

CITY OF ALBUQUERQUE



July 2, 2010

Mr. Kenneth M. Robey
121 Tulane Dr. SE
Albuquerque, NM 87106

Dear Mr. Robey:

This is in response to your letters dated June 14, 2010 and June 18, 2010, and June 25, 2010, and also in follow up to your recent meeting with the Planning Director and Matthew Conrad on June 24, 2010.

You have previously been informed by letter dated June 4, 2010 that the issuance of a Certificate of Occupancy does not arise out of the provisions of the zoning code and therefore may not be appealed under § 14-14-4-4 ROA 1994. The issuance of a Certificate of Occupancy arises out of the Uniform Administrative Code. The Uniform Administrative Code provides for appeals to the Board of Appeals regarding the application and interpretation of the technical codes made by the City's Building Official.

The substance of your complaints regarding the court orders in CV 2007-06467 and CV 2009-0431 are zoning code violations. I have therefore forwarded your complaints to the City's Code Enforcement Official, Mr. Matthew Conrad for investigation and response. Mr. Conrad will inform you of any enforcement action.

PO Box 1293

Albuquerque

NM 87103

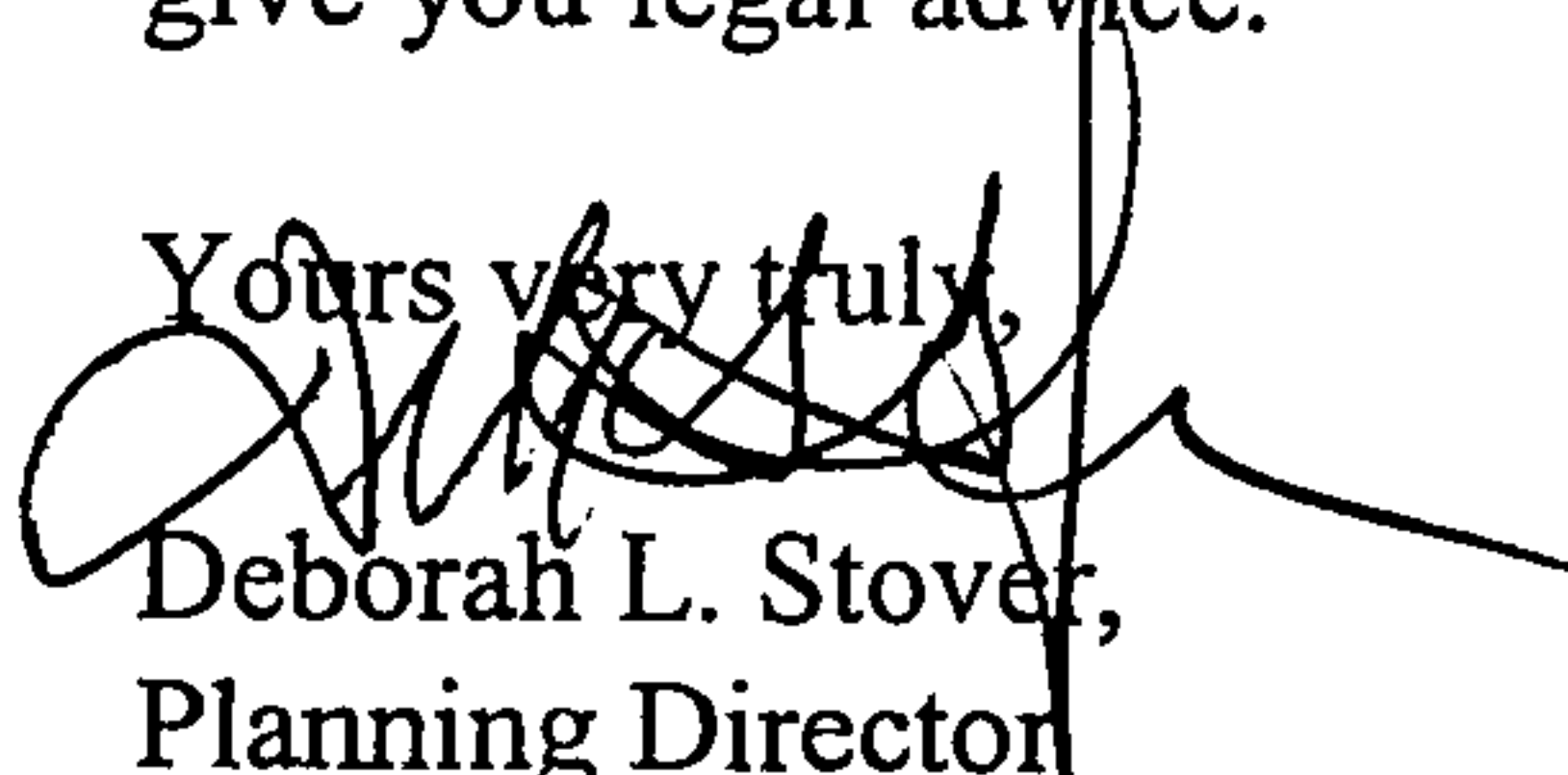
In early August a proposed zoning code amendment will be introduced to City Council. The proposed amendment provides that refuse containers, screening and associated equipment are a permissive use both in the P and P-R zones. For your convenience, I am enclosing a copy of the proposed amendment.

All City records are preserved as required by law as by the City's custom and practice.

www.cabq.gov

Finally, you are urged to contact your attorney, apparently Mr. Yntema, to determine your legal rights of appeal referenced in your letter of June 14, 2010. The City cannot give you legal advice.

Yours very truly,


Deborah L. Stover,
Planning Director

Cc: Matthew Conrad, Code Enforcement Official
Richard Dourte, City Engineer
Matthew Myers, Esq., Myers, Oliver & Price
Kevin J. Curran, Assistant City Attorney

Encl.

**CITY of ALBUQUERQUE
SEVENTEENTH COUNCIL**

COUNCIL BILL NO. _____ ENACTMENT NO. _____

SPONSORED BY:

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ORDINANCE

AMENDING SECTIONS 14-16-2-26 and 14-16-2-27 R.O.A. 1994, TO ADD REFUSE/RECYCLING CONTAINERS AND THEIR REQUIRED SCREENING TO THE PERMISSIVE USES OF P AND P-R ZONES. BE IT ORDAINED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF ALBUQUERQUE:

SECTION 1. PURPOSE OF TEXT AMENDMENT.

The City of Albuquerque finds:

(A) That it is beneficial to the City of Albuquerque to allow additional locations for refuse/recycling containers and their required screening in providing ease of use for both patrons of these containers and the Solid Waste Department for all uses Citywide.

(B) That the most recent district court decision made an interpretation that refuse containers are not allowed as a conditional use in the P and P-R zoned properties.

(C) That it is beneficial for the City of Albuquerque to provide flexibility to developers and/or property owners by locating the refuse /recycling containers and their required screening on adjacent parcels that are zoned P or P-R and attached to the use of a site.

(D) This text amendment will provide Zoning Code Enforcement staff with clarity, certainty and guidance in that refuse/recycling containers and their required screening are permissive in the P and P-R zones.

SECTION 2. AMENDED LANGUAGE. Sections 14-16-2-26 and 14-16-2-27 R.O.A. 1994, is amended to read:

[+Bracketed/Underscored Material+] - New
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1 § 14-16-2-26 P PARKING ZONE

2 This zone provides sites suitable for parking of automotive vehicles.

3 (A) *Permissive Uses.*

4 (1) Off-street parking.

5 [+a. Solid waste refuse and/or recycling containers and related
6 enclosures and equipment for the purpose of the
7 containers and required screening as described in the Solid
8 Waste Ordinance, §9-10-1-7, but only if the containers are
9 required on the other lot for which the off-street parking is
10 being provided and the two lots are within 300-feet of each
11 other.+]

12 (2) Parking lot, as regulated in the O-1 zone, except the solid walls
13 or fences shall be as approved by the Planning Commission;
14 the Planning Commission may also require landscaping.

15 (3) One sign for identification per street frontage, as provided in §
16 14-16-3-5 of this Zoning Code, and further provided:

17 (a) Size, Height. The sign area does not exceed 20 square
18 feet nor the sign height exceed 15 feet.

19 (b) Illumination. The sign may be illuminated, but only by a
20 non-oscillating concealed light source.

21 (B) *Conditional Use.* An additional structure which is reasonable and
22 necessary for the function of the parking lot or for the
23 convenience of patrons, such as attendant shelter, telephone
24 booth, or rest rooms.

25 (C) *Lot Size.* No requirements.

26 ('74 Code, § 7-14-34) (Ord. 80-1975)

27

28 § 14-16-2-27 P-R RESERVE PARKING ZONE

29 This zone designates lots reserved for off-street parking required by §
30 14-16-3-1 of this Zoning Code with regard to a use on another lot.

31 (A) [+Permissive Uses

32 (1)+] All regulations of the P zone apply.

33 [+(2) Solid waste refuse and/or recycling containers and related
34 enclosures and equipment for the purpose of the containers
35 and required screening as described in the Solid Waste
36 Ordinance, §9-10-1-7, but only if the containers are required on
37 the other lot for which the off-street parking is being provided
38 and the two lots are within 300-feet of each other.+]

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(B) Hereafter the PR zone satisfies the required off-street requirements of one or more other lots only when such lots are specified in the resolution or motion adopting or amending the PR designation.

('74 Code, § 7-14-35) (Ord. 80-1975; Am. Ord. 38-1978)

SECTION 3. FINDINGS ACCEPTED. The Council shall adopt the following Zoning Code text amendment findings recommended by the Environmental Planning Commission on 10 June 2010:

1. This is a request to amend Sections 14-16-2-26 and 14-16-2-27, the P (Parking) and P-R (Parking-Reserved) zones in the Zoning Code, to allow refuse containers and their screening as a Permissive Use in both zones.
2. The purpose of the request is to provide an alternate location for the convenience of the property owner and the City to locate refuse containers and their required screening.
3. The off-street parking use, which is the primary use of the P and P-R zones, will still be allowed and unchanged. The addition of a refuse container use will not interfere with or offset the parking function.
4. This amendment will not affect §14-16-3-1, the General Parking Regulations of the City Zoning Code.
5. This amendment will provide clarity, certainty and guidance for the Zoning Enforcement officials that refuse containers and their required screening are permissive in the P and P-R zones.
6. Achievement of the City Charter:
 - a. The allowance of refuse containers and their screening as a permissive use in the P and P-R zones is an exercise in local self-government (City Charter, Article I).
 - b. Allowing refuse containers and their screening to be permissive in P and P-R zones expresses the City Council's desire to ensure the proper use and development of land, and promote and maintain an aesthetic urban environment (City Charter, Article IX).
7. This amendment furthers a preponderance of applicable Goals and Policies in the Comprehensive Plan:
 - a. Policy II.B.5.I: This policy furthers quality and innovation in design of developed sites by providing an additional alternative location for placement of the refuse container and its screening that is required for each use. This offers variety and maximum choice in

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housing, transportation, work areas and life styles while furthering the objective of creating a visually pleasing built environment. (Established Urban Area Goal and Policy I)

- b. Policy II.C.3.a: Refuse containers will be readily available to those depositing refuse material and convenient for pickup for disposal as is required in the Solid Waste Ordinance §9-10-1-1. This will further the objective of providing an economic and environmentally sound method of solid waste disposal in certain urban situations where a practical location for refuse collection may present challenges that necessitate alternative locations for convenient pickup. (Solid Waste Goal and Policy a)
- c. Policy II.C.8.a: Making refuse containers and their screening permissive in the P and P-R zones will provide alternative solutions in locating them, especially in urban settings. This will further maintain and improve the developed landscape's quality for residential and commercial properties by ensuring that landscaping and streetscapes are uncluttered. (Developed Landscape Goal and Policy a)
- d. Policy II.D.8.f: This amendment helps in finding new methods of removing obstacles to sound growth management and economic development throughout the City. The allowance of refuse containers and their required screening in the P and P-R zones provides alternative locations for their placement giving property owners flexibility when designing their site. This furthers the objective of achieving steady and diversified economic development. (Economic Development Goal and Policy f)

8. Intent of the Comprehensive Zoning Code

- a. Making refuse containers and their screening permissive in a P and P-R zone will help to achieve Article IX of the Charter of the City of Albuquerque and generally achieves the applicable Goals, Policies and intent of the City's master plan, the Albuquerque/ Bernalillo County Comprehensive Plan, thereby meeting the intent of the Albuquerque City Zoning Code.
- b. The applicable Comprehensive Plan Goals and Policies are furthered by this amendment to the Albuquerque City Zoning Code of the addition of refuse containers and their screening as a permissive use in the P and P-R zones. The City Council, zoning authority for the City of Albuquerque, will make the final determination whether the proposed permissive use furthers the preponderance of Comprehensive Plan Goals, Policies and intent.

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c. This recommended language is intended to clarify and make explicit these uses. The fourth paragraph of Section I., Introduction, the second sentence shall be clarified and read as follows:

“The most recent district court decision made an interpretation that refuse containers are not allowed as a conditional use in the P and P-R zoned properties.”

9. There is no known neighborhood or other opposition to these proposed text amendments.

SECTION 4. SEVERABILITY CLAUSE. If any section, paragraph, sentence, clause, word or phrase of this ordinance is for any reason held to be invalid or unenforceable by any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this ordinance. The Council hereby declares that it would have passed this ordinance and each section, paragraph, sentence, clause, word or phrase thereof irrespective of any provision being declared unconstitutional or otherwise invalid.

SECTION 5. COMPILATION. Section 2 of this Ordinance shall be incorporated in and made part of the Revised Ordinances of Albuquerque, New Mexico, 1994.

SECTION 6. EFFECTIVE DATE. This ordinance shall take effect five days after publication by title and general description.

18 June 2010

Richard Dourte, City Engineer
Planning Department, City of Albuquerque
P. O. Box 1293
Albuquerque, New Mexico 87103

Re: Appeal of Certificate of Occupancy for 3339 Central Ave. NE, Albuquerque, NM

Mr. Dourte,

The purpose of this letter is to document my attempt to file an administrative appeal of your decision, dated June 4, 2010, to reject my earlier appeal of the issuance of the Certificate of Occupancy for 3339 Central Ave. NE.

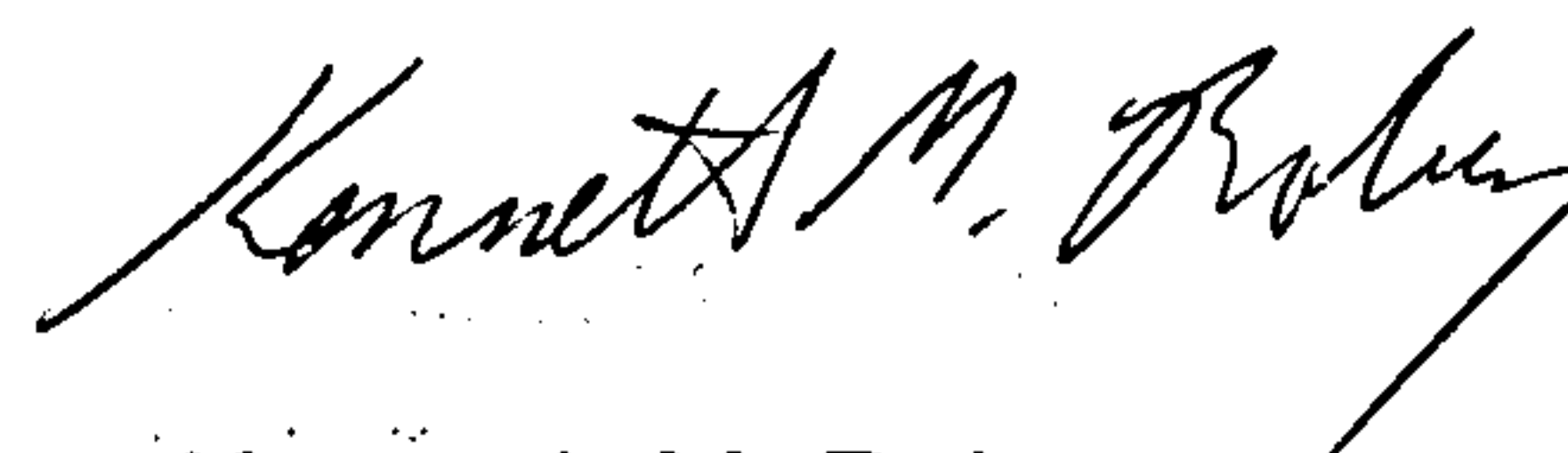
On June 17, 2010, I submitted my appeal of your decision at the Planning Department counter, where it was looked at by staff, Sandy Hanley and Linda Evans. Ms. Evans informed me that they could not process my appeal without first checking with you and that you were unavailable. She suggested that I make an appointment with you, so I requested an appointment; but I was then told that your appointments could only be scheduled directly with you (she did not know when you might be available).

Since my appeal is of a decision made by you, it would be improper for you yourself to make a ruling about the acceptance of that appeal, so I do not see a reason to meet with you at this time, except that it was suggested by Ms. Evans. However, I am willing to meet with you. If a meeting with you is a requirement to process my appeal, I hereby request such a meeting as soon as possible.

My attempt to file the appeal was made in proper form, at the proper place, and in a timely manner, but it was rejected by Planning Department staff. I have apparently now exhausted all normal administrative remedies set by law. If there are other available administrative remedies and/or rights of appeal that I might have overlooked, I hereby request to be informed about them.


I am delaying further action pending a meeting with the Planning Director, Deborah Stover, scheduled for June 22, 2010. I will also wait until you have an opportunity to reply to this letter promptly, or if you agree to accept my latest appeal.

Sincerely,



Kenneth M. Robey
121 Tulane Dr. NE
Albuquerque, NM 87106
(505) 256-0856

cc: Kevin Curran, Deborah Stover, Hess Yntema

 Mr. Kenneth Robey
121 Tulane Dr NE
Albuquerque, NM 87106

ALBUQUERQUE NM 87103

Post Office



USA FIRST CLASS FOREVER

Richard Dourte, City Engineer
Planning Department, City of Albuquerque
PO Box 1293
Albuquerque, NM 87103-2248

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**CITY of ALBUQUERQUE
NINETEENTH COUNCIL**

COUNCIL BILL NO. F/S O-10-16 ENACTMENT NO. _____

SPONSORED BY: Trudy Jones

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ORDINANCE

**AMENDING SECTIONS 14-16-2-26 and 14-16-2-27 ROA 1994, TO ADD
REFUSE/RECYCLING CONTAINERS AND THEIR REQUIRED SCREENING
TO THE PERMISSIVE USES OF P AND, THEREBY, P-R ZONES.**

**BE IT ORDAINED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY
OF ALBUQUERQUE:**

SECTION 1. PURPOSE OF TEXT AMENDMENT.

The City of Albuquerque finds:

**(A) That it is beneficial to the public of the City of Albuquerque to
allow as a permissive use the location of refuse/recycling containers and
their required screening in providing ease of use for both patrons of these
containers and the Solid Waste Department.**

**(B) That in one instance, the state district court has interpreted the
Zoning Code as not allowing such uses, as a conditional use in the P and
P-R zoned properties, and such interpretation is contrary to the intent of
the Zoning Code.**

**(C) That it is beneficial to the public of the City of Albuquerque to
provide flexibility to developers and/or property owners by locating the
refuse/recycling containers and their required screening on a parcel that is
zoned P or P-R, when such parcel services a building use within 300 feet,
as is intended by the Zoning Code.**

**(D) This text amendment will provide Zoning Code Enforcement staff
with clarity, certainty and guidance in that refuse/recycling containers and
their required screening are permissive in the P and, thereby, P-R zones.**

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SECTION 2. AMENDED LANGUAGE. Sections 14-16-2-26 and 14-16-2-27 R.O.A. 1994, is are amended to read:

§ 14-16-2-26 P PARKING ZONE

This zone provides sites suitable for parking of automotive vehicles.

(A) *Permissive Uses.*

(1) Off-street parking, including solid waste refuse and/or recycling containers and related enclosures and equipment for the purpose of the containers and required screening as described in the Solid Waste Ordinance, §9-10-1-7, when such parcel services a building use within 300 feet, as is intended by the Zoning Code. +]

(2) Parking lot, as regulated in the O-1 zone, except the solid walls or fences shall be as approved by the Planning Commission; the Planning Commission may also require landscaping.

(3) One sign for identification per street frontage, as provided in § 14-16-3-5 of this Zoning Code, and further provided:

(a) Size, Height. The sign area does not exceed 20 square feet nor the sign height exceed 15 feet.

(b) Illumination. The sign may be illuminated, but only by a non-oscillating concealed light source.

(B) *Conditional Use.* An additional structure which is reasonable and necessary for the function of the parking lot or for the convenience of patrons, such as attendant shelter, telephone booth, or rest rooms.

(C) *Lot Size.* No requirements.

('74 Code, § 7-14-34) (Ord. 80-1975)

§ 14-16-2-27 P-R RESERVE PARKING ZONE

This zone designates lots reserved for off-street parking required by § 14-16-3-1 of this Zoning Code with regard to a use on another lot.

(A) [+Permissive Uses+] All regulations of the P zone apply.

~~+(2) Solid waste refuse and/or recycling containers and related enclosures and equipment for the purpose of the containers~~

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~~and required screening as described in the Solid Waste Ordinance, §9-10-1-7, when such parcel services a building use within 300 feet, as is intended by the Zoning Code.+]~~

(B) Hereafter the PR zone satisfies the required off-street requirements of one or more other lots only when such lots are specified in the resolution or motion adopting or amending the PR designation.

('74 Code, § 7-14-35) (Ord. 80-1975; Am. Ord. 38-1978)

SECTION 3. FINDINGS ACCEPTED. The Council shall adopt the following Zoning Code text amendment findings recommended by the Environmental Planning Commission on 10 June, 2010:

1. This is a request to amend Sections 14-16-2-26 and, thereby, 14-16-2-27, the P (Parking) and P-R (Parking-Reserved) zones in the Zoning Code, to allow refuse containers and their screening as a Permissive Use in both zones.
2. The purpose of the request is to provide an alternate location for the convenience of the property owner and the City to locate refuse containers and their required screening.
3. The off-street parking use, which is the primary use of the P and P-R zones, will still be allowed and unchanged. The addition of a refuse container use will not interfere with or offset the parking function.
4. This amendment will not affect §14-16-3-1, the General Parking Regulations of the City Zoning Code.
5. This amendment will provide clarity, certainty and guidance for the Zoning Enforcement officials that refuse containers and their required screening are permissive in the P and P-R zones.
6. Achievement of the City Charter:
 - a. The allowance of refuse containers and their screening as a permissive use in the P and P-R zones is an exercise in local self-government (City Charter, Article I).
 - b. Allowing refuse containers and their screening to be permissive in P and P-R zones expresses the City Council's desire to ensure

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- the proper use and development of land, and promote and maintain an aesthetic urban environment (City Charter, Article IX).
7. This amendment furthers a preponderance of applicable Goals and Policies in the Comprehensive Plan:
- a. Policy II.B.5.I: This policy furthers quality and innovation in design of developed sites by providing an additional alternative location for placement of the refuse container and its screening that is required for each use. This offers variety and maximum choice in housing, transportation, work areas and life styles while furthering the objective of creating a visually pleasing built environment. (Established Urban Area Goal and Policy I)
 - b. Policy II.C.3.a: Refuse containers will be readily available to those depositing refuse material and convenient for pickup for disposal as is required in the Solid Waste Ordinance §9-10-1-1. This will further the objective of providing an economic and environmentally sound method of solid waste disposal in certain urban situations where a practical location for refuse collection may present challenges that necessitate alternative locations for convenient pickup. (Solid Waste Goal and Policy a)
 - c. Policy II.C.8.a: Making refuse containers and their screening permissive in the P and P-R zones will provide alternative solutions in locating them, especially in urban settings. This will further maintain and improve the developed landscape's quality for residential and commercial properties by ensuring that landscaping and streetscapes are uncluttered. (Developed Landscape Goal and Policy a)
 - d. Policy II.D.8.f: This amendment helps in finding new methods of removing obstacles to sound growth management and economic development throughout the City. The allowance of refuse containers and their required screening in the P and P-R zones provides alternative locations for their placement giving property owners flexibility when designing their site. This furthers the

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1 objective of achieving steady and diversified economic
2 development. (Economic Development Goal and Policy f)

3 **8. Intent of the Comprehensive Zoning Code**

4 a. Making refuse containers and their screening permissive in a P
5 and P-R zone will help to achieve Article IX of the Charter of the
6 City of Albuquerque and generally achieves the applicable Goals,
7 Policies and intent of the City’s master plan, the Albuquerque/
8 Bernalillo County Comprehensive Plan, thereby meeting the
9 intent of the Albuquerque City Zoning Code.

10 b. The applicable Comprehensive Plan Goals and Policies are
11 furthered by this amendment to the Albuquerque City Zoning
12 Code of the addition of refuse containers and their screening
13 as a permissive use in the P and P-R zones. The City
14 Council, zoning authority for the City of Albuquerque, will
15 make the final determination whether the proposed
16 permissive use furthers the preponderance of
17 Comprehensive Plan Goals, Policies and intent.

18 c. This recommended language is intended to clarify and make
19 explicit these uses. The fourth paragraph of Section I.,
20 Introduction, the second sentence shall be clarified and read
21 as follows:

22 “The most recent district court decision made an interpretation
23 that refuse containers are not allowed as a conditional use in the
24 P and P-R zoned properties.”

25 9. There is no known neighborhood or other opposition to these proposed
26 text amendments.

27 **SECTION 4. SEVERABILITY CLAUSE.** If any section, paragraph,
28 sentence, clause, word or phrase of this ordinance is for any reason held to
29 be invalid or unenforceable by any court of competent jurisdiction, such
30 decision shall not affect the validity of the remaining provisions of this
31 ordinance. The Council hereby declares that it would have passed this
32 ordinance and each section, paragraph, sentence, clause, word or phrase

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thereof irrespective of any provision being declared unconstitutional or otherwise invalid.

SECTION 5. COMPILATION. Section 2 of this Ordinance shall be incorporated in and made part of the Revised Ordinances of Albuquerque, New Mexico, 1994.

SECTION 6. EFFECTIVE DATE. This ordinance shall take effect five days after publication by title and general description.

**CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
PROPERTY OWNERSHIP LIST**

Meeting Date: February 13, 2008
Zone Atlas Page: K-16
Notification Radius: 100 Ft.

Project# 1001789
App#08DRB-70031

Cross Reference and Location: CENTRAL AVE NE BETWEEN WELLESLEY NE
AND TULANE NE

Applicant: JASON DASKALOS
5319 MENAUL BLVD NE
ALBUQUERQUE, NM 87110

Agent:

Special Instructions:

**Notice must be mailed from the
City's 15 day's prior to the meeting.**

Date Mailed: JANUARY 25, 2008
Signature: ERIN TREMLIN

City of Albuquerque



DEVELOPMENT/ PLAN REVIEW APPLICATION

Supplemental form

SUBDIVISION

- Major Subdivision action
- Minor Subdivision action
- Vacation
- Variance (Non-Zoning)

SITE DEVELOPMENT PLAN

- for Subdivision
- for Building Permit
- Administrative Amendment (AA)
- IP Master Development Plan
- Cert. of Appropriateness (LUCC)

STORM DRAINAGE

- Storm Drainage Cost Allocation Plan

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ZONING & PLANNING

- Annexation
- County Submittal
- EPC Submittal
- Zone Map Amendment (Establish or Change Zoning)
- Sector Plan (Phase I, II, III)
- Amendment to Sector, Area, Facility or Comprehensive Plan
- Text Amendment (Zoning Code/Sub Regs)
- Street Name Change (Local & Collector)

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APPEAL / PROTEST of...

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- Decision by: DRB, EPC, LUCC, Planning Director or Staff, ZHE, Zoning Board of Appeals

PRINT OR TYPE IN BLACK INK ONLY. The applicant or agent must submit the completed application in person to the Planning Department Development Services Center, 600 2nd Street NW, Albuquerque, NM 87102. Fees must be paid at the time of application. Refer to supplemental forms for submittal requirements.

APPLICANT INFORMATION:

Professional/Agent (if any): _____ PHONE: _____

ADDRESS: _____ FAX: _____

CITY: _____ STATE _____ ZIP _____ E-MAIL: _____

APPLICANT: JASON DASKALOS PHONE: 883-4131

ADDRESS: 5319 Menaul Blvd NE FAX: _____

CITY: Alb. STATE NM ZIP 87110 E-MAIL: jdaskalos@aol.com

Proprietary interest in site: _____ List all owners: JASON DASKALOS and Mob Hill LLC

DESCRIPTION OF REQUEST: SIA Extension

Is the applicant seeking incentives pursuant to the Family Housing Development Program? Yes. No.

SITE INFORMATION: ACCURACY OF THE EXISTING LEGAL DESCRIPTION IS CRUCIAL! ATTACH A SEPARATE SHEET IF NECESSARY.

Lot or Tract No. Lot 28-A-1 Block: 6 Unit: _____

Subdiv/Addn/TBKA: MONTE VISTA

Existing Zoning: CCR Proposed zoning: _____

Zone Atlas page(s): K-16 UPC Code: 101605741828310504 MRGCD Map No _____

CASE HISTORY:

List any current or prior case number that may be relevant to your application (Proj., App., DRB-, AX-, Z-, V-, S-, etc.): _____

PROJECT 1001789

CASE INFORMATION:

Within city limits? Yes Within 1000FT of a landfill? NO

No. of existing lots: 3 No. of proposed lots: 3 Total area of site (acres): -.8483

LOCATION OF PROPERTY BY STREETS: On or Near: Central Ave NE

Between: Wellesley NE. and Tulane NE.

Check-off if project was previously reviewed by Sketch Plat/Plan , or Pre-application Review Team . Date of review: _____

SIGNATURE Mike Hontas for Jason Daskalos DATE 1-18-08

(Print) Mike HONTAS Per Jason DASKALOS Applicant: Agent:

FOR OFFICIAL USE ONLY

Form revised 4/07

- INTERNAL ROUTING
- All checklists are complete
- All fees have been collected
- All case #s are assigned
- AGIS copy has been sent
- Case history #s are listed
- Site is within 1000ft of a landfill
- F.H.D.P. density bonus
- F.H.D.P. fee rebate

Application case numbers	Action	S.F.	Fees
<u>08 DRB .70031</u>	<u>SIA</u>	<u>512</u>	<u>\$ 50.⁰⁰</u>
_____	<u>CMF</u>	_____	<u>\$ 20.⁰⁰</u>
_____	<u>Adv</u>	_____	<u>\$ 75.⁰⁰</u>
_____	_____	_____	<u>\$ _____</u>
_____	_____	_____	<u>\$ _____</u>
Total			<u>\$ 145.⁰⁰</u>

Hearing date February 13, 2008

Project # 1001789

Andrew Garcia 1/18/08
Planner signature / date

FORM S(2): SUBDIVISION - D.R.B. PUBLIC HEARING

A Bulk Land Variance requires application on FORM-V in addition to application for subdivision on FORM-S.

MAJOR SUBDIVISION PRELIMINARY PLAT APPROVAL (DRB13)

- 5 Acres or more: Certificate of No Effect or Approval
- Proposed Preliminary Plat including the Grading Plan (folded to fit into an 8.5" by 14" pocket) 24 copies
- Proposed Infrastructure List
- Signed Preliminary Pre-Development Facilities Fee Agreement for Residential development only
- Design elevations & cross sections of perimeter walls 3 copies (11" x 17" maximum)
- Zone Atlas map with the entire property(ies) clearly outlined
- Letter briefly describing, explaining, and justifying the request
- Property owner's and City Surveyor's signature on the proposed plat
- FORM DRWS Drainage Report, Water & Sewer availability statement filing information
- Office of Community & Neighborhood Coordination inquiry response, notifying letter, certified mail receipts
- Sign Posting Agreement
- Signed Pre-Annexation Agreement if Annexation required.
- TIS/AQIA Traffic Impact Study / Air Quality Impact Assessment form
- Fee (see schedule)
- List any original and/or related file numbers on the cover application

Preliminary plat approval expires after one year.

DRB Public hearings are approximately 30 DAYS after the filing deadline. Your attendance is required.

MAJOR SUBDIVISION AMENDMENT TO PRELIMINARY PLAT (DRB11) (with significant changes)

PLEASE NOTE: There are no clear distinctions between significant and minor changes with regard to subdivision amendments. Significant changes are those deemed by the DRB to require public notice and public hearing.

- Proposed Amended Preliminary Plat, and/or Infrastructure List, and/or Grading Plan (folded to fit into an 8.5" by 14" pocket) 24 copies
- Original Preliminary Plat, and/or Infrastructure List, and/or Grading Plan (folded to fit into an 8.5" by 14" pocket)
- Zone Atlas map with the entire property(ies) clearly outlined
- Letter briefly describing, explaining, and justifying the request
- Property owner's and City Surveyor's signature on the proposed amended plat, if applicable
- Office of Community & Neighborhood Coordination inquiry response, notifying letter, certified mail receipts
- Sign Posting Agreement
- List any original and/or related file numbers are listed on the cover application

Amended preliminary plat approval expires after one year.

DRB Public hearings are approximately 30 DAYS after the filing deadline. Your attendance is required.

MAJOR SUBDIVISION IMPROVEMENTS AGREEMENT EXTENSION (DRB09)

(Temporary sidewalk deferral extension use FORM-V)

- Zone Atlas map with the entire property(ies) clearly outlined
- Letter briefly describing, explaining, and justifying the request
- Plat or plan reduced to 8.5" x 11"
- Official D.R.B. Notice of the original approval
- Approved Infrastructure List. If not applicable, please initial. _____
- Previous SIA extension notice, if one has been issued. If not applicable, please initial. _____
- Office of Community & Neighborhood Coordination inquiry response, notifying letter, certified mail receipts
- Sign Posting Agreement
- List any original and/or related file numbers on the cover application
- Fee (see schedule)

DRB Public hearings are approximately 30 DAYS after the filing deadline. Your attendance is required.

I, the applicant, acknowledge that any information required but not submitted with this application will likely result in deferral of actions.

Mike Hontas
 Applicant name (print)
1-18-08
 Applicant signature / date



Form revised October 2007

Andrew G... 1/18/08
 Planner signature / date
 Project # 1001789

- Checklists complete
- Fees collected
- Case #s assigned
- Related #s listed

Application case numbers
08 DRB - 76031

R e c	UPC CODE	OWNER	OWNER ADDRESS	OWN ER CITY	OW NE R ST A TE	OW NE R ZIP CO DE	PR OP ER TY CL AS S	TA X DI ST RI CT	LEGAL
1	101605 743031 210513	ROMERO PHILLIP J & SHARIE L	9518 PEBB LE BEACH N E	ALB UQU ERQ UE	N M	871 11	R	A1 A	* 013 006MONTE VISTA
2	101605 742428 310505	DASKALOS JASON	5321 MENA UL BLVD NE	ALB UQU ERQ UE	N M	871 10	V	A1 A	* 021 006MONTE VISTA
3	101605 743728 310506	DASKALOS JASON	5321 MENA UL BLVD NE	ALB UQU ERQ UE	N M	871 10	V	A1 A	* 020 006MONTE VISTA
4	101605 742828 310507	DASKALOS JASON	5321 MENA UL BLVD NE	ALB UQU ERQ UE	N M	871 10	V	A1 A	* 019 006MONTE VISTA
5	101605 743228 310508	DASKALOS JASON	5321 MENA UL BLVD NE	ALB UQU ERQ UE	N M	871 10	V	A1 A	* 018 006MONTE VISTA
6	101605 743428 310509	DASKALOS JASON	5321 MENA UL BLVD NE	ALB UQU ERQ UE	N M	871 10	V	A1 A	* 017 006MONTE VISTA
7	101605 742729 410510	DASKALOS JASON	5321 MENA UL BLVD NE	ALB UQU ERQ UE	N M	871 10	V	A1 A	*016 006 MONTEVISTA ADD & PORTION OF VA CATED ALLEY
8	101605 741326 243309	SCHMIDT GERTRUD E ZACHARY	1613 SECO ND ST NW	ALB UQU ERQ UE	N M	871 02	C	A1 A	* 002 048UNIVERSITY HTS ADD
9	101605 741329 410526	DASKALOS JASON	5321 MENA UL BLVD NE	ALB UQU ERQ UE	N M	871 10	R	A1 A	* 001 006MONTEVISTA ADDN & PORTION OF V ACATED ALLEY
10	101605 741326 643308	SCHMIDT GERTRUD E ZACHARY	1613 SECO ND ST NW	ALB UQU ERQ UE	N M	871 02	C	A1 A	* 001 048UNIVERSITY HTS ADD
11	101605 741329 910525	DASKALOS JASON	5321 MENA UL BLVD NE	ALB UQU ERQ UE	N M	871 10	R	A1 A	* 002 006MONTEVISTA ADDN & PORTION OF V ACATED ALLEY
12	101605 743025 643306	ALS GALS LLC	4525 ALTU RA PL NE	ALB UQU ERQ UE	N M	871 10 570 5	C	A1 A	TR 11A BLK 48 OF SUMMARY PLAT TR 11A OF BLK 48 UNIVERSITY HT S BEING A REPL OF LT S 11 THRU 4 BLK 48 UNIV HTS CONT 0.532 A C
13	101605 742729 910511	DASKALOS JASON	5321 MENA UL BLVD NE	ALB UQU ERQ UE	N M	871 10	R	A1 A	*015 006 MONTEVISTA ADD & PORTION OF VA CATED ALLEY
14	101605 740828 510502	DASKALOS JASON	5321 MENA UL BLVD NE	ALB UQU ERQ UE	N M	871 10	C	A1 A	* 027 006MONTE VISTA ADD
15	101605 741228	DASKALOS JASON	5321 MENA UL BLVD NE	ALB UQU	N M	871 10	C	A1 A	* 026 006MONTE VISTA ADD

	410503			ERQ UE					
1 6	101605 741828 310504	DASKALOS JASON	5321 MENA UL BLVD NE	ALB UQU ERQ UE	N M	871 10	V	A1 A	* 022 006MONTE VISTA ADD L22 TO 25
1 7	101605 740728 510501	DASKALOS JASON	5321 MENA UL BLVD NE	ALB UQU ERQ UE	N M	871 10	C	A1 A	* 028 006MONTE VISTA ADD
1 8	101605 744728 510618	GARCIA GERMAN G OMEZ ETUX C/O MA DDOX & CO/REALTO RS	PO BOX 424 7	ALB UQU ERQ UE	N M	871 96 424 7	V	A1 A	* 001 005MONTE VISTA ADD
1 9	101605 741331 310523	KOTSIONIS GEORGE % JSJ NOB HILL LLC	2325 SAN P EDRO BLVD NE SUITE 2 A	ALB UQU ERQ UE	N M	871 10	R	A1 A	* 004 006MONTEVISTA ADDN & PORTION OF V ACATED ALLEY
2 0	101605 739629 510410	WELLESLEY COURT LLC	211 RICHM OND DR SE	ALB UQU ERQ UE	N M	871 06	C	A1 A	LOTS 6 THRU 10 BLOCK 7 MONTE VISTA ADD' N CONT .4849 AC
2 1	101605 742431 610514	BASS LOUISE L TRU STEE BASS TRUST	3512 CAMP US BLVD NE	ALB UQU ERQ UE	N M	871 06	R	A1 A	* 012 006MONTEVISTA ADD & PORTION OF VA CATED ALLEY
2 2	101605 742730 510512	ROBEY KENNETH M	121 TULAN E DR NE	ALB UQU ERQ UE	N M	871 06 133 1	R	A1 A	* 014 006MONTEVISTA ADD & PORTION OF VA CATED ALLEY
2 3	101605 741330 510524	JSJ NOB HILL LLC	2325 SAN P EDRO BLVD NE SUITE 2 A	ALB UQU ERQ UE	N M	871 10	R	A1 A	* 003 006MONTEVISTA ADDN & PORTION OF V ACATED ALLEY
2 4	101605 739226 143206	BONFANTINE DENNI S & JANICE	9508 PEBB LE BEACH N E	ALB UQU ERQ UE	N M	871 11	C	A1 A	TRACT A LANDS OF M & K REPLAT OF LOTS 1 2 THRU 14 BLK 41 UNIV ERSITY HEIGHTS
2 5	101605 741325 643310	ROSEN CAROL R	106 WELLE SLEY DR SE	ALB UQU ERQ UE	N M	871 06	R	A1 A	* 003 048UNIVERSITY HTS ADD
2 6	101605 741325 643310	ROSEN CAROL R	106 WELLE SLEY DR SE	ALB UQU ERQ UE	N M	871 06	R	A1 A	* 003 048UNIVERSITY HTS ADD

OR CURRENT RESIDENT
101605743025643306
ALS GALS LLC
4525 ALTURA PL NE
ALBUQUERQUE, NM 87110 5705

Project# 1001789
101605742428310505
DASKALOS JASON
5321 MENAUL BLVD NE
ALBUQUERQUE, NM 87110

OR CURRENT RESIDENT
101605742730510512
ROBEY KENNETH M
121 TULANE DR NE
ALBUQUERQUE, NM 87106 1331

OR CURRENT RESIDENT
101605741326243309
SCHMIDT GERTRUDE ZACHARY
1613 SECOND ST NW
ALBUQUERQUE, NM 87102

Project# 1001789
STACE MCGEE
ENV DYNAMICS
Nob Hill NA
142 TRUMAN NE
ALBUQUERQUE, NM 87108

OR CURRENT RESIDENT
101605742431610514
BASS LOUISE L TRUSTEE BASS
TRUST
3512 CAMPUS BLVD NE
ALBUQUERQUE, NM 87106

OR CURRENT RESIDENT
101605744728510618
GARCIA GERMAN GOMEZ ETUX C/O
MADDOX & CO/REALTORS
PO BOX 4247
ALBUQUERQUE, NM 87196 4247

OR CURRENT RESIDENT
101605743031210513
ROMERO PHILLIP J & SHARIE L
9518 PEBBLE BEACH NE
ALBUQUERQUE, NM 87111

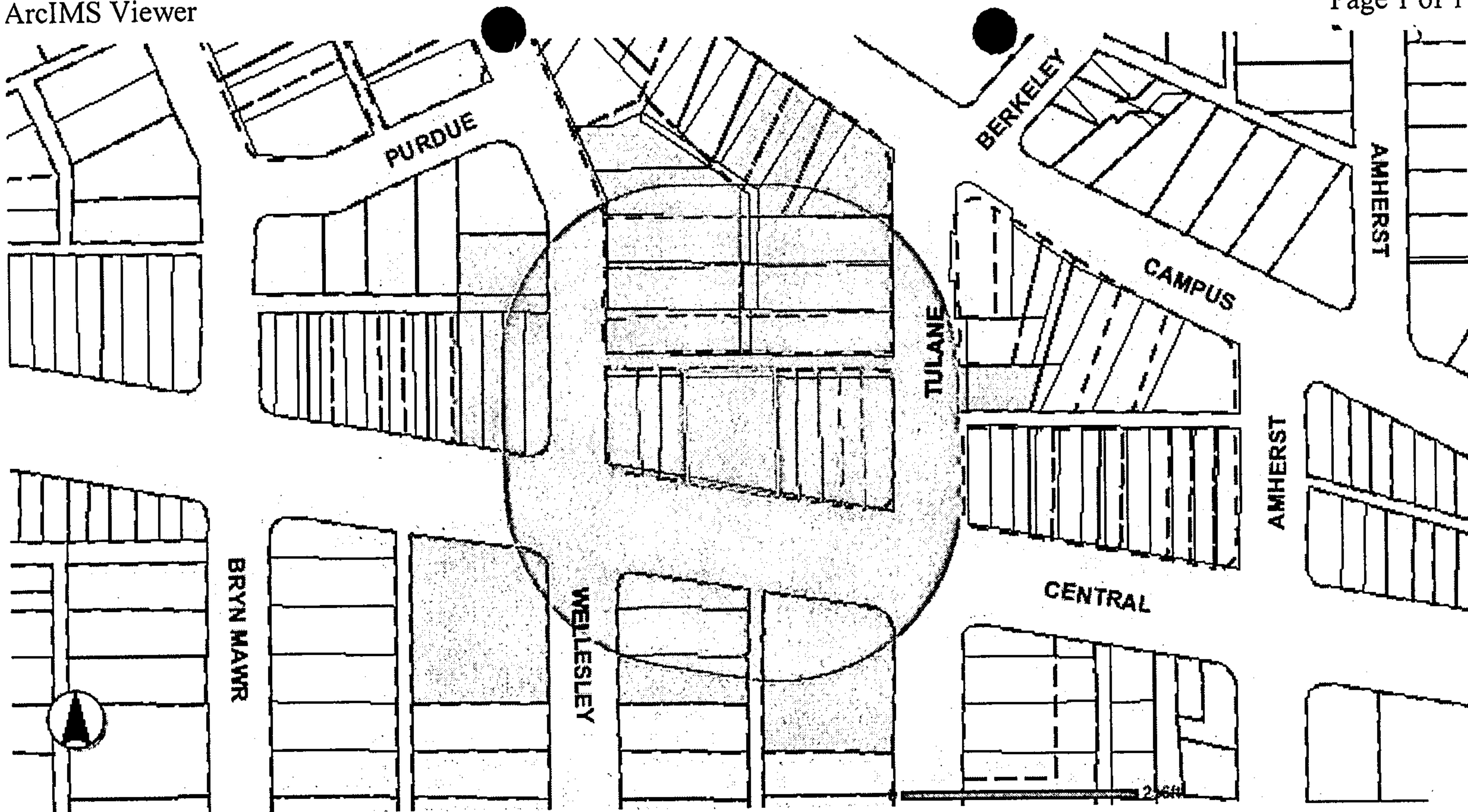
OR CURRENT RESIDENT
101605739629510410
WELLESLEY COURT LLC
211 RICHMOND DR SE
ALBUQUERQUE, NM 87106

OR CURRENT RESIDENT
101605739226143206
BONFANTINE DENNIS & JANICE
9508 PEBBLE BEACH NE
ALBUQUERQUE, NM 87111

OR CURRENT RESIDENT
101605741330510524
JSJ NOB HILL LLC
2325 SAN PEDRO BLVD NE SUITE 2A
ALBUQUERQUE, NM 87110

OR CURRENT RESIDENT
101605741325643310
ROSEN CAROL R
106 WELLESLEY DR SE
ALBUQUERQUE, NM 87106

Project# 1001789
CHRIS SMTIH
Nob Hill NA
226 SIERRA PL NE
ALBUQUERQUE, NM 87106





City of Albuquerque

PLEASE NOTE: The Neighborhood Association information listed in this letter is valid for one (1) month. If you haven't filed your application within one (1) month of the date of this letter – you will need to get an updated letter from our office. It is your responsibility to provide current information – outdated information may result in a deferral of your case.

Date: January 18, 2008

TO CONTACT NAME: Mike Hontas
COMPANY/AGENCY: Jason Duskalos and Nob Hill LLC
ADDRESS/ZIP: 5319 Menaul Blvd. NE 87110
PHONE/FAX #: 883. 4131 / 883. 4134

Thank you for your inquiry of January 18, 2008 (date) requesting the names of **ALL Affected**

Neighborhood and/or Homeowner Associations who would be affected under the provisions of O-92 by your proposed project at Lot 28-A-1, Block 6 Monte Vista located on 3339 Central Ave NE ABG NM 87106 between Wellesley and Tulane and Central on Campus zone map page(s) K-16.

Our records indicate that the **Affected Neighborhood and/or Homeowner Associations** affected by this proposal and the contact names are as follows:

Nob Hill N.A.

Neighborhood or Homeowner Association

Contacts: Chris Smith
226 Sierra Pl. NE 87106
379. 2763(h)
Stace McGee
Env. Dynamics, 142 Truman NE 87108
246. 7469(h) 242. 2851.(w)

Neighborhood or Homeowner Association

Contacts: _____

See reverse side for additional Neighborhood and/or Homeowner Associations Information:

YES { } NO

Please note that according to O-92 you are required to notify each of these contact persons by **CERTIFIED MAIL, RETURN RECEIPT REQUESTED, BEFORE** the Planning Department will accept your application filing. **IMPORTANT! FAILURE OF ADEQUATE NOTIFICATION MAY RESULT IN YOUR APPLICATION HEARING BEING DEFERRED FOR 30 DAYS.** If you have any questions about the information provided, please contact our office at (505) 924-3914 or by fax at 924-3913.

Sincerely,

Stephan W...
OFFICE OF NEIGHBORHOOD COORDINATION

ATTENTION: Both contacts for each Neighborhood and/or Homeowner Associations need to be notified.

The items listed below are on the CCIP and approved for Impact Fee credits. Signatures from the Impact Fee Administrator and the City User Department is required prior to DRB approval of this listing. The items listed below are subject to the standard SIA requirements.

Financially Guaranteed DRC #	Constructed Under DRC #	Size	Type of Improvement	Location	From	To	Construction Certification		
							Private Inspector	P.E.	City Cnst Engineer
<input type="text"/>	<input type="text"/>						/	/	/
<input type="text"/>	<input type="text"/>						/	/	/

Approval of Creditable Items:		Approval of Creditable Items:	
Impact Fee Administrator Signature	Date	City User Dept. Signature	Date

NOTES

If the site is located in a floodplain, then the financial guarantee will not be released until the LOMR is approved by FEMA.
 Street lights per City requirements.

1 Fire hydrants per Fire Marshall's requirements.

2

3

AGENT / OWNER

JASON DASKALOS
 NAME (print)

IA SIERRA CON
 FIRM

[Signature]
 SIGNATURE - date

DEVELOPMENT REVIEW BOARD MEMBER APPROVALS

Andrew Genia 1-25-06
 DRB CHAIR - date

[Signature] 1-25-06
 TRANSPORTATION DEVELOPMENT - date

William J. Baker 1/25/06
 UTILITY DEVELOPMENT - date

Bradley J. Bish 1/25/06
 CITY ENGINEER - date

Christina Dandora 1/25/06
 PARKS & GENERAL RECREATION - date

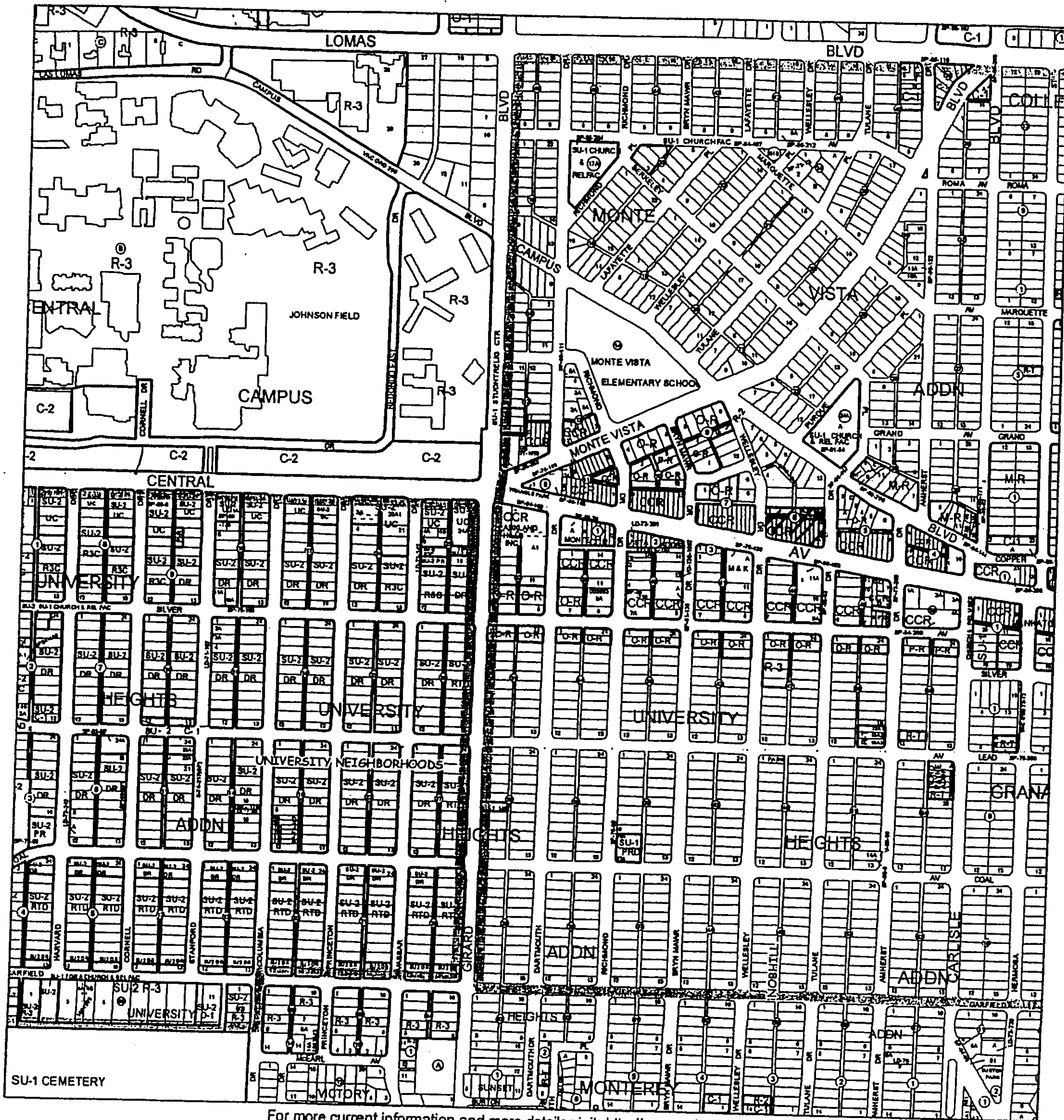
AMAFCA - date

- date

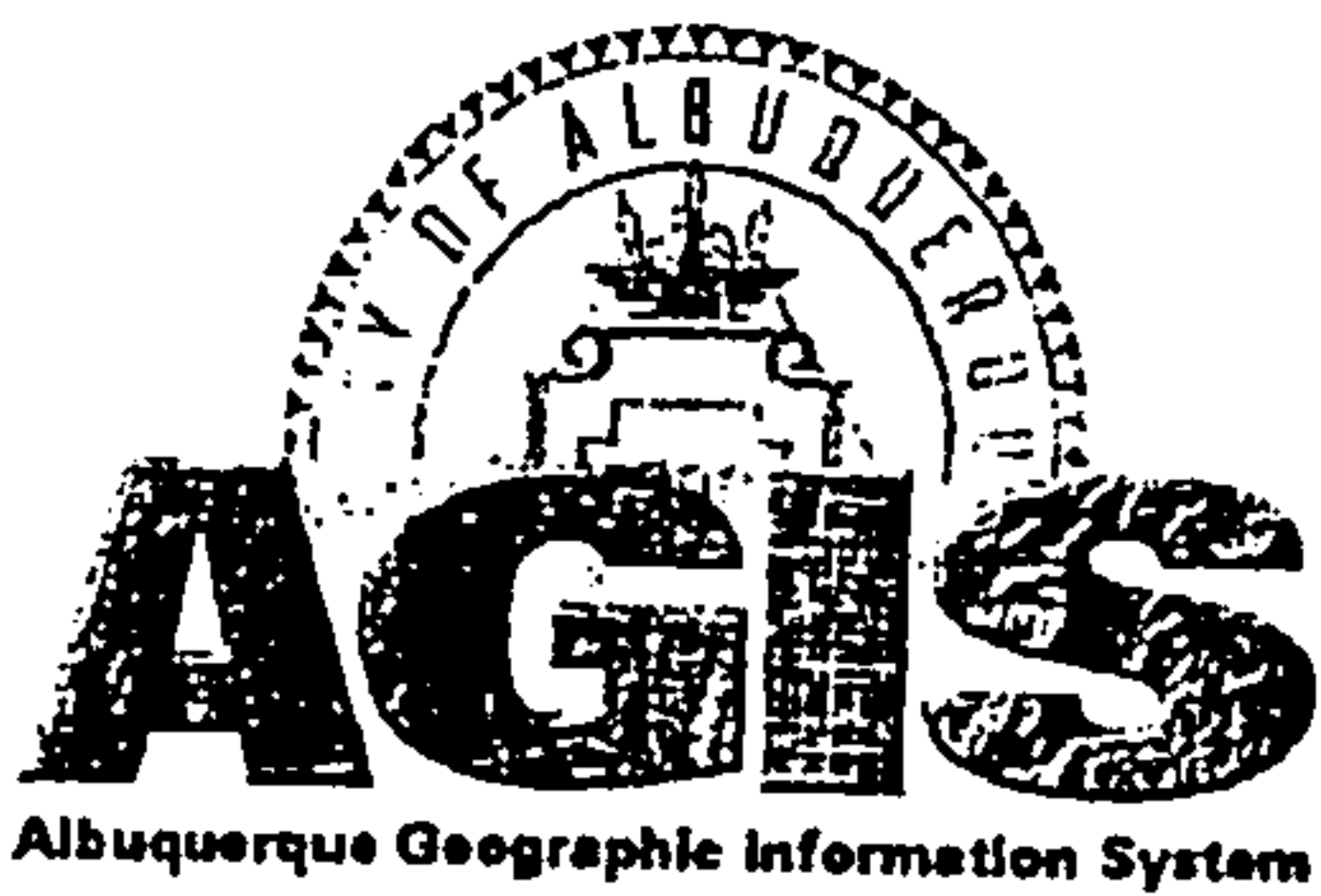
- date

DESIGN REVIEW COMMITTEE REVISIONS

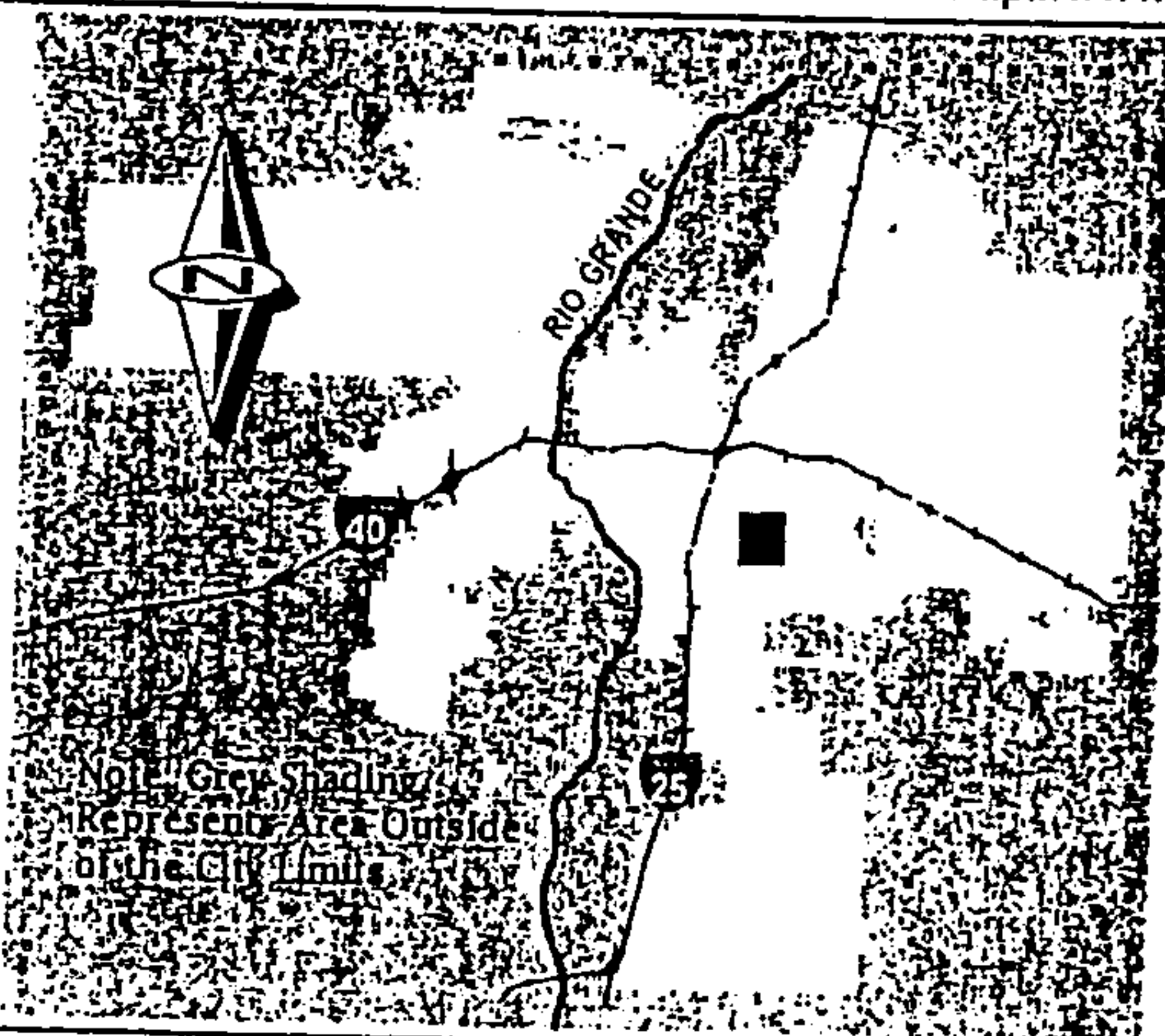
REVISION	DATE	DRC CHAIR	USER DEPARTMENT	AGENT / OWNER



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



Map amended through: 11/2/2005

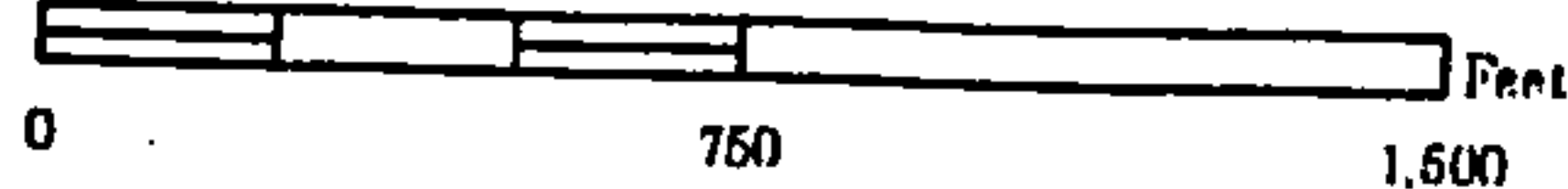


Zone Atlas Page:

K-16-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



SIGN POSTING AGREEMENT

REQUIREMENTS

POSTING SIGNS ANNOUNCING PUBLIC HEARINGS

All persons making application to the City under the requirements and procedures established by the City Zoning Code or Subdivision Ordinance are responsible for the posting and maintaining of one or more signs on the property which the application describes. Vacations of public rights-of-way (if the way has been in use) also require signs. Waterproof signs are provided at the time of application. If the application is mailed, you must still stop at the Development Services Front Counter to pick up the sign.

The applicant is responsible for ensuring that the signs remain posted throughout the 15-day period prior to public hearing. Failure to maintain the signs during this entire period may be cause for deferral or denial of the application. Replacement signs for those lost or damaged are available from the Development Services Front Counter at a charge of \$3.75 each.

1. LOCATION

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

2. NUMBER

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

3. PHYSICAL POSTING

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

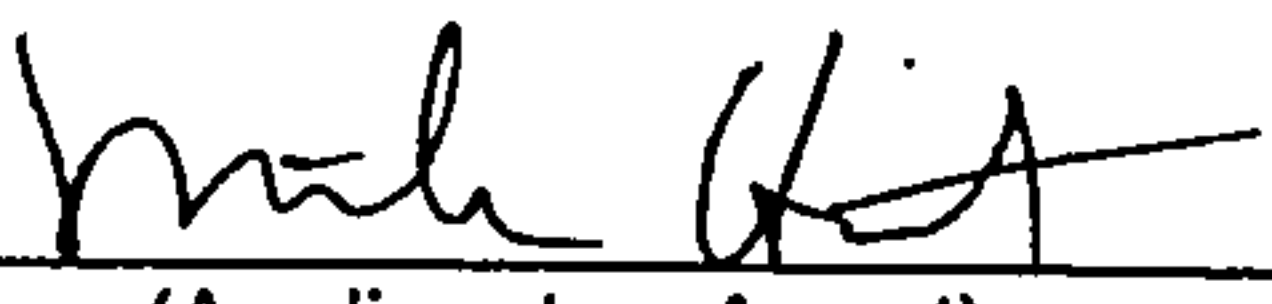
4. TIME

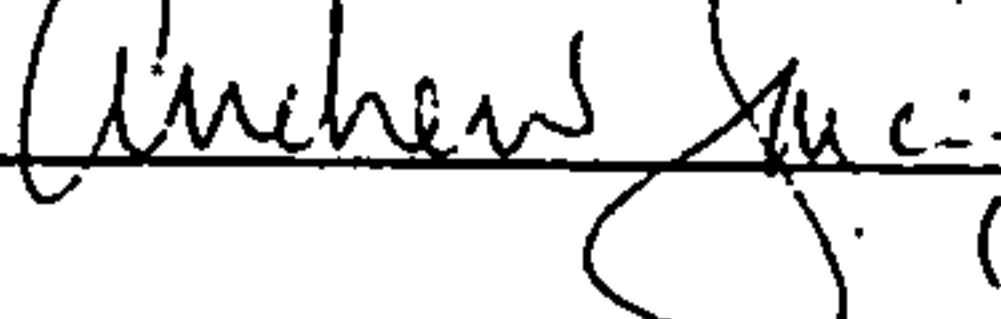
Signs must be posted from January 29, 2008 To February 13, 2008

5. REMOVAL

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

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

 1-18-08
(Applicant or Agent) (Date)

I issued 1 signs for this application, 1/18/08 
(Date) (Staff Member)

DRB PROJECT NUMBER: 1001789



OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
DEVELOPMENT REVIEW BOARD

February 13, 2008

1. **Project# 1001789**
08DRB-70031 1YR YEAR EXTENSION OF SUBDIVISION IMPROVEMENTS

JASON DASKALOS request(s) the above action(s) for all or a portion of Lot(s) 28-A-1, Block 6 **MONTE VISTA ADDN**, zoned CCR, located on CENTRAL AVE NE BETWEEN WELLESLEY NE AND TULANE NE containing approximately 0.8483 acre(s). (K-16)

At the February 13, 2008 Development Review Board meeting, the one year extension of the Subdivision Improvements Agreement was approved.

If you wish to appeal this decision, you must do so by February 28, 2008 in the manner described below.

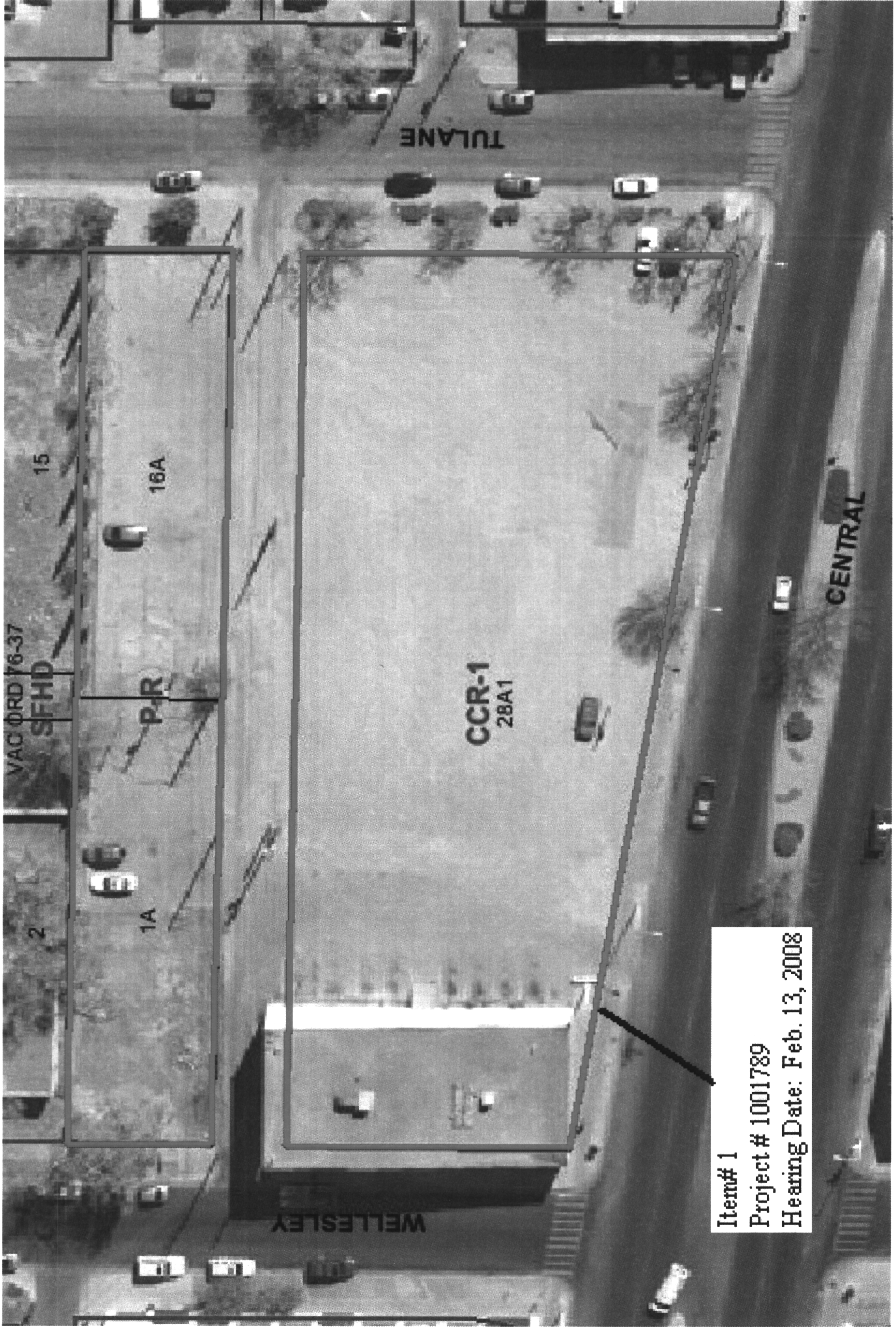
Appeal is to the Land Use Hearing Officer. Any person aggrieved with any determination of the Development Review Board may file an appeal on the Planning Department form, to the Planning Department, within 15 days of the Development Review Board's decision. The date the determination in question is issued is not included in the 15-day period for filing an appeal

If the fifteenth day falls on a Saturday, Sunday or holiday as listed in the Merit System Ordinance, the next working day is considered as the deadline for filing the appeal. Such appeal shall be heard within 60 days of its filing.

You will receive notice if any other person files an appeal. Successful applicants are reminded that other requirements of the City must be complied with, even after approval of the referenced application(s).


Jack Cloud, AICP, DRB Chair

Cc: Jason Daskalos – 5319 Menaul Blvd NE – Albuquerque, NM 87110
Marilyn Maldonado
File



Item# 1
Project # 1001789
Hearing Date: Feb. 13, 2008

DRB PUBLIC HEARING SIGN IN SHEETS

PROJECT #: 1001789 AGENDA# 1 DATE: 2/13/08

1. Name: ~~JEFF JAHIL~~ Address: ~~PO BOX 111~~ Zip: _____
2. Name: _____ Address: _____ Zip: _____
3. Name: _____ Address: _____ Zip: _____
4. Name: _____ Address: _____ Zip: _____
5. Name: _____ Address: _____ Zip: _____
6. Name: _____ Address: _____ Zip: _____
7. Name: _____ Address: _____ Zip: _____
8. Name: _____ Address: _____ Zip: _____
9. Name: _____ Address: _____ Zip: _____
10. Name: _____ Address: _____ Zip: _____
11. Name: _____ Address: _____ Zip: _____
12. Name: _____ Address: _____ Zip: _____
13. Name: _____ Address: _____ Zip: _____
14. Name: _____ Address: _____ Zip: _____
15. Name: _____ Address: _____ Zip: _____
16. Name: _____ Address: _____ Zip: _____
17. Name: _____ Address: _____ Zip: _____



CITY OF ALBUQUERQUE
 PLANNING DEPARTMENT
 DEVELOPMENT REVIEW BOARD

February 13, 2008

Project# 1001789

08DRB-70031 1YR YEAR EXTENSION OF SUBDIVISION IMPROVEMENTS

JASON DASKALOS request(s) the above action(s) for all or a portion of Lot(s) 28-A-1, Block 6 **MONTE VISTA ADDN**, zoned CCR, located on CENTRAL AVE NE BETWEEN WELLESLEY NE AND TULANE NE containing approximately 0.8483 acre(s). (K-16)

<p>AMAFCA No comment</p>																				
<p>COG MPO Project ID # 802.0 "Central Av Streetscapes and Pedestrian Improvements" has been identified as an "outer-year" project (ie beyond 2013) in the MTP. Also, MPO Project ID # 345.1 "Albuquerque Modern Streetcar" has been identified as an "outer-year" project (ie beyond 2013) in the MTP. Coordination with DMD is recommended to insure development consistent with these projects. For informational purposes, Central Av has a functional classification of urban principal arterial.</p>																				
<p>TRANSIT No comments received</p>																				
<p>ZONING ENFORCEMENT No comments received</p>																				
<p>NEIGHBORHOOD COORDINATION Letters sent to: Nob Hill NA (R)</p>																				
<p>APS Monte Vista Addn, Lot 28-A-1, Block 6, is located on Central Ave NE between Wellesley NE and Tulane NE. The owner of the above property is requesting a 1 YR SIA for a development that will consist of 28 condos/lofts. This development will impact Monte Vista Elementary School, Jefferson Middle School, and Albuquerque High School. Monte Vista Elementary School is exceeding capacity, Jefferson Middle School is nearing capacity, and Albuquerque High School has excess capacity.</p> <table border="1"> <thead> <tr> <th>Loc No</th> <th>School</th> <th>2007-08 40th Day</th> <th>2007-08 Capacity</th> <th>Space Available</th> </tr> </thead> <tbody> <tr> <td>312</td> <td>Monte Vista</td> <td>483</td> <td>468</td> <td>-15</td> </tr> <tr> <td>425</td> <td>Jefferson</td> <td>834</td> <td>888</td> <td>54</td> </tr> <tr> <td>590</td> <td>Albuquerque</td> <td>1,792</td> <td>2,100</td> <td>308</td> </tr> </tbody> </table> <p>To address overcrowding at schools, APS will explore various alternatives. A combination or all of the following options may be utilized to relieve overcrowded schools.</p>	Loc No	School	2007-08 40th Day	2007-08 Capacity	Space Available	312	Monte Vista	483	468	-15	425	Jefferson	834	888	54	590	Albuquerque	1,792	2,100	308
Loc No	School	2007-08 40th Day	2007-08 Capacity	Space Available																
312	Monte Vista	483	468	-15																
425	Jefferson	834	888	54																
590	Albuquerque	1,792	2,100	308																

- Provide new capacity (long term solution)
 - Construct new schools or additions
 - Add portables
 - Use of non-classroom spaces for temporary classrooms
 - Lease facilities
 - Use other public facilities
- Improve facility efficiency (short term solution)
 - Schedule Changes
 - Double sessions
 - Multi-track year-round
 - Other
 - Float teachers (flex schedule)
- Shift students to Schools with Capacity (short term solution)
 - Boundary Adjustments / Busing
 - Grade reconfiguration
- Combination of above strategies

All planned additions to existing educational facilities are contingent upon taxpayer approval.

POLICE DEPARTMENT

None at this time.

FIRE DEPARTMENT

No comments received

PNM ELECTRIC & GAS

No comments received

COMCAST

No comments received

QWEST

No comments received

ENVIRONMENTAL HEALTH

No comments received

M.R.G.C.D

No Adverse Comments.

OPEN SPACE DIVISION

Open Space has no adverse comments

CITY ENGINEER

The Hydrology section has no objection to the extension request.

TRANSPORTATION DEVELOPMENT

No adverse comments.

PARKS AND RECREATION

No objection.

ABCWUA

No objection to Vacation request.

PLANNING DEPARTMENT

Planning has no objection to extension of the Subdivision Improvement Agreement

IMPACT FEE ADMINISTRATOR

No comment on the proposed one-year SIA extension.

IT IS REQUIRED THAT THE APPLICANT AND/OR AGENT BE PRESENT AT THE HEARING

Cc: Jason Daskalos – 5319 Menaul Blvd NE – Albuquerque, NM 87110

#18



COMPLETED 06/01/06 SH DRB CASE ACTION LOG (FINAL PLAT)

REVISED 9/28/05

This sheet must accompany your plat or site plan to obtain delegated signatures. Return sheet with site plan/plat once comments are addressed.

DRB Application No.: 05DRB01718 (FP)

Project # 1001789

Project Name: MONTE VISTA

Agent: Precision Surveys Inc.

Phone No.: 856-5700

Your request for (SDP for SUB), (SDP for BP), (FINAL PLATS), (MASTER DEVELOP. PLAN), was approved on 5/3/06 by the DRB with delegation of signature(s) to the following departments.
OUTSTANDING SIGNATURES COMMENTS TO BE ADDRESSED

TRANSPORTATION: _____

UTILITIES: _____

CITY ENGINEER / AMAFCA: _____

PARKS / CIP: _____

PLANNING (Last to sign): Record the plat -
6/01/06

Planning must record this plat. Please submit the following items:

- The original plat and a mylar copy for the County Clerk.
- Tax certificate from the County Treasurer.
- Recording fee (checks payable to the County Clerk). RECORDED DATE: _____
- Tax printout from the County Assessor.

- 3 copies of the approved site plan. Include all pages.
- County Treasurer's signature must be obtained prior to the recording of the plat with the County Clerk.
- Property Management's signature must be obtained prior to Planning Department's signature.
- AGIS DXF File approval required. **OK**
- Copy of recorded plat for Planning.

Project Number

1001789

#18



DRB CASE ACTION LOG (FINAL PLAT)

REVISED 9/28/05

This sheet must accompany your plat or site plan to obtain delegated signatures. Return sheet with site plan/plat once comments are addressed.

DRB Application No.: 05DRB01718 (FP)

Project # 1001789

Project Name: MONTE VISTA

Agent: Precision Surveys Inc.

Phone No.: 856-5700

Your request for (SDP for SUB), (SDP for BP), (FINAL PLATS), (MASTER DEVELOP. PLAN), was approved on 5/31/06 by the DRB with delegation of signature(s) to the following departments.

OUTSTANDING SIGNATURES COMMENTS TO BE ADDRESSED

TRANSPORTATION: _____

UTILITIES: _____

CITY ENGINEER / AMAFCA: _____

PARKS / CIP: _____

PLANNING (Last to sign): Record the Plat

Planning must record this plat. Please submit the following items:

- The original plat and a mylar copy for the County Clerk.
- Tax certificate from the County Treasurer.
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- 3 copies of the approved site plan. Include all pages.
- County Treasurer's signature must be obtained prior to the recording of the plat with the County Clerk.
- Property Management's signature must be obtained prior to Planning Department's signature.
- AGIS DXF File approval required. **-OK**
- Copy of recorded plat for Planning.

Project Number

1001789



**DEVELOPMENT REVIEW BOARD
ACTION SHEET**

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

May 31, 2006

9:00 a.m.

MEMBERS:

Sheran Matson, AICP, DRB Chair
Claire Senova, Administrative Assistant

Wilfred Gallegos, Transportation Development
Brad Bingham, Alternate City Engineer

Roger Green, Utility Development
Christina Sandoval, Parks & Recreation

NOTE: UNLESS ANNOUNCED DURING THE MEETING, THE DEVELOPMENT REVIEW BOARD WILL NOT TAKE A LUNCH BREAK.

NOTE: INDIVIDUALS WITH DISABILITIES WHO NEED SPECIAL ASSISTANCE TO PARTICIPATE AT THIS MEETING SHOULD CONTACT CLAIRE SENOVA, 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: REQUESTS FOR DEFERRAL OF CASES WILL BE DISCUSSED BY THE BOARD AND THE APPLICANT AND/OR AGENT AT THE BEGINNING OF THE AGENDA. BOTH PARTIES MUST AGREE UPON THE DATE OF DEFERRAL. IF THE APPLICANT/AGENT IS NOT PRESENT, THE ADMINISTRATIVE ASSISTANT MUST RECEIVE A LETTER, PRIOR TO THE HEARING DATE, REQUESTING A SPECIFIC DEFERRAL DATE. THE BOARD WILL DISCUSS AND MAKE A DECISION AT THE HEARING. THE APPLICANT/AGENT WILL THEN BE INFORMED OF THE DEFERRAL DATE AND REASON.

- A. Call to Order: 9:00 A.M.
- B. Changes and/or Additions to the Agenda
- C. New or Old Business

Adjourned: 11:45 A.M.

CASES WHICH REQUIRE PUBLIC NOTIFICATION
MAJOR SUBDIVISIONS, VACATIONS, SIA EXTENSIONS AND SITE DEVELOPMENT PLANS

- 1. **Project # 1002455**
06DRB-00610 Major-One Year SIA

TIM OTT agent(s) for J GROUP request(s) the above action(s) for all or a portion of Lot(s) 1-7, **J J SUBDIVISION**, zoned SU-1 for C-1 uses, located on SAN ANTONIO DR NE, between I-25 and SAN PEDRO DR NE containing approximately 10 acre(s). [REF: 04DRB-00984, 03DRB-01899, 03DRB-01654] (E-18) **A ONE-YEAR EXTENSION OF THE SIA WAS APPROVED.**

2. **Project # 1003353**
06DRB-00631 Major-Two Year SIA

WILSON & COMPANY INC agent(s) for THE TRAILS LLC request(s) the above action(s) for THE TRAILS (to be known as **HERITAGE @ THE TRAILS, UNIT 2**) zoned RD, located on RAINBOW BLVD NW, between PASEO DEL NORTE NW and HEARTHSTONE NW containing approximately 14 acre(s). [REF: 04DRB-01415] (C-9) **A TWO-YEAR EXTENSION OF THE SIA WAS APPROVED.**

3. **Project # 1003354**
06DRB-00633 Major-Two Year SIA

WILSON & COMPANY agent(s) for THE TRAILS LLC request(s) the above action(s) for THE TRAILS, (to be known as **HERITAGE @ THE TRAILS, UNIT 1**, zoned RD, located on RAINBOW BLVD NW, between PASEO DEL NORTE NW and HEARTHSTONE NW containing approximately 9 acre(s). [REF: 04DRB-01416] (C-9) **A TWO-YEAR EXTENSION OF THE SIA WAS APPROVED.**

4. **Project # 1002858**
06DRB-00629 Major-Vacation of Public Easements
06DRB-00630 Minor-Prelim&Final Plat Approval

MARK GOODWIN & ASSOCIATES PA agent(s) for ANDERSON HILLS LLC request(s) the above action(s) for all or a portion of Lot(s) 28, Block(s) 13, **MESA @ ANDERSON HILLS, UNIT 2**, zoned SU-1 for C-1 uses & R-2, located on DENNIS CHAVEZ BLVD SW, between UNSER BLVD SW and GRACE VIGIL RD SW containing approximately 35 acre(s). [REF: 05DRB-00488, 04DRB-01744, 04DRB-01683] (P-9) **THE VACATION WAS APPROVED AS SHOWN ON EXHIBIT B IN THE PLANNING FILE. WITH THE SIGNING OF THE INFRASTRUCTURE LIST DATED 5/31/06 THE PRELIMINARY PLAT WAS APPROVED. THE FINAL PLAT WAS INDEFINITELY DEFERRED FOR THE SIA.**

17. **Project # 1004909**
06DRB-00717 Minor-Prelim&Final Plat
Approval

PRECISION SURVEYS agent(s) for JOURNAL CENTER CORPORATION request(s) the above action(s) for all or a portion of Tract(s) 2A-2A-2B, **JOURNAL CENTER**, zoned IP, located on JEFFERSON NE, between HEADLINE NE and JOURNAL CENTER NE containing approximately 9 acre(s). [*Deferred from 5/31/06*] (D-17) **DEFERRED AT THE AGENT'S REQUEST TO 6/7/06.**

18. ~~Project # 1001789~~
05DRB-01718 Minor-Final Plat Approval

PRECISION SURVEYS INC agent(s) for DASKALOS NOB HILL request(s) the above action(s) for all or a portion of Block(s) 6, Tract(s) 17-28, **MONTE VISTA**, zoned CCR, located on CENTRAL AVE NE, between TULANE NE and WELLESLEY NE containing approximately 1 acre(s). [*Deferred from 11/16/05 & Indef deferred for SIA, Deferred from 5/17/06 & 5/24/06*] (K-16) **FINAL PLAT WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO PLANNING TO RECORD.**

19. **Project # 1000961**
06DRB-00158 Minor-Final Plat Approval

CARTESIAN SURVEYS INC agent(s) for MCT INDUSTRIES INC request(s) the above action(s) for all or a portion of Tract(s) C, **NORTH GATEWAY**, zoned IP industrial park zone, located on SAN MATEO BLVD NE, between BALLOON FIESTA PARKWAY NE and 125 containing approximately 17 acre(s). [REF: AA-97-98, ZA-97-375, V-97-7, DRB-97-6, ZA-92-107, 00DRB01730] [*Indef deferred from 2/15/06*] [*Was Listed under Project #1003790 in error*] [*Indef Deferred for SIA on 3/22/06*] (B-18) **FINAL PLAT WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO PLANNING TO RECORD.**

14. **Project # 1004912**
06DRB-00727 Minor-Prelim&Final Plat
Approval

ADVANCED ENGINEERING & CONSULTING, LLC agent(s) for VAN GILBERT ARCHITECT request(s) the above action(s) for all or a portion of Lot(s) 11, Block(s) 1, **AIRPORT INDUSTRIAL PARK**, zoned M-1, located on BAYLOR ST NE, between RENARD PL NE and GIBSON ST NE containing approximately 1 acre(s). (M-16) **PRELIMINARY AND FINAL PLAT WERE APPROVED WITH FINAL SIGN OFF DELEGATED TO PLANNING TO RECORD THE PLAT.**

15. **Project # 1004908**
06DRB-00715 Minor-Prelim&Final Plat
Approval

TERRAMETRICS OF NEW MEXICO agent(s) for ROBERT & CYNTHIA KEERAN, LLAVE DEVELOPMENT request(s) the above action(s) for all or a portion of Lot(s) 1, **KELLER LANE** and Lot(s) 5-P1, **ESTRADA COURT**, zoned RD (3DU/A) located on OAKLAND AVE NE, between BARSTOW ST NE and VENTURA ST NE containing approximately 1 acre(s). (C-20) **PRELIMINARY AND FINAL PLAT WERE APPROVED WITH FINAL SIGN OFF DELEGATED TO PARKS FOR OPEN SPACE TABLE AND TO PLANNING TO RECORD THE PLAT.**

16. **Project # 1004785**
06DRB-00403 Minor-Prelim&Final Plat
Approval

TERRAMETRICS OF NEW MEXICO agent(s) for LLAVE DEVELOPMENT INC request(s) the above action(s) for all or a portion of Lot(s) 18, Block(s) 1, Tract(s) 3, **NORTH ALBUQUERQUE ACRES, UNIT 3**, zoned R-D 3DU/A, located on EAGLE ROCK AVE NE, between VENTURA ST NE and BARSTOW ST NE containing approximately 1 acre(s). (*Indef Deferred from 4/5/06*) (C-20) **WITH THE SIGNING OF THE INFRASTRUCTURE LIST DATED 5/31/06 AND APPROVAL OF THE GRADING PLAN ENGINEER STAMP DATED 5/19/06 THE PRELIMINARY PLAT WAS APPROVED. THE FINAL PLAT WAS INDEFINITELY DEFERRED FOR THE SIA.**

CITY OF ALBUQUERQUE



**PLANNING DEPARTMENT
DEVELOPMENT AND BUILDING SERVICES
HYDROLOGY DEVELOPMENT SECTION**

DEVELOPMENT REVIEW BOARD--SPEED MEMO

DRB CASE NO/PROJECT NO: 1001789

AGENDA ITEM NO: 18

SUBJECT:

Final Plat

ACTION REQUESTED:

REV/CMT:() APP:(x) SIGN-OFF:() EXTN:() AMEND:()

P.O. Box 1293

ENGINEERING COMMENTS:

No adverse comments.

Albuquerque

New Mexico 87103

RESOLUTION:

APPROVED ____; DENIED ____; DEFERRED ____; COMMENTS PROVIDED ____; WITHDRAWN

www.cabq.gov

SIGNED-OFF: (SEC-PLN) (SP-SUB) (SP-BP) (FP) BY: (UD) (CE) (TRANS) (PKS) (PLNG)

DELEGATED: (SEC-PLN) (SP-SUB) (SP-BP) (FP) TO: (UD) (CE) (TRANS) (PKS) (PLNG)

FOR:

SIGNED: Bradley L. Bingham
City Engineer/AMAFCA Designee

DATE: May 31, 2006



**DEVELOPMENT REVIEW BOARD
ACTION SHEET**

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

May 24, 2006

9:00 a.m.

MEMBERS:

Sheran Matson, AICP, DRB Chair
Claire Senova, Administrative Assistant

Wilfred Gallegos, Transportation Development
Brad Bingham, Alternate City Engineer

Roger Green, Utility Development
Christina Sandoval, Parks & Recreation

NOTE: UNLESS ANNOUNCED DURING THE MEETING, THE DEVELOPMENT REVIEW BOARD WILL NOT TAKE A LUNCH BREAK.

NOTE: INDIVIDUALS WITH DISABILITIES WHO NEED SPECIAL ASSISTANCE TO PARTICIPATE AT THIS MEETING SHOULD CONTACT CLAIRE SENOVA, 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: REQUESTS FOR DEFERRAL OF CASES WILL BE DISCUSSED BY THE BOARD AND THE APPLICANT AND/OR AGENT AT THE BEGINNING OF THE AGENDA. BOTH PARTIES MUST AGREE UPON THE DATE OF DEFERRAL. IF THE APPLICANT/AGENT IS NOT PRESENT, THE ADMINISTRATIVE ASSISTANT MUST RECEIVE A LETTER, PRIOR TO THE HEARING DATE, REQUESTING A SPECIFIC DEFERRAL DATE. THE BOARD WILL DISCUSS AND MAKE A DECISION AT THE HEARING. THE APPLICANT/AGENT WILL THEN BE INFORMED OF THE DEFERRAL DATE AND REASON.

- A. Call to Order: 9:00 A.M. Adjourned: 10:05 A.M.
B. Changes and/or Additions to the Agenda
C. New or Old Business

CASES WHICH REQUIRE PUBLIC NOTIFICATION

MAJOR SUBDIVISIONS, VACATIONS, SIA EXTENSIONS AND SITE DEVELOPMENT PLANS

1. **Project # 1002856**
06DRB-00596 Major-Two Year SIA

MARK GOODWIN & ASSOCIATES PA agent(s) for ANDERSON HILLS LLC request(s) the above action(s) for , Parcel 3, **THE MEADOWS @ ANDERSON HILLS**, zoned R-LT residential zone, located on DENNIS CHAVEZ BLVD SW, between 98TH ST SW and UNSER BLVD SW containing approximately 35 acre(s). [REF: 06DRB-01194] (P-9) **A TWO-YEAR SIA WAS APPROVED.**

2. **Project # 1002949**
06DRB-00595 Major-Two Year SIA

JAMES F CRABTREE request(s) the above action(s) for all or a portion of Block(s) 10, Lot(s) 1-A, 1-B, 1-C, 1-D & 1-E, **PETROGLYPH PARK, UNIT 3**, zoned O-1 office and institution zone, located on UNSER BLVD NW, between SANTO DOMINGO ST NW and MOJAVE NW containing approximately 1 acre(s). [REF:04DRB-00774] (E-10) **A TWO-YEAR SIA WAS APPROVED. THIS WILL BE THE LAST EXTENSION.**

3. **Project # 1002632**
06DRB-00599 Major-Preliminary Plat Approval
06DRB-00601 Major-Vacation of Pub Right-of-Way
06DRB-00602 Major-Vacation of Public Easements
06DRB-00603 Minor-Temp Defer SDWK

TIERRA WEST LLC agent(s) for CAPITAL ALLIANCE INVESTMENTS request(s) the above action(s) for all or a portion of Tract(s) 4, 5 & 6 (to be known as **SUNDANCE ESTATES, UNIT 1**) zoned R-LT, located on PARADISE BLVD NW, between LYONS BLVD NW and PROPOSED UNSER ALIGNMENT containing approximately 36 acre(s). [REF: 03EPC-00690, 03DRB-01306, 04DRB-00760, 04DRB-01761] (B-11) **WITH THE SIGNING OF THE INFRASTRUCTURE LIST DATED 5/24/06 AND APPROVAL OF THE GRADING PLAN ENGINEER STAMP DATED 2/8/05 THE PRELIMINARY PLAT WAS APPROVED WITH CONDITIONS OF FINAL PLAT: MRCOG ACCESS, TRACT 5 ACCESS AND UNSER EASEMENT. THE VACATIONS WERE APPROVED AS SHOWN ON EXHIBIT B IN THE PLANNING FILE. THE TEMPORARY DEFERRAL OF CONSTRUCTION OF SIDEWALK ON THE INTERIOR STREETS WAS APPROVED AS SHOWN ON EXHIBIT C IN THE PLANNING FILE.**

- 06DRB-00585 Minor-Final Plat Approval

TIERRA WEST LLC agent(s) for CAPITAL ALLIANCE INVESTMENTS request(s) the above action(s) for all or a portion of Tract(s) 4-6, **SUNDANCE ESTATES, UNIT 1**, zoned R-LT residential zone, located on PARADISE BLVD NW, between LYONS BLVD NW and PROPOSED UNSER ALIGNMENT, containing approximately 36 acre(s). [REF: 03EPC00690, 03DRB01306, 04DRB00760, 04DRB00761, 04DRB01761] [*Deferred from 5/3/06 & 5/24/06*] (B-11) **THE FINAL PLAT WAS DEFERRED FOR THE SIA AND THE 15-DAY APPEAL PERIOD TO 6/14/06.**

10. **Project # 1001789**
05DRB-01718 Minor-Final Plat Approval

PRECISION SURVEYS INC agent(s) for DASKALOS NOB HILL request(s) the above action(s) for all or a portion of Block(s) 6, Tract(s) 17-28, **MONTE VISTA**, zoned CCR, located on CENTRAL AVE NE, between TULANE NE and WELLESLEY NE containing approximately 1 acre(s). [Deferred from 11/16/05 & Indef deferred for SIA, Deferred from 5/17/06 & 5/24/06] (K-16) **DEFERRED AT THE AGENT'S REQUEST TO 5/31/06.**

NO ACTION IS TAKEN ON THESE CASES:
APPLICANT - AGENT IS REQUIRED TO BE AT THE MEETING

11. **Project # 1000057**
06DRB-00688 Minor-Sketch Plat or Plan

NCA ARCHITECTS agent(s) for BRADBURY & STAMM PASEO LTD CO request(s) the above action(s) for all or a portion of Block(s) C-17, Tract(s) F-2, **LANDS OF SPRINGER CORPORATION**, zoned SU-2 M1, located on PASEO DEL NORTE NE, between WASHINGTON ST NE and EDITH BLVD NE containing approximately 5 acre(s). [REF: 00DRB-00313] (C-17) **THE ABOVE REQUEST WAS REVIEWED AND COMMENTS WERE GIVEN.**

12. **Project # 1000122**
06DRB-00687 Minor-Sketch Plat or Plan

ABQ ENGINEERING agent(s) for INTERSTATE DEVELOPMENT request(s) the above action(s) for all or a portion of Lot(s) 1A & 1C, EDEN, (to be known as **HIGH LONESOME RANCH**) zoned RA-1, O-1, located on GABALDON RD NW, between I-40 NW and SPUR CT NW containing approximately 21 acre(s). (H-12) **THE ABOVE REQUEST WAS REVIEWED AND COMMENTS WERE GIVEN.**

- 13. Project # 1004900**
06DRB-00683 Minor-Sketch Plat or Plan

DANNY DONALD request(s) the above action(s) for all or a portion of Lot(s) AR, **CARLOS REY SUBDIVISION**, zoned R-1, located on BRIDGE ST SW, between CARLOS REY DR SW and COORS SW containing approximately 1 acre(s). (L-11) **THE ABOVE REQUEST WAS REVIEWED AND COMMENTS WERE GIVEN.**

- 14. Approval of the Development Review Board Minutes for April 26, May 3 and May 10, 2006. THE DEVELOPMENT REVIEW BOARD MINUTES FOR APRIL 26, MAY 3 AND MAY 10, 2006 WERE APPROVED BY THE BOARD.**

ADJOURNED: 10:05 A.M.

CITY OF ALBUQUERQUE



referred to 5/31/06

**PLANNING DEPARTMENT
DEVELOPMENT AND BUILDING SERVICES
HYDROLOGY DEVELOPMENT SECTION**

DEVELOPMENT REVIEW BOARD--SPEED MEMO

DRB CASE NO/PROJECT NO: 1001789

AGENDA ITEM NO: 10

SUBJECT:

Final Plat

ACTION REQUESTED:

REV/CMT:() APP:() SIGN-OFF:(x) EXTN:() AMEND:()

ENGINEERING COMMENTS:

An executed Subdivision Improvements Agreement with financial guarantees is on file for Final Plat sign-off.

RESOLUTION:

APPROVED ____; DENIED ____; DEFERRED ____; COMMENTS PROVIDED ____; WITHDRAWN

SIGNED-OFF: (SEC-PLN) (SP-SUB) (SP-BP) (FP) BY: (UD) (CE) (TRANS) (PKS) (PLNG)

DELEGATED: (SEC-PLN) (SP-SUB) (SP-BP) (FP) TO: (UD) (CE) (TRANS) (PKS) (PLNG)

FOR:

SIGNED: Bradley L. Bingham
City Engineer/AMAFCA Designee

DATE: May 24, 2006

P.O. Box 1293

Albuquerque

New Mexico 87103

www.cabq.gov



**PLANNING DEPARTMENT
DEVELOPMENT AND BUILDING SERVICES
HYDROLOGY DEVELOPMENT SECTION**

DEVELOPMENT REVIEW BOARD--SPEED MEMO

DRB CASE NO/PROJECT NO: 1001789

AGENDA ITEM NO: 10

SUBJECT:

Final Plat

ACTION REQUESTED:

REV/CMT:() APP:() SIGN-OFF:(x) EXTN:() AMEND:()

ENGINEERING COMMENTS:

An executed Subdivision Improvements Agreement with financial guarantees is on file for Final Plat sign-off.

P.O. Box 1293

Albuquerque

New Mexico 87103

www.cabq.gov

RESOLUTION:

5-31-06

APPROVED ____; DENIED ____; DEFERRED X; COMMENTS PROVIDED ____; WITHDRAWN

SIGNED-OFF: (SEC-PLN) (SP-SUB) (SP-BP) (FP) BY: (UD) (CE) (TRANS) (PKS) (PLNG)

DELEGATED: (SEC-PLN) (SP-SUB) (SP-BP) (FP) TO: (UD) (CE) (TRANS) (PKS) (PLNG)

FOR:

SIGNED: Bradley L. Bingham
City Engineer/AMAFCA Designee

DATE: May 24, 2006



**DEVELOPMENT REVIEW BOARD
ACTION SHEET**

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

May 17, 2006 9:00 a.m.

MEMBERS:

Sheran Matson, AICP, DRB Chair
Claire Senova, Administrative Assistant

Wilfred Gallegos, Transportation Development
Brad Bingham, Alternate City Engineer

Roger Green, Utility Development
Christina Sandoval, Parks & Recreation

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- A. Call to Order: 9:00 A.M. Adjourned: 10:37 A.M.
- B. Changes and/or Additions to the Agenda
- C. New or Old Business

CASES WHICH REQUIRE PUBLIC NOTIFICATION
MAJOR SUBDIVISIONS, VACATIONS, SIA EXTENSIONS AND SITE DEVELOPMENT PLANS

- 1. **Project # 1001304**
06DRB-00574 Major-Vacation of
Public Easements

CHRISTOPHER CALOTT request(s) the above action(s) for all or a portion of Block(s) 18, Lot(s) 17-A, 17-B, & 17-C, **PEREA ADDITION**, zoned SU-2/SF, located on 14TH ST NW, between ROMA AVE NW and FRUIT AVE NW containing approximately 1 acre(s). [REF: 01DRB00830,02DRB00493, 05DRB00909] (J-13) **THE VACATION WAS APPROVED AS SHOWN ON EXHIBIT B IN THE PLANNING FILE.**

2. **Project # 1003212**
06DRB-00569 Major-Vacation of Public
Easements
06DRB-00570 Minor-Prelim&Final Plat
Approval

JOHN MENICUCCI, BERGER BRIGGS REAL ESTATE agent(s) for GRAND AVENUE PARTNERS, A NM LIMITED PARTNERSHIP, request(s) the above action(s) for all or a portion of Block(s) 34, Tract(s) A-1-A-1 & B-1, **BROWNEWELL & LAILS HIGHLAND ADDITION**, zoned SU-2 MC, located on DR MARTIN LUTHER KING JR AVE NE, between UNIVERSITY BLVD NE and PINE ST NE containing approximately 2 acre(s). [REF: 04EPC00699, 05DRB00729] (K-15) **THE VACATION WAS APPROVED WITH THE ADDITION OF A 30-FOOT PRIVATE PARKING EASEMENT AS SHOWN ON EXHIBIT B IN THE PLANNING FILE. THE PRELIMINARY AND FINAL PLAT WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO TRANSPORTATION DEVELOPMENT FOR CLARIFICATION OF THE PARKING AND ACCESS EASEMENT AND PLANNING FOR AGIS DXF FILE, 15-DAY APPEAL PERIOD AND TO RECORD THE PLAT.**

3. **Project # 1000696**
05DRB-01529 Major-Preliminary Plat
Approval
05DRB-01530 Minor-Sidewalk Waiver
05DRB-01531 Minor-Temp Defer SDWK

MARK GOODWIN & ASSOCIATES agent(s) for ICDC LLC request(s) the above action(s) for all or a portion of Tract(s) C, LEE'S BOSQUE SUBDIVISION (to be known as **BOSQUECITO SUBDIVISION**) zoned RD, located on BOSQUE MEADOWS BLVD NW, between LA ORILLA NW and PASEO DEL NORTE containing approximately 7 acre(s). [Deferred from 10/26/05 & 11/9/05 & 11/23/05 & 11/30/05 & 1/4/06 & 1/25/06 & 2/22/06 & 3/15/06 & 4/5/06 & 4/19/06] (D-12) **WITHDRAWN AT THE AGENT'S REQUEST.**

7. **Project # 1004789**
06DRB-00642 Minor-Prelim&Final Plat
Approval

BILLY & JEANETTE BACA request(s) the above action(s) for all or a portion of Lot(s) 10-A, **R L GAUL ADDITION**, zoned R-1, located on SHANGRI-LA CT NW, between GREIGOS NW and DELAMAR NW containing approximately 1 acre(s). [REF: 06DRB-00409] (F-14) **THE PRELIMINARY AND FINAL PLAT WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO PLANNING TO RECORD THE PLAT.**

8. **Project # 1004233**
06DRB-00646 Major-Final Plat Approval

PRECISION SURVEYS INC agent(s) for WESTLAND DEVELOPMENT CO INC request(s) the above action(s) for all or a portion of Tract(s) I-2, SUNDORO SUBDIVISION, UNIT 1 (to be known as **STORMCLOUD SUBDIVISION, UNIT 1**, zoned SU-2, R-LT, located on ARROYO VISTA BLVD NW, between TIERRA VISTA ST NW and LADERA DR NW containing approximately 164 acre(s). [REF: 05DRB-00899, 05DRB-00900, 05DRB-00901, 05DRB-00902] [*Indef Deferred on 5/17/06*] (H-8, H-9, J-8, J-9) **INDEFINITELY DEFERRED AT THE AGENT'S REQUEST.**

9. **Project # 1001789**
05DRB-01718 Minor-Final Plat Approval

PRECISION SURVEYS INC agent(s) for DASKALOS NOB HILL request(s) the above action(s) for all or a portion of Block(s) 6, Tract(s) 17-28, **MONTE VISTA**, zoned CCR, located on CENTRAL AVE NE, between TULANE NE and WELLESLEY NE containing approximately 1 acre(s). [*Deferred from 11/16/05 & Indef deferred for SIA, Deferred from 5/17/06*] (K-16) **DEFERRED AT THE AGENT'S REQUEST TO 5/24/06.**

4. **Project # 1003238**
06DRB-00543 Major-Vacation of Public Easements
06DRB-00432 Minor-Prelim&Final Plat Approval
06DRB-00545 Minor-Vacation of Private Easements

SURV-TEK INC agent(s) for VANTAGE BUILDERS request(s) the above action(s) for all or a portion of Lot(s) 58-P1, Parcel E, **FLORAL MEADOWS**, zoned R-LT, located on SARITA AVE NW, between MONTROYA NW and MACIEL NW containing approximately 1 acre(s). [Deferred fro 5/10/06] (H-12) **THE VACATIONS WERE APPROVED AS SHOWN ON EXHIBIT B IN THE PLANNING FILE. THE PRELIMINARY AND FINAL PLAT WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO PLANNING FOR THE 15-DAY APPEAL PERIOD AND TO RECORD THE PLAT.**

SITE DEVELOPMENT PLANS (EPC FINAL SIGN-OFF) AMENDED PLANS AND MASTER DEVELOPMENT PLANS (CITY COUNCIL FINAL SIGN-OFF)

NOTE: IF THE APPLICANT/AGENT IS NOT PRESENT WHEN THEIR REQUEST IS CALLED, THEN THE REQUEST MAY BE INDEFINITELY DEFERRED ON A NO SHOW.

THERE ARE NO SITE DEVELOPMENT PLANS THIS WEEK...

MINOR PLATS, FINAL (MAJOR) PLATS, AMENDED PLATS AND PLANS

5. **Project # 1004387**
06DRB-00644 Minor-Prelim&Final Plat Approval

SURVEYS SOUTHWEST LTD agent(s) for LESLIE JENSEN request(s) the above action(s) for all or a portion of Lot(s) 31-35, Block(s) 12, **COUNTRY CLUB ADDITION**, zoned O-1, located on LAS LOMAS RD NE and ENCINO PL NE and containing approximately 1 acre(s). [REF: 05DRB-01332] [Indef Deferred on 5/17/06] (J-15) **INDEFINITELY DEFERRED AT THE AGENT'S REQUEST.**

6. **Project # 1004792**
06DRB-00645 Minor-Prelim&Final Plat Approval

SURVEYS SOUTHWEST agent(s) for DUNCAN MILLOY request(s) the above action(s) for all or a portion of Lot(s) 5, Block(s) 1, **FITZGERALD ADDITION**, zoned R-1, located on FITZGERALD RD NW, between CANDELARIA RD NW and 4TH ST NW containing approximately 1 acre(s). [REF: 06DRB-00414] (G-14) **THE PRELIMINARY AND FINAL PLAT WAS APPROVED AND SIGNED OFF BY THE BOARD.**



**PLANNING DEPARTMENT
DEVELOPMENT AND BUILDING SERVICES
HYDROLOGY DEVELOPMENT SECTION**

DEVELOPMENT REVIEW BOARD--SPEED MEMO

DRB CASE NO/PROJECT NO: 1001789

AGENDA ITEM NO: 9

SUBJECT:

Final Plat

ACTION REQUESTED:

REV/CMT:() APP:(x) SIGN-OFF:() EXTN:() AMEND:()

P.O. Box 1293

ENGINEERING COMMENTS:

No adverse comments.

Albuquerque

New Mexico 87103

RESOLUTION:

5-24-06

APPROVED ____; DENIED ____; DEFERRED X; COMMENTS PROVIDED ____; WITHDRAWN

www.cabq.gov

SIGNED-OFF: (SEC-PLN) (SP-SUB) (SP-BP) (FP) BY: (UD) (CE) (TRANS) (PKS) (PLNG)

DELEGATED: (SEC-PLN) (SP-SUB) (SP-BP) (FP) TO: (UD) (CE) (TRANS) (PKS) (PLNG)

FOR:

SIGNED: Bradley L. Bingham
City Engineer/AMAFCA Designee

DATE: May 17, 2006



**DEVELOPMENT REVIEW BOARD
ACTION SHEET**

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

January 25, 2006

9:00 a.m.

MEMBERS:

Sheran Matson, AICP, DRB Chair
Claire Senova, Administrative Assistant

Wilfred Gallegos, Transportation Development
Brad Bingham, Alternate City Engineer

Roger Green, Utility Development
Christina Sandoval, Parks & Recreation

NOTE: UNLESS ANNOUNCED DURING THE MEETING, THE DEVELOPMENT REVIEW BOARD WILL NOT TAKE A LUNCH BREAK.

NOTE: INDIVIDUALS WITH DISABILITIES WHO NEED SPECIAL ASSISTANCE TO PARTICIPATE AT THIS MEETING SHOULD CONTACT CLAIRE SENOVA, 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: REQUESTS FOR DEFERRAL OF CASES WILL BE DISCUSSED BY THE BOARD AND THE APPLICANT AND/OR AGENT AT THE BEGINNING OF THE AGENDA. BOTH PARTIES MUST AGREE UPON THE DATE OF DEFERRAL. IF THE APPLICANT/AGENT IS NOT PRESENT, THE ADMINISTRATIVE ASSISTANT MUST RECEIVE A LETTER, PRIOR TO THE HEARING DATE, REQUESTING A SPECIFIC DEFERRAL DATE. THE BOARD WILL DISCUSS AND MAKE A DECISION AT THE HEARING. THE APPLICANT/AGENT WILL THEN BE INFORMED OF THE DEFERRAL DATE AND REASON.

- A. Call to Order: 9:00 A.M.
- B. Changes and/or Additions to the Agenda
- C. New or Old Business

Adjourned: 10:55 A.M.

CASES WHICH REQUIRE PUBLIC NOTIFICATION

MAJOR SUBDIVISIONS, VACATIONS, SIA EXTENSIONS AND SITE DEVELOPMENT PLANS

- 1. **Project # 1000696**
05DRB-01529 Major-Preliminary Plat Approval
05DRB-01530 Minor-Sidewalk Waiver
05DRB-01531 Minor-Temp Defer SDWK

MARK GOODWIN & ASSOCIATES agent(s) for ICDC LLC request(s) the above action(s) for all or a portion of Tract(s) C, LEE'S BOSQUE SUBDIVISION (to be known as **BOSQUECITO SUBDIVISION**) zoned RD, located on BOSQUE MEADOWS BLVD NW, between LA ORILLA NW and PASEO DEL NORTE containing approximately 7 acre(s).[Deferred from 10/26/05 & 11/9/05 & 11/23/05 & 11/30/05 & 1/4/06 & 1/25/06] (D-12) **DEFERRED AT THE AGENT'S REQUEST TO 2/22/06.**

2. **Project # 1004282**
05DRB-01061 Major-Preliminary Plat
Approval

GARCIA/KRAEMER & ASSOCIATES agent(s) for PAT MILLIGAN request(s) the above action(s) for all or a portion of Lots(s) A-1, B-1, C-1, D-1, E-1, F-1, H-1, J-1, K-1, **ALAMOSA ADDITION**, zoned R-T residential zone, located on TRUJILLO RD SW, between 62nd ST SW and BATAAN DR SW containing approximately 2 acre(s). [Deferred from 7/20/05 & 7/27/05 & 1/11/06 & 1/18/06 & 1/25/06] (K-11) **DEFERRED AT THE AGENT'S REQUEST TO 2/1/06.**

3. **Project # 1004607**
05DRB-01904 Major-Preliminary Plat
Approval
05DRB-01905 Minor-Temp Defer
SDWK

WILSON & COMPANY, INC. agent(s) for VISTA VIEJA INVESTMENTS, LLC request(s) the above action(s) for all or a portion of Tract(s) 3 & 4, **VISTA VIEJA SUBDIVISION**, zoned RD, located on SCENIC NW, between 81ST ST NW and ALBERICOQUE PL NW containing approximately 78 acre(s). [REF: 04DRB-00825, 04DRB-01460, 05DRB-01235, 05DRB-01236] [Deferred from 1/11/06 & 1/18/06 & 1/25/06](D-9) **DEFERRED AT THE AGENT'S REQUEST TO 2/1/06.**

SITE DEVELOPMENT PLANS (EPC FINAL SIGN-OFF) AMENDED PLANS AND MASTER DEVELOPMENT PLANS (CITY COUNCIL FINAL SIGN-OFF)

NOTE: IF THE APPLICANT/AGENT IS NOT PRESENT WHEN THEIR REQUEST IS CALLED, THEN THE REQUEST MAY BE INDEFINITELY DEFERRED ON A NO SHOW.

4. **Project # 1003445**
06DRB-00075 Minor-SiteDev Plan
BldPermit

JLS ARCHITECTS agent(s) for TERRY CORLIS request(s) the above action(s) for all or a portion of Tract(s) E2 and F, **ALBUQUERQUE WEST, UNIT 1**, zoned SU-1 PDA to include C-3, located on EDUCATION PLACE NW, between PARADISE BLVD NW and PASEO DEL NORTE NW containing approximately 5 acre(s). [REF: 05EPC-00022] [Deferred from 1/25/06] (C-12) **DEFERRED AT THE AGENT'S REQUEST TO 2/1/06.**

10. **Project # 1004651**
06DRB-00073 Minor-Prelim&Final Plat
Approval

WAYJOHN SURVEYING INC agent(s) for GARY & STEPHANIE HOLBERT, STEVE DINH & STAN PADILLA request(s) the above action(s) for all or a portion of Lot(s) 12, 13 & 14, Block(s) 10, **KNOLLS OF PARADISE HILLS, UNIT 2**, zoned R-1 residential zone, located on CHANTILLY RD NW, between ARROWHEAD AVE NW and CONGRESS AVE NW containing approximately 1 acre(s). (B-13) **PRELIMINARY AND FINAL PLAT APPROVED WITH FINAL SIGN OFF DELEGATED TO UTILITIES DEVELOPMENT FOR NMU INC SIGNATURE.**

11. **Project # 1001789**
05DRB-01718 Minor-Prelim&Final Plat
Approval

PRECISION SURVEYS INC agent(s) for DASKALOS NOB HILL request(s) the above action(s) for all or a portion of Block(s) 6, Tract(s) 17-28, **MONTE VISTA**, zoned CCR, located on CENTRAL AVE NE, between TULANE NE and WELLESLEY NE containing approximately 1 acre(s). *[Deferred from 11/16/05 & Indef deferred on 11/23/05]* (K-16) **WITH THE SIGNING OF THE INFRASTRUCTURE LIST DATED 1/25/06 THE PRELIMINARY PLAT WAS APPROVED WITH A CONDITION OF FINAL PLAT: DEDICATION ALONG TULANE WITH WHATEVER THEY ARE PUTTING IN AND DEDICATION ALONG CENTRAL AVENUE. FINAL PLAT WAS INDEFINITELY DEFERRED FOR SIA.**

12. **Project # 1003366**
06DRB-00056 Minor-Prelim&Final Plat
Approval

ADVANCED ENGINEERING & CONSULTING agent(s) for SHARIF (FELIX) RABADI request(s) the above action(s) for all or a portion of Tract(s) T-1A-2, **TOWN OF ALAMEDA GRANT**, zoned SU-1 FOR PRD, located on GOLF COURSE RD NW, between IRVING BLVD NW and the CALABACILLAS ARROYO, containing approximately 9 acre(s). [REF: 05DRB01272, 05DRB01273, 04EPC00498, 04DRB00596, Z-80-74, AX-80-16, Z-85-84, AX-85-20, Z-93-131, DRB-94-146, V-96-89] *[Deferred from 1/18/06 & 1/25/06]* (A-12/B-12) **DEFERRED AT THE AGENT'S REQUEST TO 2/8/06.**

NO ACTION IS TAKEN ON THESE CASES:
APPLICANT - AGENT IS REQUIRED TO BE AT THE MEETING

13. Project # 1003793
06DRB-00058 Minor-Sketch Plat or
Plan

SUSAN L HOMER request(s) the above action(s) for all or a portion of Lot(s) 18 & 19, Block(s) A, **GRANDE HEIGHTS ADDITION**, zoned R-1 residential zone, located on SEQUOIA RD NW and SEQUOIA CT NW and containing approximately 1 acre(s). [REF: 04DRB01803] (G-11) **THE ABOVE REQUEST WAS REVIEWED AND COMMENTS WERE GIVEN.**

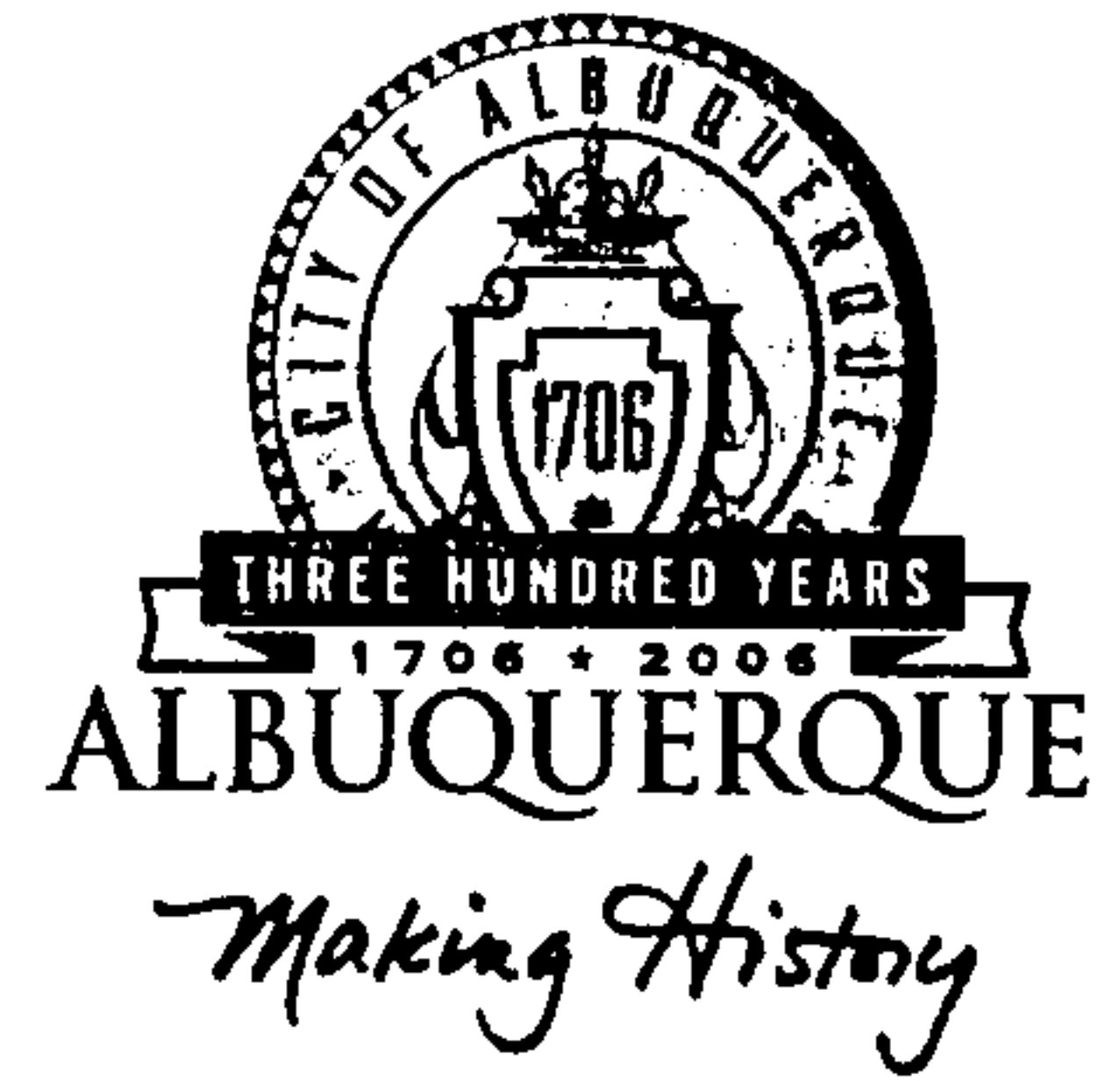
14. Project # 1004648
06DRB-00067 Minor-Sketch Plat or
Plan

VINCENTE M QUINTANA request(s) the above action(s) for all or a portion of Tract(s) 5, Block(s) 0000, **ORONA ADDITION**, zoned R-2, located on MONTE ALTO NE, between TRAMWAY NE and MONTE LARGO NE containing approximately 1 acre(s). (L-23) **THE ABOVE REQUEST WAS REVIEWED AND COMMENTS WERE GIVEN.**

15. Project # 1004652
06DRB-00070 Minor-Sketch Plat or
Plan

MARK GOODWIN & ASSOCIATES PA agent(s) for ADAL DEVELOPMENT request(s) the above action(s) for all or a portion of Tract(s) RR-3-E, WESTLAND SOUTH, (to be known as **CEJA VISTA, UNIT 1**) zoned R-LT residential zone, located on DENNIS CHAVEZ BLVD SW AND FUTURE UNSER BLVD SW and containing approximately 19 acre(s). (P-9) **THE ABOVE REQUEST WAS REVIEWED AND COMMENTS WERE GIVEN.**

CITY OF ALBUQUERQUE



**PLANNING DEPARTMENT
DEVELOPMENT AND BUILDING SERVICES
HYDROLOGY DEVELOPMENT SECTION**

DEVELOPMENT REVIEW BOARD--SPEED MEMO

DRB CASE NO/PROJECT NO: 1001789

AGENDA ITEM NO: 11

SUBJECT:

Final Plat
Preliminary Plat

ACTION REQUESTED:

REV/CMT:() APP:(x) SIGN-OFF:() EXTN:() AMEND:()

P.O. Box 1293

ENGINEERING COMMENTS:

An executed Subdivision Improvements Agreement with financial guarantees is required for Final Plat sign-off.

Albuquerque

New Mexico 87103

RESOLUTION:

APPROVED ; DENIED ; DEFERRED ; COMMENTS PROVIDED ; WITHDRAWN

www.cabq.gov

SIGNED-OFF: (SEC-PLN) (SP-SUB) (SP-BP) (FP) BY: (UD) (CE) (TRANS) (PKS) (PLNG)

DELEGATED: (SEC-PLN) (SP-SUB) (SP-BP) (FP) TO: (UD) (CE) (TRANS) (PKS) (PLNG)

FOR:

SIGNED: Bradley L. Bingham
City Engineer/AMAFCA Designee

DATE: January 25, 2006

CITY OF ALBUQUERQUE
Planning Department
January 25, 2006
DRB Comments

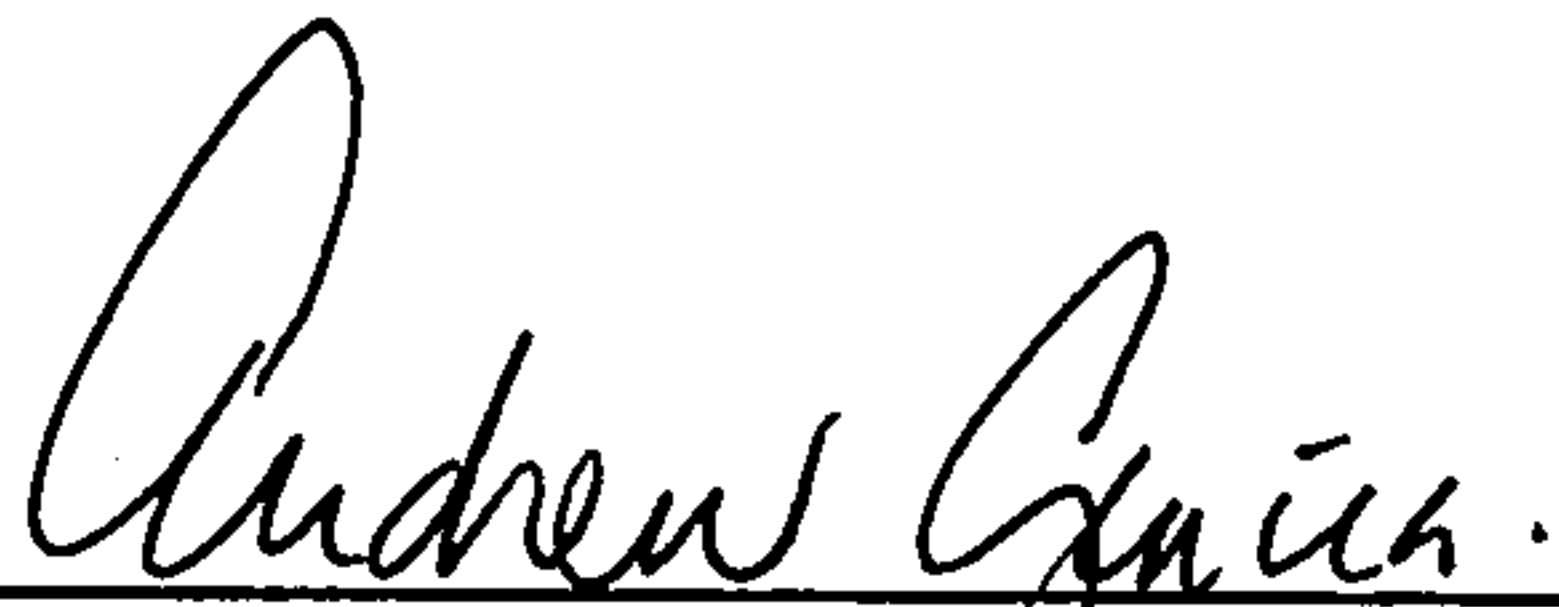
ITEM # 11

PROJECT # 1001789 APPLICATION # 06-01789

RE: Monte Vista/p&f plat

Planning has no objection to this platting request.

AGIS dxf approval dated 11/19/06 is on file.



Andrew Garcia, Planning Alternate
924-3858 fax 924-3864 agarcia@cabq.gov



PRECISION SURVEYS, INC.

January 18, 2006

DRB Board
City of Albuquerque

RE: DRB Case No/Project No: 1001789
Monte Vista Subdivision

Dear Board Members,

Precision Surveys is submits a revised plat for Monte Vista Subdivision to reflect the dedication of additional right of way for the existing alley.

Please call with any questions.

Sincerely,

Larry W. Medrano
President
Precision Surveys

G:\Documents\Letters\2006 Letters\057482.doc

#11

1789

DXF Electronic Approval Form

DRB Project Case #: 1001789

Subdivision Name: MONTE VISTA BLOCK 6 LOTS 1A, 16A, & 28A

Surveyor: LARRY W MEDRANO

Contact Person: MARGUERITE MARTINEZ

Contact Information: 856-5700

DXF Received: 1/19/2006

Hard Copy Received: 1/19/2006

Coordinate System: NMSP Grid (NAD 27)


Approved

01-19-2006
Date

* The DXF file cannot be accepted (at this time) for the following reason(s):

AGIS Use Only
Copied fc 1789 to agiscov on 1/19/2006 Contact person notified on 1/19/2006



**DEVELOPMENT REVIEW BOARD
ACTION SHEET**

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

November 23, 2005

9:00 a.m.

MEMBERS:

Sheran Matson, AICP, DRB Chair
Claire Senova, Administrative Assistant

Wilfred Gallegos, Transportation Development
Brad Bingham, Alternate City Engineer

Roger Green, Utility Development
Christina Sandoval, Parks & Recreation

NOTE: UNLESS ANNOUNCED DURING THE MEETING, THE DEVELOPMENT REVIEW BOARD WILL NOT TAKE A LUNCH BREAK.

NOTE: INDIVIDUALS WITH DISABILITIES WHO NEED SPECIAL ASSISTANCE TO PARTICIPATE AT THIS MEETING SHOULD CONTACT CLAIRE SENOVA, 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: REQUESTS FOR DEFERRAL OF CASES WILL BE DISCUSSED BY THE BOARD AND THE APPLICANT AND/OR AGENT AT THE BEGINNING OF THE AGENDA. BOTH PARTIES MUST AGREE UPON THE DATE OF DEFERRAL. IF THE APPLICANT/AGENT IS NOT PRESENT, THE ADMINISTRATIVE ASSISTANT MUST RECEIVE A LETTER, PRIOR TO THE HEARING DATE, REQUESTING A SPECIFIC DEFERRAL DATE. THE BOARD WILL DISCUSS AND MAKE A DECISION AT THE HEARING. THE APPLICANT/AGENT WILL THEN BE INFORMED OF THE DEFERRAL DATE AND REASON.

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

Adjourned: 11:30 A.M.

B. Changes and/or Additions to the Agenda

C. New or Old Business

CASES WHICH REQUIRE PUBLIC NOTIFICATION

MAJOR SUBDIVISIONS, VACATIONS, SIA EXTENSIONS AND SITE DEVELOPMENT PLANS

1. Project # 1003885

05DRB-01674 Major-Vacation of Pub
Right-of-Way
05DRB-01676 Major-Preliminary Plat
Approval
05DRB-01675 Minor-Subd Design (DPM)
Variance

FAMILY HOUSING DEVELOPMENT agent(s) for CITY OF ALBUQUERQUE, METROPOLITAN REDEVELOPMENT, request(s) the above action(s) for all or a portion of Block(s) 13, Lot(s) 4-7, 9-12 and 21-24, PEREA ADDITION (to be known as **BELL TRADING POST HOMES**) zoned SU-2 TH, located on ROMA AVE NW, between 15TH ST NW and 16TH ST NW containing approximately 1 acre(s). [REF: 05ZHE-00271, 05ZHE-00273, 05ZHE-00274, 05DRB-00057][Deferred from 11/23/05. (J-13) **DEFERRED AT THE AGENT'S REQUEST TO 11/30/05.**

2. **Project # 1004522**
05DRB-01667 Major-Vacation of Pub
Right-of-Way
3. **Project # 1004526**
05DRB-01678 Major-Vacation of Pub
Right-of-Way
4. **Project # 1000696**
05DRB-01529 Major-Preliminary Plat
Approval
05DRB-01530 Minor-Sidewalk Waiver
05DRB-01531 Minor-Temp Defer SDWK

SURVEYS SOUTHWEST LTD agent(s) for VANGIE PAVLAKOS request(s) the above action(s) for all or a portion of Lot(s) A, Block(s) 2, **MESA VERDE ADDITION**, zoned C-2 community commercial zone, located on RHODE ISLAND ST NE, between CENTRAL AVE NE and TENNESSEE ST NE containing approximately 1 acre(s). [REF: ZA-94-315] (K-19) **VACATION WAS APPROVED AS SHOWN ON EXHIBIT B IN THE PLANNING FILE. A CONDITION OF FINAL PLAT IS A PUBLIC SANITARY SEWER EASEMENT SHALL BE RETAINED.**

INEZ AUGILAR request(s) the above action(s) for all or a portion of Tract(s) 400, **TOWN OF ATRISCO GRANT, UNIT 3**, zoned R-D residential and related uses zone, developing area, located on SAGE RD SW, between SAN IGNACIO RD SW and the AMOLE DEL NORTE SW containing approximately 2 acre(s). (L-10) **VACATION WAS APPROVED AS SHOWN ON EXHIBIT B IN THE PLANNING FILE.**

MARK GOODWIN & ASSOCIATES agent(s) for ICDC LLC request(s) the above action(s) for all or a portion of Tract(s) C, LEE'S BOSQUE SUBDIVISION (to be known as **BOSQUECITO SUBDIVISION**) zoned RD, located on BOSQUE MEADOWS BLVD NW, between LA ORILLA NW and PASEO DEL NORTE containing approximately 7 acre(s). [Deferred from 10/26/05 & 11/9/05 & 11/23/05] (D-12) **DEFERRED AT THE BOARD'S REQUEST TO 11/30/05.**

13. ~~Project # 1001789~~
05DRB-01718 Minor-Prelim&Final Plat
Approval

PRECISION SURVEYS INC agent(s) for DASKALOS NOB HILL request(s) the above action(s) for all or a portion of Block(s) 6, Tract(s) 17-28, **MONTE VISTA**, zoned CCR, located on CENTRAL AVE NE, between TULANE NE and WELLESLEY NE containing approximately 1 acre(s). [Deferred from 11/16/05 & 11/23/05](K-16) **INDEFINITELY DEFERRED AT THE AGENT'S REQUEST.**

14. **Project # 1004546**
05DRB-01735 Minor-Prelim&Final Plat
Approval

SURV-TEK, INC agent(s) for SOUTH COORS LIMITED PARTNERSHIP request(s) the above action(s) for all or a portion of Tract(s) A-1A-3, **HUBBELL PLAZA**, zoned C-2, SC located on CENTRAL AVE NW, between COORS BLVD NW and AIRPORT RD NW containing approximately 4 acre(s). [REF: DRB-92-194] (K-10) **WITH THE SIGNING OF THE INFRASTRUCTURE LIST DATED 11/23/05 THE PRELIMINARY PLAT WAS APPROVED. FINAL PLAT WAS INDEFINITELY DEFERRED FOR THE SIA.**

15. **Project # 1003861**
05DRB-00731 Minor- Final Plat Approval

SURVEYS SOUTHWEST LTD agent(s) for GARY & MELODIE EYSTER request(s) the above action(s) for all or a portion of Tract(s) 60-A-2, 60-B & 86-A, M.R.G.C.D. MAP 35, (to be known as **THE BOULEVARD @ RIO GRANDE**) zoned R-1, located on RIO GRANDE BLVD NW, between ZICKERT NW and INDIAN SCHOOL RD NW containing approximately 2 acre(s). [REF: ZA-29-251] [Indef deferred 5/11/05 for SIA] (H-13) **FINAL PLAT WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO UTILITIES DEVELOPMENT FOR EASEMENT LANGUAGE.**

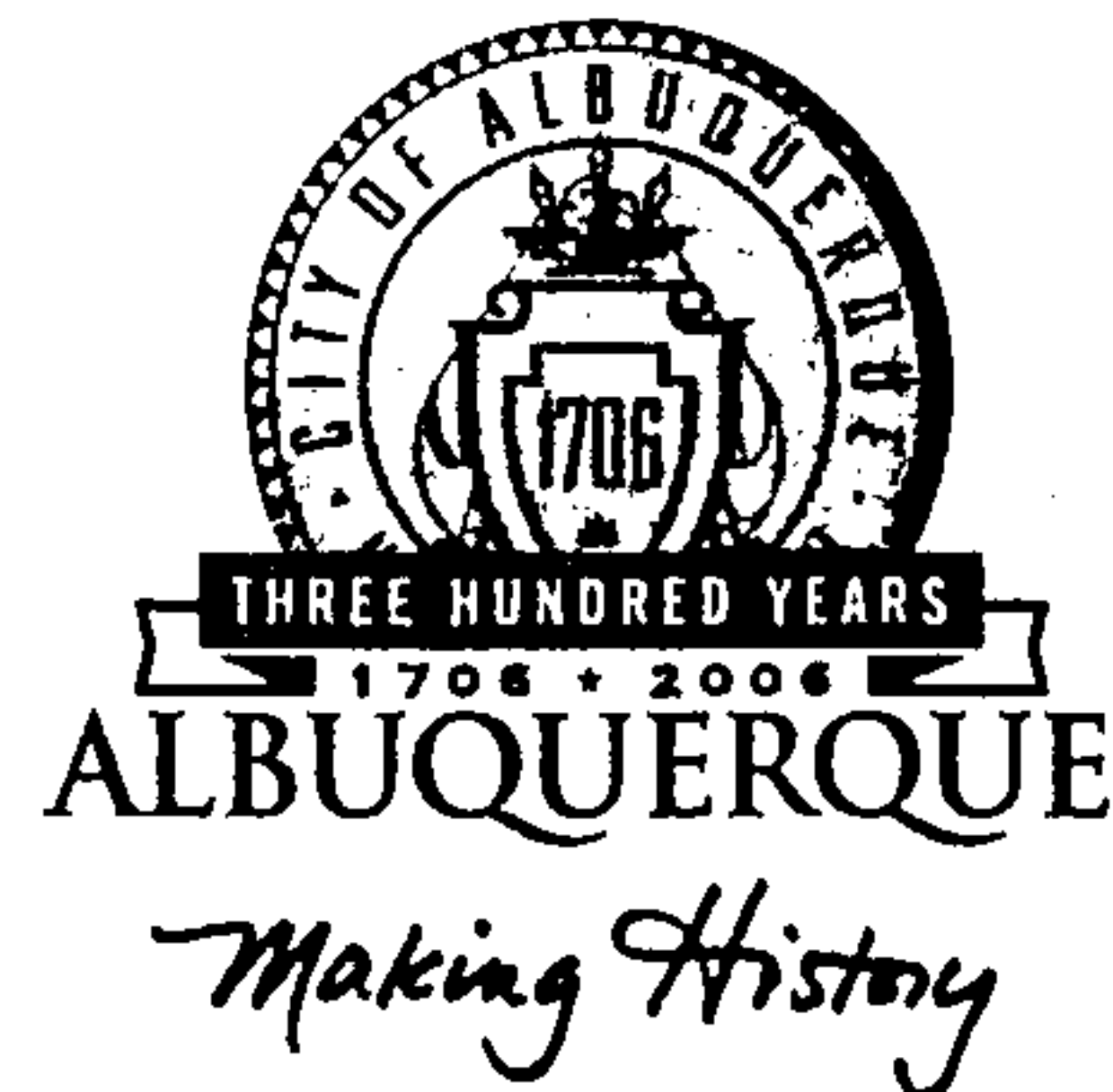
16. **Project # 1004076**
05DRB-01403 Minor- Final Plat Approval

SURVEYS SOUTHWEST LTD agent(s) for HILTON AVENUE LOFTS LLC, JOHN EDGE request(s) the above action(s) for all or a portion of Lot(s) 11-14, Block(s) 23,

MINOR PLATS, FINAL (MAJOR) PLATS, AMENDED PLATS AND PLANS

10. **Project # 1002459**
05DRB-01738 Minor-Prelim&Final Plat
Approval
- TIERRA WEST LLC agent(s) for QUAIL RIDGE LLC request(s) the above action(s) for all or a portion of Tract(s) 3, 4, 2A, 3-A-1 & 4-A-1, **QUAIL RIDGE**, zoned SU-1 FOR COMM & RELATED C-2 USE, located on COORS BLVD NW, between OURAY RD NW and QUAIL RD NW containing approximately 4 acre(s). [REF: 03EPC00159, 03EPC00160, 04AA00871, 05DRB00615, 05DRB00616, 05AA01258, 05AA01259] (H-11) **PRELIMINARY AND FINAL PLAT WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO PLANNING FOR AGIS DXF FILE.**
11. **Project # 1004022**
05DRB-01740 Minor-Prelim&Final Plat
Approval
- WILKS COMPANY agent(s) for EDWARD G LOPEZ request(s) the above action(s) for all or a portion of Lot(s) 1 & 2, **VISTA DEL SOL SUBDIVISION**, zoned R-1, located on CRESTVIEW DR SW, between CRESTVIEW PL SW and CENTRAL AVE SW containing approximately 1 acre(s). [REF: 05DRB00428] (K-11) **PRELIMINARY AND FINAL PLAT WAS APPROVED WTH FINAL SIGN OFF DELEGATED TO TRANSPORTATION DEVELOPMENT FOR PROPERTY MANAGEMENT'S SIGNATURE.**
12. **Project # 1004528**
05DRB-01739 Minor-Prelim&Final Plat
Approval
- JOHN C LORENZO agent(s) for NORA G CHAVEZ request(s) the above action(s) for Tract(s) 180B2, 176A5B & 176B1, **LANDS OF JOE B AND NORA G CHAVEZ**, zoned RA-2 residential and agricultural zone, located on CAMILO LN NW and LEONORA NW and containing approximately 1 acre(s). (H-12) **PRELIMINARY AND FINAL PLAT WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO TRANSPORTATION DEVELOPMENT FOR CONSTRUCTION OF ESTATE CURB AND PLANNING FOR AGIS DXF FILE.**

CITY OF ALBUQUERQUE



PLANNING DEPARTMENT
DEVELOPMENT AND BUILDING SERVICES
HYDROLOGY DEVELOPMENT SECTION

DEVELOPMENT REVIEW BOARD--SPEED MEMO

DRB CASE NO/PROJECT NO: 1001789

AGENDA ITEM NO: 13

SUBJECT:

Final Plat
Preliminary Plat

ACTION REQUESTED:

REV/CMT:() APP:(x) SIGN-OFF:() EXTN:() AMEND:()

P.O. Box 1293

ENGINEERING COMMENTS:

No adverse comments.

Albuquerque

New Mexico 87103

RESOLUTION:

APPROVED ____; DENIED ____; DEFERRED ^{indef} X; COMMENTS PROVIDED ____; WITHDRAWN

www.cabq.gov

SIGNED-OFF: (SEC-PLN) (SP-SUB) (SP-BP) (FP) BY: (UD) (CE) (TRANS) (PKS) (PLNG)

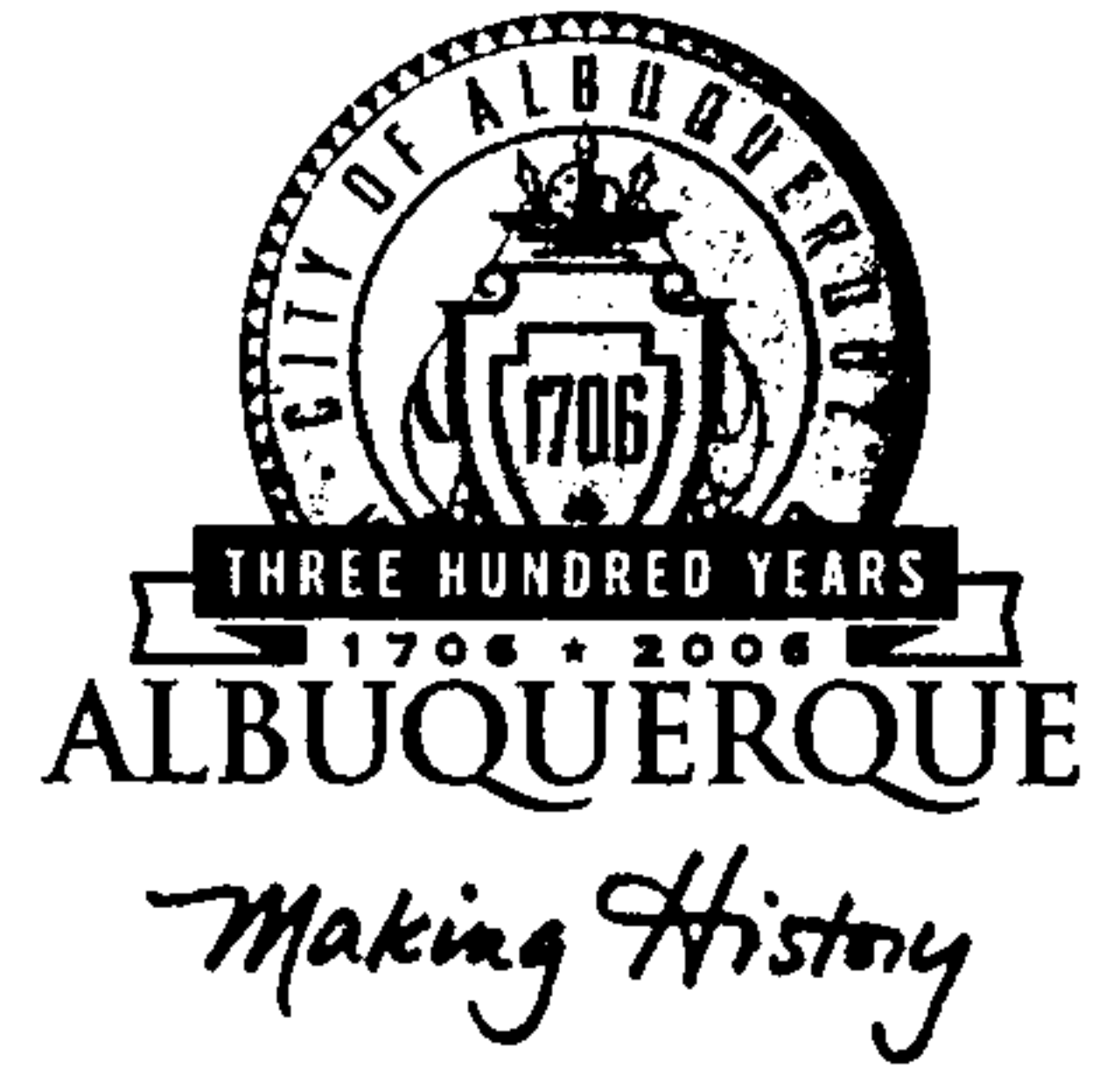
DELEGATED: (SEC-PLN) (SP-SUB) (SP-BP) (FP) TO: (UD) (CE) (TRANS) (PKS) (PLNG)

FOR:

SIGNED: Bradley L. Bingham
City Engineer/AMAFCA Designee

DATE: November 23, 2005

CITY OF ALBUQUERQUE



**PLANNING DEPARTMENT
DEVELOPMENT AND BUILDING SERVICES
HYDROLOGY DEVELOPMENT SECTION**

DEVELOPMENT REVIEW BOARD--SPEED MEMO

DRB CASE NO/PROJECT NO: 1001789

AGENDA ITEM NO: 13

SUBJECT:

Final Plat
Preliminary Plat

ACTION REQUESTED:

REV/CMT:() APP:(x) SIGN-OFF:() EXTN:() AMEND:()

P.O. Box 1293

ENGINEERING COMMENTS:

No adverse comments.

Albuquerque

New Mexico 87103

RESOLUTION:

APPROVED ____; DENIED ____; DEFERRED ____; COMMENTS PROVIDED ____; WITHDRAWN

www.cabq.gov

SIGNED-OFF: (SEC-PLN) (SP-SUB) (SP-BP) (FP) BY: (UD) (CE) (TRANS) (PKS) (PLNG)

DELEGATED: (SEC-PLN) (SP-SUB) (SP-BP) (FP) TO: (UD) (CE) (TRANS) (PKS) (PLNG)

FOR:

SIGNED: Bradley L. Bingham
City Engineer/AMAFCA Designee

DATE: November 23, 2005



CITY OF ALBUQUERQUE
Planning Department
November 16, 2005
DRB Comments

ITEM # 12

PROJECT # 1001789 APPLICATION # 05-01718

RE: Tract 17-28, Block 6, Monte Vista/p&f plat

There is no Zoning designation on the plat.

The owner's signature is missing on the plat.

The acknowledgement is not signed.



Andrew Garcia, Planning Alternate
924-3858 fax 924-3864 agarcia@cabq.gov



**DEVELOPMENT REVIEW BOARD
ACTION SHEET**

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

NOVEMBER 16, 2005

9:00 A.M.

MEMBERS:

Sheran Matson, AICP, DRB Chair
Claire Senova, Administrative Assistant

Wilfred Gallegos, Transportation Development
Brad Bingham, Alternate City Engineer

Roger Green, Utility Development
Christina Sandoval, Parks & Recreation

NOTE: UNLESS ANNOUNCED DURING THE MEETING, THE DEVELOPMENT REVIEW BOARD WILL NOT TAKE A LUNCH BREAK.

NOTE: INDIVIDUALS WITH DISABILITIES WHO NEED SPECIAL ASSISTANCE TO PARTICIPATE AT THIS MEETING SHOULD CONTACT CLAIRE SENOVA, 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: REQUESTS FOR DEFERRAL OF CASES WILL BE DISCUSSED BY THE BOARD AND THE APPLICANT AND/OR AGENT AT THE BEGINNING OF THE AGENDA. BOTH PARTIES MUST AGREE UPON THE DATE OF DEFERRAL. IF THE APPLICANT/AGENT IS NOT PRESENT, THE ADMINISTRATIVE ASSISTANT MUST RECEIVE A LETTER, PRIOR TO THE HEARING DATE, REQUESTING A SPECIFIC DEFERRAL DATE. THE BOARD WILL DISCUSS AND MAKE A DECISION AT THE HEARING. THE APPLICANT/AGENT WILL THEN BE INFORMED OF THE DEFERRAL DATE AND REASON.

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

Adjourned: 12:20 P.M.

B. Changes and/or Additions to the Agenda

C. New or Old Business

CASES WHICH REQUIRE PUBLIC NOTIFICATION

MAJOR SUBDIVISIONS, VACATIONS, SIA EXTENSIONS AND SITE DEVELOPMENT PLANS

1. **Project # 1002556**
05DRB-01636 Major-Vacation of Pub
Right-of-Way

H BARKER ARCHITECTS agent(s) for CALABACILLAS GROUP request(s) the above action(s) for all or a portion of Lot(s) D, **PARADISE HEIGHTS, BLACK ARROYO DAM**, zoned C-2 community commercial zone, located on GOLF COURSE RD NW, between BENTON AVE NW and WESTSIDE BLVD NW containing approximately 8 acre(s). [REF: Z-98-19, Z-97-88] [Deferred from 11/16/05] (A-12) **DEFERRED AT THE AGENT'S REQUEST TO 11/30/05.**

2. **Project # 1004341**
05DRB-01634 Major-Preliminary Plat
Approval
05DRB-01635 Minor-Temp Defer SDWK

RIO GRANDE ENGINEERING agent(s) for DAVID & JENNIFER SOULE request(s) the above action(s) for all or a portion of Tract(s) 180, AIRPORT UNIT, LANDS OF ATRISCO GRANT (to be known as **MESA DEL RIO SUBDIVISION**) zoned R-2 residential zone, located on 76TH STREET NW, between FORTUNA RD NW and GLEN RIO RD NW containing approximately 6 acre(s). *[Deferred from 11/16/05]* (J-10) **DEFERRED AT THE AGENT'S REQUEST TO 11/30/05.**

3. **Project # 1004508**
05DRB-01630 Major-Vacation of Pub
Right-of-Way

RICHARD MABRY agent(s) for FOUR HILLS PRIVATE COMMUNITY request(s) the above action(s) for Parcel(s) 1, Unit(s) 1-5 and Parcel(s) 2, Unit(s) 1-5, **FOUR HILLS MOBILE HOME PARK**, zoned SU-1 special use zone, located on SINGING ARROW SE, between JUAN TABO SE and WESTERN SKIES SE. (L-22) **VACATION DENIED.**

4. **Project # 1002254**
05DRB-01642 Major-SiteDev Plan Subd
05DRB-01643 Major-SiteDev Plan
BldPermit

JEFF MORTENSEN & ASSOCIATES INC agent(s) for PALMER INVESTMENTS & CORTLAND WALKER CONSTRUCTION INC., request(s) the above action(s) for all or a portion of Tract(s) 2A, BUENA VISTA ESTATES, UNIT 1 (to be known as **BEEHIVE VILLAGE**) zoned SU-2 IP, located on SAN PEDRO DR NE, between WILSHIRE AVE NE and CORONA AVE NE containing approximately 3 acre(s). [REF: 02DRB-01502, 02DRB-01503] *[Deferred from 11/16/05]* (C-18) **SITE PLAN FOR SUBDIVISION WAS WITHDRAWN AT THE AGENT'S REQUEST. THE SITE PLAN FOR BUILDING PERMIT WAS DEFERRED AT THE AGENT'S REQUEST TO 11/23/05.**

10. **Project # 1003991**
05DRB-01716 Minor-SiteDev Plan
BldPermit/EPC

TIERRA WEST LLC agent(s) for FRONTERA DEVELOPMENT INC. request(s) the above action(s) for all or a portion of Tract(s) A-1, Lot(s) 4, TOWN OF ATRISCO GRANT, UNIT 7 (to be known as **RETAIL SHOPS @ SAGE MARKET PLACE**) zoned SU-1 FOR C-1 with Drive-Up Pharmacy, R-LT & C-1 (SC), located on SNOW VISTA BLVD SW, between SAGE RD SW and REBA AVE SW containing approximately 14 acre(s). [REF: Z-79-154, 05EPC00364, 05EPC00365, 05EPC00366, 05EPC00367, 05DRB01293, 05DRB01294] [**Stephanie Shumsky, EPC Case Planner**] (M-9) **SITE PLAN FOR BUILDING PERMIT WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO TRANSPORTATION DEVELOPMENT FOR SIDEWALK EASEMENTS, CLOSURE AGREEMENT AND LAYOUT OF PARKING STALLS AND TO PLANNING FOR 3 COPIES OF THE SITE PLAN.**

11. **Project # 1000551**
05DRB-01544 Minor-SiteDev Plan
BldPermit/EPC

DAC ENTERPRISE INC agent(s) for MOHAMED KASSAM request(s) the above action(s) for all or a portion of Tract(s) A2A & A2B, PARK SQUARE ADDITION, (to be known as **UPTOWN HOTEL**) zoned SU-3, located on AMERICAS PARKWAY NE, between I-40 and INDIAN SCHOOL RD NE containing approximately 4 acre(s). [REF: Z-95-70, DRB-98-176, 04EPC-00690] [**Carmen Marrone, EPC Case Planner**] [*Deferred from 10/12/05 & 10/26/05 & 11/9/05 & 11/16/05*] (J-18) **DEFERRED AT THE AGENT'S REQUEST TO 11/30/05.**

MINOR PLATS, FINAL (MAJOR) PLATS, AMENDED PLATS AND PLANS

12. **Project # 1001789**
05DRB-01718 Minor-Prelim&Final Plat
Approval

PRECISION SURVEYS INC agent(s) for DASKALOS NOB HILL request(s) the above action(s) for all or a portion of Block(s) 6, Tract(s) 17-28, **MONTE VISTA**, zoned CCR, located on CENTRAL AVE NE, between TULANE NE and WELLESLEY NE containing approximately 1 acre(s). [*Deferred from 11/16/05*] (K-16) **DEFERRED AT THE AGENT'S REQUEST TO 11/23/05.**

13. **Project # 1003238**
05DRB-01719 Minor-Prelim&Final Plat
Approval

TIERRA WEST LLC agent(s) for EVERGREEN DURANES LTD., CO., LLC request(s) the above action(s) for Lot(s) 12-A-P1, 13-A-P-1, 18-A-P1 thru 27-A-P1, **FLORAL MEADOWS**, zoned R-LT, located on INTERSTATE 40 NW, between RIO GRANDE BLVD NW and MONTOYA STREET NW containing approximately 2 acre(s). [REF: Z-71-118, 04EPC-00156, 04EPC-00157, 04DRB-00661, 04DRB-0227, 05DRB-01489] (H-12) **PRELIMINARY AND FINAL PLAT APPROVED AND SIGNED OFF BY THE BOARD.**

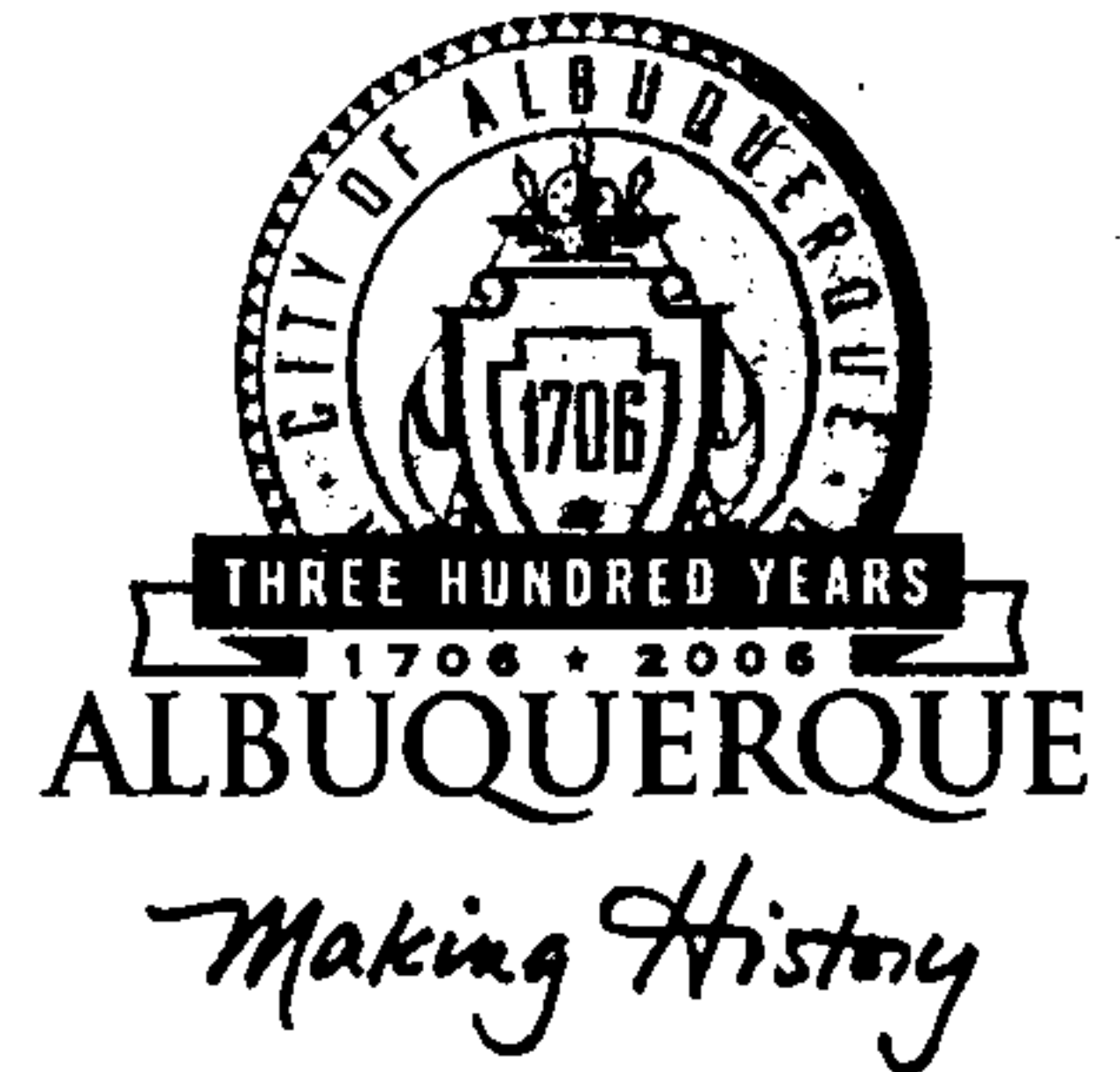
14. **Project # 1004322**
05DRB-01712 Minor-Prelim&Final Plat
Approval

SURVEYS SOUTHWEST LTD agent(s) for AL CARABAJAL & MICHELLE LESICKA request(s) the above action(s) for the north 87 feet of Lot(s) 24 & the north half of Lot(s) 21, **LOS HERMANOS ADDITION**, zoned R-1 residential zone, located on LOS HERMANAS ST NW, between CARLTON ST NW and BELLROSE AVE NW containing approximately 2 acre(s). [REF: 05DRB 01143] (G-15) **PRELIMINARY AND FINAL PLAT APPROVED AND SIGNED OFF BY THE BOARD.**

15. **Project # 1003475**
05DRB-01656 Minor-Final Plat Approval

WILSON & COMPANY INC agent(s) for FELIX RABADI request(s) the above action(s) for all or a portion of Tract(s) 1, **SUNDANCE ESTATES (to be known as PARADISE VIEW SUBDIVISION)** zoned R-LT residential zone, located on PARADISE BLVD NW, between JAMES MONROE MID-SCHOOL and ST JUDE CATHOLIC CHURCH containing approximately 23 acre(s). [REF: 04DRB01694, 04DRB01695, 04DRB01696] [*Deferred from 11/2/05 for SIA*] [*Deferred from 11/9/05*] (B-1011) **FINAL PLAT WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO CITY ENGINEER FOR MISCELLANEOUS COMMENTS AND TO PLANNING FOR COPY OF FILED SIA AND TO RECORD.**

CITY OF ALBUQUERQUE



**PLANNING DEPARTMENT
DEVELOPMENT AND BUILDING SERVICES
HYDROLOGY DEVELOPMENT SECTION**

DEVELOPMENT REVIEW BOARD--SPEED MEMO

DRB CASE NO/PROJECT NO: 1001789

AGENDA ITEM NO: 12

SUBJECT:

Final Plat
Preliminary Plat

ACTION REQUESTED:

REV/CMT:() APP:(x) SIGN-OFF:() EXTN:() AMEND:()

P.O. Box 1293

ENGINEERING COMMENTS:

No adverse comments.

Albuquerque

New Mexico 87103

RESOLUTION:

APPROVED ____; DENIED ____; DEFERRED X; COMMENTS PROVIDED ____; WITHDRAWN

www.cabq.gov

SIGNED-OFF: (SEC-PLN) (SP-SUB) (SP-BP) (FP) BY: (UD) (CE) (TRANS) (PKS) (PLNG)

DELEGATED: (SEC-PLN) (SP-SUB) (SP-BP) (FP) TO: (UD) (CE) (TRANS) (PKS) (PLNG)

FOR:

SIGNED: Bradley L. Bingham
City Engineer/AMAFCA Designee

DATE: November 16, 2005

to 11-23-05



Supplemental form

SUBDIVISION

- Major Subdivision action
- Minor Subdivision action
- Vacation
- Variance (Non-Zoning)

SITE DEVELOPMENT PLAN

- for Subdivision
- for Building Permit
- Administrative Amendment (AA)
- IP Master Development Plan
- Cert. of Appropriateness (LUCC)

STORM DRAINAGE

- Storm Drainage Cost Allocation Plan

S Z ZONING & PLANNING

- Annexation
- County Submittal
- EPC Submittal
- Zone Map Amendment (Establish or Change Zoning)
- Sector Plan (Phase I, II, III)
- Amendment to Sector, Area, Facility or Comprehensive Plan
- Text Amendment (Zoning Code/Sub Regs)
- Street Name Change (Local & Collector)
- APPEAL / PROTEST of...**
- Decision by: DRB, EPC, LUCC, Planning Director or Staff, ZHE, Zoning Board of Appeals

PRINT OR TYPE IN BLACK INK ONLY. The applicant or agent must submit the completed application in person to the Planning Department Development Services Center, 600 2nd Street NW, Albuquerque, NM 87102. Fees must be paid at the time of application. Refer to supplemental forms for submittal requirements.

APPLICANT INFORMATION:

Professional/Agent (if any): _____ PHONE: _____
 ADDRESS: _____ FAX: _____
 CITY: _____ STATE _____ ZIP _____ E-MAIL: _____

APPLICANT: JASON DASKALOS PHONE: 883-4131
 ADDRESS: 5319 Menaul Blvd NE FAX: _____
 CITY: Alb. STATE NM ZIP 87110 E-MAIL: jdaskalos@aol.com
 Proprietary interest in site: _____ List all owners: JASON DASKALOS and Nob Hill LLC

DESCRIPTION OF REQUEST: SIA Extension

Is the applicant seeking incentives pursuant to the Family Housing Development Program? Yes. No.

SITE INFORMATION: ACCURACY OF THE EXISTING LEGAL DESCRIPTION IS CRUCIAL! ATTACH A SEPARATE SHEET IF NECESSARY.

Lot or Tract No. Lot 28-A-1 Block: 6 Unit: _____
 Subdiv/Addn/TBKA: MONTE VISTA
 Existing Zoning: CCR Proposed zoning: _____
 Zone Atlas page(s): K-16 UPC Code: 101605741828310504 MRGCD Map No _____

CASE HISTORY:

List any current or prior case number that may be relevant to your application (Proj., App., DRB-, AX_Z_, V_, S_, etc.):
PROJECT 1001789

CASE INFORMATION:

Within city limits? Yes Within 1000FT of a landfill? NO
 No. of existing lots: 3 No. of proposed lots: 3 Total area of site (acres): 0.8483
 LOCATION OF PROPERTY BY STREETS: On or Near: Central Ave NE
 Between: Wellesley NE. and Tulane NE.

Check-off if project was previously reviewed by Sketch Plat/Plan , or Pre-application Review Team . Date of review: _____

SIGNATURE Mike Hontas Per Jason Daskalos DATE 1-18-08
 (Print) Mike HONTAS Per Jason DASKALOS Applicant: Agent:

FOR OFFICIAL USE ONLY

Form revised 4/07

<input type="checkbox"/> INTERNAL ROUTING	Application case numbers	Action	S.F.	Fees
<input checked="" type="checkbox"/> All checklists are complete	<u>08 DRB 70031</u>	<u>SEA</u>	<u>512</u>	<u>\$ 50.⁰⁰</u>
<input checked="" type="checkbox"/> All fees have been collected	_____	<u>CMF</u>	_____	<u>\$ 20.⁰⁰</u>
<input checked="" type="checkbox"/> All case #s are assigned	_____	<u>Adv</u>	_____	<u>\$ 75.⁰⁰</u>
<input checked="" type="checkbox"/> AGIS copy has been sent	_____	_____	_____	\$ _____
<input checked="" type="checkbox"/> Case history #s are listed	_____	_____	_____	\$ _____
<input checked="" type="checkbox"/> Site is within 1000ft of a landfill	_____	_____	_____	\$ _____
<input checked="" type="checkbox"/> F.H.D.P. density bonus	_____	_____	_____	Total
<input checked="" type="checkbox"/> F.H.D.P. fee rebate	_____	_____	_____	<u>\$ 145.⁰⁰</u>

Hearing date February 13, 2008

Andrew Garcia 1/18/08
 Planner signature / date

Project # 1001789

FORM S(2): SUBDIVISION - D.R.B. PUBLIC HEARING

A **Bulk Land Variance** requires application on FORM-V in addition to application for subdivision on FORM-S.

MAJOR SUBDIVISION PRELIMINARY PLAT APPROVAL (DRB13)

- 5 Acres or more: Certificate of No Effect or Approval
- Proposed Preliminary Plat including the Grading Plan (folded to fit into an 8.5" by 14" pocket) **24 copies**
- Proposed Infrastructure List
- Signed Preliminary Pre-Development Facilities Fee Agreement for Residential development only
- Design elevations & cross sections of perimeter walls **3 copies** (11" x 17" maximum)
- Zone Atlas map with the entire property(ies) clearly outlined
- Letter briefly describing, explaining, and justifying the request
- Property owner's and City Surveyor's signature on the proposed plat
- FORM DRWS Drainage Report, Water & Sewer availability statement filing information
- Office of Community & Neighborhood Coordination inquiry response, notifying letter, certified mail receipts
- Sign Posting Agreement
- Signed** Pre-Annexation Agreement if Annexation required.
- TIS/AQIA Traffic Impact Study / Air Quality Impact Assessment form
- Fee (see schedule)
- List any original and/or related file numbers on the cover application

Preliminary plat approval expires after one year.

DRB Public hearings are approximately 30 DAYS after the filing deadline. Your attendance is required.

MAJOR SUBDIVISION AMENDMENT TO PRELIMINARY PLAT (DRB11) (with significant changes)

PLEASE NOTE: There are no clear distinctions between significant and minor changes with regard to subdivision amendments. Significant changes are those deemed by the DRB to require public notice and public hearing.

- Proposed Amended Preliminary Plat, and/or Infrastructure List, and/or Grading Plan (folded to fit into an 8.5" by 14" pocket) **24 copies**
- Original Preliminary Plat, and/or Infrastructure List, and/or Grading Plan (folded to fit into an 8.5" by 14" pocket)
- Zone Atlas map with the entire property(ies) clearly outlined
- Letter briefly describing, explaining, and justifying the request
- Property owner's and City Surveyor's signature on the proposed amended plat, if applicable
- Office of Community & Neighborhood Coordination inquiry response, notifying letter, certified mail receipts
- Sign Posting Agreement
- List any original and/or related file numbers are listed on the cover application

Amended preliminary plat approval expires after one year.

DRB Public hearings are approximately 30 DAYS after the filing deadline. Your attendance is required.

MAJOR SUBDIVISION IMPROVEMENTS AGREEMENT EXTENSION (DRB09)

(Temporary sidewalk deferral extension use FORM-V)

- Zone Atlas map with the entire property(ies) clearly outlined
- Letter briefly describing, explaining, and justifying the request
- Plat or plan reduced to 8.5" x 11"
- Official D.R.B. Notice of the original approval
- Approved Infrastructure List. If not applicable, please initial. _____
- Previous SIA extension notice, if one has been issued. If not applicable, please initial. _____
- Office of Community & Neighborhood Coordination inquiry response, notifying letter, certified mail receipts
- Sign Posting Agreement
- List any original and/or related file numbers on the cover application
- Fee (see schedule)

DRB Public hearings are approximately 30 DAYS after the filing deadline. Your attendance is required.

I, the applicant, acknowledge that any information required but not submitted with this application will likely result in deferral of actions.

Mike Hontas
 Applicant name (print)
Mike Hontas 1-18-08
 Applicant signature / date



- Checklists complete
- Fees collected
- Case #s assigned
- Related #s listed

Application case numbers
08 DRB - 70031

Form revised October 2007
Andrew Jones 1/18/08
 Planner signature / date
 Project # 1001789

SIGN POSTING AGREEMENT

REQUIREMENTS

POSTING SIGNS ANNOUNCING PUBLIC HEARINGS

All persons making application to the City under the requirements and procedures established by the City Zoning Code or Subdivision Ordinance are responsible for the posting and maintaining of one or more signs on the property which the application describes. Vacations of public rights-of-way (if the way has been in use) also require signs. Waterproof signs are provided at the time of application. If the application is mailed, you must still stop at the Development Services Front Counter to pick up the sign.

The applicant is responsible for ensuring that the signs remain posted throughout the 15-day period prior to public hearing. Failure to maintain the signs during this entire period may be cause for deferral or denial of the application. Replacement signs for those lost or damaged are available from the Development Services Front Counter at a charge of \$3.75 each.

1. LOCATION

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

2. NUMBER

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

3. PHYSICAL POSTING

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

4. TIME

Signs must be posted from January 29, 2008 To February 13, 2008

5. REMOVAL

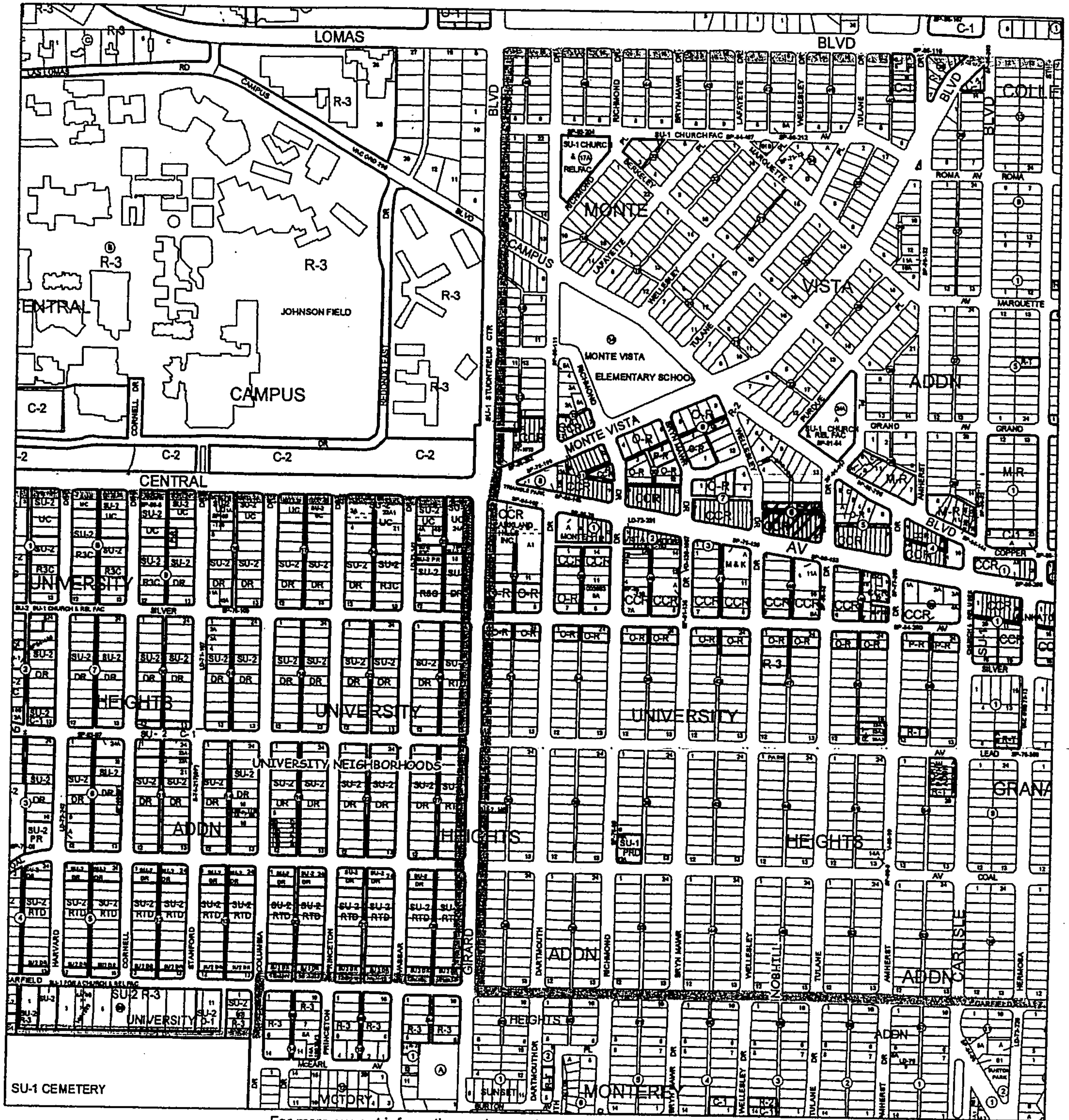
- A. The sign is not to be removed before the initial hearing on the request.
- B. The sign should be removed within five (5) days after the initial hearing.

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

Mark G. A. 1-18-08
(Applicant or Agent) (Date)

I issued 1 signs for this application, 1/18/08 Andrew Juci
(Date) (Staff Member)

DRB PROJECT NUMBER: 1001789



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

AGIS
Albuquerque Geographic Information System

Map amended through: 11/2/2005

Zone Atlas Page:
K-16-Z

Selected Symbols

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

0 750 1,500 Feet

**Jason Daskalos and Nob Hill, LLC
5319 Menaul Blvd. NE
Albuquerque, NM 87110
(505) 883-4131**

January 18, 2008

**To: City of Albuquerque
Design Review Board**

**Re: Project # 1001789
SIA Extension**

This letter is to request an extension to the Subdivision Improvement Agreement whose project number is listed above. We would like to request the extension be granted until January 25, 2009.

The reason for the extension is that the work has not been completed. The work order was not approved until December 18, 2007, largely due to the city's inability to release the work order because of earlier appeals to our building permit by a neighbor. When the city council denied the appeals, the work order was then released.

We now have the utility portion of the work order starting, but some items on the work order, such as city sidewalk replacement and road changes, will not occur until feasible later in the year.

Therefore, we ask the DRB to grant this extension so we may have time to complete the work.

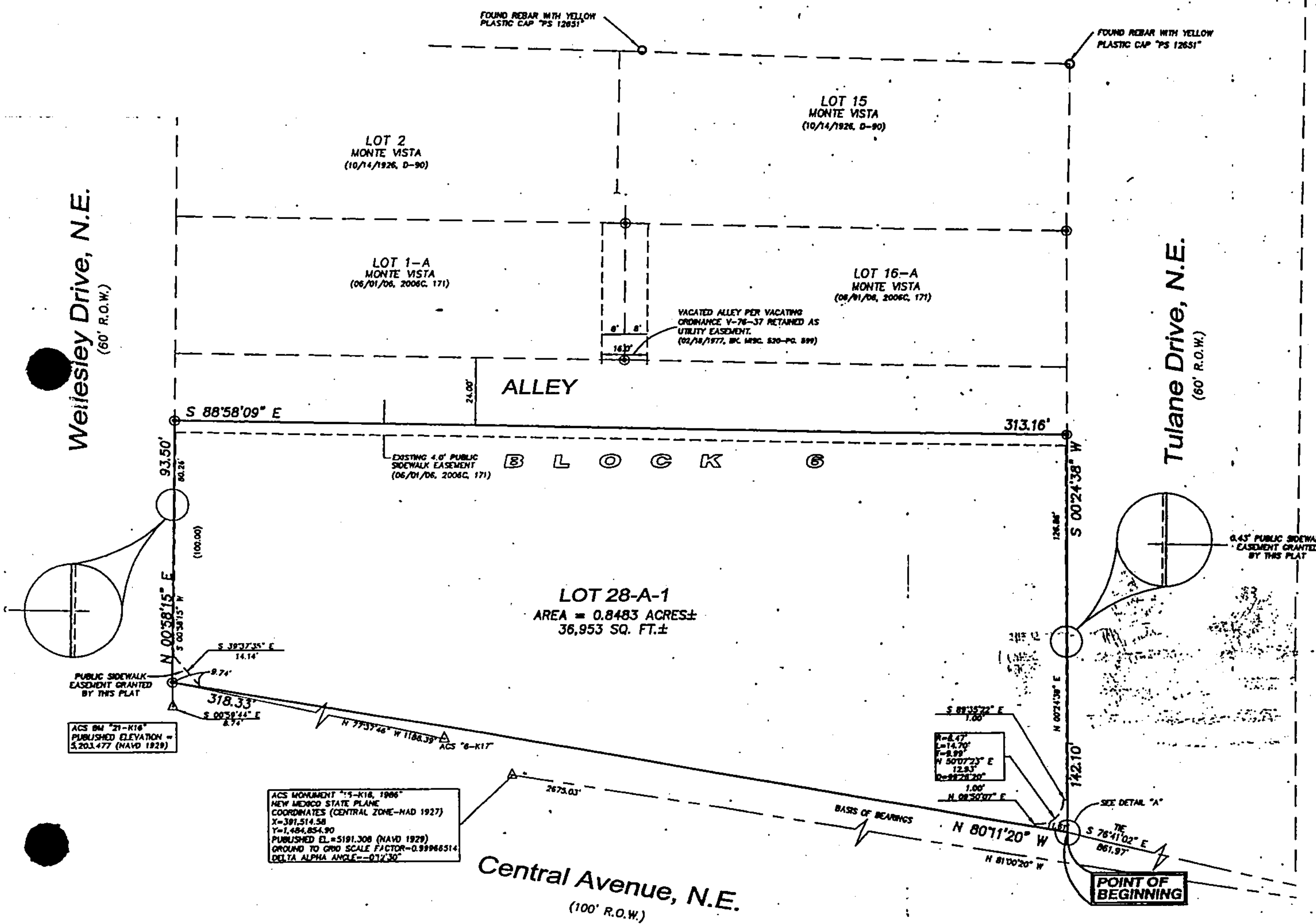
Respectfully submitted,



Mike Hontas
Agent for Jason Daskalos

Plat of
Lot 28-A-1, Block 6
Monte Vista
 Albuquerque, Bernalillo County, New Mexico
 June 2006

2006122344
 0310597
 Page: 2 of 2
 06/15/2006 02:52P
 Haru Herrera Bern. Co. PLAT R 12.00 BK-2866C Pg-249



Legend

N 90°00'00" E	MEASURED BEARING AND DISTANCES MATCH FIELD MEASUREMENTS
○	FOUND AND USED MONUMENT AS DESIGNATED
⊙	DENOTES FOUND NO. 4 REBAR W/YELLOW PLASTIC CAP "PS 11993"

ACS BM #1-K18
 PUBLISHED ELEVATION =
 5,203.477 (NAVD 1929)

ACS MONUMENT #1-K18, 1996
 NEW MEXICO STATE PLANE
 COORDINATES (CENTRAL ZONE-NAAD 1927)
 X=391,514.58
 Y=1,484,854.90
 PUBLISHED EL.=5191.308 (NAVD 1929)
 GROUND TO GRID SCALE FACTOR=0.99966314
 DELTA ALPHA ANGLE=-0.1230"

R=6.47'
 L=14.70'
 F=8.99'
 N 50°07'23" E
 12.53'
 S 82°28'20" W
 1.00'

ACS MONUMENT #5-K
 NEW MEXICO STATE PLANE
 COORDINATES (CENTRAL ZONE-NAAD 1927)
 X=394,155.83
 Y=1,484,438.83
 PUBLISHED EL.=5199.1
 GROUND TO GRID SCALE FACTOR=0.99966314
 DELTA ALPHA ANGLE=-0.1230"

10. **Project # 1004651**
06DRB-00073 Minor-Prelim&Final Plat
Approval

WAYJOHN SURVEYING INC agent(s) for GARY & STEPHANIE HOLBERT, STEVE DINH & STAN PADILLA request(s) the above action(s) for all or a portion of Lot(s) 12, 13 & 14, Block(s) 10, **KNOLLS OF PARADISE HILLS, UNIT 2**, zoned R-1 residential zone, located on CHANTILLY RD NW, between ARROWHEAD AVE NW and CONGRESS AVE NW containing approximately 1 acre(s). (B-13) **PRELIMINARY AND FINAL PLAT APPROVED WITH FINAL SIGN OFF DELEGATED TO UTILITIES DEVELOPMENT FOR NMU INC SIGNATURE.**

11. **Project # 1001789**
05DRB-01718 Minor-Prelim&Final Plat
Approval

PRECISION SURVEYS INC agent(s) for DASKALOS NOB HILL request(s) the above action(s) for all or a portion of Block(s) 6, Tract(s) 17-28, **MONTE VISTA**, zoned CCR, located on CENTRAL AVE NE, between TULANE NE and WELLESLEY NE containing approximately 1 acre(s). [Deferred from 11/16/05 & Indef deferred on 11/23/05] (K-16) **WITH THE SIGNING OF THE INFRASTRUCTURE LIST DATED 1/25/06 THE PRELIMINARY PLAT WAS APPROVED WITH A CONDITION OF FINAL PLAT: DEDICATION ALONG TULANE WITH WHATEVER THEY ARE PUTTING IN AND DEDICATION ALONG CENTRAL AVENUE. FINAL PLAT WAS INDEFINITELY DEFERRED FOR SIA.**

12. **Project # 1003366**
06DRB-00056 Minor-Prelim&Final Plat
Approval

ADVANCED ENGINEERING & CONSULTING agent(s) for SHARIF (FELIX) RABADI request(s) the above action(s) for all or a portion of Tract(s) T-1A-2, **TOWN OF ALAMEDA GRANT**, zoned SU-1 FOR PRD, located on GOLF COURSE RD NW, between IRVING BLVD NW and the CALABACILLAS ARROYO, containing approximately 9 acre(s). [REF: 05DRB01272, 05DRB01273, 04EPC00498, 04DRB00596, Z-80-74, AX-80-16, Z-85-84, AX-85-20, Z-93-131, DRB-94-146, V-96-89] [Deferred from 1/18/06 & 1/25/06] (A-12/B-12) **DEFERRED AT THE AGENT'S REQUEST TO 2/8/06.**

Project Number: _____

Date Submitted: January 11, 2006
 Date Site Plan Approved: _____
 Date Preliminary Plat Approved: _____
 Date Preliminary Plat Expires: _____
 DRB Project No.: 1001789
 DRB Application No.: _____

INFRASTRUCTURE LIST
 (Rev. 9-20-05)
EXHIBIT "A"
 TO SUBDIVISION IMPROVEMENTS AGREEMENT
 DEVELOPMENT REVIEW BOARD (D.R.B.) REQUIRED INFRASTRUCTURE LIST

THE PLACE IN NOB HILL
PROPOSED NAME OF PLAT

LOTS 1 & 16-28, TOGETHER WITH PORTION OF VACATED NORTH/SOUTH ALLEY, BLOCK 6, MONTE VISTA
EXISTING LEGAL DESCRIPTION PRIOR TO PLATTING ACTION

Following is a summary of PUBLIC/PRIVATE Infrastructure required to be constructed or financially guaranteed for the above development. This Listing is not necessarily a complete listing. During the SIA process and/or in the review of the construction drawings, if the DRC Chair determines that appurtenant items and/or unforeseen items have not been included in the infrastructure listing, the DRC Chair may include those items in the listing and related financial guarantee. Likewise, if the DRC Chair determines that appurtenant or non-essential items can be deleted from the listing, those items may be deleted as well as the related portions of the financial guarantees. All such revisions require approval by the DRC Chair, the User Department and agent/owner. If such approvals are obtained, these revisions to the listing will be incorporated administratively. In addition, any unforeseen items which arise during construction which are necessary to complete the project and which normally are the Subdivider's responsibility will be required as a condition of project acceptance and close out by the City.

Financially Guaranteed DRC #	Constructed Under DRC #	Size	Type of Improvement	Location	From	To	Construction Certification		
							Private Inspector	P.E.	City Cnst Engineer
		24'	F-E PAVEMENT <i>WITH ALLEY GUTTER</i>	ALLEY	WELLESLEY	TULANE	/	/	/
			HC RAMP	CORNER	CENTRAL	TULANE	/	/	/
			HC RAMP	CORNER	CENTRAL	WELLESLEY	/	/	/
							/	/	/
							/	/	/
							/	/	/
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The items listed below are on the CCIP and approved for Impact Fee credits. Signatures from the Impact Fee Administrator and the City User Department is required prior to DRB approval of this listing. The items listed below are subject to the standard SIA requirements.

Financially Guaranteed DRC #	Constructed Under DRC #	Size	Type of Improvement	Location	From	To	Construction Certification			
							Private Inspector	P.E.	City Cnst Engineer	
<input type="text"/>	<input type="text"/>						/	/	/	
<input type="text"/>	<input type="text"/>						/	/	/	
Approval of Creditable Items:							Approval of Creditable Items:			
Impact Fee Administrator Signature							Date	City User Dept. Signature		Date

NOTES

If the site is located in a floodplain, then the financial guarantee will not be released until the LOMR is approved by FEMA.
Street lights per City requirements.

1 Fire hydrants per Fire Marshall's requirements.

2

3

AGENT / OWNER

Jason Daskalos
NAME (print)

LA SIERRA CON
FIRM

[Signature]
SIGNATURE - date

DEVELOPMENT REVIEW BOARD MEMBER APPROVALS

Andrew Genia 1-25-06
DRB CHAIR - date

[Signature] 1-25-06
TRANSPORTATION DEVELOPMENT - date

William J. Balch 1/25/06
UTILITY DEVELOPMENT - date

Bradley J. Bish 1/25/06
CITY ENGINEER - date

Christina Dandora 1/25/06
PARKS & GENERAL RECREATION - date

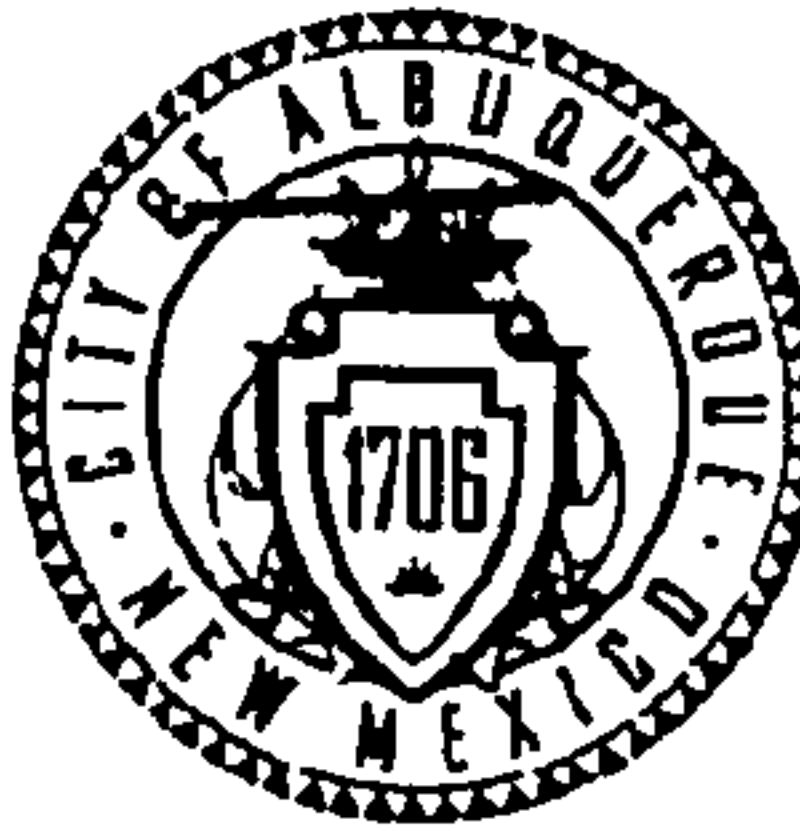
AMAFCA - date

- date

- date

DESIGN REVIEW COMMITTEE REVISIONS

REVISION	DATE	DRC CHAIR	USER DEPARTMENT	AGENT / OWNER



City of Albuquerque

PLEASE NOTE: The Neighborhood Association information listed in this letter is valid for one (1) month. If you haven't filed your application within one (1) month of the date of this letter – you will need to get an updated letter from our office. It is your responsibility to provide current information – outdated information may result in a deferral of your case.

Date: January 18, 2008

TO CONTACT NAME: Mike Hontas
COMPANY/AGENCY: Jason Daskalos and Nob Hill LLC
ADDRESS/ZIP: 5319 Menaul Blvd. NE 87110
PHONE/FAX #: 883. 4131 / 883. 4134

Thank you for your inquiry of January 18, 2008 (date) requesting the names of **ALL Affected**

Neighborhood and/or Homeowner Associations who would be affected under the provisions of O-92 by your proposed project at Lot 28-A-1, Block 6 Monte Vista located on 3339 Central Ave NE ABQ NM 87106 between Wellesley and Tulane and Central on Campus zone map page(s) K-16.

Our records indicate that the **Affected Neighborhood and/or Homeowner Associations** affected by this proposal and the contact names are as follows:

Nob Hill N.A.
Neighborhood or Homeowner Association
Contacts: Chris Smith
226 Sierra Pl. NE 87106
379. 2763(h)
Stace McGee
Env. Dynamics, 142 Truman NE 87108
266. 7469(h) 242. 2851.(w)

Neighborhood or Homeowner Association
Contacts: _____

See reverse side for additional Neighborhood and/or Homeowner Associations Information:

YES { } NO

Please note that according to O-92 you are required to notify each of these contact persons by **CERTIFIED MAIL, RETURN RECEIPT REQUESTED, BEFORE** the Planning Department will accept your application filing. **IMPORTANT! FAILURE OF ADEQUATE NOTIFICATION MAY RESULT IN YOUR APPLICATION HEARING BEING DEFERRED FOR 30 DAYS.** If you have any questions about the information provided, please contact our office at (505) 924-3914 or by fax at 924-3913.

Sincerely,

Stephan D...
OFFICE OF NEIGHBORHOOD COORDINATION

ATTENTION: Both contacts for each Neighborhood and/or Homeowner Associations need to be notified.

**NOTICE TO APPLICANTS - SUGGESTED INFORMATION FOR
NEIGHBORHOOD NOTIFICATION LETTERS**

Applicants for Zone Change, Site Plan, Sector Development Plan approval or an amendment to a Sector Development Plan by the EPC, DRB, etc. are required under Council Bill O-92 to notify **ALL AFFECTED NEIGHBORHOOD AND/OR HOMEOWNER ASSOCIATIONS** PRIOR TO FILING THE APPLICATION TO THE PLANNING DEPARTMENT. Because the purpose of the notification is to ensure communication as a means of identifying and resolving problems early, it is essential that the notification be fully informative.

WE RECOMMEND THAT THE NOTIFICATION LETTER INCLUDE THE FOLLOWING INFORMATION:

1. The street address of the subject property.
2. The legal description of the property, including lot or tract number (if any), block number (if any), and name of the subdivision.
3. A physical description of the location, referenced to streets and existing land uses.
4. A complete description of the actions requested of the EPC:
 - a) If a **ZONE CHANGE OR ANNEXATION**, the name of the existing zone category and primary uses and the name of the proposed category and primary uses (i.e., "from the R-T Townhouse zone, to the C-2 Community Commercial zone").
 - b) If a **SITE DEVELOPMENT OR MASTER DEVELOPMENT PLAN** approval or amendments describe the physical nature of the proposal (i.e., "an amendment to the approved plan to allow a drive-through restaurant to be located just east of the main shopping center entrance off Montgomery Blvd.").
 - c) If a **SECTOR DEVELOPMENT PLAN OR PLAN AMENDMENT** a general description of the plan area plan concept, the mix of zoning and land use categories proposed and description of major features such as location of significant shopping centers, employment centers, parks and other public facilities.
5. The name, address and telephone number of the applicant and of the agent (if any). In particular the name of an individual contact person will be helpful so that neighborhood and/or homeowner associations may contact someone with questions or comments.


INFORMATION FROM THE OFFICE OF NEIGHBORHOOD COORDINATION

The following information should always be in each application packet that you submit for an EPC or DRB application. Listed below is a "Checklist" of the items needed.

- ONC's "Official" Letter to the applicant (if there are associations). A copy must be submitted with application packet -OR-
- The ONC "Official" Letter (if there are no associations). A copy must be submitted with application packet.
- Copies of Letters to Neighborhood and/or Homeowner Associations (if there are associations). A copy must be submitted with application packet.
- Copies of the certified receipts to Neighborhood and/or Homeowner Associations (if there are associations). A copy must be submitted with application packet.

Just a reminder - Our ONC "Official" Letter is only valid for a one (1) month period and if you haven't submitted your application by this date, you will need to get an updated letter from our office.

(Below this line for ONC use only)

Date of Inquiry: 01.18.08 Time Entered: 9:07 AM ONC Rep. Initials: 



DEVELOPER INQUIRY SHEET

(To be completed prior to application submittal)

The Office of Neighborhood Coordination (ONC) located in Room 120 (basement) of the Plaza Del Sol Building, 600 Second Street NW, Fax: (505) 924-3913 – will need the following information **BEFORE** neighborhood and/or homeowner association information will be released to the applicant/agent on any project being presented to the Planning Department of the City of Albuquerque. If you have any questions, please feel free to contact our office at (505) 924-3914. **Your Developer Inquiry is for the following:**

Cell Tower & Type: [] Free-Standing Tower -OR- [] Concealed Tower

Private Development (i.e., EPC, DRB, LUCC, Liquor Submittal)

City Project []

CONTACT NAME: MIKE HONTAS

COMPANY NAME: DASKALOS LLC

ADDRESS/ZIP: 5319 Menaul Blvd. NE. ABQ. NM 87110

PHONE: 883-4131 FAX: 883-4134

LEGAL DESCRIPTION INFORMATION

PLEASE FORWARD INFORMATION ON ANY NEIGHBORHOOD AND/OR HOMEOWNER ASSOCIATION IN THE AREA OF THE PROPERTY DESCRIBED BELOW:

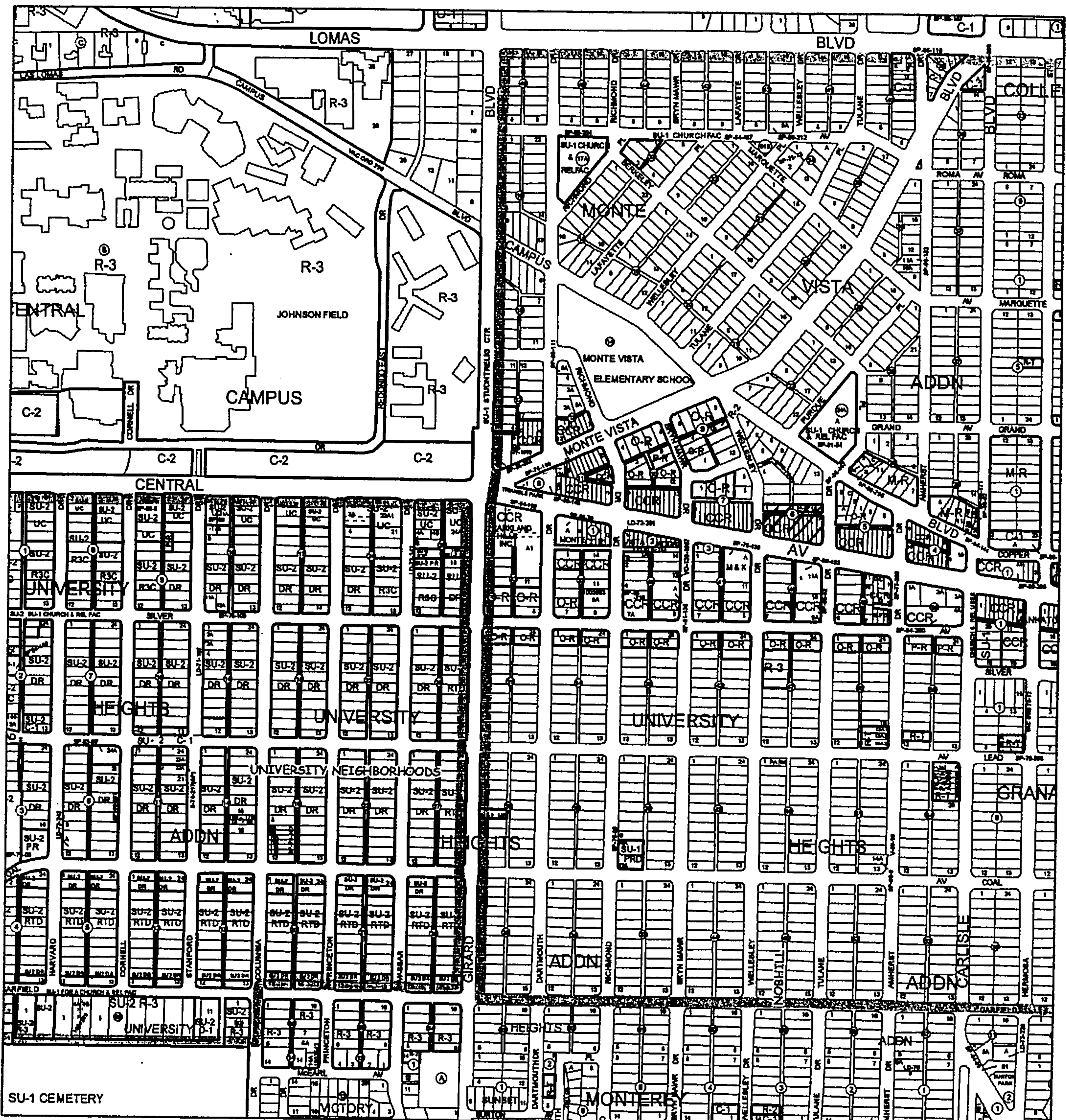
Lot 28-A-1, Block 6 Monte Vista

LOCATED ON 3339 Central Ave NE ABQ. NM 87106
STREET NAME OR OTHER IDENTIFYING LANDMARK


BETWEEN Wellesley and Tulane AND
STREET NAME OR OTHER IDENTIFYING LANDMARK

Central and Campus
STREET NAME OR OTHER IDENTIFYING LANDMARK

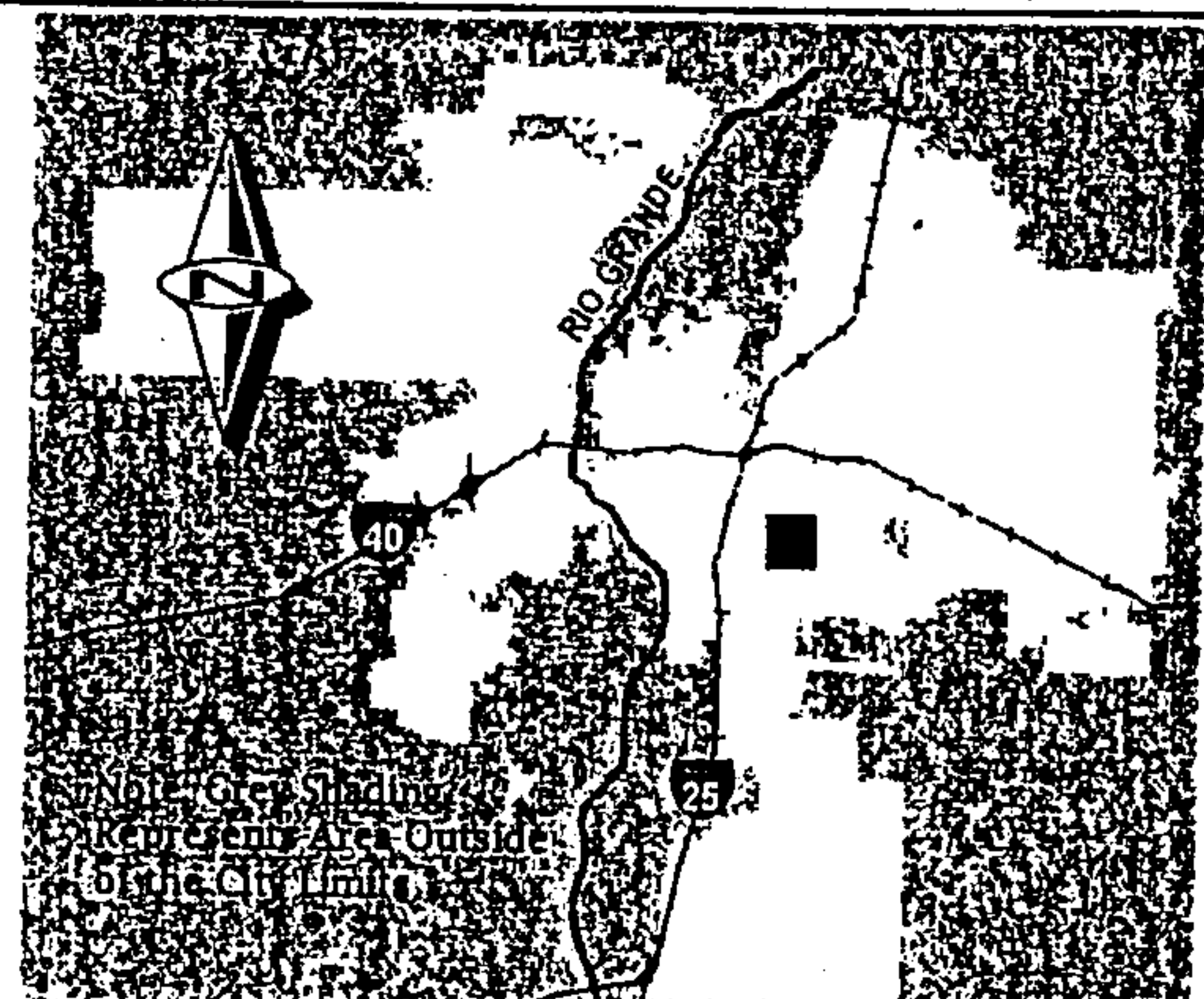
THE SITE IS INDICATED ON THE FOLLOWING ZONE ATLAS PAGE (K-14).
(PLEASE MARK/HATCH ZONE MAP WHERE PROPERTY IS LOCATED)
(Zone Map **MUST** be provided with request)



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



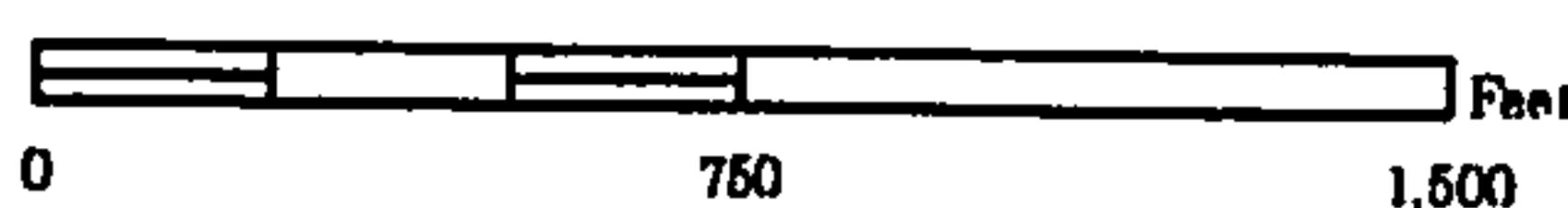
Map amended through: 11/2/2005



Zone Atlas Page:
K-16-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



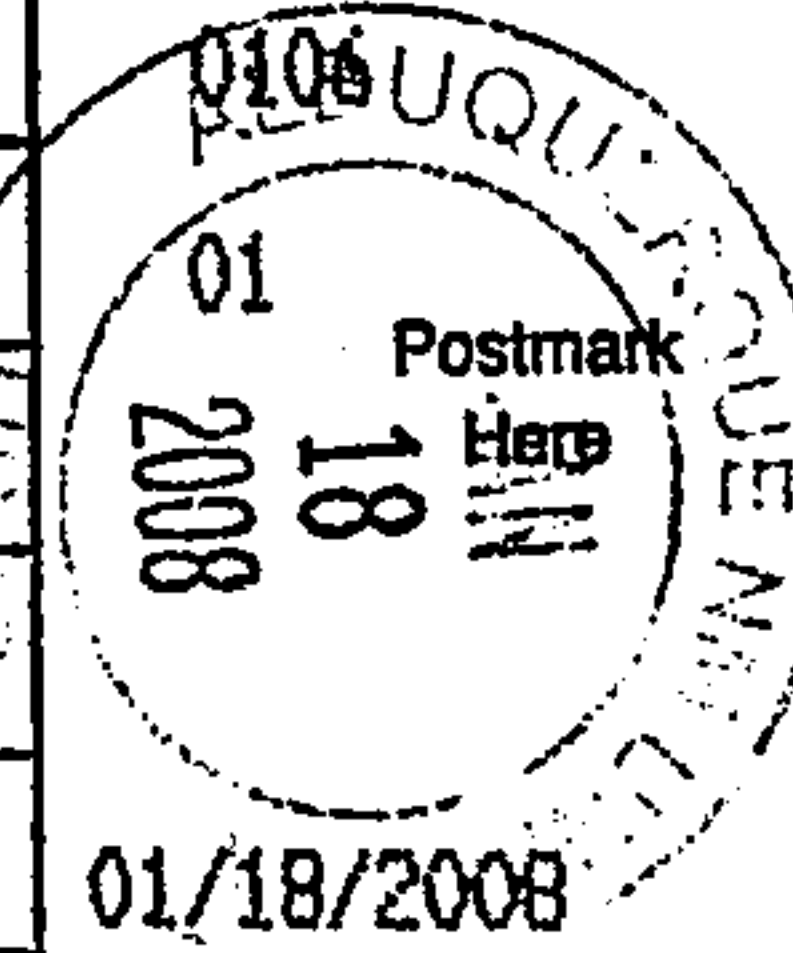
U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
 (Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

ALBUQUERQUE NM 87106

OFFICIAL USE

Postage	\$	\$0.41
Certified Fee		\$2.65
Return Receipt Fee (Endorsement Required)		\$0.00
Restricted Delivery Fee (Endorsement Required)		\$0.00
Total Postage & Fees	\$	\$3.06



Sent To **CHRIS SMITH**
 Street, Apt. No.,
 or PO Box No. **226 Sierra Pl. NE**
 City, State, ZIP+4
ALB. NM 87106

PS Form 3800, June 2002

See Reverse for Instructions

7006 0100 0005 7047 4951

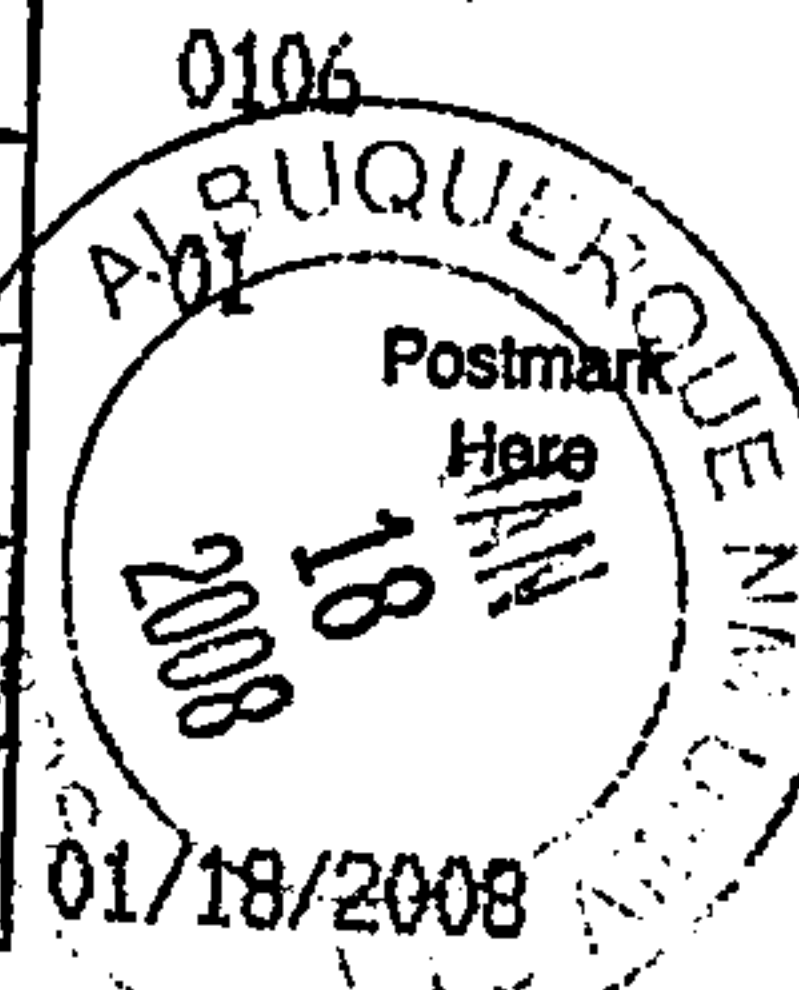
U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
 (Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

ALBUQUERQUE NM 87108

OFFICIAL USE

Postage	\$	\$0.41
Certified Fee		\$2.65
Return Receipt Fee (Endorsement Required)		\$0.00
Restricted Delivery Fee (Endorsement Required)		\$0.00
Total Postage & Fees	\$	\$3.06



Sent To **Stace McGee**
 Street, Apt. No.,
 or PO Box No. **142 Truman NE**
 City, State, ZIP+4
ALB. NM 87108

PS Form 3800, June 2002

See Reverse for Instructions

7006 0100 0005 7047 4944

**Jason Daskalos and Nob Hill, LLC
5319 Menaul Blvd. NE
Albuquerque, NM 87110
(505) 883-4131**

January 18, 2008

To: **Stace McGee
Environmental Dynamics
142 Truman NE
Albuquerque, NM 87108
Tel: 266-7469; 242-2851**

Re: **Project # 1001789
SIA Extension**

We are submitting to DRB a request to extend the Subdivision Improvement Agreement for our project at 3339 Central Avenue NE. The legal description is Lot 28-A-1, Block 6, Monte Vista. The project is located on the north side of Central Avenue between Wellesley and Tulane.

The reason for the extension is that the work has not been completed. The work order was not approved until December 18, 2007, largely due to the city's inability to release the work order because of earlier appeals to our building permit by a neighbor. When the city council denied the appeals, the work order was then released.

We now have the utility portion of the work order starting, but some items on the work order, such as city sidewalk replacement and road changes, will not occur until feasible later in the year.

Respectfully submitted,



Mike Hontas
Agent for Jason Daskalos

**Jason Daskalos and Nob Hill, LLC
5319 Menaul Blvd. NE
Albuquerque, NM 87110
(505) 883-4131**

January 18, 2008

To: **Chris Smith
226 Sierra Pl. NE
Albuquerque, NM 87106
Tel: 379-2763**

Re: **Project # 1001789
SIA Extension**

We are submitting to DRB a request to extend the Subdivision Improvement Agreement for our project at 3339 Central Avenue NE. The legal description is Lot 28-A-1, Block 6, Monte Vista. The project is located on the north side of Central Avenue between Wellesley and Tulane.

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Respectfully submitted,



Mike Hontas
Agent for Jason Daskalos

City of Albuquerque



DEVELOPMENT/ PLAN REVIEW APPLICATION

Supplemental form		Supplemental form	
SUBDIVISION	S	ZONING & PLANNING	Z
<input type="checkbox"/> Major Subdivision action		<input type="checkbox"/> Annexation	
<input checked="" type="checkbox"/> Minor Subdivision action		<input type="checkbox"/> County Submittal	
<input type="checkbox"/> Vacation	V	<input type="checkbox"/> EPC Submittal	
<input type="checkbox"/> Variance (Non-Zoning)		<input type="checkbox"/> Zone Map Amendment (Establish or Change Zoning)	
SITE DEVELOPMENT PLAN	P	<input type="checkbox"/> Sector Plan (Phase I, II, III)	
<input type="checkbox"/> ...for Subdivision Purposes		<input type="checkbox"/> Amendment to Sector, Area, Facility or Comprehensive Plan	
<input type="checkbox"/> ...for Building Permit		<input type="checkbox"/> Text Amendment (Zoning Code/Sub Regs)	
<input type="checkbox"/> AP Master Development Plan			
<input type="checkbox"/> Cert. of Appropriateness (LUCC)			
		APPEAL / PROTEST of...	A
		<input type="checkbox"/> Decision by: DRB, EPC, LUCC, Planning Director or Staff, ZHE, Zoning Board of Appeals	

Submitted & printed 10-22-06

PRINT OR TYPE IN BLACK INK ONLY. The applicant or agent must submit the completed application in person to the Planning Department Development Services Center, 600 2nd Street NW, Albuquerque, NM 87102. Fees must be paid at the time of application. Refer to supplemental forms for submittal requirements.

APPLICANT INFORMATION:

NAME: Daskalos Nob Hill PHONE: 883-0414
 ADDRESS: 5321 Menaul N.E. FAX: _____
 CITY: Albuquerque STATE NM ZIP 87110 E-MAIL: _____
 Proprietary interest in site: _____ List all owners: Daskalos Nob Hill
 AGENT (if any): Precision Surveys Inc. PHONE: 856-5700
 ADDRESS: 8414 Jefferson N.E. FAX: 856-7900
 CITY: Albuquerque STATE NM ZIP 87113 E-MAIL: presurv@presurv.com
 DESCRIPTION OF REQUEST: Replat Prel & Final

Is the applicant seeking incentives pursuant to the Family Housing Development Program? Yes. No.

SITE INFORMATION: ACCURACY OF THE LEGAL DESCRIPTION IS CRUCIAL! ATTACH A SEPARATE SHEET IF NECESSARY.

Lot or Tract No. 17-28 Block: 6 Unit: _____
 Subdiv. / Addn. Monte Vista
 Current Zoning: CCR Proposed zoning: CCR
 Zone Atlas page(s): K 16 No. of existing lots: 12 No. of proposed lots: 1
 Total area of site (acres): 8950 Density if applicable: dwellings per gross acre: N/A dwellings per net acre: N/A
 Within city limits? Yes. No , but site is within 5 miles of the city limits.) Within 1000FT of a landfill? No
 UPC No. 101605741828310504 MRGCD Map No. _____
 LOCATION OF PROPERTY BY STREETS: On or Near: Central + Tulane NE
 Between: Tulane NE and Wellesley NE

CASE HISTORY:

List any current or prior case number that may be relevant to your application (Proj., App., DRB-, AX, Z, V, S, etc.): 1001789

Check-off if project was previously reviewed by Sketch Plat/Plan , or Pre-application Review Team . Date of review: _____

SIGNATURE Lisa Parish DATE 11-8-05
 (Print) Lisa Parish Applicant Agent

FOR OFFICIAL USE ONLY

Form revised 9/01, 3/03, 7/03, 10/03, 3/04

<input type="checkbox"/> INTERNAL ROUTING	Application case numbers	Action	S.F.	Fees
<input type="checkbox"/> All checklists are complete	<u>05DRB - 01718</u>	<u>P&F</u>	<u>363</u>	\$ <u>215.00</u>
<input type="checkbox"/> All fees have been collected	_____	<u>CMF</u>	_____	\$ <u>20.00</u>
<input type="checkbox"/> All case #s are assigned	_____	_____	_____	\$ _____
<input type="checkbox"/> AGIS copy has been sent	_____	_____	_____	\$ _____
<input type="checkbox"/> Case history #s are listed	_____	_____	_____	\$ _____
<input type="checkbox"/> Site is within 1000ft of a landfill	_____	_____	_____	\$ _____
<input checked="" type="checkbox"/> F.H.D.P. density bonus	_____	_____	_____	\$ _____
<input checked="" type="checkbox"/> F.H.D.P. fee rebate	_____	_____	_____	\$ _____
	Hearing date <u>11/16/05</u>			Total <u>235.00</u>

Lisa Parish 11/8/05
 Planner signature / date

Project # 1001789

FORM S(3): SUBDIVISION - D.R.B. MEETING (UNADVERTISED) OR INTERNAL ROUTING

SKETCH PLAT REVIEW AND COMMENT

YOUR ATTENDANCE IS REQUIRED.

- Scale drawing of the proposed subdivision plat (folded to fit into an 8.5" by 14" pocket) 6 copies for unadvertised meetings. Sketches are not reviewed through internal routing.
- Site sketch with measurements showing structures, parking, Bldg. setbacks, adjacent rights-of-way and street improvements, etcetera, if there is any existing land use (folded to fit into an 8.5" by 14" pocket) 6 copies.
- Zone Atlas map with the entire property(ies) precisely and clearly outlined and crosshatched (to be photocopied)
- Letter briefly describing, explaining, and justifying the request
- Any original and/or related file numbers are listed on the cover application

MAJOR SUBDIVISION EXTENSION OF PRELIMINARY PLAT

Your attendance is required.

- Preliminary Plat reduced to 8.5" x 11"
- Zone Atlas map with the entire property(ies) precisely and clearly outlined and crosshatched (to be photocopied)
- Letter briefly describing, explaining, and justifying the request
- Copy of previous D.R.B. approved infrastructure list
- Copy of the LATEST Official D.R.B. Notice of approval for Preliminary Plat Extension request
- Any original and/or related file numbers are listed on the cover application

Extensions are not reviewed through internal routing.

Extension of preliminary plat approval expires after one year.

MAJOR SUBDIVISION FINAL PLAT APPROVAL

Your attendance is required.

- Proposed Final Plat (folded to fit into an 8.5" by 14" pocket) 6 copies for unadvertised meetings, 4 copies for internal routing.
- Design elevations & cross sections of perimeter walls
- Zone Atlas map with the entire property(ies) precisely and clearly outlined and crosshatched (to be photocopied)
- Original Mylar drawing of the proposed plat for internal routing only. Otherwise, bring Mylar to meeting.
- Property owner's and City Surveyor's signatures on the Mylar drawing
- SIA financial guaranty verification
- Landfill disclosure and EHD signature line on the Mylar drawing if property is within a landfill buffer
- Any original and/or related file numbers are listed on the cover application
- DXF FILE AND HARD COPY OF FINAL PLAT DATA FOR AGIS IS REQUIRED.**

MINOR SUBDIVISION PRELIMINARY / FINAL PLAT APPROVAL

Your attendance is required.

- Proposed Preliminary / Final Plat (folded to fit into an 8.5" by 14" pocket) 6 copies for unadvertised meetings, 4 copies for internal routing.
- Site sketch with measurements showing structures, parking, Bldg. setbacks, adjacent rights-of-way and street improvements, etcetera, if there is any existing land use (folded to fit into an 8.5" by 14" pocket) 6 copies.
- Zone Atlas map with the entire property(ies) precisely and clearly outlined and crosshatched (to be photocopied)
- Letter briefly describing, explaining, and justifying the request
- Original Mylar drawing of the proposed plat for internal routing only. Otherwise, bring Mylar to meeting.
- Property owner's and City Surveyor's signatures on the Mylar drawing
- Landfill disclosure and EHD signature line on the Mylar drawing if property is within a landfill buffer
- Fee (see schedule)
- Any original and/or related file numbers are listed on the cover application
- Infrastructure list if required (verify with DRB Engineer) **NO INTERNAL ROUTING**

DXF FILE AND HARD COPY OF FINAL PLAT DATA FOR AGIS IS REQUIRED.

AMENDMENT TO PRELIMINARY PLAT (with minor changes)

Your attendance is required.

AMENDMENT TO INFRASTRUCTURE LIST (with minor changes)

AMENDMENT TO GRADING PLAN (with minor changes)

PLEASE NOTE: There are no clear distinctions between significant and minor changes with regard to subdivision amendments. Significant changes are those deemed by the DRB to require public notice and public hearing.

- Proposed Amended Preliminary Plat, Infrastructure List, and/or Grading Plan (folded to fit into an 8.5" by 14" pocket) 6 copies for unadvertised meetings.
 - Original Preliminary Plat, Infrastructure List, and/or Grading Plan (folded to fit into an 8.5" by 14" pocket) 6 copies for unadvertised meetings
 - Zone Atlas map with the entire property(ies) precisely and clearly outlined and crosshatched (to be photocopied)
 - Letter briefly describing, explaining, and justifying the request
 - Original Mylar drawing of the proposed amended plat for internal routing only. Otherwise, bring Mylar to meeting.
 - Property owner's and City Surveyor's signatures on the Mylar drawing, if the plat is being amended
 - Any original and/or related file numbers are listed on the cover application
- Amended preliminary plat approval expires after one year.

I, the applicant, acknowledge that any information required but not submitted with this application will likely result in deferral of actions.

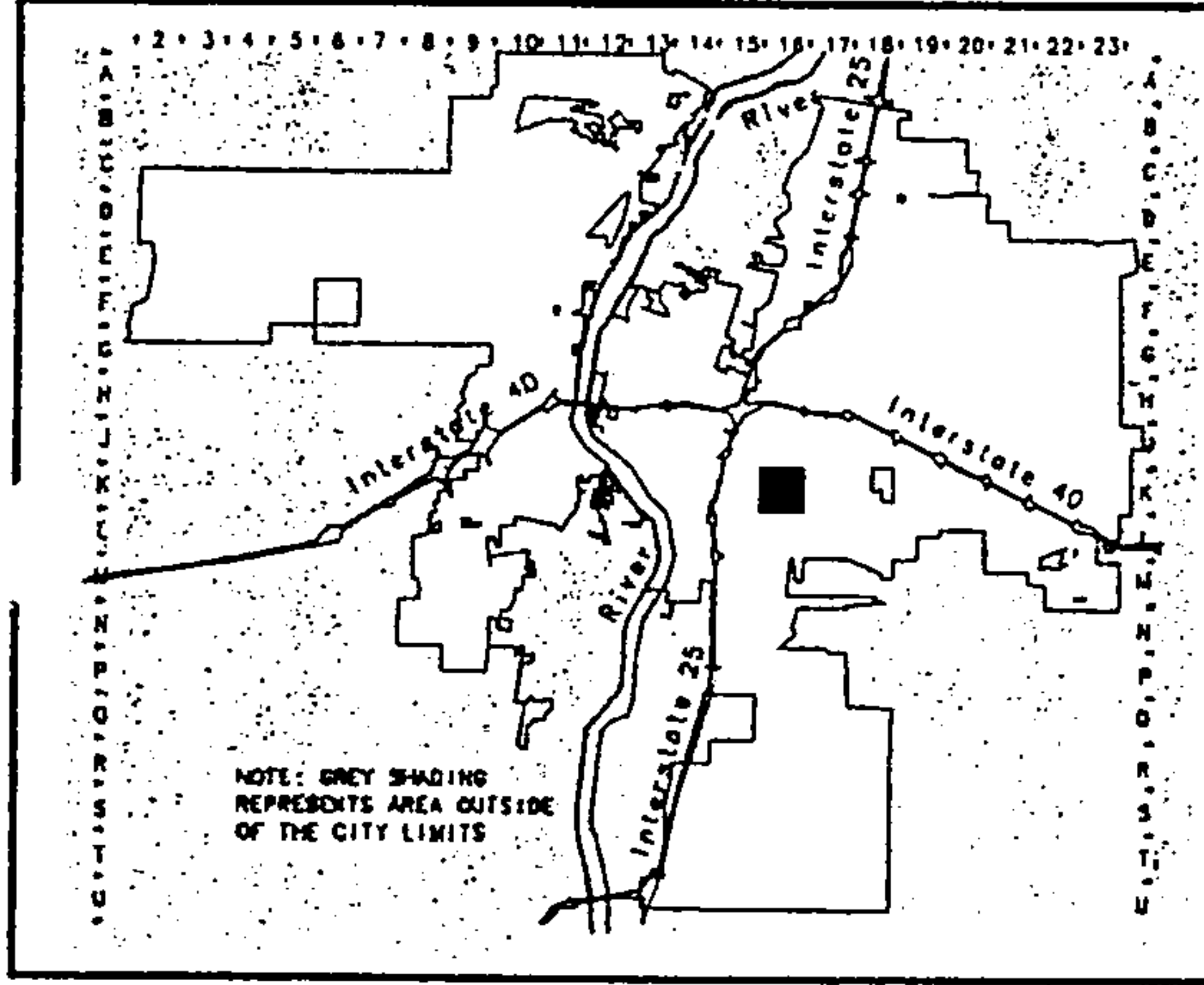
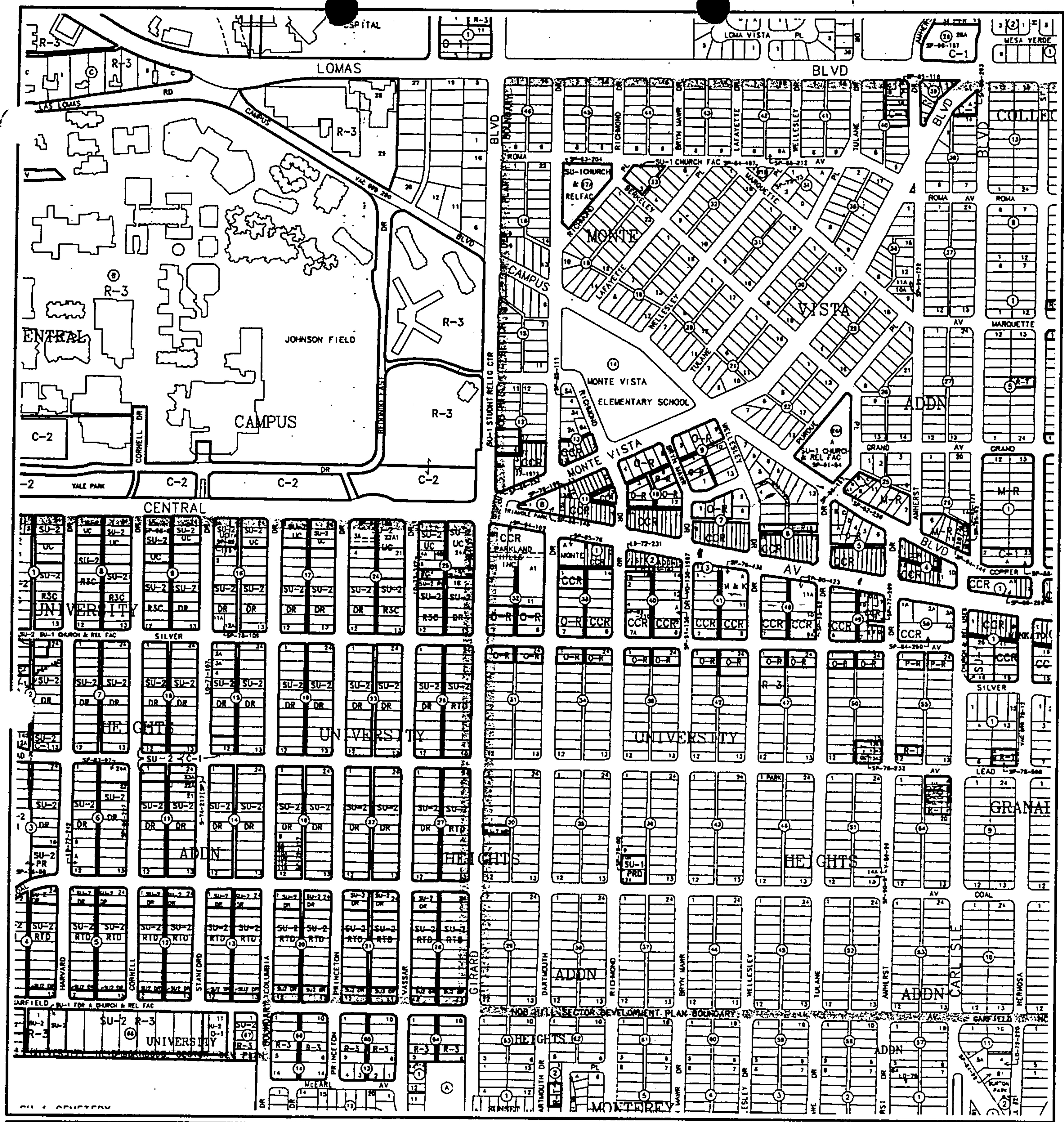
Lisa Parish / Precision Surveys
Applicant name (print)
Lisa Parish 11-8-05
Applicant signature / date



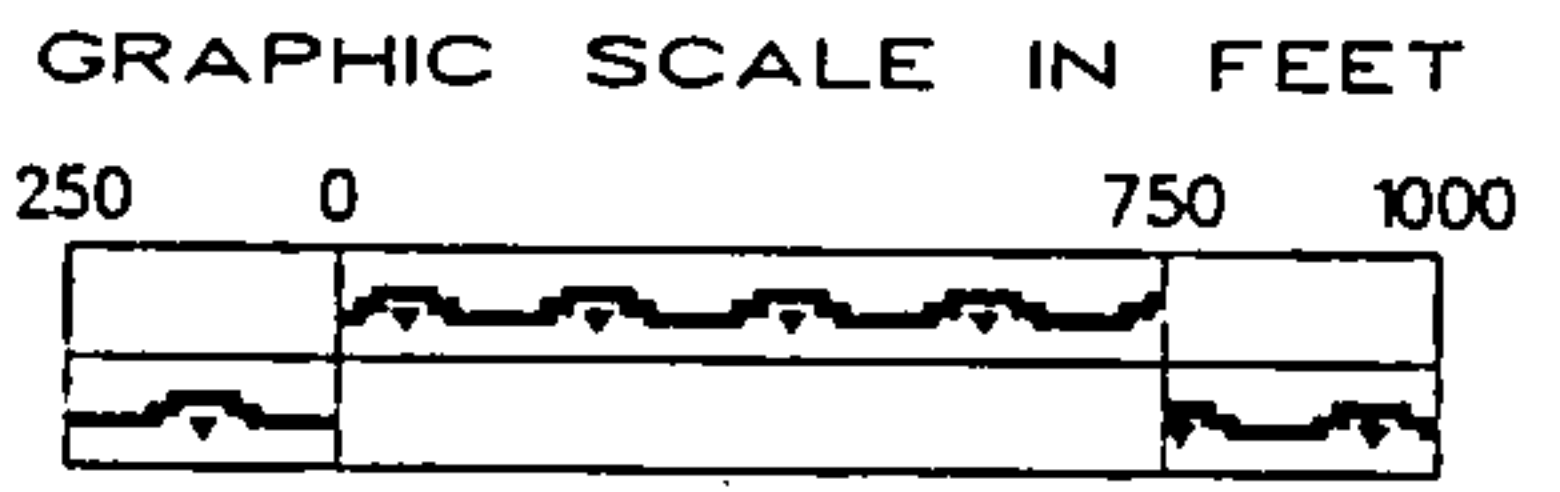
Form revised 3/03, 8/03 and 11/03

- Checklists complete
 - Fees collected
 - Case #s assigned
 - Related #s listed
- Application case numbers
05023 - 01718

Jim Seis 11/8/05
Planner signature / date
Project # 1001789



CITY OF
Albuquerque
Albuquerque Geographic Information System
PLANNING DEPARTMENT
© Copyright 2000



Zone Atlas Page

K-16-Z

Map Amended through July 28, 2000



PRECISION SURVEYS, INC.

November 8, 2005

Ms. Sheran Matson
Chair, Development Review Board
Planning/Development Services Division
600 2nd Street, N.W.
Albuquerque, NM 7102

**RE: REQUEST FOR MINOR PRELIMINARY FINAL PLAT SUBMITTAL
MONTE VISTA, LOT 28-A, BLOCK 6**

Dear Ms. Matson;

On behalf of our client, Daskalos Knob Hill, we are requesting a preliminary/final plat review of Lot 28-A, Block 6, Monte Vista. We are eliminating the lot line between existing Lots 17 thru 28 to combine them into Lot 28-A.

If you have any questions or need additional information, please do not hesitate to contact our office at 856-5700.

Sincerely,



Larry W. Medrano

G:\Documents\Letters\2005\DRBLTR05-7482.DOC

8414 - D JEFFERSON ST NE

ALBUQUERQUE, NEW MEXICO 87113

email presurv@presurv.com

PHONE 505 856 5700

FAX 505 856 7900

www.presurv.com

ONE STOP SHOP
CITY OF ALBUQUERQUE PLANNING DEPARTMENT
Development & Building Services

PAID RECEIPT

APPLICANT NAME DAS KALOS Nob Hill
AGENT Precision Surveys
ADDRESS _____
PROJECT & APP # 1001789 / 01718
PROJECT NAME Monte Vista

\$ 20.⁰⁰ 441032/3424000 Conflict Management Fee
\$ 215.⁰⁰ 441006/4983000 DRB Actions
\$ _____ 441006/4971000 EPC/AA/LUCC Actions & All Appeals
\$ _____ 441018/4971000 Public Notification
\$ _____ 441006/4983000 DRAINAGE PLAN REVIEW OR TRAFFIC IMPACT STUDY***
() Major/Minor Subdivision () Site Development Plan () Bldg Permit
() Letter of Map Revision () Conditional Letter of Map Revision
() Traffic Impact Study
\$ 235.⁰⁰ TOTAL AMOUNT DUE

***NOTE: If a subsequent submittal is required, bring a copy of this paid receipt with you to avoid an additional charge.

PRECISION SURVEYS, INC.
8414-D JEFFERSON ST. NE
ALBUQUERQUE, NM 87113
(505) 856-5700

30912

PAY TO THE ORDER OF

DATE 11-8-05 95-145-1070

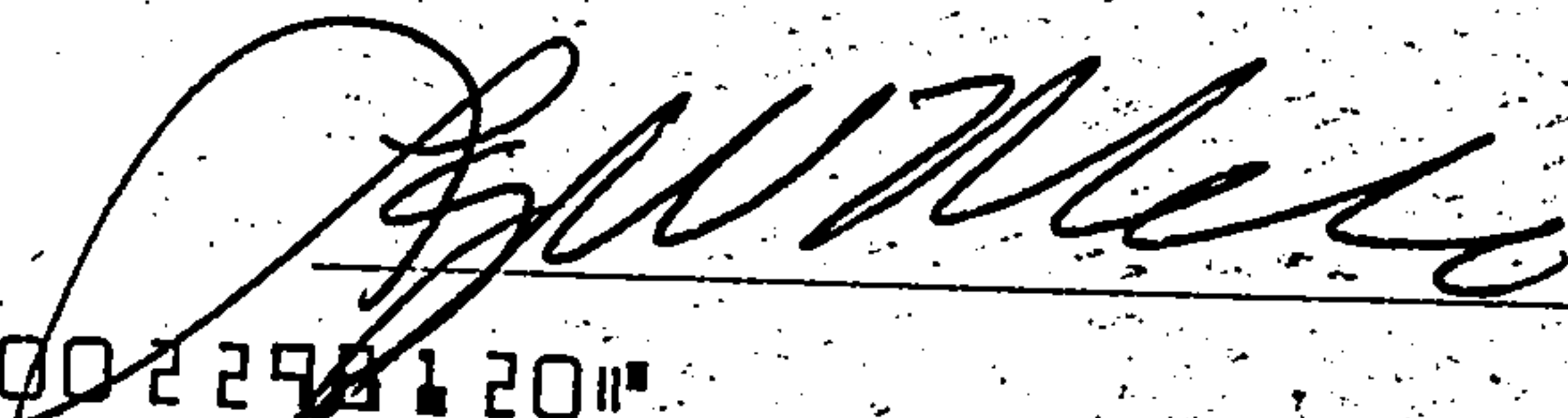
City of Albuquerque
Two Hundred Thirty Five dollars ⁰⁰/₁₀₀

\$ 235.⁰⁰

DOLLARS  Security Features Included. Details on Back.

1ST FIRST STATE BANK
www.fsbnm.com

FOR application fee 057482



⑈030912⑈ ⑆107001452⑆ 002298120⑈



PRECISION SURVEYS, INC.

City of Albuquerque
Planning Department
Attn: Clair Senova

#10

RE: Project # 1001789

Dear Clair,

Precision Surveys Inc. would like to defer case # 1001789 Monte Vista Subdivision until May 31ST 2006. We are waiting on the requested information from our client.

Thank you,

Lisa Parish
Precision Surveys, Inc.
856-5700/Fax 856-7900



8414 - D JEFFERSON ST NE PHONE 505 856 5700
ALBUQUERQUE, NEW MEXICO 87113 FAX 505 856 7900
email: presurv@presurv.com www.presurv.com

ONE STOP SHOP
CITY OF ALBUQUERQUE PLANNING DEPARTMENT
Development & Building Services

PAID RECEIPT

APPLICANT NAME _____

AGENT _____

ADDRESS _____

PROJECT & APP # _____

PROJECT NAME _____

PRECISION SURVEYS

1001789

City Of Albuquerque
Treasury Division

5/18/2006 11:25AM LOC: ANNX
RECEIPT# 00063104 WSH 007 TRANSH 0019
Account 441006 Fund 0110
Activity 4983000 TRSKAL
Trans Amt \$50.00
J24 Misc

\$50.00

\$50.00
\$0.00

Thank You

CK
CHANGE

\$ _____ 441032/3424000 Conflict Management Fee

\$ 50.⁰⁰ 441006/4983000 DRB Actions DEFERRAL

\$ _____ 441006/4971000 EPC/AA/LUCC Actions & All Appeals

\$ _____ 441018/4971000 Public Notification

\$ _____ 441006/4983000 DRAINAGE PLAN REVIEW OR TRAFFIC IMPACT STUDY***

() Major/Minor Subdivision () Site Development Plan () Bldg Permit

() Letter of Map Revision () Conditional Letter of Map Revision

() Traffic Impact Study

\$ 50.⁰⁰ TOTAL AMOUNT DUE

***NOTE: If a subsequent submittal is required, bring a copy of this paid receipt with you to avoid an additional charge.

30886

PRECISION SURVEYS, INC.

8414-D JEFFERSON ST. NE
ALBUQUERQUE, NM 87113
(505) 856-5700

DATE 5-18-06 95-145-1070

\$ 50⁰⁰

PAY TO THE ORDER OF

City of Albuquerque

DOLLARS

Security Features Included. Details on Back.

FIRST STATE BANK
www.fsbnm.com

FOR Deferral Fee 05-7482/100789

⑈030886⑈ ⑆1⑆ 107001452⑆ 002298120⑈

ONE STOP SHOP
CITY OF ALBUQUERQUE PLANNING DEPARTMENT
Development & Building Services

11/16/05
Judy
dep

PAID RECEIPT

APPLICANT NAME _____
AGENT PRECISION Vista
ADDRESS _____
PROJECT & APP # 1001789 101718
PROJECT NAME Monte Vista

\$ _____ 441032/3424000 Conflict Management Fee
\$ 50.00 441006/4983000 DRB Actions
\$ _____ 441006/4971000 EPC/AA/LUCC Actions & All Appeals
\$ _____ 441018/4971000 Public Notification
\$ _____ 441006/4983000 DRAINAGE PLAN REVIEW OR TRAFFIC IMPACT STUDY***
() Major/Minor Subdivision () Site Development Plan () Bldg Permit
() Letter of Map Revision () Conditional Letter of Map Revision
() Traffic Impact Study
\$ 50.00 TOTAL AMOUNT DUE

***NOTE: If a subsequent submittal is required, bring a copy of this paid receipt with you to avoid an additional charge.

DUPLICATE
City Of Albuquerque
Treasury Division

5/9/2006 11:10AM LOC: ANNX
RECEIPT# 00059864 WSH 006 TRANSH 0015
Account 441006 Fund 0110
Activity 4983000 TRSEJA
Trans Amt \$50.00
J24 Misc

CK \$50.00
CHANGE \$50.00
\$0.00

Thank You

Current DRC
Project Number: _____

FIGURE 12

Claire

Date Submitted: January 11, 2006

ORIGINAL

Date Site Plan Approved: _____

Date Preliminary Plat Approved: _____

Date Preliminary Plat Expires: _____

DRB Project No.: 1001789

DRB Application No.: _____

#11

INFRASTRUCTURE LIST
(Rev. 9-20-05)
EXHIBIT "A"
TO SUBDIVISION IMPROVEMENTS AGREEMENT
DEVELOPMENT REVIEW BOARD (D.R.B.) REQUIRED INFRASTRUCTURE LIST

THE PLACE IN NOB HILL
PROPOSED NAME OF PLAT

LOTS 1 & 16-28, TOGETHER WITH PORTION OF VACATED NORTH/SOUTH ALLEY, BLOCK 6, MONTE VISTA
EXISTING LEGAL DESCRIPTION PRIOR TO PLATTING ACTION

Following is a summary of PUBLIC/PRIVATE Infrastructure required to be constructed or financially guaranteed for the above development. This Listing is not necessarily a complete listing. During the SIA process and/or in the review of the construction drawings, if the DRC Chair determines that appurtenant items and/or unforeseen items have not been included in the infrastructure listing, the DRC Chair may include those items in the listing and related financial guarantee. Likewise, if the DRC Chair determines that appurtenant or non-essential items can be deleted from the listing, those items may be deleted as well as the related portions of the financial guarantees. All such revisions require approval by the DRC Chair, the User Department and agent/owner. If such approvals are obtained, these revisions to the listing will be incorporated administratively. In addition, any unforeseen items which arise during construction which are necessary to complete the project and which normally are the Subdivider's responsibility will be required as a condition of project acceptance and close out by the City.

Financially Guaranteed DRC #	Constructed Under DRC #	Size	Type of Improvement	Location	From	To	Construction Certification		
							Private Inspector	P.E.	City Cnst Engineer
		24'	F-E PAVEMENT <i>WITH ALLEY GUTTER</i>	ALLEY	WELLESLEY	TULANE	/	/	/
			HC RAMP	CORNER	CENTRAL	TULANE	/	/	/
			HC RAMP	CORNER	CENTRAL	WELLESLEY	/	/	/
							/	/	/
							/	/	/
							/	/	/
							/	/	/
							/	/	/
							/	/	/

ORIGINAL

The items listed below are on the CCIP and approved for Impact Fee credits. Signatures from the Impact Fee Administrator and the City User Department is required prior to DRB approval of this listing. The items listed below are subject to the standard SIA requirements.

Financially Guaranteed DRC #	Constructed Under DRC #	Size	Type of Improvement	Location	From	To	Construction Certification		
							Private Inspector	P.E.	City Cnst Engineer
							/	/	/
							/	/	/
Approval of Creditable Items:							Approval of Creditable Items:		
Impact Fee Administrator Signature Date							City User Dept. Signature Date		

NOTES

If the site is located in a floodplain, then the financial guarantee will not be released until the LOMR is approved by FEMA.
Street lights per City requirements.

1 Fire hydrants per Fire Marshall's requirements.

2

3

AGENT / OWNER

James Daskalos
NAME (print)

LA SIERRA Const.
FIRM

[Signature]
SIGNATURE - date

DEVELOPMENT REVIEW BOARD MEMBER APPROVALS

<u>Andrew Genia</u> 1-25-06 DRB CHAIR - date	<u>Christina Sandoval</u> 1/25/06 PARKS & GENERAL RECREATION - date	
<u>[Signature]</u> 1-25-06 TRANSPORTATION DEVELOPMENT - date	_____ AMAFCA - date	
<u>William J. Batch</u> 1/25/06 UTILITY DEVELOPMENT - date	_____ - date	
<u>Bruce J. Bish</u> 1/25/06 CITY ENGINEER - date	_____ - date	

DESIGN REVIEW COMMITTEE REVISIONS

REVISION	DATE	DRC CHAIR	USER DEPARTMENT	AGENT / OWNER

ONE STOP SHOP
CITY OF ALBUQUERQUE PLANNING DEPARTMENT
Development & Building Services

PAID RECEIPT

APPLICANT NAME _____

AGENT PRECISION SURVEYS

ADDRESS _____

PROJECT & APP # 1001789

PROJECT NAME _____

\$ _____ 441032/3424000 Conflict Management Fee

\$ 50.00 441006/4983000 DRB Actions DEFERAL

\$ _____ 441006/4971000 EPC/AA/LUCC Actions & All Appeals

\$ _____ 441018/4971000 Public Notification

\$ _____ 441006/4983000 DRAINAGE PLAN REVIEW OR TRAFFIC IMPACT STUDY***
() Major/Minor Subdivision () Site Development Plan () Bldg Permit
() Letter of Map Revision () Conditional Letter of Map Revision
() Traffic Impact Study

\$ 50.00 TOTAL AMOUNT DUE

***NOTE: If a subsequent submittal is required, bring a copy of this paid receipt with you to avoid an additional charge.

30921

PRECISION SURVEYS, INC.

8414-D JEFFERSON ST. NE
ALBUQUERQUE, NM 87113
(505) 856-5700

DATE 11-17-05 95-145-1070

PAY TO THE ORDER OF

City of Albuquerque

\$ 50.00

Fifty dollars / 100

DOLLARS  Security Features Included. Details on Back.

 **FIRST STATE BANK**
www.fsbnm.com

[Signature]

FOR Deferral Fee 05-1482

⑈030921⑈ ⑆107001452⑆ 002298120⑈

21
Page 1001789

No. of Lots: 3
Nearest Major Streets
Central Av, Tulane Dr, Wellesley Dr

FIGURE 12

**SUBDIVISION IMPROVEMENTS
AGREEMENT-PUBLIC AND/OR PRIVATE
(Procedure B)**

**AGREEMENT TO CONSTRUCT
PUBLIC AND/OR PRIVATE SUBDIVISION IMPROVEMENTS**

THIS AGREEMENT is made this 21st day of April, 2006, by and between the City of Albuquerque, New Mexico ("City"), a municipal corporation, whose address is P. O. Box 1293 (One Civic Plaza), Albuquerque, New Mexico 87103, and Jason Daskalos, Owner, and Nob Hill, LLC ("Subdivider"), a [state the type of business entity, for instance, "New Mexico corporation," "general partnership," "joint venture," "individual," etc.:] limited liability company, whose address is 5321 Menaul Blvd. NE, ABQ, NM 87110 and whose telephone number is 883-0414, is made in Albuquerque, New Mexico, and is entered into as of the date of final execution of this Agreement.

1. Recital. The Subdivider is developing certain lands within the City of Albuquerque, Bernalillo County, New Mexico, known as [existing legal description:] Lots 1-A, 16-A, 17-28, Block 6, Monte Vista, recorded on Oct. 14, 1926 in the records of the Bernalillo County Clerk at ~~Book~~ Vol. D, ~~pages~~ Folio 90 through (the "Subdivision"). The Subdivider certifies that the Subdivision is owned by [state the name of the present real property owner exactly as shown on the real estate document conveying title in the Subdivision to the present owner:] Jason Daskalos and Nob Hill, LLC ("Owner").

The Subdivider has submitted and the City has approved a preliminary plat or Site Development Plan identified as The Place In Nob Hill describing Subdivider's Property.

As a result of the development of the Subdivision, the Subdivision Ordinance ("S.O.") and/or the Zoning Code, Section 14-16-3-11, require the Subdivider, at no cost to the City, to install certain public and/or private Improvements, which are reasonably related to the development of the Subdivision, or to financially guarantee the construction of the public and/or private improvements as a prerequisite to approval of the final plat of, or the Site Development Plan for the Subdivision.

2. Improvements and Construction Deadline. The Subdivider agrees to install and complete the public and/or private improvements described Exhibit A, the required infrastructure listing ("Improvements"), to the satisfaction of the City, on or before the 25th day of January, 2008 ("Construction Completion Deadline"), at no cost to the City. The Improvements are shown in greater detail on the Subdivider's proposed and approved plans, which have been filed with the City Engineer and are identified as Project No. 776781.

Note: To compute the Construction Completion Deadline: If a final plat will be filed after Subdivider meets the requirements of this Agreement, the Construction Completion Deadline can be no later than two years after execution of this Agreement. (See Subdivision Ordinance Section 14-14-3.) If a final plat will not be filed pursuant to this Agreement, the Construction Completion Deadline can be no later than one year after approval of the preliminary plat by the Development Review Board ("DRB"), unless



the DRB grants an extension, not to exceed one additional year per extension, and the Subdivider processes an amendment to the Agreement. (See Subdivision Ordinance Section 14-14-3.) If this Agreement, with any amendments does not utilize the maximum time allowed for completion of construction, the Subdivider may obtain an extension of the Construction Completion Deadline if Subdivider shows adequate reason for the extension.

3. Work Order Requirements. The City agrees to issue a Work Order after:

A. The Subdivider causes to be submitted all documents, and meets all requirements listed in Development Process Manual, Volume 1, Chapter 5, Work Order Process, and figure 1, including submitting a Certificate of Insurance in a form acceptable to the City. The certificate must establish that the Subdivider has procured or has caused to be procured public liability insurance in the amount of not less than One Million Dollars (\$1,000,000) combined single limit for accidents or occurrences which cause bodily injury, death or property damage as a result of any condition of the Subdivision, the Improvements or the Subdivider's construction activities within, or related to the Subdivision. The insurance policy must name the City of Albuquerque, its employees and elected officials, as their interest may appear, as additional insured. The Subdivider must maintain the insurance until the City accepts the public Improvements and/or approves the private Improvements. The cancellation provision must provide that, if the policy is either canceled prior to the expiration date of the policy or is materially changed or not renewed, the issuing company will mail 30 days written notice to the City, attention City Engineer.

B. The Subdivider complies with all applicable laws, ordinances and regulations, including, but not limited to the City Excavation Ordinance and Sidewalk Ordinance, and pays the following required engineering, staking, testing fees, and other related City fees and County Clerk recording fees:

<u>Type of Fee</u>	<u>Amount</u>
<u>Engineering Fee</u>	<u>3.25% of actual construction cost</u>
<u>Excavation And Sidewalk Ordinance, Street Restoration Fees</u>	<u>As required per City-approved estimate. (Figure 7)</u>

(Note: The Subdivider must pay the City all City fees which have been incurred during construction before the City will accept the public Improvements.

4. Surveying, Inspection and Testing. The Improvements shall be inspected, surveyed and tested in accordance with all applicable laws, ordinances, and regulations, and according to the following terms:

A. Construction Surveying. Construction surveying for the construction of the public Improvements shall be performed by Jake Arguelles Jr. Land*, and construction surveying of the private Improvements shall be performed by Jake Arguelles Jr. Land*. If the construction surveying is performed by an entity other than the City, the City may monitor the construction surveying and the Subdivider shall ensure that the construction surveying entity provides all construction surveying field notes, plats, reports and related data to the City which the City requires for review. Record drawings shall be provided by the entity performing the survey. The Subdivider shall pay the City a reasonable fee for any construction surveying performed by the City. *Surveyor

B. Construction Inspection Methods. Inspection of the construction of the public Improvements shall be performed by Isaacson & Arfman, P.A., and inspection of the private Improvements shall be performed by Isaacson & Arfman, P.A., both New Mexico Registered Professional Engineers. If the inspection is performed by an entity other than the City, the City may monitor the inspection and the Subdivider



shall ensure that the inspecting entity provides all inspection results, reports and related data to the City which the City requires for review. The City retains the right to perform its own general overall inspection of the construction project at any time prior to final acceptance of the Improvements, if deemed necessary or advisable by the City Engineer. The Subdivider shall pay the City a reasonable fee for the level of inspection performed by the City.

C. Field Testing. Field testing of the construction of the public Improvements shall be performed by Earthworks Engineering Group, LLC, and field testing of the private Improvements shall be performed by Earthworks Engineering *, both certified testing laboratories under the supervision of a New Mexico Registered Professional Engineer, in accordance with the current City of Albuquerque Standard Specifications for Public Works Construction. If any field testing is performed by an entity other than the City, the City may monitor the field testing and the Subdivider shall ensure that the field testing entity provides all field testing results, reports and related data to the City which the City requires for review. The Subdivider shall pay the City a reasonable fee for any field testing performed by the City. *Group, LLC

D. Additional Testing. The City retains the right to perform all additional testing which the City Engineer deems is necessary or advisable, and the Subdivider shall pay the City a reasonable fee therefor.

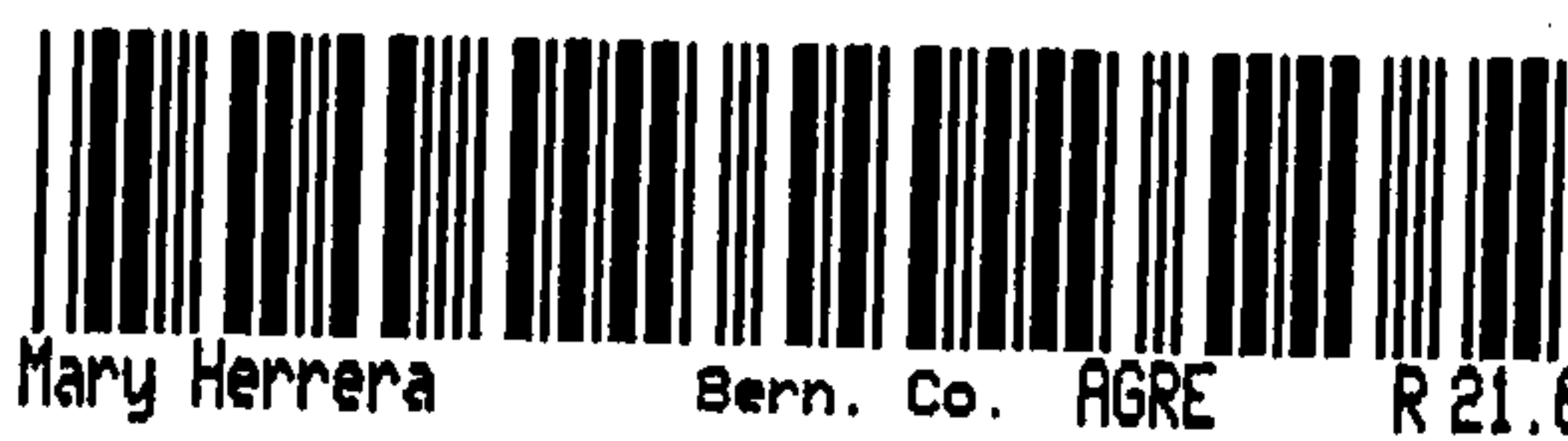
5. Financial Guaranty. If final plat approval is not requested prior to construction of the Subdivision, a financial guaranty is not required. If final plat approval is requested, the Subdivider must provide the City with a financial guaranty in an amount of not less than 125% of the estimated cost of constructing the Improvements, as approved by the City Engineer. The financial guaranty must be irrevocable and may be in the form of a letter of credit, escrow deposit or loan reserve letter issued by a Federally Insured Financial Institution; a bond issued by a surety qualified to do business in New Mexico; or other pledge of liquid assets which meets all City requirements. The City must be able to call the financial guaranty at any time within the sixty (60) days immediately following the Construction Completion Deadline.

To meet the Subdivision Ordinance requirements, the Subdivider has acquired or is able to acquire the following "Financial Guaranty:"

Type of Financial Guaranty: Letter of Credit No. 1216626
Amount: \$ 45,564.83 Name of Financial Institution or Surety
Date City first able to call Guaranty: Deuel County National Bank (in South Dakota)
[Construction Completion Deadline]: January 25, 20 08
If Guaranty other than a Bond, last day City able to call Guaranty is:
March 25, 20 08
Additional information: _____

6. Notice of Start of Construction. Before construction begins, the Subdivider shall deliver an acceptable Notice to Proceed to the City and shall arrange or a preconstruction conference and all required inspections.

7. Completion, Acceptance and Termination. When the City receives Subdivider's final acceptance package, the City shall review it for completeness and accuracy. (See DPM Volume 1, Chapter 5, Work Order Process, Step 9.) If the package is acceptable, the City shall approve the package and issue a Certificate of Completion and Acceptance for the public Improvements and a Certificate of Completion for the private Improvements. Thereafter, the Subdivider's obligations to the City pursuant to this Agreement shall terminate, with the exception of the bond or other guarantee which the Subdivider has provided to assure the materials and workmanship, as required by the Subdivision Ordinance. After the City approves the final acceptance package, the City will promptly release this Agreement and the Financial Guaranty.



8. Conveyance of Property Rights. When the Improvements are completed, if the City does not own the real property upon or in which the public Improvements are constructed, the Subdivider will convey to the City all real and personal property rights which the City deems reasonably necessary, and all public Improvements, free and clear of all claims, encumbrances and liens before the City will accept the public Improvements. Conveyance may be made by appropriate dedication on the final plat of the Subdivision.

9. Reduction of Financial Guaranty Upon Partial Completion. The Subdivider shall be entitled to a reduction of the Financial Guaranty as a result of completing construction of part of the Improvements if the following conditions are met:

A. Loan Reserve Financial Guaranty. If a loan reserve letter was provided as the Financial Guaranty, the Subdivider must follow the procedures and meet the requirements detailed in the Development Process Manual, Volume 1, Chapter 5.

B. Non-Loan Reserve Financial Guaranty. If a Financial Guarantee other than a loan reserve letter has been provided, the completed Improvements must be free-standing, functionally independent of any Improvements which have not yet been completed and completed in substantial compliance with the approved construction plans, as determined by City on-site inspection in order to qualify for a Financial Guaranty reduction. If the Improvements which have been completed meet all City requirements, the City Engineer will estimate the cost of completing the remaining Improvements. Thereafter, the subdivider must submit the following documents to the City for review and approval:

(1) A revised Financial Guaranty in an amount of not less than 125% of the cost of completing the remaining Improvements, as estimated by the City;

(2) A bond or other instrument acceptable to the City, which guarantees the completed Improvements against defective materials and workmanship for the period required by the Subdivision Ordinance.

(3) Conveyance of real and personal property rights which meet the requirements of section 8 of this Agreement.

After the City receives and approves the required documents, the City shall issue a Partial Certificate of Completion and Acceptance for the completed public Improvements and a Certificate of Partial Completion for the completed private Improvements.

10. Indemnification. Until the Improvements are accepted by the City, the Subdivider shall be solely responsible for maintaining the premises upon which the Improvements are being constructed in a safe condition. The Subdivider agrees to defend, indemnify and hold harmless the City and its officials, agents and employees from any claims, actions, suits or other proceedings arising from or out of the negligent acts or omissions of the Subdivider, its agents, representatives, contractors or subcontractors or arising from the failure of the Subdivider, its agents, representatives, contractors or subcontractors to perform any act or duty required of the Subdivider herein; provided, however, to the extent, if at all, Section 56-7-1 NMSA 1978 is applicable to this Agreement, this Agreement to indemnify will not extend to liability, claims, damages, losses or expenses, including attorney fees, arising out of (1) the preparation or approval of maps, drawings, opinions, reports, surveys, change orders, designs or specifications by the indemnitee, or the agents or employees of the indemnitee; or (2) the giving of or the failure to give directions or instructions by the indemnitee, where such giving or failure to give directions or instructions is the primary cause of bodily injury to persons or damage to property. The indemnification required hereunder shall not be limited as a result of the specifications of any applicable insurance coverage. Nothing herein is intended to impair any right or immunity under the laws of the State of New Mexico.



11. Assignment. This Agreement shall not be assigned without the prior written consent of the City and the Subdivider and the express written concurrence of any financial institution or surety which has undertaken to guarantee the completion of the Improvements. The City's approval will not be withheld unreasonably. If so assigned, this Agreement shall extend to and be binding upon the successors and assigns of the parties hereto.

12. Release. If the Subdivision or any part thereof is sold, conveyed or assigned, the City will not release the Subdivider from its obligations under this Agreement and will continue to hold the Subdivider responsible for all Improvements until a successor in interest to the Subdivider has entered into a Subdivision Improvements Agreement with the City. Thereafter, if the Subdivider's successor in interest has provided a substitute financial guaranty acceptable to the City, the City will release this Agreement and any related Financial Guaranty.

13. Payment for Incomplete Improvements. If the Subdivider fails to satisfactorily complete construction of the Improvements by the Construction Completion Deadline, the City may construct or cause the Improvements to be constructed as shown on the final plat and in the approved plans and specifications. The Subdivider shall be jointly and severally liable to pay to, and indemnify the City for the total cost, including, but not limited to engineering, legal and contingent costs, together with any damages, either direct or consequential, which the City may sustain as a result of Subdivider's failure to perform as required by this Agreement. If the direct or indirect costs and damages to the City exceed the amount of the City's Claim of Lien or any Financial Guaranty, the Subdivider shall be liable to, and shall pay, the City for all such costs and damages. The surety or sureties shall be jointly and severally liable to pay to and indemnify the City for the total cost to the extent of their obligations pursuant to any Financial Guaranty.

14. Binding on Subdivider's Property. The provisions of this Agreement constitute covenants running with Subdivider's Property for the benefit of the City and its successors and assigns until terminated, and are binding on the Subdivider and the Owner and their heirs, successors and assigns.

15. Notice. For purposes of giving formal written notice, including notice of change of address, the Subdivider's and the City's addresses are as stated in the first paragraph of this Agreement. Notice may be given either in person or by certified U.S. mail, postage paid. Notice will be considered to have been received within six days after the notice is mailed if there is no actual evidence of receipt.

16. Entire Agreement. This Agreement contains the entire agreement of the parties and supersedes any and all other agreements or understandings, oral or written, whether previous to the execution hereof or contemporaneous herewith.

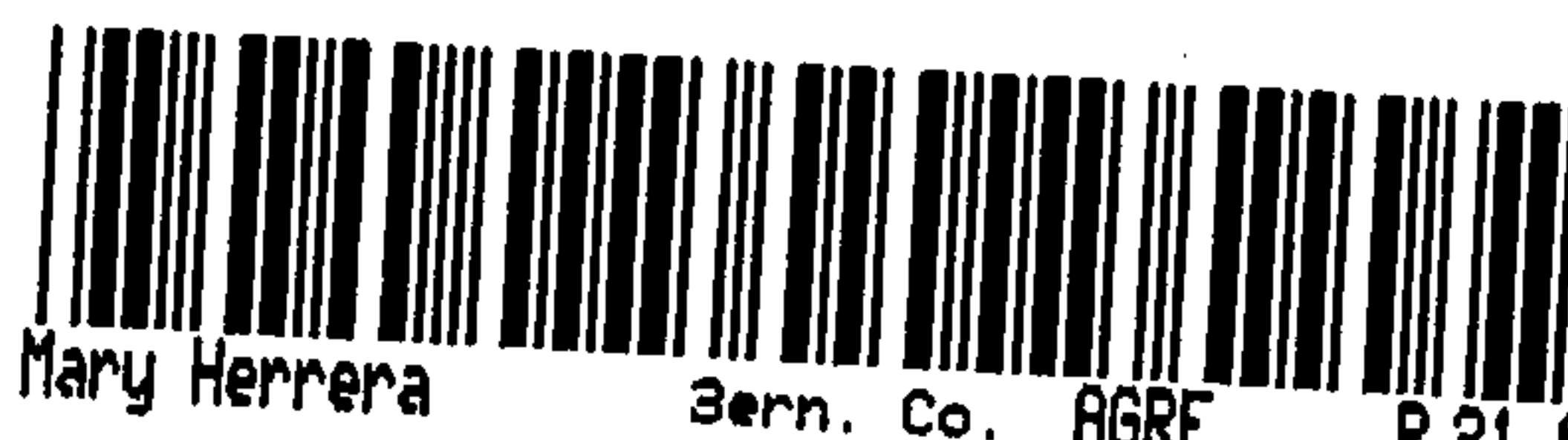
17. Changes to Agreement. Changes to this Agreement are not binding unless made in writing, signed by both parties.

18. Construction and Severability. If any part of this Agreement is held to be invalid or unenforceable, the remainder of the Agreement will remain valid and enforceable if the remainder is reasonably capable of completion.

19. Captions. The captions to the sections or paragraphs of this Agreement are not part of this Agreement and will not affect the meaning or construction of any of its provisions.

20. Form not Changed. Subdivider agrees that changes to this form are not binding unless initialed by the subdivider and signed by the City's Legal Department on this form.

21. Authority to Execute. If the Subdivider signing below is not the Owner of the Subdivision, the Owner must execute the Power of Attorney below.



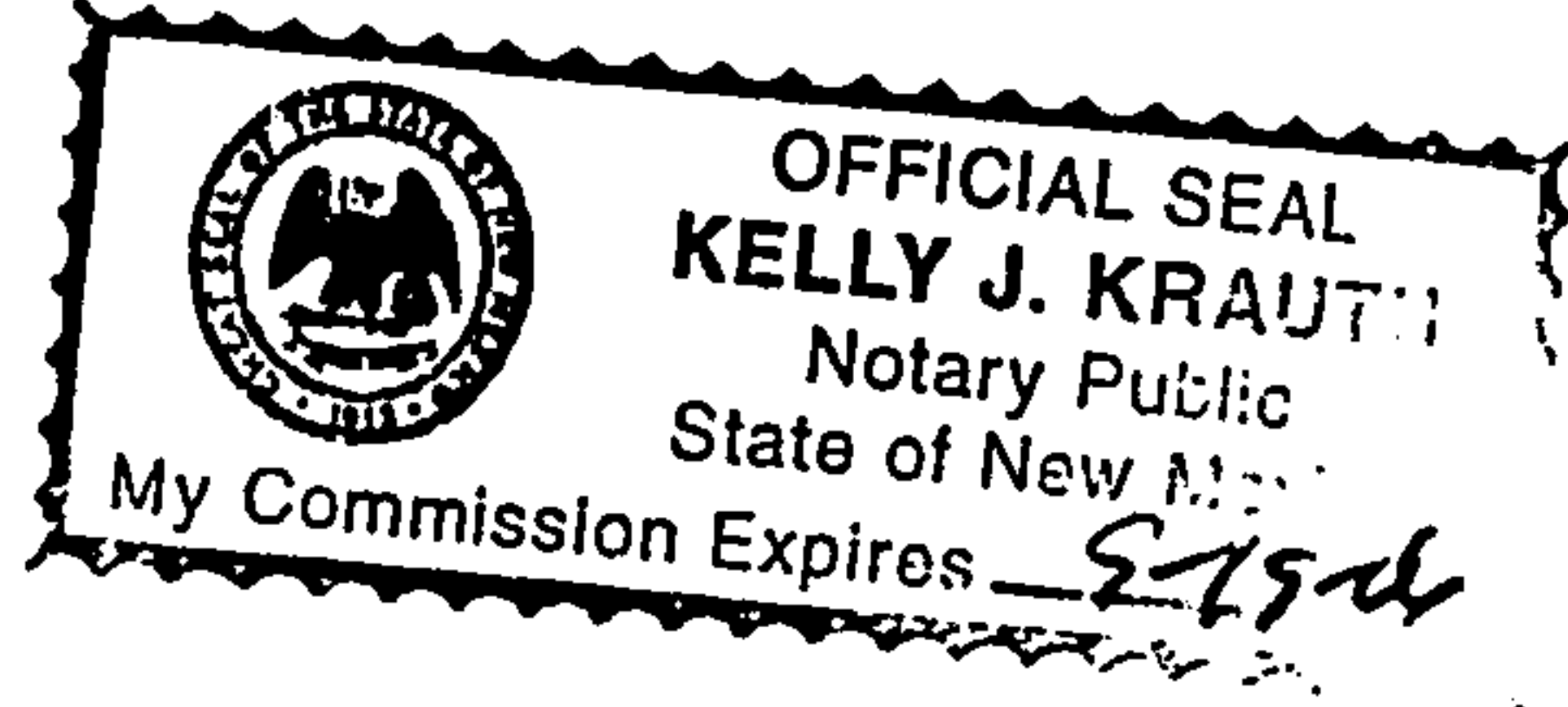
OWNER: Jason Daskalos

By [Signature]: [Signature]

Name: Jason Daskalos

Title: Owner

Dated: 4/18/06



STATE OF NEW MEXICO)
) ss
COUNTY OF BERNALILLO)

This instrument was acknowledged before me on 18th day of April,
20 06 by [name of person:] Jason Daskalos, [title or capacity, for instance,
"President" or "Owner":] Owner

[Signature]
Notary Public

My Commission Expires:
9-15-06

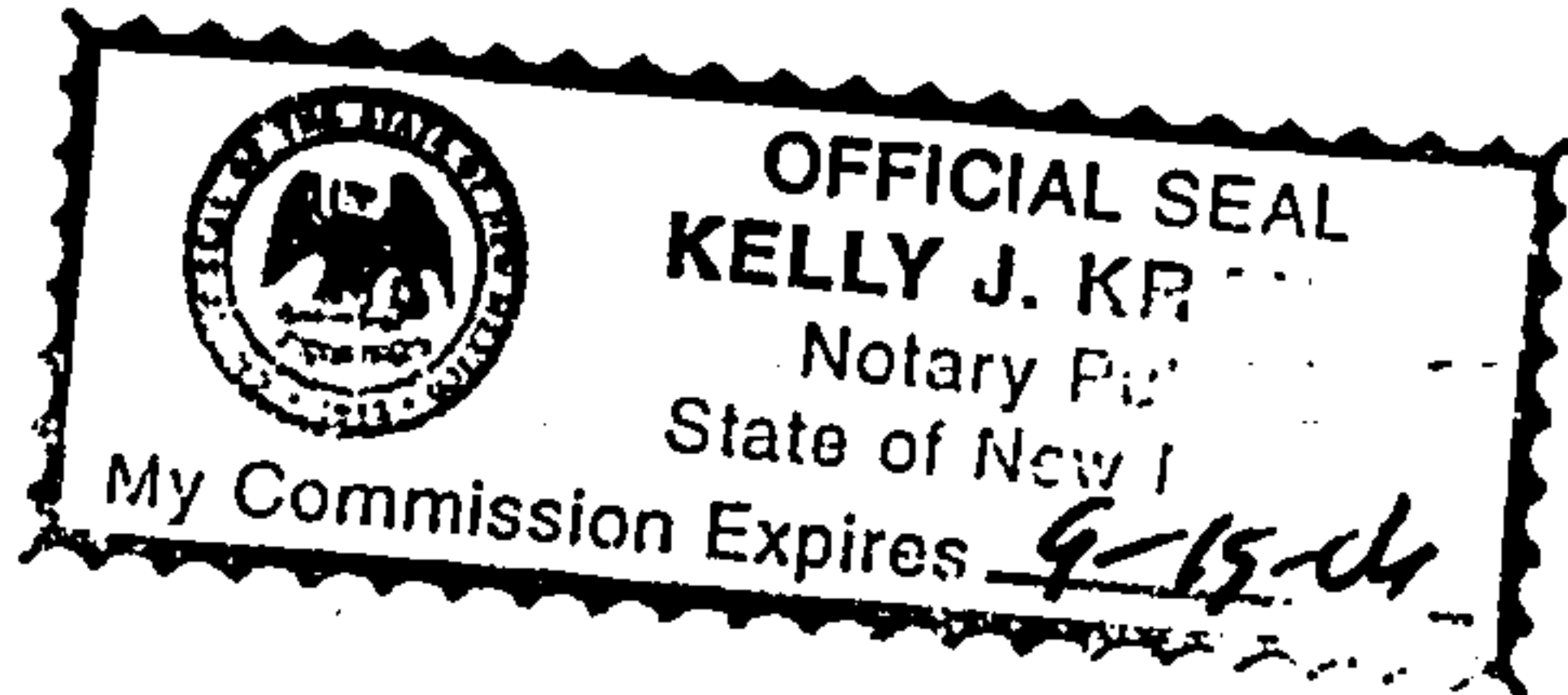
PRO FORMA: Cindy L. Daskalos

By [Signature]: [Signature]

Name: Cindy L. Daskalos

Title: Wife

Dated: 4/18/06



STATE OF NEW MEXICO)
) ss
COUNTY OF BERNALILLO)

This instrument was acknowledged before me on 18th day of April,
20 06 by [name of person:] Cindy L. Daskalos, [title or capacity, for instance,
"President" or "Owner":] Wife

[Signature]
Notary Public

My Commission Expires:
9-15-06



Mary Herrera

Bern. Co. AGRE

R 21.00

2006060726
6448287
Page: 6 of 7
04/28/2006 02:13P
Bk-R116 Pg-535

Project Number: _____

FIGURE 12

INFRASTRUCTURE LIST

(Rev. 9-20-05)

EXHIBIT "A"

TO SUBDIVISION IMPROVEMENTS AGREEMENT
DEVELOPMENT REVIEW BOARD (D.R.B.) REQUIRED INFRASTRUCTURE LIST

Date Submitted: January 11, 2006
Date Site Plan Approved: _____
Date Preliminary Plat Approved: _____
Date Preliminary Plat Expires: _____
DRB Project No.: 1001789
DRB Application No.: _____

**THE PLACE IN NOB HILL
PROPOSED NAME OF PLAT**

**LOTS 1 & 16-28, TOGETHER WITH PORTION OF VACATED NORTH/SOUTH ALLEY, BLOCK 6, MONTE VISTA
EXISTING LEGAL DESCRIPTION PRIOR TO PLATTING ACTION**

Following is a summary of PUBLIC/PRIVATE Infrastructure required to be constructed or financially guaranteed for the above development. This Listing is not necessarily a complete listing. During the SIA process and/or in the review of the construction drawings, if the DRC Chair determines that appurtenant items and/or unforeseen items have not been included in the infrastructure listing, the DRC Chair may include those items in the listing and related financial guarantee. Likewise, if the DRC Chair determines that appurtenant or non-essential items can be deleted from the listing, those items may be deleted as well as the related portions of the financial guarantees. All such revisions require approval by the DRC Chair, the User Department and agent/owner. If such approvals are obtained, these revisions to the listing will be incorporated administratively. In addition, any unforeseen items which arise during construction which are necessary to complete the project and which normally are the Subdivider's responsibility will be required as a condition of project acceptance and close out by the City.

Financially Guaranteed DRC #	Constructed Under DRC #	Size	Type of Improvement	Location	From	To	Construction Certification		
							Private Inspector	P.E.	City Cnst Engineer
		24'	F-E PAVEMENT <i>WITH ALLEY GUTTER</i>	ALLEY	WELLESLEY	TULANE	/	/	/
			HC RAMP	CORNER	CENTRAL	TULANE	/	/	/
			HC RAMP	CORNER	CENTRAL	WELLESLEY	/	/	/
							/	/	/
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The items listed below are on the CCIP and approved for Impact Fee credits. Signatures from the Impact Fee Administrator and the City User Department is required prior to DRB approval of this listing. The items listed below are subject to the standard SIA requirements.

Financially Guaranteed DRC #	Constructed Under DRC #	Size	Type of Improvement	Location	From	To	Construction Certification			
							Private Inspector	P.E.	City Cnst Engineer	
<input type="text"/>	<input type="text"/>						/	/	/	
<input type="text"/>	<input type="text"/>						/	/	/	
Approval of Creditable Items:							Approval of Creditable Items:			
Impact Fee Administrator Signature							Date	City User Dept. Signature		Date

NOTES

If the site is located in a floodplain, then the financial guarantee will not be released until the LOMR is approved by FEMA.
Street lights per City requirements.

1 Fire hydrants per Fire Marshall's requirements.

2

3

AGENT / OWNER

Jason Daskalop
NAME (print)

LA SIERRA Const.
FIRM

[Signature]
SIGNATURE - date

DEVELOPMENT REVIEW BOARD MEMBER APPROVALS

Andrew Garcia 1-25-06
DRB CHAIR - date

[Signature] 1-25-06
TRANSPORTATION DEVELOPMENT - date

William J. Balch 1/25/06
UTILITY DEVELOPMENT - date

Brady J. Bish 1/25/06
CITY ENGINEER - date

Christina Dandoral 1/25/06
PARKS & GENERAL RECREATION - date

AMAFCA - date

- date

- date

DESIGN REVIEW COMMITTEE REVISIONS

REVISION	DATE	DRC CHAIR	USER DEPARTMENT	AGENT / OWNER

Attn: Amy Niese
Fax: 268-2632

FINANCIAL GUARANTY AMOUNT

02/03/2006

Type of Estimate: SIA Procedure - B - w/F.G.

Project Description:

Project ID #: 776781, The Place In Nob Hill, Pav/Util.Serv.Conn, Phase/Uni

Requested By: Amy Niese, P.E. - Isaacson & Arfman, PA

Approved estimate amount:		\$26,847.19
Contingency Amount:	15.00%	\$4,027.08
Subtotal:		\$30,874.27
NMGRT	6.75%	\$2,084.01
Subtotal:		\$32,958.28
Engineering Fee	6.60%	\$2,175.25
Testing Fee	4.00%	\$1,318.33
Subtotal:		\$36,451.86
FINANCIAL GUARANTY RATE		1.25
Retainage Amount:		\$0.00
TOTAL FINANCIAL GUARANTY REQUIRED		\$45,564.83

APPROVAL:

DATE:



2/3/06

Notes: 15% Contingency, project not yet approved; If site is in a floodplain, LOMR must be approved by FEMA prior to ROFG



DEUEL COUNTY NATIONAL BANK

FIGURE 14

**LETTER OF CREDIT
(Procedure B)**

[Federally insured Financial Institution letterhead]
[Date:] MARCH 15, 20 06

IRREVOCABLE LETTER OF CREDIT AND AGREEMENT NO. 1216626

AMOUNT: \$ 45,564.83

[CAO's name:] Bruce J. Perlman, Ph.D
Chief Administrative Officer
City of Albuquerque
P. O. Box 1293
Albuquerque, NM 87103

RE: Letter of Credit for [Subdivider's name as stated in Agreement to Construct Subdivision
Improvements:] Jason Daskalos and Nob Hill, LLC
City of Albuquerque Project No.: 776781
Project Name: The Place In Nob Hill

Dear [CAO's name:] Bruce J. Perlman, Ph.D

This letter is to advise the City of Albuquerque ("City") that, at the request of, [name of
"Subdivider":] Jason Daskalos and Nob Hill, LLC ("Financial
Institution" Deuel County National Bank [city:] Clear Lake ("Financial
[state:] South Dakota), has established an Irrevocable Letter of Credit in the sum of
[written amount:] forty-five thousand five hundred sixty-four dollars and eighty-three cents
([amount in figures:] \$ 45,564.83) ("Letter of Credit") for the exclusive purpose of providing
the financial guarantee which the City requires, [subdivider's name as stated in agreement:] Jason Daskalos and
Nob Hill, LLC ("Subdivider") to provide for the installation of the improvements which must be
constructed at [name of subdivision] The Place In Nob Hill Project No. 776781
("Project"). The amount of the Letter of Credit is 125% of the City's estimated cost of construction of
improvements as required by the City's Subdivision Ordinance. The improvements are identified in the
agreement between the City of Albuquerque and Subdivider, which was recorded on [date, leave blank:]
 , 20 in the records of the Clerk of Bernalillo County, New Mexico in Book Misc.
[leave blank:] , at pages [leave blank:] to [leave blank:] , as amended
("Agreement").

A Draft or Drafts for any amount up to, but not in excess of [written amount:] forty five thousand five hundred sixty four & 83/100 [amount in figures:] \$45,564.83) is/are available at sight at [name of financial institution:] Deuel County National Bank [street address:] 305 Fourth Street West, [city:] Clear Lake, state:] South Dakota between [Construction Completion Deadline date established in Agreement:] January 25, 2008, 20 and [60 days thereafter:] March 25, 2008.

When presented for negotiation, the Draft(s) is/are to be accompanied by the City's notarized certification stating: "1) [name of subdivider:] Jason Daskalos and Nob Hill, LLC has failed to comply with the terms of the Agreement; 2) the undersigned is the Chief Administrative Officer of the City of Albuquerque and is authorized to sign this certification; and 3) the amount of the Draft does not exceed 125% of the City's estimated cost of completing the improvements specified in the Agreements."

We hereby agree with the drawer of Draft(s) drawn under and in compliance with the terms of this credit that such Draft(s) will be duly honored upon presentation to the drawee if negotiated between [Construction Completion Deadline date established in the Agreement:] January 25, 2008 and [60 days thereafter:] March 25, 2008.

The Draft(s) drawn under this credit must contain the clause: "Drawn under Letter of Credit and Agreement No. 1216626 of [name of financial institution:] Deuel County National Bank [city:] Clear Lake, [state:] SD, dated March 15, 2006 and the original Letter of Credit must be endorsed on the reverse side with the amount of each draft. This Letter of Credit must accompany each draft and be attached to the draft which exhausts this credit.

This Letter of Credit for the benefit of the City of Albuquerque shall be irrevocable until:

1. Sixty (60) days after the City accepts the completed improvements specified in the Agreement; or
2. City notification of [Subdivider's name:] Jason Daskalos and Nob Hill, LLC failure to comply with the terms of the Agreement, and payment by Certified Check from [Financial Institution:] Deuel County National Bank to the City of Albuquerque of 125% of the City's estimated costs of completing the improvements specified in the Agreement; or
3. Expiration of the date [60 days after Construction Completion Deadline:] March 25, 2008; or
4. Written termination of this Letter of Credit by the City of Albuquerque, signed by its Chief Administrative Officer.

This Letter of Credit will terminate at 3:00 o'clock p.m., New Mexico time, [date 60 days after Construction Completion Deadline:] March 25, 2008.

This credit is subject to the Uniform Customs and Practice for Documentary Credits (1993 Revision), International Chamber of Commerce Publication No. 500.

Very truly yours,
[name of financial institution:]
Deuel County National Bank
Dan Sievers
By: Dan Sievers
Title: Executive Vice President

ACCEPTED:

CITY OF ALBUQUERQUE

By: [Signature]
Chief Administrative Officer

Dated: 4-21-06

[Handwritten signature]

[Handwritten signature]
4-6-06

#18



DRB CASE ACTION LOG (PREL & FINAL)

COMP 8/15/06 JS

REVISED 9/28/05

This sheet must accompany your plat or site plan to obtain delegated signatures. Return sheet with site plan/plat once comments are addressed.

DRB Application No.: 06DRB-00924 (P&F)	Project # 1001789
Project Name: MONTE VISTA	
Agent: Precision Surveys	Phone No.: 856-5700

Your request for (SDP for SUB), (SDP for BP), (FINAL PLATS), (MASTER DEVELOP. PLAN), was approved on 7/12/06 by the DRB with delegation of signature(s) to the following departments.
OUTSTANDING SIGNATURES COMMENTS TO BE ADDRESSED

- TRANSPORTATION: _____
- _____
- _____
- _____
- _____
- UTILITIES: _____
- _____
- _____
- _____
- CITY ENGINEER / AMAFCA: _____
- _____
- _____
- _____
- PARKS / CIP: _____
- _____
- _____
- _____
- PLANNING (Last to sign): record Plat
- _____
- _____
- _____

- Planning must record this plat. Please submit the following items:**
 - The original plat and a mylar copy for the County Clerk.
 - Tax certificate from the County Treasurer.
 - Recording fee (checks payable to the County Clerk). RECORDED DATE: _____
 - Tax printout from the County Assessor.
- 3 copies of the approved site plan. Include all pages.
- County Treasurer's signature must be obtained prior to the recording of the plat with the County Clerk.
- Property Management's signature must be obtained prior to Planning Department's signature.
- AGIS DXF File approval required.
- Copy of recorded plat for Planning.

called agent for pu 8/15/06 JS

Project Number 1001789

#18



DRB CASE ACTION LOG (PREL & FINAL)

REVISED 9/28/05

This sheet must accompany your plat or site plan to obtain delegated signatures. Return sheet with site plan/plat once comments are addressed.

DRB Application No.: 06DRB-00924 (P&F)

Project # 1001789

Project Name: MONTE VISTA

Agent: Precision Surveys

Phone No.: 856-5700

Your request for (SDP for SUB), (SDP for BP), (FINAL PLATS), (MASTER DEVELOP. PLAN), was approved on 7/12/06 by the DRB with delegation of signature(s) to the following departments.

OUTSTANDING SIGNATURES COMMENTS TO BE ADDRESSED

- TRANSPORTATION: _____
- _____
- _____
- _____
- _____
- UTILITIES: _____
- _____
- _____
- _____
- CITY ENGINEER / AMAFCA: _____
- _____
- _____
- _____
- PARKS / CIP: _____
- _____
- _____
- PLANNING (Last to sign): record Plat
- _____
- _____
- _____

Project Number 1001789

Planning must record this plat. Please submit the following items:

- The original plat and a mylar copy for the County Clerk.
- Tax certificate from the County Treasurer.
- Recording fee (checks payable to the County Clerk). RECORDED DATE: _____
- Tax printout from the County Assessor.
- 3 copies of the approved site plan. Include all pages.
- County Treasurer's signature must be obtained prior to the recording of the plat with the County Clerk.
- Property Management's signature must be obtained prior to Planning Department's signature.
- AGIS DXF File approval required.
- Copy of recorded plat for Planning.

OK

1789

DXF Electronic Approval Form

DRB Project Case #: 1001789

Subdivision Name: MONTE VISTA BLOCK 6 LOT 28A1

Surveyor: LARRY W MEDRANO

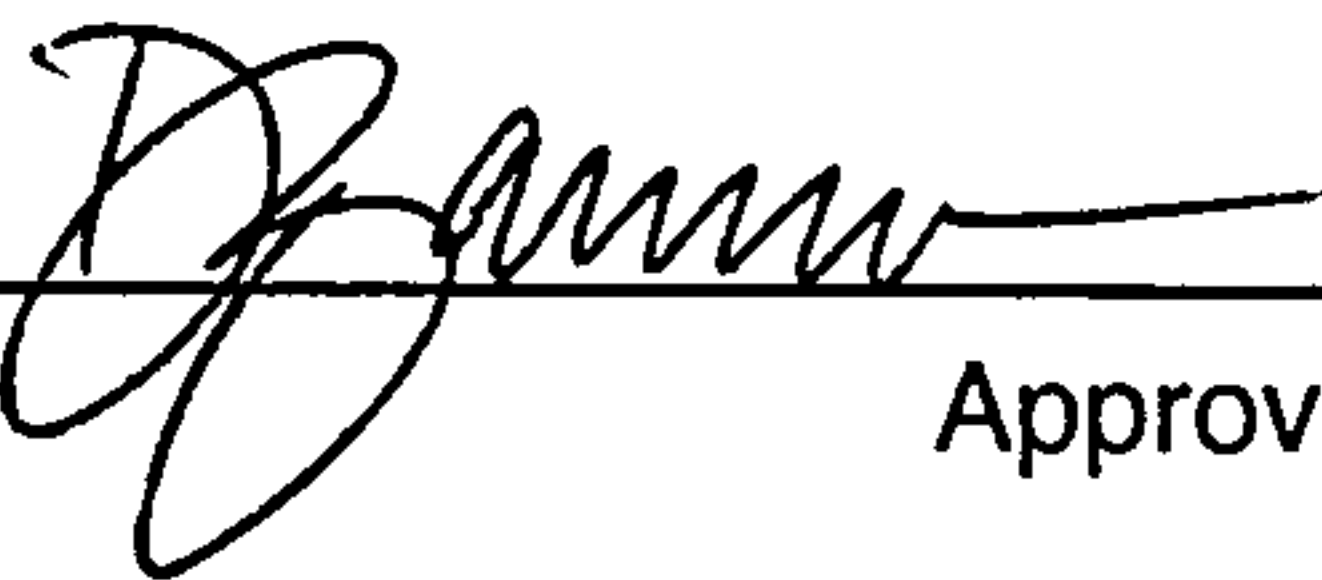
Contact Person: LISA PARRISH

Contact Information: 856-5700

DXF Received: 7/11/2006

Hard Copy Received: 7/20/2006

Coordinate System: NMSP Grid (NAD 27)


Approved

07.21.2006
Date

* The DXF file cannot be accepted (at this time) for the following reason(s):

AGIS Use Only
Copied fc 1789 to agiscov on 7/21/2006 Contact person notified on 7/21/2006

2. **Project # 1003102**
06DRB-00832 Major-Preliminary Plat
Approval
06DRB-00837 Minor-Sidewalk Waiver
06DRB-00838 Minor-Temp Defer SDWK

ISAACSON & ARFMAN PA agent(s) for INFILL SOLUTIONS request(s) the above action(s) for all or a portion of Lot(s) 12-A, LANDS OF FERRARI-ESQUIBEL-PALMER (to be known as **THE SOFT LOFTS**) zoned SU-1 PRD (22 Du/Acre), located on LAGRIMA DE ORO NE, between JUAN TABO NE and MORRIS ST NE containing approximately 2 acre(s). [REF: 04DRB-00236, 06EPC-00146, 06EPC-00147, 05DRB-00911] *[Deferred from 7/12/06]* (F-21) **DEFERRED AT THE AGENT'S REQUEST TO 7/19/06.**

06DRB-00935 Minor-SiteDev Plan
Subd/EPC
06DRB-00936 Minor-SiteDev Plan
BldPermit/EPC

INFILL SOLUTIONS request(s) the above action(s) for all or a portion of Lot(s) 12-A, LANDS OF FERRARI-ESQUIBEL-PALMER, (to be known as **THE SOFT LOFTS**) zoned SU-1 PRD (22 DU/acre) located on JUAN TABO BLVD NE, between MONTGOMERY BLVD NE and LAGRIMA DE ORO RD NE containing approximately 2 acre(s). [REF: 05DRB-00911, 06EPC-00146, 06EPC-00147] **[David Stallworth, EPC Case Planner]** *[Deferred from 7/12/06]* (F-21) **DEFERRED AT THE AGENT'S REQUEST TO 7/19/06.**

3. **Project # 1004184**
06DRB-00819 Major-Bulk Land Variance
06DRB-00820 Minor-Prelim&Final Plat
Approval

COMMUNITY SCIENCES CORP agent(s) for TOM SALAZAR request(s) the above action(s) for all or a portion of Tract(s) A-1, **LANDS OF SALAZAR FAMILY TRUST ETAL**, zoned RLT AND SU-1 MIXED USE, located on VERMEJO PARK RD SW, between 98TH ST SW and UNSER BLVD SW containing approximately 149 acre(s). [REF: 05DRB-00810, 05DRB-00811] (N-9) **BULK LAND VARIANCE WAS APPROVED. THE PRELIMINARY AND FINAL PLAT WAS APPROVED WITH FINAL PLAT SIGN OFF DELEGATED TO TRANSPORTATION DEVELOPMENT FOR REMOVAL OF PUBLIC UTILITY EASEMENT, DEDICATION OF PERMANENT 98TH STREET EASEMENT, AMAFCA'S SIGNATURE AND PLANNING FOR ZONING ON FIRST PAGE OF PLAT, RECORD THE PLAT, 15-DAY APPEAL PERIOD AND NOTICE OF SUBDIVISION PLAT CONDITIONS DOCUMENT.**

18. ~~Project # 1001789~~
06DRB-00924 Minor-Prelim&Final Plat
Approval

PRECISION SURVEYS agent(s) for DASKALOS NOB HILL request(s) the above action(s) for all or a portion of Lot(s) 28-A-1, Block(s) 6, **MONTE VISTA**, zoned SU-2/CCR, located on CENTRAL AVE NE, between TULANE NE and WELLESLEY NE containing approximately 1 acre(s). (K-16) **PRELIMINARY AND FINAL PLAT WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO PLANNING TO RECORD.**

19. **Project # 1004604**
06DRB-00929 Minor-Prelim&Final Plat
Approval

CARTESIAN SURVEYS INC agent(s) for SILVERTON CUSTOM HOMES INC request(s) the above action(s) for all or a portion of Lot(s) 8-11, Block(s) 6, **BELMONT PLACE ADDITION**, zoned R-1, located on 5TH ST NW, between FREEMAN AVE NW and SAN CLEMENTE NW containing approximately 1 acre(s). [REF: 06DRB-00153] (G-14) **PRELIMINARY AND FINAL PLAT WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO PLANNING FOR AGIS DXF FILE AND TO RECORD.**

20. **Project # 1004782**
06DRB-00928 Minor-Prelim&Final Plat
Approval

CARTESIAN SURVEYS INC agent(s) for THOMAS P GUTIERREZ request(s) the above action(s) for all or a portion of Lot(s) 18, Block(s) 1, **SLOAN'S ACRES**, zoned R-1, located on ESTANCIA NW, between LADERA DR NW and WESTERN TRAILS NW containing approximately 1 acre(s). [*Deferred from 7/12/06*] (G-11) **DEFERRED AT THE AGENT'S REQUEST TO 7/26/06.**

21. **Project # 1003739**
06DRB-00115 Minor- Final Plat Approval

WILKS COMPANY agent(s) for THE SHELDON CO LLC request(s) the above action(s) for all or a portion of Lot(s) 12-16, Block(s) 8, **ENCHANTED MESA SUBDIVISION**, zoned C-1 neighborhood commercial zone, located on CHELWOOD PARK BLVD NE, between MENAUL BLVD NE and PHOENIX AVE NE containing approximately 1

acre(s). [Final Plat Indef deferred for SIA 2/8/06] (H-22)
**THE FINAL PLAT WAS APPROVED WITH FINAL SIGN
OFF DELEGATED TO PLANNING TO RECORD.**

NO ACTION IS TAKEN ON THESE CASES:

APPLICANT - AGENT IS REQUIRED TO BE AT THE MEETING

22. **Project # 1004986**
06DRB-00922 Minor-Sketch Plat or Plan
- STEPHEN & PATRICIA DWYER request(s) the above action(s) for all or a portion of Lot(s) 2, Tract(s) 2, **FOUR HILLS VILLAGE INSTALLMENT 11-A**, zoned R-1 residential zone, located on STAGECOACH RD SE, between PEDREGOSO PL SE and LA CABRA DR SE containing approximately 1 acre(s). [Deferred from 7/12/06] (M-23) **DEFERRED AT THE APPLICANT'S REQUEST TO 7/19/06.**
23. **Project # 1004988**
06DRB-00926 Minor-Sketch Plat or Plan
- FORSTBAUER SURVEYING LLC agent(s) for EAGLE/3-V INVESTORS LLC request(s) the above action(s) for all or a portion of Tract(s) 2-D, **EAGLE RANCH**, zoned O-1, located on EAGLE RANCH RD NW between CONGRESS AVE NW and IRVING BLVD NW containing approximately 4 acre(s). (C-13) **THE ABOVE REQUEST WAS REVIEWED AND COMMENTS WERE GIVEN.**
24. **Project # 1004989**
06DRB-00933 Minor-Sketch Plat or Plan
- BOHANNAN HUSTON INC agent(s) for MESA VERDE DEVELOPMENT request(s) the above action(s) for all or a portion of Tract(s) A, **WILDERNESS SUBDIVISION UNIT 2**, zoned SU-2 HD R-R, located on HIGH DESERT PLACE NE, between TRAIL HEAD RD NE and EMBUDITO VIEW CT NE containing approximately 4 acre(s). [REF: 04DRB-00713, 04DRB-01723, 05DRB-00477] (F-23) **THE ABOVE REQUEST WAS REVIEWED AND COMMENTS WERE GIVEN.**



**PLANNING DEPARTMENT
DEVELOPMENT AND BUILDING SERVICES
HYDROLOGY DEVELOPMENT SECTION**

DEVELOPMENT REVIEW BOARD--SPEED MEMO

DRB CASE NO/PROJECT NO: 1001789

AGENDA ITEM NO: 18

SUBJECT:

Final Plat
Preliminary Plat

ACTION REQUESTED:

REV/CMT:() APP:(x) SIGN-OFF:() EXTN:() AMEND:()

P.O. Box 1293

ENGINEERING COMMENTS:

No adverse comments.

Albuquerque

New Mexico 87103

RESOLUTION:

APPROVED ____; DENIED ____; DEFERRED ____; COMMENTS PROVIDED ____; WITHDRAWN

www.cabq.gov

SIGNED-OFF: (SEC-PLN) (SP-SUB) (SP-BP) (FP) BY: (UD) (CE) (TRANS) (PKS) (PLNG)

DELEGATED: (SEC-PLN) (SP-SUB) (SP-BP) (FP) TO: (UD) (CE) (TRANS) (PKS) (PLNG)

FOR:

SIGNED: Bradley L. Bingham
City Engineer/AMAFCA Designee

DATE: July 12, 2006



#18
1001789
7/12/04

City of Albuquerque



DEVELOPMENT/ PLAN REVIEW APPLICATION

Supplemental form

Supplemental form

SUBDIVISION

- Major Subdivision action
- Minor Subdivision action
- Vacation
- Variance (Non-Zoning)

SITE DEVELOPMENT PLAN

- ...for Subdivision Purposes
- ...for Building Permit
- IP Master Development Plan
- Cert. of Appropriateness (LUCC)

ZONING & PLANNING

- Annexation
- County Submittal
- EPC Submittal
- Zone Map Amendment (Establish or Change Zoning)
- Sector Plan (Phase I, II, III)
- Amendment to Sector, Area, Facility or Comprehensive Plan
- Text Amendment (Zoning Code/Sub Regs)

APPEAL / PROTEST of...

- Decision by: DRB, EPC, LUCC, Planning Director or Staff, ZHE, Zoning Board of Appeals

Approved
10-30-06

PRINT OR TYPE IN BLACK INK ONLY. The applicant or agent must submit the completed application in person to the Planning Department Development Services Center, 600 2nd Street NW, Albuquerque, NM 87102. Fees must be paid at the time of application. Refer to supplemental forms for submittal requirements.

APPLICANT INFORMATION:

NAME: Daskalos Nob Hill PHONE: 883-0414
 ADDRESS: 5321 Menaul N.E. FAX: _____
 CITY: Albuquerque STATE NM ZIP 87110 E-MAIL: _____
 Proprietary interest in site: Owner List all owners: Daskalos Nob Hill
 AGENT (if any): Precision Surveys PHONE: 856-5200
 ADDRESS: P.O. Box 94928 FAX: 856-7900
 CITY: Albuquerque STATE NM ZIP 87199 E-MAIL: Presurv@Presurv.com
 DESCRIPTION OF REQUEST: To grant easements preliminary plat.

Is the applicant seeking incentives pursuant to the Family Housing Development Program? Yes. No.

SITE INFORMATION: ACCURACY OF THE LEGAL DESCRIPTION IS CRUCIAL! ATTACH A SEPARATE SHEET IF NECESSARY.

Lot or Tract No. Lot 28-A-1 Block: 6 Unit: _____
 Subdiv. / Addn. Monte Vista
 Current Zoning: SU2/CCR Proposed zoning: SU2/CCR
 Zone Atlas page(s): K 16 No. of existing lots: 1 No. of proposed lots: 1
 Total area of site (acres): .8483 Density if applicable: dwellings per gross acre: N/A dwellings per net acre: N/A
 Within city limits? Yes. No , but site is within 5 miles of the city limits.) Within 1000FT of a landfill? No
 UPC No. 101605 7118283/0504 MRGCD Map No. N/A
 LOCATION OF PROPERTY BY STREETS: On or Near: Central Ave NE.
 Between: Tulane N.E. and Wellesley N.E.

CASE HISTORY:

List any current or prior case number that may be relevant to your application (Proj., App., DRB-, AX, Z, V, S, etc.): 1001789

Check-off if project was previously reviewed by Sketch Plat/Plan , or Pre-application Review Team . Date of review: _____

SIGNATURE Lisa Parish DATE 6-22-06
 (Print) Lisa Parish _____ Applicant Agent

FOR OFFICIAL USE ONLY

Form revised 9/01, 3/03, 7/03, 10/03, 3/04

<input type="checkbox"/> INTERNAL ROUTING	Application case numbers	Action	S.F.	Fees
<input type="checkbox"/> All checklists are complete	<u>06 DRB - 00924</u>	<u>P&F</u>	<u>5(3)</u>	<u>\$ 215.⁰⁰</u>
<input checked="" type="checkbox"/> All fees have been collected		<u>CME</u>		<u>\$ 20.⁰⁰</u>
<input checked="" type="checkbox"/> All case #s are assigned				\$
<input type="checkbox"/> AGIS copy has been sent				\$
<input checked="" type="checkbox"/> Case history #s are listed				\$
<input checked="" type="checkbox"/> Site is within 1000ft of a landfill				\$
<input checked="" type="checkbox"/> F.H.D.P. density bonus				\$
<input checked="" type="checkbox"/> F.H.D.P. fee rebate				\$
	Hearing date <u>July 12, 2006</u>			Total <u>\$ 235.⁰⁰</u>

Cluew Jimie - 6/23/06
 Planner signature / date

Project # 1001789

FORM S(3): SUBDIVISION - D.R.B. MEETING (UNADVERTISED) OR INTERNAL ROUTING

SKETCH PLAT REVIEW AND COMMENT

YOUR ATTENDANCE IS REQUIRED.

- Scale drawing of the proposed subdivision plat (folded to fit into an 8.5" by 14" pocket) 6 copies for unadvertised meetings. Sketches are not reviewed through internal routing.
- Site sketch with measurements showing structures, parking, Bldg. setbacks, adjacent rights-of-way and street improvements, etcetera, if there is any existing land use (folded to fit into an 8.5" by 14" pocket) 6 copies.
- Zone Atlas map with the entire property(ies) precisely and clearly outlined and crosshatched (to be photocopied)
- Letter briefly describing, explaining, and justifying the request
- Any original and/or related file numbers are listed on the cover application

MAJOR SUBDIVISION EXTENSION OF PRELIMINARY PLAT

Your attendance is required.

- Preliminary Plat reduced to 8.5" x 11"
- Zone Atlas map with the entire property(ies) precisely and clearly outlined and crosshatched (to be photocopied)
- Letter briefly describing, explaining, and justifying the request
- Copy of previous D.R.B. approved infrastructure list
- Copy of the LATEST Official D.R.B. Notice of approval for Preliminary Plat Extension request
- Any original and/or related file numbers are listed on the cover application

Extensions are not reviewed through internal routing.
Extension of preliminary plat approval expires after one year.

MAJOR SUBDIVISION FINAL PLAT APPROVAL

Your attendance is required.

- Proposed Final Plat (folded to fit into an 8.5" by 14" pocket) 6 copies for unadvertised meetings, 4 copies for internal routing.
- Design elevations & cross sections of perimeter walls
- Zone Atlas map with the entire property(ies) precisely and clearly outlined and crosshatched (to be photocopied)
- Original Mylar drawing of the proposed plat for internal routing only. Otherwise, bring Mylar to meeting.
- Property owner's and City Surveyor's signatures on the Mylar drawing
- SIA financial guaranty verification
- Landfill disclosure and EHD signature line on the Mylar drawing if property is within a landfill buffer
- Any original and/or related file numbers are listed on the cover application
- DXF FILE AND HARD COPY OF FINAL PLAT DATA FOR AGIS IS REQUIRED.**

MINOR SUBDIVISION PRELIMINARY / FINAL PLAT APPROVAL

Your attendance is required.

- Proposed Preliminary / Final Plat (folded to fit into an 8.5" by 14" pocket) 6 copies for unadvertised meetings, 4 copies for internal routing.
- n/a* Site sketch with measurements showing structures, parking, Bldg. setbacks, adjacent rights-of-way and street improvements, etcetera, if there is any existing land use (folded to fit into an 8.5" by 14" pocket) 6 copies.
- Zone Atlas map with the entire property(ies) precisely and clearly outlined and crosshatched (to be photocopied)
- Letter briefly describing, explaining, and justifying the request
- Original Mylar drawing of the proposed plat for internal routing only. Otherwise, bring Mylar to meeting.
- Property owner's and City Surveyor's signatures on the Mylar drawing
- n/a* Landfill disclosure and EHD signature line on the Mylar drawing if property is within a landfill buffer
- Fee (see schedule)
- Any original and/or related file numbers are listed on the cover application
- n/a* Infrastructure list if required (verify with DRB Engineer) **NO INTERNAL ROUTING**
- DXF FILE AND HARD COPY OF FINAL PLAT DATA FOR AGIS IS REQUIRED.**

AMENDMENT TO PRELIMINARY PLAT (with minor changes)

Your attendance is required.

AMENDMENT TO INFRASTRUCTURE LIST (with minor changes)

AMENDMENT TO GRADING PLAN (with minor changes)

PLEASE NOTE: There are no clear distinctions between significant and minor changes with regard to subdivision amendments. Significant changes are those deemed by the DRB to require public notice and public hearing.

- Proposed Amended Preliminary Plat, Infrastructure List, and/or Grading Plan (folded to fit into an 8.5" by 14" pocket) 6 copies for unadvertised meetings.
 - Original Preliminary Plat, Infrastructure List, and/or Grading Plan (folded to fit into an 8.5" by 14" pocket) 6 copies for unadvertised meetings
 - Zone Atlas map with the entire property(ies) precisely and clearly outlined and crosshatched (to be photocopied)
 - Letter briefly describing, explaining, and justifying the request
 - Original Mylar drawing of the proposed amended plat for internal routing only. Otherwise, bring Mylar to meeting.
 - Property owner's and City Surveyor's signatures on the Mylar drawing, if the plat is being amended
 - Any original and/or related file numbers are listed on the cover application
- Amended preliminary plat approval expires after one year.

I, the applicant, acknowledge that any information required but not submitted with this application will likely result in deferral of actions.

Lisa Parish
Applicant name (print)

[Signature]
Applicant signature / date

6-22-06



Form revised 3/03, 8/03 and 11/03

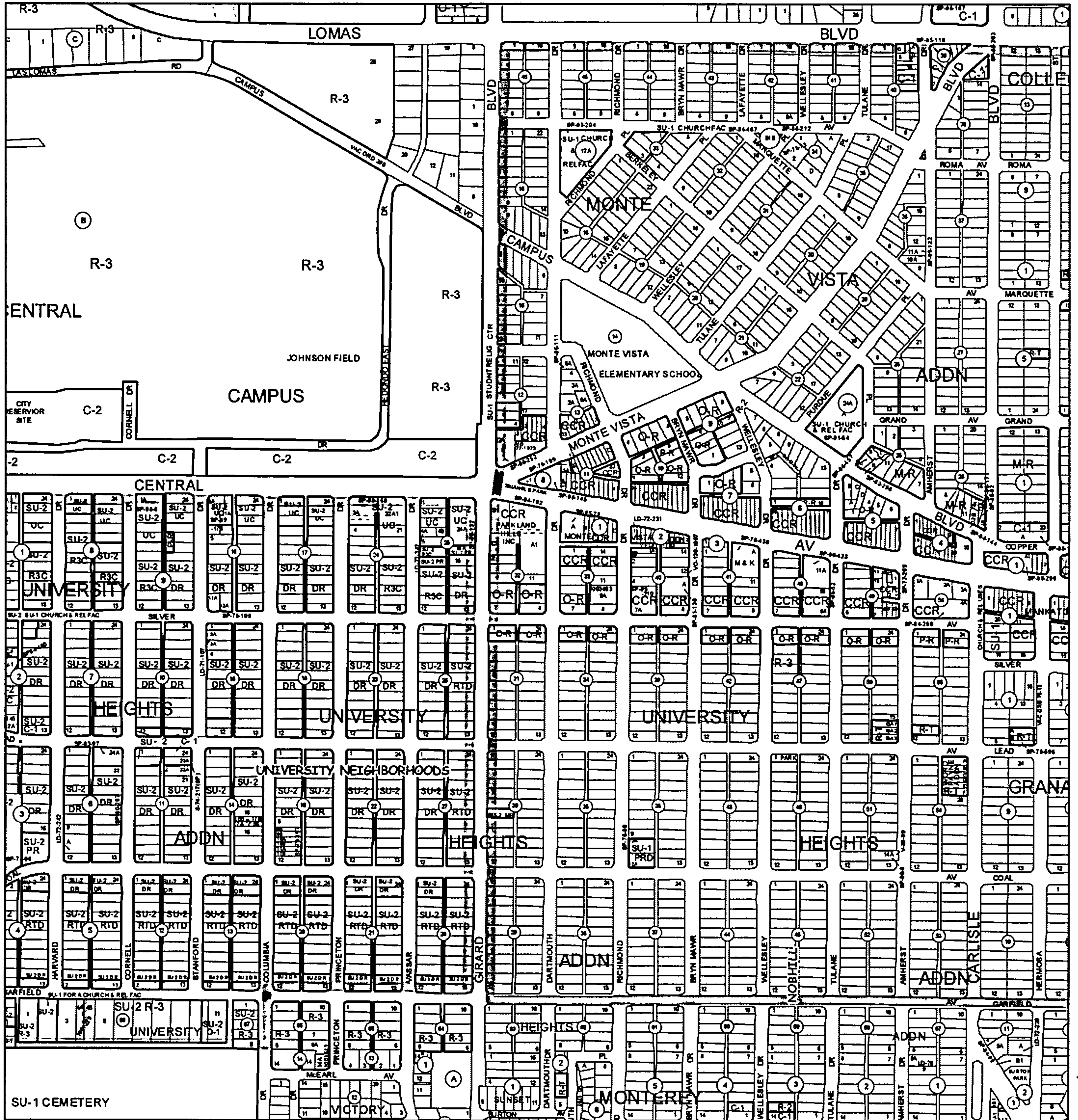
- Checklists complete
- Fees collected
- Case #s assigned
- Related #s listed

Application case numbers
OF DRB - 00924

[Signature]
Planner signature / date

6/23/06

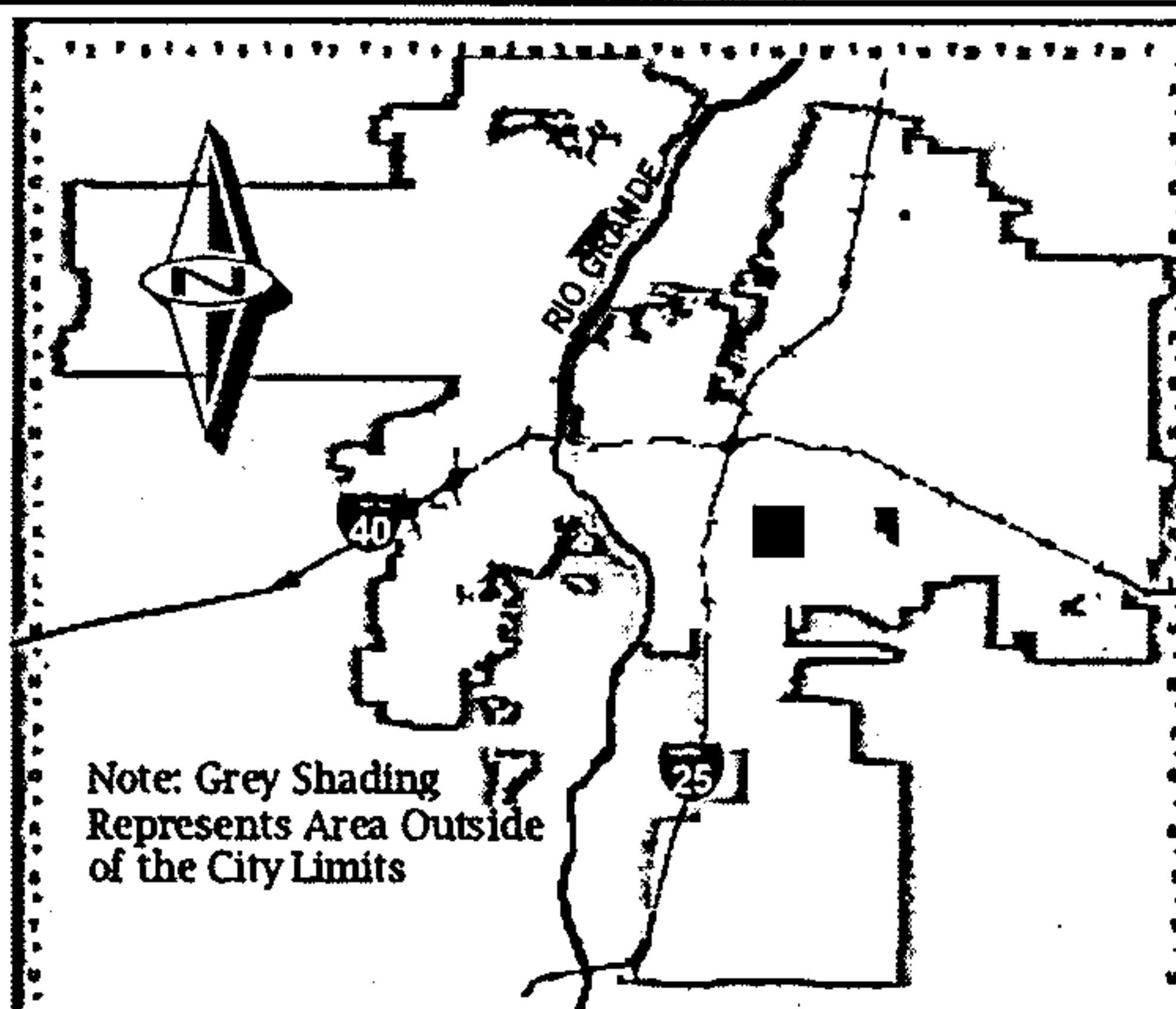
Project # 1001789



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



Map amended through: 5/1/2006



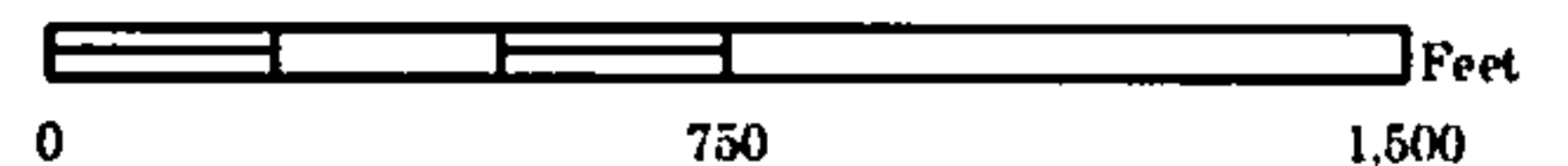
Note: Grey Shading Represents Area Outside of the City Limits

Zone Atlas Page:

K-16-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





PRECISION SURVEYS, INC.

June 22, 2006

Ms. Sheran Matson, AICP
Chair, Development Review Board
Planning/Development Services Division
600 2nd Street, NW
Albuquerque, NM 87102

**RE: REQUEST FOR MINOR SUBDIVISION, EXISTING LOT 28-A-1, BLOCK 6,
MONTE VISTA, LOCATED ON CENTRAL BETWEEN TULANE AND
WELLESLEY**

Dear Ms Matson,

On behalf of our client, Daskalos Nob Hill, we are submitting an application for Minor Subdivision action to re-plat the existing one (1) Lot to grant easements.

Enclosed are the required submittals

If you have any questions or need additional information, please do not hesitate to contact our office at 856-5700.



Sincerely,

Lisa Parish
Precision Surveys Inc.

8414 - D JEFFERSON ST NE

ALBUQUERQUE, NEW MEXICO 87113

email presurv@presurv.com

PHONE 505 856 5700

FAX 505 856 7900

www.presurv.com

ONE STOP SHOP
CITY OF ALBUQUERQUE PLANNING DEPARTMENT
Development & Building Services

PAID RECEIPT

APPLICANT NAME Daskalos Nob Hill
AGENT Precision Surveys
ADDRESS P.O. Box 94928
PROJECT & APP # 1001789 / 06 DRB-00924
PROJECT NAME Lot 28-A-1 Monte Vista

\$ 20.⁰⁰ 441032/3424000 Conflict Management Fee
\$ 215.⁰⁰ 441006/4983000 DRB Actions
\$ 441006/4971000 EPC/AA/LUCC Actions & All Appeals
\$ 441018/4971000 Public Notification
\$ 441006/4983000 DRAINAGE PLAN REVIEW OR TRAFFIC IMPACT STUDY***
() Major/Minor Subdivision () Site Development Plan () Bldg Permit
() Letter of Map Revision () Conditional Letter of Map Revision
() Traffic Impact Study
\$ 235.⁰⁰ TOTAL AMOUNT DUE

***NOTE: If a subsequent submittal is required, bring a copy of this paid receipt with you to avoid an additional charge.

6/23/2006
RECEIPT# 0012646
Account 44032
Activity 341000
Trans Amt
J24 MISC

PRECISION SURVEYS, INC.
8414-D JEFFERSON ST. NE
ALBUQUERQUE, NM 87113
(505) 856-5700

DATE 6-23-06 195-145-1070
Treasury Division

PAY TO THE ORDER OF City of Albuquerque \$ 235.00
Two hundred thirty five dollars

Account 441006 Fund 0110
Activity 4983000

FOR DRB 06-7482 - P1# 1001789

030767 1070014521 0022981201



PRECISION SURVEYS, INC.

June 22, 2006

Ms. Sheran Matson, AICP
Chair, Development Review Board
Planning/Development Services Division
600 2nd Street, NW
Albuquerque, NM 87102

**RE: REQUEST FOR MINOR SUBDIVISION, EXISTING LOT 28-A-1, BLOCK 6,
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ALBUQUERQUE, NEW MEXICO 87113

email presurv@presurv.com

PHONE 505 856 5700

FAX 505 856 7900

www.presurv.com

CITY OF ALBUQUERQUE

Albuquerque, New Mexico

Planning Department

*Hand
copy*
original planned 10.30.06
INTER-OFFICE CORRESPONDENCE

to
FILENET
September 10, 2002

TO: Brad Winter, President, City Council

FROM: *RB* Victor J. Chavez, Planning Director *VJC*

SUBJECT: AC-02-26/02EPC-01044/02DRB-00405 LOUISE BASS ETAL BY RODEY LAW FIRM, appeals the Environmental Planning Commission's decision to uphold the Development Review Board's approval of the Vacation Action(s) for all or a portion of Lot(s) 15 & 16, Block(s) 6, 17-28 & Lots 1 – 3, MONTE VISTA ADDITION, zoned SU-2, CCR, located on the East/West ALLEY North of CENTRAL AVENUE NE, between WELLESLEY DRIVE NE and TULANE DRIVE NE, containing approximately 3 acre(s). [REF: Z-76-42, ZA-78-71, VAC. ORD. 76-37] (K-16) Janet Stephens, Staff Planner

On August 30, 2002, an appeal of the Environmental Planning Commission (EPC) decision to uphold the Development Review Board (DRB) in its consensus decision to grant the vacation of the east/west alley north of Central Avenue NE between Wellesley Drive NE and Tulane Drive NE was filed by Michelle Henrie, Rodey, Dickason, Sloan, Akin and Robb, P.A. on behalf of the appellant Louise Bass etal. Neighbors included in the appeal are Kenneth Robey, Joseph Baldez, Martha Baldez, Janet Mason and Rebecca Page.

Two issues are cited for bringing the appeal forward to City Council. First, the appellant questions the role of the Nob Hill Sector Development Plan in the decision-making process and secondly, how should the Subdivision Regulation language pertaining to vacations be interpreted.

Under the Nob Hill Sector Development Plan, the agent cites the historic significance of the alleyways within the plan area, the importance of the alleys for alternative traffic flow and the interpretation of the alleyway/s as a land use buffer. The Subdivision Regulations, Section 14-14-7-2 contain criteria to be used in the vacation of public rights of way, private ways and easements. One of the criterion for vacation states that "The public welfare is in no way served by retaining the way or easement;". The appellant contends that the term public welfare includes any individual benefit that may be served by retaining the alley.

The Nob Hill Sector Development Plan is a guide to future development in the area. The appellee has indicated that future development will be done in accordance with the existing zoning, which is CCR south of the alley and P-R north of the alley per the Albuquerque Geographic Information System (AGIS). In addition, precedence for the vacation of the east/west alley was set by the previous vacation of the north/south portion of the alley network within this block. According to the Nob Hill Sector Plan, Appendix B, page 15, the following language occurs: "Off-street parking should be in the rear of the buildings, off side streets and alleys. Alleys should be improved to provide better access and traffic flow." The language contained in the paragraph must be taken in context, i.e., the purpose of alleyways has traditionally been for service deliveries, trash pickup and to provide access for parking. Improvements to off-street parking may improve traffic flow on the local, collector and arterial streets. Regarding the buffer between residential and commercial uses, the buffer was breached in the 1970's with the establishment of the P-R zoning adjacent to the residential area.

Regarding the Subdivision Regulations, Section 14-14-7-2, the DRB placed the emphasis on "public welfare" in the broad sense rather than limiting the definition to the singular sense. Therefore, the interpretation that "the public welfare is in no way served by retaining the way or easement" is consistent with standard practice.

The Development Review Board considered the guidelines contained within the Nob Hill Sector Development Plan and the regulations governing vacations. Based on technical review, the request was sufficient for conditional approval. A vacation action is a two-part process. The first part, which is the review of the actual need to retain/vacate rights-of-way or easements constitutes the preliminary approval. The vacation is not complete until a final plat incorporating the vacated right-of-way into the surrounding lots has been approved by the Development Review Board (DRB) and recorded at the County Clerk's Office. The filing of the plat with the County Clerk must occur within one year of final approval of the vacation or the action is void. At the time of final plat approval by the DRB, all necessary easements must be dedicated and other stipulated approvals obtained (see Official Notice).

The Planning Department recommends this appeal be denied and supports the EPC's decision to uphold the DRB's action.

APPROVED:



Janet Stephens, DRB Chair
Planning Manager, Land Development Coordination

TABLE OF CONTENTS

AC-02-26

(02EPC-01044/02DRB-00405)

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EPC APPEAL STAFF REPORT, August 15, 2002.....	38A – 41A
EPC APPEAL PACKET TABLE OF CONTENTS.....	42A
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SUBDIVISION	Supplemental form S	ZONING	Z
<input type="checkbox"/> Major Subdivision action		<input type="checkbox"/> Annexation & Zone Establishment	
<input type="checkbox"/> Minor Subdivision action		<input type="checkbox"/> Sector Plan	
<input type="checkbox"/> Vacation	V	<input type="checkbox"/> Zone Change	
<input type="checkbox"/> Variance (Non-Zoning)		<input type="checkbox"/> Text Amendment	
SITE DEVELOPMENT PLAN	P	APPEAL / PROTEST of...	A
<input type="checkbox"/> ...for Subdivision Purposes		<input checked="" type="checkbox"/> Decision by: DRB, EPC, LUCC, Planning Director or Staff, ZHE, Zoning Board of Appeal	
<input type="checkbox"/> ...for Building Permit		Appeal Re: Project #10011789	
<input type="checkbox"/> IP Master Development Plan		DRB #02DRB-00405	
<input type="checkbox"/> Cert. of Appropriateness (LUCC)	L	EPC #02EPC-01044	

PRINT OR TYPE IN BLACK INK ONLY. The applicant or agent must submit the completed application in person to the Planning Department Development Services Center, 600 2nd Street NW, Albuquerque, NM 87102. Fees must be paid at the time of application. Refer to supplemental forms for submittal requirements.

APPLICANT INFORMATION:

NAME: Louise Bass by Rodey Law Firm (Michelle Henrie) PHONE: (505) 768-7394
 ADDRESS: P. O. Box 1888 FAX: (505) 768-7395
 CITY: Albuquerque STATE NM ZIP 87103 E-MAIL: mhenrie@rodey.com
 Proprietary interest in site: Neighbor
 AGENT (if any): (see above) PHONE: _____
 ADDRESS: _____ FAX: _____
 CITY: _____ STATE _____ ZIP _____ E-MAIL: _____

DESCRIPTION OF REQUEST: Please see attached reasons for appeal.

Is the applicant seeking incentives pursuant to the Family Housing Development Program? Yes. No.

SITE INFORMATION: ACCURACY OF THE LEGAL DESCRIPTION IS CRUCIAL! ATTACH A SEPARATE SHEET IF NECESSARY.

Lot or Tract No. _____ Block: _____ Unit: _____
 Subdiv. / Addn. _____
 Current Zoning: _____ Proposed zoning: _____
 Zone Atlas page(s): _____ No. of existing lots: _____ No. of proposed lots: _____
 Total area of site (acres): _____ Density if applicable: dwellings per gross acre: _____ dwellings per net acre: _____
 Within city limits? Yes. No , but site is within 5 miles of the city limits (DRB jurisdiction.) Within 1000FT of a landfill? _____
 UPC No. _____ MRGCD Map No. _____
 LOCATION OF PROPERTY BY STREETS: On or Near: _____
 Between: _____ and _____

CASE HISTORY:

List any current or prior case number that may be relevant to your application (Proj., App., DRB-, AX-, Z-, V-, S-, etc.):
Appeal of 02DRB-00405 and 02EPC-01044

Check-off if project was previously reviewed by Sketch Plat/Plan , or Pre-application Review Team . Date of review: _____

RODEY, DICKASON, SLOAN, AKIN & ROBB, P.A.

SIGNATURE Michelle Henrie DATE 8/30/02

(Print) _____ Applicant Agent

FOR OFFICIAL USE ONLY

Form revised September 2001

<input checked="" type="checkbox"/> INTERNAL ROUTING	Application case numbers	Action	S.F.	Fees
<input checked="" type="checkbox"/> All checklists are complete	<u>02CC - 01378</u>	<u>CC</u>	<u>A</u>	\$ <u>55.00</u>
<input type="checkbox"/> All fees have been collected	_____	_____	_____	\$ _____
<input checked="" type="checkbox"/> All case #s are assigned	_____	_____	_____	\$ _____
<input checked="" type="checkbox"/> AGIS copy has been sent	_____	_____	_____	\$ _____
<input checked="" type="checkbox"/> Case history #s are listed	_____	_____	_____	\$ _____
<input checked="" type="checkbox"/> Site is within 1000ft of a landfill	_____	<u>Adv</u>	_____	\$ <u>50.00</u>
<input checked="" type="checkbox"/> F.H.D.P. density bonus	_____	<u>Del</u>	_____	\$ _____
<input checked="" type="checkbox"/> F.H.D.P. fee rebate	_____	_____	_____	Total
Hearing date _____	_____	_____	_____	\$ <u>105.00</u>

Paul Candia 9/3/02 Project # 1001789
 Planner signature / date

FORM A: APPEAL

Appeal to the Zoning Board of Appeals regarding:

DECISION OF THE ZONING HEARING EXAMINER

Appeal to the Landmarks and Urban Conservation Commission regarding:

CERTIFICATE OF APPROPRIATENESS DECISION OF THE PLANNING DIRECTOR OR STAFF

Appeal to the Environmental Planning Commission regarding:

- ADMINISTRATIVE AMENDMENT OR DECISION OF THE PLANNING DIRECTOR OR STAFF
- DECLARATORY RULING OF THE ZONING ENFORCEMENT OFFICER
- DETERMINATION OR ACTION OF THE DEVELOPMENT REVIEW BOARD

Appeal to the City Council regarding:

- DETERMINATION OR ACTION OF THE ENVIRONMENTAL PLANNING COMMISSION
- ACTION OF THE ZONING BOARD OF APPEALS REGARDING AN APPEAL
- DECISION OF THE LANDMARKS AND URBAN CONSERVATION COMMISSION

Project number of case being appealed; #1001789

Application number of case being appealed; #2400-00405 (DRB) and #02EPC-01044

- Reason for the appeal *
- Appellant's basis of standing as an appellant *
- Letter of authorization from the appellant if this application for appeal is submitted by an agent
- Copy of the Official Notification of Decision regarding the matter being appealed
- Fee (see schedule) \$105.00

* Criteria for reasonable appeals and criteria for standing as an appellant are given in *Zoning Code §14-16-4-4*. Any appeal must meet these criteria to be heard. The applicant should review these and other relevant documents carefully before preparing an application for appeal.

I, the applicant, acknowledge that any information required but not submitted with this application will likely result in deferral of actions.

RODEY, DICKASON, SLOAN, AKIN & ROBB, P.A. (Michelle Henrie)
for Appellant Louise Bass

[Signature] Applicant name (print)
8/30/02
Applicant signature / date



Form revised September 2001

- Checklists complete
- Fees collected
- Case #s assigned
- Related #s listed

Application case numbers
02CC - 01378

[Signature] 9/3/02
Planner signature / date
Project # 1001789

ROBERT M. ST. JOHN
JOSEPH J. MULLINS
MARK K. ADAMS
BRUCE HALL
JOHN P. SALAZAR
WILLIAM S. DIXON
JOHN P. BURTON
REX D. THROCKMORTON
JONATHAN W. HEWES
RICHARD C. MINZNER
W. ROBERT LASATER, JR.
MARK C. MEIERING
CATHERINE T. GOLDBERG
TRAVIS R. COLLIER
EDWARD RICCO
W. MARK MOWERY
PATRICK M. SHAY
NANCY J. APPLEBY
ELLEN T. SKRAK
TRACY M. JENKS
HENRY M. BOHNHOFF
CHARLES K. PURCELL
ANDREW G. SCHULTZ
JOHN M. BRANT
SCOTT D. GORDON
DEWITT M. MORGAN
MARK A. SMITH
R. NELSON FRANSE
THERESA W. PARRISH
PAUL R. KOLLER

JAMES P. BIEG
CHARLES J. VIGIL
THOMAS L. STAHL
DAVID W. BUNTING
LESLIE MCCARTHY APODACA
SUSAN BARGER FOX
MacDONNELL GORDON
WILLIAM J. ARLAND
JAMES A. ASKEW
JEFFREY M. CROASDELL
SUNNY J. NIXON
JEFFREY L. LOWRY
DEBORAH E. MANN
THOMAS A. OUTLER
SETH L. SPARKS
LISA A. CHAVEZ
JOCELYN C. DRENNAN
MICHAEL J. BRESCIA
MICHELLE HENRIE
NELSE T. SCHRECK
R. TRACY SPROULS
KARLA K. POE
ALAN HALL
BRIAN H. LEMATTA
DEBORAH S. GILLE
AARON C. VIETS
KIMBERLY N. BELL
KURT B. GILBERT
DIANA V. SANDOVAL
BRENDA MALONEY-HERMANN

RODEY, DICKASON, SLOAN, AKIN & ROBB, P. A.
COUNSELORS AND ATTORNEYS AT LAW
ALBUQUERQUE PLAZA
201 THIRD STREET NW, SUITE 2200
ALBUQUERQUE, NEW MEXICO 87102

P.O. BOX 1888
ALBUQUERQUE, NEW MEXICO 87103

WEB-SITE: WWW.RODEY.COM

E-MAIL: INFO@RODEY.COM

TELEPHONE (505) 765-5900

FACSIMILE (505) 768-7395

August 30, 2002

OF COUNSEL
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JOHN D. ROBB
JAMES C. RITCHIE
JO SAXTON BRAYER
DONALD B. MONNHEIMER
JULIE P. NEERKEN

BERNARD S. RODEY (1856-1927)
PEARCE C. RODEY (1889-1958)
DON L. DICKASON (1906-1999)
WILLIAM A. SLOAN (1910-1993)

SANTA FE OFFICE
MARCY PLAZA
123 EAST MARCY STREET, SUITE 101
SANTA FE, NEW MEXICO 87501-2034
P.O. BOX 1357
SANTA FE, NM 87504-1357
TELEPHONE (505) 954-3900
FACSIMILE (505) 954-3942

WRITER'S DIRECT NUMBER
(505) 768-7394
mhenrie@rodey.com

VIA HAND DELIVERY

City Council
c/o Planning Department, City of Albuquerque
600 2nd St. NW, 2nd Floor
Albuquerque, New Mexico

Re: Appeal of EPC decision dated August 16, 2002
Application No. 02DRB-00405 (Vacation of Public Right-of-Way)
Project No. 1001789

Dear City Councilors:

This firm represents **Louise Bass**. Ms. Bass is appealing the above-referenced decision of the Development Review Board. Ms. Bass owns property within 300 feet of the alley vacated by the DRB in the above-referenced action. She is joined in this appeal by her neighbors: Kenneth M. Robey, Joseph Baldez, Martha Baldez, Janet F. Mason, and Rebecca J. Page.

We enclose with this letter the following:

1. Development Review Application
2. Appeal (Form A)
3. Check no. 110501 for \$105 as a filing fee.
4. "Reasons for Appeal," which includes:

Albuquerque City Council

August 30, 2002

Page 2

- a. Appellants' basis of standing, and
 - b. A copy of the official notification of decision from EPC.
5. A letter of authorization.

Very truly yours,

RODEY, DICKASON, SLOAN, AKIN & ROBB, P.A.

By



Michelle Henrie

MH/cw

Enclosures

cc w/encl.: Louise Bass

REASONS FOR THE APPEAL

Re: Project No. 1001789
02DRB-00405 (Vacation of Public Right-of-Way)

Louise Bass hereby appeals the August 15, 2002 decision by the Environmental Planning Commission ("EPC") affirming the June 26, 2002 decision by the Development Review Board ("DRB"). The DRB decision vacated a public alley located north of Central Avenue between Wellesley Drive and Tulane Drive in the Monte Vista subarea of the Nob Hill neighborhoods ("Alley"). Ms. Bass is joined in this appeal by her neighbors, Kenneth M. Robey, Joseph Baldez, Martha Baldez, Janet F. Mason, and Rebecca J. Page (collectively: "Neighbors"). The EPC's decision is attached to this document as Exhibit A. DRB's decision is attached to this document as Exhibit B. A map of the affected area is attached as Exhibit C.

Basis for Standing

The Neighbors have standing to bring this appeal. All neighbors own property within 300 feet of the Alley and/or reside within 300 feet of the Alley and are imminently threatened with injury to their living environment as a result of the DRB's decision. Albuquerque, N.M., Code of Ordinances ("Zone Code") § 14-16-4-4 (B)(2)(c) and De Vargas Savings & Loan Ass'n v. Campbell, 87 N.M. 469, 472, 535 P.2d 1320, 1323 (1975) (appellants must be injured in fact or imminently threatened with injury, economically or otherwise).

Reasons for the Appeal

This appeal involves two timely and important issues. First, what is the role of a Sector Development Plan? Second, what is the proper interpretation of the City's ordinance relating to alley vacations?

- 1. The EPC erred in applying adopted city plans, policies and ordinances in arriving at the decision, specifically the Nob Hill Sector Development Plan.**

The Nob Hill Sector Development Plan ("Nob Hill SDP") was adopted by Resolution in 1987. The adopting resolution states that the Nob Hill SDP "shall guide" City actions with respect to future land use in the Nob Hill area. Albuquerque City Council Bill No. R-362 (adopted December 7, 1987, No. 12-1988), Sec. 3.

The Monte Vista subarea is included within the boundaries of the Nob Hill SDP. Nob Hill SDP at 9. The relevant portions of Block 6 of the Monte Vista Addition are zoned SU-2 CCR (which

generally corresponds to a C-2 zone) and PR. The Zone Code specifically links Sector Development Plans with SU-2 zones. The uses allowed in an SU-2 zone are “controlled by” a Sector Development Plan. Zone Code, § 14-16-2-23. Further, new development and redevelopment appropriate to a given neighborhood are “specifie[d]” in a Sector Development Plan. Id.

A. Historic Significance. The Nob Hill SDP states at page 49:

Historic preservation is one of the major goals of this Plan. It involves promoting awareness of the history and significance of the built environment as well as conserving existing building stock and those districts and areas of particular architectural, environmental and historical significance.

One such historic element in the Monte Vista subarea is described in Appendix A to the Nob Hill SDP, titled “Design and the Built Environment”:

The interior of this sub-area has diagonal streets which are the product of progressive land use planning in a natural environment criss-crossed by arroyos. Single family residences which are small in scale and proportion offer the full array of characteristic Nob Hill vernacular styles. The 32' street with its narrow 50' right of way emphasizes the intimate scale of the subdivision. A notable feature of the area are the alleys which form “T” intersections within individual blocks. . .

Nob Hill SDP at A-1. Already, one arm of the “T” intersecting alley within Block 6 of the Monte Vista Addition has been vacated. The remaining portion of that “T” intersecting alley is at issue in this appeal.

The Alley has historical importance and significance to the Monte Vista subarea, as evidenced in the Nob Hill SDP. The Monte Vista Subdivision is unique because it was planned using streets and non-grid lots to accommodate drainage. The alleys within this subdivision are part of the plan. They run parallel to the major streets— most notably along Central— to form a chain of alleys. The Alley at issue in this appeal is a part of that chain.

B. Traffic Flow. The importance of alleys to the Monte Vista subarea is further emphasized in Appendix B to the Nob Hill SDP. The intimate scale of the Monte Vista residential areas stand in contrast to some of the modern needs of the commercial corridor along Central Avenue— notably: the traffic needs.

As shown in Appendix B, alleys provide a solution to this problem without destroying the “most vulnerable characteristic of Nob Hill”: its streetwall (a/k/a “streetscape”). Nob Hill SPD, Appx. B at 14. The Nob Hill SDP states that parking and delivery service for commercial uses along Central can and should be channeled to the rear of the building with access from an alley or

streetside. Nob Hill SDP, Appx. B at 14 and 15. In addition, the Nob Hill SDP states that alleys can and should be used to improve traffic flow in this area. Nob Hill SPD, Appx. B at 14 and 15. Appellants believe that the Nob Hill SDP directs the DRB to consider whether the Alley is, can, or should be used for traffic flow purposes. DRB, by contrast, took the position (without citing any source for this position) that the purposes of an alley do not and should not include alternate routes for thru traffic. This position is in direct opposition to the Nob Hill SDP.

C. Buffer. A third important aspect of the alleys to this area is illustrated in the Nob Hill SPD: alleys provide a buffer between the commercial corridor along Central Avenue and the single family residences located very near to the commercial corridor. See, e.g., Nob Hill SPD at 15, 16, and Appendix D. The close proximity between residential and commercial uses adds to the historic charm and “comfortable pedestrian environment” of Nob Hill. Nob Hill SDP, Appx. B at 15. However it is the buffers between these uses that preserve the integrity of the residential areas. Without these buffers, noise, odors, and other ill effects of commercial use spill into the residential neighborhoods.

At the EPC hearing, this aspect was discounted because the PR-zoned lots lay on the residential side of the Alley. The argument seemed to be that if the Alley separates nonresidential uses from residential uses in Block 6, and if a nonresidential use (i.e., the PR-zoned lots) has already infiltrated the residential portion of Block 6, then the Alley doesn’t really serve as a boundary line or a buffer against nonresidential uses creeping in to the residential side of Block 6 after all. The flaw in this argument is that the zone change to PR occurred in 1977. The Nob Hill SDP was adopted in 1987. Yet the Nob Hill SDP still recognized the Alley as the boundary between the residential uses and the commercial uses. In fact, one could argue that those PR lots are no longer zoned PR because Map 14 of the Nob Hill SDP rezoned everything north of the Alley R-1. Nob Hill SDP, at 35 and Albuquerque City Council Bill No. R-362 (adopted December 7, 1987, No. 12-1988), Sec. 4.

D. Conclusion. The DRB’s decision to vacate the Alley is not in accord with the goals of the Nob Hill SDP. Vacating the Alley forever extinguishes a notable feature of the Monte Vista subarea. It also forecloses the use of the Alley to alleviate traffic problems in the Monte Vista subarea. It removes the buffer between the commercial and residential areas of Block 6 of the Monte Vista Addition (the location of the Alley and the Neighbors’ properties). And it allows commercial uses of the vacated Alley to creep north into the residential area. The vacated Alley, zoned CCR, is now open to nearly all C-2 permissive uses, including uses that are often not amenable to residential neighbors such as vehicle repair, gasoline sales, recycling bins, and equipment storage yards.

In the recent case of West Bluff Neighborhood Ass’n v. City of Albuquerque, 2002-NMCA-075, the New Mexico Court of Appeals reiterated that the City’s Comprehensive Plan and its constituent parts are advisory in nature and do not carry the same force of law as a City ordinance. This is consistent with the definitions stated in Black’s Law Dictionary. An “ordinance” is “[a] statute or regulation” whereas a “resolution” is merely “[a] formal expression

of an official body's opinion or decision." Black's Law Dictionary, 460, 546 (pocket ed., 1996). Appellants submit that even though the Nob Hill SDP does not have the force of law, it must mean something. And if a Sector Development Plan is to mean anything at all, it must at least mean something to its authors: the City. This is precisely the point made by the Zone Code's appeal provisions. The first cause for error is that the City entity appealed from erred in "applying adopted city plans, policies and ordinances in arriving at the decision." § 14-16-4-4(B)(3). Appellants urge City Council to take a hard look at whether the Alley vacation, as upheld by the EPC, conforms with the express provisions and the spirit of the Nob Hill SDP. It does not.

2. The EPC's finding that the public welfare is no longer served by retaining the Alley is arbitrary, capricious, and contrary to law.

The City Ordinance governing alley vacations is § 14-14-7-2, which states, in relevant part:

(B) The vacation of public rights of way, private ways, or easements, whether by new plat, plat amendment, or request to vacate, shall be approved only when it is determined that:

(1) The public welfare is in no way served by retaining the way or easement; or

(2) There is a net benefit to the public welfare because the development made possible by the vacation is clearly more beneficial to the public welfare than the minor detriment resulting from the vacation;

and in addition to divisions (1) or (2) of this division (B):

(3) There is no convincing evidence that any substantial property right is being abridged against the will of the owner of the right.

Appellants agree that the Alley vacation was warranted under § 14-14-7-2(B)(3). The relevant question is whether the Alley vacation was proper under § 14-14-7-2(B)(1) because the EPC made a finding that "the public welfare is in no way served by retaining the rights-of-way and/or easements."

A. "In no way served." The EPC's finding that "the public welfare is in no way served" is in error for several reasons.

First, the applicant submitted traffic studies showing that the Alley was used. The amount of use was admittedly small: a handful of cars. Nevertheless, the EPC's finding states that the public welfare was "in no way" served.

However, there is evidence on the record suggesting that the low use reflected in the traffic study is not an accurate gage of the Alley's actual use. First, the Alley had been closed or otherwise restricted just prior to the traffic study. Thus, the traffic study does not reflect that the public has no use for the Alley. Rather, it reflects that the public grew unaccustomed to using the Alley because it was an unreliable route.

Second, because the applicant had demolished the D'Nile nightclub—the primary commercial entity facing Central and backing up to the Alley—the Alley is not being used for parking or to make service deliveries to D'Nile. However, this current non-use of the Alley is a direct result of the applicant's own actions. Further, the current non-use does not indicate what type or amount of public use would be made of the Alley if there were an active major commercial entity operating at the D-Nile site.

Appellants object to applicant's piecemealing of the process. In a Vermont case, Bruce J. Levinsky, DR# 157, 1984 WL 42378 (Vt. Env'tl. Bd. Aug. 8 1984), the Vermont Environmental Board refused to allow a developer to escape review of its entire project by completing the project in pieces. The Board based its decision on two primary reasons. First, fragmented review of one piece at a time does not allow the Board to review the cumulative effects of the entire project. Second, by completing one piece of a project, a developer may influence the developability of subsequent pieces of the project. In other words, closing the D'Nile changed conditions which are factors in the criteria that the DRB needs to evaluate for vacating the Alley. Similarly, vacating the Alley will change other conditions which may well be factors in criteria affecting the applicant's overall scheme of development. In other words, the question of whether the Alley is needed for public purposes cannot be adequately assessed in a vacuum.

Most importantly, applicant's traffic study confirms that some people are indeed using the Alley. While that number may be small, even a relatively small number of people are still members of the public and deserve protection. If these people used the Alley, as the traffic study indicates, the Alley *does* serve the public welfare and the vacation cannot be approved under § 14-14-7-2(B)(1).

B. § 14-14-7-2(B)(2). The system completed by the Ordinance is as follows. If the public welfare is in any way served by an alley or other public right-of-way, then the analysis should not proceed under § 14-14-7-2(B)(1), but under § 14-14-7-2(B)(2). Section 14-14-7-2(B)(2) contemplates a balancing. Because there is some public welfare served by the alley, the question is whether the public benefits more by the alley or by the use for which the alley would be vacated. If the public benefits more by a proposed development, then there is no net loss to the public.

In this case, once any amount of public welfare was shown, the EPC and DRB should have considered the matter under the provisions of § 14-14-7-2(B)(2). This was not done.

C. Conclusion. For the above reasons, the EPC's finding that "the public welfare is in no way served by retaining the rights-of-way and/or easements" is in error and is arbitrary and capricious. Because this finding is in error, the vacation of the Alley— which is predicated on this finding— is also in error

Summary

For these reasons, the Neighbors respectfully ask the City Council to reverse the decision of the EPC, grant the appeal, and reinstate the Alley.

MH



City of Albuquerque
Planning Department
Development Services Division
P.O. Box 1293
Albuquerque, New Mexico 87103

Date: August 16, 2002

Michelle Henrie for Louise Bass
Rodey Law Firm
P.O. Box 1888
Albuquerque, NM 87103

OFFICIAL NOTIFICATION OF DECISION

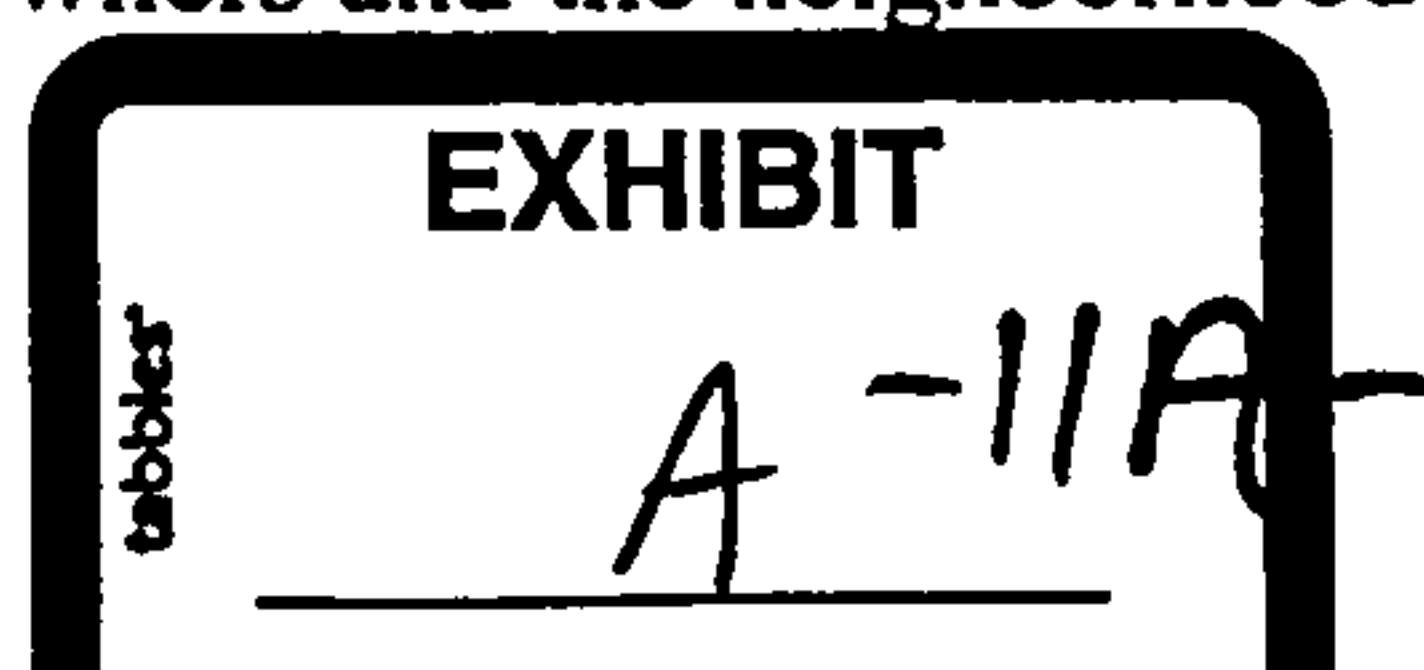
FILE: Project 1001789
02EPC-01044
02DRB-00405 VAC R/W

LEGAL DESCRIPTION: appeal of the
Vacation Action(s) for all or a portion of
Lot(s) 15 & 16, Block(s) 6, 17-28 and Lot(s)
1-3, Monte Vista Addition, zoned SU-2,
CCR, located on E/W ALLEY NORTH OF
CENTRAL AV NE, between WELLESLEY
DR. NE and TULANE DR. NE containing
approximately 3 acre(s). [REF: Z-76-42, ZA-
78-71, VAC. ORD. 76-37](K-16)

On August 15, 2002, the Environmental Planning Commission voted to deny the appeal based on the following findings:

Findings:

1. The DRB did not err in applying adopted City plans, policies and ordinances in approving the vacation.
 - A. The City departments and other commenting agencies reviewed and commented on the case as a vacation request as listed in the documentation that was submitted. Procedures required by the Subdivision Regulations were adhered to. The technical viability of the proposal was reviewed and found to be satisfactory at this point in the process.
 - B. The Nob Hill Sector Development Plan does not contain language prohibiting the vacation of alleys. The "T" intersection is no longer applicable at this location. The alley does not constitute a rigid buffer zone due to the surrounding development.
 - C. Standard procedures under the Subdivision Regulations were used in informing the public, property owners and the neighborhood association of the proposed action.



EPC OFFICIAL NOTIFICATION OF DECISION
Project 1001789 / 02EPC-01044 & 02DRB-00405 VAC R/W
August 16, 2002
Page 2

2. The DRB's finding that the public welfare is no longer served by retaining the alley was not arbitrary and capricious.
 - A. The alley is not intended to provide an alternative route for east-west traffic.
 - B. No public welfare is served by retaining the alley for access notwithstanding that utility easements will need to be reserved at the time of platting.

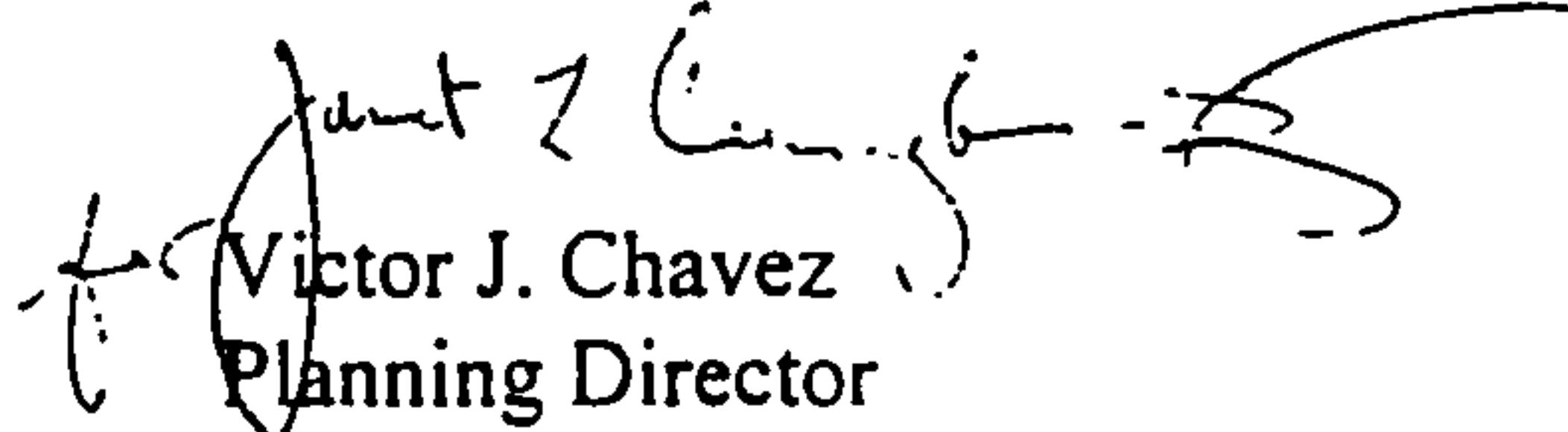
IF YOU WISH TO APPEAL/PROTEST THIS DECISION, YOU MUST DO SO BY AUGUST 30, 2002 IN THE MANNER DESCRIBED BELOW. A NON-REFUNDABLE FILING FEE WILL BE CALCULATED AT THE LAND DEVELOPMENT COORDINATION COUNTER AND IS REQUIRED AT THE TIME THE APPEAL IS FILED.

Appeal to the City Council: Persons aggrieved with any determination of the Environmental Planning Commission acting under this ordinance and who have legal standing as defined in Section 14-16-4-4.B.2 of the City of Albuquerque Comprehensive Zoning Code may file an appeal to the City Council by submitting written application on the Planning Department form to the Planning Department within 15 days of the Planning Commission's decision. The date the determination in question is issued is not included in the 15-day period for filing an appeal, and if the fifteenth day falls on a Saturday, Sunday or holiday as listed in the Merit System Ordinance, the next working day is considered as the deadline for filing the appeal. The City Council may decline to hear the appeal if it finds that all City plans, policies and ordinances have been properly followed. If it decides that all City plans, policies and ordinances have not been properly followed, it shall hear the appeal. Such appeal, if heard, shall be heard within 45 days of its filing.

YOU WILL RECEIVE NOTIFICATION IF ANY OTHER 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. SUCCESSFUL APPLICANTS ARE REMINDED THAT OTHER REGULATIONS OF THE CITY MUST BE COMPLIED WITH, EVEN AFTER APPROVAL OF THE REFERENCED APPLICATION(S).

Successful applicants should be aware of the termination provisions for Site Development Plans specified in Section 14-16-3-11 of the Comprehensive Zoning Code. Generally plan approval is terminated 7 years after approval by the EPC

Sincerely,

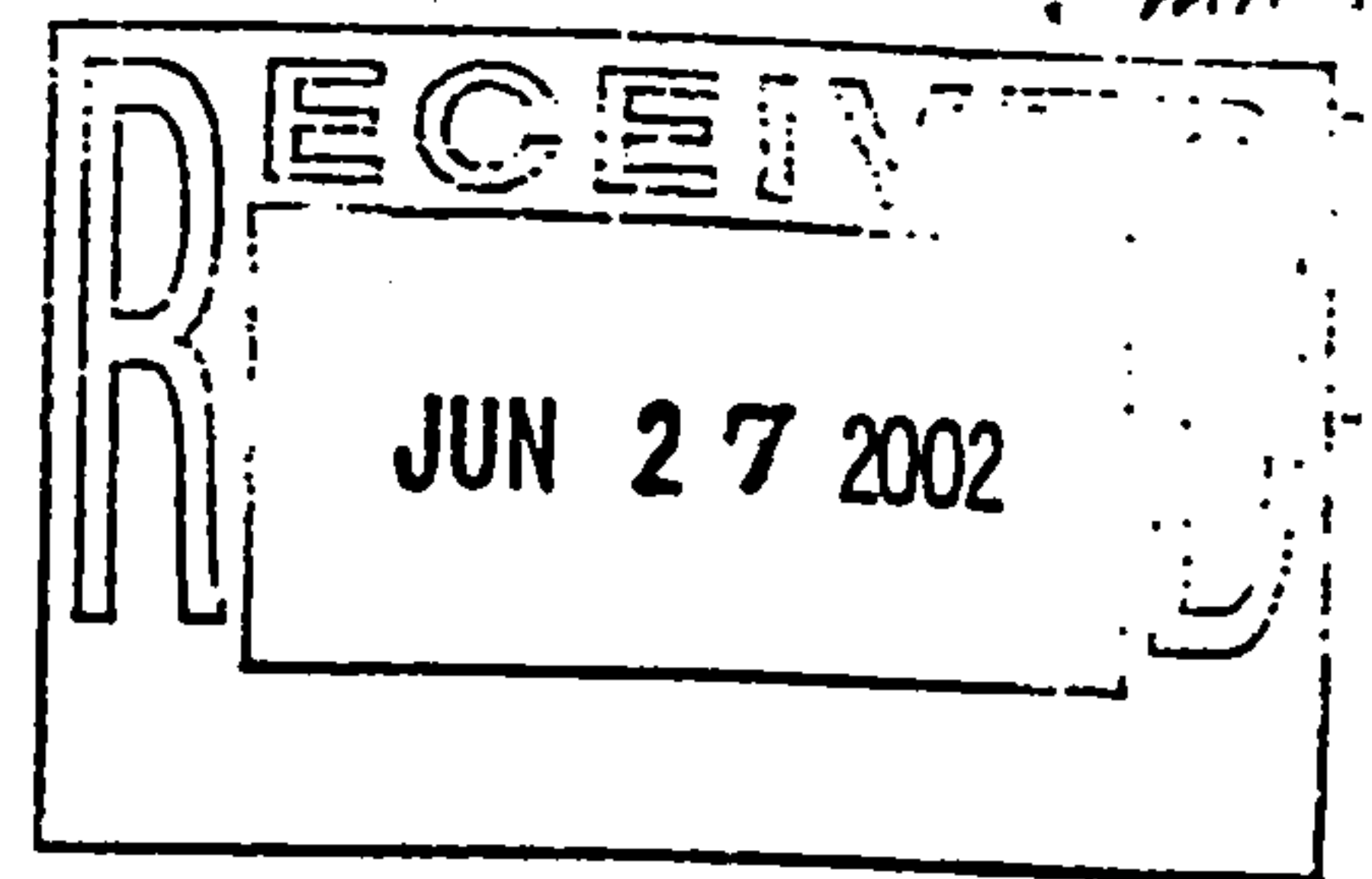

Victor J. Chavez
Planning Director

VJC/RB/cas

cc: Jose A Venzor, 112 Highroad, Santa Fe, NM, 87507
Alex Chisholm, Attorney, P.O. Box 4455, Albuquerque, NM, 87196
Colleen Cadwell, 201 Richmond SE, Albuquerque, NM, 87106
Ken Robey, 121 Tulane NE, Albuquerque, NM, 87106
Deanna Desutter, 310 Richmond SE, Albuquerque, NM, 87106
Jeff Chiavette, 4123 Silver SE, Albuquerque, NM, 87108
Elizabeth Mason, 3816 Carlisle NE, Albuquerque, NM, 87107
Signe Rich, AICP, 505 Ridgecrest Dr SE, Albuquerque, NM, 87108
Robert Slattery Construction Inc., 3216 Monte Vista NE, Albuquerque, NM, 87106



OFFICIAL NOTICE



CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
LAND DEVELOPMENT COORDINATION DIVISION

6-26-02

4. Project # 1001789
02DRB-00405 Major-Vacation of Pub Right-of-Way

JOSE A VENZOR agent(s) for JOSE A. VENZOR request(s) the above action(s) for all or a portion of Lot(s) 15&16, Block(s) 6 17-28 & LOTS 1-3, **MONTE VISTA ADDITION**, zoned SU-2, CCR, located on EW ALLEY N. OF CENTRAL AV NE, between WELLESLEY DR. NE and TULANE DR. NE containing approximately 3 acre(s). [REF: Z-76-42, ZA-78-71, VAC. ORD. 76-37] [Deferred from 6/19/02] (K-16)

At the June 26, 2002, Development Review Board meeting, the Vacation was approved as shown on Exhibit B in the Planning file, subject to the Findings and Conditions of the Subdivision Ordinance as follows:

FINDINGS:

1. The public welfare is in no way served by retaining the rights-of-way and/or easements.
2. There is no convincing evidence that any substantial property right is being abridged against the will of the owner of the right.

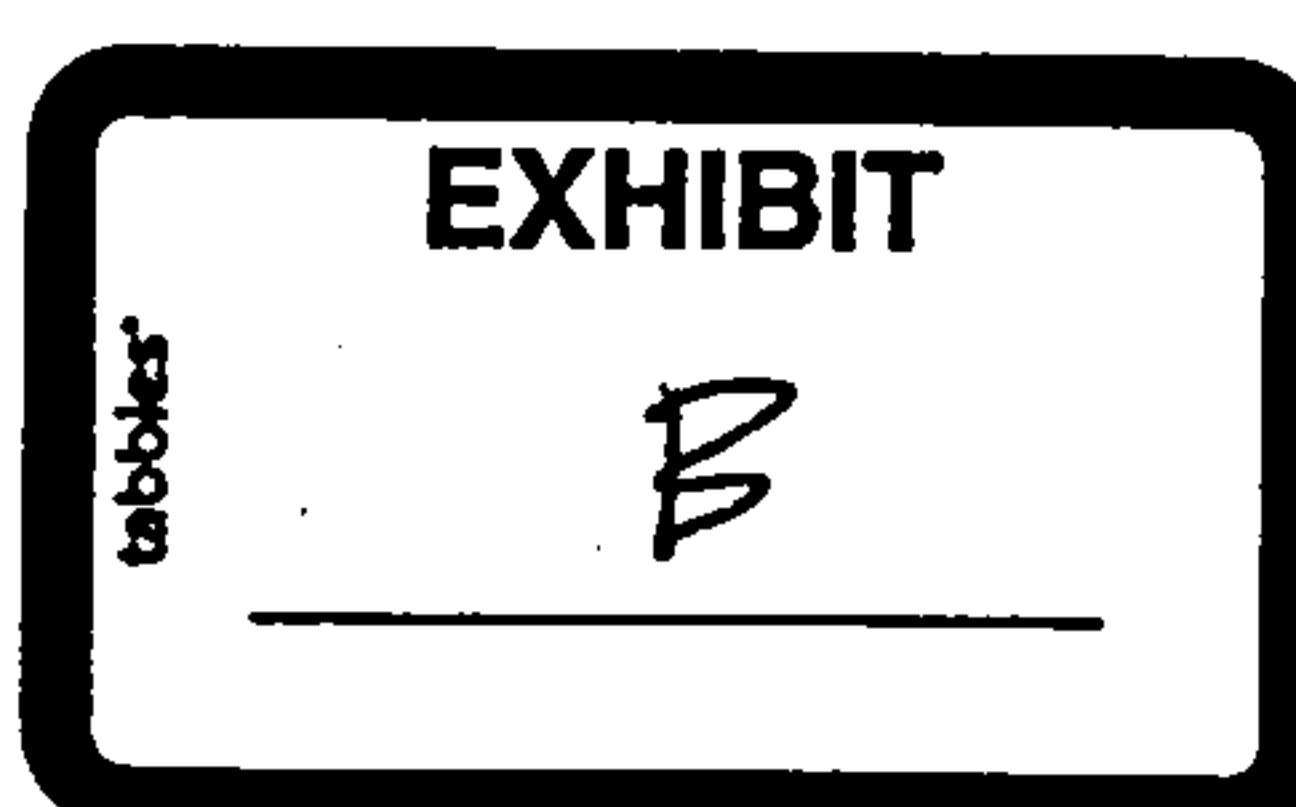
CONDITIONS:

1. Final disposition shall be through the City Real Estate Office.
2. The vacated property shall be shown on a replat approved by the Development Review Board and the approved replat shall be filed for record with the Bernalillo County Clerk's Office within one year.
3. Affected utility companies shall acknowledge the vacation by their signatures on the replat.

AND WITH THE FOLLOWING CONDITIONS OF PRELIMINARY PLAT APPROVAL:

CONDITIONS:

1. WRITTEN VERIFICATION FROM THE REFUSE DEPARTMENT STATING THAT THEY DO NOT HAVE ANY OBJECTIONS TO THE VACATION IS REQUIRED. THIS VERIFICATION IS NEEDED PRIOR TO PRELIMINARY PLAT APPROVAL.



-13A-



OFFICIAL NOTICE

PAGE TWO

2. THE SANITARY SEWER EASEMENT MUST BE RETAINED IN THE VACATED ALLEY (OR) THE SANITARY SEWER LINE MUST BE RELOCATED PRIOR TO FINAL PLAT APPROVAL.

If you wish to appeal this decision, you must do so by July 11, 2002 in the manner described below.

Appeal is to the Environmental Planning Commission. Any person aggrieved with any determination of the Development Review Board may file an appeal on the Planning Division form, to the Planning Division, within 15 days of the Development Review Board's decision. The date the determination in question is issued is not included in the 15-day period for filing an appeal; If the fifteenth day falls on a Saturday, Sunday or holiday as listed in the Merit System Ordinance, the next working day is considered as the deadline for filing the appeal. Such appeal shall be heard within 60 days of its filing.

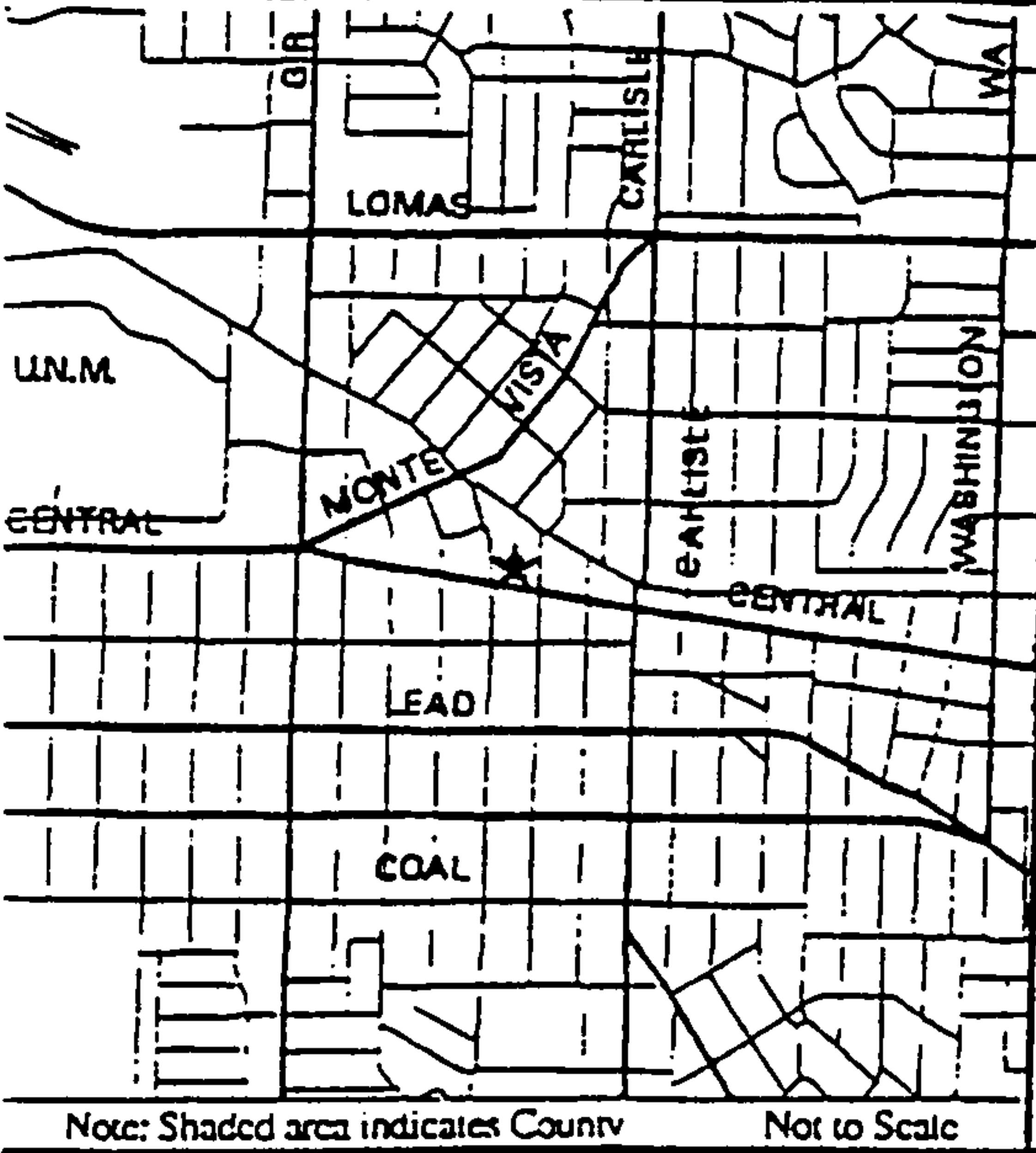
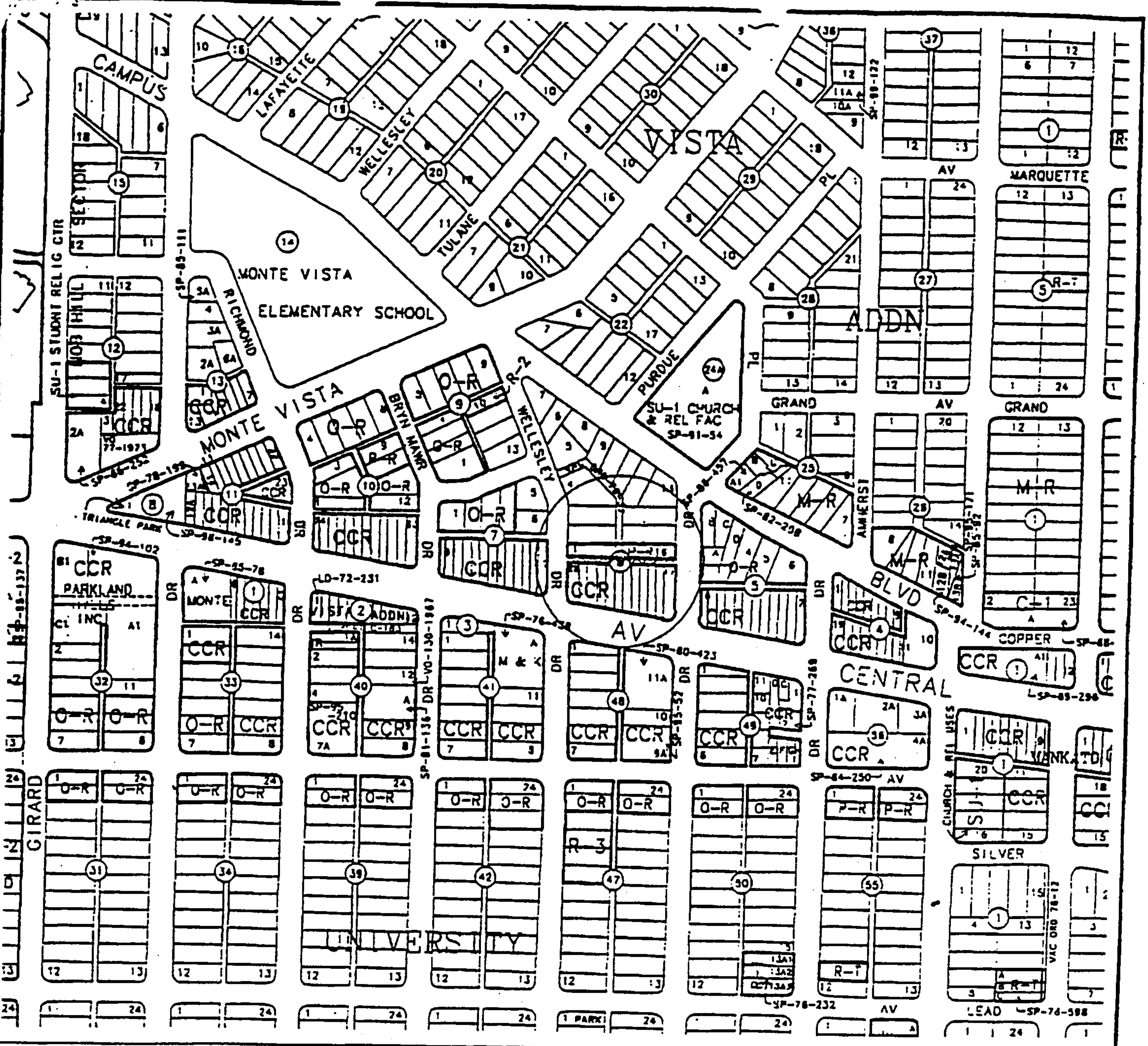
You will receive notice if any other person files an appeal. Successful applicants are reminded that other requirements of the City must be complied with, even after approval of the referenced application(s).

Please note that the vacation of all plats, rights-of-way, and easements are void after one year from the final appeal date referenced above if all conditions are not met (The effective date of Development Review Board approval is the hearing date plus the 15-day appeal period.) (REF: Chapter 14 Article 14 Part 7-2 (E)(3)(6) Revised Ordinance.)

Janet Stephens
DRB Chair

cc: Jose A Venzor, 112 Highroad, Santa Fe, NM 87507
Alex Chisholm, Attorney, P.O. Box 4455, 87196
Colleen Cadwell, 201 Richmond SE, 87106
Ken Robey, 121 Tulane NE, 87106
Deanna Desutter, 310 Richmond SE, 87106
Jeff Chiavette, 4123 Silver SE, 87108
Elizabeth Mason, 3816 Carlisle NE, 87107
Signe Rich, AICP, 505 Ridgecrest Dr SE, 87108
Robert Slattery Construction Inc., 3216 Monte Vista NE, 87106
Loren Hines, Property Management, Legal Dept./4th Flr, City/County Bldg.
Arlene Portillo, Public Works Department, 2nd Floor, Plaza del Sol Bldg.
File

-14A-



ZONING MAP



Scale 1"=410'

PROJECT NO.
1001789

HEARING DATE
4-17-02

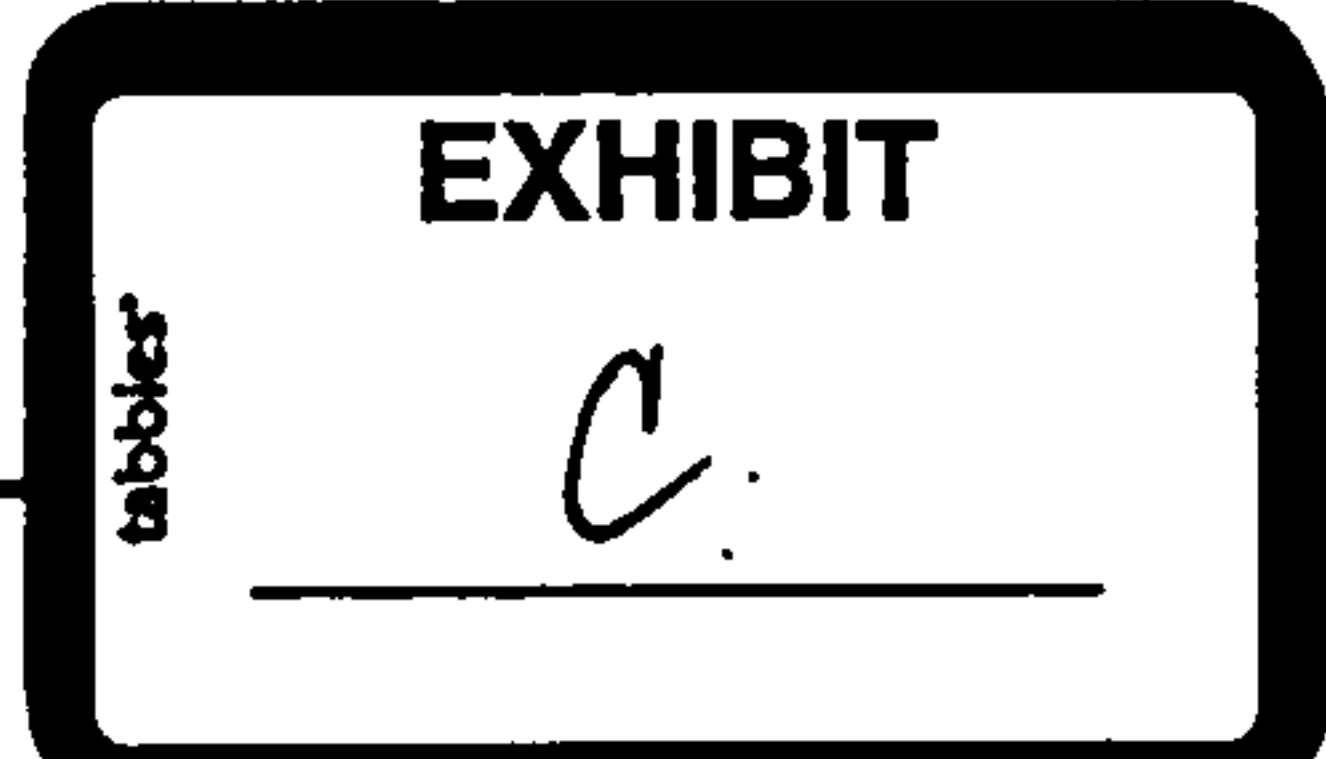
MAP NO.
K-16

APPLICATION NO.
02400-00405

EXHIBIT

C.

-15A-



Re: Appeal of Design Review Board decision dated June 26, 2002
Application No. 02DRB-00405 (Vacation of Public Right-of-Way)
Project No. 1001789

To whom it may concern:

I hereby authorize Rodey, Dickason, Sloan, Akin & Robb, P.A., to act as agent for all purposes relating to appeal of the above referenced action taken by the City of Albuquerque's Development Review Board.

Sincerely,

Louise Bass
by Elizabeth Mason, Attorney
Louise Bass

ONE STOP SHOP ••• FRONT COUNTER
City of Albuquerque • Planning Department

DEVELOPMENT & BUILDING SERVICES (D&B Svcs)
LAND DEVELOPMENT COORDINATION DIVISION (LDC)
Plaza Del Sol -2nd Floor West - 600 2nd St NW
Land Development / Planning - Main Fax (505) 924-3685
Development Services / Public Works - Main Fax (505) 924-3864

PAID RECEIPT

APPLICANT NAME

Louis Bess

AGENT

Rodney Law Firm

ADDRESS

P.O. Box 1888

PROJECT NO.

1001789

APPLICATION NO.

02CC 01378

\$ _____ 441006 / 4983000 (DRB Cases)

\$ 55⁰⁰ 441006 / 4971000 (EPC & AA / LUCC / Appeals)

\$ 50⁰⁰ 441018 / 4971000 (Notification)

\$ 105⁰⁰ **Total amount due**

FOR SECURITY PURPOSES, THE FACE OF THIS DOCUMENT CONTAINS A COLORED BACKGROUND AND MICROPRINTING IN THE BORDER

ODEY, DICKASON, SLOAN, AKIN & ROBB, P.A.

Check No. **110501**

COUNSELLORS AND ATTORNEYS AT LAW
201 3RD STREET N.W., SUITE 2200
P.O. BOX 1888
ALBUQUERQUE, NEW MEXICO 87103

WELLS FARGO BANK, N.A.
ALBUQUERQUE, NM 87103

95-219
1070

Date: **August 30, 2002**

AMOUNT OF CHECK

*****\$105.00**

*****One hundred five and 00/100 DOLLARS*****

PAY TO THE ORDER OF:
City of Albuquerque

By Janice K. Eisenberg
City of Albuquerque
Treasury Division

By _____
TWO SIGNATURES REQUIRED IF AMOUNT OF CHECK IS \$1000.00 or above

THE REVERSE SIDE OF THIS DOCUMENT INCLUDES AN ARTIFICIAL WATERMARK - HOLD AT ANGLE TO VIEW

RECEIPT# 00020814 W# 007 TRANS# 0018

Account 441006 Fund 0110

Activity 4971000

Trans Amt

J24 Misc

7/1/02 \$105.00

TPSCCS

\$55.00

counterreceipt.doc

-17A-

Thank You



City of Albuquerque
Planning Department
Development Services Division
P.O. Box 1293
Albuquerque, New Mexico 87103

Date: August 16, 2002

Michelle Henrie for Louise Bass
Rodey Law Firm
P.O. Box 1888
Albuquerque, NM 87103

OFFICIAL NOTIFICATION OF DECISION

FILE: Project 1001789
02EPC-01044
02DRB-00405 VAC R/W

LEGAL DESCRIPTION: appeal of the
Vacation Action(s) for all or a portion of
Lot(s) 15 & 16, Block(s) 6, 17-28 and Lot(s)
1-3, Monte Vista Addition, zoned SU-2,
CCR, located on E/W ALLEY NORTH OF
CENTRAL AV NE, between WELLESLEY
DR. NE and TULANE DR. NE containing
approximately 3 acre(s). [REF: Z-76-42, ZA-
78-71, VAC. ORD. 76-37](K-16)

On August 15, 2002, the Environmental Planning Commission voted to deny the appeal based on the following findings:

Findings:

1. The DRB did not err in applying adopted City plans, policies and ordinances in approving the vacation.
 - A. The City departments and other commenting agencies reviewed and commented on the case as a vacation request as listed in the documentation that was submitted. Procedures required by the Subdivision Regulations were adhered to. The technical viability of the proposal was reviewed and found to be satisfactory at this point in the process.
 - B. The Nob Hill Sector Development Plan does not contain language prohibiting the vacation of alleys. The "T" intersection is no longer applicable at this location. The alley does not constitute a rigid buffer zone due to the surrounding development.
 - C. Standard procedures under the Subdivision Regulations were used in informing the public, property owners and the neighborhood association of the proposed action.

EPC OFFICIAL NOTIFICATION OF DECISION

Project 1001789 / 02EPC-01044 & 02DRB-00405 VAC R/W

August 16, 2002

Page 2

2. The DRB's finding that the public welfare is no longer served by retaining the alley was not arbitrary and capricious.

A. The alley is not intended to provide an alternative route for east-west traffic.

B. No public welfare is served by retaining the alley for access notwithstanding that utility easements will need to be reserved at the time of platting.

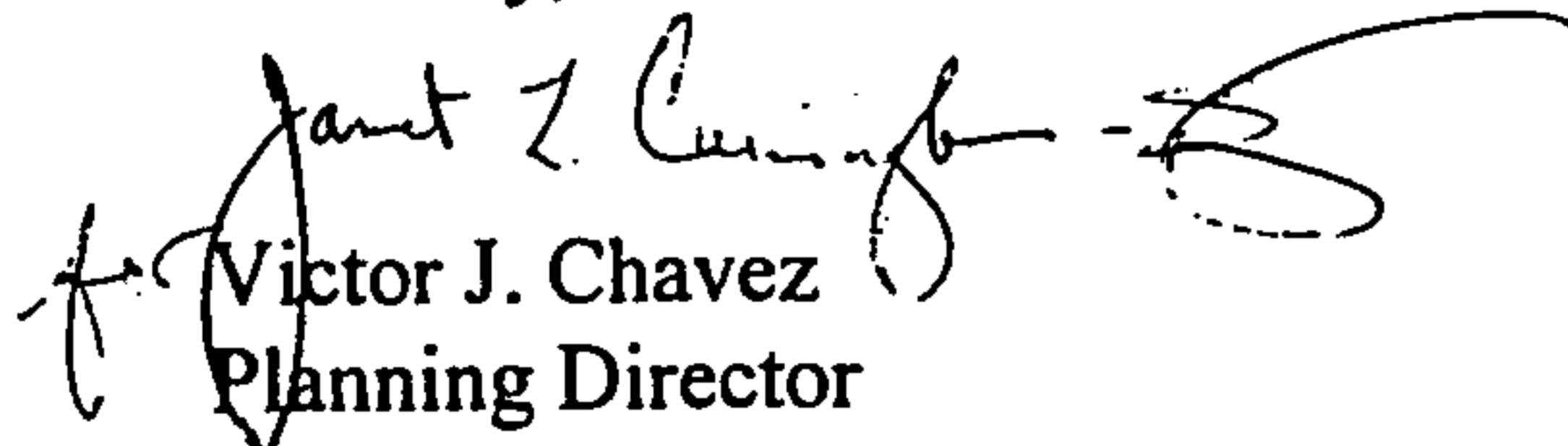
IF YOU WISH TO APPEAL/PROTEST THIS DECISION, YOU MUST DO SO BY AUGUST 30, 2002 IN THE MANNER DESCRIBED BELOW. A NON-REFUNDABLE FILING FEE WILL BE CALCULATED AT THE LAND DEVELOPMENT COORDINATION COUNTER AND IS REQUIRED AT THE TIME THE APPEAL IS FILED.

Appeal to the City Council: Persons aggrieved with any determination of the Environmental Planning Commission acting under this ordinance and who have legal standing as defined in Section 14-16-4-4.B.2 of the City of Albuquerque Comprehensive Zoning Code may file an appeal to the City Council by submitting written application on the Planning Department form to the Planning Department within 15 days of the Planning Commission's decision. The date the determination in question is issued is not included in the 15-day period for filing an appeal, and if the fifteenth day falls on a Saturday, Sunday or holiday as listed in the Merit System Ordinance, the next working day is considered as the deadline for filing the appeal. The City Council may decline to hear the appeal if it finds that all City plans, policies and ordinances have been properly followed. If it decides that all City plans, policies and ordinances have not been properly followed, it shall hear the appeal. Such appeal, if heard, shall be heard within 45 days of its filing.

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Successful applicants should be aware of the termination provisions for Site Development Plans specified in Section 14-16-3-11 of the Comprehensive Zoning Code. Generally plan approval is terminated 7 years after approval by the EPC

Sincerely,


Victor J. Chavez
Planning Director

VJC/RB/cas

cc: Jose A Venzor, 112 Highroad, Santa Fe, NM, 87507
Alex Chisholm, Attorney, P.O. Box 4455, Albuquerque, NM, 87196
Colleen Cadwell, 201 Richmond SE, Albuquerque, NM, 87106
Ken Robey, 121 Tulane NE, Albuquerque, NM, 87106
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Signe Rich, AICP, 505 Ridgecrest Dr SE, Albuquerque, NM, 87108
Robert Slattery Construction Inc., 3216 Monte Vista NE, Albuquerque, NM, 87106

NOTE: COMMISSIONER CHAVEZ LEFT THE HEARING; COMMISSIONER JOHNSON WAS RECUSED FROM HEARING THE FOLLOWOING ITEM.

19. Project # 1001789
02EPC-01044 Appeal

LOUISE BASS ET. AL. BY RODEY LAW FIRM appeals the Development Review Board's approval of the Vacation Action(s) for all or a portion of Lot(s) 15 & 16, Block(s) 6, 17-28 & Lot(s) 1-3, **MONTE VISTA ADDITION**, zoned SU-2/CCR, located on E/W ALLEY NORTH. OF CENTRAL AVENUE NE, between WELLESLEY DRIVE NE and TULANE DRIVE NE, containing approximately 3 acre(s). [REF: Z-76-42, ZA-78-71, VAC. ORD. 76-37] (K-16)
Janet Stephens, Staff Planner

STAFF PRESENT:

Janet Stephens, Chair, Development Review Board
Richard Dourte, City Hydrologist/Acting Traffic Engineer

PERSON SPEAKING IN SUPPORT OF THE APPEAL:

Michelle Henrie, Rodey Law Firm, 201 3rd St NW, Suite 2200

PERSON SPEAKING IN OPPOSITION TO THE APPEAL

Alex Chisholm, Attorney for the developer Jose Venzor, P.O. Box 4455
Jose Venzor, 112 High Road, Santa Fe, NM

CHAIRMAN SCHWARTZ: Mr. Paulsen, if I recall, we have 15 minutes for the appellant, 20 minutes for the appellee, 5 minutes for the agency appealed from, 5 minutes for staff and then a 5 minute rebuttal from the appellant. This is an appeal of a decision from the Development Review Board to vacate an alley.

I am looking at the June 1997 DRB, has the language concerning Vacations changed since then. In other words, what I'm looking at is that the criteria for vacation is that the public welfare is in no way served by retaining the right-of-way, private-way or easement, or there is a net benefit to the public welfare because the development made possible by the vacation is clearly more beneficial to the public welfare than the minor detriment resulting from the vacation. In addition, there is no convincing evidence that any substantial property right is being abridged against the will of the owner of right. As I understand reading this the decision from the Development Review Board cited A. the public welfare is in no way served by retaining the right-of-way, private way or easement and C. There is no convincing evidence that any substantial property right is being abridged against the will of the owner, and so my reading of this is that the development was not a part of the basis of the decision of this action by the Development Review Board. Ms. Stephens?

EPC MINUTES
AUGUST 15, 2002
PAGE 29

MS. STEPHENS: Janet Stephens, Development Review Board Chair, Planning Department. That is a correct assessment.

CHAIRMAN SCHWARTZ: Because there was a lot of stuff in the file where people were talking about the development scheme. The development scheme is not a part of the record.

MS. STEPHENS: The Development is not a part of the record. When the Board reviews a proposal for a vacation, the vacation is a stand alone issue. Whether or not the City actually needs the right-of-way or if there is some way to provide the easements or relocate utilities if necessary.

CHAIRMAN SCHWARTZ: I guess my point is the development could be a basis under Paragraph B but it was not the basis for this decision?

MS. STEPHENS: It was not the basis for this decision.

CHAIRMAN SCHWARTZ: Appellant?

MS. HENRIE: I am Michelle Henrie from the Rodey Law Firm here in Albuquerque, 201 3rd St NW, Suite 2200. I am here on behalf of, some of appellants who are here with me, I'm going to ask them to stand. The appellants are Louise Bass and her neighbors, Kenneth Robey, Joseph Valdez, Martha Valdez, Janet Mason, Rebecca Page and also participating in the prior hearings was their attorney, Beth Mason. They are all here with us tonight.

CHAIRMAN SCHWARTZ: Let me ask you a question. Who's the client?

MS. HENRIE: The client is Louise Bass.

CHAIRMAN SCHWARTZ: But the other appellants?

MS. HENRIE: The other appellants have joined in the appeal.

CHAIRMAN SCHWARTZ: Joseph Valdez and Martha Valdez?

MS. HENRIE: Joseph and Martha, also Kenneth, Janet and Rebecca.

CHAIRMAN SCHWARTZ: I guess the question is was Martha Valdez formerly Martha Chavez?

MS. HENRIE: Yes.

CHAIRMAN SCHWARTZ: Thank you. Have you all been sworn in?

MS. HENRIE: Actually I'm going to be the only person speaking.

CHAIRMAN SCHWARTZ: Anyone who is going to testify in this matter raise your hands. Do you swear to tell the truth under penalty of perjury? (They answered I do).

EPC MINUTES
AUGUST 15, 2002
PAGE 30

MS. HENRIE: Let's make sure we are all in the same place before we start talking about the meat of our argument. I appreciate you Commissioner Schwartz, clarifying what the legal standard is on this appeal.

This is Central, this is Monte Vista, this is Campus, so the UNM Campus is right here. As you come down Central there is the Monte Vista Fire Station and O'Neal's Pub, Scalos is down here and Il Vicino, I gage myself my restaurants as you can tell. This is Block 6 and that's what we are talking about. Down here is the property that is currently zoned CCR which is a C-2 zone essentially. There is no SU zones within this sector plan. There's no real opportunity for site development plan review and a hearing sort of a process. It is a CCR zone which is basically as I said a C-2.

Up here, just right above the commercial area, are a couple of PR zones that serve this CCR zone below. The alley in question is right here. The appellants live up in this area right here, very close to the alley.

Our argument basically is that the vacation was not in accord with applicable law and it is not based on the evidence in the record and for those reasons legally it is arbitrary and capricious. I'm going to go through those things. I want to focus my discussion tonight much more than the written comments, those comments are in the record and I'm sure you've had an opportunity to read them. I'll be happy to answer questions on them, but I'm going to focus more on the legal argument. As a preface though let me just suggest to you that a City is defined not only by its positive spaces that is the things that are built, the buildings, the bridges, the steeples, the monuments but also by negative spaces. The open space, the plazas, the streets, sidewalks and alleys. It's easy to disregard an alley I think but it's something that's very important. It's very important to my clients because it's not only an alley but it is something that is helping to keep the development from creeping into the residential neighborhood there in Block 6.

Let me go back to the standard, and I'd just like to clarify one thing again, this is the City's Ordinance 14-14-7-2 Vacation of Public Rights-of-Way. Item B is the Vacation of Public Rights-of-Way and I'm going to start quoting "shall be approved only when it is determined that 1. the public welfare is in no way served by retaining the way or the easement". Commissioners as I read that it says zero public welfare. The options are zero public welfare, or if there is any public welfare served by the alley, even a minimal one, any public welfare. 2. I will quote again "there is a net benefit to the public welfare because the development made possible by the vacation is clearly more beneficial to the public welfare than the minor detriment resulting from the vacation". And then 3. which is not really something that we are challenging.

So the question is, is there any public welfare served by this alley? If there is any, I think the Development Review Board needs to go with this 2. this balancing approach and they need to consider whether the benefits of the development outweigh the loss of the alley.

CHAIRMAN SCHWARTZ: The reason I made those statements up front is because we're not talking about the development.

MS. HENRIE: Correct.

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CHAIRMAN SCHWARTZ: I've never seen the development and so the A and B is an either/or. The Development Review Board chose A. For that reason I don't think we should be discussing the development.

MS. HENRIE: Mr. Chairman that is expressly one of our contentions. I think that it is not and either/or that the Development Review Board has at its whim it can decide whether to fall under A or to fall under B. I think as the ordinance is written, it says A or #1 applies when there is no public welfare served by the easement. If there is any public welfare served by the easement, I think that #1 cannot apply and #2 has to be the analysis that it falls under. Our contention here tonight is that there is evidence in the record that there is some public welfare being served by the alley and therefore the vacation cannot stand on this provision #1. Maybe it could on #2, we do not know until we see the development and until we're able to make that analysis we don't know.

Let me turn to why we think there was some public welfare served by the alley and we think that it's shown in the record.

First of all the Nob Hill Sector Development includes the Monte Vista sub area. This basically is the Monte Vista sub area, it's bigger than just Block 6 or the little area close to Central. The plan was adopted in 1987. The ordinance adopting the plan said that it is a guide to City actions with respect to future land use in Nob Hill. The question is what does guide mean? I think it means that it tells us where, it should influence those decisions that are made by the different Boards and bodies of the City.

Among the goals of the sector plan, which are stated on page 7 of the sector plan and of the comprehensive plan, Policy A2B, are "to preserve the history and things that give identity and character to the area". It is our contention that alleys are part of the character of this area for the following reasons. The Monte Vista sub area was platted in 1926, it boomed in the 1930's and the issues at that time, the development concerns at that time were two things. First of all there was an emergence of the automobile as a primary means of transportation and the suburbs were starting to reflect that. Second, there was the issue of flood control. The Monte Vista Subdivision is unique in the City because the developer thought about those two things. He made these cockeyed streets. Albuquerque is a grid-City up until the 80's then we started doing these meandering things, but the rest of the City is grids except Monte Vista. It's got these odd angles because the developer was trying to hit the arroyos in a way that the flood control would be mitigated or navigated through the streets. It was really a very clever concept. Because the blocks ended up being cockeyed he put these alleys in them and they were thought out. They were thought out in a pretty good way. We're going to talk about the chain of alleys in just a minute.

We think that the alleys are something that is brought up in a sector plan as something recognized by the sector plan. They are also recognized in the National Register of Historic Places is now considering whether to make Monte Vista to list it on the National Historic Register and the alleys come up in that context as well.

To us the alleys are part of the character of the Monte Vista area. We think that there is some public welfare benefit to those sorts of things. These are emotional issues and I'm going to turn to some real numbers issues in just a minute.

While I'm on the emotional issues, second we think there is a public welfare value in preserving the integrity and stability of the residential neighborhoods. The vacation allowed the CCR the C-2 zone to creep a little bit further towards the neighborhoods.

Let me turn to the numbers issues. They basically revolve around circulation. The public's use of alleys for circulation cannot be disregarded and it was. The Nob Hill Sector Development Plan in Appendix B at 14 and 15 say that "alleys can and should be used to improve traffic flow in this area". The record includes letters, it includes testimonies about this chain of alleys that run east-west, they're just north of Central. Those alleys are used for delivering emergency services, for ambulances, for police, for circulation purposes and not just to provide services, deliveries and parking for those business establishments. Further, the east-west chain of alleys would be broken by vacating this alley. Let me just draw that on the map real quickly. If you start over here, this is Carlisle and there's an alley that dips in here off of Campus, turns the corner, they are offset, it says that in the record, but they continue. From Amherst over to Tulane the alley that's well "an issue" right now, from Tulane over to Wellesley, Wellesley over to Bryn Mawr, Bryn Mawr over to Richmond, at Richmond they make this awesome little "Vee" right here, this is just wonderful and then they come back this way. It's a chain of alleys. They are all in tact. They are all still being used and capable of being used. I brought pictures, but it's kind of late so I'll just keep going.

The Development Review Board took two positions with regard to circulation. First, consistent with Development Review Board's comments in the staff report on page 2 they had taken the position that the purpose of an alley is only for delivery or parking access to the adjacent sites. Not to provide alternative routes for traffic to flow through. However, the record does not support limiting the alleys thus. There is no citation to a City Ordinance, or to a statute or to anything, case law, a position within the department, anything that I could find to say why alleys should be so limited.

By contrast there are letters and testimony in the file, let me refer you to pages 58 and 65 for example, page 98, talking about how those alleys are used for circulation. We think that by limiting the purposes of an alley to delivery, to services, to parking for existing businesses, it stacks the deck in favor of a developer who has demolished the structures that would normally be served by an alley. If the structures are gone, if the businesses are not there, and they are not in this case I assume you had a chance to do a site visit, the old Baca's restaurant and Denial Building has been demolished, there's still a Helen's there, the bridal store, but there's not functioning, viable businesses there that are receiving services. If we limit the purposes of the alley to servicing those business and yet the businesses are gone, we've got a stacked deck., we've got a defacto argument, we might as well not even go to Development Review Board. I don't think that's the point. I don't think that's the message that's out there.

The second position that Development Review Board took is that people do not or should not use alleys for circulation. This was not expressly there it was something I implied and therefore there was no public welfare components served by the alleys. I would refer you to page 92 of the record.

Again, testimony and letters stated that the chain of alleys is used for circulation. There was no evidence I could find in contrast to that except on pages 92 and 98 where the alleys were more or less dismissed as not being a through alley system because they were offset. That was the only evidence I could find against the use of the alleys for circulation.

Given this position and the fact that there's not going to be any services or parking in connection with the demolished buildings, it's not really clear why the Development Review Board insisted on having a traffic count. But the traffic count is pretty important. What the traffic count says is that it confirms the alley that is an issue tonight, the alley is being used. It's not being used a lot, but that could have to do with the fact that the alley has been blocked off during demolition or there may have been some obstructions in the alley, but it was being used. Maybe six people a day at that point in time, maybe more, we don't know. But six people a day are public, they are part of the public, they are part of the traveling public and they were using that alley. We think that some public welfare is different than no public welfare. What the Development Review Board said in their findings is "no public welfare was served by the alley". Again, it might be small but it's there.

Our contention is, and I'll wrap up now because it is getting late, is that if there is any public welfare whatsoever, any, the ordinance requires Development Review Board to go under that provision number 2. And to balance the public welfare served by the development against the welfare served by the alleys. Twice in the record, page 83 and page 98, Development Review Board was asked to do this balancing act. The response was that the detriment would be minor. The detriment caused by vacating the alley would be minor, not that it would be nonexistent, it would be minor.

Once again, I think this is what the ordinance says, I'm convinced this is what the ordinance says, either there is absolutely no detriment or if there is detriment you do a balancing act. The balancing act was not done. The evidence does not support the finding that there is no public welfare. For these reasons we think the decision was in error and the vacation cannot stand. I can answer questions or I can hold my comments for rebuttal.

COMMISSIONER SCHWARTZ: Do we have any questions?

COMMISSIONER OWENS: Ms. Henrie what is this panels standard of review here today? What is your opinion of that?

MS. HENRIE: I'm sorry, Commissioner Owens, could you repeat.

COMMISSIONER OWENS: What is the standard of review on appeal here for this body?

MS. HENRIE: The standard of review is whether the Development Review Board erred in applying adopted City plans, policies and ordinances in arriving at the decision or alternatively whether the Development Review Board acted arbitrarily and capriciously.

COMMISSIONER OWENS: Thank you.

COMMISSIONER SCHWARTZ: What comment would you make regarding the fact that the other alley that was originally on this block that has been vacated, how does that relate to the arguments about historical significance.

MS. HENRIE: Well to be honest my understanding is that that alley was vacated in 1976 or 1978 sometime before the sector plan was adopted in 1987. As I understand, the dynamics of adopting a sector plan is people at some point in time start realizing what is precious to them and sometimes it is after something has happened that maybe should not have happened. I think I would say that it is unfortunate that branch of the "Tee" alley has, in fact, been vacated but I don't think it nullifies our position.

COMMISSIONER SCHWARTZ: Your client and the other appellants I don't know if they actually owned this property at the time of the vacation but their properties include a portion of the vacated alley at this time. Is that correct?

MS. HENRIE: My understanding is that for tax purposes they do own the portion of the vacated alley. They have not fenced the vacated alley into their own property because there is an easement on there. The property owners maintain the alley but there is not traffic that flows through it. Mabel Baca, the former owner, had put a fence up so traffic could not go through the alley. Visually you could walk through it and it's fenced almost as a no man's land. It is strange and I've not seen it anywhere else to be honest. It's as if the alley could be reinstated. It's all fenced and still there.

COMMISSIONER SCHWARTZ: Right, I noticed that. You say there is an easement on it?

MS. HENRIE: My understanding is that the utilities still flow through that alley so there are utility easements through there.

COMMISSIONER SCHWARTZ: Any other questions? Commissioner McMahon?

COMMISSIONER MCMAHON: Ms. Henrie, you've made an issue of the usability of the alleys to the neighbors. Have you driven through those alleys?

MS. HENRIE: I have. I did last night in fact.

COMMISSIONER MCMAHON: Did you get glass in your tires?

MS. HENRIE: No. I have photos if you would like to see.

COMMISSIONER MCMAHON: I've driven through there a number of times in the past 40 years and I've always been terrified of getting a blowout behind one of the buildings and not being able to get a tow truck in there to get me out. I have to admit that I have not been in there in the past 4 or 5 days so it may have been cleaned up considerably. I personally having had an office down there a number of years ago on Amherst, would not like to drive through those alleys at all. At the time, a long time ago, I thought the City ought to close these bloody alleys because outside of a back entrance into Kurt's Camera Corral, there's no earthly reason for those things to be there. That was my personal opinion then and frankly it hasn't changed any.

MS. HENRIE: I can appreciate that Commissioner McMahon. I don't recall, I'm not saying it's not there, but I don't recall any evidence in the record about the alleys being a nuisance. I know that often comes up, it's a place where people hang out and so forth.

COMMISSIONER MCMAHON: Indeed, it is not in the record.

MS. HENRIE: Okay.

COMMISSIONER SCHWARTZ: It's your argument then that the criteria that the public welfare is in no way served, that there's no diminimus exception to that?

MS. HENRIE: Correct.

COMMISSIONER SCHWARTZ: That if one person uses that alley legitimately?

MS. HENRIE: I think that's what it says.

COMMISSIONER SCHWARTZ: Any other questions? (None) Then you'll have 5 minutes for rebuttal at the end. Ms. Stephens?

MS. STEPHENS: Actually, I believe we need to go to the appellee.

COMMISSIONER SCHWARTZ: Perhaps you're right.

MS. STEPHENS: Mr. Venzor?

MR. CHISHOLM: My name is Alex Chisholm and I'm the attorney for the developer Jose Venzor.

COMMISSIONER SCHWARTZ: The appellee has 20 minutes. The appellant had 15 minutes. The appellee has 20. The staff has 5 and 5 for rebuttal for the appellant.
Let me state for the record:

COMMISSIONER LARRY CHAVEZ LEFT AND COMMISSIONER SUSAN JOHNSON RECUSED HERSELF FROM HEARING THIS CASE.

COMMISSIONER MCMAHON: Mr. Chairman I missed the speakers name and address.

MR. CHISHOLM: My name is Alex Chisholm. I'm the attorney for Jose Venzor the developer. I don't really have a whole lot to say the record speaks for itself. The comments written by Ms. Stephens pretty much state our position.

I think it's clear to any objective observer of that neighborhood that the alleys are obsolete. They're not used for deliveries. The fact that they are jagged and dog-legged makes it virtually impossible for any delivery truck of any size to use them.

The Review Board had comments from all the appropriate City agencies and none of them were adverse to the vacation of the alley. The Transportation Department had no objection to it. The

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Utility Department had no objections to it as long as they could retain a sewer easement. The City Engineer had no objection to it.

If you look at the facts objectively the simple conclusion is that the alley should be vacated because it's serving no public purpose whatsoever. Six (6) cars a day does not constitute significant public use in any way. I'd be happy to answer any questions.

CHAIRMAN SCHWARTZ: Any questions of Mr. Chisholm? Commissioner McMahon?

COMMISSIONER MCMAHON: Does the ordinance say significant public benefit or any public benefit?

MR. CHISHOLM: It says it 'no way serve the public welfare'. That's a conclusion and I guess it's up to the Body to decide if six (6) cars a day constitutes..

COMMISSIONER MCMAHON: I'm sorry Mr. Chisholm, the reason I asked the question is you used the words "significant public benefit" for public welfare. And Ms. Henrie used the word "any" public welfare, public benefit. I'm trying to find out which of those two we really should be considering. What does our ordinance say about this?

MR. CHISHOLM: "In no way serves public welfare". Then the conclusion is that six (6) cars a day.

COMMISSIONER MCMAHON: Okay. Thank you.

CHAIRMAN SCHWARTZ: Any other questions? (None) I'll ask you and then I'll also ask Ms. Stephens later. The purpose of an alley since there are apparently no businesses that abut the alley, what purpose, is it the legitimate purpose of an alley to serve as a bypass to a public road?

MR. CHISHOLM: I don't quite understand the question. I don't know if it's a general question or a specific to that area.

CHAIRMAN SCHWARTZ: We talk about this criteria of whether the public welfare is in no way served, is it legitimate to argue that there's a public welfare interest in having alleys as alternatives to our streets.

MR. CHISHOLM: I think to answer that you have to take into consideration the overall traffic flow of any given neighborhood. In this specific neighborhood, again, I think it's clear to the Transportation Department and anybody who uses Central Avenue or Campus and Copper that those alleys are in no way considered alternative routes for traffic. Does that answer your question? At one time they may have served a purpose.

CHAIRMAN SCHWARTZ: What I'm saying is that since there are no businesses there to deliver goods to or to pick up trash from or for trades people to be visiting for plumbing or electrical work that the only reason I can see for someone to use that alley is as an alternative to the public street.

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MR. CHISHOLM: I understand your question now. If that's the purpose of the alley then the substitute for that alley would be off-street parking behind the businesses. A lot of these alleys are kind of expanded and people are actually parking parallel on them or moving into them behind the buildings. There are substitute uses and other landscaping can be used as a substitute for the alley. The alley isn't imperative to the service of the commercial building.

CHAIRMAN SCHWARTZ: Okay. Any other questions? (None) Ms. Stephens?

MS. STEPHENS: Janet Stephens, Development Review Board Chair. I'll just go back to the staff report. I think that the background analysis and I know you've all read this, tells a story. I think it tells a story that the Board was sensitive to the neighborhood in determining or trying to determine the usage of the alley. There were two (2) traffic counts done. I've included one (1) and I believe, Richard Dourte from Transportation Development, has the additional traffic count. Again, the traffic count showed very minimal usage of the alley. Given the minimal usage, given that the Hydrology concerns will be addressed at the time of plat, given that the Development Review Board is going to require that we receive determination from Solid Waste that their needs can be met we tried to be sensitive to the neighborhood. But given the technical concerns, all of those technical concerns can be mitigating and that is what a vacation decision is based on.

So the Development Review Board a consensus board agreed to vacate the alley. Now the vacation decision is only one part of the action.

If the vacation is not platted into the adjacent properties and the plat approved by the Development Review Board within one year and recorded, the vacation approval is void. So this is merely a first step. Based on the fact the concerns could be mitigated the Development Review Board made its decision and its interpretation. If you have any Transportation questions about the circulation of the alley, Richard Dourte is here. He is the representative on the Development Review Board representing Transportation Development.

CHAIRMAN SCHWARTZ: Any questions of Ms. Stephens? Ms. Stephens let me ask you the same question I asked Mr. Chisholm. Did you understand what I was trying to ask? If that entire frontage on Central, the Bridal Shop is that a viable business at this time?

MS. STEPHENS: I don't know if it is or not.

MR. CHISHOLM: It is viable.

CHAIRMAN SCHWARTZ: It's my understanding that the applicant for the vacation controls that property. Is that correct?

MR. CHISHOLM: Yes.

CHAIRMAN SCHWARTZ: Well you should know the answer to that. You heard the case and you have to have the consent of all the parties.

MS. STEPHENS: All right.

CHAIRMAN SCHWARTZ: You have that in the file right?

MS. STEPHENS: We have the persons who were notified.

CHAIRMAN SCHWARTZ: I'm talking about consenting to the vacation? That's what I'm determining, that was my understanding but that should be in the file. The property records still show that one corner is the ownership of Baca, it shows Carmen's on Route 66 as ownership of some of the other properties. Some of the property going up Wellesley Avenue is owned by Mr. Venzor in his own name or in his LLC name. So I'm saying that the file for the application for the vacation should somehow show that Mr. Venzor is either the owner of this property under a contract or under a sale that's not yet been recorded or that these other people have consented to the vacation. The property that abuts the alley.

MS. STEPHENS: Chairman Schwartz, we were informed that Mr. Venzor owns approximately nine (9) properties.

CHAIRMAN SCHWARTZ: Yes I see that but some of those properties don't abut the alley.

MR. VENZOR: Mr. Schwartz may I answer. The property in the corner is also owned by me.

CHAIRMAN SCHWARTZ: Can you identify yourself?

MR. VENZOR: My name is Jose Venzor. I'm the owner of the property. My address is 112 Highroad, Santa Fe.

CHAIRMAN SCHWARTZ: Okay, thank you. Ms. Stephens what I want to understand is what is the purpose of the alley. You say there was a traffic count. What is the relevance of a traffic count. In other words, if there were no structures on any of those lots fronting Central, are you saying that if you had a lot of people using the alley for cut-through traffic that would be a basis for denying the vacation?

MS. STEPHENS: It would help to show that there was public use. Given that there were six (6) vehicles maximum per day.

CHAIRMAN SCHWARTZ: Do you understand what I'm trying to get at?

MS. STEPHENS: I'm not sure.

CHAIRMAN SCHWARTZ: What is the purpose of the alley? Is the purpose of the alley legitimate? Is it a legitimate purpose to say that it's an alternative to public streets? Or is the purpose of the alley to provide access and service to the properties that abut the alley? Maybe Mr. Dourte can answer.

MS. STEPHENS: The purpose for an alley is basically to provide for service deliveries, that sort of thing. Trash pick-up.

CHAIRMAN SCHWARTZ: Mr. Dourte do you have anything to add to that?

MR. DOURTE: Richard Dourte, I'm the Traffic Engineer that sits on the Development Review Board. One of the reasons I wanted the traffic count was to determine if there was a problem. If

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there are people who are using this alley as a cut-through that is not desirable and I would contact Traffic Operations in order to see what we could do about alleviating that problem.

I questioned if the public welfare is being served by a facility that is not sufficient to handle the traffic or to handle even a minimal amount of cut-through. That is my opinion as a traffic engineer.

CHAIRMAN SCHWARTZ: My question is that when we look at the public welfare of an alley, how much weight do we assign to cut-through traffic as being a legitimate use of an alley?

MR. DOURTE: I don't consider cut-through traffic as being a legitimate use of an alley. Even the Nob Hill Sector Plan they do refer to circulation. However, if you look at the diagram, my interpretation of the diagram was that the circulation is for the lots which are internal to that block and not to go from street to street.

CHAIRMAN SCHWARTZ: Okay, so the public welfare interest an argument can be made that the public welfare aspect is being able to provide services to property owners who abut the alley without blocking the public streets. In other words, trash pick-up in the alley so that it doesn't have to take place on the street or deliveries to the businesses so that those delivery vehicles don't have to be out on the street.

MR. DOURTE: That might be more of a customer service than a public welfare service. You can look at it in that manner I suppose.

CHAIRMAN SCHWARTZ: Do you have any questions for Ms. Stephens? (None) I don't think in these cases we have the staff input. Commissioner Briscoe?

COMMISSIONER BRISCOE: With a one-year time period for the second half, the consummation of this thing to happen, how is that affected by this appeal? Do they now have ten months to get everything finalized or does that twelve month period start at the end of all appeals?

MS. STEPHENS: Because we don't have a final decision at this point, my understanding is that the time period would begin at whatever point we have a final decision. Whether your decision is the final decision or if it should go on to City Council for decision.

CHAIRMAN SCHWARTZ: Ms. Henrie do you have rebuttal?

MS. HENRIE: I'll be brief I promise.

CHAIRMAN SCHWARTZ: You have 5 minutes.

MS. HENRIE: Just a couple of comments. We are appreciative that the Development Review Board was sensitive to the neighborhood. Thank you. The issue though as Ms. Stephens reiterated but as we understand it is there is minimal usage of the alley. You got my point, there is some usage. This idea that hydrology or dealing with the solid waste or the technical concern should happen at stage two, step two, at the time of platting is consistent with my understanding of the ordinance. In other words, I realize platting is not a site plan but dealing with things like the affect of hydrology might be a project sort of thing. That's what option two under the

ordinance says, is that if there is going to be some things that are addressed in the course of development you do that in the course of development and in weighing back and forth the public welfare between the development and the alley vacation.

To say that there are issues with hydrology, there are issues with relocating the easements, there are issues with solid waste, but they are not going to be dealt with until platting, to me recognizes that there is still a general welfare purpose of that alley. It's actually affirmed by saying that the alley vacation does not take affect until the replat happens. Inotherwords, until those public welfare benefits that the alley is serving become accommodated or mitigated some other way. Again, that type of thing is what falls under Section 2 of the ordinance where you weigh the development as a whole against the loss of the alley.

So again, we just would reiterate that we think the evidence in the record does not support the finding that the alley in no way serve the public welfare. We would ask you to reinstate the alley. Thank you.

CHAIRMAN SCHWARTZ: I have a question. I notice in the record at the Development Review Board the Nob Hill Neighborhood Association had indicated a preference for a different resolution or a different handling, but they did not feel strongly enough apparently to become a party to the appeal?

MS. HENRIE: That is correct. We've been communicating with the neighborhood association. They did vote to take no position at this point in time either for nor against the appeal. They have not precluded the possibility of joining us or not joining us in the future, but for now it is correct, they are not a party to this appeal.

CHAIRMAN SCHWARTZ: Any other questions? (None) Any discussion? I think we're done. I don't know what could be added at this point. Commissioner Jesionowski?

COMMISSIONER JESIONOWSKI: I want to clarify the ownership of the lots. I think it's a key issue here. I want to ask Ms. Stephens a question. The applicant is purported to own or control Lots 15 and 16 Block(s) 6, 17-28 and Lot(s) 1-3, is that correct? Actually, I should say Mr. Venzor is purporting to control.

MS. STEPHENS: That is what is included on the application form, Lots 15, 16, 17, I can't read if that's a 28 or an 18 and then 1 through 3 of Block 6.

COMMISSIONER JESIONOWSKI: So those are all of the lots that are contiguous to the alley?

CHAIRMAN SCHWARTZ: That's actually more includes lots that aren't contiguous.

COMMISSIONER JESIONOWSKI: It includes one lot that is not contiguous to the alley.

CHAIRMAN SCHWARTZ: Well for instance, here's lot 1 so 2 and 3. Lot 1 is contiguous to the alley.

COMMISSIONER JESIONOWSKI: So 2 and 3 would not be part of that.

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CHAIRMAN SCHWARTZ: So Lot 2 is the only lot that remains of the alley that's already been vacated. The only lots are these two lots here, 1 and 16.

COMMISSIONER JESIONOWSKI: So I guess my biggest concern is to make sure that Mr. Venzor either owns or controls through contract purchase those lots. Did you verify that? Or did you proof or some sort of reason to believe that was the case?

MS. STEPHENS: When someone signs an application we ask their proprietary interest in the site. There are times when they put owner other times they put contract purchaser, buyer something like that. In this case it was owner. So that is the conclusion that we reached.

CHAIRMAN SCHWARTZ: We'll close the floor for comments from the Commissioners.

FLOOR CLOSED

COMMISSIONER MCMAHAN: My concern has to do with the use of two words in the appellants presentation. One is the word of "any" being narrowly defined. The other is the word "guide" in reference to the Nob Hill Sector Plan. This Commission has been told by a judicial authority in this state that "guide" is simply a guide and does not have the force to demand that certain actions be taken. The word "any" I think used in this context does not mean a single instance is enough for any. I, quite frankly, do not feel that at this point the appellants have proven their case enough to warrant granting the appeal.

CHAIRMAN SCHWARTZ: Commissioner you reminded me of something. I know that you read that appeals case to which you refer. I thought of that when I first started reading this and I did pull out a copy of the Nob Hill Sector Development Plan and I noted that it was adopted by Resolution which I think was a fact in the appeals case that you are referencing. It was a plan adopted by Resolution versus in conflict or alleged conflict with an Ordinance. I think that we have the same situation here. The vacation is from an ordinance, is that correct Ms. Stephens?

MS. STEPHENS: The vacation is from the Subdivision Regulations.

CHAIRMAN SCHWARTZ: That is adopted by Ordinance is that correct? Okay. The plan has been adopted by Resolution. It's a comparable kind of situation. Commissioner Jesionowski?

COMMISSIONER JESIONOWSKI: I think it gets down to the two words, no way, whose interpretation of no way. I think Ms. Henries interpretation of "no way" means absolutely no way. I think reasonably if it's absolutely "no way" then that means there shouldn't be a vacation possibility in the City because the City could never vacate any right-of-way.

CHAIRMAN SCHWARTZ: If you could produce a single individual who is willing to state that they had used whatever was the sidewalk or the alleyway or whatever.

COMMISSIONER JESIONOWSKI: So I think in this case that the Development Review Board has obtained comments from all of the different agencies and all of the agencies were basically in agreement that the right-of-way serves no purpose. I would think that would substantiate, to me,

under the words "no way", so I would support the Development Review Board's action in that I think they did the right thing in granting the vacation and decline or turn down the appeal.

CHAIRMAN SCHWARTZ: Any other discussion? Commissioner Owens?

COMMISSIONER OWENS: I have a different view of this. I think that the Nob Hill area is characterized in part by the alleyways. It's a busy part of town and it's hard to find parking and personally I utilize the alleys, not for access, but to get around from place to place when I'm trying to park without having to go around the block or wait at the light. I'm not convinced that there is no public benefit to the alley. On the other hand, I'm a little troubled by the fact that these neighbors acquiesced in the vacation of the other alley, the "T" alley. I find a distinction between that alley, which is surrounded entirely by residential and this alley which buffers commercial from residential. I think there is a public benefit there in buffering the residential from the commercial as well as providing not through access but some access to the public getting around in Nob Hill trying to find a place to park making use of the amenities of the area. So I would grant the appeal.

COMMISSIONER JESIONOWSKI: I think that the difference here is that you have one property owner who owns all of those properties and this right-of-way is dissecting the property that he owns. I think that is a substantial differentiation between all of those residential properties.

COMMISSIONER OWENS: I see your point but the alley right now is a public way and taking it away takes it away from the public.

COMMISSIONER JESIONOWSKI: However, he has to pay for that through the City right-of-way, so it's not just a taking. It's granting him the right to purchase that through the City Real Property. So it's not like the City is just giving up something. Through a vacation action he would have to pay unless he dedicated right-of-way in exchange for right-of-way.

CHAIRMAN SCHWARTZ: On the issue of the buffer I would agree with that if the property immediately north of the alley were still zoned residential. However, the lots immediately to the north are zoned PR. PR and P zones have been used many times as buffers to buffer residential from commercial activity. So it's not exactly true that the alley does provide arguably an additional, what is it 16 feet, is that the width of the alley, 16 feet of buffering but the vacation of the alley does not bring commercial use up to the property line of the residential zoned property. Commissioner McMahan?

COMMISSIONER MCMAHAN: I would suggest that it may be that if this alley were to be maintained as a public right-of-way and the property owner owns all the property on either side that he could probably fuss at the City and say 'look by allowing this as a public right-of-way you are allowing people access to my property to commit vandalism. Therefore, the City is not acting in my best interest in allowing that to happen'. If I owned property that I had acquired however and there was a public right-of-way through there, I'd really be upset with people using that public right-of-way and I would do everything in my power to get that public right-of-way cancelled to help protect my property.

**EPC MINUTES
AUGUST 15, 2002
PAGE 43**

COMMISSIONER OWENS: Are you going to vacate the street in front of your house which might be used to provide access for a burglar?

COMMISSIONER MCMAHAN: If I owned all of the property on each side of the street in front of my house you bet your life I would. If I owned the lots on each side of the street in front of my house I would move heaven and earth to try to get that street closed.

COMMISSIONER OWENS: If I bought the house across the street I'd know that I would never be able to shut my street down.

COMMISSIONER MCMAHAN: If you owned all the property up and down the street so that you had a continuous chunk of land bisected by a public right-of-way, wouldn't you want to close that right-of-way.

COMMISSIONER OWENS: Not necessarily.

COMMISSIONER JESIONOWSKI: I think there's a difference between a street and an alley. Although this the ordinance doesn't take that into consideration, it just defines right-of-way as right-of-way. I still get back to my same point, I think we're talking about to words here "no way". I think that my interpretation of "no way" is different then Ms. Henrie's interpretation of "no way". If we interpret it as she had presented, I think that basically says that there are no vacations because somebody could always prove that the public welfare is in someway served. I have to have a degree of "no way". I think that staff has demonstrated through inquiries through all of the different departments that there is no way. That it serves no public purpose and I'm a developer and I buy properties on occasion and buy a property, a 5-acre tract, with another 5-acre tract and there's a street going through it. I think that's a good justification, now mind you, it's a platted street but it's not a developed street. There's a good justification for coming to the Development Review Board and asking for the vacation. I think it's the same kind of thing that happens here when Mr. Venzor acquires all these properties or has ownership of all these properties, and a street dissects his property.

I think it only makes sense, especially, if he's incumbent upon keeping the public utility easements, which the public utility companies require, and replatting the property and everything else. I think that's justification for granting the vacation.

I don't think anything was wrong with the action that was taken by the Development Review Board. I'm prepared to make a motion.

CHAIRMAN SCHWARTZ: Any other comments? I guess the part that concerns me a little is the possibility of reversion. In other words, we still have these multiplicity of lots fronting Central.

There is a suggestion in the record that the applicant has a plan for some sort of development however, it's clear to me that there's a lot of approval steps that need to be undertaken before that redevelopment can take place. Now it's true that the applicant could decline to file the vacation within the one-year and it could be voided. On the other hand, the applicant could file the vacation and the alley could go away and the development scheme could fall apart and you would have this multiplicity of lots on Central with no alley behind them. I think I've talked myself into kind of a chicken and egg kind of scenario. What do you do first? Do you replat to

guarantee that you don't create this problem, or do you just kind of hope things turn out for the best? I don't know.

COMMISSIONER JESIONOWSKI: I'm prepared to make a motion.

CHAIRMAN SCHWARTZ: Any other comments? Commissioner McMahan?

COMMISSIONER MCMAHAN: To answer your question, I'd replot and hang out a big sign.

CHAIRMAN SCHWARTZ: Yes, obviously replot under these situations it would be the desirable end. To create one lot fronting Central but that's not what we're dealing with. There's a number of approval steps that would necessarily have to take place that I don't think anybody here can foresee what they would have to be to change the character of the development on this block. Commissioner Jesionowski?

COMMISSIONER JESIONOWSKI: I move that we deny the appeal and uphold the vacation as the Development Review Board granted.

COMMISSIONER BRISCOE: Second.

CHAIRMAN SCHWARTZ: Are you adopting then the findings that were proposed by the Development Review Board, it's on the second page here, there were two findings?

COMMISSIONER JESIONOWSKI: Yes, based on findings one and two.

COMMISSIONER BRISCOE: Second agrees.

CHAIRMAN SCHWARTZ: There is a motion and a second to deny the appeal. All those in favor signify by saying "aye". All those opposed? No Motion passes 4-1. Appellants do you understand your appeal rights from this body? I'll be watching to see what happens.

I think that this case comes at a very interesting time for the City, when the City is talking about a lot of redevelopment ideas and in particular where there are some very particular ideas that have been proposed for Central. I think it would be interesting to see whether the people that are pushing those redevelopment ideas would support or go against the decision of this body on this particular action. It's up to you. Thank you very much.

THE FOLLOWING ACTION WAS TAKEN:

NOW, THEREFORE, BE IT RESOLVED THAT the Environmental Planning Commission voted to deny the appeal based on the following Findings:

FINDINGS:

1. The Development Review Board did not err in applying adopted City plans, policies and ordinances in approving the vacation.

- A. The City departments and other commenting agencies reviewed and commented on the case as a vacation request as listed in the documentation that was submitted. Procedures required by the Subdivision Regulations were adhered to. The technical viability of the proposal was reviewed and found to be satisfactory at this point in the process.
 - B. The Nob Hill Sector Development Plan does not contain language prohibiting the vacation of alleys. The "T" intersection is no longer applicable at this location. The alley does not constitute a rigid buffer zone due to the surrounding development.
 - C. Standard procedures under the Subdivision Regulations were used in informing the public, property owners and the neighborhood association of the proposed action.
2. The Development Review Board's finding that the public welfare is no longer served by retaining the alley was not arbitrary and capricious.
- A. The alley is not intended to provide an alternative route for east-west traffic.
 - B. No public welfare is served by retaining the alley for access notwithstanding that utility easements will need to be reserved at the time of platting.

**MOVED BY COMMISSIONER JESIONOWSKI
SECONDED BY COMMISSIONER BRISCOE**

**MOTION CARRIED 4-1
(Commissioner Owens voted no;
Commissioner Chavez was absent;
Commissioner Johnson was recused)**

**THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE COMMISSION,
THE HEARING WAS ADJOURNED AT 7:35 P.M.**

02EPC- 01044
Project # 1001789
02DRB-00405

Louise Bass et al by Rodey Law Firm, appeals the Development Review Board's approval of the Vacation Action(s) for all or a portion of Lot(s) 15 & 16, Block(s) 6, 17-28 & LOTS 1-3, **MONTE VISTA ADDITION**, zoned SU-2, CCR, located on E/W ALLEY N. OF CENTRAL AV NE, between WELLESLEY DR. NE and TULANE DR. NE containing approximately 3 acre(s). [REF: Z-76-42, ZA-78-71, VAC. ORD. 76-37] [Deferred from 6/19/02] (K-16)

DEVELOPMENT REVIEW BOARD'S COMMENTS TO THE ENVIRONMENTAL PLANNING COMMISSION AUGUST 15, 2002:

Request Summary:

This is an appeal of the Development Review Board's approval of a request to vacate the east-west alley between Tulane Dr. NE on the east, Wellesley Dr. NE to the west and bounded by Central Avenue to the south and Campus Boulevard NE to the north. The adjacent property to the south was formerly occupied by Baca's Restaurant.

The appellants are Louise Bass, Kenneth Robey, Joseph Baldez, Martha Baldez, Janet Mason and Rebecca Page, represented by Michelle Henrie of Rodey, Dickason, Sloan, Akin & Robb, P.A.

The agent has noted that all of the named parties own property within 300 feet of the Alley and/or reside within 300 feet of the Alley thereby establishing standing to bring the appeal.

Background/Analysis:

The request for vacation of the alley was originally submitted on March 22, 2002 and scheduled for hearing by the DRB on April 17, 2002. The applicant, Mr. Venzor, requested a deferral to April 24, 2002. The case was further deferred at the request of Mr. Venzor's attorney, Alex Chisholm, to June 5, 2002. It was the Board's understanding that the reason for the deferrals was to allow additional time for the developer and the neighborhood association to discuss the overall development proposal. It was anticipated that a zone change request and site development plan would be submitted to the Environmental Planning Commission.

In addition, the DRB had requested traffic count information be provided in order to verify current usage of the alley.

At the DRB hearing on June 19, 2002, the architect for the developer indicated that the site would be developed in accordance with existing zoning. The vacation of the alley would still

be necessary to enable underground parking between the CCR zoned lots south of the alley and the two P-R zoned lots north of the alley.

Appeal:

The appellant has listed the following reasons for the appeal:

1. *The DRB erred in applying adopted city plans, policies and ordinances in arriving at the decision.*
2. *The DRB's finding that the public welfare is no longer served by retaining the Alley is arbitrary and capricious.*

Regarding Issue #1, the section of the Nob Hill Sector Development Plan that refers to the alleys as "a noticeable feature" does not indicate that they should be retained. The alley that extends to the north, which was connected to the east-west alley, was vacated in 1976. Consequently, there is no longer a "T" intersection at this location. Alleys similar to this one are often considered a nuisance, contributing to crime and undesirable activity.

The appeal also states that the alley has served as a buffer between the commercial corridor along Central Avenue and the residential area. However, the lots immediately north of the alley are zoned P-R, i.e. for parking uses. Therefore, the alley is not a strict line of demarcation between the different uses.

Regarding Issue #2, the section of the Nob Hill Sector Development Plan that states "alleys should be improved to provide better access and traffic flow" and that delivery and parking access should be taken from the alley is under the impression that there will be many individual lots fronting on Central Avenue. The proposal for this site is one lot. This vacation does not preclude access to the parking from the rear or side streets as recommended in the Plan.

The purpose of an alley is to provide delivery and/or parking access to the adjacent sites, not to provide an alternative route or path for thru movements for vehicles in which their destination is not within that block. There was a traffic count done on this section of alley, to see if the alley was being improperly used. Only six vehicles per day used this section of alley, as it exists today. Thus there are no significant amounts of traffic utilizing the alley.

With respect to the Public Service Company of New Mexico's comments and the City Engineer's comments in the Staff Report (referred to as Exhibit C by the appellant), it should be noted that a vacation involves several actions. The first action is the approval of the vacation by the DRB based on technical issues including, but not limited to, utilities, drainage, and transportation concerns. The second action is the approval by the DRB and commenting agencies of a plat incorporating the vacated property into the adjacent properties and granting any necessary easements. At this point, if PNM and the City Engineer do not affix their signatures to the plat, the plat cannot be recorded as an approved document. The vacation

expires within one year (plus the appeal period) if it is not recorded at the County Clerk's Office. The actual recording of the plat completes the process.

The developer owns the properties to the north and south of the alley, therefore the property rights are not being abridged against the will of the owner of the right.

Summary:

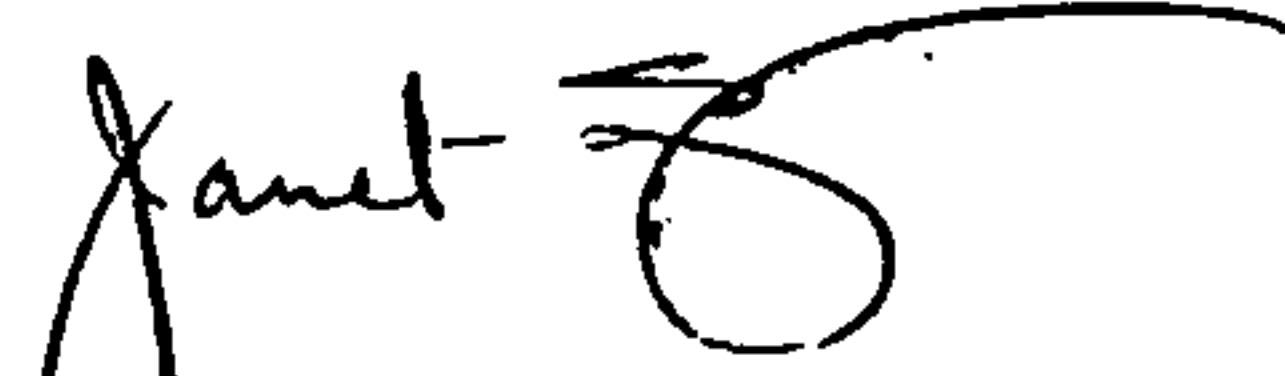
Under Section 14-14-8-3 of the Subdivision Regulations, the standard of review for an appeal are as follows: The Development Review Board:

- (A) erred in applying adopted City plans, policies and ordinances in arriving at their decision;
- (B) erred in the appealed action or decision;
- (C) erred by acting arbitrarily, capriciously or being manifestly abusive of discretion.

Findings:

1. The DRB did not err in applying adopted City plans, policies and ordinances in approving the vacation.
 - A. The City departments and other commenting agencies reviewed and commented on the case as a vacation request as listed in the documentation that was submitted. Procedures required by the Subdivision Regulations were adhered to. The technical viability of the proposal was reviewed and found to be satisfactory at this point in the process.
 - B. The Nob Hill Sector Development Plan does not contain language prohibiting the vacation of alleys. The "T" intersection is no longer applicable at this location. The alley does not constitute a rigid buffer zone due to the surrounding development.
 - C. Standard procedures under the Subdivision Regulations were used in informing the public, property owners and the neighborhood association of the proposed action.
2. The DRB's finding that the public welfare is no longer served by retaining the alley was not arbitrary and capricious.
 - A. The alley is not intended to provide an alternative route for east-west traffic.
 - B. No public welfare is served by retaining the alley for access notwithstanding that utility easements will need to be reserved at the time of platting.

RECOMMENDATION: DENIAL OF Appeal Application #02EPC-01044, Project #1001789,
Subdivision Application #02400-00405 based on the preceding Findings.



Janet Stephens, Chair
Development Review Board

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SUBDIVISION	Supplemental form S	Supplemental form Z
<input type="checkbox"/> Major Subdivision action		<input type="checkbox"/> Annexation & Zone Establishment
<input type="checkbox"/> Minor Subdivision action		<input type="checkbox"/> Sector Plan
<input type="checkbox"/> Vacation	V	<input type="checkbox"/> Zone Change
<input type="checkbox"/> Variance (Non-Zoning)		<input type="checkbox"/> Text Amendment
SITE DEVELOPMENT PLAN	P	APPEAL / PROTEST of...
<input type="checkbox"/> ...for Subdivision Purposes		<input checked="" type="checkbox"/> Decision by: (DRB) EPC, LUCC, Planning
<input type="checkbox"/> ...for Building Permit		Director or Staff, ZNE, Zoning Board of
<input type="checkbox"/> IP Master Development Plan		Appeal
<input type="checkbox"/> Cert. of Appropriateness (LUCC)	L	Appeal re: Project # 1001789 02DRB-00405

PRINT OR TYPE IN BLACK INK ONLY. The applicant or agent must submit the completed application in person to the Planning Department Development Services Center, 600 2nd Street NW, Albuquerque, NM 87102. Fees must be paid at the time of application. Refer to supplemental forms for submittal requirements.

APPLICANT INFORMATION:

NAME: Louise Bass by Rodey Law Firm (Michelle Henrie) PHONE: 505-768-7394 (MH)
 ADDRESS: P.O. Box 1888 FAX: 505-768-7394 (MH)
 CITY: Albuquerque STATE NM ZIP 87103 E-MAIL: mhenrie@rodey.com
 Proprietary interest in site: Neighbor
 AGENT (if any): (see above) PHONE: _____
 ADDRESS: _____ FAX: _____
 CITY: _____ STATE _____ ZIP _____ E-MAIL: _____

DESCRIPTION OF REQUEST: Please see attached Reasons for the Appeal

Is the applicant seeking incentives pursuant to the Family Housing Development Program? Yes. No.

SITE INFORMATION: ACCURACY OF THE LEGAL DESCRIPTION IS CRUCIAL! ATTACH A SEPARATE SHEET IF NECESSARY.

Lot or Tract No. _____ Block: _____ Unit: _____
 Subdiv. / Addn. _____
 Current Zoning: _____ Proposed zoning: _____
 Zone Atlas page(s): _____ No. of existing lots: _____ No. of proposed lots: _____
 Total area of site (acres): _____ Density if applicable: dwellings per gross acre: _____ dwellings per net acre: _____
 Within city limits? Yes. No but site is within 5 miles of the city limits (DRB jurisdiction.) Within 1000FT of a landfill? _____
 UPC No. _____ MRGCD Map No. _____
 LOCATION OF PROPERTY BY STREETS: On or Near: _____ and _____
 Between: _____

CASE HISTORY:

List any current or prior case number that may be relevant to your application (Proj., App., DRB-, AX_Z_V_S_ etc.): Appeal of 02DRB-00405

Check-off if project was previously reviewed by Sketch Plat/Plan , or Pre-application Review Team . Date of review: _____

SIGNATURE: [Signature] JB DATE 7/11/02
 (Print) MICHELLE HENRIE / RODEY LAW FIRM Applicant Agent

FOR OFFICIAL USE ONLY

Form revised September 2001

<input type="checkbox"/> INTERNAL ROUTING	Application case numbers	Action	S.F.	Fees
<input checked="" type="checkbox"/> All checklists are complete	<u>02EP-01044</u>	<u>Appeal</u>	<u>1</u>	<u>\$ 190.-</u>
<input checked="" type="checkbox"/> All fees have been collected	_____	_____	_____	\$ _____
<input checked="" type="checkbox"/> All case #'s are assigned	_____	_____	_____	\$ _____
<input checked="" type="checkbox"/> AGIS copy has been sent	_____	<u>Appeal Notice</u>	_____	<u>\$ 50.-</u>
<input checked="" type="checkbox"/> Case history #'s are listed	_____	_____	_____	\$ _____
<input type="checkbox"/> Site is within 1000ft of a landfill	_____	_____	_____	\$ _____
<input type="checkbox"/> F.H.D.P. density bonus	_____	_____	_____	Total
<input type="checkbox"/> F.H.D.P. fee rebate	_____	_____	_____	<u>\$ 240.-</u>

Hearing date 8-15-02

Project # 1001789
02400-00405 (VRW)

[Signature]
 Planner signature / date

FORM A: APPEAL

Appeal to the Zoning Board of Appeals regarding:

DECISION OF THE ZONING HEARING EXAMINER

Appeal to the Landmarks and Urban Conservation Commission regarding:

CERTIFICATE OF APPROPRIATENESS DECISION OF THE PLANNING DIRECTOR OR STAFF

Appeal to the Environmental Planning Commission regarding:

ADMINISTRATIVE AMENDMENT OR DECISION OF THE PLANNING DIRECTOR OR STAFF

DECLARATORY RULING OF THE ZONING ENFORCEMENT OFFICER

DETERMINATION OR ACTION OF THE DEVELOPMENT REVIEW BOARD

Appeal to the City Council regarding:

DETERMINATION OR ACTION OF THE ENVIRONMENTAL PLANNING COMMISSION

ACTION OF THE ZONING BOARD OF APPEALS REGARDING AN APPEAL

DECISION OF THE LANDMARKS AND URBAN CONSERVATION COMMISSION

Project number of case being appealed; #1001789

Application number of case being appealed; #02400-00405

Reason for the appeal *

Appellant's basis of standing as an appellant *

Letter of authorization from the appellant if this application for appeal is submitted by an agent

Copy of the Official Notification of Decision regarding the matter being appealed

Fee (see schedule) (\$240)

* Criteria for reasonable appeals and criteria for standing as an appellant are given in Zoning Code §14-16-4-4. Any appeal must meet these criteria to be heard. The applicant should review these and other relevant documents carefully before preparing an application for appeal.

I, the applicant, acknowledge that any information required but not submitted with this application will likely result in deferral of actions.

RODEY, DICKASON, SLOAN, AKIN & ROBB, P.A. (Michelle Henrie)
for Appellant Louise Bass

JB Applicant name (print)
[Signature] Applicant signature / date
7/11/02



Form revised September 2001

- Checklists complete
- Fees collected
- Case #s assigned
- Related #s listed

Application case numbers
OZLPC - 0.1044

[Signature] Planner signature / date
7/11/02
Project # 1001789

ONE STOP SHOP ••• FRONT COUNTER
City of Albuquerque • Planning Department

DEVELOPMENT & BUILDING SERVICES (D&B Svcs)
LAND DEVELOPMENT COORDINATION DIVISION (LDC)
Plaza Del Sol - 2nd Floor West - 600 2nd St NW
Land Development / Planning - Main Fax (505) 924-3685
Development Services / Public Works - Main Fax (505) 924-3864

PAID RECEIPT

APPLICANT NAME

Louise Bass

AGENT

ADDRESS

P.O. Box 1888

PROJECT NO.

1001789

APPLICATION NO.

\$ 240⁰⁰ 441006 / 4983000 (DRB Cases)

\$ _____ 441006 / 4971000 (EPC & AA / LUCC / Appeals)

\$ _____ 441018 / 4971000 (Notification)

\$ 240⁰⁰

Total amount due

FOR SECURITY PURPOSES, THE FACE OF THIS DOCUMENT CONTAINS A COLORED BACKGROUND AND MICROPRINTING IN THE BORDER

RODEY, DICKASON, SLOAN, AKIN & ROBB, P.A.

COUNSELLORS AND ATTORNEYS AT LAW

201 3RD STREET N.W., SUITE 2200

P.O. BOX 1888

ALBUQUERQUE, NEW MEXICO 87103

Check No. **109514**

WELLS FARGO BANK, N.A.
ALBUQUERQUE, NM 87103

95-219
1070

Date: **July 11, 2002**

AMOUNT OF CHECK

***\$240.00

Two hundred forty and 00/100 DOLLARS

PAY TO THE ORDER OF:

City of Albuquerque Planning Department

1 Civic Plaza

Albuquerque, NM 87102

By

Jamie K. Eisenberg

By

TWO SIGNATURES REQUIRED IF AMOUNT
OF CHECK IS \$1000.00 or above

THE REVERSE SIDE OF THIS DOCUMENT INCLUDES AN ARTIFICIAL WATERMARK - HOLD AT ANGLE TO VIEW

⑈ 109514⑈ ⑆ 107002192⑆ 627 44962 6⑈

Treasury Division

07/11/2002 4:39PM LDC: ANEX
RECEIPT# 00024254 WSH 006 TRANSH 0030
Account 441006 Fund 0000
Activity 4983000 TRSKDM
Trans Amt \$240.00
J24 Misc \$240.00
CK 7/11/02 \$240.00
CHANGE \$0.00

RODEY, DICKASON, SLOAN, AKIN & ROBB, P. A.

COUNSELORS AND ATTORNEYS AT LAW

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ALBUQUERQUE, NEW MEXICO 87102

P.O. BOX 1888

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E-MAIL: INFO@RODEY.COM

TELEPHONE (505) 765-5900

FACSIMILE (505) 768-7395

July 11, 2002

Via Hand Delivery

ROBERT M. ST. JOHN
JOSEPH J. MULLINS
MARK K. ADAMS
BRUCE HALL
JOHN P. SALAZAR
WILLIAM S. DIXON
JOHN P. BURTON
REX D. THROCKMORTON
JONATHAN W. HEWES
RICHARD C. MINZNER
W. ROBERT LASATER, JR.
MARK C. MEIERING
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EDWARD RICCO
W. MARK MOWERY
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DONALD B. MONNHEIMER
JULIE P. NEERKEN

BERNARD S. RODEY (1856-1927)
PEARCE C. RODEY (1889-1958)
DON L. DICKASON (1906-1999)
WILLIAM A. SLOAN (1910-1993)

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FACSIMILE (505) 954-3942

WRITER'S DIRECT NUMBER

(505) 768-7394
mhenrie@rodey.com

Environmental Planning Commission
c/o Planning Department, City of Albuquerque
600 2nd St. NW, 2nd Floor
Albuquerque, New Mexico

Re: Appeal of DRB decision dated June 26, 2002
Application No. 02DRB-00405 (Vacation of Public Right-of-Way)
Project No. 1001789

Dear Environmental Planning Commissioners:

This firm represents **Louise Bass**. Ms. Bass is appealing the above-referenced decision of the Development Review Board. Ms. Bass owns property within 300 feet of the alley vacated by the DRB in the above-referenced action. She is joined in this appeal by her neighbors: Kenneth M. Robey, Joseph Baldez, Martha Baldez, Janet F. Mason, and Rebecca J. Page.

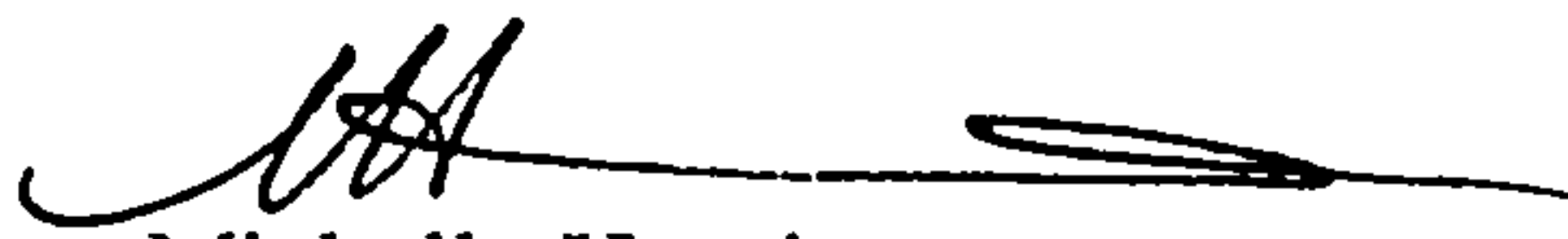
We enclose with this letter the following:

1. Appeal (Form A)
2. Check no. 109514 for \$240 as a filing fee.
3. "Reasons for the Appeal," which includes:
 - a. Appellants' basis of standing, and
 - b. A copy of the official notification of decision.
4. A letter of authorization.

Very truly yours,

RODEY, DICKASON, SLOAN, AKIN & ROBB, P.A.

By


Michelle Henrie

MH/cw

Enclosures as stated

cc: Louise Bass

Re: Appeal of Design Review Board decision dated June 26, 2002
Application No. 02DRB-00405 (Vacation of Public Right-of-Way)
Project No. 1001789

To whom it may concern:

I hereby authorize Rodey, Dickason, Sloan, Akin & Robb, P.A., to act as agent for all purposes relating to appeal of the above referenced action taken by the City of Albuquerque's Development Review Board.

Sincerely,

Louise Bass
by Elizabeth Mason, Attorney
Louise Bass

REASONS FOR THE APPEAL

Re: Project No. 1001789
02DRB-00405 (Vacation of Public Right-of-Way)

Louise Bass hereby appeals the June 26, 2002 decision by the Development Review Board ("DRB") to vacate a public alley located north of Central Avenue between Wellesley Drive and Tulane Drive in the Monte Vista subarea of the Nob Hill neighborhoods ("Alley"). Ms. Bass is joined in this appeal by her neighbors, Kenneth M. Robey, Joseph Baldez, Martha Baldez, Janet F. Mason, and Rebecca J. Page (collectively: "Neighbors"). The DRB's decision is attached to this document as Exhibit A. A map of the affected area is attached as Exhibit B.

Basis for Standing

The Neighbors have standing to bring this appeal. All neighbors own property within 300 feet of the Alley and/or reside within 300 feet of the Alley and are imminently threatened with injury to their living environment as a result of the DRB's decision. Albuquerque, N.M., Code of Ordinances ("Zone Code") § 14-16-4-4 (B)(2)(c) and De Vargas Savings & Loan Ass'n v. Campbell, 87 N.M. 469, 472, 535 P.2d 1320, 1323 (1975) (appellants must be injured in fact or imminently threatened with injury, economically or otherwise).

Reasons for the Appeal

1. The DRB's erred in applying adopted city plans, policies and ordinances in arriving at the decision.

The Nob Hill Sector Development Plan ("Nob Hill SDP") is a guide to City actions with respect to future land use in the Nob Hill area. Albuquerque City Council Bill No. R-362 (adopted December 7, 1987, No. 12-1988), Sec. 3. The Monte Vista subarea is included within the boundaries of the Nob Hill SDP. Nob Hill SPD at 9.

The Nob Hill SDP states at page 49:

Historic preservation is one of the major goals of this Plan. It involves promoting awareness of the history and significance of the built environment as well as conserving existing building stock and those districts and areas of particular architectural, environmental and historical significance.

One such element in the Monte Vista subarea is described in Appendix A to the Nob Hill SDP, titled "Design and the Built Environment":

The interior of this sub-area has diagonal streets which are the product of progressive land use planning in a natural environment criss-crossed by arroyos. Single family residences which are small in scale and proportion offer the full array of characteristic Nob Hill vernacular styles. The 32' street with its narrow 50' right of way emphasizes the intimate scale of the subdivision. **A notable feature of the area are the alleys which form "T" intersections with individual blocks. . .**

Nob Hill SDP at A-1 (emphasis added).

The importance of these alleys to this area is further emphasized in Appendix B to the Nob Hill SDP. The intimate scale of the Monte Vista residential areas stand in contrast to some of the modern needs of the commercial corridor along Central Avenue— notably: the traffic needs. As shown in Appendix B, alleys provide a solution to this problem without destroying the "most vulnerable characteristic of Nob Hill": its streetwall (a/k/a "streetscape"). Nob Hill SPD, Appx. B at 14. The Nob Hill SDP states that parking and delivery service for commercial uses along Central can and should be channeled to the rear of the building with access from an alley or streetside. Nob Hill SPD, Appx. B at 14 and 15. In addition, it states that alleys can and should be used to improve traffic flow in this area. Nob Hill SPD, Appx. B at 14 and 15.

Another important aspect of the alleys to this area is illustrated in the Nob Hill SPD: alleys provide a buffer between the commercial corridor along Central Avenue and the single family residences located very near to the commercial corridor. See, e.g., Nob Hill SPD at 15, 16, and Appendix D. The close proximity between residential and commercial uses adds to the historic charm and "comfortable pedestrian environment" of Nob Hill. Nob Hill SDP, Appx. B at 15. However it is the buffers between these uses that preserve the integrity of the residential areas. Without the buffers, noise, odors, and other ill effects of commercial use spill into the residential neighborhoods.

The DRB's decision to vacate the Alley is not in accord with the goals of the Nob Hill SDP. Vacating the Alley forever extinguishes a notable feature of the Monte Vista subarea. It also forecloses the use of the Alley to alleviate traffic problems in the Monte Vista subarea. It removes the buffer between the commercial and residential areas of Block 6 of the Monte Vista Addition (the location of the Alley and the Neighbors' properties). And it allows commercial uses of the vacated Alley to creep north into the residential area. The vacated Alley, zoned CCR, is now open to nearly all C-2 permissive uses, including uses that are often not amenable to residential neighbors such as vehicle repair, gasoline sales, recycling bins, and equipment storage yards.

2. The DRB's finding that the public welfare is no longer served by retaining the Alley is arbitrary and capricious.

New Mexico statute allows an owner of lands abutting a public roadway to petition for a formal determination of abandonment or vacation. The standard for vacation is that the roadway is "not [sic: no] longer needed for public purposes." NMSA 1978, § 67-2-7. The DRB made a finding that "the public welfare is in no way served by retaining the rights-of-way and/or easements." However, this finding is in error for several reasons.

First, the following important issues were raised in the Staff Report:

1. "PNM Gas objects to Project #1001789 unless the alley to be vacated is retained as a PUE." (Attached as Exhibit C.)
2. "PNM reserves easement rights for existing overhead electric line within the alley." (Attached as Exhibit C.)
3. [City Engineer:] "No objection to vacation of R/W if it is not needed for drainage. It is the responsibility of the applicant's engineer to demonstrate this." (Attached as Exhibit C.)

The DRB made no findings which would indicate that any of these issues have been resolved. Nor did the DRB make the Alley's vacation conditional on reservation of easements for PNM. Moreover, the fact that the Alley is needed for public utility easements (PNM's easement as well as the sanitary sewer easement that the DRB addressed as a condition of preliminary plat approval) indicates that it **does** serve the public welfare after all. Likewise, if the Alley is needed for drainage, it continues to be needed for public purposes.

Second, the applicant's evidence that the Alley is not publicly used was based on two faulty claims. The first claim involved a report of general public use of the Alley as a through way. However, the Alley's use as a through way has been diminished as a result of the Alley recently having been closed or otherwise restricted. The traffic study does not reflect that the public has no use for the Alley. Rather, it reflects that the public grew unaccustomed to using the Alley because it was an unreliable route.

The other claim was an implicit claim. Because the applicant's D'Nile nightclub—the primary commercial entity facing Central and backing up to the Alley—has been closed down, the Alley is not being used for parking or to make service deliveries to D'Nile. However, this current non-use of the Alley is a direct result of the applicant's own actions. Further, the current non-use does not indicate what type or amount of public use would be made of the Alley if there were an active major commercial entity operating at the D-Nile site.

Third, applicant is piecemealing the process. In a Vermont case, Bruce J. Levinsky, DR# 157,

1984 WL 42378 (Vt. Envtl. Bd. Aug. 8 1984), the Vermont Environmental Board refused to allow a developer to escape review of its entire project by completing the project in pieces. The Board based its decision on two primary reasons. First, fragmented review of one piece at a time does not allow the Board to review the cumulative effects of the entire project. Second, by completing one piece of a project, a developer may influence the developability of subsequent pieces of the project. In other words, closing the D'Nile changed conditions which are factors in the criteria that the DRB needs to evaluate for vacating the Alley. Similarly, vacating the Alley will change other conditions which may well be factors in criteria affecting the applicant's overall scheme of development. In other words, the question of whether the Alley is needed for public purposes cannot be adequately assessed in a vacuum.

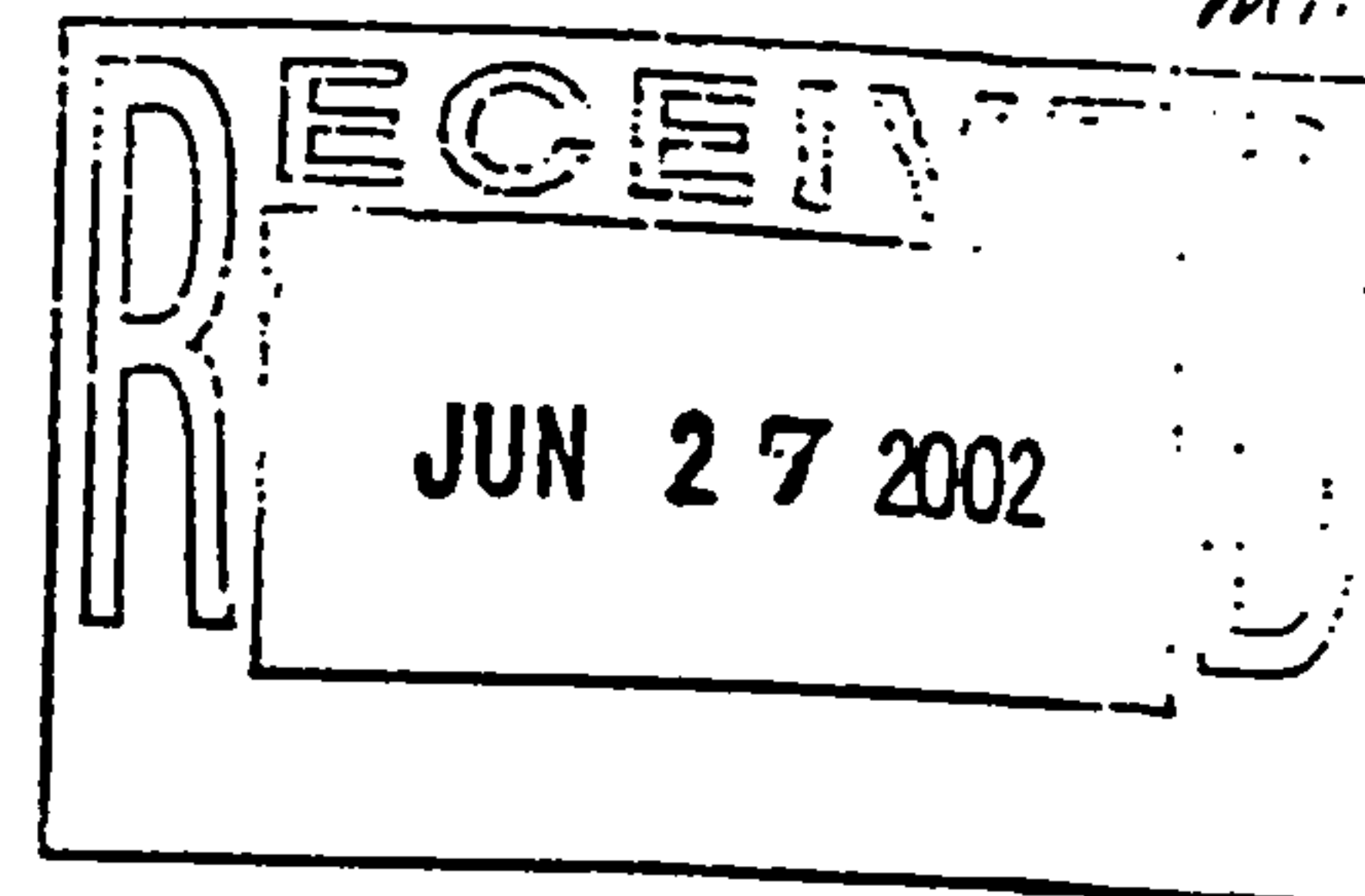
For the above reasons, the DRB's finding that "the public welfare is in no way served by retaining the rights-of-way and/or easements" is in error and is arbitrary and capricious. Because this finding is in error, the DRB's vacation of the Alley— which is predicated on this finding— is also in error

Conclusion

For these reasons, the Neighbors respectfully ask the Environmental Planning Commission to reverse the decision of the DRB and reinstate the Alley.



OFFICIAL NOTICE



CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
LAND DEVELOPMENT COORDINATION DIVISION

6-26-02

4. Project # 1001789
02DRB-00405 Major-Vacation of Pub Right-of-Way

JOSE A VENZOR agent(s) for JOSE A. VENZOR request(s) the above action(s) for all or a portion of Lot(s) 15&16, Block(s) 6 17-28 & LOTS 1-3, MONTE VISTA ADDITION, zoned SU-2, CCR, located on EW ALLEY N. OF CENTRAL AV NE, between WELLESLEY DR. NE and TULANE DR. NE containing approximately 3 acre(s). [REF: Z-76-42, ZA-78-71, VAC. ORD. 76-37] [Deferred from 6/19/02] (K-16)

At the June 26, 2002, Development Review Board meeting, the Vacation was approved as shown on Exhibit B in the Planning file, subject to the Findings and Conditions of the Subdivision Ordinance as follows:

FINDINGS:

1. The public welfare is in no way served by retaining the rights-of-way and/or easements.
2. There is no convincing evidence that any substantial property right is being abridged against the will of the owner of the right.

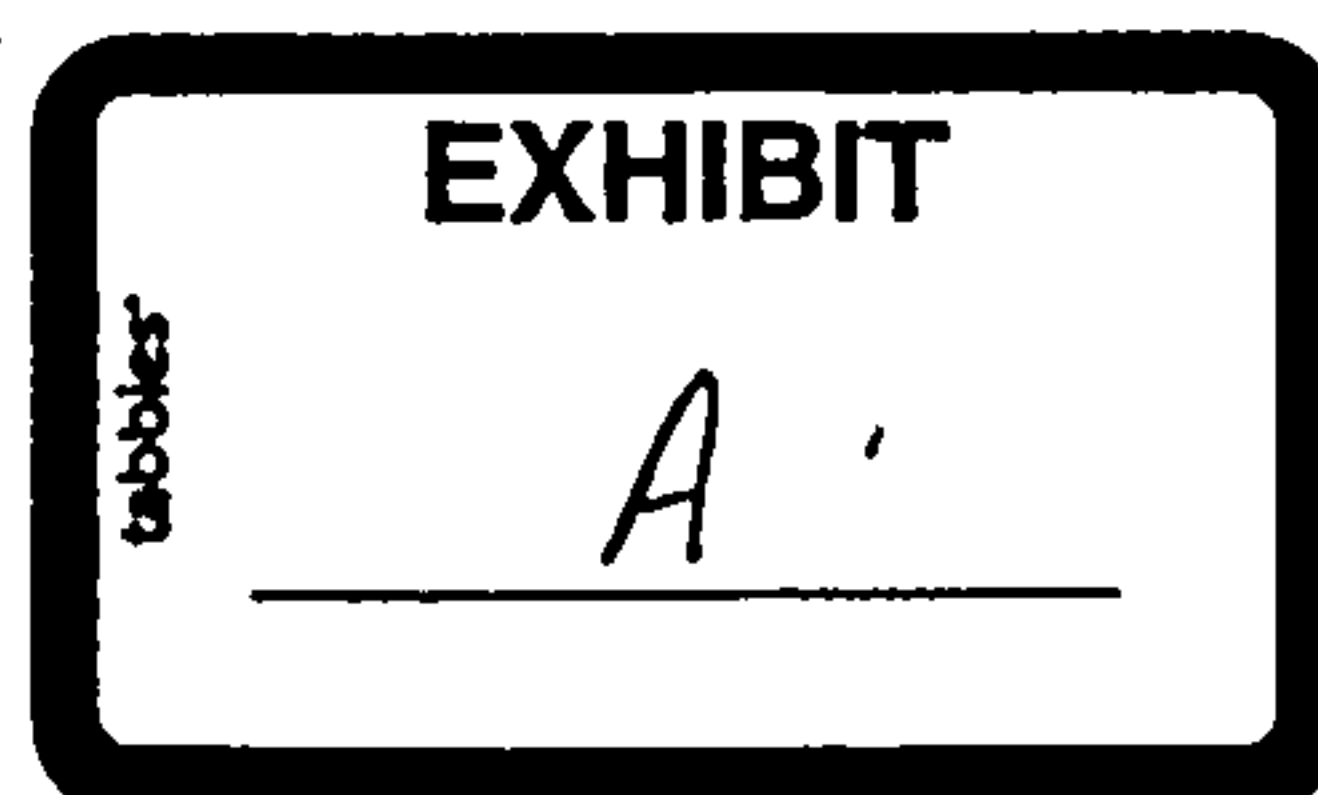
CONDITIONS:

1. Final disposition shall be through the City Real Estate Office.
2. The vacated property shall be shown on a replat approved by the Development Review Board and the approved replat shall be filed for record with the Bernalillo County Clerk's Office within one year.
3. Affected utility companies shall acknowledge the vacation by their signatures on the replat.

AND WITH THE FOLLOWING CONDITIONS OF PRELIMINARY PLAT APPROVAL:

CONDITIONS:

1. WRITTEN VERIFICATION FROM THE REFUSE DEPARTMENT STATING THAT THEY DO NOT HAVE ANY OBJECTIONS TO THE VACATION IS REQUIRED. THIS VERIFICATION IS NEEDED PRIOR TO PRELIMINARY PLAT APPROVAL.





OFFICIAL NOTICE

PAGE TWO

2. THE SANITARY SEWER EASEMENT MUST BE RETAINED IN THE VACATED ALLEY (OR) THE SANITARY SEWER LINE MUST BE RELOCATED PRIOR TO FINAL PLAT APPROVAL.

If you wish to appeal this decision, you must do so by July 11, 2002 in the manner described below.

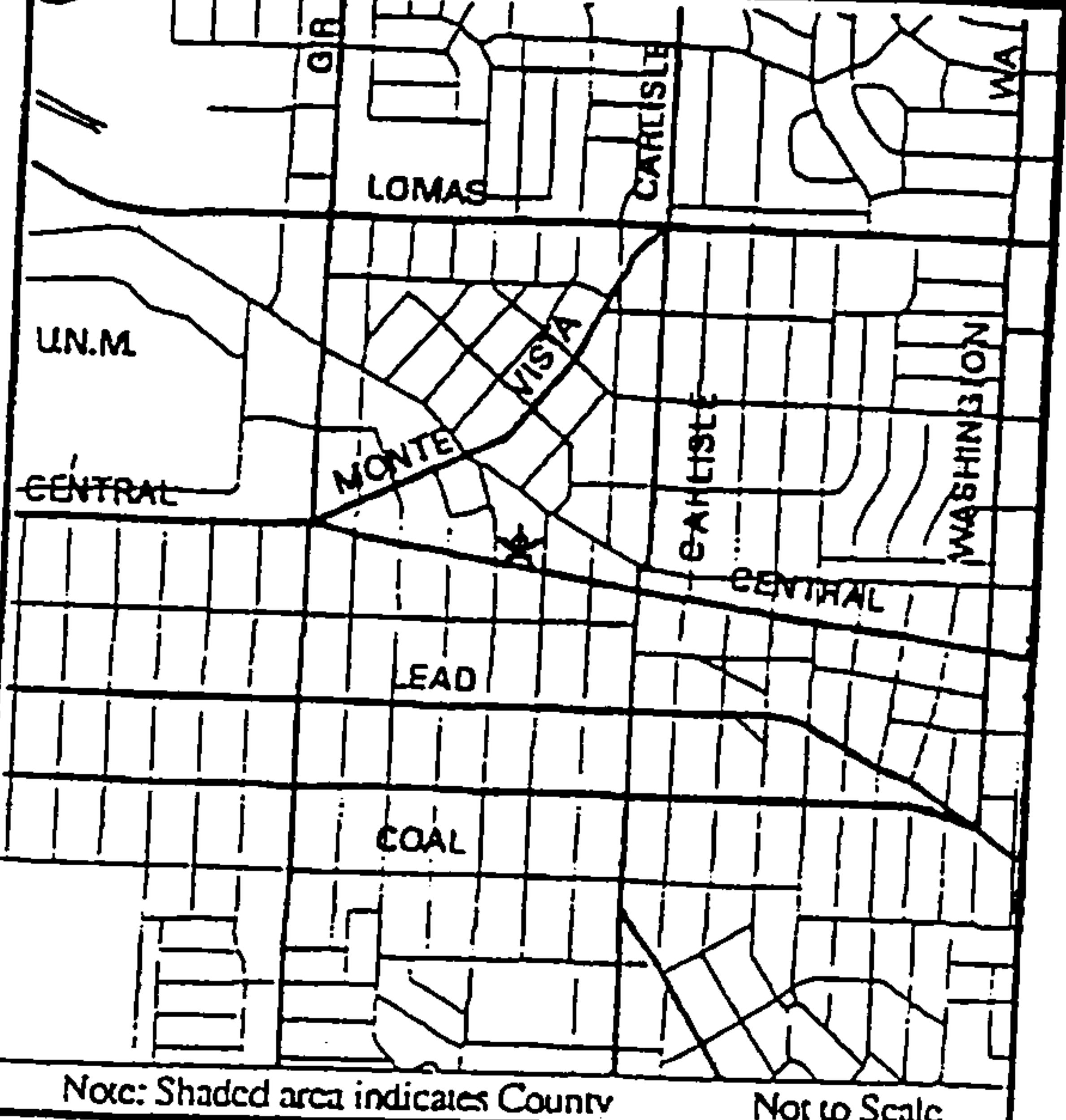
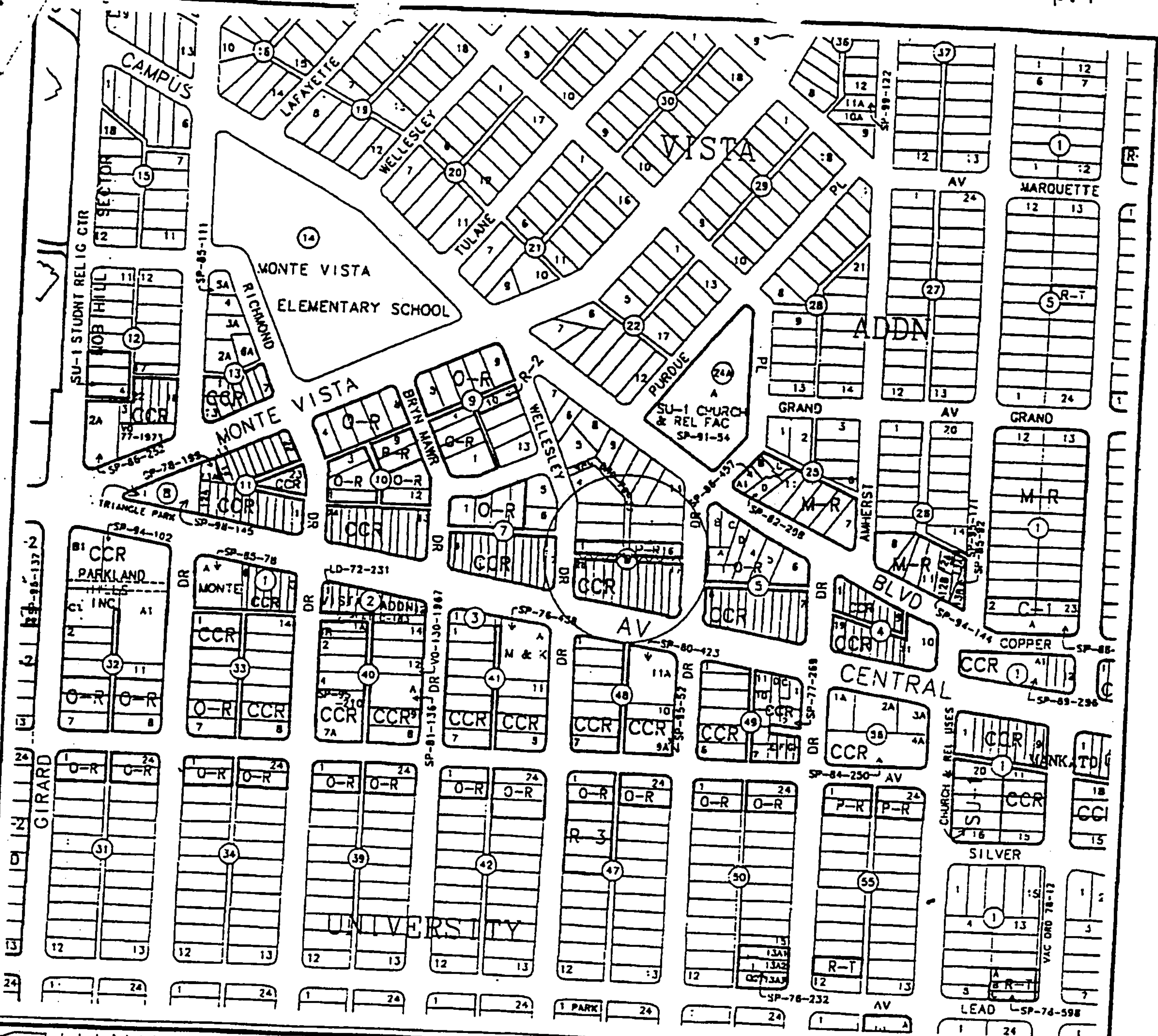
Appeal is to the Environmental Planning Commission. Any person aggrieved with any determination of the Development Review Board may file an appeal on the Planning Division form, to the Planning Division, within 15 days of the Development Review Board's decision. The date the determination in question is issued is not included in the 15-day period for filing an appeal; If the fifteenth day falls on a Saturday, Sunday or holiday as listed in the Merit System Ordinance, the next working day is considered as the deadline for filing the appeal. Such appeal shall be heard within 60 days of its filing.

You will receive notice if any other person files an appeal. Successful applicants are reminded that other requirements of the City must be complied with, even after approval of the referenced application(s).

Please note that the vacation of all plats, rights-of-way, and easements are void after one year from the final appeal date referenced above if all conditions are not met (The effective date of Development Review Board approval is the hearing date plus the 15-day appeal period.) (REF: Chapter 14 Article 14 Part 7-2 (E)(3)(6) Revised Ordinance.)


Janet Stephens
DRB Chair

cc: Jose A Venzor, 112 Highroad, Santa Fe, NM 87507
Alex Chisholm, Attorney, P.O. Box 4455, 87196
Colleen Cadwell, 201 Richmond SE, 87106
Ken Robey, 121 Tulane NE, 87106
Deanna Desutter, 310 Richmond SE, 87106
Jeff Chiavette, 4123 Silver SE, 87108
Elizabeth Mason, 3816 Carlisle NE, 87107
Signe Rich, AICP, 505 Ridgecrest Dr SE, 87108
Robert Slattery Construction Inc., 3216 Monte Vista NE, 87106
Loren Hines, Property Management, Legal Dept./4th Flr, City/County Bldg.
Arlene Portillo, Public Works Department, 2nd Floor, Plaza del Sol Bldg.
File



ZONING MAP



Scale 1"=410'

PROJECT NO.
1001789

HEARING DATE
4-17-02

MAP NO.
K-16

APPLICATION NO.
02400-00405

EXHIBIT

tabbles

 B

12



CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
LAND DEVELOPMENT COORD. DIV.

DEVELOPMENT REVIEW BOARD
April 17, 2002
Project #1001789

Project # 1001789
02DRB-00405 Major-Vacation of Public Right-of-Way

JOSE A VENZOR agent(s) for JOSE A VENZOR request the above action(s) for Lots 1 thru 3 and 15 thru 17 and Lot 28, Block 6, MONTE VISTA ADDITION, zoned SU-2, CCR, located on E/W ALLEY N. OF CENTRAL AV NE, between WELLESLEY DR. NE and TULANE DR. NE containing approximately 3 acre(s). [REF: Z-76-42, ZA-78-71, VAC. ORD. 76-37] (K-16)

AMAFCA

No adverse comment.

COG

No adverse comment. *Central Avenue is an existing Principal Arterial at this location.

Transit

No comments.

Zoning Enforcement

Reviewed, no comments.

Neighborhood Coor.

Letter sent to Nob Hill (R) Neighborhood Assn.

APS

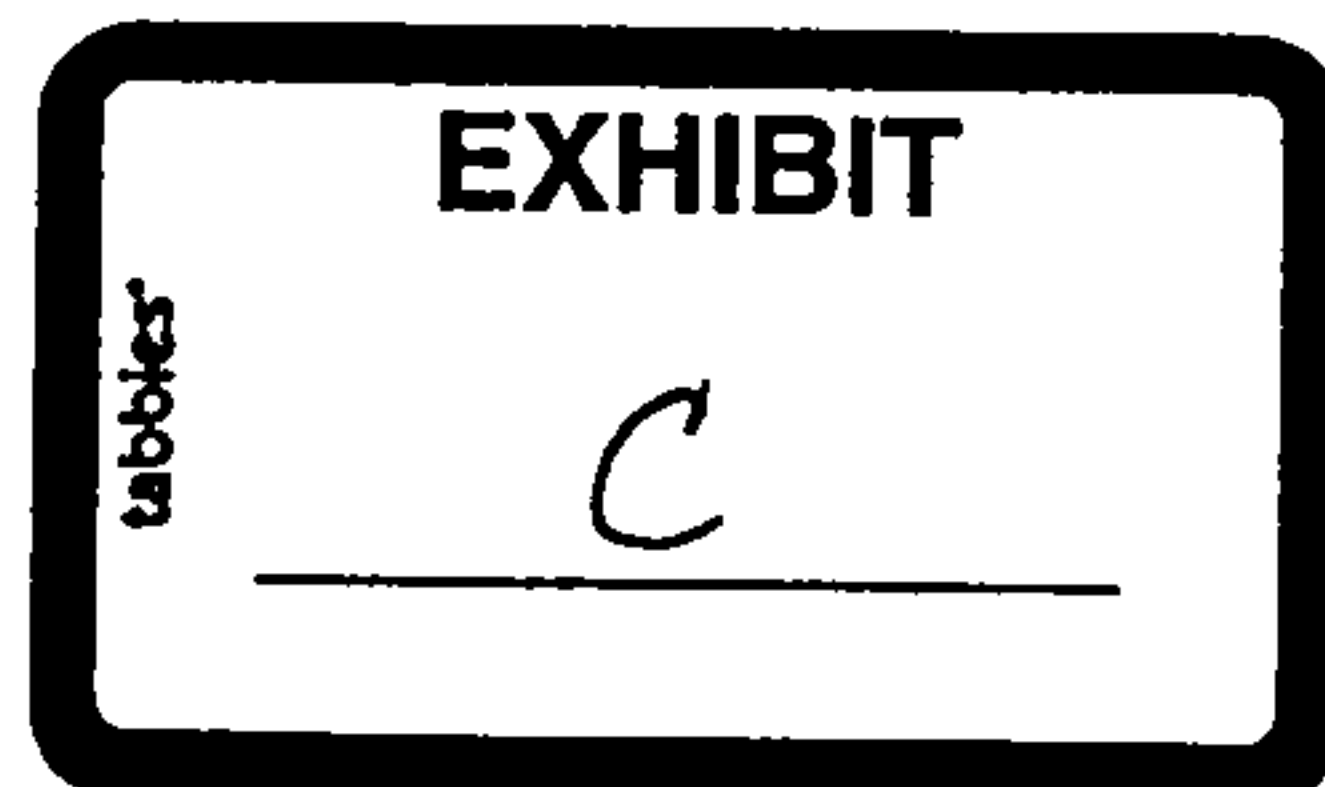
No comments received.

Police Department

A review of following case(s) indicates the following problems or crimes may occur or that the following concerns may need to be evaluated or addressed on this site or in this area. These comments do not indicate that a thorough CPTED evaluation has been done, or that other criminal activities may not occur. Traffic volume, traffic control devices, speeding violations, lighting issues, maintenance of landscaping, a higher probability of crimes during evening/weekend hours, adequate security, alarm response, burglaries, accidents in the parking lot, rape, commercial burglary, transients.

Fire Department

No adverse comment.



13

PNM Gas PNM Gas objects to Project #1001789 unless the alley to be vacated is retained as a PUE.

PNM Electric PNM reserves easement rights for existing overhead electric line within the alley.

Comcast No comments received.

QWEST No comments received.

Environmental Health Site is not within 1000 feet of a landfill. No comment.

M.R.G.C.D. No adverse comment.

Open Space Division No adverse comment.

City Engineer

No objection to vacation of R/W if it is not needed for drainage. It is the responsibility of the applicant's engineer to demonstrate this.

Transportation Development

No objection to vacating the 16 feet of alley as long as the same developer owns all property abutting the alley from Tulane Drive to Wellesley Drive.

Parks & Recreation No objection.

Utilities Development

There is an existing active sanitary sewer line within the alley to be vacated. No objection to Vacation request with the condition that a public sanitary sewer easement is retained.

Planning Department

1. Given that the viability of the proposed vacation depends on site plan approval of a proposal by the EPC, the vacation action seems premature.
2. The vacation is a technical function and should be a condition of EPC approval of the site plan.
3. If the vacation is approved by the DRB, the property must be re-platted within one year or the approval will expire.

IT IS REQUIRED THAT THE APPLICANT AND/OR AGENT BE PRESENT AT THE HEARING
cc: Jose A. Venzor, 112 Highroad, Santa Fe, NM 87507

City of Albuquerque



DEVELOPMENT REVIEW APPLICATION

SUBDIVISION	Supplemental form S	ZONING	Supplemental form Z
<input type="checkbox"/> Major Subdivision action		<input type="checkbox"/> Annexation & Zone Establishment	
<input type="checkbox"/> Minor Subdivision action		<input type="checkbox"/> Sector Plan	
<input type="checkbox"/> Vacation	V	<input type="checkbox"/> Zone Change	
<input type="checkbox"/> Variance (Non-Zoning)		<input type="checkbox"/> Text Amendment	
SITE DEVELOPMENT PLAN	P	APPEAL / PROTEST of...	A
<input type="checkbox"/> ...for Subdivision Purposes		<input type="checkbox"/> Decision by: DRB, EPC,	
<input type="checkbox"/> ...for Building Permit		LUCG, Planning Director or Staff,	
<input type="checkbox"/> IP Master Development Plan		ZHE, Zoning Board of Appeals	
<input type="checkbox"/> Cert. of Appropriateness (LUCC)	L		

PRINT OR TYPE IN BLACK INK ONLY. The applicant or agent must submit the completed application in person to the Planning Department Development Services Center, 600 2nd Street NW, Albuquerque, NM 87102. Fees must be paid at the time of application. Refer to supplemental forms for submittal requirements.

APPLICANT INFORMATION:

NAME: JOSE A. VENZOR PHONE: ⁵⁰⁵ 820-7782
 ADDRESS: 112 HIGHROAD FAX: ⁵⁰⁵ 820-7784
 CITY: SANTA FE STATE NM ZIP 87507 E-MAIL: VENZOR11@aol.com
 Proprietary interest in site: OWNER 3311 CENTRAL - 117 TULANE -
 AGENT (if any): _____ PHONE: 112 WELLESLEY
 ADDRESS: _____ FAX: _____
 CITY: _____ STATE _____ ZIP _____ E-MAIL: _____

DESCRIPTION OF REQUEST: VACATE ALLEY THAT ONLY SERVES PROPERTIES OWNED BY PARTY (SEE ATTACHED LETTER)

Is the applicant seeking incentives pursuant to the Family Housing Development Program? Yes. No.

SITE INFORMATION: ACCURACY OF THE LEGAL DESCRIPTION IS CRUCIAL! ATTACH A SEPARATE SHEET IF NECESSARY.

Lot or Tract No. 15-16-17-28 1-3 Block: 6 Unit: _____
 Subdiv. / Addn. MONTE VISTA ADD
 Current Zoning: CCR Proposed zoning: _____
 Zone Atlas page(s): K16 No. of existing lots: 17 No. of proposed lots: 1
 Total area of site (acres): 2 1/4 Density if applicable: dwellings per gross acre: _____ dwellings per net acre: _____
 Within city limits? Yes. No , but site is within 5 miles of the city limits (DRB jurisdiction.) Within 1000FT of a landfill? _____
 UPC No. 101605742729410510 MRGCD Map No. _____
 LOCATION OF PROPERTY BY STREETS: On or Near: CENTRAL AVENUE 3311
 Between: TULANE DR NE and WELLESLEY DR-NE

CASE HISTORY:

List any current or prior case number that may be relevant to your application (Proj., App., DRB-, AX, Z, V, S, etc.): 2A 7871
2-76-42

Check-off if project was previously reviewed by Sketch Plat/Plan , or Pre-application Review Team . Date of review: _____
 SIGNATURE Jose A. Venzor DATE 3/22/02
 (Print) JOSE A. VENZOR _____ Applicant _____ Agent

FOR OFFICIAL USE ONLY

Form revised September 2001

<input type="checkbox"/> INTERNAL ROUTING	Application case numbers	Action	S.F.	Fees
<input type="checkbox"/> All checklists are complete	<u>02400 - 00405</u>	<u>VP Row</u>	<input checked="" type="checkbox"/>	<u>\$270^{EU}</u>
<input type="checkbox"/> All fees have been collected				\$
<input type="checkbox"/> All case #s are assigned		<u>Advert Fee</u>		<u>\$ 75</u>
<input type="checkbox"/> AGIS copy has been sent				\$
<input type="checkbox"/> Case history #s are listed				\$
<input type="checkbox"/> Site is within 1000ft of a landfill				\$
<input type="checkbox"/> F.H.D.P. density bonus				Total
<input type="checkbox"/> F.H.D.P. fee rebate	Hearing date <u>April 17th 2002</u>			<u>\$345^{EU}</u>

Planner 3/22 02
 Planner signature / date

Project # 1001789

FORM V: SUBDIVISION VARIANCES & VACATIONS

BULK LAND VARIANCE FROM SUBDIVISION DESIGN STANDARDS

- Application for subdivision (Plat) on FORM S, including those submittal requirements. Variance and subdivision should be applied for simultaneously. (24 copies)
 - Letter briefly describing and explaining: the request, compliance with criteria in the Development Process Manual, and any improvements to be waived
 - Notice on the proposed Plat that there are conditions to subsequent subdivision (refer to DPM)
 - Office of Community & Neighborhood Coordination inquiry response, notifying letter, certified mail receipts
 - Sign Posting Agreement
 - Fee (see schedule) Fee is for Variance. Plat fee is listed on FORM-S.
 - Any original and/or related file numbers are listed on the cover application
- DRB Public hearings are approximately ONE MONTH after the filing deadline. **Your attendance is required.**

VACATION OF PUBLIC RIGHT-OF-WAY

VACATION OF PUBLIC EASEMENT

- The complete document which created the public easement (folded to fit into an 8.5" by 14" pocket) 24 copies. (Not required for dedicated and City owned public right-of-way.)
 - Drawing showing the easement or right-of-way to be vacated, its relation to existing streets, etc. (folded to fit into an 8.5" by 14" pocket) 24 copies
 - Zone Atlas map with the entire property(ies) precisely and clearly outlined and crosshatched (to be photocopied)
 - Letter briefly describing, explaining, and justifying the request
 - Office of Community & Neighborhood Coordination inquiry response, notifying letter, certified mail receipts
 - Sign Posting Agreement
 - Fee (see schedule)
 - Any original and/or related file numbers are listed on the cover application
- Unless the vacation is shown on a DRB approved plat recorded by the County Clerk within one year, it will expire. DRB Public hearings are approximately ONE MONTH after the filing deadline. **Your attendance is required.**

VARIANCE FROM MINIMUM STANDARDS OF THE DEVELOPMENT PROCESS MANUAL

SIDEWALK DESIGN VARIANCE

SIDEWALK WAIVER

- Scale drawing showing the proposed variance or waiver (folded to fit into an 8.5" by 14" pocket) 6 copies for unadvertised meetings. These actions are not approved through internal routing.
 - Zone Atlas map with the entire property(ies) precisely and clearly outlined and crosshatched (to be photocopied)
 - Letter briefly describing, explaining, and justifying the variance or waiver
 - Any original and/or related file numbers are listed on the cover application
- DRB meetings are approximately 8 DAYS after the Tuesday noon filing deadline. **Your attendance is required.**

TEMPORARY DEFERRAL OF SIDEWALK CONSTRUCTION

EXTENSION OF THE SIA FOR TEMPORARY DEFERRAL OF SIDEWALK CONSTRUCTION

- Drawing showing the sidewalks subject to the proposed deferral or extension (folded to fit into an 8.5" by 14" pocket) 6 copies for unadvertised meetings. These actions are not approved through internal routing.
 - Zone Atlas map with the entire property(ies) precisely and clearly outlined and crosshatched (to be photocopied)
 - Letter briefly describing, explaining, and justifying the deferral or extension
 - Any original and/or related file numbers are listed on the cover application
- DRB meetings are approximately 8 DAYS after the Tuesday noon filing deadline. **Your attendance is required.**

VACATION OF PRIVATE EASEMENT

- The complete document which created the private easement (folded to fit into an 8.5" by 14" pocket) 6 copies for unadvertised meetings. These actions are not approved through internal routing.
 - Scale drawing showing the easement to be vacated, its relation to existing streets, etc. (folded to fit into an 8.5" by 14" pocket) 6 copies
 - Zone Atlas map with the entire property(ies) precisely and clearly outlined and crosshatched (to be photocopied)
 - Letter briefly describing, explaining, and justifying the vacation
 - Letter of authorization from the grantors and the beneficiaries
 - Fee (see schedule)
 - Any original and/or related file numbers are listed on the cover application
- Unless the vacation is shown on a DRB approved plat recorded by the County Clerk within one year, it will expire. DRB meetings are approximately 8 DAYS after the Tuesday noon filing deadline. **Your attendance is required.**

I, the applicant, acknowledge that any information required but not submitted with this application will likely result in deferral of actions.

JOSE A. VENZA
Applicant name (print)
Jose A. VENZA 3/22/02
Applicant signature / date



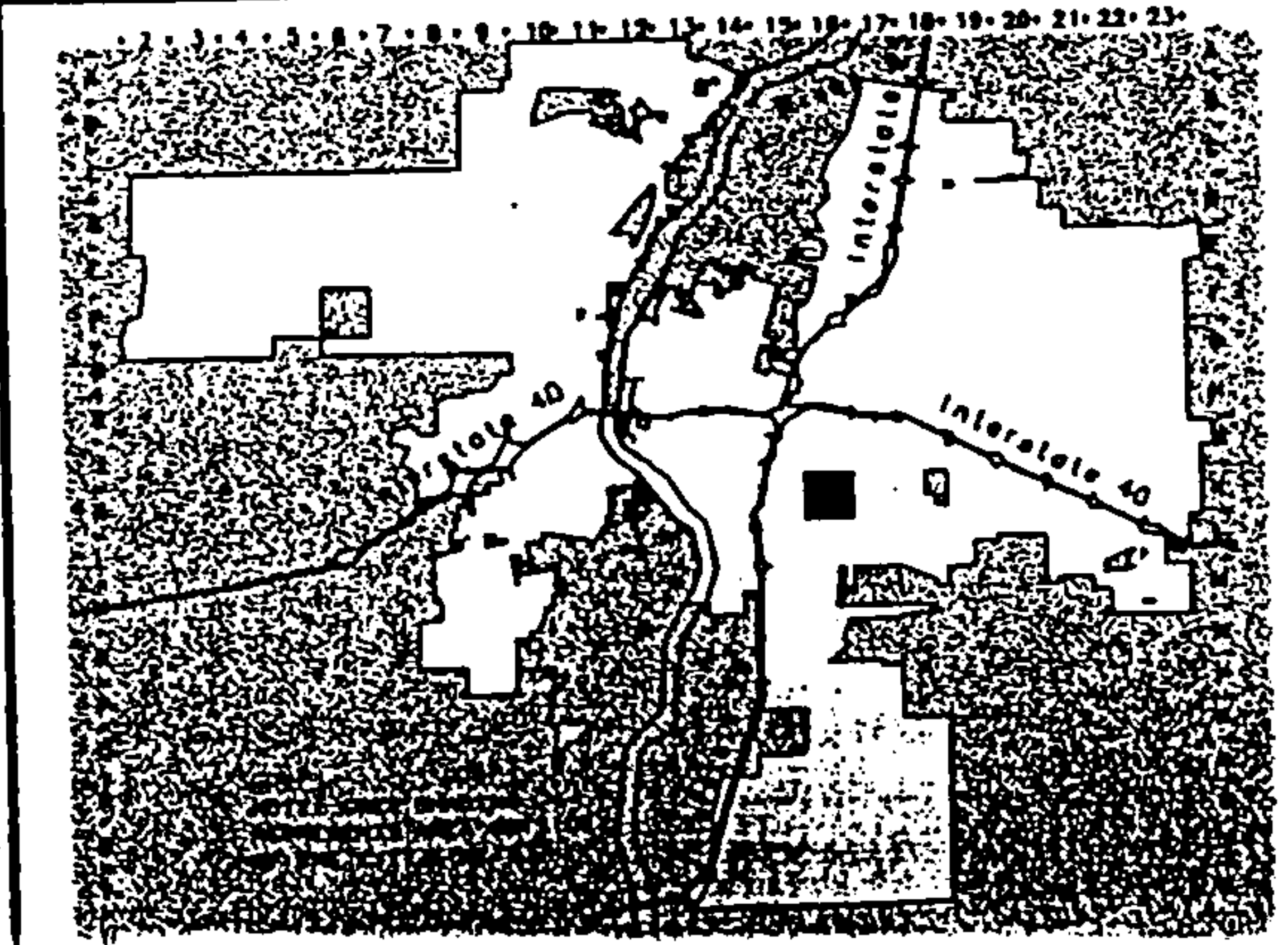
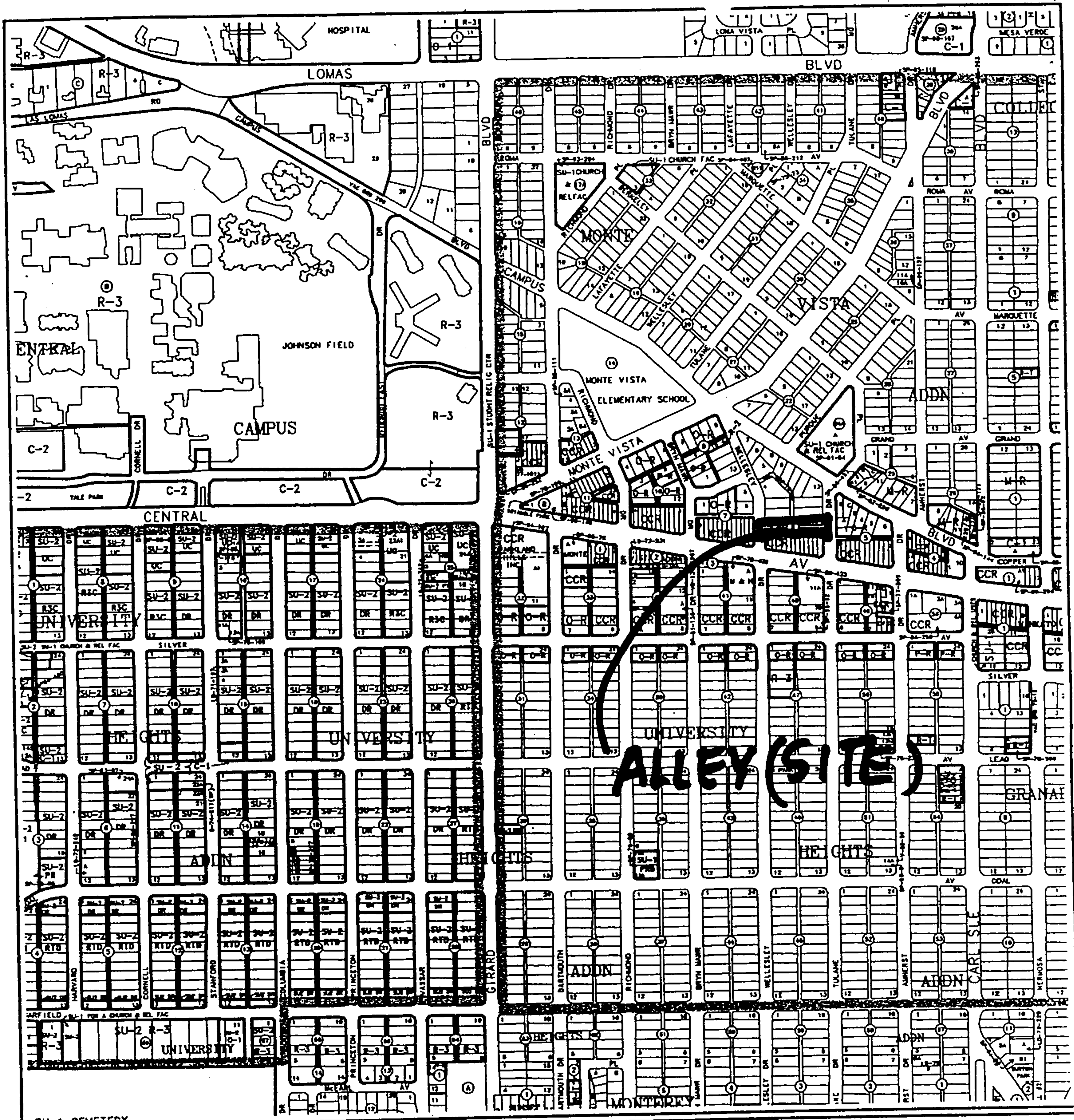
Form revised September 2001

- Checklists complete
- Fees collected
- Case #s assigned
- Related #s listed

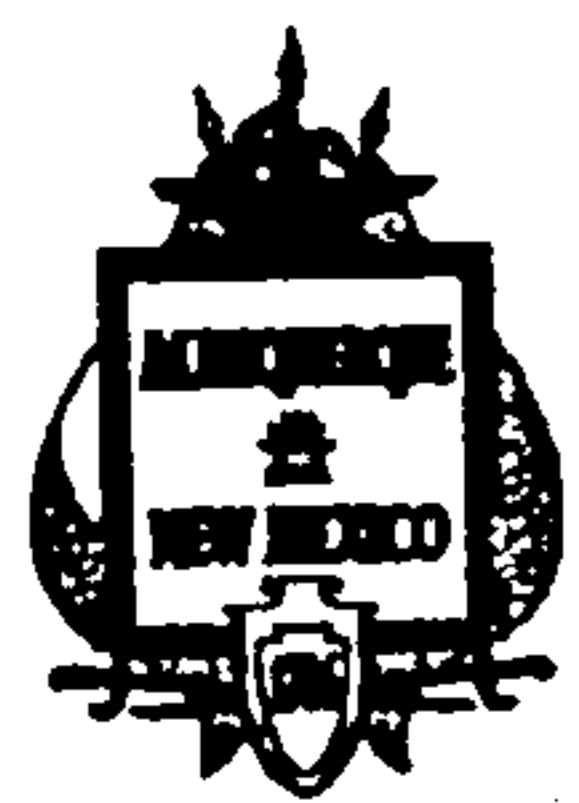
Application case numbers
12400 - 00405

B. Benet 3/22/02
Planner signature / date

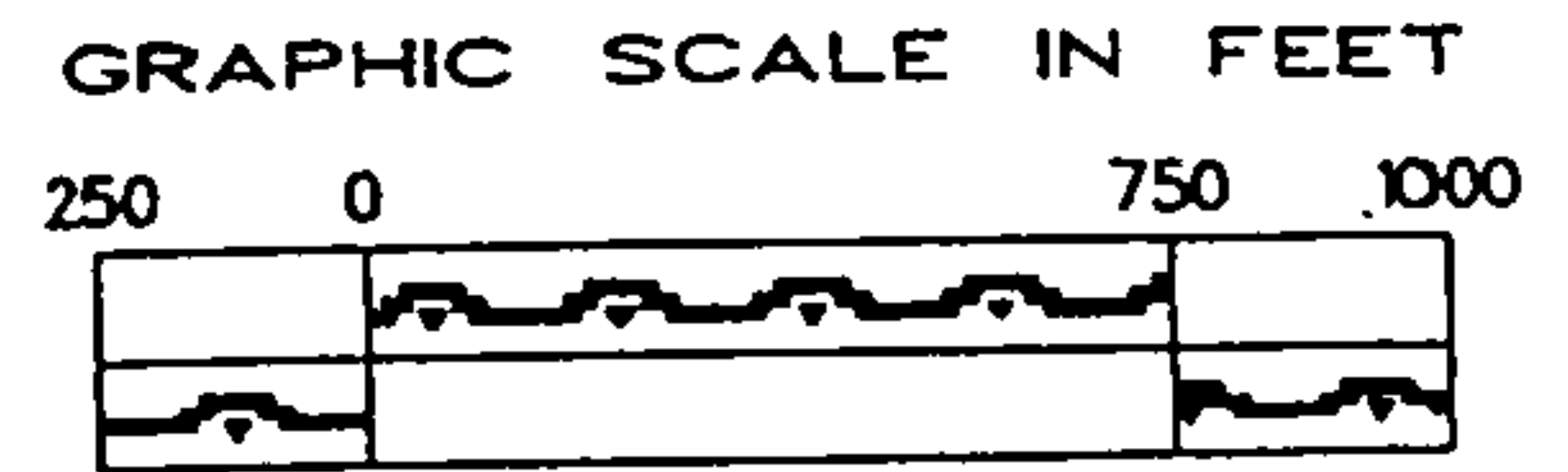
Project # 1001789



17



CITY OF
Albuquerque
A. G. Smith
PLANNING DEPARTMENT
© Copyright 2001



Zone Atlas Page

K-16-Z

Map Amended through July 18, 2001

March 19, 2002

City of Albuquerque
Development Review board
Albuquerque, New Mexico
Hand Delivered

Re: Development Review Application – Sketch Plat Review and Comment
Route 66 Plaza

Ladies and Gentlemen,

Our request is herein submitted to vacate the city alley as shown on the attached map to enable the development of the Route 66 Plaza to comply with the plans for the center and should be approved for the following reasons:

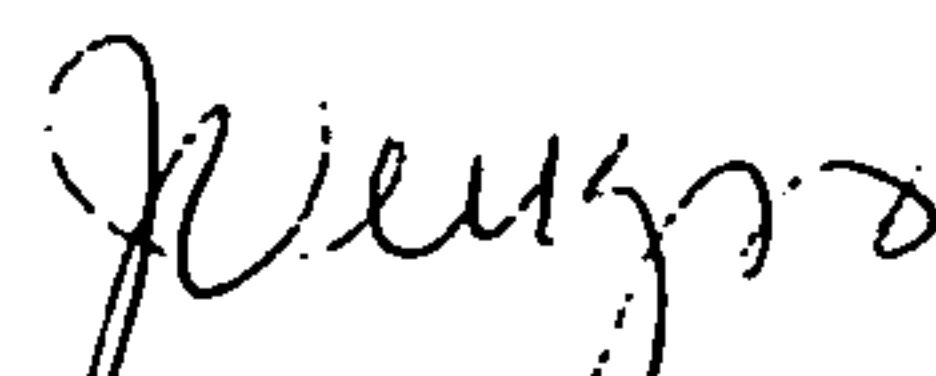
1. Presently, the alley serves only the properties already owned by the development and affects no other property use.
2. It will contribute greatly to the whole development and alleviate the present chronic parking problems in the Knob Hill area.

Also, attached please find the following items necessary to implement the “Sketch Plat Review” for the above-captioned development:

- a) Six (6) copies of the scale drawing of the proposed subdivision plat.
- b) Site sketch with measurements of structures and parking.
- c) Copies of the zone atlas map outlined for the development boundaries.

If anything further is necessary for this application, please contact me at the number below.

Sincerely,



Jose A. Venzor
Route 66 Plaza
(505) 577-0133

Attachments



City of Albuquerque

PLEASE NOTE: The Neighborhood Association information listed in this letter is valid for one (1) month. If you haven't filed your application within one (1) month of the date of this letter - you will need to get an updated letter from our office. It is your responsibility to provide current information - outdated information may result in a deferral of your case.

Date: March 19, 2002

TO CONTACT NAME: Jose A. Venzor
COMPANY/AGENCY: Rt. 16 Plaza
ADDRESS/ZIP: 3311 Central NE 87106
PHONE/FAX #: 820-7782 / 820-7784

Thank you for your inquiry of 3-19-02 requesting the names of **Recognized**

Neighborhood Associations who would be affected under the provisions of O-92 by your proposed project at lot 15, 16, 17 + 28 and 1-3, Block 6, Monte Vista Addition.
zone map page(s) K-16

Our records indicate that the **Recognized Neighborhood Association(s)** affected by this proposal and the contact names are as follows:

Hob Hill

Neighborhood Association
Contacts: Colleen Cadwell
201 Richmond Pl. SE
260-0944 (h) 87106
Deanna DeSutter
310 Richmond SE
256-0402 (w) 87106

Neighborhood Association
Contacts: _____

See reverse side for additional Neighborhood Association Information: YES { } NO

Please note that according to O-92 you are required to notify each of these contact persons by **CERTIFIED MAIL, RETURN RECEIPT REQUESTED, BEFORE** the Planning Department will accept your application filing. **IMPORTANT! FAILURE OF ADEQUATE NOTIFICATION MAY RESULT IN YOUR APPLICATION HEARING BEING DEFERRED FOR 30 DAYS.** If you have any questions about the information provided, please contact our office at (505) 924-3914 or by fax at 924-3913.

Sincerely,

Dalana S. Carmona
OFFICE OF COMMUNITY AND NEIGHBORHOOD COORDINATION

.....
Attention: Both contacts per neighborhood association need to be notified.
.....

March 19, 2002

City of Albuquerque
Development Review board
Albuquerque, New Mexico
Hand Delivered

Re: Development Review Application – Sketch Plat Review and Comment
Route 66 Plaza

Ladies and Gentlemen,

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1. Presently, the alley serves only the properties already owned by the development and affects no other property use.
2. It will contribute greatly to the whole development and alleviate the present chronic parking problems in the Knob Hill area.

Also, attached please find the following items necessary to implement the “Sketch Plat Review” for the above-captioned development:

- a) Six (6) copies of the scale drawing of the proposed subdivision plat.
- b) Site sketch with measurements of structures and parking.
- c) Copies of the zone atlas map outlined for the development boundaries.

If anything further is necessary for this application, please contact me at the number below.

Sincerely,


Jose A. Venzor
Route 66 Plaza
(505) 577-0133

Attachments

7001 2510 0000 0152 1002

**U.S. Postal Service
CERTIFIED MAIL RECEIPT**
(Domestic Mail Only; No Insurance Coverage Provided)

ALBUQUERQUE, NM 87106

Postage	\$ 0.34
Certified Fee	2.10
Return Receipt Fee (Endorsement Required)	1.50
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 3.94

Sent To: PEANNT DE SUTTER
 Street, Apt. No., or PO Box No.: 210 RICHMOND SE
 City, State, ZIP+4: ALBUQUERQUE, NM, 87106

UNIT ID: 0501
 Postmark: MAR 20 2002
 Clerk: KZVJPC
 USPS-87501

PS Form 3800, January 2001 See Reverse for Instructions

7001 2510 0000 0152 1002

**U.S. Postal Service
CERTIFIED MAIL RECEIPT**
(Domestic Mail Only; No Insurance Coverage Provided)

ALBUQUERQUE, NM 87106

Postage	\$ 0.34
Certified Fee	2.10
Return Receipt Fee (Endorsement Required)	1.50
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 3.94

Sent To: COLLEEN CODWELL
 Street, Apt. No., or PO Box No.: 201 RICHMOND DR. SE
 City, State, ZIP+4: ALBUQUERQUE, N.M. 87106

UNIT ID: 0501
 Postmark: Here
 Clerk: KZVJPC
 USPS-87501

PS Form 3800, January 2001 See Reverse for Instructions

ONE STOP SHOP . . . FRONT COUNTER

LAND DEVELOPMENT COORDINATION DIVISION (LDC) / PLANNING
DEVELOPMENT & BUILDING SERVICES (D&B Svcs) / PUBLIC WORKS
Plaza Del Sol - 2nd Floor West - 600 2nd St NW
Land Development / Planning - Main Fax (505) 924-3685
Development Services / Public Works - Main Fax (505) 924-3864

PAID RECEIPT

APPLICANT NAME

Jose Vensor

AGENT

ADDRESS (w/ZipCode)

PROJECT NO.

1001789

APPLICATION NO.

02400 00405

\$ 100⁰⁰ 441006 / 4981000 (City Cases)

\$ _____ 441018 / 4921000 (County)

\$ _____ 441011 / 7000110 (LUCC)

\$ _____ 441018 / 4981000 (Notification)

\$ 100⁰⁰ Total amount due

95-101/1070 00881791 2019

JOSE A. VENZOR
112 HIGH RD.
SANTA FE, NM 87501

DATE 4/4/02

PAY TO THE ORDER OF City of Albuquerque \$ 100⁰⁰

One hundred no/100 DOLLARS

MEMO Payment fee

Jose A. Venzor

Los Alamos NATIONAL BANK
Member FDIC
10700 10121 2019 00881791 01

SAFETY PAPER

ONE STOP SHOP . . . FRONT COUNTER

LAND DEVELOPMENT COORDINATION DIVISION (LDC) / PLANNING
DEVELOPMENT & BUILDING SERVICES (D&B Svcs) / PUBLIC WORKS
Plaza Del Sol -2nd Floor West - 600 2nd St NW
Land Development / Planning - Main Fax (505) 924-3685
Development Services / Public Works - Main Fax (505) 924-3864

PAID RECEIPT

APPLICANT NAME

JOSE A VENZOR

NO AGENT

112 HIGH ROAD

ADDRESS (w/zipCode)

SANTA FE, NM 87507

PROJECT NO.

1001789

APPLICATION NO.

02400-00405

\$ 270 441006 / 4981000 (City Cases)

\$ 441018 / 4921000 (County)

\$ 441011 / 7000110 (LUCC)

\$ 75 441018 / 4981000 (Notification)

\$ 345.00 Total amount due

City of Albuquerque
Treasury Division

03/22/2002 11:40AM

RECEIPT# 00018266 WSH 006 TRANS# 0454
ACCOUNT 441018 Fund 0110
Activity 4981000
Trans Amt \$345.00

JOSE A. VENZOR
112 HIGH RD.
SANTA FE, NM 87501

95-101/1070
00881791

DATE 3/22/02 2014

PAY TO THE ORDER OF City of Albuquerque

THREE HUNDRED FORTY FIVE ⁰⁰/₁₀₀ DOLLARS \$ 345.00

Los Alamos NATIONAL BANK
Member FDIC
P.O. Box 60 Los Alamos, NM 87544 (505) 662-5171

MEMO _____

City of Albuquerque
Treasury Division

107001012120140088179100

03/22/2002 11:40AM
X
RECEIPT# 00018266 WSH 006 TRANS# 0454
Account 441006 Fund 0110
Activity 4981000 TRSKDM
Trans Amt \$345.00
J24 Misc \$270.00

SIGN POSTING REQUIREMENTS

POSTING SIGNS ANNOUNCING PUBLIC HEARINGS

All persons making application to the City under the requirements and procedures established by the City Zoning Code or subdivision Ordinance are responsible for the posting and maintaining of one or more signs on the property which the application describes. Vacations of public rights-of-way (if the way has been in use) also require signs. Waterproofed signs will be provided at the time of application. If the application is mailed, you must still stop at the Planning Division to pick up the sign.

The applicant is responsible for ensuring that the signs remain posted throughout the 15-day period prior to public hearing. Failure to maintain the signs during this entire period may be cause for deferral or denial of the application. Replacement signs for those lost or damaged are available from the Planning Division at a charge of \$3.00 each.

1. LOCATION

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

2. NUMBER

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

3. PHYSICAL POSTING

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

4. TIME

Signs must be posted from April 2, 2002 To April 17, 2002.

5. REMOVAL

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

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

Joe G. Dwyer 3/22/02
(Applicant or Agent) (Date)

I issued 2 signs for this application, 3/22/02 [Signature]
(Date) (Staff Member)

Rev. 11/8/90 *GA*

DRB CASE NUMBER: 1001789
0240000405

Proj# 1001789

JOSE A. VENZOR
112 HIGH ROAD
SANTA FE, NM 87507

101605740728510501

BACA MABLE A
5505 ROYAL OAK DR NE
ALBUQUERQUE NM 87111

101605743031210513

ROMERO ALLEN C & PHILLIP J
3518 CAMPUS BL NE
ALBUQUERQUE NM 87106

101605741331310523

YOUNG CHESTER C & SUSAN
122 WELLESLEY RD NE
ALBUQUERQUE NM 87106

101605738928910406

MCKOWN K RANDAL
1606 CENTRAL SE
ALBUQUERQUE NM 87106

101605744727810601

ARMSTRONG MARY ZITO ETAL
1501 PARK AV SW
ALBUQUERQUE NM 87104

101605746229310612

FRIZZELL DAVID W &
3616 CAMPUS BL NE
ALBUQUERQUE NM 87106

101605744930310615

SLATTERY ROBERT
3329 MONTE VISTA NE
ALBUQUERQUE NM 87106

101605739226143206

SCOTT PHILIP L B
421 LOS GATOS
LOS GATOS CA 95030

101605744825343409

DIXON BARBARA B ETAL
PO BOX 13567
ALBUQUERQUE NM 87192

COLLEEN CADWELL
Nob Hill Neigh. Assoc.
201 RICHMOND SE
ALBUQ., NM 87106

101605741828310504

CARMENS ON ROUTE 66 INC
3311 CENTRAL AV NE
ALBUQUERQUE NM 87106

101605742431610514

BASS LOUISE L
3512 CAMPUS BL NE
ALBUQUERQUE NM 87106

101605741330510524

CHAVEZ EMILIO R
206 PHLOX DR
AUSTIN TX 78734

101605739430910412

TRASK RONALD JEFFREY
3218 PURDUE PL NE
ALBUQUERQUE NM 87108

101605745227810602

CHOPTANK CORPORATION
PO BOX 4247
ALBUQUERQUE NM 87196

101605745629510613

E E STEIDLEY AGENCY INC
PO BOX 40120
ALBUQUERQUE NM 87196

101605744730410616

ROMERO ERNESTO J
3602 CAMPUS BL NE
ALBUQUERQUE NM 87106

101605743025643306

ARRIGONI ALBERT
4525 ALTURA PL NE
ALBUQUERQUE NM 87110

101605745324243401

RAJ PARTNERS
1516 STANFORD DR NE
ALBUQUERQUE NM 87106

DEANNA DESUTTER
Nob Hill Neigh. Assoc.
310 RICHMOND SE
ALBUQ., NM 87106

101605742730510512

ROBEY KENNETH M
121 TULANE DR NE
ALBUQUERQUE NM 87106

101605742131810515

CHAVEZ MARTHA A
3508 CAMPUS NE
ALBUQUERQUE NM 87106

101605741329910525

CALLAHAN J PATRICK
1715 SIGMA CHI RD NE
ALBUQUERQUE NM 87106

101605738830510413

GALLEGOS PATRICK L &
PO BOX 368
CUBA NM 87013

101605745427810604

GERMAN GOMEZ GARCIA ETUX
PO BOX 4247
ALBUQUERQUE NM 87196

101605745329810614

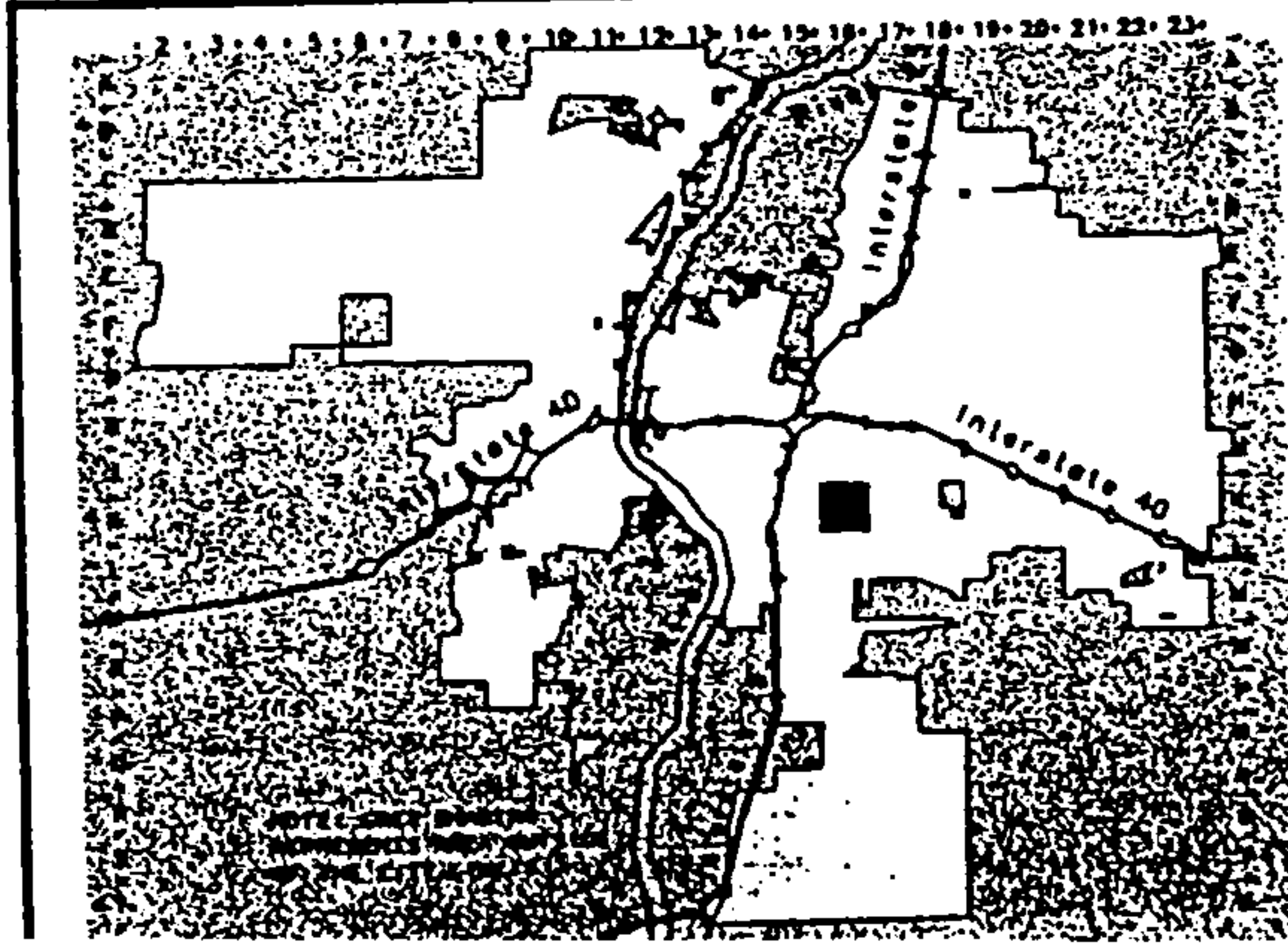
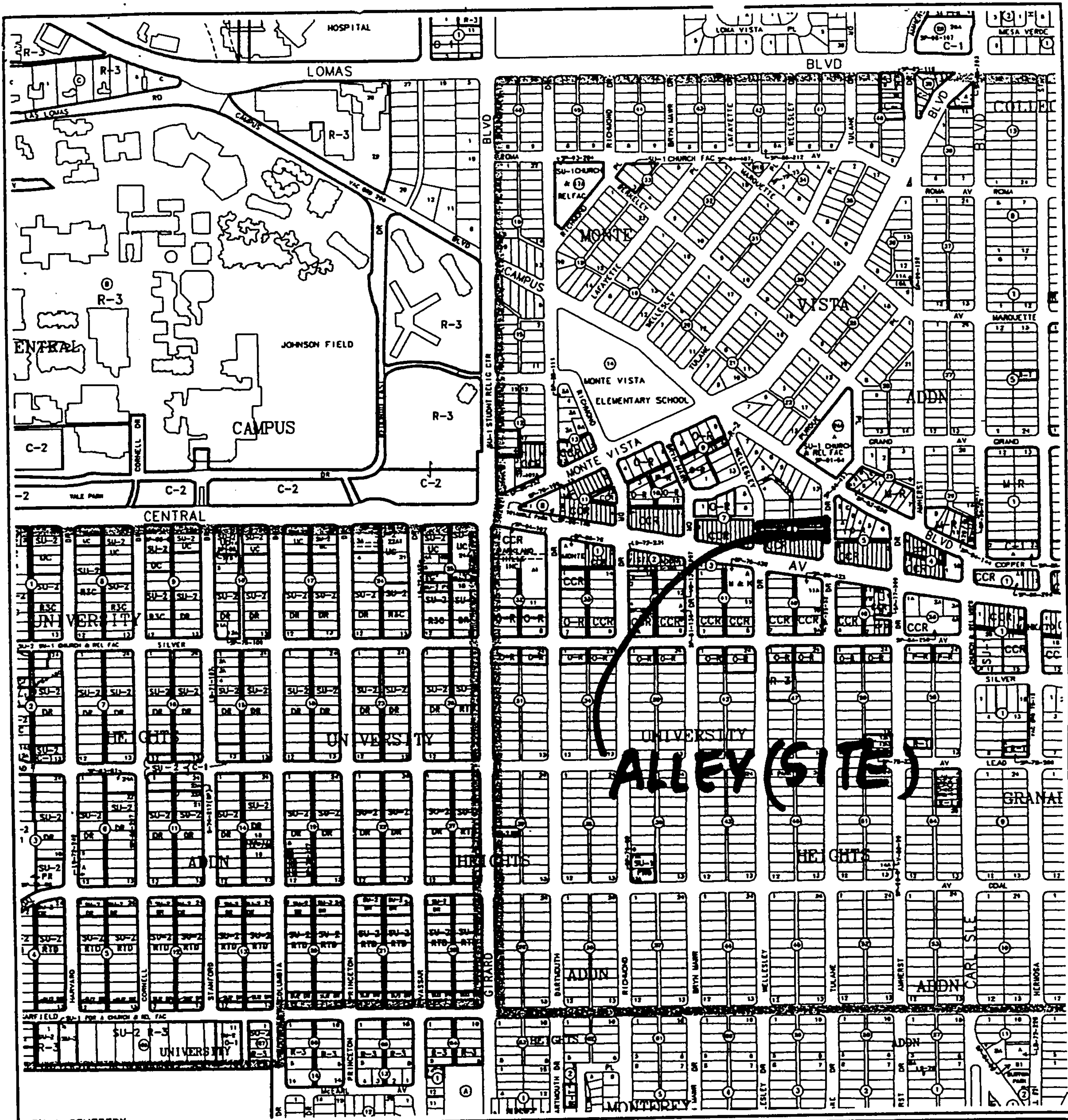
COSTA KATHARINE
1007 LOPEZ ST
SANTA FE NM 87501

101605744729010617

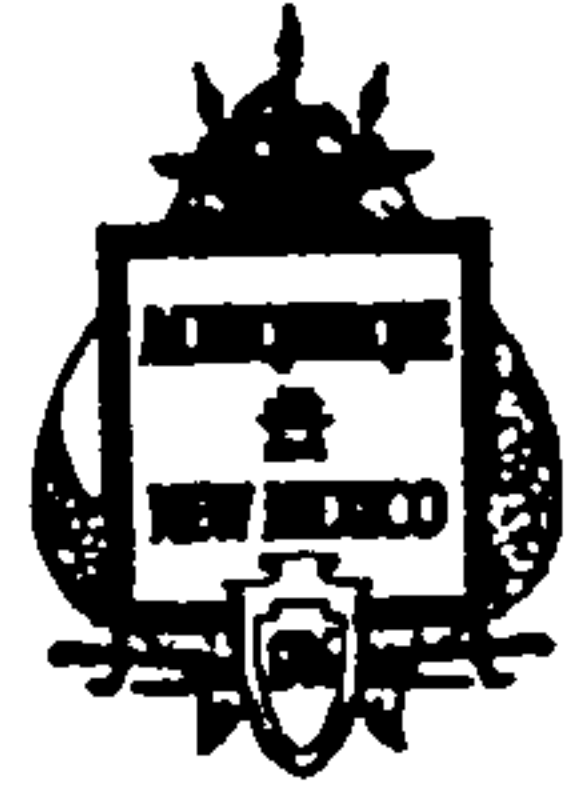
CRAWFORD RICHARD W
3418 HARWOOD CT NE
ALBUQUERQUE NM 87110

101605741326643308

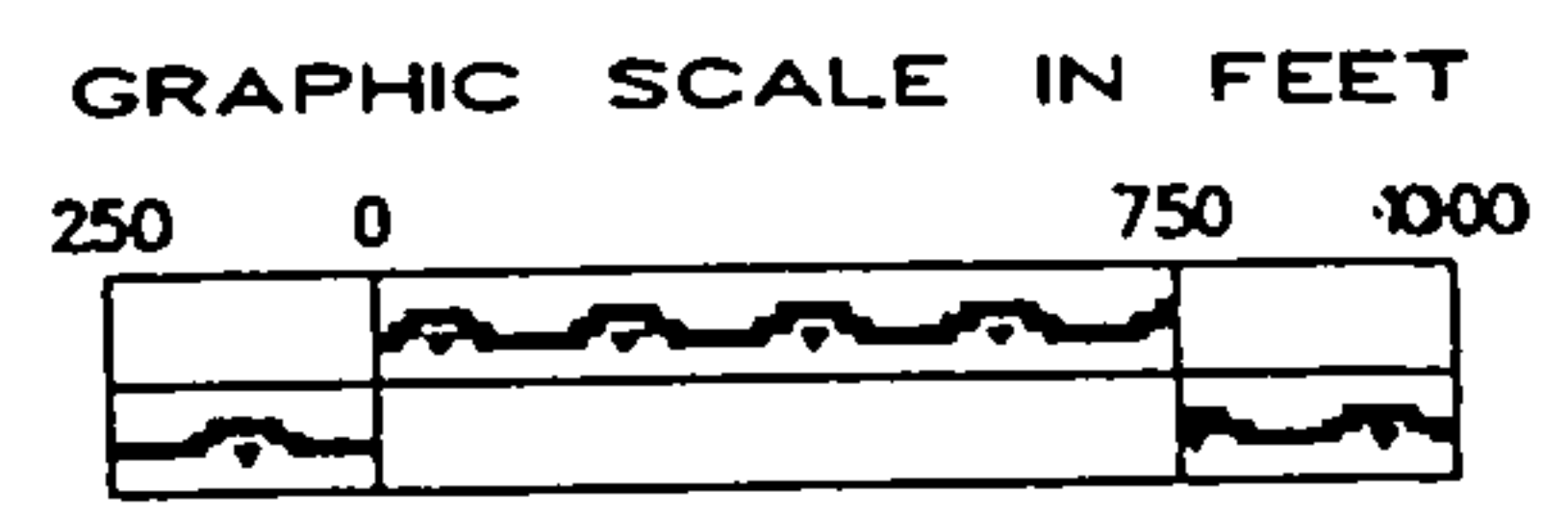
BURKHOLDER BERTE
1302 RIO MESA TR
COTTONWOOD AZ 86326



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CITY OF
Albuquerque
Planning & Information Systems
PLANNING DEPARTMENT
© Copyright 2001



Zone Atlas Page

K-16-Z

Map Amended through July 18, 2001

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT - DEVELOPMENT SERVICES DIVISION
PROPERTY OWNERSHIP LIST

Meeting Date: 4-17-02

Zone Atlas Page: K-16-E

Notification Radius: 100 Ft.

Cross Reference and Location: _____

App# <u>02400-00405</u>
Proj# <u>1001789</u>
Other#

Applicant: Jose A. Venzor ✓

Address: 112 Highroad, Santa Fe, NM 87507

Agent: _____

Address: _____

SPECIAL INSTRUCTIONS

Notices Must be mailed from the
City 15 days prior to the meeting.

Date Mailed: Mar. 28, 2002

Signature: K-Tsethkkat

App# _____
 Proj# _____

PROPERTY OWNERSHIP / LEGAL LIST

Date: _____

Zone Atlas Page	Zone Atlas #	Grid Location	Parcel Sequence	Name & Address
K-16	1016057	407-285	105-01	✓ mp
		408-285	02	✓ mp
		412-284	03	✓ mp
		418-283	04	✓ mp
		424-283	05	✓ mp
		437-283	06	✓ mp
		428-283	07	✓ mp
		432-283	08	✓ mp
		434-283	09	✓ mp
		427-294	10	✓ mp
		427-299	11	✓ mp
		427-305	12	✓
		430-312	13	✓
		424-314	14	✓
		421-318	15	✓
		413-313	23	✓
		413-305	24	✓
		413-299	25	✓
		413-294	26	✓ mp
	1016057	389-289	104	06 ✓
		391-289		07 ✓
		393-289		08 ✓
		397-288		09 ✓
		400-288		10 ✓
		394-302		11 ✓
		394-309		12 ✓
		388-305		13 ✓
		447-278	106	01 ✓
		452-278		02 ✓
		454-278		04 ✓
		462-293		12 ✓
		456-295		13 ✓
		453-298		14 ✓
		449-303		15 ✓
		447-304		16 ✓
		447-290		17 ✓
		447-285		18 ✓
	432	392-261	432	06 ✓

1016057 *** THIS UPC CODE HAS NO MASTER RECORD ON FILE

101605740728510501 LEGAL: * 02 8 00 6MONTE VISTA ADD LAND USE:
 PROPERTY ADDR: 00000 N/A
 OWNER NAME: BACA MABLE A
 OWNER ADDR: 05505 ROYAL OAK DR NE ALBUQUERQUE NM 87111

101605740828510502 LEGAL: * 02 7 00 6MONTE VISTA ADD LAND USE:
 PROPERTY ADDR: 00000 3301 CENTRAL AVE NE
 OWNER NAME: BACA MABLE A
 OWNER ADDR: 05505 ROYAL OAK DR NE ALBUQUERQUE NM 87111

101605741228410503 LEGAL: * 02 6 00 6MONTE VISTA ADD LAND USE:
 PROPERTY ADDR: 00000 CENTRAL AVE NE
 OWNER NAME: BACA MABLE A
 OWNER ADDR: 05505 ROYAL OAK DR NE ALBUQUERQUE NM 87111

101605741828310504 LEGAL: * 02 2 00 6MONTE VISTA ADD L22 TO 25 LAND USE:
 PROPERTY ADDR: 00000 3311 CENTRAL AVE NE
 OWNER NAME: CARMENS ON ROUTE 66 INC
 OWNER ADDR: 03311 CENTRAL AV NE ALBUQUERQUE NM 87106

101605742428310505 LEGAL: * 02 1 00 6MONTE VISTA LAND USE:
 PROPERTY ADDR: 00000 3311 CENTRAL AVE NE
 OWNER NAME: CARMENS ON ROUTE 66 INC
 OWNER ADDR: 03311 CENTRAL AV NE ALBUQUERQUE NM 87106

101605743728310506 LEGAL: * 02 0 00 6MONTE VISTA LAND USE:
 PROPERTY ADDR: 00000 CENTRAL AVE NE
 OWNER NAME: CARMENS ON ROUTE 66 INC
 OWNER ADDR: 03311 CENTRAL AV NE ALBUQUERQUE NM 87106

101605742828310507 LEGAL: * 01 9 00 6MONTE VISTA LAND USE:
 PROPERTY ADDR: 00000 CENTRAL AVE NE
 OWNER NAME: CARMENS ON ROUTE 66 INC
 OWNER ADDR: 03311 CENTRAL AV NE ALBUQUERQUE NM 87106

101605743228310508 LEGAL: * 01 8 00 6MONTE VISTA LAND USE:
 PROPERTY ADDR: 00000 CENTRAL AVE NE
 OWNER NAME: CARMENS ON ROUTE 66 INC
 OWNER ADDR: 03311 CENTRAL AV NE ALBUQUERQUE NM 87106

101605743428310509 LEGAL: * 01 7 00 6MONTE VISTA LAND USE:

30

PROPERTY ADDR: 00000 CENTRAL AVE NE
OWNER NAME: CARMENS ON ROUTE 66 INC
OWNER ADDR: 03311 CENTRAL AV NE ALBUQUERQUE NM 87106

101605742729410510 LEGAL: *016 006 MONTEVISTA ADD & PORTION OF VACATED ALLEY LAND USE:

PROPERTY ADDR: 00000 TULANE DR NE
OWNER NAME: CARMENS ON ROUTE 66 INC
OWNER ADDR: 03311 CENTRAL AV NE ALBUQUERQUE NM 87106

101605742729910511 LEGAL: *015 006 MONTEVISTA ADD & PORTION OF VACATED ALLEY LAND USE:

PROPERTY ADDR: 00000 117 TULANE DR NE
OWNER NAME: CARMEN'S ON ROUTE 66 INC
OWNER ADDR: 03311 CENTRAL AV NE ALBUQUERQUE NM 87106

31

101605742730510512 LEGAL: * 01 4 00 6MONTEVISTA ADD & PORTION OF VACATED ALLEY LAND USE:
PROPERTY ADDR: 00000 121 TULANE DR NE
OWNER NAME: ROBEY KENNETH M
OWNER ADDR: 00121 TULANE DR NE ALBUQUERQUE NM 87106

101605743031210513 LEGAL: * 01 3 00 6MONTE VISTA LAND USE:
PROPERTY ADDR: 00000 3518 CAMPUS BLV NE
OWNER NAME: ROMERO ALLEN C & PHILLIP J
OWNER ADDR: 03518 CAMPUS BL NE ALBUQUERQUE NM 87106

101605742431610514 LEGAL: * 01 2 00 6MONTEVISTA ADD & PORTION OF VACATED ALLEY LAND USE:
PROPERTY ADDR: 00000 3512 CAMPUS BLV NE
OWNER NAME: BASS LOUISE L
OWNER ADDR: 03512 CAMPUS BL NE ALBUQUERQUE NM 87106

101605742131810515 LEGAL: * 01 1 00 6MONTEVISTA ADDN & PORTION OF VACATED ALLE LAND USE:
PROPERTY ADDR: 00000 N/A
OWNER NAME: CHAVEZ MARTHA A
OWNER ADDR: 03508 CAMPUS NE ALBUQUERQUE NM 87106

101605741331310523 LEGAL: * 00 4 00 6MONTEVISTA ADDN & PORTION OF VACATED ALLE LAND USE:
PROPERTY ADDR: 00000 122 WELLESLEY RD NE
OWNER NAME: YOUNG CHESTER CARLTON & SUSAN
OWNER ADDR: 00122 WELLESLEY RD NE ALBUQUERQUE NM 87106

101605741330510524 LEGAL: * 00 3 00 6MONTEVISTA ADDN & PORTION OF VACATED ALLE LAND USE:
PROPERTY ADDR: 00000 116 WELLESLEY NE
OWNER NAME: CHAVEZ EMILIO R
OWNER ADDR: 00206 PHLOX DR AUSTIN TX 78734

101605741329910525 LEGAL: * 00 2 00 6MONTEVISTA ADDN & PORTION OF VACATED ALLE LAND USE:
PROPERTY ADDR: 00000 112 WELLESLEY NE
OWNER NAME: CALLAHAN J PATRICK
OWNER ADDR: 01715 SIGMA CHI RD NE ALBUQUERQUE NM 87106

101605741329410526 LEGAL: * 00 1 00 6MONTEVISTA ADDN & PORTION OF VACATED ALLE LAND USE:
PROPERTY ADDR: 00000 108 WELLESLEY NE
OWNER NAME: CARMEN'S ON ROUTE 66 INC
OWNER ADDR: 03311 CENTRAL AV NE ALBUQUERQUE NM 87106

101605738928910406 LEGAL: * 01 1 00 7MONTE VISTA ADDN LAND USE:
PROPERTY ADDR: 00000 3215 CENTRAL AVE NE
OWNER NAME: MCKOWN K RANDAL

26

OWNER ADDR: 01606 CENTRAL

SE ALBUQUERQUE NM 87106

- 101605739128910407

LEGAL:

PROPERTY ADDR: 00000

OWNER NAME:

OWNER ADDR: 00000

LAND USE:

101605739328910408

LEGAL:

PROPERTY ADDR: 00000

OWNER NAME:

OWNER ADDR: 00000

LAND USE:

44

101605739728810409	LEGAL: PROPERTY ADDR: 00000 OWNER NAME: OWNER ADDR: 00000	LAND USE:	
101605740028810410	LEGAL: PROPERTY ADDR: 00000 OWNER NAME: OWNER ADDR: 00000	LAND USE:	
101605739430210411	LEGAL: PROPERTY ADDR: 00000 OWNER NAME: OWNER ADDR: 00000	LAND USE:	
101605739430910412	LEGAL: * 00 5 00 7MONTE VISTA ADDN PROPERTY ADDR: 00000 3218 PURDUE PL NE OWNER NAME: TRASK RONALD JEFFREY OWNER ADDR: 03218 PURDUE	LAND USE:	PL NE ALBUQUERQUE NM 87108
101605738830510413	LEGAL: * 00 4 00 7MONTE VISTA ADDN PROPERTY ADDR: 00000 3214 PURDUE PL NE OWNER NAME: GALLEGOS PATRICK L & OWNER ADDR: 00000 PO BOX 368	LAND USE:	CUBA NM 87013
101605744727810601	LEGAL: PORT ION OF LOT 16 AND ALL OF LOTS 17 & 18 BLK 5 MO PROPERTY ADDR: 00000 3405 CENTRAL AVE NE OWNER NAME: ARMSTRONG MARY ZITO ETAL OWNER ADDR: 01501 PARK	LAND USE:	AV SW ALBUQUERQUE NM 87104
101605745227810602	LEGAL: LOT 15 A ND A PORTION OF LOT 16 MONTE VISTA ADDN PROPERTY ADDR: 00000 3407 CENTRAL AVE NE OWNER NAME: CHOPTANK CORPORATION OWNER ADDR: 00000 PO BOX 4247	LAND USE:	ALBUQUERQUE NM 87196
101605745427810604	LEGAL: 005M ONTE VISTA LOT 13 X 14 PROPERTY ADDR: 00000 3409 CENTRAL AVE NE OWNER NAME: GERMAN GOMEZ GARCIA ETUX OWNER ADDR: 00000 PO BOX 4247	LAND USE:	ALBUQUERQUE NM 87196
101605746229310612	LEGAL: * 00 5 00 5MONTE VISTA ADD PROPERTY ADDR: 00000 3616 CAMPUS NE OWNER NAME: FRIZZELL DAVID W &	LAND USE:	

3A

OWNER ADDR: 03616 CAMPUS

BL NE ALBUQUERQUE NM 87106

~ 101605745629510613

LEGAL: * 00 4 00 5MONTE VISTA ADD
PROPERTY ADDR: 00000 3612 CAMPUS BLV NE
OWNER NAME: E E STEIDLEY AGENCY INC
OWNER ADDR: 00000 PO BOX 40120

LAND USE:

ALBUQUERQUE NM 87196

101605745329810614

LEGAL: * D 005M ONTE VISTA ADD REPL L2 & 3
PROPERTY ADDR: 00000 3610 CAMPUS BLV NE
OWNER NAME: COSTA KATHARINE
OWNER ADDR: 01007 LOPEZ

LAND USE:

ST SANTA FE NM 87501

46

101605744930310615	LEGAL: * C 005M ONTE VISTA ADD REPL L2 & 3 PROPERTY ADDR: 00000 3604 CAMPUS BLV NE OWNER NAME: SLATTERY ROBERT OWNER ADDR: 03329 MONTE VISTA	LAND USE: NE ALBUQUERQUE NM 87106
101605744730410616	LEGAL: *B 5 REP LAT OF LOTS 2 AND 3 MONTE VISTA ADDITION PROPERTY ADDR: 00000 3602 CAMPUS NE OWNER NAME: ROMERO ERNESTO J OWNER ADDR: 03602 CAMPUS	LAND USE: BL NE ALBUQUERQUE NM 87106
101605744729010617	LEGAL: * A 005M ONTE VISTA ADDN REPL LOTS 2 & 3 PROPERTY ADDR: 00000 108 TULANE NE OWNER NAME: CRAWFORD RICHARD W OWNER ADDR: 03418 HARWOOD	LAND USE: CT NE ALBUQUERQUE NM 87110
101605744728510618	LEGAL: * 00 1 00 5MONTE VISTA ADD PROPERTY ADDR: 00000 TULANE DR NE OWNER NAME: GARCIA GERMAN GOMEZ ETUX OWNER ADDR: 00000 PO BOX 4247	LAND USE: ALBUQUERQUE NM 87196
101605739226143206	LEGAL: TRAC T A LANDS OF M & K REPLAT OF LOTS 12 THRU 14 B PROPERTY ADDR: 00000 3222 CENTRAL SE OWNER NAME: SCOTT PHILIP L B OWNER ADDR: 00421 LOS GATOS	LAND USE: LOS GATOS CA 95030
101605743025643306	LEGAL: TR 1 1A B LK 48 OF SUMMARY PLAT TR 11A OF BLK 48 UNI PROPERTY ADDR: 00000 3326 CENTRAL SE OWNER NAME: ARRIGONI ALBERT OWNER ADDR: 04525 ALTURA	LAND USE: PL NE ALBUQUERQUE NM 87110
101605741326643308	LEGAL: * 00 1 04 8UNIVERSITY HTS ADD PROPERTY ADDR: 00000 3300 WELLESLEY DR SE OWNER NAME: BURKHOLDER BERTE OWNER ADDR: 01302 RIO MESA	LAND USE: TR COTTONWOOD AZ 86326
101605741326243309	LEGAL: * 00 2 04 8UNIVERSITY HTS ADD PROPERTY ADDR: 00000 104 WELLESLEY DR SE OWNER NAME: BURKHOLDER BERTE OWNER ADDR: 01302 RIO MESA	LAND USE: TR COTTONWOOD AZ 86326
101605744825343409	LEGAL: THE NW P ORT OF W1/2 OF BLK 49 OF UNIVERSITY HEIGHT PROPERTY ADDR: 00000 3400 CENTRAL SE OWNER NAME: DIXON BARBARA B ETAL	LAND USE:

36

OWNER ADDR: 00000

PO BOX 13567

ALBUQUERQUE NM 87192

101605745324243401

LEGAL: A PO RT O F W1/2 BLK 49 UNIVERSITY HGTS ADDN CONT 0. LAND USE:

PROPERTY ADDR: 00000 122 TULANE SE

OWNER NAME: RAJ PARTNERS

OWNER ADDR: 01516 STANFORD

DR NE ALBUQUERQUE NM 87106

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City of Albuquerque

PLEASE NOTE: The Neighborhood Association information listed in this letter is valid for one (1) month. If you haven't filed your application within one (1) month of the date of this letter - you will need to get an updated letter from our office. It is your responsibility to provide current information - outdated information may result in a deferral of your case.

Date: March 19, 2002

TO CONTACT NAME: Jose A. Venzon
COMPANY/AGENCY: Rt. 16 Plaza
ADDRESS/ZIP: 3311 Central NE 87106
PHONE/FAX #: 820-7782 / 820-7784

Thank you for your inquiry of 3-19-02 requesting the names of **Recognized**

Neighborhood Associations who would be affected under the provisions of O-92 by your proposed project at lot 15, 16, 17 + 28 and 1-3, Block 6, Monte Vista Addition,
zone map page(s) K-16.

Our records indicate that the **Recognized Neighborhood Association(s)** affected by this proposal and the contact names are as follows:

Hob Hill
Neighborhood Association
Contacts: Colleen Cadwell
201 Richmond Dr SE
260-0944 (h) 87106
Deanna DeSutter
310 Richmond SE
256-0402 (h) 87106

Neighborhood Association
Contacts: _____

See reverse side for additional Neighborhood Association Information: YES { } NO

Please note that according to O-92 you are required to notify each of these contact persons by **CERTIFIED MAIL, RETURN RECEIPT REQUESTED, BEFORE** the Planning Department will accept your application filing. **IMPORTANT! FAILURE OF ADEQUATE NOTIFICATION MAY RESULT IN YOUR APPLICATION HEARING BEING DEFERRED FOR 30 DAYS.** If you have any questions about the information provided, please contact our office at (505) 924-3914 or by fax at 924-3913.

Sincerely,

Salama S. Carmona
OFFICE OF COMMUNITY AND NEIGHBORHOOD COORDINATION

.....
Attention: Both contacts per
neighborhood association
need to be notified.
.....



**PUBLIC HEARING--DEVELOPMENT REVIEW BOARD
CITY OF ALBUQUERQUE**

Notice is hereby given that the Development Review Board, City of Albuquerque, will hold a public hearing in the Plaza del Sol Hearing Room, Basement, Plaza del Sol Building, 600 2nd St NW, on Wednesday, April 17, 2002, beginning at 9:00 a.m. for the purpose of considering the following:

Project # 1000131

02DRB-00400 Major-Two Year SIA
02DRB-00402 Minor-Ext of SIA for Temp Defer
SDWK

MARK GOODWIN & ASSOC., PA agent(s) for BROADWAY DEVELOPMENT CO. request the above action(s) for a portion of Lot A, **BROADWAY INDUSTRIAL CENTER, UNIT 1**, zoned SU-2, HM, located on S. SIDE OF SAN JOSE AV SE, between BROADWAY BLVD. SE and W. SIDE OF I- 25, containing approximately 45 acre(s). [REF: DRB-99-300, DRB-99-100, V-99-58, 00410-01735, 01410-01559, 01500-01791] (M-14)

Project # 1000187

02DRB-00407 Major-Amnd Prelim Plat Approval

TIERRA WEST LLC agent(s) for LOS SUENOS LLC request the above action(s) for Lots 12 & 60, Tract 1, **LOS SUENOS SUBDIVISION**, zoned RT, located on MCMAHON BLVD. NW, between UNSER BLVD. NW and ROCKCLIFF BLVD. NW containing approximately 3 acre(s). [REF: 00110 001234, 00460 00776, 00410 01285/00440 0186, 01440 00920/01440 01217, 02500 0012] (A-11)

Project # 1000301

02DRB-00403 Major-Vacation of Plat
02DRB-00404 Minor-Prelim&Final Plat Approval

MARK GOODWIN & ASSOCIATES agent(s) for 98TH ST. LTD (LONGFORD HOMES) request the above action(s) for Tract B-1-A-1, **SUNRISE RANCH SUBDIVISION, UNIT 4**, zoned R-D, located on 98TH ST. SW, between SUNSET GARDENS SW and EUCARIZ SW containing approximately 1 acre(s). [REF: 01440 00144] (L-9)

Project # 1000444

02DRB-00394 Major-Vacation of Public Easements

BOHANNAN HUSTON agent(s) for CENTEX HOMES request the above action(s) for Lot 343, **STONEBRIDGE SUBDIVISION, UNIT 3B**, zoned R-1, located on BANDELIER DRIVE NW, between WEST OF BANDELIER DR. NW and NORTH OF MCMAHON BLVD. NW containing approximately 1 acre(s). [REF: 00440 00491] (A-12)

Project # 1000520

02DRB-00406 Major-Vacation of Public Easements
02DRB-00408 Minor-Prelim&Final Plat Approval

MARK GOODWIN & ASSOC agent(s) for D. R. HORTON HOMES request the above action(s) for Tract B, **VISTA SANDIA SUBDIVISION - UNIT 1**, zoned R-D-9, located on VISTA LUNA LN SW, between EUCARIZ SW and 86TH SW containing approximately 1 acre(s). [REF: DRB-98-245, SV-98-62] (L-9)

SEE PAGE 2...

PUBLIC HEARING--DEVELOPMENT REVIEW BOARD
CITY OF ALBUQUERQUE

PAGE 2

Project # 1000624
02DRB-00409 Major-SiteDev Plan BldPermit

DOUG SIMMS agent(s) for MGM INVESTMENTS request the above action(s) for Lot 4, **ALAMEDA BUSINESS CENTER**, zoned SU-1-IP-EP, located on EDITH BLVD. NE, between EDITH BLVD. NE and ALAMEDA PARK DRIVE NE containing approximately 2 acre(s). [REF: ZA-01-01] (C-16)

Project # 1000844
02DRB-00399 Minor-Prelim&Final Plat Approval
02DRB-00398 Major-Vacation of Public Easements

MARK GOODWIN & ASSOC L agent(s) for D R HORTON HOMES request the above action(s) for Tract 1, **EAGLE POINTE**, zoned R-D residential and related uses zone, developing area, located on the northeast corner of LOUISIANA BLVD and CORONA NE containing approximately 1 acre(s). [REF: DRB-97-229, SV-98-47] (C-19)

~~Project # 1001789~~
02DRB-00405 Major-Vacation of Public Right-of-Way

JOSE A VENZOR agent(s) for JOSE A VENZOR request the above action(s) for Lots 1 thru 3 and 15 thru 17 and Lot 28, Block 6, **MONTE VISTA ADDITION**, zoned SU-2, CCR, located on E/W ALLEY N. OF CENTRAL AV NE, between WELLESLEY DR. NE and TULANE DR. NE containing approximately 3 acre(s). [REF: Z-76-42, ZA-78-71, VAC. ORD. 76-37] (K-16)

Project # 1001791
02DRB-00387 Major-Vacation of Public Easements
02DRB-00388 Major-Vacation of Sub Plat

HALL SURVEYING CO. agent(s) for FAIRFIELD FINANCIAL GROUP request the above action(s) for Lots 12-29, Block 32, **MESA DEL NORTE**, zoned SU-1 APT. INN, located on LOUISIANA BLVD NE, between LOMAS BLVD. NE and MARBLE AV. NE containing approximately 3 acre(s). [REF: BA-1581, Z-82-68-1, 02500-00389] (J-18)


Project # 1001796
02DRB-00396 Major-Vacation of Public Easements

SAMUEL C DE BACA agent(s) for SAMUEL C DE BACA request the above action(s) for Lot 1, **STOUT SUBDIVISION**, zoned SU-1 for O-1 permissive uses, located on COORS BLVD NW between EAGLE RANCH RD NW and PASEO DEL NORTE NW containing approximately 18 acre(s). [REF: Z-98-17, Z-84-122, DRB-97-507 / S-98-25] (C-13)

Project # 1001798
02DRB-00397 Major-Vacation of Public Easements

MARK GOODWIN & ASSOCIATES agent(s) for SUNSET WEST request the above action(s) for Lots 7-10, Block 1, **SUNSET WEST SUBDIVISION, UNIT 4**, zoned R-D/R-1, located on the northwest corner of SAN YGNACIO RD SW and 90TH ST SW containing approximately 1 acre(s). [REF: DRB-95-397] (L-9)

Details of the application(s) may be examined at the Development Services Center of the Planning Department, Second Floor, Plaza Del Sol Building, 600 2nd St NW, between 10:00 a.m. and 12:00 p.m. or 2:00 p.m. and 4:00 p.m. Monday through Friday except holidays INDIVIDUALS WITH DISABILITIES who need special assistance to participate at this hearing should contact Claire Senova, Planning Department, at 924-3946 (VOICE) or teletypewriter (TTY) 924-3361 -- TTY users may also access the Voice number via the New Mexico Relay Network by calling toll-free 1-800-659-8331.


Janet Stephens, Chair
Development Review Board

TO BE PUBLISHED IN THE ALBUQUERQUE JOURNAL MONDAY, APRIL 1, 2002.

ALEX CHISHOLM

Attorney

PO Box 4455

Albuquerque, New Mexico 87196

Ph. (505) 998-6627

Fax. (505) 998-6628

FAXMEMO**Date:** April 11, 2002**To:** Janet Stephens**Ph.** 924-3880**Fx.** 924-3864**Pages:** this one**Re:** Jose Venzor & Baca property development

Dear Janet:

As you know I represent Mr. Jose Venzor and am helping him with the development of the old Baca restaurant property on Central Ave.

Currently his application to vacate the alley on that property is scheduled for a hearing on April 24, 2002. Could you please reschedule the issue to June 5, 2002.

Thank you,


Alex Chisholm

Project # 1001789

Dr. G. Wenzel
Jose A. Wenzel

THANK YOU FOR YOUR CONSIDERATION

I REGRETTFULLY REQUEST THAT MY
HEARING SCHEDULED FOR APRIL 17, 2002
BE DEFERRED TO THE 24th OF APRIL 2002.

DEAR MS. STEVENS:

MS. JANET STEVENS
DRB CHAIR

4/4/02



CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
LAND DEVELOPMENT COORD. DIV.

DEVELOPMENT REVIEW BOARD
April 17, 2002
Project #1001789

Project # 1001789

02DRB-00405 Major-Vacation of Public Right-of-Way

JOSE A VENZOR agent(s) for JOSE A VENZOR request the above action(s) for Lots 1 thru 3 and 15 thru 17 and Lot 28, Block 6, **MONTE VISTA ADDITION**, zoned SU-2, CCR, located on E/W ALLEY N. OF CENTRAL AV NE, between WELLESLEY DR. NE and TULANE DR. NE containing approximately 3 acre(s). [REF: Z-76-42, ZA-78-71, VAC. ORD. 76-37] (K-16)

AMAFCA

No adverse comment.

COG

No adverse comment.*Central Avenue is an existing Principal Arterial at this location.

Transit

No comments.

Zoning Enforcement

Reviewed, no comments.

Neighborhood Coor.

Letter sent to Nob Hill (R) Neighborhood Assn.

APS

No comments received.

Police Department

A review of following case(s) indicates the following problems or crimes may occur or that the following concerns may need to be evaluated or addressed on this site or in this area. These comments do not indicate that a thorough CPTED evaluation has been done, or that other criminal activities may not occur. Traffic volume, traffic control devices, speeding violations, lighting issues, maintenance of landscaping, a higher probability of crimes during evening/weekend hours, adequate security, alarm response, burglaries, accidents in the parking lot, rape, commercial burglary, transients.

Fire Department

No adverse comment.

PNM Gas PNM Gas objects to Project #1001789 unless the alley to be vacated is retained as a PUE.

PNM Electric PNM reserves easement rights for existing overhead electric line within the alley.

Comcast No comments received.

QWEST No comments received.

Environmental Health Site is not within 1000 feet of a landfill. No comment.

M.R.G.C.D. No adverse comment.

Open Space Division No adverse comment.

City Engineer

No objection to vacation of R/W if it is not needed for drainage. It is the responsibility of the applicant's engineer to demonstrate this.

Transportation Development

No objection to vacating the 16 feet of alley as long as the same developer owns all property abutting the alley from Tulane Drive to Wellesley Drive.

Parks & Recreation No objection.

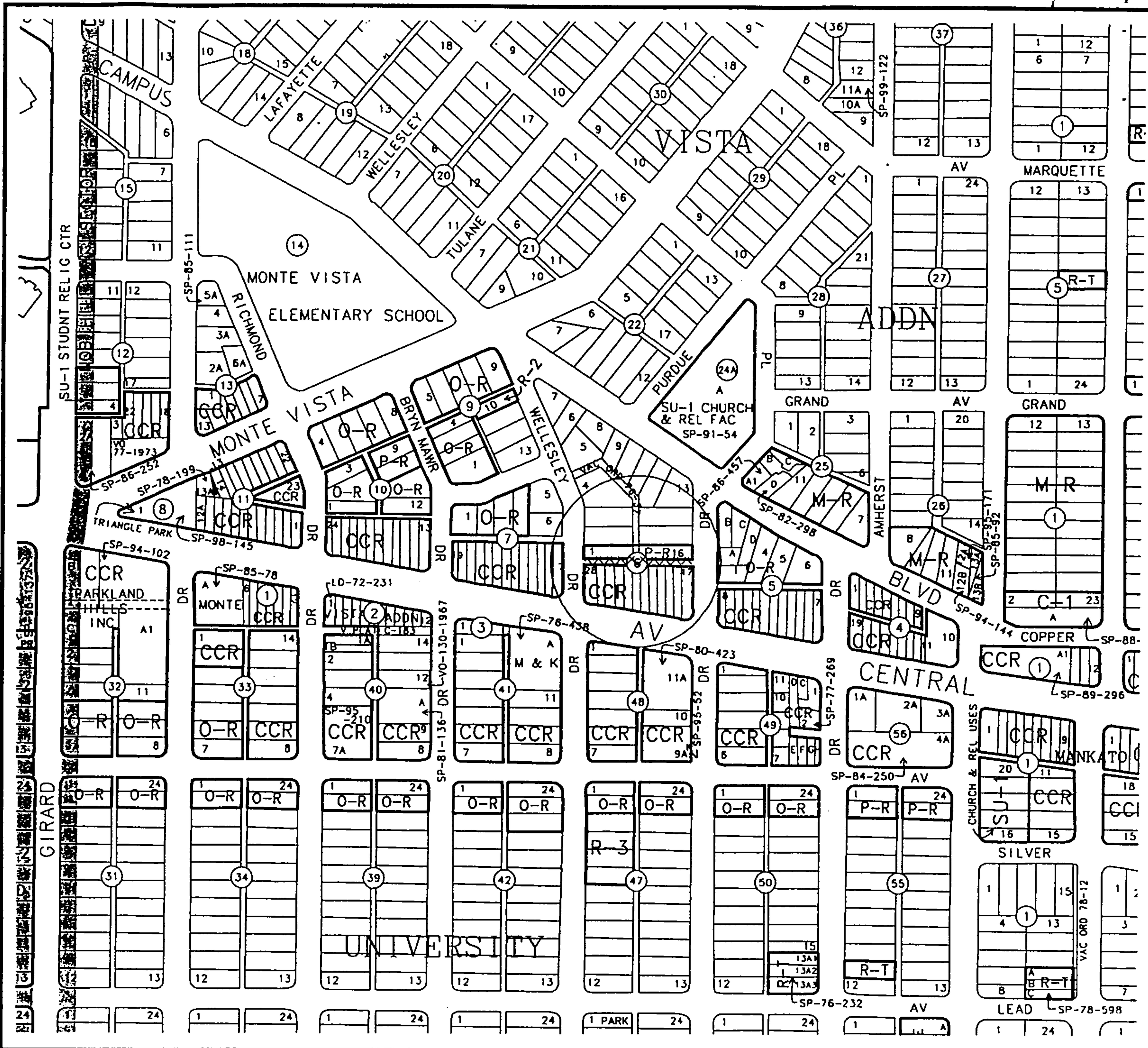
Utilities Development

There is an existing active sanitary sewer line within the alley to be vacated. No objection to Vacation request with the condition that a public sanitary sewer easement is retained.

Planning Department

1. Given that the viability of the proposed vacation depends on site plan approval of a proposal by the EPC, the vacation action seems premature.
2. The vacation is a technical function and should be a condition of EPC approval of the site plan.
3. If the vacation is approved by the DRB, the property must be re-platted within one year or the approval will expire.

IT IS REQUIRED THAT THE APPLICANT AND/OR AGENT BE PRESENT AT THE HEARING
cc: Jose A. Venzor, 112 Highroad, Santa Fe, NM 87507



ZONING MAP



Scale 1" = 410'

PROJECT NO.
1001789

HEARING DATE
4-17-02

MAP NO.
K-16

APPLICATION NO.
02400-00405

Note: Shaded area indicates County Not to Scale

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City of Albuquerque
 CITY OF ALBUQUERQUE
 P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103
PUBLIC WORKS DEPARTMENT
DEVELOPMENT SERVICE
 HYDROLOGY DEVELOPMENT SECTION

DEVELOPMENT REVIEW BOARD--SPEED MEMO

DRB CASE NO/PROJECT NO: 1001789

AGENDA ITEM NO: 8

SUBJECT:

- | | | |
|-------------------------|--------------------------|------------------------------|
| (01) Sketch Plat/Plan | (05) Site Plan for Subd | (10) Sector Dev Plan |
| (02) Bulk Land Variance | (06) Site Plan for BP | (11) Grading Plan |
| (03) Sidewalk Variance | (07) Vacation | (12) SIA Extension |
| (03a) Sidewalk Deferral | (08) Final Plat | (13) Master Development Plan |
| (04) Preliminary Plat | (09) Infrastructure List | (14) Other |

ACTION REQUESTED:

REV/CMT:() APP:(x) SIGN-OFF:() EXTN:() AMEND:()

ENGINEERING COMMENTS:

The Hydrology Section has no objection to the vacation request.

RESOLUTION:

4-24-02

APPROVED ____; DENIED ____; DEFERRED X; COMMENTS PROVIDED ____; WITHDRAWN
 SIGNED-OFF: (SEC-PLN) (SP-SUB) (SP-BP) (FP) BY: (UD) (CE) (TRANS) (PKS) (PLNG)
 DELEGATED: (SEC-PLN) (SP-SUB) (SP-BP) (FP) TO: (UD) (CE) (TRANS) (PKS) (PLNG)
 FOR:

SIGNED: Bradley L. Bingham
 City Engineer/AMAFCA Designee

DATE: April 17, 2002

46



City of Albuquerque
 CITY OF ALBUQUERQUE
 P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103
 PUBLIC WORKS DEPARTMENT
 DEVELOPMENT SERVICE
 HYDROLOGY DEVELOPMENT SECTION

DEVELOPMENT REVIEW BOARD--SPEED MEMO

DRB CASE NO/PROJECT NO: 1001789

AGENDA ITEM NO: 4

SUBJECT:

- | | | |
|-------------------------|---|------------------------------|
| (01) Sketch Plat/Plan | (05) Site Plan for Subd | (10) Sector Dev Plan |
| (02) Bulk Land Variance | (06) Site Plan for BP | (11) Grading Plan |
| (03) Sidewalk Variance | <input checked="" type="checkbox"/> (07) Vacation | (12) SIA Extension |
| (03a) Sidewalk Deferral | (08) Final Plat | (13) Master Development Plan |
| (04) Preliminary Plat | (09) Infrastructure List | (14) Other |

ACTION REQUESTED:

REV/CMT:() APP:(x) SIGN-OFF:() EXTN:() AMEND:()

ENGINEERING COMMENTS:

The Hydrology Section has no objection to the vacation request.

RESOLUTION:

APPROVED ; DENIED ____; DEFERRED ____; COMMENTS PROVIDED ____; WITHDRAWN
 SIGNED-OFF: (SEC-PLN) (SP-SUB) (SP-BP) (FP) BY: (UD) (CE) (TRANS) (PKS) (PLNG)
 DELEGATED: (SEC-PLN) (SP-SUB) (SP-BP) (FP) TO: (UD) (CE) (TRANS) (PKS) (PLNG)
 FOR:

SIGNED: Bradley L. Bingham
 City Engineer/AMAFCA Designee

DATE: June 26, 2002

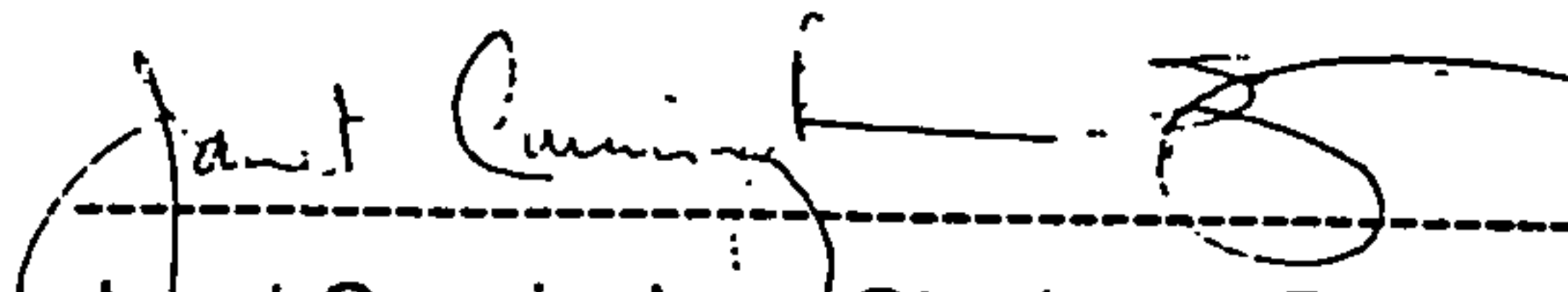


CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
DEVELOPMENT REVIEW BOARD

June 19, 2002

**7. Project #1001789
Application # 02DRB-00405
Monte Vista Addition**

1. Given that technical concerns regarding drainage, utility easements and transportation can be mitigated to the City's satisfaction, Planning defers to Hydrology, Utilities Development, and Transportation Development.
2. A plat incorporating the vacated right-of-way into the surrounding property must be approved by the DRB and recorded at the County Clerk's Office within one year or the vacation will expire.



Janet Cunningham-Stephens, DRB Chair
Planning Manager, Land Development Coordination
Tel: 505-924-3880 FAX: 505-924-3864



City of Albuquerque
 CITY OF ALBUQUERQUE
 P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103
PUBLIC WORKS DEPARTMENT
DEVELOPMENT SERVICE
HYDROLOGY DEVELOPMENT SECTION

DEVELOPMENT REVIEW BOARD--SPEED MEMO

DRB CASE NO/PROJECT NO: 1001789

AGENDA ITEM NO: 7

SUBJECT:

- | | | |
|-------------------------|--------------------------|------------------------------|
| (01) Sketch Plat/Plan | (05) Site Plan for Subd | (10) Sector Dev Plan |
| (02) Bulk Land Variance | (06) Site Plan for BP | (11) Grading Plan |
| (03) Sidewalk Variance | (07) Vacation | (12) SIA Extension |
| (03a) Sidewalk Deferral | (08) Final Plat | (13) Master Development Plan |
| (04) Preliminary Plat | (09) Infrastructure List | (14) Other |

ACTION REQUESTED:

REV/CMT:() APP:(x) SIGN-OFF:() EXTN:() AMEND:()

ENGINEERING COMMENTS:

The Hydrology Section has no objection to the vacation request.

RESOLUTION:

APPROVED ____; DENIED ____; DEFERRED X; COMMENTS PROVIDED ____; WITHDRAWN
 SIGNED-OFF: (SEC-PLN) (SP-SUB) (SP-BP) (FP) BY: (UD) (CE) (TRANS) (PKS) (PLNG)
 DELEGATED: (SEC-PLN) (SP-SUB) (SP-BP) (FP) TO: (UD) (CE) (TRANS) (PKS) (PLNG)
 FOR:

SIGNED: Bradley L. Bingham
 City Engineer/AMAFCA Designee

DATE: June 19, 2002



City of Albuquerque
CITY OF ALBUQUERQUE
 P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103
PUBLIC WORKS DEPARTMENT
DEVELOPMENT SERVICE
HYDROLOGY DEVELOPMENT SECTION

DEVELOPMENT REVIEW BOARD--SPEED MEMO

DRB CASE NO/PROJECT NO: 1001789

AGENDA ITEM NO: 6

SUBJECT:

- | | | |
|-------------------------|--------------------------|------------------------------|
| (01) Sketch Plat/Plan | (05) Site Plan for Subd | (10) Sector Dev Plan |
| (02) Bulk Land Variance | (06) Site Plan for BP | (11) Grading Plan |
| (03) Sidewalk Variance | (07) Vacation | (12) SIA Extension |
| (03a) Sidewalk Deferral | (08) Final Plat | (13) Master Development Plan |
| (04) Preliminary Plat | (09) Infrastructure List | (14) Other |

ACTION REQUESTED:

REV/CMT:() APP:(x) SIGN-OFF:() EXTN:() AMEND:()

ENGINEERING COMMENTS:

The Hydrology Section has no objection to the vacation request.

RESOLUTION:

6-19-02

APPROVED ____; DENIED ____; DEFERRED X; COMMENTS PROVIDED ____; WITHDRAWN

SIGNED-OFF: (SEC-PLN) (SP-SUB) (SP-BP) (FP) BY: (UD) (CE) (TRANS) (PKS) (PLNG)

DELEGATED: (SEC-PLN) (SP-SUB) (SP-BP) (FP) TO: (UD) (CE) (TRANS) (PKS) (PLNG)

FOR:

SIGNED: Bradley L. Bingham
 City Engineer/AMAFCA Designee

DATE: June 5, 2002

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City of Albuquerque
CITY OF ALBUQUERQUE
 P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103
PUBLIC WORKS DEPARTMENT
DEVELOPMENT SERVICE
HYDROLOGY DEVELOPMENT SECTION

DEVELOPMENT REVIEW BOARD--SPEED MEMO

DRB CASE NO/PROJECT NO: 1001789

AGENDA ITEM NO: 7

SUBJECT:

- | | | |
|-------------------------|--------------------------|------------------------------|
| (01) Sketch Plat/Plan | (05) Site Plan for Subd | (10) Sector Dev Plan |
| (02) Bulk Land Variance | (06) Site Plan for BP | (11) Grading Plan |
| (03) Sidewalk Variance | (07) Vacation | (12) SIA Extension |
| (03a) Sidewalk Deferral | (08) Final Plat | (13) Master Development Plan |
| (04) Preliminary Plat | (09) Infrastructure List | (14) Other |

ACTION REQUESTED:

REV/CMT:() APP:(x) SIGN-OFF:() EXTN:() AMEND:()

ENGINEERING COMMENTS:

No objection to the vacation of ROW and/or easement if the ROW/easement is not required to convey public waters. It will be the responsibility of the applicant's engineer to demonstrate that the ROW/easement is not needed to convey public waters.

RESOLUTION:

6/5/02

APPROVED ____; DENIED ____; DEFERRED X; COMMENTS PROVIDED ____; WITHDRAWN

SIGNED-OFF: (SEC-PLN) (SP-SUB) (SP-BP) (FP) BY: (UD) (CE) (TRANS) (PKS) (PLNG)

DELEGATED: (SEC-PLN) (SP-SUB) (SP-BP) (FP) TO: (UD) (CE) (TRANS) (PKS) (PLNG)

FOR:

SIGNED: Bradley L. Bingham
 City Engineer/AMAFCA Designee

DATE: April 24, 2002



CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
DEVELOPMENT REVIEW BOARD

April 17, 2002

Project #1001789
Application # 02DRB-00405
Monte Vista Addition

1. Given that the viability of the proposed vacation depends on site plan approval of a proposal by the EPC, the vacation action seems premature.
2. The vacation is a technical function and should be a condition of EPC approval of the site plan.
3. If the vacation is approved by the DRB, the property must be re-platted within one year or the approval will expire.

Janet Cunningham-Stephens, DRB Chair
Manager, Land Development Coordination Division
Tel: 924-3880 FAX: 924-3864

DRB PUBLIC HEARING SIGN IN SHEETS

CASE NUMBER: 1001789 AGENDA#: 4 DATE: 6.26.02

- ✓ 1. Name: COLLEEN CADWELL Address: 201 Richmond SE Zip: 87106
- ✓ 2. Name: Ken Robey Address: 121 Tubase NE Zip: 87106
3. Name: _____ Address: _____ Zip: _____
4. Name: _____ Address: _____ Zip: _____
5. Name: _____ Address: _____ Zip: _____
6. Name: _____ Address: _____ Zip: _____
7. Name: _____ Address: _____ Zip: _____
8. Name: _____ Address: _____ Zip: _____
9. Name: _____ Address: _____ Zip: _____
10. Name: _____ Address: _____ Zip: _____
11. Name: _____ Address: _____ Zip: _____
12. Name: _____ Address: _____ Zip: _____
13. Name: _____ Address: _____ Zip: _____
14. Name: _____ Address: _____ Zip: _____

DRB PUBLIC HEARING SIGN IN SHEETS

CASE NUMBER: 1001789 AGENDA#: 7 DATE: 6.19.02

✓ 1. Name: DEANNA DESUTTER Address: 310 RICHMOND SE Zip: 87106

✓ 2. Name: Jeff Chiavette Address: 423 Silver SE Zip: 87108

✓ 3. Name: Jose Venza Address: 112 HIGH ROAD SANTA FE Zip: 87507

✓ 4. Name: Ken Robey Address: 121 Tubac NE Zip: 87106

✓ 5. Name: Elizabeth Mason Address: 3816 Carlisle NE Zip: 87107

6. Name: _____ Address: _____ Zip: _____

7. Name: _____ Address: _____ Zip: _____

8. Name: _____ Address: _____ Zip: _____

9. Name: _____ Address: _____ Zip: _____

10. Name: _____ Address: _____ Zip: _____

11. Name: _____ Address: _____ Zip: _____

12. Name: _____ Address: _____ Zip: _____

13. Name: _____ Address: _____ Zip: _____

14. Name: _____ Address: _____ Zip: _____

DRB PUBLIC HEARING SIGN IN SHEETS

CASE NUMBER: 1001789 AGENDA#: 6 DATE: 6/5/02

✓ 1. Name: Cellen Bence Address: 201 Richmond Dr SE Zip: 87106

✓ 2. Name: Louise Bass Address: 3512 Campus Blvd NE Zip: 87106

✓ 3. Name: Ken Robey Address: 121 Tulene NE Zip: 87106

✓ 4. Name: Deanna D'Alotta for Robert Slattery Address: 3216 Monte Vista Zip: 87106

✓ 5. Name: Doreyl Millet Address: 6605 Upstown NE Ste 390 Zip: 87110

6. Name: _____ Address: _____ Zip: _____

7. Name: _____ Address: _____ Zip: _____

8. Name: _____ Address: _____ Zip: _____

9. Name: _____ Address: _____ Zip: _____

10. Name: _____ Address: _____ Zip: _____

11. Name: _____ Address: _____ Zip: _____

12. Name: _____ Address: _____ Zip: _____

13. Name: _____ Address: _____ Zip: _____

14. Name: _____ Address: _____ Zip: _____

Report to 6.5.07

DRB PUBLIC HEARING SIGN IN SHEETS

CASE NUMBER: 1001789 AGENDA#: 7 DATE: 4.24.02

- 1. Name: _____ Address: _____ Zip: _____
- 2. Name: _____ Address: _____ Zip: _____
- 3. Name: _____ Address: _____ Zip: _____
- 4. Name: _____ Address: _____ Zip: _____
- 5. Name: _____ Address: _____ Zip: _____
- 6. Name: _____ Address: _____ Zip: _____
- 7. Name: _____ Address: _____ Zip: _____
- 8. Name: _____ Address: _____ Zip: _____
- 9. Name: _____ Address: _____ Zip: _____
- 10. Name: _____ Address: _____ Zip: _____
- 11. Name: _____ Address: _____ Zip: _____
- 12. Name: _____ Address: _____ Zip: _____
- 13. Name: _____ Address: _____ Zip: _____
- 14. Name: _____ Address: _____ Zip: _____

Refer 6/5/02

DRB PUBLIC HEARING SIGN IN SHEETS

CASE NUMBER: 1001789 AGENDA#: 8 DATE: 4.17

1. Name: _____ Address: _____ Zip: _____

2. Name: _____ Address: _____ Zip: _____

3. Name: _____ Address: _____ Zip: _____

4. Name: _____ Address: _____ Zip: _____

5. Name: _____ Address: _____ Zip: _____

6. Name: _____ Address: _____ Zip: _____

7. Name: _____ Address: _____ Zip: _____

8. Name: _____ Address: _____ Zip: _____

9. Name: _____ Address: _____ Zip: _____

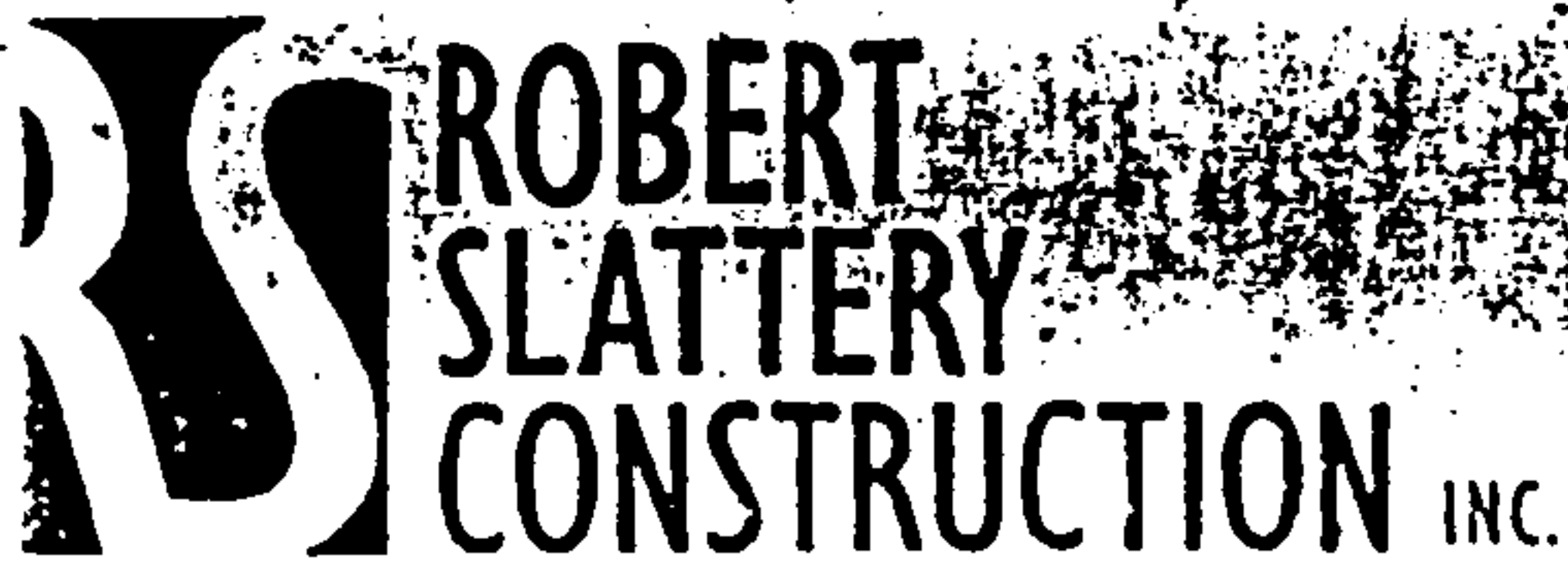
10. Name: _____ Address: _____ Zip: _____

11. Name: _____ Address: _____ Zip: _____

12. Name: _____ Address: _____ Zip: _____

13. Name: _____ Address: _____ Zip: _____

14. Name: _____ Address: _____ Zip: _____



#6

3216 Monte Vista NE

Albuquerque, NM 87106

505.268.3815

www.slatteryconstruction.com

NM Lic. #034332

Janet Stephens, Chair
Development Review Board
City of Albuquerque
600 2nd. Street NW
Albuquerque, NM

In Re: Project #1001789
02DRB-00405 Major Vacation of Public Right-of-Way

Dear Ms Stephens and Board members:

I received notice of the above-referenced alley vacation request because I own properties nearby.

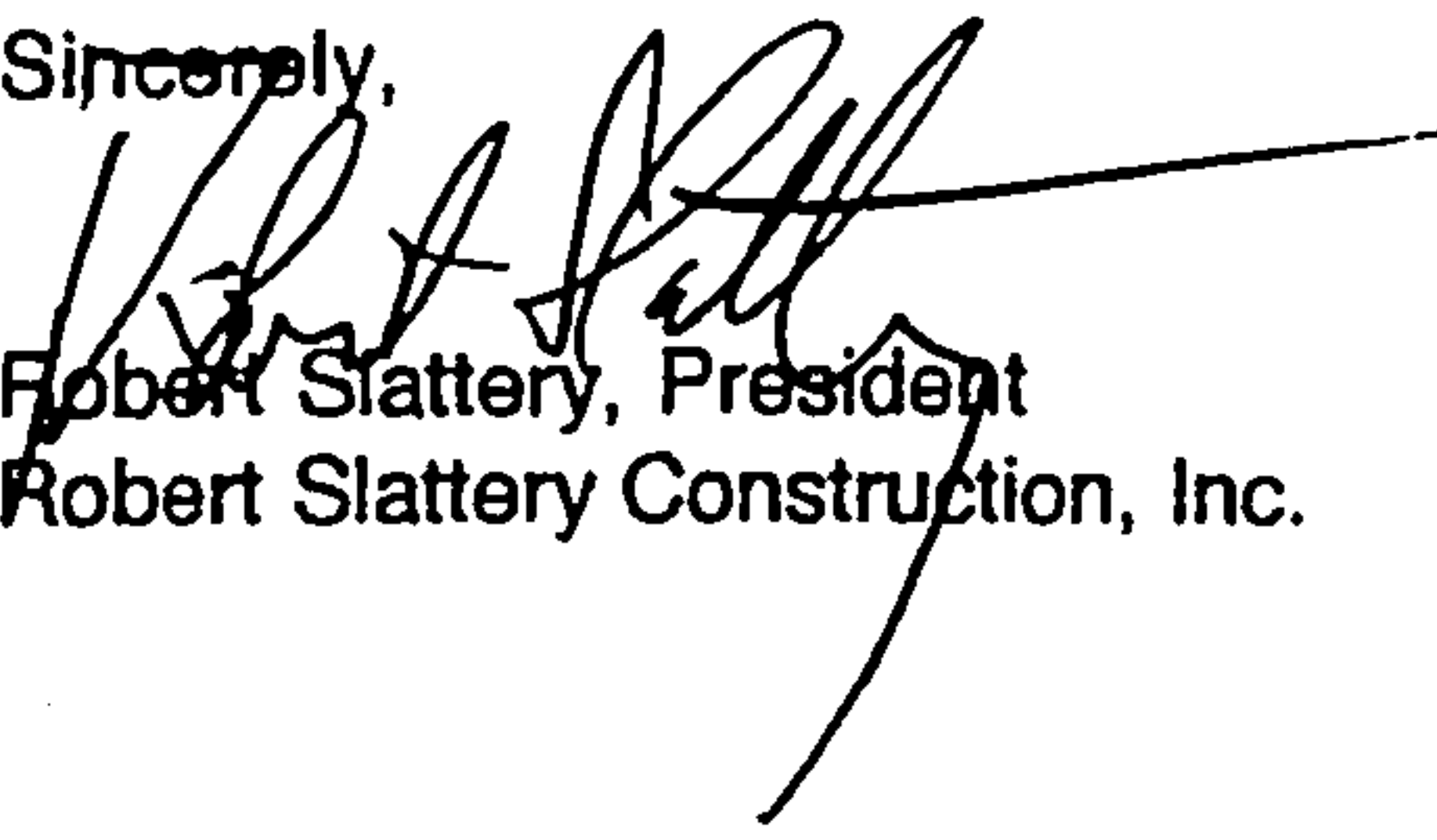
I urge you to deny this vacation request as premature and incomplete. The alley in question is one of a system of alleys parallel to Central Avenue's Nob Hill business district that is actively used to access utility lines, for fire fighting and inspection access, for deliveries, and for trash pickup. Mr. Vensor's idea is to make the alley into underground garage access and egress.

No adequate alternative utility and trash placements and access have been presented by the developer when he explained his development plan to neighboring property owners. Because this redevelopment project is very sketchy and subject to significant redesign because of the zoning variances and Sector Development Plan exclusions that would have to be granted, it may actually end up with the alley being moved rather than a complete vacation.

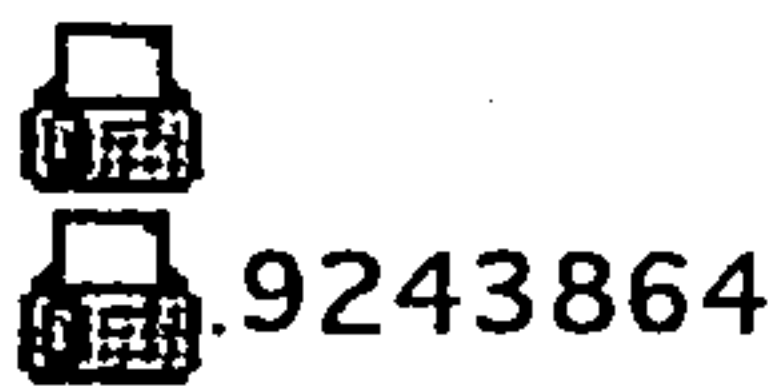
To grant this vacation at this point could prevent any possible redesign or compromises between the developer and community and jeopardize the entire project. It also allows major infrastructure work to begin without the assurance that the work can be completed to the satisfaction of the City and the community.

One final note, as a builder/developer myself, I am astounded at the minimal information being submitted for consideration by the DRB. I don't see how there is enough justification provided by Mr. Vensor to vacate (another) alley to increase his land base when there is so much impact on the surrounding businesses and residents.

Sincerely,


Robert Slattery, President
Robert Slattery Construction, Inc.

From Jim and Leslie Firkins
To Janet Stephens City of Albuquerque



Wed, Jun 5, 2002

12:27 AM
Page 2 of 4

June 4, 2002

Development Review Board
City of Albuquerque
Attention: Ms. Janet Stephens

**COMMENTS FOR THE RECORD
PROJECT #1001789**

Vacation of the East/West Alley between Tulane and Wellesley, 1/2 block North of Central Ave.

June, 5, 2002

My name is Jim Firkins. I have lived at 3317 Purdue Pl. NE since 1992. My home is located approximately one block directly north of the subject alley. The subject lot is visible from my home.

General Comments

The Board is considering a proposal to transfer ownership of the east to west alley in this block from the City to the property owner, who is contemplating a new commercial development on this site.

It is very difficult to comment on the owner's proposal to acquire the alley (the Board's task for this meeting) in the absence of detailed information about the proposed development. The question of the appropriateness of the proposed transfer should be deferred until more complete and significant data (drawings and models) describing the development are available to the Board, the Planning Department and affected members of the public.

The Board's jurisdiction in this matter is limited to impacts on utility service, transportation, hydrology and parks/recreation. I question the Board's ability to adequately gauge these impacts (particularly changes to hydrology and utility service) without a thorough and comprehensive assessment of the complete, final project plans and specifications. When plans and specifications are available, I request they be shared with affected residential and commercial neighbors for comment before the Board rules on this proposal.

Specific Comments

Impacts on Utility Service

The alley features above-ground power/utility poles which were apparently adequate to support the restaurant business that previously occupied the site. That business has been razed which suggests the electrical power burden for the block has been reduced and is now more than adequate.

Specific Comments (Continued)

Upon review of the final project plans and specs, should the Board determine the existing service should be changed, these lines should be moved underground for the entire block, including service provided by the utility poles serving the secondary alley, which exits to Wellesley NE.

Impacts on Surface Hydrology

There is a significant downward slope on this block from a spot just east of the wedding business on Central Ave through the subject alley to the northeast to homes on Campus Dr. Some of these homes have basements that are below the grade of Campus Dr. Because Campus sits on a former arroyo, adequate drainage from the block above is a major concern for these homeowners. Any changes to the surface hydrology of this block must be considered carefully. This assessment can reasonably be made after review of the final project plans and specs.

Impacts on Transportation

Homeowners on Campus Dr. below the subject alley have requested traffic controls and barriers for Campus between Carlisle and Monte Vista from the City after demonstrating that traffic volumes on the street justified relief under existing City guidelines. Relief (speed humps and/or traffic circles) was denied because Campus was formerly an arroyo, and the requested street improvements would impede the flow of surface water from the east to the west.

A sober review of changes to traffic volume on Campus that would accrue from the proposed commercial development is an absolute requirement. Affected homeowners living on Campus Dr. have shown that Campus is overtaxed now. Detailed information about plans for parking in the proposed commercial development (number of vehicles, location of parking facilities, exits from the development, requirements for service deliveries, solid waste removal) must be known before additional impacts on Campus can be understood.



Impacts on Parks and Recreation

No city parks serve the immediate neighborhood. Morningside Park, located about one mile to the southeast and Bataan Park, about one mile to the north are the closest parks to this block.

After review of final plans and specifications for the commercial development, if the Board elects to vacate this alley, a city park should be integrated into the development, on a plot of land equal in size to the vacated alley. Thus, the City should exchange land occupied by the subject alley for land on the property to develop the park.

The new park should be situated on the northern boundary of the affected lot and should serve to reduce noise from the development for adjacent neighbors. It should be attractive and convenient for affected residents and commercial customers.

From Jim and Leslie Firkins
To Janet Stephens City of Albuquerque


 9243864

Wed, Jun 5, 2002

12:27 AM

Page 4 of 4

Impacts on Parks and Recreation (Continued)

This park can also be engineered to help mediate any negative hydrological impacts from changes to the alley or the proposed development.

Conclusion

I urge the Board to defer action on this proposal until final development plans and specifications are available to the board and affected property owners.

If I can provide more information or clarification about these comments, please do not hesitate to contact me by mail at the above address, or by telephone at 265-8682.

Please contact me directly to ensure I am apprised of any further deliberations by the City related to this development project.

I would like to thank the members of Board for their thoughtful consideration of these comments.

Facsimile Transmittal Sheet

To: Janet Stephens

Wednesday, June 5, 2002

From: Jim and Leslie Firkins

12:27 AM

Page 1 of 4

Janet: Thanks for your call today.
Please include these comments for Project #1001789 (Venzor).

-Jim Firkins
265-8682 H

Sent with FAXstf, The Most Powerful Fax Software for the Macintosh



62

Janet Stephens
600 2nd St. NW
Ground Level, Planning Dept.
Albuquerque, NM 87102

3 June, 2002



Homeowner comments re: Project #1001789, 02DRB-00405
Vacation of alley between Tulane, Wellesley, Central, and Campus

Development Review Board,

As longtime resident/homeowners of the block containing the alley in question, we feel the need to express how strongly opposed we are to the vacation of this alley. We are also opposed to any deferment of this decision. We consider this alley the proper and most appropriate division between this particular commercial and historic residential area and would like to see it continue to serve as such, as it has successfully done so in the past. As we see it, any changes to the current standing of this alley will only be to the detriment of the surrounding historic district and has the potential to disrupt and virtually destroy what is currently an intact, stable and contributing neighborhood.

The historic Nob Hill Neighborhood is small and stressed by many forces: noise, crime, location of the cultural shopping, restaurant, and nightspot district, proximity to a 24,000 student university, and the thoroughfares of Coal, Lead, Central, Lomas, Girard, Monte Vista, and Carlisle. Buffers become critical in our historic district, not only in a physical blockade sense, but also to maintain the definition of our neighborhood. We live so close to the edge of intense commercial and social activity that any alley vacated, any historic house bulldozed or burned down, can have an immediate, deteriorating effect on the quality of life in this increasingly popular neighborhood. The essence of what this neighborhood offers and the subtleties that make this area a magnet for all of Albuquerque can be lost, forever.

We see the following items as exceedingly important and in need of serious consideration regarding our opposition of the vacation of this alley:

-we would be affected by a vacation in that our electric, telephone, and gas utilities are served by this alley;
-it is the border of a historic neighborhood district with historic Central Ave;
- the neighbors live downhill of the commercial zone that the alley buffers;
-additonally, Campus Blvd. is already a seriously overused residential street, stressed by the fact that it is wrongly used as a thoroughfare, and do not want to see this planned as a relief to any alley traffic. Those of us affected by the ongoing traffic problems on Campus Blvd. have worked with the Traffic Engineering Department documenting these issues.

It must be noted that the alley in question is on the site of a planned and unrelenting commercial development that would span the alley and extend into our block. As firm believers in appropriate development that is in keeping with the architectural integrity and in tandem with the historic and cultural nature of our neighborhood, we would like to see this alley preserved as a much needed boundary to our environment. To discard the alley would allow for development that would be out of step with the flow of businesses along Central Ave. and further erode the maintenance of a fragile historic district.

The ramifications of the vacation of this alley far exceed any technical aspects that are obviously a consideration in this matter. As important as this is to our neighborhood, it could be equally significant to Albuquerque as a prospering city in need of positive growth and direction. Thank you,

Joseph and Martha Baldez
3508 Campus Blvd. NE
Albuquerque, New Mexico 87106

UA

30 May 2002

Janet Stephens
Planning Department, DRB
600 2nd St. NW
Albuquerque, NM 87102

Dear Ms. Stephens.

I'm writing to comment on Project #1000187, the vacation of the east/west alley between Tulane & Wellesley, just north of Central Ave. I argue that this application should be **rejected** for the following reasons:

1) This alley is an integral part of a linked chain of E/W alleys that provide access to businesses along the north side of Central Ave from Richmond Dr. to Carlisle Ave. City refuse trucks travel this public right-of-way when making collections, and delivery trucks (e.g., UPS, FED EX, Alliant Foods, etc.) also use this route. These vehicles use the Tulane-to-Wellesley alley even when they have no collection/delivery directly on that block, because **it is the shortest and safest passage between the other alleys east of Tulane and west of Wellesley.**

If the alley is vacated, these trucks will be forced to drive through our residential neighborhood northward along Tulane and Wellesley and east/west along Campus Blvd. An alternate route along Central Ave might seem to be a more appropriate re-routing, this is not a practical option.

First Example: Vehicles traveling east from the Bryn Mawr-to-Wellesley alley can not generally make a left turn onto Central Ave. due to the constant traffic; thus they must turn north on Wellesley, then east on Campus, and finally back south on Tulane to regain the E/W alley network.

Second Example: Vehicles traveling west from the Amherst-to-Tulane alley should, in theory, be better able to re-route along Central because they would be making a right turn on to it. However, although small delivery vans can manage this, larger vehicles (including city refuse trucks) cannot because of

the steep uphill grade and the lane constriction caused by cars parked along the east side of Tulane. Instead, these heavy commercial vehicles must turn north and re-route through the residential streets.

Note: In recent weeks, the Tulane-Wellesley alley frequently has been blocked or constricted due to demolition activities. I have witnessed at least four instances of city refuse trucks exiting west from the Amherst-to-Tulane alley and choosing to continue westward by a very long re-route first north on Tulane, then back east on Campus, then south on Amherst, before turning east on Central—in order to avoid the steep uphill left turn on Tulane (the shortest re-route) and the very awkward Campus to Wellesley left turn (a medium length re-route option).

In short, vacation of the alley would force large trucks into a peaceful residential neighborhood and along a primary pedestrian/bicycle artery (Campus Blvd.) that connects to Monte Vista Elementary School and UNM.

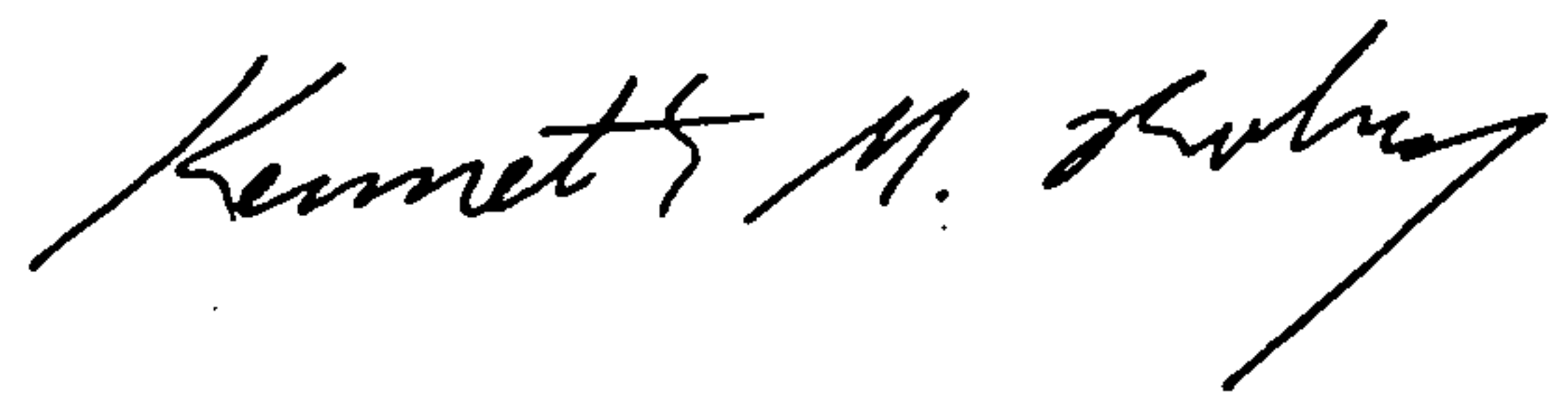
2) The applicant for vacation has a history of neglect of his adjacent and nearby properties, and it is reasonable to expect that he would similarly be unable to properly maintain the alley plot should it become his responsibility. In the past year, the city has twice (or more) had to send cleanup crews to remove weeds and trash from the lots surrounding the alley. This is documented in the liens that the City of Albuquerque has currently established against the two lots north of the alley.

In addition to the two lots with liens, the applicant owns five R-1 lots which have attached sections of the previously vacated alley that connects from the north. All five of these lots currently have weeds and litter. All have been cited by the City Neighborhood Improvement Inspector, without response from the owner. In fact, the current owner has never cleaned up any of the vacated alley that he already owns. **Common sense suggests that one should not hand over public land to private ownership when that party's past actions clearly indicate an inability to maintain this land at the minimal standards required by city ordinances.**

3) This application for alley vacation is a fragment of a large development project which has not yet to been decided. It will entail requests for zoning changes and bring increased traffic and other impact on the surrounding neighborhood. It is premature to consider the alley vacation without knowing the details of this plan. The alley has been a long-standing buffer between the Central Ave Business District and the Nob Hill Historical Residential District. **It's vacation would redefine this critical commercial/residential border zone, signal a shift in planning policy, and destabilize the neighborhood.**

For the above reasons, I ask you to reject the vacation application outright or to defer it until such time that these concerns can be resolved.

Sincerely,



Kenneth M. Robey
121 Tulane Dr. NE
Albuquerque, NM 87106

Phone: (505) 256-0856

NOB HILL NEIGHBORHOODS ASSOCIATION, INC.

Claire Senova
Development Review Board
City of Albuquerque
600 2nd Street NW
Albuquerque, New Mexico 87103

May 28, 2002

Re: Project # 1001789, 02DRB-00405 Major-Vacation of Public Right-of-Way

Dear Ms. Senova:

At this time the Nob Hill Neighborhood Association board asks the DRB to either defer or deny the vacation of this alley. Without having a site plan in place, the Board is hesitant to support the vacation.

Since the alleyway falls within the historical district, the board feels a more comprehensive site development plan should be viewed before the request of the vacation of the alley is to be acted upon. It would be more logical for Mr. Venzor to apply for the vacation when the site plan is submitted. The vacation of the alleyway would be premature without more knowledge of the details of the proposed development.

Sincerely,



Colleen Cadwell
President
Nob Hill Neighborhood Association

cc: Alex Chisholm
TJ & Martha Baldez (via email)
Becky Page (via email)
Ken Roby (via email)
Ed Boles (via email)

68

April 8, 2002

Janet Stephens, Chair
Development Review Board
City of Albuquerque Box 1293
Albuquerque, New Mexico 87103
Hand Delivered

Ref: Project # 1001789
2DRB-00405 Major-Vacation of Public Right-of-Way

Dear Ms. Stephens:

I am opposed to the proposed vacation of the alley north of Central Avenue NE between Wellesley Dr. NE and Tulane Dr. NE as requested by Jose A. Venzor. Mr. Venzor shows a conceptual development proposal for the entire block as his reason for the request. The vacation is premature until the impact of the entire development is evaluated. Several meetings have been held recently between the neighborhood and developer to discuss development options and try to find a mutually agreed upon solution. A deferral is needed in view of the on-going planning and discussions that are taking place. The vacation is a part of a total project and should be considered in conjunction with on-going planning for development and not proceed piecemeal.

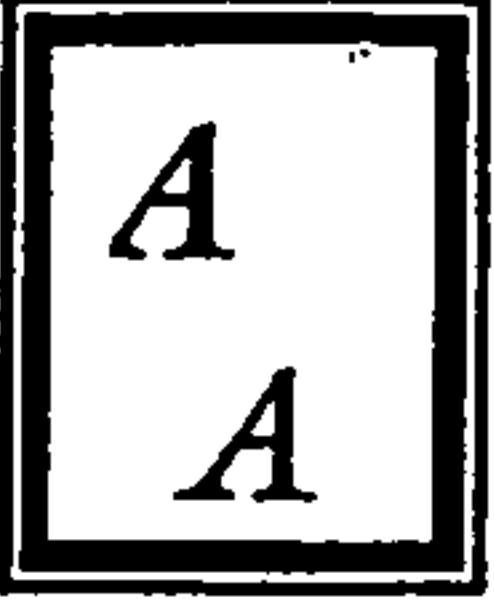
I am opposed to Mr. Venzor's current proposal. Although it has some attractive features, the cost to the neighborhood is too great. It involves tearing down single family homes in a historic district and razing almost the entire block. The proposed vacation is the first step in facilitating zoning changes and development that would be detrimental to existing residents and property owners. The vacation would expand CCR zoning and facilitate further encroachment of commercial development into this fragile neighborhood. It would add a 486 space parking structure directly emptying directly onto residential streets. There is no clear plan as to how city trash removal and services to Mr. Venzor's five new restaurants would be accomplished.

I own the dwelling at 3601 Campus Blvd. NE which is directly affected by the vacation.

Sincerely,



Signe M. Rich, AICP
505 Ridgecrest Dr. SE
Albuquerque, NM 87108



Albuquerque Advocates, P.C.

Darryl W. Millet

Attorney at Law

6605 Uptown Boulevard NE, Suite 390
(505) 830-2020

Fax (505) 889-8086

Albuquerque, New Mexico 87110
darrylmillet@swcp.com

April 4, 2002

Claire Senova
City of Albuquerque
Planning Department
600 2nd Street NW
Albuquerque, New Mexico 87103

Re: Project 1001789, Vacation of Right of Way; Jose A. Vensor

Dear Ms. Senova:

This law firm represents Louise Bass, who owns and lives on property adjacent to the parcels described in the above application. On her behalf, I attended a meeting between nearly a dozen property owners and the applicant on March 26, 2002. At that meeting Mr. Vensor agreed to request an indefinite deferral of the vacation application to allow he and the adjacent owners to discuss his overall project and how it could be modified to be compatible with existing land uses.

It is my understanding that Mr. Vensor has talked with staff regarding a deferral, but has not filed his request or paid the fee for a deferral as of this date. The Nob Hill Neighborhood Association has not notified its membership of the hearing because the leadership understood that there would be a deferral. My client and the other adjacent landowners who have relied on Mr. Vensor's promise to defer are very concerned that we are not being given fair notice of the actual hearing date, due to Mr. Vensor's as-yet unfulfilled promise to defer the hearing.

Additionally, we have great concern that the application for vacation may be heard in an information vacuum. Mr. Vensor proposes a four-floor complex, including a two-level underground parking garage. His project would occupy all the commercially zoned land fronting on Central Avenue and south of the subject alley, and would extend north past the alley onto two lots currently zoned for parking reserve and two lots zoned for residential use. The project would require rezoning all four lots for commercial use, and would entail a major departure from the long-established development history in the Nob Hill area. There is also an Historic District Overlay that affects the subject property.

For the above reasons, my client believes it is inappropriate and impractical to consider the request for vacation of the alley without having a site plan and zone change application to consider at the same time. Vacation of the alley opens the door for a major policy shift with respect to the long-established line of demarcation between commercial and residential uses

Albuquerque Advocates, P.C.

- 2 -

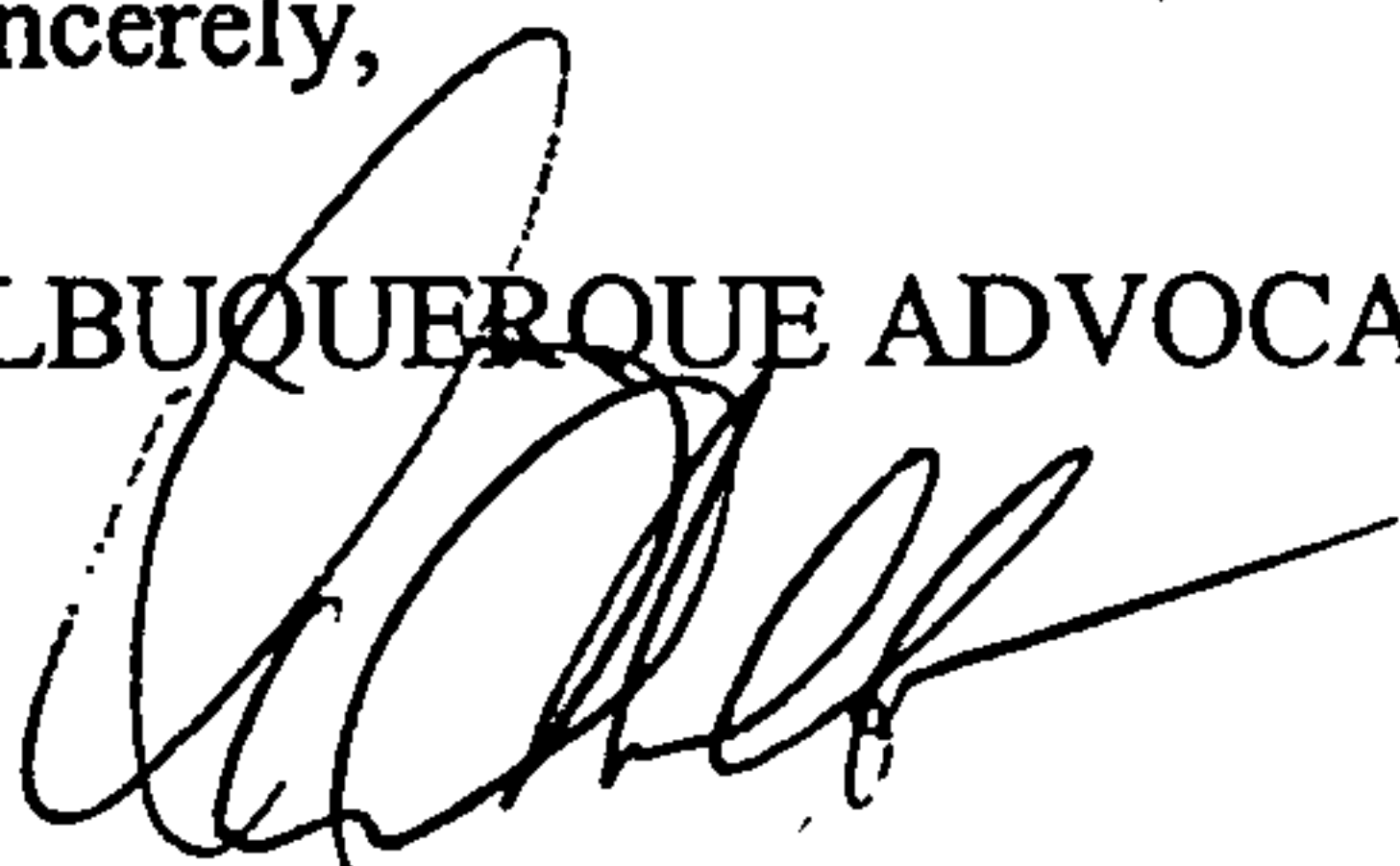
4/4/2002

along Central Avenue in Nob Hill. Such a fundamental policy change should not be made without knowing the major details of the proposed development. What is proposed is the fragmented presentation of a vacation request, followed later by the site plan submittal and zone change request.

For all the above stated reasons, my client believes that a deferral of the hearing for a minimum of thirty days is necessary and appropriate. To do otherwise is to unfairly limit the adjoining property owners' rights to a full and fair hearing on the vacation request, and to risk an ill-advised decision with serious implications for the surrounding landowners and which would result in fundamental change to long-standing policy decisions of the city.

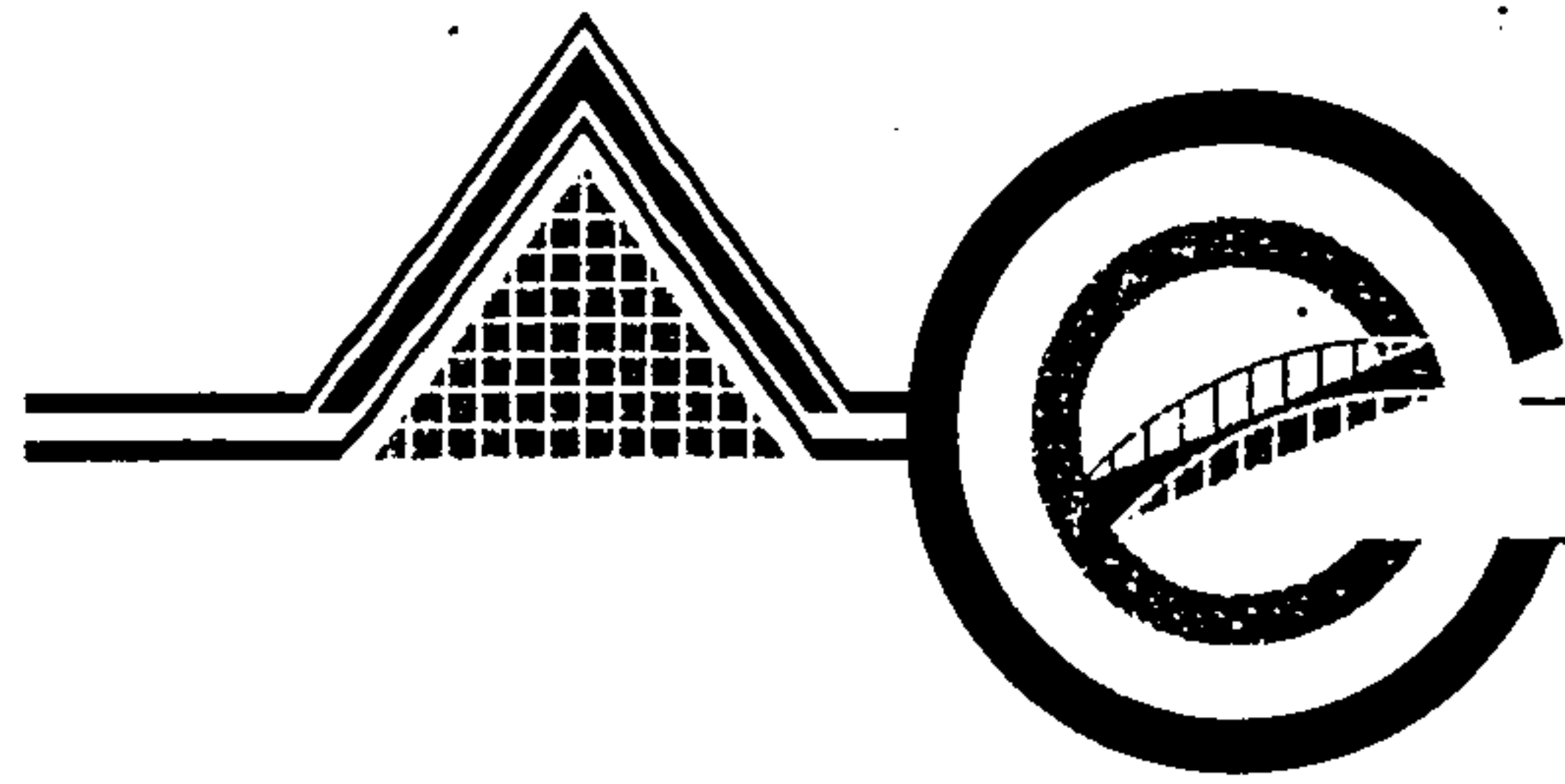
Sincerely,

ALBUQUERQUE ADVOCATES, P.C.



Darryl W. Millet

cc: Louise Bass, Beth Mason, Esq., Steven Durkovich, Esq., Colleen Cadwell (Nob Hill Neighborhood Association), Marianne Dickinson (Nob Hill-Highland Renaissance Corp.), Signe Rich (Shared Vision)



ADVANCED ENGINEERING and CONSULTING, LLC

#7

June 17, 2002

Consulting
Design
Development
Management
Inspection
Surveying

Janet Stephens, DRB Chair
City of Albuquerque Planning Department
Plaza Del Sol 2nd floor West
600 2nd Street NW
Albuquerque, NM 87102

Re: Vacation of Public Right-of-Way (Alley), DRB# 1005789 (26)
Zone Atlas Page K-16-Z

Dear Ms. Stephens:

Enclosed please find a copy of traffic count for the alley and a copy of the Vacation Action of the alley to the north, as requested by Richard Dourte. There are very few number of cars that use this alley and some of them use this alley just to park. We did not see a single commercial vehicle using this alley during our traffic count.

As our conversation on Friday June 14, 2002, we are requesting to vacate the alley so we can build an underground parking. The two lots to the north of the alley are zoned P-R. In order to build an underground parking, we need to vacate the alley.

If you should have any questions or require any additional information, please contact our office at your convenience.

Sincerely,

Shahram (Shawn) Biazar

Enclosures

JN: 200219
SB

72

V-75-37
October 21, 1976

77 8583

599

ENVIRONMENTAL PLANNING COMMISSION LAND CONTROLS BOARD RESOLUTION

VACATING THE ALLEY IN BLOCK 6, MONTE VISTA ADDITION, ADJACENT TO LOTS 1 THRU 5 AND 9 THRU 16.

WHEREAS, there has heretofore been dedicated and conveyed to the City of Albuquerque, New Mexico a certain easement for street purposes, more particularly described below; and

WHEREAS, a portion of said right of way is not needed for public use except for easements reserved in Section 2 hereof;

NOW, THEREFORE, BE IT ENACTED BY THE ENVIRONMENTAL PLANNING COMMISSION LAND CONTROLS BOARD OF THE CITY OF ALBUQUERQUE UNDER ARTICLE XI, CHAPTER 7 OF THE REVISED ORDINANCES OF ALBUQUERQUE, NEW MEXICO, 1974, BEING ORDINANCE NO. 97-1973, AS AMENDED.

SECTION 1. The alley adjacent to Lots 1 thru 5 and 9 thru 16, Block 6, Monte Vista Addition, as filed in the Office of the County Clerk of Bernalillo County, New Mexico on October 14, 1926, is hereby closed and vacated subject to easements reserved in Section 2 hereof.

SECTION 2. The City hereby reserves the full width of the vacated right of way as an easement for public utilities, whether municipally or privately owned, which are necessary for public use and benefit at the present time or in the future.

SECTION 3. Immediately upon the filing of this resolution in the Office of the County Clerk of Bernalillo County, New Mexico, the land above-described shall be effectively vacated, and the City of Albuquerque by this resolution disclaims from such date any further interest therein except for easements reserved in Section 2 hereof.

ADOPTED AT A PUBLIC HEARING BY THE ENVIRONMENTAL PLANNING COMMISSION LAND CONTROLS BOARD, CITY OF ALBUQUERQUE, NEW MEXICO ON OCTOBER 21, 1976.

APPROVED:

Phil Garcia
Authorized Representative of the
Planning Director, City of
Albuquerque, New Mexico

Subscribed and sworn to before me this 18 day of Feb, 1976
by Phil Garcia, authorized representative of the Planning Director, City of
Albuquerque, New Mexico.

R. Ford U. King
Notary Public

State of New Mexico }
County of Bernalillo } SS

This instrument was filed for record on

FEB 18 1977

All o'clock m. Recorded in Vol. 599
of records of said County Folio 599

Concepcion P. Gonzalez Clerk & Recorder
Deputy Clerk

My Commission Expires: August 26, 1978

73

TRAFFIC COUNT FOR ALLEY

1001789 (56)
 DRB# 1000289

DATE	TIME FROM	TIME TO	NUMBER OF CARS
06-07-02	07:00 AM	09:00 AM	0
06-07-02	11:00 AM	01:00 PM	2
06-07-02	04:00 PM	06:00 PM	0
06-10-02	07:00 AM	09:00 AM	0
06-10-02	11:00 AM	01:00 PM	5
06-10-02	04:00 PM	06:00 PM	1
06-11-02	07:00 AM	09:00 AM	0
06-11-02	11:00 AM	01:00 PM	4
06-11-02	04:00 PM	06:00 PM	0

NOTE:
 NONE OF THE CARS THAT PAST THROUGH THE ALLEY WERE COMMERCIAL VEHICLE.



OFFICIAL NOTICE

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
LAND DEVELOPMENT COORDINATION DIVISION

6-26-02

4. Project # 1001789
02DRB-00405 Major-Vacation of Pub Right-of-Way

JOSE A VENZOR agent(s) for JOSE A. VENZOR request(s) the above action(s) for all or a portion of Lot(s) 15&16, Block(s) 6 17-28 & LOTS 1-3, **MONTE VISTA ADDITION**, zoned SU-2, CCR, located on EW ALLEY N. OF CENTRAL AV NE, between WELLESLEY DR. NE and TULANE DR. NE containing approximately 3 acre(s). [REF: Z-76-42, ZA-78-71, VAC. ORD. 76-37] [Deferred from 6/19/02] (K-16)

At the June 26, 2002, Development Review Board meeting, the Vacation was approved as shown on Exhibit B in the Planning file, subject to the Findings and Conditions of the Subdivision Ordinance as follows:

FINDINGS:

1. The public welfare is in no way served by retaining the rights-of-way and/or easements.
2. There is no convincing evidence that any substantial property right is being abridged against the will of the owner of the right.

CONDITIONS:

1. Final disposition shall be through the City Real Estate Office.
2. The vacated property shall be shown on a replat approved by the Development Review Board and the approved replat shall be filed for record with the Bernalillo County Clerk's Office within one year.
3. Affected utility companies shall acknowledge the vacation by their signatures on the replat.

AND WITH THE FOLLOWING CONDITIONS OF PRELIMINARY PLAT APPROVAL:

CONDITIONS:

1. WRITTEN VERIFICATION FROM THE REFUSE DEPARTMENT STATING THAT THEY DO NOT HAVE ANY OBJECTIONS TO THE VACATION IS REQUIRED. THIS VERIFICATION IS NEEDED PRIOR TO PRELIMINARY PLAT APPROVAL.



OFFICIAL NOTICE

PAGE TWO

2. THE SANITARY SEWER EASEMENT MUST BE RETAINED IN THE VACATED ALLEY (OR) THE SANITARY SEWER LINE MUST BE RELOCATED PRIOR TO FINAL PLAT APPROVAL.

If you wish to appeal this decision, you must do so by July 11, 2002 in the manner described below.

Appeal is to the Environmental Planning Commission. Any person aggrieved with any determination of the Development Review Board may file an appeal on the Planning Division form, to the Planning Division, within 15 days of the Development Review Board's decision. The date the determination in question is issued is not included in the 15-day period for filing an appeal; If the fifteenth day falls on a Saturday, Sunday or holiday as listed in the Merit System Ordinance, the next working day is considered as the deadline for filing the appeal. Such appeal shall be heard within 60 days of its filing.

You will receive notice if any other person files an appeal. Successful applicants are reminded that other requirements of the City must be complied with, even after approval of the referenced application(s).

Please note that the vacation of all plats, rights-of-way, and easements are void after one year from the final appeal date referenced above if all conditions are not met (The effective date of Development Review Board approval is the hearing date plus the 15-day appeal period.) (REF: Chapter 14 Article 14 Part 7-2 (E)(3)(6) Revised Ordinance.)

Janet Stephens
DRB Chair

cc: Jose A Venzor, 112 Highroad, Santa Fe, NM 87507
Alex Chisholm, Attorney, P.O. Box 4455, 87196
Colleen Cadwell, 201 Richmond SE, 87106
Ken Robey, 121 Tulane NE, 87106
Deanna Desutter, 310 Richmond SE, 87106
Jeff Chiavette, 4123 Silver SE, 87108
Elizabeth Mason, 3816 Carlisle NE, 87107
Signe Rich, AICP, 505 Ridgecrest Dr SE, 87108
Robert Slattery Construction Inc., 3216 Monte Vista NE, 87106
Loren Hines, Property Management, Legal Dept./4th Flr, City/County Bldg.
Arlene Portillo, Public Works Department, 2nd Floor, Plaza del Sol Bldg.
File

ALTA/ACSM LAND TITLE SURVEY
 LOTS 16 TO 25 & THE EAST 1/2 OF THE
 VACATED NORTH SOUTH ALLEY, BLOCK 6
 MONTE VISTA ADDITION
 CITY OF ALBUQUERQUE, BERNALILLO COUNTY, NEW MEXICO
 JULY 1997

SURVEYOR'S CERTIFICATE

1. I, the undersigned, am duly licensed and registered as a Professional Surveyor in the State of New Mexico, License No. 11993, and am duly qualified to perform the duties of a Surveyor in the State of New Mexico.

2. I have personally supervised and participated in the making of the survey herein, and I am satisfied that the same is correct and true.

3. I have caused to be made a true and correct copy of the survey, and the same is on file in my office, and I have caused to be made a true and correct copy of the same, and the same is on file in the office of the County Clerk of Bernalillo County, New Mexico.

4. I have caused to be made a true and correct copy of the survey, and the same is on file in the office of the County Clerk of Bernalillo County, New Mexico.

5. I have caused to be made a true and correct copy of the survey, and the same is on file in the office of the County Clerk of Bernalillo County, New Mexico.

1. I have personally supervised and participated in the making of the survey herein, and I am satisfied that the same is correct and true.
2. I have caused to be made a true and correct copy of the survey, and the same is on file in my office, and I have caused to be made a true and correct copy of the same, and the same is on file in the office of the County Clerk of Bernalillo County, New Mexico.
3. I have caused to be made a true and correct copy of the survey, and the same is on file in the office of the County Clerk of Bernalillo County, New Mexico.
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5. I have caused to be made a true and correct copy of the survey, and the same is on file in the office of the County Clerk of Bernalillo County, New Mexico.
6. I have caused to be made a true and correct copy of the survey, and the same is on file in the office of the County Clerk of Bernalillo County, New Mexico.
7. I have caused to be made a true and correct copy of the survey, and the same is on file in the office of the County Clerk of Bernalillo County, New Mexico.
8. I have caused to be made a true and correct copy of the survey, and the same is on file in the office of the County Clerk of Bernalillo County, New Mexico.
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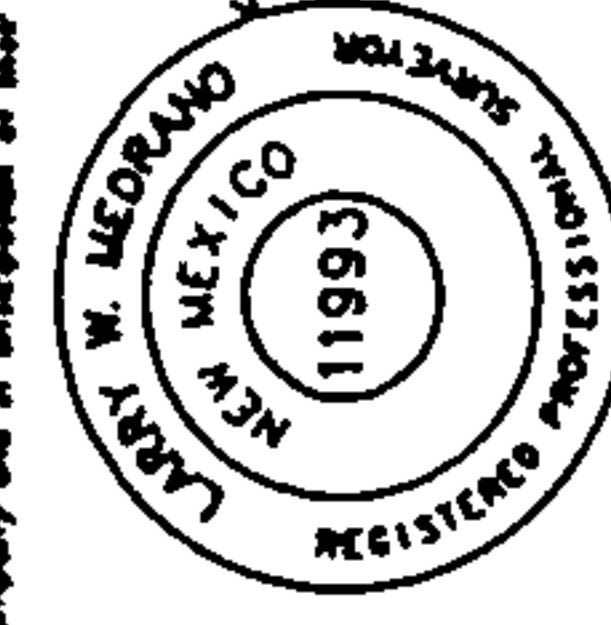
I, the undersigned, do hereby certify that the survey represented herein meets the requirements of the State of New Mexico, and that the same is correct and true.

I have caused to be made a true and correct copy of the survey, and the same is on file in my office, and I have caused to be made a true and correct copy of the same, and the same is on file in the office of the County Clerk of Bernalillo County, New Mexico.

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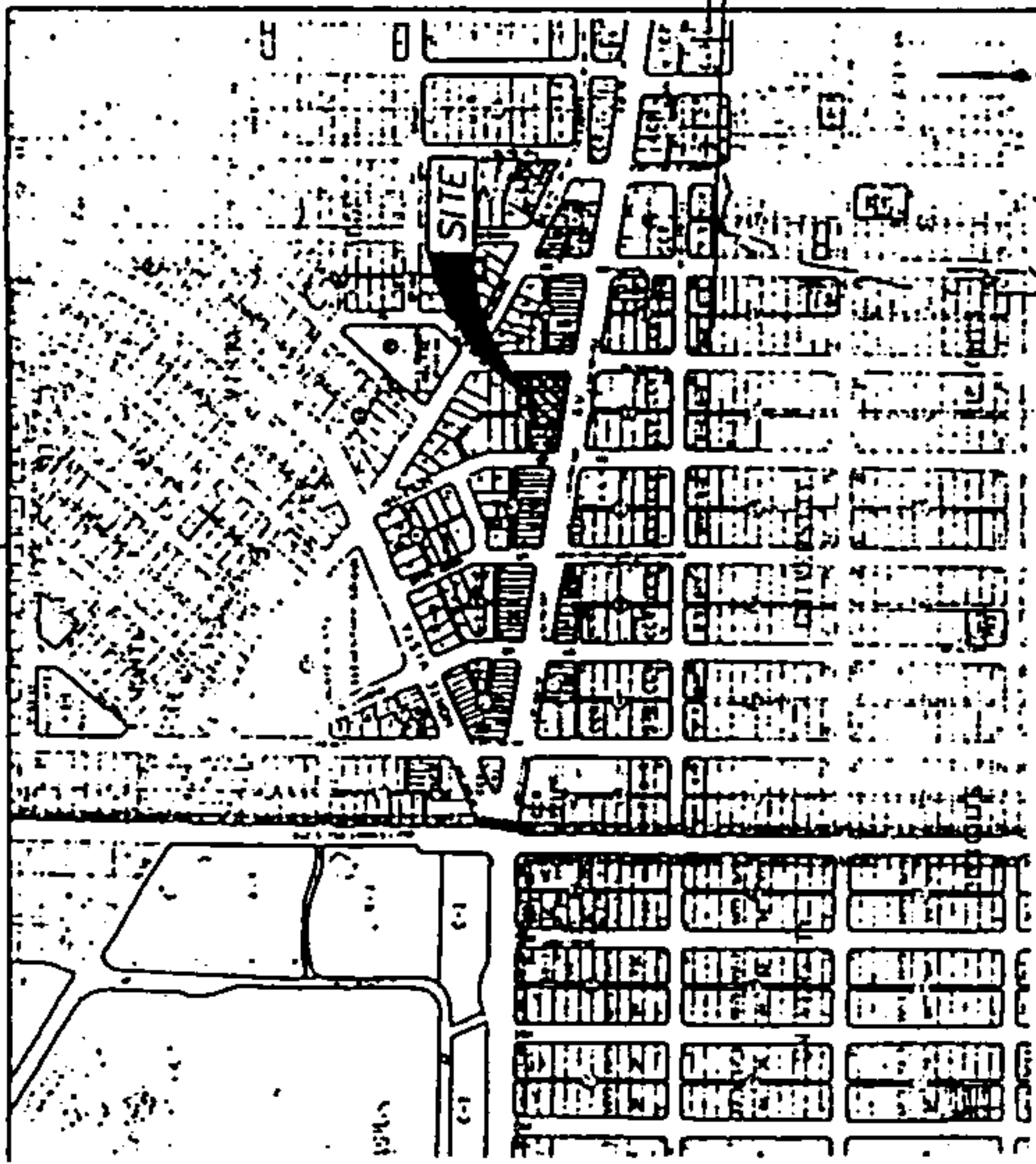


DATE 6/26/97

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NOTES

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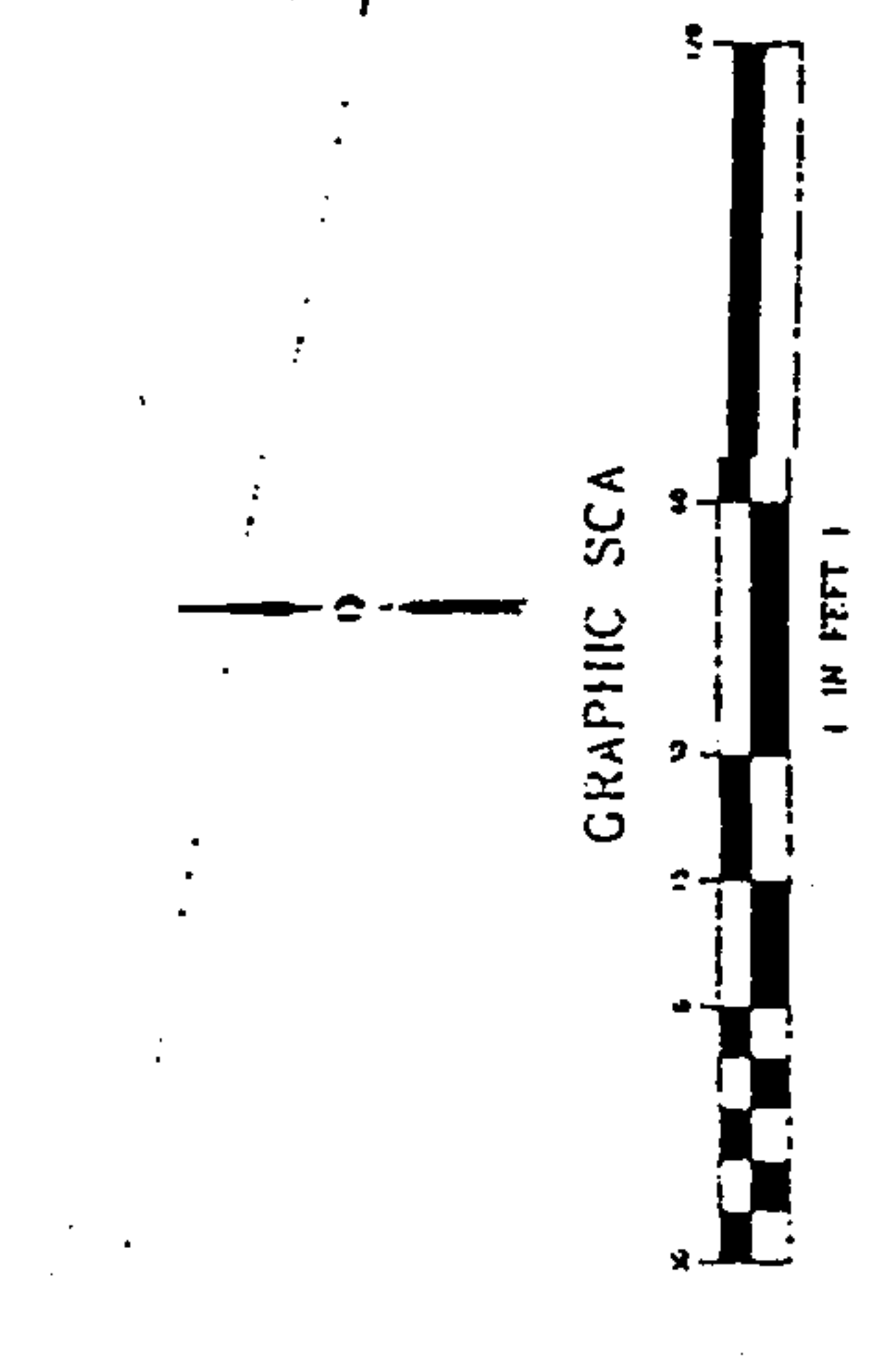
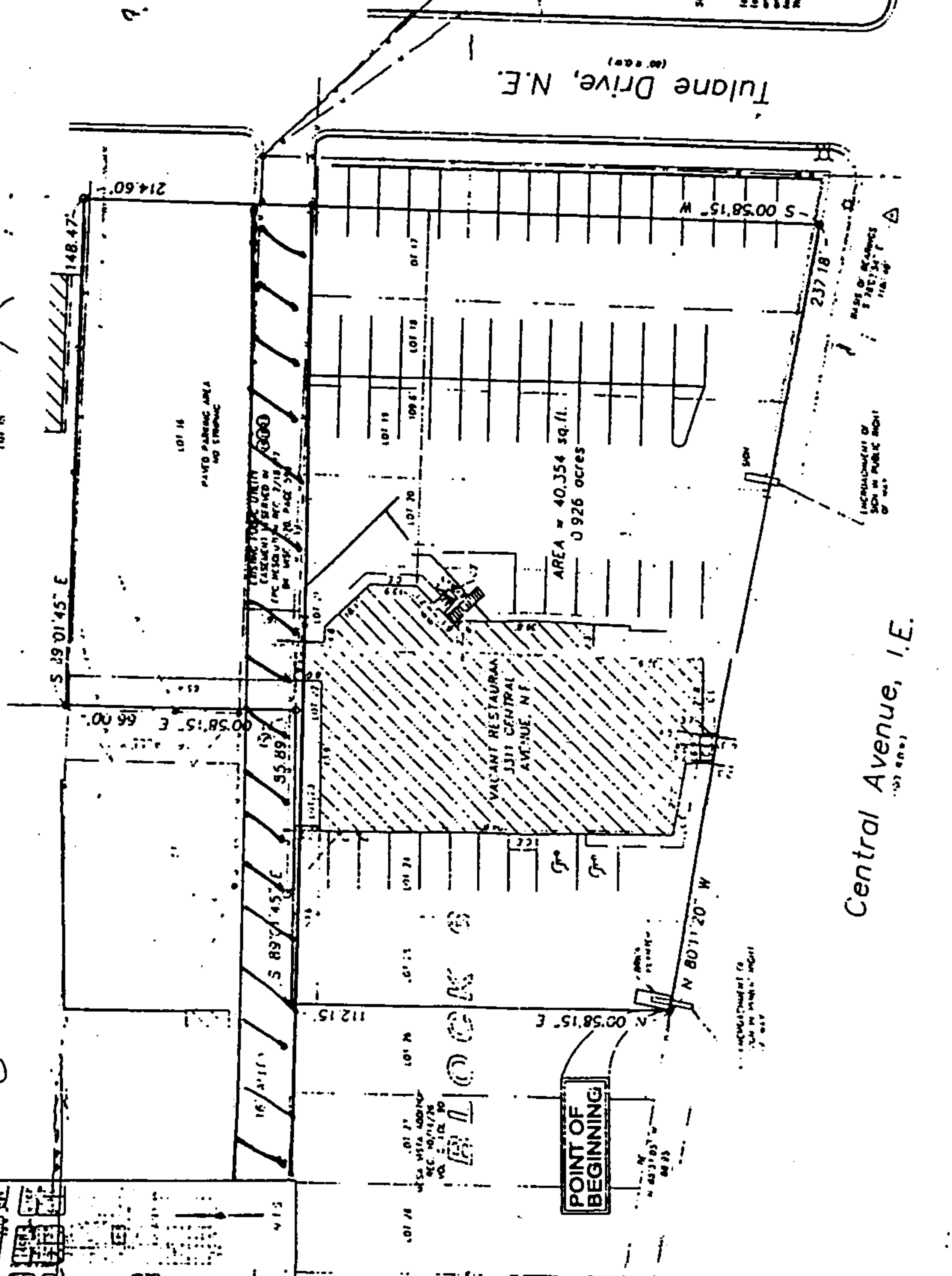
LOCATION MAP
 ZONE ATLAS MAP NO. K-16-Z

NOTES CORRESPONDING TO SCHEDULE B

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EGEND

SYMBOL	DESCRIPTION
○	RECORD BEARINGS AND DISTANCES SHOWN IN PARENTHESES
○	MEASURED BEARING AND DISTANCES DESIGNATED
○	FOUND AND USED MONUMENT AS DESIGNATED
○	MONUMENTS REFERRED TO AS "PS 11993" TO BE SET UNLESS OTHERWISE NOTED
○	SEWER MANHOLE
○	WATER METER
○	PAY TELEPHONE
○	ELECTRIC METER
○	CHAIN LINK FENCE
○	CONCRETE POST
○	UTILITY PEDSIAL
○	LIGHT POLE
○	OVERHEAD UTILITY LINES
○	UTILITY POLE
○	COVERED ENTRY/OVERHANG
○	BRICK WALL
○	WOOD FENCE



PRECISION SURVEYS, INC.
 3909 COOKMAN BLVD NW, SUITE 108
 ALBUQUERQUE, NEW MEXICO 87139
 PHONE 505 838 0888
 FAX 505 838 1133

DRB MINUTES FROM THE APRIL 17, 2002, DEVELOPMENT REVIEW BOARD MEETING.

8. Project # 1001789
02DRB-00405 Major-
Vacation of Pub Right-of-Way

JOSE A VENZOR agent(s) for JOSE A. VENZOR request(s) the above action(s) for Lots 15 & 16, Block 6, 17-28 & LOTS 1-3, **MONTE VISTA ADDITION**, zoned SU-2, CCR, located on E/W ALLEY N. OF CENTRAL AV NE, between WELLESLEY DR. NE and TULANE DR. NE containing approximately 3 acre(s). [REF: Z-76-42, ZA-78-71, VAC. ORD. 76-37] [Deferred from 4/17/02] (K-16)

PERSONS SPEAKING ON BEHALF OF THE REQUEST:

Neither the applicant nor the agent were present.

PERSONS SPEAKING IN OPPOSITION:

None

CHAIR STEPHENS: Item number 8 has been deferred to April 24, 2002. After the Agenda was printed we had another request for further deferral and so this case will not be heard until June 5, 2002.

The following action was taken:

The above request was deferred at the agent's request to April 24, 2002.

BE IT RESOLVED THAT PROJECT #1001789 was deferred to April 24, 2002.

DRB MINUTES FROM THE APRIL 24, 2002, DEVELOPMENT REVIEW BOARD MEETING.

7. **Project # 1001789**
02DRB-00405 Major-
Vacation of Pub Right-of-Way

JOSE A VENZOR agent(s) for JOSE A. VENZOR request(s) the above action(s) for Lots 15 & 16, Block 6, 17-28 & LOTS 1-3, **MONTE VISTA ADDITION**, zoned SU-2, CCR, located on E/W ALLEY N. OF CENTRAL AV NE, between WELLESLEY DR. NE and TULANE DR. NE containing approximately 3 acre(s). [REF: Z-76-42, ZA-78-71, VAC. ORD. 76-37] [Deferred from 4/24/02] (K-16)

PERSONS SPEAKING ON BEHALF OF THE REQUEST:

Neither the applicant nor the agent were present.

PERSONS SPEAKING IN OPPOSITION:

None

CHAIR STEPHENS: THIS CASE WAS DEFERRED AT THE APRIL 17, 2002 DRB MEETING TO THE MEETING OF JUNE 5, 2002.

ANNOUNCEMENT FROM THE APRIL 17, 2002 DRB MEETING: Item number 8 has been deferred to April 24, 2002. After the Agenda was printed we had another request for further deferral and so this case will not be heard until June 5, 2002.

The following action was taken:

The above request was deferred at the agent's request to June 5, 2002.

BE IT RESOLVED THAT PROJECT #1001789 was deferred to June 5, 2002.

DRB MINUTES FROM THE JUNE 5, 2002, DEVELOPMENT REVIEW BOARD MEETING.

6. Project # 1001789
02DRB-00405 Major
Vacation of Pub Right-of-Way

JOSE A VENZOR agent(s) for JOSE A. VENZOR request (s) the above action(s) for all or a portion of Lot(s) 15&16, Block(s) 6 17-28 & LOTS 1-3, **MONTE VISTA ADDITION**, zoned SU-2, CCR, located on E/W ALLEY N. OF CENTRAL AV NE, between WELLESLEY DR. NE and TULANE DR. NE containing approximately 3 acre(s). [REF: Z-76-42, ZA-78-71, VAC. ORD. 76-37] [Deferred from 4/24/02] (K-16)

PERSONS SPEAKING ON BEHALF OF THE REQUEST:

Alex Chisholm, Attorney, P.O. Box 4455, 87196
Jose A Venzor, 112 Highroad, Santa Fe, NM 87507
Shahram (Shawn) Biazar, Advanced Engineering & Consulting LLC, 10205 Snowflake Ct NW, 87114

PERSONS SPEAKING IN OPPOSITION:

Colleen Cadwell, 201 Richmond SE, 87106
Ken Robey, 121 Tulane NE, 87106
Louise Bass, 3512 Campos Blvd NE, 87106
Deanna Desutter for Robert Slattery, 3216 Monte Vista NE, 87106
Darryl Millet, 6605 Uptown NE, Suite 390, 87110

CHAIR STEPHENS: This is a request for a Vacation of Public Right-of-Way. The case was previously deferred from 4/24/02. Raise your right hands please and be sworn in.

MS. FINDLEY: Do you swear and affirm to tell the truth?

ALL ANSWERED: I do.

CHAIR STEPHENS: If we could have an update from the agent?

MR. CHISHOLM: My name is Alex Chisholm and I represent Mr. Venzor in this matter. Since April when the meeting was first deferred the developers tried to work with the neighborhood association. There have been several meetings with different groups of the neighborhood association.

It's my understanding that the Nob Hill Association voted a few weeks ago to support the development in theory, it's still in the creative process. They've agreed in theory to support the development. Since this is already on the Agenda the Planning Department has three comments there and those are accurate comments. What we'd like to see happen today is to have the alley vacated subject to the approval of the rezoning process.

CHAIR STEPHENS: All right, any further comments? City Engineer?

MR. BINGHAM: Hydrology has no objection to the vacation.

CHAIR STEPHENS: Transportation?

MR. DOURTE: I believe I still have some outstanding questions. As far as the exiting alley, what is going to be vacated and what is not going to be vacated? Is the entire alley between Wellesley and Tulane Drive proposed to be vacated?

MR. CHISHOLM: Yes.

MR. DOURTE: What about the alley that goes to the north-south, how do you get in and out of that alley?

MR. CHISHOLM: That alley was vacated, I believe, back in 1977.

MR. DOURTE: I don't think I've seen the actual vacation document. Yes, come on up.

MR. CHISHOLM: This isn't the actual document but it may lead you to the proper file.

MR. DOURTE: I need the actual document that vacated it. It should show here. They did vacate it prior to approving this alley vacation as a minimum. Obviously we don't want to have any dead-end alleys.

MR. BIAZAR: We can provide that. Also, it is not an accessible alley right now. It is gated on both sides.

MR. DOURTE: Legal access and actual access may be two different things. If it has not been formally vacated then there is the question of legal access. Now we received a letter this morning, which I have not had a chance to read from Mr. Slattery and he was concerned about the vacation of the alley. I don't know exactly where he is located and all of his particular reasons so I'd be interested in hearing them if he's available? Is he here? A representative is here? Okay, can you explain where he is located and why he does not want this alley vacated?

CHAIR STEPHENS: Ma'am we'll need you to come up to the table and speak into the microphone and we'll need you to state your name for the record.

MR. BIAZAR: I think Richard he is the third lot north of the alley. It is not an abutting alley. It's on Tulane Road.

MS. DESUTTER: Deanna Desutter for Robert Slattery, 3216 Monte Vista NE, 87106. Mr. Slattery's property is number 9, Block 9.

MR. DOURTE: I don't have anything that clearly shows number 9. So he's not even adjoining it. Thank you for pointing that out. I think I need to defer anyway until I get all that information. I'll require a deferral to make sure it's correct.

CHAIR STEPHENS: Parks?

MS. HILYARD: No objections.

CHAIR STEPHENS: Utilities?

MR. GREEN: I've met with the Engineer and it appears there will be an acceptable alternative to relocate the existing sewer flows, so I'd be willing to approve a vacation with a condition tied to final plat that "no final plat would be approved until the relocation was designed, built and accepted by the City". I also support Transportation that we have to defer until we have evidence that the north-south alley has been vacated.

MR. CHISHOLM: Do we supply that today?

MR. DOURTE: Anytime, we can hear it next week.

MR. GREEN: Anytime this week so we have it for next week. As far as the neighborhood, if there are any landowners that actually own land adjacent to the alley's we'd like to hear from them if they have any objections. I don't know if there are any adjacent property owners that have objections.

CHAIR STEPHENS: Planning, on April 17th I had given you three (3) written comments. I had stated at that time that given that the viability of the proposed vacation depends on site plan approval of a proposal by the EPC, the vacation action seems premature. Secondly, the vacation is a technical function and should be a condition of EPC approval of the site plan and thirdly, if the vacation is approved by the DRB, the property must be re-platted within one year or the approval will expire. I'd like to go ahead to those who've signed up to speak and the first person is Colleen Cadwell. Everyone who is going to speak would you please raise your right hands and be sworn in.

MS. FINDLEY: Do you swear and affirm to tell the truth?

ALL ANSWERED: I do.

MS. CADWELL: My name is Colleen Cadwell. I'm the President of the Nob Hill Neighborhood Association. The Nob Hill Neighborhood Association voted unanimously to not support the vacation of the alleyway at this time. We urge the DRB Board to either defer or deny this request today. The Nob Hill Neighborhood Association has supported, voted to support the development with some conditions. The project is still in its initial planning stages. We feel we do not have enough information to make an informed decision at this time. To vacate the alley would be premature. The developer, Mr. Venzor, has many hurdles ahead of him and the vacation is a minor matter compared to some of the others that will be required for the project to move forward.

On the other hand, the change, without assurances, could have a large impact on our neighborhood. City Ordinance, Chapter 14, Article 14B2 reads "the net benefit to the public welfare because the development made possible by the vacation is clearly more beneficial to the public welfare than the minor detriment resulting from the vacation".

At this time, because we do not know what the whole project encompasses, we cannot possibly assess its benefits and whether they outweigh the minor detrimental results. Indeed, since this alley is part of a series of 5 blocks and the series is used extensively by Waste Management and the delivery vehicles accessing the rear of the businesses on those 5 blocks, the change in the traffic pattern dictated by the vacation of this alley can produce much more than minor detrimental results for the nearby neighborhoods.

We have asked Mr. Venzor to delay asking for this vacation. He did cooperate for some time. Now, however, he wishes to push forward and again we think the site plan, the traffic and density studies, service vehicle access and other details should be available before this decision is made. It seems more logical to apply for the vacation when he files with the EPC and has the full plans in place.

Additionally, because this alleyway falls within a historical district, indeed, it is one of the boundaries of the historical district, serious consideration needs to be given essentially changing the boundary without feedback from the historical perspective. We urge the DRB to defer or deny this request at this time. Thank you for your consideration.

CHAIR STEPHENS: Any questions of Ms. Cadwell? The next person is Ms. Louise Bass?

MS. BASS: Good morning and thank you for your time. I have come with my friends and neighbors. We live directly behind the proposed project. We are teachers and musicians and librarians and we've come to ask for your help. We are strongly opposed to the vacation of the alley.

I would like to cite the Nob Hill Sector Plan which in 1987 clearly shows the alley as a clear line of demarcation between the commercial life and the residential life of the Nob Hill area. I would also like to mention that Mr. Venzor has been buying up property in our neighborhood and that his intentions, from the plans that we have seen, not only assume the weight of the alley but they encroach even farther into the neighborhood. I very much ask for your help in denying and keeping the alleyway as it is. Thank you.

CHAIR STEPHENS: Ken Robey?

MR. ROBEY: My name is Ken Robey and I live at 121 Tulane NE which is 92 feet from the alley in question. Last week I sent you a three page letter spelling out three (3) specific reasons to oppose this. I'd like to go into each of the three.

The first reason is that the alley is an integral part of a linked chain of east-west alleys that provide access to businesses along the north side of Central running from Richmond Drive to Carlisle Avenue. City refuse trucks travel this public right-of-way when making collections and delivery trucks. I've seen UPS, FEDEX and Alliant Food Services trucks use this alley recently. These vehicles use the Tulane to Wellesley alley even when they have no collection or delivery directly on that block because it is the shortest and safest passage between the other alleys east of Tulane and west of Wellesley. If the alley is vacated these trucks will be forced to drive through our residential neighborhood northward along Tulane and Wellesley and east-west along Campus Boulevard. The alternate route along Central Avenue might seem to be a more appropriate rerouting but this is not a practical option. In my letter I give specific reasons why that's not a practical option, but in the interest of saving time I think I'll skip those but they are in the letter.

In short, the vacation of the alley would force large trucks into a peaceful residential neighborhood and along a primary pedestrian and bicycle artery, Campus Boulevard that connects to Monte Vista Elementary School.

Second point, the applicant for vacation has a history of neglect of his adjacent and nearby properties. It is reasonable to expect that he would similarly be unable to provide and properly maintain the alley plot should it become his responsibility.

In the past year the City has twice, twice that I've witnessed had to send clean-up crews to remove weeds and trash from the lots surrounding the alley. This is documented in the liens of the City of Albuquerque has currently established against the two lots north of the alley.

In addition to the two lots with liens, the applicant now owns five (5) zoned R-1 lots which have attached sections to the previously vacated alley that connects from the north. All five of these lots currently have weeds and litter. All of been incited by the City Neighborhood Improvement Inspector without response from the owner. In fact, the owner has never cleaned up any of the vacated alley that he already owns.

Common sense suggests that one should not hand over public land to private ownership when the parties past action clearly indicate an inability to maintain this land at the minimal standards required by City Ordinances.

Third and final point, this application for alley vacation is a fragment of a large development project that has not yet been decided. It will entail requests for zoning changes and bring increased traffic and other impact on the surrounding neighborhood. It is premature to consider the alley vacation without knowing the details of the plan. The alley has been a long standing buffer between the Central Avenue Business District and the Nob Hill Historic Residential District. Its vacation would redefine this critical commercial/residential border zone, signal a shift in planning policy and destabilize the neighborhood. For the above reasons I ask you to reject the vacation application outright or to defer it until such time these concerns can be resolved. Thank you.

CHAIR STEPHENS: Thank you Mr. Robey. Deanna Desutter?

MS. DESUTTER: I was going to read the letter from Mr. Slattery.

CHAIR STEPHENS: Has everyone had a chance to read the letter from Mr. Slattery? All answered yes. All right I think we are just going to make this a part of the record. Darryl Millet?

MR. MILLET: My name is Darryl Millet, I'm an attorney and I represent four of the land owners adjacent to this alleyway. They do not have contiguous lots but their lots are within a few feet of the alley. They have great concerns about this as does a fair number of the neighbors around them. Because of what this is a part of, this is the tip of the iceberg in a sense. What the developer proposes here is a large commercial structure that would extend north beyond the alley onto the three lots that he currently owns to the north. The project includes a two-story underground parking garage which would displace the alley and its contents, the utilities. I noticed from the comments from PNM, both the electric service and the gas service cited the need for a continuing easement through there for their utilities. It's hard for me to imagine how that could be accommodated, an overhead line and an underground gas line if you have a two-story subterranean garage covered over by a two or three-story commercial structure. I believe there is a technical problem here and that maybe the developer just doesn't have his "ducks in a row" yet. He hasn't worked out a deal with the utilities but for whatever reason it seems very premature to go ahead and approve this without that problem solved. Those are essential utilities for a large number of commercial structures along Central Avenue.

Another issue that I'm concerned about and it was briefly touched on my one of the residents is the fact that this alley is part of a network of alleys that stretches east-west along and parallel to Central Avenue and is used by refuse trucks which if this alley is vacated will have to reroute.

One of the great ironies is that Mr. Venzor proposes to build a large structure including some restaurant facilities which would create a substantial amount of solid waste for disposal and his plan as he has stated in two or three public meetings with the neighborhood association, is that there will be some sort of trash facility inside the underground parking garage. I personally am not an engineer, but I cannot imagine how you're going to get large vehicles in to remove the trash from an underground garage. Which strikes me as maybe this plan is again premature, needs some refinement so he can figure out a real solution that will work as far removal of his own solid waste.

Just in general I think that the comments from Planning on this are exactly on point. What needs to happen is this needs to be denied and Mr. Venzor can then go forward with his application for a site plan or special use permit, which is what we understand he intends to pursue and as part of that if a vacation of the alley is necessary and is reasonable and is appropriate and if he has gotten the consent from the utilities that are necessary before that can be done, at that time he should be granted his approval, but not until.

CHAIR STEPHENS: Is there anyone else who wanted to speak today? (No one responded). Let's go back to the agent. Did you have any response?

MR. CHISHOLM: I haven't had a chance to read either Mr. Robey's letter or Mr. Slattery's letter so I can't really respond to those. On the brief comments that Mr. Robey made about the weeds and that Mr. Venzor has never responded to any complaints by the City about weed control. I have here a notice from the City about the weed problem and a follow-up letter two days later saying they appreciate how promptly we took care of it.

CHAIR STEPHENS: Thank you.

MR. BIAZAR: Regarding those utility lines, we have met with PNM and find reasonable solutions. The gas line and power line are mostly serving this property that Mr. Venzor is developing and the rest of them, all those power poles, there are like 9 power poles there. We are going to reroute them underground. It looks a lot better than having 9 power poles in the alleys sticking up. We have solutions for PNM so that's no problem.

CHAIR STEPHENS: Thank you. Any other comments from the applicant?

MR. VENZOR: The only other comment is that we have met with the neighborhood association a number of times. I believe it's been seven to nine times. The problem that we found is that there are always new faces showing up. When we think we have reached some sort of compromise agreement it is completely dissolved by the next meeting. It is just a continuing situation. We have been dealing with this for about four months I believe, at least, it's one of those things that just keeps going on and on.

There has to be a point where we have to say whether we go ahead with the project or we don't. I have some prospective tenants that are waiting for the project to start and if that doesn't happen all those tenants will be going someplace else. The project will stay as it is now.

MR. BINGHAM: Do you have a site plan ready to turn in or something that can support this?

MR. BIAZAR: As he's said he has worked with the neighborhood association, we have met with the Planning Department and the final result was to create a residential unit between the existing homes which he owns pretty much as they've said, and the commercial sites. The parcel would then become residential and the rest of it would be commercial. We wanted to get this vacation, your comment is very good, I think if we can make it contingent of Environmental Planning Commission approval, then we can go ahead and replat it. If the Environmental Planning Commission does not approve it, really the vacation of the alley is not necessary anyway.

CHAIR STEPHENS: A vacation is a two-part process. You have to come in and ask for the vacation and then you have a year in which to plat the vacation and that action completes the request. If the platting action is not done within the year the vacation approval would go away.

MR. BINGHAM: It would seem to me that with the Environmental Planning Commission and the Development Review Board you would need and then the construction of the sewer line that would take more than a year and you would want to wait until the vacation was approved closer to when you can file your final plat.

MR. BIAZAR: Well the Environmental Planning Commission will take a couple of months and the sewer line we can financially guarantee it that's no problem.

MR. BINGHAM: No, it has to be accepted before you can vacate it.

MR. BIAZAR: Is that correct? Okay.

MR. VENZOR: We understand that. We just want to know that there is a willingness on the part of the City to go along with this project before we continue spending all this money and I agree and I'm willing to do it. We cannot be building castles in the air. We have to know that there is some willingness on the part of the City to contribute this piece of property.

CHAIR STEPHENS: Well today we are looking at a deferral. Transportation, Utilities, Planning et cetera. You still need to provide some information. Before we do that, I'd like to enter into the record, we have a letter from Joseph and Martha Valdez, dated June 3, 2002. We have another letter from Jim Firkins dated June 4, 2002. I'd like those letters also to be part of the record.

So we are looking at a deferral today. How long will it take for you to provide the additional information?

MR. BIAZAR: The additional information I believe is just to provide the Vacation Ordinance for Richard, is there anything else we need to provide?

MR. DOURTE: Another piece of information that would be very useful is to get a count of the volumes on the alley.

MR. BIAZAR: We are going to have a traffic study done for the project. We have met with Tony Loyd a few times. Terry Brown is going to do a traffic study.

MR. DOURTE: It would be extremely beneficial for me to know how many vehicles are using this.

MR. BIAZAR: The alley?

MR. DOURTE: Yes, on a daily basis.

MR. BIAZAR: At the present time?

MR. DOURTE: Presently. I want to know what kind of magnitude we're looking at.

MR. BIAZAR: A traffic study is going to take some time.

MR. DOURTE: A traffic study is going to take a little while. You could probably get a count, I don't know how long it would take you might want to call Terry and get a count.

MR. BIAZAR: Okay I'll provide a count.

MR. DOURTE: Just for the alley. You'll have to do a TIS (Traffic Impact Study) which includes a much larger area. But let's focus in on this one issue.

MR. BIAZAR: Okay, we'll probably do it by next week.

MR. DOURTE: If not, we'll need to defer it one more week. You should be able to do it in two weeks.

CHAIR STEPHENS: Do you want to defer for two weeks? (Answered Yes) We'll defer to June 19, 2002. This is your notice of that hearing.

BE IT RESOLVED THAT PROJECT #1001789 was deferred to June 19, 2002.

DRB MINUTES FROM THE JUNE 19, 2002, DEVELOPMENT REVIEW BOARD MEETING.

7. Project # 1001789
02DRB-00405 Major
Vacation of Pub Right-of-Way

JOSE A VENZOR agent(s) for JOSE A. VENZOR request(s) the above action(s) for all or a portion of Lot(s) 15&16, Block(s) 6 17-28 & LOTS 1-3, **MONTE VISTA ADDITION**, zoned SU-2, CCR, located on E/W ALLEY N. OF CENTRAL AV NE, between WELLESLEY DR. NE and TULANE DR. NE containing approximately 3 acre(s). [REF: Z-76-42, ZA-78-71, VAC. ORD. 76-37] [Deferred from 6/19/02] (K-16)

PERSONS SPEAKING ON BEHALF OF THE REQUEST:

Alex Chisholm, Attorney, P.O. Box 4455, 87196
Jose A Venzor, 112 Highroad, Santa Fe, NM 87507
Shahram (Shawn) Biazar, Advanced Engineering & Consulting LLC, 10205 Snowflake Ct NW, 87114
Jeff Chiavette, 4123 Silver SE, 87108

PERSONS SPEAKING IN OPPOSITION:

Ken Robey, 121 Tulane NE, 87106
Deanna Desutter , 310 Richmond SE, 87106
Elizabeth Mason, 3816 Carlisle NE, 87107

CHAIR STEPHENS: This is a request for Vacation of Public Right-of-Way. This case was previously deferred from June 5, 2002.

ALL PRESENT FOR THIS REQUEST WERE SWORN IN.

CHAIR STEPHENS: If we can have an update from the applicant or agent.

MR. CHIAVETTE: My name is Jeff Chiaveete. I'm an architect with Kramer Woodard Architects. At this point after numerous meetings and conversations with the neighborhood associations we have decided to satisfy the wishes of the neighborhood association and the adjacent neighbors so we are abandoning the SU-1 process.

We still would like to proceed with the Vacation request to enable underground parking between the CCR zoned lots and the two PR zoned lots.

CHAIR STEPHENS: City Engineer?

MR. BINGHAM: I have no objection to the vacation request.

CHAIR STEPHENS: Transportation?

MR. DOURTE: All my questions I believe have been answered.

CHAIR STEPHENS: Parks?

MS. HILYARD: No objection.

CHAIR STEPHENS: Utilities?

MS. MUSINSKI: Utilities will require a retainment of the easement or relocation of the sanitary sewer line.

MR. CHIAVETTE: We will be relocating.

MR. BIAZAR: I've already talked to Roger Green and we will be relocating the sewer line. That is no problem.

CHAIR STEPHENS: Planning comments are given the technical concerns regarding drainage, utility easements and transportation can be mitigated to the City's satisfaction, Planning defers to Hydrology, Utilities Development and Transportation Development. A plat incorporating the vacated right-of-way into the surrounding property must be approved by the Development Review Board and recorded at the County Clerk's Office within one year or the vacation will expire. Meaning you would start over, pay all fees and readvertise. Before we take action we need to hear from those who have signed up to speak unless the agent has anything further to add?

MR. CHIAVETTE: Nothing further.

CHAIR STEPHENS: Deanna Desutter?

MS. DESUTTER: I'm Deanna Desutter. I'm Secretary of the Nob Hill Neighborhood Association. We would just like to restate from the last meeting the position of the Nob Hill Neighborhood Association on the vacation of the alley between Wellesley and Tulane in the 100 block. We request that the vacation of the alley be either denied or deferred until which time the entire site plan of the proposed development has been viewed by the Environmental Planning Commission and the neighbors.

CHAIR STEPHENS: Ma'am do you understand that since they are going to be developing within the existing requirements of the zoning that there won't be a site plan going to the Environmental Planning Commission?

MS. DESUTTER: Well this is the first time we've heard about it. We had not been in contact and we did not know about this until he just read it.

CHAIR STEPHENS: Okay.

MS. DESUTTER: So there would not be a site plan?

CHAIR STEPHENS: There will not be a site plan. It will be developed according to the zoning.

MS. DESUTTER: Okay.

CHAIR STEPHENS: Mr. Venzor did you have anything to add?

MR. VENZOR: Nothing at this time.

CHAIR STEPHENS: Ken Robey?

MR. ROBEY: My name is Ken Robey. I live 92 feet from the alley in question. I can see it from both my front and back yards. I'm not going to repeat my reasons for opposing this vacation. They are a matter of record. I want to limit myself today to some comments about the traffic count that was submitted on Monday.

Looking over it, it appears to be virtually worthless. At the time it was taken, I want to make a couple of points, at the time it was taken the chain link fence that was put up to facilitate the demolition of the lots north and south of the area was within the alleyway. Constricting it for about 2/3 of its length. It's still there. I went out and measured it today and at the narrowest point it constricts a 16 foot right-of-way to 12 feet 6 inches. Clearly large trucks are not going to be able to use that alley in the way that they have in the past.

Also the fact that demolition has been occurring there for over a month and the fence has been there for at least that long means that those trucks that normally do deliveries and use that alley have learned new routes and learned to avoid the alley because there has been heavy equipment in there and at times it has been physically blocked off at least during daytime hours.

I would suggest that a valid traffic count should be done of the alley so it can be determined whether or not it's being use and to what extent because of my great concerns that vacating it will force traffic into the residential area.

I suggest a traffic count be done by a certified traffic engineer. That it be done approximately one week after the fence has been moved to give clear access to the alley and allow delivery trucks to rediscover their old route. I will say that last Friday a FEDEX truck did start using it but I have not seen any of the large trucks or City refuse trucks use it since demolition began over a month ago and in the past they have. Thank you very much.

MR. DOURTE: I have a question I'd like to ask Shawn. Is that correct?

MR. BIAZAR: I did not measure the fence but there is enough room for the cars to go through. Also, I would indicate that I talked to Theresa Baca and solid waste does not use that alley. They do not have any pick up right now in that alley either. I want to put that on the record since we talked to Richard at that time.

The fence is there, basically around the construction site. I did not measure the fence and the alley but there is enough room for the cars to get by. It's only on one side of the road, on Tulane, it's not on Wellesley Drive.

MR. DOURTE: Where is it actually located then, I guess I'm unclear?

MR. BIAZAR: Along the property line.

MR. DOURTE: The fence is located on the property line. The temporary construction fence?

MR. BIAZAR: For the demolition. To the north is parking, so if the cars would like to go by there. There really is enough room for any cars to go by. The fence is just on one side I want to mention that.

MR. DOURTE: I do want to remind everybody that the purpose of an alley is to provide deliveries to the adjacent lots not for through traffic. I did ask for traffic counts and if there is a substantial constraint on the alley those traffic counts may not be that accurate. I am concerned.

MR. BIAZAR: There is no business in that alley. He owns all the properties.

MR. DOURTE: I realize that but these are two issues. One is we were looking at how many people do use the alley and the second, I want to remind everybody that the alley is for deliveries to the adjacent lots. You never answered my question on how many people do use this alley. I was interested in knowing that amount.

MR. BIAZAR: You got the numbers.

MR. DOURTE: Is it narrowed down to 12 feet in width?

MR. BIAZAR: It's really not Richard. If you want to really measure the fence to the power pole maybe, but to the north there is existing asphalt, they can use that and that's another, the length of the property, that's another 7 or 8 feet there. If you want to become technical you have 72 feet there to access the alley. There are two existing power poles in the alley and the fence is next to one of the posts and that's it. You can't get tighter than that. So if you want to measure from the pole to pole maybe it's 12 foot 6 inches.

MR. DOURTE: That's a localized obstruction.

MR. BIAZAR: The fence does not close any entrance to the alley, it's just adjacent to the property line.

MR. DOURTE; I realize that.

CHAIR STEPHENS: I have a question of Mr. Robey. How long has the fencing been in place?

MR. ROBEY: I don't know exactly. It was put up right before demolition began.

CHAIR STEPHENS: Have you noticed increased traffic in the neighborhood?

MR. ROBEY: I don't live on Campus which is where it would go. As I mentioned in my letter observed four cases where City Refuse trucks which in the past I've observed going down the alley have had to go down and go onto Campus. In terms of counting statistically I have no information about that. At least those four trucks that I have seen and I don't see a whole lot of traffic. I don't sit out on my front porch. Those did occur after the demolition fence went up.

CHAIR STEPHENS: Thank you.

MR. DOURTE: I guess I'm going to request that this be deferred and the fence be moved so we can get my question answered.

MR. VENZOR: The problem is if the fence is removed.

MR. DOURTE: No removed, moved. Just move it back behind the pole.

MR. BIAZAR: The fence is right on the property line.

MR. DOURTE: You say the fence is on the property line?

MR. BIAZAR: Yes.

MR. DOURTE: Then what is the encroachment. According to your site sketch here we have those poles right on the edge of the alley. So if it's on the alley side it is encroaching into the alley. If you can show me with a survey that the fence is right on the property line then it's not an obstruction because that's where the property line is. If the fence is inside the public alley then it is restricting the alley.

MR. VENZOR: How do I show you that?

MR. DOURTE: Do you have a survey?

MR. CHIAVETTE: A survey that shows the temporary demolition fence?

MR. DOURTE: Yes, because that's what is in question.

MR. BIAZAR: Is it possible to take an action on it and then according to your satisfaction?

MR. DOURTE: No. I don't feel comfortable in doing that. If you've got an accurate survey of where the fence is and the fence is not an obstruction with respect to the alley then that's fine. I need somebody to show me that the fence is on the property line and not into the alley. From the pictures it sure looks well within the alley. Do you have property corners?

MR. BIAZAR: There are no property corners on it. We have to use those really there are no property corners in that area. So nobody knows really where the property corner would be.

MR. DOURTE: Do you have any property corners for the site?

MR. BIAZAR: No.

MR. DOURTE: I have a survey here.

MR. BIAZAR: Two lots farther to the north there are some property corners maybe we can use that.

MR. DOURTE: I have a survey here that was done in 1997.

MR. BIAZAR: From Precision Survey?

MR. DOURTE: Yes, from Precision Survey.

MR. BIAZAR: They never set any corners or it wasn't recorded or anything at all.

MR. DOURTE: He's indicated that he's found the corners or the points. On the survey it does indicate distances and survey markers. It says "found and used monument as designation. Denotes rebar with cap 11/9/93 to be set unless otherwise noted".

MR. BIAZAR: That's a Precision Survey cap, they never set those, I talked to Precision. There is nothing out there. He can use his property corners to establish our property corners. The numbers shown on the existing plat that was recorded in 1940 something, that's what Precision shows.

MR. DOURTE: I guess I'm a little concerned with the information provided if it's not accurate. Or if it is accurate or not. Let's defer this one week, I'd like to talk to you about this Shawn. Maybe I'll go out to the field and take another look.

CHAIR STEPHENS: We can't take action yet, we still have another person to speak. Elizabeth Mason?

MS. MASON: I'm Elizabeth Mason and I represent some of the neighbors. I'm an attorney. My address is 3816 Carlisle NE. This is a surprise to us that they've decided to stay within existing zoning. One of the concerns about the alley is that they are going to use that commercial property which will bring a lot of commercial traffic into that area. Without that alley that's going to follow that traffic down those side streets where the neighbors are. So the concern is that the vacation of the alley is significantly impact traffic in the neighborhoods.

MR. DOURTE: If these counts are correct it's not going to be significant. They've only got about 6 cars.

MS. MASON: Currently though the commercial property is undeveloped.

MR. DOURTE: Right, but this alley vacation is not changing the number of cars that are going to be going down the side street. It is the development itself. In other words, if it was vacated and blocked off that's not going to create any additional traffic going down the side streets. It's the development itself that generates additional traffic. These are two separate issues.

MS. MASON: So the developer has to deal with the additional traffic issue?

MR. DOURTE: The development is a separate issue from the vacation issue, yes ma'am.

MS. MASON: That was my comment. Thank you.

CHAIR STEPHENS: We are looking at a one-week deferral.

MR. BIAZAR: Can we request a field visit Richard?

MR. DOURTE: Yes, that's fine. I wouldn't mind meeting you out in the field there. I would like to have a meeting and talk with the surveyor who gave you the certs. If this isn't correct I'm concerned with that. So one week.

CHAIR STEPHENS: Item number 7 is deferred to June 26, 2002 and this serves as your notice.

BE IT RESOLVED THAT PROJECT #1001789 was deferred to June 26, 2002.

DRB MINUTES FROM THE JUNE 26, 2002, DEVELOPMENT REVIEW BOARD MEETING.

4. Project # 1001789
02DRB-00405 Major-
Vacation of Pub Right-of-Way

JOSE A VENZOR agent(s) for JOSE A. VENZOR request(s) the above action(s) for all or a portion of Lot(s) 15&16, Block(s) 6 17-28 & LOTS 1-3, **MONTE VISTA ADDITION**, zoned SU-2, CCR, located on E/W ALLEY N. OF CENTRAL AV NE, between WELLESLEY DR. NE and TULANE DR. NE containing approximately 3 acre(s). [REF: Z-76-42, ZA-78-71, VAC. ORD. 76-37] [Deferred from 6/19/02] (K-16)

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Shahram (Shawn) Biazar, Advanced Engineering & Consulting LLC, 10205 Snowflake Ct NW, 87114

PERSONS SPEAKING IN OPPOSITION:

Colleen Cadwell, 201 Richmond SE, 87106
Ken Robey, 121 Tulane NE, 87106

CHAIR STEPHENS: This is a request for Vacation of Public Right-of-Way. This case was deferred from June 19, 2002. We have some folks in the audience. Did you sign up to speak? (Yes) If everyone would raise their right hands to be sworn in. Do you swear and affirm to tell the truth? (All answered yes).

This case was deferred from last week. Can we have an update from the agent or the owner.

MR. BIAZAR: Yes, the deferral was because of the fence being in the alley. Since then we moved the fence from the alley right-of-way. We met with Richard Dourte. We did a traffic count without the fence in the alley. There was not much difference between them.

CHAIR STEPHENS: If we could have the results from the count.

MR. DOURTE: The highest number is 6 in any given time frame between 8 a.m. and 5 p.m.

CHAIR STEPHENS: City Engineer?

MR. BINGHAM: Hydrology still has no objection to this vacation request.

CHAIR STEPHENS: Transportation?

MR. DOURTE: We have no objection to the vacation. Our issues have been, I believe, correctly answered to the alley vacation.

CHAIR STEPHENS: Parks?

MS. HILYARD: No objection.

CHAIR STEPHENS: Utilities?

MR. GREEN: I have no objection to the vacation although there will be a condition for any replant approval that the easement be retained for the existing sanitary sewer or else the sanitary sewer line be redesigned and relocated for the offsite flows.

CHAIR STEPHENS: Planning, I'll refer back to my comments from June 19th. My comment was that given the technical concerns regarding drainage, utility easements and transportation can be mitigated to the City's satisfaction Planning defers to Hydrology, Utilities development and Transportation Development. A plat incorporation the vacated property into the surrounding site must be approved by the Development Review Board and recorded at the County Clerk's office within one year or the vacation would expire. In other words, a vacation is a two-step process. You also have to do a plat or it's void, it no longer exists.

Let's go to the agent's. Any further comments? (They answered No). Let's go to Colleen Cadwell?

MS. CADWELL: I'm Colleen Cadwell, 201 Richmond SE and the President of Nob Hill Neighborhood Association. Madam Chairman and Board members, once again I wish to state that the Nob Hill Neighborhood Association Board voted unanimously to not support the vacation of the alley at this time. We urge the Development Review Board to either defer or deny this request at this time. Mr. Venzor approached me on March 17, 2002, three months ago, with his conception of the project to be built on this block. The original plans were not compatible with Nob Hill and its Sector Plan. After a number of meetings, only one of which was with the full board of the neighborhood association. Mr. Venzor had modified the plans considerably. The Board gave conditional support for this final plan we had seen. Now, however, I understand Mr. Venzor has reconsidered his project. I appreciate that there will be no site plan review. Since we have no concept of what Mr. Venzor plans for this site it would seem to make your job even more difficult. Does the new project address the need for delivery and waste management? If these are not handled properly the detrimental effects on the neighborhood could be significant. Wellesley is almost impassable with its current usage.

I state the City Ordinance Chapter 14, Article 14B2, "the net benefit to the public welfare because the development made possible by the vacation is clearly more beneficial to the public welfare than the minor detriment resulting from the vacation". Since the vacation of the alleyway as stated in our City Ordinance cannot demonstrate its benefit or its detriments to our community at this time it would be premature to approve this vacation. We urge the Board to defer or deny this request at this time until the impact on the neighborhood can be fully appreciated.

MR. DOURTE: I can address a portion of that. The minor detriment, or the detriment is minor, I can give you copies of the traffic volume.

MS. CADWELL: You know I have to wonder since that alleyway was blocked for several months the traffic pattern has already been diverted and did they check the alleyways on the other two locations adjoining it?

MR. DOURTE: It's not a through alleyway. There is not an alleyway on the west side of it. They're offset alleys.

MS. CADWELL: Waste Management does use those alleyways to go through out that whole five block area.

MR. DOURTE: I will make this contingent on the Refuse Department not objecting to this vacation.

MS. CADWELL: Okay.

MR. DOURTE: But our counts indicate that there were no commercial vehicles using it.

MS. CADWELL: Well there are no businesses built there for commercial delivery at this time. If he puts in 60,000 sq. ft. of retail space there, there will be deliveries required to those properties.

MR. DOURTE: And it will have to be addressed at the time of development.

MS. CADWELL: Okay.

MR. DOURTE: I'd be more than happy to give you a copy of this if you're interested in it.

CHAIR STEPHENS: Anything else Ms. Cadwell?

MS. CADWELL: No.

CHAIR STEPHENS: Mr. Robey?

MR. ROBEY: My name is Ken Robey and I live at 121 Tulane NE. The previous stated reasons for recommending deferring or rejecting the application I've already entered into the record. They remain valid. I will not repeat them here.

I will say the statement last week made by an agent of the developer that they were going to proceed with the development without requesting a zoning change is welcome. There remains a cloud of uncertainty over the project and the ultimate fate of the nine (9) properties owned by the developer north of the alley. It's also very problematic whether the developer will be able to get City approval of the kind of parking structure he envisions. The two lots adjoining the alley on the north have unique status. This became a major controversy back in 1976 and went before the entire City Council. They are not simply zoned PR in a traditional sense. I can't give an explanation of what this means for ultimate development in zoning because I suspect this is going to be a matter for review at a number of levels in City government.

The fact remains that the alley vacation is just the first domino whose fall will precipitate a number of unknown consequences. If this Board allows it to fall without any direction or contingency the consequences could be damaging to the neighborhood.

I therefore ask you to make the alley vacation contingent on City approval of a site plan of development. If this is not feasible then I ask you to reject the application at this time, but to reject it without prejudice so the developer can later seek vacation when planning is more advanced. Thank you.

CHAIR STEPHENS: Okay, let's go back to the applicant/agent. Any response, any comments?

MR. CHISHOLM: My name is Alex Chisholm. I think the condition for the replatting and the easement and the redesign that the Utilities Department wants and contingent upon with Transportation for approval by the Refuse, those all address the problems that were raised by these people. I'd be happy to answer any questions if I can.

CHAIR STEPHENS: Transportation?

MR. DOURTE: I have no additional issues. I do want to make clear that it is a condition of approval that we receive written verification from the Refuse Department that they do not have an objection to this vacation. If we do not receive that prior to plat we will not approve Preliminary Plat.

CHAIR STEPHENS: Actually, this would be a Preliminary/Final for the vacation.

MR. DOURTE: Either one.

MR. GREEN: It's likely it will be a minor plat with infrastructure required if they are going to relocate the sewer line. So it won't be treated as a straight preliminary/final plat. We'll have infrastructure requirements possibly. So keep that in mind.

CHAIR STEPHENS: They need relocation of the sanitary sewer?

MR. GREEN: If they choose to go that route instead of retaining easements and accommodating it.

MR. BIAZAR: Can we build the sanitary sewer line prior to coming for final plat and get it approved?

MR. GREEN: Certainly.

CHAIR STEPHENS: I'll mention again, the platting action has to be complete, that is approved by the Development Review Board and recorded at the office of the County Clerk within one-year of this action or the Vacation will expire and you'll have to start over. I know there was a request that we place a site plan review on this but because they are going to follow the existing zoning we don't have any authority to do that.

If no one has any further comments we are ready to take action.

The Vacation was approved as shown on Exhibit B in the Planning file, subject to the Findings and Conditions of the Subdivision Ordinance as follows:

FINDINGS:

1. The public welfare is in no way served by retaining the rights-of-way and/or easements.
2. There is no convincing evidence that any substantial property right is being abridged against the will of the owner of the right.

CONDITIONS:

1. Final disposition shall be through the City Real Estate Office.
2. The vacated property shall be shown on a replat approved by the Development Review Board and the approved replat shall be filed for record with the Bernalillo County Clerk's Office within one year.
3. Affected utility companies shall acknowledge the vacation by their signatures on the replat.

AND WITH THE FOLLOWING CONDITIONS OF PRELIMINARY PLAT APPROVAL:

CONDITIONS:

1. WRITTEN VERIFICATION FROM THE REFUSE DEPARTMENT STATING THAT THEY DO NOT HAVE ANY OBJECTIONS TO THE VACATION IS REQUIRED. THIS VERIFICATION IS NEEDED PRIOR TO PRELIMINARY PLAT APPROVAL.
2. THE SANITARY SEWER EASEMENT MUST BE RETAINED IN THE VACATED ALLEY (OR) THE SANITARY SEWER LINE MUST BE RELOCATED PRIOR TO FINAL PLAT APPROVAL.

THEREFORE, BE IT RESOLVED THAT PROJECT #1001789 was approved based on and subject to the above listed findings and conditions.