EPC Notice of Decision
1/16/03 Appeal (187)

Claire,
for file.

City of Albuquerque
Planning Department
Development Services Division
P.O. Box 1293
Albuquerque, New Mexico 87103

Date: February

OFFICIAL NOTIFICATION OF DECISION

FILE: **Project 1002337**
03EPC-00112 Appeal of the Development Review Board's final sign off of Site Development Plan for Building Permit and Site Development Plan for Subdivision

PruWinrock, LLC
C/o Rodey, Dickason, Sloan, Akin & Robb, PA
Michelle Henrie
P.O. Box 1888
Albuquerque, NM 87103

LEGAL DESCRIPTION: for all or a portion of Tract(s) A, Monroe Junior High School, zoned SU-3 Inside and Outside Intense Core, Located on Louisiana Blvd. NE, between Indian School Rd. NE and Interstate 40, containing approximately 12 acre(s). (J-19) Bob Paulsen, EPC Case Planner

On February 13, 2003 the Environmental Planning Commission voted to DENY Project 1002337 / 03EPC-00112, an appeal of the Development Review Board's final sign off of the Site Development Plan for Building Permit and Site Development Plan for Subdivision approval.

IF YOU WISH TO APPEAL/PROTEST THIS DECISION, YOU MUST DO SO BY **FEBRUARY 28, 2003** 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,

FOR Victor J. Chavez
Planning Director

VJC/BP/co

cc: Michelle Henrie, Rodey, Dickason, Sloan, Akin & Robb, PA
Kevin Curran, Assistant City Attorney
John Myers, Myers Oliver & Price, PC
Bill Sterchi, Alvarado Park N.A.
Lynn Tabor, Alvarado Park N.A.
Stephen Verchinski, Classic Uptown N.A.
Mary Lou Sorenson, Classic Uptown N.A.
Bob Bruno, Inez N.A.
Richard P. Huber, Inez N.A.
Julie Jones, Jerry Cline Park N.A.
Jeff Paul, Jerry Cline Park N.A.
Valorie Vigil, New Kimo N.A.
Mark Trujillo, New Kimo N.A.
Timothy Sanchez-Brown, Quigley Park N.A.
Orlando Esparza, Quigley Park N.A.
Dorothy inaldi, Snow Heights N.A.
Rick Paul, Snow Heights N.A.
R. Shelton Weeks, Uptown Association
Tom Joule, Uptown Association
Richard Peterson, Winrock South N.A.

John Kinney, Winrock South N.A.
Virginia Emmett, Zuni N.A.
Nick Wees, Zuni N.A.
Ike Eastvold, Fair Heights N.A.
Victor Chavez, Planning Department Director
Paula Donahue, Staff Planner

NOTICE OF PUBLIC HEARING

Notice is hereby given that the City of Albuquerque Environmental Planning Commission will hold a public hearing on Thursday, February 13, 2003, 4:00p.m., in the Plaza del Sol Hearing Room, Lower Level, Plaza del Sol building, 600 2nd St. NW, Albuquerque, NM to consider the following items: [Note: these items are not in the order they will be heard]

02EPC- 01924 Project # 1002315
02DRB-01650 Major-Preliminary Plat Approval
02DRB-01651 Major-Vac of Pub Right-of-Way
02DRB-01652 Major-Vac of Public Easements
02DRB-01653 Minor-Temp Defer SDWK
02DRB-01654 Minor-Sidewalk Waiver

Garcia/Kraemer & Associates, appeals the Development Review Board's approval of the Preliminary Plat approval for all or a portion of Tract(s) 13, **THE WILDERNESS @ HIGH DESERT,** zoned SU-2, HD, R-R, located east of TRAMWAY BLVD NE, south of IMPERATA NE and west of TRACT A, FOREST SERVICE LAND, containing approximately 73 acre(s). [REF: 02DRB-01646] [DEFERRED FROM 11/20/02, PP,TDS,SW)(F-23)

03EPC-00112
Project # 1002337
02DRB-01708 Minor-Site Dev Plan BldPermit/EPC
02DRB-01710 Minor-Site Dev Plan Subd/EPC

Rodey Dickason Sloan Akin & Robb PA, Michelle Henrie, appeals the Development Review Board's Final sign off of the Site Development Plan for Building Permit and Site Development Plan for Subdivision approval for all or a portion of Tract(s) A, **MONROE JUNIOR HIGH SCHOOL,** zoned SU-3 Inside and Outside Intense Core, located on LOUISIANA BLVD. NE, between INDIAN SCHOOL RD. NE and INTERSTATE 40 containing approximately 12 acre(s). [DEFERRED FROM 11/13/02] (J-19) Bob Paulsen, EPC Case Planner.

Details of these applications may be examined at the Development Services Division of the Planning Department, 3rd Level, Plaza Del Sol Building, 600 Second Street, NW between 10:00 a.m. and 12:00 and between 2:00 and 4:00 p.m., Monday through Friday, or you may call April Candelaria at 924-3886. INDIVIDUALS WITH DISABILITIES who need special assistance to participate at the public hearing should contact April Candelaria 924-3886 (VOICE) or 924-3361 (TTY). TTY users may also access the voice number via the New Mexico Relay Network by calling toll free: 1-800-659-8331.

Jeff Jesionowski, Chairman
Environmental Planning Commission

TO BE PUBLISHED IN THE ALBUQUERQUE JOURNAL JANUARY 29, 2003.

APPROVED

Russell Brito, Senior Planner

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT - DEVELOPMENT SERVICES DIVISION
PROPERTY OWNERSHIP LIST

App#	03EPC-00112
Proj#	1002337
Other#	02DRB-01708
	02DRB-01710

Meeting Date: 2-13-03

Zone Atlas Page: J-19-Z

Notification Radius: 100 **Ft.**

Cross Reference and Location:

Applicant: PruWinrock, LLC - C/o Rodney Dickason Sloan Akin & Robb

Address: P.O. Box 1888, Albuq NM 87103

Agent: Rodney Dickason Sloan Akin & Robb, PA

Address: P.O. Box 1888, Albuq NM 87103

SPECIAL INSTRUCTIONS

Notices Must be mailed from the City 15 days prior to the meeting.

Date Mailed: 1-29-03

Signature: [illegible]

02DRB-01708
App# 02DRB-01710
Proj# 1002337 / 03EPC-00112

PROPERTY OWNERSHIP / LEGAL LIST

Hearing Date: 2-13-02

Page 1 Of 1

Zone Atlas Page	Zone Atlas #	Grid Location	Parcel Sequence	Name & Address			
J-19	1019058	048-497	204-14	✓			
		130-400	1041	✓ mp			
		100-435	0541	✓ mp			
		170-450	0641	✓ mp			
		135-510	204-0441	✓ mp			
H-19	1019059	051-050	301-34	✓ mp			
		161-022	317-01	✓ mp			
		125-053	02	✓ mp			
H-18	1018059	457-034	405-11	✓			
J-18	1018058	507-518	116-22	✓			
		480-510	21	✓ mp			
		470-485	19	✓			
		508-497	18	✓ mp			
		511-481	17	✓ mp			
		505-415	15	✓			
		481-467	16	✓ mp			
		473-432	115-19	✓			

```
1019058              ***  THIS UPC CODE HAS NO MASTER RECORD ON FILE

101905804849720414   LEGAL: TRAC T A  IN NW NW NW OF SECTION 18 T10N R4E AKA MON  LAND USE:
                     PROPERTY ADDR: 00000    N/A
                        OWNER NAME: BOARD OF EDUCATION OF THE CITY
                        OWNER ADDR: 00000                                ALBUQUERQUE       NM 87125

101905813040020410L1 LEGAL: PARC EL A -1-A OF PARCEL A-1-A WINROCK CENTER ADD'N   LAND USE:
                     PROPERTY ADDR: 00000    2100 LOUISIANA BLVD NE
                        OWNER NAME: REGENTS OF UNM REAL ESTATE OFF
                        OWNER ADDR: 00000                                ALBUQUERQUE       NM 87131

1    5810043520405L1 LEGAL: PARC EL A -3 PLAT OF PARCELS A-1 THRU A-3 & PARCEL C  LAND USE:
                     PROPERTY ADDR: 00000    2100 LOUISIANA BLVD NE
                        OWNER NAME: REGENTS OF UNM REAL ESTATE OFF
                        OWNER ADDR: 00000                                ALBUQUERQUE       NM 87131

101905817045020406L1 LEGAL: PARC EL A -2 PLAT OF PARCELS A-1 THRU A-3 & PARCEL C  LAND USE:
                     PROPERTY ADDR: 00000    2100 LOUISIANA BLVD NE
                        OWNER NAME: REGENTS OF UNM REAL ESTATE OFF
                        OWNER ADDR: 00000                                ALBUQUERQUE       NM 87131

101905813551020404L1 LEGAL: PARC EL C -2A PLAT OF PARCELS A-1 THRU A-3 7 PARCEL   LAND USE:
                     PROPERTY ADDR: 00000     201 WINROCK CENTER
                        OWNER NAME: REGENTS OF UNM REAL ESTATE OFF
                        OWNER ADDR: 00000                                ALBUQUERQUE       NM 87131

101905905105030134   LEGAL: TRAC T A- 1 PLAT OF TRACTS A-1, B-1 & B-2 ST PIUS X   LAND USE:
                     PROPERTY ADDR: 00000
                        OWNER NAME: HUNT UPTOWN DEVELOPMENT LLC
                        OWNER ADDR: 04401   NORTH MESA                   EL PASO           TX 79902

101905910102231701   LEGAL: TRAC T B- 1 PLAT OF TRACTS A-1, B-1 & B-2 ST PIUS X   LAND USE:
                     PROPERTY ADDR: 00000
                        OWNER NAME: HUNT UPTOWN DEVELOPMENT LLC
                        OWNER ADDR: 04401   NORTH MESA                   EL PASO           TX 79902

101905912505331702   LEGAL: TRAC T B- 2 PLAT OF TRACTS A-1, B-1 & B-2 ST PIUS X   LAND USE:
                     PROPERTY ADDR: 00000
                        OWNER NAME: HUNT UPTOWN DEVELOPMENT LLC
                        OWNER ADDR: 04401   NORTH MESA                   EL PASO           TX 79902

101805949703440511   LEGAL: TR D -1-A  PLAT OF TR D-1-A & ROW TR D-1-B UNIT 1-A   LAND USE:
```

PROPERTY ADDR: 00000 2155 LOUISIANA NE
OWNER NAME: CITY PLACE LLC C/O ALVARADO RE
OWNER ADDR: 00010 TRAMWAY LP NE ALBUQUERQUE NM 87122

101805850751811622 LEGAL: TRAC T 1- D-1A1 PLAT OF TR 1-D-1A1 PARK SQUARE ADDN LAND USE:
PROPERTY ADDR: 00000 6670 INDIAN SCHOOL NE
OWNER NAME: MELLON PIER I PROP LTD PTNS C/
OWNER ADDR: 00000 ROWLETT TX 75030

101805848051011621 LEGAL: TR 1 -A-1 REPL OF TRS 1-A-1, 1-B-1, 1-C-1, 1-D-1A, LAND USE:
PROPERTY ADDR: 00000 6000 INDIAN SCHOOL NE
OWNER NAME: HUB ACQUISITION TRUST C/O HRPT
OWNER ADDR: 00400 CENTRE ST NEWTON MA 02458

101805847048511619 LEGAL: TRAC T 1- C-1A PARK SQUARE ADDN PLAT OF TRS 1-C-1A, LAND USE:
PROPERTY ADDR: 00000 6565 AMERICAS PKWY NE
OWNER NAME: HINES ALBUQ PARK SQUARE NO 2 C
OWNER ADDR: 06565 AMERICAS PARKWAY NE ALBUQUERQUE NM 87110

101805850849711618 LEGAL: TRAC T 1- E-1A-1 PARK SQUARE ADDN PLAT OF TRS 1-C-1A LAND USE:
PROPERTY ADDR: 00000 2125 LOUISIANNA NE
OWNER NAME: HUB ACQUISITION TRUST C/O HRPT
OWNER ADDR: 00400 CENTRE ST NEWTON MA 02458

101805851148111617 LEGAL: TRAC T 1- H-1A PARK SQUARE ADDN PLAT OF TRS 1-C-1A, LAND USE:
PROPERTY ADDR: 00000 N/A
OWNER NAME: HUB ACQUISITION TRUST C/O HRPT
OWNER ADDR: 00400 CENTRE ST NEWTON MA 02458

101805850546511615 LEGAL: TR 1 -F R EPL OF TRS 1-A-1, 1-B-1, 1-C-1, 1-D-1A, 1- LAND USE:
PROPERTY ADDR: 00000 2105 LOUSIANA BLVD NE
OWNER NAME: EQUI-PARK SQUARE ASSOC
OWNER ADDR: 02105 LOUISIANA BL NE ALBUQUERQUE NM 87110

101805848146711616 LEGAL: TRAC T 1- G-1 PARK SQUARE ADDN PLAT OF TRS 1-C-1-A, LAND USE:
PROPERTY ADDR: 00000 N/A
OWNER NAME: HUB ACQUISITION TRUST C/O HRPT
OWNER ADDR: 00400 CENTRE ST NEWTON MA 02458

101805847343211519 LEGAL: TR 2 B PL AT OF TR 2A & 2B PARK SQUARE ADDN CONT 7.4 LAND USE:
PROPERTY ADDR: 00000 2101 LOUISIANA NE
OWNER NAME: CONNECTICUT GENERAL LIFE INSUR
OWNER ADDR: 00001 MARRIOTT DR WASHINGTON DC 20058

Proj# 1002337

Rodney Dickason Sloan Akin & Robb, PA
P O Box 1888
Albuquerque NM 87103

101905813040020410L1

REGENTS OF UNM REAL ESTATE OF
SCHOLES HALL # 252
ALBUQUERQUE NM 87131

101805850751811622

MELLON PIER I PROP LTD PTNS C
P O BOX 1600
ROWLETT TX 75030-1600

101805850546511615

EQUI-PARK SQUARE ASSOC
2105 LOUISIANA BL NE
ALBUQUERQUE NM 87110

PruWinrock, LLC
C/O Rodney Dickason Sloan Akin & Robb,
P O Box 1888
Albuquerque NM 87103

101905905105030134

HUNT UPTOWN DEVELOPMENT LLC
4401 NORTH MESA
EL PASO TX 79902

101805848051011621

HUB ACQUISITION TRUST C/O HRP
400 CENTRE ST
NEWTON MA 02458

101805847343211519

CONNECTICUT GENERAL LIFE INSU
1 MARRIOTT DR
WASHINGTON DC 20058

101905804849720414

BOARD OF EDUCATION
P O BOX 25704
ALBUQUERQUE NM 87125

101805949703440511

CITY PLACE LLC C/O ALVARADO R
10 TRAMWAY LP NE
ALBUQUERQUE NM 87122

101805847048511619

HINES ALBUQ PARK SQUARE NO 2
6565 AMERICAS PARKWAY NE
ALBUQUERQUE NM 87110

BILL STERCHI
Alvarado Park Neigh. Assoc.
5607 PRINCESS JEANNE NE
ALBUQ, NM 87110

LYNN TABOR
Alvarado Park Neigh. Assoc.
1804 ALVARADO NE
ALBUQ, NM 87110

STEPHEN VERCHINSKI
Classic Uptown Neigh. Assoc.
2700 ESPANOLA NE
ALBUQ, NM 87110

MARY LOU SORENSON
Classic Uptown Neigh. Assoc.
2800 CHARLESTON NE
ALBUQ, NM 87110

BOB BRUNO
Inez Neigh. Assoc.
7721 APACHE NE
ALBUQ, NM 87110

RICHARD P. HUBER
Inez Neigh. Assoc.
7807 PROSPECT NE
ALBUQ, NM 87110

JULIE JONES
Jerry Cline Park Neigh. Assoc.
7625 WINTER AVE. NE
ALBUQ, NM 87110

JEFF PAUL
Jerry Cline Park Neigh. Assoc.
1000 GROVE NE
ALBUQ, NM 87110

VALORIE VIGIL
New Kimo Neigh. Assoc.
2408 MADIERA NE
ALBUQ, NM 87110

MARK TRUJILLO
New Kimo Neigh. Assoc.
5507 EUCLID NE
ALBUQ, NM 87110

TIMOTHY SANCHEZ-BROWN
Quigley Park Neigh. Assoc,
2901 CAGUA DR NE
ALBUQ, NM 87110

ORLANDO ESPARZA
Quigley Park Neigh. Assoc.
2728 CAGUA DR NE
ALBUQ, NM 87110

DOROTHY FINALDI
Snow Heights Neigh. Assoc.
1622 VERMONT NE
ALBUQ, NM 87110

RICK PAUL
Snow Heights Neigh. Assoc.
8411 HAINES AVE NE
ALBUQ, NM 87110

R. SHELTON WEEKS
Uptown Neigh. Assoc.
2100 LOUISIANA NE, STE# 51
ALBUQ, NM 87110

TOM JOULE
Uptown Neigh. Assoc.
6501 AMERICAS PARKWAY NE
ALBUQ, NM 87110

RICHARD PETERSON
Winrock South Neigh. Assoc.
1112 SAN PEDRO NE, # 309
ALBUQ, NM 87110-6724

JOHN KINNEY
Winrock South Neigh. Assoc.
1112 SAN PEDRO NE, # 309
ALBUQ, NM 87110-6724

NICHOLAS WEES
Zuni Neigh. Assoc.
2314 ESPANOLA NE
ALBUQ, NM 87110

VIRGINIA EMMETT
Zuni Neigh. Assoc.
7517 LEAH DR. NE
ALBUQ, NM 87110

January 23, 2003

Rodey Dickason Sloan Akin & Robb PA
P.O. Box 1888
Albuquerque, NM 87103
Attn: Michelle Henrie

RE: APPEAL 03EPC-00112/PROJECT #1002337 (CASE WAS HEARD UNDER APPLICATION #02-01708 (SBP) and #02-01710 (SPS)

Dear Ms. Henrie:

The above referenced appeal, which was filed January 21, has been scheduled to be heard before the Environmental Planning Commission (EPC) on **Thursday, February 13, 2003, AT 4 P.M.** The meeting will be held in the **Plaza del Sol Hearing Room, Basement, Plaza del Sol Building, 600 2nd Street, NW, 87102.**

I have attached a copy of the appeal form and the reason for appeal. Approximately one week prior to the hearing, you will receive a copy of the agenda and a staff report. **THIS WILL SHOW YOU WHERE YOUR CASE WILL BE ON THE AGENDA.**

If you have any questions, please contact Claire Senova, Administrative Assistant at 924-3946.

Sincerely,

Roger Green

Roger Green, Acting Chair, Development Review Board

cc: Chris Dunning, Dekker, Perich Sabatini Architects, 6801 Jefferson NE, 87109
James Topmiller, Bohannan Huston Inc., 7500 Jefferson NE, 87109
Hunt Uptown II, LLC, 500 Marquette NW, Suite 350, 87102
Herb Denish & Associates Inc., P.O. Box 2001, 87103
Michelle Henrie, Rodey Dickason Sloan Akin & Robb,PA
Kevin Curran, Assistant City Attorney
John Myers, Myers Oliver Price, PC

EPC APPEAL 2/13/03
03EPC-00112/PROJECT #1002337

Cc: Bill Sterchi & Lynn Tabor, Alvarado Park N.A.
Stephen Verchinski & Mary Lou Sorenson, Classic Uptown N.A.
Bob Bruno & Richard P. Huber, Inez, N.A.
Julie Jones & Jeff Paul, Jerry Cline Park N.A.
Valorie Vigil & Mark Trujillo, New Kimo N.A.
Timothy Sanchez-Brown & Orlando Esparza, Quigley Park N.A.
Dorothy Finaldi & Rick Paul, Snow Heights N.A.
R. Shelton Weeks & Tom Joule, Uptown Association
Richard Peterson & John Kinney, Winrock South N.A.
Virginia Emmett & Nick Wees, Zuni N.A.
Ike Eastvold, Fair Heights N.A.
Victor Chavez, Planning Department Director
Paula Donahue, Staff Planner
Don Newton, Office of Neighborhood Coordination
File

City of Albuquerque

DEVELOPMENT REVIEW APPLICATION

	Supplemental form		Supplemental form
SUBDIVISION	**S**	**ZONING**	**Z**
☐ Major Subdivision action		☐ Annexation & Zone Establishment	
☐ Minor Subdivision action		☐ Sector Plan	
☐ Vacation	**V**	☐ Zone Change	
☐ Variance (Non-Zoning)		☐ Text Amendment	
SITE DEVELOPMENT PLAN	**P**	**APPEAL / PROTEST of...**	**A**
☐ ...for Subdivision Purposes		☒ Decision by: DRB, EPC, LUCC, Planning Director or Staff, ZHE, Zoning Board of Appeal	
☐ ...for Building Permit			
☐ IP Master Development Plan			
☐ 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: PruWinrock, LLC
c/o Rodey Dickason Sloan Akin & Robb, PA (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: Owner of adjacent property
AGENT (if any): Rodey Dickason Sloan Akin & Robb, PA (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

DESCRIPTION OF REQUEST: Appeal of DRB action of January 7, 2003, performing final sign off on Project No 1002337, Case Nos. 02DRB-01708 and 02DRB-01710 while an administrative appeal of this project is pending.

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. Tract A Block. ____ Unit. ____

Subdiv. / Addn. Monroe Junior High School

Current Zoning: SU-3 Inside & Outside Intense Core Proposed zoning: No Change

Zone Atlas page(s). J-19 No. of **existing** lots: 1 No. of **proposed** lots: 3

Total area of site (acres): 11.75/ 9.6 Density if applicable. dwellings per gross acre 2 dwellings per net acre: 3

Within city limits? ☒ Yes No ☐, but site is within 5 miles of the city limits (DRB jurisdiction.) Within 1000FT of a landfill? No

UPC No. 1-019-058-048-497-2-04-14 MRGCD Map No. N/A

LOCATION OF PROPERTY BY STREETS: On or Near: Louisiana Blvd., NE
Between: Indian School Rd., NE and Interstate 40

CASE HISTORY:

List **any** current or prior case number that may be relevant to your application (Proj., App., DRB-, AX_,Z_, V_, S_, etc.): 02EPC-01836, 02EPC-01837, Z-98-123, Z-96-119, 02EPC-01472

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

SIGNATURE _____ DATE 1/21/03

(Print) Michelle Henrie, Rodey, Dickason, Sloan, Akin & Robb, PA ☐ Applicant ☒ Agent

FOR OFFICIAL USE ONLY Form revised September 2001

☐ ~~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
03EPC 00112	Ap	A	$ 190
			$
NOTIF. FEE			$ 50
		tot.	$ 240
		pd	$ 105
			Total
Hearing date 2-13-2003		bal due	$ 135.00

Paid 1/23/03 C.S.

Planner signature / date 1/22/03 **Project #** 1002337

ONE STOP SHOP ••• FRONT COUNTER
City of Albuquerque • Planning Department

DEVELOPMENT & BUILDING SERVICES (D&B Svcs)
LAND DEVELOPMENT COORDINATION SECTION (LDC)
Plaza Del Sol -2nd & 4TH Floor West - 600 2nd St NW 87102
Front Counter Main Number (505) 924-3858 or 924-3895
Main Fax (505) 924-3864

PAID RECEIPT

APPLICANT NAME Pru Winrock

AGENT RODEY

ADDRESS

PROJECT NO. 1002337

APPLICATION NO. 03EPC-00112

$ _____ 441006 / 4983000 (DRB Cases)

$ 135.00 441006 / 4971000 (EPC & AA / LUCC / Appeals)

$ _____ 441018 / 4971000 (Notification)

$ 135.00 **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. **113322**

WELLS FARGO BANK, N.A.
ALBUQUERQUE, NM 87103

95-219
1070

Date: **January 23, 2003**

AMOUNT OF CHECK
*****$135.00**

*****One hundred thirty-five and 00/100 DOLLARS*****

PAY TO THE ORDER OF:
City of Albuquerque

By Jamie K. Eisenberg

By ***DUPLICATE***
City Of Albuquerque
Treasury Division
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

⑈113322⑈ ⑆107002192⑆627 44962 61⑈

01/23/2003 12:08PM LOC: ANN

RECEIPT# 00002902 WS# 006 TRANS# 0010
Account 441006 Fund 0110
Activity 4971000 TRSKDM
Trans Amt $135.00
J24 Misc 10/28/02 $135.00
CK $135.00
CHANGE $0.00

counterreceipt.doc

ONE STOP SHOP ••• FRONT COUNTER
City of Albuquerque • Planning Department

DEVELOPMENT & BUILDING SERVICES (D&B Svcs)
LAND DEVELOPMENT COORDINATION SECTION (LDC)
Plaza Del Sol -2nd & 4TH Floor West - 600 2nd St NW 87102
Front Counter Main Number (505) 924-3858 or 924-3895
Main Fax (505) 924-3864

City Of Albuquerque
Treasury Division
01/22/2003 11:06AM LOC: ANN
RECEIPT# 00002856 WS# 006 TRANS# 0004
Account 441006 Fund 0110
Activity 4971000 TRSKDM
Trans Amt $105.00
J24 Misc $50.00
OXRATT

PAID RECEIPT

APPLICANT NAME PRY Winrock, LLC

AGENT Rodey Dickason Sloan Akin & Robb

ADDRESS P.O. Box 1888

PROJECT NO. 1002337

APPLICATION NO. 03CCO-00096

$ _____ 441006 / 4983000 (DRB Cases)

$ 50 441006 / 4971000 (EPC & AA / LUCC / Appeals) cd

$ 55 441018 / 4971000 (Notification)

$ 105.00 **Total amount due**

Thank You

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. **113226**

WELLS FARGO BANK, N.A.
ALBUQUERQUE, NM 87103

95-219
1070

Date: **January 21, 2003**

AMOUNT OF CHECK
*****$105.00**

*****One hundred five and 00/100 DOLLARS*****

PAY TO THE ORDER OF:
City of Albuquerque

DUPLICATE
By 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

⑈113226⑈ ⑆107002192⑆627 ⑈4962761⑈

01/22/2003 11:06AM LOC: ANN
X
Account 441018 Fund 0110
Activity 4971000 TRSKDM
Trans Amt $105.00
J24 Misc 10/28/02 $55.00
CK $105.00
CHANGE $0.00

counterreceipt.doc

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; 1002337

✓ Application number of case being appealed; 02DRB-01708; 02DRB-01710

✓ 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)

* 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.

Michelle Henrie
Rodey, Dickason, Sloan, Akin & Robb, PA
Applicant name (print)

1/21/03
Applicant signature / date

.pdf Form revised Sept. 2001

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

Application case numbers
03EPC 00112
____ - ____ - ____
____ - ____ - ____

1/22/03
Planner signature / date

Project # 1002337

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
R TRACY SPROULS
DONALD B MONNHEIMER
ALAN HALL
BRIAN H LEMATTA
JULIE P NEERKEN
THOMAS A. OUTLER
SETH L. SPARKS
LISA A CHAVEZ
JOCELYN C. DRENNAN
MICHAEL J. BRESCIA
MICHELLE HENRIE
NELSE T. SCHRECK
KARLA K. POE
DEBORAH S GILLE
AARON C VIETS
KIMBERLY N. BELL
KURT B GILBERT
BRENDA M MALONEY
MATTHEW S WERMAGER
LARRY J. MONTANO
JESSICA M HERNANDEZ

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

OF COUNSEL
JACKSON G. AKIN
JOHN D ROBB
JAMES C RITCHIE
JO SAXTON BRAYER
ROBERT G McCORKLE
PABLO PRANDO

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

January 22, 2003

Via Hand Delivery

Environmental Planning Commission
c/o Planning Department, City of Albuquerque
600 2nd St. N.W., 2nd Floor
Albuquerque, New Mexico 87102

Re: Appeal of DRB's final sign-off, performed on January 7, 2003
Of Project #1002337
02DRB-01710 Minor-Site DevPlan Subd/EPC,
02DRB-01708 Minor-Site DevPlan BldPermit/EPC

Dear Environmental Planning Commissioners:

This firm represents PruWinrock, LLC, the owner of Winrock Shopping Center. PruWinrock, LLC is appealing the above-referenced decision of the Development Review Board. PruWinrock, LLC owns property within 300 feet of the above referenced property.

We enclose with this letter the following:

1. A check for $105.00 as a filing fee. Additional fee for $135.00 to pay total of EPC filing fees of $240.00 VAN 1/24/03
2. Development Review Application
3. Appeal (Form A)
4. Reason for the Appeal
5. Appellants' basis of standing

6. A copy of a letter including the date of the DRB's action (no Notice of Decision was issued).

7. Letter of Authorization

Very truly yours,

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

By
Larry J. Montano

Enclosures as stated

cc (via U.S. mail with enclosures):

Members of the Environmental Planning Commission:
Jeffrey Jesionowski, Chairman
Alan Schwartz, Vice Chairman
Susan Johnson
Elizabeth Begay
John Briscoe
Larry Chavez
Mick McMahan
Bevin Owens
Camilla Seranno
Paula Donahue, Staff Planner, City of Albuquerque Planning Department
John Salazar, Esq.
John A. Myers, Esq.
Victor Chavez, P.E.
David Suffling, Esq.
Kevin Curran, Esq.
Charles E. Miller, Principal, The Prudential Insurance Company of America
Shelton Weeks, Jr., General Manager, Winrock Center
Members of Uptown Neighborhood Associations:
Bill Terchi
Lynn Tabor
Stephen Verchinski

Mary Lou Sorenson
Bob Bruno
Richard P. Huber
Julie Jones
Jeff Paul
Valorie Vigil
Mark Trujillo
Timothy Sanchez-Brown
Orlando Esparza
Dorothy Finaldi
Rick Paul
Tom Joule
Richard Peterson
John Kinney
Nicholas Wees
Virginia Emmett
Ike Eastvold
Randy Sanchez, General Manager, Coronado Center

REASONS FOR THE APPEAL

Appeal of DRB action dated January 7, 2003
Project # 1002337,
02DRB-01710 Minor-SiteDev Plan Subd/EPC,
02DRB-01708 Minor-SiteDev Plan BldPermit/EPC

PruWinrock, LLC ("PruWinrock"), the owner of Winrock Shopping Center, hereby appeals the January 7, 2003 action by the Development Review Board ("DRB") performing final sign off on the above-referenced project while an administrative appeal of the project is pending. The site plans at issue in the project are for a 9.63 acre vacant tract of land in the Uptown area of Albuquerque that was the former site of the Monroe Junior High School, now known as the "Monroe site." The Monroe site is northwest of and adjacent to the Winrock Shopping Center. The Monroe site is included within the boundaries of the Uptown Sector Development Plan ("Uptown SDP"). Under the Uptown SDP, the Monroe site is zoned SU-3 for the Uptown Urban Center, Inside the Intense Core and SU-3 for the Uptown Urban Center, Outside the Intense Core. The DRB's action is described in the attached Action Sheet labeled Exhibit A.

Background

The Monroe site has been vacant since the early 1980s. In 1998, the site was acquired by several local investors ("the Tesch group"). The Tesch group submitted both a Site Plan for Building Permit and a Site Plan for Subdivision to the EPC in August 1996. The project became known as "Uptown Spectrum I." These plans were eventually approved by the EPC in May 1997 and withstood appeal. The Tesch group never submitted these plans to the DRB for final sign off.

In August 1998, the Tesch group submitted a different project, the "Uptown Spectrum II" project, to the EPC for review. This submittal package included a Site Plan for Building Permit, a Site Plan for Subdivision, and a Sector Development Plan amendment. On October 15, 1998, the EPC approved the site plans and recommended approval of the Sector Development Plan amendment with the addition of a housing component. The City Council approved the Sector Development Plan amendment in February 1999. The Tesch group never submitted the Site Plans to DRB for final sign off.

In the summer of 2002, Hunt Uptown II, LLC, the current owner of the Monroe site, together with Hunt Uptown, LLC, the owner of the large, vacant, adjacent tract to the north (known as the "St.

Pius site"), publicly unveiled a project integrating the two sites called "ABQuptown." In connection with this project, the Hunt entities submitted a Site Plan for Subdivision and Sector Development Plan amendment. Before the EPC had an opportunity to review the ABQuptown project at a public hearing, Hunt Uptown II, LLC, revised the old 1998 Uptown Spectrum II project Site Plans and submitted them to the DRB for final sign-off.

On November 20, 2002, the DRB reviewed the revised site plans. The revised site plans "were approved with final sign off delegated to the City Engineer, Transportation Development and Planning." On December 3, 2002, PruWinrock filed an administrative appeal with the EPC of the DRB's November 20, 2002 decision. On January 7, 2003, the DRB performed final sign off approving the Monroe Junior High School Site Plan, Case # 1002337, even though PruWinrock's appeal was still pending. As explained below, the DRB was without jurisdiction to act on the project while PruWinrock's administrative appeal was pending, and so its January 7, 2003 action is void as a matter of law.

Reasons for the Appeal

1. The DRB Did Not Have Jurisdiction over Sign off on the Project During the Pendency of PruWinrock's Administrative Appeal

The issue is whether the DRB had the power and authority to perform final sign-off on the project on January 7, 2003, even though PruWinrock's appeal of the DRB's November 20, 2002 decision regarding the same matter was still pending. It is black-letter law that an administrative appeal of a DRB action divests the DRB of jurisdiction in the matter appealed. See Albuquerque, N.M., Code of Ordinances § 14-16-4-4(A)(3) (stating that "[o]nce an appeal is filed [under this section], all prior decisions rendered by the Zoning Enforcement Officer, the Zoning Hearing Examiner, the Planning Director, the Planning Commission and Landmarks and Urban Conservation Commission upon which the appeal is based may not be unilaterally withdrawn, changed or modified by any of the above as they have lost jurisdiction to act on the matter.") (emphasis added); see also Section 3-21-8(B) NMSA 1978 (stating that, in the context of an appeal of a zoning decision, "[a]n appeal shall stay all proceedings in furtherance of the action appealed unless the officer, commission or committee from whom the appeal is taken certifies that by reason of facts stated in the certificate, a stay would cause imminent peril of life or property.").

On November 20, 2002, the DRB approved the revised Site Plans "with final sign off delegated to the City Engineer, Transportation Development and Planning." On December 7, 2003,

PruWinrock appealed the DRB's November 20, 2002 decision. In spite of the fact that PruWinrock's appeal of the DRB's decision was still pending, on January 7, 2003, the DRB performed final sign-off on the project. However, based on the foregoing authorities, the DRB lacked power and authority to act on the matter. Accordingly, the DRB's January 7, 2003 action is void as the DRB was without jurisdiction to perform final sign-off approving the Monroe Junior High School Site Plan, Case # 1002337.

Conclusion

For these reasons, PruWinrock respectfully asks the Environmental Planning Commission to set aside the January 7, 2003 action of the DRB.

BASIS FOR STANDING

Appeal of DRB action dated January 7, 2003
Project # 1002337,
02DRB-01710 Minor-SiteDev Plan Subd/EPC,
02DRB-01708 Minor-SiteDev Plan BldPermit/EPC

PruWinrock, LLC ("PruWinrock"), has standing to appeal the January 7, 2003 action by the Development Review Board ("DRB") performing final sign-off on the above-referenced project, because: (1) PruWinrock owns property within 300 feet of the subject property, now known as the "Monroe site", which is a 9.63 acre vacant tract of land in the Uptown area of Albuquerque that was the former site of the Monroe Junior High School; and (2) PruWinrock is imminently threatened with injury as a result of the DRB's action. See 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).

City of Albuquerque
P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103

RDSA&R JAN 08 2003

Lawrence Kline
Herb Denish & Associates, Inc
500 Marquette, NW, Suite 350
Albuquerque, New Mexico 87103

January 7, 2003

Dear Mr. Kline:

This is to inform you that the DRB final sign off approving the Monroe Junior High School Site Plan, Case # 1002337 occurred today, January 7, 2003.

Please call me at 924-3989 if you have any questions.

Sincerely,

Roger Green, P.E.
Acting DRB Chairperson

cc: Michelle Henrie, Rodey Dickason Sloan Akin & Robb,PA
Kevin Curran, Assistant City Attorney
John Myers, Myers Oliver Price, PC
Bill Sterchi & Lynn Tabor, Alvarado Park N.A.
Stephen Verchinski & Mary Lou Sorenson, Classic Uptown N.A.
Bob Bruno & Richard P. Huber, Inez, N.A.
Julie Jones & Jeff Paul, Jerry Cline Park N.A.
Valorie Vigil & Mark Trujillo, New Kimo N.A.
Timothy Sanchez-Brown & Orlando Esparza, Quigley Park N.A.
Dorothy Finaldi & Rick Paul, Snow Heights N.A.
R. Shelton Weeks & Tom Joule, Uptown Association
Richard Peterson & John Kinney, Winrock South N.A.
Virginia Emmett & Nick Wees, Zuni N.A.
Ike Eastvold, Fair Heights N.A.

cc(con't):

Susan Johnson, Elizabeth Begay, John Briscoe, Larry Chavez, Jeffrey Jesionowski, Mick McMahon, Bevin Owens, Camilla Serrano, EPC Members
Victor Chavez, Planning Department Director
Paula Donahue, Staff Planner

PruWinrock LLC

Two Ravinia Drive, Suite 1400
Atlanta, Georgia 30346-2110
Telephone: (770) 395-8620
Facsimile: (770) 395-8454

January 21, 2003

Re: Appeal of DRB's final sign-off, performed on January 7, 2003,
Of Project # 1002337,
02DRB-01710 Minor-SiteDev Plan Subd/EPC,
02DRB-01708 Minor-SiteDev Plan BldPermit/EPC

To whom it may concern:

PruWinrock LLC, owner of the Winrock mall, hereby authorizes Rodey, Dickason, Sloan, Akin & Robb, P.A., to act as its agent for all purposes relating to appeal of the above-referenced decision and matters relating thereto.

Sincerely,

PruWinrock LLC, a Delaware
Limited Liability Company

By: The Prudential Insurance Company of America
a New Jersey corporation, its sole member and
manager

By: Charles E Miller
Charles E. Miller
Principal

City of Albuquerque
P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103

January 24, 2003

PruWinrock
C/o Michelle Henry
Rodey Dickason Sloan Akin & Robb, PA
P.O. Box 1888
Albuquerque, NM 87103

Dear Ms. Henry:

Enclosed please find an Amended Official Notification of Decision for Project 1002337 / 02EPC-01836 and 02EPC-01837, an appeal of the Development Review Board's Sign-off on a Site Development Plan for Subdivision and a Site Development Plan for Building Permit.

The amended notification corrects clerical errors made on Findings 2, 3 and 4 in the Official Notification of Decision issued by the Planning Department on January 17, 2003.

With the issuance of the amended notification, the appeal period is extended to February 10, 2003.

Please contact me at 924-3346 if you have questions about this matter.

Bob Paulsen

Principal Planner
Planning Department

Cc: Chris Dunning, Dekker, Perich Sabatini Architects, 6801 Jefferson NE, 87109
James Topmiller, Bohannan Huston Inc., 7500 Jefferson NE, 87109
Jeffrey Paul, 1000 Grove NE, 87110
Hunt Uptown II, LLC, 500 Marquette NW, Suite 350, 87102
Herb Denish & Associates Inc., P.O. Box 2001, 87103

City of Albuquerque
Planning Department
Development Services Division

P.O. Box 1293
Albuquerque, New Mexico 87103

Date: **January 24, 2003**

AMENDED OFFICIAL NOTIFICATION OF DECISION

FILE: **Project 1002337**
02EPC-01836 (SBP) and 02EPC-01837 SPS)

PruWinrock
c/o Rodey Dickason Sloan Akin & Robb, PA
Michelle Henry
P.O. Box 1888
Albuquerque, NM 87103

LEGAL DESCRIPTION: all or a portion of Tract(s) A, **MONROE JUNIOR HIGH SCHOOL,** zoned SU-3 Inside and Outside Intense Core, located on LOUISIANA BLVD. NE, between INDIAN SCHOOL RD. NE and INTERSTATE 40 containing approximately 12 acre(s).

On January 16, 2003 the Environmental Planning Commission voted to deny the appeal of Project 1002337/ 02EPC-01836 (SBP) and 02EPC-01837 (SPS), based on the following Findings:

FINDINGS:

1. There was no error in applying adopted city plans, policies, and ordinances in arriving at the decision.

2. There was no error in the appealed action or decision, including its stated facts.

3. The DRB did not act arbitrarily or capriciously or manifestly abusive of its discretion.

4. The opinion of this Body is that the two year "clock" is tolled by the instigation of civil litigation that is directly applicable to this development project.

IF YOU WISH TO APPEAL/PROTEST THIS DECISION, YOU MUST DO SO BY **February 10, 2003** 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,

Bob Pawlan
FOR Victor J. Chavez
Planning Director

VJC/RG/ac

cc: Chris Dunning, Dekker, Perich Sabatini Architects, 6801 Jefferson NE, 87109
James Topmiller, Bohannan Huston Inc., 7500 Jefferson NE, 87109
Jeffrey Paul, 1000 Grove NE, 87110
Hunt Uptown II, LLC, 500 Marquette NW, Suite 350, 87102
Herb Denish & Associates Inc., P.O. Box 2001, 87103

City of Albuquerque
Planning Department
Development Services Division
P.O. Box 1293
Albuquerque, New Mexico 87103

Date: January 17, 2003

OFFICIAL NOTIFICATION OF DECISION

FILE: **Project 1002337**
02EPC-01836 (SBP) and 02EPC-01837 SPS)

PruWinrock
c/o Rodey Dickason Sloan Akin & Robb, PA
Michelle Henry
P.O. Box 1888
Albuquerque, NM 87103

LEGAL DESCRIPTION: all or a portion of Tract(s) A, **MONROE JUNIOR HIGH SCHOOL,** zoned SU-3 Inside and Outside Intense Core, located on LOUISIANA BLVD. NE, between INDIAN SCHOOL RD. NE and INTERSTATE 40 containing approximately 12 acre(s).

On January 16, 2003 the Environmental Planning Commission voted to deny the appeal of Project 1002337/ 02EPC-01836 (SBP) and 02EPC-01837 (SPS), based on the following Findings:

FINDINGS:

1. There was no error in applying adopted city plans, policies, and ordinances in arriving at the decision.

2. There was no error in the appealed decision action or decision, including its stated facts.

3. There was no error that the DRB act arbitrarily or capriciously or being manifestly abusive of discretion.

4. The opinion of this Body that the two year clock by the instigation of civil litigation that is directly applicable to this development project.

IF YOU WISH TO APPEAL/PROTEST THIS DECISION, YOU MUST DO SO BY **JANUARY 31, 2003** 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,

for Russell Brito
Victor J. Chavez
Planning Director

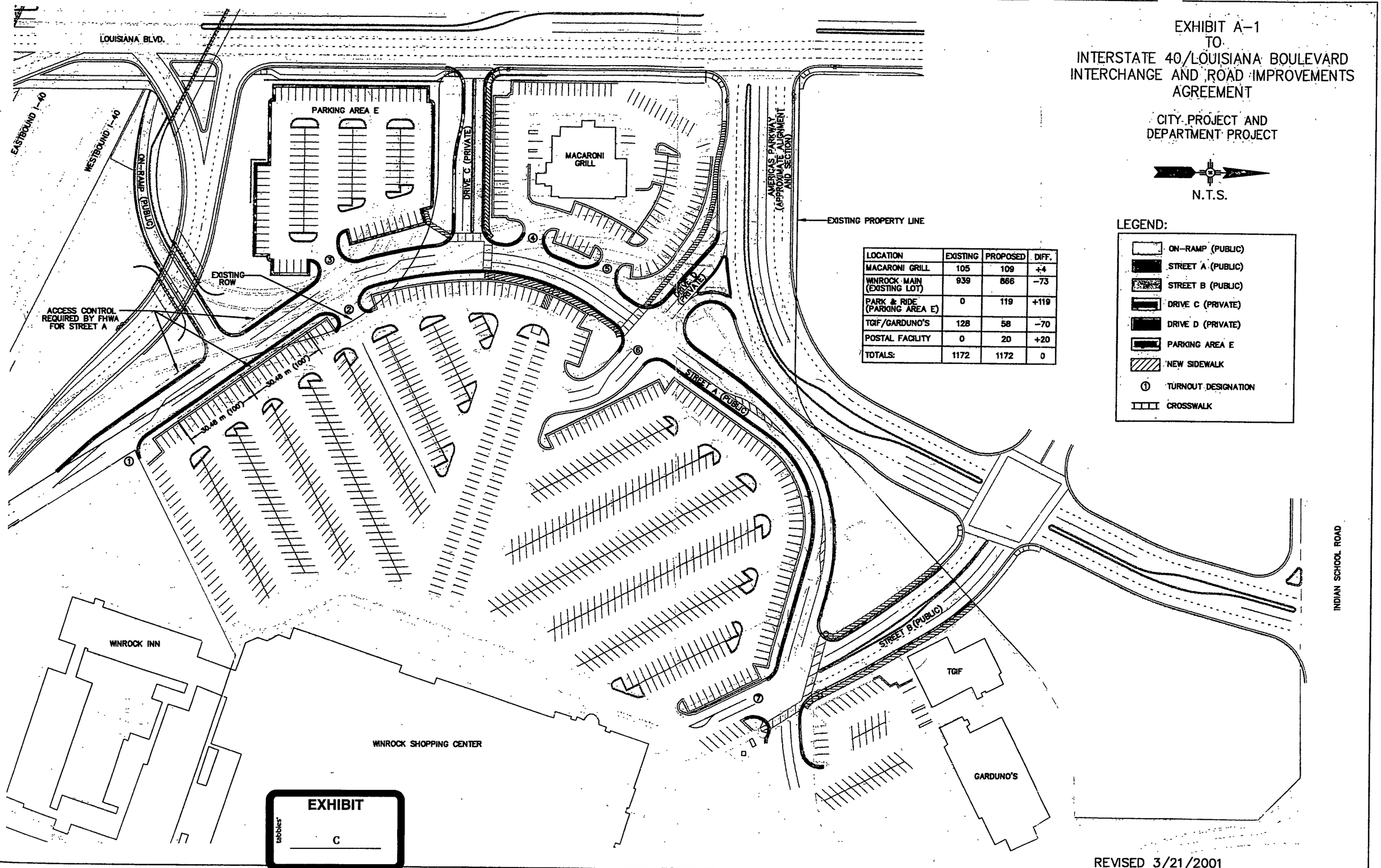
VJC/RG/ac

cc: Chris Dunning, Dekker, Perich Sabatini Architects, 6801 Jefferson NE, 87109
James Topmiller, Bohannan Huston Inc., 7500 Jefferson NE, 87109
Jeffrey Paul, 1000 Grove NE, 87110
Hunt Uptown II, LLC, 500 Marquette NW, Suite 350, 87102
Herb Denish & Associates Inc., P.O. Box 2001, 87103

EXHIBIT A-1
TO
INTERSTATE 40/LOUISIANA BOULEVARD INTERCHANGE AND ROAD IMPROVEMENTS AGREEMENT

CITY PROJECT AND
DEPARTMENT PROJECT

N.T.S.



LOCATION	EXISTING	PROPOSED	DIFF.
MACARONI GRILL	105	109	+4
WINROCK MAIN (EXISTING LOT)	939	866	-73
PARK & RIDE (PARKING AREA E)	0	119	+119
TGIF/GARDUNO'S	128	58	-70
POSTAL FACILITY	0	20	+20
TOTALS:	1172	1172	0

LEGEND:

- ON-RAMP (PUBLIC)
- STREET A (PUBLIC)
- STREET B (PUBLIC)
- DRIVE C (PRIVATE)
- DRIVE D (PRIVATE)
- PARKING AREA E
- NEW SIDEWALK
- ① TURNOUT DESIGNATION
- CROSSWALK

REVISED 3/21/2001

STATE OF NEW MEXICO
County of Bernalillo SS

Bill Tafoya, being duly sworn, declares and says that he is Classified Advertising Manager of **The Albuquerque Journal**, and that this newspaper is duly qualified to publish legal notices or advertisements within the meaning of Section 3, Chapter 167, Session Laws of 1937, and that payment therefore has been made of assessed as court cost; that the notice, copy of which is hereto attached, was published in said paper in the regular daily edition, for 1 times, the first publication being on the 25 day of Dec., 2002, and the subsequent consecutive publications on _____, 2002.

Sworn and subscribed to before me, a Notary Public, in and for the County of Bernalillo and State of New Mexico this 25 day of December of 2002.

PRICE 133.62

Statement to come at end of month.

ACCOUNT NUMBER C80583

CLA-22-A (R-1/93)

OFFICIAL SEAL
Samantha Weiss
NOTARY PUBLIC
STATE OF NEW MEXICO
My Commission Expires: 10/2/06

Samantha

ALBUQUERQUE NEW MEXICO 1706

NOTICE OF PUBLIC HEARING

Notice is hereby given that the City of Albuquerque Environmental Planning Commission will hold a **Study Session on Thursday, January 9, 2003, 4:00 p.m.**, in the Plaza del Sol Hearing Room, Lower Level, Plaza del Sol building, 600 2nd St. NW, Albuquerque, NM to consider the following:

1. Distribution & Review - Current Land Use Matters for the January 9, 2003 Public Hearing, which include the projects listed below.

Notice is hereby given that the City of Albuquerque Environmental Planning Commission will hold a **Public Hearing on Thursday, January 16, 2003, 8:30 a.m.**, in the Plaza del Sol Hearing Room, Lower Level, Plaza del Sol building, 600 2nd St. NW, Albuquerque, NM to consider the following items: [Note: these items are not in the order they will be heard]

Project # 1002357
02EPC-01767 EPC Site Development Plan-Building Permit
MASTERWORKS ARCHITECT INC. agent(s) for RNG, LLC request the above action(s) for all or a portion of Lot(s) 11, **INZ Commercial Office Center**, zoned IP, located on RANDOLPH CT. SE, between UNIVERSITY BLVD. SE and YALE BLVD. SE, containing approximately 2 acre(s). (M-15) Debbie Stover, Staff Planner

Project # 1002388
02EPC-01768 SPR Special Planning Request
CITY OF ALBUQUERQUE/CIP a request for the Environmental Planning Commission to review and hold a public hearing on the Mayor?s Proposed Decade Plan for Capital Improvements, 2003-2012. Included in the Decade Plan are the general obligation bond programs of the Departments of: Cultural Services; Environmental Health; Family & Community Services; Finance & Administrative Services; Fire; Parks & Recreation; Planning; Police; Public Works; Senior Affairs; and Transit. Also included are the Enterprise Fund Capital Programs for the Departments of Aviation, Solid Waste and Public Works - Water/Wastewater Utility. And finally, the biennial Urban Enhancement Trust Fund program is a part of the Mayor?s proposed program. Barbara Taylor, Staff Planner

Project # 1000986
02EPC-01769 Zone Map Amendment
02EPC-01770 EPC Site Development Plan-Building Permit
02EPC-01771 EPC Site Development Plan-Amendment to Subdivision
CONSENSUS PLANNING, INC. agent(s) for CITY OF ALBUQUERQUE/OPEN SPACE DIVISION request the above action(s) for all or a portion of Tract(s) 6, **Lands of Ray A. Graham III, Ovenwest Cor**, a zone map amendment from SU-1 C-2, O-1, PRD (10 du/ac) to SU-1 for Major Public Open Space, located on MONTANO ROAD NW, between COORS BLVD. NW and CORRALES RIVERSIDE DRAIN, containing approximately 3 acre(s). (E-12) Chris Hyer, Staff Planner

Project # 1002389
02EPC-01772 EPC Site Development Plan-Subdivision
02EPC-01773 EPC Site Development Plan-Building Permit
CONSENSUS PLANNING, INC. agent(s) for PATRICK STROSNIDER request the above action(s) for all or a portion of Tract(s) B-1A, **Lands of Joel P. Taylor**, zoned SU-1 PDA, located on WINTER HAVEN ROAD NW, between MONTANO ROAD NW and LA ORILLA ROAD NW, containing approximately 7 acre(s). (E-12) Deborah Stover, Staff Planner

Project # 1002380
02EPC-01774 Zone Map Amendment
02EPC-01775 EPC Site Development Plan-Building Permit
TIERRA ENCANTADA CONSULTANT agent(s) for SHERRY LOVELACE request the above action(s) for all or a portion of Lot(s) 7B, **Sierra Hills Subdivision**, a zone map amendment from R-1 to SU-1 for Bed & Breakfast, located on RIDGECREST DRIVE SE, between SAN PEDRO BLVD. SE and RIDGECREST LOOP SE, containing approximately 1 acre(s). (M-18) Makita Hill, Staff Planner

Project # 1001081
02EPC-01776 EPC Site Development Plan-Building Permit
02EPC-01777 EPC Site Development Plan-Amendment to Subdivision
TIERRA WEST LLC agent(s) for MENAUL DEVELOPMENT THREE LLC request the above action(s) for all or a portion of Lot(s) 23, **Snow Heights Addition**, zoned C-2 (SC), located on MENAUL BLVD. NE, between EUBANK BLVD. NE and GLORIETTA ST. NE, containing approximately 11 acre(s). (H-20) Makita Hill, Staff Planner

Project # 1001004
02EPC-01778 Zone Map Amendment
02EPC-01779 EPC Site Development Plan-Building Permit
ENEDELIA GUAJARDO agent(s) for CASA DEL REY MINISTRIES request the above action(s) for all or a portion of Tract(s) 9, **West Bluff Center**, a zone map amendment from R-1 to PR, located on CORONA DRIVE NW, between OURAY NW and ALAMOGORDO, containing approximately 1 acre(s). (H-11) Juanita Vigil, Staff Planner

02EPC-01836 (SBP) and 02EPC-01837 SPS)**Project # 1002237**
02DRB-01708 Minor-Site Dev Plan BldPermit/EPC
02DRB-01710 Minor-Site Dev Plan Subd/EPC
Rodey Dickason Sloan Akin & Robb PA, Michelle Henrie, appeals the Development Review Board's approval of the Site Development Plan for Building Permit and Site Development Plan for Subdivision approval all or a portion of Tract(s) A, **MONROE JUNIOR HIGH SCHOOL**, zoned SU-3 Inside and Outside Intense Core, located on LOUISIANA BLVD. NE, between INDIAN SCHOOL RD. NE and INTERSTATE 40 containing approximately 12 acre(s). [DEFERRED FROM 11/13/02] (J-19) Bob Paulsen, EPC Case Planner.

Details of these applications may be examined at the Development Services Division of the Planning Department, 3rd Level, Plaza Del Sol Building, 600 Second Street NW between 10:00 a.m. and 12:00 and between 2:00 and 4:00 p.m., Monday through Friday, or you may call April Candelaria at 924-3888. INDIVIDUALS WITH DISABILITIES who need special assistance to participate at the public hearing should contact April Candelaria 924-3888 (VOICE) or 924-3361 (TTY). TTY users may also access the voice number via the New Mexico Relay Network by calling toll-free: 1-800-659-8331.

Alan Schwartz, Chairman
Environmental Planning Commission

APPROVED
Russell Brito, Senior Planner
Planning Department
Journal December 25, 2002

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Project # 1002358
02EPC-01768 SPR Special Planning Request

CITY OF ALBUQUERQUE/CIP a request for the Environmental Planning Commission to review and hold a public hearing on the Mayors Proposed Decade Plan for Capital Improvements, 2003-2012. Included in the Decade Plan are the general obligation bond programs of the Departments of: Cultural Services; Environmental Health; Family & Community Services; Finance & Administrative Services; Fire; Parks & Recreation; Planning; Police; Public Works; Senior Affairs; and Transit. Also included are the Enterprise Fund Capital Programs for the Departments of Aviation, Solid Waste and Public Works – Water/Wastewater Utility. And finally, the biennial Urban Enhancement Trust Fund program is a part of the Mayors proposed program. Barbara Taylor, Staff Planner

Jen
Jen

Project # 1000965
02EPC-01769 Zone Map Amendment
02EPC-01770 EPC Site Development Plan-Building Permit
02EPC-01771 EPC Site Development Plan-Amendment to Subdivision

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Project # 1002359
02EPC-01772 EPC Site Development Plan-Subdivision
02EPC-01773 EPC Site Development Plan-Building Permit

CONSENSUS PLANNING, INC. agent(s) for PATRICK STROSNIDER request the above action(s) for all or a portion of Tract(s) B-1A, **Lands of Joel P. Taylor**, zoned SU-1 PDA, located on WINTER HAVEN ROAD NW, between MONTANO ROAD NW and LA ORILLA ROAD NW, containing approximately 7 acre(s). (E-12) Deborah Stover, Staff Planner

Project # 1002360
02EPC-01774 Zone Map Amendment
02EPC-01775 EPC Site Development Plan-Building Permit

TIERRA ENCANTADA CONSULTANT agent(s) for SHERRY LOVELACE request the above action(s) for all or a portion of Lot(s) 7B, **Siesta Hills Subdivision**, a zone map amendment from R-1 to SU-1 for Bed & Breakfast, located on RIDGECREST DRIVE SE, between SAN PEDRO BLVD. SE and RIDGECREST LOOP SE, containing approximately 1 acre(s). (M-18) Makita Hill, Staff Planner

Project # 1001081
02EPC-01776 EPC Site Development Plan-Building Permit
02EPC-01777 EPC Site Development Plan-Amendment to Subdivision

TIERRA WEST LLC agent(s) for MENAUL DEVELOPMENT THREE LLC request the above action(s) for all or a portion of Lot(s) 23, **Snow Heights Addition**, zoned C-2 (SC), located on MENAUL BLVD. NE, between EUBANK BLVD. NE and GLORIETTA ST. NE, containing approximately 11 acre(s). (H-20) Makita Hill, Staff Planner

Project # 1001004
02EPC-01778 Zone Map Amendment
02EPC-01779 EPC Site Development Plan-Building Permit

ENEDELIA GUAJARDO agent(s) for CASA DEL REY MINISTRIES request the above action(s) for all or a portion of Tract(s) 9, **West Bluff Center**, a zone map amendment from R-1 to PR, located on CORONA DRIVE NW, between OURAY NW and ALAMOGORDO, containing approximately 1 acre(s). (H-11) Juanita Vigil, Staff Planner

02EPC-01836 (SBP) and 02EPC-01837 SPS)Project # 1002337
02DRB-01708 Minor-Site Dev Plan BldPermit/EPC
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Alan Schwartz, Chairman
Environmental Planning Commission

TO BE PUBLISHED IN THE ALBUQUERQUE JOURNAL DECEMBER 25, 2002.

APPROVED

Russell Brito, Senior Planner
Planning Department

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT - DEVELOPMENT SERVICES DIVISION
PROPERTY OWNERSHIP LIST

App#	02 EPC - 01836
Proj#	1002537
Other#	02 EPC - 01857

Meeting Date: 1-16-03

Zone Atlas Page: J-19-Z

Notification Radius: 100 **Ft.**

Cross Reference and Location:

Applicant: Pru Winrock, LLC

Address: P.O. Box 1888, Albuq, NM 87103

Agent: Bohey Dickason Sloan Akin & Robb, P.A (Michelle Henrie)

Address: P.O. Box 1888, Albuq, NM 87103

SPECIAL INSTRUCTIONS

Notices Must be mailed from the City 15 days prior to the meeting.

Date Mailed: 12-31-02

Signature: K Sethikai

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101905905105030134    LEGAL: TRAC I A- 1 PLAT OF TRACTS A-1. B-1 & B-2 ST PIUS X   LAND USE:
                      PROPERTY ADDR: 00000
                         OWNER NAME: HUNT UPTOWN DEVELOPMENT LLC
                         OWNER ADDR: 04401   NORTH MESA                     EL PASO          TX 79902

101805949703440511    LEGAL: TR D -1-A  PLAT OF TR D-1-A & ROW TR D-1-B UNIT 1-A   LAND USE:
                      PROPERTY ADDR: 00000    2155 LOUISIANA  NE
                         OWNER NAME: CITY PLACE LLC C/O ALVARADO RE
                         OWNER ADDR: 00010   TRAMWAY                  LP NE ALBUQUERQUE      NM 87122

101905910102231701    LEGAL: TRAC T B- 1 PLAT OF TRACTS A-1. B-1 & B-2 ST PIUS X   LAND USE:
                      PROPERTY ADDR: 00000
                         OWNER NAME: HUNT UPTOWN DEVELOPMENT LLC
                         OWNER ADDR: 04401   NORTH MESA                     EL PASO          TX 79902

101905813551020404L1 LEGAL: PARC EL C -2A PLAT OF PARCELS A-1 THRU A-3 7 PARCEL   LAND USE:
                      PROPERTY ADDR: 00000     201 WINROCK CENTER
                         OWNER NAME: REGENTS OF UNM REAL ESTATE OFF
                         OWNER ADDR: 00000                            ALBUQUERQUE      NM 87131

101905813040020410L1 LEGAL: PARC EL A -1-A OF PARCEL A-1-A WINROCK CENTER ADD'N   LAND USE:
                      PROPERTY ADDR: 00000    2100 LOUISIANA BLVD NE
                         OWNER NAME: REGENTS OF UNM REAL ESTATE OFF
                         OWNER ADDR: 00000                            ALBUQUERQUE      NM 87131

101905804849720414    LEGAL: TRAC T A  IN NW NW NW OF SECTION 18 T10N R4E AKA MON  LAND USE:
                      PROPERTY ADDR: 00000    N/A
                         OWNER NAME: BOARD OF EDUCATION OF THE CITY
                         OWNER ADDR: 00000                            ALBUQUERQUE      NM 87125

101805850751811622    LEGAL: TRAC T 1- D-1A1 PLAT OF TR 1-D-1A1 PARK SQUARE ADDN   LAND USE:
                      PROPERTY ADDR: 00000    6670 INDIAN SCHOOL  NE
                         OWNER NAME: MELLON PIER I PROP LTD PTNS C/
                         OWNER ADDR: 00000                            ROWLETT          TX 75030

101805850849711618    LEGAL: TRAC T 1- E-1A-1 PARK SQUARE ADDN PLAT OF TRS 1-C-1A  LAND USE:
                      PROPERTY ADDR: 00000    2125 LOUISIANNA  NE
                         OWNER NAME: HUB ACQUISITION TRUST C/O HRPT
                         OWNER ADDR: 00400   CENTRE                   ST    NEWTON           MA 02458

101805851148111617    LEGAL: TRAC T 1- H-1A PARK SQUARE ADDN PLAT OF TRS 1-C-1A.   LAND USE:
                      PROPERTY ADDR: 00000    N/A
                         OWNER NAME: HUB ACQUISITION TRUST C/O HRPT
                         OWNER ADDR: 00400   CENTRE                   ST    NEWTON           MA 02458

101805850546511615    LEGAL: TR 1 -F R EPL OF TRS 1-A-1. 1-B-1. 1-C-1. 1-D-1A. 1-  LAND USE:
                      PROPERTY ADDR: 00000    2105 LOUSIANA BLVD NE
                         OWNER NAME: EQUI-PARK SQUARE ASSOC
                         OWNER ADDR: 02105   LOUISIANA                BL NE ALBUQUERQUE      NM 87110

101805847343211519    LEGAL: TR 2 B PL AT OF TR 2A & 2B PARK SQUARE ADDN CONT 7.4  LAND USE:
                      PROPERTY ADDR: 00000    2101 LOUISIANA  NE
                         OWNER NAME: CONNECTICUT GENERAL LIFE INSUR
                         OWNER ADDR: 00001   MARRIOTT                 DR    WASHINGTON       DC 20058
```

BILL STERCHI
Alvarado Park Neigh. Assoc.
5607 PRINCESS JEANNE NE
ALBUQ, NM 87110

LYNN TABOR
Alvarado Park Neigh. Assoc.
1804 ALVARADO NE
ALBUQ, NM 87110

STEPHEN VERCHINSKI
Classic Uptown Neigh. Assoc.
2700 ESPANOLA NE
ALBUQ, NM 87110

MARY LOU SORENSON
Classic Uptown Neigh. Assoc.
2800 CHARLESTON NE
ALBUQ, NM 87110

BOB BRUNO
Inez Neigh. Assoc.
7721 APACHE NE
ALBUQ, NM 87110

RICHARD P. HUBER
Inez Neigh. Assoc.
7807 PROSPECT NE
ALBUQ, NM 87110

JULIE JONES
Jerry Cline Park Neigh. Assoc.
7625 WINTER AVE. NE
ALBUQ, NM 87110

JEFF PAUL
Jerry Cline Park Neigh. Assoc.
1000 GROVE NE
ALBUQ, NM 87110

VALORIE VIGIL
New Kimo Neigh. Assoc.
2408 MADIERA NE
ALBUQ, NM 87110

MARK TRUJILLO
New Kimo Neigh. Assoc.
5507 EUCLID NE
ALBUQ, NM 87110

TIMOTHY SANCHEZ-BROWN
Quigley Park Neigh. Assoc,
2901 CAGUA DR NE
ALBUQ, NM 87110

ORLANDO ESPARZA
Quigley Park Neigh. Assoc.
2728 CAGUA DR NE
ALBUQ, NM 87110

DOROTHY FINALDI
Snow Heights Neigh. Assoc.
1622 VERMONT NE
ALBUQ, NM 87110

RICK PAUL
Snow Heights Neigh. Assoc.
8411 HAINES AVE NE
ALBUQ, NM 87110

R. SHELTON WEEKS
Uptown Neigh. Assoc.
2100 LOUISIANA NE, STE# 51
ALBUQ, NM 87110

TOM JOULE
Uptown Neigh. Assoc.
6501 AMERICAS PARKWAY NE
ALBUQ, NM 87110

RICHARD PETERSON
Winrock South Neigh. Assoc.
1112 SAN PEDRO NE, # 309
ALBUQ, NM 87110-6724

JOHN KINNEY
Winrock South Neigh. Assoc.
1112 SAN PEDRO NE, # 309
ALBUQ, NM 87110-6724

NICHOLAS WEES
Zuni Neigh. Assoc.
2314 ESPANOLA NE
ALBUQ, NM 87110

VIRGINIA EMMETT
Zuni Neigh. Assoc.
7517 LEAH DR. NE
ALBUQ, NM 87110

101905813551020404L1

Regents of UNM Real Estate Office
Scholes Hall # 233
Albuquerque NM 87131

101905804849720414

Board Of Education
P O Box 25704
Albuquerque NM 87125

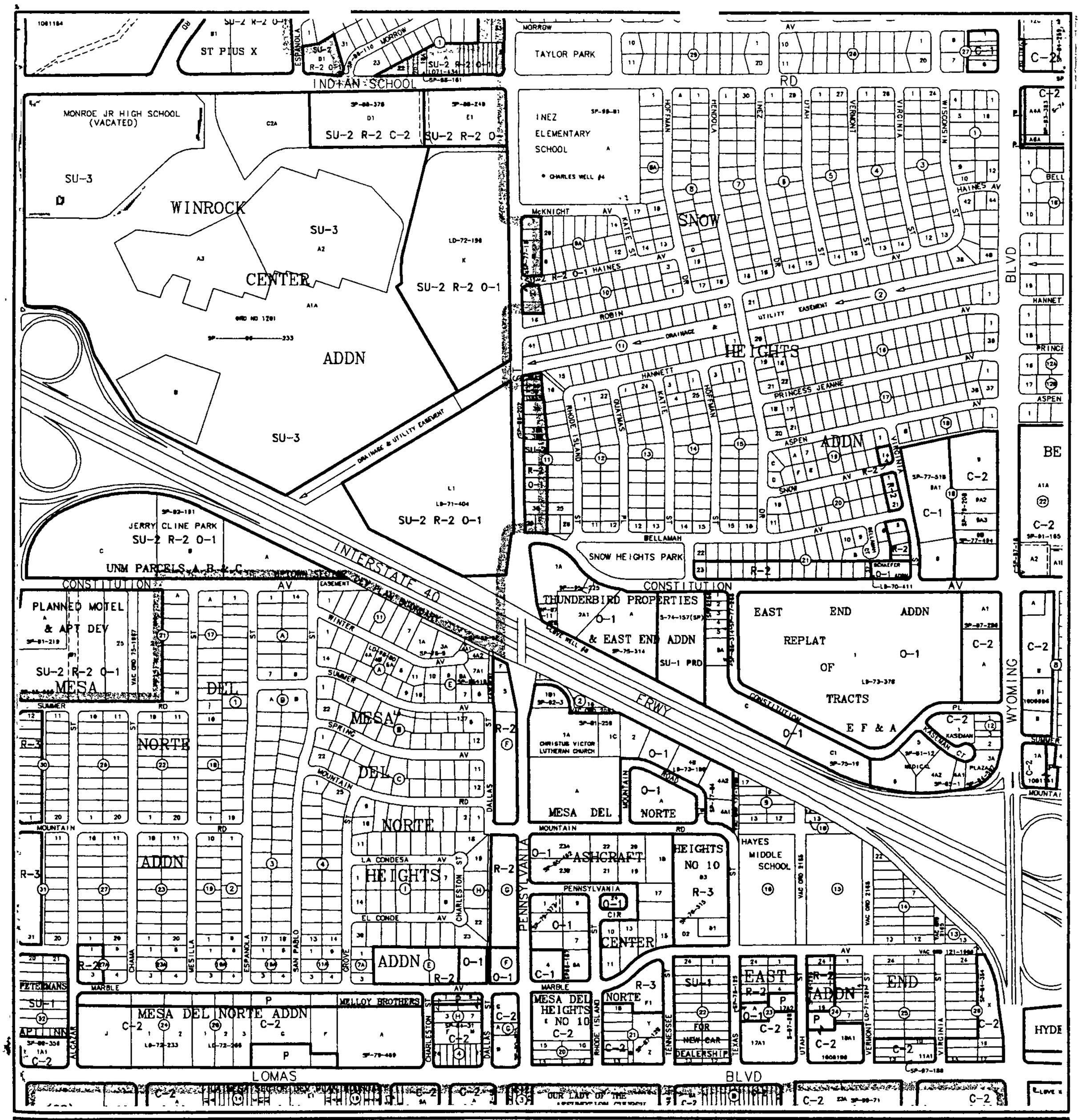
101805850751811622

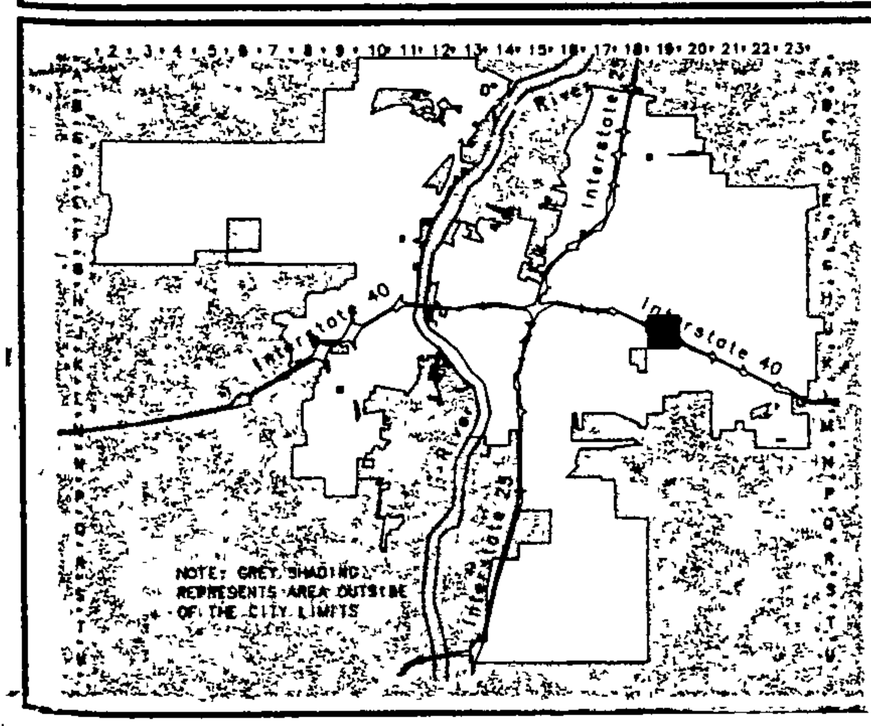
Mellon Pier I Prop Ltd Ptns
General Delivery
Rowlett TX 75030

Proj# 1002337

Rodey, Dickason Sloan Akin & Robb, PA
P O Box 1888
Albuquerque NM 87103

PruWinrock, LLC
Rodey, Dickason Sloan Akin & Robb, PA
P O Box 1888
Albuquerque NM 87103





CITY OF Albuquerque

Albuquerque Geographic Information System

PLANNING DEPARTMENT

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GRAPHIC SCALE IN FEET

250 0 750 1000

Zone Atlas Page

J-19-Z

Map Amended through April 03, 2002

City of Albuquerque

DEVELOPMENT REVIEW APPLICATION

	Supplemental form		Supplemental form
SUBDIVISION	**S**	**ZONING**	**Z**
☐ Major Subdivision action		☐ Annexation & Zone Establishment	
☒ Minor Subdivision action		☐ Sector Plan	
☐ Vacation	**V**	☐ Zone Change	
☐ Variance (Non-Zoning)		☐ Text Amendment	
SITE DEVELOPMENT PLAN	**P**	**APPEAL / PROTEST of...**	**A**
☐ ...for Subdivision Purposes		☒ Decision by: DRB, EPC, LUCC, Planning Director or Staff, ZHE, Zoning Board of Appeal	
☐ ...for Building Permit			
☐ IP Master Development Plan			
☐ 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: PruWinrock, LLC
c/o Rodey Dickason Sloan Akin & Robb, PA (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: Owner of adjacent property

AGENT (if any): Rodey Dickason Sloan Akin & Robb, PA (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

DESCRIPTION OF REQUEST: Appeal of DRB decision on Nov. 20, 2002 re: Project No. 1002337, Case Nos. 02DRB-01708 and 02DRB-01710
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. Tract A Block: ____ Unit: ____

Subdiv. / Addn. Monroe Junior High School

Current Zoning: SU-3 Inside & Outside Intense Core Proposed zoning: No Change

Zone Atlas page(s): J-19 No. of **existing** lots: 1 No. of **proposed** lots: 3

Total area of site (acres): 11.75/ 9.6 Density if applicable: dwellings per gross acre: 2 dwellings per net acre: 3

Within city limits? ☒ Yes. No ☐, but site is within 5 miles of the city limits (DRB jurisdiction.) Within 1000FT of a landfill? No

UPC No. 1-019-058-048-497-2-04-14 MRGCD Map No. N/A

LOCATION OF PROPERTY BY STREETS: On or Near: Louisiana Blvd., NE
Between: Indian School Rd., NE and Interstate 40

CASE HISTORY:

List any current or prior case number that may be relevant to your application (Proj., App., DRB-, AX_,Z_, V_, S_, etc.): Z-98-123, Z-96-119, 00EPC-01154, 02EPC-01472

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

SIGNATURE _____ DATE 12/3/02

(Print) Michelle Henrie ☐ Applicant ☒ Agent

Appeal of EPC & DRB Decisions

FOR OFFICIAL USE ONLY Form revised September 2001

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

Application case numbers		Action	S.F.	Fees
02EPC	01836	ApSDP/BP	A	$ 190.00
02EPC	01837	ApSDP/SD	A	$ 190.00
	APPEAL NOTIFICATION		FEE	$ 50
				$
				$
				Total $ 430.00

Hearing date 1-16-03

B Herbert 12/3/02
Planner signature / date

Project # 1002337

1st Appeal to E.P.C
of DRB approval

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; 1002337

☒ Application number of case being appealed; 02DRB-01708; 02DRB-01710

☒ 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)

* 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.

MICHELLE HENRIE
Applicant name (print)

12/3/02
Applicant signature / date

Form revised September 2001

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

Application case numbers
02EPC- -01836
02EPC- -01837
- -

12/03/03
Planner signature / date

Project # 1002337

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
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JOCELYN C DRENNAN
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December 3, 2002

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 November 20, 2002
Project # 1002337,
02DRB-01710 Minor-SiteDev Plan Subd/EPC,
02DRB-01708 Minor-SiteDev Plan BldPermit/EPC

Dear Environmental Planning Commissioners:

This firm represents PruWinrock, LLC, the owner of Winrock Shopping Center. PruWinrock, LLC is appealing the above-referenced decision of the Development Review Board. PruWinrock, LLC owns property within 300 feet of the above referenced property.

We enclose with this letter the following:

1. Development Review Application
2. Appeal (Form A)
3. A check for $ 430 as a filing fee.
4. "Reasons for the Appeal," which includes:
   a. Appellants' basis of standing, and
   b. A copy of the DRB Action Sheet (no Notice of Decision was issued for this matter).

5. A letter of authorization.

Very truly yours,

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

By
Michelle Henrie

MH/cw
Enclosures as stated

cc (via hand delivery):

Members of the Environmental Planning Commission:
Susan Johnson, Vice Chair
Elizabeth Begay
John Briscoe
Larry Chavez
Jeffrey Jesionowski
Mick McMahan
Bevin Owens
Camilla Serrano
Paula Donahue, Staff Planner, City of Albuquerque Planning Department
John P. Salazar, Esq.
Lawrence S. Kline, Herbert M. Denish & Associates, Inc.
John A. Myers, Esq.
John J. Kelly, Esq.

cc (via mail):

Councillor Sally Mayer
Jay Czar CAO
Ted Asbury PE
Victor Chavez PE
Bob White, Esq.
David Suffling, Esq.
Robert A. Manarino, Senior Vice President, Cousins Properties, Inc.
Charles E. Miller, Prudential Real Estate Investors
Shelton Weeks, Manager, Prizm Partners
Members of Uptown Neighborhood Associations:
Bill Sterchi

Lynn Tabor
Stephen Verchinski
Mary Lou Sorenson
Bob Bruno
Richard P. Huber
Julie Jones
Jeff Paul
Valorie Vigil
Mark Trujillo
Timothy Sanchez-Brown
Orlando Esparza
Dorothy Finaldi
Rick Paul
Tom Joule
Richard Peterson
John Kinney
Nicholas Wees
Virginia Emmett

Randy Sanchez, General Manager, Coronado Center

Prudential financial

Charles E. Miller
Principal

Prudential Real Estate Investors
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charles.miller@prudential.com

Re: Appeal of DRB decision dated November 20, 2002
Project # 1002337,
02DRB-01710 Minor-SiteDev Plan Subd/EPC,
02DRB-01708 Minor-SiteDev Plan BldPermit/EPC

To whom it may concern:

PruWinrock, LLC, owner of the Winrock mall, hereby authorizes Rodey, Dickason, Sloan, Akin & Robb, P.A., to act as its agent for all purposes relating to appeal of the above-referenced decision and matters relating thereto.

Sincerely,

PruWinrock LLC, a Delaware
Limited Liability Company

By: The Prudential Insurance Company of America,
A New Jersey corporation, its sole member and
Manager

Charles E. Miller

Charles E. Miller
Principal

REASONS FOR THE APPEAL

Appeal of DRB decision dated November 20, 2002
Project # 1002337,
02DRB-01710 Minor-SiteDev Plan Subd/EPC,
02DRB-01708 Minor-SiteDev Plan BldPermit/EPC

PruWinrock, LLC ("PruWinrock"), the owner of Winrock Shopping Center, hereby appeals the November 20, 2002 decision by the Development Review Board ("DRB") to perform final sign off for the above referenced Minor Site Plan for Building Permit and Minor Site Plan for Subdivision. Both Site Plans are for a 9.63 acre vacant tract of land in the Uptown area of Albuquerque that was the former site of the Monroe Junior High School, now known as the "Monroe site." The Monroe site is northwest of and adjacent to the Winrock Shopping Center. The Monroe site is included within the boundaries of the Uptown Sector Development Plan ("Uptown SDP"). Under the Uptown SDP, the Monroe site is zoned SU-3 for the Uptown Urban Center, Inside the Intense Core and SU-3 for the Uptown Urban Center, Outside the Intense Core. The DRB's action is described in the attached Action Sheet labeled Exhibit A. No Notice of Decision was issued.

Basis for Standing

PruWinrock has standing to bring this appeal because it owns property within 300 feet of the Monroe site and is imminently threatened with injury 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).

Background

The Monroe site has been vacant since the early 1980s. In 1998, the site was acquired by several local investors ("the Tesch group"). The Tesch group submitted both a Site Plan for Building Permit and a Site Plan for Subdivision to the EPC in August of 1996. The project became known as "Uptown Spectrum I." These plans were eventually approved by EPC in May of 1997 and withstood appeal. However, the Tesch group never submitted these plans to the DRB for final sign off.

In August of 1998, the Tesch group submitted a different project, the "Uptown Spectrum II" project, to the EPC for review. This submittal package included a Site Plan for Building Permit, a Site Plan for Subdivision, and a Sector Development Plan amendment. On October 15, 1998, the EPC approved the Site Plans and recommended approval of the Sector Development Plan amendment with the addition of a housing component. City Council approved the Sector Development Plan amendment in February of 1999. However, the Tesch group never submitted the Site Plans to DRB for final sign off.

In the summer of 2002, Hunt Uptown II, LLC, the current owner of the Monroe site, together with Hunt Uptown, LLC, the owner of the large, vacant, adjacent tract to the north (known as the St. Pius site), publicly unveiled a project integrating the two sites called "ABQuptown." In connection with this project, the Hunt entities submitted a Site Plan for Subdivision and Sector Development Plan amendment. Before the EPC had an opportunity to review the ABQuptown project at a public hearing, Hunt Uptown II, LLC, revised the old 1998 Uptown Spectrum II project Site Plans and submitted them to the DRB for final sign-off. In other words, Hunt Uptown LLC took the position that after four years of limbo, the Site Plans could be revived intact and the process could be reinstated where it left off. On November 20, 2002, the DRB reviewed the revised Site Plans. As stated in the DRB Action Sheet, the revised Site Plans "were approved with final sign off delegated to the City Engineer, Transportation Development and Planning."

Reasons for the Appeal

1. Pursuant to the Uptown SDP, the DRB did not have jurisdiction over final sign off on the revised Site Plans.

Section 3 of the Uptown SDP applies to all property zoned SU-3, both within and outside of the Intense Core. Subsection H(11) on page 25 of the Uptown SDP states "The portions of site development plans showing structures that have not obtained building permits within two years of site plan approval shall be void, but may be reapproved following standard procedure."

The EPC approved these on October 15, 1998. Building permits were not obtained for any portion of the Uptown Spectrum II project within two years of the Site Plan approvals. Thus the Uptown Spectrum II plan became void on October 15, 2000. The DRB never had jurisdiction over final sign off on the Uptown Spectrum II plans because these plans needed to be reapproved through the standard procedure prior to DRB final sign off.

2. Also, pursuant to the EPC's conditions of approval, the DRB did not have jurisdiction over final sign off on the Site Plan for Building Permit.

The original Applicant for the Uptown Spectrum II project did not propose any housing for the site. On October 15, 1998, the EPC expressly added the housing requirement as a condition of approval. It also concurrently caused the Uptown Plan to be amended to include a housing component as a second step in ensuring that housing would be incorporated into this project. As a third step, the EPC retained jurisdiction over the project. Condition Number 21 to the Site Plan for Building Permit states that "[t]he revised site plan shall be submitted to the EPC site plan review committee for final approval *prior to DRB submittal*." (Emphasis added). Even though EPC's delegee, the site plan review committee, no longer exists, the EPC still does. Until it reviewed the revised site plans, the DRB had no jurisdiction over final sign off on the Site Plan for Building Permit.

3. Even if the DRB had jurisdiction over final sign off on the revised Site Plans, it erred in allowing final sign off before the Applicant met all conditions of EPC approval.

The October 15, 1998 approval by the EPC included several pages of conditions. The DRB seemed to believe that all of these conditions had been met. They have not.

Two conditions of approval required re-review by an EPC subcommittee. Condition Number 15 to the Site Plan for Building Permit references architectural integration of restaurants into the site. There is no indication that any efforts have been made towards developing guidelines for architecturally integrated the restaurants into the site. Yet the DRB did not wait for the Applicant to submit the specific guidelines before taking action.

Condition Number 21 to the Site Plan for Building Permit, which is mentioned above, required the revised Site Plan for Building Permit to be submitted to the EPC site plan review committee. The DRB should not have acted on the final sign off until the EPC reviewed the revised Site Plans. The condition did not limit review to the housing component only or a few applicable pages of the Site Plan for Building Permit– which is what the DRB seems to have remanded to EPC for hearing on December 5, 2002. Rather, the condition requires review of the entire revised site plan, presumably to see whether and how the housing component has been integrated into all aspects of the project– from parking to pedestrian circulation to the physical design features. Further, the conditions expressly state that this review shall be accomplished

prior to the DRB submittal. It was not.

A third condition of approval, Condition Number 1(B) to the Site Plan for Subdivision, was the requirement that the owners of the Monroe site and the Winrock property come to an agreement about the Loop Road. They have not. The Applicant claims it can rely on a separate agreement among the owners of the Winrock property and third parties to which it is neither a party nor a beneficiary. It cannot.

A fourth condition, Condition Number 1(A) to the Site Plan for Subdivision, related to the Traffic Impact Study ("TIS"). It stated: "A TIS has been performed for this request. An update of the TIS / AQIA to reflect changes in proposed land use intensities, this includes a comparison of the approved as amended land uses with those proposed for the current site plan." The "changes in land use intensities" and "approved as amended land uses" can only mean the housing component added by the EPC. Yet, despite this directive, the Applicant did not update the TIS to include the housing component. By contrast, the Applicant's agent submitted a letter on November 4, 2002, to Tony Loyd stating "This is to confirm that the land uses described in the September 30, 1998 letter from Albert Thomas of Bohannan Huston, Inc. to Joe David Montano of Transportation Development *are identical to those currently proposed for the Spectrum II site.*" The uses are not identical. They now include a housing component, and EPC directed that the housing component be reflected in an updated TIS. Based on the EPC transcript from October 15, 1998, it appears the members believed that integrating of housing into the site would improve the air quality situation of the site. Nevertheless, they asked for proof. We'll never know if they were correct in their theory because the Applicant never submitted the changes to the Transportation Department.

4. Even if the DRB had jurisdiction over final sign off on the revised Site Plans, it erred by accepting the revised Site Plans as "Minor" and by acting on those Site Plans without properly noticing the action.

The 1998 Site Plan approvals were for Site Plans, not for "Minor" Site Plans. However, in 2002, the Applicant styled its revised Site Plans as "Minor" Site Plans. The City's Zoning Code nowhere identifies what a "Minor" Site Development Plan is.

The Zoning Code does identify a "Minor" Subdivision as one that does not require installation of any significant infrastructure. (§14-14-1-6, Definition of "Subdivision, Minor"). The Applicant's infrastructure lists show a new traffic signal, modifications to an existing traffic

signal, seven turn lanes, two bus bays, and yards of sewer, water, and storm drain improvements. The new traffic light alone constitutes "significant infrastructure." Hence, the revised Site Plan for Subdivision was not for a "Minor" Subdivision.

The Zoning Code also uses the word "minor" in connection with changes to an approved site development plan. "Minor" changes are those in which (1) the buildings retain the same general configuration, (2) the total building square footage does not increase by more than 10%, (3) the vehicular circulation has the same general effect, and (4) neither the City nor any person will be substantially aggrieved by the altered plan– not the alteration, but the "altered plan." §14-16-2-22(A)(6) and §14-16-3-11(C)(2)(c). If the changes are not "minor," they must be approved by the EPC, not the Planning Director. Id. And if there "might be a person substantially aggrieved by the altered plan or if the total building square footage would be increased by more than 2%," the Planning Director must mail notice to neighborhood associations and adjacent property owners. §14-16-2-22(A)(6).

In 2002, the Applicant submitted revised Site Plans to the DRB. Among other changes, these revised Site Plans incorporated a new housing component. The housing was added to the total building square footage shown on the approved Site Plans. The revised Site Plans do not state the square footage of the new housing units, so there was no way for the Planning Director or DRB to know whether the total building square footage would be increased by more than 2%. Based on the scale of the revised Site Plan drawings, the new housing units do increase the total building square footage by more than 2%. The City should have mailed notice about this change to neighborhood associations and adjacent property owners. It did not.

These revised Site Plans are not "Minor" Site Plans. Furthermore, the revised Site Plans included changes from the approved Site Plans. Changes trigger an amendment process under the Zone Code. The Zone Code nowhere excepts from the amendment process changes made pursuant to the directive of EPC. Because the changes were not "minor" amendments, they should have been properly noticed.

Conclusion

For these reasons, PruWinrock respectfully asks the Environmental Planning Commission to reverse the decision of the DRB.

Planning Department
Development Review Board Agenda/Action

DEVELOPMENT REVIEW BOARD
ACTION SHEET

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

November 20, 2002 9:00 a.m.

MEMBERS:

Roger Green, Acting DRB Chair
Claire Senova, Administrative Assistant

Richard Dourte, Transportation Development
Brad Bingham, Alternate City Engineer
Sheran Matson, Planning
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 (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.

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 BOARD SECRETARY 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: 12:12 P.M.**
B. Changes and/or Additions to the Agenda
C. Announcements

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

EXHIBIT
tabbies
A

1. **Project # 1001594**
02DRB-01621 Major-Bulk Land Variance
02DRB-01622 Major-Vacation of Pub Right-of-Way
02DRB-01623 Minor-Prelim&Final Plat Approval

COMMUNITY SCIENCES CORPORATION agent(s) for INVESTMENTS & CONSTRUCTION request(s) the above action(s) for UNPLATTED TRACTS, **SALAZAR & DAVIS TRACTS,** zoned MULTIPLE, SEE RIO BRAVO SECTOR DEVELOPMENT PLAN, located SOUTH AND EAST OF CARTAGENA AVE SW, between DELGADO DR SW (IF EXTENDED SOUTH) and SNOW VISTA DIVERSION CHANNEL containing approximately 300 acre(s). [REF: 01500-01652, 01792 SK, Z-99-58] (N-9) **VACATION WAS APPROVED AS SHOWN ON EXHIBIT B IN THE PLANNING FILE. BULK LAND VARIANCE WAS APPROVED. PRELIMINARY PLAT WAS APPROVED WITH FINAL PLAT SIGN OFF DELEGATED TO TRANSPORTATION.**

2. **Project # 1002033**
02DRB-01655 Major-Vacation of Public Easements

HARRIS SURVEYING INC. agent(s) for BEALHEN CONSTRUCTION request(s) the above action(s) for all or a portion of Lot(s) 10, **SANDIA GLO SUBDIVISION,** zoned R-D residential and related uses zone, developing area, located on SANDIA GLO CT NE, between CORONADO AVE NE and KARAK RD NE containing approximately 1 acre(s). [REF: 02EPC-01195, 02DRB-00935, V-97-138, S-99-39] (D-21) **THIS VACATION ACTION WAS REMANDED BACK TO DRB FROM EPC. VACATION WAS APPROVED AS SHOWN ON EXHIBIT B IN THE PLANNING FILE.**

3. **Project # 1002315**
02DRB-01650 Major-Preliminary Plat Approval
02DRB-01651 Major-Vacation of Pub Right-of-Way
02DRB-01652 Major-Vacation of Public Easements
02DRB-01653 Minor-Temp Defer SDWK
02DRB-01654 Minor-Sidewalk Waiver

BOHANNAN HUSTON, INC. agent(s) for HIGH DESERT INVESTMENT CORP request(s) the above action(s) for all or a portion of Tract(s) 13, **THE WILDERNESS @ HIGH DESERT,** zoned SU-2, HD, R-R, located east of TRAMWAY BLVD NE, south of IMPERATA NE and west of TRACT A, FOREST SERVICE LAND, containing approximately 73 acre(s). [REF: 02DRB-01646] [DEFERRED FROM 11/20/02, PP, TDS, SW) (F-23) **THE VACATION (02-01651) FOR ITEM 4 WAS APPROVED AS SHOWN ON EXHIBIT B IN THE PLANNING FILE. THE VACATION OF THREE DIFFERENT EASEMENTS (02-01652) WAS APPROVED AS SHOWN ON EXHIBIT B IN THE PLANNING FILE WITH THE ADDED CONDITION: THE VACATION OF EASEMENT 30 IS APPROVED WITH THE CONDITION THAT AMAFCA BOARD APPROVES IT ALSO. APPLICATION # 02-01650, FOR PRELIMINARY PLAT APPLICATION # 02-01653**

APPROVED AS SHOWN ON EXHIBIT B IN THE PLANNING FILE WITH THE ADDED CONDITION: THE VACATION OF EASEMENT 30 IS APPROVED WITH THE CONDITION THAT AMAFCA BOARD APPROVES IT ALSO. APPLICATION # 02-01650, FOR PRELIMINARY PLAT, APPLICATION # 02-01653, FOR TEMPORARY DEFERRAL OF SIDEWALKS AND APPLICATION # 02-01654 FOR SIDEWALK WAIVER WERE DEFERRED AT THE AGENT'S REQUEST TO 12/4/02.

4. **Project # 1002318**
02DRB-01649 Major-Bulk Land Variance
02DRB-01656 Minor-Prelim&Final Plat Approval

BOHANNAN HUSTON INC agent(s) for HIGH DESERT INVESTMENT CORP request(s) the above action(s) for all or a portion of Tract(s) 13, **HIGH DESERT, (to be known as THE WILDERNESS @ HIGH DESERT,** zoned SU-2 / HD R-R, located east of TRAMWAY BLVD NE, south of IMPERATA NE and west of TRACT A, FOREST SERVICE LAND containing approximately 73 acre(s). (F-23) **BULK LAND VARIANCE WAS APPROVED. PRELIMINARY PLAT WAS APPROVED. THE FINAL PLAT WAS WITHDRAWN AT THE AGENT'S REQUEST.**

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.

5. **Project # 1000226**
02DRB-01739 Minor-SiteDev Plan BldPermt/EPC

DORMAN-BREEN ARCHITECTS agent(s) for CROSS OF HOPE LUTHERAN CHURCH request(s) the above action(s) for all or a portion of Tract(s) S-1-B, **TAYLOR RANCH,** zoned SU-1 special use zone, for church & related facilities, located on TAYLOR RANCH DR NW, between MONTANO RD. NW and KACHINA ST. NW containing approximately 4 acre(s). [REF: Z-80-74-2, 02EPC-01349] **[Juanita Vigil, EPC Case Planner]** (E-11) **SITE DEVELOPMENT PLAN FOR BUILDING PERMIT WS APPROVED WITH FINAL SIGN OFF DELEGATED TO UTILITIES DEVELOPMENT AND TRANSPORTATION DEVELOPMENT.**

TRANSPORTATION DEVELOPMENT.

6. **Project # 1001124**
02DRB-01734 Minor-SiteDev Plan BldPermit/EPC

PHILIP PELZMAN agent(s) for CHRIST LUTHERAN CHURCH & SCHOOL request(s) the above action(s) for all or a portion of Lot(s) 40, Block 40, **BROAD ACRES,** zoned SU-1 Church & related facilities, located on PENNSYLVANIA NE, between CANDELARIA NE and LOUISIANA NE containing approximately 5 acre(s). [REF: Z-96-1, DRB-96-219, 01410-00357 (VPE), ZA-68-71-1] **[Debbie Stover, EPC Case Planner]** (G-19) **SITE DEVELOPMENT PLAN FOR BUILDING PERMIT WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO TRANSPORTATION DEVELOPMENT AND PLANNING.**

7. **Project # 1001565**
02DRB-01713 Minor-SiteDev Plan BldPermit/EPC

GREAT BASIN ENGINEERING agent(s) for SMITH'S FOOD & DRUGS request(s) the above action(s) for all or a portion of Tract(s) J-1, **REPLAT OF FOUR HILLS SHOPPING CENTER AND APARTMENT COMPLEX,** zoned C-2 community commercial zone, SHOPPING CENTER SITE, located on TRAMWAY BLVD SE, between CENTRAL AVE SE and WENONAH AVE SE containing approximately 9 acre(s). [REF: 01EPC-01544, ZA-96-146, ZA-92-93, V-89-88, Z-84-124-1] **[Debbie Stover, EPC Case Planner]** (L-22/23) **SITE DEVELOPMENT PLAN FOR BUILDING PERMIT WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO PLANNING.**

8. **Project # 1002324**
02DRB-01741 Minor-SiteDev Plan BldPermit
02DRB-01742 Minor-SiteDev Plan Sub

KEN HOVEY agent(s) for MOCHO,OLSON, CHANEY & MOCHO LLP request(s) the above action(s) for all or a portion of Block(s) 4, Tract(s) 7-A, Unit B, **NORTH ALBUQUERQUE ACRES,** (to be known as **VENICE BUSINESS CENTER,** zoned IP, located on BEVERLY HILLS AVE NE, between SAN MATEO BLVD NE and I-25 NE containing approximately 6 acre(s). [REF: 1000447, 1000907] (B-18) **INDEFINITELY DEFERRED AT AGENT'S REQUEST.**

	Sub	**BUSINESS CENTER,** zoned IP, located on BEVERLY HILLS AVE NE, between SAN MATEO BLVD NE and I-25 NE containing approximately 6 acre(s). [REF: 1000447, 1000907] (B-18) **INDEFINITELY DEFERRED AT AGENT'S REQUEST.**
9.	**Project # 1002337** 02DRB-01708 Minor-SiteDev Plan BldPermit/EPC 02DRB-01710 Minor-SiteDev Plan Subd/EPC	HERB DENISH AND ASSOCIATES, INC. agent(s) for UPTOWN II, LLC request(s) the above action(s) for all or a portion of Tract(s) A, **MONROE JUNIOR HIGH SCHOOL,** zoned SU-3 Inside and Outside Intense Core, located on LOUISIANA BLVD. NE, between INDIAN SCHOOL RD. NE and INTERSTATE 40 containing approximately 12 acre(s). [DEFERRED FROM 11/13/02] (J-19) **SITE DEVELOPMENT PLAN FOR BUILDING PERMIT AND SITE DEVELOPMENT PLAN FOR SUBDIVISION WERE APPROVED WITH FINAL SIGN OFF DELEGATED TO CITY ENGINEER, TRANSPORTATION DEVELOPMENT AND PLANNING. THE INFRASTRUCTURE LIST DATED 11/20/02 WAS APPROVED.**

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

10.	**Project # 1001558** 02DRB-01714 Minor-Prelim&Final Plat Approval	BURTON ENGINEERS INC. agent(s) for CORONADO PARK LTD. request(s) the above action(s) for all or a portion of Tract(s) A, **CORONADO VILLAGE,** zoned SU-2 MUD, located on the northwest corner intersection of I-25 and PASEO DEL NORTE NE containing approximately 58 acre(s). [REF: 01420—01520 (VPE on 11/14/01) (C-17) **THE PRELIMINARY PLAT WAS APPROVED WITH FINAL PLAT SIGN OFF DELEGATED TO CITY ENGINEER AND TRANSPORTATION DEVELOPMENT.**

11. **Project # 1002221**
02DRB-01738 Minor-Amnd Prelim Plat Approval

BOHANNAN HUSTON, INC. agent(s) for LAS VENTANAS LIMITED PARTNERSHIP request(s) the above action(s) for all or a portion of Tract(s) J, VENTANA RANCH, **VITTORIA SUBDIVISION @ VENTANA RANCH,** zoned R-2, located on PASEO DEL NORTE NW, between UNIVERSE BLVD NW and PARADISE BLVD NW containing approximately 21 acre(s). [REF: 02DRB-1563] (B-10) **THE AMENDED PRELIMINARY PLAT WAS APPROVED AND THE AMENDED GRADING PLAN ENGINEER STAMP DATED 11/12/02 WAS APPROVED. THIS AMENDMENT DOES NOT EXTEND THE EXPIRATION DATE OF THE APPROVED PRELIMINARY PLAT.**

12. **Project # 1002324**
02DRB-01740 Minor-Prelim&Final Plat Approval

ISAACSON & ARFMAN, PA agent(s) for MOCHO, OLSON, CHANEY & MOCHO, LLP. request(s) the above action(s) for all or a portion of Lot(s) 7A, Tract(s) A, Block 4, Unit B, **NORTH ALBUQUERQUE ACRES,** zoned IP, located on BEVERLY HILLS AVE NE, between VENICE AVE NE and I-25 containing approximately 6 acre(s). [REF: 00410- 01540, 02-01670 (SK)] (B-18) **INDEFINITELY DEFERRED AT THE AGENT'S REQUEST.**

13. **Project # 1000267**
02DRB-01555 Minor-Prelim&Final Plat Approval

SURVEYS SOUTHWEST, LTD. agent(s) for BILL WADE / UPWEST CORP. request(s) the above action(s) for all or a portion of Lot(s) 13 & 14, **BREEZE @ SOUTH PEAK,** zoned R-3 residential zone, located on OCEAN BREEZE DR NE, between CHELWOOD PARK BLVD. NE and EASTRIDGE DR. NE containing approximately 1 acre(s). [REF: 02DRB-00954 SIA, 00460-00223 SK,00440-01100 FPA,00410-00399] [INDEFINITELY DEFERRED FROM 10/23/02 AND 11/20/02] (J-22) **INDEFINITELY DEFERRED ON A NO SHOW.**

NO ACTION IS TAKEN ON THESE CASES:
IF APPLICANT IS NOT PRESENT, COMMENTS WILL BE FORWARDED

14. **Project # 1000390**
02DRB-01737 Minor-Sketch Plat or Plan

BOHANNAN HUSTON agent(s) for LAS VENTANAS LIMITED PARTNERSHIP. request(s) the above action(s) for all or a portion of Tract(s) H, **VENTANA RANCH,** zoned SU-1 special use zone, for restricted C-2, located on the southeast corner of UNIVERSE NW and PARADISE BLVD NW containing approximately 16 acre(s). [REF: 01410-01495] (B-10) **THE ABOVE REQUEST WAS REVIEWED AND COMMENTS WERE GIVEN.**

15. **Project # 1002346**
02DRB-01735 Minor-Sketch Plat or Plan

BOHANNAN HUSTON agent(s) for LAS VENTANAS LIMITED PARTNERSHIP request(s) the above action(s) for all or a portion of Tract(s) G, **VENTANA RANCH,** zoned SU-1 special use zone, for restricted C-2, located on the northeast corner of UNIVERSE BLVD NW and PARADISE BLVD NW and containing approximately 13 acre(s). [REF: DRB-96-6, (1000390)] (B-10) **THE ABOVE REQUEST WAS REVIEWED AND COMMENTS WERE GIVEN.**

16. **Project # 1001986**
02DRB-01715 Minor-Sketch Plat or Plan

MARK GOODWIN & ASSOC. agent(s) for RIO OESTE DEVELOPMENT, LLC request(s) the above action(s) for all or a portion of Tract(s) D & E, **TAYLOR RANCH,** zoned R-1 residential zone, located on the WEST SIDE OF COORS BLVD NW, between LA ORILLA RD NW and VILLA CORTA DEL SUR NW containing approximately 10 acre(s). [REF: 02EPC-00834, 02EPC-00835] (E-12) **THE ABOVE REQUEST WAS**

17. **Project # 1002342**
02DRB-01720 Minor-Sketch Plat or Plan

MARK GOODWIN & ASSOCIATES, PA agent(s) for MEL FAMIE, LLC request(s) the above action(s) for all or a portion of Lot(s) 1-3, **CLYDE LELAND SUBDIVISION,** zoned R-T residential zone, located on ATRISCO DR NW, between LEGENDS AVE NW and WESTERN TRAIL NW containing approximately 3 acre(s). [REF: Z-85-138-502] (F-11) **THE ABOVE REQUEST WAS REVIEWED AND COMMENTS WERE GIVEN.**

18. **Project # 1002345**
02DRB-01733 Minor-Sketch Plat or Plan

CLINT SHERRILL & ASSOCIATES agent(s) for GOLDEN VENTURES, LLC, ROBERT SHAFFER JR. request(s) the above action(s) for all or a portion of Lot(s) 3, Unit 1, **BROADWAY INDUSTRIAL CENTER,** zoned SU-2 special neighborhood zone, HM, located on the east end of SAN JOSE AVE SE, between KARSTEN CT SE and SOUTH I-25 containing approximately 14 acre(s). [REF: DRB-97-271, (1000131) 02DRB-00109] (M-14) **THE ABOVE REQUEST WAS REVIEWED AND**

19. **Project # 1002347**
02DRB-01736 Minor-Sketch Plat or Plan

RICHARD HUDSON agent(s) for LAUREANO MEDRANO request(s) the above action(s) for all or a portion of Lot(s) 36 & 37, Block B, **MONKBRIDGE ADDITION,** zoned M-1, located on HEADINGLY NW, between 2ND STREET NW and 1ST STREET NW containing approximately 1 acre(s). (G-15) **THE ABOVE REQUEST WAS REVIEWED AND COMMENTS WERE GIVEN.**

20.	**Project # 1002002** 02DRB-01743 Minor-Sketch Plat or Plan	ADVANCED ENGINEERING & CONSULTING, LLC agent(s) for RETAIL DEVELOPMENT INC., LLC request(s) the above action(s) for all or a portion of **BEAR CANYON ARROYO, SAN MATEO DEL NORTE,** zoned C-3 heavy commercial zone, located WEST OF SAN MATEO BLVD NE, between OSUNA RD NE and ACADEMY RD NE containing approximately 5 acre(s). [LISTED AS PROJECT #1002348 WHICH WAS INCORRECT] (E-17) **THE ABOVE REQUEST WAS REVIEWED AND COMMENTS WERE GIVEN.**

21. Approval of the Development Review Board minutes for 10/30/02 and 11/6/02. **THE MINUTES WERE APPROVED SUBJECT TO CHANGES BY THE BOARD.**

ADJOURNED: 12:12 P.M.

Comments to:

Joe McSorley
Planning Department
1 Civic Plaza NW
Albuquerque, NM 87103
(505)924-3861

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ONE STOP SHOP • • • FRONT COUNTER
City of Albuquerque • Planning Department

DEVELOPMENT & BUILDING SERVICES (D&B Svcs)
LAND DEVELOPMENT COORDINATION SECTION (LDC)
Plaza Del Sol -2nd & 4TH Floor West - 600 2nd St NW 87102
Front Counter Main Number (505) 924-3858 or 924-3895
Main Fax (505) 924-3864

PAID RECEIPT

APPLICANT NAME Pru Winrock, LLC

AGENT Rodey Law Firm

ADDRESS P.O. Box 1888

PROJECT NO. 1002337

APPLICATION NO. Appeal SDP 4 BP 02136-01836 / Appeal SDP 4 SID 02136-01837

$ _____ 441006 / 4983000 (DRB Cases)

$ 190x2 441006 / 4971000 (EPC & AA / LUCC / Appeals)

$ 50 441018 / 4971000 (Notification)

$ 430.00 **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. **112310**

WELLS FARGO BANK, N.A.
ALBUQUERQUE, NM 87103

95-219
1070

Date: **December 3, 2002**

AMOUNT OF CHECK
*****$430.00**

*****Four hundred thirty and 00/100 DOLLARS*****

PAY TO THE ORDER OF:
City of Albuquerque Planning & Zoning

By _____

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

⑈112310⑈ ⑆107002192⑆627 44962 6⑈

12/03/2002 3:01PM LOC: ANNX
RECEIPT# 00000823 WS# 007 TRANS# 0032
Account 441006 Fund 0000
Activity 4971000 TRSCCS
Trans Amt $430.00
J24 Misc $320.00
CHANGE $50.00
OK $430.00

Thank You

counterreceipt.doc

DEVELOPMENT REVIEW BOARD
ACTION SHEET

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

November 20, 2002 9:00 a.m.

MEMBERS:

Roger Green, Acting DRB Chair
Claire Senova, Administrative Assistant

Richard Dourte, Transportation Development
Brad Bingham, Alternate City Engineer
Sheran Matson, Planning
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 (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.

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 BOARD SECRETARY 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: 12:12 P.M.**
B. Changes and/or Additions to the Agenda
C. Announcements

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

1. **Project # 1001594**
02DRB-01621 Major-Bulk Land Variance
02DRB-01622 Major-Vacation of Pub Right-of-Way
02DRB-01623 Minor-Prelim&Final Plat Approval

COMMUNITY SCIENCES CORPORATION agent(s) for INVESTMENTS & CONSTRUCTION request(s) the above action(s) for UNPLATTED TRACTS, **SALAZAR & DAVIS TRACTS,** zoned MULTIPLE, SEE RIO BRAVO SECTOR DEVELOPMENT PLAN, located SOUTH AND EAST OF CARTAGENA AVE SW, between DELGADO DR SW (IF EXTENDED SOUTH) and SNOW VISTA DIVERSION CHANNEL containing approximately 300 acre(s). [REF: 01500-01652, 01792 SK, Z-99-58] (N-9) **VACATION WAS APPROVED AS SHOWN ON EXHIBIT B IN THE PLANNING FILE. BULK LAND VARIANCE WAS APPROVED. PRELIMINARY PLAT WAS APPROVED WITH FINAL PLAT SIGN OFF DELEGATED TO TRANSPORTATION.**

2. **Project # 1002033**
02DRB-01655 Major-Vacation of Public Easements

HARRIS SURVEYING INC. agent(s) for BEALHEN CONSTRUCTION request(s) the above action(s) for all or a portion of Lot(s) 10, **SANDIA GLO SUBDIVISION,** zoned R-D residential and related uses zone, developing area, located on SANDIA GLO CT NE, between CORONADO AVE NE and KARAK RD NE containing approximately 1 acre(s). [REF: 02EPC-01195, 02DRB-00935, V-97-138, S-99-39] (D-21) **THIS VACATION ACTION WAS REMANDED BACK TO DRB FROM EPC. VACATION WAS APPROVED AS SHOWN ON EXHIBIT B IN THE PLANNING FILE.**

3. **Project # 1002315**
02DRB-01650 Major-Preliminary Plat Approval
02DRB-01651 Major-Vacation of Pub Right-of-Way
02DRB-01652 Major-Vacation of Public Easements
02DRB-01653 Minor-Temp Defer SDWK
02DRB-01654 Minor-Sidewalk Waiver

BOHANNAN HUSTON, INC. agent(s) for HIGH DESERT INVESTMENT CORP request(s) the above action(s) for all or a portion of Tract(s) 13, **THE WILDERNESS @ HIGH DESERT,** zoned SU-2, HD, R-R, located east of TRAMWAY BLVD NE, south of IMPERATA NE and west of TRACT A, FOREST SERVICE LAND, containing approximately 73 acre(s). [REF: 02DRB-01646] [DEFERRED FROM 11/20/02, PP, TDS, SW) (F-23) **THE VACATION (02-01651) FOR ITEM 4 WAS APPROVED AS SHOWN ON EXHIBIT B IN THE PLANNING FILE. THE VACATION OF THREE DIFFERENT EASEMENTS (02-01652) WAS APPROVED AS SHOWN ON EXHIBIT B IN THE PLANNING FILE WITH THE ADDED CONDITION: THE VACATION OF EASEMENT 30 IS APPROVED WITH THE CONDITION THAT AMAFCA BOARD APPROVES IT ALSO. APPLICATION # 02-01650, FOR PRELIMINARY PLAT, APPLICATION # 02-01653, FOR TEMPORARY DEFERRAL OF SIDEWALKS AND APPLICATION # 02-01654 FOR SIDEWALK WAIVER WERE DEFERRED AT THE AGENT'S REQUEST TO 12/4/02.**

4. **Project # 1002318**
02DRB-01649 Major-Bulk Land Variance
02DRB-01656 Minor-Prelim&Final Plat Approval

BOHANNAN HUSTON INC agent(s) for HIGH DESERT INVESTMENT CORP request(s) the above action(s) for all or a portion of Tract(s) 13, **HIGH DESERT, (to be known as THE WILDERNESS @ HIGH DESERT,** zoned SU-2 / HD R-R, located east of TRAMWAY BLVD NE, south of IMPERATA NE and west of TRACT A, FOREST SERVICE LAND containing approximately 73 acre(s). (F-23) **BULK LAND VARIANCE WAS APPROVED. PRELIMINARY PLAT WAS APPROVED. THE FINAL PLAT WAS WITHDRAWN AT THE AGENT'S REQUEST.**

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.

5.	**Project # 1000226** 02DRB-01739 Minor-SiteDev Plan BldPermt/EPC	DORMAN-BREEN ARCHITECTS agent(s) for CROSS OF HOPE LUTHERAN CHURCH request(s) the above action(s) for all or a portion of Tract(s) S-1-B, **TAYLOR RANCH,** zoned SU-1 special use zone, for church & related facilities, located on TAYLOR RANCH DR NW, between MONTANO RD. NW and KACHINA ST. NW containing approximately 4 acre(s). [REF: Z-80-74-2, 02EPC-01349] **[Juanita Vigil, EPC Case Planner]** (E-11) **SITE DEVELOPMENT PLAN FOR BUILDING PERMIT WS APPROVED WITH FINAL SIGN OFF DELEGATED TO UTILITIES DEVELOPMENT AND TRANSPORTATION DEVELOPMENT.**
6.	**Project # 1001124** 02DRB-01734 Minor-SiteDev Plan BldPermit/EPC	PHILIP PELZMAN agent(s) for CHRIST LUTHERAN CHURCH & SCHOOL request(s) the above action(s) for all or a portion of Lot(s) 40, Block 40, **BROAD ACRES,** zoned SU-1 Church & related facilities, located on PENNSYLVANIA NE, between CANDELARIA NE and LOUISIANA NE containing approximately 5 acre(s). [REF: Z-96-1, DRB-96-219, 01410-00357 (VPE), ZA-68-71-1] **[Debbie Stover, EPC Case Planner]** (G-19) **SITE DEVELOPMENT PLAN FOR BUILDING PERMIT WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO TRANSPORTATION DEVELOPMENT AND PLANNING.**

7. **Project # 1001565**
02DRB-01713 Minor-SiteDev Plan BldPermit/EPC

GREAT BASIN ENGINEERING agent(s) for SMITH'S FOOD & DRUGS request(s) the above action(s) for all or a portion of Tract(s) J-1, **REPLAT OF FOUR HILLS SHOPPING CENTER AND APARTMENT COMPLEX,** zoned C-2 community commercial zone, SHOPPING CENTER SITE, located on TRAMWAY BLVD SE, between CENTRAL AVE SE and WENONAH AVE SE containing approximately 9 acre(s). [REF: 01EPC-01544, ZA-96-146, ZA-92-93, V-89-88, Z-84-124-1] **[Debbie Stover, EPC Case Planner]** (L-22/23) **SITE DEVELOPMENT PLAN FOR BUILDING PERMIT WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO PLANNING.**

8. **Project # 1002324**
02DRB-01741 Minor-SiteDev Plan BldPermit
02DRB-01742 Minor-SiteDev Plan Sub

KEN HOVEY agent(s) for MOCHO,OLSON, CHANEY & MOCHO LLP request(s) the above action(s) for all or a portion of Block(s) 4, Tract(s) 7-A, Unit B, **NORTH ALBUQUERQUE ACRES,** (to be known as **VENICE BUSINESS CENTER,** zoned IP, located on BEVERLY HILLS AVE NE, between SAN MATEO BLVD NE and I-25 NE containing approximately 6 acre(s). [REF: 1000447, 1000907] (B-18) **INDEFINITELY DEFERRED AT AGENT'S REQUEST.**

9. **Project # 1002337**
02DRB-01708 Minor-SiteDev Plan BldPermit/EPC
02DRB-01710 Minor-SiteDev Plan Subd/EPC

HERB DENISH AND ASSOCIATES, INC. agent(s) for UPTOWN II, LLC request(s) the above action(s) for all or a portion of Tract(s) A, **MONROE JUNIOR HIGH SCHOOL,** zoned SU-3 Inside and Outside Intense Core, located on LOUISIANA BLVD. NE, between INDIAN SCHOOL RD. NE and INTERSTATE 40 containing approximately 12 acre(s). [DEFERRED FROM 11/13/02] (J-19) **SITE DEVELOPMENT PLAN FOR BUILDING PERMIT AND SITE DEVELOPMENT PLAN FOR SUBDIVISION WERE APPROVED WITH FINAL SIGN OFF DELEGATED TO CITY ENGINEER, TRANSPORTATION DEVELOPMENT AND PLANNING. THE INFRASTRUCTURE LIST DATED 11/20/02 WAS APPROVED.**

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

10. **Project # 1001558**
02DRB-01714 Minor-Prelim&Final Plat Approval

BURTON ENGINEERS INC. agent(s) for CORONADO PARK LTD. request(s) the above action(s) for all or a portion of Tract(s) A, **CORONADO VILLAGE,** zoned SU-2 MUD, located on the northwest corner intersection of I-25 and PASEO DEL NORTE NE containing approximately 58 acre(s). [REF: 01420—01520 (VPE on 11/14/01) (C-17) **THE PRELIMINARY PLAT WAS APPROVED WITH FINAL PLAT SIGN OFF DELEGATED TO CITY ENGINEER AND TRANSPORTATION DEVELOPMENT.**

11. **Project # 1002221**
02DRB-01738 Minor-Amnd Prelim Plat Approval

BOHANNAN HUSTON, INC. agent(s) for LAS VENTANAS LIMITED PARTNERSHIP request(s) the above action(s) for all or a portion of Tract(s) J, VENTANA RANCH, **VITTORIA SUBDIVISION @ VENTANA RANCH,** zoned R-2, located on PASEO DEL NORTE NW, between UNIVERSE BLVD NW and PARADISE BLVD NW containing approximately 21 acre(s). [REF: 02DRB-1563] (B-10) **THE AMENDED PRELIMINARY PLAT WAS APPROVED AND THE AMENDED GRADING PLAN ENGINEER STAMP DATED 11/12/02 WAS APPROVED. THIS AMENDMENT DOES NOT EXTEND THE EXPIRATION DATE OF THE APPROVED PRELIMINARY PLAT.**

Action Sheet on DRB Approval

12. **Project # 1002324**
02DRB-01740 Minor-Prelim&Final Plat Approval

ISAACSON & ARFMAN, PA agent(s) for MOCHO, OLSON, CHANEY & MOCHO, LLP. request(s) the above action(s) for all or a portion of Lot(s) 7A, Tract(s) A, Block 4, Unit B, **NORTH ALBUQUERQUE ACRES,** zoned IP, located on BEVERLY HILLS AVE NE, between VENICE AVE NE and I-25 containing approximately 6 acre(s). [REF: 00410- 01540, 02-01670 (SK)] (B-18) **INDEFINITELY DEFERRED AT THE AGENT'S REQUEST.**

13. **Project # 1000267**
02DRB-01555 Minor-Prelim&Final Plat Approval

SURVEYS SOUTHWEST, LTD. agent(s) for BILL WADE / UPWEST CORP. request(s) the above action(s) for all or a portion of Lot(s) 13 & 14, **BREEZE @ SOUTH PEAK,** zoned R-3 residential zone, located on OCEAN BREEZE DR NE, between CHELWOOD PARK BLVD. NE and EASTRIDGE DR. NE containing approximately 1 acre(s). [REF: 02DRB-00954 SIA, 00460-00223 SK,00440-01100 FPA,00410-00399] [INDEFINITELY DEFERRED FROM 10/23/02 AND 11/20/02] (J-22) **INDEFINITELY DEFERRED ON A NO SHOW.**

NO ACTION IS TAKEN ON THESE CASES:
IF APPLICANT IS NOT PRESENT, COMMENTS WILL BE FORWARDED

14. **Project # 1000390**
02DRB-01737 Minor-Sketch Plat or Plan

BOHANNAN HUSTON agent(s) for LAS VENTANAS LIMITED PARTNERSHIP. request(s) the above action(s) for all or a portion of Tract(s) H, **VENTANA RANCH,** zoned SU-1 special use zone, for restricted C-2, located on the southeast corner of UNIVERSE NW and PARADISE BLVD NW containing approximately 16 acre(s). [REF: 01410-01495] (B-10) **THE ABOVE REQUEST WAS REVIEWED AND COMMENTS WERE GIVEN.**

15. **Project # 1002346**
02DRB-01735 Minor-Sketch Plat or Plan

BOHANNAN HUSTON agent(s) for LAS VENTANAS LIMITED PARTNERSHIP request(s) the above action(s) for all or a portion of Tract(s) G, **VENTANA RANCH,** zoned SU-1 special use zone, for restricted C-2, located on the northeast corner of UNIVERSE BLVD NW and PARADISE BLVD NW and containing approximately 13 acre(s). [REF: DRB-96-6, (1000390)] (B-10) **THE ABOVE REQUEST WAS REVIEWED AND COMMENTS WERE GIVEN.**

16. **Project # 1001986**
02DRB-01715 Minor-Sketch Plat or Plan

MARK GOODWIN & ASSOC. agent(s) for RIO OESTE DEVELOPMENT, LLC request(s) the above action(s) for all or a portion of Tract(s) D & E, **TAYLOR RANCH,** zoned R-1 residential zone, located on the WEST SIDE OF COORS BLVD NW, between LA ORILLA RD NW and VILLA CORTA DEL SUR NW containing approximately 10 acre(s). [REF: 02EPC-00834, 02EPC-00835] (E-12) **THE ABOVE REQUEST WAS**

17. **Project # 1002342**
02DRB-01720 Minor-Sketch Plat or Plan

MARK GOODWIN & ASSOCIATES, PA agent(s) for MEL FAMIE, LLC request(s) the above action(s) for all or a portion of Lot(s) 1-3, **CLYDE LELAND SUBDIVISION,** zoned R-T residential zone, located on ATRISCO DR NW, between LEGENDS AVE NW and WESTERN TRAIL NW containing approximately 3 acre(s). [REF: Z-85-138-502] (F-11) **THE ABOVE REQUEST WAS REVIEWED AND COMMENTS WERE GIVEN.**

18. **Project # 1002345**
02DRB-01733 Minor-Sketch Plat or Plan

CLINT SHERRILL & ASSOCIATES agent(s) for GOLDEN VENTURES, LLC, ROBERT SHAFFER JR. request(s) the above action(s) for all or a portion of Lot(s) 3, Unit 1, **BROADWAY INDUSTRIAL CENTER,** zoned SU-2 special neighborhood zone, HM, located on the east end of SAN JOSE AVE SE, between KARSTEN CT SE and SOUTH I-25 containing approximately 14 acre(s). [REF: DRB-97-271, (1000131) 02DRB-00109] (M-14) **THE ABOVE REQUEST WAS REVIEWED AND**

19. **Project # 1002347**
02DRB-01736 Minor-Sketch Plat or Plan

RICHARD HUDSON agent(s) for LAUREANO MEDRANO request(s) the above action(s) for all or a portion of Lot(s) 36 & 37, Block B, **MONKBRIDGE ADDITION,** zoned M-1, located on HEADINGLY NW, between 2ND STREET NW and 1ST STREET NW containing approximately 1 acre(s). (G-15) **THE ABOVE REQUEST WAS REVIEWED AND COMMENTS WERE GIVEN.**

20. **Project # 1002002**
02DRB-01743 Minor-Sketch Plat or Plan

ADVANCED ENGINEERING & CONSULTING, LLC agent(s) for RETAIL DEVELOPMENT INC., LLC request(s) the above action(s) for all or a portion of **BEAR CANYON ARROYO, SAN MATEO DEL NORTE,** zoned C-3 heavy commercial zone, located WEST OF SAN MATEO BLVD NE, between OSUNA RD NE and ACADEMY RD NE containing approximately 5 acre(s). [LISTED AS PROJECT #1002348 WHICH WAS INCORRECT] (E-17) **THE ABOVE REQUEST WAS REVIEWED AND COMMENTS WERE GIVEN.**

21. Approval of the Development Review Board minutes for 10/30/02 and 11/6/02. **THE MINUTES WERE APPROVED SUBJECT TO CHANGES BY THE BOARD.**

ADJOURNED: 12:12 P.M.

01708 BP

APPLICATION NO. 02DRB 01710 S	PROJECT NO. 1002337
PROJECT NAME Monroe Jr HS	
EPC APPLICATION NO.	
APPLICANT / AGENT HDA Lawrence Kline	PHONE NO. 842-6461
ZONE ATLAS PAGE J-19	

ONE STOP COMMENT FORM LOG

TRANSPORTATION DEV (505) 924-3990

PLANS DISAPPROVED	DATE	DATE
PLANS APPROVED RP	DATE 12-21-02	DATE

COMMENTS:

UTILITY DEV (505) 924-3989

PLANS DISAPPROVED	DATE	DATE
PLANS APPROVED	DATE	DATE

COMMENTS:

HYDROLOGY DEV (505) 924-3986

PLANS DISAPPROVED BLB	DATE 12-19-02	DATE
PLANS APPROVED	DATE 1-07-03	DATE

COMMENTS:

SIA not submitted

PARKS AND REC (505) 768-5328

PLANS DISAPPROVED	DATE	DATE
PLANS APPROVED	DATE	DATE

COMMENTS:

PLANNING (505) 924-3858

PLANS DISAPPROVED	DATE	DATE
PLANS APPROVED	DATE 12/19/02	DATE

COMMENTS:

(Return form with plat / site plan)

Planning Department

Development Services Division

Memorandum

To: Roger Green, PE, Acting DRB Chair and Sheran Matson, DRB member

CC: Victor Chavez, Planning Director

From: Bob Paulsen, Principal Planner B.P.

Date: 12/18/2002

Re: **Final Comments to DRB on Uptown Spectrum II, Project # 1002337**

This memo follows up a memo provided to the DRB on November 19, 2002 regarding the request by Hunt Uptown II, LLC for Final DRB sign-off on the Uptown Spectrum II site development plans for subdivision and building permit, otherwise referenced as Z-98-123, for the 9.63-acre Monroe Junior High School site at the Southeast quadrant of Louisiana Boulevard and Indian School Road NE.

Project drawings have been resubmitted by the applicant with adjustments made in order to satisfy the EPC conditions. The revised drawings are the subject of this review. For background information, please refer to memos from me to you dated November 12, 2002 and November 19, 2002 along with an associated memo to Alan Schwartz, EPC Chair, dated December 2, 2002. In addition to the revised drawings, the applicant (Lawrence Kline, agent) has submitted a letter (dated December 16, 2002) to me (attached) specifying the adjustments to the drawings that have been made based on my previous comments.

Of special note, on December 5, 2002, the EPC determined that Conditions 15 and 21 imposed on the site development plan for building permit (Z-98-123) have been satisfied by the applicant. The required adjustments to the site plan are included in the revised submittal. Therefore, These two conditions have been satisfied.

Upon review, I conclude that all EPC conditions as specified in the approval of Z-98-123, have been satisfied as depicted in the site development plan drawings and as specified in associated materials provided to me on December 16, 2002 and as transmitted herewith.

Paulsen Comments on Site Plans

HERBERT M. DENISH
AND ASSOCIATES, INC.
URBAN CONSULTANTS

December 16, 2002

Mr. Bob Paulsen, Principal Planner
Development Services Division
Planning Department
600 2nd Street NW
Albuquerque, NM 87103

Re: Final Planning DRB sign off for "Uptown Spectrum II", Project #1002337

Dear Mr. Paulsen:

The following is a response to your comments summarized in your memo to the DRB dated November 19, 2002. In that memo you outlined outstanding issues needing to be resolved in order to fully satisfy the EPC's Conditions of Approval as they relate to planning issues and receive Planning sign off for the "Uptown Spectrum Plan" (Z-98-123). The numbers listed below are those of the EPC conditions to which your comment was related:

Site Development for Subdivision

#2. It is our client's position that the drawings should remain as originally reviewed and approved by the EPC.

Site Development Plan for Building Permit

#1. We have received and attached to this document a letter from the Transit Department acknowledging our compliance with this condition. We will also be submitting $5000.00 to an account specified by the Transit Department for the establishment of activities related to a TMO upon final signature by the DRB.

#2. Comment #1: The shops building is now clearly shown on Sheet 1, the "Garage Level Plan". It was also staff's concern that there was a discrepancy between the theatre footprint as approved by the EPC and as submitted to the DRB. This discrepancy can be explained by the fact that Staff is reviewing an earlier version of the plan, which appears to have been modified during the EPC review process. The EPC Notice of Decision dated October 16, 1998 contains findings for the Site Plan for Building Permit that reference "455,570 square feet of development". The Staff report for the Spectrum submittal dated October 15, 1998 also describes a Site Plan for Building Permit for a project containing "455,570 square feet of development." This figure is the same as the total building area noted in our DRB submittal.

500 Marquette N.W. Suite 350 • P.O. Box 2001 • Albuquerque New Mexico 87103 • Tel. 505-842-6461 • FAX 505-842-6471
3791 Southern Blvd. Suite 202 • Rio Rancho, New Mexico 87124 • Tel. 505-994-1342 • FAX 505-994-9290

#2. Comment #2: The hotel elevations were revised to address staff's concerns about the lack of architectural interest.

#2. Comment #3: Overall building dimensions, as well as dimensions for typical opening sizes, were added to the elevations. Not every opening is dimensioned, but the typical ones provide compliance with this requirement.

#3. Comment #1: Freestanding light fixtures, both area lights and pedestrian scale pole lights, have been added to the enlarged landscape plans and the site plan. Area lights will be used primarily to light broad spaces like roadways. Lighting provided by pedestrian-scale pole lights, which will be used to light the pedestrian spaces, will be supplemented by landscape lighting and architectural lighting.

#3. Comment #2: Sixteen (16) benches have been added to the Plaza 2 area.

#3. Comment #3: The street tree planting design now reflects the Sector Plan minimum requirements of one (1) street tree per 30' of street frontage:
Louisiana Boulevard - 650 linear feet/30' = 21 trees required, 22 trees included in design.
America's Parkway - 1035 linear feet/30' = 34 trees required, 34 trees included in design.
Indian School Road - 580 linear feet/30' = 19 tree required, 20 trees included in the design.

#3 Comment #4: Additional landscaping has been added in front of the refuse container on the south side of the site. The planting design includes an evergreen tree, evergreen and deciduous shrubs, vines and perennials.

#7. Satisfaction of this condition is partially addressed in the site lighting portion of Condition #3, above. There is building mounted lighting shown on the revised hotel elevations and at the pilasters shown on the buildings that remain as Mr. Rainhart designed them (the precast buildings with the angled joint lines). They are also noted. The theatre elevations show neon lighting along the marquis canopy and profile and sconce style fixtures provided at the sidewalk level of the theatre to light the pedestrian pathways. A note has been added to Sheet 17 explaining how banners and awnings will be used on site. Banners will be used as allowed by the City's Zoning Code; awnings may be used at the hotel. Awnings are also shown at the retail spaces attached to the theater.

#9. The diagram on Sheet 21 was changed to match the detail shown on Sheet 12.

#15. On 12/5/02, the EPC gave direction to Planning Staff confirming compliance with this condition.

#21. On 12/5/02, the EPC verified compliance with the condition related to the housing units and associated open space. The Commission allowed the applicant to decide between two proposed locations for the housing. The DRB submittal has been modified to show the housing located in the hotel. The housing units located on the parking structure have been deleted.

We thank you for your time and consideration in reviewing these final modifications.

Sincerely,

Lawrence S. Kline, AICP

Planning Department

Development Services Division

#10

Memorandum

To: Roger Green, Acting DRB Chair

CC: Victor Chavez, Russell Brito & Paula Donahue

From: Bob Paulsen, Principal Planner

Date: 11/12/2002

Re: **Request for final sign-off of Uptown Spectrum II, Project # 1002337, applications: 02-01708 (SBP), 02-01710 (SPS)**

The above referenced projects constitute a request for DRB Final Sign-Off on EPC-approved site development plans for subdivision and building permit. The applicant is Hunt Uptown, LLC.

The EPC approved both site development plans for this 9.63-acre site on October 15,1998. The plans were approved contingent on City Council approval of an amendment to the Uptown Sector Development Plan to increase the allowable percentage of retail development within the Intense Core from 10% to 20%, and to increase the amount of retail floor area in a free-standing building from 20,000 sf to 26,000 sf. These amendments were approved by City Council on February 1, 1999.

More recently, an application for a site development plan for subdivision was submitted for EPC approval by Hunt Uptown, LLC (Project # 1002247) for the former St. Pius property and the former Monroe School site (scheduled for EPC hearing on December 5, 2002). The Uptown Spectrum II site is within the boundaries of this EPC request.

Of relevance to the DRB hearing on November 13th, the Uptown Spectrum II site development plans are inconsistent with the larger Hunt Uptown submittal. Consequently, there are two separate and conflicting submittals, on separate City of Albuquerque review/approval tracks, concerning the one piece of property. This circumstance must be rectified before the DRB can consider final sign-off on either of the two site development plans which make up the current DRB applications.

Consequently, a deferral is recommended until the applicant resolves the aforementioned circumstance.

Planning Department

Development Services Division

#9

MEMORANDUM

To: Roger Green, PE, Acting DRB Chair

CC: Victor Chavez, Sheran Matson, Joel Wooldridge, Paula Donahue

From: Bob Paulsen, Principal Planner B.P.

Date: 11/19/2002

Re: **Comments to DRB on Uptown Spectrum II, Project # 1002337**

#15+21 to EPC on 12/5/02

This memo is a follow-up to a memo provided to the DRB on November 11, 2002 regarding the request by Hunt Uptown II, LLC for Final DRB sign-off on Uptown Spectrum II site development plans for subdivision and building permit, otherwise known as Z-98-123, for the 9.63-acre Monroe Junior High School site at the Southeast quadrant of Louisiana Boulevard and Indian School Road NE.

Since the November 11th DRB hearing, Hunt Uptown has amended their request for site development plan for subdivision approval to the EPC (Project # 1002247, scheduled for hearing on December 5th), removing the 9.63-acre subject site from the EPC submittal. Hunt Uptown provided written notification of their intent to modify Project # 1002247 by way of letter dated November 12, 2002. Consequently, the prime reason for the previous deferral recommendation has been removed. The following comments respond to the DRB submittal, in particular how the applicant has addressed the Conditions of Approval imposed by the EPC at a hearing on October 15, 1998.

It is important to note that two of the EPC Conditions on the site plan for building permit (Conditions 15 and 21) require a review action by a now defunct "*site plan review committee*" of the EPC. Because this committee no longer exists, and neither the EPC nor the Planning Department has any intention of reviving this committee, the Planning Department, with consent of the applicant and the EPC Chairman, is placing these two items on the aforementioned December 5th EPC agenda. At the December 5th EPC hearing the Planning Department will request review and direction from the EPC in determining whether the referenced Conditions have been satisfied. Therefore, a final sign-off on the site development plan for building permit (by the DRB) will not be possible until the EPC provides direction on the satisfactory completion of these conditions. However, resolution of this matter, in and of itself, does not require a DRB deferral. All other review by the DRB can proceed independent of this issue.

As subsequent comments in this memo indicate, several issues and questions require resolution prior to final sign-off.

Below is an abbreviated description of the EPC Conditions followed by staff response **in bold text**. Please note that the applicant has included a full articulation of the EPC Conditions on the submitted site development plan and has provided a response to these conditions in a letter dated November 5, 2002 to Roger Green, Acting DRB Chair.

SITE DEVELOPMENT PLAN FOR SUBDIVISION

1. Transportation Division conditions: A - E.

   These items require review by others.

2. DRB submittal must meet all EPC conditions; a letter from the applicant shall indicate this.

   A letter detailing how conditions have been satisfied is provided.

   A Site Development Plan for Subdivision sheet is strongly recommended as a component of this submittal. At minimum, it should include a signature block and it should clearly indicate property lines, tract designations and other required components of a Site Plan for Subdivision as defined in the Zoning Code. The current submittal does not distinguish between the Site Plan for Subdivision and the Site Plan for Building Permit, which reflects the EPC submittal; yet, for administrative purposes, the DRB should require clear separation between these types of plans since two distinct approvals are being pursued.

SITE DEVELOPMENT PLAN FOR BUILDING PERMIT

1. Participation in a TMO....

   To be confirmed by the Transit Department.

2. Submit to DRB detailed plans, including building elevations....

   As the applicant notes, this condition must be reviewed in light of condition 15 which provides that architectural guidelines to be submitted in lieu of building elevations for the proposed restaurant(s). As applicant also notes, building footprints and square footage calculations generally reflect the EPC-approved plan. However, an apparent discrepancy between the EPC plans and the DRB submittal is the exclusion of a "shops" building adjacent to the SE corner of the theater; this building is not included in the DRB submittal. Also, the theater footprint has been adjusted it the DRB submittal and the square footage has expanded to 33,000, from 30,000 sf (Lobby and Auditoriums) as shown in the EPC approval. In addition, Parking Garage 1 (adjacent to the theater) has diminished in size to

accommodate the theater expansion and apparently the some of the below grade parking area has been eliminated. The applicant will need to explain and justify these apparent adjustments.

As required, landscaping and building elevation details and enhancements have been provided which are generally consistent with the stylistic elements, colors and materials indicated in the EPC-approved submittal. The proposed hotel, however, is seemingly lacking in architectural interest and stylistic detail, resulting in a prominent building that is arguably less compelling than other proposed buildings, including the proposed parking garages.

All building elevation drawings must be accurately dimensioned, including typical dimensions of doors, windows and other architectural features.

3. Submittal of a complete landscape plan including placement of benches, trees, and irrigation. Plaza areas must be drawn at a 1:10 scale.

   As the applicant's submittal letter indicates, a complete landscape plan with the required enlargements has been provided. However, it is unclear where the freestanding light fixtures will be located. And, it would seem odd that benches are not provided in Plaza 2 which is adjacent to the theater lobby.

   Additional street trees are required to meet City requirements. Also, additional plantings may be required at the south end of the site near the refuse container.

4. Submittal of drawings showing design enhancement of pedestrian path north, east of Retail 1 ... which make the path safe and attractive.

   This has been accomplished with skylights, benches and "show windows."

5. The north face of Garage 1 shall be enhanced with display windows.

   As noted, "show windows" or display windows have been added.

6. The applicant must conform to ADA provisions, with pedestrian ramps given locational priority over stairs.

   It appears that the design has been revised to meet ADA requirements and provide convenient access to mobility impaired visitors. ADA compliance will also be reviewed and required through the building permit process with submittal of construction plans.

7. Building and Plaza signage, lighting and ornamentation shall substantially conform to illustrations submitted to the EPC. Permitted ornamentation shall include one or more of the following per

tenant space: awnings, banners/flags, light fixtures, landscaping, pedestrian features, other elements....

While the submittal suggests that the site design will satisfy this condition, the specifics are unclear. For example, how extensively, if at all, will banners or awnings be used? And, as raised previously, where will site lighting be located and what is the height of the freestanding lights? Also, how extensively will recessed lighting be used? Is there any building-mounted lighting? These issues must be addressed by the applicant.

8. Illuminated signage is not permitted on the east building facades above 26' in height.

The plan is in compliance.

9. Monument signs shall not be higher than 10' or greater than 100 sf. The number of monument signs is limited to 4....

On sheet 21/21, the plans specify that monument signs are 9.0' high, 5.0' wide, or 45 sf in area; this is not consistent with information on sheet 12/21. Further, it appears that 6 monument signs are specified on the submitted plans, exceeding the number allowed by 2.

10. Signage criteria (as submitted to EPC) is required.

The flags and banners reference has been eliminated. The remaining signage criteria is provided as required. The Zoning Enforcement office will be asked to review the submittal for compliance with the signage provisions of the Uptown SDP and the Zoning Code.

11. Standard parking spaces are 20' x 8.5'.

Plan notations are in compliance as long as a 2' overhang space is available where required.

12. Provide pedestrian connections to adjacent Winrock Center uses with textured crosswalk crossing the loop road. A connection across Americas Parkway at mid site along the east side shall be 20' wide directly north of the access road. All interior drive aisle crossings shall have textured pavement 8 feet wide.

Note on Sheets 1 and 2 that all interior drive aisle crossings shall have 8' wide textured pavement; the Loop Road crossing is in compliance.

13. Comply with Transportation Development comments: A - H.

To be assessed by others.

14. A letter to DRB shall indicate how the side plan has been modified to meet EPC conditions.

This condition has been satisfied.

15. The restaurant shall be architecturally integrated into the overall site architecture. Guidelines shall be submitted to the EPC site plan review committee.

Sheet 17/21 has been submitted to satisfy this condition. As noted previously in this memo, the Planning Department is requesting review and direction from the EPC at a public hearing on December 5th in regards to this condition.

16. Street trees shall be added at 30 feet o.c. on the west side of the restaurant on Louisiana.

This condition has been satisfied.

17. Delete the walkways shown on the east, west and south side of the parking garage # 2, and convert to landscaping.

This condition has been satisfied.

18. Improve pedestrian connections from garage 2 to pedestrian ways to the east, west and south of site.

This condition has been satisfied.

19. Widen the sidewalk directly to the east of the south restaurant; the sidewalk runs in a east/west direction. Shade trees shall be added at 25' o.c. along the pedestrian way.

This condition has been satisfied.

20. Housing units shall be added to the site at a rate of 1 per 2000 sf of retail above the 10% level, up to a maximum of 20% of retail on the site. Parking shall be required at 1 space per unit.

This condition has been satisfied.

---

21. Each housing unit shall have a min. of 80 sf of open space adjacent to the unit in the form of decks, terraces or patios and a max. of 1 parking space per unit. The revised site plan shall be submitted to the EPC site plan review committee for final approval prior to DRB submittal.

As noted by the applicant, each housing unit has a deck or balcony which satisfies this requirement. As previously noted, this condition will be reviewed by the EPC on Dec. 5th.

DRB CASE ACTION LOG

REVISED 8/20/2002

his 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.:02-01710 (SPS) & 01708(BP) (SBP) | Project # **1002337**

Project Name:**MONROE JUNIOR HIGH** J19 | EPC Application No.: Z-98-123

Agent: Herb Denish & Associates Lawrence Kline | Phone No.: 842-6461

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

OUTSTANDING SIGNATURES COMMENTS TO BE ADDRESSED

- ☑ TRANSPORTATION: _____
  - ☑ TRANSPORTATION ISSUES RELATING TO/CONFORMING
  - ☑ TO NEW PROJECTS
  - ☐ _____
  - ☐ _____
- ☐ UTILITIES: _____
  - ☐ _____
  - ☐ _____
  - ☐ _____
  - ☐ _____
- ☑ CITY ENGINEER / AMAFCA: SIA
  - ☐ _____
  - ☐ _____
  - ☐ _____
  - ☐ _____
- ☐ PARKS / CIP: _____
  - ☐ _____
  - ☐ _____
  - ☐ _____
  - ☐ _____
- ☑ PLANNING (Last to sign): B. Paulson must initial SDP.
  - ☐ **See comments dated** _____
  - ☐ **EPC comments (name)** _____
  - ☐ **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.
  - ☑ **Include 3 copies of the approved site plan along with the originals.**
  - ☐ **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.**

Project Number 1002337

HUNT UPTOWN II, LLC
500 Marquette NW
Suite 350
Albuquerque, New Mexico 87102

December 17, 2002

Mr. Tom Murphy, Planner
Transit Department
CITY OF ALBUQUERQUE
100 First Street, SW
Albuquerque, New Mexico 87102

Re: $5,000.00 Developer Contribution, Project # 1002337

Dear Mr. Murphy:

Please find attached Hunt Uptown II, LLC's check in the amount of $5,000.00 payable to the City of Albuquerque towards a Transit Management Organization. This payment is designated for Transit's Trust and Agency Fund Activity Number 8283010.

Thank you for your assistance in this matter.

Best regards,
Hunt Uptown II, LLC

Gary B. Sapp

Enclosure
cc: Lawrence Kline
John A. Myers, Esq.

THIS CHECK IS VOID WITHOUT A BLUE & PURPLE BACKGROUND AND AN ARTIFICIAL FINGERPRINT & CERTIFICATION SEAL WATERMARK ON THE BACK - HOLD AT ANGLE TO VIEW SEAL

Hunt Uptown II, LLC
P.O. Box 12220
El Paso, TX 79913-0220

Bank of Albuquerque
26300009
Transit Number: 660
Routing Number: 1070

DATE	AMOUNT
12/17/02	$ ****5,000.00

Pay *FIVE THOUSAND AND 00/100* ********** Dollars

TO THE ORDER OF
City of Albuquerque
P.O. Box 1313
Albuquerque NM 87103

VOID AFTER 90 DAYS

Paula G. Johnson

SIGNATURE HAS A COLORED BACKGROUND - BORDER CONTAINS MICROPRINTING

U.S. PATENT NO. 5538290,5575508,5641183,5785353

⑈26300009⑈ ⑆107006606⑆ 7827215487

SEE ENDORSEMENT AREA ON BACK FOR U.S. PATENT 5538290 5575508 5641183 5785353

Hunt Uptown II, LLC **Bank of Albuquerqu**

STUB 1 of 1 CHECK No. 26300009 DATE 12/17/02

INVOICE NUMBER	INVOICE DATE	PAYMENT ADVICE	GROSS	DISCOUNT	NET
121602263	121602	Transit Trust and Agency Fund Activity #8283010, Project#1002337, Traffic Management Organization	5,000.00		5,000.00
			5,000.00		5,000.00

558215 City of Albuquerque

REORDER FT 903 - U.S. PATENT NO. 5538290 5575508 5641183 5785353

APM X3 09/01

Martin Chávez,
Mayor

City of Albuquerque
Transit Department
Peter Behrman, Director
100 First Street SW, Albuquerque, NM 87102
505-724-3100 505-724-3186 (fax)

November 20, 2002

Mr. Lawrence Kline AICP
Agent, Hunt Uptown II LLC
Herbert M. Denish and Associates, Inc.
500 Marquette N.W. Suite 350
P.O. Box 2001
Albuquerque, New Mexico 87103
VIA FACSIMILE: 505.842.6471

Re: Z-98-123, DRB final sign off

Dear Mr. Kline:

The Transit Department has reviewed the DRB submittal for Uptown Spectrum and your letter of November 4, 2002.

We feel that the Uptown Spectrum site plan for building permit will comply with the Conditions of Approval of Z-98-123 with slight modifications. The proposed bus stops along Americas Parkway need to be relocated and provided with bays. The bay for southbound Americas Parkway should be constructed south of the full intersection nearby the proposed hotel/office/condo. The bay for northbound Americas Parkway should be constructed immediately north of that same intersection. The proposed bus bays on Louisiana and Indian School should be deleted.

The developer contribution of $5,000 towards a Transportation Management Organization needs to be designated for Transit's Trust and Agency Fund Activity Number 8283010. This contribution needs to be accompanied by a letter on your clients' letterhead that specifics the purpose of the contributions' use.

Sincerely,

Tom Murphy, Planner
Transit Department

xc Bob Paulsen, Planning Department

DRB CASE ACTION LOG

REVISED 8/20/2002

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.:02-01710 (SPS) & 01708 (SBP)

Project # **1002337**

Project Name:**MONROE JUNIOR HIGH**

EPC Application No.: Z-98-123

Agent: Herb Denish & Associates

Phone No.: 342-6461

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

OUTSTANDING SIGNATURES COMMENTS TO BE ADDRESSED

☒ TRANSPORTATION:
- ☐ TRANSPORTATION ISSUES RELATING TO/CONFORMING TO NEW PROJECTS
- ☐
- ☐
- ☐

☐ UTILITIES:
- ☐
- ☐
- ☐
- ☐

☒ CITY ENGINEER / AMAFCA: SIA
- ☐
- ☐
- ☐
- ☐

☐ PARKS / CIP:
- ☐
- ☐
- ☐
- ☐

☒ PLANNING (Last to sign): B. Paulson must initial SDP.
- ☐ **See comments dated** _____
- ☐ **EPC comments (name)** _____
- ☐ **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.
- ☒ **Include 3 copies of the approved site plan along with the originals.**
- ☐ **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.**

Project Number 1002337

Site Plan Request

DRB PUBLIC HEARING SIGN IN SHEETS

CASE NUMBER: 1002337 AGENDA#: 9 DATE: 11.20.02

1. Name: Jeffrey Paul Address: 1800 Grove NE Zip: 87110
2. Name: Michelle Henrie Address: 201 Third St. NW Rodey Law Firm Zip: 87103
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: _____

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: 1002337 **AGENDA ITEM NO: 9**

SUBJECT:

(01) Sketch Plat/Plan
(02) Bulk Land Variance
(03) Sidewalk Variance
(03a) Sidewalk Deferral
(04) Preliminary Plat
(05) Site Plan for Subd
(06) Site Plan for BP
(07) Vacation
(08) Final Plat
(09) Infrastructure List
(10) Sector Dev Plan
(11) Grading Plan
(12) SIA Extension
(13) Master Development Plan
(14) Other

ACTION REQUESTED:

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

ENGINEERING COMMENTS:

An approved conceptual grading and drainage plan dated 10-31-02 is on file for site plan sign-off by the City Engineer.
Comments on infrastructure list were previously provided to applicant.

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: November 20, 2002

THE CITY OF ALBUQUERQUE IS AN EQUAL OPPORTUNITY/REASONABLE ACCOMMODATION EMPLOYER

~~Westside S.P.~~ 11/20/02
DRB

Rodeo's Concerns

1. Loop Road approval not affect Wenrose

2. Housing component be included as part of Phase I.

Michelle Henrie

Question of whether NMSHTD agrees on loop road alignment

loop road
G5 alignment in Uptown SDP

D Paulson 11/18/02

1. 2 conditions reference EPC Committee. Handled at EPC 12/5/02. Final DRB signoff delegated after 12/5.

2. Theater, Park. Garage - different on SDP - okay

Condition for approval

3. How will site be platted? Show on SDP for Subdiv. sheet

City of Albuquerque
P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103

DEVELOPMENT REVIEW BOARD
TRANSPORTATION DEVELOPMENT
Standard Comment Sheet

DRB-1002337 **Item No.10** **Zone Atlas J-19**
DATE ON AGENDA 11-13-02
INFRASTRUCTURE REQUIRED (X)YES ( )NO
CROSS REFERENCE: _____
_____

TYPE OF APPROVAL REQUESTED:
( )SKETCH PLAT ( )PRELIMINARY PLAT ( )FINAL PLAT
( )SITE PLAN REVIEW AND COMMENT (**X**)SITE PLAN FOR SUBDIVISION
(**X**)SITE PLAN FOR BUILDING PERMIT

No.	Comment
Site Plan:	Need to setup meeting to assure conditions have been addressed and everything is in order with Transportation Staff.
Infrastructure List:	Still under review. Comments will be forward once it is accomplished. ~~Need to arrange meeting to discuss List.~~

If you have any questions or comments please call Richard Dourte at 924-3990. Meeting notes:

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: 1002337 **AGENDA ITEM NO: 10**

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:

An approved conceptual grading and drainage plan dated 10-31-02 is on file for site plan sign-off by the City Engineer / AMAFCA.
Comments on the infrastructure list.
Platting should be a concurrent action.

RESOLUTION: 11-20-02

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: November 13, 2002

THE CITY OF ALBUQUERQUE IS AN EQUAL OPPORTUNITY/REASONABLE ACCOMMODATION EMPLOYER

DEVELOPMENT REVIEW BOARD
ACTION SHEET

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

November 13, 2002 9:00 a.m.
MEMBERS:

Roger Green, Acting DRB Chair
Claire Senova, Administrative Assistant

Richard Dourte, Transportation Development
Brad Bingham, Alternate City Engineer
Sheran Matson, Planning
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 (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.

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 BOARD SECRETARY 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: 11:21 A.M.
B. Changes and/or Additions to the Agenda
C. Announcements

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

1. **Project # 1000633**
02DRB-01598 Major-Two Year SIA

BOHANNAN HUSTON INC. agent(s) for TIBURON INVESTMENT CO., request(s) the above action(s) for all or a portion of Tract(s) 6A, 8A, 8F-1, 8G-1, 10-A, 9A-1, 7A-1A, **JOURNAL CENTER,** zoned IP industrial park zone, located north and south of MASTHEAD ST NE, between JEFFERSON ST NE and the NORTH DIVERSION CHANNEL containing approximately 97 acre(s). [REF: 01440-00277] (D-17) **A TWO-YEAR EXTENSION OF THE SIA WAS APPROVED.**

2. **Project # 1000355**
02DRB-01589 Major-Vacation of Public Easements

CARTESIAN SURVEYS INC. agent(s) for SIVAGE THOMAS HOMES, request(s) the above action(s) for all or a portion of Lot(s) 13-15, **DESERT MOUNTAIN @ HIGH DESERT,** zoned SU-2 HD/R-LT, located on SLATERIDGE PL NE, between ACADEMY NE and TRAMWAY NE containing approximately 1 acre(s). [REF: Z-92-63] (E-23) **VACATION WAS APPROVED AS SHOWN ON EXHIBIT B IN THE PLANNING FILE**

3. **Project # 1001206**
02DRB-01560 Major-Vacation of Pub Right-of-Way
02DRB-01561 Major-Vacation of Public Easements
02DRB-01562 Minor-Vacation of Private Easements

SURV-TEK INC agent(s) for ALBERT J & MARY J BLACK TRUST c/o JOHN BLACK TRUSTEE, request(s) the above action(s) for all or a portion of Tract(s) 3F-1 & 3G-1, **BLACK RANCH,** zoned O-1 office and institution zone, located on COORS NW, between VALLEY VIEW PL NW and PASEO DEL NORTE NW containing approximately 2 acre(s). [REF: 01EPC-01750, 01EPC-01749, 01EPC-00556, DRB-92-340] (C-13) **VACATIONS WERE APPROVED AS SHOWN ON EXHIBIT B IN THE PLANNING FILE WITH THE FOLLOWING CONDITION OF FINAL PLAT: PRIOR TO FINAL PLAT APPROVAL A 50-FOOT DEDICATION OF RIGHT-OF-WAY OR PUBLIC ROADWAY EASEMENT IS REQUIRED.**

4. **Project # 1001932**
02DRB-01578 Major-Preliminary Plat Approval
02DRB-01579 Major-Vacation of Pub Right-of-Way
02DRB-01580 Major-Vacation of Public Easements
02DRB-01581 Major- SiteDev Plan Subd
02DRB-01583 Minor-Sidewalk Waiver
02DRB-01584 Minor-Temp Deferral of SW Construction

MARK GOODWIN & ASSOCIATES, agent(s) for K B HOME NEW MEXICO,. request(s) the above action(s) for all or a portion of Tract(s) 5A1A & A1B, VOLCANO BUSINESS PARK, PHASE 1, Tract(s) A1 & B1, EL RANCHO ATRISCO, PHASE II, Tract(s) 391-393, LANDS OF PLAINS ELECTRIC COOP INC., AND A PORTION OF VACATED OLD OURAY RD NW, (to be known as **WEST RIDGE SUBDIVISION**, zoned SU-1 special use zone, IP, C-1 & PUB. UTIL., located on the east side of UNSER BLVD NW, between OLD OURAY RD NW and NEW OURAY RD NW containing approximately 38 acre(s). [REF: 02DRB-00690 SK PL] [DEFERRED FROM 11/13/02] (G-9/10, H-9/10) **DEFERRED AT THE AGENT'S REQUEST TO 12/4/02.**

5. **Project # 1002119**
02DRB-01594 Major-SiteDev Plan BldPermit
02DRB-01705 Minor-Prelim&Final Plat Approval

HUITT - ZOLLARS agent(s) for PETER SCHWARZ DVM, request(s) the above action(s) for all or a portion of Tract(s) A1-A, **VOL-ANDIA ADDITION,** zoned O-1 office and institution zone, located on the south side of MONTGOMERY BLVD NE, between CARLISLE BLVD NE and WASHINGTON ST NE containing approximately 2 acre(s). [REF: 02EPC-01144] [DEFERRED FROM 11/13/02] (G-17) **DEFERRED AT THE AGENT'S REQUEST TO 12/18/02.**

6. **Project # 1002141**
02DRB-01230 Major-Vacation of Pub Right-of-Way

TIERRA WEST, LLC agent(s) for PAUL SLONE request(s) the above action(s) for all or a portion of Lot(s) 24, Block(s) 2, **PUEBLO ALTO ADDITION,** zoned C-2 community commercial zone, located south of MARBLE AVE NE, between MANZANO ST NE and TRUMAN ST NE.[REF:DRB-99-193,1001686,02500-00489] [DEFERRED FROM 11/13/02] (J-17) **DEFERRED AT THE AGENT'S REQUEST TO 12/4/02.**

7. **Project # 1002277**
02DRB-01571 Major-SiteDev Plan BldPermit

DORMAN/BREEN ARCHITECTS agent(s) for CHAPMAN COMPANIES request(s) the above action(s) for all or a portion of Lot(s) 3 & 4, **JOURNAL CENTER 2,** zoned IP, located on WOLCOTT AVE NE, between WASHINGTON ST NE and HANCOCK CT NE containing approximately 2 acre(s). [REF: 1000633, DRB-95-268, Z-79-80] [Deferred from 11/6/02] (D-17) **SITE DEVELOPMENT PLAN WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO CITY ENGINEER, UTILITIES DEVELOPMENT AND TRANSPORTATION DEVELOPMENT.**

8. **Project # 1001875**
02DRB-01493 Major-Preliminary Plat Approval
02DRB-01495 Minor-Temp Defer SDWK

TIERRA WEST LLC agent(s) for ARGUS DEVELOPMENT request(s) the above action(s) for all or a portion of Tract(s) 2, KINSCHERFF AND UNPLATTED LAND / PRESLEY CO OF NM (to be known as **WESTERN TRAILS ESTATES**) zoned SU-1 PRD, located on COORS BLVD NW, between WESTERN TRAILS NW and SAN ANTONIO ARROYO NW containing approximately 22 acre(s). [REF: 02DRB-00570, 02EPC00838, Z-71-124] [DEFERRED FROM 11/6/02] (F-11) **WITH THE SIGNING OF THE INFRASTRUCTURE LIST DATED 11/13/02 AND APPROVAL OF THE GRADING PLAN ENGINEER STAMP DATED 10/28/02 THE PRELIMINARY PLAT WAS APPROVED WITH THE FOLLOWING CONDITION OF FINAL PLAT: THE STORM DRAIN EASEMENT ON THE NORTHERLY CUL-DE-SAC MUST BE SHOWN. TEMPORARY DEFERRAL OF CONSTRUCTION OF SIDEWALK WAS APPROVED FOR THE FRONTAGE AND SIDE YARDS OF THE DEVELOPABLE LOTS ON THE INTERIOR STREETS AS SHOWN ON EXHIBIT C IN THE PLANNING FILE.**

Project # 1001875
02DRB-01507 Minor-SiteDev Plan Subd/EPC
02DRB-01508 Minor-SiteDev Plan BldPermit/EPC

TIERRA WEST, LLC agent(s) for ARGUS DEVELOPMENT request(s) the above action(s) for all or a portion of Tract(s) 2, KINSCHERFF & UNPLATTED LAND in PRESLEY CO. OF NM, **WESTERN TRAILS SUBDIVISION,** zoned SU-1 special use zone, PRD, located on the west side of COORS BLVD NW, between WESTERN TRAILS NW and SAN ANTONIO ARROYO containing approximately 22 acre(s). [REF: 02DRB-00570, 02EPC-00838, 02DRB-01493 PPA, 02DRB-01495 TDSW, Z-71-124] [Debbie Stover, EPC Case Planner] [DEFERRED FROM 11/6/02] (F-11) **THE SITE PLAN FOR SUBDIVISION WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO PLANNING. THE SITE PLAN FOR BUILDING PERMIT WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO PLANNING.**

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.

9. **Project # 1002327**
02DRB-01678 Minor-SiteDev Plan BldPermit

RICK BENNETT ARCHITECTS agent(s) for KEITH CHESHIRE request(s) the above action(s) for all or a portion of Lot(s) 55, **ALAMEDA BUSINESS PARK,** zoned SU-2 special neighborhood zone, IP-EP, located on ALAMEDA BLVD NE, between ALAMEDA BLVD NE and VISTA ALAMEDA NE containing approximately 10 acre(s). [REF: 1000624, 1000441, 1000721, 1000452, DRB-98-223] (C-16) **THE SITE PLAN FOR BUILDING PERMIT WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO TRANSPORTATION DEVELOPMENT AND PLANNING.,**

10. **Project # 1002337**
02DRB-01710 Minor-SiteDev Plan Subd/EPC
02DRB-01708 Minor-SiteDev Plan BldPermit/EPC

HERB DENISH AND ASSOCIATES, INC. agent(s) for HUNT UPTOWN II, LLC request(s) the above action(s) for all or a portion of Tract(s) A, **MONROE JUNIOR HIGH SCHOOL,** zoned SU-3 Inside and Outside Intense Core, located on LOUISIANA BLVD NE, between INDIAN SCHOOL RD NE and INTERSTATE 40 containing approximately 12 acre(s). [REF: Z-98-123] **[Bob Paulsen, EPC Case Planner]** [DEFERRED FROM 11/13/02] (J-19) **DEFERRED AT THE AGENT'S REQUEST TO 11/20/02.**

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

11. **Project # 1000150**
02DRB-01706 Minor-Final Plat Approval

BOHANNAN HUSTON, INC. agent(s) for WESTLAND DEVELOPMENT CO., INC. request(s) the above action(s) for all or a portion of **THE CROSSING, UNIT 1,** zoned R-D residential and related uses zone, developing area, located WEST OF UNSER BLVD NW, between TIERRA PINTADA ST NW and LADERA DR NW containing approximately 16 acre(s). [REF: 00DRB-00080, 01DRB-00106, 01DRB-01852] (H-9) **DELEGATED OFF THE AGENDA 11/12/02.**

12. **Project # 1002336**
02DRB-01707 Minor-Prelim&Final Plat Approval

SURVEYS SOUTHWEST, LTD. agent(s) for ROBERTS OIL CO., BILL ROBERTS request(s) the above action(s) for all or a portion of Tract(s) B-2, **EASTRIDGE ADDITION, UNIT 4,** zoned C-1 neighborhood commercial zone, located on JUAN TABO BLVD NE, between PRINCESS JEANNE AVE NE and CONSTITUTION AVE NE containing approximately 1 acre(s). (J-22) **DELEGATED OFF THE AGENDA 11/12/02.**

NO ACTION IS TAKEN ON THESE CASES:
IF APPLICANT IS NOT PRESENT, COMMENTS WILL BE FORWARDED

13. **Project # 1001267**
02DRB-01696 Minor-Sketch Plat or Plan

MARK GOODWIN & ASSOCIATES agent(s) for KB HOMES OF NEW MEXICO request(s) the above action(s) for all or a portion of Tract(s) 46, 47 & 48 TOWN OF ATRISCO GRANT, UNIT 2, (to be known as **DESERT PINE, UNIT 4**, zoned RD 9 residential and related uses zone, developing area, located on the west side of 86TH ST SW, between EUCARIZ AVE SW and SUNSET GARDENS RD SW containing approximately 15 acre(s). [REF: 01DRB-01009, 01EPC-00728, 01EPC-00725, 01EPC-00727, AX-93-12, Z-93-125] (L-9) **THE ABOVE REQUEST WAS REVIEWED AND COMMENTS WERE GIVEN.**

14. **Project # 1002338**
02DRB-01709 Minor-Sketch Plat or Plan

MECHENBIER CONSTRUCTION CO. request(s) the above action(s) for all or a portion of Lot(s) 27, 28 & 29, Block(s) 3, Tract(s) A, **NORTH ALBUQUERQUE ACRES, UNIT B,** zoned IP industrial park zone, NORTH I-25 SECTOR DEVELOPMENT PLAN, located on the north side of VENICE AVE NE, between SAN MATEO BLVD NE and I-25 NE containing approximately 3 acre(s). (B-18) **THE ABOVE REQUEST WAS REVIEWED AND COMMENTS WERE GIVEN**

15. **Project # 1002339**
02DRB-01711 Minor-Sketch Plat or Plan

CHRISTOPHER CALOTT, PROSPECTIVE BUYER request(s) the above action(s) for all or a portion of Tract(s) 10A, **ALVARADO GARDENS - UNIT 2,** zoned RA-2 residential and agricultural zone, located on CAMPBELL RD NW, between TRELLIS DR NW and RIO GRANDE BLVD NW containing approximately 2 acre(s). (G-12) **THE ABOVE REQUEST WAS REVIEWED AND COMMENTS WERE GIVEN.**

16. ADJOURNED: 11:21 A. M.

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
R TRACY SPROULS
DONALD B MONNHEIMER
ALAN HALL
BRIAN H LEMATTA
JULIE P NEERKEN
THOMAS A OUTLER
SETH L SPARKS
LISA A. CHAVEZ
JOCELYN C DRENNAN
MICHAEL J BRESCIA
MICHELLE HENRIE
NELSE T SCHRECK
KARLA K POE
DEBORAH S GILLE
AARON C VIETS
KIMBERLY N BELL
KURT B GILBERT
BRENDA M MALONEY
MATTHEW S WERMAGER
LARRY J MONTANO
JESSICA M HERNANDEZ

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WRITER'S DIRECT NUMBER
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March 3, 2003

HAND DELIVERED

Crystal Ortega
Environmental Planning Commission
Planning Department, City of Albuquerque
600 Second Street NW
Albuquerque, New Mexico 87102

Re: Rodey, Dickason, Sloan, Akin & Robb, P.A. (Michelle Henrie) Appeals the Development Review Board Final Sign Off of the Site Development Plan for Building Permit and Site Development Plan for Subdivision Approval for All or a Portion of Tract(s) A, **MONROE JUNIOR HIGH SCHOOL**, Zoned SU-3 Inside and Outside Intense Core, Located on LOUISIANA BLVD. NE, between INDIAN SCHOOL RD. NE and INTERSTATE 40 Containing Approximately 12 acre(s), Project No. 1002337, No. 02DRB-01708, No. 02DRB-01710

Dear Ms. Ortega:

Enclosed for placement in the record of the referenced matter is a courtesy copy of a transcription of the Environmental Planning Commission hearing that was held on Thursday, February 13, 2003.

Sincerely,

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

By: _____
Michelle Henrie

MH:dv

Enclosure (1)

cc (w/ enc.): Bob Paulsen, Planner (hand delivered)
Environmental Planning Commission

Unofficial Transcription

TRANSCRIPTION OF
EPC APPEAL HEARING HELD
THURSDAY, FEBRUARY 13, 2003, 4:00 P.M.

Planning Commission Members Present:

Jeffery J. Jesionowski, Chairman
Susan Johnson
Larry Chavez
John Briscoe
Alan Schwartz, Vice Chair
Mick McMahan
Camilla Serrano

City Planning Staff Present:

Kevin Curran, Assistant City Attorney
Bob Paulson, Acting Division Planning Manager
Sheran Matson, City Planning Department

Persons to Speak in Favor of Appeal:

Michelle Henrie, The Rodey Law Firm, Attorney for PruWinrock, Appellant

Persons to Speak in Opposition of Appeal:

John Myers, Myers, Oliver & Price, P.C., Attorney for Hunt Uptown

Agenda Item 3. Project #1002337 02DRB-01708 Minor-Site Dev Plan BldPermit/EPC 02DRB-01710 Minor-Site Dev PlanSubd/EPC	RODEY, DICKASON, AKIN & ROBB, PA Michelle Henrie, appeals the Development Review Board's Final sign off of the Site Development Plan for Building Permit and Site Development Plan for Subdivision approval for all or a portion of Tract(s) A, **MONROE JUNIOR HIGH SCHOOL**, zoned SU-3 Inside and Outside Intense Core, located on LOUISIANA BLVD. NE, between INDIAN SCHOOL RD. NE and INTERSTATE 40 containing approximately 12 acre(s). (J-19) Bob Paulsen, EPC Case Planner.

Chairman Jesionowski: ... Okay that takes us to item number three. Item number three.

Bob Paulson: Mr. Chairman, item number three is an appeal of a DRB action. I believe that the procedure is prescribed, and I believe that the, generally, the Vice Chair would –

Chairman Jesionowski: That's correct.

Bob Paulson: -- preside over that meeting.

Chairman Jesionwoski: Correct. This is an appeal and our - our rules require that the Vice Chairman hear the – chair the appeal, so I would turn the podium over to Vice Chairman Schwartz. I'll switch with you.

Vice Chair Schwartz: Thank you, Mr. Chairman. Mr. Paulson, we don't have counsel?

Bob Paulson: Mr. Vice Chair, are you inquiring as to the City's counsel?

Vice Chair Schwartz: I'm talking about the EPC's counsel.

Bob Paulson: Yeah, our regular counsel is unavailable. Mr. Kevin Curran, who is the DRB's regular counsel is available.

Vice Chair Schwartz: He's hardly – objective from our position, is he?

Bob Paulson: That's – Sir, that's what we have available today.

Vice Chair Schwartz: Alright. Before we get started, can we hear this, Mr. Curran?

Kevin Curran: Can you hear this? What -- ?

Vice Chair Schwartz: Well, let me ask you this. We had a hearing on January 16th regarding the DRB transactions from November 20th, and we denied that appeal. Was that appeal – was our decision appealed?

Kevin Curran: Yes, it has been appealed as far as I understand.

Vice Chair Schwartz: Alright. And does the subject matter of this appeal closely related and arise directly out of the matters of that?

Kevin Curran: It's closely related, however, there's a different basis for the appeal.

Vice Chair Schwartz: I understand there is a different basis, but my question is, can we hear this? I mean, precluded from hearing this because it's part of a broader matter that's under appeal?

Kevin Curran: No, I don't think you're precluded from hearing it, Mr. Chair.

Vice Chair Schwartz: Okay. Then, and I guess the other question I had on technicality is, I'm just curious why the DRB isn't the appellee here.

Kevin Curran: I think – I think realistically speaking, or practically speaking, I think that's an accurate observation.

Vice Chair Schwartz: Because I mean, you know, we've got a lot of material in here from Mr. Myers, - since we, - you know, representing, but it seems like the appeal is really – this would be one of those cases where the DRB would be the appellee.

Kevin Curran: That's correct. I – I wouldn't object or I wouldn't even take issue with that assessment.

Vice Chair Schwartz: Mr. Myers, you intend, though, to speak in that position of the appellee?

Mr. Myers: Good afternoon. My name is John Myers, my address is 1401 Central Avenue, NW. With respect to the Chairman's comments about the - who's the appellee, we – Hunt Building II is certainly the real party in interest in this, and so we believe that we have a place at the table and we would like to address the Commission on this appeal.

We are not authorized by the DRB to speak on their behalf, so I – I would not say that I'm speaking for them, but I'm speaking for – I would like the opportunity to speak for Hunt, again, who's really the person who has the dog in this fight.

Vice Chair Schwartz: Okay. I guess we will just slide you in as the appellee since I don't –

Mr. Myers: That would be fine with me.

Vice Chair Schwartz: -- see any other – I mean, based on the discussion that was Monday, you know, the agency appeal, you know, takes the appellee's position if there is no appellee, but I don't know where that would put you. So –

Mr. Myers: As long as it puts us in the hearing, that's fine.

Vice Chair Schwartz: Fine. Thank you. So, we'll have fifteen minutes for the appellant, fifteen minutes for the appellee, five minutes for the DRB, and five minutes for City Staff, if that's relevant. And Ms. Henrie, are you going to be speaking today?

Michelle Henrie: Yes, Mr. Chairman, I am.

Vice Chair Schwartz: Alright. And did you wish to make any comments about anything I've said so far?

Michelle Henrie: No.

Mick McMahan: Mr. Chairman?

Vice Chair Schwartz: Commissioner McMahan.

Mick McMahan: I'm sorry, Ms. Henrie, I have - I have one quick question. Would you request if anyone from the Albuquerque Journal is in the audience, please, to identify themselves?

Vice Chair Schwartz: Do we have any members of the media here today? Could you please identify yourself?

Kathy Schrader: Kathy Schrader with New Mexico Business Weekly.

Vice Chair Schwartz: Thank you, Ms. Schrader.

Mick McMahan: Thank you, Mr. Chairman.

Vice Chair Schwartz: Alright, Ms. Henrie. I'm sorry, Commissioner Chavez.

Larry Chavez: Thank you, Mr. Chairman. I'd like to make a disclosure. I own a company by the name of Sunrooms Plus. We have temporary display arrangements with; I believe it's six regional malls in New Mexico and Arizona, one of which is Winrock Center. It's a temporary location for us similar to the other ones that we have. Also, I am purchasing on real estate contract a small office property on, I think, I believe, it's about a quarter acre on Indian School there, across from Winrock. I have discussed these circumstances with David Suffling from the City Attorney's Office, and he does not see any reason why I should not hear this case, and I agree. So I'm making that disclosure.

Vice Chair Schwartz: Okay. Ms. Henrie.

Michelle Henrie: Okay. Thank you, Mr. Chairman. Michelle Henrie, Rodey Law Firm, P.O. Box 1888 here in Albuquerque representing PruWinrock, the appellant in this matter. I did want to, as an initial thing, try to clarify for the record and for our discussion purposes today what is on appeal. I do think it is different from what was

appealed on January 16th, and I would like to try to explain that to you, and I will need to make a diagram to do that, so bear with me.

Okay, in any development process, as you know, there's different steps, different stages in the process. I'm gonna just indicate different steps in a hypothetical process here with building down at the bottom. So, steps one, two, three, four and five would be - would be the illustration. In order to move from step one to step two, you need to actually complete step one and finish it, go through the approval process or whatever is necessary, before you can move on. And again, to move from step two to step three; similar situation, you need to actually go through the process, complete it before you can move on. And the question is, what happens if along the way one of the steps is appealed. Let's say, step three is appealed to EPC, on up to council, and on up to court. And the question - the question I'm gonna style, can one move on? In a situation, when something has been appealed, can one act as if this step number three has happened. Whatever has needed to happen has happened, and they can move on to step number four. And the answer to that question is the difference between the hearing last January 16th and the hearing today.

The answer depends on whether you're on one side or other of this line right here. This line represents the difference between the administrative appeal process and the court appeal process. Last time, which was the hearing on 1/16, we were talking about the court appeal process. Today, we're talking about the administrative appeal process. So just to clarify, can you move on, in the –in the case of a court appeal, can you take what you've got in this number three, and move on to step number four? The answer is yes, you can. And it says that in Rule 74. It also says that in the – in the basic rules of appellate procedure. You can move on unless a stay has been issued, and a court in order to issue a stay is going to require someone to ask for a stay and post a bond. That's what we talked about last time. I don't want to talk about that this time.

What we're gonna talk about today is what happens in the administrative process. Can you move on from step three to step four if there's an appeal pending? The answer is no.

It says that in the statutes, New Mexico statutes, and that's reflected in your own zone code. And that's what we're gonna talk about today. In the case of an appeal to EPC and on up to council, with council being the final arbitrator in the matter before it goes to court, in order for you to move from step three to step four, one of two things has to happen. Either the appeal to District Court, in other words, moving over to the other side of that line, or if there's no appeal, you can move on. So, in other words, it's got to get through whatever the final decision's gonna be. Maybe it's this body, maybe it's council. At that point in time, you can move on to step four, and what you take on to step four is whatever council gave you. And so that's – that's the basic principle of what we're talking about today. And here today we had DRB approval – approval – the decision, the determination was made on November 20th, 2002. The action, the next step in the process is the actual signoff, the final signoff on those site plans. That's step number four, and the issue in this appeal is, given that the appeal was filed on December . . . the appeal was filed December 3rd – given that the appeal was filed, can the City continue to process that application? And the answer is no, until it gets through council or the final action, it could be this body, we don't know. That's the issue. And – thank you, John – let me now tell you why – what - what it means in practical, practical words. At this point, DRB should not have been signing off on those site plans. As you know, they were signed off on, we received a notice that the final signoff occurred on January 7th. To my knowledge, it's very unusual to receive such a notice, typically you – you - one doesn't. I've polled people in our firm and we're not aware of any other time when one received such a notice. But, first of all, DRB should not have proceeded with that final signoff once the appeal was filed.

The second thing is that staff should not be allowing the applicant to change the site plans. And I don't know if you noticed, I had not noticed because I had not seen the site plans since our hearing on December 5th, but the site plans that are attached to the appeal documents we received in this matter are not the same as those that were before you on December 5th. They – for example, page nine is blank. What you saw on December 5th had housing on top of the garage. Likewise, pages 14 and 16, which you also saw, I'm just gonna show you one, and I've marked it here in yellow, it does have the housing on

top of the garage. If you look at the plans in front of you, the housing on top of the garage has disappeared. Now is that - is that a big deal or is that a little deal? I think it's a big deal given that the appeal is supposed to stay the proceedings. It doesn't allow things to go forward. You don't mess with things, you don't fiddle with things, you don't change things until the appeal gets through the administrative process. And – what I found in the record to explain what happened, I had a hard time finding anything – page 77 of the DRB appeal packet, which is dated December 18, so it was after the appeal was filed, indicates that staff allowed applicant to make some changes in order to satisfy the EPC conditions. I – I couldn't figure out what those conditions are because my recollection of what this body did on December 5th, and indeed what's reflected in the transcript is, there were no conditions, and that's pages 139 and 140 of the DRB appeal packet. There was a finding that the applicant had testified to the effect that the housing would be placed on the hotel. What the applicant actually testified to was the preferred scheme would be housing on top of the hotel, but if - I did not come away from this hearing on December 5th - I did not come away from my – my reading of the transcript to see any conditions attached to that site plan. And, in fact, there was no notice of decision issued on this matter from the December 5th hearing, so there's no conditions in writing, nothing that I can refer to see whether or not they slipped in there - different than my opinion - my understanding had been.

The other thing that bothers me about this is that the revisions – there's no - there's no records to the revisions. The site plan that was before you on December 5th was dated November 5th. The site plan that's before you now is dated November 5th. I find that very misleading. I find that frightening, because what that means is the record that is building on appeal is not correct. The site plans that were reviewed before DRB and were reviewed by you are not the site plans that will be reviewed by City Council on appeal unless this error is corrected. And the reason it matters again is, in an administrative appeal process, you don't make changes until the administrative appeal works its way through the process. So that's what this appeal is about.

Excuse me; let me catch my breath here. I'm trying not to talk so fast this time. I- I would – basically, that's - that's the essence of our appeal. I cited some statutes. I cited things in the letters that you've already looked at. I don't think we need to go through that anymore. The only thing that I would quote is from the statutes, the New Mexico statutes relating to zoning. The - as you know, zoning is – is not an inherent power, it's something that the state grants to a municipal body or to a county government. And the zoning statutes do say that "any aggrieved person...", I'm gonna abbreviate here, "...affected by a decision of an administrative officer, commission or committee...", I'm skipping over, "...may appeal to the zoning authority". The zoning authority is the city, and the City Council, in particular, as – as the - the final authority. "An appeal shall stay all proceedings in furtherance of the action appealed." That concept is reflected in several places in the zone code, and I'll just cite to 14-16-4-4(A)(3) and (B)(4), both are within the appeal section of the zone code. One says once an appeal is filed, no change. You don't make changes. The other says, no permits are issued until an appeal is decided or the time for filing the appeal has expired. Again, the concept is simple. When the appeal is filed, stop things until it gets through the administrative process. The appellant, or the – the appellee, actually, can take, or whoever, whoever is the real party in interest can take what they received, what they got from City Council and move forward on that once a matter goes up to court or the time for filing the appeal has expired. To do so now is premature, and that's – that's really what this is about. That's all the presentation I had. If you have questions at this point, I can try to answer them.

Vice Chair Schwartz: Ms. Henrie, you submitted a letter that had this flowchart?

Michelle Henrie: Yes.

Vice Chair Schwartz: And I was looking at the flowchart, when I look at the flowchart, for some reason, it only shows an appeal as a function of a denial.

Michelle Henrie: Yeah. Yeah, you're correct.

Vice Chair Schwartz: Would you say that the flow from appeal down would be equally applicable to any of the other possible alternatives from the EPC? Or the DRB?

Michelle Henrie: I would, Commissioner Schwartz. And, as I understand the chart, and I'm glad you had a copy of it in your packet. The process, the different steps in the chain are, you know, there's the preapplication discussion, if something has to go to DRB, you file the application, the application is accepted. If it's complete, it then gets processed. A hearing's scheduled, and legal notice is posted, and then there's the DRB meeting. And then what we have here is a whole level of determinations, different determinations that the DRB could make. They can defer it, forward it to EPC, approve it or deny it. And I think that, regardless of the determination made, an appeal is taken from the determination, and then, if the appeal is made, it goes to EPC, and it must be heard within sixty days, either the appeal is resolved or it is - there's no appeal filed, and at that point, at that point, the next step is DRB signs the final plat.

And let me just refer to one more thing. I wondered where this sixty-day provision came from, and it's actually in the subdivision regulations. It's 14-14-8-4, appeal to planning commission. As you know, much of the zone code doesn't refer directly to the DRB, it's referred to more in the subdivision regulations. But it says "Any person aggrieved by any determination of the Development Review Board acting pursuant to this article may appeal to the Planning Commission by submitting a written application...", et cetera, et cetera, and that it must be heard within sixty days.

Vice Chair Schwartz: Well, I'm glad you mentioned that 'cause there's another funny thing I found here. The actual – what were the site plans that were actually the subject here?

Michelle Henrie: There were two. One was a site plan for subdivision, one was a site plan for building permit, but they were –

Vice Chair Schwartz: Okay.

Michelle Henrie: -- together.

Vice Chair Schwartz: The interesting thing is that on appeal, the language of the subdivision code doesn't actually read the same as the zoning code. So, in a subdivision code and 14-14-8-2 standings, it says, the following persons may be considered aggrieved and may file appeals of decisions, whereas, in the zoning code, it says "appeals of the declaratory rulings as to the applicability of the zoning code, by the zoning ____, or any action which is authorized by the Zoning Code and is made by the Planning Directors to the Planning Commission...", so –

Michelle Henrie: They're not identical.

Vice Chair Schwartz: No, they're not. And any action would seem to be a little broader than decision, but –

Michelle Henrie: Well, and, I'm puzzled –

Vice Chair Schwartz: With respect to the site plan for – I mean, my feeling would be that the site plan for building permit is covered by the zoning.

Michelle Henrie: Yes. That would make sense.

Vice Chair Schwartz: Not the subdivision.

Michelle Henrie: I - I also - also puzzled over that a bit, and I went to the DR – the Development Processes Manual which is where that flow chart comes from, the development plan review section, which is Chapter 3. Chapter 15 references appeals, and what it did, Commissioner Schwartz, is it kind of smacked the two provisions together, so it threw DRB into the laundry list that you get in the zone code as to appealable decisions. And then, over in Chapter 3, that flow chart that you see references the sixty-

day provision which is technically from the subdivision code. So I – my interpretation of all that is that the City has been administering the two, more or less, hand in hand. And that's reflected in the DPM.

Vice Chair Schwartz: Alright. What – I'll ask this question later to the DR – well, let me ask you the question, for your opinion.

Michelle Henrie: Okay.

Vice Chair Schwartz: What is your understanding of the concept that the DRB is a consensus body?

Michelle Henrie: By consensus body, do you mean ministerial or non-discretionary body?

Vice Chair Schwartz: I don't know. I know that Ms. Stevens used to come here all the time and tell us that the DRB was a consensus body.

Michelle Henrie: Okay, I would –

Vice Chair Schwartz: And I got the impression that it meant that everybody had to agree on every decision.

Michelle Henrie: I – I'm not sure I could comment on that.

Vice Chair Schwartz: Alright. So – well, when the DRB talks, we'll find out. Because I'm not clear how – unless you're extremely specific about what you're delegating, how you can have people agreeing on something that occurs after the fact. Because it's my understanding that this delegation did not require another public hearing?

Michelle Henrie: Correct.

Vice Chair Schwartz: That this is just something that happens and then a letter is sent out?

Michelle Henrie: In this process, in particular.

Vice Chair Schwartz: And there's no record, then?

Michelle Henrie: Correct. The approval was granted at public hearing. There was delegation to three, I believe, different entities. Your hearing was a part that - the December 5th hearing was a part of the delegation. And then the signoff occurred when it occurred with the last signature affixed on January 7th.

Vice Chair Schwartz: Okay. Anyone have any questions for Ms. Henrie? Commissioner Chavez.

Larry Chavez: Thank you, Mr. Chairman. Ms. Henrie. When you draw the line there between the administrative process and the district court process, I know that we've had some district court appeals in the past, most recently, I think, the West Bluff case, and I believe that development continued during that process of being appealed in District Court, are you suggesting that development cannot proceed during the administrative process, but once it gets to District Court, that it can proceed? Or what is the reason for the line?

Michelle Henrie: Commissioner Chavez, you are correct, assuming that an approval has been granted here. The final decision is an approval. In other words, it was a denial here overturned or it was an approval affirmed. In other words, what the person has in the bank at the end of the line is the ability to go forward. At that point in time, once it goes into court, yes, they do. They have the ability to go forward.

Larry Chavez: But what is the reason for the line?

Michelle Henrie: The line is just to indicate the difference between the administrative process and the court process, which is the distinction that you set in the administrative process, even if somebody had an approval here, let's say EPC affirmed it, let's say council affirmed it. They still could not move forward on the development until council acted and made that decision final. On the other hand, once it gets up to District Court or once that appeal period expires, they can go. They can move forward.

Larry Chavez: Ok.

Michelle Henrie: Thank you.

Vice Chair Schwartz: Commissioner Johnson.

Susan Johnson: Thank you, Mr. Chairman. Ms. Henrie, sometimes I feel I understand a lot of these issues and sometimes I don't, so I'm gonna ask a really basic question. Can you talk to us about your aggrieved status? That's the basis for your standing, as I read your letter.

Michelle Henrie: Correct, correct. Our aggrieved status - I'm not sure - Commissioner Johnson, whether you're asking about whether we have standing under the provisions in the zone code because we are a neighbor –

Susan Johnson: I'm asking what it is –

Michelle Henrie: What the problem is?

Susan Johnson: What the problem is.

Michelle Henrie: Okay. Winrock has a stake and a concern in upholding the sector plan, trying to make sure that the process is what it's supposed to be and that it's being applied

as it's supposed to be applied. We all buy property. Winrock bought property. PruWinrock purchased the ground under the mall recently, and it did so in reliance on certain procedures, including those stated in the Uptown Sector Plan and those in the zone code. And when the process gets messed up - when it's not being applied the way it should be, it is a problem. It is a problem for PruWinrock, in particular, because the difference between now and 1998 is that its redevelopment plans came along. And its –

Susan Johnson: PruWinrock's?

Michelle Henrie: -- redevelopment plans?

Susan Johnson: Yeah. Okay, I just wanted to know. It's what – that's right, that's right.

Michelle Henrie: Yeah. And the question is, you know, back in 1998 when this Uptown Spectrum II project went through EPC and so forth, the base underlying conditions surrounding Uptown were different than they are today. Today, those base underlying conditions, I mean, there's been development in the last four years, there's been changes, but in addition, from PruWinrock's perspective, it – it purchased the land and it started a massive redevelopment project expecting to be able to rely on certain things, including the sector plan and the zone code. And what we, what we're finding is that the reliance we had is not – I don't want to say it's misplaced – but things have not, in our estimation, followed procedure the way they should. And that's – that's where we're aggrieved.

Susan Johnson: Thank you.

Vice Chair Schwartz: Thank you, Ms. Henrie.

Michelle Henrie: Thank you.

Vice Chair Schwartz: Mr. Myers. Good afternoon, sir.

John Myers: Good afternoon. Again, I'm John Myers. I'm here on behalf of Hunt Uptown II, LLC, the owner of the Monroe site, which is the subject of this appeal. I sent you a couple of letters and quoted a lot of cases and statements of general law, and I think that it's pretty clear that the law supports our position, but we really don't need to read all of those cases.

You know, this is a case where the law is consistent with common sense, and that's what we're talking about here. The action that is being appealed from is the signoff by the DRB, and I think you all know the process but I want to walk through it again because it's important. A site plan comes to the planning commission. The planning commission looks at the site plan. They hear the staff. They hear the arguments of pro and con about the site plan, and they, you, the planning commission, makes some determinations that yes, that site plan's appropriate or it's not. And if it is appropriate, you usually say, I've got it - I want to tweak it a little bit. I'm gonna impose some conditions on that site plan. I'm gonna say you have to build some infrastructure to serve that property. I'm gonna say there's insufficient landscaping, put some more landscaping in. You - You say any number of things and you impose conditions. And the applicant goes away and they have their site plan that they presented to you and they have a laundry list of things that need to be cleaned up or changed or fixed to meet what you approved.

And so, it used to be there wasn't any mechanism for, officially, sort of putting to rest that we have a site plan that had cured all those deficiencies that you had noted or had fixed those things that you wanted, so along the way, the city came up with a process, an informal process, of carrying that site plan to a group of five city staff members at the DRB. And that job of carrying that to the DRB was for them to check off and make sure all those things you said need to be done got done. That there was an agreement in place to construct the infrastructure necessary to serve that site, that some more landscaping was put in, that – that the building's color was changed, and – and whatever. And so, the applicant goes back and they take their site plan from the one they presented to you, and they erase some of the parking spaces and they put in some trees, and they enter into an agreement to provide infrastructure, and one by one, they satisfy the five members of the

DRB who each have their little place of interest. The parks people make sure that you satisfied the park conditions. The planning people make sure you satisfied the planning conditions. The public works people make sure you satisfied the public works issues.

And this, as Commissioner Schwartz indicates, it's a consensus board. They don't take a vote. It's not a – it's not a, you know, majority rules. Each of those members of the DRB has their own little function. They're just checking off to make sure that those conditions have been satisfied.

So, in our case, we go to the DRB, and the DRB – these aren't publicly advertised meetings, but they put them on their agenda, and they carry it to the DRB, and the DRB sort of has a - I think it's not written, but they have an informal way of carrying out their business, and they say, if we can - if two of the five people will sign off there at the meeting, they'll go ahead and say, you don't have to come back to the meeting, you just chase down those other three people and you go take to the public works guy his - satisfy his conditions, you go to the parks person. And then, once you've satisfied everybody, we – you'll have five signatures on that site plan and we'll know that's the official one that was approved by the EPC and checked by the DRB staff.

So that's what we did in our case. And we got halfway through the process, well, we really got two-fifths the way through the process. We had two signatures where two of the staff members had said, yeah - these are - our area is taken care of, and before the other three had been taken care of, an appeal is filed. An appeal is filed by Winrock and it says the DRB screwed up. We want to appeal this. And funny, one of the things they raised in their first appeal was, all the conditions haven't been satisfied. Well, of course, all the conditions hadn't been satisfied because we were still in the middle of the process of chasing down five members of the DRB and satisfying their conditions. And until those conditions were satisfied, the DRB members wouldn't sign off, and their work would not be done. And in all of our cases I cite, we call that finality. And – And that's a - that's a – a practice or a rule that follows in all proceedings – administrative

proceedings, court proceedings. That is, you can't go file an appeal until the body you're appealing from has finished their job.

And - And it – And it's only common sense to understand that because if you could file appeal, an appeal, in the middle of a proceeding, it'd be chaos. You could never accomplish anything. Or what if we were here in the middle of the EPC meeting and you're halfway through your discussions and it wasn't going the way I like, and I ran upstairs and filed an appeal of the DRB action, and said, you can't consider – you can't do anything else. Let's go through and then we'll start again, and then, once you get halfway through your discussion next time, I'll file an appeal again, and that's exactly what's happened here. So an appeal was filed before the - an appeal of the DRB decision which had yet, not, had not yet been fully rendered, and then – then the DRB did finish their work, and they had a final signoff. All the five people signed, all the conditions were satisfied. And then we had an appeal hearing before you where a lot of issues were discussed about a lot of things that Winrock felt there were problems with. And this body said, no, we think everything was okay. And now, the - our second appeal is filed because they said the DRB couldn't finish their work. And - and it just doesn't make any sense.

Now, in the materials that I - some of those cases I cited to you, they're basically principle, general principles of law stated by - in law treatises that say you can't appeal final - you can't appeal administrative decisions, and that's what like the DRB's decision is, an administrative decision, until it's final, until they finish their work. And they only one job – their one job was to satisfy all five people that the conditions you imposed had been - had been satisfied.

So when Winrock filed that first appeal, the - the word lawyers use is that it was not "ripe". It wasn't ready to be appealed yet because they were appealing a decision that hadn't been fully made. And until it was ripe, there - there was really - the appeal was really a nullity, and the DRB was permitted to finish its work. It has finished its work. Winrock has had an opportunity to raise the concerns which it has – it had about its work,

and has presented those to this body, and this body has found that the DRB acted properly. The – Ironically, and the – the Winrock counsel points out a couple statements out of the ordinance and out of the state law that talk about when an appeal is filed you won't take any action on the decision rendered. And - and I say two things to that: one, you just can't – the - the appeal really didn't exist, because it wasn't ripe. It was premature. You - you can't file an appeal in the middle of the action, so it really wasn't an appeal. And - and even if you want to say, literally, well, they filed an appeal, and they called it an appeal, therefore, it's an appeal, we didn't take any action on the DRB - what the DRB was doing. It's not like we - while they filed their appeal, we didn't run and get a building permit and build a building. All we did was continue to get the DRB or allow the DRB to finish its job. And - and so, I - I just don't believe that those provisions are applicable.

Now, interestingly, I don't think it got in your packet, but interestingly, there was a New Mexico case, and I know this isn't a courthouse, but, that came out on January 30th where a very similar issue came up. And in that case, there was a – this involved the Mining Act, but there was an appeal of an administrative decision and the court - the court said, well, we believe that that appeal was premature, but, by the time the court acted, the agency had finished their work. And they said, okay, now, they've finished their work, so now we can go ahead and rule on the appeal. So, the – the - what this court – what this case tells us is, is that administrative body was allowed to finish its work and then the appellant court acted on the appeal. The – Judge Woody Smith, who was one of our district court judges for a long time had a sign in his office that said, "If it ain't fair, it ain't legal." And - and I think that that saying has some good applicability here, that – that really, this appeal and being able to do what Winrock is trying to do, ain't fair. Thank you very much.

Vice Chair Schwartz: Mr. Jesionowski.

Jeffery Jesionowski: Thank you, Mr. Vice Chairman. Mr. Myers, do you feel that the DRB decision in this case is appealable?

John Myers: I - I believe that there probably are some – I don't believe that this appeal has any merit, but – but I think there could be situations where the DRB could improperly do its job and be subject to an appeal. That is, you impose a condition and the DRB signs off without implementing that condition, for example. So - So, I believe that there would be situations where a DRB decision could be.

Jeffery Jesionowski: You know, I guess the thing that's perplexing to me is that, you know, it goes through this whole process of EPC and City Council and District Court, okay, and then comes back down to DRB, and then we go through it all again. I mean, it's like, one time isn't enough –

John Myers: Yeah.

Jeffery Jesionowski: -- we have to do it twice. I mean, --

John Myers: I - I don't believe that you can – litigate – you can appeal this – you - you can't really appeal the substance of the decision that was rendered by the EPC the first time around. That is, the EPC makes a decision – and that's what's happened in this case. The EPC makes a decision and says, I approve this plan with a hundred trees. And that got appealed to the district - City Council, to the District Court, and when there was an attempt to take it to the Court of Appeals, and the Court of Appeals refused to hear it, and so - in my example, the issue of whether a hundred trees is appropriate is put to rest. But – but I would say that if then it was taken to the DRB for signoff, and the DRB signed off, and it had a hundred trees, you couldn't appeal that again, because you've appealed that. But – but if the DRB signed off and there were only fifty trees, maybe I could - someone could come and say, well they didn't do what they're supposed to do. That's my view of that, I think.

Jeffery Jesionowski: Okay. Thank you.

Vice Chair Schwartz: Mr. Myers, it's confusing to me, but maybe you can – are you saying that – your position is that this – this was a premature appeal, among other things?

John Myers: Yeah, primarily that's what I'm saying.

Vice Chair Schwartz: Okay. I went out and tried to understand what "ripe for appeal" meant. And I happened to come across something, and I think it was the state of Connecticut and it was a workers' compensation board where numerous people were making appeals based on letter determinations, and the court was saying, this is not ripe for appeal because there's no record..
[END OF TAPE 1, SIDE A]

[TAPE 1, SIDE B]

Vice Chair Schwartz: ..... appeal - I mean, do you have any response to that, or – in other words, because what I've heard here is that when this left the DRB, and it went for these other three signatures, this was done without any sort of public hearing and there's no record...

John Myers: Right

Vice Chair Schwartz: ...of what occurred other than this letter that says it happened. Well, how do you appeal that? Where's the record to base an appeal on?

John Myers: Well, I – I don't think there is a record of the DRB proceedings. I - I would stand corrected by the staff. And you used the term public hearing, and this is not characterized as a public hearing, I do not believe, by the staff or by the DRB. The DRB has two kinds of hearings is my understanding. They have some that they characterize as a public hearing, for example, vacation of public rights of way, major – major platting actions where they advertise – they send out adver - notices just like you do to adjoining property owners, they send out – they - they publish an ad, and they have a hearing and

the public is invited to attend and speak their peace. On the – they – they also have action items that are not designated as public hearings, and – and we might go back to the genesis of the DRB and - and that was that - it used to be that if I had something I wanted to get approved, like a sign off on my site plan, I – I would just chase around City Hall. I'd go – I'd go five different places and find five different people to sign off, and – and at the – at the outset, the city said, well, gee, that's sort of a pain, and maybe I go over to one person, and they said, paint it blue. And then I go to the next person, and they said paint it green. So we said, we'll just let them all sit there together, so at least it's a matter of convenience for accomplishing these things. So, I – I don't think we're talking about – I don't think it's comparable to, maybe these cases that you've seen, where there's a public hearing, there's a record. I don't think a record has anything to do with it.

Vice Chair Schwartz: Okay. But, in fact, there is a record. I mean we have a transcript of –

John Myers: There's something –

Vice Chair Schwartz: -- the DRB. Right, okay. Yeah, we have – we have a transcript and, at the conclusion of the transcript, it says the following action was taken. And –

John Myers: But - but, certainly . . .

Vice Chair Schwartz: The – the zoning code says any action is appealable.

John Myers: But - but it certainly was not a final action because the DRB cannot act until all five people sign - sign off.

Vice Chair Schwartz: Well, certainly, it was a final action by the two people that signed, wasn't it?

John Myers: Well, it was two-fifths of a final action, yes.

Vice Chair Schwartz: Okay. Commissioner Serrano.

Camilla Serrano: Well, I guess I can follow up to that. Each - I'm trying to listen to what you said earlier, each of them sort of act independently –

John Myers: I think that's correct.

Camilla Serrano: -- they have their own turf, so as each one approves that, is it not final action?

John Myers: Well, no – no because

Camilla Serrano: as to their part, or --?

John Myers: -- you're right; that each one has to – has to - they act individually, and they must all act. They must - each one must do their job. But until they have all done that, there is no final sign off of the site plan.

Vice Chair Schwartz: That's correct.

John Myers: And – and if we look at this, and say - if we say, each one - each time someone signs it, you could appeal it, let's think through what that does. It's - it's chaos.

Camilla Serrano: I understand your point. I guess – I guess, in a simplistic form, I was - Commissioner Schwartz said that this is somewhat – it's - it's complex. I was looking at Ms. Henrie's diagram. I think your position is, if I understand it correctly, is that really, her diagram is correct. It's that her appeal process, you're saying, really, the appeal - it's an appeal of a final decision.

John Myers: That's right. And in fact, I think the words - I didn't see her picture, but I think the words she said is, we've got our little steps, one, two, three, four, five, and you need to complete step one before you can move on to the next step. And what if along the way one of the steps is appealed? Well – I guess it's not there, I thought it was there.

Camilla Serrano: It's behind you.

John Myers: But when – but -- step one never got completed because it got appealed before it was completed.

Jeffery Jesionowski: Question.

Vice Chair Schwartz: Mr. Jesionowski.

Jeffery Jesionowski: Thank you, Mr. Vice Chairman. The – okay, so – so - so we – so we're not trying to retry the whole, the whole process again?

John Myers: Right.

Jeffery Jesionowski: What we're talking about here and – and I think I wrote it down here, is you said, that the issue here is the conditions have or haven't been satisfied, that's the decision that this body here is to make – whether or not those conditions were imposed, because that whole process has already gone through. Wouldn't that be equivalent to double jeopardy?

John Myers: Yeah. Yes, maybe that's not quite the word, but – but, and then that's what happened the last time we were here on appeal from the DRB. They, Winrock raised various issues about the DRB signoff, but this time, it's even narrower. They're - They're appealing just saying the DRB didn't have the right to finish the sign off.

Jeffery Jesionowski: Okay, I understand. Thank you.

John Myers: Okay.

Vice Chair Schwartz: Well, I – I think that it certainly would help - you know, you're argument about a filed decision - I think - it makes – it makes a lot of sense. I guess the problem I have is that I don't think that without some sort of guidance, you know, I'd feel uncomfortable making on a case-by-case basis, you know, what is a final decision. And, you know, I thought, you know, Monday we - there was an appeal at council, and initially, you know, I thought -- how can you appeal a deferral? And Mr. Curran raised that issue and the council just declined to really deal with it, but the more I thought about it, I realized, well, there could be an abuse of discretion in granting a deferral – in - in causing a deferral, and – and in - it's not exactly the facts of the case, but I started thinking about the Del Monte Dunes, you know, where you just drag something on, and you know, and, at one point, a Federal District Court ruled that it wasn't ripe, but it made it up to the Supreme Court anyway, so, I – I guess there's some disagreement about, you know, what can or cannot be appealed, and – and what's final and – well – any other questions for Mr. Myers? Thank you, Mr. Myers.

John Myers: Thank you very much.

Sheran Matson: I feel like I should have gone to law school and gotten a degree before I came up here today.

Vice Chair Schwartz: Well, it's – it's unfortunate that – that we get that much of that in these, because I think it stretches the limits of the Commission to deal with it to tell you the truth.

Sheran Matson: Well, that aside, Mr. Chair and Commissioners. I'm Sheran Matson; I'm the new Development Review Board chairperson. The last time I was here, I was the planning rep, I'm now the chairperson, so –

Vice Chair Schwartz: Congratulations.

Sheran Matson: Thank you, I think. I'm not sure today, but – what I'd like to do is just read a short statement on the DRB's position, and then if you have questions, you can proceed.

The issue raised by PruWinrock today is whether DRB had jurisdiction over the final signoff on the Monroe site plans during pendency of the PruWinrock's administrative appeal. The DRB had substantially approved the site development plan for subdivision, and the site development plan for building permit for the Monroe site during its November 20th, 2002 meeting. The signatures of the DRB members are what we consider ministerial acts necessary to finish the DRB's decision. The appeal filed on December 3rd did not divest the DRB of jurisdiction to perform those ministerial acts or functions incident to the decision of approval on November 20th. The DRB signoff was not in violation of the City Zoning Code as the signatures of the DRB members did not in any way withdraw, change or modify the decision to approve. The appellant was not prejudiced by DRB signatures on the two site plans because the appellant actually appealed the November 20th DRB decision, as you're aware, and was given a full and fair hearing on all substantive and procedural issues last January 16th before the EPC. Appellant failed to raise this issue before EPC, and therefore, has waived this claim. The DRB recommends that EPC deny the appeal. Questions?

Vice Chair Schwartz: Any questions of Ms. Matson? So – I'm sorry, Mr. McMahan.

Mick McMahan: Thank you, Mr. Chairman. Final signoff seems to be a definition problem. Is it reasonable to assume that final signoff really means when all five members of the DRB have affixed their signature and the date to a document?

Sheran Matson: That's correct.

Mick McMahan: All five.

Sheran Matson: Yes. When that's –

Mick McMahan: Not four, not two, five.

Sheran Matson: Exactly.

Mick McMahan: That's quote "final signoff", by common definition as opposed to something that's hammered in concrete?

Sheran Matson: That's exactly right. Unfortunately, some of the ways we proceed aren't down in concrete.

Mick McMahan: But they're generally accepted practices that have been followed for a considerable period of time within the planning department to the city?

Sheran Matson: That's my understanding, yes.

Mick McMahan: Fine, thank you very much. Thank you, Mr. Chairman.

Vice Chair Schwartz: Commissioner Johnson.

Susan Johnson: Mr. Chairman. Ms. Matson, is there a definition of ministerial acts?

Sheran Matson: Well, the way - the way that the DRB members, I guess, would define it, is the way we look at it is our Board functions in a way that when – when the, when the site plans were initially heard on - on November 20th, that's when we gave our stamp of approval. And then what we do is we delegate off the agenda to those members who have particular problems in their area with the site plan that need to be fixed. And we believe at that hearing that those problems can be fixed otherwise we wouldn't go ahead and approve the site plan. So, in our mind, we did the approval at the hearing, and then

the final signoff occurred after the last, in this case, the City Engineer, signed off on January, on February 7th, I believe. Or January 7th.

Susan Johnson: What happens – if I might proceed – what happens if, in the process of getting those final signoffs, something can't be – some condition can't be met.

Sheran Matson: I – you know, I don't know whether that – it may have happened – I haven't been chair person for too long to know. I would assume that if something happened where one of the members couldn't sign off, I would assume we would have to put it back on the agenda. But we're, you know, we're –

Susan Johnson: That would - my guess, too.

Sheran Matson: -- pretty certain at that time, because there's a lot of discussion that goes on during those hearings, and we're pretty much all satisfied that, you know, this is something that can be moved off, and the reason why we – we don't have final signoff at another hearing is because our - it -- our agendas would be very long, and the development community would be, you know, held up if they had to wait and come back to another hearing for final signoff.

Susan Johnson: Okay, thank you.

Sheran Matson: Un-huh.

Vice Chair Schwartz: Okay, that's all? Ms. Matson, then, when you refer to these as ministerial acts, what you're saying is that they - they are not the kind of acts that are referred to in the ordinance where it says they have lost jurisdiction to act in the matter? Or would you rather have Mr. Curran answer this?

Susan Matson: I'd rather have him answer that.

Kevin Curran: I'd like to respond to that, Mr. Chairman. That's correct, this - this situation is not unlike when a judge makes a ruling from the bench. He makes a verbal ruling on a case and then he goes into trial for two weeks, or goes on vacation, he doesn't sign the final order until he comes back. And in the meantime, the aggrieved party files an appeal. The courts are very clear that in that instance, the appeal, the court of appeal considers the filing of the appeal after the judge signs the final order. The final order in this case is somewhat analogous to the DRB's final signoff in this case.

Vice Chair Schwartz: Okay. Any questions for DRB? For either Ms. Matson or Mr. Curran?

Sheran Matson: Thank you.

Vice Chair Schwartz: Do we have any city staff from the planning department comment?

Bob Paulson: Mr. Chairman, Bob Paulson with the Planning Department. I was the Staff Planner representing the Planning Commission at the DRB on this action, and I don't think I have anything to add to the discussion unless you have questions.

Vice Chair Schwartz: Any questions for Mr. Paulson? No.

Bob Paulson: Thank you.

Vice Chair Schwartz: Ms. Henrie. Any rebuttal? Five minutes.

Michelle Henrie: Just a few points. What I'm hearing is that part of the problem is that there's not a real good process laid out in the zone code for the site development plan review that is being conducted by the DRB, which raises the question of whether that review might be ultra vires or outside of the authority of the DRB. And it may be something that we look to try to fix in the future because I see this problem as not just a PruWinrock problem, but a procedural problem that could affect others. There's some

gray areas here, quite undoubtedly, and that's what I've seen you all to be struggling with.

It seems to me that there is a point where some discretion is exercised by the DRB and that is, at the hearing, approval is granted. And if you look at the minutes of November 20th, the very last thing that the Chairman, Mr. Green, said was "Hearing no objections, we'll grant approval." So there is a time when there is some discretion exercised.

There is also a time when, even though it's not maybe styled to public hearing in that people had not received notice, it is a publicly advertised meeting and people can show up and speak. And once that approval is granted, that door closes. It is a final action in at least that regard. The ministerial act - what's being characterized as a ministerial act of actually affixing your signature is analogous to what I would – I would say the ministerial act of issuing a building permit. If all the conditions are met and I bring in my – my fee and I – I can make the checklist, its got to be issued. That's a ministerial act. The person who makes the – who actually performs the act can't think about whether or not to grant the thing requested if they meet the checklist, you're granted. That's a ministerial act. And the zone code does say in 14-16-4-4(B)(4) that a permit dependant on a decision described in this section (which is an appeal) shall not be issued until an appeal is decided or the time for filing the appeal has expired. In other words even if it is a ministerial act, affixing those signatures, they still need to be - that act needs to be withheld until the appeal has been heard because there was a final decision at that hearing. That decision is entitled to review and it's also entitled to clearing up the procedure once and for all and I would encourage you to do that. Thank you.

Vice Chair Schwartz: Any final questions for Ms. Henrie?

Mick McMahan: Yes, Mr. Chairman?

Vice Chair Schwartz: Commissioner McMahan?

Mick McMahan: So, Ms. Henrie, your - it's your position that - the final - the final decision is not based on all five members of the DRB, but the final decision is based on what happens at the end of that meeting regardless of whether all five members have signed off on the site plan, true?

Michelle Henrie: Commissioner McMahan, my opinion is there are two final actions. One - there are two. One is the hearing at which approval is granted. The second is when all those signatures are affixed as we found out this time. Typically, I would not expect someone to appeal the final signoff like we did in this time because typically one never receives notice of that sort of thing happening. So it is unusual, but in my opinion, there are two final actions. There is a step three and step four here.

Mick McMahan: That's interesting. So then to solve the problem, I guess you would like everybody to come back then to another hearing in this permitting process to make sure that it's a public hearing when the final, final, final signoff is done. Is that true?

Michelle Henrie: Not necessarily, I think – I think what needs to happen is that if the final approval has been appealed to this body, this body should be entitled to review it and make a decision on it, which you did - you denied our appeal and if we want to appeal to council which we did, so be it and let them decide the appeal and when they deny it it's over. Hunt has their approval.

Mick McMahan: That's not my - the point I'm getting to is - is - what I'm hearing - I guess I'm inferring the wrong thing maybe. Anyway, is that you want the approval process to go through a second DRB hearing for the final, final approval?

Michelle Henrie: I am not sure I would that far, Commissioner. I do believe...

Mick McMahan: But I'm - then I can't find any middle ground for between what we have now and what I just suggested.

Michelle Henrie: I think that there needs to be a right to appeal in the DRB process.

Mick McMahan: I'm not talking about appeals at this point, I'm sorry. I didn't make myself clear. To avoid the current problem where your definition of final appeal is different than mine, or final approval is different than mine, okay, to get to where you want to be for the final approval means that after a DRB hearing when individual members of the DRB still have to signoff on the process after that hearing, then I think I've heard you - I'm inferring what you're trying to tell us, you want the developer then to come back to the DRB after everybody has signed off into a public meeting for that to be on the record, does that sort of make sense?

Michelle Henrie: I'm still not sure that I've gone that far, I'm not sure I wouldn't. I haven't thought about it. What makes sense to me is that there is a hearing - at that hearing everybody comes prepared, they make their case and it would be really great if all five-decision makers could – could sign off on things that day and the appeal would just proceed...

Mick McMahan: Don't - Never – don't

Michelle Henrie: Don't - No, don't say appeal - okay.

Mick McMahan: I'm talking about getting the job done for the developer ...

Michelle Henrie: And I realize that may be unrealistic and I'm not sure that I'm advocating how to fix the system, but what I'm advocating is under the system we've got, we do have a final appeal of the approval, but we also once that appeal has - and the approval being the approval given at hearing - once that appeal has triggered, proceedings emanating from that decision need to be stayed, they need to stop.

Mick McMahan: All-right, fine. Thank you very much.

Michelle Henrie: Okay.

Mick McMahan: Thank you Mr. Chairman.

Vice Chair Schwartz: Any other questions? Okay thank you _____. Okay that will conclude the testimony. We have any discussion? Floor closed?

Chairman Jesionowski: Is the floor closed?

Vice Chair Schwartz: The floor is closed.

Chairman Jesionowski: Okay.

Vice Chair Schwartz: Mr. Jesionowski?

Chairman Jesionowski: Thank you, Mr. Vice Chairman. You know, it's a - it's a next level of what we heard before and – and this time, you know, I think that the issue is: were the conditions satisfied? I think last time we recognized that the conditions were satisfied and I think the conditions still are satisfied and I don't think DRB erred in this decision. I think it's another swipe at the apple, if you will. I don't DRB was abusive or exercised any authority beyond what authority they have and I think the appeal should be denied.

Vice Chair Schwartz: Well, I guess I - my feeling is that we're – we're skirting around the requirements of once an appeal is filed, that means hands off and – and I think that this flowchart that's in DRB is very clear. Although it suggests that the only avenue for appeal is from the denial. But it says that you have an appeal and then - is there is an appeal - yes or no. If there's no appeal then you go to comply with conditions and then you go to DRB signoff, final signoff. So it addresses all the things that happened here. If an appeal is filed, you don't go down that route. You go to the EPC and, by extension, you would go to an appeal of the decision of the EPC. So, to me the flowchart that's

contained in the DPM is very clear; unless this is an obsolete flowchart. If an appeal is filed, you don't go down the route that - comply with conditions or get a final signoff.

Vice Chair Schwartz: Commissioner Johnson?

Susan Johnson: I guess I would look at that a different way although I kind of want my flowchart to look at, so anyway...and that is that it says there is no appeal except to denial and they approved.

Vice Chair Schwartz: Well...

Susan Johnson: And okay...

Vice Chair Schwartz: I understand. But – but clearly – clearly...

Susan Johnson: I mean if they had—let me just finish my thought...

Vice Chair Schwartz: All-right.

Susan Johnson: It was one of the reasons I asked the question earlier. I can see in an instance where they couldn't satisfy all five conditions, that they couldn't approve, and so that might be appealable. But, if they appeal there's no – there's no pattern. And they basically said we appeal given that this thing gets finished up and this thing got finished up.

Vice Chair Schwartz: I would say that the majority of the appeals that I have sat here from the DRB have been appeals of approvals by party opponents. They have not been appeals of denials. Now, I don't have the statistics to back that up, but I'm saying that we have appeals on approvals of these other things all the time. Now, I don't anyone's going to reasonably suggest that the only thing that you can appeal is a denial.

Susan Johnson: Okay, I grant that point. I do grant that point. But...

Vice Chair Schwartz: And I would say that the same flowchart logic would then apply to an appeal of any of these four outcomes of a DRB meeting: Deferral, forward to EPC, approve and/or approve with conditions, or denial.

Susan Johnson: Okay, if I can finish this discussion?

Vice Chair Schwartz: Go ahead.

Susan Johnson: I grant that point because we see appeals like that all the time. But what strikes me is we already heard that opinion. The last time - I mean this is an appeal of the process and it's an appeal on top of appeal of a - it's a little tiny part of an issue that's already been decided and that's what's concerns me is that the larger issue has already been...

Vice Chair Schwartz: It has been decided. The decision has been rendered by the EPC but that decision is not final because it in itself was appealed to the council. It's our final decision but it's not final for the books. I would grant you that had they not appealed our decision, I think there would be an argument that this whole thing would be moot: because they would essentially have acquiesced our denial their appeal, but they did appeal our decision. So it's still in play. That's what I meant by confusing. (laughter)

Susan Johnson: Well - then I want some things laid again because it's not clear to me that that makes any difference. If they have appealed our decision to the council - I mean our decision of January 16th. That doesn't stop the DRB from getting its final two signoffs. I - I don't know why that would stop them from getting their final two signoffs and that's what this is about today.

Vice Chair Schwartz: Mr. Jesionowski?

Chairman Jesionowski: So do you think a deferral is appealable?

Vice Chair Schwartz: I think that a deferral could be an abuse of discretion. I think that a deferral could be arbitrary and capricious and for those reasons, yeah, I - I did not originally think that a deferral should be appealed because it's - it's clearly not a final decision, but I can see where you could just keep deferring something hoping someone will just go away and forget about it.

Chairman Jesionowski: So – So then - what you're really saying is you disagree with Mr. Meyer's analysis that you could step in - you're saying that you can step in at any point along the process and say "Stop". "Stop." "I demand that you stop". That's what you're saying?

Vice Chair Schwartz: I'm saying that the zoning code says "any action". Now obviously …

Chairman Jesionowski: So if I…

Vice Chair Schwartz: … each of our individual discretion we can interpret that how we want. I'm also saying however, that in this flowchart it doesn't talk - what's happened here is exactly in conformance with this flowchart. The appeal did not come up here after the pre-application discussion - okay so, I mean that's just kind of not really relevant. It came after the DRB meeting and after the DRB took an action which was to approve with conditions and that's where the appeal came in after that action which is exactly where appeal shows up on this flowchart. So, I mean, whether or not you could have an appeal after the pre-application discussion is still – is really not relevant to the facts of this case, in my opinion.

Chairman Jesionowski: Okay, so we received an appeal subsequent to the final action. So we're back to the point about whether or not DRB did what they're supposed to do?

Vice Chair Schwartz: The issue is whether DRB had to simply take their hands off the thing until the appeal was resolved. That's the issue. Whether they just had to stop and say "take your hands off the table, timeout, let this appeal work through the process." And if the appeal is shot down by the City Council, then I think we all agree that for purposes of city process that's a final decision. In the sense that DRB could then proceed.

Chairman Jesionowski: I don't - I don't know that I buy that though.

Vice Chair Schwartz: Well...you may not simply...

Chairman Jesionowski: Because I've been through the process I understand how the process works, you know, many, many times, you know? And – and I don't think that you have a final action here until you have that final signature, until Sheran Matson-signs off on behalf of DRB, you know? And – and again, I think you could stop it prematurely before it comes to and - and even though DRB sits there and says, you know, approved, it's not approved.

Vice Chair Schwartz: Well then – I mean, that being the case then what we need to do is, you know, to change these processes that are described in the DPM.

Mick McMahan: Mr. Chairman, that's - that's not the issue.

Vice Chair Schwartz: Well...

Mick McMahan: The issue is the appeal and how we - how we solve the – how we solve ...

Vice Chair Schwartz: Okay.

Mick McMahan: ...the larger question I think can be taken up at a later time...

Vice Chair Schwartz: I would say that [inaudible] these responses to the arguments in the DPM now.

Mick McMahan: I'd rather deal with the issue we're having.

Chairman Jesionowski: Fine. Commissioner Johnson?

Susan Johnson: Okay I'm going to ask a very unlawyerly question in this discussion. What is- what is the sense of stopping anything with your hands off the table? What's the point of that? What's the value of that to all of us who are concerned with....

Vice Chair Schwartz: You would have to ask the city council who adopted that language in the Zoning Code. I didn't - I didn't make that up, that's, you know, the Zoning Code says - what does the Zoning Code say - who has that? Lost Jurisdiction Act. That's what it says.

Camilla Serrano: Yeah, I think it's a jurisdictional issue. You know one thing that I found was really interesting and I was kind of rummaging through my papers, I think it's a jurisdictional issue and I found later on in a later case this evening, in the Winrock Case, there's a letter here that says – from the City Staff that says given the fact that this project has been appealed it is important to be reminded that the EPC no longer has jurisdiction, I mean it's that same jurisdictional question that keeps coming up. Who has jurisdiction when there's an appeal that's been filed? I mean I think that's where Commissioner Schwartz is coming from and I – I understand that.

Vice Chair Schwartz: Commissioner Briscoe?

John Briscoe: I guess I kind of disagree with Mr. – with Commissioner McMahan. I want to know what happens if we choose one way or the other on this. Now it seems to me like if we grant the appeal that this thing would simply revert back to the DRB for –

for - they can throw away the final - that set of signature drawings and start a new set. It takes about oh, a month to do all that, to go through that process. That's one answer. If we go the other way - if we deny the appeal then this thing is then appealed to City Council, that wastes another month. Let them have their appeal. Send it right back to DRB, let them review it.

Chairman Jesionowski: Well - But then - excuse me, but then it has an affect on the applicant. Okay. You're shifting the burden from the appellant to the applicant, okay. So the applicant now is stopped.

John Briscoe: The applicant is stopped anyway. If I - if the action tonight is appealed, it's stopped anyway. I can't be sure of that - you're exactly right, it may not be appealed, but it seems to me like the most expedient way to get this project underway is to grant the appeal. The attorney has something to say.

Kevin Curran: I waiting for the Chair to recognize...

Vice Chair Schwartz: Do you wish to open the floor and hear from Mr. Curran?

Susan Johnson: Yes. Please.

Vice Chair Schwartz: Mr. Curran?

Mr. Curran: Thank you Mr. Chair. It seems to me this body needs to make a threshold decision on whether or not the DRB's - at what point and time was there final action? Regardless of what – of what the flowchart says or regardless what the DPM says, the case law is clear. Before you can appeal a decision it has to be final. In my opinion, I think the final decision was the – was the signoff. The second thing the courts look at when there's – when these situations arise, procedural issues, they look at what is the prejudice to the party who is aggrieved. Because this really is a procedural issue, it's not substantive. And in this case the chronology of events that occurred was that Winrock

appealed and was heard on that appeal after the DRB had signed off on the site plan on the 7th. So, my question becomes what is the prejudice to Winrock if they were at the EPC arguing their appeal knowing that the DRB had already signed off?

Vice Chair Schwartz: Ms. Serrano?

Camilla Serrano: I have a question I guess, a comeback question. If we deny and/or approve the appeal, can one of the parties not - can they appeal our decision to the City Council?

Kevin Curran: Yes.

Camilla Serrano: And if they appeal it to the city council, is it still - what happens to the project? Does it have the affect of a stay? I mean we've heard that argument.

Mr. Curran: Yes, I think that's correct.

Mick McMahan: At this point, it does because the DRB has done the final signoff. But if they didn't do the final signoff...sorry.

Vice Chair Schwartz: Right. Obviously we've got two sides of an issue here. Is there any other discussion? Somebody want to make a motion? Ms. Johnson?

Susan Johnson: I want to - I want to say that I'm glad we opened the floor because I think that in time Mr. Curran has expressed what my concern is, which is whether we're finished with their or not and if they weren't, then we have to wait until they are. And - and so that's - I think that was very helpful to me and it makes - I feel clear enough about what I want to do to be willing to make a motion if you want that.

Vice Chair Schwartz: Sure.

Susan Johnson: So in the matter of... help me with what our official designation is - the appeal of DRB's final signoff performed on January 7 of Project No. 1002337. I move denial.

_____: Second.

Vice Chair Schwartz: We have a motion and a second for denial of the appeal. Is there any further discussion? Okay, all ... Sorry, Commissioner Chavez?

Larry Chavez: I'd like to just comment in support of Mr. Briscoe's practical approach to this. I think the quickest way, if I've understood everything correctly, the quickest way for this project to move forward or to have its merits ultimately resolved is to send it back to the DRB and grant the appeal.

_____: I don't think so either.

John Briscoe: I misled you. I - I was proposing that I think the quickest way is to deny the appeal tonight, let the City Council make the final decision on it. That is also relatively expeditious and – and at the same time it - it does what Mr. Curran asks for and says okay we've given a definition to file signoff that is - that I agree with. So I'm going to vote to . . .

Vice Chair Schwartz: As I recall somewhere in these materials I think it's anticipated that tonight's action is going to appealed and that – and that this would be consolidated with the previous appeal to go to the council and I think I read that somewhere in this material. All-right, the motion is to deny the appeal? Is that correct? All right, all those in favor of denial signify by saying aye.

Various: Aye.

Vice Chair Schwartz: All those opposed, no. So that - the appeal is denied on a vote of 1, 2, 3, 4—5 to 2. Is that correct? And everyone knows their appeal rights? (laughter) all right we'll take a 5-minute break.

Camilla Serrano: Oh, that was bad.

[END OF AGENDA ITEM 3.]

City of Albuquerque

DEVELOPMENT REVIEW APPLICATION

	Supplemental form		Supplemental form
SUBDIVISION	**S**	**ZONING**	**Z**
☐ Major Subdivision action		☐ Annexation & Zone Establishment	
☐ Minor Subdivision action		☐ Sector Plan	
☐ Vacation	**V**	☐ Zone Change	
☐ Variance (Non-Zoning)		☐ Text Amendment	
SITE DEVELOPMENT PLAN	**P**	**APPEAL / PROTEST of...**	**A**
☐ ...for Subdivision Purposes		☒ Decision by: DRB, EPC, LUCC, Planning Director or Staff, ZHE, Zoning Board of Appeal	
☐ ...for Building Permit			
☐ IP Master Development Plan			
☐ 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: PruWinrock, LLC
c/o Rodey Dickason Sloan Akin & Robb, PA (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: Owner of adjacent property
AGENT (if any): Rodey Dickason Sloan Akin & Robb, PA (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

DESCRIPTION OF REQUEST: Appeal of DRB action of January 7, 2003, performing final sign off on Project No. 1002337, Case Nos. 02DRB-01708 and 02DRB-01710 while an administrative appeal of this project is pending.

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. Tract A Block: ____ Unit: ____

Subdiv. / Addn. Monroe Junior High School

Current Zoning: SU-3 Inside & Outside Intense Core Proposed zoning: No Change

Zone Atlas page(s): J-19 No. of **existing** lots: 1 No. of **proposed** lots: 3

Total area of site (acres): 11.75/ 9.6 Density if applicable: dwellings per gross acre: 2 dwellings per net acre: 3

Within city limits? ☒ Yes. No ☐, but site is within 5 miles of the city limits (DRB jurisdiction.) Within 1000FT of a landfill? No

UPC No. 1-019-058-048-497-2-04-14 MRGCD Map No. N/A

LOCATION OF PROPERTY BY STREETS: On or Near: Louisiana Blvd., NE
Between: Indian School Rd., NE and Interstate 40

CASE HISTORY:

List **any** current or prior case number that may be relevant to your application (Proj., App., DRB-, AX_,Z_, V_, S_, etc.): 02EPC-01836, 02EPC-01837, Z-98-123, Z-96-119, 02EPC-01472

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

SIGNATURE _____ DATE 1/21/03

(Print) Michelle Henrie, Rodey, Dickason, Sloan, Akin & Robb, PA ☐ Applicant ☒ Agent

FOR OFFICIAL USE ONLY Form revised September 2001

☐ ~~INTERNAL~~ ROUTING
☑ All checklists are complete
☑ All fees have been collected
☑ All case #s are assigned
☑ MAGIS copy has been sent
☑ Case history #s are listed
☑ ~~A~~ 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
03EPC 00112	Ap	A	$ 190
			$
NOTIF. FEE			$ 50
		tot.	$ 240
		pd	$ 105
			Total
		bal due	$ 135.00

Hearing date 2-13-2003

Planner signature / date 1/23/03

Project # 1002337

Paid 1/23/03 C.S.

2nd Appeal - to
E.P.C. of Final
Sign Off

ONE STOP SHOP ••• FRONT COUNTER
City of Albuquerque • Planning Department

DEVELOPMENT & BUILDING SERVICES (D&B Svcs)
LAND DEVELOPMENT COORDINATION SECTION (LDC)
Plaza Del Sol -2nd & 4TH Floor West - 600 2nd St NW 87102
Front Counter Main Number (505) 924-3858 or 924-3895
Main Fax (505) 924-3864

PAID RECEIPT

APPLICANT NAME Prv Winrock

AGENT RODEY

ADDRESS

PROJECT NO. 1002337

APPLICATION NO. 03 EPC - 00112

$ _____ 441006 / 4983000 (DRB Cases)

$ 135.00 441006 / 4971000 (EPC & AA / LUCC / Appeals)

$ _____ 441018 / 4971000 (Notification)

$ 135.00 **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. **113322**

WELLS FARGO BANK, N.A.
ALBUQUERQUE, NM 87103

95-219
1070

Date: **January 23, 2003**

AMOUNT OF CHECK
*****$135.00**

*****One hundred thirty-five and 00/100 DOLLARS*****

PAY TO THE ORDER OF:
City of Albuquerque

By Jamie K. Eisenberg

By ***DUPLICATE***
City Of Albuquerque
Treasury Division
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

⑈113322⑈ ⑆107002192⑆627 44962 61⑈

01/23/2003 12:08PM LOC: ANN

RECEIPT# 00002902 WS# 006 TRANS# 0010
Account 441006 Fund 0110
Activity 4971000 TRSKDM
Trans Amt $135.00
J24 Misc 10/28/02 $135.00
CK $135.00
CHANGE $0.00

counterreceipt.doc

ONE STOP SHOP ••• FRONT COUNTER
City of Albuquerque • Planning Department

DEVELOPMENT & BUILDING SERVICES (D&B Svcs)
LAND DEVELOPMENT COORDINATION SECTION (LDC)
Plaza Del Sol -2nd & 4TH Floor West - 600 2nd St NW 87102
Front Counter Main Number (505) 924-3858 or 924-3895
Main Fax (505) 924-3864

City Of Albuquerque
Treasury Division
01/22/2003 11:06AM LOC: ANN
X
RECEIPT# 00002856 WS# 006 TRANS# 0004
Account 441006 Fund 0110
Activity 4971000 TRSKDM
Trans Amt $105.00
J24 Misc $50.00
Thank You

PAID RECEIPT

APPLICANT NAME PRY Winrock, LLC

AGENT Rodey Dickason Sloan Akin & Robb

ADDRESS P.O. Box 1888

PROJECT NO. 1002337

APPLICATION NO. 03CCO-00096

$ _____ 441006 / 4983000 (DRB Cases)

$ 50 441006 / 4971000 (EPC & AA / LUCC / Appeals) CL

$ 55 441018 / 4971000 (Notification)

$ 105.00 **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. **113226**

WELLS FARGO BANK, N.A.
ALBUQUERQUE, NM 87103

95-219
1070

Date: **January 21, 2003**

AMOUNT OF CHECK
*****$105.00**

*****One hundred five and 00/100 DOLLARS*****

PAY TO THE ORDER OF:
City of Albuquerque

DUPLICATE
By 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

⑈113226⑈ ⑆107002192⑆627 4495261⑈

01/22/2003 11:06AM LOC: ANN
X
Account 441018 Fund 0110
Activity 4971000 TRSKDM
Trans Amt $105.00
J24 Misc 10/28/02 $55.00
CK $105.00
CHANGE $0.00

counterreceipt.doc

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; 1002337

✓ Application number of case being appealed; 02DRB-01708; 02DRB-01710

✓ 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)

* 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.

Michelle Henrie
Rodey, Dickason, Sloan, Akin & Robb, PA
Applicant name (print)

1/21/03
Applicant signature / date

.pdf Form revised Sept. 2001

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

Application case numbers
03EPC 00112
____ - ____ - ____
____ - ____ - ____

1/22/03
Planner signature / date

Project # 1002337

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
R TRACY SPROULS
DONALD B MONNHEIMER
ALAN HALL
BRIAN H LEMATTA
JULIE P NEERKEN
THOMAS A OUTLER
SETH L SPARKS
LISA A CHAVEZ
JOCELYN C DRENNAN
MICHAEL J BRESCIA
MICHELLE HENRIE
NELSE T SCHRECK
KARLA K POE
DEBORAH S GILLE
AARON C VIETS
KIMBERLY N BELL
KURT B GILBERT
BRENDA M MALONEY
MATTHEW S WERMAGER
LARRY J MONTAÑO
JESSICA M HERNANDEZ

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

OF COUNSEL
JACKSON G AKIN
JOHN D ROBB
JAMES C RITCHIE
JO SAXTON BRAYER
ROBERT G McCORKLE
PABLO PRANDO

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

January 22, 2003

Via Hand Delivery

Environmental Planning Commission
c/o Planning Department, City of Albuquerque
600 2nd St. N.W., 2nd Floor
Albuquerque, New Mexico 87102

Re: Appeal of DRB's final sign-off, performed on January 7, 2003
Of Project #1002337
02DRB-01710 Minor-Site DevPlan Subd/EPC,
02DRB-01708 Minor-Site DevPlan BldPermit/EPC

Dear Environmental Planning Commissioners:

This firm represents PruWinrock, LLC, the owner of Winrock Shopping Center. PruWinrock, LLC is appealing the above-referenced decision of the Development Review Board. PruWinrock, LLC owns property within 300 feet of the above referenced property.

We enclose with this letter the following:

1. A check for $105.00 as a filing fee. Additional fee for $135.00 to pay total of EPC filing fees of $240.00 VAM 1/24/03
2. Development Review Application
3. Appeal (Form A)
4. Reason for the Appeal
5. Appellants' basis of standing

6. A copy of a letter including the date of the DRB's action (no Notice of Decision was issued).

7. Letter of Authorization

Very truly yours,

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

By
Larry J. Montano

Enclosures as stated

cc (via U.S. mail with enclosures):

Members of the Environmental Planning Commission:
Jeffrey Jesionowski, Chairman
Alan Schwartz, Vice Chairman
Susan Johnson
Elizabeth Begay
John Briscoe
Larry Chavez
Mick McMahan
Bevin Owens
Camilla Seranno
Paula Donahue, Staff Planner, City of Albuquerque Planning Department
John Salazar, Esq.
John A. Myers, Esq.
Victor Chavez, P.E.
David Suffling, Esq.
Kevin Curran, Esq.
Charles E. Miller, Principal, The Prudential Insurance Company of America
Shelton Weeks, Jr., General Manager, Winrock Center
Members of Uptown Neighborhood Associations:
Bill Terchi
Lynn Tabor
Stephen Verchinski

Mary Lou Sorenson
Bob Bruno
Richard P. Huber
Julie Jones
Jeff Paul
Valorie Vigil
Mark Trujillo
Timothy Sanchez-Brown
Orlando Esparza
Dorothy Finaldi
Rick Paul
Tom Joule
Richard Peterson
John Kinney
Nicholas Wees
Virginia Emmett
Ike Eastvold
Randy Sanchez, General Manager, Coronado Center

REASONS FOR THE APPEAL

Appeal of DRB action dated January 7, 2003
Project # 1002337,
02DRB-01710 Minor-SiteDev Plan Subd/EPC,
02DRB-01708 Minor-SiteDev Plan BldPermit/EPC

PruWinrock, LLC ("PruWinrock"), the owner of Winrock Shopping Center, hereby appeals the January 7, 2003 action by the Development Review Board ("DRB") performing final sign off on the above-referenced project while an administrative appeal of the project is pending. The site plans at issue in the project are for a 9.63 acre vacant tract of land in the Uptown area of Albuquerque that was the former site of the Monroe Junior High School, now known as the "Monroe site." The Monroe site is northwest of and adjacent to the Winrock Shopping Center. The Monroe site is included within the boundaries of the Uptown Sector Development Plan ("Uptown SDP"). Under the Uptown SDP, the Monroe site is zoned SU-3 for the Uptown Urban Center, Inside the Intense Core and SU-3 for the Uptown Urban Center, Outside the Intense Core. The DRB's action is described in the attached Action Sheet labeled Exhibit A.

Background

The Monroe site has been vacant since the early 1980s. In 1998, the site was acquired by several local investors ("the Tesch group"). The Tesch group submitted both a Site Plan for Building Permit and a Site Plan for Subdivision to the EPC in August 1996. The project became known as "Uptown Spectrum I." These plans were eventually approved by the EPC in May 1997 and withstood appeal. The Tesch group never submitted these plans to the DRB for final sign off.

In August 1998, the Tesch group submitted a different project, the "Uptown Spectrum II" project, to the EPC for review. This submittal package included a Site Plan for Building Permit, a Site Plan for Subdivision, and a Sector Development Plan amendment. On October 15, 1998, the EPC approved the site plans and recommended approval of the Sector Development Plan amendment with the addition of a housing component. The City Council approved the Sector Development Plan amendment in February 1999. The Tesch group never submitted the Site Plans to DRB for final sign off.

In the summer of 2002, Hunt Uptown II, LLC, the current owner of the Monroe site, together with Hunt Uptown, LLC, the owner of the large, vacant, adjacent tract to the north (known as the "St.

Pius site"), publicly unveiled a project integrating the two sites called "ABQuptown." In connection with this project, the Hunt entities submitted a Site Plan for Subdivision and Sector Development Plan amendment. Before the EPC had an opportunity to review the ABQuptown project at a public hearing, Hunt Uptown II, LLC, revised the old 1998 Uptown Spectrum II project Site Plans and submitted them to the DRB for final sign-off.

On November 20, 2002, the DRB reviewed the revised site plans. The revised site plans "were approved with final sign off delegated to the City Engineer, Transportation Development and Planning." On December 3, 2002, PruWinrock filed an administrative appeal with the EPC of the DRB's November 20, 2002 decision. On January 7, 2003, the DRB performed final sign off approving the Monroe Junior High School Site Plan, Case # 1002337, even though PruWinrock's appeal was still pending. As explained below, the DRB was without jurisdiction to act on the project while PruWinrock's administrative appeal was pending, and so its January 7, 2003 action is void as a matter of law.

Reasons for the Appeal

1. The DRB Did Not Have Jurisdiction over Sign off on the Project During the Pendency of PruWinrock's Administrative Appeal

The issue is whether the DRB had the power and authority to perform final sign-off on the project on January 7, 2003, even though PruWinrock's appeal of the DRB's November 20, 2002 decision regarding the same matter was still pending. It is black-letter law that an administrative appeal of a DRB action divests the DRB of jurisdiction in the matter appealed. See Albuquerque, N.M., Code of Ordinances § 14-16-4-4(A)(3) (stating that "[o]nce an appeal is filed [under this section], all prior decisions rendered by the Zoning Enforcement Officer, the Zoning Hearing Examiner, the Planning Director, the Planning Commission and Landmarks and Urban Conservation Commission upon which the appeal is based may not be unilaterally withdrawn, changed or modified by any of the above as they have lost jurisdiction to act on the matter.") (emphasis added); see also Section 3-21-8(B) NMSA 1978 (stating that, in the context of an appeal of a zoning decision, "[a]n appeal shall stay all proceedings in furtherance of the action appealed unless the officer, commission or committee from whom the appeal is taken certifies that by reason of facts stated in the certificate, a stay would cause imminent peril of life or property.").

On November 20, 2002, the DRB approved the revised Site Plans "with final sign off delegated to the City Engineer, Transportation Development and Planning." On December 7, 2003,

PruWinrock appealed the DRB's November 20, 2002 decision. In spite of the fact that PruWinrock's appeal of the DRB's decision was still pending, on January 7, 2003, the DRB performed final sign-off on the project. However, based on the foregoing authorities, the DRB lacked power and authority to act on the matter. Accordingly, the DRB's January 7, 2003 action is void as the DRB was without jurisdiction to perform final sign-off approving the Monroe Junior High School Site Plan, Case # 1002337.

Conclusion

For these reasons, PruWinrock respectfully asks the Environmental Planning Commission to set aside the January 7, 2003 action of the DRB.

BASIS FOR STANDING

Appeal of DRB action dated January 7, 2003
Project # 1002337,
02DRB-01710 Minor-SiteDev Plan Subd/EPC,
02DRB-01708 Minor-SiteDev Plan BldPermit/EPC

PruWinrock, LLC ("PruWinrock"), has standing to appeal the January 7, 2003 action by the Development Review Board ("DRB") performing final sign-off on the above-referenced project, because: (1) PruWinrock owns property within 300 feet of the subject property, now known as the "Monroe site", which is a 9.63 acre vacant tract of land in the Uptown area of Albuquerque that was the former site of the Monroe Junior High School; and (2) PruWinrock is imminently threatened with injury as a result of the DRB's action. See 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).

City of Albuquerque
P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103

RDSA&R JAN 0 8 2003

Lawrence Kline
Herb Denish & Associates, Inc
500 Marquette, NW, Suite 350
Albuquerque, New Mexico 87103

January 7, 2003

Dear Mr. Kline:

This is to inform you that the DRB final sign off approving the Monroe Junior High School Site Plan, Case # 1002337 occurred today, January 7, 2003.

Please call me at 924-3989 if you have any questions.

Sincerely,

Roger Green, P.E.
Acting DRB Chairperson

cc: Michelle Henrie, Rodey Dickason Sloan Akin & Robb,PA
Kevin Curran, Assistant City Attorney
John Myers, Myers Oliver Price, PC
Bill Sterchi & Lynn Tabor, Alvarado Park N.A.
Stephen Verchinski & Mary Lou Sorenson, Classic Uptown N.A.
Bob Bruno & Richard P. Huber, Inez, N.A.
Julie Jones & Jeff Paul, Jerry Cline Park N.A.
Valorie Vigil & Mark Trujillo, New Kimo N.A.
Timothy Sanchez-Brown & Orlando Esparza, Quigley Park N.A.
Dorothy Finaldi & Rick Paul, Snow Heights N.A.
R. Shelton Weeks & Tom Joule, Uptown Association
Richard Peterson & John Kinney, Winrock South N.A.
Virginia Emmett & Nick Wees, Zuni N.A.
Ike Eastvold, Fair Heights N.A.

THE CITY OF ALBUQUERQUE IS AN EQUAL OPPORTUNITY/REASONABLE ACCOMMODATION EMPLOYER

cc(con't):

Susan Johnson, Elizabeth Begay, John Briscoe, Larry Chavez, Jeffrey Jesionowski, Mick McMahon, Bevin Owens, Camilla Serrano, EPC Members
Victor Chavez, Planning Department Director
Paula Donahue, Staff Planner

PruWinrock LLC

Two Ravinia Drive, Suite 1400
Atlanta, Georgia 30346-2110
Telephone: (770) 395-8620
Facsimile: (770) 395-8454

January 21, 2003

Re: Appeal of DRB's final sign-off, performed on January 7, 2003,
Of Project # 1002337,
02DRB-01710 Minor-SiteDev Plan Subd/EPC,
02DRB-01708 Minor-SiteDev Plan BldPermit/EPC

To whom it may concern:

PruWinrock LLC, owner of the Winrock mall, hereby authorizes Rodey, Dickason, Sloan, Akin & Robb, P.A., to act as its agent for all purposes relating to appeal of the above-referenced decision and matters relating thereto.

Sincerely,

PruWinrock LLC, a Delaware
Limited Liability Company

By: The Prudential Insurance Company of America
a New Jersey corporation, its sole member and
manager

By: Charles E Miller
Charles E. Miller
Principal

City of Albuquerque
P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103

January 9, 2003

John A. Myers
Myers, Oliver & Price, P.C.
1401 Central Avenue, NW
Albuquerque, NM 87104

Dear Mr. Myers:

In your letter dated December 12, 2002 you requested, on behalf of your client, Hunt Uptown II, L.L.C., a six-month extension to the two-year sunset provision in the *Uptown Sector Development Plan* (Section 3-H-11) as it relates to the City's approval of Z-98-121, a site development plan for the Monroe School site originally submitted by the Tesch Group. I understand that your client is the successor to the Tesch Group as regards this property.

Based on guidance from the City Attorney's office, I believe that the two-year approval period for the referenced site development plan is set to expire on March 14, 2003.

In consideration of your recent application to the DRB for Final Sign-Off on this site development plan as approved by the EPC, I believe that a building permit will be obtained for a major portion of this development within the six-month extension period barring unforeseen circumstances. In addition, this site development plan underwent considerable public scrutiny and input as it went through the EPC review process and on appeal to the City Council. Your client has satisfied the Conditions imposed by the EPC as demonstrated in the recent DRB Final Sign-Off of this plan, and as noted by the EPC on December 5, 2002 in their review of compliance with Conditions 15 and 21 of the original decision in 1998. Accordingly, as per the provisions specified in Section 3-H-11 of the *Uptown Sector Development Plan*, I find that there is no public purpose in conducting further hearings to review the site development plan.

Based on the foregoing, your request for a six-month extension is hereby granted. This extension expires on September 15, 2003 (as September 14th is a Sunday).

Sincerely,

Bob Parker

FOR Victor Chavez, PE
Planning Director

Cc: DRB & EPC files
Herbert M. Denish & Assoc., P.O. Box 2001, Albuq., NM 87102
PruWinrock LLC, Two Ravinia Dr., Suite 1400, Atlanta, GA 30346-2110
John P. Salazar, Rodey, Dickason, Akin & Robb, PA, P.O. Box 1888, Albuq. NM 87103

Bill Sterchi, Alvarado Park N.A., 5607 Princess Jeanne NE, Albuq., NM 87110
Lynn Tabor, Alvarado Park N.A., 1804 Alvarado Drive NE, Albuq., NM 87110
Stephen Verchinski, Classic Uptown N.A., 2700 Espanola NE, Albuq., NM 87110
Mary Lou Sorenson, Classic Uptown N.A., 2800 Charleston NE, Albuq., NM 87110
Bob Bruno, Inez N.A., 7721 Apache NE, Albuq., NM 87110
Richard P. Huber, Inez N.A., 7807 Prospect NE, Albuq., NM 87110
Donna Yetter, Inez N. A., 2111 Hoffman Drive NE, Albuquerque 87110
Julie Jones, Jerry Cline Park N.A., 7625 Winter Avenue NE, Albuq., NM 87110
Jeff Paul, Jerry Cline Park N.A., 1000 Grove Street NE, Albuq., NM 87110
Valorie Vigil, New Kimo N.A., 2408 Madiera NE, Albuq., NM 87110
Mark Trujillo, New Kimo N.A., 5507 Euclid NE, Albuq., NM 87110
John Cover, New Kimo N.A., 2335 Alvarado NE, Albuq., NM 87110
Dan Webster, New Kimo N.A., 2417 Cardenas NE, Albuq., NM 87110
Timothy Sanchez-Brown, Quigley Park N.A., 2901 Cagua Drive NE, Albuq., NM 87110
Orlando Esparza, Quigley Park N.A., 2728 Cagua Drive NE, Albuq., NM 87110
Deborah Prusia, Snow Heights N.A., 1722 Hoffman Drive NE, Albuq., NM 87110
Michael Clendenin, Snow Heights N.A., 1602 Utah Street NE, Albuq., NM 87110
Dorothy Finaldi, Snow Heights N.A., 1622 Vermont NE, Albuq., NM 87110
Rick Paul, Snow Heights N.A., 8411 Haines NE, Albuq., NM 87110
R. Shelton Weeks, Uptown Association, 2100 Louisiana NE, Suite 51, Albuq., NM 87110
Tom Joule, Uptown Association, 6501 Americas Parkway NE, Albuq., NM 87110
Richard Peterson, Winrock South N.A., 1112 San Pedro NE, #309, Albuq., NM 87110
John Kinney, Winrock South N.A., 1112 San Pedro NE, #309, Albuq., NM 87110
Susan McIntyre, Zuni N.A., 7521 Leah Drive NE, Albuq., NM 87110
Virginia Emmett, Zuni N.A., 7517 Leah Drive NE, Albuq., NM 87110
Nick Wees, Zuni N.A., 2314 Espanola NE, Albuq. NM 87110
Walter Snyder, Zuni N.A. 7427 Arvada NE, Albuq. NM 87110
Ike Eastvold, Fair Heights N.A., 5501 Mountain Rd. NE, Albuq., NM 87110

2120 Indian School Rd, NE

City of Albuquerque

DEVELOPMENT REVIEW APPLICATION

	Supplemental form		Supplemental form
SUBDIVISION	**S**	**ZONING**	**Z**
☐ Major Subdivision action		☐ Annexation & Zone Establishment	
☐ Minor Subdivision action		☐ Sector Plan	
☐ Vacation	**V**	☐ Zone Change	
☐ Variance (Non-Zoning)		☐ Text Amendment	
SITE DEVELOPMENT PLAN	**P**	**APPEAL / PROTEST of...**	**A**
☒ ...for Subdivision Purposes		☐ Decision by: DRB, EPC, LUCC, Planning Director or Staff, ZHE, Zoning Board of Appeal	
☒ ...for Building Permit			
☐ IP Master Development Plan			
☐ 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: Hunt Uptown II, LLC — PHONE: 915.533.1122
ADDRESS: 500 Marquette NW, Suite 350 — FAX: 915.298.4371
CITY: Albuquerque STATE NM ZIP 87102 — E-MAIL: garys@huntbuilding.com
Proprietary interest in site: Owners
AGENT (if any): Herb Denish and Associates, Inc. — PHONE: 505.842.6461
ADDRESS: P.O. Box 2001 — FAX: 505-842-6471
CITY: Albuquerque STATE NM ZIP 87103 — E-MAIL: lsk@hmda.com

DESCRIPTION OF REQUEST: Site Devel Plan DRB Final Sign Off for EPC Approved SDP for BP
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. Tract A — Block: ____ — Unit: ____

Subdiv. / Addn. Monroe Junior Highschool

Current Zoning: Su3 Inside and Outside Intense Core — Proposed zoning: No Change

Zone Atlas page(s): J-19 — No. of **existing** lots: 1 — No. of **proposed** lots: 3

Total area of site (acres): 11.75 — Density if applicable: dwellings per gross acre: 2 — dwellings per net acre: 3

Within city limits? ☒ Yes. No ☐, but site is within 5 miles of the city limits (DRB jurisdiction.) — Within 1000FT of a landfill? No

UPC No. 1-019-058-048-497-2-04-14 — MRGCD Map No. N/A

LOCATION OF PROPERTY BY STREETS: On or Near: Louisiana Blvd. NE
Between: Indian School Rd NE and Interstate 40

CASE HISTORY: Bob Paulsen EPC Planner
List **any** current or prior case number that may be relevant to your application (Proj., App., DRB-, AX_,Z_, V_, S_, etc.): Z-98-123

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

SIGNATURE ____ DATE 10/29/02

(Print) Lawrence S. Kline — ☐ Applicant ☒ Agent

DRB Case Final Sign Off

FOR OFFICIAL USE ONLY — Form revised September 2001

INTERNAL ROUTING	Application case numbers	Action	S.F.	Fees
☑ All checklists are complete	02DRB - ____ - 01708	750BP		$ 0
☑ All fees have been collected	02DRB - ____ - 01710	750S		$ 0
☑ 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				Total
☑ F.H.D.P. fee rebate	Hearing date Nov. 13, 2002			$ 0

11-5-02 Project # 1002337
Planner signature / date

DRB Application
Final Sign off

FORM P(3): SITE PLAN REVIEW - D.R.B. MEETING (UNADVERTISED)

☐ **SKETCH PLAN REVIEW AND COMMENT**

- ☐ Scaled site sketch and related drawings showing proposed land use including structures, parking, Bldg. setbacks, adjacent rights-of-way and street improvements, 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 request
- ☐ Any original and/or related file numbers are listed on the cover application

Meetings are approximately 8 DAYS after the Tuesday noon filing deadline. **Your attendance is required.**

☐ **SITE DEVELOPMENT PLAN FOR SUBDIVISION**

- ☐ Scaled site plan and related drawings (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
- ☐ Letter of authorization from the property owner if application is submitted by an agent
- ☐ Copy of the document delegating approval authority to the DRB
- ☐ Infrastructure List, if relevant to the site plan
- ☐ 2 copies of the Conceptual Utility Layout Plan (mark one for Planning, one for Utility Development)
- ☐ Fee (see schedule)
- ☐ Any original and/or related file numbers are listed on the cover application

Meetings are approximately 8 DAYS after the Tuesday noon filing deadline. **Bring the original Mylar** to the meeting for sign-off. **Your attendance is required.**

☐ **SITE DEVELOPMENT PLAN FOR BUILDING PERMIT**

- ☐ Site plan and related drawings (folded to fit into an 8.5" by 14" pocket) **6** copies.
- ☐ Site Plan for Subdivision, if applicable, previously approved or simultaneously submitted. **6** copies.
- ☐ Solid Waste Management Department signature on Site Plan
- ☐ 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
- ☐ Letter of authorization from the property owner if application is submitted by an agent
- ☐ Copy of the document delegating approval authority to the DRB
- ☐ Infrastructure List, if relevant to the site plan
- ☐ Completed Site Plan for Building Permit Checklist
- ☐ 2 copies of the Conceptual Utility Layout Plan (mark one for Planning, one for Utility Development)
- ☐ Blue-line copy of Site Plan with Fire Marshal's stamp
- ☐ Fee (see schedule)
- ☐ Any original and/or related file numbers are listed on the cover application

Meetings are approximately 8 DAYS after the Tuesday noon filing deadline. **Bring the original Mylar** to the meeting for sign-off. **Your attendance is required.**

☐ **AMENDED SITE DEVELOPMENT PLAN FOR SUBDIVISION**

☐ **AMENDED SITE DEVELOPMENT PLAN FOR BUILDING PERMIT**

- ☐ Proposed amended Site Plan (folded to fit into an 8.5" by 14" pocket) **6** copies.
- ☐ DRB signed Site Plan being amended (folded to fit into an 8.5" by 14" pocket) Copies as needed above
- ☐ 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
- ☐ Letter of authorization from the property owner if application is submitted by an agent
- ☐ Infrastructure List, if relevant to the site plan
- ☐ Completed Site Plan for Building Permit Checklist (not required for amendment of SDP for Subdivision)
- ☐ Fee (see schedule)
- ☐ Any original and/or related file numbers are listed on the cover application

Meetings are approximately 8 DAYS after the Tuesday noon filing deadline. **Bring the original Mylar** to the meeting for sign-off. **Your attendance is required.**

☒ **D.R.B. FINAL SIGN-OFF FOR E.P.C. APPROVED S.D.P. for SUBDIVISION**

☒ **D.R.B. FINAL SIGN-OFF FOR E.P.C. APPROVED S.D.P. for BUILDING PERMIT**

- ✓ ☒ Site plan and related drawings (folded to fit into an 8.5" by 14" pocket) **6** copies.
- ✓ ☒ Approved Grading and Drainage Plan (folded to fit into an 8.5" by 14" pocket) **6** copies.
- on original ☒ Solid Waste Management Department signature on Site Plan (not required for SDP for Subdivision) on original
- ✓ ☒ Zone Atlas map with the entire property(ies) precisely and clearly outlined and crosshatched (to be photocopied)
- ✓ ☒ Letter carefully explaining how each EPC condition has been met **and** a copy of the EPC Notification of Decision
- ✓ ☒ Infrastructure List, if relevant to the site plan
- ✓ ☒ 2 copies of the Conceptual Utility Layout Plan (mark one for Planning, one for Utility Development)
- on original ☒ Blue-line copy of Site Plan with Fire Marshal's stamp (not required for SDP for Subdivision) - on original
- ☒ Any original and/or related file numbers are listed on the cover application

Meetings are approximately 8 DAYS after the Tuesday noon filing deadline. **Bring the original Mylar** to the meeting for sign-off. **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.

LAWRENCE KLINE
Applicant name (print)

Applicant signature / date

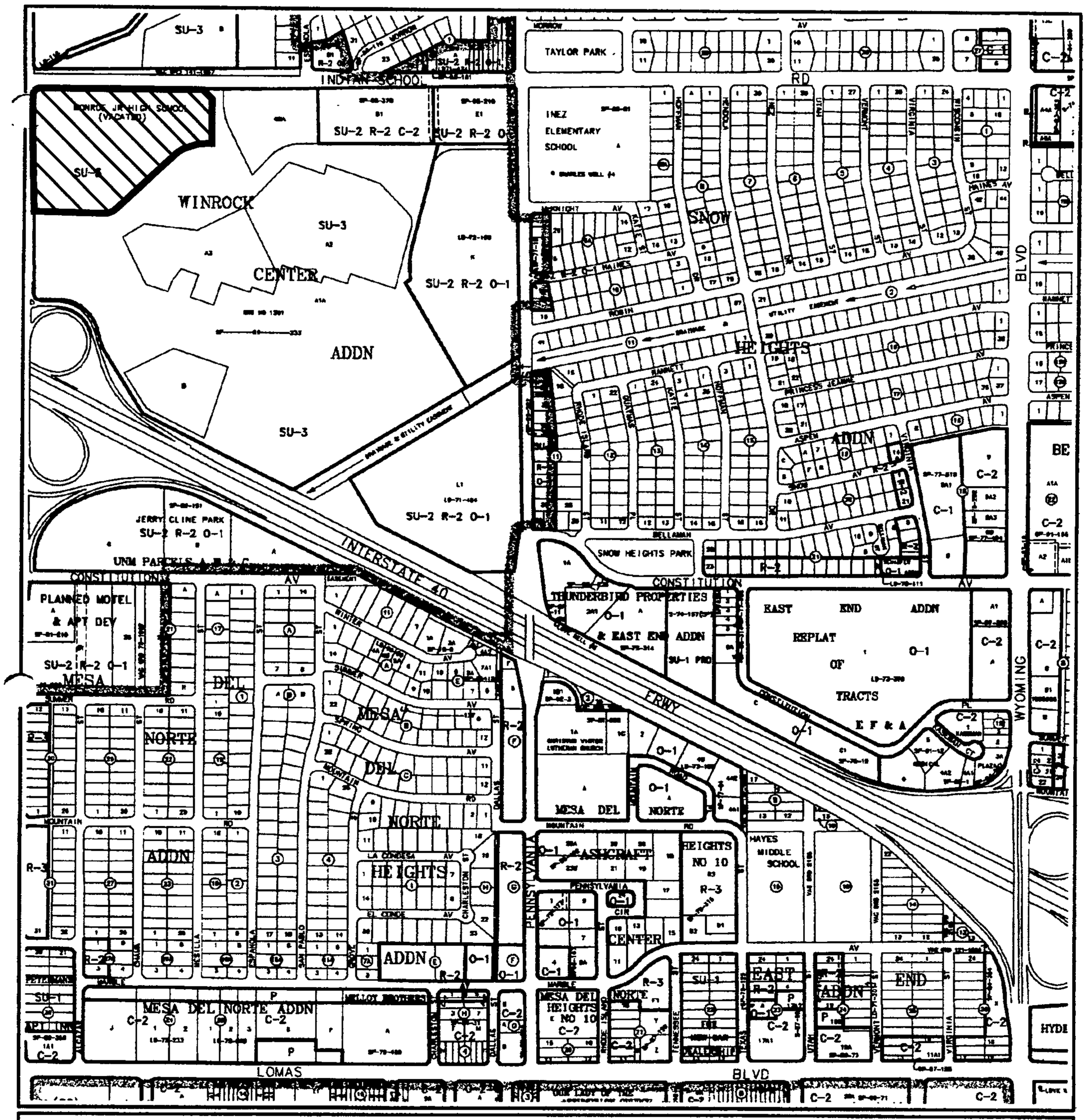
Form revised September 2001

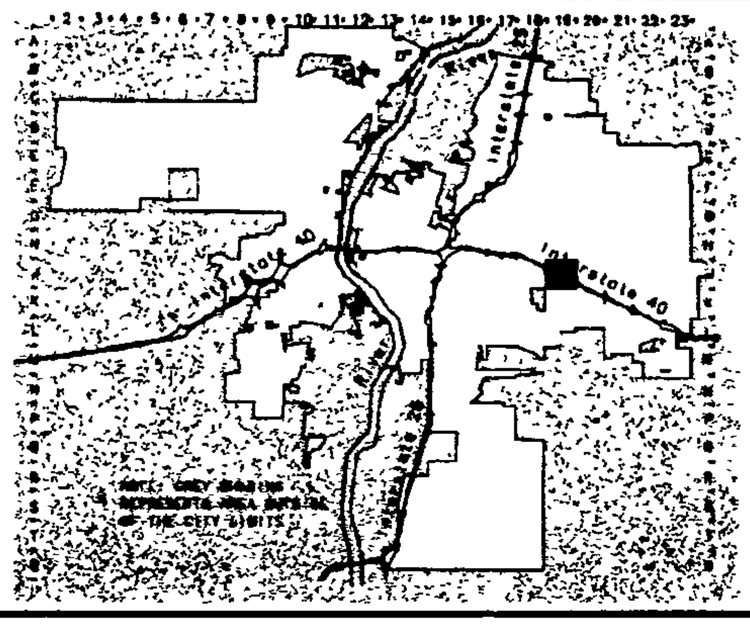
☑ Checklists complete
☑ Fees collected
☑ Case #s assigned
☑ Related #s listed

Application case numbers
02DRB-____-01708
02DRB-____-01710
____-____-____

11-5-02
Planner signature / date

Project # 1002337





CITY OF Albuquerque

Albuquerque Geographic Information System

PLANNING DEPARTMENT

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GRAPHIC SCALE IN FEET

250 0 750 1000

Zone Atlas Page

J-19-Z

Map Amended through March 21, 2001

HERBERT M. DENISH
AND ASSOCIATES, INC.
URBAN CONSULTANTS

November 5, 2002

Mr. Roger Green PE Acting Chair
Development Review Board
City of Albuquerque
P.O. Box 1293
Albuquerque NM 87103

HAND-DELIVERED

re: Z-98-123
Uptown Spectrum II
Request for Final DRB Sign-Off

Dear Mr. Green:

I am writing on behalf of Hunt Uptown II LLC (successors in interest to T esch Development) to respond to the conditions of approval for both the Site Plan for Subdivision and the Site Plan for Building Permit for the project known as Uptown Spectrum II, located at the southeast corner of the intersection of Louisiana and Indian School Boulevards. The site is also commonly known as the Monroe Junior High School site.

The conditions are presented herein *verbatim* in bold text; our responses are immediately below. Each of the conditions has been addressed. Where revisions to the drawings have been made in response to the conditions for Site Plan for Subdivision they are marked with large numbered circles; for conditions of the Site Plan for Building Permit, such responses are noted with large numbered triangles.

CONDITIONS OF THE SITE PLAN FOR SUBDIVISION :

1. Comply with Transportation Development Division conditions as follows:

1A: A TIS has been performed for this request. An update of the TIS /AQIA to reflect the changes in proposed land use intensities, this includes a comparison of the approved as amended land uses with those proposed for the current site plan. The implementation of and/or monetary contributions for mitigation measures required subsequent to the TIS negotiations must be done by the developer and accepted by the City prior to site plan sign-off by the DRB.

500 Marquette N.W. Suite 350 • P.O. Box 2001 • Albuquerque New Mexico 87103 • Tel. 505-842-6461 • FAX 505-842-6471
3791 Southern Blvd. Suite 202 • Rio Rancho, New Mexico 87124 • Tel. 505-994-1342 • FAX 505-994-9290

RESPONSE: An TIS/AQIA was performed for an earlier version of the site plan known as Spectrum I; an update was performed by Bohannon-Huston at the request of staff when "Spectrum II" was approved by the Environmental Planning Commission. The update of the TIS has been accepted by the Public Works Department; acceptance of the update by the Air Quality Division is pending as of this date.

1-B: Implementation of applicable Uptown SDP requirements. This includes the development of the Uptown Loop Road. A proposal to realign the Loop Road from the originally agreed 'G-5 Alignment' in this section, from Louisiana Boulevard to Indian School Road, to improve intersection spacing is being considered. An agreement between this property and Winrock Center needs to be reached on the realignment.

RESPONSE: It is the applicant's understanding that the City has approved the construction documents for the southeast quadrant of the Loop Road and that bid openings will be held in the third week of November. It is our further understanding that all parties have contractually agreed to the construction of the Loop Road according to those construction documents. Further, the applicant has granted a roadway easement to the City for all rights-of-way necessary for the City's construction of the road across the applicant's property.

1-C: The modification to the design of southern entrance to America's Parkway may be considered if the proposed ramp to Interstate 40 is eliminated as part of the redesign of the I-40 Louisiana Interchange.

RESPONSE: It is the applicant's understanding that the ramp has been included in the City's construction documents and that no such design modification is being considered.

1-D: Dedication of 62 feet and 43 feet from the existing centerline, and the full width of 86 feet of right-of-way for Louisiana Boulevard, Indian School Road & Uptown Loop Road, respectively.

RESPONSE: The existing rights-of-way for both Louisiana and Indian School have been confirmed as meeting or exceeding the required dimensions. The roadway easement granted by the applicant for the Loop Road shows 96' of width, as required by contract with the City.

1.E: Construction of the needed street improvements, including pavement, curb and gutter, signal conduit, turn bays, medians and deceleration lanes, and 6 foot to 15 foot sidewalks for Louisiana Boulevard, Indian School Road & Uptown Loop Road, respectively.

RESPONSE: The applicant has submitted a revised infrastructure list. Many of the required improvements will be built as part of the City's Loop Road construction contract. The agreement between the applicant and the City for granting of the Loop Road roadway easement does provide that the City will build the street from curb to curb, and that the applicant is reponsible for all improvements outside the curb lines; tose improvements are included on the submitted infrastructure list.

2: The submittal of this Site Plan to the DRB shall meet all EPC conditions; a letter shall accompany the submittal indicating how the site development plan has been modified to meet the EPC conditions.

RESPONSE: This letter constitutes the required response.

CONDITIONS of the SITE PLAN FOR BUILDING PERMIT:

1. The applicant shall participate in a Transportation Management Organization (TMO), providing and installing bicycle racks or storage, employee lockers and showers, carpool and vanpool parking, and onsite ATM's as per the original agreed on traffic mitigation plan for this site (attached).

RESPONSE: The referenced Traffic Mitigation Plan was executed between Tesch Development and the City; Hunt Uptown II LLC has agreed to abide by its conditions. The applicant has been advised by the Transit and Parking Division that the applicant's assumption of Tesch's obligations pursuant to the Tesch *"Traffic Mitigation Plan"* (including payment of the fees described therein) satisfies this condition. The applicant has requested that the Transit and Parking Division confirm this in writing to the DRB.

2. The applicant shall submit for DRB review detailed plans and elevations for each building, plaza, and landscaped area which show proposed facade improvements and decorative features, etc..

RESPONSE: This condition must be viewed in the light of Condition #15. With this submittal the applicant has improved the detail and ornamentation in the elevations of the theater building while keeping with the main themes and building materials and within the envelope of the drawings approved by the EPC. The restaurants will be subject to the guidelines required by condition #15; those guidelines are to be reviewed by the EPC Site Plan Review Committee as required. The applicant is generally satisfied with the elevations of the parking garage as detailed in the EPC submittal and does not feel they require embellishment.

3. The applicant shall submit for DRB review a complete landscape plan, including all required vegetation elements, specifying such specific landscape details as bench placement, planter areas, tree planting hole and grate details, drainage, and irrigation. The applicant shall also provide landscape plans for all plaza areas, drawn in detail at a maximum scale of 1"=10'. The plan should also locate and identify lighting, signage, public art and other elements not well illustrated in the submitted plans.

RESPONSE: A general landscaping plan for the entire site has been produced (Sheet 5/21); the required "blow-ups" have been produced (Sheets 6/21 and 7/21)

4. Additional design drawings should be submitted prior to DRB showing design enhancement of the pedestrian path to the north, east of Retail I. This could include skylights, window treatment of Retail 1, furniture, color, texture, lighting, and other enhancements to make this path attractive and safe.

RESPONSE: Sheet 1/21 has been modified to show that the west wall of parking garage #1 has been pulled back from retail #1 and a skylight inserted; street furniture has been located in the walkway.

5. The north facade of Garage 1 shall be enhanced by providing display windows along the lower elevation of the garage.

RESPONSE: The display windows have been added.

6. The applicant shall conform to all applicable portions of the Americans With Disabilities Act, including providing convenient and safe access to all major entries and pedestrian connections. Pedestrian ramps shall be given locational priority over stairs.

RESPONSE: The site shall conform in all respects with ADA and New Mexico State requirements. The main east-west pedestrianway has been redesigned to give equal priority to both ramps and stairs.

7. Building and plaza signage. lighting and ornamentation shall substantially conform to the illustrations presented in the applicant's submittal package, including the booklet entitled *"Design Elements and Supplemental Information"*. Permitted ornamentation shall include one or more of these features per tenant space, to the satisfaction of the Planning Department:

- **Awnings**
- **Decorative banners, flags, streamers, etc., of a semi-permanent nature, including banners advertising public or private cultural events**
- **Light fixtures**
- **Additional Landscaping, including portable plantings**
- **Additional Pedestrian features**
- **Other amenities and decorative elements to the satisfaction of the Planning Department**

RESPONSE: Such features have been added to the elevations at various locations marked with a "7" within a triangle. A note on the site plan requires that each building be reviewed at time of building permit for compliance with this provision.

8. Illuminated signage is not permitted on the east building facades from 26' above finish grade to the uppermost building elevation.

RESPONSE: Only two signs met this criterion (east hotel/office/condo elevation and east theatre elevation)) and both have been marked as "non-illuminated".

9. Monument signs shall not be higher than 10' or greater than 100 square feet in area. The number of monument signs shall be restricted to four, one at the entrance on Indian School Road, one at the northeast corner of the site, one at the Americas Parkway entrance, and one at the Louisiana Boulevard entrance.

RESPONSE: A detail of the sign appears on Sheet 12/21 and the locations are marked on the site plan in accordance with this requirement.

10. The signage criteria submitted is [sic] a condition of approval except where it may conflict with the Zoning Code or with the Uptown Sector Plan. Delete the criteria which prohibits flags and banners.

RESPONSE: Note "I" has been deleted from Sheet 12/21.

11. Standard parking spaces are 20' x 8.5' and shall be so noted on the site plans.

RESPONSE: The applicant assumes this refers to surface parking spaces. They are shown as 8.5 feet wide and 18 feet long with a 2-foot overhang as is standard practice permitted by the DPM.

12. Provide pedestrian connections to adjacent uses at Winrock Center including clearly marked textured alternative paving across the loop road. A connection across Americas Parkway at mid site along the east property line shall be 20 feet wide, this connection shall occur directly to the north of the access road. All pedestrian crossings of drive aisles shall have textured pavement and a minimum 8 foot width.

RESPONSE: The required walkways have been shown in the required locations.

13. Comply with the following Transportation Development Division conditions:

A-1: Modifications to the Indian School Road entrance: provision of a deceleration lane (includes dedication & construction).

RESPONSE: The lane will be constructed by work order as part of the infrastructure list; if additional right-of-way is needed, the applicant believes it can be granted by easement.

A-2: Modification of entrance to include adequate space for all traffic movements either entering or leaving the site, and an adequate throat area for queuing of traffic entering or leaving the parking structure.

RESPONSE: To the best of the applicant's knowledge the dimensions shown on the site plan are sufficient to meet this requirement.

A-3: The entrance will operate as a full movement access point, construction of a median opening for left turns will be required. Additional right-of-way may be required as determined by the requested traffic analysis.

RESPONSE: The median is already cosntructed with the requisite turn lane; it does not appear that any additional right-of-way is required.

B-1: Modifications to the east side entrance. must be 40 feet wide to accommodate a 16 foot entrance lane & two 12 foot exit lanes for approximately 50 feet before the transition to 30 feet in width. .

RESPONSE: The required dimensional changes have been made.

B-2: The hotel entrance must be 30 feet in width; the turnaround at the 'Porte cochere' entrance must have a minimum radius of 30 feet; and provision of an exit lane with a maximum width of 18 feet, and intersect at a 60 degree angle with the Loop Road.

RESPONSE: The cul-de-sac has been eliminated. The driveway intersection is set at the requested angle.

C-1. Modifications to the south side entrance: entrance must be a service drive exit only.

RESPONSE: The exit lane is thus configured and marked.

C-2: The exit must intersect west of the Interstate 40 Ramp I Loop Road intersection.

RESPONSE: The intersection is in the proper place.

C-3: The 20 foot exit lane must intersect at a 45 to 60 degree angle to the Loop Road.

RESPONSE: The intersection is set at the proper angle.

D. Provision of adequate pedestrian circulation with handicapped features within the site and to the adjacent streets, this includes connections to the adjacent residential and commercial developments.

RESPONSE: With the addition of the main walkway across the Loop Road, the major pedestrian connections are shown. All intersections have appropriate handicapped ramps.

E. The site plan must identify surrounding uses and provide dimensions where appropriate, i.e., structures, streets, drive aisles, parking spaces, walls, signs, etc.

RESPONSE: All adjacent uses are accounted for and the location of existing signage, drive aisles, etc. are shown.

F. Vehicular and pedestrian circulation pattern must be developed to the satisfaction of the Traffic Engineer.

RESPONSE: The applicant believes that witht he modifications made in response to the conditions, this plan reflects a vehicular and pedestrian plan acceptable to the traffic engineer.

G. Provision of direction pedestrian access from parking garage elevators to the proposed pedestrian mall.

RESPONSE: The elevators in both parking garages have been oriented so that they directly access pedestrian areas.

H. The completion of the Americ's [sic] Parkway should be determined and participants are urged to complete negotiations as quickly as possible.

RESPONSE: As previously noted the applicant has granted a roadway easement to the City for the purposes of constructing the Loop Road.

14. The submittal of this Site Plan to the DRB shall meet all EPC conditions; a letter shall accompany the submittal indicating how the site development plan has been modified to meet the EPC conditions.

RESPONSE: This letter constitutes the required description of the applicant's response to the Notification of Decision.

15. The restaurant shall be architecturally integrated into the overall site architecture period. Guidelines shall be developed and submitted to the EPC site plan review committee .

RESPONSE: A separate sheet of architectural guidelines has been added to the set; these guidelines are under review by the EPC Site Plan Review Committee.

16. Street trees shall be added at 30 feet on center on the west side of the restaurant building along Louisiana.

RESPONSE: The required trees have been added. (Sheet 5/21)

17. Delete the walkways shown on the east, west and south side of the parking garage number 2 convert it to landscaping.

RESPONSE: The walkway areas have been converted to landscaping as shown on Sheet 5/21.

18. Improve pedestrian connections from garage number 2 to the pedestrian ways to the east, west, and south of the site.

RESPONSE: In lieu of the walkways deleted by the previous comment, walkways have been extended across the internal streets to other pedestrian ways (Sheet 5/21)

19. Widen the sidewalk directly to the east of the south restaurant; the sidewalk runs in a east/ west direction. Shade trees shall be added at 25 feet on center along the pedestrian way.

RESPONSE: The sidewalk has been widened and the trees added.

20. Housing units shall be added to the site at a rate of 1 unit per 2,000 square feet of retail above the 10% former requirements up to a maximum of 20% of retail on the site. Parking shall be required at a maximum of 1 space per unit.

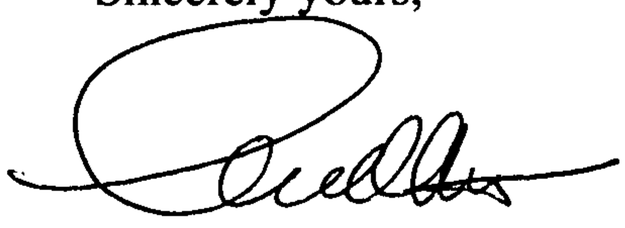
RESPONSE: 24 housing units have been shown on the upper level of Garage #2; alternatively, the top floor of the hotel/office building could be converted to condominium usage. The parking tabulation shows one space per unit, but does not take into account the likelihood of shared parking activities on-site.

21. Each housing unit shall have a minimum of 80 square feet of open space adjacent to the unit in form of decks, terraces, or patios and a maximum of I parking space per unit. The revised site plan shall be submitted to the EPC site plan review committee for final approval prior to DRB submittal.

RESPONSE: Each unit has a deck or balcony meeting the open space requirement. This application has simultaneously been submitted to the Planning Director for the purpose of reviewing compliance with this requirement.

The applicant believes the application is in all respects complete and that each of the conditions has been met. We respectfully request the Board's consideration

Sincerely yours,



Lawrence Kline AICP
for Hunt Uptown II LLC

cc: Gary Sapp
TomWaggoner
Chris Gunning AIA
James Topmiller PE

STATE OF NEW MEXICO
County of Bernalillo SS

Bill Tafoya, being duly sworn, declares and says that he is Classified Advertising Manager of **The Albuquerque Journal**, and that this newspaper is duly qualified to publish legal notices or advertisements within the meaning of Section 3, Chapter 167, Session Laws of 1937, and that payment therefore has been made of assessed as court cost; that the notice, copy of which is hereto attached, was published in said paper in the regular daily edition, for 1 times, the first publication being on the 29 day of Jan, 2003, and the subsequent consecutive publications on _____, 2003.

Sworn and subscribed to before me, a Notary Public, in and for the County of Bernalillo and State of New Mexico this day of 29 January of 2003.

PRICE 58.66

Statement to come at end of month.

ACCOUNT NUMBER C80583

CLA-22-A (R-1/93)

OFFICIAL
Samantha
NOTARY
STATE OF
My Commission Expires: 10

ALBUQUERQUE NEW MEXICO 1706

NOTICE OF PUBLIC HEARING

Notice is hereby given that the City of Albuquerque Environmental Planning Commission will hold a public hearing on Thursday, February 13, 2003, 4:00p.m., in the Plaza del Sol Hearing Room, Lower Level, Plaza del Sol building, 600 2nd St. NW, Albuquerque, NM to consider the following items. [Note: these items are not in the order they will be heard]

02EPC-01924 Project # 1002315
02DRB-01650 Major-Preliminary Plat Approval
02DRB-01651 Major-Vac of Pub Right-of-Way
02DRB-01652 Major-Vac of Public Easements
02DRB-01653 Minor-Temp Defer SDWK
02DRB-01654 Minor-Sidewalk Waiver

Garcia/Kraemer & Associates, appeals the Development Review Board's approval of the Preliminary Plat approval for all or a portion of Tract(s) 13, **THE WILDERNESS @ HIGH DESERT**, zoned SU-2, HD, R-R, located east of TRAMWAY BLVD NE, south of IMPERATA NE and west of TRACT A, FOREST SERVICE LAND, containing approximately 73 acre(s). [REF 02DRB-01646] [DEFERRED FROM 11/20/02, PP,TDS,SW)(F-23)

03EPC-00112
Project # 1002337
02DRB-01708 Minor-Site Dev Plan BldPermit/EPC
02DRB-01710 Minor-Site Dev Plan Subd/EPC

Rodey Dickason Sloan Akin & Robb PA, Michelle Henrie, appeals the Development Review Board's Final sign off of the Site Development Plan for Building Permit and Site Development Plan for Subdivision approval for all or a portion of Tract(s) A, **MONROE JUNIOR HIGH SCHOOL**, zoned SU-3 Inside and Outside Intense Core, located on LOUISIANA BLVD. NE, between INDIAN SCHOOL RD. NE and INTERSTATE 40 containing approximately 12 acre(s). [DEFERRED FROM 11/13/02] (J-19) Bob Paulsen, EPC Case Planner.

Details of these applications may be examined at the Development Services Division of the Planning Department, 3rd Level, Plaza Del Sol Building, 600 Second Street, NW between 10.00 a.m. and 12:00 and between 2:00 and 4:00 p.m., Monday through Friday, or you may call April Candelaria at 924-3886. INDIVIDUALS WITH DISABILITIES who need special assistance to participate at the public hearing, should contact April Candelaria 924-3886 (VOICE) or 924-3361 (TTY). TTY users may also access the voice number via the New Mexico Relay Network by calling toll free: 1-800-659-8331.

Jeff Jesionowski, Chairman
Environmental Planning Commission
APPROVED
Russell Brito, Senior Planner
Journal: January 29, 2003

City of Albuquerque
Planning Department
Development Services Division
P.O. Box 1293
Albuquerque, New Mexico 87103

Date: February 18, 2003

OFFICIAL NOTIFICATION OF DECISION

FILE: **Project 1002337**
03EPC-00112 Appeal of the Development Review Board's final sign off of Site Development Plan for Building Permit and Site Development Plan for Subdivision

PruWinrock, LLC
C/o Rodey, Dickason, Sloan, Akin & Robb, PA
Michelle Henrie
P.O. Box 1888
Albuquerque, NM 87103

LEGAL DESCRIPTION: for all or a portion of Tract(s) A, Monroe Junior High School, zoned SU-3 Inside and Outside Intense Core, Located on Louisiana Blvd. NE, between Indian School Rd. NE and Interstate 40, containing approximately 12 acre(s). (J-19) Bob Paulsen, EPC Case Planner

On February 13, 2003 the Environmental Planning Commission voted to DENY Project 1002337 / 03EPC-00112, an appeal of the Development Review Board's final sign off of the Site Development Plan for Building Permit and Site Development Plan for Subdivision approval.

IF YOU WISH TO APPEAL/PROTEST THIS DECISION, YOU MUST DO SO BY **FEBRUARY 28, 2003** 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,

FOR Victor J. Chavez
Planning Director

VJC/BP/co

cc: Michelle Henrie, Rodey, Dickason, Sloan, Akin & Robb, PA
Kevin Curran, Assistant City Attorney
John Myers, Myers Oliver & Price, PC
Bill Sterchi, Alvarado Park N.A.
Lynn Tabor, Alvarado Park N.A.
Stephen Verchinski, Classic Uptown N.A.
Mary Lou Sorenson, Classic Uptown N.A.
Bob Bruno, Inez N.A.
Richard P. Huber, Inez N.A.
Julie Jones, Jerry Cline Park N.A.
Jeff Paul, Jerry Cline Park N.A.
Valorie Vigil, New Kimo N.A.
Mark Trujillo, New Kimo N.A.
Timothy Sanchez-Brown, Quigley Park N.A.
Orlando Esparza, Quigley Park N.A.
Dorothy inaldi, Snow Heights N.A.
Rick Paul, Snow Heights N.A.
R. Shelton Weeks, Uptown Association
Tom Joule, Uptown Association
Richard Peterson, Winrock South N.A.

John Kinney, Winrock South N.A.
Virginia Emmett, Zuni N.A.
Nick Wees, Zuni N.A.
Ike Eastvold, Fair Heights N.A.
Victor Chavez, Planning Department Director
Paula Donahue, Staff Planner

Current DRC
Project No _____

ORIGINAL Claire

Date Submitted: 11/20/02
Date Site Plan for Bldg Permit App 11/20/02
Date Site Plan for Sub Approved 11/20/02
Date Preliminary Plat Approved. N/A
Date Preliminary Plat Expires. N/A

Figure 12

INFRASTRUCTURE LIST

EXHIBIT "A"
TO SUBDIVISION IMPROVEMENTS AGREEMENT
DEVELOPMENT REVIEW BOARD (D R B) REQUIRED INFRASTRUCTURE LIST

DRB Project No 1002337
Application No. 02DRB01708

UPTOWN SPECTRUM
(TRACT A MONROE JR. HIGH SCHOOL)

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 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

SITE PLAN FOR BUILDING PERMIT

SIA Sequence #	COA DRC Project #	Size	Type of Improvement	Location	From	To	Private Inspector	City Inspector	City Cnst Engineer
			PUBLIC ROADWAY IMPROVEMENTS						
		76'/~~28'~~ F - F	ARTERIAL PVMT, BOTH 15' SIDWALK ~~WEST~~ SIDES STANDARD C&G, WEST SIDE MEDIAN CURB AND GUTTER	UPTOWN LOOP ROAD	~~INDIAN SCHOOL~~ LOUISIANA	~~WINROCK ENTRANCE~~ INDIAN SCHOOL	/	/	/
		125'X12'	SOUTHBOUND RT TURN LANE	UPTOWN LOOP ROAD	AT WINROCK ENTRANCE		/	/	/
		12' WIDE	BUS BAY	UPTOWN LOOP ROAD	50' SOUTH OF INDIAN SCHOOL		/	/	/
		175'	LENGTHEN EXISTING WESTBOUND DUAL LEFT TURN LANE	UPTOWN LOOP ROAD	AT LOUISIANA		/	/	/
		325' X 12'	NORTHBOUND RIGHT TURN LANE (MAY INCLUDE BUS BAY)	UPTOWN LOOP ROAD	AT INDIAN SCHOOL		/	/	/
		150'	SOUTHBOUND LEFT TURN LANE	UPTOWN LOOP ROAD	AT WINROCK N ENTRANCE		/	/	/
		125'	NORTHBOUND LEFT TURN LANE	UPTOWN LOOP ROAD	AT WINROCK N ENTRANCE		/	/	/
		185'	NORTHBOUND RIGHT TURN LANE	UPTOWN LOOP ROAD	AT WINROCK N ENTRANCE		/	/	/
		150'	NORTHBOUND LEFT TURN LANE	UPTOWN LOOP ROAD	AT INDIAN SCHOOL		/	/	/
		200'X12'	E BOUND LEFT TURN LANE MODIFICATION	INDIAN SCHOOL	AT LOUISIANA		/	/	/
		200'X12'	W BOUND DUAL LEFT TURN LANE	INDIAN SCHOOL	AT LOUISIANA		/	/	/
		200'X12'	W BOUND DUAL LEFT TURN LANE	INDIAN SCHOOL	AT UPTOWN LOOP ROAD		/	/	/
		80'X12'	N BOUND RIGHT TURN LANE	LOUISIANA	AT DRIVEWAY		/	/	/
		12' WIDE	BUS BAY	N BOUND LOUISIANA	NORTH OF DRIVEWAY		/	/	/
		100'X12'	W BOUND LEFT TURN LANE	INDIAN SCHOOL	AT DRIVEWAY		/	/	/
		90'X12'	E BOUND RIGHT TURN LANE	INDIAN SCHOOL	AT DRIVEWAY		/	/	/

ORIGINAL

135'X12'	E BOUND RIGHT TURN LANE	INDIAN SCHOOL	AT UPTOWN LOOP ROAD	
SIGNALIZATION MODIFICATION AT INDIAN SCHOOL AND LOUISIANA				
SIGNALIZATION AT UPTOWN LOOP ROAD AND INDIAN SCHOOL				

PUBLIC SANITARY SEWER IMPROVEMENTS

8" DIA	SANITARY SEWER W/ NEC MH'S & SERVICES	UPTOWN LOOP ROAD	INDIAN SCHOOL	LOUISIANA

PUBLIC WATERLINE IMPROVEMENTS

10" DIA	WATERLINE W/ NEC VALVES FH'S, MJ'S & RJ'S	PUBLIC EASEMENT INTERNAL TO SITE	UPTOWN LOOP ROAD NEAR DRIVEWAY ENTRANCE	UPTOWN LOOP ROAD JUST EAST OF INT W/ LOUISIANA
10" DIA	WATERLINE W/ NEC VALVES FH'S, MJ'S & RJ'S	UPTOWN LOOP ROAD	INDIAN SCHOOL	LOUISIANA
PUBLIC FH	EAST SIDE OF LOUISIANA	JUST SOUTH OF INDIAN SCHOOL		

PUBLIC STORM DRAIN IMPROVEMENTS

36" DIA - 48" DIA	STORM DRAIN WITH NEC INLETS AND MANHOLES	LOUISIANA	UPTOWN LOOP ROAD	INDIAN SCHOOL
84" SD	STORM DRAIN WITH NEC INLETS AND MANHOLES	UPTOWN LOOP ROAD	INDIAN SCHOOL	I-40 CHANNEL

AGENT/OWNER

BRUCE STIDWORTHY — 11/20/2002
PREPARED BY PRINT NAME — DATE

BOHANNAN HUSTON INC.
FIRM

SIGNATURE

MAXIMUM TIME ALLOWED TO CONSTRUCT IMPROVEMENTS WITHOUT A DRB EXTENSION

11-20-04

DEVELOPMENT REVIEW BOARD MEMBER APPROVALS

Sheran Matson	11/20/02	Christina Sandoval	11/20/02
~~DRB CHAIR~~ Planning	DATE	PARKS & ~~GENERAL SERVICES~~ Recreation	DATE
	11-20-02	N/A	
TRANSPORTATION DEVELOPMENT	DATE	AMAFCA	DATE
Roger Green	11/20/02	Buddy L. Bigham	11/20/02
UTILITY DEVELOPMENT	DATE	CITY ENGINEER	DATE
			DATE

DESIGN REVIEW COMMITTEE REVISIONS

REVISION	DATE	DRC CHAIR	USER DEPARTMENT	AGENT/OWNER

#9 11/20/02

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
MATTHEW S WERMAGER
LARRY J MONTANO

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JULIE P NEERKEN
ROBERT G McCORKLE
PABLO PRANDO

BERNARD S RODEY (1856-1927)
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DON L DICKASON (1906-1999)
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WRITER S DIRECT NUMBER
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mhenrie@rodey com

November 19, 2002

Roger Green
Acting Chair, DRB
Planning Department, City of Albuquerque
600 2nd St. NW
Albuquerque, NM 87103

Via Hand Delivery

Re: Project # 1002337,
02DRB-01710 Minor-SiteDev Plan Subd/EPC,
02DRB-01708 Minor-SiteDev Plan BldPermit/EPC

Dear Mr. Green:

This office represents PruWinrock, LLC, the owner of Winrock Shopping Center. We delivered a letter to you last week asking that the above-referenced matter be deferred from the Development Review Board's ("DRB's") agenda on November 13, 2002. We appreciate that the DRB was able to defer the matter.

The owner of the old Monroe Junior High School site, Hunt Uptown II, LLC, was originally working in conjunction with the owner of the old St. Pius High School site, Hunt Uptown LLC, to develop an integrated project for the two sites called ABQuptown. ABQuptown was unveiled to the public with a good deal of fanfare. A Site Plan for Subdivision for ABQuptown (Project # 1002247) is now before the Environmental Planning Commission ("EPC"), and the hearing is scheduled for December 5, 2002. However, by a letter to Paula Donahue dated November 14, 2002, Hunt Uptown II, LLC asked that the Monroe site be removed from consideration in the ABQuptown Site Plan for Subdivision. We understand this to mean that Hunt Uptown II, LLC has withdrawn the Monroe site from the ABQuptown project and from its request for a Site Plan for Subdivision.

It seems to us that the Hunt entities' projects need to be reviewed together. This includes the ABQuptown project and the Uptown Spectrum project. The Uptown Sector Development Plan ("Uptown Plan") amendments proposed by the Hunt entities should also be reviewed simultaneously. The ABQuptown project and the Uptown Plan amendments are pending before the EPC on December 5, 2002. At a minimum, we think that it would be appropriate to remand

the Uptown Spectrum project to EPC for a second review on December 5, 2002 (assuming their agenda has room) for the following reasons:

1. We are still confused about what the Hunt entities intend to build. The Hunt entities put forward proposed Uptown Plan amendments (Project # 1002124) on July 25, 2002, only to withdraw these amendments and submit new ones on September 16, 2002. On September 26, 2002, they submitted materials discussing the ABQuptown project, but not a normal site plan. As mentioned above, they have now withdrawn the Monroe site from the ABQuptown project. It is not clear whether there is anything remaining of the original ABQuptown concept if there is no coordination between the Monroe site and the St. Pius site. Further, the fact that Hunt Uptown II, LLC has now revived the old Uptown Spectrum plan adds to our confusion.

2. EPC reviewed and approved the Uptown Spectrum plans more than four years ago. To our knowledge, it is unprecedented for an applicant to revive plans that ere tabled midstream and never received final approval. Stated alternatively, this matter sets a precedent for all other applications that have been tabled, dropped, delayed, or basically forgotten somewhere along the way prior to receiving final approval. Does it make sense to recussitate something after a four year delay? The EPC should reconsider these plans in the context of *today's* Uptown.

3. As a condition of approval, the EPC required that housing be included in the project *and* the EPC retained jurisdiction for review of the housing. The original applicant for the Uptown Spectrum project did not propose any housing for the site. The EPC expressly added the housing requirement as a condition of approval. It also concurrently caused the Uptown Plan to be amended to include a housing component as a second step in ensuring that housing would be incorporated into this project. As a third step, the EPC retained jurisdiction over the project. Condition Number 21 to the Site Plan for Building Permit states that "[t]he revised site plan shall be submitted to the EPC site plan review committee for final approval prior to DRB submittal." There is no indication that this was ever done.

4. The Uptown Spectrum Project Isn't a Minor Site Plan for Subdivision. A minor subdivision is one that does not require installation of any significant infrastructure. (§14-14-1-6, Definition of "Subdivision, Minor"). The applicant's infrastructure list shows a new traffic signal, modifications to an existing traffic signal, seven turn lanes, two bus bays, and yards of sewer, water, and storm drain improvements. The new traffic light alone constitutes "significant infrastructure."

5. How Many Theaters Can Uptown Support? The ABQuptown project, the Uptown Spectrum project, and the Winrock redevelopment project each show a theater as one of the uses on the site– in addition to the existing theater at the Coronado Mall.

Our client has additional concerns about the Uptown Spectrum project which can be addressed in more detail at the DRB meeting if DRB chooses to not remand this matter to the EPC. Most importantly, if approved, we believe it is imperative that the housing component of the project is instituted simultaneously with the new retail uses. We believe this was the intent of the Uptown Plan amendment and the EPC conditions of approval: more retail for more residential. We are concerned that if the residential component is not built in the initial phase of the Uptown Spectrum project, it may never get built. Also, it is critical to us that Winrock's access to its proposed Sandia Drive be recognized as shown on Winrock's submitted site plans.

If DRB chooses to not remand the matter to EPC, we still believe that the safest course for the City would be to notice adjacent property owners and the neighborhood associations and hold a public hearing pursuant to Section 14-16-2-22(A)(6).

We appreciate your consideration of our concerns.

Yours truly,

Sincerely,

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

By:
Michelle Henrie

mh

cc (via hand delivery):

Bob Paulsen, Staff Planner, City of Albuquerque Planning Department
Paula Donahue, Staff Planner, City of Albuquerque Planning Department
John P. Salazar

cc (via fax and mail):

Lawrence S. Kline, Herbert M. Denish & Associates, Inc.

cc (via mail):

Robert A. Manarino, Senior Vice President, Cousins Properties, Inc.
Charles E. Miller, Prudential Real Estate Investors
Shelton Weeks, Manager, Prizm Partners

Members of Uptown Neighborhood Associations:
- Bill Sterchi
- Lynn Tabor
- Stephen Verchinski
- Mary Lou Sorenson
- Bob Bruno
- Richard P. Huber
- Julie Jones
- Jeff Paul
- Valorie Vigil
- Mark Trujillo
- Timothy Sanchez-Brown
- Orlando Esparza
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- Rick Paul
- Tom Joule
- Richard Peterson
- John Kinney
- Nicholas Wees
- Virginia Emmett
- Randy Sanchez, General Manager, Coronado Center

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WRITER S DIRECT NUMBER
505-768-7394
mhenrie@rodey com

November 12, 2002

Roger Green
Acting Chair, DRB
Planning Department, City of Albuquerque
600 2nd St. NW
Albuquerque, NM 87103

Via Hand Delivery

RECEIVED
NOV 1 2 2002
PWD/DESIGN REVIEW

Re: Project # 1002337,
02DRB-01710 Minor-SiteDev Plan Subd/EPC,
02DRB-01708 Minor-SiteDev Plan BldPermit/EPC

Dear Mr. Green:

This office represents the PruWinrock, LLC, the owner of Winrock Shopping Center. We were surprised to see the above-referenced matters listed on the Development Review Board's agenda for tomorrow, November 13, 2002. We had understood that the property owner of the old Monroe Junior High School site, Hunt Uptown II, LLC, was working in conjunction with the owner of the old St. Pius High School Site, Hunt Uptown LLC, to develop a "unique, upscale living/working/shopping environment that respects traffic and air quality issues." It was represented to our client and to the public that the two Hunt projects were integrated and planned in concert. We now are not sure what is being planned.

Because yesterday was a holiday, we were not able to learn anything about the new proposal for the Monroe site until today– one day before the hearing. This morning we received some information. As of this afternoon, we still have not seen any of the 21 plats that accompany the application. We have not been able to adequately analyze how the proposal may impact our client, an adjacent property owner. If the proposed minor site plans affect our client or others, it is imperative that DRB is aware of the impact under Section 14-16-2-22(A)(6) of the City's Zone Code.

Because our client and the public had been expecting the Hunt projects to develop differently than they now seem to be developing, and because the original EPC approvals for the Monroe site were given more than four years ago, and because Uptown has changed in the past four years, DRB should– at a minimum– defer acting on this matter until it has had an opportunity to hear

from adjacent property owners and the neighborhood associations– all of whom might be substantially aggrieved by the altered plan. The safest course of action would be to notice the matters pursuant to Section 14-16-2-22(A)(6).

We respectfully request that you defer hearing the above-referenced matters and notice the matters for the next meeting of the DRB.

Yours truly,

Sincerely,

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

By:
Michelle Henrie

mh

cc (via hand delivery):

Bob Paulsen, Staff Planner, City of Albuquerque Planning Department
Paula Donahue, Staff Planner, City of Albuquerque Planning Department
Lawrence S. Kline, Herbert M. Denish & Associates, Inc.

cc (via mail):

Robert A. Manarino, Senior Vice President, Cousins Properties, Inc.
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Shelton Weeks, Manager, Prizm Partners
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Members of Uptown Neighborhood Associations:
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- Valorie Vigil

Mark Trujillo
Timothy Sanchez-Brown
Orlando Esparza
Deborah Prusia
Michael Clendenin
Tom Joule
Richard Peterson
John Kinney
Susan McIntyre
Virginia Emmett
Randy Sanchez, General Manager, Coronado Center

RECEIVED
NOV 1 2 2002
PWD/DESIGN REVIEW

1. Call to Order.
   A. Announcement of Changes and/or Additions to the Agenda
   B. Approval of the Amended Agenda
   C. Approval of Minutes for October 17, 2002.

E.P.C. Voted to approve both conditions.

The Planning Department requests review and direction from the EPC relating to Development Review Board Project # 10002337, specifically concerning 2 Conditions imposed by the EPC on October 15 1998 on a Site Development Plan for Building Permit, application Z-98-123, for a portion of Tract A Monroe Junior High School, located at the southeast quadrant of the intersection of Louisiana Boulevard and Indian School Road NE containing approximately 12 acres. (J-19)

3. Project # 1002124
02EPC-01154 Text Amendment

Deferred

HERBERT M. DENISH & ASSOCIATES, INC., agent for HUNT UPTOWN, LLC requests text amendments to the Uptown Sector Plan SU-3 Zone for the Uptown Urban Center: Intense Core and the SU-3 Zone for the Uptown Urban Center: Outside of Intense Core, located on the NW, NE, SE & SW QUADRANTS OF LOUISIANA BLVD. NE AND INDIAN SCHOOL ROAD NE, containing approximately 297 acres. (H-18) Paula Donahue, Staff

4. Project # 1002247
02EPC-01472 EPC Site Development Plan-Subdivision

Deferred

HERBERT M. DENISH AND ASSOCIATES, INC. agent for HUNT UPTOWN, LLC AND HUNT UPTOWN II, LLC requests approval of a site development plan for subdivision for all or a portion of Tracts A1, B1, and B2 of St Pius X, zoned SU-3 for the Uptown Urban Center: Intense Core, SU-3 for the Uptown Urban Center: Outside of Intense Core, and SU-2 for R-2 and O-1 uses, located between LOUISIANA BLVD NE, and ESPANOLA STREET and between ARVADA AV. NE and INDIAN SCHOOL RD. NE, containing approximately 28 acres. (H-19) Paula Donahue, Staff Planner

5. Project # 1002202
02EPC-01469 EPC Site Development Plan-Amendment to Subdivision
02EPC-01470 EPC Site Development Plan-Amendment to Building Permit

RODEY, DICKASON, AKIN & ROBB PA agent(s) for PRUWINROCK, LLC request the referenced action(s) for all or a portion of Tract(s) A-1-1 and Tracts A-2, A-3, B, C-2A, D-1A and E-1, **Winrock Center Addition**, zoned SU-3, SU-2(R-2 & C-2) & SU-2(R-2 & O-1), located on LOUISIANA NE, between I-40 and INDIAN SCHOOL NE, containing approximately 81 acre(s). (J-19) Juanita Vigil, Staff Planner

6. Other Matters

Cond 15 v 21
mg

ENVIRONMENTAL PLANNING COMMISSION

A G E N D A

Thursday, December 5, 2002, 3:00 p.m.

Plaza del Sol Hearing Room
Lower Level
600 2nd Street NW

MEMBERS

Alan Schwartz, Chairman
Susan Johnson, Vice Chair

Elizabeth Begay
John Briscoe
Larry Chavez
Jeffery J. Jesionowski

Bevin Owens
Mick McMahan
Camilla Serrano

****

NOTE: A LUNCH BREAK AND DINNER BREAK WILL BE ANNOUNCED AS NECESSARY.

Agenda items will be heard in the order indicated below unless modifications to the Agenda a approved by the EPC at the beginning of the hearing (see item 1A and 1B below); deferral a withdrawal requests (by applicants) are generally reviewed at this time.

There is no set time for cases to be heard; however, interested parties can monitor the progress of t hearing by calling the Planning Department at 924-3860. All parties wishing to address the Commissi must sign-in with the Commission Secretary at the front table prior to the case being heard. Please prepared to provide brief and concise testimony to the Commission if you intend to speak. In the inter of time, presentation times are limited as follows, unless otherwise granted by the Commission Cha Staff - 5 minutes; Applicant – 10 minutes; Public speakers – 2 minutes each.

All written materials – including petitions, legal analysis and other documents – should be submitted least one week prior to the meeting in time for presentation to the EPC at its Study Session. The El strongly discourages submission of written material at the meeting. Except in extraordina circumstances, the EPC will not consider any written materials submitted at the meeting. In the ev the EPC believes the written material submitted may influence its final decision, the EPC will likely de the matter to a subsequent meeting.

NOTE: ANY AGENDA ITEMS NOT HEARD BY 8:30 P.M. MAY BE DEFERRED TO ANOTHER HEARING DATE DETERMINED BY THE PLANNING COMMISSION.

Fred J. Aguirre
01/09/03 10:57 AM

To: Ellen F. Concini/PLN/CABQ@COA, Tom Burlison/PLN/CABQ@COA

cc: Victor J. Chavez/PLN/CABQ@COA, rdineen@msn.com, Sheran A. Matson/PWD/CABQ@COA

Subject: Monroe Junior High School (Spectrum II)Site Plan

For Richard Dineen:

This memo is to advise you that the subject site plan is under appeal therefore no building and/or foundation permit should be issued. If you have any questions regarding this directive, please do not hesitate to call me or Mr. Dineen.

MYERS, OLIVER & PRICE, P.C.
LAWYERS
1401 CENTRAL AVENUE, N.W.
ALBUQUERQUE, NEW MEXICO 87104

JOHN A. MYERS
SCOTT OLIVER*
CHARLES P. PRICE III
KEVIN J. McCREADY
HOPE MEAD WYNN

*ALSO LICENSED IN TEXAS

TELEPHONE
(505)247-9080

FACSIMILE
(505)247-9109

e-mail: jmyers@moplaw.com

January 9, 2003

Hegedal

Alan Schwartz, Chairman
Environmental Planning Commission
c/o Planning Department, City of Albuquerque
600 2nd Street NW, 2nd Floor
Albuquerque, New Mexico 87102

Re: Appeal of DRB Decision Dated November 20, 2002/Project No. 1002337/02 DRB-01710 Site Development Plan for Subdivision/02 DRB-01708 Site Development Plan for Building Permit

Dear Chairman and Commissioners:

This office represents Hunt Uptown II, L.L.C. ("Hunt") with respect to its applications for final sign-off by the City's Development Review Board ("DRB") of the Site Development Plan for Subdivision ("Subdivision Site Plan") and Site Development Plan for Building Permit ("Building Permit Site Plan") for the Monroe Junior High Site, also referred to as the Spectrum II Plan (the "Monroe Site").

On December 3, 2002 PruWinrock, L.L.C. ("PruWinrock") filed an appeal through its agents, Rodey, Dickason, Sloan, Akin & Robb, P.A. (the "Rodey Firm") of actions taken by the DRB on final sign-off of the Subdivision Site Plan and the Building Permit Site Plan (the "Current Appeal").

Factual Background

On October 15, 1998, the EPC voted to recommend approval to the City Council certain amendments (the "Sector Plan Amendments") to the Uptown Sector Development Plan (the "Uptown Plan"), approved the Subdivision Site Plan for the Monroe Site with conditions and approved the Site Plan for Building Permit for the Monroe Site with twenty-one (21) conditions. The Building Permit Site Plan was dependent upon the Sector Plan Amendments. The applicant for these actions was the then contract purchasers from the Albuquerque Public Schools ("APS") of the Monroe Site (the "Tesch Group").

The Sector Plan Amendments required enactment by the City Council. The Subdivision Site Plan and Building Permit Site Plan approvals were appealed to the City Council. In February 1999, the City Council adopted the Sector Plan Amendments, and denied the appeal of the Subdivision Site Plan and the Building Permit Site Plan approvals.

The Sector Plan Amendments were appealed to the New Mexico District Court by the Prudential Insurance Company of America ("Prudential"). Prudential filed the appeal as the owner of Winrock Center. Prudential is the predecessor to PruWinrock, the appellant in the Current Appeal. Prudential was represented in these appeals by the Rodey Firm. The Subdivision Site Plan and the Building Permit Site Plan approvals were appealed to the New Mexico District Court by a group of neighborhood associations. The cases were consolidated upon appeal.

Final appellate court action was taken on Winrock's appeal of the Sector Plan Amendments when the New Mexico Court of Appeals issued its Mandate on March 14, 2001. The Mandate transmitted to the District Court the Court of Appeal's order denying Winrock's petition for further appeal. The Site Plan Approval Appeal was resolved on January 8, 2001 when the appeal was voluntarily dismissed by the appellants. Therefore, these appeals left unresolved the status of the Monroe Site Plans for almost two and one-half (2½) years. Copies of these decisions and orders are enclosed.

Subsequent to the original approvals for the Monroe Site, the Tesch Group's contract to purchase the Monroe Site terminated. In April, 2002, Hunt purchased the Monroe Site and began the process of evaluating the alternatives for development of the Monroe Site. After consideration of an alternative plan for the Monroe Site, Hunt elected to perfect the approval of the Subdivision Site Plan and Building Permit Site Plan for the Monroe Site as reviewed by the EPC, making application to the DRB in early November 2002.

On November 20, 2002, the DRB considered the Subdivision Site Plan and the Building Permit Site Plan for final sign-off. Two members of the DRB, the Parks representative and the Utilities representative, signed-off on the site plans with final sign-off delegated to the City Engineer, the Transportation Development Department, and the Planning Department. Final sign-off was not given at the November 20, 2002 hearing, as there were additional matters to be resolved to the satisfaction of the other DRB representatives.

Subsequent to the November 20, 2002 hearing, all outstanding conditions imposed by the EPC have been satisfied. On January 7, 2003 final sign-off was received on these Site Plans. Conditions which were satisfied subsequent to the November 20, 2002 DRB hearing included: (i) verification of compliance with Conditions No. 15 and No. 21 which were referred to the EPC Site Plan Review Committee, but approved by the full EPC on December 5, 2002, and (ii) Hunt entering into a subdivision improvement agreement with the City whereby Hunt obligated itself to construct certain infrastructure and Hunt posted a financial guarantee of approximately $700,000.00 securing its obligations.

I. THE APPEAL WAS PREMATURE

PruWinrock filed its appeal to the EPC on December 3, 2002, prior to the DRB completing the task from which the appeal was taken. The final sign-off occurred on January 7, 2003. Such a premature appeal is contrary to law, and to have considered such an appeal would have led to untenable results.

The actions before City boards are administrative proceedings. The law in New Mexico, as well as the general law across the country, is that an administrative decision is not subject to review until the decision is final, that is the "administrative order must have nothing further for the agency to do." 2 Am. Jur. 2nd Administrative Law §381, Pg. 382. The same principle applies to court review of administrative actions. The court in Mills v. New Mexico State Board of Psychologist Examiners, 123 NM 421, held that courts may not review actions of administrative actions until those actions are final. This same self-evident principle applies to appeals in the New Mexico courts which have a "final judgment" rule which provides that generally appeals may not be taken until a final judgment has been entered by the lower court.

Now that the DRB has completed its work, PruWinrock's appeal is "ripe" for consideration by the EPC. However, the appealable issues, if any, are very narrow.

II. THE APPEALABLE ISSUES ARE LIMITED

When the Site Plans were approved by the EPC, Winrock was afforded the opportunity to be heard on its concerns regarding the Site Plans. PruWinrock's representatives were present and were heard, and Winrock exhausted its administrative and court appeals on their grievances with the Site Plans. The DRB sign-off of the Site Plans is to certify to a site plan as presented to the EPC which incorporates all conditions imposed by the EPC. In this action the DRB is not vested with the right to modify the Site Plans as approved by the EPC. Therefore, the Site Plans as signed off are exactly as approved and conditioned by the EPC. Winrock had the opportunity and has exercised its right to appeal the EPC's decision; Winrock is not entitled to "another bite at the apple".

Therefore, if the DRB sign-off is appealable at all, the appeal must be limited to the issue of whether the Site Plans as signed-off by the DRB are as approved by the EPC.

III. THE SUBDIVISION SITE PLAN AND BUILDING PERMIT SITE PLAN APPROVALS HAVE NOT LAPSED

Winrock asserts that the Subdivision Site Plan and Building Permit Site Plan approvals for the Monroe Site have lapsed pursuant to Section 3H(11) of the Uptown Plan which provides, in part, as follows:

> The portions of Site Development Plans showing structures that have not obtained building permits within two (2) years of Site Plan Approval shall be void...

In the Spring of this year, prior to pursuing final approval of the Subdivision Site Plan and Building Permit Site Plan, Hunt, through its agents, sought confirmation from the City Planning Department that these approvals had not somehow lapsed. Hunt received confirmation from the Planning Director that "the City does not require that a Site Plan for building permit approved by the Planning Commission be brought before the DRB on any given schedule". A copy of the Planning Director's letter is attached. We assume that the basis for the Planning Director's statement was that the two (2) year "clock" does not start to run until final approval of the Site Plans by the DRB. This is a reasonable construction, as prior to DRB sign-off, the Site Plan has no legal effect, there is no "approval" and no building permits can be issued.

Moreover, construing the two (2) year clock to start running at EPC approval (versus DRB sign-off) would result in a substantial likelihood that site plan approvals would lapse prior to completion of development. Under the best of circumstances, for complex mixed use projects, the DRB approval process takes a substantial period of time following EPC approval. Following an EPC decision on a site plan, the applicant must comply with all conditions imposed by the EPC. With the Monroe Site, the Building Permit Site Plan had twenty-one (21) conditions, many of which had sub-conditions. These conditions include the obligation to construct about $700,000.00 in infrastructure. Satisfying these conditions takes time. Therefore, starting the two (2) year period running at EPC approval would substantially reduce the likelihood that a project would be built out within this time frame.

In the alternative, should the City determine that the two year clock starts running upon EPC approval, law and equity mandate that the two (2) year period begins to run only after all appeals have been resolved. In this case, PruWinrock urges the City to declare the Site Plan Approvals to have lapsed when PruWinrock's predecessor, through PruWinrock's attorneys, kept the EPC approvals under appeal in the courts for over two (2) years, including various rejected procedural maneuvers that substantially prolonged the appeal process. Winrock's appeals were defeated, however now PruWinrock asserts that it has *de facto* prevailed in its appeals simply by keeping the appeal process alive for over two (2) years. This is an outrageous assertion.

IV. HUNT HAS PROPERLY SATISFIED BUILDING PERMIT SITE PLAN APPROVAL CONDITION NO. 21

Condition No. 21 to the Building Permit Site Plan approval provides as follows:

> Each housing unit shall have a minimum of eighty (80) square feet of open space adjacent to the unit in form of decks, terraces, or patios and a maximum of one (1) parking space per unit. The revised Site Plan shall be submitted to the EPC Site Plan Review Committee for final approval prior to DRB submittal.

At the time of the EPC approval of the Building Permit Site Plan, the EPC had established a Site Plan Review Committee. The Site Plan Review Committee reviewed certain site plan amendments at meetings which were neither publicly advertised nor open for public comment. The EPC no longer has a Site Plan Review Committee. Therefore, in early October of this year, prior to submitting for DRB final sign-off, Hunt sought the advice of the City planning staff on how to comply with this condition. Upon direction from the City legal counsel and members of the EPC, the staff determined that the appropriate course of action would be to present this issue to the full Commission at the December 5, 2002 hearing.

The Planning Department representative on the DRB reserved sign-off on the Building Permit Site Plan pending the EPC review of the Site Plan for compliance with this condition. On December 5, 2002, at an advertised public hearing, the EPC approved the location of the housing units and the associated open space. Subsequent to this action by the EPC, the Planning Department representative signed off on the Site Plans. The Planning Department's reservation of its approval pending this action satisfies the timing requirement of this condition.

V. HUNT IS SATISFYING ALL OF THE EPC CONDITIONS OF APPROVAL OF THE BUILDING PERMIT SITE PLAN

Winrock asserts that the DRB has taken action prior to satisfaction of all of the conditions imposed upon Hunt by the EPC for approval of the Site Plans. As of the date of the filing of the Current Appeal, all of the conditions had not been satisfied and for that reason the DRB had not taken final action on the sign-off of the Site Plans, resulting in this appeal being premature. It is ironic that PruWinrock filed its appeal before the DRB's work was done and asserts as one of its grounds for appeal that the DRB's work was not done.

PruWinrock asserts that the following conditions have not been satisfied:

- Condition No. 15. Which provides as follows:

  > The restaurant shall be architecturally integrated into the overall site architecture. Guidelines shall be developed and submitted to the EPC Site Plan Review Committee.

This condition was satisfied by the EPC's approval of these guidelines at its December 5, 2002 meeting.

- Condition No. 21. Which provides as follows:

  Each housing unit shall have a minimum of eighty (80) square feet of open space adjacent to the unit in form of decks, terraces, or patios and a maximum of one (1) parking space per unit. The revised Site Plan shall be submitted to the EPC Site Plan Review Committee for final approval prior to DRB submittal.

This condition was satisfied by the EPC's approval at its December 5, 2002 meeting of the portions of the Site Plan showing how the open space has been provided for the housing units. PruWinrock argues that this condition is intended to require a complete review of the Site Plan by the EPC rather than a review of the treatment of the housing unit's open space. It is a strained reading of this condition to suggest that the second sentence in the condition does not relate to the first sentence.

- Condition No 1(B). Condition No. 1(B) to the Subdivision Site Plan provides, in part, as follows:

  An agreement between this property and Winrock Center needs to be reached on the realignment [of the loop road].

By agreement entitled "Interstate 40/Louisania Boulevard Interchange and Road Improvements Agreement", Prudential, the City and the New Mexico Transportation Department entered into an agreement which established the alignment of the loop road and provided for the dedication of the necessary rights-of-way and construction obligations to complete the loop road. This agreement satisfied the intent of this condition to ensure that agreements were in place for the completion of the loop road.

The loop road alignment on the site plans is as approved by the EPC for the Monroe Site and is consistent with the loop road alignment provided for in the Winrock road agreement.

- Condition 1A. Condition No. 1A to the Site Development Plan for Subdivision provides, in part, as follows:

  A. TIS has been performed for this request. An update of the TIS/AQIA to reflect the changes in proposed land use intensities, this includes a comparison of the approved as amended land uses with those proposed for the current site plan.

The original TIS performed for the Monroe Site related to a site plan approved in Case No. 96-119. The Building Permit site plan the subject of this appeal was approved by the EPC in this action in case No. Z-98-123. This reference to the TIS update was to differentiate between the land uses in the two Site Plans considered by the EPC. This update was performed and approved by the Transportation Development Department. A copy of the letter making this comparison is attached. PruWinrock asserts that the addition of the housing units mandates additional traffic analysis. However, to encourage residential development in Uptown, the Uptown Plan specifically provides that traffic analysis shall be limited to the evaluation of traffic from "non-residential uses" (Uptown Plan Page 37). Therefore, this additional analysis is not required.

VI. THE DRB DID NOT VIOLATE NOTICE REQUIREMENT

Winrock argues that the City failed to satisfy certain notification requirements as a result of the characterization of the Site Plans as "minor" in nature. The City regulations have no provision for "minor" site plans, and therefore Winrock's arguments appear to be misguided. Winrock references the definition of a "minor subdivision". However, no subdivision actions are involved in these proceedings and reliance on this definition is misplaced.

Winrock quotes in its appeal Section 14-16-2-22(A)(6) which relates to the Planning Director's authority to approve "minor changes to approved site development plans". This reference is also misguided. Section 16 of the Zoning Code relates to the SU-1 Special Use Zone. The Monroe Site is not located within the SU-1 zone, but is zoned SU-3 pursuant to the Uptown Plan; very different zones with very different issues and goals. Section 3(H)(9) of the Uptown Plan dictates the procedures for the Planning Director's approval of "minor changes to an approved site development plan". This provision of the Uptown Plan does not contain the notification requirements specified for minor changes to site plans within the SU-1 zone.

Even if this section of the Zoning Code relating to the SU-1 zone were to be applied to the SU-3 zone it would not be applicable to this situation. This section, as well as the similar section in the Uptown Plan, relate to amendments to an approved site plan. The action before the DRB in this case is not an amendment of approved site plans, but is the initial approval of Site Plans considered at the public hearing before the EPC. Even if the SU-1 section was applicable, and DRB sign-off of the Plan satisfying the EPC conditions was determined to be an "amendment" to an approved site plan, these sections would not trigger notification requirements.

Winrock, asserts that the addition of the mandated housing units increases the building square footage by more than two percent (2%). Such an increase might trigger public notice pursuant to the SU-1 section. The Site Plan as presented to the DRB depicts housing units located on the top of a parking structure. Alternatively, the Site Plan

earmarks the top two floors of a high rise as the mandated housing units. These housing units were presented to the EPC on December 5, 2002 for its review. To achieve a more desirable and compatible land use mix, and at Hunt's urging, the EPC approved the location of the housing units in the high rise. This results in no net increase in building square footage from the plan that was originally presented to the EPC.

Finally, PruWinrock cannot be aggrieved by lack of notice when it has fully and actively participated in all of the DRB proceedings.

VII. CONCLUSION

Hunt respectfully requests that the EPC reject Winrock's appeal and uphold the final action by the DRB.

Sincerely,
Myers, Oliver & Price, P.C.

By:_____
John A. Myers

JAM/ck
Enclosure
cc: Vic Chavez, Director
Bob Paulsen, Principal Planner
Roger Green, DRB Chair
Sharon Matson
David Suffling, Esq.
Kevin Curran, Esq.
John Salazar, Esq.
Michelle Henrie, Esq.
Mr. Gary Sapp
Mr. Herb Denish

H \HUNT\JAM\LETTERS\Ltr to Envir. Plan Comm 2 doc

DEAR DUP

SECOND JUDICIAL DISTRICT
COUNTY OF BERNALILLO
STATE OF NEW MEXICO

ENDORSED
FILED IN MY OFFICE THIS
MAR 0 2 1999
CLERK DISTRICT COURT

THE PRUDENTIAL INSURANCE COMPANY OF AMERICA, a New Jersey corporation,

Appellant,

vs.

No. CV-'99 002039

CITY OF ALBUQUERQUE, a New Mexico municipal corporation,

Appellee,

and

UPTOWN SQUARE, LTD.,

Interested Party.

NOTICE OF APPEAL

Pursuant to NMSA 1978, § 3-21-9 (1998), NMSA 1978, § 39-3-1.1 (1998) and Rule 1-074, NMRA 1999, The Prudential Insurance Company of America, through its counsel, Rodey, Dickason, Sloan, Akin & Robb, P.A. (John P. Salazar), hereby gives notice of its appeal of the decision rendered on February 1, 1999, by the City Council of the City of Albuquerque in File SD 95-4-2/Z-98-123 (Bill R-154), proposed by Uptown Square, Ltd. A copy of the Notification of Decision is attached.

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

By _____

John P. Salazar
P.O. Box 1888
Albuquerque, NM 87103-1888
Telephone: (505) 765-5900
Attorney for Appellant

IN THE COURT OF APPEALS OF THE STATE OF NEW MEXICO

No. 21881

THE PRUDENTIAL INSURANCE COMPANY
OF AMERICA, a New Jersey corporation,

Petitioner-Appellant,

vs.

Bernalillo County
CV-99-1991

CITY OF ALBUQUERQUE, et al.,

Respondent-Appellee.

MANDATE TO DISTRICT COURT CLERK

(Applicable items are indicated by an "X" below.)

1. __X__ Attached is a true and correct copy of the original (decision/order) entered in the above-entitled cause.

2. __X__ This (decision/order) being now final, the cause is remanded to you for any further proceedings consistent with said (decision/order).

3. _____ Writ of Certiorari having been issued by the New Mexico Supreme Court and their decision being final, this cause is remanded to you for any further proceedings consistent with said Supreme Court decision attached hereto.

4. _____ You are directed to issue any commitment necessary for the execution of your judgment and sentence.

5. _____ District Court Clerk's Record returned herewith:
_____ tapes; _____ transcript; _____ depositions; _____ other.

6. _____ Exhibits filed herein shall be:
_____ picked up at this Clerk's Office forthwith.
_____ returned by this Clerk's Office.

7. _____ Cost Bill is assessed as follows:

8. _____ Attorney fees on appeal are granted as follows:

By direction of and in the name of the Chief Judge of the Court of Appeals, this 14th day of March, 2001.

(SEAL)

Patricia R. Wallace
Clerk of the Court of Appeals of the
State of New Mexico

cc: Counsel w/out attachments

ATTEST: A true copy.
S. Jones
Patricia R. Wallace
Clerk of the Court of Appeals
of the State of New Mexico
by S. Jones

IN THE COURT OF APPEALS OF THE STATE OF NEW MEXICO

PRUDENTIAL INSURANCE COMPANY OF AMERICA, a New Jersey corporation,

Petitioner-Appellant,

vs.

No. 21,881
Bernalillo County
CV--99-1991

CITY OF ALBUQUERQUE, a New Mexico municipal corporation,

Respondent-Appellee,

and

UPTOWN SQUARE, LTD.,

Interested Party-Respondent,

and

ALBUQUERQUE MUNICIPAL SCHOOL DISTRICT NO. 12, COUNTIES OF BERNALILLO AND SANDOVAL, a political subdivision of the State of New Mexico,

Intervenor-Respondent.

FILED
01 JAN 10 PM 3:46
COURT OF APPEALS
STATE OF NEW MEXICO
P.R. WALLACE, CLERK

ORDER

This matter having come before the Court on Petitioner-Appellant Prudential Insurance Company of America's petition for writ of certiorari, and due consideration having been had,

IT IS HEREBY ORDERED that the petition for writ of certiorari is **DENIED**.

A. JOSEPH ALARID, Judge

RICHARD C. BOSSON, Judge

JONATHAN B. SUTIN, Judge

City of Albuquerque
P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103

April 12, 2002

Mr. Lawrence S. Kline AICP
Herbert M. Denish and Associates
PO Box 2001
Albuquerque NM 87103

Re: DRB-97-178 - "Uptown Spectrum"

Dear Mr. Kline:

In my capacity as City Planner, I am writing in response to your letter of March 13, 2002 inquiring as to the state of approvals of the above referenced project.

After review of our files and discussion with my staff, I can state the following:

The Site Plan for Subdivision and Site Plan for Building Permit were submitted to the Development Review Board (DRB) for final sign off pursuant to approval by the Environmental Planning Commission as case #DRB-97-178. The Uptown Spectrum project was last reviewed by the DRB on June 16, 1998. At that time agency comments were issued and an infrastructure list was prepared and submitted. The DRB has not received a response to the written comments, nor has the infrastructure list been signed, or a Subdivision Improvements Agreement executed.

On November 23, 1998, the DRB received a letter from the agent, George Rainhart Architects, requesting indefinite deferral of the matter . That request was accepted. It was our understanding that the project approval had been appealed from the Planning Commission decision and that the agent did not wish to proceed with DRB approval until the appeals were resolved. I have confirmed with the Assistant City Attorney, Mr. David Suffling, that in fact all appeals related to the case have been resolved.

The City does not require that a Site Plan for Building Permit approved by the Planning Commission be brought before the DRB on any given schedule. By virtue of the fact that an indefinite deferral was requested and granted in this matter, the DRB's action related to Uptown

THE CITY OF ALBUQUERQUE IS AN EQUAL OPPORTUNITY/REASONABLE ACCOMMODATION EMPLOYER

Spectrum is not complete. And until it is complete, no building permits can be issued on the site.

However, the case can be re-opened by re-submitting the required documents to the DRB. Given that agency comments and infrastructure lists have already been formulated, and providing there are no substantial changes to the plan approved by the Planning Commission, the case should move through the DRB process relatively quickly.

I would like to emphasize that the only plan which can be used to re-open this case is the plan which was before the DRB at their hearing on June 16, 1998; to assure proper documentation I have attached a copy of that plan for your reference. Please be aware that this Site Plan sheet is attached to several other sheets of building elevations and so on, also approved by the Planning Commission, which are available to you at your leisure.

Also be aware that any substantial deviation from this plan will require resubmittal not to the DRB, but back to the Planning Commission. So I caution you that to truly re-open this case at the DRB level, you must be prepared to accept the plan, and all the conditions appurtenant to it, "as is".

Also be aware that approval of the plan pursuant to a Planning Commission approval does not in any way relieve the applicant of compliance with all other applicable City ordinances and policies in regard to the issuance of a building permit.

We look forward to your application and as always will assist you in every way in bringing your project to fruition.

Sincerely,

Victor Chavez PE
Planning Director

cc: Fred Aguirre, City Engineer
Kevin Curran Esq.

copy to
Eric
Wrage

5087

September 30, 1998

original to James T.

OHANNAN HUSTON
urtyard One
00 JEFFERSON NE
uquerque
W MEXICO 87109
e 505.823.1000
05.821.0892

Joe David Montaño, P.E.
Transportation Planner
City of Albuquerque
Transportation Division/PWD
P.O. Box 1293
Albuquerque, NM 87103

Copy

Re: **REVISED SUBMITTAL**
Changes in Land Use for Uptown Development at Monroe School Site
DRB Case Number: 98-178, EPC Case Number: Z-96-119

Dear Joe David:

Enclosed is documentation of the revised changes in land use at the above referenced project. This submittal is to replace the letter to you dated August 21, 1998. Table 1 is the number of trips generated by the approved development and Table 2 contains the trips generated by the proposed development. The site plan for the proposed development is also attached. This is provided to compare the trips generated by the proposed land uses in the development with assumptions used in the original study.

As we discussed, the proposed land use changes do not increase the number of peak hour trips for the development. Therefore the conclusions of the original traffic impact study and the improvement requirements identified continue to be valid and will maintain acceptable levels of service on the local transportation system.

We are also working with Jim Barr and Taschek Environmental Consulting to determine the net effect on the air quality analysis due to this proposed change. Please feel free to contact me or Eric Wrage regarding any questions you may have. Thank you.

Sincerely,
Bohannan Huston

Albert M. Thomas, P.E.
Vice-President & Managing Partner
Traffic & Transportation Group

AMT/jc
Enclosure

cc: Amar Tesch, Tesch Development
George Rainhart, Architects & Associates
Richard Dourte, City of Albuquerque
Tony Loyd, City of Albuquerque
Jim Barr, City of Albuquerque

- 80 -

Table 1 – Approved Trip Generation As Per Traffic Study

Land Use (ITE Code)	24 Hour Two - Way Volume	AM Peak Hour Enter	AM Peak Hour Exit	PM Peak Hour Enter	PM Peak Hour Exit
Hotel - 200 rooms (310)	1,740	80	54	82	70
General Office - 331,700 sf (710)	3,474	432	53	76	373
Walgreens - 15,600 sf					
Pass-By (20% PM only)				35	33
Non Pass-By		49	45	140	132
Retail 19,500 sf (820 Shop. Ctr.)					
Pass-By				70	70
Non Pass-BY	2,544	39	23	116	116
Quality Restaurant - 14,000 sf (831)	1,344	0	0	69	34
Total without Movie Theater					
Pass-By				105	103
Non Pass-By		600	175	483	725
5% peak hour trip reduction for mixed use development		30	9	29	41
Total with reduction					
Pass-By				100	98
Non Pass-BY		570	166	459	689
Movie Theater - 90,000 sf (444). Based on 16-screen movie theater 250 seats per screen.		0	0	293	187
Total with Theater and reduction					
Pass-By				100	98
Non Pass-By		570	166	752	876

Table 2 – Proposed Trip Generation

Site Plan Land Use	Land Use - (ITE Code)	24 Hour Two - Way Volume	AM Peak Hour Enter	AM Peak Hour Exit	PM Peak Hour Enter	PM Peak Hour Exit
Movie Theater (Located Above Parking Garage)	Movie Theater – 70,000 sf Based on 3,000 seats (14 screens) *	5,280	0	0	256	164
Hotel	Hotel – 300 rooms (310)	2,469	102	66	96	87
Restaurant 1	Quality Restaurant – 8,500 sf (831)	765	0	0	43	21
Restaurant 2	Quality Restaurant – 10,500 sf (831)	944	0	0	53	26
Retail 1	Retail - 26,000 sf (815 Free Stnding)	1,472	17	9	55	55
Retail 2	Retail - 12,500 sf (815 Free Stnding)	708	8	4	27	27
Retail 3, 4, 5, 6 & 7	Retail - 16,845 sf (814 Spclty Rtl. Ctr.)	685	0	0	19	25
Shops in Theater	Retail - 8,000 sf (814 Spclty Rtl. Ctr.)	325	0	0	9	12
Shops (Food Court)	High Turnover Restaurant– 3,225 sf (832)	420	16	14	21	14
	Total without General Office	**13,068**	**143**	**93**	**579**	**431**
Vacant Parcel	General Office – 36,000 sf (710)	396	49	7	9	45
	Total with Office	**13,464**	**192**	**100**	**588**	**476**

* Based on rate provided by City of Albuquerque, 24 Hour volume from ITE Trip Generation Manual

Note: The proposed 14 screen movie theatre will replace the 12 screens of movie theatre the currently exists in the Uptown area.

19

Planning Department

Development Services Division

Memorandum

To: Alan Schwartz, EPC Chair, & Commissioners

CC: Victor Chavez, Planning Director & Joel Wooldridge, Advance Planning Manager

From: Bob Paulsen, Principal Planner B.P.

Date: 12/03/2002

Re: **Request for EPC review and direction regarding DRB final sign-off on Project #10002337 relating to 2 Conditions imposed by the EPC on case Z-98-123.**

The Planning Department requests EPC review and direction regarding two Conditions imposed by the EPC on October 15, 1998 to a site development plan for building permit. The project site is the 9.63-acre portion of Tract A of the Winrock Center Addition located at southeast quadrant of the intersection of Louisiana Boulevard NE and Indian School Road in the Uptown area; this is the former Monroe Junior High School site. At the time of EPC approval, this project was known as Uptown Spectrum II. The two Conditions in question reference the EPC "site development plan review committee" and required the applicant to submit additional information to the committee for its review and approval. The committee's approval was required prior to DRB final sign-off.

The two Conditions requiring EPC attention are Conditions 15 and 21 (refer to the attached Notice of Decision, Z-98-123). The Conditions read as follows:

15. **The restaurant shall be architecturally integrated into the overall site architecture period. Guidelines shall be developed and submitted to the EPC site plan review committee.**

21. **Each housing unit shall have a minimum of 80 square feet of open space adjacent to the unit in form of decks, terraces, or patios and a maximum of 1 parking space per unit. The revised site plan shall be submitted to the EPC site plan review committee for final approval prior to DRB submittal.**

The reason this matter is being brought before the entire EPC is that the "site plan review committee" no longer exists. It has been defunct for several years and there appears to be no interest in its reestablishment. So, with the consent of the applicant and Chairman

Schwartz, it was determined that the most appropriate recourse was to bring this matter back before the full EPC at an advertised hearing.

Planning Department staff is requesting that the EPC review the applicant's DRB submittal as it relates to these two Conditions and determine whether the Conditions have been satisfied. (The applicant will be providing a letter to the EPC along with relevant sheets from the DRB submittal.) There are perhaps three basic directions that the EPC can take on this matter:

1. The EPC may determine that the Conditions have been satisfied as shown in the applicant's submittal and instruct Planning staff to consider the DRB submittal satisfactory in this regard.
2. The EPC may determine that specific adjustments or information must be provided by the applicant before the Conditions are satisfied. In this event, the EPC should advise staff as to what specific changes are needed and staff can ensure that the EPC's directive is satisfied by the applicant before DRB sign-off occurs.
3. The EPC may determine that site plan submittal requires further adjustment or information and that the applicant shall provide the EPC with new information at a future date. DRB final sign-off could not occur until the EPC's concerns are satisfied.

Please note that the current EPC review should be limited to an assessment of the site plan for building permit submittal as it relates to Conditions 15 and 21.

For background purposes, the EPC should understand that the site plan for building permit was part of a three-component application consisting of the following:

1. A text amendment to the Uptown Sector Development Plan to allow for retail floor space to increase from 10% to 20% within the Intense Core area and to allow an increase in retail floor area in a free-standing building from 20,000 square feet to 26,000 sf. This sector plan amendment was subsequently approved by the City Council in early 1999 allowing for expanded retail development and requiring a housing component for retail development which went beyond the 10% level.
2. A site plan for subdivision for the 9.63-acre which divided the site and established a portion of the alignment for the Loop Road, Americas Parkway.
3. A site plan for building permit specifying the development perimeters for the 7.52-acre phase I of the project, including 455,570 sf of mixed-use development.

Attachments:

- Official Notice of Decision for Z-98-123
- Memorandum to Roger Green, Acting DRB Chair, from Bob Paulsen on 11/12/2002
- Memorandum to Roger Green, Acting DRB Chair, from Bob Paulsen on 11/19/2002

HERBERT M. DENISH
AND ASSOCIATES, INC.
URBAN CONSULTANTS

December 2, 2002

Alan Schwartz, Chairman
Environmental Planning Commission
600 2nd Street NW
Albuquerque, NM 87103

Re: Uptown Spectrum II DRB Submittal, Conditions of Approval 15 and 21, Project #1002337

Dear Chairman Schwartz:

At the request of Mr. Paulsen of the Planning staff, I am writing to you on behalf of our client, Hunt Uptown II, to explain our views on a couple issues related to the questions the staff is bringing before you at the hearing on December 5.

We are currently in the process of seeking DRB final sign-off for the Z-98-128 – the "Uptown Spectrum" plan. This plan was approved by the EPC on October 15, 1998; however, final approval was never granted as this case was impacted by two appeals. The Site Plan was dependent upon an amendment to the Uptown Sector Plan, which amendment was approved at the same time as the Site Plan was approved. Both the Site Plan Approval and Sector Plan Amendments were appealed to the New Mexico Courts.

The Sector Plan Amendment was appealed in Prudential Insurance Company of America v City of Albuquerque (CV-99-002039). The Site Plan was appealed in Inez Neighborhood Association v. City of Albuquerque (CV-99-01991). The Sector Plan Amendment appeal was resolved on January 10, 2001 when the New Mexico Courts denied Prudential's petition for further appeal. The Site Plan Approval appeal was resolved on January 8, 2002 when the appeal was voluntarily dismissed by the appellants.

The other issue which has arisen is this: Two conditions of the EPC were required to receive further review by the "EPC Site Plan Review Committee" prior to making the DRB submittal. The EPC Site Plan Review Committee was a three-person committee of the EPC which reviewed minor site plan design issues at meetings which we understood were neither publicly advertised nor open to public comment. In early October of this year, prior to submitting for DRB final

500 Marquette N.W. Suite 350 • P.O. Box 2001 • Albuquerque New Mexico 87103 • Tel. 505-842-6461 • FAX 505-842-6471
3791 Southern Blvd. Suite 202 • Rio Rancho, New Mexico 87124 • Tel. 505-994-1342 • FAX 505-994-9290

sign off, we sought the advice of Planning staff on how to comply with these two conditions. Planning Staff informed us that this committee is now defunct and that the EPC has no intention of reviving it. Upon direction from City legal counsel and members of the Planning Commission, Planning staff determined that the appropriate course of action was to bring these matters to the Planning Commission at its December 5th hearing.

The two conditions are:

15. The restaurant architecture shall be architecturally integrated into the overall site architecture period. [sic] Guidelines shall be developed and submitted to the EPC site plan review committee.

21. Each housing unit shall have a minimum of 80 square feet of open space adjacent to the unit in form of decks, terraces, or patios and a maximum of 1 parking space per unit. The revised site plan shall be submitted to the EPC site plan review committee for final approval prior to DRB submittal.

For the purposes of your review relative to these conditions, we are providing at the staff's request the following sheets from our DRB submittal:

Sheet 1, the overall Site Plan for the site.
Sheet 5, the Landscape Plan, in order to show the site plan in a more readable form.
Sheets 9,14 and 16, for the purposes of determining compliance with Condition 21, elevation sheets of the proposed housing units: including their potential location in the hotel/office/condo building or on top of a parking garage.
Sheet 17: Design Guidelines for restaurant building architecture for the purposes of determining compliance with Condition 15.

We have made all the modifications to the submittal as required by the EPC's Conditions of Approval. Final DRB approval is pending your review of the two Conditions presently before you.

We thank you for your assistance in this matter and look forward to receiving your support as we move forward with our project.

Sincerely,

Lawrence S. Kline, AICP

MYERS, OLIVER & PRICE, P.C.
LAWYERS
1401 CENTRAL AVENUE, N.W.
ALBUQUERQUE, NEW MEXICO 87104

JOHN A. MYERS
SCOTT OLIVER*
CHARLES P. PRICE III
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HOPE MEAD WYNN

*ALSO LICENSED IN TEXAS

TELEPHONE
(505)247-9080

FACSIMILE
(505)247-9109

e-mail: jmyers@moplaw.com

July 26, 2004

Telefaxed: 245-6733
Mr. Mark Kantz
Qwest

RE: Hunt – Spectrum Plat

Dear Mark:

This office represents Hunt Uptown II, LLC, a New Mexico limited liability company, the owner of the Monroe Junior High School site the subject of the above referenced plat. The plat is being created to sever the property into two parcels and to dedicate the Americas Parkway right-of-way. It is our understanding that Qwest has requested a ten foot (10') wide easement around the perimeter of the two parcels.

As we have advised you, the development of the Monroe Site is regulated by the Uptown Sector Development Plan (the "Plan"). This Plan has very different, very stringent development mandates, unlike anywhere else in Albuquerque. The Plan requires intense development with buildings brought up to the adjoining streets. Therefore, there is no assurance that once the property is developed that ten foot (10') wide easements at the perimeter of the property will not interfere with how the property is developed. Therefore, Hunt does not wish to grant these ten foot easements at this time.

Future site plans will be required for the Monroe Site. These site plans will provide for internal roadways and corridors. Upon the plans being developed, Hunt agrees to grant easements to Qwest at appropriate locations through the site. These site plans will be approved through a public process and Qwest will be afforded notice and opportunity to be heard on this issue.

Therefore, Hunt respectfully requests that in reliance on this letter Qwest sign off on the plat.

Thank you and please call if you have questions.

Very truly yours,
MYERS, OLIVER & PRICE, P.C.

By:_____
John A. Myers

JAM:kla
cc: Sharon Matson, Chairperson, Development Review Board (Telefaxed)
Mr. Gary Sapp (Telefaxed)
Mr. Tom Waggoner (Telefaxed)
Mr. James Topmiller (Telefaxed)
Mr. Lawrence Kline (Telefaxed)
Andy Carper, Esq. (Telefaxed)

H:\hunt\jam\sale of monroe site\letters\kantzltr.doc

MYERS, OLIVER & PRICE, P.C.
1401 Central Ave. NW
Albuquerque, New Mexico 87104
(505) 247-9080
e-mail: jam@moplaw.com

TELECOPY COVER SHEET

DATE SENT: July 26, 2004

TO:			
	Mark Kantz	TELECOPIER NUMBER	2456733
	Gary Sapp	TELECOPIER NUMBER	915-298-4371
	Lawrence Kline	TELECOPIER NUMBER	842-6471
	James Topmiller	TELECOPIER NUMBER	798-7988
	Tom Waggoner	TELECOPIER NUMBER	915-298-4381
	Sharon Matson	TELECOPIER NUMBER	924-3864
	Andy Carper, Esq.	TELECOPIER NUMBER	602-734-3820

FROM: John A. Myers, Esq.

TELECOPY NO: **(505) 247-9109** CLIENT/MATTER NO. 7133.00

ENCLOSURE: July 26, 2004 Letter to Mark Kantz

TOTAL NUMBER OF PAGES SENT INCLUDING COVER SHEET: 3

COMMENTS:

NOTICE OF CONFIDENTIALITY

This facsimile transmission and any documents or other instruments accompanying it may contain confidential information belonging to Myers, Oliver & Price, or any of its clients, all of which are protected by the attorney-client privilege. The information is intended only for the use of the individual or entity named above. If you have inadvertently received this transmission in error, or otherwise, and are not the intended recipient, please take notice that any disclosure, copying, distributing, communicating or other action on your part in reliance upon, or otherwise involving any party of this transmission, is strictly prohibited. If you have received this transmission in error, please immediately notify Myers, Oliver & Price by telephone to arrange for the return of all documents and other instruments accompanying this transmission.

City of Albuquerque
nning Department
Development Services Division
P.O. Box 1293
Albuquerque, New Mexico 87103

Date: October 16, 1998

OFFICIAL NOTIFICATION OF DECISION

Uptown Square, Ltd.
2444 Louisiana
Albuquerque, NM 87110

FILE: Z-98-123
LEGAL DESCRIPTION: For a portion of Tract A, Winrock Center Addition, zoned SU-3, located on the southeast corner of Indian School Road and Louisiana Boulevard, containing approximately 9.63 acres. (J-19)
BOB TORRES, STAFF PLANNER

On October 15, 1998, the Environmental Planning Commission voted to recommend approval to the City Council of Z-98-123/SD-95-4-2, an amendment to the Uptown Sector Development Plan (Intense Core area), to w 1) retail floor space to increase from the Plan maximum of 10% to 20% of a site's floor space (Gross usable Area), and; 2) to increase the retail floor area allowed in a free-standing building from the Plan maximum of 20,000 to 26,000 square feet. (Uptown Sector Plan, Section 1.A.5). One housing unit is required per every 2,000 square feet of retail above the 10% former maximum up to the new maximum of 20% of retail. A minimum of 80 square feet of adjacent open space in the form of decks or patios and a maximum of 1 parking space should be required per unit provided. Based on the following Findings and subject to the following Conditions:

FINDINGS:

1. This is a request to amend the Uptown Sector Development Plan, Section 1.A.5 (Intense Core), to allow 1) retail floor space to increase from the Plan maximum of 10% to 20% of a site's total approved floor space (Gross Leasable Area), and; 2) to increase the retail floor area allowed in a single freestanding building from the Plan maximum of 20,000 to 26,000 square feet). Add housing at a minimum of 1 unit per additional 2,000 square feet of retail above the former 10%square foot maximum to a new maximum of 20% square foot of retail.

2. The Uptown Sector Development Plan was adopted by the City Council on June 19, 1995. It provides policies and regulations to guide development in the Uptown area and emphasizes the need for mixed use in the development.

   The proposed Sector Plan amendment applies to the entire "intense core" area of the Sector Plan.

4. If the City Council has jurisdiction to adopt the governing Sector Development Plan, only the City Council may approve Sector Development Plan Amendments (except areas less than one block). (Zoning Code, Section 14-16-4-3 (C)(3) p. 235)

CONDITIONS :

1. Comply with Transportation Development Division conditions as follows:

A. A TIS has been performed for this request. An update of the TIS / AQIA to reflect the changes in proposed land use intensities, this includes a comparison of the approved as amended land uses with those proposed for the current site plan. The implementation of and/or monetary contributions for mitigation measures required subsequent to the *TIS negotiations* must be done by the developer and accepted by the City prior to site plan sign-off by the DRB.

B. Implementation of applicable **Uptown SDP** requirements. This includes the development of the Uptown Loop Road. A proposal to realign the Loop Road from the originally agreed 'G-5 Alignment' in this section, from Louisiana Boulevard to Indian School Road, to improve intersection spacing is being considered. An agreement between this property and Winrock Center needs to be reached on the realignment.

C. The modification to the design of Southern entrance to America's Parkway may be considered if the proposed ramp to Interstate 40 is eliminated as part of the redesign of the I40 / Louisiana Interchange.

D. Dedication of 62 feet and 43 feet from the existing centerline, and the full width of 86 feet of right-of-way for Louisiana Boulevard, Indian School Road & Uptown Loop Road, respectively.

E. Construction of the needed street improvements, including pavement, curb and gutter, signal conduit, turn bays, medians and deceleration lanes, and 6 foot to 15 foot sidewalks for Louisiana Boulevard, Indian School Road & Uptown Loop Road, respectively.

2. The submittal of this Site Plan to the DRB shall meet all EPC conditions; a letter shall accompany the submittal indicating how the site development plan has been modified to meet the EPC conditions.

On October 15, 1998, the Environmental Planning Commission voted to approve Z-98-123, a site plan for building permit, based on the following Findings and subject to the following Conditions:

FINDINGS:

The Site Plan for Building Permit proposes a mixed use development on a 7.52 acre site in the Uptown area at the southeast quadrant of the intersection of Indian School Road and Louisiana Boulevard.

7. Building and plaza signage, lighting and ornamentation shall substantially conform to the illustrations presented in the applicant's submittal package, including the booklet entitled, Design Elements and Supplemental Information. Permitted ornamentation shall include one or more of these features per tenant space, to the satisfaction of the Planning Department:

- Awnings
- Decorative banners, flags, streamers, etc., of a semi-permanent nature, including banners advertising public or private cultural events
- Light fixtures
- Additional Landscaping, including portable plantings
- Additional Pedestrian features
- Other amenities and decorative elements to the satisfaction of the Planning Department

8. Illuminated signage is not permitted on the east building facades from 26' above finish grade to the uppermost building elevation.

9. Monument signs shall not be higher than 10' or greater than 100 square feet in area. The number of monument signs shall be restricted to four, one at the entrance on Indian School Road , one at the northeast corner of the site, one at the Americas Parkway entrance, and one at the Louisiana Boulevard entrance.

10. The signage criteria submitted is a condition of approval except where it may conflict with the Zoning Code or with the Uptown Sector Plan. Delete the criteria which prohibits flags and banners.

11. Standard parking spaces are 20' x 8.5' and shall be so noted on the site plans.

12. Provide pedestrian connections to adjacent uses at Winrock Center including clearly marked textured alternative paving across the loop road. A connection across Americas Parkway at mid site along the east property line shall be 20 feet wide, this connection shall occur directly to the north of the access road. All pedestrian crossings of drive aisles shall have textured pavement and a minimum 8 foot width.

13. Comply with the following Transportation Development Division conditions:
A. Modifications to the Indian School Road entrance -
... provision of a deceleration lane (includes dedication & construction).
... Modification of entrance to include adequate space for all traffic movements either entering or leaving the site, and an adequate throat area for queuing of traffic entering or leaving the parking structure.

21. Each housing unit shall have a minimum of 80 square feet of open space adjacent to the unit in form of decks, terraces, or patios and a maximum of 1 parking space per unit. The revised site plan shall be submitted to the EPC site plan review committee for final approval prior to DRB submittal.

IF YOU WISH TO APPEAL THIS DECISION, YOU MUST DO SO BY OCTOBER 30, 1998 IN THE MANNER DESCRIBED BELOW. A NON-REFUNDABLE FILING FEE OF $50 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).

Sincerely,

Bob Paulson

FOR Bob McCabe
Planning Director

BM/BT/ac

CITY OF ALBUQUERQUE
EPC
ENVIRONMENTAL PLANNING COMMISSION

ALBUQUERQUE NEW MEXICO 1706

Agenda Number: 4
Project Number: 1002247
Case Number: 02EPC 01472
December 5, 2002

Staff Report

Agent	Herbert M. Denish and Associates, Inc.
Applicant	Hunt Uptown, LLC and Hunt Uptown II, LLC
Request	**Site Development Plan for Subdivision (including design standards)**
Legal Description	Tracts A1, B1, B2 of St. Pius X Subdivision
Location	Between Arvada Avenue and Indian School Road, Louisiana Boulevard and Espanola Street
Size	Approximately 28 acres
Existing Zoning	SU-3 Intense Urban Core, SU-3 Outside Intense Urban Core and SU-2 R-2/O-1 Zoning
Proposed Zoning	Same as above

Staff Recommendation

DEFERRAL of 02EPC 01472, a site development plan for subdivision, based on the Findings on pages 15 and 16.

Staff Planner

Paula Donahue, Senior Planner

Summary of Analysis

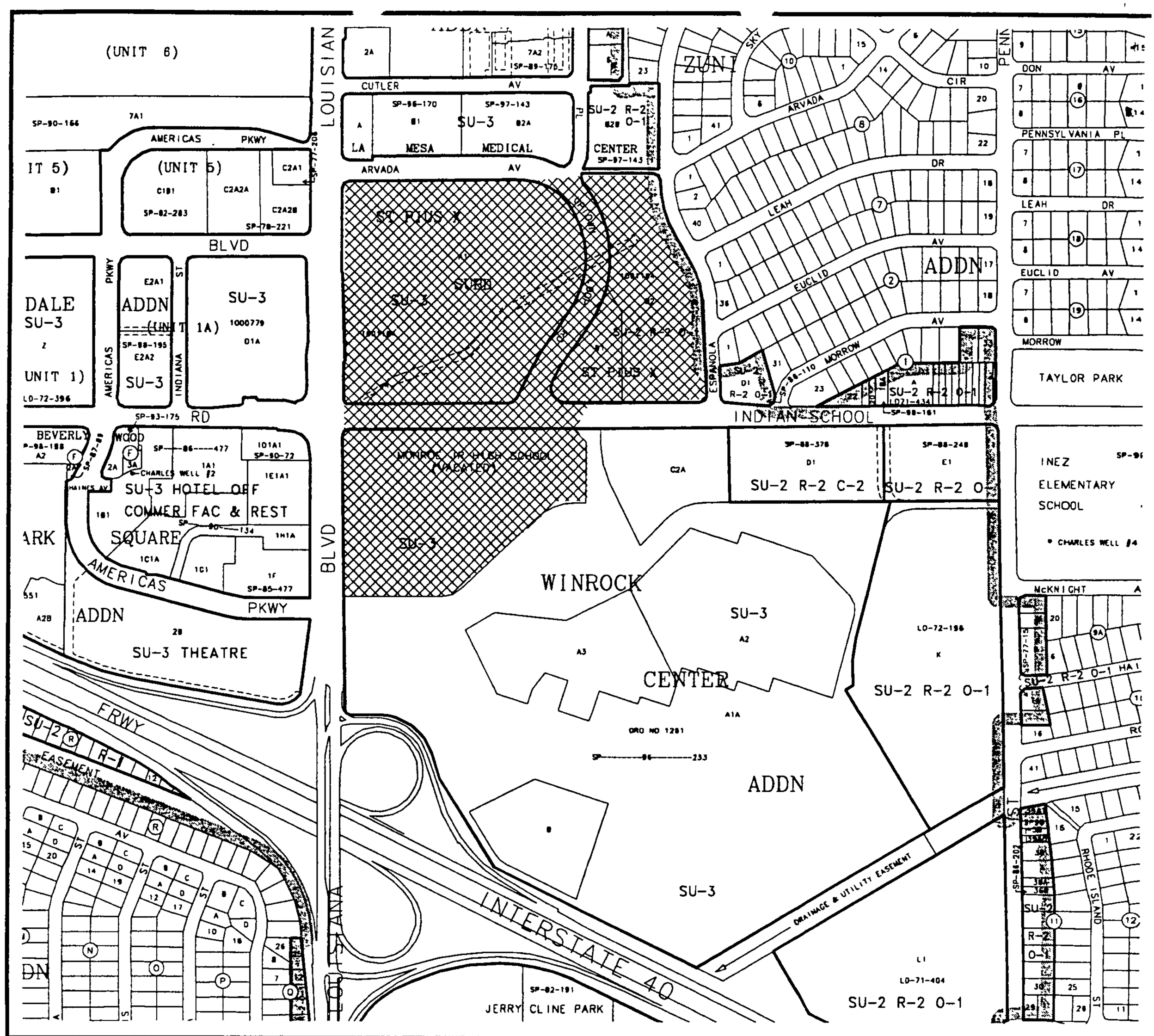
This is a request for approval of a site plan for subdivision, including design standards. The request is related to the applicant's concurrent request for text amendments to the Uptown Sector Plan (00EPC-01154) and linked to a DRB request for Spectrum II, a Site Development Plan for Subdivision and Building Permit for tracts south of Indian School Road (project # 1002337, formerly Z-99-123). All requests are intended to facilitate mixed-use development.

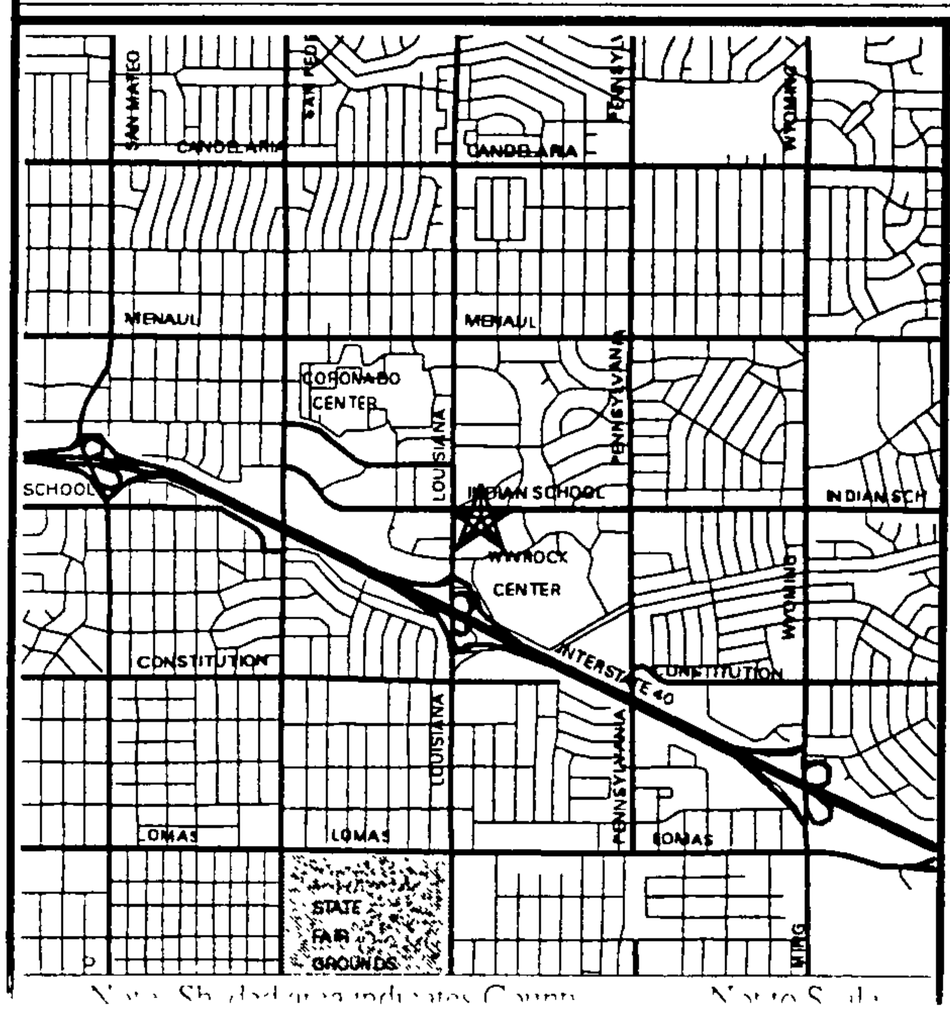
As originally submitted, this request encompassed two vacant sites east of Louisiana Boulevard: the St. Pius High School site north of Indian School Road and the Monroe School site south of Indian School Road. The site plans for the Monroe School site south of Indian School Road were submitted to the DRB for hearing on November 13, 2002 under a separate proposal approved by the EPC in1998 known as Spectrum II. On November 14, 2002, the applicant requested by letter that the site south of Indian School Road be deleted from 02EPC 01472. The applicant has yet to update the EPC submittal by amending plan sheets and language referring to Monroe Junior High site tracts 2, 3, and 4.

Another recent change to the subject plans occurred on November 4, 2002, when the applicant submitted changes to the ABQuptown Urban Design Standards and the Site Plan for Subdivision's General Notes, as requested by the City Engineer. Most important, however, is the fact that the applicant has not submitted the Traffic Impact Study (TIS) required by the City Engineer and Public Works. Consequently, a deferral is recommended.

The EPC may wish to review this application, give further direction to the applicant and staff, but defer a decision until amendments and missing information can be provided by the applicant.

City Departments and other interested agencies reviewed this application from 10/4/02 to 11/22/02.
Agency comments were used in the preparation of this report, and begin on page 18.





ZONING MAP

AGIS

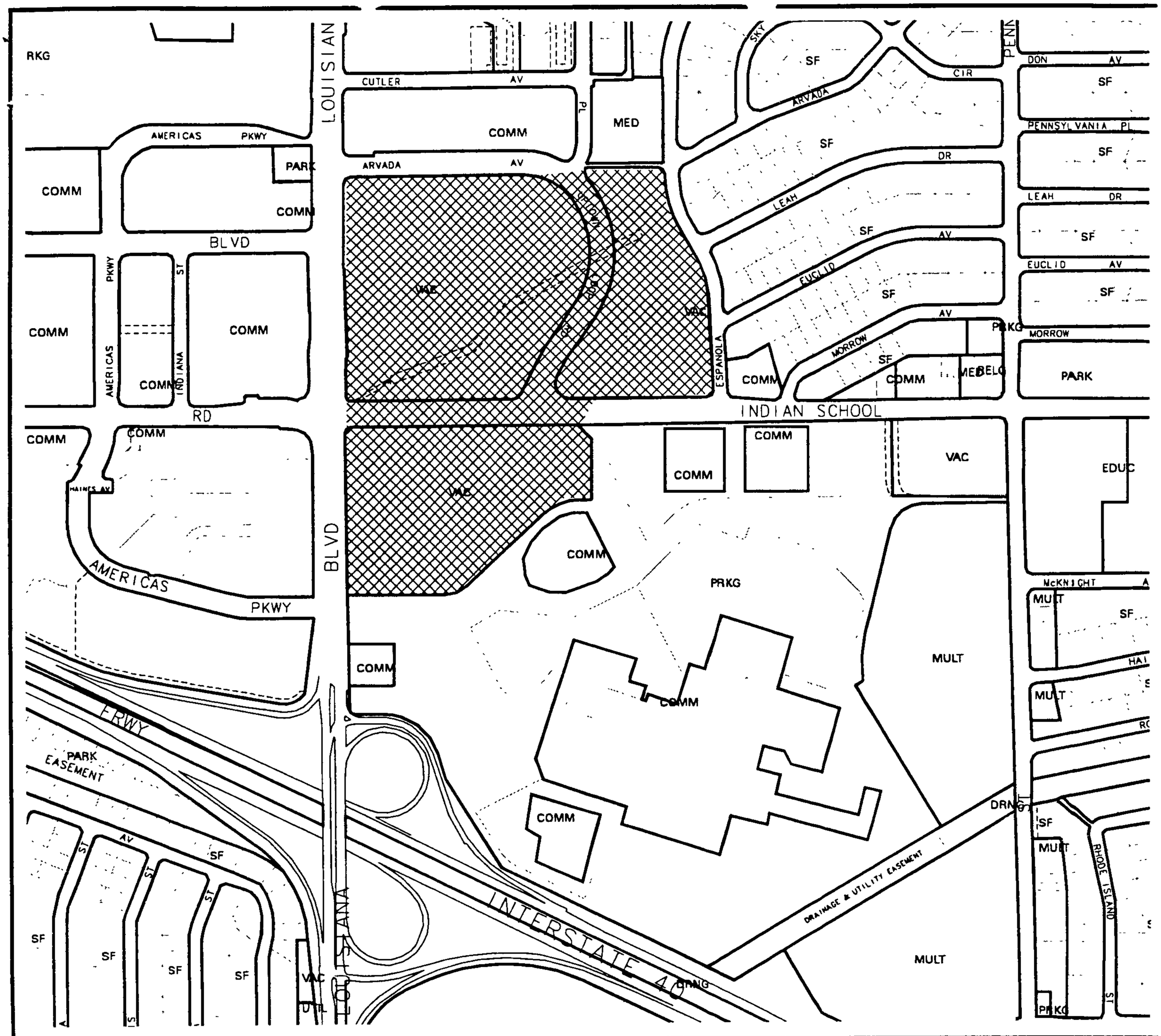
Scale 1" = 565 '

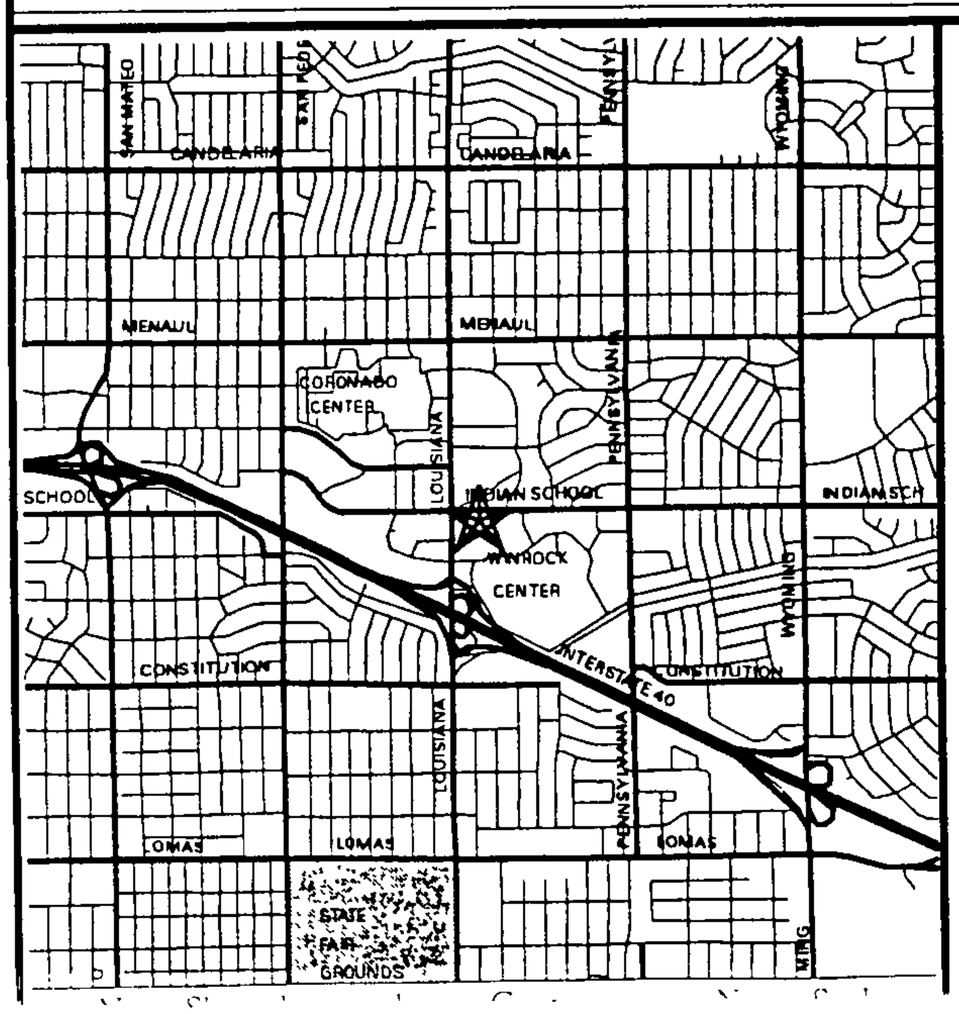
PROJECT NO.
1002247

HEARING DATE
11-21-02

MAP NO.
H-19

ADDITIONAL CASE NUMBER(S)
02EPC-01472





LAND USE MAP

KEY to Land Use Abbreviations

AGRI Agricultural
COMM Commercial -Retail, Service, Wholesale
DRNG Drainage
EDUC Public or Private School
GOLF Golf Course
MED Medical Office or Facility
MFG Manufacturing or Mining
MH Mobile Home
MULT Multi-Family or Group Home
OFF Office
ORG Social or Civic Crganization
PARK Park, Recreation or Open Space
PRKG Parking
PUBF Public Facility
RELG Religious Facility
SF Single Family
TRAN Transportation Facility
UTIL Utility
VAC Vacant Land or Abandoned Bldgs
WH Warehousing & Storage

AGIS

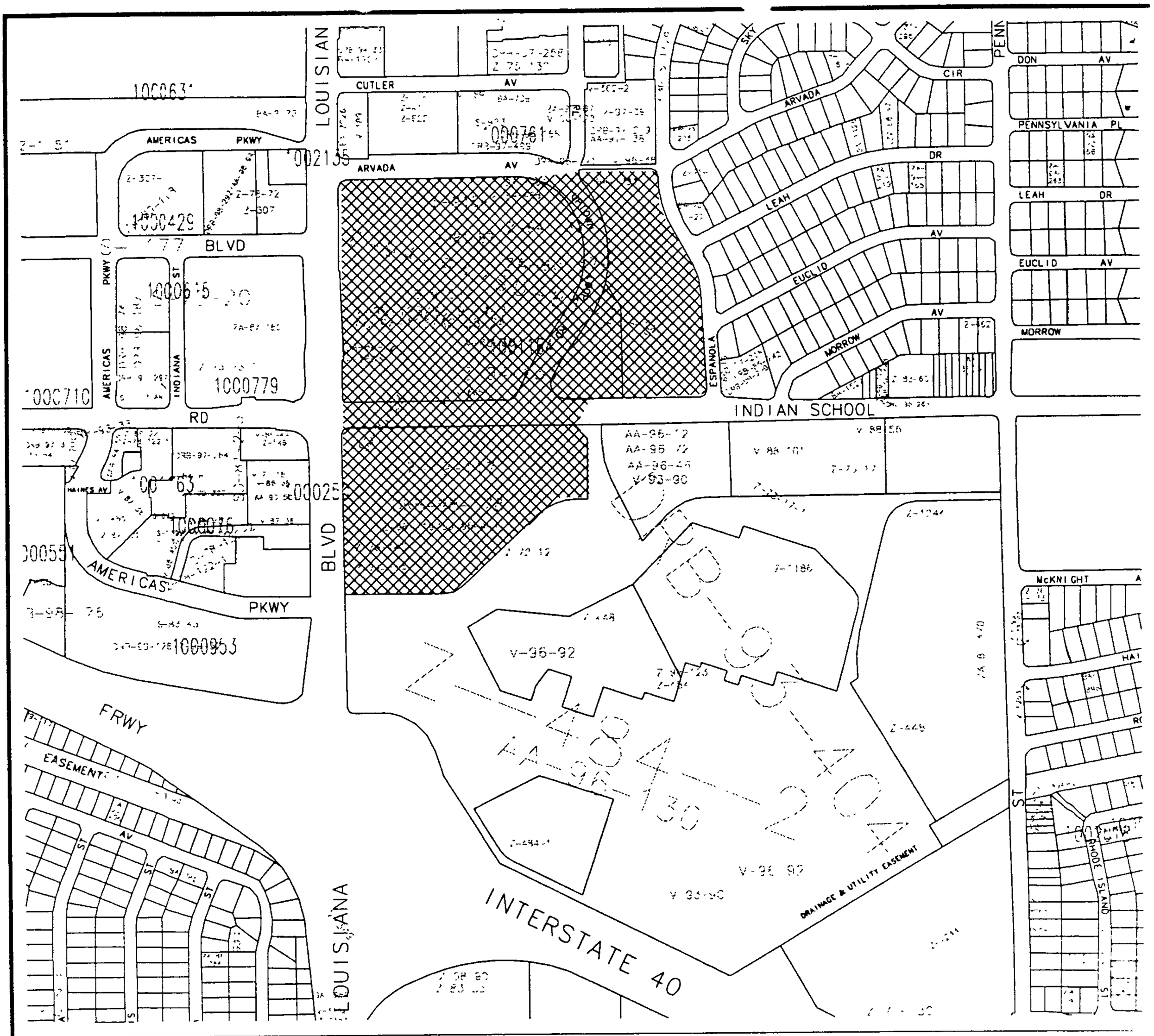
Scale 1"= 565 '

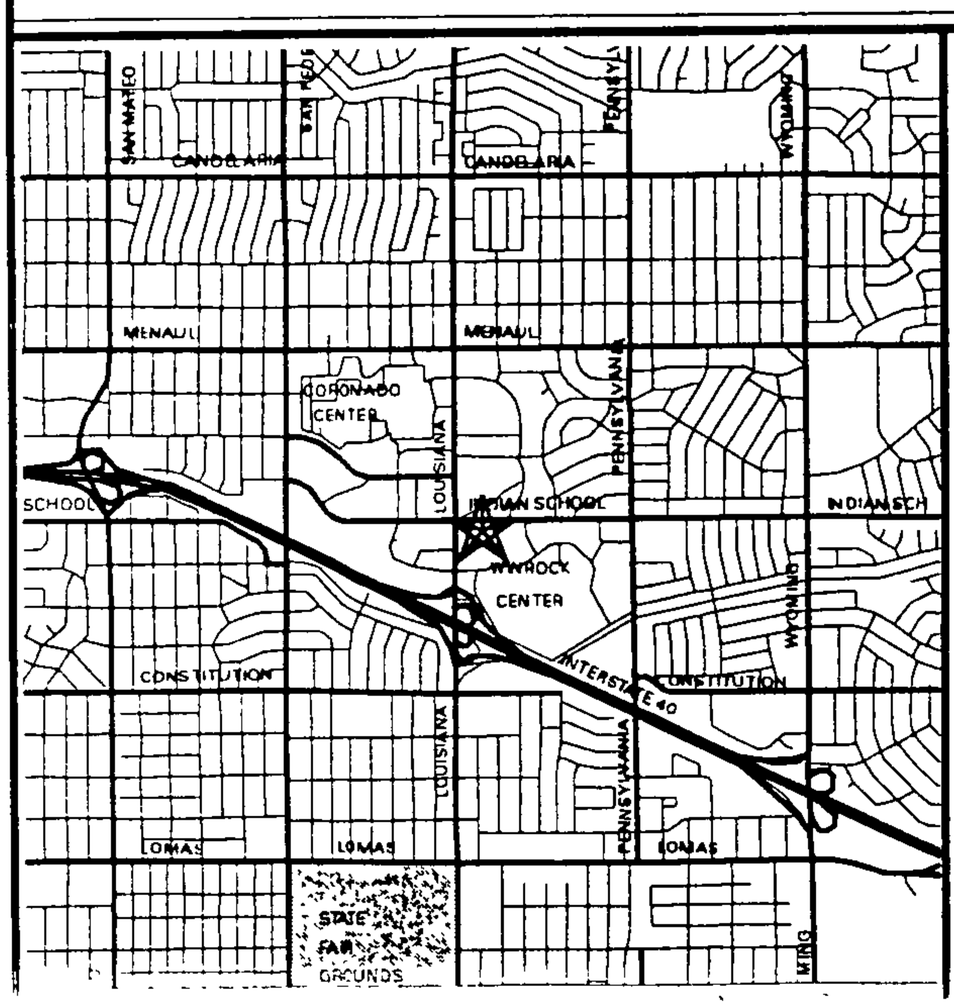
PROJECT NO.
1002247

HEARING DATE
11-21-02

MAP NO.
H-19

ADDITIONAL CASE NUMBER(S)
02EPC-01472





HISTORY MAP

AGIS

Scale 1" = 565 '

PROJECT NO
1002247

HEARING DATE
11-21-02

MAP NO.
H-19

ADDITIONAL CASE NUMBER(S)
02EPC-01472

Development Services Report

SUMMARY OF REQUEST

Request	*Site Plan for Subdivision and Urban Design Standards*
Location	*Between Louisiana Boulevard NE and Espanola NE and between Arvada Avenue NE and Indian School Road*

AREA CHARACTERISTICS AND ZONING HISTORY

Surrounding zoning, plan designations, and land uses:

	Zoning	***Comprehensive Plan Area; Applicable Rank II & III Plans***	***Land Use***
Site	SU-3 Intense Urban Core, SU-3 Outside Intense Urban Core and SU-2 R-2/O-1	Established Urban Uptown Sector Development Plan	Vacant
North	SU-3 Outside Intense Urban Core and SU-2 R-2/O-1	"	Hotels and Assisted Living Residence for the Elderly
South	SU-3 Intense Urban Core and SU-3 Outside Intense Urban Core	"	Vacant and Retail and Service Commercial
East	R-1 and SU-2 for R-2/O-1	" (R-1 area is outside Sector Plan boundary)	Single-family residences and office
West	SU-3 Intense Urban Core	Established Urban Uptown Sector Development Plan	Offices, Retail, and restaurants

Background, History and Context

This is a request to approve a site plan for subdivision for approximately 28 acres. Originally, the request was for an approximately 40-acre site. At a Development Review Board (DRB) hearing on November 13, 2002, the applicant requested final sign-off of the EPC-approved Uptown Spectrum II site plan that encompasses the tracts south of Indian School, otherwise known as the vacant Monroe Junior High School site. The resurrection of the Uptown Spectrum II plans (case # 1002337, formerly Z-98-123) required that tracts south of Indian School be removed from the ABQuptown site plan for subdivision. A November 14, 2002 letter (attached) from the applicant requests that these tracts (south of Indian School Road) not be considered in the 02EPC 01472 request for Site Plan for Subdivision.

The site now being considered is bounded by Louisiana Boulevard to the west, Arvada Avenue to the north, Espanola Street to the east, and Indian School Road to the south. The recently constructed northeastern portion of the Uptown Loop Road bisects the site. Proposed Tract 1 is entirely within the SU-3 Zone for the Uptown Urban Center Intense Core. Proposed Tract 5 is either wholly or primarily within the SU-3 Zone for the Uptown Urban Center Outside of Intense Core, and Tract 6 is either wholly or primarily within the SU-2 Zone for the periphery of the Uptown Urban Center: for R-2 and O-1 uses.

In 1987, the Commons Development was proposed to redevelop the St. Pius High School site. It contained a high intensity mixture of retail and service commercial uses, hotel, and offices, but was not built. Subsequently, the Opus site development plan application submittal for the same site sought, in 1994-95, to replace "The Commons" master plan with a single-story commercial development consisting of 192,520 square feet of floor area for five major retailers and four restaurant pads with a floor area ratio of 0.23. This proposal was found not to be in keeping with the policies of the Uptown Plan. This application has been the subject of ongoing litigation between the City and the applicant. The City Legal Department believes the present site development plan proposal will not be affected by the Opus litigation.

APPLICABLE PLANS AND POLICIES

Albuquerque / Bernalillo County Comprehensive Plan

Uptown is designated a Major Activity Center by the *Comprehensive Plan.* The Goal of Activity Centers is "to create specially designed concentrations of moderate and high-density mixed land use and social/economic activities which reduce urban sprawl, auto travel needs, and service costs, and which enhance the identity of Albuquerque and its communities."

Applicable policies include:

Policy II.B. 6.a. Activity centers are designated by the Centers and Corridors map where appropriate to help shape urban form in a sustainable development pattern, create mixed use concentrations of inter-related activities that promote transit and pedestrian access both to and within the center, and maximize cost-effectiveness of City services.

Major Activity Centers are intended to develop with the following characteristics noted on the matrix accompanying this policy:

- Provide the most highly concentrated locations of commercial, service and employment uses in conjunction with area-wide needs
- Serve the entire metropolitan population and beyond
- Be accessible by all modes of travel, including pedestrian and bikes, be located at major roadways and/or major transit stops and transfer points, and be served by on-street and off-street parking with parking structures encouraged, have major street intersections designed to facilitate pedestrians, and have transit connections
- Be an area 300 acres or more with land uses typical in modern commercial, office, and technology centers, including medium to high density residential in sensitive relationship to employment, and transition from intense core to surrounding residential neighborhoods

- Examples of land uses are mid and high rise office, hotels, major cultural, entertainment uses, retail, service, technology, light manufacturing, higher education facilities, public and quasi-public uses and medium to high density residential.
- The scale should include mixed small and large parcels, buildings that are 3 story and higher with floor area ratios of 1.0 and larger. There should be connections between buildings and sidewalks, buildings close or touching, on street and off-street parking, opportunities for park and ride, structure parking, larger scale plazas and paths, and greater opportunity for public-private partnership in creating public spaces.

Policy II.B. 6. b. Net densities above 30 dwelling units per acre should generally be within major activity centers; lower net densities in areas surrounding activity centers will serve as a transition to residential neighborhoods.

Policy II.B. 6. c. Structures that would dominate their surroundings shall be located only in major activity centers to provide for visual variety and functional diversity in the metropolitan area while preserving pleasing vistas and solar access.

Policy II.B. 6. d. Size, functional diversity, and supporting market area are the primary determinants for designation as a center.

Policy II.B. 6. f. The most intense activity centers uses shall be located away from nearby low-density residential development and shall be buffered from those residential uses by a transition area of less intensive development.

Policy II.B. 6. i. Multi-unit housing is an appropriate use in neighborhood, community and major activity centers.

Policy II.B. 6. j. The City will structure capital expenditures and land use regulations in support of creating multi-use activity centers, and will promote ongoing public/private cooperation necessary for private market conditions that support the development and functioning of centers.

Uptown Sector Development Plan (Rank 3)

The Uptown Sector Development Plan was first adopted in 1981, and revised during the 1980s and in 1995. The Plan generally encompasses properties surrounding and between I-40, Menaul, San Pedro and Pennsylvania. Specific boundaries are shown in Appendix C of the Plan.

The Plan sets forth five governing concepts to develop Uptown into an Urban Center. These governing concepts have remained consistent since the adoption of the original sector plan in 1981:

"A. Contain the Uptown Center within rigid boundaries and avoid deleterious impacts on the surrounding residential areas...

B. Coordinate the timing of land development with the timing of public infrastructure...

C. Recognize that ambient air quality in Albuquerque does not meet Federal Standards and that Uptown has been a major contributor to that status...

D. Require the installation and maintenance of extensive landscaping...

E. Provide transit, bicycle, and pedestrian options for travel and encourage their use."

The Uptown Sector Development Plan contains goals and strategies regarding land development design that are applicable to this case:

Land Use (pp. 7-8)

Goal 1 To contain the Uptown Urban Center within rigid boundaries and avoid negative consequences to surrounding residential neighborhoods

a. Control traffic, parking, air pollution, and noise to minimize their negative impacts on surrounding neighborhoods.

b. Minimize visual impacts (such as lighting and signage) upon surrounding residential areas through design controls.

c. Develop the lands within the Uptown Loop Road as an intense core with solidly urban character.

Goal 2 To coordinate land development, infrastructure development, and other service options

a. Integrate land use and infrastructure development with mass transit, pedestrian, ridesharing programs and improvements.

b. Minimize the impacts of existing and future land development upon the infrastructure systems through the provision of more opportunities for transit, rideshare and other modes of transportation.

c. Promote the construction of new infrastructure in a coordinated manner and at the same time as the new development creating the demand for it.

d. Use traffic assessment to help determine the impact of new development, and associated mitigation measures.

Goal 3 To create Uptown as an urban center

a. Develop a high intensity, predominantly office core within the Uptown Loop Road.

b. Promote an integrated mix of land uses including employment, retail, entertainment, and housing.

c. Promote pedestrian activity with specialty retail and restaurants at the ground level, reinforced by pedestrian-friendly streetscapes and plazas.

d. Promote a diverse and walkable urban form that promotes pedestrian activity where possible – plazas, building arrangements, out-door seating connected by convenient and attractive walkways and promenades.

Transportation (pp. 8-9)

Goal 4 To balance the modes of travel used in the Uptown Sector Plan area in order to minimize congestion and exceedances of the National Ambient Air Quality Standards

a. Develop a comprehensive trip reduction and congestion management program emphasizing ridesharing and incentives for workers to use alternatives to the single-occupant automobile trip.

b. Assist in the establishment of a Transportation Management Organization (TMO) to mitigate traffic congestion and air quality.

c. Achieve 20% of the work trips into the Uptown Intense Core by transit, ridesharing, walking and bicycling.

Goal 5 To limit excess availability of free parking spaces

a. Impose parking controls on existing and future land development in Uptown including:

i. shared parking among adjacent uses with different peak parking demand times

ii. reduction in parking spaces in conjunction with transit and para-transit ridesharing improvements

b. Provide controls against the spillover of parking into adjacent neighborhood areas or other "free" areas.

Goal 6 To create highly visible, convenient, safe and attractive transit, bicycle, and pedestrian facilities

a. Strategically locate transit, bicycle and pedestrian facilities to capture maximum number of users.

b. Provide signage regarding access to and location of transit, bicycle, and pedestrian facilities.

Goal 7 To provide balance between roadway improvements and effective alternatives to the single occupancy automobile

b. Emphasize transit and ridesharing alternatives to the single-occupancy automobile as solutions to the growing mobility demands of Uptown.

Goal 8 To maintain reasonable peak period traffic operations on all Uptown streets and intersections and prevent significant deterioration with new development

a. Assess traffic impacts of proposed new development and identify specific mobility improvements or traffic reduction measures required of the development sponsor through the development review and approval process.

b. Emphasize mitigation plans promoting alternative modes and traffic reduction over those offering infrastructure expansion.

Environment (p.9.)

Goal 9 Meet and maintain Federal standards for air quality in Uptown.

a. Promote development patterns in Uptown that encourage the use of transit, para-transit, bicycle, and pedestrian modes of transportation.

b. Continue to improve traffic conditions to reduce automobile emissions in Uptown.

Urban Design

Goal 10 To establish site design criteria for Uptown which promote pedestrian and vehicular accessibility and provide a strong relationship between buildings and the street.

a. Require placement of parking behind buildings where appropriate.

b. Develop specific criteria regarding shared parking between adjacent sites.

c. Require safe and efficient pedestrian connections to buildings from the street and adjacent sites.

e. Develop a highly visible, attractive pedestrian corridor linking the two major shopping center sites across Louisiana.

Goal 11 To promote Uptown as being a special place

a. Provide for pedestrian amenities such as: outdoor seating, shaded areas, plazas and landscaping.

b. Develop in conjunction with the Uptown businesses an overall signage package that provides directional signage to parking areas, restaurants, retail shops, etc.

c. Promote the installation and maintenance of additional landscaping on new and existing private development.

Goal 12 To protect views from the residential areas surrounding Uptown

a. Site plans shall be evaluated with regard to land use and massing to minimize impacts on views from surrounding residential areas.

ANALYSIS

Description of Submittal

The site development plan for subdivision (as revised per letter from the applicant on November 14, 2002) includes 28 acres of undeveloped land divided into three tracts. Tract 1 is the largest at 17.7 acres and is framed by major components of the Uptown street network. It is within Uptown's SU-3 Intense Core and is slated for a mix of uses. Tract 5 and 6 are to the west of the Loop Road, with the 1.85-acre Tract 5 located in the SU-3 Outside the Intense Core zone and, like Tract 1, specified possible uses include Service, Retail, Office and/or Residential. Tract 6 is 6.5 acres at the eastern end of the site adjacent to Espanola Street. It is zoned SU-2 for R-2 and O-1 uses. It is identified for residential uses at 30 du/ acre maximum. The tract boundaries are set up to coincide with zoning areas within the Uptown Plan and essentially tracts become the framework for a district concept for the development proposal.

The submittal includes several components. The site plan sheet includes a general layout of the site identifying Tract boundaries and access points. In addition, a Pedestrian Path Network is included along with General Notes and a table of Tract Data. The plan sheet is very generic as to the layout of the site, indicating only a listing of possible uses within each Tract boundary; no building footprints, internal streets or similar details are indicated. This information collectively sets the fundamental parameters for future development.

A conceptual site plan is also included with the submittal. It indicates how the site might develop by showing building locations, streets, major landscaping, parking areas and major amenities. It does not provide regulatory information.

A third component of the submittal is a color booklet describing the ABQuptown project concept. The document portrays ABQuptown as a lively, urban, pedestrian and transit-oriented mixed use development that is focused around an internal street system. On-street parking is available on most streets to create a stronger urban/pedestrian-friendly orientation. While much of the booklet is conceptual with a marketing orientation, the Urban Design

Standards portion (section 5) is an official component of the site plan for subdivision due to its regulatory nature. The design standards will be discussed later in this report.

As previously mentioned, all the aforementioned material includes the former Monroe Junior High site south of Indian School Road that has now been officially removed from this application. As such, the application requires adjustments to account for the elimination of more than a 10-acre portion of the site. The implications of this significant change to the ABQuptown proposal are unclear and have yet to be addressed by the applicant.

Albuquerque/Bernalillo County Comprehensive Plan

This site plan for subdivision request is generally consistent with the goals and policies of Major Activity Centers in the Albuquerque/Bernalillo County Comprehensive Plan. All elements contribute toward the development of a major activity center (Uptown) on a major transportation corridor (Louisiana Boulevard) just two blocks away from the upcoming Uptown Transit Transfer center.

The proposed Site Plan Tract Data and Urban Design Standards support the development of a compact urban form, providing a mixture of housing, employment, retail and services, along with pedestrian, transit and bicycle user conveniences. These are all factors that would help improve the viability of transit as an alternative to the single-occupancy vehicle, reduce Vehicle Miles Traveled, improve pedestrian mobility and the character of the pedestrian environment, ensure transit orientation and bicycle connections expected within a designated Major Activity Center bisected by an Enhanced Transit Corridor.

Of particular note, the ABQuptown booklet containing Urban Design Standards would guide development to be consistent with the Comprehensive Plan's policies for Major Activity Centers concerning the mixture of parcel sizes, connections between buildings and sidewalks, buildings close or touching, on-street and off-street parking, structure parking, plazas and pathways, and structure size and diversity.

Staff Recommendations

The following section of the report discusses the major submittal components of the subject request. Where applicable, recommendations for text changes to the submitted materials are indicated by ~~strikethrough~~ (indicating recommended deletions) and <u>underlined text</u> (indicating new language).

Vehicular Access, Circulation and Parking

The Site Plan differentiates between primary vehicular access/egress points and secondary vehicular ingress/egress points (service, garages, and parking). The proposed access points match the Uptown Loop Road Map on page 33 of the Uptown Sector Plan and generally indicate sufficient access to the site from the surrounding street network. Detailed circulation and parking, however, are not indicated on the site plan sheet. Nonetheless, the accompanying ABQuptown booklet containing design standards touches upon both of these items.

The Pedestrian Path Network Plan

This plan depicts the fine grain necessary for an urban place. It does not include the Uptown Loop Road as a Primary Pedestrian Path and that omission is contrary to adopted Uptown Sector Plan policy. Because the site plan has not been resubmitted omitting tracts 2, 3, and 4, it is unclear whether the location of the major designated plaza indicated on Indian School will be affected. It is also unclear how the plaza locations on Indian School and the minor street indicated on Tract 1 would be designed. The street intersections appear to be the plaza centers. No plazas are indicated along The Uptown Loop Road. They are not required to be on the Loop Road when a building faces away from the Road, but the intimation here is that there will be no buildings facing the Loop Road. This would be inappropriate for a primary pedestrian path.

General Notes

The following *General Notes* are indicated on the site plan sheet. The Notes should be amended to indicate that adopted City Ordinances and the Uptown Sector Plan must be followed and that other standards are in addition to these regulations and may be more stringent. Text changes proposed here by Planning staff are indicated by ~~strike-through~~ (proposed for deletion) and underline (proposed additions).

3. ~~Where not specifically regulated by the Standards, t~~The Site Plan for Subdivision is subject to the regulations of the Uptown Sector Plan~~.~~ and the ABQuptown Design Standards.

4. ~~Where not specifically regulated by the Standards, t~~The Site Plan for Subdivision is subject to all other City Ordinances and regulation~~.~~ and the ABQuptown Design Standards.

5. ~~Significant amendment of this Site Plan for Subdivision shall be by the Planning Commission; the Planning Director or his/her designee shall have the authority to make administrative amendments.~~

It would be more accurate to quote the Uptown Sector Plan here: p.25. H.7. Site Development Plan Approval. Site development plans typically raise significant policy issues that can be best resolved through a decision by the Environmental Planning commission; the Planning Director will normally refer site development plans to the Commission.

H. 9 The Planning Director may approve minor changes to an approved site development plan or landscaping plan without a public hearing if it is consistent wit the use and other written requirements approved by the City at a prior public hearing, if the buildings are of the same general size and use, the vehicular circulation is similar in its effect on adjacent property and streets, and he/she finds that neither the City nor any person will be substantially aggrieved by the altered plan.

6. All development on these sites must be in conformance with this Site Plan for Subdivision and attached Urban Design Standards.

7. Approval of development proposals consistent with this Site Plan for Subdivision and Standards ~~shall~~ may be by the Planning Director or his/her designee and the City Engineer.

The ABQuptown Booklet

ABQuptown Booklet's Urban Design Standards reflect the level of detail required for the development of a pedestrian filled urban place. The following amendments are necessary to make the standards consistent with the Uptown Sector Plan and Zoning Code. More detailed information about building architecture, and site landscaping, lighting, signage, grading and drainage will be required with the Site Plan for Building Permit submittal. These Urban Design Standards cannot substitute for building elevations and other details required with a Site Plan for building Permit, but should direct them.

ABQuptown Booklet Section 3.0 Regulatory Context and Design Review Process

This section conflicts with the Sector Plan and needs to be rewritten to reflect the process in the adopted Sector Plan. The booklet states, "Development at ABQuptown is regulated by the Uptown Sector Plan, however, the 1995 amendments were set aside upon appeal as they relate to the St. Pius site." The 1995 amendments do apply to the St. Pius site according to the City Legal Department. Applicants involved in the lawsuit were allowed to have their site plan reviewed again under the 1981 Sector Plan, but others must comply with the 1995 amended plan.

Section 3.0 Regulatory Context and Design Review Process also states, "Building permits for projects will not be issued until the Planning Director grants final written approval of Site Development Plans for Building Permits." It would be better to just quote the process noted the Uptown Sector Plan on page 25, Section H.7, Site Development Plan Approval: "Site development plans typically raise significant policy issues that can be best resolved through a decision by the Environmental Planning Commission; the Planning Director will normally refer site development plans to the Commission."

The applicant infers in Section 3.0 Regulatory Context and Design Review Process that more than one site plan for building permit may be submitted to the Planning Director after the Site Plan for Subdivision is approved by the EPC. If the site is designed in stages, Planning staff recommends that a minimum percentage of the site (30-50%) undergo site plan for building permit approval by the EPC. This would ensure that an acceptable design precedent is established for later phases of development. If later development phases conform to the design precedent established, then the later phases would be eligible for approval by the Planning Director or his designee and the City Engineer.

ABQuptown Booklet Section 5.0 Urban Design Standards.

Streetscape Pedestrian Zone

Page 5-2 The following language should be inserted: "The following standards are in addition to those specified in the Uptown Sector Plan (Mobility – The Pedestrian Environment)."

Page 5-3 Elements of the Pedestrian Zone Indicate if the following standards apply to both public and private streets.

Page 5-4 Paving standards Paving shall be consistent with ADA ~~compliant~~ Guidelines.

Streetscape Vehicular Zone

Page 5-5 Elements of the Vehicular Zone

"The majority of on-street parking spaces shall be 60-deree angle parking, except for Espanola Street, where on-street parking shall be a combination of 90-degree head-in parking on the west side and parallel parking on the east side." This parking combination will convert this quiet street into a parking lot. While some parking here will deter through traffic, this configuration of potential parking will increase the amount of parked cars and vehicular movement considerably next to existing single-family homes in the adjacent R-1 zone. Consequently, staff recommends that streets adjacent to R-1 zoned properties are allowed on-street parking arrangements that do not adversely impact these adjacent single family uses.

The ABQuptown standards say, "Landscaped medians with a minimum with of 8' shall be used to soften the visual impact of large lengths of uninterrupted angle or head-in parking." Landscaped medians are not indicated on the road cross sections except for Louisiana Boulevard on page 5-8. There is insufficient space on Espanola Street to accomplish this.

Page 5-6 Street Standards The applicant submitted changes to this page on 11/4/02. A note now indicates that "Louisiana Boulevard (Indian School Road to Loop Road North) and Indian School Road (Louisiana Boulevard to Loop Road East) are under study for possible lane reductions and on-street parking (Indian School Road only). Such street modifications shall be approved by the City Engineer and the Planning Director." This note indicates that the street cross section indicated by the chart is not absolute for Louisiana Boulevard and Indian School Road and should not be considered a part of the Urban Design Standards until the TIS is complete. The design for these streets may need to be placed in an appendix until they are finalized during the Site Plan for Building Permit submittal.

The City is designing a bicycle lane for Indian School Road from Louisiana Boulevard east to Morris St. (CIP, CPN 660194). The Uptown Loop Road will also contain a bicycle lane. These plans need to be incorporated into any street redesigns considered for this street.

Page 5-8 Louisiana Boulevard On 11/4/02, the applicant added language to indicate that their proposed cross-section for Louisiana Boulevard is Proposed (under study) with approval of appropriate studies and all shall statements were changed to may. The coordinator indicated was changed from Albuquerque Traffic Engineer to Albuquerque City Engineer.

Page 5-9 Indian School Road On 11/4/02, the applicant added the same language as for Louisiana Boulevard.

Page 5-10 Uptown Boulevard The applicant should indicate whether this will be a public or private street.

Page 5-12 Q Street The applicant should indicate whether this will be a public or private street.

Page 5-13 A Street The applicant should indicate whether this will be a public or private street.

Page 5-15 Espanola Street This is a public street. No landscape median is shown here despite standards indicated on page 5-5.

The text should be strengthened as follows: "The composition within the setback and the accompanying improvements to the east side of Espanola Street, including sidewalks and landscaping as specified by the EPC, the Planning Director and the Albuquerque City Engineer ~~necessary~~, will visually connect ABQuptown to the existing neighborhood."

Amenities

Pedestrian facilities are not amenities. They are integral components of an urban setting. All of the design standards for pedestrian paths and plazas should be moved to the Pedestrian Zone section.

Page 5-16 Pedestrian Path Network. This map needs to be amended. Pedestrian details on the Spectrum II site south of Indian School need to be accurate. The Uptown Loop Road needs to be shown as a Primary Pedestrian Path as required in the Uptown Sector Plan. Adding a map scale would help show that this plan is fine grained as necessary for an urban setting. The plazas look like street intersections and it is unclear how will they act as plazas if their centers are streets.

Page 5-17 Pedestrian Paths Standards The following additional language is necessary: The following standards are in addition to those specified in the Uptown Sector Plan.

The standards indicate that "Crosswalks, as well as street corners on Louisiana Boulevard and the Uptown Loop Road, shall be designed to maximize pedestrian safety..." Pedestrian safety and comfort is stressed in the Sector Plan, but the question is whether or not the applicant has authority to make changes in the public right-of-way. Furthermore, such a reference is vague and subjective. A clearer indication of actual design or design elements for the crosswalks and street corners would be useful.

The standards would be more accurate with the following changes "All walks within public rights-of-ways in ABQuptown shall have a minimum, unobstructed walking area width of 6 '. All walkway designs shall conform to design regulations specified for either Type I and Type II streets indicated in the Uptown Sector Plan."

Page 5-18 Plazas, Courtyards and Open Space

The following additional language is necessary: Standards are in addition to those specified in the Uptown Sector Plan Open Space and Pedestrian Design Requirements. The Sector Plan requires that plazas be located at about 1,000 foot intervals along pedestrian avenues (Pedestrian Environment). The Loop Road and all the roads within it are considered pedestrian avenues by the Plan. Pedestrian plazas are required on the Loop Road.

Off-Street Parking

Page 5-19 All references to off-street parking should be called parking areas rather than parking lots. Parking lots are defined by the Zoning Code as "An area or structure used for temporary parking of automobiles and pick up-size trucks, providing four or more parking spaces, not within the public right-of-way, none of which are required off-street parking."

Standards – Surface Parking "Primary street" needs to be clarified here.

Landscape Design

Page 5-22 Add the following language: Standards are in addition to those landscaping requirements in the Uptown Sector Plan Sections 1.D. Off-Street Parking for SU-3 Intense Core, 2.D. Off-Street Parking for the SU-3 Outside of Intense Core, 3.C. Open Space and Pedestrian Design Requirements, E. pedestrian Environment, and others.

Page 5-23 Under Plant Material add the following language: Regional native plants from the Southwestern U.S. and northern Mexico that grow well in Region 10, Albuquerque's high desert environment shall be featured in the landscape design.

Architecture

Page 5-24 Active Use Zones Map This map needs to be amended to either eliminate or more accurately reflect the Spectrum II site south of Indian School Road.

Page 5-25 Build-to Zones and Bulk Reduction Add the following language: Standards are in addition to those building set-back requirements in the Uptown Sector Plan.

The 10-foot area indicates that the ABQuptown standards are more restrictive than the Uptown Sector Plan set-back requirements. The first sentence should say, "Build-to zones are 10' ~~wide~~ deep."

Page 5-26 Build-to Zones Map Correct this map to accurately reflect or eliminate the Spectrum II site south of Indian School Road.

Page 5-29 Building Detail Requirements Add the following language: Standards are in addition to those requirements in the Uptown Sector Plan.

Page 5-30 Building Materials Standards refer to facades facing public streets and visible from public spaces. These standards should also apply to facades facing private streets and pathways.

Page 5-30 Building Entries Add the following language: Standards are in addition to those requirements in the Uptown Sector Plan.

Page 5-31 Arcades and Awnings Add the following language: Standards are in addition to those requirements in the Zoning Code and the Uptown Sector Plan.

The Zoning Code does not allow cantilevered awnings to overhang the public right-of-way unless the owner obtains an encroachment agreement.

Zoning Code sign heights can be used as a height standard. (14-16-3-5(B)(2(a) says, "No sign shall have its lowest point less than 12 feet above the ground over public right-of-way except those signs specified in Subsection 14-16-3-5(F)."

Page 5-32 Architectural Styles The following language is not clear and needs to be amended. "Standards – All buildings within ABQuptown shall be based on one of the indigenous architectural styles of New Mexico listed below..." The question is whether the style is established by the first building and repeated in all others that follow.

Page 5-33 Parking Structures Amend the following language. "Standards - Architectural design shall minimize views of parked cars from the street and pedestrian facilities." Like

some of the other components of the Design Standards, the intent of this standard laudable; however, its application is difficult. If a standard cannot be measured or be otherwise objectively evaluated, then it is subjective and subject to interpretation. Staff recommends that the applicant review the standards with the intent of making as many standards as possible objective.

Signage

Page 5-35 The signage section needs to be rewritten. The following notes suggest some of the changes to consider.

"Within the framework of a well-coordinated environmental design, these elements will be ~~synthesized~~ combined with the architecture, spatial design and lighting to create a coherent image for the project."

"Standard - Standards are in addition to requirements in the Uptown Sector Plan, Section 3.D. Sign Controls and the Zoning Code."

Fixed Permanent Signs:

Kiosks are covered in the Uptown Sector Plan's Mobility Section – Pedestrian Environment and the SU-3/ Inside and Outside Open Space and Pedestrian Design Requirements. Locations for kiosks as well as other permanent signs should be indicated on the site plan for building permit.

Fixed permanent signs shall comply with the standards set forth in the Uptown Sector Plan, the Zoning Code, and herein and shall require the approval of the City and an authorized representative of ABQuptown.

~~Off-premise signs shall be permitted~~. These signs are not permitted in the SU-3 Intense Core and would require a Sector Plan text amendment to be allowed.

Non-fixed Temporary or Thematic Signage, Graphics and Iconography needs to be rewritten to comply with sign regulations in the Zoning Code:

General Sign Regulations (14-16-3-5(B)(4)(d) Advertising for community or civic events, flags or emblems of civic, philanthropic, educational, or religious organizations, maintained for a temporary period not in excess of one month.

(f) Street Banners. Street banners advertising a public entertainment or event, if specifically approved by the Planning Director and the Traffic Engineer and in locations designated, may be displayed 14 days prior to and seven days after the public entertainment or event.

(h) Civic, Religious, and Quasi-Public Signs – Off Premise. Off premise name, directional, and information signs of service clubs, places of worship, civic organizations and quasi-public uses shall be not more than three square feet in area. Sign height shall not exceed eight feet. In the event that there is a need for more than one such sign at one location, all such signs must be consolidated and confined within a single frame, subject to the review and approval of the Planning Director.

Lighting

Zoning Code Area Lighting Regulations (14-16-3-9) is sparsely written, but it should be referenced. As with all other site elements, a site lighting plan would need to be reviewed before it is approved.

Concerns of Reviewing Agencies / Pre-Hearing Discussion

Transportation Development and the City Engineer noted the same comments that are included in the City of Albuquerque Agency comment section. The applicant has addressed all of them except for completing and submitting a Traffic Impact Study (TIS).

Neighborhood Concerns

Two sets of comments concerning content have been received to date. A letter from Brian Eagan asks that the two developments being proposed, ABQuptown and The Avenue Winrock be designed to work together for the betterment of the community. A letter from Stephen Verchinski of the Classic Uptown Neighborhood Association applauds the idea of parking vehicles on Louisiana Boulevard and Indian School Road and asks that these parking spaces not be counted as required parking. The neighborhood association also wants the EPC to ensure that Espanola is designed well for pedestrians and that shade tree planting areas are sufficient throughout the project to ensure that trees thrive. The Association wants to ensure pedestrian movement within the project and good linkages to the neighborhoods. Please see Mr. Eagan's and Mr. Verchinski's letter for more detail.

Conclusions

This request for approval of a site plan for subdivision including urban design standards is related to the applicant's request for text amendments to the Uptown Sector Plan and linked to a DRB request for Spectrum II, a Site Development Plan for Subdivision and Building Permit for tracts south of Indian School Road *(case # 1002337, 02DRB-01710 for Site Development Plan for Subdivisions/EPC and 02DRB-1708 for Site Development Plan for Building Permit/EPC).* All requests are intended to facilitate the development of a mixed-use project.

The original request encompassed two vacant sites east of Louisiana Boulevard: the St. Pius High School site north of Indian School Road and the Monroe School site south of Indian School Road. The site plans for the Monroe School site south of Indian School Road were discussed by the DRB on November 20, 2002. On November 14, 2002, the applicant requested by letter that the site south of Indian School Road be deleted from the 02 EPC 01472 request. Maps and language referring to Monroe School site tracts 2, 3, and 4 still remain in the Site Plan for Subdivision and Urban Design Standards submittal to the EPC.

On November 4, 2002, the applicant submitted changes to the ABQuptown Urban Design Standards and the Site Plan for Subdivision's General Notes, as requested by the City Engineer. The applicant has not submitted the Traffic Impact Study (TIS) required by the City Engineer and Public Works. Consequently, a deferral is recommended.

FINDINGS - (02EPC 01472) (December 5, 2002)

1. This is a request for approval of a site development plan for subdivision for a 28-acre site located between Louisiana Boulevard, Indian School Road, Arvada Avenue and Espanola Street in Albuquerque's Uptown district. The site is bisected by the proposed Uptown Loop Road.

2. This request originally encompassed two vacant sites east of Louisiana Boulevard: the St. Pius High School site north of Indian School Road and the Monroe School site south of Indian School Road. The site plans for the Monroe School site south of Indian School Road were submitted to the DRB for hearing on November 13, 2002 under a separate proposal approved by the EPC in1998 known as Spectrum II. On November 14, 2002, the applicant requested by letter that the site south of Indian School Road be deleted from 02EPC 01472. The applicant has yet to update the EPC submittal by amending plan sheets and language referring to Monroe Junior High site tracts 2, 3, and 4.

3. The site is located within the boundaries of the Uptown Sector Development Plan; the allowable uses and design of the site are controlled directly by this Rank 3 plan. The site has a combination of zoning designations: SU-3 Inside and Outside the Intense Core and SU-2 for R-2/O-1 uses.

4. The submitted plan proposes the development of a mixed-use project, including service and retail commercial uses, along with office and residential uses. The plan appears to be in general conformance with applicable Uptown Sector Plan zoning requirements.

5. The submittal includes several components. The site plan sheet includes a general layout of the site identifying Tract boundaries and access points. A conceptual site plan is also included with the submittal that does not provide regulatory information. A third component of the submittal is a color booklet describing the ABQuptown project concept. The document portrays ABQuptown as a lively, urban, pedestrian and transit-oriented mixed use development that is focused around an internal street system. While much of the booklet is conceptual with a marketing orientation, the Urban Design section is an official component of the site plan for subdivision due to its regulatory nature.

6. While the submittal is generally in compliance with the intent of the Uptown Sector Plan and the Comprehensive Plan, the submittal requires numerous adjustments to be completely consistent with the Uptown Sector Plan, the Zoning Code and other applicable City requirements. Planning staff believes such adjustments should be made before this plan is approved by the EPC.

7. The General Notes on the site plan sheet along with the Regulatory Context and Design Review Process and the Urban Design Standards sections contained in the ABQuptown Booklet include significant inconsistencies with the Uptown Sector Plan and the Zoning Code. These inconsistencies as noted by the Planning Department should be corrected as indicated in the Staff Report.

8. The applicant's submittal material include the former Monroe Junior High site south of Indian School Road as part of the project and all site plan information reflects this inclusion. However, this 10-acre site south of Indian School Road has been officially removed from this application. As such, the application requires adjustments to account for the elimination of this acreage from the project. The implications of this significant change to the ABQuptown proposal are unclear and have yet to be addressed by the applicant.

9. The applicant has not submitted the Traffic Impact Study (TIS) required by the City Engineer and Public Works Department. Consequently, a deferral is required to allow time for the applicant to submit the necessary information.

RECOMMENDATION - (02EPC 01472) (December 5, 2002)

DEFERRAL of 02EPC 01472, a request for Site Plan for Subdivision, for Tracts A-1, B-1 and B-2 of ST. Pius X Subdivision, to February 20, 2003 based on the preceding Findings.

Paula Donahue & Bob Paulson

Paula Donahue
Senior Planner

cc: Hunt Uptown LLC & Hunt Uptown II, LLC, 500 Marquette NW, Suite 350, Albuq. NM 87102
Herbert M. Denish & Assoc., Inc., P.O. Box 2002, Albuq. NM 87103
Bill Sterchi, Alvarado Park N.A., 5607 Princess Jeanne NE, Albuq., NM 87110
Lynn Tabor, Alvarado Park N.A., 1804 Alvarado Drive NE, Albuq., NM 87110
Stephen Verchinski, Classic Uptown N.A., 2700 Espanola NE, Albuq., NM 87110
Mary Lou Sorenson, Classic Uptown N.A., 2800 Charleston NE, Albuq., NM 87110
Bob Bruno, Inez N.A., 7721 Apache NE, Albuq., NM 87110
Richard P. Huber, Inez N.A., 7807 Prospect NE, Albuq., NM 87110
Julie Jones, Jerry Cline Park N.A., 7625 Winter Avenue NE, Albuq., NM 87110
Jeff Paul, Jerry Cline Park N.A., 1000 Grove Street NE, Albuq., NM 87110
Valorie Vigil, New Kimo N.A., 2408 Madiera NE, Albuq., NM 87110
Mark Trujillo, New Kimo N.A., 5507 Euclid NE, Albuq., NM 87110
Timothy Sanchez-Brown, Quigley Park N.A., 2901 Cagua Drive NE, Albuq., NM 87110
Orlando Esparza, Quigley Park N.A., 2728 Cagua Drive NE, Albuq., NM 87110
Dorothy Finaldi, Snow Heights N.A., 1622 Vermont NE, Albuq., NM 87110
Rick Paul, Snow Heights N.A., 8411 Haines NE, Albuq., NM 87110
R. Shelton Weeks, Uptown Association, 2100 Louisiana NE, Suite 51, Albuq., NM 87110
Tom Joule, Uptown Association, 6501 Americas Parkway NE, Albuq., NM 87110
Richard Peterson, Winrock South N.A., 1112 San Pedro NE, #309, Albuq., NM 87110
John Kinney, Winrock South N.A., 1112 San Pedro NE, #309, Albuq., NM 87110
Virginia Emmett, Zuni N.A., 7517 Leah Drive NE, Albuq., NM 87110
Nick Wees, Zuni N.A., 2314 Espanola NE, Albuq. NM 87110
Ike Eastvold, Fair Heights N.A., 5501 Mountain Rd. NE, Albuq., NM 87110

Attachments

CITY OF ALBUQUERQUE AGENCY COMMENTS

PLANNING DEPARTMENT

Zoning Code Services

Reviewed, no comment.

Office of Neighborhood Coordination

See Uptown List.

PUBLIC WORKS DEPARTMENT

Transportation Development:

- Traffic Impact Study Required (TIS). This study shall address, in addition to all standard elements of a required City TIS, proposed lane reductions on Indian School and Louisiana, proposed on-street parking and proposed site access from Uptown Loop Road. When the TIS is completed, all required TIS mitigation measures, per Transportation Development Staff, must be completed if assumed to be in place for the current TIS for this site.
- Delegation to Development Review Board (DRB) at a minimum. Prefer applicant re-submit to the Environmental Planning Commission (EPC) for review of Site Development Plan for Building Permit as opposed to the Planning Director or his "Designee".
- The Summary of Street Information on page 5-6 section 5.0 of the "ABQUptown Design Standards" implies that all elements in this table are approved. This table should be labeled as proposed until the required TIS is completed and approved.
- The Public (City of Albuquerque) Street Sections on pages 5-7 through 5-15 section 5.0 of the "ABQUptown Design Standards" imply that these Street Sections are approved. These Street Sections should be labeled as proposed until the required TIS is completed and approved.
- All "wills" and "shalls" as they relate to the Public (City of Albuquerque) Street Sections on pages 5-7 through 5-15 section 5.0 of the "ABQUptown Design Standards" shall be modified to the word "may" until the required TIS is completed and approved.
- Careful consideration should be given to the notes on the Proposed Site Development for Subdivision that specifically override the Uptown Sector Plan or City Ordinances and Regulations in favor of the proposed "ABQUptown Design Standards". This would be considered a policy change.
- The Developer is responsible for permanent improvements to the transportation facilities adjacent to the proposed site development plan. Those improvements will include any additional right-of-way requirements, paving, curb and gutter and sidewalk that have not already been provided for.
- All the requirements of previous actions taken by the EPC and the DRB must be completed and /or provided for.

Utility Development:

- The plan does not address utility issues. As such we have no comment.

Traffic Engineering Operations:

- No comments.

Hydrology:

- Any document that advocates narrower street widths should address drainage capacity in order to determine if additional drainage infrastructure would be required.
- An approved conceptual grading and drainage plan is required for Site Plan sign-off by the City Engineer. Approval of drainage plan required prior to placement on DRB agenda.
- Re-platting should be concurrent with site plan approvals.

Transportation Planning:

Findings:

Louisiana Boulevard is an existing principal arterial, Indian School Road is an existing minor arterial, and Americas Parkway is a proposed limited access minor arterial on the Long Range Roadway System for the Albuquerque Metropolitan Planning Area.

The General Notes to the proposed Site Plan for Subdivision are a primary focus of concern. The first note says that the sheet satisfies the submittal requirements for the proposed development. The second note incorporates Chapter 5.0 "Urban Design Standards" of the accompanying document into the site plan for subdivision sheet. Chapter 5.0 "Urban Design Standards" contains all the proposed changes to the major street system and bikeway system in and around the proposed development (i.e., lane reductions, on street parking, access locations, etc.). The third note says that the Uptown Sector Plan applies to the development if the "Urban Design Standards" are silent on an issue; if the "Urban Design Standards" address an issue; they overrule the Uptown Sector Plan. The fourth note says that City Ordinances and regulations apply to the development if the "Urban Design Standards" are silent on an issue; if the "Urban Design Standards" address an issue; they overrule City Ordinances and regulations.

Under normal conditions, a development proposal of this magnitude that intends to modify substantial portions of the major roadway system in important ways would be accompanied by a traffic study that evaluates the proposals in relation to the system elements that they would change. No traffic study has been received for review. As noted above, the proposed roadway system changes would be adopted by the approval of the site plan for subdivision, and any subsequent attempt to discuss or to evaluate them in a substantive way would merely be a courtesy. The changes would be enacted and would supersede the City's Sector Plan, regulations, and ordinances. In fact, because the "Urban Design Standards" contains only the outcome of the development proposal, its adoption precludes consideration of policy alternatives such as leaving the existing facilities the way they are today.

Recommendation:

These are complex policy proposals that require careful evaluation. Pending completion and review of an appropriate traffic study, indefinite deferral of the proposed action is recommended.

Street Maintenance:

- No comments.

New Mexico State Highway and Transportation Department:

- No comments.

RECOMMENDED CONDITIONS FROM CITY ENGINEER and PUBLIC WORKS:
Conditions of approval for the proposed Site Development Plan for Subdivision shall include:

Deferral, pending completion of the following:

a. Traffic Impact Study Required (TIS). This study shall address, in addition to all standard elements of a required City TIS, proposed lane reductions on Indian School and Louisiana, proposed on-street parking and proposed site access from Uptown Loop Road. When the TIS is completed, all required TIS mitigation measures, per Transportation Development Staff, must be completed if assumed to be in place for the current TIS for this site.
b. Delegation to Development Review Board (DRB) at a minimum. Prefer applicant re-submit to the Environmental Planning Commission (EPC) for review of Site Development Plan for Building Permit as opposed to the Planning Director or his "Designee".
c. The Summary of Street Information on page 5-6 section 5.0 of the "ABQUptown Design Standards" implies that all elements in this table are approved. This table should be labeled as proposed until the required TIS is completed and approved.
d. The Public (City of Albuquerque) Street Sections on pages 5-7 through 5-15 section 5.0 of the "ABQUptown Design Standards" imply that these Street Sections are approved. These Street Sections should be labeled as proposed until the required TIS is completed and approved.
e. All "wills" and "shalls" as they relate to the Public (City of Albuquerque) Street Sections on pages 5-7 through 5-15 section 5.0 of the "ABQUptown Design Standards" shall be modified to the word "may" until the required TIS is completed and approved.
f. The Developer is responsible for permanent improvements to the transportation facilities adjacent to the proposed site development plan. Those improvements will include any additional right-of-way requirements, paving, curb and gutter and sidewalk that have not already been provided for.
g. All the requirements of previous actions taken by the EPC and the DRB must be completed and /or provided for.
h. Any document that advocates narrower street widths should address drainage capacity in order to determine if additional drainage infrastructure would be required.
i. An approved conceptual grading and drainage plan is required for Site Plan sign-off by the City Engineer. Approval of drainage plan required prior to placement on DRB agenda.
j. Re-platting should be concurrent with site plan approvals.

ENVIRONMENTAL HEALTH DEPARTMENT

Air Quality Division

No comments received.

Environmental Services Division

No comments received.

PARKS AND RECREATION

Planning and Design

Per the Park Dedication and Development Ordinance "All neighborhood park requirements for residential development in Urban Center and Redevelopment Plan areas shall be controlled by Sector Development Plans or by development plans and no by this article." The Uptown sector plan does not specify a park dedication requirement, therefore no dedication will be required with the proposed housing for this project. However, due to the potential impact of the residential development on the existing parks serving this area Parks and Recreation would encourage Hunt Development to develop a private park as was shown in an earlier site plan.
The existing parks serving the area are:
Taylor Park Location: Pennsylvania/Indian School Acres: 2.68
Amenities: Picnic tables

Inez Elementary School Recreational Field Location: Pennsylvania/Indian School
Acres: 0.8 Amenities: None

Cutler Park Location: Cutler/Pennsylvania Acres: 2.5
Amenities: Play area, picnic tables

Zuni Park Location: Mesilla & Cutler Acres: 2.5
Amenities: Tennis courts

Open Space Division

No adverse comment.

POLICE DEPARTMENT

Planning

A review of the following EPC case indicates problems or crimes may occur and may need to be evaluated or addressed on this site or in this area: traffic volume, traffic control devices, burglary, lighting issues, maintain landscaping, robbery, assault, shoplifting, commercial burglar, transients

These comments do not indicate that a thorough CPTED evaluation has been done, or that other criminal activities may not occur.

No comments.

SOLID WASTE MANAGEMENT DEPARTMENT

Refuse Division

Approved on condition staff coordinates with the SWMD for detailed waste requirements. Call T.L. Gibson for details 505-761-8142

FIRE DEPARTMENT/Planning

No comment received.

TRANSIT DEPARTMENT

The site is within 300 feet of Routes 3, 6, and 12. Bus bays should be provided on Americas Parkway both north and south of Indian School. The exact location of these bays should be discussed with the Transit Department prior to SDP for Building Permit submittal.

COMMENTS FROM OTHER AGENCIES

BERNALILLO COUNTY

No comments received.

ALBUQUERQUE METROPOLITAN ARROYO FLOOD CONTROL AUTHORITY

No objection to requested actions. The developer should incorporate water quality treatment measures into the grading and drainage plan

ALBUQUERQUE PUBLIC SCHOOLS

No comments received.

MID-REGION COUNCIL OF GOVERNMENTS

The effort to build an urban mixed use project combining residential with commercial and office uses is commendable and should be encouraged. This type of development is consistent with recommendations in the Focus 2050 Regional Plan. There is still a need for a detailed traffic study and air quality study. The Long Range Major Roadway System designates Louisiana Boulevard as a principal arterial, the Uptown Loop as a limited access minor arterial, and Indian School Road as a minor arterial. The Long Range Bikeway System proposes a bike lane on Indian School and the Uptown Loop.

MIDDLE RIO GRANDE CONSERVANCY DISTRICT

No comments received.

PUBLIC SERVICE COMPANY OF NEW MEXICO

A new duct bank system is planned along Louisiana from the South side of I-40 North to Americas Parkway. A new duct bank system will be needed within the development built off the duct bank system on Louisiana. To adequately, safely and reliably serve the electrical load projected for the development, additional substation capacity is required by PNM. This will call for the expansion of an existing substation in the area, possibly Beverlywood at Louisiana and Constitution.

City of Albuquerque
P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103

October 22, 2002

Dear Uptown Area Neighborhood Association Representative:

The Environmental Planning Commission will hear Project # 1002247 (02EPC 01472) on December 5. 2002 at 3 p.m. in the Plaza del Sol basement hearing room. Two other Uptown cases will also be heard on that date. This project application was originally scheduled to be heard during the November 21 EPC hearing. The December 5 hearing will allow adequate time to hear this request to approve a site development plan for subdivision and urban design guidelines for the development of Tract A of the Monroe Jr. High School and Tracts A1, B1, and B2 of the St Pius X High School sites and the two other cases involving Uptown. An EPC study session is scheduled for Monday, December 2, 2002 at 4 p.m. The application submittal is attached. You may view the entire file in the Planning Department, 3rd floor, 600 2nd NW, from 8 a.m. – 5 p.m., Monday through Friday.

If you wish to have your comments included in the staff report, please address them to the EPC Chairman, Alan Schwartz and make sure they arrive at the City of Albuquerque Planning Department by Friday, November 22. Include the project number on all correspondence. The fax number is 924-3339, my e-mail is pdonahue@cabq.gov, and the mailing address is City of Albuquerque Planning Department, PO Box 1293, Albuquerque, NM 87103.

Sincerely,

Paula J Donahue

Paula Donahue, Staff Planner

Attachments: Application for #1002124 (02EPC 01154)

CC: Hunt Uptown LLC & Hunt Uptown II, LLC, 500 Marquette NW, Suite 350, Albuq. NM 87102
Herbert M. Denish & Assoc., Inc., P.O. Box 2002, Albuq. NM 87103
Bill Sterchi, Alvarado Park N.A., 5607 Princess Jeanne NE, Albuq., NM 87110
Lynn Tabor, Alvarado Park N.A., 1804 Alvarado Drive NE, Albuq., NM 87110
Stephen Verchinski, Classic Uptown N.A., 2700 Espanola NE, Albuq., NM 87110
Mary Lou Sorenson, Classic Uptown N.A., 2800 Charleston NE, Albuq., NM 87110
Bob Bruno, Inez N.A., 7721 Apache NE, Albuq., NM 87110
Richard P. Huber, Inez N.A., 7807 Prospect NE, Albuq., NM 87110
Julie Jones, Jerry Cline Park N.A., 7625 Winter Avenue NE, Albuq., NM 87110
Jeff Paul, Jerry Cline Park N.A., 1000 Grove Street NE, Albuq., NM 87110
Valorie Vigil, New Kimo N.A., 2408 Madiera NE, Albuq., NM 87110
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Dorothy Finaldi, Snow Heights N.A., 1622 Vermont NE, Albuq , NM 87110
Rick Paul, Snow Heights N.A , 8411 Haines NE, Albuq., NM 87110
R. Shelton Weeks, Uptown Association, 2100 Louisiana NE, Suite 51, Albuq , NM 87110
Tom Joule, Uptown Association, 6501 Americas Parkway NE, Albuq., NM 87110
Richard Peterson, Winrock South N.A., 1112 San Pedro NE, #309, Albuq., NM 87110
John Kinney, Winrock South N.A., 1112 San Pedro NE, #309, Albuq , NM 87110
Virginia Emmett, Zuni N.A., 7517 Leah Drive NE, Albuq., NM 87110
Nick Wees, Zuni N.A , 2314 Espanola NE, Albuq. NM 87110

THE CITY OF ALBUQUERQUE IS AN EQUAL OPPORTUNITY/REASONABLE ACCOMMODATION EMPLOYER

City of Albuquerque
P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103

October 22, 2002

Hunt Uptown, LLC
c/o Lawrence Kline
Herbert M. Denish and Associates
P.O. Box 2001
Albuquerque, New Mexico 87103

PruWinrock, LLC
c/o John P. Salazar
Rodey, Dickason, Akin, & Robb P.A. Law Firm
P.O. Box 1888
Albuquerque, New Mexico 87103

Dear Sirs:

The Environmental Planning Commission (EPC) has established a public hearing beginning at 3:00 pm on December 5, 2002 in the Plaza del Sol hearing room, basement level, 600 2nd Street NW, to hear the following submittals located within the boundaries of and/or pertinent to the *Uptown Sector Development Plan*:

- **Project # 1002124, Amendment to the Uptown Sector Dev. Plan (Hunt Uptown, LLC)***
  * The EPC previously deferred this project to the November 21st hearing; on November 21st it will be deferred to December 5th.
- **Project # 1002247, Site Development Plan for Subdivision (Hunt Uptown, LLC)**
- **Project # 1002202, Site Development Plan Amendment (PruWinrock, LLC)**

Be advised that the **YELLOW NOTIFICATION SIGNS** issued by the Planning Dept. must be replaced with new signs indicating the correct hearing date; the new signs must be posted for the 15 days preceding the December 5th hearing.

An EPC Study Session for the above referenced projects will occur on Monday, December 2, 2002 at 4:00 pm in the Plaza del Sol hearing room. *EPC Rules of Conduct* prohibit public testimony at the Study Session.

The above referenced projects will not be heard at the EPC all-day hearing on November 21, 2002, nor will these projects be presented to the EPC in the Study Session on November 14, 2002. As indicated above, Project 1002124, which was deferred to the November 21st EPC hearing, will be deferred to the December 5th EPC hearing.

Please call me at (505) 924-3346 if you have questions.

Sincerely,

Bob Paulsen

Bob Paulsen, AICP
Acting Manager, Development Services Division
City of Albuquerque Planning Department

City of Albuquerque
P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103

October 28, 2002

Hunt Uptown, LLC
c/o Mr. Lawrence Kline
Herbert M. Denish and Associates
P.O. Box 2001
Albuquerque, New Mexico 87103

Re: ABQUptown Submittal (Project # 1002247 02EPC-01472) Site Development Plan for Subdivision

Dear Mr. Kline:

We have now received in writing the agency comments you heard at the October 23, 2002 Hearing Discussion. It appears the necessary traffic information for the proposed site development plan submittal is deficient. (See attached comments.) To avoid a staff recommendation of deferral for the proposed December 5, 2002 hearing before the Environmental Planning Commission (EPC), please attend to the issues raised and respond by November 4, 2002. The November 4 submittal should allow sufficient time for staff review.

If you have questions regarding this matter, please call me at 924-3932.

Sincerely,

Paula J Donahue

Paula Donahue
Senior Planner

Attachments:
Consolidated Comments for Project # 1002124 The Proposed Text Amendments (Transportation Development, Utility Development, Traffic Engineering Operations, Hydrology, Transportation Planning, Street Maintenance, and NMSHTD, and recommended conditions from City Engineer and Public Works)

Consolidated Comments for Project #1002247 The Site Development Plan for Subdivision (Transportation Development, Utility Development, Traffic Engineering Operations, Hydrology, Transportation Planning, Street Maintenance, NMSHTD, and recommended conditions from City Engineer and Public Works)

Consolidated Comments for EPC Agenda of November 21, 2002

02EPC – 01154 (H-18) Louisiana / Indian School Area [270 acres] TIS - **N** **#1002124**

Transportation Development:

- No comments.

Utility Development:

- No material received.

Traffic Engineering Operations:

- No comments.

Hydrology:

- No comments.

Transportation Planning:

- No adverse effect to on-street bikeway or roadway system facilities.

Street Maintenance:

- No comments.

New Mexico State Highway and Transportation Department:

- No comments.

RECOMMENDED CONDITIONS FROM CITY ENGINEER and PUBLIC WORKS:

Conditions of approval for the proposed Text Amendment shall include:

a. None.

City of Albuquerque
P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103

October 30, 2002

Fair Heights Neighborhood Association
Ike Eastvold
5501 Mountain Road NE
Albuquerque, New Mexico 87110

Dear Mr. Eastvold:

Applications for the three Uptown cases scheduled for the special December 5 EPC Hearing are enclosed. (#1002202 02EPC 01469 and 1470 Winrock - Site Plan for Building Permit, #1002247 02EPC 01472 Hunt - Site Plan for Subdivision, and #1002124 02EPC 01154 Hunt - Text Amendments.) Last week we sent copies of the applications to all of the representatives of the surrounding Uptown neighborhood associations.

If you would like to see the reviewing agency comments now, we can e-mail them to you. The applicants were given some of these comments at the pre-hearing discussion held on October 23 and were mailed Public Works and Planning Transportation comments this week.

Thanks for your inquiry.

Sincerely,

Paula S. Donahue

Paula Donahue and Juanita Vigil

Juanita Vigil

Attachments – 3 sets of applications

City of Albuquerque
P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103

November 7, 2002

Dear Councilor Mayer:

In an attempt to keep neighborhood and business associations informed about the three applications currently in progress for Uptown we sent copies of the applications to all 20 representatives listed by the Office of Neighborhood Coordination. By request, we also sent copies of the same application materials as well as reviewing agency comments to the Fair Heights Neighborhood Association.

Please call us if you have questions concerning these cases. Juanita Vigil is the case planner for the Winrock submittal (amendment to a site plan for subdivision and amendment to a site plan for building permit) and Paula Donahue is the case planner for the two Hunt submittals (text amendments to the Uptown Sector Plan and a site plan for subdivision accompanied by design guidelines for future development). Our telephone numbers are Juanita 924-3349 and Paula 924-3932.

Thank you for your interest. We look forward to speaking with you.

Sincerely,

Juanita Vigil
Paula J. Donahue

Juanita Vigil
Paula J Donahue

Attachments:
Winrock Application and Reviewing Agency Comments
Hunt Applications and Reviewing Agency Comments
Letters accompanying copies of applications and comments

Paula J. Donahue

11/08/02 04:59 PM

To: lsk@hmda.com
cc: Bob Paulsen/PLN/CABQ@COA, Juanita C. Vigil/PLN/CABQ@COA
Subject: Conflicts - EPC and DRB Submittals

Attention: Lawrence Kline
Herbert M. Denish and Associates, Inc.
P.O. Box 2001
Albuquerque, NM 87103

November 8, 2002

Dear Lawrence:

There are two matters concerning your submittals for EPC that require your clarification.

1. On November 5 you submitted the Spectrum II Site Plan as a site plan for subdivision and site plan for building permit. These cases are scheduled for the November 13 Development Review Board hearing. At a glance, the Spectrum II plan for the Monroe School Site differs from the larger Hunt LLC Site Plan for Subdivision and Urban Design Standards submittal for the December 5 EPC Hearing in the following ways:
   - The vehicular ingress and egress
   - The pedestrian network
   - The Urban Design Guidelines

   Consequently, you are forwarding two different and conflicting proposals (applications) for the same parcels of land (proposed tracts 2,3, and 4). This must be resolved before either can be fully considered. You may consider requesting a deferral for the Hunt LLC Site Plan for Subdivision while you sort this out.

2. The Urban Design Standards accompanying the Hunt LLC Site Plan for Subdivision need amendment. The standards must comply with the regulations in the Uptown Sector Plan. The standards can be stricter and more detailed than the adopted Sector Plan, but they cannot conflict with the Uptown Sector Plan or the Zoning Code. I recommend that you add language to the Urban Design Standards that say that the design standards are in addition to regulations in the Uptown Sector Plan and Zoning Code. Specific reference to sections of the Sector Plan and Zoning Code would be best.

   Standards in conflict with the Uptown Sector Plan or the Zoning Code must be removed. To date I have found conflicting language concerning the application approval process and signage standards. One example is in the Signage section, page 5-35, Standards, Fixed Permanent Signs " * Off-premises signs shall be permitted." These signs are permitted in the SU-3 Outside the Intense Core and are controlled by the Zoning Code, but are not allowed in the Intense Core. I can recommend these changes in the staff report or you can submit alternative language before November 15. The Signage section of the Urban Design Standards probably needs to be rewritten completely to bring it into compliance with the Sector Plan and Zoning Code.

I encourage you to call and make an appointment to review the aforementioned concerns and other issues

in detail. I hope we can meet in the morning on Tuesday, November 12. Just leave me a message on Monday (924-3932).

Sincerely,

Paula Donahue

City of Albuquerque

DEVELOPMENT REVIEW APPLICATION

	Supplemental form		Supplemental form
SUBDIVISION	S	**ZONING**	Z
☐ Major Subdivision action		☐ Annexation & Zone Establishment	
☐ Minor Subdivision action		☐ Sector Plan	
☐ Vacation	V	☐ Zone Change	
☐ Variance (Non-Zoning)		☐ Text Amendment	
SITE DEVELOPMENT PLAN	P	**APPEAL / PROTEST of...**	A
☒ .. for Subdivision Purposes		☐ Decision by: DRB, EPC, LUCC, Planning Director or Staff, ZHE, Zoning Board of Appeal	
☐ ...for Building Permit			
☐ IP Master Development Plan			
☐ 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: Hunt Uptown, LLC and Hunt Uptown II, LLC — PHONE: 915.533.1122
ADDRESS: 500 Marquette NW, Suite 350 — FAX: 915.298.4371
CITY: Albuquerque STATE NM ZIP 87102 — E-MAIL: garys@huntbuilding.com
Proprietary interest in site: owners
AGENT (if any): Herbert M. Denish and Associates, Inc. — PHONE: 505.842.6461
ADDRESS: P.O. Box 2001 — FAX: 505.842.6471
CITY. Albuquerque STATE NM ZIP 87103 — E-MAIL: lsk@hmda.com

DESCRIPTION OF REQUEST: Site Plan for Subdivision (See Attached Reason for Request
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. A1, B1, B2 St. Pius X; Tract A, Monroe Jr. Highschool Block: ____ Unit: ____

Subdiv. / Addn. ____

Current Zoning: SU3 inside&outside Intense Core ; and SU2 for R2 and O1 uses Proposed zoning: No Change

Zone Atlas page(s): H-19 and J-19 No. of **existing** lots: 4 No. of **proposed** lots: 6

Total area of site (acres): Apprx 37.5 Density if applicable: dwellings per gross acre: n/a dwellings per net acre: Apprx 25

Within city limits? ☒ Yes. No ☐, but site is within 5 miles of the city limits (DRB jurisdiction.) Within 1000FT of a landfill? No

UPC No See attached list MRGCD Map No. n/a

LOCATION OF PROPERTY BY STREETS: On or Near: Louisiana Blvd NE
Between. Arvada Ave NE and Interstate 40

CASE HISTORY:

List any current or prior case number that may be relevant to your application (Proj., App., DRB-, AX_,Z_, V_, S_, etc.): Z-96-119;Z-99-117;DRB-98-178

Check-off if project was previously reviewed by Sketch Plat/Plan ☐, or Pre-application Review Team ☒. Date of review: 08/14/02

SIGNATURE _____ DATE 09/26/02

(Print) Lawrence S Kline, Vice President, Herbert M. Denish and Assoicates, Inc. ☐ Applicant ☒ Agent

FOR OFFICIAL USE ONLY Form revised September 2001

	Application case numbers	Action	S.F.	Fees
☐ ~~INTERNAL ROUTING~~	02EPC - ____ - 01472	SDP4S/D	P(1)	$ 385
☑ All checklists are complete	____ - ____ - Notific fee			$ 75
☑ All fees have been collected	____ - ____ - ____			$
☑ All case #s are assigned	____ - ____ - ____			$
☑ AGIS copy has been sent	____ - ____ - ____			$
☑ Case history #s are listed				Total $ 460.00
☐ ~~Site is within 1000ft of a landfill~~				
☐ ~~F.H.D.P. density bonus~~	Hearing date November 21st 02			
☐ ~~F.H.D.P.~~ fee rebate	Project # 1002247			

B Herbert 9/26/02
Planner signature / date

FORM P(1): SITE PLAN REVIEW – E.P.C. PUBLIC HEARING

☒ **SITE DEVELOPMENT PLAN FOR SUBDIVISION**
☐ **IP MASTER DEVELOPMENT PLAN**

- ☒ Scaled site plan and related drawings (folded to fit into an 8.5" by 14" pocket) **30** copies for EPC public hearings. For IP master development plans, include general building and parking locations, and design requirements for buildings, landscaping, lighting, and signage.
- ☒ Site plans and related drawings reduced to 8 5" x 11" format
- ☒ 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
- ☒ Letter of authorization from the property owner if application is submitted by an agent
- ☒ Office of Community & Neighborhood Coordination inquiry response, notifying letter, certified mail receipts
- ☐ Sign Posting Agreement
- ☐ 2 copies of the Conceptual Utility Layout Plan (mark one for Planning, one for Utility Development) +18
- ☒ TIS/AQIA Traffic Impact Study / Air Quality Impact Assessment form with required signatures
- ☒ Fee (see schedule) 385 + 75 = 460
- ☒ Any original and/or related file numbers are listed on the cover application

EPC hearings are approximately 7 weeks after the filing deadline Refer to schedule. **Your attendance is required.**

☐ **SITE DEVELOPMENT PLAN FOR BUILDING PERMIT**
☐ **SITE DEVELOPMENT PLAN and/or WAIVER OF STANDARDS FOR WIRELESS TELECOM FACILITY**

- ☐ Site plan and related drawings (folded to fit into an 8.5" by 14" pocket) **30** copies for EPC public hearings.
- ☐ Site Plan for Subdivision, if applicable, previously approved or simultaneously submitted. (Folded to fit into an 8 5" by 14" pocket.) **30** copies for EPC public hearings.
- ☐ Site plans and related drawings reduced to 8.5" x 11" format
- ☐ 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
- ☐ Letter of authorization from the property owner if application is submitted by an agent
- ☐ Office of Community & Neighborhood Coordination inquiry response, notifying letter, certified mail receipts
- ☐ Sign Posting Agreement
- ☐ Completed Site Plan for Building Permit Checklist
- ☐ 2 copies of the Conceptual Utility Layout Plan (mark one for Planning. one for Utility Development)
- ☐ TIS/AQIA Traffic Impact Study / Air Quality Impact Assessment form with required signatures
- ☐ Fee (see schedule)
- ☐ Any original and/or related file numbers are listed on the cover application

NOTE: For wireless telecom facilities (administrative reviews that have been referred to the EPC, or requests for waivers of requirements) the following materials are required in addition to those listed above for application submittal.

- ☐ Collocation evidence as described in Zoning Code §14-16-3-17(A)(5)
- ☐ Notarized statement declaring # of antennas accommodated. Refer to §14-16-3-17(A)(10)(d)2
- ☐ Letter of intent regarding shared use. Refer to §14-16-3-17(A)(10)(e)
- ☐ Letter of description as above also addressing concealment issues, if relevant Refer to §14-16-3-17(A)(12)(a)
- ☐ Distance to nearest existing free standing tower and its owner's name if the proposed facility is also a free standing tower
- ☐ Registered Engineer's stamp on the Site Development Plans
- ☐ Office of Community & Neighborhood Coordination inquiry response as above **based on ¼ mile radius**

EPC hearings are approximately 7 weeks after the filing deadline Refer to schedule **Your attendance is required.**

☐ **AMENDED SITE DEVELOPMENT PLAN FOR SUBDIVISION**
☐ **AMENDED SITE DEVELOPMENT PLAN FOR BUILDING PERMIT**

- ☐ Proposed amended Site Plan (folded to fit into an 8.5" by 14" pocket) **30** copies for EPC public hearings
- ☐ DRB signed Site Plan being amended (folded to fit into an 8.5" by 14" pocket) **30** copies for EPC public hearings
- ☐ DRB signed Site Plan for Subdivision, if applicable (required when amending SDP for Building Permit) **30** copies for EPC public hearings
- ☐ Site plans and related drawings reduced to 8.5" x 11" format
- ☐ 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
- ☐ Letter of authorization from the property owner if application is submitted by an agent
- ☐ Office of Community & Neighborhood Coordination inquiry response, notifying letter, certified mail receipts
- ☐ Sign Posting Agreement
- ☐ Completed Site Plan for Building Permit Checklist (not required for amendment of SDP for Subdivision)
- ☐ TIS/AQIA Traffic Impact Study / Air Quality Impact Assessment form with required signatures
- ☐ Fee (see schedule)
- ☐ Any original and/or related file numbers are listed on the cover application

EPC hearings are approximately 7 weeks after the filing deadline Refer to schedule **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.

LAWRENCE KLINE
Applicant name (print)

9/26/02
Applicant signature / date

Form revised September 2001

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

Application case numbers
02EPC - - 01472
- -
- -

9/26/02
Planner signature / date

Project # 1002247

UPC CODES
SITE PLAN FOR SUBDIVISION

Tract A-1, St. Pius X	1-019-059-051-050-3-01-34
Tract B-1, St. Pius X	1-019-059-101-022-3-17-01
Tract B-2, St. Pius X	1-019-059-125-053-3-17-02
Tract A, Monroe Site	1-019-058-048-497-2-04-14

ORIG. PAS FILE W/ → 1002247
02EPC-01472

CITY OF ALBUQUERQUE

TRAFFIC IMPACT STUDY (TIS) / AIR QUALITY ASSESSMENT (AQIA) FORM

APPLICANT: HUNT UPTOWN AND HUNT UPTOWN II LLC **Date of request:** 09/26/02 **Zone atlas page(s):** H-19 & J-19

CURRENT:
Zoning SU 3, 2 INSIDE & OUTSIDE LINE SU 2 R-2 & O-1 USES

Legal Description - TRACT A-1, B-1, B-2 ST. PLUS X
Lot or Tract # _____ Block # _____
Subdivision Name TRACT A MONROE JUNIOR HIGH SCHL

Parcel Size (acres / sq.ft.) 37.5 ACRES

REQUESTED CITY ACTION(S):

Annexation	[ ]	Sector Plan	[ ]	Site Development Plan:		Building Permit	[ ]
Comp. Plan		Zone Change	[ ]	a) Subdivision	[✓]	Access Permit	[ ]
Amendment	[ ]	Conditional Use	[ ]	b) Build'g Purposes	[ ]	Other	[ ]
				c) Amendment	[ ]		

PROPOSED DEVELOPMENT:

No construction / development	[✓]
New Construction	[ ]
Expansion of existing development	[ ]

GENERAL DESCRIPTION OF ACTION: [1]
# of units - _____
Building Size - _____(sq. ft.)

Notes: 1. Changes made to development proposals / assumptions, from the information provided above, may change the TIS or AQIA analysis requirements.

Applicant or Representative _____ Date 09/26/02
(To be signed upon completion of processing by Traffic Engineer and Environmental Health)

TO BE COMPLETED BY TRANSPORTATION DEVELOPMENT / ENVIRONMENTAL HEALTH

TRAFFIC IMPACT STUDY (TIS) REQUIRED: YES [X] NO [ ] BORDERLINE [ ]
PWD, Dev. & Bldg. Services Div., Transportation Dev. Section - 2nd FL. 600 2nd St. NW Plaza del Sol Bldg. 924-3991 or 3994

THRESHOLDS MET? YES [X] NO [ ] Mitigating reasons for not requiring **TIS:** Previously studied: [ ]
Notes: TIS IS UNDER WAY. TIS WILL BE COMPLETED PRIOR TO SITE DEVELOPMENT PLAN FOR BUILDING PERMIT.

IF A TIS IS REQUIRED: A scoping meeting (as outlined in the Development Process Manual) must be held to define the level of analysis needed and the parameters of the study. **Any subsequent changes to the development proposal identified above may require an update or new TIS.**

Tony [illegible] 9-26-02
TRAFFIC ENGINEER DATE

AIR QUALITY IMPACT ASSESSMENT (AQIA) REQUIRED: YES [X] NO [ ] BORDERLINE [ ]
ENVIRONMENTAL HEALTH DEPT. Air Quality Div. 3rd Floor / Rm. 3023 City/County Bldg. 768-2600

THRESHOLDS MET? YES [X] NO [ ] Mitigating reasons for not requiring **AQIA:** Previously studied: [ ]
Notes: 14-16-3-14 9-26-02 TL

IF AN AQIA IS REQUIRED: a scoping meeting must be held to define the level of analysis needed and the parameters of the study. **Any subsequent changes to the development proposal identified above may require an update or new AQIA.**

ENVIRONMENTAL HEALTH DATE AQIA REQ'D 9/24/02

Required TIS and / or **AQIA** must be completed prior to applying to the EPC. Arrangements must be made prior to submittal if a variance to this procedure is requested and noted on this form, otherwise the application may not be accepted or deferred if the arrangements are not complied with.

TIS	- SUBMITTED	___/___/___	TRAFFIC ENGINEER	DATE
	- FINALIZED	___/___/___		
AQIA	- SUBMITTED	___/___/___	ENVIRONMENTAL HEALTH	DATE
	- FINALIZED	___/___/___		

HUNT-UPTOWN, LLC

September 26, 2002

Mr. Alan Schwartz, Chair
Environmental Planning Commission
City of Albuquerque
P.O. Box 1293
Albuquerque, NM 87103

Re: Tracts A-1, B-1 and B-2, St. Pius X Subidivision
Tract A, Monroe Jr. Highschool

Dear Commissioner:

Please allow this letter to serve as authorization for Herbert M. Denish and Associates, Inc. to serve as our agent and to apply for entitlements on our behalf regarding the above referenced properties.

Sincerely,

Gary Sapp
Hunt Uptown LLC
Hunt Uptown II LLC

500 Marquette, NW Suite 350 • Albuquerque, New Mexico 87103 • Tel. (505) 842-5645 • Fax (505) 842-6471

HERBERT M. DENISH
AND ASSOCIATES, INC.
URBAN CONSULTANTS

September 26, 2002

Mr. Victor Chavez PE
Planning Director
City of Albuquerque
600 2nd Street, NW
Albuquerque, NM 87103

Dear Mr. Chavez:

I am writing on behalf of our clients Hunt-Uptown, LLC and Hunt Uptown II, LLC, (hereinafter, called "Hunt") to respectfully request approval of a Site Development Plan for Subdivision for an exciting, new, mixed use project in the heart of Uptown. The requested approvals will establish standards for development of the last two major vacant pieces in Uptown - the St. Pius X and Monroe Junior High School sites, as shown on the attached map of zone atlas pages H-19 and J-19.

The 40-acre property is described as Tract A, Monroe Jr. High School and Tracts A-1, B-1 and B-2, St. Pius X Subdivision. The site is zoned" SU-3 Intense Urban Core", "SU-3 Outside Intense Urban Core" and "SU-2 R-2, 0-1". The site is bordered by R-1 housing to the east, Winrock Shopping Center to the south, Louisiana Boulevard to the west and several multistory hotels and an elderly care facility to the north.

We call this proposal "ABQuptown". As you know, we have already applied for some amendments to the Uptown Sector Plan that will help us plan for this project, and will follow this application ultimately with an application for Site Plan for Building Permit. ABQuptown fulfills the community's long-expressed desire for a vibrant, pedestrian-oriented, infill development that seamlessly integrates with surrounding uses and whose design and development will have long-lasting vitality.

The proposed site plan for subdivision will: create six tracts; create a matrix of development criteria as required; and establish extensive Urban Design Standards. We have asked to havethe latter attached to and made part of the Site Development Plan for Subdivision. Upon approval, those standards will guide and regulate all future development ensuring that the vision for ABQuptown is realized.

The Urban Design Standards provide both the conceptual and regulatory framework for the creation of ABQuptown as a dynamic urban area through controls governing streetscape design, pedestrian amenities, off-street parking, transit and bicycle facilities, landscape design, building form and architecture, and signage and lighting. The development of those standards has proceeded from preliminary site planning; for your interest (although not a "submittal" in any way) we have attached the latest "conceptual plan". If this scheme is followed, at final buildout this project might

500 Marquette, N W Suite 350 • PO Box 2001 • Albuquerque, New Mexico 87103 • Tel 505-842-6461 • FAX 505-842-6471

3791 Southern Blvd Suite 202 • Rio Rancho, New Mexico 87124 • Tel 505-994-1342 • FAX 505-994-9290

include approximately: 450,000 square feet of residential; 245,000 square feet of retail; 240,000 square feet of office; 70,000 square feet of service uses; 112,000 square feet of hotel; 82,000 square feet designated for restaurant and entertainment uses; and 28,600 square feet designated for a grocery.

The applicant believes this request is consistent with all applicable City plans and policies. The request furthers the goals of the City of Albuquerque/Bernalillo County Comprehensive Plan and the Uptown Sector Plan by proposing a true vertical and horizontal mixture of residential, employment, entertainment and service uses in an environment that supports a thriving "work, live , and shop" environment. The applicant further believes the project is in conformance with goals and policies for development in the Established Urban area, including job creation, growth in areas serviced by infrastructure, appropriate land uses, and ensuring the integrity of existing neighborhoods. This proposal also specifically furthers the goal and policies of the Comprehensive Plan for properties located within designated Activity Centers. According to the Plan, Activity Centers are appropriate locations for projects such as ABQuptown, whose higher density and concentrated mix of social and economic activities reduce urban sprawl, auto travel needs and service costs, and enhance the urban experience.

Most directly, the applicant believes the development made possible by the adoption of this Site Plan for Subdivision and Design Standards will fulfill the intent and further the goals of the Uptown Sector Plan including those promoting the development of Uptown as an urban center and promoting a mix of land uses, pedestrianism and quality site and building design. ABQuptown will complete Uptown as an urban center by infilling 40 acres of vacant land with a true mix of employment, retail, entertainment and residential uses. Approval of this request will also ensure a quality, pedestrian friendly, "park once and walk" environment through the adoption of extensive standards.

Since Hunt acquired the sites in late 2001, they have been diligent in seeking the advice of their neighbors in the residential areas that surround Uptown as well as in the business community. Public "open houses" were held on three evenings in July and most recently a City-facilitated meeting was held with three neighborhood groups. It is Hunt's intent to maintain this level of communication with its neighbors in attempting to translate this idea into reality.

We respectfully request your consideration.

Sincerely yours,

Lawrence Kline AICP

cc: see attached list

"CC" List
Submittal of Site Plan for Subdivision

September 26, 2002

by certified mail*:

Bill Sterchi, Alvarado Park NA
Lynn Tabor, Alvarado Park NA
Stephen Verchinski, Classic Uptown NA
Mary Lou Sorenson, Classic Uptown NA
Bob Bruno, Inez NA
Richard Huber, Inez NA
Julie Jones, Jerry Cline Park NA
Jeff Paul, Jerry Cline Park NA
Valorie Vigil, New Kimo NA
Mark Trujillo, New Kimo NA
Timothy Sanchez-Brown, Quigley Park NA
Orlando Esparza, Quigley Park NA
Dorothy Finaldi, Snow Heights NA
Rick Paul, Snow Heights NA
R. Shelton Weeks, Uptown NA
Tom Joule, Uptown Association NA
Richard Peterson, Winrock South NA
John Kinney, Winrock South NA
Nicholas Wees, Zuni NA
Virginia Emmett, Zuni NA

by regular mail:

All Members of the Environmental Planning Commission
Councillor Sally Mayer
Jay Czar CAO
Ted Asbury PE
Victor Chavez PE
Paula Donahue AICP
Gary Sapp
Chris Gunning AIA
James Topmiller PE

* based on Office of Neighborhood Coordination affidavit dated September 5, 2002

HERBERT M. DENISH
AND ASSOCIATES, INC.
URBAN CONSULTANTS

November 4, 2002

Ms. Paula Donahue, AICP
Planning Department
City of Albuquerque
P.O. Box 1293
Albuquerque NM 87103

HAND-DELIVERED

re: Project #1002247, ABQuptown Site Development Plan for Subdivision

Dear Ms. Donahue:

Please find attached changes to the Site Plan for Subdivision as requested by City staff. The applicant continues to believe that the narrowing of streets is critical to creating a pedestrian friendly environment in Uptown and intends to pursue these lane reductions at Site Plan for Building Permit.

We thank you for your assistance and direction in this matter.

Sincerely yours,

Lawrence S. Kline, AICP

500 Marquette N.W. Suite 350 • P.O. Box 2001 • Albuquerque New Mexico 87103 • Tel. 505-842-6461 • FAX 505-842-6471
3791 Southern Blvd. Suite 202 • Rio Rancho, New Mexico 87124 • Tel. 505-994-1342 • FAX 505-994-9290

3.0 REGULATORY CONTEXT AND DESIGN REVIEW PROCESS

UPTOWN SECTOR PLAN

ABQuptown is located within the boundaries of the *Uptown Sector Plan*. The goal of the *Uptown Sector Plan* is to create a high-density, mixed-use, pedestrian-friendly urban core in the Uptown area. The plan was adopted in 1981 and amended in 1985, 1988 and 1995. Development at ABQuptown is regulated by the *Uptown Sector Plan*; however, the 1995 amendments were set aside upon appeal as they relate to the St. Pius site. ABQuptown is zoned SU-3 for Intense Urban Core, SU-3 for Outside Intense Core and SU-2, R-2 and O-1. These zoning designations set extensive policy and design controls for development within each of the zones and require that all development be subject to Site Development Plan approval.

URBAN DESIGN STANDARDS

The Urban Design Standards create a framework through which ABQuptown can evolve into the urban neighborhood envisioned by the City and the community. The Urban Design Standards guide the development and quality of the urban environment by regulating design solutions pertaining to streetscape, pedestrian amenities, landscaping, parking, building form and use, and signage. The Urban Design Standards are provided to assist the City in realizing the intended outcome of ABQuptown through the application of clear and concise design requirements.

DEVELOPMENT REVIEW PROCESS

All Site Development Plans for Subdivision will be reviewed by the Environmental Planning Commission. All Site Development Plans for Building Permit subsequent to, and in compliance with, a Site Development Plan for Subdivision shall be reviewed and approved by the Planning Director, or his or her designee, and the City Engineer, per the Uptown Sector Plan. All site development plans shall comply with the policies and design controls of the Uptown Sector Plan and with the ABQuptown Urban Design Standards. In addition, all site development plans for subdivision shall comply with all applicable City regulations. Building permits for projects will not be issued until the Planning Director grants final written approval of Site Development Plans for Building Permits.

An approval granted for a Site Development Plan for Subdivision is valid, subject to review pursuant to the City of Albuquerque Zoning Ordinance. Site Development Plan for Building Permit approvals are valid for two years and subject to extension, as specified by the Uptown Sector Plan.

AMENDMENTS AND MODIFICATIONS

The Urban Design Standards may be amended or modified as needed, with the consensus of an authorized ABQuptown representative and the City of Albuquerque Planning Director, in order to fulfill the overall project goals. Exceptions to these standards may be granted, with the consensus of an authorized ABQuptown representative and the Planning Director, due to specific hardship to better meet the intended goals of the project. The Planning Director shall have the authority to forward such amendment requests to the Environmental Planning Commission for consideration.

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Street Standards

Summary of Street Information

The Street Hierarchy Matrix is a summary of the ABQuptown street characteristics. The summary is followed by descriptions and illustrations of these streets. The final street section designs are subject to the completed Traffic Impact Study and City of Albuquerque Traffic Engineer approval.

Characteristic	Uptown Loop Road	*Louisiana Boulevard	*Indian School Road	Uptown Boulevard 3-Lane	Uptown Boulevard 2-Lane	Q Street	A Street 4-Lane	A Street 2-Lane	Espanola Street
notes	median landscaping	*	*	west of Loop w/ central loading / turn lane	east of Loop Road	central loading / turn lane	east and west of Loop	between Louisiana and Q Street	90 degree parking in ROW and 30' setback from ROW to new buildings New sidewalk located outside of ROW
ownership: public or private	public	public	public	private	private	private	private	private	public
right-of-way width	96'	140'	103'	106'	87'	106'	76'	98'	60'
number of thru lanes	4	8	4	2	2	2	3	2	2
vehicular zone	70'	varies	74'	72'	64'	72'	48'	64'	52'
parking									
on street / angle	none	none	*	60	60	60	none	60	90
offstreet (structured) - access points	2	2	0	1	0	2	0	1	0
pedestrian zone (one side/total)	13'/26'	varies	14 5'/29'	17'/34'	11 5'/23'	17'/34'	14'/28'	17'/34'	16' min. See section
street amenity zone minimum	*4'*	*4'*	*3'*	*3'*	*4'*	*3'*	*6'*	*4'*	*na*
walk minimum	*6'*	*6'*	*6'*	*6'*	*6'*	*6'*	*6'*	*6'*	*6' (west), 4' (east)*
building amenity zone	*na*	*varies*	*varies*	*varies*	*na*	*varies*	*na*	*varies*	*na*
ROW setback minimum	*na*	*na*	*na*	*na*	*na*	*na*	*na*	*na*	*yes*
landscaping	yes	yes	yes	yes	yes	yes	yes	yes	yes
lighting									
pedestrian	no	yes (east side)	yes	yes	yes	yes	yes	yes	no
street	yes	yes	yes	yes	yes	yes	yes	yes	yes
transit stop	yes	no	no	no	no	no	no	no	no
bicycle facility: route, lane or path	lane	no	no	no	no	no	no	no	no

*Louisiana Boulevard (Indian School Road to Loop Road North) and Indian School Road (Louisiana to Loop Road East) are under study for possible lane reductions and on-street parking (Indian School Road only). Such street modifications shall be approved by the City Engineer and the Planning Director.

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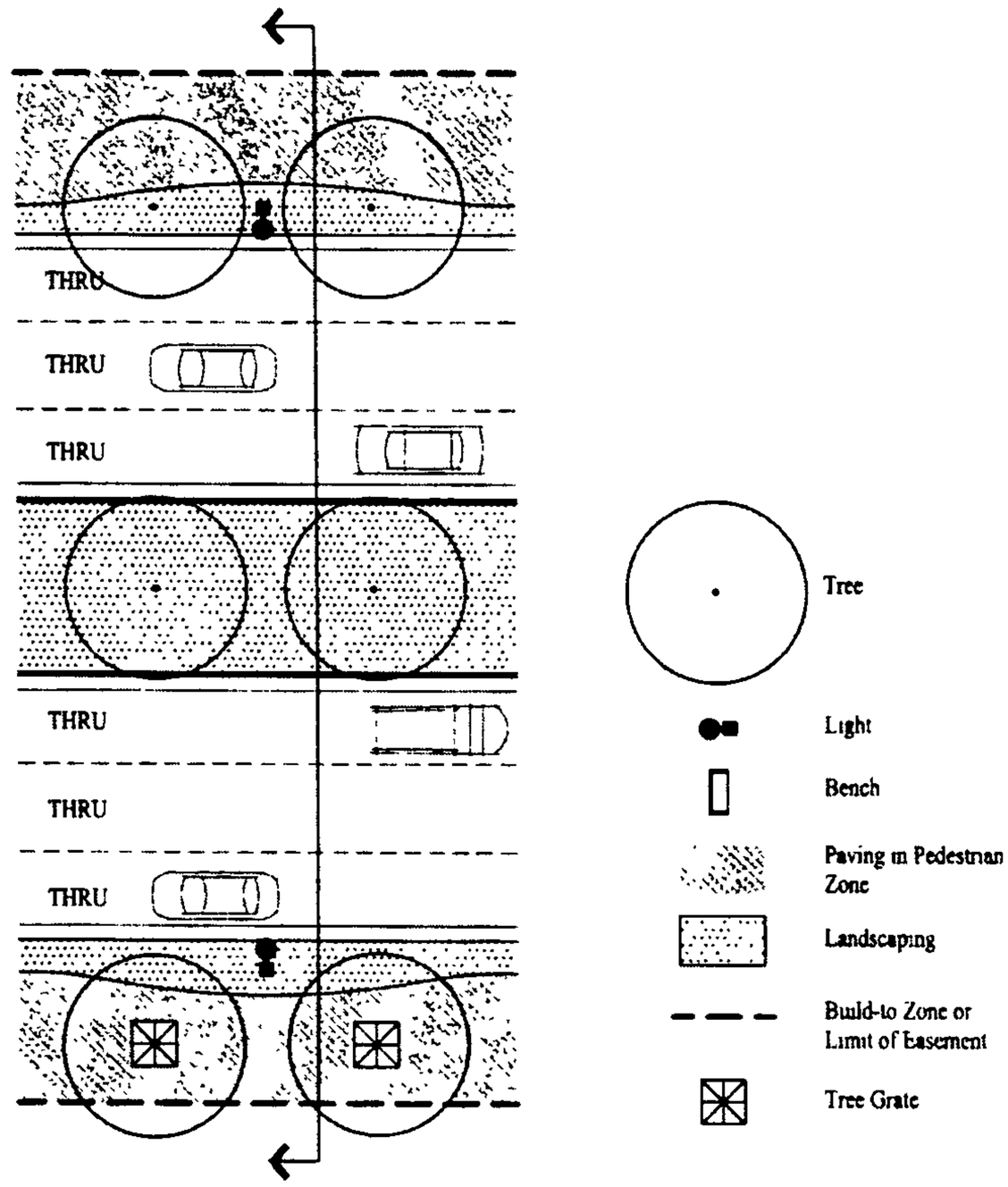
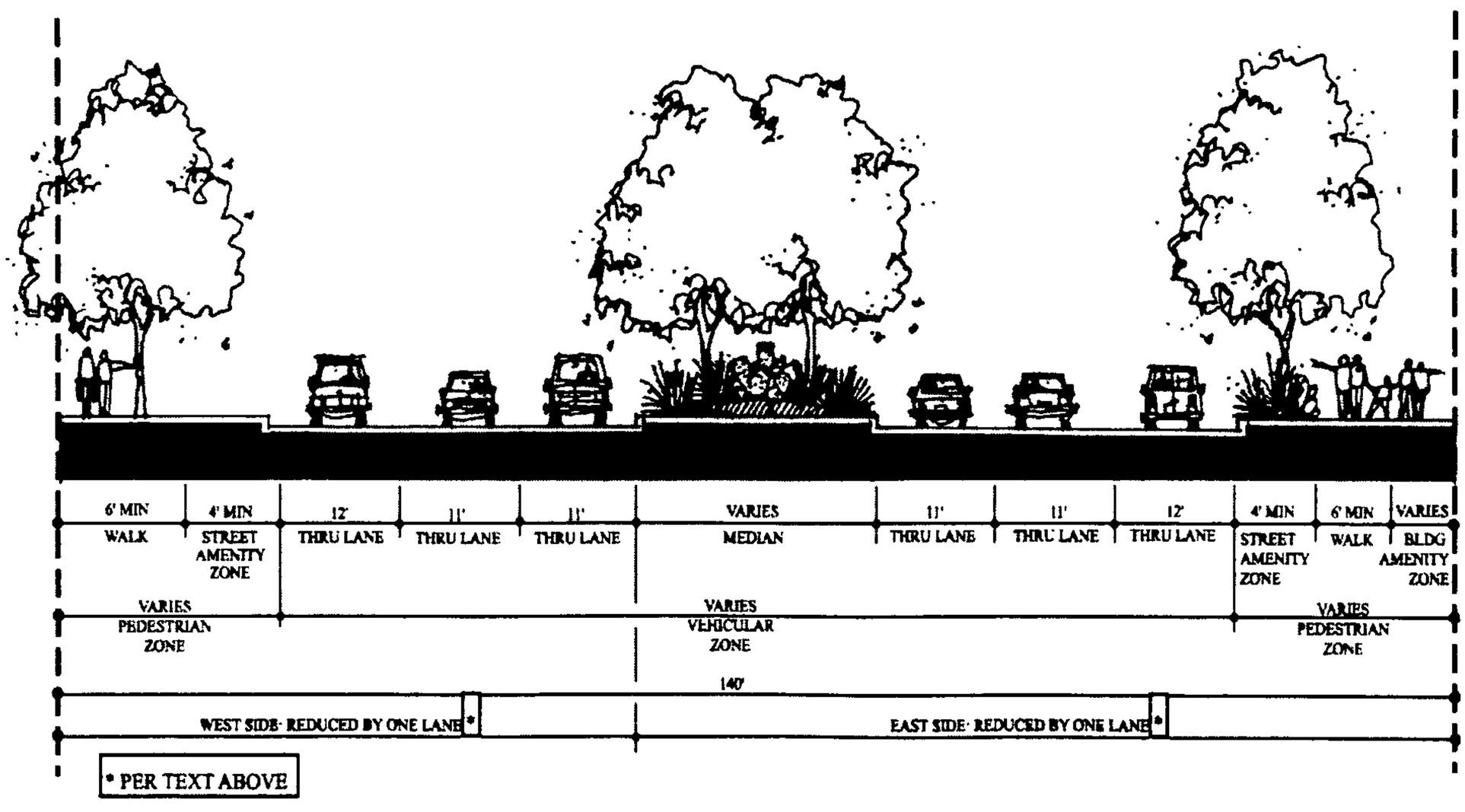
Proposed Louisiana Boulevard (under study)

With approval of appropriate traffic studies, Louisiana Boulevard may be modified to become a more pedestrian-friendly street. Currently, Louisiana Boulevard is an almost impenetrable barrier to pedestrian movement in Uptown. The intent of the ABQuptown plan is to encourage and enable pedestrians to move safely and more comfortably along and across the street, increasing interaction between people and businesses throughout the Uptown area. Louisiana Boulevard may be narrowed by two lanes for the length of the street that is adjacent to ABQuptown, and free right turns and double left turns into the ABQuptown site may be eliminated. In addition to shortening the crossing distance at intersections, pedestrian amenities such as widened medians with pedestrian refuges and landscaping, wider sidewalks with landscape buffers, site furnishings, lighting, signage and specialty paving will create a more pedestrian scale and establish a pedestrian presence on the street. Improvements within the Louisiana Boulevard right-of-way shall be coordinated with the City of Albuquerque City Engineer.



Proposed
Louisiana Boulevard
Plan Enlargement



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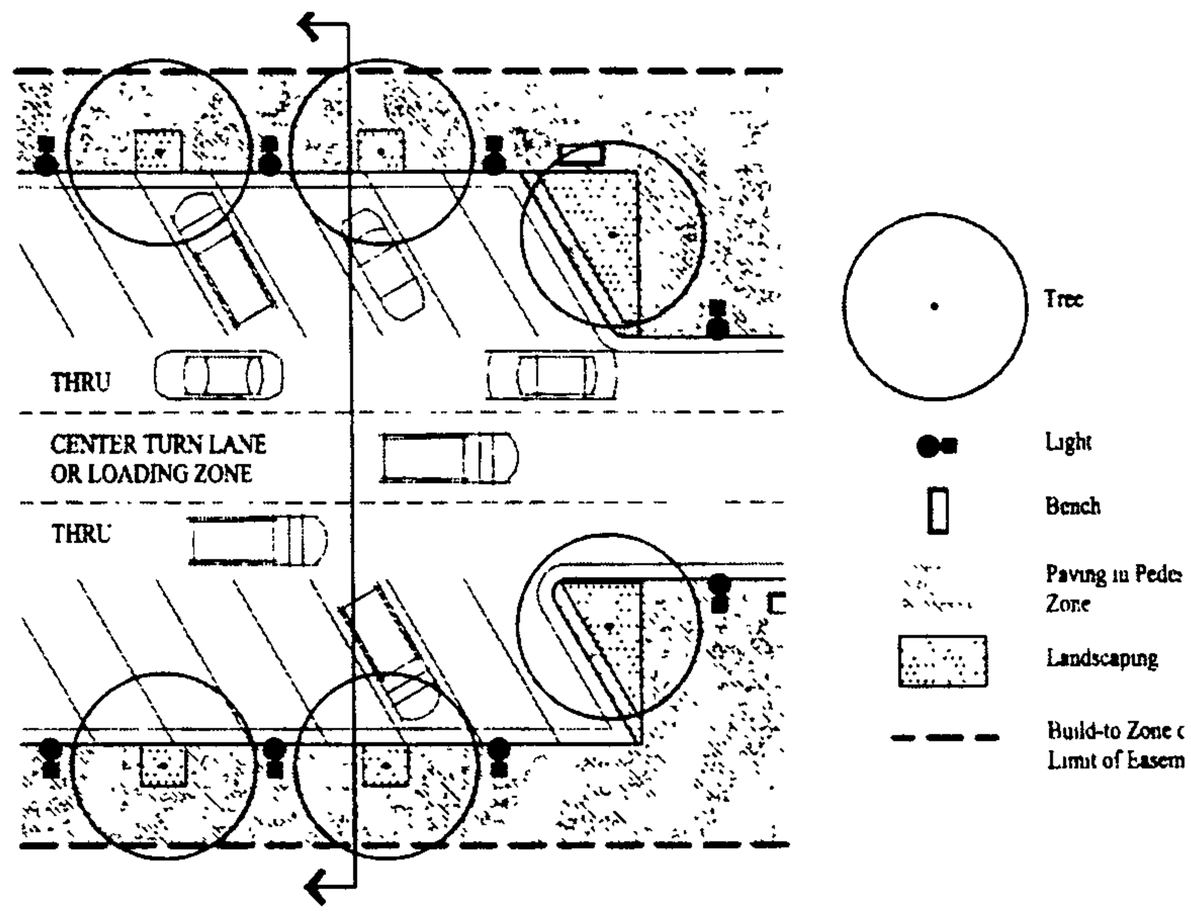
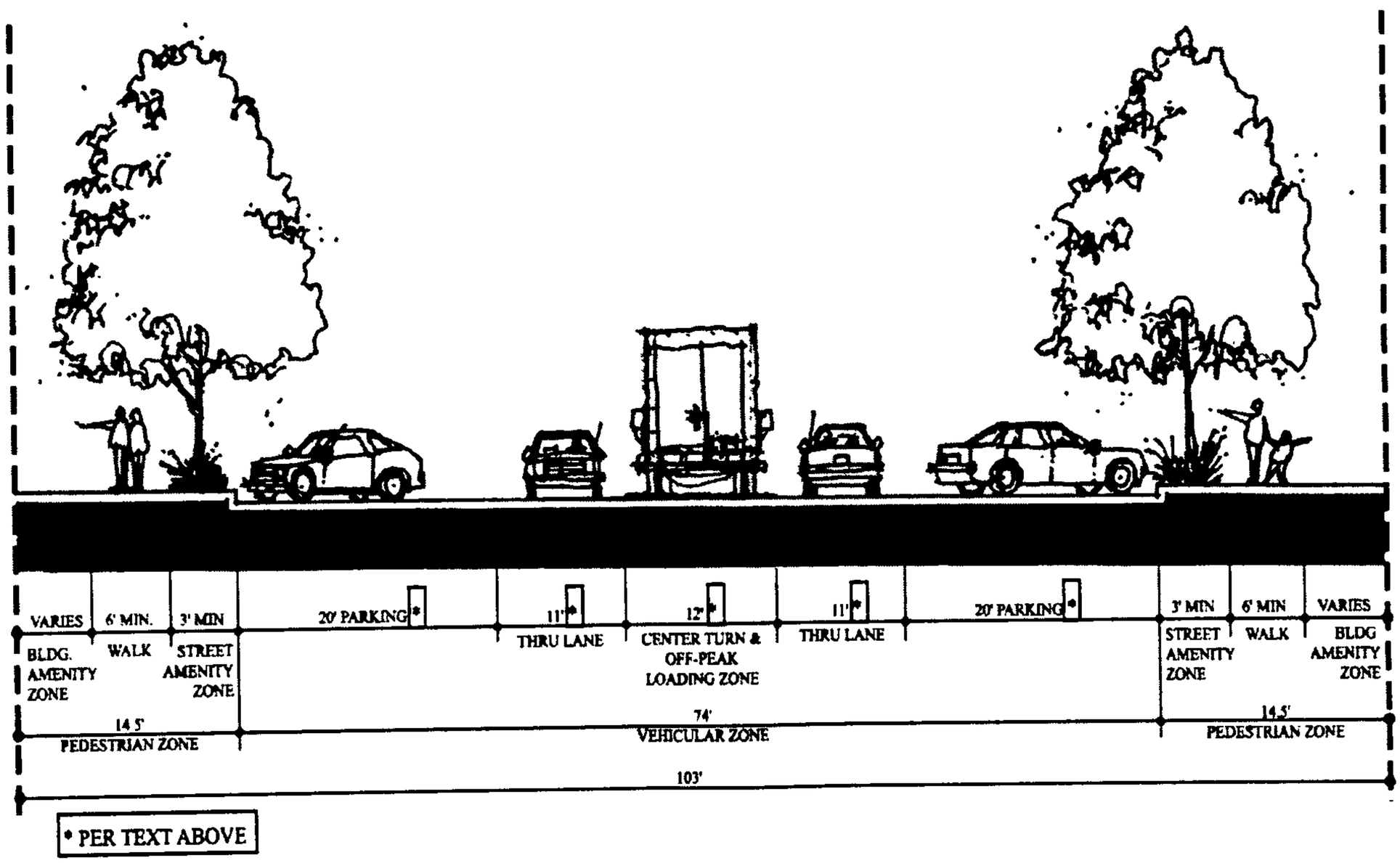
Proposed Indian School Road Modifications (under study)

Upon approval of appropriate traffic studies, Indian School Road may be modified to become a more pedestrian and business-friendly street and serve as one of the primary vehicular entry points into and through the site. The intent of the proposed street design, including the scale of the street in proportion to the high-density, mixed-use buildings on either side, is to create an exciting and memorable feeling of entry into a bustling and stimulating urban environment. The proposed redesign of the ABQuptown section of Indian School Road includes two lanes of traffic, angled on-street parking and pedestrian zones to provide a convenient and comfortable setting for street activity. In the street, the proposed center lane will serve as a loading/delivery zone during off-peak hours, as well as a left-turn lane at intersections. Pedestrian amenities such as sidewalks, site furnishings, lighting, signage, specialty paving, landscaping and a building amenity zone will reinforce the pedestrian presence on the street, while Indian School Road continues to accommodate vehicular use. Improvements within the Indian School right-of-way shall be coordinated with the City of Albuquerque City Engineer.



Proposed
Indian School Road
Plan Enlargement



* PER TEXT ABOVE

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Sincerely,

Stephen Verchinski

President

R-1
Zoning

GENERAL NOTES

SU-2
R-2
O-1
Zoning

1. This drawing constitutes the required submission for approval of a Site Plan for Subdivision.
2. The attached "ABQuptown Design Standards" are attached to and made part of this Site Plan for Subdivision.
3. Where not specifically regulated by the Standards, the Site Plan for Subdivision is subject to the regulations of the Uptown Sector Plan.
4. Where not specifically regulated by the Standards, the Site Plan for Subdivision is subject to all other City Ordinances and regulations.
5. Significant amendment of this Site Plan for Subdivision shall be by the Planning Commission; the Planning Director or his/her designee shall have the authority to make administrative amendments.
6. All development on these sites must be in conformance with this Site Plan for Subdivision and Standards.
7. Approval of development proposals consistent with this Site Plan for Subdivision and Standards shall be by the Planning Director or his/her designee, and the City Engineer.

SU-2
R-2
C-2
Zoning

	3	4	5	6
	SU-3 Outside Intense Core	SU-3 Outside Intense Core	SU-3 Outside Intense Core	SU-2, R-2, O-1 Outside Intense Core
or Retail	Open Sapce	Service and/or Retail and/or Office	Service and/or Retail and/or Office	Residential

ABQuptown Site Plan for Subdivision and Urban Design Standards

Things are looking Uptown.

Hunt-Uptown, LLC

Hunt-Uptown II, LLC

ÃBQ
uptown

A Guidebook

Albuquerque New Mexico

They asked for it

We've got it.

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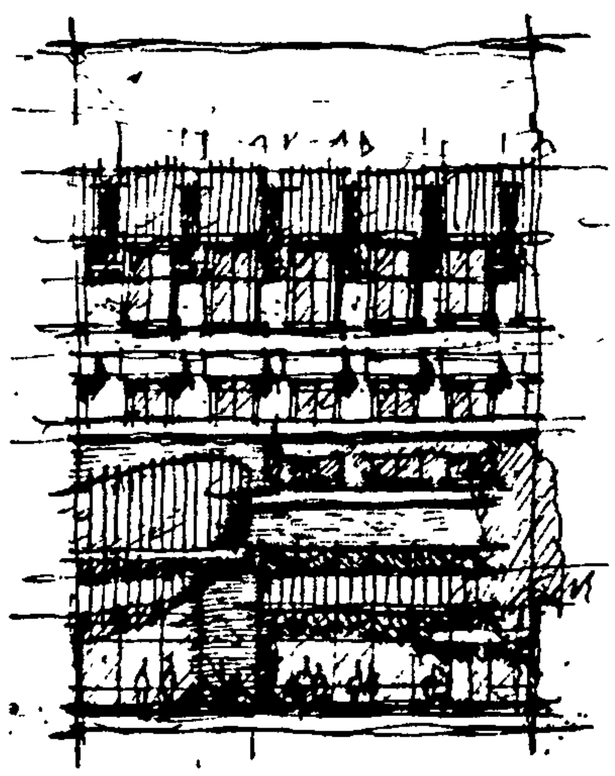
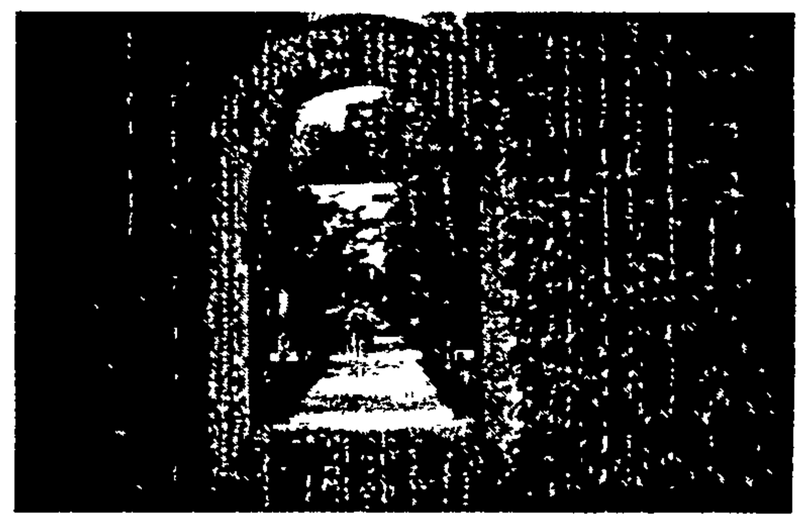
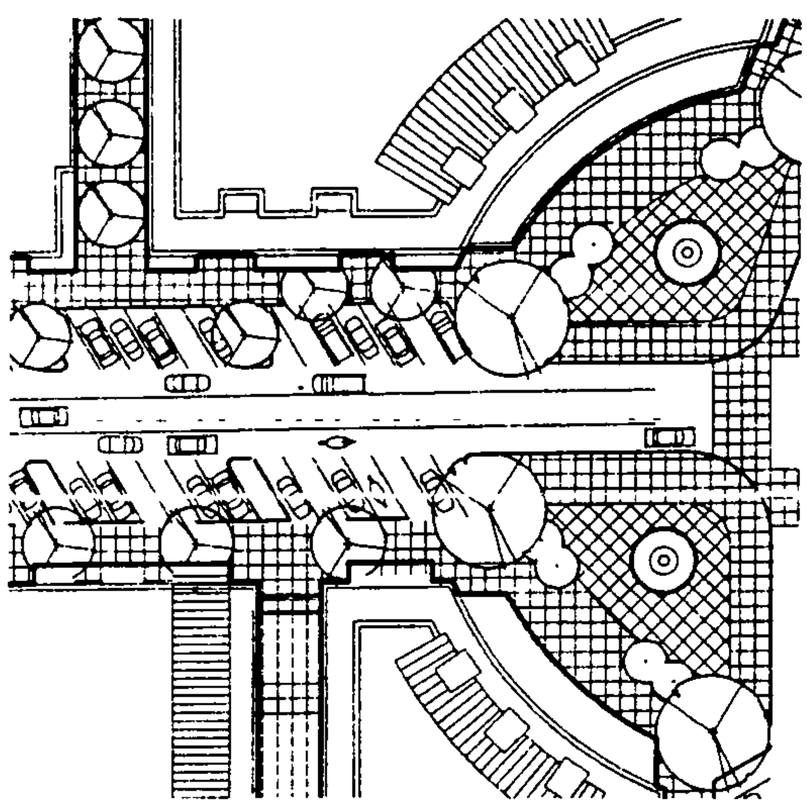
1.0 INTRODUCING ABQuptown

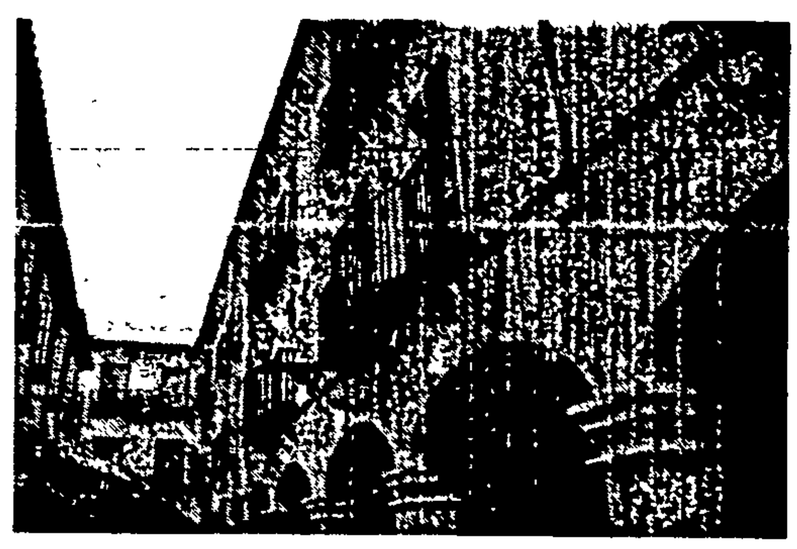
The best urban places are characterized by interaction among people and between people and the environment. This requires creation of an environment where people will linger and become active participants in the life of the street. ABQuptown will be that environment: a vibrant, pedestrian-oriented, mixed-use, high-density, urban-infill project, located in the heart of Uptown. It proposes a true mixture of residential, employment, entertainment and commercial uses to support a thriving work, live and play environment. The developers, Hunt-Uptown, LLC and Hunt-Uptown II, LLC, in conjunction with neighborhood residents and City staff, have worked diligently to produce a plan that fulfills the vision of the City for a mixed-used development that seamlessly integrates with surrounding uses and whose design and development will have long-lasting vitality.

This document describes the scope, design concepts and organizing principles of ABQuptown. It also establishes Urban Design Standards that, upon approval of the accompanying Site Development Plan for Subdivision, will guide and regulate all future development projects within ABQuptown.









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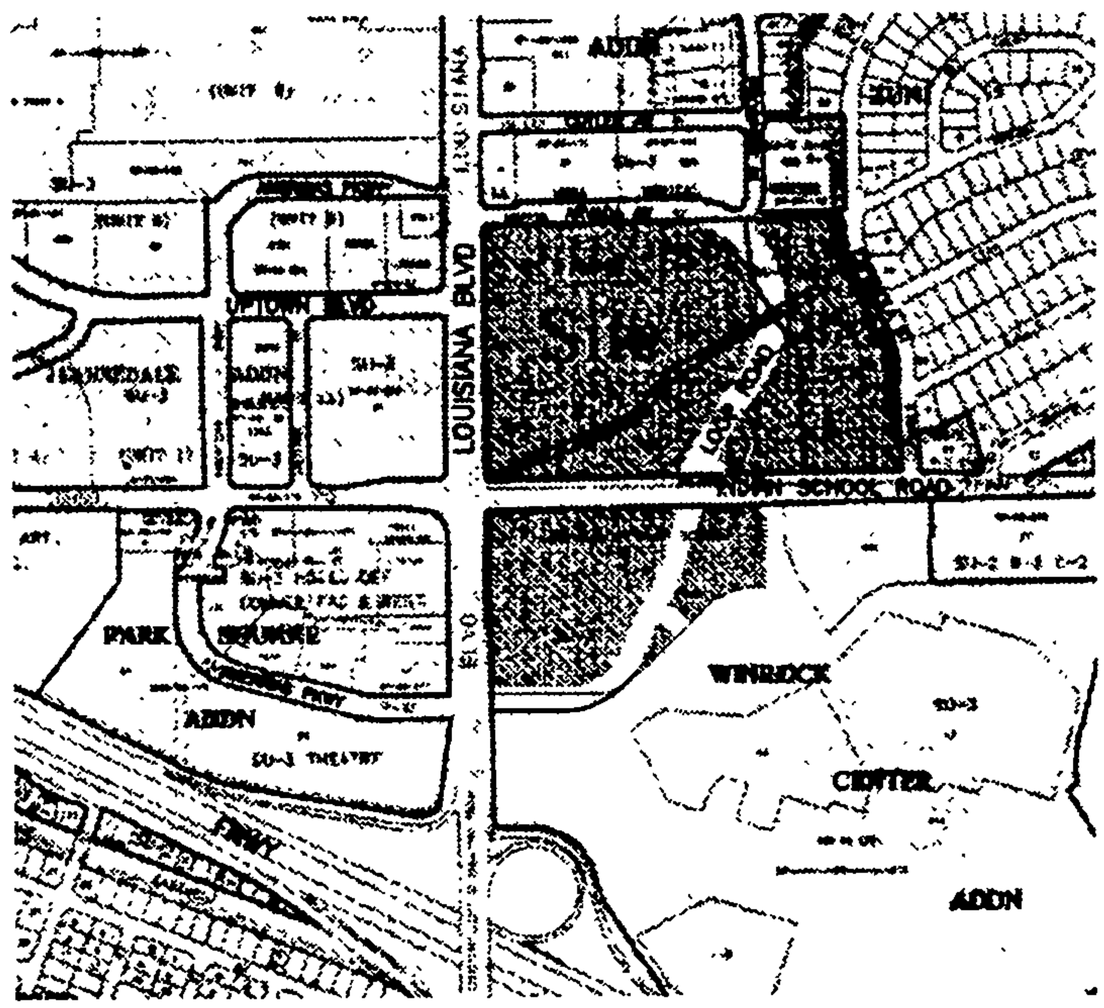
2.0 BACKGROUND

PROJECT LOCATION

ABQuptown's location presents a unique development opportunity in Albuquerque's history. The 40-acre ABQuptown site is located on the east half of the Uptown core. The site, which has stood vacant for more than 15 years, was formerly the location of the St. Pius X High School and Monroe Junior High School. The site is bounded by Louisiana Boulevard to the west, single-family residential development to the east, Winrock Shopping Center to the south, Coronado Shopping Center to the northwest and a mix of commercial uses, including two multistory hotels and an elderly-care facility to the north.



Location Plan

All public utilities necessary to construct ABQuptown are or will be in place at the time of development. Hunt-Uptown, LLC and Hunt-Uptown II, LLC have requested that PNM consider expansion of an existing substation in the area, possibly Beverlywood at Louisiana and Constitution, in order to provide the additional capacity that may be necessary to adequately, safely and reliably serve the electrical load projected for the entire development.

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SITE HISTORY AND URBAN CONTEXT

By the time the railroad arrived in Albuquerque in 1880, the City had not spread far beyond the ancient sandbanks of the river that formed the edges of the east and west mesa. Indian School ran to its namesake, as did Mountain Road. The beginnings of a dirt track snaked up the "lomas" at the east edge of town and another dirt track, destined to become Route 66, headed almost due east toward the gap in the Sandia and Manzano Mountains that connected Albuquerque to the eastern plains.

Construction didn't go much beyond the railroad tracks and Huning Highlands until 1889 saw construction of the first buildings of the University of New Mexico "on the hill" and a smattering of houses near what would become Presbyterian Hospital. By the turn of the century development was still concentrated in the valley, with a few scattered houses located east of the University.

In 1935, what we call "Uptown" today was featureless desert. The era of Clyde Tingley brought a huge boom in construction on the mesa. By the time he left public life in the early 1950's Albuquerque was blessed with an airport, a Little Theater, the fairgrounds, and some of the great architectural marvels of UNM - all built during the Depression by the WPA. The Second World War also brought a huge economic engine to Albuquerque--Sandia National Laboratories. Tingley, the mesa, and "the labs" collaborated to create the "Heights." Just as Clyde Tingley distributed Siberian Elm seedlings, his administration distributed water and sewer to the housing needed for the burgeoning Cold-War defense industry. Old subdivisions received public infrastructure for the first time, and new subdivisions directly north of the labs and the Air Force base were born, with them leapfrogging left and right across the mesa as demand arose, always seeking the cheapest land with infrastructure access. Nob Hill Shopping Center opened in 1947, and Hoffmantown Shopping Center--where the paved roads ended--in 1951.

Louisiana Boulevard, 1935

During this time, subdivisions began to appear around Uptown- with no apparent connection to each other or even to roads. The intersection of Louisiana and Indian School was still a dirt "X."

By 1960, the intersection of Louisiana and Menaul was paved, and Louisiana was paved south to Central. Indian School was still a dirt track. However, two schools had been built. St. Pius X High School by the Archdiocese of Santa Fe and Albuquerque Public Schools' Monroe Junior High School, to handle the educational needs of the families that now surrounded Uptown. There was also a bit of scraping going on in the southeast quadrant of Uptown--a portent of things to come.

Louisiana Boulevard, 1951

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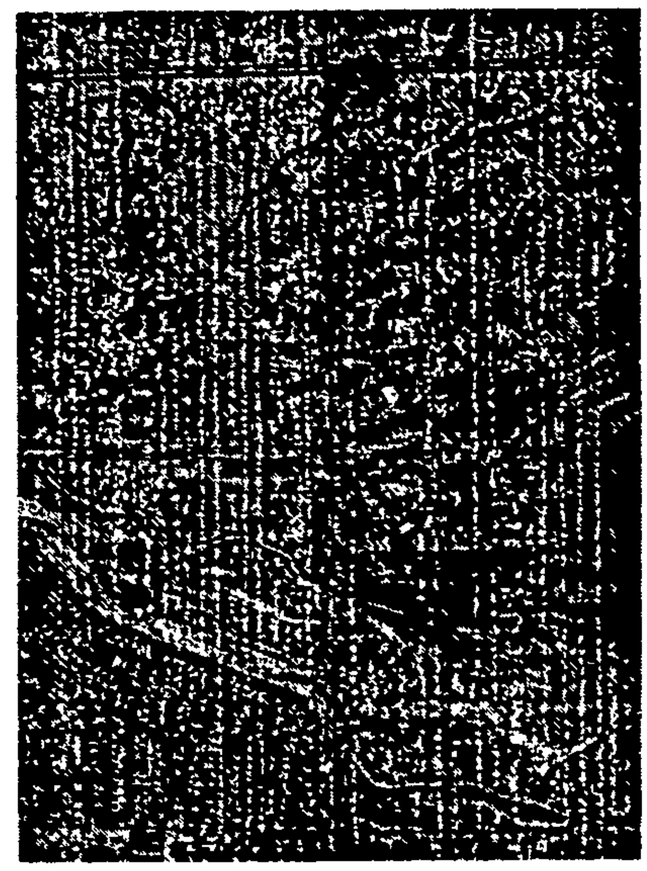
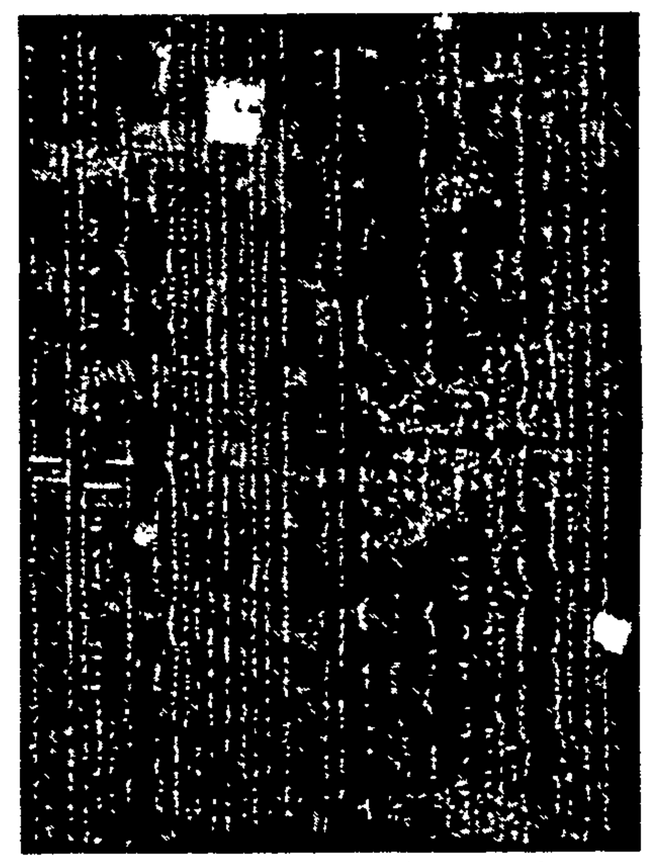
By 1967, that portent had become a mall and a freeway. Winrock Shopping Center had been built, as had the eastern half of Coronado Shopping Center. I-40 and I-25 were joined, and the fates of Downtown and Uptown were joined, too. The retail opportunities in Uptown simply overwhelmed the retail model of Downtown, and as such, Downtown started to empty. New development was taking place in Uptown. With its retail requirement quite replete, Uptown began to fill in with other uses. The Landmark Apartments opened in 1965, and the La Mesa Medical Center a year later.



Louisiana Boulevard, 1959

In 1969, demolition of the Alvarado Hotel ushered in an era of "redevelopment" in Downtown at the exact time development was shifting its gaze from Downtown to Uptown. Albuquerque lost many old buildings and gained many "temporary" parking lots, many of which still exist. In Uptown, the Warren Apartments were built, as was the Coronado Six movie theatre. City Center, the twin white towers, opened in 1972, and grading was just beginning for what would become the Marriott and Park Square developments. The ten years between 1975 and 1985 saw a massive building boom in Uptown, almost entirely of office space, and by 1986, Uptown had essentially achieved its present form.



Louisiana Boulevard, 1986

In 1988, Uptown set forth on a new course: Having served as an educational center for the northeast heights for three decades, St. Pius X moved to the west side where new residential growth was taking place. The last class graduated in spring of that year; and in anticipation of redevelopment, the school was demolished that very summer. Monroe School was converted briefly into an alternative school, but it too fell to the wrecking ball in 1990.

Louisiana Boulevard, 1991

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3.0 REGULATORY CONTEXT AND DESIGN REVIEW PROCESS

UPTOWN SECTOR PLAN

ABQuptown is located within the boundaries of the *Uptown Sector Plan*. The goal of the *Uptown Sector Plan* is to create a high-density, mixed-use, pedestrian-friendly urban core in the Uptown area. The plan was adopted in 1981 and amended in 1985, 1988 and 1995. Development at ABQuptown is regulated by the *Uptown Sector Plan*; however, the 1995 amendments were set aside upon appeal as they relate to the St. Pius site. ABQuptown is zoned SU-3 for Intense Urban Core, SU-3 for Outside Intense Core and SU-2, R-2 and O-1. These zoning designations set extensive policy and design controls for development within each of the zones and require that all development be subject to Site Development Plan approval.

URBAN DESIGN STANDARDS

The Urban Design Standards create a framework through which ABQuptown can evolve into the urban neighborhood envisioned by the City and the community. The Urban Design Standards guide the development and quality of the urban environment by regulating design solutions pertaining to streetscape, pedestrian amenities, landscaping, parking, building form and use, and signage. The Urban Design Standards are provided to assist the City in realizing the intended outcome of ABQuptown through the application of clear and concise design requirements.

DEVELOPMENT REVIEW PROCESS

All Site Development Plans for Subdivision will be reviewed by the Environmental Planning Commission. All Site Development Plans for Building Permit subsequent to, and in compliance with, a Site Development Plan for Subdivision shall be reviewed and approved by the Planning Director, or his or her designee, per the Uptown Sector Plan. All site development plans shall comply with the policies and design controls of the Uptown Sector Plan and with the ABQuptown Urban Design Standards. In addition, all site development plans for subdivision shall comply with all applicable City regulations. Building permits for projects will not be issued until the Planning Director grants final written approval of Site Development Plans for Building Permits.

An approval granted for a Site Development Plan for Subdivision is valid, subject to review pursuant to the City of Albuquerque Zoning Ordinance. Site Development Plan for Building Permit approvals are valid for two years and subject to extension, as specified by the Uptown Sector Plan.

AMENDMENTS AND MODIFICATIONS

The Urban Design Standards may be amended or modified as needed, with the consensus of an authorized ABQuptown representative and the City of Albuquerque Planning Director, in order to fulfill the overall project goals. Exceptions to these standards may be granted, with the consensus of an authorized ABQuptown representative and the Planning Director, due to specific hardship to better meet the intended goals of the project. The Planning Director shall have the authority to forward such amendment requests to the Environmental Planning Commission for consideration.

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4.0 URBAN DESIGN CONCEPTS

BENEFITS OF SUCCESSFUL URBAN ENVIRONMENTS

The primary goal for the development of ABQuptown is to create a new urban village, in harmony with the context of the greater Uptown area. This village will contain all the uses found in socially and economically successful urban environments. Benefits of successful urban environments include:

- Sustainable utilization of resources and real estate through density.
- Sustained real estate values through quality development.
- The reduction of traffic by providing a significant amount of housing and making the area "walkable" and pedestrian-friendly.
- The creation of great third-place locations where people want to be.
- Economic vitality through a variety of retail, service and residential uses.

ELEMENTS OF SUCCESSFUL URBAN AREAS

Many elements contribute to the success of urban areas. Integration of the following concepts into the development plan for ABQuptown will create long-term vitality for ABQuptown and surrounding properties.

STREETSCAPES

***A hierarchy of streets** to promote wayfinding through familiarity:* Including streets that vary in composition, width and amenities will improve wayfinding and orientation for first-time visitors and longtime residents. The street system might be composed of major thoroughfares, "main streets" with on-street parking, secondary streets for through circulation and alleys for access to parking structures and service areas.

***Continuity of urban design elements** to unify the area:* Utilization of common urban design elements in the streetscape will provide continuity throughout the area. This continuity provides a necessary counterpoint to the architectural variety of building designs, fosters a sense of familiarity and comfort, and further reinforces the traditional urban quality of the streets.

AMENITIES

***Dynamic public open spaces** at key points along the street, including courtyards and plazas:* Open spaces, including courtyards and plazas, will provide visual relief from the relative uniformity of the streetscape. These spaces provide gathering places and open space for residents and patrons alike.

***Continuity of pedestrian paths** both to and within the urban village:* Continuity of pedestrian pathways into and throughout the area will ease movement of pedestrians, thereby reinforcing the park-once-and-walk philosophy.

PARKING

*Convenience **parking on the street** with easy access to concealed structured parking:* Patrons arriving at the site by car will drive by on-street parking spaces along their way. If on-street parking is occupied, there will be easy access to parking structure entrances directly off of the street. On-street parking promotes activity, buffers pedestrians from through traffic and creates an instant pedestrian force.

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Transit

***Ease of movement** both to and within an area via transit:* On-site connections to the local and regional transit systems will facilitate movement to and from other parts of the City, increasing the interconnectedness of the new development within the fabric of the existing City.

Architecture

Building development to the edges of blocks, to create an **urban street environment:** Buildings will be developed to reinforce the street edge through the use of "build-to" zones in which portions of the facade will be required to be within certain distances of right-of-way easements. These requirements will create strong urban edges and help define usable urban spaces.

***Active uses on the street** with open, inviting facades:* Active uses such as retail and service uses, including entertainment and restaurant uses, will create opportunities for pedestrian movement and interaction, thus enlivening the street. Traditional commercial facades with appropriate fenestration will provide a strong visual connection between the street and the uses of buildings, benefiting businesses and patrons alike.

A **mix of uses** *to support area residents and merchants and to attract visitors and patrons from other parts of the city:* A combination of residential, retail, service and office uses, including entertainment and restaurant uses, will add vitality to the area as well as encourage a "park-once" mentality where residents and guests utilize transit or park their cars and walk between uses.

***Anchor-level active uses** spaced along the street to draw along pedestrians/patrons:* Major retailers, restaurants, and entertainment uses will create destinations for pedestrians. Spacing these anchors along the street will draw pedestrians between them, creating activity on the street and benefiting all of the businesses along the way.

A strong **residential component:** A critical mass of residences will expand a sustainable and ready-made workforce and patron group for the office, retail and service uses within the area. The large numbers of people who live here will create activity by supporting retail and service uses, thereby attracting others from outside the area.

***Residential units above the street** to provide twenty-four hour "eyes on the street":* Residences above retail, service or office uses will provide activity twenty-four hours a day. During the day, when residents are at work, office, retail and service patrons will fill the streets. In the evening, residents and visitors will provide a customer base for retail, entertainment and restaurant uses. At night, the residents will provide a presence that is absent in strictly retail and service areas, thereby enhancing safety on the street.

***Architecturally diverse buildings** to create texture and variety:* Designing buildings to promote individuality rather than a single "look" lends to the sense that the area evolved. This diversity of design will add to the level of texture, variety and complexity found in traditional urban spaces.

***Seamless continuity** with surrounding neighborhoods:* The blending of uses between the various districts, the extension of streets, and the design of the project's perimeter will make the project feel as if it evolved along with the rest of the Uptown area.

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ABQuptown

ABQuptown's Character

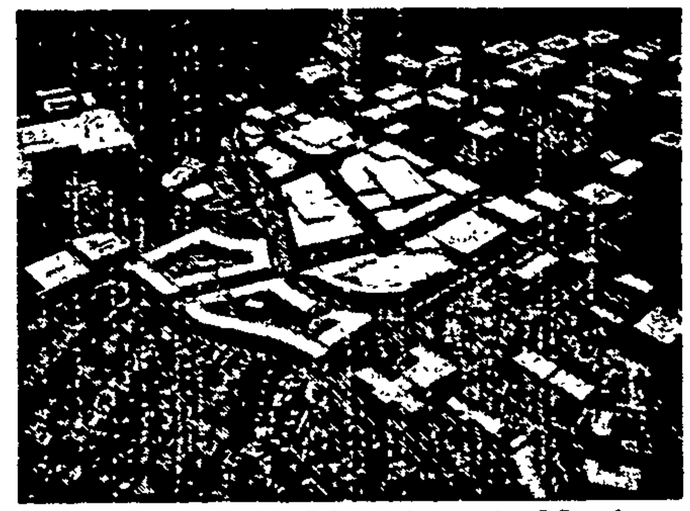
The fabric of ABQuptown blends seamlessly with the surrounding area. Its major gateway is located near the very heart of Uptown, at the intersection of Indian School Road and Louisiana Boulevard. The density of uses builds gradually from this intersection to its peak along the new Q Street, which connects anchor tenants in landmark buildings at each end. The intensity diminishes gradually toward the east, with ever-lessening residential densities right up to the project's eastern edge of single-family dwellings at Espanola Street. The northwest and southeast corners provide direct connections between Uptown's existing retail shopping centers by way of a network of pedestrian-friendly streets with active uses such as retail, restaurant and entertainment venues.

The streets are characterized by buildings of varying architectural form, the consistent use of high-quality materials, street furniture and lighting and the presence of pedestrian pathways. Street trees and supporting landscaping reinforce the sense of a unified, pedestrian-friendly urban village. On-street parking, combined with easy access to parking structures off the street, creates an instant pedestrian force.

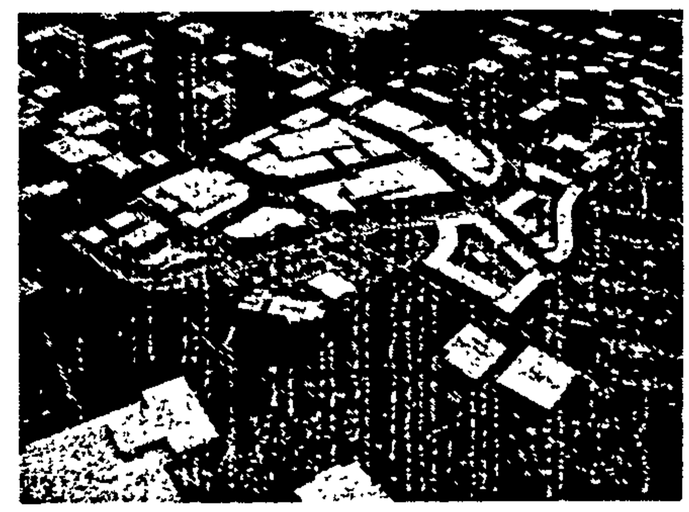
Residences and offices above the active on-street uses provide "eyes on the street," which facilitate a safer pedestrian environment day and night. Entertainment uses such as a multiscreen theater, in-line restaurants and sidewalk cafés provide opportunities for pedestrians and residents to linger and enjoy the area's ambiance.

These types of urban patterns, streets, land uses and architecture are the components of excellent urban places and reflect the latest trends in American urban design and planning.

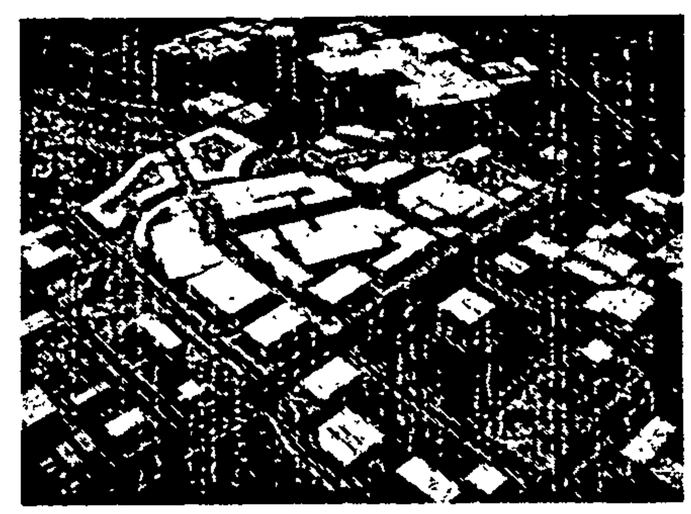
Preliminary Massing Model
(design as illustrated by model is not to be considered final or approved)



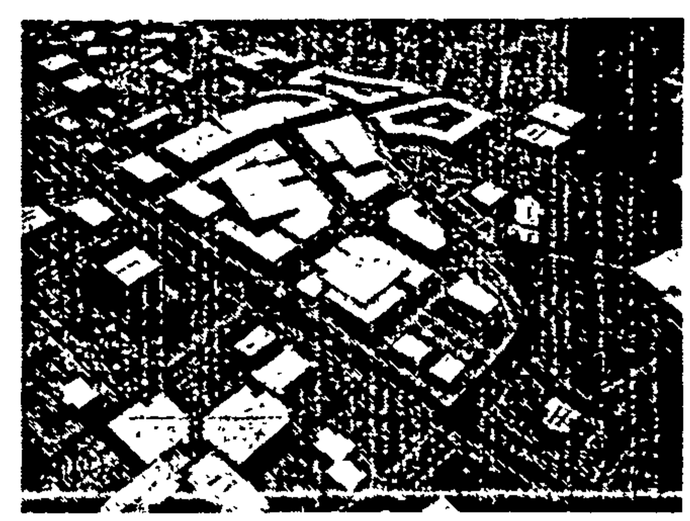
View from the Northeast



View from the Southeast



View from the Northwest



View from the Southwest

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PLANNING AND ARCHITECTURAL THEMES

The following themes have and will continue to guide the planning, design and implementation of ABQuptown:

Mixed-Use

This concept is one of the most important for creating and maintaining vitality in urban spaces. Stacking residential, office and service uses above ground-level retail and service spaces provides dynamic synergies that are lost when these same uses are horizontally separated. Cross-traffic between uses generates interaction among people at all hours of the day. By lining the street level with shops, restaurants, entertainment venues and residential and office entrances, foot traffic is nearly continuous day and night.

Orientation of Uses: The Importance of the Street

The activation of the street is critical to the success of traditional cities. Locating buildings adjacent to and oriented toward the street creates well-defined sidewalks lined with active uses, focuses pedestrian traffic and facilitates urban excitement and vitality.

Pedestrians First

A by-product of mixed-use development and orienting buildings to the street is a dynamic pedestrian environment. Spatial variety and visual relief are equally important to pedestrians. Therefore, urban sidewalks must be punctuated with appropriate open spaces such as courtyards and plazas. Continuity and visibility of pedestrian paths across roadways and into surrounding areas are also critical for putting the pedestrian first.

Uniquely New Mexico

Most memorable and successful cities provide not only a unique urban experience, but also a cultural experience identifiable with their location. New Mexico is world-renowned as a one-of-a-kind, special place--the Land of Enchantment. ABQuptown will capitalize on that reputation by integrating New Mexican iconographic elements into its architecture. The authenticity associated with the various New Mexico architectural styles, art and natural materials will be used to create urban texture and celebrate our diversity while also providing continuity with this enchanted place.

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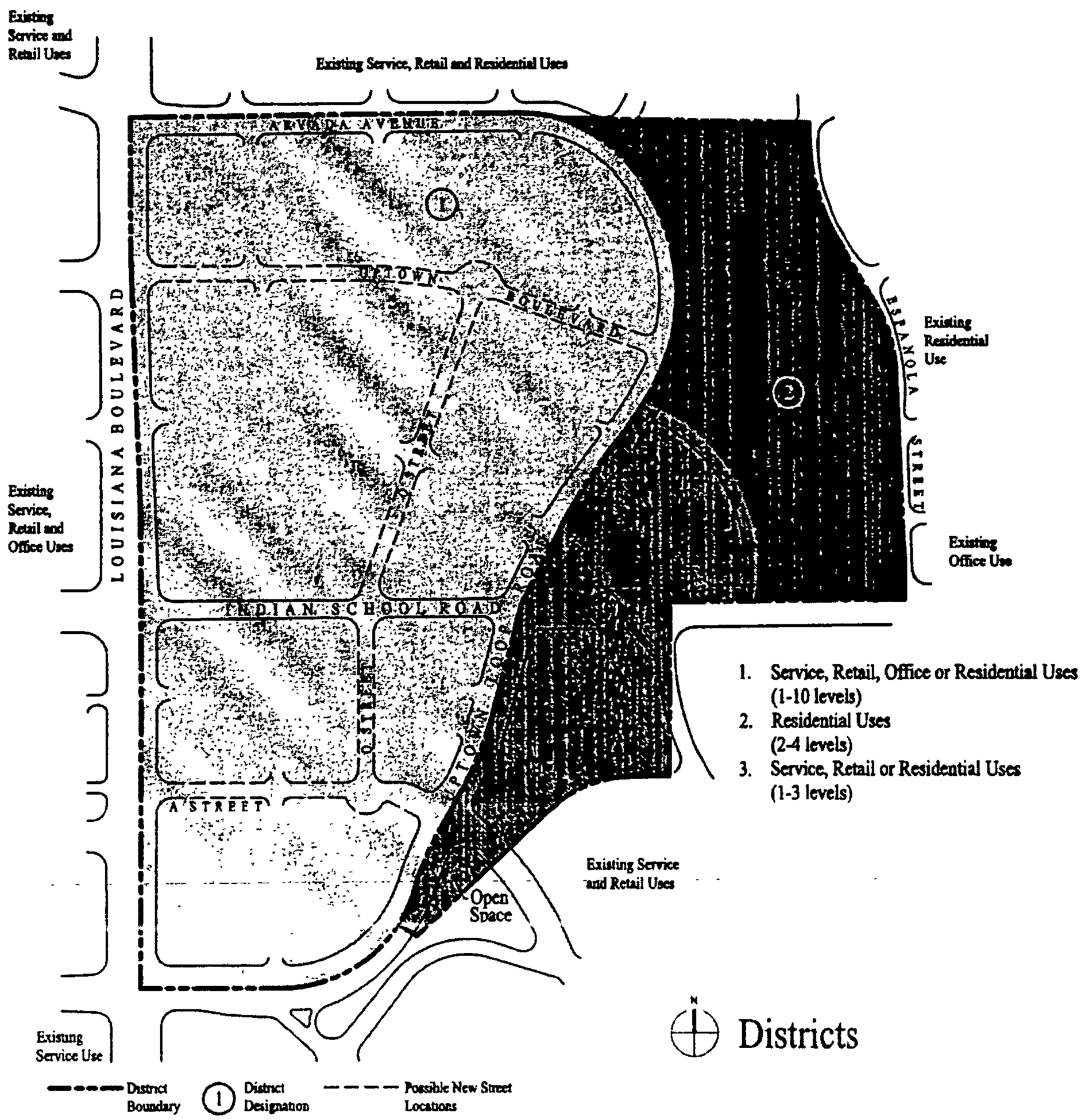
ORGANIZING FEATURES

The ABQuptown plan acknowledges that traditional urban areas thrive on diversity of places. Intensity focused in appropriate districts and a diversity of spaces, uses and architecture help visitors and residents alike differentiate places and orient themselves.

DISTRICTS

The ABQuptown area is conceptually comprised of districts that relate to each other and their surroundings, creating appropriately scaled places that make up successful urban areas. When considered in total, ABQuptown's three districts form a unique urban texture that complements and contributes to the greater Uptown area.



Districts

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District 1 - Commercial/Entertainment Core

This district is the heart and soul of ABQuptown. The density and intensity of uses is greatest in this area, with active, pedestrian-oriented uses lining all the new streets, as well as Indian School Road, Louisiana Boulevard and the Uptown Loop Road at the intersections. This district extends to meet the existing major thoroughfares on all sides to provide strong pedestrian connections with the surrounding area. Convenient access to primary infrastructure ensures ease of movement. Uses within this district include ground-level retail and service uses including restaurant and entertainment venues. Upper levels include residential and office uses as well as retail and service uses.

District 2 – Service and Retail

This parcel, just outside the intense core and abutting existing Winrock Shopping Center, provides an opportunity for retail and service uses that require more frequent vehicular traffic. Potential uses include an urban scale grocery store. Residential units above the street level can provide additional density appropriate to the site and adjacent to the residential district to the north.

District 3 – Residential

This district consists of residential uses that diminish in density toward the east and away from the intense core. Potential housing types are: row houses, medium-density apartments and townhouses. This transition of product types gradually reduces the density of development to provide an appropriate edge with the single-family housing along the eastern boundary of the area. The new housing along this edge faces Espanola and the existing residential neighborhood, in order to foster a connection between the new and existing neighborhoods.

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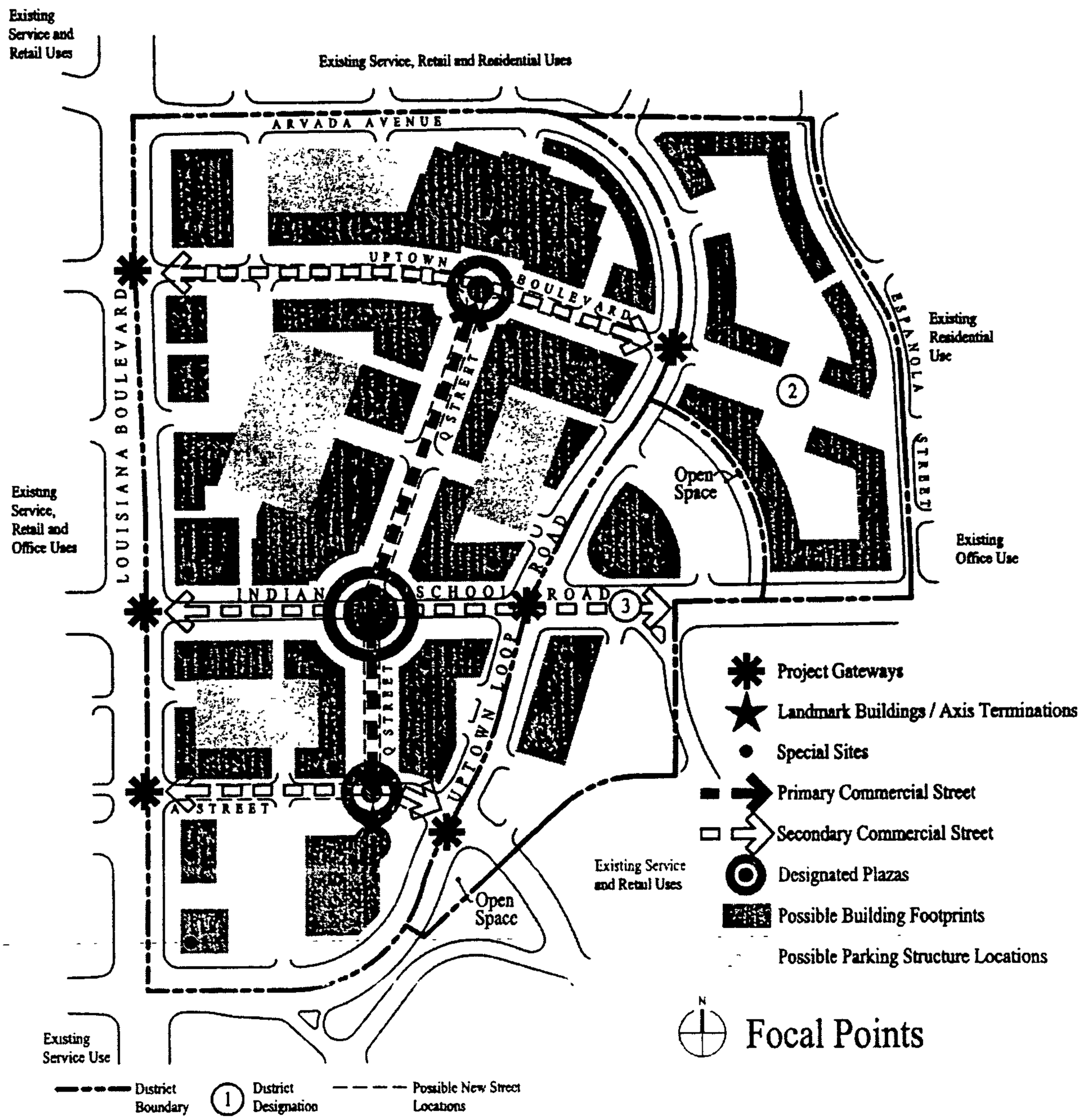
FOCAL POINTS AND SPECIAL SITES

The urban nature of traditional cities is characterized by diversity in building forms and public spaces. The ABQuptown plan promotes this diversity by recognizing special features within the districts that will create focal points at specific locations.

The Focal Points diagram, which reflects the design illustrated in the accompanying conceptual site plan, features the organizing elements of ABQuptown. These elements include:



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Project Gateways

These are the primary points of access into the site for the majority of visitors, and the design of these areas will provide visitors with their initial impression of the ABQuptown image. The environmental design of these project entryways, including the architecture, landscaping, signage, graphics and art, will introduce the project by reflecting the sense of quality, style and energy of ABQuptown.

Landmark Buildings/Axis Terminations

These buildings are focal points for ABQuptown and the surrounding area. People will use these icon buildings to orient themselves in the urban environment, and the design of the buildings will become synonymous with ABQuptown.

Special Sites

Typically located at highly visible corners, the design of the architecture, landscape and graphics at these special sites will further contribute to the public perception of ABQuptown. The buildings, sidewalks, small plazas, landscapes and signs will tell part of the high-quality urban New Mexico story and together will contribute to the formation of the ABQuptown image.

Primary Retail/Service Street

The is the main retail/service street, where a dense mixture of uses, including ground-level retail and restaurants, eclectic New Mexico architecture and broad landscaped pedestrian zones, will create a dynamic, fun and memorable urban experience. This is the primary internal corridor that will connect ABQuptown's major public spaces and places.

Secondary Retail/Service Street

This is a street that weaves ABQuptown into the surrounding urban fabric and moves people and vehicles into and through the site. This street is typically framed by mixed-use buildings, with street-activating ground-level retail and service uses, which will contribute to an active and interesting urban environment.

Designated Plazas

These are the primary public spaces at ABQuptown. Highly visible locations and unique and memorable designs will provide visual and physical relief from the dense urban environment. These spaces, which may be associated with adjacent architecture and may include public art, landscaping, fountains, shade and pedestrian-oriented site furnishings, will serve as orienting features within ABQuptown.

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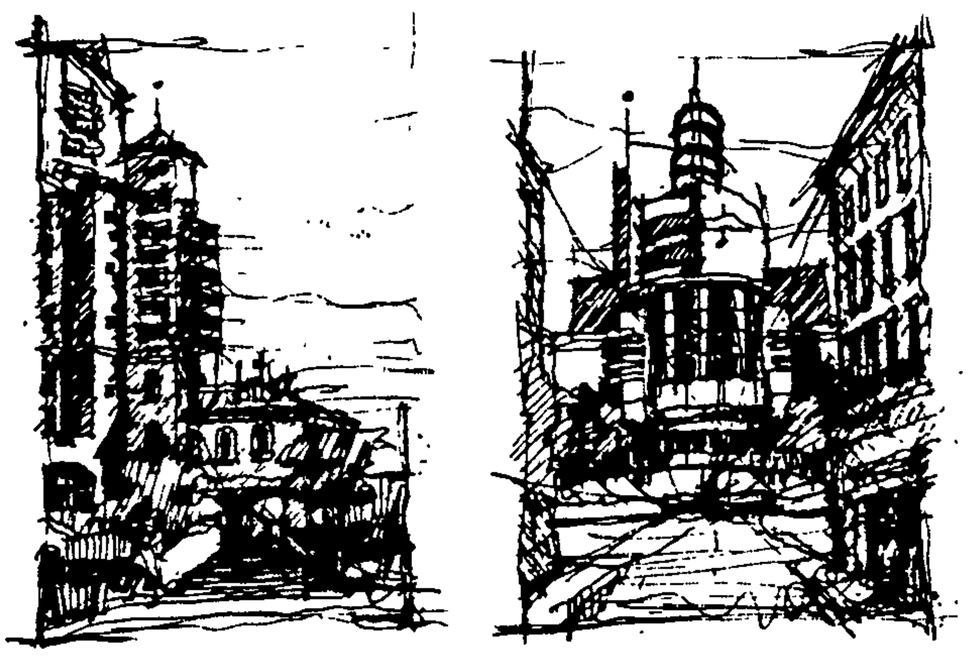
DISTRICT DESCRIPTIONS

DISTRICT 1 - COMMERCIAL/ENTERTAINMENT CORE

Q STREET

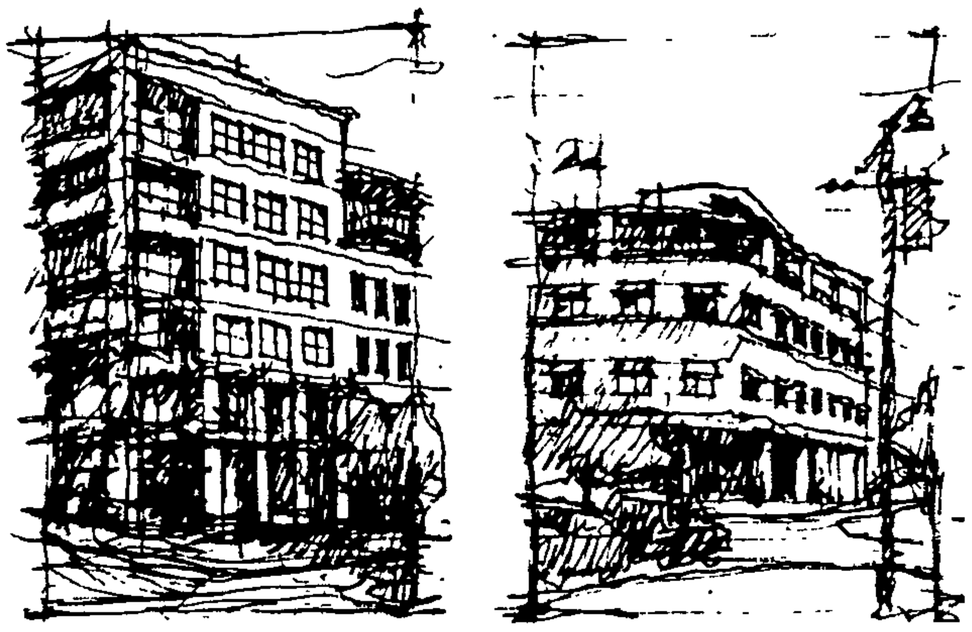
This is the primary mixed-use, urban street in the area where the densest development occurs. It is lined with retail/service spaces at the street level and with retail, service, residential and office spaces above. Angled, on-street parking will be provided along the length of the street. The following focal point opportunities occur along Q Street:

Intersection of Q Street and Uptown Boulevard:
A landmark building and urban plaza mark the termination of Q Street at Uptown Boulevard. This site's potential use is as an entertainment venue such as a theater or an anchor retail tenant. The southeast and southwest corners are special sites where the architecture of the buildings will address the corner in an appropriate way.



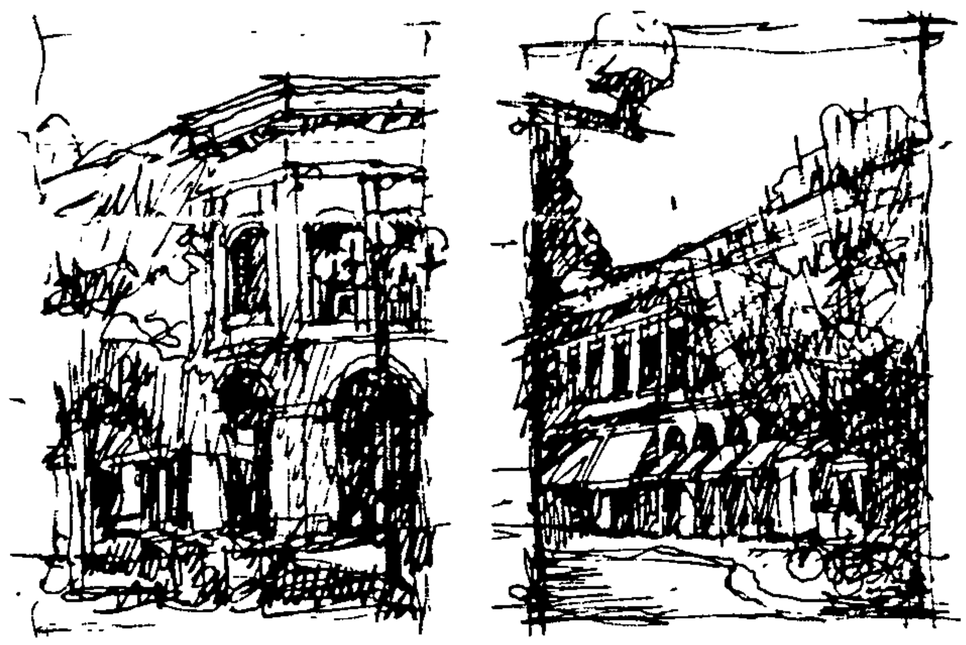
Landmark Buildings

Intersection of Q Street and Indian School Road:
This is the central intersection of ABQuptown. All four corners of this intersection are special sites where the architecture of the buildings will address the corner in an appropriate way. The corners of the buildings will be set back to create urban plazas at all four corners.



Buildings that Address Street Corners

Intersection of Q Street and A Street
The northeast and northwest corners of this intersection form the south end of Q Street and will address the corner in an architecturally appropriate way. The buildings on these special sites should extend out to or near the boundary of the "build-to" zone to create a more intimate outdoor urban space.



Q Street and A Street Building Types

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Uptown Boulevard

Uptown Boulevard is a secondary retail/service street connecting existing Uptown Boulevard at Louisiana Boulevard with the northeastern leg of the Uptown Loop Road. Retail and service uses line Uptown Boulevard at the street level while retail, service, residential and office spaces occur above. Angled, on-street parking will be provided along the length of the street. Several focal points occur along this street.

Intersection of Uptown Boulevard and Louisiana Boulevard

This intersection is one of the project gateways where a design statement will be made to draw patrons into the project. The northeast and southeast corners are special sites where the architecture of the building will address the corner in an appropriate way. There will also be a strong connection to the internal pedestrian-path network.

Intersection of Uptown Boulevard and the Uptown Loop Road

This intersection is also a project gateway. The properties stated in the paragraph above also apply to these corners.

Indian School Road

The characteristics of Indian School Road are similar to those of Uptown Boulevard stated above. This is an existing, high-capacity minor arterial that will be converted to a secondary retail/service street. A significant amount of traffic will be diverted from this street with the completion of the southeast quadrant of the Uptown Loop Road. Project gateways occur at both ends of Indian School Road and the primary intersection within ABQuptown is at the intersection with Q Street. See Q Street requirements for guidelines for this intersection.

Intersection of Indian School Road and Louisiana Boulevard

This intersection is another project gateway where a design statement will be made to draw patrons into the project. The northeast and southeast corners are special sites where the architecture of the buildings will address the corner in an appropriate way.

Intersection of Indian School Road and the Uptown Loop Road

This intersection is also a project gateway. The properties stated in the paragraph above also apply to these corners.

Service or Retail with Office/Housing Above

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Other Intersections

Intersection of Louisiana Boulevard and the Uptown Loop Road (Arvada Avenue)

This intersection is the northwest corner of the planning area and provides a significant opportunity to set the architectural tone for patrons' arrivals at Uptown's intense core. The architecture of the building will address the corner and provide access to pedestrians. There will also be a strong connection to the internal pedestrian-path network.

Intersection of A Street and the Uptown Loop Road

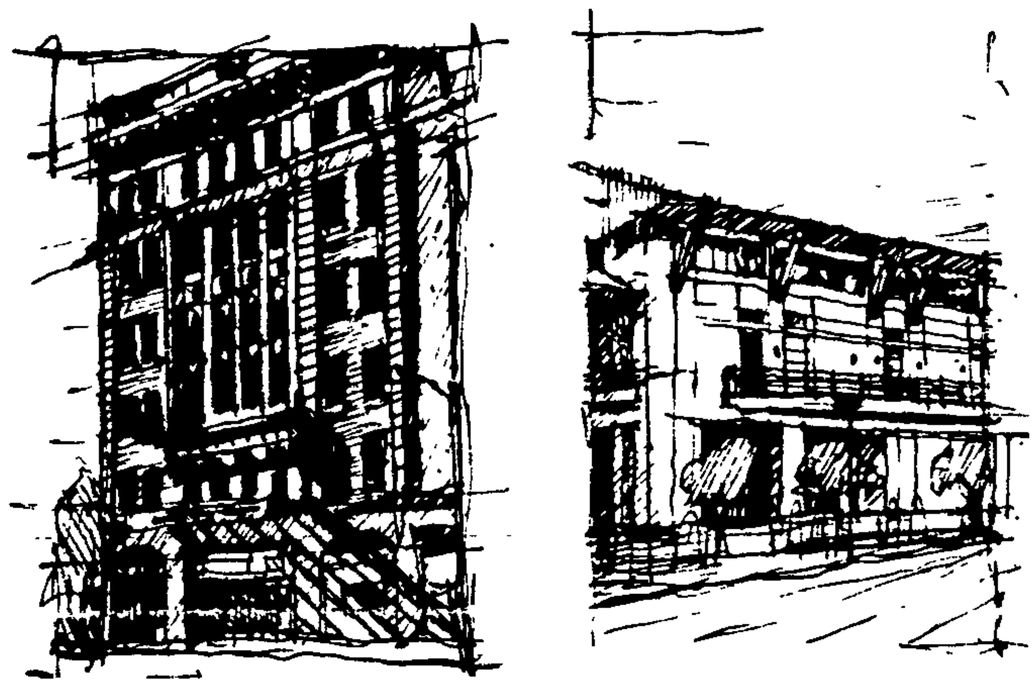
This intersection is one of the project gateways, as well as the primary pedestrian and vehicular connection with Winrock Shopping Center. A landmark building site, potentially a hotel, will anchor the south end of Q Street. The architecture at this location will include an iconic element that terminates the Q Street axis and provides a memorable feature for people and traffic entering the south end of the area.

Intersection of A Street and Louisiana Boulevard

This right-in/right-out intersection is a strong secondary vehicular and pedestrian entrance into the site. The southeast corner is a special site where the architecture of the building will address the corner in an appropriate way. There will also be a strong connection to the internal pedestrian-path network.

Intersection of Louisiana Boulevard and the Uptown Loop Road (Americas Parkway)

This intersection is at the southwest corner of the project site. Development on the property will provide visitors with their first impression of ABQuptown upon approach from Interstate 40 and points south. The scale of the corner building is relatively low to allow views of the taller buildings beyond, such as the landmark and mixed-use buildings along Q Street. The architecture of the building will address the corner and provide access to pedestrians. There will also be a strong connection to the internal pedestrian-path network.



Retail or Service Building

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District 2 — Service and Retail

Intersection of Indian School Road and the Uptown Loop Road

This intersection is the primary project gateway serving traffic from the east. The southeast corner is a special site where the architecture of the building will address the corner in an appropriate way.

Intersection of A Street and the Uptown Loop Road

This intersection is one of the project gateways and the primary pedestrian and vehicular connection with Winrock Shopping Center.

Two-Story Retail or Service Building

District 3 — Residential

Uptown Loop Road

The Uptown Loop Road is the line of transition between Uptown's intense core and the area outside the intense core. This edge is also where the mix of uses and density begins to taper to meet the existing single-family neighborhood to the east of Espanola Street. Residential row houses and lofts will front the Uptown Loop Road in the manner of an urban parkway. Special sites occur at the northeast and southeast corners of the intersection of Uptown Boulevard and the Uptown Loop Road. The architecture of the buildings at these corners will address the corner in an appropriate way to signify a sense of entry into this residential area.

A linear open space, incorporating a tree-lined pedestrian path, will connect Uptown Loop Road and Indian School Road between the residential and retail/service uses.

Espanola Street

Espanola Street is the edge where ABQuptown joins the existing single-family residential area to the east. The majority of homes within the existing neighborhood face the east/west residential streets with the side yards of the houses at the ends of the blocks fronting Espanola Street. Lower-density townhouses or apartments will be built at ABQuptown along Espanola Street to provide a compatible use between the existing neighborhood and the higher-density, mixed-use buildings within ABQuptown's interior.

Townhouses and Apartments

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5.0 URBAN DESIGN STANDARDS

INTRODUCTION

The Urban Design Standards create a framework through which ABQuptown can evolve into the urban neighborhood that has always been envisioned. In conjunction with the approval of the Site Development Plan for Subdivision, these standards will ensure that the implementation of ABQuptown will reflect the vision. Guiding development to increase in intensity from the single-family residential edge to a culmination of density at the core, the implementation of these design standards will complete Albuquerque's second urban center: ABQuptown.

STREETSCAPE

The ABQuptown streetscape provides a unifying setting for the creation of a dynamic, eclectic, urban destination in Uptown. In combination with the project architecture, project iconography, graphics and signage, the streetscape will play an important role in communicating project themes, establishing an ABQuptown identity and providing the spatial framework to accommodate pedestrian and vehicular access to the activities of a modern, mixed-use urban center.

The streetscape is the composition of visible improvements and amenities within and immediately adjacent to the street. At ABQuptown, the streetscape includes a pedestrian zone and a vehicular zone, and is most often spatially defined by the architecture that is developed along the edge of the street. Broad descriptions of the typical components of the pedestrian and vehicular zones are provided below. Architecture standards, as well as additional standards for pedestrian amenities, landscape design, signage and lighting, are provided in separate sections of this document.

Streetscape Scenes

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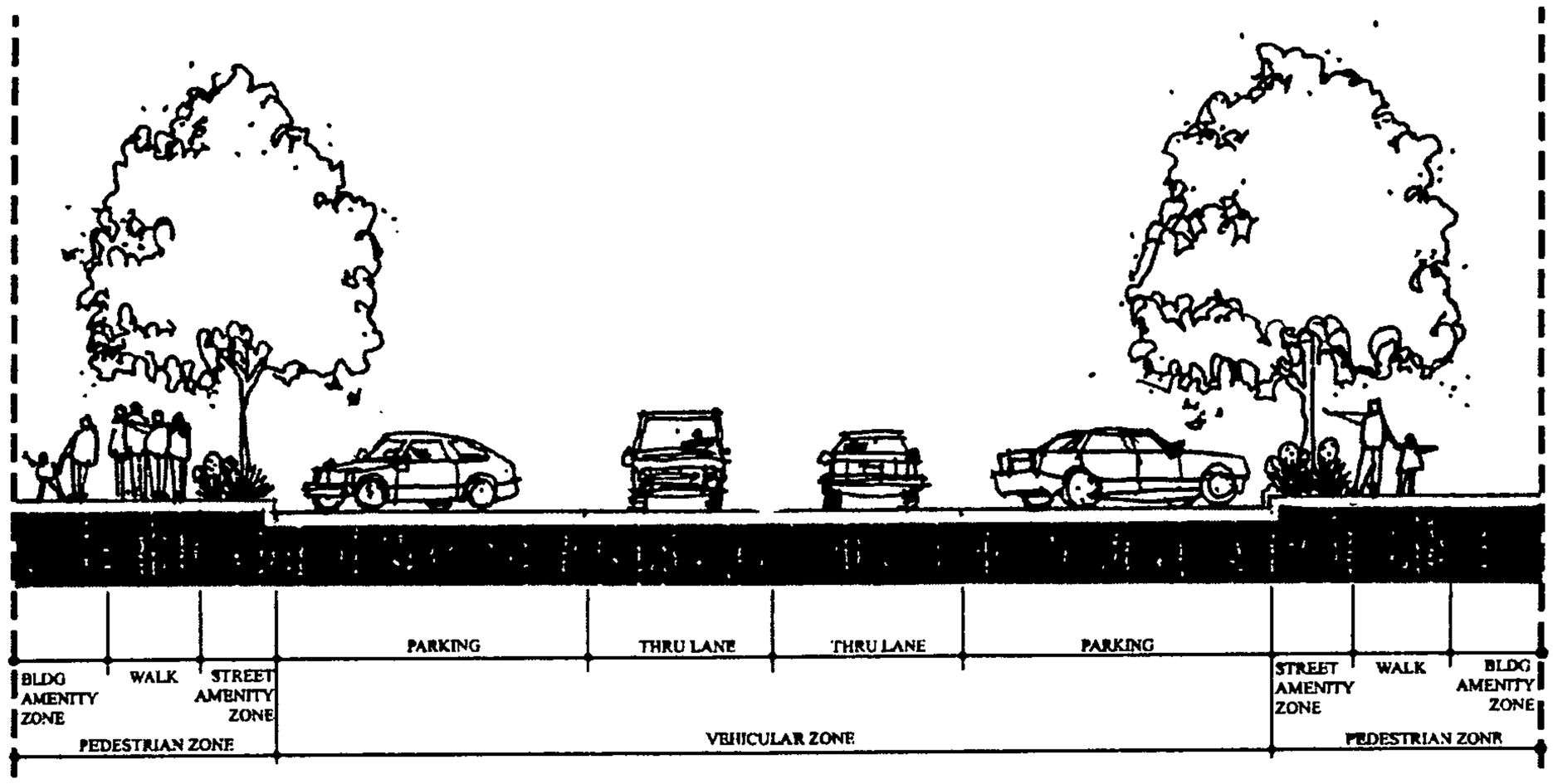
Pedestrian Zone

The pedestrian zone within the streetscape is the area where the predominant users are pedestrians. At ABQuptown, the streetscape pedestrian zone has been subdivided into three parts:



The Building Amenity Zone

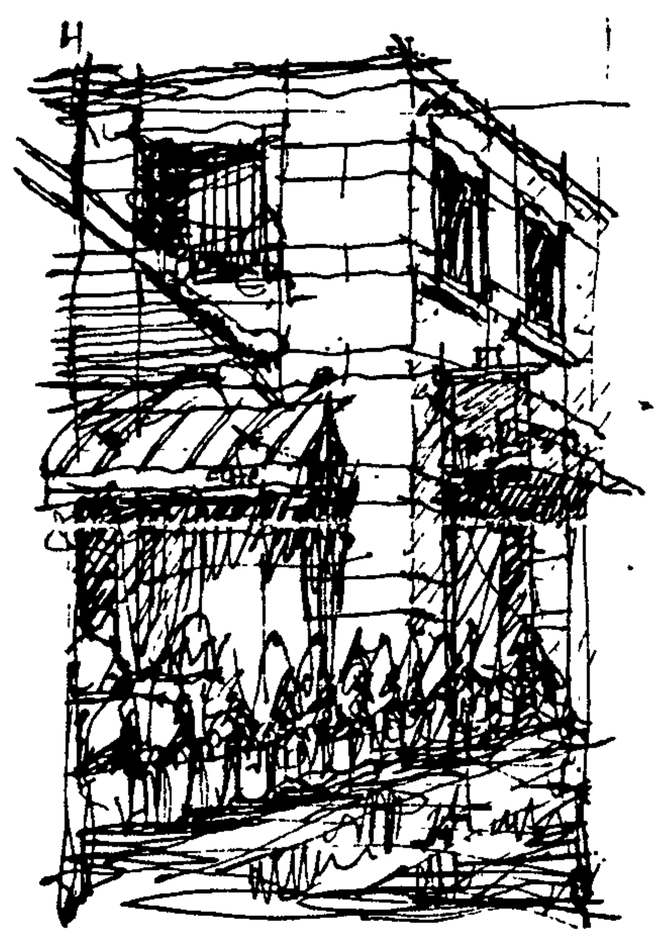
A defined area adjacent to a build-to zone that may, with proper approval by an authorized ABQuptown representative, be utilized by private entities to provide pedestrian amenities that stimulate street activity. Appropriate uses and activities might include but are not limited to food service, bars, retail, temporary event activities, seating, kiosks, fountains and art.

The Street Amenity Zone

A defined area, typically adjacent to a street or an on-street parking area and adjacent to the back of curb, that is the consistent location of streetscape amenities and pedestrian facilities. Appropriate uses and activities might include but are not limited to food service, bars, retail, temporary event activities, seating, kiosks and other site furniture, fountains, landscaping, art, telephones, information centers, newspaper vending machines, lighting, signage and transit facilities.

The Walk

The area within a pedestrian zone, and typically adjacent to or paralleling a street, that is dedicated to pedestrian circulation.



Street Activity in the Building Amenity Zone

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Elements of the Pedestrian Zone

General standards for components within the pedestrian zone are described below. Additional information on pedestrian amenities, landscaping, signage and lighting are included in separate sections of this document.

Landscaping

intent

- Create an attractive urban setting.
- Provide shade.
- Soften and buffer the pedestrian zone from the vehicular zone.
- Define the edges of streets and zones.
- Reinforce project themes (e.g. utilizing regionally native plants and landscape materials with strong forms and colors to highlight the uniqueness of New Mexico).

standards

- Landscaping shall be installed and maintained by ABQuptown.
- Shade trees on the same block of one street shall be of the same species.
- Artificial plant material is not allowed.
- Deciduous trees shall have a minimum three-inch (3") caliper upon installation.
- Evergreen and coniferous trees shall have a minimum height of 12' upon installation.
- Tree pits shall have a minimum width of four feet (4') and a minimum length of eight feet (8').

Lighting

intent

- Provide streetscape lighting as part of a comprehensive lighting plan.
- The comprehensive lighting plan shall:
  - Reinforce the project identity.
  - Reinforce the hierarchy of street and pedestrian facilities.
  - Encourage nighttime use.
  - Provide a safe and comfortable environment.
  - Reflect the intent of applicable existing "Dark Skies" regulations and ordinances.
  - Create an attractive urban setting.

standards

- Any nonstandard streetscape lighting that differs from City of Albuquerque standard fixtures shall be installed and maintained by ABQuptown.
- Streetscape area and sidewalk lighting shall primarily be located in the street amenity zone or in landscaped islands adjacent to or within on-street parking areas.
- Streetscape lighting other than area and sidewalk lighting shall require the review and approval of an authorized ABQuptown representative.

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Seating

intent

- Provide a variety and appropriate quantity of sitting, meeting and resting opportunities.

standards

- Seating, except for seating associated with sidewalk cafés, restaurants, bars and other retail and service uses, shall be installed and maintained by ABQuptown.
- Seating opportunities shall be located primarily within the street amenity zone, except for seating associated with sidewalk cafés, restaurants, bars, and other retail and service uses.
- Seating shall be provided at or near transit facilities.
- Seating shall not obstruct the primary pedestrian circulation corridor (walk) within the pedestrian zone.

Paving

intent

- Create a pavement system design that:
  - Provides safe, aesthetic and functional continuity to ABQuptown.
  - Highlights specialty areas such as intersections, crossings, plazas and entries.
  - Reinforces project themes.

standards

- Paving shall be made from high-quality, durable materials.
- Paving shall be ADA-compliant.

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Vehicular Zone

The vehicular zone is the area within the streetscape where automobiles, trucks, buses and other motorized vehicles are the predominant users of the space. The vehicular zone is primarily comprised of circulation lanes, loading and turn lanes, medians, crosswalks, parking, overhead signals, lighting and traffic-related directional signage.

Elements of the Vehicular Zone

On-street Parking

intent

- Provide appropriate quantities of on-street parking to conveniently serve retail, office, service and residential uses without detracting from the quality of the pedestrian experience.

standards

- The majority of on-street parking spaces shall be 60-degree angle parking, except for Espanola Street, where on-street parking shall be a combination of 90-degree head-in parking on the west side and parallel parking on the east side.
- 100' shall be the maximum allowable length of uninterrupted angle or head-in parking. Landscaped medians shall be used to break up expanses of on-street parking spaces.
- Landscaped medians with a minimum width of 8' shall be used to soften the visual impact of large lengths of uninterrupted angle or head-in parking.

Streets

intent

- Provide an interconnected system of transportation facilities.
- Provide access to buildings, pedestrian facilities and transit opportunities.
- Establish a hierarchy of streets that will:
    - Balance local and regional transportation needs.
    - Enable the safe and appropriate dispersal of vehicular traffic.
    - Facilitate interconnected, multi-modal transportation.
    - Tie into and take advantage of the existing street pattern.
    - Facilitate wayfinding and the communication of project themes.

Urban Streetscape

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Street Standards

Summary of Street Information

The Street Hierarchy Matrix is a summary of the ABQuptown street characteristics. The summary is followed by descriptions and illustrations of these streets. The final street section designs are subject to the completed Traffic Impact Study and City of Albuquerque Traffic Engineer approval.

Characteristic	Uptown Loop Road	Louisiana Boulevard	Indian School Road	Uptown Boulevard 3-Lane	Uptown Boulevard 2-Lane	Q Street	A Street 4-Lane	A Street 2-Lane	Espanola Street
notes	median landscaping	reduced by 1 lane each- north and south bound	central loading / turn lane	west of Loop w/ central loading / turn lane	east of Loop Road	central loading / turn lane	east and west of Loop	between Louisiana and Q Street	90 degree parking in ROW and 30' setback from ROW to new buildings. New sidewalk located outside of ROW.
ownership: public or private	public	public	public	private	private	private	private	private	public
right-of-way width	96'	140'	103'	106'	87'	106'	76'	98'	60'
number of thru lanes	4	6	2	2	2	2	3	2	2
vehicular zone	70'	varies	74'	72'	64'	72'	48'	64'	52'
parking									
on street / angle	none	none	60	60	60	60	none	60	90
offstreet (structured) - access points	2	2	0	1	0	2	0	1	0
pedestrian zone (one side/total)	13'/26'	varies	14.5'/29'	17'/34'	11.5'/23'	17'/34'	14'/28'	17'/34'	16' min. See section.
street amenity zone minimum	4'	4'	3'	3'	4'	3'	6'	4'	na
walk minimum	6'	6'	6'	6'	6'	6'	6'	6'	6' (west), 4' (east)
building amenity zone	na	varies	varies	varies	na	varies	na	varies	na
ROW setback minimum	na	na	na	na	na	na	na	na	yes
landscaping	yes	yes	yes	yes	yes	yes	yes	yes	yes
lighting									
pedestrian	no	yes (east side)	yes	yes	yes	yes	yes	yes	no
street	yes	yes	yes	yes	yes	yes	yes	yes	yes
transit stop	yes	no	no	no	no	no	no	no	no
bicycle facility: route, lane or path	lane	no	no	no	no	no	no	no	no

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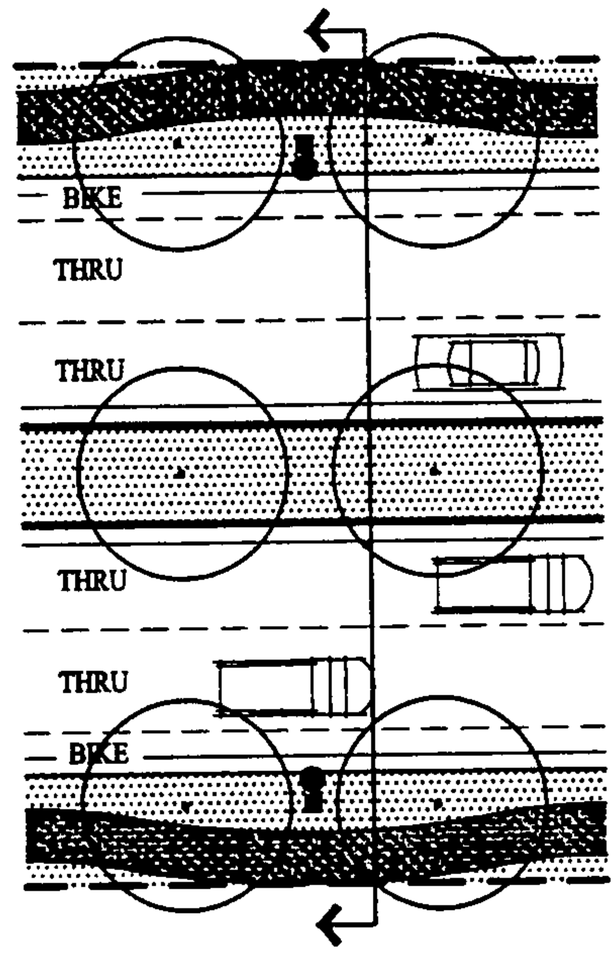
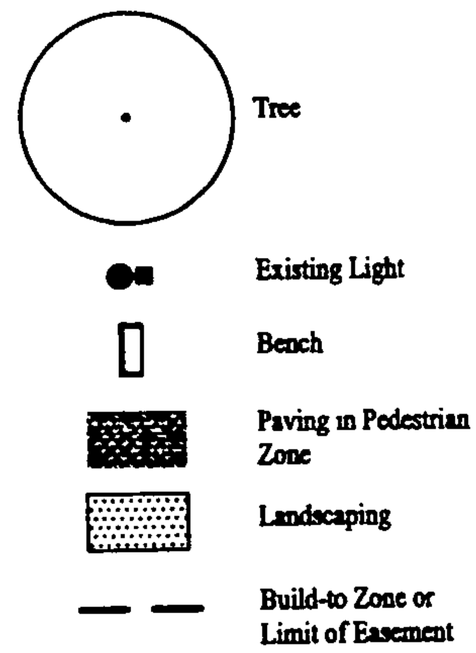
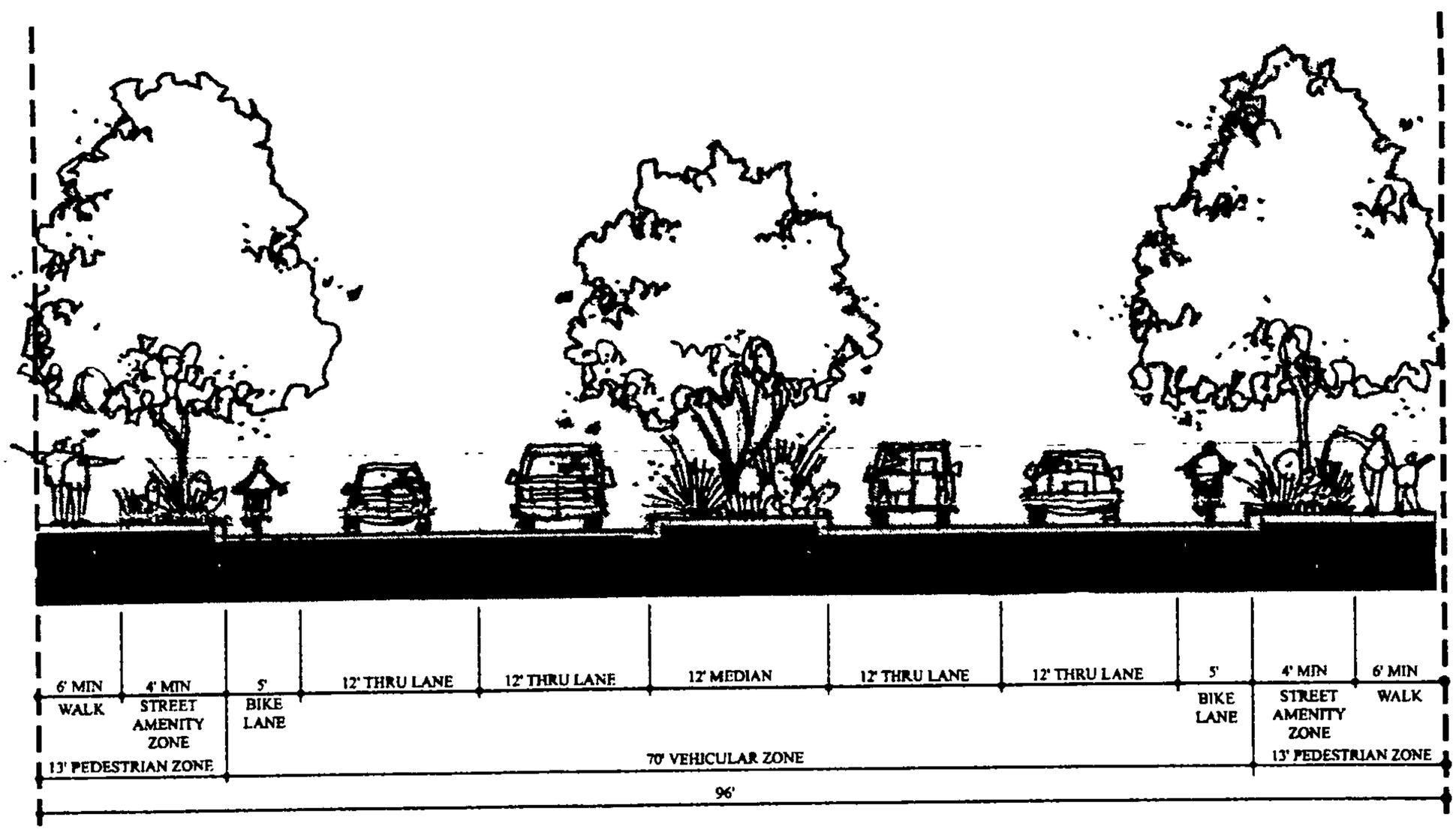
Uptown Loop Road

Construction of the southeastern segment of the Uptown Loop Road will complete this important arterial corridor, identified as a City of Albuquerque priority as far back as the 1981 Uptown Sector Plan. The Uptown Loop Road serves as the principal connector and conveyor of vehicles within the Uptown area, thereby reducing the traffic volume on Indian School Road and Louisiana Boulevard. Bike lanes shall be located and signed, and pedestrian amenities such as walks, site furnishings and landscaping will be added to establish a pedestrian presence on the street. The Uptown Loop Road becomes Arvada Avenue along the northern edge of ABQuptown. Although the Arvada Avenue right-of-way varies along its length, in general, the design standards for ABQuptown along this portion of road are the same as for the Uptown Loop Road. Improvements within the Uptown Loop Road right-of-way shall be coordinated with the City of Albuquerque Traffic Engineer.





Uptown Loop Road Plan Enlargement



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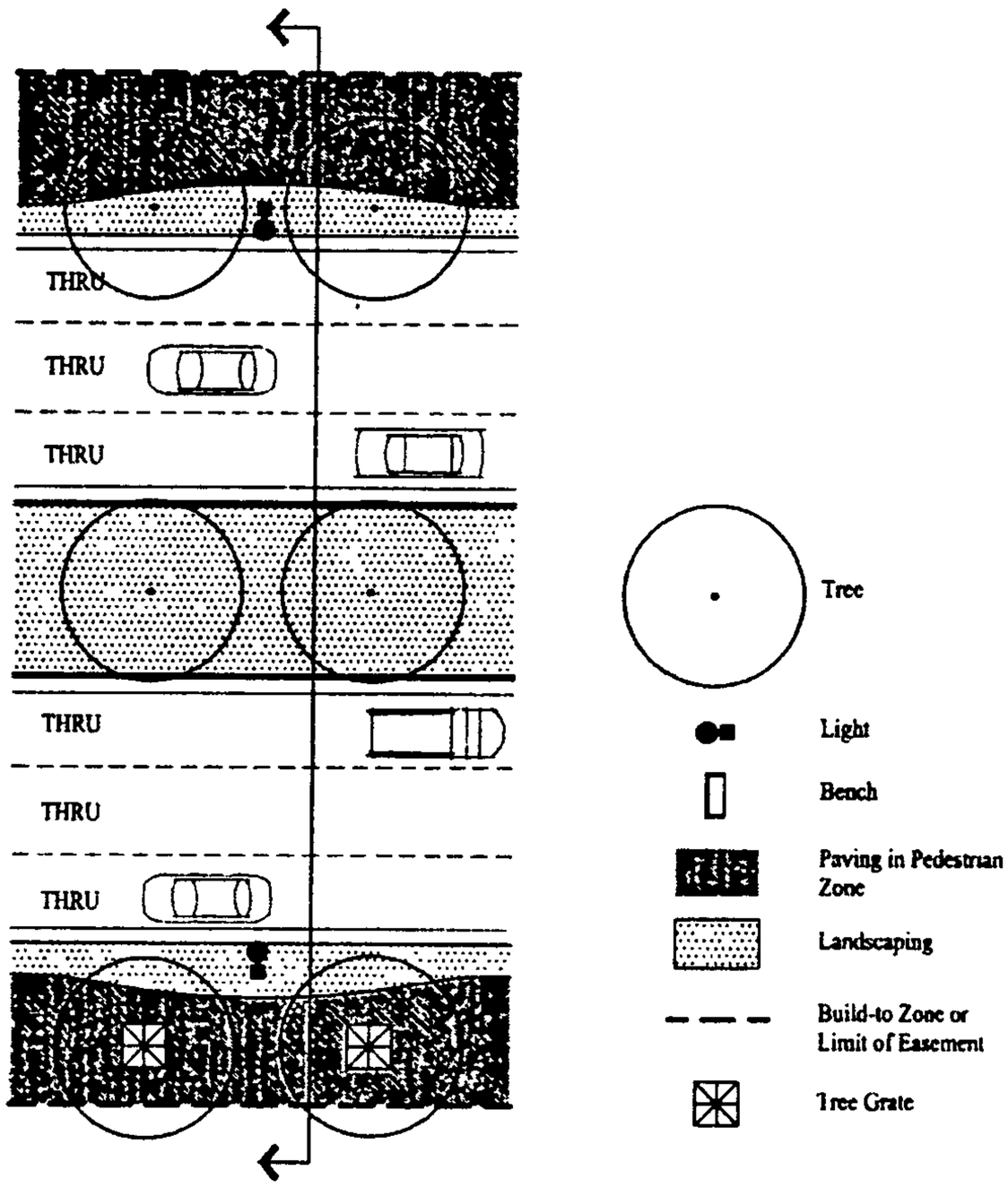
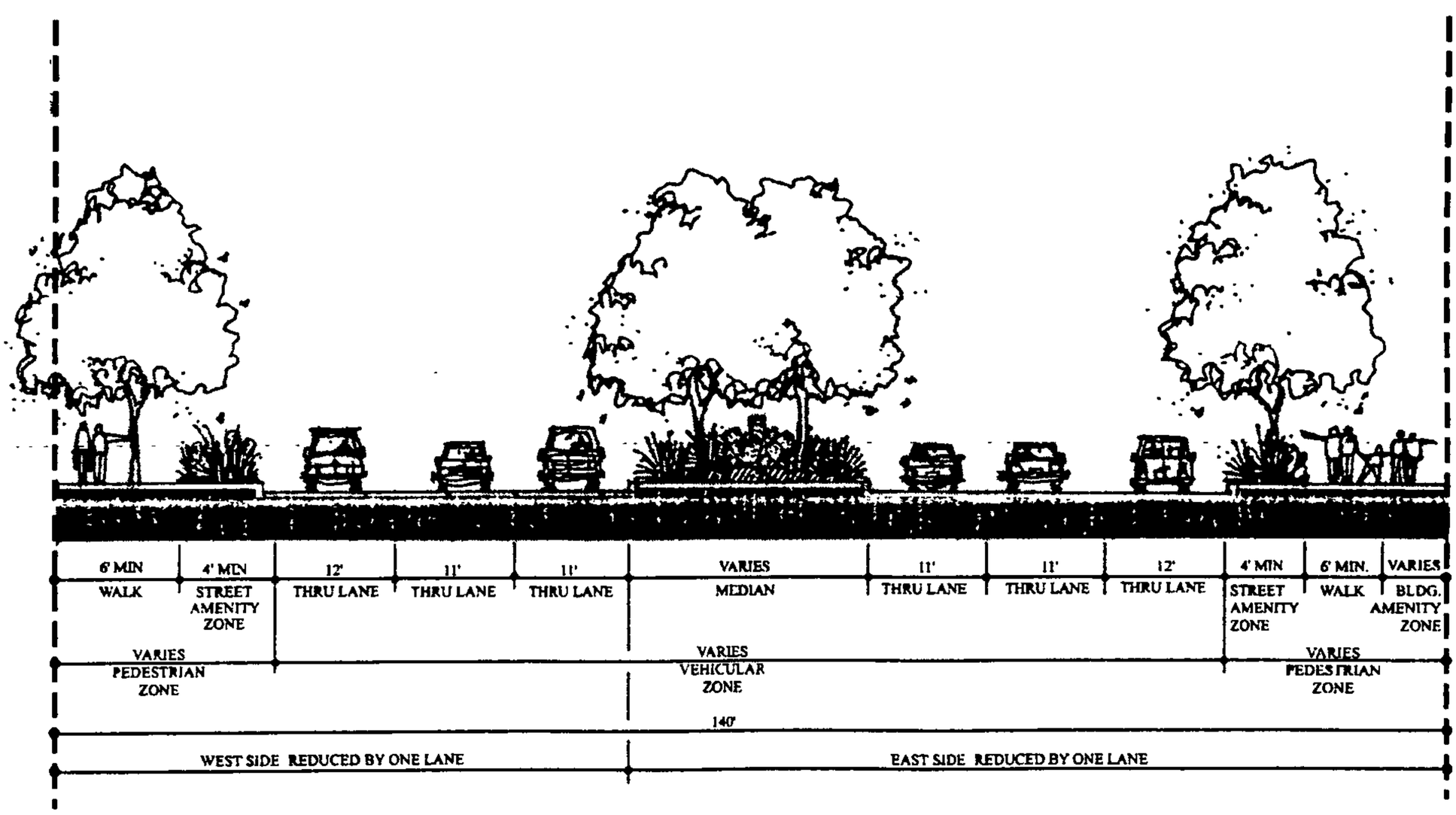
Louisiana Boulevard

Louisiana Boulevard will be modified to become a more pedestrian-friendly street. Currently, Louisiana Boulevard is an almost impenetrable barrier to pedestrian movement in Uptown. The intent of the ABQuptown plan is to encourage and enable pedestrians to move safely and more comfortably along and across the street, increasing interaction between people and businesses throughout the Uptown area. Louisiana Boulevard shall be narrowed by two lanes for the length of the street that is adjacent to ABQuptown, and free right turns and double left turns into the ABQuptown site will be eliminated. In addition to shortening the crossing distance at intersections, pedestrian amenities such as widened medians with pedestrian refuges and landscaping, wider sidewalks with landscape buffers, site furnishings, lighting, signage and specialty paving will create a more pedestrian scale and establish a pedestrian presence on the street. Improvements within the Louisiana Boulevard right-of-way shall be coordinated with the City of Albuquerque Traffic Engineer.



Louisiana Boulevard Plan Enlargement



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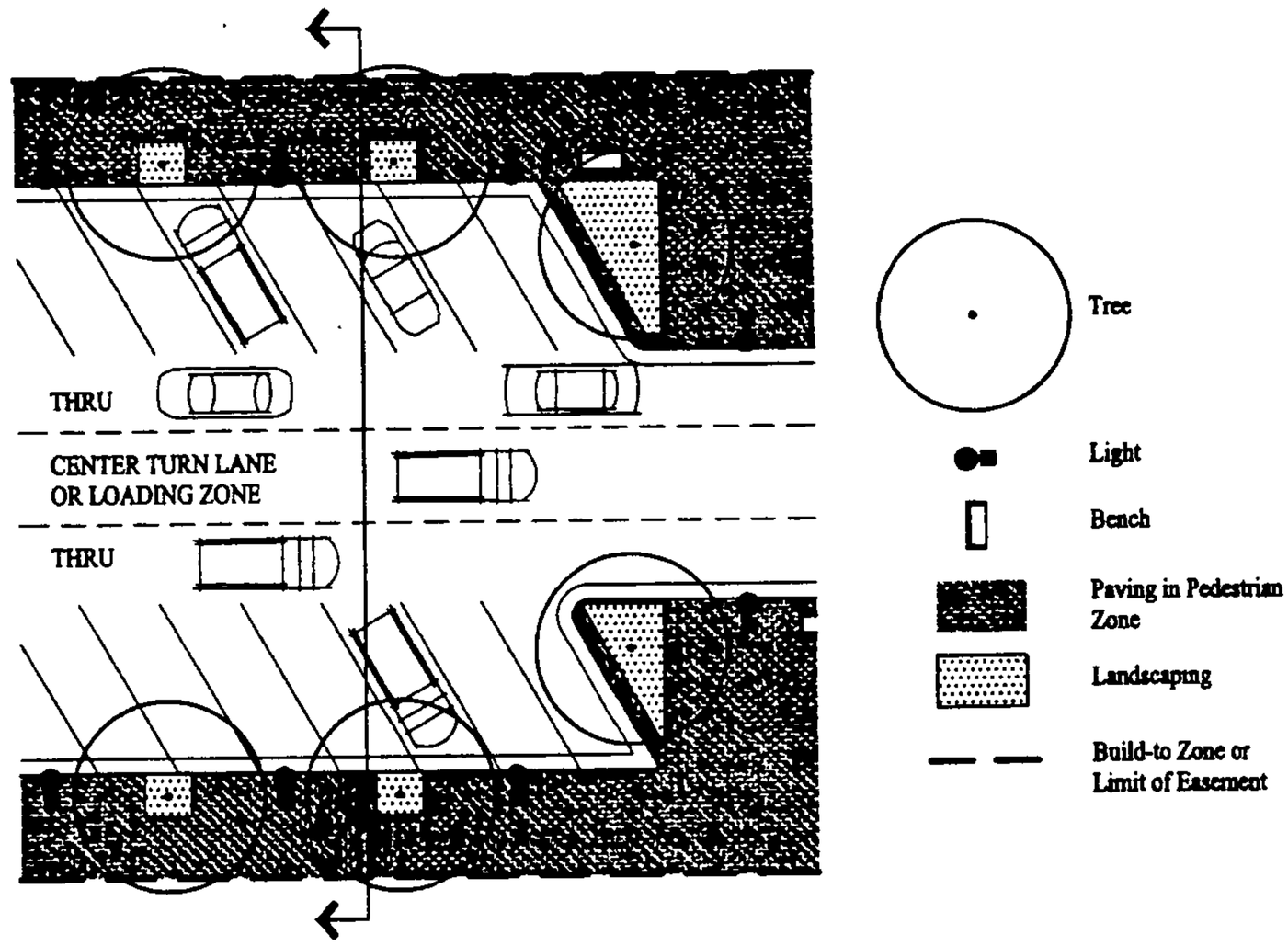
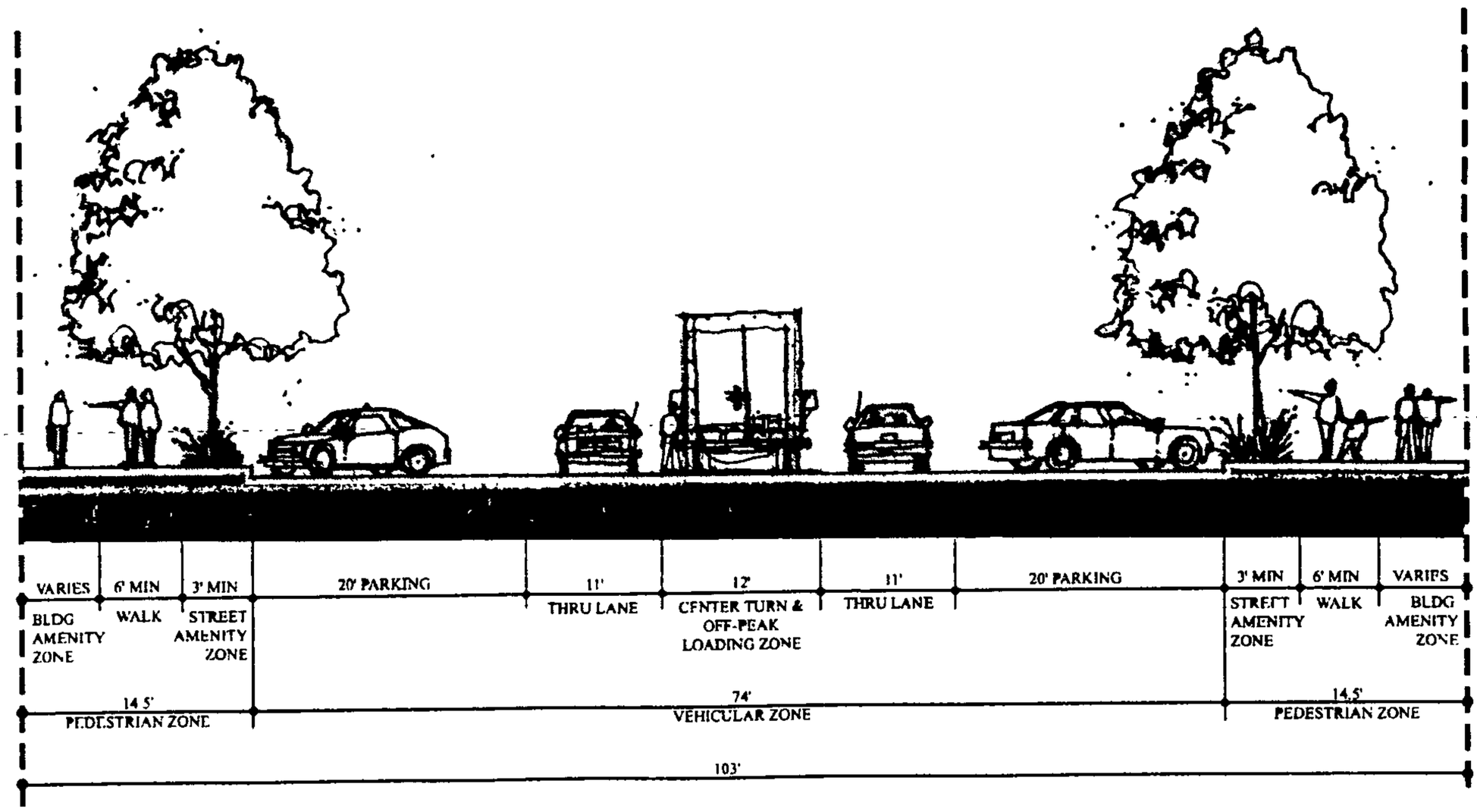
Indian School Road

Indian School Road will be modified to become a more pedestrian and business-friendly street and serve as one of the primary vehicular entry points into and through the site. The intent of the street design, including the scale of the street in proportion to the high-density, mixed-use buildings on either side, is to create an exciting and memorable feeling of entry into a bustling and stimulating urban environment. The redesign of the ABQuptown section of Indian School Road includes two lanes of traffic, angled on-street parking and pedestrian zones to provide a convenient and comfortable setting for street activity. In the street, the center lane will serve as a loading/delivery zone during off-peak hours, as well as a left-turn lane at intersections. Pedestrian amenities such as sidewalks, site furnishings, lighting, signage, specialty paving, landscaping and a building amenity zone will reinforce the pedestrian presence on the street, while Indian School Road continues to accommodate vehicular use. Improvements within the Indian School right-of-way shall be coordinated with the City of Albuquerque Traffic Engineer.



Indian School Road
Plan Enlargement



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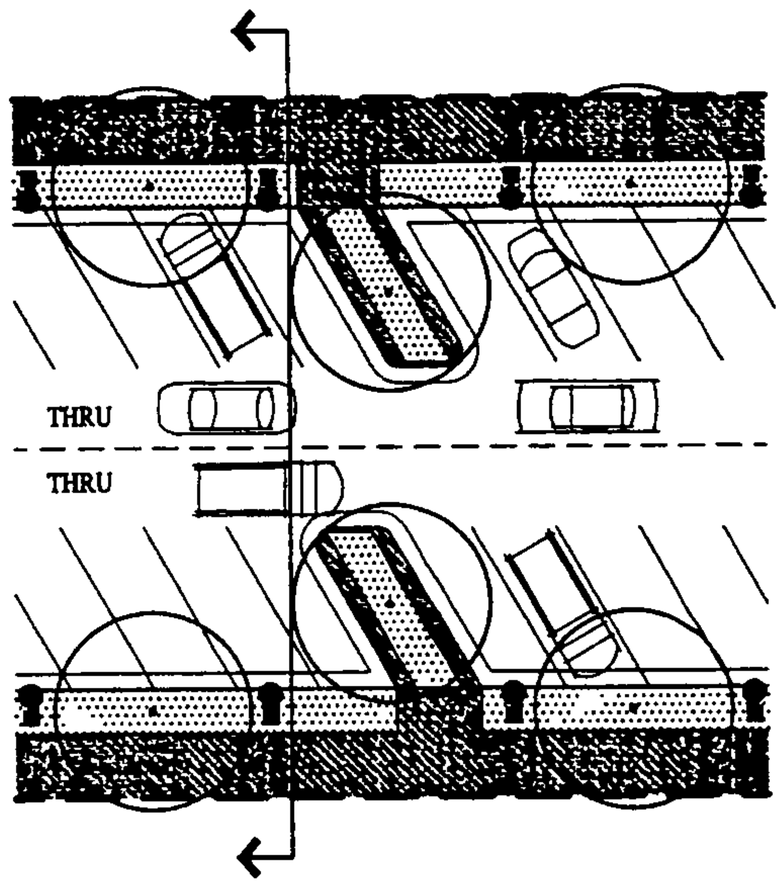
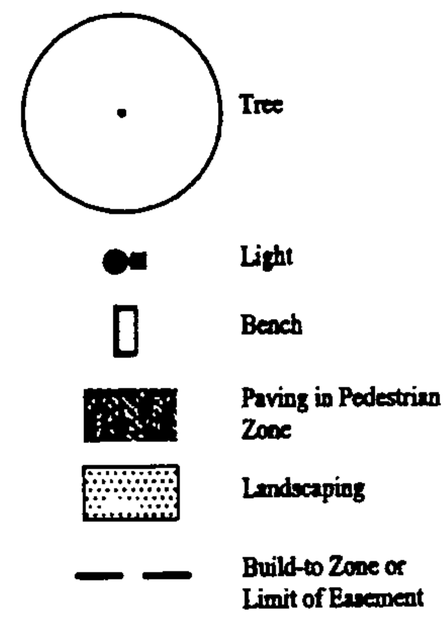
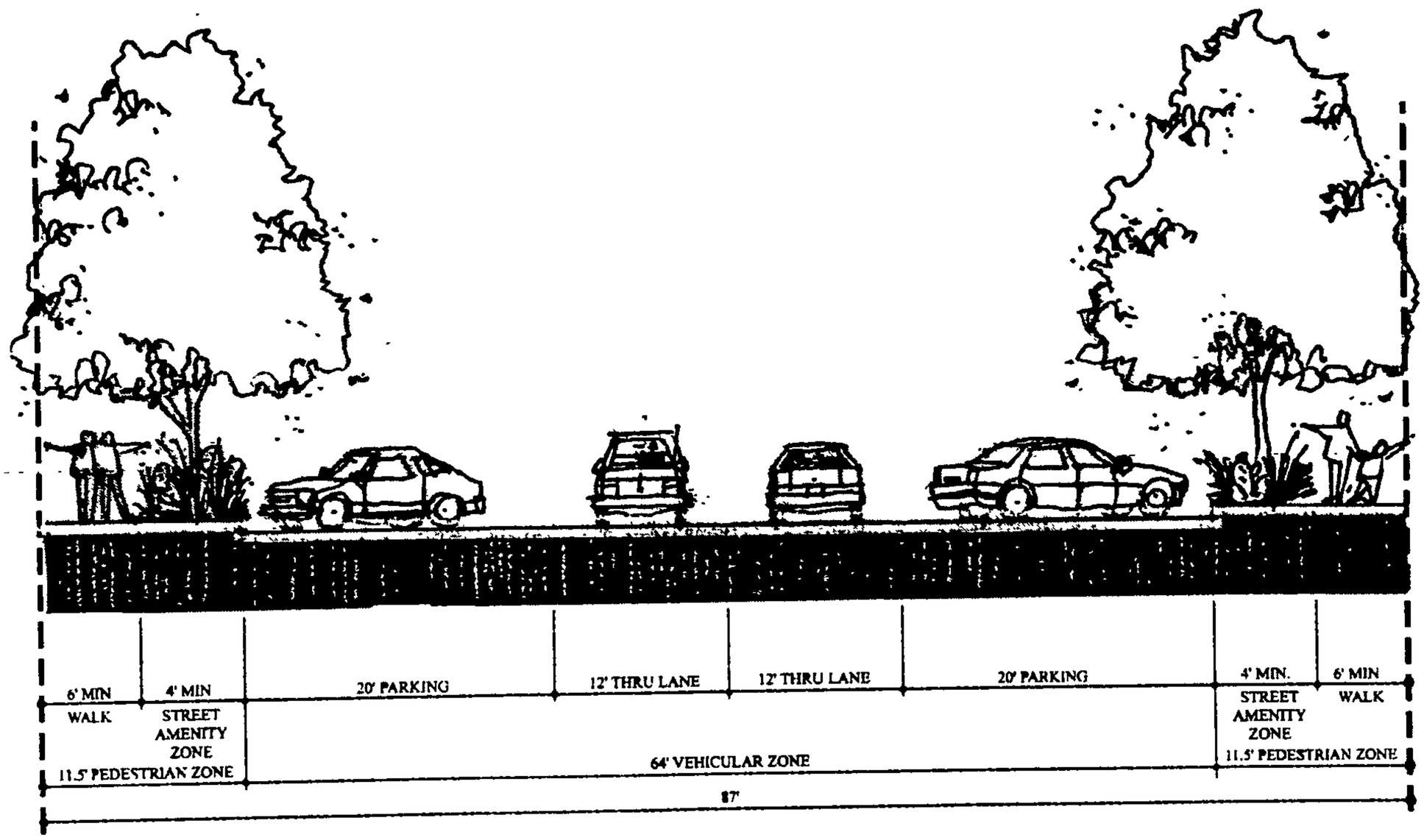
Uptown Boulevard

Uptown Boulevard is located east of Louisiana Boulevard and south of Arvada Avenue and is aligned to serve as an eastern extension of the existing Uptown Boulevard. Uptown Boulevard is a two-lane street with angled, on-street parking and a center loading/turn lane through the northern portion of the ABQuptown intense core and west of the Uptown Loop Road, and a two-lane residential street with angled parking east of the Uptown Loop Road. Within the intense core, the design of Uptown Boulevard is similar to Indian School Road in design intent. The first impression upon entering the intense core on Uptown Boulevard will be of an active, thriving, mixed-use urban environment. On-street parking and pedestrian amenities such as sidewalks, site furnishings, lighting, signage, specialty paving, landscaping and a building amenity zone will reinforce the pedestrian presence on the street. East of the Uptown Loop Road, the streetscape section for Uptown Boulevard will be significantly narrower, but with a wider, more intensively landscaped street amenity zone.





⊕Uptown Boulevard - East of Uptown Loop Road
Plan Enlargement



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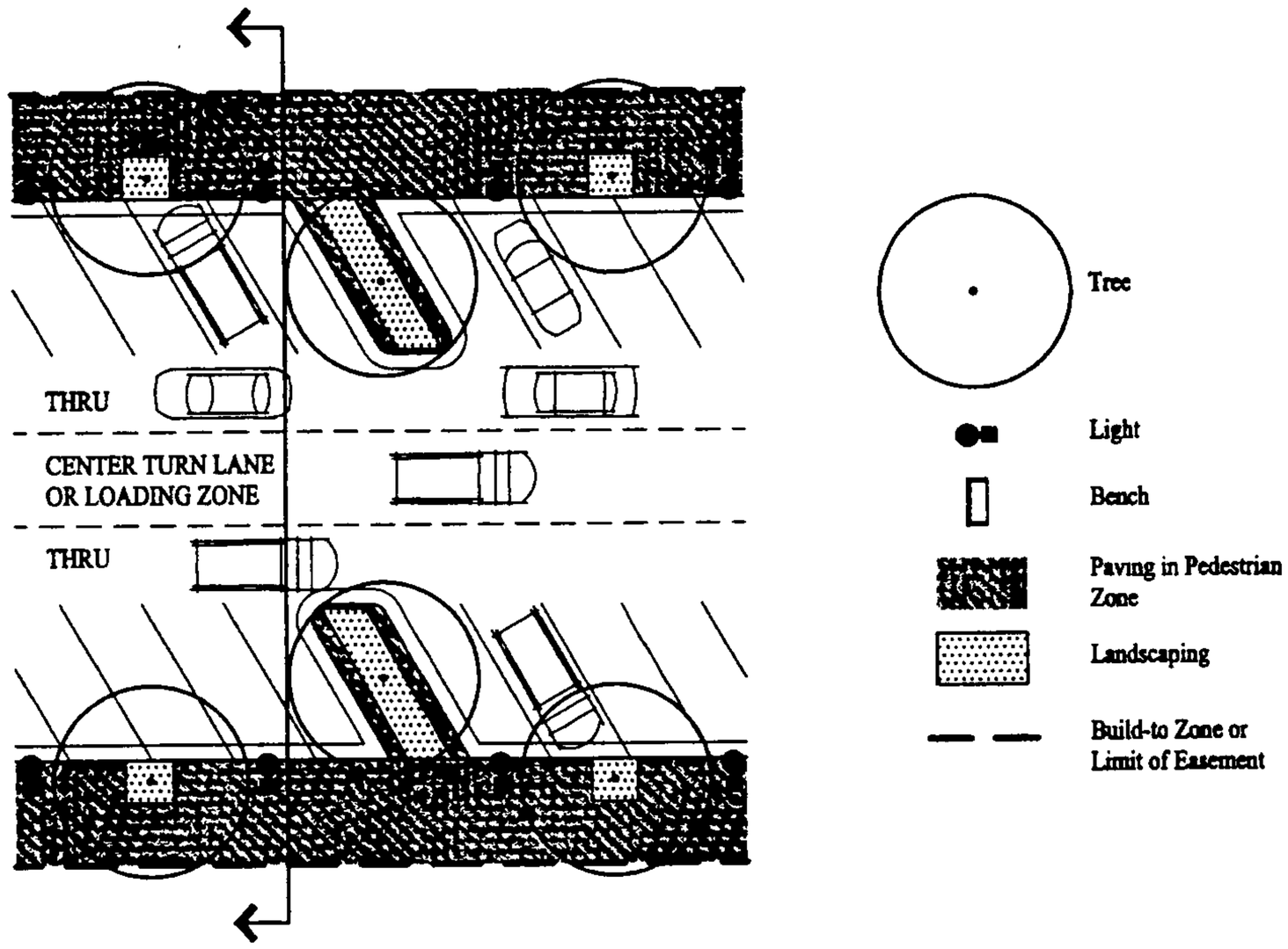
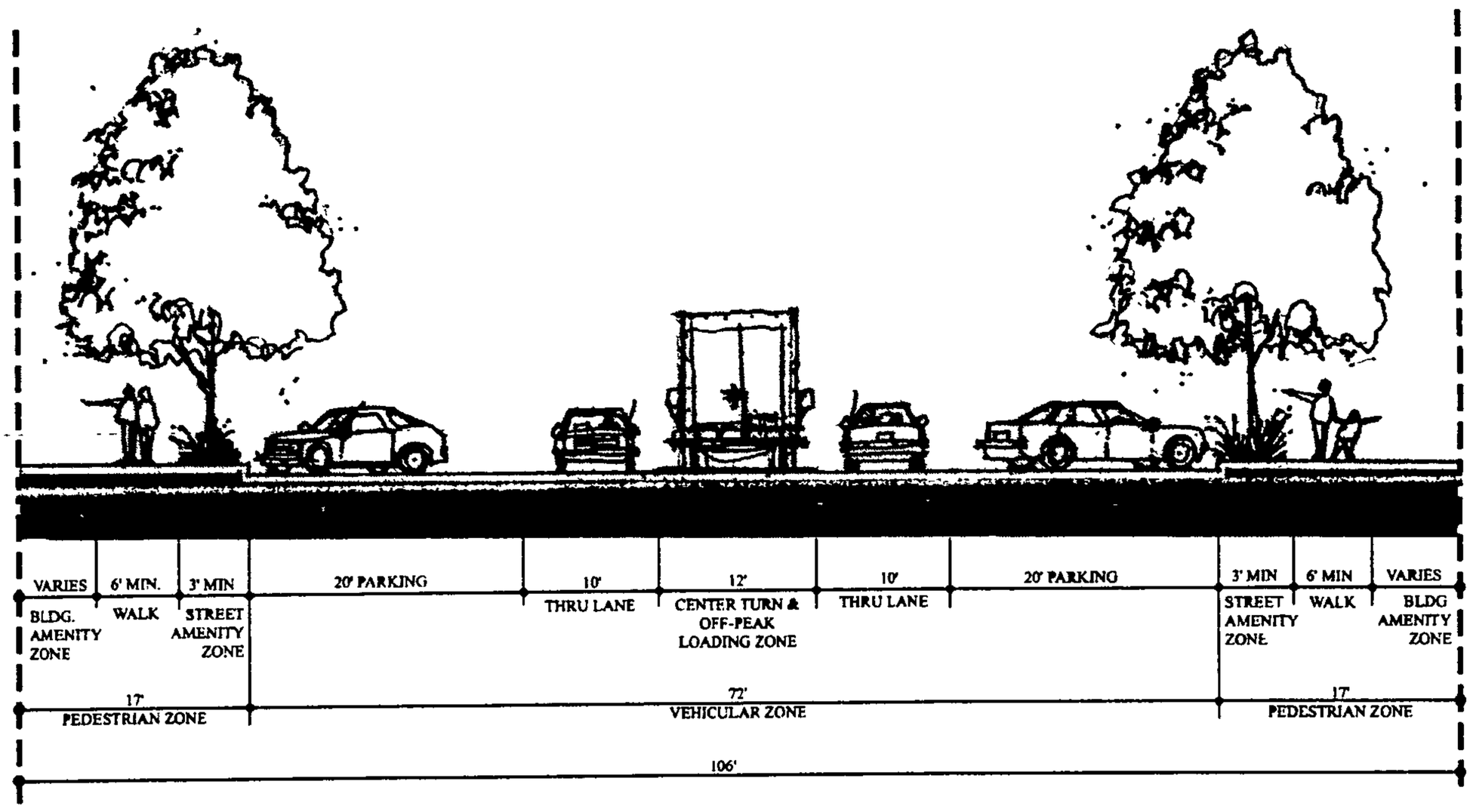


⊕ Uptown Boulevard - West of Uptown Loop Road
Plan Enlargement



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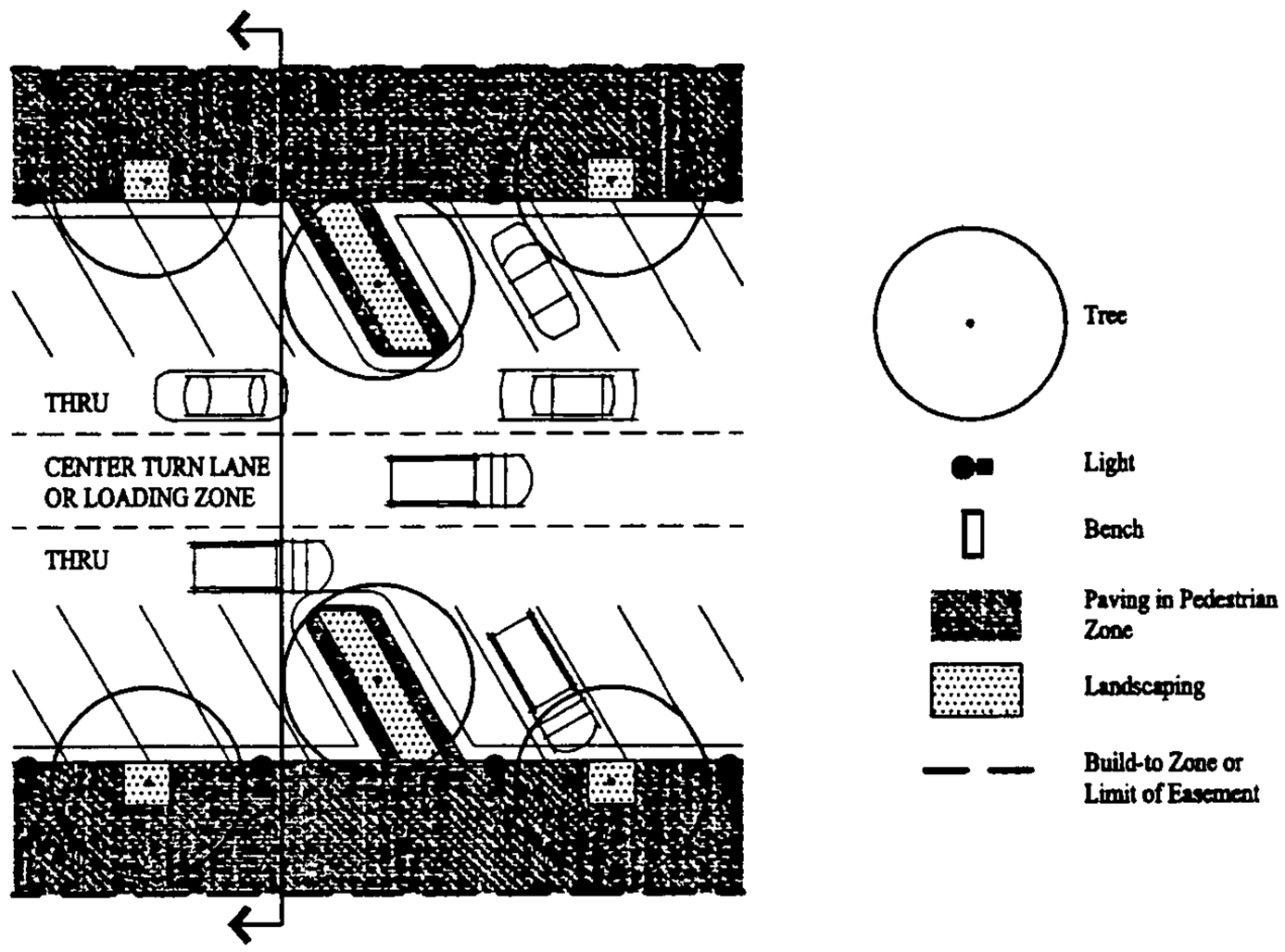
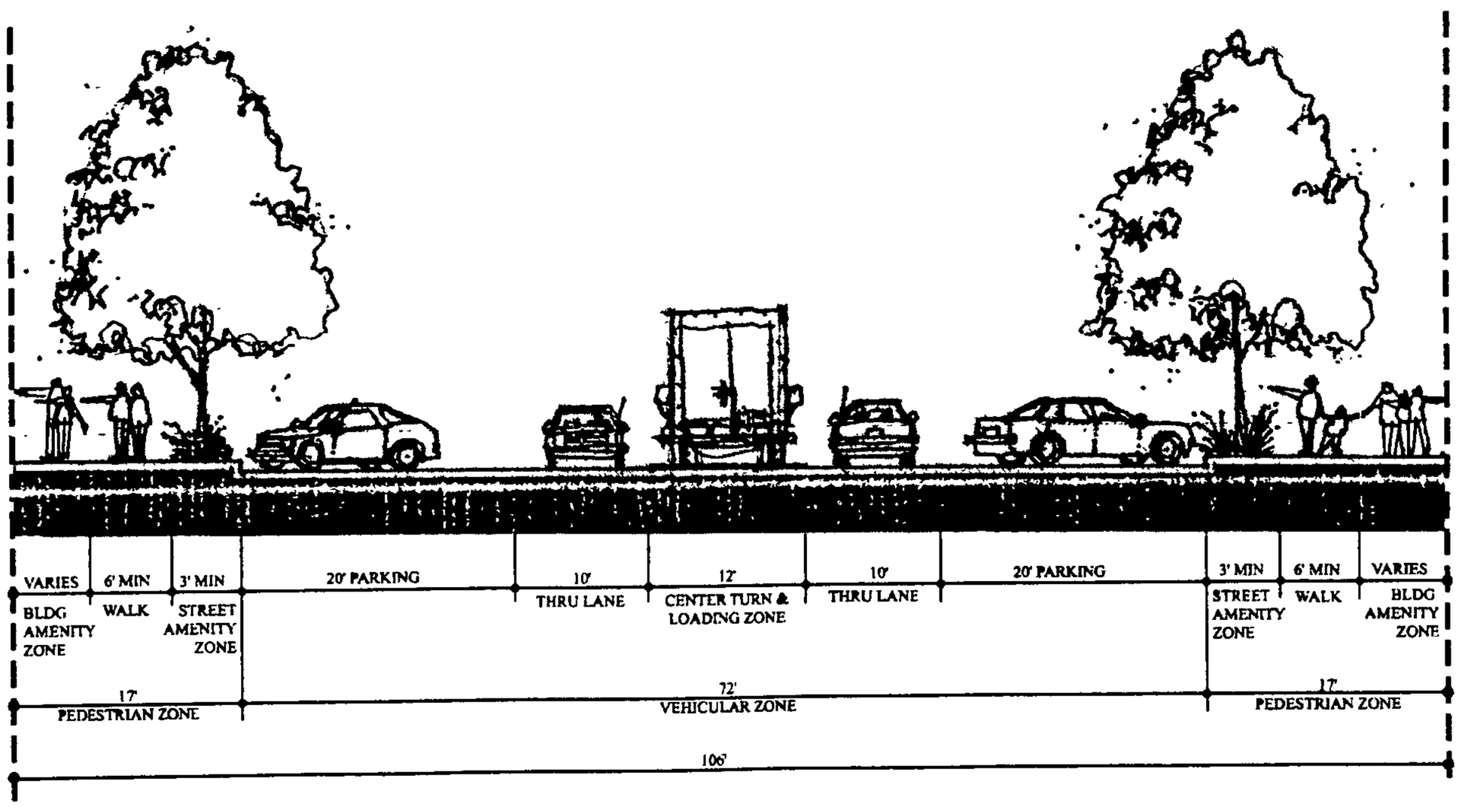
Q Street

Q Street is the central organizing element at ABQuptown, acting as the primary interior or "Main" street and serving as a pedestrian-oriented link between Uptown area development south and north of the site. Although Uptown Boulevard and Q Street have the same street section, the intense combination of land uses, density of people, and design of the architecture, spaces and signage will make Q Street the defining pedestrian corridor in Albuquerque. Pedestrian amenities such as sidewalks, site furnishings, lighting, signage, specialty paving, and landscaping will make Q Street a people-friendly place. On-street parking, a vertical mixture of uses, buildings and building entries oriented to the street, and building amenity zones that allow retail and service activities including restaurants and cafés to operate within portions of the pedestrian zone will generate street activity and define Q Street as a dynamic, energized destination.



Q Street
Plan Enlargement



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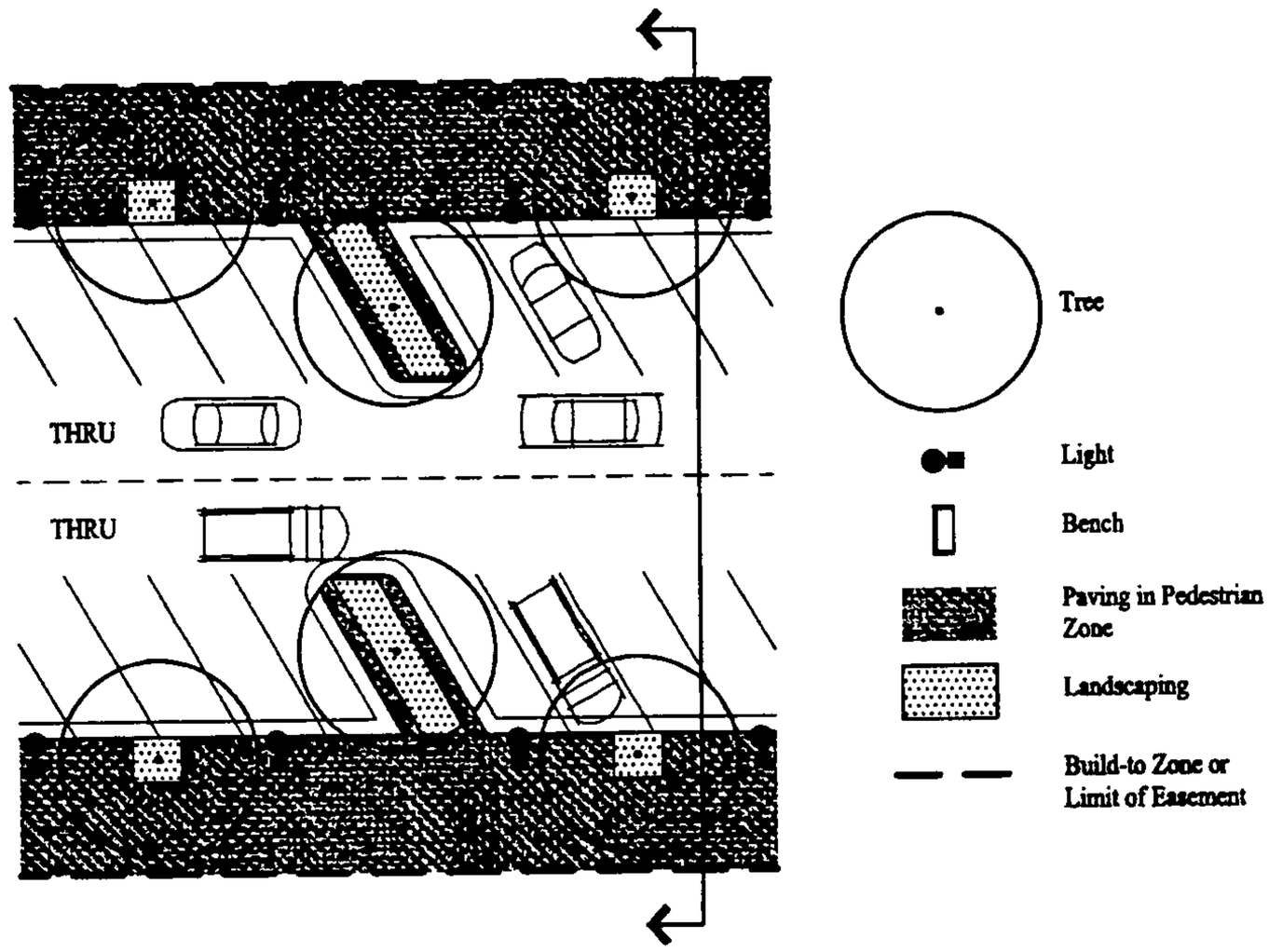
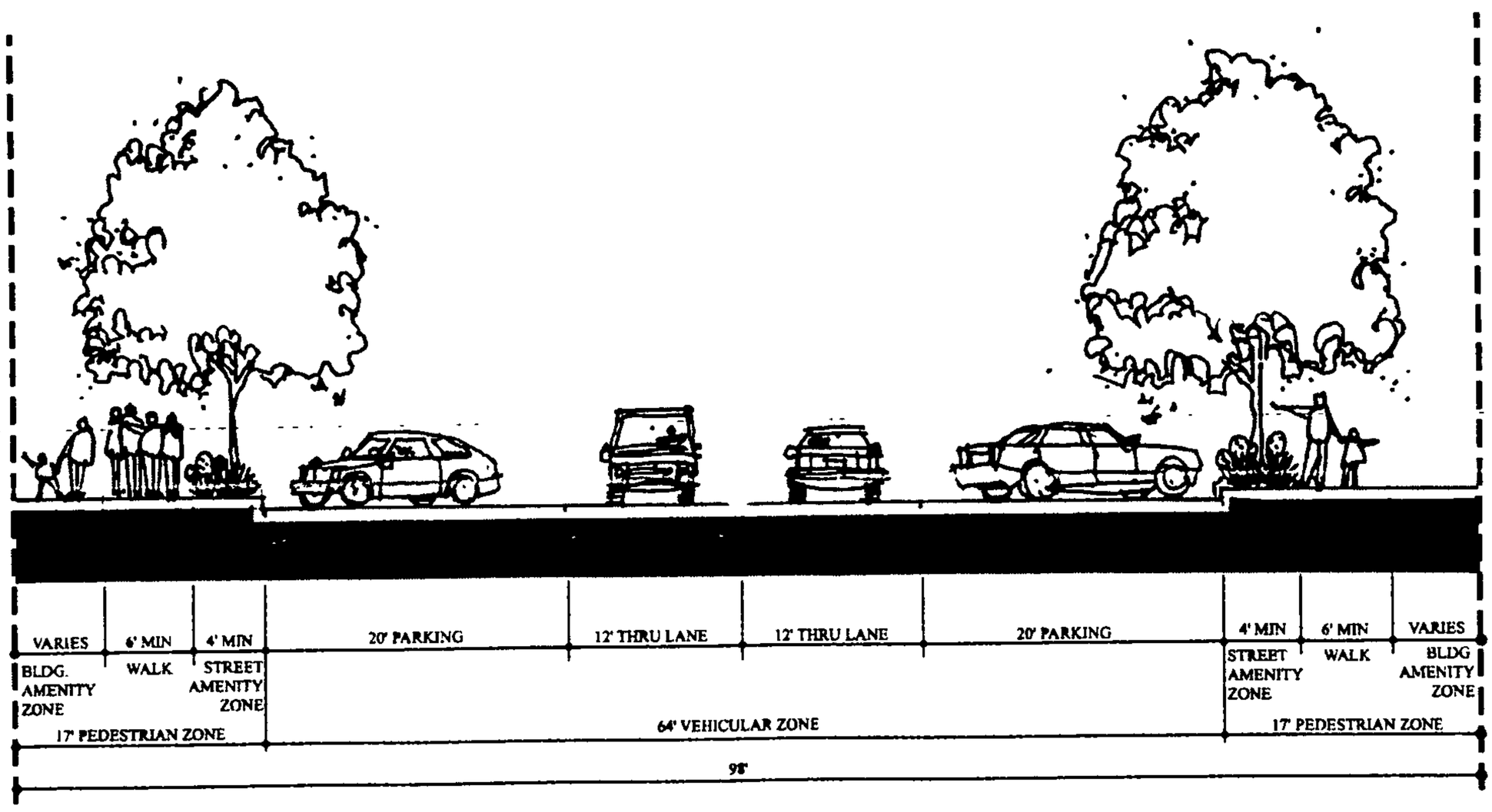
A Street

A Street is located east of Louisiana Boulevard and south of Indian School Road, and serves as the east-west circulation corridor in the southern portion of ABQuptown. The alignment of A Street, which crosses the Uptown Loop Road south of Indian School Road, provides safe, appropriately located and convenient vehicular access into ABQuptown from the Uptown Loop Road as well as from Louisiana Boulevard. The A Street alignment also facilitates safe, convenient circulation between ABQuptown and Winrock Shopping Center. The east end of A Street is a four-lane street with sidewalks buffered from the street by landscaped street amenity zones. The western portion of A Street is a two-lane street with angled on-street parking, walks and street and building amenity zones. A plaza is located on the south side of A Street, at the terminus of Q Street. This plaza, in combination with the mixture of uses and pedestrian amenities, will facilitate street-activating activities in the southern portion of ABQuptown.



A Street - West of Q Street
Plan Enlargement



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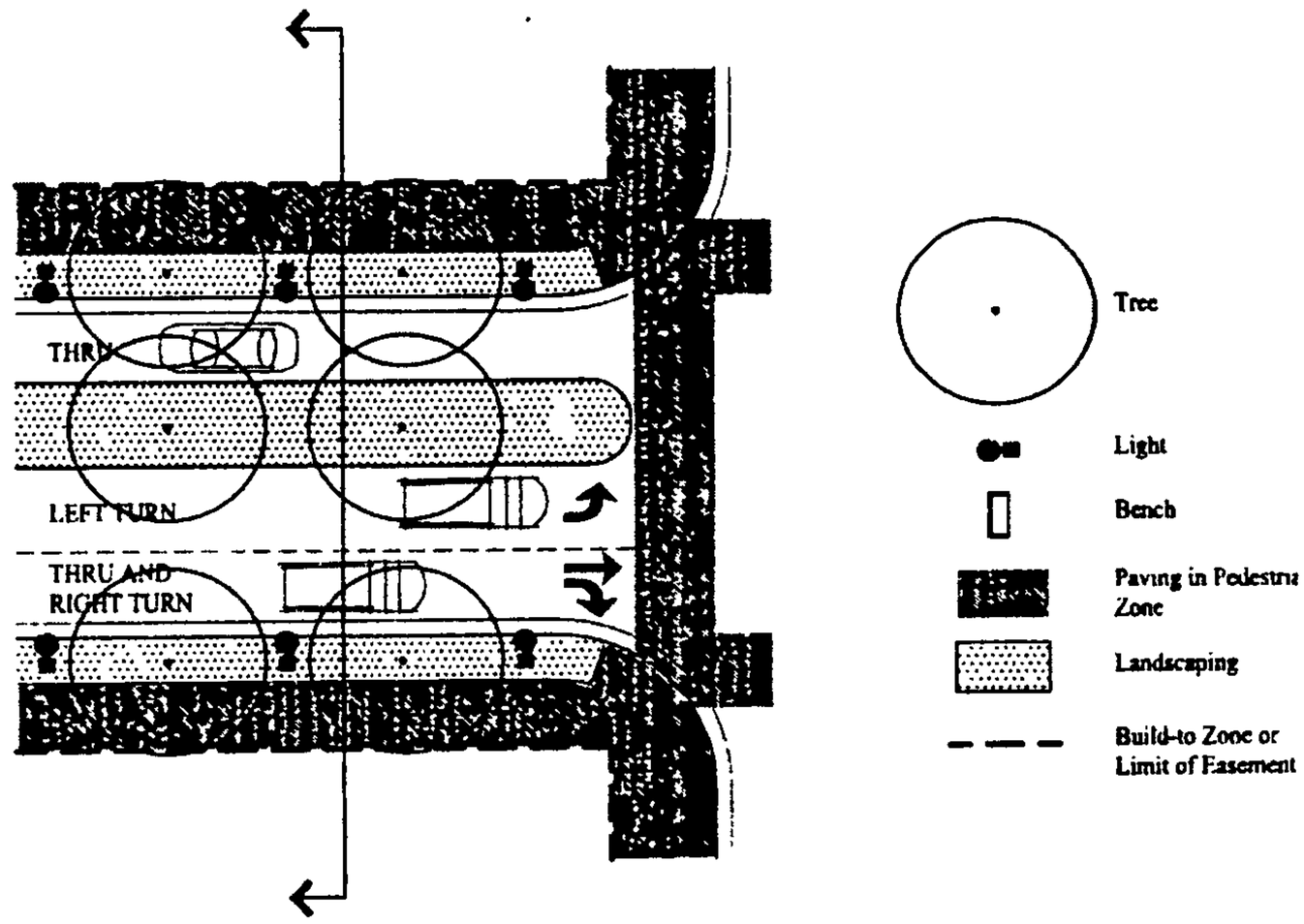
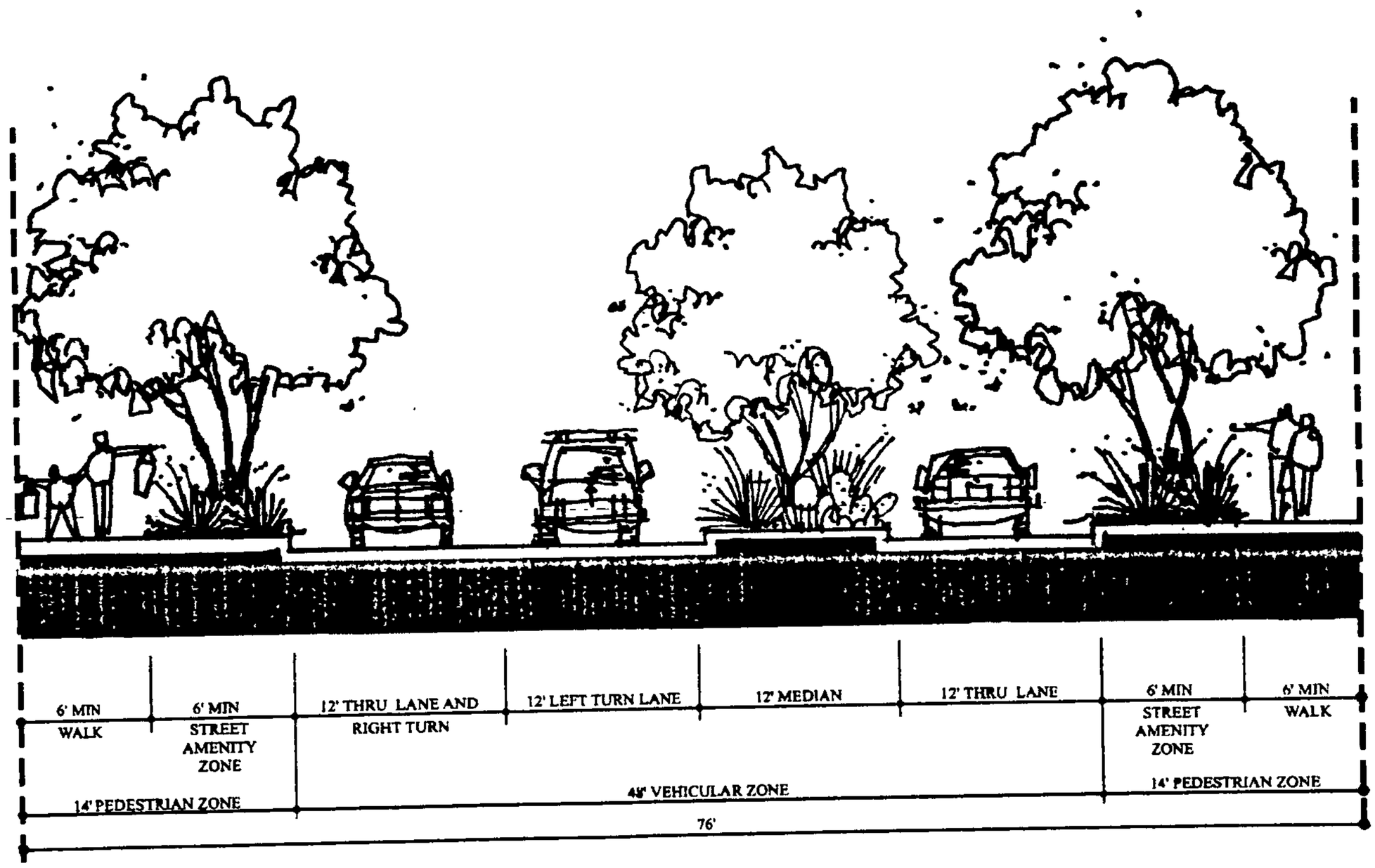


A Street - East of Q Street
Plan Enlargement



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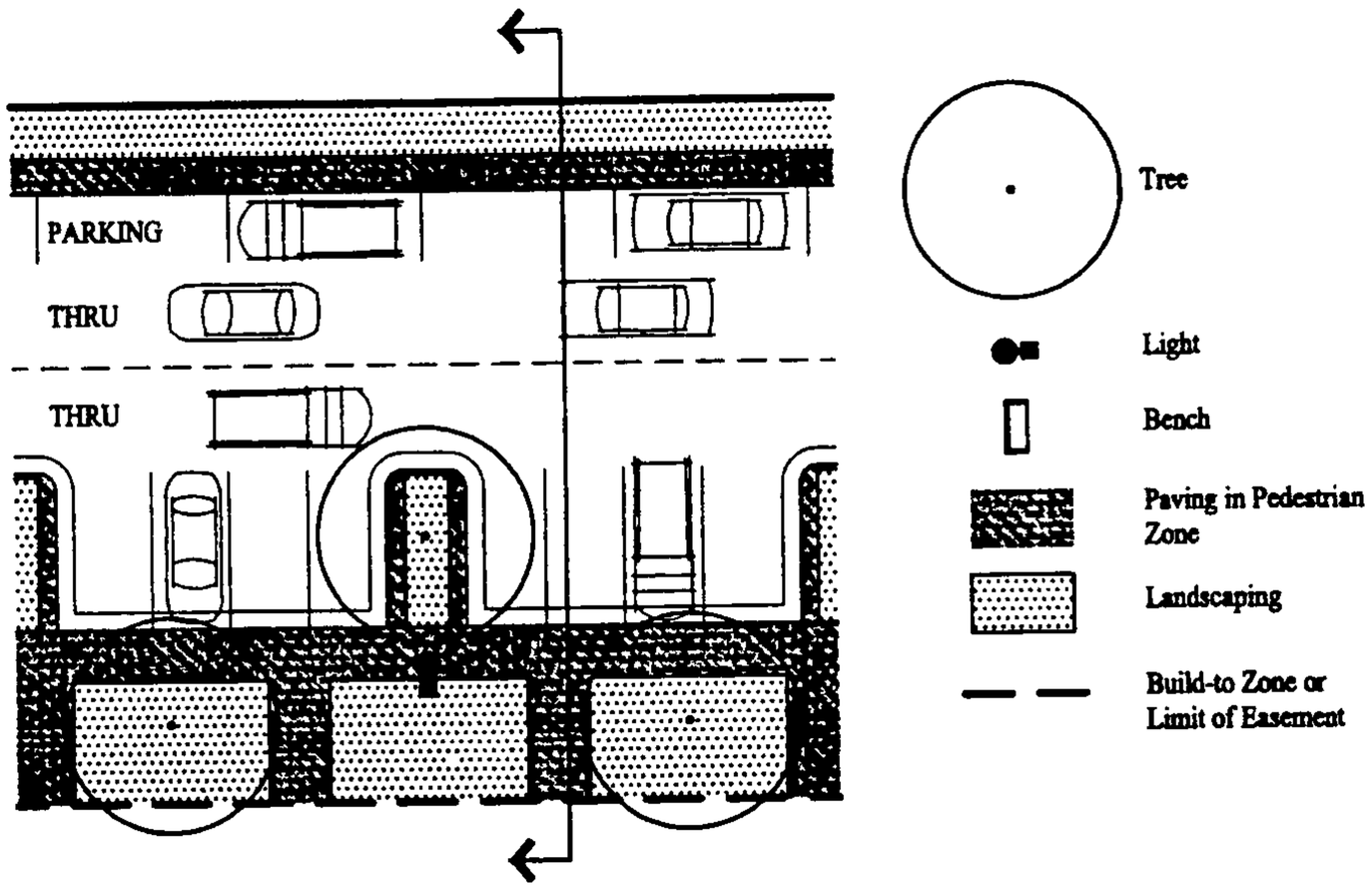
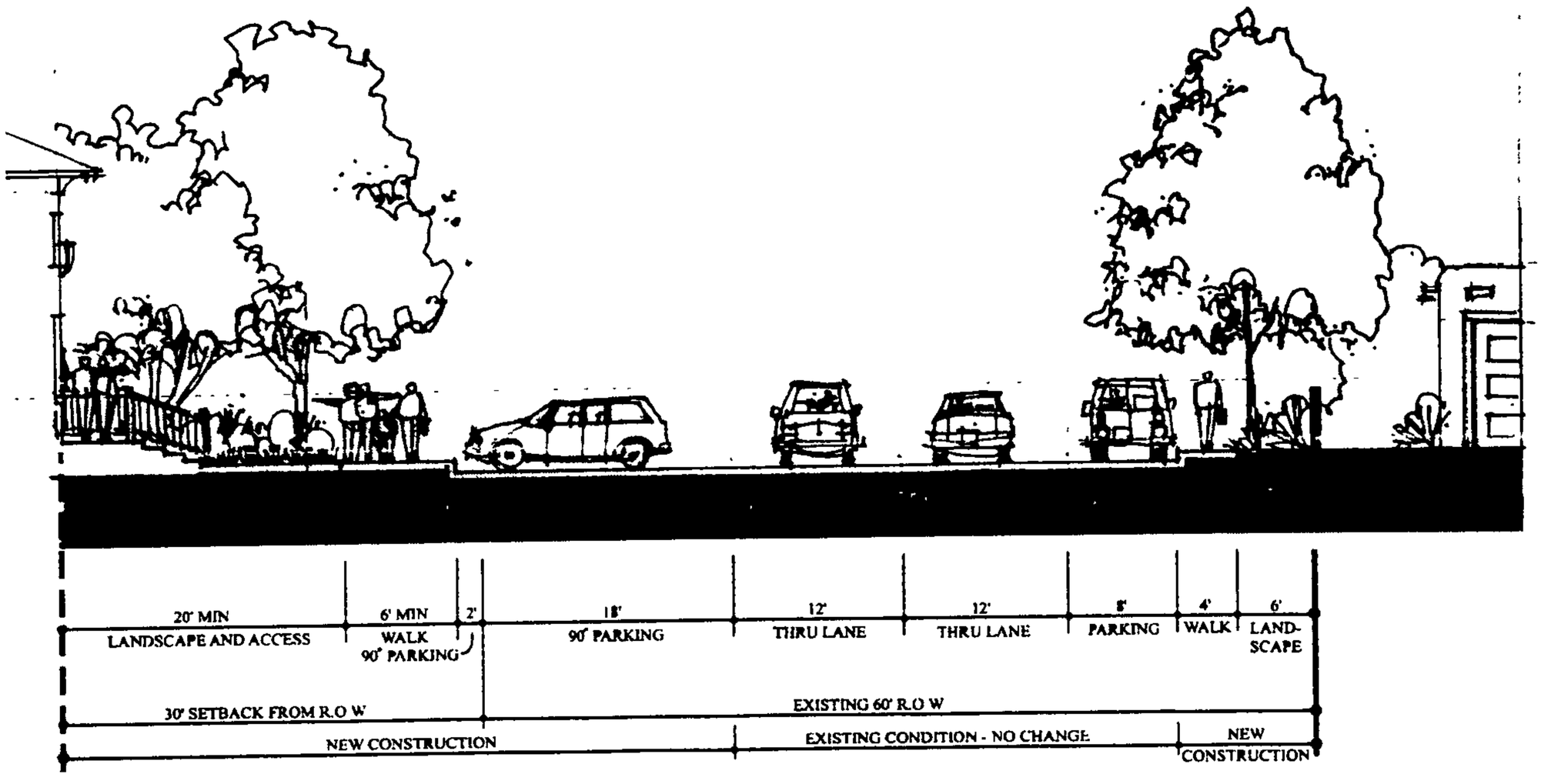
Espanola Street

Espanola Street is located east of the Uptown Loop Road and north of Indian School Road on the eastern edge of ABQuptown. Currently, Espanola Street is an existing two-lane residential street with a generous right-of-way, but only one narrow sidewalk located along the east side of the street. The majority of existing homes on Espanola Street have side yards facing ABQuptown. The primary modifications to Espanola Street will occur on the west side of the street, where 90-degree, head-in parking will be added in an effort to provide parking for new homes in ABQuptown and calm traffic on Espanola Street. A 30' setback between the existing right-of-way and new ABQuptown homes will provide an attractive buffer between the existing and new residences, and will include a new sidewalk and landscaping. The composition within the setback and the accompanying improvements to the east side of Espanola Street, including sidewalks and landscaping as necessary, will visually connect ABQuptown to the existing neighborhood. Improvements within the Espanola Street right-of-way shall be coordinated with the City of Albuquerque Traffic Engineer.



Espanola Street
Plan Enlargement



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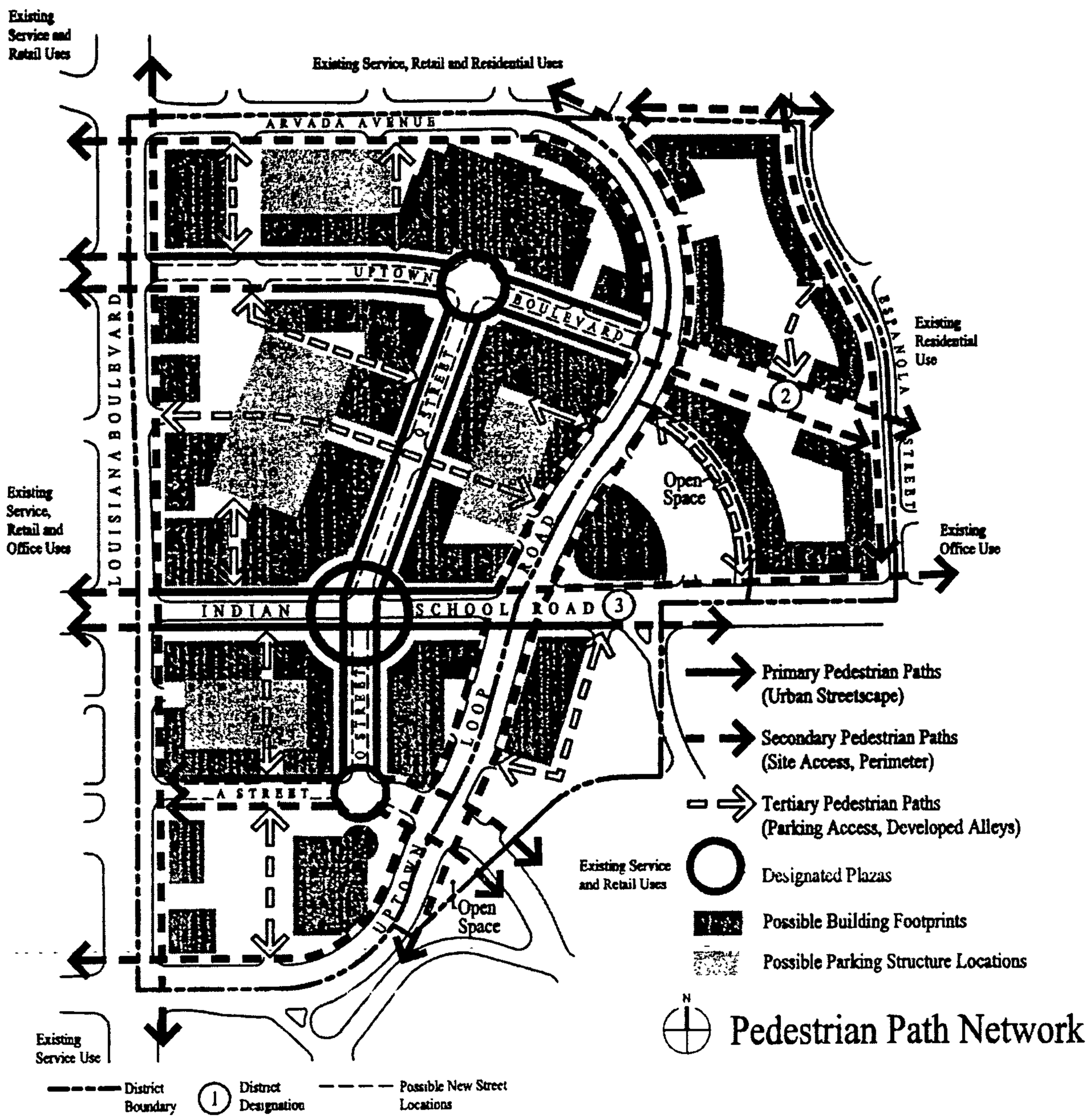
AMENITIES

Pedestrian amenities at ABQuptown, other than those previously mentioned under the Streetscape category, can be found in pedestrian facilities such as private and public courtyards, plazas, open space, walks, crosswalks and other pedestrian ways. These facilities often act as the primary organizing features of urban areas. At ABQuptown, the design and hierarchy of pedestrian facilities will contribute to the overall project identity and will enable pedestrians to move freely and intuitively throughout the urban landscape.



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Standards for the amenities within these pedestrian facilities are as follows:

intent

- To create an attractive, convenient, comfortable and safe interconnected system of pedestrian facilities throughout the development.
- To create an urban environment where the pedestrian facility system, as well as the architecture that defines it, are interdependent – the buildings defining and oriented toward the pedestrian spaces, and the spaces accommodating the needs associated with the building uses and users.
- To coordinate the design of both space and architecture in order to:
  - Maximize the communication of project themes.
  - Reinforce the project identity.
  - Accommodate the needs of tenants and users.
  - Introduce the inherent complexities and variety present in highly regarded urban settings.

Pedestrian Paths

intent

- To provide a hierarchy of safe, comfortable and unobstructed pedestrian circulation corridors throughout ABQuptown.
- To provide pedestrian-friendly linkages to surrounding development.
- To provide a pedestrian presence in the street.
- To encourage pedestrian movement throughout the site and surrounding area.

standards

- Use of curb cuts, curb returns and drive pads that reduce the continuity of walks, or result in sidewalk grade changes, shall be minimized.
- Crosswalks, as well as street corners on Louisiana Boulevard and the Uptown Loop Road, shall be designed to maximize pedestrian safety and comfort by utilizing reduced curb radii, strategically located ramps, median refuges, informative and responsive pedestrian crossing signals and other pedestrian-friendly design techniques.
- Specialty paving shall be utilized within all crosswalks.
- All walks within public right-of-ways in ABQuptown shall have a minimum, unobstructed width of 6.'
- All pedestrian ways shall connect to walks associated with public or private street right-of-ways.

Urban Pedestrian Path

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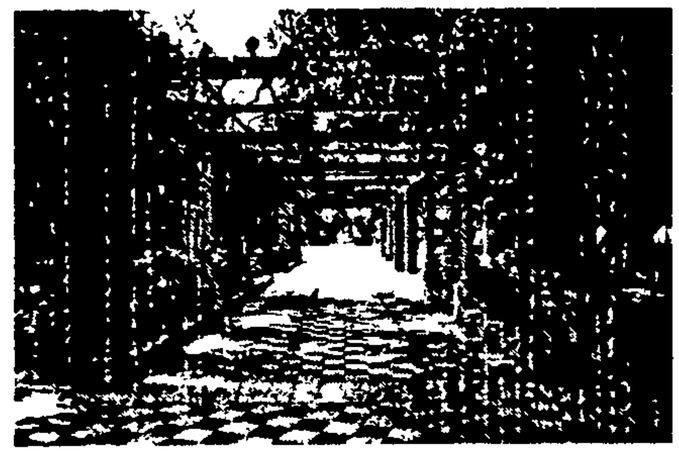
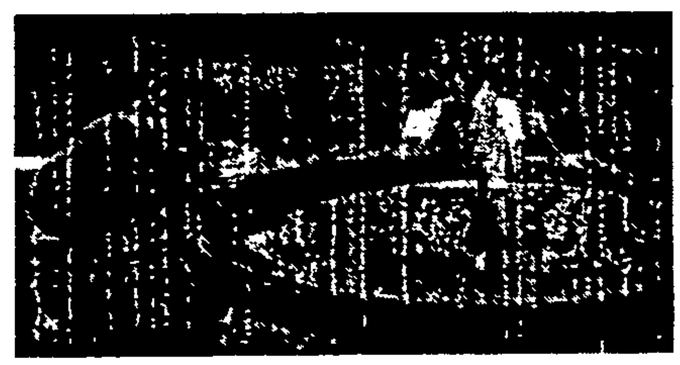
Plazas, Courtyards and Open Space

intent

- To create a variety of urban spaces that individually and together provide ABQuptown with an inviting sense of place.
- To provide contrast to, and physical and visual relief from, the dense urban landscape.
- To utilize proven ingredients of spatial design to ensure the differentiation and success of open space, courtyards and plazas, including:
    - Character – creating a unique visual and physical aesthetic.
    - Ownership – enabling participation, pride and responsibility in design and operations.
    - Authenticity – providing a subtext of meaning.
    - Accommodations – providing amenities for human comfort.
    - Nature – providing opportunities for interaction with an ever-changing natural environment.
    - People – providing opportunities for human interaction as well as serene introspection.





Amenities

standards

- A major plaza space shall be located on the north side of Uptown Boulevard at the terminus of Q Street.
- Plazas shall be located on all four corners of the intersection at Indian School Road and Q Street.
- A plaza shall be located on the south side of A Street at the terminus of Q Street.
- At least one courtyard shall be located within the block surrounded by Louisiana Boulevard, Uptown Boulevard, Q Street and Indian School Road.
- Courtyards shall have design and operational controls to ensure that the space is used appropriately
- Pedestrian zones or linkages shall be provided between courtyards, plazas and open space, and walks within public or private streets.
- A linear open space shall be located between the residential uses in the northeast section of ABQuptown and the retail/service use at the northeast corner of Indian School Road and the Uptown Loop Road.
- Open space shall be located along the east side of the Uptown Loop Road, north and south of A Street.
- Courtyards, plazas and open space shall have at least one focal or defining element or elements to help establish identity. Focal elements shall be permanent and may include, but are not limited to, fountains, art or art displays, views, architecture, paving or landscaping.

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OFF-STREET PARKING

The design intent at ABQuptown is to define the majority of streets and pedestrian spaces with buildings, and dedicate the street – level spaces of these buildings to street – activating uses. Convenient but discrete off-street parking facilities, which complement the site and project design intent, are critical to making ABQuptown a functional urban environment.

At ABQuptown the majority of off-street parking spaces are located within parking structures. The intent is to design the structures for superior function – to easily accommodate cars and efficiently and intuitively direct people to the surrounding pedestrian-oriented settings. The ABQuptown plan includes four parking structures, all of which, to a large extent, are wrapped with street – activating uses such as retail or service at the ground level and office or residential uses concealing the upper levels. Primary pedestrian ingress/egress to these facilities is from the sidewalk level of the ABQuptown streets. This design approach enables the project to achieve both the desired density ratio and the planning objectives stated in the Uptown Sector Plan.

A small percentage of the off-street parking requirement will be satisfied with surface lots. The street frontage of surface lots will be minimized and screened from the street with landscaping and architectural elements that will also reinforce the street edge.

intent

- Design and locate off-street parking facilities in order to:
  - Efficiently and conveniently accommodate cars and people.
  - Stimulate street activity.
  - Minimize the amount and visual impact of surface parking lots.

standards

- Parking Structures
  - Primary pedestrian ingress/egress for parking facilities shall occur at the street level.
  - Paved pedestrian ways shall be provided between parking structures and the street.
  - The architectural design shall minimize views of cars from streets and pedestrian facilities.
  - The architectural design shall minimize direct views of interior parking lot lighting and internal signage from streets, pedestrian facilities and adjacent properties.
  - Provide secure bicycle facilities in clearly marked locations at street level at each parking garage, and provide clearly marked bicycle routes to the parking facilities.
- Surface Parking
  - Off-street parking spaces shall not be located between a building and the primary street.
  - 10-foot-wide buffer areas comprised of landscape and architectural screening shall be used to mitigate views of surface parking from the street.

Parking Structure

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TRANSIT FACILITIES

Appropriate placement and design of transit facilities is a key component of a successful multi-modal transportation design. Coordination of transit stops with highly visible pedestrian, bicycle and parking facilities will ensure that ABQuptown is linked to the rest of Uptown and the Greater Albuquerque community, while setting the tone for a pedestrian-oriented urban development.

The primary transit facility in the area will be the new transportation center located on the southeast corner of Uptown Boulevard and Americas Parkway, approximately two blocks from ABQuptown. There are currently two SunTran bus routes that serve the site: a north/south all-day route on Louisiana Boulevard and an east/west commuter route on Constitution that veers north to Indian School Road at Louisiana Boulevard. In the future, there may also be an Uptown sector circulating route, along the Uptown Loop Road.

New transit facilities associated with ABQuptown will be located, in coordination with transit providers, within the public right-of-way, along designated transit routes and adjacent to pedestrian linkages. The design of these facilities will also be coordinated with transit providers to ensure that functional obligations are met and that the design of the facilities is integrated into the overall streetscape design.

intent

- To provide safe, convenient access to transit.
- To encourage transit use at ABQuptown.
- To integrate transit into ABQuptown's multi-modal circulation system.

standards

- Transit facilities shall reflect transit-provider requirements and COA transportation guidelines.
- Transit facilities, including signs, shall be located in the street amenity zone.
    - The majority of transit facilities shall be located on the Uptown Loop Road.
    - Seating, shade and litter receptacles shall be provided at or adjacent to transit facilities.

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BICYCLE FACILITIES

Safe and convenient bicycle facilities provide a means of reducing reliance on automobiles and, like transit facilities, are an important component of a well-coordinated, multi-modal transportation design. Bicycle facilities already exist in the vicinity of ABQuptown, including bike lanes on the northeast segment of the Uptown Loop Road and on Pennsylvania, a bike trail that crosses Interstate Highway 40 between Winrock Shopping Center and Jerry Cline Park, and bike routes connecting these facilities together. New facilities are also proposed for Indian School Road and the remainder of the Uptown Loop Road. At ABQuptown, providing internal linkages to adjacent existing bicycle corridors and providing support facilities (signage; secure parking; lockers; and showers for retail, service and office employees) will encourage, promote and increase safe bicycle use in the area.

intent

- Provide appropriately and conveniently marked, signed and located bicycle amenities to encourage and maximize the number of users.

standards

- Locations for secure bicycle facilities shall be identified in highly visible sites at street level and at each parking garage.
- Bicycle lockers and loops shall be conveniently located throughout the site.
- Bicycle support facilities such as lockers and showers shall be provided for retail, service and office employees. The locations of these facilities shall be clearly marked.

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LANDSCAPE DESIGN

The design of ABQuptown will utilize landscaping to provide comfort and visual relief, provide/define edges for various use zones and, perhaps most importantly, reinforce project themes. In Albuquerque, landscaping can be used to communicate a sense of New Mexico, the land, the people and the history. Landscape design at ABQuptown will embrace the wonderful colors, forms and textures of New Mexico's natural materials to create a meaningful, sophisticated urban landscape.

Pomegranate

Superior landscape design is sustainable landscape design. At ABQuptown, sustainability will be part of the design criteria. The resources used to grow, plant and maintain plant material will be balanced by the resources saved through heat reduction, energy use, and the social benefit gained from opportunities for outdoor recreation, socialization and relaxation. The landscape design standards below include site development techniques that will contribute to the sustainability of the site.

The following landscape standards apply to the development of right-of-way easements, courtyards, plazas, parking lots and open space, and as part of the site development requirement for some buildings.

Refer to the Streetscape and Amenity sections of this document for additional information on landscape and site design standards.

intent

- Reinforce the project identity and architectural themes.
- Provide visual and physical relief from large buildings, expanses of paving and their effects on microclimate.
- Provide order in coordination with the project's district organization structure.
- Reinforce sense of project quality.
- Provide buffers, transitions and screens between uses.
- Be sensitive to water resource conservation.

standards

- General
  - The configuration and design of planting areas shall be compatible with landscaping on adjacent lots, streets and easements.
  - Earth berms shall have a maximum slope of 3:1 and shall be stabilized with plant materials and mulch.
  - All disturbed areas without paving or structures shall be stabilized with natural materials dominated by plant material.
  - Water-harvesting techniques shall be implemented wherever practical.

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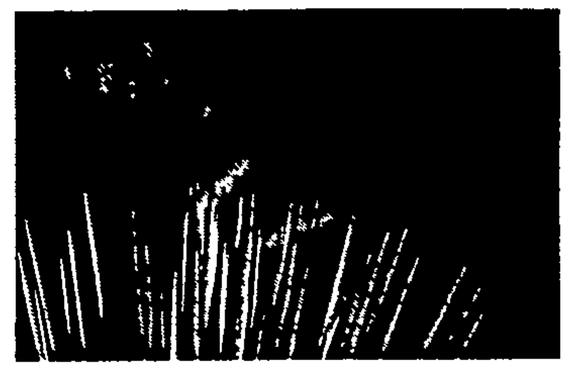
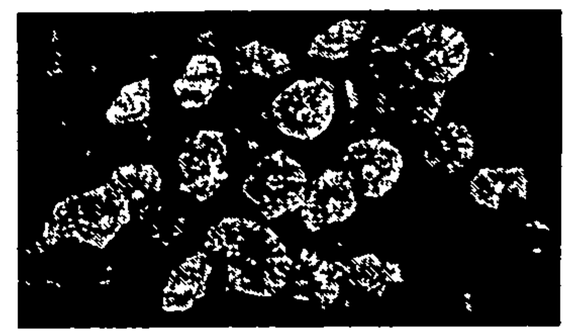
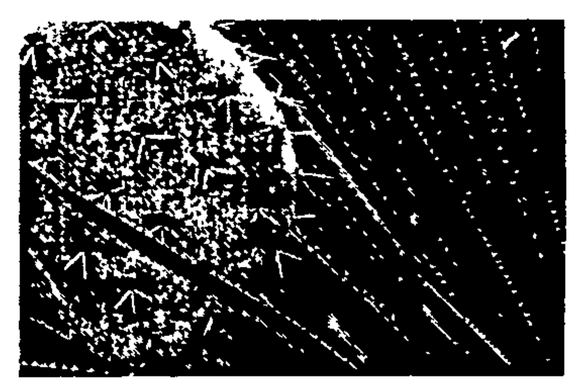
- Landscape Plan
  - A landscape plan is required for development.
  - The landscape plan shall require approval by an authorized ABQuptown representative.
- Irrigation
  - All landscaped areas shall receive irrigation via a fully automated irrigation system.
  - All irrigation systems shall be designed to accommodate non-potable water.
  - Low-flow irrigation techniques shall be utilized.
- Plant Material
  - Regional native plants from the Southwestern U.S. and northern Mexico shall be featured in the landscape design.
  - Low water use, heat- and drought-tolerant plant material shall be included in the landscape design.
  - Landscaping shall provide seasonal color, texture and shade.







Desert Landscape Images

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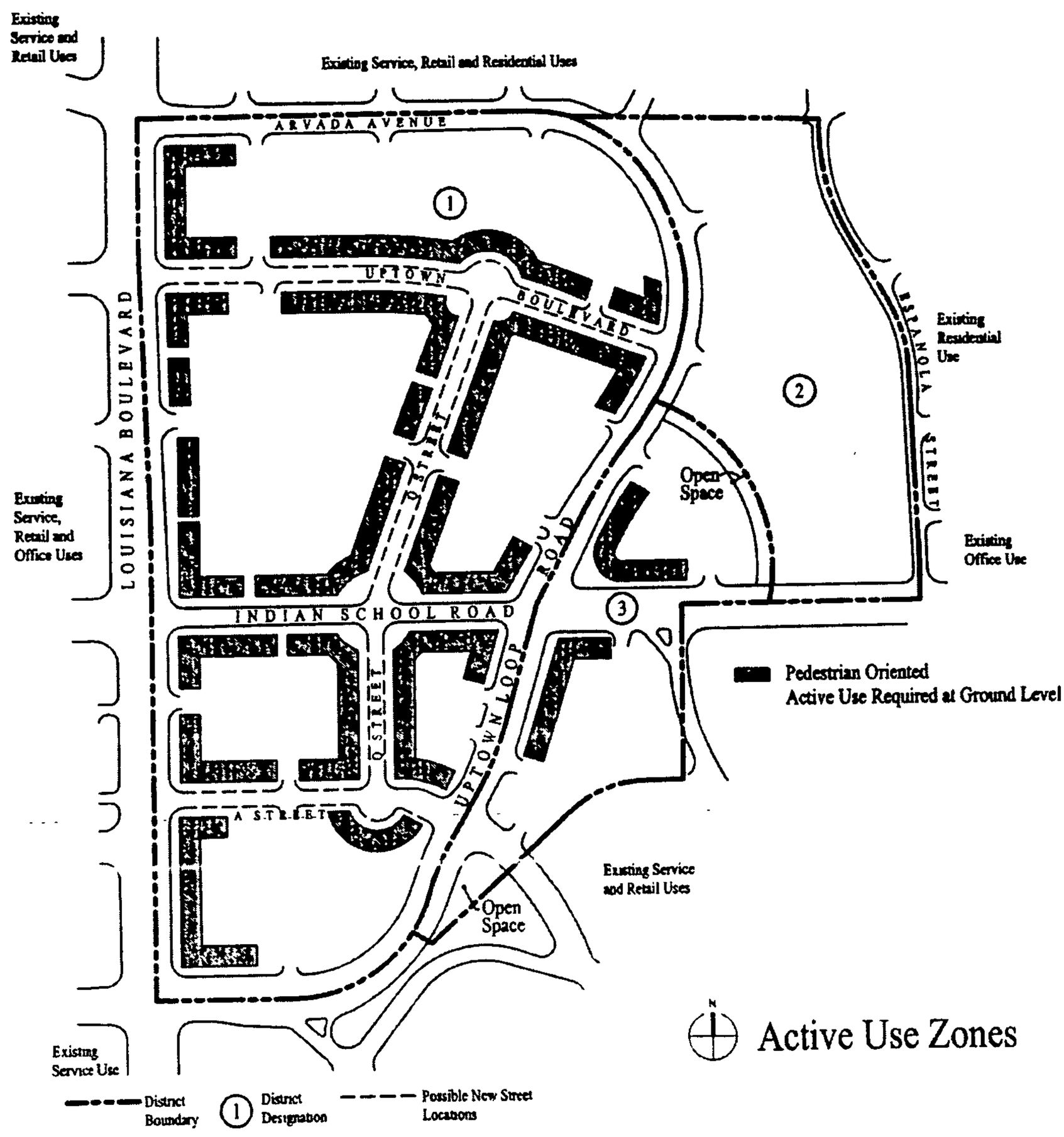
ARCHITECTURE

The architecture of New Mexico has developed along with the cultural evolution of the area. Influences of Native American, Spanish and Mexican cultures have become intertwined with the spirit of the American West and the amalgamation of modern American culture. These influences, in combination with the remnants of historic railroad and highway development, generations of tourism, and the state-of-the-art technology of the National Labs, have created a diverse but cohesive aesthetic. Buildings within ABQuptown shall be designed to incorporate this wide variety of architectural themes to celebrate our state's diversity as well as to create the look of an evolved urban environment.

PEDESTRIAN ACTIVE-USE ZONES

Pedestrian active-use zones are designated to focus retail and service uses along selected new and existing streets within ABQuptown. Within these zones, buildings are required to have pedestrian-activating uses such as retail and service on the ground floor in order to promote a pedestrian-first environment.



Active Use Zones

ABQuptown Site Plan for Subdivision and Urban Design Standards

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intent

- To create a sustainable urban village that embraces the surrounding context and provides memorable places for people to live, work and play.
- To create a lively pedestrian zone by requiring active uses at street level along the primary retail/service streets and at project gateways.
- To provide visually transparent façades at the street to connect activity inside the building to activity outside on the sidewalk.

Outdoor Dining

standards

- Locate retail and service uses, including restaurants and entertainment uses, at the ground level of buildings within the zones indicated in the Active Use Zones diagram.
- Provide visually transparent façades at the street in accordance with the requirements of the Building Detail Requirements section of these standards.
- Utilize the allowable setbacks in the build-to zones and the width of the building amenity zone to further activate the street with outdoor functions associated with the active uses within the buildings.
- Develop plazas into active public spaces at street intersections by utilizing public art, water features and outdoor seating areas.

Build-to Zones and Bulk Reduction

Build-to zones are 10'-wide areas in which a building's front- and street-facing façades must lie. Build-to zones are established in an effort to define the street space and to encourage pedestrian activity on the street by orienting buildings, including their entrances, to the street. The following standards are established to guide the architectural development along ABQuptown's streets.

intent

- To maintain a well-defined, urban street frontage through control of the location of buildings by stipulating maximum building setbacks.
- To define the urban streetscape edge with building mass.
- To encourage outdoor activity areas associated with retail and service uses in the adjacent buildings.
- To relate buildings to pedestrians at the street level, through bulk reduction on the upper floors.

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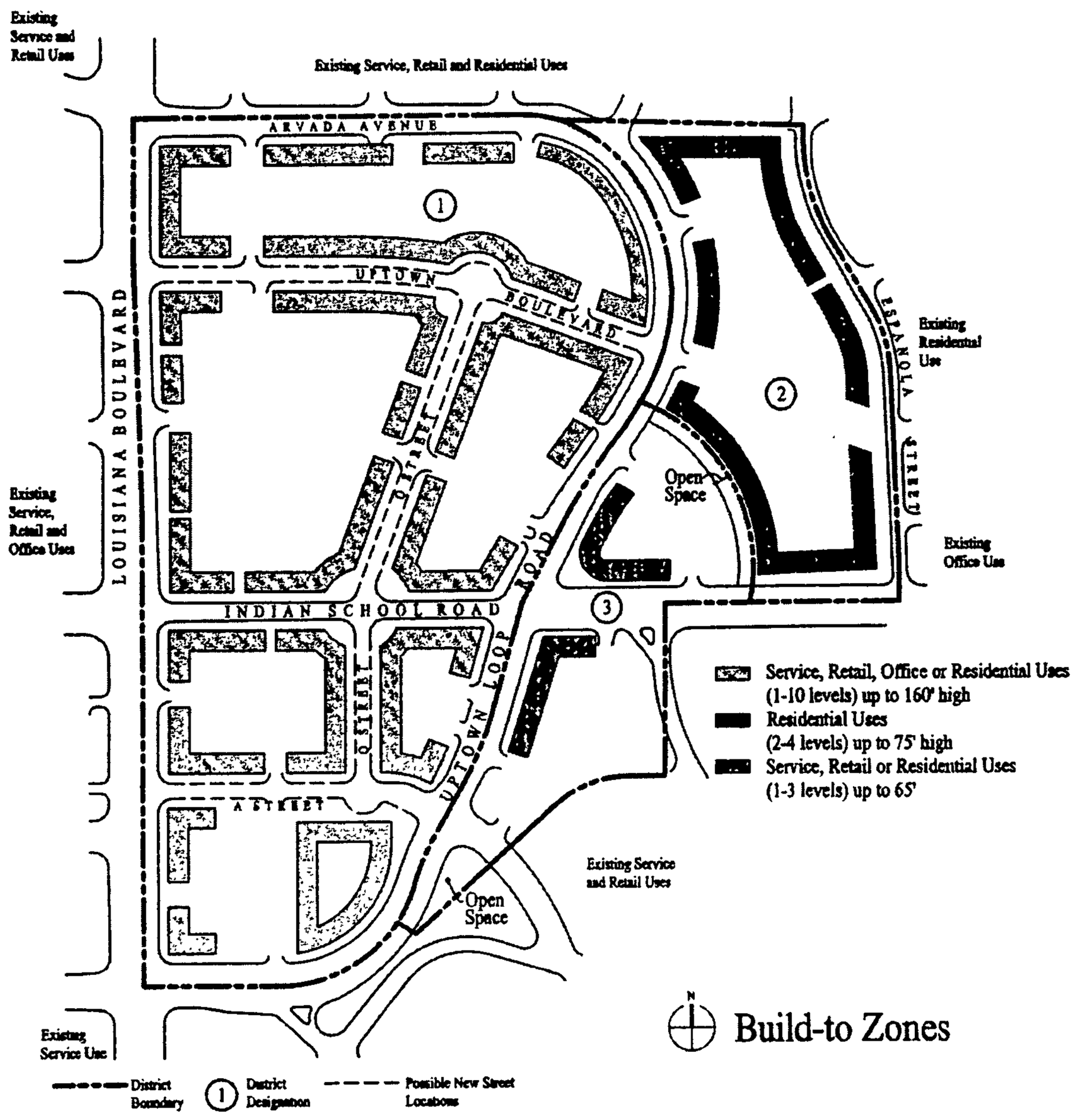

standards

- Where indicated, the front building façade shall be located on or within the build-to zone based on the Build-To Zone diagram above.
- Setbacks shall be used primarily for active outdoor uses associated with the building's ground-floor use.
- Reduce the bulk of multistory buildings by stepping them back with recessed facades and in some cases, balconies above the street level.

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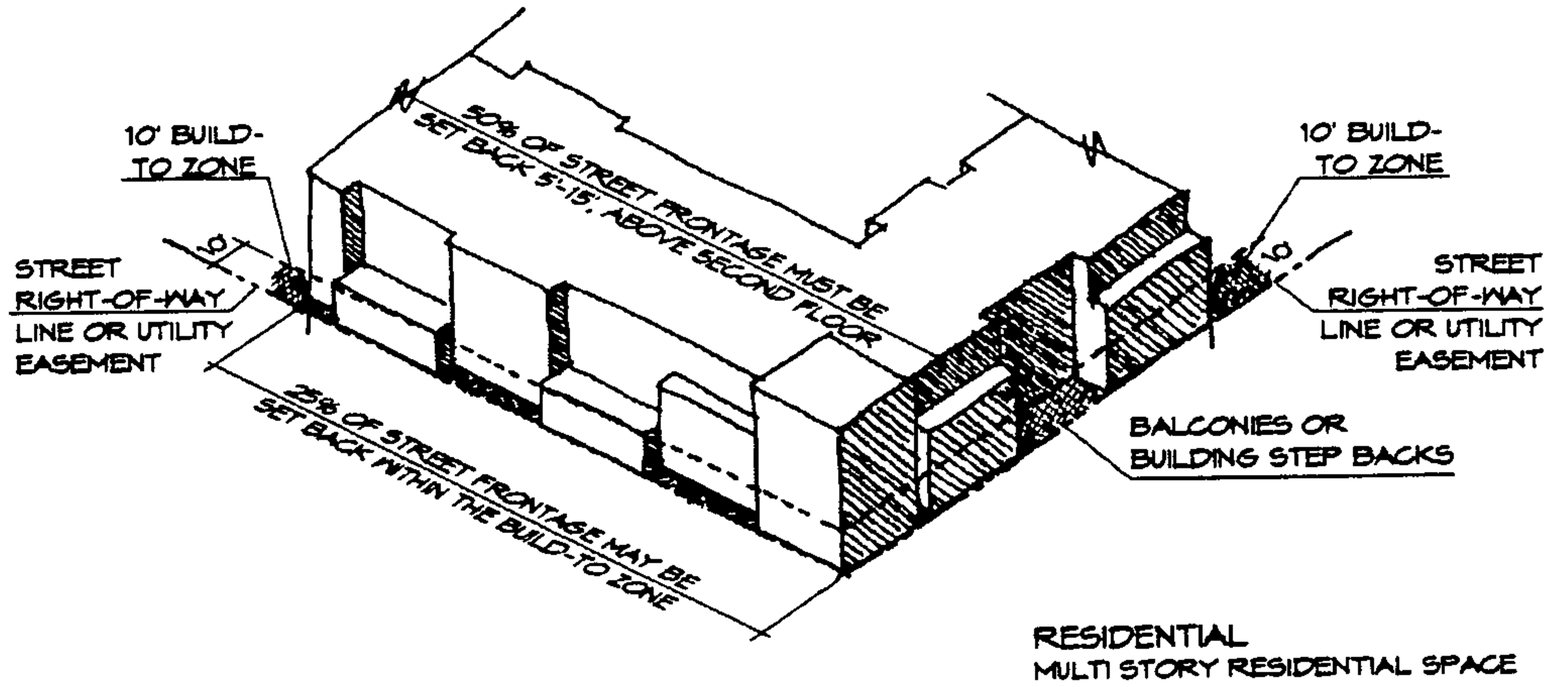
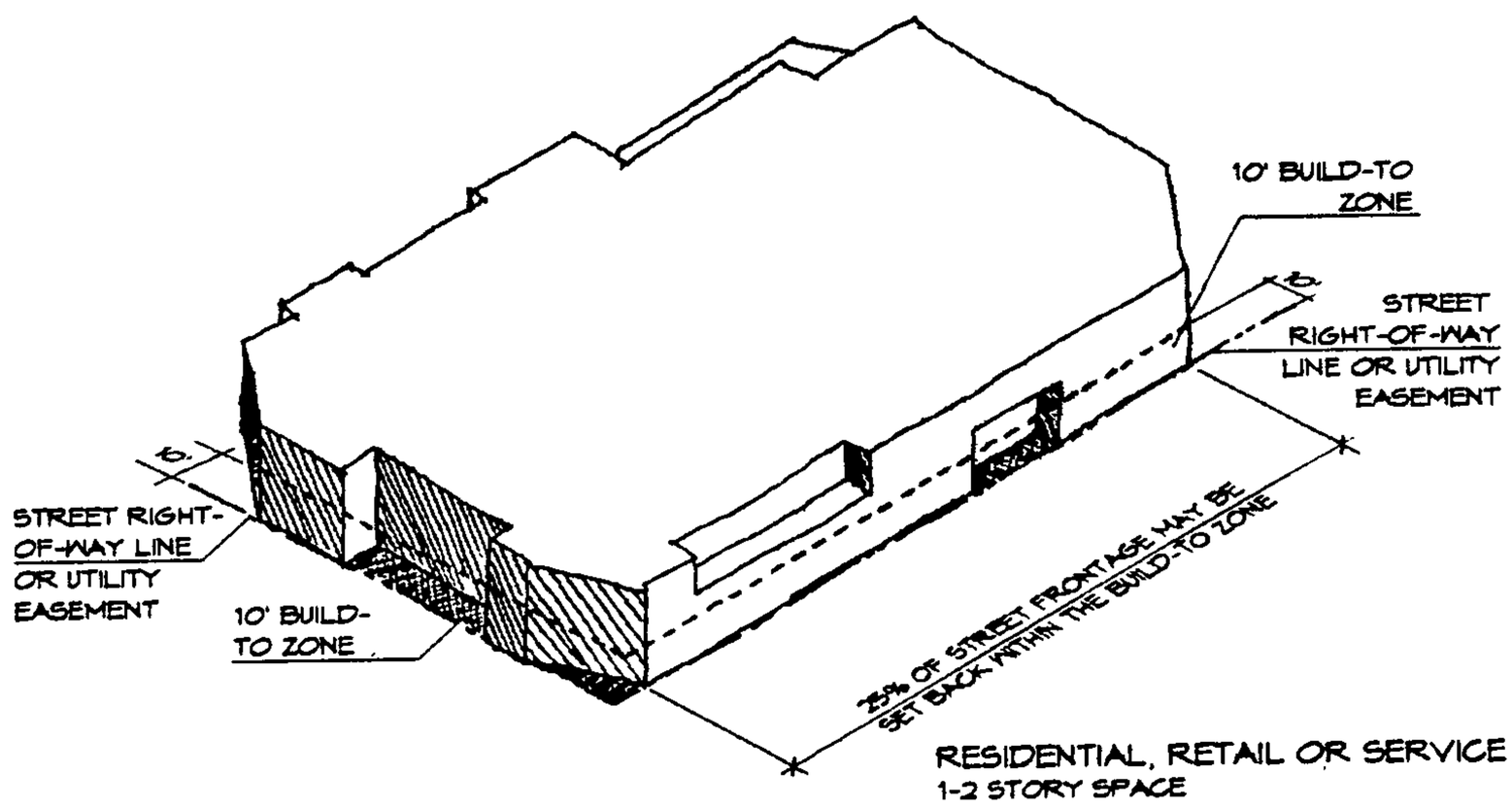
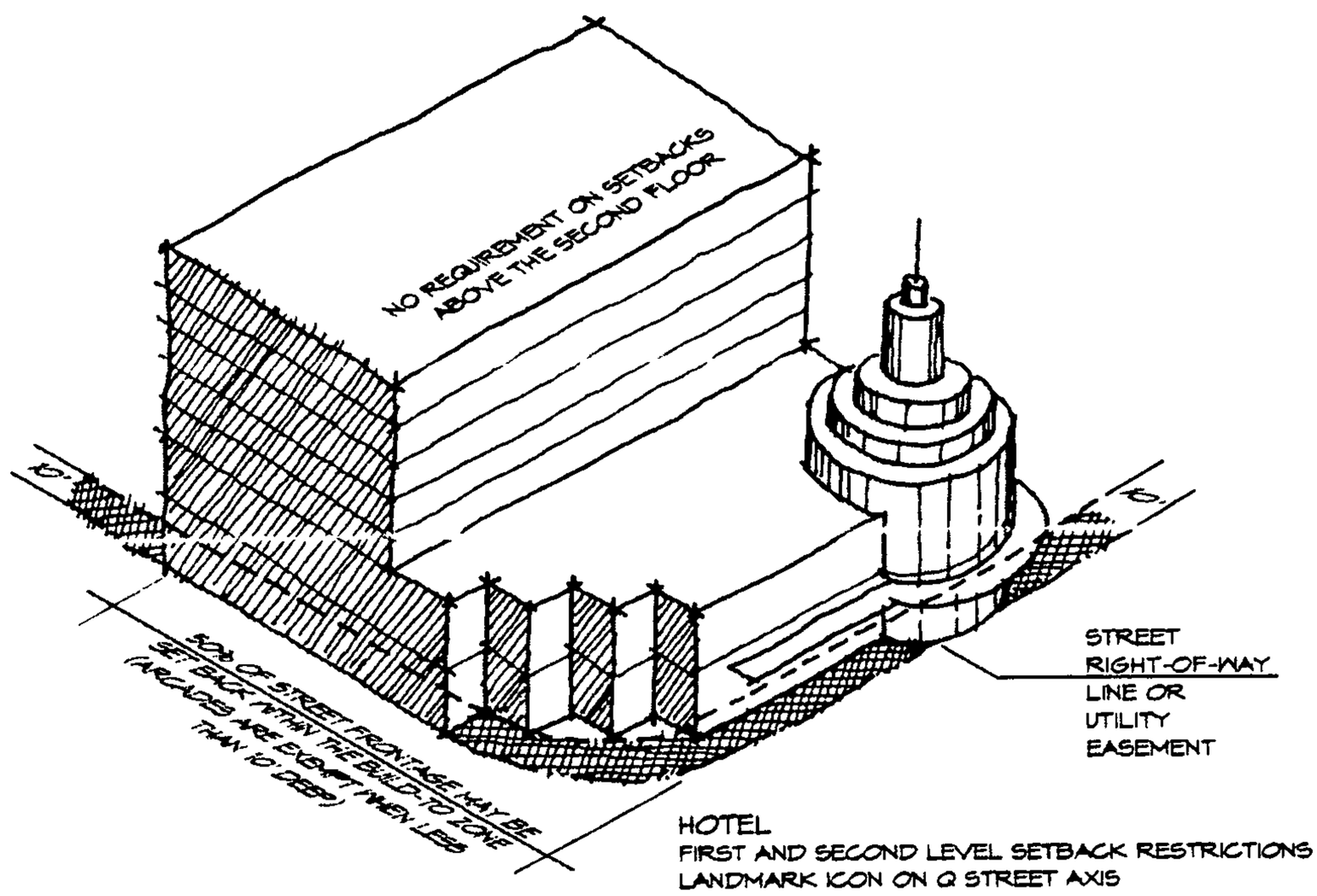


RESIDENTIAL
MULTI STORY RESIDENTIAL SPACE



RESIDENTIAL, RETAIL OR SERVICE
1-2 STORY SPACE



HOTEL
FIRST AND SECOND LEVEL SETBACK RESTRICTIONS
LANDMARK ICON ON Q STREET AXIS

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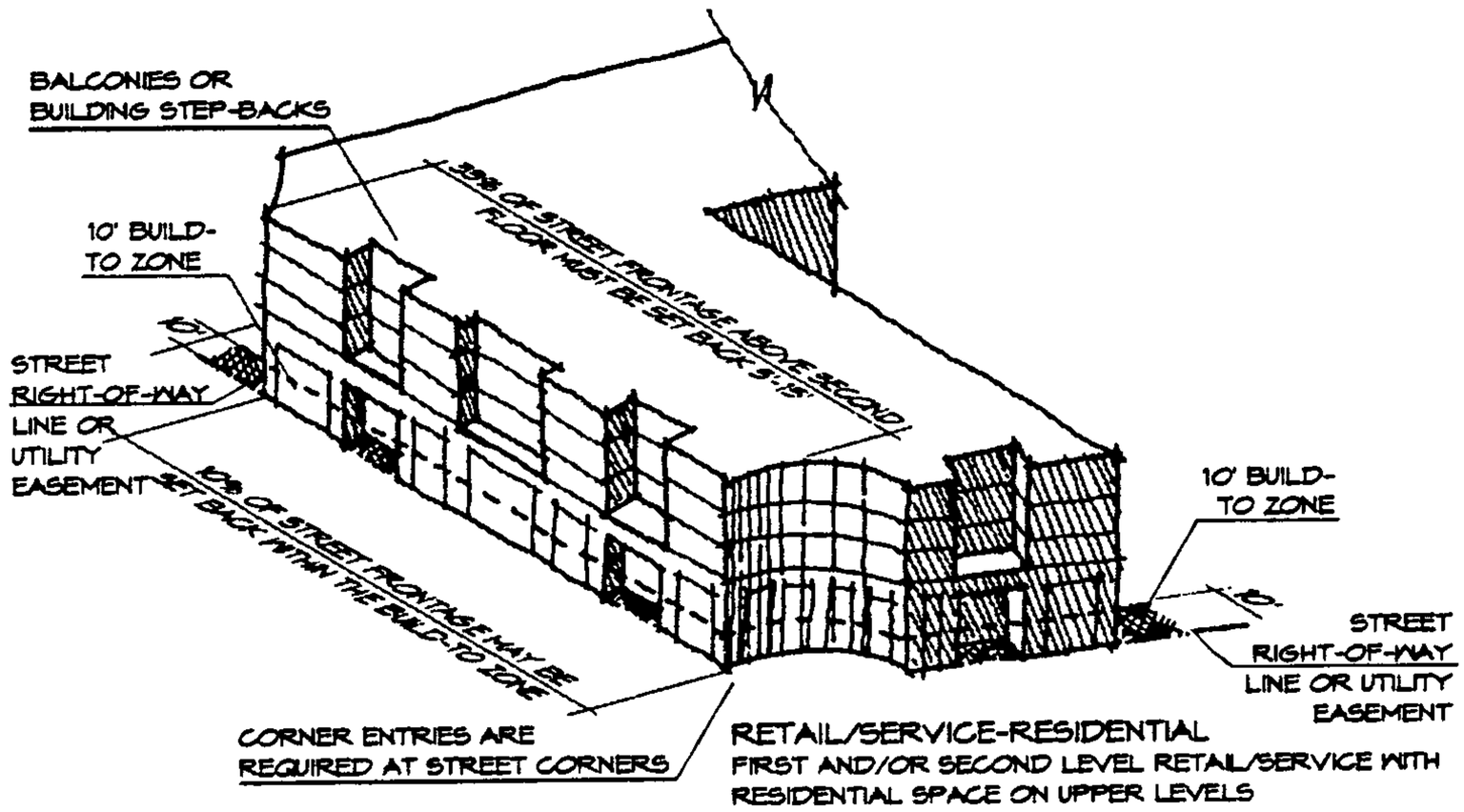

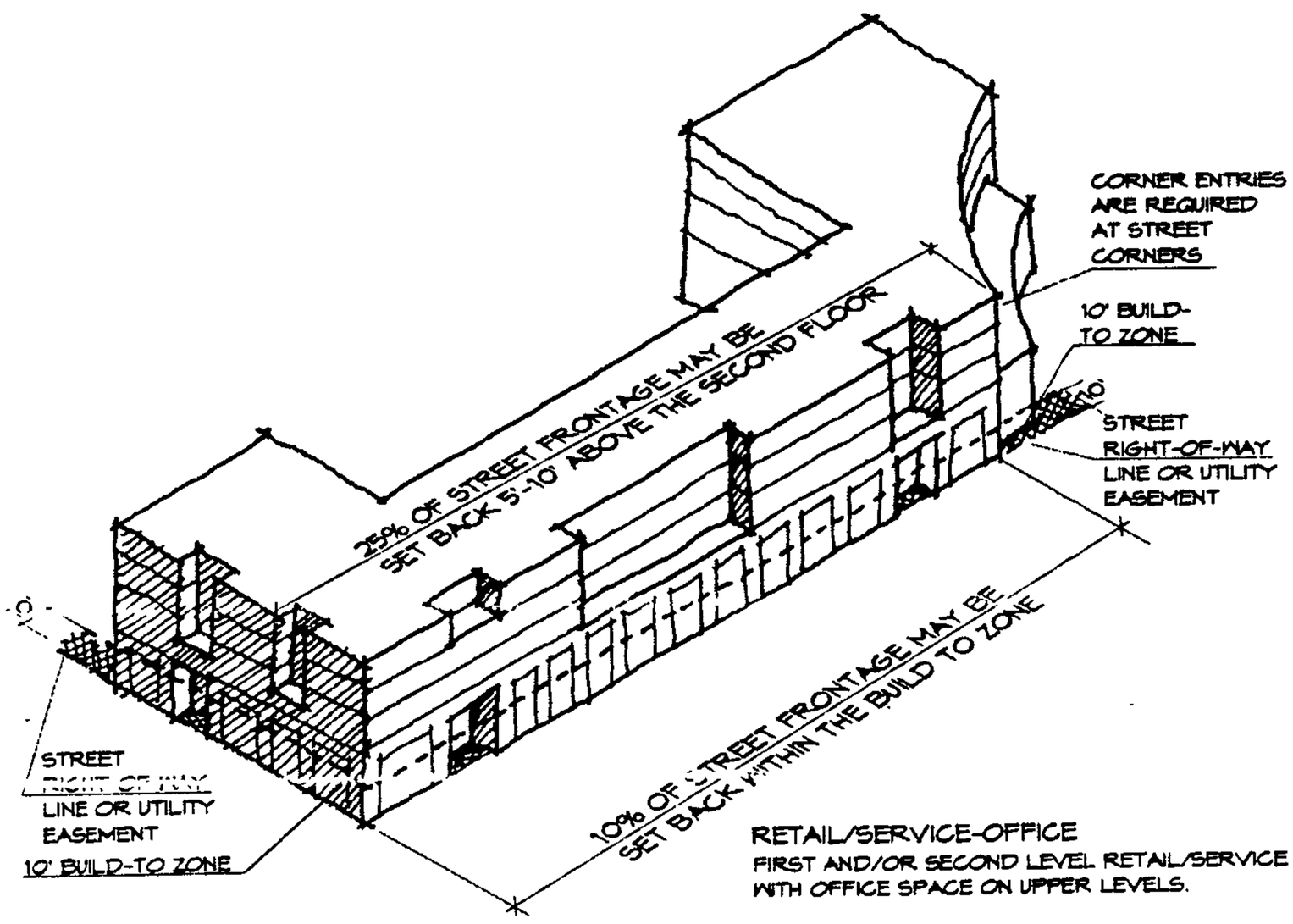

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Building Detail Requirements

Detailing and Human Scale

intent

- To relate buildings to the pedestrian through the use of appropriately scaled detailing.
- To create a well-detailed, quality urban environment.
- To provide visual interest in building façades with emphasis on regional iconography.
- To establish patterns that form a relationship with adjacent buildings.
- To create facades that appropriately address the street at corner buildings.

standards

- Provide articulation of the building façade through appropriate combinations of some of the following elements:
  - Steps in the building façade.
  - Reveals, rustications or belt courses.
  - Window patterns that are consistent with interior use.
  - Lintels or appropriate shading devices.
  - Expressions of the building structural system.
  - Changes in material, color or texture (see Building Materials section).
  - Architectural ornamentation.
  - Detailing and forms that relate to building entries at both corner and mid-block. buildings.

Fenestration

intent

- To create a visually transparent façade at the street level, thereby connecting interior and exterior active spaces.
- To encourage pedestrian activity both inside the buildings and out.
- To create visually interesting window patterns on the upper floors of buildings.

standards

- Ground Level: provide between 60% and 90% of the total wall area oriented to the street as visually transparent openings.
- Upper Levels: provide between 25% and 60% of the total wall area oriented to the street as visually transparent openings.
- Mechanical, electrical and utility spaces are exempt from the opening requirements, except at the first floor.
- Opaque or spandrel glass may be used to attain the percentage of required openings but not in excess of 15% of the total wall area.
- Glass shall be transparent. No reflective glazing is allowed.

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Building Materials

intent

- To reinforce the architectural traditions of New Mexico through the use of appropriate materials.
- To utilize quality materials in order to create a durable urban environment.
- To provide durable finishes that withstand human touch and other environmental factors at the street level.
- To utilize materials above the street level that withstand long-term environmental extremes.

standards

- All façades facing public streets and visible from public spaces shall be constructed of high-quality, durable materials including, but not limited to, the following:
  - Masonry including brick, dimensioned stone, natural stacked stone, architectural precast concrete, terra cotta, decorative concrete block (as accent only).
  - Exterior Finish and Insulation Systems and stucco as appropriate to the architectural style, not to exceed 50% of the façade area.
  - Metals including ornamental trim, shading devices, architectural metal panels and copings.
  - Glass and glass block.
- Detailing of materials shall be appropriate to their properties and the architectural style of the building.
- Glazing and framing shall be selected with consideration given to their context with the building's architectural style.
- Building materials at the street level shall be high-quality, aesthetically appropriate, highly durable and able to withstand long-term exposure to human touch or abuse.
- Building materials in service areas shall be highly durable and able to withstand conditions within these areas.

Building Entries

intent

- To promote pedestrian activity on the street by locating primary building entrances oriented toward the street.
- To reduce building scale through the use of well-detailed and sheltered entrances.

standards

- All buildings and ground-floor tenant spaces shall have at least one primary entrance oriented toward the street.
- Entries shall be architecturally articulated to make their presence obvious to pedestrians on the street.
- Entrance recesses of less than 80 square feet are exempt from the Build-to Zone setback requirements.

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Arcades and Awnings

intent

- To create shaded areas for pedestrians and outdoor activities along building façades facing the street.
- To create diversity in the street façades through the use of a variety of shading devices and arcades.
- To provide shelter at building entrances.

standards

- Some form of awning or arcade shall be provided at the ground-floor entrances of all retail/service buildings.
- Continuous outdoor sheltered spaces are encouraged along the street frontage of all retail/service buildings.
- Shading shall be created through the use of cantilevered awnings or arcades.
    - Cantilevered awnings shall be a maximum of eight feet deep and a minimum of eight feet above the ground. They shall be constructed of materials appropriate to the architectural style of the building. Cantilevered awnings may extend out over the building amenity zone of the right-of-way with the approval of the appropriate reviewing body.
    - Arcades shall be at least five feet wide (clear) when measured perpendicular to the building face, and at least eight feet high. Column spacing and materials shall be appropriate to the architectural style of the building. Arcades may be used to fulfill the Build-to Zone requirements at the ground floor.

Roof Forms

intent

- To require roof forms to be integral with overall building design.
- To require all rooftop equipment to be screened by or integrated into the form of the building.

standards

- All rooftop-mounted equipment shall be screened from view at least as high as a line even with the top of the equipment and parallel with the ground plane.
- Equipment screening shall be accomplished through the use of architecturally integrated screening elements.
- The roof form of buildings shall be an integral part of the overall building design.

Sustainability

intent

- To promote sustainable practices in the design of buildings within ABQuptown.

standards

- Sustainability shall be considered in the design of all buildings within ABQuptown.
- Considerations shall include but not be limited to: building orientation, day lighting, recycled or low life-cycle cost materials, natural or cross-ventilation and operable windows.

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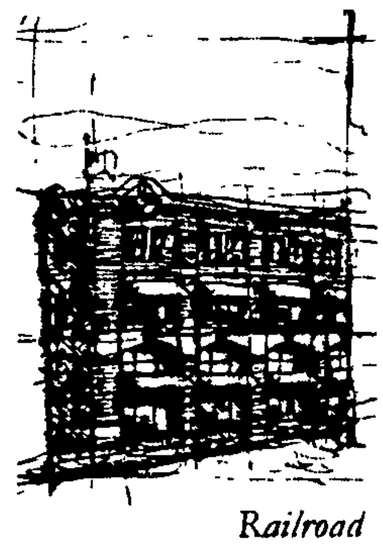
Architectural Styles

Part of New Mexico's unique sense of place is due to the diversity of its architecture. ABQuptown will make use of this diversity to create a unique urban texture with a variety of indigenous architectural styles.

Northern New Mexico

intent

- To celebrate the uniqueness of New Mexico's culture through utilization of its various indigenous architectural styles and iconography.
- To create an architecturally diverse urban texture by varying the styles of individual buildings within ABQuptown.

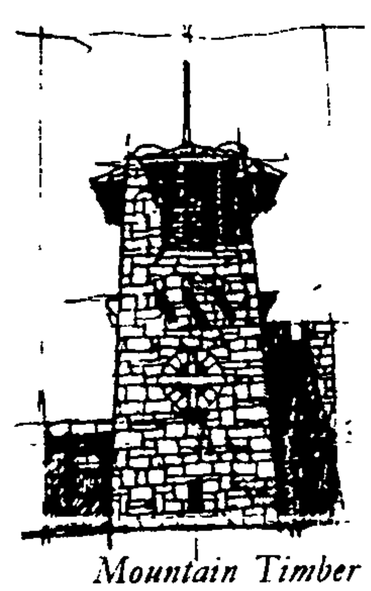


Railroad

standards

- All buildings within ABQuptown shall be based on one of the indigenous architectural styles of New Mexico listed below. Architectural interpretations shall not trivialize the original, but rather create high-quality buildings whose designs withstand the test of time.
- Literal interpretation of these styles shall be discouraged. Materials and detailing shall be based on indigenous architectural styles, be of high quality and be appropriate to an urban environment.
- The descriptions and images below are meant to convey the essence of each style and shall be considered illustrative only.
    - Northern New Mexico: Light-tan stucco with pitched corrugated metal roof and oversized window-trim appointments. Deep overhung, roofed and trellised outdoor patio space.
    - Santa Fe Railroad: Industrial brick warehouse with oversized exposed structure, precast architectural concrete parapets and sills, and exposed steel lintels. Deep overhung, soffitted outdoor spaces. Awnings over punched windows.
    - Spanish Mission: Very light earth-colored stucco with curved and stepped wall forms. Heavy window and door lintels. A mix of pitched and flat roofs, and precast architectural concrete parapet caps. Light trellising and terraced patio elements, and inwardly focused courtyard spaces. Awnings over windows.
    - Mountain Timber: Oversized timber frame with pitched metal roof and natural stone veneer. Oversized trellising elements.

Spanish Mission



Mountain Timber

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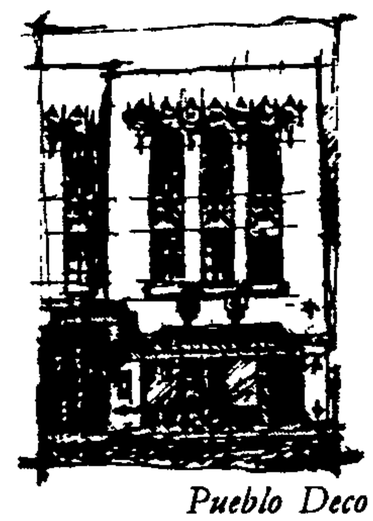
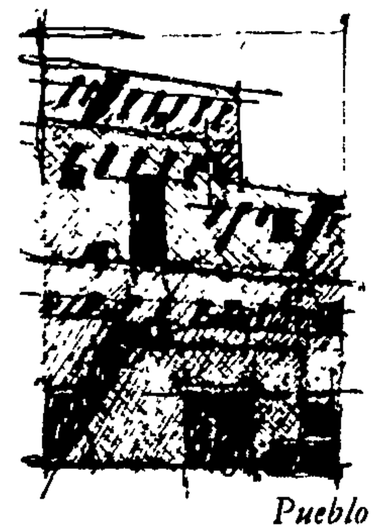
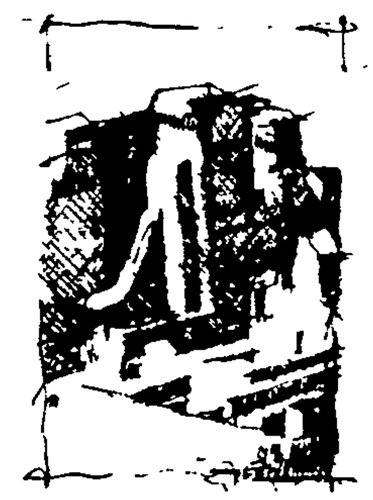
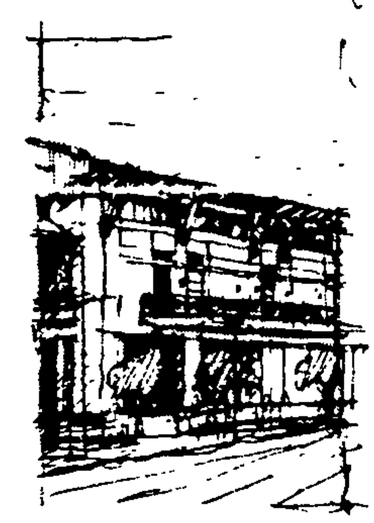
- New Mexico Territorial: Earth-toned stucco wall surfaces with brick copings and white painted wood trim (with pediments and dentals) at openings.
- Pueblo Deco: An eclectic mix of art deco and pueblo styles with monotone field and localized saturated accent color, in a more formal manner. High play of figure/ground.
- Northern New Mexico Pueblo: Medium to darker earth-toned stucco with simple stepped parapet walls and protruding structural members expressed beyond the wall plane.
- Anasazi: Very simple circular, rectangular and arced organizational forms in natural stone masonry with structural protrusion expressed beyond wall plane. Heavy use of multilevel terracing.
- National Labs Tech: Metal panels, stucco, glass, metal awnings, with a horizontal nature influenced by modern architecture, materials and technologies.

Territorial


Pueblo Deco


Pueblo


Anasazi


National Labs Tech

Parking Structures

intent

- To provide parking structures that are substantially concealed from public view.
- To architecturally treat parking structures, where visible, to blend with the urban character of ABQuptown.
- To locate active uses in the ground floor of parking structures that face the street.

standards

- The visual impact of parking garages from the street shall be minimized by wrapping parking structures with buildings for a minimum of 50% of the total street-facing façade area.
- Exposed façades of parking structures shall be treated with details and fenestration to make them coordinate architecturally with the surrounding buildings.
- Street-facing façades shall have horizontal structure – not ramped.
- Architectural design shall minimize views of cars from the street and pedestrian facilities.
- Architectural design shall minimize direct views of interior parking-lot lighting and internal directional signage from the street and pedestrian facilities.

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Mechanical, Utility and Service Area Screening Requirements

intent

- To conceal mechanical, utility and service areas from view.
- To implement screening solutions that architecturally match the buildings they serve.

standards

- Mechanical, utility and service areas shall be located in alleys or courtyards away from the street, where feasible.
- Exposed entrances to service areas shall be gated or screened to avoid views into them from the street.
- Details and materials of screening solutions shall be coordinated with the architecture of the buildings they serve.

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SIGNAGE

The identity of ABQuptown will be partially derived by the story that is communicated through graphics, iconography and signage. Within the framework of a well-coordinated environmental design, these elements will be synthesized with the architecture, spatial design and lighting to create a coherent image for the project.

intent

- Reinforce the project identity and architectural themes.
- Provide high-quality sign and graphic design appropriate to the setting.
- Promote stakeholder interests.
- Promote special and seasonal events.
- Provide a sense of anticipation, and provide visual interest and change in the urban landscape.
- Serve as one of the wayfinding tools that orient visitors to ABQuptown's dynamic and exciting urban setting.
- Create signs and graphic elements that enhance the urban environment.

standards

- General
  - Signage shall be oriented to the primary street and associated pedestrian facilities.
  - Facades of buildings shall be specifically designed to accommodate changeable tenant signage in a manner that preserves the high-quality appearance of the building façade.
- Fixed Permanent Signs:
  - Kiosks and directional signage shall be consistent in appearance throughout the development.
  - Building address numbers for all buildings shall be of consistent design and placement throughout the development.
  - Fixed permanent signs shall comply with the standards set forth herein and shall require the approval of an authorized representative of ABQuptown.
  - Sign controls related to location, number, size, height, illumination and incorporation of street addresses shall be as stated in the Uptown Sector Plan and this document.
  - Off-premises signs shall be permitted.
- Nonfixed, Temporary or Thematic Signage, Graphics and Iconography:
  - Use of high-quality banners, posters and flyers; promotional sculpture, murals and other art; movable, freestanding signs; and other types of nonfixed, temporary or thematic signage, graphics and iconography shall require the approval of an authorized representative of ABQuptown.
  - Location and Placement:
    - Signs may be located on sidewalks, buildings, banner poles and streetlights and in courtyards, plazas, medians, pedestrian ways, etc., as long as they do not diminish public safety, health or welfare.
    - Signs may overhang and be located in the public right-of-way, but only with an approved encroachment agreement.

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  - Signs may overhang and be located in the private easements, but only with the approval of an authorized representative of ABQ Uptown.
  - Permission to erect, place, post and install nonfixed, temporary or thematic signage, graphics and iconography must be granted by the designated representative of ABQuptown and, as required by the City of Albuquerque Zoning Enforcement Manager.
- Number:
  - The allowable number of signs is subject to the discretion of ABQuptown's designated management representative.
- Size:
  - There is no size limit.
- Height.
  - There is no height limit.

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LIGHTING

A consistent and well-conceived lighting plan at ABQuptown will contribute to the creation of a safe, secure and memorable nighttime activity center. Conceptually, the lighting plan will mirror the Focal Points Diagram illustrated earlier in this document, where landmark buildings and special sites may have higher light levels and more elaborate lighting designs in order to draw pedestrians from one nighttime focal point to another. In between these focal points, lighting levels will be consistent, attractive and appropriate to the intended uses. Special attention will be placed on consistent, glare-free lighting of the pedestrian facilities. Lighting plans will be developed in association with individual buildings and site development and will be submitted for approval by an authorized ABQuptown representative as part of the review process. Standards for signage lighting are discussed is a separate section of this document.

intent

- Enable and encourage safe and appropriate nighttime activities.
- Reinforce the project identity and architectural themes.
- Reinforce the hierarchy of streets and pedestrian facilities.
- Promote stakeholder interests.
- Provide visual interest and change in the urban landscape.

standards

- General
  - An exterior lighting plan is required for development.
  - Exterior lighting plans shall document exterior architectural lighting, display lighting, site lighting and sign lighting.
  - Exterior illumination levels shall be documented on lighting plans. Illumination levels shall reflect professionally accepted illumination levels based on activity and type of area – retail/service, intermediate or residential.
  - Exterior lighting plans shall require approval by an authorized ABQuptown representative.
  - High-pressure sodium lighting shall not be used in the vicinity of retail, service or office uses.
  - Light fixtures and sources shall reflect the intent of "Dark Skies" regulations and ordinances.
  - Pedestrian lighting fixtures shall be complementary and consistent throughout each District.
  - Lighting controlled by motion detection is not allowed.
  - Nontraditional colored lighting is not allowed, except for specialty, event, seasonal and entertainment uses and with the approval of an authorized ABQuptown representative.
- Area and Security Lighting
  - Area and security lighting shall be designed to provide consistent light distribution without glare at appropriate levels for the uses intended.
  - Security lighting light sources shall be high-cutoff fixtures in order to minimize lamp visibility and glare from adjacent properties and uses.

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- Specialty, Event and Seasonal Lighting
  - Specialty, event and seasonal lighting display plans shall require approval of an authorized ABQuptown representative.
  - Specialty and event lighting is exempt from restrictions on exposed light sources and lamp colors.
- Architectural Lighting
  - Architectural lighting shall be coordinated with the overall design of the building and is subject to the approval of an authorized ABQuptown representative.
  - Architectural lighting shall be used to call attention to architectural detail in an attractive and appropriate manner.
  - More expressive or elaborate architectural lighting designs shall be considered for landmark buildings, buildings on special sites and entertainment uses.

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GLOSSARY

In order to clearly communicate the intent of the Urban Design Standards, definitions of terminology associated with this document and the urban design at ABQuptown are included below.

- "Activate the Street": To take actions, such as providing appropriate land-use mixes and densities, design standards and programming, that will encourage people to walk along the street.

- Arcade: Specifically, an arcade is an architectural feature that includes a line of counter-thrusting arches supported by columns. For the purposes of this document, an arcade will be considered any outdoor space with a building overhead, that is typically, but not necessarily, lined with retail, service and possibly office uses on one side.

- Awning: A structure that provides protection from sun, wind and/or rain for architectural features or spaces. Awning structures are often, but not necessarily, adjustable.

- Building Amenity Zone: A defined area adjacent to a build-to zone that may, with proper approval, be utilized by private entities to provide pedestrian amenities that stimulate street activity. Appropriate uses and activities might include but are not limited to food service, bars, retail, temporary event activities, seating, fountains, landscaping and art.

- Build-to Zone: The 10'-wide zone inside which a building's front and street – facing façades must lie.

- Courtyard: An open area that is typically defined or enclosed by building walls on at least three sides.

- Median: An area or object with length and width that continuously separates vehicular zones within a street or parking lot.

- Pedestrian Facilities: Zones, streets, walks, plazas, courtyards and open space are all components of the pedestrian system.

- Pedestrian Refuge: A protected space that is located in a crosswalk, protected on two sides by a four-foot minimum length of median, and has a minimum width of three feet.

- Plaza: A public square, open space or group of spaces located at the intersection of important streets and used for social gatherings, retail and service uses.

- Retail Use: An establishment providing the sale of goods, wares, merchandise substances and/or articles, including prepared food and beverages for consumption on or off premises, including storage of such goods, wares, merchandise, substances, articles, or things in quantities sufficient only to serve such store.

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- Service Use: An establishment providing customer, personal and business services; hotels and other lodging places; establishments providing personal business repair and amusement services, including movie theaters and health clubs, legal, engineering and other professional services; educational institutions, membership organizations and other miscellaneous services; and incidental sale of merchandise.

- Signage: Nonfixed, temporary or thematic signage, graphics and iconography are the signs, graphics and images used temporarily or seasonally to promote and celebrate events and activities.

- Streetscape: The composition of visible improvements and amenities within and immediately adjacent to the street.

- Street Amenity Zone: A defined area adjacent to a street or an on-street parking area and adjacent to the back of curb, which is the consistent location of streetscape amenities and pedestrian facilities. Appropriate uses and activities might include but are not limited to food service, bars, retail, temporary event activities, seating and other site furniture, fountains, landscaping, art, telephones, information centers, newspaper vending machines, lighting, signage and transit facilities.

- Third-Place Location: A comfortable gathering place that is not necessarily associated with the workplace or home.

- Walkable Environment: A pedestrian-friendly environment where a mixture of uses and conveniences are within comfortable walking distance.

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REFERENCES

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Ching, Francis D. K. *A Visual Dictionary of Architecture.* Van Nostrand Reinhold, 1995.

Design Guidelines for Stapleton: Urban Design Standards and Guidelines. Community Planning and Development Agency, City and County of Denver, Denver, CO, 1999.

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Harris, Cyril M., editor. *Dictionary of Architecture and Construction, 3rd edition.* McGraw Hill, 2000.

The Commons: Urban Design Standards and Guidelines. City and County of Denver Planning and Development Office, Denver, CO, 1997.

Uptown Sector Plan. City of Albuquerque, Albuquerque, NM, 1995.

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6.0 SITE DEVELOPMENT PLAN FOR SUBDIVISION

SITE DEVELOPMENT PLAN FOR SUBDIVISION

SITE DEVELOPMENT PLAN FOR SUBDIVISION CONCEPTUAL SITE PLAN

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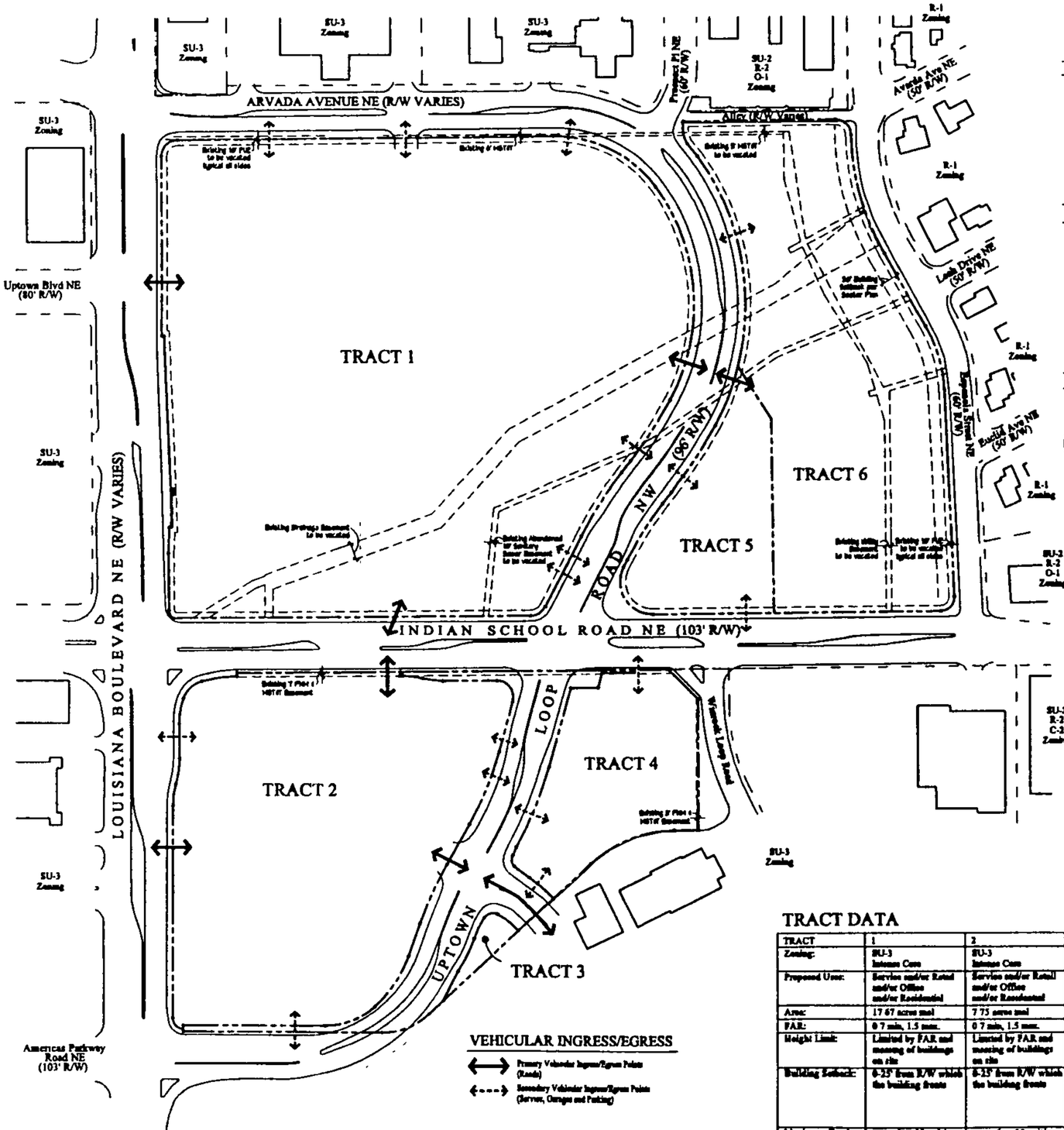
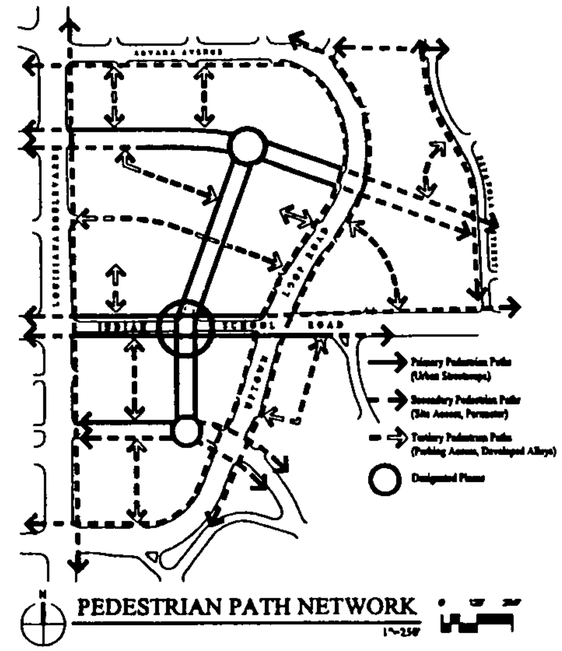


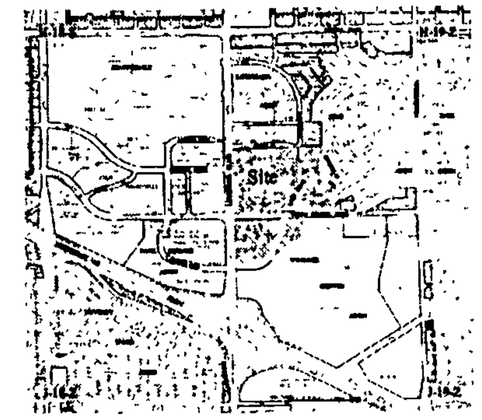
SITE DEVELOPMENT PLAN FOR SUBDIVISION

1"=100'



PEDESTRIAN PATH NETWORK

1"=250'



VICINITY MAP

1"=1000'

GENERAL NOTES

1. This drawing constitutes the required submission for approval of a Site Plan for Subdivision.
2. The attached "ABQuptown Design Standards" are attached to and made part of this Site Plan for Subdivision.
3. Where not specifically regulated by the Standards, the Site Plan for Subdivision is subject to the regulations of the Uptown Sector Plan.
4. Where not specifically regulated by the Standards, the Site Plan for Subdivision is subject to all other City Ordinances and regulations.
5. Significant amendment of this Site Plan for Subdivision shall be by the Planning Commission; the Planning Director or his/her designee shall have the authority to make administrative amendments.
6. All development on these sites must be in conformance with this Site Plan for Subdivision and Standards.
7. Approval of development proposals consistent with this Site Plan for Subdivision and Standards shall be by the Planning Director or his/her designee.

TRACT DATA

TRACT	1	2	3	4	5	6
Zoning:	SU-3 Intense Core	SU-3 Intense Core	SU-3 Outside Intense Core	SU-3 Outside Intense Core	SU-3 Outside Intense Core	SU-2, R-2, O-1 Outside Intense Core
Proposed Uses:	Service and/or Retail and/or Office and/or Residential	Service and/or Retail and/or Office and/or Residential	Open Space	Service and/or Retail and/or Office and/or Residential	Service and/or Retail and/or Office and/or Residential	Residential
Area:	17.67 acres msl	7.75 acres msl	0.18 acres msl	2.19 acres msl	1.85 acres msl	6.53 acres msl
FAR:	0.7 min, 1.5 max.	0.7 min, 1.5 max.	NA	0.3 min, 1.0 max.	0.3 min, 1.0 max.	0.5 max.
Height Limit:	Limited by FAR and massing of buildings on site	Limited by FAR and massing of buildings on site	NA	160', depending on massing of buildings on site	160', depending on massing of buildings on site	36', plus additional allowed under sloped plane per sector plan
Building Setback:	0-25' from R/W which the building fronts	0-25' from R/W which the building fronts	NA	0-25' from R/W which the building fronts for Office and Mixed Use structures only	0-25' from R/W which the building fronts for Office and Mixed Use structures only	0-25' from R/W which the building fronts for Office and Mixed Use structures only 30' along Esplanade
Maximum Total Dwelling Units.	more than 30 unit/acre allowed	more than 30 unit/acre allowed	NA	30 units/acre max.	30 units/acre max.	30 units/acre max.

SITE DEVELOPMENT PLAN FOR SUBDIVISION APPROVAL

THIS SITE DEVELOPMENT PLAN IS CONSISTENT WITH THE PLAN APPROVED AT THE _____ ENVIRONMENTAL PLANNING COMMISSION HEARING

TRAFFIC ENGINEER, TRANSPORTATION DIVISION — DATE

CITY ENGINEER/AMAFCA — DATE

PUBLIC WORKS, UTILITY DIVISION — DATE

DESIGN AND DEVELOPMENT DEPARTMENT, CIP — DATE

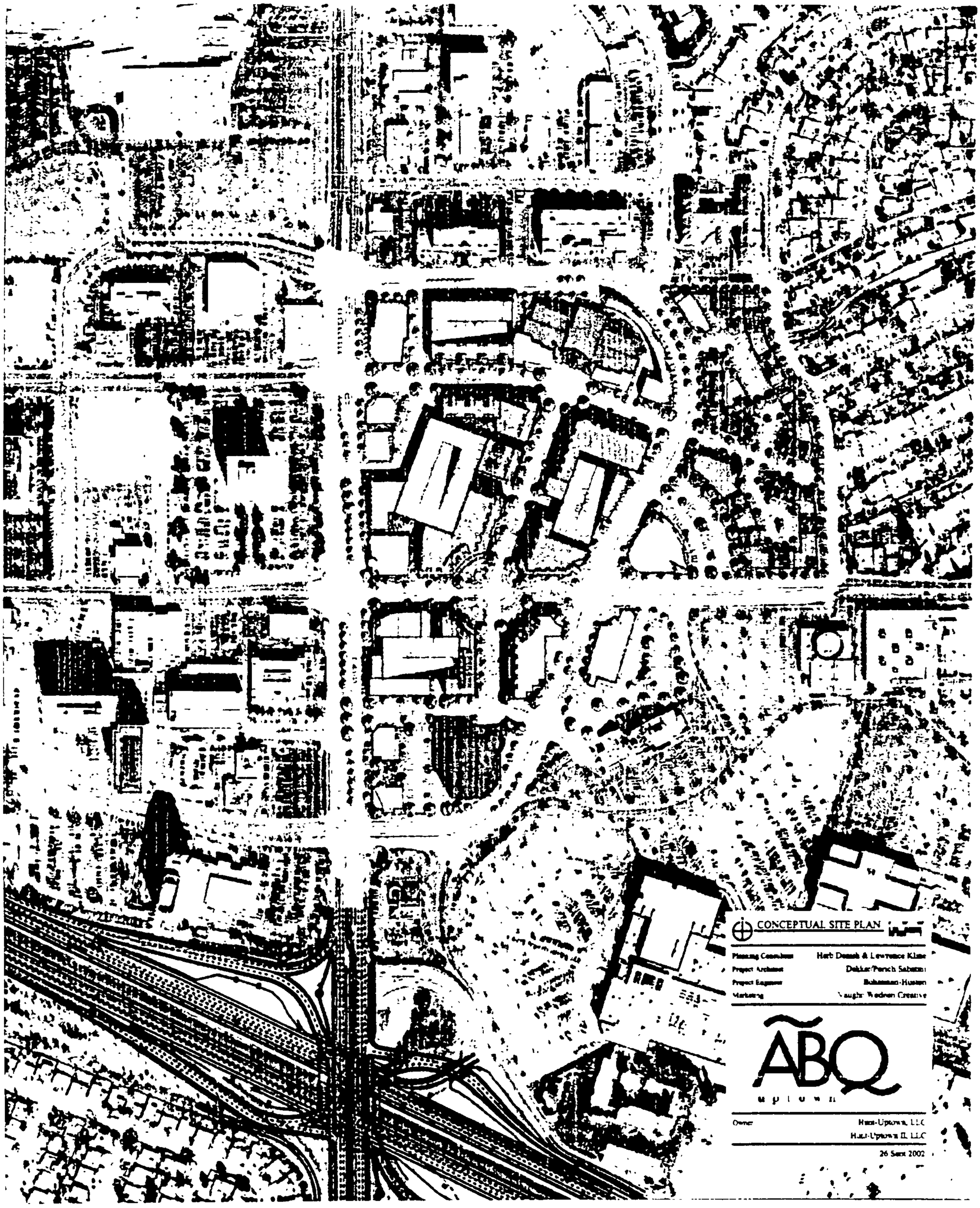
CITY PLANNER, PLANNING DIVISION — DATE

26 Sept 2002

Planning Consultant	Herb Denish & Lawrence Kline
Project Architect	Dekker/Perich/Sabatini
Project Engineer	Bohannan-Huston
Marketing	Vaughn Wedeen Creative

ABQ uptown

Owner	Hunt-Uptown, LLC
	Hunt-Uptown II, LLC


CONCEPTUAL SITE PLAN
Planning Consultant
Herb Dennis & Lawrence Kline
Project Architect
Dekker/Perich Sabatini
Project Engineer
Bohannan-Huston
Marketing
Vaughn Wedeen Creative
ABQ
uptown
Owner
Hunt-Uptown, LLC
Hunt-Uptown II, LLC
26 Sept 2002

HERBERT M. DENISH
AND ASSOCIATES, INC.
URBAN CONSULTANTS

November 14, 2002

Ms. Paula Donahue AICP
Planning Department
City of Albuquerque
P.O. Box 1293
Albuquerque NM 87103

HAND-DELIVERED

re: Project #1002247
Request for Amendment of Application
Site Plan for Subdivision

Dear Ms. Donahue:

At the instruction of our client, Hunt Uptown II LLC, we hereby request that the property known as the "Monroe Junior High School Site" (Tract A of the Monroe Junior High School Addition, as shown on the attached map) be removed from consideration in the above referenced Site Plan for Subdivision action.

Sincerely yours,

Lawrence Kline AICP

cc: see attached list

500 Marquette N.W. Suite 350 • P.O. Box 2001 • Albuquerque New Mexico 87103 • Tel. 505-842-6461 • FAX 505-842-6471
3791 Southern Blvd. Suite 202 • Rio Rancho, New Mexico 87124 • Tel. 505-994-1342 • FAX 505-994-9290

"CC" List
Amendment of Application
Project #1002247
Site Plan for Subdivision for the Monroe Site

November 14, 2002

by certified mail*:

Bill Sterchi, Alvarado Park NA
Lynn Tabor, Alvarado Park NA
Stephen Verchinski, Classic Uptown NA
Mary Lou Sorenson, Classic Uptown NA
Bob Bruno, Inez NA
Richard Huber, Inez NA
Julie Jones, Jerry Cline Park NA
Jeff Paul, Jerry Cline Park NA
Valorie Vigil, New Kimo NA
Mark Trujillo, New Kimo NA
Timothy Sanchez-Brown, Quigley Park NA
Orlando Esparza, Quigley Park NA
Dorothy Finaldi, Snow Heights NA
Rick Paul, Snow Heights NA
R. Shelton Weeks, Uptown NA
Tom Joule, Uptown Association NA
Richard Peterson, Winrock South NA
John Kinney, Winrock South NA
Nicholas Wees, Zuni NA
Virginia Emmett, Zuni NA

by regular mail:

All Members of the Environmental Planning Commission
Councillor Sally Mayer
Jay Czar CAO
Ted Asbury PE
Victor Chavez PE
Paula Donahue AICP
Gary Sapp
Chris Gunning AIA
James Topmiller PE

* based on Office of Neighborhood Coordination affidavit dated September 5, 2002

City of Albuquerque
P.O. Box 1293, Albuquerque, NM 87103

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.

July 23, 2002

Lani Armstrong
Herbert M. Denish and Associates
500 Marquette NW, Suite 350/87102
Phone: 842-6461/Fax: 842-6471

Dear Lani:

Thank you for your inquiry of **July 23, 2002** requesting the names of Recognized Neighborhood Associations who would be affected under the provisions of O-92 by your proposed project at **MONROE JUNIOR HIGH SCHOOL LOCATED ON LOUISIANA BLVD. BETWEEN INDIAN SCHOOL ROAD AND INTERSTATE 40** zone map **#J-19.**

Our records indicate that the Recognized Neighborhood Association(s) affected by this proposal and the contact names are as follows:

SEE "ATTACHMENT A" FOR NEIGHBORHOOD INFORMATION.

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 me at (505) 924-3902 or by fax at (505) 924-3913.

Sincerely,

Stephani Winkelpleck

Senior Administrative Assistant
OFFICE OF NEIGHBORHOOD COORDINATION
Planning Department

planningrnaform(01/30/02)

UPTOWN NEIGHBORHOOD ASSOCIATION LIST

(as of July 23, 2002)

Alvarado Park Neighborhood Association "R"

Bill Sterchi
5607 Princess Jeanne NE/87110 255-0579 (h)

Lynn Tabor
1804 Alvarado Dr. NE/87110 255-0459 (h)

Classic Uptown Neighborhood Association "R"

Stephen Verchinski
2700 Espanola NE/87110 888-1370 (h)

Mary Lou Sorenson
2800 Charleston NE/87110 884-4314 (h)

Inez Neighborhood Association "R"

Bob Bruno
7721 Apache NE/87110 294-0403 (h)

Richard P. Huber
7807 Prospect NE/87110 292-4161 (h)

Jerry Cline Park Neighborhood Association "R"

Julie Jones
7625 Winter Ave. NE/87110 232-4638 (h)

Jeff Paul
1000 Grove St. NE/87110 266-5818 (h)

New Kimo Neighborhood Association

Valorie Vigil
2408 Madiera NE/87110 830-3590 (h)

Mark Trujillo
5507 Euclid NE/87110 875-0617 (h)

Quigley Park Neighborhood Association "R"

Timothy Sanchez-Brown
2901 Cagua Dr. NE/87110 872-2413 (h)

Orlando Esparza
2728 Cagua Dr. NE/87110 881-9505 (h)

Snow Heights Neighborhood Association "R"

Deborah Prusia
1722 Hoffman Dr. NE/87110 323-6119 (h)

Michael Clendenin
1602 Utah St. NE/87110 292-4868 (h)

Uptown Association "R"

R. Shelton Weeks
2100 Louisiana NE, Suite 51/87110 883-6132 (w)

Tom Joule
650 1Americas Parkway NE/87110 350-0500 (w)

Winrock South Neighborhood Association "R"

Richard Peterson
1112 San Pedro NE #309/87110-6724 266-6070 (h)

John Kinney
1112 San Pedro NE #309/87110-6724 255-0414 (message)

Zuni Neighborhood Association "R"

Susan McIntyre
7521 Leah Dr. NE/87110 881-0480 (h)

Virginia Emmett
7517 Leah Dr. NE/87110 881-1833 (h)

"Attachment A"

A copy of this letter was sent by certified mail to 2 representatives of each of the 10 Uptown Associations. see Return Receipts as attached

HERBERT M. DENISH
AND ASSOCIATES, INC.
URBAN CONSULTANTS

September 26, 2002

Virginia Emmett
Zuni NA
7517 Leah Drive NE
Albuquerque NM 87110

Re: Submittal of Site Development Plan for Subdivision
Submittal of Proposed Design Standards
ABQuptown

Dear Ms. Emmett:

On behalf of our clients, Hunt-Uptown, LLC and Hunt Uptown II, LLC, I am writing to inform you we have today made application to the Environmental Planning Commission for a Site Development Plan for Subdivision for ABQuptown - a new pedestrian-oriented, mixed use, urban infill project located in the heart of Uptown. The 40-acre ABQuptown site is located east of Louisiana, between Arvada and the Winrock Shopping Center and is described as Tract A, Monroe Jr. High School and Tracts A-1 , B-1 and B-2, St. Pius X Subdivision. The site is zoned SU-3 Intense Urban Core, SU-3 Outside Intense Urban Core, and SU-2 R-2 and 0-1 Uses.

The request is for approval of a Site Development Plan for Subdivision to create 6 tracts and set development and design standards for the future development of those tracts. The Site Plan for Subdivision sets minimum and maximum floor/area ratios, building heights, setbacks and tract uses. The design standards provide both the conceptual and regulatory framework for the creation of ABQuptown as a dynamic urban area, through controls governing streetscape design, pedestrian amenities, off-street parking, transit and bicycle facilities, landscape design, building form and architecture, and signage and lighting. This submittal will have to be followed by a Site Plan for Building Permit before actual construction can begin.

This matter is scheduled to be heard by the Environmental Planning Commission on November 21,2002. Copies of the submittal are available for your review at the City Planning Department or at our offices. We will also be happy to supply you with a copy upon your request.

Thanks again for all the interest you have shown thus far, and you can be sure we will maintain the strong neighborhood contacts we have tried to establish. Please feel free to call us with any questions you may have.

Sincerely,

Lawrence S. Kline, AICP

cc: attached list

500 Marquette, N W Suite 350 • P.O. Box 2001 • Albuquerque, New Mexico 87103 • Tel. 505-842-6461 • FAX 505-842-6471

7002 1000 0005 6723 7207

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

Virginia Emmett
ALBUQUERQUE, NM 87110

Postage	$ 0.37	UNIT ID: 0101
Certified Fee	2.30	Postmark Here
Return Receipt Fee (Endorsement Required)	1.75	SEP 26 2002 USPS ALBUQUERQUE, N.M.
Restricted Delivery Fee (Endorsement Required)		Clerk: KG7308
Total Postage & Fees	$ 4.42	09/26/02

Sent To Virginia Emmett
Street, Apt. No., or PO Box No 7517 Leah Dr. NE
City, State, ZIP+4 Alb. NM 87110

PS Form 3800, April 2002 See Reverse for Instructions

7001 2510 0009 0778 1655

U.S. Postal Service
CERTIFIED MAIL RECEIPT
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Mark Trujillo
ALBUQUERQUE, NM 87110

Postage	$ 0.37	UNIT ID: 0101
Certified Fee	2.30	Postmark Here
Return Receipt Fee (Endorsement Required)	1.75	SEP 26 2002 USPS ALBUQUERQUE, N.M.
Restricted Delivery Fee (Endorsement Required)		Clerk: KG7308
Total Postage & Fees	$ 4.42	09/26/02

Sent To Mark Trujillo
Street, Apt. No.; or PO Box No. 5507 Euclid NE
City, State, ZIP+4 Alb, NM 87110

PS Form 3800, January 2001 See Reverse for Instruction

7002 1000 0005 6723 7214

U.S. Postal Service
CERTIFIED MAIL RECEIPT
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Bill Sterch
ALBUQUERQUE, NM 87110

Postage	$ 0.37	UNIT ID: 0101
Certified Fee	2.30	Postmark Here
Return Receipt Fee (Endorsement Required)	1.75	SEP 26 2002 USPS ALBUQUERQUE, N.M.
Restricted Delivery Fee (Endorsement Required)		Clerk: KG7308
Total Postage & Fees	$ 4.42	09/26/02

Sent To Bill Sterch.
Street, Apt. No., or PO Box No 5607 Princessleanne
City, State, ZIP+4 Alb. NM 87110

PS Form 3800, April 2002 See Reverse for Instructions

7002 1000 0005 6723 7610

U.S. Postal Service
CERTIFIED MAIL RECEIPT
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Valorie Visil
ALBUQUERQUE, NM 87110

Postage	$ 0.37	UNIT ID: 0101
Certified Fee	2.30	Postmark Here
Return Receipt Fee (Endorsement Required)	1.75	USPS
Restricted Delivery Fee (Endorsement Required)		Clerk: KG7308
Total Postage & Fees	$ 4.42	09/26/02

Sent To Valorie Visil
Street, Apt No.; or PO Box No 2408 Madiera NE
City, State, ZIP+4 Alb. NM 87110

PS Form 3800, April 2002 See Reverse for Instruct

7002 1000 0005 6723 7238

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

Stephen Verchinski
ALBUQUERQUE, NM 87110

Postage	$ 0.37	UNIT ID: 0101
Certified Fee	2.30	Postmark Here
Return Receipt Fee (Endorsement Required)	1.75	SEP 26 2002 USPS ALBUQUERQUE, N.M.
Restricted Delivery Fee (Endorsement Required)		Clerk: KG7308
Total Postage & Fees	$ 4.42	09/26/02

Sent To Stephen Verchinski
Street, Apt No or PO Box No 2700 Espanola NE
City, State, ZIP+4 Alb. NM 87110

PS Form 3800, April 2002 See Reverse for Instructions

7002 1000 0005 6723 7221

U.S. Postal Service
CERTIFIED MAIL RECEIPT
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Lynn Labor
ALBUQUERQUE, NM 87110

Postage	$ 0.37	UNIT ID: 0101
Certified Fee	2.30	Postmark Here
Return Receipt Fee (Endorsement Required)	1.75	SEP 26 2002 USPS ALBUQUERQUE, N.M.
Restricted Delivery Fee (Endorsement Required)		Clerk: KG7308
Total Postage & Fees	$ 4.42	09/26/02

Sent To Lynn Labor
Street, Apt No or PO Box No 1804 Alvarado Dr.
City, State, ZIP+4 Alb. NM 87110

PS Form 3800, April 2002 See Reverse for Instructions

7002 1000 0005 6773 7255

CERTIFIED MAIL RECEIPT
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Bob Bruno
ALBUQUERQUE, NM 87110

Postage	$ 0.37
Certified Fee	2.30
Return Receipt Fee (Endorsement Required)	1.75
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	$ 4.42

UNIT ID: 0101
Postmark Here
Clerk: KG7308
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Sent To: Bob Bruno
Street, Apt No, or PO Box No: 1721 Apache NE
City, State, ZIP+4: Alb, NM 87110

PS Form 3800, April 2002

7002 1000 0005 6773 7245

CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

Mary Lou Sorenson
ALBUQUERQUE, NM 87110

Postage	$ 0.37
Certified Fee	2.30
Return Receipt Fee (Endorsement Required)	1.75
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	$ 4.42

UNIT ID: 0101
Postmark Here
Clerk: KG7308
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Sent To: Mary Lou Sorenson
Street, Apt No, or PO Box No: 2806 Charleston NE
City, State, ZIP+4: Alb, NM 87110

PS Form 3800 April 2002 See Reverse for Instructions

7002 1000 0005 6773 7269

U.S. Postal Service
CERTIFIED MAIL RECEIPT
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Richard P. Huber
ALBUQUERQUE, NM 87110

Postage	$ 0.37
Certified Fee	2.30
Return Receipt Fee (Endorsement Required)	1.75
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	$ 4.42

UNIT ID: 0101
Postmark Here
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Sent To: Richard Huber
Street, Apt No, or PO Box No: 7807 Prospect NE
City, State, ZIP+4: Alb, NM 87110

PS Form 3800, April 2002 See Reverse for Instructions

7002 1000 0005 6773 7274

U.S. Postal Service
CERTIFIED MAIL RECEIPT
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Julie Jones
ALBUQUERQUE, NM 87110

Postage	$ 0.37
Certified Fee	2.30
Return Receipt Fee (Endorsement Required)	1.75
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	$ 4.42

UNIT ID: 0101
Postmark Here
Clerk: KG7308
09/26/02

Sent To: Julie Jones
Street, Apt No, or PO Box No: 7625 Winter Ave NE
City, State, ZIP+4: Alb, NM 87110

PS Form 3800, April 2002 See Reverse for Instructions

7002 1000 0005 6773 7283

U.S. Postal Service
CERTIFIED MAIL RECEIPT
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Jeff Paul
ALBUQUERQUE, NM 87110

Postage	$ 0.37
Certified Fee	2.30
Return Receipt Fee (Endorsement Required)	1.75
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	$ 4.42

UNIT ID: 0101
Postmark Here
Clerk: KG7308
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Sent To: Jeff Paul
Street, Apt No, or PO Box No: 600 Grove St. NE
City, State, ZIP+4: Albuquerque, NM 87110

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7002 1000 0005 6773 7290

U.S. Postal Service
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Timothy Sanchez-Brown
ALBUQUERQUE, NM 87110

Postage	$ 0.37
Certified Fee	2.30
Return Receipt Fee (Endorsement Required)	1.75
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	$ 4.42

UNIT ID: 0101
Postmark Here
Clerk: KG7308
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Sent To: Timothy Sanchez-Brown
Street, Apt No, or PO Box No: 2901 Agua Dr. NE
City, State, ZIP+4: Alb, NM 87110

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7002 1000 0005 4773 7306

Dorothy Jurado
ALBUQUERQUE, NM 87110

Postage	$ 0.37
Certified Fee	2.30
Return Receipt Fee (Endorsement Required)	1.75
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	$ 4.42

UNIT ID: 0101
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Sent To: Dorothy Jurado
Street, Apt No, or PO Box No: 1622 Vermont NE
City, State, ZIP+4: Alb, NM 87110

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7002 1000 0005 4773 7313

Orlando Espinoza
ALBUQUERQUE, NM 87110

Postage	$ 0.37
Certified Fee	2.30
Return Receipt Fee (Endorsement Required)	1.75
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	$ 4.42

UNIT ID: 0101
Postmark Here
SEP 26 2002
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USPS
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Sent To: Orlando Espinoza
Street, Apt No, or PO Box No: 2728 Cagua Dr NE
City, State, ZIP+4: Alb, NM 87110

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7002 1000 0005 4773 7337

R Shelton Weeks
ALBUQUERQUE, NM 87110

Postage	$ 0.37
Certified Fee	2.30
Return Receipt Fee (Endorsement Required)	1.75
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	$ 4.42

UNIT ID: 0101
Postmark Here
SEP 26 2002
Clerk: KG7308
USPS
09/26/02

Sent To: R Shelton Weeks
Street, Apt No, or PO Box No: 2100 Louisiana NE
City, State, ZIP+4: Alb, NM 87110

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7002 1000 0005 4773 7320

Rick Paul
ALBUQUERQUE, NM 87110

Postage	$ 0.37
Certified Fee	2.30
Return Receipt Fee (Endorsement Required)	1.75
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	$ 4.42

UNIT ID: 0101
Postmark Here
SEP 26 2002
Clerk: KG7308
USPS
09/26/02

Sent To: Rick Paul
Street, Apt No, or PO Box No: 8411 Haines Ave NE
City, State, ZIP+4: Alb, NM 87110

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7002 1000 0005 4773 7344

Tom Joule
ALBUQUERQUE, NM 87110

Postage	$ 0.37
Certified Fee	2.30
Return Receipt Fee (Endorsement Required)	1.75
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	$ 4.42

UNIT ID: 0101
Postmark Here
SEP 26 2002
Clerk: KG7308
USPS
09/26/02

Sent To: Tom Joule
Street, Apt No, or PO Box No: 6501 Americas Pkwy NE
City, State, ZIP+4: Alb, NM 87110

PS Form 3800, April 2002 — See Reverse for Instructions

U.S. Postal Service
CERTIFIED MAIL RECEIPT
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7002 1000 0005 4773 7351

Richard Peterson
ALBUQUERQUE, NM 87110

Postage	$ 0.37
Certified Fee	2.30
Return Receipt Fee (Endorsement Required)	1.75
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	$ 4.42

UNIT ID: 0101
Postmark Here
SEP 26 2002
Clerk: KG7308
USPS
09/26/02

Sent To: Richard Peterson
Street, Apt No, or PO Box No: 1112 San Pedro NE, #39
City, State, ZIP+4: Alb, NM 87110

PS Form 3800, April 2002 — See Reverse for Instructions

7002 1000 0005 6773 7375

U.S. Postal Service
CERTIFIED MAIL RECEIPT
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Nicholas Wees

ALBUQUERQUE, NM 87110

Postage	$ 0.37
Certified Fee	
Return Receipt Fee (Endorsement Required)	2.30
Restricted Delivery Fee (Endorsement Required)	1.75
Total Postage & Fees	$ 4.42

UNIT ID: 0101
USPS ALBUQUERQUE, N.M. Postmark Here SEP 26 2002
Clerk: KG7308
09/26/02

Sent To Nicholas Wees
Street, Apt. No., or PO Box No 2314 Espanola NE
City, State, ZIP+4 Alb. NM 87110

PS Form 3800, April 2002 See Reverse for Instructions

7002 1000 0005 6773 7368

U.S. Postal Service
CERTIFIED MAIL RECEIPT
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John Kinney

ALBUQUERQUE, NM 87110

Postage	$ 0.37
Certified Fee	
Return Receipt Fee (Endorsement Required)	2.30
Restricted Delivery Fee (Endorsement Required)	1.75
Total Postage & Fees	$ 4.42

UNIT ID: 0101
USPS ALBUQUERQUE, N.M. Postmark Here SEP 26 2002
Clerk: KG7308
09/26/02

Sent To John Kinney
Street, Apt. No., or PO Box No 112 San Pedro NE
City, State, ZIP+4 Alb, NM, 87110

PS Form 3800, April 2002 See Reverse for Instructions

PEACE BUILDERS

PROJECT #1002247

FACILITATOR'S REPORT dated November 5, 2002

NO FACILITATED MEETING HELD

between **Applicant/Agent:**

Herbert Denish & Associates, Inc.--Lawrence Kline/
HUNT UPTOWN, LLC and HUNT UPTOWN II, LLC

and **Neighborhood Associations:**

Alvarado Park/Bill Sterchi, Lynn Tabor
Classic Uptown/Steve Verchinski, Mary Lou Sorenson
Inez/Bob Bruno, Richard P. Huber
Jerry Cline Park/Julie Jones, Jeff Paul
Quigley Park/Timothy Sanchez-Brown, Orlando Esparza
Snow Heights/Dorothy Rinaldi, Rick Paul
Uptown Association/Tom Joule, Shelton Weeks
Winrock South/Richard Peterson, John Kinney
Zuni/Nicholas Wees, Virginia Emmett

re: Project #1002247 in which Herbert Denish & Associates, Inc., agent for HUNT UPTOWN, LLC and HUNT UPTOWN II, LLC requests Site Development Plan for Subdivision for all or a portion of Tracts A-1, B-1, B-2 and Tract A of Monroe Junior High School, St. Pius X, zoned SU-3 Inside and Outside Interior Core and SU-2 for R-2 and O-1 uses, located on Louisiana Blvd N.E. between Arvada Avenue N.E. and I-40 Paula Donahue, Staff Planner

Facilitator: Kathleen Burke Anthony Kathleen Burke Anthony

Comment: No neighborhood association contacted facilitator with request for a meeting concerning this matter.

P.O. Box 1448, Moriarty, NM 87035 505.832.4084

Gina Donahue

Peace Builders

October 21, 2002

TO: Alvarado Park NA - Bill Sterchi, Lynn Tabor
Classic Uptown NA - Steve Verchinski, Mary Lou Sorenson
Inez NA - Bob Bruno, Richard P. Huber
Jerry Cline Park NA - Julie Jones, Jeff Paul
Quigley Park NA - Timothy Sanchez-Brown, Orlando Esparza
Snow Heights NA - Dorothy Finaldi, Rick Paul
Uptown Association - Tom Joule, Shelton Weeks
Winrock South NA - Richard Peterson, John Kinney
Zuni NA - Nicholas Wees, Virginia Emmett
Nor Kimo NA - Valerie Vigil

Hi, Everybody

EPA Application Projects #1002202, #1002124, and #1002247 have been assigned to me to inquire whether anyone is interested in having a facilitated meeting. You will have received notice that these cases will be heard at a December 5, 2002 EPC Hearing.

Project #1002124 is a carryover from last month, during which Zuni and Quigley Park NA's asked for and attended a meeting. People at that meeting seemed content with the text amendment to the Uptown Sector Development Plan requested by HUNT UPTOWN. The other Uptown NA's were notified and received copies of the report from that meeting.

Beginning with the premise that no one should feel pressure from me to have a meeting, please, because I do not push in where I'm not needed or invited--there are options for you to choose:

>no meeting, after consideration of applications
>meeting about one, two, or all three applications
>possibly combining the three in one meeting if considering all three

If we're going to do a meeting, let me know what you'd prefer and we'll get it organized and set up between November 4 and 13. I am at **505.843.6601**.

Kathleen Burke Anthony

KATHLEEN BURKE ANTHONY
Facilitator

PO Box 1448 Moriarty, NM 87035 - Phone: 832-4084 - FAX: 832-4136 - email: bkmiera@aol.com

I am forwarding your letter to Bob Paulsen. Juanita and I will be sending you copies of the application materials for the three cases today or tomorrow. They include (1) 8 1/2 x 11 sheets of the proposed site plan for building permit for Winrock, (2) the proposed design guidelines and sheet describing the proposed site plan for subdivision for Hunt, and (3) the proposed text amendments for Hunt. These materials were sent to all the Uptown neighborhood representatives last week. They also received an invitation from Peace Builders to call for one or more facilitated meetings concerning these cases.

The comments received from all the reviewing agencies are available for your review as well.

Thank you for writing.

Paula

Eastvolds@aol.com

10/30/02 06:43 AM

To: PDonahue@cabq.gov
cc: jcvigil@cabq.gov
Subject: Re: Projects #1002202, 1002249, etc for EPC hearing 12/5/02

Dear Paula,

Thanks for your e-mail detailing the availability of staff reports for review prior to the EPC hearing. I am cc'ing this e-mail to Juanita Vigil since it applies equally to her Uptown project scheduled for EPC review on Dec. 5th.

The City always has had poor provision for a review period on these planning projects; but this one, because of its conflict with the Thanksgiving holidays, is really impossible and must be changed.

The date your staff reports are available, Nov. 27th, is the day before Thanksgiving and the three days of holidays which follow. This means that, for an average citizen volunteer with plans for that holiday period, it would be virtually impossible to review your staff reports until the following Monday, Dec. 2nd. And, in all liklihood, that would be the date a citizen volunteer would have to make a special trip downtown to pick up copies of the reports since you don't mail these out.

To make matters worse, the current "48-hour rule of the EPC," requires that, "All written materials and other documents shall be submitted to the Planning Dept. no later than 9am on the Tuesday prior to the date of the Public Hearing." That Tuesday, of course, is Dec. 3.

The result of this is that even the most diligent of citizen volunteers would have, under the best of circumstances, only 8 working hours to review your Uptown projects on Dec. 2nd and then prepare and submit written comments by 9am on Tuesday, Dec. 3rd, the next day.

Of course, there would be no opportunity to call a neighborhood Board special meeting and get Board approval for the comments. Board approval is customary for our neighborhood association; otherwise comments must be consistent with previously adopted Board policies, which are usually general in nature. The contents of the staff report would probably require Board approval of more specific comments not necessarily covered by general policies.

I think you understand the problems here. They are very real. The Fair Heights Neighborhood Association must protest the scheduling of these important matters. It clearly is extremely prejudicial to any kind of informed Association comments which have some Board approval. And since citizen volunteers have other personal and business committments, it is

extremely prejudicial toward them as well.

Your process serves City staff, the applicant, and the EPC; but is acutely prejudicial toward the public.

We must, therefore, respectfully request rescheduling of the EPC hearing. At least a week to review, prepare, and approved Association comments is essential.

Please respond to our request as soon as possible, but no later than Monday, November 4th.

Sincerely, Ike Eastvold, president FHNA

Bob Paulsen

11/04/02 10:17 AM

To: Eastvolds@aol.com
cc: Richard Sertich/PLN/CABQ@COA, PDonahue@cabq.gov, jcvigil@cabq.gov, Donald C. Newton/ENVPLN/CABQ@COA
Subject: Re: Projects #1002202, 1002249, etc for EPC hearing 12/5/02

Mr. Eastvold:

The December 5th EPC public hearing date for the Uptown applications has been set, so I cannot accept your request to reschedule this hearing. Please understand that this special hearing was scheduled to facilitate participation from all parties, including interested citizens and neighborhood associations. Among other factors, this schedule was selected because there is strong interest from neighborhood associations and such associations generally favor hearings in the late afternoon that have a limited agenda. Also consider that these applications were submitted in time to be heard on November 21st; while the applicants have been delayed, others (including interested neighborhood groups) have been afforded 2 additional weeks in which to review the applications and prepare comments.

While I understand the concerns you raise, I do not agree with your conclusion that you and other neighborhood representatives will only have 8 working hours to review the Uptown applications. You have been sent copies of the application materials over a month before the hearing. And further, as indicated by Paula Donahue, you will soon be receiving written agency comments. Thirdly, you are welcome to come to our office and inspect the relevant files, talk with the case planners and any other City agency representatives that you deem appropriate. There is plenty of time available to do this. Case planners Paula Donahue and Juanita Vigil have assured me that they will make themselves available to assist you and other neighborhood representatives in this process. In addition, you and other interested parties have the opportunity to participate in facilitated meetings concerning these applications. Finally, the Planning Department staff reports on the Uptown applications will be printed on Tuesday, November 26th by 4:00 pm. Interested parties are welcome to pick up copies of the report at this time or anytime thereafter during our standard business hours. While the Thanksgiving holiday does create some complications, our reports will be available two days earlier (9 days prior to the EPC hearing) then they would otherwise be absent the Thanksgiving holiday.

Although I cannot accept your request to change the EPC schedule for the referenced Uptown applications, I appreciate your interest in participating in this process. In my view, the EPC schedule affords significant opportunity for you, your neighborhood association and other interested parties to participate in a considered and meaningful way. Please let me know if you have additional questions or concerns.

Bob Paulsen

Paula J. Donahue

10/30/02 09:15 AM

To: Eastvolds@aol.com@PUBCABQ
cc: Bob Paulsen/PLN/CABQ@COA, Juanita C. Vigil/PLN/CABQ@COA
Subject: Re: Projects #1002202, 1002249, etc for EPC hearing 12/5/02

Hello Ike.

Eastvolds@aol.com

11/05/02 12:32 PM

To: BPaulsen@cabq.gov
cc: pdonahue@cabq.gov, jcvigil@cabq.gov
Subject: Re: Projects #1002202, 1002249, etc for EPC hearing 12/5/02

Dear Mr. Paulsen,

Thanks for your e-mail response to my request to reschedule the Uptown projects' EPC hearing due to conflict with the Thanksgiving holidays.

We regret that you have declined our request, especially since your e-mail confirms that the staff report will not be "printed" until 4PM on Nov. 26th, the day before Thanksgiving. Your further statements that the report can be picked up "anytime" thereafter ignore the circumstances adverse to public review: absent the one-hour window between 4-5PM on Nov. 26th, an interested citizen would have to wait till after the Thanksgiving holidays to drive down to your office and pick up a report. That would be on Monday, Dec. 2nd. As you know, under the EPC 48-hour rule, written comments are due on Tuesday, Dec. 3rd, in your office at 9AM.

As we earlier pointed out, this gives the citizen volunteer about 8 working hours to review the staff report, write draft comments, get them reviewed and approved by a Board of Directors, create final comments, and th en hand deliver them to your office. If you truly wish meaningful public comments on your staff reports, and wish to have them approved by at least the Board of the commenting organization, your timeframe undercuts that purpose.

Although it is true that the applications have been available for review, the staff report will not be available for a reasonable review and comment period by anyone's definition.

We remember when you reviewed our San Mateo Sound/Art Wall project, rescheduling the hearing several times. During the prolonged period created by re-scheduling, I came down to your office, reviewed the files, and made myself availbable to talke with you regarding your concerns. Then you, Mr. Wooldridge and others produced a 19-page staff report with much new material which was made available late in the afternoon on the Friday before the next Tuesday when written comments were due at 9AM. Despite my many trips to your office, there was nothing in the files to forewarn our neighborhood association to prepare for such a massive attack on critical aspects of the project. Nor had you personally attempted to discuss your extensive concerns with me when I came to your office.

Clearly, if the Planning Department wishes to, itcan manipulate the timing on the release of a staff report so as to severely prejudice any meaningful public review. This manipulation creates the impression that the Department has strong biases and that the review process is itself unfair.

Since we are sure you would not wish to once again create such an adverse impression about your Department, we would respectfully request that you reconsider your decision. We would re-state our request: please reschedule the Uptown projects' EPC hearing so that the public review period for the staff report does not conflict with the Thanksgiving Holidays.

We will expect your final decision by this Friday, November 8th. Thank you for your further consideration of this matter.

Sincerely, Ike Eastvold, Fair Heights Neighborhood President

Eastvolds@aol.com

11/08/02 07:56 AM

To: BPaulsen@cabq.gov, VJChavez@cabq.gov
cc: pdonahue@cabq.gov, jcvigil@cabq.gov
Subject: Re: Projects #1002202, 1002249, etc for EPC hearing 12/5/02

Dear Mr. Paulsen,

Thanks for your e-mail correcting Nov. 26th to Tuesday, not the Wednesday before the Thanksgiving Holidays. This means that a citizen volunteer could have as much as two working days to review, prepare draft comments, obtain Board approval, and submit comments by the following Tuesday, Dec. 3rd.

Even under the best of circumstances, your public review period for the staff report is acutely inadequate, especially for organizations which need at least Board approval for public comments. The staff report is the result of months--or even more--of time and energy on the part of the Department. It often carries great weight with the EPC in their decision-making. Also, the creation of this report and its role in the review process is part of the expense of government which we all share in paying our taxes.

It would be to the advantage of good government and fiscally-responsible use of tax dollars if the review period were enlarged. Even 4-5 working days, where that does occur, is, especially for complicated cases like Uptown, not conducive to the thoughtful, deliberate review which the Department could most benefit from and, hopefully, desires.

Ms. Donahue has chronicled for me the several deferrals which already have occurred at the request of either the City or the applicant. Please tell me, in light of your request that we now write the EPC to request deferral, how many of the previous deferrals were made that way?

Thank you, Ike Eastvold, Fair Heights Neighborhood Association president

Eastvolds@aol.com

11/08/02 07:43 AM

To: PDonahue@cabq.gov
cc:
Subject: Re: Projects #1002202, 1002249, etc for EPC hearing 12/5/02

Dear Paula,

Thanks for your e-mail with the agency comments attached. The chronicle of EPC deferrals you recite for this case illustrates how easily they can occur if they are requested by the Department or the applicant. The current date was evidently chosen without any thought of what it would do to public review of the staff reports, although other considerations may have been operative as you point out.

I think a person new to this foreshortened review process would strongly suspect that the Department and the EPC don't really want meaningful review of the staff report, or, for that matter, meaningful participation in the decision-making process.

Sincerely yours, Ike Eastvold, FHNA president

Paula J. Donahue

11/08/02 09:09 AM

To: Eastvolds@aol.com@PUBCABQ
cc:
Subject: Re: Projects #1002202, 1002249, etc for EPC hearing 12/5/02

Hello Ike.
I will be glad to e-mail a staff report to you on the 26th as soon as I get it finished and okayed. The e-mail version will not have attached letters. There are none in the file to date excepting your e-mail letters.
Paula

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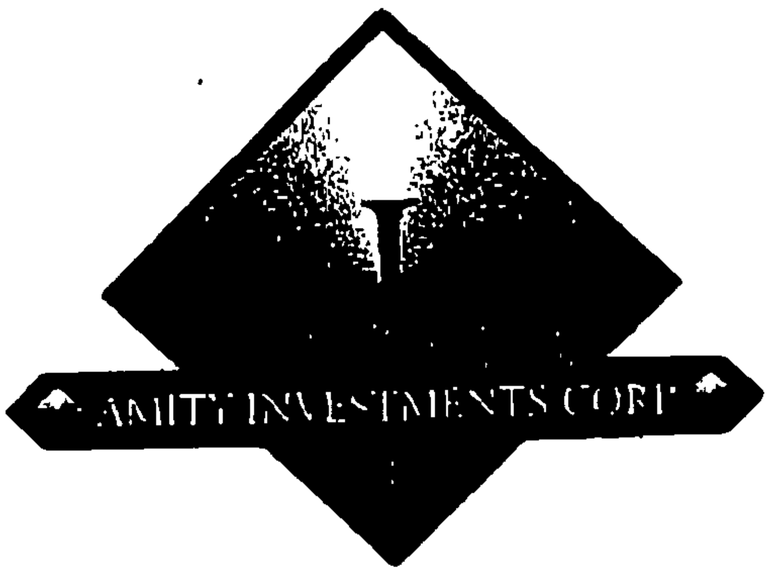
Eastvolds@aol.com

11/08/02 07:58 AM

To: PDonahue@cabq.gov
cc: jcvigil@cabq.gov
Subject: Re: Projects #1002202, 1002249, etc for EPC hearing 12/5/02

Dear Paula and Juanita,
Bob Paulsen has informed us that your staff reports can be sent to us by e-mail on Nov. 26th. If that is possible, we would appreciate it. Thanks,
Ike Eastvold, FHNA president



BUILDING "GREEN" FOR THE 21ST CENTURY®

November 11, 2002

VIA FACSIMILE & U. S. MAIL

Ms. Paula Donahue
Senior Planner
CITY OF ALBUQUERQUE PLANNING DEPT.
P. O. Box 1293
Albuquerque, NM 87103

Re: ABQ Uptown
Application of Hunt-Uptown LLC

Dear Paula:

This application comes before the EPC for hearing on December 5, 2002. I would appreciate it if you will note for the written record that this application and the ABQ Uptown Project have my full and enthusiastic support and that of the several interests I represent in the Uptown area. As a tenant, property owner and interested party in the American Financial Center I have participated in the efforts by the City Planning Dept. and the Uptown Owners Association, to advance the Uptown Business District's development as an Urban Center, as it has been officially designated by the City.

This project seems to have everything we hoped for in these many efforts. You, as much as anyone, have promoted these concepts diligently and well. I urge you, and the City Departments involved in the decision, to act quickly to enable Albuquerque and the Uptown Business District to realize the benefits of this ambitious and visionary plan. Albuquerque needs to match this vision and commitment. Please call on me if I can be of any help. Thank you.

Sincerely,

Wm. J. Bailey

◆ 2400 LOUISIANA BLVD. NE, BLDG. 3 ◆ ALBUQUERQUE, NM 87110 ◆ PHONE: 881-4242 ◆ FAX: 881-4455 ◆

"Brian Eagan"
<beagan@unm.edu>

11/12/02 10:30 PM

To: <pdonahue@cabq.gov>
cc:
Subject: Uptown Projects: letter to EPC Chairman Schartz

Hi Paula,

I have attached a letter to EPC Chairman Schwartz about the upcoming ABQ Uptown and Avenue Winrock projects. Please be sure to share it with him, and the other members of the EPC.

Thanks,

Brian A. Eagan
7405 McNerney Avenue NE
Albuquerque, NM 87110-2221
(505) 925-1231
beagan@unm.edu

ABQ Uptown letter to the EPC.dc

Brian A. Eagan
7405 McNerney Avenue NE
Albuquerque, NM 87110-2221
(505) 925-1231
beagan@unm.edu

November 12, 2002

Chairman Alan Schwartz
Environmental Planning Commission
City of Albuquerque
P.O. 1293
Albuquerque, NM 87108

RE: ABQ Uptown Project and Avenue Winrock Project

Dear Chairman Schwartz and fellow EPC members,

I ask that the Environmental Planning Commission of the City of Albuquerque direct the developers of the ABQ Uptown Project and the Avenue Winrock Project to coordinate the designs of their properties, so that they form one integrated urban community. One of the goals of the Uptown Sector Plan is to create a more inviting urban environment for pedestrians in Uptown. Both of these projects, as proposed, will help do that. Overall, I strongly support the construction of both projects.

However, they are not separate independent urban centers. They are parts of a greater urban community fabric, Uptown Albuquerque. As such, the EPC should direct that the site plans of the two properties be redesigned to complement each other. At the very least, the city should make sure that the auto and pedestrian entrances of the two projects line up with each other. It is critical that Albuquerque residents be able to walk and drive in a short, strait path from the core of the ABQ Uptown Project to the Avenue Winrock Project, and back.

I would suggest that the entrances to both projects along the SE segment of the Uptown Loop Road (Americas Parkway) be consolidated into one large 4-way intersection. This would allow drivers, and pedestrians the ability to go from one project to the other with ease. It would also reduce the number of driveway cuts along the Uptown Loop Road (Americas Parkway), and thus help minimize congestion, as a limited access parkway.

Its very important that these two projects (ABQ Uptown and Avenue Winrock) get underway next year (2003). For so long, Uptown as an urban community has languished, with empty weed covered lots instead of a vibrant urban heart at its center. Winrock Center has seen tenants come and go, and now many people shop elsewhere. However, with the proposal of these two adjacent projects in Uptown, the community has possibility of seeing a rebirth. Vacant lots can become

the long sought after Urban Center, and the partially vacant Winrock Mall can be reborn as a hip, new urban village. EPC members, please do everything you can to move these projects along to rapid approval. At the same time however, the EPC needs to make sure the end product of this approval process is of the highest quality of urban design.

A final one-month deferral may be useful to allow for any final, necessary design changes to coordinate and align the site plans for the two adjacent projects. After that however, please approve the projects. I am looking forward to seeing the projects being built, and eventual using the finished products. As an Albuquerque native, whose Parents and Grandparents also still live north of Uptown, I know that we all want a beautiful Uptown we can all be proud of. Please direct the developers to work together to help make that happen. "United We Stand, Divided We Fall."

Respectfully yours,

Brian A. Eagan

"Verchinski, Stephen" <Verchinski@state.nm.us>

11/22/02 03:53 PM

To: "'pdonahue@cabq.gov'" <pdonahue@cabq.gov>
cc: "'sverch@qwest.net'" <sverch@qwest.net>
Subject: 1_Classic Uptown Neighborhood Association.doc

Classic Uptown

Neighborhood Association

c/o 2700 Espanola NE

Albuquerque, NM

(505) 888-1370

November 22, 2002

Via e-mail and fax

pdonahue@cabq.gov/924-3339

City of Albuquerque Planning Dept.

Application for Project Number 1002247 and 1002124

Dear Ms. Paula Donahue , Staff Planner

I am submitting our general comments regarding these projects.

As I noted in our conversation, we did not participate in any facilitated meeting with

the applicant due to a poor experience a few years back where comments we made were misrepresented to the EPC.

Project 1002247

The on the street parking design **(Louisiana and Indian School)** we applaud and should not be counted as full surface parking by the EPC. We see the proposals for both on 4-10 of ABQuptown as **the best concepts for reuse of these streets since the mistakes by public works in widening them both in the early 1980's** which effectively killed all neighborhood connectivity to the shopping areas. The only other concern is that it does not go far enough north on Louisiana for the concept.

We don't know at this point whether the city intends on continuing the process of enhanced pedestrianism to the surrounding neighborhoods will continue. We feel that without some monetary commitment on someone's part we will be stuck with traffic increases north from Arvada and nothing to encourage walking from our neighborhood. We proposed that sidewalks upgrades within our neighborhoods be part of the off site transportation extractions for this project.

The pedestrian zone within the street hierarchy matrix has the east side of Espanola at too little a walk width. Needs to be at least 5 feet excluding street obstructions such as signs, poles etc.

The Shade tree standards need full upgrading beyond those of the existing city stds. Many trees have died due to tree wells not being sufficient in size, That is to day DEPTH and consideration of use of street water harvesting systems.

We had numerous issues with the old site plan on the site below Indian School and hope that they are addressed again (see the Tesch submittals and comments to EPC at that time)

Project 1002124

In general we feel that this application is problematic due to the request to increase parking particularly surface off the street but are open to any argument that does not increase the on site parking beyond that which is already allowed.

The opening of a reconfigured street system with major traffic draws of two theaters in this area is also a major concern. Proposed Winrock and this application.

General for both projects

With the Sector Plan revisions still not being completed, many issues of concern to the neighborhoods which were to be addressed most likely will now be set aside. We feel that it is unfair.

We were anticipating for example, a full discussion of public spaces set asides in any new development. More privately controlled plazas discourage public discourse and use of the spaces.

We were looking at including siting of a multigenerational center in Uptown, which other city staff have agreed would be an asset and a great location. We could have seen just who would have given one to the city, or the land as part of an extraction process.

We were looking at the need to identify a BRT transit option for Uptown to address the air quality and parking issues. Will this plan work for the city as a Termini:

We were looking at major redevelopment's also requiring a substantial housing component. Will this now happen on the site south of Indian School.

We were looking at innovative automated parking structures for the area to substantially reduce pollution and building footprints. We are not sure this system shouldn't be underwritten by the city..

We were looking at the need to provide incentives for alternative people movement systems that would be triggered with both new and redevelopment such as required transit subsidization, bike end of trip facilities.

We were looking to how crossings from one area of Uptown to another would take place. Evaluation of the pedestrian links is not here to sites both to the south and east

We were looking at what the city or the developers would have to provide to let us have and encourage the pedestrian links to these sites from the major neighborhoods. How do you address this with these plans?

We were looking to tightening up the streetscape standards for enchancing the major street trees survivability in drought. Our city standard is so minimal that trees are dying out in less than 20 years. It is then becoming a problem to enforce replacement when planting standards are woefully inadequate.

We were looking at water features on Uptown sites to provide some visual and relief from the severely built forms.