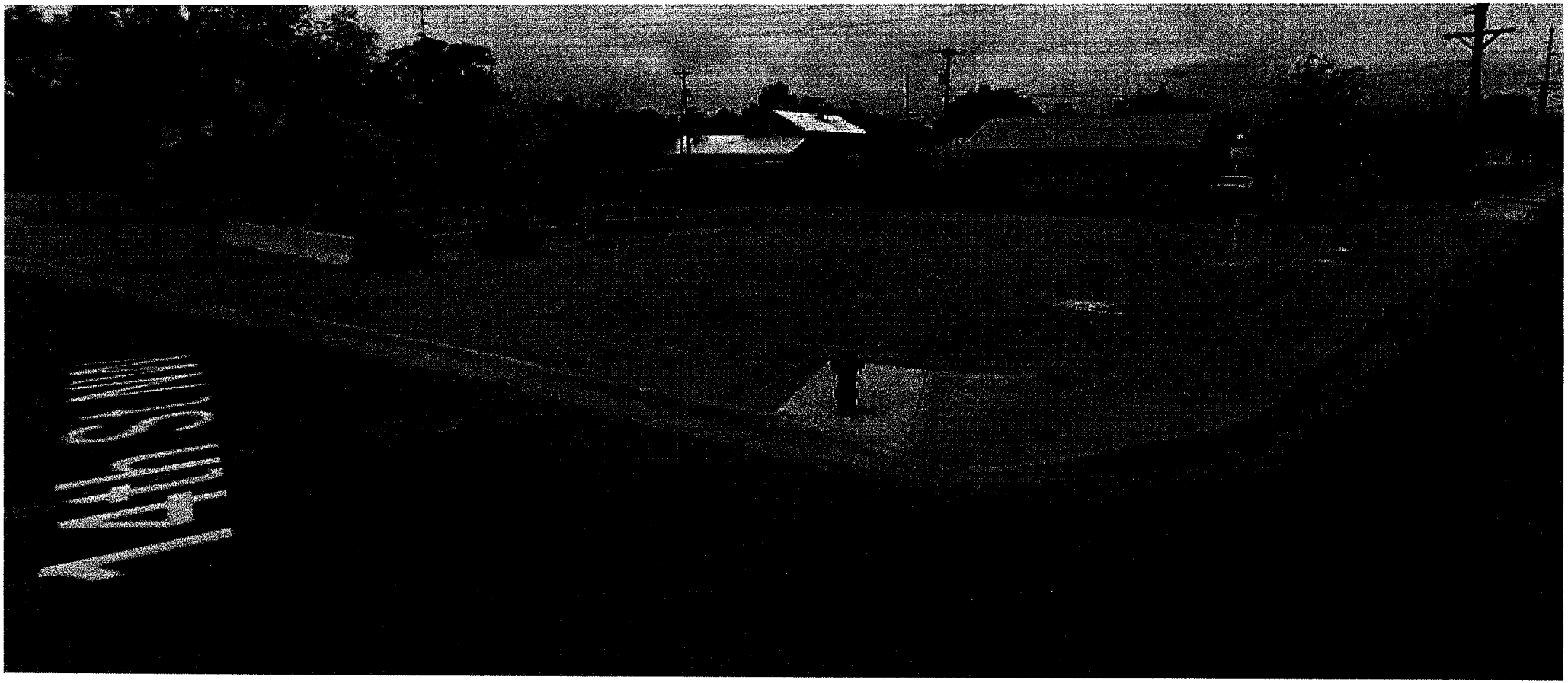


B4 15th 2 blocks North of Mountain Rd



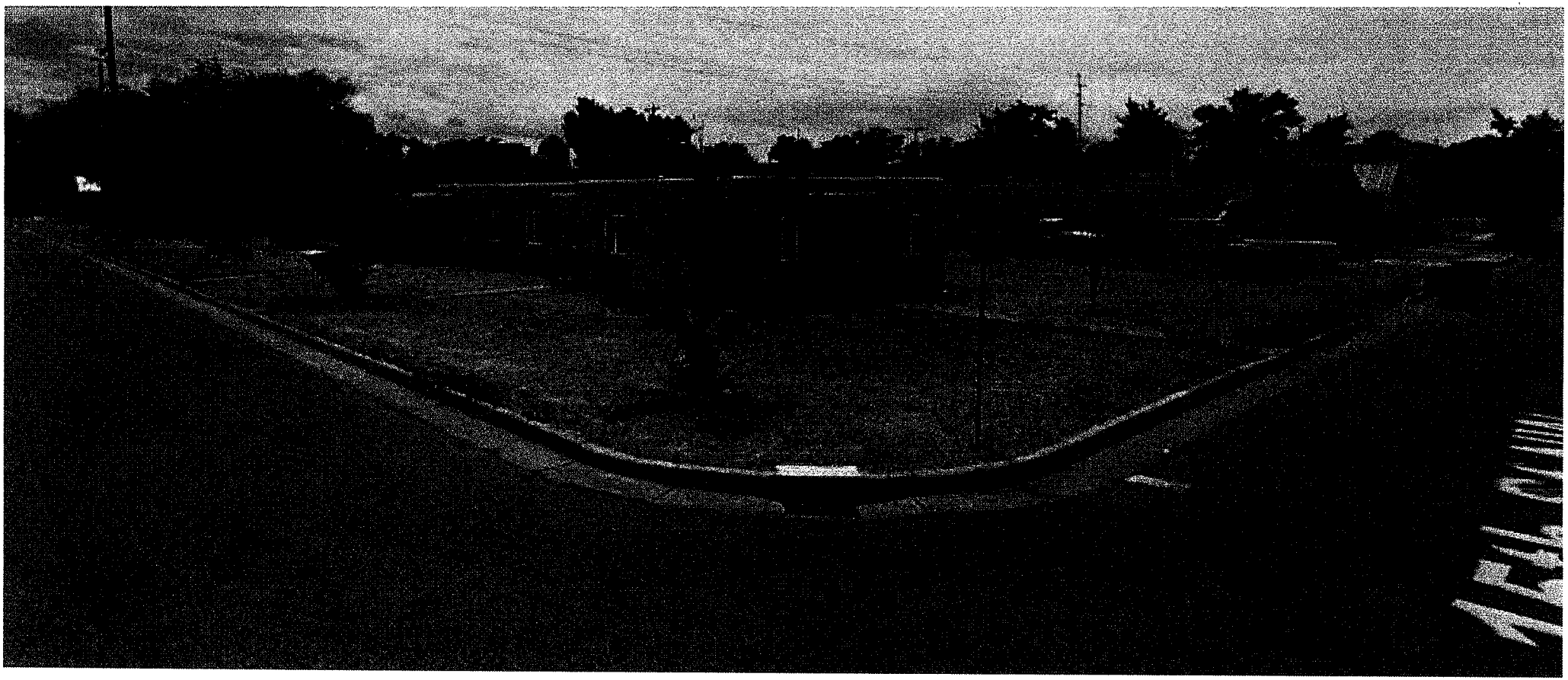

Rd NW
w Mexico
w - Mar 2016
SAN MATEO
20
Cocina Azul
Google

ATTACHMENT B2
ONE BLOCK EAST of 15th & MOUNTAIN RD

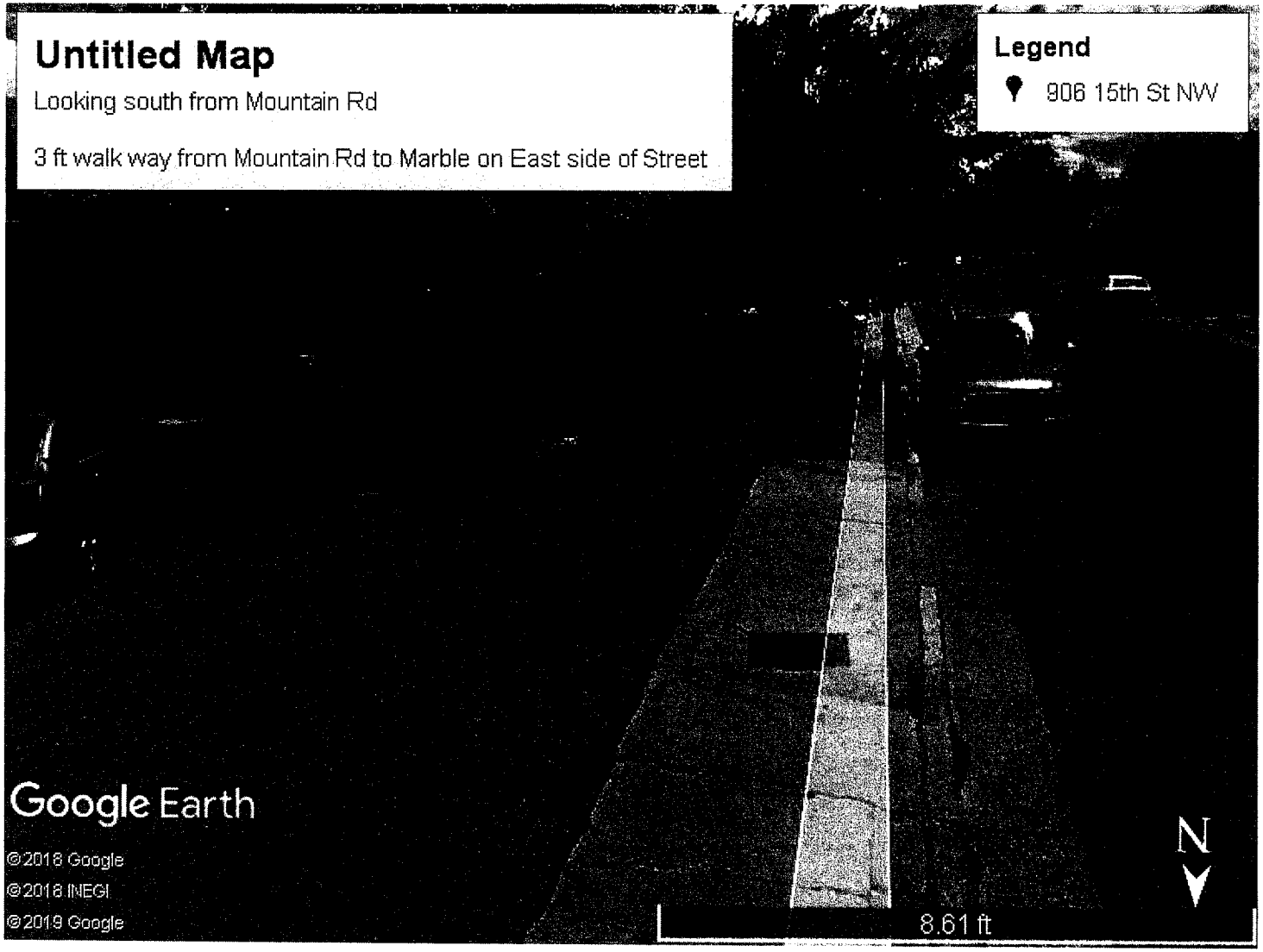


ATTACHMENT B1

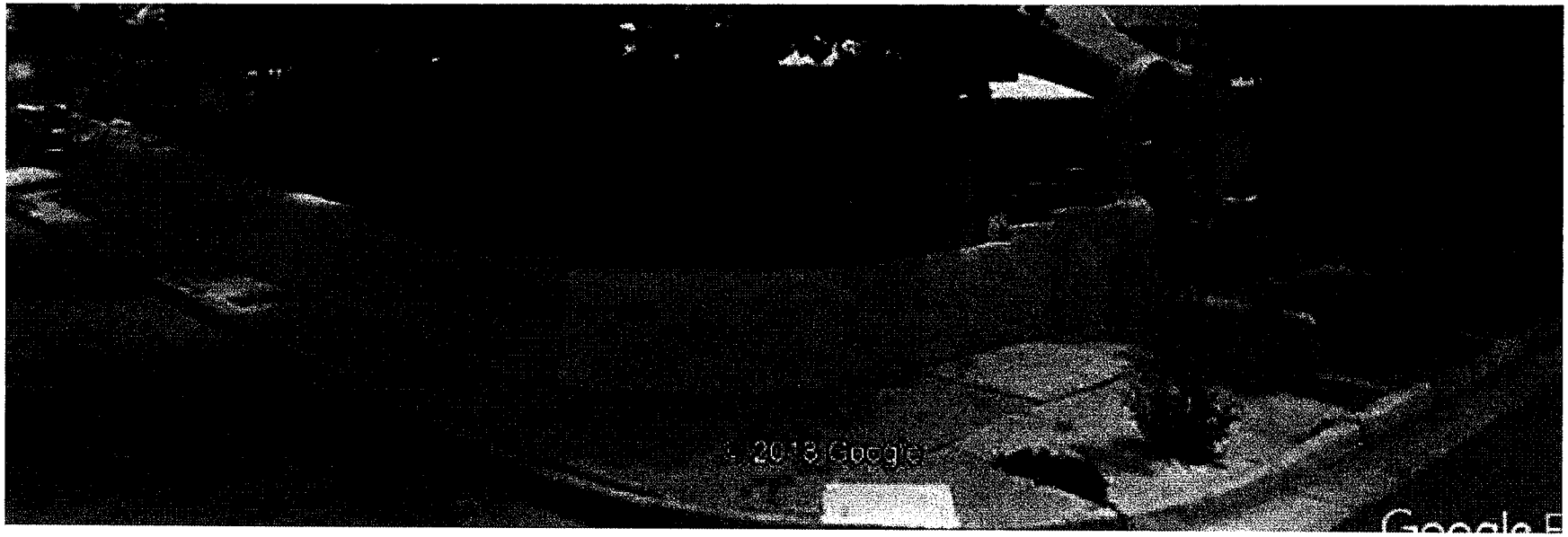
ONE Block south of GRANITE



ATTACHMENT C DRIVEWAY PAD AT NORTH END of 15th & MOUNTAIN Rd.



ATTACHMENT D-1 3 Ft. Fence Line on 15th & MARBle



PROPERTY from MARBle
To Mountain Rd w/3 Ft.
Fence line from Curbing

D-2 Property between 15th & MARBle & GRANite

PROPERTY W/3 FT.
Fence Line to curb
between MARBle & Granite

D-3 property at end of 15th & Granite

Property 4w/3ft Fenceline From Curb. ~~Not Fe~~ off Granite & 15th

Google Definition of Arbitrary

1. Based on random choice or personal whim, rather than any reason or system

2. (of power of ruling body) unrestrained and automatic in the use of authority

Webster's Definition of Arbitrary

1. Depending on individual discretion and not fixed by law
2. Autocratic, despotic
3. Based on or determined by individual preference convenience rather than by necessity or intrinsic nature of something

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

Richard Chavez
906 15th Street NW
ABQ NM 87104

Project# PR-2019-002811
Application#
SI-2019-00158 PRELIMINARY /FINAL PLAT
VA-2019-00288 SIDEWALK WAIVER
LEGAL DESCRIPTION:
All or a portion of LOTS 7-10 BLOCK 44 PEREA ADDITION, zoned R-1A, located at NEC of 15th ST NW and GRANITE AVE NW, containing approximately 0.32 acre(s). J-13

On October 30, 2019, the Development Review Board (DRB) held a public meeting concerning the above referenced application and deferred the Preliminary and Final Plat and denied the waiver request based on the following Findings:

SI-2019-00158 PRELIMINARY /FINAL PLAT

1. This preliminary/final plat is attached to the waiver request and was deferred to the meeting of November 20, 2019.

VA-2019-00288 SIDEWALK WAIVER

1. The applicant requested a waiver to the required frontage sidewalk.
2. The DRB denied the waiver of the IDO requirement 14-16-5-3(D)(1) for a perimeter sidewalk because the request did not meet all of the criteria in 6-6(L)(3), specifically, 6-6(L)(3)(b), the request will create a gap in the sidewalk system because there are existing sidewalks to the east and south of the site. Additionally, the area has a high degree of pedestrian activity and the sidewalk will contribute to a safe pedestrian environment.
3. The applicant did not request a waiver to the width of the sidewalk.
4. The applicant followed the required notice procedure in 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 14, 2019. 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). A Non-Refundable filing fee will be calculated at the Land Development Coordination Counter and is required at the time the appeal is filed.

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/mg

Chavez, Richard G, NMDOT

From: Gould, Maggie S. <MGould@cabq.gov>
Sent: Monday, October 28, 2019 4:07 PM
To: Chavez, Richard G, NMDOT
Cc: Gomez, Angela J.; Wolfley, Jolene
Subject: [EXT] RE: DBR Platt & Related Docs for next Meeting

Hello Mr. Chavez,
I am responding to your letter of October 25th in which you asked about the waiver criteria.
The IDO requires a perimeter sidewalk for residential development.
A waiver to the requirement for this sidewalk is a waiver to an IDO standard and must follow the IDO waiver criteria. The standard that you are using is from the Development Process Manual.
A waiver to the width of the sidewalk would be waiver to a Development Process Manual Standard and would follow the criteria that you are referencing. If you are asking for a waiver to the sidewalk width, please let us know.
The waiver criteria in 6-6(L)(3)(b) requires that the waiver will not create a gap in the existing system. Because there is existing sidewalk to the east of your property, the lack of sidewalk creates a gap.
See Citations below:
5-3(D) PEDESTRIAN CIRCULATION 5-3(D)(1) Sidewalks in Residential Development 5-3(D)(1)(a) Perimeter sidewalks shall be provided in accordance with the DPM, exclusive of the exception noted in Subsection (b) below
6-6(L)(3)(a) General Except as indicated in (d) below, an application for a Waiver – DRB shall be approved if it complies with the following criteria, as applicable:
1. Any of the following applies:
a. There are special circumstances applicable to the subject property that are not self-imposed and that do not apply generally to other property in the same zone district and vicinity, including but not limited to size, shape, topography, location, surroundings, and physical characteristics, and such special circumstances were created either by natural forces or by government eminent domain actions for which no compensation was paid. Such special circumstances of the property either create an extraordinary hardship in the form of a substantial and unjustified limitation on the reasonable use or return on the property, or practical difficulties result from strict compliance with the minimum standards.
b. There are pre-existing obstructions that cannot be easily or economically relocated or should not be altered, such as grades, fills, water courses, natural topographic features, man-made obstructions, or utility lines.
c. The area or site has been recognized as having historical, archeological, and/or architectural significance by the City, state, or federal government, and a Variance is needed and appropriate to maintain such historical, archeological, and/or architectural significance.
d. The established neighborhood character or landscaping on the site would be damaged to a degree that outweighs the public interest in the City's normal technical standards in that location.
e. Varying from the normal requirements and standards will encourage flexibility, economy, effective use of open space, or ingenuity in design of a subdivision, in accordance with accepted principles of site planning.
2. The Waiver will not be materially contrary to the public safety, health, or welfare.
3. The Waiver does not cause significant material adverse impacts on surrounding properties.
4. The Waiver will not hinder future planning, public right-of way acquisition, or the financing or building of public infrastructure improvements.
5. The Waiver will not conflict significantly with the goals and provisions of any city, county, or AMAFCA adopted plan or policy, this IDO, or any other City code or ordinance.
6. The Waiver will not allow, encourage, or make possible undesired development in the 100-year Floodplain.
7. The Waiver will not materially undermine the intent and purpose of this IDO or the applicable zone district.
8. The Waiver does not allow a lot or type of development that does not meet the applicable size, area, and development standards applicable in the zone district where the lot is located, unless a Deviation to such standards is

within the thresholds established by Subsection 14-16-6-4(O) (Deviations) and is granted by the DRB as part of this approval.
9. The Waiver approved is the minimum necessary to avoid extraordinary hardship or practical difficulties.
10. The Waiver for Sidewalk Requirements meets the criteria in (b) below.
11. The Waiver for Front Yard Parking meets the criteria in (c) below
6-6(L)(3)(b) Waiver to Sidewalk Requirements A request for a Variance to sidewalk requirements, shall be approved if it meets all of the applicable criteria in Subsection (a) above and all of the following criteria:
a. The area is of low-intensity land use to an extent that the normal installation of sidewalks will not contribute to the public welfare, and the absence of a sidewalk will not create a gap in an existing sidewalk system extended to 1 or more sides of the subject property or area.
b. The City's right-of-way is insufficient in width to permit the construction of a sidewalk of standard dimension and placement, but there is sufficient right-of-way to meet minimum ADA or PROWAG guidance.
c. The adjoining sidewalks are non-standard as to width and/or location, and the Variance would enable the new and existing sidewalks to match in width and/or location, or could create a smooth transition between areas of different width and/or character.

Please let me know if this answers your question.

ONE ALBUQUE RQUE planning

MAGGIE GOULD
planner
o 505.924-3910
e mgould@cabq.gov
cabq.gov/planning

From: Chavez, Richard G, NMDOT [mailto:RichardG.Chavez@state.nm.us]
Sent: Friday, October 25, 2019 4:04 PM
To: Gould, Maggie S.
Subject: DBR Platt & Related Docs for next Meeting

Maggie, hopefully I have submitted everything you need for review. I do have a City Surveyor signed Mylar that I will have for the meting.I do have some questions regarding the DRBs interpretation of my project which I have stated to the board in a letter to you. I'm sure you've had to deal with other confused and discouraged applicants, so I do appreciate everyone's patience with me and my project.

Richard G. Chavez
906 15th St NW\Albuquerque, NM 87104
505-934-5979

2. Directly remand an appeal for reconsideration or further review by the lower decision-making body if a remand is necessary to clarify or supplement the record or if remand would more expeditiously dispose of the matter.

6-4(U)(2) Who May Appeal

6-4(U)(2)(a) Standing

Standing to appeal a final decision may be granted to any of the following parties.

1. The owner of the property listed in the application.
2. A representative of any City department, City agency, or other governmental or quasi-governmental agency whose services, properties, facilities, interest, or operations may be affected by the application.
3. Any party appealing the following decisions:
   a. Declaratory Ruling
   b. Adoption or Amendment of Albuquerque/Bernalillo County Comprehensive Plan
4. Any other person or organization that can demonstrate that his/her/its property rights or other legal rights have been specially and adversely affected by the decision.
   a. Such showing must be presented by the appellant as part of the appeal, and the LUHO or City Council shall enter a finding or findings as to whether this requirement has been met.
   b. If it is found that the appellant cannot satisfy this standard, the appeal shall be denied.
5. Property owners (other than the applicant) and Neighborhood Associations on the basis of proximity for decisions as specified in Table 6-4-3.
   a. Distances noted in feet in Table 6-4-3 are measured from the nearest lot line of the subject property. Where public right-of-way is greater than the specified distance, standing shall be granted to property owners adjacent to the subject property.
   b. Distances for Neighborhood Associations are based on the boundary on file with the ONC at the time the application for decision related to the subject property was accepted as complete.
   c. Where proximity is noted as "Includes or Is Adjacent," the Neighborhood Association boundary includes or is adjacent to the subject property.
   d. For application types with no distance specified, the final decision may be appealed pursuant to the Subsection indicated in Table 6-4-3.

Table 6-4-3: Standing for Appeals Based on Proximity to Subject Property

Applicable Type	Property Owners Within	Neighborhood Association Representatives Within
Adoption or Amendment of Historic Designation	330 ft.	660 ft.
Amendment to IDO Text	14-16-6-4(U)(2)(a)4	
Annexation of Land	330 ft.	660 ft.
Zoning Map Amendment – EPC	330 ft.	660 ft.
Zoning Map Amendment – Council	330 ft.	660 ft.
[1] This decision is not appealable because it is not a final decision.		

6-4(U)(2)(b) Appearance of Record Required

1. For Decisions Requiring a Public Meeting or Hearing and Policy Decisions (per Table 6-1-1), the appellant must have made an appearance of record to have standing to appeal, except in cases where an appellant is alleging improper notice.
2. An appearance of record can be made through any of the following:
   a. The initial submittal of an application for a decision listed in Table 6-1-1.
   b. The submittal of written comments that include the eventual appellant's name and contact information about the subject case submitted to the relevant decision-making body during the review process within the deadline for written comments prior to the decision.
   c. Verbal comments made by the eventual appellant or appellant's agent provided at a public meeting or hearing about the subject case during the review process before the relevant decision-making body.

6-4(U)(3) Procedure

6-4(U)(3)(a) Filing an Appeal

1. An appeal must be filed with the Planning Director within 15 consecutive days, excluding holidays listed in Part 3-1-12 of ROA 1994 (Legal Holidays), after the decision.
   a. The date that the decision was made is not included in the 15-day period for filing an appeal.
   b. The Planning Director shall not accept appeals filed after the 15-day deadline in Subsection a above has passed.
2. For Declaratory Rulings, there is no deadline for appealing the decision.
3. The appeal shall specifically state the section of this IDO, City regulation, or condition attached to a decision that has not been interpreted or applied correctly.

the EPC so long as the written argument is received by EPC staff at least 10 consecutive days prior to the hearing.

2. The EPC may accept new evidence into the record if it appears that such additional evidence is necessary for the proper disposition of the matter and could not have been placed into the record during the previous decision-making process. New evidence that clarifies evidence already in the record, that is offered to contradict evidence in the record, or that is offered on a key factual issue, may be allowed or may justify remand.
3. The EPC may impose reasonable limitations on the number of witnesses heard and on the nature and length of their testimony and cross-examination.
4. The EPC shall make findings exclusively on the record of the decision appealed, supplemented by any evidence allowed at the hearing.
5. The EPC may affirm, reverse, or otherwise modify the lower decision to bring it into compliance with the standards and criteria of this IDO, applicable City regulations, and any prior approvals related to the property.
6. If the EPC determines that the matter should be remanded, the EPC shall set forth the reason(s) for the remand and the matters to be reconsidered and may order such remand. The matter must be heard and decided by the original decision-making body prior to any further appeal of the matter.

6-4(U)(3)(d) Land Use Hearing Officer (LUHO)

1. Once an appeal has been accepted by the Planning Director, the Planning Director shall prepare and transmit a record of the appeal together with all appeal material received from the appellant to impacted parties and to the LUHO through the Clerk of the City Council. The LUHO shall schedule a hearing on the matter within 30 consecutive days of receipt and notify the parties. Appellants and parties to the appeal may submit written arguments to the LUHO through the Clerk of the City Council so long as the written argument is received by the Clerk of the City Council at least 10 consecutive days prior to the hearing.
2. The LUHO may accept new evidence into the record if it appears that such additional evidence is necessary for the proper disposition of the matter and could not have been placed into the record during the previous decision-making process. New evidence that clarifies evidence already in the record, that is offered to contradict evidence in the record, or that is offered on a key factual issue, may be allowed or may justify remand.

265.00

b. Make a final determination on the appeal and adopt findings in support of its determination based only on the record without any additional hearings.

c. If the Council determines that it cannot properly dispose of the appeal without additional hearings on the matter, schedule a full hearing on the matter no earlier than the next regular meeting at which land use matters are heard.

5. If the matter is scheduled for a hearing before the Council, the Clerk of the Council shall notify the parties to the appeal. The parties may present oral argument at the hearing pursuant to hearing procedures as established by rule of the Council. However, the City Council shall not accept new evidence and shall make its final decision based solely on the evidence in the record at the close of the LUHO's hearing and the oral arguments of the parties.

6. If the City Council holds a public hearing on the appeal, the City Council shall adopt written findings at the conclusion of that hearing or at the next scheduled meeting of the City Council; however, a Councilor who did not participate in the action taken on the appeal may not participate in the action to adopt the findings at a subsequent meeting.

6-4(U)(4) Criteria for Decision

The criteria for review of an appeal shall be whether the decision-making body or the prior appeal body made 1 of the following mistakes:

6-4(U)(4)(a) The decision-making body or the prior appeal body acted fraudulently, arbitrarily, or capriciously.

6-4(U)(4)(b) The decision being appealed is not supported by substantial evidence.

6-4(U)(4)(c) The decision-making body or the prior appeal body erred in applying the requirements of this IDO (or a plan, policy, or regulation referenced in the review and decision-making criteria for the type of decision being appealed).

6-4(V) JUDICIAL REVIEW

A decision of the City Council is final but is subject to judicial review pursuant to New Mexico law.

6-4(W) EXPIRATION OF APPROVALS

6-4(W)(1) Permits and Approvals Run With the Land

Unless specified otherwise on the permit or approval document for a specific type of development approval, permits and approvals run with the land and are not affected by changes in ownership or the form of ownership of the property.

6-4(W)(2) Period of Validity

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-

existing sidewalk system extended to 1 or more sides of the subject property or area.
b. The City's right-of-way is insufficient in width to permit the construction of a sidewalk of standard dimension and placement, but there is sufficient right-of-way to meet minimum ADA or PROWAG guidance.
c. The adjoining sidewalks are non-standard as to width and/or location, and the Variance would enable the new and existing sidewalks to match in width and/or location, or could create a smooth transition between areas of different width and/or character.

Please let me know if this answers your question.

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: Maggie Gould
Planning Department
924-3910 mgould@cabq.gov

DATE: October 29, 2019

DEVELOPMENT REVIEW BOARD

Planning Dept. - Minor Case Comments

HEARING DATE/AGENDA ITEM NO. 10

Project Number: PR-2019-002211
Application Number: SD-2019-00158, VA-2019-00288

Project Name: Chavez replat

Request: Prelim/final plat, Sidewalk waiver

COMMENTS:

Hello Mr. Chavez,
I am responding to your letter of October 25th in which you asked about the waiver criteria.
The IDO requires a perimeter sidewalk for residential development.
A waiver to the requirement for this sidewalk is a waiver to an IDO standard and must follow the IDO waiver criteria. The standard that you are using is from the Development Process Manual.
A waiver to the width of the sidewalk would be waiver to a Development Process Manual Standard and would follow the criteria that you are referencing. If you are asking for a waiver to the sidewalk width, please let us know.
The waiver criteria in 6-6(L)(3)(b) requires that the waiver will not create a gap in the existing system. Because there is existing sidewalk to the east of your property, the lack of sidewalk creates a gap.
See Citations below:
5-3(D) PEDESTRIAN CIRCULATION 5-3(D)(1) Sidewalks in Residential Development 5-3(D)(1)(a) Perimeter sidewalks shall be provided in accordance with the DPM, exclusive of the exception noted in Subsection (b) below
6-6(L)(3)(a) General Except as indicated in (d) below, an application for a Waiver – DRB shall be approved if it complies with the following criteria, as applicable:
1. Any of the following applies:
a. There are special circumstances applicable to the subject property that are not self-imposed and that do not apply generally to other property in the same zone district and vicinity, including but not limited to size, shape, topography, location, surroundings, and physical characteristics, and such special circumstances were created either by natural forces or by government eminent domain actions for which no compensation was paid. Such special circumstances of the property either create an extraordinary hardship in the form of a substantial and unjustified limitation on

the reasonable use or return on the property, or practical difficulties result from strict compliance with the minimum standards.
b. There are pre-existing obstructions that cannot be easily or economically relocated or should not be altered, such as grades, fills, water courses, natural topographic features, man-made obstructions, or utility lines.
c. The area or site has been recognized as having historical, archeological, and/or architectural significance by the City, state, or federal government, and a Variance is needed and appropriate to maintain such historical, archeological, and/or architectural significance.
d. The established neighborhood character or landscaping on the site would be damaged to a degree that outweighs the public interest in the City's normal technical standards in that location.
e. Varying from the normal requirements and standards will encourage flexibility, economy, effective use of open space, or ingenuity in design of a subdivision, in accordance with accepted principles of site planning.
2. The Waiver will not be materially contrary to the public safety, health, or welfare.
3. The Waiver does not cause significant material adverse impacts on surrounding properties.
4. The Waiver will not hinder future planning, public right-of way acquisition, or the financing or building of public infrastructure improvements.
5. The Waiver will not conflict significantly with the goals and provisions of any city, county, or AMAFCA adopted plan or policy, this IDO, or any other City code or ordinance.
6. The Waiver will not allow, encourage, or make possible undesired development in the 100-year Floodplain.
7. The Waiver will not materially undermine the intent and purpose of this IDO or the applicable zone district.
8. The Waiver does not allow a lot or type of development that does not meet the applicable size, area, and development standards applicable in the zone district where the lot is located, unless a Deviation to such standards is within the thresholds established by Subsection 14-16-6-4(O) (Deviations) and is granted by the DRB as part of this approval.
9. The Waiver approved is the minimum necessary to avoid extraordinary hardship or practical difficulties.
10. The Waiver for Sidewalk Requirements meets the criteria in (b) below.
11. The Waiver for Front Yard Parking meets the criteria in (c) below
6-6(L)(3)(b) Waiver to Sidewalk Requirements A request for a Variance to sidewalk requirements, shall be approved if it meets all of the applicable criteria in Subsection (a) above and all of the following criteria:
a. The area is of low-intensity land use to an extent that the normal installation of sidewalks will not contribute to the public welfare, and the absence of a sidewalk will not create a gap in an

REQUEST FOR APPEAL

FOR SIDEWALK VARIANCE, PROJECT # 2019-002811

906 15TH St NW

Response to SI-2019-00288 #2

Appeal based on 6-4(U) (4) (a) -&- 6-6(L) (3)(b)

I am requesting an appeal to the decision of the DRB to deny my request for a Sidewalk Variance based on 6-4(U) (4) (a) and 6-6(L)(3)(b). In my opinion, the DRB was Arbitrary in ignoring the fact that a 15 ft. sidewalk gap already exist between the neighbors to the east of my property, which constitutes an already existing Gap. The gap would make it impossible for a person in a wheel chair to traverse that distance between the neighbors existing sidewalk and the proposed sidewalk. See attached picture (Attachment A. Picture) A person using a walker would find it extremely difficult to traverse that distance, if not outright dangerous. The Gap I am talking about is an alley, with a drop off the sidewalk on one edge and slight asphalt incline on to a combination of dirt and asphalt. I specifically asked the DRB for a definition of the Term Gap and none was given. From a technical and physical perspective, a Gap already exist and is inaccessible for disabled or handicap individuals requiring a walker or wheel chair.

The initial contention of the Traffic recommendation was that there was plenty of sidewalk in the area and there was no need for a Sidewalk Waiver. After showing, Google Earth pictures of surrounding areas with no sidewalk. Refer to attachments B-1 –B-7. Many of the various sidewalk areas are within one to two blocks of my and have no sidewalks, staff had to drop that contention. This is but one example of an arbitrary decision that one department of the DRB came to that had to change due to existing evidence to the contrary.

The DRB contends that my request will create a GAP in the sidewalk system and that there is sidewalk to the east and south of my property. With regard to the south of me, DRBs statement is inaccurate as stated in first paragraph. There is no sidewalk and at the end of 15th on the east side of the street which on live on, has no sidewalk. Alsop there is no sidewalk to the west of me. At the end of 15th and Mountain Rd. there is a Driveway pad for a commercial property, but no sidealk. Refer to attachment C

DRBs contention that "Additionally, the area has high degree of pedestrian activity and the sidewalk will contribute to a safe pedestrian environment" assumes that the current situation is dangerous for pedestrians. That is a very arbitrary statement, what entity has designated my street a danger to pedestrian, how many fatal pedestrian accidents have occurred, or, and how many accidents with pedestrians have been reported? The answer to these questions is no designation of a Traffic hazard for pedestrians and no accidents identified involving pedestrian traffic.

The other issue is having a fence in the city right away and my appeal is based on meeting the requirement of Subsection 1 (a) of 6-6(L) (3)(b) and section a of 6-6(L)(3)(b). The fencing within the right away that the city is referring to was Grandfathered into place back to 1961. This is when Storm Sewers were installed along 15th Street. My folks property at the time, along with all the property owners on the east side of the street between Mountain Rd and Marble were required to pay off their portion of curb

and gutter. Refer to attachments D-1 –D-3 pictures. The reason the properties fence line were Grandfathered in, was due to the financial commitment that property owners along the east side of the street between Marble and Mountain had to commit to pay off for installation of curb and gutter. At no time am I aware that when the city decided to update their sidewalk and setback requirement that encroached on existing property lines did the city reimburse any of the property owners for the property that was lost due to the new setback requirements. In fact, there would be no continuation of sidewalk beyond my property. There no plans by neighbors to voluntarily install sidewalk or request a sub-divide that would allow city staff to ensnare property owner to comply with city requirements.

The reason I call this an arbitrary decision is that my neighbor have no incentive for them to install sidewalk on their own. The other problem this decision creates for me is that it makes street traffic more accessible to my front door, which creates easier access for my home to be burglarized, or provide easy access to porch pirates. I understand the cities need to install sidewalk throughout the city, but the current standards for a sidewalk and set back were designed for new areas or exiting areas with plenty of land to accommodate these standards. The problem with these standards is that areas like Barrelas, Martinez Town, San Jose and the Old Town areas, these standards in themselves are arbitrary and make no exception or accommodation for those areas. The problem that this creates for city staff is Common sense will not be applied because staff will use the regulations as their hammer for enforcing these types of regulations and codes. What this creates are arbitrary decision that staff has to use to justify their position. DRB staff did recommend that I could maintain the existing sidewalk with a variance to accommodate a 3 ft sidewalk, through a Revocable Permit Process, but I would be assessed an initial Assessment Fee and then be taxed on an annual basis based on square footage of the area to be enclosed. All I am asking for is to maintain the Status Que of the block and not impose an island of sidewalk that does not tie into another sidewalk on the block.

If the city were serious about installing sidewalk throughout the area, two actions that the city could take would be much more logical and fair to property owners. 1. Seek Capital Infrastructure funding from a GO Bond election specifically to address sidewalk, since the city does this for streets and other infrastructure, 2. Create a Special Assessment District in which everyone pays an established amount for installation of sidewalk in the areas that need it. You may ask why someone would pay for sidewalk to be installed that they don't need, but they will at some point in time, utilize that sidewalk in their general area. This would be more of a fair process for all property owners rather than an arbitrary process of requesting a Sidewalk Waiver to snare a property owner, drag them through the process and then, make them pay for it.

I understand that the financial burden and implications of installing sidewalk are of no concern to the city staff and DRB, but I currently pay $6,500.00 in property taxes, which constitutes one third of my mortgage payment. The cost to install new sidewalk will run in the area of $16K, based on a quote. That means with interest of 15% over ten years at $153.00 a month, my property taxes will be over half of my mortgage payment. In conclusion, in my opinion this decision was an arbitrary decision in order to accommodate the city's need for sidewalks and staffs zeal to meet policy requirements with no consideration of the reality to the existing conditions on my block. The only existing sidewalk on my block is a commercial property at the very end of the west side of the block off Mountain Rd.

A question I keep asking that no one has answered for me is why am I being required to pay for sidewalk installation, when every commercial and residential property owner along Mountain Rd from Broadway

to 20th street, received sidewalk, in some cases new sidewalk, curb and gutter and lamppost? I live one block from where this project was done. This was also done along Lomas from Broadway to 20th street, not once but twice in a 20-year period. If the city can afford to fund these projects, why is it ok to ignore other residential areas?

Chavez, Richard G, NMDOT

From: Gould, Maggie S. <MGould@cabq.gov>
Sent: Monday, October 28, 2019 4:07 PM
To: Chavez, Richard G, NMDOT
Cc: Gomez, Angela J.; Wolfley, Jolene
Subject: [EXT] RE: DBR Platt & Related Docs for next Meeting

Hello Mr. Chavez,
I am responding to your letter of October 25th in which you asked about the waiver criteria.
The IDO requires a perimeter sidewalk for residential development.
A waiver to the requirement for this sidewalk is a waiver to an IDO standard and must follow the IDO waiver criteria. The standard that you are using is from the Development Process Manual.
A waiver to the width of the sidewalk would be waiver to a Development Process Manual Standard and would follow the criteria that you are referencing. If you are asking for a waiver to the sidewalk width, please let us know.
The waiver criteria in 6-6(L)(3)(b) requires that the waiver will not create a gap in the existing system. Because there is existing sidewalk to the east of your property, the lack of sidewalk creates a gap.
See Citations below:
5-3(D) PEDESTRIAN CIRCULATION 5-3(D)(1) Sidewalks in Residential Development 5-3(D)(1)(a) Perimeter sidewalks shall be provided in accordance with the DPM, exclusive of the exception noted in Subsection (b) below
6-6(L)(3)(a) General Except as indicated in (d) below, an application for a Waiver – DRB shall be approved if it complies with the following criteria, as applicable:
1. Any of the following applies:
a. There are special circumstances applicable to the subject property that are not self-imposed and that do not apply generally to other property in the same zone district and vicinity, including but not limited to size, shape, topography, location, surroundings, and physical characteristics, and such special circumstances were created either by natural forces or by government eminent domain actions for which no compensation was paid. Such special circumstances of the property either create an extraordinary hardship in the form of a substantial and unjustified limitation on the reasonable use or return on the property, or practical difficulties result from strict compliance with the minimum standards.
b. There are pre-existing obstructions that cannot be easily or economically relocated or should not be altered, such as grades, fills, water courses, natural topographic features, man-made obstructions, or utility lines.
c. The area or site has been recognized as having historical, archeological, and/or architectural significance by the City, state, or federal government, and a Variance is needed and appropriate to maintain such historical, archeological, and/or architectural significance.
d. The established neighborhood character or landscaping on the site would be damaged to a degree that outweighs the public interest in the City's normal technical standards in that location.
e. Varying from the normal requirements and standards will encourage flexibility, economy, effective use of open space, or ingenuity in design of a subdivision, in accordance with accepted principles of site planning.
2. The Waiver will not be materially contrary to the public safety, health, or welfare.
3. The Waiver does not cause significant material adverse impacts on surrounding properties.
4. The Waiver will not hinder future planning, public right-of way acquisition, or the financing or building of public infrastructure improvements.
5. The Waiver will not conflict significantly with the goals and provisions of any city, county, or AMAFCA adopted plan or policy, this IDO, or any other City code or ordinance.
6. The Waiver will not allow, encourage, or make possible undesired development in the 100-year Floodplain.
7. The Waiver will not materially undermine the intent and purpose of this IDO or the applicable zone district.
8. The Waiver does not allow a lot or type of development that does not meet the applicable size, area, and development standards applicable in the zone district where the lot is located, unless a Deviation to such standards is

within the thresholds established by Subsection 14-16-6-4(O) (Deviations) and is granted by the DRB as part of this approval.
9. The Waiver approved is the minimum necessary to avoid extraordinary hardship or practical difficulties.
10. The Waiver for Sidewalk Requirements meets the criteria in (b) below.
11. The Waiver for Front Yard Parking meets the criteria in (c) below
6-6(L)(3)(b) Waiver to Sidewalk Requirements A request for a Variance to sidewalk requirements, shall be approved if it meets all of the applicable criteria in Subsection (a) above and all of the following criteria:
a. The area is of low-intensity land use to an extent that the normal installation of sidewalks will not contribute to the public welfare, and the absence of a sidewalk will not create a gap in an existing sidewalk system extended to 1 or more sides of the subject property or area.
b. The City's right-of-way is insufficient in width to permit the construction of a sidewalk of standard dimension and placement, but there is sufficient right-of-way to meet minimum ADA or PROWAG guidance.
c. The adjoining sidewalks are non-standard as to width and/or location, and the Variance would enable the new and existing sidewalks to match in width and/or location, or could create a smooth transition between areas of different width and/or character.

Please let me know if this answers your question.

ONE ALBUQUE ROQUE planning

MAGGIE GOULD
planner
o 505.924-3910
e mgould@cabq.gov
cabq.gov/planning

From: Chavez, Richard G, NMDOT [mailto:RichardG.Chavez@state.nm.us]
Sent: Friday, October 25, 2019 4:04 PM
To: Gould, Maggie S.
Subject: DBR Platt & Related Docs for next Meeting

Maggie, hopefully I have submitted everything you need for review. I do have a City Surveyor signed Mylar that I will have for the meting.I do have some questions regarding the DRBs interpretation of my project which I have stated to the board in a letter to you. I'm sure you've had to deal with other confused and discouraged applicants, so I do appreciate everyone's patience with me and my project.

Richard G. Chavez
906 15th St NW\Albuquerque, NM 87104
505-934-5979

City of Albuquerque

DEVELOPMENT REVIEW BOARD APPLICATION

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

SUBDIVISIONS	☐ Final Sign off of EPC Site Plan(s) *(Form P2)*	☐ Variance for Carport within setback(s) *(Form V)*
☐ Major – Preliminary Plat *(Form P1)*	☐ Amendment to Site Plan *(Form P2)*	☐ Vacation of Public Right-of-way *(Form V)*
☒ Minor – Preliminary/Final Plat *(Form S2)*	**MISCELLANEOUS APPLICATIONS**	☐ Vacation of Public Easement(s) DRB *(Form V)*
☐ Major - Final Plat *(Form S1)*	☐ Extension of Infrastructure List *(Form S1)*	☐ Vacation of Private Easement(s) *(Form V)*
☐ Amendment to Preliminary Plat *(Form S2)*	☐ Amendment to Infrastructure List *(Form P1)*	**PRE-APPLICATIONS**
☐ Extension of Preliminary Plat *(FormS1)*	☐ Variance – Temporary Deferral of S/W *(Form P2)*	☒ Sketch Plat Review and Comment *(Form P2)*
	☒ Variance – Sidewalk Waiver *(Form V)*	
SITE PLANS	☐ Variance to IDO *(Form V)*	**APPEAL**
☒ DRB Site Plan *(Form P2)*	☐ Variance to DPM *(Form V)*	☐ Decision of DRB *(Form A)*

BRIEF DESCRIPTION OF REQUEST

APPLICATION INFORMATION			
Applicant: Richard G. Chavez			Phone: 505-934-5979
Address: 906 15th N.W.			Email: reeagle25sky@gmail.com
City: Albuquerque		State: NM	Zip: 87104
Professional/Agent (if any):			Phone:
Address:			Email:
City:		State:	Zip:
Proprietary Interest in Site:		List all owners:	
SITE INFORMATION (Accuracy of the existing legal description is crucial! Attach a separate sheet if necessary.)			
Lot or Tract No.: Lots 7A-10-A		Block: 44	Unit:
Subdivision/Addition: PEREA		MRGCD Map No.:	UPC Code: [redacted]
Zone Atlas Page(s): J 13	Existing Zoning: R 1-A		Proposed Zoning:
# of Existing Lots: 4	# of Proposed Lots: 2		Total Area of Site (acres): .32
LOCATION OF PROPERTY BY STREETS			
Site Address/Street: 15th & Granite	Between:		and:
CASE HISTORY (List any current or prior project and case number(s) that may be relevant to your request.)			

Signature: Richard G. Chavez	Date: 7-16-19
Printed Name: RICHARD G. CHAVEZ	☒ Applicant or ☐ Agent

FOR OFFICIAL USE ONLY

Case Numbers	Action	Fees	Case Numbers	Action	Fees
SD-2019-00158	P&F	$500.00			
VA-2019-00288	Waiver-IDO	$325.00			

Meeting/Hearing Date: September 11, 2019		Fee Total:	$825.00
Staff Signature:	Date: 8-30-19	Project #	PR-2019-002811

FORM S2: SUBDIVISION OF LAND – MINOR ACTIONS

Please refer to the DRB minor case schedule for meeting dates and deadlines unless noted differently below. Bring original Mylar of plat with property owner's and City Surveyor's signatures on it to the meeting. Your attendance is required.

A **Variance – DRB for the Bulk Transfer of Land** requires application on Form V in addition to this FORM S2.

>> INFORMATION REQUIRED FOR ALL MINOR SUBDIVISION APPLICATIONS

__ 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 S2 at the front followed by the remaining documents *in the order provided on this form.*
X Zone Atlas map with the entire site clearly outlined and labeled

☐ **SKETCH PLAT REVIEW AND COMMENT**
__ Letter describing, explaining, and justifying the request
__ Scale drawing of the proposed subdivision plat (7 copies, folded)
__ Site sketch with measurements showing structures, parking, building setbacks, adjacent rights-of-way and street improvements, if there is any existing land use (7 copies, folded)

☐ **MAJOR SUBDIVISION FINAL PLAT APPROVAL (requires published notice, heard on the DRB Major Case Schedule)**
__ Letter describing, explaining, and justifying the request
__ Copy of recorded IIA
__ Proposed Final Plat (7 copies, 24" x 36" folded)
__ Design elevations & cross sections of perimeter walls (3 copies)
__ Landfill disclosure and EHD signature line on the Mylar if property is within a landfill buffer
__ DXF file and hard copy of final plat data for AGIS submitted and approved

X ☐ **MINOR SUBDIVISION PRELIMINARY/FINAL PLAT APPROVAL**
X Letter describing, explaining, and justifying the request per the criteria in IDO Section 14-16-6-6(I)
NA Sites 5 acres or greater: Archaeological Certificate in accordance with IDO Section 14-16-6-5(A)
X Form DRWS Drainage Report, Grading and Drainage Plan, and Water & Sewer Availability Statement submittal information
✓ Required notice with content per IDO Section 14-16-6-4(K)(6)
→ __ Office of Neighborhood Coordination Public Notice Inquiry response
✓ Proof of emailed notice to applicable Neighborhood Association representatives
→ ✓ Proposed Preliminary / Final Plat with property owner's and City Surveyor's signatures on the plat prior to submittal (7 copies, folded)
→ ✓ Sidewalk Exhibit and/or cross sections of proposed streets (3 copies, 11" by 17" maximum)
__ 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 (7 copies, folded)
__ Landfill disclosure statement per IDO Section 14-16-5-2(G) if site is within a designated landfill buffer zone
__ Proposed Infrastructure List, if applicable
__ DXF file and hard copy of final plat data for AGIS submitted and approved

☐ **MINOR AMENDMENT TO PRELIMINARY PLAT OR INFRASTRUCTURE LIST**
__ Letter describing, explaining, and justifying the request per the criteria in IDO Section 14-16-6-4(X)(2)
__ Original Preliminary Plat, Infrastructure List, and/or Grading Plan (7 copies, folded)
__ Proposed Amended Preliminary Plat, Infrastructure List, and/or Grading Plan (7 copies, folded)

Note: Any application that does not qualify as a Minor Amendment in IDO Section 14-16-6-4(X) must be processed as a Major Amendment. See Form S1.

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: Richard Chavez	Date: 7-16-19
Printed Name: Richard E. Chavez	☐ Applicant or ☐ Agent

FOR OFFICIAL USE ONLY

Case Numbers:	Project Number
SD-2019-00158	PR-2019-002811
Staff Signature:	
Date: 8-30-19	

FORM V2: Waiver– DRB

Please refer to the DRB case schedules for meeting dates and deadlines. Your attendance is required.

>> INFORMATION REQUIRED FOR ALL VARIANCE/WAIVER AND VACATION APPLICATIONS

__ Interpreter Needed for Meeting? ____ 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 V at the front followed by the remaining documents *in the order provided on this form.*

__ Zone Atlas map with the entire site clearly outlined and labeled

__ Letter of authorization from the property owner if application is submitted by an agent

☐ **WAIVER – IDO**

✓ Letter describing, explaining, and justifying the request per the criteria in IDO Section 14-16-6-6(L)(3), compliance with the DPM, and all improvements to be waived, as applicable. *Note: If the request is based on a bulk land transfer, an application for Subdivision of Land – Minor shall be filed concurrently with the variance request and notice shall be provided on that plat regarding the applicant's agreement that building permits shall not be issued before further action by the DRB.*

__ Scale drawing showing the location of the proposed variance or waiver, as applicable (7 copies, not to exceed 8.5" by 14")

✓ Proof of Neighborhood Meeting per IDO Section 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

__ If a meeting was requested/held, copy of sign-in sheet and meeting notes

__ Required notices with content per IDO Section 14-16-6-4(K)(6)

__ Office of Neighborhood Coordination Public Notice Inquiry response

__ Proof of emailed notice to affected Neighborhood Association representatives

☐ **WAIVER – DPM *(MUST BE HEARD WITH SUBDIVISION/SITE PLAN ACTION)***

__ Justification letter describing, explaining, and justifying the request per the criteria in DPM – Chapter 2

__ Drawing showing the easement or right-of-way to be vacated (7 copies, not to exceed 8.5" by 11")

__ Required notices with content per IDO Section 14-16-6-4(K)(6)

__ Office of Neighborhood Coordination notice inquiry response, notifying letter, and proof of first class mailing

__ Proof of emailed notice to affected Neighborhood Association representatives

__ Buffer map and list of property owners within 100 feet (excluding public rights-of-way), notifying letter, and proof of first class mailing* ***this step is not required if variance is to be heard with minor subdivision plat***

__ Sign Posting Agreement - ***this step is not required if variance is to be heard with minor subdivision plat***

☐ **TEMPORARY DEFERRAL OF SIDEWALK CONSTRUCTION**

☐ **EXTENSION OF THE IIA FOR TEMPORARY DEFERRAL OF SIDEWALK CONSTRUCTION**

__ Letter describing, explaining, and justifying the deferral or extension

__ Drawing showing the sidewalks subject to the proposed deferral or extension (7 copies, not to exceed 8.5" by 14")

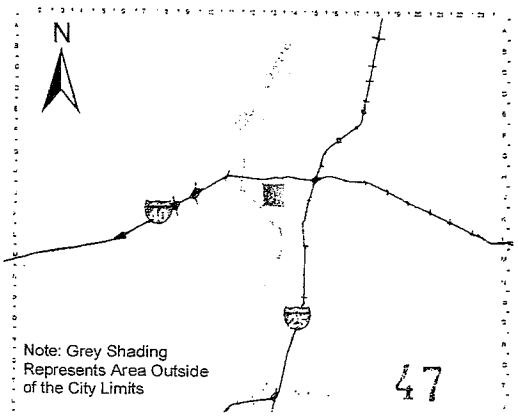
I, the applicant or agent, acknowledge that if any required information is not submitted with this application, the application will not be scheduled for a public meeting, if required, or otherwise processed until it is complete.	
Signature: Rachel Chaver	Date: 7.19.19
Printed Name: Richard A. Chaver	☐ Applicant or ☐ Agent
FOR OFFICIAL USE ONLY	
Case Numbers: VA-2019-00288	Project Number: PR-2019-002811
Staff Signature:	
Date: 8-30-19	

Revised 2/8/19

For more current information and details visit: http://www.cabq.gov/gis

Albuquerque Geographic Information System

Map amended through: 9/2/2014



Zone Atlas Page:

J-13-Z

Selected Symbols

- SECTOR PLANS
- Design Overlay Zones
- City Historic Zones
- H-1 Buffer Zone
- Petroglyph Mon.
- Escarpment
- 2 Mile Airport Zone
- Airport Noise Contours
- Wall Overlay Zone

0 750 1,500 Feet

FORM DRWS: DRAINAGE REPORT/GRADING AND DRAINAGE PLAN / WATER & SANITARY SEWER AVAILABILITY

THIS FORM IS REQUIRED WITH THE DEVELOPMENT REVIEW BOARD APPLICATION FOR SUBDIVISIONS AND SITE PLANS.

PROJECT NAME: 9046 15th NW & 7104 Realignment of Property Lines

AGIS MAP # J13

LEGAL DESCRIPTIONS: PEREA Sub-division Sec. 18 Township T.10. N Range R. 3 E. Grant- Town of Alb. N.M.P.M.

N/A **DRAINAGE REPORT/GRADING AND DRAINAGE PLAN**

A drainage report/grading and drainage plan, as per the Drainage Ordinance, was submitted to the City of Albuquerque Planning Department, Hydrology Division (2nd /Ground Floor, Plaza del Sol) on _____ (date).

Richard Gary — Applicant/Agent — 8-30-19 — Date

Tatum Elliott — Hydrology Division Representative — 7-30-19 — Date

NOTE: A GRADING AND DRAINAGE PLAN MUST BE APPROVED PRIOR TO DRB APPROVAL

___ **WATER AND SEWER AVAILABILITY STATEMENT**

A Water and Sewer Availability Statement for this project was requested to the ABCWUA (2nd/Ground floor, Plaza del Sol) on N/A (date).

Richard Gary — Applicant/Agent — 8-30-19 — Date

[signature] — ABCWUA Representative — 7/30/19 — Date

PROJECT # _____

Revised 5/18

REQUEST FOR LOT LINE REALIGNMENT AND SIDEWALK WAIVER FOR 906 15TH NW

I reside in the oldest sub-division in the city. The Perea Sub-division was established prior to 1900. I am requesting a Lot Line Realignment and a Waiver for sidewalk. The property in question was purchased in 1947 by my parents. This property is where I was raised and where I plan to retire. The property consists of two single dwelling residences, consisting of four lots for a total of 100' by 142' sq. ft. on the NE corner of the intersection of 15th and Granite NW. The second residence has a separate entrance on Granite. My current property taxes are $6,500.00 and consist approximately one third of my monthly mortgage payment of $1,697.00

The request for a Waiver is to allow the continuation of the Status Quo based on the following:

- The financial burden that will be required to cover the cost of sidewalk installation, not to mention the cost of submitting an application with no guarantee of approval.
- Over the years, the City has chosen to install sidewalks and lamppost at no cost to commercial or residential property owners along Mountain Road from Broadway. The City installed lamppost lighting, curb, gutter on properties with no existing curb, and gutter.
- From 15th & Granite to 15th & Mountain Rd, has no sidewalk until the end of the block where an attorney's office has approximately 30' to 50' of sidewalk as 15th merges with Mountain Rd.
- My neighbors, who have no sidewalk and do not intend to subdivide their properties and have no plans to install sidewalk along my street.
- The adjourning property east of the alley has a sidewalk that is non-conventional with 36" sidewalk and no easement.
- Sidewalks will not enhance the safety of my street as I have kept the sidewalk area frée of debris, clutter and weeds for as long as I lived there.
- The area is a low-intensity land use to an extent that the normal installation of sidewalk will not contribute to the public welfare and the absence of a sidewalk will not create a gap in an existing sidewalk system extended to 1 or more sides of the subject property or area
- What sidewalks that do exist are non-standard as to width and easements and /or location. The Variance would maintain the status quo of the neighborhood. Of the four corners on my intersection, only one corner has a sidewalk and that does not meet current standards.
- Portion of existing fence on 15th approximately 50' was grandfathered in when storm sewers and curbing were
- The only consistency/standard about the sidewalks in my area or lack of, there is no standard. Throughout my neighborhood, you have whole blocks without sidewalk

PARCEL ID: **101305837530810901**

LOCATION and LEGAL DESCRIPTION:

906 15TH ST NW
ALBUQUERQUE NM 87104
* 007 044PEREA ADDN L7 , 8, 9 & 10

2018 Property Tax Summary

NANCY M. BEARCE TREASURER BERNALILLO COUNTY

ONE CIVIC PLAZA NW, BASEMENT
ALBUQUERQUE, NM
(505) 468-7031
http://www.bernco.gov/treasurer/
e-mail: treas@bernco.gov

Today's Date JUL-05-19 03:53 PM

CHAVEZ RICHARD GERARD
906 15TH ST NW
ALBUQUERQUE NM 87104

MTG COMPANY
FIFTH THIRD BANK
MTG COMPANY #
4457

Assessor's Valuation

Tax Year	2018
Assessed	421142
Taxable	140367

EXEMPTIONS:

HOH	2000
VET	0
OTHER	0
Net Taxable	138367

Dist	A1AM	Rate	47.667
Class	RES	OvrClass	

Owner Type

Tax and Payment Summary

Year	Tax	Int	Pen	Fees	Paid	Due
1st half due	3,297.77	0.00	0.00	0.00	-3,297.77	0.00
2nd half due	3,297.77	0.00	0.00	0.00	-3,297.77	0.00
Total Due	6,595.54	0.00	0.00	0.00	-6,595.54	0.00

Sum of pending ONLINE payments not included above:	0.00
PreTax amount:	0.00
Total Due:	0.00

Tax bills are mailed November 1 of every year as required by state law. Taxes are due in two equal installments. The first half payment is due November 10 and must be paid by December 10 to avoid delinquency charges. Second half payments are due by April 10 of the following calendar year and must be made by May 10 to avoid delinquency charges.

PAYMENT COUPON

PLEASE MAKE YOUR CHECK PAYABLE TO THE BERNALILLO COUNTY TREASURER AND MAIL TO :

BERNALILLO COUNTY TREASURER
NANCY M. BEARCE
PO BOX 627
ALBUQUERQUE, NM 87103-0627

PRINT THIS PARCEL NO. ON YOUR CHECK — 101305837530810901

CHAVEZ RICHARD GERARD

1st half due	.00	
2nd half due	.00	
Total Due	.00	

AMOUNT ENCLOSED $_____

18 5101305837530810901 00 00000000000 00000000000 00000000000

Quevedo, Vicente M.

From: Quevedo, Vicente M.
Sent: Monday, July 08, 2019 2:51 PM
To: 'rceagle2sky@gmail.com'
Subject: Public Notice Inquiry_906 15th ST NW_DRB
Attachments: Public Notice Inquiry_906 15th ST NW_DRB.xlsx

Richard,

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

Association Name	First Name	Last Name	Email	Address Line 1	City	State	Zip	Mobile Phone
Downtown Neighborhoods Association	Jim	Clark	treasurer@abqdna.com	516 11th Street NW	Albuquerque	NM	87102	5052421866
Downtown Neighborhoods Association	Daniel	Gutierrez	zoning@abqdna.com	902 6th Street NW	Albuquerque	NM	87102	5054498658

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

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

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

Respectfully,

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

Website: www.cabq.gov/neighborhoods

Chavez, Richard G, NMDOT

From: Richard Chavez <rceagle2sky@gmail.com>
Sent: Tuesday, July 30, 2019 12:01 PM
To: Chavez, Richard G, NMDOT
Subject: [EXT] Fwd: Lot line Realignment & Request for Sidewalk Waiver @906 15th St NW 87104

---------- Forwarded message ---------
From: **Richard Chavez** <rceagle2sky@gmail.com>
Date: Tue, Jul 30, 2019 at 10:59 AM
Subject: Lot line Realignment & Request for Sidewalk Waiver @906 15th St NW 87104
To: <treasurer@abqdna.com>

It is my understanding that I have to request a meeting to discuss my request if you so desire. The Status Quo meaning to leave as is since my neighbors do not have any sidewalk or if they do, they do not have conforming traditional sidewalks. I can be contacted at 505-934-5979

Thank you

Chavez, Richard G, NMDOT

From: Richard Chavez <rceagle2sky@gmail.com>
Sent: Tuesday, July 30, 2019 12:02 PM
To: Chavez, Richard G, NMDOT
Subject: [EXT] Fwd: Lot Line Realignment and Request for Waiver for Sidewalk to rermain Status Quo @906 15th St. NW

---------- Forwarded message ---------
From: **Richard Chavez** <rceagle2sky@gmail.com>
Date: Tue, Jul 30, 2019 at 10:52 AM
Subject: Lot Line Realignment and Request for Waiver for Sidewalk to rermain Status Quo @906 15th St. NW
To: <zoning@abqdna.com>

It's my understanding I have to request a meeting if you so desire to discuss my lot realignment and waiver for Sidewalk as I'd like to maintain the Status Quo. Status Quo meaning to leave as is since no one around me has sidewalk. I can be contacted at 505-934-5979

July 12, 2019

Daniel Gutierrez, Downton Neighborhood Association

902 6th St NW

Albuquerque, New Mexico 87102

RE: Lot Line Realignment & Sidewalk Waiver at 906 15th St NW

Dear Mr. Gutierrez

I am writing this letter to notify the Downtown Neighborhood Association of my intent to submit to the DRB, the realignment of my property lines to accommodate the separation of two single-family dwellings. I'm also asking a for a Waiver of Sidewalks so as to remain in the current Status Quo. There is one corner at 15th & Granite with a nontraditional sidewalk (meaning not to current standards) and 3 corners with no sidewalks and the 1 adjoining neighbor that has a non-traditional sidewalk. There is no sidewalk from Granite to Mountain Rd. on both sides of the street until the very end where an attorney's office is located.

My folks purchased this property in 1947 and I built the second dwelling in 2004. After the passing of my mother in October of 2013. I'd like to separate the properties so I can move back into my folks house. Let me know if you should have any questions.

Sincerely,

Richard G. Chavez

906 15th St NW

Albuquerque, New Mexico 87104

505-934-5979

July 12, 2019

Jim Clark, Treasurer, Downton Neighborhood Association

516 11th St NW

Albuquerque, New Mexico 87102

RE: Lot Line Realignment & Sidewalk Waiver at 906 15th St NW

Dear Mr. Clark

I am writing this letter to notify the Downtown Neighborhood Association of my intent to submit to the DRB, the realignment of my property lines to accommodate the separation of two single-family dwellings. I'm also asking a for a Waiver of Sidewalks so as to remain in the current Status Quo. There is one corner at 15th & Granite with a nontraditional sidewalk (meaning not to current standards) and three corners with no sidewalks and the one adjoining neighbor that has a non-traditional sidewalk. There is no sidewalk from Granite to Mountain Rd. on both sides of the street until the very end where an attorney's office is located.

My folks purchased this property in 1947 and I built the second dwelling in 2004. After the passing of my mother in October of 2013, I'd like to separate the properties so I can move back into my folks house. Let me know if you should have any questions.

Sincerely,

Richard G. Chavez

906 15th St NW

Albuquerque, New Mexico 87104

505-934-5979

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Jim Clark
516 11th St. NW
Alb, NM 87102

9590 9402 4995 9063 8569 87

2. Article Number

7018 0680 0000 1391 3074

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X James B Clark

☐ Agent
☐ Addressee

B. Received by (Printed Name) James B Clark

C. Date of Delivery 13 July 19

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☑ No

JUL 15 2019

3. Service Type

☐ Adult Signature
☐ Adult Signature Restricted Delivery
☐ Certified Mail®
☐ Certified Mail Restricted Delivery
☐ [illegible] Delivery
☐ [illegible] Delivery Restricted Delivery
☐ Insured Mail
☐ Insured Mail Restricted Delivery (over $500)
☐ Priority Mail Express®
☐ Registered Mail™
☐ Registered Mail Restricted Delivery
☐ Return Receipt for Merchandise
☐ Signature Confirmation™
☐ Signature Confirmation Restricted Delivery

PS Form 3811, July 2015 PSN 7530-02-000-9053 Domestic Return Receipt

56

Photos ARE Examples

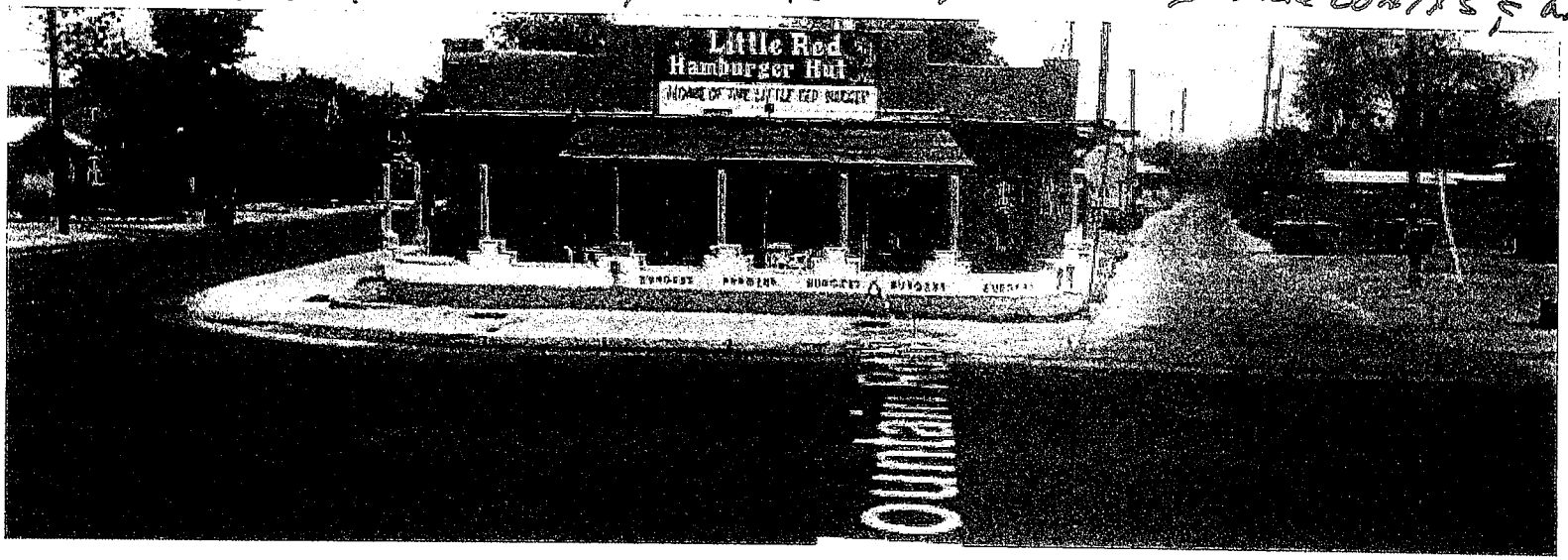
of surrounding Properties w/no

Sidewalk & Sidewalk City Installed

& paid For.

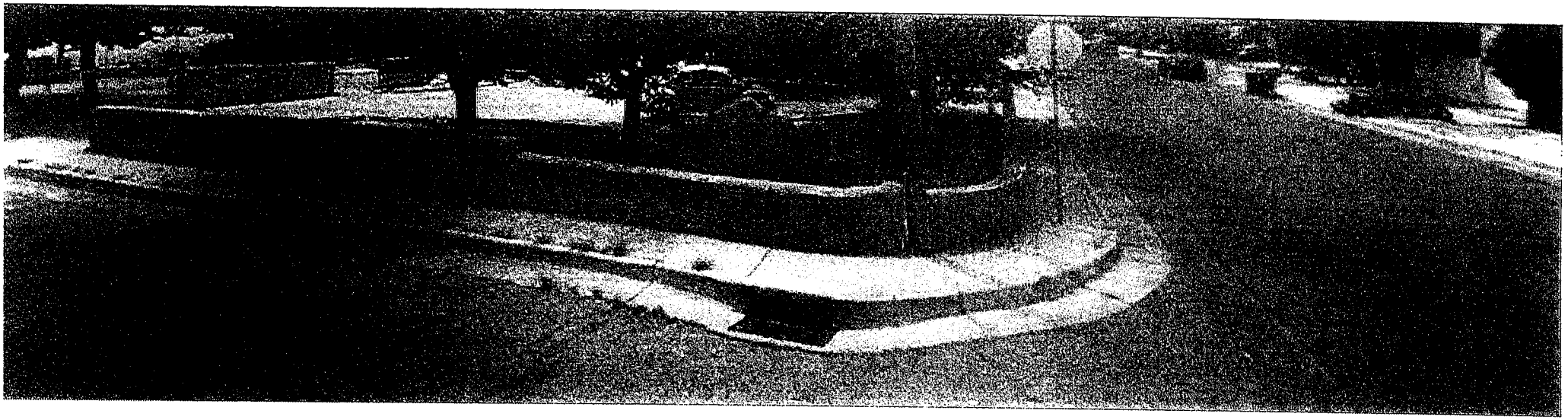
End of 15th & Mountain Rd.

Sidewalk did not exist prior to city installing sidewalks & lamps.



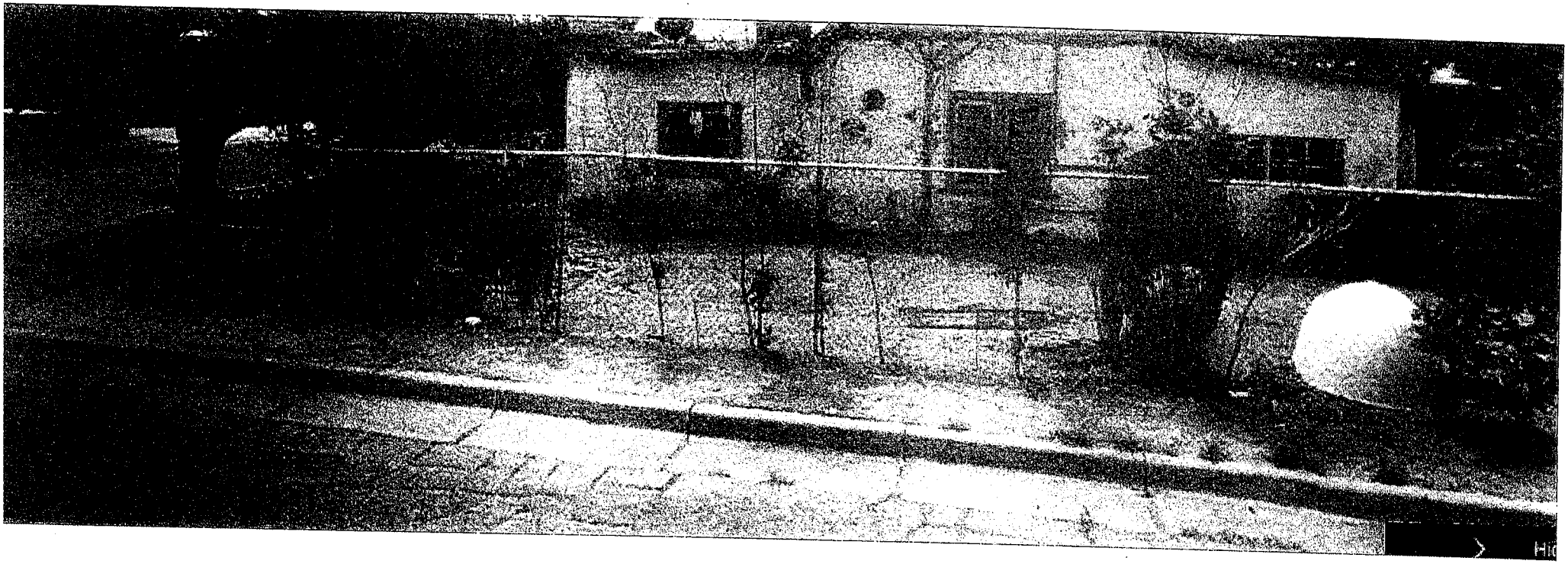
CORNER of 15th & Granite, looking WEST to old Town

S.E. CORNER of 15th & Granite



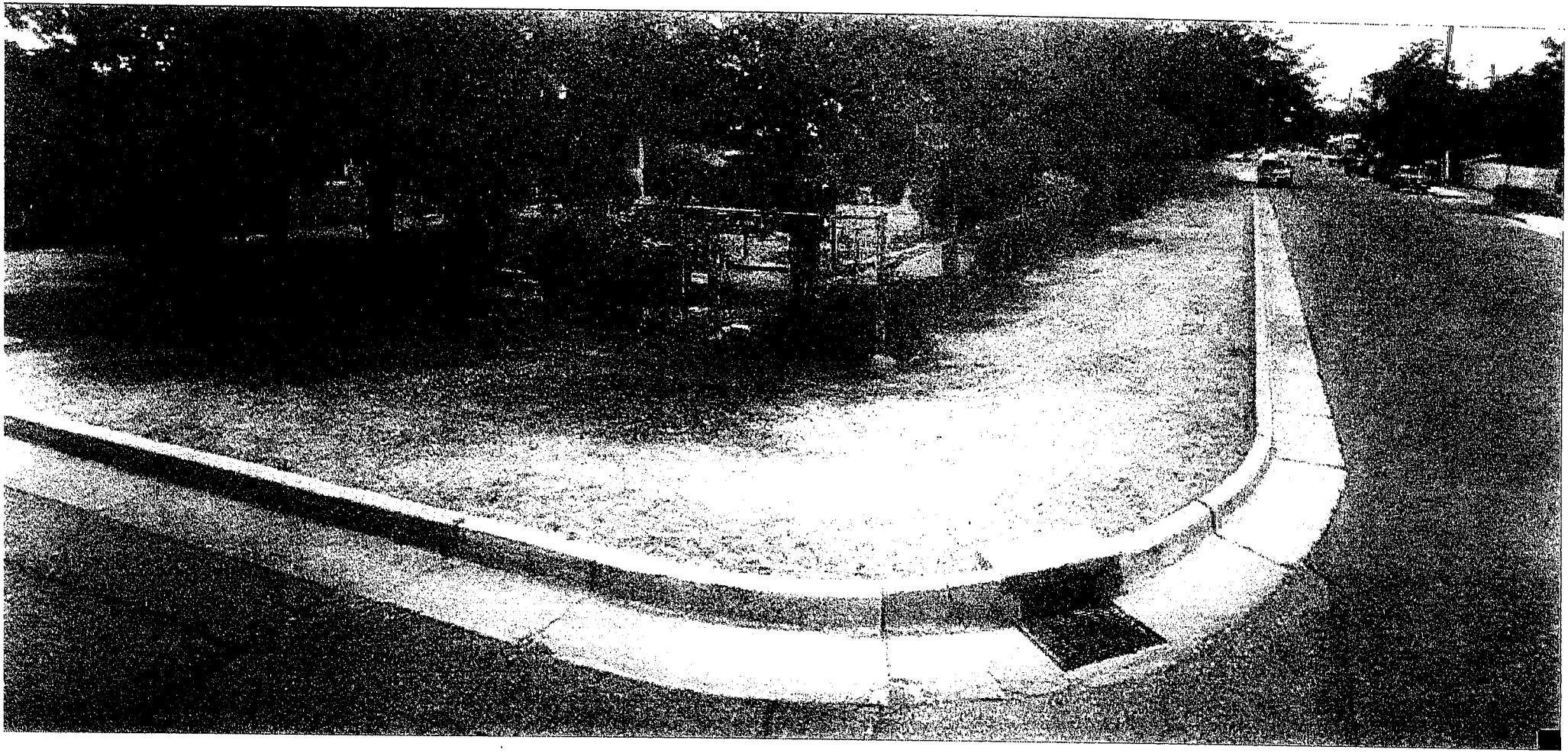
Looking North to Mountain Rd on 15th From Granite

SW CORNER 15th & GRANITE

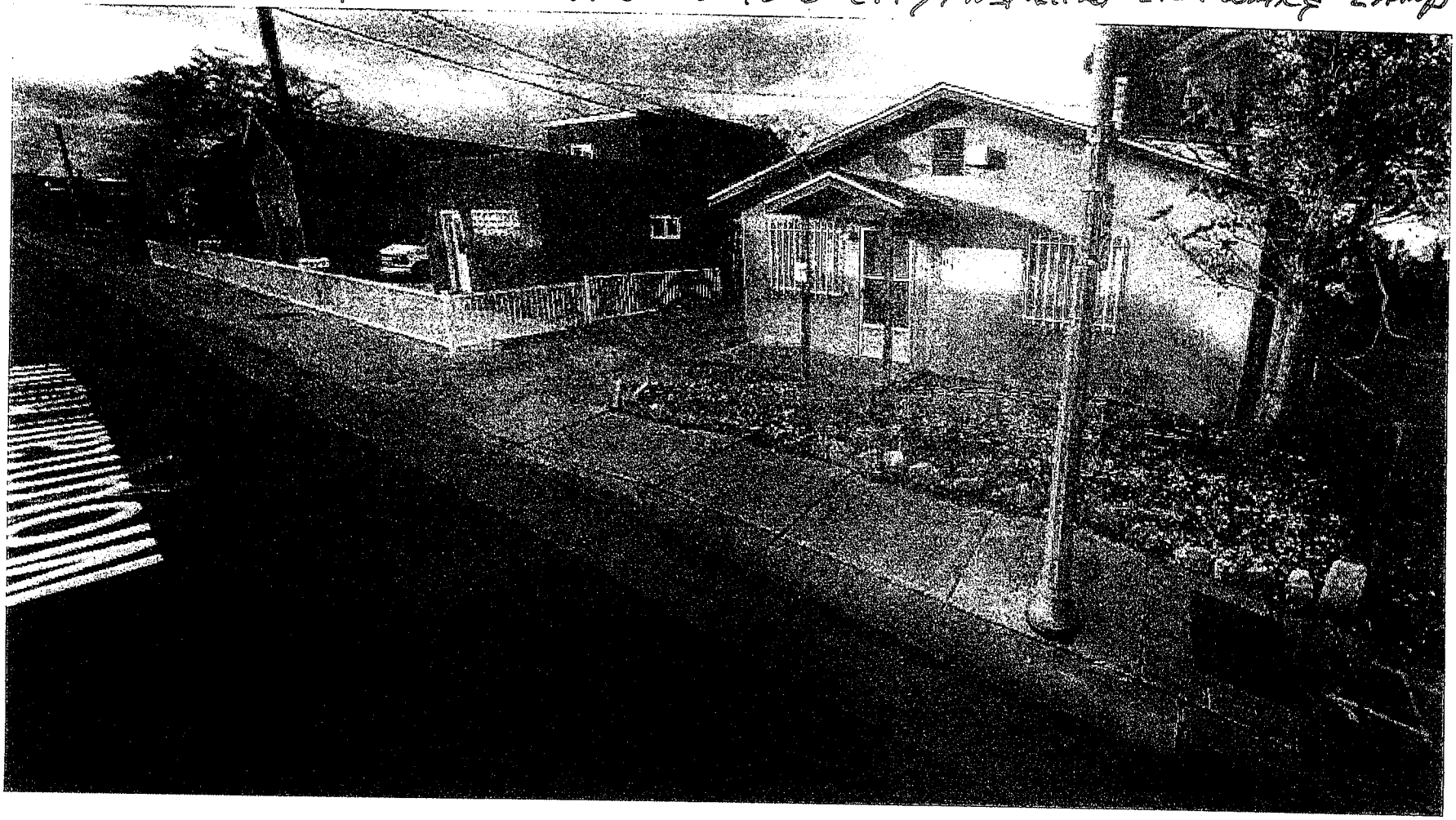


Neighbor, directly EAST of owners property.
NON-CONVENTIONAL Sidewalk.

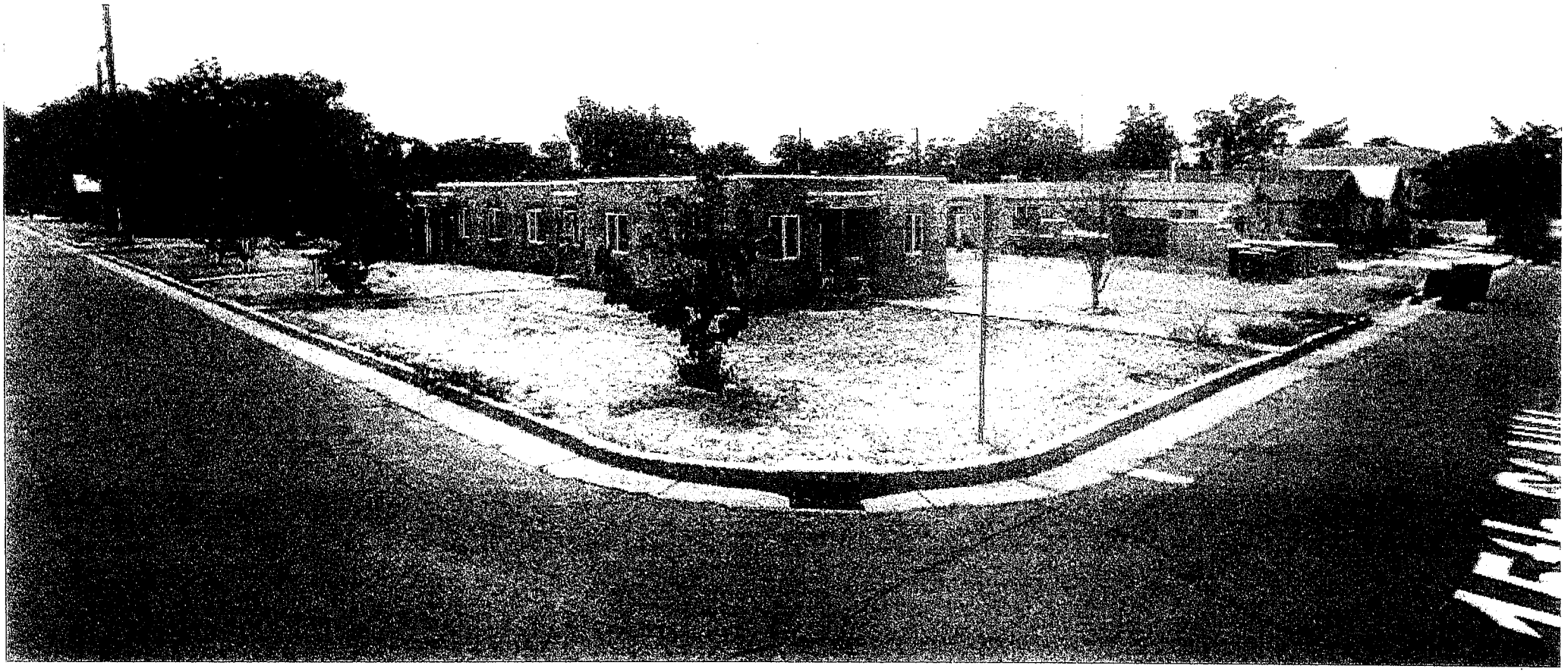
N.E. Corner 15th & Granite



BETWEEN 10th & Forester on Mountain Rd.
Sidewalk did not exist before City installed sidewalk Lamp



J. E. CORNER 15th & MARBLE
1 BLOCK AWAY



14th & Mountain Rd. Commercial Property
City installed Sidewalks, as part of Sidewalk / Curb project.

DRB TRACKING SHEET

DRB Project Number: PR-2019-002811

Hearing Date: September 11th-2019

Vanessa ○

Date: _____ **Notes:** _____

Annette ○

Date: _____ **Notes:** _____

Angela ⊗

Date: Sept. 3rd **Notes:** _____

Description: P&F; Waiver

Application #s: SD-2019-00158; VA-2019-00288

Maggie ○

Date: 9-5 **Notes:** missing E-mail to NAS - Emailed

Kym ○

Date: _____ **Notes:** _____

DEVELOPMENT REVIEW BOARD

SUPPLEMENTAL SUBMITTAL

(Deadline is Friday at noon unless noted on 2019 agenda – late submittals will not be accepted unless approved by the DRB)

PROJECT NO. PR-2019-002811

Application No. _____

TO:

___ Planning Department/Chair

___ Hydrology

___ Transportation Development

___ Albuquerque/ Bernalillo Co. WUA

___ Code Enforcement

___ Parks & Rec

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

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

DRB SCHEDULED HEARING DATE: _____ HEARING DATE OF DEFERRAL: 10-30-19

SUBMITTAL DESCRIPTION: _____

RECEIVED
OCT 29 2019
LAND DEVELOPMENT SECTION
LAND DEVELOPMENT SECTION

CONTACT NAME: Richard S. Chavez

TELEPHONE: 934-5979 EMAIL: _____

October 25, 2019

Maggie Gould, Planner

City of Albuquerque, Planning Department

Development Review Board

Dear Maggie:

Could you provide me with the specific language in the Sidewalk Waiver Ordinance that stipulates as to why my project does not meet any of the Chapter 12 Sidewalk Variance criteria? If you could explain why I do not meet criteria # 3, criteria # 4, criteria # 6 and criteria #8, I would appreciate that. The explanation that I was given at the last DRB Board meeting was rather confusing. Based on the conversation with staff, I was left with the impression that the city does not provide waivers for not putting in sidewalk. The only waiver Chapter 12 of the Sidewalk Variance that was applicable to my project was to request a waiver of the dimensions of the sidewalk for property owners wishing to install sidewalk, which is not my intention.

What is confusing is that you have an Ordinance Intro chapter that spells out the process and criteria for waivers for requiring Sidewalk construction and you assess a fee of $325.00 to apply for a waiver as part of that process. From what I have read the only reference to the Development Process Manual has to do with a request to the dimension of the sidewalk to be installed. What I got out of our conversation is that the city does not provide a Variance for not putting in Sidewalks and that the criteria in Chapter 12 does not apply to my project. If I have miscommunicated my understanding of what is being communicated to me, please enlighten me so that I can clearly see the direct connection between the Chapter 12 criteria and the wording in the ordinance that disqualifies my project from Chapter 12 criteria.

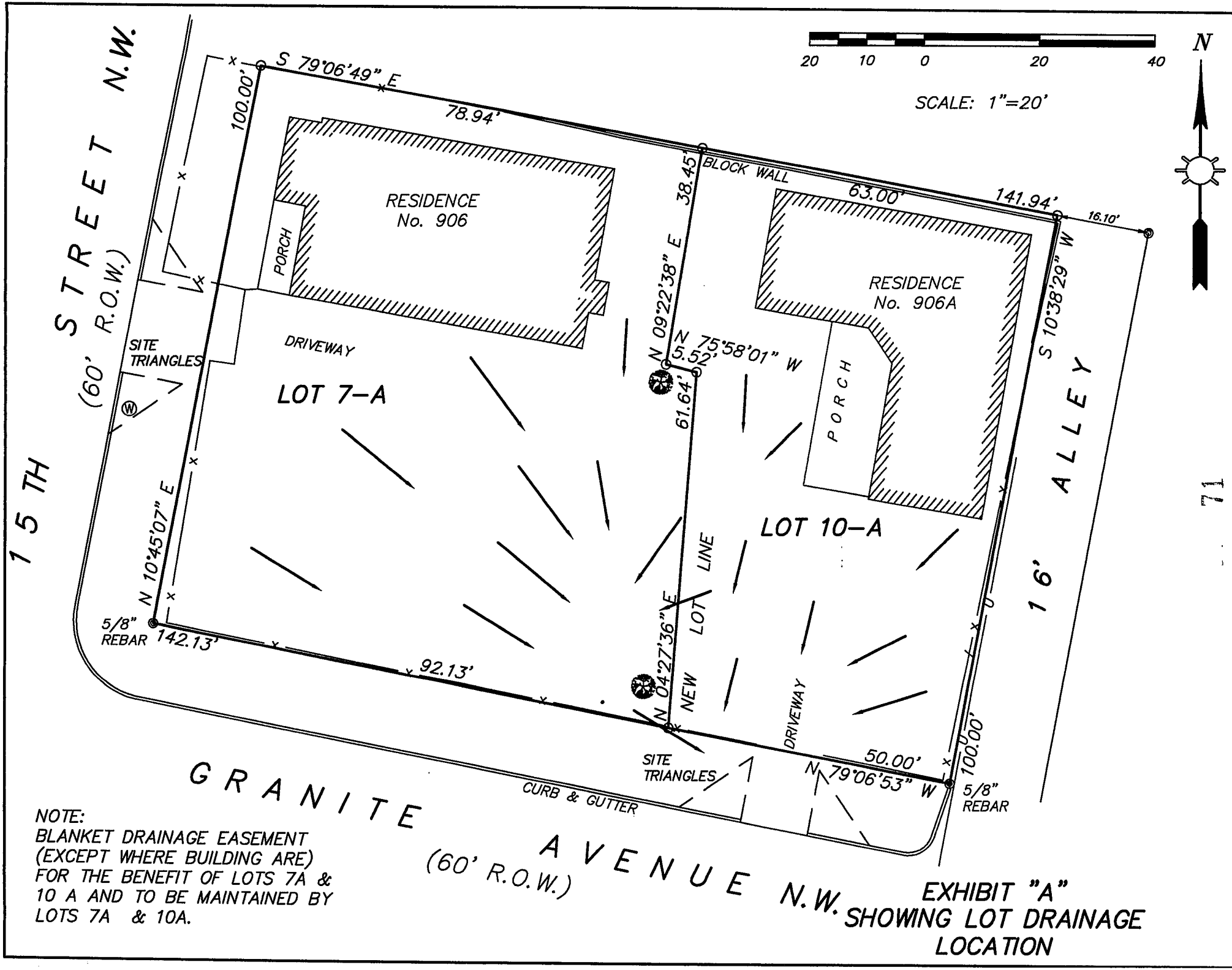
I have said this before, this process for a sidewalk variance that elected officials have created, is nothing more than a process for additional taxes on a property owner and in my case, I already pay a third of my mortgage in property taxes. There is a much smarter way to achieve the cities goals of installing sidewalks throughout the Old Town area that spreads cost out over the entire area without creating a punitive process by paying an additional tax for sidewalks by the property owner. I hope you understand that I am not trying to be obstinate, I would like to be able to articulate to someone why my project doesn't meet Chapter 12 criteria and I'm unable to do that with the explanations I've been given.

Sincerely

Richard G. Chavez

906 15th St NW 934-5979

CC: DRB Board Members



NOTE:
BLANKET DRAINAGE EASEMENT (EXCEPT WHERE BUILDING ARE) FOR THE BENEFIT OF LOTS 7A & 10 A AND TO BE MAINTAINED BY LOTS 7A & 10A.

EXHIBIT "A"
SHOWING LOT DRAINAGE LOCATION

Google

Google

Google

Google

Google

Google

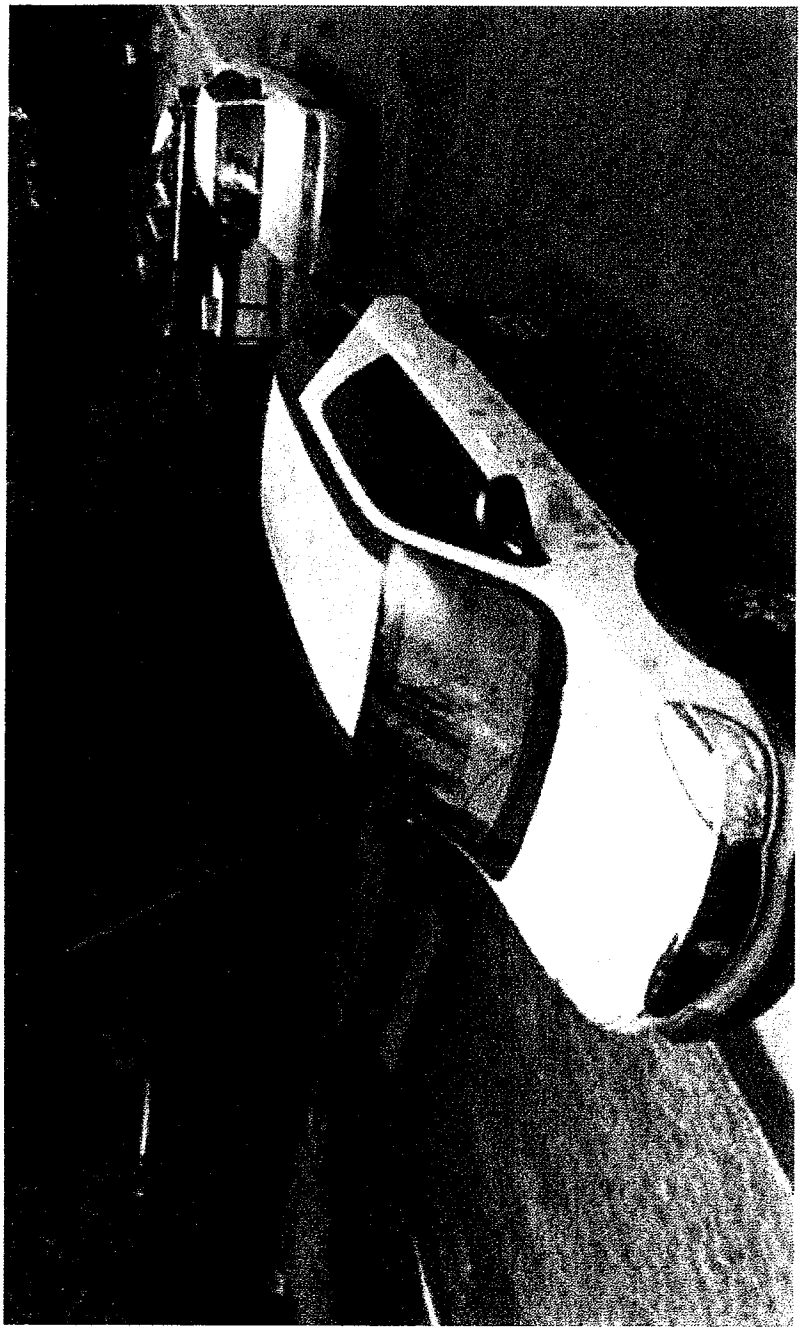
©2019 Google
Google E

©2016 Google
Google


© 2018 Google
1200 15th St NW

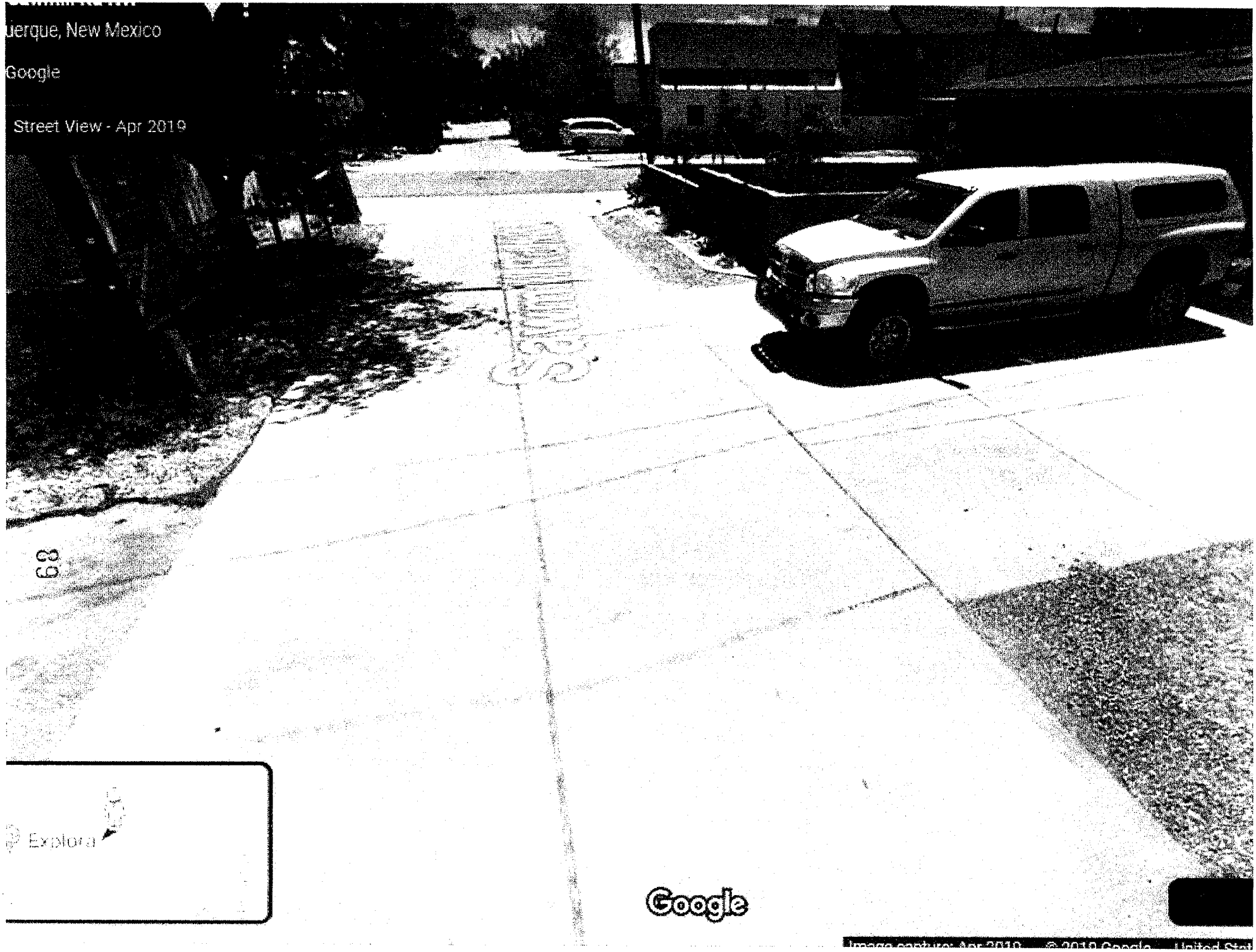
1200 15th St NW
© 2018 Google


© 2018 Google
1200 15th St NW



Google
© 2018 Google


© 2018 Google
1200 15th St NW


uerque, New Mexico
Google
Street View - Apr 2019
63
Explore
Google

Google Earth
© 2018 Google
© 2018 Google

Hide imagery
75th St NW

MN Pd NW
w Mexico
w - Mar 2016
Google
94

Rosenthal Studio
Gonella

Chapter 12. Sidewalk Variance

INTRODUCTION

The Sidewalk Ordinance states that "all properties within the City of Albuquerque shall have sidewalk, drivepad and curb and gutter in accordance with the standards set forth by the Sidewalk Ordinance, unless a variance from these standards is allowed through the procedures established by the Sidewalk Ordinance or unless such facilities were constructed under differing standards previously in force." In addition, sidewalk design must be in accordance with the criteria presented in Chapter 23, Volume 2 of the Development Process Manual. General sidewalk design criteria promotes mobility, safety and comfort of the pedestrian and allows adequate pedestrian access to abutting property.

While the City encourages compliance with the standards and design criteria, there are certain circumstances under which a variance from the standards and design criteria is appropriate. The sidewalk variance procedure was established to provide for possible departure from normal standards under specific circumstances and to protect unique characteristics of certain neighborhoods.

Any property owner who wishes to install a sidewalk which does not conform to the standards in the Sidewalk Ordinance or the design criteria in the DPM, Chapter 23, Volume 2 must apply for a variance. The single exception is use of material other than standard material as described

in Chapter 23, Volume 2. In this case only the review and signatures of the City Engineer and Traffic Engineer are required.

Variance applications are evaluated based on the following criteria set forth in the Sidewalk Ordinance:

"A. The Mayor, upon application of the owners or upon institution of an improvement district, may give a variance from any requirements of this ordinance, if it is found that:

1. The area is one which is subject to site development plan review as a planned unit development as provided in the Zoning Code, Article 7-14 R.O.A. 1994) , or

2. The area is one in which, because of special functional conditions, it is desirable to maintain or develop a design plan not consistent with uniform sidewalk installation as set forth in Section 14 of the Sidewalk Ordinance, or

3. The area or site has been recognized as having historical, archeological, and/or architectural significance by the City of Albuquerque, the State of New Mexico, or the United States of America and in order to maintain such historical, archeological, and/or architectural significance a variance is appropriate, or

4. The area is of low intensity land use to an extent that the normal installation of sidewalks will not contribute to the public welfare, or

5. The City's right-of-way is insufficient in width to permit the construction of a sidewalk of standard dimension and placement, or

6. A sidewalk variance would preserve trees possessing the following characteristics:

(1) Adaptability to the particular soil, climate, and moisture conditions of this City;

(2) High resistance to gas, smoke, and disease;

(3) Freedom from litter and offensive odors;

(4) Wood that is not brittle and thereby easily broken by wind and sleet;

(5) A root structure compatible with planting in confined areas;

(6) Long normal life; or

7. There are pre-existing obstructions that cannot be easily or economically relocated or should no be altered, such as grades, fills, water courses, natural topographic features or man-made obstructions, or

8. The adjoining sidewalks are non-standard as to width and/or location, or

9. The established neighborhood character or mature landscaping on the site would be damaged to a degree that outweighs the public utility of the normal sidewalk requirement."

DEVELOPMENT REVIEW BOARD

MINUTES

Plaza del Sol Hearing Room, Basement, Plaza del Sol Building

October 30, 2019

MEMBERS:

Jolene Wolfley, DRB Chair, Planning Department
Angela Gomez, DRB Hearing Monitor

Jeanne Wolfenbarger, P.E., Transportation Development
Shahab Biazar, P.E., Hydrology/ City Engineer
Jacobo Martinez, Code Enforcement
Kristopher Cadena, P.E., Water Utility Authority
Cheryl Somerfeldt, Parks/Municipal Development
Santiago Chavez, Ex-Officio Member, CAO

Project #PR-2019-002811
SD-2019-00158 - **PRELIMINARY/FINAL PLAT**
VA-2019-00288 - **WAIVER**

RICHARD CHAVEZ request(s) the aforementioned action(s) for all or a portion of **LOTS 7-10 BLOCK 44 PEREA ADDITION,** zoned R-1A, located at **NEC of 15th ST NW** and **GRANITE AVE NW**, containing approximately 0.32 acre(s). (J-13)

PROPERTY OWNERS: CHAVEZ RICHARD GERARD
REQUEST: REPLAT 4 LOTS INTO 2 AND S/W WAIVER

PERSONS SPEAKING ON BEHALF OF THE REQUEST:

Mr. Richard Chavez

MS. JOLENE WOLFLEY, DRB CHAIR: Item number 10 is project 2019-002811, preliminary and final plat and waiver and this is Richard Chavez.

MR. RICHARD CHAVEZ: Good morning folks. First of all I'd like to say I appreciate your patience with this project and me. This has been a new experience for me, it's been an extremely discouraging experience because I find this process very punitive. And as a taxpayer, it's really difficult to swallow, but having said that, the last meeting I was very confused. I'd requested some additional information from Maggie which she provided and I appreciate that. But in the meantime when I submitted my pdf I think I forgot to include private sewer agreement so if you could just take one and pass it along. I had provided that earlier but just so you know that is there. The other concern that I've had with this project is cost. And I contacted 3 contractors to give me some quotes. This Saturday they came by, two of them, one of the three didn't show up or get back to me, two of them did show up but only one of them had the appropriate license which I didn't realize you have to have a special license to do sidewalk and curb so I want to show you what that cost is because to me it's significant. Now this quote I had to re-type this quote because he texted it to me so, he contact information is there. I'm sorry I'm one short here...

MR. SHAHAB BIAZAR, CITY ENGINEER/HYDROLOGY: That's alright we'll share.

MR. CHAVEZ: And he was pretty adamant about how expensive this was going to be and so these are his quotes for the cost and so this doesn't include the tax, he didn't include the tax on it. This also doesn't include the cost of having to remove the fence that you've been asking about, and to replace it. That's just a guestimate for removing approximately 50 feet of fence and then replacing that 50 feet of fence. What I did was I took, just rounded off to about $16,000 dollars. I don't have that kind of money in my bank account. I would have to go out and get a loan. So I basically figured out about a 15% interest over 10 years. That total cost over a ten year period would be $18,400 dollars. Based on a monthly cost that would be another $153 dollars to my existing....

CHAIR WOLFLEY: Mr. Chavez we need to start focusing on your request and I appreciate the information

MR. CHAVEZ: Well part of that information, because of the substantial financial burden that you're imposing upon me. So the information that Maggie sent to me was...

CHAIR WOLFLEY: Why don't we go through first and get comments and then you can respond to those comments. I think that will be our order, so thank you for your information. The portion of it that is, that we're able to consider we will consider. Let's start with Water.

MR. KRIS CADENA, WATER AUTHORITY ENGINEER: Hello, good morning. I got a copy of the plat but I didn't see the easement, did you put the easement on there?

MR. CHAVEZ: It's on the top right hand under notes.

MR. CADENA: Could you show me real quick? So the sewer is along the alley...

MR. CHAVEZ: Correct. That was going to be that we were going to use a...

MR. CADENA: A shared sewer service, but where is the easement? Okay, I guess that works there. And what were you going to do? The idea was you were going to record this (unintelligible) you could have the recording information of the sewer easement on here or what's your thought?

MR. CHAVEZ: Well I'm not...

MR. CADENA: It's chicken or the egg, I don't know which...

MR. CHAVEZ: You probably would know better than I do but I was just, I'm just thinking that this gets recorded along with this when this gets....

MR. CADENA: Because this essentially creates two separate lots so you need to reference those new lots on this....?

MR. CHAVEZ: Yes, yes because each lot would be referenced specific to that.

MR. CADENA: That sounds fine. I don't know how to require, well I obviously have to understand, and if you'll get that done and that will obviously be a...can I do...well do you have final sign-off or what's beside here, you (unintelligible) what goes to the recording, get the recording information for the plat right?

CHAIR WOLFLEY: Right once I have signed it.

MS. MAGGIE GOULD, PLANNER: Yeah, once it gets final signature.

MR. CADENA: Yeah, the requirement is, he needs to subdivide that to then reference those lots on this agreement, so it's just, I guess it's just part of the process right?

CHAIR WOLFLEY: Could they be brought in at the same time?

MR. CHAVEZ: I'm sorry what was that?

MR. CADENA: Yeah, the process is fine, is that fine Shahab? We just don't...

MR. BIAZAR: We cannot add those notes to the plat?

MR. CADENA: He did include a note but he didn't...it's like the chicken or the egg, I don't know if he includes the recording information for the agreement.

MR. BIAZAR: I'm saying that the stuff that's in the agreement, just have those on the plat.

MS. NICOLE SANCHEZ: ASSISTANT CITY ATTORNEY: It's a private agreement so it would be a separate document.

MR. CADENA: Do you think it's better to subdivide it and then reference those new lots....

MS. SANCHEZ: The new lots need to be referenced...

MR. CADENA: On the agreement, so then just record the agreement the moment after...

MS. SANCHEZ: They can go together of after.

MR. CADENA: Okay. I just don't know how to enforce that because I can sign the plat but I don't know if, how to enforce the record...

MS. SANCHEZ: Yeah a private agreement would be signed by the new owners on the new lot.

MR. CHAVEZ: But a question, so this wouldn't be recorded until when and if the property were to be sold correct?

MR. CADENA: No it will be, the requirement is that we do it (unintelligible) record the plat but...

MR. CHAVEZ: With submission of...

MR. CADENA: I can't walk with you and ensure that that happens, that's my only concern.

MR. BIAZAR: That's what I'm saying. If you put it on the plat, the maintenance responsibility, it doesn't matter who the owner is going to be in the future. If it's on the plat, that this person is responsible for maintaining this easement...

MR. CADENA: And, but he's providing a document for the maintenance of the actual pipe itself.

MR. BIAZAR: And that could be added to the plat, I don't see why not. This way you don't have two different documents floating around and when you record it, it goes to the plat and whoever buys the property. It's a note on the plat so...

MR. CADENA: Yeah, it's just weird for me to say include the infrastructure on platting, but I don't want to make him go through more hoops....I guess I'll trust that you'll...

MR. CHAVEZ: So I mean I could provide some sort of verification that it did get recorded...

MR. CADENA: Yeah if you could just (unintelligible) that would be helpful.

MR. CHAVEZ: When that time comes up, yeah.

MR. CADENA: Well it would be (unintelligible) with the plat...

MR CHAVEZ: When this gets recorded...

MR. BIAZAR: Basically at the same time almost, yeah.

MR. CHAVEZ: I'll be happy to provide a copy of that.

MR. CADENA: Thank you very much:

MR. CHAVEZ: You bet.

CHAIR WOLFLEY: Thank you. I neglected to introduce Nicole Sanchez. She is the Assistant City Attorney and will be the staff attorney for the DRB and we appreciate her commenting. Alright, Code Enforcement?

MR. JACOBO MARTINEZ, CODE ENFORCEMENT: Hi Mr. Chavez. I know we had a conversation last week. I just want to be clear on what you're asking for, the waiver. Are you asking not to put the sidewalks or are you asking for the 3 foot waiver?

MR. CHAVEZ: No, I'm asking for not to put the sidewalks.

MR. MARTINEZ: Just want to make that clear. Thank you.

CHAIR WOLFLEY: Okay, Parks?

MS. CHERYL SOMERFELDT, PARKS AND RECREATION: Parks has no objection.

CHAIR WOLFLEY: Hydrology?

MR. BIAZAR: No objection.

CHAIR WOLFLEY: Transportation?

MS. JEANNE WOLFENBARGER, TRANSPORTATION ENGINEER: Transportation is asking for the sidewalk to be put in, but you can also request to a waiver from the 4 foot width as we discussed last time. Also the revocable permit will be for any fencing within the right-of-way.

CHAIR WOLFLEY: Okay. And Maggie is going to give the Planning comments.

MS. MAGGIE GOULD, PLANNER: And so this is basically the same letter that I sent which simply goes through the waiver criteria for the provision of a perimeter sidewalk, comes from the IDO therefore the waiver criteria as the IDO waiver criteria regarding sidewalk waiver and regarding the general waiver process. If you want, as they were discussing a waiver to the sidewalk width, then that's a standard that comes from the development process manual and the criteria that you're referencing is development process criteria, and so we would apply that criteria to a request for a waiver to the width of the sidewalk.

MR. CHAVEZ: I understand, thank you.

CHAIR WOLFLEY: Okay. Do you have any comments?

MR. CHAVEZ: Yes I do.

CHAIR WOLFLEY: Okay, go ahead.

MR. CHAVEZ: So Maggie provided me with 6-6L3B in parentheses, waiver to sidewalk requirements. And number (unintelligible) says "requests for variance to sidewalk requirements shall be approved if it meets the following applicable criteria in sub-section "A" above. Sub-section "A", you don't have that language in front of you I assume?

CHAIR WOLFLEY: Code has it...

MS. GOULD: I've got it here.

MR. CHAVEZ: The question I had in sub-section "A" is towards the end. Or towards the end of the page it says: "such (unintelligible) an extraordinary hardship in the form of a substantial (unintelligible) limitations on the reasonable use for return on a property or practical difficulties result from strict compliance within the minimum standards." Can somebody explain that statement to me because I'm struggling trying to understand exactly what it's saying.

CHAIR WOLFLEY: So basically that's saying that in looking at the waiver would applying the standard be so onerous as to you know, deny you use of the property and...

MR. CHAVEZ: And what does it mean for use for return on the property?

CHAIR WOLFLEY: Use or return on the property.

MR. CHAVEZ: I guess what I'm looking at is that basically…

CHAIR WOLFLEY: Yeah, let's just go ahead and get your question answered directly.

MS. SANCHEZ: So it looks like it's referencing when there's eminent domain and so return on the property would be like when you're paid for the value of that…

MR. CHAVEZ: Based on eminent domain?

MS. SANCHEZ: It's an eminent domain is what I'm seeing here, what it seems to be referencing.

MR. CHAVEZ: And then this last portion here?

MS. SANCHEZ: So there would be special circumstances creating and extraordinary hardship or there's difficulties in complying with the minimum standards. So that would be in a request for the waiver if there's something preventing you from meeting the sidewalk requirements.

MR. CHAVEZ: Okay, thank you.

CHAIR WOLFLEY: And also with those standards it's important to note that they are not self-imposed, the special circumstances are not self-imposed.

MR. CHAVEZ: Well when you say they are not self-imposed, that means that I'm not?

MS. SANCHEZ: Exactly.

MR. CHAVEZ: Okay. The reason why I'm asking about those issues is because under the, under "A" the or under the variance requirement's, number "A" the area is of low intensity land use to the extent that normal installation of sidewalks will not contribute to the public welfare" and this portion that Maggie was able to highlight for me: "absence of a sidewalk will not create a gap in an existing sidewalk system extended to one or more sides of the subject property or area." So on 15th street there is going to be a big gap between what I install and at the end of the street, that's a big gap. On Granite, I guess, I have a question. Do you have a definition for the term "gap?" Is there some sort of definition as to how to define what that is?

CHAIR WOLFLEY: Okay if you can pause for a minute I know that Jeanne has reviewed as well, the sidewalk layout in your area, and so she can respond to her judgement...

MR. CHAVEZ: A question that I have....

CHAIR WOLFLEY: Let her go ahead and give her analysis of that and that might help clarify what the judgement is regarding a gap.

MS. WOLFENBARGER: So the sidewalk will provide connectivity to the property to the east. And I believe you also have sidewalk going to the south as well. I realize there's a lot of properties without sidewalk...

MR. CHAVEZ: So there's a big gap. There's like 4, there's a 3 house gap...

CHAIR WOLFLEY: Okay Mr. Chavez can you please let her finish and then we'll let you respond.

MS. WOLFENBARGER: But, so there is connectivity to the east on Granite itself and I believe there's also connectivity to the south plus one of the reasons we made the decision was because of the amount of pedestrian traffic that's on, that's in that area, it's the Old Town area so there were reasons for why we denied the sidewalk waiver.

CHAIR WOLFLEY: Okay. Do you have anything else to add Maggie?

MS. GOULD: Just, when we go through the waiver criteria, the waiver to sidewalk requirement says "a request for waiver to the sidewalk requirement shall be approved if it meets all of the applicable criteria above in section "A" so that's what we were just talking about, and "all of the following criteria" and so that's that A, B and C, and so that goes back to the discussion that we are having about the gap. So if it doesn't meet all three of A, B and C, because the intent is to have that full sidewalk coverage and as new properties come in to develop, you get that sidewalk coverage so that you close all of the existing gaps and you have a functional sidewalk system. I will defer to Jean on the specifics of that, but that's, it is my understanding that's our intent.

CHAIR WOLFLEY: If you can go ahead and give us a brief response to that.

MR. CHAVEZ: Sure. So you keep referring to the property to the east of me. Technically there is a gap there. It's called an alley between the property to the east of me and my property. It's about 22 feet of gap between that property and my property. The reason why I was asking you what is the definition of "gap"...

MS. WOLFENBARGER: Is because of the alley.

MR. CHAVEZ: And if, so if we say the alley doesn't count then, 15th street shouldn't count because across the street from me is another gap that would be without sidewalk. So, I mean, you're asking me to put the sidewalk in with all these big gaps and yet that doesn't comply to this criteria. So I'm, that's my biggest issue.

CHAIR WOLFLEY: Right okay.

MR. CHAVEZ: And my concern and confusion.

CHAIR WOLFLEY: Okay. Jean do you have any follow-up? Do you have any different perspective on your comments?

MS. WOLFENBARGER: Well I have gone through I suppose all of the criteria so I was looking at all of it together, the amount of sidewalk in the area. I understand your question about the alley but no we were not counting the alley in that instance. We also are looking at pedestrian traffic and whether or not you have sufficient room to build the sidewalk, that was another one of the criteria that was in there and typically in an area like this, it is expected to fill, to try to fill out at some point in the future. Will that not happen? I mean that remains to be seen, but that's what we look at when we look at these…

MR. CHAVEZ: So being realistic…

CHAIR WOLFLEY: Okay, Mr. Chavez I think if you want to have more discussion on this, you might need to do it at another time because we've heard your presentation, we've responded, we've heard from you again and we've responded okay…

MR. CHAVEZ: Well nobody responded to the definition of "gap" and how that is not being used or it is being used between the east property and my property because there's a gap of an alley there. And so there's no sidewalk there, there's no continuity, there's no…it, doesn't abut against my property, it's not contiguous to my property so there is a gap.

MR. BIAZAR: If I may add, you know we get projects here at the City a lot of times and you know people come in and they are required to build their sidewalk. If you are on the Westside and there is nothing around you, there is going to be a huge gap for a long time and they are required to build their sidewalk and basically that is what we are asking. As part of the ordinance, you are supposed to have your sidewalk built in front of your property.

MR. CHAVEZ: But the waiver requirements do say if there is a hardship which one, financially it is, second the sidewalk that you are asking me to install on 15th is going to end into my neighbor's tree. Now my neighbor is not going to

volunteer to put sidewalk to run in around the tree. It literally ends at a tree, what sense does that make?

CHAIR WOLFLEY: Okay...do you have more to respond to...

MR. BIAZAR: So ultimately if there's issues with trees, stuff like that we'll go...

MR. CHAVEZ: I don't mean to...

MR. BIAZAR: I mean I understand what you're saying...

MR. CHAVEZ: My neighbor is not going to build sidewalk so my sidewalk end in front of their tree. They're not required to build sidewalk, they're not going to come in to subdivide so that sidewalk will always end at my neighbor's tree.

CHAIR WOLFLEY: Okay. Thank you Mr. Chavez did you complete your comments on the totality...I just, I'm not sure if I had heard something about a revocable permit, is that applicable?

MS. WOLFENBARGER: Correct, I've completed my comments.

CHAIR WOLFLEY: You've completed your comments about that, okay. So let's see where we stand of this then. With regard to the preliminary/final plat is that a delegation item? The revocable permit...I'm trying to figure out where we stand if...

MS. WOLFENBARGER: I believe we're looking at deferral on this one. There may be more discussion, maybe more information.

MR. BIAZAR: I don't know I disagree. I don't think we need to discuss this anymore at this point. And then if Mr. Chavez doesn't agree with us, with our decision basically may, has the right to appeal that decision. I think that's where we need to...we've discussed this several times I think we need to move on with a yes or no at this point.

CHAIR WOLFLEY: Is the revocable permit tied to the waiver or to the plat?

MS. WOLFENBARGER: It's a separate issue because it's tied to the plat.

MR. CHAVEZ: It's tied to (unintelligible) to keep the fence and (unintelligible) 36" of sidewalk then that's where that would come into play.

CHAIR WOLFLEY: Okay. So it look like me might take action, we could take action separately on your preliminary/final plat and waiver as a different action.

MR. BIAZAR: So if we decide to move forward, we deny the waiver then (unintelligible) for the improvements and infrastructure list would be required for the sidewalk improvements.

CHAIR WOLFLEY: Okay.

MR. BIAZAR: So we will have to defer the plat and then we will require and infrastructure list for the sidewalk improvements and then a revocable permit will have to happen prior to preliminary plat approval.

CHAIR WOLFLEY: Okay. Do you understand what Shahab just said?

MR. CHAVEZ: Yes.

CHAIR WOLFLEY: Okay, so in order of business I'm going to ask Ms. Dicome to help us on her last day. Can separate these items and take, and which one should we take action on first, the deferral or the…

MS. KYM DICOME, DRB PLANNING MANAGER: The waiver.

CHAIR WOLFLEY: The waiver? Okay so Jean could you just state your recommendation to the board with regard to a waiver of a sidewalk for this project.

MS. WOLFENBARGER: Well, I think per prior discussions internally and (unintelligible) we discussed a waiver from the 4 foot width is something we're willing to look at based on the area characteristics. And that's something we talked about and that will…

CHAIR WOLFLEY: But a complete waiver of the sidewalk is not your recommendation, a waiver to the width would be considered?

MS. WOLFENBARGER: Correct.

CHAIR WOLFLEY: Okay, alright.

MS. DICOME: But his request is for the sidewalk, not for the width so you can take action on to sidewalk or not to sidewalk.

CHAIR WOLFLEY: Not for the width, okay, alright. So your recommendation to the board is to not approve a waiver to the sidewalk, correct?

MS. WOLFENBARGER: Correct.

CHAIR WOLFLEY: Okay.

MS. GOULD: To the provision of sidewalk, we…

CHAIR WOLFLEY: Provision of sidewalk.

MS. GOULD: I mean there was some discussion about the width waiver and it sounds like that's not…

MR. CHAVEZ: I may have to reconsider that at some point in time if my appeal is (unintelligible) then I may want to look at that.

MS. GOULD: Okay, but just to clarify that the issue before us is the provision of the sidewalk.

CHAIR WOLFLEY: Okay and you could (unintelligible) at a later date then…

MR. CHAVEZ: Correct.

CHAIR WOLFLEY: Okay. So based on the recommendation of Transportation is it the consensus of this board to deny the provision of a sidewalk, a waiver to…

MS. GOULD: Yes, a waiver to the provision of sidewalk, yes.

CHAIR WOLFLEY: Deny the waiver to the provision of sidewalk?

EACH BOARD MEMBER ANSWERS IN THE AFFIRMATIVE

CHAIR WOLFLEY: I guess I actually am a voting person, I better say yes, okay. So thank you for all your hard work on that. Now is it, how much time do you need to look at your infrastructure list for the required sidewalk to consider I guess if you want to apply for a narrower width, looking at your revocable permit, how much time…

MR. CHAVEZ: How does the timeframe if I want to appeal this do I appeal this first and then come back or do I, I mean how does that work? I understand I have 15 days to request an appeal. Who do I request that to?

CHAIR WOLFLEY: I'll go ahead and let Ms. Gould give you a best answer.

MS. GOULD: The appeal has to be filed at that same counter that you brought everything else to and you address the appeal criteria in the IDO and we can send that to you but it's basically your stating how the DRB errored in it's decision, you write us a letter that says that. You get it in within 15 days. We can get you the application at the ground floor if you'd like.

MR. CHAVEZ: So there's an application?

CHAIR WOLFLEY: And you could, what might be good just to keep us moving in this hearing is, well I guess in terms of deferral, I would imagine that if you're planning to appeal, that would need to be resolved before your plat can be approved, so we might want to defer out a ways and then we can be in conversation with you about when that should come up…

MR. CHAVEZ: (Unintelligible)…

CHAIR WOLFLEY: What I'd like to do Mr. Chavez is I think it's important for you to get a complete understanding of that appeal process and the costs and all of that and I might have Ms. Dicome talk to you about that after we take and action on your deferral and you can do that…

MR. BIAZAR: So what I was going to do on your platting action itself is defer it to maybe a couple of weeks or 3 weeks and if you do submit an appeal then basically we have to ask additional deferral to a couple of months or something like that.

MR. CHAVEZ: Who does the appeal go to? I mean who actually hears the appeal?

MS. GOULD: We can go through the whole process with you.

CHAIR WOLFLEY: Yeah, there's kind of a lot of details and it's best to have it clear so the deferral, I mean, ultimately the City Council just to help you understand.

MR. CHAVEZ: Okay.

CHAIR WOLFLEY: So the deferral would be for a DRB meeting on November 20th, would be the action we'd be taking. So is it the consensus of this board to defer item 10 to…

MR. BIAZAR: For preliminary plat…

CHAIR WOLFLEY: For just the preliminary and final plat to the November 20th DRB meeting?

EACH BOARD MEMBER ANSWERS IN THE AFFIRMATIVE

CHAIR WOLFLEY: Alright, then your preliminary/final plat is deferred, your waiver is denied.

DEVELOPMENT REVIEW BOARD

MINUTES

Plaza del Sol Hearing Room, Basement, Plaza del Sol Building

October 23, 2019

MEMBERS:

Maggie Gould, Acting DRB Chair, Planning Department
Angela Gomez, DRB Hearing Monitor

Jeanne Wolfenbarger, P.E., Transportation Development
Kristopher Cadena, P.E., Water Utility Authority
Shahab Biazar, P.E., Hydrology/ City Engineer
Cheryl Somerfeldt, Parks/Municipal Development
Jacobo Martinez, Code Enforcement
Santiago Chavez, Ex-Officio Member, CAO

Project #PR-2019-002811
SD-2019-00158 - **PRELIMINARY/FINAL PLAT**
VA-2019-00288 - **WAIVER**

RICHARD CHAVEZ request(s) the aforementioned action(s) for all or a portion of **LOTS 7-10 BLOCK 44 PEREA ADDITION,** zoned R-1A, located at **NEC of 15th ST NW** and **GRANITE AVE NW,** containing approximately 0.32 acre(s). (J-13)

PROPERTY OWNERS: CHAVEZ RICHARD GERARD
REQUEST: REPLAT 4 LOTS INTO 2 AND S/W WAIVER

PERSONS SPEAKING ON BEHALF OF THE REQUEST:

Mr. Richard Chavez

MS. MAGGIE GOULD, ACTING DRB CHAIR: Item number seven, PR-2019-002811.

MR. RICHARD CHAVEZ: Good morning.

CHAIR GOULD: Good Morning.

MR. CHAVEZ: I just got my PDF into Mr. (unintelligible) and what he said is he would take a look, check it. If I were to run the mylar over to him after the meeting he would, if everything checks out he would sign it. I'm not quite sure where to go from today.

CHAIR GOULD: So usually, I mean we can go through sort of the board comments and see what's existing, but we can't sign it until the City Surveyor has signed it so....

MR. CHAVEZ: Correct, no I understand.

CHAIR GOULD: Again we can go through out comments so you know where things are and then you'll need to get the city surveyor's signature and then address whatever outstanding board comments are left. We can begin by going through those. Water authority?

MR. KRIS CADENA, WATER AUTHORITY ENGINEER: Hello. I haven't seen the private utility easements (unintelligible) or the (unintelligible) services...

MR. CHAVEZ: It would be here on the plat.

MR. CADENA: Okay, I just wanted to make sure it's there

MR. CHAVEZ: We did...

MR. CADENA: You did? Do you mind if I take a look? ....Just to protect those existing services

MR. CHAVEZ: I understand.

MR. CADENA: (unintelligible) signature lines for the utilities but the services, the service easements?

MR. CHAVEZ: So the easements, here's the note on the easements. (Unintelligible) that is the solar note, (unintelligible)...I don't think it's, I don't see it.

MR. CADENA: I think you would want to just preserve ease...or preserve the existing services that cross the other property.

MR. CHAVEZ: What about up here (unintelligible)...

MR. CADENA: I think that's all for these folks, that's all the dry utilities but really just figure out where your private water services are, it they're crossing another lot and you'll just provide an easement. I think you'll want to preserve this shared sewer...

MR. CHAVEZ: Correct.

MR. CADENA: I think it would also be helpful to include an easement that talks about the sharing of that easement but also I thought of the previous comment was also that you get that shared maintenance agreement filed, ready to go and then recorded...

MR. CHAVEZ: So I guess when I submit all this that's when I'll submit the agreement with this...

MR. CADENA: I don't know really what comes first because if you do a shared maintenance agreement before, I guess you're not reflecting the lot split, you know lot A and B.

MR. CHAVEZ: So would it be at the same time as...

MR. CADENA: I don't know if, technically it has to come immediately first though. Kathy, would you be able to weigh in?

MS. KATHY AHGHAR, CITY ATTORNEY: The plat would come first and then the agreement would be immediately after.

MR. CADENA: And then it would, cause it's your language, the language on the shared maintenance agreement would just speak to the mean lots that you're creating but it would literally be recorded after the plat so that you can...

MR. CHAVEZ: So it would (unintelligible) after the fact...?

MR. CADENA: Exactly.

MR. CHAVEZ: Okay.

MR. CADENA: Thank you. In regards to the waiver, no objection from water authority.

CHAIR GOULD: Code enforcement?

MR. JACOBO MARTINEZ, CODE ENFORCEMENT: Code Enforcement didn't have any objection to the re-plat request. We still think that the sidewalk should be required.

MR. CHAVEZ: So can I ask you a question? I mean, introduction chapter it's pretty specific about what the exemptions are. Why would that not be an exemption?

MR. MARTINEZ: Mr. Chavez, I think that I had you give me a call. I have not received a phone call from you...

MR. CHAVEZ: I haven't had a chance no....

MR. MARTINEZ: So that we can explain this off line but there's 6-6-L38 for reviewed decision criteria for a waiver for DRB sets out all the following topics must apply and there's about 14, 15 of them and I don't believe that it meets every single one of those. I'd like to talk with you off line so that I can show you which ones I don't think it meets.

MR. CHAVEZ: Because in the introduction chapter there's 9 criteria that you have to meet and it only says, you only to meet one of those items?

MR. MARTINEZ: Pursuant to the IDO under 6-6-L3 review and decision criteria the application for a waiver DRB shall be approved if it complies with the following criteria as applicable and it lists again...

MR. CHAVEZ: The 14 that you're talking about?

MR. MARTINEZ: Yeah...

MR. CHAVEZ: Okay...

MR. MARTINEZ: And those are the ones that we are looking at.

MR. CHAVEZ: Okay.

CHAIR GOULD: Okay. Parks?

MS. CHERYL SOMERFELDT, PARKS AND RECREATION: Parks has no objection.

CHAIR GOULD: Hydrology?

MR. SHAHAB BIAZAR, CITY ENGINEER/HYDROLOGY: Just needed to see if you added the drainage easement notes on there.

MR. CHAVEZ: And I did it both on the exhibit and on the...should be on the top right hand corner.

MR. BIAZAR: Perfect. That's all I needed. No further comments. May I keep this because I don't think I got one?

MR. CHAVEZ: Sure. I need to get you a pdf of everything I...

CHAIR GOULD: Okay, Transportation?

MS. JEANNE WOLFENBARGER, TRANSPORTATION ENGINEER: Yes I'll need a copy of a pdf because it looks like you did include the site distance triangle and I wasn't sure if a note was also included or not, that's why I included a note about that in my last comments.

MR. CHAVEZ: No it wasn't but we will get that included.

MS. WOLFENBARGER: A sidewalk waiver isn't granted, but again we would be willing to meet with you off line to discuss all the various criteria and how we rose to the decision that we did after some internal discussions, however we're willing to look at a waiver on the width as well and perhaps we could discuss that off line as well, and then of course we still have to have either the fencing in the right-of-way either taken out or put back...

MR. CHAVEZ: I'm not sure what you are talking about, I'm kind of, if you could point out.. because if this is the area that you're talking about here...is that where you're talking about?

MS. WOLFENBARGER: Oh no this is the area right here that we're talking about.

MR. CHAVEZ: Right, and so there's 2 blocks of people with that line there, with that property line that we'd have to address.

MS. WOLFENBARGER: Yes but as part of the application process we have to consider that as part of the action so....

MR. CHAVEZ: Understandable, I understand.

MS. WOLFENBARGER: So I'd be willing to also discuss that with you. You know as far as minimizing impact just so we can, just discuss your options, what's best for you but we still need to address it.

MR. CHAVEZ: Okay.

CHAIR GOULD: So it sounds like we need to defer item number 7 and the question is the amount of time for that deferral. It sounds like you need to meet with Code and Transportation and you have some work on the plat. Do you think a week, two weeks...?

MR. CHAVEZ: A week should do it. I will get it done within a week.

CHAIR GOULD: Okay. So you'll be able to circle back with these guys?

MR. CHAVEZ: Yes.

CHAIR GOULD: Okay. Do we then have a consensus to defer item number 7 to the meeting of October 30th?

ALL MEMBERS ANSWER IN THE AFFIRMATIVE

CHAIR GOULD: Just make sure the other part of this is that we need the re-submittals by Friday afternoon so that we have time to review them.

MR. CHAVEZ: I understand.

CHAIR GOULD: Okay.

MR. CADENA: We need to have that shared maintenance agreement completed....

MR. CHAVEZ: It's already, Maggie already has it but I need to check for you specify with regard to the, I'm pretty sure I addressed the different lots and whose responsible for what.

MR. CADENA: The one I saw was just a draft, a word document...

MR. CHAVEZ: Correct...

MR. CADENA: But if you have the final....

MR. CHAVEZ: It just depends on what you are willing to accept or not in that document.

MR. CADENA: We I just wanted to make sure something is in place, it's really private so it doesn't concern the water authority I'm just trying to make sure both lots are protected.

MR. CHAVEZ: I thought I addressed that in the agreement...

MR. CADENA: Sure.

MR. CHAVEZ: But...

MR. CADENA: I'm just trying to make sure something's in place...

MR. CHAVEZ: Yeah, no I definitely have something in place.

MR. CADENA: Okay.

CHAIR GOULD: Alright then we will see you next week.

MR. BIAZAR: Thank you sir.

MR. CHAVEZ: Thank you.

DEVELOPMENT REVIEW BOARD

MINUTES

Plaza del Sol Hearing Room, Basement, Plaza del Sol Building

October 2, 2019

MEMBERS:

Maggie Gould, Acting DRB Chair, Planning Department
Angela Gomez, DRB Hearing Monitor

Jeanne Wolfenbarger, P.E., Transportation Development
Kristopher Cadena, P.E., Water Utility Authority
Shahab Biazar, P.E., Hydrology/ City Engineer
Christina Sandoval, Parks/Municipal Development
Jacobo Martinez, Code Enforcement
Santiago Chavez, Ex-Officio Member, CAO

Project #PR-2019-002811

SD-2019-00158 - **PRELIMINARY/FINAL PLAT**
VA-2019-00288 - **WAIVER**

RICHARD CHAVEZ request(s) the aforementioned action(s) for all or a portion of **LOTS 7-10 BLOCK 44 PEREA ADDITION,** zoned R-1A, located at **NEC of 15th ST NW** and **GRANITE AVE NW**, containing approximately 0.32 acre(s). (J-13)

PROPERTY OWNERS: CHAVEZ RICHARD GERARD
REQUEST: REPLAT 4 LOTS INTO 2 AND S/W WAIVER

PERSONS SPEAKING ON BEHALF OF THE REQUEST:

Mr. Richard Chavez

MS. MAGGIE GOULD, ACTING DRB CHAIR: Good morning.

MR. RICHARD CHAVEZ: Good morning folks. Last time that I was here I did not have the comments from staff in front of me so I would like to be able to address those comments today if that's okay?

CHAIR GOULD: Sure. Why don't you walk us through what's happened since your deferral and then we'll go through the board's comments and we'll see where we are.

MR. CHAVEZ: Okay, so there was some additional information request of me, in particular the hydrology issue. We've had extreme difficulty getting information on what exactly is it that you're asking for. I live on a corner with 4 drains to the river. There's no drainage issues coming into my yard. About 5-6 years ago we had that massive rain with the five hundred, the thousand year rain.

MR. SHAHAB BIAZAR, CITY ENGINEER/HYDROLOGY: Yes sir.

MR. CHAVEZ: My yard did puddle up but basically to get it out of the yard I just took a hoe down my driveway to the street and it drained from there so I'm really confused as to what it is exactly you're asking for. My surveyor went to the hydrology site there was nothing specific to yard drainage so we were confused, don't have any idea what you're asking for....

MR. BIAZAR: Sure, I mean I thought I was clear last time, and I apologize I wish you would have called me and told me....

MR. CHAVEZ: Well I did try to. And it's just very difficult. I'm gone from 6 in the morning until 6 in the evening. I work in Santa Fe so I'm commuting every day so it's extremely difficult to try and work through this process. The secondary was in the, you were asking for in Transportation for a sketch of setbacks and the, that would be required for the yard. I went to zoning, they didn't know what the setback requirements were, they sent me upstairs to the 4th floor to DPC I guess and the gentleman up there, Jim he had no clue so he sent me back to zoning. Then zoning talked to a couple people, they said no I need to go to the 8th floor to find out what the requirements are for the setbacks so as of right now...

MS. JEANNE WOLFENBARGER, TRANSPORTATION ENGINEER: So setbacks would have been by you, I hadn't made comments on setbacks.

CHAIR GOULD: Yeah, for...

MR. CHAVEZ: Well whoever made, I'm just saying that it's been extremely difficult to find exactly what those are because if you go to chapter 23, there's nothing there specifically that says, I mean it's pretty confusing to try and figure out what those set...so that was one issue that I've had difficulty trying to address. So we did revise the plat, I just got it turned into the surveyor this morning so I apologize for the delay but again it's just because we are having

trouble trying to get the information that you're seeking from us. So the surveyor does have the plat, I did forward a copy of that to Maggie. Now Maggie has made some comments that I received last night, or yesterday afternoon. Unfortunately I'm unable to access them because what I typically have to do is I have to forward...I'm having troubles with my computer so I'm having to forward from my phone to my work to get things, I'm not at work today so I wasn't able to see what you, what comments you've forwarded me last night, or yesterday afternoon. So I'd like to start addressing, I'd like to address some of the comments that were made previously. And I was told at one time that pictures were very important so I did bring a lot. I'd like to start with the engineering comments. One of the statements says much of the area already has sidewalk. We can say that about the City of Albuquerque, that's a very broad statement. The City of Albuquerque has a lot of sidewalk, there's no need for a variance. So what I want to show you is my street. Both sides of the street do not have any sidewalk. And that's for the entire length of the block. Now one block away from me on the corner of 14th and Mountain Road there's no sidewalk there on one side of the street, okay. Now the corner, caddy corner from my corner, yeah take copies I tried to make plenty, enough copies for you. This is caddy corner from my corner of my house, there's no sidewalk here. One block away, from my house on Marble there's no sidewalk on either side of that corner. This is Sawmill Road. Sawmill Road starts on Mountain Road it's exactly one block from my house. There's no sidewalk, curbing or anything there, okay? Now this is 15th Street just north of Sumner, this is one block east of the museum. That starts the area where there is no sidewalk all the way through that area and I'll show you more, but this is that same street just one block further, no sidewalk, no gutter no curbing, nothing. This is also Sawmill Road, just one block from my house, no sidewalk, curbing, gutter or anything. Now this is Sawmill and Rosemont. Rosemont runs from Sawmill all the way to 12th street. No curb, gutter, sidewalk or anything on those streets all the way from Sawmill to 12th street so that's approximately 3+ blocks. This is actually a view of Rosemont, there's a whole set of apartment complexes on that, as I mentioned this goes from Sawmill Road to 12th street, no curbing no gutter, nothing. This is Sawmill Road where is diverts, or splits off of Sumner. In that area, there's no sidewalk, gutter or any kind of infrastructure. This is 15th street going north just east of the museum one block east of the museum...

CHAIR GOULD: Just a second because you're....

MR. CHAVEZ: So the whole point that I'm trying to make here if it's okay is that comment was extremely broad and if the person would have just taken the time to look on what's in that area, you can see that there's not plenty of sidewalk in the area. The second point that was made in that comment

CHAIR GOULD: On all of these, what I'm not seeing is the view along Granite to the east and I believe there is existing sidewalk.

MR. CHAVEZ: Granite to the east well, Granite to the east there is existing sidewalk across the street. It's 3 feet and there's a wall so it's only 3 feet of sidewalk and that's the only intersect, that's the only corner that has any sidewalk of the 4 corners on my, of Granite and 15th street.

CHAIR GOULD: Yeah, so, and I think what's, and please correct me if I'm wrong is that the most relevant information is going to be the information for that Granite and 15th area.

MS. WOLFENBARGER: And I was also looking beyond that area as well.

CHAIR GOULD: Okay.

MR. CHAVEZ: And that's when you said "in the area" so that's what I was looking at in the area to show you that no, there's not plenty of sidewalk, I'm sorry. So the next comment was about 4 foot sidewalk that is required. And I just wanted to show you that from Marble to Mountain Road there is no 4 foot, now if you recall I mentioned to you that back in late 50s early 60s storm sewers were laid all the way down 15th street. My folks had to pay curb and gutter assessment for a period of time based on the assessment district that they set up. At that time they grandfathered in those fence lines. This is Marble and 15th. Now as you see, that fence is not more than 3 feet from the curbing and what's kind of interesting about this fence is this fence was built up around a chain link fence. It was initially a chain link that they just built this up around it. So the middle of 15th between Marble and Granite, you can see those shrubs there they are part of the existing area, I mean part of the exiting easement that was given back in that day. So here's the corner picture of 15th and Granite where the sidewalk does exist with the wall and that wall now here, this is at the end of Mountain Road, I mean the end of 15th by Mountain Road, you'll see that that wall, that wall actually goes to within about 3 feet of the curbing. So when you say that you need 4 feet of sidewalk in the Old Town area, it's really (unintelligible). This is 17th and Granite. Do you see 4 feet of sidewalk there? So I understand what it is you're trying to accomplish through this sidewalk I mean, you create a whole ordinance because we have an issue here in Albuquerque. We don't have enough sidewalks in the general area. So the other comment I would like to address is with Code Enforcement. Code Enforcement basically stated that I only met 2 of the 3 criteria. Now I find it interesting because that criteria was also in chapter 11 of introduction. Now chapter 11 I probably shouldn't have to explain this to you guys because you guys are the experts here but chapter 11 of the introduction, it's pretty clear on what chapter 12 calls for. And it specifically states "unless a variance from these standards" this is from the first paragraph, "through the procedure established by a (unintelligible) or unless facilities were constructed under a different standard previously enforced" and that point goes to the grandfathered issue that I talked about with the fence lines along 15th street. Because in the engineer, the last number 3 comment "it appears from the plat that there is fencing within the right-of-way that will need to be removed." It doesn't say exactly where, I'm assuming that's just 8th street that

they're talking about. So in the second paragraph it states "there are certain circumstances under which the variance from the standards (unintelligible) is appropriate." Second page in chapter 23 volume 2, that's where I was looking for the standards. I could not figure out what the heck the standards were for the setback. Under that "variance applications are evaluated based on the following criteria set forth in the sidewalk ordinance." "A" talks about the mayor, number one, number two, number three is what I'm looking at. "The area or size has been recognized as having historical archeological and/or architectural significance by the City of Albuquerque state of New Mexico, United States of America. In order to maintain such historical archeological and/or architectural significance in variance is appropriate." I'm living in Old Town folks. I live in the Perea subdivision. The Perea subdivision if not the oldest subdivision, it's got to be the second, it's at least over a hundred years old. If that is not historical I'm not quite sure what is. Number 4, "the area is of low intensity land use to the extent that normal installation of sidewalks will not contribute to the public welfare. Mr. I'm sorry, Mr. Code Enforcement, I'm not sure what your name is?

MR. JACOBO MARTINEZ, CODE ENFORCEMENT: It's Mr. Martinez.

MR. CHAVEZ: Mr. Martinez, in your 6-6-1 I think,

MR. MARTINEZ: 6-6-L3B?

MR. CHAVEZ: Yes, this was one of the criteria in there that I did meet but because there was only two of three I didn't qualify under your ordinance. Now, you go to number 6, "the sidewalk variance will preserve trees possessing the following characteristics." These two trees are in my yard, they are over 45 close to 50 years old, both of them which would have to be removed to accommodate your request for sidewalk. So under this criteria it states, there's 6 different bullets to that particular criteria that I would have to meet. These trees I would think meet that criteria. Number 8 "the adjoining sidewalks are non-standard as to width or location." The adjoining sidewalk that I'm closest to is the address of 1409 Granite. They are the individuals east of the alley from me. Their sidewalk is only 36", it's been there, I learned how to skate on that piece of sidewalk with one skate because it was so small. It's been there that long so it doesn't even meet your current standards. The last number, number 9 "establish neighborhood character or mature landscaping on the site would be damage too (unintelligible) so the public utility and normal sidewalk (unintelligible). So what you're asking me to do is, in order to accommodate your sidewalk in this area, I would have to take all that hedge out, take those 2 trees out and then this is where the sidewalk would end up, on, with (unintelligible). My neighbor's sidewalk, I mean my sidewalk that you're asking me to put in would run directly into this tree that you see right there. Now my neighbor has no requirement to put sidewalk in. It's a rental property; they're never going to subdivide that. The neighbor down from me, same thing. He's an elderly veteran on disability income. He's not going to be putting sidewalk in there so the long story short, is the impression I get is that one, you're trying to make me change the character of

my neighborhood or of my block by putting in sidewalk that nobody has, nobody's going to put in and yet in my mind, I meet all this criteria. I at least meet 4 out of the 9 pieces of criteria.

CHAIR GOULD: Okay....

MR. CHAVEZ: One question please and then I will shut up I promise. Why was I not given this information at the very onset of this process? I was never given this information. I've been to the Planning Department at least 8 or 9 times interacting with planning staff. Never once did I get this information from planning staff. I was up here during this hearing, nobody ever directed me or told me to look at this information.

CHAIR GOULD: Because you were asking for a waiver of the perimeter sidewalk requirement under the IDO. So we gave you the waiver criteria for sidewalks under the IDO.

MR. CHAVEZ: And this does not apply?

CHAIR GOULD: I'm going to have to take a moment and talk to legal about that.

CATHY AGAR, CITY ATTORNEY: The IDO and the DPM need to work together.

CHAIR GOULD: We can perhaps talk a little more about this. But we gave you the waiver requirements for the sidewalk in the IDO.

MR. CHAVEZ: No I understand that, I understand that but this is the introduction chapter to your ordinance. And it's pretty clear what the exemptions to that ordinance are in this statement in the introduction, Mrs. Attorney. So I don't understand why this was not provided to me from the onset because really your going to have people come in from Barelas, Martineztown, East San Jose, these are historical areas and the first flag that should be raised when that application comes in, what part of town is this person residing in? Never raised, never brought to my attention that this was a potential issue for me that I could utilize with this review.

MR. BIAZAR: I do want to also mention one quick thing about your property. So some of these fences it is encroaching into the City right-of-way.

MR. CHAVEZ: Well yes it is because, and since 1958, 59, and 60 codes have changed.

MR. BIAZAR: And you are correct, but I mean, until you brought it to our attention we didn't know those things were encroaching into City right-of-way. And also...

MR. CHAVEZ: And the reason for that, because (unintelligible). This whole process is geared towards catching, so let me take a step back. If the City really wants to address the sidewalk issue, what you would do is everybody, create a special assessment district, spread that cost amongst everybody, get those sidewalks repaired and installed. When you are spreading that cost amongst everybody are people going to be mad, well yeah "my taxes just went up to pay for pay for sidewalk that I already have" but yet not knowing that that's going to accommodate their particular area. The trouble with that proposition is your elected officials don't want to do that because it means a tax increase. Well what am I looking at? You're basically applying another tax on me to install sidewalk. Above and beyond the $6500 dollars I already pay a year. Now my $6500 dollars in taxes have paid for a complete renovation of sidewalk, curbing and lamppost from Broadway to 20th, it's paid for the same thing on Lomas:

CHAIR GOULD: Right, but that's sort of something that is paid generally out of the City budget.

MR. CHAVEZ: I understand, so why can't the City…

CHAIR GOULD: Part of the issue with your project is that whenever you make a change to something, so your property, if you were leaving you property exactly the way it is, it's exactly what Shahab just said. We're not going to notice that encroachment we're not going to notice anything. When you change things, we are going to look at what are all of the applicable rules, what applies to your property and so your property that has been one property for a very long time, you are now trying to divide off.

MR. CHAVEZ: So nothing is changing other that the fact that I'm just doing this lot split.

CHAIR GOULD: Right but that lot split is a change and (unintelligible) get brought up to the new regulations.

MR. CHAVEZ: I understand that. That lot split becomes a subdivide and because we term it a subdivide and I would have a whole new set of regulations that we have to adhere to.

CHAIR GOULD: Right.

MR. CHAVEZ: I understand that. But again to me it's just, I mean, as a citizen, as a property tax paying person it just seems like it's very skewed against the property tax person because "a" this is a very expensive process, I'm already in to you for $925 dollars and that probably isn't the end of it as of yet. If I were a veteran on disability income, I could never go through this process; I would have to take a loan out on a bank just to go through the process. So that's my case.

CHAIR GOULD: What we will do because it sounds like there are, you have additional platting issues that we have to address, we will discuss with legal and with Transportation your question and we will get back to you. In the meantime I think we will go through the rest of the board's comments so we're clear. Before you leave we have one case after you and then we have minutes, I will make sure you have whatever contact information you need for the appropriate people. And if you have questions as the board is going through their comments, please ask.

MR. CHAVEZ: Okay.

CHAIR GOULD: Water Authority?

MR. KRIS CADENA, WATER AUTHORITY ENGINEER: We only have two comments. The first one is just providing utility easements for the private water and private sanitary sewer as they cross the....

MR. CHAVEZ: We did that and it's on the plat.

MR. CADENA: And we'll get the second one which is resolving the shared sanitary sewer service. Typically each lot is to have it's own separate sewer service and ....

MR. CHAVEZ: Now we did discuss that a maintenance agreement would suffice and

MR. CADENA: That could work...

MR. CHAVEZ: I did submit that to Maggie.

MR. CADENA: It would be with the Water Authority. (Unintelligible) that it's recorded as well as noted on the plat.

CHAIR GOULD: I believe Angela forwarded those last night.

MR. CADENA: Oh, okay. So those are the only two comments that I have.

CHAIR GOULD: Code Enforcement?

MR. MARTINEZ: Thank you. Mr. Chavez thank you, I appreciate your comments. Please, before we leave I'll make sure you have my telephone number so that we can speak directly and we can make sure we get you the person to talk to for the setbacks.

MR. CHAVEZ: I would appreciate that

MR. MARTINEZ: Code enforcement has the same comments as last time. I do want to point to you Mr. Chavez to 6-6-L3B, variance to sidewalk requirements that in that requirement the request for a variance to sidewalk requirements shall be approved if it meets all of the applicable criteria in sub-section "a" above and all the following criteria which is "a, b, and c below." Again, as we have this discussion I think in the next week or so we'll make sure that we through all those applicable requirements that the waiver has to meet.

MR. CHAVEZ: Thank you.

CHAIR GOULD: Hydrology?

MR. BIAZAR: Like I said, I apologize for the last time. I thought I was clear but right now basically I did a little sketch so all we need to do is just get a sketch from you to kind of show how the flows are going through your site. If this lot is draining to this lot or this lot is draining to this lot, you need ....

MR. CHAVEZ: Here's the confusion on my part.

MR. BIAZAR: Sure, sure.

MR. CHAVEZ: This was all one big lot. Basically it just sort of ponds in here, it just ponds there.

MR. BIAZAR: Yes sir.

MR. CHAVEZ: And so what I do is I get my hoe and it drains out there, so is that kind of what you want to see?

MR. BIAZAR. Yeah, I mean so if the water kind of ponds, I just need a drainage easement that benefits both lots so if somebody buys this lot I mean, the water comes in and sits on this lot or this lot, or the water from this lot sits on this lot they have a drainage easement that they are sharing.

MR. CHAVEZ: What is entailed with the drainage easement? Is it just some wording or...?

MR. BIAZAR: Yeah we could do a blanket drainage easement and I could give you the wording and yeah, it would be just a blanket drainage easement basically where the buildings are and you know I could just write the language over here.

MR. CHAVEZ: I would appreciate that, thank you.

CHAIR GOULD: Okay, Transportation?

MS. WOLFENBARGER: So yes we received the plat late last night. I see that you added the site distance triangles. I didn't get a chance to look at it further to see whether or not the language I wanted had it on that was also in there.

MR. CHAVEZ: And then, you know on the site we haven't really had to ask what are the dimensions (unintelligible) know, so Maggie did provide that information too.

MS. WOLFENBARGER: And then I appreciate the amount of effort that you put into the sidewalk waiver, both initially and with your pictures but I think as Maggie said, it sounds like we just need to discuss it further, the waiver and have and internal meeting and I'd like to exchange phone numbers with you so we can discuss it further. You're right, we are basically trying to upgrade the City....

MR. CHAVEZ: No I understand that. I...I'm sorry, I don't mean to interrupt.

MS. WOLFENBARGER: No, no and part of it is just you know the recent ADA requirements that weren't implemented way back before the 90s and so we, I realize there's much of the sidewalk that isn't in but and we have looked at the neighborhood and I realize there's not a lot to tie into but we do look at all the criteria and so, but if you would, we'll meet internally and I'd like to exchange phone numbers so we can continue those discussions with regard to that as well as the encroachment.

MR. CHAVEZ: I understand what you trying to do. I've sat on that side of the table. I know what you're dealing with. It's just when you're sitting on this side of the table and you're looking at the kind of cost that you folds require, I had to pay $110 dollars to get to this meeting because I couldn't get all the information that was being asked of me for the last meeting. And so it's just extremely frustrating as a private citizen who's up here. You know it's not like I'm looking to build Trump Towers and I'm asking for this variance to accommodate whatever I'm doing. I'm just asking to leave it as status quo. I mean, why do we want to change the character of my street because we have to meet your requirement for sidewalks? I mean, that's the bottom line for me. You see what my neighborhood looks like.

MS. WOLFENBARGER: Yes, I've looked at it extensively actually.

MR. CHAVEZ: Alright, good.

CHAIR GOULD: It sounds like we...

MR. BIAZAR: If I may...

CHAIR GOULD: Please.

MR. BIAZAR: A quick comment, regardless of what happens with the sidewalk your fences are still encroaching into the right-of-way so that needs to be pulled back.

MR. CHAVEZ: I'm sorry, what?

MR. BIAZAR: Your fences are still encroaching into the City right-of-way regardless of what happens with the sidewalk.

MR. CHAVEZ: So let me ask you this, because that's an interesting point. There's two blocks of fencing that's encroaching on that. What do we going to do to those other people that have fences up there? Are we going to ask them to remove those fences?

MR. BIAZAR: We're going to have to right them a letter if that's the case.

MR. CHAVEZ: That's two whole blocks that you're going to have to address. And they are going to be extremely upset with me because I pointed that out. But I'm just saying what's good for one is good for everybody so if I'm supposed to draw back, now here's one other issue that I hope you take into consideration. My neighbor on Granite has been broken into 4 times. 2 times they literally kicked in the front door because she's only about 20 feet off of the street. Now when you ask me to push my property line back to actually make it more accessible to my front door, there's a crime issue potential there because my house in the neighborhood is the only house that's never been broken into. And I've been there, I grew up in that house so I, but that's just a comment that I hope you'll consider when you start talking about removing fences and pushing back lot boundaries closer to the house.

CHAIR GOULD: Okay. It sounds like we need to do some meeting internally. Based on the comments that you have and the discussion we've had at this meeting, and one a question for the board, how much time do we think we need to kind of discuss this? We realistically probably need 2 or 3 weeks. Based on these comments, how much time you and your surveyor need?

MR. CHAVEZ: We just need to get the comments back from the City Surveyor and we can address those. He said he has about 2 or 3 plats in front of him. He's thinking about 2 or 3 days to complete his review. Once that review is completed we can address those fairly quickly, within a week.

MR. BIAZAR: Who was you surveyor?

MR. CHAVEZ: He's from Santa Fe so that's part of the other problem that I have.

MR. BIAZAR: Oh, okay.

MR. CHAVEZ: Yeah, he's not local.

MR. BIAZAR: Okay. I was going to say I could type your note and email it to him because my handwriting, I mean I wrote it down but if you have any questions let me know. It's a blanket drainage easement....

MR. CHAVEZ: Except where the buildings are for the benefit of lots (unintelligible) and to be maintained by lots.... Okay, thank you.

MR. BIAZAR: Alright, Sure.

CHAIR GOULD: Based on this it looks like we'd be looking at a deferral to the meeting of October 23rd. Does that seem acceptable?

MR. CHAVEZ: Yes.

CHAIR GOULD: Okay. Do we have a consensus to defer item number 7 to the meeting of October 23rd?

ALL BOARD MEMBERS ANSWER IN THE AFFIRMATIVE

CHAIR GOULD: Okay great. Since we are making that deferral you are not responsible for paying for that deferral.

MR. CHAVEZ: Thank you, I appreciate that.

CHAIR GOULD: And if you want to stick around we'll make sure that you have what you need.

MR. CHAVEZ: Thank you.

DEVELOPMENT REVIEW BOARD

MINUTES

Plaza del Sol Hearing Room, Basement, Plaza del Sol Building

September 11, 2019

MEMBERS:

Maggie Gould, Acting DRB Chair, Planning Department
Angela Gomez, DRB Hearing Monitor

Jeanne Wolfenbarger, P.E., Transportation Development
Kristopher Cadena, P.E., Water Utility Authority
Shahab Biazar, P.E., Hydrology/ City Engineer
Christina Sandoval, Parks/Municipal Development
Jacobo Martinez, Code Enforcement
Santiago Chavez, Ex-Officio Member, CAO

Project #PR-2019-002811

SD-2019-00158 - **PRELIMINARY/FINAL PLAT**
VA-2019-00288 - **WAIVER**

RICHARD CHAVEZ request(s) the aforementioned action(s) for all or a portion of **LOTS 7-10 BLOCK 44 PEREA ADDITION,** zoned R-1A, located at **NEC of 15th ST NW** and **GRANITE AVE NW**, containing approximately 0.32 acre(s). (J-13)

PROPERTY OWNERS: CHAVEZ RICHARD GERARD
REQUEST: REPLAT 4 LOTS INTO 2 AND S/W WAIVER

PERSONS SPEAKING ON BEHALF OF THE REQUEST:

Mr. Richard Chavez
Ms. Cathy Olson

MS. CATHY OLSON: My name is Cathy Olson, I am the realtor for Richard Chavez. Mr. Chavez resides in the Old Town area of Perea Subdivision. He is requesting a, the request is to replat 4 lots into 2 lots and a sidewalk waiver for today's request. So there's, everything is there, no new buildings or changes other than the site plan from 4 lots to 2 lots. The family has lived there since about 1927 and would like to go ahead and split the

property as there are now 2 residences on the corner. So in order for him to live in one and sell the other this will be required to get that done. Regarding the sidewalk waiver, it's in an area of Old Town where there are many, we have some exhibits for you, but there are sidewalks in some places and no sidewalks in other places and what he would like to do is get a sidewalk waiver with regard to the overall, I guess ambience of the property in general. We wanted to bring you some pictures as to what has happened over the last few years. The City of Albuquerque for instance, in this exhibit, did not have, there was no sidewalk until a light post was placed on the road.

MR. RICHARD CHAVEZ: Actually the whole of Mountain Road from Broadway to 20th was, they placed the sidewalk (unintelligible) at the cost of the City.

MS. OLSON: Right. Then there is, on 15th and Marble, there is no sidewalk. It is low density; people have live there for years, again 14th and Mountain Road, some sidewalk, no sidewalk.

MR. CHAVEZ: This is my adjacent neighbor, who has non-conventional sidewalk, it's 36 inch, no easement, and that's the closest sidewalk to my residence, and she's on the other side of the alley.

MS. OLSON: This is the end of 15th by the...

MR. CHAVEZ: This is the corner of Mountain Road and 15th where the City installed sidewalk along that commercial property.

MS. OLSON: And then the corner of 15th and Granite which is your property, again no sidewalks directly across...

MR. CHAVEZ: Of the 4 corners there's only one corner that has non-conventional sidewalk, 36 inch, no easement.

MS. OLSON: And then the southeast corner of Granite and 15th as well. So it doesn't impact per-sé anybody, it's a very pedestrian area, bicycles etcetera. Again no new construction, it was approved, the newer building was approved without the sidewalk as well and I think it would, you know not really contribute to public welfare etcetera. People like this neighborhood, and they like maintaining the historical aspect of it.

MR. CHAVEZ: So there was two points directly from the criteria that I was presented with. The area's low intensity to the extent that (unintelligible) sidewalk cannot contribute to the public welfare and the absence of sidewalk cannot create a gap (unintelligible) sidewalk (unintelligible). The other one is that the adjoining property (unintelligible) sidewalk is non-conventional (unintelligible). Overall, it's just I would be the only one on the block that would have sidewalk if it's required. With across the street, not having any sidewalk, down the street, around the block not having any sidewalks. Old Town is a very spotty area; it's that way throughout Old Town. I think if the City was really serious about wanting to a comprehensive plan of sidewalk, if that's

what they really need to look at and maybe establish an S.A.D to do that but to identify one individual to install a sidewalk I think is, it doesn't make sense.

MS. MAGGIE GOULD, ACTING DRB CHAIR: I don't believe we have anybody signed up for this. Okay, we are going to go through board comments and then we will see where we are, Water Authority?

MR. KRIS CADENA, WATER AUTHORITY: Hello good morning.

MR. CHAVEZ: Good morning.

MR. CADENA: It is recommended that private utility easements to be granted for the existing water service and sewer service just to preserve those existing services that are currently in place. It looks like, are the two lots sharing one service line for sewer?

MR. CHAVEZ: No, no. on the plot line...so there's a sewer line coming off of this house here, that connects right about here, and the other sewer lines comes off this house here, and connects right about here

MR. CADENA: So let's talk water really quick so you are going to need this water service to provide service to that lot. So you're going to get private water service easements to protect this and allow it to be there for the benefit of...

MR. CHAVEZ: Yes.

MR. CADENA: Okay, and then where is this one getting its water service?

MR. CHAVEZ: This water service is right here.

MR. CADENA: Oh, okay. It would be helpful if you could just show a water meter just so we know it goes there. Now in this one, for sewer, they're technically both sharing sewer, and if this were to break they would both be arguing and figuring out who is going to fix it.

MR. CHAVEZ: And that's why I am (unintelligible).

MR. CADENA: That's fine, it's a simple, even just a five foot easement just along here to preserve that, and here what I'm concerned about is we need to figure out a way to not, it's not an easement it's a shared (unintelligible) agreement, because in theory we need to

MR. CHAVEZ: Could that be part of the purchase agreement?

MR. CADENA: Well, I don't know, we've got to think about it because really this is not a proper set up because you have 2 residences sharing a plastic service (unintelligible), whatever the material is and if that thing breaks then you are going to have (unintelligible). So each lot shall have separate sewer service. So the way to remedy it is

to not, to preserve an easement to allow this to serve that lot and perhaps to a new service connection for this residence here as a way to separate them and have them all separate, with separate services and deal with one another, and we just put easements and everyone is protected. With regards to the waiver, we have no objection.

CHAIR GOULD: Code enforcement?

MR. JACOBO MARTINEZ, CODE ENFORCEMENT: The plat meets the contextual standards we don't have any objection about the plat itself. For the sidewalk waiver, I'll bring up 5-3-D1 again which require sidewalks on, within the IDO. I don't know, I don't think it meets the criteria of variance to sidewalk requirements of 6-6-L3B which you need to meet all 3 of the requirements not just one of the requirements for that variance.

MR. CHAVEZ: So there was 2 though that we met.

MR. MARTINEZ: There's 3 requirements.

MR. CHAVEZ: Well what is the third?

MR. MARTINEZ: A, B, and C requests for a variance to sidewalk requirements shall be (unintelligible) if it meets all the applicable criteria in sub-section "a" above and all of the following criteria has a, b, and c.

MR. CHAVEZ: Okay.

MR. MARTINEZ: Thank you.

CHAIR GOULD: Hydrology?

MR. SHAHAB BIAZAR, CITY ENGINEER: We just need some sort of exhibit to kind of show the drainage pattern on site to see if one lot might be draining to the other side. If that's the case then we are going to need a drainage easement, so we have to kind of show the drainage pattern on site, how this whole site drains...

MR. CHAVEZ: It just ponds right here is what happens.

MR. BIAZAR: Okay, so I need to see something that shows that, you know, does this water come to here?

MR. CHAVEZ: So these two residences are elevated and that's what's happened over the years when my folks first bought this property in '47, this was all flattened out so these areas are elevated to where whatever ponds, and I've seen ponds is right in the general area here.

MR. BIAZAR: Okay, so let's say this house is draining to this little pond basically we have to have a drainage easement for the benefit of this person. Because, this way, right

now the water is actually into this guy's property so that's why I need to see the exhibit, kind of, you know...

MR. CHAVEZ: So just as another point this driveway here, this drains out to the street.

MR. BIAZAR: Okay...

MR. CHAVEZ: Because there is a...

CHAIR GOULD: You need to demonstrate that each lot keeps its own drainage...

MR. BIAZAR: Just show me like a little exhibit that patterns the flows, just a little exhibit. We may just go out there to just verify it but...

MR. CHAVEZ: Okay.

CHAIR GOULD: Transportation?

MS. JEANNE WOLFENBARGER, TRANSPORTATION ENGINEER: Yes. On the plat it looks like there's some fencing that's in the right-of-way.

MR. CHAVEZ: So that fencing was grandfathered back in the early 60s when storm sewer was installed. They actually installed curbing and gutter which everybody around that street had to pay for but at that point in time that area was grandfathered in.

MS. WOLFENBARGER: So typically those kinds of situations we either require fencing to the outer right-of-way or else we require a revocable permit.

MR. BIAZAR: Well in this case you can't do a revocable because you have to build sidewalks.

MS. WOLFENBARGER: Yeah if conflicts with, I guess it does conflict with sidewalk based on where it's located.

MR. CHAVEZ: And there's also landscaping and trees that I'd have to cut out for sidewalk.

MS. WOLFENBARGER: But anyways, that's been our policy. Either we have the fencing out or require a revocable permit. In this case it looks like it's too close to the street; it would conflict with the sidewalk location that would ultimately be...

MR. CHAVEZ: Well that's why I'm asking for a waiver.

CHAIR GOULD: And so Planning's comments were basically you're missing all of the standard plat notes, those need to be added. You're also missing the City Surveyor signature which basically certifies that your plat is complete. We can't do anything until

all of your plat conditions have been met so and it does need to be, it does also need to be signed not just by the City Surveyor but also by the (unintelligible).

MR. BIAZAR: Yeah so this one is not the standard plat sheet, it's half size sheet's with the Surveyor's stamp. Typically we really shouldn't have taken this application because it doesn't have any stamps or signatures from the (unintelligible) nor the City Surveyor.

MR. CHAVEZ: I think what he was waiting for, what he indicated to me was approval before he stamped it because...

CHAIR GOULD: No...

MR. CHAVEZ: Okay, alright....

MR. BIAZAR: For a sketch plat, yeah this would have been okay, but for actual preliminary/final plat it needs to be an actual plat.

CHAIR GOUD: Yeah.

MR. BIAZAR: But you have our comments now, you'll know what to do.

CHAIR GOULD: So if you'll share those comments with the surveyor, your surveyor should be able to address everything that's in there.

MR. CHAVEZ: And then what?

CHAIR GOULD: And then, so what we do is at this point we will defer this because we can't act on this the way that it is now. And so we will wait for the re-submittal of a complete plat. Part of the question is how much time do you think you'll need to work with your surveyor?

MR. CHAVEZ: A week.

CHAIR GOULD: Okay. I don't know how long the City Surveyor's signature turnaround takes.

MR. BIAZAR: So it'll take a couple of days. He needs to get in into the proper format; it's up to your surveyor.

CHAIR GOULD: So it would probably be better to do at least 2 weeks.

MR. CHAVEZ: So once we get this adjusted then I turn it over to the City Surveyor? Is that what I do? Or do I go back to Planning and....

CHAIR GOULD: So you go back to your surveyor with our comments with what needs to be on the plat. They you go to the City Surveyor, the City Surveyor looks at it and

says "yes this is acceptable" and the City Surveyor will sign off on it, then you bring it back to us.

MR. CHAVEZ: Okay.

CHAIR GOULD: So September 25th, is that acceptable? Okay we will defer item number twelve to the meeting of September 25th.

DEVELOPMENT REVIEW BOARD

Code Enforcement Comments

AGENDA ITEM NO: 10

DRB Project Number: PR-2019-002811

Application Number:

Project Name:

Request: Preliminary/Final Plat

COMMENTS:

Code enforcement still needs to understand what the waiver request is.

(Comments may continue onto the next page)

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: Jacobo Martinez, Code Compliance Manager
Planning Department
924-3301 jacobomartinez@cabq.gov

DATE: 10/30/2019

ACTION:

APPROVED ___; DENIED ___; DEFERRED ___; COMMENTS PROVIDED ___; WITHDRAWN ___

DELEGATED: (TRANS) (HYD) (WUA) (PRKS) (PLNG) (CE)

DEVELOPMENT REVIEW BOARD

TRANSPORTATION DEVELOPMENT

DRB Project Number: 2019-002811 AGENDA ITEM NO: 10
15th Street and Granite Avenue

SUBJECT: Plat, Waiver

ENGINEERING COMMENTS:

Previous Comments:

1. Sidewalk waiver is not granted along frontage of property. A 4-foot sidewalk is needed along the residential streets, or a waiver from this standard 4-foot width may be requested. Provide a sidewalk exhibit showing dimensions from curb to property line, dimension of sidewalk and setback from the curb. Added infrastructure will be required prior to final plat.

2. It appears from the plat that there is fencing within the right-of-way that will need to be removed. At minimum, enough needs to be removed for the construction of the sidewalk. A revocable permit will be needed for any remaining fencing within the right-of-way.

*Please remember to email me directly with an electronic copy of all supplemental submittal documents.

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: Jeanne Wolfenbarger, P.E.
Transportation Development
505-924-3991 or jwolfenbarger@cabq.gov

DATE: October 30, 2019

ACTION:

APPROVED __; DENIED __; DEFERRED __; COMMENTS PROVIDED __; WITHDRAWN __

DELEGATED: _____ TO: (TRANS) (HYD) (WUA) (PRKS) (CE) (PLNG)

DEVELOPMENT REVIEW BOARD

Planning Dept. - Minor Case Comments

HEARING DATE/AGENDA ITEM NO. 10

Project Number: PR-2019-002211
Application Number: SD-2019-00158, VA-2019-00288

Project Name: Chavez replat

Request: Prelim/final plat, Sidewalk waiver

COMMENTS:

Hello Mr. Chavez,
I am responding to your letter of October 25th in which you asked about the waiver criteria.
The IDO requires a perimeter sidewalk for residential development.
A waiver to the requirement for this sidewalk is a waiver to an IDO standard and must follow the IDO waiver criteria. The standard that you are using is from the Development Process Manual.
A waiver to the width of the sidewalk would be waiver to a Development Process Manual Standard and would follow the criteria that you are referencing. If you are asking for a waiver to the sidewalk width, please let us know.
The waiver criteria in 6-6(L)(3)(b) requires that the waiver will not create a gap in the existing system. Because there is existing sidewalk to the east of your property, the lack of sidewalk creates a gap.
See Citations below:
5-3(D) PEDESTRIAN CIRCULATION 5-3(D)(1) Sidewalks in Residential Development 5-3(D)(1)(a) Perimeter sidewalks shall be provided in accordance with the DPM, exclusive of the exception noted in Subsection (b) below
6-6(L)(3)(a) General Except as indicated in (d) below, an application for a Waiver – DRB shall be approved if it complies with the following criteria, as applicable:
1. Any of the following applies:
a. There are special circumstances applicable to the subject property that are not self-imposed and that do not apply generally to other property in the same zone district and vicinity, including but not limited to size, shape, topography, location, surroundings, and physical characteristics, and such special circumstances were created either by natural forces or by government eminent domain actions for which no compensation was paid. Such special circumstances of the property either create an extraordinary hardship in the form of a substantial and unjustified limitation on

the reasonable use or return on the property, or practical difficulties result from strict compliance with the minimum standards.
b. There are pre-existing obstructions that cannot be easily or economically relocated or should not be altered, such as grades, fills, water courses, natural topographic features, man-made obstructions, or utility lines.
c. The area or site has been recognized as having historical, archeological, and/or architectural significance by the City, state, or federal government, and a Variance is needed and appropriate to maintain such historical, archeological, and/or architectural significance.
d. The established neighborhood character or landscaping on the site would be damaged to a degree that outweighs the public interest in the City's normal technical standards in that location.
e. Varying from the normal requirements and standards will encourage flexibility, economy, effective use of open space, or ingenuity in design of a subdivision, in accordance with accepted principles of site planning.
2. The Waiver will not be materially contrary to the public safety, health, or welfare.
3. The Waiver does not cause significant material adverse impacts on surrounding properties.
4. The Waiver will not hinder future planning, public right-of way acquisition, or the financing or building of public infrastructure improvements.
5. The Waiver will not conflict significantly with the goals and provisions of any city, county, or AMAFCA adopted plan or policy, this IDO, or any other City code or ordinance.
6. The Waiver will not allow, encourage, or make possible undesired development in the 100-year Floodplain.
7. The Waiver will not materially undermine the intent and purpose of this IDO or the applicable zone district.
8. The Waiver does not allow a lot or type of development that does not meet the applicable size, area, and development standards applicable in the zone district where the lot is located, unless a Deviation to such standards is within the thresholds established by Subsection 14-16-6-4(O) (Deviations) and is granted by the DRB as part of this approval.
9. The Waiver approved is the minimum necessary to avoid extraordinary hardship or practical difficulties.
10. The Waiver for Sidewalk Requirements meets the criteria in (b) below.
11. The Waiver for Front Yard Parking meets the criteria in (c) below
6-6(L)(3)(b) Waiver to Sidewalk Requirements A request for a Variance to sidewalk requirements, shall be approved if it meets all of the applicable criteria in Subsection (a) above and all of the following criteria:
a. The area is of low-intensity land use to an extent that the normal installation of sidewalks will not contribute to the public welfare, and the absence of a sidewalk will not create a gap in an

existing sidewalk system extended to 1 or more sides of the subject property or area.
b. The City's right-of-way is insufficient in width to permit the construction of a sidewalk of standard dimension and placement, but there is sufficient right-of-way to meet minimum ADA or PROWAG guidance.
c. The adjoining sidewalks are non-standard as to width and/or location, and the Variance would enable the new and existing sidewalks to match in width and/or location, or could create a smooth transition between areas of different width and/or character.

Please let me know if this answers your question.

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: Maggie Gould
Planning Department
924-3910 mgould@cabq.gov

DATE: October 29, 2019

Albuquerque Bernalillo County
Water Utility Authority

P.O. Box 1293
Albuquerque, NM 87103

Development Review Board (DRB)
Review Comments
Utility Development Section
Reviewer: Kristopher Cadena, P.E.
Phone: 505.289.3301

DRB Project No:	Date:	Item No:
PR-2019-002811	10/30/19	#10
Zone Atlas Page: J-13	**Legal Description: Lot(s)** LOTS 7-10 BLOCK 44 PEREA ADDITION **Location:** NEC of 15th ST NW and GRANITE AVE NW	
Request For: **SD-2019-00158** - PRELIMINARY/FINAL PLAT **VA-2019-00288** - WAIVER		

ABCWUA Comment:

Please provide written description of how the following comments were addressed with the next submittal.

SD-2019-00158 - PRELIMINARY/FINAL PLAT

1. Private utility easements should be granted for the existing water and sanitary sewer services that are currently serving the existing residences.
2. The existing sanitary sewer service appears to be shared between the two proposed lots. The property owner provided a draft shared maintenance agreement. This shall be recorded and included on the plat prior to approval.

VA-2019-00288 – WAIVER

1. No objection to the sidewalk waiver.

UTILITY DEVELOPMENT

DEVELOPMENT REVIEW BOARD

TRANSPORTATION DEVELOPMENT

DRB Project Number: 2019-002811
15th Street and Granite Avenue

AGENDA ITEM NO: 7

SUBJECT: Plat, Waiver

ENGINEERING COMMENTS:

Previous Comments:

1. Sidewalk waiver is not granted along frontage of property. A 4-foot sidewalk is needed along the residential streets, or a variance may be requested. Provide a sidewalk exhibit showing dimensions from curb to property line, dimension of sidewalk and setback from the curb. Added infrastructure will be required prior to final plat.

2. On an exhibit, show 11-foot sight distance triangles at each of the driveway entrances. Add the following note as well: "Landscaping, fencing and signing will not interfere with clear sight requirements. Therefore, signs, walls, trees, and shrubbery between 3 and 8 feet tall (as measured from the gutter pan) will not be acceptable in the clear sight triangle."
(I believe that the plat presented at the last DRB meeting had the correct sight distance triangles, but I was unsure about the language.)

3. It appears from the plat that there is fencing within the right-of-way that will need to be removed. At minimum, enough needs to be removed for the construction of the sidewalk. A revocable permit will be needed for any remaining fencing within the right-of-way.

*Please remember to email me directly with an electronic copy of all supplemental submittal documents.

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: Jeanne Wolfenbarger, P.E.
Transportation Development
505-924-3991 or jwolfenbarger@cabq.gov

DATE: October 23, 2019

ACTION:

APPROVED __; DENIED __; DEFERRED __; COMMENTS PROVIDED __; WITHDRAWN __

DEVELOPMENT REVIEW BOARD

TRANSPORTATION DEVELOPMENT

DELEGATED: _____ TO: (TRANS) (HYD) (WUA) (PRKS) (CE) (PLNG)

DEVELOPMENT REVIEW BOARD

Code Enforcement Comments

AGENDA ITEM NO: 13

DRB Project Number: PR-2019-002811

Application Number:

Project Name:

Request: Preliminary/Final Plat

COMMENTS:

Code enforcement has no issues with the replatting request. CE thinks a sidewalk should be required

(Comments may continue onto the next page)

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: Jacobo Martinez, Code Compliance Manager
Planning Department
924-3301 jacobomartinez@cabq.gov

DATE: 9/11/2019

ACTION:

APPROVED ___; DENIED ___; DEFERRED ___; COMMENTS PROVIDED ___; WITHDRAWN ___

DELEGATED: (TRANS) (HYD) (WUA) (PRKS) (PLNG) (CE)

DEVELOPMENT REVIEW BOARD - **HYDROLOGY SECTION**

Shahab Biazar, PE, City Engineer | 505-924-3999 sbiazar@cabq.gov

DRB Project Number: 2019-002811 Hearing Date: **10-23-2019**

Project: Lot 7-10, Block 44, Perea Add. Agenda Item No: **7**

☐ Sketch Plat	☒ Minor Preliminary / Final Plat	☐ Preliminary Plat	☐ Final Plat
☐ Temp Sidewalk Deferral	☐ Sidewalk Waiver/Variance	☐ Site Plan for Bldg. Permit ☐ Site Plan for Subdivision	☐ Bulk Land Plat
☐ IIA Extension	☐ DPM Variance	☐ Vacation of Public Easement	☐ Vacation of Public Right of Way

ENGINEERING COMMENTS:

- Drainage easement note with beneficiary and maintenance responsibility must be added to the plat.

RESOLUTION/COMMENTS:

Parks & Rec:

Water:

Transportation:

Planning:

Code:

☐ APPROVED
☐ DENIED

DELEGATED TO: ☐ TRANS ☐ HYD ☐ WUA ☐ PRKS ☐ PLNG
Delegated For: _____
SIGNED: ☐ I.L. ☐ SPSD ☐ SPBP ☐ FINAL PLAT
DEFERRED TO _____

Albuquerque Bernalillo County
Water Utility Authority

P.O. Box 1293
Albuquerque, NM 87103

Development Review Board (DRB)
Review Comments
Utility Development Section
Reviewer: Kristopher Cadena, P.E.
Phone: 505.289.3301

DRB Project No:	Date:	Item No:
PR-2019-002811	10/23/19	#7
Zone Atlas Page: J-13	**Legal Description: Lot(s)** LOTS 7-10 BLOCK 44 PEREA ADDITION **Location:** NEC of 15th ST NW and GRANITE AVE NW	
Request For: **SD-2019-00158** - PRELIMINARY/FINAL PLAT **VA-2019-00288** - WAIVER		

ABCWUA Comment:

Please provide written description of how the following comments were addressed with the next submittal.

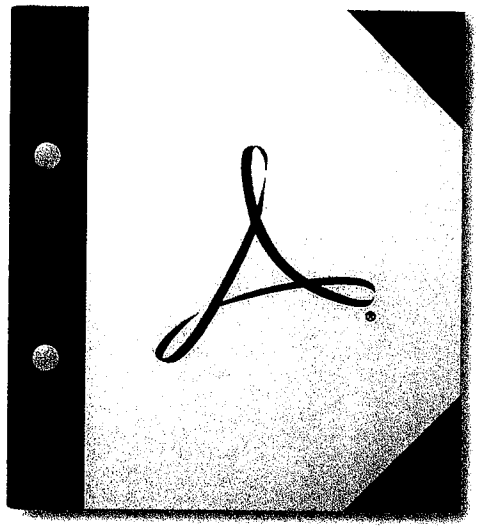
SD-2019-00158 - PRELIMINARY/FINAL PLAT

1. Private utility easements should be granted for the existing water and sanitary sewer services that are currently serving the existing residences.
2. The existing sanitary sewer service appears to be shared between the two proposed lots. The property owner provided a draft shared maintenance agreement. This shall be recorded and included on the plat prior to approval.

VA-2019-00288 – WAIVER

1. No objection to the sidewalk waiver.

UTILITY DEVELOPMENT



For the best experience, open this PDF portfolio in Acrobat X or Adobe Reader X, or later.

Get Adobe Reader Now!

DEVELOPMENT REVIEW BOARD

TRANSPORTATION DEVELOPMENT

DRB Project Number: 2019-002811
15th Street and Granite Avenue

AGENDA ITEM NO: 7

SUBJECT: Plat, Waiver

ENGINEERING COMMENTS:

Previous Comments:

1. Sidewalk waiver is not granted along frontage of property. Much of the neighborhood area already has sidewalk, and a 4-foot sidewalk is needed along the residential streets. Provide a sidewalk exhibit showing dimensions from curb to property line, dimension of sidewalk and setback from the curb. Added infrastructure will be required prior to final plat.

2. On an exhibit, show sight distance triangles at each of the driveway entrances. Add the following note as well: "Landscaping, fencing and signing will not interfere with clear sight requirements. Therefore, signs, walls, trees, and shrubbery between 3 and 8 feet tall (as measured from the gutter pan) will not be acceptable in the clear sight triangle."

3. It appears from the plat that there is fencing within the right-of-way that will need to be removed.

*Please remember to email me directly with an electronic copy of all supplemental submittal documents.

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: Jeanne Wolfenbarger, P.E.
Transportation Development
505-924-3991 or jwolfenbarger@cabq.gov

DATE: October 2, 2019

ACTION:

APPROVED __; DENIED __; DEFERRED __; COMMENTS PROVIDED __; WITHDRAWN __

DELEGATED: _____ TO: (TRANS) (HYD) (WUA) (PRKS) (CE) (PLNG)

DEVELOPMENT REVIEW BOARD

Code Enforcement Comments

AGENDA ITEM NO: 7

DRB Project Number: PR-2019-002811

Application Number:

Project Name:

Request: Preliminary/Final Plat

COMMENTS:

Code enforcement has no issues with the replatting request. CE thinks a sidewalk should be required

(Comments may continue onto the next page)

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: Jacobo Martinez, Code Compliance Manager
Planning Department
924-3301 jacobomartinez@cabq.gov

DATE: 10/2/2019

ACTION:

APPROVED ___; DENIED ___; DEFERRED ___; COMMENTS PROVIDED ___; WITHDRAWN ___

DELEGATED: (TRANS) (HYD) (WUA) (PRKS) (PLNG) (CE)

DEVELOPMENT REVIEW BOARD

Agenda

Plaza del Sol Building Basement Hearing Room

October 2, 2019

Kym Dicome..... DRB Chair
Jeanne Wolfenbarger ..... Transportation
Kris Cadena ..... Water Authority
Shahab Biazar .....City Engineer/Hydrology
Jacobo Martinez.....Code Enforcement
Christina Sandoval.....Parks and Rec
Santiago Chavez.....Ex-Officio Member, CAO

Angela Gomez ~ DRB Hearing Monitor

****

NOTE: INDIVIDUALS WITH DISABILITIES WHO NEED SPECIAL ASSISTANCE TO PARTICIPATE AT THIS MEETING SHOULD CONTACT ANGELA GOMEZ, PLANNING DEPARTMENT, AT 924-3946. HEARING IMPAIRED USERS MAY CONTACT HER VIA THE NEW MEXICO RELAY NETWORK BY CALLING TOLL-FREE:1-800-659-8331.

NOTE: DEFFERRAL OF CASES WILL BE ANNOUCED AT THE BEGINNING OF THE AGENDA.

NOTE: IF THE APPLICANT/AGENT IS NOT PRESENT WHEN THEIR REQUEST IS CALLED, THEN THE REQUEST MAY BE INDEFINITELY DEFERRED ON A NO SHOW. PER THE DRB RULES OF PROCEDURE, AN INDEFINITE DEFERRAL REQUIRES A RE-APPLICATION AND REPAYMENT OF ALL APPLICATION FEES.

A. Call to Order: 9:00 A.M.
B. Changes and/or Additions to the Agenda

MAJOR CASES

1. **Project #PR-2018-001842**
   (1001049, 1011324)
   SD-2019-00166 – VACATION OF PUBLIC EASEMENT
   SD-2019-00165 – PRELIMINARY PLAT
   VA-2019-00312 - WAIVER

THE GROUP/RON HENSLEY agent(s) for **CLEARBROOK INVESTMENTS INC.** request(s) the aforementioned action(s) for all or a portion of TRACT 4-A of PLAT OF TRACTS 4-A AND 4-B HORIZON VILLAGE, zoned NR-LM, located on HORIZON BLVD NE north of ALAMEDA BLVD NE, containing approximately 2.9201 acre(s). (C-17)

PROPERTY OWNERS: CLEARBROOK INVESTMENTS INC
REQUEST: SUBDIVIDE EXISTING TRACT INTO 30 RESIDENTIAL LOTS

Is an undevelopable area being created adjacent to lot 30? How will the area be accessed for maintenance?

2. **Project #PR-2019-002651**
(1000530)
SD-2019-00133 – VACATION OF RIGHT OF WAY

TIERRA WEST LLC agent(s) for **AIRPORT PARKING** request(s) the aforementioned action(s) for all or a portion of SUNPORT BLVD SE west of UNIVERSITY BLVD SE containing approximately 0.1609 acre(s). (M-15)) *[Deferred from 8/21/19, 9/11/19]*

PROPERTY OWNERS: R & B LLC
REQUEST: VACATION OF A PORTION OF SUNPORT BLVD PUBLIC RIGHT-OF-WAY

No objection.

---

3. **Project #PR-2019-002668**
SI-2019-00251 - SITE PLAN

JEREMY MECHENBIER/MECHENBIER CONSTRUCTION request(s) the aforementioned action(s) for all or a portion of LOT 28-A OF REPLAT OF TRACT D UNIT 3 - LOT 28 UNIT 4 - TRACT F-1 & UNPLATTED POR OF INTERSTATE INDUSTRAL TRACT & TRACT A ENVIRCO TRACT (NOW COMPRISING TRACTS D-1 D-2 D-3 & 28A) INTERSTATE INDUSTRIAL TRACT, zoned NR-LM, located at 7101 WASHINGTON ST NE south of HAWKINS ST NE and west of JEFFERSON ST NE, containing approximately 4.9 acre(s). (D-17)) *[Deferred from 8/21/19, 9/11/19, 9/18/19]*

PROPERTY OWNERS: SECURITY SELF STORAGE INC
REQUEST: 82,000 SF OFFICE/WAREHOUSE BUILDING

No objection.

---

4. **Project #PR-2019-002294**
(1011491)
SD-2019-00152 – VACATION OF PUBLIC DRAINAGE EASEMENT
SD-2019-00151 – FINAL PLAT
SD-2019-00150 - PRELIMINARY PLAT

TIERRA WEST, LLC agent(s) for **MAVERICK, INC.** request(s) the aforementioned action(s) for all or a portion of TRACT OF LAND IN SEC 9 T10N R3E AND BEING IDENTIFIED AS TRACTS A AND B FROM A PORTION OF AN UNPLATTED 6.5774 ACRE TRACT AS DESCRIBED IN SPECIAL WARRANTY DEED FILED MAY 4, 1978 IN BOOK D5A, PAGES 424-426 LESS AND THAN AND ACCEPTING PORTION OUT TO NMDOT R/W BY STIPULATED JUDGEMENT FILED NOVEMBER 20, 2000 AS DOC 200115519 AND THAT PORTION OF TRACT B OUT TO COA R/W BY QUIT CLAIM DEED FILED APRIL 28, 1980 DOCUMENT, zoned NR-LM, located at 1901 MENAUL BLVD NE east of I-40 and west of UNIVERSITY BLVD NE, containing approximately 6.5008 acre(s). (H-15) *[Deferred from 9/11/19, 9/25/19]*

PROPERTY OWNERS: PALONI JOHN & SUNWEST BANK TRPALONI RVT
REQUEST: PLAT/VACATION FOR A PROPOSED CONVENIENT STORE AND FUELING STATION

No objection.

---

5. **Project #PR-2018-001914**
SI-2019-000287- SITE PLAN AMENDMENT

TIERRA WEST LLC agent(s) for **MERIDAN II REDEVELOPMENT** LLC request(s) the aforementioned action(s) for all or a portion of TRACT C BULK LAND PLAT of TRACTS A THRU D MERIDIAN BUSINESS PARK II (A REPLAT OF LOT 3 & TRACTS S-1A, S-2A-2 ATRISCO BUSINESS PARK UNIT 2), zoned NR-BP, located on GALLATIN PLACE NW between LOS VOLCANES RD NW and FORTUNA RD NW, containing approximately 22.4273 acre(s). (J-10) *[Deferred from 9/18/19, 9/25/19]*

PROPERTY OWNERS: MERIDAN II REDEVELOPMENT LLC C/O ANGELA BRUNACINI
REQUEST: MAJOR AMENDMENT TO ADD A 97,000 SF WAREHOUSE/OFFICE BUILDING

No objection.

MINOR CASES

---

6. **Project #PR-2019-002762**
SD-2019-00180 – PRELIMINARY/FINAL PLAT

CSI – CARTESIAN SURVEY'S INC. agent(s) for **AHMET AND MARTHA TIRYAKI** request(s) the aforementioned action(s) for all or a portion of LOTS 13-20 BLOCK 27 TIJERAS PLACE, zoned MX-T, located on LA VETA DR NE south of ZIA RD NE, containing approximately 0.4596 acre(s). (K-18)
(Sketch Plat – 8-28-2019)

PROPERTY OWNERS: : FIRST SECURITY II MANAGEMENT INC
REQUEST: CONSOLIDATE 8 LOTS INTO 1 LOT

No objection.

---

7. **Project #PR-2019-002811**
SD-2019-00158 - PRELIMINARY/FINAL PLAT
VA-2019-00288 - WAIVER

RICHARD CHAVEZ request(s) the aforementioned action(s) for all or a portion of LOTS 7-10 BLOCK 44 PEREA ADDITION, zoned R-1A, located at NEC of 15th ST NW and GRANITE AVE NW, containing approximately 0.32 acre(s). (J-13) *[Deferred from 9/11/19, 9/25/19]*

PROPERTY OWNERS: CHAVEZ RICHARD GERARD
REQUEST: REPLAT 4 LOTS INTO 2 AND S/W WAIVER

No objection.

---

8. **Project #PR-2018-001695 (1003445)**
SD-2019-00167 – AMENDMENT TO INFRASTRUCTURE LIST (IL)

HUITT-ZOLLARS agent(s) for **NOVUS PROPERTIES LLC – MICHAEL MONTOYA** request(s) the aforementioned action(s) for all or a portion of TRACTS A2B of PLAT OF TRACTS A2A & A2B FOUNTAIN HILLS PLAZA SUBDIVISON AND TRACTS B, C, E & F PLAT OF FOUNTAIN HILLS PLAZA SUBDIVISION, zoned NR-C, located on NUNZIO AV NW, north of PASEO DEL NORTE NW and west of EAGLE RANCH RD NW, containing approximately 4.6606 acre(s). (C-12) *[Deferred from 9/18/19, 9/25/19]*

PROPERTY OWNERS: NOVUS PROPERTIES
REQUEST: REMOVAL OF INTERNAL SIDEWALKS FROM INFRASTRUCTURE LIST

No objection.

SKETCH PLAT

---

9. **Project #PR-2019-002899**
PS-2019-00085 – SKETCH PLAT

RAVEN'S WING CONSULTING LLC agent(s) for **MDS INVESTMENTS LLC** request(s) the aforementioned action(s) for all or a portion of: TR O BULK LAND PLAT FOR MESA DEL SOL INNOVATION PARK II (A REPLAT OF TRS 1, 12, 15, 4-A-2, 4-A-3 & 4-A-4 MESA DEL SOL & TRS 2-A, 2-B, 3, 4, 7, 8, 9, 10, 16, 18, 19, 20, 21 LOT O, BLOCK 0000, SUBDIVISION MESA DEL SOL INNOVATION PARK II, zoned PC, located at 2730 EASTMAN CROSSING SE, Albuquerque, NM, containing approximately 7.74 acre(s). (R-16)

PROPERTY OWNERS: MDS INVESTMENTS LLC
REQUEST: INFRASTRCTURE REQUIREMENTS

No comments.

---

10. Other Matters:

11. **ACTION SHEET MINUTES:**

Septemeber 25, 2019

ADJOURNED.

DEVELOPMENT REVIEW BOARD - **HYDROLOGY SECTION**

Shahab Biazar, PE, City Engineer | 505-924-3999 sbiazar@cabq.gov

DRB Project Number: 2019-002811 Hearing Date: **10-02-2019**

Project: Lot 7-10, Block 44, Perea Add. Agenda Item No: **7**

☐ Sketch Plat	☒ Minor Preliminary / Final Plat	☐ Preliminary Plat	☐ Final Plat
☐ Temp Sidewalk Deferral	☐ Sidewalk Waiver/Variance	☐ Site Plan for Bldg. Permit ☐ Site Plan for Subdivision	☐ Bulk Land Plat
☐ IIA Extension	☐ DPM Variance	☐ Vacation of Public Easement	☐ Vacation of Public Right of Way

ENGINEERING COMMENTS:

- Need an exhibit showing on-site and offsite drainage patterns. Drainage easement may be required for any runoff entering the site. Refer to City Hydrology website for typical easement note (if any drainage easement is required).

RESOLUTION/COMMENTS:

Parks & Rec:

Water:

Transportation:

Planning:

Code:

☐ APPROVED
☐ DENIED

DELEGATED TO: ☐ TRANS ☐ HYD ☐ WUA ☐ PRKS ☐ PLNG
Delegated For: _____
SIGNED: ☐ I.L. ☐ SPSD ☐ SPBP ☐ FINAL PLAT
DEFERRED TO _____

Albuquerque Bernalillo County
Water Utility Authority

P.O. Box 1293
Albuquerque, NM 87103

Development Review Board (DRB)
Review Comments
Utility Development Section
Reviewer: Kristopher Cadena, P.E.
Phone: 505.289.3301

DRB Project No:	Date:	Item No:
PR-2019-002811	10/02/19	#7
Zone Atlas Page: J-13	**Legal Description: Lot(s)** LOTS 7-10 BLOCK 44 PEREA ADDITION **Location:** NEC of 15th ST NW and GRANITE AVE NW	
Request For: **SD-2019-00158** - PRELIMINARY/FINAL PLAT **VA-2019-00288** - WAIVER		

ABCWUA Comment:

Please provide written description of how the following comments were addressed with the next submittal.

SD-2019-00158 - PRELIMINARY/FINAL PLAT

1. It is recommended that private utility easements should be granted for the existing water and sanitary sewer services that are currently serving the existing residences.
2. The existing sanitary sewer service appears to be shared between the two proposed lots. Each lot shall have separate water and sanitary sewer services. Confirmation of the separation is required prior to plat approval.

VA-2019-00288 – WAIVER

1. No objection to the sidewalk waiver.

UTILITY DEVELOPMENT

DEVELOPMENT REVIEW BOARD

TRANSPORTATION DEVELOPMENT

DRB Project Number: 2019-002811
Project Name: 15th Street and Granite Avenue

AGENDA ITEM NO: 12

SUBJECT: Waiver, Preliminary/Final Plat

ENGINEERING COMMENTS:

1. Sidewalk waiver is not granted along frontage of property. Much of the area already has sidewalk, and a 4-foot sidewalk is needed along the residential streets. Provide a sidewalk exhibit showing dimensions from curb to property line, dimension of sidewalk and setback from the curb. Added infrastructure will be required prior to final plat.

2. On an exhibit, show sight distance triangles at each of the driveway entrances. Add the following note as well: "Landscaping, fencing and signing will not interfere with clear sight requirements. Therefore, signs, walls, trees, and shrubbery between 3 and 8 feet tall (as measured from the gutter pan) will not be acceptable in the clear sight triangle."

3. It appears from the plat that there is fencing within the right-of-way that will need to be removed.

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: Jeanne Wolfenbarger, P.E.
Transportation Development
505-924-3991 or jwolfenbarger@cabq.gov

DATE: September 11, 2019

ACTION:

APPROVED __; DENIED __; DEFERRED __; COMMENTS PROVIDED __; WITHDRAWN __

DELEGATED: _____ TO: (TRANS) (HYD) (WUA) (PRKS) (CE) (PLNG)

DEVELOPMENT REVIEW BOARD

Code Enforcement Comments

AGENDA ITEM NO: 12

DRB Project Number: PR-2019-002811

Application Number:

Project Name:

Request: Preliminary/Final Plat

COMMENTS:

Code enforcement has no issues with the replatting request. CE thinks a sidewalk should be required

(Comments may continue onto the next page)

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: Jacobo Martinez, Code Compliance Manager
Planning Department
924-3301 jacobomartinez@cabq.gov

DATE: 9/11/2019

ACTION:

APPROVED ___; DENIED ___; DEFERRED ___; COMMENTS PROVIDED ___; WITHDRAWN ___

DELEGATED: (TRANS) (HYD) (WUA) (PRKS) (PLNG) (CE)

DEVELOPMENT REVIEW BOARD

Agenda

Plaza del Sol Building Basement Hearing Room

September 11, 2019

Maggie Gould.....Acting DRB Chair
Jeanne Wolfenbarger ..... Transportation
Kris Cadena ..... Water Authority
Shahab Biazar .....City Engineer/Hydrology
Jacobo Martinez.....Code Enforcement
Christina Sandoval.....Parks and Rec
Santiago Chavez.....Ex-Officio Member, CAO

Angela Gomez ~ DRB Hearing Monitor

****

NOTE: INDIVIDUALS WITH DISABILITIES WHO NEED SPECIAL ASSISTANCE TO PARTICIPATE AT THIS MEETING SHOULD CONTACT ANGELA GOMEZ, PLANNING DEPARTMENT, AT 924-3946. HEARING IMPAIRED USERS MAY CONTACT HER VIA THE NEW MEXICO RELAY NETWORK BY CALLING TOLL-FREE:1-800-659-8331.

NOTE: DEFFERRAL OF CASES WILL BE ANNOUCED AT THE BEGINNING OF THE AGENDA.

NOTE: IF THE APPLICANT/AGENT IS NOT PRESENT WHEN THEIR REQUEST IS CALLED, THEN THE REQUEST MAY BE INDEFINITELY DEFERRED ON A NO SHOW. PER THE DRB RULES OF PROCEDURE, AN INDEFINITE DEFERRAL REQUIRES A RE-APPLICATION AND REPAYMENT OF ALL APPLICATION FEES.

A. Call to Order: 9:00 A.M.

B. Changes and/or Additions to the Agenda

MAJOR CASES

1. **Project #PR-2019-002496**
   SI-2019-00180 – SITE PLAN
   (to be heard with Item # 11/SD-2019-00161)

CONSENSUS PLANNING, INC. agent(s) for **BELLA TESORO LLC** request(s) the aforementioned action(s) for all or a portion of LOTS 1--4 BLOCK 4 TRACT 3 UNIT 3 NORTH ALBUQUERQUE ACRES, zoned MX-L, located at the SEC of BARSTOW ST NE AND ALAMEDA BLVD NE, containing approximately 3.38 acre(s). (C-19 & 20) *[Deferred from 7/17/19, 8/14/19]*

PROPERTY OWNERS: MATONI GIUSEPPE & ANNA TRUSTEES MANTONI FAMILY TRUST, LINDBORG PHILIP L
REQUEST: MULTI-FAMILY RESIDENTIAL DEVELOPMENT

No objection.

---

2. **Project #PR-2019-002294**
(1011491)
SD-2019-00152 – VACATION OF PUBLIC DRAINAGE EASEMENT
SD-2019-00151 – FINAL PLAT
SD-2019-00150 - PRELIMINARY PLAT

TIERRA WEST, LLC agent(s) for **MAVERICK, INC.** request(s) the aforementioned action(s) for all or a portion of TRACT OF LAND IN SEC 9 T10N R3E AND BEING IDENTIFIED AS TRACTS A AND B FROM A PORTION OF AN UNPLATTED 6.5774 ACRE TRACT AS DESCRIBED IN SPECIAL WARRANTY DEED FILED MAY 4, 1978 IN BOOK D5A, PAGES 424-426 LESS AND THAN AND ACCEPTING PORTION OUT TO NMDOT R/W BY STIPULATED JUDGEMENT FILED NOVEMBER 20, 2000 AS DOC 200115519 AND THAT PORTION OF TRACT B OUT TO COA R/W BY QUIT CLAIM DEED FILED APRIL 28, 1980 DOCUMENT, zoned NR-LM, located at 1901 MENAUL BLVD NE east of I-40 and west of UNIVERSITY BLVD NE, containing approximately 6.5008 acre(s). (H-15)

PROPERTY OWNERS: PALONI JOHN & SUNWEST BANK TRPALONI RVT
REQUEST: PLAT/VACATION FOR A PROPOSED CONVENIENT STORE AND FUELING STATION

No objection.

---

3. **Project #PR-2019-002770**
(PR-2019-001345)
SI-2019-00279 – SITE PLAN

DEKKER, PERICH, SABATINI agent(s) for **DBG PROPERTIES LLC** request(s) the aforementioned action(s) for all or a portion of TRACT RR-3-A-1 WESTLAND SOUTH TRACTS RR-3-A-1 AND RR-3-A-2, zoned R-ML, located south of DENNIS CHAVEZ BLVD SW and west of 98th ST SW, containing approximately 5.423 acre(s). (P-09)

PROPERTY OWNERS: DBG PROPERTIES LLC
REQUEST: 156 UNIT MULITFAMILY DEVELOPMENT

Is there an infrastructure list with this request? Trail might be needed on Dennis Chavez Blvd.

---

4. **Project #PR-2019-002573**
SI-2019-00190 – SITE PLAN-DRB
VA-2019-00217 - WAIVER
(to be heard with Item #10/SI-2019-00160)

GARCIA/KRAEMER & ASSOCIATES agent(s) for **JOHN JONES** request(s) the aforementioned action(s) for all or a portion of LOT 5 BLOCK 17 TRACT 1 UNIT 3 A UNIT B NORTH ALBUQUERQUE ACRES, zoned PD, located at 8500 GLENDALE AVE NE, east of BARSTOW ST NE and west of VENTURA ST NE, containing approximately 0.8864 acre(s). (B-20) *[Deferred from 7/24/19, 7/31/19, 8/7/19, 8/14/19]*

PROPERTY OWNERS: JONES MARK JOHN
REQUEST: SF HOME WITH MAJOR INFRASTRUCTURE

No objection.

---

5. **Project #PR-2019-002651**
(1000530)
SD-2019-00133 – VACATION OF RIGHT OF WAY

TIERRA WEST LLC agent(s) for **AIRPORT PARKING** request(s) the aforementioned action(s) for all or a portion of SUNPORT BLVD SE west of UNIVERSITY BLVD SE containing approximately 0.1609 acre(s). (M-15)) *[Deferred from 8/21/19]*

PROPERTY OWNERS: R & B LLC
REQUEST: VACATION OF A PORTION OF SUNPORT BLVD PUBLIC RIGHT-OF-WAY

No objection.

---

6. **Project #PR-2019-002668**
SI-2019-00251 - SITE PLAN

JEREMY MECHENBIER/MECHENBIER CONSTRUCTION request(s) the aforementioned action(s) for all or a portion of LOT 28-A OF REPLAT OF TRACT D UNIT 3 - LOT 28 UNIT 4 - TRACT F-1 & UNPLATTED POR OF INTERSTATE INDUSTRAL TRACT & TRACT A ENVIRCO TRACT (NOW COMPRISING TRACTS D-1 D-2 D-3 & 28A) INTERSTATE INDUSTRIAL TRACT, zoned NR-LM, located at 7101 WASHINGTON ST NE south of HAWKINS ST NE and west of JEFFERSON ST NE, containing approximately 4.9 acre(s). (D-17)) *[Deferred from 8/21/19]*

PROPERTY OWNERS: SECURITY SELF STORAGE INC
REQUEST: 82,000 SF OFFICE/WAREHOUSE BUILDING

No objection.

---

7. **Project #PR-2019-002677**
SI-2019-00252 – SITE PLAN

MODULUS ARCHITECTS, INC. agent(s) for **CARLISLE ASSOCIATES LP** request(s) the aforementioned action(s) for all or a portion of TRACTS A & B CARLISLE & INDIAN SCHOOL SUBDIVISION BEING A PART OF BLOCKS 16 & 17 AND A PART OF BLOCKS 14 & 15 NETHERWOOD PARK SECOND FILING EXCLUDING PORTIONS OUT TO R/W, zoned MX-M, located at the NEC of INDIAN SCHOOL RD NE and CARLISLE BLVD NE, containing approximately 10.2 acre(s). (H-16) *[Deferred from 8/21/19]*

PROPERTY OWNERS: CARLISLE ASSOCIATES C/O ROSEN ASSOC MGMT GROUP
REQUEST: 120,000+ SF RETAIL DEVELOPMENT

No objection.

---

8. **Project #PR-2019-002661**
(1000575)
SD-2019-00134 – VACATION OF PUBLIC EASEMENT
SD-2019-00135 – VACATION OF PUBLIC EASEMENT
SD-2019-00136 – VACATION OF PUBLIC EASEMENT
SD-2019-00137 – VACATION OF PUBLIC EASEMENT
SD-2019-00138 – VACATION OF PRIVATE EASEMENT
SD-2019-00139 – PRELIMINARY/FINAL PLAT
SD-2019-00140 – PRELIMINARY/FINAL PLAT

BOHANNAN HUSTON INC. agent(s) for **PRESBYTERIAN HEALTHCARE SERVICES** request(s) the aforementioned action(s) for all or a portion of LOTS 1-A THRU 4-A AND 5-9 PRESBYTERIAN HOSPITAL-MAIN CAMPUS PHASE ONE, zoned MX-H, located at 1100 CENTRAL AV SE east of I-25 and north of LEAD AVE SE, containing approximately 11.9575 acre(s). (K-15)*[Deferred from 7/31/19, 8/21/19, 8/28/19]*

PROPERTY OWNERS: PRESBYTERIAN HEALTHCARE SERVICES
REQUEST: VACATIONS OF VARIOUS EASEMENTS AND REPLAT

No objection.

---

9. **Project #PR-2019-002423**
SI-2019-00130 - SITE PLAN

SCOTT ANDERSON agent(s) for **JIM ACHEN** request(s) the aforementioned action(s) for all or a portion of LOT 11, BLOCK 29, NORTH ALBUQUERQUE ACRES TRACT A UNIT B, zoned NR-BP, located at 6504 ALAMEDA BLVD NE, west of LOUISIANA BLVD NE, containing approximately 0.89acre(s). (C-18) *[Deferred from 6/12/19, 7/10/19, 7/24/19, 8/21/19, 8/28/19]*

PROPERTY OWNERS: ACHEN JAMES R TRUSTEE ACHEN FAMILY RVT
REQUEST: SITE PLAN FOR A 8,125 SF WAREHOUSE/OFFICE BUILDING

No objection.

MINOR CASES

---

10. **Project #PR-2019-002573**
SI-2019-00160 – PRELIMINARY/FINAL PLAT

GARCIA/KRAEMER & ASSOCIATES agent(s) for **JOHN JONES** request(s) the aforementioned action(s) for all or a portion of LOT 5 BLOCK 17 TRACT 1 UNIT 3 A UNIT B NORTH ALBUQUERQUE ACRES, zoned PD, located at 8500 GLENDALE AVE NE, east of BARSTOW ST NE and west of VENTURA ST NE, containing approximately 0.8864 acre(s). (B-20)

PROPERTY OWNERS: JONES JOHN MARK
REQUEST: RE-PLAT TO DEDICATE ALAMEDA R/W AND GRANT EASEMENTS

No objection.

---

11. **Project #PR-2019-002496**
SD-2019-00161 - PRELIMINARY/FINAL PLAT

CONSENSUS PLANNING agent(s) for **PHIL LINDBERG** request(s) the aforementioned action(s) for all or a portion of LOTS 1--4 BLOCK 4 TRACT 3 UNIT 3 NORTH ALBUQUERQUE ACRES, zoned MX-L, located at the SEC of BARSTOW ST NE and ALAMEDA BLVD NE, containing approximately 3.38 acre(s). (C-19 & 20)

PROPERTY OWNERS: MATONI GIUSEPPE & ANNA TRUSTEES MANTONI FAMILY TRUST, LINDBORG PHILIP L
REQUEST: REPLAT 4 INTO 1, DEDICATE R/W AND GRANT EASEMENTS

No objection.

---

12. **Project #PR-2019-002811**
SD-2019-00158 - PRELIMINARY/FINAL PLAT
VA-2019-00288 - WAIVER

RICHARD CHAVEZ request(s) the aforementioned action(s) for all or a portion of LOTS 7-10 BLOCK 44 PEREA ADDITION, zoned R-1A, located at NEC of 15th ST NW and GRANITE AVE NW, containing approximately 0.32 acre(s). (J-13)

PROPERTY OWNERS: CHAVEZ RICHARD GERARD
REQUEST: REPLAT 4 LOTS INTO 2 AND S/W WAIVER

No objection.

---

13. **Project #PR-2019-002686**
SD-2019-00144 – PRELIMINARY/FINAL PLAT

TIERRA WEST, LLC agent(s) for **LUBRICAR PROPERTIES II LC** request(s) the aforementioned action(s) for all or a portion of LOTS 1-3 AND WEST 38 FEET OF LOT 4 BLOCK 8 SOMBRA DEL MONTE, zoned MX-M, located on MENAUL BLVD NE west of WYOMING BLVD NE, containing approximately 7.9 acre(s). (H-19)*[Deferred from 8/7/19, 8/21/19]*

PROPERTY OWNERS: VIGA MICHAEL & MARILYN DORIS TRUSTEES & LUBRICAR PROPERTIES
REQUEST: MINOR PRELIMINARY/FINAL PLAT

No objection.

---

14. **Project #PR-2018-001225**
SD-2019-00155 – PRELIMINARY/FINAL PLAT

ARCH + PLAN LAND USE CONSULTANTS agent(s) for **KIRK AND JOYCE WESSELINK** request(s) the aforementioned action(s) for all or a portion of TRACT 493, TOWN OF ATRISCO GRANT UNIT 7, zoned R-1C, located on 1119 86TH ST SW between SAGE RD SW and SAPPHIRE ST SW containing approximately 4.89 acre(s). (M-9) *(Sketch Plat June 13, 2018) [Deferred from 8/28/19]*

PROPERTY OWNERS: WESSELINK KIRK A & JOYCE D
REQUEST: SUBDIVIDE 1 LOT INTO 5 LOTS

No objection.

---

15. **Project #PR-2018-001457**
SD-2019-00154 – PRELIMINARY/FINAL PLAT

ARCH + PLAN LAND USE CONSULTANTS agent(s) for **CARL HAWKINS** request(s) the aforementioned action(s) for all or a portion of LOT 13-A PLAT OF LOTS 12-A & 13-A MAJOR ACRES, zoned R-1D, located at 924 MAJOR AV NW east of 12th St NW and south of CANDELARIA RD NW, containing approximately 0.8152 acre(s). (G-14) *(Sketch Plat August 22, 2018) [Deferred from 8/28/19]*

PROPERTY OWNERS: HAWKINS CARL P
REQUEST: CREATE 2 LOTS FROM 1 EXISTING LOT

No objection.

---

16. **Project #PR-2018-001541**
SD-2019-00130 – PRELIMINARY/FINAL PLAT

ALDRICH LAND SURVEYING agent(s) for **ALAMO CENTER LLC** request(s) the aforementioned action(s) for all or a portion of TRACTS E-1 ALAMEDA WEST, zoned NR-C, located at 10131 COORS BLVD NW, north of SEVEN BAR LOOP NW and south of OLD AIRPORT AV NW containing approximately 11.6063 acre(s). (B-14)*[Deferred from 7/24/9, 8/7/19, 8/21/19, 8/28/19]*

PROPERTY OWNERS: ALAMO CENTER LLC
REQUEST: DIVIDE 1 TRACT INTO 2 TRACTS

No objection.

---

17. **Project #PR-2018-001670**
VA-2019-00267 – WAIVER
VA-2019-00268 - WAIVER
SI-2019-00181 - SITE PLAN

CONSENSUS PLANNING INC. agent(s) for **AMERCO REAL ESTATE COMPANY** request(s) the aforementioned action(s) for all or a portion of TRACT C OF ALEXANDER CENTER, zoned MX-M, located at 4TH STREET NW AND CUTLER AVE NW, containing approximately 2.5277 acre(s). (H-14)*{site plan deferred from 7/17/19, 8/21/19}*

PROPERTY OWNERS: AMERCO REAL ESTATE COMPANY
REQUEST: SELF STORAGE FACILITY

No objection.

SKETCH PLAT

---

18. **Project #PR-2019-002791**
PS-2019-00079 – SKETCH PLAT

SZU-HAN HO request(s) the aforementioned action(s) for all or a portion of LOTS 13, 14 & 15 BLOCK 12 ALBRIGHT & MOORE ADDITION, zoned R-1A, located at 1402 LOS TOMASES NW, north of KINLEY AVE NW, containing approximately 0.23 acre(s). (J-14)

PROPERTY OWNERS: HO SZU-HAN
REQUEST: LOT LINE ELIMINATION

No comment.

Other Matters:

20. **ACTION SHEET MINUTES: August 28, 2019**

ADJOURNED.

DEVELOPMENT REVIEW BOARD - **HYDROLOGY SECTION**

Shahab Biazar, PE, City Engineer | 505-924-3999 sbiazar@cabq.gov

DRB Project Number: 2019-002811 Hearing Date: **9-11-2019**

Project: Lot 7-10, Block 44, Perea Add. Agenda Item No: **12**

☐ Sketch Plat	☒ Minor Preliminary / Final Plat	☐ Preliminary Plat	☐ Final Plat
☐ Temp Sidewalk Deferral	☐ Sidewalk Waiver/Variance	☐ Site Plan for Bldg. Permit ☐ Site Plan for Subdivision	☐ Bulk Land Plat
☐ IIA Extension	☐ DPM Variance	☐ Vacation of Public Easement	☐ Vacation of Public Right of Way

ENGINEERING COMMENTS:

- Need an exhibit showing on-site and offsite drainage patterns. Drainage easement may be required for any runoff entering the site. Refer to City Hydrology website for typical easement note (if any drainage easement is required).

RESOLUTION/COMMENTS:

Parks & Rec:

Water:

Transportation:

Planning:

Code:

☐ APPROVED
☐ DENIED

DELEGATED TO: ☐ TRANS ☐ HYD ☐ WUA ☐ PRKS ☐ PLNG
Delegated For: _____
SIGNED: ☐ I.L. ☐ SPSD ☐ SPBP ☐ FINAL PLAT
DEFERRED TO _____

DEVELOPMENT REVIEW BOARD

Planning Dept. - Minor Case Comments

HEARING DATE/AGENDA ITEM NO. September 11 2019, 12

Project Number: PR-2019-002211
Application Number: SD-2019-00158, VA-2019-00288

Project Name: Chavez replat

Request: Prelim/final plat, Sidewalk waiver

COMMENTS:

1. Please use this number, PR-2019-002811 for all future requests
2. See Code Enforcement comments for Contextual lot Standards
3. There is existing sidewalk along Granite Ave, NE to the east of the property
4. Plat is missing City Surveyor signature
5. Plat is missing a legal description
6. Plat is missing Solar Access note
7. Plat is missing owner signature
8. Plat is missing surveyors signature
9. Signature block is missing line for Code Enforcement

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: Maggie Gould
Planning Department
924-3910 mgould@cabq.gov

DATE: September 9, 2019

Albuquerque Bernalillo County
Water Utility Authority

P.O. Box 1293
Albuquerque, NM 87103

Development Review Board (DRB)
Review Comments
Utility Development Section
Reviewer: Kristopher Cadena, P.E.
Phone: 505.289.3301

DRB Project No:	Date:	Item No:
PR-2019-002811	09/11/19	#12
Zone Atlas Page: J-13	**Legal Description: Lot(s)** LOTS 7-10 BLOCK 44 PEREA ADDITION **Location:** NEC of 15th ST NW and GRANITE AVE NW	
Request For: **SD-2019-00158** - PRELIMINARY/FINAL PLAT **VA-2019-00288** - WAIVER		

ABCWUA Comment:

Please provide written description of how the following comments were addressed with the next submittal.

SD-2019-00158 - PRELIMINARY/FINAL PLAT

1. It is recommended that private utility easements should be granted for the existing water and sanitary sewer services that are currently serving the existing residences.
2. The existing sanitary sewer service appears to be shared between the two proposed lots. Each lot shall have separate water and sanitary sewer services. Confirmation of the separation is required prior to plat approval.

VA-2019-00288 – WAIVER

1. No objection

UTILITY DEVELOPMENT

CITY OF ALBUQUERQUE

Planning Department
Brennon Williams, Interim Planning Director
Development Review Division
600 2nd Street NW – 3rd Floor
Albuquerque, NM 87102

NOTICE OF APPEAL

November 13, 2019

TO WHOM IT MAY CONCERN:

The Planning Department received an appeal on November 12, 2019. 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 Alfredo Salas, Planning Administrative Assistant at (505) 924-3370.

Please refer to the enclosed excerpt from the City Council Rules of Procedure for Land Use Hearing Officer Rules of Procedure and Qualifications for any questions you may have regarding the Land Use Hearing Officer rules of 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 Crystal Ortega, Clerk to the Council, (505) 768-3100.

CITY COUNCIL APPEAL NUMBER: AC-19-18
PLANNING DEPARTMENT CASE FILE NUMBER:
PR-2019-002811, SI-2019-00158, VA-2019-00288, VA-2019-00416

PO Box 1293

Albuquerque

NM 87103

APPLICANT: Richard Chavez
906 15th Street NW
Albuquerque NM, 87104

cc: Crystal Ortega, City Council, City county bldg. 9th floor
Kevin Morrow/Legal Department, City Hall, 4th Floor-
DRB File

www.cabq.gov

DEVELOPMENT REVIEW BOARD

Agenda

Plaza del Sol Building Basement Hearing Room

October 30, 2019

Jolene Wolfley ..... DRB Chair
Jeanne Wolfenbarger ..... Transportation
Kris Cadena ..... Water Authority
Shahab Biazar .....City Engineer/Hydrology
Jacobo Martinez.....Code Enforcement
Cheryl Somerfeldt.....Parks and Rec

Angela Gomez ~ DRB Hearing Monitor

****

NOTE: INDIVIDUALS WITH DISABILITIES WHO NEED SPECIAL ASSISTANCE TO PARTICIPATE AT THIS MEETING SHOULD CONTACT ANGELA GOMEZ, PLANNING DEPARTMENT, AT 924-3946. HEARING IMPAIRED USERS MAY CONTACT HER VIA THE NEW MEXICO RELAY NETWORK BY CALLING TOLL-FREE:1-800-659-8331.

NOTE: DEFFERRAL OF CASES WILL BE ANNOUCED AT THE BEGINNING OF THE AGENDA.

NOTE: IF THE APPLICANT/AGENT IS NOT PRESENT WHEN THEIR REQUEST IS CALLED, THEN THE REQUEST MAY BE INDEFINITELY DEFERRED ON A NO SHOW. PER THE DRB RULES OF PROCEDURE, AN INDEFINITE DEFERRAL REQUIRES A RE-APPLICATION AND REPAYMENT OF ALL APPLICATION FEES.

A. Call to Order: 9:00 A.M.
B. Changes and/or Additions to the Agenda

MAJOR CASES

1. **Project # PR-2019-002947**
   SD-2019-00184 – EXTENSION OF INFRASTRUCTURE IMPROVEMENTS AGREEMENT

PULTE HOMES OF NEW MEXICO request(s) the aforementioned action(s) for all or a portion of: DEL WEBB @ MIREHAVEN, UNIT 2B, zoned PC, located SOUTHEAST of the PETROGLYPH NATIONAL MONUMENT and NORTH of the MIREHAVEN ARROYO, containing approximately 35.8770 acre(s). (H-8)

PROPERTY OWNERS: PULTE HOMES OF NEW MEXICO
REQUEST: EXTENSION OF INFRASTRUCTURE IMPROVEMENTS AGREEMENT

---

8. **Project # PR-2019-002029**
SD-2019-00191 - PRELIMINARY/FINAL PLAT

ARCH + PLAN LAND USE CONSULTANTS agent(s) for **MARY ANNE PILS** request(s) the aforementioned action(s) for all or a portion of: LOT(S) 3-A & 4-A, BLOCK 4, SANTA FE ADDITION, zoned R-1A, located at 805 SANTA FE between 8th STREET and 9th STREET, containing approximately 0.1654 acre(s). (K-13)

PROPERTY OWNERS: MARYANNE PILS
REQUEST: LOT LINE RE-ALIGNMENT

DEFERRED TO NOVEMBER 20TH, 2019.

---

9. **Project #PR-2018-001225**
SD-2019-00155 – PRELIMINARY/FINAL PLAT

ARCH + PLAN LAND USE CONSULTANTS agent(s) for **KIRK AND JOYCE WESSELINK** request(s) the aforementioned action(s) for all or a portion of TRACT 493, TOWN OF ATRISCO GRANT UNIT 7, zoned R-1C, located on 1119 86TH ST SW between SAGE RD SW and SAPPHIRE ST SW containing approximately 4.89 acre(s). (M-9) *[Deferred from 8/28/19, 9/11/19]*

PROPERTY OWNERS: WESSELINK KIRK A & JOYCE D
REQUEST: SUBDIVIDE 1 LOT INTO 5 LOTS

DEFERRED TO DECEMBER 4TH, 2019.

---

10. **Project #PR-2019-002811**
SD-2019-00158 - PRELIMINARY/FINAL PLAT
VA-2019-00288 - WAIVER

RICHARD CHAVEZ request(s) the aforementioned action(s) for all or a portion of LOTS 7-10 BLOCK 44 PEREA ADDITION, zoned R-1A, located at NEC of 15th ST NW and GRANITE AVE NW, containing approximately 0.32 acre(s). (J-13) *[Deferred from 9/11/19, 9/25/19, 10/2/19, 10/23/19]*

PROPERTY OWNERS: CHAVEZ RICHARD GERARD
REQUEST: REPLAT 4 LOTS INTO 2 AND S/W WAIVER

THE PRELIMINARY/FINAL PLAT HAS BEEN DEFERRED TO NOVEMBER 20TH, 2019.

THE WAIVER HAS BEEN DENIED.

DEVELOPMENT REVIEW BOARD

Agenda

Plaza del Sol Building Basement Hearing Room

October 23, 2019

Maggie Gould..... Acting DRB Chair
Jeanne Wolfenbarger ..... Transportation
Kris Cadena ..... Water Authority
Shahab Biazar .....City Engineer/Hydrology
Jacobo Martinez.....Code Enforcement
Cheryl Somerfeldt.....Parks and Rec

Angela Gomez ~ DRB Hearing Monitor

****

1. Project #PR-2019-002677
SI-2019-00252 – SITE PLAN

MODULUS ARCHITECTS, INC. agent(s) for **CARLISLE ASSOCIATES LP** request(s) the aforementioned action(s) for all or a portion of TRACTS A & B CARLISLE & INDIAN SCHOOL SUBDIVISION BEING A PART OF BLOCKS 16 & 17 AND A PART OF BLOCKS 14 & 15 NETHERWOOD PARK SECOND FILING EXCLUDING PORTIONS OUT TO R/W, zoned MX-M, located at the NEC of INDIAN SCHOOL RD NE and CARLISLE BLVD NE, containing approximately 10.2 acre(s). (H-16) *[Deferred from 8/21/19, 8/28/19, 9/18/19]*

PROPERTY OWNERS: CARLISLE ASSOCIATES C/O ROSEN ASSOC MGMT GROUP
REQUEST: 120,000+ SF RETAIL DEVELOPMENT

DEFERRED TO OCTOBER 30TH, 2019

---

5. **Project #PR-2018-001198**
SI-2019-00348 – EPC SITE PLAN FINAL SIGN-OFF

CONSENSUS PLANNING agent(s) for **PV TRAILS ALBUQUERQUE LLC** request(s) the aforementioned action(s) for all or a portion of TRACTS 1 AND TRACT 2, BULK LAND PLAT OF THE TRAILS, UNIT 3A, zoned R-1B and R1-D, located on WOODMONT AVE NW, between the PETROGLYPH NATIONAL MONUMENT and PASEO DEL NORTE, containing approximately 20.5 acre(s). (C-8)

PROPERTY OWNERS: PV TRAILS ALBUQUERQUE LLC
REQUEST: EPC SITE PLAN SIGN-OFF (SI-2018-00283)

DEFERRED TO OCTOBER 30TH, 2019.

---

6. **Project #PR-2019-002161**
SD-2019-00186 – PRELIMINARY/FINAL PLAT

CSI – CARTESIAN SURVEYS INC. agent(s) for **ALBUQUERQUE INDIAN CENTER** request(s) the aforementioned action(s) for all or a portion of LOTS 5-14, BLOCK 3 OF UNITY ADDITION SUBDIVISION, zoned MX-L, located on ZUNI RD SE between TENNESSEE ST SE AND TEXAS ST SE, containing approximately 1.5450 acre(s). (K-19)

PROPERTY OWNERS: ALBUQUERQUE INDIAN CENTER
REQUEST: SUBDIVIDE 10 EXISTING LOTS INTO 2 NEW LOTS/GRANT EASEMENT

DEFERRED TO NOVEMBER 6TH, 2019.

---

7. **Project #PR-2019-002811**
SD-2019-00158 - PRELIMINARY/FINAL PLAT
VA-2019-00288 - WAIVER

RICHARD CHAVEZ request(s) the aforementioned action(s) for all or a portion of LOTS 7-10 BLOCK 44 PEREA ADDITION, zoned R-1A, located at NEC of 15th ST NW and GRANITE AVE NW, containing approximately 0.32 acre(s). (J-13) *[Deferred from 9/11/19, 9/25/19, 10/2/19]*

PROPERTY OWNERS: CHAVEZ RICHARD GERARD
REQUEST: REPLAT 4 LOTS INTO 2 AND S/W WAIVER

DEFERRED TO OCTOBER 30TH, 2019.

DEVELOPMENT REVIEW BOARD

Agenda

Plaza del Sol Building Basement Hearing Room

October 2, 2019

Maggie Gould.....Acting DRB Chair
Jeanne Wolfenbarger ..... Transportation
Kris Cadena ..... Water Authority
Shahab Biazar .....City Engineer/Hydrology
Jacobo Martinez.....Code Enforcement
Christina Sandoval.....Parks and Rec
Santiago Chavez.....Ex-Officio Member, CAO

Angela Gomez ~ DRB Hearing Monitor

****

NOTE: INDIVIDUALS WITH DISABILITIES WHO NEED SPECIAL ASSISTANCE TO PARTICIPATE AT THIS MEETING SHOULD CONTACT ANGELA GOMEZ, PLANNING DEPARTMENT, AT 924-3946. HEARING IMPAIRED USERS MAY CONTACT HER VIA THE NEW MEXICO RELAY NETWORK BY CALLING TOLL-FREE:1-800-659-8331.

NOTE: DEFFERRAL OF CASES WILL BE ANNOUCED AT THE BEGINNING OF THE AGENDA.

NOTE: IF THE APPLICANT/AGENT IS NOT PRESENT WHEN THEIR REQUEST IS CALLED, THEN THE REQUEST MAY BE INDEFINITELY DEFERRED ON A NO SHOW. PER THE DRB RULES OF PROCEDURE, AN INDEFINITE DEFERRAL REQUIRES A RE-APPLICATION AND REPAYMENT OF ALL APPLICATION FEES.

A. Call to Order: 9:00 A.M.
B. Changes and/or Additions to the Agenda

MAJOR CASES

1. **Project #PR-2018-001842**
   (1001049, 1011324)
   SD-2019-00166 – VACATION OF PUBLIC EASEMENT
   SD-2019-00165 – PRELIMINARY PLAT
   VA-2019-00312 - WAIVER

THE GROUP/RON HENSLEY agent(s) for **CLEARBROOK INVESTMENTS INC.** request(s) the aforementioned action(s) for all or a portion of TRACT 4-A of PLAT OF TRACTS 4-A AND 4-B HORIZON VILLAGE, zoned R-ML, located on HORIZON BLVD NE north of ALAMEDA BLVD NE, containing approximately 2.9201 acre(s). (C-17)

PROPERTY OWNERS: CLEARBROOK INVESTMENTS INC
REQUEST: SUBDIVIDE EXISTING TRACT INTO 30 RESIDENTIAL LOTS

---

5. **Project #PR-2018-001914**
SI-2019-000287- SITE PLAN AMENDMENT

TIERRA WEST LLC agent(s) for **MERIDAN II REDEVELOPMENT** LLC request(s) the aforementioned action(s) for all or a portion of TRACT C BULK LAND PLAT of TRACTS A THRU D MERIDIAN BUSINESS PARK II (A REPLAT OF LOT 3 & TRACTS S-1A, S-2A-2 ATRISCO BUSINESS PARK UNIT 2), zoned NR-BP, located on GALLATIN PLACE NW between LOS VOLCANES RD NW and FORTUNA RD NW, containing approximately 22.4273 acre(s). (J-10) *[Deferred from 9/18/19, 9/25/19]*

PROPERTY OWNERS: MERIDAN II REDEVELOPMENT LLC C/O ANGELA BRUNACINI
REQUEST: MAJOR AMENDMENT TO ADD A 97,000 SF WARE-HOUSE/OFFICE BUILDING

IN THE MATTER OF THE AFOREMENTIONED APPLICATION, BEING IN COMPLIANCE WITH ALL APPLICABLE REQUIREMENTS OF THE DPM AND THE IDO, THE DRB HAS *APPROVED* THE AMENDED SITE PLAN.

MINOR CASES

---

6. **Project #PR-2019-002762**
SD-2019-00180 – PRELIMINARY/FINAL PLAT

CSI – CARTESIAN SURVEY'S INC. agent(s) for **AHMET AND MARTHA TIRYAKI** request(s) the aforementioned action(s) for all or a portion of LOTS 13-20 BLOCK 27 TIJERAS PLACE, zoned MX-T, located on LA VETA DR NE south of ZIA RD NE, containing approximately 0.4596 acre(s). (K-18)
(Sketch Plat – 8-28-2019)

PROPERTY OWNERS: FIRST SECURITY II MANAGEMENT INC
REQUEST: CONSOLIDATE 8 LOTS INTO 1 LOT

IN THE MATTER OF THE AFOREMENTIONED APPLICATION, BEING IN COMPLIANCE WITH ALL APPLICABLE REQUIREMENTS OF THE DPM AND THE IDO, THE DRB HAS *APPROVED* THE PRELIMINARY/FINAL PLAT. FINAL SIGN OFF IS DELEGATED TO: PLANNING FOR AGIS DXF.

---

7. **Project #PR-2019-002811**
SD-2019-00158 - PRELIMINARY/FINAL PLAT
VA-2019-00288 - WAIVER

RICHARD CHAVEZ request(s) the aforementioned action(s) for all or a portion of LOTS 7-10 BLOCK 44 PEREA ADDITION, zoned R-1A, located at NEC of 15th ST NW and GRANITE AVE NW, containing approximately 0.32 acre(s). (J-13) *[Deferred from 9/11/19, 9/25/19]*

PROPERTY OWNERS: CHAVEZ RICHARD GERARD
REQUEST: REPLAT 4 LOTS INTO 2 AND S/W WAIVER

DEFERRED TO OCTOBER 23RD, 2019

DEVELOPMENT REVIEW BOARD

Agenda

Plaza del Sol Building Basement Hearing Room

September 11, 2019

Maggie Gould.....Acting DRB Chair
Jeanne Wolfenbarger ..... Transportation
Kris Cadena ..... Water Authority
Shahab Biazar .....City Engineer/Hydrology
Jacobo Martinez.....Code Enforcement
Christina Sandoval.....Parks and Rec
Santiago Chavez.....Ex-Officio Member, CAO

Angela Gomez ~ DRB Hearing Monitor

****

NOTE: INDIVIDUALS WITH DISABILITIES WHO NEED SPECIAL ASSISTANCE TO PARTICIPATE AT THIS MEETING SHOULD CONTACT ANGELA GOMEZ, PLANNING DEPARTMENT, AT 924-3946. HEARING IMPAIRED USERS MAY CONTACT HER VIA THE NEW MEXICO RELAY NETWORK BY CALLING TOLL-FREE:1-800-659-8331.

NOTE: DEFFERRAL OF CASES WILL BE ANNOUCED AT THE BEGINNING OF THE AGENDA.

NOTE: IF THE APPLICANT/AGENT IS NOT PRESENT WHEN THEIR REQUEST IS CALLED, THEN THE REQUEST MAY BE INDEFINITELY DEFERRED ON A NO SHOW. PER THE DRB RULES OF PROCEDURE, AN INDEFINITE DEFERRAL REQUIRES A RE-APPLICATION AND REPAYMENT OF ALL APPLICATION FEES.

A. Call to Order: 9:00 A.M.
B. Changes and/or Additions to the Agenda

MAJOR CASES

1. Project #PR-2019-002496
SI-2019-00180 – SITE PLAN
(to be heard with Item # 11/SD-2019-00161)

CONSENSUS PLANNING, INC. agent(s) for **BELLA TESORO LLC** request(s) the aforementioned action(s) for all or a portion of LOTS 1--4 BLOCK 4 TRACT 3 UNIT 3 NORTH ALBUQUERQUE ACRES, zoned MX-L, located at the SEC of BARSTOW ST NE AND ALAMEDA BLVD NE, containing approximately 3.38 acre(s). (C-19 & 20) *[Deferred from 7/17/19, 8/14/19]*

PROPERTY OWNERS: MATONI GIUSEPPE & ANNA TRUSTEES MANTONI FAMILY TRUST, LINDBORG PHILIP L
REQUEST: MULTI-FAMILY RESIDENTIAL DEVELOPMENT

---

11. **Project #PR-2019-002496**
SD-2019-00161 - PRELIMINARY/FINAL PLAT

CONSENSUS PLANNING agent(s) for **PHIL LINDBERG** request(s) the aforementioned action(s) for all or a portion of LOTS 1--4 BLOCK 4 TRACT 3 UNIT 3 NORTH ALBUQUERQUE ACRES, zoned MX-L, located at the SEC of BARSTOW ST NE and ALAMEDA BLVD NE, containing approximately 3.38 acre(s). (C-19 & 20)

PROPERTY OWNERS: MATONI GIUSEPPE & ANNA TRUSTEES MANTONI FAMILY TRUST, LINDBORG PHILIP L
REQUEST: REPLAT 4 INTO 1, DEDICATE R/W AND GRANT EASEMENTS

IN THE MATTER OF THE AFOREMENTIONED APPLICATION, BEING IN COMPLIANCE WITH ALL APPLICABLE REQUIREMENTS OF THE DPM AND THE IDO, THE DRB HAS *APPROVED* THE PRELIMINARY/FINAL PLAT. FINAL SIGN OFF IS DELEGATED TO: WATER AUTHORITY AND TO PLANNING.

---

12. **Project #PR-2019-002811**
SD-2019-00158 - PRELIMINARY/FINAL PLAT
VA-2019-00288 - WAIVER

RICHARD CHAVEZ request(s) the aforementioned action(s) for all or a portion of LOTS 7-10 BLOCK 44 PEREA ADDITION, zoned R-1A, located at NEC of 15th ST NW and GRANITE AVE NW, containing approximately 0.32 acre(s). (J-13)

PROPERTY OWNERS: CHAVEZ RICHARD GERARD
REQUEST: REPLAT 4 LOTS INTO 2 AND S/W WAIVER

DEFERRED TO SEPTEMBER 25TH, 2019.

---

13. **Project #PR-2019-002686**
SD-2019-00144 – PRELIMINARY/FINAL PLAT

TIERRA WEST, LLC agent(s) for **LUBRICAR PROPERTIES II LC** request(s) the aforementioned action(s) for all or a portion of LOTS 1-3 AND WEST 38 FEET OF LOT 4 BLOCK 8 SOMBRA DEL MONTE, zoned MX-M, located on MENAUL BLVD NE west of WYOMING BLVD NE, containing approximately 7.9 acre(s). (H-19)*[Deferred from 8/7/19, 8/21/19]*

PROPERTY OWNERS: VIGA MICHAEL & MARILYN DORIS TRUSTEES & LUBRICAR PROPERTIES
REQUEST: CONSOLIDATE 4 EXISTING LOTS INTO 1

DEFERRED TO SEPTEMBER 18TH, 2019.
